

MAQĀSID AL-SHARĪ'AH AND ITS ROLE IN IFTĀ

By

Professor Ahmad Bello Dogarawa

Department of Accounting, Ahmadu Bello University, Zaria, Nigeria
abellodogarawa@gmail.com

Being Paper Presented at the 16th International Conference on Jurisprudence of Fatwā and its Relationship with Maqāsid-based Fiqh Organised by Dār al-Na'im Academy for Sharī'ah Sciences, Nigeria at Radisson Blu Hotel, Ikeja, Lagos, Nigeria from 1st to 3rd January, 2025

1. Introduction

Human beings are living in a dynamic world characterised by constant changes, some permanent and some temporary. The dynamic nature of the world leads to the continuous emergence of new things due to changes in environmental, cultural, political and civilisational factors, science, innovation and technology.

Today, there are many new, unprecedented issues especially in the field of medicine, agriculture, finance, development, environmental sciences and information and communication technology unprecedented in the experience of earlier generations of Muslims. Fortunately, as a comprehensive and universal religion, Islam provides mechanisms and direction to guide man till he meets Almighty Allah while remaining upon the right path. Fatwā is one of the mechanisms that Islam has put in place to help Muslims understand and live in accordance with Islamic principles and teachings irrespective of time and place.

Fatwā is a legal opinion issued by a qualified Muslim jurist (muftī or fatwā issuer) relating to certain rulings of Islamic law in order to provide guidance and clarification on Islamic law and practice. This role is a great responsibility because it involves interpreting the directives of Allah (the Most High). The Muftī elucidates on behalf of Allah the Almighty and follows the example of the Prophet (peace be upon him) in clarifying the rulings of the Sharī'ah.¹

Usually, a fatwā is issued in response to a question or request for guidance on a particular issue; however, in other cases, a scholar may issue fatwā without being specifically asked. In either case, the muftī uses his knowledge of Islamic law and jurisprudence to provide an answer.

It is imperative for the muftī to take into consideration the public interest (maslaha) in the process of iftā in order to effectuate a congruence between its universal meaning and specific injunctions. Maqāsid al-Sharī'ah is the most important criterion used for the inclusion of public interest in Islamic law. This underscores the need to understand the concept of maqāsid al-Sharī'ah and its role in fatwā issuance.

This paper employs a literature survey approach to explain the concept of maqāsid al-Sharī'ah (objectives of Islamic Law) and highlights its role in deriving appropriate Islamic legal rulings (iftā). The paper comprises five sections including the introduction. The second section explains the concept of maqāsid al-Sharī'ah, its sources and categorisation. It also explains the concept of fatwā and its position in Islamic law. The third section highlights the importance and

¹ See: Qur'an, Q16:44.

application of *maqāsid al-Sharī'ah* in *fatwā* issuance. The fourth section highlights and discusses the characteristics of *maqāsid*-based *fatwā*. The fifth section concludes the paper and offers some suggestions.

2. Conceptualisation

In this section, attempt has been made to explain the main concepts covered by the paper. These are; *maqāsid al-Sharī'ah* and *Fatwā*.

2.1 The Concept of *Maqāsid al-Sharī'ah*

The Arabic term *Maqāsid* is the plural of '*maqṣad*', meaning purpose, objective, principle, intent or end. It means to aim at something, to come to it, to head towards it;² straightness of a path; and justice, moderation and avoidance of excess. Thus, *maqāsid* are the objectives that the *Sharī'ah* aims to achieve through its rulings, following a balanced and moderate.³

In Islamic terminology, *Maqāsid al-Sharī'ah* (higher goals of Islamic Law) refers to the ultimate purpose that the *Sharī'ah*, on the whole, aims to achieve for the benefit of the servants.⁴ The term refers to the meaning and wisdom behind the provisions of the *Qur'an* and *Sunnah* when read collectively and defines the ultimate ends that Islamic law aims to serve for society. By inductive reading of verses in the *Qur'an* and provisions of the *Sunnah*, Muslim jurists have established that the *Sharī'ah* was revealed for the purpose of securing human benefits and interests (*maṣālih*) and preventing harm and injury (*maḍā'id*).⁵

The *Sharī'ah* came to achieve and realise the interests of the servants in the present and the hereafter, and it is established that the *Sharī'ah* rulings include the higher goals that the Lawgiver intended when legislating them, and requested that they be observed and achieved. In this regard, Al-Izz bin Abdis-Salam said:⁶

² See: Abū Ishāq al-Shātibī, *Al-Muwāfaqāt*, Taḥqīq Mashhūr bin Hasan 'Āli Salmān (Dār Ibn 'Affān, Saudi Arabia, 1997), 2/7.

³ Al-Qahtani, M. B. (2015) *Understanding Maqasid al-Shari'ah: A Contemporary Perspective*. International Institute of Islamic Thought, IIIT Book-in-Brief Series, IIIT London Office, United Kingdom, p. 1.

⁴ Ahmad al-Raysūnī, *Nazhariyyah al-Maqāsid 'indāl-Imām al-Shātibī* (al-Dār al-'Ālamiyyah li al-Kitāb al-Islāmī, 1992), p. 7

⁵ See: 'Alī bin Muhammad al-Āmidī, *Al-Ihkām fī Usūl al-Ahkām* (Mu'assasah al-Nūr, Riyad, 1387H), 3/271.

⁶ Al-'Izz bin 'Abdis-Salām, *Qawā'id al-Ahkām fī Masā'il al-Anām* (Maktabah al-Kulliyāt al-Azhariyyah, Cairo, 1991), 2/73.

التَّكْلِيفُ كُلُّهَا رَاجِعَةٌ إِلَى مَصَالِحِ الْعِبَادِ فِي دُنْيَاهُمْ وَأُخْرَاهُمْ

“All obligations are related to the interests of the servants in this world and the hereafter.”

It is believed that all rulings and legislation aim to actualise a benefit, prevent some harm, or free one from some evil or transgression. Accordingly, the higher goal of the Shari’ah is the realisation of benefits (*maṣālih*) to mankind (both spiritual and temporal), whether immediate or long-term, and prevention of evils (*mafasid*) from him. In line with the objective of realisation, preservation and enhancement of human welfare and benefits (*jalb al-maṣālih*), every good has been made lawful and every evil has been made unlawful for mankind. To prevent, remove or mitigate all harms and evils (*dar’ al-mafāsīd*), legislations are put in place to prohibit whatever leads to harm or evil.⁷

Ibn al-Qayyim said:⁸

إِنَّ الشَّرِيعَةَ مَبْنَاهَا وَأَسَاسُهَا عَلَى الْحُكْمِ وَمَصَالِحِ الْعِبَادِ فِي الْمَعَاشِ وَالْمَعَادِ، وَهِيَ عَدْلٌ كُلُّهَا، وَرَحْمَةٌ كُلُّهَا، وَمَصَالِحُ كُلُّهَا، وَحِكْمَةٌ كُلُّهَا؛ فَكُلُّ مَسْأَلَةٍ خَرَجَتْ عَنِ الْعَدْلِ إِلَى الْجَوْرِ، وَعَنِ الرَّحْمَةِ إِلَى ضِدِّهَا، وَعَنِ الْمَصْلَحَةِ إِلَى الْمَفْسَدَةِ، وَعَنِ الْحِكْمَةِ إِلَى الْعَبَثِ؛ فَلَيْسَتْ مِنَ الشَّرِيعَةِ وَإِنْ أُدْخِلَتْ فِيهَا بِالتَّأْوِيلِ.

