The Historical Development of Maqasid al-Shariah: From Islamic Scholars to Contemporary Professors with Malaysia as a Reference

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Abstract

Maqasid Al Shariah, the objectives of Islamic law, serves as a foundational ethical and legal framework rooted in Islamic civilisation and continually refined to meet changing societal conditions. This paper examines the historical development of *Maqasid Al Shariah* from the early Islamic period through the contributions of Islamic jurists and scholars, including Imam Al-Ghazali, Imam al-Shatibi, Shaykh Ibn Taymiyyah and Shaykh Ibn Ashur. The paper explores the objectives of justice, equity, human dignity, public welfare, freedom, and the prevention of harm, with particular emphasis on the protection of faith, life, intellect, lineage, and wealth. It further examines the adaptability of *Maqasid Al Shariah* across Muslim-majority and non-Muslim-majority countries, including Malaysia and the UK. The discussion considers its influence on Islamic finance, Islamic banking, and financial inclusion, demonstrating how ethical principles can promote equitable access to financial services, social welfare, and economic participation. The paper also examines Malaysia's *Maqasid-Shariah* Framework, Scorecard, and Index, alongside cooperation between Malaysia and the UK. Maqasid Al Shariah provides a flexible and responsive framework connecting Islamic legal thought, justice and welfare with contemporary financial inclusion and sustainable economic development.

Keywords: Malaysia, Shariah Compliant, Maqasid Al Shariah, History

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INTRODUCTION

This paper introduces the concept of *Maqasid Al Shariah*, the objectives and principles guiding Islamic law, as a foundational framework for understanding Islamic finance's role in promoting financial inclusion. *Maqasid Al Shariah* embodies key ethical principles such as justice, equity, and welfare that aim to ensure human well-being across various facets of life, including economic participation. As such, it offers a comprehensive model for financial practices that prioritise social welfare and economic justice. This introduction will delve into how *Maqasid Al Shariah* principles intersect with Islamic finance and serve as a theoretical foundation for

financial inclusion, especially through banking initiatives and products. Scholars like Vejzagic and Smolo (2011) provide foundational insights into the ways *Maqasid Al Shariah* underpins Islamic banking and creates avenues for accessible, equitable financial services. In doing so, this chapter lays the groundwork for a detailed exploration of how Islamic finance can foster inclusive growth.

LITERATURE REVIEW SURROUNDING THE HISTORY OF *MAQASID*

According to Mohammed, Tarique, and Islam (2015) the term *maqasid* (plural) originates from the Arabic word *maqsad* (singular), which means purpose, goal, or objective. Thus, *Maqasid Al Shariah*, the objectives of Islamic law, forms the ethical and practical bedrock of Islamic finance, making it a vital approach for promoting financial inclusion and tackling poverty with a view to promote well-being and public welfare. Its principles guide Islamic financial practices to address socio-economic challenges, particularly for financially underserved communities in both Muslim-majority (Malaysia) and non-Muslim-majority nations (such as the UK). While financial inclusion in conventional finance primarily aims to extend financial services like credit and loans, Islamic finance grounded in *Maqasid Al Shariah* envisions it as a broader path to justice, equity, and empowerment. Through *Maqasid Al Shariah*, financial services are realigned to meet the ethical, spiritual, and social needs of vulnerable groups, creating a financial environment focused on upliftment and holistic well-being.

Central to *Maqasid Al Shariah* is its commitment to both individual needs and societal welfare, a commitment underscored by Auda (2008). Auda explains that these objectives rest on divine intents and ethical values such as justice, dignity, cooperation, and freedom, all of which create a unique moral foundation within Islamic finance. These moral pillars distinguish Islamic finance from conventional financial systems by addressing not only economic needs but also the social and ethical dimensions of financial inclusion. This approach ensures that financial products align with human dignity and social welfare, establishing financial practices that prioritise inclusive, community-centred solutions. Islamic finance, therefore, offers economic pathways that address material needs without sacrificing ethical considerations, filling a critical gap in the financial inclusion discourse.

