



Expert Perceptions of the Development of Maqāṣid al-Sharī'ah in Indonesian Islamic Law: Explaining the Epistemic–Institutional Gap

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Abstract:

Over the past two decades, maqāṣid al-sharī'ah has gained increasing prominence in Indonesian Islamic legal scholarship and legal discourse, including legislation, fatwas, judicial decisions, and academic publications. Although this development has been widely examined in normative legal scholarship, little empirical research has investigated how Islamic law experts perceive this trend and its implications for legal reform. This study explores how Indonesian Islamic law academics and practitioners perceive the development of maqāṣid al-sharī'ah in Indonesian Islamic law and examines the factors shaping these perceptions. Employing a qualitative exploratory design and drawing on Berger and Luckmann's theory of the social construction of knowledge as its primary theoretical lens, this study conducted semi-structured interviews with five purposively selected Islamic law academics and practitioners whose scholarly and professional roles position them as epistemic authorities in Indonesian Islamic legal discourse. Data were analysed using reflexive thematic analysis. The findings indicate that differences in expert perceptions are shaped by the interaction of methodological orientation, professional engagement, academic literacy, and exposure to contemporary social issues. Rather than operating independently, these factors interact to shape how experts evaluate the extent to which maqāṣid has moved beyond academic discourse into institutional legal practice. The findings suggest the existence of an epistemic–institutional gap in which the intellectual acceptance of maqāṣid has progressed more rapidly than its incorporation into formal legal institutions. By identifying the interaction of multiple factors shaping expert perceptions, this study contributes empirical and conceptual insights into the relationship between epistemic development and institutional change in contemporary Indonesian Islamic law.

Abstrak:

Selama dua dekade terakhir, maqāṣid al-sharī'ah semakin menonjol dalam kajian hukum Islam dan wacana hukum di Indonesia, termasuk legislasi, fatwa, keputusan pengadilan, dan publikasi akademis. Meskipun perkembangan ini telah banyak dikaji dalam kajian hukum normatif, hanya sedikit penelitian empiris yang menyelidiki bagaimana para ahli hukum Islam memandang tren ini dan implikasinya terhadap reformasi hukum. Studi ini mengeksplorasi bagaimana akademisi dan praktisi hukum Islam di Indonesia memandang perkembangan maqāṣid al-sharī'ah dalam hukum Islam Indonesia dan mengkaji faktor-faktor yang membentuk persepsi tersebut. Dengan menggunakan desain kualitatif eksploratif dan teori konstruksi sosial pengetahuan Berger dan Luckmann sebagai

lensa teoretis utama, studi ini melakukan wawancara semi-terstruktur dengan lima akademisi dan praktisi hukum Islam yang dipilih secara purposif. Peran akademis dan profesional mereka menempatkan mereka sebagai otoritas epistemik dalam wacana hukum Islam di Indonesia. Data dianalisis menggunakan analisis tematik reflektif. Temuan menunjukkan bahwa perbedaan persepsi para ahli dibentuk oleh interaksi orientasi metodologis, keterlibatan profesional, literasi akademis, dan paparan terhadap isu-isu sosial kontemporer. Alih-alih beroperasi secara independen, faktor-faktor ini berinteraksi untuk membentuk bagaimana para ahli mengevaluasi sejauh mana maqāsid telah melampaui wacana akademis ke dalam praktik hukum institusional. Temuan ini selanjutnya menunjukkan adanya kesenjangan epistemik-institusional di mana penerimaan intelektual terhadap maqāsid telah berkembang lebih cepat daripada penggabungannya ke dalam lembaga hukum formal. Dengan mengidentifikasi interaksi berbagai faktor yang membentuk persepsi para ahli, studi ini memberikan wawasan empiris dan konseptual tentang hubungan antara perkembangan epistemik dan perubahan institusional dalam hukum Islam kontemporer di Indonesia.

A. Introduction

Maqāsid al-sharī'ah has become one of the most influential frameworks in contemporary Islamic legal thought, serving as a methodological approach that seeks to ensure that legal reasoning remains oriented toward the realization of justice, public welfare (*maṣlaḥah*), and the objectives of the Sharī'ah rather than merely adhering to the literal meaning of legal texts.¹ Traditionally, maqāsid was primarily discussed within the discipline of Uṣūl al-Fiqh as a theoretical foundation for legal reasoning.² In contemporary scholarship, however, its role has expanded considerably, positioning maqāsid not only as an interpretive principle but also as a normative framework for addressing complex legal, social, economic, political, and technological issues faced by modern Muslim societies.³ This growing prominence has positioned maqāsid as

¹ Taufiqurohman and Nelli Fauziah, "The Evaluation of Maqāsid Asy-Syarī'ah on Discourses of the Islamic Family Law," *El-Usrah* 6, no. 1 (2023): 81–90, <https://jurnal.ar-raniry.ac.id/index.php/usrah/index>; L. Takim, "Maqāsid Al-Sharī'a in Contemporary Shīrī Jurisprudence," in *Maqasid Al-Shari'a and Contemporary Reformist Muslim Thought: An Examination*, 2014, 101–25, https://doi.org/10.1057/9781137319418_5.

² Tholkhatul Khoir, Lathifah Munawaroh, and Zainudin Bin Hassan, "The Critique toward Uṣūl Al-Fiqh Literacy of 1890–2023: An Offer for Development," *Al-Ahkam* 34, no. 1 (April 30, 2024): 63–98, <https://doi.org/10.21580/ahkam.2024.34.1.19595>; Tholkhatul Khoir, "Pros and Cons of Separation between Maqāsid and Uṣūl Al-Fiqh (A Study of The Periodization of Maqāsid History and Responses to Its Independence)," *International Journal Ihya' 'Ulum Al-Din* 25, no. 2 (December 21, 2023): 124–43, <https://doi.org/10.21580/ihya.25.2.18463>.

³ A I Padela, "The Essential Dimensions of Health According to the Maqasid Al-Sharī'ah Frameworks of Abu Ishaq Al-Shatibi and Jamal-Al-Din-'Atiyah," *International Medical Journal Malaysia* 17, no. Special Issue1 (2016): 49–58, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85065545345&partnerID=40&md5=cfb4e0542ed5eea67d1a7a212b50d7d>; Yomna Helmy, "From Islamic Modernism to Theorizing Authoritarianism," *American Journal of Islam and Society* 38, no. 3–4 (April 22, 2022): 36–70, <https://doi.org/10.35632/ajis.v38i3-4.2934>; A M Suliman, "The Objectives Of Islamic Sharia And Global Human Issues (Poverty-Wars-Displacement)," *TPM - Testing, Psychometrics, Methodology in Applied Psychology* 32, no. S4 (2025): 1692–95, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-105014356344&partnerID=40&md5=29778f7577f1fe4b391677ff604a0695>; Mohamad Firdaus Mohamad Ismail et al., "Maqasid Al-Sharī'ah as a Complementary Framework for International Council of Nurses (ICN) Code of

one of the principal frameworks in contemporary debates on Islamic legal reform and governance.⁴ This expanding role of maqāṣid, however, has also generated important methodological and institutional questions that remain the subject of ongoing scholarly debate.

Recent scholarship demonstrates that the growing prominence of maqāṣid is reflected not merely in the increasing number of studies but also in its expanding methodological role across diverse fields of Islamic legal inquiry. Rather than remaining confined to discussions within Uṣūl al-Fiqh, maqāṣid has increasingly been employed as an analytical framework for family law reform, public governance, environmental regulation, Islamic finance, labour law, disaster management, and other contemporary legal issues.⁵ Despite these diverse applications, the existing literature exhibits several common characteristics. Most studies remain predominantly normative and doctrinal, focusing on the conformity of legal rules with the objectives of the Shari‘ah, while paying comparatively little attention to how legal actors themselves understand, negotiate, and operationalize maqāṣid in contemporary legal development. Consequently, although the literature demonstrates the widening influence of maqāṣid, it provides only limited insight into how this intellectual development is perceived by those who actively shape Islamic legal discourse and institutions.

