Article

Maqasid Research Methodology Challenges: A Survey Study

Marwa Hamed,[1] **Mohammed Belyamani,**[2]
Heba Abduljawad,[3] **Zaid al-Barzinji**[4]
Maqasid Institute
[1]mhamed@maqasid.org [2]mbelyamani@maqasid.org [3]habduljawad@maqasid.org [4]zbarzinji@maqasid.org

Abstract

This paper aims at revealing the genuine and core challenges facing scholars working in the research field of Maqasid Al-Shari'a Al-Islamiyah. The paper depended on the mixed methodology of surveys and interviews to collect raw data from scholars working in the field. The collected raw data considered the differences in cultural, geographical and language backgrounds of the participants. It has also included the scholars with various specialties in Maqasid Al-Shari'a. The paper has also segmented the challenges faced by the Maqasid scholars into theoretical, methodological, institutional, environmental and technical challenges. The paper concluded that a great part of the challenges faced by the Maqasid scholars is that the approach does not provide a wholistic theoretical and methodological framework; most of the interviewed scholars criticized the theoretical and the methodological framework of the approach, claiming that they are not complete. The paper's recommendations will be presented to the institutions working on the Maqasid Al-Shari'ah Al-Islamiyah approach to improve the circumstances of Maqasid Al-Shari'a scholars working in their own institutions, which is one of the basic challenges faced by them.

Keywords :   maqasid methodology; maqasid al-shari' theory; usul al-fiqh; Islamic sharia law; research challenge; the five essentials.

الملخص

تهدف هذه الورقة إلى الكشف عن التحديات الحقيقية والجوهرية التي تواجه العلماء العاملين في مجال أبحاث مقاصد الشريعة الإسلامية. اعتمدت الورقة على المنهجية المختلطة للمسوحات والمقابلات لجمع البيانات الأولية من العلماء العاملين في المجال، وأخذت البيانات الأولية التي تم جمعها في الاعتبار الاختلافات في الخلفيات الثقافية والجغرافية واللغوية للمشاركين. كما اهتمت بإدراج العلماء ذوي التخصصات المختلفة والمتنوعة في مقاصد الشريعة. وقد خلصت الورقة إلى أن هناك تحديات عديدة يواجهها علماء مقاصد الشريعة في مسيرتهم البحثية. وقد صنفت الورقة أيضًا التحديات التي يواجهها علماء

Corresponding Author
Name   :   Marwa Hamed
Email   :   mhamed@maqasid.org

المقاصد إلى تحديات نظرية ومنهجية ومؤسسية وبيئيَّة وتقنية. كما قدمت الورقة توصيات للمؤسسات الفكرية العاملة في منهج مقاصد الشريعة الإسلامية لتحسين ظروف عمل علماء المقاصد العاملين بها.

الكلمات المفتاحية: المنهجية المقاصدية؛ مقاصد الشريعة؛ أصول الفقه؛ الشريعة الإسلامية؛ التحديات البحثية؛ الضروريات الخمس.

Introduction

The main objective in this paper is to explore and to identify the challenges faced by scholars working on Maqasid Al-Shariah Theory in their research, to pin out the obstacles they face in the field of maqasid al-shari'ah.[1] This paper aims to contribute to the development and improvement of the theoretical, methodological, institutional, technical and personal circumstances, within which maqasid al-shari'ah scholars work. In addition, this paper aims to provide thorough and profound recommendations to the institutions working in the field of Maqasid Al-Shari'ah with regard to this.

This paper will identify the problems faced by maqasid al-shari'ah scholars, provide solutions to these challenges and pin out a set of recommendations to the academic institutions and universities in which these scholars work. This main goal is supported by other minor aims including collecting information to support the work of the institutes in developing Maqasid theory, enhancing the services provided to scholars and broadening the network of researchers and institutions working in the maqasid al-shari'ah field.

What has been noticed by the writer is that there were no resources available up to this point. This could be due to the deficiency in the number of academic research in Islamic studies using the maqasid al-Shari'ah approach. Due to this, the methodology adopted in this paper is a mixed one, adopting both the survey and the interview methodologies to collect primary information. Nine (9) surveys and eight (8) interviews were conducted with professional Maqasid scholars from two continents and six different countries including India, Malaysia, Morocco, Palestine, Qatar and Iraq.

---

[1] This paper is a part of a project supported by MRI department at Maqasid Institute (MI); MI is a global think-tank that is working to effect a paradigm shift in the understanding and practice of Islam via Maqasid Al-Shariah Approach or the higher objectives of Islam as based on divine revelation (the Quran, and the Sunnah) to help guard the sanctity of all life forms, promote peace, security, and substantiate the value of divine guidance in human affairs.

Literature Review

The researcher could not find external materials to build up the literature review for this paper due to the unavailability of primary and secondary sources dealing with the issue of the challenges faced by the scholars of the Maqasid Al-Shari'ah Al-Islamiyah Approach. The writer therefore claims that this paper is the first one which analyses this particular subject based on original data collected directly by the organization supporting the research through surveys and interviews with the major stakeholders and researchers in the field of Maqasid Al-Shari'ah.

The Methodological Framework

The research framework of this paper consists of the Conceptual Framework, Methodological Framework, Research Statement, Research Hypothesis and the Division of the Study.

Conceptual Framework

In this paper there are a number of concepts which constitute the main framework for this study which are defined according to their intended use:

1. Maqasid Methodology

   According to its original creator Maqasid Methodology consists of five overlapping and interconnected steps namely, purpose, cycles of reflection, critical reflection, critical studies of literature and reality, framework, and formative theories and principles. The framework comprises seven elements: concepts, objectives, values commands, universal laws, groups and proofs. The outcome is a wholistic and dynamic Fiqh which addresses contemporary research questions and practical concerns in all fields of knowledge (Auda, 2021, p. 19).

