

Axiological Aspects of Legal Science from the Muhammadiyah Perspective

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Article Info

Received: 11-04-2025

Revised: 26-06-2025

Accepted: 30-06-2025

Keywords:

Muhammadiyah; Legal Science; Islamic Sharia; Fiqh; Prophetic Law.

Abstract

This study aims to determine the purpose of legal science for Muhammadiyah, specifically the Majelis Tarjih (Islamic Council of Muhammadiyah). This is highly urgent, because the Majelis Tarjih is an entity within Muhammadiyah that is responsible for providing solutions to the problems of the people's lives, especially Muhammadiyah members and Muslims in general. In general, the purpose of legal science is to ensure justice, legal certainty, and benefit. Legal scholars have provided an overview of justice, legal certainty, and benefit. Some argue that law is just if it has legal certainty. Meanwhile, the law is certain if it is written or codified. On the side of benefit, there are also many differences. Is the benefit for the victim only, or for the perpetrator as well? The above matters are constantly experiencing dynamics. Therefore, Muhammadiyah, in this case the Majelis Tarjih, wants to provide an alternative purpose of legal science. Based on this, this research has a fairly high urgency, considering that the Majelis Tarjih in its legal istbath should not deviate from the purpose of the law itself. This research method is normative research with a library approach. The research begins by analyzing Islamic sharia by classifying what is fixed (muthasibat) and what is changeable (muthaghoiroh). These two aspects are then discussed in dialogue with the objectives of sharia (maqasidu shari'ah). In the next stage, the author will study the istinbat method of the tarjih assembly's law to synchronize the objectives of law with the istinbath method of the Muhammadiyah tarjih assembly. The findings of this study are that the objectives of law from the Muhammadiyah perspective are flexible. This flexibility lies in achieving benefits and avoiding harm.

I. Introduction

Muhammadiyah as an Islamic movement organization in Indonesia, often also called the Islamic Movement for *Da'wah Amar Ma'ruf Nahy Munkar* and *Tajdid*, is based on the Koran and the Sunnah (TIM LPPIK UMS, 2005). The term Muhammadiyah as the Islamic movement "Enjoining Good and Forbidding Evil and Advancing Evil" is intended to imply that this Islamic organization is dynamic, active, creative, and innovative. Dynamic in this context means that Muhammadiyah, as an Islamic organization, is supported by a spirit and energy that can propel and move forward, adapting to all circumstances, changes, developments, and challenges faced in this life (Bakhtiar, 2017).

Over the times, Muhammadiyah and *Majelis Tarjih* find its challenges on term society progression and development, this will give a research gap for Muhammadiyah and its *Majelis Tarjih* and to respond to the changing times and to be able to adapt to every change of the times, at the 16th Muhammadiyah Congress in Pekalongan in 1927. Exactly 16 years of Muhammadiyah's journey under the leadership of KH. Ibrahim (1878-1934) it was then proposed the need for Muhammadiyah to form an institution to address the Islamic legal issues faced by its followers. This was the forerunner to the birth of the Muhammadiyah *Tarjih* Council Institution, the task of this institution is to answer all legal issues faced by Muhammadiyah followers so that they are not easily divided and can easily practice Islamic teachings (especially regarding the issue of *khilafiyah*) (Ediz & Bus, 2020).

The Muhammadiyah *Tarjih* Council is tasked with addressing emerging legal issues within society, including legal issues related to worship and *mu'amallah* (transactions) faced by the community on a daily basis. In addressing these legal issues, the Muhammadiyah *Tarjih* Council has developed its own method/*manhaj* (*manhaj*) that differs from other Islamic organizations. Muhammadiyah's method for legal reform must align with the objectives of the law itself (Achmad et al., 2022).

In legal science, the study of the objective/axiological aspect attempts to answer the major question: what is the true utility or benefit of legal science itself? These questions can be broken down into: For what purpose is legal science studied and developed? What values are intended to be realized through the application of law? What contribution can law make to the good and welfare of society? The answers to these axiological questions will then determine the relevance of law to the realities of society, so that legal science can become a science with social responsibility and always anchored in moral values.

Conceptually, as proposed by Gustav Radbruch (1878-1949), law has three basic values or objectives that are interrelated and must be realized simultaneously. These three objectives are:

Justice (*Gerechtigkeit*): For Radbruch, justice is the primary and most fundamental objective of law. Justice means giving everyone their due, treating similar cases alike,

and treating different cases differently according to their differences. The essence of justice is equality in similar things and difference in different things. Justice demands objectivity and impartiality in the application of the law. Therefore, according to Radbruch, an unjust law is morally flawed and lacks internal legitimacy. Although he initially emphasized legal certainty, his experiences under the Nazi regime made him realize the importance of substantive justice. He even stated that "extremely unjust" positive law is not law in the true sense.

Legal Certainty (*Rechtssicherheit*): Legal certainty refers to the idea that the law must be clear, definite, stable, and predictable in its application. People must be able to rely on the law as a guide to behavior and be able to predict the legal consequences of their actions. Legal certainty requires legal formalities, such as written statutes, clear legal procedures, and consistent law enforcement. Therefore, without legal certainty, social order would be threatened because there would be no clear guidelines for individual behavior and dispute resolution. Legal certainty creates stability and allows individuals to plan their actions with confidence that the law will be consistently enforced.

Utility (*Zweckmäßigkeit* or Utility): Explanation: Utility refers to the purpose of law to provide benefits or utility for society as a whole. Law should be directed towards achieving the general welfare, social order, and other positive goals for the community. This purpose is more teleological, looking at the practical consequences of the law. Thus, laws that are not beneficial or even detrimental to society will lose their support and effectiveness. Considerations of utility allow the law to adapt to social change and meet the evolving needs of society (Radbruch, 1950, 2006).

Different schools of legal philosophy define different basic values or objectives of law. According to the natural law/legal idealism school, the goal of creating justice is emphasized, primarily because the moral values contained in legal norms are absolute and universal. According to the historical school of legal philosophy, the basic values or objectives to be realized by law are utility and justice. This is because the substance of legal norms, initially relative and temporal moral values derived from abstractions of patterned behavior (social behavior patterns), are then transformed into absolute and universal moral values in the form of the *volksgeist* (voluntary spirit) within the world of ideas of traditional leaders as the formulators and implementers of law.

