

# 'ABD AL-MAJĪD AL-NAJJĀR'S PERSPECTIVE ON MAQĀSID AL-SHARĪ'AH

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**Abstract:** *Maqāṣid Al-Sharī'ah is a discipline that gives enlightenment on understanding and development of Islamic law. Moreover, it can also be used as a verdict (Istinbāt) for a Muḥtabid. This particular research discusses 'Abd Al-Majīd Al-Najjār and his unique perspective on Maqāṣid Al-Sharī'ah. The research encompasses library research category with descriptive qualitative approach to point out and reveal Abdul Majīd An-Najjār's Maqāṣid Al-Sharī'ah views. The result displays Majority of Maqāṣid Al-Sharī'ah experts (Maqāṣidiyyūn), the core of Maqāṣid Al-Sharī'ah is to manifest Al-Ḍarūriyyāt Al-Khams (five substances), but 'Abd Al-Majīd Al-Najjār has different notion which is Maqāṣid Al-Sharī'ah 'Alā Dawāir Al-Ḥayāh Al-Insāniyyah (human life Maqashid Al-Sharī'ah) that realizes Al-Ḍarūriyyāt Al-Thamān (eight substances) that contains Ḥifẓ Al-Dīn (preserving religion), Ḥifẓ Insāniyyah Al-Insān (preserving humanity), Ḥifẓ Al-Nafs Al-Insāniyyah (protecting soul), Ḥifẓ Al-'Aql (preserving mind), Ḥifẓ Al-Nasl (preserving heirs), Ḥifẓ Al-Kiyān Al-Ijtima'ī (preserves social behavior), Ḥifẓ Al-Māl (taking care of property) and Ḥifẓ Al-Biāh (preserving environment) with noble purposes to gain benefits and salvation for here and hereafter. According to 'Abd Al-Majīd Al-Najjār, realizing benefits for mankind by materializing merits and avoiding perilous things here and hereafter are the supreme objective of Islamic Sharī'ah.*

**Abstrak:** *Maqāṣid Al-Sharī'ah merupakan disiplin ilmu yang memberikan pencerahan bagi pemahaman dan pengembangan hukum Islam. Selain itu, juga dapat digunakan sebagai putusan (Istinbāt) bagi seorang muḥtabid. Penelitian ini membahas tentang 'Abd Al-Majīd Al-Najjār dan keunikan perspektifnya tentang Maqāṣid Al-Sharī'ah. Penelitian ini termasuk kategori penelitian kepustakaan dengan pendekatan kualitatif deskriptif untuk mengungkap pandangan Maqāṣid Al-Sharī'ah Abdul Majīd An-Najjār. Hasil penelitian menunjukkan mayoritas ahli Maqāṣid Al-Sharī'ah (Maqāṣidiyyūn), inti dari Maqāṣid Al-Sharī'ah adalah mewujudkan Al-Ḍarūriyyāt Al-Khams (lima zat), tetapi 'Abd Al-Majīd Al-Najjār memiliki perbedaan paham yang merupakan Maqāṣid Al-Sharī'ah 'Alā Dawāir Al-Ḥayāh Al-Insāniyyah (kehidupan manusia Maqashid Al-Sharī'ah) yang mewujudkan Al-Ḍarūriyyāt Al-Thamān (delapan zat) yang mengandung Ḥifẓ Al-Dīn (memelihara agama), Ḥifẓ Insāniyyah Al-Insān (memelihara kemanusiaan), Ḥifẓ Al-Nafs Al-Insāniyyah (memelihara jiwa), Ḥifẓ Al-'Aql (memelihara akal), Ḥifẓ Al-Nasl (memelihara ahli waris), Ḥifẓ Al-Kiyān Al-Ijtima'ī (memelihara perilaku sosial), Ḥifẓ Al-Māl (menjaga harta) dan Ḥifẓ Al-Biāh (melestarikan lingkungan) dengan tujuan mulia untuk memperoleh manfaat dan keselamatan dunia dan akhirat. Menurut 'Abd Al-Majīd Al-Najjār, mewujudkan manfaat bagi umat manusia dengan mewujudkan pahala dan menghindari hal-hal yang berbahaya di dunia dan di akhirat adalah tujuan tertinggi syariat Islam.*

**Keywords:** *Maqāṣid Al-Sharī'ah, Perspective, 'Abd Al-Majīd Al-Najjār, Maqāṣid Al-Sharī'ah 'Alā Dawāir Al-Ḥayāh Al-Insāniyyah.*

## INTRODUCTION

There have been many new issues and important cases to discuss during rapid development of the world. Hence, it needs knowledge that is able to enlighten the understanding and development of Islamic law that is the knowledge of *Maqāṣid Al-Sharī'ah*.

For those who want to reach *mujtahid* level, they have to fulfill the first requirement on which they have to understand *Maqāṣid Al-Sharī'ah* completely and comprehensively. As Abū Ishāq Al-Shātibī urged (Died in 790H) (Al-Thūfī, 1987: 46).

The knowledge of a *mujtahid* towards *Maqāṣid Al-Sharī'ah* will lead to the understanding of God's provisions and decrees. The *mujtahid* will also develop Islamic law based on God's will (Al-Khādimī, 1998: 52).

Thus, *Maqāṣid Al-Sharī'ah* in this era is highly required by a *mujtahid* in order to be implemented as *istinbāt* method of Islamic law in solving contemporary matters (Al-Qaḥṭān, 2010: 328).

Generally, the essence of *Maqāṣid Al-Sharī'ah* is *Jalb Al-Maṣāliḥ Wa Daf' Al-Mafāsīd* (gain benefit and avoid all kinds of damage or hazardous things) to gain benefit and salvation for here and hereafter by realizing five primary needs (*Al-Ḍarūriyyāt Al-Khams*): preserving religion (*Ḥifẓ Al-Dīn*), protecting soul (*Ḥifẓ Al-Nafs*), preserving minds (*Ḥifẓ Al-'Aql*), preserving heirs (*Ḥifẓ Al-Nasl*), and taking care of property (*Ḥifẓ Al-Māl*) (Al-Shātibī, 2004: 222).

All things in the world are created for humans to give benefit, as long as there is no *Naṣ* (Al-Qur'an and Ḥadīth texts) which forbid (*harām*) them, neither the explanations of their dangers. This prevention is to maintain and look after

*Al-Ḍarūriyyāt* (the primary needs) of society (Jābir, 2011: 5).

*Imām* Abū Ḥāmid Al-Ghazālī (Died in 505 H) in his book *Al-Mustaṣfā* wrote: "the intention of *Sharī'ah* in making the five primary needs is for people to preserve, protect, and take care of their religion, souls, minds, heirs, and properties, because maintaining those needs is a utility. In other words, ignoring them is a fault. Avoiding any action of omitting those needs is considered as the strongest significance (*Aqwa Al-Marātib Fī Al-Maṣāliḥ*), because the purpose of *Sharī'ah* is to give benefit to people. As long as it does not against prohibitions such as being infidel (*Taḥrīm Al-Kufr*), murdering (*Taḥrīm Al-Qatl*), doing adultery (*Taḥrīm Al-Zinā*), stealing (*Taḥrīm Al-Sariqah*), drinking alcoholic beverages or getting drunk (*Taḥrīm Shurb Al-Muskir*) (Al-Ghazālī, 1997: 287-288).

