

Analysis of the Application of the Maslahah Concept in DSN MUI Fatwa in the Sector of Sharia Economics and Finance

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ABSTRACT.

The purpose of this study is to analyze the Application of the Maslahah Concept in DSN MUI Fatwa in the Sector of Sharia Economics and Finance. The concept of maslahah, or public interest, is a fundamental principle in Islamic jurisprudence that is also applied in the fatwas issued by the Indonesian Council of Ulama's (MUI) Shariah Supervisory Board (DSN). The application of the maslahah concept in DSN MUI's fatwas is crucial to ensure that the decisions made are in the best interest of the Muslim community and promote the well-being of society. Research method is Library research refers to the process of searching for and analyzing information in a library setting. This can involve searching for books, articles, and other sources of information related to a specific topic or research question. Result of the research maslahah concept is applied in DSN MUI's fatwas is by considering the broader societal impacts of a particular issue or problem. For instance, in the context of Islamic finance and banking, DSN MUI has issued fatwas that aim to promote financial stability, economic growth, and social justice. This is achieved by ensuring that Islamic financial institutions adhere to Shariah principles and avoid practices that are harmful to society or the environment. Moreover, the maslahah concept is also used to address new issues and challenges that arise in modern society. For example, DSN MUI has issued fatwas on digital currencies and e-commerce that take into account the unique characteristics of these new technologies and how they can be used to promote the well-being of society while adhering to Islamic principles..

Keywords: DSN MUI; Mashlahah; Sharia Economic; Finance; Fatwa.

INTRODUCTION

The development of Islamic economics and finance in the world is so rapid that almost every country looks at the promising economic opportunities going forward. Not only countries with a Muslim majority population but non-Muslim countries are also not left behind in promoting and implementing an Islamic economic and financial system (Abdad, M. Z., 2019).

It is certain that there will be no additional additions to the Al-Qur'an and Sunnah following the death of the Prophet Muhammad (Fasa, M. I., Aviva, I. Y., Firmansah, Y., & Suharto, S., 2019).. as the recipient of the last revelation on the surface of this earth. Particularly in legal verses, the Qur'an explicitly only mentions 3-4% of the total number of verses in the Qur'an. According to Ibn Qayyim, of the many verses of the Qur'an. only around 500 verses which contain the basics of the law, but some mention 1200 to 3000 pieces. On the other hand, human life is always developing and giving rise

to unlimited new cases and requires innovative legal answers which are expected to result in legal certainty.

Every society's life always experiences changes within a certain period of time, is one empirical information that is studied in Sociology. These changes in people's lives mean a normal social reality, because every human being has unlimited interests. Changes will appear after the old social order and people's life compared to the new society's order and life (Khalil, A. I. A. E. F., 2016). Therefore, what is considered social change in sociological terms, whenever and wherever it will always occur in every environment of mankind. Every social change, sooner or later, always demands change and renewal in various fields, including the field of fiqh (rules and legislation) which is one of the most important institutions for human life.

This unlimited reality is inversely proportional to the limited number of revealed texts. This then gives a negative assumption about the capability of Islamic teachings to answer every new problem with all its complexity and complications from time to time (Addiarrahman, A., & Yanti, I., 2020). Therefore, it is necessary to present a new methodological infrastructure that can overcome the crisis of Islamic thought and provide an alternative solution to contemporary world problems towards reforming Islamic law.

The universality of Islamic teachings is found in the functions of the Qur'an and Sunnah. Understanding of the Qur'an and Sunnah in two aspects, pronunciation and meaning can accommodate various problems that have arisen throughout the ages (Ihsan, 2021).. Therefore, all behavior and all actions taken as well as all life problems faced by humans must be resolved through the Qur'an and Sunnah.

In order to understand the revealed texts in terms of pronunciation and meaning, maximum efforts must be made by experts in Islamic law. It also requires the ability to apply it at the level of reality. In an effort to maintain the existence of Islamic Shari'a and escape from the shackles of rigidity and obsolescence, then *ijtihad* is the only way that must be practiced (Adam, 2021).

Islamic Shari'a has been widely elaborated by fiqh scholars several centuries ago. However, one thing must be realized that the existing fiqh formulations were actual in their time, but could become obsolete in the next period, therefore an *ijtihad* instrument is needed as a solution to these various changes in empirical reality (Muhammad Taufiq, 2022).

This is also seen in the definition of fiqh, which is the science of easily applicable legal regulations which are the result of inferences derived from their postulates. Jurisprudence that is understood as applicable rules often cannot be applied uniformly and the same for every individual because of different situations and conditions (Prasetyo, 2022).. Jurisprudence is more in the form of theories which, if applied uniformly, will lead to excesses that are contrary to the use of Shari'a.

