The Significance of Maqasid Syariah Principles in Improving Islamic Economics and Finance

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One of the ultimate concepts in Islamic teaching is Maqasid Syariah; it summarises the overall purpose of Sharia in an easy and simple way. Maqāṣid Syariah was classified into three 'levels of necessity,' which are necessities (ḍarūrāt), needs (ḥājīyāt) and luxuries (taḥsīnīyāt). In the beginning, necessities are further classified into what preserves one's faith, soul, wealth, mind and offspring. Maqasid Syariah principles can be designed as a tool in solving contemporary problems and challenges, which further indicates its significance. One tool in using maqasid Syariah is called al-fikr al-maqasidy, namely a pattern of thought inspired by maqasid Syariah, held on its principles and benefits, for solving contemporary challenges, such as challenges in economics and finance, and other fields of life. Maqasid Syariah will bring the result of ijtihad to the true goal of Islamic law with a steady heart. Implementing the Maqasid Syariah concept in solving contemporary economic and financial challenges and problems will help to develop and improve them and make them always in line with syariah principles.

Key words: *Islamic economic and finance, Maqāṣid Syariah, Al-fikr al-maqasidy.*

Introduction

Maqashid shariah consists of two words, namely *maqashid* and *syariah*. *Maqashid* is the plural of the word *maqsud*, which means a goal, a middle, fair, intentional, or a straight path ('Asyur, 2007: 15). Shari'ah is the law and wisdom revealed by Allah Almighty for achieving benefit for everyone in life in the world and the hereafter. Allah (SWT) decreed the Shari'a (rule of law) for guiding humans to obtain benefit and avoid harm. All rules of laws revealed by Allah were directed to provide benefit for humans. Regarding this, asy-Syatibi stated at al-Muwafaqat: "It is well known that syariat was created (by Allah) for the goodness of all creatures absolutely". In other words, Yusuf al-Qaradawi states: "Wherever the goodness exist, there is Allah's law there" (al-Fasi, 1990).

The objectives of Islamic teaching as a whole is represented by Maqasid Syariah. Maqasid Syariah summarises the overall purpose of sharia in a simpler and easier way so as to be understood. Maqasid Syariah can be applied in various aspects of life (Al Risuni, 99: 13) and connected to various scientific disciplines in order to provide solutions to various problems in human life (Al-Awwa, 2006). Islam is a suitable and applicable teaching for all humankind everywhere on earth at all times, although the revelation ended simultaneously with the death of Rasulullah Saw, more than fourteen centuries ago. Regarding this condition, the gap must be solved, and the concept of Maqasid Syariah helps Muslims to solve the gap and makes the claim true in reality (Oey-Gardiner, 2017).

The development of the globalisation era (Leimgruber, 2004), especially the disruption of the era, has accelerated the occurence of human problems in all dimensions. The signature of this era is the rapid development of various matters of life, including the economic and finance fields. Economic activity in the world is not limited by geographic, linguistic, cultural or ideological boundaries, but rather because of mutual need and interdependent factors. The world becomes a borderless world, especially because of the rapid development of information technology. The complexity of people's lives, including the socio-cultural, economic and financial, and legal aspects has rapidly increased. Such circumstances provide many opportunities as well as challenges (Abadi, 1987: 396), especially in efforts as to how the Muslim community becomes more Islamic, including its social, economic and financial activities. This condition needs a strong foundation to conquer the exposure of various challenges and problems of human life. One of such robust tools is maqasid Syariah. Maqasid Syariah can be designed as a tool in solving contemporary economic and financial challenges and problems, which will develop and improve in line with syariah principles (Wehr, 1980: 767).

