2026 ANNUAL INTERNATIONAL INTERDISCIPLINARY CONFERENCE AND RESEARCH EXPO (AIICARE)
Vol.3, No.1, 2026: December: 35-62

The Construction of Humanist Fiqh: Reconstruction of Islamic Law Based on *Maqasid Al-Shari'ah* in Humanizing Human Beings

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Submission Track:
Received: 30-09-2026, Final Revision: 24-11-2026, Available Online: 01-12-2026
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ABSTRACT
The development of contemporary society presents challenges for Islamic law, especially in understanding and applying fiqh as it relates to justice, equality, human dignity, and human rights. Rigid and uncontextual interpretation of fiqh has the potential to give birth to discriminatory practices and ignore human values in Islam. This research aims to examine the construction of humanist jurisprudence and to formulate a model for the reconstruction of Islamic law based on *maqasid al-shari'ah*. The research employs a literature-based qualitative approach, using descriptive-qualitative analysis of Islamic legal literature, *maqasid al-shari'ah*, human rights, and contemporary Islamic legal thought. The results of the study show that *maqasid al-shari'ah* is the primary normative foundation for the construction of humanist jurisprudence, while human rights serve as an evaluative perspective that complements legal analysis. The thoughts of Muhammad Shahrur and Khaled Abou El Fadl strengthen contextual approaches and responsible legal interpretation. This research offers a model of humanist fiqh reconstruction based on four principles: benefit orientation, protection of human dignity and rights, contextual interpretation, and case-based legal reasoning. The four principles are applied through five stages: problem identification, context analysis, normative evaluation, legal reconstruction, and consequence

assessment. This model is expected to strengthen the development of Islamic law that is fair, humanist, and responsive to contemporary problems.
Keywords: Humanist Fiqh; *Maqasid al-Shari'ah*; Islamic Law; Human Rights; Human Dignity.

INTRODUCTION

Various problems of violence and discrimination in people's lives are often related to religious understanding and practices that do not prioritize human values. A number of acts of violence are even carried out in the name of religion (Mubarak, 2015, p. 77), such as the case of a suicide bombing at a church in Surabaya in 2018 (Tamawiwy, 2019). Various acts of radicalism in the name of religion in the Islamic world have also given rise to the perception that Islam justifies the use of violence in resolving problems (Abdillah, 2017, p. 281). Violence does not only occur in public spaces, but also in domestic or family environments (Purna Nisa, 2021). In fact, Islam is essentially a religion that upholds peace, compassion, and the benefit of the whole world (*rahmatan li al-'alamin*), and has the principle of universal applicability (*shalih li kulli zaman wa makan*) (Musyafa'ah, 2010, p. 133; Pajarianto et al., 2022; Thaib, 2020; Yuwono, 2018). Therefore, a humanist understanding of religion is needed to overcome various forms of domination, discrimination, and injustice, including those related to gender issues and religious differences (Fathina, 2010, p. 61).

One of the issues that needs attention is fiqh products, which, in their understanding and application, can give birth to discriminatory attitudes, intolerance, and lack of responsiveness to changes in social reality. This condition can occur when fiqh products are understood rigidly (*jumud*), without considering the historical, social, and cultural contexts surrounding them. As a result, fiqh, which is dynamic and the product of human thought and interpretation of Islamic legal sources, can be treated as a fixed, undevelopable provision. Such an understanding has the potential to give birth to fanaticism, hegemony, and religious practices that are contrary to the principles of justice and humanity (Abdurrahman, 2022;

Musyafa'ah, 2008). Therefore, the renewal of fiqh is needed so that Islamic law can continue to respond to changing human needs without losing its normative foundation (Ali, 2022, p. 207).

In the Indonesian context, the development of Islamic law has a long history and dynamics along with social, cultural, and societal changes (Afridawati, 2021, p. 35). Law cannot be separated from the realities of human life because changes in social conditions can affect the relevance and application of a legal provision. Therefore, legal reform is a necessity to answer contemporary problems that are increasingly complex (M. N. Hadi, 2023, p. 142). This also applies in the development of jurisprudence. Contemporary ijtihad is needed to formulate an understanding of Islamic law that is able to answer the problems of gender equality, human rights (HAM), scientific and technological developments, and socio-cultural changes in society (Arrasyid et al., 2023, p. 24; Musyafa'ah, 2018, p. 106; Ridwan, 2020, p. 111). Thus, fiqh needs to be developed through a contextual, inclusive, and human-oriented approach.

