



THE IDEA OF MAQASHID SYARIAH: THE FOUNDATION OF IJTIHAD IN AHMAD AR-RAISUNI's VIEW

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Abstract :

This paper explores the ideas of the maqashid al-syari'ah Ahmad ar-Raisuni. This study is carried out within the framework of library research, reference sources and data are collected from book publications, scientific journals, research reports, websites and other documents that support the study. The data obtained were analyzed and described using descriptive analysis. From the data analysis, it can be concluded that Ahmad ar-Raisuni in his view of his maqasid was heavily influenced by his predecessor maqashid experts. Among them are Imam Haramain, Izzuddin bin Abdul Salam, Imam al-Syatibi, Tahir bin Asyur and 'Allal al-Fasi. In this context, al-Syatibi's thought provides a dominant role and contribution which can be seen through the quote of maqashid al-Syatibi used by Ahmad ar-Raisuni in several of his works. Ahmad ar-Raisuni divided the concept into three parts, namely general, special, and partial maqashid. This division refers to the division of the concept of maqashid al-syari'ah according to Tahir bin Asyur. From this division, then Ahmad ar-Raisuni established four basic rules of maqashid al-syari'ah, namely: 1) Every law rule syari'at mu'allah; 2) Every maqashid must have valid arguments; 3) The order of maslahat and mafsadat levels; and 4) Distinguishing between al-maqashid and al-wasa'il. The benefits of studying maqashid al-syari'ah according to Ahmad ar-Raisuni are that maqashid is the direction of the mujtahids, a method of thinking and analyzing, opening and closing facilities, paying attention to human goals, eliminating boredom and fostering work ethics, and being a da'wah tool.

Keywords: *Maqashid al-Syari'ah, maslahah, mafsadah.*

INTRODUCTION

Al-Qur'an and Al-Hadith as the first and foremost sources of law will not experience any additional replenishment either in terms of quantity or quality after the period of the Prophet. The development of the times and the complexity of the problems of Muslims today in reality require the legal status of fiqh, as an effort to resolve problems in a syar'i manner. As a form of response faced by Muslims in contemporary times, the scholars have agreed to develop the ijtihad method. Whereas all forms of legal provisions are based on the al-Qur'an and Hadith with reference to the formulation of maqashid al-syari'ah (Purwanto, 2015).

Maqashid al-syari'ah was first used in history by al-Turmuzi al-Hakim (w.296 / 908M) (Ar-Raisuni, 2010). However, the study of maqashid al-syari'ah only received intensive attention from Muslim academics and intellectuals at the beginning of the 20th century AD, especially after the distribution of two books by Abu Ishak al-Syatibi entitled al-Muwaffaqat and al-Itisham. Then at the end of the 20th century AD, contemporary scholars appeared such as Thahir bin 'Asyur with his book Maqasid al-Syari'ah al-Islamiyah, and 'Allal al-Fasi with his book Maqasid al-Syari'ah al-Islamiyah wa Makarimuha. These two contemporary scholars have strengthened the pillars of maqashid al-syari'ah studies and enriched the dimensions of their discussion.

The discipline of maqashid al-syari'ah is a study that is considered prospective, and has far-reaching reach in the literature of Islamic studies. The scholars who have concentrated in the field of ushul fiqh and contemporary fiqh always focus their attention on maqashid al-syari'ah. The scholars are no exception, Ahmad ar-Raisuni. This one expert is one of the maqashid experts who is the reference of today's world scholars. As a form of his contribution to the Islamic thought reform project, he has expressed his brilliant ideas and thoughts about maqashid. Through one of his works entitled al-Fikr al-Maqashid, he provides important signs in understanding the concept of maqashid with the aim of providing a simple construction form that is easy to understand, especially for people who do not directly examine the concept of maqashid al-syari'ah.

