

THE SIGNIFICANCE OF AL-GHAZALI'S *MAŞLAĤAH* CONCEPT TO THE DEVELOPMENT OF *UŞŪL FİQH* AND ISLAMIC LAW

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Abstract

The purpose of this research was to examine the significance of al-Ghazali's maşlahah concept to the development of uşul fiqh and Islamic law. This research method was qualitative with descriptive analytic presentation and the research type was library research. The research result showed that the concept of maşlahah al-Ghazali was used in solving problems of Islamic law because the principle in maşlahah was maintaining the objectives of Islamic law (maqāşid al-syarī'ah), covering religion, soul, mind, lineage, and property. There were six points of significance of al-Ghazali's maşlahah concept in the development of uşul fiqh and Islamic law, namely, the important role of al-Ghazali's maşlahah concept in uşul fiqh and Islamic legal thought, al-Ghazali's rejection of the concept of maşlahah, al-Ghazali's maşlahah had no basis in nas, al-Ghazali's emphasized on preserving the objective objectives of Islamic law, al-Ghazali's maşlahah as a tool to weigh the benefits and losses of an action or decision, and al-Ghazali's maşlahah determined whether or not an action or decision was permissible. This concept helped the ulama to make decisions that were in line with the principles of Islamic law.

Keywords: *Al-Ghazali, Maşlahah, Uşul Fiqh, Islamic Law*

A. Introduction

This research is motivated by the growing development of Islamic law and the science of *uşul fiqh* along with the development of Islam itself. It can be understood as a response to the increasingly complex challenges of the times.¹ In the context of globalization and modernization, Muslims are faced with various political, economic, and social changes that affect their lives.² In the last few centuries, there has been an expansion of knowledge including the science of *uşul fiqh* and the development of

¹ Akbar Sarif and Ridzwan Ahmad, 'Konsep Maslahat dan Mafsadah Menurut Imam Al-Ghazali', *Tsaqafah*, 13.2 (2018), 353 <<https://doi.org/10.21111/tsaqafah.v13i2.1183>>

² Nur Latifah, 'Pendidikan Islam di Era Globalisasi', *Palapa: Jurnal Studi Keislaman dan Ilmu Pendidikan*, 5.1 (2017), 195–208.

Islamic law, and an increasing number of researches have been conducted in this field. It is inseparable from the growth of Muslims around the world and their increasing interest in studying the teachings of their religion in greater depth.³

If there is a Prophet after Muhammad, it must be al-Ghazali, so Nicholson once speculated about Imam al-Ghazali. Al-Ghazali is a writer and thinker who is broad-minded, because al-Ghazali's curiosity about science and truth is very high, it is only natural that al-Ghazali becomes an expert in many fields, especially in Islamic scientific fields such as theology, philosophy, Sufism and Jurisprudence. These works are the most important and are widely known by many people.⁴ To gain a more complete understanding of al-Ghazali's perceptions and to find out how his basic views are connected to other scientific fields he has mastered, it is important to raise al-Ghazali's ideas in the field of fiqh. The underlying premise is that fiqh thinking tends to be legal-formal rather than substantive when separated from other Islamic studies.⁵ Imam al-Ghazali can be said to be the first scholar who clearly and comprehensively explained the concept of *maṣlaḥah* in his thoughts.⁶

Here, the author is interested in research with a focus on the concept of *maṣlaḥah* al-Ghazali and its significance for the development of *uṣūl fiqh* and Islamic law. Previously, the author had conducted a previous literature review and found research by M. Zaki with the title "*Maṣlaḥah Standard Formulation in Islamic Law (Study of Al-Ghazali's Thought in Al-Mustashfa Book)*". According to the results of his research, *istishlah/maslahat* can become a benchmark for establishing Islamic law if it fulfills the following requirements: *First*, by the objectives of *syara'*, namely protecting property, religion, soul, mind, and future generations. It is the main condition for receiving *maṣlaḥah* mursalah. *Maṣlaḥah* mulgāh that deviates from texts or *ijma'* must be ignored. The same thing applies to *maslahah garibah* (no texts that support or deny it). *Second*, if *maslahat* *ḍarūrāt* or interests that fill the role of

³ Anton Widyanto, 'Pengembangan Fiqh di Zaman Modern', *Jurnal Ilmiah Islam Futura*, 10.2 (2011), 82–100 <<http://jurnal.ar-raniry.ac.id/index.php/islamfutura/article/view/46>>.

