



Judicial Perceptions of Maslahah in Islamic Economic Dispute Resolution in Indonesia: A Phenomenological Study

Habibi

Universitas Islam Negeri Syekh Ali Hasan Ahmad Addary Padangsidempuan, Indonesia

habibi.hum@gmail.com

Article Info

Article history:

Received 29-03-2025

Revised 06-05-2025

Accepted 17-05-2025

Keyword:

Phenomenology, Maslahah, Judicial Experience, Islamic Economic Law, Religious Court, Legal Reasoning

ABSTRACT

Despite the increasing use of ethical principles like *maslahah* (public interest) in Islamic legal systems, there remains limited empirical understanding of how judges interpret and apply this concept in practice. This study aims to fill that gap by examining how Indonesian Religious Court judges perceive and implement *maslahah* in resolving Islamic economic disputes. Islamic legal systems increasingly rely on ethical principles such as *maslahah* (public interest) to guide judicial reasoning in complex economic disputes. While jurisprudential texts outline the theoretical framework of *maslahah*, empirical insights into its courtroom application are scarce. This study addresses that gap by asking: how do Religious Court judges perceive and experience the application of *maslahah* in resolving Islamic economic disputes? Using a descriptive phenomenological approach, this research explores the lived experiences of judges to uncover the essential meanings underlying their legal decisions. Data were collected through in-depth, semi-structured interviews with ten Indonesian Religious Court judges, then analyzed thematically through eidetic reduction. The findings reveal that judges perceive *maslahah* as a multi-layered construct encompassing legal integrity, moral duty, and spiritual accountability. They interpret and apply *maslahah* through a dynamic process that integrates textual law with ethical reflection and contextual reasoning. These insights demonstrate that the practice of Islamic adjudication is not merely rule-based but profoundly interpretive and value-laden. This study enhances our understanding of ethical reasoning in Islamic law and provides a methodological foundation for further phenomenological inquiries into legal decision-making across Islamic jurisdictions.



©2025 Authors. Published by PT Mukhlisina Revolution Center.. This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License. (<https://creativecommons.org/licenses/by/4.0/>)

INTRODUCTION

In contemporary Islamic legal discourse, the resolution of economic disputes has increasingly drawn upon the principle of *maslahah*—a concept rooted in the *maqāṣid al-sharīʿah* (objectives of Islamic law) that emphasizes the pursuit of public benefit and the prevention of harm. Within the legal system of Indonesia, where Islamic economic practices coexist with state-sanctioned regulations, Religious Court judges are often faced with the complex task of interpreting and applying *maslahah* in a rapidly evolving socio-economic environment.

This complexity becomes especially apparent in disputes involving contracts such as *murābahah*, *mudhārabah*, and *ijārah*, where judges must reconcile legal texts with ethical reasoning. As the Islamic economy grows, so does the frequency and intricacy of such cases. However, there is limited empirical insight into how judges perceive and operationalize *maslahah* in actual courtroom settings. This raises the central research question: how do Indonesian Religious Court judges understand and apply the principle of *maslahah* in the adjudication of Islamic economic disputes?

Addressing this question is crucial for understanding the interpretive frameworks that underlie judicial reasoning in Islamic legal systems and for illuminating how ethical values are integrated into formal legal decisions. This phenomenon is particularly significant in the Indonesian context, where Religious Court judges operate within a dual legal framework—balancing statutory law with Islamic legal norms. Their decisions reflect not only legal judgment but also moral reasoning, cultural

sensitivity, and religious accountability. The subjective dimension of how judges experience this interpretive process remains underexplored, despite its profound implications for the integrity of Islamic justice and the lived experiences of disputants seeking fair resolution.

Given this backdrop, there is a critical need to explore how Religious Court judges internalize, interpret, and apply the principle of *maslahah* within their judicial reasoning. Such exploration requires a methodological lens that centers the personal, moral, and experiential realities of those involved. Phenomenology, with its focus on lived experience and meaning-making, provides a suitable approach to uncovering the deeper layers of judicial perception and practice that shape the implementation of Islamic legal values in contemporary courts.

Over the past two decades, scholarly attention has increasingly turned to the experiential dimensions of legal decision-making, particularly in religious and ethical contexts. Research into how judges interpret and apply Islamic legal principles, such as *maslahah*, has underscored the importance of understanding the cognitive, emotional, and spiritual processes that underpin judicial reasoning. However, much of the existing literature has focused on doctrinal or normative analyses, often overlooking the subjective experiences of legal actors themselves.