Islamic law should be in line with the times, so that it becomes a law that can be understood and practiced (living law) by modern society, without any elements of coercion and burdensomeness (basri, 2022). Of course this can be achieved if the law is "sensitive-responsive" to the social changes that surround it.

RESEARCH METHOD

This type of research is library research (library research) which is qualitative in nature, with exploratory descriptive-analytical research studies, namely explaining, describing, or disclosing data that has relevance to the problems studied in this research, in the form of books, journals, research results, magazines, newspapers, encyclopedias, internet, and other library media (Karimullah dkk, 2022). This is then discussed or analyzed according to science and theories or the opinion of the researcher himself and finally concludes. The exploratory analytical descriptive research in this study is intended to be able to clearly describe and describe the reality that is happening (HR. Ganesha dkk, 2022).

Data source

In research, two sources of data are usually known, namely:

Primary data, namely data which is the main focus in this study, namely a collection of fatwa literature.

Secondary data, namely data that includes written materials and has relevance to this research, such as books, research results, journals, and others. All of the above data was obtained through reference searches in libraries, the internet and other media (Evans dkk, 2022).

Method of collecting data

The method used in collecting data in this research is through document study which is the first step of any literature research (both normative and sociological), because legal research always starts from normative premises. The document study in this research includes the study of primary legal materials as well as secondary legal materials, as well as tertiary legal materials. The primary legal material that will be examined in this research is a collection of fatwas that are relevant to the problem being studied. The data collection method also uses direct quotations and indirect quotations. The statements quoted are in accordance with the data needed from books or books related to the object of research. The results of the document study are then discussed or analyzed in detail.

Data analysis techniques

This research uses data analysis that is relevant to the data in this study (Dehghani, 2022), namely content analysis in order to answer the problems that are the object of study in this study. So, this study will analyze various fatwa decisions, especially in the economic field. Then observed and studied in depth and tested whether the results of the fatwa.

RESULT AND DISCUSSION

The concept of *mashlahat* in the process of determining Islamic economic and financial fatwa of DSN MUI

Rasulullah SAW's death marked the end of the formation of Islamic law. But the development of the times cannot be avoided so that the *mujtahids* are required to provide the development of the times and social change. The belief that Islamic teachings are able to adapt (adapt) to people's lives must be able to answer the problems that arise. This will definitely prove that Islamic teachings are not against scientific and technological advances.

One of the methods used by the *mujtahids* in extracting Islamic law from the Al-Qur'an and Hadith is *maslahah*. In addition to various legal methods such as *qiyas*, *ijma'*, *istihsan*, *urf* has been debated by *fiqh* scholars. Compared to other methods, the concept of *maslahah* has been widely used in various regions, considering that this method emphasizes aspects directly. aspects that are in direct contact with the community so that the legal products produced are in line with the expectations of the community. produce legal products that are in line with *sharia* principles following the directives (mukri, 2022).

The theory of *maslahah mursalah* which is often associated with Imam al-Shatibi with the concept of *maqasid al-shari'ah* cannot be separated from other categories of *maslahah*, such as *maslahah mu'tabarah* whose benefits are considered in taking Islamic law. *Maslahah mulghah* are benefits that are rejected based on what has been explained in the text and *mursalah* issues that have not been explained in terms of legal provisions, namely recommended or rejected. This last category then became the basis for developing Islamic law (Yusuf, 2022). Indonesia with a majority Muslim population must be able to accommodate the development of Islamic law that applies according to the needs of society.

The development of society's social life will continue to evolve in the direction of the times. At the same time, Islamic law as one of Indonesia's positive laws must be able to be adaptive in responding to all the demands of the times. This then becomes the basis for the development of Islamic law by referring to authoritative sources without departing from the basic norms of Islamic law (Adam, 2022).

Based on this background, the author will try to examine the conception of *maslahah* as a method of extracting Islamic law. In addition, the author will analyze the existence and implementation of the problem as the basis for the development of

Islamic law in Indonesia so that the direction of development of Islamic law in Indonesia will be seen.

Conception Maslahah

Etymologically, the word *maslahah* is a form of *masdar* and *ism* which comes from the word *maslahah* from the word *salaha-yasluhu* which means something that is proper, good and useful. The word *maslahah* has become an absorption of the Indonesian language into *maslahat*. Indonesian Besar Dictionary distinguishes between benefits and *benefits*. *Maslahat* is something that brings goodness, benefits and uses. Being beneficial means having the meaning of benefit, goodness, benefits, and interests (Jayusman, 2022).