Ethics for Nurses: Malaysian Context,” *The Malaysian Journal of Qualitative Research* 8, no. Issue 1 (May 31, 2022): 5, <https://doi.org/10.61211/mjqr080101>.

⁴ U Chamdan, “Marriage Law Reform in Indonesia A Maqasid Al-Usrah Perspective on Legal Adaptation,” *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 631–49, <https://doi.org/10.29240/jhi.v10i2.12739>; Muhyar Fanani and Bambang Iswanto, “Critique on Salafibism and It’s Significance for Indonesian Islamic Moderation: Study on Khaled Abou EL-Fadhl’s Thought,” *Maṣāhib* 22, no. 2 (December 17, 2023): 351–98, <https://doi.org/10.21093/mj.v22i2.7046>; Ade Dedi Rohayana and Ali Muhtarom, “Islamic Jurisprudence Implementation in Indonesia: Perspective of the Objectives of Islamic Law,” *Global Jurist* 21, no. 2 (July 28, 2021): 403–15, <https://doi.org/10.1515/gj-2020-0078>; Andri Winjaya Laksana et al., “Integrating Maqasid Al-Shari’ah in Contemporary Islamic Legal Reform on Drug Policy,” *MILRev: Metro Islamic Law Review* 4, no. 1 (June 30, 2025): 416–39, <https://doi.org/10.32332/milrev.v4i1.10665>.

⁵ Chamdan, “Marriage Law Reform in Indonesia A Maqasid Al-Usrah Perspective on Legal Adaptation”; Muchamad Coirun Nizar, “The Religious Court’s Decisions on Divorce: A Maqāṣid Shari’a Perspective,” *Ulumuna* 24, no. 2 (January 19, 2021): 398–416, <https://doi.org/10.20414/ujis.v24i2.408>; Kutbuddin Aibak, “Implementation of Maqāṣid Shari’ah in Reform of Case Management of Violence against Women and Children,” *De Jure: Jurnal Hukum Dan Syari’ah* 15, no. 1 (July 13, 2023): 82–98, <https://doi.org/10.18860/j-fsh.v15i1.20666>; Ahmad Dwi Nuryanto and Abdul Kadir Jaelani, “The Role of State Official Wealth Report in Realizing the Principles of Maqashid Sharia,” *Legality: Jurnal Ilmiah Hukum* 32, no. 1 (April 1, 2024): 155–81, <https://doi.org/10.22219/ljih.v32i1.32879>; Asmuni Asmuni and Ulfa Jamilatul Farida, “Relocating the Capital City of Indonesia: A Maqāṣid-Based Critical Evaluation,” *Millah: Journal of Religious Studies*, August 31, 2024, 913–46, <https://doi.org/10.20885/millah.vol23.iss2.art13>; Solahuddin Al-Ayubi and Siti Halawatuddu’a, “MAQASID AL-SHARIA IN ISLAMIC FINANCE,” *Jurnal Al-Dustur* 4, no. 2 (December 1, 2021): 197–215, <https://doi.org/10.30863/jad.v4i2.1823>; Arpangi Arpangi et al., “Fairness in Contract Extension for Fixed-Term Employment: A Maqashid Syariah Perspective within Indonesia’s Labor Law Framework,” *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 1 (April 30, 2025): 297, <https://doi.org/10.29300/mzn.v12i1.7159>; N Nasrullah et al., “Reconstructing Mining Governance Through Maqasid Al-Sharia: Towards Natural Resource Management Public Welfare Oriented,” *Syariah: Jurnal Hukum Dan Pemikiran* 25, no. 1 (2025): 97–112, <https://doi.org/10.18592/sjhp.v25i1.18046>; Ahmad Arief et al., “Aligning Fiqh Disaster with Indonesia’s Management Disaster Policy: A Maqāṣid Methodology Review,” *Al-Manahij: Jurnal Kajian Hukum Islam*, June 14, 2025, 101–16, <https://doi.org/10.24090/mnh.v19i1.12872>.

Despite its expanding influence, the growing reliance on maqāṣid has also generated important methodological and institutional debates. A number of scholars argue that the increasingly broad invocation of maqāṣid risks producing what has been described as “maqāṣid inflation,” whereby almost any legal or policy position can be justified by appealing to higher objectives without sufficiently transparent methodological criteria.⁶ Other studies warn that the absence of clear operational standards may increase interpretive subjectivity, reduce legal certainty, and allow maqāṣid to function more as rhetorical justification than as a disciplined method of legal reasoning.⁷ Moreover, the operationalization of maqāṣid remains contested within contemporary Islamic legal thought, as scholars continue to debate its relationship with classical Uṣūl al-Fiqh, textual approaches (*bayānī*), purposive reasoning (*maqāṣidī*), and broader theories of legal reform.⁸ These debates suggest that the contemporary expansion of maqāṣid should not simply be understood as evidence of methodological progress, but rather as an ongoing process of intellectual negotiation whose institutional implications remain uncertain.

Taken together, these studies demonstrate that contemporary maqāṣid scholarship has made significant contributions to explaining the normative foundations and practical applications of Islamic legal reform. Nevertheless, the existing body of research remains concentrated on evaluating legal doctrines, legislative provisions, judicial reasoning, or policy outcomes rather than examining how the epistemic actors who formulate, interpret, and disseminate Islamic legal knowledge themselves perceive these developments.⁹ Consequently, although previous studies have successfully documented where and how maqāṣid has been applied, they provide only limited insight into how experts assess the extent of its contemporary expansion, how they interpret its methodological significance, and why their evaluations frequently differ from one

⁶ A S Baharuddin et al., “An Appraisal of Maqāṣid Al-Sharī’ah Classic and Recent Literature: Systematic Analysis,” *Library Philosophy and Practice* 2019 (2019), <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85100643530&partnerID=40&md5=484fe35f51b6bce7a312162176143a37>; Ameen Ahmed Abdullah Qasem Al-Nahari et al., “Common Conceptual Flaws in Realizing Maqāṣid Al-Sharī’ah Vis-à-Vis Islamic Finance,” *ISR/4 International Journal of Islamic Finance* 14, no. 2 (September 5, 2022): 190–205, <https://doi.org/10.1108/IJIF-12-2020-0259>.

⁷ Helmy, “From Islamic Modernism to Theorizing Authoritarianism”; Chamdan, “Marriage Law Reform in Indonesia A Maqasid Al-Usrah Perspective on Legal Adaptation”; Al-Nahari et al., “Common Conceptual Flaws in Realizing Maqāṣid Al-Sharī’ah Vis-à-Vis Islamic Finance.”

⁸ Takim, “Maqāṣid Al-Sharī’a in Contemporary Shī’ī Jurisprudence”; Fanani and Iswanto, “Critique on Salafibism and It’s Significance for Indonesian Islamic Moderation: Study on Khaled Abou El-Fadhl’s Thought”; Rohayana and Muhtarom, “Islamic Jurisprudence Implementation in Indonesia: Perspective of the Objectives of Islamic Law.”