The researcher found that there is a contemporary Islamic scholar from Tunisia that had expertise in the discipline of *Maqāṣid Al-Sharī'ah* just like Muḥammad Al-Ṭāhir bin 'Āshūr (died in 1973 M), he is 'Abd Al-Majīd Al-Najjār (born in Bani Kheddache of Tunisia on May 28<sup>th</sup> 1945) who has different viewpoint from the majority of *Maqāṣid Al-Sharī'ah* experts (*Maqāṣidiyyūn*) in discussing it based on his book *Al-Sharī'ah Bi Ab'ād Jadīdah*. He also has around 28 books. Thus, it is interesting to discuss this notion in this article (Al-Najjār, 2008: 294-295).

Most of *Maqāṣid Al-Sharī'ah* experts (*Maqāṣidiyyūn*) defined the essence of *Maqāṣid Al-Sharī'ah* as the realization of five primary needs (*Al-Ḍarūriyyāt Al-Khams*) which concerns with preserving religion (*Ḥifẓ Al-Dīn*), protecting soul (*Ḥifẓ Al-Nafs*), preserving minds (*Ḥifẓ Al-'Aql*), preserving heirs (*Ḥifẓ Al-Nasl*), and

taking care of property (Ḥifẓ Al-Māl), meanwhile 'Abd Al-Majīd Al-Najjār determined the essence of Maqāṣid Al-Sharī'ah as the realization of eight primary needs (Al-Ḍarūriyyāt Al-Thamān) and has a new term of it as Maqāṣid Al-Sharī'ah in the area of human's life (Maqāṣid Al-Sharī'ah 'Alā Dawāir Al-Ḥayāh Al-Insāniyyah) which deals with preserving religion (Ḥifẓ Al-Dīn), preserving humanity (Ḥifẓ Insāniyyah Al-Insān), protecting soul (Ḥifẓ Al-Nafs Al-Insāniyyah), preserving minds (Ḥifẓ Al-'Aql), preserving heirs (Ḥifẓ Al-Nasl), preserving society behavior (Ḥifẓ Al-Kiyān Al-Ijtimā'ī), taking care of property (Ḥifẓ Al-Māl), and preserving the environment (Ḥifẓ Al-Bīah) in order to get the benefit and avoid the damage, thus people can gain salvation here and hereafter.

Even though the researcher did not find any article related to 'Abd Al-Majīd Al-Najjār's Maqāṣid Al-Sharī'ah, but most of the articles which mentioned him discussed Sharī'ah economics, except one that discussed Islamic law. Hence, it is interesting to discuss.

First, there is an article written by Housseem Eddine Bedoui dan Walid Mansour entitled "Performance and Maqasid al-Sharī'ah's Pentagon Shaped Ethical Measurement" which was published by Springer Science + Business Media Dordrecht in 2014.

Second, there is an article written by Wasyith. The title is "Beyond Banking: The Revitalization of Maqāṣid in Sharī'ah Banking". It was published by *Economica: Islamic Economics Journal* 2017.

Third, there is an article written by Sayed Sikandar Shah Haneef and Mohd Abbas Bin Abdul Razak entitled "Stabilizing Muslim Marriages: Some Reflections on Ethical Management of Family Law" which was published by

MAZAHIB Islamic Legal Thought Journal in 2017.

Fourth, there is an article written by Siti Amaroh which is "Maqāṣid Al-Sharī'ah-based Social Performance Assessment at Converted Sharī'ah Commercial Banks in Indonesia.

Fifth, there is an article written by Marziana Madah Marzuki and Wan Zurina Nik Abdul Majid entitled "Fraud Prevention in Malaysia: Maqasid al-Shariah Perspective" which was published by *Global Business and Management Research: An International Journal* in 2020.

This research aimed at revealing and answering the main issue: how is 'Abd Al-Majīd Al-Najjār's perspective on Maqāṣid Al-Sharī'ah? Thus, researcher discussed 'Abd Al-Majīd Al-Najjār's perspective on Maqāṣid Al-Sharī'ah in order to find out and explain why the essence of 'Abd Al-Majīd Al-Najjār's Maqāṣid Al-Sharī'ah is different from the essence of most of Maqāṣid Al-Sharī'ah experts (Maqāṣidiyyūn).

## RESEARCH METHODS

This research is a library research because it discusses the document and sources from libraries which are related to 'Abd Al-Majīd Al-Najjār's Maqāṣid Al-Sharī'ah. The approach used in this research was qualitative descriptive which was intended to reveal and explain 'Abd Al-Majīd Al-Najjār's Maqāṣid Al-Sharī'ah (Salim and Syahrūm, 2012). The result of this research was about 'Abd Al-Majīd Al-Najjār's perspective on Maqāṣid Al-Sharī'ah. The intention was to answer and explain 'Abd Al-Majīd Al-Najjār's perspective on Maqāṣid Al-Sharī'ah.

## RESULT AND DISCUSSION

### The Definision of Maqāṣid Al-Sharī'ah Based on 'Abd Al-Majīd Al-Najjār

The definition of Maqāṣid Al-Sharī'ah stated by 'Abd Al-Majīd Al-Najjār is based on the definition proposed by two contemporary scholars of Maqāṣid Al-Sharī'ah, they were Muḥammad Al-Ṭāhir bin 'Āshūr (died in 1973) and 'Allāl Al-Fāsī (died in 1974).

The definition of Maqāṣid Al-Sharī'ah according to Muḥammad Al-Ṭāhir bin 'Āshūr:

"مقاصد الشريعة العامة هي المعاني والحكم

الملحوظة للشارع في جميع أحوال التشريع أو معظمها"  
 "Generally, Maqāṣid Al-Sharī'ah is the meanings and wisdoms guided by God (Allah Subhanahu wa Ta'ala) in every form of Sharī'ah determination or most of them ('Āshūr, 2007: 49).

Meanwhile, according to 'Allāl Al-Fāsī, Maqāṣid Al-Sharī'ah is:

"المراد بمقاصد الشريعة: الغاية منها، والأسرار

التي وضعها الشارع عند كل حكم من أحكامها."  
 "The definition of Maqāṣid Al-Sharī'ah is the purpose of Sharī'ah and the secrets determined by Al-Shāri' (Allah Subhanahu wa Ta'ala) in every law of its Sharī'ah laws (Al-Fāsī, 1993: 7).

Based on both definitions from those contemporary scholars, 'Abd Al-Majīd Al-Najjār defined Maqāṣid Al-Sharī'ah as follow:

"الغاية التي من أجلها وضعتك الشريعة فيكلياتها وجزئياتها متحرية أن تجري حياة الإنسان المشرع له على ما فيه خيره وصلاحه".

"Every purpose from which its cause is determined by Sharī'ah both kullī (general) dan juzī (specific) where freedom is given to live the life as what

has been prescribed and there are kindness and benefits (Al-Najjār, 2008: 16).

