

MAQASID AL-SHARIA IN THE DISTRIBUTION OF PROPERTY

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ABSTRACT

There is a prohibition of rotating property on people (Q.S. 59:7) so that the discussion of sharia maqasid on distribution becomes essential to research. This paper aims to know the definition and function of the maqasid of shari'ah in concluding the law. Second, to understand the thoughts of scholars towards maqasid shari'ah. Third, to know the implementation of the shari'ah maqasid on the distribution of property. This article uses a qualitative approach. This article is library research. The results showed that sharia maqasid is an important concept in the study of Islamic law by paying attention in maintaining faith (din), soul (nafs), mind ('aql), progeny (nasl) and wealth (maal) for humankind. Thoughts of scholars toward sharia maqasid were the main goal (universal value) to be achieved from legal provisions both in general and in particular. Sharia maqasid on the distribution of property creates a turnover of wealth among humans fairly and evenly. Distribution of property can be done through various means including nafaqah, zakat, inheritance, will, waqf, infak, alms, qardul Hasan, feeding the poor, qurban, aqiqah, helping others, fulfilling the rights of neighbours, fulfilling guest rights and Profit, and Loss Sharing (PLS), in addition, the distribution of property can also be done through the delivery of state property to citizens who are considered in need.

Keywords: *Distribution; Property; Maqasid al-sharia*

INTRODUCTION

Islam is the perfect religion that governs the whole joints of human life and the universe. Among the order of life, it regulates is economic activity (Rivai & Usman, 2012). Among the economic activities regulated in Islam is the distribution sector. In the modern economy, the distribution sector is a sector that has an important role in economic activity (Sakti, 2007). Its important role also helps production and consumption activities (Sudarsono, 2002).

In terms of ownership that can involve distribution activities, Islam has the view that absolute ownership of everything belongs to Allah Who has created everything, including the wealth in its various forms owned by humans (Ma'ruf et al., 2021). The wealth that Allah



Almighty gives to man is a gift from Him to be used for human needs that will eventually all return to Him to be accounted for (Rivai & Usman, 2012).

In every economic activity, Islam never separates it from ethics, as it never separates science from morals, politics with ethics, war with ethics with Islamic life. thus, Islam is a treatise that Allah (SWT) sent down through the Messenger to fix human morals. The implementation of distribution in Islamic economics must be carried out by sharia guidance and done in the right way (Syukur, 2018).

The implementation of distribution in the economy is not spared from guidance. Islam gives the direction that every economic activity must be based on four principles, namely: *first*, working as an effort is an obligation; *second*, equitable distribution; *third*, prohibition of exploitation (*zulm*), *riba* (flower system), *gharar* (trickery), *maysir* (speculation) and *risywah* (corruption); *fourth*, the principle of mutual voluntary principle (*antaradin*), without *dharar* (risk), and *tadlis* (cheating) (Syarifuddin & Sakti, 2020).

Explicitly, the Qur'an mentions its explanation regarding the issue of distribution (Rahmawaty, 2013). Among them are Q.S. al-Anfal (8): 1, Q.S. al-Hasyr (59): 7.

"They ask you, [O Muhammad], about the bounties [of war]. Say, "The [decision concerning] bounties is for Allah and the Messenger." So fear Allah and amend that which is between you and obey Allah and His Messenger, if you should be believers" (Q.S.8:1)

"And what Allah restored to His Messenger from the people of the towns - it is for Allah and for the Messenger and for [his] near relatives and orphans and the [stranded] traveler - so that it will not be a perpetual distribution among the rich from among you. And whatever the Messenger has given you - take; and what he has forbidden you - refrain from. And fear Allah; indeed, Allah is severe in penalty". (Q.S. 59: 7)

Q.S. al-Hadid (57): 7, Q.S. at-Taubah (9): 60

"Believe in Allah and His Messenger and spend out of that in which He has made you successors. For those who have believed among you and spent, there will be a great reward". (Q.S. 57: 7)

"Zakah expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler - an obligation [imposed] by Allah. And Allah is Knowing and Wise". (Q.S. 9: 60)

The above verses explain the understanding that there is a strict prohibition of the accumulation of property and basic needs on a few people only. The distribution of property



that is not done fairly and equitably will widen the gap between rich and poor to make the rich richer and the poor poorer (Rahmawaty, 2013). A very clear example of the urgency of distribution in Islam is the existence of zakat mechanisms in the economy (Zarqa, 1995). Additionally, zakat have become one of the most essential components in combating poverty (Al-ayubi et al., 2022).

