

DEVELOPING ECONOMIC BEHAVIOUR BASED ON UNIVERSAL VALUES IN *MAQASHID SYARIAH* FOR PEACEFUL WORLD

AM. M. Hafidz MS., M.Ag.

Department of Shari'a STAIN Pekalongan

Abstract

In order to create peaceful world from economic aspect, maqashid syariah should ideally also has implications for—at least moslem—all mankind in their economic behavior, both in consumers and producers position. maqashid syariah is the reason for the existence of rules in Islamic teachings. Attaining maslahah and avoiding disobedience/disadvantageous for all mankind as universal value, should be placed as the point, so all aspect of human life should lead in achieving the desired benefit in maqashid syariah. Hence, Islamic economy also put maqashid syariah as reference, so it will be the first choice for people (not jus for moslem) to solve contemporary economic problems. Moslem scholars are in charge to apply maqashid syariah on their analysis related to economics and economy.

Keywords: economic behaviour, *maqashid syariah*, *ijtihad*

A. Introduction

“Mohamet and his immidate successors” is word of Adam Smith, the “founding father” of capitalist system, written in his magnum opus and master piece, *The Wealth of Nations*. Smith used that word in

describing a successful economic system performed by our prophet Muhammad p.b.u.h and *kebulafaur-rasyidin*. After more than 14 centuries, moslem economists are in endeavor and make every effort to revive the glorious Islamic economy as a pillar of civilization in the Islamic world. One of the efforts taken in hand by moslem scholars is to explore universal values embodied in *maqashid syariah*.

Moreover, the world economic order requires an economic system enabling people to maintain the world peace. Several international conflicts and wars happening in recent years are often triggered by economic problems and the seizure of natural resources. Existing international wars and conflicts are for economic interests, that are sometimes termed as “the blood for oil.” Therefore, preparing an economic system that is capable in creating the world peace becomes a necessity that can not be circumvented. This effort is started by creating economic behavior which avoids greedy and voracious deeds. Hence, universal values in *maqashid sharia* could be used as a basis in creating peaceful world from economic aspect. This paper tries to develop economic behavior based on universal values in *maqashid syariah*.

B. Maqashid Syariah as The Ultimate

Achieving *maslahah* and avoiding disobedience represent an ultimate goal of *maqashid syariah*, either in the world or in the hereafter. This means that all aspects in Islamic teachings—including economic aspect—should lead to the achievement of these goals. Islamic economy should, therefore, be able to be *pan-acea* and solutions to the acute problems of contemporary economies.

The logical consequence is that *maqashid syariah* undoubtedly cannot be discharged from attempts to build of Islamic economy. Even Shaykh Muhammad Tahir ibn 'Ashur once said that "neglecting the importance of *maqashid* in Islamic teachings is the main factor

causing the stagnation of fiqh”¹. Reviving the Islamic economy that has been so long buried and almost become a “fossil” is a field of *ijtihad*. This is hard to say that *ijtihad* performed by Muslim economists in order to find out the divine values contained in the Qur'an and Sunnah in economic aspects is absolutely required.

Besides, *Fiqh Maqashid* that has goal of enactment/legislation as a basic seems to be a decent stimulant for Muslim economists to develop Islamic Economy. This method is intended to have good understanding on the particular texts (*juẓ'iy*) based on *maqashid syariah* and aimed to construct a fiqh embodied with its goal that keeps *maslahah* for whole human being, both in this world and the hereafter². *Fiqh maqashid* will end the scene of history that presents fiqh in rigid form, out-of-date, sacred, untouchable and not accordance with dynamic world.

Islamic economics which in many ways is the "reincarnation" of fiqh *muamalat* is supposed to restore “suppleness” and elasticity of fiqh by making *maqashid shari'ah* the ultimate goal in the process. In Masdar F. Mas'udi's way of thinking, on the *muamalat* matter, the rhythm of text is no longer dominant; but it is the dominant rhythm of *maslahah*. An appropriate opinion (*al-qawl*) has not only text as a basic but also ability to ensure *maslahah* comes into reality. Therefore, using *Fiqh Maqashid* to operationalize universal human values, such as welfare, justice and equality in Islamic economy becomes a necessity.

