



Reclaiming Agrarian Justice: The Reformative Potential of Islamic Land Law through *Maqāṣid al-Sharia*

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Abstract

Research Objective: This study explores the reformative potential of Islamic agrarian law, focusing on land tenure institutions such as *ḥimā* and *iqṭā'*. It challenges the notion that Islamic law is fixed, investigating how its historical evolution can inform responses to modern socio-ecological challenges. **Research Methodology:** A qualitative historical-legal method is employed, drawing from classical jurisprudence, historical records, and contemporary scholarship across various Islamic legal schools. The analysis is conducted through the lens of *Maqāṣid al-Sharia*, emphasizing normative objectives. **Results:** The study uncovers that Islamic agrarian law is inherently dynamic. Historical data demonstrate that institutions like *ḥimā* and *iqṭā'* have undergone reinterpretation and transformation to accommodate evolving governance, environmental needs, and societal demands. **Findings and Implications:** Key findings show that Islamic land laws emphasize justice, sustainability, and public welfare. Institutions have been used to promote ecological conservation and equitable resource distribution. These insights support the revitalization of Islamic land frameworks for inclusive and ethical land reform in the modern Muslim context. **Conclusion:** Islamic legal tradition contains inherent pluralism and flexibility, capable of integrating local customs and socio-economic realities. This adaptive capacity enhances its relevance for contemporary agrarian issues. **Contribution:** The study contributes a conceptual and normative foundation for reimagining Islamic land tenure models within modern governance, offering pathways to sustainable and just agrarian reform. **Limitations and Suggestions:** As a primarily conceptual and historical inquiry, this research encourages future empirical studies to test the implementation and policy impact of these legal principles in present-day land governance systems.

Introduction

Islamic law, often perceived as rigid and immutable, is undergoing a significant re-evaluation in modern scholarly discourse, particularly in terms of its adaptability to socio-political



and economic transformations.¹ Contemporary research emphasizes that while its ethical and moral foundations remain constant, its interpretative and applicative dimensions must evolve to reflect the complexities of contemporary society. The principle of *ijtihad* (independent reasoning) is being reclaimed as a vital mechanism for ensuring that Islamic jurisprudence responds to emergent issues, including those in domains traditionally deemed fixed, such as agrarian law.²

This reevaluation is particularly urgent in the context of Islamic agrarian law, where traditional interpretations of land tenure, ownership, and stewardship increasingly diverge from the needs of contemporary agrarian societies. Despite its foundations in the Qur'an and Sunnah, which emphasize justice, equity, and the public interest in land use, Islamic agrarian law has been relatively overlooked in modern legal reform discussions.³ As agrarian communities in Muslim-majority regions confront rising inequality, land disputes, and environmental degradation, there is an urgent need to reinterpret agrarian norms by Islamic ethical imperatives. The fundamental Islamic principle that land is a trust from Allah, requiring responsible and equitable usage, highlights the necessity for such reforms. Furthermore, the emergence of socio-economic challenges in rural areas necessitates a jurisprudential model that incorporates local wisdom, sustainable practices, and religious legitimacy.⁴

This study is grounded in the central question of how Islamic agrarian law has evolved through historical processes of continuity and change, and how its foundational principles may inform contemporary agrarian reform. In addressing this inquiry, the research challenges the perception of agrarian law as a static body of divine commands, proposing instead that it is historically contingent and open to reinterpretation. Employing a socio-legal approach, the study

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¹ Ahmed Gad Makhoul, "Continuity and Change of Traditional Islamic Law in Modern Times: Tarjih as a Method of Adaptation and Development of Legal Doctrines," *Oxford Journal of Law and Religion* 12, no. 1 (March 25, 2024): 55–74, <https://doi.org/10.1093/ojlr/rwad010>; Agus Riwanto and Sukarni Suryaningsih, "Realizing Welfare State and Social Justice: A Perspective on Islamic Law," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, June 30, 2022, 41–51, <https://doi.org/10.24090/volksgeist.v5i1.6430>; Muhammad Harfin Zuhdi and Mohamad Abdun Nasir, "Al-Mashlahah and Reinterpretation of Islamic Law in Contemporary Context," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (October 17, 2024): 1818, <https://doi.org/10.22373/sjhk.v8i3.24918>.

² Hasanudin Hasanudin, Jaih Mubarak, and Muhammad Al-Fayyad Maulana, "Progressiveness of Islamic Economic Law in Indonesia: The Murā'at Al-'Ilal Wa Al-Maṣāliḥ Approach," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (June 20, 2023): 1267, <https://doi.org/10.22373/sjhk.v7i2.17601>; Zuhdi and Abdun Nasir, "Al-Mashlahah and Reinterpretation of Islamic Law in Contemporary Context"; Riwanto and Suryaningsih, "Realizing Welfare State and Social Justice: A Perspective on Islamic Law."