A significant challenge in this domain lies in the methodological limitations of conventional legal research, which frequently relies on textual analysis or statistical data to evaluate legal outcomes. While these methods offer valuable structural insights, they fall short in capturing the depth of human experience, especially in settings where personal belief, moral responsibility, and contextual judgment converge. Quantitative frameworks, in particular, are ill-equipped to reveal the internal deliberations and ethical tensions faced by judges when invoking *maslahah* in complex economic disputes.

This gap in methodology has limited the ability of researchers to fully comprehend how *maslahah* is experienced—not merely applied—as a living principle within the adjudicative process. Judges do not operate solely as neutral interpreters of law; they engage with a dynamic interplay of legal texts, cultural norms, religious obligations, and personal values. Capturing this intricate landscape requires a phenomenological lens—one that prioritizes meaning, subjectivity, and lived experience over abstraction or generalization. By doing so, it becomes possible to grasp the essential nature of how Islamic legal values are embodied and enacted in contemporary judicial settings.

In current judicial practice, the application of *maslahah* in Islamic economic dispute resolution is generally approached through doctrinal analysis, codified legal frameworks, and standardized jurisprudential guidelines. These approaches emphasize legal consistency and procedural clarity, offering practical solutions rooted in statutory interpretation and classical *fiqh*. While valuable in upholding formal legal order, such methods often fail to illuminate the underlying experiential and interpretive dimensions that shape judicial decisions.

The prevailing reliance on normative or text-based analysis has led to an insufficient understanding of how judges perceive, negotiate, and internalize the principle of *maslahah* within real courtroom contexts. The subjective realities—such as moral tension, spiritual responsibility, and ethical deliberation—that inform the judge's decision-making process are typically omitted from quantitative studies or overly abstract jurisprudential discussions. As a result, the essence of how *maslahah* is lived and enacted as a guiding legal principle remains underexplored and under-theorized.

To bridge this gap, a phenomenological approach offers a compelling alternative. By focusing on the lived experiences of judges, phenomenology allows for a deeper engagement with the personal and contextual meanings embedded in legal reasoning. This methodological shift enables a holistic exploration of *maslahah* not just as a theoretical ideal, but as a dynamic and embodied practice situated within the cultural, ethical, and spiritual realities of the Islamic judiciary.

Previous studies have addressed the principle of *maslahah* largely from doctrinal and jurisprudential perspectives. While some scholars have explored the theoretical underpinnings of *maqāṣid al-sharī'ah*, few have examined how judges personally interpret and implement *maslahah* in daily adjudication. Research in Islamic legal theory often relies on textual analysis or normative argumentation, leaving the subjective experiences of legal practitioners underrepresented. In contrast, recent phenomenological studies in law and religion highlight the value of exploring how individuals

experience ethical and legal reasoning in complex contexts. These studies show the importance of meaning-making in legal practice, particularly where law intersects with personal belief and moral responsibility.

This study adopts a descriptive phenomenological approach to investigate the lived experiences of Religious Court judges in interpreting *maslahah*. The method was selected for its ability to capture the essence of experience without imposing external theoretical frameworks. By focusing on first-person narratives, this approach responds directly to the identified knowledge gap, offering insight into how *maslahah* is understood and practiced by judges themselves. Through thematic analysis, the study identifies key patterns and meanings in how judges apply ethical judgment within the bounds of Islamic law. This allows a deeper understanding of the interplay between law, spirituality, and decision-making in Islamic economic disputes.

The article is structured in several sections. It begins with an introduction that frames the phenomenon and contextualizes the study. This is followed by a detailed explanation of the phenomenological method used, including data collection through in-depth interviews and thematic analysis. The results section presents the emergent themes supported by participants' narratives. Finally, the discussion explores the implications of these findings, and the article concludes by highlighting contributions to both Islamic legal studies and qualitative research.

RESEARCH METHODS

Study Design

This study employed a descriptive phenomenological approach to explore the subjective experiences and perceptions of Religious Court judges regarding the implementation of the principle of *maslahah* in the resolution of Islamic economic disputes. This approach was chosen for its focus on capturing how individuals make sense of their lived experiences, particularly in complex legal and ethical contexts. Rather than emphasizing abstract philosophical constructs, the method prioritized rich, first-person narratives that reveal how judges engage with *maslahah* in practical adjudication. Bracketing techniques were used to minimize researcher bias and foreground participants' voices throughout the analysis. This design was considered suitable for uncovering the layered legal, moral, and spiritual dimensions of judicial reasoning in real-life decision-making processes.