A number of Muslim thinkers have made important contributions to the development of Islamic legal thought that is more humanist and contextual. Yusuf al-Qaradawi, through the concepts of *fiqh al-aqalliyat* and *fiqh al-awlawiyat*, emphasizes the importance of considering social context and the scale of priorities in determining the law (Al-Qaradhawi, 1996, 2001). Muhammad Shahrur developed the Theory of Boundaries (*Nazariyyat al-Hudud*), which provides space for flexibility in understanding the provisions of Islamic law (Syahrur, 2000). Meanwhile, Khaled Abou El Fadl offers Islamic legal thought that emphasizes pluralism, democracy, social justice, as well as criticism of authoritarian religious interpretations (Fadl, 2002, 2004, 2022). In Indonesia, Sahal Mahfudz developed the concept of Social Fiqh, which positions fiqh as an instrument for addressing society's problems and needs (Mahfudh, 1994). These thoughts show that Islamic law has epistemological and methodological potential to continue developing in accordance with the dynamics of human life (Fadilah, 2016, p. 48; Kadir, 2022, p. 50; Rohmanu, 2014).

Nevertheless, the contributions of these thinkers still present diverse orientations and approaches, such as the flexibility of legal interpretation, the priority of benefit, social justice, and responsiveness to societal change (Asror et al., 2023). These approaches have not been formulated within an analytical framework that integrates the objectives of Islamic law, the protection of human dignity, human rights principles, contextual interpretation, and case-based legal reasoning as a model for reconstructing humanist fiqh (Asriyati, 2015). In addition, a methodological explanation of how a fiqh product is evaluated is needed to determine its relevance to the principles of justice, equality, freedom, and human dignity (Zuhdi & Nasir, 2024). Thus, the gap in this research does not lie in the absence of humanistic thinking in Islamic law, but in the need to develop a systematic and operational framework for integrating these principles into the evaluation and reconstruction of fiqh products.

Based on these gaps, this research offers a humanist fiqh framework by integrating *maqasid al-shari'ah*, human rights principles, and contextual interpretation. In this study, *maqasid al-shari'ah* serves as the primary normative and analytical foundation, as the fundamental purpose of Islamic law is to realize benefits and prevent harm (Mubarrak et al., 2025). Human rights principles provide a framework for evaluating the protection of basic human rights, while the thoughts of Muhammad Shahrur and Khaled Abou El Fadl contribute to the development of interpretive flexibility and the ethics of non-authoritarian legal reasoning (Fadl, 2002; Syahrur, 2000). The integration of these various perspectives aims to build jurisprudence that is not only oriented towards fulfilling normative provisions but also attentive to the social context, individual conditions, and the consequences of applying the law in human life.

The theoretical contribution of this research lies in the formulation of a humanist fiqh construction model built on four interrelated principles: normative orientation based on *maqasid al-shari'ah*, protection of human dignity, contextual interpretation, and case-based legal reasoning. These four principles form a framework for evaluating, maintaining, reinterpreting, or reconstructing fiqh products in light of the objectives of Islamic law and

their impact on humanity. Thus, humanist jurisprudence in this study is understood not only as a normative idea that requires the realization of human values in Islamic law, but also as an analytical framework for developing a fair, inclusive, non-discriminatory, and responsive legal understanding of changes in social reality.

Based on this description, this research aims to analyze the concept of humanist jurisprudence, explain the integration of the principles of *maqasid al-shari'ah* and human values into the reconstruction of Islamic law, and formulate a contextual, case-based framework for constructing humanist jurisprudence. This research is expected to make a theoretical contribution to the development of Islamic legal philosophy and the methodology of fiqh renewal, especially in realizing Islamic law that upholds human dignity and presents Islam as a religion that brings grace to all of creation (*rahmatan li al-'alamin*).

RESEARCH METHODS

This research uses a qualitative approach, specifically library research, to examine and reconstruct the concept of humanist jurisprudence from the perspective of Islamic law. Research data sources consist of primary and secondary sources. Primary sources include literature on *maqasid al-shari'ah*, humanist jurisprudence, and contemporary Islamic legal thought. Meanwhile, secondary sources include books, scientific journal articles, and academic publications that discuss human rights, justice, gender equality, human dignity, and Islamic law reform. This research uses the philosophy of Islamic law approach by placing *maqasid al-shari'ah* as the main normative and analytical foundation, which is complemented by a human rights perspective, a contextual and case-by-case approach, as well as the thoughts of Muhammad Shahrur and Khaled Abou El Fadl as supporting perspectives in understanding the flexibility and ethics of interpretation of Islamic law.

