

Triadic Framework of Sharī'ah Law: A Systematic Review of Al-Ḥākim, Al-Maḥkūm 'alayh, and Al-Maḥkūm Fīh

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ABSTRACT

Contemporary studies in Islamic jurisprudence (*Hukm Shar'ī*) have expanded considerably in response to the growing complexity of issues in the social, economic, institutional, environmental, familial, and digital religious authority domains. Existing literature, however, tends to center its analytical focus on *Al-Ḥākim* — the divine legislating authority — through discussions of legal proofs (*dalīl*), the objectives of Islamic law (*maqāṣid al-sharī'ah*), independent legal reasoning (*ijtihād*), analogical deduction (*qiyās*), legal causation (*ta'līl*), and methods of legal determination. By contrast, the dimensions of *Maḥkūm 'Alayh* (the legally obligated subject) and *Maḥkūm Fīh* (the object of legal prescription) remain largely underexamined at the operational level. This article aims to map prevailing trends in contemporary research on *Hukm Shar'ī* and to develop a conceptual synthesis grounded in the triadic relational framework among *Al-Ḥākim*, *Maḥkūm 'Alayh*, and *Maḥkūm Fīh*. The study employs a systematic literature review methodology with narrative-thematic synthesis, drawing on 68 core articles selected from an initial pool of 321 records retrieved through Scopus metadata-based screening. The review findings indicate that the literature is predominantly oriented toward *istinbāt* (legal inference) methodology and *maqāṣid*-based inquiry, while thematic areas such as bioethics, criminal law (*jināyah*), worship-related services, family law, and collective action remain comparatively underdeveloped. The principal findings identify conceptual, methodological, applicative, and subject-level gaps — most notably, the insufficient analytical treatment of legal capacity, agency, vulnerability, the obligations of the *mukallaf* (legally competent subject), and the juridical status of institutional acts. This article concludes that the triadic framework of *Hukm Shar'ī* has significant potential to reinforce the theory of *ḥukm* and

to serve as an analytical instrument for engaging with contemporary issues in Islamic law in a more systematic, contextual, and responsive manner.

Keywords: *Hukum Syara'; Al-Hakim; Maḥkum Alaih; Maḥkum Fiih; Maqāṣid al-Sharī'ah; Uṣūl al-Fiqh; Literature Review.*

Contribution/Originality:

This article makes an original contribution to the study of Sharī'ah Law by offering a triadic framework that integrates three main elements, namely al-Ḥākim, al-Maḥkūm 'Alayh, and al-Maḥkūm Fīh, as a unified analytical construct. Unlike previous literature, which tends to focus on al-Ḥākim through discussions of legal proofs, maqāṣid al-sharī'ah, ijtihād, qiyās, ta'līl, and methods of istinbāt, this article positions al-Maḥkūm 'Alayh and al-Maḥkūm Fīh as important operational categories for understanding the dynamics of contemporary Islamic law. The originality of this article lies in shifting the literature review from a mere thematic mapping toward a conceptual synthesis capable of explaining the relationship between normative authority, the capacity of the legal subject, and the nature of the act subject to legal evaluation. Academically, this article strengthens the theory of ḥukm by demonstrating that Sharī'ah Law cannot be adequately understood solely through the sources and methods of legal determination, but must also take into account who the subject burdened by the law is, how their capacity and vulnerability are constituted, and what act becomes the object of legal assessment. This framework also offers a more systematic analytical tool for examining contemporary issues such as digital fatwas, ESG in Islamic investment, family law, the environment, bioethics, religious services, and victim protection. Thus, the main contribution of this article is the presentation of a conceptual model that is more contextual, responsive, and replicable in contemporary Islamic legal research.

1. INTRODUCTION

The discourse on Sharī'ah Law in contemporary Islamic legal studies no longer revolves solely around debates on normative definitions, but is increasingly drawn into rapidly changing social, institutional, economic, environmental, and family-related problems. At the global level, the renewal of uṣūl al-fiqh, the use of maqāṣid al-sharī'ah, and the institutionalization of fatwas have emerged as responses to the complexity of Islamic finance, environmental governance, digital authority, and the protection of vulnerable groups (Alkhan et al., 2025; Al-Tamimi & Abdellatif, 2026; Atallah, 2026; Marjohan et al., 2025). At the Indonesian level, a similar tendency can be seen in studies on ESG in Islamic mutual funds, hajj services, interreligious fatwas, and the responses of Islamic organizations to issues of conservation and mining concessions (Alamri et al., 2025; Hadi et al., 2026; Rahman et al., 2025; Suhendra et al., 2026). These phenomena indicate that Sharī'ah Law is undergoing an expansion of its analytical field: from texts and methods of istinbāt toward the relationship between legal authority, legal subjects, and the objects of acts that are normatively assessed.

The urgency of this study arises from the need to read Sharī'ah Law in a more operational manner when dealing with contemporary cases. The literature on maqāṣid and ijtihād has explained that Islamic law possesses a rational-normative apparatus for

linking revelation, *maṣlahah*, and social reality without abandoning its methodological discipline (Kamali, 2021; Parrey, 2024). Studies on *al-Juwaynī* also demonstrate that *maṣlahah* can function as a methodological intervention when conventional *qiyās* is inadequate to respond to socio-political change (Muzakki et al., 2025). However, the strengthening of *maqāṣid* and the renewal of *uṣūl al-fiqh* often stop at methodological reform and do not always explicitly elaborate who constitutes the *al-Maḥkūm ‘Alayh*, what act constitutes the *al-Maḥkūm Fīh*, and how *al-Ḥākim* is understood in the relationship between divine normative sources and the mediation of human *ijtihād*. Therefore, a literature review that merely inventories themes is insufficient; what is needed is a conceptual synthesis capable of structuring the relationships among the components of the theory of *ḥukm*.

Previous studies show important developments, but they also reveal a fragmentation of focus. Some studies place *maqāṣid* as the overarching framework for legal renewal, whether through the history and jurisprudence of *maqāṣid* or through its connection with *ijtihād*, *‘illah*, and *qiyās* (Kamali, 2021; Parrey, 2024). Others trace the renewal of *uṣūl* through *tajdīd*, *fiqh al-wāqī‘*, and the institutionalization of collective *ijtihād* (Marjohan et al., 2025). In the field of application, studies on Islamic finance show a shift from individual schools of law toward institutional methodologies standardized by international bodies, while studies on ESG in Indonesia attempt to determine the status of *ḥukm taklīfī* through the integration of empirical data and *uṣūl al-fiqh* analysis (Alkhan et al., 2025; Hadi et al., 2026). Meanwhile, studies on the terms *yanbaghī* and *lā yanbaghī* in the *Ḥanafī* tradition demonstrate the importance of flexible categories of *taklīfī* law in the formative period, indicating that the concept of law cannot be reduced to rigid normative labels (Bilgili & Karagözoğlu, 2025).

Nevertheless, the main gap in the literature lies in the imbalance of attention given to the three basic elements of *Sharī‘ah* Law. Contemporary studies tend to be strong in their treatment of *al-Ḥākim*, in the sense of discussing legal proofs, authority, *maqāṣid*, *ijtihād*, and methods of legal determination, but they relatively underemphasize *al-Maḥkūm ‘Alayh* and *al-Maḥkūm Fīh* as primary units of analysis. In fact, the issue of digital fatwas shows a shift of authority from the traditional space of the *‘ulamā’* to media and platforms, so that legal validity depends not only on legal proofs but also on socio-technological mediation (Atallah, 2026). Fatwas on interreligious greetings in Indonesia reveal tensions between normative authority, multicultural family relations, and social cohesion (Rahman et al., 2025). Issues of Islamic feminism, domestic violence, and victim protection show that the capacity, vulnerability, agency, and protection of legal subjects have not been adequately examined through the category of *al-Maḥkūm ‘Alayh* (Al-Rashidi, 2026; Ben Ashur & Al-Zanki, 2026; Murdiana et al., 2026). Similarly, environmental and social governance issues indicate that the object of law today is not always an individual act, but may also take the form of institutional and collective action (Alamri et al., 2025; Al-Tamimi & Abdellatif, 2026).

