



## The Idea Of Maqasyid Syariah According To Al-Syatibi And Its Implementation Of The Islamic Economy

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### Abstract:

*Bermula dari tujuan agama Islam adalah untuk tercapainya kemaslahatan, salah satunya adalah kemaslahatan yang bersifat dharuriyat yang tercakup dalam maqasid Shariah, menjadikan penelitian ini sebagai pembahasan terkait dengan praktik maqasid shariah dalam dunia ekonomi dalam perspektif Al Syatibi. Metode peneltian yang digunakan adalah library research. Hasil penelitian menunjukkan, konsep berekonomi sesuai syariat adalah bagian penting dari kebutuhan manusia. Hal ini menyesuaikan dengan Indeks pemberdayaan ekonomi masyarakat dalam memenuhi kesejahteraannya meliputi pendapatan, konsumsi, keadaan hidup, fasilitas perumahan, kesehatan rumah tangga, kualitas pendidikan keluarga, kemudahan anak memasuki jenjang pendidikan, dan perasaan aman bebas dari intervensi kriminal. Sehingga Ekonomi Syariah bagian dari alternatif pemecahan masalah kebutuhan manusia terutama pada hal-hal tersebut yang dimaksud.*

**Kata Kunci:** ekonomi, maqasid, maslahat, syariah

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### INTRODUCTION

One of the important and fundamental concepts that is the subject of discussion in Islam is the concept of Maqasid Sharia which affirms that Islam exists to realize and maintain the benefit of mankind. This concept has been recognized by scholars and has become a basic

reference in Islam. As for the spirit of the concept of Maqasid Shari'ah is to realize good while avoiding bad or attracting benefits and rejecting mudarat (*dar'u al-mafasid wa jalb al-masalih*), the term commensurate with the core of the Maqasid Sharia is maslahat, because Islam and

maslahat are like twin brothers who cannot be separated (Musolli, 2018).

The emergence of the muamalah kontemporer is the most important part in providing space for the Muslim community to change the status of its fairer business transactions, maintain the community, and be more modern, dignified, and get the benefits of the world and the hereafter. This can happen if business transactions carried out internally among humans contain the maqashid shari'ah that has been offered by scholars including Ash-Shatibi both in process and in principle. But it is ironic that many contemporary business transactions do not provide a solid explanation of their basis and are still practiced by modern society today. Thus, this paper reveals and analyzes the existence of maqashi shari'ah contained in contemporary muamalah practices. (Mansyur, 2020)

Social problems in this modern era have undergone complex changes and caused problems related to sharia law. The mujtahids developed methods to answer the problem, but they were not satisfactory. The methods developed by Islamic reformers on legal issues and their approach still sit on the interpretation of madhhabs or combine the opinions of two/more different madhhabs in one worship. The emergence of Islamic economics combines the advantages of

capitalist and socialist economies and avoids the negative side of the two economic systems. The emergence of the Islamic Economy into a hybrid economic system, has a divine dimension. Every activity in the economic field is associated with aspects of faith and piety derived from God's revelation. (Kholifah, 2020)

Starting from the purpose of religion Islam is to achieve benefits, one of which is the dharuriyat health included in the Sharia maqasid, making this research a discussion related to the practice of sharia maqasid in the economic world which is currently increasing, various types of businesses make economic activities for Muslims diverse. Nevertheless, the importance of the idea of the sharia economy is right on target with the benefit of the people. Thus, this research focuses on Al Syatibi's idea of Maqasid Sharia, which is implemented in Islamic economic practice.

## **METHOD**

The research method used is *library research*. The primary data sources are writings in the form of journals or books focusing on Al Shatibi's thoughts on the maqasid of sharia. Meanwhile, secondary data sources are taken from journal writings or books that focus on

economics, jurisprudence, and Islamic economic law.