The pragmatic legal realism school of legal philosophy places greater emphasis on utility, because the substance of legal norms, which are relative and temporal moral values, originate from the psychological conditions of social actors, as a manifestation of symbolic meaning in the phenomena symbolized by law. On the other hand, the positivistic school of legal philosophy, represented by the pure theory of law, aims to realize legal certainty. The moral values contained in legal norms are derived from

superordinate regulations, which are then traced to the moral values contained in the *Grundnorm*. Therefore, they must be positioned as relative and temporal moral values.

In the sociological jurisprudence school of legal philosophy, the basic values or goals to be realized by law are legal certainty and utility. This is because the substance of legal norms, initially relative and temporal moral values derived from superordinate regulations, are traced to the moral values contained in the *Grundnorm*, and then transformed in empirical reality into relative and temporal moral values derived from the abstraction of patterned behavior (social behavior patterns).

The products of Muhammadiyah Ijtihad are oriented towards the welfare of humanity in this world and the hereafter. This aligns with the principles of Islamic sharia, as expressed by Ibn al-Qayyim al-Jauziyyah, who stated that the basis of sharia is the welfare of humanity in this world and the hereafter. The substance of sharia is justice, welfare, mercy, and wisdom. In short, a legal product that fails to provide justice, welfare, mercy, and wisdom is not sharia (Abidin, 2024). Therefore, Muhammadiyah, in this case the Muhammadiyah council formulate a legal decision so that the results of Muhammadiyah's *ijtihad* may provide a solution towards the Muslim community's current issues.

This research's objective is to find the axiological aspects of legal science from the Muhammadiyah perspective. It's important for Muhammadiyah to define its axiological aspect of legal science because Muhammadiyah Tarjih's decision is based on sharia and science that are inseparable.

2. Research Method

This was qualitative research which employed the analytical descriptive method in its discussion. (Wardiono, 2019) To obtain data, the authors utilized the literary method by seeking books, papers, and journal articles (Yuspin, Fauziyyah, & Budiono, 2023) related to Muhammadiyah, especially concerning *ijtihad* and legal *istinbath*.

3. Results and Discussion

The Purpose of Muhammadiyah Law Implementation

In order to understand the basic values or objectives of implementing law according to Muhammadiyah, we can first refer to the assumption of intent/purpose (Anwar, 2018). The assumption of intentionality is the belief that the norms revealed by God to His creatures always have a purpose or objective. No divine rule imposed on humans is empty of purpose and meaning. This assumption of intentionality is based on the belief that Islamic law was established to achieve the benefit of humanity, both in this world and the afterlife. The intentionality of these norms can be examined from several perspectives.

In terms of the breadth of its scope, it can be classified into three types, namely:

1. The purpose of general norms (*maqāṣid al-syarī'ah al-‘āmmah*)

2. The purpose of partial norms (*maqāṣid al-syarī'ah al-juz'iyah*)
 3. The purpose of particular norms (*maqāṣid al-syarī'ah al-khāṣṣah*)
- a. From a hierarchical perspective, the meaning of norms can be divided into three levels, namely:
1. Essential intent (*darūriyyāt*)
 2. Primary intent (*al-ḥājjiyyāt*)
 3. Complementary intent (*taḥsīniyyāt*)

In another section, in order to understand the basic values or objectives of implementing law according to Muhammadiyah, it is necessary to differentiate between problems that are clearly regulated in the Qur'an and As-Sunnah and new or contemporary problems for which no explicit justification is found in the Qur'an and As-Sunnah.

The basic values or objectives of implementing the law are clearly regulated in the Al-Quran and As-Sunnah.

In such cases, the primary goal to be realized is the basic value explicitly contained in the text itself. This can take the form of an emphasis on justice, benefit (*maslahah*/benefit), or wisdom (which encompasses certainty and good intentions) that serve as the legal rationale behind its establishment. This basic value is generally fundamental to all Islamic teachings and constitutes the spirit of its laws.

In every text clearly regulated in the Qur'an and Sunnah, which is then corroborated by other texts, there is always one basic value that takes top priority. However, Muhammadiyah always strives to integrate these three basic values or goals so that they can be realized simultaneously, albeit at varying levels. When a text clearly instructs to act justly or prohibits injustice, for example, the aspect of justice becomes very dominant. This is evident in the verses prohibiting usury (including in Chapter *Al-Baqarah*: 275, 276, 278-279; Chapter *Ali Imran* (The Imran Family): 130), which strongly emphasize the prevention of exploitation and oppression, equality in risk sharing, and equitable distribution of wealth. Nevertheless, Muhammadiyah will always consider the fundamental value of public welfare.

This is based on the consideration that the laws established by Allah and His Messenger certainly contain public welfare, both those that are understandable to reason and those that are purely servile. The fundamental value or purpose of prohibiting usury will provide benefits: encouraging productive investment, building economic stability, fostering social solidarity, and mutual assistance. Understanding the public welfare contained in the texts assists in their implementation. Furthermore, Muhammadiyah will always strive to incorporate the wisdom underlying the legal rationale. This wisdom encompasses aspects of legal certainty, meaning that the rules are clear and can be followed, as well as the good goals the law seeks to achieve. The basic value or purpose of the prohibition of usury will provide wisdom: forming moral character, preventing

social damage, maintaining the blessings of wealth, emphasizing the differences between Islamic and non-Islamic economic systems. (Basri, Kurniati & Krisnan 2021)

In other parts, there are texts that are clearly aimed at realizing wisdom, namely regarding the resolution of *muamalah* disputes through *tahkim* (arbitration) (Chapter *An-Nisa* (4): 35) or (Chapter *Al-Baqarah* (2): 185, Chapter *Al-Hajj* (22): 78 which contain the general principles of convenience (*taisir*) and the elimination of difficulties (*raf'ul haraj*). The use of *tahkim* in *muamalah* disputes is often easier, faster, and avoids lengthy and costly judicial bureaucracy. This is a form of wisdom in establishing law, namely choosing the most efficient and effective method to achieve the goals of sharia (namely justice and dispute resolution) without causing unnecessary difficulties for the community. Muhammadiyah always considers the principles of *taisir* and *raf'ul haraj* in its *tarjih*.