“Verily, the Shari’ah is founded upon wisdom and welfare for the servants in this life and the afterlife. In its entirety, it is justice, mercy, benefit, and wisdom. Every matter which abandons justice for tyranny, mercy for cruelty, benefit for corruption, and wisdom for foolishness is not a part of the Shari’ah even if it was introduced therein by an interpretation.”

2.1.1 Sources of Maqāsid al-Shari’ah

Verses of the Qur’an and Hadith of the Prophet (peace be upon him) have provided ample evidence for the declaration of the goals of the Shari’ah.⁹ These include:

- a) The Qur’an confirms in many places that Allah (the most High) is Al-Hakīm (All-Wise). This attribute necessitates that His rulings and legislations be ordained purposefully. Allah (the most High) says, “Alif, Lam, Rā. [This is] a

⁷Al-Qahtani, M. B. (2015) Understanding Maqasid al-Shari'ah: A Contemporary Perspective, p. 1

⁸ Ibn al-Qayyim al-Jawziyyah, *I’lām al-Muwaqqi’in ‘an Rabb al-‘Ālamīn* (Dār al-Kutub al-‘Ilmiyyah, Beirut, 1991), 3/11.

⁹Ibid, pp. 1-2.

Book whose verses are perfected and then presented in detail from [one who is] Wise and Acquainted.”¹⁰

- b) The Qur’an confirms in many places that Allah is the Most Merciful;¹¹ He intends ease for His servants and to show kindness to them by what He has created for them, commanded and legislated for them.¹² The noble Prophet (peace be upon him) was himself sent as a mercy to all creatures.¹³ This provides evidence for the declaration of the purpose and goal of Allah’s command and legislation for His servants on one hand, and the most important purpose of the Prophethood of Muhammad (peace be upon him) on the other hand. In addition, the Qur’an’s characterisation of itself that it is “a healing, guidance and mercy for the believers” underscores the purpose for which it is revealed.¹⁴
- c) In many places in the Qur’an, Allah tells us that He has done “such and such” for “such and such a reason” so much so that its texts become characteristically goal-oriented.¹⁵ The verses show how the Qur’an is expressive of its goal justification, cause and benefit.¹⁶
- d) Many texts from the Qur’an and the Sunnah of the noble Prophet (peace be upon him) explain certain general and specific purposes of the Sharī’ah, including the purpose of sparing people undue hardship.¹⁷
- e) There are general texts that encompass the actualisation of all benefits.¹⁸ For example, according to Aisha, the wife of the Prophet (peace be upon him), “Whenever Allah’s Messenger (peace be upon him) was given the choice of one of two matters, he would choose the easier of the two, as long as it was not sinful to do so.”¹⁹

These and other numerous scriptural texts demonstrate the intended purpose that the law aims to achieve. The purpose is to enhance and preserve human well-being and progress, and remove evil, harm and injury from society.

¹⁰ Qur’an 11:1. See also, Qur’an 4:24; 92 and 130; 27:6 & 66:2

¹¹ Qur’an 6:147

¹² Qur’an 2:185. See: Al-Qahtani, M. B. (2015) Understanding Maqasid al-Shari’ah: A Contemporary Perspective, p. 2

¹³ Qur’an 21:107

¹⁴ Kamali, M. H. (1999). Maqāsid al-Sharī’ah: The Objectives of Islamic Law, Islamic Studies, Vol. 38, Issue 2, p. 194.

¹⁵ See: Qur’an, 2:179; 5:6; 16:8; 22:39; 24:30; 29:45; 57:7.

¹⁶ Kamali, M. H. (1999). Maqāsid al-Sharī’ah: The Objectives of Islamic Law, pp. 194-195.

¹⁷ Qur’an 2:185. See also: Qur’an 22:78

¹⁸ Al-Qahtani, M. B. (2015) Understanding Maqasid al-Shari’ah: A Contemporary Perspective, p. 2.

¹⁹ *Sahīh al-Bukhari* (3560).

In addition to textual proofs concerning the goals of the Sharī'ah, there are a number of logical proofs.²⁰ The first logical proof is that rulings devoid of wisdom and desirable goals can only be made by someone who is either ignorant of what he is doing or unable to achieve such goals. Both these are weaknesses that cannot be attributed to the One who has knowledge of everything and has power over all things.²¹ The second logical proof for the declaration of the goals of the Sharī'ah is the fact that Allah confirms in the Qur'an that He cares for the welfare of His servants and He is their protector and helper.²² The primary goals of the Sharī'ah are to promote human welfare, preserve benefits, and prevent harm and evil. The third logical proof concerning the goals of the Sharī'ah is the general recognition that a system that does not aim to bring about benefit or prevent harm is a failed system that deserves to be neither implemented nor emulated.²³

2.1.2 Categorisation of Maqāsid al-Sharī'ah

The writings of scholars on the goals of Islamic Law have documented three approaches to categorising maqāsid al-Sharī'ah.²⁴ The first approach is based on the types and levels of interests or benefits the law of Islam is intended to preserve.²⁵ Based on this approach, three aspects of maqāsid al-Sharī'ah are identified namely; essentials (maqāsid darūriyyah), exigencies (maqāsid hājiyyah) and enhancements (maqāsid tahsīniyyah).²⁶

The second approach is based on level of importance or urgency of an issue. This approach results in the further categorisation of maqāsid into two types. The first type consists of primary aims (al-maqāsid al-asliyyah) that embody the Lawgiver's most fundamental purposes and are grouped into individual essentials (darūriyyāt 'ayniyyah) and collective essentials (darūriyyāt kifā'iyyah). The second type comprises secondary aims (al-maqāsid al-tābi'ah).²⁷

²⁰Al-Qahtani, M. B. (2015) Understanding Maqasid al-Shari'ah: A Contemporary Perspective, p. 2.

²¹ Qur'an 6:18; 6:128 and Qur'an 42:12

²²Qur'an 22:78

²³ Al-Qahtani, M. B. (2015). Understanding Maqasid al-Shari'ah: A Contemporary Perspective, p. 2.

²⁴ Ibid, pp. 2-4.

²⁵ Al-Qahtani, M. B. (2015). Understanding Maqasid al-Shari'ah: A Contemporary Perspective, pp. 2-3.

²⁶ Abū Ishāq al-Shātibī, *Al-Muwfaqāt*, 2/17.

²⁷ Muhammad bin Tāhir bin 'Āshūr, *Maqāsid al-Sharī'ah al-Islāmiyyah* (Wazārah al-Awqāf wa al-Shu'ūn al-Islāmiyyah, Qatar, 2004), 3/254.

