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Maqasid Al-Syariah Thought in Mainstream Islamic Economics: A Review

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Abstract

Maqasid al-syariah is a discipline of knowledge in the field of *usul al-fiqh* that has currently gained much attention. It has been applied in various fields of human life, such as politics, economy, education and Islamic jurisprudence. The main factor that encourages its use is that this discipline of knowledge includes all aspects of human life and is suitable with the expanding globalization era. Lately, various branches and trends in *maqasid al-syariah* have emerged. Some lines of thoughts have used *maqasid al-syariah* based on the presumption that Islamic religious decrees issued by previous ulama are behind time and not suitable anymore. Hence, this kind of line of thought also exists in Islamic economy, which takes the approach of accepting and improving conventional economic thought and adapting it as Islamic economy. The question is whether this line of thinking applies *maqasid al-syariah* only as a following or as a trend in recent times. Thus, this study aimed to examine the *maqasid al-syariah* line of thought in mainstream Islamic economics. This qualitative study had used secondary data that were analysed using the content analysis method. The findings showed that Islamic economy wholly based on *maqasid al-syariah* could produce a true Islamic economy.

Key-words: Thought, *Maqasid Al-Syariah*, Mainstream Islamic Economics

Introduction

Maqasid al-syariah refers to the aim or objective that is intended to be achieved according to Islamic perspectives. This discipline of knowledge is expanding and has become an important theme in the mainstream. *Maqasid al-syariah* is widely applied in various fields, including economy.

There are lines of thought that have used *maqasid al-syariah* as the main pillar in their philosophy of thinking but have used it according to their own interpretation. These lines of thought presume that Islamic decrees produced by previous ulama are outdated and not suitable when applied today. One active line of thought that applies the *maqasid al-syariah* approach when deciding on decrees is the liberal line of thought (Sayuti, & Anuar, 2016). Hence, there are other line of thought like this in Islamic economy that takes the approach of accepting and improving conventional economic line of thought and adapting it as Islamic economy. This

line of thought is known as the accommodative-modification and eclectic-methodological line of thought. Muhammad Nejatullah (1989) and Monzer (1987) had combined the conventional economic approach with *fiqh* (Islamic jurisprudence). It is also known as the *fiqh based neo-classical approach*, whereas Muhammad (1984) had used the eclectic approach, which had borrowed the thoughts from conventional economy (Syukri, 2014a).

Methodology

The discussions in this working paper had used the qualitative method to analyse the secondary data. The secondary data in this study refers to previous studies and literary works. The data were analysed using the content analysis method because the source of the data were journals, thesis, books and other literary works related to line of thought, *maqasid al-syariah* and mainstream Islamic economy.

Literature Review

Generally, the discussions were divided into three main themes. Firstly, thought; secondly, *maqasid al-syariah*; and thirdly, mainstream Islamic economy.

a. Thoughts

Previous literature reviews have discussed a lot about line of thought. Adli and Kamil (t.t) had discussed Islamic thinking as a discipline of knowledge in the contemporary context. The findings showed that Islamic line of thought comprised two elements, namely the original worldview (ontology) and evaluation (axiology). This knowledge was not only in the form of theory but also in practical form. Mohamad Kamil (1996) had discussed the definition, scope, history and Islamic thinking according to modern and traditional lines of thought. Both these lines of thought endeavoured to solve the crisis in thinking in their own way.

The economic line of thought was discussed by several researchers. Tamkin (2007) discussed the contributions and economic line of thought by Ibn Qayyim al-Jawziyyah. Hadenan and Tamkin (2012) had discussed the economic line of thought of Syeikh Daud Al-Fatani, that focused on the *fiqhiConomic* element. Kharidatul (2015) had examined the history of economic line of thought during the time of the Prophet SAW when HE was in Madinah until the reign of Caliph al-Rasyidin. Studies on economic line of thought increased when Faisal and Maad (2016) analysed the economic line of thought of Syeikh Daud al-Fatani regarding the concept of justice and benefits found in the Sullam al-Mubtadi scripture.

Next, studies on scientific line of thought were carried out, among others, by Alias and Affandi (2010), who had applied the element of scientific line of thought in syariah studies. Syahmir (2014) examined the source of forming scientific line of thought by Ibn al-Haytham and analysed the worldview on scientific line of thought by Ibn al-Haytham. The study found that the worldview on scientific line of thought by Ibn al-Haytham was based on three elements, namely a strong reliance on tauhid (monotheism) to Allah SWT, guidance by the Islamic law of morality and the desire to search for the truth.