So, it becomes unavoidable for Moslem Economists to make reinterpretation of the existing syariah rationale while doing various studies and analysis of Islamic economics as one component of Islamic studies. By using an intriguing package, a concept offered by Yudian Wahyudi to synergize between what is in Harvard and what is

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1. ar-Raysuni, Ahmad, *Nadzariyat al-Maqashid 'inda al-Imam asy-Syathibi*, Beirut: International Islamic Publishing House, 1995. p. 10.
 2. Yusuf Qaradhawi, *as-Siyasah asy-Syar'iyyah fi Dhau'i Nushuh asy-Syari'ah wa Maqashidiha*, Kairo: Maktabah Wahbah: 1998. p. 228

behind good reputation of Sunan Kalijaga in the process of developing Islamic Economy deserves to be appreciated. Harvard is one icon of the most rapid developments of Islamic studies outside the Middle East region; while Sunan Kalidjaga is a symbol of the success of religious proselytizing (Islamization) that synergizes between what is listed in the normative scope with the reality happened in the community. Thus, Islamic economics should be expanded based on the reality and in the frame of *maqashid syariah*. This is because *maqashid shariah* is an on-going process to express on emphasizing the relationship between the God's will with human interest³.

At this point it can be concluded that *maqashid theory* occupies a very central and vital position in formulating the methodology of Islamic economic development. Even Syathibi himself stated that *maqashid syariah* is the culmination⁴. This means that developing *usul fiqh* as a methodology, can not be separated from *maqashid shari'ah*, because the theory of *maqashid* delivers the mujtahid to determine *maslahah* in accordance with the standards of *syariah*⁵.

C. Ijtihad in Islamic Economy

Ijtihad which is generally associated in the jurisdiction field is a process to discover the law of a particular issue referring to the authoritative texts and arguments. Nevertheless, ijtihad is certainly not the "rights" for jurisdiction merely because Islamic economics (especially if it is identified as *fiqh muamalat*) also has a "right" to be

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3. Hallaq, Wael B., "The Primacy of The Qur'an in Syathibi Legal Theory", in Wael B. Hallaq dan Donald P. Little (eds.), *Islamic Studies Presented to Charles J. Martin*, Leiden: EJ. Brill, 1991. p. 89.
 4. Syathibi, Imam, *al-Muwafaqat fi Ushul asy-Syari'ah*, Beirut: Dar al-Kutub al-Ilmiyyah. P.32
 5. Mas'ud, Muhammad Khalid, *Shatibi's of Islamic Law*, Islamabad: Islamic Research Institute, 1995. Pp. 223-4.

developed through the process of *ijtihad*. In fact there is no final stage and endless effort for the process of *ijtihad*, because Islamic economics should be in elastic form according to the dynamic of the civilization wheels.

As a principal base of the *ijtihad* process, *maqashid syariah* consists of two steps—as introduced by Syathibi—i.e. *ijtihad istinbathi* and *ijtihad tathbiqi*. In *ijtihad istinbathi*, moslem economists focus *ijtihad* process in extracting any ideas contained in the texts (Qur'an and Sunnah) that are still in abstract forms. After obtaining these ideas, the following step is to apply those abstract ideas to the problems occuring in the field; this what is called *ijtihad tathbiqi*. So *ijtihad istinbathi* has a text as an object, while the object of *tathbiqi* is contemporary human life with its dynamic changes and developments. So it makes sense if *ijtihad tathbiqi* is called by Syathibi as “will never stop” *ijtihad* until the end of time.

In this regard, the *al-kulliyah al-kebamsab* as introduced by Syathibi is not an “exclusive” and fixed theory that can not be developed more. If the experts of classical fiqh have formulated their primary needs as *al-kulliyah al-kebamsab*, it will not enough for us with these just five primary needs. We should be able to expand and put the present needs (not wants) as the primary *maqashid syariah*, such as the right of free speech, politic, education, health, and so on. As M. Fahim Khan⁶ also states that:

”Following the lines of Shatibi, the Islamic jurists and economists in the contemporary world are required to work together to determine in detail the determinants of human life. For example, freedom may be the sixth element which

6. Khan, M. Fahim dan Nur Muhammad Ghifari, “Shatibi’s Objectives of Shari’ah and Some Implications for Consumer Theory,” in AbulHasan M. Sadeq dan Aidit Ghazali (ed.), *Reading in Islamic Economic Thought*, Malaysia: Longman Malaysia, 1992. P.94.

may be required to be promoted along with the promotion of the five elements described by Shatibi.”

