

Evidence and Methods of Excavating Islamic Economic Law: Maslahah Mursalah and Its Application in Islamic Economics

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ABSTRACT

This research aims to analyze the concept of *maslahah mursalah*, the views of *ulama* on its use, and its application in various cases in the sharia financial sector, such as financing with collateral. This research shows that *maslahah murlah* can be a legal basis that is relevant in a modern context, maintaining sharia principles, and meeting the needs of Muslims amidst global change. *Maslahah murrasa* is one of the principles in Islamic law which aims to create public benefit and prevent harm without conflicting with the postulates of sharia. This principle provides legal flexibility to respond in addressing the evolving needs of society in a sharia-compliant manner, especially in the sharia economic and financial sectors.

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1. Introduction

Islamic economics is an integral part of sharia which aims to create an economic system that is fair, prosperous, and free from harmful or destructive practices (*dharar*). In practice, Islamic economics not only regulates financial transactions, but also ensures that every economic activity contributes to the well-being of the *ummah* and is in line with Islamic values. Today, the Islamic economy faces great challenges in responding to global economic developments, technological innovation, and rapid social change. These challenges raise the need to have a flexible, responsive, and sharia-based legal framework. In this context, the principle of *maslahah mursalah* becomes very relevant. By using *maslahah mursalah*, Islamic law scholars and academics can create rules that are not only in accordance with the basic principles of sharia, but also responsive to the demands of contemporary economics (Samidi, Maarif, & Saptono, 2023).

Maslahah mursalah is an important concept in *usul fiqh* (principles of Islamic law) that refers to general benefits or interests that are not explicitly mentioned in the Qur'an or Hadith but are considered essential for the well-being of the *ummah*. *Maslahah mursalah* is applied when there is a need to establish rulings on new issues that lack explicit evidence in the primary sources of Islamic law. This concept allows Islamic law to remain relevant and adaptable to

changing contexts. Although *maslahah mursalah* does not have direct textual evidence from the Qur'an or Hadith, its application is grounded in the principles of *maqasid al-shariah*, which emphasize the preservation of religion, life, intellect, lineage, and property (Alqaralleh & Hossain, 2023).

This goal emphasizes the importance of maintaining goodness and avoiding damage in all aspects of Muslim life, including in the economic field. *Maslahah mursalah* is strengthened by the rules of Islamic law such as *dar'u al-mafasid muqaddam 'ala jalb al-masalih* (avoiding harm takes precedence over benefiting) and *al-mashaqqah tajlibu at-taysir* (hardship brings ease). These rules provide a foundation for making legal decisions that consider the benefits and welfare of the community. In the development of Islamic economic law, the method of deriving legal rulings through *maslahah mursalah* enables scholars to create laws that align with modern conditions while upholding *sharia* principles. This approach has been applied in various aspects of Islamic law and finance, showing its continued relevance to contemporary issues (Ibrahim, Nasri, & Ithnan, 2025; Putri & Syaripudin, 2025).

By discussing the postulates and methods of legal excavation based on *maslahah mursalah*, this research contributes to enriching the Islamic legal literature and clarifying the relevance of the concept in modern Islamic economics. The use of *maslahah mursalah* allows the development of rules that are in line with *sharia* principles and responsive to contemporary conditions. This is important to maintain the relevance and continuity of the Islamic economy amid rapid global economic changes. Recent studies emphasize that *maslahah mursalah* and *maqasid al-shariah* serve as dynamic frameworks for developing *sharia*-based financial instruments and policies that ensure justice and welfare (*maslahah*) for the community (Samidi, Maarif, & Saptono, 2023; Aderemi & Ishak, 2023).

Maslahah mursalah has become an important topic in *usul fiqh*. Etymologically, the word *maslahah* means benefit, while *mursalah* means "unrestricted by specific textual evidence." In Islamic jurisprudence, *maslahah mursalah* refers to a general benefit that is not explicitly stated in the Qur'an or Hadith but is essential for preserving the welfare of the *ummah*. The concept is deeply connected with the preservation of the five essentials of life: religion, soul, intellect, progeny, and property, which form the foundation of *maqasid al-shariah*. According to (Abd Razak, 2020), both the Maliki and Hanbali schools consider *maslahah mursalah* as a legitimate legal basis when it aligns with the higher objectives of *Shariah* and serves public interest. Meanwhile, the Shafi'i school adopts a more cautious approach, accepting it only when it can be substantiated by *qiyas* or *ijma'*. Similarly, (Moghul, 2017) emphasizes that the application of *maslahah mursalah* across different schools demonstrates the balance between maintaining the spirit of *Shariah* and ensuring social justice and public welfare in contemporary contexts.

