

Reframing Human Rights in Muslim Societies: A *Maqāṣid*-Based Critique of Liberal Universalism through Islamic Sociological Jurisprudence

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Abstract

This article critically reassesses and reformulates liberal universalism in human rights through a *maqāṣid al-shari'ah* approach integrated with Islamic sociological jurisprudence in contemporary Muslim societies. The research addresses the epistemological tension between liberal human rights norms, which are rooted in post-Enlightenment secular individualism, and the Islamic legal tradition, which prioritizes the balance between individual rights, communal obligations, and public welfare as central objectives of sharia. Utilizing a qualitative library-based methodology with normative and conceptual analysis, the study examines literature on liberal human rights theory, *maqāṣid al-shari'ah*, Islamic jurisprudence, and sociological jurisprudence. The analysis is organized around three themes: Liberal Universalism and the Epistemology of Islamic Law; *Maqāṣid al-Shari'ah* and Sociological Jurisprudence; and a *Maqāṣid*-Based Critique of Liberal Human Rights Norms. The findings indicate that *maqāṣid al-shari'ah* provides a holistic and adaptive epistemological framework that addresses contemporary human rights issues while remaining grounded in Islamic legal principles. This framework facilitates the reconstruction of human rights discourse to accommodate Islamic values, social justice, collective welfare, and legal pluralism within Muslim societies. Additionally, the integration of sociological jurisprudence enhances the capacity of Islamic law to respond to evolving social realities without undermining the normative autonomy of sharia. The study concludes that a *maqāṣid*-based approach offers an alternative to both the dominance of liberal universalism and purely relativistic perspectives, thereby contributing to the renewal of Islamic jurisprudence and the development of a context-sensitive, normatively authentic, and socially relevant human rights framework.

Keywords: *Maqāṣid al-shari'ah*, liberal universalism, Islamic sociological jurisprudence, reframing.

Introduction

The tension between liberal universalism in human rights and Islamic legal traditions has become a central issue in contemporary legal discourse, particularly in Muslim societies facing the dynamics of globalization and modernization (Abdillah, 2014). Liberal universalism, rooted in post-Enlightenment European secular individualism, positions human rights as abstract norms that are universal, neutral, and independent of cultural and religious contexts (Hussain et al., 2023). This approach often assumes its epistemological superiority, thus tending to marginalize legal frameworks based on communal values and the public good, as taught by Islamic law (Sumarta et al., 2024). In the context of Muslim societies, this tension is not only normative but also epistemological: liberalism emphasizes individual autonomy as central, while Islamic law offers a balance between individual rights, communal obligations, and the holistic ultimate goals of sharia (Hussain et al., 2023).

This research aims to address this fundamental question by offering a reframing of human rights through the *maqāṣid al-sharī'ah* approach integrated with Islamic sociological jurisprudence (Shofi et al., 2023). In contrast to decolonial critiques that often highlight Western hegemony without providing a coherent reconstructive alternative, or attempts at *fiqh* reform that sometimes lapse into defensive apologetics, this research positions itself in a productive middle ground (Sumarta et al., 2024). It is neither relativist nor sacrificing the autonomy of sharia, nor does it uncritically accept liberal universalism. Instead, it proposes an alternative framework that adapts to the social realities of contemporary Muslim societies, in which the *maqāṣid al-sharī'ah* functions as a holistic epistemology capable of reconstructing human rights norms into a form that aligns with social justice and legal pluralism.

A literature review of recent works indicates that the discourse on *maqāṣid al-sharī'ah* has experienced a significant resurgence since the late 20th century, but still leaves gaps in its integration with sociological perspectives. Kamali (2022), for example, provides a critical appreciation of the history and jurisprudence of *maqāṣid*, emphasizing the need for a dynamic methodology of *ijtihād maqāṣidī* to address the historical marginalization of this theory in the *uṣūl al-fiqh* (Islamic jurisprudence). However, Kamali's analysis is more historical-philosophical and less exploratory of its sociological implications for the critique of liberal universalism. On the other hand, Mitiche (2025) offers a sharp decolonial critique of the *maqāṣid* approach to *ḥudūd* reform, showing how such

reforms often reproduce colonial and liberal logics without addressing their epistemological roots. This critique is relevant but tends to be destructive and lacks a positive reconstructive framework for Muslim societies.

In the context of Indonesia and Southeast Asian Muslim societies, works such as Nasoha et al (2025) discussed the intersection of national law and Islamic law in issues of citizenship and human rights, highlighting the potential contribution of Islamic criminal law in shaping civilized citizens. This approach opens up space for the integration of sociological dimensions, where jurisprudence is not only normative but also responsive to social dynamics. Similarly, Shofi (2023) study on the multidimensional-progressive logic of the *maqāṣid al-sharī'ah* in the development of humanitarian *fiqh* asserts that *maqāṣid* can be an instrument for realizing universal humanitarian values without sacrificing Islamic authenticity. However, no research has explicitly integrated *maqāṣid* with Islamic sociological jurisprudence as a systematic critique of liberal human rights norms, particularly within a holistic reframing framework.

This research fills this gap by offering an innovative framework. Through three main chapters, Liberal Universalism and the Epistemology of Islamic Law; *Maqāṣid al-Sharī'ah* and Sociological Jurisprudence; and *Maqāṣid*-Based Critique of Liberal Human Rights Norms. This research not only describes tensions but also proposes a contextual reconstruction (Abdillah, 2014). This approach aligns with the spirit of *fiqh* reform that is responsive to social realities without losing the autonomy of sharia, thus contributing to a more equitable intercivilizational dialogue within contemporary Muslim societies (A. M. M. Nasoha, 2025).

The urgency of this research arises from a persistent and unresolved epistemological impasse in which Muslim-majority societies are repeatedly confronted with liberal universalist human rights standards that were formulated outside of, and often in tension with, the Islamic normative tradition. Existing scholarly responses have left three identifiable gaps that this study seeks to address. First, while the revival of *maqāṣid al-sharī'ah* scholarship since the late twentieth century has been substantial, as reflected in the works reviewed above, it has remained predominantly philosophical and historical in orientation, stopping short of translating *maqāṣidi* theory into a systematic critical apparatus capable of challenging liberal universalism at the epistemological level. Second, decolonial critiques, despite their analytical sharpness in exposing the Western genealogy of dominant human rights frameworks, offer little by way of positive reconstruction, leaving Muslim jurists and scholars with a diagnosis but no prescriptive alternative grounded in Islamic

legal principles. Third, reform-oriented fiqh scholarship that does attempt constructive engagement with contemporary human rights norms tends either to subordinate Islamic law to liberal categories or to withdraw into textualist conservatism, neither of which produces a framework that is both normatively authentic and socially responsive to the lived realities of contemporary Muslim communities.

