# Islamic Governance & the Maqāsid of the Shari'ah

Guidelines for Public Administration and Management

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**January 2020**

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بسم الله الرحمن الرحيم

الحمد لله رب العالمين
والصلاة والسلام على سيدنا ومولانا محمد
وعلى آله وأصحابه الكرام أجمعين

# Islamic Governance & the Maqasid of the Shari'ah
## Guidelines for Public Administration and Management

This is an intensive one day workshop introducing the fundamentals of 'Islamic Governance'. The objectives of the workshop are two-fold:

In the first part of the workshop, participants will be introduced to the principles of an Islamic system of governance, conveyed insha allah via the Islamic Governance conceptual map. consisting primarily of the Prophetic Madinian Polity, the Maqasid of the Shari'ah and the IGC Matrix. The Prophetic Madinian Polity was essentially a Qur'anic society. As a Qut'anic society, it follows therefore the Madinian Polity was organised, structured, and objectivised to achieve the objectives of the Qur'an, the Maqasid of the Shari'ah.

**Second**: To explore the potentials and challenges in implementing an Islamic system of governance in the Brunei context. Participants will be engaged to apply the Islamic Governance principles during the second part of the workshop.

The convenor is Senior Professor of Islamic Governace at the Institute of Policy Studies UBD and Consultant Professor at the Institute for Leadership, Innovation, and Advancement (ILIA).
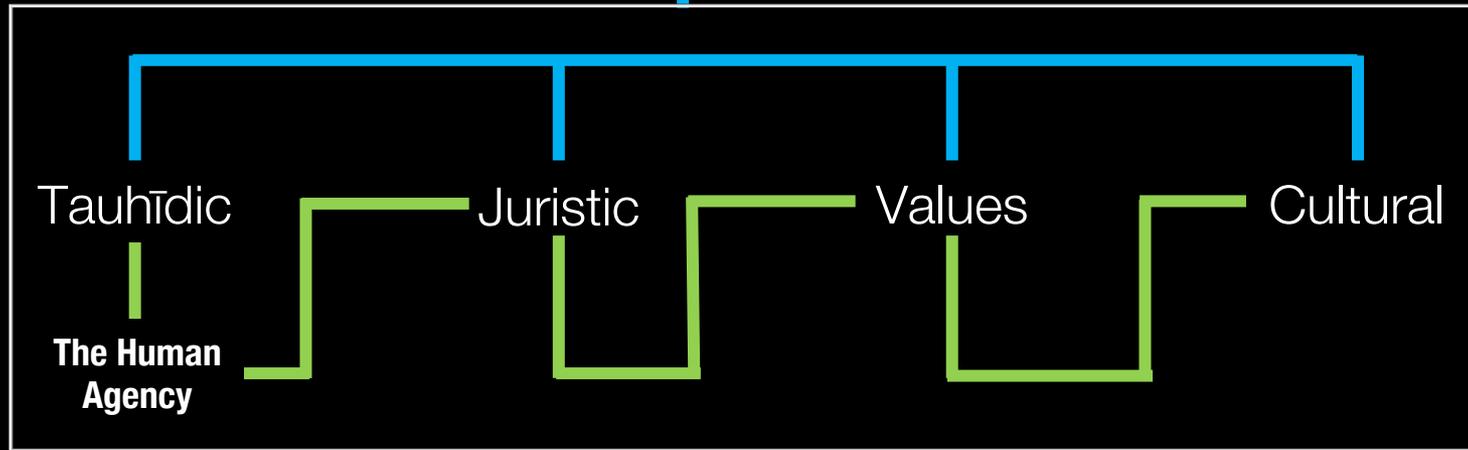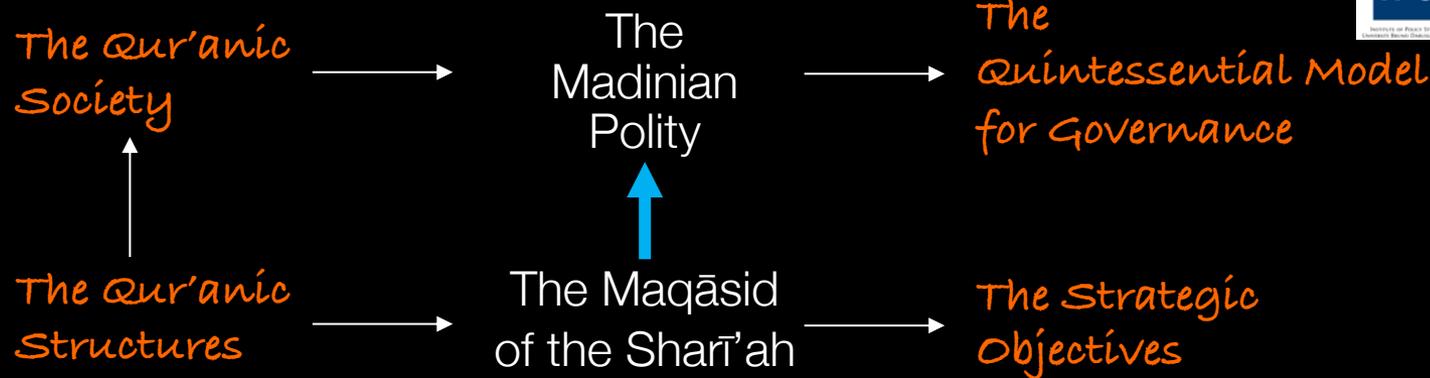
• The Prophetic Madinian Polity is the quintessential model of an Islamic system of governance. It was established by the Prophet Muhammad SAW, and thus an expression of the Prophet's Sunnah on a societal level.

