

OWNERSHIP IN THE QUR'AN
(A Thematic Study of Qur'anic Verses)

Faridatus Shofiyah, sholihin*

email: faridatusshofiya@staiamc.ac.id, sholihin@staiamc.iac.id

*Prodi MPI STAI Almuhammad

ABSTRACT

Qur'an as the source of guidance assists human beings to develop their human resources in order to get welfare. One of way to get the welfare is with property. The spirit of Islamic teaching is making the rich and develops society. Ironically, there are still many problems related to backwardness in economy, poverty, jobless, and enormous employee. This phenomenon is caused by two factors, namely internal and external. Internal factor comes from man self who does not actualize his potential as hard as possible to change the condition. Meanwhile, external factors come beyond self, for example the coming of economic globalization, corruption, collusion, and nepotism that caused inequity distribution of wealth/ property. Therefore, this paper focuses on ownership that is supported by the verses of Qur'an. To make this research systematic, the researcher uses the method of thematic tafsir. As a thematic study, first, it elaborates ownership as the main theme through its definition, theory and any other discussions in relation to it. Second, it tries to explore some terms such as malaka, istakhlafa, and waratsa and also explore some terms that have tight correlation with ownership, and some verses of Qur'an supporting ownership. Dealing with the contribution of this research to Qur'anic studies, it analyzes the point of view in Qur'an on ownership.

Keywords : ownership, property, rich

Background

Property is one of important elements (*dharuri*) for humanity, because with this property (wealth), human being can fulfill their needs and can worship well. Wealth can help Muslims to get closer to God. In hadith narrated by Imam Ahmad and Abu Dawud mentioned that the Prophet had always prayed to God, he begged protection from poverty and infidelity three times everyday. Prayer of the prophet: "*O God! I beg Your protection from poverty and infidelity. I also beg Your protection from the torture of the grave. There is no God for worship except You, O God*". Not only this prayer, according to hadith narrated by Imam Muslim, the Prophet Muhammad always closes the day before go to bed by reading a prayer, "*O Allah! Pay off my debts and keep out of poverty*".¹

Almost all Islamic teaching include teaching that always called *mahdhah* worship (*ibadah mahdhah*), within it is the spirit or teaching for gaining the welfare of prosperity. Prayer and fasting² automatically contain the spirit of it. Moreover in the

¹ Anif Sirsaeba, *Berani Kaya, Berani Takwa (15 Cara Menambah Pundi-Pundi Kekayaan Berdasar Al-Qur'an dan Sunnah)*, (Jakarta: Republika, 2005), p. 68-69, p.49

² Teaching of prayer and fasting cannot be separated from the element property wealth. Praying and fasting is worship *mahdhah*, which usually connoted as a worship that have no relationship with worldly problems. However, if we think more, those both of worship cannot be separated from worldly problems. Prayer has to have implications and has better impact in life. In practice, it also contains a prayer to ask for *rizki* (property). Even in the

pilgrimage and *zakat* which clearly cannot escape from the elements of property.

None of the islamic teachings that advocates society to become the beggars, lazy, poor, and etc. It teaching has always stressed to people to be the one to give, not to cadge; pay *zakat*, not receiving it; giving *infaq* or *shodaqah*, not people who receiving *infaq* / *Shadaqah*; generous, not stingy; charitable, not narrow (not open-minded); do fair, not just suffer; released slavery, not to become slaves, and others. Even, The Prophet praised the rich conditions in some sides such as in the hadith of Imam Muslim:

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ وَمُحَمَّدُ بْنُ حَاتِمٍ وَأَحْمَدُ بْنُ عَبْدِ جَمِيعًا عَنْ يَحْيَى الْقَطَّانِ قَالَ ابْنُ بَشَّارٍ حَدَّثَنَا يَحْيَى حَدَّثَنَا عَمْرُو بْنُ عُثْمَانَ قَالَ سَمِعْتُ مُوسَى بْنَ طَلْحَةَ يُحَدِّثُ أَنَّ حَكِيمَ بْنَ جِرَامٍ حَدَّثَهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ أَفْضَلُ الصَّدَقَةِ أَوْ خَيْرُ الصَّدَقَةِ عَنْ ظَهْرِ غِنَى وَالْيَدِ الْعُلْيَا خَيْرٌ مِنَ الْيَدِ السُّفْلَى وَإِبْدَاءُ بِنِ تَعُولُ³.

practice of pray need the device of prayer which must be bought by using much money, such us need clean and pure place, good clothes and clean. The building of mosque cannot be done well without property wealth. And there are many other things if we describes in detail. In the Qur'an, the expression of the teaching of prayer is always accompanied by good deeds (*amal shalih*) or *infaq*. It means having the spirit of giving and to be able to give should be rich, not spirit to cadge or become poor.

