

Implementation of *Maqashid al-Syariah* in Islamic Criminal Law in Muslim Countries: A Comparative Study in Saudi Arabia, Iran, Malaysia, and Indonesia

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ABSTRACT

This article analyzes the implementation of Maqasid Syariah in criminal law in four. This research examines the implementation of Maqashid Sharia in Islamic criminal law in Saudi Arabia, Iran, Malaysia and Indonesia by highlighting the variations in implementation based on each country's legal system. Saudi Arabia and Iran fully implement Islamic criminal law, while Malaysia and Indonesia adopt it to some extent through their national legal systems. This study also assesses the extent to which Islamic criminal law in the four countries safeguards the five main aspects of Maqashid Sharia, namely religion, soul, mind, offspring, and property, and examines its effectiveness in upholding justice and social order. The main research question posed is: how is Maqasid Syariah implemented in the criminal law systems in these countries, and to what extent are these principles in line with human rights and national law? This study uses a qualitative approach with a library study method, where data is obtained from academic literature, legal documents, and related articles. The research findings show that the implementation of Maqasid Syariah varies from country to country depending on their respective socio-political contexts. The study found that the implementation of Maqashid Sharia in Islamic criminal law in Saudi Arabia, Iran, Malaysia and Indonesia varies, with Saudi Arabia and Iran implementing it strictly, while Malaysia and Indonesia adopted it in a dual legal system. The academic contribution lies in the comparative analysis of the effectiveness of Islamic criminal law in achieving justice and the challenges of harmonization with human rights. Its application can be a reference for policy makers in designing a more adaptive Islamic criminal law system, balanced between Islamic law and the demands of modernity.

Keywords: Maqasid Syariah; Islamic Criminal Law; Human Rights; Legal Reform

ABSTRAK

Penelitian ini menganalisis penerapan Maqasid Syariah dalam hukum pidana di empat negara Muslim, yaitu Arab Saudi, Iran, Malaysia, dan Indonesia, dengan fokus pada bagaimana hukum pidana Islam diterapkan dan disesuaikan dengan konteks sosial, politik, dan tekanan internasional terkait hak asasi manusia (HAM). Pertanyaan penelitian utama yang diajukan adalah: bagaimana Maqasid Syariah diterapkan dalam sistem hukum pidana di negara-negara ini, serta sejauh mana prinsip-prinsip tersebut selaras dengan HAM dan hukum nasional? Penelitian ini

menggunakan pendekatan kualitatif dengan metode studi pustaka, di mana data diperoleh dari literatur akademik, dokumen hukum, dan artikel terkait. Temuan penelitian menunjukkan bahwa penerapan Maqasid Syariah berbeda di setiap negara tergantung pada konteks sosial-politik masing-masing. Di Arab Saudi dan Iran, penerapan hukum hudud dan qisas lebih literal, sering kali bertentangan dengan standar internasional terkait HAM, sedangkan di Malaysia dan Indonesia, pendekatan yang lebih fleksibel dan kontekstual diterapkan melalui ta'zir, yang memberikan ruang bagi penyesuaian dengan kebutuhan masyarakat modern. Artikel ini merekomendasikan adanya reformasi hukum pidana Islam yang lebih fleksibel dengan tetap mempertahankan prinsip-prinsip Maqasid Syariah untuk menjaga keseimbangan antara keadilan agama dan tuntutan modern. **Kata Kunci:** Maqasid Syariah; Hukum Pidana Islam; Hak Asasi Manusia; Reformasi Hukum.

INTRODUCTION

Islamic law has a comprehensive scope, regulating various aspects of human life, including personal, social, economic and criminal dimensions. As a legal system derived from divine revelation, Islamic law not only regulates man's relationship with God through worship, but also regulates interactions between individuals in society, economic transactions, and sets sanctions for violations of criminal law. Thus, Islamic law functions as a holistic guide to life, ensuring a balance between individual rights and obligations and maintaining harmony in the social order (Mudassir & Gunawan, 2017). In the context of Islamic criminal law (jinayat), Maqasid Sharia functions as the main foundation in the formation of legal rules that aim to protect five essential aspects: religion (hifzh al-din), soul (hifzh al-nafs), intellect (hifzh al-aql), offspring (hifzh al-nasl), and property (hifzh al-mal). The determination of law in Islam must lead to benefit, namely realizing good and avoiding bad, by attracting benefits and rejecting harm (Shidiq, 1970). Although Maqasid Sharia offers a universal framework for law-making, its application in the criminal law systems of Muslim countries shows significant variation due to social, political and cultural differences. Factors such as legal history, governance structure, and local community dynamics influence how Maqasid Sharia principles are implemented in the context of criminal law in different Muslim countries (Sidiq, 2017).

In the application of Islamic criminal law, there are significant differences between Muslim countries, especially in terms of interpretation and implementation of the law. For example, in Saudi Arabia and Iran, Islamic criminal law is applied strictly and thoroughly, covering various aspects of people's lives. In contrast, in Indonesia, Islamic criminal law is not universally applied; its application is limited to areas with special autonomy such as Aceh, and only covers certain aspects accommodated in national positive law. Malaysia applies a dual legal system, where Islamic criminal law applies in certain areas, while in countries such as Egypt, Syria, Iraq, Jordan, Tunisia, and Algeria, Islamic criminal law is applied flexibly according to the needs and local context of each country (Haliza Nur Madhani et al., 2024).

Sharia or Islam has various dimensions — personal, social, economic, and criminal. *Maqasid Syaria*, the basic principles of Sharia, indicate the main objective of Islamic law, namely Perfecting the maintenance of five things necessary for human welfare by paying attention to five things: ad-din: religion; *an-nafs*: soul; *al-'aql*: reason; *an-nasl*: descendants; *al-mal*: property. *Maqasid Syaria* is the primary framework for bringing into law laws related to Islamic criminal law. Views on Islamic criminal law must contribute to maintaining the social order and achieving justice in Sharia; Islamic values that support welfare preaching are eternal and can never end so that social order remains and people are always impartial (Saifuddin et al., 2024).

Jinayat, or Islamic criminal law, is a system that seeks to ensure social security and stability by administering sanctions that act as a deterrent (*ta'zir*) and as a punishment (*qisas*). Whilst they do not miss the spiritual dimension of this law, which is that any violations of this law are violations of the rights of Allah and the rights of the individual, this law does not stop here but proceeds to state the punishment. Consequently, Islamic criminal law has a much more significant role in promoting justice and peace according to the values of *Maqasid Syariah*. In practice, though, Islamic criminal law in Muslim countries is very diverse because of social, political and cultural differences (Afandi & Bagaskoro, 2024).

