



## Recontextualizing *āyāt al-aḥkām*: *maqāṣid*-based legal hermeneutics in contemporary qur'anic exegesis

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### Abstract

This article examines the problem of recontextualizing *āyāt al-aḥkām* in contemporary Qur'anic exegesis, particularly the tension between preserving textual authority and responding to changing legal-ethical realities. Classical legal exegesis has developed sophisticated methods for deriving rulings from Qur'anic verses, yet contemporary issues such as family welfare, criminal justice, and intercommunal coexistence require an interpretive framework that can connect legal texts with their broader moral objectives. This study employs a qualitative library-based research design using textual, hermeneutical, and comparative-analytical approaches. The primary data consist of selected Qur'anic legal verses, namely Q. 4:11 on inheritance, Q. 2:178–179 on *qisās*, Q. 5:38–39 on theft and repentance, and Q. 60:8 on civic coexistence, supported by classical and modern *maqāṣid* literature. The analysis is conducted through four stages: textual anchoring, socio-historical contextualization, identification of legal-moral objectives, and contemporary normative rearticulation. The findings show that Qur'anic inheritance discourse is oriented toward family welfare and intergenerational justice; penal verses are structured around life protection, deterrence, repentance, and reform; and intercommunal legal ethics affirm justice, benevolence, and peaceful coexistence. The article argues that *maqāṣid*-based legal hermeneutics provides a disciplined middle path between rigid textualism and unrestricted contextualism. Its core contribution lies in formulating *maqāṣid* as an operational interpretive model for recontextualizing Qur'anic legal verses while preserving their textual and normative authority.

**Keywords:** *āyāt al-aḥkām*, *maqāṣid al-shari'ah*, qur'anic hermeneutics, legal exegesis, contextual interpretation

### Abstrak

Artikel ini mengkaji problem rekontekstualisasi *āyāt al-aḥkām* dalam tafsir *Al-Qur'an* kontemporer, khususnya ketegangan antara upaya mempertahankan otoritas tekstual dan kebutuhan untuk merespons perubahan realitas hukum-*etis*. Tafsir hukum klasik telah mengembangkan metode yang kompleks untuk menggali hukum dari ayat-ayat *Al-Qur'an*. Namun, isu-isu kontemporer seperti kesejahteraan keluarga, keadilan pidana, dan koeksistensi antarkomunitas memerlukan kerangka interpretatif yang mampu menghubungkan teks hukum dengan tujuan moralnya yang lebih luas. Penelitian ini menggunakan desain penelitian kualitatif berbasis kepastakaan dengan pendekatan tekstual, hermeneutis, dan komparatif-analitis. Data primer terdiri atas ayat-ayat hukum *Al-Qur'an* yang dipilih, yaitu Q. 4:11 tentang warisan, Q. 2:178–179 tentang *qisās*, Q. 5:38–39 tentang pencurian dan pertobatan, serta Q. 60:8 tentang koeksistensi kewargaan, yang didukung oleh literatur *maqāṣid* klasik dan modern. Analisis dilakukan melalui empat tahap: penambatan tekstual, kontekstualisasi sosio-historis, identifikasi tujuan hukum-moral, dan reartikulasi normatif kontemporer. Temuan penelitian menunjukkan bahwa diskursus warisan dalam *Al-Qur'an* berorientasi pada kesejahteraan keluarga dan keadilan antargenerasi; ayat-ayat pidana dibangun di atas prinsip perlindungan jiwa, pencegahan, pertobatan, dan reformasi; sedangkan etika hukum antarkomunitas menegaskan keadilan, kebajikan, dan koeksistensi damai. Artikel ini berargumen bahwa hermeneutika hukum berbasis *maqāṣid* menawarkan jalan tengah yang disiplin antara tekstualisme kaku dan kontekstualisme tanpa batas. Kontribusi utama artikel ini terletak pada perumusan *maqāṣid* sebagai model interpretatif operasional untuk merekontekstualisasi ayat-ayat hukum *Al-Qur'an* dengan tetap menjaga otoritas tekstual dan normatifnya.

**Kata Kunci:** *āyāt al-aḥkām*, *maqāṣid al-shari'ah*, hermeneutika *Al-Qur'an*, tafsir hukum, interpretasi kontekstua.



## Introduction

The interpretation of *āyāt al-aḥkām* occupies a decisive place in Qur'anic studies because it links revelation, law, ethics, and social practice. These verses are commonly understood as Qur'anic passages containing legal and normative implications, but their scope has never been merely technical. They address worship, family relations, inheritance, criminal liability, economic transactions, intercommunal relations, and public order. Classical Muslim scholarship developed a sophisticated legal-exegetical tradition to interpret these verses through grammar, rhetoric, *asbāb al-nuzūl*, *ʿamm-ḵbāṣṣ*, *muṭlaq-muqayyad*, *naskh*, analogy, consensus, and the broader discipline of *uṣūl al-fiqh*. Hallaq shows that Islamic legal theory emerged through sustained negotiations between revelation, language, reason, and juristic authority,<sup>1</sup> while Calder argues that early Islamic jurisprudence was deeply shaped by interpretive techniques that transformed scriptural texts into legal norms.<sup>2</sup> This confirms that *āyāt al-aḥkām* were never read as isolated commands, but as part of an evolving legal-intellectual tradition.

The empirical significance of this tradition can be seen in the extensive body of *tafsīr āyāt al-aḥkām*. Mullā Jīwan's legal exegesis, for instance, is reported to focus on approximately 500 legal verses and to combine jurisprudence, creed, and linguistic analysis in deriving rulings.<sup>3</sup> Al-Qurṭubī's *al-Jāmi' li-aḥkām al-Qur'ān* represents another important model because it arranges Qur'anic legal interpretation in a casuistic manner, connecting textual explanation with practical legal application.<sup>4</sup> These examples show that legal exegesis historically operated as an interdisciplinary field, joining grammar, theology, law, and social reasoning. Yet the same tradition now faces new pressures because contemporary Muslim societies confront questions that differ sharply from the social conditions of premodern juristic discourse.

At the global level, Muslim legal thought today engages issues of gender justice, healthcare ethics, biomedical technology, minority rights, inheritance reform, criminal justice, citizenship, international treaties, and sustainable public welfare. These issues cannot always be addressed satisfactorily through a rigidly formalist reading of legal verses. Rahman therefore argues that modern Islamic thought must recover the Qur'an's moral vision by moving from specific historical rulings to general ethical principles and then back to contemporary application.<sup>5</sup> Saeed similarly maintains that the Qur'an's ethico-legal content requires historically aware and context-sensitive interpretation. Recent studies illustrate the urgency of this shift:<sup>6</sup> *maqāṣid* reasoning has been applied to Shariah-compliant healthcare and sustainable development,<sup>7</sup> inheritance debates within Sunni and Shia frameworks, bioethical issues such as surrogacy and egg freezing,<sup>8</sup> and international treaties

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<sup>1</sup> Wael B Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Usul Al-Fiqh* (Cambridge: Cambridge University Press, 1997).

<sup>2</sup> Norman Calder, "Tafsir from Tabari to Ibn Kathir," in *Approaches to the Qur'an* (London: Routledge, 1993), 101–4.

<sup>3</sup> K Z Uddin, "Mullā Jīwan's Methodology In His Qur'ān Commentary Al-Tafsīrāt Al-Aḥmadiyyah," *Australian Journal of Islamic Studies* 7, no. 1 (2022): 96–114, <https://doi.org/10.55831/ajis.v7i1.459>.

<sup>4</sup> A Bayram, "Analysis of the Casuistic Structure of the Legal Exegesis of the Qur'an from Its Form and Content: The Example of Tafsir Al-Qurtubi," *Cumburiyet Dental Journal* 24, no. 1 (2020): 187–209, <https://doi.org/10.18505/cuid.684569>.