³ Damianus Krismantoro, "Exploring Agrarian Reform Laws in Indonesia," *Journal of Ecohumanism* 3, no. 8 (December 24, 2024), <https://doi.org/10.62754/joe.v3i8.5504>; Kuku Budianto Vani Wirawan, "Agrarian Development in Indonesia: Post-Reformation Legal and Sociological Perspectives," *Journal of Advanced Zoology* 44, no. 3 (October 12, 2023): 635–42, <https://doi.org/10.17762/jaz.v44i3.959>; Azhar Azhar, "Islamic Law Reform in Indonesia from the Perspective of Maqāṣid Al-Sharī'ah: Kerinci's Intellectual Views," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (May 11, 2024): 750, <https://doi.org/10.22373/sjhk.v8i2.15051>.

⁴ Annie Shattuck et al., "Life on the Land: New Lives for Agrarian Questions," *The Journal of Peasant Studies* 50, no. 2 (February 23, 2023): 490–518, <https://doi.org/10.1080/03066150.2023.2174859>; Shattuck et al.; Hilary Oliva Faxon and Christian Lund, "Post-Agrarian Questions," *Antipode*, April 2025, <https://doi.org/10.1111/anti.70016>.



draws on Islamic jurisprudence, historical documentation, and socio-economic analysis to trace the diachronic development of land law within Islamic traditions. The guiding assumption of this approach is that re-engaging with classical principles, viewed through the lens of *Maqāṣid al-Sharia* (the higher objectives of Islamic law), can generate solutions that align justice, sustainability, and productivity within agrarian contexts.

To implement this framework, the study revisits classical institutions such as *himā* (zones of protected communal land) and *iqṭāʾ* (land grants historically allocated by the state).⁵ These institutions, originally derived from pre-Islamic models like those of the Sassanid and Roman empires, underwent an Islamization process marked by normative shifts that prioritized public welfare over aristocratic privilege. The administrative sophistication of Sassanid water governance profoundly influenced Islamic land use practices, while the enduring legacy of Roman law shaped Islamic legal formulations. During the early periods of Islamic governance, these institutions evolved into legal instruments for redistribution, environmental stewardship, and social equity. Thus, agrarian law embodies both a continuity of legal form and a reformulation of legal function, redefined through the ethical imperatives of Islam.⁶

This research builds upon the work of classical scholars such as Coulson and Schacht, who have documented the adoption of earlier legal traditions into Islamic frameworks, and contemporary voices like who analyze the socio-political role of land tenure in Muslim societies. Yet, a gap remains in translating these historical insights into actionable reforms for today. While most literature emphasizes the doctrinal origins and medieval applications of agrarian institutions, few studies address their potential as instruments of modern policy grounded in Islamic ethics. By focusing on their adaptability and reinterpreting them through the *Maqāṣid* paradigm, this study offers a novel reading that connects traditional forms to contemporary functions.⁷

The study further encompasses a range of jurisprudential perspectives from different Islamic schools of thought. For instance, the Hanafi school is noted for its openness to local customs, while the Shafi'i school maintains a strict adherence to textual sources. Meanwhile, the Maliki school places significant emphasis on the practices of the people of Medina. This spectrum of legal interpretations provides valuable insights for developing pluralistic and context-sensitive agrarian policies. The variations observed in regions such as Indonesia present both challenges and opportunities for legal harmonization, particularly when addressing the diverse socio-economic realities of Muslim rural communities.⁸

This research aims to explore the historical development and contemporary relevance of Islamic agrarian law, particularly its potential to promote inclusive and sustainable land

⁵ Burhanudin Harahap, Tastaftiyan Risfandy, and Inas Nurfadia Futri, "Islamic Law, Islamic Finance, and Sustainable Development Goals: A Systematic Literature Review," *Sustainability* 15, no. 8 (April 13, 2023): 6626, <https://doi.org/10.3390/su15086626>.

⁶ Juan Cole, "Muhammad and Justinian: Roman Legal Traditions and the Qur'ān," *Journal of Near Eastern Studies* 79, no. 2 (October 1, 2020): 183–96, <https://doi.org/10.1086/710188>; Janos Jany, "Law of Contracts in Late Antique Persia," *Religions* 15, no. 3 (February 20, 2024): 252, <https://doi.org/10.3390/rel15030252>; Beatrice St. Laurent, "Caliphs and Merchants: Cities and Economies of Power in the Near East (700–950)," *Journal of Eastern Mediterranean Archaeology and Heritage Studies* 10, no. 3–4 (December 1, 2022): 379–86, <https://doi.org/10.5325/jeasmedarcherstu.10.3-4.0379>.

⁷ Cole, "Muhammad and Justinian: Roman Legal Traditions and the Qur'ān"; Jany, "Law of Contracts in Late Antique Persia"; St. Laurent, "Caliphs and Merchants: Cities and Economies of Power in the Near East (700–950)."