The purpose of fasting is god-fearing (*taqwa*), while it contains elements of the doctrine to give *infaq*, and even helping free the slave. Therefore, it is clear that fasting contains the spirit of wealth. see Prof. A. Qodri Azizy, Ph.D, *Membangun Fondasi Ekonomi Umat (Meneropong Prospek Berkembangnya Ekonomi Islam)*, (Yogyakarta: Pustaka Pelajar, 2004). p.50-51

³ This hadith can be found in *Shahih Muslim*, vol.5, p.235

“Narrated by Muhammad bin Basyar and Muhammd bin Hatim and Ahmad bin ‘Abdah all from Yahya al-Qhatthan said to Ibnu Basyar narrated us Yahya narrated us ‘Amr bin Utsman said: I hear that Musa bin Tholhah narrated that Hakim bin Khizam narrated that actually Rasulullah saw said :the best giving alms is that from rich condition, and hands the top is better than the under, and began from your family.” (HR Muslim)

Islam placed economic activity in strategic position of life mankind. Hence, in Islamic teaching we find fundamental principals related to economic problem. At this context, Islam views that economic problem is so important for Muslim because it becomes one of factor bringing man into welfare life, more valuable, no poor, and no suffering. For realizing welfare and happiness, man should attempts on looking for and collecting wealth (*al-Mal*)⁴ in accordance with Islamic teaching. The Qur’an

⁴ Wealth (*al-Mâl*) is derived from *mâla-yamîlu-mayla*. It is mentioned 86 times with various derivations. Al-Mâl means a thing that is enjoyed and possible to save when it is needed by man. Position of *al-Mal* described in various letters in the Qur’an. For example; Qs. ‘Ali-Imran [3]: 14, keywords relating to wealth in this verse are *hubusy syahawat, al-Nisa’, banin, qanathiril muqantharati, dzahabi, fidhlati, khaylil musawwamah, al-an’ami, and hartsî*. In Qs. al-Kahfi [18]: 46, keywords are *al-malu, banuna, zinatu*. In Qs. an-Najm [53]: 48, are *aghna, aqna*. In Qs. al-Dhuha [93]: 8, are *ailan, aghna*. While in Qs. an-Nisa’ [4]: 5 are *amwalukum, sufaha’a, qiyaman, warzuquhum*. Dwi Suwiknyo, *Kompilasi Tafsir Ayat-ayat Ekonomi Islam*, (Yogyakarta: Pustaka Pelajar, 2010)

then orders Muslim people to be harder in working and more productive, in addition to prohibit acquiring wealth in a wrong manner, such as corruption, *riba*, rents, and so accumulating the wealth (Qs. Al-Hasyr [59]: 7), because those deeds are able to suffer another group.

Unfortunately, economic welfare is only in hand part of people while another part in suffering. Abad Badruzzaman indicates that this phenomenon is caused by two factors, namely internal and external. Internal factor comes from man self who does not actualize his potential as hard as possible to change the condition. Besides, Muslim people are misunderstanding for some terms, such as *qana'ah*, *zuhud*, *wara'*, patience (*sabar*), resignation (*tawakkal*), *taqdir / qadha'*, and else that emerged negative practice in economy growth of islam. These terms in daily practice is often used as the basis of life of Muslims. Those teachings are understood narrowly, so that the impact is a paradigm which tends to downplay worldly achievement. It should be reformed or even need to have a radical and fundamental effort (revolution) to understand Islam and practice it as well. According to Nur Khalik Ridwan that suffering (poverty) is caused by system and social structure has brought poverty into as social fate.⁵ Meanwhile,

In al-Munjid dictionary, *al-Mal* (plural form is *al-amwâl*), defined as “Everything you have (*ma malaktahu min Jami 'al-syyâ'*)”. The Arabian villager used this word referring to animals or vehicle animal, such as camels and goats. *Mudzakar* and *Muannats* forms of it is same, namely *al-mal*. Louis Ma'lûf, *Al-Munjid*, XXXIV edition, (Beirut: Dar al-Masyriq, 1994), p. 780

⁵ Nur Khalik Ridwan, *Tafsir Surah Al-Ma'un*, (Jakarta, 2008), p. 15

external factors come beyond self, for example the coming of economic globalization, corruption, collusion, and nepotism that caused inequity distribution of wealth/ property.