Husain Hamid Hasan in his book entitled *Nazariyah al-Maslahah* argues that *maslahah*, if viewed from the pronunciation side, is more identical to the meaning of benefit or an occupation that contains or brings benefits. While al-Buthi in his book *Dawabith al Maslahah fi asy-Shari'ah al-Islamiyyah* defines *maslahah* as a benefit that can create pleasure. or an action that can prevent the outcome can provide the benefit of pleasure. The intended pleasure is the pleasure that can be directly felt. Therefore, pleasure is a nature that is always sought after by humans, therefore humans will always try to find that pleasure (Rois, 2022). *Maslahah* according to Wahbah al-Zuhaili is morals that are in line with the behavior of Sharia determination and its purpose, but there is no specific argument that expresses or rejects it, with the projection of creating benefits and eliminating *mafsadah* (damage).

Maslahah Mursalah as a basis for the excavation of law

The conception of *maslahah mursalah* as part of the method of extracting law cannot be separated from the process of *ijtihad*. Given that the revelation stopped, the role of *ijtihad* became very vital in the future development of Islamic law. Etymologically, *ijtihad* comes from the word *jahada* which means "to pour out all" ability" or "carry a load".

In another sense, *ijtihad* means "effort" or "hard effort". Thus *ijtihad* means "trying hard to achieve or obtain something". Ibrahim Husein identified the meaning of *ijtihad* with *istinbath*. The term *istinbath* comes from the word *nabath* which means water that comes from dug sources (Khoiri, 2023). Therefore, according to the language of *ijtihad*, that is "to bring out something from hiding". The term *ijtihad* means "to devote the ability to obtain sharia law" (Islamic law) on a matter from detailed legal sources (propositions).

In principle, the *istislah* method was widely used by friends in giving birth to legitimate children, before the *fiqh* and *ushul* scholars formulated it methodologically and systematically. *Istislah* means stipulating laws in matters not mentioned in the texts, with consideration for the benefit of humans in general. The principle that applies to the use of terms is to get benefits and avoid harm. This concept is well-known or at

least has been used by friends for generations in the form of practice. An example of the use of *maslahah mursalah* is the justification for collecting income tax for the benefit of the general public in the context of distributing income or raising funds needed to maintain public interest, which is not mentioned in the *Al-Qur'an* and *As-Sunnah* (Tolodo, 2022).

According to Mohammad Hashim Kamali, Asmawi was quoted as saying that *maslahah* is not bound by the limitations imposed on *qiyâs* and *istihsân*; he asked the *mujtahid* to take the initiative to determine the necessary actions, including the adoption of a new case law, to bring about what was seen as a problem for the wider community. More than that, the general and original issues that support the realization of the objectives of Islamic law, and which do not conflict with the texts, are the valid basis, basis and framework of reference for Islamic law laws and regulations. According to Imran Ahsan Khan Nyazee, the scholars (Islamic legal experts) agree that *maslahah* can be applied as a basis for a legal provision, and this *maslahah* can be used as a rationale for expanding legal provisions for new cases. This is the basis of the *maslahah* doctrine (Yuanitasari, 2022).

Maslahah Mursalah as the Basis for the Development of Islamic Law in Indonesia

As explained above, the issue of *mursalah* is an important part of the development of Islamic law, including in Indonesia. Indonesia is a country with a majority Muslim population. As the majority religion, it cannot be denied that there are many Islamic values that are adhered to in the life of the nation both in terms of thoughts, customs (living traditions) and developing behavior. In line with that, the formalization of Islamic law as national law becomes a legal requirement and is recognized in Indonesia through the formalization of processes or the Islamization of statutory regulations. Amin Suma defines the Islamization of laws and regulations as a form of adjusting laws and regulations with Islamic legal values and norms. According to him, this formalization process has been going on for a long time and has taken about 30 years. 24 Several Islamic legal regulations that have entered the process of formalization to enter into the legal system in Indonesia such as the establishment of laws on marriage, *zakat*, *waqf* and various other laws and regulations (Mariani, 2022).

