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The application of maqasid al-shariah in multicultural Malaysia: developing strong institutions for interethnic unity
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Abstract
Studies and writings on maqasid al-shariah cover a diverse array of topics from international relations to human development. Furthermore, studies on the maqasid approach have also focused on Muslim minorities living under non-Muslim authorities with an obvious absence of Islamic laws being part of government's priority. This study adopts an inverted look at the aforementioned situation: how can Islamic laws be understood in its universal and holistic objectives to allow non-Muslims to live peacefully and confidently under a Muslim-majority government. Malaysia has always been a cauldron of a constitutionally Islamic country with a significant non-Muslim minority witnessing rising Islamization since the 1980s that was further boosted in the twenty-first century. Discussion on hudud laws, specifically, has created division in society. Based on maqasid al-shariah, societal harmony is an objective that is in line with today's understanding on human rights. Therefore, using interviews with thirteen policymakers in Malaysia, this study hopes to discover whether maqasid al-shariah may provide the path for Malaysians to be able to see one another without suspicion. It was found that policymakers across the political spectrum agree in applying the maqasid approach in legislating in a multicultural country such as Malaysia—without specifying it as maqasid al-shariah for fear of upsetting non-Muslims. © 2023, The Author(s), under exclusive licence to Springer Nature B.V.

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