



THE RIGHT TO LIFE FROM THE PERSPECTIVE OF MAQĀṢID AL-SHARĪ'AH: QUESTIONING THE LEGITIMACY OF ISLAMIC LAW IN CASES OF SUICIDE BOMBINGS

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ARTICLE INFO

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Received: 06-01-2026
Accepted: 27-02-2026
Published: 09-03-2026



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ABSTRACT

This article examines the right to life (ḥifẓ al-nafs) from the perspective of maqāṣid al-sharī'ah by critically questioning the legitimacy of Islamic law claims used to justify suicide bombings. Departing from the normative and ethical foundations of Islamic law, the study argues that the protection of human life constitutes one of the most fundamental objectives (al-darūriyyāt) of the Sharī'ah and cannot be compromised under any circumstances. Employing qualitative library research with a normative-philosophical and maqāṣid-oriented approach, this article analyzes classical and contemporary Islamic legal thought, relevant Qur'anic verses, Prophetic traditions, fatwas, and legal frameworks related to human rights. The findings demonstrate that suicide bombings fundamentally contradict the core objectives of Islamic law, particularly the preservation of life, security, and human dignity. Claims that frame such acts as forms of jihād are shown to rely on reductive and literalist interpretations that neglect the broader ethical and teleological dimensions of Sharī'ah. This study concludes that suicide bombings represent a severe deviation from the maqāṣid al-sharī'ah and undermine Islam's universal commitment to justice, peace, and the protection of human life.

Keywords:

Keywords: Maqāṣid al-Sharī'ah; Ḥifẓ al-Nafs, Suicide Bombing, Islamic Law, Human Dignity.

Introduction

The Qur'an contains a unique legal concept. As God's law, the legal concept in the Qur'an (Islam) certainly has an ideal character in realizing the welfare of humanity (Mutahhari, 1986; Shihab, 1992). However, the Qur'an or Islam itself cannot possibly reveal the full meaning of Islam. Therefore, Islam is very open to be known by humanity. (Ningsih et al., 2022). Sharia is nothing more than a framework that upholds human dignity. Islamic Sharia requires correct laws and decisions when placed before humans, as a method and

path to progress and dignity. Therefore, such laws will always provide benefits and prosperity for humanity (Maulina et al., 2023).

However, what concerns us is that sharia has become seen as rigid and anti-interpretive in life, denying the existence of intentions behind all sharia recommended or determined by God for humans (Hakim, 2025). We are no longer surprised that there are human murders in various ways, where murder itself is an act that is strictly prohibited in Islam. Therefore, it is natural that there are clashes of thought or understanding between one person and another or between one group and another, because they have different sentiments in approaching the sharia, some are very exclusive in their understanding and some are very inclusive.

In the realities of modern life, various humanitarian issues persist, such as violence, social conflict, and even murder, which deprive humans of their right to life. Yet, in Islamic teachings, preserving human life is a fundamental principle that is highly upheld. Islam strictly prohibits any act that could take a person's life without justification according to Islamic law. This demonstrates that the right to life is a fundamental value that must be protected in human life (van Bruinessen, 2004). Within the framework of maqāṣid al-syarī'ah, protection of human life is known as the concept of *ḥifz al-nafs* (protecting the soul), which is one of the five main objectives of the shari'ah. This principle emphasizes that Islamic law aims to protect and maintain the continuity of human life as creatures glorified by God. Therefore, every legal provision relating to human life is basically directed at maintaining the safety, security and continuity of human life (Hamdan et al., 2024).

Based on this description, the study of the right to life from the perspective of maqāṣid al-syarī'ah is very important to examine, especially in the context of increasingly complex developments in society. This study is expected to provide a more comprehensive understanding of the purpose of sharia in protecting human life, while also demonstrating that Islamic law has strong relevance in addressing various humanitarian issues that develop in society (Rifqi & Thahir, 2019). Thus, the study of the purposes of sharia, in the academic realm (in particular), is increasingly important to prevent clashes between sharia and the ever-evolving reality. Given the breadth of this study in uncovering the purposes of sharia, the author will discuss *the question of the right to life within the Maqasid Sharia*.

