



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

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Abstract

Research Objective: This study examines the reformative potential of Islamic agrarian law, with a focus on land tenure institutions such as *ḥimā* (protected area) and *iqṭā'* (fief). It challenges the assumption that Islamic law is static, exploring how its historical evolution can inform contemporary responses to socio-ecological challenges. **Research Method:** A qualitative historical-legal approach was employed, drawing on classical jurisprudence, historical records, and contemporary scholarship from various Islamic legal schools. The analysis was framed through the lens of *Maqāṣid al-Sharī'a*, with an emphasis on its normative objectives. **Results:** The findings reveal that Islamic agrarian law is inherently dynamic. Historical evidence shows that institutions such as *ḥimā* and *iqṭā'* have undergone reinterpretation and transformation to address evolving governance structures, environmental needs, and societal demands. **Findings and Implications:** The study demonstrates that Islamic land laws are grounded in principles of justice, sustainability, and public welfare. Historically, these institutions have been used to promote ecological conservation and equitable resource distribution. These insights support the revitalization of Islamic land tenure frameworks as a basis for inclusive and ethical land reform in modern Muslim societies. **Conclusion:** The Islamic legal tradition embodies inherent pluralism and adaptability, allowing for the integration of local customs and socio-economic realities. This adaptive capacity strengthens its relevance to contemporary agrarian challenges. **Contribution:** This research provides a conceptual and normative foundation for reimagining Islamic land tenure models within modern governance systems, offering pathways toward sustainable and just agrarian reform. **Limitations and Suggestions:** As a primarily conceptual and historical inquiry, the study calls for future empirical research to examine the

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implementation and policy impact of these legal principles in present-day land governance contexts.

Introduction

Islamic law, often perceived as rigid and immutable, is undergoing significant re-evaluation in contemporary scholarly discourse, particularly regarding its adaptability to socio-political and economic transformations.¹ While its ethical and moral foundations remain constant, recent scholarship underscores that its interpretative and applicative dimensions must evolve to address the complexities of modern society. In this context, the principle of *ijtihad* (independent reasoning) is being reclaimed as a vital mechanism for ensuring that Islamic jurisprudence remains responsive to emerging issues, including those in domains historically regarded as fixed, such as agrarian law.²

This reassessment is especially urgent in the realm of Islamic agrarian law, where traditional interpretations of land tenure, ownership, and stewardship increasingly diverge from the realities of contemporary agrarian societies. Despite its foundations in the Qurʾān and Sunnah, which emphasize justice, equity, and the public interest in land use, Islamic agrarian law has been relatively neglected in modern legal reform debates.³ As agrarian communities in Muslim-majority regions confront growing inequality, land disputes, and environmental degradation, the need to reinterpret agrarian norms through Islamic ethical imperatives has become pressing. The core Islamic principle that land is a trust (*amānah*) from Allah, requiring responsible and equitable stewardship, underscores the urgency of such reform. Moreover, the socio-economic challenges facing rural areas demand a jurisprudential model that integrates local wisdom, sustainable practices, and religious legitimacy.⁴

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 Murāʾat Al-ʾIlal 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-Sharīʿah: 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>.



This study is guided by the central question of how Islamic agrarian law has evolved through historical processes of continuity and change, and how its foundational principles can inform contemporary agrarian reform. Addressing this inquiry requires challenging 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 research draws on Islamic jurisprudence, historical documentation, and socio-economic analysis to trace the diachronic development of land law within Islamic traditions. This approach is premised on the assumption that re-engaging with classical principles, viewed through the lens of *Maqāṣid al-Sharīʿa* (the higher objectives of Islamic law), can produce solutions that align justice, sustainability, and productivity in agrarian contexts.