Method

This is a library research with a juridical-normative approach. Thus, it focuses on studying the importance of maqashid syariah in enhancing the economy and finance of the Muslim community in Indonesia. This research uses two data sources, i.e., primary and secondary data sources. The primary data are obtained from works on maqashid syari'ah, such as 'al-Muwafaqat' by al-Syatibi, 'Maqasid al-Syariah al-Islamiyyah wa Makarimuha' by Alal al-Fasi, 'Maqashid al-Syari'ah al-Islamiyyah' by Thahir bin Asyur, 'al-Fikr al-Maqashidi' by Ahmad Raisuni, 'al-Burhan' by al-Juwaini, and 'al-Mustashfa' by al-Ghazali. The secondary data are obtained from secondary works which discuss maqashid and the economy, such as 'Pendekatan Maqasid asy-Syari'ah: Konstruksi Terhadap Pengembangan Ilmu Ekonomi dan Keuangan Islam' by Ayif Fathurrahman, 'al-ijtihad al-Mu'ashir' by Yusuf Qardlawi, 'A Perspective of Maqasid al-Syariah towards Women's Particular Needs in Disaster' by Eva Fadhilah, and 'A Comparison on Level of Tenancy between Sharia and Non-Sharia Hotels in Yogyakarta Indonesia' by Muhammad Roy Purwanto.

Result
Maqasid Shariah: Meaning and Its Principles

There are three words having equal meaning in representing Maqasid Shariah's meaning, namely Maqasid al-Shariah, al-Maqasid al-Syar'iyyah, and Maqasid al-Syari' (Al-Syatibi, tt: 19). The most popular among them is Maqasid al-Shariah. Maqasid al-Shariah is one of the important concepts in studying Islamic law. The urgency of maqasid al-syari'ah encourages the theorists of Islamic law to make maqasid al-syari'ah one of the criteria (in addition to other criteria) for mujtahid who do ijtihad. The main concept of maqasid al-syari'ah is to realise the good deed while at the same time avoid the bad deed, or getting benefit and refusing disadvantage, as the main purpose of Islamic Shari'ah as it was revealed to the earth. Regarding this meaning, the similar term of maqasid al-syari'ah is maslahat (al-Qaradawi, 1994: 68).

Meanwhile the meaning of maqashid al-syariah is the meanings which are the purposes of Shari '(Allah SWT), to be realised behind the teaching of a doctrine. According to 'Alāl al-Fàsì: ̈The meaning of maqàsid al-shari'ah is the objective of shari'ah and the secrets established by al-Shāri '(God) in every provision of His laws." Al-Kurdi states that Maqasid Syariah means *al-ma'aani allati syuri'at laha al-ahkam*, which means the values that are the goal of law-making. As a foundation for the purpose of establishing the law, it is no exaggeration to say that the consideration of maqasid al-shari'a becomes an urgent one for the issues and problems which are not found firmly in the texts (Al-Quran and Sunnah). Maqasid Syariah is a system of values that could contribute to a desired and sound application of the *sharī'ah* (al-Kurdi, 1980: 186). Jasser Audah formulated a definition, that *Maqāṣid al-Shariah* are the objectives/purposes/intents/ends/principles behind the Islamic rulings, which found expression in the Islamic philosophy/theory/ fundamentals of law in various ways, such as

those of public interests (*al-maṣāliḥ al-āmmah*), 'unrestricted interests' (*al-maṣāliḥ al-mursalah*), the avoidance of mischief (*mafsadah*), the wisdom behind the scripts (*al-ḥikmah*), the appropriateness of the juridical analogy (*munāsabat al-qiyas*), the basis behind juridical preference (*asl al-istiḥsān*), the basis behind the presumption of continuity principle (*asl al-istiṣḥāb*), and a large number of other tools for juridical *ijtihad* (Ashur, 1997: 183)*.*

Al-Syatibi employs different words relating to al-maqasid, namely maqasid al-shariah, al-maqasid al-syar'iyyah, and maqasid min syar'i al-hukm. Nevertheless, some of these words contain the same meaning, namely the purpose of the laws derived by Allah SWT. According to al-Shatibi, the meaning of al-maslahah is getting benefit and rejecting detriment not only based on common sense, but also for protecting the rights of humans (Al-Juwaini, 1400: 183).