The third approach to categorising the goals of Islamic Law is based on the extent to which items encompass the various rulings of Islamic Law. Scholars have identified three divisions under this approach: general aims (al-maqāsid al-‘āmmah), specific aims (al-maqāsid al-khāssah) and partial aims (al-maqāsid al-juz’iyyah).²⁸

Under the first approach, Muslim scholars have traditionally identified three levels of the interests that the Sharī’ah secures and protects.²⁹ These are:

- i. *Darūriyyāt* (Necessities) – The five essential interests that the law protects. These are the interests on which the survival and wellbeing of society depend, which are constituted by the five essential values of: i) religion (al-Din), ii) life (al-Nafs), iii) intellect (al-Aql), iv) progeny (al-Nasl), and v) property (al-Māl). All measures that secure these values are part of *maṣlaḥa* and anything that violates or undermines them is *mafsada*.³⁰ According to Kamali, the destruction and collapse of these essentials will precipitate chaos and collapse of normal order in society.³¹
- ii. *Hājiyyāt* (Needs) – The complementary interests. These consist of those interests that need to be secured in order to remove abnormal hardship (haraj) and constraint (mashaqqah) from the life of the people, such as reliable transportation and communication systems. The basis of this is the fact that Islamic Law is founded upon the facilitation of ease and the prevention of discomfort and hardship, whether in relation to worship, daily customs, social and monetary transactions, or criminal procedures. This means if the absence of something would cause some inconvenience, disrupt people’s acts of worship, or cause some disturbance to their otherwise untroubled lives, securing it is an exigency.³² Complimentary interests are not an independent category as they also seek to protect and promote the essential interest at a secondary capacity. As such, a *hājah* is elevated to the rank of *darūrah* if it concerns the public at large.³³
- iii. *Taḥsīniyyāt* (Embellishments) – These are interests that edify and embellish life. They are in the nature of desirabilities as they seek to attain

²⁸Ahmad al-Raysūnī, *Nazhariyyah al-Maqāsid ‘inda al-Imām al-Shātībī*, pp. 7-8. Also, see: Muhammad bin Tāhir bin ‘Āshūr, *Maqāsid al-Sharī’ah al-Islāmiyyah* (Wazārah al-Awqāf wa al-Shu’ūn al-Islāmiyyah, Qatar, 2004), 3/253-254.

²⁹ Abu Hāmid Al-Ghazālī, *Al-Mustasfā* (Dār al-Kutub al-‘Ilmiyyah), p. 174. Also, see: Abū Ishāq al-Shātībī, *Al-Muwāfaqāt*, 2/20.

³⁰ Abu Hāmid Al-Ghazālī, *Al-Mustasfā*, p. 174.

³¹ Kamali, M. H. (1999). *Maqāsid al-Sharī’ah: The Objectives of Islamic Law*, p. 195.

³²Al-Qahtani, M. B. (2015). *Understanding Maqasid al-Shari'ah: A Contemporary Perspective*, p. 3.

³³ Kamali, M. H. (1999). *Maqāsid al-Sharī’ah: The Objectives of Islamic Law*, p. 196.

refinement and perfection in the customs and conduct of people at all level of achievement.³⁴ Examples are use of fine clothing, beautification of homes and the environment, and development of beneficial conventions. The absence of these does not threaten human survival, cause exceptional hardship or harm, but they are nonetheless desirable for human fulfilment as they serve to make life easier and more enjoyable.³⁵

The above categories form a hierarchy. The *darūriyyāt* take the highest priority, followed by the *hājiyyāt* which are themselves followed by the *taḥsīniyyāt*. In case of conflict, *darūriyyāt* take precedence over the *hājiyyāt*, which in turn enjoy priority over the *taḥsīniyyāt*. However the categories are interrelated. For example, though interests at the level of needs fall below the necessities, the needs are nonetheless essential for supporting, reinforcing and sustaining the necessities, so much so that the total loss of an interest at the level of needs risks weakening the higher level interests, which would then necessitate raising the value of the lower level interest to the higher level.³⁶ For example, total loss of one of the needs such as transport or communication would so much threaten such necessities as life and property, creating a state of emergency that would necessitate raising the value of transport or communication to the level of a necessity.

2.2 The Concept of Fatwā

The term Fatwā refers to "a Sharī'ah opinion presented to a person who seeks it with regard to an incidence that has already occurred (the Fatwa incidence) or is expected to occur."³⁷ It involves "providing formal Sharī'ah opinion (fatwā) on a specific issue, either on request or for the mere sake of enlightening people on the Sharī'ah ruling regarding an arising subject."³⁸

As an authoritative Islamic legal opinion, fatwā has significant potential to unify human principles and values. It is instrumental in addressing ethical challenges that have become a human necessity amid the ongoing conflicts and crises faced globally.

³⁴ Ibid.

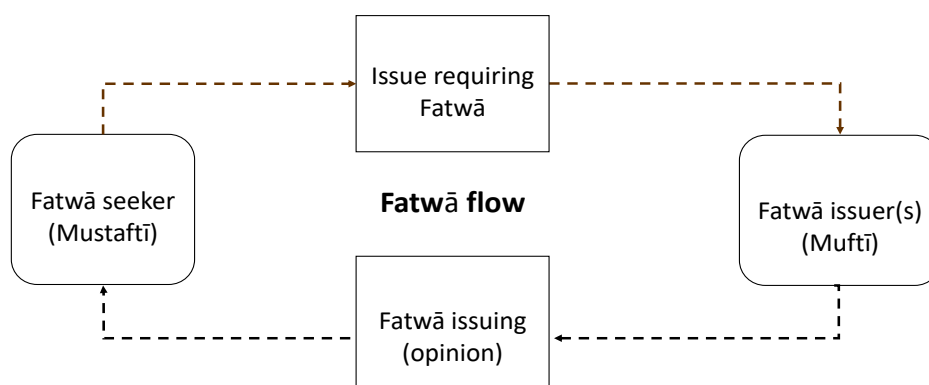
³⁵ Ibid.

³⁶ JasserAuda, *Maqasid al-Sharia – an Introductory Guide* (2008), p. 7.

³⁷ According to AAOIFI Sharī'ah Standard 29(2/1),

³⁸ OIC-IIFA 153(2/17)

The process of fatwā issuance is presented in figure 1.



Understanding and applying relevant tools of *maqāsid al-Sharīʿah* in fatwā issuing is key to making the muftī to arrive at an appropriate value-based and text-centered fatwā. Considering *maqāsid al-Sharīʿah* in iftā serves several purposes, including the following:

- a) It gives a comprehensive view of the texts and rulings of the Sharīʿah.
- b) Fulfilment of the objectives of Sharīʿah is a weighing factor in comparisons between different Fiqh viewpoints.
- c) It helps in the identification of the end results of the acts of individuals and subjecting them to the rulings of Sharīʿah.

3.1 Importance of Maqāsid al-Sharīʿah in Fatwā Issuance

Knowing *maqāsid al-Sharīʿah* is an essential requirement for the Muslim scholars who are involved with fatwā issuance. As a science of the goals and objectives of the Sharīʿah, *maqāsid* provides fatwā issuers with a foundation for understanding the texts of the Qurʾan and Sunnah with respect to focusing on the text (*tawjīh al-Nas*), understanding rulings (*fahm al-Ahkām*) and comprehending the *Sharīʿah* in all its aspects and extending the scope of coverage (*tawsiʿ dalālah al-Khitāb*).