The form of regulation that has been accepted is actually a form of embodiment of Islamic values in its formal form. That way, Islamic law will enter into the formal legal dimension which is more regulatory in nature and also compels all Indonesian citizens who are Muslims (Nizar, 2022). However, it must be understood that the formalization process must of course be based on authoritative sources, one of which refers to the issue of *masuraah*. So, we will all come to a point where Islamic law will be more down-to-earth in Indonesia by looking at the aspects of society that are the needs of the Indonesian people at large so that they can be accepted by the entire Indonesian Muslim community.

implementation of DSN MUI Sharia economic and financial fatwas implementation

in the fatwa Number: 14/DSN-MUI/IX/2000 concerning the Distribution System of Business Results in Syari'ah Financial Institutions. Fatwa number: 15/DSN-MUI/IX/2000 concerning the Principles of Distribution of Business Results in Syari'ah Financial Institutions. Fatwa number: 16/DSN-MUI/IX/2000 concerning Discounts in Murabaha. Fatwa Number: 18/DSN-MUI/IX/2000 concerning Provision for Earning Assets in Sharia Financial Institutions. Fatwa Number: 27/DSN-MUI/III/2002 concerning Al-Ijarah Al-Muntakiyah bi Al-Tamlik. Fatwa Number: 34/DSN-MUI/IX/2002 concerning Sharia Import Letter of Credit (L/C). Fatwa Number: 35/DSN-MUI/IX/2002 concerning Sharia Export Letter of Credit (L/C). Fatwa Number: 36/DSN-MUI/X/2002 concerning Bank Indonesia Wadi'ah Certificate (SWBI), "The actions of the Imam towards the people must follow the benefit." (As-Suyuthi, Al-Asybah wan Nadzair, 121). Fatwa Number: 36/DSN-MUI/X/2002 Bank Indonesia Wadi'ah Certificate (SWBI), "The actions of the Imam towards the people must follow the mashlahat." (As-Suyuthi, Al-Asybah wan Nadzair, 121). Fatwa Number: 37/DSN-MUI/IX/2002 concerning the Interbank Money Market Based on Shari'ah Principles, "The actions of the Imam towards the people must follow mashlahat." (As-Suyuthi, Al-Asybah wan Nadzair, 121). Fatwa Number 38/DSN-MUI/X/2002 concerning Interbank Mudharabah Investment Certificates (IMA Certificates), "The actions of the Imam towards the people must follow the mashlahat." (As-Suyuthi, Al-Asybah wan Nadzair, 121). Fatwa Number: 39/DSN-MUI/X/2002 Regarding Hajj Insurance, "The actions of the Imam towards the people must follow the benefit." (As-Suyuthi, Al-Asybah wan Nadzair, 121). Fatwa Number: 41/DSN-MUI/III/2004 Concerning Syari'ah Ijarah Bonds, "Wherever there is benefit, there is Allah's law...". Fatwa Number: 60/DSN-MUI/V/2007 Regarding Settlement of Receivables in Exports, "Where there is benefit, there is Allah's law". Fatwa Number: 61/DSN-MUI/V/2007 Concerning Settlement of Debts in Imports, "Wherever there is benefit, there is Allah's law." Fatwa Number: 64/DSN-MUI/XII/2007 Regarding Ju'alah Sharia Bank Indonesia Certificate (SBIS Ju'alah), "The actions of the Imam towards the people must follow the benefit." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 67/DSN-MUI/III/2008 Concerning Sharia Factoring, "Where there is benefit, there is Allah's law". Fatwa Number: 69/DSN-MUI/VI/2008 Regarding State Sharia Securities, "Action The priest towards the people must follow mashlahat." (As-Suyuthi, al-Asybah wa al-Nadzair, 121) Fatwa Number: 78/DSN-MUI/IX/2010 Concerning Mechanisms and Instruments of the Interbank Money Market Based on Sharia Principles, "The actions of the Imam towards the people must follow mashlahat." (As-Suyuthi, al-Asybah wa al-Nadzair, 121) Fatwa Number: 80/DSN-MUI/III/2011 Concerning the Application of Sharia Principles in the Mechanism of Equity-Type Securities Trading in the Stock Exchange Regular Market, "The actions of the Imam towards the people must follow masalahah." (As-Suyuthi, al-Asybah wa al-Nadzair, 121) Fatwa Number: 82/DSN-MUI/VIII/2011 Concerning Commodity Trading Based on Sharia Principles in the Commodity Exchange, "The actions of the Imam towards the