⁸ Driss Boukraa and Lutfi Omar, "Linguistic Issues and Its Influence on Jurisprudential Differences in Islamic Law," *Journal of Infrastructure, Policy and Development* 8, no. 14 (November 19, 2024): 9235, <https://doi.org/10.24294/jipd9235>.



governance. This study is unique in its integration of classical jurisprudential principles with modern socio-economic needs, employing a methodological approach that combines legal history, ethical theory, and applied policy analysis. It posits that institutions such as *himā* and *iqtā*, rather than being mere vestiges of the past, offer viable frameworks for addressing current challenges related to land ownership, resource equity, and rural development. By examining pre-modern Islamic texts and documented state practices, and triangulating these with contemporary theoretical models, the study seeks to provide a coherent and actionable blueprint for Islamic agrarian reform. Ultimately, this endeavor enriches the broader scholarly discourse on how Islamic law can engage constructively with modernity while preserving its ethical and theological integrity.

Methods

Research Design: This study employs a qualitative and historical-legal research design to explore the evolution and reformative potential of Islamic agrarian law. Its methodological framework is based on doctrinal legal analysis, enhanced by a socio-historical perspective that captures the dynamic interplay between Islamic legal norms and the historical contexts that influenced their formulation and transformation. By examining the normative foundations and institutional development of Islamic land law, this study aims to evaluate how traditional agrarian concepts, such as *himā* and *iqtā*, can be contextualized to support contemporary agrarian reform.

Sources of Data: The primary data sources for this study comprise classical Islamic legal texts, with a particular focus on jurisprudential treatises from the four major Sunni schools: Hanafi, Shafi'i, Maliki, and Hanbali. Foundational works, such as *Kitāb al-Kharāj* by Abu Yusuf, along with other classical manuals that address land tenure and resource distribution, are also integral to the analysis. The Qur'an and Hadith serve as the ultimate normative references. Secondary sources include peer-reviewed academic literature, historical records of early Islamic governance, and contemporary interpretations of Islamic law found in journal articles and scholarly monographs.

Approach to Textual Analysis: The doctrinal analysis entails a critical examination of textual sources to uncover legal principles and trace their evolution across historical contexts. This process involves exploring the interpretations of key legal concepts, especially those related to land ownership, stewardship, and distribution within various legal schools and comparing their applications across different Islamic regions.⁹ Furthermore, a comparative analysis is conducted to assess how concepts such as *himā* and *iqtā* were adapted from pre-Islamic practices (such as those from Sassanid and Roman models) and reinterpreted within Islamic legal frameworks. The research on water governance and the investigation of Roman law's impact on the development of Islamic law provide valuable insights into this integrative process. Such historical inquiries offer a diachronic perspective on the law's adaptability.

Socio-Historical Contextualization: Historical sociology is incorporated to contextualize the emergence and institutionalization of agrarian laws within early Islamic governance. This involves analyzing the sociopolitical conditions under which land policies were enacted by the Prophet Muhammad and subsequent caliphs, particularly in cities such as Medina and Kufa. The study also investigates how these policies reflected broader Islamic objectives, including justice (*'adl*), public welfare (*maṣlaḥah*), and equitable resource distribution. The Islamic Green Revolution and its legal underpinnings, as noted by Kirchner et al., serve as a key case study to

⁹ Muhammad al-Marakeby, "Could Women Own Agricultural Land? Rethinking the Relationship of Islamic Law and Contextual Reality (Wāqi')," *Die Welt Des Islams*, December 1, 2021, 1–29, <https://doi.org/10.1163/15700607-61040015>; RIDWAN, "STATE CONTROL OF LAND PERSPECTIVE OF INDONESIAN LAND LAW AND ISLAMIC LAW," *Russian Law Journal* 11, no. 2 (March 31, 2023), <https://doi.org/10.52783/rlj.v11i2.508>.



illustrate the symbiosis between Islamic law and agricultural innovation.

Interpretive Framework: The interpretive framework guiding this study is Maqasid al-Sharia, which underscores the higher objectives of Islamic law. This framework facilitates a normative analysis that transcends literal interpretations, incorporating ethical and functional considerations. It enables the reinterpretation of agrarian institutions in light of contemporary needs such as land justice, sustainable agriculture, and rural welfare. Further support this approach by advocating for the integration of local wisdom within jurisprudential reasoning. This hermeneutic flexibility is essential for repositioning Islamic agrarian law as a dynamic tradition rather than a mere relic of the past.

Analytical Strategy: The study proceeds by categorizing the examined legal concepts into historical, normative, and contemporary categories. First, it reconstructs the legal history of *himā* and *iqtā'*, identifying their original functions in Islamic governance. Second, it analyzes their normative foundations in the Qur'an, Hadith, and classical fiqh. Third, it examines how these institutions are understood and applied or neglected in contemporary Islamic legal discourse. Each stage of analysis is guided by the triangulation of doctrinal sources, historical records, and contemporary interpretations to ensure comprehensive and balanced findings.

Limitations and Scope: The study is limited to pre-modern Islamic legal sources and their interpretation in classical and early post-classical Islamic societies. While contemporary agrarian issues in Muslim-majority countries inform the relevance of the study, they are not the empirical focus. Instead, the research offers a conceptual and theoretical basis for Islamic agrarian reform. By emphasizing methodological rigor and interpretive depth, the study aims to provide a template for future empirical research that could examine the implementation of these legal ideas in contemporary settings.

