



## CONTRIBUTION OF FIQH MASLAHAH RULES IN THE FORMULATION OF FATWA DSN MUI

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### Abstract

*This research is based on the need of Muslims for legal guidance that is responsive to the development of modern Islamic economics and finance. Fatwas have a strategic role in addressing contemporary issues, particularly in Indonesia through the National Sharia Council of the Indonesian Ulema Council (DSN-MUI) as the authoritative institution in issuing fatwas. The purpose of this research is to analyze the role of the principle of maslahat as the main basis in the legal istinbath process carried out by DSN-MUI. The method used is a descriptive qualitative approach with a literature review of DSN-MUI fatwas as well as references to fiqh books and the principles of ushul fiqh. The results show that the principles of maslahat, such as *ainama wujidati al-maslahatu fasamma hukmullahi*, *dar'u al-mafāsid muqaddam 'alā jalb al-maṣāliḥ*, and *tasharruful imam 'ala raiyathi manutun bi al-maslahah*, play an important role in adapting Sharia law to the dynamics of modern finance. In conclusion, the application of the principle of maslahat allows the DSN-MUI fatwa to remain contextual, flexible, and relevant without abandoning the basic principles of Islamic law.*

**Keywords:** Principles of Islamic Jurisprudence on Welfare, Fatwa of DSN MUI, Sharia Economics

### Abstrak

*Penelitian ini dilandasi oleh kebutuhan umat Islam terhadap panduan hukum yang responsif terhadap perkembangan ekonomi dan keuangan syariah modern. Fatwa memiliki peran strategis dalam menjawab persoalan kontemporer, khususnya di Indonesia melalui Dewan Syariah Nasional Majelis Ulama Indonesia (DSN-MUI) sebagai lembaga otoritatif dalam penetapan fatwa. Tujuan penelitian ini adalah menganalisis peran kaidah maslahat sebagai dasar utama dalam proses istinbath hukum yang dilakukan DSN-MUI. Metode yang digunakan adalah pendekatan kualitatif deskriptif dengan kajian literatur terhadap fatwa-fatwa DSN-MUI serta referensi kitab fiqh dan kaidah ushul fiqh. Hasil penelitian menunjukkan bahwa kaidah maslahat, seperti *ainama wujidati al-maslahatu fasamma hukmullahi*, *dar'u al-mafāsid muqaddam 'alā jalb al-maṣāliḥ*, dan *tasharruful imam 'ala raiyathi manutun bi al-maslahah*, berperan penting dalam menyesuaikan hukum syariah dengan dinamika keuangan modern. Kesimpulannya, penerapan kaidah maslahat memungkinkan fatwa DSN-MUI tetap kontekstual, fleksibel, dan relevan tanpa meninggalkan prinsip-prinsip dasar syariat Islam.*

**Kata kunci:** Kaidah Fiqih Maslahat, Fatwa DSN MUI, Ekonomi Syariah



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## INTRODUCTION

The development of the sharia economy in Indonesia shows increasingly complex dynamics along with the increasing need of the community for an economic system based on Islamic sharia principles.<sup>1</sup> In this context, fatwa plays a strategic role as an instrument of Islamic jurisprudence that serves as a bridge between the normative norms of sharia and the evolving socio-economic reality. Fatwas are not only understood as individual legal opinions, but have developed into institutional legal products that have a wide influence in directing the economic practices of Muslims, especially in the Islamic financial sector.

In Indonesia, the authority to determine sharia economic fatwas lies with the National Sharia Council of the Indonesian Ulema Council (DSN-MUI).<sup>2</sup> The existence of DSN-MUI is an important element in the national sharia economic law architecture because the fatwas issued by it serve as a normative basis as well as an operational reference for Islamic financial institutions. In fact, in its development, DSN-MUI fatwa has been integrated into the positive legal system through various regulations, such as Bank Indonesia Regulations and the Religious Justice Law, so that fatwas are no longer just a moral guide, but also a legal reference that has institutional binding.