The data was analyzed using descriptive-qualitative content analysis techniques through four stages, namely identification of fiqh products that have the potential to cause discrimination or injustice; analysis of the historical, social, and cultural context behind the

formation and application of fiqh provisions; normative evaluation based on the principles of *maqasid al-shari'ah*, protection of human dignity, and human rights; and reconstruction of fiqh understanding that is more contextual and responsive to social reality. The evaluation is carried out by considering respect for human dignity, equality, justice, freedom, protection of basic rights, as well as the preservation of religion (*hifz al-din*), soul (*hifz al-nafs*), reason (*hifz al-'aql*), heredity (*hifz al-nasl*), property (*hifz al-mal*), and honor (*hifz al-'ird*). A fiqh product is critically studied if its application or interpretation has the potential to produce discrimination that does not have adequate justification, degrades human dignity, disproportionately limits freedom, or causes harm. Through these stages, this study develops a humanist fiqh framework based on four principles: the normative orientation of *maqasid al-shari'ah*, the protection of human dignity, contextual interpretation, and case-based legal reasoning.

RESULT AND DISCUSSION

1. The Concept and Foundations of Humanist Fiqh

Humanist jurisprudence is an approach in Islamic legal thought that places human beings and human values as an important orientation for understanding and formulating law. Hasyim (Hasyim, 2021, p. 91) explained that humanist jurisprudence honors and humanizes humans. This orientation emphasizes that understanding the provisions of Islamic law requires attention to human conditions, needs, and benefits. Thus, law is understood not solely as a set of normative provisions applied mechanically, but also as a guideline for realizing the goals of sharia in human life. The provisions in the text remain the main reference, while their understanding and application need to take life's realities into account so that the values they contain can be realized appropriately.

One of the characteristics of humanist jurisprudence is its emphasis on understanding the case and context, rather than generalizing the law without considering the circumstances of the parties to whom the provision is applied. Each issue can have different backgrounds,

conditions, and consequences, so the application of the law needs to take the concrete situation at hand into account. This approach does not mean making Islamic law arbitrary or detaching itself from the provisions of the sharia, but rather providing room for careful consideration in the process of establishing and applying the law. The principle of avoiding harm, for example, teaches that when two potential harms face each other, the greater harm should be avoided by bearing the lesser risk. This orientation is in line with the principle of ease in Islamic teachings, as reflected in the hadith admonishing to make it easy rather than difficult, as well as the principle that Allah does not burden a person beyond his ability (Hosen, 2017, pp. 3–6).

Humanist jurisprudence is also closely related to respect for human rights. In this perspective, the formation and application of Islamic law needs to pay attention to the fulfillment of basic human rights, including the rights to liberty, property, employment, social security, health, justice, equality, social and cultural life, judicial rights, and education and teaching (Khamail Sami al-Saray, 2020, pp. 80–82). These values are related to the basic principles of humanist fiqh, namely human dignity (*al-karamah*), equality (*al-musawah*), freedom (*al-hurriyah*), public responsibility (*al-mas'uliyyah*), and deliberation (*al-shura*) (Khamail Sami al-Saray, 2020, p. 76). Therefore, humanist jurisprudence is not only oriented towards the formal fulfillment of religious obligations, but also pays attention to the protection of rights, the elimination of injustice, and respect for the dignity of every human being.

The foundation of humanity is in line with the mission of Islam as a religion that brings grace to the whole world (*rahmatan li al-'alamin*). Respect for human values is an important part of Islamic teachings, so religion and humanity should not be presented as two opposing forces. Recognition of human dignity can be found, among others, in QS. al-Tin [95]: 4 and QS. al-Isra' [17]: 70, which explains the noble position of human beings. Human values are also reflected in the principles of justice, equality before the law, freedom from oppression, and protection of weak groups. On that basis, understanding of religious teachings needs to

be directed at strengthening these values and not used to justify violence or discrimination (Maghfiroh, 2020). Thus, the humanist orientation in fiqh is an effort to present the universal values of Islam in social life in a real way.

The development of humanist jurisprudence is also reflected in the ideas of several contemporary Muslim thinkers. Yusuf al-Qaradawi, for example, is known for the ideas of *fiqh al-aqalliyat* and *fiqh al-awlawiyat*, which show concern for the needs of minority groups and consider priorities in the application of Islamic law (Al-Qaradhawi, 1996, 2001). Muhammad Shahrur offers *Nazariyyat al-Hudud*, or limit theory, as an approach that provides flexibility in understanding the provisions of law. According to this theory, human beings are positioned as subjects as well as parties of concern in the process of establishing laws. Shahrur's thought is considered to have humanist, reformist, and emancipatory characteristics, especially because it opens up a more flexible interpretive space for responding to contemporary issues, including women's emancipation (Syahrur, 2000). However, the application of boundary theory is not always used in the entire law-making process developed by Shahrur; on a number of issues, he also uses linguistic and interpretive approaches (Muhaimin, 2020, p. 28).