Ethical Considerations: This study adheres to the ethical standards of research in the use and citation of sources. All classical and contemporary works are cited accurately, and interpretive positions are presented with scholarly fairness. The objective is to critically engage with existing literature while contributing constructively to the field of Islamic legal studies.

Results

Historical Roots of Islamic Agrarian Institutions

The origins of Islamic agrarian law cannot be understood in isolation from the broader historical and cultural contexts in which early Islamic governance developed. Key concepts such as *himā* (protected land) and *iqtā'* (land grant) were not born in a vacuum; rather, they were adaptations and Islamic reinterpretations of pre-existing agrarian norms from earlier civilizations.¹⁰ For example, the Sassanid Empire had a well-established legal framework for managing agriculture, particularly in the areas of water governance and land tenure. Similarly, Roman legal traditions concerning property and contracts embodied in frameworks like *ius gentium* provided conceptual foundations that significantly influenced Islamic juristic thought. These systems emphasized structured administration and codified legal instruments, elements that early Muslim rulers would adapt within an Islamic ethical framework.¹¹

¹⁰ A.M. Azima et al., "Communal Grant and Land Allocation Effect on Native Land Disputation in Malaysia," *Land Use Policy* 147 (December 2024): 107337, <https://doi.org/10.1016/j.landusepol.2024.107337>; Fauzi Iswari, I Gusti Ayu Ketut Rachmi Handayani, and Lego Karjoko, "Portrait of Ulayat Land Conflicts in Minangkabau Customary Law Community: Alternative Resolutions Under Islamic Law," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (April 30, 2025): 219–50, <https://doi.org/10.29240/jhi.v10i1.11066>.

¹¹ Sonia Halimi, "Arabic Legal Phraseology in Positive Law and Jurisprudence: The Historical Influence of Translation," *Comparative Legilinguistics* 46, no. 1 (June 1, 2021): 37–64,



Within Islamic jurisprudence, inherited mechanisms have been refined through Qur'anic imperatives and Prophetic traditions. In Islam, land is regarded as a divine trust (*amānah*), to be used ethically and equitably. Islamic law mandates the utilization of land for communal benefit while explicitly discouraging monopolization. The early Muslim community in Medina, under the guidance of the Prophet Muhammad, institutionalized these principles through policies designed to regulate land allocation, prevent excessive concentration of ownership, and promote environmental stewardship.¹²

Transformation of Iqtā' from Power Tool to Welfare Mechanism

Historically, *iqtā'* was a prevalent land tenure practice among pre-Islamic rulers who allocated land to aristocrats or military leaders to ensure their loyalty and consolidate political power. In the Islamic context, however, the concept was redefined to align with the principles of justice and the public good. For example, Abu Yusuf's *Kitāb al-Kharāj* provides legal and ethical guidelines for the equitable distribution of land revenues and emphasizes the state's obligation to manage land in a manner that serves the welfare of the ummah. As noted by Coulson and Lapidus, Islamic land law reflects a transition from elite accumulation to a focus on community-centered distribution.¹³

During the reign of Caliph Umar ibn al-Khattab, the concept of *iqtā'* evolved into a strategic approach for redistributing unclaimed or state-owned lands to individuals capable of cultivating and managing them effectively. This initiative not only reduced the amount of idle land but also aligned economic productivity with social responsibility. This policy effectively diminished class disparities and addressed landlessness among the rural poor. These developments illustrate the dynamic nature of Islamic agrarian law and its ability to reconcile economic pragmatism with moral governance.¹⁴

Institutionalization of Ḥimā as a Model of Environmental Ethics

In contrast to *iqtā'*, *ḥimā* was conceptualized as communal land set aside for ecological preservation and communal benefit. Initially adopted from tribal practices in Arabia, the Prophet institutionalized *ḥimā* to ensure the sustainable use of natural resources such as pastures and water bodies. This designation aimed to prevent overgrazing, protect biodiversity, and guarantee access for vulnerable groups like nomads and the poor. As Kirchner et al. document, such land designations contributed to the agrarian stability of early Islamic cities by reducing conflict over

<https://doi.org/10.2478/cl-2021-0007>; Cole, "Muhammad and Justinian: Roman Legal Traditions and the Qur'ān."

¹² Munib Munib et al., "Conservation Environmental Sustainability in The Perspective of Islamic Legal Philosophy," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (October 3, 2022): 556, <https://doi.org/10.22373/sjhk.v6i2.12411>; Lukman Raimi, "Do Islamic Epistemology and Ethics Advance the Understanding and Promotion of Sustainable Development? A Systematic Review Using PRISMA," *International Journal of Ethics and Systems*, December 31, 2024, <https://doi.org/10.1108/IJOES-04-2024-0115>.

¹³ al-Marakeby, "Could Women Own Agricultural Land? Rethinking the Relationship of Islamic Law and Contextual Reality (Wāqī')."

