

# SDGs and Islamic Studies: *Fiqh Muamalat*, Sustainable Development, and *Maqashid Asy-Syari'ah*

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**Abstract:** Sustainable development Goals (SDGs) are a form of development, or even a further form of the Millennium Development Goals (MDGs). The SDGs, which contain 17 Goals and 169 Targets, are a global action plan for the next 15 years (effective from 2016 to 2030), to end poverty, reduce inequality and protect the environment. This discourse on SDGs is a global discourse, Muslims, as a part of the global order, are also part of this discourse. In the SDGs discourse as a global discourse, the SDGs need to be studied through Islamic studies. This paper tries to portray how the SDGs are studied through Islamic studies, especially in relation to the scientific discipline of *fiqh*. This study is considered necessary because *fiqh* is often considered as something final and sacred, while the SDGs are something “new” and dynamic. This paper tries to find a meeting point between *fiqh* as an Islamic study, and the SDGs as a global discourse. The results in this paper show that *fiqh*, as a scientific discipline, also has future-oriented dimensions through empirical evidence in classical *fiqh* literature and empirical evidence in the form of developing a methodology for finding Islamic law (*fiqh*). In addition, SDGs can be proposed as the main theme for the benefit of mankind as a benchmark and measuring instrument to measure the level of achievement of *Maqashid Ash-Shari'ah* in the contemporary era.

**Keywords:** *Fiqh Muamalat*; *Maqashid al-Syari'ah*; SDGs

## Introduction

The Muslim civilization in the past was recorded as an advanced civilization. However, in this industrial 4.0 era, countries with a majority Muslim population are experiencing crises in various fields, including economic, health, and environmental crises. On the other hand, Western civilization is considered an advanced civilization with its science and methodology. Muslims more often stutter in the face of a very rapid world development. As a small example, economic developments that have shifted to the digital era have made Muslims stutter to find a legal basis for digital economic behavior from medieval scientific treasures in the *agararia* era. The search for a legal basis to state whether a contract is permissible in the economic behavior of the digital era seems like only a reaction to technological

developments. Islamic law (fiqh) seems unable to carry out its duties as steering society towards a better direction and creating a more advanced future, merely legitimizing or affirming actions that have already been implemented into a system. As a result, many economic systems that have been running and developing, are declared as things that are not in accordance with the Shari'a, abandoned, and then controlled by Western civilization.

On the other hand, world leaders are designing a system for progress and a more established civilization through the formulation of the Sustainable development Goals (SDGs). The SDGs are a form of development, or even a further form of the Millennium Development Goals (MDGs). On September 25, 2015 at the United Nations (UN) Headquarters, world leaders officially endorsed the Agenda for Sustainable Development Goals as a global development agreement. Approximately 193 heads of state attended, including Indonesian Vice President Jusuf Kalla who also endorsed the SDGs Agenda.<sup>1</sup> With the theme "Changing Our World: The 2030 Agenda for Sustainable Development", the SDGs, which contain 17 Goals and 169 Targets, are a global action plan for the next 15 years (effective from 2016 to 2030), to end poverty, reduce inequality and protect the environment. The SDGs apply to all countries (universally), so that all countries without the exception of developed countries have a moral obligation to achieve the Goals and Targets of the SDGs.<sup>2</sup>

The SDGs are designed differently from their predecessors, the Millennium Development Goals (MDGs), SDGs are designed to involve all development actors, be it the Government, Civil Society Organizations (CSOs), the private sector, academia, and various other parties. Approximately 8.5 million citizens' voices around the world also contribute to the goals and targets in the SDGs. One of the main principles of the SDGs is "no one left behind". With this principle, at least the SDGs must be able to answer two things, namely, procedural justice, namely the extent to which all parties, especially those who have been left behind, can be involved in the entire development

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<sup>1</sup> Administrator, "Apa itu SDGs," n.d., <https://www.sdg2030indonesia.org/page/8-apa-itu>.

<sup>2</sup> Administrator.

process and substantial justice, namely the extent to which development policies and programs can or are able to answer citizens' problems, especially lagging group.<sup>3</sup>

As a strategic development plan, the government also plays a role in making it happen. As a form of the government's political commitment to implement the SDGs, President Jokowi has signed the Presidential Regulation (Perpres) on SDGs Number 59 of 2017 concerning the Implementation of Achieving Sustainable Development Goals. The Presidential Regulation is also a commitment so that the implementation and achievement of the SDGs is carried out in a participatory manner by involving all parties.<sup>4</sup>

This discourse on SDGs is a global discourse, Muslims, as a part of the global order, are also part of this discourse. Sustainable development when discussed from the point of view of Islamic studies certainly has its own dimensions, especially for the Muslim community in Indonesia. This paper will try to photograph and observe how the discourse on SDGs as a global discourse has been accommodated by Islamic studies, especially in fiqh discourse.

