



The Supremacy of At-Thufi's Maslahah in the Development of Islamic Law: An Analysis of Maqashid al-Shariah According to Najmuddin At-Thufi

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Abstract

This article examines the concept of Maqashid as-Syari'ah in the perspective of Imam Najmuddin at-Thufi, a Hanbali scholar who has a distinctive view of benefit as the main objective of Islamic law. Through a literature study with an analytical-critical approach, this research explores at-Thufi's thoughts on the concept of maslahah, which was controversial in his time because it prioritized benefit over text and ijma' in the field of mu'amalah. The results show that at-Thufi's concept of Maqashid centers on the priority of maslahah (benefit) as the essence of all Islamic legal legislation, especially through his doctrine of giving precedence to benefit when there is a conflict with the shara' postulates. The research also shows that at-Thufi's methodology is based on four main principles: the ability of reason to identify benefit, maslahah as an independent shar'i proposition, the application of maslahah limited to the field of mu'amalah, and maslahah as the strongest principle in determining the law. The contribution of at-Thufi's thought provides a foundation for the development of Islamic law that is adaptive to social change and has a significant impact on the discourse of contemporary Islamic legal methodology.

Keywords: Najmuddin at-Thufi, Maqashid as-Syari'ah, Maslahah, Islamic Law, Ushul Fiqh

Introduction

The concept of *Maqashid as-Syari'ah* (the objectives of Islamic law) represents one of the fundamental themes in the study of ushul fiqh that has continued to experience dynamic

development from the early era of Islam to the contemporary period. As a value system that underlies the formulation of Islamic law, Maqashid becomes a crucial element in ensuring the relevance and flexibility of Islamic law in facing socio-cultural changes in society (Auda, 2008). Within the treasure of Maqashid thought, there are several central figures who made significant contributions, including Imam al-Haramain al-Juwaini, Imam al-Ghazali, Imam al-Syatibi, and equally important is Imam Najmuddin at-Thufi.

Najm al-Din al-Thufi (657-716 H/1259-1316 CE), a Hanbali scholar who lived during the late Abbasid dynasty and early Mamluk rule, possessed unique and controversial thoughts about the concept of *maslahah* (benefit) in the context of Maqashid as-Syari'ah. His thinking is worthy of study because it offers a different perspective from the majority of scholars in his time, particularly through his treatise titled "*Risalah fi Ri'ayat al-Maslahah*" which is a commentary on the hadith "*La Dharara wa La Dhirara*" (no harm should be inflicted on oneself or others).

At-Thufi presented radical views for his time that *maslahah* could be prioritized over textual proofs (*nas*) and scholarly consensus (*ijma'*) in the field of mu'amalah when conflicts arose between them. This thinking made him a debated figure among scholars, where some viewed him as too liberal, while others saw him as a visionary thinker capable of bridging textual rigidity and the flexibility of Islamic law (Opwis, 2010).

In the context of contemporary Islamic law development, at-Thufi's thoughts on Maqashid receive special attention from modern scholars such as Mustafa Zaid, Husein Hamid Hassan, and Muhammad al-Zuhaily who see the relevance of his concept to efforts at Islamic law reform. The urgency of this research lies in its contribution to enriching contemporary Maqashid discourse and opening space for dialogue between classical tradition and modernity challenges in Islamic law development.

Based on this background, this article aims to: (1) Explore the intellectual biography and historical background of at-Thufi's thought, (2) Comprehensively analyze at-Thufi's concept of Maqashid as-Syari'ah with focus on his theory of *maslahah*, (3) Map the differences between at-Thufi's thought and other scholars in the Maqashid tradition, and (4) Examine the relevance and contribution of at-Thufi's thought in contemporary Islamic law development.

Results and Discussion

THE CONCEPT OF MAQASHID AS-SYARI'AH ACCORDING TO AT-THUFI

A. Definition and Philosophical Foundation

Maqashid as-Syari'ah from at-Thufi's perspective is understood as the objectives that Islamic law seeks to achieve in establishing law, which is essentially encompassed in one fundamental concept: *maslahah* (benefit). For at-Thufi, *maslahah* is "everything that aligns with the purpose of the lawgiver (Allah), whether in the form of worship or customs (muamalah)" (at-Thufi, in Syarh Mukhtashar ar-Raudhah).