In the perspective of classical Islamic jurisprudence,<sup>3</sup> fatwa is understood as the result of the mufti's ijihad, which is in principle non-binding in general, except for the mustafti who requests it. This view as expressed by ushul fiqh scholars, such as al-Qarafi and Ibn al-Qayyim, reflects the character of fatwa at a time when legal authority had not been formally institutionalized. However, contemporary reality shows a significant transformation of the concept of fatwa, especially when fatwas are produced collectively by official institutions and institutionalized in the country's legal system. Therefore, the classical approach to fatwa needs to be recontextualized to be in line with modern social, political, and economic developments.

In the process of formulating sharia economic fatwas, DSN-MUI not only adheres to textual postulates from the Qur'an and Hadith, but also uses a broader methodological tool of ushul fiqh. One of the prominent approaches is the use of maslahah-based fiqh principles. The concept of maslahah emphasizes that the main purpose of Islamic sharia is to realize benefits and prevent harm, as formulated in the framework of *maqāṣid al-syarī'ah* which includes the protection of religion,

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<sup>1</sup> Ian Rakhmawan Suherli dkk., "Kelemahan Fatwa dan Implementasinya Dalam Pengembangan Ekonomi dan Keuangan Kontemporer," *TAFAQQUH* 7, no. 1 (2022): 51–64, <https://doi.org/10.70032/jcwwwk41>.

<sup>2</sup> Arif Maghfur, "Pola Fatwa Dewan Syariah Nasional terhadap Produk Lembaga Keuangan Syariah," *Al-Muzdahir: Jurnal Ekonomi Syariah* 7, no. 1 (2025): 82–97, <https://doi.org/10.55352/ekis.v7i1.1494>.

<sup>3</sup> Ahmad Burhan Hakim, *Dinamika Fatwa dari Klasik ke Kontemporer*, 03, no. 01 (2025).

soul, intellect, descent, and property. This approach allows Islamic law to remain responsive to new issues that are not explicitly explained in the nash.<sup>4</sup>

A number of academic studies show that the use of maslahah rules is an important element in DSN-MUI fatwas. Fauzia emphasized that the maslahah approach is used to accommodate the innovation of Islamic banking products to remain in line with sharia principles. Ismail also stated that without a maslahah approach, fatwas have the potential to be rigid and difficult to apply in a dynamic global economic system. Meanwhile, Rahmawati found that the DSN-MUI fatwa substantively considers *maqāṣid al-syarī'ah* as the basis for establishing contemporary economic law. However, studies that specifically examine the contribution of fiqh maslahah principles in each stage of the formulation of DSN-MUI fatwa are still relatively limited.

Based on this background, this study aims to analyze the role and contribution of the principles of fiqh maslahah in the process of formulating DSN-MUI fatwa. This study is expected to provide a deeper understanding of the relationship between Islamic jurisprudence theory and the institutional practice of fatwa in Indonesia, as well as affirm the relevance of the maslahah principle in maintaining the sustainability and benefits of the Islamic economic system in the modern era.

## RESEARCH METHODS

This study uses a qualitative approach with normative methods combined with in-depth analysis, so as to allow researchers to examine the sources of Islamic law textually as well as examine their relevance in institutional practice. The research pattern used is descriptive, with the aim of providing a complete picture of the concept, mechanism, and position of DSN-MUI fatwa in the Islamic legal system in Indonesia. Through this approach, the research seeks to show how these fatwas are formulated, reviewed, and implemented in response to various new legal issues that arise along with the development of the sharia economy, without leaving sharia principles as the main foothold. Thus, this study not only highlights the normative aspects of fatwas, but also emphasizes its practical function as a guideline for Islamic financial institutions and society in dealing with contemporary legal challenges.

The depth of this research is reflected in the researcher's efforts in accessing direct data from parties who have authority in the fatwa drafting process, especially members of the National Sharia Council of the Indonesian Ulema Council (DSN-MUI), as well as through tracing various authentic sources contained in the official documents of DSN-MUI. This strategy makes this research not only descriptive-analytical, but also presents an empirical picture of the dynamics of

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<sup>4</sup> Jaih Mubarak dan Shaifurrokhman Mahfudz, "Istinbath Methodology of DSN-MUI: Integrating Classical Islamic Jurisprudence with Contemporary Needs," *Indonesian Journal of Islamic Economic Law* 1, no. 2 (2024): 136–52, <https://doi.org/10.23917/ijol.v1i2.5570>.

collective ijтиhad that takes place in the institution. The focus of the research is directed at DSN-MUI fatwas which are based on the principles of fiqh maslahah throughout the period 2000–2024, with special attention to the aspects of relevance, the basis of legal argumentation, and implementation patterns in responding to the development of sharia economic law in Indonesia. With such an approach, this study is expected to be able to elaborate on the role of maslahah rules as a methodological foothold that functions to maintain harmony between sharia normative texts and the practical needs of contemporary society, as well as display the consistency and flexibility of DSN-MUI in facing the challenges of economic globalization and the emergence of increasingly diverse Islamic financial instruments.