The novelty of this article lies in its proposal of a triadic framework of *Sharī‘ah* Law that connects *al-Ḥākim*, *al-Maḥkūm ‘Alayh*, and *al-Maḥkūm Fīh* as a unified

analytical construct in the literature review of Islamic law. This framework does not negate the classical definition that Shari'ah law is grounded in the divine address of God, but clarifies how this normative address is operationalized through the process of *istinbat*, the capacity of the *mukallaf*, and the character of the act that becomes the object of legal evaluation. Thus, *maqāsid*, *qiyās*, *maṣlaḥah*, and *taḥqīq al-manāṭ* are understood not merely as methods, but as instruments for explaining the relationship between normative authority, subject, and action. This framework also enables a sharper reading of new cases, such as ESG-based Islamic investment, environmental sustainability, digital fatwas, hajj services, family law, and victim protection (Al-Tamimi & Abdellatif, 2026; Atallah, 2026; Hadi et al., 2026; Murdiana et al., 2026; Suhendra et al., 2026). Its contribution is to shift the review from thematic mapping toward a replicable conceptual synthesis.

Based on this background, this article aims to develop a systematic review of the literature on Shari'ah Law with a focus on the triadic relationship among *al-Ḥākim*, *al-Maḥkūm 'Alayh*, and *al-Maḥkūm Fih*. Specifically, this article maps contemporary research trends regarding how these three elements are discussed; identifies dominant as well as underexplored themes, subthemes, and methods; analyzes the imbalance of attention given to each element as the basis for formulating the research gap; and develops a more operational conceptual synthesis for Islamic legal literature reviews. With this orientation, the article is expected to contribute to the strengthening of the theory of *ḥukm*, the formulation of a contemporary Islamic legal research agenda, and the development of a review method that is not only descriptive, but also analytical, critical, and oriented toward conceptual renewal.

2. METHOD

This study employs a systematic literature review approach with narrative-thematic synthesis to map the development of contemporary studies on Shari'ah Law through the conceptual relationship among *al-Ḥākim*, *al-Maḥkūm 'Alayh*, and *al-Maḥkūm Fih*. This approach was selected because a literature review does not merely function to summarize previous studies, but also to construct a critical synthesis of conceptual patterns, methods, and remaining research gaps (Snyder, 2019; Tranfield et al., 2003). The procedures for article search and selection were arranged transparently by adapting the principles of systematic reporting as recommended in PRISMA 2020 (Page et al., 2021).

The primary data source was obtained from the Scopus database through exported metadata of scholarly articles relevant to the study of Shari'ah Law. The search strategy used a combination of English and Indonesian keywords, as well as technical terms in *uṣūl al-fiqh*, including: "Islamic law", "Sharia law", "hukum syara'", "uṣūl al-fiqh", "maqāsid al-shari'ah", "ḥukm taklīfī", "al-Ḥākim", "al-Maḥkūm 'Alayh", "al-Maḥkūm Fih", "ijtihād", "qiyās", "ta'līl", "maṣlaḥah", and "fatwa". These keywords were combined using the Boolean operators AND/OR to retrieve articles discussing sources

of legal authority, the mukallaf as the legal subject, the object of action, and the construction of norms in Islamic law.

At the initial identification stage, 321 unique records were obtained. After the screening process, no duplicates were found; therefore, all records were examined based on title, abstract, document type, conceptual relevance, and indications of full-text/Open Access availability in the Scopus metadata. The inclusion criteria consisted of: journal articles, review articles, or academic conference papers; relevance to Sharī'ah Law and/or its components; discussion of Islamic legal theory, uṣūl al-fiqh, maqāṣid, taklīf, ijtihād, qiyās, ta'līl, maṣlahah, fatwa, or the application of norms to the acts of the mukallaf; and an indication of full-text access. The exclusion criteria included books, book chapters, notes, articles without an indication of full-text access, writings that only mention Islamic law/Sharia in general terms, and studies on positive law or social issues that do not clearly employ a uṣūlī framework. Based on these criteria, 253 articles were eliminated and 68 core articles were retained for analysis.

Data analysis was conducted by extracting key information, including article identity, objectives, methods, subject or source of study, findings, strengths, weaknesses, focus on the components of Sharī'ah Law, and research gaps. The data were then classified into dominant themes and subthemes and analyzed using narrative-thematic synthesis. This stage follows the principles of thematic analysis, namely coding, theme grouping, reading patterns across categories, and formulating conceptual interpretations (Braun & Clarke, 2021). The validity of the synthesis was maintained through cross-reading among the literature matrix, thematic classification, and gap mapping, so that the review results would not stop at article description, but would produce an argumentative construction concerning the imbalance of attention given to al-Ḥākim, al-Maḥkūm 'Alayh, and al-Maḥkūm Fīh.

3. FINDINGS AND DISCUSSION

1. General Map of the Literature and Concentration of Research Themes

The selection results show that, out of 321 unique records examined, 68 articles met the criteria as core articles. This composition indicates that the study of Sharī'ah Law in contemporary literature is relatively broad, yet not all articles using the terms Islamic law, Sharia, fiqh, uṣūl al-fiqh, or maqāṣid al-sharī'ah substantively discuss the relationship among al-Ḥākim, al-Maḥkūm 'Alayh, and al-Maḥkūm Fīh. Most of the core articles are journal articles, while only a small number are review articles or conference papers. This demonstrates that the corpus provides a sufficiently strong basis for an academic literature review because it relies on scholarly articles rather than popular sources or non-academic writings.

Thematically, the literature is dominated by studies on the methodology of istinbāt, ijtihād, qiyās, ta'līl, and maqāṣid, comprising 35 of the 68 articles. This dominance indicates that the contemporary discourse on Sharī'ah Law remains strongly influenced by epistemological questions: how law is determined, through what

instruments legal authority operates, and how texts, maqāṣid, maṣlaḥah, qiyās, or taʿlīl are used to produce legal norms. Studies by Parrey (2024), Muzakki et al. (2025), Abdoul-Hamid et al. (2026), Kurnaz (2023), and Kamali (2021), for example, similarly position maqāṣid, maṣlaḥah, or ijtihād as important instruments for bridging classical texts and contemporary legal needs. However, this tendency also reveals a limitation: the literature more frequently discusses “how law is established” than “who the subject burdened by the law is” and “what act becomes the object of law.”

This imbalance is evident in the mapping of the components of Shari‘ah Law. Al-Hākim appears as the most dominant component because almost all articles discuss the sources, authority, methods, or legitimacy of legal determination. Al-Maḥkūm Fīh is relatively strong, especially in studies on mu‘āmalah, the environment, jināyah, bioethics, custom, and public policy. By contrast, al-Maḥkūm ‘Alayh remains the weakest as a central focus of analysis. Although several articles mention legal subjects, mukallaf, women, victims, minorities, hajj pilgrims, patients, or indigenous communities, these discussions often serve merely as social context rather than as uṣūlī categories analyzed in depth. This finding is important because the theory of Shari‘ah Law conceptually depends not only on the authority of the lawgiver, but also on the capacity of the subject and the character of the act upon which legal responsibility is imposed.

Table 1. Synthesis of research findings based on main themes/subthemes

Main Theme	Number of Articles	Dominant Subthemes	Component Focus	Main Pattern of Findings	Thematic Research Gap	Relevant Articles
Methodology of istinbāt, ijtihād, qiyās, taʿlīl, and maqāṣid	35	Maqāṣid, maṣlaḥah, maʿālāt; naṣṣ, language, tafsīr; qiyās, ʿillah, taʿlīl; tajdīd uṣūl	Al-Hākim is dominant; al-Maḥkūm Fīh and al-Maḥkūm ‘Alayh are secondary	The literature is strong in explaining instruments of legal determination, but remains fragmented among maqāṣid, qiyās, maṣlaḥah, and hermeneutics of naṣṣ	An operational model is needed to connect the procedure of istinbāt with the legal subject and the object of action	Parrey, 2024; Muzakki et al., 2025; Abdoul-Hamid et al., 2026; Kurnaz, 2023; Kamali, 2021
ʿUrf, custom, legal pluralism, and minorities	8	Social fatwas, religious pluralism, digital authority, fiqh of minorities, local custom	Al-Hākim and al-Maḥkūm Fīh are dominant; al-Maḥkūm ‘Alayh is limited	Studies have begun to move toward social practices, negotiation of custom, and minorities, but are not yet stable in	A typology of the relationship between custom and al-Maḥkūm Fīh, as well as the position of the mukallaf	Rahman et al., 2025; Musadad et al., 2025; Nofaldi et al., 2025; Syatar et al., 2025; Atallah, 2026