Fiqh has been widely understood as a provision that has been "finished" with a treasure that talks more about worship rituals, and matters relating to reward - sin - heaven - hell. In fact, fiqh is a scientific discipline that provides provisions on various lines of life, especially those related to social dynamics. The social dimension in fiqh certainly cannot be separated from global discourse and the context of the development of civilization, including the emergence of the SDGs program.

Through this paper, the author tries to provide empirical evidence about fiqh which in its development has had a futuristic dimension that is not widely read. The empirical evidence in this paper is taken from classical (medieval) fiqh literature. The fiqh literature in the Middle Ages was chosen by the author because, in the Middle Ages, the scientific study of fiqh was considered to have

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<sup>3</sup> Atih Rohaeti Dariah, Muhammad Syukri Salleh, and Hakimi M. Shafai, "A New Approach for Sustainable Development Goals in Islamic Perspective," *Procedia - Social and Behavioral Sciences* 219 (May 2016): 159–66, <https://doi.org/10.1016/j.sbspro.2016.05.001>.

<sup>4</sup> Administrator, "Apa itu SDGs."

reached the peak of its time, not only with the number of works in the field of fiqh, but also works that could be said to be "all time", which are still being studied and used as references. the initial foundation in learning the field of fiqh in various educational institutions.<sup>5</sup> Jurisprudence is widely understood as a provision that is final, even above history. Especially with the phenomenon of "glorification of fiqh products" through various *bahstul masail* forums which dwell more and "only" refer to terms in medieval fiqh works. Although it is undeniable, fiqh works in the Middle Ages are indeed an extraordinary treasure. But the glorification of fiqh as a product of civilization will make fiqh as a scientific discipline look left behind by civilization. By presenting empirical evidence of the futuristic dimension of fiqh, it is hoped that it can produce a sustainable reading method for the development of civilization that uses the perspective of Islamic studies.

The next question to be answered in this paper is, why do the SDGs, as a global discourse, need to be studied from the point of view of Islamic studies? The answer to this question will actually have two sides: to participate in providing evidence that Islam, not only contains dogma, but Islam as a teaching also brings knowledge and scientific tools that are able to continue to develop. And also to help prove that Islamic studies are also able to make a positive contribution to the development of the social world. These two things have long been a concern for Muslim intellectuals in Indonesia since the 70s. And these two things still deserve to be given room for proof so that Islamic studies are not only seen as studies dealing with supernatural affairs.

### **Between SDGs and Islamic Studies: Positioning the Discourse**

The discourse on SDGs in Islamic studies can be carried out from various perspectives in the Islamic studies family. There are several studies that the author considers important enough to be

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<sup>5</sup> One of the fiqh books whose data is taken by the author is the book Fathul Qarib Al-Mujib, an explanation (*syarah*) from the *Taqrib* book. One of the most popular fiqh books taught in various educational institutions in Indonesia. See Husen Hasan Basri, "PENGAJARAN KITAB-KITAB FIQH DI PESANTREN," *EDUKASI: Jurnal Penelitian Pendidikan Agama Dan Keagamaan* 10, no. 1 (April 1, 2012), <https://doi.org/10.32729/edukasi.v10i1.148>.

presented in this paper in order to describe the discussion process on the SDGs in the perspective of Islamic studies. And also to provide an overview of the position of this paper in the SDGs discourse. Under the title *Sustainable Development Goals di Indonesia: Pengukuran dan Agenda Mewujudkannya dalam Perspektif Ekonomi Islam*, Ferawati trying to photograph the discourse on SDGs in Islamic studies through an Islamic economic perspective.<sup>6</sup> This article is to measure Indonesia's ability to achieve the Sustainable Development Goals (SDGs). The variables used in this study are economic growth (GRDP), Human Development Index (IPM), Sharia Banking Third Party Funds (DPK) and Environmental Quality Index (IKLH) and poverty. Regression of the Provincial Panels in Indonesia and to see areas that are able to achieve the SDGs, mapping is carried out using a Cartesian Diagram. The results showed that GRDP, HDI, DPK, and IKLH had an effect on poverty reduction together, but partially IKLH had no effect on poverty reduction. The province that has the opportunity to realize the SDGs is Central Java, because this region has above average economic growth with a high IKLH.<sup>7</sup> This article also finds that partially HDI also has an effect on poverty levels.<sup>8</sup> In this article, although Islamic economics is classified as an Islamic study, in terms of methods and theory, it uses an economic perspective.

