

LEARNING CURVE **PERSPECTIVE**
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Breathing new life into Maqasid al-Syariah

MAQASID al-Syariah has recently made a resurgence after falling into oblivion and neglect for several reasons, chiefly due to the so-called “closing of the door of *ijtihad*”, as alluded to by Tun Abdullah Ahmad Badawi.

He commented on this at the recent launch of the International Conference of Maqasid al-Syariah in Public Policy and Governance hosted by the International Institute of Advanced Islamic Studies (IIAIS) in Kuala Lumpur.

The event augurs well for the advancement of Islamic scholarship, what with the many new developments that are also emerging at the same time.

Many of these developments will pose challenges to the question of governance and public policy across the board.

By implication, the practice of “independent thinking” is once again encouraged through the concept of *maqasid al-syariah*.

It was observed that several fresh interests were undertaken recently, not only at the theoretical level, but also practical ones as well, although the latter is confined to areas of Islamic banking and finance. Indeed, many of the former have yet to be translated into practice.

This is where the door of independent thinking must be kept wide open to facilitate the further development of *maqasid al-syariah*. In other words, the centuries-old concept that came into being around the fifth century — though remaining valid — can be made contemporary, on par with the rapidly evolving world of knowledge.

The discipline of public policy and governance is just a few of many that include management, science, sustainable development to name but a few.

Lest one is quick to press the panic button under the impression that this is *hudud* in disguise —

after all, too many have partially understood the term *syariah* — *maqasid* means “goal”, “purpose” or “direction” while *syariah* is generally “law” including divine laws as understood in Islam.

Taken together, they refer to the “necessities” that humanity requires to live peacefully in the world.

They commonly refer to the five aspects of faith, life, intellect, lineage and resources that must be protected and preserved at all cost if peace and harmony are to prevail. This is something that everyone can identify with since all the five dimensions resonate with all. The five aspects are “essential” for humans to reach a higher purpose of life as advocated by Islam and all faiths.

It is incumbent that these five aspects be seen as maintaining a state of balance as a whole. The idea of sustainable development, for example, is almost inherent in *maqasid al-syariah* with the ex-

ception of “faith” perhaps.

The overarching goal is to attain justice for all, while at the same time alleviating hardships and eliminating prejudices — a situation that is imperative in the present world, given the harsh reality that is confronting the majority. Invariably, at least one of the five essentials is affected if not all, in some circumstances such as wars and aggression-induced tyranny that are so rampant nowadays. Adding to this, the flirtatious state of affairs of the social media makes the *maqasid* a powerful deterrent, if properly understood and implemented as an instrument of public policy and governance.

Strong aspects of *maqasid al-syariah* should not only solve problems but also ensure that justice is served, alleviating hardships and eliminating prejudices that often result from the failure of governance and public policies.

Moreover, *maqasid* has one advantage of being framed within the

context of human dignity — which, to some, is inherent in life which must attain a certain quality that is assured, protect and preserved to reflect a dignified life as its higher purpose goal — beyond mere materialistic needs and wants, and numbers and indices.

In this regard, it is noteworthy to quote the three categories of the *maqasid* of which the five essentials are but one; the first is “essential”, followed by “complementary” and “desirable” in an ascending order — the “complementary” and “desirable” categories are not strictly “essential” but more of “nice-to-have”.

In the world of education, this may be seen from the perspective of “compulsory” courses, “elective” and “optional” courses. That said, *maqasid* has an important role to play in addressing the crisis that is now pervasive in the world of education with respect to access, equity and success or, more generally, education without soul.

IIAIS must be congratulated for creating this platform to educate the public about *maqasid* and bringing it to life once again.

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