## RESULTS AND DISCUSSION

### The Position and Urgency of the Rules of Fiqh Maslahah in the Fatwa of DSN MUI

In Islamic law, fatwa is the result of ijтиhad of scholars whose function is to provide legal guidance on the problems faced by the ummah. The position of the DSN MUI fatwa can be understood as part of the contemporary ijтиhad instrument that plays a role in bridging sharia texts with the reality of modern economic practices. In this context, fatwas not only serve as an affirmation of the law, but also as a means of updating Islamic law to remain relevant to the times, especially in the field of Islamic economics and finance.<sup>5</sup>

The rules of maslahah fiqh<sup>6</sup> occupy a strategic position in the formulation of the DSN MUI fatwa. This rule is the methodological basis for assessing an economic practice based on the benefits and harms it causes to society. The application of maslahah is in line with the main purpose of sharia (maqāṣid al-syarī'ah), which is to protect religion, soul, intellect, descent, and property. Therefore, every fatwa formulated is not only required to be in accordance normatively with sharia principles, but must also provide real benefits for the ummah.

The urgency of maslahah rules<sup>7</sup> is even more evident when DSN MUI faces contemporary economic problems that do not have explicit provisions in the Qur'an and Sunnah, such as modern financial products and Islamic financial technology innovations. In these conditions, maslahah is used as a measuring tool to ensure that the established legal policies are able to answer the needs of the community without deviating from basic sharia values. However, its application is still limited

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<sup>5</sup> Rahma Albia, "Syariah Sebagai Hasil Pemikiran: Produk Ijtihad Konvensional dan Ijtihad Kontemporer," *Jurnal Darussalam: Jurnal Pendidikan, Komunikasi dan Pemikiran Hukum Islam* 16, no. 1 (2024): 219–39, <https://doi.org/10.30739/darussalam.v16i1.3331>.

<sup>6</sup> Dr Ahmad Qorib, *Penerapan Maslahah Mursalah dalam Ekonomi Islam*, t.t.

<sup>7</sup> Suheyib Eldersevi dan Razali Haron, "An Analysis of Maslahah Based Resolutions Issued by Bank Negara Malaysia," *ISRA International Journal of Islamic Finance* 12, no. 1 (2019): 89–102, <https://doi.org/10.1108/IJIF-09-2018-0103>.

to maslahah mu'tabarah, which is a maslahat that is recognized by the sharia and does not contradict definite evidence.

By basing fatwas on the rules of maslahah, DSN MUI is able to produce legal decisions that are contextual, applicative, and adaptive to the changing times. This rule makes fatwa not rigid and textual only, but responsive to modern economic dynamics. Thus, the rules of fiqh maslahah not only function as additional considerations, but also become a fundamental element in maintaining the relevance, sustainability, and benefits of sharia economic law in Indonesia.

### **The Rules of Fiqh Maslahah in the DSN-MUI Fatwa**

The application of maslahah rules in the fatwa of the National Sharia Council of the Indonesian Ulema Council (DSN MUI)<sup>8</sup> is an important step in facing various challenges in the field of Islamic economics and finance. The rules of maslahah are used to determine the law when there is no nash (text) that directly regulates a problem. This shows that DSN MUI does not only rely on textual postulates, but also considers the benefits for the ummah, as long as it does not contradict the basic principles of sharia. The application of this maslahah rule is related to the *maqāṣid al-syarī'ah* approach,<sup>9</sup> which focuses on achieving the goals of sharia, such as protecting religion, soul, intellect, lineage, and property. The process of applying maslahah rules in DSN MUI fatwa follows a systematic decision-making mechanism and involves various parties. Fatwa begins with identifying the needs of the community or sharia business actors for certain products or services. Furthermore, an in-depth study was carried out through a plenary session involving experts from the fields of jurisprudence, sharia economics, and positive law. In this process, maslahah becomes the main factor in determining whether a transaction can be carried out, restricted, or prohibited, especially if there is no clear sharia evidence.

