



ETHICS AND PRINCIPLES IN UNDERSTANDING NASH: THEORETICAL FRAMEWORKS AND CONTEMPORARY IMPLEMENTATION

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Abstract

The understanding of nash in Islam continues to be a matter of debate among academics and practitioners of Islamic law, especially in the face of evolving social challenges. Along with the difference in approaches between textual and contextual methods, there is a need to examine how ethical principles can be used as a foundation for understanding nash in a more inclusive way. This article aims to explore the role of ethics in the interpretation of nash as well as how the principles of maqashid al-shariah and ijtihad can be used to bridge differences in understanding. Using a qualitative method that relies on descriptive analysis, this study examines various perspectives of classical and modern scholars and compares textual and contextual approaches in understanding nash. The results of the study show that an approach that integrates the ethics and principles of maqashid al-shariah allows for a more flexible and relevant understanding of nash to contemporary life. The study also highlights the importance of a balance between literal and contextual understanding so that Islamic law can still be applied fairly and moderately. Thus, this article contributes to developing a more holistic approach in understanding religious texts, so that it can answer the challenges of the times without neglecting the fundamental values in Islam

Introduction

The understanding of *nash* in Islam continues to be a matter of debate among academics and practitioners of Islamic law. In the modern era, interpretations of *nash* often clash with dynamic social realities, especially in terms of law, politics, and culture. For example, in the application of Islamic law in various countries, there are differences in interpretation that reflect different schools of thought and approaches to thought. Some emphasize a textual approach, while others prefer contextualization to adapt Islamic teachings to the challenges of the times (Muttaqin & Nur, 2019). This phenomenon raises a big question about how ethical principles can be used as a foundation for understanding *nash* in a more inclusive and relevant way. As the complexity of social life increases, there is a need to revisit the approach to understanding religious texts by taking into account broader moral and ethical aspects.

This article aims to explore how ethics and moral principles can be used as a framework for understanding *nash*. In addition, this article also discusses how the interpretation of *nash* can be implemented in a contemporary context without neglecting the fundamental values in Islam. Thus, this study is expected to provide a more comprehensive understanding of textual and contextual approaches in understanding *nash*. The main focus of this article is how ethics can be an integral element in the process



of interpreting religious texts, resulting in a more moderate and inclusive understanding. By discussing various perspectives from classical and modern scholars, this article seeks to bridge the gap between traditional approaches and progressive approaches in understanding Islamic law.

The study of the understanding of *nash* has become the focus of the study of Islamic law and ethical philosophy. Some research suggests that there are two main approaches to understanding *nash*: the literal approach and the contextual approach. According to Hallaq, the literal approach tends to emphasize textual meaning without considering historical and social contexts, while the contextual approach tries to understand the *nash* in a broader scope according to the changing times (Hallaq, 2009). Meanwhile, Alalwani proposed that the *ijtihad* and *maqashid al-shariah* methods can be used to bridge the differences in understanding *nash* (Alalwani, 2011). These studies show that the understanding of *nash* is inseparable from ethics and moral principles, which are important factors in determining how sacred texts can be applied in modern life.

A number of studies have been conducted on the understanding of *nash* in Islam. Kamali emphasized the importance of the *maqashid al-shariah* approach in understanding Islamic legal texts to remain relevant in the modern context (Kamali, 2021). Hallaq highlighted the difference between textual and contextual approaches in the interpretation of *nash*, while Alalwani proposed the *ijtihad* method as a way to bridge the gap in the interpretation of Islamic law (Alalwani, 2011; Hallaq, 2009). Auda also developed the theory of *maqashid* as a systematic approach in understanding Islamic law based on moral principles (Auda, 2022). From this literature review, it can be seen that the understanding of *nash* cannot be separated from the evolving social and ethical context. This article will adopt various perspectives from previous studies to provide a more comprehensive analysis of the role of ethics and moral principles in understanding *nash*.

In reviewing the understanding of *nash*, this article departs from several basic assumptions. First, *nash* does not always have a fixed meaning, but can be understood in various contexts according to the development of the times. Second, an ethical approach to understanding *nash* can help avoid extremism in the interpretation of Islamic law. Third, the principle of *maqashid al-shariah* has an important role in interpreting *nash* so that it remains relevant in modern life. Fourth, the difference in interpretation of the *nash* is not contrary to Islamic principles, but a reflection of the intellectual dynamics that have taken place throughout the history of Islamic thought. With these assumptions in mind, this article seeks to offer a more balanced approach to understanding religious texts.

