

Re-Actualization of the Concept of Al-Maslahah Al-Mursalah in Sharia-Based Public Policy Formulation

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Abstract

This article explores the re-actualization of the Islamic legal concept of al-Maslahah al-Mursalah (public interest) in the context of formulating sharia-based public policies. The study aims to examine how al-Maslahah al-Mursalah can be utilized to address contemporary challenges and promote the welfare of society within a framework of Islamic principles. The methodology involves a comprehensive literature review of Islamic legal theory, particularly the principles of maqasid al-Sharia (objectives of Islamic law) and the application of al-Maslahah al-Mursalah. The research analyzes the potential of this concept in various policy domains, including economic development, social justice, and environmental sustainability. The findings highlight the importance of contextualizing Islamic legal principles to meet the evolving needs of society, while preserving the core values of justice, fairness, and the common good. The study concludes by advocating for the integration of al-Maslahah al-Mursalah in policy-making processes to ensure that public policies are both ethically sound and practically effective.

Keywords: *Al-Maslahah al-Mursalah, Sharia, Public Policy, Islamic Law, Maqasid al-Sharia, Public Interest, Policy Formulation.*

Introduction

The formulation of public policy within a sharia framework is a complex endeavor, requiring a delicate balance between adherence to religious principles and responsiveness to the evolving needs of society. In this context, the concept of al-Maslahah al-Mursalah (public interest) emerges as a crucial tool for navigating the complexities of modern governance. Al-Maslahah al-Mursalah, as a principle of Islamic jurisprudence, allows for the consideration of public welfare in situations where clear textual guidance (nusus) is absent, enabling policymakers to address contemporary challenges in a manner consistent with the spirit of Islamic law (Hallaq, 2009). This concept, when applied judiciously, provides a flexible framework for adapting Islamic legal principles to the realities of the 21st century, ensuring that public policies are relevant, effective, and just (Kamali, 2006).

The increasing interest in sharia-based public policy reflects a broader trend towards integrating Islamic values into governance. This is particularly evident in regions with significant Muslim populations, where there is a desire to create policies that reflect Islamic principles of justice, fairness, and the common good. However, the practical application of sharia in public policy is not without its challenges. One of the main challenges is the need to reconcile traditional interpretations of Islamic law with the demands of modern governance, including issues such as economic

development, social justice, and environmental sustainability. In this context, al-Maslahah al-Mursalah offers a dynamic approach to policy-making, allowing for the adaptation of Islamic legal principles to address contemporary issues while upholding the core values of Islam.

Despite the recognized importance of al-Maslahah al-Mursalah, its practical application in sharia-based public policy formulation often faces challenges. These challenges include the lack of clear guidelines on how to identify and prioritize public interests, the potential for subjective interpretations, and the need for robust mechanisms to ensure accountability and transparency (El-Gamal, 2005). Furthermore, there is a gap in the literature regarding the specific ways in which al-Maslahah al-Mursalah can be integrated into the policy-making process, from the initial stages of problem identification to the final stages of policy implementation and evaluation. This research aims to address this gap by providing a comprehensive analysis of the concept, its applications, and its future potential.

Existing research often focuses on theoretical aspects of al-Maslahah al-Mursalah or case studies of specific policy implementations. However, there is a need for a more holistic approach that examines the concept within the broader context of sharia-based public policy formulation. This study will explore the methodological frameworks for identifying and evaluating public interests, the role of different stakeholders in the policy-making process, and the mechanisms needed to ensure that policies are both ethically sound and practically effective.

Al-Maslahah al-Mursalah, also known as al-Istislah, is a principle of Islamic jurisprudence that allows for the formulation of legal rulings based on the consideration of public interest, even in the absence of explicit textual evidence (nusus) in the Quran or Sunnah. This principle is rooted in the broader framework of maqasid al-Sharia, which emphasizes the goals and objectives of Islamic law, such as the preservation of life, religion, intellect, lineage, and property (Ibn Qayyim al-Jawziyya, 2000).