Method

This study uses a qualitative approach with a library research type (Nahotko et al., 2023) which aims to analyze the concept of the right to life (*ḥifz al-nafs*) within the framework of maqāṣid al-sharī'ah, as well as assess the legitimacy of Islamic law regarding the practice of suicide bombing. The approach used is normative-philosophical with an emphasis on the maqāṣid approach, which allows for the exploration of the fundamental objectives of Islamic law behind legal provisions related to the protection of human life. The research data are sourced from the main normative texts of Islam, including the Qur'an and Hadith, as well as the works of classical and contemporary scholars on maqāṣid al-sharī'ah, including the thoughts of al-Ghazali, al-Syatibi, Ibn 'Ashur, and Jasser Auda, enriched with religious fatwas and relevant positive legal regulations.

Data analysis was conducted using descriptive-analytical and normative-critical methods, by systematically examining the conceptual construction of maqāṣid al-sharī'ah,

particularly the principle of life protection, and then examining the theological and juridical arguments used to justify suicide bombings. All data were analyzed by placing maqāṣid al-sharī'ah as the primary evaluative framework to assess the suitability between religious claims and the essential objectives of Islamic law, which are oriented towards the welfare and protection of the right to life. Conclusions were drawn deductively, namely by drawing normative implications from the general principles of maqāṣid al-sharī'ah to provide a critical assessment of the practice of religion-based violence in the contemporary context. The explanation is as follows:

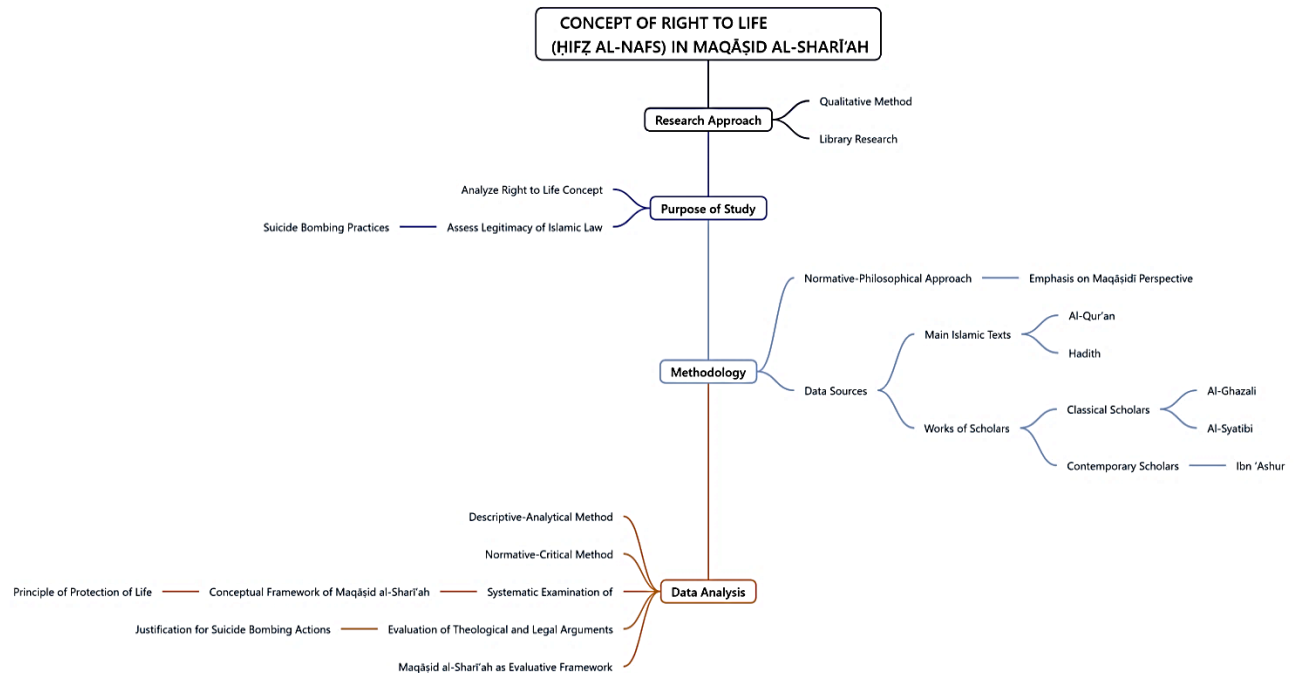


Figure 1. Library research flow.

