THE REINTERPRETATION OF
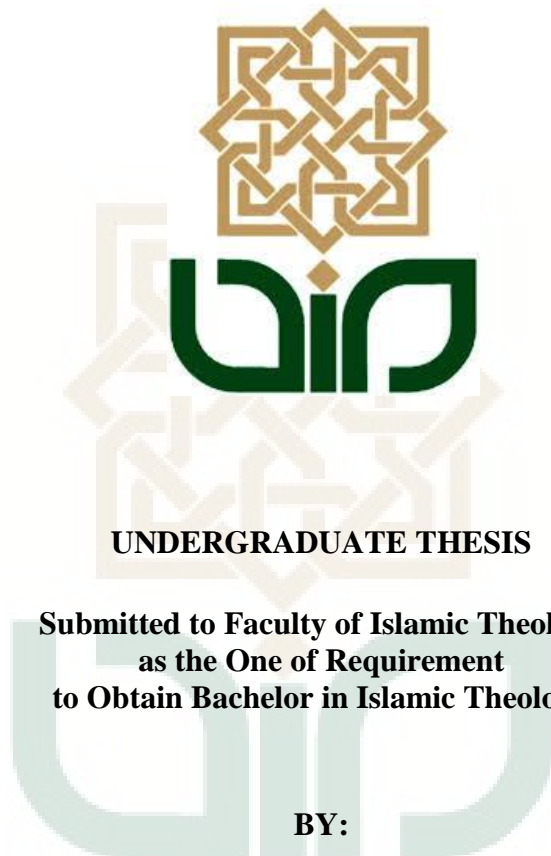# *MAQĀṢID AL-SHARĪ'AH*

(A Study on Jasser Auda's Thought and its Significance in Developing the Methodology of Qur'anic Interpretation)

UNDERGRADUATE THESIS

**Submitted to Faculty of Islamic Theology
as the One of Requirement
to Obtain Bachelor in Islamic Theology**

BY:

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YOGYAKARTA
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3. If the thesis is identified as plagiary later, I will accept sanctions and my degree will be cancelled.

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could be submitted in a partial fulfillment of requirements to obtain a bachelor degree in Islamic Theology. Thus, it could be immediately defended.

Thank you very much for your understanding.

Wassalāmu' alaikum wr. wb.

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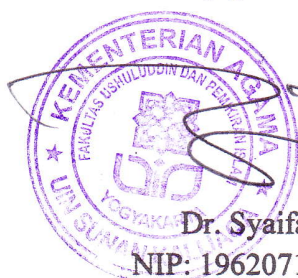NIP. 19680605 199403 1 003

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MOTTO

<div dir="rtl">

لَهُۥ مُعَقِّبَٰتٌ مِّنۢ بَيۡنِ يَدَيۡهِ وَمِنۡ خَلۡفِهِۦ يَحۡفَظُونَهُۥ مِنۡ أَمۡرِ ٱللَّهِ ۗ إِنَّ ٱللَّهَ لَا يُغَيِّرُ

مَا بِقَوۡمٍ حَتَّىٰ يُغَيِّرُوا۟ مَا بِأَنفُسِهِمۡ ۗ وَإِذَآ أَرَادَ ٱللَّهُ بِقَوۡمٍ سُوٓءًا فَلَا مَرَدَّ لَهُۥ ۚ وَمَا

لَهُم مِّن دُونِهِۦ مِن وَالٍ ﴿١١﴾

</div>

For each (such person) there are (angels) in succession, before and behind him; they guard him by command of Allah. Verily never will Allah change the condition of a people until they change what is in themeselves but when (once) Allah willeth a people's punishment, there can be no turning it back, nor will they find, besides him, any to protect (Q.S. Al-Ra'd: 11)

"Do what you can do.
Allah will do for you what you can not do"

This paper is completely dedicated to:

My beloved Parents: Chamami Faqih and Umdah, and my lovely Brother and Sister: Chairul Umam and Aulia Faidatuzzahra.