2. Maqasid Al-Shari'ah

   Shari'ah has higher objectives in its legislation by virtue of evidence and proofs. The various maqasid al-shari'ah are based on conventional proofs in usul al-fiqh. Although these proofs are derived from the Qur'an whose text is definitively established by contiguous multiple transmission, most Qur'anic indicants belong to the category of literal connotations that are probabilistic, not definitive and categorial (Ibn Ashour, 2016). Other scholars define Maqasid Al-Shari'ah as the objectives of Islamic Jurisprudence (Auda, 2021, p. 20).

3. Usul Al-Fiqh

   Usul Al Fiqh is the Islamic Juridical Fundamental Theories. (Auda, 2021) Other scholars define it as general knowledge of the proofs of Fiqh, the manner in deriving from them, and the standing of the individual who does the deriving (Al-Raazi, 1999).

4. Islamic Fiqh Law

Islamic Fiqh Law is one of the most central concepts in Islam. Fiqh is a deep understanding of Islam as a din, a deep understanding of the proofs and signs of Allah, a high capacity for sound judgment and leadership and the ability to impart knowledge and use it for the benefit of Muslims and humanity in this life and the next (Auda, 2021).

The paper will cover the opinions of international scholars from different geographical areas, who come from different backgrounds and have various experiences. Their diverse cultural and educational backgrounds have enriched the findings of the paper and given it a very extensive and profound conclusion based on the different experiences of the Maqasid Al-Shariaa scholars from. The paper extracted its primary data from the online interviews conducted by Heba Abdulljawad and Mohammed Belyamani (under the supervision of Zaid Albarzinji), as well as from the information collected through the survey, as sources of information. The paper is qualitative and descriptive, and presents the data collected through the surveys and the interviews in an analytical and inductive form.

This paper attempts to answer questions related to the Theoretical, Methodological, Field/Institutional, Technical and Personal Challenges faced by the scholars of Maqasid Al-Shari'ah Theory while conducting their research.

Challenges Faced by Maqasid Al-Shari'ah Scholars

In this section, we will categorize the challenges faced by international scholars of Maqasid Al-Shari'ah which are deduced and induced from the interviews and surveys. An analytical discussion of the main challenges facing Maqasid Al-Shari'ah Scholars includes theoretical, methodological, institutional, technical and personal challenges.

Theoretical Challenges

In this section we are going to present the theoretical challenges facing scholars of Maqasid Al-Shari'ah when conducting their research. By theoretical challenges we mean the intellectual challenges which are concerned with and connected to the theory and the group of thoughts which constitute the framework of Maqasid Al-Shari'ah. We adopt this definition as a definition for "theory" which is a formal idea or set of ideas intended to explain something. (Collins Dictionary, 2016, online)

With regard to theoretical challenges, it is worth mentioning that according to the data extracted from the surveys and interviews, theoretical challenges was ranked the foremost mentioned challenges by the interviewed scholars. One of the scholars was Muneer Kuttiyani who dealt with three main concepts in his research; universality, religious co-existence, and wasatia. The main challenge faced by Kuttiyani at the beginning of his research, was the confusion between the western concepts of religious coexistence and pluralism on the one hand and synonymous

concepts in Islam on the other. Kuttiyani was so fascinated with the concepts of pluralism and religious coexistence developed in western literature that he found it difficult to relate them to their synonyms in Islamic literature. His confusion became worse when he referred to the Sunnah of the Prophet PBUH and could not find a constructed base which supported the concepts of universality and religious coexistence as principles of Maqasid Al-Shari'ah (Kuttiyani, 2017).

However, after referring to the Quranic revelations, he found verses in the Quran on pluralism and religious coexistence. Kuttiyani was also challenged by the fact that Maqasid Al-Shari'ah, as a research field, was still restricted to few researchers and a few intellectual institutions, which reflected the paucity of intellectual production of this research field. Thus we can say that the main theoretical challenge was in the understanding of the concepts of pluralism and religious coexistence in Islamic and western literatures, along with the problem of the limited size of academic research in the field of Maqasid (Kuttiyani, 2017).

Mohamed Akram Laldin, an economic researcher, stated that one of the main challenges he faced was reaching out to Maqasid Al-Shari'ah scholars who are specialized in Usul Al-Fiqh and Maqasid Al-Shari'ah. Laldin was challenged by the responses of the Fiqh scholars on being asked about evaluating the eligibility or the permissibility of banking products (such as credit cards) or the eligibility of new products (which requires renovation in Ijtihad related to this kind of products and consequently necessitates reference to Maqasid Al-Shari'ah), as most of them answered that this was the job of the regulator not a Fiqh scholar (Laldin, 2016).

Another big challenge facing multidisciplinary scholars working on Islamic banking and finance systems is that the contemporary scholars working in Fiqh refrained from using the Maqasid Al-Shari'ah approach, and could not evaluate its importance to the Islamic research field. Another challenge was that most of the contemporary scholars do not consider Maqasid Al-Shari'ah as a corner stone in the process of developing Islamic Shariah, and in applying Hukum Sharaei' for new banking and financial products. These are considered new cases in Fiqh which need not only the usage of analogy as a methodology, but also opinions from Usul Fiqh scholars who have to put in extra effort in renovation and Ijtihad. Consequently, the use of the Maqasid Al-Shari'ah approach becomes an important tool (Laldin, 2006).

Laldin was the only multidisciplinary Maqasid scholar who talked about the challenges related to being a multidisciplinary scholar. This experience is distinctive since the researcher has to combine both the academic work and the practical application of the theory. He also needs to have good connections with many Maqasid institutions and their scholars which will help him in making profound and concrete reflections in the course of his research.

