Maqasid Al-Syari'ah Transformation in Law Implementation for Humanity

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Abstract: The needs of humanity, which is the goal of the Shari'a, never end. *Maqasid Syari'ah*, an approach to Islamic studies, is a benchmark in answering society's problems. *Maqasid Syariah* is required to continuously transform following developments in conditions and times to realize humanity's problems. This paper discusses the transformation of maqasid al-shari'ah in implementing law for humanity by revealing the following problems: (1) How is the transformation of maqasid al-shari'ah from traditionalism to contemporary? and (2) What are the opportunities for developing the concept of maqasid al-shariah in implementing law for humanity? The research method used in this paper is library research, which is a source of data and information through classic and contemporary books and several journals. *Maqasid al-Syari'ah* is the goal of the Shari'ah ordained by Allah SWT, namely, to realize the benefit of humans in this world and the hereafter. The benefit goal is included in maslahah daruriyyah, namely *hifz al-din, hifz al-nafs, hifz al-aql, hifz al-nasl and hifz al-mal.* In subsequent developments, contemporary ulama expanded the area of *maqasid al-shari'ah* not only to individual reach but also to reach social, environmental, and state areas. Likewise, the *maqasid al-shari'ah* paradigm has developed from a paradigm of protection and development to a paradigm of development and human rights. The opportunity for *maqasid al-shari'ah* transformation in implementing the law for humanity is to realize the development of *maslahah daruriyyah* in several sectors of human life, such as the environment, society, and the state. So that the daruriyah maslahah has been added, namely *hifz al-bi'ah, hifz al-ummah and hifz al-daulah.*

Keywords: Humanity, Maqasid Shari'ah, Transformation

Abstrak: Kebutuhan umat manusia, yang merupakan tujuan syariah, tidak pernah berakhir. *Maqasid Syari'ah*, sebuah pendekatan untuk studi Islam, adalah tolok ukur dalam menjawab masalah masyarakat. *Maqasid Syariah* dituntut untuk terus bertransformasi mengikuti perkembangan kondisi dan zaman untuk mewujudkan permasalahan umat manusia. Tulisan

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ini membahas transformasi *maqasid al-syari'ah* dalam menerapkan hukum bagi kemanusiaan dengan mengungkapkan masalah-masalah berikut: (1) Bagaimana transformasi *maqasid al-syari'ah* dari tradisionalisme ke kontemporer? dan (2) Apa peluang untuk mengembangkan konsep *maqasid al-syar'iah* Dalam menerapkan hukum untuk kemanusiaan? Metode penelitian yang digunakan dalam tulisan ini adalah library research, yaitu dengan menelaah sumber data dan informasi melalui buku-buku klasik dan kontemporer serta beberapa jurnal. *Maqasid al-syari'ah* adalah tujuan syariat yang ditetapkan oleh Allah SWT, yaitu untuk mewujudkan kemaslahatan manusia di dunia dan akhirat. Tujuan manfaat termasuk dalam maslahah daruriyyah, yaitu *hifz al-din, hifz al-nafs, hifz al-aql, hifz al-nasl dan hifz al-mal*. Dalam perkembangan selanjutnya, ulama kontemporer memperluas wilayah maqasid al-syari'ah tidak hanya untuk jangkauan individu tetapi juga untuk menjangkau wilayah sosial, lingkungan, dan negara. Demikian juga paradigma *maqasid al-syari'ah* telah berkembang dari paradigma perlindungan dan pembangunan menjadi paradigma pembangunan dan hak asasi manusia. Peluang transformasi *maqasid al-syari'ah* dalam menerapkan hukum bagi kemanusiaan adalah dengan mewujudkan perkembangan *maslahah daruriyyah* dalam beberapa sektor kehidupan manusia, seperti lingkungan hidup, masyarakat, dan negara. Sehingga telah ditambahkan daruriyah maslahah yaitu *hifz al-bi'ah, hifz al-ummah dan hifz al-daulah*.