TRANSLITERATION

This Thesis uses the transliteration's system of American Library Association/ Library of Congress.

Letters of the Alphabe

Letter	Romanization	Letter	Romanization
ا	Omitted	ض	Ḍ
ب	B	ط	Ṭ
ت	T	ظ	Ẓ
ث	Th	ع	'(ayn)
ج	J	غ	Gh
ح	Ḥ	ف	F
خ	Kh	ق	Q
د	D	ك	K
ذ	Dh	ل	L
ر	R	م	M
ز	Z	ن	N
س	S	و	W
ش	Sh	ه	H
ص	Ṣ	ي	Y

Vowels and Dipthongs

◌َ = a	أ = ā	ئ = ī
◌ِ = i	ئَ = a̤	وَ = aw

ُ = u	وُ = ū	يَ = ay

General Rules

1. Hyphen is used to connect the definite article *al* with the following word; between an inseparable prefix and the following word; between *bin* and the following word in personal names when they are written in Arabic as a single word.

2. Prime (') is used to solve disambiguity, e.g. أدهم *Ad'ham* أكرمتها *Akramt'hā.* To mark the use of a letter in its final from when it occurs in the middle of a word, e.g. قلعةجى *Qal'ah jī,* شيخ زده *Syaikh'zādah.*

3. بن and ابن are both romanized *ibn,* except in modern names, typically North African, in which بن is romanized bin.

4. *Hamzah* in intial positionis not romanized; when medial or final it is romanized ', e.g. مسألة *mas'alah,* خطئ *khati'a.*

5. *Ta' marbūtah*: In a word in the construct state: *t,* e.g. وزارة التربية *Wizārat al-Tarbiyah,*in an indefinite noun or adjective or proceeded by the definite article: *h,* e.g. صلاة *ṣalah,* الرسالة البهية *al-Risālah al-bahiyah.*

6. The definite article is always romanized *al-,* whether is it followed by a "sun letter" or not. An exception is the preposition ل followed by the article: *lil-,* e.g. للشربني *lil-Shirbīnī.*

7. Initial أ is romanized ā, when it represents the phonetic combination, e.g. تأليف, *ta'ālīf,* otherwise أ is not romanized different from ا, e.g. خلفآء,*khulafā'.*

8. *Tanwin* is not normally Romanized. For exception see *ALA-LC Romanazation Tables.*

9. وُ representing the combination of long vowel plus consonant, is Romanized *ūw.*

10. Media يّ representing the combination of long vowel plus consonant, is Romanized *īy;* final يّ is romanized ī, e.g. المصري, *al-mishrī,* المصرية, *al-Miṣrīyah.*

11. *Shadah* or *tashdid* is romanized by doubling the letter.

12. أ (*washal*), is not romanized. When *alif* with *waṣlah*is part of the article ال, the initial vowel of the article is romanized *a.* in other words beginning with *hamzat al-waṣl,* the initial vowel is romanized *i.* e.g. باهتمام عبد المجيد, bi ihtimām ʻAbd al-Majid.

ACKNOWLEDGEMENT

Praise to Allah who has given us blessings that are far beyond our comprehension. I hope He accept this modest research, with all of its shortcomings, as a form of worship to develop the Islamic studies. Prayer and peace to the prophet of Muhammad (peace be upon him), who has guided us to be religious and in a scientific community, in order to get success in this world and hereafter.

I would like to give a special tribute to many scholars and mentors, who have contributed to my scholar development.

1. The Dean of Faculty of Islamic Theology, Dr. H. Sayfan Nur, and all of his staffs.

2. Prof. Amin Abdullah for encouraging me to pursue research on this topic (Jasser Auda's thought of *maqāṣid al-sharī'ah*) in my undergraduate program of Tafsir and hadith studies.