Zainab Al-Raissouni, a Moroccan Islamic Studies Scholar who holds a PhD in the field of the total (General) and partial (Particular) in Islamic law (Al-Kulli wa Al-Juzie') had difficulties in reviewing, understanding, and perceiving four big annotations and the original books of Maqasid Al-Shari'ah, but could not get help

from other scholars. She also faced difficulties with contemporary Muslim scholars who avoided the usage of the general/total Maqasid (Al-Maqasid Al-Kullia) approach in facing recent social problems and issues. This points to the deficiency of the intellectual products using Maqasid Al-Shari'ah as an approach and constitutes a challenge faced by new researchers. Al-Raissouni raised a very important theoretical challenge in the field of Maqasid and referred to *al-Tahayub wa al-Tasyub* in the Maqasidi field. (Al-Raissouni, 2018)

The Maqasidi scholar Motasyib uses the Maqasid Al-Shari'ah approach extensively as a research method without an existing precise theoretical and methodological framework for Maqasid Al-Shari'ah, which leads to theoretical chaos after a certain point. Another Maqasidi scholar Motahyeb avoids using the Maqasid Al-Shari'ah approach in his research. Al-Raissouni has the opinion that it is very important to have a new generation of scholars who are balanced in dealing with and referring to the Maqasid Al-Shari'ah approach with a clear theoretical and methodological framework. Al-Raissouni's experience revolves around the challenges faced by the contemporary Islamic scholars Motasayib and Motahyeb, the deficiency in academic production of Islamic Shari'ah and in the number of academicians working in the field.

Ahmed Al-Mamary[2] pointed out to several theoretical challenges he faced while conducting his research in the Maqasid field, one of them being the problem of restriction on the interpretation of texts. This included the problem of the exclusive and literal understanding of the text, and the reluctance to provide further understanding of the text in the light of the Maqasid objectives. The limited usage of the Maqasid approach in understanding the text limited the development of the Maqasidi school. For Al-Mamary it is very important to adopt the inclusive and general understanding of the text, to be able to extract new objectives of Islamic Shari'ah developed through the Maqasid Al-Shari'ah approach and renovative Ijtihad. On the other hand, Al-Mamary adds that there is a big problem called "schooling" or Al-Tamadrus in Fiqh. Here he clarifies that scholars should do is to be open to the understanding of the general objectives of the Shari'ah rather than to close their minds to the products and opinions of the Fiqh school.

Al-Mamary claimed that prominent Muslim scholars limited and restricted the Maqasid Al-Shari'ah approach to the individualistic approach of the Muslim person, omitting the pluralistic-societal approach of the Shari'ah, which has appeared in many verses talking about human beings and the universe as creatures of God. Adopting this pluralistic approach of the Shari'ah could contribute to and broaden the scope of Maqasid Al-Shari'ah. Al-Mamary pointed out the arrangement of priorities in the field of Maqasid namely 1) Al-Daroriat (necessities), 2) Al-Hajiat (needs), and 3) Al-Tahsiniat (luxuries) which assumes that Al-Tahsiniat is lower

---

[2] A Maqasid Iraqi Scholar working at the Islamic University/Iraq, you can see more about Al-Mamary through the following links; https://nohoudh-center.com/author/ahmadmaray/.

than Al-Daroriat and Al-Hajiat. However, he believed there is a dire need to prioritize the ethical side of the Maqasid.

In addition, Al-Mamary considered justice, freedom and the legal side of individual rights, including the right to ouster a Ruler, to be among the necessities of our time and should be added as a part of the Maqasid besides the five Daroriat. He asserted that what was considered as a luxury or Tahsini in an era, could be considered in another era as a necessity Darory or a need Al-Hajiat. We can say that Al-Mamary faced challenges related to the appropriate setting of the priorities of the Maqasid Al-Shari'ah according to the needs and demands of different times. Al-Mamary agreed with Akram Laldin on the challenge related to Fiqh scholars who follow only the teachings of the Fiqh school rather than using the Maqasid Al-Shari'ah approach in solving contemporary problems.

A number of scholars have also agreed on the importance of multidisciplinary scholars in the Maqasid Al-Shari'ah field; Ghalia Bouhedda agreed with both Al-Mamary and Al-Raissoouni that the Maqasid Al-Shari'ah is a very critical approach which helps in broadening Fatwa and Ijtihad in Islamic sciences, in addition to providing a very good tool for multidisciplinary scholars, who combine both Islamic Shari'ah and the other sciences in their research. Bouhedda agreed with Al-Raisssouni on the danger of giving due care to the partialities of the Maqasid approach and discarding the holistic aspects of the approach.

Additionally, Bouhedda thinks that we are still in the preliminary stages of developing the Maqasid approach, and that there must be more comprehensive and complex work in developing the relationship between the Maqasid approach and other fields of Islamic science. This will help in achieving credibility, effectiveness, and practicality in the field of Maqasid. According to Bouhedda, until now Usul Fiqh is not embracing Maqasid as a structural component but is used as a justification of Ijtihad (Ghalia, 2019).

Meanwhile, Khalid Labaid stated that Maqasid Al-Shari'ah, especially after the work of Ibn Ashour and Gamal Al-Din Attiya, has contributed to the fields of Ijtihad and Fatwa. One of the main challenges facing scholars, from Labaid point of view, is the ability to understand classical and standard Arabic language in the Quran or in the literature of their predecessors. Al-Raissoni has also referred to this problem. The weak language ability of some scholars in understanding classical Arabic makes it difficult for them to decipher the text in the right way. In other words, their understanding the text may be superficial or incomplete. Labaid also agrees that the deficiency in the number of multidisciplinary scholars who could combine the Islamic sciences and other sciences in their research, is considered one of the important challenges in the field (Labaid, 2020).

Labaid added that the profound understanding of binary concepts like the tools and the Maqasid (Al-Wasael wa Al-Maqasid), the general/total and partial (Al-Kolli wa Al-Juzie'), and the fixed and the variable (Al-Thabit wa Al-Motagheir) is very important in understanding the core and the nature of Maqasid Al-Shari'ah,

and in understanding the contemporary challenges and finding its solutions (Labaid, 2020). Here Labaid agrees with Al-Mamary on the relation between the profound understanding of the text, and the right prioritization of Maqasid Al-Shari'ah, and consequently in defining the right tools and solutions for the contemporary challenges. One of the very important theoretical issues is that there are still some Islamic scholars who believe that Maqasid Al-Shari'ah is a branch of Usul Fiqh and not an independent approach/theory. Labaid in this context discussed challenges related to the profound understanding of the text on the one hand, and its relationship to the development of Fiqh Al-Maqasid on the other.

