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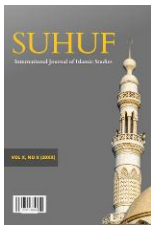

Dynamics of Islamic Legal Thought: Comparison of the Concept of *Maqashid Al-sharī'ah* in Madhhab Zaidiyah and Ja'fariyah

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ABSTRACT

The research paper analyzed the concept of *Maqāṣid al-Sharī'ah* in Zaidiyah and Ja'fariyah madhhabs comparison, examining its relevance in both fractured times and the modern world. The background for this research was the lack of a systematic study on the comparative epistemological and methodological characteristics of the two madhhabs of thought, which made it more than attractive to develop law-responsive approaches for 21st-century tendencies in Islamic law. The paper's objectives were to identify commonalities and differences between Zaidiyah and Ja'fariyah perspectives on *Maqāṣid* and to test how these differences contribute to the solution of contemporary issues, including sex- and law-gender equality, and law pluralism. The research employed a comparative qualitative design overall, with a textual-contextual analysis approach, conducting deep and critical analysis of classical material, as well as a thematic one, to track patterns of *Maqāṣid* interpretation. The results include the fact that Zaidiyah adopted a systemic rational-contextual approach to *Maqāṣid* based on al-maslahah al-'āmmah and Ja'fariyah – an imamah-centric approach via al-taqiyyah al-ijtihādiyyah. The study also concludes that the synthesis of these approaches is effective in providing a methodology for Islamic law.

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1. Introduction

The concept of *Maqāṣid al-Sharī'ah*, which refers to the objectives of Islamic law, plays a significant role in the legal frameworks of both the Zaidiyah and Ja'fariyah schools of thought. While both traditions emphasize justice and societal welfare, their interpretations and applications of *Maqāṣid* exhibit distinct characteristics.

The Zaidiyah madhhab, rooted in the teachings of Zaid ibn Ali, emphasizes the importance of social justice and the welfare of the community. Zaidiyah jurists incorporate *Maqāṣid* into their legal reasoning, focusing on the preservation of public interest (maslahah) and the promotion of justice as central to their rulings [1]. The Zaidiyah approach prioritizes the protection of life, property, and religion, aligning with broader Islamic values of equity and fairness.

Meanwhile, the Ja'fariyah madhhab, associated with the Shia tradition, places a strong emphasis on the role of the *Imams* in interpreting *Maqāṣid*, viewing them as essential to understanding divine will [2]. Ja'fari jurists also advocate for justice and balance, but they may incorporate more theological considerations into their legal reasoning, reflecting their unique doctrinal beliefs [3]. The Ja'fariyah perspective includes safeguarding individual rights and promoting social welfare, often through a more centralized interpretation of authority in legal matters.

In contrast, while both schools value *Maqāṣid*, the Zaidiyah's focus on community welfare may lead to more pragmatic legal applications, whereas the Ja'fariyah's theological emphasis can result in a more doctrinally driven approach. This divergence highlights the rich diversity within Islamic legal thought [4].

Islamic legal thought, or *fiqh*, and subsequent developments in the Shi'a tradition have found interesting dynamics in response to social changes and contemporary needs [5]. The Zaidiyah and Ja'fariyah madhhabs have distinct theological and methodological foundations, particularly in their interpretation of *maqashid al-Sharī'ah* as a legal framework [6]. Nonetheless, studies comparing how one particular sect of Shi'a and Sunni approaches the significant issue of *maqashid* al-sharia are scarce. However, it is essential to understand how Islamic law remains responsive in the face of modern challenges [7]. This research departs from the academic gap caused by the dominance of Sunni perspectives on *maqashid al-Sharī'ah* and their legal mechanisms [8] Meanwhile, little discussion has centered on a critical point of view of Zaidiyah and Ja'fariyah legal thinking on various social issues, such as social justice, the position of women, or the relationship between Muslims and non-Muslims. In this way, this research provides a broader understanding of the main Shi'a views on the subject of shari'a law and decision-making.