Although the texts used as evidence for establishing basic values (goals) refer to a specific core value, Muhammadiyah will always consider other core values. Therefore, no single aspect (justice, legal certainty, or wisdom) is solely prioritized in matters with clearly defined provisions. The *Manhaj Tarjih* (Islamic method) seeks to understand and practice the values inherent in these texts, often encompassing all three aspects in an integrated manner. For example:

- a. The obligation to be filial to parents as regulated in Chapter *Al-Isra*:

The text as contained in Chapter *Al-Isra*: 23, apart from realizing the value of justice, namely fulfilling the rights of parents to devotion and respect, will also realize benefits, namely creating harmony in the family and society, as well as blessings in the lives of children.

- b. Fatwa on Usury in Various Forms

The Qur'an expressly forbids usury (Chapter *Al-Baqarah*: 275-279), in addition there are many hadiths that strengthen this prohibition and explain various forms of usury. When viewed from the above arguments, the goal to be achieved in its implementation is to realize the basic value of Justice: Usury is considered a form of injustice. The prohibition of usury aims to create a more just economic system and avoid exploitation. Benefit: The prohibition of usury aims to maintain economic stability, encourage productive investment, and prevent large social disparities due to excessive rent-seeking practices. Wisdom: The prohibition of usury contains deep wisdom in maintaining economic morality and ethics. Islam encourages its followers to work hard and share the risks in business, rather than seeking easy profits from money loans.

The basic value or purpose of applying law to new or contemporary problems for which no explicit justification is found in the Qur'an and As-Sunnah.

To find answers about the basic values or objectives of applying law to new or contemporary problems for which no explicit justification is found in the Qur'an and As-Sunnah, we can refer to the concepts of *Maqashid Syariah*, welfare and *tajdid* as important characteristics and the soul and driving force of the Muhammadiyah movement.

a. *Maqashid Syariah*

Syariah as a central concept in Islamic legal philosophy refers to the aims, objectives, or wisdom that Allah wants to realize, through the stipulation of various legal provisions in Islamic sharia. The ultimate goal desired by Allah, is to realize benefit (goodness and prosperity) for all mankind, both in this world and in the afterlife. Scholars have categorized *Maqasid Sharia* into three levels based on their quality and importance, also known as *al-kulliyat al-khamsah* (five basic needs):

1) ***Dharuriyyah* (Basic Requirements).**

Necessities are essential needs for the continuity of human life, both in this world and in the hereafter. Failure to fulfill these needs will undermine that order. *Daruriyyat* are essential things that must be present for humans, without which the entire society will be plunged into disaster, chaos, and disruption.

The most fundamental objective of Islamic law is to realize sincere devotion to Allah SWT (*taḥqīq al-'ubūdiyyah li Allāh*). All Islamic teachings, including creed, worship, and social interactions, essentially aim to guide humanity toward knowing and obeying the Creator. Therefore, this intention will always be hierarchically prioritized over all others, and all legal norms must be in harmony with and not contradict this essential objective.

Imam al-Ghazali and other scholars of *ushul fiqh* formulated it in five basic needs (*al-uṣūl al-khamsah*): (a) maintaining religion (*ḥifẓ ad-dīn*); (b) maintaining the soul (*ḥifẓ an-nafs*); (c) maintaining the intellect (*ḥifẓ al-'aql*); (d) maintaining offspring (*ḥifẓ an-nasl*), and; (e) maintaining property (*ḥifẓ al-māl*). If any of these needs are not met, human life will be destroyed or no longer meaningful.

2) ***Hajiyyah* (Convenience and Spaciousness):**

Hajiyyah is an interest that must exist so that human life can run naturally and normally, where if this interest is not fulfilled, then the order of human life is not threatened, but it puts human life in very difficult and abnormal conditions (to avoid difficulties and hardship in life). An example is leniency in worship, such as being allowed not to fast when traveling on condition that it be replaced on another day.

3) ***Tahsiniyyah* (Perfection).**

Tahsiniyyah is the interest related to efforts to achieve goodness, beauty, politeness, and avoid things that are considered bad or inappropriate according to good customs and sound reason. This category includes tertiary needs that function as a

complement to goodness, nobility, and ethical life (*muruah*). Their absence does not have major implications for human life, but reduces perfection or beauty. Examples include the recommendation to decorate when going to the mosque or the prohibition of wasteful and stingy behavior.

These levels are hierarchical, with the hajj needs serving as safeguards for the *dharuriyyah* needs, and the *tahsiniyyah* needs serving as safeguards for the hajj needs. This categorization is not merely a descriptive classification, but rather a prescriptive framework for prioritizing legal considerations. It provides a clear order of importance, indicating that the preservation of life, religion, intellect, progeny, and property (*dharuriyyah*) takes precedence over convenience (*hajiyyah*) and perfection (*tahsiniyyah*) when interests conflict. This hierarchy is crucial for weighing the benefits and harms of complex contemporary issues. This hierarchical structure empowers mujtahids to navigate ethical dilemmas and conflicting values in the modern context, ensuring that legal rulings are not only consistent with the spirit of Islam but also practical and beneficial, prioritizing basic human needs and the well-being of society over secondary considerations. In the Muhammadiyah *Manhaj Tarjih*, *Maqashid Syariah* functions not only as a method of legal *istinbath* (such as the *istislah* method which focuses on the benefit of the beneficiary). More fundamentally, *Maqashid Syariah* is positioned as a comprehensive paradigm or axiological framework that guides and colors the entire *ijtihad* process. This is clearly seen in the use of the Causation/*Ta'lili* method to solve problems for which there is no direct text. The process is carried out by exploring causes, both efficient (cause-and-effect reasoning) and final (reasoning based on goals), which can provide a legal basis for the case. Various synchronization methods are used to find legal provisions for cases for which there are conflicting arguments (*taarud dalil*) (Anwar, 2018).

