

Ethical Dimension of Maqasid al-Shari'ah and its Implication to Human Capital Development

Nasir Muhammad Abdulhameed 
abdulhameedm@unijos.edu.ng

Department of Religion and Philosophy University of Jos, Nigeria

Abstract

The prescriptions of Shari'ah are aimed at protecting six critical areas of human needs, namely, life, religion, mental health, offspring, property, and dignity. Maqasid al-Shari'ah were earlier treated as an aspect of Maslahah Mursalah (public utility). They were treated as separate principles aiding the understanding of the wisdom and intents of the texts. Transformation in the pattern of life of modern societies caused expansion in the scope of Maqasid. In modern times, Maqasid includes aspects of material development that feature in the Human Development Index. This paper employed a theoretical method and analyzed the ethics embodied in the objectives of Shari'ah. The aim is to determine how ethics shapes human conduct and facilitates non-material aspects of human capital development. Its findings are that the objectives of Shari'ah on the protection of religion, life, and mind can refine conduct, inspire morality, develop and secure the reason. Thus, the ethics imbued in Shari'ah instructions transform individuals into worthy citizens, shape their life and conduct, and make them productive and sensitive about the well-being of fellow human beings. These human conduct changes through Shari'ah inspired ethical transformation through non-material aspects of human capital development.

This is an open access article under the [CC-BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license.



Article history

Received 2020-08-07

Revised 2020-10-26

Accepted 2021-03-01

Keywords

*Ethical dimension
Maqasid al-Shari'ah
Islamic studies*

Introduction

Measurements of development in contemporary times are assessed based on material development listed under the Human Development Index (HDI). Items covered in the index include wealth and income, political participation, literacy, education, life expectancy, and access to clean water and sanitation, the standard of living, gender equality, etc. (Auda, 2008). Beyond material development, however, religious ethics and spiritual orientation significantly contribute to the development of human society (Chapra, 2008). Modern societies have made tremendous achievements in the area of material development. But the disregard of religious values makes such

achievements counterproductive and negatively impacts the well-being of human society. In other words, material development did not come with the desired peace and happiness, owing to the significant decline in religious morality (Chapra, 2008). The signs of the decline manifest in the lack of respect for human dignity, betrayal of trust, and disregard for religious ethics in human and economic transactions. The natural result of this is the ever-increasing inequality between the poor and the rich, the emergence and spread of life-threatening illnesses associated with lack of mental peace, and incessant conflicts in different parts of the world. In Chapra's view, Qur'an chapter 13 verse 11 implies that human beings are the means and ends of development and are the architect of their development or decline. Achieving material and non-material development removes lapses in human well-being and prevents the decline and total collapse of human society (Chapra, 2008).

The prescriptions of Shari'ah aim to protect and preserve life, religion, offspring, wealth, mental health, and dignity. Thus, the objectives of Shari'ah (Maqasid al-Shari'ah) are the wisdom, reason, or intents behind the prescription of Shari'ah rulings stated in the Qur'an and the Sunnah of the Prophet (SAW). They provide reasons, show the pearls of wisdom and clarify the intent in the prescriptions of Qur'an and Sunnah. Thus, the reason behind the Qur'anic prescription of the law of legal retribution (Q.2: 179) is the protection of life. Instilling the spirit of discipline and fear of Allah is the wisdom behind the prescription of fasting in the month of Ramadan (Q.2: 183). While the protection of offspring and human dignity is the intent behind the prescription of marriage law (Q.4: 23), and the prohibition of fornication and adultery (Q.17: 32).