The next article talking about SDGs is "*ISLAM DAN SUSTAINABLE DEVELOPMENT: Studi Kasus Menjaga Lingkungan dan Ekonomi Berkeadilan*".<sup>9</sup> This article tries to enter the discourse on sustainable development through the perspective of Islamic studies as religious teachings. In this article, the two authors try to battle the concepts of sustainable development conceptualized by the Western world with the concept of sustainable development originating from the teachings of Islam. The research results of this article find that, according to the authors of the article, the western version of

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<sup>6</sup> Rofiqoh Ferawati, "Sustainable Development Goals Di Indonesia: Pengukuran Dan Agenda Mewujudkannya Dalam Perspektif Ekonomi Islam," *Kontekstualita* 33, no. 02 (December 8, 2018): 143–67, <https://doi.org/10.30631/kontekstualita.v35i02.512>.

<sup>7</sup> Ferawati., hlm. 143.

<sup>8</sup> Ferawati., hlm. 167.

<sup>9</sup> Sofi Mubarak and Muhammad Afrizal, "ISLAM DAN SUSTAINABLE DEVELOPMENT:" 3, no. 1 (2018): 18.

sustainable development is materialistic and ignores the ethical dimension. For the two authors, through this article, it is revealed that sustainable development originating from Islamic teachings is always oriented to religious teachings such as monotheism, justice, and the prohibition of usury.<sup>10</sup>

In the article above, it is quite unfortunate that the use of the perspective of Islamic studies seems to be limited to being an "evaluator" of the concept of sustainable development. Likewise, comparing the concept of sustainable development which is referred to as a concept from the West with sustainable development which is considered from Islamic teachings is a fairly dichotomistic way of thinking about the development of civilization. Such a perspective can indirectly lead to Islamic studies as a peripheral perspective in assessing a development that is (simply) considered to be from outside Islamic studies. Meanwhile, in this article, it tries to provide another point of view and a non-dichotomistic way of reading the concept of sustainable development agreed on in the SDGs.

As a comparasion, another article titled "*Pembangunan Berkelanjutan Berwawasan Lingkungan Dalam Perspektif Islam*".<sup>11</sup> This article discusses the SDGs concept which consists of 17 goals in the Islamic perspective of Indonesia as a country with the largest Muslim population in the world. The research method used in this literature review is descriptive qualitative. The results of the study show that the concept of Islam is in line/sustainable with the goals of the SDGs. Islam also has a way of fighting poverty with zakat, fasting, and a simple lifestyle, giving equal rights between women and men and asserting that there is no equivalent position between the two; and ordered humans to manage the environment wisely and maintain the balance of nature. Mobilizing the Islamic masses to assist in the achievement of the SDGs as a form of their devotion to Allah SWT is a challenge for the government, community organizations, and academics in disseminating SDGs and sustainable science to the

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<sup>10</sup> Mubarok and Afrizal., hlm. 144.

<sup>11</sup> Nida Humaida et al., "PEMBANGUNAN BERKELANJUTAN BERWAWASAN LINGKUNGAN (SUSTAINABLE DEVELOPMENT GOALS) DALAM PERSPEKTIF ISLAM," *Khazanah: Jurnal Studi Islam Dan Humaniora* 18, no. 1 (June 16, 2020): 131, <https://doi.org/10.18592/khazanah.v18i1.3483>.

community and to higher education, especially Islamic religious universities.<sup>12</sup>

Through this article, the SDGs are studied from an Islamic perspective and try to reconcile between dogmatic concepts (heaven, hell, reward, and sin) by not interfering with the two. In the article, the dynamic dimension in Islam is matched with the goals of the SDGs. The article above also only explains that in Islamic studies there are also insights to protect the environment. The two things above, according to the author, are just examples that the SDGs do not conflict with Islamic teachings, but methodologically, they have not shown a true perspective on the SDGs in Islamic studies discourse.

Based on the explanation of the three articles above, the author tries to position the study of SDGs in this paper as a conceptual and methodological discussion in Islamic studies. Islamic studies in this paper are limited to the scientific discipline of *fiqh* as a scientific discipline that is quite rooted and becomes a "symbol" of Muslim civilization. Islamic studies through the disciplines of *fiqh* are also chosen by the author to provide empirical evidence that *fiqh*, in its development, is not anti-development, especially sustainable development.

### **Future-Oriented *Fiqh*: Empirical Evidence**

*Fiqh* literally means understanding.<sup>13</sup> On the terms, *fiqh* is defined as the science of the laws of action (behavior) related to the Shari'a obtained from detailed arguments.<sup>14</sup> The existence of the term "actions (behavior) related to the Shari'a" in the definition of terms often biases the scope of *fiqh* which is finally considered a scientific discipline that deals with dogmas of Islamic teachings related to belief only. Such as the relation of the provisions of worship to the existence of rewards, sins, heaven, or hell. In fact, *fiqh* basically regulates various lines of life. The narrowing of the meaning of the

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<sup>12</sup> *Ibid.*, hlm. 131.

