

Transformation of The Interpretation of The Cut Hand Verse for The Relevance of Contemporary Islamic Law: A Study of QS. Al-Maidah: 38

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Abstract

This study aims to analyze the transformation of QS interpretation. Al-Māidah: 38 on the punishment of cutting off the hands of thieves, by tracing the dynamics of classical tafsir based on fiqh tafsir and tafsir bil ma'tsūr and their relevance within the framework of contemporary Islamic law through the Maqāsid al-Sharī'ah approach. This research uses a qualitative design with a library research method. Data were collected from classical sources of interpretation, fiqh literature, and relevant contemporary Islamic law studies, then analyzed using descriptive-analytical and comparative approaches to identify patterns of interpretation, legal principles, and paradigm shifts in the meaning of hudūd theft. The results of the study show that QS. Al-Māidah:38 is not understood textually and absolutely in the classical tradition, but is rather limited by strict conditions such as niṣāb, proof, intention, and the absence of emergency conditions. The historical practice of the Companions, especially the policy of Umar ibn al-Khattab, confirms that consideration of welfare and social justice is the main factor in the implementation of hudūd. In contemporary discourse, the approach of Maqāsid al-Sharī'ah reinforces the substantial orientation of Islamic law by placing the protection of property, human dignity, and social welfare as the main goals, thus opening up space for a contextual and humanist reinterpretation of hudūd. This study concludes that the transformation of QS interpretation. Al-Māidah: 38 is part of the ongoing dynamics of ijtihad of Islamic law, as well as making an important contribution to the development of Islamic criminal law that is relevant, just, and responsive to modern social realities.

Keywords: QS. Al-Māidah: 38, hudūd theft, tafsir fiqh, tafsir bil ma'tsūr, Maqāsid al-Sharī'ah, contemporary Islamic law.

Introduction

QS. Al-Māidah: 38 as a criminal verse that regulates the punishment of cutting off the hands of the perpetrators of theft has always been a complex field of debate in the study of Islamic law, because this verse is at the intersection between the normative firmness of the text of revelation and the contextual demands of social realities that are constantly changing, both in classical and contemporary times. In the treasures of classical commentary, both oriented to fiqh tafsir and tafsir bil ma'tsūr, this verse is never understood in black and white as an absolute commandment that is independent of conditions and considerations, but is always associated with a strict set of provisions (shurūt) that limit the application of hudūd, such as the fulfillment of niṣāb, valid proof, and the absence of emergency conditions that encourage theft (Astutik et al. 2022; Damopolii, U, and Burga 2023). The historical facts that show how Umar ibn al-Khattab suspended the execution of the execution of the beheading of hands during the famine emphasizes that the dimensions of social welfare, distributive justice, and weak community protection are the main considerations in the practice of Islamic criminal law, so that hudūd is not interpreted as a mere repressive instrument, but as a means of maintaining social balance and the stability of the ummah (Sumiarsa et al., 2024). The interpretation of bil ma'tsūr which relies on hadith and the atsar of the companions also reveals that law enforcement must always be in line with ethical, moral, and repentant values, so that the spirit of substantive justice takes precedence over the mere implementation of formal physical sanctions (Muhammad 2023).

However, in the discourse of contemporary Islamic law, the application of hudūd, especially the amputation of the hand, is often questioned because it is considered contrary to the principles of human rights and the value of universal justice, which ultimately gives the impression that Islamic law is rigid and incompatible with the times. This condition is the background for the urgency of this research, which is to show that the problem does not lie in the text of QS. Al-Māidah: 38 itself, but in the way of understanding and interpreting it without considering the basic purpose of the Shari'a. The Maqāsid al-Sharī'ah approach becomes particularly relevant in

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this context, as the maqāṣid framework places the protection of religion, soul, intellect, descent, and property as the primary goals of Islamic law, so that any legal formulation including hudūd should be directed at the achievement of justice and benefit, not just formal adherence to the text (Nst 2025).