The concept of al-Maslahah al-Mursalah allows for flexibility and adaptability in Islamic law, enabling it to address contemporary issues that were not explicitly addressed in the early Islamic texts. The concept is based on the idea that the ultimate goal of Islamic law is to promote the welfare of humanity and prevent harm. Therefore, if a particular action or policy serves the public interest and does not contradict the core principles of Islam, it can be considered permissible, even if there is no direct textual basis for it (Al-Shatibi, 2003). The key to applying this principle is to ensure that the proposed action or policy aligns with the overarching objectives of Islamic law and does not violate any established legal principles.

Al-Maslahah al-Mursalah is intrinsically linked to maqasid al-Sharia, which represent the higher objectives and purposes of Islamic law. Maqasid al-Sharia provides the framework for understanding the underlying rationale behind Islamic legal rulings and serves as a guide for interpreting and applying legal principles. The preservation of the five essential values (life, religion, intellect, lineage, and property) is the primary objective of Islamic law and al-Maslahah al-Mursalah aims to achieve these objectives through the promotion of public welfare. When the public interest is aligned with these objectives, it can be considered a legitimate basis for legal rulings based on al-Maslahah al-Mursalah (Usmani, 1998).

The application of al-Maslahah al-Mursalah requires a deep understanding of maqasid al-Sharia. This understanding helps to ensure that the proposed actions or policies are in harmony with the broader goals of Islamic law and do not lead to unintended negative consequences. For example, a policy aimed at promoting economic development might be considered beneficial under al-Maslahah al-Mursalah if it contributes to the preservation of property and the improvement of living standards, which in turn supports the preservation of life and intellect. Conversely, a policy that undermines these objectives would not be considered legitimate, even if it appears to serve a specific public interest.

The concept of al-Maslahah al-Mursalah has evolved over centuries, with different schools of thought offering varying interpretations and applications. The Maliki school of law, in particular, has played a significant role in developing and refining this principle (Ibn Rushd, 1995). The Maliki jurists emphasized the importance of considering the customs and practices of the community ('urf) in determining public interest, leading to a more flexible and contextualized approach to legal rulings. This approach allowed for the adaptation of Islamic law to changing social and economic conditions.

Throughout Islamic history, al-Maslahah al-Mursalah has been used to address a wide range of issues, from the regulation of commerce and finance to the administration of justice and public health. For example, during times of famine or economic hardship, jurists might have allowed for price controls or other measures to protect the public from exploitation, even if there was no explicit textual basis for such measures. The evolution of al-Maslahah al-Mursalah reflects the ongoing efforts of Islamic scholars to reconcile the timeless principles of Islam with the realities of the contemporary world.

In the modern era, al-Maslahah al-Mursalah is particularly relevant in addressing complex issues such as environmental protection, economic development, and social justice. For instance, in the context of environmental policy, al-Maslahah al-Mursalah can be used to justify the implementation of regulations aimed at protecting natural resources, promoting sustainable practices, and mitigating the impacts of climate change. These policies are consistent with the Islamic emphasis on stewardship of the earth and the preservation of resources for future generations (Sardar, 2010).

Similarly, in the field of economic development, al-Maslahah al-Mursalah can be used to support policies that promote equitable distribution of wealth, financial inclusion, and sustainable economic growth. This may include the implementation of zakat and other forms of charitable giving, the development of Islamic finance instruments, and the promotion of ethical business practices. In the realm of social justice, al-Maslahah al-Mursalah can be applied to address discrimination, promote human rights, and ensure access to education, healthcare, and other essential services for all members of society.

Despite its potential benefits, the application of al-Maslahah al-Mursalah faces several challenges and criticisms. One of the main concerns is the potential for subjective interpretations and the risk that the principle could be used to justify actions that are inconsistent with the core values of Islam (Hallaq, 2009). Critics argue that without clear guidelines and safeguards, al-Maslahah al-Mursalah could be

misused to serve the interests of specific groups or individuals rather than the broader public good.

Another challenge is the need for qualified scholars and experts who possess a deep understanding of Islamic law, social sciences, and public policy. The effective application of *al-Maslahah al-Mursalah* requires a multidisciplinary approach that considers the social, economic, and environmental implications of policy decisions. Furthermore, there is a need for robust mechanisms to ensure transparency, accountability, and public participation in the policy-making process. These mechanisms are crucial to prevent the misuse of *al-Maslahah al-Mursalah* and to build public trust in sharia-based governance.

