



FIQH AL-'UMRĀN AL-MAQĀSIDĪ: TOWARDS A VISIONARY FRAMEWORK FOR SUSTAINABLE AND HUMANE CIVILIZATIONAL DEVELOPMENT IN LIGHT OF ISLAMIC SHARĪ'AH

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ABSTRACT

This study aims to highlight "*Maqṣad al-'Umrān*" (the higher, comprehensive objective of civilizational development and righteous construction) as a significant, foundational, and overarching objective within Islamic *Sharī'ah*. This concept transcends mere physical construction to encompass holistic civilizational development, earthly flourishing, and the fulfilment of human vicegerency (*khilāfah*). The research analyzes the profound jurisprudential (*fiqhī*) and *Maqāṣid*-based foundations and regulations governing the built environment within the rich framework of Islamic jurisprudence. Adopting a descriptive-analytical methodology to elucidate concepts and an inductive methodology to meticulously trace original *Sharī'ah* texts (Qur'an and Sunnah) and the opinions of esteemed jurists, the study focuses on inferring the underlying ratio legis (*'ilal*) and objectives (*maqāṣid*). The findings conclusively determine that Islamic *Sharī'ah*, as a comprehensive way of life, accords exceptional attention to regulating urban development to achieve the recognized welfare (*maṣlaḥah*) of humanity. This extends beyond the five necessities (*al-ḍarūriyyāt al-khams*: preservation of religion, life, intellect, progeny, and property) to encompass essential needs (*ḥājiyyāt*) and desirable perfections (*taḥsīniyyāt*), positioning "righteous 'Umrān" as a primary means to achieve these objectives collectively. This *Maqāṣidī* vision is manifested in an integrated legal system governing human-environment interaction, meticulously observing neighborhood rights, emphasizing harm prevention (*ḍarar*), ensuring privacy (*ḥifẓ al-'ird*), and mandating quality construction for safety and sustainability (*ḥifẓ al-nafs*, *ḥifẓ al-māl*). The study concludes by emphasizing the paramount importance of deriving inspiration from these original *Maqāṣid*-based regulations and activating them in contemporary urban planning to address multifaceted challenges and achieve sustainable civilizational development congruent with Islamic values.

Keywords:

Maqṣad al-'Umrān; *Maqāṣid al-Sharī'ah*; Jurisprudence of Construction; Urban Regulations; Islamic Jurisprudence; Sustainable Development; Islamic Urban Planning

1. INTRODUCTION

The organization, development, and direction of '*Umrān* (civilization, urbanism, and human settlement) are cornerstones for the rise and continuity of civilizations. The extent of care given to '*Umrān* determines whether

nations flourish or decline. From a *Maqāṣidī* (objectives-based) perspective, 'Umrān is not merely an accumulation of buildings and structures; it is, in its essence, a physical embodiment of a society's values and philosophy of life, reflecting its understanding of its mission and responsibility towards the cultivation of the earth, a core aspect of *khilāfah* (vicegerency) [1]. In the Islamic civilizational context, 'Umrān acquires an additional *Maqāṣidī* dimension with profound spiritual and ethical depth. It is intrinsically linked to Islamic creed and its fundamental values, serving as a direct response to the divine command for vicegerency on earth and its cultivation with justice, equity, and excellence (*iḥsān*): "It is He Who has produced you from the earth and settled you therein" (Qur'an, Hūd: 61). This divine mandate for settlement is not for exploitative gain but for nurturing, development, and progress that seeks the well-being of humanity and the cosmos, which aligns with the overarching *Maqṣad al-'Umrān* [2].

Islamic *Shari'ah*, with its comprehensive divine methodology and overarching objectives, did not limit its regulatory scope to purely devotional acts or narrow financial transactions. Instead, its rulings and guidance extend to encompass all facets of life, including the domain of 'Umrān, recognizing the built environment's critical role in achieving *maṣlaḥah* (public interest) and preventing *mafsadah* (harm). The *Shari'ah* has provided precise directives and established regulations concerning urban planning, building design, selection of construction materials, organization of neighborly relations, and the use of public utilities. Drawing from a rich heritage that is increasingly being studied to develop modern sustainability and circular economy frameworks [3]. All such regulations are designed to achieve the true interests of people and protect their fundamental rights, thereby enhancing moral and ethical values within the built environment and fostering a setting conducive to virtuous conduct and dignified life. This focus highlights the built environment's crucial role in shaping individual and societal consciousness, a concept explored by contemporary scholars of Islamic urbanism [4][5].

The realization of *Maqṣad al-'Umrān*, in its comprehensive sense that transcends mere construction to achieve holistic, just, and balanced civilizational development, represents one of the highest-order *maqāṣid* (objectives) that the *Shari'ah* aims to fulfill. This objective is intricately intertwined and integrated with the five essential *ḍarūriyyāt* (necessities) which form the bedrock of human life and well-being: the preservation of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), progeny (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*) [6][7]. Righteous 'Umrān contributes to the actualization of all these necessities by providing a conducive environment for their protection and enhancement. Therefore, striving to achieve *Maqṣad al-'Umrān* in accordance with the Islamic vision, consistent with this holistic perspective on human interests, is one of the major challenges and significant opportunities facing contemporary Muslim societies aspiring to build their renaissance upon solid foundations rooted in their faith, values, and civilization. As emphasized by Chapra [8], development within an Islamic framework must be guided by these overarching ethical and spiritual objectives.

The significance of this comprehensive objective, *Maqṣad al-'Umrān*, lies in its role as an all-encompassing and guiding framework for constructive and planning actions, regulating their rhythm and directing their course towards achieving the welfare of people in this life and the Hereafter. From an Islamic *Maqāṣidī* standpoint, architecture is not merely about inert structures or abstract aesthetic forms; rather, it is the crucible that nurtures the social, economic, spiritual, and cultural life of the community. It serves as a veracious mirror reflecting the community's values, aspirations, and level of civilizational maturity. Hence, research into the *Maqāṣid al-Shari'ah* related to 'Umrān and its jurisprudential regulations is not an intellectual luxury or an unearthing of ancient heritage, but a practical and methodological necessity crucial for understanding how to build sustainable, just, and prosperous Islamic societies. Such societies would draw inspiration from their rich jurisprudential heritage, which contains the legislative wisdom that can assist them in confronting contemporary challenges and meeting the demands of their era and future generations [1][9]. The works of scholars like Mortada [10] further explore these traditional principles in modern contexts.

Despite the substantial jurisprudential wealth within the Islamic heritage, which includes detailed and precise treatments of issues related to 'Umrān and construction across various *fiqhī* chapters, the focus on *Maqṣad al-'Umrān* as a holistic, universal objective, its analysis in light of the general *Maqāṣid al-Shari'ah*, and the derivation of its contemporary applications within the context of sustainable development and 21st-century challenges [11][12] still requires further research, study, and systematic articulation. The urban challenges facing our cities today, such as haphazard growth, environmental degradation, loss of identity, and socio-economic disparities in access to services, necessitate a re-examination of the intellectual and philosophical foundations that guide our urban practices. The urgency of this task is underscored by scholarly analyses documenting the decline of traditional urban patterns and the rise of unsustainable urban sprawl across historic cities [13], prompting a search for alternative models inspired by Islamic values and objectives.

The objectives of this research are:

- To illuminate *Maqṣad al-'Umrān* as a higher-order, universal objective within Islamic *Shari'ah*, and to root it within the broader framework of *Maqāṣid al-Shari'ah*.

- To elucidate how Islamic *Sharī'ah*, through the jurisprudence of '*Umrān*', contributes to achieving the *darūriyyāt* (necessities), *ḥājīyyāt* (needs), and *taḥsīniyyāt* (embellishments/perfections) for individuals and society, via a *Maqāṣidī* analysis of the *fiqhī* foundations and regulations related to building and architecture.
- To review the integrated legal and legislative system established by the *Sharī'ah* to govern the process of construction and regulate the interactions arising from it, highlighting the *Maqāṣidī* dimension of each legislation.
- To explore how these original *Maqāṣid* and regulations can effectively contribute to addressing contemporary urban challenges and serve as a reference for guiding sustainable urban development policies, offering applied *Maqāṣidī* insights.

Meanwhile, the research questions are:

- What is the precise conceptualization of "*Maqṣad al-'Umrān*" in Islamic *Sharī'ah*, and what is its position within the hierarchy of *maqāṣid*?
- How does the *Sharī'ah*'s concern for *Maqṣad al-'Umrān* manifest through its fulfillment of the five necessities (religion, life, intellect, progeny, and property)?
- What are the most salient features and foundational principles of the legal and jurisprudential framework governing architecture and construction in Islamic *Fiqh*, including neighborly rights, harm prevention, privacy protection, and ensuring construction quality?
- How can these *Sharī'ah*-based *maqāṣid* and regulations be effectively activated in the context of contemporary urban planning and development, and what are the proposed methodological mechanisms for doing so?

2. METHODS

This research employs an integrated scholarly methodology combining inductive, descriptive, and analytical approaches to address its questions and achieve its objectives. The Inductive Method (*istiqrā'*) involves tracing and examining *Sharī'ah* texts directly or indirectly related to '*Umrān*'. This includes Qur'anic verses, Prophetic traditions (Sunnah), and the well-documented opinions, jurisprudential reasoning (*ijtihād*), and inferences of renowned scholars from various Islamic schools of thought, particularly as found in classical *fiqh* compendia and specialized treatises on architecture-related topics such as sales (*buyū'*), lease (*ijārah*), division (*qismah*), pre-emption (*shuf'ah*), endowment (*waqf*), neighborly relations (*jiwār*), revival of barren lands (*iḥyā' al-mawāt*), reconciliation (*ṣulh*), judiciary (*qaḍā'*), and market inspection (*ḥisbah*). This aligns with established methodologies in Islamic legal research [14].

The Descriptive-Analytical Method involves, first, describing these texts and jurisprudential opinions, and then subjecting them to in-depth analysis. This analysis aims to extract the underlying principles, rules, and urban regulations; identify their legislative rationales (*'ilal al-tashrī'*); clarify their specific and general objectives (*maqāṣiduhā al-juz'īyyah wa al-kullīyyah*); and reveal their interconnectedness. It also includes analyzing the legal framework established by Islam to organize the built environment and regulate human interactions within it and with other users of urban space. This holistic methodological approach seeks to provide a profound vision of the authenticity of Islamic urban thought, the depth of its treatments, and its capacity to offer solutions to contemporary challenges. Specific attention will be paid to the concept of *maṣlaḥah* (public interest) as a guiding principle in urban governance.

The study is structured, following this introduction, into key sections that systematically address the research questions. Section 2 delves into the *Maqāṣid al-Shārī'* (the Lawgiver's objectives) in regulating architecture and construction, exploring their pivotal role in preserving the five necessities. Section 3 will examine the detailed legal and rights-based framework (*al-manzūmah al-ḥuqūqīyyah*) governing Islamic architecture, focusing on critical aspects such as site selection, material quality, harm prevention (*man' al-ḍarar*), and privacy (*ḥifẓ al-khuṣūṣīyyah*), all analyzed through a *Maqāṣidī* lens. Section 4 will specifically elaborate on the imperative of respecting privacy and modesty in Islamic urbanism. The paper will conclude in Section 5 with a summary of key findings and practical recommendations for activating *Maqṣad al-'Umrān* in contemporary contexts.

3. RESULT AND DISCUSSION

3.1 THE SHARĪ'AH'S OBJECTIVES (MAQĀSID) IN ARCHITECTURE AND CONSTRUCTION

The blessings that God Almighty has bestowed upon humankind are innumerable. Among these blessings is that He guided and inspired humans, both innately and through divine legislation, to establish dwellings and construct buildings. These serve as shelters and abodes, protecting them from environmental hazards such as harsh weather (heat, cold, rain, and wind) and security threats (theft and aggression), as well as from wild animals, pests, and insects. Furthermore, construction fulfills the innate human need for privacy, stability, belonging, and

security [15]. A dwelling is not merely a physical shelter but a fundamental necessity without which individual and family life cannot be properly ordered. It is an inherent human requirement, indispensable, as it actualizes the meanings of tranquility (*sakan*), serenity (*sakīnah*), and reassurance (*tuma'nīnah*). Islam has vehemently encouraged the cultivation (*ta'mīr*) of the earth, its revival (*iḥyā'*), and the utilization of its resources, making this a requirement of vicegerency (*khilāfah*) and servitude (*'ubūdiyyah*), a means to attain divine reward, and a way to achieve worldly and otherworldly benefits.

