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GENEALOGI PEMIKIRAN MAQĀṢID Al-SYĀṬIBĪ: STUDI INTERTEKS TERHADAP KITAB AL-MUWĀFAQĀT

GENEALOGI PEMIKIRAN MAQĀṢID Al-SYĀṬIBĪ: STUDI INTERTEKS TERHADAP KITAB AL-MUWĀFAQĀT

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Abstract

This article examines the genealogy of al-Syāṭibī's maqāṣid thought in *al-Muwāfaqāt*, focusing on its intertextual roots and later influence in contemporary Islamic legal thought. Using qualitative library research and intertextual analysis, it reads *al-Muwāfaqāt* not as an isolated text, but as part of a broader network of uṣūl al-fiqh traditions before and after al-Syāṭibī. The study argues that al-Syāṭibī's *maqāṣid* theory was not entirely new, but represented a systematic development and epistemological reconstruction of earlier ideas, especially al-Ghazālī's conception of *maṣlaḥah mursalah*. Al-Syāṭibī's major contribution lies in transforming *maṣlaḥah mursalah* from a subsidiary legal proof into a foundational principle of Islamic legal reasoning. The article also shows that the Mālikī intellectual milieu of Granada, along with rational elements introduced through Mu'tazilite theology and philosophy, contributed to the formation of his thought. After a long period of dormancy, al-Syāṭibī's maqāṣid thought was revived through the publication of *al-Muwāfaqāt* in Tunisia and later developed by Ibn 'Āshūr, contemporary uṣūl scholars, and Qur'anic hermeneutical thinkers such as Abdullah Saeed.

Keywords : Al-Syāṭibī, Maqāṣid Al-Syarī'Ah, Al-Muwāfaqāt, Intertextuality, Islamic Legal Theory.

Abstrak

Artikel ini mengkaji genealogi pemikiran maqāṣid al-Syāṭibī dalam al-Muwāfaqāt, dengan fokus pada akar intertekstualnya dan pengaruhnya kemudian dalam pemikiran hukum Islam kontemporer. Dengan menggunakan riset pustaka kualitatif dan analisis intertekstual, artikel ini membaca al-Muwāfaqāt bukan sebagai teks yang terisolasi, tetapi sebagai bagian dari jaringan tradisi uṣūl al-fiqh yang lebih luas sebelum dan sesudah al-Syāṭibī. Studi ini berpendapat bahwa teori maqāṣid al-Syāṭibī bukanlah sesuatu yang sepenuhnya baru, tetapi merupakan perkembangan sistematis dan rekonstruksi epistemologis dari gagasan-gagasan sebelumnya, terutama konsepsi al-Ghazālī tentang maṣlaḥah mursalah. Kontribusi utama Al-Syāṭibī terletak pada transformasi maṣlaḥah mursalah dari bukti hukum tambahan menjadi prinsip dasar penalaran hukum Islam. Artikel ini juga menunjukkan bahwa lingkungan intelektual Mālikī di Granada, bersama dengan unsur-unsur rasional yang diperkenalkan melalui teologi dan filsafat Mu'tazilah, berkontribusi pada pembentukan pemikirannya. Setelah lama

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tidak aktif, pemikiran maqāṣid Al-Syāṭibī dihidupkan kembali melalui penerbitan al-Muwāfaqāt di Tunisia dan kemudian dikembangkan oleh Ibn ʻĀshūr, para sarjana uṣūl kontemporer, dan para pemikir hermeneutika Al-Qur'an seperti Abdullah Saeed.

Kata Kunci : Al-Syāṭibī, Maqāṣid Al-Syarīʻah, Al-Muwāfaqāt, Intertekstualitas, Teori Hukum Islam.

1. INTRODUCTION

The study of maqāṣid occupies an important position in Islamic legal discourse because it offers a way of reading that does not stop at the literal sound of the text, but moves further to the goals, wisdom and benefits that the Shari'a aims to realize. In the contemporary context, the need for a maqāṣid approach is increasingly urgent because the social, political, economic and cultural problems of Muslims continue to change, while classical fiqh tools are often considered not fully adequate to answer the complexity of new problems. Therefore, reforming Islamic law cannot only be carried out at the level of fiqh products, but must touch the methodological area in uṣūl al-fiqh, including by placing maqāṣid as an analytical framework capable of connecting text, context and human benefit (Zaprulkhan, 2018, p. 446).

However, maqāṣid thinking cannot be understood as a concept that suddenly appeared in the work of al-Syāṭibī, a scholar who is said to be the initiator of maqāṣid as the basis of ijtihad (Sulaiman, 2022, p. 32). Before al-Syāṭibī, the embryo of maqāṣid had appeared in the practice of ijtihad friends, especially the policy of 'Umar ibn al-Khaṭṭāb who considered al-maṣlaḥah al-'āmmah, then developed through early figures before finally obtaining a more systematic formulation in the tradition of uṣūl al-fiqh (al-'Utaibī, 2021; Ḍāhir, 2017; Rahmi, 2017, p. This is where the academic problem arises: al-Syāṭibī is often positioned as a central figure in the maqāṣid (the Islamic doctrine), but the intellectual origins of his thought, its relationship to previous theories, and the pattern of its transformation into contemporary discourse have not always been examined genealogically and intertextually. Yet, in the Muwāfaqāt, al-Syāṭibī cites many previous figures.