The method used by DSN MUI in applying the maslahah rules includes a normative-conceptual approach combined with a contextual approach. Fiqh rules such as "*al-mashaqqah tajlib at-taysīr*" (difficulty leads to ease), "*yurā'ā fī al-fatwā mā yatahaqqaq bihi al-maslahah*" (fatwa must consider what brings benefit), and "*dar' al-mafāsid muqaddam 'alā jalb al-maṣāliḥ*" (avoiding harm takes precedence over attracting benefits) are the basis for determining the legal attitude towards new phenomena. This method also includes empirical studies and risk analysis of economic practices to assess the extent to which benefits can be realized and mafsadah can be avoided.<sup>10</sup>

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<sup>8</sup> Arif Maghfur, "Pola Fatwa Dewan Syariah Nasional terhadap Produk Lembaga Keuangan Syariah," *Al-Muzdahir : Jurnal Ekonomi Syariah* 7, no. 1 (2025): 82–97, <https://doi.org/10.55352/ekis.v7i1.1494>.

<sup>9</sup> Mohammad Hasan Bisyri, *Penerapan Teori Maqasid Asy-Syari'ah dalam Ijtihad Majelis Ulama Indonesia*, 2 (n.d.): 2.

<sup>10</sup> Nispan Rahmi dkk., "Methodological Procedure for Determining the Fatwa of the National Sharia Council (DSN) Indonesian Ulama Majelis (MUI) Concerning Islamic Economics and Finance," *Al Qalam:*

In the discipline of Islamic law, the rules of fiqh have a very strategic position as the main foundation in the determination of law, especially those related to efforts to protect the benefit of the ummah. These rules not only serve as normative guidelines in understanding and implementing the Shari'a, but also serve as a methodological tool used by scholars, jurisprudence, and fatwa institutions to respond to various contemporary issues that are not directly explained in the nash. The flexible nature and depth of principles possessed by the rules of fiqh make it able to adapt Islamic law to the social, economic, and cultural development of modern society without going out of the fundamental values of sharia. Thus, the rules of fiqh function as a link between the normative provisions of Islam and the reality of life, so that Islamic law remains actual, responsive, and able to present solutions that bring benefits to the ummah in every situation and era.

One of the rules of fiqh that is often used as a foothold is the principle oriented towards maslahah (utility), because maslahah is seen as the main goal of the sharia (*maqāṣid al-syarī'ah*) which includes five basic aspects of human life: maintaining religion, soul, intellect, descent, and property. This focus on benefits makes Islamic law flexible and able to adapt to changing times and the needs of society that continues to develop. In the process of determining fatwas, the application of the principles of fiqh maslahah has important significance because it can be the basis for responding to various actual problems that have not been directly accommodated in the nash. Thus, maslahah acts as a link between normative sharia texts and the socio-economic reality of the ummah, so that the fatwa produced is not only in line with sharia principles, but also provides real benefits for the public interest.

The following table is compiled to display some of the rules of fiqh that are oriented towards maslahah, along with the number of their use and the number of related fatwas. This presentation not only provides quantitative information about the frequency of application of a rule in the fatwa determination process, but also shows the tendency of the National Sharia Council of the Indonesian Ulema Council (DSN-MUI) to make the principle of maslahah as the legal basis. Through this mapping, it can be illustrated the important role of the rules of fiqh maslahah in connecting sharia norms with the practical needs of contemporary society, especially in the realm of Islamic economics and finance. Moreover, this table can also be used as a means of analysis to assess the consistency of the application of *maqāṣid al-syarī'ah* in each fatwa issued, as well as to show the extent to which consideration of benefits is integrated in answering the challenges of modern law.

