



Toward a *Maqāṣid*-Based Legal Reform: Systemic Thinking for Social Transformation in the Modern Muslim World

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Abstract

This article re-examines the role of *maqāṣid al-sharī'ah* in contemporary Islamic legal reform, emphasising the need to move beyond classical textualism towards a purposeful paradigm of law grounded in human welfare and moral intentionality. Through a systems-theoretical approach, the study seeks to reconstruct Islamic jurisprudence as a dynamic framework capable of responding to modern challenges such as human rights, human dignity, social justice, and environmental sustainability. The theoretical framework builds upon six systemic features—connectivity, wholeness, openness, interrelated hierarchy, multidimensionality, and purposiveness—which serve as analytical criteria for evaluating how Islamic law can function both ethically and adaptively. Using a normative-qualitative approach, the study compares three reform contexts: family law reform in Indonesia, the constitutional embedding of *maqāṣid* in Morocco, and penal reform in post-revolution Tunisia. Data are drawn from legislative texts, constitutional provisions, and public policy documents, which are then mapped through the systemic *maqāṣid* framework. The results show that reforms based on systemic *maqāṣid* reasoning lead to not only procedural but also transformative legal change, which supports both divine intent and human dignity. The novelty of this research lies in operationalising *maqāṣid* as a meta-legal philosophy that bridges normative principles with institutional practice. By situating *maqāṣid* within the discourse of governance and public policy, this article affirms the relevance of Islamic



law as a living ethical system—one that is just, humane, and capable of sustaining moral transformation in the modern Muslim world.

[Tulisan ini mengkaji kembali peran maqāṣid al-sharī'ah dalam reformasi hukum Islam kontemporer di masyarakat Muslim, dengan menekankan perlunya pergeseran dari tekstualisme klasik menuju paradigma hukum yang berorientasi pada tujuan dan kesejahteraan manusia. Melalui pendekatan teori sistem, penelitian ini berupaya menata ulang cara pandang fikih agar mampu menjawab tantangan modern seperti hak asasi manusia, martabat kemanusiaan, keadilan sosial, dan keberlanjutan lingkungan. Kerangka teorinya dibangun atas enam ciri sistemik—keterkaitan, keutuhan, keterbukaan, hierarki yang saling berhubungan, multidimensionalitas, dan kebermaknaan tujuan—yang dijadikan alat analisis untuk menilai bagaimana hukum Islam dapat berfungsi secara etis dan adaptif. Dengan menggunakan pendekatan normatif-kualitatif, studi ini membandingkan tiga konteks reformasi: hukum keluarga di Indonesia, konstitusionalisasi maqāṣid di Maroko, dan reformasi hukum pidana pascarevolusi di Tunisia. Data diperoleh dari teks legislasi, konstitusi, dan kebijakan publik yang kemudian dipetakan melalui kerangka maqāṣid sistemik. Hasil penelitian menunjukkan bahwa reformasi yang berpijak pada pemikiran maqāṣid sistemik mampu menghasilkan perubahan hukum yang tidak hanya prosedural, tetapi juga transformasional—menegakkan maksud ilahi sekaligus martabat manusia. Kebaruan riset ini terletak pada operasionalisasi maqāṣid sebagai filsafat meta-hukum yang memadukan dimensi normatif dan institusional. Dengan menempatkan maqāṣid dalam wacana tata kelola dan kebijakan publik, artikel ini menegaskan peran hukum Islam sebagai sistem etika yang hidup, berkeadilan, dan berdaya ubah dalam dunia Muslim modern.]

Keywords: Maqāṣid al-Sharī'ah; Systemic Thinking; Legal Reform; Social Transformation; Muslim World.

Introduction

The legal systems across the Muslim world are increasingly confronted with a persistent tension. On one side, classical *fiqh* frameworks continue to dominate, often characterised by rigid textualism. On the other hand, the realities of modern law demand responsiveness to global norms such as human rights, social justice and sustainable development. (Fadl 2014; Kamali 2022; Auda 2022). This is not a merely a theoretical issue, but a real challenge: in many Muslim-majority countries, reforms remain superficial, limited to codification or partial reinterpretations of certain aspects without any coherent epistemological shift

(An-Na'im 2006; Zafar and Mustafa 2017). As a result, Islamic law often appears fragmented, resistant to meaningful change, and hesitant in dealing contemporary ethical and legal dilemmas.

