



Analysis of the Concept of Maslahah in the Tradition of Giving Money to Mourners in Gambiran Village, Pamotan District, Rembang Regency

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ABSTRACT This study examines the tradition of giving mandatory money to mourners carried out by the Gambiran Village, Rembang Regency community, using the <i>Maslahah</i> concept. Tradition is everything passed down from generation to generation by previous generations in the form of symbols, guidelines, or rules of life, objects, policies, or magical things that provide legitimacy or basis for worldview, beliefs, and community life institutions. This study aims to analyze the traditional practice in Gambiran Village, Rembang Regency, and the social and spiritual benefits of the tradition. This research is field research conducted to understand the phenomena experienced in the field. The results showed that the tradition of giving compulsory money for mourners carried out by the Gambiran Village, Rembang Regency community has no definite religious basis in the Qur'an or hadith. The practice is a form of muamalah among the community to build a sense of mutual help that positively impacts the community. However, in its implementation, not a few of the people who carry it out feel forced. Based on the concept of <i>Maslahah</i>, the element of benefit caused by implementing the tradition of giving mandatory money for mourners in Gambiran Village, Rembang Regency, is still individual. This tradition can still be accepted as a form of culture as long as its implementation does not contradict the provisions of Shari'ah. Keywords: <i>Tradition, Compulsory Money, Maslahah</i>			

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INTRODUCTION

Indonesia is a country consisting of various ethnic groups and nations. According to data from the Central Bureau of Statistics, there are more than 1.300 ethnic groups spread throughout the archipelago, and different cultural customs remain preserved to this day (Badan Pusat Statistik, 2024). One of the traditions found in Indonesia is the implementation of Ta'ziyah, which involves providing mandatory money for mourners in Gambiran Village, Pamotan District, Rembang Regency.

Tradition can generally be defined as customs that have been practiced for a long time and continuously, becoming part of the lives of a group of people in a country, culture, time, and religion. Traditions are usually passed down from generation to generation through oral information in the form of stories or written information in ancient books (Madkan & Mumtahana, 2022). Meanwhile, according to the KBBI (Big Indonesian Dictionary), tradition is a custom from ancestors still practiced in society (Kamus Besar Bahasa Indonesia, t.t.). Islam is not a culture or tradition, so it must be understood that Islam is not anti-culture or anti-tradition as long as it does not conflict with Sharia law. Therefore, Islam is more prudent, collective, and selective towards customs and traditions.

Ta'ziyah, according to the four madhhabs, is an order of patience for the family left behind, and also a warning to us who are still alive of death, and praying for the deceased so that Allah forgives him. Ta'ziyah can be interpreted as a form of comforting or encouraging the bereaved family to be patient and not dissolve in contemplating the grief of the disaster they received (Winarno, 2020). Ta'ziyah is included in the form of mu'amalah between humans because Ta'ziyah (comforting) is the family of the corpse, which has been prescribed in Islam. After all, when Ta'ziyah we can say words that make family calmer.

Based on the agreement of scholars, Ta'ziyah to the deceased's family is sunnah. The legal basis for the permissibility of Ta'ziyah is found in the words of the Prophet, which means as follows: *"No believer makes ta'ziyah to his brother in a disaster, unless Allah will give him a garment of honor on the Day of Judgment"* (Rahmiati, 2020). The hadith explains that when someone is present to comfort his believing brother in his calamity, Allah will dress him in green jewelry that can delight him on the Day of Judgment. The hadith is sahih, because the Rasulullah also said this was a pleasant thing on the Day of Judgment.

The implementation of Ta'ziyah in Gambiran village, Pamotan sub-district, cannot be separated from the influence of culture and traditions among the community, where the bereaved family gives the mourner a compulsory amount of money. The tradition is still carried out and preserved by the community, which aims to provide alms where the merit of the mourner's fee is intended for the corpse. According to the fatwa of the Tarjih Council of Muhammad, every individual who has died can no longer earn merit. The reward received by each individual comes solely from the charity or effort that has been done during their lifetime. Therefore, after death, there is no more opportunity for humans to do good deeds that can bring rewards as they did when they were alive (Ilham, 2022).