To operationalize this framework, the study revisits classical institutions such as *ḥimā* (protected communal land) and *iqṭāʿ* (land grants historically allocated by the state).⁵ Originating from pre-Islamic models such as those of the Sassanid and Roman empires, these institutions underwent an Islamization process characterized by normative shifts prioritizing public welfare over aristocratic privilege. The administrative sophistication of Sassanid water governance significantly influenced Islamic land management practices, while the enduring legacy of Roman law shaped foundational legal formulations. In the early Islamic period, these institutions evolved into legal instruments for redistribution, environmental stewardship, and social equity. As such, Islamic agrarian law embodies both continuities in legal form and transformation in legal function, redefined through Islam's ethical imperatives.⁶

This research builds upon the foundational works of scholars such as Coulson and Schacht, who documented the integration of earlier legal traditions into Islamic frameworks, as well as contemporary studies examining the socio-political significance of land tenure in Muslim societies. Yet a notable gap remains in translating these historical insights into actionable reforms for today's agrarian challenges. While much of the literature concentrates on the theoretical origins and medieval applications of agrarian institutions, few studies explore their potential as instruments for modern policy when interpreted through Islamic ethics. By foregrounding their adaptability and reinterpreting them via the *Maqāṣid* paradigm, this study offers a novel approach that connects traditional legal forms to contemporary governance needs.⁷

The research also engages with diverse jurisprudential perspectives from different Islamic schools of thought. For example, the Hanafi school is recognized for its receptivity to local customs, the Shāfiʿī school for its strict adherence to textual sources, and the Mālikī school for its emphasis on the practices of the people of Medina. This plurality of interpretations offers valuable resources for designing pluralistic and context-sensitive agrarian policies. Variations in legal application, such as those observed in Indonesia, present both challenges and opportunities for

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 Qurʾān," *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 Qurʾān"; Jany, "Law of Contracts in Late Antique Persia"; St. Laurent, "Caliphs and Merchants: Cities and Economies of Power in the Near East (700–950)."

harmonizing legal frameworks while accommodating the diverse socio-economic realities of rural Muslim communities.⁸

This research investigates the historical development and contemporary relevance of Islamic agrarian law, with particular attention to its potential for fostering inclusive and sustainable land governance. It offers a distinctive contribution by integrating classical jurisprudential principles with modern socio-economic imperatives, employing a methodological approach that synthesizes legal history, ethical theory, and applied policy analysis. The study argues that institutions such as *ḥimā* and *iqṭā'*, far from being obsolete remnants of the past, provide viable frameworks for addressing current challenges related to land ownership, resource equity, and rural development. By engaging with pre-modern Islamic texts and documented state practices, and triangulating these sources with contemporary theoretical models, the research aims to formulate a coherent and actionable blueprint for Islamic agrarian reform. Ultimately, it seeks to enrich scholarly discourse on the constructive engagement of Islamic law with modernity, while safeguarding its ethical and theological foundations.

Methods

This study employed a qualitative, historical-legal research design to examine the evolution and reformative potential of Islamic agrarian law. The methodological framework was grounded in normative legal analysis, complemented by a socio-historical perspective to capture the dynamic interplay between Islamic legal norms and the historical contexts shaping their formulation and transformation. By investigating the jurisprudential foundations and institutional development of Islamic land law, the study evaluated how traditional agrarian concepts such as *ḥimā* and *iqṭā'* can be contextualized to support contemporary agrarian reform initiatives.

Primary data comprised classical Islamic legal texts, with a particular focus on jurisprudential treatises from the four major Sunni schools: Ḥanafī, Shāfi'ī, Mālikī, and Ḥanbalī. Foundational works, including *Kitāb al-Kharāj* by Abū Yūsuf, and other classical manuals addressing land tenure and resource distribution, formed core components of the analytical framework. The Qur'ān and Hadith served as the ultimate normative references. Secondary sources included peer-reviewed academic literature, historical records of early Islamic governance, and contemporary interpretations of Islamic law published in scholarly journals and monographs.

The analytical process involved a critical reading of textual sources to uncover legal principles and trace their evolution across different historical contexts. Interpretations of key legal concepts related to land ownership, stewardship, and distribution within various legal schools were examined and compared across different Islamic regions. A comparative analysis also assessed how *ḥimā* and *iqṭā'*, originally adapted from pre-Islamic institutions such as Sassanid and Roman land systems, were reinterpreted within Islamic legal frameworks. Research on water governance and the influence of Roman law on Islamic legal development provided additional insight into this integrative process, yielding a diachronic perspective on the law's adaptability.

