

RESEARCH

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Operationalizing Maslahah Mursalah: A Six-Stage Methodological Framework for Contemporary Ijtihad

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Abstract

This study aims to develop an operational six-stage methodological framework for applying Maslahah Mursalah to emerging legal issues. Employing a qualitative doctrinal-analytical approach, the study systematically examines classical uşul al-fiqh sources and contemporary maqāsid al-sharī'ah scholarship. The methodological contributions of al-Ghazālī, al-Shātibī, Ibn 'Ashūr, Jasser Auda, and Yūsuf al-Qaradāwī are comparatively analyzed and synthesized. The proposed framework is subsequently applied to five purposively selected contemporary issues: mandatory vaccination, cryptocurrency, surrogate motherhood, environmental protection, and Islamic fintech. The findings produce a six-stage procedure comprising problem identification, comprehensive textual examination, verification of public benefit, contextual and systemic analysis, legal formulation, and collective methodological validation. Its application demonstrates that Maslahah Mursalah does not generate uniform legal judgments; rather, it produces context-sensitive rulings based on the nature of the issue, the hierarchy of maqāsid, the balance between benefit and harm, and compliance with definitive Islamic legal principles. The study concludes that the legitimate application of Maslahah Mursalah requires the cumulative fulfillment of classical validity criteria, multidisciplinary expertise, and institutionalized collective ijtihad. This framework contributes a transparent, traceable, and replicable methodological model for scholars, fatwa institutions, policymakers, and Islamic legal authorities in addressing contemporary legal challenges.

KEYWORDS: *Maslahah Mursalah*; *Maqāsid al-Sharī'ah*; Contemporary Ijtihad; Islamic Legal Methodology; Doctrinal Research; Collective Ijtihad.

Introduction

The rapid development of human civilization, driven by advances in science and technology, globalization, biotechnology, digital finance, environmental degradation, and evolving concepts of citizenship and multicultural societies, has generated legal and ethical questions that were unknown during the formative period of Islam. These developments require Islamic legal reasoning (*ijtihad*) that is capable of responding to emerging realities while remaining faithful to the principles and objectives of the Sharī'ah. While the normative legitimacy of *ijtihad* has long been established within the Islamic legal tradition, the central

challenge today lies in developing a systematic and operational methodology that enables contemporary legal reasoning to address increasingly complex realities in a transparent, consistent, and academically accountable manner. Consequently, the methodological reconstruction of *ijtihad* has become one of the most significant concerns in contemporary Islamic legal studies.

The Qur'an and Sunnah, as the primary sources of Islamic law, are textually finite, whereas the realities of human life continue to develop without limit. Classical scholars of *uṣūl al-fiqh* articulated this epistemological relationship through the maxim *al-nuṣūṣ mutanāhiyah wa al-waqā'ir ghayr mutanāhiyah* (the revealed texts are finite, whereas emerging realities are unlimited). It is precisely within this dynamic that *Maslahah Mursalah* assumes its enduring significance as a juristic mechanism for addressing legal issues not explicitly regulated by the textual sources. Nevertheless, although its normative legitimacy and contemporary relevance have been widely discussed in both classical and modern scholarship, considerably less attention has been devoted to developing a transparent, systematic, and operational methodological framework that translates its theoretical foundations into a replicable process of contemporary *ijtihad*. This methodological gap constitutes the primary focus of the present study.

Existing scholarship has established the normative legitimacy and contemporary relevance of *Maslahah Mursalah* as an instrument of Islamic legal reasoning. For example, Shinkafi et al. (2018) and Aslati et al. (2020) explain its theoretical foundations and contemporary applications in addressing emerging legal issues. However, these and similar studies remain largely descriptive and normative, offering limited methodological guidance for how *Maslahah Mursalah* should be systematically applied in contemporary *ijtihad*. In particular, they do not provide an operational framework that integrates the classical methodological insights of al-Ghazālī and al-Shaṭībī with Auda's systems approach into a transparent, replicable, and analytically verifiable sequence of legal reasoning.

This study addresses that methodological gap by developing a structured six-stage framework for the application of *Maslahah Mursalah*. The framework is constructed from classical *uṣūl al-fiqh* principles and contemporary *maqāṣid al-sharī'ah* theory and is demonstrated through five methodologically representative contemporary legal issues—mandatory vaccination, cryptocurrency, surrogate motherhood, environmental protection, and Islamic fintech. Rather than functioning as isolated case studies, these issues serve as methodological archetypes for testing the applicability of the proposed framework across diverse domains of contemporary Islamic legal reasoning. The subsequent discussion of citizenship and constitutional issues within the framework of *al-waṭan wa al-muwaṭanah* extends the application of the same methodology and should therefore be understood as a validation of its broader applicability rather than as a sixth case study.