⁹ Chamdan, “Marriage Law Reform in Indonesia A Maqasid Al-Usrah Perspective on Legal Adaptation”; Chamim Tohari, Hudzaifah Fawwaz, and Isma Swadjaja, “The Ijtihad Construction Of Islamic Law Based On The Maqāshid Al-Syarī’Ah Approach In The Indonesian Context,” *Prophetic Law Review* 4, no. 2 (December 1, 2022): 195–221, <https://doi.org/10.20885/PLR.vol4.iss2.art4>; Rohayana and Muhtarom, “Islamic Jurisprudence Implementation in Indonesia: Perspective of the Objectives of Islamic Law.”

another.¹⁰ This omission is important because disagreements among experts are not merely differences of personal opinion but may reflect deeper epistemic orientations regarding the relationship between classical Uṣūl al-Fiqh, maqāṣid-based reasoning, and contemporary legal development.¹¹ Accordingly, the present study seeks to complement the predominantly doctrinal literature by introducing an empirical perspective that explores how Islamic law academics and practitioners understand the contemporary development of maqāṣid before examining its broader institutional implications.

Examining expert perceptions is theoretically important because legal development is not shaped solely by statutory reform or institutional change but also by the ways in which legal actors interpret, negotiate, and legitimize new legal methodologies. Studies on legal change consistently show that the acceptance of new legal ideas depends not only on political and institutional processes but also on epistemic communities that construct, disseminate, and validate legal knowledge within academic and professional networks.¹² Within the field of Islamic law, academics, jurists, fatwa authorities, and other legal scholars function as epistemic authorities whose interpretations contribute to the diffusion, contestation, and institutional acceptance of legal methodologies such as maqāṣid.¹³ Accordingly, investigating expert perceptions does not seek to explain legal reform in its entirety. Rather, it provides empirical insight into one important dimension of legal development by revealing how key legal actors understand, evaluate, and negotiate the contemporary expansion of maqāṣid before such ideas are reflected in broader institutional processes.

Building upon these considerations, this study shifts the analytical focus from determining the objective extent of maqāṣid's development to examining how that development is understood by different epistemic authorities within Indonesian Islamic legal scholarship. Rather than treating expert opinion as evidence of institutional transformation, the study

¹⁰ Ahmad Rajafi, "The Contemporary Ushul Fiqh in Indonesia: An Idea and Practice," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (June 19, 2023): 19, <https://doi.org/10.30984/jis.v21i1.2260>; Nasruddin Yusuf et al., "Examining The Basis Of Maqashid Syariah In Renewal Of Islamic Law In Indonesia," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 1 (March 2, 2024), <https://doi.org/10.22373/petita.v9i1.258>.

¹¹ Takim, "Maqāṣid Al-Sharī'a in Contemporary Shī'ī Jurisprudence"; Fanani and Iswanto, "Critique on Salafibism and It's Significance for Indonesian Islamic Moderation: Study on Khaled Abou El-Fadhl's Thought."

¹² Spencer Headworth, "The Power of Second-Order Legal Consciousness: Authorities' Perceptions of 'Street Policy' and Welfare Fraud Enforcement," *Law & Society Review* 54, no. 2 (June 1, 2020): 320–53, <https://doi.org/10.1111/lasr.12470>; Victoria Lomaka et al., "The Role of Legal Regulation in the Formation and Maintenance of Legal Culture: Special Reference to Ukraine," *Pakistan Journal of Life and Social Sciences (PJLSS)* 22, no. 2 (2024), <https://doi.org/10.57239/PJLSS-2024-22.2.00352>.

¹³ Rajafi, "The Contemporary Ushul Fiqh in Indonesia: An Idea and Practice"; Fanani and Iswanto, "Critique on Salafibism and It's Significance for Indonesian Islamic Moderation: Study on Khaled Abou El-Fadhl's Thought"; Fuad Mustafid, Khoiruddin Nasution, and Ali Sodikin, "Positivization of the Council of Indonesian Ulama's Halal Fatwa: Policy and Position in Indonesian Legislation," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 1 (June 30, 2024): 155, <https://doi.org/10.31958/juris.v23i1.10859>.

compares the perceptions of Islamic law academics and practitioners regarding the extent of maqāṣid's contemporary development and explores the factors underlying similarities and differences in their assessments.¹⁴ By adopting this comparative empirical perspective, the study complements the predominantly doctrinal literature while avoiding broader claims about the actual success or failure of Islamic legal reform in Indonesia. Instead, it seeks to provide a more nuanced understanding of how different epistemic actors interpret the current trajectory of maqāṣid before drawing conclusions about its wider institutional implications. Unlike previous doctrinal studies, this study contributes a comparative empirical perspective by examining how different epistemic authorities perceive the contemporary expansion of maqāṣid and by using these perceptions to explain the relationship between epistemic development and institutional adoption.

In this study, the term epistemic–institutional gap is employed as an analytical construct to describe the discrepancy between the growing epistemic acceptance of maqāṣid among Islamic legal scholars and its comparatively limited incorporation into formal legal institutions and legislative practice. The concept does not assume that intellectual development automatically results in institutional transformation. Rather, it emphasizes that changes in legal thought and changes in legal institutions may proceed at different speeds and through different mechanisms.¹⁵ Unlike the broader notions of implementation gaps or knowledge–action gaps, the epistemic–institutional gap specifically focuses on the relationship between the production of Islamic legal knowledge and its institutional adoption within the processes of legislation and legal governance. By distinguishing these analytical levels, the concept enables the present study to examine expert perceptions as an epistemic phenomenon without making broader claims about the overall success or failure of legal reform in Indonesia.

Accordingly, the “development of maqāṣid al-sharī‘ah” referred to in this study should not be understood as a statistically verified increase in legislation or as direct evidence of successful Islamic legal reform. Rather, it refers to the expanding intellectual and methodological role of maqāṣid documented in previous scholarship, including its growing presence in academic publications, legal scholarship, fatwas, judicial reasoning, legislative argumentation, and public policy discussions concerning Islamic law in Indonesia.¹⁶ This study does not attempt to measure

¹⁴ Rajafi, “The Contemporary Ushul Fiqh in Indonesia: An Idea and Practice”; Yusuf et al., “Examining The Basis Of Maqashid Syariah In Renewal Of Islamic Law In Indonesia.”

¹⁵ Headworth, “The Power of Second-Order Legal Consciousness: Authorities’ Perceptions of ‘Street Policy’ and Welfare Fraud Enforcement”; Lomaka et al., “The Role of Legal Regulation in the Formation and Maintenance of Legal Culture: Special Reference to Ukraine.”

¹⁶ Rajafi, “The Contemporary Ushul Fiqh in Indonesia: An Idea and Practice”; Yusuf et al., “Examining The Basis Of Maqashid Syariah In Renewal Of Islamic Law In Indonesia”; Chamdan, “Marriage Law Reform in

the frequency or institutional effectiveness of these developments. Instead, it investigates how Islamic law academics and practitioners perceive this development, its significance, and its implications for contemporary Islamic legal development. Consequently, the primary object of inquiry is the epistemic dimension of legal change, while questions concerning legislative outcomes, judicial implementation, and broader institutional transformation remain beyond the scope of the present study.

Against this background, the present study seeks to provide an empirical understanding of how epistemic authorities perceive the contemporary expansion of *maqāṣid* in Indonesian Islamic legal discourse. Rather than evaluating the actual success of legal reform, the study focuses on how Islamic law academics and practitioners interpret the contemporary development of *maqāṣid* and how their professional and intellectual backgrounds shape these interpretations. Accordingly, this study addresses two research questions: (1) How do Islamic law academics and practitioners perceive the contemporary development of *maqāṣid* in Indonesian Islamic legal discourse, and in what respects do their perceptions converge and differ? (2) What factors shape these similarities and differences in perception? By addressing these questions, the study contributes a comparative empirical perspective that complements the predominantly doctrinal literature while providing a more nuanced understanding of the epistemic dimension of contemporary Islamic legal development.