RESEARCH METHODS

The study conducted by the author on the idea of Maqasid Syariah in the view of Ahmad ar-Raisuni used a type of qualitative literature research with descriptive analysis (Kaelan, 2010). The author conducted a study of references to the proposed fiqh and maqasid of sharia written by experts and researchers of maqasid sharia, particularly Ahmad ar-Raisuni's ideas and thoughts. After collecting and obtaining the data obtained, the author conducted an intensive study of the ideas and concepts of Ahmad ar-Raisuni's maqasid sharia both from his predecessors who gave Ar-raisuni influence and originality in the development of Islamic maqasid studies.

RESULTS AND DISCUSSION

Biography of Ahmad Ar-Raisuni

Ahmad bin Abdul Salam bin Muhammad ar-Raisuni was born in 1953 in the village of Aulad Shulthon, Ara'isy province, northern Morocco. Ahmad ar-Raisuni received his primary and secondary education in the city of Qasr Kabir and earned him the title of being the youngest graduate in the field of modern literature. He continued his studies at the Faculty of Legislation at Al-Qarawiyyin University in the city of Fes until he graduated and received his bachelor's degree in 1978. Then he continued his studies in the city of Rabat at Muhammad Al-Khomis University by taking the faculty of Letters and Humanities, until he gained a reputation plagued his jami'ah in 1986. At the same university, Ahmad ar-Raisuni received a master's degree in maqāṣid al-syārī'ah in 1989 and a doctorate in ushul fiqh in 1992.

While still in college, Ahmad ar-Raisuni was appointed as the editorial board of the law at the Ministry of Justice until he completed his studies at al-Qarawiyyin University in 1978. In addition, he has also been a teaching staff at Tsanawiyyah Al-Imam Malik in the city of Miknas since 1974 to 1984. After two years, ar-Raisuni became a lecturer at the Science of Ushul Fiqh and Maqāṣid asy-Syarī'ah at the Faculty of Letters and Humanities, Muhammad al-Khomis University, and Dar Hadis al-Husniah, in Rabat, from 1986 to 2001. After that he was appointed as Expert Staff I of the State Islamic Fiqh Union in Jeddah and to date as a scientific administrator for Markaz al-Maqashid li Dirasat wa Buhuts.

Ahmad ar-Raisuni's thoughts were heavily influenced by his predecessors. He was inspired by the thoughts of Imam Haramain, al-Ghazali, al-Syatibi, Thahir bin Asyur, and Allal al-Fasi. In this context, it was Imam al-Syatibi who had a dominant influence on his thinking, until Ahmad ar-Raisuni wrote a special work on the theme maqasid al-syari'ah according to Imam al-Syatibi, and many of his other books were decorated with thoughts. Imam al-Syatibi.

As an activist as well as an expert on maqāṣid al-syārī'ah, Ahmad ar-Raisuni intensively produces works and provides studies about maqāṣids and other themes of contemporary problems to young people, especially in the Middle East. Among his works mentioned on the official website are as follows: *Nazariyyah al-Maqāṣid 'inda al-Imām al-Syātībī*, *Madkha 'ilā Maqāṣidi Asy-Syarī'ah*, *Muḥāḍarāh fī Maqāṣid asy-Syarī'ah*, *al-Fikr al-Maqāṣidī*, *al-Fikr al-Maqāṣidī -Taqrīb wa at-Taglīb*, *Min A'lām al-Fikr al-Maqāṣidī*, *al-Ijtihād: al-Nash wa al-Maṣlaḥah wa al-Wāqī* ', *al-Ta'adud al-Tanḍīmī lil Ḥarakah al-Islamiyyah mā lahu wa mā 'alaih*, *Murāja'āh wa Mudāfa'āh (Majmū'ah Maqālāh)*, *al-Kulliyyāh al-Asāsiyyah lil Syarī'ah al-Islāmiyyah*, *al-Tajdīd wa al-Tajwīd*, *Mā Qalla wa Dalla*, *Al-Syūra fī Ma'rakah al-Binā* ', *Al-Ummah hiya Al-Aṣlu*, *Abḥās fī al-Mīdān* and many other works.

