



Islam and Transportation Order: The Masalih Mursalah as Solution for Traffic Congestion in Jakarta, Indonesia

Muslihan

IAI Al-Aqidah Al-Hasyimiyyah Jakarta, Indonesia

habibmuslihan2@gmail.com

Johan Wahyudhi

UIN Syarif Hidayatullah Jakarta, Indonesia

johan.wahyudi@uinjkt.ac.id

Dawam Multazam

Utrecht University, Netherland

d.m.rohmatulloh@uu.nl

Abstract

This study explores how Islamic teachings can contribute to the creation of a regulated and sustainable transportation system amid the challenges of urbanisation and population growth. The research method used is a qualitative approach with an analysis of Islamic law (fiqh) focusing on masalih mursalah. Data was collected through a literature review of classical and contemporary Islamic literature, transportation policies, and empirical observations of traffic conditions in Jakarta. The analysis was conducted by integrating the principles of masalih mursalah with empirical data to formulate relevant solutions. The study also considered social and environmental aspects within the framework of Sharia law. The findings indicate that masalih mursalah can serve as a basis for Islamic transportation policies, such as the development of affordable public transportation, zone-based restrictions on private vehicles, and public education on traffic discipline as a solution to urban life. The results of this study are important as a paradigm for resolving Jakarta's chronic traffic congestion problem.

Keywords: Masalih Mursalah, Traffic Density, Islamic Law, Transportation, Jakarta

How to cite: Wahyudhi, J., Muslihan, & Multazam, D. (2025). Islam and Transportation Order: The Masalih Mursalah as Solution for Traffic Congestion in Jakarta, Indonesia. *Hikmatuna : Journal for Integrative Islamic Studies*, 11(1), 28–38. <https://doi.org/10.28918/hikmatuna.v11i1.10925>

Received: 12-05-2025

Revised: 28-05-2025

Accepted: 11-06-2025

Introduction

The population density in Jakarta, which is expected to exceed 10 million by 2025, has given rise to various complex social problems. High population density, coupled with rapid urbanisation, has triggered crimes such as theft, robbery, and street crime, which

are often fuelled by economic inequality and unemployment. Social inequality is also becoming more pronounced, with stark contrasts between elite neighbourhoods and nearby slums exacerbating social tensions and feelings of injustice among the population (Utami et al., 2023). These factors are interrelated, with population density exacerbating pressure on public resources such as housing, education and employment, which in turn fuels social conflict. This imbalance in resource distribution creates an environment that is prone to social instability, where people struggle to meet their basic needs amid intense competition (Kurnia et al., 2023).

The problem of motor vehicle congestion has become one of the most significant and persistent impacts of population density in Jakarta, for which no comprehensive solution has yet been found. The growth in the number of private vehicles, driven by the increasing purchasing power of the middle class and the lack of an adequate public transportation system, has caused severe congestion, especially during rush hour (Yudhistira et al., 2025). Data from the Jakarta Transportation Agency shows that the average travel time in Jakarta can be 2-3 times longer during peak hours, causing billions of rupiah in economic losses every day due to fuel consumption and lost productivity. Traffic congestion also impacts public health, with air pollution increasing cases of respiratory diseases. Poor traffic discipline, coupled with road infrastructure that is inadequate for the volume of vehicles, exacerbates the situation. Efforts such as the construction of the MRT (Mass Rapid Transit) and LRT (Light Rapid Transit), two kind of mass transportation, have not been fully effective due to limited coverage and low public awareness to switch to public transportation. Long-term solutions require data-driven policy integration, such as the development of affordable public transportation, vehicle ownership restrictions, and public education, to reduce dependence on private vehicles and create a more orderly and sustainable transportation system (Tempo, 2023a).

According to the TomTom Traffic Index 2023, traffic congestion in Jakarta has worsened compared to the previous year, with the city's ranking as the world's most congested city rising from 46th in 2021 to 29th in 2022 and slightly declining to 30th in 2023. This data reflects an average congestion level of 53% in Jakarta in 2022, meaning that average travel time was 53% longer than under non-congested conditions. For a 10-kilometre journey, the average travel time in Jakarta in 2023 was 23 minutes, an increase of 40 seconds compared to 2022, with an average speed of only 21 km/h. This increase is believed to have been triggered by the return to normal activities following the lifting of PPKM restrictions at the end of 2022, which increased the volume of vehicles on the roads, with an estimated 22 million vehicles per day according to the Jakarta Metropolitan Police. Other factors such as inadequate road infrastructure and high dependence on private vehicles have exacerbated the situation (Tempo, 2023b).