Maqasid al-Shari'ah were discussed by classical scholars in the works of *Usul al-Fiqh*. Thus, Abdulmalik bin Abdullah bin Yusuf al-Juwaini (d. 478 A.H.), Abu Hamid Muhammad bin Muhammad al-Ghazali (d. 505 A.H.), elaborated the objectives of Shari'ah in protecting and preserving six critical areas of human needs. The needs include religion, life, mind, offspring, wealth, and dignity (Al-Juwaini, 1998; al-Ghazali, 1413 A.H.). Ibrahim bin Musa bin Muhammad al-Shatibi (d. 709 A.H.), moved further and systematically inferred the objectives could be from the Qur'an and Sunnah and explained the Sahaba's Maqasid oriented application of Shari'ah (Al-Shatibi, ND). Thus, Zaydan (1996) and Nyazee (2000) posit that Shari'ah prescriptions generate benefits, remove harm, and prevent anarchy and hardship. Their goals are to establish the moral and spiritual progress of the individual and the society. Similarly, Abu Zahra (Zahra, ND) maintains that Shari'ah prescriptions refine the character, establish justice, freedom, social harmony, paving the way for the development of human society. According to S.M. Yusuf (1978), Shari'ah constitutes the universal and all-comprehensive moral code and regulates socio-religious and politico-economic endeavors of the Muslims. Discussing the prospect Shari'ah legal system in Nigeria, A.M. Yadudu (1993) maintained that Shari'ah prescriptions regulate human life and conduct from the most mundane to the highly sophisticated.

Works on Maqasid al-Shari'ah in modern times discussed how the transformation in the pattern

of life of modern societies results in the expansion of Maqasid. Thus, Ibn Ashur (2006), inferred Maqasid al-Shari'ah in Qur'an and Hadith on family law, financial and social transactions. Chapra (2008) and Auda (2008), discussed how the expanded needs such as justice, moral values, education, and mental peace could attain the six basic needs. However, Chapra (2008) posits that expanding employment opportunities through micro-enterprise ensures justice in the developmental process. Auda (2008) suggests human development be the significant public interest Maqasid al-Shari'ah should aim to achieve in contemporary times. The works reviewed have all affirmed the ethics imbued in Maqasid al-Shari'ah, without showing what they mean to development. In response to this, the present paper analyzes the moral values in Maqasid Shari'ah to show how they can facilitate human development. Thus, Muslims are duty-bound to work in promoting the welfare of society by discharging their responsibilities. Islam views human beings as a part of the physical world and as particular creatures with the perfect morals and intellectual faculty. Being endowed with intellect, human beings are marked out to bear the trust of Allah and willingly surrender to His will. Given the place of moral conduct in human development, this paper applies a theoretical method in examining the ethics embodied in the objectives of Shari'ah in protecting life, mental health, and religion. The aim is to find out how the moral principles embodied in protecting religion, life, and mental health, building the character of individuals, and facilitating human capital development.

Discussion

Human Development of the Spiritual and Material Aspect

Human development is about making life comfortable for human beings by providing amenities and creating a conducive condition of living. Human beings play central roles in activities of development, and their exceptional favors granted to them by Allah provided them with the powers to exploit the natural world either positively or negatively (Farooqui, 2000). The idea of development remained with man all along throughout the history of the human race. Theories of material development propounded across ages focused on increasing income, human well-being, and other aspects listed in the development index. The key areas covered by the index are aspects of material development such as longevity, education, political participation, human right, and standard of living. Though the coverage of the index has been critiqued, it remains a valuable source for measuring development, particularly the material aspects of development (UNDP, 1990; Stanton 2007). Significant indicators of human development include life expectancy, knowledge, and decent living. Long life expectancy indicates the availability of adequate nutrition and good health. Literacy shows the availability of learning and knowledge building; decent living means adequate income and easy access to goods and services (UNDP, 1990). Over time, the human development index was expanded to cover more than two hundred indexes such as clean water,

employment, and gender equality (Auda, 2008). The human development index centers on material, it does not have provision for spiritual development.