• The Prophet SAW was, in turn, the manifestation, or lived expression, of the Qur'an. Such is the case, the Madinian Polity was, therefore, the lived expression of the Qur'an on the societal level via taqrir. As a Qur'anic society, it was geared to achieve Qur'anic objectives or Maqasid.

• The Maqasid are constructed upon four conceptual elements: the Tauhīdic, the Juristic, the Qur'anic Values, and the socio- & political-cultural contexts within which governance activities of are located.

# The Islamic Governance Conceptual Map

The Qur'anic Society → The Madinian Polity → The Quintessential Model for Governance

The Qur'anic Structures → The Maqāsid of the Sharī'ah → The Strategic Objectives

Tauhīdic    Juristic    Values    Cultural

**The Human Agency**

The Operational Framework

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- This rendition of the Objectives, or Maqasid, of the Shari'ah was articulated by al-Imam al-Ghazali (450-505AH), which was a continuation of the work first proposed by his master, al-Imam Juwayni (419-478AH).

- The Maqasid of the Shari'ah is derived by means of a deductive process applied on the Qur'an, from which five principal themes emerged.

- However, al-Ghazali only assumed a 'preservatory' outlook to those themes. A proactive aspect is added here.

- Al-Ghazali's thematic deduction of the Qur'an, in comparison to other renditions, is arguably best suited for operationalising the Shari'ah in socio-organisations.

# The Maqāsid of the Sharī'ah

$M_1$ : The Preservation and Promotion of the **Faith**

$M_2$ : The Preservation and Promotion of **Life**

$M_3$ : The Preservation and Promotion of the **Mind**

$M_4$ : The Preservation and Promotion of **Progeny**

$M_5$ : The Preservation and Promotion of **Wealth**

- The Maqasid are not mutually exclusive; they are, in fact, mutually contributory. How so? Since the Maqasid are deduced from the Qur'an, it follows that the Maqasid also reflects the internal relational structure of the Qur'an.

- The verses of the Qur'an are explained by other Qur'anic verses, and are, therefore, mutually explanatory.

- Similarly, each Maqasid cannot be attained without the support of other objectives. Each objective, or Maqasid, requires the collaboration of others objectives.

- Put together, the combined attainment of each Maqasid leads to the creation of a Qur'anic society; one that is conducive for the worship of Allah.

$$\sum M_z$$
where z = 1 to 5
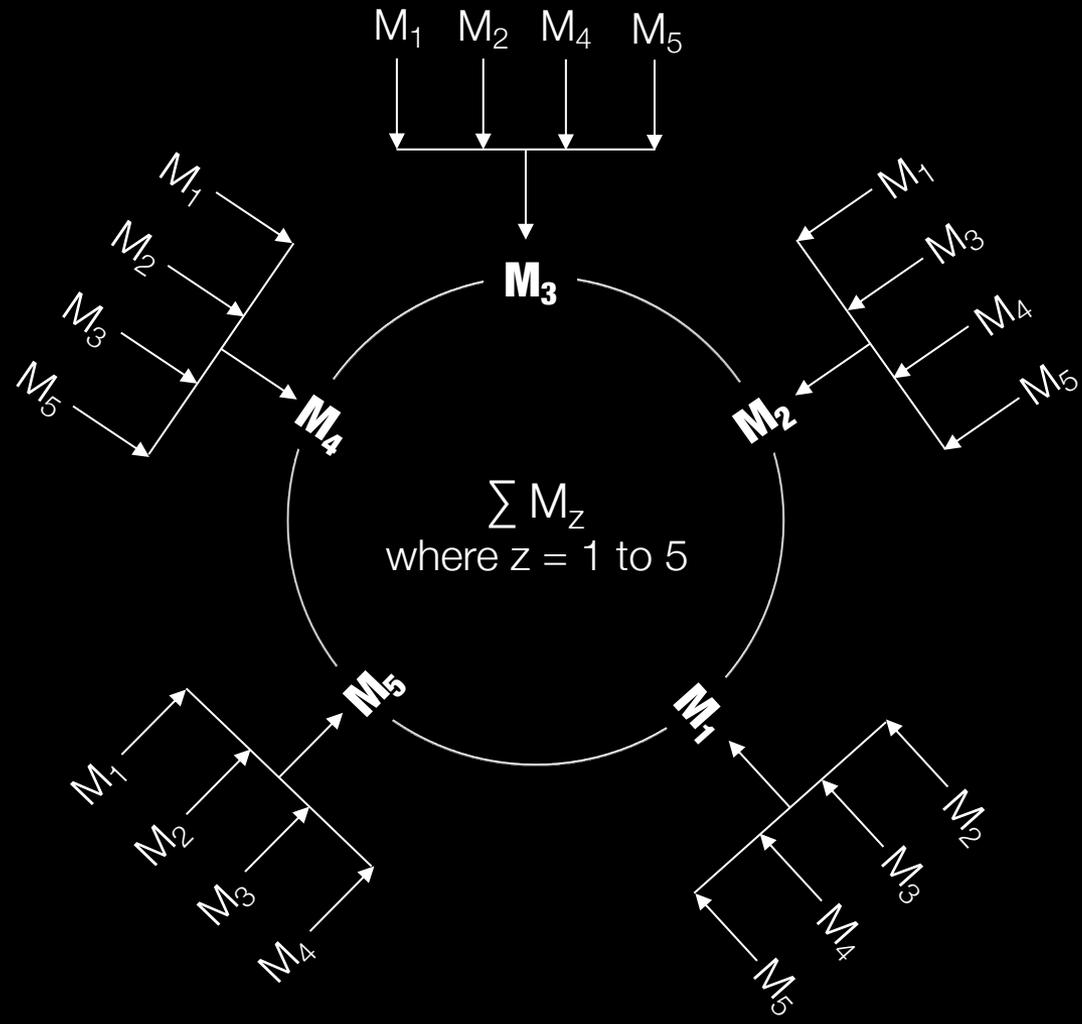
The Maqasid Collaborative Framework

