

THE CONCEPT OF MASHLAHAH ACCORDING TO THE VIEW OF RAMADHAN AL-BUTHI DAN NAJMUDDIN AT-THUFI

Muhammad Sakban^{1a*}, Dhiauddin Tanjung^{2b}, & Hasan Matsum^{3c}

¹²³ Pascasarjana, Universitas Islam Negeri Sumatera Utara, Medan, Indonesia

muhammadsakban0804@gmail.com

dhiauddintanjung@uinsu.ac.id

hasanmatsum@uinsu.ac.id

(*) Corresponding Author

muhammadsakban0804@gmail.com

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ABSTRACT

The phenomenon of the use of reason that sometimes exceeds the limits in *the istinbat* of Islamic law becomes the anxiety of Ramadan al-Buthi. *Mashlahah* in the view of Ramadan al-Buthi is not an independent postulate, but must be supported by other postulates. Therefore, in response to this phenomenon, Ramadan al-Buthi made a limit in the concept of *maslahah*. According to Ramadan al-Buthi in his book *Dhawabith al-Mashlahah fi as-Syari'ah al-Islamiyyah*, *mashlahah* can be accommodated into sharia law if it meets several criteria as follows: First, that *mashlahah* is still within the scope of *the purpose of shari'* (*maqashid as-syar'iyyah*). Second, it does not contradict the Qur'an. Third, it does not contradict the sunnah. Fourth, it does not contradict qiyas, and fifth, it does not contradict higher fame. In the view of Ramadan al-Buthi the concept of *mashlahah* includes *hifdz addin*, *hifdz an-nafs*, *hifdz al-aql*, *hifdz an-nasl*, *hifdz al-mal*. The implementation is of course based on the order. Higher benefits must take precedence over lower benefits. Meanwhile, at-Thufi's view of *mashlahah* is a separate and independent postulate outside the text, so that free reason determines *the benefits* and *benefits*. Thus, epistemologically, at-Thufi places the position of reason rather than revelation in determining *the fame* and *fame* of the law.

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INTRODUCTIONS

Mashlahah is a popular term in the study of Islamic law. This is because *mashlahah* is the purpose of *sharia* (*maqasid as-shari'ah*) from the establishment of Islamic law. *Mashlahah* here means *jalbu al-mashalih wa dar'u al-mafasid* (bringing benefits and rejecting harm). Nevertheless, the existence of *mashlahah* as an inseparable part of Islamic law still presents many polemics and differences of opinion among scholars, both since Ushul Fiqh was still in the time of the Companions, the time of the imam of the madhhab, and the time of contemporary scholars. (Shawn, 2007)

In order to realize the existence of *maqasid as-shari'ah* in every *mukallaf*, every human act must be based on the main sources of law, namely the Qur'an and Hadith. However, along with the changes in social dynamics from time to time that continue to develop with the emergence of various legal cases or events for which there is

no definitive and specific answer in the main source, other methods using *the al-far'iyah* method are needed, including *istinbath*, *'urf*, *madhhab as-shahabi*, and *mashlahah al-mursalah* (Sucipto & Khotib, 2020).

Among the *istinbath methods* of Islamic law that have attracted the attention of *ushul fiqh* experts in studying *mashlahah* and need to be developed in the context of fostering Islamic fiqh, so that this Islamic law continues to exist and is always dynamic in line with the demands of the progress of the times. In *this discussion of mashlahah*, al-Buthi and at-Thufi have different views regarding the concept of *mashlahah*. Al-Buthi is of the view that something beneficial intended by Shari' (Allah) for the benefit of His servants, both in safeguarding their religion, soul, intellect, descendants, and property, in accordance with the certain order contained in the category of maintenance. (Ngabas et al., 2025)

At-Thufi emphasized, wherever religious texts or *ijma'* the two things that are theoretically the strongest source of traditional Islamic law are not in harmony with *human fame*, then the latter (i.e., *human fame*) must be given priority over the first. This is because *human fame* is essentially an end in itself, as a result of which protection against it becomes the highest legal principle or the strongest source of law. (Abda et al., 2023)

As mentioned earlier, the reason for the difference of opinion lies in the paradigm of thinking of the two figures, resulting in different understandings. In order to make Islamic law in facing all the challenges of the development of the times that are increasingly advanced and in order to protect *human dignity*, the author argues that the importance of this *mashlahah* is used as a reference. However, in this case we need to be careful in opening the door of *mashlahah* so that it is not misused by the interests of human desires themselves. This paper will briefly discuss the concept of *mashlahah* according to Ramadan al-Buthi and Najmuddin at-Thufi, then focus its study on the critical analysis of the concept of *mashlahah* Ramadan al-Buthi and Najmuddin at-Thufi.