Based on the causal excavation process as mentioned above, it can be seen that Muhammadiyah, by using the finalist causal approach in the *Ta'lili* method, explicitly refers to *Maqashid Syariah*, where the aspect of benefit (*maslahah*) is the main consideration and all forms of harm (*mafsadah*) must be avoided in every legal determination. *Maqashid Syariah* as stated by Syamsul Anwar functions as a "space of meaning" or interpretative corridor in the use of the *burhani* (rational) approach (Anwar, 2018). This means that every rational reasoning and application of knowledge in *ijtihad* must remain within the framework and spirit of the noble objectives of sharia.

Maqasid Sharia is the foundation of values that provides coherence, direction, and axiological legitimacy to all legal products produced by the Muhammadiyah *Tarjih* Council. Understanding *Maqasid* ensures that every *ijtihad*, even the most innovative and contextual, remains firmly tied to the ethical values and fundamental objectives of Islamic teachings.

Scholars generally agree that the essence and primary purpose of Islamic law is to realize *maslahat* (benefit or *jalb al-maslahah*) and prevent *mafsadat* (repelling harm or *daf'*

al-mafsadah) for human life. In other words, every provision of Islamic law is essentially directed toward achieving this noble goal. Therefore, the *Maqasid* Sharia serves as an active guide and evaluative criterion in the entire process of establishing legal norms. It ensures that every legal product produced is always aligned with the spirit, values, and noble goals of Islamic law, namely the realization of welfare and justice for all people.

Maqasid Sharia makes a significant contribution to establishing the axiological aspect of legal science, because:

- a) Its ability to limit and direct the meaning of the wording or wording of legal texts (the Quran and the Sunnah). By understanding the ultimate goal of a provision, interpretation of the text can avoid literal rigidity that may no longer be relevant to the current context or even conflict with the greater good. *Maqashid* Syariah ensures that interpretation remains in line with the spirit and primary purpose of the revelation of sharia.
- b) Its function is as a compass that directs *ijtihad* so that it always remains within the framework of fundamental Islamic values. This can be done because *Maqasid* Syariah provides a reference for legal experts to carry out creative and responsive *ijtihad*, while ensuring that the resulting legal solutions are in line with the values of justice, humanity and benefit which are at the core of *Maqasid* Sharia.

The most concrete and widely recognized manifestation of *Maqasid* Sharia is the concept of five universal principles or five basic needs, which include: preservation of religion (*hifz ad-din*), preservation of the soul (*hifz an-nafs*), preservation of reason (*hifz al-'aql*), preservation of lineage and honor (*hifz an-nasl/al-'irdh*), and preservation of property (*hifz al-mal*). These five basic needs are considered fundamental goals that must be protected and realized by Islamic law. Every law enacted must contribute to the preservation of one or more of these five aspects.

The Muhammadiyah *Manhaj Tarjih* actively implements *Maqasid* Sharia as one of the main approaches in the process of *ijtihad* and fatwa issuance, especially in addressing contemporary issues. This is clearly evident in several concrete examples of the implementation of *Maqasid* Sharia:

- 1) Smoking Law: The *Majelis Tarjih's* fatwa prohibiting smoking is firmly based on *Maqasid* Sharia (the protection of the soul from the dangers of smoking-related diseases), *hifz al-mal* (protection of wealth from being wasted on harmful things), and the general principle of avoiding *dharar* (harm) to oneself and others caused by cigarette smoke. (There is benefit for others.)
- 2) Marriage Registration and Divorce: The obligation to officially register a marriage and to process a divorce through a court proceeding is based on *Maqasid* Sharia to create a harmonious family, provide legal certainty, protect rights (especially women and children), and prevent slander and domestic abuse.

- 3) Bank Interest Law: The change in the *Majelis Tarjih's* stance on bank interest, from initially considering it *mutasyabihat* (a matter with unclear legal standing) to prohibiting it, is based on a more in-depth analysis of *Maqasid Sharia*. Bank interest is considered to contain elements of usury which are expressly prohibited because they can give rise to *zhulm* (injustice) and exploitation, thus contradicting the principles of welfare and economic justice in Islam.

b. Maslahah

Another concept that is also a reference for finding answers about the basic value or purpose of applying law to new or contemporary problems for which no explicit evidence is found in the Al-Qur'an and As-Sunnah, is the concept of *maslahah*.

Etymologically, the word *maslahah* means interest, benefit, or goodness. In Islamic legal terminology, *maslahah* is defined as everything that brings goodness, benefit and usefulness, and at the same time rejects or avoids all forms of damage, difficulty and harm (*mafsadah*) to human life (Hamzah, 2015). This goal encompasses human happiness and well-being, both in this world and in the afterlife.

Unlike *Maqasid*, which is the goal to be achieved, *maslahah* is the practical realization of that goal (Hakim et al., 2023). Benefits function as practical manifestations and instruments to achieve *Maqasid* goals. *Maqasid* provides the "what" (the goal), and *maslahah* provides the "how" (the way to achieve the goal in a particular context). Thus, the relationship between *Maqasid* Syariah and *Maslahatan* is not only conceptual but also operational, making *Maslahah* a real metric for measuring the success of legal decisions in enforcing *Maqasid*. The phrase "where there is benefit, there is God's law" (Misran, 2020) powerfully encapsulates this relationship. This highlights the pragmatic and human-centered orientation of Islamic law, which implies that legal decisions must always be evaluated based on their actual impact on human well-being, ensuring that the law serves its intended purpose of bringing benefit and preventing harm.

Scholars of Islamic jurisprudence (*ushul fiqh*) divide *maslahah* into three main categories (Rusdi, 2017):

- 1) ***Maslahah Mu'tabarah***: This is a problem that is recognized and supported by the *dalil syara'* (Al-Qur'an or Hadith), either explicitly or through the meaning contained in a number of texts (Muhajirin & Dedu, 2021). This *maslahah* can be used as a legal basis because it has been considered and approved by sharia.
- 2) ***Maslahah Mursalah***: This category refers to issues that are not supported or rejected by detailed Islamic propositions. It is called *mursalah* because it is "apart" from any specific confirmation or rejection of the sharia, but is in accordance with the spirit of the sharia (Muhajirin & Dedu, 2021). The existence of *Maslahah Mursalah* as a category recognized by many scholars is an important indicator of the flexibility inherent in Islamic law. This represents a deliberate "space" where explicit textual guidance

does not exist, allowing human reason, guided by the broader *Maqasid*, to derive verdicts for new situations. This is not a loophole, but rather a testament to the comprehensive nature of the Sharia, which provides principles for all times and places, even if their specific application is left to human *ijtihad*. This concept is vital for overcoming contemporary issues that could not be anticipated at the time the revelation was revealed. This empowers mujtahids to innovate and adapt, ensuring that Islamic law remains a dynamic and practical guide for modern society, preventing stagnation and promoting social prosperity.