This research is motivated by the lack of systematic comparative studies between the concepts of Sharia *Maqashid* [9] in the Zaidiyah and Ja'fariyah Mazhabs, despite significant methodological differences in interpreting the goals of *syariat*. The existing literature appears to be fragmented, with a focus on Zaidiyah studies that emphasize political and historical issues, and a corresponding lack of attention to Ja'fariyah studies on theological issues. Furthermore, there is a notable absence of academic examination of how the *maqashid* are operationalized within the context of contemporary law, particularly about a *mazhab* [10]. As such, a general reading of the assigned *maqashid* in a comparative frame is available in the literature, which draws on *maqashid* as an analytical tool, employing a quantitative approach that integrates historical-critical and thematic analysis, taking into account *takhrij al-manat*, to identify areas of convergence and divergence between the two groups.

The study of past studies has proposed several specific proposals to overcome the gap in comparative research on *Maqāṣid al-sharī'ah* between Zaidiyah and Ja'fariyah Mazhabs. First, the comprehensive reading suggested by Auda [11] introduces a systemic concept that takes into account socio-historical contexts and each *mazhabs'* distinctive epistemologies and disciplines, which allows for a more holistic reading of authoritative texts. Although these approaches are practical in revealing the relationships between the structure of *Maqāṣid* and contemporary realities, they are also criticized for lacking attention to the fundamental differences in methodology between Zaidiyah and Ja'fariyah [12]. Second, Kamali et al. [13]. developed the concepts of *Maqāṣid juz'ī* and *Maqāṣid kullī* that can be used to illustrate "points of convergence and divergence between the Zaidiyah and Ja'fariyah. Nonetheless, this model requires additional refinement in terms of comparative parameters, particularly in discerning how *Maqāṣid* work in contemporary issues such as human rights and gender equality.

On the other hand, Moderressi Hossein [14] emphasizes the importance of textual analysis methods that focus on the classical works of Zaidiyah and Ja'afriyah scholars in order to understand

the evolution of the concept of *Maqāṣid* in madhhab. Of course, this method is effective in finding the root of the debate over the causes of conceptual differences that then manifest in legal thought. However, as previously predicted, the socio-political dimension is often overlooked within the framework of such contextual thematic analyses that influence the process of development of legal thought. To address the shortcomings of the discipline, Duderija and Halim Rane [15] propose a new methodology that combines historical approaches with contemporary analytical themes, particularly in the context of responses to emerging contemporary issues, such as legal pluralism and social justice. This approach allows for more practical research; it has implications not only at the theoretical-epistemological level, but also practical-epistemological implications to which academic debate should contribute the most valuable insights. Therefore, in the context of this research, it provides an important basis for examining such concepts, considering the practical implications of this debate in the 21st century. Thus, by combining these approaches, this study aims to make a more comprehensive and relevant socio-historical statement.

Research on *Maqāṣid* in the Zaidiyah and Ja'fariyah madhhabs is a related area of study used in this research. Previous research on *Maqāṣid al-Sharī'ah* in the two Shi'a madhhabs has shown significant limitations, which have created educational and academic gaps. Many previous studies on this subject, such as Haykel [16] and Moderressi Hossein [14], have focused on the historical and theological aspects of each madhhab without conducting a systematic analysis from the perspective of the comparative application of *Maqāṣid* in contemporary contexts. In addition, Auda's research [11] and some of Kamali's writings [13] on *Maqāṣid al-sharī'ah* are more centered on the Sunni perspective, emphasizing less the epistemological and methodological uniqueness of the Shia tradition, as well as the differences between the Zaidiyah and Ja'fariyah. This phenomenon is further complicated by the tendency of the literature to examine sect by sect, without adequate comparative insight [12]. Contemporary analyses of Maqāṣid, such as those by Duderija and Halim Rane [15], have failed to provide a systematic analysis of how Zaidiyah and Ja'fariy's conceptual differences on *Maqāṣid* influenced their modernizing approach to social issues and the protection of human rights. The existing literature pays less attention to the internal dynamics of different madhhabs in addressing modern issues and lacks the theoretical framework necessary to compare the structure of their Maqāṣid. Such a phenomenon highlights the need for more systematic, comprehensive, and comparative research aimed at understanding the potential contribution of Shia Islamic legal thought to the discourse of modern *Maqāṣid al-sharī'ah* behavior.

2. Method

This study uses a comparative qualitative design, with a textual-contextual analysis approach. This approach combines library research methods and thematic analysis to compare the concepts of *Maqāṣid al-sharī'ah* in the Zaidiyah and Ja'fariyah madhhabs.

This design was chosen because it can [17]: (1) explore the epistemological and methodological differences between the two madhhabs through the analysis of primary texts by classical and contemporary scholars; (2) identify conceptual patterns through thematic codification of the *Maqāṣid* doctrine of each sect; and (3) test its relevance in the modern context with a contextualization approach.

