



Intellectual Development of Maqashid Al-Syariah: A Thought of Jaseer Auda

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Abstract

Maqashid Sharia is an important thing to study in legal sharia. Because, maqashid is the main basis in understanding the source of the law revealed by God to His messenger Prophet Muhammad SAW. in the form of the Qur'an and Hadith. Maqashid develops by making it a key in solving contemporary cases and challenges. Therefore, maqashid is pretexted as a bridge in carrying out ijtihad against the renewal of Islamic law. The theory put forward by Jasser Auda discusses three main sciences at once about maqashid sharia, ushul fiqh and the system approach, after being separated and not becoming a unit, it is successfully connected into an integrated unity.

Keywords: *Maqashid, Theory, Thought*

Abstrak

Maqashid Syariah menjadi hal penting untuk mengkaji dalam syariah hukum. Karena, maqashid merupakan dasar utama dalam memahami sumber hukum yang diturunkan oleh Tuhan kepada utusan-Nya Nabi Muhammad SAW. berupa al-Qur'an dan Hadist. Maqashid berkembang dengan menjadikan suatu kunci dalam menyelesaikan suatu perkara dan tantangan kontemporer. Maka dari itu maqashid dengan dalih sebagai jembatan dalam melakukan ijtihad terhadap pembaharuan hukum Islam. Teori yang dikemukakan Jasser Auda membahas tiga pokok ilmu sekaligus tentang maqashid syariah, ushul fiqh dan pendekatan sistem, setelah terpisah dan tidak menjadi satu kesatuan berhasil dihubungkan menjadi kesatuan yang terintegritas.

Kata Kunci: *Maqashid, Teori, Pemikiran*

INTRODUCTION

In the scope of contemporary Muslim thinkers, among those who get attention on the basis of the development of Islamic legal philosophy is Jasser Auda, who uses Maqasid Sharia as a form of philosophy of thinking by using a systems approach as intellectual thinking with his analytical knife. A new approach has never been thought of to be realized in discussions about the study of Islamic law and Ushul Fiqh (Auda, 2015). Considering that Maqashid Sharia is very important in Islamic law.

The existence of a new paradigm shift in Maqashid Sharia theory is motivated by Jasser Auda's academic anxiety. This is because the emphasis of the classic Maqashid concept is more textual and ignores the purpose of the text (Gumanti, 2018). Auda's view of the structure of this classical maqashid theory, clearly in literacy and textual reading is a factor of too much focus of ushul fiqh scholars on aspects of language. Although the

study of language is important, making it the sole form of legal formulation is a problem. This is said to be problematic, because the linguistic approach often forgets what is the core intention and purpose of the sharia itself (Gumanti, 2018).

Classical Maqashid theory tends to be more about protection and preservation, while the new maqashid emphasizes the concept of development, openness and rights (Iqbal, 2016). Considering the humanitarian crisis as a factor experienced by almost all Muslim countries, the cause and effect of which states the existence of poverty, unemployment, lack of education, security, and even the economic equality sector intended for social welfare has not been realized. The latest report related to the Human Development Index (HDI), shows that none of the Muslim countries are in the first ten rankings. Not to mention the terrorist and radical acts in the name of Islamic law, making everyone worried and as if it was a flashback to the teachings of Islamic law (Syarifuddin, 2021).

If it is observed clearly, that a problem that appears is in the understanding of the teachings with the emergence of truth claims so that there is a feeling that other parties who are different are considered wrong, even heretical. This pattern of thought dynamics seeks to understand or learn Islam inappropriately (Afandi & Mardiyah, 2014). These problems strengthen Jasser Auda's intellectual desire to develop a narrow structure of thought into a balanced openness, seeing that development runs through time by simply following the times and the current situation of problems from traditional to modern. Therefore, it is feared that there will be a "time bomb" for Muslims if allowed to develop in this way (Wendry & Syarifuddin, 2020).

Open dialogical access is needed in addressing how the foundation of humanity's way of thinking both in general and specifically in the religion of Islam. Introducing Islam is not enough just with a light discussion about Islamic law that is linked in the zone of maqashid sharia, ushul fiqh, fiqh and others. However, Jasser Auda tries to offer a new system method in his books. According to Auda, there needs to be a conversation related to "Approaches" which relates to the dimensions of space, time, and history, and "Approaches" relates to the concept of philosophical thought (Saputra, 2018).