3. Dr. Phil. Sahiron Syamsuddin, MA, my thesis supervisor, who had provided patient to read, and correct my thesis. I dedicate a special grateful to him, for his valuable advice.

4. Al-Ustadz Anis Masduki, Lc. M.S.I., for what I have learned from him about the fundamental of Islamic law (*uṣul fiqh*) discourse in Al-Muhsin Boarding School.

5. The Ministry or Religious Affairs of Indonesia, for giving me chance to finish my study here.

6. Chamami Faqih and Umdah, my beloved parent, for their love and support that have given to me to finish this work and continue my study in the highest academic program.

7. My beloved brother and sister, Chairul Umam and Aulia Faidatuzzahra, who always make I laugh with their funny action.

8. The big family of Darul Mujahadah and Al-Muhsin Islamic Boarding Schools.

9. My beloved friends, for our togetherness in Yogyakarta, love, anger, happiness and sadness we experienced, i.e., Nurliani Erni, Lutfi, Yuyun, Yafik, Ita, Atul, Moni, Faza, Sukri, Hulaimi, Adin, Munir, Ihya, Sa'id, Bulek, Hastim, Ali, etc.

I realize that this research is absolutely lack of perfection. There are many issues that should be considered for further research. I hope this research can inspire a reader to do better than me.

Yogyakarta, May 25, 2013

A. Mughzi Abdillah

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ABSTRACT

Maqāṣid al-sharī'ah, as basic theory of Islamic jurisprudence that is expectable to be a scientific theory that will answer juridical questions and to solve contemporary issues, today, cannot provide yet a real solution for them, especially for Islamic issues. Currently, Muslims live in an increasingly complex situation, which is the result of a huge social change in the era of globalization. So they have a big duty to contextualize their religion and construct new meaning of being Muslims in the modern era. Jasser Auda, a progressive Muslim from Egypt, is present to reconceptualise and reactualise *maqāṣid* as a machine for Muslims to reconcile the Islamic identity with contemporary global issues. In developing the *maqāṣid* theory, he proposes 'system approach' for analyzing the text. It suggests to get more philosophical and contextual meaning. This theory will enrich the available methodology of Qur'anic interpretation. Thus, the focuses of this research are: what are the principal concepts of *maqāṣid al-sharī'ah* according to Jasser Auda?, and what is the significance of his *maqāṣid* theory in developing the methodology of Qur'anic interpretation?.

This is a qualitative research using descriptive analytical method. The primary source is Auda's book, *Maqāṣid Al-Shari'ah As Philosophy of Islamic Law,* and the secondary one includes his book *Maqāṣid Al-Shari'ah A Beginner's Guide* and other relevant books. This research also uses the philosophical approach to analyze critically and construct the *maqāṣid* theory into basis for the method of Qur'anic interpretation.

According to Auda, the *maqāṣid* theory must be reinterpreted to be the applicable one. He renews hierarchy of the five necessities (*al-ḍarūriyyat al-khams*) from 'protection' that is formulated by al-Ghazālī and al-Shāṭibī, into 'development' which suggests *maqāṣid al-sharī'ah* as instrumental methodology for reforming and improving Muslim's life. On the basis of a system approach, he reinterpret the *maqāṣid* theory. He proposes some significant principles of system theory, i.e., cognitive nature of system, wholeness, openness, interrelated hierarchy, multi-dimensionality, and purposefulness, shaping the unity of method that is interrelated among the others. Absolutely, this huge contribution influences the development of the method of Qur'anic interpretation, especially to interpretation of legal verses. In conclusion, Auda's theory of *maqāṣid al-sharī'ah* is useful for elaborating the methodology of Qur'anic interpretation. It influences some points of the principles, as follows: (1) The *maqāṣid* as thematic interpretation of the Qur'an. (2) The *maqāṣid* as decisive aspect in the interpretation of the Qur'an (*al-'ibrah bi al-maqāṣid*). (3) The *maqāṣid* as constructive solution to seemingly contradictory verses (*al-ta'ārud baina al-āyāt*). (4) The *maqāṣid*-cum-philosophical system as basis for a contextual interpretation.