This study aims to: (1) develop a structured six-stage methodological framework for applying *Maslahah Mursalah* based on principles traceable to the classical *uṣūl al-fiqh* tradition; (2) demonstrate the application of the proposed framework through five methodologically representative contemporary legal issues—mandatory vaccination, cryptocurrency, surrogate motherhood, environmental protection, and Islamic fintech—

each representing a distinct category of contemporary *ijtihādī* challenge; (3) evaluate the methodological consistency, analytical transparency, and practical applicability of the proposed framework in addressing contemporary legal issues; (4) critically analyze classical and contemporary scholarly perspectives on the application of *Maslahah Mursalah*; and (5) formulate methodological recommendations for strengthening *maqāṣid*-based *ijihad* in contemporary Islamic legal reasoning. The subsequent discussion of nationhood (*al-waṭan wa al-muwaṭanah*) is presented as an extension illustrating the broader applicability of the proposed framework to national legal and constitutional contexts rather than as a separate sixth case study.

Method

Approach and Justification

This study adopts a doctrinal-analytical research approach grounded in the primary sources of *uṣūl al-fiqh*. The approach is appropriate because the study addresses a normative-methodological problem, namely the construction of a systematic and operational framework for applying *Maslahah Mursalah* in contemporary Islamic legal reasoning. Rather than examining how Islamic law is implemented in social practice through empirical observation, this research investigates the methodological validity of legal reasoning by analyzing authoritative juristic doctrines and principles developed within the classical Islamic legal tradition. The objective is to formulate a transparent, systematic, and replicable framework that remains faithful to the epistemological foundations of classical jurisprudence while responding effectively to contemporary legal challenges.

The doctrinal approach enables a systematic examination of legal concepts, methodological principles, and juristic arguments preserved in the classical literature of *uṣūl al-fiqh*. Through critical textual analysis and comparative evaluation of authoritative scholarly opinions, the study identifies the essential procedural elements underlying the application of *Maslahah Mursalah*. These elements are subsequently synthesized into a coherent six-stage methodological framework. To demonstrate its applicability, the framework is applied to five contemporary legal issues selected on the basis of methodological representativeness rather than empirical frequency. Mandatory vaccination, cryptocurrency, surrogate motherhood, environmental protection, and Islamic fintech were chosen because each represents a qualitatively distinct category of contemporary *ijtihādī* challenge, enabling the framework to be evaluated across diverse fields of Islamic legal reasoning rather than within a single substantive area.

The selection of this approach is further justified by the objective of producing a framework that is transparent, traceable, and methodologically replicable. Accordingly, every analytical stage is explicitly linked to recognized classical authorities and critically examined in light of contemporary *maqāṣid al-sharī'ah* scholarship. The five contemporary issues therefore function as methodological archetypes for assessing the consistency and adaptability of the proposed framework rather than as isolated empirical case studies. In addition, the subsequent discussion of nationhood (*al-waṭan wa al-muwaṭanah*) is presented not as a separate sixth case study but as an extension illustrating the broader applicability of

the same methodological framework to constitutional, citizenship, and public policy contexts. This methodological orientation enhances the reliability, transparency, and scholarly verifiability of the proposed framework, thereby meeting the standards of rigor and reproducibility expected in contemporary Islamic legal research.

Scholar Selection Criteria

The selection of scholars was guided by explicit methodological criteria to ensure the credibility and comprehensiveness of the proposed framework. The selected authorities are widely recognized as major references in the development of *uṣūl al-fiqh*, *maqāṣid al-sharīʿah*, and *Maslahah Mursalah*, represent different periods of Islamic legal thought (classical to contemporary), and offer distinct methodological contributions relevant to the analytical stages of the framework. As summarized in Table 1, al-Juwaynī (419–478 H) was selected for his foundational articulation of *maqāṣid* theory; al-Ghazālī (450–505 H) for formulating the cumulative validity criteria of *Maslahah Mursalah* that underpin Stage 3; al-Shaṭībī (d. 790 H) for developing the comprehensive methodology of *istiqrāʾ maʿnawī* and the systematic theory of *maqāṣid* that informs Stage 2; Jasser Auda for introducing a multidisciplinary systems approach that supports contextual analysis in Stage 4; and Yūsuf al-Qaradāwī for his concepts of *fiqh al-awlawiyyāt* and contemporary *ijtihād*, which guide the prioritization and implementation stages (Stages 5–6). Rather than relying on isolated quotations, the framework was developed through comparative analysis and conceptual synthesis across these complementary perspectives, enabling each stage to be explicitly traceable to its primary doctrinal source while minimizing the risk of selective citation.

