

Ethical Governance through Maqasid Shariah Perspective: A Conceptual Framework

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Abstract

Efficient and ethically upright governance has become increasingly crucial in an era of intricate global issues and ethical dilemmas. This article proposes a novel method for ethical governance that draws on the extensive heritage of Islamic legal philosophy, particularly the notion and principle of Maqasid Shariah (the higher purposes of Islamic law). Nevertheless, the discourse surrounding Malaysia's Maqasid Syariah and ethical governance remains deficient and lacks clarity. This paper aims to thoroughly examine Malaysia's incorporation of Islamic principles into governance structures and the intersection of ethical governance and Maqasid Shariah. It provides a comprehensive conceptual framework for integrating Islamic legal philosophy into modern governance practices. The suggested framework aims to balance the main goals of Maqasid Shariah with essential parts of moral leadership. It does this by providing practical examples that can be used in various areas and answering any concerns or problems that might come up.

Keywords: Maqasid Syariah, Ethical Governance, Malaysia, Conceptual Framework

Introduction

At the turn of the millennium, the world entered a new era of unprecedented technological sophistication, social complexity, and interconnectedness. The enormous challenges posed by the landscape's intricate intertwining of natural and human factors challenge traditional governance and ethical framework paradigms. Globalization's rapid pace has resulted in a world where actions made at the local level can have significant global impacts, causing the boundaries between national and international governance to become less distinct (Held & McGrew, 2007). The rapid progress in technological fields like artificial intelligence, biotechnology, and digital communications has surpassed our ethical and regulatory systems. Because of this, many are worried about invasions of privacy, loss of control, and even the

very nature of human identity (Florida, 2018). At the same time, people all around the globe are dealing with complicated and often intractable socioeconomic problems. Oxfam (2020) reports that the wealth gap has grown alarming, with the wealthiest 1% of the global population possessing over twice as much wealth as the bottom 6.9 billion. An unprecedented scale of coordinated international action is required to combat climate change, which poses a grave danger to human survival (IPCC, 2021). The COVID-19 pandemic has highlighted the weaknesses in our global institutions, raising questions about equitable healthcare access, resilience to economic shocks, and the complex interplay between individual rights and societal prosperity (Sachs et al., 2020).

Given the circumstances, the pursuit of ethical governance has acquired a heightened sense of importance. Conventional governance approaches, typically based on Western liberal democratic traditions, have demonstrated shortcomings in effectively handling these complex difficulties. Although these models possess significant value, they have faced criticism for prioritising individualism over communal welfare, being driven by short-term goals influenced by electoral cycles, and struggling to integrate diverse cultural perspectives in an ever more multicultural world (Held, 2006).

The deficiencies of current governance models have sparked a quest for alternative paradigms that can provide new insights into ethical leadership and long-lasting progress. The exploration has sparked a renewed fascination with non-Western philosophical and moral traditions. These traditions may present alternative methods for managing the competing interests of individuals and collectives, implementing long-term strategies, and harmonizing spiritual and material considerations in governance (Sen, 2009).

Islamic legal philosophy offers a fascinating way forward in the quest for new forms of governance, drawing on its extensive fourteenth-century tradition of ethical reasoning. This tradition provides a comprehensive view of human issues by integrating ethical, spiritual, and pragmatic considerations. In this tradition, the idea of Maqasid Shariah, or the higher goals of Islamic law, is central. It offers a complex framework for comprehending human happiness and social progress (Auda, 2008). A comprehensive framework for human flourishing, the Maqasid Shariah addresses many modern issues through its traditional articulation as preserving religion, life, intellect, lineage, and riches. Its emphasis on life preservation aligns with current public health and environmental issues. The knowledge economy prioritises education and innovation, as seen by the focus on intellect. The overall notion of wealth preservation addresses concerns of economic fairness and sustainable resource management (Chapra, 2008).

The Maqasid framework's suppleness and adaptability, evidenced by centuries of academic interpretation and reinterpretation, render it particularly effective in addressing the evolving issues of the contemporary world. Modern researchers have broadened the conventional five aims to incorporate notions such as human dignity, environmental stewardship, and social collaboration, illustrating the framework's ability to adjust to evolving societal demands (Attia, 2007). The capacity of Maqasid Shariah to guide ethical governance beyond the Muslim sphere. As a holistic ethical framework grounded on universal human values, it provides insights that may be recognized and utilized across many cultural settings. In a progressively linked society, where global concerns necessitate answers that transcend cultural divisions,

the Maqasid framework provides an ethical lexicon that can enhance cross-cultural discourse on governance and human welfare (An-Na'im, 2010). The use of Maqasid Shariah in contemporary governance has several challenges. Questions arise about the application of these theoretical concepts in practical policymaking, the reconciliation of opposing objectives, and the guarantee that interpretations remain faithful to the framework's core while adapting to modern circumstances. The challenge is in rendering these concepts, rooted in Islamic tradition, into language and practices that are intelligible and acceptable across many cultural and secular settings.