“It may be mentioned that the list of basic elements given by Shatibi may be not an exhaustive list. For example, one element that seems to be missing from the list is freedom. Islam has given great importance to freedom at the individual level as well as at the society level... Freedom from the dominance of non-muslim rule is extremely important.”

Ibn 'Asyur also stated that although the *al-kuliyah al-khamsah* is very important, but it is substantially inadequate to oversee the development of contemporary *ijtihad*. To that end, 'Asyur offers a new paradigm that the axis of *syariah* lies in universal values such as human nature (*fitrah*), freedom (*huriyyah*), tolerance (*samahah*), egalitarianism, and human rights⁷.

As mentioned earlier, the keywords of *maqashid syariah* is *maslahah*. A very upbeat and "contradictory" offer in conceptualizing *maslahah* to the current main-stream is what has been initiated by at-Tufi. On At-Tufi's thoughts, *maslahah* is based on these principles, namely⁸:

1. Human reason has the independency to determine *maslahah* and *mafsadah*, particularly in the field of *muamalah*. Human reason is sufficient and adequate to make a judgement whether it is good or bad.
2. Following to the first point, at-Tufi asserted that *maslahah* is an independent argument (*dalil*) and its authoritative power does

7. 'Asyur, Muhammad Thahir bin, *Maqashid al-Syari'at al-Islamiyyah*, np.: al-Basair, 1998. P.233

8. Zaid, Mustafa, *Al-Maslahah fi at-Tasyri' al-Islami wa Najmuddin at-Tufi*, Beirut: Dar al-Fikr, 1954. Pp.127-132

not need confirmation to the texts (al-Quran and Sunnah) due to its dependency merely to the human reason. Thus, *maslahah* becomes an independent argument in *ijtihad* process.

3. Because of *maslahah* strength as an argument, therefore, at-Tufi also claims that if the texts and *ijma'* are not in accordance with *maslahah*, so *maslahah* becomes precedence and have a priority by specialization technique (*takhsis*) and description/explanation (*bayan*).

Although relatively regarded as liberal thought, ideas conveyed by at-Tufi are appropriate to the development of Islamic economics. Islamic economics should always be alive and keep pace with the development of human civilization. Islamic economics should be elastic, flexible and dynamic so has ability to answer economic problems happened in this modern life. However, this elasticity is not necessarily accompanied by a liberal mindset, which can uproot Islamic Economics from its primary sources.

Meanwhile, various "versions" of *maqashid syariah* offered by muslim scholars are a continuous process in seeking and finding God's will. Although glancing over those versions results in an impression about the existence of differences and disagreements among them, but such efforts should not be considered diametrically and contradictory. at-Tufi's liberality should not be contrasted and opposed against Syathibi's carefulness in consequence of *dalil naqli*. Similarly, extending the *al-kuliyah al-khamsah* discourse introduced by Ibn 'Ashur is a further step to complement what is already there, both in terms of methodology and substance. Furthermore, there might be next figures appear to offer a better and jerking ideas that will make earlier figure of thought seems "out-of-date".

D. Implication of Maqashid Syariah on Economic Behavior for Peaceful World

Syariah rules are strongly associated with the various dimensions of human behavior aspects. The economic aspect is just one of complex series of human behavior. Previous discussion on the *maqashid theory* should have implications for economic behavior of every individual moslem. In addition, those implications are unavoidable prerequisite for moslem economists in making economic analysis on *Islamic framework*.

Developing and outlining any *maqashid* implications on the economic theories is a challenge and a very hard task which must always be pursued by moslem economists. The discussion below seeks universal values derived *maqashid theory* in economic behavior theory. These universal values are not just available and compatible for moslem, but might be a reference for all mankind in efforts to develop a world economic order that brings prosperity for all mankind. However, the following description is merely the plain of "initiative to the process," which is not exhaustive and final.

1. Redefining Economic Problems

Economic problems are typically associated with three basic questions, namely *what is produced, how to produce, and for whom something is produced*. Those arising questions are caused by the belief that human desire is unlimited, while the available resources are limited.