Kamali (2008) provides a detailed examination of *Maqasid Al Shariah* by categorising its objectives into three levels: essential (*daruriyyat*), complementary (*hajiyyat*), and embellishments (*tahsiniyyat*). These levels structure the objectives that Islamic finance uses to pursue financial inclusion. Kamali (2008) highlights that:

> "beginning with the essential [known as] masalih, or daruriyyat, followed by the complementary benefits, or hajiyyat, and then the embellishments or tahsiniyyat. The essential interests are enumerated at five, namely faith, life, lineage, intellect and property… complementary interests are defined as benefits which seek to remove severity and hardship… masalih… are the nature of desirabilities as they seek to attain refinement and perfection in the customs and conduct of people at all levels of achievement."

Essential interests, known as *masalih*, form the foundation and are core to human welfare, emphasising the protection of faith, life, intellect, lineage, and property. Complementary interests focus on relieving hardship and supporting individuals in achieving a stable life, while embellishments aim to refine social customs and elevate ethical behaviour. This hierarchy enables *Maqasid Al Shariah* to balance immediate socio-economic needs with long-term development goals, providing a flexible framework that supports financial inclusion through adaptable, community-oriented financial solutions. Kamali's analysis further separates the objectives into those of the lawgiver and the goals of individuals (*Maqasid al-Mukallaf*), allowing Islamic finance to respond dynamically to different socio-economic settings.

The foundational objectives of *Maqasid Al Shariah* are aligned with the goals of financial inclusion through a series of principles that inform Islamic financial practices:

1. Preserving Religion (*Hifz al-Din*): This principle promotes spiritual and socio-economic justice by integrating Islamic values into financial activities. By aligning financial practices with ethical considerations, Islamic finance fosters a system where faith-based principles support social welfare (March (2009).
2. Preserving Intellect (*Hifz al-Aql*): Promoting intellectual development and financial literacy encourages informed decision-making, strengthening societal growth and contributing to overall economic well-being (Shihan, Amanullah, & Zaroum (2023).
3. Preserving Wealth (*Hifz al-Mal*): Ensuring the protection of property and promoting fair wealth distribution are key priorities in Islamic finance, aimed at reducing wealth disparities. This principle encourages responsible wealth management, which is foundational to financial inclusion (Zailani, Nurulhuda, & Zakari (2022).
4. Preserving Life (*Hifz al-Nafs*): The protection of human life and welfare is a core value, addressing health and well-being through financial products that support healthcare, nutrition, and basic needs.
5. Preserving Family (*Hifz al-Nasl*): Protecting family, marriage, and future generations.

There is a reliance on Shaykh Abu Ishaq al-Shatibi essential objectives who expanded Imam Al-Ghazali's formation and included:

1. Preserving Honor (*Hifz al- 'Ird*): Protecting individual and community dignity is critical, ensuring that financial inclusion efforts respect and elevate the social standing of underserved groups. This principle helps reduce exploitation while fostering empowerment and financial independence.

There is also a reliance on Shaykh Ibn Ashur's essential objectives who also expanded Imam Al-Ghazali's formation and included:

1. Promotion of Justice (*Adl*): A commitment to justice plays a significant role in Islamic banking, advocating for fairness and equality in financial practices, ensuring financial access for all, regardless of socio-economic background (Abbas (2011).
2. Promotion of Freedom (*Hurriyyah*): A commitment to freedom allowing peoples their rights and liberties.

3. Upholding Public Interest (*Maslahah*): This principle emphasises Islamic finance's dedication to societal welfare, balancing public benefit with ethical responsibility by preventing harm and promoting high ethical standards.

The justification of using Imam Ghazali's, Shaykh al-Shatibi and Shaykh Ibn Ashur's essential objectives of *Maqasid Al Shariah* are focused on the UK's way of life, and to assist in upholding the cultural beliefs and legal protections afforded by the UK to its citizens.
Beyond these primary objectives, *Maqasid Al Shariah* is shaped by several additional principles that enhance its ethical and practical relevance to financial inclusion. The principle of Prevention of Harm (*Dar al-Mafasid*), for example, emphasises the sustainability of financial practices, safeguarding long-term societal welfare. Additionally, Promotion of Public Interest (*Istislah*) supports societal well-being while respecting individual rights (Malik, 2015 and Aris, Azli, & Othman, 2013). The Facilitation of Ease (*Taysir*) ensures that financial products remain accessible and free from undue hardship, reflecting *Maqasid Al Shariah's* adaptability to meet real-life needs. Together, these principles cultivate a financial environment where the well-being of individuals and communities takes precedence, ensuring that financial inclusion brings about meaningful social change.

