

MAQĀSĪD AL-SHARĪ'AH AND ALCOHOL REGULATION: RETHINKING ISLAMIC PUBLIC POLICY FOR SOCIAL DEVELOPMENT

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Abstract

Alcohol regulation remains a significant challenge in contemporary Islamic public policy because it intersects with religious norms, public health, social protection, and community welfare. This study examines how maqāṣid al-sharī'ah can be operationalized as a framework for alcohol regulation and social development. Using a qualitative case study in Probolinggo City, Indonesia, the research combines normative-conceptual analysis, policy document analysis, literature review, and semi-structured interviews with relevant stakeholders. The data were analyzed thematically to identify relationships between Islamic legal objectives and regulatory strategies. The findings demonstrate that effective alcohol governance should extend beyond prohibition and punishment toward an integrated framework incorporating legal regulation, social prevention, health intervention, institutional collaboration, and community participation. The principles of ḥifẓ al-nafs and ḥifẓ al-'aql emerge as the primary foundations of alcohol regulation, complemented by ḥifẓ al-nasl and ḥifẓ al-māl in protecting family resilience and socioeconomic welfare. The study proposes a maqāṣid-based alcohol regulation model that repositions Islamic public policy as a welfare-oriented governance framework capable of integrating religious ethics, harm prevention, and sustainable social development.

Keywords: *Maqāṣid al-Sharī'ah; Alcohol Regulation; Islamic Public Policy; Social Development; Public Welfare*

Abstrak

Regulasi alkohol merupakan persoalan penting dalam kebijakan publik Islam kontemporer karena berkaitan dengan norma agama, kesehatan publik, perlindungan sosial, dan kesejahteraan masyarakat. Penelitian ini menganalisis bagaimana *maqāṣid al-sharī'ah* dapat dioperasionalkan sebagai kerangka regulasi alkohol untuk mendukung pembangunan sosial. Penelitian menggunakan pendekatan kualitatif dengan desain studi kasus di Kota Probolinggo, Indonesia, yang mengintegrasikan analisis normatif-konseptual, analisis dokumen kebijakan, kajian literatur, dan wawancara semi-terstruktur dengan pemangku kepentingan terkait. Data dianalisis secara tematik untuk mengidentifikasi hubungan antara tujuan hukum Islam dan strategi regulasi. Hasil penelitian menunjukkan bahwa regulasi alkohol tidak cukup bertumpu pada pelarangan dan sanksi, tetapi memerlukan integrasi regulasi hukum, pencegahan sosial, intervensi kesehatan, kolaborasi kelembagaan, dan partisipasi masyarakat. Prinsip *ḥifẓ al-nafs* dan *ḥifẓ al-'aql* menjadi fondasi utama, sedangkan *ḥifẓ al-nasl* dan *ḥifẓ al-māl* memperkuat perlindungan keluarga dan kesejahteraan sosial-ekonomi. Penelitian ini menawarkan model regulasi alkohol berbasis *maqāṣid* yang menempatkan kebijakan publik Islam sebagai kerangka tata kelola berorientasi kemaslahatan, pencegahan mudarat, dan pembangunan sosial berkelanjutan..

Kata kunci: *Maqāṣid al-Sharīʿah*; Regulasi Alkohol; Kebijakan Publik Islam; Pembangunan Sosial; Kesejahteraan Sosial.

INTRODUCTION

Alcohol regulation has become an increasingly important issue in contemporary global public policy, as governments are required to balance public health protection, social welfare, cultural values, and individual rights. The adverse consequences associated with alcohol consumption have prompted many countries to develop regulatory frameworks aimed at reducing social and health-related harms, particularly through preventive policies, restrictions on availability, and community-based interventions (Colbert et al., 2021). However, alcohol governance in Muslim-majority countries presents a distinctive policy context because regulatory frameworks are shaped not only by biomedical and economic considerations but also by religious norms and ethical objectives derived from Islamic teachings (Al-Ansari et al., 2016). In this context, Islamic public policy needs to be reinterpreted beyond an approach that is solely oriented toward prohibition and toward a broader framework centred on human welfare, social justice, and sustainable development. The concept of *Maqāṣid al-Sharīʿah* provides an important theoretical foundation in this regard because it emphasises the protection of essential human interests (*maṣlaḥah*), including religion, life, intellect, family, and property, all of which are closely related to contemporary development objectives (Oladapo & Rahman, 2016). Accordingly, the reconceptualisation of Islamic public policy through the perspective of *Maqāṣid al-Sharīʿah* offers a significant pathway for integrating religious values with the challenges of modern governance.