Within the same context, some scholars stressed on the challenge of adding to the five Darorriat; Sameer Awawda, a Palestinian Usuli Scholar who has a great interest in the subject of protecting the environment, considers protecting the environment as an essential Maqasid which should be added to the five main Maqasid. Awawda added that only a few Muslim scholars contributed to the original and traditional Maqasid of Shari'ah and considers himself to be one of them. He included the protection of the environment as one of the Islamic Shari'ah objectives in his research. Awawda added that it is almost impossible for any human being to protect and preserve his religion, life, money and property without preserving and conserving the environment (Awawda, 2018).

According to Awawda, there is evidence in the Quran and Sunnah which can lead us to consider protecting the environment as one of the essential Maqasid of Islamic Shari'ah Law. Awawda added that most of the current accomplishments of Maqasid thought are related to Islamic finance and banking system or the new medical challenges, and pays little attention to the concurrent social and family problems, social security issues and environmental problems, which are considered important contemporary challenges. Thus, Awawda and Al-Raissoni agreed that one of the main challenges we face today is the theoretical/intellectual restrictions imposed by many Muslim scholars on the idea of Ijtihad or Tajdeed in the Maqasid Al-Shari'ah field. Specially, if this happened for a beginner scholar as Awawda (as he acknowledged himself), which makes him exerting extra effort every time he introduces new ideas. Awawda questioned the fact that only Imam Ghazally stated the five essentialities (Al-Khamas Daroriat) exclusively, while most of the other Muslim scholars mentioned it not in an exclusive form. This means that most of them did not consider the five Darorriat as the exclusive objectives of Maqasid Al-Shari'ah (Awawda, 2018).

The five Darorriat have appeared prominently because of two reasons; 1) the matters which are related to the clearly stated punishments in the revelation, or 2) the most prominent matters at their time. Awawda also claimed that one of the challenges faced by Maqasid scholars is the big gap between the literature of Ibn-Ashour as a prominent Maqasid scholar, and the literature of the generations of scholars that came after him. Applying the golden rule that the jurisdictions change over time will lead us to renew and modify Ijtihad. Here Awawda agreed with both Al-Mamary and Labaid in considering the importance of the re-prioritizing of

Maqasid Al-Shari'ah according to the needs and demands of the time, and they agreed also on the importance of the renovation of Ijtihad in the Maqasid field.

Methodological Challenges

Methodological challenges in Maqasid Al-Shari'ah are one of the main challenges mentioned frequently by the interviewed scholars. What we mean by methodological challenges here are the challenges faced by Maqasid Al-Shari'ah scholars in having concrete, compacted and well-established methods and methodology in Maqasid Al-Shari'ah, which could be referred to by scholars in their research. The definition of methodology we have adopted is the specific procedures or techniques used to identify, select, process and analyse information about the topic, (Wilkinson, 1974), together with the set or system of methods, principles and rules for regulating a given discipline (The Dictionary, 1995). We will accordingly present the opinions of scholars concerning the methodological challenges they faced during their research journey.

In Akram Laldin's opinion, it is not logical or feasible to build research results on, what he called, the idealistic view of books. Laldin added that his specialization in Usul Fiqh has benefited him a lot in not being biased while researching on certain topics, to be open to other opinions, to concentrate on reaching the most correct opinion, and not to be subjective or biased in presenting his opinion. According to Laldin this is why it is very important to understand the words of older scholars about the importance of the concept of the flexibility of Fiqh. This is why Laldin thinks it would be good to start preparing children from school with the tools of understanding Usul Fiqh, and to teach religion to students from the perspective of Usul Fiqh (Laldin, 2019).

Several scholars pointed out the absence of a strongly-based Maqasid methodology which could be easily accessed and used by Maqasid researchers. For instance, Al-Raissouni claimed that one of the challenges facing the scholars working on Maqasid Al-Shari'a is the absence of a defined concrete and compact methodology to follow. This opinion is shared by Labaid, who believed that the lack of a concrete method and methodology in the Maqasid approach makes scholars lose their way and digress. Labaid added that due to the gap in the existence of a complete and well-structured approach/theory of Maqasid Al-Shari'ah, non-specialists use it wrongly. This is almost similar to al-Raisouni's mention of the Al-Motahaiboon, scholars who avoid using it in their research, and Al-Motasyboon those who are using it unwisely, which in both cases lessen the restrictions on Shari'ah provisions.

Although the Maqasid Al-Shari'ah is a branch of the science of Usul Fiqh, there is a need to structure and build a concrete and independent theory and approach. Labaid added that the non-existence of concrete definitions of Maqasid concepts and terminologies, makes it very hard for new researchers to work along this academic path. At the same time, Bouhedda agreed with Labaid's point that the lack of rules in the Maqasid discipline causes a lot of confusion, misunderstanding

and misapplication in the field. In other words, the lack of a foundational conceptual framework exacerbates the disconnection between scholars and the reality of their research on some common understanding of shari'ah and how it should be approached. This means that building an inclusive methodology and framework for Maqasid is the biggest challenge we are dealing with.

Al-Mamary claimed that the absence of a concrete methodology and tools of measurement for the Maqasid approach has created a gap within the research and scientific papers which depended on the Maqasid approach. Idriss Al-Terkawi agreed with Al-Mamary on the same point, saying that the absence of an independent methodology for the Maqasid approach negatively affected the efforts of the scholars. Al-Terkawi also assumed that researchers working on Maqasid did not structure their research method to help them (Al-Terkawi, 2018).

In other words, their field of research was broad and imprecise with no unity in Maqasid methodology. The absence of a unified method and research structure made it difficult for scholars to work in harmony, or even to cooperate in a structured and organized manner. Al-Terkawi raised a very important point concerning the different understandings and categorizations of Maqasid Al-Shari'ah among different Fiqh schools which refers again to the absence of unity. He suggested that referring to the general aspects of Maqasid (Al-Kolliat) could be one way of unifying the approach (Al-Terkawi, n.d.).