Notwithstanding these difficulties, there are exciting opportunities for exploring Maqasid Shariah as the basis for ethical government. This is a chance to enhance world conversation on governance by including ideas from a tradition that has consistently addressed ethics, law, and human welfare issues. It facilitates the development of more inclusive, comprehensive, and ethically grounded approaches to addressing the complex challenges of our day. The Maqasid Shariah framework, emphasizing human welfare and societal progress, offers a crucial perspective in this critical endeavor. Investigating its possible applications in modern governance enables the exploration of solutions to the ethical challenges of our day, fostering a more equitable, sustainable, and prosperous global community. This library-based investigation utilized content analysis from many sources, including journal articles, books, government websites, and reports. The need for this study arises from Malaysia's unique position as a multicultural, rapidly modernizing nation that must balance economic growth, social justice, and ethical governance. Traditional Western liberal democratic frameworks, while valuable, often struggle to account for the specific cultural and religious context of Malaysia. As a country with a majority Muslim population, Malaysia is particularly well-placed to explore Islamic legal philosophy as a potential guide for addressing these governance challenges.

The significance of this study for Malaysia lies in its potential to provide a culturally relevant, ethically grounded framework for governance that addresses both the country's specific challenges and its global responsibilities. This research is important for several reasons, the first of which is its cultural relevance for Malaysia as a multicultural society with a majority Muslim population; Malaysia stands to benefit from governance models that reflect Islamic ethical principles, especially when these principles can be adapted to promote inclusivity and harmony across religious and ethnic lines. The second is socioeconomic Justice and Development which Malaysia, like many other nations, faces rising socio-economic disparities. The Maqasid Shariah's emphasis on wealth preservation and equitable distribution provides a potential roadmap for addressing these disparities in a way that resonates with the nation's Islamic values. The third is environmental sustainability as Malaysia grapples with the challenges of climate change and environmental degradation; the Maqasid framework's focus on preserving life and intellect can offer guidance on sustainable development and responsible resource management, aligning Malaysia's development goals with ethical stewardship of the environment. The last reason is the ethical framework for policymaking in Malaysia, where governance is deeply intertwined with both secular and religious considerations. The Maqasid Shariah can offer policymakers an ethical framework that harmonizes spiritual values with the demands of modern governance.

This study is significant not only for scholars of governance and ethics but also for Malaysian policymakers, religious leaders, and international organizations that are looking for innovative and culturally relevant solutions to Malaysia's governance challenges. By exploring how the Maqasid Shariah can be adapted to modern governance in Malaysia, this research aims to contribute to the development of a more just, sustainable, and prosperous future for the nation.

Literature Review

Principles of Maqasid Shariah

Maqasid Shariah, or the objectives of Islamic law, emphasise the protection and preservation of five essential elements: faith (Hifz al-Din), life (Hifz al-Nafs), intellect (Hifz al-Aql), progeny (Hifz al-Nasl), and wealth (Hifz al-Mal) (Chapra, 2008). The Maqasid Shariah framework is built upon five essential objectives, each playing a crucial role in shaping Islamic legal and ethical thought. When examined closely, these objectives reveal a comprehensive approach to human welfare and societal development that resonates with many contemporary governance challenges. These principles provide a holistic framework that prioritises the well-being and welfare of individuals and communities. Applying these principles in governance can lead to more just, equitable, and sustainable outcomes (Ali, 2014).

At the apex of these objectives stands the preservation of faith (Dīn), widely regarded as the cornerstone of the Maqasid framework. Scholars such as Al-Ghazali and Al-Shatibi have emphasised its primacy, arguing that faith provides the moral compass that guides all other aspects of human life (Auda, 2008). In the governance context, this objective transcends mere protection of religious practices. Instead, it encompasses a broader mandate to foster an environment where spiritual well-being and moral values can flourish. This includes safeguarding religious freedoms, promoting interfaith dialogue, and ensuring ethical considerations are woven into decision-making processes. As Hashim Kamali (2008), notes, preserving faith in a diverse society necessitates policies promoting tolerance and mutual understanding among different belief systems.