As a religion that pays attention to the welfare of society, Islam has a role in encouraging social change, particularly in urban planning. As a religion that is widely embraced by the people of Jakarta (Tim BPS Jakarta, 2024), the values of this religion are believed to provide an alternative perspective for people to assess their lives. However, when considering the reality, it seems that there is no solid bridge connecting the awareness of using orderly transportation with Islamic values, although symbolically, this can be seen on a number of roads in Jakarta, with Islamic messages reminding road users to always drive carefully (Hasan, 2009).

There are a few scholars who discuss the contribution of Islamic law and values in shaping society in Indonesia, particularly how Islam can be a solution to social changes

in the field of traffic regulation. The book *Fiqh Lalu Lintas: Islamic Guidelines for Safe Driving* by M. Lathoif Ghazali and colleagues is an academic work that integrates Islamic values with traffic discipline to promote driving safety. Published by UIN Sunan Ampel Press Surabaya, this book offers a unique approach by linking traffic rules with Islamic principles, such as *masalah mursalah* (flexible good) and *hifdzun nafsi* (preserving life). The book is divided into two main sections: the first discusses the obligation to obey traffic rules, the use of safety equipment such as helmets, and the prohibition of violating traffic signs; the second explores driving etiquette, travel prayers, and the concept of 'road nationalism,' which reflects social responsibility. With a persuasive approach rooted in the Qur'an, Hadith, and *ijtihad*, this book emphasises that road safety is not merely a worldly matter but also has spiritual and religious dimensions (Ghazali, 2019).

Justika's research examines the role of the Padangsidempuan City Transportation Department in implementing Article 23(1) of Law No. 22 of 2009 on Traffic and Transportation Smoothness, using *fiqh siyasah* as the analytical framework. Conducted between October 2021 and March 2022 in the areas of Padang Matinggi, Simpang Silandit, Tugu Siborang, and Sadabuan, this qualitative study employed observation, interviews, and documentation to collect data from the Transportation Department, drivers, passengers, and the community. The results indicate that the implementation of the regulation is not yet optimal, primarily due to low public compliance with regulations, exacerbated by a lack of awareness of the importance of the supremacy of law. In the context of *fiqh siyasah*, this study emphasises that public policy must support the common good, but challenges such as the lack of discipline among the public pose significant obstacles (Justika & Siregar, 2022).

The book titled '*Fiqh Keselamatan Transportasi*' by Eko Setyo Budi offers a deep insight into how Islamic teachings, through the *fiqh* approach, emphasise the obligation of Muslims to prioritise safety while driving. The book explains that transportation safety is not merely a worldly responsibility but also a religious trust closely tied to the principle of *hifdzun nafsi* (preserving life), one of the primary objectives of Islamic law (*maqasid syariah*). However, the book does not solely focus on normative aspects but also strives to provide practical guidelines relevant to the daily lives of Muslims. Eko Setyo Budi highlights the obligation of Muslims to ensure safety measures, such as wearing helmets or seatbelts, and checking the condition of vehicles before travel, as a manifestation of social and religious responsibility. The book also criticises bad habits, such as using gadgets while driving, which contradicts the Sharia principle of avoiding harm (Budi, 2025).

Masalih mursalah is a concept of *usul fiqh* discussed in this paper. It is a *fiqh* perspective used to examine various responses, in the form of thoughts or actions, to determine the law of a social phenomenon. Traffic congestion in Jakarta is an unresolved social phenomenon. Islamic law is needed to encourage driving awareness among the people of Jakarta. Here, Islamic law is expected to have an impact on social compliance that goes hand in hand with religious compliance. There are several ideas for alleviating traffic congestion that take Islamic law into consideration, which will be discussed in the next section.

Therefore, this study aims to explore how the Islamic legal method of *masalih mursalah* can offer a relevant, ethical, and faith-based response to Jakarta's persistent traffic congestion. By positioning Islamic legal reasoning as both a moral compass and a

framework for public policy, this study hopes to contribute to the integration of religious values into urban transport governance, especially in predominantly Muslim societies.

