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**MAQASID AL-SYARIAH THOUGHT IN MAINSTREAM ISLAMIC  
ECONOMICS**

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***Abstract***

This working paper intended to identify and analyse *maqasid al-syariah* thoughts found in mainstream Islamic economics. Mainstream Islamic economics refers to a line of thought in contemporary dominant Islamic economics. The school of thought takes the approach of accepting and improving conventional economic thought and adopting it as Islamic economics as known as accommodative-modification school of thought with the eclectism-metodological characteristic. The question is whether this school of thought applies the *maqasid al-syariah* only as a current trend or following. Is *maqasid al-syariah* applied in Islamic economics in order to endorse conventional economic theories? Based on the problems that had arisen, this study had two main objectives. First, to identify *maqasid al-syariah* thoughts in mainstream Islamic economics and second, to analyse *maqasid al-syariah* thoughts in mainstream Islamic economic. Therefore, in order to achieve both the objective of study, this paper using the qualitative methods. The data collection in this paper is through the document reviews. Finally, the findings in this paper showed that *maqasid al-syariah* was not used to endorse conventional economic theories that originated from the West; rather, it's function was to be a basic guide for shaping Islamic economics so that activities related to Islamic economics do obtain the blessings (*redha*) of Allah SWT.

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## 1. Introduction

*Maqasid al-syariah* is a goal and wisdom behind the *hukm* obligated to mankind to perform in pursuing *martadillah*. Formerly, *maqasid al-syariah* was just part of *usul fiqh*, and on the contrary, *maqasid al-syariah* has become an essential theme in the mainstream. *Maqasid al-syariah* is widely practised in all sorts of field and economy is not an exception.

## 2. Problem Statement

In line with its development, there have been diverse streams and tendencies in the knowledge of *maqasid al-syariah*. Some of these streams apply *maqasid al-syariah* in accordance with their own thinking in which Islamic *hukm* produced by the earlier scholars is considered as out-dated and no longer appropriate to be practised. It could be mentioned that these streams of thinking which actively applies the approach of *maqasid al-syariah* in determining the *hukm* are liberal (Mansor & Ramli, 2016). Nevertheless, in Islamic economy itself, this type of stream could also be discovered and it prefers the approach of accepting and amending common economy and adapts it as the Islamic economy. This stream of thinking is also known as an accommodative-modification and eclectic-methodological stream. Siddiqi (1989) and Khaf (1987) combined the approach of common economy with *fiqh*. It was also regarded as the *fiqh*-based neo-classical, while Mannan (1989), on the other hand, used an eclectic approach which took in the thinking of common economy (Salleh, 2014).

## 3. Research Questions

The question is whether this line of thought applies the *maqasid al-syariah* only as a current trend or following? Is *maqasid al-syariah* applied in Islamic economics in order to endorse conventional economic theories?

## 4. Purpose of the Study

Based on the emerging problems, this study is conducted with respect to two major objectives. First, it is to identify the thinking of *maqasid al-syariah* in the mainstream Islamic economy; and second, to analyse the thinking of *maqasid al-syariah* in the mainstream Islamic economy.

## 5. Research Methods

The discussion in this paper work uses a content-analysis method with regard to secondary data. The mentioned secondary sources refer to the previous studies and works. For instance, this includes theses, journals, and write-ups related to the thinking of *maqasid al-syariah* in the mainstream Islamic economy. Next, it is to identify and analyse the thinking of *maqasid al-syariah* which contemporary scholars come up with in the mainstream Islamic economy.

## 6. Findings

### 6.1. Definition Operational

#### 6.1.1. *Maqasid Al-Syariah* Thought

The term of thought refers to an act of thinking or thinking of. The act of thinking means contemplating, remembering, or reflecting on a subject matter, whereas thinking of implies a definition of using one's common sense to solve, consider, or reflect on something; or remember something; or prioritize or place a high value of something; observe, and acknowledge something (Kamus, 2003; Kamus, 2005).

Laming (2006) defined thought as a tool possessed by human who have the very will to think. It is an instrument for mankind to use with its nature such as doing good deed, being knowledgeable and expert which are named as 'the outcome of thoughts'. In the context of this study, the definition of thought applied is the one delivered by Diah (1987) who stated that a thought is determined by The Holy Quran and Hadith. In other words, a way of thinking based on al-Quran and Hadith will be guided in all aspects of life, for instance, *ibadah*; submission and devotion to Allah, economy, politics, as well as education (Towpek & Borhan, 2012).

Apart from that, the phrase *maqasid al-syariah* consists of two words which are *maqasid* and *al-syariah*. In Arabic Language, *maqasid* is the plural form of the word *maqasid* which implies a meaning of aim, objective or goal (al-Fayruz, 1997). The root word of *maqasid* is *qasda* which is known as a verb. This particular word brings forth various meanings such as heading, direction, walking straight, breaking, belief, reason, uprightness, justice, and moderation (Ibn Manzur, 1993; al-Fayruz, 1997).