According to previous literature review pertaining to line of thought, it was found that thinking has various styles and forms. It refers to an approach or a way to solve a problem based on the views of Islamic scholars. Hence, there is yet to be any study on the *maqasid al-syariah* line of thought.

b. Maqasid Al-Syariah

Discussions on *maqasid al-syariah* involved three elements, namely the *maqasid al-syariah* concept, the *maqasid al-syariah* approach and the application of *maqasid al-syariah* in Islamic economics.

i. The Maqasid Al-Syariah Concept

Maqasid al-syariah is the objective or aim desired by Allah SWT in every decree that has been commanded. The aims or objectives that have been commanded are intended to solve the problems faced by mankind. It affords benefits to humans and avoids all sorts of adversities (al-'Alim, 1997:97). This is because *maqasid al-syariah* itself aims to produce goodness (*jalb al-maslahah*) and reject adversities (*dar al-mafsadah*) (al-Raysuni, 1995:17). According to Hailani (2009), *maqasid al-syariah* is a form of *wasilah* or relationship for mankind to seek the path to heaven. This view was in line with al-Syatibiy (t.t:54), who stated that *maqasid al-syariah* not only protects the benefits and interests of life on this earth, it also aims to preserve the interests of mankind after death. Therefore, the benefits commanded by Allah SWT is related to earth and the after-world. This shows that Islam bestows blessings on mankind.

According to al-Syatibi (t.t), Islamic law was delivered solely for the well-being of mankind. Hence, three stages in the *maqasid al-syariah* were outlined, namely *al-daruriyyah*, *al-hajiyyah* and *al-tahsiniyyah*. Among the three stages, *al-daruriyyah* or also known as *daruriyyah al-khams*, was the main stage. According to al-Syatibi (t.t), there are five components in *al-daruriyyah* that should be safe-guarded, namely religion (*hifz al-din*), life (*hifz al-nafs*), lineage or hereditary (*hifz al-nasal*), wealth (*hifz al-mal*) and the mind (*hifz al-'aql*). This view was supported by al-Ghazali (1996). Nevertheless, al-Ghazali (1996:172) stated that some ulama had added another component, which was to safe-guard dignity (*hifz al-'irdh*). Jasser (2017) was of the view that these components are very important in mankind's life. In relation to this, there is a general consensus that these basic needs are the objectives behind every religious decree that has been delivered, not only Islamic decrees (al-Syatibi, t.t:5).

A review of previous studies concerning the *maqasid al-syariah* concept had touched a lot on discussions pertaining to the objective of commanding a decree, partitioning the *maqasid al-syariah*, and the components that need to be safe-guarded. This was intended to safe-guard the benefits (*maslahah*) and abstain from evil (*mafsadah*).

ii. The Maqasid Al-Syariah Approach

Besides the study on the *maqasid al-syariah* concept, there are several studies on the *maqasid al-syariah* approach. Zuhdi (2015) had focused on *maqasid al-syariah* as an approach aimed at realising Islamic thought in Malaysia. According to him, there are two approaches in *maqasid al-syariah*, which is *maqasidi* (objectivist) and *syakli* (formalist). He found that the *maqasidi* approach was a suitable approach used for realising Islamic teachings in Malaysia without too many political steps involved.

In another study, Zuhdi (2016) examined the *maqasidi* approach for handling various lines of thought regarding decrees in Malaysia. In the beginning, the various lines of thought had rekindled the proliferation and expansion of the lines of thought until it reached its climax during the expansion era of the *mazhab*. Next, Sayuti and Anuar (2016) focused on the *pseudo-maqasid* approach. The findings showed that the *pseudo-maqasid* approach was similar to the

hermeneutic interpretation approach that was supported by the Islamic liberalist group in order to change the Islamic knowledge structure.

Based on the review of literary works pertaining to the *maqasid al-syariah* approach, it was found that the *maqasidi* approach was the most comprehensive approach for handling issues related to Islamic decrees.

iii. Applying Maqasid Al-Syariah In Islamic Economics

There are studies that have examined the application of *maqasid al-syariah* from various aspects. Among them, Akram (2013) had discussed the management and spending of wealth in Islam. According to the study, there are three ways to manage and spend wealth in Islam based on the al-Qur'an. First, be balanced and modest in spending; second, spend wealth in a manner or method prescribed by syariah; and third, spend according to the hierarchy of needs mentioned in *maqasid al-syariah* as adduced by al-Ghazaliy in *al-Mustasfa* (1993:74). The needs here referred to priority, as in the basic needs (*al-daruriyyah*), needs (*al-hajiyyah*) and ornaments or luxury (*al-tahsiniyyah*). Besides that, Zaharuddin (2014) had examined *maqasid al-syariah* from the Islamic financial *fiqh* aspect. He examined the decree in detail in relation to several new issues that involved sales and purchase. Similarly, Agil (2011) was inclined towards examining *maqasid al-syariah* from the Islamic economic perspective. His study presumed that benefits (goodness) were *maqasid al-syariah* when establishing a decree.

