

MAQASID AL-SHARIA IN ISLAMIC FINANCE

Solahuddin Al-Ayubi

IAI Tazkia, Indonesia

Email : solahuddin@nplecturer.tazkia.ac.id

Siti Halawatuddu'a

INAIS, Indonesia

Email : halawatuddua@gmail.com

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ABSTRACT

Maqasid al-sharia is a general sharia objective and has a vital role in studying Islamic legislation. This study has several purposes, including, first, to determine the definition and function of Maqasid al-sharia's role in concluding the law. Second, to find out the ulama's thoughts on Maqasid al-sharia and various Maqasid al-sharia. Third, to find out the implementation of Maqasid al-sharia in Islamic social finance. This research uses a normative juridical method which uses secondary data sources, and operationally, the normative juridical research is carried out by library research. The research results show that the ulama's thoughts on Maqasid al-sharia can be divided into three stages, namely foundation, development, and contemporary. Maqasid al-sharia in Islamic social finance brings justice and welfare to society and realizes the continuity of human life on this earth.

Keyword: Maqasid al-sharia, Benefits, Islamic Social Finance

INTRODUCTION

Maqasid al-sharia is a general goal to be achieved by sharia and applied in life. Maqasid al-sharia is one of the concepts that have an essential role in studying Islamic legislation. Because of the urgency of the role of Maqasid al-sharia, legal theorists define Maqasid al-sharia as a science that must be understood by every mujtahid who



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will perform ijtihad.¹ The critical explanation in the theory of Maqasid al-sharia is to realize the benefit of every human being and avoid harm from them. Maqasid al-sharia is benefits, and benefits are Maqasid al-sharia.²

Indeed, Allah SWT creates nothing except for a specific purpose. Allah SWT gives or does not give except for specific targets. Likewise, Allah SWT does not add or subtract anything except for certain wisdom.³

The use of Maqasid al-sharia in discussing the concept of Islamic finance is motivated by several factors, first, Maqasid al-sharia can be used to determine the parameters of benefits and harms, second, to understand the various levels, objectives of sharia, priorities and categories, third, examine the relationship between the two types of maqasid in which maqasid Muamallah must obey the maqasid of law givers to ensure consistency and sharia compliance in human activities, fourth, provide facilities for the muamalah legal reasoning process to be carried out, fifth, the reasoning that is carried out becomes a gateway analogy where sharia decisions can be extended to other cases based on the cause, sixth, as a parameter in assessing the hadith of ahad, seventh, as a general guideline and parameter for issuing appropriate resolutions for scholars in conducting ijtihad, eighth, to determine the meaning of the provisions of the Qur'an and Sunnah, ninth, a strong relationship between Maqasid al-sharia, kai The principles of fiqh, and the rules of Islamic jurisprudence make Maqasid al-sharia a macro discipline that links with other disciplines in Islamic science.⁴

In the discussion of Islamic finance, there is a unique feature in providing solutions to the allocation and distribution of economic resources, namely the existence of a third sector, the voluntary sector. This sector is a complement and

¹Sandy Rizki Febriadi, "APLIKASI MAQASHID SYARIAH DALAM BIDANG PERBANKAN SYARIAH," *Amwaluna: Jurnal Ekonomi Dan Keuangan Syariah* 1, no. 2 (2017): 231–45.

²Oni Sahroni and Adiwarmarman Karim, *Maqasid Bisnis Dan Keuangan Islam* (Depok: Raja Grafindo Persada, 2015).

³Sahroni and Karim.

⁴Ahcene Lahsasna, *Maqasid Al Shari'ah In Islamic Finance* (Kualalumpur: IBFIM, 2013).



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consequence of the sharia provisions regarding zakat, *infaq*, alms, waqf, and *qardul hasan*.

Islamic social finance can play a role in complementing and strengthening the targets made by the government with its policies, but at the initiative of the community (such as the private sector) by using zakat, *infaq*, alms, *waqf*, and other similar instruments.

With voluntary Islamic social finance such as *infaq*, alms, and waqf, which are voluntary gifts from the people to be channelled to the people's interests to hope for the pleasure of Allah SWT alone can also help provide smooth running of state development projects. This is what distinguishes the Islamic economic system from the conventional.⁵

This study has several objectives: first, to determine the definition and function of the role of Maqasid al-sharia in concluding the law. Second, to find out the ulama's thoughts on Maqasid al-sharia and various Maqasid al-sharia. Third, to find out implement Maqasid al-sharia in Islamic social finance.

METHOD

Based on the explanation above, research related to Maqasid al-sharia in the study of Islamic law is a necessity. This study will briefly explain the theory of Maqasid al-sharia in Islamic social finance. The author in this study uses a normative juridical method, namely legal research that uses secondary data sources. As for the mention of normative, this study will explain and test secondary data based on the practice of Maqasid al-sharia in Islamic social finance. Operationally, normative juridical research is carried out using library research.

In general, research data is classified into two types: secondary data obtained from library data. Library data, also known as literature study (Library Research), is library research carried out by searching for data from books, journals, laws and

⁵Ali Sakti, *Analisis Teoritis Ekonomi Islam Jawaban Atas Kekacauan Ekonomi Modern* (Jakarta: Aqsa Publishing, 2007).