Method

This research is a normative qualitative study that integrates analysis of Islamic legal texts with corresponding urban contextual information. Discussion of the concept of *masalih mursalah* as a solution to traffic congestion in Jakarta, using Islamic legal research methods, particularly in the field of *usul fiqh*. The initial stages of the research began with the collection of relevant literature to build a theoretical and empirical foundation. Sources of literature include: Primary Islamic legal texts such as the Qur'an, hadith (Dalhat, 2015), and classical *fiqh* books discussing *masalih mursalah*, contemporary literature on the objectives of Islamic law (*maqasid syariah*) and the application of *masalih mursalah*, such as the works of Yusuf al-Qaradhawi or Abdul Wahab Khallaf, empirical studies on traffic congestion in Jakarta, including government reports, transportation journals, and data from the Jakarta Transportation Agency; and, academic articles on transportation solutions based on religious paradigms. The search was conducted through digital libraries (*Google Scholar*, *JSTOR*), Islamic Studies databases (*Al-Maktaba al-Shamila*), and official government websites. The literature was classified based on its relevance to Islamic law and traffic congestion issues to ensure comprehensive coverage (Ashaari et al., 2012).

After the literature was collected, a data verification stage was conducted to ensure the validity and accuracy of the information. Primary data on Islamic law, such as verses from the Qur'an or hadith, were verified through references to authoritative sources such as *Sahih al-Bukhari* or tafsir such as *Tafsir al-Jalalain*. The views of scholars on *masalih mursalah* are validated by examining consistency between sources, for example, comparing the opinions of Imam Malik with those of other scholars (Mohammed, 2024). For secondary data related to congestion, such as traffic density statistics or carbon emissions in Jakarta, verification is carried out by checking the accuracy of data from official sources (*Badan Pusat Statistik (BPS)* or Central Statistics Agency, *Dinas Perhubungan* or Transportation Section Government) and comparing it with independent studies. If necessary, interviews with *fiqh* experts or transportation experts may be conducted to strengthen validity. Data that is inconsistent or irrelevant to *masalih mursalah* and traffic congestion issues is discarded (Lohlker, 2023).

Data analysis uses a qualitative approach with Islamic legal research methods, specifically *istinbath* (legal inference) based on *masalih mursalah*. Data is analysed in three steps: (a) Identifying relevant principles of *masalih mursalah* related to traffic congestion, such as the preservation of life (*hifz al-nafs*) and intellect (*hifz al-'aql*), along with their conditions (*daruriyyah/hajiyyah*, not contradicting textual evidence, and tangible benefits); (b) assessing the impact of traffic congestion on the objectives of Sharia law (*maqasid syariah*), such as economic loss (*hifz al-mal*) and public health; (c) formulating solutions based on *masalih mursalah*, such as developing public transportation or traffic regulations, while considering fairness (*al-'adl*) and feasibility of implementation (Fikry et al., 2021). The analysis also involves comparisons with the views of classical and contemporary scholars to ensure that the solutions are in accordance with Sharia law (Yazid & Sugitanata, 2023). Empirical data is integrated to support arguments, for example, statistics on the efficiency of the MRT in reducing congestion.

The research report is compiled in a systematic and coherent academic article format. The structure of the article includes: (a) Introduction, explaining the background of traffic congestion in Jakarta, the urgency of applying *masalih mursalah*, and the research objectives; (b) Research Methodology, outlining the Islamic legal approach, types of data, and analysis techniques; (c) Results and Discussion, presenting the findings of the analysis, namely how *masalih mursalah* can support solutions such as efficient public transportation, accompanied by arguments based on *maqasid syariah* and empirical data; (d) Conclusions and Recommendations, summarising the role of *masalih mursalah* in overcoming congestion and suggesting practical policies, such as public transport subsidies or environmental education.

Result and Discussion

Masalih mursalah, as a concept in *usul fiqh*, refers to the public interest that does not have specific arguments in *nash* (Islamic legal corpus), but is in accordance with the objectives of sharia (*maqasid syariah*). Classical scholars such as Imam Malik (d. 179 AH) viewed *masalih mursalah* as the basis for establishing law when there is no *qath'i* (definitive) evidence, as long as the public interest supports the good of society and does not contradict the Sharia. In his book *Al-Muwatta'*, Imam Malik used *masalih mursalah* to justify certain practices, such as market tax regulations, in order to maintain economic stability among the people (Anas, 1997). Imam al-Ghazali (d. 505 AH), from the Shafi'i school of thought, further limited its use, emphasising that *masalih mursalah* only applies to *daruriyyah* (primary) or *hajiyyah* (secondary) needs that clearly support *maqasid syariah*, such as the preservation of life and property (Abu Hamid al-Ghazali, 1993). This approach demonstrates caution in applying the concept so as not to deviate from the *nash*.