Maslahah mursalah can be classified into three hierarchical levels according to the importance and quality of human needs. The first is *Al-Maslahah al-Dharuriyyat* (primary), referring to essential needs such as the preservation of religion, life, intellect, lineage, and property; losing these leads to severe harm. The second is *Al-Maslahah al-Hajiyyat* (secondary), which provides ease and removes hardship in daily life—for instance, the permissibility of shortening prayers (*qashar*) for travelers. The third is *Al-Maslahah al-Tahsiniyyat* (tertiary), which relates to moral and ethical refinement, such as good manners and aesthetics. The absence of this level does not cause severe harm but affects the perfection of life. As (Al Irsyad, 2021) explains, *maslahah mursalah* provides flexibility in legal determination while maintaining alignment with *maqasid al-shariah*. This classification reflects the *sharia*'s balance between necessity, facilitation, and moral excellence, reinforced by principles such as *dar'u al-mafasid muqaddam 'ala jalb al-masalih* (avoiding harm takes precedence over pursuing benefit).

Imam Malik argues that *maslahah mursalah* is valid as a source of law as long as the benefits sought are in line with *maqasid al-sharia*, namely maintaining religion, soul, intellect, descent,

and property. The Hanbali school allows *maslahah mursalah* as an argument if it meets certain criteria: the benefits must be public, real, and important to the community and not contrary to the principles of sharia. If the benefit is in line with *maqasid al-sharia* and there is no evidence that is religious, then *maslahah mursalah* is acceptable. The Hanafi madhhab is more careful in using *maslahah mursalah*. They do not recognize *maslahah mursalah* as an independent source of law, but are more likely to use the *istihsan* method to enforce laws that are in line with *maslahah*. Decisions that bring benefits can be taken if they are better than the solution from *qiyas*, as long as there is no text that prohibits them (Rahmat I, 2019).

Maslahah mursalah, which refers to the public interest not explicitly detailed in the Sharia, must meet several essential conditions. First, it must align with the objectives of the Sharia (*maqasid al-sharia*) and not contradict explicit textual evidence. Second, the *maslahah* must be rationally acceptable and grounded in real benefit rather than speculation. Third, it must provide a clear and essential benefit for the community and not result in harm (*mafsadah*). Fourth, it should prioritize collective welfare over individual interests. Finally, it must never contradict definitive provisions in the Qur'an or Sunnah. According to (Ibrahim and Ithnan, 2025), these requirements ensure that *maslahah mursalah* operates within rational and textual limits, while (Putri and Syaripudin, 2025) emphasize its continuing importance in the derivation of Islamic economic law responsive to modern needs.

2. Methods

The method in this study is qualitative analysis. Where the data used is qualitative data consisting of primary data and secondary data, among others, from theories from various literature and data from results that have been presented from an institution. The data collection techniques used in this study are literature studies and observations. The data is analyzed based on the views of scholars and their application in the Islamic finance sector. Case studies are also used to illustrate the application of *maslahah mursalah* in sharia-based financing

3. Results and Discussion

Maslahah mursalah is widely applied in the Islamic financial sector, particularly in the management of financing by Islamic banks and microfinance institutions. One example is the *qardh wal ijarah* scheme, a hybrid contract that combines interest-free loans and rental arrangements, promoting communal welfare in line with *maqasid al-sharia*. *Baitul Maal wat Tamwil* (BMT) applies this model to support members needing funds for business, education, or housing. Members make installment payments and pay *ujrah* (service fees), which are redistributed to help other members, reflecting the social welfare objectives of *maslahah mursalah*. According to (Dusuki and Abdullah, 2021), Islamic financing structures such as *qardh*, *ijarah*, and *murabahah* are practical embodiments of *maslahah mursalah* because they balance profit with public benefit while preventing exploitation. Similarly, (Hassan et al., 2023) argue that *murabahah* contracts supported by adequate collateral protect both parties and align with the Shariah objective of safeguarding wealth (*hifz al-mal*) within the framework of *maslahah mursalah*.

وَأِنْ كَانَ ذُو عُسْرَةٍ فَنَظِرَةٌ إِلَىٰ مَيْسَرَةٍ ۗ وَأَنْ تَصَدَّقُوا خَيْرٌ لَّكُمْ إِن كُنْتُمْ تَعْلَمُونَ

Meaning: And if (the debtor) is in difficulty, then give him strength until he has space. And giving away (part or all of it) is better for you, if you know.