<sup>5</sup> Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1982).

<sup>6</sup> Abdullah Saeed, *Interpreting the Qur'an: Towards a Contemporary Approach* (London: Routledge, 2006).

<sup>7</sup> A Haque et al., "Empowerment Of Sustainable Community Health Through The Application Of The Theory Of Maqasid Al-Shariah," *Asia Pacific Journal of Health Management* 20, no. 2 (2025), <https://doi.org/10.24083/apjhm.v20i2.4263>.

<sup>8</sup> R Aulia et al., "Social Egg Freezing in Islamic Law: Conditional Permissibility through a Maqāṣid Al-Sharī'ah and Gender Justice Perspective," *Mawaddab: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 546–78, <https://doi.org/10.52496/mjhki.v3i2.81>; F A Hussein, A T Abolaji, and A S Gbolahan, "Maqāṣid Al-Sharī'ah and the Ethics of Surrogacy: A Critical Appraisal of Lineage and Legal Certainty in Contemporary Islamic Law," *Mazāhibuna: Jurnal Perbandingan Mazhab* 7, no. 2 (2025): 157–75, <https://doi.org/10.24252/mazahibuna.vi.56753>.

or contemporary governance.<sup>9</sup> These developments indicate that the core problem is not whether Qur'anic legal verses remain relevant, but how their legal-moral purposes can be responsibly rearticulated.

Within this setting, *maqāsid al-sharī'ah* has become one of the most influential frameworks for renewing Islamic legal interpretation. Classical theory identifies the protection of religion, life, intellect, lineage, and property as core objectives of the law; contemporary scholarship expands this discussion toward justice, dignity, welfare, accountability, and harm prevention. Al-Shāṭibī systematized *maqāsid* as a foundational dimension of legal theory by arguing that Shariah aims to secure benefit and prevent harm.<sup>10</sup> Ibn 'Āshūr later reformulated *maqāsid* as a basis for legal renewal by emphasizing social order and human welfare, while Auda developed a systems approach that views Islamic law as open, multidimensional, and purpose-oriented.<sup>11</sup> Recent works continue this trajectory by stressing *maṣlahah*, *raf' al-ḍarar*, and the dynamic ranking of necessities, needs, and refinements in contemporary legal reasoning.<sup>12</sup> Athambawa likewise emphasizes the importance of integrating *maqāsid* into judicial and legislative frameworks so that legal reasoning remains responsive to changing social needs.<sup>13</sup>

The discussion, however, has expanded beyond *maqāsid al-sharī'ah* toward *maqāsid al-Qur'an*. This distinction matters. *Maqāsid al-sharī'ah* refers primarily to the objectives of Islamic law, whereas *maqāsid al-Qur'an* concerns the wider purposes of Qur'anic revelation, including justice, mercy, guidance, dignity, social welfare, and moral accountability. Al-Alwani argues that Qur'anic interpretation should be guided by the higher aims of revelation rather than by fragmented readings of isolated verses.<sup>14</sup> Kamali similarly maintains that *maqāsid*-oriented reasoning allows Islamic law to remain grounded in revelation while responding to changing realities.<sup>15</sup> Recent studies affirm that *maqāsid al-Qur'an* provides a broader framework for governance, ethics, and social harmony than legal objectives alone.<sup>16</sup> This broader perspective is essential because *āyāt al-ahkām* do not merely regulate behavior; they also construct a moral-legal worldview.

Existing scholarship may be grouped into three major strands. The first studies classical *tafsīr āyāt al-ahkām*, especially its grammatical, juristic, theological, and casuistic

<sup>9</sup> M L Mohd Yusob et al., "Maqasid Al-Shariah as a Parameter for Islamic Countries in Screening International Treaties before Ratification: An Analysis," *Pertanika Journal of Social Sciences and Humanities* 23, no. SpecialIssue11 (2015): 219–26, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85012867906&partnerID=40&md5=9f01b1df8fa36e54b4ac87a4f22ac303>; S Mustar et al., "Analysis of Insurance Nomination Practices in Singapore According to the Objectives of Shari'ah in Islamic Law," *Islamic Quarterly* 61, no. 1 (2017): 135–53, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85028355128&partnerID=40&md5=ef65baae0e1310c093a1f6f8debcde>.

<sup>10</sup> Abu Ishaq Ibrahim ibn Musa Al-Shatibi, *Al-Muwafaqat Fi Usul Al-Shariah*, ed. Abu Ubaydah Mashhur ibn Hasan Al Salman (Khobar: Dar Ibn Affan, 1997).

<sup>11</sup> Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law* (London: IIT, 2008).

<sup>12</sup> Z Mubarrak, I A Bakar, and M Hamdani, "The Urgency of the Islamic Law and Contemporary Societal Challenges: The Flexibility of Al-Maslahah in Determining the Hierarchy of Maqāsid Al-Sharī'ah," *El-Usrah* 8, no. 1 (2025): 344–65, <https://doi.org/10.22373/pxydd884>; M N Alias et al., "The Position of Maqasid Al-Shariah within Islamic Legal Sources: A Comprehensive Analysis," *Samarah* 9, no. 2 (2025): 937–64, <https://doi.org/10.22373/q4byre51>.

<sup>13</sup> M Athambawa, "Ijtihād Maqāsidī and Legal Adaptation: A Comparative Analysis of Contemporary Islamic Jurisprudence in Responding to Emerging Issues," *Mazhabuna: Jurnal Perbandingan Mazhab* 7, no. 1 (2025): 89–103, <https://doi.org/10.24252/mazhabuna.vi.54378>.

<sup>14</sup> Taha Jabir Al-Alwani, *Issues in Contemporary Islamic Thought* (London: International Institute of Islamic Thought, 2005).

<sup>15</sup> Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld, 2008).

<sup>16</sup> T A A Abu-Alhaj, M A Norasid, and S M H Al-Siyabi, "Governance; Its Concept, Foundations and Practical Implications: A Contemporary Qur'anic Maqasidic Study," *AlBayan* 23, no. 1 (2025): 101–29, <https://doi.org/10.1163/22321969-20250168>; T Islam, "Expansion Of Maqasid Thought Beyond Maqasid Al-Shariah: Maqasid Al-Quran As A New Paradigm," *Hamdard Islamicus* 45, no. 4 (2022): 79–95, <https://doi.org/10.57144/hi.v45i4.514>.

methods.<sup>17</sup> The second develops *maqāsid al-sharī'ah* as a theory of legal renewal, public welfare, and contextual legal reform.<sup>18</sup> The third advances contextual Qur'anic hermeneutics and modern legal interpretation, emphasizing the role of sociocultural context, ambiguity, and doctrinal continuity in legal meaning.<sup>19</sup> Together, these studies provide an important foundation, yet they do not fully resolve the methodological tension between textual authority and contextual reapplication.

The research gap is therefore conceptual, methodological, and empirical. Conceptually, many studies discuss *maqāsid* as a legal philosophy but do not clarify how it functions as a hermeneutical mechanism for Qur'anic legal verses. Methodologically, existing works often move from text to context without specifying procedural safeguards that prevent interpretation from becoming either rigid literalism or unrestricted contextualism. Empirically, contemporary applications of *maqāsid* in healthcare, inheritance, treaties, bioethics, and reformist legal policy remain scattered and are rarely integrated into a systematic model of *āyāt al-ahkām* interpretation.<sup>20</sup> The example of 'Umar ibn al-Khaṭṭāb's adaptive *ijtihād*, often cited as prioritizing public welfare over strict textual application in specific circumstances, further illustrates the need for a disciplined theory of contextual legal reasoning<sup>21</sup>

This study asks three main questions: how can *maqāsid al-sharī'ah* and *maqāsid al-Qur'an* function as a legal-hermeneutical framework for recontextualizing *āyāt al-ahkām*; what methodological procedures are required to preserve Qur'anic textual authority during recontextualization; and how does *maqāsid*-based legal hermeneutics differ from literalist exegesis and unrestricted contextual interpretation? Accordingly, the objective of this article is to formulate a structured model of *maqāsid*-based legal hermeneutics that integrates textual anchoring, socio-historical contextualization, identification of legal-moral objectives, and contemporary normative rearticulation.