Theoretically, this study contributes to the growing scholarship on Islamic legal reform by introducing a comparative empirical perspective on how expert perceptions illuminate the relationship between epistemic development and the institutional adoption of *maqāṣid*. Rather than proposing a new theory of legal transformation, the study offers the concept of the epistemic–institutional gap as an analytical construct for understanding why the expansion of *maqāṣid* within intellectual discourse may not necessarily be accompanied by corresponding institutional change. Practically, the findings provide insights for academics, Islamic legal scholars, and policymakers seeking to strengthen the methodological integration of *maqāṣid* into legal reasoning and public policy. By clarifying how different epistemic authorities perceive the contemporary development of *maqāṣid*, the study provides an empirical foundation for future research on the relationship between Islamic legal discourse and institutional transformation.

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B. Method

This study employed a qualitative exploratory design to investigate how Islamic law academics and practitioners perceive the contemporary development of maqāṣid in Indonesian Islamic legal discourse and the factors shaping these perceptions. Berger and Luckmann's theory of the social construction of knowledge served as the primary theoretical lens for interpreting how participants' understandings of maqāṣid were formed within their academic, professional, and institutional contexts. A purposive sampling strategy was adopted to recruit five participants, whose backgrounds collectively span maqāṣid studies, Islamic legal scholarship, fatwa formulation, and legal practice, enabling them to serve as epistemic authorities relevant to the objectives of this study. Participant recruitment ceased when additional interviews no longer generated substantially new analytical insights relevant to the research questions, indicating adequate analytical sufficiency for the exploratory aims of the study. Data were collected through face-to-face semi-structured interviews lasting approximately 45–60 minutes, using an interview guide covering four domains: participants' perceptions of the contemporary development of maqāṣid, the indicators through which such developments are recognized, the factors influencing these perceptions, and their implications for contemporary Islamic legal development. All interviews were audio-recorded with participants' consent, transcribed verbatim, and repeatedly reviewed to ensure familiarity with the data. Data were analysed using reflexive thematic analysis following Braun and Clarke,¹⁷ involving iterative familiarization with the transcripts, inductive coding, the development and refinement of themes through constant comparison across participants, and interpretive analysis to identify patterns of convergence and divergence in expert perceptions. Throughout the analysis, quotations were first coded inductively before being grouped into broader analytical categories, from which the three perception patterns and four interacting factors were developed through iterative comparison across participants. To enhance the trustworthiness of the findings, interpretations were continuously checked against the original interview transcripts, emerging themes were reviewed across participants to ensure analytical consistency, and divergent views were retained as part of the analysis rather than treated as exceptions.¹⁸ Because the study was designed to explore epistemic perceptions rather

¹⁷ Virginia Braun and Victoria Clarke, "Using Thematic Analysis in Psychology," *Qualitative Research in Psychology* 3, no. 2 (January 21, 2006): 77–101, <https://doi.org/10.1191/1478088706qp0630a>; Virginia Braun and Victoria Clarke, *Thematic Analysis: A Practical Guide* (University of the West of England, UK: SAGE Publications, 2021), https://saber.ucv.ve/ojs/index.php/rev_ps/article/view/27439.

¹⁸ J. Bleiker et al., "Navigating the Maze: Qualitative Research Methodologies and Their Philosophical Foundations," *Radiography* 25 (2019): 1–5, <https://doi.org/10.1016/j.radi.2019.06.008>; Nicola J. Petty, Oliver P. Thomson, and Graham Stew, "Ready for a Paradigm Shift? Part 2: Introducing Qualitative Research Methodologies and Methods," *Manual Therapy* 17, no. 5 (2012): 378–84, <https://doi.org/10.1016/j.math.2012.03.004>; Yvonna S

than institutional decision-making, institutional actors such as judges, legislators, and government policymakers were intentionally not included. Consequently, the findings should be understood as reflecting the perspectives of epistemic authorities and are not intended to represent the broader processes of legal reform or institutional implementation in Indonesia.

C. Results

The interview data revealed three distinct patterns of expert perceptions regarding the contemporary development of *maqāṣid* in Indonesian Islamic legal discourse. One group of participants perceived that *maqāṣid* has become increasingly influential in shaping contemporary Islamic legal reasoning and legislative discourse, which they interpreted as reflecting a significant methodological shift from predominantly textual approaches toward purposive legal interpretation. Another group acknowledged this development but considered its institutional adoption to remain partial and uneven across different areas of Islamic legal practice. A third group expressed a more cautious view, arguing that the apparent expansion of *maqāṣid* has occurred primarily at the level of academic and intellectual discourse rather than through substantive institutional transformation. Beyond these empirical patterns, the thematic analysis identified four interacting factors that shaped variations in expert perceptions, namely methodological orientation, professional engagement, academic literacy, and exposure to contemporary social issues. Together, these findings indicate substantial variation in how experts interpret the contemporary development of *maqāṣid* while simultaneously revealing a perceived epistemic–institutional gap between its growing acceptance within Islamic legal discourse and its institutional incorporation. These empirical findings provide the foundation for the comparative analysis of expert perceptions and the discussion of the epistemic–institutional gap presented in the following section.

D. Analysis and Discussion

1. Comparative Patterns of Expert Perceptions

The findings presented in the previous section indicate that expert perceptions regarding the contemporary development of *maqāṣid* in Indonesian Islamic legal discourse are far from homogeneous. Rather than revealing a simple dichotomy between support and opposition, the interview data indicate a spectrum of perspectives that differ in how participants assess both the

Lincoln and Egon G Guba, *Naturalistic Inquiry* (Thousand Oaks, CA: SAGE Publications, 1985), <https://archive.org/details/naturalisticinqu00linc/page/n5/mode/2up>.

extent of maqāṣid's contemporary expansion and its implications for Islamic legal development. These variations should not be understood merely as differences of individual opinion. Instead, they reflect distinct epistemic orientations through which participants interpret the relationship between classical Islamic legal methodology, contemporary legal challenges, and the institutional development of Islamic law. Consequently, understanding these patterns requires a comparative analysis that moves beyond describing divergent views to examining the intellectual assumptions underlying them.

The comparative analysis begins by considering the epistemic and professional backgrounds of the participants, since their scholarly training, institutional roles, and practical experience provide an important context for interpreting the diversity of perspectives identified in this study. As qualitative research seeks to understand how meaning is constructed within particular communities of knowledge rather than to establish statistical representation, the analytical value of participant characteristics lies in explaining variation in interpretation rather than in measuring prevalence. Table 1 therefore summarizes the participants' epistemic and professional profiles before the discussion proceeds to analyse the three principal patterns of expert perceptions identified through the thematic analysis.

Table 1. Epistemic and Professional Profiles of the Participants

Participant	Academic Background	Professional Role	Relevance to This Study
P1	Master's degree in Islamic Studies	Head of the Indonesian Ulema Council (MUI), Provincial Branch	Represents fatwa authority and institutional Islamic legal interpretation
P2	Informal Islamic boarding school education	Islamic boarding school teacher; Head of the NU Shura Council (Provincial Branch)	Represents traditional pesantren scholarship and Nahdlatul Ulama perspectives
P3	Professor of Islamic Law	Head of the Muhammadiyah Tarjih Council (Provincial Branch)	Represents academic scholarship and Muhammadiyah legal methodology
P4	Doctoral candidate (research on maqāṣid)	Lecturer at an Islamic boarding school and UIN	Represents emerging academic perspectives on contemporary maqāṣid studies
P5	Doctor of Islamic Law	Lecturer in <i>Uṣūl al-Fiqh</i> at UIN	Represents expertise in classical Islamic legal methodology

Note: Participants are anonymized using participant codes (P1–P5) to protect confidentiality while preserving information relevant to the interpretation of the findings.

a. Pattern 1: Perceiving Maqāṣid as a Substantive Methodological Transformation

The first pattern of perception identified through the thematic analysis reflects the view that the contemporary development of *maqāṣid* represents a substantive methodological transformation in contemporary Islamic legal thought rather than merely an increase in scholarly attention or rhetorical references. Participants expressing this perspective generally regarded *maqāṣid* as assuming a more central role in legal reasoning and in responding to contemporary societal challenges. Both P3 and P5 described *maqāṣid* as becoming increasingly important and occupying a central position in contemporary Islamic legal methodology. As P4 argued, “*the shift from Uṣūl al-Fiqh to maqāṣid is a necessity*,” emphasizing that contemporary legal development requires a stronger purposive orientation. Similarly, P3 maintained that “*without incorporating maqāṣid, Uṣūl al-Fiqh is no longer adequate to meet the needs of the present age*,” indicating that *maqāṣid* should function not merely as a supplementary consideration but as an essential methodological framework for contemporary Islamic legal reasoning.