The Almighty states: "It is He Who has produced you from the earth and settled you therein (*ista'marakum fīhā*)" (Qur'an, Hūd: 61). Imam al-Ṭabarī interpreted this verse as: "He made you cultivators (*'ummār*) in it," meaning, He commanded you to cultivate it, and He settled you in it during your lifespans so that you may improve it and benefit from it according to His *Shari'ah* [16]. This divinely mandated "settlement" or "cultivation" (*isti'mār*) is thus a positive, constructive development, not an exploitative or destructive one. The Almighty also states, expressing His favor upon His servants: "And Allah has made for you from your homes a place of rest (*sakan*)" (Qur'an, Al-Nahl: 80). Imam Ibn 'Āshūr, in his exegesis *Al-Taḥrīr wa al-Tanwīr*, points out that this verse signifies the divine blessing of inspiring humans to build dwellings, and that this inspiration is fundamental to the preservation of the human species and the basis for the rise, development, and flourishing of civilization [6]. Thus, *sakan* here is not merely about walls and roofs but signifies a place of inner peace, psychological tranquility, and familial and social stability. In the pristine Sunnah of the Prophet, numerous traditions encourage the cultivation and revival of land, such as the Prophet's (peace be upon him) saying: "Whoever cultivates land that does not belong to anyone, he has more right to it" [17]. This noble hadith establishes the principle of "revival of barren lands" (*iḥyā' al-mawāt*), one of the primary *Shari'ah* mechanisms for expanding habitable areas and developing natural resources for the benefit of individuals and society. These foundational texts clearly establish that architecture and urban development are not peripheral concerns but are central to the Islamic worldview and its ethical and legal framework. Scholars like Hakim [18] have extensively documented how these principles shaped traditional Islamic cities.

Based on these foundations, Islamic architecture in its diverse forms, types, and levels, whether religious (mosques, prayer grounds, places for remembrance and spiritual retreat), educational and cultural (schools, universities, libraries), residential (houses, palaces), health-related (hospitals, sanatoriums), commercial and service-oriented (markets, khans/inns, Nasiriyah's arcades, warehouses, public baths), defensive and military (citadels, forts, city walls, watchtowers), or infrastructural (irrigation projects, road construction, bridges, aqueducts), emerged, directly or indirectly, to serve the higher objectives of the *Shari'ah* (*Maqāṣid al-Shari'ah*) and achieve the recognized interests (*maṣāliḥ*) of the people. These essential objectives (*al-maqāṣid al-ḍarūriyyah*), without which human life and societal stability cannot be maintained, are the preservation of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), progeny (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). In what follows, we will discuss in some detail the role of Islamic architecture in preserving each of these necessities, illustrating how these objectives were translated into specific design principles, jurisprudential regulations, and urban solutions within the Islamic civilizational experience.

3.2 THE ROLE OF ISLAMIC ARCHITECTURE IN PRESERVING RELIGION (ḤIFẒ AL-DĪN)

The objective of preserving religion holds the primary and supreme rank in the hierarchy of essential maqāṣid that Islamic *Shari'ah* came to achieve and maintain. It represents the essence of Islam's message and the purpose of human existence. To realize this paramount objective, numerous architectural forms were constructed and diversified throughout Islamic history. Mosques, *madrasahs* (schools), citadels, fortresses, *khānaqāhs* (Sufi lodges), and *ribāṭs* (frontier posts/hospices), among others, are classified as buildings that are either obligatory (*shar'an*) or highly recommended (*mandūb ilayhā*) to construct, as they directly or indirectly aim to protect and propagate religion and defend the Muslim community and its territory [19]. Contemporary scholars, such as Al-Qaradaghi [20], also emphasize the societal obligation (*farḍ kifāyah*) to establish institutions that uphold the pillars of religion.

Mosques, for instance, are not merely places for performing the five daily prayers. They are the vibrant heart of the Muslim community, its spiritual, educational, cultural, and social center. In the mosque, congregational prayers, among the most manifest rites of Islam, are established. Sermons, lessons, and exhortations that enlighten people about their religious and worldly affairs are delivered. Circles of religious and linguistic knowledge are held; disputes among people are resolved through reconciliation; councils of consultation (*shūrā*) are convened to deliberate on public interests; delegations are received; and community affairs, such as the collection and distribution of charity (*ṣadaqāt*), are organized. Community initiatives that serve the public good are launched from the mosque.

Furthermore, the mosque, with its design that considers the direction of the qiblah, provides spaces for ablution, separates men and women when needed, and employs architectural elements with symbolic significance, such as minarets, domes, and mihrabs, serving as a visual expression of Islamic identity, an assertion of religious rites, and a reinforcement of spiritual belonging for the community. There is no doubt that the mosque's architecture, with its design that inspires reverence and tranquility, prepares souls for worship and contemplation. The mosque is also a place for strengthening social bonds among individuals of the neighborhood and the larger community through regular daily encounters, which enhances fraternity, love, and cooperation in righteousness and piety, thereby directly contributing to instilling the foundations of religion in hearts and protecting it from factors of weakness and disintegration [21]. The Prophet (peace be upon him) urged the building of mosques and declared that whoever does so seeking the pleasure of Allah, Allah will build for him a house in Paradise [22]. This highlights the mosque's central role, a concept continually explored through the lens of *Maqasid al-Shari'ah* to address community needs and contemporary challenges [13][23][24][25].

Furthermore, the establishment of educational and missionary institutions such as *madāris* (schools), which historically evolved from study circles in mosques to independent institutions with their own endowments (*awqāf*), curricula, and teaching faculties, dedicated to teaching various religious sciences (Qur'anic exegesis, *Hadith*, *Fiqh*, and their principles), linguistic sciences (grammar, morphology, rhetoric), and sometimes rational sciences (logic, philosophy, theology) and natural sciences (medicine, astronomy, mathematics), *kuttabs* (elementary schools for teaching children the Qur'an and the rudiments of reading, writing, and arithmetic), *zāwiyahs*, *takāyā*, and *ribāṭs* (centers for spiritual and ethical training, teaching, lodging students and travelers, and sometimes for jihad and defense of frontiers) played a vital and fundamental role in preserving religion. They did so by producing generations of learned scholars, preachers, judges, and educators who were entrusted with conveying and teaching religion to the people and safeguarding it from distortion, loss, obsolescence, and innovation. These educational and scholarly institutions are the bastions that protect sound Islamic concepts, transmit them faithfully across generations, and confront doubts and deviant ideas. Their architectural design often reflected their purpose, with spaces for learning, libraries, and student accommodation, contributing to an environment conducive to scholarly pursuits [26][27].

From a defensive perspective, military architecture such as citadels, fortified strongholds, towering city walls, watchtowers, and defensive moats (*khandaq*) have, throughout history, protected Muslim communities, their sacred sites, their honor, and their property. They ensured the security and stability necessary for the free practice of religious rites, the spread of the Islamic call, and the protection of *Dār al-Islām* (the abode of Islam). The design of ancient Islamic cities, with their ramparts, towers, fortified gates, and the organization of their internal quarters, markets, and thoroughfares, reflects this profound and conscious concern for protecting the Muslim community and enabling it to fulfill its civilizational mission. Religion cannot flourish, endure, or spread in a society dominated by chaos or living under the duress of fear and threat. Therefore, providing security through defensive architecture was an integral part of the objectives of preserving religion. The existence of a strong, stable state capable of defending its borders and securing its populace is a fundamental prerequisite for the preservation of religion [28].

3.3 THE ROLE OF ISLAMIC ARCHITECTURE IN PRESERVING LIFE (ḤIFẒ AL-NAFS)

The objective of preserving life ranks second in importance after the preservation of religion in the hierarchy of essential maqāṣid. It entails protecting human life and bodily safety from anything that could expose it to destruction, damage, or harm. Islamic architecture plays a pivotal and vital role in achieving this noble objective through several integrated aspects, manifested in the design and planning of the built environment:

3.3.1. Provision of Safe and Secure Shelter Guarding Against Environmental and Natural Hazards, and External Aggressions

The dwelling, as the basic unit of *'Umrān*, if well-designed and constructed with strong, durable materials appropriate to the local environment, protects its inhabitants from the harshness of climatic conditions such as extreme heat and cold, heavy rainfall and flash floods, and strong winds and storms. It also protects them from the dangers posed by predatory animals, poisonous creatures, and harmful insects in the surrounding environment [6]. Muslim architects excelled in understanding the characteristics of the local environment and interacting with it intelligently. They used local building materials known for their thermal insulation properties (such as limestone, mud brick, and thick timber) and developed innovative design solutions to achieve climatic comfort within buildings. Examples include internal courtyards (*ṣaḥn al-dār*), which help moderate the climate and provide shade and air that channel cool breezes into the building; shaded porticoes (*arwiqah*); and *mashrabiyyahs* (latticed wooden screens), which break the intensity of sunlight and allow air circulation. The environmental and economic sustainability of such traditional design elements remains a subject of modern scientific investigation, affirming their value in contemporary green architecture [29].

In cold regions, they focused on designing thick walls, small windows, and traditional heating methods to retain warmth. All these intelligent architectural measures were not luxuries but necessities for preserving human health and protecting people from environment-related illnesses, thus contributing to the preservation of life. Moreover, the structural integrity and fortification of buildings protect inhabitants from the aggressions of thieves and criminals, providing them with a sense of security and tranquility for themselves, their families, and their property. Discussions of building resilience can be found in modern scholarship examining traditional techniques [30].

3.3.2. Contribution to a Healthy Environment that Minimizes the Spread of Diseases and Epidemics, through Consideration of Fundamental Planning and Architectural Aspects

Appropriate Site Selection for Cities and Dwellings: Early jurists and planning experts emphasized the importance of selecting sites for cities and dwellings in well-ventilated locations, far from sources of environmental pollution such as stagnant swamps (which are breeding grounds for disease-carrying mosquitoes like those transmitting malaria), waste dumps, and factories emitting smoke, noxious odors, or harmful substances. They also highlighted the importance of sites being exposed to sunlight, which helps purify the environment and kill germs [21].

Design of Effective Sanitation and Drainage Systems: The existence of proper sanitation networks (whether covered channels or well-sealed cesspits) prevents the accumulation of wastewater and the spread of waterborne diseases. Similarly, efficient rainwater drainage prevents the formation of puddles and stagnant water bodies within residential areas.

Provision of Clean Potable Water: This was achieved by digging deep wells, establishing water distribution networks from springs and rivers (such as aqueducts and public and private water channels/fountains), and protecting water sources from pollution. Clean water is the foundation of health, while polluted water is a source of many intestinal and other diseases [19].

Construction of Hospitals (*Bīmāristāns*) and Health Facilities: Islamic civilization witnessed the establishment and development of *bīmāristāns*, advanced medical institutions that provided comprehensive medical services to various segments of society. They included departments for different diseases, pharmacies, medical libraries, and lecture halls. The existence of these health institutions, with designs that catered to patients' needs and facilitated treatment (e.g., ensuring good lighting and ventilation, separating patients with infectious diseases, and maintaining cleanliness), is an integral part of the efforts to preserve life. They provided treatment and care for the sick, contributed to their recovery, limited the spread of epidemics, and safeguarded public health. The architecture of these facilities was often designed with healing in mind [31].