**Tabel.** Rules of Fiqh Maslahah

No	Rules of fiqh maslahah	Number of rules	Fatwa number
1	درو المفسدة مقدم على جلب المصلحة	31	Fatwa no 9, 37, 42, 54, 56, 74, 78, 80, 82, 83, 95, 97, 100, 108, 109, 112, 118, 120, 121, 124, 126, 127, 130, 131, 135, 137, 138, 152, 154, 156, 157.
2	أينما وجدت المصلحة فثم حكم الله	35	Fatwa no 14, 15, 16, 18, 27, 34, 35, 41, 60, 61, 67, 85, 87, 94, 96, 98, 116, 117, 119, 122, 123, 125, 126, 130, 131, 132, 137, 140, 141, 142, 144, 145, 146, 152, 156.
3	تصرف الإمام على الرعية المنوط بالصلحة	37	Fatwa no 36, 37, 38, 39, 63, 64, 69, 78, 80, 82, 84, 85, 87, 88, 96, 97, 98, 99, 100, 109, 116, 118, 122, 124, 130, 135, 136, 138, 140, 141, 144, 146, 147, 154, 155, 156, 157.

Based on the table above, the use of the rules of fiqh maslahah in the DSN-MUI fatwa that is often used is تصرف الإمام على الرعية المنوط بالصلحة with a total of 37 fatwas used from 2000-2024. Furthermore, it reached the second position, namely أينما وجدت المصلحة فثم حكم الله which was used 35 times, and the rules of fiqh maslahah 31 درء المفسدة مقدم على جلب المصلحة times.

In the treasure of usul fiqh,<sup>11</sup> the rules related to maslahah are important principles in establishing the law, especially when dealing with contemporary problems that do not have direct nash. The three main rules that are often used as references are: "ainama wujidati al-maslahatu fasamma hukmullahi" (where there is benefit, that is where Allah's law applies), "dar'u al-mafāsid muqaddam 'alā jalg al-maṣāliḥ" (avoiding harm takes precedence over attracting benefits), and "tasharruful imām 'alā ra'iyyatihi manūtun bi al-maṣlahah" (all the policies of the ruler towards the people depend on the benefit). These three principles have an important role in determining the direction and content of modern religious fatwas, including in the fatwa of the National Sharia Council of the Indonesian Ulema Council (DSN MUI), but in practice, the third principle seems to be the most dominantly used. The rule of "tasharruful imām 'alā ra'iyyatihi manūtun bi al-maṣlahah" provides a normative and juridical basis that any policy of religious authority must be based on the benefit of the ummah. DSN MUI in this context plays the role of imām, which is the national religious authority in the field of Islamic finance, which is tasked with maintaining order, purity of sharia, and the balance of the Islamic economic system in the midst of the complexity of the modern market. Therefore, DSN MUI's decisions and fatwas are not just legal interpretations based on text,

<sup>11</sup> Imam Mustofa, "Analisis Penggunaan Kaidah Al-Hajah Qad Tunazzalu Manzilah al-Darurah Dalam Fatwa Dewan Syariah Majelis Ulama Indonesia," *Analisis: Jurnal Studi Keislaman* 18, no. 2 (2019): 1–26, <https://doi.org/10.24042/ajsk.v18i2.3425>.

but also the results of institutional ijтиhad that considers the long-term benefits of the ummah, such as economic stability, consumer protection, and strengthening the real sector.

The use of this rule is evident in various fatwas of DSN MUI that determine the validity of contemporary sharia economic practices, such as the use of wakalah contracts in financial institutions, the ability to use margin in murabahah, the determination of sharia principles in the sharia capital market,<sup>12</sup> as well as policies on sharia hedging, sukuk, and fintech. None of this is explicitly mentioned in the Qur'an and Hadith, but the DSN establishes it as valid based on broad and profound maslahah considerations. This shows that DSN is ijтиhad as an authority holder in order to answer the needs of the times and strengthen the economy of the people on a macro basis.

Meanwhile, the principle of "*ainama wujidati al-maslahatu fasamma hukmullahi*" more often functions as a theoretical principle that underlies the flexibility of Islamic law in reaching new realities. This rule supports that sharia law is not rigid, but is very concerned about human welfare. Meanwhile, the rule "*dar'u al-mafāsid muqaddam 'alā jalb al-maṣālih*" is more often used in the context of prudence (ihtiyath) to reject something that has the potential to be destructive, for example in the prohibition of products that contain gharar (ambiguity), usury, and maisir (speculation). Although important, these two rules more often play a role as a complement and reinforcement of considerations in fatwa decisions.

