

## MAPPING IDEA &amp; LITERATURE FORMAT | RESEARCH ARTICLE

# The Concept of Maqasid al-Syari'ah in the Interpretation of Legal Verses: A Comparative Study of Tafsir al-Qurthubi and Tafsir al-Misbah

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## ABSTRACT

This study discusses the *maqāṣid al-syarī'ah* approach in interpreting the verses of the Qur'an with a focus on two monumental tafsir books, namely Tafsir al-Qurṭubī and Tafsir al-Miṣbāḥ by M. Quraish Shihab. The background of this study is based on the need to understand how the exegetes apply the principles of *maqāṣid al-syarī'ah* in contextualizing legal verses. With a content analysis approach, the qualitative research method uses a comparative study of the two tafsirs. The results show that Tafsir al-Qurṭubī tends to emphasize the normative-classical approach with a focus on legal derivation (*istinbāṭ al-aḥkām*) according to the *fiqh* tradition. At the same time, Tafsir al-Miṣbāḥ prioritizes a contextual approach and benefit value. This methodological difference indicates a dialectic between the classical exegetical heritage and the needs of contemporary society. This research contributes to developing *maqāṣid*-based exegesis that integrates tradition and contemporary reality.

**Keywords:** Tafsir al-Qurṭubī, Tafsir al-Miṣbāḥ, Maqāṣid al-syarī'ah.

## I. Introduction

Islamic jurisprudence (*fiqh*) relies on normative texts in formulating *muamalah* law and emphasizes the importance of understanding the wisdom and purpose behind each legal provision. In recent decades, the paradigm of *maqāṣid al-syarī'ah* (the objectives of Islamic law) has increasingly received attention as a hermeneutical approach capable of connecting texts with social realities and contemporary welfare values (Duderija, 2014). This concept, initially introduced by classical scholars such as al-Ghazali and later systematized by al-Syuthibi, emphasizes that sharia is not simply a collection of rigid rules but a means to realize human welfare by divine principles. Thus, applying *maqāṣid* in legal interpretation opens up a more dynamic space for *ijtihad*, enabling scholars to respond to social changes without neglecting the normative foundations of sharia.

*Maqāṣid al-syarī'ah* includes five main goals: protection of religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-naḥs*), reason (*ḥifẓ al-aql*), descendants (*ḥifẓ al-naṣl*), and property (*ḥifẓ al-māl*) (Auda, 2008). These five objectives function as benefit indicators, so every legal product must be directed at maintaining these aspects. In the realm of interpretation, *maqāṣid* is an important instrument for interpreting legal verses not only from a literal perspective but also based on the objectives to be achieved by the law. This *maqāṣidī* (purposive exegesis) approach is increasingly relevant in the modern era, when the complexity of social, economic, and political issues demands adaptive and contextual interpretation. By making *maqāṣid* an interpretative framework, the

interpreters can produce a flexible understanding of law but remain within the corridor of sharia, so the Qur'an remains a solution-oriented guideline for the dynamics of modern life.

In the tradition of exegesis, Tafsir al-Qurṭubī and Tafsir al-Miṣbāḥ represent two major streams of classical and contemporary Qur'anic interpretation, both of which have made significant contributions to the development of Islamic law. Tafsir al-Qurṭubī, the work of a 13th-century Andalusian commentator, is known for its in-depth normative-legalistic characteristics, elaborating on the laws of *fiqh* through linguistic analysis, *usul fiqh*, and the opinions of the majority of scholars. This style reflects the dominant textual approach in the classical exegetical treasury. In contrast, Tafsir al-Miṣbāḥ by M. Quraish Shihab presents a modern spirit, combining the Qur'an's message with Indonesia's socio-cultural realities. This interpretation is more communicative, contextual, and applicable, with an explicit tendency to use *maqasid* as an interpretive lens, making it relevant to addressing contemporary issues such as pluralism, social justice, and human rights.