The idea of humanism in Islamic law can also be found in the thought of Khaled Abou El Fadl, who emphasizes pluralism, democracy, and social justice. Pluralism entails recognizing the diversity of ways of life, cultures, and beliefs, as well as a willingness to coexist and cooperate. Democracy is understood not only as a political system, but also as a set of values and ethics that need to be realized in common life (Fadl, 2004). Meanwhile, social justice demands the fulfillment of the basic rights of every individual without discrimination, including the protection of minority groups and women (Rohmanu, 2014). Within the framework of Islamic law reform, Abou El Fadl places the Qur'an and Sunnah as authoritative sources, while viewing human understanding of Islamic law as an ever-evolving process of interpretation. Therefore, ijtihad needs to be reaffirmed as a sincere

effort to understand God's will, accompanied by the revitalization of the methodology of Islamic law that is open and rejects authoritarianism in interpretation (Fadilah, 2016, p. 48).

Mahmud Muhammad Taha's thought also contributed to the humanist jurisprudence discourse through the idea of reversing the concept of *naskh*. Taha views the Makkiyah verses as containing universal values, such as freedom, equality, and rejection of discrimination based on gender and belief. In his view, applying these values needs to take into account the community's readiness (Taha, 1987). The concept of *naskh* that he puts forward is not interpreted solely as abolition but also as a postponement of the implementation of a provision until conditions in society allow the application of principles considered more universal (Shalahuddin, 2015). This orientation is related to efforts to build economic, political, and social justice (Azwarfajri, 2013, p. 214; Fathina, 2010, p. 69). In addition, Jamal al-Banna placed humanity as an important consideration in the interpretation of the Qur'an. For him, the values of welfare and justice need to be an orientation in solving social problems faced by society (Banna, 1997; Zamzami, 2015, p. 180).

In the Indonesian context, the development of humanitarian-oriented fiqh thought can also be seen in the ideas of Sahal Mahfudz on social fiqh, Husein Muhammad on women's fiqh (Muhammad, 2001, 2009, 2020), and Faqihuddin Abdul Kodir through the *Qira'ah Mubadalah* approach (Kadir, 2022, p. 50). These various ideas show that fiqh reform is not only related to changes in legal formulations, but also to efforts to bring justice and benefits in social relations. Social fiqh addresses societal issues; women's fiqh emphasizes the importance of justice in gender relations; while *Qira'ah Mubadalah* offers a textual reading approach that emphasizes the principle of reciprocity (Qodir, 2019). The contributions of these thinkers enrich the treasure of Islamic legal thought that is responsive to humanitarian issues.

Based on these various thoughts, humanist jurisprudence can be understood as an approach to Islamic law that is oriented towards the glorification of human beings, respect

for basic rights, justice, equality, freedom, and benefits (Harun et al., 2024). Humanist jurisprudence is not intended to place human will above revelation, but to ensure that the understanding and application of Islamic law still pays attention to the purpose of sharia and the reality of human life. Thus, the main characteristics of humanist jurisprudence include an orientation to human values, legal reasoning that pays attention to context and cases, respect for human rights, and rejection of all forms of oppression and discrimination (Sukino et al., 2020). This characteristic is the conceptual basis for further discussions on the integration of *maqasid al-shari'ah* and human rights in the construction of humanist jurisprudence (Umami & Ghofur, 2022).

2. Theoretical Integration of *Maqasid al-Shari'ah* and Human Rights in Humanist Fiqh

Humanist jurisprudence has a close relationship to the purpose of Islamic law's formation (*maqāṣid al-syarī'ah*). This relationship is based on the view that Islamic law primarily aims to realize human benefits and prevent harm, both in this life and in the hereafter. Benefit (*maslahah*) is an important element in understanding the purpose of sharia because every provision of law is ideally directed to realize goodness and prevent human beings from harm (*jalb al-maṣāliḥ wa daf' al-maḍārr*). In this context, *maqāṣid al-syarī'ah* serves as the normative basis for the development of humanist jurisprudence, providing a framework for assessing whether the understanding and application of the law align with the goals of sharia. Humanist jurisprudence is thus not an attempt to replace religious provisions with human will, but rather to develop an understanding of law that is able to realize the value of benefits in concrete life (Hosen, 2017, pp. 1–3; Syahriar & Nafisah, 2020, p. 185).