people must follow mashlahat." (As-Suyuthi, al-Asybah wa al-Nadzair, 121) Fatwa Number: 84/DSN-MUI/XII/2012 Concerning the Method of Recognizing Tamwil bi al-Murabahah Profits (Murabahah Financing) in Islamic Financial Institutions, "The Imam's Actions against the people must follow mashlahat." (As-Suyuthi, al-Asybah wa al-Nadzair, 121) Fatwa Number: 85/DSN-MUI/XII/2012 Concerning Promises (Wa'd) in Sharia Financial and Business Transactions, "The actions of the Imam towards the people must follow the mashlahat." Fatwa Number: 87/DSN-MUI/XII/2012 Method of Income Smoothing (Income Smoothing) Third Party Funds, "Wherever there is benefit, there is Allah's law...". Fatwa Number: 88/DSN-MUI/XI/2013 Concerning General Guidelines for Implementing Pension Programs Based on Sharia Principles, "The actions of the Imam towards the people must follow the benefit of the people". Fatwa Number: 94/DSN-MUI/VI/2014 Concerning Sharia Securities Repo (SBS) Based on Sharia Principles, "Wherever there is benefit, there is Allah's law...". Fatwa Number: 96/DSN-MUI/VI/2015 Sharia Hedging Transactions (Al-Tahawwuth Al-Islami / Islamic Hedging) on Exchange Rates, "Wherever there is benefit, there is Allah's law...", "The actions of the Imam towards the people must follow the benefit." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 97/DSN-MUI/XII/2015 Regarding Sharia Deposit Certificates, "The actions of the Imam towards the people must follow the benefit." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 98/DSN-MUI/XII/2015 Concerning Guidelines for Implementing Sharia Health Social Security, "Wherever there is benefit, there is Allah's law...", "The actions of the Imam towards the people must follow the benefit." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 99/DSN-MUI/XII/2015 Concerning Sharia Annuity for Pension Programs, "The actions of the Imam towards the people must follow mashlahat." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 100/DSN-MUI/XII/2015 Concerning Guidelines for Sharia Multi-Benefit Voucher Transactions, "The actions of the Imam towards the people must follow the mashlahat." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 109/DSN-MUI/II/2017 Concerning Sharia Short-Term Liquidity Financing, "The actions of the Imam towards the people must follow mashlahat." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 116/DSN-MUI/IX/2017 Concerning Sharia Electronic Money, "Wherever there is benefit, there is Allah's law. Fatwa Number: 117/DSN-MUI/II/2018 Concerning Information Technology-Based Financing Services Based on Sharia Principles, "The Imam's actions towards the people must follow mashlahat." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 119/DSN-MUI/II/2018 Concerning Ultra Micro Financing Based on Sharia Principles, "Wherever there is benefit, there is Allah's law". Fatwa Number: 122/DSN-MUI/II/2018 Concerning Management of Special BPIH and BPIH Funds Based on Sharia Principles, "Wherever there is benefit, there is Allah's law", "The actions of the Imam towards the people must follow the benefit." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 123/DSN-MUI/XI/2018 Regarding the Use of Funds That May Not Be Recognized as Income for Islamic Financial Institutions, Islamic Business Institutions, and Islamic Economic Institutions, "Wherever there is benefit, there is Allah's law". Fatwa Number: 123/DSN-MUI/XI/2018 Use of Funds That May Not Be Recognized

as Income for Islamic Financial Institutions, Islamic Business Institutions, and Islamic Economic Institutions, "The actions of the Imam towards the people must follow the benefit." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 125/DSN-MUI/XI/2018 Concerning Asset-Backed Securities Collective Investment Contracts (KIK EBA) Based on Sharia Principles, "Wherever there is benefit, there is Allah's law". Fatwa Number: 126/DSN-MUI/VII/2019 Concerning the Wakalah bi al-Istitsmar Agreement, "Wherever there is benefit, there is Allah's law". Fatwa Number: 130/DSN-MUI/X/2019 Regarding Guidelines for Deposit Insurance Corporation in the Implementation of Handling or Settlement of Sharia Banks Experiencing Solvability Problems, "Wherever there is benefit, there is Allah's law", "The Imam's actions towards the people must follow masalahah." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 131/DSN-MUI/X/2019 Concerning Waqf Sukuk, "Wherever there is benefit, there is Allah's law". Fatwa Number 132/DSN-MUI/X/2019 Concerning Collection of Receivables (Muqashshah) Based on Sharia Principles, "Wherever there is benefit, there is Allah's law". Fatwa Number: 135/DSN-MUI/V/2020 Regarding Shares, "The actions of the Imam towards the people must follow the benefit." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 137/DSN-MUI/IX/2020 Concerning Sukuk, "Where there is benefit, there is Allah's law". Fatwa Number: 138/DSN-MUI/V/2020 Concerning the Application of Sharia Principles in the Clearing Mechanism, and Guarantee of Exchange Transaction Settlement on Equity-Type Securities on the Stock Exchange, "The actions of an Imam towards the people must follow mashlahat." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 140/DSN-MUI/VIII/2021 Concerning Sharia Securities Offering Through Information Technology-Based Crowdfunding Services Based on Sharia Principles (Islamic Securities Crowd Funding), "The actions of the Imam towards the people must follow the mashlahat." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). 141/DSN-MUI/VIII/2021 Concerning Guidelines for the Establishment and Operations of Sharia Cooperatives,), "The actions of the Imam towards the people must follow mashlahat." (As-Suyuthi, al-Asybah wa al-Nadzair, 121), "Where there is benefit, there is Allah's law". Fatwa Number: 142/DSN-MUI/VIII/2021 Regarding the Income of Islamic Financial Institutions During the Construction Period, "Wherever there is benefit, there is Allah's law". Fatwa Number: 144/DSN-MUI/XII/2021 Concerning Marketplaces Based on Sharia Principles, "Where there is benefit, there is Allah's law", "The actions of the Imam towards the people must follow the benefit." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 145/DSN-MUI/XII/2021 Regarding Dropship Based on Sharia Principles, "Where there is benefit, there is Allah's law". Fatwa Number: 146/DSN-MUI/XII/2021 Concerning Online Shops Based on Sharia Principles, "Where there is benefit, there is Allah's law", "The actions of the Imam towards the people must follow the benefit." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 147/DSN-MUI/XII/2021 Regarding the Implementation of Employment Social Security Based on Sharia Principles, "The actions of the Imam towards the people must follow the benefit." (As-Suyuthi, al-Asybah wa al-Nadzair, 121). Fatwa Number: 152/DSN-MUI/VI/2022 About Fundraising with Akad Wakalah Bi Al-Istitsmar, "Where there is benefit, there is God's law".

