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Human Trafficking and the Relevance of *Hifz al-nafs* and *Hifz al'ird* in Contemporary Islamic Legal Ethics

Abstract: Human trafficking is a profound moral crisis in today's world, threatening human dignity and fundamental rights on a wide scale. This study explores the issue through the lens of Islamic legal ethics, focusing on the reinterpretation of *hifz al-nafs* (protection of life) and *hifz al'ird* (protection of honor) within the framework of *Maqasid al-shari'ah* (the higher objectives of Islamic law). Using a normative-critical approach and drawing from both classical and contemporary sources, the research rethinks these two core principles to better respond to the complex realities of human trafficking, which often involves violence, exploitation, and human rights violations. The findings show that *hifz al-nafs* should not be limited to physical safety but must include psychological, social, and emotional well-being. Similarly, *hifz al'ird* must go beyond the narrow notion of personal honor to protect human dignity, moral integrity, and the right to freedom from abuse. The study argues that classical Islamic legal thought needs to be revisited and updated to meet the moral and legal challenges posed by human trafficking today—by incorporating principles of justice, compassion, and human rights. This research makes an academic contribution by re-conceptualizing *Maqasid al-shari'ah*, especially in *hifz al-nafs* and *hifz al'ird*, enriching the discourse on Islamic legal ethics in addressing modern social issues. It also provides a stronger theoretical basis for contemporary fiqh reform and encourages critical engagement between traditional Islamic texts and today's ethical realities. Ultimately, this study offers a valuable reference for developing more humane, responsive, and justice-oriented Islamic legal frameworks to protect victims of human trafficking.

Keywords: Human trafficking, *Maqasid al-Shariah*, *Hifz al-nafs*, *Hifz al'ird*.

INTRODUCTION

Human trafficking is a crime against humanity that reflects a collective failure to protect fundamental values of morality and justice. This phenomenon occurs not only in conflict or underdeveloped countries but is rampant in regions with relatively good political and economic stability. Exploitation in the form of sexual slavery, forced labor, child trafficking, and forced marriage puts millions of people in a state of powerlessness, losing control of their bodies, honor, and futures.¹ In the global context, this crisis has become an urgent moral disaster that must be addressed through legal and economic policies and ethical and spiritual approaches.

Empirical data show an alarming escalation. The Global Estimates of Modern Slavery report published by the International Labour Organization (ILO) and the International Organization for Migration (IOM) in 2022 noted that more than 50 million people live in modern slavery. Of these, 54% are women, and about 12 million are children. This figure is the highest globally in Asia-Pacific—a region that includes most Muslim-majority countries.² This shows that this crime knows no religious or cultural boundaries and can even infiltrate a seemingly religious social system.³ In Islam, the value of protecting human beings is the core of Sharia. The principles of *Maqasid al-shari'ah* (the purposes of the *Shari'ah*), as formulated by scholars such as al-Ghazali and al-Syatibi, explain five main things that must be maintained: religion (*al-din*), soul (*al-nafs*), intellect (*al-aql*), offspring (*al-nasl*), and property (*al-mal*).⁴ Of these five, two principles directly relate to human trafficking: *hifz al-nafs* (protection of life) and *hifz al-'ird* (protection of honor). These two

¹ N.H. Qosim dkk., "Examining Legislation and Enforcement Mechanisms to Combat International Human Trafficking from an Islamic Criminal Law Perspective," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 251–279, <https://doi.org/10.29240/jhi.v10i1.12544>.

² A.M. Ibrahim, "Islamic law-ethics and the struggle against slavery and human trafficking," dalam *Human Flourishing: The End of Law: Essays in Honor of Siegfried Wiessner*, 2023, 448–481, https://doi.org/10.1163/9789004524835_015.

³ N. Insani, S.S. Karimullah, dan Sulastri, "Islamic Law Challenges in Addressing Human Trafficking and Sexual Exploitation," *Jurnal Hukum Islam* 21, no. 2 (2023): 357–387, https://doi.org/10.28918/jhi_v21i2_06.

⁴ Deri Wanto, Rahmad Hidayat, dan R. Repelita, "Maqasid Shariah Change as Theory: From Classical to Cotemporary Maqasid Shariah," *Al-Istinbath: Jurnal Hukum Islam* 6, no. 2 November (11 November 2021): 427–454, <https://doi.org/10.29240/jhi.v6i2.3122>.

principles, if interpreted contextually, should be a moral and legal foothold for Muslims to reject and resist all forms of human exploitation.⁵

However, the problem is that the *Maqasid* approach that developed in the classical fiqh tradition tends to be normative, static, and more focused on the individual within the framework of religious rituals. The concept of *hifz al-nafs*, for example, is often understood in terms of the prohibition of killing or the obligation to protect life. Similarly, *hifz al-'ird* tends to be limited to issues of personal purity and the prohibition of adultery. This reading fails to respond to contemporary crime's structured, massive, and cross-border dynamics. Human trafficking today is a form of systemic dignity murder and large-scale destruction of honor.