The theoretical framework combines four bodies of thought: classical legal exegesis, *maqāsid al-sharī'ah*, *maqāsid al-Qur'an*, and legal hermeneutics. Classical legal exegesis keeps interpretation accountable to the Qur'anic text; *maqāsid al-sharī'ah* supplies the purposive logic of welfare and harm prevention; *maqāsid al-Qur'an* broadens legal interpretation toward the Qur'an's moral architecture; and legal hermeneutics explains how textual meaning interacts with context, normativity, and application. The novelty of this article lies in positioning *maqāsid* not merely as a moral ideal or legal maxim, but as an operational hermeneutical model for recontextualizing Qur'anic legal verses. Its academic

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<sup>17</sup> Bayram, "Analysis of the Casuistic Structure of the Legal Exegesis of the Qur'an from Its Form and Content: The Example of Tafsir Al-Qurtubi"; Uddin, "Mullā Jīwan's Methodology In His Qur'an Commentary Al-Tafsīrāt Al-Aḥmadiyah."

<sup>18</sup> Al-Shatibi, *Al-Muwafaqat Fi Usul Al-Shariah*, Muhammad al-Tahir Ibn Ashur, *Treatise on Maqasid Al-Shariah*, ed. Mohamed El-Tahir El-Mesawi (London: IIIT, 2006); Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*; Kamali, *Shari'ah Law: An Introduction*; Mubarrak, Bakar, and Hamdani, "The Urgency of the Islamic Law and Contemporary Societal Challenges: The Flexibility of Al-Maslahah in Determining the Hierarchy of Maqāsid Al-Sharī'ah"; A Alias and N A A Aziz, "Implementing Multimedia and Simulation in Developing Computerized Blood Circulation and Bodily Movement during Obligatory Prayers (SolatSim)," in *ICCTD 2010 - 2010 2nd International Conference on Computer Technology and Development, Proceedings*, 2010, 735–38, <https://doi.org/10.1109/ICCTD.2010.5646420>.

<sup>19</sup> Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition*, 1982; R Poscher, "The Hermeneutics of Legal Precedent," in *Philosophical Foundations of Precedent*, 2023, 143–57, <https://doi.org/10.1093/oso/9780192857248.003.0012>; P P Baranov and A I Ovchinnikov, "Main Ideas of the Legal Hermeneutics," *Social Sciences (Pakistan)* 11, no. 13 (2016): 3357–60, <https://doi.org/10.3923/sscience.2016.3357.3360>; Robert Gleave, *Islam and Literalism: Literal Meaning and Interpretation in Islamic Legal Theory* (Edinburgh: Edinburgh University Press, 2012); Saeed, *Interpreting the Qur'an: Towards a Contemporary Approach*.

<sup>20</sup> Haque et al., "Empowerment Of Sustainable Community Health Through The Application Of The Theory Of Maqasid Al-Shariah"; Mustar et al., "Analysis of Insurance Nomination Practices in Singapore According to the Objectives of Shari'ah in Islamic Law"; Aulia et al., "Social Egg Freezing in Islamic Law: Conditional Permissibility through a Maqāsid Al-Sharī'ah and Gender Justice Perspective."

<sup>21</sup> I Ishaq and M Ridwan, "A Study of Umar Bin Khatab's Ijtihad in an Effort to Formulate Islamic Law Reform," *Cogent Social Sciences* 9, no. 2 (2023), <https://doi.org/10.1080/23311886.2023.2265522>.

contribution is to offer a methodologically controlled alternative to both rigid textualism and unbounded contextualism, thereby strengthening ongoing debates on Qur'anic exegesis, Islamic legal theory, and contemporary Muslim legal-ethical thought

## Method

This study employs a qualitative library-based research design using textual, hermeneutical, and comparative-analytical approaches. This design is appropriate because the study aims to interpret the meaning, structure, and normative implications of selected Qur'anic legal verses rather than measure legal opinions statistically. Qualitative research is concerned with meaning, context, and interpretation, especially when the object of inquiry is textual and conceptual rather than numerical.<sup>22</sup> Accordingly, this study follows a documentary and textual research model in which primary and secondary sources are selected, examined, interpreted, and theoretically analyzed.

The primary data consist of selected *āyāt al-ahkām*, namely Q. 4:11 on inheritance, Q. 2:178–179 on *qiyās*, Q. 5:38–39 on theft and repentance, and Q. 60:8 on intercommunal justice and civic coexistence. These verses were chosen purposively because they represent major domains of Qur'anic legal discourse: family law, penal law, property protection, and public ethics. The study also uses classical and modern *maqāṣid* texts as primary theoretical sources, particularly al-Shāṭibī's *al-Muwāfaqāt fi uṣūl al-sharī'ah*, Ibn 'Āshūr's *Treatise on Maqāṣid al-Sharī'ah*, and selected works of contemporary Islamic legal theory. Purposive selection is justified because qualitative research prioritizes relevance, richness, and theoretical significance over statistical representativeness<sup>23</sup>

Secondary data include scholarly works on Qur'anic hermeneutics, Islamic legal theory, contextual interpretation, and contemporary *maqāṣid* studies. These sources are used to position the study within existing scholarship and to compare the proposed model with earlier approaches, especially Rahman's double-movement theory, Saeed's contextualist interpretation of ethico-legal verses, Auda's systems approach to *maqāṣid*, and Hallaq's historical analysis of Islamic legal theory.

Data were collected through documentation and close reading. Documentation was used to gather relevant Qur'anic verses, classical legal-exegetical materials, *maqāṣid* texts, and contemporary academic literature. Close reading was applied to identify legal terms, textual structures, normative indicators, and purposive statements within the selected verses. This technique is suitable because it allows careful attention to language, context, and conceptual relations in textual materials.<sup>24</sup>

The analytical framework is *maqāṣid*-based legal hermeneutics, constructed from three methodological foundations: classical legal exegesis, *maqāṣid al-sharī'ah*, and contextual Qur'anic hermeneutics. Classical legal exegesis provides the textual basis through linguistic analysis, legal indicators, *asbāb al-nuzūl*, generality, specification, and the structure of Qur'anic legal discourse. *Maqāṣid al-sharī'ah* provides the purposive basis by identifying the higher objectives of law, including welfare, justice, preservation of life, protection of property, social order, and prevention of harm. Contextual hermeneutics provides the interpretive basis for relating the historical context of revelation to contemporary legal and ethical issues.

The analysis was conducted in four stages. First, textual anchoring examined each verse according to its wording, legal structure, command or prohibition form, and

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<sup>22</sup> John W Creswell and Cheryl N Poth, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*, 4th ed. (Sage, 2018); Norman K Denzin and Yvonna S Lincoln, *The Sage Handbook of Qualitative Research* (Sage Publications, 2018).

<sup>23</sup> Michael Q Patton, *Qualitative Research & Evaluation Methods* (Sage Publications, 2015).

<sup>24</sup> Glenn A Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal* 9, no. 2 (2009): 27–40.

immediate textual context. Second, socio-historical contextualization situated the verse within its broader revelatory, social, and legal background. Third, identification of legal-moral objectives identified the relevant *maqāṣid*, such as justice, welfare, family responsibility, preservation of life, protection of property, and civic coexistence. Fourth, contemporary normative rearticulation examined how the legal-moral purpose of each verse may be responsibly understood in relation to contemporary ethical and legal challenges.