Main Theme	Number of Articles	Dominant Subthemes	Component Focus	Main Pattern of Findings	Thematic Research Gap	Relevant Articles
Mu'āmalah, economics, and Islamic finance	6	ESG, investment, Islamic transactions, zakat, contracts, commercial protection	Al-Hākim and al-Maḥkūm Fīh are strong; al-Maḥkūm 'Alayh appears only to a limited extent	determining the boundaries of valid 'urf and invalid 'urf Studies assess the legality and maṣlaḥah of economic products, but do not always distinguish between contractual validity and maqāṣid-based value	in plural societies, is needed Integration of market data, social impact, and the procedure of takhrij al-ḥukm is needed	Hadi et al., 2026; Alkhan et al., 2025; Qaddumi, 2025; Bashori et al., 2024; Hidayat & Ahmad, 2023
Foundations of Sharī'ah Law and the theory of ḥukm	5	Ḥukm, khitāb, taklifi, ḍarūrah, ta'abbudī, legal epistemology	The three components appear relatively, but are not yet integrated	Studies provide a conceptual foundation for legal status, but are mostly historical-conceptual	A triadic framework is needed to read al-Hākim, al-Maḥkūm 'Alayh, and al-Maḥkūm Fīh as a unified analytical construct	Bilgili & Karagözoğlu, 2025; Shaarani & Muhamad, 2021; Yılmaz, 2021; Kacir, 2018; Çeliktaş, 2019
Environment, public policy, and social governance	4	Environmental fiqh, sustainability, mining, spatial planning, ecological pesantren	Collective al-Maḥkūm Fīh begins to appear	Studies expand the object of law to institutional and ecological actions	The legal status of collective action remains inconsistent among ethics, mandūb, wājib kifāyah, and institutional obligation	Alamri et al., 2025; Itmam et al., 2025; Putri et al., 2023; Al-Tamimi & Abdellatif, 2026
Family law, gender, human rights, and the	4	Gender, Islamic feminism, human rights, marriage,	Al-Maḥkūm 'Alayh begins to appear, but is not yet dominant	The literature highlights power relations, family protection,	Analysis of legal capacity, consent, vulnerability, and the burden of	Hidayati et al., 2025; Ben Ashur & Al-Zanki, 2026; Al-Rashidi, 2026;

Main Theme	Number of Articles	Dominant Subthemes	Component Focus	Main Pattern of Findings	Thematic Research Gap	Relevant Articles
subject of mukallaf		domestic violence		and equality, but does not sufficiently employ the category of mukallaf operationally	taklif in family law is needed	Abdullah et al., 2023
Jināyah, judiciary, victims, and legal responsibility	3	Narcotics, judicial neutrality, corruption, victim protection	Al-Maḥkūm Fih is dominant; al-Maḥkūm ‘Alayh is less explicit	Studies have begun to connect maqāṣid with criminal law reform and victim protection	Maqāṣid-based indicators are needed for victims, responsibility, offender capacity, modern evidence, and judicial accountability	Laksana et al., 2025; Syahriar et al., 2025; Murdiana et al., 2026
Bioethics, halal, medicine, and contemporary science	2	Blood plasma, genetically modified food, halal-ṭayyib	Al-Maḥkūm Fih appears as a scientific/medical object	Studies remain limited, but are strategic for emerging technological issues	Parameters of manāṭ are needed for medical and modern food cases that continue to evolve	Kashim et al., 2024; Fadzli et al., 2021
Worship, fatwa, and religious services	1	Hajj services and fiqh al-khidmah	Al-Ḥākīm and al-Maḥkūm ‘Alayh	Studies on hajj services show that religious services can be read as shar‘ī obligations, not merely administrative matters	Public worship, religious services, and fatwa crises require more systematic study	Suhendra et al., 2026

Table 1 shows that the literature is not evenly distributed. Methodological studies are far more dominant than applied themes such as bioethics, worship, jināyah, family law, and the environment. Academically, this has two implications. First, contemporary studies of Shari‘ah Law possess a strong conceptual foundation because many articles discuss maqāṣid, qiyās, ‘illah, ta‘līl, maṣlaḥah, and hermeneutics of naṣṣ. Second, this foundation has not been fully translated into analytical tools capable of reading contemporary cases operationally, especially when those cases involve vulnerable subjects, modern institutions, technology, the environment, or collective action.

2. The Dominance of Istinbāt Methodology and the Method-Centric Tendency of the Literature

The most dominant theme in the corpus is the methodology of *istinbāt*, *ijtihād*, *qiyās*, *taʿlīl*, and *maqāṣid*. This tendency shows that the literature on *Sharīʿah* Law remains centered on questions concerning the legitimacy of legal determination. Parrey (2024) positions the relationship between *ijtihād* and *maqāṣid* in pre-modern thought as a bridge between the theory of *qiyās* and *maṣlaḥah*. Muzakki et al. (2025) read al-Juwaynī's thought as a significant point of transition from the limitations of *qiyās* toward *maṣlaḥah*. Meanwhile, Kurnaz (2023) and Kamali (2021) both show that *maqāṣid* can be used as a space for renewal, but that such renewal must still operate within the methodological boundaries of the Islamic legal tradition.

The main similarity among these articles lies in their effort to maintain a balance between textual authority and contextual needs. *Maqāṣid* is not treated as a free justification for changing the law, but rather as a mechanism for reading the objectives of the *Sharīʿah* more responsively. However, there are differences in emphasis. Parrey (2024) focuses more on the historical relationship between *ijtihād* and *maqāṣid*, while Muzakki et al. (2025) emphasizes criticism of *qiyās* when *qiyās* is insufficient to respond to the needs of *maṣlaḥah*. Marjohan et al. (2025) engages with the issue of *tajdīd uṣūl al-fiqh* by emphasizing selective renewal rather than a total dismantling of the tradition. On the other hand, Galadari (2022) adopts a more progressive position by highlighting the supremacy of *ijtihād* in the evolution of law in Muslim communities.

These differences indicate an epistemological tension in the literature. Some articles view *maqāṣid* as an instrument for expanding the law, others as a corrective principle, and still others as an ethical framework that limits legal formalism. This tension is productive, but it has not yet fully generated stable operational procedures. Many articles are able to explain why *maqāṣid* is important, but do not always explain how *maqāṣid* is applied to determine concrete legal status, who bears the legal consequences, and how the *manāʿ* of an act changes when social, economic, or technological contexts change.

The subthemes of *qiyās*, *ʿillah*, *taʿlīl*, *istiḥsān*, and *ijmāʿ* further reinforce this finding. Abdoul-Hamid et al. (2026) highlights the relationship among *ijtihād*, *qiyās*, and *taʿlīl* within a *maqāṣid* framework, while Aykul (2022) discusses the legitimacy of *istiḥsān* in early debates on *uṣūl al-fiqh*. Qaddumi (2025) shows that changes in *ijtihād* within the *Ḥanafī* school can be read through shifts in legal considerations. These studies are strong because they demonstrate that *Sharīʿah* Law is not static; it develops through the construction of *ʿillah*, the relationship between text and context, and changes in legal reasoning. However, their weakness lies in their normative-historical tendency: the process of legal change is often explained through texts and the genealogy of schools of law, but is rarely tested through contemporary cases using empirical data.

The subthemes of *naṣṣ*, language, *tafsīr*, and hermeneutics also show a similar pattern. Anwar (2017) and Sabra (2007) affirm the importance of the linguistic dimension in Islamic legal reasoning, while Sati et al. (2025) expands the discussion to the digital transformation of *tafsīr*. Tan (2024) shows that the concept of *naṣṣ* is not merely methodological, but can also contain an ideological dimension. Prihantoro

(2021) reads Hassan Hanafi's critique of the slogan of returning to the Qur'an and Sunnah. Thus, hermeneutical literature enriches the discussion of al-Ḥākim because it shows that legal authority does not rest solely on the existence of text, but also on how text is understood, mediated, and positioned in social space. However, this type of literature still needs to connect hermeneutical readings with the classification of al-Maḥkūm Fīh and the conditions of al-Maḥkūm 'Alayh.