The literal application of Islamic law, such as in Saudi Arabia, Iran, Malaysia and Indonesia, is formed into a doctrine adjusted to the conditions prevailing in a society. The challenges in implementing *Maqasid Syariah* in a world with global pressures on human rights and international law are reflected in this variation. Considering the diversity in the application of Islamic criminal law, this study focuses on the central questions, namely how *Maqasid Syariah* is applied in the formation of criminal law in Islamic countries and how these principles are applied consistently in Islamic countries (Casduloh, 2023).

In the application of Islamic criminal law, there are significant differences between Muslim countries, especially in terms of interpretation and implementation of the law. For example, in Saudi Arabia and Iran, Islamic criminal law is applied strictly and thoroughly, covering various aspects of people's lives. In contrast, in Indonesia, Islamic criminal law is not universally applied; its application is limited to areas with special autonomy such as Aceh, and only covers certain aspects accommodated in national positive law. Malaysia applies a dual legal system, where Islamic criminal law applies in certain areas, while in countries such as Egypt, Syria, Iraq, Jordan, Tunisia and Algeria, Islamic criminal law is applied flexibly according to the needs and local context (Haliza Nur Madhani et al., 2024). Different interpretations of the principles of Maqasid Sharia have led to discrepancies in the application of Islamic criminal law in various Muslim countries. Although Maqasid Sharia offers a universal framework for law-making, its application in the criminal law systems of Muslim countries shows significant variations due to social, political and cultural differences. Factors such as legal history, governance structure, and local community dynamics influence how Maqasid Sharia principles are implemented in the context of criminal law in different Muslim countries (Sidiq, 2017).

The academic contribution of this research is to provide a deeper understanding of the differences in the application of Islamic criminal law in various Muslim countries, focusing on the application of Maqasid Sharia principles. This research also plays a role in explaining the social, political and international factors that influence the application of Islamic criminal law in these countries. In addition, this research contributes to formulating ways to keep Islamic criminal law relevant to the times and global challenges, including in terms of human rights and international law, while still maintaining justice and social order in line with Maqasid Sharia values. The aim of this study is to identify the social, political and international factors that help to explain the variation in the application of *Maqasid Syariah* in criminal law in various countries. This study is also expected to make major contributions in developing Islamic criminal law in the age of the modern era by responding to challenges from the global and keeping Islamic law relevant to the development of times.

RESEARCH METHODS

This study uses a qualitative approach based on a literature study combined with comparative methods to analyze the application of Maqasid Syariah in criminal law in four Muslim countries: Iran, Saudi Arabia, Malaysia, and Indonesia. Secondary data sources included journal articles, books, and relevant legal documents from which the data was collected. It is the analysis based on comparing the legal and interpretation of Maqasid Syariah of both countries and differences in approaches to hudud, qisas and ta'zir, responding to international pressure on human rights. The application of Islamic criminal law in Iran, Saudi Arabia, Malaysia, and Indonesia shows significant variation with regard to hudud, qisas, and ta'zir. In Saudi Arabia and Iran, Islamic criminal law is strictly enforced, with severe penalties for offenses such as theft and murder, reflecting a traditional and literal legal style. In contrast, Malaysia and Indonesia are more moderate, with the application of Islamic law limited to specific regions or in dual legal contexts, allowing more room for adaptation to local needs and religious pluralism. The application of hudud and qisas in these countries is highly dependent on the socio-political context, with countries with stricter implementations more likely to face international pressure on human rights, while moderate countries are more likely to accommodate these international principles. Thus, these differences in the application of Islamic criminal law reflect the dynamics between religious traditions and global demands for maintaining a balance between Islamic law and human rights.

The study centres on how each country translates the application of Sharia law based on the socio-political context, religious pluralism and global demands. Applying Maqasid Syariah in this method can help identify the potential of reforming Islamic criminal law to be more flexible and adaptive to modern context.

RESULTS AND DISCUSSION

A. Implementation of Islamic Criminal Law in Muslim Countries

Therefore, this study aims to determine the implementation of Maqasid Syariah in the development of criminal law in Islamic countries, such as Saudi Arabia, Iran, Malaysia, and Indonesia. This research seeks to uncover why, in the implementation of Islamic criminal law, the distance from the level of implementation is not even and why the level of consistency in the implementation of Ma'qsid Syariah is not met. This study, however, also endeavors to make a meaningful contribution to the growth of Islamic criminal law in the present era, particularly in terms of global issues such as human rights and international law. In Saudi Arabia, Iran, Malaysia, and Indonesia, each country's social, political, and cultural context and other countries' situation determines how Maqasid Syariah is used. As concrete ways of applying Maqasid Syariah in criminal law, the variations of the implementation in Saudi Arabia, Iran, Malaysia, and Indonesia under each country's political, social, and cultural context are considerable. Al-Ghazali outlined the main objectives of Maqasid Syariah that must be maintained, including religion, life, intellect, descendants, and property, which can be used to understand the differences in the application of Islamic criminal law in various countries (Al-Ghazali & Hamid, 1997).

The following is a scientific analysis of how the principles of Maqasid Syariah are implemented in each of these countries:

1. Arab Saudi

As the most conservative of Sunni Islamic jurisprudence, both in terms of its implementation of Islamic law through its jurisprudence and its legal framework, Saudi Arabia is also known as the Hanbali school of jurisprudence in one of the four schools of jurisprudence. This is the juridical legal system, and sharia is the principal source of law, including hudud, Qisah (Qisas), and ta'zir. Criminal law enforcement in Saudi Arabia carries out these ideas; therefore, it will uphold social order and morality by Islamic religious beliefs.

Hudud and *qisas*, grounded on the *Maqasid Syaria*, must be executed within the framework of sovereign policies in Saudi Arabia to uphold social stability, communal ethics, and veracity. Nevertheless, critical study indicates that the *Maqasid Syaria*, encompassing the Five Fundamental Human Needs (religion, life, intellect, progeny, and property), has not been adequately actualized within a more adaptable and contextual framework. For example, amputating hands for stealing and stoning for adultery may be viewed as safeguards for property and moral integrity; however, this perspective raises crucial concerns for welfare and human rights. Concurrently, Saudi Arabia focuses solely on the strict implementation of Sharia, neglecting the necessity to adapt Sharia law to its modern social and political contexts, characterized by swift societal transformations and external human rights challenges (Zakariyah, 2012).