Case Study Selection Criteria

The five cases were selected through purposive methodological sampling based on representativeness rather than empirical frequency or practical importance. The objective was to evaluate the proposed framework across qualitatively distinct categories of contemporary *ijtihādī* challenges, thereby demonstrating its methodological adaptability and analytical consistency in diverse legal contexts. Accordingly, each case represents a different legal domain and a different pattern of *maqāṣid*-based reasoning rather than merely providing illustrative examples.

Mandatory vaccination represents public-health intervention involving state authority and the protection of life (*ḥifẓ al-naḥs*) at the *ḍarūriyyah* level. Cryptocurrency represents digital financial innovation requiring the balancing of legal certainty, economic utility, and risk within the *ḥājjiyyah* category. Surrogate motherhood illustrates a complex bioethical issue involving competing *ḍarūriyyah* objectives, particularly the protection of lineage (*ḥifẓ al-nasl*) and human dignity. Environmental protection extends the application of *maqāṣid al-sharīʿah* to ecological responsibility and intergenerational welfare, while Islamic fintech represents emerging governance issues arising from the integration of financial technology with Sharīʿah principles. Collectively, these five cases function as methodological archetypes for assessing the robustness of the proposed framework across public health, finance, bioethics, environmental governance, and technological innovation.

The subsequent discussion of nationhood (*al-waṭan wa al-muwaṭṭanah*) is not included as a sixth case study. Rather, it serves as an extension illustrating how the same

methodological framework may be applied to broader constitutional, citizenship, and public policy questions. This distinction preserves the conceptual coherence of the research design while demonstrating the wider applicability of the proposed framework beyond the five representative legal domains.

Results And Discussion

Epistemology of Maslahah Mursalah

Lexically, Maslahah (مصلحة) derives from the root ص ل ح meaning good and beneficial. Al-Ghazali defines it as 'al-muhafazah 'ala maqasud al-shar' min al-khalq' (preserving the purpose of the Lawgiver in creating mankind). Al-Shatibi in al-Muwafaqat constructs the maqasid hierarchy that remains the standard reference today: *daruriyyat* (five primary protections: religion, life, intellect, lineage, wealth), *Hajiyyat* (secondary needs), and *tahsiniyat* (tertiary-complementary).

His most important contribution is the concept of *istiqā' ma'nawī* meaningful induction from the totality of Shari'ah texts which produces legal authority equivalent to *qaṭ'i* (definitive) texts.

The Six-Stage Methodological Framework

The six-stage framework proposed in this research is a traceable synthesis from the thinking of the selected scholars, not a procedure invented ex nihilo. The derivation of each stage is as follows:

Stage 1. Taṣwīr al-Mas'alah (Problem Identification)

The purpose of this stage is to define and accurately understand the legal problem by examining its factual, social, and contextual dimensions before commencing textual analysis. It is derived from the methodological principles of Al-Shaṭībī and Jasser Auda, particularly the concept of *fahm al-wāqī'*, which requires a comprehensive understanding of reality prior to legal reasoning. The operational question guiding this stage is: *What is the actual legal issue, and what empirical realities must be understood before deriving a legal ruling?* The expected output is a clearly formulated legal problem grounded in its contemporary context.

Stage 2. Fiqh al-Nuṣūṣ (Textual Study)

The purpose of this stage is to identify and analyse all relevant Qur'anic and Prophetic texts through *istiqrā' ma'nawī* in order to determine the objectives of the Shari'ah. This stage is primarily based on Al-Shaṭībī's methodology of inductive textual analysis. The guiding operational question is: *Which scriptural evidences are relevant, and what maqāṣid al-sharī'ah do they collectively indicate?* The expected output is a comprehensive textual foundation that reflects the holistic objectives of the Shari'ah.