Contemporary literature on *Maqasid* shows progress in methodological approaches. For example, Jasser Auda (2011) proposes a dynamic, flexible, and contextual theory of the *Maqasid* system. He rejects the linear and hierarchical approach to *Maqasid* and emphasizes the importance of understanding social realities in establishing laws.⁶ Similarly, As-Shatibi underlines the role of inductive reasoning (*istiqrā'*) in unearthing new *Maqasid* relevant to the times' challenges.⁷ However, neither approach has explicitly examined how *Maqasid* can function as an ethical framework in dealing with the issue of human trafficking. Studies in Indonesia have also developed a *Maqasid* approach to family law, women's rights, and social development issues. For example, Nela Aprilia Rismilda (2023) discusses the importance of *Maqasid* in the reform of Islamic law that is more responsive to gender justice.⁸ However, no research has been found that comprehensively links *Maqasid*, especially *hifz al-nafs* and *hifz al-'ird*, as an ethical instrument in dealing with the disaster of human trafficking. This is the academic gap that this research aims to answer.

⁵ Asa'ari Asa'ari dkk., "Urgensi Pemahaman Terhadap Maqashid Al-Syari'ah Dan Perubahan Sosial Dalam Istimbath Al-Ahkam," *De Jure: Jurnal Hukum Dan Syar'iah* 13, no. 2 (31 Desember 2021): 222-239, <https://doi.org/10.18860/j-fsh.v13i2.13818>.

⁶ J. Auda, "A maqāsidī approach to contemporary application of the Sharī'ah," *Intellectual Discourse* 19, no. 2 (2011): 193-217.

⁷ Moh Fahimul Fuad, "Asy-Syatibi Dan Konsep Istiqra' Ma'nawi," *As-Salam: Jurnal Studi Hukum Islam & Pendidikan* 1, no. 1 (16 April 2012): 1-22, <https://doi.org/10.51226/assalam.v1i1.21>.

⁸ Nela Aprilia Rismilda, "The Relationship between Islamic Law and the Concept of Gender Equality Based on Maqasid Sharia Perspective," *Sinergi International Journal of Law* 1, no. 3 (27 November 2023): 175-183, <https://doi.org/10.61194/law.v1i3.90>.

This research aims to critically reconstruct the concepts of *hifz al-nafs* and *hifz al'ird* so that they are not merely normative doctrines but become the basis for forming Islamic legal ethics that can respond to the complexity of human trafficking. With the *Maqasid* approach, the values of the protection of the soul and honor are actualized not only as protection of the individual from sin but as a social and structural obligation to eliminate human exploitation. This framework allows Islamic law to play an active role in building social justice and the protection of humanity in a broad sense. Thus, this study not only affirms the position of Islam as a religion that rejects all forms of oppression against humans but also shows the potential of *Maqasid* as a legal and moral instrument that is adaptive to the challenges of the times. In an academic context, this research offers a new contribution to the discourse of *Maqasid* by presenting a critical interpretation of these two main principles in dealing with multidimensional global issues.

Starting from this background, the main question that is the focus of this study is: How can the concepts of *hifz al-nafs* and *hifz al'ird* in *Maqasid al-shari'ah* be reconstructed as the ethical foundation of Islamic law in responding to human trafficking as a contemporary moral disaster? This question forms the basis for normative and ethical analysis in this research while at the same time opening up space for the development of Islamic law that is more contextual, responsive, and transformative to today's humanitarian challenges.

METHOD

This research employs a qualitative, normative-conceptual approach⁹, focusing on reconstructing the concepts of *hifz al-nafs* (protection of the soul) and *hifz al'ird* (protection of honor) within the framework of *Maqasid al-shari'ah* as the ethical foundation of Islamic law in addressing human trafficking. The study is based on a literature review, supplemented by secondary data from reports by international organizations like the ILO and IOM and academic articles from reputable journals discussing human trafficking and the *Maqasid* approach in today's context. Data were collected through document analysis

⁹ Matthew B Miles dan A. Michael Huberman, *Analisis data kualitatif: buku sumber tentang metode metode baru* (Jakarta: Universitas Indonesia Press, 2014).

and examined using hermeneutic and content analysis methods.¹⁰ Hermeneutics was used to interpret Islamic texts in context, while content analysis helped explore the connection between *Maqasid* values and the exploitation involved in human trafficking. To ensure data validity, the study applied source triangulation and cross-checked Islamic legal texts with empirical evidence. This research is limited to normative ethical analysis and does not delve into juridical technicalities or state policies. It aims to offer a conceptual contribution that strengthens Islamic law's ethical response to contemporary moral challenges.

