

## The revitalization of *Maqasid al-Mu'amalat* according to Abdullah bin Bayyah and Its implications on Islamic law

A revitalização de *Maqasid al-Mu'amalat* de acordo com Abdullah bin Bayyah e suas implicações na lei Islâmica

La revitalización de *Maqasid al-Mu'amalat* según Abdullah bin Bayyah y sus implicaciones en la ley Islámica

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### Abstract

The revitalization of Islamic law continues to experience renewal in welcoming the new world economy era that offers the influence of global cultural acculturation and advances in information technology on the one hand, and the rise of spiritualism and nationalism on the other. The study of economics is not new in the discourse of Islamic law, which is better known as *mu'amalat*. For a long time, the discourse on the objectives of the Sharia (*maqasid al-shari'ah*) has become a non-negotiable need. The necessity of knowing it, the urgency of studying it, and the implications of Muslim scholars' thoughts in navigating the ocean of Islamic law to arrive at the sea of wisdom are strongly influenced by *maqasid al-shari'ah*. This is based on the assumption that it is not enough just to know and examine in detail the textual texts which can result in a misunderstanding of the purposes and objectives of God and His Messenger in formulating Islamic law, but it is very necessary to study the values and objectives of the Sharia texts that were revealed. Thus, Ibn Bayyah tried to combine the study of *maqasid al-shari'ah* with *mu'amalat* based on the objectives of the transaction and the results of observation of reality. In his research results, he stated that the revitalization of objectives of wealth as a new basis of thought in the discourse of Islamic law would update the concept of the jurisprudence of transactions in its old face which was rigid, out of date, conservative, and less applicable. This is like the human need for wealth considered as a crucial thing that occupies the first position in objectives of wealth (*maqasid al-mu'amalat*).

**Keywords:** Islamic law; *Maqasid al-Mu'amalat*; Revitalization.

### Resumo

A revitalização da lei Islâmica continua a experimentar renovação ao dar as boas-vindas à nova era da economia mundial que oferece a influência da aculturação cultural global e avanços na tecnologia da informação, por um lado, e a ascensão do espiritualismo e do nacionalismo, por outro. O estudo da economia não é novo no discurso da lei Islâmica, mais conhecida como *mu'amalat*. Por muito tempo, o discurso sobre os objetivos da Sharia (*maqasid al-shari'ah*) tornou-se uma necessidade inegociável. A necessidade de sabê-lo, a urgência de estudá-lo e as implicações dos pensamentos dos estudiosos muçulmanos ao navegar no oceano da lei islâmica para chegar ao mar da sabedoria são fortemente influenciados pela *maqasid al-shari'ah*. Isso é baseado na suposição de que não é suficiente apenas conhecer e examinar em detalhes os textos textuais que podem resultar em uma compreensão equivocada dos propósitos e objetivos de Deus e Seu Mensageiro na formulação da lei Islâmica, mas é muito necessário estudar o valores e objetivos dos textos da Sharia que foram revelados. Assim, Ibn Bayyah tentou combinar o estudo da *maqasid al-shari'ah* com *mu'amalat* com base nos objetivos da transação e nos resultados da observação da realidade. Nos resultados de sua pesquisa, ele afirmou que a revitalização dos objetivos de riqueza como uma nova base de pensamento no discurso da lei Islâmica atualizaria o conceito de jurisprudência das transações em sua antiga face que era rígida, desatualizada, conservadora e menos aplicável. É como a necessidade humana de riqueza considerada como uma coisa crucial que ocupa a primeira posição nos objetivos de riqueza (*maqasid al-mu'amalat*).

**Palavras-chave:** Lei Islâmica; *Maqasid al-Mu'amalat*; Revitalização.

## Resumen

La revitalización de la ley Islámica continúa experimentando una renovación al dar la bienvenida a la nueva era de la economía mundial que ofrece la influencia de la aculturación cultural global y los avances en la tecnología de la información por un lado, y el surgimiento del espiritualismo y el nacionalismo por el otro. El estudio de la economía no es nuevo en el discurso del derecho Islámico, más conocido como *mu'amalat*. Durante mucho tiempo, el discurso sobre los objetivos de la *Sharia* (*maqasid al-shari'ah*) se ha convertido en una necesidad innegociable. La necesidad de conocerlo, la urgencia de estudiarlo y las implicaciones de los pensamientos de los eruditos musulmanes al navegar por el océano de la ley Islámica para llegar al mar de la sabiduría están fuertemente influenciadas por *maqasid al-shari'ah*. Esto se basa en la suposición de que no es suficiente conocer y examinar en detalle los textos textuales que pueden resultar en un malentendido de los propósitos y objetivos de Dios y Su Mensajero al formular la ley Islámica, sino que es muy necesario estudiar la ley Islámica. Pero es muy necesario estudiar los valores y objetivos de los textos de la *Sharia* que fueron revelados. Así, Ibn Bayyah trató de combinar el estudio de *maqasid al-shari'ah* con *mu'amalat* basado en los objetivos de la transacción y los resultados de la observación de la realidad. En los resultados de su investigación, afirmó que la revitalización de los objetivos de riqueza como una nueva base de pensamiento en el discurso de la ley Islámica actualizaría el concepto de jurisprudencia de las transacciones en su antiguo rostro rígido, desactualizado, conservador y menos aplicable. Esto es como la necesidad humana de riqueza considerada como algo crucial que ocupa el primer lugar en los objetivos de la riqueza (*maqasid al-mu'amalat*).