The meaning of the definition above is the wisdom contained in Sharī'ah is the law of Sharī'ah, namely Allah Subhanahu wa Ta'ala created humans to live on Earth as the leader (khalifah) in order to worship Him, to objectify virtue and benefit which is the highest level of purpose of Islamic Sharī'ah, to achieve blessedness in the world and hereafter.

Thus, the definition of Maqāṣid Al-Sharī'ah according to 'Abd Al-Majīd Al-Najjār is "the meanings and wisdoms guided by Al-Shāri' (Allah Subhanahu wa Ta'ala) in every form of Sharī'ah determination or in most of them" and "the purpose of Sharī'ah and the secrets appointed by Al-Shāri' (Allah Subhanahu wa Ta'ala) in each of Sharī'ah laws.

According to Abū Ishāq Al-Shātibī (died in 790 H), there are four Al-Shāri's (Allah Subhanahu wa Ta'ala) purposes: 1) Qaṣdu Al-Shāri' Fī Waḍ'i Al-Sharī'ah, it is the purpose of Al-Shāri' (Allah Subhanahu wa Ta'ala) in determining the Sharī'ah; 2) Qaṣdu Al-Shāri' Fī Waḍ'i Al-Sharī'ah Li Al-Ifhām, it is the purpose of Al-Shāri' (Allah Subhanahu wa Ta'ala) in determining the Sharī'ah to be understood easier; 3) Qaṣdu Al-Shāri' Li Al-Taklīf Bi Muqtaḍa Al-Sharī'ah, it is the purpose of Al-Shāri' (Allah Subhanahu wa Ta'ala) in determining the Sharī'ah to be applied based on His commands; and 4) Qaṣdu Al-Shāri' Fī Dukhūl Al-Mukallaf Taḥta Hukm Al-Sharī'ah, it is the purpose of Al-Shāri' (Allah Subhanahu wa Ta'ala) in guiding humans to be under the auspices of Sharī'ah law (Al-Shātibī, 2004: 219). Allah didn't determine Sharī'ah without beneficial purpose for humans. (Al-Najjār, 2008: 18)

According to 'Abd Al-Majīd Al-Najjār, there are four ways (masālik) to

find out Maqāṣid Al-Sharī'ah: 1) Maslak Al-Amr Al-Ilāhī, it is the understanding of Sharī'ah which is related to God's commands and guidance both obeying the rules and avoiding sins; 2) Maslak Al-Bayān Al-Naṣṣī, it is the understanding of Naṣ (the written form of Al-Qur'an and Ḥadīth) both *qaṭ'ī* and *zannī* or explicit and implicit meanings; 3) Maslak Al-Istiqrā', it is the understanding of Al-Istiqrā' (inductive) method from *Kullī* (general) to *Juzī* (specific); 4) Maslak Al-'Amal Al-Nabawī, it is the understanding of the practice done by Rasulullah Muhammad Sallallahu Alayhi wa Salaam. (Al-Najjār, 2008: 25-35)

According to Wahbah Al-Zuhaylī (Died in 2015) something can be said as Maqāṣid Al-Sharī'ah if it meets four requirements: 1) Thābit, it means consistent and doubtless; 2) Zāhir, it is clear and no contradiction of 'illah (the reason of Sharī'ah purpose; 3) Munḍabīṭ, it is measureable and has clear standard limits (*jāmi' mānī'*); 4) Munṭarid, it is generally applied. (Al-Zuhaylī, 1986: Jilid 2, 1018)

Meanwhile, Nūr Al-Dīn bin Mukhtār Al-Khādimī states that something can be said as Maqāṣid Al-Sharī'ah if it meets four main requirements: "1) it must have purposes and secrets; 2) the purposes and secrets are part of Sharī'ah law; 3) the purposes and secrets must be based on obedience to God ('ubūdiyyah); 4) the purposes and secrets to be achieved must be beneficial both for here and hereafter". (Al-Khādimī, 1998: 52)

Therefore, the wisdom that meets requirement can be called Maqāṣid Al-Sharī'ah, meanwhile everything which is merely based on unconscious possibility (wahn) or imagination is definitely not Maqāṣid Al-Sharī'ah.

Thus, Maqāṣid Al-Sharī'ah can be one of *istinbāṭ* methods of Islamic law (the method of determining Islamic law), because the knowledge towards Maqāṣid Al-Sharī'ah will lead *mujtahid* to comprehend God's provisions and decrees, and develop Islamic law based on God's will (Al-Khādimī, 1998: 52).

As stated by Nūr Al-Dīn bin Mukhtār Al-Khādimī, there are many Naṣ (the written form of Al-Qur'an and Ḥadīth) that discuss Maqāṣid Al-Sharī'ah, but it is quite difficult to sort them, but some of the scholars use certain Naṣ as the basic law of Maqashid Asy-Syari'ah (Al-Khādimī, 2001: 78).

Several Naṣ that become the basic law for Maqāṣid Al-Sharī'ah are:

1) Al-Quran, there are 7 verses: The Quran 2: 185 (Al-Baqarah), The Quran 4: 28 (An-Nisa'), The Quran 5: 6 (Al-Maidah), The Quran 7: 157 (Al-A'raf), The Quran 22: 78 (Al-Hajj), The Quran 65: 7 (Ath-Thalag).

يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ

"Allah desires for you ease and He does not desire for you difficulty" (The Quran 2: 185, Al-Baqarah).

لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا

"Allah does not obligate anyone beyond his capacity" (The Quran 2: 286, Al-Baqarah).

يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ وَخُلِقَ الْإِنْسَانُ ضَعِيفًا

"Allah wants to lighten for your difficulties, and mankind was created weak" (The Quran 4: 28, An-Nisa).

مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ

"Allah does not want to lay any hardship upon you" (The Quran 5: 6, Al-Maidah).

وَيَضَعُ عَنْهُمْ إِصْرَهُمْ وَالْأَغْلَالَ الَّتِي كَانَتْ عَلَيْهِمْ

“And relieves them of their burden, and of the shackles that were upon them” (The Quran 7: 157, Al-A'raf).

وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ

“And He has not laid upon you any hardship in the religion” (The Quran 22: 78, Al-Hajj).

لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا مَا آتَاهَا ۗ سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا

“Allah does not charge a soul except what he has given it. Allah will bring about, after hardship, ease” (The Quran 65:7, Ath-Thalaq).

2) The Prophet's Ḥadīth. There are 3 Ḥadīths:

عَنْ أَنَسِ بْنِ مَالِكٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: يَسِّرُوا وَلَا تُعَسِّرُوا وَبَشِّرُوا وَلَا تُنْفِرُوا (رواه البخاري)

Narated by Anas bin Malik, The Prophet said “Make things easy for the people, and do not make it difficult for them, and make them calm with glad tidings, and do not repulse them” {Al-Bukhari Ḥadīth, (Al-Bukhari, 2002: 30)}.