Participants

Participants included judges currently serving in various branches of the Religious Courts across Indonesia who had experience adjudicating cases involving Islamic economic contracts. Selection followed a purposive sampling strategy to ensure the inclusion of individuals with rich and relevant experiential backgrounds concerning the research focus. Inclusion criteria consisted of judges who had served for at least five years, had presided over cases involving Islamic economic disputes, and demonstrated familiarity with the application of *maslahah* in their rulings. Judges involved solely in family law or who had no prior exposure to economic dispute cases were excluded. A total of 10 participants (7 male and 3 female) were included, with ages ranging from 38 to 61 years and an average of 15 years of judicial experience. All participants possessed formal training in Islamic law and had attended judicial workshops or seminars related to *maqashid shariah*.

Data Collection

Data were collected through in-depth, semi-structured interviews conducted in-person in the judges' office or a neutral space within the courthouse premises, depending on the participants' preferences. An interview guide was developed to ensure consistency across sessions, containing open-ended questions designed to elicit rich narratives about the participants' understanding and application of *maslahah* in legal decisions.

Each interview lasted between 60 to 90 minutes and was audio-recorded with prior consent. Field notes were taken to capture non-verbal cues and contextual observations. Efforts were made to create a confidential and comfortable environment, with sessions scheduled outside of court hours to avoid external pressures. All interviews were transcribed verbatim. The interview protocol was adapted from previous phenomenological research in legal contexts and was refined to align with Islamic jurisprudential themes.

Data Analysis

Data were analyzed using thematic analysis guided by the principles of descriptive phenomenology. The analysis followed a structured sequence: initial immersion in the data through repeated reading of transcripts, identification of meaning units, coding, thematic clustering, and eidetic reduction to arrive at the essential structures of meaning.

NVivo software was utilized to assist with the organization and coding of qualitative data, enhancing traceability and thematic coherence. The process emphasized bracketing of preconceptions to preserve the authenticity of participants' experiences. To enhance the trustworthiness of the findings, two independent coders reviewed a subset of the transcripts and cross-checked the emergent themes. Inter-coder agreement was discussed and resolved through consensus, ensuring the reliability of thematic interpretations.

Additionally, member checking was conducted with selected participants to validate the accuracy of thematic representations. This helped to confirm that the themes authentically reflected the participants' perspectives and minimized misinterpretation. Emergent themes were developed inductively, ensuring that the findings remained grounded in the participants' own expressions and perspectives. The final themes reflected the shared essences of how judges understand and apply *maslahah* in the adjudication of economic cases.

Ethical Considerations

Ethical approval was obtained from a recognized institutional ethics committee prior to data collection. Written informed consent was obtained from all participants after providing detailed explanations regarding the study's objectives, procedures, and confidentiality measures.

Participants were assured of their anonymity and the confidentiality of all responses, with identifying information removed during transcription. The study adhered to ethical guidelines for human research established by the Declaration of Helsinki and complied with local ethical regulations for socio-legal qualitative research.

RESULTS AND DISCUSSION

This section presents the lived experiences and perceptions of judges from the Religious Courts regarding their understanding and application of the principle of *maslahah* (public interest) in resolving Islamic economic disputes. The data, obtained through in-depth interviews and analyzed using descriptive phenomenological methods, revealed three main themes that encapsulate the essential meanings shared by participants.