**Palabras clave:** Ley Islámica; *Maqasid al-Mu'amalat*; Revitalización.

## 1. Introduction

Islamic law broadly includes two main areas that intersect with *mukallaf* (to perform religious duties in Islam) namely worship and *mu'amalat*. The very wide coverage of the *mu'amalat* area allows for the division of branches within the corridors of *mu'amalat* laws (Wahhab, 1988). There are seven branches of law resulting from the *mu'amalat* extract, namely: family law; civil law such as buying and selling, renting, pawning, and guaranteeing; criminal law such as *qisas*, *hudud* and *ta'zir*; procedural law; constitutional law; international law; and the laws of financial economics (Saleh, 2006).

Reflecting on the scope of civil law, human relations —as individuals with other individuals or individuals with groups, and vice versa— relating to agreements, exchanges, wealth rights, and other transactions have been regulated from the point of view of various existing aspects so that this gave birth to a new concept called Islamic economics law which in Islamic law literature (*fiqh*) is familiarly called *mu'amalat* (Shabir, 2007). Starting from this finding, exploring the goals of *mu'amalat* to develop the economy is considered as one of the surefire ways to solve problems and make it a lesson to find win-win solutions from all existing economic problems. This is in line with understanding the objective and characteristic of *mu'amalat* which can make the economic problems that are currently symptomatic quickly parse and formulate solutions.

The crucial problems faced by Muslims today are poverty, counter-productivity, loss of work ethic, scarcity of large-scale production tools such as factories, even in some areas that have disappeared, which makes fiscal policy need to be reviewed in its formulation. Another problem is the financial circulation on the stock exchange and trading market which leads to the accumulation of money in conglomerates only or freezes in banks (Gwartney, 2015). Abdullah bin Bayyah revealed that to normalize the circulation of money and equalize the economy in all sectors, the steps that must be taken care of are to stay away from the practice of usury and oppose income from illicit income, besides that it must also provide the rights of the proletariat, workers, orphans, and widows so that the assets consumed are truly lawful and clean and have a positive impact (Bayyah, 2013).

The *maqasid al-mu'amalat* discourse is specifically used as the main reference for achieving the ultimate goal of Islamic economics, namely achieving happiness (*Falah*) in the world and the hereafter through the dynamics of a good, honorable and blessed life. Therefore, the concept of *maqasid al-mu'amalat* becomes the basic foundation of all *al-mu'amalat* transactions, the behavior of individuals and groups, both as producers or consumers, and all aspects of the economy. Thus, the concept of *maqasid al-mu'amalat* has an important role in determining all matters relating to *al-mu'amalat* that are obedient to the principles of Islamic law (Makhdah, 2017).

## 2. Research Methodology

This research is qualitative. In terms of its nature and objective, this research is a descriptive explanation study by D. Royse (Royse, 2011). The type of research is library research. In addition, the approach used in this research is the historical-critical-philosophical approach of Hegel (Hegel, 1965), namely by tracing the historical roots critically (Goswami, 2014) why Abdullah bin Bayyah launched the revitalization of *maqasid al-mu'amalat*, what is the background, and what are the implications for Islamic law, then look for the fundamental structure of that thought. Searching for the fundamental structure is what characterizes the philosophical approach.

The primary data source for this research is Abdullah bin Bayyah's book about *maqasid al-mu'amalat*, entitled *Maqasid al-Mu'amalat wa Marasid al-Waqi'at*. While secondary data sources include classical and modern fiqh books, scientific journals, scientific articles, archives, documents relevant to this research. The data analysis technique used in this research is a descriptive-analytical method (Schiemann, 2007), which is to try to describe the basic construction of Abdullah bin Bayyah's *maqasid al-mu'amalat*, its revitalization efforts, and its implications for Islamic law. Then it is analyzed critically (Kincheloe, 2000) and looks for the roots of the character's thoughts with previous figures, as well as the advantages and disadvantages of the theory.

## 3. Biography of Abdullah bin Bayyah

Abdullah bin al-Shaikh al-Mahfuz bin Bayyah was born in the city of Timbédra, Southeast Mauritania in 1935 AD. His father was a leading scholar and at the same time the head of the association of scholars in Mauritania. Abdullah bin Bayyah or better known as Ibn Bayyah studied in Mauritania, at his father's school. Here he studied Arabic from Muhammad Salim bin al-Shin, and the science of the Qur'an from Bayyah bin al-Salik al-Masumi, and also studied *ulum al-tafsir*, the science of *al-hadith*, *fiqh*, *qa'idah al-fiqhiyyah*, *nahwu-saraf*, and so on (Binbayyah.net., 2017).

At the age of 24, he continued his studies in Tunisia by taking a concentration in Islamic Law and training to become a Judge. Upon his return, he moved to various government positions, being appointed head of the Sharia Department at the Ministry of Justice, then deputy head of the High Court, then deputy head of the Supreme Court. He was the first to propose the establishment of a Ministry of Islamic Affairs in Mauritania and at the same time served as the first minister of this ministry. Ibn Bayyah's greatest achievement worthy of gold ink in Mauritania was the Arabization of administration in Mauritanian government agencies. This legalization is a concrete manifestation of what he is fighting for with the Muslim people of Mauritania in terms of implementing the principles of Islamic Sharia in Mauritanian legislation rather than adopting French law. Ibn Bayyah is one of the greatest contemporary Sunni scholars of the Century, and also serves as chairman of the Muslim Community Peace Forum and Al-Muwatta Foundation in Abu Dhabi. He was selected by Georgetown University as one of the 50 most influential Islamic figures in the world during 2009-2016 (Aljazeera.net., 2014).