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: اسْتَأْذَنَ رَهْطٌ مِنَ الْيَهُودِ عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالُوا: السَّامُ عَلَيْكَ، فَقُلْتُ: بَلْ عَلَيْكُمُ السَّامُ وَاللَّعْنَةُ، فَقَالَ: يَا عَائِشَةُ إِنَّ اللَّهَ رَفِيقٌ يُحِبُّ الرَّفْقَ فِي الْأَمْرِ كُلِّهِ، قُلْتُ: أَوْلَمْ تَسْمَعِ مَا قَالُوا؟، قَالَ: قُلْتُ وَعَلَيْكُمْ (رواه البخاري)

‘Aisha said that the Jews came to the Prophet and said, “As-Samu ‘Alaikum” (death be on you). ‘Aisha said to them, “Death be on you, and may Allah curse you and shower His wrath upon you!” The Prophet said, “Be calm, O ‘Aisha! You should be kind and lenient, and beware of harshness and bad words.” She said to the

Prophet “haven’t you heard what they have said?” The Prophet said “I said: wa’alaikum (even for you)” {Al-Bukhari (Al-Bukhari 2002: 1713)}.

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: اسْتَأْذَنَ رَهْطٌ مِنَ الْيَهُودِ عَلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالُوا: السَّامُ عَلَيْكَ، فَقُلْتُ: بَلْ عَلَيْكُمُ السَّامُ وَاللَّعْنَةُ، فَقَالَ: يَا عَائِشَةُ إِنَّ اللَّهَ رَفِيقٌ يُحِبُّ الرَّفْقَ فِي الْأَمْرِ كُلِّهِ، قُلْتُ: أَوْلَمْ تَسْمَعِ مَا قَالُوا؟، قَالَ: قُلْتُ وَعَلَيْكُمْ (رواه البخاري)

Narrated by Abu Hurairah, he said: “Rasulullah SAW said: “Indeed, this religion is easy, and no one will ever overburden himself in religion, except that it will overcome him. So, seek what is appropriate, and come as close as you can, and receive the glad tidings (that you will be rewarded), and take it easy; and gain strength by worshipping in the mornings, afternoons, and during the last hours of the nights.” (Al-Nasā’ī, 2010: 1713)}.

Therefore, Maqāṣid Al-Sharī’ah that aims at getting benefit has strong foundation in its discovering and developing.

The theorem to create the basic law of Maqāṣid Al-Sharī’ah definitely does not lay on some verses and hadīth only, but when other certain verses and Ḥadīth are studied and result in benefit, moreover it has the same result with other studies of verses and Ḥadīth, then it can be concluded inductively (Istiqrā’) that all Sharī’ah laws aim at giving benefit.

Hence, to continue it, the scholars have to do their best in determining Islamic law in order to achieve the kindness that God wants for humans.

The existence of Maqāṣid Al-Sharī’ah as legal theory that eventually becomes an independent scientific discipline is

actually from the agreement of the majority of scholars and *mujtahid* (*Ijma'*).

From *Ijma'* perspective, *salaf* and *khalaf* scholars have agreed that Islamic Sharī'ah contains easiness and removes burden (*taklif*) which cannot be carried by people (Nūr Al-Dīn bin Mukhtār Al-Khādīmī, 2001: 11).

### 'Abd Al-Majīd Al-Najjār's General Perspective on Maqāṣid Al-Sharī'ah

'Abd Al-Majīd Al-Najjār classified Maqāṣid Al-Sharī'ah generally into five aspect just like what the majority of the experts (Maqāṣidiyyūn) did towards it (Al-Najjār, 2008: 38-49). Those aspects are:

1. Al-Maqāṣid Bihasabi Quwwah Al-Thubūt, it is Maqāṣid Al-Sharī'ah from the aspect of legal force which is divided into three categories:
  - a. Al-Maqāṣid Al-Qaṭ'iyyah, it is the absolute (*qaṭ'i*) and successive (*mutawātir*) Maqāṣid Al-Sharī'ah stated in Naṣ (the written forms of Al-Quran or Ḥadīth) with the result that it becomes doubtless knowledge (*fī al-dīn al-yaqīn*) and is required by Sharī'ah such as the purpose of *qīṣāṣ* law to get rid of the threat for the sustainability of human life {*Hifz al-ḥayāh* (Al-Najjār, 2008: 38)}.
  - b. Al-Maqāṣid Al-Zanniyyah, it is the Maqāṣid Al-Sharī'ah which is written in Naṣ, but does not reach the level of *mutawātir* and can be studied only by *ẓannī* way through finding '*illah* (the reason of Sharī'ah law) or '*istiqrā'* (inductively), such as the disallowance of *ihtikār* and *kanz al-amwāl* (hoard and monopolize property), especially for primary needs, that is the reason beyond the law of buying and selling and ease the agreement and order to give

some of the property (Al-Najjār, 2008: 38-39).

- c. Al-Maqāṣid Al-Wahmiyyah, it is Maqāṣid Al-Sharī'ah that prioritizes the use of mind and its clear clause cannot be found in Naṣ. It can even contradict the will in Naṣ and it can be determined through the principle of simplicity (*al-taysīr*) which crosses the line. Thus, the danger (*mudharat*) of it is more than its value (*al-naf'*), such as getting the benefit of alcoholic beverages to warm body (Al-Najjār, 2008: 40).
2. Al-Maqāṣid Bihasabi Al-Manāt, it is the Maqāṣid Al-Sharī'ah as the object which is divided into 3 categories as well:
  - a. Al-Maqāṣid Al-Kulliyyah, it is the Maqāṣid Al-Sharī'ah that covers all micro-scaled matters. It needs maximum and sustainable efforts to realize and implement it from the micro to macro scales, such as the principles of *al-taysīr* (easiness) and *raf'u al-ḥaraj* (removing difficulty) (Al-Fāsī, 1993: 45-46).
  - b. Al-Maqāṣid Al-Nau'iyyah, it is Maqāṣid Al-Sharī'ah that has several provisions of Sharī'ah law only for achieving one purpose only, such as Sharī'ah law for family rule, for example to strengthen and maintain kinship (Al-Najjār, 2008: 41-42).
  - c. Al-Maqāṣid Al-Juziyyah, it is Maqāṣid Al-Sharī'ah that its purpose can only be realized through specific determined law, such as *wudhu*, it is for purifying (Al-Najjār, 2008: 41-42).
3. Al-Maqāṣid Bihasabi Al-Shumūl, it is Maqāṣid Al-Sharī'ah based on scope and it is divided into two categories:
  - a. Al-Maqāṣid Al-'Āmmah, it is Maqāṣid Al-Sharī'ah that has general purpose. It can be determined