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CHAPTER I

INTRODUCTION

A. Research Background

Generally, in fundamentals of Islamic law (*uṣul fiqh*) discourse, the term *'maqāṣid al-sharī'ah'*[1] addresses to human interest (*maslaḥah*), benefit and wisdom behind the law.[2] Many classic jurists have insisted that God gives rulings to human beings for the sake of their interests. Al-Ghazālī, for example, argued that every law written on the Qur'an and sunnah contains some interests, which suggests to protect objectives of the law (*maqāṣid al-shar'i*): protection of one's faith, soul, mind, offspring, and wealth.[3] Al-Shāṭibī also evolved the theory of preservation (*al-hifż*) to be fundamental point of necessities, which can be found in every religious teaching[4]. 'Preservation' becomes center of *maqāṣid* theory, in classic *maqāṣid al-sharī'ah*. Seemingly, it becomes a scientific theory that will answer juridical questions and to solve contemporary issues.

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[1] Terminologically, *maqāṣid al-sharī'ah* is principles of divine intent and moral concept upon which the Islamic law to achieve by blocking, or opening certain means. Jasser Auda, *Maqāṣid al-Sharī'ah as Philosophy of Islamic Law: A System Approach,* (London: The International Institute of Islamic Thought, 2008), p.1.

[2] Ṭāhir Ibn 'Ashūr, *Maqāṣid al-Sharī'ah al-Islāmīyah*, (Cairo: Dar al-Islam, 2005) p. 45.

[3] Ahmad al-Raisuni, *Naẓriyatul Maqāṣid 'Inda al-Imam al-Shāṭibī*, (Virginia: The International Institute of Islamic Thought, 1995) p. 53-54.

[4] Al-Shāṭibī, *al-Muwāfaqāt fi Uṣul al-Sharī'ah,* (Cairo: Dar al-hadith, 2005) vol. 1, p. 266.

Unfortunately, as basic theory of Islamic jurisprudence, *maqāṣid al-sharī'ah* cannot provide yet a real solution for contemporary issues, especially for Islamic issues. Today, Muslims live in an increasingly complex situation, which is the result of a huge social change in the era of globalization. They have a big duty to contextualize their religion and construct new meaning of being Muslims in the modern era. In the face of the challenges of global changes, some Muslims still maintain their classic view rather than receive contemporary issues and renew their self-paradigms. With regard to human dignity issue, for instance, some of them cannot receive it wishfully, because they still maintain the principle of classic *maqāṣid al-sharī'ah*, while the others receive it as global change.[5]

In solving this dilemma, Jasser Auda, a progressive Muslim from Egypt, who is well-known through his 'system theory', is present to reconceptualise and reactualise *maqāṣid* as a machine for Muslims to reconcile the Islamic identity with contemporary global issues. He reforms the *maqāṣid* theory that previously focuses on 'protection' and 'preservation', recently evolves into 'development' and 'human right'.[6] The concept of preserving the mind, for example, in which classic jurist restrict it in prohibition of intoxicant, Auda develops it by saying that it includes the improvement of scientific thought, making the good

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[5]Amin Abdullah "Bangunan Baru Epistemologi Keilmuan Studi Hukum Islam dalam Merespon Globalisasi", *as-Syir'ah*, XXXXIV, December 2012, p. 362.

[6]Jasser Auda, *Maqasid al-Shari'ah as Philosophy of Islamic Law: A System Approach,* (London: The International Institute of Islamic Thought, 2008), p. 21.

mentality, and avoiding the idiocy of brain. Through this concept, Auda attempts to develop the *maqāṣid* theory to be more philosophical formulation purposed to answer contemporary issues.