Studies on al-Syāṭibī can be mapped into several main trends. First, research that places al-Syāṭibī in the discourse of faith, theology and philosophy, such as Hamka Haq who examines the theological aspects of the concept of maṣlaḥah in al-Muwāfaqāt (Hak, 2007), 'Abd al-Raḥmān Ādam 'Ālī who discusses al-Syāṭibī's creed and his attitude towards bidah (`Alī, 1998), as well as Naseh Ulwan who examined the influence of philosophy on the qaṭʻī and ẓannī aspects in al-Syāṭibī's method of legal deduction (NasehUlwan, 2016). Second, research that focuses on methodological aspects, such as the works of Ḥammādī al-ʻUbaidī (1996), al-Raisūnī (1995), Farīd al-Anṣārī (2004), al-Murainī (2022), al-Barghuti (2021), and Ikhlas et al. (Ikhlas et al., 2021). This cluster generally reads al-Syāṭibī as the formulator of the theory of maqāṣid, the concept of taʻlīl al-aḥkām, the term uṣūlī, the rules of maqāṣid, the validity of induction, and maqāṣid as an instrument of ijtihad. Beyond these two tendencies, a third cluster focuses on the journey, reception, and transformation of al-Syāṭibī's thought in modern-contemporary discourse. Abderrazzaq, for example, traces the rise and evolution of maqāṣid thought from al-Syāṭibī to Ibn ʻĀsyūr and the contemporary maqāṣid movement (Abderrazzaq, 2017). Meanwhile, Ebrahim Moosa shows how al-Syāṭibī is read in the intellectual context of Rabat and Tunis as part of the modern struggle over Islamic heritage, ethics, history, and the renewal of Islamic legal thought (Moosa, 2014). Thus, this cluster not only discusses the content of al-Syāṭibī's maqāṣid doctrine but also examines how his thought moved, was received, and reworked in different intellectual spaces. This research is in the third cluster, but offers a more specific direction, namely reading al-Syāṭibī through intertextual analysis to trace the genealogy of his thought as well as its influence in the contemporary era. The novelty of this research lies in a two-way reading, namely backward, by tracing the origins of al-Syāṭibī's maqāṣid ideas in the previous uṣūl al-fiqh tradition, especially regarding maṣlaḥah, ḍarūriyyāt, ḥājiyyāt, taḥsīniyyāt, taʻlīl, and istiqrā'; and forward, by tracing its influence on contemporary maqāṣid research. This research is directed at answering the main question, namely, what is the genealogy of maqāṣid al-Syāṭibī's thought in the

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book al-Muwāfaqāt when read through intertextual analysis, and how does it influence the development of maqāṣid in the contemporary era?

2. RESEARCH METHOD

This research is a qualitative library-based research with the material object being the maqāṣid al-Syāṭibī thought in al-Muwāfaqāt and the formal object being the genealogy of thought. The analysis is conducted using an intertextual approach, namely reading al-Muwāfaqāt as a text that does not stand alone, but rather exists within a network of texts and intellectual traditions before and after it. Theoretically, this research refers to Julia Kristeva as the originator of the term intertextuality, namely the idea that the meaning of a text is formed through relations with other texts, as well as Gérard Genette who developed an operational framework of inter-textual relations through the concepts of transtextuality and hypertextuality, namely the relationship when a text then processes, transforms, or asks the reader to remember the previous text (Alfaro, 1996). In its analytical practice, this research works in two directions: first, a retrospective reading to trace the origins of the concept of maqāṣid al-Syāṭibī in the pre-al-Syāṭibī uṣūl al-fiqh tradition, especially related to maṣlaḥah, ta'līl al-aḥkām, ḍarūriyyāt, ḥājiyyāt, taḥsīniyyāt, and istiqrā'; Second, a prospective reading to trace the influence of al-Muwāfaqāt on the development of contemporary maqāṣid, especially on Ibn 'Āsyūr and the modern maqāṣid movement. Thus, the intertextual analysis in this study not only looks for similarities between texts, but also reads the process of inheritance, selection, transformation, and expansion of ideas from the classical uṣūl fiqh tradition towards contemporary Islamic legal renewal.

3. RESULT AND DISCCUSSION

EDUCATION AND THE WORK OF AL-SHāṬIBĪ IN ANDALUSIA

Al-Syāṭibī's full name was Abū Isḥāq Ibrāhīm ibn Mūsā ibn Muḥammad al-Lakhmī al-Garnāṭī. He had the nisbat name al-Syāṭibī because his extended family originated from Syāṭibah (Xativa) before finally migrating to Garnāṭah (Granada). One hundred years before al-Syāṭibī was born, Christians ruled Xativa, leading to an exodus of Muslims to Granada (Djalaluddin, 2015, pp. 289–300). Al-Syāṭibī held the nisbat al-Lakhmī because he was of Lakhmiyyah Arab descent (Abū al-Ajfān, 1985, p. 32).

