Maqāṣid al-Syarī'ah and the Reinterpretation of Human Rights in ASEAN: An Ethical and Contextual Approach to the Universality of Human Rights

Maqāṣid al-Syarī'ah dan Reinterpretasi HAM di ASEAN: Pendekatan Etis dan Kontekstual terhadap Universalitas HAM

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ABSTRACT

The discourse on human rights in Southeast Asia often faces tensions between claims of universality and the complexity of local contexts, which are steeped in cultural and religious values. The ASEAN Human Rights Declaration (AHRD), as a regional instrument, reflects efforts to ground human rights within collective norms and the principle of non-intervention, yet it remains subject to criticism for being perceived as overly compromising towards national interests. In this context, maqāṣid al-syarī'ah—as an ethical-philosophical principle in Islamic law that emphasises the common good and the protection of basic human rights—offers an alternative approach capable of bridging global norms and local realities without being relativistic. This study aims to evaluate the potential of maqāṣid as a framework for reinterpreting human rights in ASEAN in a more ethical, contextual, and spiritual manner. The research method used is juridical-normative with a conceptual and comparative approach, through a textual study of the AHRD, international human rights documents, and human rights policies in Muslim ASEAN countries (Indonesia, Malaysia, Brunei). The results of the study show that maqāṣid can be used as a normative foundation for assessing and formulating human rights policies that do not conflict with local values and religiosity, while upholding universal dignity and justice. Beyond mere compatibility, maqāṣid enables the formulation of a more dialogical, integrative, and sustainable human rights model, and offers a novelty in the form of an ethical-conceptual formulation of regional human rights based on maqāṣid that can enrich the normative architecture of ASEAN.

| Keywords | : | *Maqāṣid al-Syarī'ah; Reinterpretation Human Rights; ASEAN; Ethical & Contextual* |

ABSTRAK

Wacana hak asasi manusia (HAM) di kawasan Asia Tenggara kerap menghadapi ketegangan antara klaim universalitas dan kompleksitas konteks lokal yang sarat dengan nilai-nilai budaya dan agama. Deklarasi HAM ASEAN (AHRD), sebagai instrumen regional, mencerminkan upaya membumikan HAM dalam norma kolektif dan prinsip non-intervensi, namun tetap mengundang kritik karena dianggap terlalu kompromistis terhadap kepentingan negara. Dalam konteks ini,

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maqāṣid al-syarī'ah—sebagai prinsip etis-filosofis dalam hukum Islam yang menekankan kemaslahatan dan perlindungan hak-hak dasar manusia—menawarkan pendekatan alternatif yang mampu menjembatani norma global dan realitas lokal tanpa bersifat relativistik. Penelitian ini bertujuan untuk mengevaluasi potensi maqāṣid sebagai kerangka reinterpretasi HAM di ASEAN yang lebih etis, kontekstual, dan spiritual. Metode penelitian yang digunakan adalah yuridis-normatif dengan pendekatan konseptual dan komparatif, melalui studi teks atas AHRD, dokumen HAM internasional, serta kebijakan HAM di negara-negara Muslim ASEAN (Indonesia, Malaysia, Brunei). Hasil kajian menunjukkan bahwa maqāṣid dapat difungsikan sebagai fondasi normatif untuk menilai dan merumuskan kebijakan HAM yang tidak bertentangan dengan nilai lokal dan religiusitas, dengan tetap menjunjung martabat dan keadilan universal. Lebih dari sekadar kompatibilitas, maqāṣid memungkinkan perumusan model HAM yang lebih dialogis, integratif, dan berkelanjutan, serta menawarkan novelty berupa formulasi etis-konseptual HAM regional berbasis maqāṣid yang dapat memperkaya arsitektur normatif ASEAN.

| Kata Kunci | : | *Maqāṣid al-Syarī'ah; Reinterpretasi HAM; ASEAN; Etik dan Kontekstual;* |

INTRODUCTION

The issue of human rights has been a global debate since the 1948 Universal Declaration of Human Rights (UDHR), which contains universal principles regarding human dignity and freedom.[1] However, in practice, the universality of human rights is not necessarily accepted unanimously by all countries and societies, especially in regions with different value systems such as ASEAN, where the majority of the population is Muslim and has contextual socio-political traditions.[2] The tension between the universal principles of human rights and local values, including Islamic teachings, often raises the question: can human rights be adapted without losing their ethical and moral substance, or must they be upheld within a rigid liberal universal framework?

In this context, *Maqāṣid al-Syarī'ah*, as an ethical and normative framework in Islamic law, offers an alternative approach to understanding and interpreting human rights in a contextual yet universal manner.[3] *Maqāṣid* emphasises the protection of five main objectives (*al-ḍarūriyyāt*): religion (*al-dīn*), life (*al-nafs*), intellect (*al-'aql*), lineage (*al-nasl*), and property (*al-māl*), which in principle intersect with human rights values. However, the *maqāṣid* approach has not been

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[1] Robby Kurniawan. (2018). Maqasid Syariah dan Pembangunan Hak Asasi Manusia. *Al-Mazaahib: Jurnal Perbandingan Hukum*, *6(2)*, 227-251. https://doi.org/10.14421/al-mazaahib.v6i2.1539.

[2] Nurhikmah. (2024). Maqashid Al-Shariah: Kerangka Adaptif Hukum Islam untuk Menjawab Tantangan Kontemporer. *Journal of Dual Legal Systems*, *1*(2), 103–117. https://doi.org/10.58824/jdls.v1i2.226.

[3] Naelul Azmi, Imron Hamzah, Md Yazid Ahmad & Sérgio António Neves Lousada. (2024). Maqasid al-Shariah: Foundation for Sustainable Sharia Economic Development. *Al-Tijarah*, *1(1)*, 1-12.

systematically integrated into the human rights discourse in ASEAN, either at the theoretical or policy level.

A number of studies have attempted to bridge the gap between Islam and human rights. For example, Rangga Dwi Saputra, Lya Estyy Pratiwi, Eric & Dedy Stansyah concluded that ASEAN does not have an independent judicial institution that functions to independently enforce human rights law. This factor is certainly an obstacle to the enforcement and protection of human rights in ASEAN in particular.[4] Research by Ahmad Syauqi Abdullah and Nisar Mohammad Ahmad concluded that there is a connection between *maqasid al-syariah* and the right to freedom of religion in the Federal Constitution, while also increasing public understanding of the interpretation of religious freedom rights and their connection to *maqasid al-syariah*.[5] Meanwhile, Maria-Gabriela Manea's research concludes that regional civil society (RCS) is involved and plays a role in incorporating human rights and democracy into the ASEAN value architecture, from a European perspective.[6]

The research largely has the advantage of providing a theological and normative basis for the compatibility of Islam and human rights, but it has limitations in that it does not specifically discuss how *maqāṣid* can be operationalised as an ethical approach in the reinterpretation of human rights in the ASEAN region, especially within an institutional framework such as the ASEAN Human Rights Declaration (AHRD). In addition, the *maqāṣid* approach is often still normative-theological, not yet developed in a practical and contextual manner within the space of ASEAN public policy.