Definition of Maqasid Al-Syari'ah

Etymologically, maqāṣid al-syarī'ah consists of two compound words, namely maqāṣid and al-syarī'ah. Maqāṣid is a form of jama 'from maqṣad, is masdar mimi which is a form of derivation from qaṣada-yaqṣudu, which has various meanings such as straight, meaning, straight path, easy, not superfluous, (Munawwir, 1997). things that are desired and intended. While syari'ah is linguistically derived from the word syara'a (شرع) which means explaining and showing the way.

In various sources it is stated that the definition of Maqāṣid asy-Syarī'ah was only formulated by contemporary scholars. Maqāṣid science activists, including Ahmad ar-Raisuni, have not found a concrete definition of maqāṣid asy-syarī'ah, even in classical works there are only indications of maqāṣid and their divisions and no one has clearly stated the definition. Like al-Ghazali in his book al-Mustaṣfa says that the purpose of the shari'ah of a creature is summarized in five things: namely to protect religion, itself, reason, descendants, property. So every thing that includes protection against these five things is called "maṣlaḥah", while things that actually damage the five cases are called "mafsadah" (Al-Ghazali, 1993).

From the above explanation, al-Ghazali tries to explain the orientation of maqāṣid which is oriented towards the five matters, not to define maqāṣid. Like al-Ghazali, Imam al-Syatibi who was an activist and pioneer of the birth of Maqāṣid Science did not provide a concrete definition, he only stated that the burden of shari'ah returned to the goals of beings.

al-Syatibi can be said that he did not provide a comprehensive definition of maqāṣid asy-syarī'ah, he only stated that the maqāṣid asy-syarī'ah doctrine is a provision of Allah's law which aims to benefit human life in the world and the hereafter (Al-Syatibi, 1992). Ahmad ar-Raisuni argues that al-Syatibi's reluctance to define maqāṣid is not without reason. According to him, Imam al-Syatibi views that the maqāṣid problem is a natural thing, it is not difficult to be recognized by many people so it does not need to be defined. Another reason is because al-Syatibi stated that his writings were only addressed to those of scholars, scholars, as well as those who intensively wrestled with maqāṣid science (Asyur, 1944).

The meaning of maqāṣid asy-syarī'ah was only put forward by the post-al-Syatibi generation of scholars such as Muhammad Tahir bin Asyur and the ulama who initiated the maqāṣid thereafter. Tahir bin Asyur in his book Maqāṣid asy-Syarī'ah al-Islāmiyyah defines maqāṣid asy-syarī'ah as meanings and wisdoms that have been guarded by Allah in all matters of sharia law, both small and large and non-existent. specialization in certain types of sharia law (Asyur, 1944).

Next is the opinion of 'Allal al-Fasi regarding the definition of maqāṣid asy-syarī'ah according to him, which is: "the purpose of the Shari'a which includes all its legal products" (Al-Fasi, 1993). or in other literature it is stated as "the purpose of the Shari'a and its Shari'a secret to be inserted in every part of the syar'i laws on a wide scale (general and special)" (Asyur, 1944). This definition includes the characteristics of the Shari'a and its objectives.

Ahmad ar-Raisuni in his works, before giving the meaning of his version of *maqāṣid asy-syarī'ah*, he often presents the definitions of *maqāṣid* from his predecessors. Some of the definitions he mentioned included the opinion of Ibn Asyur, 'Allal al-Fasi, and other *maqāṣid* scholars. In fact, it can even be said that the definition of *maqāṣid asy-syarī'ah* according to ar-Raisuni refers to the definition according to 'Allal al Fasi, namely: "the goals laid down by the Shari'a to realize the benefit of mankind" (Ar-Raisuni, 2010).

Apart from the various editors of the meanings given by the figures in defining *maqāṣid*, this does not change the essence / meaning of *maqāṣid asy-syarī'ah* which the scholars use as a guide in giving their meaning. Basically the scholars agree that *maqāṣid asy-syarī'ah* in the sense is the final goals that must be realized by the application of *shari'ah*. As the ultimate goal of *sharia*, *maqāṣid asy-syarī'ah* should occupy an important position as a measure or indicator of whether a legal provision is true (Al-Salam, 1986). In other words, to understand the correct law, one must understand a good *maqāṣid asy-syarī'ah*.