Funding and Discussion

Maqashid Syari'ah and its Approach

Al-Maqasid is one of the most important intellectual and methodological means currently used to reform and renew Islam in various aspects. This coincides with the changing times and the geographical, sociological, and anthropological differences among Muslims worldwide. Consequently, Muslims experience uncertainty regarding Islamic law in responding to human problems (Rifqi & Thahir, 2019). As a theological mechanism, Maqashid Syari'ah positions itself as a framework for religious analysis to contextualize the spirit of various religious teachings in a more down-to-earth manner, adapting to human needs in every era. This is something that is always awaited by the Islamic community in realizing and implementing religious laws that need to be updated and reviewed in their operational areas (Widiastuti et al., 2022).

The basic views proposed by the maqashid theory are not denied by the main schools of thought. Despite this, maqashid remains on the fringes of mainstream juristic thought. It can be emphasized that maqashid is the most important part of Islamic studies (Islamic law) which is very dynamic and relative. Maqashid is an alternative statement for *mashalih*

or benefits. Abu Hamid al-Ghazali elaborated on *maqashid*, which he referred to as *mashlahah mursal*, namely benefits not directly mentioned in Islamic texts (Widiastuti et al., 2022). *Maqashid* by al-Syatibi is divided into two. First, *maqashid al-syari'* (God's Purpose). Second, *maqashid al-mukallaf* (the goal of mukallaf). *Maqashid shari'ah* in the sense of *maqashid shari'ah* contains four aspects: (a) The initial goal of shari'a, namely the welfare of humans in this world and in the hereafter (b) Shari'a as something that must be understood (c) Shari'a as a taklif law that must be carried out, and (e) The goal of shari'a is to bring humans under the protection of law (Toriquddin, 2010).

From this aspect, there are several things that can be understood: the first aspect, the essence of the *maqashid sharia*, the second aspect, *sharia* which is sourced from the Qur'an and Hadith needs to understand its language aspect to achieve the benefits it contains, the third aspect, the obligation to carry out the provisions that have been regulated by *sharia*, the fourth aspect, regarding human obedience to *sharia* so that it is able to bring humans who are full of order. One way to achieve this benefit is through the use of *maqasid sharia analysis*. *Maqasid sharia analysis* is one approach to deducing law from its sources or understanding Islamic law. The approaches offered are linguistic and *maqasid sharia*.

In an effort to understand the *maqashid sharia*, scholars use three approaches, namely: (1) considering the apparent meaning of the lafaz, (2) considering the inner meaning and reasoning, and (3) combining the apparent meaning, inner meaning and reasoning. From these three approaches, we can see their suitability in understanding Islamic texts (the Qur'an and Hadith), (a) paying attention to clear commands (*amar*) and prohibitions (*nahi*), (b) paying attention to *the illah* of commands and prohibitions, (c) paying attention to the main and additional intentions (Soviana & Abidin, 2020).

The methodology of *maqashid* is presented in three parts: the identification of *maqashid*, its classification, and then the relevance of *maqashid* to *ijtihad*. The approaches of the *fuqaha'* in identifying *maqashid* vary: The first approach is the textualist approach, which limits the identification of *maqashid* to clear texts, commands and prohibitions, which are the carriers of *maqashid*. The second approach is an approach oriented towards the development of *sharia* that has the premise of realizing *mashlahah* and preventing evil. The third approach is the inductive approach (*istiqra'*), and this approach is one of the most important methods of identifying *maqashid* for Syatibi. (Fad, 2019).