Seeing that the provision of wages for mourners is still preserved can create a problem among the community, especially since not everyone in the area comes from well-off families. So, not a few people are forced to fulfill the demands of the tradition. This is done to avoid negative comments from the surrounding community, so the obligations that should be completed by the deceased's family, such as debt repayment, inheritance, and wills, are neglected.

Based on the explanation above, implementing the tradition of giving mandatory money to mourners needs to be reviewed to give the community an understanding of the

benefits. Most people do it only because of taklid without knowing the legal basis. Therefore, the author feels the need to examine this issue by analyzing it based on the concept of *Maslahah*. The concept of *Maslahah* has conditions that must be met when making it legal, including the fact that the benefit must be universal, namely general, not individual (Muhajirin & Dedu, 2021). Regarding the problems in Gambiran village, with the preservation of the tradition of giving mandatory money for mourners, it must be seen whether the benefits generated are general or only felt by some parties. The benefits determined must be precise, not by conjecture.

RESEARCH METHODOLOGY

This research is field research, a method for collecting data from research subjects at the research location related to the issue being studied. This research was conducted by understanding the phenomena experienced within the research object, such as behavior, opinions, and actions. The field research was conducted by exploring data from the research location, namely, that related to the traditional practice of giving money to mourners in the Gambiran, Pamotan sub-district, Rembang district.

The approach used in this research is a qualitative method, which is used to study natural conditions, where the researcher is the key instrument. Data collection is carried out using triangulation (combination), and data analysis is inductive. Qualitative research results emphasize meaning rather than generalization (Prof. Dr. Sugiyono, 2020).

The data sources used in conducting the research were divided into two types: primary and secondary. Primary data sources included interviews with respondents who were religious leaders, village officials, and community leaders. In addition, secondary data sources consisted of books and journals discussing the research.

Research data sources were obtained using various data collection techniques, including interviews, observation, and documentation. Furthermore, the researcher analyzed the data qualitatively to present, describe, and explain the data collected and then analyzed. The method of thinking used is the deductive method, which is a method of studying a phenomenon from a general or broad perspective to obtain rules that apply in the field that are more specific to the phenomenon being studied (Fazari Zul Hasmi Kanggas, 2025).

RESULT AND DISCUSSION

A. The Concept of *Maslahah*

1. Definiton of *Maslahah*

The word *Maslahah* in terms of language means benefit, namely something that gives benefit. This word is taken from the word "shalaha" which means good. This word indicates people, objects or conditions that are considered good. This word is often used in the Quran in its various derivations, such as shalih and shalihat (Mukhsin Nyak Umar, 2017). Etymologically, the word *Maslahah* is defined as goodness, usefulness, appropriateness, feasibility, harmony. The word *Maslahah* is

sometimes contrasted with the word al- mafsadah and sometimes with the word al-madharah which means damage (Sup, 2023).

The scholars have different definitions of *Maslahah*, but all views have the same essence. Imam al-Ghazali defines it as the achievement of benefits and the prevention of harm, which is the goal for every creature. However, the central concept of *Maslahah*, as referred to by al-Ghazali, is the preservation of the objectives of sharia (Sutikno dkk., 2023). This includes maintaining and protecting religion, soul, mind, lineage and property. Al Khawarizmi gives a narrower definition of *Maslahah* than al-Ghazali but still has the same essence. According to al-Khawarizmi al-*Maslahah* is maintaining the purpose of shari'a in establishing the law by avoiding damage from humans (Taufiq, 2022).

From several definitions of al-mashlahah with different formulations above, it can be concluded that there is a similarity of perception between scholars with one another, that what is meant by al-mashlahah in the understanding of shari'a is a benefit that is considered reasonable by common sense, because it brings goodness and avoids damage to humans. It is in line with the objectives of sharia in establishing the law. In other words, they associate benefit with the purpose of shari'a, and agree that benefit is limited to achieving benefits and avoiding harm and misfortune (Taufiq, 2022).

2. Legal Basis

Scholars have diverse views on *Maslahah* as a basis for determining the law. Although some consider it one of the sources of Islamic law, some groups reject it. This rejection comes from the Dzahari madhhab, Shi'ah, and several figures such as al Amidi and ibnu al Hajib. The scholars who refuse to make *Maslahah* a source of Islamic law argue that the Shari'a is perfect. Hence, there is no need to use *Maslahah* because it can lead to misuse and differences in interpretation.