Historical sociology was applied to situate the emergence and institutionalization of agrarian laws within early Islamic governance. This included an examination of the sociopolitical conditions under which land policies were implemented by Prophet Muhammad and subsequent caliphs, particularly in Medina and Kufa. The study analyzed how these policies embodied broader Islamic objectives such as justice (*ʿadl*), public welfare (*maṣlaḥah*), and equitable resource

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>.



distribution. The Islamic Green Revolution and its legal underpinnings served as a key case study, illustrating the interrelationship between Islamic law and agricultural innovation.

The interpretive framework was informed by *Maqāṣid al-Sharīʿa* (the higher objectives of Islamic law), enabling a normative analysis that moved beyond literalist readings to incorporate ethical and functional considerations. This framework allowed for the reinterpretation of agrarian institutions to address modern needs such as land justice, sustainable agriculture, and rural welfare. Such hermeneutic flexibility was essential for repositioning Islamic agrarian law as a dynamic tradition rather than a static historical artifact.

The analytical strategy classified the examined legal concepts into three dimensions: (1) historical, reconstructing the original functions of *ḥimā* and *iqṭāʿ* in Islamic governance; (2) jurisprudential, tracing their foundations in the Qurʾān, Hadith, and classical *fiqh*; and (3) contemporary, assessing their current interpretation, application, or neglect in modern Islamic legal discourse. Each stage was guided by the triangulation of textual sources, historical records, and contemporary scholarship to ensure analytical rigor and balanced findings.

This study was limited to pre-modern Islamic legal sources and their interpretations in classical and early post-classical contexts. While contemporary agrarian issues in Muslim-majority countries informed the relevance of the research, they were not its empirical focus. Rather, the study aimed to provide a conceptual and theoretical foundation for future empirical investigations into the application of these legal concepts in present-day settings. All sources were used by established ethical standards, with accurate citation of classical and contemporary works. Interpretive positions were presented with scholarly objectivity, aiming to critically engage with existing literature while offering constructive contributions 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 emerged. Key concepts such as *ḥimā* (protected land) and *iqṭāʿ* (land grant) were not developed in a vacuum; rather, they represented adaptations and Islamic reinterpretations of pre-existing agrarian norms from earlier civilizations.⁹ The Sassanid Empire, for example, maintained a sophisticated legal framework for managing agriculture, particularly in the domains of water governance and land tenure. Similarly, Roman legal traditions concerning property and contracts, embodied in frameworks such as *ius gentium*, provided conceptual foundations that influenced early Islamic juristic thought. These systems emphasized structured administration and codified legal instruments, elements that Muslim rulers adopted and reframed within an Islamic ethical paradigm.¹⁰

Within Islamic jurisprudence, these inherited mechanisms were refined through Qurʾānic imperatives and Prophetic traditions. In Islam, land is regarded as a divine trust (*amānah*), to be used ethically and equitably. Islamic law mandates the productive use of land for communal

⁹ 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>.

¹⁰ 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, <https://doi.org/10.2478/cl-2021-0007>; Cole, "Muhammad and Justinian: Roman Legal Traditions and the Qurʾān."



benefit while explicitly discouraging monopolization. Under the Prophet Muhammad's leadership in Medina, these principles were institutionalized through policies regulating land allocation, preventing excessive concentration of ownership, and promoting environmental stewardship.¹¹

Transformation of *iqṭā'* from Power Tool to Welfare Mechanism

Historically, *iqṭā'* was a prevalent land tenure practice among pre-Islamic rulers, who allocated land to aristocrats or military leaders to secure loyalty and consolidate political power. In the Islamic context, however, the concept was redefined to align with principles of justice and public welfare. For instance, Abū Yūsuf's *Kitāb al-Kharāj* provides legal and ethical guidelines for the equitable distribution of land revenues and affirms 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 shift from elite accumulation toward community-centered distribution.¹²