3.3.3. Ensuring Security and Protection from Physical and Material Assaults

The defensive design of cities and buildings, such as high walls, fortified gates, elevated watchtowers, and surrounding moats, was an architectural defense aimed at protecting the city's inhabitants from external invasions and attacks, thereby preserving their lives and property. Organizing residential neighborhoods and designing them to enhance internal security, such as the system of semi-enclosed alleys (*hārāt*) (whose gates could be closed at night) and cul-de-sacs (*durūb ghayr nāfidhah*), which facilitate the identification of strangers and increase mutual social surveillance among residents, reduces opportunities for crimes like theft and assault. Regulating markets and roads and providing adequate lighting (even if by traditional means like lanterns and torches in the past) reduces crime opportunities and provides a sense of security for passersby and merchants. A safe dwelling that protects its inhabitants and their possessions from theft and assault is a fundamental aspect of preserving life, as it provides the tranquility and peace of mind necessary for a stable, calm life.

3.3.4. Observance of Structural Safety in Buildings and Prevention of Collapse

Jurists and *muḥtasibs* (market inspectors/public order officials) stressed the importance of using high-quality building materials and adhering to sound architectural and engineering principles in construction. This was to ensure the structural integrity of buildings, their ability to bear loads, and their ability to withstand the test of time and natural deterioration. The objective was to prevent buildings from collapsing on their occupants or passersby, which could result in loss of life, severe injuries, or property damage. The *muḥtasib* served as a supervisory official, verifying building safety, preventing the use of substandard materials, and penalizing negligent builders. They could even order the demolition of a building if it was dilapidated and posed an imminent threat to lives and property [32][33]. This focus on safety and quality directly serves the Maqṣad of preserving life (*ḥifẓ al-nafs*) and property (*ḥifẓ al-māl*).

3.3.5 The Role of Islamic Architecture in Preserving Intellect (*Hifz al-'Aql*)

Preserving the intellect (*hifz al-'aql*) is a core necessity within *Sharī'ah*, as it forms the basis of legal responsibility (*manāṭ al-taklīf*), the foundation of understanding and perception, and the faculty by which humans distinguish between good and evil, truth and falsehood, and benefit and harm. Islamic architecture, through its planning and building design, has contributed to this crucial objective through various preventative, remedial, and developmental measures, all aimed at safeguarding the intellect from what corrupts or weakens it, and providing an environment conducive to its growth and flourishing.

3.3.6. Positive Development and Protection (*Al-Tanmiyah wa al-Ḥimāyah al-Ījābiyyah*)

Islamic architecture placed considerable emphasis on establishing educational and cultural institutions that foster intellectual development, cultivate talent, and disseminate beneficial knowledge.

University-Mosques (*Al-Masājid al-Jāmi'ah*): Major mosques were not merely places of prayer but served as open universities for the populace. Study circles (*ḥalaqāt al-'ilm*) and lessons in various religious sciences (exegesis, Hadith, Fiqh, and their principles) and linguistic disciplines (grammar, morphology, rhetoric, and literature) were held, and these sessions were accessible to all without discrimination [5]. Their architecture often included expansive prayer halls, courtyards suitable for gatherings, and sometimes libraries and rooms for scholars.

Madrasah (Formal Schools) and Other Educational Institutions: With the evolution of Islamic civilization, madrasahs emerged as specialized institutions for higher learning, each with its own endowments (*awqāf*) that ensured their continuity, distinct curricula, and faculty staffed by leading scholars. These *madrasahs* taught religious sciences and, in many instances, other disciplines like arithmetic, astronomy, and medicine. The design of these institutions, such as the Nizāmiyyah schools, often included lecture halls, libraries, student dormitories, and courtyards, creating an environment conducive to learning and intellectual exchange [26][34].

Libraries (*Khazā'in al-Kutub wa Dūr al-'Ilm*): These were established to house vast collections of books and rare manuscripts in diverse fields of knowledge, accessible to scholars and students for research and study. This significantly contributed to the preservation, transmission, and development of intellectual heritage.

Zāwiyahs, *Ribāṭs*, and *Takāyā*: In addition to their spiritual and social roles, many of these institutions served educational and pedagogical functions, hosting lessons, lectures, and scholarly discussions where scholars and students gathered for study and debate.

These educational and cultural edifices were veritable centers of intellectual and civilizational radiance. They were not, in many cases, limited to religious sciences but encompassed various branches of beneficial knowledge that contributed to human development and societal progress, such as medicine, astronomy, mathematics, engineering, geography, and history. This directly contributed to the development of intellect, the refinement of talents, the expansion of mental horizons, and the fortification of minds against ignorance, superstition, sorcery, and fallacious ideas [26]. This process of adapting historical and vernacular concepts from such edifices to create contemporary models of sustainable architecture remains a dynamic field of research [35]. The design of these educational buildings was mindful of their function, providing spacious, well-lit halls, attached libraries, and, in some cases, residential quarters for students and teachers, along with the necessary tranquility for learning and research.

3.3.7. Preventative Aspect (Negative Protection from Intellect-Corrupting Influences - *Al-Ḥimāyah al-Salbiyyah min Muḥsidāt al-'Aql*)

Islam has prohibited everything that would corrupt the intellect, impair its function, or weaken its discerning and cognitive abilities. Foremost among these are intoxicants and narcotics of all kinds. Consequently, Islamic architecture, specifically its related regulations, either prohibited or strictly regulated the establishment of places that promote these intellect-corrupting substances or facilitate access to them.

Prohibition of Structures Promoting Intoxicants and Gambling: The construction of taverns for selling alcohol to Muslims, places for selling intoxicants and narcotics, and dens for gambling and games of chance, all of which lead to the clouding of consciousness, weakening of mental faculties, and wasting of time and resources in futile pursuits, was forbidden. It is reported that the Caliph 'Umar ibn al-Khaṭṭāb (may Allah be pleased with him) burned down the shop of *Ruwayshid al-Thaqafi*, which was a place for selling wine, demonstrating the state's resolve in preventing what harms the intellect and poses a danger to societal well-being [36].

Promotion of Tranquil and Healthy Environments: Islamic architecture, by emphasizing the provision of quiet and stable residential and communal environments, as free as possible from excessive noise, mental distractions, and visually or morally offensive sights, contributes to mental clarity. It aids sound thinking, concentration, and creativity. Serenity, tranquility, and a clean, orderly environment are prerequisites for mental health and sound cognition.

Care for Mental Health: Some health facilities, such as *bīmāristāns*, had dedicated sections for treating mental and psychological illnesses, providing care for those affected. This reflects an advanced understanding of the importance of mental health and the necessity of protecting and caring for it [31].

These collective architectural measures, whether by preventing what corrupts the intellect or by constructing what preserves and develops it (such as educational institutions, tranquil residences, and health facilities), directly and comprehensively serve the Maqṣad of preserving the intellect, one of the major necessities upheld by the Shari'ah.

3.4 THE ROLE OF ISLAMIC ARCHITECTURE IN PRESERVING PROGENY AND HONOR (*ḤIFẒ AL-NASL WA AL-'IRD*)

The objective of preserving progeny (*ḥifẓ al-nasl*) and honor (*ḥifẓ al-'ird*) is among the essential maqāṣid to which Islamic Shari'ah has accorded great importance, due to its direct and profound impact on family stability, the continuation of the human race, the preservation of individual dignity and sanctity, and societal purity. Islamic architecture, through its design and planning, plays a significant and pivotal role in achieving this vital objective through several integrated design and regulatory aspects, all aimed at creating a built environment that reinforces family values and safeguards honor and modesty:

3.4.1 Provision of Necessary Privacy for Family Life and Protection of Sanctities within the Dwelling

In Islam, a dwelling is not merely walls and a roof; it is a private sanctuary (*ḥarīm*) for its inhabitants, which must be shielded from prying eyes and intrusions. It must provide a safe, secluded environment that enables family members, especially women, to conduct their daily lives with freedom, comfort, and modesty, free from inquisitive gazes. Shari'ah texts have emphasized the sanctity of homes and the obligation of seeking permission before entering them. The Almighty states: "O you who have believed, do not enter houses other than your own until you have asked permission and greeted their inhabitants. That is best for you; perhaps you will be reminded." (Qur'an, Al-Nūr: 27). The term "*tasta'nisū*" (rendered here as "asked permission") carries a deeper connotation than mere seeking of permission; it implies seeking familiarity and heartfelt approval from the occupants. The Hadith states: "Permission is only required because of the sight" [17], underscoring that the primary purpose of seeking permission is to prevent an uninvited gaze into what is not meant to be seen within homes.

Muslim architects translated this profound concept of privacy into practical and innovative design solutions that became characteristic of traditional Islamic architecture:

Internal Courtyards (*Ṣaḥn al-Dār* or *Ḥawsh*): Considered the vibrant heart of the house, providing a private and safe space for the family to carry out various daily activities away from the eyes of outsiders. It also effectively contributes to natural ventilation and lighting for all rooms overlooking it [37], [33].

Mashrabiyyah (Projecting Wooden Latticework Screens): These ornate wooden projections cover windows facing the outside, characterized by intricate small openings that allow those inside to see out to some extent and permit the passage of filtered light and gentle breezes, without revealing the occupants to onlookers.

Bent or Indirect Entrances (*Dihlīz*): The main door of the house does not face the internal space directly but leads to an anteroom or corridor (*dihlīz*), preventing direct visual access to the interior when the door is opened and preserving the sanctity and privacy of the household.

Avoiding Direct Opposition of Openings: Windows, doors, and balconies were designed to avoid direct and mutual facing with those of neighbors, especially those that might reveal private areas of the house (such as women's sleeping quarters, private resting areas, or bathrooms) or general areas where women are present [37]. Exposing private matters is considered one of the most severe forms of harm to a neighbor.

3.4.2 Regulation of Gender Relations within and outside the Urban Space to Protect Honor and Prevent Temptation (*Fitnah*)

This includes endeavoring, as much as possible and without hindering legitimate interests or causing undue hardship, to achieve spatial separation between areas where men gather and areas where women gather in some public and private buildings when necessary (such as prayer areas in mosques, study areas in some schools, and bathing areas in public baths). It also involves designing public spaces (such as streets and markets) to reduce unnecessary and suspicious intermingling that could lead to temptation (*fitnah*), harassment, or the violation of sanctities, while ensuring that legitimate needs and necessary errands are not obstructed. The aim is not to completely isolate women from public life, but to create a pure and dignified societal environment that helps lower the gaze, preserve chastity, and safeguard honor. Furthermore, the jurisprudential regulations prohibiting opening windows directly overlooking a neighbor's private spaces, especially areas where women sit or sleep, as

noted by Abdel Malik [21], aim to protect honor and prevent sources of moral corruption and disputes between neighbors.

3.4.3 Prohibition of Constructing Places that Encourage Immorality (*Fāḥishah*)

By prohibiting the construction of places that promote immorality, moral decay, and facilitate the violation of honor and threaten family stability, such as brothels, gambling dens, and places of illicit entertainment where vices congregate, Islamic architecture, by preventing the establishment of such facilities, or by strictly regulating them if they exist for non-Muslims in certain historical periods under specific conditions (like taverns in designated quarters away from Muslim residences), contributes to fostering a clean and chaste social environment conducive to building strong and cohesive families. This helps preserve lineage from admixture and protect honor from violation. Providing decent and dignified housing for young people approaching marriage and facilitating their affairs to form families is also an essential part of achieving the Maqṣad of preserving progeny, as the family is the foundational unit of society, and sound urbanism provides the nurturing environment for it.

3.4.4 Clear and Deliberate Separation between Private Spaces (*Ḥarīm*) and Public Spaces within the Islamic City

The private space of the family (the house) has its sanctity and inviolability, which must not be breached, and it has its own regulations ensuring its tranquility and privacy. As for public spaces (such as streets, markets, public squares, and mosques), they are subject to regulations that ensure public benefit, prevent harm or encroachment, and do not violate the privacy of adjacent houses and dwellings. This separation, along with its functional integration, effectively contributes to maintaining social order and safeguarding honor and sanctity. Architecture and urban planning are not merely inert physical structures; they are effective tools for shaping social behavior and reinforcing moral values. They engineer space to refine conduct. This emphasis on demarcating the private and public realms is a key feature of Islamic urban studies [18][38].