The majority of scholars who agree that *Maslahah* is a source of Islamic law base their views on the purpose of the Shari'a, which is to bring mercy and ease to its people. Many laws of the Shari'a are based on considerations of benefit. The arguments for the recognition of *Maslahah* include Al-Qur'an Surah Al-Anbiya verse 107 which means "*We did not send you (Prophet Muhammad), except as a mercy for all the worlds*" (Kementrian Agama, 2019), and Surah Yunus verse 57 which means "*O man, indeed there has come to you a lesson from your Lord and a cure for the diseases that are in the chest and guidance and mercy for those who believe*" (Kementrian Agama, 2019).

The above verse explains how the concept of *Maslahah* has been hinted at in the nash and hadith of the prophet Saw. However, understanding the concept of *Maslahah* may not always be understood directly, it requires a certain level of intellect to understand it clearly. Although *Maslahah* has been mentioned in the word of Allah, Abu Zahroh argues that not everyone can easily understand its essence. Some individuals may still feel unclear or different views on the essence of *Maslahah* (Safriadi, 2021).

3. Conditions of *Maslahah*

In Islam, scholars have established criteria and conditions for assessing what is considered a benefit. This approach is carried out carefully and cautiously to ensure that the assessment of benefits is not based on human speculative influences, individual interests and lust. The aim is to maintain the essence of determining the benefits or benefits for the people to avoid biased interpretations by individual desires. This is a form of commitment in maintaining the integrity of Islamic law. These requirements include; (Safriadi, 2021)

The benefit should be a benefit for which no evidence rejects it.

- a. It must be a *maṣlaḥah* that can be ascertained, not vague.
- b. The *maṣlaḥah* should be general.

In addition, there is a view of Imam Malik which al-Syatibi reduces regarding the conditions for using *Maslahah* as a method of determining the law, namely; (Basri, 2020)

- a. The benefit must be reasonable (*ma'qulat*) and relevant to the legal case.
- b. *Maslahah* must be a guide in maintaining something that is principle in life and eliminating difficulties (*masyaqqât*) and welfare.
- c. The benefit must align with the intention of legislation and not contradict the *qat'î shara'î* evidence

Furthermore, Imam al-Ghazali has determined that *Maslahah* can be used as an argument in *istinbat* law must meet the following conditions; (Basri, 2020)

- a. The benefit is included in the level or category of basic needs (*darûriyyât*). To determine whether a *Maslahah* level must be considered, whether it will destroy or damage the five basic elements.
- b. The benefit must be specific and not based on mere conjecture (*zan*). That is, it must be believed that something contains a benefit;
- c. The benefit must be universal, i.e. a benefit that applies generally and for the benefit of the collective, so it cannot be individual and partial;
- d. The benefit must align with Islamic law's legislative intent.

4. Classification of *Maslahah*

In terms of importance and quality of the scholars classify *Maslahah* to three levels, namely: *al-Maslahah al-Dharuriyah* or primary problems, *al-Maslahah al-Hajiyah* or secondary benefits and *al-Maslahah al-Tahsiniyah* or tertiary benefits (Dahlan, 2016). *First*, *Al-Maslahah al-Dharuriyah* or primary benefits important concepts related to basic human needs. This includes everything essential for every individual's life in this world and hereafter. So that human life has no meaning if these benefits and five principles are not fulfilled. The five principles are maintaining religion, soul, mind, lineage, and property. *Second*, *Al-Maslahah al-Hajiyah* or secondary benefits are individual human needs that facilitate life and alleviate difficulties. Its primary purpose is to protect and maintain the five basic principles in Islam.

Third, Al-Maslahah al-Tahsiniyah or tertiary benefits are essential for humans to uphold morals and manners. This benefit plays a role in carrying out various things better. The absence of tahsini elements in a law can cause deviation from common sense and human nature. So this benefit emphasizes the importance of goodness and improvement to maintain individual morality and spirituality. In addition, the scholars divide *Maslahah* into three types, namely.