¹⁴ Muhammad Aris et al., "Perekonomian Pada Masa Khalifah Umar Bin Khattab: Kebijakan Ekonomi Dalam Mengelola Baitul Mal," *At-Tajdid: Journal of Islamic Studies* 4, no. 2 (April 30, 2024): 67, <https://doi.org/10.24014/at-tajdid.v4i2.27422>; Nadila Roselani et al., "Peradaban Islam Masa Khalifah Rasyidin," *Journal on Education* 5, no. 2 (January 15, 2023): 2931–38, <https://doi.org/10.31004/joe.v5i2.943>.



natural resources.¹⁵

Modern interpretations of *ḥimā* suggest that it serves as a precursor to contemporary environmental law. Its emphasis on sustainability, equitable access, and community stewardship closely aligns with the principles of ecological justice today. The Qur'anic framework, which regards humans as stewards (*khalifah*) of the Earth, further supports the legitimacy of *ḥimā* as a divinely inspired legal instrument for environmental management. Thus, Islamic environmental jurisprudence provides a valuable repository of legal and ethical tools that can inform current sustainability efforts.¹⁶

Jurisprudential Pluralism and Local Adaptation

Islamic agrarian law is characterized by its varied interpretations across different legal schools. The Hanafi school's openness to local customs allows for greater flexibility in agricultural practices, enabling adaptation to diverse socio-economic conditions. In contrast, the Shafi'i school's emphasis on strict adherence to texts often results in more rigid rulings that can stifle opportunities for innovative adjustments. Meanwhile, the Maliki school, which draws from the lived experiences of the people of Medina, offers regionally grounded principles that resonate with communal agricultural ethics.¹⁷

Legal pluralism has enabled Islamic agrarian law to flourish across a range of cultural and geographical contexts. In Indonesia, local customary traditions have been harmoniously integrated with Islamic principles, ensuring that agricultural law remains socially relevant. It is important to stress the value of incorporating local wisdom into legal frameworks to achieve practical legitimacy and sustainability. These examples illustrate that Islamic legal theory is not uniform; instead, it possesses a remarkable ability to adapt to different contexts.¹⁸

¹⁵ Abdulrahman Alshami, Martin Bryant, and Andrew Toland, "A Hima Traditional Ecological Knowledge Perspective of the Sustainability Goals in AlUla's Journey through Time Masterplan," *Urban Studies* 62, no. 3 (February 26, 2025): 560–80, <https://doi.org/10.1177/00420980241301656>.

¹⁶ N. P. Hariram et al., "Sustainalism: An Integrated Socio-Economic-Environmental Model to Address Sustainable Development and Sustainability," *Sustainability* 15, no. 13 (July 6, 2023): 10682, <https://doi.org/10.3390/su151310682>; Damilola S. Olawuyi et al., "Environmental Law toward Sustainability Targets," *One Earth* 5, no. 6 (June 2022): 577–81, <https://doi.org/10.1016/j.oneear.2022.05.023>; Nausheen Atta and Ayyoob Sharifi, "A Review of the Knowledge Structure and Trends in Research on the Interlinkages between the Rule of Law and Environmental Sustainability," *Sustainable Development* 33, no. 2 (April 15, 2025): 2216–49, <https://doi.org/10.1002/sd.3230>.

¹⁷ Norbert Oberauer, "Canonization in Islamic Law: A Case Study Based on Shāfi'ī Literature," *Islamic Law and Society* 29, no. 1–2 (March 31, 2022): 123–208, <https://doi.org/10.1163/15685195-bja10021>; Silahuddin Silahuddin et al., "Optimizing the Advancement of Islamic Education from the Lens of Islamic Law Philosophy," *ISTIFHAM: Journal Of Islamic Studies*, August 31, 2023, 132–42, <https://doi.org/10.71039/istifham.v1i2.26>.

¹⁸ Romi Adetio Setiawan, "Impact of Islamic Jurisprudential on Traditional Financial Customs and Legal Integration in Indonesia," *Journal of Islamic Thought and Civilization* 13, no. 2 (December 6, 2023): 195–209, <https://doi.org/10.32350/jitc.132.13>; Ilyas Ilyas et al., "The Accommodation of Customary Law to Islamic Law: Distribution of Inheritance in Aceh from a Pluralism Perspectives," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (May 28, 2023): 897, <https://doi.org/10.22373/sjhc.v7i2.15650>; Pairin Pairin et al., "The Integration of the Islamic and Customary Law in Tolaki Society, Southeast Sulawesi: Islamic History and Education Perspectives," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (August 31, 2024): 1669, <https://doi.org/10.22373/sjhc.v8i3.24055>; Ganjar Kurnia et al., "Local Wisdom for Ensuring Agriculture Sustainability: A Case from Indonesia," *Sustainability* 14, no. 14 (July 19, 2022): 8823, <https://doi.org/10.3390/su14148823>.

