

***Hifz al-Nafs* (Protection of Human Life) as a Principle of Fatwa Reasoning: Reconstructing the Hierarchy of *Maslahah* in Contemporary Islamic Law**

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Abstract: The protection of human life (*hifz al-nafs*) occupies a central position within *Maqāṣid al-Sharī'ah*, yet its methodological status in contemporary Islamic legal reasoning remains insufficiently theorised. Existing *maqāṣid* scholarship generally presents the five essential protections as a relatively parallel framework, leaving unresolved how priorities should be determined when competing interests arise in concrete legal and ethical contexts. This article examines whether *hifz al-nafs* can function as a foundational principle of *fatwa* reasoning while preserving the normative significance of other *maqāṣid*. Employing a qualitative doctrinal and conceptual approach, the study critically analyses formative *maqāṣid* literature, contemporary reformulations, and recent scholarship on human dignity, rights, welfare, and bioethical reasoning. The analysis develops a reconstructed hierarchy in which *hifz al-nafs* constitutes the foundational layer, encompassing the protection of human existence, bodily integrity, dignity, and basic agency. *Hifz al-dīn*, *hifz al-'aql*, *hifz al-nasl*, and *hifz al-māl* are positioned as mutually reinforcing protections that sustain the conditions necessary for meaningful and socially viable human life. The categories of *ḥājiyyāt* and *taḥsīniyyāt* are subsequently reconceptualised as degrees of necessity and refinement rather than merely parallel lists of objectives. The study contributes a normative framework for resolving *maqāṣid* conflicts by establishing a presumptive priority for protecting human life and fundamental integrity when grave and demonstrable threats occur, while requiring proportionality, contextual assessment, and evidentiary justification in conflicts involving other interests. The proposed hierarchy is interpretive rather than a claim of classical consensus and is intended to strengthen the methodological foundations of contemporary *fatwa* reasoning.



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Introduction

The *maqasid al-shariah* has become one of the most influential conceptual tools for explaining the rationality, moral orientation, and public purpose of Islamic law. In the classical tradition, this theory developed through discussions of *maslahah*, reasonableness, 'illah law, inevitable needs, and the prevention of harm. The classification of needs formulated by al-Juwayni and al-Ghazali's famous formulation of the five principal protections was further developed by 'Izz al-Din ibn 'Abd al-Salam, al-Qarafi, and most systematically by al-Shatibi. Modern studies have further expanded the *maqasid* from primarily maintenance-oriented juridical doctrines to a broader framework of dignity, freedom, development, family welfare,

rights, and social policy (al-Juwayni, 1997; al-Ghazali, 1993, 1999; Ibn 'Abd al-Salam, 1991; al-Qarafi, 1998; al-Shatibi, 1997; Ibn Ashur, 2006; Auda, 2008; Kamali, 2008).

However, there is one unresolved question behind the familiar list, namely *hifz al-din*, *hifz al-nafs*, *hifz al-'aql*, *hifz al-nasl*, and *hifz al-mal*: are all these protections only equal elements, or does the theory of *maqasid* require a principle of sequencing that is able to resolve difficult conflicts? This question is not just terminological. Public emergencies, medical decisions, food insecurity, forced displacement, religious coercion, family protection, and economic deprivation repeatedly present situations when more than one protected interest is involved simultaneously. If each *maqasid* is always positioned equally primary in all circumstances, this theory risks becoming indeterminate precisely when priority determination is most needed (Opwis, 2005, 2010; Hallaq, 1997, 2009; Masud, 1995; Johnston, 2004).

The classical list itself does not prove the existence of a single, unchanging ranking. The *fuqaha* use different expressions and sequences, and formative literature places more emphasis on the inevitable nature of protected interests than on constructing a rigid order table. Recent historical analysis also suggests that *hifz al-nafs* was discussed before al-Shatibi and that the field of meaning of *al-nafs* is broader than just criminal protection against murder (Roslan, 2024; Roslan & Zainuri, 2023; Roslan, 2023). This flexibility allows for reconstruction, but at the same time it provides methodological limits: the new hierarchy must be maintained as an interpretive offer, not retroactively attributed to a classical consensus that never really existed in that form.