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• The Maqasid are the critical aspects constructing human individual, social & organisational needs; whether Muslim or otherwise; offering an intrinsic universal application.

• The Maqasid's holistic application is reflective of the Qur'an's universal application; making it functionally apt for establishing a system of governance with universal appeal & relevance, and embracing multi-ethnic & multi-religious societies.

• To operationalise the Maqasid, attention is given to the Tauhidic (niyat), the Juristic (the halal & haram), calibrated by the Qur'anic values of compassion, equity & justice, as well as the socio- & political-cultural contexts within which governance activities are located.

## The Islamic Governance Conceptual Map

The Qur'anic Society → The Madinian Polity → The Quintessential Model for Governance

The Qur'anic Structures → $\sum M_Z$ where $z = 1$ to $5$ → The Strategic Objectives

Tauhīdic    Juristic    Values    Cultural

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The Operational Framework

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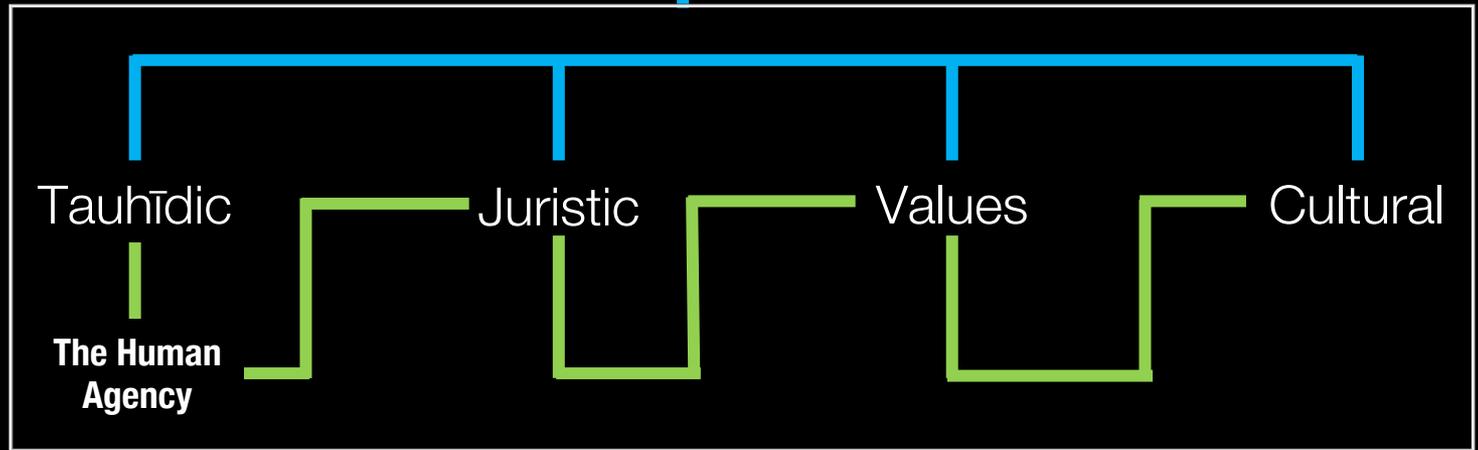
# The Maqāsid of the Sharī'ah

## The Preservation and Promotion of

$M_1$ **Faith**   $M_2$ **Life**   $M_3$ **Mind**   $M_4$ **Progeny**   $M_5$ **Wealth**

Core

Policies

Strategic Area of Focus 1    Strategic Area of Focus 2    Strategic Area of Focus 3

Strategies    Strategies    Strategies

$M_2$ $M_3$ $M_4$ $M_5$   $M_2$ $M_3$ $M_4$ $M_5$   $M_2$ $M_3$ $M_4$ $M_5$

- In an organisational setting, the organisation identifies one of the Maqasid as their 'core business' or function. It is possible that several organisations may also identify with the same 'core business'.