Awawda agreed with the opinion of the interviewees that Fiqh Al-Maqasid is a very important and broad branch of science which has not been wisely utilised by Muslim scholars. He added that for him Maqasid could be a very effective and efficient tool of research with its own well-structured methodology to tackle new and modern problems we face. To Awawda, broadening the field of Maqasid would enable researchers to stretch the usage of the tools of analogy namely, Al-Taaseel and Al-Takeef. Awawda stressed that the field of Maqasid is not evidence but a methodology which, if well structured, could help researchers to find and develop evidence. (Awawda, 2018).

Thus, according to Awawda, without a new understanding of Maqasid methodology we will not be able to revive and recall, what Awawda called the absent evidence (Al-Dalaael Al-Ghaeba), as Saad Al-Zarraie', Al-Istishab, Al-Maslaha Al-Morsala and so on. For Awawda, Maqasid should be used cautiously, and its usage should be revived as a very important field of Islamic research while protecting it from being misused. Awawda agreed with Labaid and Al-Mamary on the existence of an academic gap in the Maqasid field, due to the absence of a separate branch of science emerging from Usul Fiqh, named Maqasid Al-Shari'ah. Till now this important science in Islamic studies does not have its own methods, methodology, approach, theory, separate schools and institutions which should be working on its development, this being another reason for the deficiency in specialized Maqasid scholars. (Awawda, 2018).

Awawda, Al-Terkawi, Al-Raissouni, Labaid and Laldin all agree the mal-existence of a concrete and well-structured Maqasid methodology negatively affected the development of Maqasid as a separate field of study, the number of scholars working in this field and the density of literature produced in this field. This has affected our ability to find relevant solutions to the ethical, theoretical, economic and political problems we face in our daily life.

Field, Institutional and Environmental Challenges

In this section we will discuss the institutional, field, and environmental challenges faced by Maqasid scholars. By institutional, field and environmental challenges we mean the group of challenges the scholar faces during his research journey, whether this challenge is connected to the institutions he or she works in or has contact with, the field of work he or she is working in, and the environment of the research he or she is working within. In addition, this section discusses the obstacles faced by the scholars in what we call "applied Maqasid", which is the practical and field application of the theoretical side of Maqasid Al-Shari'ah in different aspects of life.

Al-Raissouni talked about the work environment challenges in relating an important experience she had during her work at the Research Center for Islamic Legislation and Ethics. Here she was in a very good organizational and institutional atmosphere which enabled her to work effectively and efficiently. Al-Raissouni also added that the Center has a very focused view, vision and strategy for what it wants to achieve and this provides workers with a stable and efficient environment. She also added that the existence of researchers from different backgrounds, cultures and languages enriches the whole experience. In addition to this the institution established very good administrative and organizational rules with qualified administrative workers to facilitate the working environment.

Labaid pointed out that there are not many institutions or organizations specializing in Maqasid such as Maqasid Institute of Ahmed Al-Raissouni, Al-Nazra Al-Maqasidia of Mahmoud Rabei, and other Maqasid Institutes in Malaysia. The institutionalization process is important in research cooperation, including cooperation in organizing international conferences and symposiums, publishing, exchanging information and resources, and in developing new research projects. One of the main challenges facing Maqasid scholars is that some of those institutions are limiting their academic cooperation to elite institutions or scholars who are working with them. This has a negative effect on the progress and development in the Maqasid field.

Labaid asserts that most scholars are in dire need of working in research groups, especially in fields like Maqasid, which is still not clear in its approach, concepts, terminologies, direction and resources. Labaid stressed the point that the institutionalization of Maqasid lacks not only specialized organizations, but also the organized work, the definition of the methodology, the precise definition of work

policy, and the clarity of institutional direction, objectives and goals. This has led to the distrust between most scholars and the existing institutions.

Al-Terkawi agreed with Labiad and stressed on the role of the institution's executive team in setting the direction, terms of cooperation, policy of cooperation, policy of research, policy governing the selection of scholars, research methodologies chosen by the scholars, terms and conditions of publication, good management of the internal system of the whole institution, and the relationship between all these aspects of development in the Maqasid field.

The interviewees gave their critical assessment of these aspects of the institutionalization of Maqasid Al-Shari'ah, including the field and environmental challenges. In this regard, Kuttiyani said that scholars of Maqasid Al-Shari'ah are in dire need of a common platform through which they can share their challenges, findings, and developments on the theory. Kuttiyani main point is that the scholars working on this approach lack some kind of institutionalization to manage the development of the theory, the methodology used, and people's efforts to work on the Maqasid Al-Shari'ah approach. Although both the Institute of Objective Studies and International Institute of Advanced Islamic Studies of Hashim Kamali work on Maqasid Al-Shari'ah, these institutions are not just covering the Maqasid approach. They work on the more general perspective of reforming Islamic thought. This could explain why there has not been more rapid development of the Maqasid approach in these institutions (Kuttiyani, 2017).

Kuttiyani believes that it is a waste of time and effort that researchers in the Maqasid field worldwide could not integrate, combine and institutionalize their efforts in cooperative projects, which he considers a big setback. Kuttiyani claims that working in groups with members from different backgrounds, cultures and disciplines is one of the most effective tools in producing fruitful results, especially in the research area. Al-Terkawi agrees with Kuttiyani on this point and further recommends that institutions working on the Maqasid approach should support research groups which constitutes a supporting element in the academic work of individual researchers.

Kuttiyani states that the Maqasid Al-Shari'ah approach is not representing the normal people, especially with regard to the concepts of religious coexistence and universality of Islamic doctrine which is referred to as Applied Maqasid. Kuttiyani identifies the mal-institutionalization of Maqasid as one of the main reasons for the gap that exists between the theory and practice of Maqasid Al-Shari'ah. Labaid agrees with Kuttiyani on this point. (Kuttiyani, 2017).