The legal framework to implement Maqasid Sharia in Saudi Arabia is an essential and significant obstacle to implementing pluralism in the interests of society regarding the criminal law of Saudi Arabia, which is lagged in the modern global context. Many corporate punishments contravene

international human rights norms and protect human dignity. Even though these nations have maintained that severe penalties prevent criminals and maintain order in society, Sharia in Saudi Arabia does not have reforms to present equitable justice and human rights. The challenge is an imbalance between the Sharia values that are adaptable and commendable in the thought of Maqasid Sharia in the present and the fixed implementation seen in Saudi Arabia. The approach of legal reform is to be contextualized to elaborate on Maqasid Sharia and to make actualization of restorative justice and preservation of human rights according to the comprehensive Islamic principles (Casduloh, 2023).

Since Mohammed bin Salman took over as Saudi Arabia's leader, the country has sought to open up socially and economically, yet the Sharia criminal code changes have been limited. But the Sharia-based criminal code has been kept intact for major cases despite some restrictions, allowing for the right of women to drive. Like all nations around the world, Saudi Arabia must modernize and stay true to Sharia. However, for deeper reforms, a reordered Maqāsid sharia to ensure their relevance and implementation in a global setting without losing their basic principles of Sharia may be necessary.

2. Iran

Iran is the only country in the world that officially practices a Shia theocracy, with ultimate power in the hands of the supreme religious leader, or Wilayat al-Faqih. Iran's legal system combines Islamic law with elements of modern law. Still, the criminal law applied is based on Sharia, focusing on the principles of hudud, qisas, and ta'zir. Unlike Saudi Arabia, which adheres to the Hanbali school, Iran practices Ja'fari Shia law, which offers a different interpretation in several aspects of the application of criminal law. In Iran's legal system, the Maqasid Sharia remains the basic framework for the formation of criminal law, where the main objectives of Sharia, namely protecting the five basic human needs—religion (ad-din), life (an-nafs), reason (al-'aql), posterity (an-nasl), and property (al-mal)—are implemented in various aspects of criminal law. However, it is often considered in comparison with international standards regarding human rights (Mohammadkhani, 2023).

In Iran, the criminal law consists of qisas (equitable retaliation) and hudud (fixed punishments governed by sharia). Hudud covers serious offenses including adultery, theft, and acts considered to violate sharia law, such as alcohol consumption. One of the punishments discussed in adultery cases is one that often attracts international attention (Hussain et al., 2022). The most controversial example of the practice of Iranian law is the case of Sakineh Mohammadi Ashtiani, who was given the status of stoning in 2010 after being convicted of adultery (H Ammar, 2014). Although seldom used, this penalty is a fundamental part of Iranian law, demonstrating how Maqasid Sharia is constituted, understood, and practiced in issues related to morality and religious values. The principle Iran points to is that this peace is according to the laws of Sharia, which is meant to protect morals and family honor (an-nasl) under the goals of Sharia as guiding ideas. Iran also applies qisas for murder, where the family of the victim has the power to either accept the murderer's compensation or demand the death penalty. The current

judicial system is sometimes criticized for not restoring the offender through rehabilitation or in some other fashion. Now, in Iran, qisas is considered justice for the victim, and this is why the death penalty for murder cases invokes international criticism because of the violation of human rights (Rafiq et al., 2023).

In Iran, the application of Islamic criminal law, according to the Ja'fari Shia school of thought, has so far created tension between the desire to protect public morality and social stability and international requirements for guaranteeing human rights. Iran, however, asserts that strict Sharia law, which includes stoning, qisas, and the death penalty, in general, adheres to the Maqasid of Sharia to protect themselves (ad-din), existence (an nafs) and lineage (an nasl), thus the primary challenge is the harsh implementation of sharia law without concern for the public interest. Although one of the main problems is the application of harsh laws, usually to cases involving morality (such as adultery and homosexuality) that are generally often viewed by the international community as violations of fundamental individual rights, the various laws are suitable to the people's way of life (Iran: Human Rights in Iran: Review of 2023/2024, 2024). This literal reading of the Maqasid of Sharia ignores the basic principles of Maqasid, which demand that the law conform to social contexts and modern developments. In addition, the Wilayat al-Faqih system of power locks in more legal and humanistic reforms in more contextually and human contexts. Despite some possibilities for some limited reform, like reducing the death penalty in drug cases, there are substantive severe problems in Iran in striking an appropriate balance between the operation of Sharia and its adherence to international human rights standards. In Iran's case, the main challenge is how to retranslate Sharia law in a way that does not contradict the blossoming of individual rights but preserves the most critical principle of Sharia while keeping the law relevant in contemporary society.

Long in the international spotlight for its human rights violations, Iran has long used the death penalty and corporal punishment. Iran has been repeatedly criticized by organizations such as Amnesty International and the United Nations for still punishing people with stoning amputations or the death penalty for non-violent crimes. At stake then is this criticism of the application of Sharia law, a process that the Iranian Government sees as being meant to defend society, even though the application of such punishments is said to run counter to fundamental human rights. Iran faces another dilemma between upholding the harsh Sharia law along the Ja'fari Shia line and responding to international pressure on human rights (Lavinia Spieß, 2021).

Iran's criminal law does not seem very conservative but leaves room for some reforms in a few essential areas, such as ta'zir. Social changes in society could lead to international pressure on the Government to make the legal reform closer to global human rights values without abandoning basic Sharia Maqasid principles. The most controversial punishment, one reform being discussed, is reducing the death penalty for drug-related offenses. The similarity of this reform may also suggest that Iran is on its way to opening itself to more modern and flexible modifications of law.

Maqasid Sharia in Iranian criminal law shows a combination of strict application of sharia law with ta'zir flexibility in certain cases. Unlike the more rigid classical interpretations of Imam Ghazali and Ibn Ashur, Jasser Auda's Maqasid theory emphasizes that the application of sharia requires a contextual approach and flexibility. Although Iran maintains many of the harsh punishments stipulated by sharia, there is room for legal flexibility in certain cases. However, Maqasid Sharia in Iran often conflicts with international human rights standards, especially regarding the death penalty and corporal punishment. Although legal reform in accordance with human rights principles remains a major challenge, social changes and international pressure may encourage the modernization of their criminal legal system in the future.