RESEARCH METHODS

This study employs a qualitative research method through a library research approach, which is commonly used in Islamic legal studies to explore conceptual and normative issues (Zed, 2004; Creswell, 2014). The purpose is to analyze the concept of *mashlahah* as developed by Ramadhan al-Buthi and Najmuddin at-Thufi, focusing on its epistemological foundations.

Primary sources include *Dhawabit al-Mashlahah fi al-Shari'ah al-Islamiyyah* by Ramadhan al-Buthi (1973) and *Sharh Mukhtashar al-Rawdah and al-Ta'yin fi Sharh al-Arba'in* by Najmuddin at-Thufi (Ulfa, 2021). These texts are examined using content analysis, which is an effective method for identifying patterns, themes, and contradictions in textual material (Krippendorff, 2018).

Secondary sources such as journal articles, theses, and scholarly books are used to enrich the contextual understanding and support the comparative analysis between the two scholars. The content analysis approach allows the researcher to draw theoretical comparisons and critique each scholar's reliance on either revelation (*nash*) or reason (*'aql*) in establishing *mashlahah* as a source of Islamic law.

This methodology aims to contribute to the development of Islamic legal thought by offering a balanced interpretation that appreciates both textual fidelity and the role of reason in legal formulation.

RESULT AND DISCUSSION

The Concept of *Mashlahah* According to Ramadan al-Buthi

According to al-Buthi, *mashlahah* is viewed in terms of language and means everything in which it contains benefits. While in the sense of the term is a benefit that is the purpose of shari'a for His servants, in order to protect their religion, soul, intellect, descendants, and property and its implementation in accordance with the order above. (Zain, 2021)

Furthermore, al-Buthi argues that *mashlahah* is accommodated as a legal postulate if it meets five criteria. In general, the concept of *mashlahah* put forward by scholars is diverse. It's just that there are two important elements in the concept of *mashlahah*. First, it brings benefits and avoids harm. Second, that the benchmark of

mashlahah is the goal of *sharia'* formulated in *al-kulliyāt al-khams*. The core of the benefits set by the Shari' is the maintenance of the five basic points (*kulliyāt al-khams*). Therefore, all the actions of a person that can support the maintenance of the five main things are called *al-mashlahah*. Likewise, any action or effort to resist harm that aims to maintain the five main things is also called *al-mashlahah* (Zain, 2021).

Scholars also differ in applying the concept of *mashlahah* in Islamic law. As one example, the concept of *mashlahah* according to at-Thufi, in its application at-Thufi argues that reason is the main priority in *mashlahah*. When there is a conflict between *nash* and reason, what comes first is reason (ratio). (Jauhar, 2009)

This is different from the Zhahiriyyah group where they say that "there is no benefit except that which is brought by *the sharia'*." They only hold on to *nash* and take *dzhahir nash* without looking at the benefits implied in a *nash*. This group rejects the use of *the method of qiyās* if his '*illah* in a *nash* is not explained by that *nash*, whereas they can accept it if his '*illah* is explained in that *nash*. (As-Shiddiqi, 2001)

Al-Buthi in his dissertation explained the fact that orientalists began to attack Muslims by advocating the opening of the door of *ijtihad* as widely as possible and emphasizing the use of the concept of *mashlahah* in formulating a law. This aims to destroy Muslims and further reveals that the concept of *mashlahah* is a very fundamental method as a reference.

According to al-Buthi, the door of *ijtihad* is basically never closed and Allah greatly appreciates the benefits. However, the determination of the law in facing the development of the times must still be limited by a certain number of qualifications so that the use of *mashlahah* does not exceed the limit. In conditions such as the above, what is the anxiety of al-Buthi is the use of the concept of *mashlahah* that turns away from the *sharia* and is unlimited, so that it is possible to interpret lust in establishing a law by referring to benefits. Therefore, al-Buthi in his book *Dhawābiṭ al-Maṣlaḥah fī al-Sharī'ah al-Islāmiyyah* tries to limit the use of the concept of *mashlahah* more systematically. (Al-Buthi, 1973)

Dhawābiṭ (ضوابط) is the plural form of the word (ضبط - ضبط) which means to control, control, regulate. Therefore, the use of the concept of *mashlahah* that is used without limits must be controlled, controlled, and regulated so as not to cause a *fascism*.