A number of contemporary studies show that the maqāṣidī approach allows for a constructive reinterpretation of Islamic criminal law, as shown by Mujib and Hamim who emphasize the importance of contextual reading of religious texts in order to be in harmony with social reality and human values (Mujib & Hamim, 2021). The relationship between Maqāṣid al-Sharī'ah and human rights principles has also been further strengthened in the latest literature, which affirms that the basic purpose of the Shari'ah is in line with the protection of human dignity, so that the reinterpretation of hudūd cannot be seen as a form of rejection of revelation, but rather as an effort to affirm its substantial values (Nst, 2025). In the context of a pluralistic Indonesia and adherence to a plural legal system, the application of Islamic criminal law, including hudūd, requires sociological and cultural sensitivity so as not to cause social tensions and still uphold human values and social cohesion, as affirmed by Chayra and (Zahratussalamah 2025). The concept of *maslahah* as the core of maqāṣid is also an important foundation in the transformation of Islamic criminal law, where the reformulation of the law must be based on the actual challenges of society and universal human values (Tahir and Hamid 2024).

Contemporary case studies, such as those conducted by Laksana et al. in the field of narcotics law, show that the maqāṣidī approach is able to shift the legal orientation from a mere punishment paradigm towards rehabilitation and social welfare, an approach that is relevant to be contextualized in the discussion of theft hudūd (Laksana et al., 2025). This transformation is also influenced by the development of modern hermeneutics that emphasizes the importance of socio-cultural context in the interpretation of religious texts, as posited by Nabih et al. who reject static readings of *nash* and encourage interpretations that are adaptive to changing times (Nabih et al., 2025). This idea is reinforced by Adewale who highlights the dialogue between Maqāṣid al-Sharī'ah and the principles of modern democracy, so that Islamic law can contribute constructively within the framework of the modern state without losing its normative identity (ADEWALE 2025). The flexibility of Islamic criminal law is also reflected in the discretionary concept of *ta'zīr*, as studied by Ismail and Nabila, which shows that the Islamic penal system has since its inception opened up a space for restorative justice and responsiveness to the complexity of cases (Ismail & Nabila, 2024)

The challenges of implementing hudūd in the era of globalization are also highlighted by Mahmudulhassan et al., who affirm the need for a contextual approach so that Islamic law does not lose its moral legitimacy in the midst of changing social values and global demands (Mahmudulhassan et al., 2024) The discourse on Islamic criminal law reform is further enriched by comparative studies that emphasize the balance between *levy* and *benefit*, as shown by Syatar et al. and Brahim et al., both of which underscore the importance of rehabilitation, community protection, and rehabilitation of perpetrators in the modern Islamic legal system (Brahim et al., 2025; Syatar et al., 2024). In addition, the role of institutions and collective consciousness in reformulating Islamic criminal law is also an important concern, where the integration of maqāṣid is seen as capable of forming responsible citizens in plural and democratic societies (Nasoha et al., 2024)

All of these dynamics affirm that contextual *ijtihād* is the key to the sustainability and relevance of Islamic law, because only through *ijtihād* that considers contemporary social realities can Islamic law continue to live and answer the challenges of the times, as affirmed by (Basarudin, 2025) Based on this background, this research is important to examine in depth the transformation of QS interpretation. Al-Māidah: 38 from classical commentary to contemporary Islamic legal discourse based on Maqāṣid al-Sharī'ah, with the aim of uncovering the contextual principles that allow this verse to remain relevant, just, and humanly oriented in the modern era. The purpose of this study is to analyze the dynamics of the interpretation of hudūd theft in the *tafsir* of *fiqh* and *tafsir bil ma'tsūr*, relate it to the framework of maqāṣid, and explain its implications for the reformulation of contemporary Islamic criminal law. Thus, the formulation of this research problem focuses on how QS. Al-Māidah: 38 is understood in classical commentary how Maqāṣid al-Sharī'ah's approach transformed the meaning of hudūd, and the extent to which the reinterpretation was able to answer the demands of justice, humanity, and the relevance of Islamic law in the context of modern society.

