

Maqashid Shariah in the perspective of Nuruddin Al-Khadimiy

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ABSTRACT

Which not only focuses on the five main objectives (al-daruriyyat al-khams), but also encompasses the broader social, political, and Islamic civilization dimensions. This study aims to explore Al-Khadimiy's views on the essence, scope, and relevance of Maqashid Syariah in the context of contemporary Islam. Using a qualitative approach and content analysis of Al-Khadimiy's writings, it was found that he emphasized the importance of actualizing Maqashid Syariah in state affairs, community empowerment, and the development of a just Islamic civilization. The results of this study indicate that Al-Khadimiy's ideas can serve as a normative and strategic foundation for formulating contextual Sharia policies oriented toward the public interest (maslahah 'ammah). This study also emphasizes the need for integration between classical maqashid and a multidisciplinary approach in responding to contemporary challenges.

1. Introduction

In the development of contemporary Islamic thought, maqashid syariah is not only understood as a complementary element of ushul fiqh science, but also as an independent and relevant approach in responding to the dynamics of modern life. One of the important figures in the development of maqasid al-sharia in the contemporary era is Nuruddin al-Khadimiy, a scholar from Tunisia. Through his various scientific works, al-Khadimiy voices the importance of making maqasid a separate discipline that can become the foundation for Islamic legal reform and contextual ijtihad. He not only classifies maqasid based on the level of necessity (daruriyah, hajiyyah, tahsiniyah), but also introduces a division based on the scope of law: general, specific, and partial maqasid. This approach demonstrates the depth of analysis and methodological courage in reformulating the framework of Islamic law.

In an ever-changing global context, Nuruddin al-Khadimi's thinking is very important to examine, especially since he offers a more contextual and adaptive maqasidi approach to contemporary challenges, such as issues of social justice, human rights, pluralism, and economic ethics. Therefore, this paper aims to explore in greater depth the concept of maqashid sharia according to Nuruddin al-Khadimi, including its classification, the characteristics of his approach, and his contribution to the development of contemporary Islamic law.

2. Literature Review

Research on Maqashid Syariah has been extensively studied by both classical and contemporary Islamic scholars. This concept refers to the main objectives to be achieved by Islamic law, namely protecting religion (al-dīn), life (al-nafs), intellect ('aql), lineage (nasl), and wealth (māl), as formulated by scholars such as Imam Al-Ghazali and expanded upon by Al-Syatibi in al-Muwafaqat. In the context of contemporary Islamic thought, Maqashid Shariah has undergone an expansion of meaning and

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application. Thinkers such as Muhammad al-Tahir Ibn 'Ashur, Yusuf al-Qaradawi, and Jasser Auda offer a more contextual and dynamic approach.

Among the sources that will be used are Al-Syatibi, Abu Ishaq. Al-Muwafaqat fi Usul al-Shari'ah. Ibn 'Ashur, Muhammad al-Tahir. Maqasid al-Shariah al-Islamiyyah Jasser Auda, Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach. Yusuf al-Qaradawi. The Role of Maqasid in Contemporary Ijtihad. Nuruddin Al-Khadimiy. (Some of his works, for example: Fiqh al-Maqasid, Maqasid al-Shari'ah wa al-Nazhm al-Siyasiyyah). Journal articles and dissertations discussing maqasid in general and Al-Khadimiy's thoughts in particular.

3. Methodology

This study uses a qualitative method with a library research approach. Data was obtained from Nuruddin Al-Khadimiy's primary works, including books, articles, and manuscripts discussing the concept of Maqashid Syariah, as well as secondary references in the form of relevant academic literature.

Data analysis was conducted using content analysis, which involves examining the content of the text in depth to understand Al-Khadimiy's framework of thought, arguments, and contributions to the development of the Maqashid Syariah theory. The researcher categorized the main ideas thematically and then analyzed them critically in the context of the development of contemporary Islamic thought.