This article proposes the hypothesis that *hifz al-nafs* can serve as the core of the organization of *maqasid* because the protected human subject is the practical bearer of religious responsibility, rational agency, family continuity, property, and every other value that the law seeks to embody. This argument does not reduce *sharia* to mere biological survival. Rather, *al-nafs* is understood as a living human person, whose life includes bodily integrity, minimum dignity, basic agency, and protection from avoidable grave harm. In this sense, survival is the minimum limit, not the maximum limit, of *hifz al-nafs* (Brockopp, 2003; Sachedina, 2009; Padela, 2010; Albar & Chamsi-Pasha, 2015).

The architecture offered consists of three normative layers. The first layer is *hifz al-nafs* as the foundational layer. The second layer consists of *hifz al-din*, *hifz al-'aql*, *hifz al-nasl*, and *hifz al-mal* as mutually supportive protection and provides moral orientation, cognitive capacity, intergenerational continuity, and material feasibility for human life. The third layer consists of derivative goals of improvement, propriety, convenience, institutional quality, and quality improvement placed at the level of *tahsiniyyah*. *Hajiyyat* is not removed; it is reconstructed as a cross-layered intensity of need to eliminate difficulties in any layer, rather than as a stand-alone catalogue of substantive goals. This distinction allows the classical triad of *daruriyyat-hajiyyat-tahsiniyyat* to remain side by side with an internal hierarchy among protected interests (al-Khadimi, 2001; al-Yubi, 1998; al-Raysuni, 1992, 2005; Attia, 2007).

The novelty of this article lies in the separation of two questions that are often confused: what is protected by sharia, and at what level of need does a concrete demand arise? The first question has to do with the object of protection, while the second question has to do with the intensity and consequences of its damage. By placing hifz al-nafs as the foundational object and hajjah as a cross-layered degree, this model seeks to establish a more operational hierarchy without abandoning the plural and interrelated character of maqasid. The purpose of this article is to provide an argumentative basis for the structure, identify its limits, and formulate the rules for its use in contemporary Islamic legal reasoning.

Research Methods

The research is qualitative, doctrinal, and conceptual. The primary materials of the research include the formative works of *usul al-fiqh* and *maqasid* related to al-Juwayni, al-Ghazali, 'Izz al-Din ibn 'Abd al-Salam, al-Qarafi, al-Shatibi, Ibn Taymiyya, Ibn al-Qayyim, and Ibn Ashur, which are read together with the Qur'an and the main hadith collection. The analysis also includes the works of modern *maqasid* from al-Raysuni, al-Khadimi, al-Yubi, al-Qaradawi, Attia, Kamali, Auda, and Chapra. Secondary literature is used to place this argument in debates regarding *maslahah*, Islamic legal theory, human rights, development, public welfare, and bioethics (Weiss, 1998; Nyazee, 2000; Gleave & Kermeli, 1997; Opwis, 2010; Duderija, 2014).

The research was conducted through four analytical stages. First, identifying textual postulates and juridical arguments regarding the specific position of human life and the person, including the prohibition of killing, the obligation to rescue, the doctrine of emergency, and the suspension or relaxation of ordinary rules when there is a threat to life. Second, it distinguishes historical descriptions from normative reconstruction so that there is no claim that the order offered has been unanimously agreed upon by the classical jurists. Third, apply the dependency test: a goal acquires a stronger structural priority when the effective realization of other goals logically and practically requires minimum protection of that goal. Fourth, test the model against conflict scenarios and counter-examples using proportionality, severity, reversibility, scope of impact, and certainty of evidence as limiting criteria.

The method used is interpretive, not empirical. This study does not measure social outcomes statistically nor does it claim that one *maqasid* always beats another. The output of the study is a normative decision-making framework: a presumption that the protection of human life and basic integrity takes precedence over derivative interests when it is proven that there is an authentic, serious, and imminent threat. This presumption can be ruled out if the threat posed is speculative, the proposed intervention causes equal or greater harm, or conflicts involving collective survival, coercion, or other extraordinary circumstances that require a more complex balance.