Spiritual development appeals to the heart and mind and makes human beings conscious of their responsibilities to Allah and the creatures. It regulates human conduct and shapes their character to make them worthy individuals. The religious principles prescribed in the Qur'an and Hadith are the sources of spiritual development in Islam. The foundation of spirituality in Islam is Taqwa (God-consciousness), a state where a human being fully responds to Allah and strictly abides by His laws (Haq, 1980). Imbibing Taqwa leads to acknowledging and admitting the sovereignty of Allah as Creator and Controller of the universe. Ibadah (worship) comes second. It deals with the practical observance of the principles of the religion, as prescribed by Allah and implemented by the Prophet (SAW). Ibadah improves the spiritual development of humans, shapes their character, and purifies their souls and hearts. Thus, Salat prevents individuals from indulging in shameful acts (Q.29: 45), fasting increases Taqwa (Q.2: 183), while Zakah purifies the soul (Q.9: 103). Taqwa and Ibadah are solidly strengthened by sincere faith. These three values inspire an individual to sacrifice personal interest for collective interest. The indicators of spiritual development induced by Taqwa and Ibadah manifest in the individual's consciousness of the long-term interest of the hereafter and being accountable before Allah. This sense of accountability serves as motivation for fulfilling the obligation of religion. It also motivates practical observance of Qur'anic principles of justice (Q.5: 8), freedom of worship (Q.2: 256), and equality among humans based on common origin (Q.49: 13) (Chapra, 2008). Unlike material development, spiritual development prioritizes the refining of character, purification of the soul, and a sense of accountability to the Creator.

Overview of Maqasid al-Shari'ah

Shari'ah aims to generate benefit and remove harm and make easy the affairs of worldly life in the society (Zaydan, 1996). To achieve this, it prescribes the principles of right and wrong, lawful and prohibition. Maqasid al-Shari'ah are the wisdom and intents of Shari'ah rulings, as well as a guiding principle to understanding the actual intentions of the texts of Qur'an and Hadith (Raysuni, 1992; al-Khadimi, 2001). They are all-encompassing principles that permeate the primary sources of Islamic law (Nyazee, 2000). In most cases, Maqasid al-Shari'ah are directly stated in verses of the Qur'an, and the Sunnah of the Prophet (SAW) (al-Khadimi, 2001). For instance, the objective of creating Jinns and human beings is to serve Allah (Q.51: 56). The sending of messengers is giving good tidings and warning the people about the consequences of their evil actions (Q.4: 165). Over and above all, the Lawgiver has never intended to make things difficult for the people in matters of religion (Q.22: 78). The Sahaba have made efforts in understanding the Maqasid contained in the Sunnah of the Prophet (SAW). This is shown in how they practically carried the Prophet's instruction, on the observance of Asr prayer, when he dispatched them to the place of Banu

Qurayzah. Some prayed before they reached the place while others delayed until they arrived at the place of Banu Qurayzah, and the Prophet approved the actions of the two sides.

Another example was Umar's objection to the demand of some Sahaba for sharing the conquered lands of Egypt and Iraq. They argued in favor of sharing based on the Qur'anic principle on the share of spoils of war (Q.8: 41). But Umar referred to another verse with a more general expression showing that God's purpose is not making the rich dominate the wealth in the world to the detriment of the poor (Q.59: 7) (Auda, 2008).

Maqasid al-Shari'ah as a technique of deducing Shari'ah ruling were earlier treated by the classical jurists as an aspect of public interest (Maslahah Mursalah). They were later separated and treated as a principle of understanding the wisdom and intent of the scripture (Kamali, 1999). The scholarly presentation of Maqasid al-Shari'ah as we know it today developed around the 5th century A.H. Before that period, the idea had already evolved in the 3rd century A.H., when Maqasid remained an aspect of Maslahah Mursalah. Thus, Imam al-Juwaini (d. 478 A.H.), was among the first Muslim jurists to develop the theory of five levels of necessities of life (al-Juwaini, 1998). He brilliantly presented the idea that Shari'ah to protect five critical human needs of faith, life, minds, private parts, and wealth (Auda, 2008). This classification of Maqasid al-Shari'ah was upheld by Imam al-Ghazali (d. 505 A.H.), whose presentation of Maqasid al-Shari'ah includes protecting the faith, soul, intellect, offspring, and wealth (al-Ghazali, 1413 A.H.).