RESULTS AND DISCUSSION

The Urgency of *Maqasid* Shariah as an Ethical and Responsive Approach to Humanitarian Issues

Maqasid al-shari'ah is essential in contemporary Islamic legal discourse because it offers an ethical, contextual, and responsive approach to various humanitarian issues.¹¹ Amid the complexity of the modern world characterized by social inequality, humanitarian conflicts, climate crises, and human rights issues, *Maqasid* serves as a normative framework that emphasizes the goals of sharia in realizing benefits and preventing damage. With this approach, Islamic law can transform from a rigid normative system to one that is adaptive and relevant to social reality.¹² The *Maqasid* approach places the protection of the soul (*hifz al-nafs*), reason (*hifz al-aql*), honor (*hifz al-'ird*), religion (*hifz al-din*), heredity (*hifz al-nasl*), and property (*hifz al-mal*) as ethical foundations in policymaking.¹³ In humanitarian emergencies such as wars, disasters, or pandemics, *Maqasid* provides legal legitimacy to perform life-saving measures, even if it means suspending specific rules. This shows that *Maqasid* is not just a theoretical concept but has practical value in dealing with real issues.

¹⁰ Burhan Bungin, *Analisis Data Penelitian Kualitatif* (Jakarta: PT Raja Grafindo Persada, 2003).

¹¹ Nur Aqila Mohd Zahari dan Mohd Hafiz Safiai, "Maqasid Sharia and the Biomedical Ethics of E-Cigarettes: A Contemporary Islamic Legal Assessment," *MILRev: Metro Islamic Law Review* 4, no. 1 (30 Mei 2025): 295–318, <https://doi.org/10.32332/milrev.v4i1.10398>.

¹² Masyhuri dan Fadhillah Khunaini, "Relevansi Hukum Islam Dalam Dinamika Kontemporer: Analisis Kontekstual Terhadap Prinsip Maqashid al-Shariah," *Jurnal Pemikiran Dan Ilmu Keislaman* 7, no. 1 (15 Maret 2024): 38–54.

¹³ S. Syam dkk., "Reevaluating the Legal Status of Monosodium Glutamate Consumption: The Indonesian Ulema Council's Fatwas and Maqāṣid al-Sharī'ah," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (2024): 289–302, <https://doi.org/10.24090/mnh.v18i2.11121>.

Maqasid ethics also encourage protection for vulnerable groups such as women, children, and people with disabilities. In this context, *hifz al'ird* and *hifz al-nafs* are the basis for rejecting all forms of violence, exploitation, and human rights violations. Islamic law, through the *Maqasid* approach, not only protects the normative identity of the individual but also his dignity and existence as a human being. This is the basis for strengthening social justice in the Islamic legal system.¹⁴ In the public policy space, *Maqasid* encourages regulatory formulation that is oriented towards collective benefit.¹⁵ For example, the *hifz al-mal* principle can be applied to eradicate corruption, equal economic access, and protection of public assets. *Maqasid* states that the law's goal does not stop at formal obedience but must guarantee substantive justice felt by the wider community, especially the marginalized.

The *Maqasid* approach is also relevant in health services and global crisis management. In a pandemic situation, *Maqasid* is the rational and Sharia basis for implementing social restriction policies, mass vaccinations, or adjustments to worship systems for the protection of lives.¹⁶ With this approach, Islamic law appears as a system that does not deny medical and scientific reality but instead makes it part of the effort to preserve human life. In Islamic legal thought, *Maqasid* opens up a space for contemporary *ijtihad* based on values and benefits, not solely on the literality of the text.¹⁷ It paves the way for the reinterpretation of the law in modern issues such as gender equality, religious freedom, minority rights, and environmental policy. Thus, *Maqasid* allows Islamic law to develop dynamically in line with the universal principles of justice and humanity. In education and human resource development, the *Maqasid* approach encourages the

¹⁴ Faisal dkk., "A Review of Maqāshid Sharīa on Handling the COVID-19 Pandemic in Lampung and West Java Province," *Al'Adalah* 21, no. 1 (2024): 221-244, <https://doi.org/10.24042/adalah.v21i1.21796>.

¹⁵ M. Subli dkk., "Green Investment in Contemporary Islamic Perspective: A Maqasid al-Syari'ah Analysis of the Mining Industry in Morowali," *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 156-183, <https://doi.org/10.32332/milrev.v4i1.10269>.

¹⁶ Mashuri, I. Nur, dan M. Ngizzul Muttaqin, "Maqāshid Sharī'ah Flexibility to Overcome COVID-19 in Indonesia: From Government Policies to Fatwā of Council of Indonesian Ulama (MUI), Nahdlatul Ulama (NU), and Muhammadiyah," *De Jure: Jurnal Hukum dan Syar'iah* 13, no. 2 (2021): 240-263, <https://doi.org/10.18860/j-fsh.v13i2.13280>.

¹⁷ Aslati dkk., "Utilizing Science and Maqāshid al-Sharī'ah in Resolving Contemporary Issues of Islamic Family Law," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (2024): 17-36, <https://doi.org/10.24090/mnh.v18i1.10571>.

formation of a generation of Muslims who are critical, ethical, and responsive to global problems. *Maqasid*-based education shapes legal compliance, social awareness, and moral responsibility to create a more just and humane world. This strengthens the role of Islam as a solutive value system amid modern civilization.