An example of leveraging *Maqasid Al Shariah* principles that fosters ethical finance and financial inclusion, effectively addressing socio-economic needs would be the application of Islamic banking. Islamic microfinance as an example is a service that allows low-income and disadvantaged individuals the ability to have access to finance which is *riba* free and focuses on the welfare and protection of people, but this is achieved through effective financial inclusion. In countries like the UK and Malaysia, where conventional banking systems often fail to serve low-income populations or rural areas, Islamic banking offers an inclusive, values-driven alternative. This approach empowers individuals through access to ethical financial products, promoting financial independence while adhering to the moral standards of *Maqasid Al Shariah*. By focusing on both personal and community welfare, Islamic banking operates as a powerful tool for addressing financial inclusion.

Maqasid Al Shariah provides the foundation for Islamic finance, allowing it to operate with a view towards financial inclusion through the ethical responsibilities it imposes on the State to ensure social justice. By integrating ethical, social, and economic considerations, *Maqasid Al Shariah* offers a structured framework that goes beyond conventional finance, addressing socio-economic challenges holistically. Islamic banking emerges as a promising alternative, meeting immediate financial needs while promoting social equity, dignity, and self-sufficiency, thus aligning closely with Islamic law's objectives. This alignment highlights the potential of Islamic finance to create a more just, equitable financial system, where financial inclusion becomes a powerful catalyst for sustainable growth and community resilience.

Historical Periodic Development of *Maqasid Al Shariah*

Maqasid Al Shariah, the objectives of Islamic law, has consistently guided Islamic jurisprudence and finance, serving as a core ethical and legal framework for addressing diverse societal needs throughout history. Although the term '*Maqasid Al Shariah'* was not explicitly coined in early Islam, the objectives and guiding principles of Islamic law were inherently

present in the actions, teachings, and decisions of the Prophet Muhammad (PBUH) and his followers. These foundational principles laid the groundwork for an evolving system that, from the 7th century, adapted to meet the needs of Muslim societies, shaping ethical and legal standards to maintain relevance across centuries and regions (Jamrozia et al, 2022). Early Islamic jurists drew on these objectives to develop and interpret *Shariah*, reflecting the Quran and Sunnah's emphasis on justice, welfare, and moral integrity as key components of an inclusive society. The development of *Fiqh* over time was characterised by an intentional effort to understand and apply the core purposes of *Shariah*, which aimed to secure both individual well-being and collective welfare.

By the 9th and 10th centuries, the leaders of the four primary Sunni schools of thought Hanafi, Maliki, Shafi'i, and Hanbali (*Madhabs*) acknowledged the universal objectives within Islamic jurisprudence, particularly *Maqasid Al Shariah*, establishing mutual validation among their frameworks. This collaborative approach led to an exclusive acceptance of the *Madhhabs* (schools of jurisprudence) by Islamic jurists by the 12th century, fostering a sturdy foundation for Islamic law's adaptability (Setiyanto (2019).

Notable Imam Al-Ghazali contributed significantly to the development of *Maqasid Al Shariah* as a structured theoretical framework. Al-Ghazali was one of the first to articulate the concept, proposing the importance of preserving faith, life, intellect, lineage, and property as core values of Islamic law, all of which are essential for establishing a fair and inclusive society in the 11th/12th century (Setiyanto, 2019). Imam Fakhr al-Din al-Razi in the late 12th century expanded the work with emphasis on social benefits. Imam Izz al-Din Abd al-Salaam in early 13th century furthered the work on *maslahah* (benefit) and *mafsadah* (harm) focusing as legal rulings. There was also the work of Shaykh Taqi al-Din Ibn Taymiyyah looked to strengthen the link between *Shariah* and *maslahah* and *mafsadah*, where he outlined that the rule of *Shariah* is to promote justice, achieve *maslahah*, prevent *mafsadah*, protection of people's interest and apply mercy and wisdom. His work was important as it demonstrated that even if legal compliant text that caused injustice or corruption will look to contradict the objectives of *Shariah*.