- 3) **Maslahah Mulghah:** This is a problem that is considered good by reason but is rejected or ignored by *syara'* because it is contrary to the clear provisions of the text.

An example is not giving zakat to converts if there is a text that specifically rejects it.

In the Muhammadiyah *Manhaj Tarjih* (Islamic Law), the principle of benefit plays a central role as a dynamic bridge connecting the teachings contained in the sacred texts (the Quran and Sunnah) with the ever-changing realities and social contexts of society. Benefit is not only viewed as one of the objectives of law but is also recognized as one of the fundamental values (*al-qiyam al-asasiyah*) of Islam. Furthermore, consideration of benefit is also a crucial factor that can drive legal change or adjustment in response to the demands of the times and conditions.

This is evident, among other things, in the use of the *istislahi* method, which refers to legal *istinbath* (legal exploration) based on considerations of *maslahah mursalah* (benefit), namely benefits not explicitly mentioned or regulated by the texts (the Quran or Sunnah), whether commanded or prohibited, but in line with the general principles and objectives of Islamic law. This *istislahi* method is typically used to address new or contemporary issues that have no direct legal precedent in primary texts, yet contain the potential for significant benefits for humanity.

Muhammadiyah, through its *Tarjih* Council, continually strives to present an understanding and practice of Islamic law that transcends mere literal interpretation of the text. Furthermore, Muhammadiyah strives to capture and embody the spirit of justice, humanity, and welfare that underlies every Islamic teaching (Zuhdi & Nasir, 2024). By making public interest one of the primary criteria in *ijtihad*, the *Manhaj Tarjih* (Islamic Law) enables dynamic and contextual interpretation of Islamic texts. This enables the development of legal solutions that are not only normatively and textually valid, but also relevant, functional, and able to address the real needs faced by society in various aspects of life. Thus, the principle of public interest serves as a vital instrument, ensuring that Islamic law remains alive, developing, and able to make a positive contribution to human civilization, without sacrificing the essence and fundamental values contained in Islamic teachings themselves. This is what is called *Islam Sholihun Likulli Makan* and *Sholihun Likulli Zaman* (*Islam Sholihun Likulli Zaman*).

The application of the principle of public interest as a guide in determining the axiological aspects of legal science in the Muhammadiyah *Manhaj Tarjih* can be seen concretely through various fatwas and rulings that have been issued. These fatwas demonstrate how consideration of public benefit and rejection of harm are essential foundations in responding to contemporary issues. This can be seen, among other things, in fatwas on:

- 1) **Divorce Declaration in Front of a Religious Court:** The Muhammadiyah *Tarjih* Council issued a fatwa stating that a divorce unilaterally pronounced by a husband at home is invalid and void. Instead, the divorce process must be conducted in a Religious Court. The main basis of this fatwa is the principle of benefit. Its purpose is to protect the rights of all parties involved, especially the rights of women and children, prevent abuse by the husband, provide legal certainty, and open up space for mediation and peace efforts before the divorce actually occurs. Thus, the welfare of the family and society is more assured (Muhajirin & Dedu, 2021).
- 2) **Women's Ability to Become Leaders:** In response to the debate on women's leadership, the Muhammadiyah *Tarjih* Council, through its *ijtihad*, allows women to become leaders, both in the public and private spheres, as long as they possess the necessary capacity and capabilities. This decision is based on considerations of the greater good and the principle of gender justice in Islam. The *Tarjih Manhaj* reinterprets texts that might be literally understood to limit women's roles, prioritizing a more substantial and contextual understanding, in line with the spirit of equality and the advancement of civilization (Waid & Lestari, 2020).

These case study examples clearly demonstrate how the principle of benefit is not merely a theoretical concept in the Muhammadiyah *Manhaj Tarjih* (Islamic Law), but also a criterion for determining operational axiological aspects and is crucial in the *ijtihad* process and fatwa issuance. Through consideration of benefit, the *Tarjih* Council strives to ensure that the formulated and implemented Islamic law consistently brings tangible benefits, goodness, and justice to humanity, and is able to address the challenges of the times while adhering to the noble values of Islamic teachings.

Although benefit is often closely associated with the *istislah* method, which is part of *burhani* (rational-empirical) reasoning, the determination and realization of benefit within the framework of the Muhammadiyah *Manhaj Tarjih* are not solely calculative or positivistic. Considerations of benefit are also strongly influenced by the *irfani* dimension, which emphasizes ethical, spiritual, and conscience-based aspects. The *irfani* approach in the Muhammadiyah tradition of thought is often translated as *ihsan* (doing good with full awareness of Allah's supervision), empathy towards others, and the ability to choose solutions or actions that are "more beneficial" and "better" from the perspective of the noble values of Islam, even when faced with several choices that may formally be equally valid.

For example, in the case of polygamy, even though the practice may be permissible, the *irfani* approach will encourage deeper consideration. If substantive justice and feelings (especially on the part of women) are difficult to uphold completely, then *irfani* considerations - which emphasize better, more beneficial choices, and avoid potential inner harm - will probably lead to the choice of monogamy as a more important solution and more reflective of the value of *ihsan* (Shabbar, 2017).

Similarly, Haedar Nashir, Chairman of the Central Executive Board of Muhammadiyah, defines the *irfani* approach as a sense of humanity or empathy. He exemplified adherence to health protocols during the COVID-19 pandemic, which he viewed as a form of empathy and concern for the safety of healthcare workers and the wider community. This is a manifestation of the realization of *maslahah* (protecting lives) based on sensitivity and conscience.