Stage 3. Tashkhiṣ al-Maṣlahah (Maslahah Identification)

The purpose of this stage is to assess whether the proposed *maṣlahah* satisfies the classical requirements for legal validity. Drawing upon the works of Al-Ghazālī and Fakhr al-Dīn al-Rāzī, this stage applies five cumulative validity conditions: *ḥaqīqiyyah*, *kulliyyah*, *darūriyyah*, non-contradiction with definitive texts, and consistency with the spirit of the Shari'ah. The operational question asks: *Does the proposed maṣlahah fulfil these classical validity conditions?* The expected output is a verified assessment of the legal validity of the

proposed public interest.

Stage 4. 'Ibar al-Wāqī' (Contextual Analysis)

The purpose of this stage is to evaluate the legal issue within its broader social, economic, political, and institutional systems. Based on the systems approach of Jasser Auda and the contextual insights of Ibn 'Āshūr, this stage examines the interaction between legal rulings and contemporary realities. The guiding operational question is: *What systemic consequences may result from the proposed legal ruling, and how does the surrounding temporal and spatial context influence its implementation?* The expected output is a contextual assessment demonstrating the compatibility of the proposed ruling with the objectives of the Sharī'ah.

Stage 5. Istinbāt al-Ḥukm (Legal Formulation)

The purpose of this stage is to formulate a legal ruling by balancing competing interests and prioritising the higher objectives of the Sharī'ah. It is principally derived from Ibn 'Āshūr's theory of *maqāṣid* and Yūsuf al-Qaraḍāwī's concept of *fiqh al-awlawiyyāt*. The operational question is: *Which legal ruling best realizes the higher maqāṣid while balancing benefits and harms?* The expected output is a reasoned legal ruling that is methodologically grounded and consistent with the hierarchy of the Sharī'ah's objectives.

Stage 6. Taqwīm al-Ijtihād (Validation)

The purpose of this final stage is to validate the proposed legal ruling through collective scholarly review and methodological verification. Drawing upon the contributions of Aḥmad al-Raysūnī and Yūsuf al-Qaraḍāwī, the stage emphasizes *ijtihād jamā'ī*, comparison with authoritative scholarly opinions, and the application of relevant *qawā'id fiqhiyyah*. The operational question is: *Has the proposed ruling been sufficiently verified through collective ijtihad and established juristic principles?* The expected output is a methodologically validated legal conclusion that is academically defensible and suitable for contemporary application.

Application to Five Contemporary Cases

Case 1 Mandatory Mass Vaccination

Mandatory mass vaccination during the COVID-19 pandemic was selected because it represents the challenge of public-health intervention involving a potential tension between individual bodily autonomy and the state's obligation to protect collective life, a circumstance for which no explicit textual precedent exists in classical *fiqh*. The analysis is grounded not only in the doctrine of *Maslahah Mursalah* but also in contemporary public health ethics, which recognize the principles of harm prevention, proportionality, and the protection of vulnerable populations as legitimate grounds for compulsory vaccination during a public health emergency. This assessment is further supported by the World Health Organization (WHO), which identifies vaccination as one of the most effective measures for preventing severe disease, reducing mortality, and protecting public health, as well as by Indonesia's national COVID-19 vaccination policy and authoritative fatwas permitting and, under certain conditions, supporting vaccination for the realization of the public good.

Within the proposed framework, the identified *maṣlahah* is classified as *ḥaqīqiyah*

because its public health benefits are supported by scientific evidence, *kulliyyah* because it protects society as a whole rather than particular individuals, and *ḍarūriyyah* because it directly serves the preservation of life (*ḥifẓ al-naḥs*). The case also satisfies al-Ghazālī's cumulative validity criteria for *Maslahah Mursalah*, as the benefit is genuine, universal, necessary, consistent with the objectives of the Sharī'ah, and not contradicted by any definitive textual evidence. Accordingly, the juristic maxim *al-ḍarar al-khāṣṣ yuḥṭamal li daf' al-ḍarar al-'āmm* (private harm may be tolerated to prevent greater public harm) provides the legal basis for prioritizing collective welfare over limited restrictions on individual autonomy in circumstances of a serious public health emergency.

Ijtihad Result: Mandatory mass vaccination is permissible, indeed a collective obligation (*farḍ kifayah*), in pandemic conditions. Basis: *Maslahah Mursalah* at the *Ḍaruriyyah* level *Ḥifẓ al-naḥs*.