3.5 THE ROLE OF ISLAMIC ARCHITECTURE IN PRESERVING PROPERTY (*ḤIFẒ AL-MĀL*)

The preservation of property (*ḥifẓ al-māl*), its development, and its investment in legitimate ways are among the essential objectives to which Islamic Sharī'ah has accorded special care and great attention, given the vital and fundamental role of wealth in sustaining the religious and worldly interests of people. It is the backbone of life, its sustenance, and a means to achieve many noble ends. Islamic architecture, along with its related regulations and controls, has effectively contributed to achieving this important objective through several interconnected aspects. Firstly, architecture provided a safe and suitable physical environment for protecting wealth and possessions from damage, loss, theft, and plunder.

3.5.1 Safe and Sound Dwellings

Well-designed dwellings, constructed with strong, durable, and weather-resistant building materials, and equipped with adequate security measures such as strong doors, secure locks, and fortified windows, protect the owners' wealth and valuable possessions from theft. They also protect them from damage due to environmental factors like rain, humidity, and extreme temperatures.

3.5.2 Organized and Secure Markets (*Asnāq*) and Fortified Warehouses (*Makhāzin*)

The construction of commercial markets (such as *qaysariyyahs* and *khāns*) in an organized and planned manner, providing them with security, and, in some instances, closing their gates at night, significantly contributes to protecting merchants' wealth and goods from theft and plunder. Furthermore, the establishment of fortified warehouses (whether private or public, belonging to the state treasury such as *bayt al-māl*) was essential for storing goods, crops, grains, and wealth, and for protecting them from damage, theft, or loss. The careful design and vibrant social function of such historic public spaces remain a vital area of study for understanding urban quality and economic prosperity in Islamic cities [24].

3.5.3 *Khāns* (Commercial Inns/Caravanserais)

To secure merchants and their caravans, *khāns* located along trade routes and in cities provided safe lodging for traders, their caravans, goods, and animals during their travels. This played a major role in facilitating commercial activity and protecting merchants' wealth and merchandise from road hazards such as banditry and theft [18]. The *ḥisbah* system, through the supervisory role of the *muhtasib*, was responsible for inspecting commercial buildings (such as markets, warehouses, and *khāns*) to ensure their structural safety, soundness, and freedom from hazards that could lead to the loss of invested capital, such as fires, collapses, or water leaks. The

muḥtasib also monitored weights and measures and prevented fraud in transactions, all of which serve the interest of preserving wealth and promoting commercial exchange.

3.5.4 Construction of Roads, Bridges, and Aqueducts

The establishment of a well-developed network of paved roads, bridges, and aqueducts connecting cities, villages, and various regions facilitates the movement of people and goods. It reduces transportation costs and time and expands the circle of commercial exchange, thereby increasing wealth and production.

3.5.5 Development of Irrigation Systems, Dams, and Water Channels

Reclaiming arid agricultural lands, increasing the fertility of cultivated lands, expanding their area, and providing the necessary water for agriculture and livestock contribute to achieving food security, increasing agricultural and animal production, and, consequently, increasing wealth. Planning agricultural, industrial, and artisanal zones and allocating suitable areas for them in cities or their peripheries, along with providing necessary services and utilities (such as water, roads, and energy sources), encourages production and investment in these vital sectors. All these fundamental architectural and infrastructural works aim to facilitate production, commercial exchange, and investment, thereby increasing wealth, developing it, and circulating it within society in a manner that benefits individuals, the community, and the state. Islamic fiqh also regulated the laws for exploiting land and natural resources, such as the rules for reviving barren lands (*iḥyā' al-mawāt*), sharecropping (*muzāra'ah*), water-sharing (*musāqāh*), and land grants (*iqṭā'*) for investment, which encouraged the utilization, cultivation, and development of natural resources for public benefit.

Furthermore, Islamic *Shari'ah* urged moderation in construction spending and the avoidance of extravagance, wastefulness, ostentation, and rivalry in building and ornamentation. This helps direct available financial resources towards priorities, genuine interests, and productive spending, rather than squandering them on superficial displays or extravagant luxuries that yield no real or lasting benefit to society. A building that meets functional needs efficiently and with good quality, using appropriate and durable materials, and with a beautiful and harmonious design, without exaggeration in ornamentation or size beyond what necessity or recognized interest calls for, aligns with the Maqṣad of preserving wealth. The aim is not mere construction for its own sake, but the achievement of the desired benefit from the building at the lowest possible cost (while ensuring quality, durability, and sustainability) and with optimal efficiency. Therefore, sound Islamic architecture, by providing security for wealth, facilitating means for its development, rationalizing expenditure on it for legitimate and beneficial purposes, and avoiding waste and extravagance, plays a vital and fundamental role in achieving the Maqṣad of preserving wealth, which is a cornerstone of societal stability and prosperity [39]. Economy in construction expenditure, while achieving the required utility, is in itself a preservation of wealth and a channeling of it towards other avenues that may be more important and beneficial to society, such as education, health, scientific research, or assisting the needy.

Table 1: The Role of Islamic Architecture in Preserving the Five Necessities (*al-Darūriyyāt al-Khams*)

Objective (Maqṣad)	Architectural Manifestations & Regulations	Core Contribution to the Objective
Preservation of Religion (<i>Hifz al-Dīn</i>)	Mosques, madrasahs, ribāts, kuttabs, defensive walls, and citadels.	Provides dedicated spaces for worship and religious education, ensuring community safety to facilitate religious practice.
Preservation of Life (<i>Hifz al-Nafs</i>)	Safe shelter design using local materials, urban sanitation systems, clean water provision, hospitals (<i>Bīmāristāns</i>), and fortified city layouts.	Safeguards against environmental hazards, diseases, and external threats; ensures the structural integrity of buildings.
Preservation of Intellect (<i>Hifz al-'Aql</i>)	University-mosques, formal schools (<i>madrasahs</i>), libraries; prohibition of structures promoting intoxicants.	Promotes intellectual growth and knowledge dissemination; prevents environments that impair mental clarity.
Preservation of Progeny & Honor (<i>Hifz al-Nasl wa al-'Ird</i>)	Inward-looking house designs with internal courtyards, indirect entrances (<i>dihlīz</i>), and mashrabiyyahs; gender-separated spaces where required.	Upholds family privacy and modesty; protects against voyeurism and mitigates temptation (<i>fitnah</i>).
rowbg Preservation of Property (<i>Hifz al-Māl</i>)	Secure dwellings, organized markets (<i>aswāq</i>), fortified warehouses (<i>makhāzin</i>), caravanserais (<i>khāns</i>), and infrastructure like roads, bridges, and irrigation systems.	Protects wealth from theft and damage, while supporting trade and economic prosperity.

3.6 THE LEGAL AND RIGHTS-BASED FRAMEWORK OF ISLAMIC ARCHITECTURE

Islamic urban jurisprudence (*fiqh al-‘umrān al-islāmī*), derived by jurists from primary *Shari‘ah* sources (Qur’an and Sunnah) and secondary sources (such as consensus, analogy, public interest, and custom), is distinguished by being a comprehensive and balanced legal and regulatory system. This system was not confined to the technical or aesthetic aspects of construction alone, but also paid profound and meticulous attention to regulating relationships and socio-economic and environmental interactions arising from urban activities, as well as the rights and obligations entailed. This legislative framework sought to achieve a careful and just balance between an individual's rights in their private property and freedom of action therein, and the rights of society and public interest (*al-maṣlaḥah al-‘āmmah*). It also balanced freedom of action with the firmly established commitment to avoid harming others or the surrounding environment. The *Shari‘ah*, through its explicit Qur’anic and Prophetic texts, its general principles, and its detailed jurisprudential rules (both general and specific), established a comprehensive set of regulations and rulings governing various aspects of the construction process and the utilization of buildings. This begins with land acquisition and site selection, through specifications for building materials, construction methods, and building design, and culminates in the regulation of complex, intertwined relationships with neighbors, the community, and the surrounding environment. This includes easement rights (*ḥuqūq al-irtifāq*), use of public utilities, ensuring safety, and safeguarding sanctities. Works by scholars like Al-Mawardi on public law [28] and later analyses by Hakim [18] illustrate the historical application of these principles in urban governance.

This legal and jurisprudential framework, which can be termed "the jurisprudence of construction" (*fiqh al-binyān*) or "urban jurisprudence" (*fiqh al-‘umrān*), was not merely abstract theories or moral ideals. Instead, it comprised binding legal rules, enforceable judicial decisions, and established customs, all aimed at creating an urban environment characterized by justice, order, sustainability, and beauty, free from causes of conflict, chaos, arbitrariness, and harm. The enduring relevance of these principles is underscored by research that calls for revitalizing historical precedents and community-based concepts to achieve human-centric and sustainable design in modern contexts [40], [41]. The following discussion will explore the most prominent features of this legal framework and its jurisprudential regulations that governed, and are still capable of governing, urban affairs in Islam.

3.6.1. Building Location and Material Quality

Books of *ḥisbah* (market inspection and public order) and specialized jurisprudential works on building regulations, as well as dispersed chapters in general fiqh compendia (such as those on sales, lease, and judiciary), paid special and meticulous attention to the issue of selecting appropriate building sites, determining the types of land permissible or impermissible for construction, and establishing detailed criteria and specifications for construction materials suitable for building, their quality, and their compliance with standards ensuring building safety, durability, and its capacity for longevity and sustainability.

A. Legitimacy of Land Ownership (*Mashrū‘iyyat Milkiyyat al-Ard*)

The fundamental principle is the impermissibility of building on land owned by others without their explicit permission or consent, whether the ownership is individual, collective, or state-owned (such as *arāḍī amīriyyah* or state lands). Building on usurped land or land that has been encroached upon is considered an unlawful and unjust act. It may necessitate the demolition of the building and its removal at the builder's expense, along with compensation for any damages incurred by the landowner, unless the parties agree otherwise in a manner that does not contradict the *Shari‘ah*. Similarly, construction is not permissible on endowed land (*ard mawqūfah*) for purposes other than those specified in the conditions of the endowment, or on public utility lands such as wide streets, public squares, cemeteries, and mosque courtyards, which cannot be allocated for private construction except under very strict regulations that achieve a preponderant public interest and do not conflict with the rights of the original beneficiaries. This usually requires explicit permission from the ruling authority (*walī al-amr*) after consultation with experts (*ahl al-ikhtisās*). Building on unlawfully or illegitimately acquired land is considered an encroachment, warranting removal and liability [42][43].

B. Site Suitability from an Environmental and Health Perspective

Jurists and Muslim planners stressed the necessity of selecting sites that do not harm public health or the surrounding environment. They recommended choosing slightly elevated, well-ventilated sites exposed to sunlight (which plays a role in purifying the air and killing germs), and distant from known sources of pollution in their time, such as garbage dumps (*mazābil*), slaughterhouses (*majāzir*), tanneries (*madābigh*), and other crafts and industries that might emit smoke, offensive odors, or harmful substances. They also advised against building in the beds of flood-prone valleys or on unstable soil that could lead to landslides [27][19].

C. Proximity to Water Sources and Ease of Access

The availability of clean water sources for drinking and use was a significant consideration when selecting sites for cities and dwellings, as was ease of access to basic utilities and services. The provision of water was a key element in Islamic urban design.

D. Selection of Durable and Strong Materials

Materials should be capable of bearing the loads imposed on them and resisting natural deterioration factors such as heat, humidity, wind, rain, and earthquakes (in susceptible regions), to ensure the building remains safe and serviceable for the longest possible period. Muḥammad ibn 'Abdūn al-Tujībī al-Andalusī (d. 527 AH/1133 CE), a renowned jurist and *muḥtasib*, described buildings as "shelters for souls, spirits, and bodies, so they must be fortified and preserved, as they are places for safeguarding wealth and lives... Therefore, it is incumbent upon the *muḥtasib* to examine everything related to construction... including first examining the walls (*ḥiṭān*) and using abundant, thick, and strong timber, which bears the loads and holds the structure together" [27]. The primary goal of construction is to provide protection, security, and stability, which can only be achieved if the materials used are of high quality and the construction process itself is meticulous and adheres to the principles of the craft and profession.