<sup>13</sup> Muḥammad Ibn-al-Qāsim al-Gazzī al-Ġarābīlī, *Faḥḥ Alqarīb Almuḥīb fī Syarḥ Alfāz Atṭaqrīb au Alqaul AlMukhtār fī Syarḥ Ḡāyat Alihṭišār*, Ṭab'a 1 (Bairūt: Dār Ibn-Ḥazm, 2005), hlm. 22.

<sup>14</sup> Ibn al-Qāsim.

term Shari'a makes fiqh only understood in relation to provisions that have a worship side. In fact, in fact, the meaning of Shari'a is broader than just fiqh, than just kanun, or other provisions that are only worship. Shari'a has a very broad meaning: a broad path. In a sense, the Shari'a is everything that is revealed by God to humans, including creed, knowledge, and ethics. This understanding is needed so that the meaning of "actions related to the Shari'a" is not limited to the realm of life.

It should also be understood that the scope of fiqh is basically not a dichotomistic logic in the form of: God's provisions and human provisions. This kind of dichotomy will create a pattern of understanding that fiqh as a provision of God is something that is purely dogmatic and ignores the dynamics of human civilization. The pattern of understanding that is properly used in fiqh is the qauliyah verse (sacred texts in the form of the Qur'an and Hadith), and the kauniyah verse (signs of God in the form of the creation of the world) which includes knowledge, reason, reason, social dynamics, development civilization, and so on. Likewise, fiqh which has been recorded in various literatures in the Middle Ages is a product of civilization. In a sense, there were various kinds of compromises from the dynamics of the development of society at that time which contributed to the process of producing fiqh provisions. So at this point, glorification of fiqh, especially on the products of its provisions, is a step towards stagnation of fiqh development itself. As evidence, it is very natural to find differences of opinion between madhhab scholars on a case. This difference can occur because of the same arguments, but different ways of "reading" the arguments. As in the provisions of the obligation to wash the head in ablution, this provision comes from the same verse, namely Q.S. Al-Maidah (5:6). However, due to the different "reading" of the text, the Hanafi school determines that it is obligatory to wash a quarter of the head, the Shafi'i school determines that it is sufficient to wash part of the head or hair, while the Maliki and Hanbali schools determine that it is necessary to wash the entire head.<sup>15</sup>

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<sup>15</sup> Muhammad Ali Ash-Shabuni, *Rawaiul Bayan Tafsir Ayatil Ahkam* (Beirut: Darul Kutub 'Ilmiyyah, 2001).



Jurisprudence is also often perceived as a scientific discipline that has been completed and is above history, so from this perception, *fiqh* is considered not to be future-oriented. This is not at all true. The side that is "above history" is basically a dogmatic side of faith that exists in the *fiqh* dimension: that *fiqh* is a form of obedience to God that lowers provisions for the benefit of humans. But the rest of it is related to the process of determining the law, and the resulting provisions have a dynamic dimension related to the pattern of development of human civilization. For example, the various provisions of *zakat* contained in the book of Fathul Qarib Al-Mujib, the various types of *zakat* discussed are only limited to: *zakat* on camels, *zakat* on cattle, *zakat* on goats, *zakat* on gold and silver, *zakat* on agricultural and plantation products, and *zakat* on trade products.<sup>16</sup> The livestock *zakat* discussed is only limited to farm animals which are property, not as trading goods. This should be read in the context of civilization in the Middle Ages which was still in an agrarian phase. Not yet entered the industrial phase. So that the emerging *fiqh* is in accordance with agrarian civilization. Furthermore, the geographical context of the emergence of this *fiqh* work also needs to be highlighted, such as *zakat* on agricultural products that are in the geographical location of the Arabian peninsula - the Middle East which is not a tropical area. The things that surround this kind of contribute to the *fiqh* products that appear in classical *fiqh* literature in the Middle Ages.

Furthermore, there are *fiqh* provisions which, according to the author, were quite futuristic in the medieval period and were recorded in classical *fiqh* literature. That is about the provisions of the prohibition of eating the meat of cross-breeding animals between *halal* animals and *haram* animals. This provision (one of them), is found in the book *Al-Iqna'* by Khatib As-Sarbiny:<sup>17</sup>

وما تولد منهما أي من جنس كل منهما ( أو من أحدهما ) مع الآخر أو مع غيره من الحيوانات الطاهرة\* ولو آدميا كالتولد بين ذئب وكلبة تغيبا للنجاسة لتولده منهما

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<sup>16</sup> Ibn al-Qāsim, *Fath al-Qarib al-Mujib fi Syarh Alfāz at-Taqrīb au al-Qawl al-Mukhtār fi Syarh Gayat al-Ihtishār*.

<sup>17</sup> Muhammad Khatib Asy-Syirbini, *Al-Iqna' Fi Khalli Alfadzī Taqrīb* (Beirut: Darul Kutub Al-'Ilmiyyah, 2004).