Research Methods

This study uses a qualitative research design with a library research approach, because the object of study is in the form of religious texts and academic discourse related to the interpretation of QS. Al-Māidah: 38 in classical interpretation and discourse of contemporary Islamic law. The focus of the research is directed at conceptual and interpretive analysis of *fiqh*

interpretations, tafsir bil ma'tsūr, and modern Islamic legal thought based on the Maqāṣid al-Sharī'ah approach as reflected in the literature that has been studied (An et al., 2023; Astutik et al., 2022; Sumiarsa et al., 2024).

The subject of this research is not individuals, but scientific works and written sources in the form of journal articles, research results, and academic studies that specifically discuss hudūd theft, maqāṣid al-sharī'ah, Islamic legal hermeneutics, and the transformation of Islamic criminal law, including the Indonesian context and global discourse (Chayra & Zahratussalamah, 2025; Mujib & Hamim, 2021) The research instrument used is the researcher himself as the main instrument (human instrument) assisted by data analysis guidelines in the form of a thematic classification matrix, which includes the categories of classical interpretation, maqāṣid approach, human rights issues, socio-political contexts, as well as the concepts of ijtihad and maslahah in Islamic criminal law (Nasoha et al., 2024; Tahir & Hamid, 2024). The data collection procedure is carried out through a systematic search of relevant literature, then a source selection process is carried out based on the suitability of the theme, academic credibility, and direct relationship with QS. Al-Māidah: 38, hudūd, and the reformulation of contemporary Islamic law (Damopolii et al., 2023; Mahmudulhassan et al., 2024).

The data that has been collected is then read in depth (close reading) to identify the main arguments, theoretical frameworks, and interpretive patterns that develop from the classical to modern periods (Laksana et al., 2025) The data analysis method used is descriptive-analytical and comparative analysis, namely by describing the views of contemporary scholars and scholars, then comparing the approach of fiqh tafsir and bil ma'tsūr tafsir with the approach of Maqāṣid al-Sharī'ah and modern hermeneutics (ADEWALE, 2025; Nabih et al., 2025). The analysis is also directed to assess the normative and contextual implications of each approach to the relevance of hudūd theft in modern Islamic law, including a possible shift from a retributive paradigm towards restorative and rehabilitative justice as reflected in the discourse of ta'zīr and Islamic criminal law (Brahim et al., 2025; Ismail & Nabila, 2024; Syatar et al., 2024). With this procedure, it is hoped that the research can be replicated by other researchers who want to examine the transformation of the interpretation of the criminal verses of the Qur'an within the framework of maqāṣid and contemporary social contexts (Basarudin, 2025)

Research Results

The results of this study were compiled based on a search and analysis of the literature that discusses QS. Al-Māidah: 38 in the tafsir of fiqh, tafsir bil ma'tsūr, as well as the discourse of contemporary Islamic law based on Maqāṣid al-Sharī'ah. The presentation of results is focused on the presentation of the main data found from these sources without providing interpretation or normative assessment.

First, the classical interpretive literature shows that QS. Al-Māidah:38 is consistently understood as a hudūd verse that provides for the criminal sanction of theft with the punishment of amputation, but its application is limited by a number of strict conditions. Astutik et al. (2022) notes that in the interpretation of fiqh, the punishment of amputation can only be imposed if the value of the stolen goods reaches the limit of niṣāb that has been determined by each sect. In addition, Damopolii et al. (2023) emphasizes that proof of theft must be legally carried out through valid testimony or confession, so that mere suspicion or suspicion cannot be used as a basis for the application of hudūd. This data shows that since the classical period, the execution of the execution of the hand cut off is not automatic, but is highly dependent on the fulfillment of strict juridical requirements.