Al-Buthi argued that *mashlahah* can be used as a source of law if it meets the five criteria which are then termed *Dhawābiṭ al-Maṣlaḥah*. The five criteria are:

1. *Mashlahah* is still within the scope of the purpose of shari' (*maqāṣid al-sharī'ah*).
2. It does not contradict the Qur'an.
3. It does not contradict the Sunnah.
4. It does not contradict *qiyās*.
5. Not contrary to higher benefits. (Zain, 2021)

Within the Scope of the Purpose of Shari' (Maqāṣid al-Sharī'ah)

In his book *Dhawābiṭ al-Maṣlaḥah*, al-Buthi argues that the purpose of the shari' (Allah and His Messenger) in His creation is contained in the maintenance of five main things, namely: *ḥifẓ al-dīn*, *ḥifẓ al-naḥs*, *ḥifẓ al-'aql*, *ḥifẓ al-nasl*, *ḥifẓ al-māl*. The scholars including Imam al-Ghazali and al-Shāṭibī agree that the above five main things are the basics of the goals of the Shari'ah that must be maintained. The five main points above are called *al-kulliyāt al-khams*. In its application, *al-kulliyāt al-khams* applies according to its order. In other words, the preservation of religion takes precedence over the preservation of the soul, and the preservation of the soul takes precedence over the preservation of the intellect, and so on. (Eldiana et al., 2022)

Matters relating to the maintenance of the five principal things (*al-kulliyāt al-khams*) are called *maṣlaḥah*, and vice versa, i.e. everything that aims to eliminate the maintenance of the five principal things (*al-kulliyāt al-khams*) is called *maḥṣadah*.

Not Contrary to the Qur'an

The next *criterion of maṣlaḥah* is that *maṣlaḥah* should not contradict the Qur'an. In the book *Dhawābiṭ al-Maṣlaḥah*, al-Buthi explains that there are at least two *maṣlaḥah* that may contradict the Qur'an, namely:

First, *maṣlaḥah wahmiyyah*, that is, *maṣlaḥah* which has no basis in the law of *aṣl* at all. *Maṣlaḥah* in this type is clearly contrary to the Qur'anic *nash* which is *qaṭ'ī* or *zāhir*. *Dalalah nash* is *qaṭ'ī*, because *nash* is a clear evidence. Because the *dalalah nash* is already *qaṭ'ī*, the possibility of *maṣlaḥah* that is still in conjecture is automatically eliminated even though it has a *syāhid* (reference) to be used as *aṣl qiyās*. As an example, in surah al-Baqarah (2): 275 which expressly distinguishes between buying and selling and *riba*: "Allah has legalized buying and selling and forbidding usury". (Aziz et al., 2023)

Second, *maṣlaḥah* which is relied upon by *aṣl* through the process of analogy/*qiyās*. The contradictions between *furū'* and *aṣl* are due to the process of *qiyās* that are *ṣaḥīḥ*, and they are partial as are *khāṣṣ* and *'āmm*, *muṭlaq* and *muqayyad*. Basically, there is a contradiction between the two postulates of the shari'i, namely the *zāhir* of the Qur'an and the *qiyās ṣaḥīḥ*. The determination of *ta'wīl* and *tarjīḥ* in such conditions is returned to the understanding and science of Ushul Fiqh scholars. (Amri, 2018)

Not Contrary to Sunnah

Sunnah in language means a path that is usually taken or a way that is always done. Meanwhile, in terms of *Sunnah* terminology, it means everything that is relied upon by the Prophet Muhammad صلى الله عليه وسلم in the form of words, deeds, and decrees. Therefore, a benefit should not contradict the *Sunnah* of the Prophet صلى الله عليه وسلم which is the second source of law after the Qur'an. (Jauhar, 2009)

Not Contrary to Qiyas

Linguistically, *qiyās* means the measurement of something with another or the equalization of something with something of the kind. Shadr as-Sharia states that *qiyās* is the transfer of the law contained in *aṣl* to *furū'* on the basis of *'illat* that cannot be known by the logic of language. While al-Humāmi states that *qiyās* is the legal equivalence of one case with another case due to the similarity of the legal *'illat*. But in general, *qiyās* is a process of revealing the similarity of the law of a case that is not mentioned in a *naṣ* with a law mentioned in the *naṣ* because of the similarity in its *'illat* (Fanni, 2022).