The fiqh provisions regarding crossbreeding between halal and haram animals, according to the author, are quite futuristic provisions in medieval times. Jurisprudence scholars at that time were able to predict the existence of crossbreeding between halal and haram animals even though at that time the technology was not yet found to do so. Even if you do, it must be done by mating the animals manually. This kind of provision, although simple, is at least still sufficiently applied in today's era when the technology for crossbreeding animals has been discovered. At this point it can also be understood that there is still a static side in the form of dogma about the prohibition of animals that are forbidden through the qauliyyah verse, but the dynamic side does not limit the imagination of the scholars at that time to determine the law which is still in the form of potentials or possibilities.

### **Future Orientation of Fiqh: Renewable Methodology**

In producing fiqh products, there is a methodological process followed by medieval scholars. The process is not just a textual understanding, but also methodological steps that require various other scientific tools. In the history of the development of the fiqh law discovery methodology, or what is often referred to as the Usul Fiqh discipline, there are at least four methodological developments in the fiqh law discovery: the Bayani Method, the Ta'liliy Method, the Ishtishlahiy Method, and the Maqashidiy Method. These four methodologies are sequentially a form of development of each of the previous methods.

#### ***Bayani Method***

The Bayani method was originally developed by linguists to take meaning from Arabic texts (lafadz). Because Arabic has a reasoning language that is complex enough to be understood by people who speak Arabic themselves, and especially for people who do not use Arabic as their daily language (mother language). Epistemologically, the bayani method is a method or way to determine the meaning contained and intended by a text. The main basis of this method is the text as the main source to get meaning for a knowledge. And in the study of the methodology of Islamic law (ushul fiqh), the Bayani method is used to understand the meaning in order to find the law contained in the source text of Islamic law (Al-

Qur'an and Sunnah). The Bayani method focuses more on the study of the text in terms of language (semantics).

In the book of *Ar-Risalah*, Imam Shafi'i explains the meaning of Bayaan in the beginning of the discussion of the chapter "Kayfa al-Kayaan" that Bayaan is an expression that includes various meanings that have the same principle, but have different branches. For those who speak Arabic (Arabic as their native language), these similarities and differences seem clear and appropriate, although some are stronger in terms of age than others, (however) they appear different to those who do not understand Arabic.<sup>18</sup> At this point, Imam Shafi'i has explained that Bayaan is not just an explanation, but is a unitary tool to get the meaning contained in the text, in order to find a law contained in the text.

Bayani method, is a method of finding meaning based on the rules of Arabic language. The Bayani method is the oldest method in the development of understanding and scholarship that comes from the Qur'an and As-Sunnah. The Bayani Method distribution exists only around the text. Intellect as an instrument should only be maximized in finding other texts that have tendencies and similar meanings. The analytical tools used to analyze the text also come from the text. In the development of Islamic legal scholarship, Bayani's method developed quite rapidly in the middle century era, where the social, cultural, and civilizational conditions at that time were not too far from the time the Qur'an was revealed.

In the Bayani method, "al-hikmah" is known as a secret that is revealed, the virtues, and purposes for which a law or fiqh provision is derived. However, the wisdom in this method is only limited as a reinforcement, or it can be said that it is a motivation to comply with these provisions. For example, in the provisions of the prohibition of khamr (wine - liquor from wine), there is a wisdom not to pray while drunk. And in subsequent developments, wisdom then has a fairly important role when it is declared as an 'illat in the Ta'liliy Method.

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<sup>18</sup> Muhammad bin Idris Asy-Syafi'i, *Ar-Risalah* (Kairo: Maktabah Mustafa Halabi, 1984).

### ***Ta'liliy Method***

The Ta'liliy method is a method based on 'illat. 'Illat lexically has the meaning of "disease", or "cause", or it is also interpreted as "something that causes a change in circumstances with the existence of that thing."<sup>19</sup> According to Usul Fiqh scholars, 'illat is also equated with as-sabab, ad-dalil, al-muqtadiy, and other words related to changing something because of its existence. In the terminology of the Usul Fiqh scholars, 'illat are things that have been prescribed in a law to realize the benefit, or it can also be called "a known nature of a law". 'Illat can be interpreted as a condition or the existence of a clear and measurable nature that makes a law or stipulation determined for the benefit of humanity by God through the text of the Qur'an directly, or through the behavior of the Prophet SAW.<sup>20</sup> "This illat is a form of reasoning against wisdom which in the previous method (Bayani) only became a secret, virtue, and motivation" to carry out a law. In the Ta'liliy method, wisdom is "improved" its position becomes a reason for holding a provision / law.

Through this method, the law generated through this method is based on the presence or absence of legal reasons in the texts of the Qur'an and Hadith. Using the Ta'liliy method requires extracting laws that are not explicitly stated in the text, but the 'illat law already exists in the text. Thus, the meaning obtained from the text is not only the meaning in terms of language. The use of the Ta'liliy method in the discovery of fiqh law is a path that needs to be taken when a case is found whose provisions are not found explicitly in the text, and cannot be resolved through the Bayani method..