The DSN MUI fatwas that the researchers traced were 152 fatwas related to sharia economics and finance, of the 152 fatwas, 54 of them used *maslahah* in determining their legal considerations. This shows that *maslahah* is a strong basis in determining the DSN MUI fatwa.

The application of *maslahah* in Islamic economics (*muamalah*) has a broader scope than worship. Islamic teachings regarding *muamalah* are generally global in nature, therefore the space for *ijtihad* to move is wider. Islamic economics, which is one of the fields of *muamalah*, is different from pure worship (*mahdhah* worship). Worship is dogmatic (*ta'abbudi*) in nature, so there is very little room for *ijtihad*. The space for *ijtihad* in the field of worship is very narrow. It is different with the Islamic economy (*muamalah*) which is quite open to innovation and new creations in building and developing the Islamic economy. Therefore, the principle of *maslahah* in the field of *muamalah* is an important reference and standard. Especially when it comes to economic policies which Shadr categorized as *manthiqah al firagh al tasyri'y* (area empty of *tasyri'*/law). The few texts that touch on issues related to technical economic policies open up great opportunities to develop *ijtihad* with the principle of *maslahah*.

Al mashlahah as a model of approach in *ijtihad* becomes very vital in the development of Islamic economics and *siyasah iqtishadiyah* (economic policy). *Mashlahah* is the goal that sharia wants to realize. *Mashlahah* is the essence of sharia policies (*siyasah syar'iyah*) in response to social, political and economic dynamics. *Mashlahah 'ammah* (public benefit) is the basis of *muamalah*, namely benefit framed in *syar'i* terms, not solely profit motive and material rentability as in conventional economics. Thus, the development of Islamic economics in the face of changes and rapid progress in science and technology must be based on *maslahah*. So, in order to develop an Islamic economy, it is enough for Muslim economists to stick to *maslahah*. Because *maslahah* is the essence of *syari'ah*. The scholars stated "where there is *maslahah*, then there is Allah's *syari'ah*". That is, everything that contains benefits, then that is Allah's *syari'ah*. Thus *maslahah* is the most important concept in Islamic law.

The concept of *maslahah*, or public interest, is a fundamental principle in Islamic jurisprudence that is also applied in the fatwas issued by the Indonesian Council of Ulama's (MUI) Shariah Supervisory Board (DSN). The application of the *maslahah* concept in DSN MUI's fatwas is crucial to ensure that the decisions made are in the best interest of the Muslim community and promote the well-being of society.

One of the ways the *maslahah* concept is applied in DSN MUI's fatwas is by considering the broader societal impacts of a particular issue or problem. For instance, in the context of Islamic finance and banking, DSN MUI has issued fatwas that aim to promote financial stability, economic growth, and social justice. This is achieved by ensuring that Islamic financial institutions adhere to Shariah principles and avoid practices that are harmful to society or the environment.

Moreover, the *maslahah* concept is also used to address new issues and challenges that arise in modern society. For example, DSN MUI has issued fatwas on digital currencies and e-commerce that take into account the unique characteristics of these new technologies and how they can be used to promote the well-being of society while adhering to Islamic principles.

Furthermore, the application of the *maslahah* concept in DSN MUI's fatwas also emphasizes the importance of balancing between individual rights and societal interests. This is particularly relevant in issues related to public health, where DSN MUI has issued fatwas that promote vaccination and other measures to protect public health, even if this may restrict individual freedoms.