3. The Expansion of al-Maḥkūm Fīh: From Individual Acts to Social-Collective Actions

Another important finding is the growing scope of the object of law, or al-Maḥkūm Fīh. The literature no longer discusses only individual acts within the classical categories of worship or mu'āmalah, but also institutional actions, public policy, modern transactions, environmental management, victim protection, hajj services, and food technology. Hadi et al. (2026), for example, offers the strongest example because it combines empirical data with an uṣūl al-fiqh framework to assess the integration of ESG in Islamic investment. The article treats empirical findings as part of taḥqīq al-manāṭ and then connects them with takyīf al-waqā'i' and takhrīj al-ḥukm. Thus, ESG is not read merely as an ethical or investment governance issue, but as a legal object that can be assessed through maqāṣid.

Compared with the study by Hadi et al. (2026), the articles by Alkhan et al. (2025), Qaddumi (2025), Hidayat and Ahmad (2023), and Bashori et al. (2024) are more focused on normative studies, transactions, zakat, and Islamic finance. Their similarity lies in their concern with the conformity of economic practices to Sharī'ah principles. Their difference lies in the depth of data operationalization. Hadi et al. (2026) is more advanced because it uses mixed methods and market/institutional data, while the other articles tend to focus on textual arguments, contracts, or fiqh principles. This shows that mu'āmalah studies have begun to enter modern issues, but few have been able to combine empirical data, institutional analysis, and istinbāt in a rigorous manner.

The expansion of al-Maḥkūm Fīh is also evident in studies on the environment and public policy. Alamri et al. (2025) compares the legal thought of Muhammadiyah and Nahdlatul Ulama on environmental fiqh, while Al-Tamimi and Abdellatif (2026) position maqāṣid as an alternative perspective on environmental sustainability. Itmam et al. (2025) and Putri et al. (2023) show that issues of mining, spatial planning, pesantren communities, and ecological piety can be read as issues of contemporary Islamic law. This pattern is important because it expands the object of law from personal actions to collective and institutional actions. However, the problem is that the legal status of ecological action remains inconsistent. In some articles, environmental protection is read as a moral demand; in others, it approaches the status of a collective obligation. There is not yet a clear instrument for determining when an institutional action is legally mubah, mandūb, wājib kifāyah, or even wājib 'ayn in a particular context.

Studies on jināyah and the judiciary also show an expansion of al-Maḥkūm Fīh, although they comprise only three articles. Laksana et al. (2025) discusses maqāṣid-based narcotics law reform, Syahriar et al. (2025) addresses issues of judicial neutrality and corruption, while Murdiana et al. (2026) raises the principle of the best interests of

the victim in cases of sexual violence. The similarity among these three articles lies in their effort to read criminal justice not only from the perspective of the offender, but also from the standpoint of maqāsid-based protection. However, the jināyah literature remains limited in integrating victims, modern evidence, intention, intellectual capacity, and legal responsibility as part of the relationship between al-Maḥkūm ‘Alayh and al-Maḥkūm Fīh. This is an important gap because contemporary Islamic criminal law cannot merely discuss sanction norms, but must also explain the construction of subjects, victims, and objects of violation within the structure of Shari‘ah Law.

Bioethics and contemporary science constitute the smallest yet highly strategic themes. Kashim et al. (2024) discusses the principles of legal determination in the prohibition of blood plasma, while Fadzi et al. (2021) assesses genetically modified food products through the concepts of halal-ṭayyib and maqāsid hiḍ al-naḥs. These two articles show that scientific developments generate new legal objects that do not always have direct equivalents in classical fiqh. Their strength lies in opening space for the use of maqāsid and legal principles as tools for evaluating science. Their weakness is that the number of studies remains very limited and does not yet cover emerging issues such as transplantation, reproductive technology, medical artificial intelligence, health data, or food biotechnology more broadly.

4. Al-Maḥkūm ‘Alayh as a Component That Remains Weak

Compared with al-Ḥākim and al-Maḥkūm Fīh, al-Maḥkūm ‘Alayh is the component least frequently made the center of analysis. In the theory of Shari‘ah Law, al-Maḥkūm ‘Alayh relates to the subject burdened by the law, the capacity for taklīf, responsibility, the ability to understand commands, and the conditions that affect the legal burden. However, within the article corpus, the legal subject often appears only as a social background, not as a conceptual category that is explicitly analyzed.

The themes of family law, gender, human rights, and the subject of mukallaf show great potential for developing al-Maḥkūm ‘Alayh. Hidayati et al. (2025) discusses marriage, legal recognition, and minorities; Ben Ashur and Al-Zanki (2026) highlight tensions between universal and particular principles in Islamic feminism; Al-Rashidi (2026) examines protection against domestic violence in several Gulf countries; and Abdullah et al. (2023) raises issues of gender and social reform. The similarity among these articles lies in their attention to power relations, justice, and protection. However, most of them have not positioned women, victims, children, minorities, or spouses within the family as al-Maḥkūm ‘Alayh to be analyzed from the perspective of legal capacity, consent, vulnerability, agency, and the distribution of the burden of taklīf.

Studies on ‘urf, custom, legal pluralism, and minorities are also relevant to al-Maḥkūm ‘Alayh. Rahman et al. (2025) and Musadad et al. (2025) discuss social fatwas and religious pluralism; Nofialdi et al. (2025) and Syatar et al. (2025) address local customs; Faiz et al. (2025) and Fadhil (2024) highlight fiqh of minorities; while Atallah (2026) and Sonafist (2022) show changes in fatwa authority in digital space. These articles demonstrate that the contemporary mukallaf does not always live within a homogeneous community. They live in plural societies, interact with local customs, digital media, state authority, fatwa institutions, and social networks. Therefore, al-Maḥkūm ‘Alayh needs to be read contextually, not merely formally.

The strength of studies on custom and minorities lies in their ability to show Islamic law as a negotiated social practice. However, their weakness is that many studies have not developed consistent criteria for determining when custom can serve as a basis of law, when custom must be limited, and how to position the subject affected by that custom. This is where the integration of ‘urf with al-Maḥkūm ‘Alayh becomes important. If ‘urf is read only as a contextual source, the analysis may stop at the harmonization of custom and Shari‘ah. However, if ‘urf is read together with al-Maḥkūm ‘Alayh, the questions become more critical: who benefits from the custom, who is disadvantaged, whether the subject has the capacity to choose, and whether the custom preserves or instead diminishes maqāsid.

5. Methodological Trends: Conceptual Strength and Empirical Limitations

Methodologically, the literature is dominated by historical-textual/hermeneutical approaches, comprising 37 articles or 54.4%. Qualitative empirical/socio-legal approaches appear in 12 articles, comparative-conceptual approaches in 8 articles, normative-doctrinal approaches in 4 articles, discourse analysis/hermeneutics in 4 articles, while mixed methods, bibliometrics, and articles whose methods are not explicit appear in only 1 article each. This finding shows that studies of Shari‘ah Law remain very strong in textual reading, intellectual history, schools of law, and conceptual reconstruction. This strength is important because Shari‘ah Law indeed requires a solid normative foundation. However, the dominance of textual methods also creates a weakness: many legal arguments have not been tested in social practice, have not been validated with field data, and do not sufficiently explain how uṣūl concepts operate in contemporary cases.