### ***Istishlahiy Method***

Along with the development of the times, civilization, and the problems of mankind, many problems arise that have not been resolved from the two previous methods (Bayani and Ta'liliy), the scholars then developed a procedure for discovering fiqh law through the determination of maslahat, a big concept about understanding goodness. - the goodness that descends along with the provisions in the sacred texts. The Istishlahiy method has a benefit basis, namely

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<sup>19</sup> Wahbah Az-Zuhaily, *Usul Fiqh Al-Islami* (Beirut: Darul Fikr, 1986), 646.

<sup>20</sup> Az-Zuhaily.

the determination of benefits which is the purpose of the revelation of the Shari'ah. Istishlah, according to Abdul Wahab Khalaf is "looking for goodness (thalabul islah). Meanwhile, in terms of terminology, the Istishlahi method can be defined as a legal discovery/excavation that has not been determined (found) in the Shari'ah (not found in the text or ijma').<sup>21</sup> According to Najmuddin Ath-Thufi, the Istishlahi method is a method that is not only a means to determine legal certainty, but is also at the same time the core of Islamic teachings. In fact, according to Abdul Wahab Khalaf, where there is benefit, then at that point Shari'ah is present.<sup>22</sup>

This method of excavation based on maslahat is popular among the Hanabilah and Malikiyyah. Although the two also do not use the same standard in extracting laws based on benefit. However, the basis for extracting the law is the same. The excavation method using maslahat is used when there are cases or problems that are not sufficiently resolved through the Bayani method which extracts law from the text, and the Ta'liliy method which explores the law from legal reasoning.

"Maslahat" is actually a further level form of 'illat in the Ta'liliy method -which also comes from the wisdom of the Bayani method-. There is a logical connection that cannot be simply thrown away in terms of wisdom, illat, and mashlahat. For example, in the bayani method, it is known that it is wise not to come to prayer in a drunken state, so khamr is haraam. Through the Ta'liliy method, intoxication becomes a reason for the prohibition of all forms of drinking, even if not khamr. And in this Ta'liliy method, which was previously only considered as an ilaat or reason for the existence of a law, it was increased to "benefit" as something that was fought for in legal provisions.

### ***Maqashidiy Method***

Excavation of the law in this method is based on Maqashid Ash-Shari'ah: God's purposes for humans through the Shari'a. Ash-

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<sup>21</sup> Muhammad Rawwas Qal'aji, *Mu'jam Musthalabat Ushul al-Fiqh* (Beirut: Darul Fikr, 2000).

<sup>22</sup> Abdul Wahab Khalaf, *Ilmu Usul Al-Fiqh* (Kairo: Maktabah al-Da'wah al-Islamiyah Syabab al-Azhar, 1986).

Syāṭibī argues that the purpose (maqṣad) in the Shari'a is twofold: the goal of God, and the goal for the *mukallaf*.<sup>23</sup> Ash-Syāṭibī also explained that Allah SWT as the Shari'ah (Maker of Shari'ah) puts the goals in the Shari'ah to realize the benefit of humans both in this world, as well as in the hereafter.<sup>24</sup> Ahmad ar-Raisūni put forward the meaning of maqashid sharia: "Maqashid Ash-Shari'ah are the goals that have been set by sharia to be achieved for the benefit of the servants (humans)."<sup>25</sup>

Revealing Maqashid Ash-Shari'ah has basically been done by scholars when developing the istishlahi method by formulating the benefits which are the general principles of Islamic teachings. Then the method of extracting the law was developed centered on the development of law on the basis of the objectives of the Shari'a. The basic difference between the istishlahi method and the maqashidiy method is the pattern of extracting the law. The istishlahi method is carried out in an inductive way, is istiqrā'i from things that are partial (juz'iyah). While the maqashidiy method is carried out in a deductive way. That is, Maqashid Ash-Shari'ah is placed at the top position, even occupies a place parallel to the text, then the provisions below follow the "big umbrella" of Maqashid Ash-Shari'ah.

The study of Maqashid Ash-Shari'ah has undergone a complete metamorphosis process by the presence of Ash-Syāṭibī (d.790 H/1388 AD) who has been confirmed by history as the founder of Maqashid Ash-Shari'ah science to date. Al-Muwāfaqāt fī Uṣūl ash-Syarī'ah is the work of Ash-Syāṭibī which extensively discusses Maqashid Ash-Shari'ah. It not only describes the definition and concept of value it carries, but also discusses the basic rules that must be passed in thinking on the basis of the basic concepts of Maqashid Ash-Shari'ah. Ash-Syāṭibī managed to show a new face of Maqashid Ash-Shari'ah which is more dynamic and applicable. There are three main things contributed by Ash-Syāṭibī in reforming

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<sup>23</sup> Landy Trisna Abdurrahman, "Pendekatan Maqāshid al-syarī'ah Kontemporer dalam Perilaku Ekonomi," *An-Nawa: Jurnal Studi Islam* 1, no. 2 (June 2019): 17–41.

