

# Syāṭibi's Theory Of *Maqāṣid Al-Syarī'ah*: Study of Structure Formation of Concepts *Maqāṣid Al-Syarī'ah*

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## Abstract

In modern islamic discourse, the *maqāṣid al-syarī'ah* term is often said by muslims scholars nowadays. *Maqāṣid al-syarī'ah* is a theory assumed by muslims scholars as one solution to solve crisis of thought in modern *ijtihād* of *ushul fiqh*. The term is actually simply old which developed and wellknown by Syāṭibi. The problem appear due to the term is not only popularised but also it has totally different with the initial meaning. This article investigates the theory of *maqāṣid* according to Syāṭibi, and to what extent the theory as a method for *ijtihād ushul*, and applicable to modern islamic society.

*Keywords:* Syathibi, *maqāṣid al-syarī'ah*, *ushul fiqh*, structure formation

## Abstrak

Dalam wacana keagamaan moden, istilah *maqāṣid al-syarī'ah* sering diguna pakai terutama oleh para cendekiawan muslim sejak akhir-akhir ini. *Maqāṣid al-syarī'ah* adalah teori yang dianggap oleh para ulama' sebagai salah satu cara menyelesaikan percanggahan pemikiran yang terjadi dalam kaedah *ijtihād ushul fiqh* moden. Istilah ini sebenarnya merupakan istilah lama yang diasaskan oleh Imam Syāṭibi, yang kemudian dikeluarkan semula. Persoalannya, istilah tersebut bukan sahaja digunakan kembali, tetapi juga diberi makna baharu yang berbeza sama sekali dengan maksud yang dibangunkan oleh pengasas awalnya. Artikel ini cuba untuk menghuraikan teori *maqāṣid al-syarī'ah* menurut Syāṭibi, dan sejauh mana teori *maqāṣid* tersebut dapat diterima sebagai salah satu cara penyelesaian kaedah bagi *ijtihād ushul*, dan sekaligus dapat diterapkan dalam masyarakat Islam moden.

*Kata kunci:* Syāṭibi, *maqāṣid al-syarī'ah*, *ushul fiqh*, *ijtihād*

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## 1.0 INTRODUCTION

Many scientists are trying to incorporate the theory of *maqāṣid al-syarī'ah* in Islamic thought. They argued that the theory could be one solution to overcome the crisis of thought that occurs in modern methods of *Ijtihād* (*ushul fiqh*). However, this crisis may not only be viewed from one side only to serve the mainstream scientific thinking, such as only from the aspect of crisis jurisprudence, morals, and or *ijtihād*. Because it only represents one small part of some other aspects that also affect the conditions of this crisis, which of course is not possible apart from other aspects. Therefore, it needs to do is to read all the relevant aspects comprehensively so that we were able to uncover how much influence each of these aspects, and finally we were able to overcome the crisis with new thinking.

Based on this view, this paper tries to parse *maqāṣid al-syarī'ah* theory by Syāṭibi, and the extent to which the *maqāṣid* theory can be considered as a solution method for *ijtihād*, its principles, and would be applied in a modern Islamic society.

To answer this question, I divide this paper into four discussion topics; First, an explanation of the understanding of *maqāṣid al-syarī'ah*. Second, the core ideas and aspects *maqāṣid al-syarī'ah* growth focused on jurisprudence and social aspects. Third, *maqāṣid al-syarī'ah* system analysis theory and discussion of a basic understanding of the system. Fourth, in closing this paper I will explain about the values thought of *maqāṣid al-syarī'ah* theory and how this theory can provide its own contribution to overcoming the crisis of thought in general, and particularly the science of *ushul*.

## 2.0 FIRST DISCUSSION: UNDERSTANDING MAQĀṢID AL-SYARĪ'AH

Cleric after Syāṭibi have tried to provide semantic constraints and definitive term for this *maqāṣid*. This is because Syāṭibi itself does not provide a clear definition. However, it clear obviously for me myself, because it could be Syāṭibi himself compiled the book is intended for scholars of *syarī'ah* (Ahmad ar-Raisuni, 1996: 5). However, apart from all the other reasons that certainly was not obvious to us is why Syāṭibi take this stance. In fact, essentially limiting the definition is a new thing. Therefore, I believe that the reason Syāṭibi not explain the meaning of this *maqāṣid* back on purpose rationale is regarded not only as one of the study of knowledge, but thought it was a functional

strategy that seeks to respond to social change and new perspectives to the Qur'an texts. Thus, we can understand that the difficulties we face here is about the many definitions *maqashid* found differences in the interpretation of the notion *maqashid* itself. However, due to the demands of methodological limitations *maqashid* definition, in this paper I will mention some of the definitions of modern scientists, who presumably can help us to understand the general concept of this *maqashid* sense.