Kata Kunci: Kemanusiaan, Maqasid Shari'ah, Transformasi

Introduction

Islam has declared the upholding of Human Rights and the birth of the Medina Charter (Assya'bani, 2018; Laksana, 2022; Ridwan, 2018). For Islam, respecting and maintaining these rights is an obligation. Those who study the discipline of law or Islamic law will easily find that the main objectives of Islamic teachings (*maqasid al-Syari'ah*) reflect respect for human rights that must be maintained, namely religion, soul, mind, family, and treasure (Feisal et al., 2023; Syihab, 2021).

Allah swt. lowered the shari'ah/law to the prophet Muhammad saw. To benefit humanity, shari'ah does not create laws and rules just like that. But laws and rules are created with a specific purpose and purpose. Ibn Qayyim stated that the purpose of the shari'ah is the benefit of the servant in this world and the hereafter. Shari'ah is all fair, everything contains mercy, and everything contains wisdom. Every problem deviating from justice, mercy, benefit, and wisdom is not a shari'ah provision (Al-Jauziyah, 1991).

In principle, the goal of Islamic law in the teachings of fiqh is the arrangement of human life, both worldly and spiritual, the life of individuals, families, communities, and countries (Irwansyah, 2019; Nurdin et al., 2022), even as citizens of the world in the global era as it is today. Islamic Shari'a regulates the relationship between humans and Allah SWT, which in fiqh becomes a component of worship, both social and individual, *muqayyadah* (bound by conditions and pillars), and *muthlaqah* (not bound). *Islamic Shari'ah* also regulates family relationships and procedures formulated in the munakahat component. An association that guarantees peace and justice, it also has rules in the components of *jinayah, jihad*, and

qadha. However, the new generation of fiqh experts in today's era, in the context of today's global life, always reminds us that these partial and specific rules should not be pushed aside, let alone forget the fundamental religious goals of human beings in general maqasid (Abdullah, 2020).

In the modern era, Muslims are faced with social changes that have created several serious problems related to Islamic law (Khufaya et al., 2021; Rahem, 2015). On the other hand, the methods developed by the mujtahids in answering these problems seem unsatisfactory. In research on legal reform in the Islamic world, it is concluded that the methods generally developed by mujtahid in dealing with legal issues are still based on a disaggregated approach by exploiting the principles of *takhayyur* and *talfiq* (Anderson, 1976).

This does not mean that human studies are not at all in the classical realm; for example, the science of ushuluddin (principles of religion) shows the study of humans, human existence, and human society, but if it is not accompanied by independent methodological studies (*al-maqasid al-ammah, general al-maqasid*) will remove humans from their essence. The discussion will easily fall into the subjective area but pay less attention to the objective area of humanity not to mention the intersubjective area between various groups that differ from various aspects. Likewise, human existence can be found in every knowledge and thought, but veils of language, ideology, myth, law, and statutory rules have often covered it.

Solving social problems means fulfilling the responsibilities of Muslims for the obligation to realize general welfare or benefit on earth, both at the local, regional, national, and international levels. In this case, the general benefit (*al-maslahah al-ammah*) is more or less the real need of the community in a certain area to support physical and mental well-being. Both these needs have a daruriyyah dimension or basic needs, which are the main means of achieving the safety of religion, mind, soul, body, lineage (heredity), and property, as well as the needs of *hajiyyah* (secondary) and needs that have a *tahsiniyyah* or complementary dimension (Abdullah, 2020).

It has become a very urgent need for Muslim mujtahids today to formulate a systematic methodology that has solid Islamic roots if they want to produce laws that are comprehensive and develop consistently (Esposito, 2001). Talking about the application of *maqāshid shari'ah* is certainly a very interesting thing to discuss in this modern world, with various actual problems that have occurred amid society, both world problems and ukhrawi issues (Machsun, 2020; MZ et al., 2023).