There are two objectives of this study: first, to analyse how *maqāṣid al-syarī'ah* can be used as an ethical and contextual approach in reinterpreting the concept of the universality of human rights in the ASEAN region. Second, to identify possible synergies between *maqāṣid* values and human rights principles developed within the ASEAN framework. The main studies that are the focus of this research are: first, an ethical and theoretical approach, namely the development of *maqāṣid al-syarī'ah* as a value framework that can support the

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[4] Rangga Dwi Saputra, Lya Estyy Pratiwi, Eric & Dedy Stansyah. (2021). Mekanisme Penegakan Hukum Hak Asasi Manusia ASEAN: Studi Perbandingan Mekanisme Penegakan Hukum Hak Asasi Manusia ASEAN dan UE. *Jurnal Komunikasi Hukum (JKH)*, *7*(2), 808–827. https://doi.org/10.23887/jkh.v7i2.38704.

[5] Ahmad Syauqi Abdullah & Nisar Mohammad Ahmad. (2023). Maqasid Al-Syariah dan Hubungkaitannya dengan Hak Kebebasan Beragama di Malaysia. *UMRAN - Journal of Islamic and Civilizational Studies*, *10*(2), 71–81. https://doi.org/10.11113/umran2023.10n2.610.

[6] Maria-Gabriela Manea. (2008). Human rights and the interregional dialogue between Asia and Europe: ASEAN–EU relations and ASEM. *The Pacific Review*, *21*(3), 369–396. https://doi.org/10.1080/09512740802134257.

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basic principles of human rights, without negating the aspects of locality and religiosity. Second, contextualisation in ASEAN, namely an analysis of the AHRD and human rights practices in ASEAN member states in relation to the principle of *maqāṣid*, including the potential for reinterpreting human rights rooted in local values.

This study offers a new approach by systematically integrating *maqāṣid al-syarī'ah* into the framework of human rights analysis, not only as normative legitimation, but as an ethical approach that can structure the understanding and implementation of human rights in ASEAN. It then critiques and reconstructs the AHRD document using the *maqāṣid* approach, not merely within the framework of cultural relativism or Islamic norms, but as a constructive effort to strengthen a contextual yet universal human rights ethic.

The significance of this research is that it has strategic and academic value because the results of the research are expected to contribute to the development of a human rights theory that is more inclusive of diversity in values and cultural contexts, provide a conceptual and operational basis for ASEAN policymakers in formulating human rights policies that are in line with local values without violating basic humanitarian principles, and encourage constructive dialogue between Islam, human rights, and the international community in finding common ground between universalism and particularism of values.

RESEARCH METHOD

This research is a normative legal study using a conceptual and legislative approach, which aims to examine the relationship between the principles of *maqāṣid al-syarī'ah* and the concept of the universality of human rights in the context of ASEAN. The legal materials used include primary legal materials in the form of international documents such as the Universal Declaration of Human Rights (UDHR), the ASEAN Human Rights Declaration (AHRD), as well as classical and contemporary Islamic legal documents related to *maqāṣid al-syarī'ah*. Secondary legal materials include relevant academic literature, journals, and books, while tertiary legal materials include encyclopaedias, legal dictionaries, and other supporting sources. The technique of collecting legal materials was carried out through library research, with systematic searches of legal documents, scientific publications, and credible digital sources.[7] The analysis of legal materials is conducted qualitatively using an interpretative approach,

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[7] M. Nur Syafiuddin. (2022). Accentuation of the Best Interest of Children in Livelihood Decision as an Effort to Guarantee Children's Human Rights. *Jurnal HAM, 13(2)*, 235-252. https://doi.org/10.30641/ham.2022.13.235-252.

namely examining the meaning, relevance, and ethical and normative implications of maqāṣid on the reinterpretation of human rights, while also assessing its compatibility with the legal framework and human rights policies in ASEAN.

RESULT AND DISCUSSION

Maqāṣid al-Syarī'ah as an Ethical Framework for Fundamental Human Rights Principles: Integration of Locality and Religiosity

Maqāṣid al-syarī'ah is one of the main foundations in Islamic legal thought, emphasising that sharia law is not only intended to enforce the law textually, but also to achieve broader moral and humanitarian goals.[8] The essence of *maqāṣid* is to realise *maṣlaḥah* (benefit) and prevent *mafsadah* (harm), which substantially reflects the spirit of substantive justice in Islam. Thus, Islamic law is not narrowly understood as a set of commands and prohibitions, but rather as a value system that prioritises the physical and spiritual well-being of humanity.[9] This *maqāṣid* approach has received considerable attention across schools of thought, as it opens up space for a more progressive interpretation of legal texts.[10]

Classically, *maqāṣid* is divided into five main objectives known as *al-ḍarūriyyāt al-khamsah*, namely preserving religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect *(ḥifẓ al-'aql)*, progeny (*ḥifẓ al-nasl*), and wealth (*ḥifẓ al-māl*).[11] These five objectives are considered essential requirements that form the foundation for a dignified and civilised life. Without protection for these five elements, social and human order is considered impossible to maintain in a stable and just manner.[12] Each aspect of *al-ḍarūriyyāt* represents a dimension of basic human rights which,

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[8] Asyraf Wajdi Dusuki & Nurdianawati Irwani Abdullah. (2024). Maqasid al-Shari`ah, Maslahah, and Corporate Social Responsibility (2007). *American Journal of Islam and Society, 40(1)*, 10-35. https://doi.org/10.35632/ajis.v41i1.3417.

[9] Mohammed Almahfali & Helen Avery. (2023). Human Rights from an Islamic Perspective: A Critical Review of Arabic Peer-Reviewed Articles. *Social Science 12(2)*, 1-21. https://doi.org/10.3390/socsci12020106.

[10] Tawffeek A. S. Mohammed. (2024). A Scientometric Study of *Maqasid al-Shariah* Research: Trending Issues, Hotspot Research, and Co-Citation Analysis. *Front Res Metr Anal*, https://doi.org/10.3389/frma.2024.1439407.

[11] Mariya Ali. (2014). Child Sexual Abuse: Can the Doctrines of *al-Maqasid al-Shariah* and *Maslahah* Assist in Challenging the Honour Ideology. *The International Journal of Human Rights*, *18(5)*, 508–526. https://doi.org/10.1080/13642987.2014.911478.