3. Malaysia

Malaysia has a dualist legal system which divides civil law and sharia law. Therefore, Sharia criminal law applies only to some areas, such as family law and morals, but not in total. This legislation is administered by sharia courts in each state. However, there are some Sharia courts, such as Kelantan and Terengganu. Because of its highly varied and religious populace, Malaysia meticulously implements Islamic criminal law, carefully balancing Sharia principles and the extensive socio-political landscape. This shows Malaysia's commitment to reconciling Maqasid Syariah to protect the public interest with the need to safeguard social stability in a heterogeneous community (binti Yusof, 2024).

The mainstay of the Syariah criminal law applied in Malaysia is still the principles of Maqasid Syariah. In practice, the main aim of the Syariah is to protect the five basic human needs, religion, life, mind, lineage, and property, in a more flexible way than in Saudi Arabia or Iran. Syariah law in Malaysia combines modern and constitutional elements to ensure harmony between ethnic and religious groups. In 1993, Kelantan introduced the Syariah Criminal Code (II) Bill to implement hudud law, including harsh punishments. Nevertheless, implementation has not been fully completed for reasons including the fact that the implementation of the provision contradicts the federal constitution, which guarantees human rights and is against the principle of legal pluralism (Azam & Adil, n.d.).

The hudud law was one of the pressures put on by Kelantan but was blocked by the Central Government, which was afraid the hudud could break the constitutional principles that provide for citizens' civil law rights. Sharia law applies only to Muslims and only to family and moral issues under the federal constitution. The hudud is supported by strong local support. Still, the biggest challenge has been integrating Sharia law into a more comprehensive federal constitution that guarantees religious freedom to all its citizens despite religion (Azam & Adil, n.d.).

In other states, such as Selangor, the Sharia criminal code is more about ta'zir, where Sharia judges are given discretion in deciding punishments for offences that aren't hudud. Moral offences such as adultery, gambling and alcohol consumption are punished with fines, punitive sentences or imprisonment. These penalties are, however, more lenient and appropriate to the local socio-political situation. For instance, alcohol consumption cases

are usually punished with a symbolic fine or lashing, and the more severe penalties, as happens in countries like Saudi Arabia, are seldom applied. This means that the principles of Maqasid Syariah, particularly life and family honour, are used with the general welfare in mind in a more diverse Malaysian society (Manaf, 2023).

One of the main challenges in implementing Islamic criminal law in Malaysia is the plurality of its society. With a Muslim majority and significant populations of ethnic Chinese, Indians and other non-Muslim groups, the dualist legal system is designed to reflect this plurality, with sharia law only applicable to Muslims. In contrast, civil law applies to all citizens. Local support in some states, such as Kelantan, for the implementation of stricter Sharia law stems mainly from a desire to safeguard public morality and strengthen Islamic identity. However, resistance to the federal constitution and objections from non-Muslim groups show how Malaysia is trying to balance the implementation of sharia with its commitment to human rights protection and pluralism.

4. Indonesia

As the country with the world's most significant Muslim majority, Indonesia does not have sharia as its national legal system. Indonesia is a country of law, not a religion, and the Indonesian constitution guarantees religious diversity, according to the constitution. Indonesia's legal system is based on Pancasila, which is pluralistic and upholds justice and human rights. Nevertheless, in Aceh Province, sharia criminal law is implemented based on Maqasid Syariah to defend the welfare of the people, public morality and social order. The special autonomy of Aceh to implement Islamic sharia is regulated by Law No. 44 of 1999 and strengthened by Law No. 11 of 2006 concerning the Government of Aceh.

Aceh Province is the only country in Indonesia that applies Sharia criminal law within the framework of special autonomy. Maqasid Syariah aims to protect religion, soul, mind, lineage, and property. In the Acehese context, this goal is realized in the Qanun Jinayat, which regulates moral offenses such as adultery, gambling, and alcohol consumption, which are punished by flogging. However, this implementation faces significant problems in the country and the international community (Din & Abubakar, 2021).

The implementation of Maqasid Syariah in Aceh is one of the biggest problems because it has to balance the obligation to implement Sharia principles with the protection of internationally recognized human rights. For instance, caning is often seen as a punishment that degrades human dignity. It is against the Indonesian constitution which protects people from inhumane treatment. Moreover, the application of Sharia law in Aceh only to Muslims is problematic in a pluralistic society because national laws do not recognize similar laws for people in other regions (Halim, 2022; Purnomo, 2020).

While the issue of morality preservation and social order in Aceh has to be taken within the framework of Maqasid Syariah, Indonesian legal pluralism and the international imperative of upholding human rights must be dealt with to ensure the objectives to be served are deemed achievable.

The flexible and contextual interpretation of sharia law by the Aceh Government, while preserving the religious identity of the area, gives rise to a significant challenge. The second way Maqasid Syariah safeguards the public interest is by prioritizing it. Still, such application in Aceh is also perceived too literally, as it deals with a complicated pursuit between sharia principles and contemporary human rights values.

This examination delves into Jasser Auda's Maqasid theory, illustrating that adaptability and contextual understanding are crucial for applying Sharia. Auda emphasizes that the principles of Maqasid Syariah necessitate the implementation of not merely stringent laws but also realizing overarching social goals related to justice and social welfare. The traditional perspectives of Imam Ghazali and Ibn Ashur advocate for a rigorous commitment to establishing Sharia principles. This stance may not always find favor in a diverse societal context. Although safeguarding the public interest is prioritized, it frequently results in a rigid application of Maqasid Syariah in Aceh, thus complicating the balance between the principles of Sharia and modern human rights values.

The application of Maqasid Syariah within the realm of criminal law in Aceh exemplifies a commitment to preserving ethical standards and ensuring social cohesion in a Muslim community. Nonetheless, the application of punitive measures like caning remains a subject of considerable national and international discourse, particularly in the context of human rights considerations. Aceh, being the sole region in Indonesia that enforces limited sharia, encounters the intricate challenge of reconciling its dedication to sharia with the demands to adhere to national and international human rights standards.

Saudi Arabia and Iran: Both countries have strict and literal Islamic criminal law, based on hudud and qisas. Based on Maqasid Sharia principles, this method is usually regarded as incompatible with international human rights standards. Malaysia and Indonesia: More flexible application emphasizing ta'zir and application to social context. This proves that Maqasid Syariah can be used more practically in protecting life, property, and religion without sacrificing the rights of citizens in a pluralistic society. In every situation, Islamic criminal law is based on Maqasid Syariah principles, but how they are applied depends very much on the local country's culture, politics, and legal system. Islamic criminal law can be adapted to the world today, as countries such as Malaysia and Indonesia show, while Saudi Arabia and Iran remain committed to literal interpretations of Islamic criminal law that frequently clash with international human rights principles.

