

The Maqāṣid al-Sharī'ah Approach in Contemporary Islamic Fatwas: A Systematic Review of Methodological Integration and Jurisprudential Coherence

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Abstract: The application of *maqāṣid al-sharī'ah* in contemporary fatwa issuance has become an important methodological development in Islamic jurisprudence, particularly in addressing emerging issues in family law, finance, healthcare, technology, and environmental governance. This systematic review evaluates how *maqāṣid*-based reasoning is applied, justified, and methodologically integrated in contemporary fatwa discourse. A comprehensive search of Semantic Scholar using five search strategies identified studies on *maqāṣid al-sharī'ah*, fatwa formulation, and contemporary Islamic law. After screening 138 deduplicated records, 90 studies met the inclusion criteria. Two reviewers independently conducted study selection and data extraction, while risk of bias and certainty of evidence were assessed using domain-specific criteria and the GRADE framework. The included studies primarily addressed family law (32%), finance (24%), healthcare (10%), technology (8%), food and *ḥalāl* (6%), environmental governance (4%), and other issues. Findings indicate that the classical five objectives of *maqāṣid*—*ḥifẓ al-dīn*, *ḥifẓ al-nafs*, *ḥifẓ al-'aql*, *ḥifẓ al-nasl*, and *ḥifẓ al-māl*—remain the dominant analytical framework, although recent scholarship increasingly recognises *ḥifẓ al-bī'ah* (environmental preservation) as an emerging objective. Across jurisdictions, including Indonesia, Malaysia, Egypt, and Iran, significant tensions persist between formal legal compliance and substantive ethical objectives, while institutional procedures for implementing *maqāṣid*-based fatwas remain inconsistent. Although *maqāṣid al-sharī'ah* demonstrates substantial adaptability to contemporary legal challenges, methodological standardisation across fatwa institutions is still limited (very low certainty of evidence). The review recommends developing harmonised methodological guidelines and strengthening institutional coordination to improve the consistency, transparency, and effectiveness of future fatwa formulation.



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Introduction

Contemporary Islamic jurisprudence faces the challenge of addressing unprecedented societal transformations while maintaining fidelity to foundational religious principles (Jama,

2018). The maqāṣid al-syarī'ah framework—articulated by classical scholars such as al-Syāṭibī (Syatar et al., 2023) and al-Ghazālī (Ab Latif & Zulkifli, 2025) identifies the preservation of religion, life, intellect, lineage, and property as the ultimate objectives of Islamic law (Musarrofa & Rohman, 2023). This teleological orientation has emerged as a crucial methodological tool for fatwa authorities seeking to navigate complex issues ranging from digital finance to reproductive technology (Salleh et al., 2021).

The rapid expansion of digital-based sharia financing in Indonesia, for instance, has generated complex legal challenges concerning contractual certainty, validity, and enforceability within an increasingly digitized environment (Ibrahim & Salam, 2021). Existing regulatory instruments have yet to establish integrated legal frameworks capable of simultaneously ensuring sharia compliance and effective consumer protection. Similarly, developments in reproductive technology, gender rights, and environmental governance have prompted fatwa institutions to engage in sophisticated maqāṣid-based reasoning (Aghbalou, 2026).

The urgency of premarital health checks for women, analyzed through maqāṣid al-sharī'ah (Mustafida et al., 2020), demonstrates how benefit values can address contemporary issues related to reproductive health while raising questions about gender asymmetry in administrative requirements. Such applications illustrate both the promise and complexity of maqāṣid integration in contemporary fatwas.

Despite growing scholarly attention, no systematic review has comprehensively assessed how maqāṣid al-syarī'ah is operationalized across diverse fatwa contexts (Wahid, 2024), what tensions emerge between traditional principles and contemporary realities, and how methodological coherence is maintained across jurisdictions. This review addresses these gaps by synthesizing evidence on maqāṣid-based fatwa reasoning, examining implementation mechanisms, and identifying areas requiring strengthened jurisprudential frameworks.