Previous studies demonstrate that alcohol regulation in Muslim-majority societies involves a complex interaction among Islamic principles, state authority, globalisation, and public health priorities. Research on alcohol policy in Iran indicates that prohibition grounded in Islamic teachings does not automatically eliminate alcohol-related problems; rather, it requires comprehensive governance strategies encompassing prevention, treatment, and the management of broader social consequences (Razavi et al., 2019). Similarly, studies of alcohol treatment systems in Muslim-majority countries show that policy implementation is influenced by cultural stigma, legal frameworks, institutional capacity, and the need to balance religious values with public health approaches (Razavi et al., 2020). Comparative research in Southeast Asia further suggests that effective alcohol-control policies require contextual adaptation because economic development, globalisation, and changing social practices shape patterns of alcohol consumption

and their associated harms (Shield et al., 2020). Meanwhile, scholarship on *Maqāṣid al-Sharīʿah* has increasingly moved beyond traditional legal interpretation toward a broader human-development perspective that emphasises justice, social welfare, and inclusive policymaking (Oladapo & Rahman, 2016). Taken together, these studies indicate that Islamic ethical frameworks have considerable potential relevance to contemporary public policy, although their application to alcohol governance remains underexplored.

Despite these contributions, several important research gaps remain. First, studies on alcohol regulation in Muslim societies have generally focused on legal prohibition, public health policy, or institutional challenges, while comparatively limited attention has been given to the philosophical and normative foundations underlying Islamic public policy. Second, studies of *Maqāṣid al-Sharīʿah* have largely concentrated on Islamic economics, financial governance, and social welfare programmes rather than on specific regulatory issues such as alcohol control. Consequently, the relationship between the objectives of Islamic law, particularly *ḥifẓ al-naḥs* (the protection of life) and *ḥifẓ al-ʿaql* (the protection of intellect), and contemporary alcohol governance remains insufficiently developed at the theoretical level. Third, existing approaches frequently frame alcohol regulation within a binary opposition between prohibition and liberal regulation, leaving limited conceptual space for the development of a *maqāṣid*-based policy framework that emphasises prevention, social protection, and community well-being. These gaps highlight the need for a more integrative approach that connects the objectives of Islamic law with modern public policy analysis.

This study offers a new conceptual contribution through the development of a *Maqāṣid al-Sharīʿah*-based framework for alcohol regulation as an alternative perspective within Islamic public policy and social development. Unlike conventional approaches that primarily emphasise prohibition or punishment, this study conceptualises alcohol regulation as a multidimensional governance strategy aimed at protecting human dignity, public health, social stability, and sustainable community development. The novelty of this research lies in its attempt to operationalise the principles of *Maqāṣid al-Sharīʿah* into concrete policy dimensions, including the protection of human life, the prevention of harm to intellectual capacity, the strengthening of family resilience, and the enhancement of social welfare. Through this framework, Islamic public policy is not positioned merely as a mechanism for enforcing religious norms, but rather as a dynamic mode of

governance capable of responding to contemporary social challenges (Abdelgafar, 2021).

Based on this conceptual foundation, this study aims to analyse how *Maqāṣid al-Sharī'ah* can provide both a conceptual and operational basis for alcohol regulation as part of Islamic public policy for social development. More specifically, the study seeks to answer the following research question: How can *Maqāṣid al-Sharī'ah* be reconstructed and operationalised as a framework for alcohol regulation to support social development within contemporary Islamic public policy? By addressing this question, the study is expected to contribute to scholarly debates on Islamic governance, public policy innovation, and the role of religious ethics in responding to complex contemporary social problems.