Thus, *Maqasid al-shari'ah* has great urgency as an ethical and responsive approach to dealing with contemporary humanitarian issues. *Maqasid* bridges the gap between religious norms and social reality, between divine principles and human needs.¹⁸ In this context, *Maqasid* is an essential instrument in revitalizing Islamic law so that it remains relevant, practical, and able to respond to the challenges of the times in a dignified and humane manner.

Human Trafficking as a Threat to *Hifz al-nafs*

Human trafficking is a transnational crime that deprives a person of his fundamental rights to life, liberty, and dignity. This practice involves recruiting, transporting, sheltering, and coercing individuals for exploitation, such as forced labor, slavery, sexual exploitation, and illegal organ harvesting. Within the framework of *Maqasid al-shari'ah*, especially in the aspect of *hifz al-nafs* (protection of the soul), human trafficking is a form of serious threat to human existence that the Shari'a should fully protect. Exploitation in trafficking practices often ignores the safety and physical well-being of the victim.¹⁹ They are forced to work in extreme conditions, are treated harshly, are not given adequate access to healthcare, and, in many cases, lose their lives due to violence or inhumane working conditions. This kind of treatment violates the basic principle of *hifz al-nafs*, which aims to safeguard each individual's survival and physical safety.

In addition to the physical impact, trafficking victims also experience severe psychological disorders. Fear, anxiety, prolonged trauma, and loss of confidence are

¹⁸ Elfia dkk., "Institutionalizing maqāsid hifz al-nasl within the Minangkabau inheritance framework," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 24, no. 2 (2024): 193-222, <https://doi.org/10.18326/IJTIHAD.V24I2.193-222>.

¹⁹ M. Harun dkk., "The Ideal Legal Protection of the Child Labor Rights in Indonesia: The Dimensions of Maqāsid al-Sharī'ah and the Welfare State," *Juris: Jurnal Ilmiah Syariah* 23, no. 1 (2024): 167-178, <https://doi.org/10.31958/juris.v23i1.10537>.

common psychological impacts. Many victims experience post-traumatic stress disorder that disrupts their social and emotional functioning in the long term. This shows that the violation of *hifz al-nafs* includes not only the loss of life but also the destruction of the quality of life and the integrity of the human soul.

From the Quran's perspective, human life is significant. Surah al-Mā'idah verse 32 affirms that killing one innocent soul is like killing the whole of humanity. This verse not only forbids direct killing but also emphasizes the importance of preserving life and protecting humans from various forms of danger. Human trafficking, which systemically threatens human life, is contrary to the spirit of the verse.²⁰ The hadith of the Prophet Muhammad also affirms the strict prohibition against the violation of the human soul. In one of the narrations, the Prophet said that the loss of the whole world is lighter in the sight of Allah than the killing of a soul without a justified reason (HR. al-Bukhārī). This hadith emphasizes that in Islam, the protection of the soul is an uncompromising value and must be upheld in all contexts, including when facing crimes against humanity, such as trafficking.

Islam also recognizes the fundamental dignity of every human being regardless of social status, gender, or background. Surah al-Isra's verse 70 states that Allah has glorified man. Therefore, all forms of exploitation that degrade the dignity and dignity of human beings are directly contrary to Islamic values. By making humans a commodity, the practice of trafficking negates the value of human dignity that is upheld in Islam. Efforts to prevent and counter-trafficking should be integral to implementing *Maqasid* in legal and social policies.²¹ The *Maqasid*-based approach outlawed the practice and encouraged establishing a victim protection system, providing psychological rehabilitation, and restoring civil and social rights. The principles of *jalb al-maslahah* (realizing benefit) and *dar' al-mafsadah* (preventing harm) are important frameworks in building a response to Islamic law that favors victims and prevents similar crimes from happening again.

²⁰ Nurhayati Nurhayati dkk., "Human Trafficking in the Perspective of Maqashid Al-Sharia," *Jurnal Ilmiah Islam Futura* 22, no. 2 (13 Agustus 2022): 150–163, <https://doi.org/10.22373/jiif.v22i2.12304>.

²¹ Aishah Mohd Nor, Zuraini Ab Hamid, dan Lokman Effendi Ramli, "Human Trafficking from the Islamic Perspective," *International Journal of Religion* 5, no. 7 (10 Mei 2024): 501–514, <https://doi.org/10.61707/g9xw9y85>.

Thus, human trafficking is a gross violation of the principle of *hifz al-nafs*, which is the core of *Maqasid al-shari'ah*. This act not only damages the body and soul of the victim but also injures the fundamental values of humanity. Therefore, the *Maqasid* approach should not stop at the theoretical level but should be implemented through legal protection, social policies, and education that uphold the right to life and human dignity.

