

Review Paper

Maşlahah Mursalah: A Substantial Effort to Overcome Income and Wealth Inequality in Indonesia

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ABSTRACT

Income and wealth inequality in Indonesia persists despite efforts by central and local governments to address it. *Maşlahah mursalah* provides a strong theoretical foundation for creating policies that are both religious and highly beneficial. This study aims to explain the history of using *maşlahah mursalah* in income and wealth policies, provide evidence of income and wealth inequality in Indonesia, and explore the potential of using *maşlahah mursalah* to address this inequality. This study examines two key facts: the history of *maşlahah mursalah*'s policies on income and wealth, and income and wealth inequality in Indonesia. They were obtained from Arabic *uşūl al-fiqh* literature and the analysis of the Gini ratio and palm index. The data were compared to determine the most urgent policy needs and the possibility of using *maşlahah mursalah* as the basis. This study found that *maşlahah mursalah* has been widely used in income and wealth distribution policies. Since income and wealth inequality in Indonesia still exists and continues to increase in the ratio, *maşlahah mursalah* will likely be the basis of settlement policy. This study aims to provide a robust theoretical foundation for the Indonesian government to design and implement *maşlahah mursalah*-based policies to address income and wealth inequality, including human capital development, labour market opening for women, labour rights protection, improved access to finance, social transfer programs, zakat and tax optimisation, housing policy reform, and increased transparency and corruption eradication.

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Introduction

Contrary to the stigma that Islamic law cannot address contemporary issues, Islamic legal theory (*uṣūl al-fiqh*) can effectively guide policies to resolve Indonesia's inequality crisis. Indonesia's current economic turmoil includes income and wealth inequality. While income inequality has little effect on economic growth, wealth inequality, especially when driven by political power, has a significantly negative effect (Masrifah & Firdaus, 2016). This poses a serious threat to sustainable growth in this country (Wulandari, 2020). Wealth inequality should not occur, considering that Indonesia is rich in resources. Hence, government policies should prioritise this issue to accelerate equality throughout Indonesia (Sihombing & Pardomuan, 2019).

Islamic legal theory (*uṣūl al-fiqh*) literature, especially regarding *maṣlaḥah mursalah*, can be grouped into: monographs, dissertations, theses, articles, and freelance writing. In terms of content, it can be grouped into the following categories: figures' thoughts, themes in the context of its position as a method of Islamic law, its application as a perspective in other fields, and comparisons with other legal methods. Literature that examines other fields where *maṣlaḥah mursalah* is used as a perspective includes: theology, halal food, law (family, crime, events, sharia regulations), politics, economics, copyright, COVID-19, culture, tourism, technology, social media, and environment. Specifically in the field of e-economics, *maṣlaḥah mursalah* literature can be grouped into several issues: zakat, waqf, wills, sharia economics, market mechanisms, fintech, e-commerce, taxes, inheritance, financial management, banking, credit, and labor. Only one study on *maṣlaḥah mursalah* that examines wealth management (Masrifah & Firdaus, 2016), but none of it examines income and wealth inequality.

This study fills the gap in previous literature by explaining: the historical use of *maṣlaḥah mursalah* in income and wealth distribution policies, providing evidence of income and wealth inequality in Indonesia, and exploring how *maṣlaḥah mursalah* could potentially resolve this crisis of inequality. With this aim, it is possible to understand the role of *maṣlaḥah mursalah* as a policy basis for resolving one of the humanitarian crises currently occurring in Indonesia. This study examines two key aspects: a fatwa based on *maṣlaḥah mursalah* by *uṣūl al-fiqh* scholars concerning income and wealth, sourced from Arabic *uṣūl al-fiqh* literature; and the persistent income and wealth inequality in Indonesia. The second aspect was investigated through analysis of various metrics including the Gini coefficient, 20:20 ratio, Theil index, Lorenz curve, decile ratio, top percentage of income or wealth, minimum and maximum income levels, absolute and relative poverty, and the palm index, as studied by scholars previously. The two sets of data were compared to obtain the most urgent policy needs and the possibility of using *maṣlaḥah mursalah* as the basis.