⁴ Syamsul Anwar, *Epistemologi Hukum Islam Dalam Al-Mustasfa Min 'Ilm Al-Uṣul Karya Imam Al-Ghazali* (Yogyakarta: IAIN Sunan Kalijaga, 2000), 52.

⁵ Ihasan Ihasan, "Karakteristik Pemikiran Usul Al-Fiqh Imam Al-Ghazali Dalam Kitab Al-Mustasfa Min 'Ilm Al-Uṣul," *Jurnal Keislaman* 1, no. 1 (2021): 112, <https://doi.org/10.54298/jk.v1i1.3355>.

⁶ W Asmin Yudian, *Filsafat Hukum Islam Dan Perubahan Sosial. Diterjemahkan Dari Judul Asli "Islamic Legal Philosophy A Study of Abu Ishaq Al-Syatibi's Life and Thought" Karya Dr. Muhammad Khalid Mas'ud ,Cet. 1;* (Yogyakarta: al-Ikhlās, 1995), 157.

ḍarūrāt, *maṣlahah taḥsīniyyāt* cannot be used as a basis for establishing Islamic law unless there is clear evidence to support it. Therefore, the law is determined through the *qiyās* process and not in the name of *maṣlahah mursalah*. *Third*, at least in the examples cited by al-Ghazali or others, *maṣlahah mursalah* meets the requirements of *ḍarūrāt* (general), *kullīyyah* (overall), and *qaṭʿīyyah* (certain). From the case examples, it appears that *istiṣlāḥ* (*maṣlahat*) is only applied to problems in the *muamalah* realm, not to problems directly related to worship. That way, according to al-Ghazali, *maṣlahat* is only related to *muamalah*.⁷

Then Ahmad Munif Suratmaputra's research entitled "*Reorientation of Al-Ghazali's Thoughts about Maṣlahah Mursalah with Islamic Law Renewal*". The results of his research concluded that according to al-Ghazali, "*Maṣlahah mursalah* is not an argument that stands alone from the Qur'an, *as-Sunnah*, or *ijma*." As a result, in al-Ghazali's view, *maṣlahah* continues to be considered an approach to applying Islamic law, not as a reference to Islamic law. Ahmad came to a further conclusion that al-Ghazali did not explain that *maṣlahah mursalah* was specifically applied to *muamalah*/tradition and not to worship. Moreover, all the examples given are not related to the topic of worship.⁸

Another study from Nur Asiah entitled "*Maṣlahah according to the Concept of Imam Al Ghazali*". The results of his research concluded that according to al Ghazali, *maṣlahah* are: *First*, although al Ghazali's way of thinking is closely related to the revelation, he believes that reason has a place in solving difficulties in human life because revelation conveys to reason, while problems in human life it will get heavier. *Second*, the four pillars of law are the Qur'an, *hadith*, *ijma*, and *qiyās* (excluding *maṣlahah*). *Maṣlahah* is categorized after *qiyās* by al-Ghazali, because according to him *maṣlahah* is only a complement to the four pillars.⁹

⁷ M Zaki, "Formulasi Standar Masalahah Dalam Hukum Islam (Studi Atas Pemikiran Al-Ghazali Dalam Kitab Al-Mustasfa)," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 13, no. 01 (2018): 44, <https://doi.org/10.30631/alrisalah.v13i01.419>.

⁸ Ahmad Munif Suratmaputra, "Reorientasi Pemikiran Al-Ghazali Tentang Masalah Mursalah Dengan Pembaruan Hukum Islam," *Misykat: Jurnal Ilmu-Ilmu Al-Quran, Hadist, Syari'ah Dan Tarbiyah* 3, no. 2 (2018): 60, <https://doi.org/10.33511/misykat.v3n2.29-64>.

⁹ Nur Asiah, "Maslahah Menurut Konsep Imam Al Ghazali," *DIKTUM: Jurnal Syariah Dan Hukum* 18, no. Juli (2020): 116.