In Islam, the guarantee of smooth distribution has been systemized through sharia principles or provisions, such as the obligation to carry out zakat mechanisms and buying and selling mechanisms regulated by sharia. Thus, the fulfillment of the basis and guarantee of its smoothness in the economy becomes a determining factor of economic, political, and social stability in human life. In addition to distribution guarantee factors carried out by sharia mechanisms (zakat) as well as economic *mechanisms* (buying and selling, *reward*, and effort), and social mechanisms such as infak, alms, waqf, grants, and *qard*), the role of the government or state is also no less important in ensuring the smooth distribution of this distribution. States in this case have many options in the form of policies or instruments in ensuring this distribution can take place (Chapra, 2000).

The use of *sharia maqasid* in discussing the concept of Islamic finance is motivated by several factors, *first*, *maqasid sharia* can be used to determine the parameters of mashlahah and mafsadah, *second*, to understand the various levels, objectives of Shari'ah, priorities, and categories, *third*, examining the relationship between the two types of maqasid in which the maqasid mukallaf must obey the maqasid of the lawgiver to ensure consistency and shari'ah compliance in human activities, *fourth*, provide facilities in the process of legal reasoning muamalah to be able to be implemented, *fifth*, reasoning carried out into an analogy gate where the verdict of shari'ah can be extended to other cases based on the cause, *sixth*, as parameters in assessing the hadith of *ahad*, *seventh*, as a general guideline and parameter to issue a resolution that is it is appropriate for scholars in performing ijihad, *eighth*, to establish the meaning of the provisions of the Qur'an and *Sunnah*, *ninth*, a strong relationship between *the maqasid of sharia*, *the rules of fiqh*, and the rules of Islamic jurisprudence making *maqasid sharia* as a macro discipline that relates to other disciplines in Islamic science (Lahsasna, 2013).

This research has several purposes including, *first*, to know the definition, and function, of the role of *the maqasid of sharia* in concluding the *law*. *Second*, to know the thoughts of scholars towards *maqasid sharia*. *Third*, to know the implementation of *the shari'ah sharia* on the distribution of property.



METHOD

This research used qualitative methods and a formal literature review to be qualified as library research. The data for this study was obtained from relevant books, journals, and other academic materials and supporting documents. After the materials were collected, they were read and analyzed to obtain the research data. The data were then grouped and compiled according to the research questions. This data is presented in a narrative-descriptive manner using the data analysis method introduced by Miles and Huberman, namely data reduction, data presentation, and conclusion drawing (Miles & Huberman, 1984).

RESULTS AND DISCUSSION

1. Definition of Maqasid Sharia

The term "maqasid sharia" is murakkab idhâf, consisting of two words, "Maqâshid" and "ash-Syar'ah". Etymologically, the word maqâshid is the plural form of maqashid (almasdar al-mîmy) which means the goal, or maqshad (ism al-makân), which means the direction of the plan (Bayyah, 2006). The word comes from qashd, which has many meanings, such as purpose, determination, and resurrection. Furthermore, according to Arabic linguists, etymologically, the term "Maqshad" has several meanings: first, Al-I'timâd, al-Umm, Ityân al-Shai', and al-Tawajjuh. second, Istiqâmat al-Tharîq, third, al-'adl, al-Tawassuth, and 'Adam al-Ifrâth, and fourth, al-Kasr min fî ayy wajh kân. Meanwhile, in terms of terminology, there is no concrete definition of Maqâshid, including Al-Muwâfaqât by al-Syathiby (Ar-Risuni, 1995). But today, this definition can be found easily in the works of contemporary Muslim intellectuals, such as Allal al-Fasy, who defines Maqâshid Syarah as, "The purpose and wisdom of the Sharia, following the secrets laid down by Allah in every law."