The issue of the inequality crisis is relevant in Islamic legal theory (*uṣūl al-fiqh*), where the concept of *maṣlaḥah mursalah* performance is proposed as a wealth management framework that is in line with sharia objectives (Masrifah & Firdaus, 2016). These studies collectively underscore the importance of overcoming the crisis of income and wealth inequality using *maṣlaḥah mursalah* method as a primary approach.

Income and Wealth Inequality

There is no consensus on the definition of income (Brooks, 2018). Income was measured to determine inequality using various measures. Income measures are usually

used for tax determination purposes which also include various other sources of wealth (Ija, 2019), but are subject to special exceptions provided by tax rules. Overall, income is a constructed concept that has implications for tax policy, transfer policy, and discussions on income inequality and economic justice (Guillermo, 2010).

If income is the amount of money a person earns over a certain period and is measured per month or year, then wealth refers to the total net assets at a certain point in time. We calculate wealth by subtracting total liabilities (debt) from total assets. Wealth includes ownership of homes, property, vehicles, investments, and other assets. Income and wealth are related because the income received can influence the accumulation of wealth.

Income inequality refers to differences in income within a country, region, small groups of people, or individuals. This is caused by a variety of factors, including income distribution, the capitalist system, and disparities in education, opportunities, and health. The classical period focused on functional income distribution, with capitalists receiving profits, workers receiving wages, and landlords receiving rent (Kausik, 2022). Income inequality has been occurring for a long time, with evidence suggesting that it has existed since the classical period (Gizachew, 2020). Income inequality affects individuals and groups in society, particularly those in lower-income brackets who face restricted access to resources and opportunities (Haddad & Solomon, 2023). This occurs in various countries where there are significant differences in the distribution of national income (Dhungel, 2022). The transition from income equality to inequality is influenced by factors such as growth in investment income, automation, and the allocation of work tasks towards capital over labour (Wagle, 2023).

Meanwhile, wealth inequality refers to the disproportionate allocation of financial resources in a society, where a small portion of the population has a much larger share of wealth, while the majority of the population struggles with limited economic resources (Norton & Ariely, 2011). This phenomenon is linked to systemic inequalities, institutional biases, and legacies of discrimination, which perpetuate economic disparities and impede social mobility (Saxton, 2021). Multiple studies show that the distribution of wealth is much more unequal than the distribution of income, and efforts to address systemic barriers to economic progress are critical for creating a more just and inclusive society (Cowell et al., 2017).

Duarte (2020) introduced the concept of justice in the context of income and wealth inequality, emphasizing the importance of equality before the law. Venkatasubramanian (2015) offers a game theory perspective that states that lognormal distribution is the fairest wage inequality in a free market environment. Thus, addressing income and wealth inequality requires a comprehensive approach. When people perceive injustice, such as unequal distribution of income or wealth, they tend to be dissatisfied with their democratic government (Saxton, 2021). Policy interventions aimed at increasing access to education and health services, implementing social welfare programs, and encouraging fair taxation, can help reduce the impact of wealth inequality (Norton & Ariely, 2011).

***Maṣlahah Mursalah* in the History of Income and Wealth Distribution**

Maṣlahah mursalah is a method of determining law based on the benefits and welfare of society. It is used as an argument to establish law in new and emerging issues, where there is no specific text that refers explicitly to either *the Qur'ān* or *al-Sunnah* (Qadir &

Gassing., 2023). *Maṣlahah mursalah* is applied in various areas of contemporary Islamic law (Adinugraha & Mashudi, 2018), including as an important principle in the formation of sharia economic practices (Qorib & Harahap, 2016) and a guide to achieving the goals of Islamic law in the economic field (Nur & Dwi, 2022).