Violations of *Hifz al'ird* in Human Trafficking Practices

In Islamic ethics, honor (*al'ird*) is one of the fundamental values that must be maintained and protected. The concept of *al'ird* includes the dimensions of one's self-respect, body, dignity, and reputation. Islamic Sharia maintains physical safety and property and protects men's and women's human honor. Within the framework of *Maqasid al-shari'ah*, *hifz al'ird* occupies an essential position because violations against it can cause profound social, psychological, and spiritual damage.²² Therefore, maintaining honor is seen as a form of safeguarding the integrity of humanity. The practice of human trafficking, especially concerning sexual exploitation, constitutes a serious violation of the principle of *hifz al'ird*. The trafficking of women and children for forced prostitution, pornography, and sexual slavery not only deprives individuals of their freedom but also degrades their dignity and honor as human beings. Women are often used as a commodity for the body to be traded, while children are victims of sexual exploitation that leaves a lifelong mark. This practice not only damages the integrity of the victim's body but also destroys their self-image and self-esteem in the eyes of society.

Sexual exploitation in the practice of trafficking also causes deep trauma, social stigma, and alienation in the social environment. Victims often experience discriminatory treatment and are judged on the circumstances they experience by force. This shows that violations of *al'ird* are not only moral issues but also have a systemic impact on the social and psychological life of the victims. In this context, *Maqasid al-shari'ah* is an ethical framework that encourages a holistic response to this humanitarian crisis, including legal

²² Saber Rashdi, "Islamic Law and Human Trafficking: The Ethical and Legal Frameworks," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 9, no. 1 (4 November 2024): 47-60, <https://doi.org/10.22515/alahkam.v9i1.7824>.

and social protection for victims.²³ Classical fuqaha has paid great attention to the issue of honor, especially in the context of the prohibition of adultery, *qadhaf* (accusations of adultery without evidence), and other forms of sexual offenses. In many jurisprudence works honor violations are seen as a great sin (*kabirah*) that can damage social order and tarnish family and society's integrity. The law of limitation on adultery and *qadhaf* in fiqh literature is a form of preventive protection against *hifz al'ird*, to prevent the spread of slander, reputational damage, and sexual harassment.

The contemporary view of Islamic scholars and thinkers also confirms that the practice of trafficking and sexual exploitation is a more serious form of violation of *Maqasid* than voluntary adultery. Because in trafficking, victims are in a position of helplessness and are systematically exploited. Many modern Muslim scholars call for a more contextual and responsive approach to fiqh to the realities of trafficking-based sexual violence, including advocacy for victim recovery and strict punishment of perpetrators.²⁴ From the side of the Qur'an, human honor is strictly guarded. In Surah an-Nur verse 19, Allah warns those who like the spread of heinous deeds among the believers with the threat of punishment in this world and the hereafter. This shows that the spread and toleration of sexual exploitation of any kind is a form of structural ugliness that must be stopped. Islam not only forbids deviant sexual acts but also rejects a system that allows human honor to be traded and degraded. Human honor is also closely related to the concept of *karamah* (glory) inherent in each individual as a creature of Allah.²⁵ When a person is forced to live his life as an object of sexual exploitation, he not only suffers physical and psychological damage but is also deprived of his right to live with dignity. From the perspective of *Maqasid*, protection

²³ Sayla Ar Rahmah Hafiidzah Harahap dan Indra, "Human Trafficking In The Islamic View (Comparative Study Of Al-Azhar And Al Misbah Interpretation)," *Academy of Education Journal* 15, no. 2 (11 November 2024): 1699–1707, <https://doi.org/10.47200/aoej.v15i2.2637>.

²⁴ Umi Khusnul Khotimah, "Islamic Legal Analysis on the Protection of Vulnerable Age Groups from Online Gender-Based Violence (OGBV) in Indonesia," *Journal of Ecohumanism* 3, no. 8 (16 Desember 2024): 7184–7193, <https://doi.org/10.62754/joe.v3i8.5349>.

²⁵ Umma Farida, Istianah Istianah, dan Abdurrohman Kasdi, "Human Trafficking In The Perspective Of Islam And Feminism And Its Prevention Efforts In Indonesia," *PALASTREN: Jurnal Studi Gender* 17, no. 2 (13 Januari 2025): 145–170, <https://doi.org/10.21043/palastren.v17i2.28325>.

of *al'ird* means upholding a legal and social system that protects women and children from sexual exploitation and violence.

Thus, the practice of human trafficking constitutes a serious threat to *hifz al'ird*, which not only violates Islamic law normatively but also violates the principles of human ethics. The responsibility of maintaining *al'ird* lies not only with the individual but also with the state and society. Efforts to eradicate trafficking must include fair legal policies, strong social protection systems, and public education on the importance of maintaining honor as part of the core values of Islam.

Islamic Legal Ethics for Perpetrators and Countering Human Trafficking

Human trafficking is a serious violation of the principles of justice and humanity in Islam. From the perspective of *fiqh jināyāt* (Islamic criminal law), this act is categorized as a form of crime against the soul, honor, and freedom of the human being.²⁶ Traffickers can be subject to *ta'zīr* punishment, which is left to the judge's discretion to protect the public interest and prevent wider damage. In some instances, if the exploitation involves elements of violence, kidnapping, or sexual slavery, then the perpetrator may also be subject to *hudud* punishment or fall into the category of *hirobah* (social terrorism), depending on the level of threat posed.

