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**THE ENGINEERING AND SCIENTIFIC OF
THE MAQASID SHARI'AH THEORY
IN ISLAMIC FINANCE**

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SYNOPSIS

The theory of *maqasid al-Shari'ah* started to develop after the era of Prophet's Companions. Significantly, during the first three centuries, the idea of *maqasid* have been discussed and developed by the four Muslim jurists, Hanafi (d. 150 AH/ 767 CE), Maliki (d. 179 AH/ 795 CE), Shafi'i (d. 204 AH/ 819 CE) and Hanbali (d. 241 AH/ 855 CE), in their legal judgments and writings by using different modes of reasoning (*ra'y-ijtihad*), such as analogical reasoning (*qiyas*), juristic preference (*istihsan*), presumption of continuity (*istishab*), public interest (*masalih al-mursalah*), blocking the means (*Sadd al-Dhara'i*), companion's opinion (*Qawl al-sahabi*), earlier scriptures (*Shar' man Qablana*) and custom (*'urf*). Hence, the ultimate purpose of the objectives of *Shari'ah* (*maqasid al-Shari'ah*) is nothing but for the seeking of benefit and repelling of harm (*jalb al-manfa'ah wa daf' al-madarrah*) in order to bring the social welfare and justice of human-beings, both in this world and the hereafter. Significantly, *maqasid al-Shari'ah* can be seen as a comprehensive legal framework to unify the divergence of Islamic Islamic legal opinion (*ijtihad*) among the Muslim jurists (*Usuliyun*) of different schools of law. In fact, the *maqasid al-Shari'ah* has portrayed several objectives and purposes to be pursued by Muslims in their daily activities which cover areas of worship (*ibadah*), marriage (*munakahat*), criminology (*jinayat*) and Islamic financial transactions (*mu'amalat*). The areas of *mu'amalat* which cover many areas of Islamic financial transactions (*fiqh al-mu'amalat*), have become increasingly significance especially for the purpose of transforming human activities into positive and normative dimensions in this worldly life and the life in the hereafter. Islamic financial industry constitutes one important area of Islamic financial transactions (*fiqh al-mu'amalat*). Hence, it motivates and inspired the authors to sharing the knowledge through writing this book. Thus, this book is hoped to be of assistance to those who wish to discover the theory of the objectives of *Shari'ah* (*maqasid al-Shari'ah*) and history of its development. The

strength of this book is the writing incorporates the application of Islamic financial system with the features of *maqasid al-Shari'ah* theory. Therefore, this book contains three chapters, in which the first chapter gives an introduction to the science of *maqasid al-Shari'ah*. For the second chapter, it covers the overview on the early engineering of the *maqasid al-shari'ah* theory, which starting from foundation until proliferation stage. For the last chapter, it discusses the application theory of the *maqasid al-shari'ah* in Islamic finance activities. Lastly, it is hoped that this book will benefit to all readers and could be as guidelines and source of reference to deduce more precise *ijtihad* in the assessment of *muamalat* activities, which based on the objectives of *Shari'ah* (*maqasid al-Shari'ah*) theory.

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