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Maqasid al-Shari'ah and International Human Rights: A Comparative Analysis of Contemporary Islamic Legal Reform

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ARTICLE INFO

Article History

Received: 17 Desember 2025

Accepted: 25 Desember 2025

Published: 30 Desember 2025

Keywords

Maqasid al-shari'ah, international human rights, islamic legal reform, ijtihad, legal pluralism



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ABSTRACT

The relationship between Islamic law and international human rights remains one of the most debated issues in contemporary legal discourse, often framed in terms of compatibility or conflict. This study seeks to move beyond this binary by examining the integrative potential of maqasid al-shari'ah as a framework for reconciling Islamic legal principles with global human rights norms. Employing a qualitative normative legal research design with a comparative-analytical approach, the study analyzes Islamic legal theory alongside international human rights instruments across ontological, epistemological, and teleological dimensions. The findings indicate that while significant differences exist in sources of authority and methods of reasoning, both systems converge in their shared objectives of protecting human dignity, justice, and public welfare. Areas of tension, particularly in relation to freedom of religion and criminal law, are shown to be context-dependent and open to reinterpretation through maqāsid-oriented ijtihād. The study further proposes an Integrative Maqāsid-Human Rights Model, structured around normative foundations, interpretive mechanisms, and practical legal applications, which serves as a framework for translating Islamic legal values into globally intelligible human rights standards. Ultimately, the research concludes that maqasid al-shari'ah provides a flexible and purposive pathway for contemporary Islamic legal reform, enabling a constructive engagement between religious tradition and universal human rights while preserving normative authenticity and promoting a more inclusive and human-centered legal paradigm.

Introduction

The relationship between Islamic law and international human rights has emerged as one of the most contested and dynamic issues in contemporary legal and intellectual discourse. Since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, scholars have continuously debated whether universal human rights norms can be reconciled with the normative foundations of Islamic law. While both systems aspire to uphold justice, human dignity, and public welfare, their philosophical and epistemological foundations differ significantly, giving rise to both convergence and tension. (Zumiyati Sanu Ibrahim, Suud Sarim Karimullah, Sulastri, Yavuz Gönan, 2024)

At the conceptual level, this tension largely stems from the distinct foundations of authority underlying each system. Modern human rights are rooted in a secular liberal tradition that prioritizes individual autonomy and rationality, whereas Islamic law is grounded in divine revelation (Qur'an and Sunnah) and reflects a fundamentally theocentric worldview. (Almahfali & Avery, 2023) This divergence has led some scholars to argue that international human rights norms remain, to some extent, Western-centric constructs that may not fully accommodate religious and cultural pluralism, particularly in Muslim-majority societies. (Alshafai, 2025) As a result, the discourse is often framed within the broader debate between universalism and cultural relativism, in which Islamic law is positioned not merely as a subject of accommodation but as an alternative normative system in its own **right**.

In practice, the complexity of this relationship becomes evident in the behavior of Muslim-majority states within the international legal system. Many of these states have formally ratified major human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). However, such ratifications are frequently accompanied by reservations or interpretive declarations grounded in Islamic law. (Shah, 2025) These reservations commonly address sensitive issues such as gender equality, freedom of religion, and family law, reflecting an ongoing negotiation between international obligations and domestic religious legal traditions. (Pietropaoli, 2019) Such practices demonstrate that the relationship between Islamic law and human rights is not merely theoretical but deeply embedded in legal, political, and socio-cultural realities.

Scholarly debates on Islam and human rights can generally be categorized into two dominant perspectives. The first is the compatibility approach, which argues that Islamic teachings inherently support fundamental human rights principles such as the protection of life, dignity, and justice. Proponents of this view emphasize that human rights norms are implicitly embedded in Islamic legal and ethical traditions and can be harmonized through processes of reinterpretation (ijtihad) and contextualization. (Khalil, 2024) The second perspective is the conflict approach, which highlights fundamental differences between the two systems, particularly in areas such as freedom of belief, gender equality, and criminal law. (Adil Hussain Bhat & Irfan ul Haq, 2023) These divergent interpretations within Islamic scholarship itself indicate that the issue is not a binary opposition but rather a dynamic and evolving intellectual discourse.

More recent scholarship suggests that the tension between Islam and human rights is not purely doctrinal but also institutional and socio-political in nature. Empirical studies demonstrate that the implementation of human rights in Muslim-majority countries is influenced by governance structures, political authority, economic conditions, and competing interpretations of religious texts. (Pramasto, 2024) Issues such as gender inequality, minority rights, and restrictions on freedom of expression often emerge not only from legal doctrines but also from broader socio-political contexts. This insight highlights the need to move beyond normative debates and examine the lived realities of legal systems in contemporary Muslim societies.