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regulations, and other scientific writings. In this study, Maqasid al-sharia will be investigated regarding verses from the Qur'an, hadith, and the opinions of the jurists in their books. Second, primary data, namely data obtained directly from the population by using the interview method or distributing questionnaires. This type of data is known as Field Research, where data collection is carried out by conducting field studies, either by observations, interviews, questionnaires, and questionnaires. The data collection technique in this research uses literature study or document study as secondary data, namely analyzing relevant scientific theoretical reading sources to be used as the basis for research analysis to provide solutions to the problems posed. This study uses analytical techniques with qualitative methods through a research method that produces analytical descriptive data because it does not use formulas and numbers using deductive thinking methods.

RESULT AND DISCUSSION

Maqasid al-sharia in language and terms. As mentioned in the Arabic dictionary, that *maqshad* and *maqashid* come from the stem word *qashd* (قَصَدَ). Maqasid (مَقَاصِد) a word that shows a lot (plural), the *mufrad* is *maqshad* (مَقْصَد) which has the meaning of a or has a goal. In addition to a goal or target, *maqshad* and *maqashid* also have several meanings determined by *siyaq al-kalam*. The meanings are: First, middle or moderate, as in the expression (قَصَدَ فِي الْأَمْرِ) (he is always moderate in everything) Second, mature, as in the expression: وَهُوَ عَلَى (قَصْدٍ) أَي رَشِيدٍ (he has mature personality). Thirdly, it is easy, as in the expression: طَرِيقٌ (قَصْدٌ) أَي سَهْلٌ (the easy way)⁶. The term Maqasid al-sharia explained by Imam ath-Tahir Ibn' Assyria and al-'Allamah' Ilal al-Fasi is like follow:

Maqasid al-sharia, according to Ibn' Assyria, is

المعاني والحكم المفوظة للشارع في جميع أحوال التشريع أو معظمها بحيث لا تختص ملاحظتها
بالكون في نوع خاص من أحكام الشريعة

⁶Sahroni and Karim, *Maqasid Bisnis Dan Keuangan Islam*.

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"The meaning or wisdom that comes from Allah SWT that occurs in all or the majority of His provisions (not in certain laws)"⁷

Maqasid al-sharia, according to al-Fasi, is

الغَايَةُ وَالْأَسْرَارُ الَّتِي وَضَعَهَا الشَّارِعُ عِنْدَ كُلِّ حُكْمٍ مِنْ أَحْكَامِهَا

"The Purpose and Secret of Allah SWT in Every Law of His Sharia"⁸

Maqasid al-sharia, according to ar-Risuni, is

الغَايَاتُ الَّتِي وَضِعَتْ الشَّرِيعَةُ لِأَجْلِ تَحْقِيقِهَا لِمَصْلَحَةِ الْعِبَادِ

"The purpose to be achieved by this Shari'a is to realize the benefit of the servant"⁹

The definition of Maqasid al-sharia presented by the scholars above can therefore be concluded as follows:

المَحَافَظَةُ عَلَى مَصَالِحِ الْعِبَادِ بِجَلْبِ الْمَصَالِحِ وَدَرْءِ الْمَقَاسِدِ

"Maintaining human needs by realizing their benefits and avoiding harm."

The function and role of Maqasid al-sharia in summarizing the law First, it helps to understand the Quran correctly. In terms of interrelated verses of the Qur'an, Maqasid al-sharia serves to help one understand the Qur'an correctly so that understanding becomes apparent. The process of the ban on usury can, for example, give a clear understanding of the intent and purpose of the ban. Second, understand Islamic law in general. So with Maqasid al-sharia, you can understand the general picture of the aims and objectives of implementing sharia law. For example, the

⁷Ahmad Ar-Risuni, *Nazariyyah Al-Maqasid 'Inda Al-Imam Al-Syatibi*, 1995.

⁸Izz al-Din Abd Al-Salam, *Qawa'id Al-Ahkam Fi Mashalih Al-Anam Juz 1 Dan 2* (Beirut: Dar al-Kutub al-Ilmiyyah, n.d.).

⁹Ar-Risuni, *Nazariyyah Al-Maqasid 'Inda Al-Imam Al-Syatibi*.

¹⁰Ismail Hasani, "Nadzariyatu Al-Maqashid 'inda Al-Imam Ath Thahir Bin 'Asyur" (Kairo: International Institute of Islamic Thought (IIIT), 1416).