In the study of *maqāṣid al-syarī'ah*, benefits are generally divided into three levels, namely primary needs (*al-ḍarūriyyāt*), secondary needs (*al-ḥājiyyāt*), and complementary needs (*al-taḥsīniyyāt*). The level *of al-ḍarūriyyāt* has a fundamental position because it relates to the protection of the five essential elements of human life known as *al-kulliyyah al-*

khams. These five elements include the protection of religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-nafs*), reason (*ḥifẓ al-'aql*), heredity (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). These five principles are the basis for ensuring that Islamic law provides protection for the sustainability of human life as a whole. Therefore, the application of humanist jurisprudence needs to make the protection of these five main elements the main consideration in understanding and evaluating the products of Islamic law (Bendebka et al., 2020, p. 5; Kholis, 2013, pp. 21–22; Warman et al., 2023, p. 261).

In addition to these five principles, a number of thinkers propose the expansion of *maqāṣid al-syarī'ah* by adding the protection of honor or dignity (*ḥifẓ al-'irḍ*) as the sixth element (Qashbayah & Radad, 2020). This addition is relevant in the construction of humanist jurisprudence because honor and dignity are important dimensions in human life related to protection from humiliation, harassment, defamation, and degrading treatment of humanity. Nevertheless, *ḥifẓ al-'irḍ* needs to be positioned as a development or expansion put forward by some thinkers, not as a universal agreement among all scholars regarding the number of *maqāṣid principles* (Qashbayah & Radad, 2020). In this study, the principle is used as a dimension of strengthening the protection of human dignity, without ignoring the position of the five main principles that have been recognized in the *maqāṣid al-syarī'ah* tradition.

The orientation of human protection in *maqāṣid al-syarī'ah* has a meeting point with the principles of human rights (HAM). Both pay attention to the protection of life, freedom, justice, equality, and respect for human dignity. In the formation of humanist jurisprudence, the fulfillment of human rights includes the right to freedom, property, employment, social security, health, justice, equality, social and cultural life, judicial rights, and education and teaching (Khamail Sami al-Saray, 2020, pp. 80–82). These principles can be used as an evaluative perspective to see the impact of a fiqh provision on human life. Thus, human rights in this construction are not placed as a substitute for the source of Islamic law, but as a

supporting perspective to identify the problems of injustice, discrimination, and violations of basic rights that may arise in the interpretation and application of the law.

The integration of *maqāṣid al-syarī'ah* and human rights in humanist jurisprudence is based on the relationship between normative foundations and human considerations. *Maqāṣid al-syarī'ah* provides a basis for determining legal goals based on the principle of benefit, while the human rights perspective helps to identify forms of human protection that need to be considered in the application of law (Auda, 2007). This relationship allows for a more comprehensive evaluation of the law, both by considering its suitability for the purposes of the sharia and its impact on the lives of individuals and society. For example, an interpretation of a law needs to be reviewed if its application causes harm to the soul, impedes the maintenance of reason, damages honor, or results in discriminatory treatment that does not have adequate legal grounds. However, the assessment must still consider the normative basis, the context of the problem, the purpose of the provision, and the consequences of its application.

In addition to *maqāṣid al-syarī'ah* and human rights, Muhammad Shahrur's theory of limits (*Nazariyyat al-Hudud*) provides a methodological perspective in understanding the flexibility of Islamic law. This theory offers the understanding that a number of legal provisions have certain limits that provide space for ijtihad to determine their application according to the conditions at hand (Syahrur, 2000). In the construction of humanist jurisprudence, Shahrur's thinking can be used to strengthen the view that the determination of law does not always have to produce a uniform form of application without taking into account changes in social reality. This interpretive space allows legal understanding to be developed in a responsive manner, while still paying attention to the normative boundaries on which the provisions of sharia are based (Hamim, 2022). Thus, limit theory serves as a supporting perspective to explain the possibility of flexibility in legal reasoning, not as a substitute for *maqāṣid al-syarī'ah* as the main normative foundation (Muhaimin, 2020, p. 28).

Khaled Abou El Fadl's thinking complements this framework through his emphasis on the ethics of interpretation, openness, and rejection of authoritarianism in the interpretation of Islamic law. His view that the Qur'an and Sunnah are authoritative sources of Islamic law does not eliminate the fact that human understanding of these two sources takes place through the process of interpretation. Therefore, ijtihad needs to be done with intellectual seriousness and moral responsibility, not by claiming that one human interpretation is the only representation of God's will (Fadl, 2014). The principles of pluralism, democracy, and social justice developed by Abou El Fadl also provide an ethical basis for respect for diversity, protection of minority groups, and fulfillment of women's rights (Fadilah, 2016, p. 48; Rohmanu, 2014). In this study, his thinking is used to strengthen the ethical and interpretive dimensions in the process of humanist fiqh reconstruction.