Table 1. Comparison of the Application of Maqashid Syariah in Islamic Criminal Law Based on the Description Above

Country	Criminal Law Approach	Types of Punishment
Arab Saudi	Literal, based on hudud, qisas, and tazir	Death penalty, stoning, flogging
Iran	Literal, based on Wilayat al-Faqih and hudud	Death penalty, stoning, amputation
Malaysia	Flexible, dualism of law	Whip (in some states)

	(sharia and civil)	
Indonesia	Selective, limited to Aceh for sharia law	Whip (for morality in Aceh)

This study makes a significant contribution to understanding how Maqasid Syariah is applied in Islamic criminal law systems in various countries. The academic contributions of this study are: Comparison Between Countries: This study helps identify factors that influence differences in the application of Maqasid Syariah in Muslim-majority countries, as well as how Islamic criminal law adapts to local social, political, and cultural conditions. Flexible Application of Islamic Criminal Law: This study shows how Islamic criminal law, despite its universal principles, can be applied flexibly based on local contexts and global challenges, including human rights issues. Relevance of Maqasid Syariah in the Modern Era: This study provides insight into how Maqasid Syariah can be used as a basis for developing Islamic criminal law that is more responsive to developments in the era and global issues. Contribution to Legal Reform: By analyzing the application of Maqasid Syariah in various countries, this study is expected to provide recommendations for more adaptive and flexible reform of Islamic criminal law, which is in line with universal principles of human rights and international law.

B. Challenges and Opportunities for the Implementation of Maqashid Syariah in Modern Criminal Law

The primary challenges in implementing Maqasid Syariah in contemporary society encompass various intricate factors, such as pressure from international human rights organizations, social pluralism, and cultural transformation. This is a comprehensive elucidation of these challenges:

Pressure from International Human Rights Institutions

The application of sharia law in various nations is frequently viewed as misaligned with global human rights norms. Human rights organizations, including the United Nations, Amnesty International, and Human Rights Watch, often express concerns regarding various elements of Sharia law that are perceived to infringe upon human rights, particularly concerning corporal punishment methods such as flogging, amputation, stoning, and capital punishment (Patterson, 2024).

Viewed through the lens of Maqasid Shariah, these penalties are instituted to safeguard the five fundamental necessities (ad-din, an-nafs, al-'aql, an-nasl, al-mal), which include the preservation of life, faith, and societal ethics. Nonetheless, global human rights entities frequently perceive corporal punishment as an infringement upon fundamental human rights, particularly the right to humane treatment, the right to life, and the right to be free from torture. States that adopt Shariah encounter the complex task of reconciling the enforcement of Shariah-based laws with their obligations to international human rights agreements (Kamali, 2019).

Countries like Saudi Arabia and Iran encounter international pressure to uphold severe physical punishments, including the death penalty, in cases considered inconsistent with global standards. This scenario presents a

difficulty for the Government in executing the literal interpretation of Sharia following the Maqasid Shariah while preserving favourable relations with the international community.

Differences in the Implementation of Maqasid Syariah in Four Countries: This study found that the implementation of Maqasid Syariah in Islamic criminal law in Saudi Arabia, Iran, Malaysia, and Indonesia showed significant variations. Although the basic principles of Maqasid Syariah are still upheld, the way it is implemented is greatly influenced by local social, political, and cultural factors. In Saudi Arabia and Iran, the implementation of Islamic criminal law is stricter and covers various aspects of people's lives, while in Indonesia and Malaysia, its implementation is limited to certain areas or integrated with the positive law of the state.

Influence of Legal and Governmental Systems: The study findings show that the theocratic government systems in Saudi Arabia and Iran strengthen the implementation of stricter Sharia law. Meanwhile, in Malaysia and Indonesia, the pluralist and democratic legal systems allow Islamic criminal law to be implemented more flexibly and limited to certain areas or contexts. This indicates that the political and social characteristics of the country influence the extent to which Maqasid Syariah is implemented in the criminal law system.

This study makes significant academic contributions in several aspects, as follows: **Understanding the Diversity of the Application of Maqasid Syariah:** This study broadens the understanding of the differences in the application of Maqasid Syariah in Islamic criminal law systems in Muslim-majority countries. It shows how social, political, and cultural factors influence the way in which Sharia law is interpreted and applied in each country. **Offering a Comparative Perspective:** By comparing the application of Maqasid Syariah in four countries (Saudi Arabia, Iran, Malaysia, and Indonesia), this study provides useful comparative insights for the development of Islamic criminal law in the modern world. This study highlights the important role of the contextual and flexible application of Islamic law in responding to global challenges and the needs of local communities. **Connecting Islamic Criminal Law with Human Rights:** This study connects the application of Islamic criminal law, especially laws based on Maqasid Syariah, with global human rights issues. This study opens up discussions on the balance between upholding Sharia values and complying with international human rights standards (Haliza Nur Madhani et al., 2024).

Recommendations for Islamic Criminal Law Reform: This study provides valuable recommendations for Islamic criminal law reform that is more flexible and responsive to global dynamics, without sacrificing the basic principles of Maqasid Syariah.

Social Pluralism

Social pluralism in numerous Muslim nations presents a significant obstacle to the enforcement of sharia, particularly Islamic criminal law. Numerous Muslim countries, including Indonesia and Malaysia, possess heterogeneous populations characterized by diverse religions, ethnicities, and cultures. The application of Sharia law to Muslims may not consistently align

with the beliefs or norms of non-Muslim groups, thereby inciting social tensions (Harahap et al., 2023).

In pluralistic societies, overly strict implementation of sharia can lead to discontent and conflict, especially when minority rights are perceived as being neglected. Debates about protecting the rights of non-Muslims can arise if Sharia law is applied comprehensively. For example, the hudud of the state of Kelantan in Malaysia applies only to Muslims. Civil law in Malaysia governs non-Muslims (Anggraeni, n.d.). This raises legal ambiguities that must be handled carefully to avoid religious conflict. In addition, social pluralism influences Government policies to support sharia justice without disrupting interfaith harmony. Most countries with dualist legal systems, such as Malaysia and Indonesia, strive to maintain a balance between protecting the constitutional rights of non-Muslim citizens and implementing sharia for Muslim communities.

This study provides important academic contributions related to the implementation of sharia law in pluralistic societies. In the context of countries with heterogeneous populations, such as Indonesia and Malaysia, the findings of this study highlight the challenges faced in enforcing Islamic criminal law, especially hudud, within a society consisting of various religions, ethnicities, and cultures. For example, this study reveals how the implementation of sharia law that is too strict can trigger social tensions, especially if the rights of minority groups are ignored, and how the government attempts to balance between upholding sharia justice and maintaining interfaith harmony.