RESEARCH METHOD

This study employed a qualitative approach using normative-conceptual analysis integrated with comparative policy analysis and a case study design. This methodological framework was selected because the study seeks to explore how the principles of *maqāṣid al-sharī'ah* are conceptualised and operationalised within alcohol regulation as part of Islamic public policy and social development. Rather than testing statistical relationships among variables, the study focuses on the interpretation of legal norms, policy rationalities, and socio-religious values underlying regulatory practices. A qualitative approach is particularly relevant for understanding complex social phenomena involving meanings, values, and institutional practices (Aspers & Corte, 2019). Within contemporary Islamic legal studies, *maqāṣid al-sharī'ah* is employed as an analytical framework to examine how the fundamental objectives of Islamic law—namely the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), progeny (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*)—can provide a normative foundation for modern governance and social policy (Auda, 2021).

The study utilised both primary and secondary data sources. Primary data consisted of legal and policy documents related to alcohol regulation, including Indonesian national legislation, local government regulations of Probolinggo City, and official policy documents concerning public order, social protection, and alcohol control. Secondary data were drawn from reputable international journal articles indexed in Scopus, as well as academic books on *maqāṣid al-sharī'ah*, Islamic jurisprudence, public policy, and social development. Data were collected through document analysis and an integrative literature review involving the identification, evaluation, and synthesis of relevant scholarly works and policy documents. This

approach enabled the study to develop a comprehensive understanding of the existing body of knowledge while simultaneously identifying conceptual gaps in previous research (Snyder, 2019).

The research was conducted in March 2025, with Probolinggo City, Indonesia, serving as the empirical context and purposively selected case study site. Probolinggo City represents a predominantly Muslim local community in which religious values, governmental authority, and social regulation interact in shaping public policy responses to alcohol control. A case study approach enables an in-depth investigation of policy implementation within its real social and institutional context, particularly where the boundaries among policy, culture, and religious values are complex and closely interconnected (Rashid et al., 2019). Probolinggo City therefore provides a relevant context for examining how Islamic ethical principles influence regulatory practices at the local level.

The object of the study was the conceptual construction and implementation of alcohol regulation from the perspective of *maqāṣid al-sharīʿah* and its implications for social development. To complement the documentary analysis, additional empirical perspectives were obtained from key informants through semi-structured interviews. Informants were purposively selected on the basis of their knowledge of and involvement in policy processes related to alcohol regulation. They included local government officials, Islamic religious scholars, academics specialising in Islamic law, and community representatives. The number of informants was determined according to the principle of data saturation, namely the point at which additional interviews no longer generated substantially new themes or relevant information.

The research instruments consisted of a document analysis framework and a semi-structured interview guide. The interview protocol was developed around three analytical dimensions: (1) the principles of *maqāṣid al-sharīʿah*; (2) perspectives on Islamic public policy; and (3) social development objectives associated with alcohol regulation. The credibility of the instruments was strengthened through expert review involving scholars in Islamic law and public policy. Semi-structured interviews were employed because they provide methodological flexibility while maintaining consistency with the research objectives and predetermined analytical framework (Kallio et al., 2016).

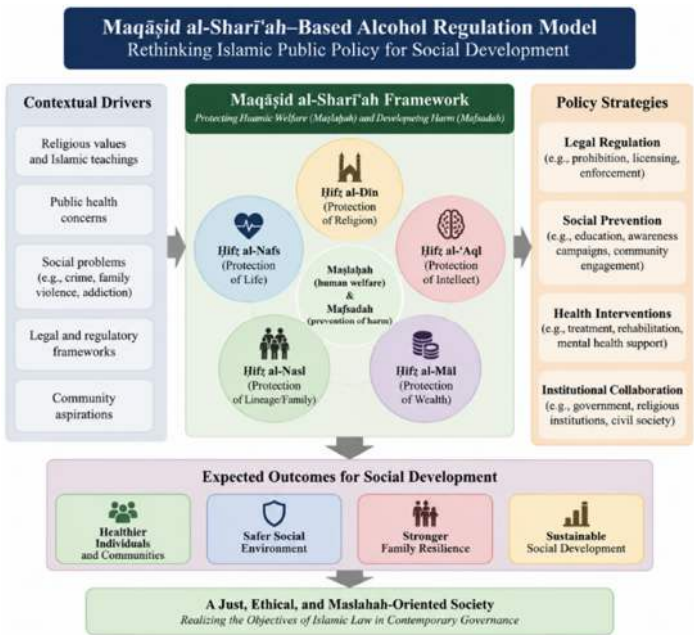
Data analysis was conducted through four interrelated stages. First, legal documents, policy materials, and interview transcripts were collected and systematically organised. Second, the data were coded and categorised according to