This research contributes to filling these gaps by integrating *maqāṣid al-shari‘ah* with Islamic sociological jurisprudence as a coherent and affirmative alternative, one that enables Islamic law to engage global human rights discourse from a position of epistemological confidence rather than either capitulation or defensiveness, and that offers Muslim societies, including those in pluralist democratic contexts such as Indonesia, a rights vocabulary that is simultaneously rooted in sharia and adaptive to evolving social conditions.

This research is a normative legal study with both philosophical and sociological juridical approaches (A. M. M. Nasoha, 2025). The philosophical juridical approach is used to examine the *maqāṣid al-shari‘ah* (objectives of Islamic law) as a holistic epistemology of Islamic law, while the sociological juridical approach, inspired by Islamic sociological jurisprudence, emphasizes the interaction between legal norms and the social realities of Muslim society (Hussain et al., 2023). The data collection method is library research, with primary sources consisting of the sacred texts of the Qur'an, hadith, and classical works on the *maqāṣid* (objectives of Islamic law) such as *al-Shāṭibi's al-Muwāfaqāt*. Secondary sources include reputable international and national scholarly journals, international legal documents related to human rights, and contemporary literature on liberal universalism (Atqiya et al., 2024).

Data analysis was conducted using descriptive-analytical and comparative methods. Descriptive-analytic methods are used to explain the concept of liberal universalism, Islamic legal epistemology, as well as the theory of *maqāṣid al-shari‘ah* and sociological jurisprudence. Comparative analysis is applied to compare liberal human rights norms with the *maqāṣidi* framework, thus generating constructive criticism and reframing proposals. The entire research process adheres to the principle of scientific objectivity by maintaining a balance between criticism and reconstruction, in accordance with ethical guidelines for academic research in the field of Islamic law (A. M. M. Nasoha, 2025).

Result and Discussion

Liberal Universalism and the Epistemology of Islamic Law

The contemporary international human rights regime, as institutionalized through the Universal Declaration of Human Rights (UDHR) of 1948 and its subsequent covenants, rests upon a set of philosophical premises that are not culturally neutral but are deeply rooted in the intellectual genealogy of Western liberal modernity. The UDHR emerged in a specific historical moment the post-World War II reconstruction of global order dominated by Western powers whose Enlightenment heritage shaped the very grammar of human rights discourse. Liberal universalism, as expressed in this framework, draws heavily from Lockean natural rights theory, Kantian moral autonomy, and Millian individualism, positing the individual as the irreducible unit of moral and legal concern, independent of religious affiliation, communal identity, or transcendent obligation (Rohmah et al., 2022).

Wael B. Hallaq, in *The Impossible State*, offers one of the most penetrating structural critiques of this arrangement. He argues that the modern nation-state the institutional vehicle through which human rights norms are implemented and enforced carries an ontological architecture fundamentally incompatible with Islamic moral governance. Where the liberal state premises its legitimacy on popular sovereignty and rational-secular legislation, the Islamic normative tradition premises legitimate authority on divine sovereignty (*ḥākimiyyah*) and a juristic class (*‘ulamā*) organically embedded within the moral community. For Hallaq, the imposition of the Western state model upon Muslim societies constituted a form of epistemic violence that dismantled centuries of indigenous legal infrastructure. Accordingly, any framework that conflates Western liberal constructions of rights with universal human rights is not merely incomplete it is epistemologically imperialist (Hallaq, 2013).

The epistemological distinction between liberal universalism and Islamic legal thought runs deeper than differences in textual sources. It concerns the very nature of knowledge, moral agency, and the human subject. Liberal epistemology conceives of the moral subject as an autonomous, self-legislating individual whose reason constitutes the primary ground of rights. Islamic legal epistemology (*uṣūl al-fiqh*), by contrast, situates moral subjectivity within a relational web that includes accountability to God (*taḥīd*), responsibility toward the community (*ummat*), and fidelity to revealed guidance (*wahy*). Kamali, in *Principles of Islamic Jurisprudence*, underscores that Islamic legal reasoning is not merely deductive from texts but is also purposive and contextually sensitive,

drawing on instruments such as *maṣlahah* (public welfare) and *istiḥsān* (juristic preference) to address evolving social realities. This internal adaptability challenges the assumption that Islamic law is structurally incompatible with rights-protective norms (Kamali, 2022).

The debate over the universality of human rights within the Muslim world has been extensively theorized. Muhammadin and Mohd Kamal (2020) argue that both unconditional acceptance of Western universalism and blanket cultural relativism are epistemologically untenable from an Islamic creedal standpoint (*‘aqidah*). They contend that a third path Islamic universalism is the more coherent position, one that recognizes universal human dignity grounded in Islamic theology (*karāmah insāniyyah*) rather than in secular anthropocentrism. Similarly, Kholish demonstrates that the epistemological constructions of Al-Maududi, An-Na‘im, and Baderin represent three distinct paradigmatic responses to this tension from theocentric normativity to liberal reformism to integrative harmonization none of which fully captures the dialectical complexity of the Islam-human rights encounter (Rohmah et al., 2022).

Nasoha et al. (2025), in their study of criminal law in Muslim-majority countries, illustrate the practical dimension of this epistemological tension. Their research demonstrates that *maqāṣid al-shari‘ah* offers not a rejection of human rights protection, but a reinterpretation of penal norms that prioritizes the protection of life, dignity, and social order while resisting the uncritical absorption of Western liberal standards. The study by Nasoha and Atqiya (2024) on citizenship and human rights from the perspective of national and Islamic law further substantiates this point, showing that Indonesia's constitutional framework provides a pragmatic site of negotiation between Islamic legal norms and international human rights standards, without requiring either the wholesale secularization of public law or the abandonment of Islamic legal identity (A. M. M. Nasoha et al., 2025).

This epistemological dissonance is also evident in how both traditions conceptualize the relationship between rights and duties. The liberal paradigm treats rights as primary and duties as derivative or secondary individuals possess rights that may generate correlative obligations in others. Islamic legal thought reverses this hierarchy: *takālif* (obligations) are primary, divinely mandated responsibilities that, when fulfilled, produce a socio-moral order in which the interests of all are protected. This structural inversion has profound implications for how freedom of religion, gender rights, and criminal punishment are understood. As Nasoha (2016) notes in his analysis of capital punishment in

Indonesia, evaluating Islamic penal practices through the lens of liberal human rights without accounting for this foundational difference generates persistent misreadings that obstruct meaningful dialogue (R. A. M. M. Nasoha, 2016).