In addition, this study also suggests that the implementation of sharia law in pluralistic societies needs to be carried out with a more sensitive and inclusive approach towards non-Muslim groups. An approach that prioritizes tolerance and respect for religious differences is essential to prevent social conflict and maintain social harmony in diverse societies. The academic contributions of this study can provide guidance for the development of legal policies that consider the balance between human rights, social justice, and the implementation of sharia in the legal systems of countries with pluralistic populations (Kholid, 2018).

Cultural Change

Cultural changes caused by globalization, technology, and urbanization also challenge the implementation of Maqasid Syariah. Modern society, especially the younger generation, is increasingly exposed to a global culture that tends to be more liberal in terms of individual freedom, women's rights, and human rights. This creates a tension between the shariah's traditional values and global social norms.

Sharia, which places limitations on issues of morality and gender roles, frequently clashes with individual rights like gender equality and freedom of expression. For instance, the rights and responsibilities of women in certain sharia-compliant nations vary from those found in civil law systems or international norms when it comes to inheritance, testifying in court, and child custody. Modern Muslims, particularly women, are still calling for changes to family law that are more human rights-compliant and equitable.

Social media and information technology have expedited the dissemination of ideas and values globally, increasingly contesting traditional authorities. In numerous Muslim nations, younger generations are increasingly advocating for greater autonomy and involvement in decisions that impact their lives. This challenge necessitates that countries implementing sharia maintain a balance between upholding traditional Islamic values and addressing the demands of a progressively modern society (Fitria & Subakti, 2022; Kandedes, 2020).

Moreover, social media and information technology are accelerating the global dissemination of ideas and values, thereby challenging conventional authorities. In numerous Muslim nations, youth increasingly advocate for greater autonomy and participation in life decisions. This challenge necessitates that countries implementing sharia reconcile the preservation of traditional Islamic values with the demands of a progressively advanced society.

Conflict between Sharia and National Law

In numerous Muslim nations, a conflict exists between the implementation of sharia law and a more secular national legal framework (Mahfud et al., 2020). Countries like Indonesia, Tunisia, and Egypt, although primarily Muslim, possess constitutions that are not explicitly founded on sharia and prioritize secular principles in their national legislation. The strict enforcement of sharia in criminal or family law frequently conflicts with the principles established in the nation's secular constitution. In Indonesia, the strict enforcement of sharia law in Aceh frequently conflicts with the national constitution, which ensures fundamental rights, including religious freedom and protection against inhumane treatment. This conflict presents difficulties in preserving harmony between the aspiration to enforce sharia and the obligation to comply with national standards rooted in Pancasila and the constitution (Nur, n.d.).

This study makes an important academic contribution regarding the tension between sharia law and secular national law, which is particularly relevant in Muslim countries with legal systems that are not fully based on sharia, such as Indonesia, Tunisia, and Egypt. One of the important findings of this study is how the strict application of sharia law in criminal or family matters can conflict with the constitutional principles of secular countries. For example, in Indonesia, the strict application of sharia law in Aceh often conflicts with the national constitution that prioritizes religious freedom and protection of human rights.

This study also highlights the difficulties faced by countries with secular constitutions in reconciling the aspiration to uphold sharia law with the obligation to comply with internationally recognized human rights standards. These findings provide important insights for legal development in Muslim countries that adopt secular law but have a Muslim majority population, as well as for comparative studies between secular and sharia legal systems in complex socio-political contexts.

This academic contribution also provides guidance for formulating more inclusive legal policies, which can maintain a balance between the application of sharia and human rights principles contained in national and international

law. This research offers a new perspective on the importance of dialogue between sharia law and national law in responding to global dynamics, and can provide input for legal reform that is adaptive to the modern context.

Demands for Sharia Law Reform

In addition, there are demands for reform in the implementation of sharia law from among Muslims, especially from progressive or feminist groups who believe that some parts of sharia law are contrary to modern principles of social justice and gender equality. Groups in favor of reform often consider some parts of sharia law to be unjust, such as inheritance laws that give a greater share to men than women, or limitations on marriage and divorce rights. In addition, harsh physical punishments such as stoning and amputation are often considered no longer relevant to the demands of the times and humanity. Many progressive Muslims argue that the Maqasid of Sharia can be reinterpreted in a more contemporary and contextual way. In this case, the main focus of sharia is justice, equality, and the welfare of the community.

International human rights pressures, cultural transformations due to globalization, and conflicts with increasingly secular national legal frameworks constitute significant challenges in the contemporary application of the Maqasid of Shariah. Muslim nations enforcing Shariah must decide between upholding Shariah tenets and conforming to global human rights and social pluralism standards to tackle these issues. Conversely, contextual and adaptable legal reforms are necessary to preserve the relevance of Shariah in a progressively intricate and evolving world (Ahmed, 1992).

This study makes an important contribution to understanding the dynamics of demands for Sharia law reform in the contemporary Muslim world, particularly those related to the principles of social justice and gender equality. Demands for Sharia law reform, put forward by progressive and feminist groups, illustrate the gap between classical Sharia law and the principles of social justice that have developed in modern societies. These groups highlight aspects of Sharia law that are considered inconsistent with women's rights, such as unequal inheritance between men and women, and restrictions on the right to marry or divorce. The emphasis on a more contemporary and contextual understanding of Maqasid Sharia focuses on the principles of justice, equality, and social welfare, which should be the foundation for developing Sharia law that is adaptive to the demands of the times (Badran, 2009).

In addition, pressure from international human rights institutions and cultural globalization pose major challenges for countries implementing Sharia, which must find a balance between upholding Sharia principles and complying with global human rights standards and social pluralism. This academic contribution lies in understanding how sharia legal reforms can be designed to be more relevant to the needs of modern society, without sacrificing the basic values contained in the Maqasid Sharia, such as justice, welfare, and protection of basic human rights (Halim, 2022).

The findings also offer important insights for comparative studies in Islamic law, which focus on the application of Maqasid Sharia in a contextual framework, as well as how Muslim countries can address the legal challenges

faced in globalization and social progress. The results of this study provide recommendations for designing more contextual legal reforms, taking into account the social and cultural diversity of the ever-expanding Muslim world.