emerging themes. Third, the findings were interpreted using the analytical frameworks of *maqāṣid al-sharīʿah* and Islamic public policy. Fourth, a comparative analysis was conducted of alcohol regulatory models implemented in selected Muslim-majority and non-Muslim countries. The data were analysed thematically with the assistance of NVivo 14 to facilitate systematic coding, thematic organisation, and the identification of conceptual relationships. Thematic analysis was selected because it provides a systematic procedure for identifying patterns of meaning within textual and qualitative data (Braun & Clarke, 2021). The final stage of the analysis was directed toward developing a *maqāṣid*-based alcohol regulation framework that integrates the objectives of Islamic law with contemporary principles of public governance and social development.

RESULT

The findings of this study reveal that alcohol regulation within the framework of Islamic public policy can be reconstructed through a *maqāṣid al-sharīʿah*-based approach that emphasizes human welfare (*maṣlahah*) and the prevention of social harm (*mafsadah*). Based on the thematic analysis of interview data, the research identifies that alcohol regulation is not perceived by stakeholders merely as a legal mechanism to prohibit individual behaviour, but rather as a comprehensive governance strategy aimed at protecting individuals, families, and communities. Figure 1 illustrates the relationship between contextual drivers, the *maqāṣid al-sharīʿah* framework, policy strategies, and expected social development outcomes. This model demonstrates that alcohol regulation requires an integrated understanding of religious values, social realities, legal instruments, and community welfare objectives.

Table 1. Interview Findings on *Maqāṣid al-Sharīʿah* and Alcohol Regulation for Islamic Public Policy



The first finding concerns the contextual drivers underlying the necessity of alcohol regulation. Interviews with government officials, Islamic scholars, academics, and community representatives indicate that alcohol-related issues are associated with broader social consequences, including public disorder, family conflicts, health risks, and declining social responsibility. Informants emphasized that alcohol regulation should respond not only to the existence of alcohol consumption itself but also to its potential impacts on social stability and community welfare. Therefore, the regulation of alcohol is positioned within a broader public policy agenda that combines religious considerations, social protection, and preventive governance.

The second finding highlights the central position of *maqāṣid al-sharīʿah* as the normative foundation for developing alcohol regulation policies. The interview analysis shows that the principles of *ḥifẓ al-naḥs* (protection of life) and *ḥifẓ al-ʿaql* (protection of intellect) represent the dominant dimensions explaining the necessity of alcohol control. Informants consistently indicated that alcohol consumption has implications for human health, cognitive capacity, and responsible decision-making. Consequently, alcohol regulation is interpreted as a policy mechanism to preserve human dignity and protect individuals from potential physical, psychological, and social harm.

The third finding relates to the role of *ḥifẓ al-nasl* (protection of family and lineage) and *ḥifẓ al-māl* (protection of wealth) in strengthening the social dimension of alcohol regulation. The interview results demonstrate that stakeholders perceive alcohol-related problems as extending beyond individual behaviour and affecting family relationships, economic conditions, and intergenerational well-being. Community representatives particularly emphasized that alcohol misuse may contribute to household instability and social vulnerability. This finding indicates that a *maqāṣid*-based approach expands the understanding of alcohol regulation from individual morality toward collective social protection.

The fourth finding demonstrates that effective alcohol regulation requires a shift from a purely restrictive approach toward an integrated policy framework. As presented in Figure 1, stakeholders identified four interconnected policy strategies: legal regulation, social prevention, health interventions, and institutional collaboration. Government representatives highlighted the importance of regulatory enforcement, while religious leaders and community representatives emphasized education, awareness, and moral development. These findings indicate

that sustainable alcohol governance cannot rely solely on legal sanctions but requires cooperation among government institutions, religious authorities, health agencies, and civil society.

The fifth finding reveals that social prevention represents a significant component of Islamic public policy regarding alcohol regulation. Informants argued that preventive strategies, including religious education, community awareness programs, and youth protection initiatives, are necessary to address the root causes of alcohol-related problems. This finding suggests that the implementation of *maqāṣid al-sharīʿah* requires policies that actively develop social resilience rather than merely responding to violations after they occur. Thus, prevention becomes an essential mechanism for achieving the higher objectives of Islamic law in contemporary society.