Baderin (2003) in *International Human Rights and Islamic Law* offers a constructive resolution: rather than forcing a confrontation between two monolithic systems, he identifies interpretive spaces within both international human rights law and Islamic jurisprudence where convergence is possible on grounds of equality and justice. Nonetheless, his approach has also been critiqued for conceding too much to the liberal framework as the operative standard. The sociological jurisprudence perspective adopted in this article builds on Baderin's insight while insisting on fuller epistemic symmetry the encounter between Islamic law and human rights discourse must be genuinely dialogical, not pre-determined by one tradition's categories (Rohmah et al., 2022).

In sum, liberal universalism in human rights is not a neutral global standard but a historically conditioned framework that carries specific epistemological commitments. Islamic legal epistemology, with its distinct sources, methodologies, and conception of the human person, offers an equally coherent and in many respects more communally and spiritually grounded basis for protecting human dignity. Recognizing this equivalence is the precondition for any authentic cross-civilizational dialogue on human rights.

***Maqāṣid al-Sharī'ah* and Sociological Jurisprudence**

Maqāṣid al-Sharī'ah is a central paradigm in Islamic law that places the welfare of the community at the core of every sharia ruling, transcending mere ritual observance to embrace the dynamics of contemporary life. This concept, first systematically developed by scholars such as al-Ghazali and al-Syatibi, emphasizes that sharia aims to preserve five essential human needs: religion, life, intellect, lineage, and property, while attracting benefits and repelling harms (Al Ghazali, 1993).

Amid modern challenges like globalization and technological advancement, *maqāṣid* has evolved into a flexible methodological tool, enabling contextual *ijtihād* without sacrificing the essence of sharia. This approach aligns with sociological jurisprudence, which views law as a social product that must respond to the cultural, economic, and political realities of society. The integration of both creates an adaptive Islamic law, as affirmed by Jasser Auda in *Maqāṣid al-Sharī'ah* as Philosophy of Islamic Law, where *maqāṣid* is seen as a

multidimensional system connecting Islamic norms with universal human rights (Kasdi, 2019).

Sociological jurisprudence, as developed within the framework of Islam Nusantara, enriches the *maqāṣid* approach by incorporating empirical analysis of social realities. This ensures that Islamic law remains dynamic and responsive rather than rigid, allowing it to thrive within Indonesia's pluralistic society. By fostering a continuous dialectic between religious texts (*nash*) and actual social conditions, *maqāṣid* functions as an inclusive public ethics that promotes social justice across diverse communities. This perspective helps avoid a narrow, text-only interpretation of law and creates room for legal reforms grounded in the collective welfare of society.

The relevance of this integration is increasingly urgent in the contemporary era, where issues such as sharia economy, state politics, and family rights require holistic solutions. The journal *Islamic Law and Social Unity in a Plural Society* (Malik et al., 2025) underscores the role of *maqāṣid* as a contextual framework that promotes social unity, while the book *Filsafat Hukum Islam dan Maqashid Syariah* (Nasution & Nasution, 2022) adds a sociological dimension to a deeper understanding of the philosophy of Islamic law. As a result, Islamic law is not only normative but also applicable in public policy.

Overall, the combination of *maqāṣid al-Shari'ah* and sociological jurisprudence makes Islamic law a dynamic system responsive to the changing times, preserving the identity of sharia while addressing the needs of the ummah. As explained in *The Position of Maqasid al-Shariah within Islamic Legal Sources* (Alias et al., 2025), *maqāṣid* serves as an evaluative bridge in modern *usul fiqh*, ensuring the relevance of sharia in global society. This approach becomes the foundation for the subsequent discussion on its concepts, methods, and applications:

1. The Concept of *Maqāṣid al-Shari'ah* as the Objectives of Islamic Law

Maqāṣid al-Shari'ah is defined as the objectives of sharia designed by Allah to realize the welfare of the ummah in this world and the hereafter, going beyond ritual obedience toward holistic well-being. This concept was first systematically codified by Imam al-Ghazali in *Al-Muwafaqat fi Ushul al-Shari'ah*, which asserts that sharia is a divine instrument to free humans from base desires and harm. Unlike narrow textual understanding, *maqāṣid* places the wisdom of law at the center,

where every verse or hadith is evaluated based on its contribution to collective good (Al Ghazali, 1993).

The primary objectives of sharia, according to al-Syatibi, are to preserve the five necessities (*al-daruriyyat al-khamsah*) religion (*hifẓ al-din*), life (*hifẓ al-nafs*), intellect (*hifẓ al-aql*), lineage (*hifẓ al-nasl*), and property (*hifẓ al-mal*) as essential pillars of life. These elements are universal, encompassing spiritual to material protection, supported by evidence such as QS. Al-Maidah: 32, which equates the saving of one life with the saving of all humanity (Kasdi, 2019). This approach ensures that Islamic law is not static but adaptive to basic human needs. The principles of *jalb al-maslahab* (attracting benefit) and *dar' al-mafsadah* (repelling harm) form the operational core of *maqāṣid*, with priority given to greater benefits.

Al-Ghazali, as a predecessor, classified benefits into *daruriyyat*, *hajiyyat*, and *tahsiniiyyat*, although al-Syatibi refined it with emphasis on primary needs (Zaprul Khan, 2018). Its practical application is evident in the prohibition of adultery to protect lineage or the ban on intoxicants to safeguard intellect, all grounded in the logic of welfare. In the contemporary perspective, Jasser Auda revolutionized *maqāṣid* through a systemic multidimensional approach, rejecting rigid hierarchies in favor of interconnection among elements. The book *Maqasid al-Shari'ah* as Philosophy of Islamic Law emphasizes that *maqāṣid* is not a static list but a dynamic network that responds to modern complexities such as bioethics or the digital economy.

This approach enriches *usul fiqh* with rational evaluation of new laws. The article *Tujuan Hukum Islam dalam Perspektif Maqashid Al-Syari'ah* adds that *maqāṣid* must be understood by the mujtahid for valid ijthad, as law-making must be rooted in concrete welfare. The core of this theory is the balance between creating good and avoiding evil, as affirmed in the Maliki tradition that upholds *maslahab mursalah*. This distinguishes *maqāṣid* from narrow legalism.

Maqāṣid also serves as a methodological ethics in interpreting the sources of sharia, where religious texts are assessed according to their impact on the five essential objectives (*maqāṣid al-shari'ah*). For instance, the protection of property is not limited to preventing theft, but also encompasses promoting equitable distribution through zakat and the prohibition of *riba* (Muhammad Mattori & Rusdiana, 2023). This approach broadens the application of sharia from individual concerns to societal

well-being, with social justice as its ultimate aim. From al-Syatibi's perspective, sharia was revealed to be understood and implemented contextually, thereby liberating the morally responsible individual from the bondage of personal desires under the guidance of divine rulings.

