



Maqāṣid al-Sharī'ah as a Framework for Global Humanitarian Justice

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| Keywords: <i>Common good of mankind, Global humanitarian justice, Maqāṣid al-sharī'ah, Substantive justice, Western liberal justice</i> | The protection of human life and dignity must transcend legal boundaries to encompass a universal and inescapable moral responsibility. This study aims to analyse in depth how the principles of <i>maqāṣid al-sharī'ah</i> can be articulated as a normative foundation for global humanitarian justice, and how this concept can be implemented in response to various contemporary humanitarian challenges. This study employs a qualitative approach with a conceptual–normative analytical design, combined to a limited extent with exploratory empirical research. The results indicate that positioning <i>maqāṣid al-sharī'ah</i> as a framework for global humanitarian justice not only represents an effort to reinterpret the Islamic legal tradition but also offers an epistemological contribution to enriching global ethical discourse, which has predominantly been shaped by secular and technocratic approaches. Focused on the public interest, the protection of human dignity and substantive justice, the <i>maqāṣid al-sharī'ah</i> present a normative perspective that is more holistic, contextual and centred on human needs, thereby having the potential to serve as an alternative ethical foundation for responding to various contemporary humanitarian challenges in a fairer, more inclusive and sustainable manner. |
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Introduction

Global dynamics have been characterised by the increasing complexity of humanitarian crises that transcend national borders, encompassing armed conflict, forced migration, economic inequality, climate change, and environmental degradation, all of which directly impact human survival.¹ These conditions have given rise to an urgent need for an ethical and normative framework that is not only universal but also possesses strong moral legitimacy across diverse social and cultural contexts. Amidst the dominance of the Western liberal paradigm of justice, rooted in individualistic rationality and contractualism, there has been criticism that such an approach often fails to capture the spiritual, collective, and transcendental dimensions in understanding justice.² In this context, *maqāṣid al-sharī'ah*, the primary objectives of Islamic law, offers an alternative perspective that could provide a conceptual foundation for a more inclusive, holistic, and globally oriented humanitarian justice oriented towards the welfare of all humanity.

Maqāṣid al-sharī'ah is classically understood as an endeavour to safeguard the five fundamental principles of human life: the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), reason (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*).³ In contemporary developments, this concept has broadened in meaning to become a normative framework that extends beyond formal legal aspects to encompass social, economic, political, and environmental dimensions. The thinking of modern scholars suggests that *maqāṣid al-sharī'ah* can serve as a global ethical paradigm that emphasises a balance between individual rights and collective responsibilities, and between material needs and spiritual values.

Several studies have examined the relevance of *maqāṣid al-sharī'ah* in various contexts, including sustainable development, governance, Islamic economics, and human rights.⁴ These studies demonstrate that the principles of *maqāṣid* align with global development objectives, such as poverty alleviation, improved well-being, and environmental protection. Research in the field of economics, for example, confirms that a *maqāṣid*-based financial system is capable of promoting a fairer distribution of wealth and reducing social inequality. In the realm of law and human rights, several studies highlight that *maqāṣid al-sharī'ah* can serve as a basis for reinterpreting Islamic legal norms to make them more responsive to modern demands for justice, including issues of gender and civil liberties.⁵

¹ Alpaslan Özerdem, "Introduction to the Handbook on Humanitarian Crises," in *Handbook on Humanitarian Crises* (Edward Elgar Publishing, 2025), 1–16, <https://doi.org/10.4337/9781035327928.00008>.

² Sooraj Kumar Maurya, "Theoretical Foundations of Justice," in *Exploring Justice as a Social Indicator of Life: Philosophical Foundations and Empirical Approaches* (Springer, 2026), 25–50, https://doi.org/10.1007/978-3-032-10812-8_2.

³ Iffatin Nur, Syahrul Adam, and M Ngizzul Muttaqien, "Maqāṣid Al-Sharī'at: The Main Reference and Ethical Spiritual Foundation for the Dynamization Process of Islamic Law," *Ahkam: Jurnal Ilmu Syariah* 20, no. 2 (2020): 331–60.