At-Tahir ibn 'Asyur gives a definition of the limits to the public, he said: "*Maqāshid al-syarī'ah* is the meaning and wisdom into a review of God in determining the most syari'ah law, which the review is not only specific to one type of syari'ah law 'at all. Therefore, including the general meaning or purpose syari'ah law, also including certain wisdoms being syari'ah law review mostly predetermined" (Ibn 'Asyur, 1978: 52) At-Tahir subdivides into the nature of meaning embodied in itself the meaning and conventional meaning showed in general that everything is well liked and regarded by the liver. There are four requirements to establish the meanings of *maqāshid al-syarī'ah*, such as fixed, clear, precise, and orderly.

However, if we simply adopt this limitation, it is not possible for us to be able to look at this theory through its external dimensions, before we use the scientific method to understand its essence. To clarify the purpose, Thaha Abdurrahman described some understanding of the meaning of the above. He divides meaning into 3 basic meanings, each of which relates to three specific points that serve as chapter-Syāṭibi defined it in his book entitled *al-Muwafaqat*.

The first meaning, *Qashada* verb is the opposite of the verb *lagha-yalghu*. The word *al-laghwu* itself means the absence of benefits or have no meaning. While the meaning of the word *al-maqshad* itself is the opposite of the meaning of *al-laghwu* earlier, namely reasonable benefits, or a logical instructions (Ibn 'Asyur, 1978: 52). The content of this meaning is returned on an article that was formulated by Syāṭibi entitled "The aim of laying the Syari'ah is to provide an understanding". In the article, Syāṭibi describes two basic problems concerning the determination of the characteristics described therein Arab and non-Arab over Islamic law (Thaha 'Abdurrahman, 1991: 98).

The second meaning, *Qashada* verb also means the opposite of the verb *saha-Yashu*. The word itself means *as-sahwu* (unfocused, or forgotten) (Syāṭibi, 1991: 76). While the meaning of *al-maqshad* itself is the opposite of the word *as-sahwu*, which directed, or not negligent. This understanding shows the emotional dimension and reflected the will of the articles compiled by Syāṭibi in an article entitled "The goal of syari'at is to be implemented", and the article entitled "The goal *mukallaf*".

The third meaning, *Qashada* verb means the opposite of the verb *laha-yalhu*. The word *al-lahwu* means (no just cause, or no motivation according to syari'ah). While the word *al-maqshad* itself is the opposite of that meaning, namely the achievement of a just cause, or motivation in accordance with syari'ah (Thaha 'Abdurrahman: 98). Understanding the meaning as described by Abdurrahman reflected from a title "content value" described by Syāṭibi in an article entitled "The initial goal of laying the syari'ah".

Through this analysis it is understood that in order to fully understand the meaning of the substance of the theory of *maqāshid* becomes extremely difficult if we just limit from one side only. Therefore, at the end of the explanation Thaha Abdurrahman stated: "In conclusion, sometimes *qashada* verb denoting the achievement of benefits, or the achievement of the purpose, or the achievement of objectives. With some of these meanings, *al-maqshad* may include the science of multiple objectives. This is because it is covered in 3 different basic theories. First, the theory of *al-maqshudat* that discuss the content of the meaning of syari'ah objectives. Second, the theory of *al-qushud* that discuss the content of sense and will. And third is *maqāshid* theory, which discusses the purpose of understanding the values of syari'ah (Thaha 'Abdurrahman: 98).

From this definition, it is clear that a proper understanding of the theory of *maqāshid* based on a thorough understanding of the various assumptions made by the theory of *maqāshid* itself. Thus, we are required to not be limited by the definition that has been developed by the at-Tahir bin 'Asyur.

On the other hand, understanding diverse will not limit Syāṭibi to formulate a detailed value system of the term *maqāshid* itself. Therefore, Syāṭibi focus certain restrictions, which reveal the level of detail to terms with two divisions :

First, he explains the original purpose of God in the determination of the Syari'ah, the Syari'ah purpose to provide an understanding, the purpose of the Syari'ah as a form *taklif* with various demands, and goals of syari'at for the *mukallaf* with various laws (Thaha 'Abdurrahman: 99).

Second, also includes *mukallaf* objectives described in a phrase "it is lawful act with the intent, the goal was contained in various acts, both worship and habits" and expressions which reads "The purpose of God for the *mukallaf* people is that their purpose in charity according to God's purpose in putting syari'ah law" (Syāṭibi, 1991: 4).

This statement is based on problems of another *furu'* which impossible to mention them all, but enough that its contents are described in the womb first. This expression gives harmony between God's purpose and benefits for *mukallaf* people.