In the middle period, Imam al-Tufi (d. 716 AH) from the Hanbali school developed a more progressive view, stating that *masalih mursalah* can override textual arguments in muamalah law as long as they do not contradict the principles of Sharia. In *Risalah fi al-Masalih al-Mursalah*, al-Tufi emphasised that the public interest is the core of Sharia, so policies that support the welfare of society can be prioritised (Najm al-Din al-Tufi, 1980). Meanwhile, Imam al-Syathibi (d. 790 AH) from the Maliki school reinforced the framework of *maqasid syariah* in the context of *masalih mursalah*, emphasising that every public interest must be measured based on three levels of need: *daruriyyah*, *hajiyyah*, and *tahsiniyyah*. In *Al-Muwafaqat*, al-Syathibi explains that *masalih mursalah* must not contradict the *nash* and provide tangible benefits to the community (Ibrahim ibn Musa al-Syathibi, 1997). This view became an important reference in classical fiqh.

Contemporary scholars such as Yusuf al-Qaradhawi (d. 2022) have expanded the application of *masalih mursalah* to address modern challenges, such as urban issues or technology. In *Fiqh al-Maqasid*, al-Qaradhawi asserts that *masalih mursalah* is a flexible tool for formulating new laws, such as environmental or transportation regulations, as long as they align with the *maqasid syariah* (Yusuf al-Qaradhawi, 2006). Wahbah al-Zuhaili (d. 2015) also supported this approach, emphasising that *masalih mursalah* must be balanced with social impact analysis to prevent abuse. In *Usul al-Fiqh al-Islami*, he explains that this concept is relevant to contemporary issues, such as public resource management, while remaining grounded in justice and balance (Wahbah al-Zuhaili, 1986). Chronologically, the development of the concept of *masalih mursalah* shows an evolution from a conservative approach to a more contextual application, enriching the fiqh discourse in facing the dynamics of the times.

Masalih mursalah, as one of the sources of law in *ushul fiqh*, serves to formulate Islamic law for issues that do not have specific arguments in the two Islamic legal corpora, the Qur'an and hadith, but are still in line with the objectives of sharia. Its formation involves identifying public interests that support the preservation of religion, life, reason, lineage, and property, provided that they do not contradict definitive evidence (*dalil qath'i*), are primary or secondary in nature, and provide tangible benefits. In the context of dynamic social problems, such as traffic congestion, climate change, or digitalisation, *masalih mursalah* enables fiqh to adapt through contextual analysis based on justice and the welfare of society. This process enriches the perspective of fiqh by offering methodological flexibility, enabling scholars to respond to modern challenges without sacrificing the essence of sharia, as exemplified by Imam Malik in his public policy regulations in Medina (Mohammad Hashim Kamali, 1999).

The stage of forming *masalih mursalah* begins with the observation of social problems, followed by an evaluation of their impact on the *maqasid syariah*. For example, in dealing with traffic congestion in large cities, scholars can identify economic and health losses as threats to *hifz al-mal* (preservation of wealth) and *hifz al-nafs* (preservation of life). Subsequently, solutions such as the development of public transportation or technology-based traffic regulations are tested through three criteria of *masalih mursalah*: compatibility with sharia, level of need, and tangible benefits. This process enriches fiqh by integrating empirical data and Sharia principles, creating relevant and applicable laws. This approach also encourages interdisciplinary collaboration between scholars, social experts, and technologists, expanding the horizons of traditional fiqh towards a more inclusive and responsive paradigm to social dynamics (Jasser Auda, 2010).

Traffic congestion in Jakarta until the end of 2024 will remain a significant urban problem, marked by high traffic density, especially during morning and evening rush hours. Based on data from the *Central Statistics Agency* (BPS) of DKI Jakarta Province on the number of motor vehicles by district/city and type of vehicle in DKI Jakarta Province in 2024, there has been a significant increase in the number of motor vehicles, with a total of millions of units, dominated by motorcycles and private cars (Badan Pusat Statistik Provinsi DKI Jakarta, 2024). This data reflects the high dependence of the community on private vehicles, which is one of the main causes of congestion. Additionally, reports from various sources indicate that average travel time in Jakarta can reach 1–2 hours for short distances during peak hours, resulting in economic losses, increased air pollution, and a decline in the quality of life for residents.