Talking about *maqāṣid al-sharī'ah*, it relates with activity of interpretation, because *al-sharī'ah*, as Tariq Ramadan said, rests on three sources; the Qur'an, sunna, and the state of the world (*al-wāqi'*).[7] So it cannot be separated from the interpretation of the text. Moreover, the interpretation rules (*qawā'id al-tafsīr*) does not only consist of linguistic principle (*qawā'id al-lughah*), but also consists of rational principle (*qawā'id al-uṣūl*) relating to fundamentals of Islamic law.[8] Therefore, it is interesting to develop Jasser Auda's idea of *maqāṣid* theory into basic methodology of Qur'anic interpretation.

In developing the *maqāṣid* theory, Auda proposes 'system approach' for analyzing the text. It suggests to get more philosophical and contextual meaning. System is a set of interacting units that form an integrated a whole intended to achieve certain purpose.[9] To explain system's function, Auda states:

> Therefore, according to this theory, a system does not necessarily identify with existing things in the real world but it is rather a 'way

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[7]Tariq Ramadan, *Western Muslim and the Future of Islam*, (New York: Oxford University Press, 2004), p. 37.

[8]Khalid ibn 'Utsmān al-Sabt, *Qawā'id al-Tafsīr: Jam'an wa Dirāsatan*, vol. I, (Mamlakah al-Sa'ūdiyyah: Dar Ibn Affan, 1997), p. 34.

[9]Jasser Auda, *Maqasid al-Shari'ah as Philosophy of Islamic Law: A System Approach,* p. 33.

of organizing our thoughts about the real world. Accordingly, a system would be 'anything unitary enough to deserve a name. This is not a 'factionalist view of reality', as some people describe it, because any view of what we call 'reality' in terms of any system is a matter of 'cognition', system theory purposes.[10]

According to Auda, system theory plays an important role to shape the 'cognition' of having a religion. Realizing that there is nothing absolute in religious thought, Arkoun express it that there is nothing sanctification of religious thoughts (*la taqdīs al-afkār al-dīniyah*).[11] Absolutely, this concept leads to the idea of relativity in the interpretation and encourages Muslims to re-interpret the Qur'an whenever and wherever they live.

Basically, system theory and philosophy emerged in the second half of twentieth century as anti-thesis of both modernist and post-modernist philosophies.[12] It rejects modernist 'reductionist' view that all human experiences can be analyzed through causality theory, as well as postmodernist 'irrationality' and 'deconstruction' which rely on nihilism and free-will in interpreting the text.

Therefore, to shape the system theory, Auda writes on his work, *Maqasid al-Shari'ah as Philosophy of Islamic Law,* six system features, i.e., cognitive nature of system, wholeness, openness, interrelated

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[10]*Ibid.*, p. 31.

[11]Amin Abdullah "Studi Islam di Tinjau dari Sudut Pandang Filsafat (Pendekatan Filsafat Keilmuan)" in Amin Abdullah (ed.), *Re-Strukturisasi Metodologi Islamic Studies* (Yogyakarta: SUKA Press, 2007), p. 11.

[12]Jasser Auda, *Maqasid al-Shari'ah as Philosophy,* p. 29.

hierarchy, multi-dimensionality, and purposefulness.[13] These are the significant principles on system theory, which is proposed later in this research.

The discussion about Jasser Auda becomes important and interesting because he offers the *maqāṣid* theory which is based on system approach, as a new *maqāṣid* that will answer contemporary issues. Moreover, he has formulated a new method of interpretation by collaborating between modern and postmodern philosophies. This methodology will enrich the available methodology of Qur'anic interpretation.

B. Research Questions

On the basis of the above background, the following questions will focuses of this research:

1. What are the principal concepts of *maqāṣid al-sharī'ah* according to Jasser Auda?

2. What is the significance of his *maqāṣid* theory in developing the methodology of Qur'anic interpretation?

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[13]*Ibid.*, p. 45-55.