Research on the significance of al-Ghazali's *maṣlahah* concept for the development of the science of *uṣūl fiqh* and Islamic law is also important to fill the existing knowledge gap. In its history, the concept of *maṣlahah* al-Ghazali has made a significant contribution to the development of the science of *uṣūl fiqh* and Islamic law.¹⁰ However, several aspects still need further study to respond to current challenges and needs. In this context, in-depth and comprehensive research is needed to explore and expand our understanding of Islam. The purpose of this research is to examine the concept of *maṣlahah* al-Ghazali and examine the significance of *maṣlahah*'s al-Ghazali concept to the development of the *uṣūl fiqh* and Islamic law. This research is also expected to contribute to a better understanding of the significance of al-Ghazali's *maṣlahah* concept to the development of the science of *uṣūl fiqh* and Islamic law.

B. Method

This research method is qualitative which uses descriptive analytic methods and the type of research is library research.¹¹ The qualitative method is used because this method has the advantage of being relative, being able to interpret and interpret data in depth, as well as its flexibility in exploring more comprehensive information. The data used are primary data sourced from journals and books.

In conducting his research, the author identified journal articles, books, and websites about al-Ghazali's *maṣlahah* concept on the development of Islamic jurisprudence and Islamic law. Data collection is carried out by analyzing the significance of al-Ghazali's *maṣlahah* concept to the development of *uṣūl fiqh* and Islamic law. Then, the writer identifies the main arguments and legal points discussed and the authors conducted a study of the concepts that had been obtained from various references that were read and analyzed. Finally, the author analyzes it using the content analysis method.¹²

¹⁰ Darul Faizin, "Memahami Konsep Maṣlahah Imam Al-Gazali dalam Pelajaran Usul Fikih," *Jurnal MUDARRISUNA: Media Kajian Pendidikan Agama Islam* 9, no. 2 (December 2019): 419, <https://doi.org/10.22373/jm.v9i2.5303>.

¹¹ John W. Creswell, *Penelitian Kualitatif dan Desain Riset* (Yogyakarta: Pustaka Pelajar, 2015).

C. Result and Discussion

Al-Ghazali's Biography

Abū Ḥāmid Muḥammad bin Muḥammad bin Aḥmad al-Ghazali at-Ṭūsī al-Syāfī'iy is al-Ghazali's full name. He is known as *ḥujjail Islam al-Imām al-Jalīl Zain ad-Dīn* (defender of Muslims) because of his enormous contribution to defending Islam from various influences of heretical sects and rationalist Greek views. He was born in the village of Gazālah in 450 H, on the outskirts of the city of Ṭūs (which is a region in the Northeastern part of Iran).¹³

Al-Ghazali studied in the area where he was born. He studied the Qur'an and other basic religious knowledge from his father, al-Ghazali and his younger brother studied jurisprudence from Aḥmad ibn Muḥammad *al-Raḥakny at-Ṭisu* in Ṭūs and tasawuf from Yūsuf an-Nassāj. After that, until 470 H in Jurjin al-Ghazali studied other basic sciences, including Persian and Arabic lessons from Naṣr al-Ismā-'īl. He had succeeded in mastering various basic sciences as well as two basic languages that were generally used by the scientific community at that time so these two languages led him to be able to understand scientific books on his own at the 20 age.¹⁴

Al-Ghazali left for *Naisābūr* to continue his education at *an-Niẓāmiyyah* madrasah school, at that time Abū al-Ma'ālī 'Abdu'l-Malik bin 'Abdu'l-Lah al-Juwayni, who was popularly known as Imam al-Ḥaramain (478 H) who became the leader and teaching staff at the madrasa. It was in this place that he obtained and understood fiqh and *uṣūl fiqh*, mantiq science (the science of logic), and the science of kalam from the Asy'ariyah school and other schools that were developing at that time. Imam Ḥaramain gave Al-Ghazali the nickname Bhar Mu'riq (washing ocean), because of his mastery of science, including the science of balaghah (rhetoric). With that, he can refute his opponents with various arguments.¹⁵

¹² Sugiyono, *Metode Penelitian Pendidikan (Pendekatan Kuantitatif, Kualitatif, dan R&D)* (Bandung: Alfabeta, 2019).