Integration of Maqāṣid al-Sharia in Agrarian Law

The primary objectives of Islamic law, referred to as *Maqāṣid al-Sharia*, establish a critical framework for assessing and guiding the development of agrarian regulations. This teleological approach emphasizes core values such as justice (*‘adl*), public welfare (*maṣlaḥah*), and the prevention of harm (*ḍarar*), making it particularly relevant for land reform initiatives. By applying Maqāṣid principles to land governance, we not only fulfill religious obligations but also enhance the ethical and functional dimensions of public policy.¹⁹

By integrating Maqasid, we achieve a more nuanced understanding of agrarian institutions such as *ḥimā* and *iqtā’*, reinterpreting them as adaptive tools that can tackle contemporary challenges, including climate change, rural poverty, and land inequality. This perspective situates Islamic agrarian law within broader legal discussions that prioritize sustainability, resilience, and equity.²⁰

Case Studies and Comparative Perspectives

Historical evidence from regions such as Iraq, Kufa, and Medina offers compelling examples of the implementation of agrarian policies during the early Islamic governance. Administrative records from the Caliphate reveal considerable efforts to classify land, manage taxation, and provide access to land for competent cultivators, regardless of their tribal affiliations. These initiatives effectively reduced inter-tribal land disputes and improved agricultural productivity.²¹

A comparative analysis further underscores the relative effectiveness of Islamic agrarian law in fostering social equilibrium, especially when contrasted with the feudal systems of medieval Europe. Whereas European models were characterized by hereditary land ownership and rigid class divisions, Islamic systems embraced conditional land use based on merit and productivity. This distinction is fundamentally rooted in the Islamic principles of ethical accountability and temporary stewardship, as opposed to the concept of perpetual ownership.²²

¹⁹ Muhammad Nazir Alias et al., “SCIENTIFIC APPROACH AS THE BASIS FOR THE FORMATION OF MAQĀṢID AL-SHARĪAH CONCEPT AND PRINCIPLES: A COMPARATIVE STUDY,” *Malaysian Journal of Syariah and Law* 12, no. 2 (August 12, 2024): 350–63, <https://doi.org/10.33102/mjssl.vol12no2.568>; Mukhlis Lubis, “Reorientation of Sharia Stock Regulations: Integrating Taṣarrufāt Al-Rasūl and Maqāṣid Al-Sharī’ah for Justice and Sustainability,” *Journal of Information Systems Engineering and Management* 10, no. 10s (February 13, 2025): 57–66, <https://doi.org/10.52783/jisem.v10i10s.1341>.

²⁰ Salah Alhammadi, “Islamic Finance as a Driver for Enhancing Economic Sustainability and Innovation in the GCC,” *Journal of Science and Technology Policy Management*, January 25, 2024, <https://doi.org/10.1108/JSTPM-11-2023-0206>; Haris Alibašić, “Exploring the Influence of Islamic Governance and Religious Regimes on Sustainability and Resilience Planning: A Study of Public Administration in Muslim-Majority Countries,” *Public Policy and Administration* 39, no. 4 (October 21, 2024): 556–87, <https://doi.org/10.1177/09520767231223282>; Harahap, Risfandy, and Futri, “Islamic Law, Islamic Finance, and Sustainable Development Goals: A Systematic Literature Review.”

²¹ Michele Campopiano, “Seventh-Tenth Centuries,” *Studia Islamica* 107, no. 1 (2012): 1–37, <https://doi.org/10.1163/19585705-12341234>; Michele Campopiano, “Cooperation and Private Enterprise in Water Management in Iraq: Continuity and Change between the Sasanian and Early Islamic Periods (Sixth to Tenth Centuries),” *Environment and History* 23, no. 3 (August 2017): 385–407, <https://doi.org/10.3197/096734017X14979473873867>.

²² Vincent Delabastita and Sebastiaan Maes, “The Feudal Origins of Manorial Prosperity: Social Interactions in Eleventh-Century England,” *The Journal of Economic History* 83, no. 2 (June 4, 2023): 464–500, <https://doi.org/10.1017/S0022050723000116>; Desiree A. Desierto and Mark Koyama, “Feudal Political Economy,” *Economic Theory*, July 10, 2024, <https://doi.org/10.1007/s00199-024-01583-8>; Antonio Peralta-Gómez, Leonor Peña-Chocarro, and Jesús Lorenzo Jiménez, “New Advances in Iberian Medieval Agriculture: Plant Remains from the Islamic Site of Castillo de Valtierra (Navarre, Northern Spain),” *Plants* 13, no. 21 (October 31, 2024): 3047, <https://doi.org/10.3390/plants13213047>.



Contemporary Relevance and Reform Potential

The findings of this study reveal that Islamic agrarian law, often perceived as a rigid and outdated system, actually provides a normative framework with adaptable principles suitable for contemporary land reform. Its historical capacity to integrate diverse cultural practices, foster ecological sustainability, and advocate for economic justice positions it uniquely to address modern agrarian challenges.²³ This opens avenues for the reinterpretation of *himā* and *iqṭāʾ* within current policy frameworks, towards land cooperatives based on communal ownership models.

In conclusion, the institutional development and ethical underpinnings of Islamic agrarian law underscore its significance as a dynamic legal tradition. By combining historical insights, doctrinal flexibility, and moral imperatives, Islamic land law offers a compelling foundation for the creation of equitable, sustainable, and context-sensitive agrarian policies in the contemporary Muslim world.