These objectives include understanding (*ijfham*) and universal application without discrimination, as elaborated in the analysis of his *maqāṣid* theory. This approach makes *maqāṣid* an inclusive philosophy of Islamic law. Philosophically, *maqāṣid* integrates God's will with human interests, establishing sharia as the path to eternal happiness. Its four main aspects determination of Islamic law, preservation of this world and the hereafter, and liberation from harm make it the foundation of contemporary *ijtihād*. Its relevance is proven in modern fatwas on vaccines or the environment, always measuring welfare.

The book *Filsafat Hukum Islam dan Maqashid Syariah* reinforces that *maqāṣid* provides a rational framework for facing pluralism, where welfare becomes the measure of legal validity. This aligns with The Position of *Maqasid al-Shariah* within Islamic Legal Sources (Alias et al., 2025), which positions *maqāṣid* as a responsive evaluation of *usul fiqh*. Ultimately, this concept affirms Islamic law as *rahmatan lil alamin*. Thus, *maqāṣid al-Shari'ah* is not merely an abstract theory but a practical guide that preserves the essence of sharia while embracing the dynamics of life. A deep understanding of this is a prerequisite for the development of contextual and just law (Moktar et al., 2024).

2. *Maqāṣid* as a Method for the Contextual Development of Islamic Law

Maqāṣid al-Shari'ah has evolved from mere objectives of sharia into a highly contextual method of *ijtihād*, enabling Islamic law to address the challenges of the age without abandoning its core principles. This approach makes the wisdom behind the texts the main starting point in formulating new laws, so that *nash* is no longer understood rigidly but evaluated based on its contribution to the welfare of the ummah in the contemporary era (Kasdi, 2019). Through the *maqāṣid* framework, mujtahids can engage in *istislahi* reasoning that integrates *maslahah mursalah* and *qiyas ta'lili*, producing applicable fatwas while remaining grounded in revelation. This method is highly relevant in Indonesia, where the MUI Fatwa Commission frequently uses *maqashidi ijtiḥād* to

resolve actual issues such as the digital economy and complex social problems. Thus, *maqāṣid* transforms into a flexible methodological tool that bridges the gap between classical texts and ever-changing social realities.

In practice, *maqāṣid* serves as the primary evaluative criterion for determining contemporary Islamic rulings, ensuring that every new legal decision aligns with the protection of the five essential necessities (*daruriyyat al-ḵamsah*). This framework enables a dynamic interpretation of religious texts (*nash*), giving priority to greater benefits while rejecting heavier harms (Al-Turabi & Auda, 2025; Zaprulkhan, 2018). Consequently, *maqāṣid* makes Islamic law more responsive to the complexities of modern urban society, which is marked by diverse cultural and economic challenges. Through a systemic approach, *maqāṣid* is no longer seen as a rigid hierarchical list, but rather as an interconnected network shaped by social and political contexts. As a result, the development of Islamic law becomes more holistic, allowing it to accommodate the needs of contemporary society while preserving the core authenticity of sharia.

Ijtihad grounded in *maqāṣid* also employs methods such as *istihsan* and *maslahah mursalah* to overcome the limitations of the finite number of explicit religious texts (*nash*). This approach facilitates the emergence of *hukum tatbiqi*, practical legal rulings that directly address contemporary real-world issues, such as regulations on cryptocurrency and sharia-compliant sharing economy platforms. By integrating textual sources with social context, *maqāṣid* functions as an epistemological bridge that enriches traditional *usul fiqh* with rational and empirical dimensions. Consequently, this method prevents Islamic law from being confined to narrow formalism and creates greater space for responsible and contextual legal reform that serves the welfare of the ummah in Indonesia's pluralistic society.

Abdullah Saeed complements this approach by positioning *maqāṣid* as the foundation for contextual ethico-legal tafsir, even though it is not the primary method of Qur'anic interpretation. The sources of *maqāṣid* can be categorized into theological and theoretical dimensions, thereby preserving the authority of divine revelation while allowing interpretations to be adjusted according to the needs of the time. This

framework enables textualization and contextualization to occur simultaneously: the religious texts (*nash*) are understood in depth, yet applied with flexibility in response to prevailing social conditions. Ultimately, *maqāṣid* serves as an integrative bridge that connects the authenticity of the Qur'an and Hadith with the dynamic realities of contemporary society.

The development of law through *maqāṣid* also involves the pyramidization of objectives from general (*'ammah*) to specific (*khassah*), allowing legal solutions to be tailored to different levels of need. Discussions on *Kontekstualisasi Maqashid Shari'ah* dalam Sustainable Development expand the application of *maqāṣid* to environmental and development issues, where *hifẓ al-nafs* is extended to include ecosystem protection. The book "Maqasid Syariah dan Metode Penetapan Hukum" (*n.d.*) elaborates that *ta'lili* and *istislahi* inference are the main mechanisms for realizing benefits gradually from the level of *daruriyyat* to *tahsiniiyyat*. This method makes *maqāṣid* an instrument of sustainable legal reform that is adaptive to global change.

In the multicultural context of Indonesia, *maqāṣid* as a contextual method supports the emergence of Islamic law that is friendly to diversity. This approach ensures that every *ijtihad* considers not only *shari'i* evidence but also the social, economic, and cultural impacts on all layers of society. Jasser Auda in *Maqasid al-Shari'ah* as Philosophy of Islamic Law emphasizes the importance of understanding legal sources holistically, so that *maqāṣid* can become a comprehensive theory of law formation (Zaprulkhan, 2018). The integration of *maqāṣid* with local realities produces more inclusive fatwas and strengthens national unity.

The relevance of the *maqāṣid* method is increasingly evident in addressing global issues such as bioethics, human rights, and gender justice. *Maqāṣid* provides clear ethical guidance, while the contextual approach ensures that the resulting solutions fit local social conditions. The study *Relevansi Maqāṣid al-Syari'ah* dalam Konteks Hukum Kontemporer shows that this framework is capable of producing moderate and just law without sacrificing *sharia* principles. Thus, *maqāṣid* is not only a tool for legal development but also a guarantor of the relevance of Islam amid rapid modernization.

Overall, *maqāṣid al-Sharī'ah* as a method of contextual legal development has transformed the paradigm of *usul fiqh* from a narrow textual approach to one that is more dynamic and applicable. This approach allows Islamic law to remain a *rahmatan lil alamin* while being able to answer the challenges of the age with wise solutions based on welfare (Moktar et al., 2024). Through the integration of sharia wisdom with contextual analysis, *maqāṣid* becomes a strong foundation for sustainable Islamic legal reform in Indonesia and the Muslim world in general. This method ensures that sharia is not rigid but remains alive and relevant in every dimension of modern life.