Within this complex intellectual and practical landscape, a significant development in contemporary Islamic legal thought is the revival of *maqasid al-shari'ah* (the higher objectives of Islamic law) as a dynamic framework for interpretation and reform. Traditionally, *maqasid* focused on the protection of five essential values: religion, life, intellect, lineage, and property as articulated by classical scholars such as al-Shatibi. (Al-Shatibi, 1388) However, modern scholars have expanded this framework to include broader values such as human dignity, freedom, and social justice. (Al-Tahir Ibn Ashur, 2006) This evolution positions *maqasid* as a potentially powerful normative bridge between Islamic law and international human rights, offering a purposive and context-sensitive approach to legal interpretation.

The *maqasid*-based approach has increasingly been applied in various fields, including Islamic finance, governance, and legal reform, demonstrating its adaptability to contemporary challenges. By focusing on the underlying objectives

of the law rather than its literal formulations, maqasid enables a more flexible and human-centered interpretation of Islamic legal principles. (Auda, 2008) This approach is particularly relevant in addressing contentious human rights issues, as it allows for reinterpretation in light of changing social realities while maintaining fidelity to Islamic normative foundations.

Despite these developments, significant gaps remain in the existing literature. First, many studies tend to adopt either a normative-apologetic approach or a conflict-oriented perspective, without offering a systematic framework for integration. Second, there is a lack of comprehensive comparative analysis that examines Islamic law and human rights across ontological, epistemological, and practical dimensions simultaneously. Third, limited attention has been given to translating theoretical compatibility into operational legal frameworks applicable in contemporary legal reform.

In light of these gaps, this study seeks to contribute to the ongoing discourse by proposing an integrative and comparative framework based on maqasid al-shari'ah. Specifically, this article aims to:

1. Analyze the conceptual and philosophical relationship between maqasid al-shari'ah and international human rights;
2. Identify areas of compatibility and tension between the two systems;
3. Examine the role of maqasid in contemporary Islamic legal reform; and
4. Propose a maqasid-based integrative model capable of bridging Islamic legal traditions and international human rights standards.

By adopting a comparative-analytical approach, this study positions maqasid not merely as a traditional doctrinal concept, but as a normative framework capable of mediating between religious and secular legal systems. The significance of this research lies in its attempt to move beyond dichotomous debates and offer a constructive pathway toward an inclusive and contextually grounded model of human rights within Islamic legal thought.

Ultimately, this article argues that the tension between Islam and international human rights should not be understood as an irreconcilable conflict, but rather as an opportunity for dialogue, reinterpretation, and legal innovation. Through a maqasid-based approach, it becomes possible to reframe the relationship between these two normative systems in a manner that upholds both Islamic authenticity and universal human dignity, thereby contributing to the broader project of contemporary Islamic legal reform.

Method

This study employs a normative legal research design using a comparative-analytical approach to examine the relationship between maqasid al-shari'ah and international human rights. The research is qualitative in nature, focusing on the analysis of legal norms, theoretical concepts, and philosophical foundations rather than empirical field data. It integrates several approaches, namely conceptual, comparative, and philosophical-legal approaches, to analyze key constructs such as maqasid, universality of human rights, and legal pluralism. The comparative framework is applied to assess the similarities and differences between Islamic legal principles and international human rights instruments, including the Universal Declaration of Human Rights (UDHR), ICCPR, and CEDAW, particularly across ontological, epistemological, and axiological dimensions.

The data used in this research are derived from library-based sources, consisting of both classical Islamic texts and contemporary scholarly works. Primary sources include authoritative turath such as al-Shatibi's *al-Muwafaqat* and Ibn 'Ashur's *Maqasid al-Shari'ah al-Islamiyyah*, while secondary sources comprise peer-reviewed journal articles indexed in Scopus and other reputable databases. Data are collected through systematic literature review and analyzed using qualitative content analysis combined with comparative legal analysis, involving stages of textual interpretation, conceptual comparison, and theoretical synthesis. This methodological framework enables the study to identify points

of convergence and divergence and to develop an integrative maqasid-based model for contemporary Islamic legal reform.