The second objective, preserving life (Nafs), extends far beyond the essential protection of human existence. Contemporary scholars like Jasser Auda (2007), have expanded this concept to include the quality and dignity of human life. This broader interpretation aligns closely with modern human rights frameworks, encompassing access to healthcare, nutrition, and a clean environment. In governance terms, this objective manifests in public health policies, safety regulations, and environmental protection measures. The work of Tariq Ramadan (2009), has been particularly influential in linking this Maqasid objective to sustainable development goals, arguing for a holistic approach to human well-being that considers both physical and social determinants of health.

The preservation of intellect ('Aql), the third objective, is relevant in our knowledge-driven era. Classical scholars viewed this primarily through the lens of protecting the mind from intoxicants, but contemporary interpretations have broadened significantly. Modern thinkers like Mohammad Hashim Kamali (2012), have linked this objective to the promotion of education, scientific research, and freedom of thought. In the realm of governance, this translates into policies supporting lifelong learning, academic freedom, and innovation. Furthermore, scholars like Ziauddin Sardar (2006), have emphasised the importance of critical

thinking and intellectual diversity within Muslim societies, arguing that the preservation of intellect necessitates an open marketplace of ideas.

The fourth objective, preservation of lineage (Nasl), has evolved in its interpretation over time. While classical scholars focused primarily on the protection of family lineage and procreation, contemporary thinkers have expanded this concept to encompass broader notions of social continuity and intergenerational justice. Yusuf al-Qaradawi (1999), has been instrumental in linking this objective to modern family welfare policies and child protection laws. In the governance context, this objective informs policies on social services, family support, and long-term planning for sustainable development. Some scholars, like Ingrid Mattson (2011), have also connected this objective to environmental stewardship, arguing that preserving lineage necessarily involves safeguarding the planet for future generations.

Finally, the preservation of wealth (Māl) rounds out the five essential objectives. This concept has undergone perhaps the most significant evolution in contemporary thought. While classical interpretations focused on protecting private property and preventing theft, modern scholars have broadened this to include notions of economic justice, equitable resource distribution, and sustainable development. Umer Chapra (2008), has been at the forefront of connecting this Maqasid objective to modern economic theories, arguing for an Islamic approach to economics that balances free market principles with social welfare concerns. In governance, this objective informs a wide range of policies, from anti-corruption measures to corporate regulations and sustainable resource management practices. The integration of Maqasid Shariah into governance practices has been a focal point of numerous studies aiming to promote social justice and ethical governance. This literature review examines scholarly works that provide insights into the principles of Maqasid Shariah, their relevance to social justice, and the potential for developing sustainable governance frameworks. Previous studies have reported that Maqasid Shariah has a positive impact on ethical mission and vision. For example, Ali (2014), explores the principles of business ethics in Islam through a qualitative analysis. The study identifies core principles of Islamic business ethics, concluding that Islamic ethics provide a comprehensive framework for ethical business practices. At the same time, the research by Chapra (2008), presents an Islamic vision of development in theoretical analysis, emphasising the holistic approach of Islam that focuses on material and spiritual well-being. Surveys such as that conducted by Hassan (2011), have shown that Islamic ethics positively influence HR practices and employee satisfaction, enhancing organisational performance.

In comparison, Johari (2015), developed an economic policy framework based on Maqasid Shariah through a literature review. The study proposes a comprehensive framework integrating Maqasid Shariah principles in monetary policy, concluding that these principles can guide sustainable economic policies that balance growth and equity. The study concludes that Maqasid Shariah offers a balanced approach to sustainable development.

The interplay between these five objectives creates a comprehensive framework for ethical governance. As Asafri Jaya Bakri (1996), observes, the Maqasid should not be viewed in isolation but as an interconnected system where each objective reinforces and balances the others. This holistic approach provides a nuanced guide for policymakers grappling with complex ethical dilemmas. Moreover, the evolving interpretation of these objectives

demonstrates the dynamism of Islamic legal thought. Scholars like Abdullah bin Bayyah (2006) have argued for a contextual understanding of Maqasid Shariah, one that remains true to its core principles while adapting to the changing realities of modern society. This flexibility allows the Maqasid framework to stay relevant in addressing contemporary challenges, from climate change to digital privacy concerns.