- The organisation formulate policies for attaining their core or Maqasid function. There could be several policies defining how the organisation seeks to attain their core function / Maqasid.

- The organisation then identifies several Strategic Areas of Focus, as the key activities supporting & executing the organisational policies.

- All strategies must participate the other Maqasids to ensure a holistic and inclusive strategy (as opposed to silo strategies and activities).

# The Maqāsid of the Sharī'ah

## The Preservation and Promotion of

$M_1$ **Faith**  $M_2$ **Life**  $M_3$ **Mind**  $M_4$ **Progeny**  $M_5$ **Wealth**

Security   Health   Environment

Core

Policies

Strategic Area of Focus 1 | Strategic Area of Focus 2 | Strategic Area of Focus 3

Strategies | Strategies | Strategies

$M_1$ $M_3$ $M_4$ $M_5$   $M_1$ $M_3$ $M_4$ $M_5$   $M_1$ $M_3$ $M_4$ $M_5$
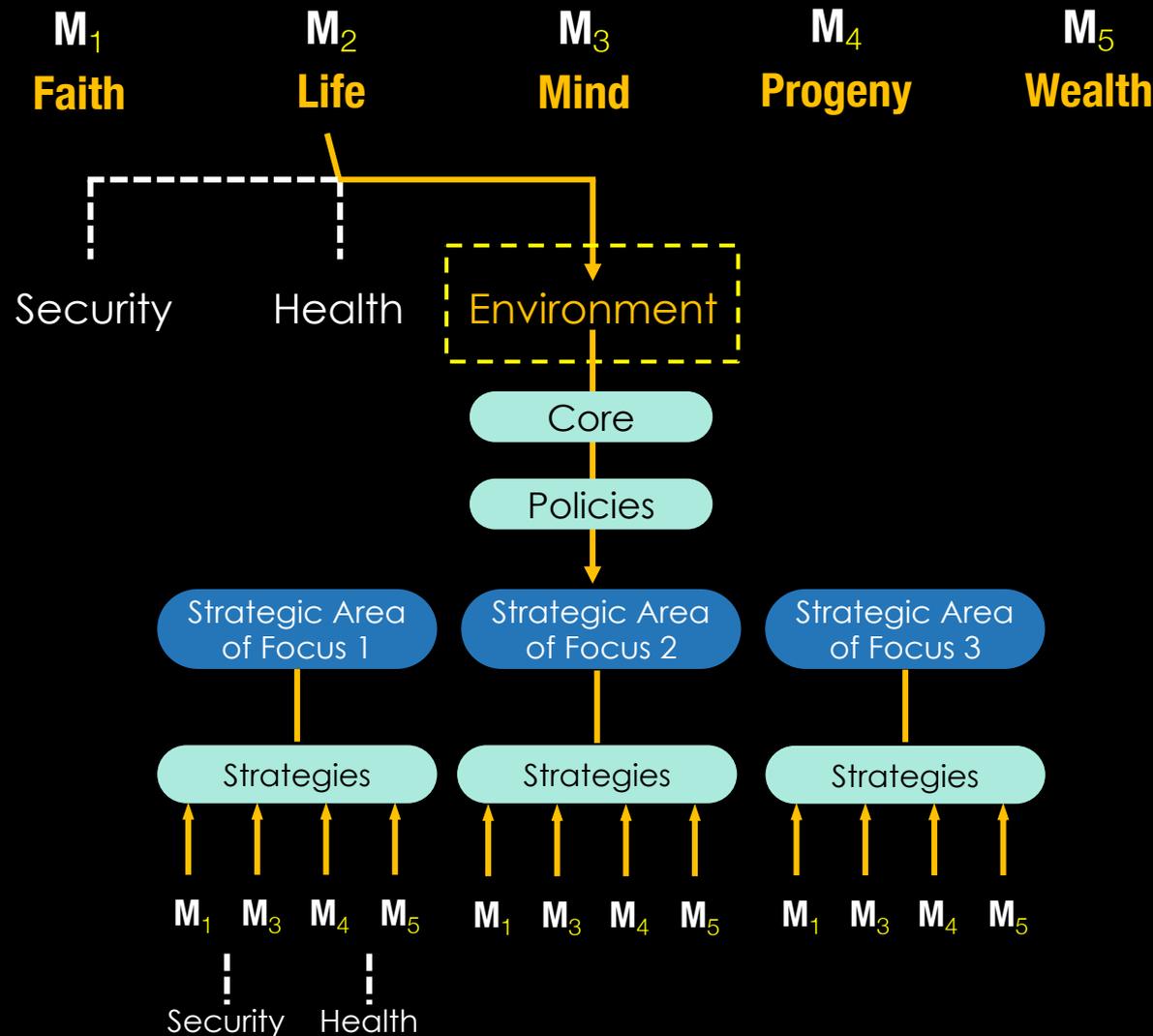
Security   Health

- In this example, the pursuit of the second Maqasid, which is Life, consists of three sub-components. 'Security' deals with the physical safety of individuals, of society, as well as the integrity of the State.