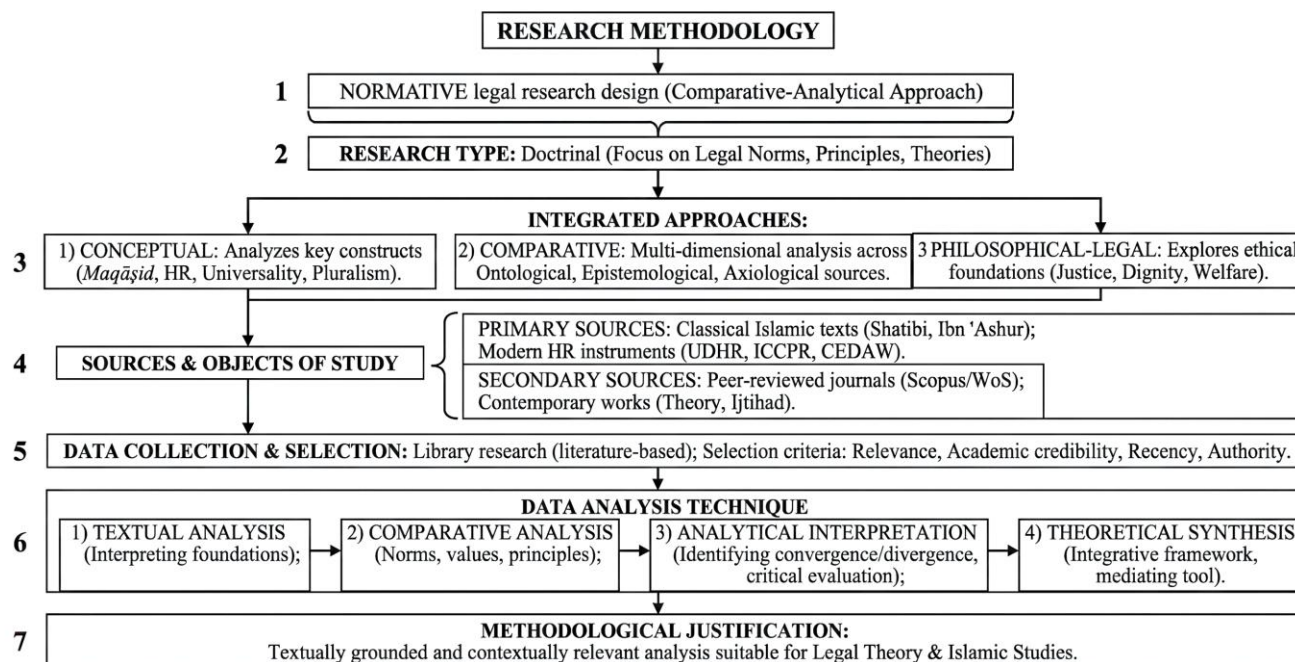


Figure 1. Research Methodology

Result and Discussion

A. Conceptual Analysis of Maqasid al-shari'ah and International Human Rights

The findings of this study reveal that the relationship between maqasid al-shari'ah and international human rights cannot be adequately understood within a binary framework of compatibility or conflict. Instead, the analysis demonstrates a more complex pattern of partial convergence, conceptual divergence, and interpretive flexibility. By employing a comparative lens across ontological, epistemological, and teleological dimensions, this study uncovers that both systems, despite their distinct origins, share a normative aspiration toward the protection of human dignity and social order. However, this shared aspiration operates through different philosophical premises and methodological pathways. The maqasid framework, when expanded in its contemporary articulation, provides an interpretive space that can mediate these differences. This finding supports recent scholarly efforts to reposition Islamic legal theory as a dynamic and evolving system rather than a fixed doctrinal structure. (Auda, 2008; Mohammed Hashim Kamali, 2015)

From an ontological perspective, the divergence between maqasid al-shari'ah and international human rights lies primarily in their foundational source of legitimacy. International human rights are grounded in a secular-humanist ontology, where the individual is conceived as an autonomous rights-bearing subject whose dignity is inherent and self-sufficient. In contrast, maqasid al-shari'ah is rooted in a theocentric ontology in which human dignity (*karamah*) is derived from divine will and understood within a framework of moral accountability before God. Despite this difference, the study finds a significant point of convergence in the recognition of human dignity as a central normative value. The Qur'anic notion of *karamah insaniyyah*, for instance, resonates strongly with the foundational principles of the UDHR. This suggests that the ontological difference does not necessarily produce

an irreconcilable conflict, but rather requires a rearticulation of shared values within distinct metaphysical frameworks. (Al-Tahir Ibn Ashur, 2006)

At the epistemological level, the tension becomes more pronounced but also more productive. International human rights derive their authority from rational consensus, legal positivism, and evolving global norms shaped through political processes. Conversely, Islamic law relies on revelation (*wahy*), classical jurisprudence, and interpretive methodologies such as *ijtihad*. However, the *maqasid* approach introduces an important epistemic bridge by emphasizing purposive reasoning and contextual interpretation. Scholars such as al-Shatibi conceptualized *maqasid* as the underlying rationale of divine law, thereby allowing human reasoning to engage more actively with legal texts. Contemporary thinkers have further expanded this approach by incorporating interdisciplinary knowledge and social realities into legal interpretation. This study finds that *maqasid*, therefore, functions as a hybrid epistemology that integrates revelation and reason, making it particularly suitable for dialogue with modern human rights discourse. (Al-Shatibi, 1388; Auda, 2008)

Teleologically, both *maqasid al-shari'ah* and international human rights exhibit a remarkable degree of alignment, particularly in their ultimate objectives. The classical *maqasid* framework identifies the preservation of religion, life, intellect, lineage, and property as its core goals, all of which correspond closely to fundamental human rights categories. Modern expansions of *maqasid*, including the incorporation of justice (*'adl*), freedom (*hurriyyah*), and human dignity (*karamah*), further strengthen this alignment. The study demonstrates that this teleological convergence provides the strongest basis for integration, as both systems aim to promote human welfare (*maslahah*) and prevent harm (*mafsadah*). Nonetheless, divergences remain in the prioritization of certain rights, particularly in areas such as freedom of religion and gender relations, where interpretations of *maqasid* may vary across contexts. These differences highlight the importance of contextual *ijtihad* in translating shared objectives into concrete legal norms. (Mohammed Hashim Kamali, 2015; Zumiyati Sanu Ibrahim, Suud Sarim Karimullah, Sulastri, Yavuz Gönan, 2024)