Research Method

This article uses a qualitative method with a descriptive-analytical approach. Data were collected from a variety of literature sources, including books, academic journals, and research articles relevant to the theme of *nash* understanding. The analysis was

carried out by examining various perspectives of classical and modern scholars regarding ethics in understanding *nash*. This approach allows for a more in-depth study of the ethical principles used in the interpretation of religious texts. In addition, the comparative analysis method is used to compare textual and contextual approaches in understanding *nash*, as well as its relevance in contemporary life (Zaman, 2012). With this approach, the article can provide broader insights into how moral and ethical principles can play a role in the interpretation of Islamic law.

Results and Discussion

Basic Definition and Concept of Nash in the Context of Ethics

Nash in Islamic studies refers to sacred texts that have legal authority, both from the Qur'an and *Hadith*. This term is often used to indicate a clear and explicit postulate in establishing an Islamic law. Scholars distinguish between *nash qath'i* (texts that have a definite meaning) and *nash zanni* (texts that allow interpretation) (Syakur, 2021; Kamali, 2021). In its development, the understanding of *nash* is not only limited to legal aspects but also includes ethical and moral dimensions. For example, in the Qur'an there are verses that explicitly give moral commands, such as justice and compassion (QS. *An-Nahl*: 90). Therefore, the study of *nash* not only focuses on aspects of Islamic law but also incorporates the ethical dimension, which serves as a foundation for making moral decisions in daily life.

Nash in Islam not only serves as a source of law, but also as an ethical guideline that shapes the morality of individuals and society. One of the principles of Islamic ethics rooted in *nash* is justice (*al-'adl*), which is the main foundation in various aspects of social and legal life (Sugiharto et al., 2024; Almubarak, 2018). For example, QS. *Al-Ma'idah*: 8 emphasizes the importance of being fair even to those who are disliked. In addition, the principle of *ihsan* (doing good) is also often associated with the understanding of *nash*, where Muslims are encouraged not only to follow the law textually, but also to consider the moral and virtuous aspects of action (Siregar, n.d.). Thus, the understanding of *nash* in Islam is not limited to adherence to the text, but must also consider the ethical values contained in Islamic teachings so that they can be applied contextually in modern life.

In Islam, the interpretation of *nash* varies depending on the school and the approach of thought used. The Hanafi school, for example, tends to use a rational approach in understanding *nash* and often prioritizes *qiyas* (analogical reasoning) in the determination of laws (Atabik, 2017). Meanwhile, the Hanbali school is more inclined to a literal approach, emphasizing that the meaning of *nash* must be understood according to the original text without much interpretation. The Shafi'i school falls somewhere in between, emphasizing the balance between the text and the analogical method. On the other hand, the Maliki *madhhab* considers the practices of the people of Medina as the basis for understanding *nash* (Suherman, 2014). These differences in approach show that the understanding of *nash* in Islam is not monolithic, but rather the result of intellectual dynamics that have developed throughout Islamic history.

In addition to differences among the *fiqh* schools, variations in understanding *nash* also occur in broader schools of Islamic thought. Traditionalists tend to adhere strictly to classical interpretations with a textual approach to *nash* (Asfiyak, 2020). In contrast, modernists such as Muhammad Abduh and Rashid Rida emphasized the reinterpretation of *nash* to fit contemporary realities. Meanwhile, reformists seek to link *nash* to global ethical principles and universal values, such as human rights and social justice. For example, thinkers such as Fazlur Rahman emphasized that *nash* must be understood within its historical context to find its relevance in modern life. This variation shows that understanding *nash* is influenced not only by the text itself but also by social, political, and cultural factors across different periods of Islamic history.

Differences in understanding *nash* have significant implications for ethical practices in Islam. A strict interpretation of *nash* can lead to a legalistic approach that emphasizes absolute adherence to the text, while a more flexible approach allows for adjustments to changing moral and social contexts (Agustin, 2021). For instance, in the field of family law, some Muslim countries apply laws based on literal interpretations of *nash*, whereas others adopt a contextual approach that considers the principles of justice and gender equality. Thus, differences in understanding *nash* affect not only Islamic law but also the practical application of Islamic ethical principles in daily life. A balanced approach is therefore needed, one that acknowledges the authority of *nash* while incorporating broader ethical values.