Throughout history, leaders have implemented diverse policies and scholars have issued fatwas in *uṣūl al-fiqh* literature concerning income and wealth, all grounded in the principle of *maṣlahah mursalah*. For example, Mālik Ibn Anas allowed the practice of *talaqqī al-rukḃān*, which is the purchase of goods outside the market from traders who do not know the market price, provided that no party is harmed (Rusyd, 1998). He also permitted fixing the price of goods (*tas'ir*) if price instability was caused by arbitrariness (Al-Būṭī, 1965). `Umar Ibn Khaṭṭāb and `Alī Ibn Abā Ṭālib stipulated the obligation to return the advance payment (*taḍmīn al-ṣinā`*) in transactions because the loss of money or damage to the order was considered to be the result of the bad intentions of the craftsman or seller. Abū Ḥanīfah approved of giving alms to the Hāshim clan as long as their special rights from the state were not restricted and there were no policies that harmed them (Al-Būṭī, 1965).

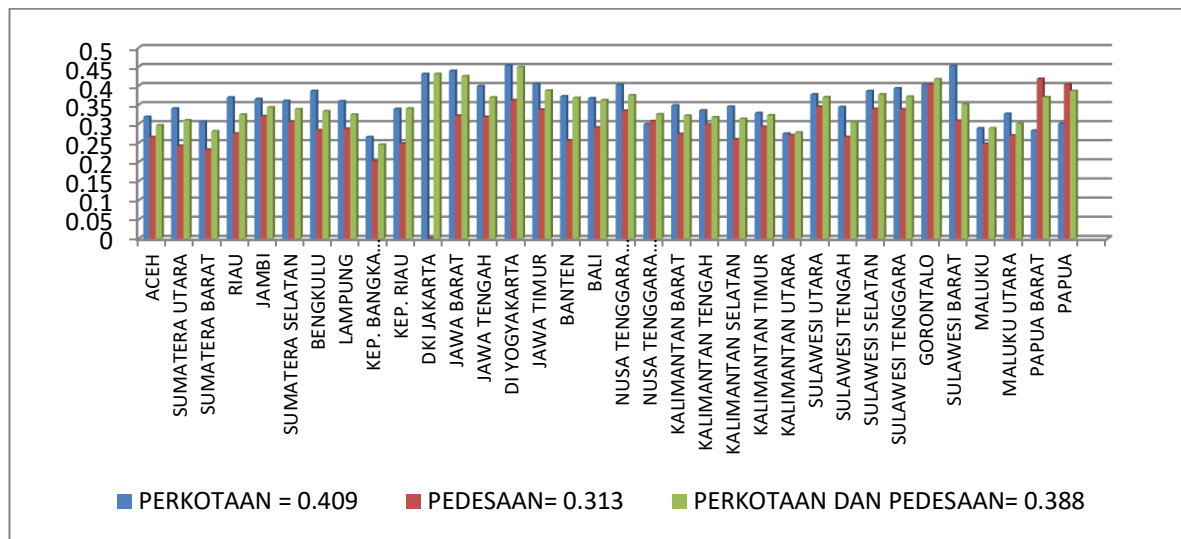
The taxation policy that reduced gross income was also implemented by `Umar Ibn Khaṭṭāb, who collected a special tax from the rich to finance the military because the state did not budget for it. This was done to ensure the state's security (Al-Ḡazālī, 1992). Additionally, Abu Bakr fought against those who refused to pay zakat, viewing their actions as politically and macroeconomically harmful to the state (Al-Zuhāilī, 2019). `Umar Ibn Khaṭṭāb also undertook wealth redistribution by taking property from governors suspected of crimes to prevent injustice and abuse of power. Aḥmad Ibn Ḥanbal allowed the slaughter of other people's animals that were about to die without the owner's permission to avoid waste (Al-Zuhāilī, 2019).

These policies are relevant to Indonesia for addressing income and wealth inequality. First, policies such as price fixing of goods and return of down payments can be adopted to protect consumers and small traders from unfair trade practices. Second, redistribution of wealth from corrupt individuals can be an effective measure in combating corruption and ensuring that state wealth is used for the welfare of the people. The optimal application of zakat as Abu Bakr did is also relevant in the context of Indonesia as a Muslim-majority country, to ensure that the distribution of zakat is well-targeted and there is no attempt to evade zakat obligations. Policies to improve financial access and social transfer programs, as proposed in this article, can learn from the history of tax and zakat policies that reduce inequality. Overall, *maṣlahah mursalah* provides a strong foundation for formulating policies that are not only fair but can also improve the overall welfare of the people. By examining the strategies used by global leaders and past scholars, Indonesia can create more effective approaches to address income and wealth inequality.