[12] Mohamed Salem Abou El Farag & Tarek Rashed. (2023). The Impact of Maqasid Al Shariah (Objectives of Islamic Shariah) to Obtain Legal Protection of Humans; A Comparative and Analytical Study of the Qatari Laws. *Journal of Law and Sustainable Development*, *11*(9), 1-26. https://doi.org/10.55908/sdgs.v11i9.983.

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in the modern framework, is directly related to human rights issues such as freedom of religion, the right to life, education, family, and property. Therefore, *maqāṣid* provides a normative framework that is not antagonistic to human rights, but even has the potential to strengthen them.

Contemporary thinking on *maqāṣid* has undergone significant development through figures such as Jasser Auda, Yusuf al-Qaradawi, and Thahir ibn 'Ashur, who have encouraged the development of *maqāṣid* not only as a formal legal instrument, but as a dynamic ethical paradigm that is responsive to the social context. Jasser Auda, for example, introduced a systems theory approach to understanding *maqāṣid*, which emphasises the interconnection between sharia values and an ever-changing social reality.[13] This approach allows *maqāṣid* to be developed as a living ethical principle, which is not confined by literal interpretations of the *nash*, but is open to universal values that are in harmony with Islam. Contemporary *maqāṣid* has transformed from a legalistic approach to a more normative-progressive approach that is more relevant to global dynamics, including human rights issues.

Within this framework, *maqāṣid al-syarīʿah* can function as an epistemological and ethical approach that bridges Islamic teachings and human rights principles. Dignity (*karāmah*), justice (*ʿadālah*), and freedom (*ḥurriyyah*) as key values in human rights are also key principles in *maqāṣid*. *Maqāṣid* allows for an interpretation of Islamic law that is not only theologically valid, but also ethically and humanely valid. In this case, *maqāṣid* does not deny the existence of local values and religiosity but embraces them as an integral part of achieving holistic humanitarian goals.[14] The development of *maqāṣid* as an ethical framework in the discourse on human rights is not only possible but also necessary to overcome the tension between the universalism of human rights and the particularism of cultural-religious values, especially in the Muslim world.

Substantively, *maqāṣid al-sharīʿah* offers values that are in line with the basic principles of human rights. Although *maqāṣid* originates from the Islamic legal tradition, it contains ethical goals that are universal in nature and touch on fundamental aspects of human life. This makes *maqāṣid* not only theologically relevant in a Muslim context, but also potentially a foundation for building an ethical bridge between Islam and human rights.

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[13] Abdul Ghafar Bin Don, Anuar Puteh & Ahmad Irdha Mokhtar. (2021). Da'wah Approach Based on Maqasid al-Syariah in Building Community Well-Being. *Innovations*, 64, 415-420.

[14] Arafah Pramasto. (2024). Reconciling Islam and Human Rights: A Narrative Review of Reform, Resistance, and Realignment. *Sinergi International Journal of Islamic Studies, 2(3)*, 149-161. https://doi.org/10.61194/ijis.v2i3.606.

Several key elements of *maqāṣid al-syarī'ah* are directly related to fundamental human rights. The principle of *ḥifẓ al-nafs*, which aims to preserve life and safety, can be seen as an affirmation of the right to life, which is the most fundamental right within the framework of human rights.[15] Similarly, *ḥifẓ al-'aql* emphasises the protection of reason and freedom of thought, which is closely related to the right to freedom of opinion and expression. *Hifẓ al-māl* or protection of property reflects the recognition of private property rights, while *ḥifẓ al-nasl* supports the importance of the right to family, cultural heritage and personal identity.[16]

Table 1.
The Compatibility of the Principles of *Maqāṣid al-Syarī'ah* and Fundamental Rights Within the Framework of Human Rights

Principles of *Maqāṣid al-Syarī'ah*	Meaning/Substance	Corresponding Human Rights
Ḥifẓ al-Nafs (Preservation of life)	Protection of life, safety, and security	Right to life, right to protection from violence, right to personal security
Ḥifẓ al-'Aql (Preservation of intellect)	Preservation of intellect and freedom of thought and opinion	Freedom of thought, expression, and opinion
Ḥifẓ al-Māl (Protecting of property)	Protection of ownership and economic rights	The right to ownership, the right to a decent livelihood, economic and social rights
Ḥifẓ al-Nasl (Protecting offspring)	Preserving offspring, family, identity, and generational continuity	The right to family, the right to personal identity, the right to cultural heritage
Ḥifẓ al-Dīn (Preserving religion)	Freedom to practise religion and belief	Freedom of religion and belief, the right to personal spirituality

Source: compiled from various legal sources

Maqāṣid al-syarī'ah is not only compatible with human rights principles, but also capable of broadening its ethical horizons. One of the important contributions of *maqāṣid* is its ability to add moral, spiritual, and collective dimensions to the human rights discourse, which has so far placed too much

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[15] Tawffeek A. S. Mohammed. (2024). A Scientometric Study of *Maqasid al-Shariah* Research: Trending Issues, Hotspot Research, and Co-Citation Analysis. *Front Res Metr Anal,* https://doi.org/10.3389/frma.2024.1439407.

[16] Mohamed Salem Abou El Farag & Tarek Rashed. (2023). The Impact of Maqasid Al Shariah (Objectives of Islamic Shariah) to Obtain Legal Protection of Humans; A Comparative and Analytical Study of the Qatari Laws. *Journal of Law and Sustainable Development*, *11*(9), 1-26. https://doi.org/10.55908/sdgs.v11i9.983.

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emphasis on individual aspects.[17] While the liberal human rights framework is often positioned within a secular paradigm that emphasises individual rights as the centre, *maqāṣid* offers a more balanced approach between individual rights and social responsibility.[18] *Maqāṣid* can serve as an ethical correction to the weaknesses of modern human rights, while enriching the global narrative of justice and dignity for humanity.

The global discourse on human rights is not immune to criticism targeting its hegemonic tendency to define human values in a singular and universal manner. Many academics, particularly from non-Western countries, argue that the concept of universal human rights promoted by the West is often ahistorical and insensitive to the diversity of social traditions, cultural values, and moral systems that exist in other societies.[19] The model of human rights codified in international instruments such as the Universal Declaration of Human Rights (UDHR) reflects a modern-liberal worldview, rooted in the historical experience of post-World War II Europe, and often fails to take into account the existence of alternative ethical systems that have developed outside of Western civilisation.[20]

Resistance to the concept of universal human rights is strong among Muslim communities that have their own legal and ethical systems, namely Islamic law. For some Muslim communities, Western versions of human rights are not only considered incompatible with religious norms but are also seen as an attempt at deculturalisation that weakens the authority of local values.[21] This can be seen, for example, in issues of freedom of expression, gender and family, where human rights approaches often clash with deeply rooted socio-religious norms. This is where the need arises to formulate an alternative approach to human rights that does not completely reject universal principles but also does

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[17] Tuti Gusmawati Simanjuntak, Lili Rahmayana Harahap, Cherry Arida, Muhammad Yusfani, Bahraini, & Cecep Soleh Kurniawan. (2025). Fundamental Human Rights in the Islamic Perspective. *International Journal of Law, Social Science and Humanities (IJLSH), 2(2)*, 197-204. https://doi.org/10.70193/ijlsh.v2i2.194.