⁴ Muhammad Nooraiman Zailani, Nurul Huda Mohd Satar, and Roza Hazli Zakaria, "Maqasid Al-Shariah Based Index of Socio-Economic Development: A Literature Review," *Journal of Muamalat and Islamic Finance Research* 19, no. 1 (2022): 47–62, <https://doi.org/10.33102/jmifr.v19i1.409>; Yusuf Wibisono and Femmy Roeslan, "The Concept of Maqāṣid Al-Sharī'ah and Maṣlaḥah in the Classical and Contemporary Tafsīr," *International Journal of Islamic Economics and Business Sustainability (IJIEBS)* 1, no. 2 (2025): 4, <https://doi.org/10.7454/ijiebs.v1i2.1021>; Hossam El-din Ibrahim Mohamed and Saheed Busari, "Maqasid Al-Shariah as an Epistemological Framework for Socio-Economic Reforms," *BALAGH-Journal of Islamic and Humanities Studies* 5, no. 2 (2025): 2–15, <https://doi.org/10.65662/balagh.1780457>.

⁵ Arminsyah Arminsyah, "Maqasid Al-Shariah in Contemporary Legal Systems: An Analysis of Digital Rights and Privacy Protection," *Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan* 12, no. 2 (2025): 289–308, <https://doi.org/10.32505/qadha.v12i2.11178>; Zumiyyati Sanu Ibrahim et al., "Integration of Maqāṣid Al-Sharī'ah in the Criminal Law Reform to Achieve Justice and Human Dignity," *Jurnal Hukum Islam* 23, no. 1 (2025): 105–44; Nur Insani et al., "Empowering Muslim Women: Bridging Islamic Law and Human Rights with Islamic Economics," *De Jure: Jurnal Hukum Dan Syaria'iah* 16, no. 1 (2024): 88–117, <https://doi.org/10.18860/j-fsh.v16i1.26159>.

On the other hand, in the context of global humanitarianism, there are efforts to link *maqāshid* with the principles of international humanitarian law, such as the protection of civilians in conflict and respect for human dignity. Nevertheless, previous studies have tended to be sectoral in nature and have not comprehensively integrated *maqāshid al-sharī'ah* as a coherent theoretical framework for developing the concept of global humanitarian justice.⁶ Many studies remain focused on the application of *maqāshid* within local or national contexts, without developing their implications on a broader global scale.⁷ Furthermore, there is a tendency to position *maqāshid* as a complement to the Western paradigm rather than as an independent, equal epistemological framework. This results in a lack of exploration of the potential of *maqāshid al-sharī'ah* as a conceptual alternative offering new perspectives within the discourse on global justice.

Studies linking *maqāshid* to contemporary issues such as the refugee crisis, climate justice, and humanitarian intervention remain very limited and have not yet made a significant contribution to the development of a contextual and applicable theory of humanitarian justice.⁸ Another limitation identified in the literature is the lack of an interdisciplinary approach that combines normative, empirical, and philosophical analyses in examine *maqāshid al-sharī'ah*. Most studies remain conceptual in lacking contextual analysis of the dynamic global reality.⁹ Furthermore, there is a methodological gap in operationalising the principles of *maqāshid* into indicators for evaluating humanitarian policies or practices. This results in the concept of *maqāshid* often being viewed as abstract and difficult to implement in practice.

On the other hand, few studies have critically compared *maqāshid al-sharī'ah* with other theories of global justice, such as distributive justice, cosmopolitan justice, or rights-based approaches, thereby failing to fully utilise the potential for inter-paradigm dialogue. Based on the above, a significant research gap exists in studies of *maqāshid al-sharī'ah* as a framework for global humanitarian justice. Firstly, there is a void in the development of a theoretical framework that systematically integrates the principles of *maqāshid* with concepts of global justice within the context of contemporary humanitarianism. Secondly, there remains a limited number of studies examining the relevance of *maqāshid* in addressing current global issues, such as modern armed conflicts, migration crises, and climate change, which have direct implications for humanitarian justice. Thirdly, there is a lack of interdisciplinary and methodological approaches that can link the concept of *maqāshid* to policy practices and humanitarian interventions at the global level. Fourthly, there has been no adequate effort to position *maqāshid al-sharī'ah* as an alternative paradigm on a par with Western theories of justice within the global academic discourse.

In this context, this study seeks to develop *maqāshid al-sharī'ah* as a comprehensive and integrative conceptual framework for understanding and formulating global

⁶ Suud Sarim Karimullah, "The Role of Islamic Philanthropy in Natural and Humanitarian Disaster Management," *At-Tasyri': Jurnal Ilmiah Prodi Muamalah* 17, no. 1 (2025): 11–28, <https://doi.org/10.47498/tasyri.v17i1.3626>.

