

SHARIA ECONOMIC LAW THOUGHT AS SYATIBI

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ABSTRACT

Talking about As-Syatibi's thoughts, where he initiated the concept or thought about the economy in the scope of production, consumption and distribution. The method used in this research is the library method. This method uses documentaries sourced from literature such as journals, books, papers and the internet that discuss As-Syatibi's thoughts on Islamic economics. The foundation of As-Syatibi's thoughts on economics refers to the Maqashid Syariah concept whose orientation is to give birth to Maslahah Mursalah. As-Syatibi's thoughts are believed to be very ideal to be implemented in this modern era because the previous thoughts and ideas about economics are deemed to be very irrelevant. Besides being able to answer the challenges of the times, the Maqashid sharia theory which is juxtaposed with this economic thought must also bring about positive changes, especially for Muslim individuals when dealing with and directly involved with economic activity itself. On the other hand, As-Syatibi divides needs and gives the view that these needs must rely on a priority scale that is matched to each level of need. As for the level of values from an economic perspective, As-Syatibi divides them into three, firstly Dharuryah and second, Hajjiyah. And the third is Tahsiniyah.

Keywords: *Sharia Economic Law, Islamic Law, Thought As Syatibi*

1. INTRODUCTION

The idea of Islamic-based economics is not something new in terms of Islamic ideas. The idea of Islamic economics has existed since a long time ago when Islam was at its peak and in the time of the prophet. Although the urgency of these ideas on Islamic economics is very simple, but its function is very important and becomes one part of the intellectual tradition that is quite important in Islamic economics itself. (Kara, 2012)

Although not as popular as other ideas, such as Fiqh, Sufism, science and others, it does not mean that thinkers about other disciplines do not know these special thoughts, namely Islamic economic thought. This is supported because not a few scholars and some Islamic philosophers who make their works such as writings, literature and things that discuss Islamic economics and its relation to other sciences. So this is one indicator why Islamic economic thought is also no less famous than other thoughts. (Qadariyah, 2018)

One of the most famous philosophers of Islamic economics is Al-Syatibi. He developed at a time when Granada experienced many changes in a positive direction, one of which was economic and legal changes. So this is one that affects the concern about the economy.

Ahmad Najetullah Siddiqi classified the era of development of Islamic economic thought into three parts, the first period, developed during the Caliphate until 450 Hijri (1058 AD), the second period, lasted in (1058-1446 AD), and the third period took place in

the year (1446-1931 AD). If you look at the three periods of Islamic economic development above, As-Syatibi is included in the second period of development of Islamic economic thought. (Bakhri, n.d.)

In this paper will be explained further about Islamic economic thought according to As-Syatibi which took place and developed from 1058 to 1446 AD and how the implementation of the ideal Islamic economy according to As-Syatibi should be.

2. IMPLEMENTATION METHOD

A study basically cannot be separated from the research method, because the urgency of a research method is to guide and analyze about the object that is the focus of research.(Muchtari, 2015) So that the method used in this study is the literature method. This method uses documentaries sourced from literature such as journals, books, papers and the internet that discuss As-Syatibi's thoughts on Islamic economics.(Sugiono, 2014)

3. RESULTS AND DISCUSSION

3.1 The Historical Urgency of Islamic Economic Thought

Muslim scholars state that the welfare of the Ummah is the most principled thing and occupies the top position of all kinds. Because human welfare is the result of the accumulation of all factors contained in the social life of society. In economic factors, for example, prosperity can be achieved by extracting economic references from the Qur'an and hadith, as did the predecessors when Islam was at its peak. However, it is unfortunate that economic history framed in the form of sharia is hidden in various types of Islamic legal literature, so it cannot be interpreted specifically to pay more attention to economics. However, there are several legacies of Islamic economics that contain and discuss economic issues, at least this is able to provide a little explanation and describe economic analysis that is no less interesting. And a little exposure of Islamic economic thought is able to provide a good injection for Muslims, especially in the economic field during this modern era.

The urgency of understanding the historical Islamic economic thought first, as a facilitator to find contemporary Islamic economic thought. Second, as a means to assist in order to provide an understanding of how the economy should be run in harmony with Islamic principles. Third, as a reference to facts found that may have previously occurred, in the hope that this Islamic economic thought can provide a solution. Fourth, as a benchmark in the economic and financial policies of the State. In essence, all of this will color the application and consensualization of an Islamic-based economy.