This paper uses a content analysis approach based on *maqasid al-shari'ah* literature. For the *maqasid al-syari'ah* transformation law implementation for humanity, maqasid literature is analyzed. The *maqasid al-shari'ah* literature in this paper is in the form of books, reviews of books, journal articles, and dissertations. The method of getting them is by typing the keywords "*maqasid shari'ah*" and "transformation" into the search button on journals' websites, indexing agencies, digital libraries, and search engines. All writings on *maqasid al-shari'ah* transformation were examined individually based on the transformation in law implementation for humanity. To answer the question of causation, the analysis is casual. What is identified as causes in this paper are temporal (cause precede), systematic (cause intervene), and nonsputious.

Maqasid al-Syari'ah, an analytical knife in determining Islamic law, is very important to be directed to the benefit of mankind. It is time for *maqasid al-shari'ah* to transform in facing the challenges and

demands of the times for the benefit of humanity. *Maqasid al-Syari'ah* will continue to experience developments based on the reality of society. The *daruriyyah* domain does not only cover religion, soul, mind, lineage, and wealth but has a much wider scope covering the environment, humanity and the state. Likewise, the steps taken are not only in the direction of prevention but have already led to the direction of development.

Results and Discussion

Overview of *Maqasid al-Syari'ah*

As the main source of Islamic teachings, scholars divide the contents of the Qur'an into three major groups: *aqidah, khuluqiyyah*, and *amaliyah*. Aqidah is related to the basics of faith. *Khuluqiyyah* is related to ethics or morals. At the same time, *amaliyah* is related to legal aspects arising from human expressions (aqwål) and actions (af'al). This third group, in the systematics of Islamic law, is divided into two major parts, namely (1) worship, in which the pattern of human relations with God is regulated, and (2) muamalah in which the pattern of relations between human, beings is regulated (Wahab Khalaf, 2003).

As a source of teachings, Al-Qur'an must contain detailed rules regarding worship and muamalah. The proof, there are only 368 verses relating to legal aspects (H. Nasution, 1985). This means that some legal issues in Islam are only given the basics or principles in the Qur'an. The Prophet further explained these foundations or principles through his hadiths.

Izzuddin ibn Abd As-Salãm, as quoted by Khairul Umam, said that all legal taklīf are always aimed at the benefit of servants (humans) in the life of the world and the hereafter. Allah does not need someone's worship because the obedience and disobedience of servants do not affect the glory of Allah. So, the target of legal benefits is none other than human interests. Meanwhile, Wahbah al-Zuhaili defines *maqashid shari'ah* with the meanings and objectives that are maintained by syara' in all of its laws or most of its laws, or the ultimate goal of shari'at and secrets that are placed by syara' in each the law (Zuhaili, 1986; Zuhayli, 1997).

According to Satria Effendi M. Zein, maqãshid al-shari'ah is the goal of Allah and His Messenger in formulating Islamic laws. This goal can be traced in the verses of the Qur'an and hadith as a logical reason for formulating a law that is oriented towards human benefit. Al-Syãtibi reports the results of research by scholars on the verses of the Qur'an and hadith that the laws are ordained by Allah to realize the benefit of humanity, both in this world and in the hereafter (Al-Syathibi, 2009).

Al-Syatibi also sees the benefit from two points of view, namely:

a. *Maqãshid al-syari'* (God's purpose), and

b. *Maqãshid al-mukallaf* (goal of the mukallaf).

Maqãshid al-shari'ah, in a sense, contains four aspects, namely:

1) The initial goal of the Shari'ah is the benefit of mankind in this world and the hereafter.

2) Sharia is something that must be understood.

3) Shari'a is a takfif law that must be carried out, and

4) The purpose of the Shari'a is to bring people under the auspices of the law (Al-Syathibi, 2009).

The first aspect relates to the content and nature of *maqasid al-shari'ah*. In contrast, the second aspect relates to the language dimension so that the shari'ah can be understood to achieve its benefits. The third aspect relates to the implementation of the provisions of the Shari'ah to realize the benefit. It also relates to the human ability to carry it out. The fourth aspect relates to human obedience as a mukallaf under and against God's laws (the aspect of the purpose of shari'ah seeks to free humans from the shackles of lust).