Many Muslims view Ibn Bayyah as one of the symbols of world moderation. His fatwas are widely referenced in the West as one of the most important sources and references for Muslim minorities living in the West. After the September 11 tragedy, Ibn Bayyah actively participated in the Islamic-Christian dialogue in Rome and Madrid as a member of the Muslim World League (Jakfar, 2010). He also participated in the Christian-Islamic Summit in Rome. Ibn Bayyah's view is characterized as deep assimilation of legal principles and sensitivity to the reality of globalization so that his ideas can provide solutions to contemporary Muslim problems (Albayan.ae., 2018).

In addition, Ibn Bayyah was also a prolific writer. Many of his books were printed in various languages, among his monumental books are *Maqasid al-Mu'amalat wa Marasid al-Waqi'at* (the objectives of transactions and the results of observation of empirical facts), *Taudih Awjuh Ikhtilaf al-Aqwal fi Masa' il min Mu'amalat al-Amwal* (dissecting various

opinions of scholars in the scope of money transactions), *Mashahid min al-Maqasid* (empirical facts from objectives), *Sadd al-Dhara'i' wa Tatbiqatuhu fi Majal al-Mu'amalat* (cutting the path of damage and its implementation in the field of transactions). Then there is *Athar al-Maslahah fi al-Waqf* (the impact of the benefit of *waqf*), *Tanbih al-Maraji' 'ala Ta'shil Fiqh al-Waqi'* (reference notes on the points of *fiqh* reality), *Fatawa Fikriyyah* (fatwas of thought), *Sina'ah al-Fatwa wa Fiqh al-Aqalliyat* (making fatwas and minority *fiqh*), *Khitab al-Amn fi al-Islam wa Thaqafah al-Tasamuh wa al-Wi'am* (speech of security in Islam and a culture of tolerance and), *Hiwar 'an Bu'din Hawla Huquq al-Insan fi al-Islam* (long-distance dialogue on human rights in Islam), and so on.

One of Ibn Bayyah's most famous thoughts is Islam as a compassionate religion. This concept is almost reflected in every writing of Ibn Bayyah in his books, articles, and fatwas. This concept encouraged him to always promote peace. Ibn Bayyah wanted to show that Islam is a religion that loves peace and does not want any form of violence. His famous quotes are: "If I asked for people to die for the sake of God, I would have them lining up at my house. But when I ask people to live for the sake of God, I can't find anyone" (Rahmah, 2018).

The statement above contains a deep meaning which is addressed to the group that calls for 'death' as a fast way to heaven. On the other hand, Ibn Bayyah wants to show that being 'alive' is a way of faith that can lead a person to his God. Ibn Bayyah's writings, both in the form of books, journals, and other scientific works, talk a lot about the economy and transactions (*mu'amalat*). There is a kind of the impetus for him to continue to ground the progress of Islam through the economic sector, making him enthusiastic about campaigning for peace and the progress of the country through the economic sector (Reliefweb.int., 2006).

#### 4. Definition of *Maqasid al-Mu'amalat*

*Maqasid al-mu'amalat* is lexically composed of two words, *maqasid* and *mu'amalat*. *Maqasid* is a plural form of *maqsad* which according to its class is *masdar mim* from *fi'il thulathy mujarrad* (قَصَدَ - يَقْصِدُ - قَصْدًا - مَقْصِدًا - قاصِد). According to language, *maqsad* has many meanings, including leaning towards something (*al-i'timad wa al-tawajjuh ilaih*), fairness (*al-'adl*), moderation (*i'tidal*), the straight path (*istiqamah al-thariq*), and near (*al-qurb*) (Manzur, 2010). Of all the existing meanings, the first meaning is closest to the context because the term *maqasid al-mu'amalat* is raised to examine the objectives and values that exist in *mu'amalat* itself.

According to etymology, the word *mu'amalat* (معاملات) is the plural form of *mu'amalat* (معاملة), it is said "I employ a man" meaning I do *mu'amalat* buying and selling or other things with a man (Muqri', 2016). Meanwhile, according to the terminology of *fiqh*, *mu'amalat* is used for systematic Islamic laws relating to human interaction in the world. Some scholars specialize in *mu'amalat* with Islamic laws related to wealth, this is based on the division of chapters in *fiqh* that explains worship (*ibadah*), transactions (*mu'amalat*), marriage (*munakahah*), and sanctions (*uqubat*) (Shabir, 2007). Thus, *maqasid al-mu'amalat* are goals that include wealth and financial problems by relying on values as a result of changing circumstances, or problems that have a new basis which is an evolution of previous problems. The objectives and values contained in *mu'amalat* have existed since the era of *fiqh* codification and continue to experience changes, developments, and improvements according to the problems faced in each era.

#### 5. Classification of *Maqasid al-Mu'amalat*

*Maqasid* based on its universality includes the issue of wealth and other than wealth because these two points are the basis of sharia and the pillars of religion. There are four kinds of objectives (*maqasid*) related to the issue of wealth and other

than wealth, namely; the objective of worship (*maqsad al-'ibadah*); the objective of being given a test (*maqsad al-ibtilla'*); the objective of development (*maqsad al-'imarah*); and the objective of mastery (*maqsad al-istikhlaf*) (Makhdah, 2017).