In conclusion, the five essential objectives of Maqasid Shariah offer a rich intellectual resource for developing ethical governance frameworks. Their comprehensive nature, covering spiritual, physical, intellectual, social, and economic dimensions of human welfare, provides a holistic approach to governance that resonates with many contemporary concerns. As global society continues to grapple with complex ethical challenges, the Maqasid framework offers valuable insights for fostering just, sustainable, and morally grounded governance practices.

Defining Ethical Governance

Ethical governance has emerged as a critical concept in modern organisational and societal management, encompassing a broad range of principles and practices aimed at ensuring that moral considerations guide decision-making and actions. This multifaceted approach to governance extends beyond mere compliance with laws and regulations, emphasising the importance of values, norms, and behaviours that promote ethical conduct at all levels of an organisation or society.

At its core, ethical governance is built upon the foundation of transparency and accountability. These principles ensure that decision-making processes are open to scrutiny, fostering trust among stakeholders and allowing for the identification and correction of potential ethical breaches (Bovens, 2007). Closely linked to this is the concept of fairness and equity, which demands that all individuals and groups are treated justly and have equal access to opportunities and resources. This principle is particularly crucial in addressing historical inequalities and promoting social justice (Rawls, 1971).

Respect for human rights and dignity stands as a fundamental pillar of ethical governance. This principle recognizes the inherent worth of every individual and mandates that governance systems uphold and protect basic human rights as enshrined in international declarations and conventions (Sen, 2004). Complementing this human-centric approach is the principle of environmental stewardship, which acknowledges the responsibility of current generations to preserve and protect the natural world for future inhabitants of the planet (Stern, 2006).

Social responsibility extends the scope of ethical governance beyond immediate stakeholders to consider the broader societal implications of organisational or governmental actions. This principle encourages entities to consider their role in addressing social issues and contributing to the common good (Carroll, 1999). Integrity, as a cornerstone of ethical governance, demands adherence to high moral standards in all dealings, fostering trust and credibility among stakeholders and the wider public (Treviño & Nelson, 2016).

Participatory decision-making has gained prominence as a critical element of ethical governance, recognizing the value of diverse perspectives and the right of stakeholders to

have a voice in decisions that affect them (Fung, 2006). This approach not only enhances the legitimacy of governance processes but also leads to more robust and inclusive outcomes. The rule of law serves as a critical foundation for ethical governance, ensuring that all individuals and entities are subject to clear, just, and equally applied laws and regulations. This principle is essential for maintaining order, protecting rights, and preventing abuses of power (Tamanaha, 2004). Efficiency and effectiveness in governance, while often associated with purely pragmatic concerns, also have ethical dimensions. The responsible use of resources and the achievement of intended outcomes are moral imperatives, particularly when dealing with public goods or resources entrusted by stakeholders (Fukuyama, 2013). Finally, the adoption of a long-term perspective in governance decisions represents an ethical commitment to sustainability and intergenerational justice. This principle challenges short-term thinking and encourages consideration of the long-range consequences of current actions, particularly in areas such as environmental policy, economic development, and social welfare (Slaughter, 2005).

In conclusion, ethical governance represents a comprehensive framework for guiding organisational and societal management. By integrating these diverse principles, it seeks to create systems of governance that are not only effective and efficient but also just, sustainable, and aligned with fundamental moral values. As organisations and societies grapple with increasingly complex challenges, the importance of ethical governance as a guiding philosophy continues to grow, offering a path toward more responsible and equitable decision-making processes.

Applications of Maqasid Shariah in Malaysian Governance

The influence of Maqasid Shariah on ethical governance in Malaysia is evident across various sectors, demonstrating the country's commitment to integrating Islamic principles into its modern governance structures. This integration is not merely a superficial application of religious concepts but a deep-rooted attempt to align governance practices with the higher objectives of Islamic law.

In the realm of public policy, the integration of Maqasid principles has had a profound impact on Malaysia's approach to social welfare and economic development. Ibrahim et al. (2014) observe that policymakers increasingly frame their initiatives within the context of Maqasid Shariah, particularly emphasising the preservation of life, intellect, and wealth. For instance, Malaysia's poverty eradication programs are not just viewed as economic necessities but as fulfilling the Maqasid objective of preserving human dignity and life quality. The New Economic Model (NEM) launched in 2010 is a prime example of this approach. While it aims for high-income status, it also emphasises inclusivity and sustainability, aligning with the Maqasid principles of equitable distribution of wealth and preservation of future generations' well-being (Wahab & Rahman, 2011). This demonstrates how Maqasid Shariah can provide an ethical framework for balancing economic growth with social justice and environmental sustainability.