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prohibition on adultery is to protect or preserve people from offspring and honour. Third, perform *ijtihad*. In this case, Maqasid al-sharia is essential science to understand the intent and purpose of sharia by looking at the benefits side that is not in contradiction with sharia. Fourth, to ensure *ijtihad*. As an obligation that a person must fulfil, namely to comprehensively understand Maqasid al-sharia, because it refers to *maqasid al-khamsah: hifdzu din* (protect religion), *hifdzu nafs* (protect the soul), *hifdzu aql* (protect the mind), *hifdzu mal* (protect property/wealth), *hifdzu nasab* (protective offspring). Maqasid al-sharia is used to ensure that the results *ijtihad* of sharia has taken advantage of the people.¹¹

Fifth, fully understand the texts of the Qur'an and hadith and their laws. Sixth, one can interpret one of the views of the fuqaha based on Maqasid al-sharia as one of the standards (*murajjihah*). Seventh, understand the *ma'alat* (long-term considerations) of human activities and policies and relate them to legal provisions. Eighth, one can have one of the opinions of the fuqaha, based on Maqasid al-sharia as one of the standards (*murajjihah*).¹²

Ulama's thoughts on Maqasid al-sharia can be divided into three phases: foundation, development, and contemporary. In the foundation phase, there are two opinions about who started the first sharia maqasid study, al-Tirmidhi al-Hakim with his book *Assalatu wa Maqasiduha* (according to Riysuni, a Tunisian clergyman). Second, Ibrahim Al-Nakha'i (according to Sheikh Hammadi al-Ubaidi). At the stage of development, Imam Juwaeni explains al-Harmayn Maqasid al-sharia in his book *Al-Burhan* and is supplemented by his student Imam Ghazali in his book *Mustafa min' ilm Usul en Syifa al-Ghalil*. Furthermore, a scholar Al Izz Bin Abd Salam *Qawaidul Ahkam*, wrote. Furthermore, *Al-Ihkam*, written by Imam Syihabuddin Al-Amidi, and *Al-Faruq*, is Syihabuddin Al-Qarrafi. In the later period, the study of Maqasid al-sharia received the attention of an Andalusian scholar named Imam Syatibi with his book *Al-Muwafaqat* and continued by Ibn' Ashur with his book entitled *Maqasid al-Sharia al-Islamiyyah*. In

¹¹Nurizal Ismail, *Maqasid Syariah Dalam Ekonomi Islam* (Jakarta: Tazkia Press, 2021).

¹²Sahroni and Karim, *Maqasid Bisnis Dan Keuangan Islam*.

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modern times there are various writers like Dirasah fi Fiqh Maqasid al-sharia by Sheikh Yusuf Qardhawi, Maqasid al-sharia wa Haya al-Mu'ashirah by Prof. Dr Nejatullah Siddiqi, Maqasid al-sharia by Sheikh Taha Jabil Al-Wani, and many others.¹³

Imamal-Harmayn (Imam Juwaeni) 's thoughts on Maqasid al-sharia divided Maqasid al-sharia into three: necessities, needs, and luxuries. He was the first scholar to classify Maqasid al-sharia into three levels; at the same time, he also formulated necessities *al-kubra* in sharia which is more popular with the name *maqasid al-khomsah*.¹⁴

Abu Hamid Ghazali's thoughts on Maqasid al-sharia, according to him, Maqasid Shari 'is divided into two, firstly, din (religion) and secondly, duniawi (world), which is related to the benefit of religion in His word (al-Ankabut: 45). From this verse, he emphasizes that everything that holds back from heinous deeds is included in the benefit of religion¹⁵. Regarding the level of power and clarity of maslahat, he divides it into three: his teacher Imam Juwaeni.¹⁶

Izzuddin bin Abdissalam's thoughts on Maqasid al-sharia. Some of his thoughts in Maqasid al-sharia are: the primary purpose of the Qur'an is to command to seek benefit and its causes and to avoid harm and its causes. He also views that the entire Islamic Shari'a is to bring *mashlahat* (benefit) and leave a facade (damage/loss) whether there is a text in its 'illah or not. The concept of maqasid sharia that he developed continues the thinking developed by Imam Juwaeni, Imam Ghazali and other scholars. It can be seen from his view that maqasid sharia is to bring mashlahat and leave harm. There are two divisions of mashlahat in this world and the hereafter¹⁷.

¹³Ismail, *Maqasid Syariah Dalam Ekonomi Islam*.

¹⁴Ar-Risuni, *Nazariyyah Al-Maqasid 'Inda Al-Imam Al-Syatibi*.

¹⁵Ar-Risuni.

¹⁶Ar-Risuni.

¹⁷Ar-Risuni.

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Imam Syatibi's thoughts on Maqasid al-sharia. In the discussion of Maqasid al-sharia, Syatibi is divided into *qasdu al-syari'* and *qasdu al-mukallaf*. Then the *qasdu al-syari'* is again reduced to four: first, the *qasdu al-syari' fi wadhi' al-sharia* (the intention of Shari'a to establish the shari'a); second, *Qasdu al-syari' fi wadhi' al-syariah lil ifham* (sharia intends to establish sharia as a concept); third, *Qasdu al-syari' fi wadhi' al-syariah li taklif wa muqtadhaha* (the intention of sharia to establish sharia for legal orders (*taklifi*) and obligations). Fourth, *Qasdu al-syari' fi dukhuli al-mukallaf tahta ahkam al-syariyyah* (the intention of the Shari'a to include mukallaf in the Shari'a laws).¹⁸ There are three: necessities, needs and luxuries. According to him, the maintenance of mashlahat is twofold: first, to keep it in existence, namely with the sharia realizing and establishing its presence and overseeing it. Second, to prevent it from being lost, namely by keeping away from anything that causes loss. The Maqasid Mukallaf (purpose of mukallaf) is manifested in the form of behaviour or implementation restricted by the Shari'a.¹⁹