In the modern era, the challenges of understanding *nash* are increasingly complex due to rapid social, political, and technological changes. Issues such as human rights, democracy, and bioethics often spark debates about how *nash* should be interpreted and applied in new contexts. Some scholars argue that *nash* should be understood textually, while others emphasize the importance of reinterpretation to maintain relevance in Islamic law. For example, in Islamic finance, the concept of *riba* mentioned in classical *nash* must be reanalyzed within the context of a more complex modern economic system. Therefore, understanding *nash* from the perspective of contemporary Islamic ethics requires an approach that is not only text-based but also considers moral principles and evolving social needs.

The Theoretical Framework for Understanding Nash

The understanding of *nash* in Islam is not only limited to legal aspects but also has a strong ethical dimension. One of the main theories in understanding *nash* is the theory of *maqashid al-shariah*, which emphasizes the primary purpose of Islamic law in protecting five basic interests: religion, soul, intellect, heredity, and property (Jalili, 2021). In addition, classical Islamic ethical theories are also based on the concepts of *al-'adl* (justice) and *ihsan* (kindness), which provide a moral foundation for interpreting *nash* (Taqiyudin, 2020). In the modern context, the ethical approach also draws on the theory of hermeneutics, which emphasizes that the understanding of the text must consider the

social context and evolving moral values (Hanif, 2023). Thus, these theories provide an analytical framework for understanding *nash*, enabling Islamic law to be applied more flexibly and relevantly in contemporary society.

The textual approach to understanding *nash* focuses on the literal meaning of the Qur'an and *Hadith* texts. This approach is often employed in the science of *tafsir bil ma'tsur*, which interprets the verses of the Qur'an based on explanations from the *Hadith* and the opinions of the Prophet's companions (Solahudin, 2016). The Hanbali school, for example, tends to favor this approach by emphasizing adherence to the original text without much interpretation. One example of this approach is in *hudud* law, where the punishments prescribed in the *nash* are considered immutable provisions (Sumardi, 2011). While this approach ensures clarity and legal certainty, it has been criticized for being inflexible in response to social change. Therefore, although a textual approach is important in understanding *nash*, it must be complemented with other methods to allow for contextualization.

In contrast, the contextual approach in understanding *nash* considers the social, political, and historical circumstances at the time the text was revealed. This approach is often associated with the method of *tafsir bil ra'yi*, which allows room for rational analysis in interpreting Islamic law (Solahudin, 2016). Here, *nash* is not only understood literally but is also analyzed based on its purpose and impact on people's lives. An example is the reinterpretation of the concept of *riba* in the modern economic system, where some scholars argue that contemporary banking practices do not fully align with the prohibition of *riba* in the Qur'an (Majid, 2020). Thus, the contextual approach allows for a more flexible understanding of Islamic law, enabling its application in contemporary life without losing the moral and ethical essence embedded in the *nash*.

Textual and contextual approaches are often seen as opposing methods, but in fact, they can complement each other. The textual approach provides legal certainty by retaining the literal meaning of the *nash*, while the contextual approach allows adaptation to social and cultural changes (Solahudin, 2016). In practice, many scholars combine these approaches to achieve a more balanced understanding. For instance, in Islamic family law, some Muslim countries apply inheritance laws textually while also considering evolving social contexts that permit adjustments in inheritance distribution (Astutik & Muttaqin, 2020). Therefore, the synthesis of textual and contextual approaches can result in an interpretation of *nash* that adheres to Islamic principles while remaining relevant to the times.

Maqashid al-shariah is a central principle in understanding *nash*, emphasizing that Islamic law should aim to realize justice and community welfare. This concept was developed by scholars such as Al-Ghazali and Ash-Syatibi, who argued that Islamic law is not solely text-oriented but must also consider the benefits (*maslahah*) for humanity (Suganda, 2020). In modern contexts, this principle is applied in interpreting Islamic law

on issues such as human rights and Islamic economics. For example, in marriage law, some Muslim countries have adjusted regulations regarding child marriage by prioritizing the protection of children's rights according to the principles of *maqashid al-shariah* (Fitria, 2021). Hence, *maqashid al-shariah* is a crucial foundation in understanding *nash* so that Islamic law remains relevant and oriented toward human welfare.

In addition to *maqashid al-shariah*, *ijtihad* is another key principle in understanding *nash*. *Ijtihad* refers to the intellectual efforts made by scholars to interpret Islamic law in situations not explicitly addressed in the *nash* ("Menggagas Fiqih Moderat," 2020; Febriadi, 2017). Therefore, *ijtihad* plays a vital role in ensuring that Islamic law remains dynamic and capable of addressing contemporary challenges without losing the essence of the *nash*.