¹³ Sulaiman Dunya, *Al-Haqiqah Fi Naẓhr Al-Ghazali* (Kairo: Dar al-Maarif, 1971), 19.

¹⁴ Sholeh Ahmad Syamy, *Al-Imam Al-Ghazali Hujjatu Al-Islam Wa Mujaddid Al-Mi'at Al-Khamisah. (A'lam Al-Muslimin Seri 43), Cet I*, (Damsyiq: Dar al-Qalam, 1993), 20.

¹⁵ Ahmad Fuad Al-Ahwani, *Sirah Al-Al-Ghazali Wa Al-Aqwal Al-Mutaqaddimin Fih* (Damaskus: Dar Al Fikr, n.d.), 7.

Al-Ghazali is also known as a philosopher, Sufi, and uṣūl expert. In the discipline of kalam, al-Ghazali is a *mutakallimīn* figure from the *Ash'ariyyah* school. Whereas in the disciplines of Islamic law (fiqh and *uṣūl fiqh*), he is a *Syafi'iyah* scholar. A few years later after Al-Juwaini died in 484 H/1091 AD, al-Ghazali was confirmed as a professor at the *Nizāmiyyah* madrasa in Baghdad. This is a very high achievement, considering that at that time he was only 34 years old, al-Ghazali was given the title of Sheikh al-Islāmi, which is the highest title in the academic and religious fields.¹⁶

Imam al-Ghazali died Monday, 14 Jumadil Akhir 505 H / 1111 AD shortly before sunrise in the City of Ṭūs where he was born and was buried in the capital of Ṭūs, *Zhabahir al-Tabiran*.¹⁷ While the scientific works he left behind cover various fields of religious science, including fiqh, *uṣūl fiqh*, uṣūl ad-dīn, logic (logic), kalam, philosophy, to Sufism.¹⁸ Some of his famous works include *Tabāfut al-Falāsifah*, *al-Muqīḍ min ad-Ḍalāl*, *al-Mustaṣfā min 'Ilm al-Uṣūl* and *Ihya' 'Ulūm ad-Dīn*.¹⁹

Concept of *Maṣlahah* al-Ghazali

Compared to other uṣūl thinkers, al-Ghazali's research on *maslahah* is perhaps the most important because it is comprehensive and in-depth. According to al-Ghazali, *maṣlahah* is a statement to obtain something that is useful (benefit) or negates something bad (damage) in the most basic sense (aṣḥan). However, that is not what is meant because to obtain good and eliminate evil is the goal (maqāṣid) desired by the creator (Khalq), as well as the benefit of creation (aṣ-ṣulḥu) to achieve the goal (maqāṣid). *Maṣlahah* refers to the upholding of five principles. The objective goals of the five principles of Islamic law are to protect religion, protect the soul, protect the mind, protect offspring, and protect property. *Maṣlahah* refers to something that upholds these five principles (uṣūl), while mafsada refers to all

¹⁶ Ibn Al-Subuki, *Tabaqat Al-Syafiyyah Al-Kubra, Jilid VI* (Kairo: Matba'ah 'Isa al-Babi al-Halabih, n.d.), 197.

¹⁷ Syamy, *Al-Imam Al-Ghazali Hujjatu Al-Islam Wa Mujaddid Al-Mi'at Al-Khamisah. (A'lam Al-Muslimin Seri 43), Cet I.*

¹⁸ Syubhan Taqiyudiddin Abi Bakr bin Ahmad bin Qadhi syuhbah al-Asady Al-Dimasqy, *Taqabaqat Al-Fuqaha Al-Syafiyyah* (Kairo: Maktabah al-Tsaqafah al-diniyah, n.d.), 279.

¹⁹ Al-Ahwani, *Sirah Al-Al-Ghazali Wa Al-Aqwal Al-Mutaqaddimin Fih.*

things that negate these five principles, and efforts to reject or oppose them are called *maṣlahah*.²⁰

So, it can be understood that *maṣlahah* and mafsadah have a close relationship. *Maṣlahah* is an effort to realize the benefit of mankind based on the principles of Islamic law, while *mafsadah* is the opposite of these principles. Therefore, in applying Islamic law, *maṣlahah* must be prioritized and *mafsadah* must be avoided as much as possible.