⁷ Abubakar Muhammad Jibril, "Operationalizing Maqāshid Al-Sharī'ah in Islamic Finance: Pathways to Poverty Alleviation and Sustainable Development," *Journal of Islamic Economics (JoIE)* 5, no. 2 (2025): 169–83, <https://doi.org/10.21154/joie.v5i2.12145>; Uthman Mehdad Al-Turabi and Jasser Auda, "Toward a Maqāshid-Based Legal Reform: Systemic Thinking for Social Transformation in the Modern Muslim World," *Indonesian Journal of Islamic Law* 8, no. 2 (2025): 209–28, <https://doi.org/10.35719/fhw10v84>.

⁸ Suud Sarim Karimullah, "The Relevance of the Concept of Justice in Islamic Law to Contemporary Humanitarian Issues," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 8, no. 1 (2023): 83–98, <https://doi.org/10.22515/alahkam.v8i1.7654>; Fahrur Razi and Ananda Prayogi, "The Islamic Legal Construction on Global Peace: An Integrative Study of Maqāshid Al-Syari'ah and the United Nations Charter," *Tribakti: Jurnal Pemikiran Keislaman* 37, no. 1 (2026): 175–90, <https://doi.org/10.33367/tribakti.v37i1.8192>.

⁹ Azwarfajri Azwarfajri et al., "The Construction of Contemporary Maqasid: A Paradigm Shift from Textual to Contextual Approaches," *Jurnal Pemikiran Islam* 5, no. 2 (2025): 197–218, <https://doi.org/10.22373/jpi.v5i2.32960>.

humanitarian justice. This study not only examines *maqāṣid* as a normative concept but also seeks to operationalise it into analytical dimensions relevant to contemporary humanitarian issues. This study aims to analyse in depth how the principles of *maqāṣid al-sharī'ah* can be articulated as a normative basis for global humanitarian justice, and how this concept can be implemented in responding to various contemporary humanitarian challenges. The significance of this study lies in its contribution to filling existing knowledge gaps and in offering an alternative perspective that can enrich the discourse on global justice.

Methods

This study employs a qualitative, conceptual–normative analytical design, combined to a limited extent with exploratory empirical research, to examine the *maqāṣid al-sharī'ah* as a framework for global humanitarian justice; this framework was chosen for its ability to integrate normative textual analysis with contemporary social realities in a reflective and critical manner. The focus of the study is on the construction of the principles of *maqāṣid al-sharī'ah* as conceptual variables (*ḥifẓ al-dīn*, *ḥifẓ al-nafs*, *ḥifẓ al-'aql*, *ḥifẓ al-nasl*, and *ḥifẓ al-māl*), operationalised into dimensions of global humanitarian justice, such as the protection of fundamental rights, the distribution of welfare, and socio-ecological sustainability.

The subject matter comprises relevant primary and secondary literature (reputable journal articles, global policy documents, and classical and contemporary works on *maqāṣid*), selected through purposive sampling based on conceptual relevance and novelty. The research instrument consists of a conceptual thematic analysis matrix developed iteratively through an in-depth literature review. Meanwhile, data validity is ensured through source triangulation and interpretative consistency. Data collection was conducted in stages through systematic literature reviews, document analyses, and cross-theoretical comparisons. Data analysis utilised critical thematic analysis and normative hermeneutics, combined with a comparative approach, to identify relationships, gaps, and syntheses between *maqāṣid al-sharī'ah* and theories of global justice, thereby producing a coherent and applicable conceptual framework in line with the study's objectives.

Result and Discussion

The Reconstruction of the *Maqāṣid al-Sharī'ah* as a Universal Paradigm of Humanitarian Justice

The *maqāṣid al-sharī'ah*, classically defined as the fundamental objectives of Islamic law, namely the protection of religion, life, intellect, lineage and property, need to be repositioned not merely as legalistic instruments within the fiqh tradition, but as the epistemological foundation for a theory of justice capable of addressing complex global challenges. This shift demands a conceptual transformation of the *maqāṣid* from internal, normative objectives within the Muslim community to a universal ethical framework oriented towards the welfare of humanity as a whole, unbound by the limits of religious or geographical identities. From this perspective, the fundamental principles of *maqāṣid* can be understood as an articulation of universal values that substantively correspond to principles of global justice, including human rights, the protection of civilians in armed conflict, and respect for human dignity.¹⁰

¹⁰ Zumiyyati Sanu Ibrahim et al., "Islamic Law and Human Rights: Convergence or Conflict?," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 24, no. 2 (2024): 431–48, <https://doi.org/10.19109/nurani.v24i2.19595>.