Case 2 Cryptocurrency

Cryptocurrency Cryptocurrency was selected because it represents the broader challenge of digital financial innovation, encompassing several distinct blockchain-based financial instruments that have no direct precedent in classical *fiqh*. The analysis therefore distinguishes between cryptocurrencies functioning as decentralized currencies (e.g., Bitcoin), crypto assets used primarily for investment, stablecoins designed to maintain price stability, tokenized representations of real-world assets, and blockchain-based payment systems as technological infrastructures. Each category possesses different legal characteristics, economic functions, and *maqāṣid*-related implications, and consequently requires an independent juristic assessment rather than a single generalized ruling.

Accordingly, the proposed framework produces differentiated legal conclusions based on the nature and function of the digital instrument. Cryptocurrencies used as alternative currencies may generate systemic *gharar*, excessive volatility, and potential risks to monetary sovereignty, thereby constituting a *mafsadah* at the *ḍarūriyyah* level. By contrast, regulated crypto assets employed as investment instruments may satisfy the requirements of *māl mutaqaawwam* when supported by legal certainty, effective regulatory oversight, and genuine economic utility, thereby realizing *maṣlaḥah* at the *ḥājīyyah* level. Likewise, stablecoins, tokenized assets, and blockchain-based payment systems require separate evaluation according to their specific structures, regulatory environments, and public benefits, demonstrating that *Maslahah Mursalah* yields context-sensitive rather than universally uniform legal rulings.

Ijtihad Result: Decentralized cryptocurrencies used as alternative currencies are ḥarām due to systemic *gharar*, excessive volatility, and potential harm to monetary stability, constituting a *mafsadah* at the *ḍarūriyyah* level. Regulated crypto assets used as investment instruments are conditionally mubāḥ, provided they satisfy the requirements of *māl mutaqaawwam*, operate within a recognized regulatory framework, and generate legitimate economic benefit, thereby realizing *maṣlaḥah* at the *ḥājīyyah* level. Stablecoins, tokenized assets, and blockchain-based payment systems are not subject to a single general ruling but require separate *ijtihādī* assessment according to their legal structure, economic function, regulatory environment, and conformity with the objectives of *ḥifẓ al-māl*.

Case 3 Surrogate Motherhood

Surrogate motherhood was selected because it represents one of the most complex contemporary bioethical challenges, involving the intersection of reproductive technology, family law, and the objectives of the Shari'ah. The analysis distinguishes between traditional surrogacy, in which the surrogate also provides the ovum and therefore has a genetic relationship with the child; gestational surrogacy, in which the surrogate merely carries an embryo created from the gametes of the intended parents; the use of donor gametes (sperm or ova), which introduces a third-party genetic contribution; and in vitro fertilization (IVF) conducted exclusively with the gametes of a legally married couple without the involvement of a surrogate. These practices differ substantially in their legal characteristics and therefore cannot be subjected to a single, generalized ruling.

Within the proposed framework, the principal *maqāṣid* concern is the preservation of lineage (*ḥifẓ al-nasl*), together with the protection of human dignity and family integrity. Traditional surrogacy and arrangements involving donor gametes create significant uncertainty regarding lineage, parentage, and legal rights, thereby giving rise to *mafsadah* at the *ḍarūriyyah* level. Gestational surrogacy, although it does not involve a genetic contribution from the surrogate, nevertheless raises substantial legal and ethical questions concerning motherhood, parental responsibility, and contractual obligations, requiring independent juristic evaluation. By contrast, IVF performed solely with the gametes of a legally married couple and without third-party involvement is generally distinguishable from surrogacy because it preserves lineage and does not introduce competing parental claims. Accordingly, the application of *Maslahah Mursalah* produces differentiated legal conclusions based on the specific reproductive arrangement rather than a single uniform ruling for all forms of assisted reproductive technology.

Ijtihad Result: Traditional surrogacy and reproductive arrangements involving donor gametes are *ḥarām* because the resulting *mafsadah* to the preservation of lineage (*ḥifẓ al-nasl*) at the *ḍarūriyyah* level outweighs the individual *maṣlaḥah* sought by infertile couples. Gestational surrogacy, although it does not involve genetic contribution from the surrogate, remains predominantly impermissible due to unresolved legal and ethical concerns regarding motherhood, parental rights, and contractual obligations, and therefore requires independent *ijtihādī* evaluation. By contrast, in vitro fertilization (IVF) using only the gametes of a legally married couple and without third-party involvement is distinguishable from surrogacy and may be considered permissible, as it preserves lineage (*ḥifẓ al-nasl*) while realizing the legitimate objective of overcoming infertility. Thus, the application of *Maslahah Mursalah* produces differentiated legal rulings according to the specific reproductive arrangement rather than a single uniform judgment for all assisted reproductive technologies.