In this context, what is meant by *maṣlaḥah* is *maṣlaḥah mursalah*, that is, a benefit that has no basis in evidence, but also has no annulment in it. If there is an event that is not contained in the provisions of the Shari'ah and there is no *'illat* that comes out of the Shari'a that determines the law of the event, then something is found that is in accordance with the Shari'a law that brings benefits, then this process is then called *maṣlaḥah mursalah* (Rahmah, 2025).

Thus, it does not mean that *maṣlaḥah mursalah* does not have a legal basis at all, but the shari'a law contained in it is covered by the commands and prohibitions of Allah SWT. As one example, namely the collection of the Qur'an by Caliph Abu Bakr, the process of collecting the Qur'an does not have an *aṣl* that can be used as a place to *qiyās-kan*, but this process is in accordance with the *maqāṣid syarī'ah*, namely *ḥifẓ ad-dīn* (Aulia, 2022).

Not Contrary to Higher Fame

As explained above, the purpose of the Shari'a in His creation consists in the maintenance of five main things (*al-kulliyāt al-khams*). However, in its application, *al-kulliyāt al-khams* must be applied in its order. Therefore, the higher/important *maṣlaḥah* must take precedence over the *maṣlaḥah* below. As one example, choosing worldly *maṣṣadah* in order to obtain *ukhrawi maṣlaḥah*.

Furthermore, al-Syathibi divides *maṣlaḥah* according to their level of need, namely *al-maṣlaḥah al-ḍarūriyyah*, *al-maṣlaḥah al-ḥājiyyah*, and *al-maṣlaḥah al-taḥsīniyyah*. In the context of the first *maṣlaḥah*, namely *maṣlaḥah ḍarūriyyah*, the existence of this benefit is very much needed by human life. Therefore, any effort that directly guarantees or leads to the existence of the five principles (*al-kulliyāt al-khams*) is a form of *maṣlaḥah* in the *ḍarūri* level. For example, Allah forbids apostasy to maintain religion, forbids killing to protect the soul. (Jamhar, 2012)

The second is *maṣlaḥah ḥājiyyah*. *Maṣlaḥah ḥājiyyah* is a benefit that does not directly lead to the

fulfillment of the five basic needs (*ḍarūri*), but indirectly leads to the five basic things (*al-kullīyyāt al-khams*). Such as, demanding religious knowledge to uphold religion, eating for survival.

Third, *maslahah taḥsīniyyah*, which is a benefit that needs to be fulfilled in order to provide perfection and beauty to human life. Such as, covering the awrah with comfortable clothes. In such a context, if there is a conflict of interest between *maslahah* and another, then the *maslahah* that is *ḍarūri* takes precedence over the *maslahah* that is *ḥājī*, and the *ḥājī* takes precedence over the *maslahah* that is *taḥsīnī* (Khatib, 2018).

The Concept of *Maslahah* According to Najmuddin at-Thufi

Al-Thufi wrote about *maslahah* in his book entitled *Syarh Mukhtashar al-Rawdah* and in the book *al-Ta'yin fi Syarh al-Arba'in* when he explained the hadith "لَا ضَرَرَ وَلَا ضِرَارَ". In al-Thufi's thought, the meaning of the hadith is to eliminate all forms of danger (*dharar*) and damage (*faḍade*) according to the rules of sharia. He stated that the letter "lā" in the hadith means *naḥy* (negation) and is general.

That is, with that understanding, the *maḍlul* (designated meaning) of the hadith must take precedence over everything else, until a conclusion is reached that a *nash* can be *tashsis* (limited in meaning) in order to eliminate harm and achieve benefits. (Ulfa, 2021)

Furthermore, this opinion implies that if there is a conflict between *maslahah* and *nash* that is *qath'i*, or *ijma'*, then a scholar must prioritize the *maḍlul* of the hadith, namely *maslahah* or *dafu al-dharar* (eliminating danger). So *maslahah* can perform *takhsis* or *tabyin* (explanation) of the meaning contained in the Qur'an, hadith, and *ijma'*.