Meanwhile, the word *al-syariah* comes from the verb *syara'a*. This verb has multiple meanings include taking water using one's mouth, beginning something, close to a path, looking up to something, prescribing and justifying something (Ibn Manzur, 1993; Rahman & Salleh, 2017; Subri & Rahman, 2018). Mohamad (2014) believed that *al-syariah* refers to the obligations or rules and regulations from Allah through The Prophet Muhammad to all generations of mankind. It comprises of *ibadah*, *akhlak*, provision of foods, drinks, clothes, and *muamalah*; social business.

Through the combination of *maqasid* and *al-syariah*, the phrase *maqasid al-syariah*<sup>1</sup> is then born. The Islamic scholars provided various definitions of *maqasid al-syariah*. Al-Raysuniy (1996) claimed that *maqasid al-syariah* means purposes, goals, effects and implications related to the obligations and order of *syarak*; the Laws of Islam which demands the *mukallaf* to give their level best in performing them for the sake of mankind's wellbeing. Al-'Alim (1997) viewed *maqasid al-syariah* as good deeds done by mankind, be it by really doing good deeds or by abandoning bad deeds. On that note, this statement was supported by al-Qaradawi (2000) and al-Ghazaliy (1996) who believed that *maqasid al-syariah* is the aim of *syariah* obligation to allow mankind to accept the good and neglect the bad. Therefore, the definition of *maqasid al-syariah* which would be applied in this paperwork was the one pointed out by Diah (1987) and al-Ghazaliy (1996) that is the thinking pattern in line with al-Quran and Hadith which aims for providing the good and prevent the bad to mankind

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<sup>1</sup> The phrase *maqasid al-syariah* is *murakkab* and comprises two words. *Maqasid* is *mudhaf* while *al-syariah* is *mudhafilaih*.

### **6.1.2. The Mainstream Islamic Economics**

Based on the researcher's observation, there were quite a few definitions of Islamic economy recorded by Islamic economic scholars. One of them was Mannan (1989) who said that the Islamic economy is the knowledge of social science which investigates the economic problems within the society by upholding the Islamic values and principles (Maulidizen, 2017). Khan (1994) mentioned Islamic economy as a branch of knowledge which research on the mankind's achievement of *al-falah* by conquering the resources on earth through cooperation and participation.

Next, Ahmad (1992) defined Islamic economy as a systematic effort to comprehend economic problems and human's behaviour in their relationship with those problems from an Islamic perspective. From a deeper point of view, this definition uttered by Ahmad (1992) was similar to the one stated by Mannan (1989). Meanwhile, Hasan (1990), Hasan and Ahmad (2005) and Ahmad (2017) believed that Islamic economy is the knowledge with regard to the investigation of human's activities which are in line with Islamic *syarak* in obtaining, benefitting or managing natural resources for the sake of everyone's advantage, both in the sense of material and spiritual in getting Allah's blessings. In other words, Islamic economy discusses on the affairs of mankind's problems in economic field which must be overcome by Islamic economy.

Furthermore, Hasaduzzaman (1984) added another definition of the Islamic economy. He said that the knowledge of economy is the knowledge, applications, and principles of syariah to avoid injustice in discovering and revealing resources for human's satisfaction so that they would be capable of accomplishing their obligations to Allah SWT as well as the society.

On top of that, Chapra (2001) viewed Islamic economy as a branch of knowledge which helps to realize mankind's well-being through the allocation and division of limited resources based on the teaching in Islam without abandoning individual freedom or causing the imbalance of macro economy and ecology. This definition is found to be the same with the definition pointed out by Hasan (1990) with Hasan and Ahmad (2005). In other words, Islamic economy is the knowledge which provides a clear guidance for human's well-being with accordance to Islamic laws. Thus, the definition of mainstream Islamic economics in this paperwork would be focusing on the definition suggested by Hasaduzzaman (1984).

With regard to all definitions stated by the scholars, it can be concluded that mainstream Islamic economics in this paperwork operationally refers to a combination of Islamic economy and western economy. The stream of thought in Islamic economy applies the concept from western and perception which is fit it with *fiqh* and carefully choosing the good out of the whole concept as long as it does not defy the teaching in Islam. This is the definition of mainstream Islamic economy addressed by the researcher in this study.

### **6.2. The Concept of *Maqasid Al-Syariah***

*Maqasid al-syariah* includes the purposes outlined by Allah in each obligated *hukm*. These purposes are obligated in order to resolve the arising problems in human's life. It is undeniably beneficial to mankind and prevents all sorts of harm (al-'Alim, 1997). This is in line with the explicit meaning of

*maqasid al-syariah* which is creating the good (*jalb al-maslahah*) and rejecting the bad (*dar al-mafsadah*) (al-Raysuniy, 1996; Afridi, 2017; Institut Darul Ehsan, 2017).