Corporate Governance, which is the application of Maqasid Shariah in corporate governance, represents a significant shift in how businesses perceive their role in society. Dusuki and Abdullah (2007), highlight how this approach encourages companies to go beyond mere profit-making to consider their broader societal impact. This aligns with the Maqasid objective

of preserving wealth, but in a manner that benefits the wider community rather than just shareholders. For example, many Malaysian corporations now incorporate Islamic ethical principles into their Corporate Social Responsibility (CSR) practices. This includes not only avoiding harmful or unethical business practices but actively contributing to social welfare, environmental protection, and community development (Hassan & Latiff, 2009). The Securities Commission Malaysia has also introduced the Malaysian Code on Corporate Governance, which incorporates elements of Maqasid Shariah, emphasising transparency, accountability, and ethical business conduct (Securities Commission Malaysia, 2017).

Strategic Management, which is the potential of Maqasid Shariah as a framework for strategic decision-making in Malaysian organisations, is a growing area of interest. Sarif et al (2013), explore how this framework can foster ethical leadership and guide organisations in making decisions that balance profitability with social responsibility and ethical considerations. This application of Maqasid Shariah in strategic management is particularly evident in the Islamic banking and finance sector. For instance, Bank Negara Malaysia, the country's central bank, has developed a Shariah Governance Framework that incorporates Maqasid principles, guiding financial institutions in their product development, risk management, and overall business strategies (Bank Negara Malaysia, 2019). This approach ensures that financial products and services not only comply with Islamic law in form but also with substance, serving the higher objectives of preserving wealth and promoting social welfare.

Integrity Initiatives established by the Malaysian Institute of Integrity (IIM) and the launch of the National Integrity Plan (NIP) are concrete examples of Malaysia's efforts to institutionalise ethical governance practices that align with Maqasid principles. Siddiquee (2010), notes that these initiatives reflect a comprehensive approach to promoting integrity across all levels of society, from individual conduct to institutional practices. The NIP demonstrates how Maqasid Shariah can inform a nationwide strategy for ethical governance. Its five targets - reducing corruption, increasing efficiency in the public service delivery system, enhancing corporate governance, strengthening family institutions, and improving the quality of life and people's well-being - all align closely with the objectives of Maqasid Shariah (National Integrity Plan, 2004). Moreover, the Malaysian Anti-Corruption Commission (MACC) has incorporated Islamic ethical principles derived from Maqasid Shariah into its anti-corruption strategies. This includes emphasising the spiritual and moral dimensions of corruption prevention in addition to legal enforcement (Yusof et al., 2016).

Malaysia's Integration of Islamic Principles into Governance Structures

Malaysia, a nation known for its diverse cultural tapestry and economic dynamism, stands at a unique crossroads of tradition and modernity. As a Muslim-majority country with a dual legal system encompassing both civil and Shariah law, Malaysia has embarked on a distinctive journey to incorporate Islamic principles into its governance structures. This essay explores three significant initiatives that exemplify Malaysia's commitment to harmonizing Islamic values with modern governance: the concept of "Islam Hadhari," the establishment of the Malaysian Institute of Integrity (IIM), and the implementation of the National Integrity Plan (NIP).

Islam Hadhari: A Vision of Civilisational Islam

In 2004, former Prime Minister Abdullah Ahmad Badawi introduced the concept of "Islam Hadhari," or Civilisational Islam, marking a significant milestone in Malaysia's approach to governance (Hassan, 2004). This framework was not merely a political slogan but a comprehensive vision aimed at reconciling Islamic principles with the demands of a modern, multicultural nation.

Islam Hadhari emphasises several fundamental principles:

1. **Good Governance:** It promotes transparency, accountability, and efficiency in public administration, aligning Islamic ethics with contemporary governance best practices (Pandian, 2008).
2. **Quality of Life:** The framework prioritises the overall well-being of citizens, encompassing aspects such as education, healthcare, and social welfare, in line with the Islamic concept of 'maslahah' (public interest) (Hamid, 2007).
3. **Economic Competitiveness:** Islam Hadhari encourages economic development and competitiveness but within an ethical framework that balances material progress with spiritual and moral values (Hassan, 2004).
4. **Balanced Development:** It advocates for a holistic approach to national development, considering both physical infrastructure and human capital (Pandian, 2008).
5. **Cultural and Moral Integrity:** The concept emphasises the preservation of Malaysia's cultural heritage and moral values, promoting a society that is both progressive and rooted in ethical principles (Hamid, 2007).