Distribution of Maqasid Al-Shari'ah

The study of *maqāṣid asy-syarī'ah* has existed since the early days of Islam. In this case Ahmad ar-Raisuni argues that the ulama who first discussed the issue of *maqasid al-sharia* was al-Tirmidzi al-Hakim (d. 296 H / 908 AD). It is clear that he began to bring up the term *maqāṣid* 'for the first time in his work entitled "al-Ṣalāh wa Maqāṣiduha". Al-Hakim also wrote similar books, including al-Hajj wa Asrāruh, al-'Illah, 'Illal asy-Syariah, 'Illal al-'Ubudiyyah, and also his book al-Furūq which was later adopted by Imam al-Qarafi into a book. which is more developed (Ar-Raisuni, 2010).

Although it is said that the study of *maqāṣid asy-syarī'ah* has existed since the early days of Islam, the elaboration in this discourse has not yet reached its maximum stage. The obstruction of the *maqāṣid asy-syarī'ah* journey was due to the influence of several factors, including: political, economic, religious conflicts, and even the phenomenon called the closing gate of *ijtihad* is one of the most influential factors. In the beginning, *maqāṣid asy-syarī'ah* only reached the partial jurisdiction, such as the purpose of praying, fasting, and other acts of worship. The components in the discussion of these acts of worship are still not arranged systematically and independently in a particular book. The realm of *maqāṣid asy-syarī'ah*, which only came to the point of being haram and prohibiting something, continued until the middle of the fifth century.

The classification of *maqāṣid al-syarī'ah* was first carried out by Imam Haramain in the middle of the 5th century. He divided them into three levels, namely *aḍ-ḍarūriyyah*, *al-ḥajjiyyah*, and *taḥsiniyyah*. He also formulated *aḍ-ḍarūriyyah al-kubra* which was later popularly known as *aḍ- ḍarūriyyah al-khamsah* (Auda, 2015). Abu Hamid al-Ghazali further refined and developed the theory above.

Al-Ghazali argues that *al-maṣlaḥah* is the protection and maintenance of the objectives of *sharia*. At first he revealed that the objectives of *sharia* are divided into two, namely religious and worldly. However, then he divided *al-maṣlaḥah* into three levels based on their strength and clarity, namely *ḍarūriyyah*, *ḥajjiyyah*, and *taḥsīniyyah*. Then, in the sixth century a scholar named 'Izz al-Din bin Abd al-Salam appeared.

Through his work *Qawā'id al-Aḥkām fī Maṣāliḥ al-Anām*, he perfected the concept of *maṣlaḥah* which was studied by Imam Haramain (Ar-Raisuni, 2010). A century later, Imam al-Syatibi was born and the book *al-Muwāfaqāt* was worked out which in general discusses the review of the purpose of law (*fiqh al-maqāṣid*).

Imam al-Syatibi (1992) in his book divides *maqāṣid asy-syarī'ah* in more detail. He explained that in general *maqāṣid asy-syarī'ah* can be divided into 2, namely *qaṣḍu asy-syāri* '(the meaning of shari' or the purpose of god or the purpose of sharia according to the formulator), and *qaṣḍu al-mukallaf* (mukallaf intent / purpose or purpose according to the perpetrator.). Apart from this division, in his book *al-Muwāfaqāt*, al-Syatibi divides *maqāṣid asy-syarī'ah* based on the level of urgency into three levels, namely *ḍarūriyyah*, *ḥājiyyah*, and *taḥsīniyyah*.

Meanwhile, according to Ahmad ar-Raisuni (1992), the concept of *maqāṣid asy-syarī'ah* can be divided into three parts, namely general *maqāṣid*, special *maqāṣid* and partial *maqāṣid* (*juz'i*). According to him, the general *maqāṣid* is the *maqāṣid* (objective) taken by the Shari'a in determining all or most of the Shari'a laws. An example is attracting benefit and resisting damage. Specific *maqāṣid* is the objective taken by the Shari'a in determining something or several groups of certain laws or in similar small chapters. Like *maqāṣid* in worship, *mu'ammalah*, and *jināyah*. Examples include family law, inheritance, *muamalah*, and punishment. Meanwhile, partial *maqāṣid* is the objective taken by the shari'a in determining a particular law or what is meant by shari 'in each of its laws including obligatory, haram, *sunnah*, *makruh*, and conditions (causes). For example, namely *maqāṣid* specifically in terms of ablution, prayer, buying and selling, or in other matters of *furu* '.