Evidence of Income and Wealth Inequality in Indonesia

Income and wealth inequality are real problems in Indonesia (Wike et al., 2022). Even though this country has experienced rapid economic growth in recent years, the distribution of wealth and income is still unequal (Handayani et al., 2022). Figure 1 shows the Gini ratio of income inequality in different provinces in Indonesia for 2023, taken from the Central Bureau of Statistics. Blue marks urban areas, red marks rural areas, and green marks both areas. The Gini ratio is a measure of income inequality within a population, where a value

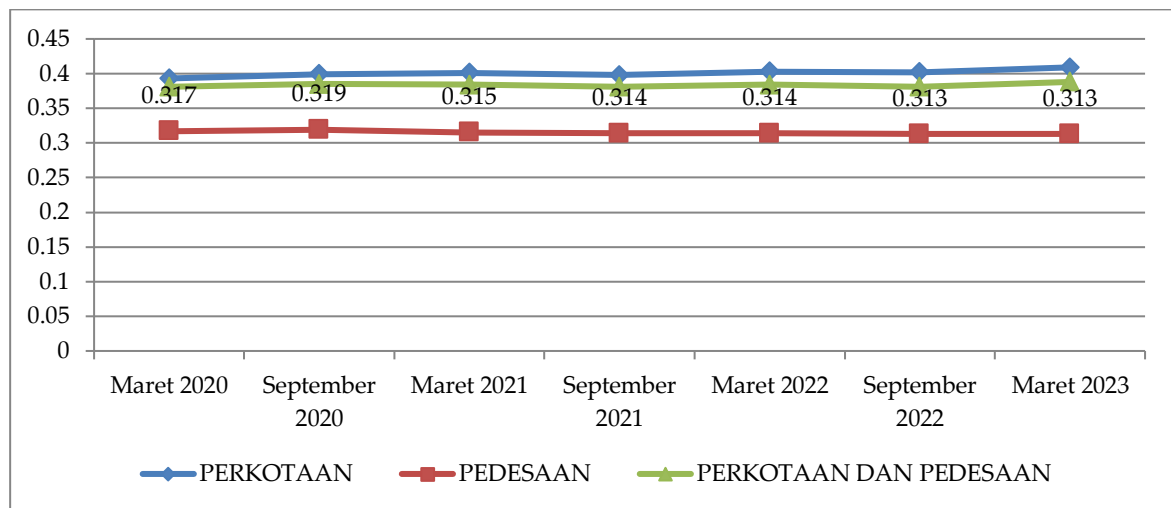
of zero indicates perfect equity and a value of one indicates perfect inequality. Some provinces have higher Gini ratios, reflecting greater income inequality than other provinces.



Source: Central Statistics Agency (2023)

Figure 1. Income Inequality Gini Ratio in 2023

Figure 2 displays the changes in the Gini ratio from 2020 to 2023 in both urban and rural areas. These data show trends in income inequality over the last few years. Although there are small fluctuations, the general trend shows that inequality in urban areas remains higher than that in rural areas. This shows that urbanisation and economic growth in big cities have not succeeded in significantly reducing income inequality.



Source: Central Statistics Agency (2023)

Figure 2. Income Inequality Gini Ratio 2020-2023

Table 1 illustrates data on factors contributing to income inequality in Indonesia, highlighting disparities in access to education and healthcare, unequal urban-rural employment opportunities, and the presence of non-inclusive economic policies. For instance, provinces with limited access to education often experience greater income

inequality. This underscores the importance of addressing income inequality by improving access to education and healthcare services and implementing inclusive economic policies.