Thus, it can be concluded that the principle of "*tasharruful imām 'alā ra'iyyatihi manūtun bi al-maṣlahah*" is the most applicable and dominant principle in the fatwa of DSN MUI because it functionally reflects the role and authority of DSN in regulating and directing Islamic financial institutions proportionately. This is in line with *maqāṣid al-syarī'ah* which places the benefit of the ummah as the main goal of Islamic law. Therefore, the use of this rule allows DSN MUI to adapt contextually, answer the challenges of the times, and at the same time maintain the authenticity of sharia law based on benefits and justice.

### **Application of Fiqh Maslahah Rules in Sharia Business Fatwa**

In Islam, sharia law has the main purpose of realizing benefits for humans while preventing all forms of harm. This principle is in line with *maqāṣid al-syarī'ah* which aims to protect religion, soul, intellect, lineage, and property. In the context of business and economy, this goal is realized through the fatwa mechanism issued by religious authorities, one of which is DSN MUI. DSN MUI fatwas are the main reference for Islamic financial institutions so that business activities run according to the sharia corridor and are relevant to the needs of the times. For this reason, DSN

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<sup>12</sup> Ahmad Rifai et al., "Hakikat Hukum dan Dampak Sosial dari Fatwa DSN MUI tentang Pasar Modal Syariah," *El-Iqthisadi Jurnal Hukum Ekonomi Syariah Fakultas Hukum dan Syariah*, June 29, 2022, 119–31, <https://doi.org/10.24252/el-iqthisady.vi.29720>.

MUI uses many principles of fiqh maslahah as a foothold, because these principles are able to answer contemporary problems that are not explicitly found in the nash.<sup>13</sup>

The application of the principles of fiqh maslahah in sharia business fatwa<sup>14</sup> is concrete evidence that Islamic law is always directed to maintain benefits while preventing damage to human life. DSN-MUI, as the authority authorized to set fatwas in the field of Islamic economics and finance, places the rules of maslahah as the main foundation in every ijtihad process. One of the important rules, *dar'u al-mafāsid muqaddam 'alā jalb al-maṣāliḥ* (preventing harm takes precedence over gaining benefits), is reflected in a number of fatwas. For example, Fatwa Number 74/DSN-MUI/I/2009 concerning Sharia Guarantee is present to ensure that the practice of guarantee is not misused so as to cause gharar or injustice for the guaranteed party. This means that DSN emphasizes more on the prevention of potential harms than simply pursuing economic benefits. Similarly, in Fatwa Number 137/DSN-MUI/IX/2020 concerning Sukuk, strict rules are set so that the instrument does not turn into a means of excessive speculation that has the potential to bring widespread losses. Thus, the DSN fatwa not only serves as a legitimacy for contemporary financial instruments, but also as a sharia fortress to prevent the ummah from greater harm.

As for the second rule, *ainamā wujidat al-maṣlahatu fasamma hukmullāh* which means "where there is benefit, there is the law of Allah applies," used as a foothold by DSN to open up a space for economic innovation that remains in line with sharia principles. For example, Fatwa Number 16/DSN-MUI/IX/2000 concerning Discounts in Murabahah<sup>15</sup> provides legitimacy for the practice of giving discounts, provided that its implementation is carried out transparently and free from elements of fraud. Discounts are seen as beneficial because they can ease the burden on consumers while increasing efficiency in transactions. Similarly, Fatwa Number 85/DSN-MUI/XII/2012 concerning Promises (Wa'd) in Sharia Financial and Business Transactions shows DSN's recognition of wa'd as an important instrument in providing legal certainty. Although wa'd is not a contract, in modern business practice it serves significantly to prevent disputes as well as strengthen transaction stability. These two fatwas affirm the adaptive and responsive attitude of DSN, so that Islamic law not only appears as a normative rule, but also becomes an answer to the practical needs of society.

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<sup>13</sup> M Ridhwan Ar Rasyid dan Efri Syamsul Bahri, "Pertimbangan Dewan Syariah Nasional dalam Menetapkan Fatwa Akad Transaksi Syariah di Indonesia," *Perisai : Islamic Banking and Finance Journal* 3, no. 2 (2019): 105–18, <https://doi.org/10.21070/perisai.v3i2.2020>.