Discussion

The findings of this study indicate that Islamic agrarian law is not a static framework derived solely from unchanging divine commands, but rather a dynamic and historically contingent legal tradition. It demonstrates a process of juridical adaptation shaped by various social, political, and ecological realities over time. This perspective challenges the prevailing narrative in classical scholarship, which often portrays Islamic law as an ahistorical and divinely fixed system. There is a growing acknowledgment that Islamic legal norms evolve in response to new social configurations, similar to the adaptations seen in family law and governance structures. This principle of dynamism should also be applied to agrarian law.²⁴

The historical transformation of institutions such as *iqṭāʾ* and *himā* exemplifies the Islamic legal system's responsiveness to governance needs and societal welfare. The adaptation of these mechanisms from Sassanid and Roman legal models into Islamic contexts highlights the synthetic and pragmatic nature of early Islamic jurisprudence. These mechanisms were not adopted uncritically; they were reconfigured in light of Qur'anic imperatives for justice and collective benefit. Islamic land management principles are anchored in an ethos of ethical stewardship and equitable resource distribution. As a result, the legal transformation of *iqṭāʾ* from a tool of feudal power into a community-oriented system of resource allocation under Caliph Umar ibn al-Khattab exemplifies the dialectical evolution of Islamic agrarian governance.²⁵

An essential insight from this analysis is that Islamic agrarian institutions were neither uniform nor rigid. The legal pluralism across various *māzāhib* (legal schools) allowed for context-sensitive interpretations and the pragmatic integration of local customs. The Hanafi school's receptiveness to *urf* (local customs) and the Maliki emphasis on community practice enabled the agrarian legal system to remain responsive and tailored to local needs. This pluralism was not a weakness; rather, it was a deliberate jurisprudential strategy that acknowledged the significance

²³ Firman Muntaqo, Febrian Febrian, and Alip Dian Pratama, "Adat Law as a Foundation for Advancing Indonesian Agrarian Law to Maximise Societal Welfare," *Sriwijaya Law Review*, July 31, 2024, 376–92, <https://doi.org/10.28946/slrev.Vol8.Iss2.3710.pp376-392>; Ehsan Elahi et al., "The Public Policy of Agricultural Land Allotment to Agrarians and Its Impact on Crop Productivity in Punjab Province of Pakistan," *Land Use Policy* 90 (January 2020): 104324, <https://doi.org/10.1016/j.landusepol.2019.104324>.

²⁴ Zuhdi and Abdun Nasir, "Al-Mashlahah and Reinterpretation of Islamic Law in Contemporary Context"; ACHMAD IRWAN HAMZANI and SOESI IDAYANTI, "THE EVOLUTION OF ISLAMIC LAW IN INDONESIA: A SOCIO-HISTORICAL PERSPECTIVE ON ITS STRUGGLE FOR EXISTENCE," *Hamdard Islamicus* 47, no. 1 (March 29, 2024), <https://doi.org/10.57144/hi.v47i1.891>; Ilyas et al., "The Accommodation of Customary Law to Islamic Law: Distribution of Inheritance in Aceh from a Pluralism Perspectives."

²⁵ Khudzaifah DIMYATI et al., "Developing Islamic Legal Philosophy-Based Assurance of Justice," *WISDOM* 24, no. 4 (December 25, 2022): 193–203, <https://doi.org/10.24234/wisdom.v24i4.808>.



of local wisdom in shaping applicable legal norms. Such diversity fostered legal elasticity, providing a vital lesson for contemporary land reform in Muslim-majority societies characterized by legal heterogeneity and socio-ecological diversity.²⁶

Furthermore, the contextualization of agrarian law within the ethical framework of *Maqāṣid al-Sharia* offers a critical normative lens for rethinking land governance. Agrarian laws that prioritize *maṣlaḥah*, *ʿadl*, and *data* are more than mere doctrinal constructs; they embody moral commitments to public welfare, justice, and harm prevention. The reinterpretation of *ḥimā* as a form of Islamic environmental jurisprudence exemplifies this moral logic. When aligned with the Qurʾānic vision of humanity as *khalīfah* (stewards of the Earth), these legal institutions gain renewed relevance in tackling issues of environmental degradation and land monopolization. Such reinterpretations are not innovations; rather, they are revivals that draw upon the latent capacities within Islamic jurisprudence to address contemporary socio-ecological crises.²⁷

The comparative analysis reveals the relative sophistication of Islamic agrarian law in contrast to other historical systems. Unlike European feudalism, which emphasized hereditary land ownership and fixed class hierarchies, early Islamic governance encouraged merit-based land usage and discouraged idleness through conditional tenure. Islamic agrarian systems were structured around productive responsibility and reciprocal obligations between landholders and the state. This framework underscores the Islamic legal commitment to fairness and societal equilibrium.²⁸

The historical sophistication of Islamic agrarian law does not automatically guarantee its effectiveness in contemporary contexts. In various Muslim-majority countries, such as Indonesia, the marginalization of traditional Islamic legal frameworks within state land policies has led to a disconnect between religious values and legal practices. It has been noted that the selective integration of Islamic land principles often overlooks their communal dimensions, consequently reinforcing individualistic and capitalist tendencies that contradict the Islamic vision of socio-economic justice. This disparity between theory and practice underscores the necessity for a revitalization of Islamic agrarian law, one that is accomplished not through rigid textualism but rather through a critical hermeneutic approach grounded in *Maqāṣid* and contextual realities.²⁹