[18] Ahmad Syauqi Abdullah & Nisar Mohammad Ahmad. (2023). Maqasid Al-Syariah dan Hubungkaitannya dengan Hak Kebebasan Beragama di Malaysia. *UMRAN - Journal of Islamic and Civilizational Studies, 10(2)*, 71–81. https://doi.org/10.11113/umran2023.10n2.610.

[19] Arafah Pramasto. (2024). Reconciling Islam and Human Rights: A Narrative Review of Reform, Resistance, and Realignment. *Sinergi International Journal of Islamic Studies*, *2(3)*, 149-161. https://doi.org/10.61194/ijis.v2i3.606.

[20] Husin Wattimena. (2023). Systematic Review of Islamic Law and Human Rights Controversies: A Bibliometric Analysis. Remittances Review, *8(4)*, 3337-3361.

[21] Jannae Mende. (2019). Are Human Rights Western-And Why Does It Matter? A Perspective from International Political Theory. *Journal of International Political Theory*, *17(1)*, 38-57. https://doi.org/10.1177/1755088219832992.

not impose a single value that ignores the sociocultural context of a particular community.[22]

Maqāṣid al-syarī'ah offers an ethical approach that can serve as a middle ground between hegemonic human rights universalism and extreme cultural relativism.[23] As a normative framework in Islamic law, *maqāṣid* does not position itself as an exclusive and closed value system, but rather as an ethical principle that is open to universal human values. The *maqāṣid* approach also emphasises the importance of considering local realities and religious traditions in the formulation and implementation of rights.[24] Thus, *maqāṣid* is able to accommodate universal human rights principles selectively and contextually, making them more relevant to the needs of Muslim communities that uphold religiosity and collective traditions.

One of the main strengths of the *maqāṣid al-syarī'ah* approach is its ability to bridge the gap between demands for global norms and the need to preserve local identities. In a world increasingly driven towards the homogenisation of values through globalisation, *maqāṣid* provides theological and ethical arguments for maintaining the cultural and spiritual autonomy of Muslim communities.[25] *Maqashid* offers a healthy space for dialogue between local values and global principles through an approach that emphasises the essence of humanity, not merely its legal form. Within this framework, *maqāṣid* can function as an internal mechanism within Muslim societies to accept, adapt and simultaneously critique human rights based on values that are alive and meaningful within their communities.[26]

The use of *maqāṣid al-syarī'ah* as an ethical framework in the discourse on human rights offers a new approach that is more inclusive and adaptive to diverse social, cultural and religious contexts. This approach provides space for

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[22] Mohammed Almahfali & Helen Avery. (2023). Human Rights from an Islamic Perspective: A Critical Review of Arabic Peer-Reviewed Articles. *Social Science 12(2)*, 1-21. https://doi.org/10.3390/socsci12020106.

[23] Abdullahi Ahmed An-Na'im. (1987). Islamic Law, International Relations, and Human Rights: Challenge and Response. *Cornell International Law Journal*, 20(2), https://scholarship.law.cornell.edu/cilj/vol20/iss2/3.

[24] Lejla Delagic & Bouheda Ghalia. (2018). Human Rights in the light of Maqāṣid al-Sharī'ah. *Al-Itqan: Journal of Islamic Sciences and Comparative Studies*, 2(2), 83-107.

[25] Tarmizi Tahir & Syeikh Hasan Abdel Hamid. (2024). Maqasid Al-Syari'ah Transformation in Law Implementation for Humanity. *International Journal Ihya' 'Ulum al-Din, 26(1)*, 119-131. DOI: https://doi.org/10.21580/ihya.26.1.20248.

[26] Agus Purnomo, Norsalam, Mukhammad Zamzami & Abu Bakar. (2023). Dimensions of Maqāṣid Al-Sharī'ah and Human Rights in the Constitutional Court's Decision on Marriage Age Difference in Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 7(3), 1397-1421. https://doi.org/10.22373/sjhk.v7i3.13283.

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the reconstruction of human rights norms, which have been overly dominated by liberal-secular and individualistic perspectives. By making *maqāṣid* an ethical paradigm, human rights are no longer interpreted solely as individual rights vis-à-vis the state, but rather as part of a collective moral goal to realise *maṣlaḥah* '*āmmah* (public interest).[27] This perspective is particularly relevant in religious societies that view social life as an entity bound by divine norms and shared responsibility. *Maqāṣid al-sharī'ah* plays a role in reconstructing human rights norms to be more responsive to social and cultural contexts, while maintaining the principle of universality.[28] The ethical framework of human rights based on *maqāṣid al-sharī'ah* is as follows:

Table 2.
Ethical Framework of Human Rights Based on *Maqāṣid al-Syarī'ah*
Aspects of Human Rights Reconstruction

Aspects of Human Rights Reconstruction	Explanation in the *Maqāṣid al-Syarī'ah* Approach	Impact/Consequences on the Understanding of Human Rights
Rights and Obligations	Emphasises the balance between individual rights and social obligations in maintaining the common good (*maṣlaḥah 'āmmah*).	Human rights are understood not only as individual rights vis-a-vis the state, but also as a collective responsibility to maintain the common good.
Collective and Religious Context	Human rights are contextualised within local values and religiosity without negating universal principles.	This increases the legitimacy of human rights in religious societies because they are in harmony with the socio-religious values that are embraced.
Dynamics and Flexibility	Human rights are viewed as a dynamic principle that can evolve alongside social change while maintaining moral spirit and *maqāṣid* objectives.	This allows for the reinterpretation of human rights norms relevant to the context of the times without losing ethical and spiritual values.
Inclusive and Pluralistic Global Ethics	*Maqāṣid* provides a basis for global ethics that respects cultural & religious plurality, while maintaining the essence	It becomes the foundation for inclusive human rights ethics, accommodating cultural & religious differences without sacrificing human rights principles.

[27] Muhammad Nazir Alias, Muhammad Najib Abdullah, Mohd Farihal Osman, Nor Faizah Ismail, & Mohd Sham Kamis. (2025). The Position of Maqasid al-Shariah within Islamic Legal Sources: A Comprehensive Analysis. (2025). *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, *9(2)*, 937-964. https://doi.org/10.22373/q4byre51.