Imam al-Shatibi in the late 14th century further developed the concept of *Maqasid Al Shariah* in his influential work *Al-Muwafaqat*, emphasising the broader purpose of Islamic law in addressing social welfare, justice, freedom, equality, human dignity, social order, and encouraging Muslims to consider the public good and practical realities (Kasdi, 2019).

As Islamic law continued to evolve, scholars such as Imam al-Haramain al-Juwaini expanded on *Maqasid Al Shariah'*s purpose, identifying it as a tool for ensuring both benefit and the avoidance of harm in Islamic rulings. Imam Al-Juwaini's contributions underscored the idea that *Maqasid Al Shariah* aims to achieve the good and prevent damage, reflecting a balanced approach to justice and welfare that is central to Islamic finance's modern objectives (Wafa, 2003). By the 14th century, jurists began codifying legal principles and methodologies, leading to a period of dynamic growth in the understanding and application of *Maqasid Al Shariah*. This codification marked a turning point in Islamic jurisprudence, as scholars increasingly focused on uncovering the purpose and rationale behind legal rulings, fostering a tradition of contextualised, purpose-driven interpretations.

The impact of *Maqasid Al Shariah* on Islamic rulings became more pronounced by the early 15th century, with Islamic jurists actively researching and adapting these principles to

address both new and existing societal needs. The 16th to 18th centuries witnessed a further expansion of the legal discourse surrounding *Maqasid Al Shariah*, as jurists sought to address contemporary legal issues, emphasising the adaptability and relevance of Islamic law in diverse contexts (Atiyah, 2007). This period of expansion contributed to the formulation of a more comprehensive approach to legal and ethical challenges, setting the stage for the later integration of *Maqasid Al Shariah* principles in modern Islamic finance. In the early 19th century, *Maqasid Al Shariah* underwent a significant transformation by Shaykh Muhammad al Thair Ibn Ashur where a response to the complex socio-political challenges arising from colonialism, economic upheavals, and wars. By addressing these global and local challenges, scholars adapted *Maqasid Al Shariah* to uphold social justice, equality, and economic well-being, making it relevant in contemporary contexts (Adams, 2019). Shaykh Ibn Ashur outline justice, freedom, equality human dignity, social order, and good governance with a focus on social and economic development rather than a complete focus on *Shariah*.

Maqasid Al Shariah's historical development highlights its role as a living, evolving framework rooted in the *Quran* and *Sunnah* (comments of Prophet Muhammad pbuH), continually refined to meet changing societal conditions and to uphold the higher objectives of Islamic law. Today, *Maqasid Al Shariah* is a prominent field of study, actively used to address modern challenges such as lack of financial inclusion, poverty, and inequality. Its focus on ethical considerations makes it uniquely suited to guide Islamic finance, which seeks not only to expand access to financial services but also to ensure these services promote dignity, equity, and community welfare. By combining Islamic ethics with practical applications, *Maqasid Al Shariah* enables Islamic finance to transcend mere financial transactions, offering a pathway toward social empowerment and economic resilience.

Applying and understanding the historical meaning of *Maqasid Al Shariah* in Malaysia and the UK

Maqasid Al Shariah, the objectives of *Shariah*, serves as a versatile and adaptable framework for addressing the diverse cultural, social, and economic challenges faced by Muslim communities across the globe. While the core aims of *Shariah* such as the preservation of faith, life, intellect, lineage, and wealth remain consistent, the understanding and implementation of these objectives vary according to local customs, societal beliefs, and historical contexts. This adaptability is particularly vital in the realm of financial inclusion, where the principles of *Maqasid Al Shariah* can provide direction for creating equitable financial systems that meet the needs of all members of society.