Based on this integration, the humanist construction of jurisprudence places *maqāṣid al-syarī'ah* as the main normative foundation, human rights as a supporting evaluative perspective, Muhammad Shahrur's theory of limits as a perspective of interpretive flexibility, and Khaled Abou El Fadl's thought as an ethical foundation in the process of legal reasoning. These four elements have different functions, but they complement each other in building an understanding of Islamic law that is oriented towards the benefit and respect for human dignity. This integration results in an analytical framework that not only considers the suitability of a provision with the goals of sharia, but also the social context, interpretation process, and the consequences of its application for human life. This framework is the basis for the evaluation of fiqh products through a contextual and case-based approach in the next discussion.

3. Contextual and Case-Based Evaluation of Existing Fiqh Rulings

Fiqh is the result of human understanding and reasoning of Islamic sources of law. Therefore, fiqh cannot be separated from the social, cultural, political, and historical context that underlies the process of its formation. In contrast to sharia which is sourced from

revelation, fiqh is a product of ijtihad that allows for differences of opinion and legal changes along with changes in circumstances (Rohayana & Muhtarom, 2021). This character shows that the results of fiqh thought are not always final and closed to evaluation. On the contrary, the provisions of fiqh need to be critically studied so that its application remains in line with the goals of sharia and is able to answer contemporary humanitarian problems.

From the perspective of humanist jurisprudence, the evaluation of a legal provision is not only directed at its formal conformity with the opinions of previous scholars, but also considers the purpose, context, and impact of its application on humans. A jurisprudence provision needs to be re-examined if its application has the potential to eliminate human dignity, give birth to injustice, limit rights disproportionately, or cause harm that is contrary to the principles of *maqasid al-shari'ah* (Thabrani, 2018). Thus, the humanist approach is not intended to reject the tradition of jurisprudence, but rather to revive the spirit of ijtihad so that the products of Islamic law remain oriented towards benefit.

The evaluation is carried out through a contextual and case-based approach. The contextual approach is used to understand the background of the emergence of a fiqh opinion, including societal conditions, social structure, habits, and the problems faced at the time the opinion was formulated. Meanwhile, the case-based approach is used to assess how a provision is understood and applied in a concrete situation (Wimra et al., 2023). Both approaches are important because a provision formulated in one context does not necessarily have the same legal consequences when applied in another.

Operationally, the evaluation of fiqh provisions is carried out in four stages. First, identify the provisions or opinions of fiqh that have the potential to cause humanitarian problems, especially those related to discrimination, inequality, restrictions on freedom, and violations of human dignity (Aibak, 2023). This identification does not mean that any difference in treatment is automatically categorized as discrimination. The analysis must first examine the legal basis, the purpose of the regulation, and the reasons for the difference.

Second, examine the historical and social context behind the birth of fiqh provisions. At this stage, attention is directed to the conditions of society, social relations, habits, and issues that are considered by scholars when formulating legal opinions. A study of the context is necessary to distinguish between legal principles that have a fundamental normative purpose and those that are a response to certain circumstances. In this way, the thought of previous scholars is still appreciated as part of the Islamic intellectual tradition, but its application can be reviewed if the social conditions and problems faced have changed (Khoiri et al., 2025).

Third, evaluating these provisions based on the principles of *maqasid al-shari'ah*, human dignity, and human rights principles (Tahir & Hamid, 2024). *Maqasid al-shari'ah* is the main normative basis for assessing whether a legal provision supports the protection of religion (*hifz al-din*), soul (*hifz al-nafs*), reason (*hifz al-'aql*), heredity (*hifz al-nasl*), and property (*hifz al-mal*) (Musyafaah et al., 2021). The protection of human honor or dignity (*hifz al-'ird*) can also be considered an extension of the framework of analysis, while keeping in mind that its position as a separate element in *al-kulliyyat al-khams* is not universally agreed upon. At this stage, human rights principles serve as a supporting framework for assessing respect for equality, freedom, justice, and the protection of every human being's rights.

Fourth, formulating the possibility of reconstruction of the provisions of fiqh by considering the results of the evaluation at the previous stage. The reconstruction is carried out while still paying attention to the source of Islamic law, the purpose of sharia, and the concrete conditions of society. Thus, the renewal of fiqh is not an attempt to replace Islamic law with values outside Islam, but rather a process of legal reasoning that seeks to ensure that the understanding and application of the law do not deviate from the main purpose of sharia, which is to realize benefits and prevent harm.