3. Integration of *Maqāṣid* with the Sociological Approach in Modern Life

The integration of *maqāṣid al-Sharī'ah* with sociological jurisprudence forms the foundation of a dynamic Islamic law in the modern era, where the objectives of sharia are not only normative guidelines but also living instruments of social analysis. This approach combines the philosophy of welfare with empirical observation of societal structures, enabling Islamic law to respond to changes in globalization, urbanization, and technology without losing its divine essence. In the plural context of Indonesia, this integration manifests as an inclusive public ethics that connects *nash* with local cultural realities, as affirmed in the article *Islam Nusantara and Sociological Jurisprudence* which highlights the dialectic between text and society. Sociological jurisprudence complements *maqāṣid* by ensuring that every *ijtihad* is tested through its concrete impact on social, economic, and political cohesion, thus producing regulations that are both adaptive and authentic. This approach prevents Islamic law from being trapped in literal reductionism; instead, it turns it into a tool for liberation from structural injustice in multicultural societies.

The combination of these two frameworks has proven crucial in addressing contemporary sharia economic challenges, where *maqāṣid* provides the principle of *jalb al-maslahab* for developing fair digital financial products. Sociological jurisprudence adds an empirical dimension by analyzing consumer behavior and access gaps between rural and urban areas, so that fatwas on sharia fintech are not only halal in *fiqh* but also socially inclusive (Kasdi, 2019). For instance, this integration encourages productive *waqf* models based on sociological data, ensuring

property distribution in line with *hiḏḏ al-mal* while reducing economic inequality. Jasser Auda, in his systemic perspective, emphasizes that *maqāṣid* is not a rigid hierarchy but a network interconnected with social variables, making economic law responsive to technological disruption (Zaprul Khan, 2018). The result is that *sharia* policies are no longer top-down but rooted in the real needs of the ummah, strengthening national financial resilience amid global fluctuations.

In the realm of state politics, the integration of *maqāṣid* and sociological jurisprudence produces the concept of a socially just state without sacrificing *sharia* sovereignty. *Maqāṣid* functions as an evaluative ethics that assesses every public policy based on the protection of the five necessities, while the sociological approach tests its implementation through surveys of public participation and power dynamics (Malik et al., 2025). In Indonesia, this is evident in the drafting of laws that accommodate the aspirations of minority groups, where *hiḏḏ al-din* does not mean domination but guarantees peaceful religious freedom. This approach opens space for interfaith dialogue, making state law a glue for national unity amid political polarization. Thus, *maqāṣid* is no longer static but transforms into a philosophy of governance responsive to the demands of modern democracy.

Family rights and gender issues receive a new touch through this integration, where *maqāṣid* protects *hiḏḏ al-nasl* and *hiḏḏ al-nafs* as top priorities. Sociological jurisprudence analyzes changes in women's roles in industrial society, so that family law reforms such as guardianship and inheritance are no longer based solely on patriarchal traditions but on empirical data about equal opportunities (Nasution & Nasution, 2022). Contemporary fatwas on child marriage, for example, are evaluated through the lens of *maqāṣid* that rejects psychological and social harm, supported by sociological analysis of the impacts on education and reproductive health. This approach produces holistic regulations that preserve family integrity while empowering women as agents of social change. The integration ensures that family law remains *rahmatan lil alamin* amid modernization currents that often erode traditional values.

Technological challenges and bioethics become the most tangible testing ground for integrating *maqāṣid* with the sociological approach, especially in issues of artificial intelligence and genetic engineering.

Maqāṣid provides principles of *hifẓ al-aql* and *hifẓ al-nafs* as ethical filters, while sociological jurisprudence maps the risks of unequal technology access among marginalized communities (Moktar et al., 2024). Discussions on data privacy ethics in digital platforms, for instance, are directed toward collective welfare that protects privacy without hindering innovation. This approach encourages the formation of fatwas based on field research, so that sharia policies do not lag behind the pace of scientific development. Ultimately, the integration creates a proactive regulatory framework, making Islamic law a partner in humane technological progress.

In the context of the environment and sustainable development, the combination of these two approaches transforms *maqāṣid* into a powerful tool for ecological advocacy. *Hifẓ al-nafs* is expanded to the protection of ecosystems as part of communal welfare, while sociological analysis reveals the impact of the climate crisis on coastal communities and farmers (Alias et al., 2025). Sharia policies on forest conservation or renewable energy are no longer merely normative but are tested through case studies of socio-economic impacts. This integration promotes the concept of *khilafah* as collective responsibility, where *maslahah mursalah* becomes the basis of national legislation. Thus, Islamic law plays an active role in global agendas such as the Sustainable Development Goals, without sacrificing sharia identity.

The strengthening of social unity in plural societies is a direct outcome of this integration, where *maqāṣid* functions as an inclusive ethics that rejects discrimination. Sociological jurisprudence contributes empirical verification methods for the effectiveness of law in reducing horizontal conflicts, so that policies on religious harmony are based on survey data and inter-group dialogue (Kasdi, 2019). In Nusantara, this approach supports a model of Islam that is friendly to diversity, where *hifẓ al-din* is realized through active tolerance rather than isolation. The integration prevents ideological polarization by making welfare a common language among citizens. The result is that Islamic law not only preserves identity but also enriches the nation's social capital.

Reform in contemporary education and *da'wah* also benefits from this integrative framework, with *maqāṣid* serving as a guiding principle for developing a holistic curriculum. A sociological approach examines the real needs of the younger generation in the digital age, transforming *fiqh*

materials from rigid and dogmatic content into contextual teachings that address pressing issues such as mental health and media literacy. *Da'mah* programs grounded in *maqāṣid* focus on conveying the wisdom behind sharia rulings through relevant social case studies, thereby increasing the appeal of Islam among urban communities. This integration creates an educational model that liberates individuals from base desires as envisioned by al-Syatibi while remaining responsive to the demands of the modern job market. Ultimately, this approach ensures that *da'mah* functions effectively as an instrument of positive social transformation.

Overall, the integration of *maqāṣid al-Shari'ah* and sociological jurisprudence makes Islamic law a living system capable of answering the complexities of modern life without losing its roots in revelation. This framework transforms *ijtihad* from an individual process into a collective effort based on data and ethics, making sharia public policies more legitimate and applicable (Zaprul Khan, 2018). Amid global crises such as pandemics and climate change, this approach provides holistic solutions that prioritize the welfare of the ummah across generations. Islamic law is now no longer an artifact of the past but a driving force for just and sustainable progress. This integration is proof that sharia is indeed a mercy for all creation, ready to face all the dynamics of the age.