Case 4 Environmental Protection

Environmental protection was selected because it represents an ecological challenge that requires the application of *maqāṣid al-shari'ah* to a domain that was not explicitly formulated within the classical classification of legal objectives. Contemporary *maqāṣid* scholarship has increasingly recognized environmental sustainability as an essential concern

of Islamic law; however, scholars differ on its conceptual status. Some argue that *ḥifẓ al-bi'ah* should be regarded as an independent objective of the Sharī'ah, whereas others consider it an extension of the five essential *maqāṣid* (*al-kullīyyāt al-khams*) because environmental degradation simultaneously threatens the preservation of life (*ḥifẓ al-naḥs*), progeny (*ḥifẓ al-nasl*), wealth (*ḥifẓ al-māl*), intellect (*ḥifẓ al-'aql*), and, in certain contexts, religion (*ḥifẓ al-dīn*).

This study adopts the second position. Rather than treating *ḥifẓ al-bi'ah* as a universally accepted sixth *maqṣad*, it is understood as a contemporary extension of the classical *maqāṣid* framework that integrates and safeguards the realization of the five essential objectives in the context of modern ecological challenges. Through this interpretation, environmental protection is justified not as a departure from the classical tradition but as a context-sensitive development of *Maslahah Mursalah*, demonstrating the capacity of *maqāṣid al-sharī'ah* to respond to emerging global issues while remaining grounded in its established doctrinal foundations.

Ijtihad Result: Environmental protection is obligatory (*farḍ 'ayn* at the individual level and *farḍ kifāyah* at the institutional and state levels). Basis: *Maslahah Mursalah* at the *ḍarūriyyah* level, as environmental preservation constitutes a contemporary extension of the classical *maqāṣid* framework by simultaneously safeguarding the five essential objectives (*al-kullīyyāt al-khams*), particularly the preservation of life (*ḥifẓ al-naḥs*), progeny (*ḥifẓ al-nasl*), wealth (*ḥifẓ al-māl*), and intellect (*ḥifẓ al-'aql*).

Case 5 Islamic Fintech

Islamic fintech was selected because it represents financial technology governance the application of *fiqh mu'amalat* principles to entirely new digital infrastructure. The *Maslahah* of Islamic fintech is *kullīyyah* and *Ḥajīyyah*: financial inclusion of 1.8 billion globally unbanked people, SME access to capital without *riba*, and efficient digital distribution of *zakah*-*infaq*-*ṣadaqah*.

Ijtihad Result: Islamic fintech meeting Islamic *mu'amalat* principles: *mubāḥ* → *mandub*. Basis: *Maslahah Mursalah* at the *Ḥajīyyah* level *Ḥifẓ al-māl* + economic distributive justice.

Maslahah Mursalah in the National Domain

This section does not introduce an additional case study but illustrates the broader applicability of the proposed six-stage methodological framework beyond the five representative legal issues analyzed above. The application of *Maslahah Mursalah* to the nation-state represents a methodological extension of contemporary *ijtihād*, addressing questions of citizenship, constitutional governance, and interreligious coexistence within modern political communities. Al-Shaṭībī affirms that Islamic governance is established to preserve public welfare and prevent collective harm (*al-ḥukūmah al-islāmiyyah manṣūbah li ḥifẓ al-maṣāliḥ al-'āmmah wa daf' al-mafāsīd al-kullīyyah*), providing the normative basis for extending *maqāṣid*-based reasoning from individual legal rulings to the governance of public affairs.

The Medina Charter (*al-Ṣaḥīfah al-Madīnah*) provides an important historical reference for this extension because it established a political order based on shared security, mutual

obligations, justice, and coexistence among religiously diverse communities. Rather than claiming that the Medina Charter and the modern nation-state are historically identical, this study employs the Charter as a methodological precedent illustrating how the principle of *maṣlaḥah ‘āmmah* (public welfare) may guide constitutional arrangements in plural societies. Within the Indonesian constitutional context, Pancasila may therefore be interpreted as a constitutional *modus vivendi* aimed at realizing the common good while accommodating religious and cultural diversity. From this perspective, the First Principle may be understood as reflecting the value of *tawḥīd*, whereas the remaining principles promote constitutional values that are broadly consistent with the objectives of *maqāṣid al-sharī‘ah*, including justice, human dignity, social solidarity, and public welfare.