The introduction of Islam Hadhari represented a concerted effort to demonstrate the compatibility of Islamic values with modernity, economic progress, and good governance. It aimed to position Malaysia as a model of a progressive Muslim-majority nation capable of achieving development while maintaining its religious and cultural identity (Hassan, 2004).

Malaysian Institute of Integrity (IIM): Institutionalising Ethics

The establishment of the Malaysian Institute of Integrity (IIM) in 2004 marked another significant step in Malaysia's journey towards ethical governance (Siddiquee, 2010). The IIM was conceived as a dedicated institution to spearhead initiatives promoting integrity, transparency, and accountability across all sectors of Malaysian society.

Critical functions of the IIM include:

1. **Research and Policy Development:** The institute researches integrity-related issues and develops policy recommendations to enhance ethical practices in both public and private sectors (Siddiquee, 2010).
2. **Training and Capacity Building:** IIM offers training programs and workshops to cultivate a culture of integrity among civil servants, corporate leaders, and community stakeholders (Abu Bakar et al., 2011).
3. **Public Awareness:** Through various outreach programs, IIM works to raise public awareness about the importance of integrity and ethical conduct in daily life and professional settings (Siddiquee, 2010).
4. **Collaboration and Networking:** The institute fosters partnerships with local and international organisations to exchange best practices and strengthen Malaysia's integrity framework (Abu Bakar et al., 2011).

The establishment of IIM reflects Malaysia's recognition that ethical governance requires not only policy frameworks but also dedicated institutions to drive implementation and cultural change. By institutionalizing the promotion of integrity, Malaysia aimed to create a sustainable approach to ethical governance that could withstand political changes and evolve with the nation's needs (Siddiquee, 2010).

National Integrity Plan (NIP): A Roadmap for Ethical Society

Complementing the establishment of IIM, the Malaysian government launched the National Integrity Plan (NIP) in 2004, providing a comprehensive roadmap for cultivating ethical values across Malaysian society and governance structures (Ahmad et al., 2014). The NIP represents a holistic approach to promoting integrity, recognizing that ethical governance must be rooted in a society that values and practices integrity at all levels.

Critical aspects of the NIP include:

1. **Multi-Sector Approach:** The plan targets various sectors, including family, community, civil society, socio-cultural institutions, and both public and private sectors (Ahmad et al., 2014).
2. **Education and Socialisation:** NIP emphasises the importance of inculcating ethical values from an early age through education and social institutions (Ismail & Haron, 2014).
3. **Institutional Reforms:** It calls for reforms in governance structures to enhance transparency, reduce corruption, and improve public service delivery (Ahmad et al., 2014).
4. **Performance Measurement:** The plan introduces integrity indicators and performance measures to track progress and ensure accountability (Ismail & Haron, 2014).
5. **Cultural Shift:** NIP aims to foster a cultural transformation where integrity becomes a core value in Malaysian society, transcending ethnic and religious boundaries (Ahmad et al., 2014).

The NIP's comprehensive approach acknowledges that ethical governance is not solely the responsibility of government institutions but requires the active participation of all segments of society. By addressing integrity at multiple levels, from individual ethics to institutional practices, the NIP seeks to create a sustainable culture of integrity that can support Malaysia's long-term development goals (Ismail & Haron, 2014).

Contemporary Challenges to Ethical Governance in Malaysia

Governance in the 21st century is grappling with various ethical challenges. These challenges, ranging from corruption to political polarisation, require a robust ethical framework to ensure that governance remains compelling and legitimate. In the context of Malaysia, these challenges take on forms driven by its socio-political landscape, developmental goals, and global positioning.

Corruption and Abuse of Power

Corruption remains a significant issue that undermines governance globally, and Malaysia is no exception. Persistent corruption erodes public trust in institutions and distorts markets, creating inefficiencies and inequities. In Malaysia, major corruption scandals such as the 1MDB scandal have led to widespread dissatisfaction with governance structures and called

into question the ethical integrity of crucial political actors. Efforts to combat corruption, such as the establishment of the Malaysian Anti-Corruption Commission (MACC), highlight the importance of transparency and accountability, but challenges persist. Recent studies emphasise the need for stronger leadership and more transparent governance practices to restore public trust and address the systemic corruption in Malaysia (Hasan, 2020). Furthermore, corruption hampers socio-economic development by diverting resources away from essential public services, contributing to broader socio-political instability.