Result and Discussion

Classical Structure: Inevitability without Unchanging Order

The genealogy of maqasid shows continuity as well as variation. The initial discussion of the universal benefit grew through legal reasoning about *maslahah* and emergency. Al-Amiri is often identified as one of the early scholars who formulated the realms of protection, while al-Juwayni developed the levels of need and necessity. Al-Ghazali then formulated the five most recognizable basic needs and linked *maslahah* to the maintenance of religion, soul, intellect, descent, and property. These formulations were very influential, but the *fiqh* tradition did not make the order of mention a rigid constitutional hierarchy (al-Amiri, 1988; al-Juwayni, 1997; al-Ghazali, 1993, 1999).

Later traditions further confirm this. 'Izz al-Din ibn 'Abd al-Salam emphasizes the acquisition of benefits and the rejection of *mafsadat*; al-Qarafi refines the distinction between the rules of law and their consequences; while al-Shatibi places *daruriyyat*, *hajiyyat*, and *tahsiniyyat* into a broader theory of the purpose of law and human welfare. These thinkers provide a grammar of prioritization, primarily through weighing between harm and benefit, but do not eliminate the context of the process of hierarchization (Ibn 'Abd al-Salam, 1991; al-Qarafi, 1998; al-Shatibi, 1997). Ibn Taymiyya and Ibn al-Qayyim also emphasized justice, mercy, wisdom, and welfare as characteristics of sound judgment of law, so that consequence-sensitive reasoning became an integral part of the juridical tradition (Ibn Taymiyya, 1995; Ibn al-Qayyim, 1991).

Modern maqasid studies further open this hierarchy to functional reconstruction. Ibn Ashur developed a general theory centered on order, equality, freedom, and the maintenance of social systems. Al-Raysuni systematized al-Shatibi's theory; Kamali emphasized the role of maqasid in *ijtihad* and the renewal of civilization; Attia developed domains of purpose that transcended the individual; while Auda proposed an open, multidimensional, and interrelated system, rather than a flat and atomistic list (Ibn Ashur, 2006; al-Raysuni, 2005; Kamali, 2008, 2010; Attia, 2007; Auda, 2008). Contemporary analysis also shows a tendency to expand maqasid to include justice, freedom, equality, and public policy issues (Opwis & Eriouiche, 2023).

Therefore, the proposal to centralize *hifz al-nafs* should be judged on its clarity and juridical coherence, not on the basis of the search for exactly the same medieval diagram. The historical record supports the existence of five principal protections and levels of necessity; however, it does not require every modern application to maintain a fixed order without regard to consequences. This is all the more important because recent discussions of *hifz al-nafs* increasingly recognize physical, psychological, and spiritual dimensions, suggesting that this category itself is open to principled development (Roslan & Zainuri, 2023; Roslan, 2023).

Why Hifz al-Nafs Can Occupy the Foundational Layer

The main argument begins with the principle of dependence. Religious obligations require the existence of a responsible living subject; the development of reason requires a living mind; heredity requires the existence of a living human being and the security of the body; whereas property requires a subject, a right-holder who is capable of owning, moving, and benefiting from property. The total annihilation of the human subject thus negates the normal realization of the other four protections for the subject. This asymmetrical dependence is stronger than the opposite relation: a person may temporarily lose property, family relationships, cognitive capacity, or the ability to carry out certain religious obligations, but remain a subject whose interests can be protected and restored. Death, on the other hand, is generally irreversible.

The ethics of the Qur'an provide a strong moral basis for this structure. The prohibition of killing without rights, the weight of the moral values attached to the loss of life, the obligation to avoid self-destruction, and the ability to consume something that is essentially forbidden in an emergency all show that the preservation of life can override the prohibition of ordinary law when the level of threat is serious enough (Qur'an 2:173, 2:195, 4:29, 5:32, 6:119; Ministry of Religious Affairs of the Republic of Indonesia, 2019). The Prophet's history on the elimination of harm, medicine, emergencies, and human protection also provides juridical material for doctrines that prioritize the safety of life and the prevention of serious injury (al-Bukhari, 2012; Muslim, 2006).