With this approach, new formulations will be found in order to improve the scope of law covered by *maqashid*. According to Jaser 'Audah, contemporary classification divides *maqashid* into three parts:

1. General *Maqashid* (*al-maqashid al-'ammah*): this *maqashid* can be studied in all parts of Islamic law, such as the necessity and necessity mentioned above, plus the proposal of new *maqashid* such as justice and convenience.
2. Special *maqashid* (*al-maqashi al-khashah*): This *maqashid* can be observed throughout the contents of certain chapters of Islamic law, such as child welfare in family law, protection and crime in criminal law, and protection from monopoly in economic law.
3. Partial *Maqashid* (*al-Maqashid al-Juz'iyyah*): this *maqashid* is the intention behind a certain text or law, such as the intention to reveal the truth in requiring a certain number of witnesses in a certain case (Fad, 2019).

Syatibi then emphasized the knowledge of *maqashid* as a prerequisite for achieving the rank of a mujtahid. Those who ignore the mastery of *maqashid* will do so at their own risk because they will be more prone to making mistakes in *ijtihad*. Ibn 'Asyur also confirmed that knowledge of *maqashid* is inseparable from *ijtihad* in all its manifestations. He added, some scholars who limit the scope of their *ijtihad* only to literal interpretation will project their personal opinions on the words of the text and fall into error, because they are not in line with the spirit and general purpose of the evidence around them. Ibn 'Asyur has indirectly affirmed that a mujtahid's mastery of *the maqashid of sharia* is a necessity in *ijtihad* to realize the benefit of humanity as the object of *sharia* (Toriquddin, 2010).

Questioning Suicide Bombings from the Perspective of *Hifz an-Nafs*

The uniqueness of Islamic law lies in its universal humanistic nature. It is called humanistic because Islamic law was created for humans, so that their dignity is elevated, their humanity is maintained, and their animalistic nature is restrained. Fundamentally, Islam protects human dignity and upholds humanitarian values. Islam considers humans as a whole, encompassing both the physical and spiritual. Islamic law pays attention to the physical (*zahir*) of humans by requiring them to maintain it and does not tolerate physical damage, even for the sake of worship (Eli et al., 2025).

In this case, we should appreciate the figures who have formulated or studied the Qur'an in depth, resulting in conclusions about several main points of life which are usually called *maqashid sharia*, including the right to religion, the right to life, the right to think, the right to own property, and the right to have a family (Rifa'i, 2019). Traditionally the right to life/ *Hifz an-nafs* is one of the main goals (*al-daruriyyat*) that Islamic law seeks to achieve, and the preservation of honor and preservation of the soul have experienced similar developments during the journey of this *maqashid* science. Initially, these two *maqashid*, by al-Amiri, were placed as the wisdom behind Islamic criminal law which was imposed on those who violated honor. Until then, al-Ghazali and al-Syatibi put it at the level of inevitability (Syarifah et al., 2026).

Every human being is obligated to defend their life. Maintaining life comes second only to religion if there is a conflict between the five essential aspects. Some scholars (al-Qarafi) even include honor, and Yusuf al-Qaradawi agreed on this, based on a hadith: "Every Muslim's blood, honor, and wealth are sacred to another." This is further reinforced by the hadith: "Verily, your blood, your honor, and your wealth are sacred to the rest of you" (Mustafidz Azmi & Musayyidi, 2022).

Nurturing the soul can be divided into three levels based on its importance. First, nurturing the soul in the *dharuriyyat level*, such as meeting the need for food to sustain life. Because if these basic needs are neglected, it will result in the threat to the existence of the human soul. Second, nurturing the soul in the *hajiyyat level*, such as being permitted to hunt animals to enjoy delicious and halal food. If this activity is neglected, it will not threaten human existence, but only complicate life. Third, nurturing the soul in the *tahsiniyyat level*, such as establishing regulations on how to eat and drink. This activity is only related to politeness and ethics and will not threaten the existence of the human soul at all (Tasmara, 2000). Yusuf Qaradawi provides the following explanation:

" Indeed, what the Qur'an means is that it affirms the establishment of human dignity

and safeguards human rights, so we should honor each other with the following principles: affirming human dignity, affirming human rights, and strengthening the rights of weak humans."