Meanwhile, the word "ash-Syar'ah," which etymologically means al-Din, Al-Millah, Al-Minhaj, al-Tharîqah, and al-sunnah. According to the root of the word, it refers to refer to Mûrad al-Syaribah (where the Giver comes). In terminology, according to Ibn Taimiyah, it means: thâ't Allâh wa rasûlih wa ulîal-amr minna (obey Allah, the Messenger, and the leaders among us). Therefore, in terminology, maqasid sharia can be interpreted as the goals of Islamic teachings or can also be understood as the goals of the maker of sharia (Allah) in outlining Islamic teachings.

Maqasid sharia is the goal to be achieved from a legal determination (Jaya, 1996). All legal taklif always aims to benefit the servant (human) in the life of the world and the hereafter. Allah does not need someone's worship because the obedience and immorality of the servant



do not effect Allah's glory. So, the target of legal benefits is none other than human interests (Umam, 2001).

The definition of maqasid sharia has not been found in the previous books of Ushl al-Fiqh, so the scholars have an intention towards the issue of maqasid sharia, such as Al-Ghazali and Al-Shathibiy (al-Maraghiy, 1394). At that phase, they only presented part of the concept of division of maqasid sharia. Al-Ghazali, for example, does not define maqasid sharia. He only conveys the limitations of maqasid sharia. Likewise, ash-Syathibî, although he devotes significant attention and has a complete understanding of the field of maqasid sharia, does not reveal his definition (Al-Raisuniy, 1998). The knowledge of maqasid sharia has only appeared in previous books, both in Maqasid Sharia books and in Ushl al-Fiqh books. One of them was conveyed by Ibn 'Ashur which reads (Al-A'lam, 1992): *"Means of Sharia to realize goals that are beneficial to humans or to maintain their poverty in general in tasharuf which they do specifically for their benefit efforts in particular do not return by denying their general gains in general. built for them by negligence, failed by their passions."*

Furthermore, the meaning of the word "Purpose" in the above sense refers to the universal goal (*al-Maqasid al-'Ammah*) that God wants in all or most of the legislative process, such as making sharia something prestigious and obeyed in upholding justice among the people. . While the rest refers to the goals of sharia under certain conditions (*al-Maqasid al-Khashah*), such as the goal of realizing a harmonious household order, reconciliation of divorces to stop prolonged harm due to disharmonious relationships, and so on (Ar-Risuni, 1995).

2. Maqasid Sharia Functions

Maqasid sharia appears as a complicated reason to understand and achieve the goals behind the commandments of Islamic law. The term maqasid sharia refers to Islamic law's intent, purpose, principle, or end (Auda, 2007). Imam Al-Ghazali explained that maqasid exists to promote the welfare of all humanity, which lies in maintaining faith (din), soul (nafs), reason (ʿaql), offspring (nasl), and wealth (maal) (Dusuki & Abdullah, 2007). In 1977, Rosi explained that the maqasid functioned to do two essential things, namely tahsil (i.e. securing benefit) and ibqa (rejecting harm) (Rosly, 2010). Therefore, the maqasid sharia indicator was developed to pursue individual and public interests holistically. The basis of maqasid sharia is the welfare of the ummah. It is a pillar of the standard design of an Islamic economic system that understands specific common values and issues (Abdullah, 2012).



Maqasid theory cannot be separated from the discussion of *maslahah*. This is because the form of *maqasid sharia* is benefit (Bakri, 1996). In Ash-Syaṭibi 's view, Allah revealed the *sharia* (the rule of law) intending to create human benefit both in this world and in the hereafter (Asy-Syatibi). The primary purpose of the provisions of the *sharia* (*maqasid sharia*) is reflected in the maintenance of the pillars of the welfare of humanity, as stated by Ash-Syaṭibi which includes five benefits by providing protection against being awake: (1) their religion (*hifz addīn*), for example reading the two sentences of the creed, praying, zakat, fasting, hajj; (2) his soul (*hifz an-nafs*) and (3) his mind (*hifz al-'aql*). For example, food, drink, clothing, shelter; (4) his descendants (*hifz an-nasl*) and (5) his property (*hifz almāl*), for example, *muamalah*.