This difference is visible in the interpretation of legal verses, for example, QS. al-Māidah [5]:38 concerning the punishment of amputation of the hand for theft. Al-Qurṭubī emphasizes the obligation of hudud based on texts and consensus, details its conditions, and provides minimal room for interpretation. In contrast, Quraish Shihab emphasizes the *maqasid* of punishment—namely, maintaining security and social justice—and opens the opportunity for alternative punishments if literal application does not comply with the benefit principle. This contrast emphasizes a shift in methodology from a normative-textual approach to a contextual-teleological approach. Over the past decade, various studies have emphasized the importance of the *maqasid* approach in modern interpretation. For example, studies on *maqasid* interpretation have shown that a *maqasid* orientation can bridge the gap between text and context by making public interest the center of interpretation (Alwizar, 2020). This approach is considered responsive to current issues such as human rights, gender justice, and ecology, while upholding the universal principles of the Quran. However, academics caution that a strict methodological framework must constrain this flexibility to avoid subjective interpretations (Hafiduddin & Jauhari, 2019).

However, comparative studies on applying *maqasid* in classical and contemporary interpretations are still rare. Most studies focus on a single interpretation or discuss *maqasid* within the scope of *fiqh*, rather than hermeneutical-comparative interpretations of legal verses. However, this analysis is crucial for understanding how the concept of *maqasid* is integrated by classical exegetes like al-Qurtubi and contemporary exegetes like Quraish Shihab, and how these differing methodologies impact the development of Islamic law in the modern era. Based on this background, this study aims to comparatively analyze the application of the principles of *maqāṣid al-syari'ah* in the Tafsir al-Qurṭubī and Tafsir al-Miṣbāḥ in the interpretation of legal verses, with a focus on the hermeneutical approach used and its impact on the methodology of Islamic legal interpretation. This study is expected to provide theoretical and practical contributions to the development of scientific legal interpretation, balancing the authority of the text with the demands of reality, and enriching the treasure trove of *maqasid* interpretation in the modern era.

## II. Research Method

The research method used in this study is a qualitative approach with a comparative study design. This approach was chosen to analyze the differences and similarities between the Tafsir al-Qurtubi and Tafsir al-Misbah in integrating the principles of *maqāṣid al-Syari'ah* in interpreting legal verses. The qualitative approach allows researchers to understand the meaning contained in the text in depth through hermeneutic analysis, thereby revealing the methodological orientation of each exegete (Moleong, 2017). This research's primary and secondary data sources are primary and secondary data. Primary data sources are the works of al-Jāmi' li Aḥkām al-Qur'ān by al-Qurṭubī and Tafsir al-Misbah by Muhammad Quraish Shihab. Meanwhile, secondary data sources include books, journal articles, and research results discussing tafsir methods, comparative studies of tafsir, and *maqāṣid al-Syari'ah* theory (Al-Shatibi, 1997; Quraish Shihab, 2002; Wahbah al-Zuhaili, 2003).

The data collection technique was carried out using the documentation method through the stages of identification, classification, and categorization of legal verses relevant to the principles of *maqāṣid al-Syari'ah*, such as *ḥifẓ al-dīn*, *ḥifẓ al-nafs*, *ḥifẓ al-'aql*, *ḥifẓ al-nasl*, and *ḥifẓ al-māl* (Al-Shatibi, 1997). Next, the classified texts were analyzed to determine the patterns of interpretation and argumentation used by the two commentators. The research instrument is a content analysis guide that contains categories and indicators that refer to the five main principles of *maqāṣid al-Syari'ah*: *Ḥifẓ al-dīn* (protection of religion), *Ḥifẓ al-nafs* (protection of the soul), *Ḥifẓ al-'aql* (protection of reason), *Ḥifẓ al-nasl* (protection of descendants), *Ḥifẓ al-māl* (protection of property). Indicators in each category will be used to assess how much interpretation supports the principle.

The data analysis technique used content analysis based on a hermeneutic approach. This process involves three stages: data reduction, by selecting and organizing data according to the research focus; data presentation, through narrative descriptions and comparative interpretation tables; and concluding, to reveal differences in approaches, hermeneutic strategies, and the implications of interpreting legal verses in the context of *maqāṣid* (the purpose of the law) (Krippendorff, 2018). Data validity was ensured through source triangulation (comparing findings with other literature) and member checking through discussions with interpretation experts. Furthermore, the validity of the results was strengthened through expert judgment by academics competent in the fields of interpretation and *ushul fiqh* (Moleong, 2017).