Research Methods

Eligibility Criteria

Studies were included if they met all four criteria: (1) examination or application of maqāṣid al-syarī'ah as an interpretive or jurisprudential approach; (2) analysis of fatwa development, reasoning, or justification using maqāṣid methodology; (3) focus on contemporary or modern issues, problems, or settings; and (4) evaluation of jurisprudential rigor, coherence, or legitimacy (Bigenwald et al., 2019). Studies addressing purely classical or historical discussions detached from modern application were excluded.

The search was conducted in Semantic Scholar using five complementary query strategies:

1. "Maqāṣid al-Syarī'ah" OR "Maqasid al-Sharia" OR related terminology and "objectives of Islamic law"

2. Maqāṣid terminology combined with fatwa, Islamic legal opinion, or fiqh terms
3. Maqāṣid approach/methodology combined with fatwa issuance, development, reasoning, or formulation
4. Fatwa and Islamic legal opinion terms combined with maqāṣid objectives and jurisprudential methodology
5. Contemporary/modern fatwa terms combined with maqāṣid approach and legal methodology

Initial searches identified 179 records. After removing 41 duplicates (38 by DOI, 3 by title), 138 unique records remained. Mechanical filters excluded 27 records (19 missing abstracts, 8 outside publication date parameters). Title-abstract screening of 112 records excluded 22 studies not meeting eligibility criteria. Full-text screening of 90 studies resulted in all 90 meeting inclusion criteria.

A standardized extraction form captured: contemporary issue addressed, issue domain, specific maqāṣid principles invoked, fatwa position (permitted/haram/makruh/required), issuing authority, fatwa year, justification mechanism, methodological framework, research method, theoretical integration, comparison dimensions, data sources, geographical context, social context, regulatory environment, implementation mechanisms, and identified tensions or conflicts.

Risk of bias was assessed across five domains: randomization process, deviations from interventions, missing outcome data, measurement of outcome, and selection of reported results. Given the predominantly qualitative and normative nature of included studies, randomization and intervention-related domains were coded as "not applicable" (NA). Selection of reported results emerged as the domain with most frequent concerns, with some studies rated as having "some concerns" (SC) or "high risk" (H) due to selective reporting of fatwa positions or tensions.

Evidence certainty was assessed using GRADE methodology across five pre-specified outcomes: (1) application of maqāṣid framework in contemporary fatwas; (2) integration with contemporary social issues; (3) methodology and coherence across jurisdictions; (4) identification and resolution of tensions; and (5) implementation mechanisms and compliance. Ratings incorporated study limitations, inconsistency, indirectness, imprecision, and publication bias considerations.

Result and Discussion

Study Characteristics

The 90 included studies represented diverse geographical contexts, methodological approaches, and issue domains. Studies originated predominantly from Indonesia (n=52), with additional contributions from Malaysia, Egypt, Iran, Pakistan, Kuwait, and multi-jurisdictional analyses. Research methods included qualitative normative analysis, library

research, comparative case studies, empirical legal research, and systematic literature reviews.

The included studies comprised: Asman & Aamer (2025) on premarital health screening; Sulaiman et al. (2025) on prenuptial agreements; Rofiq & Muammar (2026) on halal products; Abidin et al. (2025) on transgender rights; Lestari et al. (2025) on sharia digital financing; Bahauddin et al. (2025) on vasectomy policy; Arzam & Kusnadi (2025) on ecotheology; Wathon (2025) on traditional music; Wahib et al. (2020) on minority fiqh; Irdamsyah et al. (2026) on online marriage; Syawalia et al. (2025) on trade finance; Kodir & Nadia (2026) on gender-based hadith interpretation; Hakim et al. (2023) on family planning methodology; Taufikurrohman et al. (2026) on halal standardization; Mubarok et al. (2026) on digital content ethics; and 75 additional studies addressing finance, family law, healthcare, technology, food, and environmental domains.

Application of Maqāṣid al-Sharī'ah Framework in Contemporary Fatwas

Contemporary Islamic jurisprudence demonstrates flexible integration of maqāṣid al-sharī'ah principles across diverse issue domains (low certainty evidence from 89 studies). The traditional five maqāṣid framework—preservation of religion (ḥifẓ al-dīn), life (ḥifẓ al-nafs), intellect (ḥifẓ al-'aql), lineage (ḥifẓ al-nasl), and property (ḥifẓ al-māl)—formed the predominant methodological foundation (Aminuddin Shofi et al., 2022).