<sup>14</sup> Amirullah Amirullah dkk., "Moderasi Fikih Muamalah di Indonesia: Analisis terhadap Paradigma Fatwa Dewan Syariah Nasional," *Al-Bayyinah* 6, no. 1 (2022): 95–108, <https://doi.org/10.35673/al-bayyinah.v6i1.2634>.

<sup>15</sup> Devid Frastiawan Amir Sup dan Ifandi Suhendi, "Konsep Muqasah pada Pembiayaan Murabahah dalam Perspektif Fatwa DSN-MUI," *Kodifikasi* 16, no. 1 (2022): 53–73, <https://doi.org/10.21154/kodifikasi.v16i1.3818>.

Furthermore, the third rule of *taṣarruful imām 'alā ra'iyyatihī manūṭun bi al-maṣlahah*, which means that every leader's policy must always be oriented towards the benefit of the ummah, emphasizes the function of DSN-MUI not only as a provider of halal and haram fatwas, but also as a director of sharia economic policies. This is seen, for example, in Fatwa Number 97/DSN-MUI/XII/2015 concerning Sharia Deposit Certificates, where DSN formulates the principles and mechanisms of deposits to remain in harmony with *maqāṣid al-syarī'ah*, especially in safeguarding assets (*hifz al-māl*), creating stability, and providing legal certainty for customers. Similarly, Fatwa Number 146/DSN-MUI/XII/2021 concerning Online Shops Based on Sharia Principles shows DSN's strategic steps in responding to the development of digital trade.<sup>16</sup> This fatwa not only affirms the validity of contracts used in online buying and selling, but also serves as a moral guide to protect consumers from fraudulent practices while ensuring the fairness of transactions. Thus, the role of DSN as a sharia authority is clearly reflected in policies that touch the interests of the wider public, in line with the principle of *taṣarruful imām*.

Overall, the application of maslahah rules in the DSN-MUI fatwa shows that there is a harmonization between the normative principles of sharia and the practical demands of modern society. The rule of *dar'u al-mafāsid* prioritizes a cautious attitude so that Islamic law does not open up opportunities for greater damage. Meanwhile, the principle of *ainamā wujidat al-maṣlahah* provides a basis for legitimacy for various innovations that bring real benefits, so that sharia actually supports contemporary economic development, not a barrier. The rules of *taṣarruful imām* affirm the authoritative role of scholars in formulating strategic policies for the benefit of the public. Through its fatwas, DSN-MUI has succeeded in positioning Islamic law not as a static rule that is solely tied to the text, but as a *living law* that is responsive to the changing times. Thus, DSN's fatwa not only ensures the validity of transactions, but also serves to maintain that all sharia business practices run in accordance with *maqāṣid al-shari'ah*, which is to bring benefits and reject all forms of harm.

## CONCLUSION

This study shows that the rules of fiqh maslahah have a very important role in the preparation of DSN-MUI fatwas, both in normative aspects and in institutional practice. This rule serves as a link between normative sharia provisions and the practical needs of modern society, especially in the sharia economic and financial sectors. Through the use of the rules of *dar'u al-mafāsid muqaddam 'alā jalb al-maṣālih*, *ainamā wujidat al-maṣlahah fasamma ḥukmullāh*, and

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<sup>16</sup> Dede Al Mustaqim, "Prinsip Syariah dalam Operasional Online Shop: Analisis Fatwa DSN-MUI No. 146/DSN-MUI/IX/2021," *AB-JOIEC: Al-Bahjah Journal of Islamic Economics* 1, no. 1 (2023): 1–13, <https://doi.org/10.61553/abjoiec.v1i1.9>.

*taṣarruful imām 'alā ra'iyyatihī manūṭun bi al-maṣlaḥah*, DSN-MUI is able to produce fatwas that not only maintain the authenticity of sharia, but also relevant, applicative, and in accordance with the context of the times. These fatwas are the result of collective ijtihad that prioritizes the benefit of the ummah, so it is not limited to a textual approach alone. Thus, the DSN-MUI fatwa serves to ensure that the practice of sharia economics continues to run in line with *maqāṣid al-syarī'ah*, namely realizing benefits, preventing damage, and upholding justice and sustainability. This finding confirms that maslahah is not only a complement in the process of establishing law, but has become the main foundation for the development of contemporary Islamic law that is responsive, solutive, and oriented to the interests of the ummah.

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