### III. Results and Discussion

#### 3.1. Findings of the Research

This study finds fundamental differences in the approaches of Tafsir al-Qurṭubī and Tafsir al-Miṣbāḥ towards legal verses from the perspective of *maqāṣid al-syari'ah*. A thorough analysis of the tafsir texts shows that al-Qurṭubī places more emphasis on the literal aspect of legal *istinbāt* by adhering to the opinions of classical jurists. At the same time, al-Miṣbāḥ integrates a contextual approach that considers contemporary benefits. This difference illustrates that *maqāṣid al-syari'ah* in classical and contemporary tafsir has undergone significant methodological evolution in content, orientation, and hermeneutic strategy. The analysis results show that al-Qurṭubī tends to examine legal verses within a normative framework and classical fiqh, for example, in his interpretation of QS. Al-Baqarah [2]: 233 regarding the obligation to provide for children, al-Qurṭubī wrote: "This verse shows the father's obligation to provide for his children according to his ability, as the consensus of scholars states that providing for children is the father's obligation." (al-Qurṭubī, al-Jāmi' li Aḥkām al-Qur'ān, vol. 3, p. 120).

In this explanation, the *maqāṣid* orientation appears to be implicit through maintaining the *nasab* (*ḥifẓ al-nasl*). However, the primary focus remains on the literal text and *ijma'* fuqaha without in-depth exploration of social benefits such as family welfare or economic justice. This pattern is consistent with the medieval fiqh approach, which emphasized legal stability and clerical authority. In contrast, Tafsir al-Miṣbāḥ highlights *maqāṣid* explicitly and links it to modern realities. In interpreting the same verse, Quraish Shihab wrote: "The obligation to support is not just a rigid law, but must be accompanied by a sense of responsibility and social justice, because Islam emphasizes the welfare of the family as a pillar of society." (Quraish Shihab, Tafsir al-Miṣbāḥ, volume 1, p. 514).

This interpretation demonstrates a normative reinterpretation in which *maqāṣid* such as *ḥifẓ al-nasl* and *ḥifẓ al-māl* serve as the basis for emphasizing moral and social responsibility. Thus, al-Miṣbāḥ explains the text and offers it as a contextual solution to modern problems such as family dysfunction, economic justice, and children's rights. Another interesting finding is the interpretation of QS. al-Mā'idah [5]: 38 regarding the cutting off of the hands of thieves. Al-Qurṭubī asserts: "The law of cutting off hands is a sharia decree that cannot be changed, because it is included in the ḥadd established by Allah." (al-Qurṭubī, al-Jāmi' li Aḥkām al-Qur'ān, vol. 6, p. 150)

In this interpretation, hudud law is considered an absolute principle without considering socio-economic factors. This approach is consistent with the legalistic paradigm that prioritizes texts over contextual interests. On the other hand, Tafsir al-Miṣbāḥ states: "This provision is not merely a physical punishment, but a moral message for society to build a just social system, so that theft does not occur due to poverty." (Quraish Shihab, Tafsir al-Miṣbāḥ, vol. 4, p. 214).

This analysis demonstrates a paradigm shift, in which al-Miṣbāḥ elevates the *maqāṣid* to the level of social practice. Punishment is a means of deterrence (*sadd al-dharā'i'*) and preserving public interest, rather than merely physical execution. Thus, this approach opens up space for a reinterpretation based on social justice without neglecting the fundamental values of sharia. Based on comparative analysis, this study identifies three main findings: Tafsir al-Qurṭubī contains *maqāṣid* implicitly through the classical fiqh approach. At the same time, Tafsir al-Miṣbāḥ explicitly makes *maqāṣid* as an interpretive framework. There is a methodological evolution from a normative-textual approach to a contextual-teleological approach, which marks a shift in the paradigm of legal interpretation from rigidity to flexibility based on benefits. Both interpretations differ in articulating the value of benefits: al-Qurṭubī understands benefits within the limits of texts and *ijma'*, while al-Miṣbāḥ relates them to contemporary social problems such as economic justice, family welfare, and social harmony.