The protection of life, for example, is not merely interpreted as a prohibition against murder within the context of Islamic criminal law, but also as a normative basis for the rejection of structural violence, disproportionate warfare, and policies that threaten the safety of the civilian population. Similarly, the protection of reason can be reconstructed as the foundation for the right to education, freedom of thought, and access to information, which are essential elements of sustainable human development. Within this framework, *maqāṣid* serves as a conceptual tool that integrates Islamic values with universally recognised principles of the international legal system, without sacrificing its epistemological identity.

The reconstruction of *maqāṣid* as a universal paradigm also opens the door to constructive dialogue with the international humanitarian law regime, which has long served as the primary reference for regulating the conduct of states and non-state actors in conflict situations.¹¹ Principles such as the protection of non-combatants, the prohibition of torture, and the obligation to provide humanitarian assistance resonate strongly with the values of *maqāṣid*, particularly in the dimension of protecting human life and dignity.¹² By building an epistemological bridge between these two systems, *maqāṣid* can serve not only as a normative justification for the acceptance of international law within Muslim societies but also as an intellectual contribution to enriching global norms that are more sensitive to ethical and spiritual dimensions. This is important given that one of the main criticisms of international humanitarian law is its tendency to be secular and to pay insufficient attention to deeper moral dimensions. Thus, integration with *maqāṣid* can provide a more comprehensive normative framework.

The reconstruction of *maqāṣid* is highly relevant to the Sustainable Development Goals (SDGs) agenda, which emphasises the importance of balancing economic development, social justice, and environmental sustainability. The principle of property protection, for example, can be extended into a concept of distributive justice that emphasises fair resource distribution and the reduction of economic inequality. Meanwhile, the protection of future generations can be understood as an intergenerational responsibility to safeguard environmental sustainability and ensure they have access to adequate resources.

The transformation of *maqāṣid* into a global ethical paradigm also has significant implications in addressing the criticism that Islamic law is particularistic and incompatible with universal values.¹³ This criticism is often based on a narrow understanding of Islamic law as a rigid, inflexible set of rules, without considering its underlying dimensions of purpose and value. By emphasising *maqāṣid* as the core of Islamic law, it can be demonstrated that this system is highly adaptable and capable of engaging with diverse social and cultural contexts. This reconstruction demonstrates that universalism in Islam is not hegemonic but dialogical, as it opens space for the exchange of values and learning across traditions.

The reconstruction of *maqāṣid* as a paradigm of global humanitarian justice can also be linked to contemporary theories of justice, such as cosmopolitan justice, which emphasises moral responsibility across national borders, and the capability approach,

¹¹ Akhmad Jazuli Afandi and Muhyidin Muhyidin, "Between Coercion and Compassion: A Comparative Analysis of 'Amr Al-Ma'rūf Nahy 'an Al-Munkar in Qāḍi 'Abd Al-Jabbār's Rationalism and Abū Hāmid Al-Gazālī's Sufi Ethics," *Fikri: Jurnal Kajian Agama, Sosial Dan Budaya* 10, no. 2 (2025): 867-87, <https://doi.org/10.25217/jf.v10i2.6426>.

¹² Suud Sarim Karimullah, "Humanity and Justice: Exploring Human Rights in the Context of Islamic Law," *TAJIDID* | 30, no. 2 (2023): 166-87, <https://doi.org/10.36667/tajdid.v30i1.1497>.