In conclusion, the application of the *maslahah* concept in DSN MUI's fatwas is crucial to ensure that Islamic principles are relevant and responsive to the needs of modern society. By promoting the public interest and well-being, DSN MUI's fatwas contribute to the broader goal of building a just and equitable society in accordance with Islamic principles.

CONCLUSION

Mashlahah in the context of the DSN MUI fatwa refers to the principle of public benefit which forms the basis for the fatwa decisions issued. The concept of *mashlahah* refers to the goals and benefits both desired and to be achieved by individuals and society as a whole. In the DSN MUI fatwa, the concept of *mashlahah* is used as an important consideration in issuing fatwas related to sharia finance and banking issues. The principle of *mashlahah* is interpreted as a life arrangement that aims to achieve good, avoid damage, and gain profits in order to achieve the general benefit. The principle of *mashlahah* is also used as a basis for understanding new problems that arise in modern life and how sharia principles can be applied relevantly and according to the needs of the times. Therefore, the DSN MUI fatwa tries to always pay attention to the *mashlahah* aspect in every decision it makes.

REFERENCES

- Abdad, M. Z. (2019). Signifikansi fatwa DSN MUI terhadap perkembangan ekonomi syariah di Indonesia. *istinbath*, 18(2).
- Adam, P. (2021). Fikih Muamalah Kontemporer Perkembangan Akad-Akad Dalam Hukum Ekonomi Syariah. *INTELIGENSIA MEDIA (KELOMPOK INTRANS PUBLISHING)*.
- Adam, P., Imaniyati, N. S., & Nurhasanah, N. (2022). The construction of *Musyâraḥah Mutanâqishah (MMQ)* contract in the Fatwa of National Sharia Board-Indonesian Ulema Council Number 73/DSN-MUI/XI/2008. In *Islam, Media and Education in the Digital Era* (pp. 459-466). Routledge.
- Addiarrahman, A., & Yanti, I. (2020). Dari Idealisme ke Pragmatisme: Pergeseran Paradigma dalam Pengembangan Hukum Ekonomi Syariah di Indonesia. *Al-Manahij: Jurnal Kajian Hukum Islam*, 14(2), 191-210.

- Basri, H., Miswar, A., Hasan, H., Pabbajah, M., & Khalik, S. (2022). Inheritance Rights of Women in Makassar Society: A Study of Living Qur'an and its Implications for Islamic Law. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 6(2), 537-555.
- Dehghani, M., Gritsenko, A., Arnab, A., Minderer, M., & Tay, Y. (2022). Scenic: A JAX library for computer vision research and beyond. In *Proceedings of the IEEE/CVF Conference on Computer Vision and Pattern Recognition* (pp. 21393-21398).
- Evans, R., Hacking, N., & Lewis, J. (2022). Expanding citizen science: community action without primary data collection. *Citizen Science: Theory and Practice*.
- Fasa, M. I., Aviva, I. Y., Firmansah, Y., & Suharto, S. (2019). Controversy on Riba Prohibition: Maqashid Shariah Perspective. *International Journal of Islamic Economics*, 1(02), 124-135.
- Jayusman, J., Shafra, S., Hidayat, R., Efrinaldi, E., & Badarudin, B. (2022). Masalah Perspective on Husband Nusyuz in Islamic Law and Positive Law In Indonesia. *Muqaranah*, 6(1), 69-84.
- Hefni, W. Fikih moderat: studi terhadap pemikiran hukum khaled abou el fadl dan mohammad hashim kamali.
- Hidayat, R., Hadi, S., Tiswarni, T., & bin Jelani, A. B. (2022). Masalah Study of an Innovation Program Called" Always Samawa Forward" For New Bride. *Nurani: Jurnal Kajian Syari'ah dan Masyarakat*, 22(2), 351-366.
- Huda, S. N., & Saripudin, U. (2022). Implementasi Implementasi Teori Maqashid Syariah Dalam Fikih Muamalah Kontemporer. *Maro: Jurnal Ekonomi Syariah dan Bisnis*, 5(1), 15-23.
- HR, G., & Aithal, P. S. (2022). How to Choose an Appropriate Research Data Collection Method and Method Choice among Various Research Data Collection Methods and Method Choices During Ph. D. Program in India?. *International Journal of Management, Technology, and Social Sciences (IJMTS)*, 7(2), 455-489.
- Ihsan, R. I. (2021). Fatwa Ekonomi DSN-MUI Dalam Sistem Sosial Ekonomi (The Maqashid Shariah System Approach Analysis). *Fatwa Ekonomi DSN-MUI Dalam Sistem Sosial Ekonomi (The Maqashid Shariah System Approach Analysis)*, 21(1), 91-106.
- Imron, S., Ibdalsyah, I., & Ayuniyyah, Q. (2022). Manajemen Keuangan Masjid Al-Hilal Surabaya Dalam Perspektif Masalah Mursalah. *Al-Infaq: Jurnal Ekonomi Islam*, 13(2), 209-221.
- Karimullah, S. S., Amin, M., & Munawwarah, U. D. (2022). Strengthening Spiritual Education Based on the Qur'an in Building Character in the Digital Age. *Devotion Journal of Community Service*, 3(14), 2785-2794.
- Khalil, A. I. A. E. F. (2016). The Islamic perspective of interpersonal communication. *Journal of Islamic Studies and Culture*, 4(2), 22-37.
- Khairunnisa, D. A., & Muhajirin, M. (2023). Urgensi Ijtihad Dan Peranannya Dalam Menjawab Problematika Ekonomi Modern. *Taraadin: Jurnal Ekonomi dan Bisnis Islam*, 3(2), 55-68.
- Khoiri, N. (2023). The Application Of The Al-Mursalah Masalahah To The Construction Of Religious Moderation In The Life Of Students Of Uin Su; Efforts To Earn Religious Moderation In The Region Of North Sumatra. *Russian Law Journal*, 11(3).