First, the objective of worship (*maqsad al-'ibadah*), the source of the origin of this objective is from the Qur'an surah *al-Dhariyyat* verse 56: "And I did not create the jinn and humans except that they may serve Me". The essence of this objective is to fulfill all His commands and stay away from what He forbids. Wealth belongs to the third layer of worship, which is the main basis of the third pillar of Islam, zakat. The fourth pillar, fasting, also requires wealth for breaking and eating. Whereas in the fifth pillar, Hajj, the role of wealth is very significant, especially for travel provisions, living in Mecca and Medina, and also other costs related to Hajj, including reserve assets left for their families during the pilgrimage. In addition, wealth is also used as a pillar in carrying out other obligatory worship such as family living, paying debts, helping hungry people, and so on (Bayyah, 2013).

Second, the objective of being given a test (*maqsad al-ibtilla'*), there are at least four verses of the Qur'an that can be used as a basis for thinking about this objective, (1) Surah *al-Mulk* verse 2: "Who makes death and life so that He tests you, which of you is better indeed. And He is Mighty, Most Forgiving." (2) surah *al-An'am* verse 165; (3) surah *al-Anbiya* 'verse 35; and (4) surah *al-Fajr* verse 15. The four verses implicitly explain the objective of God giving trials and tests to His servants. Some scholars consider that the objective of being given a test (*maqsad al-ibtilla'*) is a form of *taklif* that includes wealth and other than wealth.

Third, the objective of development (*maqsad al-'imarah*) is the implementation of the Qur'an surah *Hud*, verse 61: "He has created you from the earth (land) and made you prosperous". This verse explains that God Almighty indirectly commands mankind to build and prosper the face of this earth. Many ways can be done to prosper this earth, including by preserving offspring, cultivating plants, and breeding animals, as Allah says in Surah *al-Rahman* verse 10 which means: "And Allah has leveled the earth for (His) creatures". In addition, the form of exploration of the contents of the bowels of the earth for benefit is also included in the category of encouraging the prosperity of the earth because it utilizes God's gifts to mankind, as stated by Allah in the Qur'an surah *al-Rum* verse 9.

Fourth, the objective of mastery (*maqsad al-istikhlaf*) is the spirit of teaching which states that one of the noble tasks of man as caliph (substitute) of God Almighty on this earth is to strive for the realization of prosperity on earth (Al-Qur'an surah *Hud*: 61). Then realize the safety and happiness of living on earth by believing and doing good deeds (Al-Qur'an surah *al-Ra'ad*: 29), and cooperating in upholding truth and patience (Al-Qur'an surah *al-'Asr*: 3). The three main tasks of man as caliphs are sacred tasks and direct mandates from God Almighty since the first human (Adam, peace be upon him) was sent down from heaven to earth until the last human who lived before the Doomsday (the day of the end of the world). In addition, it can also be interpreted as a form of human servitude to God (Bayyah, 2013).

After discussing the four objectives (*maqasid*) from a general perspective which includes both wealth and non-wealth matters, there are also objectives from a specific point of view relating to wealth. According to Ibn 'Ashur, there are five objectives (*maqasid*) that are specifically related to wealth, namely, (1) The objective of wealth circulation (*rawaj al-amwal*); (2) The objective of transparency and clarity of wealth (*wuduh al-amwal*); (3) The objective of safeguarding, maintaining and storing wealth (*hifz al-amwal*); (4) The objective of proof and verification of wealth (*ithbat al-amwal*); and (5) The objective of justice in wealth (*al-'adl fi al-amwal*) (Khawjah, 2004). While Ibn Bayyah classifies objectives related to wealth into two categories, based on the origin of benefit and based on the origin of costs. The two categories and their derivatives will be the core of the discussion in this paper.

## 6. The Revitalization of the Objectives of Wealth According to Abdullah bin Bayyah

Since the onset of the industrial revolution 2.0 (Prakasa, 2018), exploitation and massive production in the agricultural sector have continued to experience growth, carried out by modern imperialists (capitalism) to their colonies, where the peak was the panic in 1907 due to the free fall of the Dow stock market of more than 50%. Then followed by German hyperinflation in the period 1918-1924, and followed by the great depression in 1929 to 1939 (Sindonews.com., 2018). This global economic crisis then triggered world economists to look for solutions and not to forget Muslim scholar thinkers to take part in stemming the efforts of capitalization to all fields.

According to Ibn Bayyah, the current *maqasid al-shari'ah* discourse is a method of extracting applicable, implementation, and solution laws when other methods are deadlocked. He is actively involved in the highest committee of *maqasid al-shari'ah* studies at the world Ulama forum (Binbayyah.net., 2017). More than 500 years after al-Shatibi (d. 790 H.) wrote his masterpiece entitled *al-Muwafaqat* discourse *maqasid shari'ah* has stagnated and almost abandoned. Until the first half of the 13<sup>th</sup> century Hijri, Imam Muhammad Al-Tahir Ibn 'Ashur (d. 1393 H.) appeared as a reformist in the study of *maqasid shari'ah* who offered a new approach in studying *maqasid shari'ah*, which was adapted to contemporary realities and modern context.