Based on these stages, several criteria are used to assess whether a fiqh provision requires evaluation or reconstruction. First, the criteria for the protection of human dignity**,**

namely whether the provision respects human beings as beings who have honor and basic rights. Second, the criteria of justice and equality, namely whether the provision results in fair treatment and avoids discrimination that does not have normative and rational reasons that can be accounted for. Third, the criteria for the protection of rights and freedoms, namely whether the restriction on a person's rights has a proportionate basis, purpose, and measure. Fourth, the criteria for benefit and prevention of harm, namely whether the implementation of these provisions provides benefits and prevents losses for individuals and communities. Fifth, the criteria for contextual suitability, namely whether the application of these provisions is still relevant to social conditions and problems faced by society today.

These criteria can be used to identify problems in the application of fiqh, such as discrimination for no discernible basis, treatment that degrades human dignity, excessive restrictions on rights, and provisions that cause harm without producing comparable benefits. However, the assessment must be based on clear arguments rather than solely on the interpreter's preferences or subjective views. Each evaluation must explain the relationship among the provisions being studied, the legal objectives to be achieved, the context of their application, and the impact they cause.

4. Reconstruction of Humanist Fiqh Based on *Maqasid al-Shari'ah*

The reconstruction of humanist jurisprudence based on *maqasid al-shari'ah* is an effort to rebuild the understanding and application of Islamic law to be more responsive to human needs, social development, and the principles of justice and humanity. This reconstruction is not intended to change the main source of Islamic law, but rather to update how fiqh provisions are understood and implemented by paying attention to the purpose of sharia (*maqasid al-shari'ah*). Thus, fiqh is not only understood as a collection of normative provisions applied textually, but also as the result of legal thinking that must consider its context, benefits, and impact on human life.

Based on the integration between *maqasid al-shari'ah*, human rights principles, contextual approaches, and humanist legal thinking, this article offers a model of humanist fiqh reconstruction through four main principles. The four principles include the orientation of benefits based on *maqasid al-shari'ah*, the protection of human dignity, contextual interpretation of law, and case-based legal reasoning. These four principles are interrelated and form an analytical framework for assessing and reconstructing the understanding of fiqh that has the potential to cause injustice or discrimination.

First, the orientation of benefits based on *maqasid al-shari'ah.* This principle places the purpose of sharia as the main foundation in understanding and developing Islamic law. Every interpretation and application of law needs to be directed at the realization of benefits and the prevention of damage (*jalb al-masalih wa dar'u al-mafasid*) (N. Hadi, 2019). The five main objectives of the Shari'ah, namely the protection of religion (*hifz al-din*), soul (*hifz al-nafs*), reason (*hifz al-'aql*), offspring (*hifz al-nasl*), and property (*hifz al-mal*), are the basis for assessing whether a provision of fiqh has provided protection for the fundamental interests of humans (Musyafaah, 2018). In its development, the protection of human honor and dignity (*hifz al-'ird*) can also be considered as an expansion of the analytical framework, although its position as a separate goal is still a discussion among scholars. Through this principle, an understanding of fiqh needs to be reviewed if its application results in harm, eliminates benefits, or contradicts the sharia's purpose of protection.

Second, the protection of human dignity and rights. Humanist jurisprudence places human beings as legal subjects who have honor and rights that must be protected (Gelaye, 2021). This principle departs from the view that every human being has inherent dignity and should not be degraded based on gender, social status, cultural background, or differences in beliefs. Therefore, the interpretation of Islamic law needs to pay attention to the principles of justice, equality, responsible freedom, and the protection of basic human rights. In this framework, human rights are used as an evaluative perspective to identify the possibility of discrimination, violence, disproportionate restrictions on freedom, and treatment that

degrades human dignity. This principle does not mean equating the entire concept of human rights with *maqasid al-shari'ah*, but placing both in a critical dialogue to ensure that the understanding of Islamic law does not lose its human orientation (Ismail et al., 2018).

Third, contextual interpretation of law. The principle of contextuality emphasizes that understanding the provisions of fiqh must pay attention to the historical, social, cultural, and social background when a legal opinion is formulated or applied. Fiqh is the result of human ijtihad in understanding the sources of sharia so that the product of its thought has a historical dimension and can undergo changes according to changes in circumstances. In this case, Muhammad Shahrur's thoughts on *Nazariyyat al-Hudud* can be used as a methodological perspective to understand the flexibility of interpretation within the normative limits set by the sharia (Syahrur, 2000). Meanwhile, Khaled Abou El Fadl's thought on authoritarianism in the interpretation of Islamic law emphasizes that interpreters should not monopolize the meaning of the text and ignore the complexity of the context and ethical values (Fadl, 2002; Faiz et al., 2023). Both approaches reinforce the argument that the interpretation of fiqh must be done openly and responsibly, with consideration for the realities of human life. Thus, contextuality does not mean ignoring the text, but rather connecting the understanding of the text to its purpose, context, and consequences of application.