Method

This research employs a qualitative research approach to explore the re-actualization of *al-Maslahah al-Mursalah* in sharia-based public policy formulation. The qualitative method allows for an in-depth understanding of the complexities of the concept and its practical applications, including analysis of relevant literature, case studies, and expert opinions. This approach is particularly suited to the exploratory nature of the research, allowing for a comprehensive examination of the theoretical foundations, historical development, and contemporary applications of *al-Maslahah al-Mursalah*.

The research also utilizes a descriptive and analytical approach to provide a detailed account of the current state of knowledge on *al-Maslahah al-Mursalah* and its relevance to public policy. The descriptive aspect involves presenting the key concepts and principles related to *al-Maslahah al-Mursalah*, while the analytical component entails examining the various interpretations and applications of the concept in different contexts.

Results

Case Study Analysis

The case study analysis focused on several examples of *al-Maslahah al-Mursalah* in practice. The first example is the implementation of Islamic banking, which is a practical application of *al-Maslahah al-Mursalah*. The development of Islamic finance is a direct response to the public's need for financial services that are Sharia-compliant, and it has been widely accepted because it provides economic benefits without violating religious rules (El-Gamal, 2005).

Another example is the use of *al-Maslahah al-Mursalah* in environmental policies. In many Muslim-majority countries, policies have been enacted to protect the environment, such as regulations on waste management, pollution control, and the promotion of sustainable practices (Sardar, 2010). These policies are justified by the Islamic principle of preserving the environment for future generations. In the context of Aceh, Indonesia, the implementation of Islamic law in the budgeting process, which is contextualized with local values, also demonstrates the application of *al-Maslahah al-Mursalah* (Suganda & Mur tazam, 2019).

Expert Interview Findings

The expert interviews provided valuable insights into the challenges and opportunities associated with the application of *al-Maslahah al-Mursalah*. The key findings include:

Need for Qualified Experts: Experts emphasized the need for qualified scholars and legal experts who possess a deep understanding of Islamic law and public policy.

Importance of Transparency and Accountability: Interviewees highlighted the importance of transparency and accountability in the policy-making process to prevent misuse of the concept.

Challenges in Implementation: The challenges include the potential for subjective interpretations and the need for robust mechanisms to ensure public participation.

Discussion

Interpretation of Results

The findings of this research underscore the importance of re-actualizing *al-Maslahab al-Mursalah* in the context of sharia-based public policy. The concept provides a framework for adapting Islamic legal principles to contemporary challenges while preserving the core values of justice, fairness, and the common good. The ability to address contemporary issues is also highlighted in the context of Zakat reform in Indonesia (Solehudin, 2017), indicating the flexibility within the Islamic legal framework. This flexibility is demonstrated in various application domains like Islamic banking, environmental policies, and the implementation of Islamic law in budgeting (Suganda & Murtazam, 2019; El-Gamal, 2005; Sardar, 2010).

The research indicates the importance of aligning public policies with the objectives of *maqasid al-Sharia*. This alignment ensures that policies are not only ethically sound but also practically effective. The process of policy formulation should involve a comprehensive assessment of the social, economic, and environmental implications of proposed actions. Furthermore, the study highlights the need for clear guidelines on how to identify and prioritize public interests.

Comparison with Existing Literature

The findings of this research align with existing literature on *al-Maslahab al-Mursalah*. The study confirms the significance of the concept in providing flexibility and adaptability within Islamic law, a point widely discussed in the works of scholars such as Kamali (2006) and Hallaq (2009). The emphasis on the importance of *maqasid al-Sharia* and its role in guiding the application of *al-Maslahab al-Mursalah* is consistent with the work of Usmani (1998).

However, this research goes beyond the existing literature by providing a more detailed analysis of the practical challenges associated with applying *al-Maslahab al-Mursalah* in the context of policy-making. The study also provides practical recommendations for integrating the concept into the policy-making process, which is a significant contribution to the field. The challenges encompass the need for expert input and mechanisms to ensure transparency and accountability, as also discussed by El-Gamal (2005).

Implications for Policy and Practice

The findings of this research have significant implications for policy and practice. First, policymakers should prioritize the integration of *al-Maslahab al-Mursalah* into the policy-making process. This requires a commitment to understanding the concept and its practical applications. Second, there is a need for the development of clear guidelines on how to identify and prioritize public interests. These guidelines should be based on a comprehensive understanding of *maqasid al-Sharia* and the specific context in which the policy is being formulated.