Laldin, who is the only interviewed scholar with practical background in Maqasid Al-Shari'ah, added some of the field challenges which he faced. Among the obstacles were Fiqh scholars who are not open to new discussions on Maqasid Al-Shari'ah and its application to new banking products. Laldin believes that universities are making a great effort to revive and develop the Maqasid approach. Among them is the International Islamic University where Mohamed El-Tahir El-

Mesawi has done a lot of work in the Maqasid Al-Shari'ah field in translating the works of Taher Ibn Ashour.

Laldin added that International Shari'ah Research Academy for Islamic Finance (ISRA) is collaborating with many institutions namely, financial institutions, universities, Central Banks, and regulators to combine the theoretical and the practical sides of the Maqasid approach in the banking sector. In addition, ISRA has an institution called I-FIKR (Islamic Finance Knowledge Respiratory) which is a platform founded to cater to the growing demand of the industry in providing knowledge about the Islamic economy and finance systems. I-FEKR was established to coordinate the needs of industry players, Shari'ah scholars, regulators, policy makers, academics and Islamic finance stakeholders. Laldin added that because ISRA is an entity founded by the Central Bank, it was easy to get practitioners to interact with the research team at ISRA in conducting their research, and to merge both the theory and the practice. Akram Laldin tried, in his institution, to build connections with people who are practitioners in the market, to get greater sense of the field work and the problems faced in the banking sector.

At the same time Al-Mamary asserted the point that the absence of concrete methodology and tools of measurement in the Maqasid approach has led to problems within the Applied Maqasid area. Al-Terkawi agreed that one of the challenges he personally faced is the absence of the application of Maqasid in real life and the absence of knowledge about Maqasid in the community. adding that the contributions of academic institutions are not represented. Consequently, he recommended the production of written guides of Applied Maqasid for different aspects of life, for example, a guide containing essential Maqasid Al-Shari'ah principles for family members.

On the other hand, Ildus Rafikov referred to a unique point in this area, where he pointed out the assumption that the culture of research and scholarship today is monodisciplinary, while the adoption of inter- or transdisciplinary approaches in research is very rare. Rafikov assumed that modern disciplines are "killing Maqasid research field". According to Rafikov this problem will continue, unless more and more scholars move towards a transdisciplinary methodology based on ethics, as well as towards the Maqasid approach. In this regard, Bouhedda and Akram Lalldin agreed with Rafikov on the challenges faced by multidisciplinary researchers, who work in the field of Maqasid, due to the deficiency in the concerned scholars and the concerned institutions which can help in incubating and guiding those researchers through their way (Idlus, 2020).

Awawda summarized all the Institutional challenges previously mentioned by his colleagues in 10 points; Firstly, he faced challenges concerning finding references and resources related to Maqasid Al-Shari'ah, where Awawda believes that it is the role of the specialized institutions to provide scholars with needed resources. Secondly, Awawda finished his master's degree with little knowledge on Maqasid Al-Shari'ah field, which means that the existing academic institutions

aren't giving due care to this field. Thirdly, Awawda added that the institutionalization of Maqasid will help in the development of the concept, theory, and the methodology of Maqasid. Fourthly, it is very important to include young researchers and scholars under the umbrella of these institutions. Fifth, according to Awawda, there is no value of developing a new scientific approach/method without creating proper institutionalization for this newcomer. Sixth, it is very important to find proper well-prepared institutions, which can incubate and apply the new developed approach/method. Seventh, Awawda personally faced a big challenge through his research journey, where for him the absence of the institution was a form of the absence of Al-Sheikh, who would guide him through his way. To this point agreed also Ghalia Bouhedda with Awawda; Bouhedda stated that it is very dangerous for the young scholars to be left alone without guidance of a mentor, especially in a critical field like Maqasid Al-Shari'ah. Eighth; organizing conferences, international gatherings, and international forums, which enables scholars of Maqasid to have collective discussions on the Maqasid approach. In this context, Awawda adds that the individual efforts of Maqasid scholars from all around the world will not be effective until a collective and international efforts is combined. Ninth; developing international scientific Journal allowing international Maqasid scholars from publishing their developments. Tenth; Awawda believes in the importance of the working groups/research groups/team works in the profound and collective development of the Maqasid approach.

Technical Challenges

By technical challenges we mean the electronic, online and digital representations of the Maqasid Approach, Awawda and Rafikov being the only interviewed scholars who talked about the technical challenges facing Maqasid researchers. Awawda clarified that the absence of an inclusive database containing all resources, references, scholars and institutions working on the Maqasid Al-Shari'ah, is one of the biggest gaps in this field. Rafikov supported Awawda's point and added several technical challenges he faced while conducting his research namely: 1) the lack of scientific databases, which provide information in an easy format. Rafikov added that the modern consumer, especially students, wants simplicity and speed; 2) Rafikov also clarified that as a researcher, he would want the search engine to answer his question or find information about a term or concept as accurately as possible with enough options to choose from; 3) Rafikov added that as a user of apps and software programmes, he would want a simple format and not have to go through layers of steps before reaching his goal; 4) Rafikov referred also to the complexities of some apps in terms of a) the required hours of training to understand how to use it, b) the problems with loading the app. c) the errors which appear when using the app and d) the receiving of irrelevant results; 5) Rafikov talked about the importance of using proper artificial intelligence to guide us through the research process, which can be built using special algorithms based on priorities of the Qur'an, Sunnah or the Maqasid methodology. Thus, what Rafikov is

proposing is to operationalize the Maqasid methodology as an application in a manner that should be consumer friendly.

Personal Challenges

By personal challenges we mean any kind of personal, family or financial problems which hinder the scholar from doing his research. Awawda is the only scholar who mentioned the personal obstacles he faced by him during his research, the main hindrance being his inability to get references and resources for his research projects in Palestine. Here what Awawda faced can be considered as geographical or demographic obstacles. Awawda added that the resources are either electronic which is costly, or available in Jordan which is geographically far. Either way, it costs a lot of money, time and effort to acquire the needed resources. Akram Laldin stated that one of the biggest personal challenges he faced was to get data from the banking sector which are categorized, as the banking sector marks them as highly confidential.