Abu Zahrah's thoughts on Maqasid al-sharia According to him, there are three purposes of Maqasid al-sharia: first, purification of the soul of education. Second, justice. Thirdly, benefit Abu Zahrah concludes that three reasons need to be addressed: firstly, to purify people to become a source of virtue for the group and society, namely by not making them a source of evil does not become. This can be pursued through worship. Second, the maintenance of justice in Islamic society, both internal justice between them and external justice between them and another *ummah* (nation). In Islam, justice is the highest goal. It covers various areas, law, justice, evidence, muamalah, and social justice, with a broad scope. According to him, justice can be achieved if love and noble moral values have mastered the community. Third, the realization of advantage in all aspects of the law. All legal provisions prescribed by the Qur'an and Sunnah must contain the content of actual benefit.

¹⁸Ar-Risuni.

¹⁹Lahsasna, *Maqasid Al Shari'ah In Islamic Finance*.

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However, the charge of benefit is not visible to people who are lulled by lust. The benefit that Islam wants is not lust, but the public benefit.²⁰ *Mashlahat mu'tabarah*: Islamic *mashlahat*, which is realized by Islamic laws determined based on religious texts. This *mashlahat* refers to the maintenance or care of *Maqasid al-Khamsah*: the maintenance of religion, soul, descent, reason, and property.²¹

Yusuf al-Qardhawi's thoughts on *Maqasid al-sharia*. According to him, *Maqasid al-sharia* is the conclusion determined by the texts of the *shari'a* in the form of orders that are both forbidden and permitted, and *juz'i* (partly) law seeks it in the life of the *mukallaf* of individuals, families, and communities. According to him, *Mashlahat* covers the problems of the world, material, individual, ethnic and the current generation, and includes the needs of the world and the hereafter, material and spiritual, individuals and groups. In the division of *Maqasid al-sharia*, he divides into two: *al-amm* (the whole) and *juz'i* (partial). The first *maqasid* includes justice, stability in the state. The second includes the objectives of *zakat*. According to him, there are five essential points of *Maqasid al-sharia*, firstly to prioritize convenience, secondly to uphold justice; third, worship (*ta'abud*); fourth, *da'wah*. Fifth, to seek *fitrah*.²²

Thoughts of Muhammad Thahir Bin Ashur (W. 1973 M) on *Maqasid al-sharia*. He discussed the importance of *Maqasid al-sharia* because it relates to enacting a law, which is closely related to the study of *ushulfiqh* introduced by *ushul* scholars in the book's initial discussion discussed in detail about *maqasid al-sharia al-amm* and *al-khassah*. First, *maqasid al-syariah al-amm* are goals for a pure human benefit such as justice and welfare. Second, *maqasid al-syariah al-khassah* are laws devoted to specific discussions of *sharia*. Examples are *Maqasid al-sharia* in finance, family laws, and

²⁰Abu Zahrah, *Ushul Fiqih, Terj. Saefullah Ma'shum, Dkk.* (Jakarta: Pustaka Firdaus, 1994).

²¹Zahrah.

²²Ismail, *Maqasid Syariah Dalam Ekonomi Islam*.



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jinayat(crime) legislation. In detail, the maqasid al-khassah he explained were the laws of family, marriage, *jinayat*, and finances²³.

Abdul Wahhab Khallaf (W. 1955 A.D.) 's thoughts on Maqasid al-sharia. Khallaf divides *dharuriyyat*(necessities) into five things, but he prefers to use the protection of honour (*hifz al-'irdh*) rather than descent (*hifz al-nasl*).²⁴ The essence, however, is of For the following discussion, he is almost the same as Wahbah Zuhaili in his book *Nadzariyyah al-Dzaruriyyahal-Shari'iyah Muqaranah ma'a al-Qanun al-Wadh'i* which deals with the rules of -rules related to *dharar* discussed in detail (danger).²⁵

Wahbah Zuhaili (B. 1932 - now) 's thoughts on Maqasid al-sharia He mentioned various kinds of maqasid divisions, including the maqasid (mashalih) related to public and individual interests into *maslaha al-kulliyah* and *al-maslaha al-juz'iyah al-khashshah*. Alternatively, the discussion of maqasid sharia according to the interests of its fulfilment and the avoidance of its damage becomes *al-maslaha al-qath'iyah* (a definite benefit), *al-maslaha al-dzanniyah* (a benefit with a slight level of error), and *al-maslaha al-wahmiyyah* (benefit whose error rate is dominant).²⁶

A more comprehensive discussion on maqasid sharia has been reviewed by Zuhaili in his book *Nadzariyyah al-Dzarriyah al-Syar'iyah Muqaranah ma'a al-Qanun al-Wadh'i*. He called it maqasid sharia as the foundation of justice. Maqasid sharia is the eternal reference for jurists and Muslims in the development and implementation of the law. He also explained between necessities and public interest/benefits. *Dharurah* is a condition where human needs come to a situation that threatens their lives or property. As for *maslaha*, it is more general, namely safeguarding the objectives of the

²³Zaharuddin Abdurrahman, "مقاصد الشريعة في أحكام البيوع.Pdf" (Universitas Yarmuk, n.d.).