C. Objectives and Significances

Objectives of this research are:

1. To describe the principal concepts of *maqāṣid al-sharī'ah* according to Jasser Auda

2. To understand the significance of his *maqāṣid* theory in developing the methodology of Qur'anic interpretation

The significances of this research include:

1. Theoretically, this paper might contribute to the field of Islamic studies, especially to the methodology of Qur'anic interpretation discourse.

2. This thesis could give a better explanation about Jasser Auda's concept of *maqāṣid al-sharī'ah* and its relevance with the methodology of Qur'anic interpretation.

D. Literature Review

There are several studies discussing *maqāṣid al-sharī'ah* discourse, but little of them focus on Jasser Auda's thought. Some of them concerned Jasser Audas' are Amin Abdullah, is his article entitled "The New Scientific Epistemology of Islamic Law Studies, in Answering The

Globalization Era"[14] published in scientific Journal, *Asy-Syir'ah,* explores about Auda's construction of *maqāṣid* theory based on system approach. His exploration stresses on *maqāṣid al-sharī'ah* as basic methodology of Islamic juridical theory. He concludes that the contemporary epistemology of Islamic law should be interrelated between classic fundamental of Islamic law (*uṣul al-fiqh*) with the recent humanity, social and political issues, as conscious effort in developing *maqāṣid* theory.

Ahmad Imam Mawardi, in his book *Fiqh Minority; Fiqh Al-aqāliyyat and the Evolution of Maqāṣid al-Sharī'ah from 'Concept' to 'approach',*[15] reveals the genealogy of the emergence of *maqāṣid al-sharī'ah.* According to him, *maqāṣid al-sharī'ah* has undergone significant development, from classic scholars who regard *maqāṣid* as a concept to the contemporary ones –include Jasser Auda—who develops *maqāṣid* into the approach of analysis. He argued that flexibility in actualizing the law should be promoted because law is scholar's interpretation which has own right. Nonetheless, Mawardi only describes *maqāṣid al-sharī'ah* as juridical method to answer dilemmas of fiqh minority and does not explore Jasser Auda's theory of *maqāṣid al-sharī'ah* comprehensively.

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[14]Amin Abdullah's expression when he explores Jasser Auda theory on criticizing al-Shatibi's classification of level of necessity. See also Amin Abdullah "Bangunan Baru Epistemologi Keilmuan Studi Hukum Islam dalam Merespon Globalisasi", *as-Syir'ah*, XXXXIV, December 2012, p. 315-368.

[15]Ahmad Imam Mawardi, *Fiqh Minoritas,* (Yogyakarta: LKIS Yogyakarta, 2010), p. 175-236.

Ahmad Kamal, in his thesis "Concept of *Maqāṣid Al-Sharī'ah* between al-Ghazālī and al-Shāṭibī, A Social-Historical Observation"[16] explores the comparison between al-Ghazālī's and al-Shāṭibī's thoughts on *maqāṣid al-sharī'ah.* He said in his thesis, al-Ghazālī used conformity method interacting between Qur'anic verses and chapters in finding *maqāṣid al-sharī'ah.* While, al-Shāṭibī used inductive method to analyze *maqāṣid al-sharī'ah.* Absolutely, this is not a research concerning Jasser Auda, but discussing about classic theory of *maqāṣid al-sharī'ah,* in general.

According to the above prior researches, most of researches on Jasser Auda's theory of *maqāṣid al-sharī'ah* concerns to the Islamic juridical discourse. Therefore, in this research, the author will attempt to emphasize Jasser Auda's construction of *maqāṣid* theory, by reviewing his concept of system approach, then he develops it to be the basic methodology of Qur'anic interpretation.

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[16] Ahmad Kamal, *Konsep Maqasid al-Shari'ah antara al-Ghazali dan al-Shatibi: Tinjauan Sosial Historis,* Yogyakarta: UIN Sunan Kalijaga, 2003.