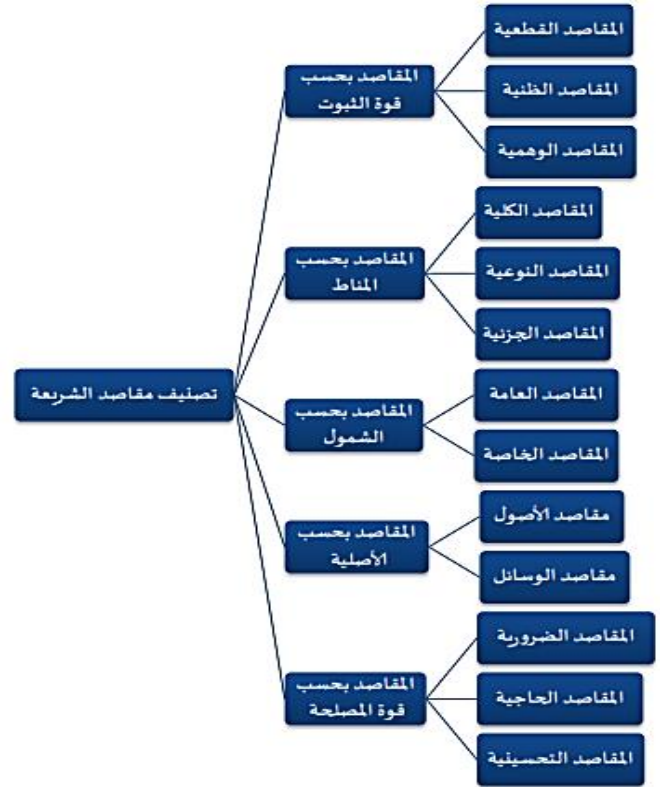
- through Islamic law itself by adding and setting new law on *darūriyyah* level (primary needs) and *hājiyyah* (secondary needs) such as justice (*Al-'Adālah*) and freedom (*Al-Ḥurriyyah*). (Auda, 2008: 6-7; Auda, 2007: 5).
- b. Al-Maqāṣid Al-Khāṣṣah, it is Maqāṣid Al-Sharī'ah that has specific purpose and is determined through certain discussion in Islamic law, such as children welfare in the area of family law, taking preventive action in criminal jurisdiction (*jinayah*), taking preventive action in transaction law when there is monopoly towards individual or certain group (Auda, 2011: 197).
4. Al-Maqāṣid Bihasabi Al-Aṣliyyah, it is Maqāṣid Al-Sharī'ah based on its source. It is divided into two categories:
    - a. Maqāṣid Al-Uṣūl, this Maqāṣid Al-Sharī'ah has basic purpose that will be achieved by Islamic law provision itself, such as five primary needs (Al-Ḍarūriyyāt Al-Khams): preserving religion (Ḥifẓ Al-Dīn), protecting soul (Ḥifẓ Al-Nafs), preserving minds (Ḥifẓ Al-'Aql), preserving heirs (Ḥifẓ Al-Nasl), and taking care of property (Ḥifẓ Al-Māl), and also basic principles that are automatically parts of the Islamic law itself such as the principle of justice (al-'adālah), the principle of freedom (al-ḥurriyyah), the principle of human equality (al-musawāh), the principle of wisdom (al-ḥikmah), and the principle of kindness for humanity (maṣāliḥ al-'ibād).
    - b. Maqāṣid Al-Wasāil, it is Maqāṣid Al-Sharī'ah that is a medium to achieve Maqāṣid Al-Uṣūl (basic purpose), thus, it has to go through Maqāṣid Al-Wasāil or Al-Maqāṣid Al-Tābi'ah (certain medium) (Al-Najjār, 2008: 45-46).
  5. Al-Maqāṣid Bihasabi Quwwah Al-Maṣlahah, it is Maqāṣid Al-Sharī'ah from the angle of Maṣlahah capacity which is divided into 3 categories:
    - a. Al-Maqāṣid Al-Ḍarūriyyāh, it is Maqāṣid Al-Sharī'ah that shows the level of need that must be fulfilled (primary need), if it is not fulfilled, then it will threaten human safety both in the world and hereafter (Lihasaanah, 2008: 19), such as five primary needs (Al-Ḍarūriyyāt Al-Khams): preserving religion (Ḥifẓ Al-Dīn), protecting soul (Ḥifẓ Al-Nafs), preserving minds (Ḥifẓ Al-'Aql), preserving heirs (Ḥifẓ Al-Nasl), and taking care of property (Ḥifẓ Al-Māl), ('Awdah, t.th: 203). And also like *qiṣāṣ* law to get rid of the threat for human's life (Al-Najjār, 2008: 47-48).
    - b. Al-Maqāṣid Al-Ḥājiyyah, it is Maqāṣid Al-Sharī'ah that shows the level of secondary needs. If this level cannot be fulfilled, then it will not bring any harm to human's life, but it can bring difficulty (*mashaqqah*), because removing all burdens are the basic spirit of Islamic Sharī'ah, such as *rukḥṣah* (relief) for wayfarer or traveler for not fasting in Ramadan and pay it back in another day (Al-Shāṭibī, 2004: 222).
    - c. Al-Maqāṣid Al-Taḥsīniyyah, it is Maqāṣid Al-Sharī'ah that shows the level of tertiary needs. This need will not bring any harm to the sustainability of any of five primary needs (Al-Ḍarūriyyāt Al-Khams) on the level of Ḍarūriyyāh (primary needs) and it will not bring any difficulty (*mashaqqah*) as well on *hājiyyah* (secondary needs). Thus,



this need is only for complement and to beautify which is related to general behavior in the area of mu'amalah, such as suggestion for dressing up before going to a mosque (Al-Ghazālī, 1997: 217).

Thus, general classification of Maqāṣid Al-Sharī'ah based on 'Abd Al-Majīd Al-Najjār is similar to the one of the majority of the experts by which it is divided into 5 aspects:

- 1) Al-Maqāṣid Bihasabi Quwwah Al-Thubūt;
  - a) Al-Maqāṣid Al-Qaṭ'iyyah.
  - b) Al-Maqāṣid Al-Zanniyyah.
- 2) Al-Maqāṣid Bihasabi Al-Manāt;
  - a) Al-Maqāṣid Al-Kulliyyah
  - b) Al-Maqāṣid Al-Nau'iyyah.
  - c) Al-Maqāṣid Al-Juziyyah.
- 3) Al-Maqāṣid Bihasabi Al-Shumūl;
  - a) Al-Maqāṣid Al-'Āmmah.
  - b) Al-Maqāṣid Al-Khāṣṣah.
- 4) Al-Maqāṣid Bihasabi Al-Aṣliyyah;
  - a) Maqāṣid Al-Uṣūl.
  - b) Maqāṣid Al-Wasā'il.
- 5) Al-Maqāṣid Bihasabi Quwwah Al-Maṣlahah;
  - a) Al-Maqāṣid Al-Ḍarūriyyah.
  - b) Al-Maqāṣid Al-Ḥājiyyah.
  - c) Al-Maqāṣid Al-Taḥsīniyyah.