²⁴Abdul Wahab Khallaf, *Usul Fiqh* (Kuwait: Dar al Qalam wal al Tawzi, 1987).

²⁵Khallaf.

²⁶Khallaf.

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Shari'a by avoiding damage. He explained various cases related to emergencies, namely the fulfillment of food and medication.²⁷

Types of Maqasid Sharia. Imam Syatibi explained that there are 5 (five) forms of Maqasid al-sharia or what is commonly called *kulliyat al-khamsah* (five general principles). The five *maqasid* are as follows: first, *hifdzu din* (protect religion), second, *hifdzu nafs* (protect the soul), third, *hifdzu aql* (protect the mind), fourth, *hifdzu mal* (protect property), fifth, *hifdzu nasab* (to protect descendants). In addition, Imam Syatibi explained that there are 4 (four) forms of maqasid Sharia; The first, *wad'u Sharia*, is that this Shari'a aims to protect and fulfil the needs of the servant. Second, *wad'u sharia lil ifham* (understandable terms) is that the Qur'an was revealed in Arabic with provisions that are easy to understand correctly. Third, *dukhul mukallaf tahta ahkami sharia* (coverage of taklif) is that every human *mukallaf* becomes the object of law without any exceptions and discrimination. Fourth, *wad'u sharia litaklif* (*taklif* substance) provides Islamic taklif (stipulations) according to human capabilities.²⁸

The five maqasid above are graded according to their benefits and interests. There are 3 (three) levels of urgency and importance; the first is *dharuriyat* (necessities), needs that must be met, which, if not fulfilled, will destroy life. Second, *hajiyyat* (needs), needs that should be met, leading to difficulties if not met. Third, *tahsiniyat* (luxuries), complementary needs, making life less comfortable if not fulfilled.²⁹

The five intentions above are a way for people to carry out human missions as servants of Allah Swt.³⁰ Based on this, Asy-Syatibi concludes that:

²⁷Khallaf.

²⁸Ar-Risuni, *Nazariyyah Al-Maqasid 'Inda Al-Imam Al-Syatibi*.

²⁹Ar-Risuni.

³⁰Muhammad Sa'īd Ramaḍān Al-Būṭī, "Ḍawābiṭ Al-Maṣlaḥah Fī Al-Sharī'ah Al-Islāmiyyah," Cairo, 1973.

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*"Maslahat fulfils the purpose of Allah SWT to be achieved in every creature. There are 5 (five) goals, namely protecting his religion, his soul, his mind, his descendants and his property. The standard; every effort that the five maqasid realize, then it is included maslahat. And conversely, every attempt that eliminates the five maqasid, then including mudharat"*³¹

The implementation of maqasid sharia describes the main maqasid (goal); *hifzulmal* (maintaining and fulfilling the needs and benefits of property). Maintaining and fulfilling the desire for the property is sometimes in terms of getting it (*min janibi al-wujud*) or maintaining the property that is already owned (*min janibi al-'adam*). *Hifzul mal* is also a family of rules in the field of muamalah; this rule is explained by *maqasid 'ammah* (general goals) and *maqasid Khassah* (particular purposes), which are numerous.³²

An interesting discussion to describe one aspect of the economy is the distribution of income and wealth. In this discussion, the Islamic economy provides solutions through tools to equalize the distribution of wealth through two parts, first through compulsory institutions. Among the instruments are *zakat, khums, uhr, kharaj, and jizyah*. The second part is by non-compulsory institutions. Among the instruments are alms, *infaq, waqf, will, qardul hasan, and hibah* (grants). *Zakat, infaq, alms, and waqf (ZISWAF)* are the main instruments to realize the distribution of income and wealth in the society that comes from Islamic principles. Several studies have explained that ZISWAF plays a strategic role in poverty alleviation.³³

The term *maqasid* (plural: *maqashid*) refers to "a purpose, principle or intention." When referred to as *Maqasid al-sharia*, the word indicates the purpose behind the rules in sharia. In terms of its relevance to *maqashid zakat and waqf*, its

³¹Abu Ishaq Al-Syatibi, *Al-Muwafaqat Fi Ushul Asy-Syari'ah* (Beirut: Dar al-Kutub al-Ilmiyyah, n.d.).

³²Sahroni and Karim, *Maqasid Bisnis Dan Keuangan Islam*.

³³Ismail, *Maqasid Syariah Dalam Ekonomi Islam*.

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purpose is included in the particular category of *maqashid al-muamalat* (financial transaction objectives).