Based on the distribution of this methodical, deliberate Syāṭibi explained that the concept of *maqāshid* within their limits is divided into *dharuriyyat* (primary), *hajjiyat* (secondary), and *tahsiniyat* (tertiary). This of course reflects the value system which basically distributed through the process of realization of the theory of syari'ah and *maqāshid* in the social field. Therefore, Syāṭibi formulated five basic principles, namely:

1. *Dharuriyyat* (primary) is the nucleus of any other kind (*hajjiyat* [secondary] and *tahsiniyat* [secondary] ).
2. *Dharuriyyat* If that is compromised, then *hajjiyat* and absolute *tahsiniyat* also disrupted.
3. *Tahsiniyat* If the *hajjiyat* and disturbed, it is becoming a necessity that *dharuriyyat* also disrupted.
4. Sometimes whole *tahsiniyat* interference, or *hajjiyat*, also interfere in a specific part in the *dharuriyyat*.
5. *Hajjiyat*, *tahsiniyat*, and *dharuriyyat* it should be maintained (protected) (Syāṭibi, 1991: 4).

Thus, it can be concluded that Syāṭibi has good destination that becomes a reason to not give a comprehensive definition of the concept of *maqāshid*. He deliberately gave procedural explanations related to the practical aspects of the definition of *maqāshid*.

### ■3.0 DISCUSSION TWO: BASIC THEORY OF MAQĀSHID THOUGHT

I have read several studies philosophy of science and epistemology modern studies to highlight new factors in the formation of science. I find that science is the output of human interaction with the material world, namely the interaction of a thinker with the intellectual and social

environment. I found several factors involved in the production process and the creation of new knowledge, as well as formulation, focus, determination of the structure and its construction.

From here, our analysis of some content of thought formed by Syāṭibi in the book "al-Muwafaqat" two-source theory makes *maqāshid* Syāṭibi become visible; The first basic structure of its principles, and basic social structure.

### 3.1 Basic Structure of Ushul

We find this dimension when we try to understand the relationship between theory combining *maqāshid* the crisis experienced by the science of ushul fiqh Syāṭibi era. The crisis seemed most prominent phenomenon of the level of confusion in understanding the science of ushul *maqāshid* concept syar'i to make the language as a tool to understand it, which is certainly an attempt by the language requires extra effort. Ibn 'Asyur revealing statement about the existence of the problems that show that: "Science does not only serve the syari'ah jurisprudence and its purpose, but also dwell on the area of law *istimbath* through syar'i texts by using the rules that allow for a person to understand to formulate laws *furu'* of these texts of syar'i, or certain properties boosted by syar'i texts. That's all there is on the loose change in the discussion of the wisdom - the wisdom of syari'ah and understood meanings of these texts. This is the legal deficiencies *qiyasi* (Syāṭibi, 1991: 246).

From here, there is a difference of ijthad results with expert scholars of ushul fiqh. Syāṭibi describes the conditions in some of the discussion in the book of al-Muwafaqat. He said: "Before the advent of the concept of *maqāshid* this, as if we are blind. We are looking for the benefit of the mind that is not in line. It is because of our weakness to carry this burden, to boost the desires and passions of course bring us to the error. We make the poison as medicine while expecting a cure. Like a person who was carrying the water, but we are still swimming in a sea of anxiety. By stupidity we are using arguments. We conclude with the bad standard. We are seeking health effects of bad body. We are walking with his head down and thought that we were walking on the right path (Syāṭibi, 1991: 13).

The impact of chaos that threatens the arguments syar'i system is well understood by Syāṭibi. Hence, he formulated a provision that is *qath'i* in the introduction of his book, he said: "Ushul Fiqh in the religion that is both *qath'i*, not *zhanni*. Proof is ushul fiqh was referring to the syari'ah entirely. If so, then ushul fiqh is *qath'i*".

From here, we find that the relationship between theory and basic *maqashid al-ushul* laying thinking that regulate ijthad system of thought at that time had started to appear. Due to these conditions, Abdul Majid as-Sagheer argues that the study of the concept of *maqāshid* is a form of thought over the condition of the solution to the crisis. Furthermore, he said: "When the scholars of Ushul Fiqh other systems still neglect the procedural value, Syāṭibi has paved the way for the science of Ushul Fiqh. Directly Syāṭibi reveals the purpose and wisdom of syari'ah. He did a methodical reconstruction profound, that since the beginning of Ushul Fiqh he realized that the system needs to be revisited. He threw his own thoughts of cutting edge, giving its own boundaries, and explains the importance to develop scientific thinking in order to save the Ushul Fiqh (Syāṭibi, 1991: 13).

This understanding is reinforced by the idea of other Syāṭibi explained that *maqāshid* theory actually is an attempt to fix things at the science of Ushul Fiqh. Thaha Abdurrahman explained that Syāṭibi very understanding about how to connect the science of Ushul Fiqh with other sciences, from overlapping interference condition becomes procedural interference (Syāṭibi, 1991, I: 19).