In mudharabah financing, which is based on profit-sharing cooperation, banks provide business capital to customers. To mitigate risks, collateral such as vehicles may be requested, especially on projects with high levels of risk. This guarantee will not be executed unless the customer fails to fulfill its obligations. This scheme provides protection for both parties; The bank is protected from the risk of loss, while the customer obtains business capital without violating the principle of usury-free.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبُطْلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ
مِنْكُمْ ۚ وَلَا تَقْتُلُوا أَنْفُسَكُمْ ۚ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

Meaning: *O you who have believed, do not eat each other's property in a wrong way, except in the way of business that is done happily among you. And thou shalt not kill thyself; Indeed, Allah is Most Merciful to you.*

Ijarah-based financing, such as leasing of assets or goods, illustrates the practical use of *maslahah mursalah* in maintaining justice and balance within Islamic finance. Islamic banks often require collateral such as deposits or property to safeguard against default risks, ensuring both institutional stability and social equity. As highlighted by (Saibil, Krishna, and Siregar, 2023), hybrid contracts like *Ijarah Muntahiya Bit-Tamlík* (IMBT) and *Musyarakah Mutanaqisah* integrate *maslahah* and *maqasid al-shariah* principles by emphasizing fairness, transparency, and mutual benefit in financial agreements. Similarly, (Ali, Abd Rahman, and Rahim, 2023) found that the *Musyarakah Mutanaqisah* model in property financing implemented by Affin Islamic Bank Malaysia ensures Shariah compliance through asset-backed security, equitable ownership transfer, and collateralization that protect both parties' interests.

إِنْ تَقْرَضُوا اللَّهَ قَرْضًا حَسَنًا يُّضْعِفْهُ لَكُمْ وَيَغْفِرْ لَكُمْ ۚ وَاللَّهُ شَكُورٌ حَلِيمٌ

Meaning: *If you lend to Allah a good loan, Allah will surely repay you and forgive you. God is the Rewarding and the Sustaining.*

In addition, in *qardh* financing, which is social in nature and does not involve additional costs, collateral in the form of gold is often requested. This provides certainty for banks that risks can be minimized without burdening customers. Gold as collateral also facilitates disbursement if customers have difficulty paying off loans. Recent studies emphasize that *qardhul hasan* financing, when supported by tangible collateral such as gold or other valuable assets, enhances the sustainability of Islamic microfinance institutions and aligns with the *maqasid al-shariah* objectives of preserving wealth and ensuring justice (Aderemi & Ishak, 2023; Amin, Panggi, Shaikh, & Abduh, 2024). Furthermore, *waqf*-based *qardhul hasan* models in Malaysia demonstrate that integrating collateral management with gold or cash deposits can effectively balance social welfare and financial prudence in Islamic banking (Kunhibava, Muneeza, & Khalid, 2024).

Overall, *maslahah mursalah* is applied in the process of analyzing the feasibility of financing by Islamic banks to ensure that the financing distributed not only benefits the bank but also provides broader welfare for the community. This approach includes a comprehensive assessment of guarantees, customer characteristics, repayment capacity, and business feasibility. Thus, *maslahah mursalah* serves as a fundamental principle that sustains the Islamic financial system and ensures that financing decisions align with Shariah objectives and social justice (Aderemi & Ishak, 2023).

4. Conclusion

Maslahah mursalah plays an important role in Islamic law, providing flexibility in responding to the needs of the ummah without neglecting the principles of sharia. In the context of Islamic economics, the application of maslahah mursalah can be seen in the financing of Islamic banks that use collateral to protect both parties. This implementation helps ensure the sustainability of Islamic financial institutions and encourages the benefit of the ummah holistically, with maslahah mursalah, Islamic law remains relevant and contextual, ensuring that Islamic legal development continues to support socio-economic justice and contemporary needs.