Recent scholarship on *maqāṣid al-sharī'ah* attempts to overcome this impasse by expanding the scope of its objectives beyond the classical objectives—*ḥifẓ al-dīn, al-naḥs, al-'aql, al-nasl, al-māl*—toward universal values such as dignity, freedom, justice, development, and environmental balance (Auda et al. 2019; Aswadi et al. 2022; Nabilah et al. 2024). These contributions highlight the potential of *maqāṣid* to serve not only as a hermeneutical tool but also as a framework for reimagining Islamic legal thought. However, current approaches remain largely conceptual and fragmented, with limited success in systematically integrating *maqāṣid* into legal and institutional structures. This gap between theoretical promise and practical implementation continues to pose a challenge for academics and policymakers.

In this context, this article positions itself within the emerging discourse that views *maqāṣid* as a living and systemic framework. Building on the six features of systems theory—connectivity, wholeness, openness, interrelated hierarchy, multidimensionality, and purposiveness, (Athambawa 2025; Auda 2022)—it argues that these principles can serve as analytical tools for restructuring legal reasoning, legislation, and institutional design. Unlike previous works that view *maqāṣid* as static objectives, this approach views *maqāṣid* as dynamic processes capable of guiding legal reform in diverse socio-political contexts. The uniqueness of this study lies in the application of *maqāṣid* through systemic thinking, thus shifting from rhetorical invocation to applied legal philosophy.

Methodologically, the study uses a normative-qualitative approach combined with comparative case studies. It refers to legislative texts, constitutional provisions, reform policies, and supporting legal documents from three contexts: Indonesia, Morocco, and Tunisia. Each represents a distinct pathway of reform: Indonesia illustrates both the progress and limits of family law reform, Morocco demonstrates the constitutional embedding of *maqāṣid* values after 2011, and Tunisia highlights penal reform and transitional justice in a post-revolutionary setting (Arrasyid et al. 2024; Merone 2017). These cases were evaluated using the six systemic features as assessment criteria to evaluate the cohesion, fairness, and social responsiveness of the reforms.

The objectives of this study are threefold: first, to develop a systemic *maqāṣid* framework as a foundation for rethinking Islamic legal reform; second,

to examine how this framework operates within the contexts of Indonesia, Morocco, and Tunisia; and third, to draw comparative insights that may guide Muslim societies undergoing legal transformation. In pursuing these aims, the discussion moves from the formulation of the systemic *maqāṣid* framework to its application in the three case studies, followed by a synthesis of cross-national lessons and broader implications for the renewal of Islamic law. Ultimately, this study seeks to demonstrate how systemic *maqāṣid* thinking bridges classical *fiqh* and modern governance, offering a legal vision that remains faithful to revelation while responding to the ethical, social, and environmental realities of the contemporary world.

Method

The methodological framework of this study is informed by the six core features of systems theory that we have proposed in prior works to reframe *maqāṣid al-sharī'ah*. These six features—connectivity, openness, wholeness, interrelated hierarchy, multidimensionality, and purposiveness—are used here not as abstract concepts but as analytical criteria through which legal texts, reforms, and institutions can be evaluated (Bidabad 2018; Shabana and Taiba 2023). These criteria form the basis for coding and analysing qualitative data extracted from legislative documents, constitutional texts, reform policies, and secondary literature on legal reform in Indonesia, Morocco, and Tunisia.

The data for this study was obtained through deliberate selection of legal texts and reform documents that reflect efforts to engage with *maqāṣid* discourse. In Indonesia, we focused on revisions to the Marriage Law and supporting regulations published between 2010 and 2022. For Morocco, we analysed post-2011 constitutional reform provisions, particularly articles referencing Islamic identity and public rights. For Tunisia, the study focused on amendments to the Penal Code and post-2011 revolution transitional justice policies.

We employed a coding process where each reform text or provision was analysed in relation to the six systemic features. *First*, connectivity – identifying whether the law establishes interconnections between rights, institutions, and societal actors. *Second*, openness – assessing whether the legal provision allows for ethical engagement beyond fixed literalism. *Third*, wholeness – Examining whether the provision integrates multiple objectives (e.g., justice and welfare) rather than isolated aims. *Fourth*, interrelated hierarchy – understanding how various legal principles are prioritised and how foundational *maqāṣid* guide lesser

ones. *Fifth*, multidimensionality – investigating whether the reform accounts for multiple social domains (e.g., social ethics, economy, environment). *Six*, purposiveness – determining whether the law reflects intentionality aligned with higher objectives of *shari'ah*.