Although *maqashid al-shariah* and *ijtihad* provide flexibility in understanding *nash*, their application still faces challenges. One major challenge is the divergence of opinions among scholars regarding the extent to which *nash* can be reinterpreted according to the principles of *maqashid*. In some contexts, there is resistance to the use of *ijtihad*, especially from conservative circles who argue that Islamic law should adhere strictly to classical interpretations. Another challenge is ensuring that these approaches remain grounded in authentic Islamic values without being unduly influenced by social or political pressures (Arif, 2020). Therefore, further methodological development is needed to allow *maqashid al-shariah* and *ijtihad* to be applied more broadly in understanding *nash* in modern life.

Contemporary Implementations in Understanding Nash

The ethical principle in understanding the *nash* (sacred text) is very important in modern Islamic law because it relates to justice and the welfare of the *ummah*. In this context, *maqashid al-shariah* (the purpose of the *sharia*) serves as the main guideline in interpreting *nash*, ensuring that the law applied is not only literal but also considers social and moral contexts. For example, in the case of Islamic financial transactions, the principle of *nash* regarding *riba* is interpreted by taking economic justice into account. The Indonesian Ulema Council (*MUI*) has determined the Islamic banking system as a more ethical alternative in accordance with Islamic principles (Antonio, 2001). By applying an ethical and contextual approach, the understanding of *nash* in modern Islamic law can remain relevant and provide fair solutions in people's lives.

The implementation of understanding *nash* in contemporary society can be observed in cases that demand a balance between Islamic law and social reality. One illustrative example is the interpretation of texts regarding women's rights in inheritance and property ownership, particularly in countries with mixed legal systems. Tunisia, for instance, has adopted policies that allow for a more equitable distribution of inheritance for women while still upholding the principles of justice in *maqashid al-shariah*. This approach reflects the understanding that sacred texts must be interpreted in accordance with social developments in order to remain relevant and avoid structural injustice. This

case demonstrates that an ethical approach to understanding *nash* allows Islamic law to remain responsive to contemporary needs without losing its essence.

Interpreting *nash* in the modern era faces various challenges, particularly those arising from social change and technological advancements. Shifts in societal structures and the rise of digital technologies often present situations not explicitly discussed in classical texts. Consequently, Islamic scholars must apply a more contextual approach to *ijtihad*. For instance, in the case of digital transactions such as cryptocurrencies, scholars are still debating their legal status because there is no direct reference in the *nash* (Azizah & Irfan, 2020). Some scholars deem them permissible as long as they comply with the principle of minimal *gharar* (uncertainty), while others reject them due to the absence of clear regulation in Islamic law. This challenge underscores the importance of flexibility in understanding *nash* to ensure that Islamic law can address contemporary issues effectively.

Ijtihad is the primary instrument in adapting *nash* to the needs of the times without compromising the fundamental principles of Islam. Through *ijtihad*, scholars can interpret classical texts to remain relevant amid evolving social and technological challenges. One example is fatwas regarding halal vaccines. In Islam, the consumption of non-halal ingredients is generally prohibited, but in emergency circumstances, legal rulings may change. Fatwa councils in various countries have permitted the use of vaccines containing elements initially considered non-halal, citing emergency provisions (*darurat*) (Muslimin et al., 2021). Through the application of *ijtihad*, Islamic law remains flexible and contextual, maintaining a balance between religious principles and the demands of modern society.

Globalization has significantly influenced how Muslims understand *nash*, especially in cross-cultural and legal interactions. With widespread access to information, Muslims in different countries can encounter various interpretations and fatwas that may diverge from local practices. For instance, regarding interfaith marriage, some countries like Malaysia maintain strict prohibitions, whereas countries such as Indonesia adopt a more flexible approach in certain cases (Maryanti, 2024). This variation demonstrates that the understanding of *nash* can differ according to the cultural and legal context in each country. Globalization necessitates a more open and dynamic understanding of Islamic law to ensure its relevance in an increasingly interconnected world.

Understanding *nash* in a contemporary context requires balancing sacred texts with social realities. By applying an ethical and contextual approach, Islamic law can remain relevant in addressing modern challenges without compromising its fundamental values. As illustrated by cases involving the Islamic financial system, inheritance law, and fatwas on new technologies, *nash* can be interpreted to respond effectively to societal needs. Therefore, a flexible approach to understanding *nash* is essential, allowing Islamic

law to provide guidance that aligns with contemporary realities while upholding its core principles.