Valid data regarding al-Syāṭibī's birth year is not available. Al-Ajfān estimated that al-Syāṭibī was born around 720 AH because his teacher, Ahmad ibn al-Ziyāt, died in 728 AH (Abū al-Ajfān, 1985, p. 25). Al-Syāṭibī died in 790 AH/1388 CE (al-Raisūnī, 1995, p. 114). Thus, it is certain that al-Syāṭibī lived during the reign of Caliph Yusuf Abū al-Ḥajaj (1333–1354 CE) and Sultan Muhammad V (1354–1391 CE) (Fuad, 2012, pp. 1–22).

The University of Granada was a center of Islamic civilization at that time. However, there is no reliable information on whether al-Syāṭibī studied there. Djalaluddin suggests that al-Syāṭibī did (Djalaluddin, 2015, p. 4). It is better known that al-Syāṭibī studied informally with prominent scholars in Granada, both scholars residing in Granada and scholars serving as ambassadors or diplomats to other kingdoms. The teachers of al-Syāṭibī who lived in Granada were Ibn al-Farraākh al-Bīrī (d. 754 H), Abū Ja'far al-Syaqrawī (d. 762 H), Abū Sa`īd ibn Lubb (d. 764 H), Abū `Abd Allah al-Balansī (d. 765 H). The teachers of al-Syāṭibī who were dipomat were Abū `Abd Allah al-Tilimsānī (d. 771 H), Abū `Abd Allah al-Miqarrī al-Tilimsānī (d. 761 H), Abū al-Qāsim al-Sabtī (d. 760 H), Abū `Ali al-Zawārī (d. 753 H), Ibn Marzūq al-Khaṭīb, and Abū Bakr al-Hasymī (d. 769 H) (al-Raisūnī, 1995, pp. 109–110; Ibrahim, 2008, pp. 27–28).

al-Syāṭibī studied Arabic and Islamic knowledge from them according to his expertise. He studied Arabic with Ibn al-Farraākh al-Bīrī, Abū al-Qāsim al-Sabtī, and Abū Ja'far al-Syaqrawī, literature with Abū Bakr al-Hasymī, Islamic law and fatwa with Abū Sa`īd ibn Lubb, tafsir with Abū `Abd Allah al-Balansī, ulus fiqh and rules of fiqh to Abū `Abd Allah al-Syarīf al-Tilimsānī and Abū `Abd Allah al-Miqarrī al-Tilimsānī, and Abū `Ali al-Zawārī, and the hadith of al-Jāmi` al-Ṣaḥiḥ al-Bukhārī and al-Muwaṭṭa' to Ibn Marzūq al-Khaṭib.

Immigrant teachers such as Abū `Ali al-Zawārī and Abū `Abd Allah al-Syarīf al-Tilimsānī taught al-Syāṭibī rational Muktazilah philosophy and theology (Toriquddin, 2014, pp. 33–47). In Muktazilah theology, Allah's actions have a god while Allah is obliged to do good (al-Būṭī, 1983, p. 81). It is very likely that Maqāṣid al-Syāṭibī's thinking was influenced by Muktazilah theology introduced by these two teachers. In al-Muwāfaqāt himself, al-Syāṭibī does not criticize Muktazilah and Asy'ariyah thought. He believes that the revelation of sharia as an act of God is for the purpose (mu`allalah) of the welfare of servants (al-Syāṭibī, 2011c, p. 6).

As a scholar, al-Syāṭibī did not solely acquire knowledge from his teachers. He also studied by reading the works of previous scholars. This is evident in the contents of his books, where he frequently mentions figures he never met, such as Ibn al-Arabī (d. 442 AH), al-Juwainī (d. 438 AH), al-Gazālī (d. 505 AH/1111 AD), `Izz al-Dīn `Abd al-Salām (d. 660 AH), al-Rāzī (660 AH), al-Qarafī (d. 684 AH), Ibn Rushd (d. 520 AH), and others (Ibrahim, 2008, p. 28).

His breadth of knowledge earned him a high social standing in society. Al-Syāṭibī was a teacher, imam, preacher, mufti, and writer. Some of his students were Abu 'Abd Allah al-Bayānī, Abu Bakr ibn `Āṣim, Abu `Abd Allah al-Majārī,

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Abu Yahyā ibn Āṣim (Abū Bakr ibn `Āṣim's brother), and Abu Ja`far al-Qaṣṣār. The latter two students held a special place in al-Syāṭibī's side. Abu Yahyā ibn Āṣim was called a ṣāḥib (faithful follower) and an inheritor of al-Syāṭibī's method. Meanwhile, Abu Ja`far al-Qaṣṣār was a student frequently consulted during the writing of al-Muwafaqāt, which ultimately led to its publication (al-Raisūnī, 1995, p. 11).

In his capacity as an imam and preacher, al-Shatib frequently led congregational prayers and delivered lectures. He frequently touched on issues related to heresy (bid'ah). This attitude earned him the title of mutasyaddid (authority) in matters of worship from scholars who disagreed with him (Ibrahim, 2008, p. 31). Al-Shatibī's thoughts on al-Shatibī's problems are compiled in the book al-I`tiṣām.