Syāṭibi himself explained this idea in his introduction in the fourth book of al-Muwafaqat, he stated: "Every problem that is drawn into the Ushul Fiqh not based on issues *furu'* jurisprudence, or fiqh legitimacy ethics, nor an attempt to sustain both, but solely to Ushul Fiqh" (Abdul Majid Shaghir, 1994: 470). While the intent of the interference is a procedural language, for example, which is referred to as a procedural function of the media to help realize the lofty goals of the theory of *maqāshid*.

To achieve a change of thinking in the fundamental structure of the discourse, Syāṭibi give two criteria: the first criterion, it imposes limits on the knowledge that is related to Ushul Fiqh, and science that have nothing to do it. Second criteria, he imposes limits on incoming science in the study of fiqh and Ushul Fiqh, and also science that only makes the study of fiqh only. Therefore, not all the knowledge required by Ushul Fiqh is also required by the Fiqh.

Thaha Abdurrahman explained: "Based on the first criterion, Abu Ishaq Syāṭibi classifying some science that helps Ushul Fiqh in Science. And the second criterion, he classifies only science that sustains the science of jurisprudence, and not on the science of jurisprudence, as well as discussion of science in the science of Kalam that in Fiqh, while the science of Kalam also have a separate discussion " (Syāṭibi, 1991, I: 42).

The last point to explain to us about the close relationship between the theories of al-Ushul Fiqh Science with *maqāshid*, can we understand by the expression Syāṭibi. He said: "I hope this book helps you navigate the road in science, be descriptive meanings of revelation, not the backbone and main reference for the search for the essence of truth. Because, the theory of *maqāshid* is a science. It aims to overcome differences and understanding (Thaha Abdurrahman, 1991: 94).

The expression shows the relationship between the content of the theory of *maqāshid* with different views of the scholars phenomenon which is seen as a form of crisis in the science of Ushul Fiqh. In fact, the modern scholars such as Ibn 'Asyur also talked about the existence of the phenomenon that becomes its own motivation *maqāshid* emergence theory.

Ibn 'Asyur stated in the introduction to his book *maqāshid al-syarī'ah*: "This book, I aimed to clarify the discussions of the concept of *maqāshid al-syarī'ah* Islam, give examples, to be used as the foundation and establishment of proof law, and could be a torch for the mujtahid, and a reference when they have differing views as times change, so that this book can further minimize the differences of opinion among jurists".

There is a view that assumes that the problem Ushul Fiqh enough to overcome these problems. However, if a person has mastered the science of fiqh, then he will know that the deviation remains in Ushul problems. The deviation will continue until the problem *furu'*, because the actual rules of fiqh was taken from the properties of the problems that exist in *furu'*. Thus, the science of Ushul Fiqh was not compiled until after fiqh composed. Therefore, the science of Ushul Fiqh is not a turning point to be a solution to overcome the fiqh scholars have different opinions, and of course, difficult to unify their opinion" (Syāṭibi, 1991, I: 23).

The above statement by Ibn 'Asyur described as a form of other views that led to the phenomenon of deviation. The first, he explained that the construction of its principles on the basis of *furu'* that occurs when it is difficult to get the arguments of historical evidence. Secondly, its principles are general framework which is the fruit of the *furu'*, which is expressed Syāṭibi as a "turning point" solution to overcome the differences in *furu'*.

### 3.2 Basis of Social Structure

What is meant here is the social factors that clearly establish the various discussions, and methodologically either directly or indirectly adopted by the Syāṭibi. In other words, here is the interaction of social factors that led to the perception of the concept of heresy as a significant center between the individual and the particular power in a Muslim community, which contributes to shaping new ways to manage relationships and understanding of the system *khithab* revelation. Syāṭibi seem that it is a solution to overcome the crisis of Ushul Fiqh science both theoretically and practically.

Syāṭibi view this effort as a form of heresy that is not immoral, in the sense that it does not ignore the syari'ah heresy, nor consider it trivial, or even put the syari'ah is not in place. It is apparent from the expression: "It's (*maqāṣid al-syari'ah*) is a new way that resembles the syari'ah methods, and is intended for the implementation of the syari'ah can deliver in total servitude to Allah (Abdul Majid Shaghir, 1994: 498). "Further Syāṭibi describes heresy, he said: " it's a lot of heresy, the danger of spread, prolonged ugliness, the people who deviate from the truth do so, while the scholars do not deny it was silent, and then came the new scholars with carry -syari'ah that they do not understand, they are also unaware of the fard. Heresy- the heresy as if the tradition that comes from God. Essentially clear syari'ah mixed with no clear effect, so that the difference between those who refer to the purity of the person who left it sunnah" (At-Thahir ibn, 1978: 5-6).