The sixth finding concerns the relationship between *maqāṣid al-sharīʿah* and social development outcomes. The model presented in Figure 1 shows that *maqāṣid*-oriented alcohol regulation contributes to four expected outcomes: healthier individuals and communities, safer social environments, stronger family resilience, and sustainable social development. The interview findings confirm that stakeholders view alcohol regulation as part of a broader developmental agenda aimed at improving quality of life. In this perspective, Islamic public policy is understood as a dynamic framework that seeks to harmonize religious objectives with contemporary social needs.

The final finding indicates that *maqāṣid al-sharīʿah*-based alcohol regulation provides an alternative model for rethinking Islamic public policy in contemporary governance. The findings demonstrate that Islamic law does not operate solely through prohibition but also through the pursuit of welfare-oriented objectives. The integration of legal regulation, social prevention, health intervention, and institutional collaboration creates a policy framework that reflects the comprehensive objectives of Islamic law. Therefore, this study concludes from the empirical findings that alcohol regulation based on *maqāṣid al-sharīʿah* can function as a transformative public policy instrument that promotes a just, ethical, and *maṣlaḥah*-oriented society.

DISCUSSION

The *Maqāṣid al-Sharīʿah-Based Alcohol Regulation Model* developed in this study represents a conceptual transformation in Islamic public policy by shifting the orientation of alcohol regulation from a prohibition-centred approach toward a

welfare-oriented governance framework. This transformation reflects the contemporary evolution of *maqāṣid al-sharīʿah* theory, which emphasizes that Islamic law should be understood through its ultimate purposes (*ghāyāt al-sharīʿah*) rather than merely through textual classifications of legality and prohibition. In this perspective, the legitimacy of a policy is determined not only by its conformity with legal norms but also by its capacity to protect human dignity, prevent harm, and achieve collective welfare (*maṣlaḥah*) (Auda, 2008; Kamali, 2019). Therefore, the model proposed in this study expands the role of *maqāṣid* from a jurisprudential methodology into an applied framework for analysing contemporary public policy challenges.

The central position of *ḥifẓ al-naḥs* (protection of life) and *ḥifẓ al-ʿaql* (protection of intellect) in the proposed model demonstrates a significant intersection between Islamic legal objectives and modern public health governance. Alcohol consumption has been widely recognized as a social issue that generates consequences beyond individual behaviour, including health risks, family problems, economic costs, and community insecurity (Rehm et al., 2021). The findings of this study indicate that the *maqāṣid* framework provides an ethical explanation for why alcohol regulation is necessary by linking public health protection with the preservation of human capability and rational responsibility. Thus, alcohol regulation is not only a matter of controlling consumption patterns but also a mechanism for protecting fundamental human interests.

The interpretation of *ḥifẓ al-ʿaql* in this study also contributes to broader debates regarding the relationship between morality, law, and social regulation. Contemporary alcohol policy research generally emphasizes evidence-based interventions, risk reduction, and harm prevention, while Islamic legal discourse traditionally emphasizes moral and spiritual protection. The model developed in this research demonstrates that these two perspectives are not necessarily contradictory. Instead, *maqāṣid* provides a normative foundation that strengthens public health objectives by explaining the ethical reasons behind preventive interventions. This finding supports the argument that religious values can contribute constructively to public policy when interpreted through contextual and objective-based reasoning.

Furthermore, this study provides a critical response to the limitations of prohibition-oriented approaches in Muslim-majority societies. Previous research indicates that legal prohibition alone does not automatically eliminate alcohol-

related problems because consumption behaviour is influenced by social environment, economic structures, globalization, and institutional capacity (Al-Ansari et al., 2016). Studies of alcohol governance in Muslim contexts demonstrate that effective regulation requires complementary mechanisms, including education, prevention, treatment, and institutional cooperation (Razavi et al., 2019). The findings of this research extend these arguments by showing that such integrated approaches are compatible with *maqāṣid al-sharīʿah* because they reflect the broader objectives of protecting individuals and communities from harm.