**Figure of General Classification of Maqāṣid Al-Sharī'ah**

### 'Abd Al-Majīd Al-Najjār's Specific Perspective on Maqāṣid Al-Sharī'ah

'Abd Al-Majīd Al-Najjār classified Maqāṣid Al-Sharī'ah specifically by using new term, Maqāṣid Al-Sharī'ah 'Alā Dawāir Al-Ḥayāh Al-Insāniyyah. It is Maqāṣid Al-Sharī'ah in human's life that is divided into 4 aspects (Al-Najjār, 2008: 59-236):

1. Al-Maqāṣid Fī Ḥifẓ Qimah Al-Hayah Al-Insaniyyah. This Maqāṣid Al-Sharī'ah is in the area of maintaining the value of human's life in which it maintains two main aspects such as Ḥifẓ Al-Dīn (preserving religion) and Ḥifẓ Insāniyyah Al-Insān (preserving humanity) (Al-Najjār, 2008: 59-83). The purposes of those main aspects are:
  - a. Maqṣad Ḥifẓ Al-Dīn (preserving religion). This aspect is divided into two points:
    - 1) Ḥifẓ Al-Dīn Bi Tawfīr Asbābihi, it is about preserving religion with

certain reasons. It is divided into 4 categories:

- a) *Ḥifẓ Al-Dīn Bi Al-Taysīr*, it is about preserving religion by make it easy, because religion is simple.
  - b) *Ḥifẓ Al-Dīn Bi Al-Ijtihād*, it is preserving religion by doing *ijtihād* for the religion.
  - c) *Ḥifẓ Al-Dīn Bi Al-Tablīgh*, it is preserving religion by conveying it or doing *da'wah*.
  - d) *Ḥifẓ Al-Dīn Bi Al-Sulṭān*, it is preserving religion by using authority power.
- 2) *Ḥifẓ Al-Dīn Bi Daf' Al-'Awātiq*, it is preserving religion by avoiding the practice of slavery for religion. It is divided into 5 categories:
- a) *Ḥifẓ Al-Dīn Bi Mudāfa'ah Al-Hawāya*, it is preserving religion by avoiding the use of carnality in all aspects of religion.
  - b) *Ḥifẓ Al-Dīn Bi Mudāfa'ah Al-Istibdād Al-Fikrī*, it is preserving religion by avoiding the use of dictatorial thoughts or oppressing action in all aspects of religion.
  - c) *Ḥifẓ Al-Dīn Bi Mudāfa'ah Al-Tahrīf*, it is preserving religion by avoiding digression in all aspects of religion.
  - d) *Ḥifẓ Al-Dīn Bi Mudāfa'ah Al-Irjāf*, it is preserving religion by avoiding fear in all aspects of religion.
  - e) *Ḥifẓ Al-Dīn Bi Al-Jihād*, it is preserving religion by doing *jihad*.
- b. *Maqṣad Ḥifẓ Insāniyyah Al-Insān*, the purpose of this is to preserving humanity and it is divided into four points:

- 1) *Ḥifẓ Al-Fiṭrah Al-Insāniyyah*, it is about preserving humanity by maintaining human nature. It is divided into 3 categories:
    - a) *Ḥifẓ Al-Fiṭrah Min Al-Tabdīl*, it is about maintaining human nature by avoiding inappropriate changes.
    - b) *Ḥifẓ Al-Fiṭrah Bi Al-Tawāzun*, it is about maintaining human nature by promoting calm and balance.
    - c) *Ḥifẓ Al-Fiṭrah Bi Al-Ishbā'*, it is about maintaining human nature by perfecting and accomplishing the flaw of human nature.
  - 2) *Ḥifẓ Al-Karāmah Al-Insāniyyah*, it is about maintaining human glory because human is the most perfect creature.
  - 3) *Ḥifẓ Ghāiyah Al-Ḥayāh*, it is about maintaining the purposes of life
  - 4) *Ḥifẓ Al-Ḥurriyyah Al-Insāniyyah*, it is about preserving humanity by giving freedom right for people.
2. *Al-Maqāṣid Fī Ḥifẓ Al-Dhāt Al-Insāniyyah*, it is *Maqāṣid Al-Sharī'ah* in maintaining the essence of human which is divided into two main aspects: *Ḥifẓ Al-Nafs Al-Insāniyyah* (protecting the soul) and *Ḥifẓ Al-'Aql* (preserving minds) (Al-Najjār, 2008: 84-110). The purposes of those aspects are:
- a. *Maqṣad Ḥifẓ Al-Nafs Al-Insāniyyah*, It is about protecting the soul. It is divided into two points:
    - 1) *Al-Ḥifẓ Al-Mādī Li Al-Nafs*, it is about protecting the soul by providing material aspect for soul. And it is divided into two categories as well:
      - a) *Ḥifẓ Al-Nafs Bi Asbāb Al-Baqā Wa Al-Quwwah*, it is about protecting the soul by keeping

- determination and strength for it.
- b) Ḥifẓ Al-Nafs Bi Daf' Al-'Awādī, it is about protecting the soul by avoiding inequity for it.
  - 2) Al-Ḥifẓ Al-Ma'nawī Li Al-Nafs, it is about protecting the soul by providing non material aspect or moral for it. it is also divided into two:
    - a) Ḥifẓ Al-Nafs Bi Al-Tazkiyah, it is about protecting the soul by keeping it with purification of the soul.
    - b) Ḥifẓ Al-Nafs Bi Al-Amn An-Nafsī, it is about protecting the soul by providing safety and security for it.
  - b. Maqṣad Ḥifẓ Al-'Aql, this is the purpose of preserving minds which is divided into two aspects:
    - 1) Al-Ḥifẓ Al-Mādī Li Al-'Aql, it is about preserving minds by providing material aspect for it.
    - 2) Al-Ḥifẓ Al-Ma'nawī Li Al-'Aql, it is about preserving minds by providing non material aspect or moral for it. it is divided into two categories:
      - a) Ḥifẓ Al-'Aql Bi Tahṛīr Al-Fikr, it is about preserving minds by giving freedom of thought.
      - b) Ḥifẓ Al-'Aql Bi Al-Ta'allum, it is preserving minds by studying. It is divided into 3 categories:
        - A. Ḥifẓ Al-'Aql Bi Al-Ta'allum Al-Istī'ābī, it is about preserving minds by studying deeply.
        - B. Ḥifẓ Al-'Aql Bi Al-Ta'allum Al-Tafakkurī, it is about preserving minds by learning how to think.
        - C. Ḥifẓ Al-'Aql Bi Al-Ta'allum Al-Manhajī, it is about preserving minds by studying methodologically.
  3. Al-Maqāṣid Fī Ḥifẓ Al-Mujtama', Maqāṣid Al-Sharī'ah in preserving society which keeps two main points: Ḥifẓ Al-Nasl (preserving the heirs) and Ḥifẓ Al-Kiyān Al-Ijtimā'ī (preserving society behavior) ('Abd Al-Majīd Al-Najjār, 2008: 111-142). The purposes of those points are:
    - a. Maqṣad Ḥifẓ Al-Nasl, the purposes of preserving the heirs are:
      - 1) Ḥifẓ Al-Nasl Bi Al-Injāb, it is about preserving the heirs by giving births.
      - 2) Ḥifẓ Al-Nasl Bi Ḥifẓ Al-Nasab, it is about preserving the heirs by keeping the lineage.
    - b. Maqṣad Ḥifẓ Al-Kiyān Al-Ijtimā'ī, the purpose of this is to keep the existence and society behavior which is divided into two points:
      - 1) Ḥifẓ Al-Muassasah Al-Ijtimā'īyah, it is done by maintaining social foundation. This way is divided into 3 categories:
        - a) Al-Ḥifẓ Bi Thaqāfah Al-Muassasah, it is done by maintaining the culture of social foundation.
        - b) Al-Ḥifẓ Bi Muassasah Al-Usrah, it is done by establishing family social foundation.
        - c) Al-Ḥifẓ Bi Muassasah Al-Daulah, it is done by establishing state social foundation. Al-Ḥifẓ Bi Muassasah Al-Daulah is divided into two categories:
          - A. Al-Mujtama' Quwa Maṣdar Al-Sulthah, it means society is the source of strength and power for the government.