In the book *al-Ta'yin fi Syarh al-Arba'in*, al-Thufi stated that the Qur'an, hadith, *ijma'*, and *al-nazar* (reasoning) both *mujmal* (general) and *tafsil* (detailed) show that Islamic sharia is built on maintaining benefits and rejecting harm. This was then used as the basis for his opinion about *maslahah* (Hudiyani, 2019).

As for the evidence that is *mujmal* is the word of Allah SWT in Q.S. Yunus verses 57–58:

It is a matter of fact that there is no one who has been able to do so "O people, there has come to you a lesson (Qur'an) from your Lord, a healer for a disease in the chest, and guidance and mercy for the believers" (57). Say, 'By the grace of Allah and His mercy, let them rejoice. It's better than what they collect' (58)."

The evidence for these two verses is:

- Allah SWT said: يَأْتِيهَا النَّاسُ قَدْ جَاءَتْكُمْ مَوْعِظَةٌ مِنْ رَبِّكُمْ (O people, a lesson has come to you from your Lord). In this verse, Allah pays attention to giving lessons to humans. This is the greatest benefit of man. Because, in this lesson, it can prevent humans from perishing and show them to guidance.
- The Qur'an describes that the Qur'an is a healer for diseases in the chest, such as doubt and others. This is a great benefit.
- The Qur'an describes itself as "hidayah".
- The Qur'an describes itself as "grace". In mercy and guidance there is *maslahat*.
- The Qur'an commands people to rejoice, as He says, "By the grace of Allah and His mercy, let them rejoice." This commandment to rejoice means to give salvation to man with joy, this is because of great joy.
- God said, "The gift of Allah and His mercy is better than what they have gathered." That is, what humans collect is their benefit. The Qur'an and its contents are more beneficial than their benefits. The purpose of the postulate in this verse shows that the sharia undergoes and pays attention to the benefits of *mukallaf* (Usman, 2020).

Al-Thufi classifies Islamic law into two:

First, the law of worship and *muqaddarat* whose meaning cannot be reached by reason in detail. The guidelines in this first group of laws are *nash* and *ijma'*.

Second, the law of muamalah, customs, *worldly siyasah*, and others whose meaning can be reached by human reason. The foundation and guideline is *maslahah al-nas* (human welfare) and is not controlled by *nash*

and *ijma'* absolutely.

Thus, al-Thufi prioritizes *maslahah* over *nash* and *ijma'* in matters of custom, muamalah, and others. Then if *nash* and *ijma'* are contrary to *maslahah*, then *maslahah* comes first. However, it is not in the matter of worship because it is the *right of shari'i* and it is not known how to determine the benefits except from *nash* and *ijma'*.

In this *maslahah* thought, al-Thufi bases himself on four main propositions:

1. The intellect has the ability and freedom to determine the benefits and mafsadat, so it can determine it independently without the need for *nash* or *ijma'*.
2. *Maslahah* is an independent legal reason in the formulation of law and does not require the support of other evidence.
3. The scope of *maslahah* in this case is a matter related to worldly muamalah or to determine justice and customs, while what is related to worship is the right of Allah.
4. *Maslahah* is the most powerful *shari'i* evidence that can transcend the presence of texts and *ijma'*. (Fatthurohman et al., 2023)

These four things are the most important basis that underlies al-Thufi's theory of *maslahah*. For him, it is absolute that *maslahah* is the strongest sharia postulate. *Maslahah* is not a postulate to interpret the law only when it is not found in *nash* and *ijma'*, but it must also take precedence over *nash* and *ijma'* when there is a conflict between the two, namely by way of *takhshish* or *bayān*. But what needs to be emphasized here is that it does not mean abandoning *nash* completely. According to him, *maslahah* comes from the words of the Prophet: "لَا ضَرَرَ وَلَا ضِرَارَ". This word is a solid foundation to realize and maintain benefits to avoid *deception*. That's why maintaining the benefits comes first.

Analysis of the Concept of *Malshlhalhal* between Ramadan al-Buthi and Najmuddin al-Thufi

After looking at the descriptive concept of *maslahah* from the two figures (al-Buthi and al-Thufi) above, the author uses a data analysis technique that is *content analysis* to see similarities (as well as reveal differences) and something behind both.