Table 1. Existence and Reason of Income Inequality in Indonesia

No.	Existence	Reason
1	Income inequality increases due to the opening of new economic zones, which developing countries often use to encourage local economic development by attracting foreign investment and creating industrial areas (Hornok & Raeskiesa, 2023).	Unskilled population
2	Income inequality in Indonesia has become greater than in other ASEAN countries over the last twenty years, as evidenced by the decline in the purchasing power of poor people (Uspri et al., 2023).	Inflation
3	Income inequality has occurred in Yogyakarta, which has the highest Gini index compared to other provinces. The trend in the development of the Gini ratio from 2011 to 2021 is at a value of 0.4, which indicates high inequality (Nizar et al., 2023).	Low education
4	Income inequality in Indonesia in March 2021, as measured using the Gini ratio, was 0.384, indicating moderate income inequality (Rini et al., 2022).	Human development index
5	Income inequality in Indonesia is in 6th place globally. Factors such as the human development index, population, open unemployment rate, percentage of poor people, and average hourly wages are identified as determinants (Goh et al., 2022).	HR and wages

Table 2 outlines the factors contributing to wealth inequality in Indonesia, such as differences in asset ownership, access to capital, and land distribution. The data show that provinces with limited access to capital and assets have higher levels of wealth inequality. For example, inequality in land and housing ownership is a major factor that causes wealth inequality in some regions. In addition to income, wealth inequality is affected by unequal access to economic resources.

Table 2. Existence and Reason for Wealth Inequality in Indonesia

No	Existence	Reason
1	Even though household net wealth inequality in Indonesia has decreased, provincial-scale inequality still dominates (Soseco et al., 2023).	Education
2	There is wealth inequality in the context of health service utilisation, especially in secondary health services (Mulyanto et al., 2019).	Inefficient referral procedures and socioeconomic disparities
3	The top 1% group in Indonesia controls around 50% of the country's wealth (Syadullah et al., 2019).	Many factors (economic and non-economic)
4	The top 10% of households have more than 500 times more wealth than the bottom 10% (Soseco, 2018).	Injustice between socioeconomic classes
5	The four richest people have more wealth than the 100 million poorest people (Gibson, 2017).	Market fundamentalism

These tables reinforce the main argument of this study that income and wealth inequality in Indonesia is a complex and multifaceted problem. This inequality is caused not only by differences in income, but also by unequal access to economic resources, education, and health services. By presenting these data, this study provides empirical evidence about the extent and causes of inequality in Indonesia, supporting the need for *maṣlahah mursalah*-based policies. It is hoped that these policies will address various factors that contribute to inequality, resulting in a fairer distribution of income and wealth throughout Indonesia.

***Maṣlahah mursalah*-based Policies to Address the Income and Wealth Inequality Crisis in Indonesia**

To overcome the problem of income and wealth inequality, it is important to consider the potential of sharia economic law which promotes a just economic system and improves people's welfare (Warman et al., 2023). *Maṣlahah mursalah* in the aspect of property operates in the realm of economic law and becomes a signpost for economic activity itself.

Maṣlahah mursalah is a benefit that is neither recognized nor negated by religious texts literally. Therefore, it can be used as a method for producing law with several conditions: 1) supports or is in accordance with *maqāṣid* (the aim of the sharia, namely *jalb al-maṣāliḥ wa dar' al-mafāsīd*/ providing benefits and eliminating non-usefulness), where the *maqāṣid* itself is abstracted or concluded from many texts in the *Qur'ān* and *Sunnah* (Qadir & Gassing., 2023); 2) does not conflict with the *Qur'ān*; 3) does not conflict with *Sunnah*; 4) does not conflict with *qiyās*; 5) does not conflict with more important *maṣlahah* or, one might say, more general interests (Sulthon, 2023). In other words, all policies to resolve income and wealth inequality in Indonesia can be determined by the government using a *maṣlahah mursalah* basis, as long as the policy meets the five conditions mentioned. If fulfilled, the policy in question is considered to have a strong basis and reassure Indonesian society in general (Rizaldy & Ahmed, 2019).

Although scholars' opinions about the validity of *maṣlahah mursalah* as a policy basis vary, in fact *maṣlahah mursalah* is a legal method that has been used by officials and scholars from generations of *saḥābah*, *tābi'īn*, and the four *imam madzhab*. If then some scholars from the *zāhiriyyah* group or a small number of *uṣūl al-fiqh* scholars oppose it, in fact it is only because they are reluctant to recognise *maṣlahah mursalah* as an independent method of producing law and the strict conditions for its use (Al-Būṭī, 1965). In turn, religious texts remain important in guiding assumptions of usefulness. *Maṣlahah mursalah* continues to depend on religious texts (Yusuf, 2020).