From this we understand that the underlying aspects of Syāṭibi thought -as an expression of Ibn Khaldun- is a part that comes from changing conditions and future was no doubt influential in understanding the underlying thinking that must conform to the postulates of revelation. These influences contribute to the formulation of the concept of *maqāṣid* Syathibi. However, how Syāṭibi formulate views on the concept of *maqāṣid al-syari'ah*? Ibn 'Asyur offers an analysis of the question. He explained that when Syāṭibi witnessed divisions within the Muslim community, emerged from his resurrection to make improvements. On the other hand he finds confusion in determining the methodology of which will be used to perform the repairs. Syāṭibi confused to choose one of two schools of thought; Madzhab *Ikhwan As-Safa* and madzhab *As-Shufiyah*. However, finally in a compromise of the two madzhab. He considers that the school of *Ikhwan As-Safa* tend to separate between thought and deed, while the *As-Shufiyah's* school saw as far from the truth because the schools tend to bathiniyah aspects, and leave the aspect of thought and reality simultaneously (Syāṭibi, 1989, I).

It is quite difficult to refer back to the basic formulation of the thought of *maqāṣid* motivated by emotional factors in the form of "confusion". Because of this last factor is a simple factor that cannot produce knowledge that is complex as the concept of *maqāṣid*. Because of course, to formulate a theory must meet the other requirements are not enough by the simple factor.

From this condition, the interpretation of the concept of *maqāṣid* within the framework of the development of thinking in a way Ushul Fiqh parse the circuit in order to understand the concept of thinking is a necessity that cannot be abandoned, because a lot of factors that affect the formulation of the concept of *maqāṣid*, as I have explained this above.

## 4.0 THIRD DISCUSSION: INTERNAL MECHANISM THEORY OF MAQĀSID

Baseline for comprehensive systemic ushul fiqh is done by Syāṭibi in the theory of *maqāṣid* internal structure includes various mechanisms that are based on the general framework of the theory of *maqāṣid*. The framework emerged from the new knowledge which are required for the theory of *maqāṣid* itself.

For this reason, attempts to reveal the mechanisms underlying functional relationship are a necessity, which is also an open door to a deeper understanding. As the practice of the process of research, investigation, and excavation of the scope of knowledge may impact discoveries secondary mechanism at a certain level.

To clarify the understanding of the mind, I try to analyze two basic ideas are constructed by Syāṭibi in the formulation of the concept; namely the concept of *istiqra'* (induction), and the concept of *maslahah* (benefit).

### 4.1 Understanding *istiqra'* (Induction)

Syāṭibi *istiqra'* are adopting the concept of the underlying thinking that by some other scholars called by grounding logical excavation syari'ah law that *qoth'i* not *zhanni*. It is also believed by most scholars of ushul. Because from the beginning, Syāṭibi has stated that the basic ushulnya generally based on the method which has been adopted by several other scholars of ushul, a method known as "*al-Adillah Tarakim*". He stated: "When the deepest secret seems to me, and when Allah the Exalted gave His help and guidance for what He wills over the fate. I always confine and collect a variety of evidence, either specific or global, then link it with other sources of law and its history as a basis, and adopt it as a general induction is not restricted to certain parts of the unit, as well as its principles underlying the basic nature *Naqli* - basic logical way I can" (Abdul Majid as-Shoghir, 1994: 131).

As Syāṭibi view, the arguments *qath'i* in *istiqra'* methods defined by the laws, either in the form of arguments that partial *zhanni* mutual support and the arguments *zhanni* conflicting. "The arguments of *istiqra'* is meant here is a set of mutually supportive *zhanni* postulate that provide a single understanding so as to provide a certainty (*qath'i*). Because, basically the consensus is not split, then from the consensus mean mutawatir certainty. And this is a form of al-qath'i. If the induction of the basics of a problem is achieving a global law, then that is the basis of the search. And it is similar to the connectivity meaning of law" (Syāṭibi, 1991, I: 16).

As Syāṭibi view, that neglect some experts predecessor ushul is a hint of the importance of the method of induction (*istiqra'*) against the arguments of *syar'i* following specific maxims are global, as well as common goals, and also the lack of attention they were against the relationship between the arguments of the other so that the arguments they make neglect to remind the khalaf scholars that the arguments of *istiqra'* is to be *qath'i*. However, the waiver actually reinforce the modern jurisprudence experts the opportunity to conduct research on issues of fiqh and ushul each, the research is far from *zhanni*, which is far from strife and discord, research close to the beliefs and agreeing opinions, research methods that do not neglect the spirit *istiqra'*. Thus, the purpose of *istiqra'* method is to strengthen all *qath'i's* the problem with roads connecting many parts of the problem, and found the similarities" (Abdul Majid as-Shoghir, 1994: 131).

*Qath'i* the theoretical framework *maqāṣid* here it should be understood as such. In a sense, that understood is the substance, not its form. Because it gives the interpretation to the reader about the book of al-Muwafaqat for the emergence of a proof method applied by the book authors in the field of life sciences as anthropology. Therefore, if we take the basic form *qath'i* of understanding, then it is definitely only

going to show the extent of which form only in accordance with the level of analysis methods. From here it is clear that Syāṭibi states *qath'i* belief in question istaken from the general scope of the arguments *syari'ah* through *istiqra'* method, which illustrates the nature of enforceability, steady, dictatorship. He was not affected at all if he uses the means of making the proposition quoted from its principles of *syari'ah*, or the means of making the other's argument that certainly cannot be separated from the arguments *Naqli* proof (Abdul Majid as-Shoghir, 1994: 131).