The exertions of the history of Islamic economic thought must be conveyed in a unified manner without any undermining or exaggeration in order to prevent orientalist from distorting facts so that they have a contradictory meaning and are not in accordance with the original aims and objectives of Muslim thinkers and philosophers.(Latiqomah, 2019)

3.2 A Brief History of As-Syatibi

As-Syatibi has the full name Abu Ishaq Ibrahim Ibn Muhammad Al Lakhimi Al Syatibi. However, the long name is not very popular among philosophers and thinkers of

Islamic law, and they are more familiar with the name As-Shatibi. This name basically exists because his family comes from the name of the land of his family, namely the country of Shatiba and Xativa in the East Spayol area. This name does not seem suitable to be pinned to As-Syatibi, considering that Syatibi was not born in the place of eastern Spain. As-Shatibi died in 750 Hijri or 1388 AD.

Judging from its historical perspective, the emergence of As-Shatibi has similarities with Ibn Tamiyah, who appeared and was present where Muslims were in decline, where in 892 Hijri or 1388 AD Baghdad fell to Spanish rule. As-Syatibi's childhood was known as a child who loved to learn, he studied various disciplines including, literature, falaq, mantiq and other sciences and methods. This is the basis why he was able to grow as one of the well-known scholars where his thoughts became a reference in answering various religious problems that grew and were found in society.(Abdul Syihab, 2017)

3.3 Al-Shatibi's Economic Thought

Al-Shatibi's thought in the field of economics in the form of the ability to connect the concept of Maqashid Sharia with the concepts of property ownership, taxation, production needs, distribution and consumption. Al-Shatibi's remarkable ability is to explain the concept of property ownership through the Maqashid approach of Sharia. He is of the view that wealth does not continue to rotate among the elite, meaning that there is no economic and social gap between fellow people. On the other hand, in terms of taxes, for example, Al-Syatibi also gave an ideal thought about how tax management should be. He argued that taxes are required to the people and then the tax proceeds that have been collected are reused for the people in order to achieve the welfare and benefit of the people.

In other fields, such as the fields of labor consumption, production needs and distribution needs, Al-Shatibi gave the view that in order to meet the needs of each individual by including the doctrines of the Shari'a with an orientation to maintain one of the five main elements, namely, the soul from the threat of death, this concept is based on the concept of *Sukat Al Shari's Fi Al Worship Wa Al Muamalah*, which means that every economic activity ideally contains the value of worship in order to achieve goals for the benefit of the benefit of the mursalah for humans.(Janwari, 2016)

As explained above about the object of ownership, As-Shatibi basically recognizes the property rights of every individual. However, what Al-Shatibi rejects and disagrees with is the ownership of a resource that concerns interests whose scale is no longer individual, but public interest. For example, Al-Shatibi said that water has no individual ownership status, in the sense that it should not be owned by anyone because in essence water does not have an object of ownership. Even so, Al-Shatibi divides and distinguishes two types of water, river water, sea water cannot be used as an object of ownership. According to him, the water that can be used as an object of ownership is only purchased water, including water contained in a piece of land owned by individuals. By quoting earlier thinkers such as Al-Gazali who affirmed the public interest as a shared responsibility.(Isaac, 2014)

3.4 Relationship between Maqashid Sharia and Economy

The purpose of the derivation of sharia as a form is to keep people away from evil and get closer to goodness. This can be interpreted that all aspects carried out must

lead to the goals of the Sharia itself, without exception in the economic aspect. Therefore, the Islamic economy is expected to be able to provide solutions to the problems that exist in this modern economy. For the sustainability of the hope placed on the Islamic economy, this cannot be separated from the name of the maqashid theory. (Tri Puspita Ningrum, 2014)

The term maqashid is the jama' form of the word "*maqsid*", which indicates the goal, objective or end goal. This means that the definition of Maqashid Sharia is the ultimate goal of Islamic Sharia law. Ibn' As-Shur in Maqashid Sharia Al-Islamiyah explains that Maqashid Sharia is the meanings shown by Allah Almighty in all or part of things regarding his Shari'a. Then Ibn' As-Shur concluded that Maqashid Sharia is to achieve the greatest benefit of the Ummah, because the purpose of establishing law in Islam is none other than for good, prosperity and benefit in accordance with the principles mandated by Islam. (Rahmi, 2017)

Islamic economics has basically been successful even though it eventually became buried for so long, so to revive it requires *ijtihad*. Muslim economic thinkers, one of which is As-Shatibi, must think hard in order to find solutions contained in the Qur'an and Sunnah which discuss economics. This value will then be implemented into economic concepts that can be used as practical level rules.