Maqasid Al Shariah acknowledges the legitimacy of various legal traditions and interpretations within the Islamic world, thereby embracing legal pluralism. Different schools of Islamic jurisprudence, or *Madhhabs*, prioritise distinct objectives based on their unique legal methodologies and socio-cultural backgrounds (Yimam, 2017). Yilmaz (2019) explains that:

> "some fiqh rulings may appear contradictory and inconsistent, they are responding to different conditions and methodological considerations. The timeframe and intellectual context in which each Maddhab appeared and developed seem to have affected their interpretation of the Shari'a. For example,

> while Maliki and Hanafi madhhabs gave more weight to pre-existing customary practices, indicating a stronger influence of reasoning as well as social and economic experience, Shafi'i and Hanbali madhhabs required for juridicial explanations to have more direct textual basis in the Quran or Sunna." This diversity allows for the coexistence of multiple legal norms and practices within a particular society, which can be particularly beneficial for addressing the varying financial needs of different communities. For instance, some interpretations may emphasise social justice and equitable distribution of wealth, aligning closely with the goals of financial inclusion.

For example, the Hanafi and Maliki schools tend to weigh pre-existing customary practices more heavily, thereby reflecting the social and economic realities of their time. In contrast, the Shafi'i and Hanbali schools emphasise a direct textual basis from the *Quran* and *Sunnah* for their rulings. This multifaceted approach enables Islamic finance to draw from various methodologies and adapt its practices to local needs, fostering a more inclusive financial landscape.

Maqasid Al Shariah allows for cultural adaptation, enabling Islamic principles to manifest in forms that resonate with local customs and traditions (Faisal & Sudibyo, 2020). This adaptability is crucial for financial inclusion, as it allows Islamic financial products to be tailored to the specific needs and circumstances of different communities. For example, while the overarching aim of promoting modesty in financial dealings remains constant, the specific financial instruments and practices that are deemed acceptable may vary from one region to another.

In areas marked by conflict or socioeconomic instability, the focus may shift toward protecting life, securing property, and fostering peace. Conversely, in more stable regions, the emphasis may be on promoting economic growth, environmental sustainability, and good governance. By addressing the unique challenges faced by different communities, *Maqasid Al Shariah* can facilitate the development of inclusive financial systems that cater to a wide range of needs and priorities.

Another important aspect of *Maqasid Al Shariah* is its appreciation for the preservation of cultural heritage and indigenous wisdom, recognising their role in shaping community identity and fostering social unity. By harmonising Islamic ethical principles with local customs, *Maqasid Al Shariah* can promote cultural continuity and mutual respect among diverse communities (Ali et al, 2024). This is particularly relevant in discussions about financial inclusion, where respecting local traditions and practices can encourage greater participation in formal financial systems.

For minority Muslim communities in non-Muslim societies, *Maqasid Al Shariah* provides guidance on navigating issues of religious freedom, cultural assimilation, and civic engagement (Shukri & Azalan, 2023). The principles of safeguarding religion, preserving life, and ensuring justice can serve as foundational guidelines for their interactions with both fellow Muslims and individuals from other faith traditions, contributing to a more inclusive and harmonious society.

Mawardi (2020) outlines the challenges faced by Muslim minorities in non-Muslim societies, where the dominant culture often influences social and political conditions. He

outlines that:

> "as the minority group, they face different social and political conditions from the conditions of where they originated… The majority culture is dominant, thus in several topics on the correlation of the two values, psychologically makes the Muslim minority face several options: remain firm with the culture of origin, acculturate to the majority culture, or stand in between the two identities by positively adapting and integrating between the two."

This can create a psychological struggle for Muslim minorities, who may feel compelled to either remain loyal to their culture of origin or adapt to the prevailing majority culture. However, Quraishi-Landes (2014) argues that secularist systems can create significant obstacles for Muslims, particularly those who have experienced militant secularism. Quraishi-Landes (2014) has a contrary view where he states that "this is a very real concern in Muslim populations, especially those who have experienced militant secularist rule, and the sentiment is memorialised in several constitutions with clauses prohibiting state lawmaking that is contrary to sharia." These challenges highlight the importance of *Maqasid Al Shariah* in providing a moral and ethical framework that can guide Muslims in navigating complex social dynamics while maintaining their religious identity.

In an era marked by globalisation and rapid technological advancement, *Maqasid Al Shariah* serves as a vital structure for confronting contemporary issues, including economic globalisation, cultural interchange, and ethical consumerism. As discussions around financial inclusion gain momentum, the ethical reflections inspired by *Maqasid Al Shariah* increasingly incorporate considerations of social equity and environmental sustainability (Karimullah, 2023). This integration ensures that Islamic finance remains relevant and responsive to the pressing issues of the modern world.