Second, historical findings from the literature show that there was a practice of postponing the application of hudūd during the time of the Companions, especially during the leadership of Umar ibn al-Khattab. Sumiarsa et al. (2024) documents that Umar suspended the punishment of amputation during the famine period on the grounds of unstable socio-economic conditions of the community. This data also shows that the policy was taken in the context of maintaining community welfare and preventing structural injustice. In the same source, it is explained that this practice is an important reference in the literature of fiqh and interpretation as a historical precedent in the application of QS. Al-Maidah: 38.

Third, the results of the study show that the tafsir bil ma'tsūr places the hadith and atsar of the companions as the main source in explaining QS. Al-Maidah: 38. Muhammad (2023) notes that history-based interpretation emphasizes the moral and ethical dimensions of the application of punishment, including the importance of elements of repentance and substantive justice. In the narration presented, Umar ibn al-Khattab is described as a careful figure in imposing the amputation sentence, taking into account the perpetrator's condition and social situation (Sumiarsa et al., 2024) This data shows that the tafsir bil ma'tsūr not only expounds on the provisions of the law, but also presents concrete practices of its application in the early history of Islam.

Fourth, the literature that discusses the approach of Maqāṣid al-Sharī'ah shows a shift in focus in the discussion of hudūd from the aspect of sanctions to the legal objective. (Nst, 2025) elaborates that maqāṣid includes the five main purposes of sharia, namely the protection of religion, soul, intellect, descent, and property. In the context of hudūd theft, the data show that the protection of property (ḥifz al-māl) is placed on a par with the protection of the human soul and dignity. This literature explicitly states that hudūd should be understood within the framework of achieving these goals, not merely as a form of corporal punishment (Nst, 2025)

Fifth, the results of the study show that a number of contemporary studies associate Maqāṣid al-Sharī'ah with human rights issues. Mujib and Hamim (2021) note that the maqāṣidi approach is used to re-read religious texts to be in harmony with the principles of justice and human freedom. In the same source, it is explained that the contextual approach allows for adjustments to the application of the law without losing the normative legitimacy of the text. This data is reinforced by Nst (2025) which states that the basic purpose of sharia inherently supports the protection of human rights.

Sixth, in the Indonesian context, the results of the study show that the implementation of hudūd is seen as requiring social and cultural considerations. Chayra and Zahratussalamah (2025) argue that Indonesia's plural legal system requires a contextual approach in understanding and implementing Islamic criminal law. The data presented show that hudūd has a theological basis, but its application must take into account cultural diversity, human values, and social cohesion. This finding places maqāṣid as a framework that is often used in Islamic legal discourse in Indonesia.

Seventh, the concept of maslahah appears consistently in the literature as the basis for the reformulation of Islamic criminal law. Tahir and Hamid (2024) state that Islamic law must be directed to the benefit of humans and responsive to social change. Data from this study shows that maslahah is used as a justification in shifting the legal orientation from the penalty paradigm to the protection and welfare of the community. A similar thing was shown in the study of Laksana et al. (2025) which discusses the policy of narcotics law with a maqāṣid approach, where the orientation of rehabilitation and social welfare is emphasized more than punishment alone.

Eighth, the hermeneutic literature of Islamic law shows an emphasis on socio-cultural context in the interpretation of texts. Nabih et al. (2025) notes that modern hermeneutic approaches reject static readings of Nash and encourage contextual understanding. Adewale (2025) adds that the dialogue between Maqāṣid al-Sharī'ah and the principles of modern democracy is an important part of the reformulation of contemporary Islamic law. These data suggest that the reinterpretation of hudūd is often associated with changes in modern social and political structures.

Ninth, the results of the study also show that there is a discussion about the flexibility of the Islamic penal system through the concept of ta'zīr. Ismail and Nabila (2024) document that ta'zīr is discretionary and allows for variations in the form of punishment according to the context of the case. This data shows that in Islamic legal literature, hudūd is not the only form of criminal sanction available. Mahmudhassan et al. (2024) also notes that globalization is affecting the perception and application of hudūd in modern countries, so contextual approaches are increasingly discussed.