[28] Luqman Rico Khashogi Luqman. (2022). Menakar Rekonstruksi Maqashid Syariah (Telaah Genealogis Pendekatan System Jasser Auda). *Politea: Jurnal Politik Islam, 5(1)*, 64-82. https://doi.org/10.20414/politea.v5i1.5042.

	of universal humanity.	
Social Legitimacy and Effectiveness of Implementation	The balance of rights and obligations and respect for local values strengthen the legitimacy and effectiveness of human rights implementation.	Human rights can be more widely accepted and effectively implemented in societies that have religious and collective values.

Source: compiled from various legal sources

The aspects in the table above can be elaborated as follows: first, the aspect of rights and obligations. The *maqāṣid al-syarī'ah* approach emphasises the importance of balancing individual rights and social obligations as an ethical foundation for the implementation of human rights.[29] Unlike the liberal paradigm, which tends to place individual rights at the centre without emphasising obligations to society, *maqāṣid* places rights in the context of collective responsibility to achieve *maṣlaḥah 'āmmah* or the common good. This concept implies that a person's human rights should not be exercised exclusively without considering their impact on the community and social welfare as a whole.[30] Human rights within the *maqāṣid* framework are not only individual demands on the state, but also moral and social obligations that must be upheld for the sake of harmony and justice for all.

Second, the collective and religious context. *Maqāṣid al-syarī'ah* provides a basis for contextualising human rights within the local values and religiosity inherent in Muslim societies and other religious communities. This approach does not reject the universal principles of human rights but accommodates the cultural and spiritual diversity that is an integral part of the collective identity of society.[31] By incorporating religious and social dimensions, *maqāṣid* strengthens the legitimacy of human rights norms among communities that may be sceptical of secular and foreign models of human rights.[32] This approach allows human

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[29] Agus Purnomo, Norsalam, Mukhammad Zamzami & Abu Bakar. (2023). Dimensions of Maqāṣid Al-Sharī'ah and Human Rights in the Constitutional Court's Decision on Marriage Age Difference in Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, *7(3)*, 1397-1421. https://doi.org/10.22373/sjhk.v7i3.13283.

[30] Ulul Umami & Abdul Ghofur. (2022). Human Rights in Maqāṣid al-Sharī'ah al-Āmmah: A Perspective of Ibn 'Āshūr. *Al-Ahkam, 32 (1)*, 87-108. https://doi.org/10.21580/ahkam.2022.32.1.9306.

[31] Muannif Ridwan, Usman Jayadi, Sobardo Hamonangan, Daniel Tanati, & James Yoseph Palenewen. (2025). Reconciliation of Human Rights, Positive Law, and Siyasah Syar'iyyah: An Innovative Approach to Addressing Human Rights Issues in the Contemporary Era. *MILRev: Metro Islamic Law Review*, *4(1)*, 463-487. https://doi.org/10.32332/milrev.v4i1.10433.

[32] Noor Syifa Amaliah Azizah & Shalihah Shalihah. (2025). Maqasid Al-Shari'ah and Legal Pluralism: Normative Analysis of The Principle of Justice in A Multicultural Society. *Journal of Islamic and Law Studies*, *9(2)*, 119-126. https://doi.org/10.18592/jils.v9i2.17808.

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rights to be accepted not only as a global product, but also as part of authentic and meaningful local moral and ethical traditions.

Third, dynamism and flexibility. One of the main advantages of *maqāṣid* is its ability to adapt to changing times and socio-political conditions without losing its moral and spiritual core. *Maqāṣid* principles are not understood as static rules, but as dynamic guidelines that must be reinterpreted according to context. This provides space for the reinterpretation of human rights norms so that they remain relevant and responsive to contemporary challenges, such as technological advances, demographic changes, and social developments.[33] This flexibility is essential to ensure that human rights can remain alive as an evolving moral principle and not merely a rigid legal norm divorced from human reality.[34]

Fourth, inclusive and pluralistic global ethics. *Maqāṣid al-syarī'ah* has the potential to become the basis for global ethics that respects cultural and religious plurality without sacrificing the essence of universal humanity. In a world increasingly fragmented by differences in values and identities, *maqāṣid* offers a dialogical approach that allows human rights norms to be adapted inclusively in various cultural and religious contexts. This approach rejects the hegemony of a single value by opening space for various moral traditions to contribute to the discourse on human rights. *Maqāṣid* is not only an internal source for Muslim communities but can also be an ethical bridge that enriches the global human rights framework, making it more just and relevant in a multicultural world order.

Fifth, social legitimacy and effectiveness of implementation. The *maqāṣid al-syarī'ah* approach, which balances rights and obligations and respects local values, enhances social legitimacy and the effectiveness of human rights implementation.[35] When human rights norms are formulated and implemented with consideration for the traditions, values, and belief systems of the community, acceptance of and compliance with these norms tend to be higher.[36] This strengthens social stability and reduces the resistance that often arises when

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[33] Tarmizi Tahir & Syeikh Hasan Abdel Hamid. (2024). Maqasid Al-Syari'ah Transformation in Law Implementation for Humanity. *International Journal Ihya' 'Ulum al-Din, 26(1)*, 119-131. DOI: https://doi.org/10.21580/ihya.26.1.20248.

[34] Muhammad Alan Juhri & Hidayah Hariani. (2023). The Shifting Paradigm in Maqāsidi Discourse: A Case of Modern Islamic Bioethics. *An-Nida', 47(2)*, 194-206. https://doi.org/10.24014/an-nida.v47i2.25957.

[35] Ibrahim Abiodun Oladapo & Asmak Ab Rahman. (2017). Maqasid Shari'ah: The Drive for an Inclusive Human Development Policy. *Jurnal Syariah, 24(2)*. https://doi.org/10.22452/js.vol24no2.5.

[36] Levina Yustitianingtyas & Natasya Delia Krisnawati. (2024). Enforcement Of Human Rights in The Perspective of Islam and Shariah in Indonesia. *The Journal of Socio-Legal and Islamic Law, 3(1)*, 1-8. https://doi.org/10.30651/jssl.v3i1.22326.

human rights norms are rigidly enforced without contextual adaptation. Thus, *maqāṣid* helps create an internal mechanism for religious communities to interpret and apply human rights authentically, so that fundamental rights can be truly protected and exercised in everyday social practice.