Environmental Degradation

Balancing economic development with environmental protection presents an ethical dilemma, especially in countries like Malaysia, which is rich in natural resources. Deforestation, pollution, and unsustainable agricultural practices have exacerbated environmental degradation. Malaysia's push for economic growth, primarily through palm oil production and industrialisation, has raised concerns about its environmental ethics (Yong, 2018). While Malaysia has made strides in environmental governance, such as the National Policy on the environment, there is a growing need to integrate environmental ethics into national policies more effectively. Ethical governance in this area must ensure that economic gains do not come at the expense of the environment and the future of Malaysian communities.

Economic Inequality

Economic inequality remains a pressing ethical concern in Malaysia, as it is in many parts of the world. Despite significant economic growth, wealth distribution in Malaysia remains uneven, with rural areas often facing poverty while urban centres benefit from development. Addressing this inequality involves ensuring that all citizens have equitable access to opportunities and resources, a challenge made more complex by the ethnic and economic divisions in Malaysia. The government has introduced initiatives such as the Shared Prosperity Vision 2030, aimed at reducing inequality, but its implementation faces obstacles in overcoming systemic inequities (Ramasamy, 2021).

Technological Disruption

The rapid development of technology, particularly in artificial intelligence (AI), biotechnology, and digital technologies, brings new ethical considerations to the fore. In Malaysia, the rise of AI and automation presents challenges for job markets, privacy, and data security. Ethical governance must address how technology is utilized, ensuring that it does not infringe on personal freedoms or lead to more significant socio-economic divides. Cybersecurity is also a growing concern as data breaches and misinformation campaigns become more prevalent (Cheong, 2021). Thus, Malaysia's policies must evolve to manage the ethical implications of technological disruption effectively.

Political Polarisation

Political polarisation, exacerbated by divisive rhetoric and identity politics, is another challenge to ethical governance. Malaysia's political landscape is shaped by its multi-ethnic composition, and political parties often exploit ethnic divisions to gain support. This has led to increased political polarisation, making governance more challenging and impeding efforts at national unity. Promoting inclusive governance, where all ethnic groups feel represented, is essential for mitigating this polarisation. Policies that foster civic engagement and

democratic participation, rather than deepening divisions, are crucial for maintaining the integrity of Malaysia's democratic institutions (Hassan, 2020).

Discussion and Conclusion

The application of Maqasid Shariah across various sectors of Malaysian governance represents a significant effort to harmonize Islamic ethical principles with modern governance practices. This approach offers several potential benefits, one of which is that it provides a culturally resonant ethical framework that can enhance public trust and acceptance of governance initiatives. It encourages a more holistic approach to development, balancing economic growth with social justice and environmental sustainability. It offers a principled basis for decision-making in complex ethical dilemmas faced by policymakers and business leaders. However, the implementation of Maqasid Shariah in governance is not without challenges. There is a need for consistent interpretation and application of Maqasid principles across different sectors and contexts. The challenge of balancing Maqasid-based approaches with the needs and expectations of Malaysia's diverse, multi-religious population—the ongoing need to demonstrate the practical efficacy of Maqasid-based governance in addressing contemporary challenges.

Despite these challenges, Malaysia's experience offers valuable insights into the potential for Islamic ethical principles to inform and enhance modern governance practices. As the country continues to refine and develop its approach, it may provide a model for other Muslim-majority nations seeking to integrate religious values with contemporary governance frameworks. Future research could focus on empirically assessing the outcomes of Maqasid-based governance initiatives, exploring how this approach can be further refined to address emerging global challenges, and examining how it can be adapted to diverse cultural and political contexts. In conclusion, the application of Maqasid Shariah in Malaysian governance represents an innovative attempt to bridge traditional Islamic ethics with modern governance needs. While challenges remain, this approach offers promising avenues for developing ethical, effective, and culturally resonant governance practices in the 21st century.

