

Criteria of Maslahah in the Three Arenas of Inference, Legislation, and Implementation

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| Article Info | ABSTRACT |
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| Article type: Research Article | Ambiguity in the concept of maslahah has allowed many actors to claim that they act in accordance with it. Clarifying criteria for identifying maslahah is therefore essential. Although various criteria have been proposed, they have often not been matched to the role of maslahah in different arenas. This descriptive-analytical study, based on library sources and the Islamic epistemic system, identifies five functions of maslahah: the criterion underlying the object of rulings, the subject of governmental rulings, a qualification of the object of a ruling or law, a secondary title, and a remover of conflict between duties. These functions are examined in the three arenas of inference, legislation, and implementation. In inference, maslahah is identified through revelation, reason, and rational custom. In legislation, criteria are divided into foundational, structural, and substantive categories. In implementation, foundational and substantive criteria apply where maslahah qualifies the object of a ruling or law; harm and necessity, hardship and difficulty, and the rule of more important and important govern secondary titles and conflicts. |
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Introduction

Maslahah is a central concept in individual and social life and occupies a significant position in Shi'i fiqh. It is especially important in the Islamic Republic of Iran, where law and governance are grounded in Islamic norms. Yet ambiguity in the definition and diagnosis of maslahah has led to different and sometimes conflicting uses. Existing literature on criteria of maslahah has often failed to distinguish the different functions and arenas in which the concept is applied. This article seeks to identify the criteria of maslahah in the arenas of legal inference, legislation, and implementation.

Methodology

The research uses a descriptive-analytical method and draws on library sources, including fiqhi, usuli, legal, and philosophical texts. It extracts and evaluates different views on maslahah and organizes the criteria within a systematic framework.

Literature Review

Previous works include studies on criteria of maslahah in Shi'i fiqh, social maslahah in Imami fiqh, maslahah in criminal policy, and the book *Fiqh and Maslahah*. However, these works have not examined the criteria separately across the three arenas of inference, legislation, and implementation. The present article offers a new structure for the discussion.

Findings

Maslahah linguistically denotes soundness and the opposite of corruption; it refers to what brings benefit or prevents harm. In the Islamic fiqhi-legal system it has five functions: criterion of the object of a Shari'ah ruling, subject of governmental rulings, qualification of the object of a ruling or law, secondary title, and remover of conflict. In inference, maslahah is reached from the effects to the cause because rulings disclose real interests. Revelation, reason, and rational custom are the sources for identifying it, subject to conditions. Rational custom is relevant where sound reason has no independent perception, the Shari'ah has not directly intervened, and religion has referred the matter to customary rationality or approved an existing practice.

Discussion

In legislation, maslahah as the subject of governmental rulings must satisfy foundational, structural, and substantive criteria. Foundational criteria include conformity with Shari'ah, rationality, rights-orientation, justice, anthropological principles, and human dignity. Structural criteria concern the nature and function of law, including generality, attention to the public, attention to Muslims and believers, coherence, proportionality, and

practicability. Substantive criteria examine the subject itself and factors affecting it, especially time and place. In implementation, maslahah may qualify the object of a ruling or law, operate as a secondary title through harm, necessity, hardship, or difficulty, or resolve conflicts through the rule of the more important and the important.

Conclusion

The article concludes that maslahah must be evaluated according to its function and arena. In inference, it is the real criterion of Shari'ah rulings and is identified through revelation, reason, and rational custom. In legislation, it is the subject of governmental rulings and requires foundational, structural, and substantive criteria. In implementation, it appears as a qualification of the object of a ruling or law, as a secondary title, and as a means of resolving conflicts. This classification reduces conceptual confusion and provides a more precise framework for jurists, legislators, and officials.

Declarations

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