Ta'zīr punishment in this context can include long-term imprisonment, confiscation of property, exile, or other forms of repressive and preventive sanctions. The primary purpose of sanctioning in Islamic law is not simply to retaliate but to maintain social stability, prevent similar crimes, and provide a deterrent effect. Therefore, the Islamic justice system provides space for state authorities to design policies that are proportionate to the perpetrators of human trafficking crimes. Islam not only emphasizes the imposition of sanctions but also underlines the responsibility of the state in preventing and eradicating the practice of human trafficking.²⁷ The state is tasked with protecting its citizens from all

²⁶ Gilang Rizki Aji Putra, "Human Trafficking Menurut Perspektif Hukum Islam," *ADALAH* 6, no. 6 (21 Juli 2022): 1–10, <https://doi.org/10.15408/adalah.v6i6.27259>.

²⁷ Abdulatif Abdullah S. Alkharji, "Human Trafficking and Islamic Law," *Journal of Law, Policy and Globalization* 131, no. 0 (2023): 13.

exploitation, building a fair legal and economic system, and providing protection and rehabilitation services for victims. The function of the state in this context is in line with *Maqasid al-shari'ah*, especially in safeguarding the soul (*hifz al-nafs*), honor (*hifz al'ird*), and heredity (*hifz al-nasl*).

In addition to the state, society also has a moral and social responsibility in fighting human trafficking. In Islam, the principle of *alamr bi al-ma'ruf wa al-nahy' an al-munkar* invites individuals to actively prevent wrongdoing, including reporting human trafficking crimes, not supporting exploitative practices, and providing psychosocial support to victims. This collective ethic strengthens a system of protection that rests not only on the state but also on social awareness and concern.²⁸ Contemporary scholars pay special attention to the handling of victims. They emphasized that victims of human trafficking should be treated with dignity and receive legal protection, not criminalized or stigmatized.²⁹ In this context, law enforcement must not be separated from the principles of substantive justice and the protection of human rights. The victim's right to rehabilitation, rehabilitation, and social integration is essential to the *Maqasid* approach.

The *Maqasid al-shari'ah* approach allows for an interpretation of Islamic law that is responsive to the complexity of modern issues such as human trafficking. This approach emphasizes protecting fundamental human values, including individual dignity, freedom, and physical and mental safety. Therefore, in the context of modern countries, the enforcement of Islamic law can go hand in hand with national and international legal instruments in combating human trafficking. Islamic legal ethics towards perpetrators and victims of human trafficking are comprehensive.³⁰ Islam demands a just punishment for the perpetrators but also guarantees restoration and protection for the victims. This shows that Islamic law is normative and solutional by providing space for state policies and community participation in solving problems structurally and humanely.

²⁸ Fuad Mustafid, "Perdagangan Orang Dalam Perspektif HAM Dan Filsafat Hukum Islam," *Al-Ahkam* 29, no. 1 (8 April 2019): 85-108, <https://doi.org/10.21580/ahkam.2019.29.1.3134>.

²⁹ Syahdila Nur Rahmawati, "Tindak Pidana Human Trafficking Perspektif Hukum Pidana Islam," *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum* 4, no. 3 (29 Juni 2023): 256-272, <https://doi.org/10.15642/mal.v4i3.246>.

³⁰ Ahmad Fatah, "Trafficking Dalam Pandangan Hukum Pidana Islam," *Jurnal Kajian Islam Interdisipliner* 1, no. 1 (2016), <https://doi.org/10.14421/jkii.v1i1.1058>.

In summary, the following table shows the key elements of the ethical approach of Islamic law to the issue of human trafficking:

Table 1: Islamic Law's Approach to Human Trafficking

Aspects	Explanation
Legal Sanctions	Ta'zīr (the discretion of the judge) or ḥudūd (if there is an element of severe violence) can even fall into the category of ḥirābah in extreme cases.
Basis Fiqh	Fiqh jināyāt, <i>Maqasid al-shari'ah</i> (<i>hifz al-nafs</i> , <i>hifz al-'ird</i> , <i>hifz al-nasl</i>).
The Role of the State	Protect the people, establish legal policies, provide victim rehabilitation services, and strengthen prevention through regulations.
The Role of the Community	Report the perpetrator, support the victim, prevent a permissive culture of exploitation, and carry out the <i>amr ma'rūf nahi munkar</i> principle.
Scholars' Views	Emphasizing substantial justice, the victim's right to protection, and the need for a <i>Maqasid</i> approach in the modern legal system.
Principles of Islamic Ethics	Justice, protection of life and honor, non-violence, and collective social responsibility.