According to Al-Munajjid,³⁹ the muftī needs the knowledge of *maqāsid al-Sharīʿah* to develop the ability of *ijtihād*. The knowledge helps the muftī in the

³⁹ Al-Munajjid, M. S. (n.d.), *Fawā'id Maqāsid al-Sharīʿah lī al-Mujtahid*, <https://almunajjid.com/courses/lessons/233#:~:text=%D9%84%D9%83%D9%86%20%D9%85%D9%82%D8%A7%D8%B5%D8%AF%20%D8%A7%D9%84%D8%B4%D8%B1%D9%8A%D8%B9%D8%A9%20%D9%81%D9%8A%20%D8%A7%D9%84%D8%AD%D9%82%D9%8A%D9%82%D8%A9,%D9%88%D8%A2%D9%8A%D8%A9%20%D8%B8%D8%A7%D9%87%D8%B1%D8%A9%D8%8C%20%D8%AA%D8%AF%D9%84%20%D8%B9%D9%84%D9%89%20%D9%88%D8%AD%D8%AF%D8%A7%D9%86%D9%8A%D8%AA%D9%87.>

correct application of rulings; benefits him in synthesising conflicting evidence and achieving balance and moderation in rulings.

The *maqāsid al-Sharī'ah* therefore plays vital roles in giving scholars and students of knowledge a deeper understanding of the provisions of the law and the teachings of the religion. The knowledge of *maqāsid* is essential in arriving at a correct interpretation of the law, while also guiding the Muslim society in formulating solutions when it is faced with new situations in which the texts of the law have not provided a direct and clear answer. When the issue at hand is not directly ruled upon by any existing texts, or the texts are ambiguous or conflicting, the scholars take into account the higher goals of the law in arriving at an answer. An interpretation that openly contradicts the *maqāsid al-Sharī'ah* cannot be accepted or accommodated.

In addition to its being the basis of good understanding and correct application of the texts of the Qur'an and Sunnah, the field of *maqāsid al-Sharī'ah* is intertwined with other critical branches of Islamic sciences such as knowledge of contemporary issues (فقه النوازل), public interest based Islamic leadership (علم السياسة الشرعية), and knowledge of the 'means' (فقه الوسائل). For the purpose of issuing fatwā, the *maqāsid al-sharī'ah* plays the following functions:⁴⁰

- i. Regulating the interpretations of the religious texts to guarantee that the purpose of the law is not sacrificed on the altar of literalism. An insightful look at the various tools that scholars employ for legal interpretation, such as *qiyās* (analogy), *istislah* (public interest), *istihsān* (equity), *'urf* (custom) and *sadd al-zarī'ah* (prevention of harm) will show that these tools of interpretation embody the spirit of the *maqāsid al-Sharī'ah*.
- ii. Highlighting the relevance of the textual context in order to arrive at the correct interpretation of the scriptural sources of the law, helping to expose the fallacy of taking or interpreting a Qur'anic verse or Hadith out of context.
- iii. Demonstrating the need to consider the social circumstances in which legal rules are applied - which vary over time and space.
- iv. Encouraging 'community interpretation' of textual authorities, so that an individual verse of the Qur'an or Hadith of the Prophet (peace be upon him) is not taken in isolation but read together with other relevant verses and Hadith to arrive at a valid and an appropriate fatwā.

⁴⁰ Muda, Z., Omar, N., Rajid, Z. Z., Ramlee, N. & Kurniawan, C. S. (2024). Comprehensive Fatwa Development Based on Maqasid Shariah: A Study in Brunei Darussalam, International Journal of Academic Research in Business and Social Sciences, Vol 14, Issue 4, pp. 857-858.

- v. Bringing to the fore the importance of understanding that on matters that are not covered by textual provisions, any measure taken or policy adopted which is compatible with the objectives of the Lawgiver or falls within the category of the interests that are recognised by the Lawgiver is upheld and validated, even if there are no clear and unambiguous scriptural texts in its support provided it does not contradict established Sharī'ah rules and principles. In this regard, identified benefits or interests that are based on texts taken from the Qur'an and Sunnah are considered definitive with no room allowed for debate. In situations whereby the identified benefits or interests are not found directly in the texts of the Qur'an and Sunnah, scholars are allowed to explore benefits through in-depth research and ijtihād based on strict Sharī'ah principles.

3.2 Application of Maqāsid al-Sharī'ah in Fatwā Issuance

Imam al-Shāfi'ī was likely the first scholar to stress the importance of applying maqāsid al-Sharī'ah knowledge in fatwā issuance. Al-Juwaynī has quoted the steps outlined by al-Shāfi'ī which the mujtahid needs to follow in issuing a ruling on an incident, of which is the consideration and application of maqāsid.⁴¹ Subsequently, many scholars also emphasised the need for those who want to give fatwā to acquaint themselves with the knowledge of maqāsid al-Sharī'ah and factor it in fatwā issuance.

Al-Juwaynī said:⁴²

ومن لم يتفطن لوقوع المقاصد في الأوامر والنواهي فليس على بصيرة في
وضع الشريعة

"Whoever does not realise that the goals (of the Sharī'ah) are included in its commands and prohibitions lacks proper understanding of the Sharī'ah."

⁴¹ Abū al-Ma'ālī al-Juwaynī, *Al-Burhān fī Usūl al-Fiqh*, Tahqeeq Abdul-Azhīm Mahmūd al-Dīb (Dār al-Wafā, al-Mansūrah, Egypt, 1418H), 2/874-975. <https://ketabonline.com/ar/books/10609/read?part=2&page=777&index=5597006/5597042>

⁴² Ibid, 1/206.

Abū Hāmid al-Ghazālī said:⁴³

مقاصد الشرع قبلة المجتهدين، من توجه إلى جهة منها أصاب الحق
“The objectives of Islamic law are the direction of the
mujtahids. Whoever turns towards it will attain the truth.”

Ibn al-Qayyim said:⁴⁴

وما مَثَلُ من وقف مع الظواهر والألفاظ ولم يُرَاعِ المقاصد والمعاني إلا كَمَثَلِ
رجل قيل له: لا تُسلم على صاحب بدعة، فقبلَ يده ورجله ولم يسلم عليه
"The example of the one who sticks to the apparent
meanings and words and does not consider the objectives
and intended meanings (of the Sharī'ah in deriving rulings)
is like that of a man who was told: Do not greet a heretic,
so he kissed his hand and foot but did not greet him."

According to Al-Shātibī, the knowledge of the maqāsid is the backbone of ijtihād and the first and foremost qualification of a mujtahid. He said:⁴⁵

إِنَّمَا تَحْصُلُ دَرَجَةُ الْإِجْتِهَادِ لِمَنِ اتَّصَفَ بِوَصْفَيْنِ: أَحَدُهُمَا: فَهْمُ مَقَاصِدِ
الشَّرِيعَةِ عَلَى كَمَالِهَا. والثاني: التمكن من الاستنباط بناءً على هذا الفهم
“The degree of ijtihād is attained only by those who
possess two qualities: One of them is understanding the
objectives of the Sharī'ah in their entirety. The second is
being able to derive (rulings) based on this
understanding.”