This four-stage model integrates Rahman's double movement, Saeed's contextualist hermeneutics, and the *maqāṣid* theories of al-Shāṭibī, Ibn 'Āshūr, and Auda. The integration is necessary because contextual interpretation and *maqāṣid* are often discussed separately. Rahman provides a model for moving from historical particularity to general moral principles and contemporary application,<sup>25</sup> while Saeed offers a method for interpreting ethico-legal Qur'anic texts in modern contexts.<sup>26</sup> This study adds a more explicit legal-theoretical control by using *maqāṣid* to identify the purposes of Qur'anic legal discourse.

To ensure methodological transparency, three interpretive criteria were applied. First, every interpretation must remain anchored in the Qur'anic verse and its immediate context. Second, contextual reading must be connected to identifiable legal-moral objectives rather than subjective ethical preference. Third, contemporary rearticulation must be consistent with broader Qur'anic principles such as justice, mercy, welfare, dignity, and prevention of harm. These criteria are intended to avoid rigid literalism on the one hand and unrestricted contextualism on the other.

The credibility of the analysis was strengthened through source and theoretical triangulation. Source triangulation involved comparing Qur'anic verses, classical *maqāṣid* texts, modern Islamic legal theory, and contemporary Qur'anic hermeneutics. Theoretical triangulation involved reading the data through complementary frameworks, including *maqāṣid al-shari'ah*, contextual hermeneutics, and legal-exegetical theory. Triangulation enhances qualitative credibility by examining a problem through multiple sources and perspectives.<sup>27</sup>

As a library-based textual study, this research does not involve human participants, fieldwork, interviews, or experimental procedures. Ethical responsibility is maintained through accurate citation, clear distinction between primary and secondary sources, and transparent explanation of the interpretive stages. This method is appropriate because the study seeks to formulate and examine a hermeneutical model for recontextualizing *āyāt al-ahkām* while preserving Qur'anic textual authority.

## Results and Discussion

### *Maqāṣid* as an Operational Legal-Hermeneutical Framework

*Maqāṣid*-based legal hermeneutics functions most convincingly not as a broad ethical appeal, but as an operational method for interpreting *āyāt al-ahkām* through a disciplined movement from textual authority to legal-moral purpose and then to contemporary normative application. The primary finding of this study is that the classical theory of *maqāṣid* already contains a hermeneutical logic that allows Qur'anic legal verses to be read beyond their formal legal wording without detaching them from the text. Al-Shāṭibī's formulation is central to this finding: *وَضَعَ الشَّرَائِعَ إِنَّمَا هُوَ لِمَصَالِحِ الْعِبَادِ فِي الْعَاجِلِ وَالْآجِلِ مَعًا*, "The establishment of the laws is only for the welfare of human beings in this world and the

<sup>25</sup> Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1982).

<sup>26</sup> Saeed, *Interpreting the Qur'an: Towards a Contemporary Approach*.

<sup>27</sup> Denzin and Lincoln, *The Sage Handbook of Qualitative Research*; Patton, *Qualitative Research & Evaluation Methods*.

hereafter”.<sup>28</sup> This statement is not merely theological; it provides a legal-hermeneutical principle. If law is instituted for *maṣlahah*, then the interpreter must examine not only what a legal text says at the level of command, prohibition, or allocation, but also what objective the ruling is meant to secure within the Qur'anic moral order.

The same purposive structure is sharpened in Ibn 'Āshūr's modern reformulation of *maqāṣid*. He states: “أَنَّ الْمَقْصِدَ الْعَامَّ مِنَ التَّشْرِيعِ فِيهَا هُوَ حِفْظُ نِظَامِ الْأُمَّةِ”, “The general objective of legislation is the preservation of the order of the community”.<sup>29</sup> This passage shifts legal interpretation from rule extraction to the preservation of social order, welfare, and moral responsibility. Read together, al-Shātibī and Ibn 'Āshūr show that *maqāṣid* is neither an optional ethical supplement nor a post-textual justification for reform. It is a juristic-theoretical lens through which the relationship between textual form, legal reason, and social consequence can be examined. This finding supports Auda's systems approach, which understands Islamic law as open, multidimensional, interrelated, and purpose-oriented rather than as a closed inventory of isolated rulings.<sup>30</sup> It also corresponds with recent scholarship that treats *maqāṣid al-shari'ah* as a framework for aligning legal rulings with justice, welfare, and ethical values in changing contexts.<sup>31</sup>

Applying the method described in this study, the operational structure of *maqāṣid*-based legal hermeneutics consists of four interrelated stages: textual anchoring, socio-historical contextualization, identification of legal-moral objectives, and contemporary normative rearticulation. Textual anchoring prevents interpretation from becoming detached from the Qur'anic wording and its legal structure. Socio-historical contextualization examines the concrete conditions addressed by the verse, including the social practices, harms, and regulatory needs that shaped the legal discourse. Identification of legal-moral objectives then clarifies the *maqāṣid* involved, especially *maṣlahah*, prevention of harm, justice, preservation of life, protection of property, and social order. Finally, contemporary normative rearticulation asks how those objectives can be responsibly expressed under new circumstances. This sequence answers the first research question by showing how *maqāṣid al-shari'ah* and *maqāṣid al-Qur'an* can function as a legal-hermeneutical framework, not by replacing textual interpretation, but by organizing it.

The analytical value of this model becomes clearer when compared with other approaches. Rahman's double-movement theory moves from the historical situation of revelation to general moral principles and then back to contemporary application.<sup>32</sup> Saeed's contextualist hermeneutics develops a similar concern by arguing that ethico-legal verses require attention to historical context, ethical rationality, and present moral relevance.<sup>33</sup> The model proposed here supports both approaches but refines them by introducing a stronger juristic control through *maqāṣid*. It does not allow context alone to determine meaning; instead, context is assessed through the legal-moral objectives embedded in the Qur'anic and juristic tradition. This is important because Islamic legal hermeneutics must balance textual authority with contextual interpretation, especially when dealing with ambiguous or contested legal texts.<sup>34</sup> Recent discussions also underline that proper *maqāṣid*

<sup>28</sup> Al-Shatibi, *Al-Muwafaqat Fi Usul Al-Shariah*.

<sup>29</sup> Ibn Ashur, *Treatise on Maqasid Al-Shariah*.

<sup>30</sup> Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*.

<sup>31</sup> L Takim, “Maqāṣid Al-Sharī'a in Contemporary Shīrī Jurisprudence,” in *Maqasid Al-Shari'a and Contemporary Reformist Muslim Thought: An Examination*, 2014, 101–25, [https://doi.org/10.1057/9781137319418\\_5](https://doi.org/10.1057/9781137319418_5); Mubarrak, Bakar, and Hamdani, “The Urgency of the Islamic Law and Contemporary Societal Challenges: The Flexibility of Al-Maslahah in Determining the Hierarchy of Maqāṣid Al-Sharī'ah”; H Fatarib et al, “Progressive Legal Reasoning in Contemporary Islamic Legal Reform: Negotiating the Maqāṣid and Hermeneutic Approaches,” *Juris: Jurnal Ilmiah Syariah* 24, no. 2 (2025): 277–94, <https://doi.org/10.31958/juris.v24i2.16123>.

<sup>32</sup> Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition*, 1982.

<sup>33</sup> Abdullah Saeed, *Islamic Thought: An Introduction* (London: Routledge, 2006).