First, *Maslahah mu'tabarah*: *Maslahah* that is taken into account by shari', meaning that there are direct or indirect instructions from shari' that indicate the existence of *Maslahah* which is the reason for determining the law. Second, *Maslahah mulghah*: *Maslahah* that is considered good, reason but not taken into account by shari' and there is shari' guidance that rejects it. For example, a king or a rich man who has intercourse with his wife during the day during the fasting month, for the sanction is ordered to fast two consecutive months. Third, *Maslahah mursalah*: namely what is considered reasonable by the intellect in line with the objectives of the sharia in determining the law, but no shari' guidance rejects it (Darmawati, 2019).

B. Implementation of the Tradition of Giving Mandatory Money for Mourners in Gambiran Village

Gambiran is a village located in Pamotan sub-district, Rembah Regency, Central Java, where most of the population is Muslim. Gambira village has various traditions inherited by its predecessors, including obligatory money for mourners. The people of Gambiran Village still practice this tradition of giving alms to mourners intended for the deceased. In addition, compulsory money for mourners is a form of gratitude to the mourners who are present to pray for the deceased.

Tardisi has been passed down by predecessors or ancestors from generation to generation through symbols, principles, materials, objects or a policy. However, a tradition that has been passed down can change and survive as long as the tradition is still following the relevant situation or condition and with changing times. The definition of ta'ziah in Islam is to comfort someone who has been hit by a disaster or a family that needs to be comforted and also advise the family to remain patient in facing the disaster and also pray for the family left behind to be given a better replacement (Winarno, 2020).

In general, ta'ziah activities carried out by Indonesian people are bringing various foodstuffs such as rice and so on. But different things happen in Gambiran Village, where mourners are given cash by the bereaved family, commonly called sholawat money. The money is provided at various times for men and women, and the amount varies according to the family's ability. Giving mandatory money for mourners has no basis in religious law. However, local religious leaders see this tradition as similar to the concept of bisyaroh, which is a form of gratitude for the prayers offered for the deceased. So as the family of the deceased, it is recommended to give alms to mourners on behalf of the deceased as a form of "تصدق بي الميت".

Although implementing the tradition is optional and depends on the family's ability, many people fulfill it to avoid unfavorable prejudice. However, if the

community wishes to keep the tradition, it is recommended that it be done in cooperation. This collaborative approach aims to strengthen the bonds of brotherhood between Gambiran villagers. So this tradition can be seen as a form of social practice that strengthens relationships between residents rather than as a binding religious law.

C. *Maslahah* Analysis of the Tradition of Giving Compulsory Money for Mourners in Gambiran Village, Pamotan Subdistrict, Rembang Regency

For the people of Gambiran village, the meaning of Ta'ziyah is a form of respect for the deceased and support for the bereaved family. It is a form of togetherness and mutual help between people who get disaster. Meanwhile, Ta'ziyah in Islam is comforting someone who has been hit by a disaster or a family that needs to be comforted and also advising the family to remain patient in facing the disaster and also praying for the family left behind to be given a better replacement (Winarno, 2020).

The practice of Ta'ziyah in Gambiran Village cannot be separated from a tradition that previous people have passed down. Giving compulsory money to mourners in Gambiran village is a form of tradition that does not have a clear religious legal basis. Therefore, there is a need for further study of this matter so that the tradition carried out has a clear religious legal basis and benefits the community by the purpose of Ta'ziyah.

Maslahah is one of the fiqhiyyah rules that focuses on maintaining essential things stipulated by Sharia. This refers to protecting five fundamental principles: religion, life, reason, offspring, and property. Therefore, any action or endeavor that supports and safeguards these five principles is considered *Maslahah*, which benefits individuals and society. It is important to note that the application of the concept of *Maslahah* must meet specific criteria to remain in line with Islamic teachings.

The tradition of giving compulsory money for mourners in Gambiran Village is a form of charity on behalf of the deceased. However, the hadith HR Muslim no 1936 means *"When one man dies, all his deeds are cut off except for three things: fingeryah alms, knowledge that benefits him, and righteous children who always pray for him"* (al- Nawawi). This hadith explains the Islamic view on the deeds and prayers for the dead. It is demonstrated that there are three things whose deeds are not interrupted after death, including sadaqah jariyah, practical knowledge and the prayers of pious children. Ibn Taymiyyah argues that the prayers and actions of the living can benefit those who have passed away, based on the absence of evidence that denies it in the Qur'an and Sunnah. Furthermore, the scholars agree that the benefits of prayer for the dead are based on valid evidence (Wawan Djunaedi Soffandi, t.t.).