The empirical pattern above suggests that, for this group of participants, the increasing prominence of *maqāṣid* should not be understood merely as a quantitative growth in publications or scholarly discussions. Rather, it reflects a qualitative transformation in the way contemporary Islamic legal reasoning is conceptualized. In this perspective, *maqāṣid* is increasingly regarded as an interpretive framework capable of addressing complex legal and social issues that cannot be adequately resolved through a predominantly textual application of *Uṣūl al-Fiqh* alone. This interpretation is broadly consistent with a growing body of scholarship that views *maqāṣid* as an evolving methodological framework¹⁹ for renewing Islamic legal reasoning²⁰ in response to contemporary challenges, while maintaining continuity with the classical tradition.²¹ At the same time, the present findings extend this literature by indicating that such methodological transformation is not merely discussed in academic

¹⁹ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought, 2008), <https://archive.org/details/maqasidalshariah0000auda>.

²⁰ Mohammad Hashim Kamali, “Maqasid Al-Shari’ah and Ijtihad as Instruments of Civilisational Renewal: A Methodological Perspective,” *ICR Journal* 2, no. 2 (January 15, 2011): 245–71, <https://doi.org/10.52282/icr.v2i2.647>.

²¹ Wael B Hallaq, “Crises of Modernity: Toward a New Theory of Law?,” in *A History of Islamic Legal Theories: An Introduction to Sunni Usul Al-Fiqh*, ed. Wael B Hallaq (Cambridge: Cambridge University Press, 1997), 207–54, <https://doi.org/10.1017/CBO9780511801266.007>.

writings but is also perceived by Indonesian Islamic law experts as an emerging methodological reality whose institutional consequences remain subject to debate.

From a theoretical perspective, this pattern may be understood as reflecting an emerging methodological reorientation rather than a complete replacement of the classical tradition. In Kuhnian terms, the growing prominence of *maqāṣid* may be interpreted as an indication of a gradual paradigm shift in which existing legal methodologies are increasingly reconsidered in light of new intellectual and societal challenges, although the transition remains incomplete and contested.²² Rather than abandoning *Uṣūl al-Fiqh*, participants supporting this perspective viewed *maqāṣid* as expanding the methodological resources available for contemporary Islamic legal reasoning. This finding also resonates with Berger and Luckmann's conception of the social construction of knowledge, in which changes in intellectual frameworks emerge through processes of reinterpretation and social legitimation rather than through abrupt epistemic rupture.²³ Accordingly, the findings suggest that the contemporary development of *maqāṣid* is perceived by some Indonesian Islamic law experts as signalling an evolving methodological orientation that seeks to preserve continuity with classical legal tradition while enhancing its capacity to respond to contemporary legal realities. This interpretation provides the basis for examining the second pattern, in which participants acknowledged the development of *maqāṣid* but questioned the extent of its institutional realization.

Taken together, this pattern indicates that a number of Indonesian Islamic law experts perceive the contemporary development of *maqāṣid* as representing a substantive methodological transformation rather than a temporary intellectual trend. Nevertheless, this optimism primarily concerns developments at the epistemic level and does not necessarily imply that comparable changes have occurred within legal institutions or practice. This distinction becomes more evident in the second pattern of perception, which acknowledges the expansion of *maqāṣid* while questioning the extent of its institutional realization.

b. Pattern 2: Perceiving Partial and Uneven Institutional Development

While the first pattern emphasizes a substantive methodological transformation in the contemporary development of *maqāṣid*, a second pattern presents a more cautious assessment of its institutional development. Participants expressing this perspective

²² T S Kuhn, *The Structure of Scientific Revolutions* (Chicago, IL: University of Chicago, 2012), <https://doi.org/10.7208/chicago/9780226458144.001.0001>.

²³ Peter L Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*, [1st ed.] (London, England: Doubleday, 1966), <https://archive.org/details/socialconstructi0000berger>.

acknowledged that maqāṣid has gained greater recognition within contemporary Islamic legal discourse, yet argued that its incorporation into institutional practices remains partial and uneven. Rather than questioning the value of maqāṣid, they emphasized that its practical acceptance varies across legal institutions, scholarly communities, and educational settings. For example, P2 argued that maqāṣid *"still needs to play a greater role in order to gain wider acceptance,"* suggesting that its institutional legitimacy has not yet been fully consolidated. Similarly, P2 maintained that there has been *"no fundamental shift from Uṣūl al-Fiqh to maqāṣid,"* because Uṣūl al-Fiqh continues to function as the principal methodological foundation of Islamic legal reasoning. This cautious perspective was reinforced by P5, who argued that although maqāṣid has become increasingly recognized, many scholars remain largely confined to textual approaches, limiting its broader institutional adoption.

The pattern above suggests that the participants did not reject the growing importance of maqāṣid itself; rather, they questioned the extent to which its methodological development has been translated into institutional practice. Their responses indicate that the expansion of maqāṣid is perceived as uneven across different domains of Islamic legal life, including legal education, fatwa production, legislative deliberation, and scholarly communities. This interpretation is reinforced by P4, who observed that although maqāṣid has developed significantly in many parts of the Muslim world, its development in Indonesia has been comparatively slower. Likewise, P5 maintained that maqāṣid should complement rather than replace Uṣūl al-Fiqh, reflecting a preference for methodological integration instead of substitution. These findings are broadly consistent with previous studies suggesting that, despite the growing prominence of maqāṣid in contemporary Islamic legal scholarship, its institutional incorporation remains uneven because legal change depends not only on methodological innovation but also on educational traditions, institutional authority, and professional legal cultures.²⁴ Accordingly, the present study extends this literature by indicating that Indonesian experts generally acknowledge the methodological development of maqāṣid, while differing primarily in their assessment of how far that development has been institutionalized.

From a theoretical perspective, this pattern suggests that the diffusion of maqāṣid into institutional legal practice does not necessarily proceed at the same pace as its epistemic development. Niklas Luhmann's systems theory provides a useful lens for interpreting this

²⁴ M N Alias et al., "The Position of Maqasid Al-Shariah within Islamic Legal Sources: A Comprehensive Analysis," *Samarah* 9, no. 2 (2025): 937–64, <https://doi.org/10.22373/q4byre51>.

finding by explaining that legal institutions operate according to their own organizational logic and therefore tend to incorporate intellectual innovations gradually rather than immediately.²⁵ Consequently, the growing acceptance of maqāṣid within academic discourse should not automatically be expected to produce equivalent changes in legal institutions, educational curricula, or formal mechanisms of Islamic legal decision-making. This interpretation is further supported by Roscoe Pound's conception of law as a social institution, which emphasizes that legal development depends upon the interaction between legal ideas, institutional structures, and broader social conditions rather than upon doctrinal innovation alone.²⁶ Taken together, this pattern indicates that methodological innovation and institutional transformation are related but analytically distinct processes. This distinction provides an important foundation for understanding why different experts acknowledge the growing significance of maqāṣid while simultaneously expressing reservations about the degree to which epistemic developments have been translated into institutional practice.

c. Pattern 3: Perceiving the Expansion of Maqāṣid as Primarily Discursive

A *third* pattern of perception identified through the thematic analysis adopts a more cautious assessment of the contemporary development of maqāṣid by arguing that its discursive expansion has occurred predominantly at the level of academic discourse rather than through substantive institutional transformation. Participants expressing this perspective did not deny the growing visibility of maqāṣid in contemporary Islamic legal scholarship; instead, they questioned whether this intellectual development had been accompanied by comparable changes in legal practice, institutional decision-making, or authoritative legal reasoning. As P1 observed, the use of maqāṣid in fatwas remains “*very limited*,” leading him to suggest that its apparent expansion was “*perhaps confined to academic literature*.” Similarly, P2 argued that the perceived growth of maqāṣid may partly reflect its increasing popularity in public and academic discussions rather than a fundamental transformation of Islamic legal methodology. This cautious position was further reinforced by P5, who noted that although publications on maqāṣid continue to increase, much of this development remains concentrated on descriptive and historical discussions, while its methodological and institutional advancement is still relatively limited.