Each coded result was then tabulated and compared across the three national contexts to evaluate how deeply embedded the systemic *maqāṣid* framework is in each case. This comparative matrix enables an empirical assessment of legal reform depth, coherence, and ethical consistency (Laksana et al. 2025a; Padela 2025).

Ethical considerations were carefully observed throughout the research. Since this study is based on publicly available sources such as legal documents, constitutional texts, and court decisions, no personal or confidential data were involved. Nevertheless, principles of privacy, consent, and data integrity were respected by relying only on materials that had been lawfully published and verified. When engaging with secondary literature that contained interviews or case-based data, the study depended on the original authors' ethical procedures, including informed consent from participants as reported in their works. To maintain scholarly integrity, all sources were cited transparently, interpretations were presented faithfully to the texts, and data were cross-checked for accuracy. These measures ensured that the research adhered to international standards of academic ethics while safeguarding the credibility and trustworthiness of its findings.

The reason for employing this systems-based *maqāṣid* approach is its capacity to transcend the limitations of both textualist *fiqh* and positivist legal codification. By operationalising these six features, the research offers a practical and replicable model for aligning Islamic legal reform with the complexities of contemporary governance, social justice, and ethical pluralism.

Case Studies and Systemic *Maqāṣid* Mapping

Indonesia: Between Codification and Moral Pluralism – Can *Maqāṣid* Reframe Family Law Reform?

Indonesia represents one of the most dynamic and contested terrains for Islamic legal reform in the contemporary Muslim world. As the world's largest Muslim-majority democracy, Indonesia has long attempted to harmonise state law, local *adat* (customary) traditions, and Islamic jurisprudence within its legal architecture. The latest revisions of Indonesia's Marriage Law offer a critical case

for examining how *maqāṣid*-orientated frameworks intersect with legal pluralism and the pursuit of human dignity and social justice (Database Peraturan | JDIH BPK, n.d.; Azhar 2024; Kholiq and Halimatusa'diyah 2023).

To assess the systemic implementation of *maqāṣid*, we analysed five legislative and regulatory instruments, including Law No. 1/1974, its 2019 amendment, and supporting Constitutional Court decisions (particularly Decision MK 22/PUU-XV/2017) (Butt and Murharjanti 2022). To supplement this, we also considered fatwas from the Indonesian Ulema Council (MUI), the National Strategy Documents for Prevention Child Marriage, and reports from the Indonesian Commission on Violence Against Women (Ismail et al. 2023; Roslaili et al. 2021)

Each text was manually coded using qualitative data analysis software (NVivo 14), based on a six-dimensional coding matrix based on systemic *maqāṣid* features. The coding focused on language markers (e.g., “*kemaslahatan*”, “*kepentingan terbaik anak*”, and “*kesejahteraan keluarga*”), jurisprudential sources cited, and cross-sectoral involvement in policy design. In-depth content analysis revealed the following alignment with the six systemic features:

Table 1
Information of the Table

No.	Systemic Feature	Evidence in Indonesian Family Law Reform
1.	Connectivity	Legal changes were driven by public advocacy (especially women's NGOs), Constitutional Court interventions, and Ministry of Religion inputs.
2.	Openness	Constitutional jurisprudence opened space for reinterpretation of classical rulings based on evolving social norms.
3.	Wholeness	Reforms narrowly focused on child marriage age without a holistic overhaul of family and social ethics bias in <i>fiqh</i> -based family provisions.
4.	Interrelated Hierarchy	The reform lacked prioritisation among competing <i>maqāṣid</i> (e.g., between protection of lineage and dignity of women).
5.	Multidimensionality	Partial, as reforms discussed psychological, educational, and economic impacts of early marriage, but did not revise dowry, guardianship, etc.

6.	Purposiveness	The reform explicitly referenced public interest and relevant international legal instruments, indicating purposive intent.
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Source: Researcher’s illustration based on field data (2025).