The doctrine of emergency has a very important meaning. Islamic law allows exceptions when a prohibited act is necessary to prevent destruction or serious injury, while remaining subject to the limits of proportionality and apparent necessity. The rule of al-emergency tubih al-mahzurat does not mean that any inconvenience can suspend the law; it reflects a hierarchy in which the protection of fundamental human interests can temporarily override secondary rules. The related rule that harm must be eliminated and that lighter harm can be tolerated to prevent greater harm makes the protection of the human subject a recurring operational priority (al-Suyuti, 1990; Ibn Nujaym, 1999; Kamali, 2006).

The bioethical literature shows the same logic in its contemporary form. Islamic medical ethics typically places the preservation of life as the central maqasid in decisions regarding treatment, organ transplantation, end-of-life care, epidemic control, and conflict of various harms. This field also shows why hifz al-nafs should not be reduced to mere biological sustainability: dignity, informed agency, suffering, family responsibility, and distributive justice all determine how the duty to care for life is interpreted (Daar & Al Khitamy, 2001; Rispler-Chaim, 1993; Atighetchi, 2007; Sachedina, 2009; Padela, 2010; Albar & Chamsi-Pasha, 2015; Beauchamp & Childress, 2019).

Human-centered readings are also in line with the expansion of modern maqasid toward dignity and rights. Auda explicitly argues that the concept of classical maintenance needs to be developed towards human development and rights; Kamali links maqasid with

justice and freedom; whereas contemporary human rights studies have examined how Islamic legal reasoning can be in dialogue with equal dignity, citizenship, and universal protection (Auda, 2008; Kamali, 2008; Baderin, 2003; Sachedina, 2009; Mayer, 2013; Emon, 2012). The goal is not to import external hierarchies as a whole, but rather to show that life, integrity, and dignity can form a coherent normative center for coordinating the various maqasids.

The foundational position of hifz al-nafs thus rests on four cumulative considerations: ontological priority, since other purposes require a living subject; irreversibility, since catastrophic death and injury are generally more difficult to recover than losses in other realms; textual weight, because revelation repeatedly gives extraordinary moral attention to life and grave danger; and juridical practice, because the doctrine of emergency and the elimination of harm repeatedly relaxes the usual rules to prevent destruction. None of these considerations individually proves absolute priority, but cumulatively entirely justifies the existence of a refutable foundational presumption.

Second Layer: Religion, Reason, Descent, and Property as Requirements for A Whole Human Life

Placing hifz al-nafs at the center does not reduce the other four basic needs to complementary values. All four remain unavoidable, but their function is reread as a protection of the main conditions that make human life have a moral direction, cognitive competence, social continuity, and material sustainability. Therefore, the second layer remains within the territory of daruriyyat. Its position is called 'second' based on structural dependence, not because its value is morally second-class.

Hifz al-din protects one's capacity to believe, worship, have conscience, and be part of a religious community. Classical scholars often place religion first, especially when the ultimate goal of human existence is theologically formulated. This perspective is the strongest objection to the model proposed in this article. The answer is not to reject the transcendental value of religion, but rather to distinguish metaphysical finality from operational priorities in law. A value can be the highest goal of life, while the living human remains the direct subject through which that goal is realized. Modern discussions of religious freedom and coercion also support the understanding of hifz al-din as a protection of meaningful religious agency, not just institutional continuity (Kamali, 2008; Auda, 2008; March, 2009; An-Na'im, 2008).

Hifz al-'aql protects rational agency, learning, mental health, and cognitive capacity necessary for moral responsibility. Its placement on the second layer reflects a reciprocal relationship with hifz al-nafs: severe cognitive impairment can endanger life, while bodily security allows for education and deliberation. Auda's developmental reformulation, which links hifz al-'aql to scientific knowledge and thought, suggests that maintenance should include the development of positive capacity, not just the prohibition of intoxicating substances (Auda, 2008; Chapra, 2008; Sen, 1999; Nussbaum, 2011).

Hifz al-nasl protects intergenerational continuity, family relationships, children's interests, and social conditions for reproduction and nurturing. Its relationship with hifz al-nafs is again mutually supportive: life is reproduced and maintained through the family and community, while offspring have no meaning that stands alone outside of the living human being. The contemporary maqasid approach is increasingly shifting from a narrow focus on biological lineage to family welfare and children's rights, which reinforces, not weakens, the importance of hifz al-nasl in the second layer (Attia, 2007; Auda, 2008; Duderija, 2014).