¹³ Mowafq Abraham Masuwd, "Islamic Pluralism and Küng's Global Ethical Discourse: Toward a 'Global-Maqāṣid' Centered Paradigm," *Ittesaal-Journal of Connecting Discourses*, 2024, 41-63, <https://doi.org/10.64984/ijcd.1.2.2024.03>.

which highlights the importance of fulfilling basic human capabilities.¹⁴ The principles of *maqāṣid* can be articulated as concrete forms of efforts to guarantee these basic capabilities, such as the ability to live, think, participate in social life, and access economic resources. By integrating *maqāṣid* into this discourse, a framework of justice can be developed that is both normative and operational, providing clear indicators for evaluating humanitarian conditions across contexts. This reinforces the position of *maqāṣid* as a global ethical theory that is not only conceptually relevant but also applicable in practice.¹⁵

This reconstruction enables the development of an interdisciplinary approach that combines legal, ethical, and public policy analysis in understanding and responding to humanitarian issues. In this context, *maqāṣid* can serve as an analytical tool for evaluating public policies at the national and international levels by assessing their contribution to the protection and enhancement of human well-being. This approach also enables the identification of forms of structural injustice, such as poverty, marginalisation, and exploitation, which are often beyond the reach of formal legal approaches. Thus, *maqāṣid* functions not only as a norm but also as a critical analytical lens through which to view social reality.

Integration of *Maqāṣid al-Sharī'ah* with International Humanitarian Law

In the contemporary landscape of armed conflict, characterised by asymmetries of power, the involvement of non-state actors, and the use of advanced military technologies such as drone warfare, established norms of international humanitarian law (IHL) often face limitations in addressing moral issues that transcend legalistic dimensions. In this context, the *maqāṣid al-sharī'ah*, particularly the principles of protecting life (*ḥifẓ al-nafs*) and respecting human dignity, offer an ethical foundation that can both enrich and critique modern IHL practices. This integration is not intended to replace the international legal system, but rather to construct a hybrid normative framework that more comprehensively bridges the legal and moral dimensions, thereby yielding an approach that is more responsive to the complexities of global humanitarian crises.

Conceptually, *ḥifẓ al-nafs* within the *maqāṣid al-sharī'ah* does not merely refer to the prohibition of killing, but encompasses an active duty to protect human life from all forms of threat, whether direct or structural. This principle resonates strongly with the fundamental principles of IHL, such as distinction, proportionality, and the exercise of due care in the use of armed force. However, the integration of *maqāṣid* into the IHL framework allows for an expansion of the meaning of these principles from mere procedural compliance towards a more substantial ethical responsibility. For example, in the context of the use of drones in military operations, IHL emphasises the importance of minimising civilian casualties through precision technology, but *maqāṣid* prompts deeper questions regarding the moral legitimacy of such practices, including their implications for the dehumanisation of targets and the normalisation of remote violence.

In the context of non-international armed conflicts involving non-state actors, the integration of *maqāṣid* becomes increasingly relevant given IHL's limitations in effectively reaching and regulating the behaviour of such groups. The universal and

¹⁴ Imat Hibbatulloh et al., "The Secularisation of Islamic Criminal Law and Its Implications for the Protection of Human Rights in Indonesia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 17-31, <https://doi.org/10.65586/insani.v1i1.7>.

¹⁵ Suud Sarim Karimullah, "For True Humanity: Harmonization of Islamic Law and Human Rights Towards Universal Justice," *Matan: Journal of Islam and Muslim Society* 5, no. 2 (2023): 40-56, <https://doi.org/10.20884/1.matan.2023.5.2.9125>.

value-based nature of the *maqāṣid* principle can serve as an entry point for building normative legitimacy among non-state actors who are affiliated with or sensitive to Islamic values.¹⁶ In this regard, the *maqāṣid* function not only as an analytical tool but also as a normative instrument to promote the internalisation of humanitarian values in conflict practices. This approach creates space for the development of value-based strategies in humanitarian diplomacy, in which IHL norms are reinforced by aligning with *maqāṣid* principles that resonate more closely with the cultural and religious contexts of the actors involved.

In the context of the escalating global refugee crisis caused by conflict and disasters, the principle of protecting human life and dignity within *maqāṣid* can be operationalised as a normative foundation for expanding the responsibilities of states and the international community. IHL and international refugee law have established minimum standards of protection, such as the principle of non-refoulement and the right to humane treatment.¹⁷ Yet, political interests and resource constraints often hinder their implementation. Within the framework of *maqāṣid*, the protection of refugees is viewed not merely as a legal obligation but as a manifestation of a collective moral responsibility to safeguard human life and dignity without discrimination. This enables the development of more inclusive and equitable policy approaches that focus not only on security but also on meeting basic needs and facilitating the social integration of refugees within host societies.