This interpretation is not without scholarly debate. Some scholars argue that extending *Maslahah Mursalah* to constitutional democracy and nationhood risks expanding the doctrine beyond its classical scope, while others question whether modern constitutional principles should be interpreted through a *maqāṣid* framework. This study therefore adopts a cautious methodological position. It does not claim that Pancasila or constitutional democracy constitutes an Islamic legal system, but rather that they may be evaluated through *Maslahah Mursalah* insofar as they realize genuine public welfare (*maṣlaḥah ‘āmmah*), remain consistent with the objectives of the Sharī‘ah, do not contradict definitive (*qaṭ‘ī*) textual evidence, and satisfy the cumulative validity criteria formulated by al-Ghazālī. Accordingly, citizenship, constitutional democracy, and interreligious social contracts—including Pancasila—may legitimately be understood as contemporary applications of *Maslahah Mursalah* at the *ḍarūriyyah* level, provided that their legitimacy is established through collective *ijtihād* (*ijtihād jamā‘ī*) and multidisciplinary scholarly evaluation.

Critical Analysis of Scholarly Disagreements

Scholarly disagreements about the validity of *Maslahah Mursalah* constitute one of the longest epistemological debates in the history of *uṣul al-fiqh*. Ibn Ḥazm (994–1064 CE) categorically rejects it, arguing that only texts can be a source of law. Al-Ghazali conditionally accepts it under three cumulative conditions: *qaṭ‘iyyah*, *kulliyyah*, *ḍaruriyyah*. Al-Qarafi from the Maliki tradition broadly accepts it down to the *Ḥajiyyah* level. Al-Shatibi accepts it with the high *istiqrā’ ma‘nawī* standard. Ibn ‘Ashur extends *maqāṣid* to encompass socio-political dimensions. Jasser Auda proposes a systemic reconstruction requiring analysis of integrated impact.

The proposed six-stage methodology does not exclusively adopt any single position, but integrates the strengths of various positions while identifying and mitigating their respective weaknesses. This framework addresses Shinkafi et al.’s (2018) observation that the absence of methodological specification ‘leaves the door open to abuse and arbitrary rulings disguised as *maslahah*-based *ijtihād*.’

CONCLUSION

This study develops a structured six-stage methodological framework for applying *Maslahah Mursalah* in contemporary Islamic legal reasoning by integrating al-Ghazali’s cumulative

validity criteria, al-Shaṭibi's methodology of *istiqla' ma'nawi*, Ibn 'Ashur's expansion of *maqasid al-shari'ah*, and Jasser Auda's systems approach. In doing so, it addresses an important methodological gap by providing a transparent, systematic, and operational procedure for contemporary *ijtihad*.

The framework is demonstrated through five methodologically representative legal issues mandatory vaccination, cryptocurrency, surrogate motherhood, environmental protection, and Islamic fintech which function as methodological archetypes rather than isolated case studies. The findings show that *Maslahah Mursalah* produces context-sensitive legal judgments according to the cumulative fulfillment of classical validity criteria and *maqasid*-based analysis. Beyond these five issues, the discussion of citizenship, constitutional democracy, and interreligious social contracts within the framework of *al-waṭan wa al-muwaṭanah* is presented as a methodological extension, illustrating the broader applicability of the framework to constitutional and public policy questions.

Theoretically, this study demonstrates that textual authority, *maqasid*-based reasoning, and contemporary systems theory can be integrated into a coherent methodological sequence for contemporary *ijtihad*. Practically, the proposed framework provides a transparent methodological reference for fatwa institutions, *ijtihad jama'i* councils, Islamic legal scholars, and policymakers in addressing emerging legal issues.

This study is limited by its doctrinal-analytical approach and by demonstrating the framework through five representative legal issues without empirical validation in institutional fatwa practice. Future research should empirically examine the framework in *ijtihad jama'i*, conduct comparative studies across fatwa institutions, develop measurable indicators for assessing *maṣlaḥah*, and extend its application to emerging issues such as artificial intelligence, gene editing, central bank digital currencies (CBDCs), and other technological developments.

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