However, it is a consistency that is a form of absolute authority for the proposition *qath'i* compromise between the content and the reasoning effort is proof. But the important point to note is that both *fiqh* and *ushul fiqh* establish a mechanism *istiqra'* who dwell on the macro (*kulli*) and micro (*juz'iy*) of the *syari'ah*. Syāṭibi restrictions efforts towards systems thinking is a culmination of intelligence, because at the same time reassuring thought that we could achieve a thorough understanding of the method through partial understanding (*juz'iy*), and at the same time, thinking it clear that a thorough understanding of the power more powerful than a partial understanding. Thus, understanding these Syāṭibi forever will not cause the collapse of an understanding of the parts thoroughly (*kulli*). Although this view is basically in accordance with the jurisprudence that dwell within the scope of the discussion of partial (*juz'iyah*), this view has the important influence of the ideas that could help to reveal new system for *istiqra'* method. And, this view is in contrast to the view expressed by modern epistemology, especially the view of Bober *ad-Dahdu wa at-Takdzib* (cancellation and victimization) which states that it is quite simply the opposite of a sample of the general problem, because basically scientific value was taken from him.

This point, the underlying *istiqra'* system Syāṭibi states: "The *juz'iy* (part, partial, micro) is *ushul* (*kulli*, total, macro) to the *syari'ah*. Therefore, everything that was taken from its principles is a partial state simultaneously with the totality of each type of form. Due to the existence of the *juz'iy* because *kulli*. Of course it is impossible if the *juz'iy* apart altogether from the *kulli*. Therefore, anyone who took the *juz'iy* of texts as the basis of law -making *kulli*, then he is wrong. Vice versa (Syāṭibi, 1991, I: 24). From this it can be concluded that the specificity should be considered part *juz'iy* with totally. And vice versa, specificity *kulli* also be considered with a partial section. Which, this condition is the meeting point of various views of the *mujtahid*. A law of a problem defined as a global formulation is correct. Because, the *kulli* doesn't deviate from the *juz'iy*. While *juz'iy* judged by the *kulli* based on the Essence and *juz'iy* itself, not in relation to the external aspects. Because basically *juz'iy* differences cannot assemble the *kulli*, as opposed to the solid *kulli* (Syāṭibi, 1991, I: 5-9).

#### 4.2 Understanding *Maslahah*

Understanding of the concept of *al-maslahah* have an important role in the theory of *maqāsid* (Abdul Majid as-Shoghir, 1994: 116), because *al-maslahah* provides an overview of two aspects; theoretical aspects that arise when Syāṭibi explained *khithab* revelation with the statement: "The laying of the *syari'ah* is only intended for the benefit of slaves, both current and future, which must be based on strong evidence. And is believed also that, *syari'ah* is formulated on the basis of benefit of the people is the result of *istiqra'*, as well as it is recognized by the *ar-Razi*" (Syāṭibi, 1991, II: 6). These limits to the realization of the benefit of the *syari'ah* serve as limitations in understanding *al-maslahah* *fiqhiah* discussions and fundamental issues of *ushul*.

As for the theoretical side, the concept of *al-maslahah* provide an overview of the conditions that illustrate forms of social interaction and mobility. It is understood that because the concept of *al-maslahah* dwell on the scope for comprehensive system taken from the "social conscience" "of a community to realize the improvement efforts. In other words, efforts to establish *al-maslahah* system is really happening between social communities both as individuals and groups, in which there is interference between the power that tends to *menguasa* and beat each other -in which the Muslim community also includes also experience throughout the course of history development to date- is a realistic picture of half of the enactment of the theories of *maqashid*.

As a result, these conditions make Syāṭibi pay great attention to the meaningful aspects of the condition. So he explains some aspects *interfensi* meaningful happens in it. From an understanding of these meanings, Syāṭibi perform the classification process and tracing.

About *al-maslahah*, Syāṭibi stated: "What I mean by *al-masalih* is everything back on the implementation of human life, livelihood and way to get a perfection which certainly will not be a part of the fun properties, logical properties, until it reached a level of comfort" (Syāṭibi, 1991, II: 25).

Not only there, Syāṭibi further gives his views on the division of the types of *al-maslahah*. He divided them into two kinds; the first is *al-maslahah* related to the current reality, which is *al-maslahah* based on the benefit itself is experiencing interference with it destroyers. It can be understood from the expression: "The world, created by the unification between two things, mixing between the two sides.