The integration of *maqāṣid* with IHL also significantly helps address the moral void that often arises in global humanitarian practice. Although IHL possesses a strong normative framework, its implementation is often technocratic and fails to account for broader ethical dimensions.¹⁸ In situations where certain actions are legally permissible but morally questionable, *maqāṣid* can serve as an ethical compass, assisting policymakers and humanitarian practitioners in making decisions that are more oriented towards the greater good of humanity. For example, in determining legitimate military targets, IHL may permit attacks on military infrastructure. Still, *maqāṣid* encourages an assessment of the long-term impact on civilian life, including access to water, healthcare, and education.

The integration of *maqāṣid al-sharī'ah* and IHL yields an approach that is not merely comparative but also synthetic, wherein the two systems complement and reinforce one another. IHL provides a clear and enforceable legal framework, whilst *maqāṣid* offers a flexible and contextual ethical foundation. This combination enables the development of a more holistic evaluation model for humanitarian practices, which considers both legal and moral legitimacy. In this context, *maqāṣid* can be operationalised through concrete indicators reflecting the protection of human life and dignity, such as civilian casualty rates, access to humanitarian aid, and the treatment of detainees. These indicators can be used to assess actors' performance in conflict and to formulate more equitable policies.

¹⁶ Wan Mohd Zulhafiz bin Wan Zahari, Farahdilah Ghazali, and Mohamed Yayah Jalloh, "Integrating Energy Justice and Maqasid Al-Shariah to Achieve the Sustainable Development Goals (SDGs) in Malaysia," *International Review of Law* 15 (2026), <https://doi.org/10.29117/irl.2026.0349>.

¹⁷ Manoj Kumar Sinha, "Non-Refoulement and Global Justice: Principles and Practice in the Modern World," in *Traversing the Trial – Law and Justice in a Globalizing World* (Springer, 2026), 171–84, https://doi.org/10.1007/978-981-95-8395-9_9.

¹⁸ Markus Gunneflo and Gregor Noll, "Technologies of Decision Support and Proportionality in International Humanitarian Law," *Nordic Journal of International Law* 92, no. 1 (2023): 93–118, <https://doi.org/10.1163/15718107-bja10055>.

This integration also opens the way for the development of alternative ethics of war that are more oriented towards humanity and sustainability. In the Islamic tradition, the concept of jihad is understood not only as physical warfare, but also as an effort to uphold justice and protect the vulnerable. By integrating the *maqāṣid* into this discourse, an understanding of the ethics of war can be developed that emphasises the limitation of violence, the protection of non-combatants, and post-conflict reconciliation efforts. This approach is consistent with the principles of IHL, but provides an additional moral and spiritual dimension, thereby strengthening the commitment to more ethical humanitarian practices.

The Operationalisation of the *Maqāṣid al-Sharī'ah* in Global Justice Policy and Practice

The application of the *maqāṣid al-sharī'ah* in global justice policies and practices is taking on ever greater significance amid the complex challenges of the contemporary world, characterised by development inequalities, multidimensional poverty, climate change, food crises, forced migration, armed conflict, and the weakness of global governance in ensuring equitable human well-being. These conditions demonstrate that a development approach focused solely on economic growth and administrative efficiency is often insufficient to address increasingly complex humanitarian issues. In this context, the *maqāṣid al-sharī'ah* offers an ethical framework oriented towards the holistic well-being of humanity by protecting religion, life, reason, lineage, and property.¹⁹ A framework whose meaning has, over time, expanded to encompass the protection of human dignity, social justice, environmental sustainability and intergenerational well-being.

The transformation of *maqāṣid* into a policy instrument is grounded in a normative-functional approach, which holds that law and ethics must be capable of producing tangible social benefits. This perspective aligns with the theory of social utilitarianism, which prioritises public welfare as the primary objective of policy. However, *maqāṣid* offers a broader dimension as it considers not only material benefits but also moral, spiritual, social and ecological aspects.²⁰ At the same time, *maqāṣid* shares common ground with John Rawls's theory of justice, which emphasises the importance of the distribution of benefits and the protection of the most vulnerable groups.