Thus, the identification and realization of *maslahah* in the Muhammadiyah *Manhaj Tarjih* (*Manhaj Tarjih*) are the result of a complex synergy between rational-empirical (*burhani*) analysis of the impact and benefits of a law or action, and ethical sensitivity and conscience (*irfani*) intuition regarding the values of universal goodness and substantive justice. This demonstrates that the concept of *maslahah*, in Muhammadiyah's view, is not devoid of spiritual values and humanitarian ethics. It is a humanistic, just *maslahah*, explored through the integration of various epistemological approaches, not merely a calculation of material profit and loss. This rich and layered understanding strengthens the position of welfare as a dynamic axiological pillar in the Muhammadiyah *Tarjih Manhaj*.

c. *Tajdid*

Manhaj Tarjih, as a comprehensive methodological system for conducting *ijtihad*, is inspired by *tajdid* (renewal) as its primary spirit. Etymologically, *tajdid* comes from Arabic, meaning renewal. However, in Muhammadiyah's understanding, *tajdid* is not simply a haphazard replacement of the old with the new. Rather, *tajdid* is a movement with two main dimensions:

- 1) The first dimension of *tajdid* means purification. This is aimed at the areas of faith and pure ritual worship. This dimension emphasizes efforts to purify Islamic teachings from all forms of innovation, superstition, and superstition that are considered to deviate from the pure teachings of Islam. The goal is to return religious practices to their original foundations, in accordance with the guidance of the Prophet Muhammad (peace be upon him), with the aim of preserving the foundations of Islamic teachings that are based on and sourced from the Qur'an and the Sunnah.
- 2) The second dimension means improvement, development, modernization and what it means. This is aimed at the field of *muamalat duniawiyah* (worldly affairs and social interactions), where *tajdid* means dynamizing people's lives with a creative and

innovative spirit in accordance with the demands of the times, while adhering to the principles of Islamic teachings. In this case, Muhammadiyah strives to provide relevant Islamic answers to modern problems while adhering to fundamental Islamic values. *Tajdid* is intended as an interpretation, practice and embodiment of Islamic teachings while still adhering to the Al-Qur'an and the Sahihah sunnah.

The ideological basis for implementing *tajdid* is stated in the 2005 Muhammadiyah Basic Law which states that (1) Muhammadiyah is an Islamic movement, preaching *amar ma'ruf nahi munkar* and *tajdid*, based on the Al-Qur'an and As-Sunnah. (2) Based on Islam (Pimpinan Pusat Muhammadiyah (Head of Muhammadiyah Center), 2019). This is reinforced by the Muhammadiyah Personality in 1962, "Islamic preaching *amar makruf* and *nahi munkar* to those who are Muslim and those who are not Muslim, there it is said that preaching to those who are Muslim is of a reformatory nature (*tajdid*), namely returning to the original and pure teachings of Islam.(Nashir, 2010) Meanwhile, the formal legal basis of the *tajdid* movement is the *Tanfidz Mukhtamar Tarjih XXII* in 1990 in Malang (Majelis Tarjih PP. Muhammadiyah, 1990).

Based on the concept of *tajid*, it can be seen that on the one hand, the main source of (Islamic) law is the revelation of Allah SWT, conveyed through the Qur'an and the Sunnah of the Prophet Muhammad (peace be upon him). This is a transcendental source of law containing fundamental principles and fundamental values that are fixed and universal, unchanging by changes in space and time. However, on the other hand, the various realities that occur in society are constantly experiencing dynamic changes and developments. In this way, (Islamic) law faces the challenge of ensuring the stability (*tsawabit*) of its principles and values, which remain in the right place so that they can continue to be relevant, applicable, and able to provide solutions to various new problems that arise in accordance with the dynamics (*mutaghayyirat*) that occur in a constantly changing society.

Tajdid is the main key to ensuring that Islamic teachings are always relevant, dynamic, and responsive to existing challenges (Majelis Tarjih PP. Muhammadiyah, 1990). It encourages innovation based on Islamic values, enabling the community to play an active role in the development of science, technology, and various other sectors without losing its Islamic identity. *Tajdid* serves to repair damaged social order, encompassing social, economic, political, and legal reforms to establish justice.

The concept of *tajdid* is intrinsically linked to the Islamic principle of *rahmatan lil 'alamin* (mercy for all nature). By enabling the adaptation and refinement of Islamic teachings, *tajdid* ensures that law continues to serve the well-being of all humanity, not just Muslims, and addresses universal challenges such as poverty, injustice, and environmental degradation. This broader scope of benefits aligns perfectly with the universal mercy inherent in Islam. This relationship underscores the universal applicability and ethical imperative of Islamic law. It positions *tajdid* not merely as an

internal religious exercise but as a mechanism for Islam to contribute positively to global human civilization and address universal problems.

Based on the description above, it can be seen how the relationship between *Maqashid* Syariah, benefit and *tajdid* is in determining the basic value or purpose of applying the law to new or contemporary problems for which no explicit evidence is found in the Al-Qur'an and As-Sunnah.

Maqasid Syariah serves as a strong moral and ethical framework for legal *istinbath* (legal adoption). In dealing with new problems for which no explicit arguments have been found, *ijtihad* must be based on sharia goals (*Maqasid*) and directed towards realizing benefit. *Ijtihad* methods such as *Maslahah Mursalah* and *Sadd al-Dhari'ah* (prevention of means leading to evil) are directly related to the maintenance of benefits and the avoidance of *mafsadat*.

Maqasid Sharia determines the overarching objectives or philosophical foundations underlying every provision of Islamic law. By understanding the lofty objectives of Sharia—such as the protection of religion, life, intellect, lineage, and property—*mujtahids* can conduct more substantial *ijtihad*. When social, cultural, or technological contexts change, and the implementation of a law in its old form may no longer be effective or even counterproductive, understanding *Maqasid* Sharia enables jurists to seek new forms of implementation or alternative legal solutions that still lead to the achievement of these objectives of Sharia. In other words, although the form or method (*wasilah*) of implementing the law may change, the ultimate goal (*maqasid*) remains the same.

The integration of *Maqasid* Sharia into the methodology of *ijtihad* signifies a shift from a purely textual or analogical approach to a more holistic and teleological one, rather than solely seeking explicit commands. This allows for a more flexible and comprehensive response to complex modern problems, as it permits the formulation of rulings consistent with the spirit of Islam even in the absence of direct textual precedent. This is why the *Maqasid* is seen as a "more promising" approach to modern challenges. It highlights the sophistication of contemporary Islamic legal thought, which seeks to move beyond rigid formalism to a more dynamic and goal-oriented jurisprudence. This suggests that the *Maqasid* provides the intellectual tools necessary for Islamic law to remain a living and effective guide in an increasingly complex world.