Then Ash-Syaṭibi also stated that for humans to benefit and prevent harm, they must implement *sharia*, or in the terms, he put forward it is *Qaṣduhu fī Dukhūl al-Mukallaḥ taḥta ukmiḥā* (God's intention why individuals should practice *sharia*). If the individual has implemented *sharia*, then he will be free from the bonds of lust and become a servant. Furthermore, *maslahah* can be classified into three consecutive hierarchical parts, namely *daruriyyat* (necessities/primary), *hajjiyyat* (requirements/secondary), and *taḥsiniyyat* (beautification/tertiary).

Maslahat daruriyyat is something that must exist/be implemented to realize the benefits associated with the worldly and hereafter dimensions. If this does not exist, it will cause damage and even loss of life, such as eating, drinking, praying, fasting, and other worship. *Maslahah hajjiyyat* should be there so that it is free to carry out and avoids difficulties. If this thing does not exist, it will not cause damage or death, but it will have implications for *masyaqqah* and narrowness. *Maslahah Taḥsiniyyat* is something that does not reach the level of the two categories above. If done, things that fall into the category of *taḥsiniyyat* will bring perfection in an activity that is carried out, and if left, it will not cause difficulties.

The rules in *sharia* are not made for *sharia* itself but are made for benefit (al-Daraini, 1975). In line with this, Muhammad Abu Zahrah also stated that the ultimate goal of Islam is a benefit. There is not a single rule in *sharia*, both in the Al-Qur'an and Sunnah, but there is a benefit (Zahrah, 1958). Thus, it can be understood that a series of rules that Allah has outlined in the *sharia* is to bring humans in good condition and prevent them from all bad things, not only in this worldly life but also in the hereafter.

Furthermore, *maqasid sharia* is also the basis for achieving the ultimate goal of Islamic economics, namely achieving happiness in the world and the hereafter (*falāḥ*) through a good and honorable life order (*ḥayah tayyibah*). Therefore, the concept of *maqasid sharia* becomes



the primary basis for individual and institutional behavior as producers, consumers, employees. Therefore, the idea of maqasid sharia becomes the fundamental basis for individual and institutional behavior as producers, consumers, employees. Thus the concept of maqasid sharia has a vital role in the production and distribution following Islamic sharia principles.

3. The Role of Maqasid Sharia

Maqasid Sharia science is a discipline that has a vital role in human life. Without this knowledge, humans will lose their way of determining the purpose of enacting a law in their lives. The parts of maqasid sharia in life are:

- a. Maqasid sharia can help find out the general laws (*kulliyah*) and special (*juz'iyah*).
- b. Understanding the syar'i texts correctly in practice.
- c. Limiting the meaning of lafadz, which is meant correctly, because the texts related to law are very varied, both lafadz and meaning, then Maqasid sharia plays a role in limiting that meaning.
- d. When there is no evidence in the Qur'an or Sunnah in recent cases, mujtahids use maqasid sharia in legal *istinbath* (concluding the law) after combining it with *ijtihad*, *istihsan*, *istihlah*, and so on.
- e. Maqasid sharia helps mujtahids to define a law related to the actions of a servant, to produce rules that follow the conditions of society.

4. Ulama's Thoughts About Maqasid Sharia

The discussion about the concept of maqasid sharia was first carried out by Imam al-Haramain al-Juwaini, who emphasized the importance of understanding maqasid sharia in establishing Islamic law. He emphatically stated that one could not establish regulations before genuinely understanding God's purpose in issuing commands and prohibitions. He also elaborated on the maqasid sharia to *'illat* and *asl*, which can be categorized into five parts, namely *asl*, which falls into the category of dharuiyat (primary), al-hajah al'ammah (secondary), *mukarramat* (tertiary) (Ar-Risuni, 1995).