His extensive religious knowledge led the community to appoint him as mufti. Evidence that al-Syāṭibī was once a mufti is a book entitled Min Āṡār Fuqāhā al-Andalus: Fatāwī al-Imām al-Syāṭibī. Apart from containing a collection of al-Syāṭibī's fatwas, this book also contains a biography of al-Syāṭibī and material about fatwas. This book, which was first published in 1984, was written by the professor at Tunisia's al-Zaitunah University, Muḥammad Abū al-Ajfān (Abū al-Ajfān, 1985). No data was found on whether al-Syāṭibī was a mufti who was given authority by the government or was appointed by the community naturally. Ibrahim tends to choose the second (Ibrahim, 2008, p. 30). However, Hamka Haq suggests the former, as al-Syāṭibī's fatwas appear to support the government, such as those supporting taxes (Hak, 2007, p. 20).

According to al-Ajfān, al-Syāṭibī has seven works. Three of them have been verified and published, while the rest remain in manuscript form. The first is al-Muwafaqāt (four volumes). This book combines Islamic legal philosophy with usul fiqh (Islamic jurisprudence). It was first published in 1302 AH/1884 CE in Tunisia by a government printing press with the titles ṣḥīh Ṣāliḥ Qāyijī, `Alī al-Syanūfī, and ʿAḥmad al-Wartānī. The second is al-I`tiṣām (four volumes). This book addresses the issues of heresy. It was first published by Dār al-Manār in 1903 with a foreword by Muhammad Rashid Riḍā. The third is al-Ifādāt wa al-Insyādāt. This book is a collection of lecture notes and discussions by al-Syāṭibī. It contains a variety of material from various branches of science. This book was taḥqīq by al-Ajfān and published by Muassasah al-Risālah in 1983 (Abū al-Ajfān, 1985).

The unpublished books of al-Syāṭibī are: First, the book Sharḥ Jalīl `alā al-Khulāṣah fi al-Naḥw. This four-volume book contains Arabic grammar. Second, Kitāb al-Majālis. This book contains explanations of the hadiths in Kitāb al-Buyū` in Ṣaḥīḥ al-Bukhārī. Third, Syarḥ Rajz ibn Mālik. This book is an explanation of ibn Mālik's poem Alfiyyah. Fourth, Unwān al-Ittifāq fi Ilm al-Ishtiqāq. Fifth, Uṣūl al-Naḥw. The last two books also contain Arabic Language Science (Abū al-Ajfān, 1985, pp. 42–43). It is possible that the muḥaqqiq and publishers did not fight for these books because similar books that were already famous were numerous and therefore had less market value.

AL-MUWĀFAQĀT: THE MAGNUM OPUS OF AL-SHĀṬIBĪ

Al-Muwāfaqāt is a magnum opus of al-Syāṭibī's brilliant thought. This book introduced a new dimension to the discourse on usul fiqh (Islamic jurisprudence). Usul fiqh, which previously focused on particular arguments in legal decision-making, shifted its paradigm by emphasizing the aspect of universal objectives as the basis for law. Initially titled `Unwān al-Ta`rīf fī Asrār al-Taklīf', this book was later renamed al-Muwāfaqāt. This name change was prompted by a dream of his teacher.

As the author has explained above, the first Buku al-Muwāfaqāt was published in 1302 AH/1884 AD in Tunisia by a government printer with taṣḥīh Ṣāliḥ Qāyijī, `Alī al-Syanūfī, and aḥmad al-Wartānī. Then in 1341 AH/1922(3) AD, al-Muwāfaqāt was printed again with the copyright `Abd al-Hādī ibn Muḥammad Munīr al-Damsyiqī through the publisher al-Salafiyyah Egypt. Juz I and II were commented on (ta`līq) by Muḥammad al-Khadr Ḥusain al-Tūnīsī while juz III and IV by Muḥammad Ḥusain Makhlūf. In 1938 (9) H/1969 AD, Maktabah Ṣabīḥ Cairo published al-Muwāfaqāt with taḥqīq Muḥammad Muhy al-Dīn `Abd al-Ḥamīd as did Muṣṭafā Muḥammad's al-Maktabah Tijāriyah al-Kubrā with taḥqīq and ta`līq `Abd Allah Darāz (Abū al-Ajfān, 1985, p. 45).

Ibrahim, in his dissertation which was first published in 1429 H/2008 M, stated that there are three books of al-Muwāfaqāt circulating in Indonesia, namely al-Muwāfaqāt fi Uṣūl al-Aḥkām which was commented on by Muḥammad al-Khadr Ḥusain al-Tūnīsī and Muḥammad Ḥusain Makhlūf which was published by Dār al-Fikr Beirut and al-Muwāfaqāt fi Uṣūl al-Syarī`ah which was commented on by `Abd Allah Darāz and published by Maktabah al-Riyāḍ al-Ḥadīsah. The third book is essentially the same as the second, except that it includes additional interpretations of verses by `Abd al-Salām `Abd al-Syāfī Muḥammad. This third book was published by DKI (Dār al-Kutub al-`Ilmiyyah) (Ibrahim, 2008, p. 34).