Based on the explanation above, so the author thinks that the discussion on the ownership in the Qur'an is very important, especially in the development of Muslims. Basically, our religion have regulated all economy activity of human being are valued Qur'an and hadith and also teach us to be rich, so can pay *zakat* and *infaq / Shadaqah*. Another reason of the author doing this research is because the discussion on the topic of the ownership is very interest for examined where now Muslim is in poor condition and low economic growth. Hence, most of Muslim is in poverty condition, the spirit to become rich is very low.

Research Question

Based on the background above, the researcher wants to formulate the matter of ownership in the Qur'an and break it down 1(one) question in order to focus on the discussion, that is: What is the ownership according to the Qur'an?

Method of research

As the title implies, this research is qualitative⁶ which is purely based on bibliographical research. In this research, the sources of data are written texts relating to the topic.

⁶ This research is descriptive, it means the collected data are from word by word and pictures instead of numeral. It stresses on the meaning of the topic

To analyze the data the researcher uses the method of thematic study (*tafsir maudu'i*). It means collecting the verses in a separate surah of the Qur'an relating with one theme, either *lafadz* or meaning, and interpret them according to the intention of Qur'an.

Result and discussion

A. Ownership in The Qur'an

Al-qur'an teach Muslim to be develop and rich society. In the islamic teaching, there is advice to give *shodaqoh*, to pay *zakat*, and to help family or the poor. One of ways to do its advice is by using property. How can give *shodaqoh* or pay *zakat* if we are in the poor condition.⁷ However, Al-Qur'an has regulation for view the property. Al-Qur'an view on the property and economy activity can be explained in five things⁸ : *firstly*, the absolute owner of all in this world is Allah SWT. The ownership for human being is just relative; it is just for doing the mandate in managing and utilizing

concerned on human's life. The application of this method can be done by formulating the problem, collecting data, analyzing data and formulating the conclusion. See Sudarwan Danim, *Menjadi Peneliti Kualitatif*, (Bandung: Pustaka Setia, 2002),p. 51

⁷ In the hadits also explained that giving is better than asking, that is:

اليد العليا خير من اليد السفلى... (رواه ابن عمر)

This is one of proof that the spirit of islamic teaching is making the develop and the rich society.

⁸ Lajnah Pentashihan Mushaf Al-Qur'an, *Pembangunan Ekonomi Umat*, (Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an, 2009), p.1

the property compatible with the provision of the God. *Secondly*, the property in status side in the Islam is classified into four things:

- 1) Property is as the mandate of the God.
- 2) Property is as life adorned that can be enjoyed by human being in a simple and well.
- 3) Property is as the obstacle of faith.
- 4) Property is as the mediator of worship.

Thirdly, for gaining the property can be done by work (*a'mal*) or effort to look for livelihood (*ma'isyah*) that good (*halal*) and compatible with syara', and also have to done hardly and do not be cast down. *Fourthly*, for look for the property is prohibited by using bad way (*haram*), such us by using the ways that bad (*batil*) and injuring other (al-Baqarah : 188)⁹, usury or *riba* (al-Baqarah: 273-281)¹⁰, gambling, doing purchase and sale which prohibited or

⁹ "And do not eat up your property among yourselves for vanities, nor use it As bait for the judges, with intent that ye may eat up wrongfully and knowingly a Little of (other) people's property."

¹⁰ "273. (Charity is) for those In need, who, In Allah.s cause are restricted (from travel), and cannot move about In the land, seeking (for trade or work): the ignorant man thinks, because of their modesty, that They are free from want. Thou shalt know them by their (Unfailing) mark: They beg not importunately from all the sundry. and whatever of good ye give, be assured Allah knoweth it well.

274. Those who (in charity) spend of their goods by night and by Day, In secret and In public, have their reward with their Lord: on them shall be no fear, nor shall They grieve.

275. Those who devour usury will not stand except As stand one whom the evil one by His touch hath driven to madness. that is because They say: "Trade is like usury," but Allah hath Permitted trade and forbidden usury. those who after receiving direction from their Lord, desist, shall

haram (al-Maidah: 90-91)¹¹, thievery, robbing, *gasab*, deceiving, bribing, corruption in measure and scale (al-Mutaffifin: 1-6)¹².

be pardoned for the past; their case is for Allah (to judge); but those who repeat (the offence) are companions of the Fire: They will abide therein (for ever).

276. Allah will deprive usury of all blessing, but will give increase for deeds of charity: for He loveth not creatures ungrateful and wicked.