The second, third, and fourth aspects support the first aspect as the core aspect but are related and become details of the first aspect. The first aspect as the core can be realized by implementing taklif (legal imposition on servants) as the third aspect. Taklif can only be carried out with an understanding of both the dimensions of pronunciation and meaning, as in the second aspect. Understanding and implementing taklif can protect humans from God's law, free from the restraints of lust as the fourth aspect. It is in this connection that the purpose of creating the Shari'ah, namely the benefit of mankind in this world and the hereafter, as a core aspect, can be realized.

In the framework of the division of maqāshid al-shari'ah, the first aspect as the core aspect becomes the central aspect of the analysis because the first aspect is related to the essence of the implementation of shari'ah by God, namely to realize human benefit. Benefit can be realized if the five main elements (*usūl al-khamsah*) can be realized and maintained. According to Al-Syatibi, the five basic elements are *din* (religion), *nafs* (soul), *nasl* (heredity), *mal* (wealth), and *aql* (mind).

Scholars have stated that these five principles have been universally accepted. In analyzing the objectives of the shari'ah obligations, it is found that the shari'ah also views these five things as something that must be done. Shari'ah obligations can be divided into two groups from the point of view of positive and preventive ways of protection. In the group, positive ways are worship, customs, and muamalah. Meanwhile, what is included in the preventive group is jināyat (criminal law).

Worship aims to protect religion. For example, faith, saying the shahada, prayer, zakat, fasting, and pilgrimage. Adat aims to protect the soul and mind. Searching for food, drink, clothing, and shelter are examples of adat. Muamalah also protects the soul and mind through custom. *Jinayat* is a fortress to maintain the five maslahah above, such as qisās and *diyat* to protect the soul hudūd to protect offspring and intellect (Al-Syatibi, 2003).

The benefit that will be realized is divided into three levels of needs, namely *darūrīyat* (primary needs, must), *hajiyat* (secondary needs, needed), *tahsīnīyat* (tertiary needs). Daruriyat needs are needs that must exist to be called primary needs. If this level of need is not met, the safety of mankind will be threatened both in this world and in the hereafter. It is to maintain the five main elements (maintaining religion, soul, lineage, wealth, and mind) that the *Islamic Shari'a* was revealed. All Shari'a orders and prohibitions lead to the maintenance of these five basic elements (Satria Effendi, 2005).

The needs of hajiyat are secondary, where if they are not realized they will not threaten safety, but humans will experience difficulties. Islamic Shari'ah eliminates all these difficulties. The existence of the law of *rukhsah* (waivers) is proof of Islamic law's concern for the needs of hajiyat. In Worship, various rukhsah (waivers) are prescribed if difficulties arise in taking *takhlif* orders. For example, Islam does not fast during Ramadan for those traveling (travelers) or sick but must be replaced by fasting on other days outside Ramadan. Likewise, it is permissible to multiply and qasar prayers for him. In the field of muamalah, many types of contracts (contracts) are prescribed, as well as various types of buying and selling, leasing, company (*shirkah*), and mudarabah (trading with other people's capital with profit-

sharing agreements) as well as various *rukhsah* laws in *muamalah.* In the field of *'uqubat* (criminal sanctions), Islam prescribes diat for unintentional killers and suspends the punishment of cutting off the hands of thieves who are desperate to save their souls from starvation because a narrowness creates relief in Islamic law (Satria Effendi 2008).

The need for tahsīnīyat is to take what is by the best habits (customs) and avoid ways that wise people do not like. The need for *tahsīnīyat* is a level of need that, if not fulfilled, does not threaten the existence of any of the above basic elements or cause difficulties. This level of need is a complementary need, such as things that are appropriate according to custom, avoiding things that are not pleasing to the eye, and decorated with beauty that is by the demands of norms and morals. In various areas of life, such as Worship, *muamalah*, and *'uqubat*, Allah has prescribed matters relating to the need for *tahsiniyat*. In the field of Worship, for example, Islam prescribes purification both from uncleanness and hadas, both on the body and on the place and environment. Islam recommends decorating when going to the mosque and recommends a lot of sunnah worship. In the field of *muamalat*, Islam prohibits being extravagant, stingy, raising prices, monopoly, and so on. In the field of 'uqubat, Islam forbids killing children and women or torturing corpses in war (Satria Effendi, 2005)*.