Contextualisation in ASEAN: Analysis of AHRD and Human Rights Practices from the Perspective of *Maqāṣid*

The ASEAN Human Rights Declaration (AHRD) emerged as a regional response to demands for respect for human rights in the context of the socio-political conditions of the Southeast Asian region. This declaration seeks to integrate local values that are deeply rooted in the culture, traditions and collective norms of ASEAN societies, such as the importance of social harmony, political stability and respect for state sovereignty.[37] One of the main characteristics of the AHRD is its emphasis on the principle of non-intervention, which reflects the desire of member states to maintain autonomy in domestic affairs without external interference.[38] This principle also reflects the complex political sensitivities of the region, where collective norms and national honour are important pillars in maintaining regional unity.[39] The AHRD emphasises that individual rights must be exercised within the framework of social responsibility and local values, which constitute the cultural and political capital of ASEAN societies.

Several provisions in the AHRD demonstrate alignment with the principles of *maqāṣid al-syarī'ah*, particularly in terms of protecting fundamental human values such as life, honour, and social welfare.[40] For example, articles regulating the right to life, protection against torture, and the right to social welfare can be interpreted in accordance with *maqāṣid* objectives such as *ḥifẓ al-nafs* (protection of life) and *ḥifẓ al-maṣlaḥah* (public interest). AHRD's emphasis on social responsibility and adherence to collective norms is also in line with *maqāṣid*,

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[37] Rangga Dwi Saputra, Lya Estyy Pratiwi, Eric & Dedy Stansyah. (2021). Mekanisme Penegakan Hukum Hak Asasi Manusia ASEAN: Studi Perbandingan Mekanisme Penegakan Hukum Hak Asasi Manusia ASEAN dan UE. *Jurnal Komunikasi Hukum (JKH)*, *7*(2), 808–827. https://doi.org/10.23887/jkh.v7i2.38704.

[38] Maria-Gabriela Manea. (2008). Human rights and the interregional dialogue between Asia and Europe: ASEAN–EU relations and ASEM. *The Pacific Review*, *21*(3), 369–396. https://doi.org/10.1080/09512740802134257.

[39] Ahmad Syauqi Abdullah & Nisar Mohammad Ahmad. (2023). Maqasid Al-Syariah dan Hubungkaitannya dengan Hak Kebebasan Beragama di Malaysia. *UMRAN - Journal of Islamic and Civilizational Studies, 10(2),* 71–81. https://doi.org/10.11113/umran2023.10n2.610.

[40] Deviana Yuanitasari, & Hazar Kusmayanti. (2021). Human Rights Thought: Between Islamic Law and The Universal Declaration of Human Rights. *Asian Journal of Law and Humanity, 1(1)*, 19-42. https://doi.org/10.28918/ajlh.v1i1.2.

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which places collective obligations alongside individual rights.[41] In some respects, AHRD shows potential to serve as a bridge between universal human rights norms and local values rooted in the traditions and religiosity of ASEAN societies.

On the other hand, there are a number of articles in the AHRD that have drawn criticism because they are considered to potentially conflict with the principle of *maqāṣid*, particularly in terms of restrictions on rights that are considered too broad or ambiguous.[42] For example, articles that allow the state to restrict individual freedoms on the grounds of maintaining public order and morality may conflict with the principle of *maqāṣid* if their implementation is disproportionate and disregards fundamental rights such as freedom of thought (*ḥifẓ al-'aql*) and freedom of religion (*ḥifẓ al-dīn*).[43] Furthermore, a strong principle of non-intervention can hinder the protection of rights that require intervention by the state or the international community, such as the protection of minorities or victims of gross human rights violations, which ultimately reduces the effectiveness of human rights in the context of *maqāṣid*, which emphasises justice and the overall welfare of the people.[44] Therefore, a critical analysis of the AHRD is important to evaluate the extent to which this document can meet the demands of the universality of human rights while respecting the local context and the principle of *maqāṣid* in a proportionate manner.

Table 3.
Harmony or Potential Conflict
AHRD Provisions with the Principles of *Maqāṣid al-Syarī'ah*

AHRD Article	Brief Summary of Article	Harmony with *Maqāṣid*	Potential Conflict with *Maqāṣid*
Article on the Right to Life	Guarantees the right of every individual to life	Consistent with *ḥifẓ al-nafs* (protection of life)	None, universal basic principle

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[41] Zumiyati Sanu Ibrahim, Suud Sarim Karimullah, Andi Istiqlal Assaad, Rina Septiani, & Huseyin Okur. (2025). Integration of Maqaṣid Al-Shari'ah in the Criminal Law Reform to Achieve Justice and Human Dignity. *Jurnal Hukum Islam, 23(1)*, 105-144. https://doi.org/10.28918/jhi.v23i1.04.

[42] Budi Hermawan Bangun. (2019). ASEAN Intergovernmental Commission on Human Rights and Effectiveness of Fulfilling Human Rights Obligations of ASEAN Members States. *Jambe Law Journal, 1(2)*, 231-249. https://doi.org/10.22437/jlj.1.2.231-249.

[43] Mellisa Towadi. (2017). The Application of Sharia Maqashid on the Protection of the Rights of Minority of Muslim Rohingya in Regional ASEAN (Indonesia-Malaysia). *Journal of Indonesian Legal Studies, 2(1)*, 43-54. https://doi.org/10.15294/jils.v2i01.16637.

[44] Zumiyati Sanu Ibrahim, Suud Sarim Karimullah, Andi Istiqlal Assaad, Rina Septiani, & Huseyin Okur. (2025). Integration of Maqaṣid Al-Shari'ah in the Criminal Law Reform to Achieve Justice and Human Dignity. *Jurnal Hukum Islam, 23(1)*, 105-144. https://doi.org/10.28918/jhi.v23i1.04.

Article on the Prohibition of Torture	Prohibits all forms of torture and inhumane treatment	Supports *ḥifẓ al-nafs* and *ḥifẓ al-maṣlaḥah*	None
Article on Freedom of Religion	Guarantees freedom of religion and belief	In harmony with *ḥifẓ al-dīn* (protection of religion)	If restrictions on religious freedom are too strict, they may be contrary to this principle
Article on Freedom of Opinion	Guarantees freedom of thought and opinion	Supports *ḥifẓ al-'aql* (protection of reason)	Excessive restrictions may hinder this principle
Article on Restrictions on Rights	The state may restrict rights for the sake of public order & morality	Allows for regulations for *maṣlaḥah* (public interest)	If restrictions are disproportionate, they conflict with fundamental rights
Article on the Principle of Non-Intervention	Respecting state sovereignty, not interfering in internal affairs	In accordance with collective norms and state sovereignty	May hinder the protection of human rights & justice for minorities
Article on the Right to Social Welfare	Guarantees the right to work, education, and welfare	Supports *ḥifẓ al-maṣlaḥah* and *ḥifẓ al-nafs*	None

Source: compiled from various legal sources

ASEAN countries with Muslim-majority populations, such as Indonesia, Malaysia, and Brunei, show significant variations in their practices and approaches to human rights, influenced by the interaction between international norms and the principles of *maqāṣid al-syarī'ah*. In Indonesia, for example, although the state has adopted a pluralistic secular legal system, Islamic values have a strong influence on the formation of social policies and the protection of human rights, particularly in terms of protecting family rights, religious freedom, and community empowerment. Policies that promote a balance between individual rights and social obligations reflect *maqāṣid* values, particularly in preserving *ḥifẓ al-nafs* (protection of life) and *ḥifẓ al-nasl* (protection of offspring).[45] In Malaysia, the application of Sharia law in certain areas, particularly those related to family and morality, also demonstrates the integration of *maqāṣid* in domestic human rights practices, with an emphasis on

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[45] Budi Hermawan Bangun. (2019). ASEAN Intergovernmental Commission on Human Rights and Effectiveness of Fulfilling Human Rights Obligations of ASEAN Members States. *Jambe Law Journal*, *1(2)*, 231-249. https://doi.org/10.22437/jlj.1.2.231-249.