<sup>34</sup> Poscher, “The Hermeneutics of Legal Precedent”; Baranov and Ovchinnikov, “Main Ideas of the Legal Hermeneutics”; Gleave, *Islam and Literalism: Literal Meaning and Interpretation in Islamic Legal Theory*.

application requires holistic textual analysis so that interpretation does not fall into either rigid literalism or excessive rationalism.<sup>35</sup>

This finding also engages a major tension in contemporary Islamic legal thought. Neo-traditional Salafist hermeneutics, as discussed by Duderija, tends to prioritize philological and textual intentionalism while marginalizing broader purposive reasoning such as *maṣlahah*.<sup>36</sup> By contrast, contemporary reformist scholarship often emphasizes *maqāṣid* as a mechanism for dynamic legal renewal.<sup>37</sup> The present study does not simply side with unrestricted reformism. It argues that *maqāṣid* must be operationalized through textual discipline. This position differs from approaches that use *maṣlahah* as a flexible moral category without clear interpretive safeguards. *Maṣlahah* is central, but it must be ranked and evaluated through the recognized categories of *ḍarūriyyāt*, *ḥājjiyyāt*, and *taḥsīniyyāt*.<sup>38</sup> In modern fields such as Islamic finance, for example, *maqāṣid* has been used to assess cryptocurrency and digital sukuk, showing that purposive reasoning can address new legal objects when grounded in a structured method.<sup>39</sup>

The theoretical implication is that *maqāṣid* should be understood as a mediating hermeneutical grammar between legal textualism and contextual reapplication. It preserves the authority of the Qur'anic text by requiring interpretation to begin with textual anchoring, yet it prevents legal meaning from being frozen at the level of literal formulation by requiring the interpreter to identify the ruling's higher objective. This contributes to Qur'anic legal studies by transforming *maqāṣid* from a general philosophy of law into a replicable analytical procedure. In this sense, *maqāṣid*-based legal hermeneutics offers a controlled model of recontextualization: it neither dissolves the text into modern ethical preference nor confines the Qur'an's legal discourse to premodern social forms. Its main contribution lies in showing that the recontextualization of *āyāt al-aḥkām* can be both textually accountable and normatively responsive.

### Recontextualizing Inheritance Verses through the *Maqāṣid* of Family Welfare

Qur'anic inheritance discourse should be read not only as a system of fixed legal shares but also as a welfare-oriented framework designed to regulate wealth transfer, protect family obligations, and prevent arbitrary exclusion of heirs. The textual basis of this finding appears clearly in Q. 4:11, which opens with the authoritative formula *يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ*, “Allah instructs you concerning your children” (Q. 4:11). The verse then establishes the well-known distributive rule: *لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ*, “For the male, what is equal to the share of two females” (Q. 4:11). A narrow legal reading often isolates this phrase as the central meaning of the verse. However, the same verse immediately places inheritance within a wider structure of obligation by stating that distribution occurs *مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ*, “after any bequest he may have made or debt” (Q. 4:11). It also adds the normative caution *لَا تَدْرُونَ أَيُّهُمُ أَقْرَبُ لَكُمْ نَفْعًا*, “You do not know which of them is nearest to you in benefit”

<sup>35</sup> M N Alias et al., “Scientific Approach As The Basis For The Formation Of Maqāṣid Al-Sharī'ah Concept And Principles: A Comparative Study,” *Malaysian Journal of Syariah and Law* 12, no. 2 (2024): 350–63, <https://doi.org/10.33102/mjssl.vol12no2.568>.

<sup>36</sup> A Duderija, “Neo-Traditional Salafi Qur'an-Sunna Hermeneutics1 and Its Interpretational Implications,” *Religion Compass* 5, no. 7 (2011): 314–25, <https://doi.org/10.1111/j.1749-8171.2011.00285.x>.

<sup>37</sup> Mubarrak, Bakar, and Hamdani, “The Urgency of the Islamic Law and Contemporary Societal Challenges: The Flexibility of Al-Maslahah in Determining the Hierarchy of Maqāṣid Al-Sharī'ah.”

<sup>38</sup> K Sadek, “Maṣlahah and Rachid Al-Ghannushi's Reformist Project,” in *Maqasid Al-Shari'a and Contemporary Reformist Muslim Thought: An Examination*, 2014, 151–75, [https://doi.org/10.1057/9781137319418\\_7](https://doi.org/10.1057/9781137319418_7); Mubarrak, Bakar, and Hamdani, “The Urgency of the Islamic Law and Contemporary Societal Challenges: The Flexibility of Al-Maslahah in Determining the Hierarchy of Maqāṣid Al-Sharī'ah.”

<sup>39</sup> Alias et al., “The Position of Maqasid Al-Shariah within Islamic Legal Sources: A Comprehensive Analysis.”

(Q. 4:11). These clauses indicate that inheritance is not merely arithmetical; it is embedded in a moral-legal order involving debt, testamentary responsibility, kinship benefit, and intergenerational welfare.

This textual finding corresponds with the classical function of *farā'id* as a regulated mechanism for redistributing wealth among heirs and reducing intra-family economic vulnerability. Studies of Islamic inheritance law note that fixed shares are linked to familial roles and financial obligations, with the male share historically connected to responsibilities of maintenance and economic support rather than to a simple valuation of male superiority.<sup>40</sup> From a *maqāṣid* perspective, the 2:1 formula must therefore be situated within the wider objectives of family welfare, wealth circulation, and protection of dependents. This does not dissolve the verse's legal wording, but it does prevent the legal formula from being detached from the economic and social duties that give it normative coherence.

The finding also shows that Islamic inheritance law contains internal mechanisms for contextual adjustment. The principle of *takharuj*, for instance, allows heirs to negotiate distribution by mutual agreement within a Shariah-recognized framework, showing that the legal tradition recognizes negotiated settlement when it protects family harmony and avoids conflict.<sup>41</sup> Such mechanisms are significant because they demonstrate that recontextualization does not require bypassing Qur'anic inheritance discourse. Rather, it can work through legal instruments already embedded in Islamic jurisprudence, including *waṣīyyah*, *hibah*, debt settlement, maintenance duties, and consensual redistribution.

The contemporary relevance of this finding becomes evident in empirical contexts where inheritance practice differs from formal Islamic norms. In South Aceh and Gorontalo, inheritance distribution is often influenced by customary deliberation and communal ideas of equality, reflecting local socio-economic conditions and family consensus. Yet such customary deviations may also generate delays, disputes, and uncertainty when they are not institutionally regulated.<sup>42</sup> Indonesian judicial practice further illustrates the tension between textual shares and changing socio-economic realities, as some courts have granted equal shares to male and female heirs through judicial *ijtihad* aimed at gender justice and family welfare.<sup>43</sup> These cases are analytically important because they reveal the central methodological question: when social roles change, how should Qur'anic inheritance norms be rearticulated without reducing revelation to contemporary preference?

Reformist scholarship has addressed this question by criticizing the uncontextualized application of the 2:1 ratio in societies where women also bear substantial economic responsibility.<sup>44</sup> Shia inheritance discourse has also been discussed as a comparative model because it recognizes women's inheritance rights within a distinct juristic architecture, thereby showing that Muslim legal traditions are not monolithic in their treatment of

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<sup>40</sup> A Zuleikha and S Mohamad, "Faraid as Islamic Inheritance Laws: Socio-Economic Impact on Investments," in *Islamic Wealth Management: Theory and Practice*, 2017, 281–310, <https://doi.org/10.4337/9781786439390.00026>; I Yilmaz, "An Analytical Overview on the Girl's Inheritance Share Based on Gender in Islamic Law," *Cumhuriyet İlahiyat Dergisi* 22, no. 1 (2018): 347–76, <https://doi.org/10.18505/cuid.404670>.