The data collection techniques used are observation and documentation. While the form of data analysis is qualitative data analysis. Data is collected, selected, and selected, interpreted then produces a synthesis that can be accounted for.

## RESULTS AND DISCUSSION

### *Basic Concepts of Sharia Maqasid in Economics Al Syatibi Perspective*

Etymologically, maqashid syariah consists of two words, namely maqashid, and sharia. Maqashid is the plural form of maqshud meaning intentionality or purpose. Sharia means the way to water, or it can be said by the way to the source of life, while in terms of maqashid sharia is the gaze of Allah SWT to make maslahah to humans (Ni et al., 2019).

Maqashid Sharia Ash-Shatibi is one of the tools to observe and balance contemporary reality anywhere and anytime. This is because the goal is very universal and can be recorded in sharing aspects of life, including in traditional and contemporary muamalah practices. In contemporary practice, the use of Maqashid Sharia cannot be separated from Muslim needs so it is implemented in the maintenance of the soul (*hifz an-nafs*); such as from

the threat of death in the practice of buying and selling gecko bile which is efficacious in curing HIV AIDS. Another implementation is the safeguarding of assets (*hifz al-mal*) recorded in the practice of sharia insurance and sharia mutual funds. This can guarantee that one's property will return according to the agreed agreement in the event of a disaster. Furthermore, the implementation of maqashid Shari'ah Ash-Shatibi can encourage the preservation of property (*hifz al-mal*) by means of financing through buying and selling practices using the internet, telephone, WhatsApp, Instagram, and SMS (Mansyur, 2020).

Al-Syatibi describes three schools followed by scholars of jurisprudence in an attempt to uncover the Maqasid of Sharia. The schools in question are: (Musolli, 2018). *First*, the school of zahiriyah (literalist/textualist, i.e. scholars who follow this school argue that the Maqasid Sharia is something abstract, unknowable except through God's guidance in the form of clear (explicit) *zahir nas*. The clue does not need to be examined anymore, it must be understood as it is as written in the passage (according to language). Whether the *taklif* (God-given duty to man) pays attention to the benefit of the man himself, or not, although the benefit has been manifested in some people,

it is not worth paying attention to. What is clear is that the benefit cannot be known in the slightest without seeing the passage in textual form. The extreme opinion of scholars who adhere to this school rejects reason and *qiyas*.

Second, Ulema who do not approach through *zahirnya nas* in understanding the meaning of the Qur'an and Sunnah. This group is also divided into two schools, namely the Inner School, is the scholars who follow this school argue that the Maqasid of Sharia does not lie in the form of *zahirnya nas*, nor is it understood from a clear passage. However, the maqasid of shari'ah is something hidden behind it all. This is present in all aspects of Shari'ah. No one who holds to the meaning of being born from a lafaz can know the meaning of Shari'ah. This school is a school that pretends to cancel Islamic shari'a which can lead to disbelief. This school holds that their priests are preserved from sin. Such an opinion is impossible to understand, except by undermining the obvious meaning of the Qur'an and Sunnah.

The objectives of the Shari'a in Maqashid al-Sharia according to al-Shatibi are viewed from two parts. First, it is based on God's purpose as the maker of the Shari'a. Second, it is based on human goals burdened by the Shari'a. In the original purpose, which is related to the aspect of

God's purpose in establishing the principles of the teachings of the Shari'a, and from this aspect God aims to set it to be understood, also so that people burdened with the Shari'a can carry out, secondly, so that they understand the essence of the wisdom of the Shari'a. (Nashrullah et al., 2014)

According to Imam Syatibi, the benefits that will be realized by Islamic law are to preserve and preserve human integrity in all ranks both in the ranks of *daruriyat*, *hajiyat* and *tashiniyat*. According to Abdul Wahab Khallaf, if the level of needs above each *daruriyat*, *hajiyat*, and *tashiniyat* has been fulfilled perfectly, it means that human benefit has been realized which is the purpose of shari'a law. Furthermore, *daruriyah* is divided into five points known as *al-kulliyat al-khamsah*, namely, Guard against religion (*hifz al-din*), Guard against the soul (*hifz nafs*), Care for a reason (*hifz al-aql*), Care for offspring (*hifz al-nasl*), Care for property (*hifz al-mal*).