The Transformation of Maqasid Al-Syari'ah from Traditionalism To Contemporary

With the development of the times and globalization - where humans are not only local citizens but have become citizens of the world - inevitably, the traditional *maqasid* theory must be developed. According to Auda, there are at least some criticisms presented by *maqasid* theorists on the classification of traditional *maqasid* necessity, namely:

First, the traditional maqasid theory does not include the specific intent of one or a group of texts that cover certain fiqh topics. Second, traditional maqasid still revolves around the individual, not yet touching the macro domain: family, society, and humanity. Third, traditional Maqasid does not include fundamental values like justice (*al-'adl*) and freedom (*al-hurriyah*). Fourth, traditional Maqasid is still deduced from the study of fiqh literature, not yet from the sources of the Shari'a: the Al-Quran and Sunnah.

This effort to develop maqasid from traditionalism to contemporary is what Jasser Audah is trying to do with the following steps. First, general *maqasid* (*al-maqaṣid al-'ammah*), namely *maqasid,* which can be considered in Islamic law as a whole. Such as the inevitability and necessity described above, and values such as justice (*al-adl*), universality (*al-kulliyah*), convenience (*al-taisir*), and freedom (*al-hurriyah*). Secondly, special *maqasid* (*al-maqasid al-khassah*), *maqasid*, which can be considered in one particular chapter of Islamic law. Such as child welfare in the chapter on family law, preventing crimes in the chapter on criminal law, and preventing monopoly. Third, partial maqasid (*Al-maqasid al-juz'iyyah*) *maqasid* is the "intentions" behind a particular text or law. Such as the purpose of uncovering the truth in determining a certain number of witnesses in certain legal cases. The purpose of eliminating difficulties in allowing sick people not to fast and guaranteeing food for the poor by forbidding Muslims to store meat on the days of *Eid al-Fitr* and so on (Auda, 2006).

This classification and scope expansion can be used to develop a more complete legal system. It may be that it has been regarded as a *shari'ah maqasid* that must be realized, but with this classification, it turns out that a more fundamental maqasid must be realized first. Likewise, this classification can avoid

the possibility of contradictions and conflicts between several *maqasid*; where special *maqasid* may not conflict with general *maqasid*.

Table 1. The shift of paradigm from classic maqasid to the contemporary

Classical Maqasid Theory	Contemporary Maqasid Theory
Hifz al-din	Maintain, protect, and respect freedom of religion or belief.
Hifz al-nasl	Theory, oriented toward family protection, is more concerned with family institutions.
Hifz al-aql	Multiply mindset and scientific research; prioritize travel to seek knowledge; suppress the mindset that prioritizes the criminality of the mob; avoid attempts to trivialize the workings of the brain.
Hifz al-irdh	Maintain and protect human dignity; maintain and protect human rights.
Hifz al-mal	Prioritizing social care, paying attention to development and economic development, promoting human well-being, and removing the gap between poor and rich.

Source: Absori et al., 2016

If in the classical era, *fiqh* (law) was formulated only for local, special, and partial interests, in modern legal thinking, there is a demand to formulate universal fiqh (fiqh that can be accepted by all groups, not only for Muslims but also with non-Muslims). Universal fiqh means Islamic religious fiqh, which contains universal human values, such as solidarity, tolerance, brotherhood, peace, justice between humanity, and so on (Abdullah, 2020).

Universal fiqh is an attempt to actualize classical fiqh through efforts to actualize all of its values to be optimized in its implementation and in harmony with the demands of social meanings that continue to evolve. The main objective of universal fiqh is to form a concept and perspective of fiqh, which has a social dimension that is built by looking at the role of individuals or groups in the process of society and nation-state (nation-state) universally.