Bakar (2011) argues that the current global landscape is characterised by contradictions, where advancements in science and technology coexist with a lack of moral and spiritual wisdom. While humanity excels in solving technical challenges, it often struggles with fundamental human issues, including inequality and lack of financial inclusion. *Maqasid Al Shariah* provides a foundational framework for addressing these dilemmas, emphasising ethical behaviour, social justice, and the collective welfare of society.

The principles of *Maqasid Al Shariah* can significantly enhance financial inclusion by promoting equitable access to financial services for all, regardless of socio-economic status. By aligning financial products and practices with the ethical goals of *Shariah*, Islamic finance can serve as a powerful tool for empowering underserved populations. For instance, financial inclusion is rooted in *Maqasid Al Shariah* not only provide the necessary access but also promote social equity, dignity, and self-sufficiency. These outcomes closely align with the broader objectives of Islamic law, illustrating the potential of Islamic finance to contribute to a more just and equitable financial system.

Malaysia's Securities Commission *Maqasid-Shariah* Framework is structured to prioritise the ultimate objective of human welfare (*Masalih al-`Ibad*), aligning Islamic finance with the ethical commitment to serve societal needs. This foundational goal of human welfare is realised through the dual mandate of serving benefits and preventing harm (*Jalb al-Masalih*

wa Dar' al-Mafasid), emphasising a balanced approach to economic activities that ensure the well-being of all stakeholders. Here, the interests of humankind (*Maslahah*) remain central, underpinning the *Maqasid Al Shariah's* commitment to support the ethical and social dimensions of finance, particularly through measures that prevent societal and financial harm. By embedding human welfare as the framework's core focus, Islamic finance in Malaysia becomes a tool for promoting prosperity, resilience, and fairness across diverse sectors, strengthening society, and ensuring ethical practices within financial systems.

This objective of human welfare is pursued through the Five Necessities of *Maqasid Al Shariah*, known as *Kulliyyat Khams*, which outline protections that are vital for a balanced and sustainable society. These necessities are categorised as *Dharuriyyat* (essentials), *Hajiyyat* (needs), and *Tahsiniyyat* (embellishments), which work to safeguard religion (*Hifz al-Din*), life (Hifz al-Nafs), lineage (Hifz al-Nasl), intellect (*Hifz al-`Aql*), and wealth (*Hifz al-Mal*). Together, they offer a comprehensive guideline for preserving critical aspects of human existence and societal continuity. Protection of these five areas is integral to ensuring that financial and economic activities do not compromise the essential rights and dignity of individuals and communities. By promoting these necessities, the framework ensures that Malaysia's financial practices are ethically aligned with both Islamic principles and social welfare.

The framework further delineates the objectives of financial transactions (*Maqasid Khassah*), aiming to uphold core values in the financial sector. These objectives include aspirations such as promoting humanity, justice, clarity, and transparency; encouraging flexibility, innovation, accessibility, and inclusivity; and fostering fiduciary responsibility and accountability. This framework also introduces *Maqasid Juz'iyyah*, guiding principles that operationalise the objectives by emphasising the importance of fulfilling basic needs, fostering social culture, supporting future generations, and promoting ethical behaviour. Principles such as avoiding wastage, enhancing documentation, fostering innovation, and promoting wealth distribution all work to embed *Shariah*-based ethics in financial dealings, ensuring a responsible and inclusive financial system that serves society. These principles collectively provide a solid foundation for fostering an equitable, resilient, and innovative financial system that is aligned with both local and global objectives.

Achieving *Maqasid Juz'iyyah*, or Purpose of Wisdom, involves applying specific principles to cultivate a financial environment that is ethical, responsible, and forward-thinking. These principles encompass social goals, such as fulfilling basic needs, promoting positive cultural practices, and ensuring the well-being of future generations. Operational principles like efficiency, transparency, and adherence to best practices are also emphasised, fostering a culture of ethical integrity. Importantly, the framework encourages economic dynamism by advocating flexible, transparent, and innovative financial practices that uphold freedom and accountability. These guiding principles help broaden wealth circulation and support wealth distribution initiatives, contributing to a robust social finance sector that nurtures businesses within a supportive ecosystem, thereby enriching society and aligning finance with a higher ethical purpose.