The general purpose of financial transactions in Islamic law, as explained by Ibn' Ashur (w.1973), identifies five *maqasid*, firstly, wealth circulation (*rawaj* or *tadawul*), secondly, transparency (*wuduh*), third, preservation (*hifdz*), fourth, strength endurance and sustainability (*tsabat*), and fifth, equity (*'adl*). Other objectives include the transfer of ownership (fairly), the building of civilization (*'imarah al-'ard / umran*), and the acquisition of wealth in a lawful manner (*kasb*).³⁴ Similarly, *zakat*- and *waqf* instruments play an essential role in the development of the Ummah. Whether in terms of education, health, infrastructure or the economy, Islam has some *maqasid* behind its implementation in sharia.³⁵ Among the most crucial *maqasid* in the implementation of *zakat* and *waqf* are as follows:

First, one of the primary purposes behind practising what is taught in the Qur'an, including *zakat* and *waqf*, is to purify the heart by refraining from selfishness and material greed. This can be seen from Surah at-Taubah (9: 103), in which the Prophet commands to take *sadaqah* from the property of the believers to cleanse them. Moreover, Surah 'Ali' requires Imran (3:92) of believers to spend their most beloved possessions on the path of Allah, which directly destroys greed and materialism in them. Even how the companions understood the purpose of *waqf*, which encouraged them to donate their best wealth to Allah SWT It is in line with enriching one's spiritual life by training one to set aside significant material surplus.

Second, zakat and waqf as property (mal) in general are considered transfers of ownership from the rich to the poor. This manifests the circulation of wealth through the transfer of ownership in carrying out the general maqsad of rawaj. The inherent purpose behind circulation is to prevent the rich from becoming richer and the poor from becoming poorer, thereby creating a balanced and equitable economy. This is also

³⁴Tawfique Al-mubarak, "The Maqasid of Zakah and Awqaf and Their Roles in Inclusive Finance," *Islam and Civilisational Renewal IAIS Malaysia* 7, no. 2 (2016): 217–30.

³⁵Al-mubarak.



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reflected in the Qur'anic verse Surah al-Hashr (59:7). This verse also urges believers to take proactive steps to reduce the gap between the rich and the poor and alleviate poverty in society³⁶.

Maqasid al-sharia on Zakat

Starting from the zakat instrument, one of the pillars of Islam, which acts as a means of distributing wealth from groups that have sufficient nisab (muzakki) to the needy and poor to achieve social justice.³⁷ This instrument of wealth distribution is an obligatory instrument for every Muslim. The distribution target is limited by the provisions in the surah at-Taubah verse 60.

As one of the attractive Islamic social finance instruments, zakat has shown supportive developments in many Muslim countries and impacts humanity.³⁸ In addition, zakat can also create socio-economic justice³⁹ In several verses (51:19 and 70:24-25), the Qur'an mentions a different purpose of zakat: that it is the 'right' of the poor and suffering. This emphasizes that the Qur'an emphasizes poverty alleviation through zakat. Zakat is a mandatory right for the poor is undoubtedly an essential tool for poverty alleviation, which has been proven historically.

Another maqasid of zakat is asserting a person as part of the larger Muslim community, as explained in verse 9:11. It also emphasizes the importance of zakat as the most important pillar of Islamic social finance. Zakat contributes to building the

³⁶Al-mubarak.

³⁷Solahuddin Al-Ayubi, . Ascarya, and Bayu Taufiq Possumah, "Examining the Efficiency of Zakat Management: Indonesian Zakat Institutions Experiences," *International Journal of Zakat* 3, no. 1 (2018): 37–55, <https://doi.org/10.37706/ijaz.v3i1.66>.

³⁸Rifka Mustafida et al., "The Implementation of Maqashid Shariah in Zakat Institution: Comparison Between Indonesia and Malaysia," *Jurnal Ekonomi Dan Bisnis Islam (Journal of Islamic Economics and Business)* 6, no. 2 (2020): 317, <https://doi.org/10.20473/jebis.v6i2.23532>.

³⁹Al-Ayubi, ., and Possumah, "Examining the Efficiency of Zakat Management: Indonesian Zakat Institutions Experiences."

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Islamic identity of an individual and is a fundamental element of harmony and cooperation among Muslims.⁴⁰

Oni Sahroni also conveyed another view that maqasid sharia in zakat is to meet the needs of the recipients; indigent, poor, 'amil/zakat workers, people/parties who are being softened their hearts, slaves, debtors, people who preach in the way of Allah SWT and *Ibn Sabil*/travellers. The types of needs that are channelled to them are financial needs (financial) for basic needs. In maqasid Sharia, financial needs are included in *hifdzul mal* (protecting and providing for financial needs). At the same time, the basic needs of the recipients that will be met are mandatory and emergency needs, such as their daily food, shelter, business capital so that they are empowered, and their education. All of these are included in the category of mandatory and primary needs (*dharuriyyat*). Furthermore, who is entitled to zakat is also an essential component in the structure of society. If it is not resolved and assisted, it will become a social problem in society.⁴¹

Maqasid Sharia on Waqf

Linguists define three words to describe waqf, namely: first, al-waqf (waqf), al-habs (holding), and at-tasbil (giving For God's sake). The word al-waqf is a noun form of *waqfu ash-syai'*, which means to hold back something. Imam Antarah, as quoted by Al-Kabisi, said, "My camel was stuck somewhere as if he knew I could take shelter in that place."⁴²

It is called withholding because the waqf is held back from damage, sale, and actions that are not for it. Profits and proceeds are withheld and are prohibited for anyone other than those who have rights to the waqf. It also has the same meaning as

⁴⁰Al-mubarak, "The Maqasid of Zakah and Awqaf and Their Roles in Inclusive Finance."