Fourth, case-based legal reasoning. This principle requires that the application of the law be based not only on generalizations from a provision but also on the concrete characteristics of the case at hand. Two problems that appear similar in text can have different contexts, causal factors, levels of harm, and consequences. Therefore, the determination of law needs to take into account the legal subject's condition, the circumstances behind the problem, the parties' interests, and the potential impacts of applying a provision (Farooq, 2021). Case-based reasoning allows a mujtahid or legal interpreter to distinguish between basic sharia principles and the application of law that can change due to different circumstances (Nouaouria et al., 2006). Through this approach, fiqh

is expected not to produce rigid decisions, but to be able to provide a proportionate response to human problems (Abdul Khalil et al., 2024).

The four principles are then operationalized through a systematic reconstruction stage. The first stage is identification, which is to find provisions or understanding of fiqh that have the potential to cause discrimination, injustice, or harm to humans. The second stage is contextual analysis, which is to trace the historical, social, cultural, and conditions that influence the birth of the legal opinion. The third stage is normative evaluation, which is to examine the provisions of fiqh based on the objectives of sharia, the protection of human dignity, the principles of justice, and basic human rights. The fourth stage is reconstruction, which is reformulating the understanding of the law by considering the context and characteristics of the case, without ignoring the basic principles of sharia. The last stage is the assessment of consequences, which is to ensure that the results of the reconstruction are able to bring benefits, reduce harm, and provide better protection for humans.

The model can be described as follows:

Stages	Focus Analyst	Expected Results
Identification	Finding fiqh provisions that have the potential to be discriminatory or detrimental	Formulation of legal issues
Contextual analysis	Examine historical, social, and cultural backgrounds	Understanding the legal context
Evaluasi normatif	Testing based on *maqasid al-shari'ah*, human dignity, justice, and human rights	Assessment of conformity with the purpose of sharia
Reconstruction	Reformulate legal understanding in a contextual and case-based manner	Humanist fiqh formulation
Consequences assessment	Assessing the impact of the application of the law on people and society	Realization of benefits and prevention of harm

Based on this model, the theoretical contribution of this article lies in the formulation of a reconstruction framework that links the normative goals of sharia with the evaluation of humanity and methods of legal reasoning. Different from the approach that only emphasizes the renewal of the thinking of certain figures, this model arranges the functional relationship between four elements: *maqasid al-shari'ah* as a normative foundation, human

rights as an evaluative perspective, contextual approach as a method of interpretation, and case-based reasoning as a mechanism for the application of law. These four elements are not placed as stand-alone theories, but as complementary components in the process of forming humanist fiqh.

Thus, humanist jurisprudence is not intended as a new school of jurisprudence that replaces the schools that have developed, but rather as a framework of approach in understanding, evaluating, and developing Islamic law. The main orientation is to ensure that the results of legal thought remain rooted in the sources and goals of sharia while being able to answer humanitarian issues in a fair, proportional, and contextual manner. Through this model, the renewal of jurisprudence is expected to strengthen the function of Islamic law as an instrument for the protection of human dignity and the realization of benefits in contemporary life.

CONCLUSION

This study concludes that humanist jurisprudence is an approach to the development of Islamic law that prioritizes human dignity, justice, equality, and welfare as guiding principles for understanding and applying the law. This approach departs from the understanding that jurisprudence is the result of human ijtihad in understanding the sources of sharia, so that the products of thought need to be evaluated in accordance with the development of the social context and the needs of society. Thus, the renewal of fiqh is not intended to change the basic principles of sharia, but to ensure that the understanding and application of the law remain aligned with the substantive goals of Islamic teachings.

This research positions *maqasid al-shari'ah* as the primary normative foundation for the construction of humanist jurisprudence. The five main objectives of sharia, namely the protection of religion (*hifz al-din*), soul (*hifz al-nafs*), reason (*hifz al-'aql*), heredity (*hifz al-nasl*), and property (*hifz al-mal*), are the basis for assessing the suitability of an understanding of law with the purpose of human protection. The human rights perspective

serves as an evaluative framework that complements the analysis, while the thoughts of Muhammad Shahrur and Khaled Abou El Fadl provide methodological and ethical support for developing contextual, open, and responsible legal interpretations. This integration shows that the renewal of Islamic law can be achieved through a dialogue among the goals of the sharia, human values, the social context, and the consequences of applying the law.

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