Hifz al-mal protects access to resources, security of ownership, fair exchange, and a material basis of self-sufficiency. Poverty, deprivation, and exploitation can directly threaten life, so hifz al-mal is one of the important determinants of hifz al-nafs. Islamic financial studies have repeatedly emphasized that maqasid cannot be reduced to formal adherence to contracts, but must take into account welfare, justice, and social consequences (Dusuki & Abdullah, 2007; Abozaid & Dusuki, 2007; Dusuki & Bouheraoua, 2011; Laldin & Furqani, 2013). Chapra's description of development also links material well-being to moral and human development (Chapra, 2008).

The second layer should thus be understood as an interdependent circle, not four separate boxes. Religion can shape the ethical use of wealth; wealth can finance education and family welfare; reason allows responsible religious and economic judgment; while the family structure sustains humans in vulnerable times and throughout the life cycle. This interdependence is in line with the system-oriented maqasid theory and serves as a warning not to build a mechanical ranking among the elements of the second layer (Auda, 2008; Syarifuddin, 2021; Gumanti, 2018; Marfiyanto, 2019).

The Layer of Tahsiniyyah and the Reinterpretation of Hajiyyat

The third layer contains derivative goals that, if not met, generally degrade the quality, refinement, convenience, aesthetics, ethics, or excellence of the institution, but do not necessarily destroy the human subject or the basic condition of moral-social life. Examples include the recommended form of propriety, non-essential procedural optimization, additional convenience, and policy refinements that make an already good system more humane or efficient. All of these are real sharia values, but they should not defeat the basic safety or integrity of human beings just because they are rhetorically labeled maqasid.

This article deliberately does not place hajiyyat as the third substantive circle between the second layer and tahsiniyyah. In classical typology, hajiyyat describes a need that, if not met, causes difficulties, although generally does not destroy basic needs. This logic is more appropriately understood as the degree of intensity that can be attached to various realms of protection. Needs related to worship, health, family, or property can be hajj depending on the level of difficulty; other demands in the same realm may be daruri or tahsini. This cross-layered interpretation maintains the classical function of hajiyyat while preventing confusion between 'what is protected' and 'how urgent it is to be protected'.

This distinction can be formulated through a two-axis model. The horizontal axis identifies the objects of protection: nafs as the foundation, then din, 'aql, nasl, and mal as the essential protection that allows human life to take place intact, followed by various derivative refinements. The vertical axis measures the severity: darurah when a loss threatens an irreplaceable existence or function; hajah when the loss causes serious difficulties; and tahsin when the problem concerns improvement and refinement. This model allows, for example, one demand for property to be daruri when it comes to survival, hajiy when it comes to significant livelihood difficulties, and tahsini when it comes to luxury or comfort. Thus, the same realm of protection can produce different levels of normative urgency.

This reconstruction also prevents the inflation of maqasid. Contemporary discourse sometimes labels 'new basic needs' on broad social preferences without explaining the threshold of harm or its causal relationship to human well-being. The layered model requires jurists to show why a claimed goal should be placed at a certain level and what evidence supports that severity. Thus, this approach combines the openness encouraged by modern maqasid studies with the discipline demanded by *usul al-fiqh* (Hallaq, 1997; Opwis, 2010; Kamali, 2006; Auda, 2008).

Priority Test in Inter-Maqasid Conflict

The proposed hierarchy is only useful if it is able to improve decision-making. Therefore, this article proposes a five-stage test. First, identify the concrete interests that are protected and do not rely on slogans. Second, determine the severity and proximity of harm: speculative inconvenience cannot be equated with the possibility of death, permanent injury, starvation, or forced destruction of the basic agency. Third, the value of reversibility: temporary financial losses are different from irreparable loss of life. Fourth, examine the scope and distribution: an action that saves one person but predictably exposes a population to greater harm requires collective analysis. Fifth, apply proportionality and the principle of the mildest harm by choosing alternatives that secure foundational interests with the least possible disruption to the second layer of maqasid and the purpose of tahsini.