Tenth, comparative studies in the literature show a tendency towards Islamic criminal law reform that emphasizes a balance between levy and benefit. Syatar et al. (2024) highlights the importance of considering maslahah in the application of severe punishment, while Brahim et al. (2025) proposes a maqāṣid-based criminal law reform model that emphasizes the rehabilitation and recovery of perpetrators. In addition, Nasoha et al. (2024) shows that the integration of maqāṣid in Islamic legal institutions contributes to the formation of responsible citizens. Basarudin (2025) noted that contextual ijtihad is the main mechanism in maintaining the flexibility and relevance of Islamic law in the midst of social changes.

Discussion

A. Interpretation of Scholars on QS. Al-Māidah: 38 and the Implementation of the Maqāṣid al-Sharī'ah Theory

Scholars' interpretation of QS. *Al-Māidah*: 38 shows that the verse about the punishment of cutting off the hand for thieves is never understood literally and absolutely without considering the terms, context, and purpose of the law. Classical scholars of various schools agree that this verse is part of the *hudūd* law, but its application is limited by very strict provisions. Al-Ṭabari affirms that the meaning of "*as-sāriq*" in the verse refers to the perpetrator of theft who fulfills certain elements, such as stealing property from a safe place (*ḥirz*), and reaching the limit of *niṣāb* (Al-Tabari, *Jāmi' al-Bayān*). Ibn Kathīr also emphasized that the punishment of amputation cannot be imposed unless the conditions of valid proof are met and there is no element of *syubhat* (Ibn Kathīr *Tafsīr al-Qur'ān al-'Aẓīm*).

In the tradition of jurisprudence, this caution is reinforced by the rule narrated from the Prophet Muhammad PBUH, "*Idra'ū al-ḥudūd bi al-shubuhāt*" (avoid the application of hudūd when there is an element of doubt), which is the main principle in the enforcement of Islamic criminal law. Al-Qurtubī affirms that the main purpose of hudūd is not physical punishment, but rather the prevention of crime and the protection of society from social damage (Al-Qurtubī, *al-Jāmi' li Ahkām al-Qur'ān*).

The approach of Maqāṣid al-Sharī'ah then provides a more explicit theoretical framework for reading QS. *Al-Māidah*: 38. Al-Shāṭibī states that all shari'a law is established to realize the benefits and rejects mafsadat, and should not be understood separately from these purposes (*al-Muwāfaqāt*). In the context of hudūd theft, the protection of property (*ḥifẓ al-māl*) must go hand in hand with the protection of the human soul and dignity. Ibn 'Āshūr emphatically states that the application of law that is contrary to the goals of justice and humanity is contrary to the spirit of the Shari'ah itself (Ibn Ashur *Maqāṣid al-Sharī'ah al-Islāmiyyah*).

Thus, the implementation of the maqāsid theory in analyzing QS. *Al-Māidah*:38 does not lead to a rejection of hudūd, but to the affirmation that the punishment of cutting off hands is a last resort that is only relevant in just and prosperous social conditions. Classical and contemporary scholarly interpretations alike show that flexibility, benefit, and substantive justice are at the heart of the application of this verse, so that it remains relevant in the context of modern Islamic law that is oriented towards human values.

B. Research Discussion

The findings of this study show that QS. *Al-Māidah*: 38 has never been understood singularly, statically and ahistorically, but has always been in the dynamics of interpretation influenced by social contexts, legal goals, and considerations of benefit. The classical interpretive literature analyzed shows that the punishment of cutting off the hand as a form of hudūd does not stand as an absolute command independent of terms and conditions. The provisions of niṣāb, strict proof, and exceptions to emergency conditions as described by Astutik et al. (2022) and Damopolii et al. (2023) emphasized that since the early phase of Islamic law formation, there have been internal mechanisms to prevent the arbitrary application of law. These findings reinforce the view that the interpretation of fiqh and tafsir bil ma'tsūr are not oriented towards legal violence, but rather towards juridical prudence and substantive justice.