²⁵ N Luhmann, E King-Utz, and M Albrow, *A Sociological Theory of Law, Second Edition*, 2013, <https://doi.org/10.4324/9780203796764>.

²⁶ Roscoe Pound and Marshall L. DeRosa, *An Introduction to the Philosophy of Law* (Routledge, 2017), <https://doi.org/10.4324/9781351288880>.

The empirical pattern above indicates that the participants' reservations were directed not at the normative value of maqāṣid, but at the extent to which its expanding discourse has generated coherent methodological and institutional developments. This concern is reflected in P3's observation that maqāṣid scholarship has yet to produce sufficiently standardized methodological references capable of guiding consistent legal reasoning. Similarly, P1 questioned whether the apparent expansion of maqāṣid had extended beyond academic publications into authoritative legal practice, thereby highlighting a perceived disconnect between scholarly discourse and institutional application. These findings resonate with a growing body of scholarship cautioning that the expanding use of maqāṣid may generate methodological ambiguity when clear interpretive standards are lacking, potentially resulting in inconsistent legal reasoning and subjective applications.²⁷ At the same time, the present findings suggest that such concerns should not be interpreted as rejecting maqāṣid itself; rather, they reflect an expectation that its growing prominence should be accompanied by greater methodological coherence and broader institutional implementation.

From a theoretical perspective, this pattern suggests that the discursive expansion of maqāṣid may first occur within the epistemic sphere before producing observable institutional consequences. Berger and Luckmann's theory of the social construction of knowledge offers a useful framework for understanding this process by explaining how new interpretive orientations gradually gain legitimacy through academic discourse, scholarly interaction, and intellectual reproduction before becoming institutionalized.²⁸ At the same time, Luhmann's systems theory helps explain why the diffusion of these epistemic developments into legal institutions tends to proceed more slowly, as institutional change is mediated by organizational structures, legal procedures, and established professional practices rather than by intellectual innovation alone.²⁹ Taken together, this pattern indicates that participants' cautious assessments should not be interpreted as denying the importance of maqāṣid, but rather as distinguishing between the rapid expansion of scholarly discourse and the

²⁷ Felicitas Opwis, "New Trends in Islamic Legal Theory: Maqāṣid Al-Sharī'a as a New Source of Law?," *Die Welt Des Islams* 57, no. 1 (March 29, 2017): 7–32, <https://doi.org/10.1163/15700607-00571p03>; Hallaq, "Crises of Modernity: Toward a New Theory of Law?"; Ahmad Al-Raysūnī, "Conclusion: Horizons for Further Research into Maqāṣid Al-Sharī'ah," in *Imam Al-Shaṭībī's Theory of the Higher Objectives and Intents of Islamic Law* (London–Washington: International Institute of Islamic Thought, 2013), 363–66, <https://doi.org/10.2307/j.ctvkjb1w9.10>; Mohammad Hashim Kamali, "Approaches to Maqāṣid: Reductionism, Expansionism and Moderation (Tafrīt, Ifrāt, I'tidāl)," in *Actualization (Taḥqīq) of the Higher Purposes (Maqāṣid) of Shari'ah* (Herndon: International Institute of Islamic Thought, 2020), 6–9, <https://www.jstor.org/stable/j.ctv19pr6v.6>; Alias et al., "The Position of Maqasid Al-Shariah within Islamic Legal Sources: A Comprehensive Analysis."

²⁸ Berger and Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*.

²⁹ Luhmann, *A Sociological Theory of Law*.

comparatively slower process of institutional incorporation. This distinction provides an analytical bridge to the comparative synthesis presented below, where the three perception patterns are interpreted as representing different assessments of the relationship between epistemic development and institutional transformation.

d. Comparative Synthesis

Although the three patterns of perception differ in their assessment of the contemporary development of *maqāṣid*, they share a common point of departure. None of the participants rejected the growing importance of *maqāṣid* in contemporary Islamic legal thought. Instead, all acknowledged that *maqāṣid* has acquired greater visibility within Indonesian Islamic legal discourse, albeit with different evaluations regarding the scope and significance of that development. The principal difference among the participants therefore lies not in whether *maqāṣid* is becoming more influential, but in how they interpret the relationship between its epistemic development and its institutional realization. This shared recognition suggests that the debate has shifted from whether *maqāṣid* matters to the more fundamental question of the extent to which its methodological development has been translated into legal institutions, professional practice, and authoritative Islamic legal reasoning. In this respect, the three perception patterns should be understood as representing different positions along a continuum of expert perceptions concerning the relationship between epistemic development and institutional transformation.

The principal distinction among the three patterns lies in how participants assessed the relationship between epistemic development and institutional transformation. Participants represented in the first pattern interpreted the contemporary development of *maqāṣid* as evidence of a substantive methodological transformation capable of reshaping contemporary Islamic legal reasoning. Those represented in the second pattern accepted this methodological development but argued that its institutional incorporation remained uneven across educational institutions, legal practice, and authoritative Islamic legal bodies. In contrast, participants represented in the third pattern regarded the current expansion of *maqāṣid* as being concentrated primarily within academic discourse, questioning whether its growing visibility had yet produced comparable methodological coherence or institutional change. These differences therefore reflect not competing evaluations of the importance of *maqāṣid*, but different assessments of the extent to which epistemic developments have been translated into institutional practice. These contrasting assessments provide the analytical foundation for

examining the factors that shape expert perceptions, which are discussed in the following section.

2. Factors Shaping Expert Perceptions

The comparative analysis above indicates that the differences among the three perception patterns cannot be explained solely by divergent normative positions regarding maqāṣid. Rather, the interview data indicate that these variations are associated with several interacting factors influencing how experts interpret the contemporary development of maqāṣid. Through iterative thematic analysis, four interrelated factors were identified: methodological orientation, professional engagement, academic literacy, and exposure to contemporary social issues. These factors do not operate independently but interact in shaping experts' assessments of the relationship between epistemic development and institutional transformation. The following discussion examines each factor in turn before presenting an integrated interpretation of their combined influence.

a. Factor 1: Methodological Orientation

The first factor shaping expert perceptions concerns methodological orientation, particularly the extent to which participants viewed maqāṣid as an autonomous methodological framework or as an integral component of classical Uṣūl al-Fiqh. The interview data suggest that differences in methodological orientation substantially influenced how participants interpreted the contemporary development of maqāṣid. Participants who regarded maqāṣid as a distinct methodological framework generally perceived its recent development as representing a significant transformation in Islamic legal reasoning. For example, P4 argued that *"the shift from Uṣūl al-Fiqh to maqāṣid is a necessity,"* reflecting a strong commitment to a purposive methodological approach. Likewise, P3 maintained that *"without incorporating maqāṣid, Uṣūl al-Fiqh is no longer adequate to meet the needs of the present age,"* indicating that methodological renewal requires expanding beyond predominantly textual modes of legal reasoning. By contrast, P5 argued that maqāṣid should complement rather than replace Uṣūl al-Fiqh, suggesting that contemporary methodological development is better understood as integration than substitution.