E. Research Method

1. Research Approach

This research uses the philosophical approach. Task of philosophy is both constructive and critical.[17] So it is constructive insofar to put systematic view that is comprehensive and it is critical one to examine critically the various views. Hence, this approach used to construct the *maqāṣid* theory into basic methodology of Qur'anic interpretation as well as to examine and analyze it, as a dialectical process of knowledge.

2. Type of Research

This is a library research which emphasizes on analyzing and exploring literatures related to main discussion, either the primary sources or the second ones. Thus, this research is based on library sources; book, article and journal, that concern to Jasser Auda's thought.

3. Source of Data

In this research, the author uses two kinds of sources, primary and secondary sources. The primary source is Auda's book, *Maqāṣid Al-Sharī'ah As Philosophy of Islamic Law*. While, the secondary ones include his books, *Maqāṣid Al-Sharī'ah A Beginner's Guide*, and other scholars books, such as al-Shāṭibī's book, *Al-Muwāfaqāt Fī Uṣūl al-Sharī'ah*, al-Ghazālī's *al-Mustaṣfa Min 'Ilm al-Uṣūl*, al-Suyūṭī's *al-Itqān fī 'Ulūm al-*

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[17]Jorge J. E. Gracia, *A Theory of Textuality*, (New York: State University of New York Press, 1995), p. xiv.

Qur'ān, Ahmad al-Raisuni's *Naẓariyyat al-Maqāṣid 'Inda al-Imām al-Shāṭibī* and other sources concerning Auda's thought.

4. Data Collection Technique

The method for collecting the data in this research is documentation method. It means collecting the works of scholars, in this case is Jasser Auda's works and the other ones related to the theme of research.

5. Data Analysis Techniques

To analyze the data, the author uses the descriptive analysis to review Jasser Auda's thought about the *maqāṣid* theory. This analysis is used to grasp exhaustive understanding and to work hypotheses of the subject matter.[18] In addition, this research also uses the hermeneutical analysis to trace Jasser Auda's theory of *maqāṣid al-sharī'ah* and its application in interpreting the Qur'an.

F. Research Outline

To give a comprehensive explanation and well-integrated description, this research is divided into six chapters. Chapter one is introduction. It describes the background of this research, which is formulated in research question, objectives and significances of the

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[18]Burhan Bungin, *Penelitian Kualitatif,* (Jakarta: Kencana, 2008), p. 72.

research, the research method, the prior researches and the research outline.

Chapter two is development of *maqāṣid al-sharī'ah* in Jasser Auda's perspective. It will describe a biography of Jasser Auda, classic conception of *maqāṣid al-sharī'ah* and typology of Islamic thought. This discussion is important, in order to apprehend the horizon of his thought in the Islamic thought.

In chapter three, the author will elaborate Jasser Auda's reinterpretation of *maqāṣid al-sharī'ah*. This elaboration includes the definition of *maqāṣid al-sharī'ah* and its function in analysis of the Islamic law, a system approach and Auda's reconstruction on *maqāṣid al-sharī'ah* discourse.

Chapter four is Jasser Auda's theory of *maqāṣid al-sharīi'ah* as basic methodology of Qur'anic interpretation. In this case, the author attempts to explain the relevance of Auda's theory and its significance on the method of Qur'anic interpretation then reflects it in interpreting the Qur'an.

The last chapter, the conclusion, contains conclusions of the discussion in previous chapter and some suggestions from the author. The conclusions have been formed in several statements formulated, to answer research questions. As well, suggestion is put forward as a purposed recommendation for further study.

CHAPTER V

CONCLUSION

A. Conclusion

As far as the study of Jasser Auda's theory of *maqāṣid al-sharī'ah* concerned in this thesis, we can conclude the followings.