References

- Abu Bakar, N. B., Ismail, S., & Mamat, S. (2011). Will implementing the integrity system minimize corruption? A study of the Malaysian government agencies. *Global Review of Business and Economic Research*, 7(1), 1-14.
- Ahmad, W. M. W., Rahim, A. B. A., Rahman, S. A., & Salleh, M. S. (2014). Integrity system in Malaysian public sector: An empirical finding. *Procedia-Social and Behavioural Sciences*, 145, 95-103.
- Al-Ghazali, A. H. (1937). *Al-Mustasfa min 'Ilm al-Usul*. Cairo: Al-Maktabah al-Tijariyyah.
- Al-Qaradawi, Y. (2000). *Dirasah fi Fiqh Maqasid al-Shariah*. Cairo: Dar al-Shorouk.
- Al-Shatibi, A. I. (1997). *Al-Muwafaqat fi Usul al-Shariah*. Beirut: Dar al-Ma'rifah.
- Auda, J. (2008). *Maqasid al-Shariah as philosophy of Islamic law: A systems approach*. London: International Institute of Islamic Thought.
- Bank Negara Malaysia. (2019). *Shariah governance framework for Islamic financial institutions*. Retrieved from https://www.bnm.gov.my/documents/20124/938039/Shariah_Governance_Policy_Document_Oct2019.pdf

- Dusuki, A. W., & Abdullah, N. I. (2007). Maqasid al-Shari'ah, masalah, and corporate social responsibility. *The American Journal of Islamic Social Sciences*, 24(1), 25-45.
- Hamid, A. F. A. (2007). Malay anti-colonialism in British Malaya: A re-appraisal of independence fighters of Peninsular Malaysia. *Journal of Asian and African Studies*, 42(5), 371-398.
- Hassan, A., & Latiff, H. S. B. A. (2009). Corporate social responsibility of Islamic financial institutions and businesses. *Humanomics*, 25(3), 177-188.
- Hassan, M. K. (2004). The Muslim world in the 21st century: The Malay-Islamic worldview. *Revista Portuguesa de Ciência das Religiões*, 5, 31-48.
- Ibn Abd al-Salam, A. (2000). *Qawa'id al-Ahkam fi Masalih al-Anam*. Damascus: Dar al Qalam.
- Ibn Ashur, M. T. (2006). *Treatise on Maqasid al-Shariah* (M. E. El-Mesawi, Trans.). London: International Institute of Islamic Thought.
- Ibrahim, P., Basir, S. A., & Rahman, A. A. (2014). Sustainable economic development: Concept, principles, and management from Islamic perspective. *Journal of Economic Cooperation and Development*, 35(1), 1-22.
- Ismail, S., & Haron, H. (2014). Effectiveness of the National Integrity Plan in reducing corruption: The Malaysian experience. *Journal of Financial Crime*, 21(3), 310-324.
- Kamali, M. H. (2008). *Maqasid al-Shariah made simple*. London: International Institute of Islamic Thought.
- National Integrity Plan. (2004). Putrajaya: Government of Malaysia.
- Opwis, F. (2017). New trends in Islamic legal theory: Maqasid al-Shari'a as a new source of law? *Die Welt des Islams*, 57(1), 7-32.
- Pandian, S. (2008). Islam Hadhari—Abdullah Ahmad Badawi's vision for Malaysia? An analysis. *Asian Profile*, 36(1), 1-14.
- Raysuni, A. (2005). *Imam al-Shatibi's Theory of the Higher Objectives and Intents of Islamic Law*. London: International Institute of Islamic Thought.
- Sarif, S. M., Ismail, Y., & Sarwar, A. (2013). Creating wealth through social entrepreneurship: A case study from Malaysia. *Journal of Basic and Applied Scientific Research*, 3(3), 345-353.
- Securities Commission Malaysia. (2017). Malaysian code on corporate governance. Retrieved from <https://www.sc.com.my/api/documentms/download.ashx?id=70a5568b-1937-4d2b8cbf-3aefed112c0a>
- Siddiquee, N. A. (2010). Combating corruption and managing integrity in Malaysia: A critical overview of recent strategies and initiatives. *Public Organisation Review*, 10(2), 153-171.
- Wahab, A. A., & Rahman, S. F. A. (2011). A critical review of the Malaysian new economic model: Issues and challenges. *Journal of Asian Public Policy*, 4(2), 127-140.
- Yusof, S. A., Amin, R. M., Haneef, M. A., & Muhammad, A. O. (2016). *The Integrated Development Index (I-Dex): A comprehensive approach to measuring human development*. In *Islamic Perspectives on Science and Technology* (pp. 113-137). Springer, Singapore.