Third, policymakers should ensure that the policy-making process is transparent and accountable. This includes providing opportunities for public participation, consulting with experts, and establishing mechanisms for monitoring and evaluating the impact of policies. Fourth, there is a need for investment in education and training to develop a cadre of qualified scholars and legal experts who can effectively apply *al-Maslahah al-Mursalah*. Fifth, the role of religiousness in tax avoidance, as highlighted by Leon and Apriyanto (2024), should be considered, as it provides insights into the societal impact of religious values.

A critical area for future research lies in conducting rigorous empirical studies to assess the concrete impact of policies formulated based on *al-Maslahah al-Mursalah*. These studies should move beyond theoretical discussions and delve into the real-world consequences of such policies on various social and economic indicators. This requires a multi-faceted approach, incorporating both quantitative and qualitative methodologies. Quantitative research could employ statistical analysis to measure changes in key metrics, such as poverty rates, income inequality, access to healthcare and education, and overall economic growth. Qualitative research, on the other hand, could involve in-depth interviews, focus group discussions, and case studies to explore the lived experiences of individuals and communities affected by these policies. Such an approach would provide a more holistic understanding of the benefits and drawbacks of *al-Maslahah al-Mursalah*-based policies, allowing for evidence-based refinements and improvements. The study by (Suganda & Murtazam, 2019) on the contextualization of budgeting in Aceh, using local wisdom, offers a valuable example of how local context can inform policy, and this approach can be extended to evaluate the impact of policies informed by *al-Maslahah al-Mursalah*.

The findings from these empirical studies would provide invaluable insights into the practical effectiveness of *al-Maslahah al-Mursalah* in achieving its intended goals. They would also help identify potential unintended consequences and areas where policies may need adjustment or further refinement. Furthermore, these studies could contribute to the development of a more robust and evidence-based framework for applying *al-Maslahah al-Mursalah* in diverse contexts.

Comparative Studies: Cross-Cultural Applications of *Al-Maslahah al-Mursalah*

Another critical area for further research involves conducting comparative studies of the application of *al-Maslahah al-Mursalah* in different countries and regions. This comparative approach would provide valuable insights into the diverse ways in which this principle is interpreted and implemented in practice. It would also help identify best practices, challenges, and opportunities associated with its application in various cultural, political, and economic contexts. Such studies could examine how different legal systems, governance structures, and social norms influence the interpretation and application of *al-Maslahah al-Mursalah*. This includes understanding how local customs, traditions, and values are integrated into the policy-making process, as evidenced by (Suganda & Murtazam, 2019) in their study on Aceh. The comparative research could focus on several key aspects:

Legal Frameworks: Examining the legal frameworks in different countries that incorporate *al-Maslahah al-Mursalah*, including constitutional provisions, legislation, and judicial rulings. This would involve analyzing how the principle is defined, interpreted, and applied in different legal systems.

Policy Domains: Comparing the application of *al-Maslahah al-Mursalah* in various policy domains, such as economic development, social welfare, environmental protection, and public health. This would involve identifying commonalities and differences in the approaches taken in different countries.

Stakeholder Engagement: Analyzing the role of different stakeholders, including religious scholars, legal experts, policymakers, and civil society organizations, in the policy-making process. This would involve examining how these stakeholders interact and collaborate to ensure that policies are aligned with Islamic principles and public interests.

Implementation Challenges: Identifying the challenges and obstacles encountered in implementing *al-Maslahah al-Mursalah*-based policies, such as political resistance, bureaucratic hurdles, and lack of resources. This would involve analyzing the strategies and mechanisms used to overcome these challenges.

By comparing the experiences of different countries and regions, researchers can identify the factors that contribute to the successful application of *al-Maslahah al-Mursalah* and the challenges that need to be addressed. This comparative analysis could also help to develop a more nuanced understanding of the contextual factors that influence the interpretation and implementation of this principle. Furthermore, it can facilitate the sharing of best practices and lessons learned, contributing to the development of a more robust and effective framework for applying *al-Maslahah al-Mursalah* globally.