c. Mainstream Islamic Economics

The discussions about mainstream Islamic economy in this working paper were divided into three parts, namely the philosophy of mainstream Islamic economics, methodology in mainstream Islamic economics and development of mainstream Islamic economics.

i. Philosophy of Mainstream Islamic Economics

There are four philosophies in mainstream Islamic economics discussed by scholars in Islamic economics. First is the concept of tauhid (monotheism). Having faith in Allah SWT is a concept of tauhid that forms the basis of human life. According to Muhammad Nejatullah (1989), tauhid is submission of oneself (*'ubudiyyah*) to HIS God. It involves elements such as submission and mission that are intended to design human life according to HIS wishes. Second is the concept of *rububiyyah*. Ismail (1999:145) stated that *rububiyyah* refers to regulations set by Allah SWT and mankind was always appreciative of matters as well as being able to accept the fate decided by Allah SWT. Third is the concept of *tazkiyyah*. There are several authors who have discussed the concept of *tazkiyyah* in the philosophy of mainstream Islamic economics. For example, Kastin (1990:12) stated that *tazkiyyah* is a form of purifying the soul and claiming high moral values in a man. Kastin (1990:12) and Kastin and Sanep (2005:29) adduced an example of purifying the soul, which was by paying zakat and donating alms. Thus, by implementing these acts, mankind would be able to achieve *al-falah*. Fourth is mankind as the *khalifah* of Allah SWT. Mankind is commanded to be the trustee and is bestowed with responsibilities that need to be implemented (Kastin, 1990:13; Kastin & Sanep, 2005:30).

Based on previous studies and literature, the philosophy of mainstream Islamic economics is based on four main elements such as the concepts of tauhid, *rububiyyah*, *tazkiyyah* as well as mankind as the *khalifah* of Allah SWT. Although the philosophy of

mainstream Islamic economics is the main pillar; hence, there is a line of thought in mainstream Islamic economy that is not moulded according to genuine Islamic economy.

ii. **The Methodology of Mainstream Islamic Economics**

Methodology is the means or method that could be used to proof and seek the truth (Kastin & Sanep, 2005). According to Jaafar, Sanep and Hairunnizam (2011), discussions on Islamic methodology have long been debated. The question frequently put forth by researchers in Islamic economics is related to the issue of whether Islamic economy is a theory or a doctrine. According to Jaafar, Sanep and Hairunnizam (2011), theory and doctrine are two different things because both try to understand and delve into different matters.

Kastin and Sanep (2005) had adduced four important elements in the methodology of Islamic economy. First is the core of the methodology. Adherence to Islamic law is the core of the methodology that exist due to the awareness and confidence that only true Islamic law would be able to lead mankind towards a safe destiny. Second is the corpus of the economy, which is the collection of verses of the al-Quran and Hadith regarding economy. Third is the formation of Islamic economic principles. Fourth is the academic proof obtained via statistical or modelling methods that are necessary, as used by conventional economy.

Zakaria (2014a) had focused on research methodology in Islamic economy. He had analysed different forms of research methodology used in Islamic economy. Then, Zakaria (2014b) discussed the decolonization of education in the Islamic economy discipline. In this study, he scrutinised the elements used in Islamic economy compared to conventional economy. The study also identified the drawbacks of applying this method and the changes needed to create an Islamic economy that is truly genuine. According to Muhammad Syukri (2011) and Zakaria (2014a), generally Islamic economy had used conventional economic methodology and assimilated it into the Islamic perspective according to conceptual, principle, philosophical and structural aspects (Zakaria, 2014a).

iii. **Development of Mainstream Islamic Economics**

Based on the examinations, there were several studies on mainstream Islamic economy. For example, Akram (2014) had discussed Islamic economic terms in general. The study also depicted clear differences between Islamic economy and conventional economy. Similarly, Anas (2014) had examined the methodologies in Islamic economy by focusing on Islamization in Islamic economics from the conceptual and methodological aspects.

Discussions about mainstream Islamic economy was continued by Syukri (2014a), who discussed the line of thought that exists in Islamic economy in the Malay World. According to him, there are four Islamic economic lines of thought in the Malay World, such as the accommodative-modification and eclectic-methodological, a combination of the other -isms with Islam, alternative and lastly, total Islamic economic lines of thought. Hence, the dominant Islamic economic line of thought currently is the accommodative-modification line of thought with an eclectic-methodological characteristic.