Departing from this reality, then makes Auda question whether this is called Islamic law, is there something wrong with the Qur'an and Hadith. Therefore, Auda offers the concept of maqashid by not being separated from the purpose of sharia itself, introducing new conceptions and classifications by considering new dimensions (Saputra, 2018). This paper moves from interdisciplinary science, how to understand Jasser Auda's thinking on "What is the meaning of Maqashid sharia itself by synchronizing the existing problems? Is there something wrong with the

Islamic legal system?". This study presents Jasser Auda's system offerings from the classical era to the post-modern era.

LITERACY STUDIES

Jasser Auda Biography

Historical Traces

Jasser Auda was born in Cairo, Egypt in 1966. As a person who was born into a religiously observant family background, from an early age he was already fairly common in traditional Islamic scholarship. Plus, he lived in a country of Islamic civilization known in the academic zone of religious knowledge sources that gave birth to many great intellectuals. Auda is the nephew of Abdul Qadir Audah, a Muslim Brotherhood figure and the author of *al-Tasyri'al-Jinai al-Islami* and also a source of reference when talking about Islamic criminal law. Jasser Auda is a Muslim intellectual who has direct contact with two cultures at once, namely the West and the East; traditional and modern. Since his young age, Auda used to study traditionally at al-Azhar mosque.

The classical Tallaqqi that Auda studied at the Jami' al-Azhar Mosque consisted of various activities including: memorizing the Qur'an, studying the hadith books of al-Bukhari and Muslim, Fiqh, Isnad and Takhrij, and Ushul Fiqh. In addition, he also dedicated his education to the Engineering Department at Cairo University in 1998 (Dikson T. Yasin, 2020).

Definition of Maqashid Sharia

Maqashid Sharia is composed of two words, maqashid and sharia. Etymologically, the word maqashid is a plural form of maqsad which means a goal or something that is aimed at (*al-hadf, al-ghayah, al-matlub*) towards one direction to a straight, easy, and close path, just and not exceeding limits. This overall meaning is also used in the texts of the Qur'an and hadith. Al-Khadimi argues that the overall meaning is very relevant to the term maqashid sharia popularized by Islamic jurists (Ferdiansyah, 2018).

The word sharia in Arabic is used to indicate religion, roads, ways, and others. While its meaning according to religious terminology explains that all the collection of rules and orders established by God through the Qur'an and explained by the Prophet Muhammad in his traditions. However, contemporary scholars provide specific definitions and details that differ from one another. For example, Ibn 'Ashur (d. 1325 AH) argues that maqashid al-shariah is the meaning and wisdom that the lawmaker pays attention to in every legislative activity, or in general, if the attention is not only limited to one aspect of the law. Allal a;-Fassi (d. 1394 AH),

argues that maqashid al-shariah is the purpose and secret contained in every law (Ferdiansyah, 2018).

Why questions often lead children to ask deep philosophical questions, and of course people sometimes can't tell if this is a question or not. However, the beauty of the questions that children ask is that they are often not bound by pre-determined "facts" or a logical "this is how it is". In Jasser Auda's book "Maqasid Al-Shari'ah A Beginner's Guide" a child asks his father, "Why do you love people as you love yourself?" After thinking for a moment, the father says: "Because everyone is equal, and if you want to ask me why, I would say that God is Just, and because of His Justice, He made us all equal, with equal rights, and that is how He created the world" (Auda, 2017).

From the "why" question equivalent to the "what is maqashid" question as philosophers say, the level of maqashid in terms of why and exploration will lead us to simple actions, and clear "sign" rules, such as stopping at red traffic, from the level of signs to laws and regulations to the level of mutual benefit and "utility", such as consideration for the safety of others in exchange for their own safety, and finally to the level of overall benefit and utility of basic principles and beliefs, such as justice, compassion, belief in God. Thus, maqashid sharia is the branch of Islamic science that answers all the flashes of the "why" question at various levels (Auda, 2017, p. 2).

A level of questioning that gives birth to a ladder pattern of levels starting from the requirement (commandment), then making it into the level of action, moving to the level of law and reaching the rule which is the wisdom of why all of that must exist, is called the essence of maqashid (Mattori, 2020).