The above categorization was developed in the 5th century A.H., and Maqasid al-Shari'ah continued to be treated under Masalihah Mursalah. It remained the trend until the 8th century A.H., when Imam al-Shatibi (d. 709 A.H.), developed a systematic categorization of the Maqasid which he treated as a separate subject in the science of Usul, rather than an aspect of Maslahah Mursalah (public interest) (al-Shatibi, ND). From the classical period to the present, Maqasid al-Shari'ah are categorized into Darurat (necessities), Hajat (essentials), and Tahsinat (embellishment) (al-Shatibi, ND; Nyazee, 2000). The necessities are those critical needs of life without which there will be chaos and instability in the society. The essential needs complement the conditions; their absence results in difficulty and discomfort in life. At the same time, the embellishments are those needs that add to comfort in life. Their absence will not lead to serious difficulty or chaotic conditions, though life may not be very comfortable. The essentials (Hajiyyat) and embellishment (Tahsiniyyat) support the necessities (Daruriyyat). These three layers must function adequately in order to achieve spiritual, moral, and socio-economic development (al-Shatibi, ND; Khallaf, 1375 A.H.; Nyazee, 2000).

Transformation in pattern of human life occasioned by social change widened the scope of Maqasid al-Shari'ah (Auda, 2008). In contemporary times, Maqasid covers values, morality, faith, and family life, and the socio-economic development of individuals and societies (Ali and Hamid, 2014). Thus, Ibn Ashur (2006) analyzed the texts of the Qur'an and Hadith and presented the

objectives of al-Shari'ah in family law, financial transactions, gifts and donations, and penalties etc. According to Jasser Auda (2010) Maqasidal-Shari'ah are divided into three broad categories, namely, (1) General Maqasid, which observed in the entire body of the Islamic law; (2) Specific Maqasid observed in a particular chapter of the law; (3) Partial Maqasid deals with the intent behind a ruling of a particular principle in the scripture.

From a modern perspective, Maqasid al-Shari'ah deals with freedom, human rights, and reform of the pillars of faith. They also deal with equality, justice, maintaining human dignity, restoring moral values, building good families, and developing civilization (Auda, 2010). Chapra (2008), developed a fourteen level of human needs, covered by Maqasid al-Shari'ah in modern times. The needs include dignity, self-respect, and brotherhood, social equality, justice, spiritual and moral uplift. Others are the security of life, property, and honor, education, good governance, equitable distribution of wealth, and mental peace and happiness, etc. However, modern perspectives on Maqasid al-Shari'ah remained within the levels of needs developed by the classical jurists. Thus, spiritually uplifting and restoring of moral values are within the classical view of protecting the religion. Freedom, equality, and security of life are within the scope of the objective of preservation soul. Education and the building of civilization are under the preservation of intellect (Auda, 2008).

Religion and the Reform of Human Conduct

Religion inspires spirituality, good conduct, as well as moral improvement. It purifies the soul through acts of worship and refines the character and conduct of an individual (Abu Zahra, ND). Religion appeals to human conscience and wields a powerful influence on the actions of individuals and society. It controls human behaviors and regulates the functions performed by individuals in different capacities. Religion shapes the relationship between human beings and their Creator and between people of different cultures and people of the same culture (Khallaf, 1375 A.H.). The religion of Islam is founded on the principles of belief in the Unity and Existence of Allah and the observance of acts of worship such as prayer, fasting, and hajj etc. The two aspects of belief and practice signify the presence of religion in society (Zaydan, 1996). Religion is a necessity of life that must be protected and preserved under the Shari'ah. Protection of religion is achieved by preventing heretical thoughts and ideas, spreading false beliefs and innovation and blocking the temptations that lead to committing apostasy. Religion is preserved by defending it against heresy and distortion and spreading true teachings, and practically applying its aspects of worship (Zaydan, 1996; al-Khadimi, 2001).