References

- Alqaralleh, B., & Hossain, M. (2023). *The concept of Maqasid al-Shari'ah and its contemporary relevance in Islamic law and finance*. *Religions*, 14(6), 774. <https://doi.org/10.3390/rel14060774>
- Aderemi, A. M. R., & Ishak, M. S. I. (2023). *Qard Hasan as a feasible Islamic financial instrument for crowdfunding: Its potential and possible application for financing micro-enterprises in Malaysia*. *Qualitative Research in Financial Markets*, 15(3), 420–436. Emerald Publishing. <https://doi.org/10.1108/QRFM-08-2021-0145>
- Abd Razak, A. H. (2020). *Multiple Sharia' board directorship: A Maslahah (public interest) perspective*. *Journal of Islamic Marketing*, 11(6), 1245–1262. Emerald Publishing. <https://doi.org/10.1108/JIMA-10-2018-0185>
- Al Irsyad, M. (2021). *Maslahah mursalah dalam perspektif hukum Islam*. *Irtifaq: Jurnal Ilmu Ushuluddin dan Dakwah*, 1(2), 45–58. Retrieved from <https://scholar.archive.org/work/ydo4rowsvne3blrj5eee5a2zge/access/wayback/http://ejournal.unhasy.ac.id/index.php/irtifaq/article/download/80/80>
- Ali, M. M., Abd Rahman, A. H., & Rahim, M. F. (2023). *The application of Musyarakah Mutanaqisah in property financing: Experience of Affin Islamic Bank Berhad*. *Jurnal Syariah*, 31(2), 145–166. Retrieved from <https://doi.org/10.22452/syariah.vol31no3.3>
- Saibil, D. I., Krishna, R. F. A., & Siregar, M. R. (2023). *Challenges and opportunities in the development of hybrid contracts in Islamic banking: A Shariah compliance perspective*. *Journal of Islamic Banking and Finance Studies*, 4(1), 55–74. Retrieved from <https://ejournal.uin-suka.ac.id/febi/jbsi/article/view/2828>
- Amin, H., Panggi, F., Shaikh, I. M., & Abduh, M. (2024). *Waqif preference of waqf-based qardhul hassan financing in Malaysia using a maqāsid approach*. *Journal of Islamic Accounting and Business Research*, 15(2), 301–320. <https://doi.org/10.1108/JIABR-02-2023-0054>
- Dusuki, A. W., & Abdullah, N. I. (2021). *Maqasid al-Shariah, Maslahah, and Corporate Social Responsibility in Islamic Finance*. In A. W. Dusuki, *Maqasid al-Shariah, Maslahah, and Corporate Social Responsibility in Islamic Finance* (pp. 25–46). Routledge. Retrieved from <https://books.google.co.id/books?hl=id&lr=&id=qJc3DwAAQBAJ>
- Hassan, M. K., Paltrinieri, A., Dreassi, A., Miani, S., & Scip, A. (2023). *Islamic finance and banking: A literature review and future research agenda*. *Pacific-Basin Finance Journal*, 79, 102041. <https://doi.org/10.1016/j.pacfin.2023.102041>
- Ibrahim, A. K., Nasri, M. S., & Ithnan, K. A. (2025). *Konsep maslahah dan mafsadah dalam menentukan jumlah nafkah anak yang adil*. *Jurnal Sains Sosial*, 6(1), 45–60.* Universiti Melaka. <http://www.unimel.edu.my/journal/index.php/JSS/article/download/2140/1661>

- Kunhibava, S., Muneeza, A., & Khalid, M. B. (2024). *Islamic social finance from the Quran and Sunnah*. In *Islamic Social Finance and Sustainable Development* (pp. 1–18). Springer. https://doi.org/10.1007/978-981-97-1410-0_1
- Maqasid Shariah as foundational principles*. *Cogent Business & Management*, 10(1), 2257590. <https://doi.org/10.1080/23311975.2023.2257590>
- Moghul, U. F. (2017). *Congruence and convergence: Contemporary Islamic finance and social responsibility*. In *A Socially Responsible Islamic Finance: Character and the Common Good* (pp. 25–45). Springer. https://doi.org/10.1007/978-3-319-48841-7_2
- Putri, D. P., & Syaripudin, D. (2025). *Rekonstruksi masalah mursalah dalam istinbāt hukum ekonomi syariah di Indonesia*. *GERECHTIKEIT: Jurnal Riset Peradaban Hukum*, 7(1), 101–115. <https://doi.org/10.5281/zenodo.14783229>
- Samidi, S., Maarif, M. S., & Saptono, I. T. (2023). *Transforming talent management as a game changer for firm competitiveness of Islamic banks*. *Cogent Business & Management*, 10(1), 2257590. Taylor & Francis. <https://doi.org/10.1080/23311975.2023.2257590>
- Samidi, S., Maarif, M. S., & Saptono, I. T. (2023). *Transforming talent management as a game changer for firm competitiveness of Islamic banks: A review of Maslahah Mursalah and*