Discourse about maqasid syariah always relates to discourse about *ta'lil ahkam*, namely about the main question, did Allah establish syariat (rules) based on any objective or any wisdom or philosophy? Regarding this matter, there are two main streams or schools of thought. First, all deeds of Allah and all syariat rules revealed by Allah contain 'illat (rationality), including about how Allah creates all creatures, that Allah orders and forbids something, these all contain noble objectives and wisdom. It is the school of salaf scholar, four imam mazhab and the their followers, a majority of mufassir, mutakallimin, usuliyyin dan fuqaha, even mu'tazilah. This school of thought is based on QS al-Mukminun 115 and Shad 27 (Al-Ghazaly, 1413: 172).

The second, in contrary to the first, that all deeds of Allah and all syariat rules revealed by Allah do not contain 'illat (rationality), including about how Allah creates all creatures, that Allah orders and forbids something. Those all don't contain noble objectives and wisdom, but only because of the desire of Allah. This is the school of al-Zahiriyah dan al-Asy'ariyah (Al-Qarafi, 1994: 478). The basic argument of this school of thought is, if all deeds of Allah and all syariat rules revealed by Allah contain 'illat (rationality), it means that Allah needs others, so that Allah is imperfect, whereas Allah is characterised by *qiyamuhu binafsihi*. This school of thought is based on QS al-Anbiya: 23.

Classifications of maqāṣid, according to traditional dimensions (for instance Syatibi etc.), are divided into three 'levels of necessity', which are necessities (*ḍarūriyyāt*), needs (*ḥājīyāt*), and luxuries (*taḥsīnīyāt*). Necessities are further classified into what preserves one's faith, soul, wealth, mind and offspring. The fifth sequence of this dharuriyyat is ijtihadi, meaning that it is based on the scholars' 'understanding of the texts taken by istiqra'. In composing these five dharuriyyat (some call it *al-kulliyyat al-khamsah*), Imam Syathibi sometimes prefers mind rather than offspring, sometimes offspring first, then mind, and sometimes offspring, then wealth, and last, mind. But one thing should be noted, that in any order the Imam Syathibi always begins with faith and soul first. The above sequence differences show that the systematics of al-maqasid or al-masalih are ijtihadi (Al-Amidi, 1404: 391).

The levels in the hierarchy are overlapping and interrelated, like a pyramid. The classical scholars composed maqasid al-syariah in pyramidal levels, starting from maqāṣid 'ammah as its centre and then branching typically into the maqāṣid and lastly maqāṣid juz'iyah. Then from the other side starting from al-ḍarūriyah (necessities), ḥājiyah (needs) then tahsīniyah (luxuries). They set priorities in the event of a conflict between the maqasid with each other, then a stronger priority is prioritised. This aims to avoid the person who executes the interpretation or reasoning becoming trapped in the laws of a particular nature (juz'iyàt) alone, and ignores maqasid al-syari'ah. As a result, it will lead to a confusion of laws (Qudama, 1390: 42).

Although this theory seems simple, it turns out that the application of this theory in reality is very difficult and complicated. For this reason, lately another view emerged among contemporary scholars such as Jamaludin 'Atiyah and Jasser Auda, which is different from the classical arrangement above. They argue that maqāṣid al-Syariah at all levels is not a pyramidal arrangement, in which maqasid is divided between the upper and lower, but is rather the circles that meet and touch each other, whose relationships are related to one another (Al-Saraksi, tt: 205).