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The philosophical foundation of at-Thufi's thought on Maqashid is based on several principles:

1. **Rational theocentrism** - At-Thufi believes that Allah established the law for the benefit of humanity, and that human reason has the ability to recognize this benefit.
2. **Universality of maslahah** - The benefit that becomes the objective of the law is universal in nature, encompassing all humans regardless of religion, race, or social background.
3. **Moderate anthropocentrism** - Although centered on human needs, at-Thufi's concept of maslahah still considers the dimension of faith and commitment to the basic principles of the law.
4. **Theological pragmatism** - At-Thufi emphasizes the practical aspect of Islamic law application that must consider the consequences and impact on human life.

At-Thufi distinguishes two aspects in understanding Maqashid as-Syari'ah: *maqashid al-khitab* (textual objectives) and *maqashid al-hukm* (legal objectives). *Maqashid al-khitab* relates to literal understanding of the text, while *maqashid al-hukm* relates to the substantial purpose of law establishment, namely human benefit (al-Zuhaily, 1992).

B. At-Thufi's Concept of Maslahah

At-Thufi's concept of *maslahah* has distinctive characteristics compared to similar concepts from other scholars. He defines *maslahah* as "the cause that brings goodness and benefit" and divides it into two categories:

1. **Maslahah 'Urfiyyah** (benefit based on custom) - Benefit based on human experience and customs in worldly life.
2. **Maslahah Syar'iyyah** (benefit based on shari'ah) - Benefit that becomes the cause for achieving the objectives of the law, both in aspects of worship and muamalah.

The uniqueness of at-Thufi's thought lies in his view that *maslahah* is an independent and strongest shar'i proof, which can even be prioritized over nas (texts of the Quran and Sunnah) and ijma' (scholarly consensus) when conflicts arise, particularly in the field of muamalah. At-Thufi states:

"If there is a conflict between benefit and nas or ijma', then benefit must be prioritized through *takhsis* (specification) and *bayan* (explanation), not by canceling or ignoring the nas." (At-Thufi, in *Risalah fi Ri'ayat al-Maslahah*)

In identifying *maslahah*, at-Thufi establishes several criteria:

1. The benefit must be real, not speculative.
2. The benefit must be general, not individual.

3. The benefit must not contradict the basic principles of religion.
4. Reason has independent ability to identify benefit without having to depend on textual confirmation.

C. Position of Maslahah in the Hierarchy of Islamic Law Sources

One of the most revolutionary aspects of at-Thufi's thought is the position he gives to *maslahah* in the hierarchy of Islamic law sources. He identifies 19 sources of Islamic law, and places *maslahah* as the strongest legal source, particularly in the field of muamalah. He explains:

"Benefit is the strongest proof among the shar'i proofs, even stronger than ijma'. Therefore, it must be prioritized when conflicts arise with other proofs." (At-Thufi, in *Risalah fi Ri'ayat al-Maslahah*)

At-Thufi formulates four fundamental principles that underlie his concept of *maslahah*:

1. Reason has independent ability to identify good (*maslahah*) and evil (*mafsadah*), without having to depend on revelation confirmation.
2. *Maslahah* is an independent shar'i proof that does not require confirmation from texts.
3. The scope of *maslahah* application is limited to the field of muamalah and customs, not applicable in worship and laws that have been definitively determined (*muqaddarat*).
4. *Maslahah* is the strongest shar'i proof, which must be prioritized over other proofs when conflicts arise.

According to at-Thufi, prioritizing *maslahah* does not mean ignoring or canceling the nas, but through *takhsis* (specification) and *bayan* (explanation). He affirms that prioritizing *maslahah* over nas and ijma' is a form of respect for the objectives of the law, not neglect of it (Hassan, 1971).

D. Limitations of Maslahah Application

Although at-Thufi places *maslahah* at a very high position, he also establishes limitations in its application:

1. **Domain limitations** - The application of *maslahah* that can precede nas and ijma' only applies in the field of muamalah and customs, not in worship and *muqaddarat* (laws that have been definitively determined such as inheritance shares).
2. **Substantial limitations** - *Maslahah* that can be considered is that which does not contradict the basic principles of religion and maqashid syariah as a whole.
3. **Methodological limitations** - Prioritizing *maslahah* is done through *takhsis* and *bayan*, not by canceling or ignoring the nas entirely.