The findings indicate that methodological orientation functions as an interpretive lens through which experts evaluate the contemporary development of maqāṣid. Participants who conceptualized maqāṣid as an independent or increasingly autonomous methodological framework tended to perceive its expansion as evidence of a substantive transformation in

Islamic legal reasoning. Conversely, those who regarded maqāṣid as remaining conceptually embedded within classical Uṣūl al-Fiqh were more likely to interpret recent developments as evolutionary rather than paradigmatic. This distinction is broadly consistent with contemporary scholarship emphasizing that debates surrounding maqāṣid increasingly concern not its normative legitimacy, but its methodological status within Islamic legal theory.³⁰ Rather than demonstrating disagreement over the importance of maqāṣid, the present findings suggest that different methodological orientations shape how experts assess the pace, scope, and significance of its development. Consequently, methodological orientation emerges as an important interpretive framework through which participants understand the relationship between maqāṣid, Uṣūl al-Fiqh, and contemporary Islamic legal reform.

b. Factor 2: Professional Engagement

The second factor shaping expert perceptions concerns professional engagement, particularly the extent to which participants were actively involved in Islamic legal education, legal practice, policy development, fatwa institutions, or other forms of institutional decision-making. The interview data indicate that participants with broader professional engagement tended to evaluate the development of maqāṣid not only in terms of its intellectual significance but also in terms of its practical application within legal institutions. This perspective is illustrated by P1, who questioned whether the apparent expansion of maqāṣid had extended beyond academic publications into fatwas and other forms of authoritative legal practice, arguing that its practical use remained limited despite its growing scholarly visibility. Likewise, P2 emphasized that although maqāṣid has become increasingly recognized, it still requires broader acceptance before it can play a more substantial role in institutional legal reasoning. In contrast to participants whose assessments were primarily informed by methodological considerations, these responses suggest that broader professional engagement was associated with a greater emphasis on observable institutional practices and legal outcomes rather than on intellectual developments alone.

The findings suggest that professional engagement shapes expert perceptions by broadening participants' exposure to the institutional realities within which Islamic law is

³⁰ Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*; Mohammad Hashim Kamali, *Maqasid Al-Shariah Made Simple* (International Institute of Islamic Thought, 2008), <https://doi.org/10.2307/j.ctvkc67vz>; Christopher Melchert, "A History of Islamic Legal Theories: An Introduction to Sunnī Uṣūl Al-Fiqh, Written by Wael B. Hallaq," *Journal of Near Eastern Studies* 62, no. 3 (July 2003): 220–22, <https://doi.org/10.1086/380334>; Ahmad Kazemi-Moussavi, "A History of Islamic Legal Theories: An Introduction to Islamic Law, Written by Wael B. Hallaq," *Iranian Studies* 48, no. 3 (2015): 507–11, <https://doi.org/10.1080/00210862.2014.1000627>.

interpreted and applied. Participants who were actively engaged in legal education, fatwa institutions, policy-related activities, or other forms of professional practice tended to assess the development of maqāṣid through its observable institutional consequences rather than through intellectual developments alone. This indicates that perceptions of methodological transformation are mediated by the professional contexts in which experts operate. Such findings are consistent with Pierre Bourdieu's concepts of field, habitus, and capital, which suggest that actors occupying different positions within a professional field develop distinct dispositions and evaluative frameworks according to their accumulated experiences and forms of expertise.³¹ In the context of this study, professional engagement functions not merely as occupational experience but as embeddedness within the institutional field of Islamic law, shaping how experts evaluate the relationship between epistemic developments and institutional change. Consequently, differences in perception appear to reflect not only divergent methodological preferences but also different modes of engagement with the institutions through which Islamic legal knowledge is produced, interpreted, and implemented.

c. Factor 3: Academic Literacy

The third factor shaping expert perceptions concerns academic literacy, particularly participants' engagement with classical and contemporary scholarship on maqāṣid al-sharīʿah and Islamic legal theory. The interview data indicate that participants with broader exposure to diverse scholarly traditions tended to adopt more differentiated assessments of the development of maqāṣid. For example, P5 emphasized that "*maqāṣid should not replace Uṣūl al-Fiqh but should strengthen and complement it*," reflecting an understanding grounded in the continuity of the Islamic legal tradition rather than in a dichotomous relationship between the two approaches. Likewise, P3 observed that "*without maqāṣid, Uṣūl al-Fiqh is no longer sufficient to address contemporary realities*," indicating familiarity with recent methodological debates seeking to expand the scope of Islamic legal reasoning. Together, these responses suggest that participants with broader academic literacy interpreted the contemporary development of maqāṣid through a wider intellectual horizon, enabling more nuanced evaluations of both its achievements and its continuing methodological challenges.

The findings further suggest that academic literacy functions not merely as familiarity with scholarly literature but as the capacity to critically engage with multiple intellectual

³¹ Pierre Bourdieu, *Outline of a Theory of Practice*, Cambridge Studies in Social Anthropology; 16 (Cambridge, England: Cambridge University Press, 1977), <http://www.loc.gov/catdir/description/cam022/76011073.html>; Sheena Jain, "Review Essay: Pierre Bourdieu, The Logic of Practice," *Society and Culture in South Asia* 1, no. 1 (January 1, 2015): 75–81, <https://doi.org/10.1177/2393861714556427>.

traditions within Islamic legal thought. Participants who demonstrated broader engagement with both classical and contemporary scholarship tended to evaluate the development of maqāṣid in a more differentiated manner, acknowledging its growing epistemic significance while remaining attentive to its methodological continuity and institutional limitations. This observation resonates with studies emphasizing that contemporary debates on maqāṣid increasingly require scholars to integrate classical legal theory with emerging approaches to Islamic legal reform.³² From the perspective of Berger and Luckmann, such differences may be understood as reflecting distinct processes of knowledge construction, whereby sustained engagement with diverse bodies of scholarship shapes how individuals interpret and legitimate new legal ideas. In this sense, academic literacy contributes not only to the acquisition of knowledge but also to the formation of interpretive frameworks through which experts assess the relationship between the epistemic development of maqāṣid and its institutional realization.

d. Factor 4: Exposure to Contemporary Social Issues

The fourth factor shaping expert perceptions concerns exposure to contemporary social issues. The interview data indicate that participants who framed Islamic legal reasoning in relation to changing social conditions tended to evaluate the development of maqāṣid al-sharī‘ah primarily through its capacity to respond to emerging legal and societal challenges. Rather than viewing maqāṣid solely as a theoretical development within Islamic legal thought, these participants emphasized its relevance for addressing the complexities of contemporary life and the evolving needs of society. For example, P3 stressed that *“the growing use of maqāṣid responds to contemporary social realities, including globalization, technological change, and shifting moral values, which require Islamic law to move beyond internal epistemological debates toward more substantive legal reasoning.”* Likewise, P5 observed that *“the growing prominence of maqāṣid reflects its capacity to address contemporary legal and social challenges, making Islamic law more responsive to the complexities of modern life.”* Together, these responses suggest that participants who emphasized contemporary social realities tended to evaluate the development of maqāṣid in terms of its practical responsiveness to changing legal and societal contexts rather than solely through its epistemic development.

³² Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*; Kamali, *Maqasid Al-Shariah Made Simple*; Kazemi-Moussavi, “A History of Islamic Legal Theories: An Introduction to Islamic Law, Written by Wael B. Hallaq”; Wael B Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Uṣūl Al-Fiqh* (Cambridge, England: Cambridge University Press, 1997), <http://catdir.loc.gov/catdir/toc/cam021/96045194.html>.