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maintaining morality and public order.[46] Brunei, as a country with stricter application of Sharia law, applies *maqāṣid* in a more explicit framework, incorporating aspects of Islamic law directly into human rights regulations, particularly in the protection of religion and social norms.[47] The case studies of these three countries show that *maqāṣid* are not merely abstract principles but play a concrete role in shaping human rights policies that consider local and religious values as a social foundation.

The Islamic law-based approach to human rights, which departs from *maqāṣid al-syarīʿah*, differs fundamentally from international human rights standards, which are generally secular and universalistic. Islamic law places human rights in the context of integral moral and social responsibility, with the aim of maintaining the collective welfare of the people, while international standards place greater emphasis on individual rights without much emphasis on social obligations. In many cases, the principle of *maqāṣid* demands a balance between individual freedoms and broader societal interests, as well as integrating spiritual and ethical dimensions into human rights regulations.[48] Conversely, international standards are often seen as too individualistic and sometimes insensitive to local and religious values, thus facing resistance in some Muslim countries. However, this does not mean that the two cannot be reconciled. With a reconstructive approach that refers to *maqāṣid*, international norms can be adapted to be more responsive to local contexts without sacrificing the essence of human rights. This comparison emphasises the need for dialogue and synthesis between the two approaches to produce an inclusive, fair and sustainable human rights system in the ASEAN region.

The integration of *maqāṣid al-syarīʿah* into the discourse on human rights in ASEAN faces a number of complex structural and ideological obstacles. Structurally, ASEAN as a regional organisation affirms the principles of non-intervention and state sovereignty, which limit the scope for intervention in domestic human rights issues. This principle often hinders the harmonisation of

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[46] Ahmad Syauqi Abdullah & Nisar Mohammad Ahmad. (2023). Maqasid Al-Syariah dan Hubungkaitannya dengan Hak Kebebasan Beragama di Malaysia. *UMRAN - Journal of Islamic and Civilizational Studies, 10(2)*, 71–81. https://doi.org/10.11113/umran2023.10n2.610.

[47] Rangga Dwi Saputra, Lya Estyy Pratiwi, Eric & Dedy Stansyah. (2021). Mekanisme Penegakan Hukum Hak Asasi Manusia ASEAN: Studi Perbandingan Mekanisme Penegakan Hukum Hak Asasi Manusia ASEAN dan UE. *Jurnal Komunikasi Hukum (JKH), 7*(2), 808–827. https://doi.org/10.23887/jkh.v7i2.38704.

[48] Zumiyati Sanu Ibrahim, Suud Sarim Karimullah, Andi Istiqlal Assaad, Rina Septiani, & Huseyin Okur. (2025). Integration of Maqaṣid Al-Shari'ah in the Criminal Law Reform to Achieve Justice and Human Dignity. *Jurnal Hukum Islam, 23(1)*, 105-144. https://doi.org/10.28918/jhi.v23i1.04.

more progressive and inclusive human rights standards, including reinterpretations based on *maqāṣid*, as member states prioritise political stability and social harmony over transformative human rights reforms. Ideologically, differences in understanding and acceptance of *maqāṣid al-sharī'ah* in ASEAN's multicultural society also give rise to resistance.[49] While Muslim countries may see *maqāṣid* as a rich and relevant moral framework, other countries with secular or non-Muslim backgrounds may lack understanding or even be sceptical of the integration of these religious values into human rights norms.[50] These differing views complicate regional dialogue and pose challenges in developing human rights policies that unite pluralistic beliefs and value systems.

On the other hand, maqāṣid al-syarī'ah offers strategic opportunities to formulate more inclusive and contextual human rights policies in ASEAN. With a maqāṣid framework that emphasises a balance between individual rights and social responsibilities, as well as recognition of local values and religiosity, this approach can enrich the dominant human rights paradigm with a more holistic ethical and moral perspective.[51] The maqāṣid approach allows for a reinterpretation of human rights norms so that they do not only focus on individual rights but also highlight the importance of the common good and social harmony as prerequisites for true human rights. In addition, maqāṣid provides flexibility in responding to socio-political changes in diverse regions, so that human rights policies can be formulated with high sensitivity to cultural and religious contexts. This approach can also strengthen the social and political legitimacy of human rights norms in ASEAN, narrow the gap between global norms and local practices, and pave the way for more constructive cross-cultural dialogue in addressing human rights issues.

As a value framework, maqāṣid al-syarī'ah has great potential to serve as a bridge connecting international human rights norms with Southeast Asian regional norms that are rich in cultural and religious values. The concept of maqāṣid, which emphasises the objectives of benefit and prevention of harm, can be used to reconstruct human rights norms to be more inclusive and contextual,

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[49] Deviana Yuanitasari, & Hazar Kusmayanti. (2021). Human Rights Thought: Between Islamic Law and The Universal Declaration of Human Rights. *Asian Journal of Law and Humanity, 1(1)*, 19-42. https://doi.org/10.28918/ajlh.v1i1.2.

[50] Mowafg Abrahem Masuwd. (2024). Islamic Pluralism and Küng's Global Ethical Discourse: Toward a "Global-Maqāṣid" Centered Paradigm. *Ittesaal - Journal of Connecting Discourses*, *1*(2), 41-63. https://doi.org/10.64984/ijcd.1.2.2024.03.

[51] Rangga Dwi Saputra, Lya Estyy Pratiwi, Eric & Dedy Stansyah. (2021). Mekanisme Penegakan Hukum Hak Asasi Manusia ASEAN: Studi Perbandingan Mekanisme Penegakan Hukum Hak Asasi Manusia ASEAN dan UE. *Jurnal Komunikasi Hukum (JKH)*, *7*(2), 808–827. https://doi.org/10.23887/jkh.v7i2.38704.