Islam strongly encourages people to create peace among themselves and humanity (Nurcholish, 2018; Syakhrani & Yudistira, 2022). To create peace, Islam rests on the principles of peace, namely compassion (*mahabbah*), togetherness (*ijtima'iyyah*), equality (*musaawah*), justice ('*adalah*), and brotherhood (*ukhwah*). This kind of universal fiqh is to be reformulated in modern legal thinking.

Opportunity to develop the concept of maqasid al-shari'ah in the implementation of law for humanity

The demand for open-mindedness in cross-disciplines requires clear direction and footing. This is intended to prevent the law from being influenced by interests and egocentrism. The most appropriate footing is maqasid al-shari'ah itself. Speaking maqasid means talking about benefits. Although the fiqh scholars debated its legitimacy as a source of law, indirectly they also agreed on the existence of benefit. Their doubts and concerns in using maslahah are at limits and sizes that are difficult to explain. This is because the benefit is a value or value. Of course, looking for a measure of value cannot use physical

measurements. This is a new challenge for fiqh. Fiqh has always been understood formalistically, apart from its contact with the area of values.

The concept of maqᾱshid al-shari'ah is essentially based on revelation to realize the benefit of human life. Considering that the maqᾱshid al-shari'ah formulated by the ulama is based on the five basic needs (problems) of human life: maintenance of religion, soul, lineage, wealth, and mind - adapted to the context of the times, a discourse emerged to develop the concept of *maqᾱshid al-shari'ah* with adding these five basic human needs by the conditions of modern times.

The existence of the *maqᾱshid al-shari'ah* concept can provide solutions in answering various contemporary problems that are not governed by revelation textually and contextually. The case of human cloning, for example, is not governed by revelation. Even the classical scholars had never discussed it and perhaps had never thought of it in their time. However, with the maqᾱshid al-shari'ah approach, the problem of human cloning can be answered using *hifz al-nasl* analysis (safeguarding offspring). Because embryologically, human cloning would mess up the blood relations of children born through cloning technology (Fathurrohman, 2000; Jamaa, 2016).

However, in line with the progress of the times, which not only has a positive impact but also hurts human life, the existence of the five known *maqᾱshid al-shari'ah* so far needs to be expanded by looking at the actual phenomena that are developing amid society. Among others are:

Hifz al-Bi'ah

The emergence of the phenomenon of depletion of the ozone layer, which causes environmental damage, then a discourse appears to add *maqᾱshid al-shari'ah* by protecting the environment. Environmental damage today has reached a very apprehensive level, which, if not addressed seriously, will threaten the existence and welfare of human life in the future. This thinking has a normative basis in the Qur'an, including QS. al-Rum /30:41

ظَهَرَ الْفَسَادُ فِى الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ اَيْدِى النَّاسِ لِيُذِيْقَهُمْ بَعْضَ الَّذِيْ عَمِلُوْا لَعَلَّهُمْ يَرْجِعُوْنَ

Translation:

It has been seen that damage on land and at sea is caused by the actions of human hands so that Allah will feel for them part of (the result of) their actions so that they return (to the right path).

In this verse Allah reveals the emergence of environmental damage due to human activities, and humans will receive the consequences. So, the emergence of the discourse of determining 'environmental preservation' as an "additional" maqᾱsid al-shari'ah already exists and deserves consideration. Because environmental damage will threaten human existence, especially our descendants in the future (Abdurrahman, 2020).

There are several reasons why protecting the hifz al-bi'ah is very important to put forward, including (1) the occurrence of an environmental crisis caused by human carelessness, (2) the efforts made by all elements of society to protect the environment are still being assessed very less, (3) the environmental crisis that continues to occur will certainly cause damage and will ultimately endanger humanity itself, (4) the occurrence of an environmental crisis will threaten the existence and sustainability of humanity.