In fact, the reason behind the obligation of *hukm syariah* could be precisely observed through two main sources of guidance which are al-Quran and Hadith. Both of these contain the obligation and urge of Allah which ends with an elaboration on *maslahah* (the good). Hence, human would receive the good the moment they obey His words. The same goes to the verses with regard to forbiddance. They are usually ended with an emphasis on *mafsadah* (the bad). This is due to the fact that human would eventually have to accept the bad consequences as a result of their disobedience (Wahab, 2011). It is important to highlight that both of these are crucial to create a perfect balance in human's life. By reaching a perfect state of life, it would be much easier for them to submit and devote themselves as servants to Allah.

On a clearer note, Tahir (2009) stated that *maqasid al-syariah* is a route for human in heading towards the hereafter. This point of view was in line with al-Syatibiy (t.t) who regarded *maqasid al-syariah* as not only for protecting the well-being and importance of all livings in the world, but also to conserve human's well-being after death. Therefore, the concept of well-being obligated by Allah in *syariah* leads to a correlation of the here and the hereafter. This proves that Islam brings blessings to the whole universe.

According to al-Syatibiy (t.t), Islamic *syariah* is provided merely for human's well-being. Due to that, three levels are outlined in *maqasid al-syariah*. First, *al-daruriyyah*; second, *al-hajiyah*; and third, *al-tahsiniiyyah*. In comparison, the third one is the utmost main level. As said by al-Syatibiy (t.t), there are five components in *al-daruriyyah* which must be protected. The first one is protecting the religion (*hifz al-din*); second, protecting lives (*hifz al-nafs*); third, protecting descendants (*hifz al-nasal*); fourth, protecting properties (*hifz al-mal*); fifth, protecting minds (*hifz al-'aql*). This was strongly supported by al-Ghazaliy (1996). It is also known as *daruriyyah al-khams*. Nonetheless, al-Qaradawi (2013) mentioned that al-Qarafi and some scholars added another component which is protecting dignity (*hifz al-irdh*). Auda (2014, 2017) viewed these components as absolutely crucial in life. In this case, al-Syatibiy (t.t) stated that there is a general unanimity in believing that these fundamental needs are the reasons behind the obligation of each religion from Allah, not only in Islam.

### **6.3. Maqasid Al-Syariah Thought in Mainstream Islamic Economics**

*Maqasid al-syariah* is the base in the shaping process of Islamic economy. The specific scholar who did influence this modern Islamic thinking is no other than al-Syatibiy (Khan, 2002). According to Mannan (1986), Islamic economy is a much more comprehensive economy besides the common economy. This is due to the fact that Islamic economy only applies to those who are the true believers of Allah SWT and conform to His obligations in line with Islamic *shariah*. It was delivered to provide guidance and assist in realizing human's well-being and realizing the purposes of *maqasid al-syariah* (Chapra, 2001).

Siddiqi (2001) became aware that in order to build a developed Islamic economy, it is a compulsory to critically analyse the basic principles in common economy. Chapra and him voiced out the same opinion that *maqasid al-syariah* must turn out to be the main guideline in developing Islamic economy (Haneef & Furqani, 2011). Khan (2002) stated that *maqasid al-syariah* has gained special

attention primarily in the process of comprehending the concept of *maslahah* which plays a vital role in the development and practise of Islamic laws.

Yet, Siddiqi (2004) argues that the effort to use *fiqh* approach in applying *maqasid al-syariah* in developing economy usually comes in vain. This is because *maqasid al-syariah* could hardly be adapted into the real situations. He added that *maqasid al-syariah* is only bound to protect and shield human from anything harmful. In fact, *maqasid al-syariah* is supposed to be viewed in a much vaster perspective. For instance, it all can be related to justice and equality, poverty eradication, and environmental conservation. By that, Islamic economic scholars would be capable of extending a wider scope of discussion with respect to *maqasid al-syariah* in Islamic economy (Addas, 2008; Khan, 2013).

#### **6.4. Analysis of *Maqasid Al-Syariah* Thought in Mainstream Islamic Economics**

Based on the previous discussion, it is apparent that *maqasid al-syariah* is a form of knowledge discipline which cannot be used arbitrarily. The primary role of *syariah* is to ensure that there is no muddle over the good and the bad (Majid, 2012). Looking through a much profounder angle, this approach of accommodative-modification and eclectic-methodological thinking seems to be a jumble between the theories of common economy and Islamic economics. In other words, the altered theories are still mixed with the theories of common economy and the ones of mainstream Islamic economics. Even though there are a few common economy theories adapted into the same line with Islamic economy, it still disallows some of other theories which are still in a western mould.