Benefit serves as the core of sharia policy in responding to social, political, and economic dynamics. By considering benefits, law can shift from a narrow interpretation of texts to an understanding of texts in a broader context (Ayu & Azzak, 2024). *Maslahah mursalah* specifically allows for the derivation of laws based on considerations of the public interest when there is no specific evidence to support or refute them. Thus, *maslahah* acts as a bridge between the unchanging texts of revelation and the ever-changing realities of human life, allowing for the contextualization of Islamic law by

focusing on outcomes—whether a particular action or decision brings benefit or prevents harm in a particular time and place. It is *maslahah* that ensures that Islamic law remains a living and adaptive system.

This *maslahah* serves as a crucial operational criterion for assessing whether a law or interpretation of a text remains relevant, beneficial, and beneficial in a particular social context (Umar, 2024).

Tajdid ensures the relevance and dynamism of Islamic teachings to contemporary challenges. It encourages people to advance in science and technology and to repair damaged social structures. In the field of *muamalah* (religious transactions), *tajdid* means dynamizing community life with a creative spirit in line with the demands of the times.

Tajdid is an active force that prevents Islamic law from becoming stagnant or obsolete. By encompassing refinement and dynamism, it ensures that the law remains rooted in its authentic sources while simultaneously evolving to meet new needs. This continuous process of renewal is what gives Islamic law its inherent flexibility and progressive character, enabling it to offer solutions to modern problems and contribute to the advancement of civilization. This highlights *tajdid* as an ongoing imperative for Muslims, not a one-time event. It implies that scholars and institutions must continually engage in intellectual and practical endeavors to keep Islamic law alive, responsive, and impactful in a changing world.

However, there are challenges that need to be considered when using the three concepts in determining basic values or legal objectives, namely how to balance textual compliance with contextual needs (Guney, 2024). There is a risk that *Maqasid* can be misused to reject established sharia rules simply because they are deemed incompatible with contemporary interests (Guney, 2024). Therefore, the importance of *ijtihad* based on *Maqasid* must always refer to the text as the highest authority (Muhaki & Aziz, 2024). The power and flexibility offered by the synergy of *Maqasid*, *Kemaslahatan*, and *Tajdid* also creates vulnerabilities. The abstract nature of *Maqasid* and *Maslahah Murlah* can be exploited for subjective interpretations that deviate from the spirit and letter of Sharia. This requires strict methodological guidelines (Sari, 2024) and a strong ethical compass for the mujtahids. The challenge lies in ensuring that the pursuit of benefit through *tajdid* remains firmly anchored in divine objectives (*Maqasid*) and is not influenced by fleeting desires or political interests. This demonstrates the ongoing responsibility of Islamic legal scholarship to develop and uphold a robust *ijtihad* methodology that prevents abuse while encouraging legitimate innovation. It emphasizes the importance of scholarly integrity and collective wisdom in navigating the complex challenges of modern law.

How to apply *Maqasid Syariah*, *Kemaslahatan*, and *Tajdid* in various contemporary issues that require the establishment of new laws or reinterpretation of existing laws, can be seen in several fatwas below:

a) **Fatwa on the Marriage of a Pregnant Woman Out of Wedlock to the Man Who Impregnated Her**

Background: There are differing opinions among Islamic scholars regarding the validity of a marriage between a pregnant woman and the man who impregnated her.

The Muhammadiyah *Tarjih* and *Tajdid* Council, in several of its decisions, permits such marriages under certain conditions. This is based on the following goals:

- 1) Benefit Aspect. This fatwa is based on considerations of benefit to avoid worse social impacts, such as children being fatherless and the potential for continued adultery. Marriage is considered a more beneficial solution to legalize relationships and protect children's rights.
- 2) Aspects of Justice and Wisdom. This decision also considers aspects of justice for women and children, and contains wisdom to close the door to greater moral and social damage.

b) **Fatwa on Digital Economic Transactions (E-commerce):**

Background: The development of information technology has given rise to various forms of digital economic transactions not explicitly regulated in classical Islamic jurisprudence.

Muhammadiyah is conducting a study of various e-commerce transaction models based on Islamic *muamalah* principles, with the aim of realizing:

- 1) Aspect of Benefit: Fatwas related to e-commerce generally aim to provide guidance so that digital transactions continue to bring benefits to the parties, such as ease of transactions, time and cost efficiency, and expansion of market reach.
- 2) Aspects of Justice and Wisdom: In establishing laws, Muhammadiyah also pays attention to aspects of justice in contracts, honesty of information, consumer protection, and avoiding fraudulent practices or *gharar* (unclearness) which are detrimental (wisdom).

Based on the examples above, it can be seen that in facing new problems, the Muhammadiyah *Tarjih* Manhaj makes public interest the main consideration in determining the law, but always within the framework of the values of justice and wisdom that originate from the principles of Islamic teachings.

Prophetic Law in the Goals of Muhammadiyah's Law Implementation

If the concept of basic values or goals of law implementation according to Muhammadiyah is analogous to prophetic law, then it can be described that the goal of law implementation in prophetic law is not singular. In determining the goal of the law,

a distinction must be made between issues whose normative formulation is clear, unequivocal, and not open to multiple interpretations, and issues whose normative formulation is unclear and open to multiple interpretations.