Framework Development: Prioritizing Public Interests

Developing a comprehensive and practical framework for identifying and prioritizing public interests within the context of *al-Maslahah al-Mursalah* is another crucial area for future research. This framework should provide clear guidelines and methodologies for policymakers and scholars to determine what constitutes the public interest in specific situations. It should also offer a systematic approach to weighing competing interests and making informed decisions that align with Islamic principles and societal well-being. This framework should address several key aspects:

Defining Public Interest: Providing a clear and comprehensive definition of public interest, drawing upon classical Islamic jurisprudence and contemporary ethical considerations. This should involve identifying the core values and principles that underpin public interest, such as justice, fairness, equality, and the common good.

Identifying Stakeholders: Developing a methodology for identifying and engaging with relevant stakeholders, including religious scholars, legal experts, policymakers, civil society organizations, and the general public. This should involve establishing mechanisms for consultation, participation, and feedback to ensure that policies reflect the diverse perspectives and interests of society.

Assessing Competing Interests: Providing a framework for assessing competing interests and resolving conflicts. This should involve developing methodologies for evaluating the potential benefits and drawbacks of different policy options, as well as the ethical implications of each option.

Prioritizing Interests: Establishing a clear and transparent process for prioritizing public interests. This should involve developing criteria for evaluating the importance of different interests, considering factors such as their impact on social well-being, economic prosperity, and environmental sustainability.

Implementation and Evaluation: Designing mechanisms for the implementation and evaluation of policies based on *al-Maslahah al-Mursalah*. This should involve establishing indicators for measuring the impact of policies, as well as mechanisms for monitoring and evaluating their effectiveness.

The development of such a framework would provide a valuable tool for policymakers, enabling them to make more informed and ethically sound decisions that align with Islamic principles and the public interest. It would also enhance the transparency and accountability of the policy-making process, fostering greater public trust and participation. The framework should also consider how to incorporate local wisdom and values, as highlighted by (Suganda & Murtazam, 2019), ensuring that policies are relevant and responsive to the needs of the community.

Leveraging Technology: Enhancing Transparency and Participation

The use of technology and digital platforms to enhance transparency and public participation in the policy-making process represents an important area for future research. Technology can play a crucial role in facilitating access to information, promoting citizen engagement, and fostering greater accountability in government. This research should explore how digital tools can be leveraged to improve the application of *al-Maslahah al-Mursalah* in public policy. This includes exploring the following aspects:

Online Consultation Platforms: Developing and implementing online platforms for public consultation and feedback on proposed policies. These platforms could be used to gather input from citizens, experts, and stakeholders on various policy issues, ensuring that their perspectives are considered in the decision-making process.

Data Visualization and Open Data Initiatives: Using data visualization tools and open data initiatives to make policy information more accessible and transparent. This could involve creating dashboards and interactive maps that display key policy indicators, as well as making government data available to the public for analysis and research.

Social Media and Citizen Journalism: Exploring the use of social media and citizen journalism to promote public awareness and engagement in policy debates. This could involve using social media platforms to disseminate information about policies, solicit feedback from citizens, and facilitate discussions on important issues.

E-Governance and Digital Democracy: Investigating the potential of e-governance and digital democracy initiatives to enhance the responsiveness and accountability of government. This could involve implementing online voting systems, e-petitions, and other tools that allow citizens to participate more directly in the policy-making process.

Blockchain Technology: Investigating the potential of blockchain technology to enhance transparency and security in policy implementation. This could involve using blockchain to track government spending, manage public records, and ensure the integrity of policy data.

By leveraging technology, policymakers can create more inclusive, transparent, and participatory policy-making processes. This can lead to better-informed decisions that reflect the needs and preferences of the public. Furthermore, technology can help to strengthen accountability and reduce corruption, contributing to more effective governance and a more just society. This aligns with the broader goals of Islamic governance, which emphasizes justice, fairness, and the common good. It is also

important to consider the ethical implications of using technology in policy-making, ensuring that privacy, security, and access are protected.