The inclusion of *ḥifẓ al-nasl* (protection of family and lineage) and *ḥifẓ al-māl* (protection of wealth) further expands the theoretical contribution of this research. Previous alcohol policy studies frequently emphasize individual health outcomes, whereas the present model highlights the relational and structural consequences of alcohol-related problems. Alcohol misuse may affect family stability, economic security, and social cohesion; therefore, regulation should be understood as part of a broader social development strategy. This interpretation corresponds with Islamic development perspectives that conceptualize human welfare as multidimensional, involving spiritual, social, economic, and institutional dimensions (Oladapo & Rahman, 2016).

The proposed model also contributes to discussions on the relationship between Islamic values and modern governance. Critics of religious-based policymaking often argue that religious norms may conflict with principles of autonomy and plural governance. However, this study demonstrates that *maqāṣid*-oriented policy does not simply impose religious rules but translates Islamic ethical objectives into governance principles centred on public welfare and harm reduction. In this sense, Islamic public policy can engage with contemporary governance debates by providing ethical resources for addressing complex social issues while maintaining sensitivity to social realities.

Theoretically, this research contributes to Islamic legal scholarship by operationalizing *maqāṣid al-sharīʿah* as a policy analytical framework. Previous *maqāṣid* studies have primarily concentrated on Islamic finance, legal reform, and theoretical jurisprudence, while applications in regulatory fields remain comparatively limited. The model developed in this study demonstrates that *maqāṣid* can function as a framework for identifying policy objectives, evaluating social consequences, and designing governance strategies. Consequently, this

research strengthens the position of *maqāṣid* as a bridge between Islamic jurisprudence and contemporary public administration.

From a practical perspective, the findings suggest that alcohol regulation should be designed through an integrated governance approach involving legal regulation, public education, health intervention, and community participation. Evidence from international alcohol policy research indicates that sustainable regulation requires coordination among government institutions, health agencies, and social actors rather than relying solely on restrictive legislation (Colbert et al., 2021). In Muslim-majority societies, this approach allows policymakers to maintain religious legitimacy while adopting evidence-based strategies for social protection. Therefore, the proposed model provides practical guidance for developing alcohol policies that are preventive, participatory, and oriented toward community welfare.

Overall, the *Maqāṣid al-Sharī'ah-Based Alcohol Regulation Model* contributes to the global discussion on religion, law, and public policy by demonstrating how Islamic legal principles can address contemporary social challenges. The model does not position Islamic law as merely a system of prohibition but as a dynamic ethical framework capable of supporting human development and sustainable governance. Through the integration of *ḥifẓ al-naḥs*, *ḥifẓ al-ʿaql*, *ḥifẓ al-nasl*, and *ḥifẓ al-māl*, alcohol regulation can be reconstructed as an instrument for achieving a just, healthy, and socially resilient society

CONCLUSION

This study concludes that *maqāṣid al-sharī'ah* provides a relevant and adaptive framework for rethinking alcohol regulation within contemporary Islamic public policy. The research demonstrates that alcohol governance should not be limited to a prohibition-based legal approach but should be reconstructed as a welfare-oriented policy framework that integrates legal norms, public health objectives, and social development goals. The proposed *Maqāṣid al-Sharī'ah-Based Alcohol Regulation Model* contributes a novel perspective by positioning the protection of life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-ʿaql*), family (*ḥifẓ al-nasl*), and wealth (*ḥifẓ al-māl*) as interconnected foundations for designing socially responsive alcohol policies.

Theoretically, this study contributes to the development of Islamic legal studies by extending the application of *maqāṣid al-sharī'ah* from normative jurisprudential discourse toward practical policy analysis. The findings enrich

broader debates on Islamic public policy by demonstrating that Islamic law can provide ethical and conceptual resources for addressing contemporary social challenges. Practically, the research suggests that effective alcohol regulation requires an integrated governance approach involving legal regulation, prevention, education, health interventions, and community participation.

Nevertheless, this study has limitations because it focuses on a qualitative normative-conceptual analysis within a specific socio-cultural context, limiting its ability to capture variations across different Muslim societies. Future research should employ comparative studies across Muslim-majority countries, incorporate empirical policy evaluation, and examine how maqāṣid-based frameworks can be operationalized within diverse legal and institutional environments. Such studies would further strengthen the contribution of Islamic public policy to global discussions on social development and ethical governance.

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