<sup>24</sup> Abdurrahman.

<sup>25</sup> Ahmad Ar-Raisuni, *Naẓariyāt Al-Maqashid 'inda al-Imam Aṣy-Syāṭibī* (Beirut: Muassasah al-Jāmi'ah, 1992).

Maqashid Ash-Shari'ah. First, the shift of Maqashid from benefit that is separated from the text (*maṣlahāt mursalah*) becomes part of the legal foundations. Second, the shift from the wisdom behind the determination of the law to become the legal basis. Ash-Sya'ibi argues that Maqashid Ash-Shari'ah is fundamental and universal (*kulliyah*) so that it cannot be defeated by partial (*juz'iyah*). This view is different from the traditional *fiqh* view which states that *juz'iyat* evidence takes precedence over general arguments (*kulliyat*). Ash-Sya'ibi also made knowledge of Maqashid a condition in *ijtihad*. Third, the shift from uncertainty (*ẓanniyyah*) to certainty (*qaṭ'iyah*). According to ash-Sya'ibi, the inductive process used in the Maqashid Ash-Shari'ah application is valid and *qaṭ'iy* (definite).<sup>26</sup>

The study of extracting the provisions of *fiqh* through the Maqashidiy method is still undergoing development, one of which is through Maqashid Asy-Shari'ah-based theories developed by Jasser Auda. There are three proposals for Maqāṣid ash-Syarī'ah reform in the contemporary perspective proposed by Jasser Auda. First, the reformation from Maqāṣid ash-Syarī'ah which used to be nuanced in terms of protection and preservation, to Maqāṣid ash-Syar'ah with the aim of developing and glorifying human rights. Even Jasser Auda suggested that the development of human resources (HR) be one of the main themes for today's public benefit. The implication of this reform is that by adopting the concept of human resource development, the realization of Maqāṣid ash-Syarī'ah can be measured empirically by taking measurements from the United Nations (UN) agreement version of HR development targets (*ijmā'*). Second, Jasser Auda offers the level of authority of the postulates and the latest sources of Islamic law – including human rights – as a basis for constructing a typology of contemporary Islamic legal theory. Based on the spectrum of legitimacy levels and sources of contemporary Islamic law, Jasser Auda proposes a new typology of Islamic legal theories as an approach to contemporary Islamic law reform. The

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<sup>26</sup> Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*, ed. Jasser Auda (London: The International Inst. of Islamic Thought, 2008).

third reformation, Jasser Auda proposed an Islamic legal system based on *Maqāṣid ash-Syarī'ah*.<sup>27</sup>

Jaser Auda, through the proposed development of *Maqashid Asy-Shari'ah*, also proposes interpreting *urf* as a "world view", and using it as a source of extracting contemporary Islamic law. Such as using the Human Development Index (HDI) which was approved by the United Nations as a measure of the achievement of *Maqashid Asy-Shari'ah* in the application of contemporary Islamic law. Likewise, with the passing of the SDGs which is also a world view that has been agreed upon as a pattern of sustainable development, this can be an alternative benchmark for achieving *Maqashid Asy-Shari'ah* in the contemporary era.

The consequences and limitations of the development of the method of extracting *fiqh* law basically lie in "the completion - or not yet" of a case or behavior through the excavation of the law in the previous method. In a sense, when the law of a matter is "completed" through the Bayani method, there is no need to bother re-interpreting it through the *Maqashidiy* method. As a practical example, the obligation to pray 5 times a day is something that has been "completed" by law, namely mandatory, this can be explored through the Bayani method. If the obligation to pray *fardhu* is then interpreted using *Maqashidiy* to reconstruct the law of praying 5 times a day, it will destroy the existing law. Suppose that the purpose of praying 5 times a day is to remember God, then "remembering God" is something that can be done at any time.

Furthermore, what needs to be noted is that the existence of a "new" or more developed method of extracting law does not mean that every law that has been determined by the previous method can be deconstructed and reconstructed. That is, there is a limit where the basic things cannot be replaced by the original law. As has been pointed out, regarding the implementation of Friday prayers, it is obligatory, under normal circumstances. However, in an emergency situation, such as during this pandemic, the Friday prayer can be canceled based on considerations of the greater benefit, namely preventing the spread of COVID-19, which means taking care of life. At this point, what needs to be emphasized is that the current law,

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<sup>27</sup> Auda.



which is based on benefit during the pandemic, cannot be used to change the original law of Friday prayer, which is obligatory.