B. Al-Shūrā'Aliyah Al-Daulah, it means forum is the strength and power for the country

2) Ḥifẓ Al-'Alāqāt Al-Ijtimā'iyah, it means preserving the heirs by maintaining the relations in society. It is divided into 3 categories:

a) Al-Ḥifẓ Bi Rābiṭah Al-Ukhuwwah, it is done by forging the bond of brotherhood.

b) Al-Ḥifẓ Bi Mīzān Al-'Adl, it is done by realizing justice in every aspect of society.

c) Al-Ḥifẓ Bi 'Alāqah Al-Takāful, it is done by maintaining the loyalty and mutual guarantee.

4. Al-Maqāṣid Fī Ḥifẓ Al-Muḥiṭ Al-Mādī, it is Maqāṣid Al-Sharī'ah in maintaining material scope which saves two main points: Ḥifẓ Al-Māl (taking care properties) and Ḥifẓ Al-Bīah (preserving the environment) (Al-Najjār, 2008: 183-236). The purposes of those main points are:

a. Maqṣad Ḥifẓ Al-Māl, it is the purpose of taking care of properties which is divided into 5 ways:

1) Ḥifẓ Al-Māl Bi Al-Kasab Wa Al-Tanmiyah, it is done by investing the properties in order to get profit and also to develop them.

2) Ḥifẓ Al-Māl Min Al-Talaf, it is done by avoiding damage. This way is divided into 3 categories:

a) Ḥifẓ Al-Māl Min Al-Talaf Al-'Abathī, it is about taking care of properties by avoiding useless damage.

b) Ḥifẓ Al-Māl Min Al-Talaf Al-Mufsid, it is about taking care of properties by avoiding destructive damage.

c) Ḥifẓ Al-Māl Min Al-Talaf Al-Sarafī, it is about taking care of properties by avoiding excessive damage.

3) Ḥifẓ Al-Māl Bi Ḥimāyah Al-Milkiyyah, it is done by maintaining ownership of immovable properties.

4) Ḥifẓ Al-Māl Bi Ḥimāyah Qīmatihi, it is done by maintaining properties' selling value.

5) Ḥifẓ Al-Māl Bi Al-Tadāwul Wa Al-Tarwīj, it is done by maintaining their rotation and promoting them to get profit.

b. Maqṣad Ḥifẓ Al-Bīah, it is about preserving the environment. It is divided into 4 ways:

1) Ḥifẓ Al-Bīah Min Al-Talaf, it is done by avoiding damage.

2) Ḥifẓ Al-Bīah Min Al-Talawwuth, it is done by preventing pollution.

3) Ḥifẓ Al-Bīah Min Farṭ Al-Istihlāk, it is done by avoiding the excessive usage.

4) Ḥifẓ Al-Bīah Bi Al-Tanmiyah, it is done by developing, building, growing, and investing it.

Thus, the specific classification of Maqāṣid Al-Sharī'ah according to 'Abd Al-Majīd Al-Najjār is called by using new term: Maqāṣid Al-Sharī'ah 'Alā Dawāir Al-Ḥayāh Al-Insāniyyah from which it is divided into 4 aspects:

1) Al-Maqāṣid Fī Ḥifẓ Qimah Al-Hayah Al-Insaniyyah;

a) Ḥifẓ Al-Dīn.

b) Ḥifẓ Insāniyyah Al-Insān.

2) Al-Maqāṣid Fī Ḥifẓ Al-Dhāt Al-Insāniyyah;

a) Ḥifẓ Al-Nafs Al-Insāniyyah.

b) Ḥifẓ Al-'Aql.

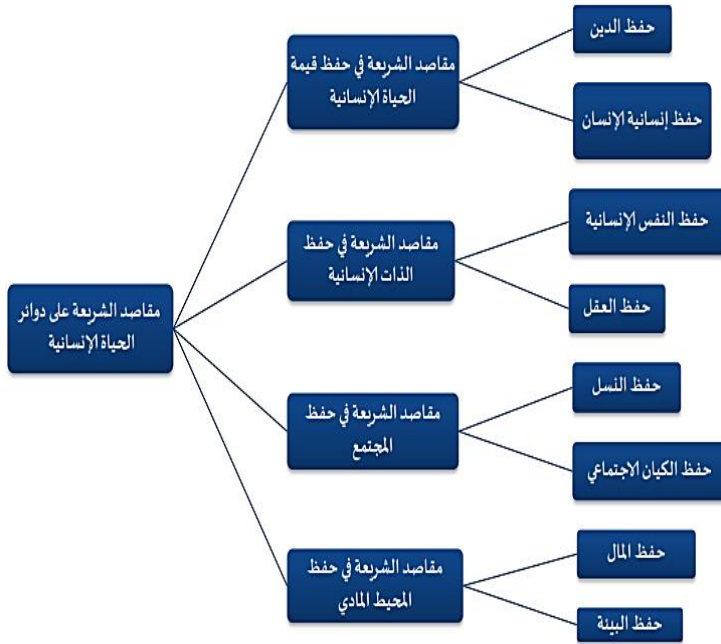
3) Al-Maqāṣid Fī Ḥifẓ Al-Mujtama';

a) Ḥifẓ Al-Nasl.

b) Ḥifẓ Al-Kiyān Al-Ijtimā'ī.

- 4) Al-Maqāṣid Fī Ḥifẓ Al-Muḥīt Al-Mādī;
  - a) Ḥifẓ Al-Māl.
  - b) Ḥifẓ Al-Bīah.

**Figure of Specific Classification of Maqāṣid Al-Sharī'ah**



### The Result of Analysis Towards 'Abd Al-Majīd Al-Najjār's Perspective on Maqāṣid Al-Sharī'ah

Based on the explanation of 'Abd Al-Majīd Al-Najjār's perspective on Maqāṣid Al-Sharī'ah both generally and specifically, the author conducted an analysis and got a result as follow: that the essence of Maqāṣid Al-Sharī'ah by Abdul Majid An-Najjar is different from the one that has already been agreed by the majority of Maqāṣid Al-Sharī'ah's experts (Maqāṣidiyyūn).

The essence of Maqāṣid Al-Sharī'ah according to 'Abd Al-Majīd Al-Najjār is called by using new term, Maqāṣid Al-Sharī'ah 'Alā Dawāir Al-Ḥayāh Al-Insāniyyah (Maqāṣid Al-Sharī'ah in the area of human life), it is implemented to gain benefit and avoid damage in order to get salvation here and hereafter. It is done

by actualizing Al-Ḍarūriyyāt Al-Thamān (eight primary needs): preserving religion (Ḥifẓ Al-Dīn), preserving humanity (Ḥifẓ Insāniyyah Al-Insān), protecting soul (Ḥifẓ Al-Nafs Al-Insāniyyah), preserving minds (Ḥifẓ Al-'Aql), preserving heirs (Ḥifẓ Al-Nasl), preserving society behavior (Ḥifẓ Al-Kiyān Al-Ijtimā'ī), taking care of property (Ḥifẓ Al-Māl), and preserving the environment (Ḥifẓ Al-Bīah).