Al-Shātibī also rebuked those scholars who failed to incorporate the maqāsid in their ijtihād or fatwā and yet have the audacity to think they were well-qualified to be performing ijtihād or issuing out fatawā without any recourse to it. He said:⁴⁶

مَنْ لَمْ يَتَفَقَّهْ فِي مَقَاصِدِ الشَّرِيعَةِ فَهَمَّهَا عَلَى غَيْرِ وَجْهِهَا.
“Whoever does not understand the knowledge of maqāsid
al- Sharī'ah will understand it (the Sharī'ah) in a way other
than its intended meaning.”

⁴³ Jalāludīn al-Suyūtī, *Al-Radd ‘alā man Akhlad ilā al-Ard wa Jahila annal Ijtihād fī Kulli ‘Asrin Fard*, p. 182.

⁴⁴ Ibn al-Qayyim al-Jawziyyah, *l’lām al-Muwaqqi’īn ‘an Rabb al-‘Ālamīn* (Dār al-Kutub al-‘Ilmiyyah, Beirut, 1991), 4/527.

⁴⁵ Abū Ishāq al-Shātibī, *Al-Muwāfaqāt*, 5/42.

⁴⁶ Abū Ishāq al-Shātibī, *Al-I’tisām*, Tahqīq Salīm al-Hilālī (Dār Ibn ‘Affān, Saudi Arabia, 1992), 2/683.

Al-‘Izz bin ‘Abdis-Salām said:⁴⁷

وَمَنْ تَتَّبَعَ مَقَاصِدَ الشَّرْعِ فِي جَلْبِ الْمَصَالِحِ وَدَرْءِ الْمَقَاسِدِ، حَصَلَ لَهُ مِنْ مَجْمُوعِ ذَلِكَ اِعْتِقَادٌ أَوْ عَرَفَانٌ بِأَنَّ هَذِهِ الْمَصْلَحَةَ لَا يَجُوزُ إِهْمَالُهَا، وَأَنَّ هَذِهِ الْمَفْسَدَةَ لَا يَجُوزُ قُرْبَانُهَا، وَإِنْ لَمْ يَكُنْ فِيهَا إِجْمَاعٌ وَلَا نَصٌّ وَلَا قِيَاسٌ خَاصٌّ، فَإِنَّ فَهْمَ نَفْسِ الشَّرْعِ يُوجِبُ ذَلِكَ.

Whoever follows the objectives of the Sharī’ah in realising benefit and preventing evil will gain, from the summation of that, a belief or recognition that this benefit cannot be neglected and the evil cannot be approached, even if there is no consensus, text, or specific analogy regarding it, because understanding the Sharī’ah itself requires that.

4. Characteristics of Maqāsid Al-Sharī’ah based Fatwā

The issuance of fatwā in light of the maqāsid al-Sharī’ah requires that the fatwā issuer takes the following into account:⁴⁸

- i) The scope of the fatwā should be within the legal rulings that are subject to interpretations and change according to general interests and according to time, place, circumstance, or custom. This is because, generally, Islamic rulings are of two types; the one which does not change irrespective of change in time, place or circumstance, also called the fixed rulings (الثوابت),⁴⁹ and the one which changes according to the requirement of time, place or circumstance, also referred to as the flexible rulings (المتغيرات).

Ibn al-Qayyim mentioned the two types of Islamic rulings as follows:⁵⁰

الأحكام نوعان: نوع لا يتغير عن حالة واحدة هو عليها. لا بحسب الأزمنة ولا الأمكنة، ولا اجتهد الأئمة، كوجوب الواجبات، وتحريم المحرمات، والحدود المقدرة بالشرع على الجرائم ونحو ذلك، فهذا لا يتطرق إليه تغيير

⁴⁷ Al-‘Izz bin ‘Abdis-Salām, *Qawā'id al-Ahkām fī Masā'lih al-Anām*, 2/189.

⁴⁸ Al-Shaybānī, U. M. I. (1435H). *Dawābit al-Fatwā fī Daw' al-Maqāsid al-Shar'iyyah*. *Majallah al-'Ulūm al-Shar'iyyah*, Volume 30, p. 258. Also, see: Muda, Z., Omar, N., Rajid, Z. Z., Ramlee, N. & Kurniawan, C. S. (2024). Comprehensive Fatwa Development Based on Maqasid Shariah: A Study in Brunei Darussalam. *International Journal of Academic Research in Business and Social Sciences*, Vol 14, Issue 4, pp. 857-859.

⁴⁹ This includes the basic rulings that are established in the Qur'an and Sunnah and which Islam brought in its basic texts regarding the commands and prohibitions; the pillars of Islam and basic rulings that no Muslim has any excuse for not knowing; all the rulings on worship; and matters of 'aqidah.

⁵⁰ Ibn al-Qayyim al-Jawziyyah, *Ighāthah al-Lahfān min Masāyid al-Shaytān* (Maktabah al-Ma'ārif, Riyadh), 1/330-331.

ولا اجتهد يخالف ما وضع عليه. والنوع الثاني: ما يتغير بحسب اقتضاء المصلحة له زمانا ومكانا وحالا، كمقادير التعزيرات وأجناسها وصفاتها.

“Rulings are of two kinds. [The first] are those that do not change but remain constant through changes in time, place, or the ijtihād of scholars. Examples include the obligation of duties and the proscription of prohibitions, prescribed hudūd (legal penalties), and so forth. These are not subject to change or to an ijtihād that contravenes their prescription. The second kind of rulings change depending on the interests [of the people] according to time, place, and situation. Examples include amounts of discretionary punishments, their types, and their characteristics.”

On the second type of Islamic rulings, Ibn al-Qayyim said:

فَصُلِّ فِي تَغْيِيرِ الْفَتَوَى، وَاخْتِلَافِهَا بِحَسَبِ تَغْيِيرِ الْأَزْمَنِ وَالْأَمَكِنَةِ وَالْأَحْوَالِ
وَالنِّيَّاتِ وَالْعَوَائِدِ

“Islamic rulings change with time, location, circumstances, intention and changing customs.

- ii) The fatwā should be based on a sound reason and valid evidence. Ibn al-Qayyim said:⁵¹

لَا يَجُوزُ لِلْمُفْتِي أَنْ يَعْمَلَ بِمَا يَشَاءُ مِنَ الْأَقْوَالِ وَالْوُجُوهِ مِنْ غَيْرِ نَظَرٍ مِنَ التَّرْجِيحِ وَلَا يَعْتَدُ بِهِ، بَلْ يَكْتَفِي فِي الْعَمَلِ بِمُجَرَّدِ كَوْنِ ذَلِكَ قَوْلًا قَالَهُ إِمَامٌ أَوْ وَجْهًا ذَهَبَ إِلَيْهِ جَمَاعَةٌ فَيَعْمَلُ بِمَا يَشَاءُ مِنَ الْوُجُوهِ وَالْأَقْوَالِ حَيْثُ رَأَى الْقَوْلَ وَفُقَ إِرَادَتِهِ وَغَرَضُهُ عَمَلٌ بِهِ، فَإِرَادَتُهُ وَغَرَضُهُ هُوَ الْمَعْيَارُ وَبِهَا التَّرْجِيحُ، وَهَذَا حَرَامٌ بِاتِّفَاقِ الْأُمَّةِ.