Thus, the combination of *maqāṣid* and the sociological approach is not merely an academic theory but a practical foundation for the development of Islamic civilization in the 21st century. This approach ensures that every legal ruling is measured through two lenses simultaneously: divine objectives and human realities, thereby producing substantive justice (Malik et al., 2025). In Indonesia, this model has become an inspiration for inclusive Islam Nusantara thought, opening the way for sustainable legal reform. Ultimately, this integration strengthens the position of *maqāṣid* as a bridge between tradition and modernity, guaranteeing the relevance of sharia amid continuously changing societies. This foundation is ready to serve as the basis for further discussion on concrete applications in various sectors of life.

***Maqāṣid*-Based Critique of Liberal Human Rights Norms**

Liberal human rights norms, as codified in the Universal Declaration of Human Rights (UDHR) of 1948 and subsequent instruments such as the International Covenant on Civil and Political Rights (ICCPR) 1966 and the

International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966, are frequently presented by their proponents as universal, culturally neutral, progressive, and indisputable standards that transcend all boundaries of religion, politics, and civilization (A. M. M. Nasoha, 2025). This approach originated in the historical context of post-Enlightenment Europe, the French Revolution of 1789, and the trauma of World War II, where human rights are understood as inherent rights derived solely from human rationality, natural human dignity, and social contract, without dependence on transcendent divine authority or binding moral-religious frameworks. These documents are often regarded as the “moral constitution of the world” by international organizations such as the United Nations, under the assumption that their universal application will bring peace and progress to all humanity (Pramasto, 2024).

Before this critique is framed within the *maqāsid* approach, it is important to first present, in a balanced manner, how Muslim scholars and intellectuals themselves have conceptualized human rights, since this body of thought already constitutes an indigenous Islamic discourse on rights prior to and independent of the *maqāsid*-based reconstruction proposed in this chapter. Classical jurists did not use the modern vocabulary of “human rights,” yet the substance of rights protection is firmly embedded in the fiqh tradition through concepts such as *huquq Allah* (rights owed to God) and *huquq al-‘ibad* (rights owed to fellow human beings), as well as in juristic categories protecting life, property, honour, and due process that predate the European Enlightenment by centuries.

Twentieth-century Muslim scholars further developed these foundations into explicit human-rights formulations. Abul A‘la Mawdudi, in *Human Rights in Islam* (Mawdudi, 1976), argued that rights in Islam are not granted by kings, legislatures, or social contracts but are conferred directly by God and are therefore inviolable and not subject to majoritarian repeal. Fazlur Rahman (Rahman, n.d.), in his methodology of Qur’anic interpretation known as the double movement, contended that the Qur’an’s ethical-legal trajectory points toward an ever-expanding circle of human dignity and socio-economic justice, requiring rights to be derived through a hermeneutic that distinguishes the Qur’an’s underlying moral objectives from the literal application of specific legal injunctions. Abdullahi Ahmed An-Na‘im (An-Na‘im, 1990) by contrast, advanced a reformist position arguing that a genuinely Islamic case for human rights requires a methodological shift from the Medinan to the Meccan textual

emphasis in order to support full equality regardless of religion or gender, a position that remains contested among more text-bound scholars.

At the institutional level, the Cairo Declaration on Human Rights in Islam (Organisation of the Islamic Conference, 1990), adopted by the Organisation of Islamic Cooperation, and the Universal Islamic Declaration of Human Rights (Islamic Council of Europe, 1981), issued by the Islamic Council of Europe, both attempt to articulate a comprehensive catalogue of rights explicitly grounded in sharia rather than in secular natural-rights philosophy. These Muslim formulations of human rights already converge on several shared premises: rights originate from divine bestowal rather than autonomous human will, they are inseparable from corresponding moral and religious duties, and they are bounded by sharia rather than treated as freestanding and limitless individual entitlements. It is precisely this existing body of Muslim human-rights thought that the *maqāṣid*-based framework presented below seeks to systematize and sharpen into a coherent analytical lens, rather than introducing the engagement between Islam and human rights as an entirely new construction.

However, from the perspective of *Maqāṣid al-Sharī'ah* a systematic framework of the objectives of Shariah developed by classical scholars such as Abū Ḥāmid al-Ghazālī (d. 1111 CE) in *al-Mustasfā min 'Ilm al-Uṣūl*, Abū Ishāq al-Shāṭibī (d. 1388 CE) in *al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, and later modernized in depth by Muḥammad al-Ṭāhir ibn 'Āshūr (d. 1973 CE) in *Maqāṣid al-Sharī'ah al-Islāmiyyah* and contemporary thinkers such as Jasser Auda the liberal approach contains fundamental epistemological, ontological, anthropological, and practical weaknesses that cannot be ignored (A. M. M. Nasoha et al., 2025). *Maqāṣid al-Sharī'ah* emphasizes five or six essential needs (*ḍarūriyyāt*) as the main foundation of human welfare (*maṣlahah*): *ḥifẓ al-dīn* (protection of religion and belief), *ḥifẓ al-nafs* (protection of life and body), *ḥifẓ al-'aql* (protection of intellect and mind), *ḥifẓ al-nasl* (protection of progeny and family institution), *ḥifẓ al-māl* (protection of property and ownership), and sometimes *ḥifẓ al-'ird* (protection of honor and dignity). Its primary objective is not merely to protect individual rights in an atomistic manner, but to realize holistic welfare (*maṣlahah 'ammah*) encompassing happiness in this world and the hereafter, while balancing individual, collective, material, spiritual, and ecological dimensions (Purnomo et al., 2023).

This chapter will critique liberal human rights norms in depth, systematically, and in detail through the lens of *Maqāṣid al-Sharī'ah*. The critique

is divided into three main discussion points: (1) basic differences in epistemology and ontology, (2) the tension between excessive individualism and the balance of individual-collective-spiritual dimensions, and (3) specific critiques of key liberal norms. This critique is not a total rejection or anti-human rights stance, but a scholarly deconstruction aimed at demonstrating that the secular-liberal framework fails to provide a solid, sustainable foundation aligned with human *fiṭrah* as a religious and social being. Thus, *Maqāṣid* offers a more authentic path of reconstruction for Muslim societies in the contemporary era.

1. Basic Epistemological and Ontological Differences

The most fundamental difference between liberal human rights and *Maqāṣid al-Shari'ah* lies in the epistemological source of rights itself. Liberal human rights are firmly rooted in post-Enlightenment Western secular philosophy, as explicitly articulated by John Locke in *Two Treatises of Government* (1689), which states that natural rights such as life, liberty, and property arise solely from the “state of nature” and human rationality. Jean-Jacques Rousseau in *Du contrat social* (1762) added that these rights are then regulated through a social contract among individuals, without divine intervention. Immanuel Kant in *Groundwork of the Metaphysics of Morals* (1785) further emphasized individual moral autonomy as central, where humans become “legislators for themselves.” Consequently, rights are positioned as *pre-political*, *pre-social*, and absolute, neutral toward religion, so that God or divine revelation is no longer the primary reference in determining norms (Iqbal & Alwi, 2025).