In this test, *hifz al-nafs* obtains a presumption of priority when three conditions meet: the threat is serious, the evidence of the threat is sufficiently credible, and the proposed response is reasonably necessary and proportionate. This presumption does not grant unlimited authority to the state, does not justify forced medical intervention, nor does it allow for the routine suspension of religious, family, or property rights. On the contrary, since the second layer of maqasid is a condition for a dignified life, actions that claim to protect life but systematically destroy conscience, cognitive abilities, family structure, or livelihood may ultimately violate *hifz al-nafs* in its fuller sense.

This model therefore rejects two poles at once: absolutism and equalization. Absolute priority is difficult to maintain because the *fiqh* tradition recognizes sacrifice, legitimate risk, collective defense, and obligations that go beyond individual self-defense interests. Flat

equality is also problematic because it provides little guidance when the interests of small property are faced with the threat of imminent death. The arguable hierarchy is more in line with the way the jurists have been reasoning through emergencies, greater and lesser harms, and changes in circumstances (Ibn 'Abd al-Salam, 1991; al-Qarafi, 1998; al-Suyuti, 1990; Ibn Nujaym, 1999).

The priority test also resonates with broader theories of justice and capability without fusing Islamic law into these theories. Rawls emphasizes sequential principles; Finnish identifies basic virtues that must be coordinated by practical reason; Sen and Nussbaum emphasize substantive capabilities; while Powers and Faden link health to social justice. These frameworks differ significantly from maqasid, but point to the same jurisprudential issues: plurality of virtues requires principles to determine priorities, thresholds, and trade-offs (Rawls, 1971; Finnis, 2011; Sen, 1999; Nussbaum, 2011; Nussbaum, 2011; Powers & Faden, 2006).

Counterarguments, Risks, and Limitations

The first counterargument is theological: if religion is the reason for the creation of man, then hifz al-din should remain the supreme maqasid. This objection is serious because many classical formulations place religion first. The proposed reconstruction answers it by distinguishing the ultimate theological telos from direct legal protection. The law may view the worship of Allah as the supreme goal, but it still places the protection of the responsible living subject as the first operational condition in ordinary conflicts. This distinction is seen in the rukhsah of illness, travel, coercion, and emergencies, when the form of religious obligation is changed to protect man without eliminating religion itself.

The second objection states that there should not be one maqasid at the center because the Auda system approach rejects rigid hierarchies. This criticism is right in reminding us of the dangers of reductionism. Therefore, the proposed model uses concentric and interrelated hierarchies, rather than linear rankings. Hifz al-nafs is foundational based on dependency relationships, while the protection of the second layer again sustains life and dignity. Thus, this model remains hierarchical but not atomistic, and its priority is arguable, not absolute (Auda, 2008).

The third risk is securitization: governments or institutions can use the excuse of 'saving lives' to justify disproportionate restrictions on religion, family, freedom of speech, movement, or property. Modern experience in the field of human rights shows why emergency claims should be subject to evidence, legality, necessity, time limits, and review mechanisms (United Nations, 1948, 1966; Baderin, 2003; Mayer, 2013). The maqasid framework that centers hifz al-nafs must therefore be equipped with procedural safeguards. Without it, the language of protection can turn into an instrument of domination.

The fourth risk is biological reductionism. If hifz al-nafs is interpreted only as the sustainability of biological existence, dignity and agency can be too easily sacrificed. Islamic

biomedical ethics shows that the issues of medical burden, suffering, consent, family obligations, and distributive justice cannot be answered only through the level of survival (Sachedina, 2009; Padela, 2010; Albar & Chamsi-Pasha, 2015). Therefore, this article defines hifz al-nafs as the protection of the human person at the minimum threshold of life, bodily integrity, dignity, and basic agency.

The fifth objection relates to universality. Some may argue that the human-centered model reproduces the modern discourse of rights, not the internal logic of sharia. However, the study of maqasid has long linked *maslahah* to human well-being, and modern Muslim jurists expand, rather than abandon, that logic. Therefore, comparative engagement with the literature on international rights and human development is used here as an analytical dialogue, not as a source of legal authority (Abdel Kader, 2003; Baderin, 2003; An-Na'im, 2008; United Nations Development Programme, 1990).