Beyond the protection and preservation of critical human needs, the principles of Shari'ah aim to reform the individual, establish justice, and generate benefit to the society (Abu Zahra, ND). Spiritual practices like prayers, Zakah, and fasting are imbued with moral values that refine individuals' conduct. Some of the importance of these acts of worship are stated in the Qur'an. Thus,

prayer purifies the soul and prevents people from committing sinful acts and other forms of immorality (Q.29: 45). On the other hand, Fasting increases piety, strengthens the spirit of sincerity, brotherhood, social equality, and promotes peace (Q.2: 183). The institution of Zakah not only cleanse the wealth but also purifies both the contributors and recipients (Q.9: 103). It develops sense of duty in the contributor (Q.2: 267). Religious practices inculcate values like diligence, tolerance, self-reliance, honesty, respect, and concern for rights and obligations. They promote mutual trust, peaceful co-existence, a sense of responsibility, and reduction of immorality. They entrench efficiency, equity, increase social stability, and accelerate development and human well-being (Chapra, 2008).

Religious teachings reform the individual and ensure fulfillment of spiritual and material needs by providing meaning and purpose in life. They transform individuals into better human beings, cause changes in their behaviors, lifestyle, and attitudes towards resources at their disposal and towards the environment. The acts of worship prescribed in Islam impact the Muslims' behaviors, instill discipline in their life, build and strengthen the spirit of kindness, respect, sincerity, and diligence in them. When religious practices are adequately and sincerely observed, the values inherent in the practices become a way of life of the practitioners. Undoubtedly, this attitudinal change brings social stability, accelerates the increase in income, reduces poverty, and provides employment opportunities (material development). It also leads to entrenchment of values, morality, piety, self-purification, encouraging the good and discouraging the evils, and ultimately inner peace (non-material development) (Chapra, 2008).

Preserving Life and Securing the Society

Shari'ah precribes the protection of the life of all living beings and makes such protection an individual and collective responsibility on the believers (Abu Zahra, ND). Thus, the Qur'an prescribes the law of legal retribution (Q.2: 179) and equates the sin of unlawful killing of a single human soul to the slaying of entire mankind (Q.5: 32). These measures are put in place to achieve objective of Shari'ah in preserving life by prohibiting any action that leads to the killing of the human soul or causing injury to the human body (Abu Zahra, ND). Individuals are responsible for their own protection in the same way fellow human beings and society are responsible for protecting human life. At the individual level, Shari'ah prohibits indulgence in anything that harms the body or lead to loss of life. Human beings must not deliberately expose their lives to dangers by self-harming their bodies with objects or substances or refusing to protect themselves from extreme weather conditions. At the societal level, the basic necessities that enhance the objective of preserving life should be provided. These necessities as presented by al-Kahdimi (2001) include food, shelter, security, adequate health care delivery, water and sanitation. Health care is another critical area of human need that must be provided in order to preserve life. To achieve this objective,

Shari'ah will supply drugs in the hospitals and provide facilities in maintaining life. It will lead to protection and preservation of life, including the lives of pregnant women, unborn and newly born babies and (Chapra, 2008).

The intent of Shari'ah in the protection of life goes beyond the prescription of laws that criminalize the slaying of the soul. It includes anything that reduces or entirely removes the vulnerability of human life to direct and indirect dangers (al-Kahdimi, 2001). Thus, the Qur'an prohibits self-harm (Q.2: 195), by throwing self into what can cause loss of life (at-Tabari, 2000). It condemns the killing of human soul for fear of poverty (Q.6: 140, 151), and prohibits causing injury to the body (Q.5: 45). These verses show that Shari'ah places a high priority on protecting and preserving life at all cost. Human beings have the right to life, and that right cannot be taken away from them. Shari'ah demands that life be protected against physical threats such as injury, attack with any forms of substance or weapon, and inflicting fear in human minds to enhance this God-given right. Protection of life further includes preventing all forms of verbal threats to human life, like abuse, slander, and using derogatory remarks to demoralize an individual from realizing his or her positive goals (Abu Zahra, ND). Satisfaction of human needs of comfort, social equality, brotherhood, freedom and security of life and property are all part of the protection (Chapra, 2008).