Al-Ghazali's thoughts regarding *maṣlahah* are found in the book of *al-Mustaṣfā*. The full title of the book is *al-Mustaṣfā min 'Ilm al-Uṣūl*, written by al-Ghazali himself after returning from the city of Damascus and continuing to teach at *Naisābūr*. Based on *Ibn Khalikān*'s notes, the book was completed on 6 *Muharram* 505 H and became his last work in the field of *uṣūl fiqh*. Several Muslim scholars, including Sheikh Muḥammad al-Khuḍarī (d. 1345 H.) and Dr. Badran Ab al-'Ainain. Badran thinks that among the three books of *Al-Mu'tamad*, *Al-Burhān fī Uṣūl al-Fiqh*, and *Al-Mustaṣfā*, the best is *al-Mustaṣfā*, both in terms of beauty, systematism, depth of language, or complementary explanations which are not in the previous book.²¹

From al-Ghazali's scholarly writings in the field of *uṣūl fiqh* and appreciation from later scholars, it is only natural that al-Ghazali is known as a *uṣūl fiqh* figure who belongs to the *Syāfi'i* school of thought. Apart from his monumental work, namely *Iḥyā' 'Ulūm ad-Dīn*, the book of *al-Mustaṣfā* is very well-known in Islamic intellectual treasures. The figure of al-Ghazali cannot be separated from the two titles of this work. Specifically related to the explanatory model used in his book *al-Mustaṣfā*, al-Ghazali tends to use the method of dialogue (discussion), whether related to theoretical, casuistic, or arguments, therefore terms such as *qīla - qulnā* appear (you ask - we answer) in each discussion of the theme, as well as in the discussion of *istiṣlāḥ*.²² *Istiṣlāḥ* is another term for *al-Maṣlahah*.

²⁰ Abu Hamid Ibn Muhammad Al-Ghazali, *Al-Mustasfa Min 'Ilm Al-Ushul. Jilid I-II*, (Beirut: Dar Al Fikr, n.d.), 286.

²¹ Ahmad Munif Suratmaputra, *Filsafat Hukum Islam Al-Ghazali, Maslahah Mursalah & Relevansinya Dengan Pembaharuan Hukum Islam* (Jakarta: Pustaka Firdaus, 2002), 103.

²² Zaki, "Formulasi Standar Maslahah Dalam Hukum Islam (Studi Atas Pemikiran Al-Ghazali Dalam Kitab Al-Mustasfa)." *Al-Mustasfa*.

Al-Ghazali started discussing *maṣlaḥah* in his book *al-Mustaṣfā* with the statement that *istishlah* is *min al-uṣūl al-mauhūmah*.²³ At first glance, this expression gives an understanding of *maṣlaḥah*'s argument as a legal basis or *uṣūl*, which still has problems. This was confirmed by Al-Ghazali's statement in which he stated that there were differences of opinion among the scholars regarding the legality of *al-Maṣlaḥah*.²⁴

According to al-Ghazali, from a *syara'* point of view, *al-maṣlaḥah* is divided into three things. First, *maṣlaḥah* which is considered correct by the *Shari'a*. Second, *maṣlaḥah* which is considered null and void by the *Shari'a*. Third, *maṣlaḥah* is not considered correct and also not considered null and void by the *Shari'a* or there is no specific text which considers it correct or which considers null and void.²⁵

Maṣlaḥah mursalah in al-Ghazali's view is a *maṣlaḥah* for which there is no textual argument, whereas only those that have textual evidence can be used as evidence which have three characteristics, namely *ḍarūriyah*, *qaṭ'iyah*, and *kulliyah*. Al-Ghazali explained this by giving an example if there are infidels who protect themselves with a group of Muslim captives while they are carrying out attacks on the infidels' defenses, it is tantamount to killing Muslims who did nothing wrong. If the Muslims do not attack, the infidels will defeat Islamic territory. In such a situation, it is permissible to argue that even if the Muslims did not commit the attack, the lives of the Muslim prisoners were in danger. Therefore, protecting all Muslims is more important than protecting a group of people. This opinion can be justified. After all, it refers to the three criteria above, namely a state of urgency because it involves deciding to maintain one of the principles of survival. This can protect the lives of Muslims. This problem is global because it concerns the interests of all people, not just some people.²⁶