Furthermore, the findings advocate for a reevaluation of modern policy paradigms through the lens of Islamic ethics. Incorporating Islamic principles into contemporary land reform discussions could imbue them with moral substance and foster community accountability. For example, the revival of *ḥimā* and *iqṭāʾ* in environmentally and socially sustainable forms can serve

²⁶ Misran Ramli et al., "State, Custom, and Islamic Law in Aceh: Minor Dispute Resolution in the Perspective of Legal Pluralism," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (May 21, 2024): 872, <https://doi.org/10.22373/sjhk.v8i2.15924>; Mursyid Djawas et al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism," *Hasanuddin Law Review* 10, no. 1 (May 1, 2024): 64, <https://doi.org/10.20956/halrev.v10i1.4824>; Ilyas et al., "The Accommodation of Customary Law to Islamic Law: Distribution of Inheritance in Aceh from a Pluralism Perspectives."

²⁷ Hari Sutra Disemadi et al., "Revitalizing Intellectual Property Rights in Indonesia: A Maqasid Al-Sharia Perspective on Communal Ownership," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (November 16, 2024): 625–48, <https://doi.org/10.29240/jhi.v9i2.11039>; Harahap, Risfandy, and Futri, "Islamic Law, Islamic Finance, and Sustainable Development Goals: A Systematic Literature Review."

²⁸ Disemadi et al., "Revitalizing Intellectual Property Rights in Indonesia: A Maqasid Al-Sharia Perspective on Communal Ownership."

²⁹ RIDWAN, "STATE CONTROL OF LAND PERSPECTIVE OF INDONESIAN LAND LAW AND ISLAMIC LAW"; EMK Alidar et al., "Juridical Provisions on Government Policies Towards Marginal Economic Actors in Indonesia in the Perspective of Islamic Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 31, 2023): 101, <https://doi.org/10.22373/sjhk.v7i1.14621>; Wang Yongbao, "THE IMPACT OF COLONIALISM AND NATIONALISM ON THE MARGINALIZATION OF ISLAMIC LAW IN THE MUSLIM WORLD," *Malaysian Journal of Syariah and Law* 12, no. 2 (August 21, 2024): 375–87, <https://doi.org/10.33102/mjssl.vol12no2.653>.



as innovative models for participatory land governance and sustainability.

This discussion ultimately contributes to the broader discourse on Islamic legal reform by highlighting the agrarian domain as an underexplored yet promising area for innovation. While significant attention has been paid to Islamic finance and family law, land law remains largely peripheral, despite its crucial role in socio-economic life. A legal tradition aspiring to universality must also engage with context, especially in areas where human livelihood and dignity are at stake. The articulation of Islamic agrarian law thus represents not only a pathway for practical reform but also a deeper realization of the ethical vision that underlies Sharia itself.

In summary, this study reaffirms the assertion that Islamic agrarian law is a historically informed yet forward-looking legal system. Its foundational principles of stewardship, justice, and community welfare, when interpreted through flexible, maqasid-oriented reasoning, can yield viable solutions to contemporary agrarian challenges. Far from being outdated, institutions such as *himā* and *iqṭāʾ* serve as reservoirs of legal and ethical innovation, poised to be revitalized in the pursuit of sustainable and equitable land governance.

Conclusion

This study illustrates that Islamic agrarian law functions as a historically adaptive and ethically grounded legal framework, effectively harmonizing socio-political realities with religious mandates. The evolution of institutions such as *himā* and *iqṭāʾ*, which have transitioned from instruments of aristocracy to mechanisms promoting public welfare and ecological stewardship, highlights the dynamic nature of Islamic jurisprudence. By utilizing the *Maqāṣid al-Sharia* framework, this research uncovers how Islamic legal thought can contribute to contemporary land reform and sustainable governance. This study's primary contribution lies in its effort to reposition agrarian law within the larger discourse of Islamic legal reform, offering a normative foundation for future policy development. The findings underscore the significance of integrating classical jurisprudence, local wisdom, and socio-economic realities. Future research should prioritize exploring the empirical applications of these legal institutions across diverse contemporary contexts and developing models for participatory agrarian governance rooted in Islamic ethics.

CRedit Authorship Contribution Statement

Ahmad Syafi'i SJ: Project administration, Conceptualization, Methodology, Writing-original Draft. **Diyan Putri Ayu:** Supervision, Methodology, Writing - review & editing, **Shah Rul Anuar Nordin:** Supervision, Writing - review & editing, **Abd Shakor Bin Borham:** Conceptualization, Methodology, **Fatum Abubakar:** Funding acquisition, Methodology.

Declaration of Competing Interest

The authors declare that they have no competing financial interests or personal relationships that could influence the work reported in this paper.

Data Availability

Data will be made available on request



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