Jasser Auda said that maqashid sharia explains the meaning of "wisdom behind decisions", such as the meaning of "increasing social cohesion" which is one of the wisdom behind one's charity, doing good to others, and greeting people with peace. The wisdom behind decisions is also included in the meaning of "developing God consciousness" which means the reason behind prayer, fasting, and supplication.

Maqashid is also the good purpose of what the law seeks to achieve by precluding, or opening up, certain means. Thus, the maqashid of "safeguarding human reason and soul" explains Islam's comprehensive and strict prohibition of alcohol and intoxicants, and "safeguarding human property and honor" that in the Qur'an of the "death penalty" as a (possible) punishment for rape or genocide (Mattori, 2020).

RESEARCH METHODS

This writing method uses a qualitative approach. By searching for relevant reference sources, such as using journals, books, articles, and so on. The analysis used is descriptive, which provides an explanation of the analysis and connects it with existing literature.

DISCUSSION

Timeline of the Development of Maqashid Sharia

The reform of the concept of maqashid sharia thought that is flowed in various opinions, from classical to contemporary maqashid intellectual scholars by making it a hot study to explore the meaning of maqashid sharia itself. These are some of the views of maqashid sharia thinkers:

1. Al-Tirmidhi al-hakim (296 AH/908 AD)

The first volume dedicated to the study of the topic of maqashid, the initial concept where the term "maqashid" is used in the title of the book, is entitled al-Salah wa Maqasiduha (Prayer and its purpose) written by al-Tirmidhi al-Hakim. The book's approach is about the wisdom and spiritual "secrets" behind each act of prayer, with a clear Sufi bent. For example, confirming the humility behind glorifying God with gestures during prayer, praising God facing the ka'bah and so on. Abu Zayd al-Balkhi (322 H/ 933 M)

A person who knows the book Maqashid of Dealings, he reveals the purpose in practice, where he surveys the purpose behind Islamic legal decisions.

2. Al-Qaffal al-Kabr Shashi (365 H/ 975 M)

The oldest manuscript found in Egypt on the topic of al-maqashid by al-Qaffal, a 20-page introduction after which al-Qaffal presents it in the familiar chapters of traditional fiqh books (i.e. starting with purification, and then ablutions and prayers, etc.). Such a broad scope of fiqh strictly deals with individual decisions without introducing a general theory for the purpose. So the meaning that made the initial conception of maqashid by al-Qaffal, was a development of the Shafi'i school. That al-Qaffal also added the concept of necessity, politics, or moral action set the stage for the contributions of al-Juwayni and al-Ghazali to Shafi'i theory and maqashid theory.

3. Ibn Babawayah al-Qummi (381 H/991 M)

Some of the credited research on maqashid sharia was limited to the Sunni Mazhab until the 20th century, but, in fact written by Ibn Babawayah al-Qummi one of the major Shia jurists of the 4th century, a book entitled Illal al-Shariah (The reason

behind the decision), 'rationalizes' belief in God, prophets, heaven, and other beliefs. It provides moral reasons for prayer, fasting, Hajj. Charity, caring for the elderly, and other moral obligations.

4. Al-Amiri al-Faylasuf (381 H/ 991 M)

Al-Amiri's classification, however, is solely on the 'criminal law' included in Islamic law. The meaning of maqashid according to the "level of need" was not developed until the fifth century of Islam. Later, the whole theory reached its most mature stage in the eighth century of Islam.

5. Imam al-Juwayni (478 H/1085 M)

He was the first juridical treatise to introduce the theory of levels of needs in a manner similar to the theory that is often recognized today. Al-Juwayni suggested that the five levels of maqashid such as necessity, public needs, moral behavior, and that the purpose of Islamic law is the inviolable protection of faith, soul, reason, private parts and money.

6. Imam al-Ghazali

A disciple of al-Juwayni, he developed his teacher's main theories in the book al-Mustafa (The purified source). In this development, he enunciated the imperatives of faith, soul, reason, offspring, and wealth. Al-Ghazali coined the term "preservation" for these necessities, based on which needs need to be prioritized over the higher needs so as not to produce contradictory implications in practical cases. A disciple of al-Juwayni, he developed his teacher's main theories in the book al-Mustafa (The purified source). In this development, he enunciated the imperatives of faith, soul, reason, offspring, and wealth. Al-Ghazali coined the term "preservation" for these necessities, based on which needs need to be prioritized over the higher needs so as not to produce contradictory implications in practical cases.