“It is not permissible for the mufti to choose whatever view or opinion he likes without examining which view has the stronger evidence or without paying attention to examining the evidence and, rather, to be content, when choosing a view, with the mere fact that it is the view of an Imām or a view adopted by a certain group, and thus he chooses whatever he wants of options and views, so that whenever he sees a view that is in harmony with what he wants and which suits him, he chooses it, so that what he wants and what suits him becomes the criterion, on the basis of which he regards one view as more likely

⁵¹ Ibn al-Qayyim al-Jawziyyah, *I'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn*, 4/162.

to be correct than others. This is harām according to the consensus of the ummah.”

The muftī should always remember the stern warning given against fatwās which lack Sharī'ah basis and appropriate proofs. Fatwās “arising from illusionary Sharī'ah-discarded interests, personal desires and inclinations, or customs, traditions and arguments that contradict the principles, rules and objectives of Sharī'ah” are both dangerous and damaging.⁵²

- iii) A maqāsid-based fatwā considers the consequences of actions (*ma'ālāt al-af'āl* - مآلات الأفعال). Accordingly, to ensure that an Islamic ruling is in line with maqāsid al-Sharī'ah, a muftī does not issue a fatwā on the permissibility or illegitimacy of an action except after considering what it leads to.

The concept of *ma'ālāt* has been developed by the Jurists as an important principle that is used in situations where the consequences of Islamic rulings differ from their intended maslaha. Based on the principle of *ma'ālāt*, many Jurists suggested providing for exceptions, by banning a permissible action, in particular situations that could lead to mafsada (evil), or tolerating some aspects of a prohibited action that could lead to more mafsada were it is totally banned. This approach is considered necessary for ensuring the applicability of Islamic rules, regardless of any change in time, place, or circumstance.⁵³

Al-Shātībī said:⁵⁴

النَّظَرُ فِي مَالَاتِ الْأَفْعَالِ مُعْتَبَرٌ مَقْصُودٌ شَرْعًا كَانَتْ الْأَفْعَالُ مُوَافِقَةً أَوْ مُخَالِفَةً، وَذَلِكَ أَنَّ الْمُجْتَهِدَ لَا يَحْكُمُ عَلَى فِعْلٍ مِنَ الْأَفْعَالِ الصَّادِرَةِ عَنِ الْمُكَلَّفِينَ بِالْإِقْدَامِ أَوْ بِالْإِحْجَامِ إِلَّا بَعْدَ نَظَرِهِ إِلَى مَا يؤولُ إِلَيْهِ ذَلِكَ الْفِعْلُ، مَشْرُوعًا لِمَصْلَحَةٍ فِيهِ تُسْتَجْلَبُ، أَوْ لِمَفْسَدَةٍ تُذَرُّ، وَلَكِنْ لَهُ مَالٌ عَلَى خِلَافِ مَا قُصِدَ فِيهِ، وَقَدْ يَكُونُ غَيْرَ مَشْرُوعٍ لِمَفْسَدَةٍ تَنْشَأُ عَنْهُ أَوْ مَصْلَحَةٍ تَنْدَفِعُ بِهِ، وَلَكِنْ لَهُ مَالٌ عَلَى خِلَافِ ذَلِكَ.

"Examination of the consequences of actions is acknowledged and intended according to the Sharī'ah, whether these actions are lawful or unlawful. Thus, the Mujtahid will only judge an action carried out by

⁵² According to the International Islamic Fiqh Academy of the OIC,

⁵³ Ishak, M. S. I. (2018). The Principle of Considering Ma'alat in Islamic Rules: Do Ends Justify Means? *International Journal of Islamic Thought*, Vol. 14, p. 53.

⁵⁴ Abū Ishāq al-Shātībī, *Al-Muwāfaqāt*, 5/177.

individuals, either by action or omission, after examining the consequences of the action: it may be that it is initiated in order to bring about some maslaha or prevent some mafsada but it results in the opposite of what was intended, or it may not have been initiated in order to cause mafsada or prevent maslaha, but it has resulted in the opposite of this action.”

- iv) The muftī should consider evidence-based disagreements to weigh the proof of each scholarly view and arrive at an appropriate ruling on the issue.

Al-‘Izz bin ‘Abdis-Salām said:⁵⁵

وَالضَّابِطُ فِي هَذَا أَنَّ مَا أَخَذَ الْمُخَالِفُ إِنْ كَانَ فِي غَايَةِ الضَّعْفِ وَالْبُعْدِ مِنَ الصَّوَابِ فَلَا نَظَرَ إِلَيْهِ وَلَا التِّفَاتِ عَلَيْهِ إِذَا كَانَ مَا اعْتَمَدَ عَلَيْهِ لَا يَصِحُّ نَصُّهُ دَلِيلًا شَرْعًا، وَلَا سَيِّمًا إِذَا كَانَ مَا أَخَذَهُ مِمَّا يُنْقِضُ الْحُكْمَ بِمِثْلِهِ.

“The rule in this (matter of scholarly disagreement) is that if the differing view is based on extremely weak argument and what is far from the truth, then it should not be considered or heeded if what he (the upholder of the differing view) relied upon is not an evidence-based text according to the Sharī’ah, especially if his argument is something that invalidates the ruling on something similar to it.”

Similarly, Al-Shātībī said:⁵⁶

إِنَّمَا يُعَدُّ فِي الْخِلَافِ الْأَقْوَالُ الصَّادِرَةُ عَنْ أَدَلَّةٍ مُعْتَبَرَةٍ فِي الشَّرِيعَةِ، كَانَتْ مِمَّا يَفْقَى أَوْ يَضْعُفُ، وَأَمَّا إِذَا صَدَرَتْ عَنْ مُجَرَّدِ خَفَاءِ الدَّلِيلِ أَوْ عَدَمِ مُصَادَفَتِهِ فَلَا.

“In disagreement, only evidence-based statements which are valid in the Sharī’ah are considered, whether they are strong or weak. However, if they are based on not knowing the evidence or its lack of relevance, then they are not valid.”

⁵⁵ Al-‘Izz bin ‘Abdis-Salām, *Qawā'id al-Ahkām fī Masā'lih al-Anām*, 1/253.

⁵⁶ Abū Ishāq al-Shātībī, *Al-Muwāfaqāt*, 5/139.