During the reign of Caliph 'Umar ibn al-Khaṭṭāb, *iqṭā'* evolved into a strategic mechanism for redistributing unclaimed or state-owned lands to individuals capable of cultivating and managing them effectively. This policy reduced the volume of idle land while aligning economic productivity with social responsibility. In doing so, it diminished class disparities and addressed landlessness among the rural poor. These developments illustrate the dynamic character of Islamic agrarian law and its capacity to reconcile economic pragmatism with moral governance.¹³

Institutionalization of *ḥimā* as a Model of Environmental Ethics

In contrast to *iqṭā'*, *ḥimā* was conceptualized as communal land reserved for ecological preservation and collective benefit. Initially rooted in pre-Islamic tribal practices, the Prophet Muhammad institutionalized *ḥimā* to ensure the sustainable use of natural resources such as pastures and water bodies. This legal designation sought to prevent overgrazing, protect biodiversity, and secure access for vulnerable groups, including nomadic communities and the poor. As documented by Kirchner et al., such designations contributed to the agrarian stability of early Islamic cities by reducing conflict over natural resources.¹⁴

Modern interpretations position *ḥimā* as a precursor to contemporary environmental law. Its emphasis on sustainability, equitable access, and community stewardship closely aligns with current principles of ecological justice. The Qur'ānic conception of humanity as stewards (*khalīfah*) of the Earth further validates *ḥimā* as a divinely sanctioned legal instrument for environmental governance. Islamic environmental jurisprudence, therefore, offers a rich

¹¹ 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>.

¹² al-Marakeby, "Could Women Own Agricultural Land? Rethinking the Relationship of Islamic Law and Contextual Reality (Wāqī)."

¹³ 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>.

¹⁴ 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>.



repository of legal and ethical tools that can inform present-day sustainability initiatives.¹⁵

Jurisprudential Pluralism and Local Adaptation

Islamic agrarian law is marked by varied interpretations across the major legal schools, each offering distinct approaches to land governance. The Ḥanafī school's openness to local custom (*ʿurf*) allows for considerable flexibility in agricultural practices, enabling adaptation to diverse socio-economic and environmental conditions. In contrast, the Shāfiʿī school's emphasis on strict textual adherence often results in more rigid rulings, which may limit opportunities for innovative adaptation in agrarian contexts. The Mālīkī school, grounded in the lived practices of the people of Medina (*ʿamal ahl al-Madīnah*), provides regionally embedded principles that resonate strongly with communal agricultural ethics and environmental stewardship.¹⁶

This legal pluralism has allowed Islamic agrarian law to flourish across a wide range of cultural and geographical contexts. In Indonesia, for example, local customary traditions have been harmonized with Islamic principles, ensuring that agricultural regulations remain socially relevant and contextually effective. Such cases highlight the importance of incorporating local wisdom into legal frameworks, both to secure practical legitimacy and to sustain long-term policy effectiveness. Far from being monolithic, Islamic legal theory demonstrates a remarkable capacity for adaptation, allowing it to respond constructively to changing agrarian realities.¹⁷

Integration of Maqāṣid al-Sharia in Agrarian Law

The higher objectives of Islamic law (*Maqāṣid al-Sharīʿa*) provide a critical evaluative framework for the formulation and reform of agrarian policies. This teleological approach prioritizes core values such as justice (*ʿadl*), public welfare (*maṣlaḥah*), and the prevention of harm (*ḍarar*), making it particularly relevant for contemporary land reform and rural development initiatives. Applying *Maqāṣid* principles to land governance fulfills religious and ethical mandates while simultaneously enhancing the functional and equitable dimensions of

¹⁵ 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>.

¹⁶ Norbert Oberauer, "Canonization in Islamic Law: A Case Study Based on Shāfiʿī 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>.