The principles of social equality and brotherhood presented in the Qur'an are the honor conferred by Allah on human beings (Q.19: 70). Thus, race, color, or language does not make a person superior, the best among humans are the truly pious individuals (Q.49: 13). These verses emphasize equality between people of different races, colors, or tribes, and the honor conferred on humankind by Allah (Ibn Kathir, 1999). The honor is affirmed by the prohibition of injustice and illegal killing and obstruction of human freedom, and destruction of mechanism to ensure the security of life and property. To strengthen the objective of preserving life, the Shari'ah prohibits discrimination on the grounds of race, language, or color. It grants all individuals the freedom of work, thought, opinion, and to stay in a place of choice (Abu Zahra, ND). There should be no restrictions on individuals to relocate from one to another provided that their relocation does not amount to causing sedition and mischief in the land. Thus, if freedom is lacking, human personality will not adequately develop. This will affect the development and the invention of innovative ideas, human creativity, and implication, the development and well-being of the society (Chapra, 2008).

Protecting the Mind for Social Cohesion

Mind or intellect ('Aql) is the faculty of reasoning distinctively endowed by Allah to human beings (Q.67: 23). It is the major thing that differentiates human beings from other animals and thus helps human beings be more organized. The Qur'an employs different methods, including a rational approach to challenge human beings to use their mind to see and understand the signs of Allah (Q.30: 21-24). It invites them to think carefully about the unity and existence of Allah (Q.22: 46) and

urges them to think about Allah's favour for them (Q.16: 12-13). The Qur'an ordinarily invites people to the service of Allah through the discourse on death and hereafter as well as paradise and hell fire. There are instances where it employs a rational approach to prove the existence and unity of Allah. However, the Qur'an does not employ a complicated logical or philosophical approach. It employs simple rationality to convince people to look at the things around them and think on how they were created. This invitation aims to ask people to use their sense of reasoning adequately to discover not only who is responsible for the control of the universe but to perfectly utilize other things of benefit to them (Ibn Kathir, 1999).

Under Islamic law, a sound mind is a condition of human responsibility and engagement invalid financial transactions and social contracts. Insane and underage individuals are not under any legal responsibility under the Sharia'h (al-Bukhari, ND). Thus, the successes or failures of human society depend largely on how they properly utilize their faculty of reasoning. Mental health is a significant factor in the growth and development of individuals and societies. This makes the Protection the mind a necessity, and thus, one of the primary objectives of Shari'ah. To achieve the objective of protecting the mind, Shari'ah prohibits intoxicants. Shari'ah prohibits the consumption, injection, or inhaling of any substance that obstructs the mind's normal functioning to preserve the mind. The Shari'ah principles which prohibit intoxicants are stated in the Qur'an (Q.2: 219, Q.16: 67, Q.5: 90). They aim to prevent the consumption of anything that takes away normal sense and turns human beings into a source of evil to society. Thus, verse 219 of chapter 2, and verse 67 of chapter 16 rationally demonstrate the harmfulness of intoxicants to the individual and society. They pointed out that, the damages caused by intoxicants far outweigh the benefits enjoyed by a few. The Qur'an further states that intoxicants can distort social cohesion erode spirituality in society and destroy all prospects for development (Q.90: 5) (Khallaf, 1375 A.H.).

Protecting the mind through the prohibition of drugs and heretical ideas and beliefs ensures the preservation of the mind, and secures mental health (Abu Zahra, ND; Khallaf, 1375 A.H.). Thus, the objective of preserving the mind is implemented by securing healthy mind and preventing negative effects to its health and providing the means of securing mental growth. On the protective aspect, the intellect is preserved by providing quality education and healthy mental growth conditions (Nyazee, 2000). Mind is also preserved by propagating scientific thinking, traveling to seek knowledge, suppressing nerd mentality, avoiding brain drain, and refining thoughts. The ethics inculcated by the objective of protecting the mind in the individual are the avoidance of all substances capable of destroying the human ability to reason properly. The Shari'ah principles prohibit the consumption of and transaction in substances and other materials that harm the human mind to ensure mental health and preservation. The harm stops at the individual and destroys social cohesion by causing rampant mental health problems and erosion of morality and spirituality, thereby stagnating efforts towards development (Auda, 2008).