E. Craftsmanship and Avoidance of Deceit (*Itqān al-Ṣan'ah wa Tajannub al-Ghishh*)

Jurists emphasized the necessity for builders and craftsmen to perfect their work and avoid deceit in materials or construction methods, due to the potential danger to lives and property. The *muḥtasib* played a crucial supervisory role in this regard, holding builders and contractors responsible. Jurists affirmed the principle of liability for the builder or craftsman (contractor) for any defect or flaw appearing in the building that leads to harm, especially if it results from negligence, deceit, or ignorance of sound construction practices. This could entail liability for damages or repair costs [32][44]. The *muḥtasib*, as the official responsible for enjoining good and forbidding evil in markets, public affairs, and the general order of the Islamic city, played a pivotal regulatory role. This included authorizing construction (in some cases), verifying the quality of the materials used and the skill of builders and craftsmen, and supervising the application of sound construction practices. This was to achieve the primary purpose of construction: providing safe and stable shelter for inhabitants, capable of withstanding various natural factors, warding off harm, and ensuring the safety of lives and property. The *muḥtasib* also had the authority to prevent the use of fraudulent or substandard materials, to punish those who used them, and even to order the demolition of a building if it posed an immediate and direct threat to public safety. This institutionalized regulatory role highlights the *Shari'ah*'s concern for the practical and technical aspects of 'umrān to ensure the achievement of its noble objectives in preserving life and property [32]. Providing safe and sound housing is not merely a utility but a necessity without which life cannot properly function, requiring that the matter not be left to individual discretion without controls and standards. A weak building is a waste of money and effort and may endanger the lives of its occupants, which contradicts the *Shari'ah*'s objectives of preserving life and property. To ensure this, builders must choose high-quality construction materials and adhere to correct technical standards and craft principles during construction, while observing the principle of avoiding extravagance, ostentation, and rivalry in building, and limiting construction to what meets actual needs and achieves the intended benefit [33]. This orientation towards quality, durability, and economy in resource use aligns perfectly with the *Maqāṣid al-Shari'ah*. It affirms that 'umrān is not an end in itself but a means to achieve human interests.

3.6.2 Prevention of Harm to Neighbors (*Man' al-Ḍarar 'an al-Jār*)

Neighborhood relations are among the social relationships to which Islamic *Shari'ah* has paid exceptional attention, surrounding them with a framework of mutual rights and obligations to ensure good cohabitation and peaceful coexistence among people in their residential environment. One of the most important principles governing this relationship in the context of urban activity is the maxim "prevention of harm to the neighbor" (*man' al-ḍarar 'an al-jār*). Islam granted individuals the freedom to dispose of their property as they wish, provided that this disposal does not cause harm to others, especially neighbors, or encroach upon their rights or property. Conversely, the *Shari'ah* requires every individual to protect their neighbors' rights and refrain from infringing upon them in any way. Jurists have detailed the rulings concerning these rights and obligations based on explicit *Shari'ah* texts and general jurisprudential principles, foremost among them the comprehensive Prophetic maxim which is considered a foundational principle in this domain: "There should be neither harming nor reciprocating harm" (*lā ḍarara wa lā ḍirār*) [45][46]. This Hadith, with its profound meaning, is considered one of the traditions around which much of Islamic jurisprudence revolves in various aspects of transactions, torts, and other areas. Scholars interpret "*lā ḍarar*" as meaning that no one is permitted to initiate harm to another, and "*lā ḍirār*" as

meaning that harm should not be reciprocated with harm except through legitimate means of redress (*qisās*), or that one should not inflict harm on another in retaliation or out of spite. The maxim is extensively discussed by Al-Zarqā [47] in the context of general legal principles. From this Prophetic Hadith and its profound implications, as well as from other Shari'ah texts, jurists inferred that harm between neighbors could be either pre-existing (*qadīm*) or newly introduced (*muḥdath*).

Established Harm (*al-ḍarar al-qadīm al-mustaḳirr*): Such as an old window belonging to a neighbor that does not offensively expose privacy, or a long-standing water drain that no one objected to despite the possibility of objection, or a shared utility. The owner might be allowed to retain this right if it does not cause egregious and intolerable harm, based on the principle "The old is left as it is" (*al-qadīm yutrak 'alā qidamih*), provided it does not conflict with a clear Shari'ah text or a preponderant interest that cannot be ignored.

Newly Introduced Harm (*al-ḍarar al-mustaḥdath aw al-jadīd*): Such as a neighbor newly constructing a building that causes uncustomary harm to his neighbor, opening a window that exposes privacy, or establishing a facility that emits dense smoke or offensive odors that harm neighbors. This harm must be removed according to its nature, severity, and extent, based on the major jurisprudential maxim "Harm must be removed" (*al-ḍararu yuzāl*) [48][49].

Based on this, Islamic jurisprudence established the principle of "priority of use" or "prior lawful utilization" (*ḥiyāzat al-ḍarar or sabq al-intifā' al-mashrū'*). This means that whoever builds first or uses their property lawfully and without causing harm to anyone may acquire certain advantages or rights that subsequent neighbors (who build or introduce new uses later) must respect and not infringe upon, unless the prior use involved egregious harm to neighbors or public interest. Each case requires a careful and fair balancing of the rights of the first owner and the new or subsequent owner, with priority given to averting the greater harm. Harm that may befall a neighbor due to their neighbor's urban actions can be broadly categorized into two types.

A. Harm Specific to the Neighbor (*ḍarar Khāṣṣ bil-Jār*)

This is harm that directly affects a neighbor's person, property, comfort, or privacy. Examples include: (1) Overlooking and exposure of private areas (*maḥārim*): Revealing the private sections of their house, (2) Excessive noise: Creating severe and continuous noise that disturbs their peace and prevents sleep, (3) Blocking light and air: Obstructing light and air to their dwelling completely or substantially, making it uncomfortable or unhealthy. This has been extensively discussed by jurists under various schools of thought, including Hanafi [50], Shafi'i [51], Maliki [52], and Hanbali [53].

B. General Harm Affecting the Neighbor and Others (*ḍarar 'Āmm Yamassu al-Jār wa Ghayrah*)

This includes encroachments on public utilities such as roads, public squares, and mosque courtyards, by expanding construction onto them, closing them off, narrowing them, creating obstructions to passage, polluting public water sources, or dumping refuse in undesignated areas. These actions harm not only immediate neighbors but the wider community by infringing upon collective rights to shared resources and a healthy environment.

Examples of newly introduced harm extensively discussed by jurists, falling under the maxim "*lā ḍarara wa lā ḍirār*," include:

Opening Windows, Apertures, and Balconies Overlooking a Neighbor's Private Space: The general rule, agreed upon by the majority of jurists (Malikis, Hanbalis, and the reliable Hanafi view in some cases), is that it is not permissible for a person to open a window, small opening (*kūwwah*), or balcony (*shurfah/balkūnah*) in their private or shared wall if this opening directly overlooks the neighbor's private domain (*finā' bayt al-dākhilī*), their women's quarters, private resting places, or bathrooms, thereby violating their privacy and exposing what they are keen to conceal. This prohibition is especially strong if these openings overlook areas where women typically reside, sleep, or bathe. This ban is based on several proofs:

The Hadith "*lā ḍarara wa lā ḍirār*." Exposing a neighbor's private matters is one of the most severe forms of harm. The Hadith "Permission is only required because of the sight" indicates the sanctity of entering people's homes without permission.

Looking at the private matters and sanctities (*'awrāt wa maḥārim*) of others is forbidden by the Shari'ah, and whatever leads to the forbidden is itself forbidden. Overlooking windows can lead to this. The ruling of 'Umar ibn al-Khaṭṭāb in a similar case, where he prevented a neighbor from opening a window overlooking another's property. The public interest (*maṣlahah*) in protecting privacy, honor, and family sanctity takes precedence over an individual's interest in obtaining lighter or ventilation if it leads to this harm [54].

While some Shafi'is, Hanafis, and Hanbalis, in another narration, held that an owner can dispose of their property as they wish and open windows in their private wall, even if it overlooks a neighbor. The affected neighbor should take measures to protect themselves (e.g., by erecting a screen on their own property), because the first owner is acting within their own property [54]. However, the stronger and more prevalent view, in line with the

spirit and general objectives of the *Shari'ah* in preserving honor and dignity and preventing disputes among neighbors, is the majority opinion prohibiting or restricting such openings when proven harm results. Clear harm must be removed, even if it results from an action on one's own property, if it can be removed without inflicting greater harm. The assessment of harm is referred to as custom (*'urf*) and experts (*ahl al-khibrah wa al-qaḍā'*).

3.6.3 Prohibiting Construction that Overlooks a Neighbor or Causes Other Harm

In principle, a property owner has the right to build as many stories as they wish on their private land and to use their airspace. However, this right is not absolute but is restricted by the condition that it does not cause clear and egregious harm to their neighbor. If such construction leads to unusual and unbearable harm for the neighbor, jurists have differed on the extent of prohibition or restriction, but the majority tend towards preventing or removing the harm. Forms of such harm include:

A. Completely or Substantially Blocking Light and Air

If raising a building leads to blocking natural light (sunlight) from the neighbor's house to an extent that makes it dark and unsuitable for comfortable and healthy living, or prevents essential fresh air for the health and comfort of its occupants, this is considered egregious harm warranting prohibition, removal, compensation, or finding alternative solutions (such as the builder leaving sufficient space between buildings, or designing their building to minimize this blockage, or compensating the neighbor if they can adapt to a reasonable level of blockage). They reasoned that the utility of light and air is among the original and necessary benefits of a dwelling, and depriving the neighbor of them entirely or significantly is detrimental and negates the purpose of housing and comfort. The assessment of the extent of the blockage and its effect on the dwelling's usability is left to customs officials and experts at each time and place.

B. Blocking Customary Beneficial Breezes (*Man' al-Rīḥ al-Mu'tādah al-Nāfi'ah*)

If a neighbor benefits from a customary breeze blowing from a certain direction for ventilating their dwelling, drying clothes, or other legitimate and customary uses, and the raising of a neighboring building obstructs this breeze entirely or significantly, some jurists (especially Malikis) considered this a form of harm necessitating removal or modification, unless the blockage is minor or the builder has taken precautions to mitigate the harm.

C. Exposing Private Areas and Increasing Oversight (*Kashf al-'Awṛāt wa Ziyādat al-Ishrāf*)

If the increased height of a building leads to an increased exposure of what was previously concealed in the neighbor's house, and an overlooking of their private areas and sanctities in a way that was not possible before, and which cannot be remedied by ordinary screens erected by the affected neighbor on their own property, this is considered harm related to the preservation of honor and privacy. It is deemed one of the most severe types of harm and necessitates prohibition, restriction, or obliging the builder to install adequate screening measures on their own new structure.

D. Damaging the Structural Integrity of the Neighbor's Building

If the new construction (and its associated foundation digging or increased load on the soil) would lead to material damage to the existing neighbor's building, such as weakening its foundations, causing cracks in its walls, overloading it beyond its capacity, or threatening it with collapse, this is clear and direct material harm warranting prohibition. The builder must take all necessary engineering and technical precautions to prevent such harm; otherwise, they are liable for any resulting damage [55]. The owner is also prevented from undertaking any construction or use on their property that would uncustomarily harm their neighbor, among the established harms that jurists explicitly prohibited unless necessary conditions and controls were met to prevent harm:

- Digging a Latrine (*Bayt Khalā'*) or Septic Tank (*Bālū'ah*) or Cesspit (*Makabb Nifāyāt*) Next to a Neighbor's Wall: If this would cause moisture, filth, or offensive odors to seep into the neighbor's property, or affect the safety of their wall or well. Whoever does this must take the necessary precautions to prevent seepage, such as adequately spacing the pit or building an insulating barrier.
- Building a Public or Private Bathhouse (*Ḥammām*) Adjacent to a Neighbor's House: If the steam, heat, humidity, or smoke from heating its water harms the neighbor or their building.
- Erecting a Bakery Oven (*Tannūr*), Blacksmith's Forge (*Kīr Ḥaddād*), Coppersmith's Workshop, or Any Factory or Workshop Emitting Dense Smoke, Flying Sparks, Loud Noise, or Severe Vibrations: If all this causes continuous disturbance to the neighbor's peace, pollutes their air, or harms their health or the safety of their building, unless there is sufficient distance to prevent this harm, or special arrangements (like high chimneys, sound insulation, or specific working hours) reduce the harm to an acceptable and customary level that can be tolerated.