Al-Thufi makes his characteristic conclusion about *maslahah* that if there is a conflict between *maslahah* and *nash*, then *maslahah* should take precedence—whether it is to *nash qath'i* or *nash zhanni*—by means of interpretation, not by leaving the text alone, except in matters of worship. This is because *nash* often causes differences of opinion, while *maslahah* is not, even *maslahah* is something substantial, essential, and does not experience conflict. (Jumari, 2018)

It is this concept of *maslahah* al-Thufi that al-Buthi thinks should be criticized, as he writes in his own sub-chapter entitled: "*al-Thufi wa Khurujuhu 'ala al-Ijma'*". Judging from the previous chapter, it can be concluded that the argument built by al-Thufi can be seen as follows:

Al-Thufi's Argument

Al-Thufi's statement about *maslahah* is put forward rather than *nash* if there is a contradiction based on two things: First, the denier of *ijma'* still uses *maslahah* as the basis of law, thus *the maslahah* has been agreed upon, while *ijma'* is still disputed. Sticking to what is agreed is more important than sticking to what is disputed. Second, *the nash-nash* are always contradictory so that they become the cause of the contradiction known in the sharia. Meanwhile, maintaining *maslahah* is a real fact in him and is not disputed. It is the cause of the unity desired by the Shari'a, therefore following it is more important. (Eldiana et al., 2022)

Al-Buthi then elaborated at length on the epistemological fallacies of the arguments constructed by al-Thufi. Al-Thufi explained about the nineteen postulates. Some of the postulates are agreed upon and some are disputed. Among those that are still disputed is *the maslahah mursalah*. Then he stated that the strongest evidence of all is *nash* and *ijma'*. Then how can he state that maintaining *maslahah* takes precedence over *ijma'*? Doesn't this argument contain a very clear contradiction? Al-Buthi said.

Al-Buthi's Four Arguments in Criticizing at-Thufi

First, the basis of the argument built by al-Thufi by assuming the possibility of *maslahah* that is contrary to *nash* or *ijma'* is an impossible (unreasonable) postulate. The Book of Revelation only comes to bring benefits to creatures. It is very clear that the Qur'an contains all of the blessings for the servants and upholds their welfare. So, it is impossible to find a verse that is contrary to the essential benefits. If there is a glance that concludes the existence of the contradiction, then it can be ascertained that it is the result of the influence of lust and the inability of reason to grasp the essence of *maslahah*. If we accept the impossibility and we assume that there is a difference between *the nash-nash* of the Qur'an and the Sunnah that is contrary to *maslahah*, then al-Thufi's argument that *the Shari'ah* comes solely to preserve the benefit of the servants, will fall by itself. (Ngabas et al., 2025)

Second, that considering *maslahah* to be stronger than *ijma'* and *nash* is an indication that *maslahah* is a separate source of law that has stood alone outside of the two. In fact, it has become the agreement of the fuqaha' (fiqh experts) that *maslahah* alone is not a stand-alone evidence so that it can be another part of *nash* and *ijma'*. *Maslahah* is a general meaning formulated from the units of law that are based on *nash* (Al-Buthi, 1973).

Therefore, considering any *maslahah* must assume the existence of an underlying postulate or at least no evidence against it. If so, then how can *maslahah* be a separate part or even opposite to *nash* or *ijma'*?

Third, al-Thufi uses the reason that *maslahah* is stronger than *ijma'* by proposing that *ijma'* deniers still use *maslahah*. Thus, *maslahah* becomes an agreement while *ijma'* is still disputed. What is the relationship between these two statements and his argument that *maslahah* is stronger than *ijma'*? Al-Thufi also forgets that on the one hand he demeans the position of *ijma'*, but on the other hand he uses it as the basis of his opinion. (Jamhar, 2012)

Fourth, when stating that *maslahah* takes precedence over *nash*, al-Thufi gives the reason that *the nash-nash* are different and contradictory to each other, while maintaining *maslahah* is something that is intrinsic in itself and is not different. How can *the shari'a nash-nash* contradict each other while they come from Allah SWT? If he is really contradictory, then this is the strongest proof that he is not from Allah SWT. (Zain, 2021)