⁴¹Oni Sahroni, "Maqashid Zakat," [Ttps://Www.Republika.Co.Id/](https://www.republika.co.id/berita/koran/khazanah-koran/16/06/09/o8hyc52-maqashid-zakat), 2016, <https://www.republika.co.id/berita/koran/khazanah-koran/16/06/09/o8hyc52-maqashid-zakat>.

⁴²Muhammad Abid Abdullah Al-Kabisi, *Hukum Wakaf* (Jakarta: II MaN Press, 2004).

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al-habs; the word *al-waqf* is also equated with *at-tasbil*, which means to drain the benefits.⁴³ The Prophet said, "Hold the point and flow the results" (Narrated by Al-Bukhari). *Waqf* therefore holds, whether permanently or temporarily, property of all kinds of personal actions, such as the sale and giving of *waqf* or others, to repeatedly use the results for the public interest, by the objectives set by the *waqf* and by Islamic law.⁴⁴

In general, *waqf* consists of tangible assets further developed and converted into productive assets to provide lasting benefits. This shows that economic activities under the *waqf* program must be sustainable, efficient, economically feasible, and profitable so that the main assets are not consumed and their benefits are not lost. Thus it complements the *maqasid* of immortality and continuity (*tsabat*) in specific terms and the *maqasid* of preserving wealth (*hifz al-mal*) from a broader perspective.

Moreover, *waqf* was initially intended to provide undeveloped land and assets for worthwhile projects and thus fulfil the *maqasid* of civilization construction (*i'mar al-ardh*). Surah Hud (11:61) refers to *isti'mar* (construction of civilization) as the purpose behind the creation of humans and beings, thus making people responsible for the maintenance of *'umran* (civilization). *Waqf* projects, such as hospitals, educational institutions, inns, rest homes, public parks, public space facilities, and the like, are clear examples of *waqf*'s contribution to building civilization. Like the *zakat* instrument, this instrument also can contribute to the development of *'umran* with the entry of wealth into the economy, as happened during the reign of Umar bin Abd al-Aziz.⁴⁵

Another view related to *maqasid waqf* was conveyed by Salahuddin El Ayyubi. Based on the characteristics and privileges of *waqf*, he explained that the *maqasid* of

⁴³Wahbah Az-Zuhaili, "Fiqh Islami Wa Adillatuhu Jilid 8.Pdf" (Damasyik: Dar al-Fikr, 1985).

⁴⁴Mundzir Qahaf, *Al-Waqf Al-Islami; Ta'awwuruhu, Idaratuhu, Tanmiyyatuhu* (Damaskus: Dar al-Fikr, 2000).

⁴⁵Al-mubarak, "The Maqasid of Zakah and Awqaf and Their Roles in Inclusive Finance."

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waqf include, first, a means of servitude to Allah SWT. Waqf worship is a worship that brings the performer to the perfection of worship to Allah SWT as the biggest reason for the creation of man himself (Surah az-Zariyat: 56). This has led to a transcendental awareness that the waqf property belongs to Allah SWT so that, in the end, it gives birth to a sincere and humble attitude towards what has been waqf.

Second, to be a complementary means to make the earth prosperous is the main task of people as caliph. Allah SWT said: "Believe in Allah and His Messenger and spend (in the way of Allah) of the riches He has made for you as ruler (trust)." (Q.S. al-Hadid: 7). In addition, from an economic point of view, waqf should be a way of development through productive assets channelled for current investments and production activities; this is done to benefit from the results for future generations.

Third, it becomes an element of the people's economic development. An important issue in economic development is the distribution of welfare. It is undeniable that waqf plays a significant role in overall economic development, from the time of the Prophet Muhammad. by the waqf of al-Rauma's well by Uthman bin Affan's friend and cash waqf practised in the Ottoman era. Fourth, to become a unifying media for the people.⁴⁶

CONCLUSION

Islamic social finance is an instrument of Islamic virtues that plays a role in distributing wealth circulating in the community. The distribution target of this instrument includes the welfare of the people as a whole. Therefore, it can be explained in detail that the relationship between wealth distribution by ZISWAF and Maqasid al-sharia is to bring justice and prosperity to society, while the specific goals consist of personal, family, and social goals public. Thus, it will form the continuity of human life on this earth.

⁴⁶Salahuddin El Ayyubi, "Maqashid Pada Sistem Wakaf 2," *Https://Www.Republika.Co.Id/*, 2014, <https://www.republika.co.id/berita/dunia-islam/wakaf/14/05/07/n57bjw-maqashid-syariah-pada-sistem-wakaf-2>.

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In addition, maqasid sharia in voluntary contracts (Islamic social finance) such as *'ariyah*, grants, *wadi'ah*, waqf, *wasiyyah*, and *tabarru'* facilitates the assessment of voluntary contracts because this type of contract brings more *maslahah* and because it is free from commercial profits because the goal is to attain blessings from Allah SWT. Moreover, this gives tolerance and flexibility on what is prohibited in the exchange contract, such as *gharar* and others. Furthermore, the implementation of Maqasid al-sharia in zakat infaq and alms (ZIS) is to bring prosperity or empower social funds in the community or the community.