The Role of Education and Awareness

Further research should also focus on the role of education and awareness in promoting a deeper understanding of *al-Maslahah al-Mursalah* among policymakers, legal scholars, and the general public. This is crucial for ensuring that the principle is applied effectively and consistently in public policy. This research could explore the following aspects:

Curriculum Development: Developing educational curricula and training programs for policymakers, legal professionals, and students on the principles and applications of *al-Maslahah al-Mursalah*. This could involve incorporating the topic into law schools, public policy programs, and other relevant educational institutions. The work of (Lubis & Sanjaya, 2022) on integrated Islamic education highlights the importance of comprehensive education in understanding Islamic principles and their application in the modern world.

Public Awareness Campaigns: Launching public awareness campaigns to educate the general public about the importance of *al-Maslahah al-Mursalah* and its role in public policy. This could involve using various media channels, such as television, radio, social media, and community events, to disseminate information and promote understanding.

Interfaith Dialogue: Promoting interfaith dialogue and collaboration to build bridges of understanding and cooperation among different religious communities on the application of *al-Maslahah al-Mursalah*. This could involve organizing workshops, conferences, and other events that bring together religious leaders, scholars, and policymakers from different faiths.

Capacity Building: Providing capacity-building programs for policymakers and government officials to enhance their knowledge and skills in applying *al-Maslahah al-Mursalah* in their work. This could involve offering training on policy analysis, ethical decision-making, and stakeholder engagement.

Knowledge Dissemination: Establishing platforms for the dissemination of knowledge and best practices related to *al-Maslahah al-Mursalah*, such as online databases, research publications, and policy briefs. This would help to share information and promote the effective application of the principle across different contexts.

By investing in education and awareness, societies can cultivate a more informed and engaged citizenry that is better equipped to understand and support policies based on *al-Maslahah al-Mursalah*. This, in turn, can contribute to more effective governance, greater social cohesion, and a more just and equitable society. This aligns with the broader goals of Islamic jurisprudence, which emphasizes the importance of knowledge, wisdom, and the pursuit of the common good. Furthermore, fostering a deeper understanding of *al-Maslahah al-Mursalah* can also help to address misconceptions and misunderstandings about Islamic principles, promoting greater tolerance and respect for diversity. This is particularly relevant in the context of the rights of non-Muslims, as highlighted by (Kamil, 2016). Education and awareness play a crucial role in ensuring that policies are not only just but also perceived as such by the diverse communities they serve.

Integrating Islamic Finance Principles

Further research should explore the integration of Islamic finance principles into the framework of *al-Maslahah al-Mursalah* in public policy formulation. Islamic finance, with its emphasis on ethical and socially responsible investments, can provide valuable tools and mechanisms for achieving the goals of *al-Maslahah al-Mursalah*. This integration could explore several key areas:

Islamic Financing for Public Projects: Investigating the use of Islamic financing instruments, such as Sukuk (Islamic bonds), to fund public projects that serve the public interest. This could involve analyzing the potential of Sukuk to finance infrastructure development, healthcare facilities, and other essential services.

Zakat and Waqf in Public Policy: Exploring the role of Zakat (obligatory charity) and Waqf (endowments) in addressing social and economic inequalities. This could involve analyzing how Zakat funds can be used to support poverty alleviation programs, education initiatives, and healthcare services. The work of (Solehudin, 2017) on Zakat reform provides a relevant context for this exploration.

Ethical Investment and Sustainable Development: Promoting ethical investment and sustainable development initiatives that align with the principles of Islamic finance and *al-Maslahah al-Mursalah*. This could involve encouraging investments in renewable energy, environmentally friendly technologies, and socially responsible businesses.

Microfinance and Financial Inclusion: Utilizing microfinance and other financial inclusion strategies to empower marginalized communities and promote economic opportunities. This could involve providing access to finance for small businesses, entrepreneurs, and low-income individuals.

Risk Management and Financial Stability: Integrating Islamic finance principles into risk management and financial stability frameworks to mitigate financial risks and promote responsible financial practices. This could involve implementing Sharia-compliant risk management tools and promoting transparency and accountability in the financial sector.

By integrating Islamic finance principles, policymakers can create a more just, equitable, and sustainable economic system that aligns with the values of *al-Maslahah al-Mursalah*. This integration can also help to mobilize financial resources for public projects, address social and economic inequalities, and promote ethical and socially responsible investment practices. This is particularly relevant in the context of economic development, where Islamic finance can provide alternative financing mechanisms that are aligned with Islamic principles. The work of (Usmani, 1998) and (El-Gamal, 2005) provides foundational knowledge in this area. Moreover, integrating Islamic finance can also contribute to greater financial stability and resilience, which is crucial for achieving sustainable development goals.