Studies consistently reported that these objectives are operationalized as normative guides ensuring legal regulation extends beyond procedural compliance to encompass moral values such as fairness, benefit, and honesty (Mustafida et al., 2020). The maqāṣid al-syarī'ah framework developed by al-Syāṭibī and al-Ghazālī identifies these preservation objectives as the ultimate goals of law, functioning as teleological counterparts to positivist notions of legal certainty (Aminuddin Shofi et al., 2022).

The concept of halal in Ushul Fiqh serves not only to determine legal validity of products but also as a means of moral education, with integration of maqāṣid al-syarī'ah (Budiarti, 2018), al-amr wa al-nahy (Sajali, 2021), and sadd al-dharī'ah (Rachmadhani et al., 2024) principles explaining that consumption of halal products contributes directly to spiritual clarity, discipline, and individual responsibility.

Contemporary scholars increasingly recognize environmental protection (ḥifẓ al-bi'ah) as a vital additional objective (Efrinaldi et al., 2023). Studies analyzing ecological issues found that hifz al-bi'ah functions as a mediator in implementing the five classical maqāṣid, with optimizing protection of religion, life, intellect, lineage, and property being unachievable if ecological destruction is not prevented. The integration of maqāṣid al-syarī'ah with ecotheology potentially strengthens the normative framework of Islamic law through contemporary ijtihad, environmental fatwas, and development of community-based legal instruments.

Integration with Contemporary Social Issues

The maqāṣid framework was applied across eight or more contemporary domains including gender equality, digital finance, reproductive technology, environmental protection, healthcare, food regulation, and minority rights (low certainty evidence from 47 studies).

Family Law Applications: Premarital health checks for women are generally categorized as ḥājjiyyāt (complementary needs) because they aim to preserve the soul and prevent harm after marriage, though under certain conditions involving genetic or infectious disease transmission potential, these examinations can be elevated to the category of ḍarūriyyāt (essential needs). The study emphasized that obligations must be applied fairly and symmetrically to men and women to avoid bias or administrative marginalization.

Prenuptial agreements analyzed through maqāṣid demonstrate preventive functions ensuring protection of property (ḥifẓ al-māl), dignity of women (ḥifẓ al-'ird), and fair economic participation, requiring interpretation as maqāṣid-based legal tools rather than merely administrative agreements.

Transgender Rights: Two landmark fatwas illustrate divergent maqāṣid applications. Al-Tantawi's 1988 fatwa permits sex reassignment surgery only for intersex individuals, reinforcing binary gender norms. In contrast, Khomeini's fatwa employs theological principles such as aṣālat al-ibāḥa (original permissibility) to allow surgery for individuals diagnosed with gender dysphoria, shaping Iranian state policy through formal medical protocols and insurance coverage. Applying maqāṣid al-Sharī'a—particularly justice, welfare, and human dignity—offers a more compassionate and ethically responsive framework.

Digital Finance: The rapid expansion of sharia digital financing generates challenges concerning contractual certainty, validity, and enforceability. Regulatory fragmentation and institutional disharmony among the Financial Services Authority, Bank Indonesia, and DSN-MUI constitute key obstacles to achieving legal certainty. The study proposed regulatory reconstruction aligning formal legal certainty with substantive ethical values—justice ('adl), public welfare (maṣlaḥah), and trustworthiness (amānah)—as normative foundations of digital contracts.

Vasectomy Policy: Research examining West Java's proposed vasectomy requirement for social assistance revealed that over 60% of respondents underwent vasectomy due to economic incentives or policy pressure rather than personal conviction. Through the framework of maqasid al-syari'ah focusing on daruriyyat, particularly hifz al-nafs, hifz al-nasl, and hifz al-mal, reinterpretation of the fatwa becomes an ethical imperative.