Principles of Maqosid Al-Syari'ah Ahmad ar-Raisuni

Human knowledge of God's law can be grouped into two parts. First, laws that cannot be digested by reason (*ta'abbudi*), and second, laws that can be digested by reason (*ta'aqquli*). The law that can be digested by reason is the law that can be related to *maqashid*, that is, if a law can be found 'illat (motive), then the benefit that is found becomes the purpose of enforcing a law. Furthermore, in relation to how to understand *maqashid al-syari'ah*, Ahmad ar-Raisuni stated several conditions that something new can be said to be *maqashid al-syari'ah* if it meets the following four principles, namely:

1. Every Sharia Law Rule Has a Motive (Mu'allah)

The *jumhur* scholars agree that one of the sources of Islamic law after the Qur'an, as-Sunnah and *ijma* 'is *qiyas* (analogy) (Purwanto, 2004). While the pillars and requirements of *qiyas* as a source of Islamic law, one of which is the existence of 'illat (motive / legal cause). Ahmad ar-Raisuni is of the opinion that Allah SWT does not create anything unless there is a content of its own intentions and wisdom, so that everything that He gives in the form of orders or prohibitions also has a purpose and wisdom. In connection with this, the rules of *fiqh* emerge:

الأمور بمقاصدها.

Regarding the study of at-Ta'lil (legal motive), Ahmad ar-Raisuni also stated that the original position of syari'at law was mu'allal (having a motive) including the scope of worship. Although at a practical level, there are several sharia laws (scope of worship) whose motives and wisdom cannot be revealed.

2. Every Maqasid Must Have Valid Evidence

Ahmad ar-Raisuni argues that maqashid al-syari'ah, whether general or specific, whole or partial, cannot be used for its jujjahan except by using the argument. Everything that is called benefit but is not accompanied by arguments that rely on Allah, then it cannot be called maqashid al-syari'ah.

In this principle, Ahmad ar-Raisuni conveyed three arguments as a tool to reveal the maqashid al-syari'ah as well as to strengthen its existence. First, mastery of Arabic, because the Koran itself was revealed in Arabic. (Al-Syatibi, 1992). Second, through the method of finding 'illat (legal motive), which includes the text of al-Qur'an and as-Sunnah, ijma' (ulama consensus), a sign of one goal and al-munasabah (harmony between law and its object). Third, al-istiqla '(research), namely by examining in detail several cases and / or several texts within the scope of the shari'ah to then draw the conclusion of a maqashid (objective) from the research.

3. Maslahah and Mafsadah Level Sequence

Ahmad ar-Raisuni thinks that ordering the order of levels of maslahah and mafsadah is something that is important in the rules of maqashid al-syari'ah. He reinforces this rule with the argument in the reality of life, that there is a difference between the types of beings, even between one type of creature in terms of quality there is a difference. Ahmad ar-Raisuni further explained that from the rules of the order of levels of maslahah and mafsadah, we will know the rules that state: mafsadah even if it has to go through other mafsadahs.

4. Distinguish Between Al-Maqasid and Al-Wasa'il

In explaining the rules of maqashid al-syari'ah, Ahmad ar-Raisuni included a discussion about al-maqashid and al-wasa'il (Al-Qarafi, 1998). This aims to provide an understanding or effort to reaffirm that each of these themes is something different. Apart from that, this rule explains that in shari'ah law there are also goals (al-maqashid) and intermediaries (al-wasa'il), and sometimes intermediaries need other intermediaries to reach the goal (wasilah al-wasilah) . For example, the position of the guardian judge as a successor to the guardian of the marriage is just a "means" to obtain a legal marriage status, both according to religion and legal provisions.