The principles of protection of life, reason and property within *maqāṣid* demonstrate a shared orientation with the concepts of fairness and equity that form the basis of modern theories of justice. Furthermore, the capability approach developed by Amartya Sen and Martha Nussbaum also shares conceptual affinities with *maqāṣid*, as both prioritise the development of human capabilities as the primary goal of development, rather than merely increasing income or economic growth. In terms of implementation, the operationalisation of the *maqāṣid* is carried out through the development of empirically measurable indicators. Protection of life can be translated into indicators of public health, life expectancy, human security, and access to healthcare services. Protection of intellect is realised through the quality of education, literacy rates, academic freedom, and access to information. The protection of property can be

¹⁹ Sulaeman Sulaeman et al., "Islamic Business Ethics in the Framework of Higher Ethical Objective (Maqasid Al-Shariah): A Comprehensive Analysis and Future Research Directions," *International Journal of Ethics and Systems*, 2025, 1-29, <https://doi.org/10.1108/IJOES-12-2024-0398/1319814>.

²⁰ Zohora Azmin Shompa, Mohamed Aslam Akbar, and Hazwani Mohd Mohadis, "Harmonizing Maqasid Al-Shari'ah with Sustainable Waste Management Practices: A Conceptual Framework for Principles and Implementation," *International Journal of Islamic and Middle Eastern Finance and Management* 18, no. 1 (2025): 142-65, <https://doi.org/10.1108/IMEFM-02-2024-0061>.

measured through economic equality, decent employment opportunities, access to productive resources, and social protection.²¹ Meanwhile, contemporary developments in *maqāshid* thought have expanded its scope to encompass environmental dimensions, using indicators such as ecosystem quality, the sustainability of natural resources, climate resilience, and the protection of future generations.

The application of principles aligned with *maqāshid* can be found in various countries with differing social, political and cultural characteristics. In the Middle East, several countries, such as the United Arab Emirates and Saudi Arabia, have begun to integrate the concepts of human well-being, quality of life, sustainable development, and value-based governance into their national development agendas.²² In Malaysia, the concept of *maqāshid al-shari'ah* has been utilised in the evaluation of public policy, the development of the Islamic finance sector, and the formulation of development indicators that combine economic, social and spiritual dimensions.²³ The government and academic institutions in the country have developed various measurement models to assess the success of development not only in terms of economic growth but also in achieving comprehensive social welfare.

In Indonesia, the *maqāshid* approach has begun to be applied in the management of zakat, waqf, Islamic finance, inclusive economic development, and the development of welfare indicators geared towards the public good.²⁴ Interestingly, several principles consistent with *maqāshid* can also be found in non-Muslim countries, although they do not use the same terminology. Nordic countries such as Sweden, Norway and Denmark have developed a welfare state model that emphasises the protection of life, education, health and social welfare as the primary priorities of development.²⁵ From a *maqāshid* perspective, these policies are substantively consistent with the objectives of protecting life, reason and property. On the other hand, the sustainable development policies implemented by various United Nations member states through the Sustainable Development Goals (SDGs) also demonstrate a shared orientation with the *maqāshid* in terms of poverty eradication, improving the quality of education, health protection, equality and environmental sustainability.²⁶ This similarity suggests that *maqāshid* can serve as a universal ethical language that engages in dialogue with various modern development paradigms without compromising its normative identity.

In the context of global governance, the operationalisation of *maqāshid* is also relevant to the theory of good governance, which emphasises transparency, participation,

²¹ Suud Sarim Karimullah, "Exploration of Maqasid Al-Shariah Concepts in the Development of Islamic Economic Policies," *Mu'alah: Jurnal Hukum Ekonomi Syariah* 2, no. 2 (2023): 153-72, <https://doi.org/10.32332/muamalah.v2i2.7747>.

²² Elena Raevskikh, Giovanna Di Mauro, and Maxime Jaffré, "From Living Heritage Values to Value-Based Policymaking: Exploring New Indicators for Abu Dhabi's Sustainable Development," *Humanities and Social Sciences Communications* 11, no. 1 (2024): 1-14, <https://doi.org/10.1057/s41599-024-03841-5>.

²³ Zailani, Satar, and Zakaria, "Maqasid Al-Shariah Based Index of Socio-Economic Development: A Literature Review."