Furthermore, al-Juwaini's thinking was developed by his student, al-Ghazali. He explained the purpose of sharia to the discussion of *al-munasabat al-maslahiyyat* in *qiyas* and on other occasions. Maslahat, according to al-Ghazali, is maintaining religion, soul, mind, lineage, and property. The five kinds of benefits above are on a priority scale and when viewed from the side of the goal, namely primary, secondary and tertiary ratings.



The following Islamic thinker and jurist who discussed maqasid sharia was Izzuddin ibn Abd al-Salam from the Shafi'iyyah circle. He emphasizes and elaborates on the concept of maslahat essentially in attracting benefit and rejecting mafsadat. According to him, worldly benefits cannot be separated from three levels of priority scale, namely *dharuriyyat hajiyyat* and *takmilat*. He also mentioned that taklif must lead to realizing human benefit both in this world and in the hereafter. Based on this explanation, it can be said that Izzuddin has tried to develop the use, which is the core of the discussion of maqasid sharia.

A systematic, specific, and clear explanation was carried out by al-Syatibi from the Malikiyyah in his book *al-Muwafaqat fi Usul al-Shari'ah*. In his book, he spends a third of his book discussing maqasid sharia. Of course, the discussion of benefits also becomes an essential part of the discussion. He expressly states that the primary purpose of Allah in establishing His laws is to realize the use of life in this world and the hereafter. Therefore, taklif must lead to the realization of the purpose of the law. Every command and prohibition in the verses and hadiths cannot be separated from efforts to maintain the benefit. The benefit that is the goal of this sharia is limited to five things, namely religion, soul, mind, lineage, and property. Everything that contains safeguards on these five things is called maslahah, and everything that makes the loss of five things is called mafsadah (Al-Būṭī, 1973). Namely: The benefits of *dharuri*, the benefits of *Hajj*, the benefits of *tahsini* (Asy-Syatibi) The concept of maqasid sharia developed by al-Syatibi has surpassed the extermination of the scholars of previous centuries.

The concept of al-maslahat al-Syatibi covers all parts of shari'ah and not only aspects that are not regulated by the texts alone. Even so, the idea of maslahat al-Syatibi is not as bold as the idea of at-Tufi (Lubis, 1995). At-Tufi's view represents a radical and liberal view of benefit. At-Tufi argues that the principle of benefit can limit (takhsis) the Qur'an, sunnah and ijma' if the application of the Qur'an, sunnah and ijma' texts will be difficult for humans, however, the scope and area of application of the at-Tufi benefit is mu'amalah (at-Tufi, 1954).

5. Maqasid Sharia on Property Distribution

Among the important aspects of economic activity is the distribution aspect. Explanations related to distribution issues in economic discussions illustrate that distribution has an important role in the process of distribution of property and income to run fairly and evenly.



The discussion of distribution issues also has a relationship with aspects of production, where factors of production such as land, capital, labor, and management can support a fair and equitable distribution process.

Between the interrelationships between factors of production and distribution, you can look at the relation of distribution to the soil. In this case, is how funds can be distributed to lease land as a place to increase a production activity. The relationship of capital with distribution is how the distribution of funds or capital can be used to pay the revenue share obtained from *shahibul maal* (the capital owners). Another linkage is the distribution with labor where its role in the payroll process and labor wages. It is mentioned in the hadith related to employment, that Islam has a great concern for the sweat that comes out of the workers and the welfare of the workers. In addition, Islam also requires workers to work earnestly in carrying out their work activities beyond receiving salary compensation and welfare guarantees, workers also receive rewards in the side of Allah SWT. Another linkage is the distribution of income with management, wherein in the management process, some costs must be incurred to develop the system and managerial of a company (Fauzia & Riyadi, 2014).