Discussion

The first challenge is the scarcity of either primary or secondary sources covering the area of research, which explains why the decision was made to access them through surveys and interviews as a methodology for collecting data. As this is the writer's first study, it was a necessary step in tackling the research. It is worth adding that Maqasid Al-Shari'ah is not a common research field, which explains why it was not easy to collect the data. The second challenge faced by the writer is building a whole study on only primary data, due to the lack of secondary data.

With regard to the theoretical challenges faced by researchers, they can be summarized in a couple of points constituting points of intersection between the interviewed scholars: first, the deficiency in the number of scholars working in the field of Maqasid and consequently, the deficiency in the academic production in the field, which negatively impacts new researchers who need mentors and resources; second, the Fiqh scholars who should act as a reference for Maqasid researchers constituted a kind of obstacle, due to the phenomenon of exclusivity in their schooling. This hinders the efforts of Maqasid scholars in renovating Fiqh, and in the reprioritizing Maqasid Al-Shari'ah to meet the needs of modern times. Additionally, most of the interviewees criticized the restrictions placed in the field of Maqasid Al-Shari'ah and on Fiqh renovation, specifically by Fiqh scholars; third, the lack of scholars who could understand Quranic or Hadith texts in a profound, collective and deep way. This phenomenon also has its own ramification in the ability of the scholars to contribute to the Ijtihad in the field of Maqasid Al-Shari'ah; fourth, the deficiency in the number of multidisciplinary scholars who combine both Islamic and other fields of studies in their research, which affects the complexity and depth of the literatures in the Maqasid field. Meanwhile, the multidisciplinary scholars

suffer badly due to the aforementioned restrictions imposed by Fiqh scholars on the development of the Islamic thought. Furthermore, there is the absence of a concrete theoretical framework which could be used to conduct their academic research.

The methodological challenges pointed out by the scholar interviewees can be summarized as follows: the existence of Maqasid Al-Shari'ah as a part of Usul Fiqh field; the non-separation of Maqasid Al-Shari'ah as a distinctive field; and the absence of a concrete, strong and well established method/methodology for Maqasid Al-Shari'ah research has a negative effect on its recognition and usage as a stand-alone approach or theory. The main criticism here is the absence of an internationally recognized, concrete and independent Maqasid methodology which could be accessed easily by Maqasid scholars. This gap created a deficiency in the number of scholars specializing in the Maqasid approach, a deficiency in the literature of Maqasid Al-Shari'ah, the underdevelopment of the Maqasid field itself, and the backwardness in finding appropriate solutions to current ethical, political, economic, social and educational problems.

The field, institutional and environmental challenges can be summarized from the points made by the interviewees as follows: first, the scholars stressed on the difficulties they faced in applying the Maqasid approach in daily life challenges, where the weakness in its institutionalization negatively affected the practical application of its theoretical aspects. According to the scholars, the existence of strong specialized institutions bridges the gap between theory and practice; second, the lack of strong institutions with strong executive teams adopting clear policies and strategies with a well-organized work environment would encourage the undertaking of well-structured research projects in the Maqasid field which, in turn, would help in the development of Maqasid theory and support Maqasid scholars; third, the absence of collective-cooperative Maqasid projects between different academic and executive institutions; fourth, problems faced by Maqasid scholars due to the deficiency in Maqasid sources and references; fifth, the deficiency in multidisciplinary scholars supported by strong institutions.

Among the technical challenges, the main challenge was the absence of academic databases which encompass academic resources, names of scholars, names of institutions and names of the projects conducted in the field of Maqasid. In addition to technical challenges there is difficulty in accessing academic databases in general as well as using specific research apps.

Finally, scholars talked about personal challenges, the one being the difficulty in accessing academic resources in an inexpensive way. In addition, there is the challenge of getting information related to the banking sector, which is a highly classified sector.

Conclusion

The majority of the scholars related their personal experiences of the challenges they faced while conducting their research in the Maqasid Al-Shari'ah Al-Islamiyah field. The conclusion from this study is that there are major challenges faced by the scholars in the Maqasid Al-Shariaa research field, which hinder the development of the field and the development of Maqasid Al-Shariaa research trials.

Conducting this study and searching through the challenges faced by the scholars of Maqasid Al-Shari'ah were important in revealing the reasons which hinder the development of Maqasid Al-Shari'ah as a field of research. It is now the role of all stakeholders in the field of research to take responsibility for easing the journey in order for the research to grow and develop. The following is a set of recommendations arising out of the study which has been put together by the working group.

Recommendations

The list of recommendations is for every stakeholder working in the research field of Maqasid Al-Shari'ah:

1. Conduct a new cycle of interviews with new scholars with a precise list of questions inspired by the past interviews in order to:
   a. have direct and continuous access to what is happening in the field (especially for young researchers) in a more concrete and individualized way.
   b. have a concrete sense of the evolving needs in terms of commonality and divergence.
   c. build personalized bridges with scholars in the field, which leads to a close relationship of collaboration and common understanding.
   d. influence the field of Maqasid by bringing up new questions and stimulating issues.
   e. reformulate from this work a tree of potential scopes of interviews in the future; the idea is to help build up on this effort to refine targeted scope of exploration.
2. Continue the work in this paper to discover other perspectives and aspects of the challenges faced by Maqasid scholars, that is this paper could be built upon and developed into an independent line of research.
3. Import raw information from original sources and replicate it in different disciplines and research areas.
4. Apply the interview, survey and case study methodologies, in addition to secondary sources (derivative sources) to collect information for future research
5. Examine the profile of the scholars mentioned in this paper, whether they were interviewed or not, as they could be good potential academic researchers or partners.

6. Study the profiles of the mentioned institutions working in the Maqasid field, as they could be good potential partners and sponsors.

References

Books

Auda J., (2021), *Re-Envisioning Islamic Scholarship – Maqasid Methodology* as a New Approach, Claritas Books.

Al-Raazi F., (1999), The Harvest in the Science of Islamic Jurisprudence, Beirut: Dar Al-Kuttub Al-Ilmyiea

Al-Raissouni, Z., (2018). Tafsir al-Juz'yyat fi Daw al-Kuliyyat min Khilal Sahih al-Bukhari. Meknas.