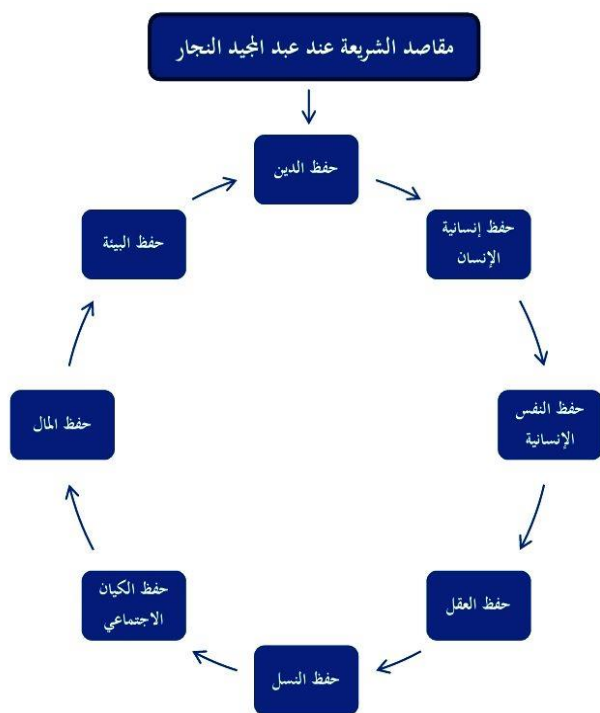
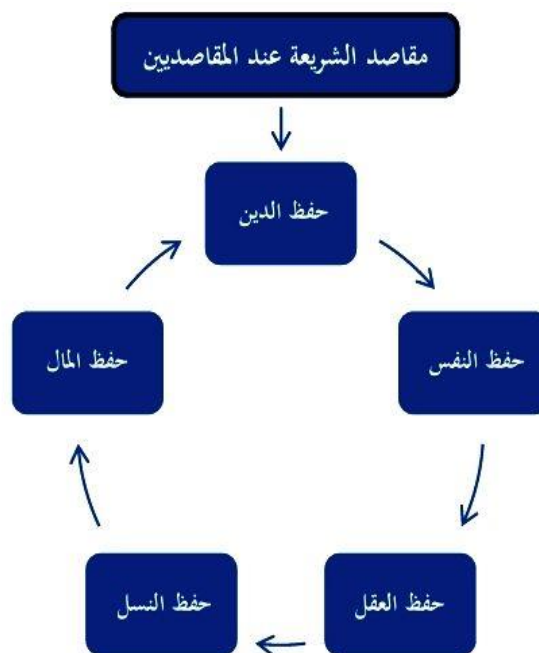
'Abd Al-Majīd Al-Najjār determined Maqāṣid Al-Sharī'ah 'Alā Dawāir Al-Ḥayāh Al-Insāniyyah (Maqāṣid Al-Sharī'ah in the area of human life) because the highest purpose of Islamic Sharī'ah is to get benefit and avoid perilous things here and hereafter (Al-Maqṣad Al-A'lā Min Al-Sharī'ah Al-Islāmiyyah Huwa Al-Taḥqīq Maṣlaḥah Al-Insān Bi Jalb Al-Naf' Lahu Wa Da' Al-Ḍar 'Anhu FīḤayātihi Al-Dunyā Wa FīḤayātihi Al-Ukhrā) and Islamic Sharī'ah pay a lot of attention to the detail of human's life comprehensively (Iḥtimāman Shāmīlan) (Al-Najjār, 2014: 1-2).

Hence, Islamic Sharī'ah is designed based on interest of mankind (Maṣālih Al-'Ibād) and humanitarian purposes (Maṣlaḥah) from various dimensions to balance human's life individually and socially, thus Maqāṣid Al-Sharī'ah covers all macro and micro dimensions individual and social lives (Amaroh, 2018: 18-19).

Meanwhile, the essence of Maqāṣid Al-Sharī'ah based on the majority of its experts (Maqāṣidiyyūn) is getting benefit and avoiding damage or danger here and hereafter by actualizing Al-Ḍarūriyyāt Al-Khams (five primary needs): preserving religion (Ḥifẓ Al-Dīn), protecting soul (Ḥifẓ Al-Nafs), preserving minds (Ḥifẓ Al-'Aql), preserving heirs (Ḥifẓ Al-Nasl), and taking care of property (Ḥifẓ Al-Māl).

According to the majority of Maqāṣid Al-Sharī'ah experts (Maqāṣidiyyūn) including Abū Ḥāmid Al-Ghazālī (Died in 505H), Ibnu Al-Qayyim Al-Jauziyyah (Died in 751H), dan Abū Ishāq Al-Shāṭibī (Died in 790H), everything written in Al-Quran and Al-Sunnah becomes the theorem of maṣlaḥah, because Maqāṣid Al-Sharī'ah is oriented to the benefit for humankind, and that benefit as the substance of Maqāṣid Al-Sharī'ah can be realized if the five primary needs (Al-Ḍarūriyyāt Al-Khams) can be actualized (Wasyith, 2017: 6).

**Figure of Maqāṣid Al-Sharī'ah According to 'Abd Al-Majīd Al-Najjār**



**Figure of Maqāṣid Al-Sharī'ah According to Maqāṣidiyyūn**

**CONCLUSION**

The essence of Maqāṣid Al-Sharī'ah according to 'Abd Al-Majīd Al-Najjār is different from the one agreed by the majority of Maqāṣid Al-Sharī'ah experts (Maqāṣidiyyūn).

According to the majority of Maqāṣid Al-Sharī'ah experts (Maqāṣidiyyūn), the essence of it is the realization of Al-Ḍarūriyyāt Al-Khams (five primary needs), they are preserving religion (Ḥifẓ Al-Dīn), protecting soul (Ḥifẓ Al-Nafs), preserving minds (Ḥifẓ Al-'Aql), preserving heirs (Ḥifẓ Al-Nasl), and taking care of property (Ḥifẓ Al-Māl), meanwhile according to 'Abd Al-Majīd Al-Najjār, the essence of Maqāṣid Al-Sharī'ah which is called Maqāṣid Al-Sharī'ah 'Alā Dawāir Al-Ḥayāh Al-Insāniyyah (Maqāṣid Al-Sharī'ah in the area of human life) is the realization of Al-Ḍarūriyyāt Al-Thamān (eight primary needs) they are preserving religion (Ḥifẓ Al-Dīn), preserving humanity (Ḥifẓ Insāniyyah Al-Insān), protecting soul (Ḥifẓ Al-Nafs Al-Insāniyyah), preserving minds

(Ḥifẓ Al-'Aql), preserving heirs (Ḥifẓ Al-Nasl), preserving society behavior (Ḥifẓ Al-Kiyān Al-Ijtimā'ī), taking care of property (Ḥifẓ Al-Māl), and preserving the environment (Ḥifẓ Al-Bīah) in order to gain benefit and avoid damage or perilous things here and hereafter.

According to 'Abd Al-Majīd Al-Najjār, the highest purpose of Islamic Sharī'ah is to gain benefit and avoiding everything that brings harm to people's lives in the world and hereafter, because Islamic Sharī'ah pays a lot of attention to the detail of people's lives comprehensively.

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