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strengthening the legitimacy and acceptance of these norms among local communities.[52] This allows human rights norms to be accepted not merely as foreign global products, but also as shared values that are internalised locally and spiritually. Maqāṣid facilitates cross-cultural and interfaith dialogue, reduces resistance to human rights norms, and strengthens social cohesion in ASEAN.

Table 4.
ASEAN Human Rights Reinterpretation Model Based on *Maqāṣid al-Syarī'ah*

Aspect	Description	Benefits
Ethical-Conceptual Approach	Using *maqāṣid* as a moral and ethical foundation for defining rights and obligations	Strengthening the legitimacy of human rights norms with local and religious values
Integration of Rights & Obligations	Balances individual rights with social and collective responsibilities	Avoids the excesses of individualism and strengthens social harmony
Spiritual and Moral Dimensions	Incorporates spiritual values into the interpretation of human rights	Adds ethical depth and acceptance of human rights norms in religious societies
Contextual Adaptation	Flexibility of human rights norms in accordance with the social, cultural, and religious dynamics of ASEAN	Increasing the relevance and effectiveness of human rights implementation at the local level
Cross-Cultural and Interfaith Dialogue	Using maqāṣid as a common language for negotiation and compromise on human rights norms	Reducing normative conflicts and resistance, strengthening regional cohesion and cooperation

Source: compiled from various legal sources

This model opens up new horizons in the development of human rights in ASEAN, which not only adopts global standards but is also strongly rooted in local values and traditions, with *maqāṣid al-syarī'ah* as the main driver of the integration of universal and local values in the harmonisation of human rights norms.[53] To effectively implement the *maqāṣid*-based reinterpretation of human rights in ASEAN, the first step is to harmonise international human rights norms with the local context through cross-cultural and interfaith dialogue. ASEAN can establish a regional forum involving *maqāṣid* experts, policymakers, and cross-border stakeholders to discuss the adjustment of human rights norms that are

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[52] Zumiyati Sanu Ibrahim, Suud Sarim Karimullah, Andi Istiqlal Assaad, Rina Septiani, & Huseyin Okur. (2025). Integration of Maqaṣid Al-Shari'ah in the Criminal Law Reform to Achieve Justice and Human Dignity. *Jurnal Hukum Islam, 23(1)*, 105-144. https://doi.org/10.28918/jhi.v23i1.04.

[53] Tuti Gusmawati Simanjuntak, Lili Rahmayana Harahap, Cherry Arida, Muhammad Yusfani, Bahraini, & Cecep Soleh Kurniawan. (2025). Fundamental Human Rights in the Islamic Perspective. *International Journal of Law, Social Science and Humanities (IJLSH), 2(2)*, 197-204. https://doi.org/10.70193/ijlsh.v2i2.194.

responsive to religious and cultural values. [54] This forum aims to produce joint guidelines that integrate *maqāṣid* principles as ethical standards for evaluating human rights policies and practices at the national and regional levels.[55]

The integration of *maqāṣid* in human rights education and law enforcement training is important to ensure that the interpretation of human rights is not only textual but also rooted in humanitarian values that are appropriate to the local context.[56] This education will strengthen understanding and acceptance of an inclusive interpretation of human rights, as well as reduce ideological resistance that has been an obstacle to the implementation of human rights. For example, in Malaysia, the application of family law that accommodates the principle of *maqāṣid* can strengthen the protection of women's and children's rights in accordance with international human rights standards, while maintaining the Islamic values that underpin the Sharia legal system.[57] This approach allows for the harmonisation of religious norms and human rights by taking into account collective interests and social welfare. This model shows that a *maqāṣid*-based reinterpretation of human rights is not only theoretical but can be realised in concrete policies that strengthen the harmonious integration of global and local norms.[58] This approach has the potential to become a strong foundation for inclusive, sustainable human rights development in ASEAN that respects diversity.

The novelty offered by this study lies in the formulation of a reinterpretation model of human rights that integrates *maqāṣid* as a bridge between international and regional norms, as well as a flexible and adaptive ethical foundation in the context of ASEAN diversity. This approach broadens

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[54] Budi Hermawan Bangun. (2019). ASEAN Intergovernmental Commission on Human Rights and Effectiveness of Fulfilling Human Rights Obligations of ASEAN Members States. *Jambe Law Journal, 1(2)*, 231-249. https://doi.org/10.22437/jlj.1.2.231-249.

[55] Mellisa Towadi. (2017). The Application of Sharia Maqashid on the Protection of the Rights of Minority of Muslim Rohingya in Regional ASEAN (Indonesia-Malaysia). *Journal of Indonesian Legal Studies, 2(1)*, 43-54. https://doi.org/10.15294/jils.v2i01.16637.

[56] Zumiyati Sanu Ibrahim, Suud Sarim Karimullah, Andi Istiqlal Assaad, Rina Septiani, & Huseyin Okur. (2025). Integration of Maqaṣid Al-Shari'ah in the Criminal Law Reform to Achieve Justice and Human Dignity. *Jurnal Hukum Islam, 23(1)*, 105-144. https://doi.org/10.28918/jhi.v23i1.04.

[57] Ahmad Syauqi Abdullah & Nisar Mohammad Ahmad. (2023). Maqasid Al-Syariah dan Hubungkaitannya dengan Hak Kebebasan Beragama di Malaysia. *UMRAN - Journal of Islamic and Civilizational Studies, 10(2)*, 71–81. https://doi.org/10.11113/umran2023.10n2.610.

[58] Tuti Gusmawati Simanjuntak, Lili Rahmayana Harahap, Cherry Arida, Muhammad Yusfani, Bahraini, & Cecep Soleh Kurniawan. (2025). Fundamental Human Rights in the Islamic Perspective. *International Journal of Law, Social Science and Humanities (IJLSH), 2(2)*, 197-204. https://doi.org/10.70193/ijlsh.v2i2.194.

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the ethical horizon of human rights by incorporating spiritual dimensions and social responsibility, resulting in a more inclusive, contextual and sustainable human rights framework. Thus, this study does not merely offer normative alternatives but also provides practical strategies to strengthen the legitimacy and effectiveness of human rights in the region through the harmonisation of universal and local values.

CONCLUSION

This study confirms that reinterpreting human rights in the context of ASEAN through the *maqāṣid al-syarī'ah* approach presents a new paradigm that combines universal human rights values with a local context rich in cultural and religious plurality. The *maqāṣid*-based ethical-conceptual approach offers a normative framework that is not only compatible with the basic principles of international human rights, but also accommodates moral, spiritual, and collective values that have been largely overlooked in liberal-secular human rights discourse. This model provides a solution to the structural and ideological obstacles that have limited the effective implementation of human rights in ASEAN, by offering a middle ground that respects cultural sovereignty while upholding human dignity.

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