C. Facing Human Rights Criticism from the International Community

The following is a discussion of how the countries that were studied—Saudi Arabia, Iran, Malaysia, and Indonesia—handle criticism from the international community regarding human rights, as well as how they strike a balance between sharia principles and modern constitutions:

Arab Saudi

Saudi Arabia implements Sharia law comprehensively, especially in its criminal and social laws, interpreted according to the Hanbali school. An essential part of the penal system is corporal punishment, such as flogging, amputations, and public executions, for serious offenses, which aims to maintain public morality and social order by the principles of Maqasid Sharia, which focus on protecting religion, life, and morality.

However, international human rights organizations such as Amnesty International and Human Rights Watch have criticized the use of harsh punishments, such as the death penalty for drug crimes or apostasy, which they consider inconsistent with the principles of the Universal Declaration of Human Rights (U.D.H.R.). These organizations consider such corporal punishments to violate fundamental human rights, especially those related to the right to life, the prohibition of drug trafficking, and the prohibition of the illicit drug trade.

The Saudi Government has responded by saying that such punishments are based on Sharia and are intended to maintain security and social stability. They also say that such punishments are by Maqasid Sharia, which prioritizes the protection of religion and morality. However, reforms have begun to be implemented under international pressure and to modernize. This is most evident in the Saudi Vision 2030 reform vision, led by Crown Prince Mohammed bin Salman. Although the death penalty for serious crimes is still maintained, women's rights and freedom of assembly have been reformed (Aluwaisheg, 2021).

Iran

Iran enforces its criminal law through the lens of Islamic principles as articulated by the Shia Ja'fari school under the leadership of the Supreme Leader (Wilayat al-Faqih). The legal framework in Iran integrates elements of sharia alongside national legislation, characterized by the rigorous enforcement of hudud and qisas, particularly concerning grave offenses such as adultery, theft, and murder. In this instance, Sharia criminal law upholds public morality and social stability in alignment with religious doctrines.

Nevertheless, Iran has frequently faced scrutiny from the global community concerning its application of corporal punishments, including stoning, flogging, and executions. Global human rights entities, including Amnesty International, have denounced the application of these severe penalties, particularly in matters about morality, such as homosexuality, adultery, and the consumption of alcohol. Furthermore, Iran has faced

scrutiny for its treatment of women and religious minorities, actions that are widely regarded as inconsistent with the principles of human rights.

The Iranian Government asserts that these penalties are obligatory and must be enforced in alignment with sharia to uphold morality and societal order. The Supreme Leader possesses the ultimate authority to interpret sharia law and oversee its application within the nation. While Iran has at times reacted to global pressure by implementing modest reforms, such as decreasing the frequency of executions for drug-related offenses, the Sharia-based criminal justice system continues to be a fundamental and unassailable component, regarded as a crucial aspect of Iran's religious and national identity.

Malaysia

Malaysia employs a dualist legal framework, wherein Sharia law is implemented to a restricted degree, particularly concerning family law and public morality. In Malaysia, the implementation of Sharia law is predominantly confined to the Muslim Population, with Sharia courts possessing a restricted scope to adjudicate relevant matters. This establishes a differentiation between Sharia law and civil law that applies to individuals who are not adherents of Islam.

The global scrutiny surrounding the application of Sharia law in Malaysia predominantly pertains to the proposed enactment of hudud laws within Kelantan and Terengganu. The endeavor to reinforce the application of Sharia criminal law, encompassing corporal punishments like caning for instances of adultery and moral transgressions, has elicited apprehensions from international organizations and human rights advocates. They regard these corporal punishments as inconsistent with the principles of human rights.

In its efforts, Malaysia has sought to navigate the delicate interplay between the application of Sharia law and the human rights protections enshrined in the federal constitution. Sharia law applies solely to Muslims, whereas non-Muslims are subject to civil law. The central Government has yet to implement hudud laws fully, deeming them inconsistent with the constitution and the rights afforded to citizens. Malaysia aspires to uphold its reputation as a balanced and forward-thinking nation within the global arena, all the while honoring the application of sharia in areas deemed significant by the local Muslim populace.

Indonesia

Indonesia holds the distinction of being the most populous nation with a Muslim majority, yet it does not define itself as an Islamic state within its constitution. In the Aceh region, Sharia law is implemented to a certain degree, as this area possesses special autonomy that allows for applying such legal principles, particularly in matters of criminal law related to public morality. Aceh stands as the sole province in Indonesia endowed with the authority to formally enact sharia law, particularly in addressing moral transgressions such as adultery, the consumption of alcohol, and gambling.

The global discourse surrounding the enforcement of sharia law in Aceh has predominantly centered on the application of corporal punishment, notably caning. International human rights organizations frequently assert

that corporal punishment contravenes fundamental human rights, particularly the right to be free from cruel, inhumane, or degrading treatment. The emergence of these cases has ignited a discourse regarding the equilibrium between local self-governance and Indonesia's adherence to global human rights norms.

The central Government of Indonesia is facing a complex challenge in overseeing the application of sharia law in Aceh. On one side, Aceh's special autonomy is acknowledged as honoring the local aspirations that arose following an extended period of conflict. Nonetheless, as a global community participant, Indonesia is obligated to uphold the protection of human rights. In the face of international criticism, the practice of caning persists in Aceh, justified by its roots in local legal and cultural traditions that demand respect.

Indonesia, as a pluralistic country based on Pancasila, seeks to balance the implementation of sharia in Aceh and its commitment to the constitution that guarantees fundamental rights for all citizens. At the national level, Indonesia's criminal code does not adopt sharia in its entirety, and efforts to implement sharia at the national level are often rejected because Indonesia is a country that recognizes religious pluralism.

Every country implementing sharia law faces the challenge of balancing the application of sharia principles and pressure from the international community regarding human rights. Saudi Arabia and Iran, which implement sharia more strictly, seek to maintain sharia law as part of their religious and national identity despite international criticism. Meanwhile, countries such as Malaysia and Indonesia seek to maintain a balance with a dual legal system, where sharia is applied to a limited extent, and a modern constitution remains the primary legal basis.

These countries face a dilemma between maintaining the authenticity of Sharia, as stipulated in the Maqasid Syariah, and responding to international criticism and demands to protect human rights according to global standards. Despite some reform efforts, implementing Sharia remains a sensitive topic that requires a balance between religious justice and modernity in an increasingly changing global context.