The primary cause of traffic congestion in Jakarta, as indicated by BPS data, is the imbalance between the growth in the number of vehicles and the capacity of road infrastructure. BPS data from 2024 shows that motorcycles, the most common type of vehicle, account for approximately 70-80% of the total vehicles in Jakarta, followed by private cars, which continue to increase annually (Badan Pusat Statistik Provinsi DKI Jakarta, 2024). This growth has been exacerbated by high sales of new vehicles after the pandemic, as reported by Gaikindo, with car sales reaching around one million units per year in Indonesia, mostly concentrated in Java, including Jakarta (Gaikindo, 2023). Meanwhile, the length of roads in Jakarta has not increased significantly, and many roads are unable to accommodate the growing volume of vehicles. This creates bottlenecks at various points, particularly in business centres such as Sudirman-Thamrin and access points to and from the city's toll roads.

Another factor exacerbating congestion is the limited use of efficient and affordable public transportation, despite progress with the MRT and LRT. Data indicates that only a small portion of Jakarta's population regularly uses public transportation, due to issues such as limited accessibility, comfort, and intermodal connectivity. Additionally, societal behaviour patterns, such as a preference for private vehicles for reasons of flexibility and social status, further exacerbate the problem. The uneven distribution of vehicles across Jakarta, as seen in BPS data, also shows that South Jakarta and East Jakarta have the highest number of vehicles, which correlates with more severe congestion in those areas (Badan Pusat Statistik Provinsi DKI Jakarta, 2024). External factors, such as economic activity concentrated in Jakarta and the influx of vehicles from neighbouring cities (Bogor, Depok, Tangerang, Bekasi), further burden the road infrastructure.

On a macro scale, traffic congestion in Jakarta until the end of 2024 is the result of a combination of rapid growth in motor vehicles, limited road infrastructure, low adoption of public transportation, and community behaviour patterns. Data from Statistics Indonesia (BPS) in 2024 highlights that motorcycles and private cars are the main contributors to traffic congestion, with Jakarta as the centre of economic activity attracting more vehicles (Badan Pusat Statistik Provinsi DKI Jakarta, 2024). To overcome this problem, an integrated approach is needed, including strengthening public transportation, implementing vehicle restriction policies such as ERP (*Electronic Road Pricing*), and educating the public to switch to more sustainable modes of transportation. Without significant intervention, congestion will continue to hamper productivity and the well-being of Jakarta's residents.

Islam has an important contribution to offer in creating a new perspective on solutions to Jakarta's congestion. This stems from the understanding of Islam, which has become a way of life and a guide for most Muslims in the capital. Although they do not fully implement Islamic principles such as praying five times a day, fasting and giving alms during Ramadan, or performing the Hajj pilgrimage every year, religious teachings are considered something that can guide human life. Based on this, the role of a contextual Islamic paradigm can be used as a solution to this urban problem (Basya & Hamka, 2023).

There are at least three fiqh legal products that can be implemented to alleviate traffic congestion in the capital. First, the *obligation to use public transportation*. Scholarly discussions must reach a binding legal consensus regarding the use of vehicles on public roads. It is a common concern that the ownership of luxury goods is seen as a symbol of prosperity. Jakarta residents often prioritise owning a car over more urgent needs such as access to adequate housing or nutritious food for their families. Car ownership is viewed as a sign of wealth. This mindset has perpetuated widespread car ownership, leading to overcrowding on the roads. This does not even account for the number of motorbike users or other two-wheeled vehicles, whose numbers are also alarming, creating further overcrowding.

Religious scholars need to issue fatwas to provincial governments to encourage the public to use public transportation. The concept of *masalih mursalah* can serve as the basis for why this recommendation is mandatory from an Islamic fiqh perspective. To make it logical, the annual problem that has yet to be resolved in the capital city must be highlighted, namely traffic congestion that disrupts the activities of nearly the entire population of Jakarta.

Following this, the government should enact public laws limiting the number of private vehicles during specific times, such as five working days (Monday to Friday),

during which residents are not permitted to use their private vehicles to commute to work. Instead, they would use integrated public transportation systems from the smallest administrative units (neighbourhoods) to larger cities. Although this process requires time, it is effective in reducing traffic congestion.