Source: author's interpretation

The table summarizes the ethical approach of Islamic law to human trafficking by emphasizing that perpetrators can be subject to flexible ta'zīr sanctions at the discretion of the judge or ḥudūd in cases of severe violence, even falling under the category of ḥirābah in extreme acts. The basis of the law comes from the fiqh of *jinayat* and *Maqasid al-shari'ah*, which protect the soul, honor, and posterity. The state is central to protecting the community, establishing legal policies, and rehabilitating victims. Meanwhile, the community is expected to actively report the perpetrators and support the victim according to *amr bi al-ma'rūf wa al-nahy' al-munkar* principles. Contemporary scholars emphasize the importance of substantive justice and the right to victim protection in law enforcement, which must be grounded in Islamic ethical principles such as justice, protection of life and honor, and collective social responsibility.

The recontextualization of *Hifz al-nafs* and *Hifz al-'ird* in Response to Human Trafficking

The recontextualization of *hifz al-nafs* (protection of the soul) and *hifz al-'ird* (protection of honor) is very important in dealing with modern issues such as human

trafficking.³¹ These two *Maqasids* are the primary foundation for maintaining the dignity and safety of individuals, but the practice of trafficking threatens both simultaneously. Therefore, the development of responsive Islamic law must respond to contemporary challenges by extending the meaning and application of such protection contextually.

Theoretically, the strengthening of *hifz al-nafs* and *hifz al-'ird* in the realm of Islamic law must be done through a dynamic understanding of *Maqasid*. This approach encourages fuqahā' and policymakers to interpret sharia texts considering evolving social, cultural, and technological conditions. Islamic law must be not only textual but also substantive in protecting victims of trafficking as a whole—both in terms of their physical, psychological, and dignity. From a practical perspective, this recontextualization demands reforming the Islamic legal system, which involves harmonizing national law and international human rights principles. Muslim-majority countries should strengthen a criminal law framework that explicitly criminalizes human trafficking and provides adequate legal protection for victims without discrimination.³² Law enforcement must also be accompanied by gender-sensitive and trauma-informed procedures so as not to worsen the psychological condition of the victim.

In addition, the strengthening of the legal system must be supported by education based on *Maqasid* values. Islamic legal education that integrates the principles of *hifz al-nafs* and *hifz al-'ird* needs to be developed at various levels of education, including Islamic boarding schools, universities, and training for law enforcement officials. Thus, legal actors and the wider community can understand the urgency of protecting fundamental human rights and rejecting all exploitation and tyranny. Social awareness is also a crucial element in efforts to prevent and eradicate human trafficking.³³ The recontextualization of *Maqasid*

³¹ Imam Kamaluddin Azzah Hafizhah, "Trafficking in the Perspective of Islamic Law and the Draft Criminal Code," *Ijtihad* 12, no. 2 (10 September 2018): 173-192, <https://doi.org/10.21111/ijtihad.v12i2.3024>.

³² Hasudungan Sinaga, "Restitution in Social Reintegration of Human Trafficking Victims: An Islamic and Indonesian Criminal Law Perspective," *Fikri : Jurnal Kajian Agama, Sosial Dan Budaya* 9, no. 2 (11 September 2024): 182-199, <https://doi.org/10.25217/jf.v9i2.4918>.

³³ Moses Adeolu Agoi, Zohaib Hassan Sain, dan Oluwanifemi Opeyemi Agoi, "Integrating Technology in the Fight Against Human Trafficking: Challenges, Opportunities, and Social Implications," *Journal of Social Studies and Education* 2, no. 1 (2024): 57-69, <https://doi.org/10.61987/jsse.v2i1.452>.

must penetrate public campaigns and socialization programs emphasizing the value of humanity, justice, and honor as an integral part of Islamic teachings. This approach will build a strong anti-trafficking culture while eroding the stigma against victims that has been a barrier in handling cases.

Strengthening the role of civil society, religious institutions, and social organizations is indispensable to creating a comprehensive protection network. Scholars and religious leaders must actively educate the people to understand that protecting the soul and honor is a shared obligation. In this context, contemporary da'wah and fatwa based on *Maqasid* can strategically build solidarity and social responsibility.³⁴ The integration of Islamic ethical values in the agenda of human rights protection and global social justice opens up opportunities for cross-national and interfaith cooperation in combating human trafficking. Islam, as a religion of *rahmatan lil alamin* (mercy for the universe), provides a strong normative framework for universally respecting human dignity.³⁵ Therefore, the recontextualization of *hifz al-nafs* and *hifz al'ird* also contributes to a global dialogue on victim protection and prevention of transnational crimes.

Ultimately, this effort demands synergy between legal development, education, community empowerment, and international collaboration that aligns with the principles of *Maqasid*. Only with this multidimensional approach can protection for trafficking victims be carried out effectively, dignifiedly, and sustainably. The following is a summary table that summarizes the essential aspects of the recontextualization of *hifz al-nafs* and *hifz al'ird* in response to human trafficking:

Table 2: Recontextualization of *Hifz al-nafs* and *Hifz al'ird* in Response to Human Trafficking

Aspects	Explanation
Theoretical Implications	A dynamic understanding of <i>Maqasid</i> for the interpretation of Islamic law according to the social context and the development of the times.