7. Imam al-Syatibi

Al-Syatibi applies more or less the same developed by al-Juwayni and al-Ghazali. In describing the dimensions related to ushul fiqh, it lies in his efforts that emphasize the orientation of the theory towards its objectives. Maqashid according to al-Syatibi literally means the application of law, since the publication of his book entitled Al-Muwafaqat, maqashid has become a standard concept in the science of ushul fiqh which is oriented towards Islamic law. Al-Syatibi himself divides the concept of maqashid into maqashid al-syariah (God's purpose) and maqashid al-mukallaf (human purpose). In the concept of human goals, where there are three parts dhururiyat, hajiyat, tahsiniyat. Dhururiyat is

the most important concept where in principle if this need does not exist it will threaten life in total (Kurniawan & Hudafi, 2021).

Jasser Auda's Concept of Thinking on Maqashid Sharia

Jasser Auda revisits the reading of classical maqashid theory. Classical maqashid studied the existence of secondary topics in the science of ushul fiqh under *maslahah mursalah* and *qiyas*. Meanwhile, the contemporary maqashid offered by Auda makes maqashid itself a fundamental methodology for ushul fiqh. As a fundamental methodology, maqashid is no longer deduced from fiqh literature, but goes directly from the sources of sharia by examining the values and principles of the text.

By the end of the 19th century, modern countries had colonized most of the countries with large Muslim majority populations. The invading modernity, despite its many failures, was largely responsible for the revival of Islamic *ijtihad* in two different ways: colonization brought new problems that required new solutions and colonization brought new perspectives and ideas in every field of science (Auda, 2007).

Auda says that intellectuals and scholars as well as muftis also realize that reform is needed, and that the collection of historical opinions has proven unable to deal with the problems created by modernity. Instead, broadening the horizons is necessary to provide solutions to each new problem as it arises in accordance with the times (Auda, 2007).

The form of maqashid law conceptualized by Auda as an addition to the broad range is divided into general maqashid which includes five needs with the addition of new maqashid such as justice and convenience, special maqashid includes welfare for children in the family, protection of crime, protection from monopoly in economic law, and partial maqashid more to the intent behind a particular *nash* or law. Such as the intention of feeding the poor, alleviating hardship and so on (Auda, 2007).

In classical Islamic law studies, it is mentioned that the core and clearer measure of maqashid sharia is divided into three levels: *dhururiyat*, *hajiyyat*, and *tahsiniyat*. Auda criticizes the concept of maqashid theory in the classical century because of several weaknesses (Syaifullah, 2018).

1. Classical theory does not cover specific chapters so that it is unable to answer in detail many questions about certain issues.
2. Classical theory is more directed to the benefit of the individual, not to other humans or togetherness in general; protecting the

individual's self / life, protecting the individual's mind, protecting the individual's property and so on.

3. Classifying the classical maqashid does not include the broader main principles that are inclusive of Islam, such as justice, freedom of expression and so on.
4. The determination of maqashid in classical theory is based on the intellectual history of fiqh from the thoughts of fiqh experts, not taken from the main texts such as the Qur'an and hadith.

Jasser Auda's theoretical offer to the discipline of ushul fiqh as a maqashid sharia methodology is more progressive and he expands its reach. Auda wrote "from protection and preservation to development and human rights" so as not to rest and be stuck with the classical concept, so that the area of maqashid sharia thought is broader and does not dwell on the paradigm of protection and preservation, let alone only in the range of individual environments and most broadly at the family level (Sholihin, 2013).

Al-Syatibi, for example, developed maqashid theory in the form of "one form is aimed at God's purpose", "the other form is aimed at humans", this is interpreted by al-Syatibi, the first form is interpreted as the side of the establishment of sharia when establishing a sharia. So in essence, that Allah always relies on the cause of establishing a sharia, and that is maslahah. Therefore, the reason that makes Auda's basis for developing maqashid sharia theory is more than just maintaining the benefit and rejecting the harm (Sholihin, 2013).