- 'Health' deals with the wellness of the people, including ensuring their basic access to nutrition.

- As for 'Environment', it would include the preservation of land, air, sea from pollution, while protecting the natural balance of flora and fauna. Preserving a clean and balanced environment also contributes to the preservation and promotion of good health.

- Each sub-component may be pursued by separate organisations.

# The Maqāsid of the Sharī'ah

## The Preservation and Promotion of

$M_1$ **Faith**  $M_2$ **Life**  $M_3$ **Mind**  $M_4$ **Progeny**  $M_5$ **Wealth**

Core

Policies

| Strategic Area of Focus 1 | Strategic Area of Focus 2 | Strategic Area of Focus 3 |
|---|---|---|
| Strategies | Strategies | Strategies |
| $M_1$ $M_3$ $M_4$ $M_5$ | $M_1$ $M_3$ $M_4$ $M_5$ | $M_1$ $M_3$ $M_4$ $M_5$ |
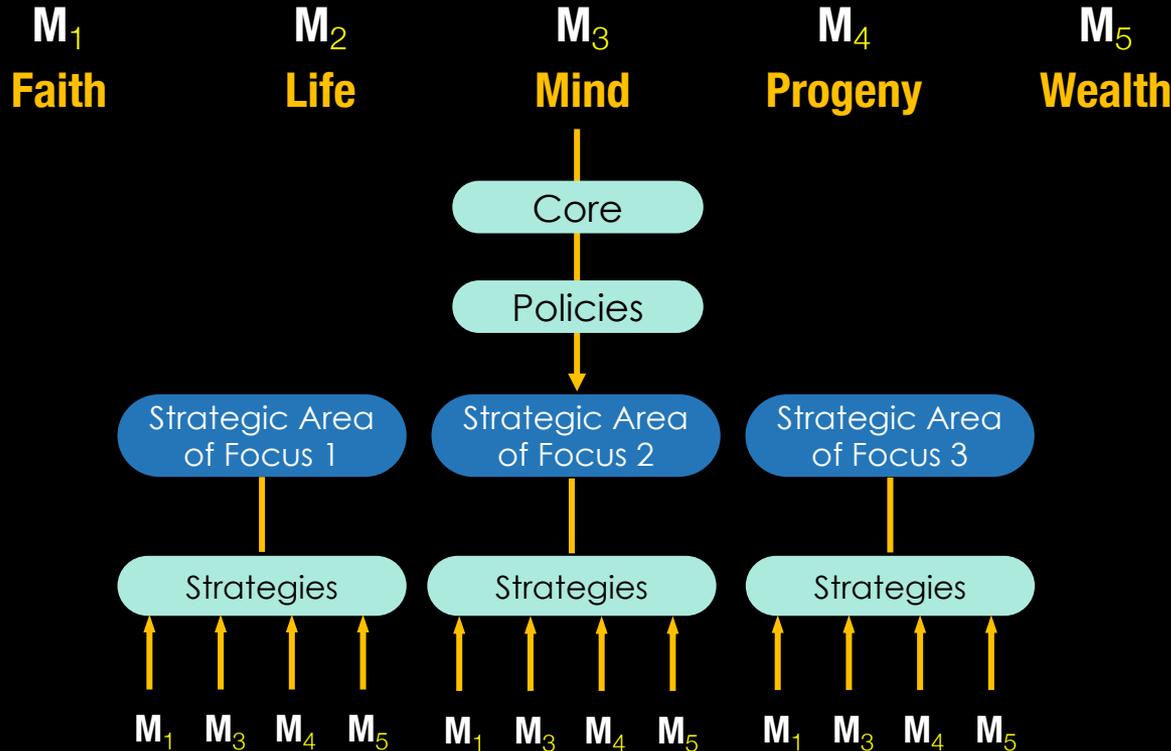
- The preservation and promotion of 'Mind' deals with the activities of the intellect, or education. This includes religious education, 'temporal' knowledge, as well as, the learning, acquiring, and establishment of good ethics and manners.

- As for all Maqasids, 'Mind' policies should include both its preservation and promotion.

- The preservation of the 'mind' may include the banning or countering of information detrimental to the individual (defamation), to society (incitement), and to the Islamic Faith (integrity, Aqidah).