Addressing Contemporary Challenges

Future research must also address the contemporary challenges that arise in the application of *al-Maslahah al-Mursalah* in the modern world. These challenges include issues related to globalization, technological advancements, and evolving social norms. The following areas require particular attention:

Globalization and International Law: Examining the challenges and opportunities of applying *al-Maslahah al-Mursalah* in the context of globalization and international law. This could involve analyzing how to reconcile Islamic principles with international trade agreements, human rights law, and other international norms.

Technological Advancements: Exploring the ethical and social implications of technological advancements, such as artificial intelligence, biotechnology, and digital platforms, within the framework of *al-Maslahah al-Mursalah*. This could involve developing guidelines and regulations to ensure that technology is used in a way that benefits society and aligns with Islamic values.

Climate Change and Environmental Sustainability: Addressing the challenges of climate change and environmental degradation through the lens of *al-Maslahah al-Mursalah*. This could involve developing policies and regulations that promote environmental sustainability, reduce carbon emissions, and protect natural resources.

Social Justice and Human Rights: Promoting social justice and human rights within the framework of *al-Maslahah al-Mursalah*. This could involve addressing issues such as poverty, inequality, discrimination, and the protection of vulnerable groups.

Religious Pluralism and Interfaith Dialogue: Fostering religious pluralism and interfaith dialogue to promote understanding, cooperation, and peaceful coexistence among different religious communities. This could involve developing policies that protect religious freedom, promote tolerance, and address religious discrimination.

By addressing these contemporary challenges, researchers and policymakers can ensure that *al-Maslahah al-Mursalah* remains relevant and effective in the 21st century. This requires a forward-looking approach that anticipates future challenges and develops innovative solutions that align with Islamic principles and the common good. It also requires a commitment to continuous learning, adaptation, and the pursuit of knowledge. Furthermore, addressing these challenges can contribute to building more just, equitable, and sustainable societies that reflect the values of Islam. This includes addressing issues related to tax avoidance, as explored by (Leon & Apriyanto, 2024), to ensure fairness and social responsibility.

In conclusion, further research on the re-actualization of *al-Maslahah al-Mursalah* in Sharia-based public policy formulation is essential for enhancing our understanding of its practical implications and ensuring its effective application in diverse contexts. The research areas identified above provide a roadmap for future investigations, aiming to refine the framework, address contemporary challenges, and contribute to the development of more just, equitable, and sustainable societies. By embracing a multi-disciplinary approach, involving scholars, policymakers, and stakeholders from various fields, we can unlock the full potential of *al-Maslahah al-Mursalah* as a powerful tool for shaping a better future.

Strengths and Limitations

The strengths of this research include its comprehensive literature review, in-depth case study analysis, and expert interviews. The research provides a holistic understanding of the concept of *al-Maslahah al-Mursalah* and its relevance to public policy. The limitations of this research include the reliance on a qualitative research approach, which may limit the generalizability of the findings. Furthermore, the research focuses primarily on the theoretical and conceptual aspects of *al-Maslahah al-Mursalah*, with limited attention to the empirical evidence.

Conclusion

This research has explored the re-actualization of the concept of *al-Maslahah al-Mursalah* in the formulation of sharia-based public policies. The findings highlight the importance of this concept in providing flexibility and adaptability within Islamic

law, enabling policymakers to address contemporary challenges while upholding the core values of justice, fairness, and the common good. The study emphasizes the need to align public policies with the objectives of maqasid al-Sharia and the importance of transparency, accountability, and public participation in the policy-making process.

The research concludes that the successful integration of al-Maslahah al-Mursalah into the policy-making process requires a commitment to understanding the concept, developing clear guidelines, and investing in education and training. By adopting a comprehensive and nuanced approach, policymakers can ensure that public policies are both ethically sound and practically effective. The application of al-Maslahah al-Mursalah in contemporary contexts like environmental protection, economic development, and social justice offers a path toward building a more just and sustainable society. The re-actualization of al-Maslahah al-Mursalah is not just a theoretical exercise; it is a practical necessity for the future of sharia-based governance.

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