Importantly, the findings also challenge the assumption that inconsistencies between Islamic law and human rights are purely doctrinal. Instead, the analysis shows that many tensions arise from the interaction between legal norms and socio-political realities. For example, reservations to international conventions such as CEDAW in Muslim-majority countries often reflect political considerations and institutional constraints rather than intrinsic limitations of Islamic legal theory. In this regard, *maqasid* offers a critical tool for distinguishing between immutable principles and historically contingent interpretations. By prioritizing objectives over literalism, *maqasid* enables a re-evaluation of legal rulings in light of contemporary realities without undermining the integrity of Islamic law itself. This reinforces the argument that reform is not only possible but already embedded within the tradition. (Pietropaoli, 2019; Pramasto, 2024)

Another key finding of this study is the identification of *maqasid* as a normative “translation mechanism” between Islamic law and international human rights. Rather than forcing one system to conform to the other, *maqasid* facilitates a dialogical process in which values are reinterpreted and contextualized across different legal traditions. This approach moves beyond apologetic or defensive frameworks and instead promotes a constructive engagement grounded in shared ethical commitments. It also addresses the limitations of previous studies that often remain at the level of abstract compatibility without offering a functional model of integration. By articulating *maqasid* in terms of universal principles such as justice, dignity, and welfare, the framework becomes more accessible within global legal discourse while retaining its Islamic authenticity.

The novelty of this research lies in its multi-layered comparative analysis that simultaneously engages ontological, epistemological, and teleological dimensions. Unlike prior studies that treat *maqasid* and human

rights as either fully compatible or fundamentally incompatible, this study demonstrates that their relationship is best understood as a dynamic spectrum shaped by interpretation, context, and institutional practice. Moreover, the research contributes to Islamic legal studies by advancing maqasid from a doctrinal concept to an operational analytical framework capable of informing contemporary legal reform. This shift is particularly significant in addressing global challenges such as pluralism, governance, and human rights protection in Muslim-majority societies.

In sum, the results suggest that maqasid al-shari'ah holds significant potential as an integrative framework for bridging Islamic law and international human rights. While differences in ontological and epistemological foundations cannot be fully eliminated, they do not preclude meaningful convergence at the level of legal objectives and ethical principles. The challenge, therefore, lies not in reconciling two incompatible systems, but in developing interpretive methodologies capable of translating shared values into contextually grounded legal norms. Through this lens, maqasid emerges as a vital tool for contemporary Islamic legal reform, offering a pathway toward a more inclusive and human-centered understanding of law.

Table 1. Comparative Framework: Maqasid al-Shari'ah vs International Human Rights

Dimension	Maqasid al-Shari'ah	International Human Rights	Human Rights	Key Difference	Potential Convergence
Ontology	Theocentric (divine-based values; derived from Qur'an and Sunnah)	Anthropocentric (human-centered; based on human dignity and rational consensus)		Source of legitimacy: revelation vs human reason	Shared recognition of human dignity (<i>karāmah</i>)
Epistemology	Revelation + ijtihād (textual interpretation + purposive reasoning)	Secular rationality, legal positivism, international consensus		Method of knowledge production	Convergence through maqāṣid-based contextual interpretation
Core Objective	Preservation of essential values (<i>hifẓ al-dīn, al-naḥs, al-'aql, al-nasl, al-māl</i>)	Protection of fundamental rights (life, liberty, equality, dignity)		Framing: duty-based vs rights-based	Overlapping goals in human welfare (<i>maṣlaḥah</i>)
Concept of Rights	Rights as divinely granted and morally bounded	Rights as inherent, universal, and individual autonomy		Collective morality vs individual autonomy	Harmonization through ethical framing of rights
Justice ('Adl)	Moral, social, and divine justice integrated	Legal justice, equality before the law, non-discrimination		Scope: moral-theological vs legal-institutional	Strong convergence as foundational value
Freedom of Religion	Religion as communal and social order; limited classical flexibility	Absolute individual freedom including conversion (UDHR Art. 18)		Collective stability vs individual liberty	Reinterpretation via maqāṣid and contextual ijtihād
Criminal Law	Hudud as deterrent to protect society	Emphasis on proportionality and human dignity		Punitive vs rights-based legal safeguards	Reform via maqāṣid (preventive & restorative justice)
Gender Equality	Traditionally role-based, evolving through maqāṣid reinterpretation	Equality and non-discrimination principle		Normative rights-based framework	Expansion through maqāṣid justice and dignity

Legal Nature	Normative-ethical and divinely oriented	Legal-positive and internationally codified	Sacred vs legal-institutional system	Complementarity through legal pluralism
Final Aim	Realization of <i>maṣlaḥah</i> (public welfare)	Protection of human dignity and universal rights	Terminological difference	Substantive ethical convergence