Maslahah as a Guiding Judicial Philosophy

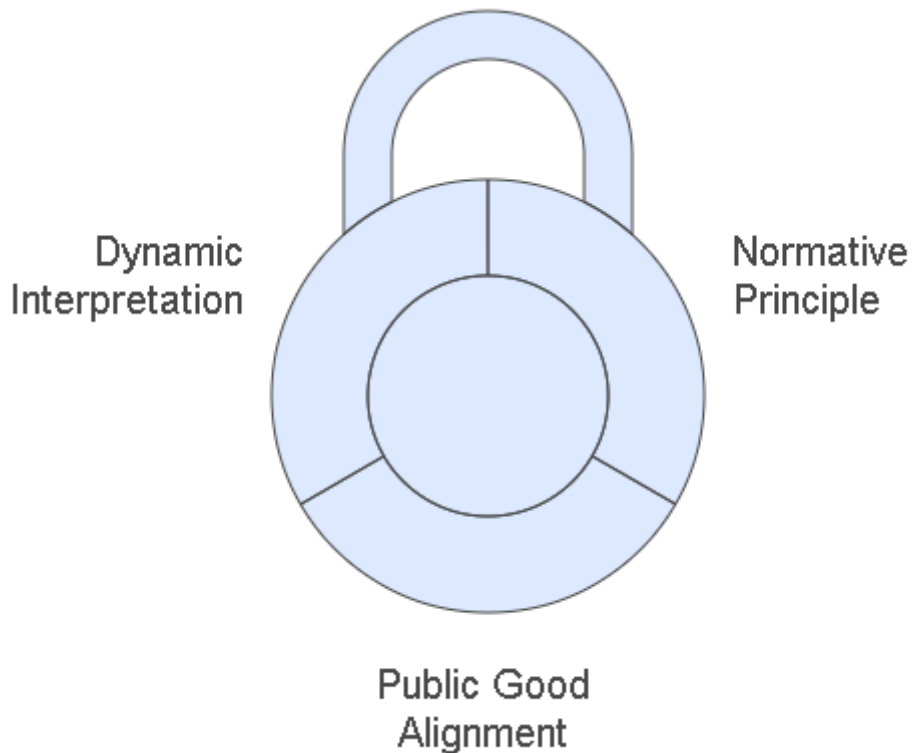
Judges consistently expressed that *maslahah* serves not only as a normative principle but as a core judicial compass in resolving disputes that involve Islamic economic contracts. Many participants conveyed a deep sense of responsibility in aligning their rulings with the broader public good while remaining faithful to Islamic legal sources.

"We don't just resolve disputes to end conflict—we resolve them in a way that benefits the wider community. *Maslahah* helps us go beyond the text and think about what brings real benefit to society." (Participant 3)

Some judges emphasized that although legal texts provide the foundation, *maslahah* offers a dynamic interpretive tool that allows them to adapt their reasoning to contemporary contexts without compromising the tenets of *Sharia*.

"Sometimes the law is silent or ambiguous. That's when *maslahah* becomes a bridge between what is written and what is just." (Participant 5)

Foundations of Islamic Judicial Philosophy



Tensions Between Legal Formalism and the Spirit of Maslahah

Despite the centrality of *maslahah*, several judges admitted to facing constraints when trying to implement it within the rigid frameworks of codified Islamic finance regulations or procedural law.

“There are moments when we know the ruling should serve the public interest, but the formal structure does not fully support it. We walk a fine line.” (Participant 2)

This tension often led to inner conflict, particularly when the legal framework dictated outcomes that the judges felt did not align with the ethical or spiritual values they associated with *maslahah*.

“I once dealt with a case where following the strict letter of the law meant harm to a small trader. It disturbed me because I believe *maslahah* should protect the weak.” (Participant 6)

Maslahah as a Moral and Spiritual Responsibility

Participants frequently framed their application of *maslahah* as not merely a legal tool, but a form of moral accountability before God. They described their role as “guardians of justice” entrusted with safeguarding both legal rights and ethical values derived from Islamic teachings.

“When I judge a case, I’m accountable not just to the court, but to Allah. *Maslahah* is a trust (*amanah*) that must be fulfilled with sincerity.” (Participant 1)

The judges perceived their role as extending beyond legal resolution—into the realm of spiritual duty. This shaped their courtroom demeanor, choice of language in decisions, and even their efforts at mediation.

The findings illuminate that judges perceive *maslahah* as both a legal and spiritual construct that deeply informs their decision-making processes. While its application is often constrained by formal legal codes, *maslahah* remains an essential interpretive and ethical principle in navigating complex Islamic economic disputes. These experiences reflect a judiciary that is both normatively grounded and morally conscious, striving to harmonize textual fidelity with contemporary justice needs.

This study revealed that Religious Court judges perceive the principle of *maslahah* not merely as a legal doctrine but as a deeply embedded moral and spiritual responsibility. Their lived experiences

underscore a dynamic interpretation of *maslahah*, shaped by ethical deliberation, contextual judgment, and a strong sense of accountability to both legal codes and divine guidance.