System Features with the Comparative Framework of the Concept of Maqashid Syariah Jasser Auda

According to Jasser Auda, the six features of Islamic legal epistemology that he proposes use a systems philosophy approach. The purpose and objective of this approach is to measure and at the same time answer the real role and function of maqashid sharia in law making and ijtihad as well as fundamental issues in the current era (Prihantoro, 2017).

Jasser Auda uses systems analysis, however this theory is able to build a law that is oriented and as a bridge from development and human rights. Auda's idea makes Maqashid Sharia into a philosophy and approach by referring to contemporary epistemological features, some of the basic features used by Auda when combining systems theory and linking ushul fiqh studies, namely: (Sholihin, 2013)

1. Kognition

Auda interprets law as fiqh, which is born from "understanding"; in other words, the method of fiqh and its results

are often interpreted as "God's rules". Auda does not subscribe to this common view because *ushul fiqh* and *fiqh* are inseparable from interpretation and interpretation. Therefore, interpretation is the viewpoint of the *fuqaha* or Islamic jurists.

From here, it can be assessed that individual *ijtihad* is important, seeing that Auda realized that *ijtihad* is a broad, free science, and can be entered by anyone. Another thing that is related to "cognition" is *ijma'*. For Auda, *ijma'* is defined as consensus, but it is not a source of law but a mechanism for participation in deciding a law.

2. Holisme

Auda encourages understanding God's law to be holistic in understanding the text. As Auda said, "one *nash* may have contradictory meanings with other *nash*" so it is possible to compare with *hadiths* and other verses in order to resolve a case in the dispute.

3. Legal Openness and Dinanism

This is based on the fact of the rule "the change of law, because of the change of times and places". Changes in a law arise because of the transformation of worldviews and cultural insights, this openness is what makes however encourages Islamic law to always renew itself to be able to be intact and compatible with space and time. *Interrelated* atau *hierarki*.

The system has a hierarchical style of structure, where a system is built and smaller sub-systems underneath it. This system is interconnected, at least providing improvements to two dimensions of *maqashid sharia*, first on the improvement of *maqashid* range. Jasser further divides the *maqashid* hierarchy into three parts, namely *maqashid al-Ammah* (general) which includes all the *maslahah* found in universal behavior (justice, equality, tolerance, convenience). *Maqashid Khassah* (specific) which is related to the *maslahah* of certain issues, for example, it is not allowed to hurt women in the family circle, it is not allowed to cheat in trade. *Maqashid Juz'iyah*, which is the most core in legal events, for example, the need for honesty and strong memory in testimony (Gumanti, 2018).

4. Multi-Dimensionality

The concept of understanding *maqashid sharia* for Auda is not only with Aristotelian logic, but is attempted as a multi-disciplinary approach. This is also a criticism in the approach of Islamic law, whereas according to Auda, the multi-dimensionality feature is considered more realistic.

5. Purposefulness

It is a bridge to all the basic systems mentioned above. This is the goal that results from the meaning of maqashid itself, only in this theory is rationality, benefit, justice and morality found.

The consequences of the six features above, then it can be expanded that the interpretation of classical maqasid needs to be reviewed, improved and adjusted to the current context. As a result, if this Auda feature is used, it will have implications for the expansion of maqasid. As a form of maintaining religion, it is no longer interpreted as not apostasy, but rather respecting freedom of religion or belief. Maintaining descendants if expanded becomes the meaning of the family institution. Maintaining reason if expanded means developing a mindset and expanding scientific research, seeking knowledge and emphasizing a healthy mindset. Maintaining honor is the same as protecting human dignity and the existence of laws to protect human rights. Maintaining property is interpreted as prioritizing social concern, development, economic development, social welfare (Hasibuan & Husein Hamka, 2018).

The science of philosophy has become familiar in a study of thought as a field of logic, Auda himself limits his studies to the philosophy of law and post-modern theory. The logic of thought is the mother of thought including Islamic law. The thoughts that Auda juxtaposes in Islamic law provide a modern understanding by being able to provide conceptual and structural benefits that are currently in high development by philosophers of the modern era.