¹⁷ 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/sjhk.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/sjhk.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>.

public policy.¹⁸

Through the lens of *Maqāṣid*, agrarian institutions such as *ḥimā* and *iqṭā'* can be reinterpreted as adaptive mechanisms for addressing pressing contemporary challenges, including climate change, rural poverty, and land inequality. This approach situates Islamic agrarian law within global legal discourses on sustainability, resilience, and social equity, demonstrating its ongoing relevance beyond its historical origins.¹⁹

Case Studies and Comparative Perspectives

Historical evidence from regions such as Iraq, Kufa, and Medina illustrates the early Islamic state's systematic approach to land management. Administrative records from the Caliphate document deliberate efforts to classify land, regulate taxation, and allocate property to competent cultivators, irrespective of tribal affiliation. These measures reduced inter-tribal land disputes, improved agricultural productivity, and reinforced principles of equitable resource distribution.²⁰

Comparative analysis highlights the distinctiveness of Islamic agrarian policy when set against the feudal systems of medieval Europe. Whereas European models entrenched hereditary land ownership and rigid class divisions, Islamic systems emphasized conditional land use based on merit, productivity, and social responsibility. This difference stems from foundational Islamic concepts of ethical accountability (*taklīf*) and temporary stewardship (*istikhlāf*), which reject the notion of absolute, perpetual ownership in favor of resource use aligned with communal benefit and divine trust.²¹

Contemporary Relevance and Reform Potential

The findings of this study indicate that Islamic agrarian law, often perceived as rigid or outdated, actually offers a normative framework grounded in adaptable principles well-suited to contemporary land reform. Its historical capacity to integrate diverse cultural practices, promote

¹⁸ Muhammad Nazir Alias et al., "SCIENTIFIC APPROACH AS THE BASIS FOR THE FORMATION OF MAQĀSID 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>.

¹⁹ 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."

²⁰ 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>.

²¹ 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>.



ecological sustainability, and advance economic justice uniquely positions it to address present-day agrarian challenges.²² This opens avenues for reinterpreting *himā* and *iqṭā'* within current policy frameworks, particularly toward the establishment of land cooperatives rooted in communal ownership models.

In conclusion, the institutional evolution and ethical foundations of Islamic agrarian law underscore its significance as a dynamic legal tradition. By integrating historical insights, jurisprudential flexibility, and moral imperatives, Islamic land law provides a compelling foundation for developing 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, historically contingent legal tradition. It reflects a process of juridical adaptation shaped by shifting social, political, and ecological realities over time. This challenges the prevailing narrative in classical scholarship, which often portrays Islamic law as an ahistorical and divinely fixed system. Increasingly, scholars acknowledge that Islamic legal norms evolve in response to new social configurations, as seen in the historical development of family law and governance structures. This principle of dynamism should equally apply to agrarian law.²³

He historical transformation of institutions such as *iqṭā'* and *himā* exemplifies the legal system's responsiveness to governance needs and societal welfare. Their adaptation from Sassanid and Roman legal models into Islamic contexts demonstrates the synthetic and pragmatic nature of early Islamic jurisprudence. These mechanisms were not adopted wholesale; they were reinterpreted through Qur'anic imperatives of justice and collective benefit. The reconfiguration of *iqṭā'*, from a feudal instrument of political patronage to a community-oriented system of resource allocation under Caliph 'Umar ibn al-Khaṭṭāb, illustrates the dialectical evolution of Islamic agrarian governance.²⁴

A key insight from this analysis is that Islamic agrarian institutions were neither uniform nor rigid. Legal pluralism across the *maṣāhib* (legal schools) allowed for context-sensitive interpretations and the pragmatic incorporation of local customs. The Hanafi school's receptiveness to *'urf* (custom) and the Maliki emphasis on community practice enabled agrarian law to remain responsive to local realities. Far from being a weakness, this pluralism functioned as a deliberate jurisprudential strategy, recognizing the value of local wisdom in shaping effective and legitimate legal norms. Such diversity fostered legal elasticity, a critical lesson for contemporary land reform in Muslim-majority societies characterized by legal heterogeneity and socio-ecological diversity.²⁵

²² 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>.

²³ 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."

²⁴ Khudzaiyah 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>.