Chart 3. Circle of Maqasid Syariah
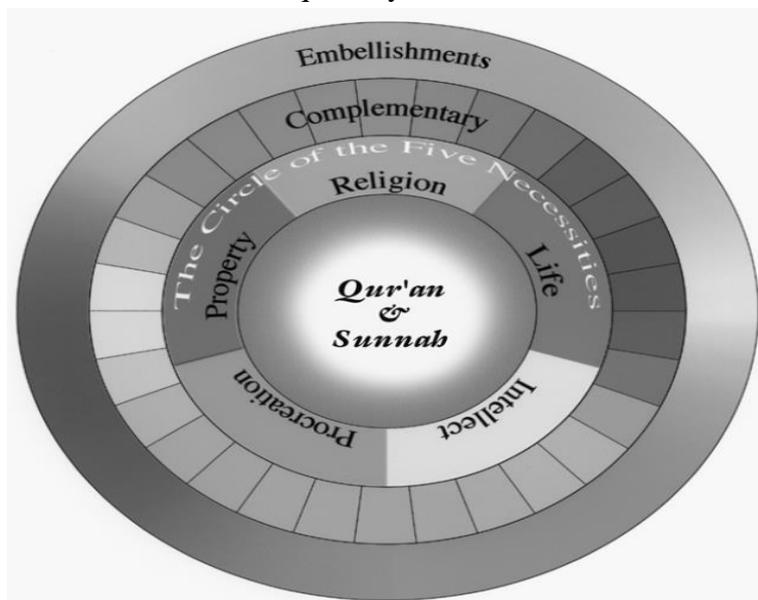
This model has two important characteristics: 1) the circles are not only concentric, but all of them beyond the centre may also be regarded as orbiting the centre (the core). They orbit in the manner of a solar system; 2) if we consider the radii as representing the pull or force of gravity toward the centre, then the pull of gravity will be inversely proportional to the length of the radius. The shorter the radius the greater the pull of gravity and the longer the radius the less the pull (Al-Izz, tt: 23).

The first circle is the central circle. It represents the heart or the core of Islamic culture and it is also considered as the central power of its activity and continuation. It is also the core of all other circles (Bakri, 1996: 63-64).

The circle of the essentials (daruriyyat) is the circle that includes five basic and universal necessities or priorities on which the lives of people depend, and whose neglect leads to total disruption and chaos. The five basic necessities are preserving religion (one's faith), life, intellect, procreation and property. These five necessities are derived from Shari'ah as necessary and basic for human existence. Therefore, every society should preserve and protect these five necessities; otherwise human life would be harsh, brutal, poor and miserable, here and in the hereafter. Islam is a religion that upholds human values and provides solutions for human life to be harmonised and balanced. This is what Jasser seeks to establish; how a system concept can govern the lives of Muslims so as to run complying with the rules (Al-Qaradawi, 1985: 44).

Moreover, the notion of *maqāṣid* has been expanded to include a wider scope of people – the community, nation, or humanity, in general. Ibn Ashur (also introduced shortly), for example, gave *maqāṣid* that are concerned with the 'nation' (*ummah*) priority over *maqāṣid* that are concerned with individuals. Rashid Rida, for a second example, included 'reform' and 'women's rights' in his theory of *maqāṣid*. Yusuf al-Qaradawi, for a third example, included 'human dignity and rights' in his theory of *maqāṣid*. The above expansions of the scope of *maqāṣid* allows them to respond to global issues and concerns, and to evolve from 'wisdoms behind the rulings' to systems of values and practical plans for reform and renewal ('Athiyyah, 2001).

Maqasid Syariah: A Significant Tool in Improving Islamic Economics and Finance

Maqasid Syari'ah is a sophisticated concept in Islamic teaching, especially in the ushul fiqh discipline. It was developed gradually from the emergence until now. This sophisticated concept of maqasid Syari'ah explained above can be a tool to provide solutions for the complexity of contemporary problems. One tool in using maqasid Syariah is called *al-fikr al-maqasidy* (Rabiah, 2002: 113-116). It is a pattern of thought inspired by maqasid Syariah, and held on to the principles and benefits for solving contemporary human problems, including social, political, economic and financial problems, etc (Fadhilah, 2020: 2070-2075).