- v) The fatwā should not be contrary to acceptable and recognised customs which do not contradict established rules of the Sharī'ah. This means that a muftī needs to be conversant with customs of all time because without proper understanding of it, he have difficulty to understand the texts (*nusūs*) of the *Sharī'ah* by contemplating the custom of Arabs which existed in the time of revelation. Also, a muftī needs proper understanding of custom when dealing with the manifest rulings and books related to fiqh, because jurists engage in legal deductions only for their contemporary time according to their customs, habits, needs, ways of dealing, lifestyle, social behaviour, transactions, dialects etc.⁵⁷

Al-Qarāfī said:⁵⁸

العوائد والعادة غلبة معنى من المعاني على الناس وقد تكون هذه الغلبة في سائر الأقاليم كاللحاجة للغذاء والتنفس في الهواء، وقد تكون خاصة ببعض البلاد كالنقود والعيوب، وقد تكون خاصة ببعض الفرق كالأذان للإسلام والناقوس للنصارى، فهذه العادة يقضى بها عندنا لما تقدم في الاستصحاب.

Customs and norms are a meaning prevalence among people. This prevalence may be in all regions, such as the need for food and breathing air. It may be specific to some countries, such as money and defects. It may be specific to some groups, such as the call to prayer for Islam and the bell for Christians. These customs are taken into account in deriving ruling by us, based on what was mentioned in the presumption of continuity (*al-istishāb*).

A Muftī who ignore the role of customs and norms may end up giving a fatwā that is not in line with the reality on ground. Therefore, a maqāsid-based fatwā takes into account customs which do not contradict established rules and principles of the Sharī'ah.

- vi) A maqāsid-based fatwā adopts the principle of moderation (*wasatiyyah*) as a means to delivering a balanced Islamic ruling. A Muftī is required to be credible and to reflect a balanced understanding of the Sharī'ah in line

⁵⁷ Al-Fijawi, M. F. A. (2016). Essentiality of Custom ('Urf/Adat) in Issuing Fatwa (Ifta'): A Special Reference to Ibn Abidin's Sharh 'Uqud Rasm al-Mufti. *International Seminar on Fatwa (IsFatwa)*, p. 2.

⁵⁸ Abū al-'Abbās Al-Qarāfī, *Sharh Tanqīh al-Fusūl* (Sharikah al-Tibā'ah al-Fanniyyah al-Muhaddadah, 1997), p. 448.

with the Qur'anic message of wasatiyyah,⁵⁹ while also remaining free of laxity, neglect, exaggeration and unnecessary strictness.

Wasatiyyah helps the Muftī to understand the balanced vision of Islam which is inclusive of the interests of both the individual and society, while also making him to keep in sight its spiritual, rational, and scientific dimensions. It makes him to neither be extreme nor too lenient. According to Al-Shātībī, it is a mark of distinction for a Muftī and Mujtahid to consider those opinions which the majority of scholars supported in the issuance of their own fatwā, verdict and ijtihād. He interpreted the verse "guide us unto the straight path" (*al-sirāt al-mustaqīm*) as the chosen path of moderation. Moderation is therefore, the purpose (*maqṣad*) of the Lawgiver and it is expected that all Muslims, especially the learned among them, hold to it and guard against indulgence in whatever is contrary to the principle of wasatiyyah including excessiveness (such as rejecting the majority) or reductionism. Accordingly, leaving the path of moderation in fatwā issuance implies neglecting the purpose (*maqṣad*) of the Lawgiver.⁶⁰

In the Qur'an, Muslims are called upon to embrace moderation and reject and oppose all kinds of extremism in belief, worship, thought, as well as behaviour, whether in the form of excessiveness, transgression, or unfounded strictness. The Prophet (peace be upon him) has also warned Muslims against extremism and its dangers. In Islam, achieving moderation requires following the path of the Prophet (peace be upon him), his rightly-guided successors and practice of Muslims of the first three generations.

A recurrent theme in the Qur'an and Sunnah is bringing ease to the people by removing hardship from them (*taysīr wa raf' al-haraj*). In the event of a choice between an easier and a more difficult fatwā, it is advisable that the muftī opt, as far as possible, for the former in order to avoid inflicting hardship on the people provided doing that would not amount to compromising well established principles.

The Prophet (peace be upon him) used to opt for the easier option whenever he has choice. In the words of his wife, Āisha (peace be upon her), "Whenever Allah's Messenger (peace be upon him) was given the choice of one of two matters, he would choose the easier of the two as

⁵⁹ See: Qur'an, 2:143.

⁶⁰ Kamali, M. H. (2004). Moderation in Fatwa and Ijtihad: Juristic and Historical Perspectives. Islam and Civilisational Renewal, IAIS Malaysia, pp. 314-315.

long as it was not sinful to do so, but if it was sinful, he would not approach it."⁶¹

- vii) The fatwā should be appropriate to the circumstances of the time and its people, and according to the level of understanding of the people if it involves an issue that is subject to changes due to the above factors.

‘Ali bn Abī Tālib said:

حَدِّثُوا النَّاسَ بِمَا يَعْرِفُونَ أَتَجِبُونَ أَنْ يُكَذَّبَ اللَّهُ وَرَسُولُهُ

Speak to people only according to their level of understanding. Do you want Allah and His Messenger to be denied?⁶²

Similarly, ‘Abdullah bin Masūd said:

مَا أَنْتَ بِمُحَدِّثٍ قَوْمًا حَدِيثًا لَا تَبْلُغُهُ عُقُولُهُمْ، إِلَّا كَانَ لِبَعْضِهِمْ فِتْنَةٌ.

Whenever you speak with people in such a way that they are not able to comprehend you properly, then it (always) results in fitnah and confusion for some of them."⁶³

In addition to the above rules, it is necessary for the muftī to have a proper conceptualisation and characterisation of any issue which is presented to him before giving fatwā. The process of conceptualisation requires a great deal of patience and unhastiness. Ibn Wahab reported that he heard Imām Mālik saying:

العجلة في الفتوى نوع من الجهل والخزق

"Being hasty in issuing Fatwa is a type of ignorance and foolishness."⁶⁴

Fatwā issuers therefore need to be slow and cautious and avoid over-courage in making Fatwā decisions. Nu’aym bn Hammād reported that he heard Ibn ‘Uyaynah saying:

أَجْسَرُ النَّاسِ عَلَى الْفَتَا أَقْلُهُمْ عِلْمًا.

"The bravest person to issue Fatwa is the least knowledgeable."⁶⁵

⁶¹ *Sahīh al-Bukhārī* (6126) and *Sahīh Muslim* (2327).

⁶² *Sahīh al-Bukhārī* (127).

⁶³ *Muqaddimah Sahīh Muslim* (14).

⁶⁴ Al-Bayhaqī, *Al-Madkhal ilā al-Sunan al-Kubrā* (1901).

Similarly, Sahnūn bin Sa'īd said:

أجراً الناس على الفتيا أقلهم علماً، يكون عند الرجل الباب الواحد من العلم
يظن أن الحق كله فيه.

“The most daring person to issue fatwa is the least knowledgeable. A man may have only one chapter of knowledge and think that all the truth is in it.”⁶⁶

5. Conclusion and Suggestions

The role of *maqāsid al-Sharī'ah* in deriving appropriate *Sharī'ah* rulings for emerging issues and new kinds of contemporary realities cannot be overemphasised. Applying the tools of *maqāsid al-Sharī'ah*, especially in today's fragmented, yet very dynamic and changing world is quite essential for proper conceptualisation and characterisation of issues requiring legal ruling in order to arrive at an appropriate value-oriented, text-centered fatwā.