According to al-Ghazali, *maṣlaḥah* is not part of the four foundations of Islamic law, namely the Koran, *sunnah*, *ijma'*, and *qiyās* which are the foundations of thinking and *ijtihād*. The explanation regarding *maṣlaḥah* is only a complement to the

²³ Al-Gazali, *Al-Mustashfa Fi 'Ilm Al-Ushul* (Beirut: Dar al- Kutub al-'Ilmiyyah, 1993), 173.

²⁴ Zaki, "Formulasi Standar Maslahah Dalam Hukum Islam (Studi Atas Pemikiran Al-Ghazali Dalam Kitab Al-Mustasfa)."

²⁵ Al-Gazali, *Al-Mustashfa Fi 'Ilm Al-Ushul*.

²⁶ Nur Asiah, "Maslahah Menurut Konsep Imam Al Ghazali."

four legal foundations, in which al-Ghazali argues that *maṣlaḥah* is not one of the four legal bases that may be used as evidence. *Maṣlaḥah* is not discussed in the discussion chapter on the methodology of interpretation and reasoning even though it is not explicitly mentioned in it. Even though *maṣlaḥah* is not the legal basis used by al-Ghazali, references to *maṣlaḥah* are still made by him in the legal chapter contained in al-Mustaṣfā's book. Al-Ghazali also gave references to *maṣlaḥah* in the chapter which discusses the method of thought.²⁷

There are two valid *istinbat* methods, namely *as-sabr wa al-taqṣīm* (observation and classification; elimination method) and *munasabah* (combined). In this *munasabah*, *maṣlaḥah* is the main element combined with *yara'* which is often discussed by al-Ghazali. *Munasib* is interpreted like *maṣaliḥ*, but *munasabah* is not the same as *maṣlaḥah*. Even though al-Ghazali's analysis of *munasib* in terms of effectiveness and validity is the same as *maṣlaḥah*, the detailed statement is different.²⁸

Based on al-Ghazali's opinion, *munasib* (something that fits, according to the place of use) is divided into four. *First*, according to and strengthened by certain texts. *Second*, it is not appropriate and is not supported by the textual argument. *Third*, it is not appropriate but is strengthened by the textual argument. *Fourth*, it is strengthened by the textual argument. Al-Ghazali explained that the first category can be agreed upon by the majority of jurists. The second is *istiḥsān*, namely establishing laws based on personal authority. The third is *istiṣlah* or *istidlāl al-mursalab*. Based on this grouping, it is clear that *maṣlaḥah* is the basis for consideration in deciding the suitability or *munasabah* of something that is not in *istiḥsān*. However, *munasabah* and *maṣlaḥah* depend on their suitability and affirmation of the text in general. If not, it falls under the category of *istiḥsān*.²⁹

The Significance of Al-Ghazali's *Maṣlaḥah* Concept to the Development of *Uṣūl fiqh* and Islamic Law

Al-Ghazali's thoughts regarding *maṣlaḥah* can be understood for his tendency towards *fiqh* reasoning and *qiyās* to be used as a method of thought. Therefore, al-

²⁷ Nur Asiah.

²⁸ Nur Asiah.

Ghazali studied *maslahab* based on several conditions. From his theological perspective, al-Ghazali does not accept *maslahab* only in terms of human benefit. The study of *maṣlaḥah* must be based on existing arguments. Al-Ghazali used a thinking approach by placing *maṣlaḥah* one level after *qiyās*. Al-Ghazali did not deny *maslahab* at all like his reaction to rejecting *istiḥsān*, but the criteria he determined in accepting *maṣlaḥah* did not place *maṣlaḥah* in a stand-alone rationale.³⁰

The classification and definition presented by al-Ghazali were later followed by several jurists according to the genealogy of the *uṣūl fiqh* works that were known at that time. So strong was the influence of al-Ghazali's thoughts on *maṣlaḥah* as stated by *Ibn Khaldūn* that the book *al-Mustaṣfā min 'Ilm al-Uṣūl* is still the most important reference that influenced subsequent *uṣūl fiqh* experts so that al-Rāzī's very monumental work appeared, namely *al-Maḥṣūl*.³¹