The reform efforts carried out by Ibn 'Ashur are contained in his brilliant book entitled *Maqasid al-Shari'ah al-Islamiyyah* which was first published in Tunisia in 1946 AD. In this book, Ibn 'Ashur offers a new concept in revealing the secrets and wisdom of the revelation of the Sharia as a torch of light at a time when differences of opinion among the scholars are getting sharper, either due to differences in life span, social conditions of society or differences in levels of ability in the formulation of law ('Ashur, 2006). After Ibn 'Ashur, the study of *maqasid shari'ah* continues to be widely discussed, in this modern era, the contribution of the *Maqasidiyyun* (people who are concerned with *maqasid*) is still increasing (Hasani, 1995). Among those who are familiar in the discussion of *maqasid shari'ah* because of his thoughts that carve breakthroughs are 'Ala al-Fasi in his book *Maqasid al-Shari'ah al-Islamiyyah wa Makarimuha* (the objectives and glory of Islamic law), Yusuf al-'Alim in his book *Maqasid al-'Ammah li al-Shari'ah al-Islamiyyah* (universal goals of Islamic law), Ahmad al-Raisuni in his book *Nazariyyat al-Maqasid 'inda al-Imam al-Shatibi* (the concept of *maqasid* according to Imam al-Shatibi), Hammadi al-'Ubaidi in his book *Al-Shatibi wa Maqasid al-Shari'ah* (al-Shatibi and *maqasid shari'ah*) (Malkawi, 2011).

In addition to the books mentioned above, there is Nur al-Din al-Khadimi's dissertation entitled *al-Maqasid fi al-Madhab al-Maliki Khilal al-Qarnayn al-Khamis wa al-Sadis al-Hijriyyayn* (*maqasid* of the Maliki school of fifth and sixth Hijra). And another book by al-Khadimi entitled *'Ilmu al-Maqasid al-Shari'ah* (knowing *maqasid shari'ah*) and *Al-Ijtihad al-Maqasidi: Hujjiyyatuhu, Dawabituhu, Majalatuhu* (ijtihad and *maqasid*: proof, precision and scope). There is also the great Syrian scholar Muhammad Sa'id Ramdan al-Buti in his book entitled *Dawabit al-Maslahah fi al-Shari'ah al-Islamiyyah* (precision *maslahat* in Islamic law), then Jamal al-Din 'Atiyyah in his book *Nahwa Taf' il Maqasid al-Shari'ah* (implementation of *maqasid shari'ah*).

Furthermore, an Egyptian-born modernist who lives in Qatar Yusuf al-Qardawi in his book *Dirasah fiqh Maqasid al-Shari'ah* (study of *maqasid shari'ah* jurisprudence), then Hasan al-Turabi with other authors in a book entitled *Maqasid al-Shari'ah*. There is also an Al-Azhar alumnus from Iraq who has served as President of the University of Cordoba in Ashburn, Virginia, United States, Taha Jabir al-'Alwani in his book *Qadaya Islamiyyah Mu'asirah Maqasid al-Shari'ah* (the result of contemporary Islamic decisions about *maqasid shari'ah*). Among those studied by *Maqasidiyyun* are Jasser Auda's book entitled *Maqasid Shari'ah Dalil li al-Mubtadi'* (*maqasid shari'ah* as a guide for beginners) and *Maqasid al-Shari'ah as Philosophy of Islamic Law: A Systems Approach*. And among the most successful in grounding *maqasid mu'amalat* is the book by Abdullah Ibn al-Shaikh al-Mahfuz Ibn Bayyah entitled *Maqasid al-Mu'amalat wa Marasid al-Waqi'at* (objectives of transactions and observations of reality).

In his monumental book, Ibn Bayyah classifies *Maqasid al-Shari'ah* related to the wealth into two categories, namely the category of objectives based on the origin of benefit and based on the origin of costs. For the first category, Ibn Bayyah formulated four hierarchies that must be used as objectives, (1) work for income; (2) protect wealth from the side of its existence and the side of its negligence; (3) nutrient transparency; and (4) wealth distribution. While the second category, Ibn Bayyah emphasizes avoiding all forms of prohibition originating from Islamic law as a form of self-actualization so as not to fall into the practice of *muamalah* which is prohibited by sharia (Bayyah, 2013).

Regarding the four hierarchies that must be used as objectives in the context of benefit, the first objective is to work for income. Humans without wealth cannot build civilization. Infrastructure development as a landmark (regional marker) is impossible without wealth. Ibn Bayyah considers the human need for wealth as crucial so that it occupies the first position of *maqasid al-muamalat* related to benefit. Wealth cannot come alone, therefore it requires humans to always work to get wealth. Ibn Bayyah emphasizes that it does not mean he encourages people to always work without a break, hunting for wealth day and night as a workaholic, but always trying to have wealth to meet the needs of his life and his family by working. And most importantly so that he does not become a beggar. But it is undeniable that some people prefer knowledge over wealth (Jawwad, 2017).

The second is to protect wealth from the side of its existence and its negligence. The position of wealthy protection which is juxtaposed with life protection in the Qur'an shows its very vital existence in *maqasid al-shari'ah*. Even the protection of wealth is mentioned first in the letter al-Nisa' verse 29: "O you who believe, do not eat each other's wealth within an evil way, except by way of commerce which is consensual among you. And do not kill yourselves; Verily, Allah is Most Merciful to you". Ibn Bayyah also explained that the objective of protecting wealth from the side of its existence can be recognized through three things. These three things are to realize good financial governance, namely by prohibiting all forms of financial management that lead to waste and exaggeration which must be avoided because it violates the prohibition of sharia. Then is to save assets as an investment for the future. And to be proportional in spending on his wealth. In addition, Ibn Bayyah clarified that the objective of protecting wealth from the side of negligence can be proved by preventing the confiscation of wealth (Bayyah, 2013).