Benefits of Maqashid al-Shari'ah Studies Ahmad ar-Raisuni

Learning the science of maqashid al-syari'ah which covers all its aspects is urgent because it can provide useful knowledge. The benefits according to Ahmad ar-Raisuni are:

1. Maqashid as the Qibla of the Mujtahids

Mujtahids will benefit greatly if they study maqashid al-syari'ah. At a minimum, their attention orientation will always focus on the benefit behind the birth of the text of the Qur'an and Hadith. In this context, Ahmad ar-Raisuni divided the jurists who became the qibla of the mujtahids into three categories, namely al-Ittijah al-Maqashidi, al-Ittijah al-Lafdzi, and al-Ittijah at-Taqwili (Ar-Raisuni, 1999).

2. Maqasid as a method of thinking and analyzing

Although the level of benefit in studying maqashid al-syari'ah depends on the level of understanding obtained, at least with this people will have a more positive mindset and perspective. That before doing something, humans will consider the priority goals that must be achieved (Ar-Raisuni, 1999).

3. Means of Opening and Closing

According to Ahmad ar-Raisuni, the orientation of opening and closing facilities is an applicable example of the maqashid al-syari'ah principle related to distinguishing between goals (al-maqashid) and intermediaries (al-wasa'il). The essence of this point is, with maqashid al-syari'ah, we will be able to give legal status whether or not a road or process leads to the mouth of an act. For example, if the "goal" is an act that is prohibited, then the "means" is also prohibited, and vice versa (Al-Qarafi, 1998).

4. Attention to Human Goals

By studying maqashid al-syari'ah, a fuqaha or mujtahid will be able to give appreciation and consideration to the goals of human life. This means that a fuqaha or mujtahid can consider and position maqashid al-syari'ah as the main indicator in social interaction.

5. Maqashid Eliminates Saturation and Fosters a Work Ethic

Ahmad ar-Raisuni argues, if humans do not know the purpose of their actions, do not know the end point or benefits of their activities, they will quickly feel bored, lazy, doubtful, and even stop their activities (Ar-Raisuni, 1999). Therefore, maqashid al-syari'ah gives full awareness to humans to understand the purpose behind the commands and prohibitions set by Allah. So that by understanding the goal, the hope is that all forms of commands and prohibitions established by Allah can be carried out diligently and istiqomah.

6. Maqashid as Islamic Da'wah Tool

Another benefit of studying maqashid al-syari'ah is that a preacher can understand the social conditions of his community, the conditions in which he preaches, and the conditions of the times when he preaches. In addition, a preacher can also understand the subject of da'wah, in this context what is meant by understandings about religion.

CONCLUSION

Ahmad ar-Raisuni, in addition to revealing the views of maqashid al-syari'ah according to his version, he also referred to and retranslated the views of maqashid from his predecessors, including Imam Haramain, Izzuddin bin Abdul Salam, Imam al-Syatibi, Tahir bin Assyria and 'Allal al-Fasi. Al-Syatibi's thoughts colored Ahmad ar-Raisuni's thoughts. This can be seen from some of Ahmad ar-Raisuni's works, he often quotes the views of the maqashid from al-Syatibi.

In dividing the concept of maqashid al-syari'ah, Ahmad ar-Raisuni divided the concept into three parts, namely general, special, and partial maqashid. This division refers to the division of the concept of maqashid al-syari'ah according to Tahir bin Asyur. From this division, then Ahmad ar-Raisuni set four basic rules in which something can be considered a maqashid if it meets the qualifications of the four rules, namely: 1) Every rule of law syari'at mu'allah; 2) Every maqashid must have valid arguments; 3) The order of maslahat and mafsadat levels; and 4) Distinguishing between al-maqashid and al-wasa'il. The benefits of studying maqashid al-syari'ah according to Ahmad ar-Raisuni are that maqashid is the direction of the mujtahids, methods of thinking and analyzing, opening and closing facilities, paying attention to human goals, eliminating boredom and fostering work ethics, and as a da'wah tool.

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