Maqasid Syariah is not only useful for mujtahids (Moslem scholars), but also for any thinker that adopted this method as a way of thinking for solving contemporary human problems. *Al-fikr al-maqasidy* is a method of systematic inductive thinking (*istiqra'i*) with which to get a comprehensive conclusion in solving any problems. It shows that having a comprehensive

understanding of maqasid syariah can be a basis or platform for developing the theory and practice of Islamic finance, in order that the process and result of Islamic finance are in line with and in compliance to the rules and norms determined by Allah as the Creator of the law (Habib, 1442H: 111-132).

Maqasid Syariah will bring the mujtahid to the true final goal of law that complies with Syariah principles with a steady heart. In general, if a person does any activities without understanding the objective and the benefit of the activity, they will become bored in a short time, even stopping the activities. This is the reason for the urgency of a comprehensive understanding about maqasid syariah for every student, thinker, scholar and practitioner of Islamic finance, in order for them to consistently develop Islamic finance, although it needs more efforts and will consume a very long amount of time in the future. They will see the urgency of Islamic finance for human life from maqasid syariah perspectives (Fathurrahman, 2014: 212). Based on the explanation above, it is very important for every students, thinkers, scholars, and practitioners of Islamic finance to understand well the maqasid Syariah in order to always have a flamed up motivation and spirit in the struggling Islamic economic and financial practice in the world. In this regard, asy-Syatibi states, "Al-maqasid/Objectives are soul of activities if the activities done without objectives/maqasid then no soul inside *[sic]*".

The Maqasid Syariah studies are not only limited to understanding the objectives of Syariah by preserving the five basic needs (faith, soul, wealth, mind, and offspring), but also to understanding about Syariah theories for bringing Maqasid Syariah into reality, such as basic philosophy, rationality, *illat,* the secret of tasyri', and any other method to discover Islamic law, like the theory of analogy, illat, *masalikul'illat*, istihsan, maslahah mursalah, *sadd al-zariah,* 'urf, istishab, *takhrijul manath, tanqihul manath, tahqiqul manath,* and other methodologies and instruments related to Maqasid Syariah, accompanied by ushul fiqh theorem related to Maqasid Syariah. These concepts can be adopted as a tool in developing Islamic finance (Omar, 2015: 401-424).

Maqasid Syariah is not only a determinant instrument in producing innovative Islamic financial products, but also in providing philosophical and rational dimension to the Islamic financial product resulting from contemporary ijtihad. Maqasid Syariah extends rational and substantial thinking patterns to rendering contracts and products offered by Islamic economic and financial institutions. If the contracts and products only employee fiqh thought *an sich,* that then caused formalistic and textual patterns of thought that occasioned rigid and jumud. Contrary to that condition, Maqasid Syariah will ensure that Islamic financial products are developed well and always in line with and in relevance to the rapid changes of the world, in many aspects (Lukman, 2015: 2355).

Many researches and publications that implemented al-fikr al-maqasidy as a method of employing maqasid Syariah in developing Islamic finance can be mentioned below. Mustafa Omar, Kazi, and Rafikul published their paper "Measuring the performance of Islamic banks using maqāṣid-based model". This study made use of al-Imām al-Ghazālī's theory of *Maqāṣid al-Sharī'ah* and Ibn 'Āshūr's reinterpretation, adopting content analysis and Sekaran's behavioural science methods to develop a *Maqāṣid*-Based Performance Evaluation Model (MPEM) to measure the performance of Islamic banks. Experts' opinions have validated the model and its acceptability (Purwanto, 2019: 96).

Muṣtafa, Abdul Razak and Taib (2008) also developed a performance measure based on Maqāṣid al-Sharī'ah's (PMMS) model. The model operationalised Abū Zaharah's theory of Maqāṣid al-Sharī'ah into financial ratios. The ratios were then mathematically organised to create an index to access the overall performance of both Islamic and conventional banks based on Maqāṣid. The result of their study shows that Islamic banks performed better when measured with the PMMS model (Sanusi, 2020: 1307-1316).