In contrast, *Maqāṣid al-Shari'ah* is entirely based on divine revelation from the Qur'an and the Sunnah of the Prophet Muhammad (peace be upon him). Human rights are not “owned” by autonomous and independent humans, but are *amanah* (sacred trust), a gift, and a bestowal from Allah SWT alone. Humans, as *ḵhalīfah fī al-ard* (vicegerents on earth Q.S. al-Baqarah: 30), possess rights to a decent life, freedom, and dignity, but these rights are always accompanied by binding moral and spiritual obligations (*rights and duties paradigm*). (Al-Shāṭibī, 2004) in *al-Muwāfaqāt* (vol. 2) asserts that the entire Shariah was revealed solely to realize *maṣlahah* (welfare) and reject *mafsadah* (harm), not to satisfy unlimited individual autonomy (Al-Shāṭibī, 2004). Ibn 'Āshūr adds that *maqasid* are hierarchical and dynamic, with *ḍarūriyyāt* as a non-compromisable foundation.

From an ontological perspective, liberalism views humans as neutral rational beings (*tabula rasa* or “blank slate” according to Locke) who can shape themselves without limits. In contrast, *Maqāṣid* proceeds from the concept of *fiṭrah* explained in the Qur’an (Q.S. al-Rūm: 30): humans are born in a state of purity and inclined toward truth, monotheism, and worship of God. Therefore, freedom of religion in UDHR Article 18 which guarantees the right to “change religion or leave religion” is often interpreted as an absolute right without moral limits. In *Maqāṣid*, *ḥijz al-dīn* does protect freedom of worship for non-Muslims (as guaranteed in the Charter of Medina compiled by the Prophet in 622 CE), but it also protects the collective religious foundation of the Muslim ummah from mass apostasy that could damage identity, social cohesion, and public morality. Religion is not merely a “personal choice” but a *civilizational foundation*, so restrictions on aggressive atheist propaganda or forced conversion are not rights violations, but forms of protection for *maṣlaḥah ‘āmmah* (Iqbal & Alwi, 2025).

This epistemological and ontological difference creates an irreconcilable tension: liberalism tends to produce moral relativism that ultimately breeds destructive individualism and a crisis of meaning in modern society, while *Maqāṣid al-Shari‘ah* provides a transcendent, objective, eternal, and holistic foundation. This foundation not only guarantees rights but also maintains balance between individual freedom and collective responsibility toward God and humanity (Pramasto, 2024).

2. Excessive Individualism versus the Balance of Individual-Collective-Spiritual Dimensions

Liberal human rights norms place individual rights as the highest and almost absolute priority, often sacrificing the collective, spiritual, and ecological dimensions of society. UDHR Article 19 (freedom of expression) and Article 12 (right to privacy and personal life) can justify the production and dissemination of content that damages public morality such as mass pornography, hate speech against religion, promotion of hedonistic and extreme consumerist lifestyles, and various forms of sexual deviation under the pretext of “individual freedom rights.” This approach reflects radical individualism that, according to critics like Alasdair MacIntyre in *After Virtue* (1981) and Charles Taylor in *Sources of the Self* (1989), has caused the disintegration of social bonds, mass

loneliness, existential crises of meaning, and the weakening of communities in modern Western societies. Liberal individualism ultimately produces a fragmented society where human relationships are transactional and temporary, not rooted in noble values and shared responsibility (A. M. M. Nasoha et al., 2025).

Maqāṣid al-Shari'ah offers a far more balanced and comprehensive holistic framework. In this perspective, every *ḥifẓ* (protection) does not merely safeguard the individual atomistically, but also the ummah as a whole and future generations. *Maqāṣid* views humans as integral parts of interdependent communities, not separate entities (Purnomo et al., 2023). The following provides a detailed explanation of each element of *ḍarūriyyāt* and its implications for the critique of liberalism.

First, *ḥifẓ al-naḥs* (protection of life) safeguards the basic right to life (in line with UDHR Article 3), but justifies strict limitations such as hudud laws for murder or qisas to maintain collective security. Shariah emphasizes prevention over mere retribution, with extremely strict evidentiary requirements (*shubuhāt*) so that hudud punishments are rarely applied in practice. This approach differs markedly from the liberal system, which often fails to prevent violence and crime because it overly prioritizes individual rehabilitation and the rights of offenders, without considering the traumatic impact on victims and society as a whole (A. M. M. Nasoha et al., 2025).

Second, *ḥifẓ al-'aql* (protection of intellect) safeguards the human mind and rationality from all forms of damage. Therefore, prohibitions on alcohol, drugs, gambling, and harmful media content (such as extreme violence, pornography, and false propaganda) are not violations of freedom of thought, but profound preventive protections. Al-Ghazālī in *Iḥyā' 'Ulūm al-Dīn* explains that the intellect is the noblest tool for drawing closer to Allah SWT and understanding truth, not for merely satisfying desires and momentary pleasures. The *Maqāṣid* approach prevents society from falling into collective ignorance and intellectual degradation.

Third, *ḥifẓ al-nasl* (protection of progeny) emphasizes the protection of the family institution as the most fundamental unit and foundation of society. Therefore, marriage (monogamy or polygamy with justice), the prohibition of adultery, and restrictions on same-sex relationships are viewed as long-term *maslahah* to preserve healthy

progeny, children's emotional stability, and societal moral ecology. This stands in stark contrast to liberalism, which views the family merely as a flexible social construct that can be changed at will, without considering long-term impacts on future generations (Purnomo et al., 2023).

Fourth, *ḥifẓ al-dīn* and *ḥifẓ al-'ird* protect religion as the spiritual foundation of the ummah and human honor from public insults that can trigger mass social conflict. Restrictions on blasphemy, for example, are not political censorship, but safeguards for interfaith harmony and collective dignity. This approach guarantees responsible religious freedom, not boundless destructive freedom (Iqbal & Alwi, 2025).

The main criticism of liberalism is its failure to accommodate “third-generation rights” (solidarity rights) such as the right to a clean environment, collective economic justice, the right to development, and social harmony. Liberalism focuses excessively on individual civil-political rights, often neglecting collective and spiritual dimensions. In contrast, *Maqāṣid al-Sharī'ah* integrates rights with collective responsibility (*maṣlahab 'ammah*), making it more aligned with *ummah* values in Muslim societies that emphasize solidarity, mutual assistance (*ta'awun*), social justice, and intergenerational responsibility. This framework not only protects individuals but also builds a sustainable and meaningful civilization.