The combination of historical-philosophical approaches and contemporary case analysis enables researchers to conduct comparisons and answer the main questions about the convergence of thought, as well as evaluate its implications in contemporary practical contexts, such as gender, pluralism, and others.

This integrative analysis framework is designed to overcome the limitations of previous studies, which tend to be partial and less systematic in their comparison of the two madhhabs [18]. This research will conduct data analysis through qualitative content analysis and comparative analysis approaches to identify conceptual patterns that emerge in the understanding of *Maqāṣid al-sharī'ah* in the two madhhabs.

The primary data used will be authoritative texts by scholars, referenced by both madhhabs, and then analyzed in three stages. Secondary data, including the results of contemporary studies, are used for comparison to examine the trend in understanding in the latest discourse. The integration of the two data sources is carried out through triangulation techniques to map the reasoning patterns of each madhhab.

3. Results and Discussion

The Zaidiyah and Ja'fariyah schools, both rooted in Shi'a Islamic thought, exhibit distinct approaches to *Maqashid al-sharī'ah* (the higher objectives of Islamic law). While the Zaidiyyah school predominant in Yemen emphasizes justice (Adl) and resistance to oppression, it remains closer to Sunni methodologies in its reliance on Quran, Sunnah, and limited Qiyas (analogical reasoning) [13], [16], [19]. In contrast, the Ja'fariyah (Twelver Shi'a) school grants a more substantial role to intellectual reasoning (Aql) and the infallible Imam's guidance, allowing greater flexibility in deriving rulings to address contemporary issues [12]. Both schools prioritize the five necessities (religion, life, intellect, lineage, and property), but Ja'fariyah places stronger emphasis on social justice (Adl) and economic equity through mechanisms like *Khums* (wealth redistribution) [20], [21]. The following is a comparative mapping table of *Maqashid al-sharī'ah* in Zaidiyah and Ja'fariyah:

Table 1. Comparison of *Maqashid al-sharī'ah* in Zaidiyah and Ja'fariyah Schools

Aspect	Zaidiyah Madhhab	Ja'fariyah Madhhab
Primary Sources	Quran, Sunnah, *Ijma' of Ahl al-Bayt*, *Qiyas* (limited), and rational reasoning (Aql).	Quran, Sunnah (with emphasis on Imams' narrations), Ijma' (only if it includes the Imam), and *Aql* (strong role in Usul al-Fiqh).
Hierarchy of *Maqashid*	Emphasizes preservation of religion, life, intellect, lineage, and property (similar to Sunni schools but with a focus on justice and resistance to oppression).	Prioritizes religion, life, intellect, honor, and property, but with a stronger emphasis on social justice (Adl) and protection of the oppressed (Mustad'afin).
Role of Reason (Aql)	Accepts rational deduction but within the framework of textual evidence.	Gives greater weight to intellect (Aql) in deriving rulings, especially in the absence of explicit texts.
Political *Maqashid*	Strong emphasis on justice (Adl), resistance to tyranny, and leadership by a qualified descendant of Ali (as a scholar-warrior).	Focuses on the Imamate as divine leadership, obedience to the Imam, and the establishment of a just Islamic state under the infallible Imam's guidance.
Social Justice	Advocates for egalitarian principles, economic fairness, and rejection of oppressive rulers.	Stresses redistribution of wealth (Khums), support for the oppressed, and economic equity under the Imam's authority.
Flexibility in Rulings	More flexible than Sunni schools but less than Ja'fariyah in adapting to new contexts.	More flexible than Sunni schools but less than Ja'fariyah in adapting to new contexts.

A key divergence lies in their political and legal philosophies. The Zaidiyyah tradition advocates for an active, scholarly-led resistance against tyranny, permitting leadership by any qualified descendant of Imam Ali, even if not infallible [22]. Conversely, Ja'fariyah theology centers on the Imamate as a divinely appointed institution, requiring obedience to the infallible Imam and, in his absence, to jurists (Marja'iyyah) who derive rulings based on *Maslahah* (public interest) [20]. This distinction makes Ja'fariyah jurisprudence more adaptable, utilizing secondary rulings (Ahkam Thanawiyyah) to address modern challenges, whereas Zaidiyyah retains a more textually constrained approach [23].