It is clear that *maqāṣid al-sharī'ah* is a significant theory for interpretation to legal verses. Jasser Auda reconceptualizes and reactualizes it as a machine for Muslims to reconcile the Islamic identity with contemporary global issues. For him, the functional concept of classification of *maqāṣid al-sharī'ah*: necessary aspects (*darūrīyat*), complementary ones (*hājīyat*) and luxurious ones (*tahsīnīyat*), should be redefined from the feature-based categorization to the interrelated-hierarchy ones. Each of them has similar values in shaping the Islamic jurisprudence. With regard to the hierarchy of the five necessities (*al-ḍarūrīyat al-khams*), Auda also renews it from 'protection' that is formulated by al-Ghazālī and al-Shāṭibī, into 'development' and 'human right' that suggests *maqāṣid al-sharī'ah* as instrumental methodology for reforming and improving Muslim's life.

Moreover, to shape his theory, Auda offers system approach to analyze the *maqāṣid al-sharī'ah.* This approach includes some features, i.e., cognitive nature of system, wholeness, openness, interrelated hierarchy, multi-dimensionality, and purposefulness. the cognitive nature implies a framework of thinking which

admits that religious thoughts contain, in addition to divine sources, the human being's ideas and their historical context, so it has a relative right. While, the wholeness suggests to read the Qur'an wholly, so that an interpreter can grasp the universal meaning of the Qur'anic text. The openness gives a basic attitude to be open-minded in religious thought and leads to a self-renewal in rational ability. The interrelated hierarchy explains that religion, in globalizing era, has entered to public sphere and required to participate in global change, so it has a close relation with social, political and cultural and economic contexts. The multidimensionality suggests Muslims to do not think religious matter on binary oppositional dichotomy, but should be evolved into multidimensional approach, because every oppositional evidences has universal meaning that is purposed. Finally, the purposefulness (*maqāṣid*) is a common link amongst all others system features, which is a goal of system activity, finding the purpose of juridical rulings written on the text.

The above reinterpretation of *maqāṣid al-sharī'ah* enriches the available methodology of Qur'anic interpretation. It contributes some points of the principles, as follows: *First,* the *maqāṣid* as thematic interpretation of the Qur'an. The Qur'anic chapters and verses consisting of rulings, faith, stories, and hereafter are integrated to build a holistic picture, therefore reading the Qur'an should be based one thematic method. *Second,* the *maqāṣid* as decisive aspect in the interpretation of the Qur'an (*al-'ibrah bi al-maqāṣid*). Reveling the ethical values of verse is more important than elevating their specific of legal rulings. Thus, in order to grasp objective meanings and moral values of the verses, the *maqāṣid al-*

sharī'ah plays an important role in combining between the linguistic analysis and the historical context of revelation. *Third,* the *maqāṣid* as constructive solution to seemingly contradictory verses (*al-ta'ārud baina al-āyāt*). The multi-dimensionality-cum-*maqāṣid* approach is present to solve the shortcoming of the abrogation theory. The multi-dimensional space encourages scholars to have a long view in reconciling the seemingly oppositional verses and even the oppositional matters of life. *Fourth,* The *maqāṣid*-cum-philosophical system as basis for a contextual interpretation. The system philosophy criticizes some shortcomings of traditionalist, modernist, and post-modernist philosophies. It is new philosophy that will give more rational and applicable solution to contemporary issues.

B. Suggestion

This research absolutely is lack of perfection. There are many issues should be considered for further research. *Maqāṣid al-sharī'ah,* as fundamental theory of Islamic jurisprudence, plays significant role in interpreting the holy text (Qur'an and hadith). It is interesting if we could make more comprehensive research and develop it as a basis for method of interpretation.

In addition, *maqāṣid al-sharī'ah* is also interesting point to discuss, especially if it is used as juridical theory to analyze the Islamic studies in Indonesia. As we know, Indonesia has different context with the Arabic ones. It is

required to reinterpret some legal verses, in order to grasp the objective meaning.

Thus, justice and humanist values can be applied in Indonesian context.

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