As explained above, the belief of the deceased can benefit from the actions of the living. So it is specifically explained that the tradition of giving compulsory money to mourners is a form of effort by the bereaved family to do good deeds for the sake of the deceased. However, it should be emphasized that the implementation of this tradition must first prioritize the completion of obligations related to the deceased, such as the settlement of debts and credits, the distribution of inheritance

and the execution of wills. As the hadith narrated by at-Tirmidzi number 1079 which means *"The soul of a believer depends on his debt until his debt is paid"* (HR. Tirmidzi) (Andriyana, 2020).

The hadith above explains that debt repayment is significant and must be prioritized, because a person's soul depends on the debt repaid. In addition, the essence of Ta'ziyah is to provide moral support and patience for relatives or families left behind. So this reminds us that the traditional practice of giving mandatory money for mourners does not allow overriding the sunnah and the essence of Ta'ziyah. Abdullah Ibn Jakfar in his hadith said, which means *"I recommend for the neighbors of the deceased or his relatives to make food on the day of death and the night, because it is a sunnah, a noble dhikr and is among the deeds of ahlul khair before us and after us"*.

The hadith states that after ja'far was informed of his death, the Prophet said that the Apostle asked to make food for ja'far, because they were being visited by a matter that preoccupied them. The implementation of Ta'ziyah is better if someone present brings food to the deceased's family because they are in distress. Still, if on that day the tradition of giving mandatory money for mourners is also carried out, it is feared that it can make the family left behind busy with things that can make themselves difficult.

The practice of giving compulsory money for mourners in Gambiran village provides several benefits, both spiritually and emotionally. One of them is the intention of alms intended for the deceased and gratitude for assisting others on behalf of the deceased. However, this tradition also has a negative impact, namely when the family left behind is poor and does not have enough money to carry it out. In addition to financial means, different understandings of this tradition can lead to family disputes. So that it will make the family busy prioritizing a tradition that has no basis in religious law rather than prioritizing other mandatory things that must be fulfilled, such as paying off debts, carrying out wills and inheritance.

The benefit of implementing the tradition of establishing compulsory money for mourners is still individual. This is based on the fact that some families only feel the benefit. Meanwhile, if you look at the requirements of the *Maslahah* rule, the benefit must be general and not individual. As the conditions explained by Wahbah Zuhaili in his book entitled *Ushul Fiqh*, namely: 1. The benefit is a benefit that is essential not just a guess, 2. *Maslahah* mursalah should be a general benefit and not individual 3. The existing benefit must be in line with Sharia and not allowed by the *qhot'i nash* (Wahbah Az-Zuhaili, 2021).

CONCLUSION

Ta'ziyah in Islam is to comfort someone who has been hit by a disaster or a family that needs to be comforted and advise the family to remain patient in dealing with it and pray for the family left behind to be given a better replacement. Ta'ziyah's practice in Gambiran village cannot be separated from a tradition that previous people have passed

down. Giving compulsory money for mourners in Gambiran village is a tradition with no clear religious or legal basis. The practice of giving compulsory money for mourners in Gambiran village provides several benefits, both spiritually and emotionally. One of them is the intention of alms intended for the deceased and gratitude for assisting others on behalf of the deceased. However, this tradition also has a negative impact, namely when the family left behind is poor and does not have enough money to carry it out. In addition to financial means, different understandings of this tradition can lead to family disputes. So that it will make the family busy prioritizing a tradition that has no basis in religious law rather than prioritizing other mandatory things that must be fulfilled, such as paying off debts, carrying out wills and inheritance. The benefit arising from the implementation of the tradition is still individual. This is based on the fact that some families only feel the benefit. Meanwhile, if you look at the requirements of the *Maslahah* rule, the benefit must be general and not individual. As the conditions explained by Wahbah Zuhaili in his book entitled *Ushul Fiqh*, namely: 1. The benefit is a benefit that is essential not just a guess, 2. *Maslahah* mursalah should be a general benefit and not individual, 3. The existing benefit must be in line with Sharia and not allowed by the Qhot'i Nash. This tradition can still be accepted as a form of culture and tradition as long as its implementation does not conflict with the provisions of Islamic law.

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