In general, the accommodative line of thought endeavours to accommodate scientific and religious knowledge (Rahman, 2010). From the Islamic economic perspective, Syukri (2011) stated that the accommodative-modification line of thought approach referred to the approach that readily accepts and improves Islamic economic thoughts to make it an Islamic economy.

The characteristics, which refers to a flexible approach, chooses the best from the various resources and uses it collectively in the Islamic economy.

There are several Islamic economy scholars who support this thought. Umar (2001) and Rahman (2002) were of the view that Islamic economy can use conventional theories as long as it does not contradict the syariah. Nejatullah (2001) stated that interactions with conventional economy was not only acceptable, rather it was necessary. According to him, accepting conventional theories is not only from the conventional economic discipline framework aspect but also includes accepting values that come with it (Syukri, 2014a).

Next, Syukri (2014b) had examined the weaknesses in mainstream Islamic economy. Some of the weaknesses were related to the Islamic economic philosophical framework, the mainstream Islamic economy was still bound by conventional economic presumptions, conceptual, scope, research methodology, system society, the final aim of Islamic economy was inaccurate and lastly, there were not many scholars on Islamic economy.

This disorderliness was caused by the confusion of those who support the accommodative-modification and eclectic-methodological economic line of thought concerning the difference between the philosophical stage and Islamic economy stage. Both these stages enable the realisation of the Islamic economy. The main pillar of Islamic economy should be the philosophical stage, whereas, the components in the operational stage should form according to the philosophical pillar. Therefore, the components of the operational stage were chosen, accommodated and modified according to Islam, while its framework was still the conventional economic framework. Hence, the components in Islamic economy were not Islamic actually (Syukri, 2014a:8).

Moreover, Shukri (2014) had examined the current worldview on Islamic economy based on the Islamic worldview. Shukri (2014) concluded that the religion propagated by the Prophet SAW not only overhauled the conceptual and operational aspects of pagan Arabic practices, but also involved its philosophical and worldview aspects. Therefore, it is clear that the arguments always used by supporters of the accommodative-modification line of thought with eclectic-methodological characteristics were not accurate.

Based on previous literature reviews about the development of mainstream Islamic economics, it was found that the accommodative-modification line of thought with eclectic-methodological characteristics was the dominant line of thought currently. Hence, this line of thought was found to be a combination of Islamic and Western theories. This has contributed to the present economy being imperfect and not holistic in achieving the aims of Islamic law.

Findings and Discussion

Generally, *maqasid al-syariah* is a discipline of knowledge that discusses the intention and objectives that need to be achieved based on *syariah*. Besides that, *maqasid al-syariah* also teaches mankind to act, mainly pertaining to matters related to the benefits for Muslim (Zainal Rashid, 2012). This shows that *maqasid al-syariah* is related to the method of thinking.

The *maqasid al-syariah* line of thought is a form of thinking that is moulded according to Islamic law and comprises all aspects of life. Its aim is to produce goodness and reject adversities. This line of thought is based on five elements, such as the preservation of religion, life, mind, race (descendants) and property. These five elements are applied in various fields,

including Islamic economy. Hence, the use of *maqasid al-syariah* in mainstream Islamic economics is not comprehensive. This is because conventional economic theories were adapted to form Islamic economy besides assimilating conventional theories that were collectively used in Islamic economy.

Therefore, there are three reasons why the *maqasid al-syariah* line of thought in mainstream Islamic economics should be discussed. First, as a line of thought that is capable of solving problems faced by Muslims based on syariat Islam. Second, to form a framework for thinking based on the intentions of the syariat that would then be applied in mainstream Islamic economy. Third, to increase the references for *maqasid al-syariah* line of thought and mainstream Islamic economy as well as to understand the use of *maqasid al-syariah* in the actual contexts. This is intended to consolidate the current Islamic economic framework in order to create an authentic form of Islamic economy. Therefore, the discussions in this paper intended to fill the gap pertaining to discussions about Islamic economy from a *fiqh* perspective.

Conclusion

Based on the overall discussions in this paper, the *maqasid al-syariah* line of thought regarding mainstream Islamic economics should be re-examined. This is because its application is not inclusive and comprehensive of the grassroots level. Hence, *maqasid al-syariah* should be applied comprehensively so as not to disrupt the *ijtihad* process and eventually obtain the blessings of Allah SWT for all the activities initiated in Islamic economy.

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