- Mariani, M. (2022). Reactualization of the Marriage Age Limit in Indonesia (in the Perspective of Masalah Mursalah). *Lambung Mangkurat Law Journal*, 7(1), 93-107.
- Mukri, S. G., & Harisah, H. (2023). Revitalization of Istihsan Bi Al'Urfi in Sharia Financing: Fatwa Study 2010-2018. *Journal of Islamic Economic Laws*, 6(1), 1-13.
- Nizar, M., & Rakhmawati, A. (2020). Tinjauan Wisata Halal Prespektif Maqosidus Syariah Terkait Fatwa Dsn Mui Dsn-Mui No. 08 Tahun 2016. *Jurnal Istiqro*, 6(1), 95-113.
- Prasojo, P., Yadiati, W., Fitrijanti, T., & Sueb, M. (2022). Exploring the relationship between intellectual capital and maqasid sharia-based performance: the moderating role of sharia governance. *Journal of Islamic Marketing*, (ahead-of-print).
- Prasetyo, Y. (2022). Convergence epistemology of legal studies based on revelation. *International Journal of Law and Society (IJLS)*, 1(1), 11-24.
- Rois, I., & Salahuddin, M. (2021). Fatwa Ekonomi DSN-MUI Dalam Sistem Sosial Ekonomi Indonesia (Analisis Maqashid Syariah Pendekatan Sistem). *istinbath*, 20(1), 91-118.
- Santoso, I. R., Niswatin, N., & Bahsoan, A. (2023). Analisis Akad Pembiayaan Pemilikan Rumah Di Bank Syariah: Pendekatan Parameter Masalah. *Jurnal Ilmiah Ekonomi Islam*, 9(1), 87-95.
- Taufiq, M. (2022). The Role of Ijtihad in the Renewal of Islamic Thought. *AL-HIKMAH: INTERNATIONAL JOURNAL OF ISLAMIC STUDIES AND HUMAN SCIENCES*, 5(6), 99-114.
- Tolodo, W., & Akbar, M. (2022). Socio Juridical Analysis of Underage Marriage Caused by Pre-Marital Pregnancy: a Case Study in Banggai Islands Regency. *International Journal Of Contemporary Islamic Law And Society*, 4(2), 1-13.
- Yuanitasari, D., Sardjono, A., & Susetyo, H. (2022, February). The Government's Role in Indonesian Halal Industry to Protect Muslim Consumer. In *Proceedings of the 4th International Conference on Indonesian Legal Studies, ICILS 2021, June 8-9 2021, Semarang, Indonesia*.
- Yusuf, M., Hasanudin, H., Azhari, F., Abduh, M. R., & Farhanah, S. A. (2023). Islamic Banks: Analysis of the Rules of Fiqh on the Fatwa of the National Sharia Board-Indonesian Ulama Council. *International Journal of Law, Environment, and Natural Resources*, 3(1), 21-37.
- Zahra, I. A., & Akbar, F. M. A. (2023). Analisis Metode Istinbath Hukum Fatwa Dewan Syariah Nasional Majelis Ulama Indonesia Tentang Sovereign Green Sukuk. *Ar Rasyiid Journal of Islamic Studies*, 1(1), 13-22.