Maqasid Al Shariah functions as a flexible and responsive framework applicable across various cultures and geographical regions within the Muslim world. By nurturing ethical behaviour, fostering social justice, and advancing collective welfare, its principles serve as a

unifying platform for dialogue and collaboration among diverse communities. In doing so, *Maqasid Al Shariah* can play a crucial role in enhancing financial inclusion, ensuring that all individuals have equitable access to financial services that respect their cultural identities and promote their overall well-being. As the global landscape continues to evolve, the adaptability and relevance of *Maqasid Al Shariah* will be key to addressing the challenges of modernity while remaining rooted in the timeless values of Islamic law.

Historical influence of Maqasid Al Shariah on Present Day Justice, Equity and Political Legitimacy

Maqasid Al Shariah plays a vital role in shaping discussions around justice, equity, and political legitimacy within Islamic thought, especially in relation to financial inclusion. Central to *Maqasid Al Shariah* is the principle of *'Adl* (justice), which embodies fairness, equality, and the safeguarding of rights (Auda, 2022). This focus on justice and equity is crucial for creating legal, social, and economic structures that provide equal opportunities for all individuals, particularly those who are financially marginalised. Islamic scholars often invoke *Maqasid Al Shariah* to critique existing systems and advocate for reforms that enhance justice and equity. By emphasising the importance of a just financial system, *Maqasid Al Shariah* sets a framework where financial inclusion is not merely an economic goal but a moral imperative, urging societies to consider the welfare of all citizens.

Furthermore, *Maqasid Al Shariah* provides a critical lens through which the legitimacy of political authority and governance can be evaluated. Legitimate political authority, according to this framework, must uphold the objectives of *Shariah*, which include the protection of religion, life, intellect, lineage, and wealth. This means that rulers and governments must demonstrate their commitment to these goals, particularly regarding financial inclusion and the equitable distribution of resources (Safuyanu et al, 2021). In this context, *Maqasid Al Shariah* acts as a benchmark for holding political leaders accountable, ensuring that governance prioritises the welfare and prosperity of all citizens. Bahri (2020) discusses the connection between *Fiqh* and politics through the concept of *Fiqh Al-Siyāsah*, or political *Fiqh*, suggesting that traditional doctrines regarding governance may no longer be applicable in modern contexts. Bahri (2020) proceeds to explain that "*the doctrines in classical political Fiqh concerning these themes in the assumption of some people are no longer relevant to current development.*" As societies evolve, the assumptions and interpretations of classical political *Fiqh* must also be reevaluated to effectively address contemporary realities, including financial inclusion and equitable resource distribution.

In addition to these core principles, *Maqasid Al Shariah* shapes discussions on effective governance and ethical leadership. It emphasises that rulers should function as guardians (*wakeel*) of the populace, governing fairness, transparency, and accountability (Ismail et al, 2016). The responsibility of governments to advance public welfare, promote social cohesion, and address the needs of marginalised groups is paramount. Here, *Maqasid Al Shariah* serves as a guide for the principles and goals that should inform governance strategies, particularly in promoting financial inclusion. The dialogue surrounding social contracts between rulers and the governed is closely tied to the objectives of *Maqasid Al Shariah*, emphasising that rulers derive their authority from the consent of the governed. Discussions of this social pact

frequently reference the principles of *Maqasid Al Shariah* to clarify the rights and responsibilities of both rulers and citizens in constructing a just and equitable society (Salamun et al, 2022). Bahri (2020) explains that:

> "in the classical political fiqh is assumed to be the task of substituting prophethood, namely, to safeguard religion… In this doctrine, a leader is given the burden of conducting two tasks at once, as a religious leader and a leader of the state administration. Thus, it is not surprising if in terms of leadership, classical political fiqh gives very heavy criteria. The leadership requirements contained in the classical political fiqh doctrine are no longer relevant if applied in the current context, especially for the Indonesian context."