Table 2. Distribution of research methods in the core articles

Method Category	Number of Articles	Percentage	Themes Most Frequently Using the Method	Strengths	Weaknesses
Historical-textual/hermeneutical	37	54.4%	Istinbāt, maqāsid, theory of ḥukm, mu‘āmalah	Strong in building conceptual foundations and genealogies of thought	Weak in empirical testing and practical validation
Qualitative empirical/socio-legal	12	17.6%	Custom, environment, zakat, public policy	Able to read social practices and local contexts	Often limited to particular cases and insufficiently connects findings with the structure of uṣūl al-fiqh
Comparative-conceptual	8	11.8%	Schools of law, maqāsid, worship, pluralism	Useful for comparing systems,	Vulnerable to stopping at normative differences

Method Category	Number of Articles	Percentage	Themes Most Frequently Using the Method	Strengths	Weaknesses
				schools, or approaches	without an operational model
Normative-dochtrinal/library research	4	5.9%	Theory of ḥukm, maqāṣid, bioethics	Provides doctrinal certainty	Lacks practical data and is less responsive to contextual variation
Discourse analysis/hermeneutical	4	5.9%	Tafsīr, media, legal authority	Able to read the construction of meaning and power	Requires triangulation and more explicit normative criteria
Mixed-methods/quantitative-empirical	1	1.5%	ESG and Islamic investment	Connects empirical data with istinbāt	Still very rare and therefore not yet a general pattern
Bibliometric/scientometric	1	1.5%	Mapping maqāṣid/uṣūl research	Useful for mapping trends and hotspots	Does not explore legal substance in depth
Not explicit in abstract/metadada	1	1.5%	Istinbāt/maqāṣid	Can provide an initial indication of themes	Requires full-text validation before being used as a basis for strong synthesis

A comparison among approaches shows that each method offers a different contribution. The historical-textual approach excels in tracing concepts such as maqāṣid, taʿlīl, qiyās, istiḥṣān, naṣṣ, and taʿabbudī. Studies such as those by Parrey (2024), Muzakki et al. (2025), Bilgili and Karagözoğlu (2025), and Shaarani and Muhamad (2021) demonstrate this strength. Qualitative empirical approaches are more prominent in the themes of custom, the environment, and public policy, as seen in Alamri et al. (2025), Itmam et al. (2025), Nofialdi et al. (2025), Syatar et al. (2025), and Bashori et al. (2024). This approach is important because it helps test whether legal concepts actually operate in social life.

However, this synthesis also shows that the relationship between empirical data and istinbāt has not yet become an established methodological practice. Many empirical articles describe social practices, but do not always process such data as part of taḥqīq al-manāt. Conversely, normative articles are often strong in istinbāt, but do not sufficiently test whether the assumed manāt actually occurs in social reality. Hadi et al. (2026) serves as an important example because it attempts to bridge these two sides through quantitative data, interviews, and uṣūl al-fiqh analysis. Such a model deserves further development in studies of family law, bioethics, digital fatwas, jināyah, and the environment.

6. Synthesis of Research Gaps and Scientific Contribution

Based on the mapping of themes, methods, and components of Shari‘ah Law, the main research gap does not lie merely in the limited number of articles on certain themes, but in the disconnection among uşul concepts, legal subjects, objects of action, and social data. The literature is rich in discussions of maqāşid, ijtihād, qiyās, and maşlahah, but it has not sufficiently developed a model that simultaneously connects al-Ĥākim, al-Maḥkūm ‘Alayh, and al-Maḥkūm Fih. Therefore, the scientific contribution of this literature review article is to offer a triadic synthesis: Shari‘ah Law needs to be read as a relationship among normative authority, the mukallaf as legal subject, and the object of action being evaluated.

Table 3. Open research gaps and directions for conceptual development

Research Gap	Evidence from the Literature	Theoretical Implication	Future Research Agenda	Supporting Articles
The dominance of al-Ĥākim has not been balanced by analysis of al-Maḥkūm ‘Alayh	Al-Ĥākim appears in almost all articles, whereas al-Maḥkūm ‘Alayh often serves only as context	The theory of ḥukm tends to be authority-centric	Develop a contextual model of al-Maḥkūm ‘Alayh based on capacity, consent, vulnerability, and power relations	Ben Ashur & Al-Zanki, 2026; Al-Rashidi, 2026; Hidayati et al., 2025
Al-Maḥkūm Fih is not yet sufficiently operational for collective action	Issues of ESG, environment, public policy, and hajj services have begun to emerge	The object of law needs to be expanded from individual action to institutional action	Develop a typology of individual-collective al-Maḥkūm Fih and indicators of taklifi status	Hadi et al., 2026; Alamri et al., 2025; Al-Tamimi & Abdellatif, 2026; Suhendra et al., 2026
Maqāşid is used inconsistently	Maqāşid appears as an ethical objective, an instrument of istinbāt, and a basis for legal correction	Epistemic boundaries are needed between maqāşid as value, method, and legal parameter	Formulate a maqāşid procedure based on taḥqīq al-manāt, takyīf al-waqā‘i, and takhrīj al-ḥukm	Parrey, 2024; Muzakki et al., 2025; Kurnaz, 2023; Kamali, 2021
Studies on custom do not yet have stable operational criteria	‘Urf is positioned both as a contextual source and as a practice that requires limitation	Integration of ‘urf with al-Maḥkūm Fih and al-Maḥkūm ‘Alayh is needed	Build a classification model of valid/invalid ‘urf based on maqāşid and its impact on subjects	Rahman et al., 2025; Musadad et al., 2025; Nofialdi et al., 2025; Syatar et al., 2025
Empirical data has not yet become a significant part of istinbāt	Mixed methods appear only very rarely	Taḥqīq al-manāt has not yet developed as a method of empirical legal studies	Use surveys, interviews, Delphi methods, analysis of court decisions/fatwas, and institutional data	Hadi et al., 2026; Bashori et al., 2024; Alamri et al., 2025

Research Gap	Evidence from the Literature	Theoretical Implication	Future Research Agenda	Supporting Articles
Bioethics, public worship, and jinayah remain rarely studied	Bioethics: 2 articles; worship: 1 article; jinayah: 3 articles	Shari'ah Law is not yet sufficiently responsive to technology, crises, and victim protection	Develop parameters of manat for medical cases, religious services, victims, and modern evidence	Kashim et al., 2024; Fadzli et al., 2021; Murdiana et al., 2026; Suhendra et al., 2026

The synthesis in Table 3 shows that the novelty of this article is not merely to state that “research remains limited,” but to demonstrate the type of limitation more systematically. First, there is a conceptual gap, namely the lack of integration among the three components of Shari'ah Law. Second, there is a methodological gap, namely the dominance of textual methods that has not been sufficiently balanced by empirical approaches. Third, there is an applicative gap, namely the immaturity of legal parameters for modern issues such as ESG, the environment, bioethics, the digitalization of fatwas, religious services, and victim protection. Fourth, there is a subject-related gap, namely the weakness of the analysis of al-Maḥkūm ‘Alayh as a category capable of reading capacity, agency, consent, and vulnerability.

The contribution of this literature review article lies in shifting the discussion from thematic mapping toward the construction of a conceptual framework. If most previous studies discuss maqāṣid, qiyās, ta‘līl, or ‘urf as separate themes, this article proposes that these themes be read through a triadic framework. Al-Ḥākim explains the authority and source of legal legitimacy; al-Maḥkūm ‘Alayh explains who is burdened by the law and under what conditions that burden applies; al-Maḥkūm Fīh explains the act, object, or conduct subject to legal evaluation. With this framework, the discussion of Shari'ah Law becomes more operational because it is able to connect legal sources, legal subjects, legal objects, and legal status.

7. Proposed Figures for Visualizing the Discussion

A PRISMA-like flow diagram beginning with 321 unique records, followed by 253 articles eliminated based on exclusion criteria, and ending with 68 core articles. On the right side of the diagram, include a horizontal bar chart showing the distribution of themes: istinbāt/maqāṣid methodology as the largest bar, followed by ‘urf/custom, mu‘āmalah, theory of ḥukm, environment, family law, jinayah, bioethics, and worship.

Flow of article selection and thematic distribution of the 68 core studies on Shari'ah Law. The figure shows that the corpus is heavily concentrated on istinbāt, ijtihād, qiyās, ta‘līl, and maqāṣid, while applied themes such as bioethics, jinayah, and public worship services remain underrepresented.

A triangular diagram with three main points: al-Ḥākim at the top, al-Maḥkūm ‘Alayh at the lower left, and al-Maḥkūm Fīh at the lower right. At the center of the triangle, place “legal status/taklīf.” The arrow from al-Ḥākim to al-Maḥkūm Fīh should be labeled istinbāt, ta‘līl, maqāṣid; the arrow from al-Maḥkūm ‘Alayh to al-Maḥkūm Fīh should be labeled capacity, agency, consent, and responsibility; and the arrow from

al-Maḥkūm Fīh back to al-Ḥākim should be labeled taḥqīq al-manāṭ and contextual change.

Triadic framework of Shari‘ah Law integrating al-Ḥākim, al-Maḥkūm ‘Alayh, and al-Maḥkūm Fīh. The model positions legal ruling as the outcome of interaction between normative authority, the legally responsible subject, and the legally evaluated act or object.