REFERENCES

- Abdurrahman, Zaharuddin. "مقاصد الشريعة في أحكام البيوع.Pdf." Universitas Yarmuk, n.d.
- Al-Ayubi, Solahuddin, . Ascarya, and Bayu Taufiq Possumah. "Examining the Efficiency of Zakat Management: Indonesian Zakat Institutions Experiences." *International Journal of Zakat* 3, no. 1 (2018): 37–55. <https://doi.org/10.37706/ijaz.v3i1.66>.
- Al-Būṭī, Muḥammad Saʿīd Ramaḍān. "Ḍawābiṭ Al-Maṣlahah Fī Al-Sharīʿah Al-Islāmiyyah." Cairo, 1973.
- Al-Kabisi, Muhammad Abid Abdullah. *Hukum Wakaf*. Jakarta: II MaN Press, 2004.
- Al-mubarak, Tawfique. "The Maqasid of Zakah and Awqaf and Their Roles in Inclusive Finance." *Islam and Civilisational Renewal IAIS Malaysia* 7, no. 2 (2016): 217–30.
- Al-Salam, Izz al-Din Abd. *Qawa'id Al-Ahkam Fi Mashalih Al-Anam Juz 1 Dan 2*. Beirut: Dar al-Kutub al-Ilmiyyah, n.d.
- Al-Syatibi, Abu Ishaq. *Al-Muwafaqat Fi Ushul Asy-Syari'ah*. Beirut: Dar al-Kutub al-Ilmiyyah, n.d.
- Ar-Risuni, Ahmad. *Nazariyyah Al-Maqasid 'Inda Al-Imam Al-Syatibi*, 1995.
- Ayyubi, Salahuddin El. "Maqashid Pada Sistem Wakaf 2." <https://www.Republika.Co.Id/>. 2014. <https://www.republika.co.id/berita/dunia-islam/wakaf/14/05/07/n57bjw-maqashid-syariah-pada-sistem-wakaf-2>.
- Az-Zuhaili, Wahbah. "Fiqh Islami Wa Adillatuhu Jilid 8.Pdf." Damasyik: Dar al-Fikr, 1985.

Solahuddin al-Ayyubi & Siti Halawatuddu'a

- Febriadi, Sandy Rizki. "APLIKASI MAQASHID SYARIAH DALAM BIDANG PERBANKAN SYARIAH." *Amwaluna: Jurnal Ekonomi Dan Keuangan Syariah* 1, no. 2 (2017): 231–45.
- Hasani, Ismail. "Nadzariyatu Al-Maqashid 'inda Al-Imam Ath Thahir Bin 'Asyur." Kairo: International Institute of Islamic Thought (IIIT), 1416.
- Ismail, Nurizal. *Maqasid Syariah Dalam Ekonomi Islam*. Jakarta: Tazkia Press, 2021.
- Khallaf, Abdul Wahab. *Usul Fiqh*. Kuwait: Dar al Qalam wal al Tawzi, 1987.
- Lahsasna, Ahcene. *Maqasid Al Shari'ah In Islamic Finance*. Kualalumpur: IBFIM, 2013.
- Mustafida, Rifka, Zahra Nabila Kurnia, Najim Nur Fauziah, Nur Shazni Binti Subri, and Fariyah Amirah Binti Ahmad Faiz. "The Implementation of Maqashid Shariah in Zakat Institution: Comparison Between Indonesia and Malaysia." *Jurnal Ekonomi Dan Bisnis Islam (Journal of Islamic Economics and Business)* 6, no. 2 (2020): 317. <https://doi.org/10.20473/jebis.v6i2.23532>.
- Qahaf, Mundzir. *Al-Waqf Al-Islami; Taṭawwuruḥu, Idaratuḥu, Tanmiyyatuḥu*. Damaskus: Dar al-Fikr, 2000.
- Sahroni, Oni. "Maqashid Zakat." [Ttps://Www.Republika.Co.Id/](https://www.republika.co.id/). 2016. <https://www.republika.co.id/berita/koran/khazanah-koran/16/06/09/o8hyc52-maqashid-zakat>.
- Sahroni, Oni, and Adiwarmann Karim. *Maqasid Bisnis Dan Keuangan Islam*. Depok: Raja Grafindo Persada, 2015.
- Sakti, Ali. *Analisis Teoritis Ekonomi Islam Jawaban Atas Kekacauan Ekonomi Modern*. Jakarta: Aqsa Publishing, 2007.
- Susetyo, Budi. "Konsep Maqasid Syariah Zakat, Infaq, Dan Sedekah." [Https://Radartegal.Com/](https://radartegal.com/). 2021. <https://radartegal.com/konsep-maqasid-syariah-zakat-infaq-dan-sedekah.15899.html>.
- Zahrah, Abu. *Ushul Fiqih, Terj. Saefullah Ma'shum, Dkk*. Jakarta: Pustaka Firdaus, 1994.