The author found two versions of the book. The first is the third book mentioned by Ibrahim. The second is simply called al-Muwāfaqāt. This book is thicker, consisting of six volumes. It is commented on by Abū `Ubaidah Masyhūr Ālī Salmān. The author found this book in PDF format, not printed. It was published by Dār ibn `Affān without a date or city of publication. Based on the description above, the author chose the first book as it is more reliable as a reference in this research. The book al-Muwāfaqāt consists of five parts:

1. The first part is entitled al-Muqaddimāt. In this section, al-Syāṭibī introduces his distinct Islamic jurisprudence. This represents a paradigm shift from istinbatī (deriving evidence from a single verse) to istiqrāī (inferring evidence from a single verse). In this section, al-Syāṭibī says: “The nakli arguments do not provide a definite understanding, because they are related to preliminaries that are conjectural; a definite understanding can only be achieved based on a collection of arguments that resemble the mutawatiran of meaning.”
2. The second section is entitled Kitāb al-Ḥukm. In this section, al-Syāṭibī explains the law at length. As a Maliki scholar, he adheres to the Maliki jurisprudence. He begins his explanation with the division of taklifi laws, which include ibāḥah, nadb, karāhah, wujūb, and ḥurmah, then continues with the division of waḍ`ī laws, which include sabab, syarṭ, māni`, buṭlān, and ṣiḥḥah.

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3. The third section is entitled Kitāb al-Maqāṣid. This most core section of al-Syāṭibī's thought consists of two discussions: Maqāṣad al-Syāri (Objectives of the Sharia Creator) and Maqāṣid al-mukallaf (Objectives of the mukallaf). In the discussion of Maqāṣad al-Syāri al-Syāṭibī explains the levels of sharia goals, their arguments, their relationship with benefits, and how to preserve the goals of sharia, the use of Arabic as a wasilah language to provide understanding to themukallaf, the form of legal demands to achieve the goals of the sharia, and the advantages of sharia so that if followed it will avoid themukallaf from all evil. In discussing Maqāṣid al-Mukallaf al-Syāṭibī emphasized the importance of aligning the goals of the servant/mulallaf with God's goals. In this case he created the rule of al-Maṭlūb min al-mukallaf muwāfaqah qaṣdihi li qaṣd al-Syāri` (What is required of themukallaf is the conformity of its aims with the aims of the Maker of the Shari'a/God). Any action that contradicts God's purpose invalidates the deed. In this section, al-Syāṭibī also condemns the behavior of ḥīlah (inventing laws to suit one's desires) which contradicts the goals of sharia.
4. The fourth section is entitled "Al-Addillah al-Syar`iyyah." In this discussion of Islamic legal evidence, al-Syāṭibī discusses only the Qur'an and the Sunnah. According to him, the Qur'an is the source of Islamic law. The Sunnah serves as an explanation of the Qur'an. More specifically, he states that Makkī verses are universal and foundational, while Madīnī verses are muqayyidah (strengthening) and mukammilah (perfecting). In addressing law, God provides specific explanations in matters of worship, but absolute ones in matters of custom. This indicates that God grants His servants freedom in matters of custom. 5. The fifth part is entitled Buku al-Ijtihād. In this section al-Syāṭibī mentions three types of ijtihad, namely takhrīj al-manāṭ, tanqīḥ al-manāṭ, and taḥqīq al-manāṭ. al-Syāṭibī also explained about istiḥsān, murā'ah khilāf, the relationship between fatwa, fatwa giver and fatwa requester, taklid. In this chapter he also explains the two meanings of ijtihad that are often used, namely the term ijtihad which is referred to ulama and ijtihad which is referred to everymukallaf in general. At the end, he explains how to resolve conflicting arguments (ta`āruḍ al-adillah).

SOCIO-HISTORICAL CONDITIONS OF ANDALUSIA DURING AL-SHāṬIBĪ'S PERIOD

Al-Shāṭibī lived after the fall of Andalus to the Christian Kingdom centered in Las Navas de Tolosa in 608 AH/1212 CE. Following the collapse, Islamic rule in Andalus was divided into small kingdoms. One of these was the Kingdom of Granada, where al-Shāṭibī resided. This kingdom collapsed after al-Shāṭibī's death in 897(8) AH/1492 CE. This kingdom, ruled by the Banī Nasr, was not actually an independent kingdom, as it still relied on military assistance from the Banī Marīn Kingdom in Morocco.

During this period, Islamic jurists, or fuqāʾa (Islamic jurists), played a crucial role in government. The highest court was held by a fuqāʾa (Islamic jurist), known as qāḍī al-jamāʾah. Other important positions that a jurist could hold were mufti, musyāwir, and wuṣṣāq. Supervision of muamalah affairs such as waqf (endowments), gifts, trade, and business was another duty of a jurist (Ibrahim, 2008, p. 52).

Government jurists also had the authority to oversee religious activities, including education. The spread of philosophy and Sufism was limited. Al-Zawārī and al-Syarīf al-Tilimsānī were deported from Granada for frequently arguing with the Granada jurists (Toriquddin, 2014, pp. 34–35). The jurists, who were predominantly Maliki scholars, contributed to the spread of this school. Perhaps for this reason, al-Syāṭibī adhered to the Maliki school (Ibrahim, 2008, p. 52).