The practice of postponement of punishment in the time of Umar ibn al-Khattab as documented by Sumiarsa et al. (2024) has important significance in contemporary Islamic legal discourse. These historical data show that the authorities of the Companions did not position hudūd as the ultimate goal, but as an instrument subject to the larger social goal, namely the protection of society from structural injustice. In this context, Umar's policy is not a deviation from the text, but a form of contextual ijtihad that remains based on the basic values of sharia. This finding is in line with the emphasis of Muhammad (2023) that the tafsir bil ma'tsūr contains not only normative provisions, but also the dimensions of ethics, morals, and repentance as an integral part of the understanding of QS. *Al-Māidah*: 38.

The results of the study also show that the approach of Maqāsid al-Sharī'ah is a meeting point between the classical interpretation tradition and the needs of modern Islamic law. Nst (2025) emphasizes that the purpose of sharia, especially the protection of human property and dignity, is the main framework in rereading the hudūd of theft. Thus, hudūd is not positioned as a symbol of legal violence, but as a social protection mechanism that is only relevant when it truly realizes justice. These findings show that the maqāsidī approach is not a new construction that breaks ties with the classical tradition, but a methodological continuation of the principles of benefit that were already present in the practice of early companions and scholars.

In relation to the human rights discourse, this study finds a strong correspondence between the goals of sharia and universal human values. Mujib and Hamim (2021) show that the contextual reading of religious texts allows for a dialogue between theological norms and modern social reality. This finding is reinforced by Nst (2025) who affirms that the protection of human dignity is an inherent part of maqāsid al-sharī'ah. Thus, the tension between hudūd and human rights that often arise in public discourse is more due to a narrow textual reading, rather than to the substance of Islamic teachings themselves. This study contributes by showing that the reinterpretation of QS. *Al-Māidah*: 38 based on maqāsid actually emphasizes the humanitarian dimension of the sharia, not affirms it.

In the Indonesian context, the findings of this study are relevant to the study of Chayra and Zahratussalamah (2025) which emphasizes the importance of sociological and cultural considerations in the application of Islamic criminal law. A plural legal system demands an approach that is not only normative, but also contextual so that Islamic law does not become a source of social tension. The results of this study show that the maqāsid framework provides a strong theoretical basis to bridge Islamic values with the reality of Indonesian nationality. Thus, hudūd can be understood as part of the discourse of ethics and social justice, rather than as a positive rule that must be applied literally in the national legal system.

Another significance of the findings of this study can be seen in the role of the concept of *maslahah* in the transformation of Islamic criminal law. Tahir and Hamid (2024) emphasized that legal reformulation must be based on human values and actual societal challenges. These findings are in line with the study of Laksana et al. (2025) which shows a shift in the legal paradigm from punishment to rehabilitation and social welfare. Although the context of their studies is different, the data show the consistency of the maqāsidī approach in responding to modern criminal problems. This research expands the discourse by showing that a similar paradigm is also relevant in the discussion of hudūd theft.

The approach of modern hermeneutics as proposed by Nabih et al. (2025) and Adewale (2025) also found their relevance in the findings of this study. The rejection of the static reading of the nash and the emphasis on socio-cultural context show that Islamic law has a high adaptive capacity. These findings show that the dialogue between Maqāsid al-Sharī'ah, democracy, and modern values is not a threat to the authority of the text, but rather a means to maintain its relevance. Thus, the reinterpretation of QS. *Al-Māidah*: 38 can be understood as part of an effort to maintain the moral legitimacy of Islamic law in the midst of global social changes.

The flexibility of the Islamic penal system is also reflected in the concept of *ta'zīr* as discussed by Ismail and Nabila (2024). These findings show that Islamic criminal law is not monolithic, but rather provides a spectrum of sanctions that can

be tailored to the context of the case. Mahmudhassan et al. (2024) emphasized that the challenges of globalization require a contextual approach so that Islamic law still has legitimacy. Within this framework, hudūd can be positioned as an ideal norm whose application depends on the fulfillment of social justice as a whole.