The third hierarchy that must be used as an objective in the context of benefit is transparent, accountable, and professional in the management of assets. These three factors are the main foundation in running a company because if one or all of them are not fulfilled, it can result in losses, even the collapse of a company. The Prophet Muhammad PBUH said, "consume (your wealth), give alms (some of it), and save (the rest)" (Qurtubi, 1999). So the balance between saving, alms, and consuming is the essence of wealth management.

The fourth hierarchy, the last, is *Maqasid Rawaj al-Amwal* (the objective of wealth circulation), or the term used by Ibn Bayyah is *maqasid al-tabadul aw al-tadawul* (the objective of the wealth exchange). The objective of wealth circulation is to ensure the circulation of treasure in the hands of the people in the right way (Nawawi, 1930). Therefore, Islam stipulates the existence of trade so that there is a circulation of finance, goods, and services from those who need it, and also that wealth does not settle in a few certain groups due to monopoly or control of the rich (Bayyah, 2013). Allah does this behavior in the Qur'an surah *al-Hashr* verse 7 which means: "... so that the treasure does not circulate among the rich among you ...". Although this verse is in the context of explaining the distribution of property *fai'* (property obtained from non-Muslims by peaceful means without war), but the objective of ordering the circulation of wealth is the distribution of wealth so that there is no wealth that is centralized to the bourgeoisie alone (Khawjah, 2004).

After describing the four hierarchical objectives of wealth that must be applied in the wealth benefit context, Ibn Bayyah then explores the objectives of wealth that must be covered in the wealth costs context. The urgency of knowing wealth objectives related to the prohibition of transactions is to keep someone from falling into the damage prohibited by the

Shari'a. There are prohibitions in transactions in the form of *maqasid* (objectives), and the others are *wasa'il* (means). Then Ibn Bayyah further analyzed that the prohibition of *wasa'il* (means) can be lost when there is a need where this is classified as a second level need. Hanafiyyah scholars and some Malikiyyah allow the sale and purchase of unripe fruit on condition that is cut due to need (*hajah*), it is the right of the buyer who in his habit has already given up his money, for example ('Ulaysh, 2016). The reason for the prohibition of buying and selling unripe fruit is to cover the defects contained in the fruit (*sadd al-dzari'ah*), and the rule of jurisprudence (*qa'idah fiqh*) stated "everything that forbids because of *sadd al-dzari'ah* is allowed when there is the need (*hajah*)" (Sa'di, 2015).

The prohibition that is *wasa'il* (means) follows the restriction in the form of *maqasid* (objectives), such as the prohibition of buying and selling when the Jum'ah call to prayer is echoed because it maintains privacy which is obligated on Friday to immediately fulfill the call to worship for the Jum'ah prayer (Jashshash, 1992). Al-Qurtubi interprets the prohibition in Surah *al-Jum'ah* verse 9 specifically for those who are obliged to perform the Jum'ah prayer, while those who are not required, such as women and travelers, are not forbidden to make buying and selling transactions and are punished for buying and selling.

The mention of the prohibition on buying and selling when the Jum'ah call to prayer has been echoed specifically because this transaction is commonly carried out by people in the market (Qurtubi, 2006). Therefore, if what have done is not buying and selling such as *shirkah*, grants, alms, marriage, divorce, freeing slaves, all of them are judged not to be null and void according to the Maliki school of thought. Meanwhile, Ibn al-'Arabi argued that the transaction was canceled. Al-Qurtubi further quoted the opinion of the Shafi'iyah cleric who said that the sale and purchase transaction was considered unlawful (sinful) but the transaction was still valid. Then he himself chose haram and canceled the sale and purchase based on the Hadith of the Prophet Muhammad (PBUH): "every action that does not come from us is rejected" (Qurtubi, 2006).

## 7. The Wealth Protection Concept as a Feature of the Objectives of Wealth

The integrity of self and religion according to Ibn Taimiyyah is the core of five fundamental objectives (*al-daruriyyat al-khams*), namely protection of religion (*hifdz al-din*); protection of life (*hifdz al-nafs*); protection of mind (*hifdz al-'aql*); protection of wealth (*hifdz al-mal*); and protection of offspring (*hifdz al-nasl*). That integrity can be satisfied if body fitness is fulfilled, then body fitness can be fulfilled if food and drink intake are maintained, then food and drink intake can be maintained if the wealth supply is sufficiency (Taimiyyah, 2004). The mind's impact on health can destroy the body, wealth, religion, and soul. Furthermore, Ibn Taimiyyah said the worst impact of the prohibition of alcohol and gambling is a damaged mind which will eat away at the body because it can turn people from remembering Allah The Almighty to haters, envy, lust, pride, and so on ('Askar, 1434 A.H.). This psychoneuroimmunology if left unchecked will damage the mind and the emergence of various body diseases such as ease of stress, insomnia, stroke, and the end can take the life.

Furthermore, if we trace the root of the problem above, it starts with drinking alcohol and gambling, because it is a form of spending wealth in a forbidden way. First, it violates the protection of wealth by wasting illicit goods (alcoholic drinks and gambling), then these two things destroy the protection of the mind by losing his mind due to drunkenness and by gambling. After that, they hit the protection of religion because drunkards are not valid for worship, and gambling assets are forbidden to be consumed or spent. In the end, it can also attack the protection of life because people who are drunk when they fight are very likely to commit murder, and who lose gambling will be so angry that they become forgetful and tantrum and will commit robbery and even murder to fulfill their gambling desires (Bayyah, 2013).