Al-Terkawi, I., (2018). Nursi's Views on Mystical Exegesis in Its Entirety: Fundamentals and Aims. Turkey: AL-NUR Academic Studies on Thought and Civilization, (17) , 149-176 . Retrieved from https://dergipark.org.tr/tr/pub/alnur/issue/34378/379944

Al-Terkawi, I., (n.d.). Mu'tarak al=Afham fi Manhaj ak-Talaqqi wa al-Qiraah li Ayaat al-Qur'an fi tarikh al-Nadar al-Islami. Kuwait: Tafsir center for Qur'anic Studies.26.retrived from: https://tafsir.net/interview/26/mu-tark-al-afham-fy-mnhj-at-tlq-qi-walqra-at-l-aayat-al-qr-aan-fy-tarykh-an-nzr-al-islamy

Awawda, S., (2018). Nahwa Tawsi' Maqasid al-Shari'ah min al-Qur'an al-Kareem Hiddh al-Bi'ah Unmudhaj. al-Khalil University: Kuliyyat al-Shari'ah

Awawda, S., (2018). al-Uqud al-Murakkabah fi al-Fiqh al-Islami wa tatbiqatih al-Mu'asirah kama Yujriha al-Bank al-Falastini. https://repository.najah.edu/bitstream/handle/20.500.11888/13421/%d8%a8%d8%ad%d8%ab%20%d8%a7%d9%84%d8%b9%d9%82%d9%88%d8%af%20%d8%a7%d9%84%d9%85%d8%b1%d9%83%d8%a8%d8%a9%20-%20%d8%ac%d8%a7%d9%85%d8%b9%d8%a9%20%d8%a7%d9%84%d9%86%d8%ac%d8%a7%d8%ad.pdf?sequence=1&isAllowed=y

Bensayah, S., & Ghalia, B. (2019). The Shariah's Maqasid of Fiqh Rulings Related to Married Women. Al-Risalah: Journal of Islamic Revealed Knowledge and Human Sciences (ARJIHS), 3(2), 69-90.

Ibn Ashour, (2016), Treatise on Maqasid Al-Shariaa, The International Institute of Islamic Thought.

Labaid, K., (2020). Nadharat fi kitab Maqasid al-Maqasid, https://raissouni.net/wp-content/uploads/2020/05/%D9%86%D8%B8%D8%B1%D8%A7%D8%AA-

%D9%81%D9%8A-%D9%83%D8%AA%D8%A7%D8%A8-
%D9%85%D9%82%D8%A7%D8%B5%D8%AF-
%D8%A7%D9%84%D9%85%D9%82%D8%A7%D8%B5%D8%AF-1.pdf

Laldin, MA, Mahmud, MW, & Sawari, MF (2006). Maqasid Syari'ah dalam Pelaksanaan Wakaf. kertas keja Konvensyen Wakaf .

Laldin, M. A., & Furqani, H. (2019). Fintech and Islamic finance: Setting the Sharī 'ah parameters. In Fintech In Islamic Finance (pp. 113-119). Routledge.

Muhammed, M. K., & Ali, M. M. (2017). The shariah and law: An analysis. International Journal of Law, Government and Communication, 2(5), 48-64.

Rafikov, I., & Akhmetova, E. (2020). Methodology of integrated knowledge in Islamic economics and finance: collective ijtihād. ISRA International Journal of Islamic Finance.

Internet Links

Collins Dictionary, Theory Definition, https://www.collinsdictionary.com/dictionary/english/theory, accessed on 10/10/2020.

Dar Al-Iftaa Al-Masryiah, Islamic Legal Theory (Usul Fiqh), https://www.dar-alifta.org/Foreign/ViewArticle.aspx?ID=110&CategoryID=3, accessed on 24.9.2020.

The Dictionary, Methodology Definition, https://www.dictionary.com/browse/methodology, accessed on 10/10/2020.

The University of the Witwatersrand, (1974, January 1), Research Support: Research Methodology, https://libguides.wits.ac.za/c.php?g=693518&p=4914913, accessed on 10/10/2020.

Annexes

MI Survey, https://docs.google.com/forms/d/1dmD3UJ1au1C5_ZmLkAALECK8LU_3Oal0hfFDfLLQuzM/viewform?edit_requested=true.

Al-Memary A., (2020, January 4), Online Interview, https://drive.google.com/file/d/1wpMiJvwuZKTXz0dwP5pffThu7kvKpfBg/view?usp=drivesdk.

Awawda S., (2020, January 14), Online Interview,
https://drive.google.com/file/d/1uAfGjNQ3kTiBoHVoBwG4aODdRw7WE3X
e/view?usp=drivesdk.

Bouhedda G. (2020, February 13), Online Interview,
https://drive.google.com/file/d/1vJ6Bys4fAVidHiB1UwEs_zs4eVzwlT3l/vie
w?usp=drivesdk.

Al-Raissouni Z., (2020, March 8), Online Interview,
https://drive.google.com/file/d/13GG5n12fT0jq8H80QTh_A8jGjN5VdGyI/vi
ew?usp=drivesdk

Akram Laldin M., (2020, May 18), Online Interview,
https://drive.google.com/file/d/1N7g44fJVG5LQc7_tESq9PBW8q6y-
uMvo/view?usp=drivesdk.

Labaid K., (2020, June 19), Online Interview,
https://drive.google.com/file/d/1EQ4wZWbr0ZvMxZ_b3ujxeTqoiI2rAzF5/vie
w?usp=drivesdk.

Kuttiyani M., (2020, July 16), Online Interview,
https://drive.google.com/file/d/1CdK8zQa13_gU8NSWN9HoPOCcxblR2N_8
/view?usp=drivesdk.

Al-Trkawy I., (2020, August 27), Online Interview,
https://drive.google.com/file/d/1tVS0kClt288yGTmsGYvFrxPKokWG_YBD/
view?usp=drivesdk