- Whereas, the promotion of the 'Mind' includes knowledge that are fardhu 'ain and fardhu kifayah.
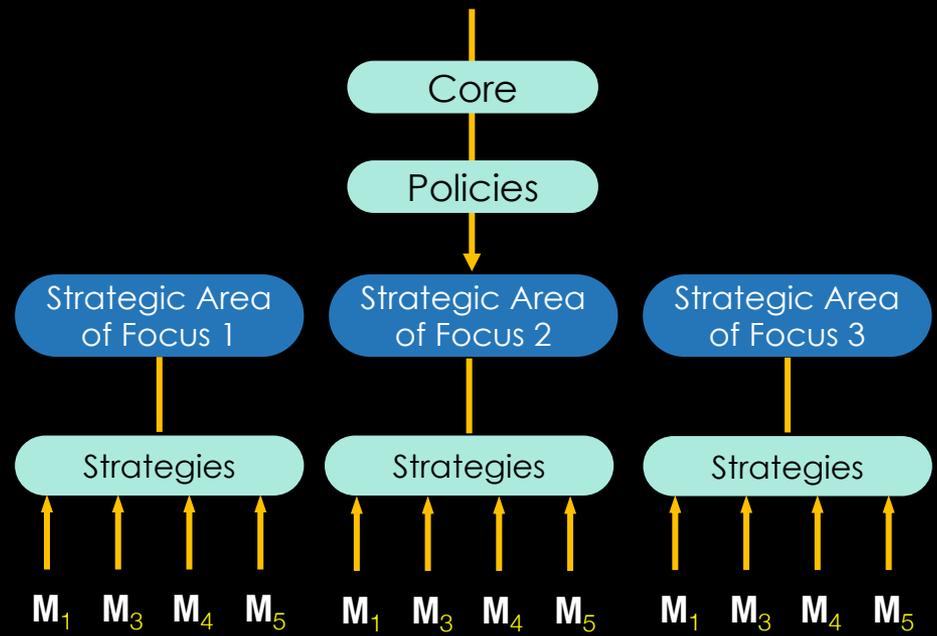
• The preservation and promotion of 'Progeny' concerns formulating policies and strategies to protect the Maqasids for future generations.

• For example, formulating policies & strategies to protect & strengthen the Faith of future generations.

• Or policies and strategies seeking to protect life (safety, health & environment) for future generations.

• Or education policies to protect children from harmful materials, and inspiring them with a love for life-long learning & creativity.

• Or policies and strategies to sustain and promote population growth to ensure sufficient critical mass.

• Or to protect and promote sufficient jobs, proper housing, and (individual & national) savings for future generations.

# The Maqāsid of the Sharī'ah
## The Preservation and Promotion of

| $M_1$ Faith | $M_2$ Life | $M_3$ Mind | $M_4$ Progeny | $M_5$ Wealth |

Core

Policies

| Strategic Area of Focus 1 | Strategic Area of Focus 2 | Strategic Area of Focus 3 |

| Strategies | Strategies | Strategies |

$M_1$ $M_3$ $M_4$ $M_5$    $M_1$ $M_3$ $M_4$ $M_5$    $M_1$ $M_3$ $M_4$ $M_5$

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# The Maqāsid of the Sharī'ah

## The Preservation and Promotion of
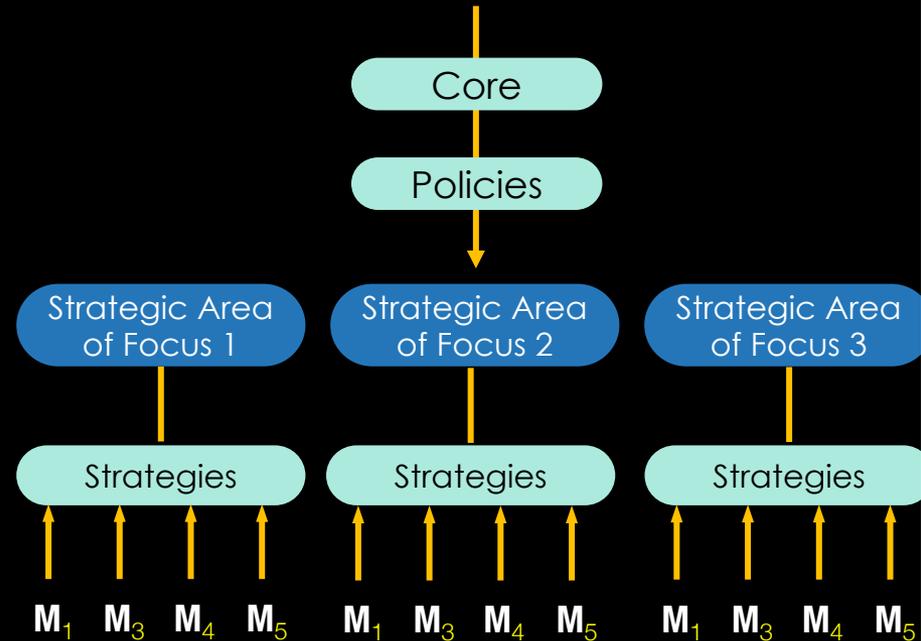
- The preservation and promotion of 'Wealth' pertains to the avoidance of poverty and stimulating opportunities for gainful and halal income, such that every person can attain a sufficient and respectable standard of living.

- Policies & strategies should ensure people possess clothing suitable for maintaining a respectable Muslim lifestyle, provide access to nutritious food and clean water, and suitable housing (according to the number of family members & gender).