To resolve income and wealth inequality, this study proposes creating a *maṣlahah mursalah*-based policy with the following conditions: (1) meeting all standards for the use of *maṣlahah mursalah* (Hasanudin et al., 2023); (2) focus on addressing the causes of inequality according to categories (Ahyani et al., 2023); (3) focus on efforts to narrow inequality (convergence) so that those left behind catch up with those who are more advanced (Wardhana et al., 2023); (4) favouring the benefits of individuals, groups or regions with the

lowest income or wealth (Wicaksono et al., 2017); and (5), does not cause harm to other parties (Hakim et al., 2023).

Although the categories of inequality vary, as do their causes, this study proposes the most urgent policies based on *maṣlahah mursalah* which are very relevant for resolving inequality in Indonesia. First, human capital development involves providing education and training relevant to the job market (De Silva & Sumarto, 2014), which is a determining factor in overcoming the problem of income inequality (Nizar et al., 2023), especially in rural areas (Arham & Hatu, 2020). Policymakers should focus on establishing inclusive lifelong learning systems, such as vocational training to increase the capacity and skills of the workforce (Goh et al., 2022). This can be achieved by increasing access to educational and training opportunities for disadvantaged groups, as well as investing in infrastructure and public services in disadvantaged areas (Dluhopolskyi & Zhukovska, 2023). Indonesia has launched many educational programs in its efforts to combat inequality.

Second, opening up the labour market more widely for women (Wicaksono et al., 2017). Providing wider opportunities for women in workforce education and the labour market (De Silva & Sumarto, 2014), will reduce the gender wage gap which is a significant contributor to income inequality, especially in urban areas (Taniguchi & Tuwo, 2014). There are many detailed agendas that can be implemented including promoting women's access to higher education and specialised skills training to improve their skills and open up a wider labour market (Bala & Khurania, 2023); implementing equal pay policies in companies to address the gender pay gap, which is a significant contributor to income inequality, especially in urban areas (Didier, 2021); and offering work-from-home options or flexible work schedules that give women more opportunities to balance work and family responsibilities (Ritu & Surbhi, 2019). The Indonesian Labour Law has been revised to address the problems of female workers and provide solutions for their empowerment (Herdifa & Johari, 2022). However, women still face obstacles in accessing quality jobs, especially in male-dominated fields (Prihatiningtyastuti et al., 2022).

Third, ensuring workers' rights such as fair wages, reasonable working hours, and safe working conditions can help prevent worker exploitation and increase their income. Several studies have shown that labour laws and regulations play an important role in protecting the rights and welfare of workers, especially those in the informal sector with low wages and no social security (Roshan & Maran, 2023). The introduction of a minimum wage has been shown to impact the distribution of wages and household income, demonstrating the importance of wage policy in income equality (Redmond et al., 2020).

Fourth, improving access to financial services, including credit, reduces income and wealth inequality (Nokulunga, 2022). Policies aimed at improving credit distribution should continue, although a holistic approach is needed to reduce inequality (Makuluni & Dunga, 2022). Households that have access to business credit are less likely to be in poverty than households that do not have such access (Azali & Harsanti, 2022). In addition, lending to micro, small and medium enterprises (MSMEs) has been proven to reduce income inequality in various provinces in Indonesia (Priyono et al., 2019). Indeed, there are already policies to increase access to credit for poor people (Wijaya, 2023). However, one weakness is the low literacy level of farmers, which can hinder the effectiveness of credit programs in alleviating poverty (Nur, 2022).