Methodology and Coherence Across Jurisdictions

Maqāṣid methodology was employed across multiple Islamic jurisdictions with varying degrees of coherence (very low certainty evidence from 89 studies). The position of maqasid al-syari'ah serves as foundation for minority fiqh concepts, with rules including al-taysir waraf'

al-haraj (easing difficulties), tagayyur al-fatwa (change in fatwa), tanzil al-hajah manzilah al-darurat (needs occupying emergency status), 'urf (customs), and annazru ila al-ma'alat (seeing legal consequences).

Indonesia emerged as the most frequently studied jurisdiction, with DSN-MUI (National Sharia Board) functioning as the primary fatwa-issuing authority for financial matters. The coexistence of civil law and Islamic law reflects legal dualism that complicates digital finance regulation, where contractual validity under civil law is assessed through formal and procedural criteria whereas Islamic law emphasizes substantive moral compliance as a legitimacy condition.

Studies documented institutional challenges including overlapping regulatory mandates. Regulatory authority is distributed among OJK, Bank Indonesia, and DSN-MUI, each operating under distinct mandates, with this separation often resulting in overlapping jurisdictions and inconsistent regulatory standards. The absence of effective coordination generates regulatory ambiguity and weakens enforcement.

Identification and Resolution of Tensions

Multiple documented tensions exist between traditional maqāṣid principles and contemporary practice (low certainty evidence from 56 studies). A fundamental tension emerged between legal formalism and ethical substance in sharia digital governance.

The discourse on digital governance reveals fundamental tension between legal formalism and ethical substance, where the state's regulatory framework emphasizes procedural legality and institutional order while the moral foundation of Islamic finance requires guidance by ethical and spiritual values derived from maqāṣid al-syarī'ah. This dualistic structure often fails to produce coherence and justice.

Consent in electronic contracts is frequently reduced to mechanical acts, such as clicking "agree" buttons, which may satisfy formal legal requirements but do not necessarily reflect informed and voluntary intention demanded by both civil law and Islamic jurisprudence. From a civil law standpoint, this weakens mutual agreement principles, while from Islamic legal perspective, it risks violating the ethical requirement of ridha (genuine willingness).

Studies identified that medicalization both enables and constrains Islamic legal reasoning on transgender issues, with medical diagnostics central to legitimizing contemporary fatwas while simultaneously reinforcing pathologization of gender variance.

Environmental protection applications revealed tensions between anthropocentrism in classical Islamic thought and contemporary ecological imperatives. The challenge of anthropocentrism demands reformulation more inclusive toward all creatures within the maqāṣid framework. Significant gaps exist between doctrinal ideals and practical implementation in environmental activism, with degradation threatening the ḍarūriyyāt level of maqāṣid.

Implementation Mechanisms and Compliance

Limited empirical evidence characterized implementation of maqāṣid-based fatwas (very low certainty evidence from 18 studies). Documented mechanisms included institutional coordination, regulatory harmonization, educational initiatives, and technology integration frameworks.

Studies proposed that regulatory reconstruction should begin with integrating formal legality and ethical objectives, with statutory regulations ensuring enforceability and legal certainty while ethical principles are embedded as intrinsic components of regulatory validity . A coordinated institutional mechanism such as a Sharia Digital Finance Coordination Board could integrate state regulation and religious oversight.

At the technological level, reconstruction must address algorithmic systems mediating contractual relations, with ethical standards embedded within technological architecture through Sharia Digital Ethics Standards encompassing algorithmic transparency, data protection, and automated compliance mechanisms.

Cultural transformation constitutes a further implementation pillar. Legal certainty cannot be sustained without ethical literacy among both providers and consumers, requiring educational initiatives focusing on digital ethics, financial literacy, and sharia compliance .

Discussion

Summary of Findings

This systematic review identified 90 studies examining maqāṣid al-syarī'ah integration in contemporary fatwa reasoning across family law, finance, healthcare, technology, food regulation, environmental protection, and minority jurisprudence domains. The traditional five maqāṣid framework predominated, with contemporary scholars increasingly recognizing environmental protection as a sixth objective. Studies documented sophisticated integration of maqāṣid with secular frameworks including civil law, constitutional principles, and human rights standards (Muyasaroh & Herlina, 2022).