The findings suggest that exposure to contemporary social issues functions as an important interpretive context through which experts evaluate the development of maqāṣid al-sharī‘ah. Participants who emphasized changing social realities tended to regard maqāṣid as increasingly relevant because of its capacity to facilitate adaptive and context-sensitive Islamic legal reasoning. This observation is consistent with contemporary scholarship arguing that maqāṣid has gained renewed prominence as Muslim scholars seek to address complex social, economic, technological, and ethical challenges through objectives-oriented legal reasoning.³³ This finding also resonates with Roscoe Pound's conception of law as a mechanism of social adaptation,³⁴ which views legal development as closely related to the changing needs and interests of society. Although developed within a different legal tradition, Pound's perspective provides a useful analytical lens for understanding why participants evaluated the development of maqāṣid not merely in epistemic terms but also as a response to evolving social realities. In this sense, exposure to contemporary social issues functions as a contextual lens through which experts evaluate the significance of maqāṣid, shifting attention from its epistemic development alone toward its practical relevance for addressing contemporary societal challenges.

3. Integrated Interpretation: Interacting Factors Shaping Expert Perceptions

Taken together, the findings indicate that expert perceptions of the development of maqāṣid al-sharī‘ah cannot be adequately explained by any single factor in isolation. Rather, they emerge from the interaction of methodological orientation, professional engagement, academic literacy, and exposure to contemporary social issues. These factors do not operate independently; instead, they interact to form experts' evaluative frameworks. For example, methodological orientation influences how experts interpret legal reasoning, while professional engagement situates those interpretations within particular institutional contexts. Academic literacy broadens the intellectual resources available for evaluating maqāṣid, whereas exposure to contemporary social issues provides the practical context in which its relevance is assessed. Consequently, differences in expert perceptions appear to reflect variations in the combination and relative influence of these interacting factors rather than the dominance of any single dimension.

³³ Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*; Kamali, *Maqasid Al-Shariah Made Simple*.

³⁴ Aleksander Olaf Szpojankowski, “Law as a Social Engineering Tool in the Legal Philosophy of Roscoe Pound [Pr Awo Jako Narzędzie Inżynierii Społecznej w Filozofii Prawa Roscoe Pounda],” *Archivum Filozofii Prawa i Filozofii Społecznej*, March 15, 2019, 94–107, <https://doi.org/10.36280/AFPiFS.2019.1.94>.

This integrated interpretation contributes to the growing scholarship on *maqāṣid al-sharīʿah* by suggesting that expert perceptions of its development are shaped not by a single epistemic, professional, or social determinant, but by the interaction of multiple dimensions. Rather than viewing differences in perception as merely reflecting agreement or disagreement over the status of *maqāṣid*, the findings suggest that such differences arise from distinct configurations of methodological orientation, professional engagement, academic literacy, and exposure to contemporary social issues. This perspective offers a more comprehensive understanding of why experts may reach different evaluations despite sharing similar disciplinary backgrounds and commitments to Islamic legal scholarship. Accordingly, the development of *maqāṣid al-sharīʿah* may be understood not only as an intellectual evolution within Islamic legal thought but also as a socially and professionally situated process of interpretation shaped by multiple interacting contexts.

4. The Epistemic–Institutional Gap in Indonesian Islamic Legal Development

The integrated findings of this study point to an apparent epistemic–institutional gap in the contemporary development of *maqāṣid* within Indonesian Islamic law. While participants perceived growing scholarly interest in *maqāṣid al-sharīʿah*, they also considered that this epistemic development had not been accompanied by a comparable level of institutional incorporation into legal reasoning, fatwa formulation, judicial practice, or public policy. Rather than reflecting a rejection of *maqāṣid*, this gap appears to represent a divergence between its expanding intellectual acceptance and its relatively limited incorporation into institutional legal practices. As a result, the development of *maqāṣid* in Indonesia may be understood as progressing more rapidly at the level of academic discourse than at the level of legal institutionalization.

Within the context of this study, the epistemic–institutional gap refers to the imbalance between the expanding body of scholarly knowledge on *maqāṣid al-sharīʿah* and its comparatively limited institutional integration into Islamic legal reasoning and practice in Indonesia. The findings indicate that this imbalance should not be interpreted as a lack of scholarly interest or theoretical maturity. Instead, it appears to reflect the complexity of translating an evolving epistemic framework into established institutional structures, legal methodologies, and decision-making processes. This interpretation is consistent with contemporary scholarship arguing that the growing prominence of *maqāṣid* represents not merely an expansion of legal theory but also an ongoing effort to strengthen its practical role in

responding to contemporary legal and societal challenges.³⁵ Accordingly, the findings suggest that the further development of maqāṣid in Indonesia may require both continued epistemic advancement and broader institutional incorporation into legal education, fatwa formulation, judicial reasoning, and public policy.

More broadly, the findings suggest that the future development of maqāṣid al-sharī'ah in Indonesia should not be understood solely in terms of increasing academic publications or expanding theoretical discourse. Its long-term significance is likely to depend on the extent to which epistemic developments are translated into institutional practices capable of informing legal reasoning, fatwa formulation, judicial decision-making, legal education, and public policy. In this respect, the epistemic–institutional gap identified in this study should be viewed not merely as a challenge but as an important opportunity for strengthening the relationship between Islamic legal scholarship and institutional legal practice. This perspective highlights the need for a more integrated approach to the development of maqāṣid, in which intellectual innovation and institutional implementation evolve in a complementary and mutually reinforcing manner.

E. Conclusion

This study examined how Islamic law academics and practitioners perceive the contemporary development of maqāṣid al-sharī'ah in Indonesia and the factors shaping similarities and differences in their perceptions. The findings indicate that the development of maqāṣid was perceived in three ways: as a substantive methodological transformation, as a development whose institutional incorporation remains partial and uneven, or as an expansion concentrated primarily in academic discourse. These differing assessments were associated with four interacting factors—methodological orientation, professional engagement, academic literacy, and exposure to contemporary social issues—which shaped how participants interpreted the extent, significance, and institutional implications of the development of maqāṣid.

Beyond identifying these patterns and factors, the study suggests that expert perceptions are best understood as emerging from distinct configurations of their interaction rather than from isolated influences. This integrated perspective contributes to existing scholarship by suggesting that differences in scholarly evaluation reflect not only divergent legal interpretations but also differences in epistemic, professional, academic, and social positioning. It also provides the conceptual basis for understanding the epistemic–institutional gap as an imbalance between

³⁵ Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*; Kamali, *Maqasid Al-Shariah Made Simple*.

the expanding intellectual acceptance of maqāṣid and its comparatively limited institutional incorporation.

The findings further suggest that the continued development of maqāṣid al-sharī'ah in Indonesia may depend not only on expanding scholarly discourse but also on strengthening its institutional incorporation into legal education, fatwa formulation, judicial reasoning, and public policy. The epistemic–institutional gap identified in this study indicates that advances in Islamic legal thought do not automatically translate into institutional practice. Greater integration between intellectual development and legal institutions therefore represents an important direction for the future development of maqāṣid within Indonesian Islamic law.

This study is subject to several limitations. Because the study draws on qualitative interviews with five purposively selected epistemic authorities, the findings support analytical rather than statistical generalization. Future research could examine the epistemic–institutional relationship through larger comparative studies involving Islamic higher education, fatwa organizations, religious courts, and policy-making bodies. Such studies would contribute to a broader understanding of whether and how the growing scholarship on maqāṣid al-sharī'ah is translated into institutional legal practice across different contexts.

F. Conflict of Interest Statement

The authors declare that there is no conflict of interest in the authorship or publication of this article.

G. Acknowledgements

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