<sup>41</sup> M Y Ahmad et al., "Flexibility of Takharuj Principle in Solving the Inheritance Issues," *International Journal of Civil Engineering and Technology* 8, no. 11 (2017): 867–78, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85036539102&partnerID=40&md5=9a13b957e0ea272d6449ad570630a7b6>; H Pongoliu, "Pembagian Harta Waris Dalam Tradisi Masyarakat Muslim Di Gorontalo," *Al-Manahij: Jurnal Kajian Hukum Islam* 13, no. 2 (2019): 187–202, <https://doi.org/10.24090/mnh.v13i2.3166>.

<sup>42</sup> A Rasyid, R F Lubis, and I Saleh, "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective," *Al-Ahkam* 34, no. 2 (2024): 419–48, <https://doi.org/10.21580/ahkam.2024.34.2.20843>.

<sup>43</sup> Y Fitriyati et al., "Reconsidering Inheritance Equality: Gender Justice in Religious Court Decisions through the Lens of Maqashid Al-Shariah," *Nurani* 25, no. 1 (2025): 122–40, <https://doi.org/10.19109/nurani.v25i1.27133>.

<sup>44</sup> H Ahyani et al., "GENDER JUSTICE IN THE SHARING OF INHERITANCE AND IMPLEMENTATION IN INDONESIA," *Asy-Syar'ah* 24, no. 2 (2022): 285–304, <https://doi.org/10.15575/as.v24i2.2.14640>; M Huda and T W Hidayati, "The Concept of Muḥammad Shaḥrūr on Gender Parity in Inheritance Legislation," *El-Ussrah* 6, no. 2 (2023): 262–80, <https://doi.org/10.22373/ujhk.v6i2.18121>.

gender and inheritance. At the same time, ethnographic and socio-legal studies warn that the problem is not always the Qur'anic rule itself, but patriarchal implementation. In India and Egypt, women may be pressured to waive their inheritance rights, while some customary systems, including Sasak practices, have historically excluded women altogether.<sup>45</sup> These findings challenge the assumption that formal equality alone solves inheritance injustice; the deeper issue is whether the legal system secures actual access, consent, and protection for vulnerable heirs.

Theoretically, this analysis refines Rahman's double-movement model by identifying family welfare as the moral principle behind a specific legal formulation and then asking how that principle operates under contemporary social conditions.<sup>46</sup> It also develops Saeed's contextualist hermeneutics by grounding contextual interpretation in *maqāṣid*, not in unrestricted ethical revision.<sup>47</sup> The broader literature on intergenerational justice strengthens this reading, since inheritance functions as a mechanism for transmitting assets, obligations, and social cohesion across generations.<sup>48</sup> Contemporary debates on pensions, social security, and sustainable welfare similarly emphasize the duty of present generations to preserve the well-being of future generations.<sup>49</sup> Philosophical accounts of intergenerational obligation further support this point by linking justice to duties toward both past and future communities.<sup>50</sup> Qur'anic inheritance verses should be interpreted as part of a *maqāṣid* architecture of family welfare, not merely as isolated distributive formulas. This sub-section therefore affirms that recontextualizing inheritance law means preserving textual authority while activating the Qur'an's broader concern for responsibility, protection, and intergenerational justice.

### Penal Verses and the *Maqāṣid* of Life, Deterrence, and Reform

Qur'anic penal verses frame punishment as an instrument of life protection, social deterrence, moral accountability, and reform rather than as an autonomous punitive objective. This finding is evident in the textual structure of Q. 2:178–179, where *qisās* is prescribed for homicide but is immediately surrounded by mechanisms of pardon, compensation, and ethical settlement. Q. 2:178 states: *فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتِّبَاعٌ بِالْمَعْرُوفِ وَأَدَاءٌ*, “But whoever is pardoned by his brother, then there should be a suitable follow-up and payment to him with good conduct” (Q. 2:178). The verse does not confine the legal response to retaliation; it opens the possibility of *afw*, orderly compensation, and dignified conduct. The next verse then provides an explicit teleological statement: *وَلَكُمْ فِي* *الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَلْبَابِ*, “And there is life for you in legal retribution, O people of understanding” (Q. 2:179). The phrase “there is life for you” is decisive for a *maqāṣid*-based reading because it identifies the objective of *qisās* as the preservation of life and social security, not vengeance.

This textual finding corresponds with studies that describe *qisās* as a retributive mechanism governed by proportionality, equality between harm and response, and

<sup>45</sup> S Vatak, “Muslim Daughters and Inheritance in India: Sharīcat, Custom and Practice,” *Contemporary South Asia* 30, no. 1 (2022): 16–29, <https://doi.org/10.1080/09584935.2021.2021854>.

<sup>46</sup> Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition*, 1982.

<sup>47</sup> Saeed, *Interpreting the Qur'an: Towards a Contemporary Approach*.

<sup>48</sup> A Börsch-Supan, “Reform of the Pension System in Line with the Principle of Sustainability,” *Wirtschaftsdienst* 105, no. 11 (2025): 798–802, <https://doi.org/10.2478/wd-2025-0205>.

<sup>49</sup> T Kotkas, “Social Rights and Social Sustainability: Can Social Law Promote Intergenerational Justice?,” in *Research Handbook on Sustainability and Competition Law*, 2024, 320–35, <https://doi.org/10.4337/9781802204667.00028>.

<sup>50</sup> J Thompson, “Identity and Obligation in a Transgenerational Polity,” in *Intergenerational Justice*, 2009, <https://doi.org/10.1093/acprof:oso/9780199282951.003.0002>; T Bach, “Intergenerational Justice,” in *The Encyclopedia of Political Thought*, 2014, 1–2, <https://doi.org/10.1002/9781118474396.wbept0518>.

deterrence against further violence.<sup>51</sup> Yet its structure is not purely retributive. The victim or heirs may choose equivalent punishment, monetary compensation (*diyyah*), or forgiveness, which gives the institution a restorative dimension and allows legal justice to be linked with reconciliation.<sup>52</sup> Husni further interprets *qisās* as a process of moral purification for both victim and offender, suggesting that its legal function is inseparable from dignity, accountability, and social healing.<sup>53</sup> This confirms that Q. 2:178–179 contains more than a punitive formula: it regulates violence by combining deterrence, victim recognition, proportional response, and the possibility of moral restoration.

A similar pattern appears in Q. 5:38–39. Q. 5:38 states: *وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا*, “As for the male thief and the female thief, cut off their hands” (Q. 5:38). Read in isolation, this clause appears as a fixed penal command. However, the subsequent verse introduces repentance and reform: *فَمَنْ تَابَ مِنْ بَعْدِ ظُلْمِهِ وَأَصْلَحَ فَإِنَّ اللَّهَ يَتُوبُ عَلَيْهِ*, “But whoever repents after his wrongdoing and reforms, Allah will surely turn to him in forgiveness” (Q. 5:39). The sequence matters hermeneutically. The Qur’an presents the penal rule alongside *tawbah* and *islah*, thereby linking punishment with the possibility of ethical transformation. Studies on *hudud* emphasize that fixed penalties are prescribed for serious offences and aim to deter grave violations of social order.<sup>54</sup> At the same time, the strict evidentiary requirements and the distinction between *huquq Allah* and *huquq al-‘abd* indicate that Islamic penal law does not operate through severity alone, but through a layered moral-legal structure in which divine rights, human claims, repentance, compensation, and forgiveness occupy different positions.<sup>55</sup>

Theoretically, these findings strengthen al-Shāṭibi’s claim that legal rulings are instituted for human welfare and the prevention of harm.<sup>56</sup> Penal verses are not exceptions to *maqāsid* reasoning; they are among its clearest cases because Q. 2:179 explicitly states the purpose of the rule. Ibn ‘Āshūr’s view that legislation aims to preserve communal order and human welfare also becomes especially relevant here, since homicide and theft threaten life, property, trust, and social stability.<sup>57</sup> The relevant *maqāsid* are therefore preservation of life, protection of property, deterrence, proportional justice, victim recognition, and offender reform. This reading answers the research question concerning the difference between *maqāsid*-based hermeneutics and rigid literalism: the latter may isolate the punitive clause, whereas a purposive reading interprets the clause through its textual sequence, stated objective, and legal-moral function.

contemporary restorative justice literature in Islamic law. Sriwidodo, Modongal, and Sodikin argue that Islamic criminal law contains mechanisms of reconciliation,

<sup>51</sup> A B M Husni et al., “Relationship of Maqasid Ai-Shariah with Qisas and Diyah: Analytical View,” *Social Sciences (Pakistan)* 7, no. 5 (2012): 725–30, <https://doi.org/10.3923/sscience.2012.725.730>; S T Halimang, “Justice and Qisās in Islamic Law: The Views of Muslim Scholars and Intellectuals at Makassar City, South Sulawesi,” *Samarah* 9, no. 1 (2025): 617–42, <https://doi.org/10.22373/sjhk.v9i1.26164>.