Finally, this article is conceptual. The proposed hierarchy still requires further testing in concrete areas, such as pandemic governance, humanitarian law, food security, environmental damage, reproductive technology, criminal justice, and Islamic finance. These models can also produce different outputs when collective survival conflicts with individual lives, when the evidence is highly uncertain, or when long-term ecological damage is involved. All of that is a research agenda, not a reason to abandon hierarchies altogether.

Implications for Contemporary Islamic Legal Reasoning

The first implication is methodological clarity. Legal experts must clarify whether they are discussing the object of protection or the degree of need. This prevents categorical misrepresentation when any beneficial policy is elevated to *daruriyyah* simply because it is considered to serve a maqasid. A policy may advance hifz al-mal but remain *tahsini* in terms of urgency; another policy may be in the same realm but be *daruri* because it protects access to food, shelter, or essential medicines.

The second implication is a stronger presumption of protection for vulnerable groups. If legal interpretations, institutional policies, or market practices can reasonably be expected to expose humans to death, serious injury, starvation, forced displacement, or catastrophic health risks, the burden of justification should shift to those who maintain such harmful practices. This approach is consistent with the doctrine of harm elimination as well as contemporary understandings of welfare and social justice (Ibn 'Abd al-Salam, 1991; Chapra, 2008; Powers & Faden, 2006).

The third implication relates to Islamic finance and economic policy. If hifz al-mal is the second-layer goal that underpins human lifeworthiness, formal protection of property cannot justify practices that destroy minimum livelihoods, exacerbate extreme vulnerability, or divert grave harm to others. Maqasid related to property must therefore be read in relation to life, dignity, family welfare, and rational agency, not as a stand-alone defense against the

accumulation of assets (Dusuki & Abdullah, 2007; Abozaid & Dusuki, 2007; Laldin & Furqani, 2013).

The fourth implication relates to public health and medicine. Hifz al-nafs supports preventive interventions when the evidence regarding serious harm is strong enough, but the second layer limits how such interventions are carried out. Religious practices need to be accommodated as far as possible; informed understanding and mental well-being must be protected; families should not be separated without adequate needs; and material burdens should be distributed equitably. Thus, this model results in a structured balancing process, rather than a one-word command to 'save lives' (Daar & Al Khitamy, 2001; Sachedina, 2009; Beauchamp & Childress, 2019).

The fifth implication is theoretical: maqasid can be ordered hierarchically without becoming rigid. The concentric model corresponds to Auda's emphasis on interconnectedness and multidimensionality because the foundational layer is constantly underpinned by the second layer. The model also maintains the classical distinction between basic needs, complementary needs, and refinements by treating the categories as degrees of urgency. In this way, the reconstruction seeks to combine historical continuity, normative discipline, and contemporary utility.

Conclusion

This article has argued that hifz al-nafs can be coherently reconstructed as the organizing core of maqasid al-shariah, as long as the claim is positioned as a contemporary interpretive model and not as a classical consensus statement. The basis of this proposal is not merely the order in the classical list, but rather the dependence of other maqasids on the basic existence and integrity of the human subject, the irreversible nature of catastrophic death and injury, the textual weight given to the maintenance of life, and the operation of the doctrine of emergency and the elimination of harm in the fiqh tradition.

The resulting architecture consists of three layers. Hifz al-nafs occupies the foundational layer and encompasses life, bodily integrity, minimum dignity, and basic agency. Hifz al-din, hifz al-'aql, hifz al-nasl, and hifz al-mal form the second layer as a inevitable and mutually supportive condition for a morally meaningful, cognitively responsible, intergenerationally sustainable, and materially viable human life. Derivative goals of refinement and quality improvement are placed at the level of tahsiniyyah. Hajiyyat remains important, but it functions as a cross-layered degree of difficulty, rather than as a stand-alone catalog of protection goals.

This hierarchy results in a presumptively presumptuous priority rule: a serious, credible, and close threat to human life or basic integrity presumptuously outweighs hereditary interests, but the response must still be necessary, proportionate, evidence-based, and take into account the second layer of maqasid. This approach prevents two opposite mistakes: treating all maqasid flat so that it does not give direction to decisions, or making

the maintenance of life an absolute principle that can justify unlimited coercion. Further research needs to operationalize this model in various concrete legal domains and test its thresholds through case-based comparative analysis.

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