²⁴ Lalu Hendri Nuriskandar et al., "The Convergence of Islamic Law and Customary Law in the Management of Zakat in Indonesia and Malaysia," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 1 (2025): 63-79, <https://journal.mahkotascience.org/index.php/insani/article/view/5>; Qadriani Arifuddin, Asep Saifuddin, and Noorhani Dyani Laksmi, "Islamic Law in Contemporary Indonesian Local Political Culture," *Insani: Jurnal Pranata Sosial Hukum Islam* 1, no. 2 (2025): 162-77, <https://doi.org/10.65586/insani.v1i2.47>.

²⁵ Jolanta Aidukaite, Sven Hort, and Mare Ainsaar, "Current Trends in Social Welfare Policies toward the Older People in the Baltic and Nordic Countries: An Explorative Study," *Journal of Baltic Studies* 53, no. 2 (2022): 147-67, <https://doi.org/10.1080/01629778.2021.1998166>.

²⁶ Hafirda Akma Musaddad et al., "Harnessing Maqāshid Al-Shari'ah for Poverty Alleviation and Achieving Sustainable Development Goals: A Systematic Literature Review," *International Journal of Islamic Finance and Sustainable Development* 17, no. 2 (2025): 129-49, <https://doi.org/10.55188/ijifsd.v17i2.937>.

accountability, effectiveness and the rule of law.²⁷ These principles align with the objectives of *maqāṣid*, namely, to promote the public good and prevent social harm. The integration of *maqāṣid* into the policy cycle enables a more responsive policy-formulation process that better addresses the needs of society, particularly vulnerable groups who are often marginalised in the development process. Through this approach, public policy is assessed not only based on administrative efficiency or economic success but also on its contribution to improving the quality of human life and protecting society's fundamental rights.

The application of *maqāṣid* in a global context is not without various theoretical and practical challenges. One of the main challenges is translating abstract normative values into objective, empirically measurable indicators without losing their substantive meaning. Another challenge concerns the diversity of cultures, religions, and value systems within global society. In a pluralistic society, *maqāṣid* must be positioned as an ethical framework open to dialogue and collaboration across civilisations, rather than as an instrument that imposes the supremacy of a particular religious interpretation. Consequently, its implementation requires a deliberative approach involving governments, academics, civil society organisations, religious communities and international institutions, so that the process of formulating indicators and policies truly reflects inclusive public interests.

There is a risk of political instrumentalisation when *maqāṣid* are used to legitimise policies that are in fact aimed at maintaining power or restricting the rights of certain groups. This risk necessitates transparent oversight mechanisms, a robust system of accountability, and alignment with the principles of human rights and international law. In this context, *maqāṣid* must not be treated as a source of legitimacy immune to criticism, but rather as an ethical framework that must be continually tested through public evaluation and ongoing scholarly dialogue.

Conclusion

The reconstruction of the *maqāṣid al-sharī'ah* from the normative framework of classical fiqh towards a universal ethical paradigm holds significant potential to strengthen the foundations of global humanitarian justice, making it more inclusive, adaptive, and oriented towards the welfare of humankind. Through its integration with the principles of international humanitarian law and its translation into policy instruments such as the *maqāṣid*-based policy index, the *maqāṣid al-sharī'ah* not only broadens the scope of dialogue between Islamic values and global governance but also offers an evaluative framework capable of bridging the gap between formal legality and moral legitimacy in contemporary humanitarian practice. These findings underscore the theoretical contribution of *maqāṣid* as both a global ethical paradigm and a policy analysis tool oriented towards distributive justice, the protection of human dignity, and sustainability. Nevertheless, the limitations of this research, which remains rooted in conceptual analysis and lacks optimal empirical testing, highlight the need for further comparative and case-study-based research to test the validity and adaptability of the proposed model. Consequently, the integration of *maqāṣid* into public policy, humanitarian practice and global governance can serve as a relevant normative alternative in responding to various modern humanitarian challenges, including climate change, armed conflict, social inequality and the refugee crisis.

²⁷ Mohd Fuad Md Sawari, Mustafa Mat Jubri Shamsuddin, and Ahmad Akram Mahmud Robbi, "Integrating Maqāṣid Al-Sharī'ah and Governance Principles: A Framework for SME Shariah Financial Compliance," *International Journal of Fiqh and Usul Al-Fiqh Studies* 9, no. 3 (2025): 97-116, <https://doi.org/10.31436/ijfus.v9i3.408>.

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