B. Compatibility vs. Tension

The comparative analysis demonstrates that the interaction between *maqasid al-Shari’ah* and international human rights unfolds in a nuanced spectrum rather than a fixed dichotomy. Rather than existing in a purely harmonious or conflicting relationship, both frameworks reveal overlapping ethical commitments alongside notable structural divergences. This study identifies the right to life and justice as primary areas of compatibility, whereas freedom of religion and criminal law emerge as key sites of tension. Recent scholarship increasingly emphasizes that these tensions are neither static nor absolute, but evolve through interpretive engagement and socio-legal transformation. Contemporary *maqasid* discourse, therefore, repositions Islamic legal theory as an adaptive and dynamic paradigm capable of addressing global ethical challenges. (Auda, 2008; Mohammed Hashim Kamali, 2015; Zumiyati Sanu Ibrahim, Suud Sarim Karimullah, Sulastri, Yavuz Gönan, 2024)

One of the most evident areas of compatibility lies in the protection of the right to life, which occupies a central position in both legal systems. Within the *maqasid* framework, *ḥifẓ al-nafs* is recognized as a foundational objective, underscoring the sanctity of human existence as divinely grounded. This principle closely aligns with the universal recognition of the right to life in international human rights instruments such as the UDHR and ICCPR. Contemporary *maqasid*-based scholarship has further expanded this principle to encompass broader dimensions of human welfare, including public health, environmental sustainability, and social protection. Such developments indicate a significant shift from a purely preservation-based model to a more proactive and human-centered paradigm. This convergence suggests that both systems share a common ethical foundation that can serve as a basis for normative integration. (Al-Tahir Ibn Ashur, 2006; Auda, 2008; Yunus, 2024)

A similarly strong alignment can be observed in the principle of justice, which functions as a central normative axis in both traditions. In Islamic legal thought, justice (*‘adl*) transcends legal adjudication and extends into the equitable structuring of social and political relations. International human rights law similarly embeds justice in the principles of equality, non-discrimination, and rule of law. What distinguishes contemporary *maqasid* discourse is its expansion of justice into a multidimensional value that includes human dignity, inclusivity, and socio-economic equity. This evolving understanding reflects a growing effort among scholars to reinterpret Islamic legal doctrines in light of contemporary societal demands while preserving their normative core. As a result, justice emerges not only as a shared value but also as a common language through which Islamic law and human rights can meaningfully interact. (Khalil, 2024; Mohammed Hashim Kamali, 2015)

However, this compatibility becomes more complex when examined in the context of freedom of religion. International human rights frameworks strongly affirm individual autonomy, including the right to adopt, change, or renounce religious beliefs. In contrast, classical Islamic jurisprudence has historically treated religion as a collective institution essential to social cohesion, often resulting in restrictive interpretations regarding apostasy. This divergence creates a tension between individual liberty and communal integrity. Nevertheless, recent *maqasid*-oriented scholarship has sought to re-evaluate these doctrines by situating them within their historical and political contexts. By distinguishing between private belief and acts that threaten public order, contemporary interpretations open new avenues for reconciling Islamic legal thought with modern human rights standards. This

shift illustrates the increasing role of maqasid as a tool for contextual reinterpretation rather than rigid doctrinal preservation. (Adil Hussain Bhat & Irfan ul Haq, 2023; Rambe et al., 2026)

An equally important area of tension arises in the domain of criminal law, particularly concerning *ḥudūd* punishments. From a human rights perspective, such punishments are frequently viewed as incompatible with modern standards of proportionality and the prohibition of cruel or degrading treatment. Classical Islamic law, however, conceptualizes these punishments as part of a divinely mandated system aimed at protecting essential societal interests. The maqasid framework introduces a critical shift by focusing on the objectives behind these rulings rather than their literal implementation. Contemporary scholars increasingly argue that the goals of deterrence, justice, and social welfare can be achieved through alternative legal mechanisms that better reflect present-day realities. This purposive reinterpretation reflects a broader trend toward transforming Islamic criminal law from a strictly punitive system into one oriented toward prevention, rehabilitation, and social justice. (Auda, 2008; Pietropaoli, 2019; Tahir et al., 2024)

What emerges from this analysis is that areas of tension should not be interpreted as evidence of inherent incompatibility, but rather as reflections of differing historical contexts and normative priorities. Many classical legal interpretations were shaped by specific socio-political conditions that differ significantly from contemporary global realities. The maqasid approach provides a robust methodological framework for revisiting these interpretations and reassessing their applicability in modern contexts. By distinguishing between immutable ethical principles and context-dependent legal rulings, maqasid enables the development of more flexible and responsive legal systems. This insight reinforces the argument that Islamic law possesses an internal capacity for renewal, grounded in its own epistemological and normative traditions. (Mohammed Hashim Kamali, 2015; Pramasto, 2024)

In conclusion, the interplay between compatibility and tension reflects the evolving and dialogical nature of the relationship between maqasid al-Shari'ah and international human rights. While shared commitments to life and justice provide a strong foundation for integration, issues such as religious freedom and criminal law require deeper interpretive engagement and methodological refinement. The contemporary maqasid paradigm offers a promising pathway for navigating these complexities by prioritizing ethical objectives, contextual reasoning, and human welfare. Rather than eliminating differences, it facilitates a constructive dialogue that balances fidelity to Islamic tradition with responsiveness to universal human rights norms.