Islam offers various ways to ensure survival. Generally, there are two methods: one that seeks to maintain life and the other that seeks to preserve it. From the second method (efforts to maintain life or the right to life), some of the efforts offered by Islam include:

1. It is incumbent upon all humankind to ensure their survival, such as consuming food and drink, which are basic necessities.
2. Religion requires each region to appoint figures who can safeguard the security of its citizens. Scholars have formulated the obligation for each region to appoint a law enforcer to uphold justice and security in that region.
3. Maintaining human honor by prohibiting all forms of actions that can harm others,
4. Granting dispensation in matters of worship if it can have a negative impact on the safety of the soul.
5. Strictly prohibits all forms of murder, either of oneself or of others.
6. It is obligatory for Muslims to protect themselves from anything that could harm themselves and others (Sainul, 2018).

Islamic Shari'ah places great importance on preserving the soul, so among the laws it is determined as an important benefit and rejects things that are mafsadat, because if the life is wasted, themukallaf disappears, and in turn disappearance will lead to the loss of religion. The scholars agree that the purpose of the Shari'ah revealed by Allah is to preserve the human soul. They give examples of the sharia rules revealed by Allah regarding the matter in question, namely: the prohibition of killing without a reason justified by the sharia, the mandatory qishah law with appropriate punishment, the prohibition of committing suicide, the prohibition of killing children for fear of poverty and many others (Al-Rumkhani et al., 2016).

However, the opposite is true today. The human soul (the right to life) is seen as meaningless and worthless. It's increasingly easy for people to become grim reapers, with their terrifying and ferocious faces attempting to take away the right to life. Is this recommended/permitted by religion (especially Islam)? The answer is, of course, no. An interesting and crucial topic for discussion regarding the right to life is the rise in suicides and suicide bombings, from highways to police stations to places of worship. Sometimes we wonder whether these actions are influenced by an idea, or whether they are simply a whim. And what is truly concerning is that suicide bombers do not hesitate to use the name of religion. This will undoubtedly damage the image of religion, which has a common vision of bringing peace.

With the suicide bombings in Bali, the term jihad began to resurface, a highly problematic term. This term was frequently used by the Bali suicide bombers, namely Amrozi, Ali Ghufron, and Imam Samudra, both while in detention or prison and in court (Qodir, 1970). Nawaf Hail al-Tikrari, defines suicide bombing as follows: "a bag bomb or car bomb and the like that is detonated by a mujahid by breaking through enemy lines or places occupied by the enemy or in vehicles such as planes and the like with the aim of killing or injuring the enemy or destroying the enemy, while the perpetrator has surrendered and is ready to die for this purpose. Nawaf calls the perpetrator a mujahid or

someone who is waging jihad" (Fahri, mohammad, 2022).

Discussions about Islamic action against injustice are an important assessment of one of Islam's most complex concepts: jihad, commonly translated as "Holy War." For non-Muslims, the term jihad connotes the desperate actions of irrational and fanatical individuals seeking to impose their views on others. Jihad literally means giving one's best, exerting effort to achieve a goal. Definitively, jihad means doing one's best to uphold, establish, and propagate Allah's law. From a sharia perspective, jihad means fighting against those who disbelieve in Islam. This jihad is known as *jihad fi sabilillah* (Aryadillah, 2016; Wahyudi, 2021).

According to Amrozi (the perpetrator of the Bali I bombing), jihad is divided into two categories: *first*, devoting one's abilities to fighting the enemy. *Second*, jihad has many meanings. Its scope is very broad, ranging from fighting against desires to taking up arms on the battlefield or in combat. When associated with *jihad fi sabilillah*, it means fighting or waging war in the path of Allah. Therefore, jihad means struggle, and it can be carried out with the hands or the tongue (Salenda & Radikal, 2001). In fact, the meaning of jihad as prescribed by Allah Ta'ala and made into a practice that has a broad and noble meaning, where war is one form that is closely related to *the maqashid sharia*, namely preaching with the truth and bringing human souls to life, not killing them.