According to Al-Shatibi, to be able to become a mujtahid, one must have the ability and ability to understand the meaning of shari'ah and be able to proclaim the law based on his own understanding of maqashid al-shari'ah. Al-Shatibi made the Qur'an and hadith as the main reference in *beijtihad*, he believed that the Qur'an will always be preserved its originality. If neither

nash is found qath'i, then the attempt is made to refer to Ijma' and Qiyas. The thing that concerns Al-Syatibi then is the mastery of Arabic, how can a person be able to do ijihad while he does not master Arabic, even though Arabic is the language of the Qur'an and Hadith, then Al-Syatibi places mastery of Arabic as a *ruknan min arkan al-ijihad*.

Maqashid is to ensure the realization of benefits for the human ummah. To achieve this benefit, Allah SWT gives obligations to humans in the form of Allah's laws. Logically, a law is created to achieve a certain goal, there can be no law without a clear purpose, so it can be understood that laws are actually made for the benefit of the man himself. So it can be concluded that maqashid al-Shari'ah is a concept to know the wisdom or values established by Shari'ah by Allah SWT to achieve the ultimate goal, namely human benefit. Al-Shatibi in his book *al-Muwafaqat* specifically divides maqashid into two parts: qashdu al-shari' (the purpose of God) and qashdu al-mukallaf (the purpose of mukallaf). Then he divided qashdu al-shari' into 4 kinds. *First: qashdu al-shari' fi wadh'i al-shari'ah; second: qashdu al-shari' fi wadh'i al-shari'ah li al-ifham; third: qashdu al-shari' fi wadh'i al-shari'ah li al-taklif bi muqtadhaha; fourth: qashdu al-shari' fi dukhuli al-mukallaf throne ahkami al-shari'ah.*

In the section qashdu al-mukallaf Al-Shatibi explains there are 12 problems contained it. The point in this discussion is that every action performed by man as a servant must be in accordance with dmaqashid al-shari'ah. The 3 most important issues contained in it are first: *Anna al-A'mal bi an-Niyah* Charity actually depends on intention. The law of man's deeds is based on his intentions. All the intentions of charity depend on the intention. If the intention is right then the practice becomes right, but if the intention is vanity then the charity is vanity too. Second: qashdu al-mukallaf fi al-amal muwafiqan li qashdi al-shari' fi al-tasyri' which contains the purpose or purpose of mukallaf must be the same as the purpose of Allah. If Allah wants the purpose of a Shari'ah to be the benefit of His servants in general, then the believer must have the same goal. For example, in the care of the maslahah, one must take care of one's own benefit which is included in the dharuriyyah maslahah. Third: *Third, man ibtagha fi al-takalifi ma lam tusyra' lahu, fa 'amilahu bathilun* which means whoever does something that is not sanctioned then it includes batil. If a person does what Allah Almighty does not declare then he will sin, but if it is still in accordance with the purposes and purposes of Allah SWT then the law is permissible.

### *Economic Implementation in Al-Syatibi's Perspective*

Construct an Islamic economic building, cannot be separated from the theory of Maqashid. In fact, Shaykh Muhammad Thahir Ibn 'Assyria once said that forgetting the importance of the maqashid side in Islamic sharia is the main factor causing the stagnation of jurisprudence. Reviving the long-buried and fossilized Islamic economy is the land of ijtihadi. This means that it requires hard work (ijtihad) on the part of Muslim economists to search for values contained in the Qur'an and Sunnah related to economics. Henceforth, these ideal values are derived into economic theories which can then be formulated in the plains of praxis. Moreover, the offer of Maqashid Fiqh seems to be one of the stimulants worthy of being developed by Muslim economists to develop Islamic economics (Sulaeman, 2016).