### 3.2. Discussion

The results of the study indicate that applying the *maqāṣid* approach in interpreting the Qur'an provides significant differences in the style of interpretation, especially in grounding the text's message in the modern social context. Analysis of the Tafsir al-Qurṭubī and Tafsir al-Mishbah shows that both have different methodologies in expressing the values of *maqāṣid*. Tafsir al-Qurṭubī emphasizes the legal aspects (*ahkām*) and classical *turāth* by explaining the opinions of *fuqaha* and detailed fiqh arguments. For example, when interpreting QS. Al-Baqarah [2]: 233 on breastfeeding, al-Qurṭubī emphasizes the father's obligation to provide maintenance as a form of legal responsibility. This focus is in line with the primary level *maqāṣid* (*ḍarūriyyāt*), namely *hiḏ al-nafs* and *hiḏ al-nasl*. However, it has not been methodologically explicit in the structure of the interpretation.

In contrast, Tafsir al-Mishbah by M. Quraish Shihab displays a more contextual and hermeneutical pattern. When interpreting the same verse (QS. al-Baqarah [2]: 233), Quraish Shihab highlights aspects of justice and the benefit of the family by linking the text to modern social dynamics, including the role of women in the economy. This approach emphasizes *maqāṣid* as an ethical basis for balancing rights and obligations, making the interpretation more responsive to contemporary issues. Thus, al-Mishbah represents *maqāṣid* in the dimensions of *maslahah murlah* and *maqāṣid al-'āmmah*, which emphasize the values of justice (*al-'adl*) and mercy (*al-raḥmah*) in making laws.

From a methodological perspective, the analysis also reveals that al-Qurṭubī used a deductive-normative approach based on *turāth* and *qawā'id fiqhīyyah*. At the same time, al-Mishbah adopted an inductive-contextual approach combined with *maqāṣid al-sharī'ah* at the conceptual level. This is seen in the interpretation of QS. al-Mā'idah [5]: 32 concerning the prohibition of killing. Al-Qurṭubī interpreted this verse by focusing on the threat of *qisas* punishment and binding fiqh arguments. In contrast, Quraish Shihab interpreted the verse in the context of universal humanity, linking it to human rights and the value of life in a pluralistic society. The *maqāṣid* approach becomes the basis for developing a humanistic and solution-oriented interpretation.

The findings of this study indicate that the use of the *maqāṣid* approach in tafsir is not only methodological but also substantive, as it can provide a more inclusive reading of contemporary problems. However, the results of this study also emphasize the need for methodological boundaries so that the application of *maqāṣid* is not separated from the discipline of tafsir and the principles of *ushul al-tafsīr*. Thus, *maqāṣid* can function as an epistemological framework that connects text, context, and *maslahah* without ignoring the source's authority.

## 4. Conclusion

From the discussion above, it can be concluded that Tafsir al-Qurṭubī and Tafsir al-Miṣbāḥ have different methodological orientations in linking the concept of *maqāṣid al-syarī'ah* with the interpretation of the verses of the Qur'an. Tafsir al-Qurṭubī tends to adhere to a normative-classical approach by emphasizing legal derivation (*istinbāt al-aḥkām*) and the details of fiqh that rely on the texts and opinions of scholars of the madhhab. In contrast, Tafsir al-Miṣbāḥ, written by Quraish Shihab, carries a contextual and responsive approach to modern social dynamics. However, it does not explicitly use the term *maqāṣid al-syarī'ah*, but the substance of *maqāṣid* is apparent in the interpretation that prioritizes the values of benefit, justice, and humanity. Thus, both commentaries make important contributions to the development of *maqāṣid*-based interpretation, but through different paths: al-Qurṭubī's with its classical legal approach, and al-Miṣbāḥ's with its socio-contextual approach. These findings indicate the need to strengthen the methodology of *maqāṣid* interpretation, capable of integrating the richness of classical literature with the demands of contemporary reality.

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