- Digging a Well Near a Neighbor's Well: If it leads to the complete or significant depletion of the neighbor's well water, making it unusable as before.
- And other forms of harm, the assessment of which is referred to prevailing custom, experts, and specialists at each time and place. The ruling is to remove or mitigate the harm as much as possible, ensuring that removing it does not cause greater or equal harm. All this, as mentioned, contrasts with the Shafi'i view in some cases where they allow the owner to act on their property as they wish, even if it harms the neighbor, unless it is a clear transgression [56]. However, the more sound and consistent view with the general principles and objectives of the Sharī'ah is that of the majority who prohibit harm and mandate its removal, as this is more conducive to achieving justice, good neighborliness, and public interest.

3.6.4. Utilization of Shared Walls (*Al-Intifā' bil-Jidār al-Mushtarak*)

A dividing wall between two adjacent properties can be one of two main types concerning ownership and rights of use:

A. Wall Belonging Exclusively to One Neighbor (*Jidār Khāṣṣ li-Aḥad al-Jārayn*)

This is a wall built by one of the neighbors within their own property and at their own expense. In this case, the general rule is that the other neighbor (who does not own the wall) is not permitted to use this wall in any way that might harm it or diminish the owner's property rights. This includes actions like placing a wooden beam (joist or support) on it to construct a roof or ceiling, opening an aperture (*kūwwah*) in it, driving a peg into it, or making any alteration that rests upon it, weakens it, or changes its nature, except with the explicit permission and consent of the wall's owner. The owner of the wall cannot be compelled to grant permission to their neighbor, even if the neighbor is in need, because it would be an action on another's property without their permission, which is not permissible in *Sharī'ah* [57]. This is based on the general Prophetic saying: "The property of a Muslim individual is not lawful [to another] except with his willing consent" [58]. As for the well-known Hadith narrated by Abū Hurayrah (may Allah be pleased with him): "Let none of you prevent his neighbor from fixing a wooden peg (or in another narration: wooden pegs - *khushubah*) in his wall" [15], the majority of jurists (Malikis, Shafi'is, Hanbalis, and most scholars) have interpreted this as a recommendation (*mustaḥabb*) and encouragement towards good neighborliness, mutual support, and noble conduct, not as an obligation or imposition. This interpretation harmonizes this Hadith with other general texts that prohibit acting on another's property without permission and that prevent burdening people with anything that might harm their property. However, some jurists (like the *Zāhirīs* and some *Hanbalis* in one narration, which is also a view attributed to some Companions) held that this Hadith should be taken literally, and that a neighbor has the right to place their wooden peg(s) on their neighbor's wall if needed and if it does not cause significant harm to the wall or its owner, and the owner cannot prevent them [59]. The first view (of the recommendation) is considered stronger and more consistent with the principles of property ownership and its sanctity in Islam, while still emphasizing the virtue of kindness toward neighbors.

B. Shared Wall Between Two Neighbors (*Jidār Mushtarak bayna al-Jārayn*)

This is a wall built jointly by the two neighbors at shared expense, or a wall existing between two properties where it is not known which of them built it, in which case it is judged to be jointly owned equally between them (unless evidence proves otherwise). In this situation, each partner is prohibited from acting on the shared wall in a way that harms the other partner or the wall itself. This includes building on top of it, raising its height, opening a window or aperture in it, or placing wood upon it, except with the explicit permission of the other partner. This is especially true if such action would weaken the wall, cause it to crack or collapse, or change its nature or diminish its utility for the other partner. This is because it is an "action on the partner's property, and acting on a partner's property without their permission is not permissible" [60], unless the action is very minor and does not harm the wall or the partner, in which case custom might permit it. If one of the partners wishes to undertake necessary repairs to the shared wall and the other refuses, jurists have detailed rulings for such scenarios.

3.6.5. Utilization of Roads (*Al-Intifā' bil-Ṭarīq*)

Roads, in terms of regulations for construction and use in Islamic architecture, are divided into two main categories concerning ownership and rights of access:

A. Public Road (*Al-Ṭarīq al-Āmm*: Thoroughfare, Main Road, Mosque Courtyard, etc.)

This is a road used by the general public and not owned by any specific individual; rather, its benefits are shared among all members of the community (or those with the right of passage). This road is for all people, and they are entitled to pass through it freely and safely. No one, whether an owner of an abutting property or otherwise, has

the right to act in a way that obstructs passage, narrows it for pedestrians, or causes harm or nuisance to them. Therefore, it is not permissible for anyone to erect a permanent structure in it (like a shop or a room), or to project a "*rawshan*" (a projecting bay window or balcony) that overhangs the road at a low level which might harm or inconvenience passersby, or to build a bench (*dikkah*) or platform (*maṣṭabah*) in front of their house if it narrows the road and impedes movement. Nor can they place any obstacle, plant a tree, or dump refuse in it, if any of this harms passersby, causes them nuisance, or restricts their right to safe and easy passage.

However, if the action on the public road does not harm passersby and does not significantly constrict the road (e.g., if the *rawshan* is very high and causes no harm, or the bench is in a very wide part of the road and does not affect movement, or the construction is light, temporary, and for public benefit like a sunshade or rain shelter for passersby), jurists have differed on its permissibility. Some prohibited it absolutely as a preventive measure (*saddan lil-dharī'ah*) and to protect the public right to the road from any encroachment. Others permitted it with the permission of the Imam (ruler or his representative, such as the *muḥtasib* or *wālī*) if he deems it to be in the public interest or a private interest that does not conflict with the public interest, and it causes no confirmed harm to passersby. Yet others permitted it if it causes no clear harm, is customary, and is not objected to by people of knowledge and authority (*ahl al-'ilm wa al-ḥall wa al-'aqd*). The assessment of harm is referred to the condition of the road (its width and traffic volume), prevailing custom, and expert opinion [43]. It is permissible for all owners of properties abutting a public road to open doors from their properties onto it as they wish, provided these doors do not open in a way that causes harm or obstruction to passersby when opened or closed (e.g., opening outwards into a narrow street). As for erecting a bench (*dikkah*) in front of one's house on a public road, or planting a tree, if it significantly narrows the road and harms passersby, it is impermissible and must be removed. If it does not cause harm and the road is very wide, some jurists permitted it with the Imam's permission, or if custom allowed it and no Muslims objected, due to the benefit it provides to the owner of the house and, sometimes, to passersby [57].

B. Private Road (*Al-Ṭarīq al-Khāṣṣ*: Cul-de-sac, Shared Alley, or *Zūqāq*)

This is a road that serves as an entrance to a limited number of houses or properties and does not lead to another public road. It is privately owned by the inhabitants of these abutting properties, or they have the right of use to the exclusion of others. In this case, the right of use of this private road is restricted to its inhabitants or co-owners. It is not permissible for others (who do not own an abutting property) to open doors from their properties onto it, or to build windows or balconies overlooking it, or to install a drainage pipe (*mīzāb* for rainwater) that discharges into it, except with the explicit permission of all its co-owners. This is because it is their private property, and any action by a non-owner is considered an encroachment. However, non-residents of the alley or private road have the right of passage through it in case of need or necessity, or if this road leads to another public road, unless it is closed with the permission of all its co-owners. No co-owner of a private road is allowed to act in it contrary to established or customary usage among them, or in a way that harms other co-owners (such as narrowing it, closing it off, or erecting a structure like a room above it) except with the permission and consent of all of them [49].

Thus, Islamic architecture, through its legal and jurisprudential framework, was distinguished not merely by catering to the material need for shelter but by diligently striving to achieve higher objectives. It aimed to create a balanced and just urban environment that guarantees security, comfort, and tranquility for its inhabitants, protects their rights, and considers the interests of their neighbors and the community. In an era when many urban practices have neglected these principles and values, leading to the emergence of informal settlements, increased disputes among neighbors, violations of privacy, and environmental degradation, there is an urgent need to re-inspire these sublime jurisprudential principles and to apply them in developing contemporary building codes and planning regulations. This would ensure the construction of more humane, just, beautiful, and harmonious communities. This framework was not a set of rigid rules but was characterized by flexibility and adaptability to the conditions of time and place, while preserving its foundational *Maqāṣidī* constants.

Table 2. Key Principles of the Fiqh Framework for Urban Development (*Fiqh al'Umrān*)

Principle	Core Ruling & Objective	Specific Applications & Prohibitions
Legitimacy of Land Ownership	Impermissibility of building on land without a legal right.	Prohibition of building on usurped, encroached, or specifically endowed (<i>waqf</i>) lands.
Site & Material Quality	Ensuring health, safety, and durability in construction.	Site selection away from pollution sources; use of strong, durable materials; adherence to craftsmanship (<i>itqān</i>).
Prevention of Harm to Neighbors (<i>Man' al-Darar</i>)	No harm and no reciprocating harm" (<i>lā darara wa lā dirār</i>).	Prohibition of blocking light/air, creating excessive noise, overlooking private spaces, and causing structural damage.
Utilization of Shared Walls	Balancing individual rights with shared ownership responsibilities.	Permission for use must be obtained from the owner/partner; use should not cause harm.
Regulation of Roads & Public Spaces	Protecting the public right of passage and benefit.	Public roads: no permanent obstructions. Private roads: usage restricted to co-owners unless permission is granted.
Respect for Privacy (<i>Hifz al Khuṣūṣiyyah</i>)	Protecting the sanctity of the home	Prohibition on opening windows directly facing a neighbor's private areas; design solutions such as bent entrances.

3.7. RESPECT FOR PRIVACY AND MODESTY (*MURĀ'ĀT SATR AL-'AWRAH WA AL-KHUṢŪṢIYYAH*)

The objective of *satr al-'awrah* (covering what should be concealed, in its broadest sense encompassing everything that should and is good to be hidden from public view, whether it pertains to the human body or the private affairs and sanctities of one's home that one does not wish others to see) and the preservation of individual and family privacy, is one of the most important *maqāṣid* that Islamic *Sharī'ah* addressed in its organization of social life. This is clearly manifested in the regulations related to housing and its design. In Islam, a dwelling is not just a physical shelter; it is a "*ḥaram*" (sanctuary) and "*sitr*" (covering) for its inhabitants. It holds no value, and the desired tranquility cannot be achieved within it if its occupants are vulnerable to having their private matters exposed and their sanctities violated from outside, or if their movements and sounds are exposed to neighbors or passersby. Therefore, the emphatic commands of the *Sharī'ah* for seeking permission before entering homes, and the explicit prohibition of spying (*tajassus*) and furtively looking into them, underscore the significance of privacy and the sanctity of homes, which must not be violated.

In the practical application of this essential objective, jurists, engineers, and Muslim architects throughout the ages worked to establish regulations and develop design solutions that ensure the highest degree of privacy and modesty for inhabitants of their homes. Traditional Islamic architecture, in its design of neighborhoods and dwellings, focused meticulously on respecting privacy, as this was a very sensitive and crucial matter for Muslim society and its religious and ethical values that encourage modesty (*ḥayā'*) and concealment (*sitr*) [33]. Modern scholarship reinforces this link, framing privacy not merely as a social value but as a critical component for creating sustainable dwelling architecture that respects Islamic principles [61].

Traditional Islamic architecture predominantly adopted an inward-looking housing pattern, with most openings and facilities facing inwards towards an internal courtyard (*finā'* or *ṣaḥn*), and minimal openings on external walls facing streets or neighbors. These houses used the internal courtyard (*ṣaḥn al-dār* or *ḥawsh*) for lighting, ventilation, and visual connection between different parts of the house, rather than through direct openings to the external environment. If openings (windows or doors) were present in external walls, they were often:

- Elevated above the eye level of passersby, so as not to reveal what is inside the house.
- Small, narrow, and fitted with wooden or metal grilles (sometimes with colored glass) that restrict direct vision.