C. Maqasid as a Framework for Contemporary Legal Reform

The analysis shows that maqasid al-Shari'ah has developed into a central framework for contemporary Islamic legal reform, particularly in navigating the intersection between tradition and modernity. Rather than merely preserving classical doctrines, maqasid enables a purposive reinterpretation of legal norms grounded in the overarching objectives of justice, welfare, and human dignity. This shift reflects a broader transformation in Islamic legal thought, where adaptability and contextual sensitivity are increasingly valued. By focusing on goals rather than literal formulations, maqasid provides a flexible yet principled basis for responding to contemporary legal and ethical challenges. As such, it functions not only as a theoretical construct but as a practical instrument for reform across diverse legal domains. (Auda, 2021; Mohammed Hashim Kamali, 2015)

A key element in this transformation is the revitalization of *ijtihad* in its contemporary form. Within a maqasid-oriented framework, *ijtihad* is no longer limited to textual interpretation, but expands into a multidimensional process that incorporates social realities, ethical considerations, and interdisciplinary insights. This renewed understanding allows scholars to address complex global issues such as human rights, gender

relations, and governance with greater nuance and responsiveness. Importantly, *maqasid* serves as the guiding معيار (normative compass) that ensures reinterpretation remains rooted in the foundational objectives of Islamic law. In this sense, *maqasid*-based *ijtihad* represents a methodological breakthrough, bridging classical jurisprudence with contemporary legal reasoning. (Khalil, 2024; Zumiyati Sanu Ibrahim, Suud Sarim Karimullah, Sulastri, Yavuz Gönan, 2024)

In practical terms, the application of *maqasid* is particularly evident in the reform of family law and criminal law. In family law, *maqasid* has been used to justify reforms aimed at enhancing justice and equity, especially in matters related to marriage, divorce, and women's rights. These reforms often reinterpret classical rulings to better reflect principles of dignity (*karāmah*) and fairness (*'adl*), aligning them more closely with contemporary human rights standards. In the realm of criminal law, *maqasid* offers a framework for reassessing the purpose of punishment, shifting the emphasis from retribution toward prevention, rehabilitation, and social welfare. This approach allows for alternative legal solutions that remain faithful to Islamic objectives while addressing modern concerns about proportionality and human dignity. (Pietropaoli, 2019; Zumiyati Sanu Ibrahim, Suud Sarim Karimullah, Sulastri, Yavuz Gönan, 2024)

Ultimately, *maqasid* distinguishes itself as a reform framework through its ability to harmonize continuity and change. It preserves the normative integrity of Islamic law while simultaneously enabling its evolution in response to new contexts. This dual capacity is crucial in a globalized world where legal systems must engage with international norms without losing their cultural and religious foundations. By prioritizing objectives such as justice, dignity, and public welfare, *maqasid* creates space for constructive dialogue between Islamic law and international human rights. In doing so, it offers a coherent and sustainable pathway toward a more inclusive and human-centered model of contemporary Islamic legal reform. (Mohammed Hashim Kamali, 2015; Pramasto, 2024)