Criticism and Debate in Nash Understanding

There is a fundamental difference between classical and modern scholars in understanding *nash*, which is influenced by social context and the development of knowledge. Classical scholars tend to adhere to the *taqlid* approach (following previous opinions) and understand *nash* literally, whereas modern scholars prioritize *ijtihad* to adapt Islamic law to contemporary challenges. For instance, in *hudud* law, classical scholars such as Ibn Taymiyyah emphasized the literal application of the punishment of hand-cutting for thieves, while modern scholars such as Yusuf al-Qaradawi proposed approaches that consider social and economic factors before imposing punishment (Mushthafa, 2019; Ningsih, 2023). This distinction demonstrates that the understanding of *nash* continues to evolve and is inseparable from the era in which interpretation is conducted.

The literal approach to understanding *nash* is often criticized for being inflexible in the face of changing times. This approach tends to interpret texts literally without considering historical and social contexts (Sani, 2024). Consequently, some laws applied may not fully align with the needs of modern society. For example, certain groups insist on a literal understanding of the *hijab*, treating it as an obligation without accounting for diverse cultural and social contexts. This approach is particularly controversial in countries with heterogeneous Muslim populations. Criticism of the literal approach highlights the need for interpretations of *nash* to consider contextual factors to remain relevant and fairly applicable in modern life.

Conversely, the contextual approach to understanding *nash* also faces criticism, especially from more conservative circles. Critics argue that this approach is too flexible and risks altering the original meaning of sacred texts to adapt to contemporary circumstances. For example, debates over Islamic inheritance law illustrate this tension ("Menggagas Fiqih Moderat," n.d.). Some modern scholars have proposed adjustments to inheritance distribution rules to achieve greater equality between men and women, yet conservatives have rejected these proposals, citing explicit stipulations in the Qur'an. This critique reflects the tension between maintaining textual authority and adapting Islamic law to evolving social realities.

Different interpretations of *nash* have significant ethical implications for the application of Islamic law in society. These differences not only affect legal outcomes but also influence Muslims' perspectives on justice, human rights, and gender equality (Amri, 2018). For instance, regarding interfaith marriage, some Muslim countries prohibit it based on literal interpretations of *nash*, while others adopt more flexible approaches that consider principles of justice and individual freedom. This demonstrates how the interpretation of *nash* directly impacts social life and individual rights. Therefore, an

ethical approach to understanding *nash* is essential to ensure that Islamic law remains relevant and fairly applicable across diverse social contexts.

Finding a balance between literal and contextual approaches is a major challenge in understanding *nash* in the modern era. Such a balance is necessary for Islamic law to uphold its fundamental principles while remaining responsive to societal changes. Some contemporary scholars, such as Tariq Ramadan, propose the *maqashid al-shariah* approach, which interprets Islamic law by considering the primary objectives of *sharia*, namely justice and human welfare. With a balanced approach, the understanding of *nash* can maintain its authority as a guideline for Muslims while providing solutions that address contemporary challenges.

Conclusion and Recommendations

The understanding of *nash* in the contemporary context demonstrates a clear difference in approach between classical and modern scholars. Classical scholars tend to adhere to literal interpretations that preserve the authenticity of the text, whereas modern scholars are more open to contextual approaches that take social change and technological advancements into account. This debate reflects the dynamic nature of Islamic law, which continues to evolve in response to contemporary issues such as Islamic finance, women's rights, and new technology regulation. Criticism of both approaches highlights that literal and contextual methods each have their advantages and limitations, necessitating a balanced application (Ramadan, 2009).

Finding a balance between textual and contextual approaches is essential for Islamic law to remain relevant and fairly applicable. If understanding of *nash* is too rigid, Islamic law risks becoming unresponsive to changing societal conditions. Conversely, if it is too flexible, there is a danger of undermining the essence and authority of the sacred text. Therefore, the approach of *maqashid al-shariah*—which emphasizes the primary objectives of *sharia*—can serve as a bridge between these two perspectives. By considering justice, *maslahah* (benefit), and the welfare of the *ummah*, Islamic law can remain principled yet dynamic in its application.

As a recommendation, further research is needed to explore more moderate and contextually applicable methods of interpretation in diverse social settings. Interdisciplinary studies involving social sciences, law, and philosophy can offer new perspectives for a more comprehensive understanding of *nash*. Furthermore, it is crucial for scholars and academics to engage in open dialogue to find solutions that are consistent with the sacred texts while also aligned with the ethical and moral principles of Islam. Through a more moderate and inclusive approach, the understanding of *nash* can continue to evolve without abandoning the fundamental values embedded in Islamic teachings.

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