Once individuals imbibed the ethics of avoiding what is harmful to the mind, their intellect will be sound and secure in whatever forms. The Shari'ah preserve the mind to make society orderly and make the individuals better equipped to acquire and disseminate useful knowledge. The spread of sound knowledge removes illiteracy and builds resilience in the individuals against heresy and other destructive ideas that harm the society (Khallaf, 1375 A.H). Thus, knowledge enables individuals to preserve their dignity, reduces inequality, and enhances creativity. It enriches intellect, stimulates mental growth, enlightens individuals about religious norms and values, and enables them to work efficiently. Sound knowledge acquaints people with morals and helps them expand their technological base, enriches their intellects, and lets them work for meaningful development (Chapra, 2008).

Conclusion

The primary sources of Shari'ah (Qur'an and Sunnah) contain rules and principles that aim at modeling individuals into spiritually and economically productive. The Shari'ah aims at protecting religion, life, mind, offspring, wealth, and dignity. Out of these six critical needs, religion, life, and mind directly deal with the reform of individuals. Thus, religion is protected by blocking heresy and distorted ideas and preserved by the continuous observance of acts of worship and the freedom of faith. Life is protected by the prescriptions which prohibit slaying of human beings or causing injury to the body and preserved by the provision of health care, food, and shelter. Mind is protected by the prohibition of intoxicants and is maintained by securing mental health, refining the mind, and providing a sound education. The ethics within the Shari'ah principles on the protection of religion, life, and mind, are capable of transforming individuals into productive human beings. In this way, the ethical teachings of Maqasid al-Shari'ah become the sources of non-material aspects of human capital development.

In modern times, the idea of development is focused on the achievements recorded in the material well-being of societies. Measurements applied in determining development are based on the assessment of the provision of material needs listed in the Human Development Index. However, the ethical principles of Maqasid on purifying the soul, preserving the mind, and protecting human life, should be integrated into the guidelines on programs of development. Thus, achievements recorded by modern societies in material development, devoid of spirituality, did not and are not adequately serving contemporary societies. This is because spiritual development did not get the desired consideration in the scheme of human development. While substantial amounts of wealth are generated and owned by some individuals, the vast majority of the world population is ravaged by hunger, diseases, and conflicts, etc. This underscores the significance of a shift in our idea of development in contemporary times. There should be a rethink of development, from one-sided materialism to multi-faceted aspect where spirituality and morality become key components

of development. Human beings are the key players in all activities of development in the world. Their conduct and character have to improve and refine so as to make the world a better place for both human and non-human creatures. Thus, the development that actually benefits societies goes beyond mere increase in income and material well-being. It includes material aspects of development in form of rise in income and wealth and the non-material aspects of development that manifest in spiritual and moral improvements.