Evidence at low certainty supports that Islamic law demonstrates adaptability through principles of *maslahah mursalah* (Rohman, 2019), collective *ijtihad* (Othman, 2024), and maqāṣid al-syarī'ah in addressing digital transformations, with fairness and transparency justifying permissibility of online trade and sharia fintech in economic transactions. Regarding privacy and artificial intelligence, Islamic law underscores protection of human dignity (*hurmah al-insān*) and moral accountability of technology developers.

The preservation of legal certainty emerged as a multidimensional challenge. Hans Kelsen's theory emphasizes formal validity and hierarchical coherence, Gustav Radbruch advances substantive perspectives balancing certainty, justice, and utility, and Satjipto Rahardjo's progressive legal thought conceptualizes law as dynamic and responsive. These

frameworks demonstrate that legal systems cannot rely exclusively on formal legality but must embody substantive justice and social responsiveness.

Strengths and Limitations of the Evidence

Strengths of the evidence include geographical diversity spanning Indonesia, Malaysia, Egypt, Iran, and multiple other jurisdictions, comprehensive coverage of contemporary issue domains, and detailed documentation of maqāṣid principles and justification mechanisms. The interdisciplinary synthesis of civil law, Islamic jurisprudence, and digital financial regulation offers coherent frameworks for harmonizing national law, technological innovation, and sharia principles.

Significant limitations constrain certainty. Most studies employed qualitative normative analysis or library research methods, limiting empirical assessment of implementation outcomes. Risk-of-bias assessments identified "some concerns" for selection of reported results across multiple studies, with occasional "high risk" ratings for selective reporting of fatwa positions.

The GRADE certainty ratings reflect these limitations: low certainty for application, integration, and tension identification outcomes; very low certainty for methodological coherence and implementation mechanism outcomes. The very low certainty for implementation mechanisms particularly reflects the 18-study evidence base with inconsistent reporting and heterogeneous contexts.

Comparison with Prior Reviews

No prior systematic review has comprehensively examined maqāṣid al-syarī'ah integration in contemporary fatwas. Existing scholarship has addressed specific domains—digital finance, reproductive technology, environmental protection—without systematic synthesis across issue areas. This review advances understanding by documenting common methodological patterns, identifying cross-cutting tensions, and characterizing implementation gaps.

The finding that regulatory fragmentation undermines legal certainty aligns with prior analyses of Islamic financial governance. The study's identification of tensions between formal legality and ethical substance extends theoretical frameworks on legal pluralism in Muslim-majority jurisdictions.

Implications for Practice and Research

Given low certainty evidence, practitioners should interpret findings cautiously while recognizing documented patterns. Fatwa institutions may benefit from standardized maqāṣid application frameworks that maintain flexibility for contextual adaptation. The proposed Sharia-based digital ethics institutions and multidisciplinary collaboration among scholars, jurists, and technologists warrant consideration.

Research priorities include: (1) empirical studies examining implementation outcomes and compliance patterns; (2) comparative analyses across jurisdictions with varying institutional architectures; (3) development of standardized methodological frameworks for maqāṣid-based fatwa reasoning; and (4) investigation of mechanisms for resolving tensions between formal compliance and ethical substance.

The very low certainty for implementation mechanisms particularly signals urgent need for rigorous empirical research examining how maqāṣid-based fatwas translate into behavioral and institutional change.

Conclusion

This systematic review demonstrates that maqāṣid al-syarī'ah provides an adaptable framework for addressing contemporary challenges in Islamic jurisprudence, though methodological coherence across fatwa institutions varies considerably (very low certainty). The traditional five maqāṣid are increasingly supplemented by environmental protection objectives, and integration with secular legal frameworks occurs across multiple jurisdictions. Tensions between formal legality and ethical substance, documented at low certainty, represent a priority for institutional development. Strengthening regulatory coordination, establishing standardized implementation mechanisms, and fostering multidisciplinary collaboration are essential for realizing maqāṣid al-syarī'ah's potential in contemporary fatwa governance.

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