Imam Samudra claimed that the Bali Bombing I operation was carried out by paying attention to the stages of jihad. *The first stage*, the stage of self-restraint. *The second stage*, permitted war. *The third stage*, the obligation to fight with limited war. *The fourth stage*, the obligation to fight all infidels and polytheists. Imam Samudra also quoted a hadith: "*know that heaven is under the shadow of swords*" (HR Bukhari and Muslim). And "Jihad must be carried out by Muslims until there is no more evil on earth and until Allah's religion is superior to other religions" (Salenda & Radikal, 2001).

It's truly unfortunate that a religious person would commit a suicide bombing, motivated by God's holy verses, or in the name of religion. He's been met with much negative criticism, as religion never condones carrying out acts of violence in the name of religion, but this criticism has no effect. Is this action in accordance with religious messages (especially Islam) or the *maqasid sharia*? It's possible that those who agree with the action consider it a religious message, while those who disagree believe it is certainly not in accordance with the message of Islam.

The severity of suicide bombings in peaceful areas is a form of betrayal of one of the principles of *maqashid sharia*, namely *hifz al-amn* and *hifz an-Nafs*. They also do not hesitate to involve their families in suicide bombings or killing other people. Even though this action is contrary to the verse of the Koran which means: "*And do not condemn (yourselves) to destruction with your own hands, and do good, truly Allah loves those who do good.*" And it is contrary to the rules of fiqh, *laa dharara wa la dhirar*, do not cause harm to yourself and others (Agung et al., 2016).

So far, suicide bombers in various countries, including Indonesia, have been recruited by specific networks. Those who join are trained in militant tactics, indoctrinated with specific ideologies, and even provided with financial support for themselves and their families. This leads to them developing deeply rooted views within their own understanding. The fundamental elements of suicide bombing, or the meaning of jihad (for

suicide bombers), are the application and realization of this struggle. For suicide bombers, this action is certainly highly urgent and significant amidst the current chaos and chaos of the world (Agung et al., 2016).

Within the framework of the *maqasid sharia* (Islamic principles), *hifz an-nafs* (the right to life) falls under the category of *dharuriyyat* (*essentials*) whose sustainability must always be monitored and safeguarded. Connecting with this area means connecting with a sacred pillar within *the maqasid sharia*. Regardless of the context, the right to life is always guaranteed by religion for all people to enjoy, without discrimination.

Fighting all forms of injustice against the government is certainly not through suicide bombings, but still with intellectual maturity and mental maturity. Because Islam itself never advocates or condones suicide bombings. How could such an evil act be justified by religion, when religious teachings are for the benefit of humans, to elevate human dignity? In the Indonesian context, the government has very clearly not permitted and condemned suicide bombings, because they violate the law that has been regulated by the government, which states:

1. Everyone has the right to live, to maintain life and to improve their standard of living.
2. Everyone has the right to live in peace, security, peace, happiness, physical and spiritual prosperity.
3. Everyone has the right to a good and healthy living environment.

Therefore, if we look at it from the perspective of government law (Sofian, 2023) and *Maqashid Sharia*, we find no recommendation or permission for carrying out suicide bombings. Similarly, if we consider several principles that support *Maqashi Sharia*, namely *maslahah* and *istihsan*, there is no *Sharia* that explicitly commands actions that harm or damage the right to life. In addition to the law, a fatwa from the Indonesian Ulema Council (MUI) also supports this by issuing a ruling that "suicide bombings are prohibited," as they are a form of despair and self-harm, whether carried out in peaceful or war zones. The fatwa also states that those who commit suicide are pessimistic about themselves and God's will (Mupida & Mahmadatun, 2021).