A comparative study presented by Syatar et al. (2024) and Brahim et al. (2025) further corroborates the findings of this study that Islamic criminal law reform tends to lead to a balance between levy and benefit. Nasoha et al. (2024) adds that the integration of maqāṣid in legal institutions contributes to the formation of responsible citizens. Basarudin (2025) emphasized that contextual ijtihād is the key to the sustainability of Islamic law. This research contributes by systematizing all of these findings in the specific context of QS. Al-Māidah: 38, thus clarifying the position of this verse in the discourse of Islamic criminal law reform.

Significantly, this research contributes to the field of Islamic interpretation and law studies by offering a comprehensive mapping of the transformation of QS interpretation. Al-Māidah: 38 from classical commentary to contemporary maqāṣid approach. His main contribution lies in the affirmation that the reinterpretation of hudūd is not a form of deconstruction of revelation, but rather the actualization of its substantial values in the modern context. The implications of this research include strengthening the theoretical framework for the development of Islamic criminal law that is just, contextual, and humanist, especially in a pluralistic society such as Indonesia.

However, this study has some limitations. First, this study is based on a literature review so that it does not include empirical data on the implementation of hudūd in contemporary Muslim countries. Second, the focus of research is limited to QS. Al-Māidah: 38 so it does not comprehensively discuss other hudūd verses. Third, this analysis relies entirely on the available literature, so that the latest developments in discourse outside the analyzed sources have not been accommodated. These limitations open up opportunities for further research that integrates empirical and comparative approaches to enrich contemporary Islamic criminal law discourses.

Conclusion

This study concludes that QS. Al-Māidah: 38 about the punishment of beating hands for thieves has never been understood rigidly, literally, and ahistorically in the Islamic scientific tradition. The main findings show that since the classical period, the scholars of tafsir and fuqahā' have placed this verse within a very strict legal framework through the condition of niṣāb, valid proof, the absence of the element of syubhat, and consideration of social conditions. The views of scholars such as al-Ṭabari, Ibn Kathīr, and al-Qurṭubī affirm that hudūd aims to maintain social order and prevent damage, not simply to impose physical sanctions. The principle *of idra'ū al-hudūd bi al-shubuhāt* is strong evidence that substantive justice takes precedence over legal formalism. The historical practice of Umar ibn al-Khattab who suspended the application of hudūd during times of famine further confirms that welfare and social justice are the spirit of the application of QS. Al-Maidah: 38. This policy is not understood as a deviation from the text, but as a form of contextual ijtihād that is in harmony with the goals of the sharia. Within the framework of Maqāṣid al-Sharī'ah as formulated by al-Shāṭibī and developed by Ibn 'Ashūr, the protection of property (ḥifz al-māl) must go hand in hand with the protection of the human soul and dignity. Thus, the punishment of amputation of hands is positioned as a last option that is only relevant in just and prosperous social conditions.

The contribution of this research to the scientific field lies in the comprehensive mapping of QS interpretation transformation. Al-Māidah: 38 from classical commentary to contemporary maqāṣid approach. This research emphasizes that the reinterpretation of hudūd is not a deconstruction of revelation, but the actualization of substantial sharia values in order to remain relevant, humanistic, and just in the modern context. These findings also enrich the discourse of thematic interpretation and Islamic criminal law by bridging classical traditions, human rights issues, and the realities of pluralistic societies such as Indonesia. As a suggestion, future research needs to integrate empirical approaches by examining Islamic criminal law practices and policies in various contemporary Muslim countries. In addition, comparative studies of other hudūd verses as well as more intense dialogue with modern justice theory and criminology can broaden the understanding of how Maqāṣid al-Sharī'ah functions as a dynamic framework in the reformulation of Islamic law in the global era.

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