The new discipline system, including the concept of system theory offered by Jasser Auda, includes integrity, multi-dimensionality, openness, and purposefulness. Then the offer to a new discipline related to cognitive which is also used in the development of the concept of culture/ al-urf in Islamic legal theory. Jasser Auda argues that there is a failure of Islamic legal theory in facing the development of the times. There are two factors that influence this to happen, first, the faqih are still trapped in an uneven pattern and do not see the relationship between one and the other. Second, there is a wall that limits the causality of traditionalist and modernist theories (Saputra, 2018).

It can be concluded that the use of qiyas at this time is inadequate. So there needs to be a wholeness in Islamic legal theory, where all sub-systems of Islamic law must be observed and the relationship between one another must be seen, and the use of the science of kalam which is complete is still considered necessary in compiling an argument, so that it can be conditioned with the application of the theory of the maqashid sharia system.

To see the form of Jasser Auda's maqashid sharia thinking, the layout of the position of Islamic thought must be seen first considering that it is related to the legal system it offers. Amin Abdullah explained that a system approach requires mastery of two approaches at once in a professional form. First, the form of approaches related to the dimensions of time and history. Then the second, approaches related to the concept and thought of philosophy (Abdullah & Amin, 2011). Glancing at the development of contemporary ijtiḥad in the analysis, Jasser Auda proposed three layers of eras not as the basis for schools of thought, but the problem of tendencies in Islamic law, namely traditional/classical, modern, and post-modern.

Based on this conceptuality, there are three eras in the development of maqashid sharia:

1. Traditional/Classical Era

This era is when fiqh is equal to the Qur'an and Hadith. What Jasser Auda means is that here there is a narrow thinking that is not open and universal.

2. Modern Era

This era began to have an awareness that fiqh and the source of the Qur'an are different. It can be understood that fiqh is a model of discipline of thought born by the fuqaha and produces different conclusions. Therefore, a problem of common ground must refer to the source of the Qur'an and Hadith, not to one view alone.

3. Post-Modern Era

Unlike this era (maybe now) Fiqh is the key to the worldview of the faqih, not to revelation. This is why there are so many schools of thought and schools of thought that differentiate from one another, where they can become more extreme, for example, more dominant than the understanding that occurs, namely each perspective which is likely to give rise to anarchic understanding and according to one's own wishes.

The form of development with the classical/traditional Islamic model has a character in this case the fiqh school of thought which is the best source of law by only allowing one ijtiḥad, if there is nothing else than that, then the legal provisions of the school of thought that is the conclusion will be relied on. The aspect of tolerant views towards other schools of thought strengthens the foundation with the existence of the law and is not limited to just one school of thought. For example, starting from the views of all Islamic fiqh schools up to Sunni and Shia.

Furthermore, in the era of the development of modern Islam, it has general characteristics from the figures of this view, the pattern of Islamic and Western education that they feel and accept makes a new offer for reform and reinterpretation of Islam. In this era there is a modernist

understanding by taking a new approach in order to conduct a re-examination, namely the interpretation of the Qur'an and Sunnah, as "rationality" which is based on scientific technology while the verses of the Qur'an and Hadith are reviewed in order to run with the discovery of science. The orientation towards modernist Islam of al-Tahir ibn Ashur and Mohammad Abduh provides special explanation and attention to *maslahah* and *maqashid* in relation to Islamic law, and they want the reform and revitalization of Islamic law to focus on the new *maqashid* methodology (Samsul Hadi, 2020).

It is possible that over time, along with the development of the era, until finally there is a post-modern era of Islamic law. A little writer sees the picture of Jasser Auda talking about the views of a *mujtahid* from the results of *ijithad* is a perception of the intellectual language of their understanding related to the texts they study. Therefore, the actual language does not directly refer to the direct reality of the meaning of the text of the Qur'an. Looking at the system approach, Jasser Auda still follows the traditional principle, only more openness considering the fact that the classical method is too narrow for the era and the developing insight by adjusting the problems that occur and not going beyond the rules of the *sharia* itself.

Today, the author also assesses that the development of the application of *maqashid sharia* which has shifted from classical to contemporary is due to a problem that has also developed along with the times. Therefore, the occurrence of a point of view of the world from a thought can solve a problem using references to sources rather than the *ijithad* of the *mujtahids*. However, various points of view produce controversy even within a group or individual. In fact, Islamic law has made it very easy to achieve the form of human welfare.