Maqasid as a Framework for Contemporary Legal Reform

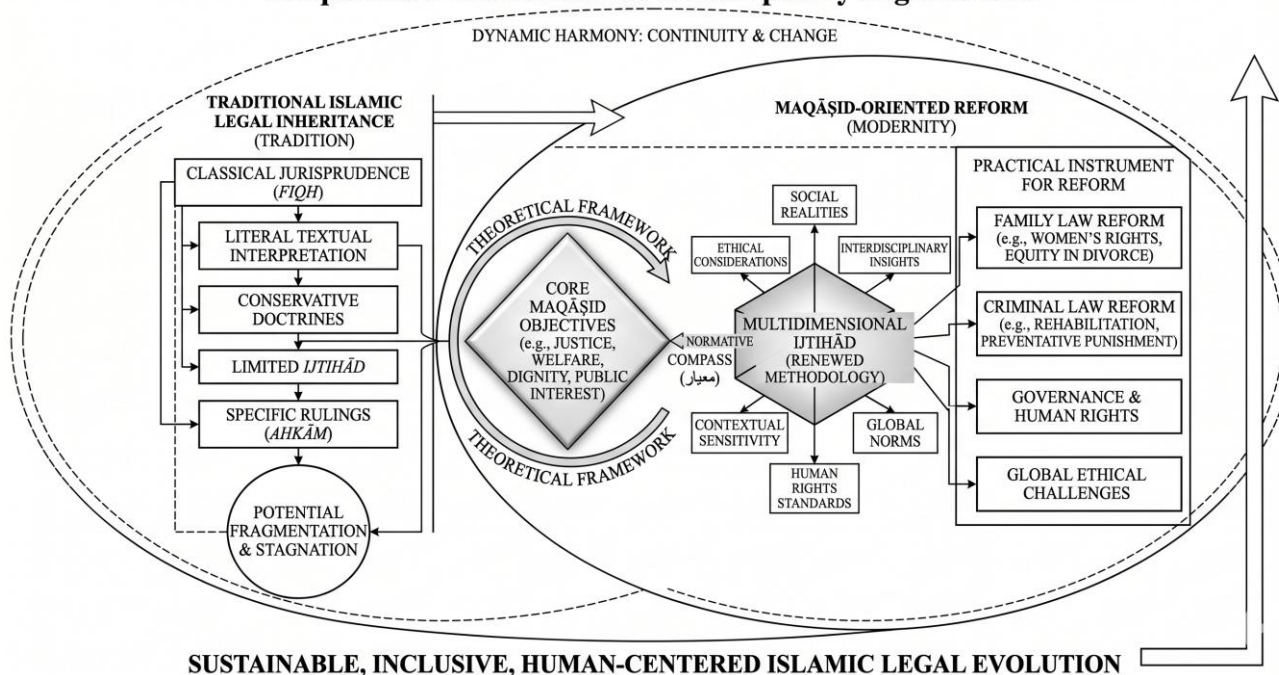


Figure 1. Maqasid as a Framework for Contemporary Legal Reform

D. Integrative Maqasid–Human Rights Model

The principal contribution of this study lies in the formulation of an Integrative Maqasid–Human Rights Model, designed to move beyond the conventional dichotomy of compatibility versus conflict. This model conceptualizes maqasid al-Shari’ah as an intermediate normative framework capable of mediating between Islamic legal tradition and international human rights. Rather than positioning one system as subordinate to the other, the model emphasizes a dialogical relationship grounded in shared ethical objectives, particularly justice, human dignity, and public welfare. In this perspective, maqasid functions not only as an interpretive tool but also as a translational bridge that enables constructive engagement between two distinct legal paradigms. (Al-Turabi & Auda, 2025; Auda, 2008)

At its core, the model is structured across three interrelated layers: normative foundation, interpretive mechanism, and legal application. The normative foundation is derived from the higher objectives of Shari’ah, such as the protection of life, intellect, dignity, and social order, which correspond to fundamental human rights principles. The interpretive mechanism operates through maqasid-oriented *ijtihad*, enabling scholars to reinterpret legal texts in light of contemporary realities without detaching from Islamic epistemology. Meanwhile, the application layer translates these principles into concrete reforms across legal domains such as family law, criminal law, and governance. This structured interaction between theory and application reflects the growing tendency in contemporary scholarship to operationalize maqasid as a systemic and reform-oriented legal methodology rather than a purely abstract doctrine. (Almahfali & Avery, 2023; Mohammed Hashim Kamali, 2015)

A distinctive feature of this model is its role as a normative translation mechanism. In this function, maqasid facilitates the reinterpretation of Islamic legal values into a framework that resonates with global human rights discourse while preserving its theological foundation. Concepts such as *karāmah* (human dignity) and *‘adl* (justice) are not simply equated with Western notions but are reformulated in ways that allow cross-cultural intelligibility without epistemological assimilation. This dual movement preserving identity while enabling dialogue represents a critical innovation within maqasid theory. Recent studies further demonstrate that maqasid has evolved from a protective paradigm into a developmental and rights-based framework, increasingly aligned with contemporary human welfare and human rights concerns. (Dahlan et al., 2026; Tahir et al., 2024)

Moreover, the model introduces a selective integration strategy, distinguishing between areas of strong convergence and areas requiring deeper reinterpretation. In domains such as the right to life and justice, integration can occur with minimal friction due to their shared normative core. However, in more contested areas such as freedom of religion and criminal law, the model emphasizes the necessity of contextual *ijtihad* guided by maqasid principles. This approach ensures that legal reform is neither reactive nor imitative but grounded in a principled and methodological framework. It also reflects a broader trend in contemporary Islamic legal thought that seeks to reconcile universal norms with religious particularity through purposive reasoning. (Khalil, 2024; Rambe et al., 2026)

In sum, the Integrative Maqasid–Human Rights Model offers a forward-looking and analytically robust framework for contemporary Islamic legal reform. It redefines the relationship between Islamic law and human rights as a dynamic process of negotiation, reinterpretation, and ethical convergence. By positioning maqasid as a mediating framework, the model provides a novel contribution that bridges theoretical discourse with practical legal reform. This integrative approach ultimately advances a more inclusive, adaptive, and human-centered vision of Islamic law in the modern global context, reinforcing the growing relevance of maqasid within interdisciplinary and global legal scholarship. (Al-Turabi & Auda, 2025; Almahfali & Avery, 2023)