1. For issues whose normative formulation is clear, unequivocal, and not open to multiple interpretations, reference must be made to what is stipulated in the legal norm. Therefore, in this case, the goal of a legal norm can be to realize justice, benefit (*maslahah*/benefit), or wisdom (which includes certainty and good intentions) that serve as the legal rationale behind its enactment and constitute its primary priority. However, prophetic law always strives to integrate these three basic values or goals, so that they can be realized simultaneously, albeit at varying levels.
2. In establishing objectives for issues whose normative formulations are unclear and subject to multiple interpretations, particularly when dealing with new issues with unclear regulations, three main concepts should be used: public interest, utility, and the dual movement of interpretation.
 - a. The concept of public interest serves as a strong moral and ethical framework for establishing legal norms that serve as the basis for establishing objectives. This public interest determines the overarching objective or philosophical basis underlying each objective of the law according to prophetic jurisprudence (Supriyadi, 2020). Public interests can be classified hierarchically as follows:
 - a. Primary Interests, namely interests that must exist for the continuity of human life, the failure of which will damage the existing order. These interests refer to essential things that must exist for humans, without which the entire society will be plunged into disaster, chaos, and disruption. These primary interests include (Supriyadi & Yudharta, 2020): (a) preserving religion; (b) preserving the soul; (c) preserving reason; (d) preserving descendants; and (e) preserving property.
 - b. Secondary interests are those that must exist for human life to proceed naturally and normally. If these interests are not met, the order of human life is not threatened, but rather places human life in a very difficult and abnormal condition.
 - c. Tertiary interests are those related to efforts to achieve goodness, beauty, decency, and avoid things considered bad or inappropriate according to good customs and common sense. This category includes tertiary needs that function as a complement to goodness, nobility, and ethics. Their absence does not have major implications for human life, but it does diminish perfection or beauty.

These levels are hierarchical, with secondary needs protecting primary needs, and tertiary needs protecting secondary needs. This categorization is not merely a descriptive classification, but rather a prescriptive framework for prioritizing considerations in determining the public interest to be pursued. It provides a clear order of importance, indicating that the preservation of religion, life, intellect,

posterity, and property takes precedence over convenience and perfection when interests conflict. This hierarchy is crucial for weighing the various benefits and harms in complex contemporary issues (Munir, 2024).

By understanding this hierarchical public interest, legal scholars can focus on more substantial matters. When the social, cultural, or technological context changes, and the implementation of a law in its old form may no longer be effective or even counterproductive, understanding the public interest enables legal scholars to seek new forms of implementation or alternative legal solutions that still lead to the achievement of these primary goals.

b. Another concept underlying goal-setting is utility, defined as anything that brings goodness, benefit, and utility, while simultaneously repelling or avoiding all forms of damage, hardship, and harm (*mafsadah*) to human life. This goal encompasses human happiness and well-being, both in this world and in the afterlife.

This concept of utility serves as the core objective of legal norms in responding to social, political, and economic dynamics. By considering utility, the law can shift from narrow interpretations to broader understanding. Emphasizing the goal of realizing utility specifically allows for the drawing of laws based on considerations of the public interest when there is no specific evidence to support or reject it. Thus, utility connects the relatively stable public interest with the ever-changing realities of human life, enabling the contextualization of law by focusing on outcomes, whether the law will bring benefits or prevent harm at a specific time and place. It is this utility that enables the law to remain a living and adaptive system. (Zuhdi & Nasir, 2024).

This benefit serves as a crucial operational criterion for assessing whether a law or interpretation of the law remains relevant, beneficial, and beneficial in a given social context. If, upon careful analysis, an existing legal provision is found to cause more harm or loss than benefit, or if it is no longer capable of realizing the benefits it was originally intended for, then reinterpretation is necessary. This consideration of benefit ensures that the law does not become rigid, dogmatic, and alienated from the realities of human life. Instead, it encourages the law to always be oriented towards achieving real goodness and well-being.

c. The next concept is the concept of the dual movement of interpretation, a dynamic concept that returns to the roots and advances into the future. This concept is an interpretive model that, on the one hand, strives to always refer to (and not ignore) basic legal principles or even basic legal values, aiming to maintain the purity of the law's purpose. On the other hand, it strives to adapt and respond to changes occurring in society, with the aim of dynamizing the law's purpose. The term "movement" itself implies that this is not a static concept, but rather an ongoing process that requires active effort and reinterpretation (Syafriadah, 2020).

In other words, this interpretive model is based not only on the original intent of the text but also on the context and understanding of the current reader. It involves two "movements": the first movement is an attempt to understand the text in its original context, namely what the author intended in his time. This involves research into the history, culture, language, and social conditions of the time when the text was written. The goal is to "relive" the author's world and understand the intended meaning. The second movement is an attempt to connect the meaning of the text to the current context of the reader. This involves reflecting on how the text is relevant to contemporary life, values, and challenges. The meaning derived from the first movement is then "transported" to the present and reinterpreted for relevance.

The integration of public interest in interpretation (in this case introduced as the concept of the dual movement of interpretation) signifies a shift from a purely textual or analogical approach to a more holistic and teleological one. This allows for a more flexible and comprehensive response to complex modern problems, as it allows for the formulation of decisions consistent with the spirit of the law.

This dual movement of interpretation ensures the law's relevance and dynamism to contemporary challenges. It encourages progress, repairing damaged social orders and dynamizing community life with a creative spirit in keeping with the demands of the times (Ali, 2010).

The dual movement of interpretation is an active force that prevents the law from becoming stagnant or obsolete. By encompassing efforts of refinement and dynamization, it ensures that the law remains rooted in its authentic purpose while simultaneously evolving to meet new needs. This continuous process of renewal is what gives the law its inherent flexibility and prophetic character, enabling it to offer solutions to modern problems and contribute to the advancement of civilization.

4. Conclusion

From the various explanations above, the research concludes that the objectives of Muhammadiyah's legal implementation can be seen from two perspectives: The objectives of implementing laws clearly stipulated in the Qur'an and Sunnah. Therefore, Muhammadiyah strives to prioritize realizing the basic values explicitly contained in these texts. These basic values can include an emphasis on justice, benefit (*maslahah*/benefit), or wisdom (which encompasses certainty and good intentions) that serve as the legal rationale behind their establishment. Each issue explicitly regulated in the texts always contains one basic value that is its primary priority. Nevertheless, Muhammadiyah always strives to integrate other basic values, so that these basic values can be present simultaneously in varying proportions.

The aim of applying the law to new problems or contemporary problems for which no explicit textual evidence is found in either the Qur'an or the Hadith, for this matter Muhammadiyah refers to the concept of *Maqashid Syariah*, welfare and renewal.

Suggestions for future research: Future studies could investigate how Muhammadiyah's axiological legal approach interacts with Indonesia's civil legal system or comparative Islamic legal movements internationally. Employing empirical methodologies could also provide insight into community reception and practical implications.

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