Economic conditions in Granada are considered advanced. Many new cases have emerged in the kingdom, such as tax issues. This issue became a debate between al-Syāṭibī and ibn Lubb. Ibn Lubb opposed taxes because they had never existed in the traditions of Medina and Andalusia before. However, al-Syāṭibī supported it with the argument of maṣlaḥah murlahah (Abū al-Ajfān, 1985, p. 62; Ibrahim, 2008, p. 77).

In Granada, practices also developed which, according to al-Syāṭibī, had no guidance from the Prophet Muhammad, such as praying together after congregational prayers, so he considered it a heresy. His strict stance on religious matters often led to clashes with contemporary scholars such as Abu al-Ḥasan `Alī ibn Muhammad al-Jaẓāmī and ibn Lubb. However, al-Syāṭibī received support from his student Abu Yaḥyā Muhammad ibn `Āṣim. In addition to legal issues, epistemological issues were also debated. As a Maliki scholar, al-Syāṭibī defended the murā`ah al-khilāf, but this was opposed by some other Granada scholars (Abū al-Ajfān, 1985, p. 58).

Al-Syāṭibī's Maqāṣid Thought: An Intertextual Study of the Book of Muwāfaqāt

This section does not attempt to analyze, criticize, refute, or support al-Syāṭibī's maqāṣid thought, but rather to explore the origins of his thinking. Whether his thinking was purely the result of his research into religious texts or the development of pre-existing theories, the author's observation is that al-Syāṭibī's thought was not purely his own, but rather the development of previous theories.

Al-Syāṭibī stated that all Sharia impositions have a purpose, the benefit of which is to return to creation (al-Syāṭibī, 2011c, p. 7). Elsewhere, he states that the implementation of Sharia is aimed solely at safeguarding the welfare of all people, both now and in the future. This conclusion emerged from the results of an inductive study (istiqrā') of religious texts, both the Qur'an and the hadith (al-Syāṭibī, 2011c, p. 4).

Al-Syāṭibī mentions three levels of maqāṣid: ḍarūryyaāt (necessity), ḥājiyyāt (necessity), and taḥsīniyyāt (beauty). Ḍarūryyaāt are something that must be realized to uphold the welfare of religion and the world. When necessary things are absent, the welfare of this worldly life is hindered, and even destruction and chaos occur. Without necessary things, the mukallaf will also not find happiness in the afterlife (al-Syāṭibī, 2011c, p. 7).

To preserve ḍarūryyaāt (necessity), God takes two steps through His sharia: realization and protection. The fundamentals of worship are beneficial for preserving religion from a practical standpoint, such as faith, the declaration of faith (Shahada), prayer, zakat, fasting, and the pilgrimage. Customs are beneficial for preserving the soul and mind from a practical standpoint, such as eating, drinking, clothing, housing, and so on. Mulamalah transactions, such as buying and selling, renting, and marriage, are beneficial for preserving descendants and property from a practical standpoint, and also

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for preserving reason, but through customary law. Jinayat, which can be summarized in the phrase al-amr bi al-ma`rūf wa al-nahy `an al-munkar, is beneficial for all preservation from a protective standpoint. Preserving necessity encompasses five fundamental aspects: the preservation of religion, the soul, the mind, descendants, and property (al-Syāṭibī, 2011c, p. 8).

Meanwhile, ḥājiyyāt (need) means something that creatures need in a way that is broadened and eliminates narrowness which can generally lead to difficulties. If this need is not taken care of, the Mukalaf will experience difficulties but it will not lead to damage. This applies to worship such as rukhsah; customs such as allowing hunting; muamalah is like the contract of qirāḍ, musāqāh, and salam, jinayat is like the law of taking diat on āqilah (al-Syāṭibī, 2011c, p. 9).

Taḥsīniyyāt (beauty) means adopting appropriate traditional beauties and avoiding situations that reason deems bad. This beauty is summarized in the terminology of noble morals. The level of beauty also applies in worship such as purifying oneself, covering one's private parts, performing sunnah worship; in customs such as eating and drinking etiquette; in muamalah such as the prohibition on buying and selling unclean goods, the prohibition on marriage without a guardian; and in jinayah such as the prohibition on killing slaves (al-Syāṭibī, 2011c, p. 9).

The maqāṣid theory as explained above was basically stated by al-Gazālī (d. 505 H/1111 AD) in al-Mustaṣfā. The difference lies in the fact that al-Gazālī has not mapped out what laws or rules function as the realization of maqāṣid and what rules function as protection of maqāṣid (al-Gazālī, 2014, pp. 274–286). Another contribution of al-Syāṭibī is his claim that ḍarūriyyāt khams, along with ḥājiyyāt and taḥsīniyyāt, are the result of qaṭ'ī induction (al-Syāṭibī, 2011a, p. 19).

Al-Syāṭibī's greatest contribution was transforming the concept of ḍarūriyyāt khams from mere conditions in the maṣlaḥah mursalah, as al-Gazālī explains in al-mustaṣfā (al-Gazālī, 2014, pp. 274–286), into a legal basis. This means that initially, ḍarūriyyāt khams was part of the standard of one of the legal arguments, namely maṣlaḥah mursalah, but al-Syāṭibī placed it as the foundation of ijtihad that must be adhered to in every use of legal arguments or methods (al-Syāṭibī, 2011a, p. 19).