Table 1. Integrative Maqāṣid–Human Rights Model

Layer	Core Concept	Maqasid Dimension	Human Rights Equivalent	Integrative Mechanism	Output in Legal Reform
Normative Foundation	Higher objectives of Shari'ah	<i>Hifz al-nafs, al-'aql, al-māl</i>	Right to life, dignity, freedom, socio-economic rights	Value alignment (ethical convergence)	Shared universal ethical principles
Interpretive Mechanism	Maqasid-based ijtihad	Contextual reasoning, maslahah, maqasid expansion	Rational-legal interpretation, evolving norms	Normative translation (bridging epistemology)	Context-sensitive legal interpretation
Legal Application	Field-based reform	Application of maqasid in fiqh domains	International human rights implementation	Selective integration strategy	Reform of family law, criminal law, governance
Compatibility Zone	Strong convergence	Protection of life, justice ('adl)	Right to life, equality before law	Direct integration	Harmonized legal norms
Tension Zone	Normative divergence	Religious authority, hudud logic	Freedom of religion, prohibition of cruel punishment	Contextual ijtihad & reinterpretation	Adaptive and moderated legal reform
Outcome Level	Final objective	Maṣlaḥah, karamah, 'adl	Human dignity, justice, welfare	Holistic integration	Inclusive, adaptive, human-centered legal system

Implications

A. Theoretical Implications

This study contributes to the advancement of uṣūl al-fiqh by repositioning maqasid al-shari'ah as a dynamic and operational legal framework rather than a purely doctrinal concept. By integrating maqāṣid with human rights discourse, the research expands the epistemological scope of Islamic legal theory, allowing it to engage more meaningfully with contemporary global challenges. This shift moves beyond traditional descriptive approaches toward a more analytical and interdisciplinary model of legal reasoning grounded in justice, welfare, and human dignity.

Furthermore, the introduction of normative translation as an analytical concept offers a novel contribution to comparative legal theory. It enables maqāṣid to function as a mediating mechanism that bridges Islamic and international legal systems without collapsing their epistemological differences. This reframing strengthens the role of ijtihād as a context-sensitive and purposive method, reinforcing the internal capacity of Islamic law to adapt and evolve in response to modern legal and ethical demands.

B. Practical Implications

At the practical level, this study provides a structured framework for legal reform in Muslim-majority countries, particularly in aligning national laws with international human rights standards. By grounding reform within maqāṣid principles, policymakers can pursue change in a way that remains normatively legitimate within

Islamic tradition. This is especially relevant in sensitive areas such as family law and criminal law, where tensions between religious norms and global standards are most apparent.

In addition, the maqāṣid-based model supports a gradual shift toward more human-centered legal systems that prioritize justice, dignity, and public welfare. It encourages reforms that emphasize protection, prevention, and social equity rather than rigid legal formalism. Beyond national contexts, this approach also positions Islamic law as an active participant in global human rights discourse, contributing alternative ethical perspectives while fostering constructive legal dialogue across traditions.

Conclusion

This study concludes that the relationship between maqāṣid al-shari'ah and international human rights is neither inherently contradictory nor fully identical, but rather conditionally convergent. While differences persist at the ontological and epistemological levels, both systems share substantial alignment in their core objectives, particularly in promoting justice, human dignity, and public welfare. The research question, therefore, is answered by demonstrating that maqāṣid provides a viable and coherent framework for mediating between Islamic law and global human rights norms through purposive and contextual interpretation.

The principal contribution of this study lies in the formulation of the Integrative Maqasid–Human Rights Model, which advances maqāṣid from a theoretical construct into an operational legal framework. By introducing the concepts of normative translation and selective integration, the study offers a novel approach that goes beyond existing compatibility–conflict debates. This contribution not only enriches the field of *usul al-fiqh* but also strengthens the position of Islamic legal theory within contemporary comparative and global legal discourse.

For future research, further empirical and case-based studies are needed to test the applicability of the proposed model in specific legal systems, particularly in Muslim-majority countries undergoing legal reform. In addition, interdisciplinary approaches that integrate legal studies with political, sociological, and institutional analysis would provide a more comprehensive understanding of how maqāṣid can be effectively operationalized in practice.

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Acknowledgement

The author would like to express his deepest gratitude to Ma'had Aly At-Tarmasi, Pondok Tremas Islamic School, for its invaluable support and contributions to the conduct of this research. The author would like to extend special thanks to the academic advisors, Mr. Zanuar Mubin, M.E., and Dr. M. Amruddin Latif, M.Pd., for all their guidance, direction, and valuable input throughout the process of writing this work.

The author also extends his deepest gratitude to his beloved parents, who have always been by his side, offering unceasing prayers, support, and motivation, enabling him to successfully complete this research. Furthermore, the author expresses his appreciation to all faculty members, educational staff, and fellow students for their support, camaraderie, and constructive feedback in refining this work.

The author also acknowledges the role of various academic publications—particularly peer-reviewed journals indexed in international databases which provided valuable insights and contemporary perspectives essential to the development of this research. Their contributions have played a crucial role in shaping a more comprehensive and integrative understanding of the relationship between maqasid al-shari'ah and international human rights.