Islam provides strict provisions on the importance of the distribution of wealth. The importance of distribution described in His verses is none other than having *maqasid 'ammah* (general purposes) that is justice in human life through the distribution of existing property in humans. As mentioned in His words as follows:

Q.S. al-Hasyr: 7:

مَا آفَاءَ اللَّهِ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَىٰ فَلِلَّهِ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنِ السَّبِيلِ كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

Meaning:

“And what Allah restored to His Messenger from the people of the towns - it is for Allah and for the Messenger and for [his] near relatives and orphans and the [stranded] traveler - so that it will not be a perpetual distribution among the rich from among you. And whatever the Messenger has given you - take; and what he has forbidden you - refrain from. And fear Allah; indeed, Allah is severe in penalty”. (Q.S. 59: 7)

Thus it is clear that the maqshad of wealth distribution in Islam is to create a fair and equitable circulation of wealth among humans (Ismail, 2021) (Ishak, 2016) (Adzkiya', 2020) (Irwan, 2021) (Rahmawaty, 2013). This is explained by the will of Allah Swt. in presenting justice and welfare in the community by looking at the above verse that explains His command regarding the distribution of *fai' property*.



Q.S. Al-Anfal: 1:

يَسْأَلُونَكَ عَنِ الْأَنْفَالِ قُلِ الْأَنْفَالُ لِلَّهِ وَالرَّسُولِ فَأَتَقُوا اللَّهَ وَأَصْلِحُوا ذَاتَ بَيْنِكُمْ وَأَطِيعُوا اللَّهَ وَرَسُولَهُ إِنْ كُنْتُمْ مُؤْمِنِينَ

Meaning:

“They ask you, [O Muhammad], about the bounties [of war]. Say, “The [decision concerning] bounties is for Allah and the Messenger.” So fear Allah and amend that which is between you and obey Allah and His Messenger, if you should be believers”.

(Q.S. 8: 1)

The above verse explains the maqshad of the distribution of spoils in war (badr). In terms of distribution, Allah SWT. explained that the matter of property is dependent on Allah and His Messenger. So it was the Messenger who handled the distribution based on Allah's command. Thus, Allah SWT. through His words in the Qur'an, it encourages the distribution of wealth to create justice and welfare in people's lives (Rahmawaty, 2013).

إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا وَالْمَوْلَاةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغُرَمِينَ وَفِي سَبِيلِ اللَّهِ وَأَبْنِ السَّبِيلِ
فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ

Meaning:

“Zakah expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler - an obligation [imposed] by Allah. And Allah is Knowing and Wise”. (Q.S. 9: 60)

The verse above explains the maqshad of the distribution of zakat assets. In this case, the distribution of the zakat property is given to eight groups. They are poor, needy, amil, mu'allaf, slaves, the indebted, *fii sabilillah* (for the way of Allah), for those who are on their way (Qardawi & Kahf, 2000) (Sudrajat, 2014). In addition, zakat is an Islamic social financial instrument that has become an important factor in overcoming poverty (Al-Ayubi & Herindar, 2022).

ءَامِنُوا بِاللَّهِ وَرَسُولِهِ وَأَنْفَقُوا مِمَّا جَعَلَكُمْ مُسْتَخْلِفِينَ فِيهِ فَالَّذِينَ ءَامَنُوا مِنكُمْ وَأَنْفَقُوا لَهُمْ أَجْرٌ كَبِيرٌ

Meaning:

“Believe in Allah and His Messenger and spend out of that in which He has made you successors. For those who have believed among you and spent, there will be a great reward”. (Q.S. 57: 7)



The verse above explains the maqshad of the distribution of wealth that is in humans. In this case, Allah SWT ordered humans to distribute the wealth that Allah SWT has given. make them their owners.

Thus, Allah SWT. through His words in the Qur'an, it encourages the distribution of wealth through infaq facilities, both in the form of obligatory forms such as zakat, living, and inheritance, as well as sunnah such as infaq, alms, endowments, and grants or through commercial means through salaries or incentives. to workers or through benevolent means such as zakat, infaq, alms, and waqf to create justice and welfare in people's lives (Rahmawaty, 2013).