In the context of new matters which are not emphasized in the texts, especially social issues which generally involve the public interest, one must look again at *ijtihād* which has been widely practiced by companions, *tabi'in* and *mujtahids*. It doesn't seem too exaggerated if among the several methods above it is emphasized that *maṣlaḥah* method is the most dominant.³²

Likewise the current developments among Islamic jurists, it seems that to solve new problems that arise in society there is a recent trend when they prefer the *maqāṣid asy-syarī'ah* method, not the linguistic method. Thus, it means that they are more dominant in using the *maslahab* approach than other approaches. Is because: *First*, the development of Islamic law through the *maqasid* method does not require in-depth Arabic language skills as if using the linguistic method. So that the *ijtihād* requirement in the form of proficiency in Arabic can be minimized. *Second* (more dominating), new matters that had not occurred at the time the revelation was in the process of being revealed.³³

²⁹ Nur Asiah.

³⁰ Nur Asiah.

³¹ Nur Asiah.

³² Suratmaputra, "Reorientasi Pemikiran Al-Ghazali Tentang Maslahah Mursalah Dengan Pembaruan Hukum Islam."

³³ Suratmaputra.

Settlement of cases like this cannot be resolved by the *qiyās* approach or other approaches. The right and appropriate approach that must be used to solve this problem is *maṣlaḥah* approach. Al-Ghazali has very deep thoughts about mashallah. He has answered in detail with examples that are acceptable and unacceptable, which can be tolerated and which must be opposed, which are approved and which are disputed. Through *maṣlaḥah* method, al-Ghazali tries to teach about how this *maṣlaḥah* approach is used in dealing with life's problems. It seems that he is very competent in this field. As a figure of the uṣūliyyin of the Syāfi'i school of thought, it is no exaggeration to say that he has no equal. Al-Ghazali who uses the term *maṣlaḥah* as an approach to istinbat Islamic law and places *maṣlaḥah* as one of the positive considerations in establishing Islamic law is a moderate figure (tawassuṭ). Not as strict as those who completely reject it, not too often rejecting it like the Maliki school, and not too outspoken like at-Tūfi.³⁴

Therefore, in the effort to renew Islamic law, al-Ghazali's thoughts regarding *maṣlaḥah* are something that can solve various problems in Islamic law that will be experienced by society. Because in a situation where many new problems have arisen and solutions must be found as soon as possible, Muslims can experience many difficulties if they adhere to an ideology that rejects *maṣlaḥah* as the basis that must be considered in determining Islamic law. If this opinion is adhered to, it is feared that other problems will arise which are difficult to find a solution to with Islamic law.³⁵

Regarding the controversy over the concept of *maṣlaḥah*, one of the scholars who reject the concept of *maṣlaḥah* is Imam Syafi'i. Imam Shafi'i believes that the provisions of *syara'* are sufficient, namely the Qur'an, hadith, *ijma'*, and *qiyās*.³⁶ The use of the concept of *maṣlaḥah* as a valid source of Islamic law has indeed become a matter of debate among *uṣūl fiqh* scholars. Most *uṣūl fiqh* scholars consider that the concept of *maṣlaḥah* can be used as a valid source of Islamic law because it is based on the principle of public interest (*maṣlaḥah*) and is consistent with the objectives of

³⁴ Suratmaputra.

³⁵ Risdianto, "Maslahah Mursalah Al-Ghazali Sebagai Dasar Hukum Fatwa MUI No. 14 Tahun 2020 Tentang Penyelenggaraan Ibadah Dalam Situasi Terjadi Wabah Covid 19," *Misykat Al-Anwar Jurnal Kajian Islam Dan Masyarakat* 4, no. 1 (2021): 75–96, <https://doi.org/10.24853/ma.4.1>.