Departing from this, the author thinks why Jaseer Auda slowly offers this *maqashid sharia* system approach with six features presented, as if it is not only a treadmill in one view, but will be more running and open by referring to its main legal sources in order to assess and ward off various questions about how the implementation of *maqashid sharia* is played correctly and in real terms in the modern era.

Aside from Jasser Auda's educational background which has a combination of East and West, it is clear that the breadth of concentration of systems analysis that is pursued builds and positions *maqashid syariah* as a philosophy of Islamic law as a systems theory approach, so that the achievement of all aspects related to Islamic law forms a total product. All achievements of Islamic law are intended as the goal of security, comfort, and welfare for human life. However, feeling that so far it has not been down to earth, so Jasser Auda seeks *maqashid syariah* as the

basis for his thinking using a systems approach as a method of thinking and analytical tool (Fauzan & Bustamin, 2021).

Because in essence, according to Jasser Auda, the system is a connected and interrelated unity, especially therefore Islamic law must be multidimensional. The interdisciplinary attitude of science that has monodimensional attributes is more towards prohibitions, commands, men, women, and so on will cause controversy between arguments. In fact, it is impossible if we use multi-dimensional thinking logic so that the apparent arguments can be formed into discussions in a new context and produce results that Islamic law will be more flexible in dealing with current problems (Fauzan & Bustamin, 2021).

The science of fiqh cannot only be approached with one dimension in the argument that will only examine the answer. In its context, the concept of *tarjib*, *talfiq*, *jam'u wa taufiq* is very possible to be used in order to obtain a solution-oriented legal decision. This approach is intended to open the door to its entry from the comparison of fiqh in contemporary fiqh. This is not only found in Islamic sciences, but in other components of scientific disciplines. Therefore, according to Jasser Auda, an interdisciplinary or multi-disciplinary approach in the scope of contemporary fiqh is an urgent matter (Maulidi, 2019).

From the series above, there is Jasser Auda's visibility in building a method of thinking to improve Islamic law today. According to him, the application of Islamic law today is incomplete and not broad enough in terms of visualizing the application of the *maqashid sharia* itself, only emphasizing the importance of literal rather than moral, and focusing only on one dimension rather than multi-dimensional. This is why Jasser Auda's anxiety about Islamic law which should prioritize social rather than individual for the benefit of humanity. Jasser Auda invites a little look at the recent situation, that the problems that occur in the Human Development order adopted from the UN report, according to the report, the majority of Muslims are still below the advanced ranking of the comprehensive Human Development Index (HDI). Seeing this index is also calculated using more than 200 indices, including political participation, literacy, education participation, life expectancy, access to clean water, employment, living standards, and gender equality.

However, unlike developed countries rich in oil such as Arab countries, which show the worst gap between national income levels and the footprint for gender equality which includes women's political participation, economy, and power over resources. It should be underlined that Jasser Auda's analytical knife approach and system are still considered representative in the awareness of new epistemology to encourage and strengthen Islamic legal thinking amidst the strong currents of this era of globalization (Matnin et al., 2022). Seeing that the

legality of Islamic law is used as a vehicle for terrorism, to respond to related issues and others in the contemporary era, according to the author, Jasser Auda invites us to open a path of thought using a multidisciplinary, interdisciplinary approach to maqashid sharia.

CONCLUSION

It can be concluded that the problem that is Jasser Auda's concern is Islamic Law which is used as legality in various actions such as terrorism. Although all Islamic laws come from the Qur'an and Hadith, they give birth to different dynamics of thought depending on the approach and results of the scientific interpretation of the interpreter. This makes Jasser Auda have a time period for the development of thought that must be fixed from classical to contemporary to adjust the form of existing problems.

Jasser Auda has contributed and bridged the renewal of Islamic legal methodology with the system approach he offers. In his book "Maqashid al-Shari'ah as Philosophy of Islamic Law: A System Approach, discusses three sciences related to "maqashid sharia, ushul fiqh, and system philosophy" which of the three things were previously separate and not connected to each other. From here, Jasser Auda's thoughts are able to connect them to each other. One of his works is "Maqashid al-Shari'ah a Bigenner's Guide" Auda tries to collect the ideas of several classical maqashid sharia theory intellectuals before unifying the concept of thought into one.