A matrix heatmap with rows representing main themes and columns representing research methods and components of Shari‘ah Law. Color intensity indicates dominance. Istinbāt/maqāṣid methodology will show high intensity in historical-textual methods and al-Ḥākim; environment and custom will show higher intensity in qualitative empirical approaches; al-Maḥkūm ‘Alayh will appear lower across almost all themes except family law, gender, and religious services.

Heatmap of themes, research methods, and components of Shari‘ah Law. The visualization highlights the methodological dominance of historical-textual studies and the relative underdevelopment of al-Maḥkūm ‘Alayh as an analytical focus.

8. Final Discussion: Theoretical Direction of the Literature Review

Overall, this literature review shows that contemporary studies of Shari‘ah Law are in a productive but imbalanced phase. They are productive because many articles develop readings of maqāṣid, ijtihād, qiyās, ta‘līl, hermeneutics of naṣṣ, ‘urf, and new social issues. They are imbalanced because academic energy remains concentrated on al-Ḥākim and the methodology of legal determination, while al-Maḥkūm ‘Alayh and al-Maḥkūm Fīh are not always treated as central analytical concerns. As a result, studies of Shari‘ah Law are often strong in normative legitimacy, but weak in explaining how norms operate upon concrete subjects and modern objects of action.

This finding reinforces the importance of the triadic framework. In the issue of ESG, for example, the legal question cannot stop at whether Islamic investment is consistent with maqāṣid, but must include who the responsible actors are, how empirical data determines the manāṭ, and when ESG integration shifts from recommendation to collective obligation (Hadi et al., 2026). In environmental issues, the question cannot stop at whether Islam supports conservation, but must explain the status of institutional action, fatwa or regulatory authority, and the collective responsibility of society (Alamri et al., 2025; Al-Tamimi & Abdellatif, 2026). In family law, studies cannot merely compare classical norms and modern regulations, but must assess the capacity, agency, consent, vulnerability, and power relations of legal subjects (Ben Ashur & Al-Zanki, 2026; Al-Rashidi, 2026; Hidayati et al., 2025).

Thus, the scientific contribution of this article lies in constructing a synthesis that shifts the literature review from an inventory of topics toward conceptual reconstruction. This article shows that the future of Shari‘ah Law studies cannot be advanced merely by increasing studies on maqāṣid or ijtihād, but must strengthen the relationship between the theory of ḥukm and social reality. Further development can be directed toward three main agendas. First, constructing a contextual model of al-Maḥkūm ‘Alayh for reading vulnerable subjects, victims, minorities, patients, women, children, and institutional actors. Second, formulating the concept of collective al-Maḥkūm Fīh for reading the actions of institutions, states, corporations, communities, and religious organizations.

Third, developing a data-based methodology of taḥqīq al-manāṭ so that legal istinbāṭ is not only normatively strong, but also accurate in reading reality.

Finally, this literature review affirms that Shari‘ah Law as a field of study has great potential to become a more systematic analytical framework for contemporary Islamic law. This potential will become stronger if future research does not merely ask “what are the legal proofs and methods of legal determination,” but also “who is the subject burdened by the law,” “what act is being evaluated,” “how does context change the manāṭ,” and “how does legal authority operate within modern institutions.” In this way, al-Ḥākim, al-Maḥkūm ‘Alayh, and al-Maḥkūm Fīh are no longer treated as separate concepts of uṣūl al-fiqh, but as a relational structure capable of explaining the dynamics of Shari‘ah Law in contemporary society.

4. CONCLUSION

This literature review shows that contemporary studies on Shari‘ah Law have developed productively, yet have not fully achieved balance in treating its three basic elements: al-Ḥākim, al-Maḥkūm ‘Alayh, and al-Maḥkūm Fīh. The main trend in the literature remains dominated by discussions of the methodology of istinbāṭ, maqāṣid al-shari‘ah, qiyās, ta‘līl, maṣlaḥah, and the authority of legal determination. This dominance demonstrates strong academic attention to al-Ḥākim, but at the same time reveals a limitation, since al-Maḥkūm ‘Alayh and al-Maḥkūm Fīh have not yet been widely treated as independent and operational units of analysis.

The scientific contribution of this article lies in its proposal of a triadic framework of Shari‘ah Law as a model of conceptual synthesis that connects normative authority, the mukallaf as legal subject, and the object of action within a single analytical structure. This framework expands the function of a literature review from merely mapping themes toward a more systematic conceptual reconstruction for examining contemporary Islamic legal issues. The main research gaps identified include the weak analysis of the capacity, vulnerability, agency, and responsibility of legal subjects; the underdeveloped concept of al-Maḥkūm Fīh for collective and institutional actions; and the limited use of empirical data in the process of taḥqīq al-manāṭ.

Theoretically, these findings affirm the need to develop the theory of ḥukm in a way that is not centered solely on legal proofs and methods, but also on the subject and the social context of action. Practically, the triadic framework can be used to examine issues such as ESG, the environment, digital fatwas, family law, bioethics, religious services, and victim protection in a more precise manner. Future research is recommended to develop a contextual model of al-Maḥkūm ‘Alayh, a typology of collective al-Maḥkūm Fīh, and an empirical data-based methodology of istinbāṭ so that Shari‘ah Law may become more responsive to the complexity of modern society.

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6. REFERENCES

- Abdoul-Hamid, O., Wan Chik, W. M. Y., & Mohd Fadzli, A. I. (2026). Implicit memory as the foundation of motor intelligence in university students [علاقة المشابهة بين الاجتهاد والقياس والتعليل عند الأصوليين: دراسة تأصيلية في ضوء مقاصد الشريعة]. *Journal of Fatwa Management and Research*. <https://doi.org/10.33102/jfatwa.vol31no1.755>
- Abdullah, F., Putri, N. A., & Salhein, Y. (2023). Revisiting 'iddah: A critical analysis of gender equality in Indonesian feminist Islamic legal discourse. *Juris: Jurnal Ilmiah Syariah*. <https://doi.org/10.31958/juris.v22i2.10320>
- Alajjlouni, A. M. S. A., Al Ghneimin, O. A. E., Alsharayri, N. N., Shatnawi, Z. S., & Rababah, M. A. (2025). The role of language in juristic preference (tarjih) through the interpretation of 'Anwar Al-Tanzil' and 'Asrar Al-Ta'wil'. *Forum for Linguistic Studies*. <https://doi.org/10.30564/fls.v7i7.9385>
- Alamri, M. S. A., Muslimin, J. M., Wsuwetsa Mukti, K., & Jasin, M. (2025). Text, context and natural conservation: An analysis of Muhammadiyah's and Nahdlatul Ulama's Islamic legal thought on fiqh of environment. *Nurani*. <https://doi.org/10.19109/nurani.v25i2.31305>
- Albelahi, A. M. A., Ali, A., Mohmed, F., & Ali, M. (2018). The theory of interpretation in solving contemporary legal issues: With a focus on the instrument of ijihad. *MATEC Web of Conferences*. <https://doi.org/10.1051/mateconf/201815005056>
- Alkhan, A. M., Hassan, M. K., & Alsaadi, A. (2025). Rethinking uṣūl al-fiqh in Islamic finance: From diversified jurisprudential schools to unified uṣūl? *Arab Law Quarterly*. <https://doi.org/10.1163/15730255-bja10192>
- Al-Rashidi, W. (2026). Domestic violence protection laws in Saudi Arabia, United Arab Emirates, Kuwait: A maqāṣid-based study in the context of modernist discourse. *Journal of College of Sharia and Islamic Studies*. <https://doi.org/10.29117/jcsis.2026.0432>
- Al-Tamimi, S. M. A., & Abdellatif, M. S. (2026). Maqāṣid al-sharī'ah as an alternative perspective for contemporary environmental sustainability. *Research Journal in Advanced Humanities*. <https://doi.org/10.58256/fxbcpz88>