3. Specific Critique of Key Liberal Norms

The *Maqāṣid*-based critique is concrete and can be elaborated in depth on several crucial issues that frequently become points of contention:

- a. Sexual Freedom and LGBT Issues: The UDHR and ICCPR often demand full recognition of privacy rights and equality of sexual orientation as “inalienable fundamental rights”. *Maqāṣid* sharply criticizes this because it directly contradicts *ḥifẓ al-nasl* (protection of progeny and family ecology) and *ḥifẓ al-dīn*. This is not due to “hatred” or discrimination, but to preserve long-term social and moral stability. In *Maqāṣid*, protection of the heteronormative family is precisely a universal *maṣlahab* that shields children from gender identity confusion (Pramasto, 2024).

- b. **Hudud Punishments and the Right to Humane Treatment:** Western critiques frequently label hudud as “cruel,” “inhumane,” and in violation of UDHR Article 5 (prohibition of torture). From the *Maqāṣid* perspective, hudud are preventive, symbolic, and educational (*ḥudūd Allāh*) with extraordinarily strict evidentiary requirements. This approach is more effective at deterring crime than the liberal prison system, which is expensive, overcrowded, and often fails at rehabilitation. Al-Shāṭibī explains that hudud are “the limits of Allah” to preserve societal purity, not merely individual retribution (A. M. M. Nasoha et al., 2025).
- c. **Absolute Gender Equality:** Liberalism rejects all forms of gender role differences as “social constructs that must be eliminated.” *Maqāṣid* recognizes basic equality of dignity between men and women (Q.S. al-Ḥujurāt: 13 and Q.S. al-Nisā’: 1), but also acknowledges functional biological and social differences (inheritance, testimony, family leadership) for the sake of *ḥifẓ al-nasl* and children’s welfare. This system actually protects women from the double burden of modern capitalism such as labor exploitation without domestic protection and guarantees the mother’s role as the foundation of generational education (Purnomo et al., 2023).
- d. **Freedom of Expression and Blasphemy:** UDHR Article 19 protects criticism of religion without limits. *Maqāṣid* restricts such freedom when it damages *ḥifẓ al-dīn* and *ḥifẓ al-‘ird*, as in the case of the 2005-2006 cartoons of the Prophet Muhammad (peace be upon him) that triggered global conflict and mass violence. These restrictions are not political censorship, but safeguards for interfaith harmony that have proven successful in classical Islamic history (e.g., in Andalusia and the Ottoman Caliphate).
- e. **Property Rights and Economy:** Although UDHR Article 17 guarantees property rights, liberalism supports boundless neoliberal capitalism that creates extreme inequality. *Maqāṣid* mandates *zakat* (2.5%), charity, the prohibition of usury, and equitable wealth distribution for *ḥifẓ al-māl*, thereby preventing wealth accumulation that damages social cohesion (Iqbal & Alwi, 2025).

The three thematic findings of this study, namely the epistemological incompatibility of liberal universalism with Islamic legal thought, the adaptive

capacity of *maqāṣid al-sharī'ah* as a holistic framework, and the structured *maqāṣid*-based critique of key liberal human rights norms, are not independent observations but constitute an integrated reconstructive argument that directly reflects the theoretical framework employed.

The first finding affirms the sociological jurisprudence premise that law is never culturally neutral. When this insight is applied to the Islamic context, the UDHR's claim to universal neutrality is revealed as a particular epistemological position rooted in post-Enlightenment individualism, one that is socially and historically conditioned rather than genuinely universal. This confirms that the epistemological dissonance identified in the first theme is not a peripheral disagreement but a structural one, necessitating an alternative framework rather than mere accommodation.

The second finding demonstrates that *maqāṣid al-sharī'ah*, particularly in its contemporary formulation through a systems approach, fulfills precisely this role. By treating the *ḍaruriyyāt al-khamsah* not as a rigid hierarchy but as an interconnected network of human welfare objectives, *maqāṣid* operates as a dynamic epistemological tool capable of engaging modern legal challenges. The integration of *maqāṣid* with sociological analysis demonstrates that Islamic law is not structurally resistant to rights-protective norms but rather pursues their realization through a distinct epistemological pathway.

The third finding ties these two strands together in a practical critique. The *maqāṣid*-based analysis of specific liberal norms reveals not a blanket rejection of human rights values, but a substantive reframing. Where liberal universalism locates rights in individual autonomy, *maqāṣid* locates them in the divinely mandated welfare of the individual and the community across temporal and spiritual dimensions. This distinction addresses the empirically documented failures of liberal individualism such as social fragmentation, erosion of communal bonds, and neglect of collective and ecological responsibilities by offering a framework grounded in *maṣlaḥah 'āmmah* rather than unlimited personal entitlement.

Collectively, these findings validate the central theoretical proposition of this study: that the integration of *maqāṣid al-sharī'ah* with Islamic sociological jurisprudence produces an epistemologically coherent, socially responsive, and normatively autonomous framework for reconceiving human rights in Muslim societies. Rather than positioning Islamic law as a reactive tradition that must measure itself against liberal standards, this framework asserts an alternative but equally rigorous basis for the protection of human dignity, one that is grounded

in divine authority, calibrated by communal welfare, and sensitive to the social realities of contemporary Muslim communities.

Conclusion

The analysis demonstrates that liberal universalism in human rights is historically and epistemologically rooted in Western secular philosophy, which prioritizes individual autonomy, rationality, and personal freedom. In contrast, Islamic legal epistemology is based on divine revelation, moral responsibility, and a balance between individual rights, social obligations, and public welfare. These foundational differences produce distinct conceptions of human dignity, legal authority, and the relationship between individuals and society. Consequently, the uncritical application of liberal human rights norms as universally valid standards can generate epistemic tensions and fail to account for the socio-religious realities of Muslim societies. A more context-sensitive approach is therefore required to bridge these differences while upholding human dignity and justice.

The findings further indicate that *maqāṣid al-sharī'ah* offers a holistic and adaptive framework for safeguarding human dignity by preserving religion, life, intellect, lineage, and property. When combined with sociological jurisprudence, this framework enables Islamic law to address contemporary challenges such as technological advancement, economic transformation, environmental concerns, and social pluralism, while maintaining its normative foundations. Additionally, the analysis highlights several limitations within liberal human rights discourse, particularly its emphasis on individualism and insufficient attention to collective and spiritual dimensions. A *maqāṣid*-based approach thus provides a constructive middle path between outright rejection and uncritical acceptance of international human rights norms, facilitating critical adaptation and contextual interpretation within Islamic law while preserving legal and moral autonomy. Future research should prioritize the practical implementation of *maqāṣid*-based legal reform through interdisciplinary and comparative studies across Muslim societies.

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