- Also included under $M_5$ is protecting the people from riba and promoting halal commerce.

- Equally critical as well, is the collection of zakat and its efficient distribution.

| $M_1$ | $M_2$ | $M_3$ | $M_4$ | $M_5$ |
|-------|-------|-------|-------|-------|
| Faith | Life | Mind | Progeny | Wealth |

Core

Policies

| Strategic Area of Focus 1 | Strategic Area of Focus 2 | Strategic Area of Focus 3 |
|---|---|---|
| Strategies | Strategies | Strategies |
| $M_1$ $M_3$ $M_4$ $M_5$ | $M_1$ $M_3$ $M_4$ $M_5$ | $M_1$ $M_3$ $M_4$ $M_5$ |

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- There are two main challenges towards the implementation of an Islamic system of governance.

- First is the conceptual challenge: how to explain Brunei's national policies as a cohesive system?

- There are four principal policies, all declared – post-independence – during different occasions and not according to any chronological order.

- This lack of order suggests that the policies were ad hoc and probably not part of a deliberate long-term plan.

- And the second challenge is, even if those national policies can be reconciled, how can they be translated into public policy, administration, and management?

# Islamic Governance
## in the Brunei Context

**The Conceptual Issues**

- **Melayu Islam Beraja (1984)**
- **Wawasan 2035 (2004)**
- **Negara Zikir (2007)**
- **Maqasid Shari'ah (2018)**

**The Operational Issues**

- **Public Policy**
- **Public Administration**
- **Public Management**

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## Titah 1984

Negara Brunei Darussalam ada-lah dan dengan izin serta limpah kornia Allah Subhanahu Wata'ala, akan untok sa-lama2-nya kekal menjadi sa-buah Negara **Melayu Islam Beraja** yang Merdeka, Berdaulat dan Demokratik bersendikan kepada ajaran2 Ugama Islam menurut Ahlis Sunnah Waljamaah dan dengan berasaskan keadilan dan amanah dan kebebasan, dan dengan petunjok serta keredzaan Allah Subhanahu Wata'ala jua akan sentiasa berusaha pada memperolehi ketenteraman dan keselamatan, kebajikan serta kebahagiaan bagi ra'ayat Beta

## Titah 2004

Beta telah pun memperkenankan beberapa reformasi penting termasuk reformasi ekonomi (*economic reforms*) yang diharapkan dapat memenuhi hajat kita untuk mempelbagaikan ekonomi negara.
Beta juga telah memperkenankan Kerangka Kerja Wawasan Brunei 2035 yang telah digubal oleh Majlis Tertinggi **Wawasan Brunei 2035** untuk merealisasikan ketiga-tiga matlamat Wawasan Brunei tersebut.

## Titah 2007

Brunei adalah negara yang selalu bersama-sama dengan Ar-Rahman (Yang Maha Mengasihi), yang sentiasa berhias dengan zikir dan menjadikannya sebagai rutin kebiasaan. Kerana itu Allah pun, dengan rahmat-Nya, memalingkan kita dari sebarang kesusahan dan bencana, dari pelbagai anasir yang boleh merosakkan keamanan.
Beta, insya-Allah, akan terus berazam untuk menjadikan Brunei Darussalam sebuah '**Negara Zikir**' yang sentiasa mengagungkan Allah "Kamu ingati Aku, nescaya Aku akan mengingati kamu pula."

## Titah 2018

*Sebagai sebuah negara Islam yang progresif, pengukuhan "**Maqasid Syar'iah**" adalah menjadi pra-syarat kepada kejayaan negara. Pengukuhan ini penting, sebagai pemangkin ke arah memastikan negara terus menuai kemakmuran dan kesejahteraan.*

# Islamic Governance in the Brunei Context

- Conceptual cohesion is achieved, insha allah, by locating the Madinian Polity (the Qur'anic society) as the model for an Islamic system of governance.

- The Maqasid of the Shari'ah, as the objectives of the Qur'anic society, therefore becomes the national strategic objectives.

- The Wawasan 2035 is employed as part of the nation's evaluative mechanism towards realising the Maqasid.

- MIB is the operational framework in which an Islamic system of governance is located, with the four conceptual elements as its parameters.

- The 'Human Agency' is the critical factor. The success & failure of any system depends on the quality of the human agent implementing.