The epistemological basis in environmental fiqh reasoning combines bayani reasoning (normative-deductive) and *istislahi* reasoning (empirical-inductive). Therefore, to support the idea of fiqh al-bi'ah, it is

necessary to reconstruct *maqahsid al-syari'ah* regarding the benefit of protecting the environment as a priority goal (*maqashid al-ashliyyah*) and entering the realm of primary needs (*dharuri*) in the life of the human community (Mufid, 2016).

The importance of preserving the environment is to continue the existence of humanity on this earth. A well-maintained environment will ensure the continuity of human life. As religious beings, human beings are obliged to protect their environment (Mardliyah et al., 2018; Ulum & Sono, 2023) by maximizing and involving all elements of society to participate in environmental protection activities. The reforestation movement, reducing air pollution, and avoiding cutting down trees carelessly are some steps that can be taken now.

Hifz al-Ummah

The current lack of harmony among Muslims in various parts of the world has prompted some Muslim thinkers to introduce the discourse of 'maintaining unity' or *hifz al-'ummah* as part of *maqasid al-shari'ah*. Because of the phenomena, the Muslims of a region or country sometimes unite when they face a common enemy. But after their enemy was defeated, they fought. This can be seen in the case of Afghanistan during its war against the Soviet Union. Afghan Muslims unite against the Soviet Union. However, after the Soviet Union was driven out of Afghanistan, they ended up fighting, which resulted in prolonged bloodshed (Abdurrahman, 2020).

The maintenance of unity has been explained in the Qur'an and hadith (Ukhra & Zulihafnani, 2021). It's just that Muslim thinkers today think that 'maintaining unity' (*hifz al'ummah*) will be more efficient and effective if it has become one of the *maqāshid al-shari'ah*. The notion of the significance of 'maintaining unity' as one of the maqāshid al-shari'ah has a normative basis in the Qur'an, including QS. al- Hujurāt /49: 10:

اِنَّمَا الْمُؤْمِنُوْنَ اِخْوَةٌ فَاَصْلِحُوْا بَيْنَ اَخَوَيْكُمْ وَاتَّقُوا اللهَ لَعَلَّكُمْ تُرْحَمُوْنَ

Translation:

The believers are verily brothers and sisters. Therefore reconcile (improve relations) between your two brothers and fear Allah, that you may receive mercy.

The above verse, as expressed by M. Quraish Shihab, says that the use of the word ikhwah in the sense of brotherhood and descent when talking about the brotherhood of fellow Muslims, and not using the word Ikhwan aims to reinforce and strengthen the relationship between fellow Muslims, as if The relationship is not only woven by faith (M. Shihab, 2007; Quraish, 2004)

The above description, the discourse on establishing 'environmental care' and 'maintaining unity' as *maqāshid al-shari'ah*, can only become important for discussion in responding to the development of human life in the modern era so that the existence of Islamic law can be efficient in contributing ideas in eliminating various challenges in today's life.

There are several reasons why the discourse on *hifz al-ummah* is very important to put forward, including: (1) there are very dangerous threats to the unity and integrity of the human race, such as locality issues, (2) in some cases, there are disputes that occur in the midst of -amid society, (3) the existence of humanity will be threatened if the issue of disputes and divorce is not taken seriously.

The Ummah in the human sphere is formed based on equality between humans. Therefore, it is prohibited to disturb lives and property, human honor without a valid legal basis. Anyone who disturbs this will receive sanctions and be held accountable. Even prisoners of war must be treated as human beings because they are part of the human race. The creation of a peaceful life among humanity is *daruriyyah*. *Hajiyyah* is an effort to resolve conflicts, a mutual agreement that must be obeyed. *Tahsiniyyah* is actions of *al-karimah* morals toward fellow humans (M. S. A. Nasution et al., 2022; M. S. A. Nasution & Nasutio, 2022).

Protecting the ummah is important to strengthen the unity and integrity of the human race in the nation and state. Unity and oneness can strengthen humanity in facing all the problems that occur in society. With unity and oneness, humanity will benefit and gain peace in society (Mulyawan et al., 2021; Santoso & Dawwas, 2021). Deliberation activities, community service, cooperation, and organization can be taken to create unity and oneness of the human race.