Finally, both schools share a commitment to ethical governance and social welfare, but their methodologies differ. Zaidiyyah's emphasis on egalitarianism and opposition to oppression aligns with its historical role in Yemeni political struggles [16]. Meanwhile, Ja'fariyah's structured hierarchical jurisprudence, combined with its theological focus on the Imam's authority, fosters a more systematic application of *Maqashid* in legal reform [14], [19]. These differences highlight how Shi'a legal thought, despite shared foundational principles, evolves distinctively across sects in response to theological, historical, and socio-political contexts.

The results of this study have three main significant implications in the current field of Islamic law. First, the analysis reveals that the Zaidiyah madhhab employs a rational-contextual approach in *Maqāṣid al-Sharī'ah*, prioritizing the principle of *al-maslahah al-'āmmah* as a quadruple conceptual framework. Meanwhile, Ja'fariyah initiated the *imama*-theocentric paradigm, which positioned the *Maqāṣid* within the scientific authority of Ahlulbayt [24]. The discussion further evaluates the attachment of the immanence of both methods, which demonstrates the urgency of the synthesis approach. Some prominent examples include the concessions of the Zaidiy, the more lenient approach towards *ijtihād masāliḥī* in the settlement of women's rights, and the *imāmī*, as well as the stricter academic journey to mythology. Second, this study also demonstrates a degree of convergence in non-essential *Maqāṣid*, particularly in terms of maintaining the religion, soul, and intellect. The hall highlights placement as a key factor that leads to methodological differences in operating the two madhhabs. The most innovative research result was the development of the *Maqāṣid* model of the madhhab as an additional analytical instrument [25]. This model proves its usefulness in the research of a wide range of cases, including social justice and religious dialogue. More broadly, this research can also contribute to the selective guidance of both madhhabs in terms of reactions to modernity. Zaidiyah is based on *al-taysīr*, i.e., simplification, while Ja'fariyah uses *al-taqiyyah al-ijtihādiyyah*, or scientific concealment. As a result, this research, although not a unique contribution to academic knowledge, at least provides a broad perspective on the methodological guidelines for developing *Maqāṣid* as a study.

3.1. Concept of *Maqāṣid* in the Zaidiyah and Ja'fariyah Madhhab

A comparative analysis of the literature reveals fundamental differences in the approach of the Zaidiyah and Ja'fariyah madhhabs to the *Maqāṣid al-Sharī'ah*. The Zaidiyah madhhab, as described by Haykel [16] and Auda [11], tends to adopt a rational-utilitarian approach that emphasizes the public good (al-maslahah al-'āmmah) as the basis for determining law. The findings of this study reveal that Zaidiyah scholars, such as al-Shawkānī, often contextualize *Maqāṣid* through the mechanisms of *al-taysīr* (flexibility) and *istiṣlāḥ* (accommodation of benefits), especially in contemporary issues like women's rights [24] and pluralism. In contrast, the Ja'fariyah Madhhab, as argued by Hossein Modarressi [14] and Robert M. Gleave [12], emphasizes a theocentric framework that ties the understanding of *Maqāṣid* to the authority of the Imam and the Ahlul Bayt tradition [20]. Research data show that the concept of *al-taqiyyah al-ijtihādiyyah* (intellectual taqiyyah) in Ja'fariyah limits the scope of *Maqāṣid* interpretation. However, it still allows limited adaptation to social changes [26].

On the other hand, the interpretation of the study's findings reveals a significant meeting point between the two madhhabs. Kamali and Duderija & Halim Rane [15] note that both Zaidiyah and Ja'fariyah acknowledge the five basic principles of *Maqāṣid* (al-ḍarūriyyāt al-khams), albeit with different emphasis. Data analysis reveals that Zaidiyah is more consistent in applying the principle of

ḥifẓ al-'aql (protection of reason) in contemporary issues, such as freedom of expression. In contrast, Ja'fariyah is stronger in implementing *ḥifẓ al-dīn* (protection of religion) through the mechanism of *wilāyah* [20]. Another important finding is that the two madhhabs show parallel developments in responding to modernity, where Zaidiyah through the reinterpretation of the text (ijtihād Maqāṣidī) and Ja'fariyah through the expansion of the doctrine of *imamah* (al-imāmah al-tashrī'iyyah), albeit with different epistemological foundations [14].