Reflecting on the explanation above, the discourse of *maqasid al-shari'ah* in general and *maqasid al-mu'amalat*, in particular, is used as the main reference to achieve the ultimate goal of Islamic economics. The goal is to achieve happiness (*falah*) in this world and the hereafter through the dynamics of a good, honorable and blessed life (*hayah tayyibah*) (Badawi,

2000). Therefore, the concept of *maqasid al-mu'amalat* becomes the basic foundation of all economic transactions, individual and group behavior, both as producers or consumers, and all economic joints. Thus, the concept of *maqasid al-mu'amalat* has an important role in determining all matters relating to *mu'amalat* that are obedient to the principles of Islamic law. Musa Shahin said the types of transactions permitted by Islamic law are very numerous, while the forbidden transactions are limited in number (Lashin, 2002).

## 8. Conclusion

The the objectives of wealth (*maqasid al-mu'amalat*) entity in the objectives of sharia (*maqasid shari'ah*) discourse related to property is a primary need (*dharuriyah*) whose existence cannot be denied. Every study of Islamic law (*fiqh*) that focuses on transaction laws must contain *maqasid al-mu'amalat*. Ibn Bayyah is believed to be one of the important figures behind the emergence of the *maqasid al-mu'amalat* discourse. His book entitled *Maqasid al-Mu'amalat wa Marasid al-Waqi'at* is Ibn Bayyah's magnum opus in explaining and dissecting the discourse of *maqasid al-mu'amalat*.

Ibn Bayyah succeeded in revitalizing *maqasid al-mu'amalat* to two main objectives, namely *maqasid al-mu'amalat* based on the origin of benefit, and *maqasid al-mu'amalat* based on the origin of costs. From these two main foundations, Ibn Bayyah breaks it down into several parts which complement each other. He believes that the existence of wealth can be realized if humans have good financial management, save as a means of investment, and are proportional in spending. Meanwhile, wealth can run out quickly if humans have poor financial management, are careless in maintaining it, and are wasteful in spending it.

## References

- Abdullah bin Bayyah. (2014). Retrieved from the Aljazeera website: <https://www.aljazeera.net/encyclopedia/icons/2014/11/12/عبد-الله-بن-بييه>.
- Ashur, M. T. B. (2006). *Maqasid al-Shari'ah al-Islamiyyah*. Cairo: Dar al-Salam.
- Ulaysh, A. B. M. (2016). *Minah al-Jalil Sharh Mukhtasar Khalil: dhabatahu wa shahhahahu 'Abd al-Jalil 'Abd al-Salam*, Juz. 5. Bairut: Dar al-Kutub al-Ilmiyyah.
- 10 Krisis Moneter Terburuk Sepanjang Sejarah Dunia. (2018). Retrieved from Sindonews website: <https://ekbis.sindonews.com/read/1312104/180/10-krisis-moneter-terburuk-sepanjang-sejarah-dunia-1528277126>.
- Al'askar, M. A. M. (1434). *Maqasid al-Shari'ah fi al-Mu'amalat al-Maliyyah 'Inda Ibni Taimiyyah wa Atharuha fi al-Ahkam al-Fiqhiyyah wa al-Nawazil al-Maliyyah al-Mu'asirah* (Unpublished doctoral thesis). Umm Al-Qura University Makkah, Saudi Arabia.
- Albadawi, Y. A. M. (2000). *Maqasid al-Shari'ah 'inda Ibn Taimiyyah*. Yordania: Dar al-Nafa'is.
- Aljashshash, A. R. (1992). *Ahkam al-Qur'an, tahqiq Muhammad al-Sadiq Qumhawi*, Juz. 5. Bairut: Dar Ihya' al-Turath al-'Arabi.
- Aljawwad, A. J. A. (2017). *'Ulama' Aghniya' Atharu al-'Ilm 'Ala al-Maladhdhat*. Tunis: Dar al-Maziri li al-Nashr wa al-Tawzi'.
- Alkhawjah, M. H. (2004). *Shaikh al-Islam al-Imam al-Akbar Muhammad al-Tahir bin 'Ashur*, Juz. 3. Qatar: Wuzarotu al-Awqaf wa al-Shu'un al-Islamiyyah.
- Almanzur, M. B. M. (2010). *Lisan al-'Arab*, Juz. 3. Bairut: Dar Sadir.
- Almuqri', A. F. (2016). *Al-Misbah al-Munir fi Gharib al-Sharh al-Kabir*, Juz. 2. Cairo: Dar al-Ma'arif.
- Alnawawi, Y. B. S. (1930). *Al-Minhaj Sharh Sahih Muslim bin Hajjaj*, Juz. 11. Cairo: Al-Matba'ah al-Masriyyah bi al-Azhar.
- Alqurtubi, A. A. M. (2006). *Al-Jami' li Ahkam al-Qur'an: tahqiq 'Abdullah bin 'Abd al-Muhsin al-Turki*, Juz. 20. Bairut: Muassasah al-Risalah.
- Alqurtubi, A. B. N. (1999). *Al-Tamhid lima fi al-Muwatta' min al-Ma'ani wa al-Asanid: tahqiq Muhammad 'Abd al-Qadir 'Ata*, Juz. 2. Bairut: Dar al-Kutub al-Ilmiyyah.
- Alsa'di, A.R.B.N. (2015). *Al-Qawa'id wa al-Ushul al-Jami'ah*. Cairo: Maktabah al-Sunnah.