If we examine the ideas that influenced one of the suicide bombers, his ideas were indeed very simple and straightforward, namely: *first*, to have a practical, not theoretical, and simple mind. As in his statement: I understand Islam easily. Now, what does Islam want? If women are told to cover their aurat, they must do so. If men are leaders, that is Islam. If we are told to lead, we will lead. *Second*, the only true religion is Islam and must be practiced, and Muslims are forbidden from worshiping trees or statues. *Third*, Jews and Christians deserve to be hated, because they will not accept Muslims until they convert to their religion. *Fourth*, people must do something for the sake of Islam wherever we are. *Fifth*, jihad is the only true path, whether carried out by Salafis, Hizbullah, or Mujahideen. He felt that Allah deliberately sent him to be the destroyer of Allah's enemies.

The consequence of this idea is a profound resignation to the perpetrator's decision to carry out a suicide bombing. The conclusion that emerges from this is that suicide bombing is a highly dangerous act, and therefore, anything that supports the planning and execution of a bombing is also prohibited. Therefore, the bombing itself, even if it doesn't kill many people, destroy buildings or places of worship, or even miss its intended target, is a serious

matter. This is because such actions indirectly threaten public safety or endanger public order. This is in addition to other aspects, such as sociology, religion, and the psychology of families and others.

Some contemporary Islamic jurists argue that suicide bombings are tantamount to self-destruction by approaching something dangerous. Doing so is forbidden, as it is tantamount to throwing oneself into harm that will have fatal consequences. Among those who hold this view are Sheikh Muhammad Nasiruddin al-Albani, Sheikh Salih ibn Fauzan al-Fauzan, Sheikh Ubaid ibn Abdullah al-Jabiri, Muhammad ibn Salih al-Usaymin, and the Saudi Arabian Ulema Council (Ji et al., 2024).

This thinking uses the following basic arguments. First, a suicide bombing will automatically result in death for the perpetrator and possibly other people as well. This is prohibited by Allah in Surah al-Baqarah verse 195: "and do not throw yourself into destruction". Second, suicide bombing is more than that, because it does not seek martyrdom. Muhammad bin Salih al-Uthaymeen stated in (Muhammadin, 2020) : "As for what some people do in the form of intihar (suicide bombing), by bringing explosives (bombs) to a group of infidels, then detonating them once they are among them, this is indeed an act of suicide."

Third, during the time of the Prophet SAW, in some wars there was a brave man fighting in the way of Allah, so people praised him. They said: none of us is as brave as Fulan. Rasulullah SAW said: He is in hell. The Prophet said that before the man died. So this friend followed the person and stalked him after the person was injured. Finally the friend saw the man stick his sword into the ground with the tip facing upwards then he pressed his body until he was killed, so the friend said: "What the Messenger of Allah said is true", because the Messenger of Allah did not speak out of lust (Masturaini, 2021).

Based on the arguments above and several methods or approaches used in *the maqashi sharia*, we can conclude that suicide bombings, regardless of motive, are forbidden and strongly condemned by Islam. Several suicide bombing incidents undeniably demonstrate that suicide bombings are highly detrimental and self-destructive, even violating the laws of Allah, the Almighty, who gives life and death. Therefore, it is unjustifiable for anyone to attempt or take the life of another human being, whether through violence or drugs.

Conclusions

Islamic law, which is directed towards humans, greatly facilitates and does not complicate or even destroy human rights. Islamic law, which strongly favors human welfare, must be upheld and preserved in daily life. Therefore, one of the most massive incidents carried out by perpetrators is suicide bombings. We can see for ourselves that this incident is currently rampant in Indonesia and around the world. Suicide bombings, which are considered very frightening for society and take the right to life of the perpetrators and others, have been condemned by religious communities (especially Muslims), because the perpetrators do not hesitate to carry out this highly condemnable act under the guise of religion. And these actions are completely contrary to *the maqasid sharia*, which are Islamic messages or the intentions of the verses of the Quran and the hadith, which are studied through in-depth research. *Maqasid sharia* has five main ideas: the right to religion, the right to life, the right to family, the right to own property, and maintaining reason. Which is

a primary need that cannot be disturbed by other needs (secondary and tertiary).

Conflict of Interest

The manuscript author has absolutely no financial or non-financial conflict of interest regarding the subject matter or material discussed in this manuscript.

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