4. Results and Discussion

Nuruddin bin Mukhtar al-Khadimiy, born in Tale, Tunisia on May 18, 1963, is the Director of Postgraduate Studies and Professor of Maqashid Syariah at Ezzitouna University, Tunisia, as well as an important figure who is often invited as a resource person in various national and international seminars and workshops related to this study. He also served as Minister of Religious Affairs of the Republic of Tunisia in the Hamadi Jebali administration. The monumental work that became his starting point in pursuing the study of maqashid syariah was his doctoral dissertation entitled: *al Maqasid fi al Madzhab al Maliki; Khilal al Qarnain al Khamis wa as Sadisal Hijriyain* (Maqasid syari'ah from the perspective of Maliki scholars in the fifth and sixth centuries Hijri). In his dissertation, which was later published as a book in 1996 on the instructions of his examiners at the time, Nuruddin al-Khadimiy discusses how Maliki scholars understood and interacted with maqasid syariah when making ijtiḥad, issuing fatwas, and debating religious issues, particularly in the field of fiqh (Mansour Faqih, 2022).

In the book "*al Ijtihad al Maqasidy*" by Nuruddin bin Mukhtar al Khadimiy, it is stated that linguistically, maqasid syariah consists of two words, namely maqasid and syariah. Maqasid is the plural form of maqsud, which means intention or purpose. Syariah literally means which means the path to the source of water. This path to water can be said to be the path to the source of life. In terms of terminology, maqashid syariah are the values, objectives, and general wisdom that Islamic law seeks to achieve in all areas of life in order to realize benefits and prevent harm to humanity (Faruk, 2022).

The maqasid approach has become a 'trend' and an interesting topic of discussion today. If we observe the various fatwas of contemporary scholars, the majority use the maqasid approach as the basis for their ijtiḥad. Nuruddin Al-Khadimiy states that maqasid ijtiḥad is a process of ijtiḥad that uses maqasid sharia as a framework for thinking, a basis and reference for law on new events and social developments in the sphere of life. The result of maqasid ijtiḥad is to revive and apply maqasid values in the lives of human beings (Mashudi, 2021).

The study of Maqashid Syariah underwent two phases. The first phase was when maqashid syari'ah was merely an academic discourse discussed in various Islamic disciplines such as Tafsir, Hadith, Fiqh, and Ushul Fiqh. Its early history can be traced back to the period of the Prophet (the period when the revelation was sent down to the Prophet Muhammad). because the word al maqashid (essence) and its synonyms, such as al hikmah, al illat (motive), al asrar (secret), and al ghayat (ultimate goal) are mentioned extensively in both the Qur'an and the Sunnah, which are the two main sources of Islamic literature. However, this phase only saw the emergence of the term maqashid, not in its standardized form, let alone in a specific book (Harun Nasution 2021).

Nuruddin al-Khadimiy emphasized that understanding Maqasid Syari'ah is very important for fuqaha (fiqh experts) and the general public. He argued that without a deep understanding of the objectives of Sharia, fiqh would lose its direction and

relevance. Maqasid Syari'ah provides the spirit in fiqh, making it more dynamic and capable of responding to the challenges of the times. The characteristics of maqashid sharia in Nuruddin al-Khadimi's perspective include: Syamil (comprehensive) covering all aspects of life (worship, social, economic, political), Murunah (flexible) able to adapt to the conditions of the times without losing the substance of the law, Tawazun (balanced), maintaining equilibrium between individual and community rights, Insaniyah (human-centered), aiming to create human welfare, not merely legal formalism (Mukhtar Yahya, 2022).

Thus, understanding and applying Maqasid Syari'ah according to al-Khadimi is not only important in theory, but also in the practice of ijtihad and the application of Islamic law that is responsive to the needs of the times. Maqasidi ijtihad must pay attention to fiqh priorities (fiqh al-aulawiyat), which is to consider the urgency and maslahat of every legal decision.

5. Conclusion

Nuruddin bin Muktar al-Khadimi, born in Tale, Tunisia on May 18, 1963, is the Director of Postgraduate Studies and Professor of Maqashid Syariah at Ezzitouna University, Tunisia, as well as an important figure who is often invited as a speaker at various national and international seminars and workshops related to this field of study. He also served as Minister of Religious Affairs of the Republic of Tunisia in the Hamadi Jebali administration. According to al-Khadimi, understanding and applying Maqasid Syari'ah is not only important in theory, but also in the practice of ijtihad and the application of Islamic law that is responsive to the needs of the times. Maqasidi ijtihad must pay attention to fiqh priorities (fiqh al-aulawiyat).

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