- Anwar, S. (2017). The relation between Arabic linguistics and Islamic legal reasoning: Islamic legal theory perspective. *Al-Jami'ah*. <https://doi.org/10.14421/ajis.2017.552.463-492>
- Atallah, F. A. (2026). Digital mediation and fatwa authority in contemporary Islam: A critical Islamic legal and media-theoretical framework. *Religions*. <https://doi.org/10.3390/rel17030350>
- Aykul, A. (2022). Discussions around legitimacy of the istihsân's definitions in the early period. *Cumhuriyet İlahiyat Dergisi*. <https://doi.org/10.18505/cuid.1071242>
- Bashori, A., Mutho'am, M., Arianti, F., Kumala, I. N., Nurviani, E., & Mukarromah, F. L. (2024). The transformation of zakat law: An analysis of ijtihād maqāsidī in the modernisation of zakat practices in Indonesia. *Jurisdictie: Jurnal Hukum dan Syariah*. <https://doi.org/10.18860/j.v15i1.26733>
- Basri, H., & Ismail, H. (2019). Teori ma'ālāt al-af'āl dalam maqāsid shari'ah dan aplikasinya pada permasalahan fiqh kontemporer. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*. <https://doi.org/10.18326/ijtihad.v19i2.205-221>
- Beka, R. (2021). Maqāsid and the renewal of Islamic legal theory in 'Abdullah Bin Bayyah's discourse. *American Journal of Islam and Society*. <https://doi.org/10.35632/ajis.v38i3-4.2987>
- Ben Ashur, G. N., & Al-Zanki, S. Q. (2026). The conflict between universal principles and particulars in Islamic feminist thought: An evaluative study from the perspective of Islamic legal theory (uṣūl al-fiqh). *Journal of College of Sharia and Islamic Studies*. <https://doi.org/10.29117/jcsis.2026.0434>
- Bilgili, İ., & Karagözoğlu, İ. (2025). Imām Muḥammad's use of the phrases yanbaghī and lā yanbaghī in al-Muwatta' pertaining to taklīfi rulings. *Mutefekkir*. <https://doi.org/10.30523/mutefekkir.1779986>
- Braun, V., & Clarke, V. (2021). *Thematic analysis: A practical guide*. SAGE Publications.
- Çelikleş, H. S. (2019). The concept of shari science in educational conception formed in Islamic civilization. *Cumhuriyet İlahiyat Dergisi*. <https://doi.org/10.18505/cuid.535034>
- El Shamsy, A. (2017). Bridging the gap: Two early texts of Islamic legal theory. *Journal of the American Oriental Society*. <https://doi.org/10.7817/jameroriesoci.137.3.0505>
- Eşit, D. (2019). Al-Qadi Husayn Al-Marwarrudhi's understanding of ijma'. *Cumhuriyet İlahiyat Dergisi*. <https://doi.org/10.18505/cuid.595668>
- Fadhil, H. M. (2024). Reshaping minority fiqh: The ideas of 'Abd Allah Ibn Bayyah. *Australian Journal of Islamic Studies*. <https://doi.org/10.55831/ajis.v9i2.629>
- Fadzli, S. D. N. M., Adnan, M. R. A. R., Baharuddin, A. S., & Harun, M. A. W. (2021). Genetically modified food products (GMF) in the concept of halalan toyyiban perspective based on the maqasid hifz an nafs evaluation. *Malaysian Journal of Syariah and Law*. <https://doi.org/10.33102/mjssl.vol9no1.284>
- Faiz, A. B. D. K., Wahidin, Zulfahmi, A. R., & Awaka, M. Q. (2025). From qibla deviation to social cohesion: The construction of minority fiqh at the Great

- Mosque of Makale, Tana Toraja. *Journal of Islamic Law*. <https://doi.org/10.24260/jil.v6i2.4066>
- Fanani, M., & Hidayati, T. W. (2022). The significance of Muḥammad Shaḥrūr's scientific-historical method in contemporary Islamic legal theory (uṣūl al-fiqh). *Ilahiyat Studies*. <https://doi.org/10.12730/13091719.2022.131.233>
- Farahat, O. (2024). Generality and exception in Islamic legal theory: Intent, language, and the jurist's role. *American Journal of Comparative Law*. <https://doi.org/10.1093/ajcl/avae024>
- Farikhin, A., Ridwan, A. H., & Mulyasari, H. (2022). Kajian historis maqashid syariah sebagai teori hukum Islam. *Asy-Syari'ah*. <https://doi.org/10.15575/as.v24i2.19332>
- Fatarib, H., Ali, Z. Z., Arifin, N. A., Najib, A., & Fathoni, M. N. (2025). Progressive legal reasoning in contemporary Islamic legal reform: Negotiating the maqāṣid and hermeneutic approaches. *Juris: Jurnal Ilmiah Syariah*. <https://doi.org/10.31958/juris.v24i2.16123>
- Galadari, A. (2022). Ijtihād holds supremacy in Islamic law: Muslim communities and the evolution of law. *Religions*. <https://doi.org/10.3390/rel13040369>
- Hadi, S., Mulazid, A. S., Permana, Y., Hakim, A., Kurniasari, D., Rukmanda, M. R., & Supriyatna, R. K. (2026). ESG integration in sharia investment: A maqāṣid al-sharī'ah perspective on sharia mutual fund portfolios in Indonesia. *Jurnal Ilmiah Mizani*. <https://doi.org/10.29300/mzn.v13i1.8995>
- Haris, E., Saidin, O. K., Sirait, N. N., Kaban, M., & Chansrakaeo, R. (2025). Legal protection of trademark holders against imported goods: A contextual framework under Islamic economic law. *Jurnal Ilmiah Mizani*. <https://doi.org/10.29300/mzn.v12i2.9064>
- Hidayat, E., & Ahmad, A. U. F. (2023). Legal maxims of Ba'i Ibn Al-Arabi's contract and their relevance to contemporary muamalah maliah issues. *Jurnal Hukum Islam*. <https://doi.org/10.28918/jhi.v21i1.01>
- Hidayat, M., & Rosele, M. I. B. (2024). Modernization of fiqh in contemporary era: A study of Yusuf Al-Qardhawi's fiqh thought. *Miqot: Jurnal Ilmu-Ilmu Keislaman*. <https://doi.org/10.30821/miqot.v48i1.1124>
- Hidayati, N., Rusli, Khusen, M., Asmawi, & Effendi, S. (2025). Beyond religious bureaucracy: Sapta Darma's marriage registration struggle in post-constitutional reform Indonesia. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*. <https://doi.org/10.18326/ijtihad.v25i2.305-334>
- Hidayatullah, M. S. (2020). Formulasi rechtsvinding dengan penalaran analogis dalam epistemologi hukum Islam: Telaah metodologis qiyas sebagai ra'y terhadap mashādir al-ahkām asy-syar'iyah. *Juris: Jurnal Ilmiah Syariah*. <https://doi.org/10.31958/juris.v19i2.2490>
- Itmam, M. S., Munir, S., Santoso, L., Taufikin, & Aouich, A. (2025). Legal politics of mining spatial planning in Indonesia: Maqāṣid syarī'ah overview. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*. <https://doi.org/10.18326/ijtihad.v25i1.1-27>