Islamic economics should be established by looking at the existing facts by not ruling out the concepts initiated and packaged by Maqashid Sharia. Because Maqashid Sharia continues to try to harmonize the facts with what should be, meaning the law of God formulated by humans. In this case Syatibi asserts that Maqashid Sharia is the Ushulnya Ushul. From this conclusions can be drawn when compiling Ushul Fiqh even though it cannot be separated from the name Maqashid Sharia. Because the theory of Maqashid Sharia is a guide and limitation of the mujtahids in determining minimum standards that are in harmony with Sharia law.

Regarding the above, as-syatibi introduced basic needs is not something that is exclusive and standard so that it cannot be developed. We still have the opportunity to explore and place the main needs of modern in line with the Maqashid of Sharia. (Tri Puspita Ningrum, 2014)

3.5 Maslahah Mursalah as a Concept

Maslahah mursalah stands on two words, *maslahah* and *mursalah*. Viewed from the etymological side, the word *maslahah* is a form of *masdar* derived from *fi'l*, namely *Saluha*. This word *maslahah* has been absorbed into Indonesian into *maslahat*. Etymologically, the word *maslahah* means benefit, good, good, usefulness. While *sharia maslahah* is a cause that brings and gives birth to the purpose, purpose, goodness of its legal provisions, there is no evidence that determines either in the form of commands or prohibitions, both intentions related to *muamalah* aspects or other aspects of worship. (Princess, 2019)

According to As-Shatibi's view there are two things that need to be underlined in the context of the development of Islamic law. *maslahah* is simply interpreted as something good and acceptable to common sense, because only defeat can determine the intended benefit. First, realizing the benefits, goodness and pleasure of mankind or known as *jalb almanafi*. Second, to prevent mankind from corruption or evil called

dar'u almafasiid. Benefit in this realm is benefit that concerns sustenance, fulfillment of the needs of life and everything needed in the context of survival.

As-Shatibi divides maqashid into three parts which are also a benchmark in the good or bad of a basic development of law which is used as the basic urgency of human life. The division of the three levels includes, dharuriyyat (primary), hajiyat (skunder) and tahsiniyah (tertiary). This division is based on the framework that as-shatibi understands that to achieve problems there are five elements that must be realized and must be maintained. Among them, soul, religion, reason, heredity and property.

According to his in-depth study, As-Shatibi explained the relationship between the needs of dharuriyat, hajiyat and tahsiniyat. He explained that dharuriyat was the initial goal of both hajiyat and tahsiniyat. For example, the damage found in maqashid dharuriyat will also affect the damage to maqashid hajiyat and maqashid tahsiniyat, but not vice versa, the damage found to maqashid hajiyat and maqashid tahsiniyat will not bring damage to maqashid dharuriyat. But it is possible that systematic and structured damage will bring damage to the maqashid dharuriyat. Maqashid hajiyat and maqashid tahsiniyat are necessary in order to maintain maqashid dharuriyat perfectly.(Isaac, 2014)

3.6 The concept of Maslahah in economic activity

Islam implies that it is important for every person to pay attention to well-being in life. Al-Shatibi used the term maslahah to abstract the orientation of the sharia. Because basically every human being, anyone and anywhere is required to seek happiness, what is meant by happiness here is benefit. Every economic activity from production to exchange must be based on standards of benefit in accordance with what is commanded by the sharia in order to achieve the good of the world and the good of the hereafter. Benefit juxtaposed with economic activities means that all economic activities must be carried out on the basis of the will to achieve blessings and bring good. Thus all urgency will be achieved, be it the urgency of economic activity activity or the urgency of the obligation to observe sharia in the economic concept ordered by Islam.(Bakhri, n.d.)