Fifth, social transfer programs that target and prioritise poor people can help poor households generate more income (De Silva & Sumarto, 2014). Social transfer programs can

take the form of social assistance for groups below the poverty line, education and health subsidies, pension programs, and social insurance (Wang et al., 2012). There is already health insurance for all Indonesian people, with special subsidies given to the poor (Akhmad & Susanto, 2023), but the effectiveness of this health subsidy program is questionable because it is not yet effective in helping the poor and does not cover all types of health expenditure (Haliim & Purba, 2023). In addition, the education subsidy program has faced problems such as corruption and consumerist behaviour among beneficiaries (Mahardhika, 2023). While social assistance programs have had a positive impact on poverty alleviation and inequality reduction, improvements are needed to ensure accuracy in targeting recipients (Widodo, 2019). Recalculation of professional zakat is also important because it is alleged that there is no calculation standard for managing and distributing zakat to different professions, which causes unequal distribution of zakat funds (Patih, 2022). Developing productive zakat distribution, such as providing business capital, can also empower the people's economy and enable *mustahiqq* to increase their income (Mutmainah, 2023). The *aşnāf* entrepreneur program, an effective zakat distribution program, has contributed to poverty alleviation in Indonesia and other Muslim countries (Rosalina & Bahri, 2022). Many challenges arise, including the high rate of entrepreneurial failure among *aşnāf* entrepreneurs (Muhammad et al., 2023). *Aşnāf* entrepreneurs, especially those impacted by the COVID-19 pandemic, face financial fragility and challenges in sustaining their businesses (Din et al., 2019).

Seventh, tax imposition and tax avoidance have been identified as significant factors that influence wealth inequality in Indonesia (Wulandari, 2020). High-income taxes have been used successfully in many countries throughout the 20th century. Careful policy design can address barriers such as avoidance and emigration. Cracking down wealthy tax evaders could be an effective way to increase tax revenues, increase tax progressivity, and ultimately reduce inequality (Alstadsæter et al., 2022). Imposing additional taxes on the rich and cracking down on tax evaders has the potential to reduce income and wealth inequality (Malleon, 2023). In Indonesia, tax compliance remains low. The government has implemented measures such as tax amnesties (Khan & Nuryanah, 2023) and criminal laws against tax evasion crimes (Patel, 2023). However, the effectiveness of tax amnesty and punishment in combating tax aggressiveness has not yet been established (Safuan et al., 2022).

Eighth, ensuring better access to housing can help reduce inequality, as home ownership is one form of socioeconomic status of wealth, alongside decent work and high income (Michael et al., 2021). Housing policies have the potential to address economic, social, and political inequalities (Cociña, 2021). Relaxing land use restrictions may increase access to more productive cities, but may also lead to increased inequality and a decline in unskilled workers in cities (Lopez, 2022). Discrimination based on social group identity has disadvantaged marginalised groups in terms of access to high-quality housing (Mishra & Khan, 2023). Providing housing for low-income people is considered important for improving their quality of life (Ramadhan & Sebayar, 2022). In Indonesia, there is no specific housing allowance policy for low-income people, but there is a housing finance policy that aims to help low-income people access affordable housing (Erni et al., 2023). However, housing policies for low-income communities in Indonesia have not fully addressed the housing problem for this group (Sururi et al., 2022).

Ninth, increasing transparency and eradicating corruption can ensure that wealth and economic opportunities are distributed fairly. Transparency is an effective tool to prevent negative manifestations and abuse (Zakharkina & Chukhno, 2022), and is essential for the success of the reform process (Pudryk et al., 2020). In addition, government transparency can reduce information asymmetry between officeholders and citizens and make governance procedurally fair (Aguilar-Conraria et al., 2019). Transparency can also improve economic outcomes and reduce corruption, ultimately contributing to a fair distribution of wealth (Lai & Wu, 2023). Corruption has a negative effect on bank profitability and stability (Asteriou et al., 2021). Corruption can hinder economic growth, particularly in developing countries, and limit the creation of economic opportunities (Barucca, 2020). In conclusion, corruption can cause the concentration of wealth and power, thus perpetuating inequality. Corruption has become deeply rooted in various sectors of society and is considered normal (La Ode, 2023). The design of anti-corruption supervision to fight corruption without being accompanied by strong legal policies (Sunaryo & Nur, 2022), shows a lack of comprehensive steps to prevent corruption.