<sup>52</sup> M Zawawi and N Hussin, “Forgiving the Enemy: A Comparative Analysis of the Concept of Forgiveness in Shari’ah and Malaysian Law,” *Pertanika Journal of Social Sciences and Humanities* 23, no. October (2015): 43–54, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84943614559&partnerID=40&md5=6088875d15a8123adc519a6b77d576e8>.

<sup>53</sup> Husni et al., “Relationship of Maqasid Ai-Shariah with Qisas and Diyah: Analytical View.”

<sup>54</sup> Z Amin, “Religious Coping and Moral Injury among Muslim Clinicians: A Mixed-Methods Study of Post-Pandemic Burnout in Healthcare Settings,” *Journal of Religion and Health*, 2025, <https://doi.org/10.1007/s10943-025-02528-8>; A Q Zulkefly, R M Noor, and M Z Daud, “Proof of Zina Bi Al-Jabr from Islamic Perspective and Contemporary Legislation: A Literature Review,” *Journal of Shariah Law Research* 6, no. 2 (2021): 201–14, <https://doi.org/10.22452/jslr.vol6no2.4>.

<sup>55</sup> A Sodikin, “Legal, Moral, and Spiritual Dialectics in the Islamic Restorative Justice System,” *Abkam: Jurnal Ilmu Syariah* 21, no. 2 (2021): 357–78, <https://doi.org/10.15408/ajis.v21i2.22675>.

<sup>56</sup> Al-Shatibi, *Al-Muwajizat Fi Usul Al-Shariah*.

<sup>57</sup> Ibn Ashur, *Treatise on Maqasid Al-Shariah*.

forgiveness, compensation, and restoration of social relations.<sup>58</sup> The concept of *islah* is particularly relevant because it links repentance with practical reform and mediation among victims, offenders, and the community.<sup>59</sup> This does not mean that *hudud* and *qisās* can be collapsed into modern restorative justice models. Rather, the comparison shows that Islamic penal discourse contains both formal sanction and restorative potential. Sodiqin is useful here because he frames restorative justice as a balance among legal, moral, and spiritual dimensions, ensuring proportional accountability while reducing cycles of retaliatory harm.<sup>60</sup>

Qur'anic penal verses should be approached through the distinction between punishment as legal form and protection as *maqāṣid*-oriented purpose. The legal form remains textually significant, but its interpretation must be governed by the objectives of life, deterrence, proportionality, repentance, and reform. This sub-section therefore demonstrates that a *maqāṣid*-based reading does not suspend penal verses; it interprets them through the Qur'an's own moral architecture, making penal law accountable to both textual authority and the higher aim of preserving human life and social peace.

### Intercommunal Justice and the *Maqāṣid* of Civic Coexistence

Qur'anic legal normativity extends beyond ritual, family, and penal rulings by establishing civic principles for just coexistence across religious boundaries. This finding is grounded in Q. 60:8, a verse that distinguishes clearly between hostile aggression and peaceful intercommunal relations: *لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَوَدَّوْا أَنْ يُخْرِجُوكُمْ مِّنْ دِيَارِكُمْ*, “Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes” (Q. 60:8). The verse then identifies the proper ethical response: *أَنْ تُبْرَهُمْ وَتُقْسَطُوا إِلَيْهِمْ*, “that you should show them kindness and act justly toward them” (Q. 60:8). Its final clause, *إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ*, “Indeed, Allah loves those who act justly” (Q. 60:8), gives justice a theological and legal significance. The verse does not merely permit non-hostility; it affirms *birr* and *qist* as Qur'anic norms for peaceful relations with religious others.

The textual data show that Q. 60:8 contains four normative categories: non-aggression, non-expulsion, benevolence, and justice. These categories are important because they prevent the verse from being read either as unrestricted pluralism detached from religious identity or as exclusivist hostility toward non-Muslims. The Qur'anic distinction is more precise: conflict is morally and legally tied to aggression and expulsion, not to religious difference itself. This finding supports the broader claim that *āyāt al-ahkām* include verses that regulate civic relations, public ethics, and intercommunal responsibility. In this respect, Q. 60:8 broadens the field of Qur'anic legal exegesis from formal rulings to moral-legal governance.

From the perspective of *maqāṣid al-sharī'ah*, the verse reflects the preservation of social order, life, religion, dignity, and communal welfare. Ibn 'Āshūr's argument that legislation seeks the preservation of the community's order is particularly relevant here,

<sup>58</sup> J Sriwidodo, “Ensuring Restorative Justice Through Penal Mediation in Indonesia: An Examination from the Perspective of *Islah* (Reformation) in Islamic Criminal Law,” *Manchester Journal of Transnational Islamic Law and Practice* 20, no. 3 (2024): 45–57, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85211226750&partnerID=40&md5=1f99453e58920398eaca39f39656c709>; S Modongal, “Justice (Adi) through Forgiveness (afw): Islamic Ethics for Qisās as an Alternative to the Western Conflict Resolution Mechanism,” *Islamic Quarterly* 64, no. 2 (2020): 147–58, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85098692932&partnerID=40&md5=3d77c8caa86c05ca766e08298a872dc9>; Sodiqin, “Legal, Moral, and Spiritual Dialectics in the Islamic Restorative Justice System.”

<sup>59</sup> D Suparno et al., “Islam Nusantara in Song: Transitivity Benchmarking on Qasidah Nahdliyah,” *Studia Islamika* 32, no. 2 (2025): 279–311, <https://doi.org/10.36712/sdi.v32i2.46438>; Sriwidodo, “Ensuring Restorative Justice Through Penal Mediation in Indonesia: An Examination from the Perspective of *Islah* (Reformation) in Islamic Criminal Law.”

<sup>60</sup> Sodiqin, “Legal, Moral, and Spiritual Dialectics in the Islamic Restorative Justice System.”

because stable civic coexistence requires more than punitive regulation; it requires a normatively grounded ethic of fairness and mutual security.<sup>61</sup> Kamali's account of *maqāṣid*-oriented reasoning also supports this interpretation, since he stresses that Islamic law must respond to social realities while remaining anchored in revelatory foundations.<sup>62</sup> In Q. 60:8, the bridge between revelation and social reality is not imposed from outside the text. It is articulated by the verse itself through *birr*, *qist*, and divine approval of just conduct.

This finding also speaks to contemporary scholarship on coexistence in multireligious societies. Poya argues that justice remains a foundational principle for coexistence, although its legal and social interpretation has developed across historical contexts.<sup>63</sup> Ashafa further shows that the *maqāṣid al-sharī'ah* framework can positively influence peaceful coexistence in multireligious settings such as Nigeria by linking social well-being, economic justice, and inclusive communal life.<sup>64</sup> These studies reinforce the argument that civic coexistence is not peripheral to Islamic legal thought. Rather, it is connected to the objectives of protecting religion, life, intellect, progeny, and wealth within a social environment where different communities share public space.