The results suggest that while Indonesia has made some strides in integrating *maqāṣid*, the reforms remain fragmentary and reactive. A full realisation of systemic *maqāṣid* would require legal transformations that reconfigure the epistemology of *fiqh*, institutionalise the pursuit of human dignity and social justice, and prioritise dignity and wellbeing over ritual (Nurlaelawati 2016; Padela 2025).

While the reform reflects elements of purposiveness and openness, it fails to restructure the epistemological core of Islamic family law in Indonesia. Current policies address symptoms rather than systemic causes of human dignity and social justice. This is partly due to the entrenched dualism between *fiqh* authority (held by *MUI* and *pesantren* networks) and constitutional-legal authority (held by state courts and ministries) (Butt and Lindsey 2018; Feener 2013).

Furthermore, the legal reasoning in the MK ruling remains couched in “*maṣlaḥah*” language without redefining the *maqāṣid* hierarchy. For example, while citing international norms, the justices avoided directly challenging polygamy or male guardianship frameworks as violating women's dignity (*Komnas Perempuan | Komisi Nasional Anti Kekerasan Terhadap Perempuan* 2022).

For systemic *maqāṣid* to succeed in Indonesia, reform must shift from ad hoc regulatory responses to a broader integration of *maqāṣid* within the national curriculum of Islamic legal education, policy planning, and public fatwa processes (Nabilah et al. 2024; Hasanudin 2019). This requires a paradigmatic transformation in how the state, civil society, and religious authorities co-author Islamic norms for a plural society.

Morocco: Engineering Constitutional *Maqāṣid*—A Model for Embedding Normative Ethics in Governance?

Morocco presents a rare instance in the Arab-Islamic world where *maqāṣid* have been embedded not only in statutory law but at the very core of the constitutional order. The 2011 Constitution, ratified in the wake of the Arab Spring, introduces a nuanced equilibrium between Islam as a state religion and universal human rights norms (Ezzerouali et al. 2025; Nabilah et al. 2024). This section investigates

whether Morocco’s model successfully integrates the six systemic features of *maqāṣid* into public law, particularly in the domain of family and social ethics, identity, and institutional reform.

The analysis is based on primary legal texts—particularly the Preamble and Articles 1, 19, 41, and 175 of the 2011 Constitution—supported by policy documents from the Moroccan National Human Rights Council (CNDH), royal speeches, and civil society position papers (notably from the Moudawana reform debates) (Abourabi 2019; Preamble, n.d.). The texts were coded using the same matrix as in the Indonesian case.

Table 2
Information of the Table

No.	Systemic Feature	Evidence in Moroccan Constitutional Framework
1.	Connectivity	Broad participatory draughting process; dialogue among the monarchy, Islamist parties (PJD), feminist movements, and Amazigh rights groups.
2.	Openness	The language of <i>maqāṣid</i> was used to justify evolving <i>ijtihād</i> within monarchy-led religious councils (<i>Al Majlis al-Ilmi al-A’la</i>).
3.	Wholeness	Constitutional text integrates human rights, the pursuit of human dignity and social justice, Islamic values, and Amazigh identity in a single moral-political architecture.
4.	Interrelated Hierarchy	Clear <i>maqāṣid</i> prioritisation: human dignity and justice placed above traditionalist interpretations of <i>ḥudūd</i> or family and societal roles.
5.	Multidimensionality	Rights discourse spans economic, linguistic, religious, family and social ethics, and political freedoms—a genuinely multi-sectoral <i>maqāṣid</i> vision.
6.	Purposiveness	The constitution makes explicit reference to “advancing the values of justice, equity, liberty, and participatory democracy.”

Source: Researcher’s illustration based on field data (2025).

Morocco’s constitutional *maqāṣid* model demonstrates a unique fusion of Islamic legal heritage and universalistic values. While some scholars critique its

top-down nature (given the king's religious authority), its systemic coherence remains unmatched in the region (Hashas 2024; Kamali 2022; Maghraoui 2013). The constitutional framework enables both legislative and jurisprudential bodies to derive purposive norms that reflect public interest and evolving social needs.

However, challenges persist. Despite constitutional promises, actual legislative reform (e.g., reform of inheritance laws or family courts) often lags behind due to entrenched patriarchal structures within the judiciary and ulama councils (Hashas 2024; Khohtali et al. 2021). Moreover, while the term *maqāṣid* appears in official religious discourse, its operationalisation in public budgeting, education, or labour law remains symbolic rather than substantive.