References

- Abu Zahra, Muhammad (ND), *Usul al-Fiqh*, Beirut, Dar al-Fikr, available at: archive.org.
- Al-Bukhari, Muhammad bn. Isma'il, (ND), *Al-Jami' al-Sahih al-Musnad al-Mukhtasarmin Umuri Rasulillah wa Sunanih wa Ayyamih*, vol.4, Beirut, Dar Tauq al-Najat, available at: archive.org.
- Ali, Salman Syed and Hamid Hasan, (2014) "Towards a *Maqasid al-Shariah* Based Development Index," IRTI Working Paper Series, Jeddah, Islamic Research and Training Institute, available at: [Google Scholar](https://scholar.google.com).
- Al-Ghazali, Muhammad bn. Muhammad, (1413 A.H.), *Al-Mustasfa' Fi Ilm Usul al-Fiqh*, Beirut, Dar Kutb al-Ilmiyyah, available at: [waqfeya.com](https://www.waqfeya.com).
- Al-Juwaini, Abdulmalik binYusuf, (1998), *Al-Burhan Fi Usul al-Fiqh*, Mansurah, Dar al-Wafa', available at: [waqfeya.com](https://www.waqfeya.com).
- Al-Khadimi, Nuruddeen binMukhtar, (2001), *Ilm al-Maqasid al-Shar'iyah*, NP, Maktabat al-Aykat, available at: [islamway.net](https://www.islamway.net)
- Al-Shatibi, Abu Ishaq Ibrahim, (ND), *al-Muwafaqat fi Usul al-Ahkam*, vol.ii, Beirut, Dar al-Fikr, available at: [waqfeya.net](https://www.waqfeya.net).
- At-Tabari, Muhammad bn. Jarir, (2000), *Jami' al-Bayan 'an Ta'wil Ayi al-Qur'an*, vol.iii, NP, Muassasat al-Risalah, available at: [waqfeya.net](https://www.waqfeya.net).
- Auda, Jasser, (2010), *Maqasid al-Shari'ah as Philosophy of Islamic Law a System Approach*, USA, International Institute of Islamic Thought (IIIT), available at: [Google Book](https://books.google.com).
- Auda, Jasser, (2008), *Maqasid al-Shari'ah an Introductory Guide*, London, International Institute of Islamic Thought (IIIT), available at: [jasserauda.net](https://www.jasserauda.net).
- Chapra, M. Umer, (2008), "Islamic Vision of Development in the Light of *Maqasidal- Shari'ah*", Jeddah, Islamic Research and Training Institute, www.irti.org, retrieved on 10th-08- 2016, available at: [Google Book](https://books.google.com).
- Farooqui, Muhammad Zubair, (2000), *Islam and Everyday Life*, Islamabad: Islamic Research Institute.

- Haq, Irfa UI, *Economic Doctrines of Islam*, London, International Institute of Islamic Thought (IIIT), available at: [Google Book](#).
- Ibn Ashur, Muhammad Tahir, (2006), *Ibn Ashur's Treatise on Maqasid al-Shari'ah*, translated By Muhammad Tahir El-Mesawi, London, International Institute of Islamic Thought (IIIT), available at: [Google Book](#).
- Ibn Kathir, Isma' I bn Umar, (1999), *Tafsir al-Qur'an al-Adhim*, 2nd Edition, N.L. Dar Taybah, available at: [waqfeya.net](#).
- Kamali, Muhammad Hashim, (1991), *Principles of Islamic Jurisprudence*, Cambridge, Islamic Text Society, available at: [Google Scholar](#).
- Khallaf, Abdul Wahab, (1375 A.H.), *Ilm Usul al-Fiqh*, NP, Dar al-Qalam, available at: [waqfeya.net](#).
- Nyazee, Imran Ahsan Khan, (2000), *Islamic Jurisprudence*, Islamabad, International Institute of Islamic Thought (IIIT).
- Raysuni, Ahmad, (1992), *Nadhariyyat al-Maqasid 'inda al-Imam al-Shatibi*, NP, Dar al-Ilmiyyah, available at: [waqfeya.net](#).
- Stanton, Elizabeth A., (2007), "The Development of Human Index: A History", Amherst, Political Economy Research Institute, University of Massachusetts, www.peri.umass.edu, available at: [Google Scholar](#).
- United Nations Development Program, (1990), "Human Development Report 1990", New York, Oxford University Press, www.undp.org, retrieved on 27th/10/2020.
- Yadudu, Auwalu Hamisu (1993), "Prospect for *Shari'ah* in Nigeria" in Nuru Alkali et. al. (eds), *Islam in Africa: Proceedings of Islam in Africa Conference*, Ibadan, Spectrum.
- Yusuf, S.M (1978), *The Supremacy of Islamic Shari'at in Islamic Society*, Ankara, Sevinc Matbaasi.
- Zaydan, Abdulkarim (1996), *Al-Wajiz Fi Usul al-Fiqh*, Beirut, Ar-Risalah Publishing House, available at: [waqfeya.net](#).