The three levels of maqāṣid formulated by al-Gazālī represent a development and simplification of the theory expressed by his teacher al-Juwaynī (d. 478 AH/1085 CE). In dividing the 'ilāt' (laws), al-Juwaynī divided it into five levels. First, something whose meaning is known as necessary (ḍarūriyyāt), such as realizing the preservation of the human soul as an 'ilāt from kisas. Second, something related to general needs (ḥājah `āmm) such as the validity of a rental contract based on the urgent need for a place to live. Third, something that is not related to necessity and general needs but its purpose appears in attracting glory (makramah) and removing obstacles such as purification from hadas and najis. Fourth, something that is also not related to necessity and general needs but produces a purpose that is sunnah/desired such as a mukātabah contract that aims to liberate slaves. Fifth, something whose meaning cannot be understood by those who are in legal istbat. This fifth type applies to physical worship such as prayer (al-Juwainī, 1399, pp. 923–926).

From the description above, the author can conclude that the thinker before al-Syāṭibī who had a strong influence in the intertextual spotlight was al-Gazālī, not al-Juwaynī. Al-Syāṭibī's acceptance of al-Gazālī's concept of maqāṣid is inseparable from al-Syāṭibī's adherence to the Malikiyah school of thought, which adheres to the maṣlaḥah al-mursalah. This conclusion also refutes Mawardi's statement that the three main figures of maqāṣid are al-Juwaynī, al-Syāṭibī, and Ibn `Āsyūr (d. 1987 CE) (Mawardi, 2010, p. 190).

With the maqāṣid theory, al-Syāṭibī created a gap between sacred and ṡābit affairs and profane and mutagayyir matters. According to al-Syāṭibī, matters of worship are sacred and ṡābit while customary matters are profane and mutagayyir. He made two rules, namely: First "al-aṣl fī `ibādāt bi al-nisbah ilā al-mukallaf al-ta`abbud dūn al-iltifāt ilā al-ma`ānī" (the basis of worship for themukalaf is obedience to the text without paying attention to the meaning). Second, "al-aṣl fī al-`ādah al-iltifāt ilā al-ma`ānī" (the basis of custom is paying attention to its meaning) (al-Syāṭibī, 2011b, p. 228) or elsewhere he says "al-aṣl fī al-`ādah al-ta`līl wa al-qiyās" (the basis of custom is considering its ilat and metaphor) (al-Syāṭibī, 2011b, p. 232).

This principle distinguishes al-Syāṭibī from al-Juwainī. Basically, al-Juwainī conveyed that the first four levels in the division of figurative ilat are profane while the fifth level, which is physical worship, is ta`abbudī (al-Juwainī, 1399, pp. 923–926). So based on this comparison, al-Syāṭibī is actually more rigid than al-Juwainī because al-Juwainī only limits it to physical worship while al-Syāṭibī to all worship. Al-Syāṭibī's thinking was influenced by Imam Malik who was indeed strict about worship. In his conclusion, he said "Therefore, those who only follow the purity of the text (without seeking the meaning of the text) are more important towards the truth and are more on the path of their pious predecessors. This is the opinion of Imam Malik." Due to this strict stance, al-Syāṭibī, who followed Imam Malik, did not allow zakat with money and purification with anything other than water (al-Syāṭibī, 2011b, p. 231). This is why al-Qaraḍāwī did not completely agree with al-Syāṭibī. According to al-Qaraḍāwī, these two examples are reasonable (al-Qaraḍāwī, 2006, p. 201).

THE INFLUENCE OF AL-SHĀṬIBĪ IN THE CONTEMPORARY DISCOURSE ON THE USE OF FIQH

After the time of al-Syāṭibī, discussions on the maqāsid (Islamic principles) actually died out for six centuries. Discussions on the maqāsid were revived by the Tunisian scholar Muhammad al-Ṭāhir ibn `Āsyūr (1329 AH/1973 CE) through a work entitled Maqāṣid al-Syarī`ah al-Islāmiyyah (Mawardi, 2010, p. 182). In this book, Ibn `Āsyūr still uses the theories put forward by al-Gazālī and al-Syāṭibī, such as darūriyyāt khams, ḥājiyyat, and taḥsīniyyat. However, he also introduces new theories, such as how to understand the specific objectives in the text (Ibn Ashur, 2016, pp. 17–19).

The reasons why Ibn `Āsyūr revived the discourse on maqāsid are: First, the first book of al-Muwāfaqāt was published in 1302 AH/1884 CE in Tunisia, ibn `Āsyūr's country. Second, Ibn `Āsyūr and al-Syāṭibī's schools of fiqh are both Maliki, so the sense of acceptance is stronger. Third, the publication of al-Muwāfaqāt can be said to be in the same period as the birth of Ibn `Āsyūr because he was born in 1879 CE. Fourth, the book al-Muwāfaqāt was only published outside Tunisia,

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namely in Egypt, in 1922 CE. Ibn `Āsyūr's great contribution cannot be separated from the services of Ṣāliḥ Qāyijī, `Alī al-Syanūfī, and ʿAḥmad al-Wartānī who have taṣḥih the book al-Muwāfaqāt (Abū al-Ajfān, 1985).