Morocco's approach offers an instructive example of how *maqāṣid* can serve as a moral-legal compass in constitutional governance—so long as institutional checks, public deliberation, and *ijtihād*-based reasoning remain vitalised.

Tunisia: From Revelation—Reimagining? Reimagining Penal Law through Systemic *Maqāṣid* after 2011

Tunisia stands as a paradigmatic case for observing the potential of *maqāṣid*-based reform in a post-revolutionary context. After the 2011 Jasmine Revolution, Tunisia embarked on a bold transition from authoritarianism to democratic constitutionalism, launching sweeping reforms in various areas of law, including criminal law. Tunisia's engagement with *maqāṣid*, however, has been more performative than textual, reflected in policies targeting transitional justice, anti-torture legislation, women's rights, and freedom of belief (Ben Achour et al. 2016; Helal 2024).

To understand how systemic *maqāṣid* features are reflected in Tunisia's legal reform, this study analysed a set of post-2011 documents: the 2014 Tunisian Constitution (particularly Articles 1, 6, 23, and 49), the Organic Law on Transitional Justice (2013), the establishment of the Truth and Dignity Commission (IVD), and the Law on the Elimination of Violence against Women (y Camarasa 2023; Zaki 2018). Additionally, penal code revisions (drafts proposed in 2016–2019) were examined alongside fatwas and public statements from the Ministry of Religious Affairs. The texts were coded using the six systemic *maqāṣid* dimensions.

Table 3
Information of the Table

No.	Systemic Feature	Evidence in Tunisia's Post-Revolution Legal Reform
1.	Connectivity	Civil society, especially women's groups and transitional justice actors, played a central role in draughting and monitoring implementation.
2.	Openness	Public debates on Islamic ethics were permitted, and plural religious opinions were considered in judicial interpretations.
3.	Wholeness	Reforms approached criminal justice holistically, connecting legal, psychological, spiritual, and social harm dimensions.
4.	Interrelated Hierarchy	Legal reforms prioritised human dignity and protection from torture over classical notions of <i>hudūd</i> or <i>qadhf</i> (defamation-related penalties).
5.	Multidimensionality	Addressed women's safety, memory justice, institutional corruption, and economic discrimination—linking various societal domains.
6.	Purposiveness	Framed in explicit reference to principles such as <i>karāmah</i> (dignity), <i>hurriyyah</i> (freedom), and <i>iṣlāḥ</i> (rectification), showing high purposive alignment.

Source: Researcher's illustration based on field data (2025).

A deeper look into Tunisia's transitional justice law (Organic Law No. 53/2013) reveals a *maqāṣid-driven* approach to collective healing and moral reconstruction (Kazemi 2018; Robins et al. 2022). The law recognises crimes committed by the state and grants victims moral and material reparations while emphasising reconciliation grounded in justice and truth. These align with *maqāṣid* values of dignity, justice, and societal coherence (*iṣlāḥ dhāt al-bayn*). The Truth and Dignity Commission's findings further advocated structural reforms in security, judiciary, and education sectors (Yerkes and Muasher 2017).

One striking innovation is the 2017 anti-violence law, which redefines violence against women not merely as physical harm but includes psychological, political, and economic violence. It institutionalises support centres, special

prosecutors, and education programmes—embodying a multidimensional *maqāṣid* approach (Moghadam 2019; Hamberger et al. 2017; Yudhanti et al. 2017).

Nonetheless, despite the proliferation of *maqāṣid*-aligned legislation, Tunisia faces an implementation gap due to political instability, judicial conservatism, and insufficient clerical engagement with the *maqāṣid* discourse (Cimini 2024; Olson 2024). Moreover, the *maqāṣid* rhetoric in Tunisia remains more rooted in secular universalist language than classical Islamic terminology, which may limit long-term religious legitimacy.

In short, Tunisia demonstrates that *maqāṣid*-based reform is not only feasible in penal law but also transformative when linked to a broader ethical vision. Yet, for this vision to endure, legal changes must be accompanied by pedagogical renewal within Islamic education and long-term institutional safeguards. Tunisia’s experience urges a reconceptualisation of *fiqh al-jināyāt* (criminal jurisprudence) that prioritises rehabilitation and human dignity over retribution (Karimullah et al. 2025; Laksana et al. 2025b).