Al-Thufi based this opinion on the differences of opinion that occurred among the imams of the madhhab and the fuqaha because of *nash*. Al-Buthi rejects this assumption because there is a difference of opinion among the fuqaha simply because the difference in understanding *the nash* and the attempt to grasp the meaning of the postulates (the attempt to grasp the essence of *madlul*) does not mean that *the nash* are in essence contradiction with each other. As for *maslahah* is the essence that must be maintained, while *the nash-nash shari'at* is nothing but a method or intermediary to realize benefits. (Abda et al., 2023)

Nash-nash shari'a and *ijma'* can be functioned as long as it can realize those benefits. If *the maslahah* of the consideration of reason clashes with *the nash qath'i*, then it is subject to *the nash of the shari'a*, because with that clash the falsity of *the maslahah* is known with the consideration of reason. Al-Thufi added, apart from the field of worship, what must be preserved from the Qur'an and Sunnah is only the values of its essence, not the sound of the text.

He distinguishes between technical teachings and objective teachings. Teachings that are objective, the purpose is none other than to preserve the essential teachings, those teachings are the basis for establishing the law. It is stable, applicable in every place and era, while the technical ones can be changed according to the demands of the times. (Amri, 2018)

These teachings are practical examples given by Allah and His Messenger that are suitable for the conditions of society at that time. It can only be functioned as long as it effectively achieves the goal. If not, then it can be changed according to needs. Therefore, for al-Thufi, the purpose of the law in general can be returned to two things, namely: avoiding harm and achieving benefits. Every verse and hadith must be interpreted within the framework of these two purposes, and thus it will be possible to guarantee the breaking of the law in all justice.

The concept of *maslahah* built by al-Buthi, the author concludes is constructive. The edifice built by al-Buthi in the book *Dhawaabit al-Maslahah* succeeded in fortifying two harms (damage) at once, namely filtering liberal thought that cannot be accounted for, and straightening out the understanding of conservatives, salafi-radicals, etc. This is also reflected in the books of *al-Lamazhabiyah* and *as-Salafiyyah*.

CONCLUSION

The concept of *maslahah* according to Al-Buthi's view is an important principle that is the goal of sharia in all its aspects. These goals include: safeguarding religion (*hifz al-din*), safeguarding the soul (*hifz al-nafs*), safeguarding reason (*hifz al-'aql*), safeguarding one's offspring (*hifz al-nasl*), and safeguarding property (*hifz al-mal*). In its application, *maslahah* must be adjusted to this order of priority. This means that higher benefits must take precedence over benefits that are at a lower level.

In response to the excessive use of reason in understanding the concept of *maslahah*, Al-Buthi seeks to provide clear limits. According to him, a benefit can be accommodated as the basis of sharia law if it meets the following five criteria:

1. Still within the scope of the purpose of the shari'ah (*maqashid al-shari'ah*),
2. It is not contrary to the Qur'an,
3. It is not contrary to the Sunnah,
4. It does not contradict qiyas (legal analogy),
5. It does not conflict with other higher benefits.

Meanwhile, the concept of *maslahah* according to Al-Thufi is based on postulates that show that the purpose of the sharia is to realize benefits, both in this world and in the hereafter. Al-Thufi specifically refers to the hadith "*la darara wa la dirar*" ("not to harm and not to harm each other") as the main basis. He views *maslahah* as a stand-alone evidence, whose position can be outside the texts of nash (such as the Qur'an and hadith), so that reason has an important role in determining benefits and harms.

With this approach, epistemologically, Al-Thufi places the role of reason above revelation in determining *maslahah* and mafsadah (damage). There is a difference between the two: Al-Thufi made *maslahah* the main purpose of Islamic law, while Al-Buthi viewed *maslahah* as the source of Islamic law, as long as he remained within the corridor of the shari'a and fulfilled the five conditions mentioned earlier.

Practically, the difference in the concept of *maslahah* between the two is not too striking. However, theoretically, Al-Thufi emphasizes more on the aspects of rationality and the power of reason which play a major role in determining benefits, especially in the field of *mu'amalah* (social relations). Therefore, the concept of *maslahah* according to Al-Thufi cannot be applied to the field of worship that is dogmatic.

This is a common point between the two, because Al-Buthi also provides strict limits on the application of the concept of *maslahah* as a legal postulate, especially by emphasizing that *maslahah* must remain in accordance with the main objectives of the shari'a and not contradict other sources of Islamic law.

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