3.2. Practical Significance and Implications of Research Findings

The findings of this study have profound practical significance for the development of contemporary Islamic law. The resulting *Maqāṣid* mazhabī model, for example, provides an innovative framework for Islamic legal practitioners to address contemporary issues, such as gender justice and religious pluralism, through a rationalist Zaidiyah and a spiritualistic Ja'fariyah approach simultaneously. At the same time, therefore, fatwa institutions and policymakers will be better equipped to respond to social changes without sacrificing the underlying principles of sharia, thanks to the findings on the adaptation mechanisms of Zaidiyah, *al-taysīr* lesson cards, and Ja'fariyah, *taqiyyah ijtihādiyyah*.

Thus, its implementation can be seen in the regulation of Muslim families that are more friendly to the process and resolution of inter-sect conflicts in a pluralistic society. In academic discourse, the findings of this study have revolutionized the study of comparative *fiqh* by proposing an innovative approach to analyzing the differences between the madhhabs [27]. The discovery of the five points of convergence of the Zaidiyah-Ja'fariyah *Maqāṣid* provides an entry into the scope of a shared discussion without sacrificing the theologically perverted integrity of the Shi'a sect.

Other findings related to the epistemological structure of each sect, therefore, build an extensive follow-up research program in the context of Zaidiyah-Ja'fariyah integration in the face of postmodern challenges such as Islamic bioethics and Islamic finance. The biggest transformative dream, at this level, is the potential to influence the methodological reconstruction of contemporary *ushūl fiqh*. The synthesis between Zaidiyya rationality and Ja'fariy's spirituality in the *Maqāṣid* mazhabī model not only enriches the epistemic field of Islamic law but also gives it an inevitable critical dimension, far from the overly naïve Sunni-centric reformist views. In this case, the above findings can be applied to the Islamic law curriculum, cross-sectarian fatwa, and public policy, which is particularly relevant in countries such as Indonesia and Malaysia, where the diversity of Ilim and philosophical styles in Islam is evident.

4. Conclusion

In this case, this study succeeded in identifying and discussing the dynamics of Islamic legal thought through a conceptual analysis of *Maqāṣid al-sharī'ah* Mazhab Zaidiyah and Ja'fariyah. In this context, this study demonstrated that despite differences in epistemological and methodological approaches, the two madhhabs as a whole adhere to the five principles of *Maqāṣid al-Sharī'ah*. Meanwhile, Zaidiyah emphasizes a rational-contextual approach through the principle of maslahah *al-'āmmah* and the mechanism of *taysīr*. In contrast, Ja'fariyah is more oriented towards an imamah-theocentric epistemological paradigm, with the concept of taqiyyah al-ijtihādiyyah. This finding justifies the research hypothesis on how far the madhhab deduces the differences and similarities in the concept of *Maqāṣid al-sharī'ah*. The results are also relevant to the research purpose of developing a *Maqāṣid* mazhabi model. These findings and conclusions have important practical and theoretical implications for the development of contemporary Islamic law.

This research primarily contributes to the validation of the comparative *ushūl fiqh* methodology, particularly in the context of *Maqāṣid al-Sharī'ah*. Practically, by mapping the similarities and differences between the concepts of Zaidiyah and Ja'fariyah, this research contributed to being an effective source of material, in addition to the dominance of Sunni-centric perspectives. Theoretically, this study has validated an analysis model to explore the potential of the *Maqāṣid* mazhabi model in the formulation of Islamic legal policies. However, this study has some limitations. First, the focus of research on the authoritative texts of classical and contemporary scholars may be less reflective of the

dynamics of thought at the roots of their home culture. Second, this comparative analysis has not validated the *Maqāṣid* mazhabi model in specific cases in various regions. Third, the limited access to rare manuscripts from both madhhabs may also affect the depth of historical analysis.

Therefore, further research is highly recommended. One of them is a field study that directly validates this model and provides practical recommendations for integrating it into contemporary Islamic legal policy. It also employs a qualitative approach, conducting interviews with scholars and practitioners from the two madhhabs, to draw a deeper conclusion and challenge the application of the *Maqāṣid* madhhabi model in their lives.

In addition, this research was expanded to include previously overlooked Shi'a madhhabs, such as the Ismailiyah. This combination provides the model with two dimensions of strength, namely the reliability of the contribution and the depth of the model. In this regard, this research as a whole has great potential for the development of a dynamic and contextual theory of *Maqāṣid al-sarī'ah*.

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