"ونيلوكم بالشر والخير فتنه" (and we test you with kindness libel and slander badness). Therefore, Syāṭibi provide the division with his views in a rule: "*al-Fahm 'ala ma muqtadha ghulib*" (Syāṭibi, 1991, II: 25).

The second division, is *al-maslahah khithab* related to *syari'ah*. *Al-Maslahah* this category at all is not mixed with elements of damage (*al-mafasid*). And if the scholars consider that there is a correlation with *khithab syari'ah al-mafasid*, it is not the reality. Because *al-maslahah* that have been damaged, or *al-mafsadah* that have been damaged, are a condition that occurs for any business and human effort and not because of the command of the Lord" (Syāṭibi, 1991, II: 26).

The importance of this term expressed by Abdul Majid as-Sagheer: "Efforts Syāṭibi here is aiming to re-examine and deepen understanding of the term *al-masalih* itself. An understanding of which will be important in understanding the theory of *maqashid*, an understanding of the core of the entire Syāṭibi thinking, which one day will provide some understanding of others with various methodical evidence that gives a new view on understanding the core of *maqashid*" (Abdul Majid as-Shoghir, 1994: 472).

Syāṭibi in efforts to establish a system of thinking is actually trying to underlie the concept of *al-maslahah* is in the second division. Because it provides a much more perfect that it is possible to be realized. He stated: "*al-Maslahah* sourced from the *syari'ah*, and badness contrary to the *syari'ah* is an understanding that is drawn from the implementation of the afterlife to the living world, and not an understanding that comes from lust to simply look for the benefit of, or just resist damage" (Syāṭibi, 1991, II: 27).

Thus, it is clear to us that the concept of *maqāsid* goal is to provide a limited extent upon the understanding of *al-maslahah* is believed to be one substantive way to create an atmosphere of productive social life in accordance with the demands of revelation. This goal is a desired destination in the theory of *maqāsid* underlying complex systems thinking with theoretical limits, the theory and practice in a real social life.

## ■5.0 DISCUSSION FOUR: KNOWLEDGE VALUE CONCEPT OF

In general, the whole orientation of the theory of *maqāshid* understood through the analysis, can be grouped into two orientations. The first orientation, the theory of *maqāshid* viewed as a separate system in ushul fiqh which includes other parts such as the arguments and law (Syāṭibi, 1991, II: 29). The second orientation is the theory of *maqāshid* seen as a new macro system that has its own characteristics that can provide a jump renewal in scientific thinking. This theory gives important changes in the level of scientific thinking. For example, in a system of *kulli* (macro) and *juz'iy* (micro).

From the second orientation, it appears some view once again to reinforce what we have discussed in the introduction that the theory of *maqāshid* need to be re-examined with a review of aspects of cognition are also influenced by other aspects of his thought which becomes a barrier. And in fact, aspects of the barrier are actually a cornerstone in the assessment standards.

'Abid al-Jabiri argues that the theory of *maqāshid* is a leap in the system of thought. In the sense that the theory is a science that is able to issue laws jurisprudence of the conditions of handling issues that are declarative towards enlightening systemically conditions (Muhammad 'Abid al-Jabiriy, 1991: 554). Al-Jabiri states on the basis of the various efforts that have been made by Syāṭibi in building his thinking. For example, when Syāṭibi gives his views on thinking where this ratio by Syāṭibi used to underpin the laws of the syari'ah over *qath'i* understanding arguments. The process according to al-Jabiri uncertainty in the ratio of confidence, he stated: "How is it possible to build a ratio based on the syari'ah is based on the proposition *qath'i*, as well as provide confidence in the ratio of uncertainty, and we also know that the syari'ah based on the proposition *Naqli*, not '*aqli*? However, according to Syāṭibi it's likely to be done if we embrace realism, which is build on the basis of ushul fiqh and syari'ah macro on the basis of the objectives of syari'ah. Because syari'ah *kulli* entirely logical position in the realm of the theoretical sciences. The objectives of the syari'ah is a teleological reason that regulate the system rationalism" (Muhammad 'Abid al-Jabiriy, 1991: 210).

In fact, when al-Jabiri seeks to uncover the relationship between theory *maqāshid* after he explains the types of *maqāshid* are divided into four by Syāṭibi; *al-maslahah*, understanding, *taklif*, and preservation of *mukallaf* lust, furthermore al-Jabiri stated: "What concerns me is the theory of *maqāshid* relationship with logic in the realm of jurisprudence. Theory of *maqāshid* has causally which according to Aristotle is also divided into four. Then, could we apply the material reasons with the ability of *mukallaf*? Among the reasons realistic with what is understood by the Arabs? Among the reasons motivating the efforts to prevent human followed his own lust? Between the reasons of theology and the benefit of the people? Then, it is sufficient to say that the sample rationalism in the medieval realism is samples of Aristotle. Therefore, it is not strange if we find a glimpse of the samples in a variety of efforts to compromise ratio in the realm of thought the idea was to have the same character as the rationalism of Ibn Rushd and use ratios in ushul fiqh Syāṭibi" (Muhammad 'Abid al-Jabiriy, 1991: 211).