4.7 Maslahah as a Standard Utility (usability)

In the point of view of the Syrian economy, the development of utility is aimed at the nature and power of goods and services in order to meet the needs of mankind is none other than mashlahah. As as-Shatibi said, benefit will only be achieved if you take care of religion, soul, reason, offspring and property. That is why every economic actor, economic activity and matters related to the economy always seem to prioritize that they want to achieve the greatest benefit.

Goods and services have different doses of the problem itself, some are big and the tone is also a small problem, depending on how to position the five main elements mentioned above before. Goods and services that pay attention to these five elements are certain to have greater benefits and thus the concept of mashlahah is an objective concept for consumer actors because it is based on Maqashid Sharia.(Kara, 2012)

3.8 Maslahah in order to meet human needs

When viewed from the explanation above, it can be concluded that sharia wants every individual to fight for their welfare. As-Shatibi uses the word *maslahah* to implement this purpose of sharia. In the economic aspect, that every human being is obliged to find benefits in every economic activity starting from production, consumption and exchange must be harmonized with what is contained in the Shari'a in order to achieve religious obligations to achieve the good of the world and the Hereafter. Only in this way can human benefits be achieved as actors of economic activities in meeting every need.

Meeting the needs in the above definition is economic activity and the pursuit of this goal is a religious obligation. In fact, humans have an obligation to solve problems and problems that exist in their economic activities. The economic problems encountered are then solved through the point of view of sharia adjusted to existing resources.

If connected with the theory of *Maqashid Sharia*, according to the Islamic view, the purpose of humans carrying out all economic activities is as a form of meeting their needs. Needs that have not been met can be used as motivation. An individual will find a way to make unmet needs can be achieved with effort and perseverance. But this effort and perseverance must be adjusted to the *maslahah* born from *Maqashid Sharia*.

According to Maslow, if a person's needs are not met at the same time, then the most important needs are used as needs that must take precedence over other needs. That is, a person can meet needs that are considered less important in urgency if their basic needs have been met first. The concept of *heirarcy of needs* explains that interests must be based on a priority scale, prioritizing more important, and this is divided into:

- a) Physio needs, including primary needs, such as eating, drinking and things that are felt to be as important as both things. This one need must be prioritized before meeting other needs.
- b) Security needs, including protection needs against physical, health and economic crises.
- c) Social needs, in the form of affection and love needs. This need cannot be ignored because if this need is not met it will also affect mental health.
- d) The need for appreciation includes the need to feel respected and self-existence. This if met can affect the increase in self-confidence.
- e) Meeting the needs of acquisition, for example, can be applied in developing self-potential.

Almost the same as the above, in management science Maslow also expressed the needs which can be applied as follows:

- a) Meeting the needs of physiology
- b) Meeting security needs
- c) Fulfillment of social needs
- d) Meeting the need for rewards
- e) Fulfillment of acquisition needs

The priority scale described by Maslow above, whether we realize it or not if explored further has actually been accommodated into the concept of *Maqashid Sharia*, even the concept initiated by As-Syatibi has very significant advantages and advantages,

because As-Syatibi places religion as a representation in carrying out obligations in order to meet basic human needs. This has become a common awareness that religion is the foundation on which people direct action.

When viewed from the Islamic point of view, human actions must rely on religious doctrine, which means that they are merely nothing but in order to seek benefit in this world or in the Hereafter. And this if each individual tries to instill in themselves, of course, this will also be able to trigger and motivate other individuals in an effort to increase work productivity and economic growth.(Isaac, 2014)

4. CONCLUSION

The urgency of understanding the historical Islamic economic thought first, as a facilitator to find contemporary Islamic economic thought. Second, as a means to assist in order to provide an understanding of how the economy should be run in harmony with Islamic principles. Third, as a reference to facts found that may have previously occurred, in the hope that this Islamic economic thought can provide a solution. Fourth, as a benchmark in the economic and financial policies of the State.

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Al-Syatibi's thinking in the economic field in the form of the ability to connect the concept of Maqashid Sharia with the concept of property ownership, taxation, production needs, distribution and consumption, Linking the concept of Maqashid Sharia with Maslahah Mursalah and Maslahah Mursalah as a concept which means that all human activities, especially economic activities, must be oriented towards virtue and must obtain benefits. Because in fact Maqashid Sharia was born and based on religious doctrine so that it must implement the values contained in religion, namely Islamic sharia.

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