From Fragmentation to Framework—Comparative Lessons in Systemic *Maqāṣid* Reform

The preceding case studies illustrate diverse trajectories of Islamic legal reform under the lens of systemic *maqāṣid* thinking. Each national context offers distinct innovations, limitations, and institutional pathways (Ahmed 2025; Padela 2025). To distil comparative insights, we juxtapose the performances of Indonesia, Morocco, and Tunisia across the six systemic features of *maqāṣid* in the table below:

Table 4
Comparative Mapping of Systemic *Maqāṣid* Features in Indonesia, Morocco, and Tunisia

No.	Systemic Feature	Indonesia	Morocco	Tunisia
1.	Connectivity	Moderate: driven by advocacy and judiciary	Strong: monarchy–civil society synergy	Strong: post-revolution civic engagement
2.	Openness	Strong: constitutional and internationalist	Strong: plural <i>ijtihād</i> and interpretive law	Strong: inclusive public religious debate

3.	Wholeness	Weak: piecemeal reform of family law	Strong: constitution integrates all domains	Moderate: multidomain but fragmented
4.	Interrelated Hierarchy	Weak: <i>maqāṣid</i> not explicitly ordered	Moderate: values above rituals	Moderate: dignity prioritized over <i>ḥudūd</i>
5.	Multidimensionality	Moderate: socio- educational lens only	Strong: human rights + identity + economy	Strong: transitional justice + family and social ethics
6.	Purposiveness	Strong: child rights and <i>maslahah</i> invoked	Strong: equity and liberty explicitly stated	Strong: reform framed in <i>karāmah</i> , <i>iṣlāḥ</i>

Source: Researcher's illustration based on field data (2025).

Drawing from these findings, we propose a model for *maqāṣid*-based legal reform that operates not only at the interpretive or doctrinal level but also at the structural, institutional, and civic levels (Duderija 2014). A sustainable model of *maqāṣid* reform must combine three interlocking components:

First, epistemological realignment – reforming Islamic legal education to teach *maqāṣid* not as abstract ideals but as jurisprudential priorities embedded in public policy, comparative law, and systems theory (Fadl 2014; Jasser 2008). *Second*, Institutional Infrastructure – Embedding *maqāṣid* discourse into the judiciary, parliamentary review boards, and ministries via independent ethics councils, *sharī'ah* audit mechanisms, and multidisciplinary training (Kamali 1990; 1999). *Third*, Civic Co-production – Encouraging participatory norm-making processes through dialogue with women's groups, youth organisations, religious minorities, and professional legal associations (Cimini 2024; Mir-Hosseini 2007).

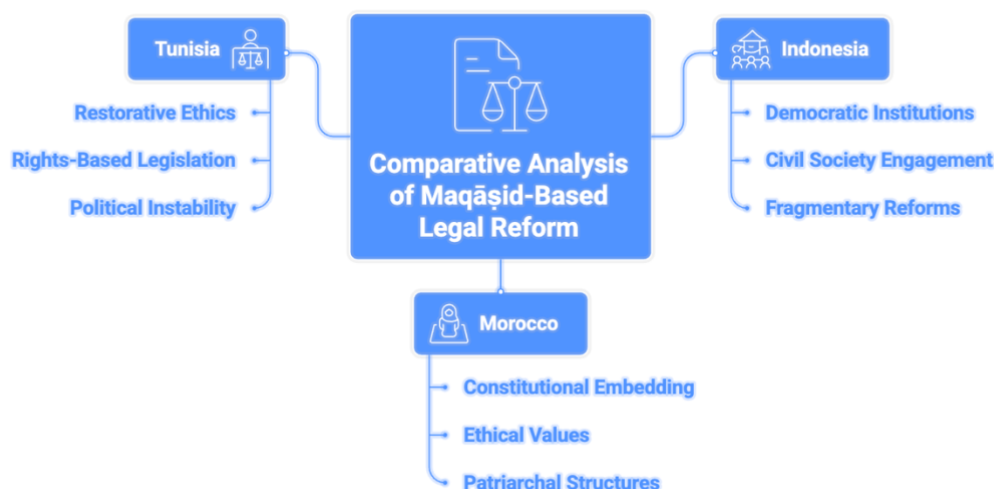
Systemic *maqāṣid* thinking transcends textual reformism or individual fatwas. It emphasises dynamic connectivity among ethical principles, legislative design, and social realities. A successful legal reform must thus treat *maqāṣid* as living systems, not static lists. For Muslim-majority nations navigating between tradition and transformation, this offers a moral and institutional grammar for rethinking Islamic law in the modern world.