Hifz al-Daulah

The presence of the state in the view of Islam is not a goal (*ghayah*) but rather a means to an end (wasilah). Establishing a state is to realize human benefit physically and spiritually, both in this world and hereafter. In other words, the presence of the state must create justice and godly prosperity and prosperity. Because the state's position is as an instrument or means, it makes sense that in the text of revelation, the form of the state and the system of government are not explicitly and in detail stated. On the other hand, the text of revelation talks a lot about the state and government in a macro and universal way. This is reflected in the general principles of al-shura (deliberation), al-'ada (justice), al-musawah (equality), and al-hurriyah (freedom)(Muhajir, 2017).

The basis for maintaining the country from the Qor'an and hadith is contained in the prayer of Prophet Ibrahim, who prayed for his country to become a safe and secure country. The people will be blessed with blessings and believe in Allah SWT and final day. Allah swt says in the Qur'an;

<div dir="rtl">

وَاِذْ قَالَ اِبْرٰهِيْمُ رَبِّ اجْعَلْ هٰذَا الْبَلَدَ اٰمِنًا وَّاجْنُبْنِيْ وَبَنِيَّ اَنْ نَّعْبُدَ الْاَصْنَامَ

</div>

"And (remember) when Abraham said: "O my Lord, make this land (Mecca) a safe country, and keep me and my children and grandchildren away from worshiping idols."

There are several reasons why maintaining the nation and state (*hifz al-daulah*) is very important to put forward, including: (1) there are threats that can occur at any time, both internal and external threats, (2) religious life will not work well if there is in a chaotic country, (3) the emergence of a fundamentalist movement which sometimes clashes between the interests of religion and the state, (4) the emergence of a movement that wants to replace the entire ideology and principles of the state.

Hifz al-daulah is a paradigm of Islamic law that aims to protect the existence of the state from all forms of threats surrounding it. Within the scope of the Indonesian nation, the practice of hifz al-daulah is carried out by maintaining the values of the four pillars of the state, including Pancasila, the Constitution, Bhinneka Tunggal Ika, and the Unitary State of the Republic of Indonesia.

Protecting the nation and state is important to create security and order amid national and state life (Martiana, 2023). Citizens always face together all internal threats and external threats faced by the nation and state. Presently, threats in the form of war and occupation no longer appear on the surface. However, indirectly, a country may still be colonized by the culture and behavior of other nations. The emergence of fundamentalist extremism is also challenging for a nation and a state (Rahman, 2020).

So, the development of *maqasid al-shari'ah* theory from classical theory to contemporary theory is described as follows:

Table 2. The development of maqasid al-shari'ah theory

Classical Maqasid Theory	Contemporary Maqasid Theory
Hifz al-bi'ah	Take steps to green the environment and reduce air pollution.
Hifz al-Ummah	Carry out deliberations and strengthen the unity and integrity of the nation and state.
Hifz al-Daulah	Implementing the values of the country's pillars, including Pancasila, the Constitution, Unity in Diversity, and the Unitary State of the Republic of Indonesia

Conclusion

The transformation of maqasid al-shari'ah is the answer to efforts to resolve the humanitarian crisis that is occurring globally. By elaborating the theory of maqasid sharia with the demands of societal development, it will give rise to answers to all current humanitarian problems because the aim of the Shari'a is for the benefit of humanity itself. In subsequent developments, contemporary scholars expanded the area of *maqasid al-shari'ah* not only to reach the individual but also to reach the social area. The *maqasid al-shari'ah* paradigm was developed from the paradigm of protection and prevention towards the paradigm of development, development, and human rights. Opportunities for the transformation of *maqasid al-shari'ah* in implementing law for humanity by proposing and realizing additional daruriyyah issues include protecting the *hifz al-bi'ah, hifz al-ummah*, and *hifz al-daulah* for the creation of human benefit in this world and the hereafter.

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