These nine policies passed the test or met the standard criteria for suitability for *maṣlahah mursalah* and urgency for the need to resolve the crisis. The indicators used to measure conformity with *maṣlahah mursalah* are the five conditions for *maṣlahah mursalah* as explained previously (Al-Būṭī, 1965). Meanwhile, the indicators for measuring the urgency of resolving the crisis are twofold: emergency criteria in Maqasid Shariah, defined by its potential threat to the existence, integrity, and benefit of religion, life, intellect, lineage, and property (Ihsani & Rohman, 2022); and criteria commonly used in measuring inequality, such as the Gini coefficient, 20:20 ratio, Theil index, percentage of top income or wealth, minimum and maximum income, absolute and relative poverty, and palm index, as documented in referenced studies. Without the implementation of these nine policies, inequality will continue to increase.

This study rejects Ishak's claim that *maṣlahah mursalah* can only be done for *darūriyyah* and *hājjiyyah* needs (Ishak, 2014). This study also rejects the claim of Shofiyah and Ghozali (2021) that the person who gave the fatwa allowing market price intervention under certain conditions, in Islamic legal literature is Ibn Tamiyah. On the other hand, the study notes Diono's (2016) claim that the removal of the Indonesian language requirement for foreign workers had a negative impact on Indonesian citizens. As stated in the Article 36 paragraph 1 of Minister of Manpower Regulation No. 16 of 2015, it made it easier for foreign workers to work in Indonesia, while Indonesian workers were left to struggle to get jobs in their own country.

Furthermore, this study supports the claims of Nurkholidah et al. (2022) that the Job Creation Law is controversial and detrimental to workers because some of its provisions reduce protection for workers, namely reducing the value of severance pay and eliminating the relationship between the pension program and severance pay, as well as eliminating the work contract period, which previously existed in Article 59 of Law No. 13 of 2003. The value of workers' severance pay, reduced from 32 months' wages to 25 months' wages, consists of 19 months paid by the employer and six months covered by Job Loss Insurance through BPJS. Additionally, employers are no longer obligated to offer a pension program to employees, a change unrelated to severance pay. Apart from that, the Job Creation Law also removes Article 59 of Law No. 13 of 2003 which limits work contracts to a maximum of five years, thus allowing the work contract period to be enforced forever and you cannot be

appointed as a permanent employee (Nurkholidah et al., 2022). This law benefits entrepreneurs, yet against the spirit of addressing income and wealth inequality, which favours groups with the lowest income or wealth.


This study recommends several urgent action steps to safeguard the nine *maṣlahah mursalah*-based policies. First, conducting a more in-depth analysis to understand the root causes of inequality (van der Zwet, 2023); second, identifying the most affected groups; third, proposing to the government to create policies that support convergence; fourth, advocating to legislators to support policies (Cairney et al., 2022); fifth, building partnerships with the private sector, non-governmental organisations, research institutions and companies to pool greater resources and knowledge; sixth, monitoring policy implementation and its impact on a regular basis; seventh, inviting the community to actively participate in the change process (Bormasa, 2023); eighth, empowering local initiatives and establishing collaboration with international institutions; and finally, forming an independent team or collaborating with research institutions to monitor and submit regular reports on progress and changes that occur (Qadri & Jauhari, 2020).

Conclusion

There is ample historical evidence that *maṣlahah mursalah* has been employed as a basis for policies regarding the distribution of income and wealth. The guiding principle of providing benefits found in *maṣlahah mursalah*, despite not being explicitly stated in religious texts, can be used as a reference point for developing policies aimed at reducing income and wealth inequality in contemporary Indonesia. The nine policies proposed in this study, aimed at addressing persistent causes of inequality that are currently escalating, not only effectively tackle inequality but also align with the principles of *maṣlahah mursalah*, thereby establishing a strong legal theoretical basis for their implementation. Some of the policies in question have indeed been implemented, but all leave an agenda for further work. Therefore, establishing and implementing a policy does not necessarily require explicit religious textual instruction; as long as it aligns with the overarching goals of religion, upholds practical ethics, yields broader benefits, and minimises negative impacts, it maintains a solid basis of legitimacy. Limited religious texts and ever-changing history actually provide inspiration that religion can provide many benefits. Income and wealth inequality represent a significant macroeconomic challenge for the country, where Islam can potentially contribute to addressing this humanitarian crisis in Indonesia.

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