The findings provide a nuanced answer to the central question of how judges experience and apply *maslahah* in resolving Islamic economic disputes. By capturing their narratives, this research demonstrates that *maslahah* is internalized as a multi-dimensional concept—legal, ethical, and spiritual—which informs decision-making in situations where formal law alone is insufficient. This contribution highlights that *maslahah* is not applied mechanically, but rather lived through interpretive engagement, situational awareness, and a striving toward social justice rooted in Islamic values. As such, this study offers a distinctive phenomenological account of legal consciousness in the Islamic judiciary.

The findings both affirm and extend prior research on the interpretive nature of Islamic legal reasoning. Studies by Hassan & Haron (2021) and Nurhayati & Rahim (2022) emphasized the functional role of *maslahah* in financial decisions and its ethical resonance among practitioners. However, this study advances those insights by illuminating how judges themselves embody *maslahah* through reflective legal practices that integrate textual sources with moral intuitions. The tension between legal formalism and ethical ideals found in this study resonates with earlier critiques by Fauzi & Setiawan (2023), who noted the disconnect between theoretical contracts and lived understanding among entrepreneurs. Yet, this research uniquely situates the discussion within judicial experiences, illustrating how *maslahah* becomes a bridge between Shariah objectives and social realities. In doing so, it confirms the view that Islamic legal authority is not static but performative and responsive to the moral demands of each case.

Implications of the Findings

The findings of this study hold important implications for both scholarly inquiry and judicial practice. At the professional level, they suggest that Religious Court judges navigate legal complexity through a deeply personal engagement with Islamic ethical principles, particularly *maslahah*. This interpretive process reveals a model of adjudication that is not purely procedural but profoundly reflective, emphasizing the importance of moral discernment and contextual sensitivity. Socially and culturally, the study underscores how legal decision-making within Islamic frameworks is inseparable from broader values of justice, compassion, and communal welfare. These insights are relevant not only within Indonesian courts but in any context where Islamic legal ethics intersect with modern adjudication, offering a more human-centered model of legal reasoning in Islamic economic jurisprudence.

Limitations of the Study

Despite its contributions, this study is not without limitations. The sample was limited to a small group of Religious Court judges in Indonesia, whose interpretations and experiences may reflect specific legal, cultural, and institutional conditions. As with most phenomenological inquiries, the findings are not intended to be generalized but to provide rich, in-depth insights into the essence of a lived phenomenon. The use of self-reported narratives, while valuable for understanding subjective meaning, may be influenced by personal biases or institutional norms. Additionally, the study did not explore the perspectives of other legal stakeholders such as lawyers, litigants, or scholars, which could offer a more holistic view of *maslahah* in practice.

Prospective Directions for Future Research

Future research can build on these findings by exploring comparative experiences of judges across different jurisdictions that apply Islamic law, particularly in varying legal-pluralistic contexts. Investigating how different interpretations of *maslahah* influence judicial outcomes may also shed light on the diversity within Islamic legal thought and its practical implications. Moreover, including the perspectives of litigants and court users could enrich understanding of how judicial reasoning based on *maslahah* is perceived by those it directly affects. Longitudinal studies could further examine how judges' interpretations evolve over time in response to shifting legal, social, and economic landscapes. Collectively, these directions offer promising avenues for advancing both theoretical and practical understanding of ethical decision-making in Islamic economic law.

CONCLUSION

This study explored how Religious Court judges perceive and implement the principle of *maslahah* in resolving Islamic economic disputes, addressing a gap in understanding the lived experiences behind judicial reasoning. The findings revealed that judges interpret *maslahah* as a multidimensional concept rooted in legal obligation, moral responsibility, and spiritual accountability. Their decisions reflect not only textual adherence but also ethical discernment shaped by social context and personal reflection. Beyond its descriptive contribution, the study underscores the interpretive depth embedded in Islamic adjudication, where normative texts are navigated through human judgment and ethical values. This has broader theoretical implications for understanding Islamic legal reasoning not merely as jurisprudential formalism, but as a process that integrates affective, ethical, and contextual dimensions.

Practically, the findings highlight the need for judicial training programs that incorporate modules on ethical reasoning, contextual sensitivity, and *maqāṣid al-sharī'ah*, enabling judges to apply *maslahah* consistently and transparently. Policymakers within the religious court system may consider formalizing interpretive guidelines or reflective tools to support principled flexibility in judgment while maintaining legal integrity. Future research may examine comparative judicial experiences or expand perspectives by including voices of litigants and legal practitioners from diverse jurisdictions, thereby enriching the discourse on ethical adjudication across Islamic legal systems.