At-Thufi emphasizes: "Indeed, we do not prioritize *maslahah* over nas absolutely, but through *takhsis* and *bayan*, as other proofs specify other proofs, and this does not contain neglect of the nas" (At-Thufi, in *Risalah fi Ri'ayat al-Maslahah*).

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This limitation shows that at-Thufi, although appearing radical in some aspects of his thought, remains committed to the basic framework of the law and rejects a purely utilitarian approach that ignores the authority of sacred texts.

AT-THUFI'S CONCEPT OF MAQASHID AS-SYARI'AH AND OTHER MAQASHID SCHOLARS

A. Comparison with Al-Ghazali

Imam al-Ghazali (450-505 H/1058-1111 CE) is one of the important figures in the development of Maqashid theory before at-Thufi. In his work *al-Mustashfa*, al-Ghazali developed the concept of *maslahah mursalah* and divided it into three levels: *dharuriyyat* (primary needs), *hajiyyat* (secondary needs), and *tahsiniyyat* (tertiary needs).

The fundamental differences between at-Thufi and al-Ghazali lie in several aspects:

1. **Position of Maslahah** - Al-Ghazali places *maslahah* as a secondary proof that must align with the *nas* and cannot precede it, while at-Thufi dares to place *maslahah* as a primary proof that can precede the *nas* under certain conditions.
2. **Authority of Reason** - Al-Ghazali considers that reason cannot independently identify *maslahah* without revelation guidance, while at-Thufi gives greater authority to reason in identifying benefit.
3. **Application of Maslahah** - Al-Ghazali establishes strict conditions for the application of *maslahah mursalah*, namely it must be *dharuriyah* (primary), *qat'iyyah* (certain), and *kulliyyah* (universal), while at-Thufi is more flexible by not requiring these criteria.
4. **Scope** - Al-Ghazali does not distinguish between worship and muamalah in *maslahah* application, while at-Thufi explicitly limits his *maslahah* application to the field of muamalah only.

B. Comparison with Al-Syatibi

Imam al-Syatibi (730-790 H/1330-1388 CE), who lived after at-Thufi's era, is considered as the figure who perfected Maqashid theory in his work *al-Muwafaqat*. Several important comparisons between their thoughts include:

1. **Epistemological Approach** - Al-Syatibi developed an inductive approach (*istiqrā'*) in understanding Maqashid, while at-Thufi more emphasized rational-deductive approaches.
2. **Universality of Maqashid** - Al-Syatibi developed a more comprehensive and universal Maqashid theory, covering five fundamental aspects (*al-kulliyyat al-khams*): protection of religion, life, reason, lineage, and property. At-Thufi did not develop a similar classification, but focused more on the concept of *maslahah* as a single principle.

3. **Relationship between Text and Maslahah** - Al-Syatibi emphasizes harmony between text and benefit, asserting that shari'ah texts are always in line with benefit, so there cannot be a real conflict between them. Conversely, at-Thufi acknowledges the possibility of conflict between text and benefit, and in such cases, he prioritizes benefit.
4. **Practical Implementation** - Al-Syatibi offers a more systematic and comprehensive methodological framework for applying Maqashid in legal ijtiḥad, while at-Thufi focuses more on the philosophical and theoretical aspects of the concept of *maslahah*.

C. Scholars' Responses to At-Thufi's Thought

At-Thufi's thought about prioritizing *maslahah* over *nas* and *ijma'* generated various responses from scholars, both his contemporaries and later generations:

1. **Criticism and Rejection** - A number of scholars such as Ibn Rajab al-Hanbali, Ibn Hajar al-Asqalani, and al-Tufi rejected at-Thufi's thought by considering it too liberal and potentially damaging to the authority of sacred texts. They highlighted that at-Thufi's approach could open the door to legal relativism and reduce the authority of revelation.
2. **Defense and Reinterpretation** - Some modern scholars such as Mustafa Zaid, Muhammad Sa'id Ramadhan al-Buti, and Husein Hamid Hassan attempted to understand at-Thufi's thought in a broader context and offered more moderate interpretations. They argued that at-Thufi did not intend to ignore the authority of the *nas*, but offered a methodology for understanding the *nas* within the framework of its broader objectives.
3. **Critical Appreciation** - A number of contemporary reformist thinkers such as Muhammad Abduh, Rashid Rida, and Yusuf al-Qaradawi appreciated at-Thufi's contribution to the development of Maqashid theory, while remaining critical of some aspects of his thought. They saw at-Thufi's thought as a valuable contribution to efforts at Islamic legal methodology reform.