In Sum, Indonesia demonstrates a bottom-up approach to Islamic legal reform through democratic institutions and civil society engagement. The country's family law reforms—particularly those on child marriage and human dignity and social justice—show a growing awareness of *maqāṣid* principles such as protection of dignity (*ḥifz al-ʿird*) and welfare (*maṣlaḥah*). However, reform remains fragmentary and reactive, confined to partial codification without a structural rethinking of *fiqh* epistemology. The dual authority between the ulama (MUI) and state judiciary hinders the systemic realisation of *maqāṣid*. Indonesia's progress lies in civic participation, but its limitation lies in epistemic fragmentation.

Morocco, by contrast, represents a top-down constitutionalisation of *maqāṣid*. The 2011 Constitution embeds ethical and pluralist values—justice, dignity, liberty, and participatory democracy—into the very structure of governance. This institutionalises *maqāṣid* as a moral compass within public law. Morocco achieves the highest systemic coherence among the three, integrating religious, cultural, and human rights dimensions. Yet, it remains constrained by patriarchal judicial structures and limited public ownership of reform. Its strength is institutional integration; its weakness, limited democratisation of *ijtihād*.

Tunisia offers a transitional justice model where *maqāṣid* operates through restorative ethics and rights-based legislation after the 2011 revolution. The reforms in penal law, anti-violence measures, and freedom protections embody multidimensional and purposive aspects of *maqāṣid*. Tunisia's approach is holistic and moral but faces implementation challenges due to political instability and weak institutional continuity. It excels in ethical inclusivity but struggles with sustainability.

Figure 1
Trajectories of maqāṣid-based legal reform in Indonesia, Morocco, and Tunisia



Source: Researcher's illustration based on field data (2025).

In comparative perspective, Indonesia advances participation, Morocco secures institutional embedding, and Tunisia exemplifies ethical renewal. None has yet achieved full systemic realisation of *maqāṣid*, yet together they outline a continuum of reform—from participatory interpretation (Indonesia), to constitutional integration (Morocco), to ethical transformation (Tunisia). This demonstrates that systemic *maqāṣid* thinking provides a unifying paradigm capable of guiding both legal pluralism and moral governance across diverse Muslim societies.

Conclusion

This study has demonstrated that systemic *maqāṣid* thinking provides both an epistemology and a methodology for reimagining Islamic legal reform in contemporary Muslim societies. The comparative analysis of Indonesia, Morocco, and Tunisia confirms that embedding *maqāṣid* into lawmaking and governance cannot remain rhetorical; it must be structurally integrated into legal reasoning, institutional design, and public participation.

The findings reveal different trajectories across the three countries. Morocco has advanced furthest in constitutional integration, Tunisia has taken bold steps in transitional justice and penal reform, while Indonesia shows the active role of civil society alongside partial codification in family law. Yet none of the cases has achieved a full systemic realisation of *maqāṣid*. Each continues to face epistemological, institutional, or political constraints that limit the scope of reform.

The implications are significant. First, *maqāṣid* should no longer be approached as a fixed legal checklist but as a living systems framework capable of addressing complex socio-political realities. Second, meaningful reform requires transformation at multiple levels: Islamic legal education must be reoriented, jurisprudential authority must be recalibrated, and civic discourse must be deepened to ensure inclusivity. Third, this research contributes to positioning *maqāṣid* as an ethical–institutional grammar for pluralist Muslim societies dealing with modernisation, human rights, and sustainability.

By reframing *maqāṣid* as both legal philosophy and systems methodology, this study highlights the possibility of developing a jurisprudence that is rooted in tradition yet responsive to the ethical, developmental, and environmental challenges of the present age. Such an approach envisions Islamic law not merely as a body of texts but as a dynamic, dialogical, and dignified system for collective human flourishing. Future research could expand this systemic framework to other legal domains—such as economic regulation, environmental protection, or digital governance—where the need for purposive and transformative jurisprudence is increasingly urgent.

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