- Kacir, T. (2018). Describing lawful rule according to khitāb of the God. *Cumhuriyet İlahiyat Dergisi*. <https://doi.org/10.18505/cuid.451916>
- Kahya, H. K. (2026). Diverging paths: Transoxanian and Irāqī approaches to takhsīs al-illa in the Hanafī legal theory. *Islam Arastirmalari Dergisi*. <https://doi.org/10.26570/isad.1735117>
- Kamali, M. H. (2021). History and jurisprudence of the maqāsid: A critical appraisal. *American Journal of Islam and Society*. <https://doi.org/10.35632/ajis.v38i3-4.3110>
- Kashim, M. I. A. B. M., Hasim, N. A., Nor, N. H. M., Hatta, F. A. M., & Al-Shiha, A. A. R. A. A. (2024). Application of the principles of ruling determination in the prohibition of blood plasma in food. *Islamiyyat*. <https://doi.org/10.17576/islamiyyat-2024-4601-13>
- Khadem, A. R. (2024). Islamic apocalyptic jurisprudence. *Islamic Law and Society*. <https://doi.org/10.1163/15685195-BJA10052>
- Komath, M. (2024). Defeasible reasoning in Islamic legal theory. *Informal Logic*. <https://doi.org/10.22329/il.v44i3.8910>
- Kurnaz, S. (2023). The search for originality within established boundaries—Rereading Najm al-Dīn al-Ṭūfī (d. 716/1316) on public interest (maṣlaḥa) and the purpose of the law. *Religions*. <https://doi.org/10.3390/re114121522>
- Laksana, A. W., Lubis, M. R., Suwondo, D., Ngazis, M., & Sari, R. M. P. (2025). Integrating maqasid al-shari'ah in contemporary Islamic legal reform on drug policy. *MILRev: Metro Islamic Law Review*. <https://doi.org/10.32332/milrev.v4i1.10665>
- Marjohan, A., Harun, M. S., & Mustapha, A. (2025). Contemporary debates on renewal of Islamic legal theory (tajdīd uṣūl al-fiqh): The contributions of Aḥmed Al-Raysūnī. *Australian Journal of Islamic Studies*. <https://doi.org/10.55831/ajis.v10i3.853>
- Mohammed, T. A. S. (2024). A scientometric study of Maqasid al-shariah research: Trending issues, hotspot research, and co-citation analysis. *Frontiers in Research Metrics and Analytics*. <https://doi.org/10.3389/frma.2024.1439407>
- Murdiana, E., Rodliyah, N., Natamiharja, R., Fathoni, M. N., & Jha, G. K. (2026). The victim's best interest principle in Islamic law: An examination of the substance of sexual violence in Muslim majority countries in the contemporary era. *MILRev: Metro Islamic Law Review*. <https://doi.org/10.32332/milrev.v5i1.10654>
- Musadad, A., Syamsi, A. B., Sibawaihi, Holis, H., Pujiati, T., Wahdati, A., & Ummah, A. (2025). A maqāsid al-sharī'ah analysis of the Indonesian Ulema Council's fatwa on interfaith greetings within contemporary human rights discourse. *Jurnal Ilmiah Mizani*. <https://doi.org/10.29300/mzn.v12i2.9610>
- Muzakki, M. H., Rozi, M., Yusuf, & Lubis, A. A. M. R. (2025). Al-Juwaini's ideas and the development of Islamic law: A shifting paradigm from the inadequacy of qiyas as a method of ijtihad to mashlahah. *Ulumuna*. <https://doi.org/10.20414/ujs.v29i2.1185>

- Nasikah, A., Ahyak, Nur, I., Ni'am, S., & Rohmatulloh. (2026). Fiqh–Sufism dialectics in Wahidiyah teachings: An integrative model of Islamic legal thought in Indonesia. *Jurnal Ilmiah Mizani*. <https://doi.org/10.29300/mzn.v13i1.10517>
- Nofialdi, Iska, S., Zainuddin, Yenti, F., & Sahid, M. M. (2025). 'Urf, gender, and customary law: Negotiating women's participation in boar hunting in Minangkabau, Indonesia. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*. <https://doi.org/10.18326/ijtihad.v25i2.279-303>
- Page, M. J., McKenzie, J. E., Bossuyt, P. M., Boutron, I., Hoffmann, T. C., Mulrow, C. D., Shamseer, L., Tetzlaff, J. M., Akl, E. A., Brennan, S. E., Chou, R., Glanville, J., Grimshaw, J. M., Hróbjartsson, A., Lalu, M. M., Li, T., Loder, E. W., Mayo-Wilson, E., McDonald, S., ... Moher, D. (2021). The PRISMA 2020 statement: An updated guideline for reporting systematic reviews. *BMJ*, 372, n71. <https://doi.org/10.1136/bmj.n71>
- Parrey, I. A. (2024). The interplay of ijtihād and maqāṣid al-sharī'ah in pre-modern legal thought: Examining the contributions of Al-Ghazali and Al-Shatibi. *Hamdard Islamicus*. <https://doi.org/10.57144/hi.v47i2.894>
- Prihantoro, H. A. (2021). Hassan Hanafi and Islamic legal theory: From phenomenology to critique of the slogan "Going back to the Qur'an and Sunna". *Mazahib Jurnal Pemikiran Hukum Islam*. <https://doi.org/10.21093/mj.v20i2.3750>
- Putri, L. D., Nugroho, C., Malik, A., & Nastain, M. (2023). Developing ecological piety in pesantren: The Kyai's cognition and the practice of living fiqh al-bī'ah in Banten. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*. <https://doi.org/10.18326/ijtihad.v23i2.235-259>
- Qaddumi, S. I. A. (2025). The change of ijtihad in the Ḥanafi school: The case of Imam Muḥammad. *Cumhuriyet İlahiyat Dergisi*. <https://doi.org/10.18505/cuid.1742639>
- Qaddumi, S. I. A. (2025). The well-known weak hadith and its impact on Islamic financial transactions: A case study on Qafiz al-Ṭahhān. *Global Journal Al-Thaqafah*. <https://doi.org/10.7187/GJAT072025-19>
- Rahman, E. T., Muharir, Ahyani, H., & Adnan, N. I. M. (2025). The dynamics of the fatwa on the prohibition of interfaith greetings: Maqasid al-shariah and its implications for multicultural families in Indonesia. *Justicia Islamica*. <https://doi.org/10.21154/justicia.v22i1.9661>
- Sabra, A. (2007). Ibn Ḥazm's literalism: A critique of Islamic legal theory (I). *Al-Qantara*. <https://doi.org/10.3989/alqantara.2007.v28.i1.30>
- Sati, A., Halim, A., Nasution, A. H., & Ridwan, M. (2025). The digital transformation of tafsir and its implications for Islamic legal derivation in the contemporary era. *MILRev: Metro Islamic Law Review*. <https://doi.org/10.32332/milrev.v4i1.10425>
- Shaarani, A. Z. M., & Muhamad, F. (2021). The concept of ta'abbudiy and ma'qulat alma'na and its effect in the issued of current syarak law: Analysis of application in zakat operation and purifying products. *Journal of Fatwa Management and Research*. <https://doi.org/10.33102/jfatwa.vol26no1.342>

- Snyder, H. (2019). Literature review as a research methodology: An overview and guidelines. *Journal of Business Research*, 104, 333–339. <https://doi.org/10.1016/j.jbusres.2019.07.039>
- Sonafist, Y. (2022). Configuration the thought of Islamic law through social media in Indonesia. *International Journal of Law and Society*. <https://doi.org/10.59683/ijls.v1i2.21>
- Soufi, Y. (2021). Before maqāsid: Uncovering the vision of contested benefits (maṣāliḥ) in the classical Shafi'i school. *American Journal of Islam and Society*. <https://doi.org/10.35632/ajis.v38i3-4.2990>
- Suhendra, Hakim, S. A., Lukman, & Mohamad, M. T. B. (2026). Spiritual capital, human capital, and knowledge management in Indonesian hajj service quality: A maqāsid and fiqh al-khidmah systematic review. *Jurnal Ilmiah Mizani*. <https://doi.org/10.29300/mzn.v13i1.9232>
- Syahriar, I., Dewi, I., Loanardy, F., Khairunnisah, J., & Hussain, B. (2025). Judicial neutrality in corruption trials: A contemporary Islamic law perspective on independence in transitional legal systems. *MILRev: Metro Islamic Law Review*. <https://doi.org/10.32332/milrev.v4i2.11425>
- Syatar, A., Anugra, R., Hasan, H., Izzah, I., & Hammad, H. A. A. (2025). Revitalizing the paoppangi tanah customary sanction in Sulawesi, Indonesia: A fiqh jināyah perspective. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*. <https://doi.org/10.18326/ijtihad.v25i2.257-278>
- Şahin, M. (2026). From justification (ta'lil) to the formation of legal theory: A study of al-Dabūsī's al-Asrār. *Islam Arastirmalari Dergisi*. <https://doi.org/10.26570/isad.1740585>
- Takim, L. (2021). Islamic law and the neoijtihadist phenomenon. *Religions*. <https://doi.org/10.3390/rel12010006>
- Tan, O. (2024). Naşş between methodology and ideology. *Ankara Universitesi Ilahiyat Fakultesi Dergisi*. <https://doi.org/10.33227/auifd.1496095>
- Tranfield, D., Denyer, D., & Smart, P. (2003). Towards a methodology for developing evidence-informed management knowledge by means of systematic review. *British Journal of Management*, 14(3), 207–222. <https://doi.org/10.1111/1467-8551.00375>
- Ünver, A. N. (2021). The role of the practice of the companions in establishing the Ḥanafī uşūl thought: Al-Sarakhsī as a case study. *Cumhuriyet Ilahiyat Dergisi*. <https://doi.org/10.18505/cuid.880702>
- Yılmaz, A. (2021). The way and the ultimate causes of allowing to some prohibitions because of the necessity. *Cumhuriyet Ilahiyat Dergisi*. <https://doi.org/10.18505/cuid.971855>