In this case, *the maqasid khassah* (special purposes) of sharia related to the distribution of property consists of three parts, *first*, the individual means carrying out obligations to meet the needs of the individual, so that the income he receives can be allocated to meet his needs. *Second*, the family is carrying out obligations in fulfilling the continuity of the family through the distribution of property such as living, grants, inheritances, and expert endowments. *Third*, carry out obligations in fulfilling the continuity of society through the distribution of property such as zakat, waqf, infak, almsgiving, and taxes so that welfare and happiness can be achieved. Meanwhile *maqasid 'ammah* (general purposes) of the distribution of property is the transfer of property among men to bring about justice and well-being. In this case, the government as an authority has an obligation in achieving *maqasid 'ammah* (general purposes).

The wealth that is in human hands must be distributed and can be enjoyed by all human groups in the form of consumption and distribution. Among the means that can be done to realize the distribution goals are through:

- a. Islam provides provisions in its Shari'a for contracts, both business contracts (mu'awadhah) and social contracts (tabarru') so that each property can change hands from one person to another.
- b. Islam determines the permissibility of contracts that contain a small amount of gharar such as the salam contract as a relief (rukhsah) so that property can be transferred to ownership with the permissibility of this contract.
- c. Islam provides provisions in its Shari'a for contracts that are luzum (one or both parties are not allowed to enter into the contract except with the consent of the other party).



- d. Islam stipulates the prohibition against hoarding money because if the hoarding is done, the money will not circulate and result in disruption of the financial, trade, and social balance as His word (Q.S. 59: 7).
- e. Islam provides provisions prohibiting any form of usury practice because it can eliminate the sympathy of usury actors towards usury among usury actors and because every goal of usury transactions is to obtain property from people, including the property of those who need it.
- f. Islam provides a prohibition on gambling because it can cause losses to the aspects of production in this ummah, damage human resources so that investment goals cannot be achieved because the concentration of wealth is only in the hands of gamblers and this distribution is a distribution that can bring danger and does not create production. , including moral practices that can arise such as hostility and envy.
- g. Fulfilling property needs can be done through legal provisions related to muamalah practices, including by affirming the principle that every muamlaah practice is legal unless there are arguments that prohibit it (Sahroni & Karim, 2015).

In other words, the means in the distribution of property can be done through nafaqah, zakat, inheritance, will, waqf, infak, alms, qardul hasan, feeding the poor, qurban, aqiqah, helping others, fulfilling the rights of neighbors, fulfilling guest rights and Profit and Loss Sharing (PLS), in addition, the distribution of property can also be done through the handover of state property to citizens who are considered in need (Fauzia & Riyadi, 2014) (Ismail, 2021) (Rahmawaty, 2013).

CONCLUSIONS

Maqasid Sharia is an important concept in the study of Islamic law, which has the main goal (universal value) to be achieved from a taklif law determination by paying attention to the benefit of humanity, which lies in maintaining faith (din), soul (nafs), mind ('aql), progeny (nasl) and wealth (maal). It has function specially in tahsil (securing benefit) and ibqa (rejecting harm). The role of Maqashid al-Shari'ah is to help find out general (kuliyyah) and special (juz'iyah) laws, understand syar'i texts, limit the meaning of lafadz, and help mujtahids to establish a law. Maqashid Shari'ah according to scholar's thoughts is the wisdom and main goal (universal value) to be achieved from legal provisions both in general and in particular.

Islam explains the important role of wealth distribution in Q.S. 59: 7. There is a prohibition of Allah SWT regarding the rotating property of a few people shows that *the sharia*



maqasid on the distribution of property is the creation of a turnover of wealth among humans fairly and evenly. Distribution of property can be done through various means including nafaqah, zakat, inheritance, will, waqf, infak, alms, *qardul Hasan*, feeding the poor, qurban, aqiqah, helping others, fulfilling the rights of neighbors, fulfilling guest rights and Profit, and Loss Sharing (PLS), in addition, the distribution of property can also be done through the delivery of state property to citizens who are considered in need.

Among the above facilities, there are also sharia provisions that play a role in the creation of the turnover of wealth among humans fairly and evenly through the prohibition of usury, prohibition of gambling, and prohibition of hoarding of money. With the provisions of sharia and the means described in the Qur'an, the property can be distributed fairly and evenly.

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