In cases of larger openings to the outside (as in upper floors overlooking wide courtyards or broad streets not directly facing a neighbor's private area), these openings were equipped with design elements that ensured privacy while allowing ventilation and light. The most famous of these are the "*mashrabiyyahs*" (also known as *rawāshīn* or *shanāshīl*). These are ornate wooden projections with beautiful geometric and floral carvings that cover windows from the outside, characterized by small, interlocking openings that allow those inside to see out to some extent and permit the passage of filtered light and gentle breezes, without revealing those inside to onlookers. This achieves a balance between openness to the outside and the preservation of internal privacy [37]. The thoughtful design of *mashrabiyyahs* is a testament to the sophisticated architectural solutions developed to uphold the *Maqṣad* of privacy [62].

Traditional architectural techniques also succeeded, thanks to this profound understanding of the *Maqṣad* of privacy, in effectively isolating the home from external prying and providing separation between men's spaces (such as guest reception areas or *maḍāfāt*) and women's and family spaces within the house when needed. This was achieved through the design of bent entrances or vestibules (*dihlīz*) that do not allow direct visual access to the heart of the house when the outer door is opened, and by dedicating wings or specific rooms for guests that are relatively isolated from the rest of the house used by the family. This ensured that non-maḥram (unmarriageable kin) male guests did not mingle with the household's women, thereby ensuring complete privacy and comfort for the family [37].

The jurists' concern for privacy was not limited to the design of the dwelling from within; it extended to encompass public affairs and the regulation of relations between neighbors. As previously mentioned, they prohibited opening facing doors, windows, and balconies in narrow streets or overlooking a neighbor's private area, due to the resulting exposure of 'awrāt and the violation of privacy. They even, in some cases or periods, prevented muezzins from ascending unwallled or insufficiently high minarets if they were visible from adjacent houses. Some minarets were designed with internal staircases or wooden screens for this purpose. These matters were part of the muhtasib's responsibilities in monitoring public morals and preserving sanctities. They also prevented the conversion of shops directly overlooking adjacent houses into mosques, and did not allow prayer in them until an adequate and high screen was placed to protect the neighboring houses from the eyes of worshippers who might glance [63].

Based on this solid foundation of respecting privacy, Imam Mālik (may Allah have mercy on him) issued a fatwa prohibiting the establishment of any place for selling, buying, or practicing any manual craft in front of or near another person's house if that activity would inherently lead to the worker, seller, or buyer overlooking the private matters of that household or exposing their sanctities, due to the resulting psychological and social harm to the neighbor and violation of their privacy [63]. This meticulous jurisprudence, which balances freedom of work and trade with the neighbor's right to privacy and security, illustrates how the Maqṣad of privacy strongly shaped various urban, commercial, and social behaviors in Islamic society. These collective regulations were not arbitrary restrictions on freedom but were essential safeguards for achieving tranquility, peace of mind, and mutual respect in the built environment, and for preserving human dignity and family sanctity. The integration of privacy as a core design principle is a hallmark of Islamic architecture, contributing significantly to the community's social and moral fabric [10].

Table 3. The Synergy between Contemporary Urban Planning Goals and the *Maqasid* of *Shari'ah*

Contemporary Goal	Core Maqṣad (Objective) Served	Mechanism of Contribution & Synergy
Environmental Preservation	<i>Hifz al-Nafs</i> (Life)	Ensures a healthy environment free from pollution, protecting bodily safety, and preventing disease.
Social Justice	<i>Hifz al-Māl</i> (Property) <i>Hifz al-Nasl</i> (Progeny)	Provides equitable access to housing, utilities, and resources. Fosters stable family environments by reducing socio-economic disparities.
Cultural Identity	<i>Hifz al-Dīn</i> (Religion) <i>Hifz al-'Aql</i> (Intellect)	Creates a built environment that reflects Islamic values and heritage. Preserves the collective memory and intellectual traditions of the community.
Community Participation	<i>Hifz al-Dīn</i> (Religion) <i>Hifz al-Nasl</i> (Progeny)	Strengthens social bonds through consultation (<i>shūrā</i>), which is a religious value. Empowers communities to protect their neighborhoods and families.
Environmental Preservation	<i>Hifz al-Nafs</i> (Life)	Ensures a healthy environment free from pollution, protecting bodily safety, and preventing disease.
Social Justice	<i>Hifz al-Māl</i> (Property) <i>Hifz al-Nasl</i> (Progeny)	Provides equitable access to housing, utilities, and resources. Fosters stable family environments by reducing socio-economic disparities.

As presented in Table 3, this Maqāsid-based framework illustrates the synergy between contemporary urban planning goals and the core objectives of Islamic *Shari'ah* (*al-darūriyyāt al-khams*). For instance, 'Social Justice' contributes to '*Hifz al-Māl*' through equitable resource distribution and to '*Hifz al-Nasl*' by fostering stable family environments. Similarly, 'Cultural Identity' supports '*Hifz al-Dīn*' by embedding Islamic values in the built environment and '*Hifz al-'Aql*' by preserving intellectual heritage. This framework provides a robust theoretical foundation for aligning urban development initiatives with Islamic values, ensuring ethical and sustainable planning practices.

4. CONCLUSION

This study has unveiled the civilizational, jurisprudential, and *Maqāṣidī* dimensions of the concept of "*Maqṣad al-'Umrān*" within Islamic *Sharī'ah*. It has been demonstrated that *'Umrān* is not merely a secondary or sectoral objective but a core, holistic *maqṣad* (objective) intrinsically intertwined with the achievement of the five necessities (*al-darūriyyāt al-khams*: preservation of religion, life, intellect, progeny, and property), which represent the foundation of a sound and stable human life. Through an inductive review of *Sharī'ah* texts and an analysis of juristic opinions, it has become evident that Islamic *Sharī'ah*, with its comprehensive divine methodology, has accorded exceptional attention to regulating the built environment and directing urban action. This concern extends beyond mere functional and aesthetic aspects to encompass ethical, moral, and legal dimensions, all aimed at realizing the well-being (*maṣāliḥ*) of people in their worldly life and their Hereafter.

The Islamic legislative framework manifested in an integrated legal and rights-based system that can be termed "*fiqh al-'umrān*" or "*fiqh al-binyān*." This system was not merely a collection of theoretical ideas but comprised practical regulations and guiding principles that governed all stages of urban action. This started from site selection and its suitability, through the quality of materials used and the craftsmanship of construction to ensure durability and safety, and extended to the intricate regulation of relationships arising between individuals and their neighbors, their built and natural environment, and society. Prominent features of this legal framework include a meticulous balance between individual rights (such as property rights and freedom of action) and public interests (such as the community's right to public utilities and a healthy, safe environment), and between material, immediate benefits and spiritual and ethical ultimate values.

The study further highlighted the richness of Islamic jurisprudence in its detailed treatments of specific urban issues, such as the prevention of harm (*ḍarar*) in all its forms from neighbors (whether sensory or moral, old or new), the safeguarding of easement rights (*ḥuqūq al-irtifāq*), ensuring fair and equitable shared use of roads and public utilities, and emphasizing the sanctity of homes and the necessity of preserving privacy and concealing what ought to be concealed (*ṣatr al-'awrāt*). This was translated into innovative design and architectural solutions, such as internal courtyards, mashrabiyyahs, and bent entrances. These rulings and regulations were not arbitrary but stemmed from a profound understanding of the *Maqāṣid al-Sharī'ah* and its spirit, and a diligent endeavor to achieve justice, benevolence (*iḥsān*), and mercy (*raḥmah*) in the built environment.

The study affirmed that neglecting these sublime *maqāṣid* and wise regulations in contemporary urban planning practices in many Muslim societies, or the failure to adhere to them, has directly or indirectly led to the emergence of numerous problems and challenges. These include the spread of informal settlements and unplanned buildings, the deterioration of the built and natural environments, the loss of Islamic architectural identity and its distinctive character, and the exacerbation of social problems resulting from poor planning and the inequitable distribution of services and utilities. This necessitates a serious review and a return to these rich foundational principles. Reconsidering the *Maqāṣidī* perspective in *'umrān* is no longer an intellectual luxury but a practical imperative for addressing these complex challenges.

Recommendations

Based on the findings of this study, the following recommendations are proposed to activate "*Maqṣad al-'Umrān*" in contemporary urbanism:

1. Enhance Research and Education: Integrate *Maqṣad al-'Umrān* into the curricula of architecture, urban planning, and law. This requires promoting specialized and applied research, studying historical models, and establishing interdisciplinary research centers to develop a robust knowledge base for contemporary applications.
2. Reform Legal and Regulatory Frameworks: Conduct a comprehensive review of current building and planning laws to assess their compatibility with *Maqāṣid al-Sharī'ah*. New legislation, inspired by the principles of "*fiqh al-'umrān*", should be developed and supported by strengthened, modernized regulatory bodies (akin to the historic *hisbah* system) to ensure effective implementation and compliance.
3. Foster Community Awareness and Participation: Disseminate a responsible urban culture rooted in Islamic values, emphasizing shared responsibility for public space and neighbors' rights. This can be achieved by promoting participatory planning (*shūrā*), where community members are actively involved in the design and decision-making processes of their built environment.
4. Support Sustainable and Value-Based Initiatives: Encourage and support pioneering projects that apply the principles of sustainable Islamic architecture. This includes utilizing local materials and appropriate technologies while considering the social, cultural, and spiritual well-being of the community.