The Qur'anic Society → The Madinian Polity → The Quintessential Model for Governance

The Qur'anic Structures → The Maqāsid of the Sharī'ah → The National Strategic Objectives

Wawasan 2035 → The Evaluative Mechanism

MIB

Tauhīdic — Juristic — Values — Cultural

The Human Agency

The Operational Framework

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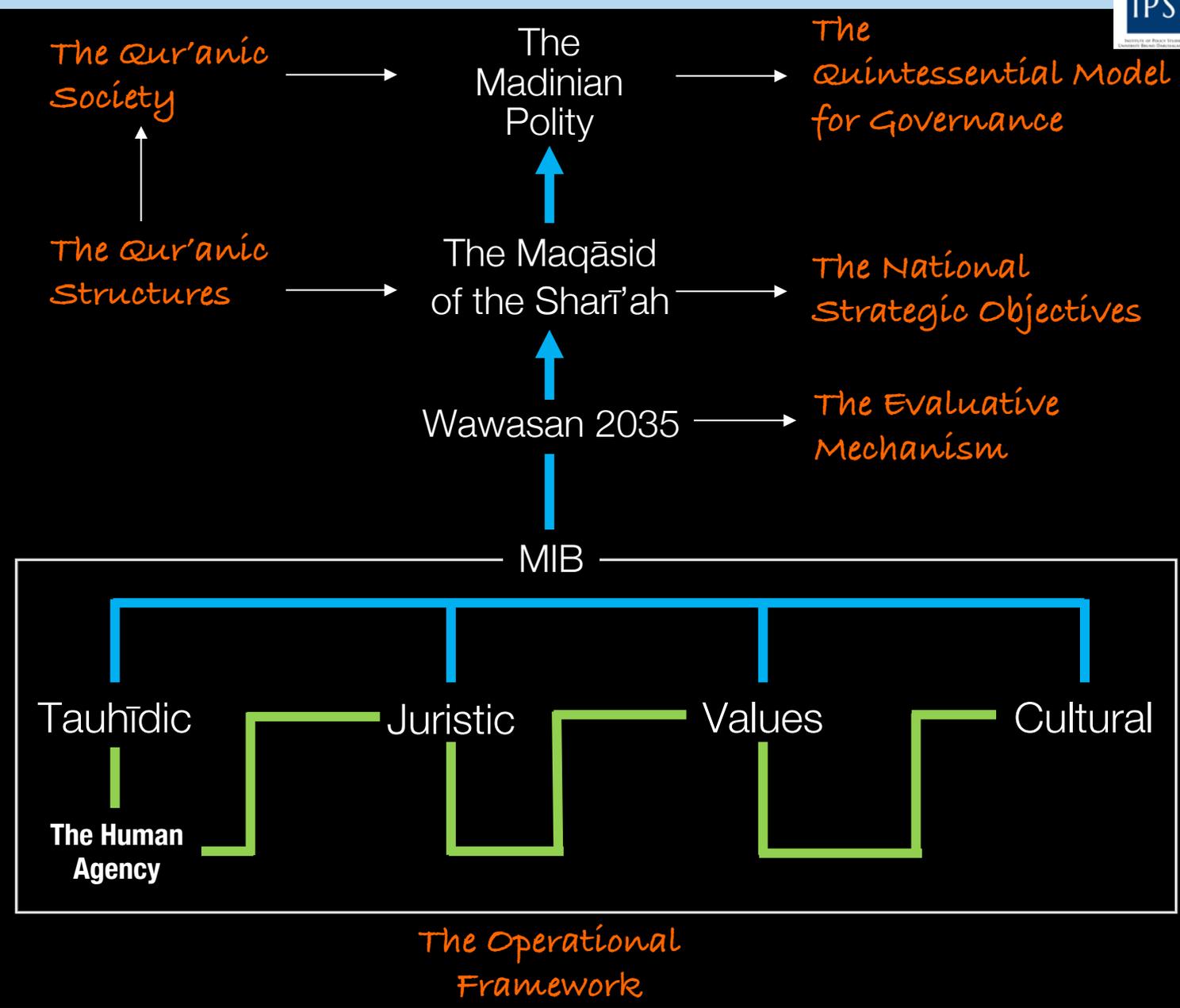
# Islamic Governance in the Brunei Context

• The Negara Zikir is translated as the 'Zikir' Nation. 'Zikir' is, of course, one of the names of Qur'an. As such, a Negara Zikir is a local rendition of a Qur'anic nation. Thus, the Negara zikir as a Qur'anic nation is also objectivised to attain the Maqasid of the Shari'ah.

• Objectivised towards attaining each Maqasid are the organisational policies and strategies, formulated & executed always in consideration to the other Maqasids.

• The evaluation mechanism for attaining the Maqasid is categorised according to societal 'necessities', 'needs', and 'wants', where the attainment of the W2035, though is a 'want', it is not an individual 'want' but rather an overall societal aspiration.

The Qur'anic Society → Negara Zikir → The Quintessential Model for Governance

The Qur'anic Structures → The Maqāsid of the Sharī'ah → The National Strategic Objectives

$M_1$ Faith   $M_2$ Life   $M_3$ Mind   $M_4$ Progeny   $M_5$ Wealth

The Evaluative Mechanism

$W_1$  $W_2$  $W_3$  $W_4$  $W_5$  $W_6$  $W_7$  $W_8$  $W_9$  $W_{10}$

*Tahsīnāt* 'Wants'

*Hājiyāt* 'Needs'

*Dharūriyāt* 'Necessities'

Core
Policies

Strategic Area of Focus 1 | Strategic Area of Focus 2 | Strategic Area of Focus 3

Strategies

$M_2$ $M_3$ $M_4$ $M_5$

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