³⁴ Firdaus Firdaus dkk., "The Indo-Pacific Child Trafficking Dynamics: Islamic and Cultural Viewpoints," *KARSA Journal of Social and Islamic Culture* 31, no. 2 (24 Desember 2023): 202-245, <https://doi.org/10.19105/karsa.v31i2.12391>.

³⁵ Hafizhah, "Trafficking in the Perspective of Islamic Law and the Draft Criminal Code."

Practical Implications	Reform of Islamic criminal law harmonized with national law, human rights, and gender-sensitive and trauma-informed procedures.
Strengthening the Legal System	Strengthening regulations, strict law enforcement, victim protection, and inclusive rehabilitation policies.
Maqasid-Based Education	Integration of the values of <i>hifz al-nafs</i> and <i>hifz al-'ird</i> in law enforcement official legal education and training curriculum
Social Awareness	Public campaigns and socialization programs that instill humanitarian and anti-trafficking values in society.
The Role of the Community	Strengthening the role of scholars, religious institutions, and social organizations in education and mutual protection.
Integration of Islamic Ethics with Human Rights	Collaboration across religions and countries on the global agenda for victim protection and prevention of human trafficking.
Multidimensional Synergy	A combination of legal, educational, social, and international cooperation oriented towards <i>Maqasid al-shari'ah</i> .

Source: author's interpretation

Table 2 illustrates the recontextualization of *hifz al-nafs* and *hifz al-'ird* in response to human trafficking by highlighting various essential aspects. Theoretically, a dynamic understanding of *Maqasid* is needed to interpret Islamic law according to the development of the times and social conditions. In practice, this demands criminal law reform harmonized with national law and human rights standards and the implementation of gender-sensitive and trauma-informed procedures. Strengthening the legal system includes strict regulation, strict law enforcement, and comprehensive protection for victims, while *Maqasid*-based education is essential to build awareness and capacity of law enforcement officials. Social awareness through campaigns and socialization fosters human values and rejects trafficking. The community, especially clerics and religious institutions educates and protects victims. Integrating Islamic ethics with the global human rights and social justice agenda opens space for interfaith and state cooperation. All of these aspects must be carried out synergistically in a multidimensional approach so that protection for victims of human trafficking runs effectively and sustainably.

CONCLUSION

Human trafficking is a profound moral crisis that fundamentally violates two core principles of *Maqasid al-shari'ah*: *hifz al-nafs* (protection of life) and *hifz al-'ird* (protection of honor). This crime not only endangers victims' physical safety through exploitation,

torture, and even death but also systematically destroys their dignity, primarily through sexual exploitation and the trafficking of women and children. The study finds that classical Islamic law provides a solid basis for punishing offenders with *ta'zīr* and *ḥudūd* sanctions; however, in today's context, law enforcement faces significant challenges in regulation and practical implementation. Therefore, reinterpreting *hifz al-nafs* and *hifz al-'ird* with a dynamic *Maqasid* approach is crucial for Islamic law to address these contemporary challenges more effectively and humanely. Beyond legal measures, protecting trafficking victims requires a comprehensive approach that includes education grounded in *Maqasid* values, increased social awareness, and active involvement from communities and scholars in advocacy and victim support. Integrating Islamic ethics with human rights and global social justice agendas can also strengthen cross-border and interfaith collaboration to combat human trafficking.

This multidimensional strategy is essential to develop a system that not only enforces the law formally but prioritizes restoring and safeguarding victims' rights substantively. Future research should focus on how *Maqasid* recontextualization is implemented within national legal systems, particularly how Muslim-majority countries align their criminal laws with the principles of protecting life and honor in the context of trafficking. Empirical studies evaluating the effectiveness of *Maqasid*-based education programs in raising legal and social awareness are also vital. Furthermore, interdisciplinary research combining Islamic jurisprudence, psychology, international law, and social sciences can offer a deeper understanding of human trafficking's impact and rehabilitative solutions for victims. Comparative studies on integrating Islamic ethics with global human rights standards in law enforcement will further enrich the discourse on social justice in the modern era.

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AUTHOR CONTRIBUTIONS STATEMENT

Bambang Tri Bawono was the principal researcher, designing and supervising the entire research process and writing the initial draft of the initial manuscript. Moh. Nurul Huda is responsible for data collection and methodology analysis. Ahmad Hadi Prayitno contributed significantly to the literature review and interpretation of research results. Moh. Aris Siswanto plays a role in the revision of the manuscript, the improvement of academic aspects, and the coordination of communication between the teams. All authors have read and approved the final version of the manuscript and are solely responsible for the content and authenticity of this work.

CONFLICT OF INTEREST

All authors state that in the writing and compilation of this work, no personal interests or other parties affect the content or results of the research. All processes are carried out honestly and transparently to maintain this work's integrity and quality.

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