Islamic law. Meanwhile, other *uṣūl fiqh* scholars consider that the concept of *maṣlaḥah* is a weak source of Islamic law because it has no basis in texts and can be subject to personal interpretation. Some *uṣūl fiqh* scholars take a middle path in using *maṣlaḥah* as a valid source of Islamic law. They argue that *maṣlaḥah* can be used as a source of Islamic law, but only in cases where there are clear benefits to society and where it does not conflict with the principles of Islamic law.³⁷

Although it is still being debated among *uṣūl fiqh* scholars about the use of the concept of *maṣlaḥah* which can be used as a valid reference in Islamic law, al-Ghazali's concept of *maṣlaḥah* has had a significant influence on the development of *uṣūl fiqh*. It incidentally is a methodology of Islamic law.³⁸

There are six points of a significant influence of al-Ghazali's *maṣlaḥah* concept in the development of *uṣūl fiqh* and Islamic law, including *First*, al-Ghazali's concept of *maṣlaḥah* has an important role in *uṣūl fiqh* and Islamic legal thought because al-Ghazali's *maṣlaḥah* provides a basis for understanding the goals Islamic law and how to apply it in various contexts. This foundation helps scholars to make decisions that are to the objectives of Islamic law. *Second*, al-Ghazali's rejection of the concept of *maṣlaḥah* about human benefit alone and his affirmation of the shari' argument which forms the basis of *maṣlaḥah* has influenced the development of *uṣūl fiqh*. *Third*, Al-Ghazali's *maṣlaḥah* method is a type of *maṣlaḥah* that has no basis in texts, so it requires deep thought from experts in *uṣūl fiqh* and Islamic law.

Fourth, al-Ghazali's emphasis on preserving the objective objectives of Islamic law (*maqāṣid al-syarī'ah*) has influenced the development of *uṣūl al-fiqh* and the way scholars approach the interpretation of Islamic law. This approach helps the ulama to make decisions that are in line with the objectives of Islamic law. *Fifth*, *maṣlaḥah* al-Ghazali is used as a tool to weigh the benefits and losses of a particular action or decision. This helps the scholars in taking steps in Islamic law so that the decision is expected to be the best decision for society and supports the goals of Islamic law.

³⁶ Aris, "Pemikiran Imam Syafi'i Tentang Kedudukan Masalah Mursalah Sebagai Sumber Hukum," *Hukum Dektum* 11, no. 1 (2013): 1.

³⁷ Misran, "AL-MASHLAHAH MURSALAH (Suatu Metodologi Alternatif Dalam Menyelesaikan Persoalan Hukum Kontemporer)," *Jurnal Ar-Raniry*, 2020.

³⁸ Zakiyatus Soimah, "Pemikiran Imam Al-Ghazali Tentang Hukum Islam," *El-Faqih : Jurnal Pemikiran Dan Hukum Islam* 7, no. 2 (2021): 158–68.

Sixth, the concept of *maṣlaḥah* al-Ghazali is used to determine whether or not certain actions or decisions are permissible. This helps jurists to make decisions that are in line with the principles of Islamic law.

D. Conclusion

The concept of *maṣlaḥah* al-Ghazali is a concept used in solving problems of Islamic law because basically, the principle contained in *maṣlaḥah* is to maintain the objectives of Islamic law (*maqāṣid al-syarī'ah*), namely to preserve religion, soul, mind, lineage, and property. Al-Ghazali is a major Islamic figure who made an extraordinary contribution to the development of the concept of *maṣlaḥah* in the science of *uṣūl fiqh*. For al-Ghazali, *maṣlaḥah* approach should be based on *syar'i* arguments and not only on ratios. He emphasized that *maṣlaḥah* can be accepted if there are three characteristics, namely *darūriyah*, *qaṭ'iyah*, and *kulliyah*. Al-Ghazali also does not accept the concept of *maṣlaḥah* which is related to human benefit alone, because the study of *maṣlaḥah* must focus on the available texts. The concept of *maṣlaḥah* al-Ghazali has significant implications for the development of *uṣūl al-fiqh* and Islamic law because this concept provides a clear picture of the purpose of Islamic law and how to apply it in different contexts. Overall, the concept of *maṣlaḥah* al-Ghazali has played a significant role in the development of *uṣūl fiqh* and has influenced the way scholars approach the interpretation of Islamic law. It helps the cleric (*ulama*) to make decisions that are in line with the principles of Islamic law.

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