Luqman, et al. evaluate the performance of Islamic banking based on the maqashid index approach. Objects of their research consisted of four Islamic banks in Indonesia (Bank Syariah Mandiri, Bank Muamalat Indonesia, Bank Rakyat Indonesia Syariah and Bank Negara Indonesia Syariah) and four Islamic banks in Malaysia (Bank Islam Malaysia Berhad, CIMB Islamic Bank, Maybank Islamic Berhad and RHB Islamic Bank) for the years 2011-2014. The Islamic banks were then measured and its performance ranked based on three steps: 1) the ratio performance; 2) performance indicators; and 3) the overall maqashid index. The research shows that Bank Muamalat Indonesia has the highest performance of 15.12%. The lowest performance is 7.02% by CIMB Islamic Bank (Purwanto, 2020: 1116-1120).

Nur Kholis conducted research for dissertation titled, "Unit Link Syariah: Konsep Dan Aplikasinya Dalam Perspektif Kepatuhan Syariah Dan Benefit Bagi Nasabah Dengan ANP (Analytic Network Process)". He utilised the maqasid Syariah approach in analysing Syariah compliance of unit links. He used Abū Zaharah's theory of Maqāṣid al-Sharī'ah (Supriadi, 2020: 1725). Abu Zahrah, in his book of *Ushul Fiqh*, comes with the more refined form of the specific objectives of al-Shari'ah. He classifies them into three fields, namely *tahdhib al-fard* (educating the individual), *iqamah al-'Adl* (establishing justice) and *jalb al-maslahah* (promoting welfare). From those classifications, this study should use the closest approach in order to measure Islamic compliance; and it follows then to implement Abu Zahrah's classification of *maqasid al-shari'ah* in insurance (Supriadi & Purwanto, 2019: 352-354).

Wasyith published "*Beyond Banking:* Revitalisasi *Maqāṣid* dalam Perbankan Syariah". According to him, Islamic banking is an entity that has its own unique characteristics, especially when compared with conventional banking. Therefore, Islamic banking, both in

theory and practice, should make paradigm shifts, especially in terms of performance measurement that is not only limited to financial parameters (Purwanto, 2020: 263-271). The result of his study shows the revitalisation of the concept of *maqāṣid* as defined by Muhammad Abu Zahrah and Abdul Majid Najjar, can be used to measure the performance of sharia banking in a more measurable way (Purwanto, 2019: 796-799).

The above explanation shows that employing Maqasid Syariah in solving contemporary economic and financial challenges and problems will actualise Islamic teaching (especially fiqh muamalah) as an elastic, flexible, energetic and always relevant with the age development *(shalihun li kulli zaman wa likulli makan).* This condition will develop and improve Islamic economic and finance rapidly, yet always complies with Syariah principles (Wasyith, 2017: 2085).

Conclusion

Based on the above explanation, it can be concluded that maqasid Syariah summarises the overall purpose of sharia in a simpler and more easily understood way. Maqasid Syariah principles can be designed as a tool in solving contemporary problems and challenges, which indicates its significance. One tool in using maqasid Syariah is called *al-fikr al-maqasidy,* namely a pattern of thought inspired by maqasid Syariah, held on to the principles and benefits, for solving contemporary challenges in economics and finance, and other fields of life. The Maqasid Syariah studies are not only limited to understanding the objectives of Syariah by preserving five basic needs, but also to understanding Syariah theories for bringing Maqasid Syariah into reality. Maqasid Syariah will bring the result of ijtihad to the true goal of Islamic law, with a steady heart. Implementing the Maqasid Syariah concept in solving contemporary economic and financial challenges and problems will develop and improve it, making it always in line with syariah principles.

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