The theactivation of man in carrying out economic activities is to meet his needs in the sense of obtaining the benefit of living in the world and in the hereafter. Unmet needs are key in a motivational process. An individual will be encouraged to behave if there is a deficiency in himself, both psychologically and psychologically. Motivation itself includes effort,

perseverance, and purpose (Melis, 2016).

Islamic economics should be built without denying the existing reality but still within the framework of maqashid al-shari'ah. This is because maqashid al-shari'ah itself seeks to express emphasis on the relationship between the content of God's will (law) and human aspirations. At this point, a common thread can be drawn that the theory of Maqāshid occupies a very central and vital position in formulating the methodology of Islamic economic development. In fact, a l-Syatibi himself states that maqashid syariah is his messenger. This means that compiling *ushul fiqh* as a methodology, cannot be separated from maqashid shari'ah. This is because the theory of maqāshid can lead mujtahids to determine the standard of benefit in accordance with the Shari'a/law (Sulaeman, 2016).

Economic well-being is defined in terms of a person's level of life and financial resources. People's real consumption is used to measure their level of living. As stated in the Qur'an, poverty should be addressed as a matter of public concern. Even life-threatening conditions should be dealt with. Some type of business or work can be done by individuals or organizations without violating all the criteria of Islamic law and giving them an advantage in the world and

hereafter without violating those requirements. The index of economic empowerment of the community in fulfilling its welfare includes income, consumption, living conditions, housing facilities, household health, quality of family education, ease of children entering the education level, and feeling safe and free from criminal intervention. (Wulandari et al., 2022)

The main goal of Islamic economics is *maqashid al-sharia* itself, which is the attainment of happiness in the world and the Hereafter (*falah*) through a good and honorable life order. That is the essential welfare to which there must be the protection of faith, knowledge, life, turmoil, and property (Adzkiya', 2020).

The right of the individual is basically human nature itself to freely own and utilize the wealth of the universe, by not violating Islamic law and not harming others. Public property rights based on all that exists are reserved for the general public. While state property rights come from individuals and general where the state has the right to manage because of its nature as a representative of the people and caliphs on earth.

Thus, the theory of *maqashid al-sharia* should have implications for the economic behavior of every Muslim. In addition, Muslim economists should also pay attention

to these implications when conducting economic analysis within the framework of Shariah. Compiling and describing the implications of *maqashid* in economic theories is a very difficult challenge and task, which Muslim economists must always struggle with. In the context of Islamic economics, the purpose of *maqashid al-sharia* is to safeguard the human benefit. A Muslim is encouraged to acquire or produce such useful goods/services. For Shari'ah economists, the concept of *maslahah* is more objective than the concept of utility to analyze the behavior of economic actors. Although *maslahah* (benefit) may leave a bit of subjectivity, it does not give rise to vagueness as it happens in the concept of utility.

## CONCLUSION

Al-Shatibi's thought that the *maqashid* of sharia is the benefit of mankind. Furthermore, he stated that none of Allah's laws are *swt.* who has no purpose because a law that has no purpose is the same as imposing something that cannot be carried out? Benefit, in this case, is defined as everything that concerns man's sustenance, the fulfillment of man's livelihood, and the acquisition of what his emotional and intellectual qualities demand, in an absolute sense. *Maqashid sharia* itself according to him is divided into *dharuriyat*, *hajjiyat*, and *tahsiniyat*.

The concept of the economy according to Sharia is an important part of human needs. This is in accordance with the index of economic empowerment of the community in fulfilling their welfare including income, consumption, living conditions, housing facilities, household health, quality of family education, ease of children entering the education level, and feeling safe and free from criminal intervention. So that Sharia Economics is part of alternative solutions to the problem of human needs, especially in these things in question.

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