### **Between Fiqh and SDGs: The Purpose of *Mashlahat***

As mentioned above, the development of the methodology of finding Islamic law (fiqh) has reached the Maqashidi methodology which has many dimensions to be accommodated in the process of determining fiqh law. One of them is through Jaser Auda's proposal to include human development as one of the Maqashid Asy-Shari'ah in the contemporary era.<sup>28</sup> Moving on from this, the methodology for finding fiqh law, through the Maqashidi method, is very possible to accommodate the provisions of the SDGs as a concept of sustainable development, especially in human development.

The SDGs contain 17 targets (goals) in sustainable development for human life: (1) No poverty in any form in all corners of the world; (2) Without hunger, there will be no more hunger, (3) achieving food security, and encouraging sustainable agricultural cultivation; Good health and well-being, guaranteeing a healthy life and promoting a prosperous life for all people at all ages; (4) Quality education, ensuring equal distribution of quality education and increasing learning opportunities for all; (5) Gender equality; (6) clean water and sanitation; (7) Clean and affordable energy, (8) Sustainable economic growth, productive employment and decent work for all; (9) Industry, innovation and infrastructure; (10) Reducing gaps; (11) City and community sustainability; (12) Responsible consumption and production; (13) Action on climate, act quickly to combat climate change and its impacts; (14) Underwater life, conserving and maintaining the sustainability of the sea and the life of marine resources for sustainable development; (15) Life on land, protect, restore and enhance the sustainable use of terrestrial ecosystems, manage forests sustainably, reduce barren land and land swaps; (16) A strong and peaceful judicial institution; (17) Partnership to achieve goals.

The 17 targets in the SDGs have three main dimensions, namely economic, social, and environmental. These three main dimensions, in fiqh studies are also very important dimensions in the

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<sup>28</sup> Auda.

process of determining a fiqh provision. Moreover, through the development of the methodology of finding contemporary fiqh law through the Maqashidiy method, the targets in the SDGs can be a measuring tool to measure the extent to which the benefit of the people will be achieved through a fiqh law product.

As a practical example, according to the UNDP development report, HDI as one of the SDGs measuring instruments is compiled based on more than 200 indicators, including measuring political participation, literacy, participation in education, life expectancy, access to clean water, employment, living standards and gender equality. There are a small number of Muslim-majority countries that have ranked the Human Development Index in a fairly high order, such as Brunei Darussalam, Qatar, and the United Arab Emirates. Collectively, these countries represent only 1% of Muslims worldwide. While those on the Human Development Index list at the bottom include Yemen, Nigeria, Mauritania, Djibouti, Gambia, Senegal, Guinea, Ivory Coast, and Mali. These countries, collectively represent about 10% of Muslims worldwide. This should be a challenge to be answered through an Islamic legal system that is able to present several solutions to the problems of human resource development, one of which is the development of economic behavior through the Maqashid Ash-Shari'ah approach.<sup>29</sup>

Because of this, the proposal suggests that sustainable development, especially in the economic, social and environmental fields (SDGs), so that it becomes one of the main themes for the public benefit at this time, especially in the discussion of Islamic law, is very worthy to be taken into account. The public benefit of sustainable development should be one of the main goals realized through Islamic law. There is a way by adopting the concept of sustainable development in the SDGs targets, the realization of Maqashid Asy-Shari'ah can be measured empirically using the United Nations version of variables and HR development targets so that its application is in accordance with current scientific standards and can actually achieve the goals. -the purpose of shari'a (Maqashid Ash-Shari'ah). By using the SDGs as a standard for assessing the benefit of the people of the contemporary era, it is hoped that fiqh law products

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<sup>29</sup> Auda.

in new problems can be a multidimensional solution: accommodate human benefits and needs, and at the same time continue to show obedience to God without injuring the sanctity of revelation while maximizing potential use of sense.

## Conclusion

Jurisprudence, as a scientific discipline that contains various provisions in human behavior has a social dimension and can never be separated from the context of the dynamics of the development of civilization in each era. Jurisprudence in the Middle Ages recorded in its various literatures basically has a futuristic concept. And through its legal discovery methodology (*Usul Fiqh*), *fiqh* has actually gone through various changing times that can adapt to the development of human problems, not least when it comes to sustainable development.

Sustainable development Goals (SDGs) as a global discourse that has been accommodated into a world's view in sustainable development is a discourse that must also be dissected through Islamic studies. In Islamic studies, through the scientific discipline of *fiqh*, SDGs are the benefit of the people which should be a benchmark for achieving *Maqashid Ash-Shari'ah* in the contemporary era. Measuring the objectives of Islamic law (*fiqh*) through sustainable development targets in the SDGs makes *fiqh* have a future orientation dimension (futuristic) and proves that *fiqh*, as an Islamic scientific discipline, is not a scientific discipline that ignores the development of human civilization.

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