Interestingly, although at-Thufi's thought was marginalized in classical Islamic legal discourse, his thinking experienced revitalization in the modern era when Muslim scholars sought theoretical foundations to respond to rapid social change (Opwis, 2010).

APPLICATION AND RELEVANCE OF AT-THUFI'S THOUGHT IN CONTEMPORARY CONTEXT

A. Methodological Contribution in Islamic Law Development

At-Thufi's thought provides significant methodological contributions in contemporary Islamic law development, particularly in several aspects:

1. **Teleological Approach** - At-Thufi offers a goal-oriented approach (*teleological approach*) in understanding and applying shari'ah, which is highly relevant in the context of complex modern society.

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2. **Legal Flexibility** - The concept of prioritizing *maslahah* provides room for Islamic law flexibility in facing ever-changing situations and conditions, without losing its identity as revelation-based law.
3. **Reconciliation of Revelation and Reason** - At-Thufi offers a model of reconciliation between revelation authority and human reason capability, which can be a middle way between textualist and liberalist approaches in Islamic legal thought.
4. **Revitalization of Ijtihad** - At-Thufi's thought encourages ijtihad revitalization by providing a methodological framework that considers contemporary social reality in the legal determination process.

B. Application in Contemporary Issues

At-Thufi's concept of *maslahah* has practical applications in various contemporary issues, including:

1. **Family Law Reform** - At-Thufi's thought has inspired family law reform in various Muslim countries, particularly regarding the protection of women's and children's rights. For example, polygamy restrictions based on benefit considerations in Tunisia and Morocco, and divorce law reforms in various countries that provide greater protection for women.
2. **Islamic Economics and Finance** - In the development of contemporary Islamic financial systems, at-Thufi's *maslahah* concept provides theoretical foundations for financial instrument innovations that are adaptive to modern needs but remain consistent with shari'ah principles. Examples include the development of sukuk, takaful, and various Islamic banking products that adapt conventional financial structures with modifications based on benefit principles.
3. **Bioethics and Medicine** - In the field of bioethics, at-Thufi's approach allows more flexible responses to issues such as organ transplantation, assisted reproductive technology, and genetic engineering, by considering patient and societal benefit as the primary consideration.
4. **Islamic Political Thought** - At-Thufi's benefit principle has been applied in efforts to reconcile traditional Islamic political concepts with modern democratic principles, emphasizing that political systems that protect citizens' rights and ensure general welfare align with the benefit that is the objective of shari'ah.
5. **Environmental Issues and Sustainable Development** - At-Thufi's *maslahah* concept provides an ethical framework for facing contemporary environmental challenges, by considering long-term benefits for future generations as part of shari'ah objectives.

Conclusion

At-Thufi's thought on Maqashid as-Syari'ah centers on the concept of *maslahah* as the primary objective of Islamic law, with emphasis on the priority of benefit in the field of *muamalah* when conflicts arise with *shar'i* proofs. At-Thufi's concept of *maslahah* is built on four fundamental principles: reason's ability to identify benefit, *maslahah* as an independent *shar'i* proof, the application of *maslahah* limited to the field of *muamalah*, and *maslahah* as the strongest proof in legal determination. Although appearing radical in some aspects, at-Thufi's thought actually remains within the framework of *shari'ah* with the limitation of *maslahah* application domain and the method of prioritizing *maslahah* through *takhsis* and *bayan*, not by totally ignoring the *nas*.

At-Thufi's thought offers an alternative paradigm in Islamic legal methodology that emphasizes teleological and benefit-based approaches, which can be a middle way between textualist and liberalist approaches. The contribution of at-Thufi's thought lies in his effort to balance obedience to revelation authority and responsiveness to social change, making it relevant in contemporary Islamic law development discourse.

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