277. those who believe, and do deeds of righteousness, and establish regular prayers and regular charity, will have their reward with their Lord: on them shall be no fear, nor shall They grieve.

278. O ye who believe! fear Allah, and give up what remains of your demand for usury, if ye are indeed believers.

279. if ye do it not, take notice of war from Allah and His Messenger. but if ye turn back, ye shall have your capital sums: Deal not unjustly, and ye shall not be dealt with unjustly.

280. if the debtor is In a difficulty, grant Him time till it is easy for Him to repay. but if ye remit it by way of charity, that is best for you if ye only knew.

281. and fear the Day when ye shall be brought back to Allah. then shall every soul be paid what it earned, and none shall be dealt with unjustly.”

¹¹ “90. O ye who believe! Intoxicants and gambling, (dedication of) stones, and (divination by) arrows, are an abomination,- of Satan's handwork: eschew such (abomination), that ye may prosper.

91. Satan's plan is (but) to excite enmity and hatred between you, with Intoxicants and gambling, and hinder you from the remembrance of Allah, and from prayer: will ye not then abstain?”

¹²

“1. woe to those that Deal In fraud,-

2. those who, when They have to receive by measure from men, exact full measure,

Fifth, the property that had gotten by human being have to utilize and give to the people who have right to receive it proportionally, not stingy and extravagant, and have to give *infak* well. In the other hand, the property is one of important element in human life in this world, because without the property, especially food, human being cannot live.

Yusuf al-Qaradawi states that the property is something wanted by human being to had and to hold it.¹³ That opinion also is stated by Ibnu 'Asyur, like al-Qaradawi statement that the provenance of property is gold and silver, but it definition change to be something that can be saved and can be had.¹⁴ Musthafa Zarqa gives definition of it is more complete, according to him that the property is something concrete which material and has value or cost for human being view. Hanafiyah scholar state that the property is something that can be owned and can be used habitually, such us land, animals, and money.¹⁵

3. but when They have to give by measure or weight to men, give less than due.

4. do They not think that They will be called to account?-

5. on a mighty Day,

6. a Day when (all) Mankind will stand before the Lord of the Worlds?"

¹³ Lajnah Pentashihan Mushaf Al-Qur'an, *Pembangunan Ekonomi Umat*, (Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an, 2009), p.2.

¹⁴ Yusuf al-Qaradawi, *Fiqhuz- Zakah*, (Beirut, Mu'assasah ar- Risalah, 1991), p. 126

¹⁵ Didin Hafihuddin, *Zakat Dalam Perekonomian Modern*, (Jakarta: Pustaka al-Kautsar, 2002), p. 17, taken from Ibn Abidin, *Hasyiah Raddul-Mukhtar*, p. 2

From the definition above, can be concluded that the property is something that can be owned (*materiil*) and can be used for supporting life (*wasilah al-hayah*), such us mansions, vehicle, land, animal, and money, or something that have economic value for human being view.

Property in Arabic is called *mal (mufrad) amwal (jama')*. The term of *mal* and its derivation are mentioned in the Qur'an 98 times.¹⁶ Human being is given freedom for owning the property and utilizing it. They also have right to save, contribute, and bequeath it to their children. By it freedom, so the human being become the creature that is trusted to be the caliph (*khalifah*) of Allah in the world in order to make it prosperous.

Related to the topic of ownership in the Qur'an, actually Qur'an admits and recognizes fully ownership by some terms of Qur'an such as *malaka, istakhlafa, and waratsa*. These terms point implicitly to be developing people who has capability for managing and maintaining the property in this world or become the pious caliph in general and ownership particularly, if we try to investigate the thematic verses in Qur'an.

The freedom of special/private ownership is the first symbol of freedom. Islam recognizes the private ownership is for maintaining instinct of human being that has growth since in young, which is instinct to like owning. They fell happy if have toy, and crying if it toy is taken or hidden by other. This is instinct that is created by Allah for his creature.

¹⁶ Al-Baqi, Muhammad Fu'ad, *al-Mu'jam al-Mufahras li al-Faz al-Qur'an*, (Beirut: Darul-Fikr, t.th), p. 135.

When human being has something, with it they feel that their self have self esteem, authority, and capability. If they see other people have something and they have not, so their self esteem will loss, and they will feel condescending and have not capable in front of them (people who have something).¹⁷

Islam has a unique view on the property where essentially all of property is belong to Allah SWT, and human being is just as the caretaker. Actually, Allah gives the property for Muslim, but the God requires that such a pious faith and charity. If Muslims really believe and work righteous they must be the caliph. However, it is unfortunate that Muslims today is weak in worldly science. The non-Muslim/infidel is stronger in worldly science than Muslim. Thus, the God give it *amanah* as the possessor for managing and maintaining the property for the non-Muslim who has capability for doing it.