Historical evidence also complicates the assumption that Islamic legal normativity is inherently incompatible with plural governance. Mushtaq for example, discusses the Ottoman millet system as a historical model in which non-Muslim communities retained autonomy in religious and cultural matters.<sup>65</sup> Although such models cannot be transferred uncritically into modern constitutional systems, they demonstrate that Islamic political history contains precedents for religious accommodation and legal plurality. This historical insight is important because it prevents contemporary *Qur'anic* hermeneutics from treating pluralism as a purely modern imposition. The *Qur'anic* basis of non-aggression, justice, and benevolence can be read alongside historical practices of accommodation, while still allowing critical evaluation of their limitations.

At the same time, this finding refines contextualist hermeneutics by rejecting two extremes. On one side, an exclusivist reading may subordinate civic justice to communal boundaries. On the other side, a thin liberal reading may reduce Q. 60:8 to a generic statement of tolerance. A *maqāṣid*-based reading avoids both reductions by treating the verse as a legal-ethical text with specific normative thresholds. Kapai argues that diverse societies require more than formal equality; they need deliberative mechanisms that include minority voices and cultivate civic responsibility.<sup>66</sup> Thio's study of Singapore similarly shows that managing religious diversity often depends on relational harmony, reconciliation, and civic ethics rather than punitive legal measures alone.<sup>67</sup> These perspectives illuminate the contemporary significance of Q. 60:8: justice requires not merely the absence of persecution but the presence of institutions and practices that protect dignity and enable coexistence.

The verse also resonates with interfaith approaches grounded in shared moral values. Rahman argues that interfaith dialogue can reduce intolerance when it is built on

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<sup>61</sup> Ibn Ashur, *Treatise on Maqasid Al-Shariah*.

<sup>62</sup> Kamali, *Shari'ah Law: An Introduction*.

<sup>63</sup> A Poya, *Sharia and Justice: An Ethical, Legal, Political, and Cross-Cultural Approach*, *Sharia and Justice: An Ethical, Legal, Political, and Cross-Cultural Approach*, 2018, <https://doi.org/10.1515/9783110574593>.

<sup>64</sup> S A Ashafa and L Raimi, "Exploring the Impact of Islam's Social Well-Being and Economic Justice on Peaceful Coexistence in Nigeria: Implications for Conventional Welfare Policy," *Journal of Entrepreneurship and Public Policy* 14, no. 2 (2025): 230–50, <https://doi.org/10.1108/JEPP-11-2023-0116>.

<sup>65</sup> M Mushtaq and M R Mahmood, "Governing Diversity: Reflections on the Doctrine and Traditions of Religious Accommodation in Islam," *Journal of Islamic Thought and Civilization* 10, no. 2 (2020): 190–205, <https://doi.org/10.32350/jitc.102.11>.

<sup>66</sup> P Kapai, "The Doctrine of Substantive Equality and the Democratisation of Diversity," in *At the Interface: Probing the Boundaries*, vol. 79, 2012, 37–62, [https://doi.org/10.1163/9789401208109\\_004](https://doi.org/10.1163/9789401208109_004).

<sup>67</sup> L.-A. Thio, "Law, Reconciliation, and Human Dignity: Religious Diversity and Managing Religious Harmony in Singapore," in *Fundamental Rights, Religion and Human Dignity: A Constitutional Journey*, 2024, 57–81, <https://doi.org/10.4324/9781003519188-5>.

justice, mercy, love, and respect for human dignity, including Islamic notions such as *rahmatan lil-‘ālamīn* and parallel ethical teachings in other traditions. This does not mean that Qur'anic legal interpretation should collapse theological differences into universal moral language. Rather, it shows that *maqāṣid*-based hermeneutics can identify shared civic values while preserving the vocabulary of the Qur'an. Such an approach is especially relevant in societies where legal pluralism creates both tension and opportunity. Haider and Kozak-Isik note that the coexistence of Islamic and state legal systems raises challenges in human rights and governance, but hybrid reforms may also generate pathways for cooperation.<sup>68</sup> Fouad Allam adds that colonial legacies and modern nationalism have often intensified interreligious tensions, making inclusive governance not only a legal concern but also a historical and political necessity.<sup>69</sup>

The theoretical implication of this finding is that *maqāṣid*-based legal hermeneutics expands *āyāt al-ahkām* from a narrow category of legal rules into a broader framework of civic normativity. Q. 60:8 supports, refines, and extends existing theories: it supports Ibn ‘Āshūr’s view of law as social order, refines contextualist hermeneutics by grounding plural coexistence in explicit Qur'anic language, and challenges restrictive legal readings that overlook the public-ethical dimension of Qur'anic legislation. The sub-section therefore confirms that civic coexistence is not external to Qur'anic legal interpretation; it is one of its *maqāṣid*-oriented expressions, grounded in justice, benevolence, and the protection of shared social life.

## Conclusion

This study concludes that *maqāṣid*-based legal hermeneutics provides a coherent framework for recontextualizing *āyāt al-ahkām* in contemporary Qur'anic exegesis. The research objective has been addressed by showing that Qur'anic legal verses can be interpreted through four connected stages: textual anchoring, socio-historical contextualization, identification of legal-moral objectives, and contemporary normative rearticulation. Through this model, *maqāṣid* is not treated as a loose ethical ideal, but as an operational interpretive method that preserves Qur'anic textual authority while allowing legal meaning to respond to changing social realities.

The findings show that Qur'anic legal discourse is not limited to formal rulings. Q. 4:11 on inheritance contains fixed shares, but it is also connected to debt settlement, family responsibility, protection of heirs, and intergenerational welfare. Q. 2:178–179 and Q. 5:38–39 show that penal verses are structured around life protection, deterrence, proportional justice, repentance, and reform, rather than punishment as an isolated end. Q. 60:8 further demonstrates that *āyāt al-ahkām* also include civic ethics, especially justice, benevolence, and peaceful coexistence with non-hostile religious others.

The theoretical contribution of this study lies in positioning *maqāṣid* as a legal-hermeneutical procedure rather than merely a general philosophy of Islamic law. By integrating classical legal exegesis, *maqāṣid al-sharī‘ah*, *maqāṣid al-Qur‘ān*, and contextual hermeneutics, this article offers a middle path between rigid textualism and unrestricted contextualism. It refines contemporary Qur'anic hermeneutics by showing that contextual interpretation can remain accountable to the text when guided by identifiable legal-moral objectives.

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<sup>68</sup> A Haider et al., “Can Islamic Law and Secular Law Coexist Without Conflict,” *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 485–512, <https://doi.org/10.29240/jhi.v10i2.11331>; G Kozak-Isik, “Contemporary Legal Pluralism, the Modern Metropole, and Immigrant Integration: Negotiating the Law and Legal Institutions in Immigrant Contexts,” *Social and Legal Studies* 34, no. 2 (2025): 224–53, <https://doi.org/10.1177/09646639241257589>.

<sup>69</sup> K Fouad Allam, “Islam,” in *The Wiley Blackwell Encyclopedia of Race, Ethnicity and Nationalism*, 2016, 1–8, <https://doi.org/10.1002/9781118663202.wberen207>.

The broader significance of this study is its contribution to Islamic legal theory and Qur'anic studies in addressing contemporary legal and ethical challenges. It shows that recontextualization does not require abandoning Qur'anic authority; rather, it requires a disciplined effort to uncover the purposes through which Qur'anic legal discourse promotes justice, welfare, dignity, social order, and the prevention of harm. In this sense, *maqāsid*-based legal hermeneutics offers a constructive model for reading Qur'anic legal verses across changing historical and social contexts.

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