Thaha Abdurrahman contend with a different view, he saw *maqāshid* theory is the foundation of a common view that emphasizes the value of which require the fulfillment of any underlying sciences on the basis of syari'ah. He rejected the al-Jabiri in the expression: "We will see that the contents of *maqāshid* were entered in the system of thought which al-Jabiri is placed not on the level of "attempt to explain". Because, al-Jabiri *maqāshid* dissect theory in the limit of knowledge. Thus, leap scientific value ushul fiqh is not a leap achieved better value as stated in his criticism, but it makes the leap ushul fiqh increasingly despicable" (Thaha Abdurrohman, 1991: 97). Thaha Abdurrahman also argues that if we want to conclude further ethical dimension in the range of the system, then we will understand it as a comprehensive theory. It appears from the expression: "The conclusion of the ethical dimension theory *maqāshid al-syarī'ah* is the goal that is meaningful and pure. The will of God is irodah and alone. While *maqāshid* is juridical and welfare. And we have to understand that *al-maslahah* is a place that is meaningful embodiment of goodness is the goal. Therefore, knowledge about the *maqāshid* is a form taken by the science of ethics for its principles incorporated in science" (Thaha Abdurrohman, 1991: 97).

Furthermore, Thaha Abdurrahman terminates his view by stating: "In my opinion, no other Syāṭibi here trying to compromise between science ethics and science of ushul. At the same time he is trying to reopen the way to form Islamic science on the basis of the chain are mutually enhance science, in which it has never encountered before, or even the future" (Thaha Abdurrohman, 1991: 97/122).

## ■6.0 CONCLUSION

Exposure of theoretical evidence of the theory of *maqāshid* that we make the media to examine the historical side of the formation, formulation, and restrictions on scientific values, it becomes clear that these aspects are very influential in the formulation of the theory of *maqāshid* is cognitive or thinking which becomes its own motivation in the development of the science of Ushul Fiqh internal thinking. Then the social aspect that pushed to addressing the various problems faced by the method in Ushul Fiqh, thus giving birth to a new way or a method to overcome these problems. Because, understanding of the theory of *maqāshid* will be jammed if not understand the shape that has a close relationship with ushul fiqh and problems. Similarly, the content of existing knowledge in the theory of *maqāshid*, no other aim to strengthen the theory itself, in the sense purifies science of ushul fiqh.

Large a shift has taken place that can be expressed as a "leap of knowledge" when we are trying to bring the science of ushul historical development travel that has been lost in the beginning with Imam al-Shafi'i in his book "ar-Risalah". The next came a period of Imam al - Juwayni and Imam al-Ghazali with their ushul thinking in frame of logical knowledge. After that then came the third period that portray *maqāshid* theory promoted by al-Izz ibn Abdissalam, and Syāṭibi, and then Ibn 'Asyur, 'Ilal Fasiy al-Hadid Jail which includes modern researchers .

It is sometimes not found scientific arguments that explain aspects of the value of these developments. However, we still can explain important ideas in it, which is about the nature of the development of their thinking. In that sense it is impossible for us to hold fast to the evidence obtained from the people who rejected the renewal process in Ushul Fiqh methods. This attitude is actually contrary to the nature of science itself, due basically to understand the thinking it must be subject to the early history of the development of thought itself.

I believe that if we understand the implicit movement, it is possible for us to understand the development of many methods that we use to understand *khithab* revelation. However, the philosophy of these scientific developments illustrate that the development is on going. In other words, the development was to be built by a train of thought that existed previously. With this understanding, we see that the theory of *maqāshid* be thought partial (*juz'iy*) related to problems at one time faced by Islamic thought which sometimes does not apply to the current.

Therefore, if we think of it as a method of global macro, then it is still possible to be applied in other scientific domains, but to continue to take benefit of this theory as a scientific framework and rules that become important chain systems knowledge and Islamic scholarship.

Thus, if we want to understand the theory of *maqāṣid* totally, then I believe the opinion of Thaha Abdurrahman is a more correct opinion. In terms of methods for comprehensive *maqāṣid* can look through the two sides, namely the values and ethical side. However, if the theory of *maqāṣid* understood as an attempt to combine the science of ethics into the science of ushul -as Thaha Abdurrahman view- then there is nothing that prevents the system to update the process in other sciences. In this context, the theme of exile theoretical relationship with anthropology is the only character structure. The attempt to apply them to solve new problems that occur, then it is a method of chaos in reality the structure of thought.

Thus, we can obtain a series of conclusions that make the theory of *maqāṣid* as micro theory in the realm of thought, especially the science of Ushul Fiqh. And also as a general moral theory that may be used in other sciences while taking the partial benefits through the contents of scientific, especially in terms of philosophical thinking. Allah knows best.

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