Economy system of Islam provides same opportunities and gives the natural right for all of people (that is the right to the property and freedom for act); and also it guarantees the balance of property distribution; all of those have purpose to maintain the balance of economy system. The private ownership and freedom of ownership are not given unlimited like in the capitalist system, but there is moral and law limitation. Thus, the property can run to all party and do not only run in certain party (elite community). Every people get fair part quota and the state become more prosperous.

Thus, in the economy system of Islam is no people who become the manager of state's ownership, and conversely that all

¹⁷ Dr. Yusuf Qardhawi, *Norma dan Etika Ekonomi Islam*, (Jakarta: Gema Insani Press, 1997), p. 209

of people is in same economy degree. However, there is provision of ownership in order one people do not disturb other in ownership of property. Every people can enjoy his property and can fulfill his necessity of life well.¹⁸

Islam recognizes the ownership for individual.¹⁹ Hence, many verses of Qur'an encourages every people in order struggle hardly for looking for *rizki* of Allah in this world, either in the sea, land, or air. In the Qur'an, Allah said that He master the sea for human being in order the ships can made sail by His permission. By this way, the God want to show His might while tested the high of thankful of human being for *rizki* that is given by the God for them. The verse that related about it, that is:

“It is Allah who has subjected the sea to you, that ships may sail through it by His command, that ye may seek of His bounty, and that ye may be grateful.”²⁰

¹⁸ Afzalur Rahman, *Doktrin Ekonomi Islam Vol. I*, (Yogyakarta: P.T Dana Bhakti Wakaf, 1995), p. 12

¹⁹ In freedom of human being, the right to have honorary and self esteem, the right to have job for fulfill the economy necessity of life in daily is very fundamental. For freedom people, everything that helps to get freedom in economy side should be always opened, and there is no one who may close the source of property that is wanted by people. Moreover, it is based on monopoly of one group to other. Because every people have right to have everything that he can do it compatible with his capability. See, Musthafa Al Siba'i, *Al Isytirakiyyah Al-Islamiyyah*, Translated A.Malik Ahmad, under the title “*Sistem Masyarakat Islam*”, CV.Mulja, Jakarta, 1964,p. 40

²⁰ Al-Jatsiyah : 12

Al- Razi interprets the verse above is, “*litabtaghu min fadhlihi*” means “looking for the *rizki* of Allah in the sea”, by doing the trade in the sea, taking the fish, pearl, cockle shells, or other that can be found in the sea. Because all of those activities are the ways of human being to looking for the property. By the command to looking for the *rizki*, so it is meant that the right to property is legal and recognized by Islam.

However, the ownership in Islam has maximal and minimal limitation. The maximal limitation here is people have to looking for and getting the property by right way (*thayib*) and good way (*halal*). And the minimal limitation here is people may take the property that is not his right because of necessity or in *dlarurat* condition (*dlarurat*, for example: people thief or eat carrion for survive, because there is no other alternative), as there is in the cases of law that have ever happened in the era of Khalifah Umar ibn Khattab.²¹ Those roles are proof that Islam really respect and protect the ownership, so the owner of the property can enjoy his property quietly.

In the right to own the property, there is the obligation to distribute it well compatible with the provision of Islamic teaching. The obligation to distribute it is for social interest. Hence, in the private ownership is always followed by the collective ownership. According to Qur’an, every property has individual and social function, without view from tribe, religion, color of leather, lineage, group or politic ideology. Every man who need helping

²¹ Prof. Dr. Umar Shihab, *Kontekstualitas Al-Qur’an : Kajian Tematik Atas Ayat-ayat Hukum Dalam Al-Qur’an*, (Jakarta: Penamadani, 2005), p. 144

have to be helped. Because, human being cannot live lonely and we are same in front of the God.

Conclusion

After doing research on the verses discussing about ownership which are stated implicitly, the researcher can conclude some points:

1. Qur'an really respects and recognizes ownership, but it is not absolute. The absolute owner of property is Allah SWT, and human being is just as the caretaker.
2. Basically, system of Islamic economy is different from economy system of capitalist and socialist. The system of Islamic economy has strength from the economy system of capitalist and socialist, but it is free from the weakness of both economy systems.

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