²⁵ 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,



Moreover, situating agrarian law within the ethical framework of *Maqāṣid al-Sharīʿa* offers a vital normative lens for rethinking land governance. Agrarian laws grounded in *maṣlaḥah* (public welfare), *ʿadl* (justice), and *ḍarar* (harm prevention) are not merely jurisprudential constructs; they embody moral commitments to social equity and environmental stewardship. The reinterpretation of *ḥimā* as a form of Islamic environmental jurisprudence exemplifies this ethical logic. When aligned with the Qurʾānic vision of humanity as *khalīfah* (stewards of the Earth), these institutions gain renewed relevance in addressing environmental degradation and land monopolization. Such reinterpretations are not legal innovations in the disruptive sense, but revivals, drawing on the latent capacities within Islamic jurisprudence to respond to contemporary socio-ecological crises.²⁶

The comparative analysis highlights the relative sophistication of Islamic agrarian law in contrast to other historical systems. Unlike European feudalism, which entrenched hereditary land ownership and rigid class hierarchies, early Islamic governance promoted merit-based land usage and discouraged idleness through conditional tenure. Islamic agrarian systems were grounded in productive responsibility and reciprocal obligations between landholders and the state. This framework reflects a legal commitment to fairness, productivity, and societal equilibrium.²⁷

However, the historical sophistication of Islamic agrarian law does not automatically ensure its effectiveness in contemporary contexts. In many Muslim-majority countries, such as Indonesia, the marginalization of traditional Islamic legal frameworks within state land policies has created a disconnect between religious values and legal practice. Often, the selective integration of Islamic land principles neglects their communal dimensions, inadvertently reinforcing individualistic and capitalist tendencies that run counter to Islam's vision of socio-economic justice. This gap between theory and practice underscores the need to revitalize Islamic agrarian law, not through rigid textualism, but through a critical hermeneutic approach informed by *Maqāṣid al-Sharīʿa* and contextual realities.²⁸

The findings further advocate for a re-evaluation of modern policy paradigms through the lens of Islamic ethics. Incorporating Islamic principles into contemporary land reform debates could infuse them with moral depth while fostering community accountability. For instance, reviving *ḥimā* and *iqṭāʿ* in environmentally and socially sustainable forms could offer innovative models for participatory land governance and long-term sustainability.

This discussion contributes to the broader discourse on Islamic legal reform by identifying the agrarian domain as an underexplored yet promising sphere for innovation. While Islamic finance and family law have received substantial scholarly and policy attention, land law remains peripheral, despite its central role in socio-economic stability and human dignity. A legal tradition

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."

²⁶ 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."

²⁷ Disemadi et al., "Revitalizing Intellectual Property Rights in Indonesia: A Maqasid Al-Sharia Perspective on Communal Ownership."

²⁸ 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>.



aspiring to universality must also engage deeply with the material conditions of life, particularly in areas where livelihoods and equity are at stake.

In conclusion, this study reaffirms that Islamic agrarian law is both historically informed and forward-looking. Its foundational principles of stewardship, justice, and communal welfare, when interpreted through a flexible, *Maqāṣid*-oriented framework, can offer viable solutions to contemporary agrarian challenges. Far from being obsolete, institutions such as *ḥimā* and *iqṭā'* stand as reservoirs of legal and ethical innovation, ready to be revitalized in the pursuit of sustainable and equitable land governance.

Conclusion

This study demonstrates that Islamic agrarian law operates as a historically adaptive and ethically grounded legal framework, harmonizing socio-political realities with religious mandates. The evolution of institutions such as *ḥimā* and *iqṭā'*, which have shifted from serving aristocratic interests to advancing public welfare and ecological stewardship, illustrates the dynamic nature of Islamic jurisprudence. Employing the *Maqāṣid al-Sharia* framework, this research reveals how Islamic legal thought can inform contemporary land reform and sustainable governance. The primary contribution of this study lies in repositioning agrarian law within the broader discourse of Islamic legal reform, offering a normative foundation for future policy development. The findings emphasize the importance of integrating classical jurisprudence, local wisdom, and socio-economic realities. Future research should focus on examining the empirical applications of these legal institutions in diverse contemporary contexts and on 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. **Fatun 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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