- Bayyah, A. M. B. (2013). *Maqasid al-Mu'amat wa Marasid al-Waqi'at*, 3rd ed. London: Al-Furqan Islamic Heritage Foundation.
- Bayyah, A. M. B. (2014). *Maqasid al-Mu'amat wa Marasid al-Waqi'at*, 4rd ed. London: Al-Furqan Islamic Heritage Foundation.
- Bayyah, A. M. B. (2015). *Maqasid al-Mu'amat wa Marasid al-Waqi'at*, 5rd ed. London: Al-Furqan Islamic Heritage Foundation.
- Goswami, M., Postone, M., Sartori, A., & Sewell, W. H. (2014). Introducing Critical Historical Studies. *The Journal of Modern History*, 1 (1), 1-3. <https://doi.org/10.1086/675083>
- Gwartney, J. D., Stroup, R. L., Sobel, R. S., Macpherson, D. A. (2015), *Economics: Private and Public Choice*, 15th edition. Stamford: Cengage Learning.
- Hasani, I. (1995). *Nazariyyat al-Maqasid 'inda al-Imam Muhammad al-Tahir bin 'Ashur* (1st ed). Virginia: Ma'had al-Islami li al-Fikr al-Islami.
- Hegel, W. H. (1965). The History of Philosophy. In: Ethan Kleinberg (Ed). *History and Theory: Studies in the Philosophy of History*. New Jersey: Wiley.
- I'timad Tashkil Majlis al-Imarat li al-Ifta' al-Shar'iy*. (2018). Retrieved from the Albayan website: <https://www.albayan.ae/across-the-uae/news-and-reports/2018-06-24-1.3299552>.
- Ibrahim, A. W. (1988). *Tartib al-Mawdu'at al-Fiqhiyyah wa Munasabatuhu fi al-Madhahib al-Arba'ah*. Makkah: Jami'ah Umm al-Qura.
- Jakfar. (2010). *Tarjamah al-'Allamah 'Abdullah bin Bayyah*. Retrieved from <https://al-maktaba.org/book/31617/72340>.
- Kincheloe, Joe L. (2000). Making Critical Thinking Critical. In Shirley Steinberg (Ed.). *Counterpoints: Studies in Criticality*. Bern, Switzerland: Peter Lang.
- Lashin, M. S. (2002). *Fath al-Mun'im Sharh Sahih Muslim*, Juz. 6. Cairo: Dar al-Shuruq.
- Makhdah, S. A. A. (2017). Usus al-Maliyyah al-Islamiyyah. In International Seminar with theme: *Al-Ribh fi al-Mu'assasat al-Maliyyah al-Islamiyyah*. Islamic University of Gaza; April 26.
- Malkawi, F. H. (2011). *Buhuth al-Mu'tamar al-Dawli Haula al-Shaikh Muhammad al-Tahir Ibn 'Ashur wa Qadaya al-Islah wa al-Tajdid fi al-Fikri al-Islami al-Mu'asir*. Herndon, Virginia: Al-Ma'had al-'Alami li al-Fikri al-Islami.
- Political transition in Mauritania: Assessment and horizons*. (2006). Retrieved from Reliefweb.int website: <https://reliefweb.int/report/mauritania/political-transition-mauritania-assessment-and-horizons>.
- Prakasa, D. B. (2018). *Sejarah Revolusi Industri 1.0 Hingga 4.0. Menara Ilmu Otomasi Departemen Teknik Elektro dan Informatika Sekolah Vokasi Universitas Gadjah Mada*. Retrieved from: <http://otomasi.sv.ugm.ac.id/2018/10/09/sejarah-revolusi-industri-1-0-hingga-4-0/>.
- Rahmah, U. (2018). *Abdullah bin Bayyah: Pelopor Moderasi dan Perdamaian*. Retrieved from: <https://bincangsyariah.com/khazanah/abdullah-bin-bayyah-pelopor-moderasi-dan-perdamaian/>.
- Royse, D. (2011). *Research Methods in Social Work*. New York: Brooks/Cole Cengage Learning.
- Salih, A. (2006). *Al-Shar'iyah baina Fiqh al-Khilafah wa Waqi'aha Juz 1*. (1st ed.). Cairo: International Institute of Islamic Thought.
- Schiemann. (2007). John W. Bizarre Beliefs and Rational Choices: A Behavioral Approach to Analytic Narratives. *The Journal of Politics*, 69 (2):24-511. <https://doi.org/10.1111/j.1468-2508.2007.00547.x>
- Shabir, M. U. (2007). *Al-Mu'amat al-Maliyyah al-Mu'asirah fi al-Fiqh al-Islami* (6th ed.). 'Amman: Dar al-Nafa'is.
- Taimiyyah, T. A. B. (2004). *Majmu' Fatawa bin Taimiyyah: tahqiq 'Abd al-Rahman bin Muhammad bin Qasim*, Juz. 32. Madinah: Wuzarah al-Shu'un al-Islamiyyah wa al-Awqaf wa al-Da'wah wa al-Irshad.
- Tarjamah al-'Allamah 'Abdullah bin Bayyah: Al-Mawqi' al-Rasmy li al-'Allamah 'Abdullah Ibn Bayyah*. (2017). Retrieved from the Binbayyah website: <http://binbayyah.net/arabic/archives/1417>.