Chapra (2001) and Ahmed (2002) believed that Islamic economy may apply the theories of common economy as long as it is not against *syariah*. Siddiqi (2001) interacted by saying that the theories of common economy is not only acceptable, but also necessary. He added, accepting the theories of common economy is not only in the sense of the framework of common economy, but also taking in the embedded values in it (Salleh, 2014).

One of the theories of Islamic economy which uses the theories of common economy is research methodological method. In this particular case, Salleh (2008) pointed out three crucial reasons why an Islamic research method needs to be established. First, common research method is not suitable to be applied in investigating an issue related to Islam. This is due to Islamic worldview (*tasawur*) and epistemology which are distinguished. Second, the tools of common research method are not sufficient to understand and solve social reality problems. There are three reasons why common research method is not sufficient in the sense of analysis. First, common research method can only collect knowledge through observation, data or information, cause-effect analysis based on changing factors; second, common research method only examines and assumes 'the reality' based on *daruri* knowledge and '*aqli* evidences, not on *nadhari* knowledge nor *naqli* evidences; and the third one, as it is only based on *daruri* knowledge and '*aqli* evidences, thus the validity achieved is only at the level of '*ainul-yaqeen* which only based on natural senses. Third, common research method endangers *aqidah*. This is due to the fact the nature in common social science possesses the characteristics of anti-dogmatic, anti-theology, and free-value. Salleh (2011) and Bahari (2014) claimed that Islamic economy, in general, has applied the methodology of common economy and then assimilated it into Islamic perspectives in the sense of its concept, principle, philosophy, and structure.

This muddle happens due to a disorganisation among the upholders of the stream of accommodative-modification and eclectic-methodological thought with regard to the differences of the level of philosophy and the level of Islamic economy. At the level of philosophy, the components which make up the framework of Islamic economy are *tasawur* (worldview), philosophy basis, and conceptual definition of Islamic economy. On the other hand, at the operational level, it consists of the values, tools, and methods of the execution of Islamic economy. These two levels enable Islamic economy to be realized. The main backbone of Islamic economy is supposed to be the level of philosophy, while the components of the operational level would be shaped with accordance to its backbone. However, the components at the operational level are carefully chosen, accommodated, modified based on Islamic ways, while the main backbone still uses common economy framework. Hence, the components in Islamic economy do not become a real Islamic implementation (Salleh, 2014).

Besides, Hanapi (2014, 2017) investigated Islamic economy through the *tasawur* (worldview). In that particular study, he found that *tasawur* (worldview) has become the principle of the stream of accommodative-modification and eclectic-methodological thinking with unchanged basis which is *tasawur* (worldview). According to Hanapi (2014), the members of the mainstream Islamic economics have done a good effort in creating a genuine economic framework. It is supposed to be that the analysis of the root base to be applied in realizing the real Islamic economy. Therefore, it is obvious that the arguments used by the upholders of the stream of accommodative-modification and eclectic-methodological thinking are not right. In this case, it is only at the operational level which includes the values, theories, tools, and execution methods that go in line with the purpose of syariah, while at the level of philosophy which includes Islamic worldview, philosophical basis and conceptual definitions of Islamic economy has yet to achieve the purpose of syariah. Thus, in order to make Islamic economy reaches *maqasid al-syariah* thoroughly, the whole aspects in Islamic economy must be altered and reformed root and branch.

In interacting with *maqasid al-syariah*, al-Ghazali (1993) stated that *maslahah* is a basic principle which produces advantages (*maslahah*) and declines disadvantages (*mafsadah*). Even though, what it means by producing advantages (*maslahah*) and declining disadvantages (*mafsadah*) is not to fulfil human's desire, instead it aims to protect the purpose of *syarak*. There are five matters which need to be considered. First, it comes down to protecting the religion; second, protecting lives; third, protecting minds; fourth, protecting descendants; fifth, protecting properties, while anything that loses control of it is said to be *mafsadah*. Rejecting *mafsadah* is said to be *maslahah* (Masud, 1995; Hamid, 2017).

## 7. Conclusion

Based on the overall discussions above, *maqasid al-syariah* provides benefits (*maslahah*) and rejects harm (*mafsadah*). In mainstream Islamic economics, the weaknesses are in patches. Hence, Islamic economics does not represent the actual Islamic framework. This is because there is confusion in the accommodative-modification stream that is eclecticism-methodological in nature concerning the differences between the philosophical phase and the operational phase in Islamic economics itself. Actually, the *maqasid al-syariah* approach should begin at the philosophical phase. Then automatically, the operational phase would begin to form pursuant to the Islamic economic philosophical phase. In the

context of contemporary Islamic economics, *maqasid al-syariah* was not used solely to permit or condone conventional theories but it functions as a basic guideline to shape Islamic economics so that all activities related to Islamic economics obtain the blessings (*reda*) of Allah SWT.

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