CONFLICT OF INTEREST

The authors declare that there is no conflict of interest.

REFERENCES

- Abubakar, J., & Aysan, A. F. (2022). Research trends in the field of Islamic social finance. *Eurasian Business and Economics Perspectives*, 23, 253–268. https://doi.org/10.1007/978-3-031-14395-3_14
- Ahmed, W. A., & Muhammad, R. (2024). Contemporary trends in Islamic finance: A bibliometric analysis. *Journal of Emerging Economies and Islamic Research*, 12(1), 1–15. <https://doi.org/10.24191/jeeir.v12i1.1386>
- Alshater, M. M., Hassan, M. K., Khan, A., & Saba, I. (2020). Influential and intellectual structure of Islamic finance: A bibliometric review. *International Journal of Islamic and Middle Eastern Finance and Management*, 14(3), 586–617. <https://doi.org/10.1108/IMEFM-08-2020-0419>
- Fianto, B. A., Aryo, B., Shah, S. A. A., Al Mustofa, M. U., Anisha, A. I. I. N., & Ruslan, R. A. H. M. (2025). The role of deposit insurance in supporting Islamic microfinance institutions: Insights from Indonesia. *Journal of Islamic Monetary Economics and Finance*, 11(1), 1–22. <https://doi.org/10.21098/jimf.v11i1.2476>
- Hassan, M. K., Rabbani, M. R., & Ali, M. A. M. (2021). A literature review on Islamic finance and the Sustainable Development Goals. *Journal of Islamic Accounting and Business Research*, 12(3), 457–478. <https://doi.org/10.1108/JIABR-12-2019-0204>
- Hassan, M. K., & Aliyu, S. (2018). A contemporary survey of Islamic banking literature. *Journal of Financial Stability*, 34, 12–43. <https://doi.org/10.1016/j.jfs.2017.11.006>
- Hassan, M. K., & Lewis, M. K. (2007). *Handbook of Islamic banking*. Cheltenham, UK: Edward Elgar Publishing.
- Hassan, M. K., & Mollah, S. (2018). *Islamic finance: Principles, performance, and prospects*. London: Palgrave Macmillan.

- Hassan, M. K., & Rashid, M. (2017). *Handbook of empirical research on Islam and economic life*. Cheltenham, UK: Edward Elgar Publishing.
- Hassan, M. K., & Shirazi, N. S. (2015). Social capital and microfinance: The case of Pakistan. *Journal of Islamic Accounting and Business Research*, 6(2), 151–170. <https://doi.org/10.1108/JIABR-06-2013-0019>
- Kassim, S., & Abdulle, M. Y. (2018). Examining the relationship between Islamic microfinance and microenterprise growth: The case of Somalia. *International Journal of Social Economics*, 45(8), 1176–1190. <https://doi.org/10.1108/IJSE-08-2017-0351>
- Laila, N., Rusydiana, A. S., Salleh, M. C. M., & Sukmaningrum, P. S. (2021). A survey on Islamic economics and finance literatures indexed by Scopus Q1 via thematic analysis approach. *Review of International Geographical Education Online*, 11(4), 453–468. <https://doi.org/10.33403/rigeo.800661>
- Masyita, D., & Ahmed, H. (2013). Why is growth of Islamic microfinance lower than conventional? A comparative study of the preferences and perceptions of the clients of Islamic and conventional microfinance institutions' in Indonesia. *Journal of Islamic Accounting and Business Research*, 4(2), 155–172. <https://doi.org/10.1108/JIABR-10-2012-0064>
- Rosman, R., Redzuan, N. H., & Shahrudin, S. S. (2025). The bibliometric analysis on social impact measurement and Maqasid Al-Shariah parameter for Islamic microfinance. *International Journal of Emerging Issues in Management, Accounting and Technology*, 1(1), 59–69. <https://doi.org/10.5281/zenodo.1234567>
- Wulandari, P., & Kassim, S. (2016). Issues and challenges in financing the poor: Case of Baitul Maal Wa Tamwil in Indonesia. *International Journal of Bank Marketing*, 34(2), 216–234. <https://doi.org/10.1108/IJBM-01-2015-0007>