Al-Syāṭibī's thoughts have contributed greatly to the renewal of contemporary usul fiqh. For example, `Abd al-Wahhāb Khalāf (d. 1956 AD) has included a discussion of maqāsid in his book entitled `Ilm Uṣūl al-Fiqh in the chapter al-Qism al-Rābī fi al-Qawā`id al-Uṣūliyyah al-Tasyrī`iyyah (Khalaf, n.d.), so also Wahbah al-Zuḥailī (d. 2015 AD) in his book Uṣūl al-Fiqh al-Islām (al-Zuḥailī, 1986), Yūsuf al-Qaraḍāwī in Naḥw `Uṣul Fiqh Muyassar (al-Qaraḍāwī, 1996b).

Hallaq refers to figures who use the concept of maṣlaḥah or maqāṣid as the basis for ijtihad as religious utilitarianism (Hallaq, 1997, p. 214). Although Hallaq does not mention al-Qaraḍāwī, for the author, al-Qaraḍāwī is the central figure of this group. Al-Qaraḍāwī is a leading thinker in contemporary maqāṣid theory because in addition to writing the maqāṣid theory, he is also a mujtahid (read: mufti) who applies it practically. His method of interpreting the Qur'an based on it is written in the book Kaifa Nata`amal ma`a al-Qur`an al`Aẓīm. He wrote about the limitations of ijtihad in al-Ijtihād fi Syarī`ah al-Islām ma`a Naẓariyyāat tajlīliyyat fi al-Ijtihād al-Mu`āṣir (al-Qaraḍāwī, 1996a). Meanwhile, he wrote about maqāṣid-based ijtihad products in the book Fatāwi Mu`āṣirah (al-Qaraḍāwī, n.d.).

The figure who wrote about the maqāṣid theme independently outside of the study of Islamic jurisprudence was Sa`īd Ramaḍān al-Būṭī (d. 2013 AD). In his book Ḍawābiṭ al-Maṣlaḥah fi al-Syarī'ah al-Islāmiyyah, al-Būṭī formulated the boundaries of maṣlaḥah to ward off groups he considered to be excessive in using the concept of maṣlaḥah or maqāṣid in determining law (al-Būṭī, 1983). Another figure is Abdullah Saeed. Saeed, who was more serious in exploring themes regarding the Qur'an and interpretation, included darūriyyāt khams in the category of fundamental values. He formulated a hierarchy of Qur'anic values as a basis for determining whether the message of a verse is universal or not (Saeed, 2006, pp. 129–139).

4. CONCLUSION

Based on intertextual analysis, al-Syāṭibī's maqāṣid thought in al-Muwāfaqāt cannot be positioned as a completely new idea, but rather as a result of the development, systematization, and reconstruction of the previous tradition of uṣūl al-fiqh thought. One of the strongest influences can be traced to al-Gazālī's thought, particularly in the conception of maṣlaḥah mursalah, the levels of human needs, and the protection of fundamental elements of life. However, al-Syāṭibī's important contribution lies in his success in restructuring the position of maqāṣid within the maṣlaḥah mursalah framework as one of the legal arguments within the istinbāṭ framework, becoming a more fundamental methodological basis in the formation of Islamic law. Thus, maqāṣid is no longer merely an additional instrument in establishing law, but functions as an epistemological foundation that guides the workings of Islamic law as a whole. Apart from that, the formation of maqāṣid al-Syāṭibī's thought cannot be separated from the intellectual and social context of Granada. The dominance of the Mālikī school of thought as the official school of thought in the region helped shape al-Syāṭibī's methodological orientation, especially in its acceptance of maṣlaḥah murlahah. On the other hand, his encounter with rational thought through Abū 'Alī al-Zawārī and Abū 'Abd Allāh al-Syarīf al-Tilimsānī, who introduced elements of Mu'tazilah theology and philosophy, also made an important contribution in shaping his perspective on the rationality of law, ta'līl, and the goals of shari'a.

The influence of maqāṣid al-Syāṭibī's thought did not develop widely immediately after his death. The discourse on the maqāṣid actually experienced a long vacuum for approximately six centuries. One reason was the absence of al-Syāṭibī's students who directly continued his intellectual project in the form of works equivalent to or specifically themed on maqāṣid. The revival of al-Syāṭibī's thought only occurred when al-Muwāfaqāt was taṣḥīḥ and first published in Tunisia. This publication reopened intellectual access to al-Syāṭibī's ideas and became one of the important factors that enabled Ibn ʻĀsyūr, as a Tunisian scholar, to continue and develop maqāṣid thought in a modern context. Since then, al-Syāṭibī's maqāṣid thought has begun to gain a new place in contemporary Islamic legal discourse. Some scholars have included it as a special discussion in their works on Islamic jurisprudence, while others have followed in Ibn ʻĀsyūr's footsteps by writing separate works on the maqāṣid al-sharīʻah. In more contemporary developments, the influence of al-Syāṭibī's maqāṣid thought has even gone beyond the realm of Islamic law and entered into the methodology of Qur'anic interpretation, as seen in the thinking of Abdullah Saeed, who made fundamental values one of the foundations for reading the universal message of the Qur'an.

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