D. Thoughts Of Muslim Intellectuals Regarding Islamic Criminal Law Reform

Reformerists like Mohammad Hashim Kamali and Jasser Auda's thoughts in Maqasid al Shariah offer a strong base upon which Islamic law reformation can dwell, focusing on the principle of social justice and human rights. According to Kamali, Sharia should interpret the tenets of Islam and respect human rights, gender equality, and use of international justice as an inspiration while not violating the essence and the principles of Islam. On the contrary, Auda offers a broader framework, underlining Islamic law as a system capable of legal flexibility in a variation depending on social, political, and economic changes. The two views suggest that Maqasid al-Shariah can not only reconfigure Islamic criminal law but also provide a basis for reform based on an expanded and more inclusive international standard concerning human rights and social justice.

The primary purpose of this Sharia reform can be focused on the main objective rather than the literal enforcement of laws such as hudud. Sharia does not punish the perpetrators harshly only but to protect society from crime and maintain justice. For this reason, Islamic countries can opt for other punishments that are more by human values, such as rehabilitation or education, instead of physical punishments, such as flogging or stoning. Using this approach, Islamic law can continue to be relevant and just in our modern setting.

Adjusting the implementation of sharia with human rights principles is also an essential aspect of this reform. Protection of human dignity, which is also a principle in Islam, can be emphasized to reduce or eliminate harsh physical punishment. For example, flogging can be replaced with more proportional punishments, such as fines or imprisonment, while still respecting internationally recognized human rights.

Islam criminal law can be reformed through a contextual interpretation approach; that is, *ijtihad* (legal interpretation) considers the present social and economic conditions. For example, suppose it did sanction amputation for theft. In that case, a required amendment to Sharia might be reconsidered if attention is directed not to the punishment of amputation but to the central goal of Sharia to protect the integrity of the property, allowing substitutability with rehabilitation or imprisonment. Education plays a pivotal role in this reform. By understanding the *Maqasid Sharia* and human rights principles more deeply, society and policymakers will be better able to argue for creating more humane and flexible legal structures.

The potential for reforming Islamic criminal law through the flexible implementation of *Maqasid Syariah* can be analyzed in depth using Jasser Auda's theory. Auda sees *Maqasid Syariah* as a dynamic framework that is not only tied to literal legal texts but must also be adapted to modern society's social, political and economic changes. According to him, sharia is not only intended to apply punishment rigidly but rather to achieve the ultimate goal of Islamic law - namely, the benefit of humanity and universal justice (Saifuddin et al., 2024).

Auda's main point in his theory is that Sharia is flexible; thus, Islamic law can be adapted to the times. Auda argues that Islamic criminal law reform should focus on the objectives of the Sharia (*maqasid*) rather than on literal punishments such as hudud. For example, the sentence in Sharia is not meant to punish with harsh means only but to protect society from crime and justice. For this reason, Islamic states should take into account less Islamic punishments such as education or rehabilitation, which are more compatible with modern humanitarian principles, and still keep sharia justice (Hermawan & Arifin, 2021).

The incorporation of human rights is essential to this methodology. Auda contends that safeguarding human dignity should be paramount in the execution of Sharia. This aligns with the principle of *karamat al-insan* (human dignity) in Islam, a concept similarly acknowledged by international human rights standards. Consequently, severe physical penalties, including flogging or stoning, may be substituted with more humane alternatives like fines or incarceration. Auda's *Maqasid* theory advocates for the application of the

principle of *maslahah* (public interest), facilitating the adaptation of Sharia law to align with the requirements of modern society. By concentrating on the fundamental objective of Sharia to safeguard essential human needs, Islamic criminal law can be modified to uphold the rights of women, children, and minority groups. Auda advocates for the application of *ijtihad* to reassess sharia in light of contemporary circumstances, suggesting the substitution of physical punishment with more rehabilitative and equitable alternatives.

In conclusion, Jasser Auda's theory (Sidiq, 2017) highlights the importance of understanding *Maqasid Syariah* from a broader and systematic perspective. Therefore, reforming Islamic criminal law can reconcile traditional Islamic justice with contemporary needs while safeguarding the relevance of sharia and preserving its fundamentals. Adopting a more adaptable *Maqasid Syariah* facilitates the reform of Islamic criminal law, which promises significant opportunities for Islamic nations to adopt sharia law to contemporary needs, including human rights. It may be argued that sharia can be applied contextually and adaptively, which preserves the core principles of Islamic teachings, which aim to achieve justice and the welfare of society. Islamic nations can capture the adaptability principles of *Maqasid Syariah* to safeguard the importance of sharia under a progressively worldwide and dynamic setting while guaranteeing individual rights and social equity for all inhabitants.

This contribution provides new insights into the development of progressive Islamic legal thought, which is more inclusive and able to respond to the dynamics of modern society. By promoting a more contextual and adaptive approach to *Maqasid Syariah*, this research enriches the study of Islamic law and provides direction for reform of Islamic criminal law that is more in line with the demands of the times without sacrificing the core values of Islam.

CONCLUSION

This study analyzes the implementation of *Maqasid Syariah* in Islamic criminal law in four Muslim-majority countries: Saudi Arabia, Iran, Malaysia, and Indonesia. Based on the analysis, it is found that the implementation of *Maqasid Syariah* varies significantly between these countries. Saudi Arabia and Iran tend to follow a more literal interpretation of *hudud* and *qisas* laws, reflecting a stricter and more traditional enforcement of sharia law. In contrast, Malaysia and Indonesia adopt a more adaptive approach, using *ta'zir* laws to allow for more flexible social and political adjustments in the context of a pluralistic modern society. Another important finding is that while the implementation of traditional Islamic criminal law can maintain public morality and social order, it often conflicts with international human rights standards, especially regarding corporal punishment and gender equality issues. Countries that strictly maintain sharia law, such as Saudi Arabia and Iran, face international criticism for human rights violations. On the other hand, countries such as Malaysia and Indonesia that are more adaptive to sharia law show an effort to find a balance between religious principles and the demands of human rights and social justice. This study makes a significant contribution to the study of comparative Islamic law, particularly

in examining the adaptive application of Maqasid Syariah to contemporary needs. The findings highlight the importance of a more flexible approach in Islamic criminal law that not only maintains traditional values but also responds to social, political, and cultural changes at the global level. By analyzing the differences in approaches across four countries, this study enriches the understanding of how Maqasid Syariah can be interpreted to maintain the welfare of society, while respecting human rights and the principle of social justice. Furthermore, this study also proposes the possibility of reforming Islamic criminal law to make it more relevant to the needs of the times, while maintaining harmony with the basic principles of sharia. Therefore, this study provides space for further discussion on the adjustment of Maqasid Syariah in criminal law to meet global challenges, while ensuring the protection of human rights and social justice for the entire community.

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