The 'Ulama and students of knowledge, especially who are involved with fatwā issuing on contemporary issues need to study the various dimensions of *maqāsid al-Sharī'ah* in the social, economic, educational, political and technological areas, and be acquainted with its tools. This, in addition to the knowledge of 'Usūl al-Fiqh and al-Qawā'id al-Fiqhiyyah, will help enhance greatly their capacity and equip them to understand and factor the humane objectives that the *Sharī'ah* aims to achieve.

Through the knowledge of *maqāsid al-Sharī'ah*, a scholar will be able to appreciate the correct methodology for understanding and interpreting religious texts in accordance with the agreed objectives of the religion. A scholar who is knowledgeable of *maqāsid al-Sharī'ah* recognises and implements the spirit of realisation of benefits and prevention of harm that runs through all the tools of textual interpretation.

⁶⁵ Ibn Abdil-Barr, *Jāmi' 'Bayān al-'Ilm wa Fadlih* (2209)

⁶⁶ Ibn Abdil-Barr, *Jāmi' 'Bayān al-'Ilm wa Fadlih* (2211)

References

- Abū al-Ma'ālī al-Juwaynī, *Al-Burhān fī Usūl al-Fiqh*, Tahqeeq Abdul-Azhīm Mahmūd al-Dīb. Dār al-Wafā, al-Mansūrah, Egypt, 1418H.
- Abu Hāmid Al-Ghazālī, *Al-Mustasfā*. Dār al-Kutub al-'Ilmiyyah, Beirut, 1993.
- Abū Ishāq al-Shātībī, *Al-I'tisām*, Tahqīq Salīm al-Hilālī. Dār Ibn 'Affān, Saudi Arabia, 1992.
- Abū Ishāq al-Shātībī, *Al-Muwāfaqāt*, Tahqīq Mashhūr bin Hasan 'Āli Salmān. Dār Ibn 'Affān, Saudi Arabia, 1997.
- Abū al-'Abbās Al-Qarāfī, *Sharh Tanqīh al-Fusūl*. Sharikah al-Tibā'ah al-Fanniyyah al-Muhaddadah, Egypt, 1997.
- Accounting and Auditing Organisation for Islamic Financial Institutions – AAOIFI. *Governance Standard*, AAOIFI, Bahrain, 2015.
- Ahmad al-Raysūnī, *Nazhariyyah al-Maqāsid 'indāl-Imām al-Shātībī*. al-Dār al-'Ālamiyyah li al-Kitāb al-Islāmī, Saudi Arabia, 1992.
- Al-'Izz bin 'Abdis-Salām, *Qawā'id al-Ahkām fī Masā'lih al-Anām*. Maktabah al-Kulliyāt al-Azhariyyah, Cairo, 1991.
- Al-Fijawi, M. F. A. Essentiality of Custom ('Urf/Adat) in Issuing Fatwa (Ifta'): A Special Reference to Ibn Abidin's Sharh 'Uqud Rasm al-Mufti. *International Seminar on Fatwa (IsFatwa)*, 2016.
- Ali bin Muhammad al-Āmidī, *Al-Ihkām fī Usūl al-Ahkām*. Mu'assasah al-Nūr, Riyadh, 1387H.
- Al-Munajjid, M. S. (n.d.), *Fawā'id Maqāsid al-Sharī'ah lī al-Mujtahid*, <https://almunajjid.com/courses/lessons/233#:~:text=%D9%84%D9%83%D9%86%20%D9%85%D9%82%D8%A7%D8%B5%D8%AF%20%D8%A7%D9%84%D8%B4%D8%B1%D9%8A%D8%B9%D8%A9%20%D9%81%D9%8A%20%D8%A7%D9%84%D8%AD%D9%82%D9%8A%D9%82%D8%A9,%D9%88%D8%A2%D9%8A%D8%A9%20%D8%B8%D8%A7%D9%87%D8%B1%D8%A9%D8%8C%20%D8%AA%D8%AF%D9%84%20%D8%B9%D9%84%D9%89%20%D9%88%D8%AD%D8%AF%D8%A7%D9%86%D9%8A%D8%AA%D9%87>.
- Al-Qahtani, M. B. Understanding Maqasid al-Shari'ah: A Contemporary Perspective. International Institute of Islamic Thought, IIIT Book-in-Brief Series, IIIT London Office, United Kingdom, 2015.
- Al-Shaybānī, U. M. I. Dawābit al-Fatwā fī Daw' al-Maqāsid al-Shar'iyyah. *Majallah al-'Ulūm al-Shar'iyyah*, Volume 30, 1435H.
- Chibololo, J. S. Fatwa and its Role in the Islamic Contemporary Society. *International Journal of Research Publication and Reviews*, Vol. 4, No. 3, pp. 2109-2118, 2023.

- Ibn al-Qayyim al-Jawziyyah, *I'lām al-Muwaqqi'īn 'an Rabb al-Ālamīn*. Dār al-Kutub al-Ilmiyyah, Beirut, 1991.
- Ibn al-Qayyim al-Jawziyyah, *Ighāthah al-Lahfān min Masāyid al-Shaytān*. Maktabah al-Ma'ārif, Riyadh, 1378H.
- International Islamic Fiqh Academy – IIFA. *Resolutions of the International Islamic Fiqh Academy*. No. 153(2/17), 2021.
- Ishak, M. S. I. The Principle of Considering Ma'alat in Islamic Rules: Do Ends Justify Means? *International Journal of Islamic Thought*, Vol. 14, pp. 52-59, 2018.
- Jalāludīn al-Suyūtī, *Al-Radd 'alā man Akhlad ilā al-Ard wa Jahila annal Ijtihād fī Kullī 'Asrin Fard*. Dār Ibn Hazam li al-Nashr wa al-Tawzī', Beirut, 2020.
- Jasser Auda, *Maqasid al-Sharia – an Introductory Guide*. International Institute of Islamic Thought, IIIT Occasional Papers Series 14, IIIT London Office, United Kingdom, 2008.
- Kamali, M. H. Maqāsid al-Sharī'ah: The Objectives of Islamic Law, *Islamic Studies*, Vol. 38, Issue 2, pp. 193-208, 1999.
- Kamali, M. H. Moderation in Fatwa and Ijtihad: Juristic and Historical Perspectives. Islam and Civilisational Renewal, *IAIS Malaysia*, pp. 303-324, 2004.
- Muda, Z., Omar, N., Rajid, Z. Z., Ramlee, N. & Kurniawan, C. S. Comprehensive Fatwa Development Based on Maqasid Shariah: A Study in Brunei Darussalam, *International Journal of Academic Research in Business and Social Sciences*, Vol 14, Issue 4, pp. 854-863, 2024.
- Muhammad bin Tāhir bin 'Āshūr, *Maqāsid al-Sharī'ah al-Islāmiyyah*. Wazārah al-Awqāf wa al-Shu'ūn al-Islāmiyyah, Qatar, 2004.