BIBLIOGRAPHY

Books

- Auda, J. (2007). *Maqashid Al-Shariah As Philosophy Of Islamic Law: A System Approach*. The International Institute Of Islamic Thought.
- _____. (2015). *Membumikan Hukum Islam Melalui Maqashid Syariah*. PT Mizan Pustaka.
- _____. (2017). *Maqashid Al-Shari'ah A Beginner's Guide* . The International Institute Of Islamic Thought.
- Ferdiansyah, H. (2018). *Pemikiran Hukum Islam Jasser Auda*. el-Bukhori.
- Mattori, M. (2020). , *Memahamu Maqashid Syariah Jasser Auda (Berbasis Pendekatan Sistem)*. Guepedia Group.

Journals

- Afandi, A., & Mardliyah, S. (2014). Anarkisme Beragama: Tinjauan Paradigma Dan Metodologi Pemahaman Ajaran Islam. *Al-Tahrir*, 14(1), 208.
- Dikson T. Yasin. (2020). Teori Sistem Ijtihad Jasser Audah. *Tasamuh: Jurnal Studi Islam*, 12(2), 394.
- Fauzan, M. N., & Bustamin. (2021). Maqashid al-Syariah dalam Tinjaun

- Pemikiran Ibnu 'Asyur dan Jasser Auda. *JURIS: Jurnal Ilmiah Syariah*, 20(1), 93.
- Gumanti, R. (2018). Maqashid al-syariah menurut jasser auda (pendekatan dalam hukum islam). *Jurnal Al-Himayah*, 2(1), 112-113.
- Hasibuan, & Husein Hamka. (2018). Jasser Auda Bapak Maqasid Syariah Kontemporer. *Interdisciplinary Islamic Studies IIS, and Pascasarjana UIN Sunan*, 4.
- Iqbal, M. F. (2016). Reformasi Pemahaman Teori Maqashid Syariah Analisis Pendekatan Sistem Jasser Auda . *Hunafa: Jurnal Studi Islamika*, 13(2), 219.
- Kurniawan, A., & Hudafi, H. (2021). Konsep Maqashid Syariah Imam Asy-Syatibi Dalam Kitab Al-Muwafaqat . *Al-Masbut*, 15(1), 35.
- Matnin, Saiban, K., & Munir, M. (2022). Analisis Pendekatan Sistem Dalam Ekonomi Islam (Sebuah Pemikiran Maqashid Al-Syariah as Philosophy of Islamic Law Jasser Auda) . "*Jurnal Ekonomi Syariah Pelita Bangsa*, 7(1), 13.
- Maulidi. (2019). Maqashid syariah sebagai filsafat hukum islam: sebuah pendekatan sistem menurut jasser auda. *Al-Mazahib*, 7(1), 127.
- Prihantoro, S. (2017). Maqashid Al-Syariah Dalam Pandangan Jasser Auda (Sebuah Upaya Rekonstruksi Hukum Islam Melalui Pendekatan Sistem . *Jurnal At-Ta'fikir*, 10(1), 125.
- Samsul Hadi. (2020). Pendekatan Multidisipliner Dalam Pengembangan Hukum Islam (Menurut Pandangan : Jasser Auda) . *Bintang: Jurnal Pendidikan Dan Sains*, 2(3), 339.
- Saputra, A. (2018). Maqashid Syariah: Term Hoaks Da;Am Al-Qur'an Dan Hikmah Untuk Kemaslahatan Manusia . *Lorong*, 7(1), 47.
- Sholihin, M. (2013). Book Review: Maqashid As-Shariah dan Pendekatan Filosofis Hukum Islam: Review atas buku jasser auda, "maqashid as-Shariah as philosophy of islamic law . *Turast: Jurnal Penelitian & pengabdian*, 1(1), 100.
- Syaifullah, M. (2018). Pendekatan Sistem Terhadap Hukum Islam Perspektif Jasser Auda . *Mahkamah*, 3(1), 226.
- Syarifuddin. (2021). Maqashid Syariah Jasser Auda: Sebuah Sistem Pendekatan Dalam Hukum Islam Kontemporer. *Al-Mizan*, 17(1), 28.
- Wendry, N., & Syarifuddin. (2020). Paradigma Pendekatan Sistem Dalam Kajian Hukum Islam Menurut Jasser Auda. *Journal Al-Ahkam*, 21(1), 59.