REFERENCES

- [1] M. H. El-hakeem, M. H. Shalaby, A. M. El-seisy, and M. I. Amer, "A Framework to Foster Sustainability and Circular Economy Principles within an Islamic Built Environment," *Sustainability*, vol. 15, no. 13, p. 10243, Jun. 2023. Doi: <https://doi.org/10.3390/su151310243>.
- [2] S. M. Abdel Malik, "Al-tawassu' al-'umrānī wa atharuhu fī taḥqīq maqāṣid al-sharī'ah", *Second International Conference for Islamic Sciences*, International Islamic University Malaysia, Malaysia, 2017.
- [3] M. S. M. Suffian, S. S. A. Ghafar, and Z. A. Abidin, "Concept of Community Mosque in the Context of Maqasid Syariah," *Journal of Islamic Architecture*, vol. 7, no. 1, pp. 91-99, Jun. 2022. Doi: <https://doi.org/10.18860/jia.v7i1.13982>.
- [4] A. I. A. Al-Bayhaqī, *Al-Sunan al-Kubrā*, (M. 'A. 'Aṭā, Ed.). Bayrūt: Dār al-Kutub al-'Ilmiyyah, 2003.
- [5] M. I. I. Al-Bukhārī, *Ṣaḥīḥ al-Bukhārī* (M. Z. ibn Nāṣir al-Nāṣir, Ed.) (1st ed.). Al-Madīnah al-Munawwarah: Dār Ṭawq al-Najāh, 2001.
- [6] M. I. A. I. A. Al-Dasūqī, *Ḥāshiyat al-Dasūqī 'alā al-Sharḥ al-Kabīr*. Bayrūt: Dār al-Fikr, n.d.
- [7] S. F. Al-Dūsarī, "Ḥuqūq al-jār fī al-'imārah wa al-ṭarīq: Dirāsah ḥadīthiyyah fihiyyah". *Majallat Kulliyat Dār al-'Ulūm*, Jāmi'at al-Qāhirah, vol. 125, pp. 85–120, 2019.
- [8] A. Al-Fāsī, *Maqāṣid al-sharī'ah al-Islāmiyyah wa makārimuhā* (5th ed.). Al-Dār al-Bayḍā': Dār al-Gharb al-Islāmī, 1993.
- [9] A. M. ibn S. Al-Jabarī, "Imārat al-buyūt wa aḥkāmuhā fī al-Islām – Dirāsah fihiyyah muqāranah", Master thesis, Āl al-Bayt University, Jordan, 2002.
- [10] A. B. Al-Jazā'irī, *Minhāj al-Muslim*. Al-Madīnah al-Munawwarah: Maktabat al-'Ulūm wa al-Ḥikam, 2003.
- [11] M. Al-Khaṭīb al-Shirbīnī, *Mughnī al-muḥtāj ilā ma'rifat ma'ānī al-fāz al-Minhāj*. Bayrūt: Dār al-Fikr. (n.d.).
- [12] A. al-Kubrā, *Riwayat Ṣaḥnūn ibn Sa'īd al-Tanūkhī an 'Abd al-Raḥmān ibn al-Qāsim* (1st ed.). Bayrūt: Dār al-Kutub al-'Ilmiyyah. 1994.
- [13] H. Mortada, *Traditional Islamic Principles of Built Environment* (1st ed.). New York: Routledge, 2011.
- [14] A. H. Al-Māwardī, *Al-Aḥkām al-Sulṭāniyya wa al-Wilāyāt al-Dīniyya*. Bayrūt: Dār al-Kutub al-'Ilmiyyah, 1989.
- [15] A. I. S. Al-Mirdāwī, *Al-Inṣāf fī Ma'rifat al-Rājiḥ min al-Khilāf* (M. H. Al-Fiḳī, Ed.). Bayrūt: Dār Iḥyā' al-Turāth al-'Arabī, 1995.
- [16] Y. I. S. Al-Nawawī, *Al-Majmū' sharḥ al-Muhadhdhab*. Bayrūt: Dār al-Fikr. (n.d.).
- [17] M. R. Al-Qal'ājī, & H. S. Qunaybī, *Mu'jam lughat al-fuqahā'* (2nd ed.). Bayrūt: Dār al-Nafā'is lil-Ṭibā'ah wa al-Nashr wa al-Tawzī'. 1988.
- [18] A. M. Al-Qaradāghī, *Fiqh al-mu'āmalāt al-māliyyah al-mu'āṣirah*. Bayrūt: Dār al-Bashā'ir al-Islāmiyyah, 2016.
- [19] M. ibn A. Al-Qurṭubī, *Al-Jāmi' li-aḥkām al-Qur'ān* (A. Al-Bardūnī & I. Aṭfayyish, Eds.). Al-Qāhirah: Dār al-Kutub al-Miṣriyyah, 1964.
- [20] M. ibn S. ibn 'A, Al-Raḥibānī, *Maṭālib ūlī al-nuhā fī sharḥ Ghāyat al-Muntahā* (2nd ed.). Bayrūt: Al-Maktab al-Islāmī, 1994.
- [21] S. A. M. Al-Ramlī, *Nihāyat al-muḥtāj ilā sharḥ al-Minhāj*. Bayrūt: Dār al-Fikr, 1984.
- [22] A. Al-Sa'd, "Ḍawābiṭ al-binā' fī al-fiqh al-Islāmī". *Majallat Mu'tah lil-Buḥūth wa al-Dirāsāt*, vol.19, no. 6, pp. 341–370, 2004.
- [23] G. Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West*. Edinburgh: Edinburgh University Press, 1981.
- [24] M. ibn Al. al-Naysābūrī. *Ṣaḥīḥ Muslim* (M. F. 'Abd al-Bāqī, Ed.). Al-Qāhirah: Dār Iḥyā' al-Kutub al-'Arabiyyah. (n.d.).
- [25] S. Omer, "Towards Understanding Islamic Architecture". *Islamic Studies*, vol. 47, no. 4, pp. 483–510. 2008.
- [26] M. ibn A. Al-Sarakhsī, *Al-Mabsūṭ*. Bayrūt: Dār al-Ma'rifah. (n.d.).
- [27] N. Al-Sayyad, *Cities and Caliphs: On the Genesis of Arab Muslim Urbanism*. New York: Greenwood Press. 1991.
- [28] M. ibn I. Al-Shāfi'ī, *Al-Umm*. Bayrūt: Dār al-Ma'rifah. (n.d.).
- [29] Y. Elshafei, S. N. Mokhtar, S. S. A. Ghafar, and S. M. M. El-Ashmouny, "Investigating Thermal Comfort and Daylight Performance in Mamluk Mashrabiyas for Environmental and Economic Sustainability in Heritage Buildings," *Journal of Islamic Architecture*, vol. 7, no. 3, pp. 509-524, Mar. 2023. <https://doi.org/10.18860/jia.v7i3.19793>
- [30] I. ibn M. Al-Shāṭibī, *Al-Muwāfaqāt fī uṣūl al-sharī'ah* (A. Dirāz, Ed.). Bayrūt: Dār al-Kutub al-'Ilmiyyah. (n.d.).
- [31] A. W. ibn 'A. Al-Subkī, *Mu'īd al-ni'am wa mubīd al-niqam* (M. A. Al-Najjār et al., Eds.). Al-Qāhirah: Maktabat al-Khānjī. (n.d.).
- [32] J. A. Al-Suyūṭī, *Al-Ashbāh wa al-naẓā'ir*. Bayrūt: Dār al-Kutub al-'Ilmiyyah. (n.d.).
- [33] M. ibn J. Al-Ṭabarī, *Jāmi' al-bayān 'an ta'wīl āy al-Qur'ān* (A. M. Shākir, Ed.). Bayrūt: Mu'assasat al-Risālah.

- (n.d.).
- [34] A. J. ibn M. Al-Ṭahāwī, *Sharḥ Maʿānī al-Āthār* (M. Z. Al-Najjār, Ed.). Bayrūt: Dār al-Kutub al-ʿIlmiyyah. (n.d.).
- [35] S. A. Ghafar, S. N. Z. Z. Abidin, M. F. M. Zain, and N. F. Adnan, "Rediscovering the Lost Identity: Integrating Cultural Heritage in Malaysian Mosque Design," *Journal of Event, Tourism and Hospitality Studies*, vol. 1, no. 1, pp. 111-125, Jun. 2023. <https://doi.org/10.32890/jeth2023.1.1.8>
- [36] M. A. Al-Zarqā, *Al-Madkhal al-fiqhī al-ʿāmm*. Dimashq: Dār al-Qalam. 1998.
- [37] F. al-D. Al-Zaylaʿī, ʿU. ibn ʿAlī. *Tabyīn al-ḥaqāʾiq sharḥ Kanz al-daqaʾiq*. Al-Qāhirah: Al-Maṭbaʿah al-Kubrā al-Amīriyyah. 1313H.
- [38] ʿA. R. ibn M. I. Khaldūn, *Muqaddimat Ibn Khaldūn* (D. Al-Juwaydī, Ed.). Bayrūt: Al-Maktabah al-ʿAṣriyyah. (n.d.).
- [39] S. Archer, R. A. A. Karim, & V. Nienhaus, *Takaful Islamic Insurance: Concepts and Regulatory Developments*. Singapore: Wiley. 2011
- [40] M. Ben-Hamouche, "The Decline of Traditional Urban Patterns and the Rise of Urban Sprawl in MENA Inner Cities," *Habitat International*, vol. 136, p. 102816, Jun. 2023. Doi: <https://doi.org/10.1016/j.habitatint.2023.102816>
- [41] R. T. Rokhman, M. S. L. Hasyim, and E. Setyowati, "Architectural characters of Indonesian mosques based on socio-cultural concepts for human-centric and sustainable design," *Cogent Engineering*, vol. 10, no. 1, Jan. 2023. Doi: <https://doi.org/10.1080/23311916.2023.2166540>
- [42] J. Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: International Institute of Islamic Thought, 2008.
- [43] K. Azab, *Takḥṭī wa ʿimārat al-mudun al-Islāmiyyah*. Al-Dawḥah: Wizārat al-Awqāf wa al-Shuʿūn al-Islāmiyyah, Kitāb al-Ummah, 1997.
- [44] K. Azab, *Fiqh al-ʿumrān: Al-Muslimūn wa al-ḥaḍārah al-insāniyyah* (1st ed.). Al-Qāhirah: Al-Dār al-Miṣriyyah al-Lubnāniyyah. 2013
- [45] M. H. Bakri, & M. H. Daba, "Maqasid Al-Shariʿah in Sustainable Urban Development: A Review and Conceptual Framework". *Journal of Islamic Architecture*, vol. 6, no. 2, pp. 105–115, 2021, doi: 10.18860/jia.v6i2.11585.
- [46] M. A. "Urban Planning in Islam: Exploring its Principles and Practices". *Journal of Planning History*, vol. 1, no. 2, pp. 123–145, 2000.
- [47] M. Q. Bāshā, *Murshid al-ḥayrān ilā maʿrifat aḥwāl al-insān* (2nd ed.). Būlāq: Al-Maṭbaʿah al-Kubrā al-Amīriyyah. 1891
- [48] D. Behrens-Abouseif, *Beauty in Arabic Culture*. Princeton: Markus Wiener Publishers, 1999.
- [49] M. M. Billah, *Islamic Insurance Products: A Comprehensive Guide to Takaful*. London: Palgrave Macmillan, 2019.
- [50] A. Bouayad, "Qaḍāyā al-ʿumrān wa al-iskān fī al-sharīʿah al-Islāmiyyah". *Majallat al-Tasāmuḥ*, vol. 8, pp. 55–70, 2004.
- [51] M. U. Chapra, *Islam and the Economic Challenge*. Leicester: The Islamic Foundation. 1992.
- [52] M. U. Chapra, *The Islamic Vision of Development in the Light of Maqasid Al-Shariʿah*. Jeddah: Islamic Research and Training Institute, 2007.
- [53] D. Elma, R. Mirgholami, R. C. G. M. L. Van Der Heijden, and M. A. Maʿtoug, "Quality Assessment of Public Spaces in the Traditional Souqs of the Islamic-Arabic Cities: Case Studies of Souqs in Aleppo, Damascus, and Sanaʿa," *Journal of Urban Design*, vol. 27, no. 1, pp. 74-100, Jan. 2022. Doi: <https://doi.org/10.1080/13574809.2021.1969037>
- [54] M. W. Dols, "The Origins of the Islamic Hospital: Myth and Reality". *Bulletin of the History of Medicine*, vol. 61, no. 3, pp. 367–390, 1987.
- [55] B. S. Hakim, *Arabic-Islamic Cities: Building and Planning Principles*. London: Kegan Paul International, 1986.
- [56] N. Ḥammād, *Maqāṣid al-Shariʿah fī al-Bināʾ wa al-Tashyīd*. Dimashq: Dār al-Qalam, 2005.
- [57] R. Hillenbrand, *Islamic Architecture: Form, Function, and Meaning*. Edinburgh: Edinburgh University Press, 1994.
- [58] Muqtafi, "Learning from Historical Precedents: The Revitalization of the Great Mosque of Tuban, Indonesia, based on the Concept of Community Ownership," *Journal of Islamic Architecture*, vol. 7, no. 2, pp. 248-261, Dec. 2022. Doi: <https://doi.org/10.18860/jia.v7i2.15589>.
- [59] W. K. Suryanata, "Privacy as Islamic Values for Creating Sustainable Dwelling Architecture," *Journal of Islamic Architecture*, vol. 7, no. 2, pp. 317-327, Dec. 2022. Doi: <https://doi.org/10.18860/jia.v7i2.17937>
- [60] M. A. ibn ʿU. Ibn ʿĀbidīn, *Ḥāshiyat Radd al-Muḥtār ʿalā al-Durr al-Mukhtār Sharḥ Tanwīr al-Abṣār* (2nd ed.). Bayrūt: Dār al-Fikr. 1966.
- [61] N. D. E. Indrani, Y. T. Y. Pratiwi, A. Malik, and M. I. Said, "Vernacular Concept Transformation of Sustainable Mosque Building in Ternate City," *Journal of Islamic Architecture*, vol. 7, no. 3, pp. 376-385, Mar. 2023. Doi:

<https://doi.org/10.18860/jia.v7i3.18181>

[62] M. al-Ṭ. ibn M. Ibn 'Āshūr, *Al-Taḥrīr wa al-tanwīr*. Tūnis: Al-Dār al-Tūnisiyyah lil-Nashr, 1984.

[63] M. ibn I. al-L. Ibn al-Rāmī, *Al-I'ān bi-aḥkām al-bunyān* (A. R. ibn S. al-Atrām, Ed.), Al-Riyāḍ: Dār Ishbīliyyā. 1995.