Considering Bahri's (2020) assertion that classical political Fiqh's criteria for leadership may be too stringent for contemporary contexts, it becomes evident that a re-examination of these doctrines is necessary. Classical Fiqh often framed leadership as a dual role akin to that of a prophet, responsible for both religious and administrative duties. This creates a set of expectations that may not be feasible or relevant in today's diverse and dynamic societies, particularly regarding the goal of financial inclusion. By adapting the principles of Maqasid Al Shariah to modern governance contexts, societies can cultivate ethical leadership that prioritises justice and equity while fostering an environment conducive to financial inclusion.

Maqasid Al Shariah offers a rich framework that informs discussions about justice, equity, and political legitimacy while promoting financial inclusion. It provides the ethical and normative guidelines necessary for effective governance, serving as a tool for critiquing existing structures and advocating for reforms that align with Islamic values. This dynamic framework addresses contemporary challenges and fosters principles of justice, equity, and conscientious leadership within Islamic societies. By integrating these principles into governance and financial systems, *Maqasid Al Shariah* has the potential to create a more just and equitable society, bridging the gap between ethical imperatives and practical financial solutions. In doing so, it promotes financial inclusion as not only an economic necessity but a moral responsibility, ensuring that all individuals have equitable access to resources and opportunities essential for their well-being and development.

CONCLUSION

Maqasid Al Shariah serves as a foundational framework for understanding Islamic finance's role in promoting financial inclusion, embodying ethical principles that prioritise justice, equity, and human welfare. By aligning financial practices with the broader objectives of Islamic law, *Maqasid Al Shariah* creates a robust model that addresses socio-economic challenges faced by underserved populations. This chapter elucidates how these principles intersect with Islamic finance, particularly in the realm of financial inclusion, providing equitable access to financial services that empower individuals and communities. Notion that *Maqasid Al Shariah* underpins Islamic banking initiatives is reinforced, which are essential in fostering inclusive growth and access. By focusing on ethical considerations and aligning financial services with the social and spiritual needs of vulnerable groups, Islamic finance offers

an alternative to conventional systems, enabling a more equitable distribution of resources and opportunities.

Moreover, the historical development of *Maqasid Al Shariah* illustrates its adaptability and relevance in addressing contemporary socio-economic issues, including financial inclusion. As outlined in the literature review, the principles of *Maqasid Al Shariah* have informed various interpretations and applications in countries such as Malaysia and the UK, demonstrating its global impact. The chapter highlights how *Maqasid Al Shariah* placed obligations on States to improve access to financial resources for marginalised groups, while also acknowledging existing challenges in scaling these initiatives and measuring their long-term impact. This underscores the necessity for continued research and development in Islamic finance, particularly in enhancing the sustainability and effectiveness of financial inclusion strategies. By embracing the ethical tenets of *Maqasid Al Shariah*, Islamic finance has the potential to create more equitable economic systems, fostering community resilience and promoting sustainable growth that aligns with the overarching objectives of Islamic law.

The interplay between *Maqasid Al Shariah* and *Fiqh* creates a cohesive framework that not only governs legal matters but also emphasises the ethical imperatives underlying Islamic law. *Fiqh* offers detailed rulings that shape daily life and social practices, while *Maqasid Al Shariah* encapsulates the overarching objectives of these rulings, focusing on the promotion of welfare, justice, and harm prevention. This collaboration fosters a legal system that not only adheres to religious precepts but also adapts to contemporary challenges, particularly in the realm of financial inclusion. Through its focus on public welfare and ethical standards, Islamic finance emerges as a model that prioritises social equity and community well-being, addressing the needs of underserved populations and ensuring their active participation in the economic landscape.

Moreover, *Maqasid Al Shariah* extends its influence beyond legal and financial frameworks, shaping discussions on justice, equity, and political legitimacy. It serves as a critical benchmark for evaluating the moral and ethical responsibilities of governance, ensuring that political authority is aligned with the principles of justice and public welfare. By promoting ethical leadership and accountability, *Maqasid Al Shariah* reinforces the notion that financial inclusion is not merely an economic goal but a moral obligation that must be integrated into the fabric of society. This dual focus on ethical imperatives and practical solutions enables Islamic finance to contribute meaningfully to sustainable development, fostering an inclusive financial system that empowers individuals and communities alike. As contemporary societies navigate the complexities of globalisation and technological advancement, the principles of *Maqasid Al Shariah* remain vital in addressing modern challenges while upholding the timeless values of Islamic law.

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