Second, the government must ensure the availability and maintenance of public transportation. This applies not only to the public but also to the government as the institution responsible for issuing regulations and laws to govern society. Religious scholars must provide logical evidence, both from religious and social perspectives, regarding the importance of their role in maintaining and caring for public transportation.

Jakarta is an old city. It is no longer suitable to be the capital city for 10 million people living there. This is due to the threat of erosion and rising sea levels during certain periods, which are gradually eroding Jakarta's landmass. This does not account for the flood threats that occur every rainy season. This can serve as a starting point for the government to build a transportation ecosystem suitable for Jakarta, which is already on the brink of natural disasters.

With the concept of *masalih mursalah*, the government needs to be made aware of their role in protecting the lives of every citizen (*hifz al-nafs*). This is an obligation in the perspective of fiqh that can be internalised in Islamic legal products that support this message. Road maintenance, mass transportation, including the construction of integrated terminals and shelters, also require attention. This is to maintain public trust that the Jakarta government can be relied upon to build a regular and efficient transportation distribution system, thereby reducing traffic congestion.

Third, the obligation to maintain a clean and healthy environment. While these legal instruments may not directly impact traffic congestion in the capital, they play a crucial role in maintaining the macro-level sustainability of living spaces. It cannot be denied that in the next 10 or 20 years, if the National Capital City (IKN or Ibukota Negara in Kalimantan Island, the new capital of Indonesia's planning) project is not fully operational, the national economic and political centres will continue to develop in Jakarta. This will lead to the emergence of threats to the quality of life, such as air pollution, unhealthy environments, and overcrowding.

Despite the existence of mass transportation, this does not necessarily reduce the quality of life in Jakarta. This is indeed connected to many aspects, but a healthy and clean environment is a crucial asset that must be prioritised. Religious scholars need to discuss this so that the smooth operation of transportation in Jakarta can find a suitable and promising place to develop, ensuring a comfortable quality of life. A comfortable living environment will foster a good work ethic, which in turn impacts measurable and profitable performance.

The concept of *masalih mursalah* needs to underpin the obligation to maintain a decent life for humans. In the Qur'an, in Surah Ar-Rum verse 41, Allah reminds us that humans are the creators of destruction on land and sea (Asep Supriyadi, 2025). They do this to create what they consider to be a modern and decent way of life. Despite their good intentions, these projects have resulted in environmental damage, which in turn creates new threats to human survival, such as natural disasters and extreme weather (AM Ismail; MS Firas, 2024). Therefore, integrated environmental protection is part of human responsibility and can be categorised as worship to maintain a natural order that is conducive to the development of human civilisation in the future (Ahmad Ridwan et al., 2023).

Conclusion

Based on the concept of *masalih mursalah*, three main findings to overcome traffic congestion in Jakarta are as follows. First, the obligation to use public transportation needs to be enforced through binding fatwas issued by religious scholars, supported by government regulations that restrict the use of private vehicles on weekdays. This aims to change the mindset of the public who consider car ownership as a symbol of prosperity, which contributes to vehicle overpopulation and traffic congestion. Second, the government must guarantee the availability and maintenance of integrated public transportation, taking into account Jakarta's geographical conditions, which are prone to flooding and erosion. The concept of *masalih mursalah* emphasises the government's role in protecting the lives of citizens (*hifz al-nafs*) through the development of an efficient transportation ecosystem, including road maintenance, terminals, and shelters.

Third, the obligation to maintain a clean and healthy environment is the foundation for creating sustainable living spaces in Jakarta, even though its impact on traffic congestion is not direct. Scholars need to promote awareness of the importance of a healthy environment as a prerequisite for a decent life, as reminded in the Qur'an (Al-Rum: 41) about humanity's responsibility for environmental damage. The *fiqh* legal products resulting from discussions among scholars, in collaboration with the government, urban planners, and various stakeholders, must be widely disseminated to ensure dynamic and inclusive implementation, supporting Jakarta as a more orderly, efficient, and comfortable city for all its residents. This study has limitations because it does not cover the entire Jakarta area, which has a large population and a large number of vehicles. Therefore, it is hoped that in the future, there will be relevant studies with different angles but offering solutions to this congestion problem.

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