However, theories in conventional economics are unable to give an appropriate answers to those questions above. As a result, these theories can not specifically explain human economic problems. So far, conventional economic theory defines that the economic problem as "*how to maximise the satisfaction of wants from the available resources which are relatives to*

wants.” This definition contains inconsistencies and we call into questions for this provided scarcity of resources is removed, will the economic problems faced by the people will disappear. The answer is certainly ‘no’, due to the inability of the resources to satisfy human desires and wants. Galbraith, as quoted by M. Fahim Khan, raises question: *how it is possible to satisfy the desires and wants while the production process is producing and creating new desires and wants*. We must also remember about Say's law asserting that “*supply creates its own demand*.” It makes sense while T. Scitovsky states that capitalist rich countries become consumer society (throw-away society) and spendthrift⁹.

In the syariah perspective, to keep on the *maslahah* becomes the reason for a person to produce and to in economic activities. Economic activity, both the production and consumption that have *maslahah* as a basic, is a representation of the process to achieve something better in the world and the hereafter. All of economic activities containing *maslahah* for human are called the needs that are to be met. Meeting or fulfilling needs—and not satisfying wants—is the goal of economic activity as well as a religious obligation. Because fulfilling needs is a religious obligation, so Islamic Economy becomes a "coercive power" to people who do not have a desire to make an economic development.

Based on the above description, the economic problem is how individuals meet their needs (fulfilling needs), because in certain conditions, time and specific location, available resources are limited. Relativity in scarcity is also mentioned in the Qur'an (al-Baqarah, 255):

9. Khan, Muhammad Akram, *An Introduction to Islamic Economics*, Pakistan: IIIT and Institute of Policy Studies, 1994. P.15.

ولنبلوّنكم بشيء من الخوف والجوع ونقص من الأموال والأنفس
والثمرات

2. *Wants versus Needs*

Wants in conventional economic theory emerged from the instinctive human desire coming from the concept of value-free. Conventional economics does not distinguish between *needs* and *wants*. They held that *need* is *want*, and vice versa. Both needs and wants have same effect, namely scarcity. This theory has consequence in indiscriminate depletion of natural resources and destroying ecological balance¹⁰.

On the other hand, Islamic Economy does not command people to satisfy all of their wants and desires. To maximize satisfaction is not in line with the spirit of consumption behavior in Islamic Economy, because maximizing satisfaction is the norms upheld by materialistic civilization. Islamic Economy instead has ordered people to meet their needs as a guidance from syariah rules. Needs indeed arise from an instinctive desire, but within the Islamic framework, not all of instinctive desire can become a necessity. Desire that only contains *maslahah* can be categorized as needs.

3. *Maslahah versus Utility*

Conventional economic theory describes that utility is as an effort to control/own goods and services to satisfy wants. Satisfaction can only be defined subjectively, so each person can determine their level of satisfaction depends on the criteria

10. Nasution, Mustafa Edwin *Pengenalan Eksklusif Ekonomi Islam*, Jakarta: Kencana Prenada Media Group, 2006. Pp.69-70.

set by himself. All economic activities, both production and consumption process are based on the spirit of utility.

In Islamic Economics only goods/services that can develop and sustain *maslahah* can be categorized as *maslahah* deeds. Therefore, from the religious point of view, a muslim is encouraged to acquire or produce the goods/services that leads to *maslahah*.

For muslim economists, in analyzing the behavior of economic actors, *maslahah* concept is more objective than the concept of utility. Although *maslahah* will probably contain some subjectivities, but it does not make vagueness as it did in the concept of utility. There are three reasons why *maslahah* is superior to the utility:

- a. Although *maslahah* will probably contain subjectivity, but the criteria for determining *maslahah* is clearer and standardized. In the concept of utility, smoking may contain benefit, relative to each person. But in Islamic Economy, because smoking has no benefit and it is contradictory to *al-kulliyah al-khamsah*, then to smoke is obviously prohibited, or at least, objectionable.
- b. Conflicts between individual interests and social interests can be avoided, or at least minimized. This is because the criteria of *maslahah* between both individual and social can be synchronized, as it is set forth in syariah rules. In view of Asad Zaman, Islamic consumption behavior associated with three aspects, namely altruism, rejection to the satiation concept, and feeding the poor¹¹.

11. Zaman, Asad, "Towards Foundation for an Islamic Theory of Consumer Behaviour" in F.R. Faridi (ed.), *Essays in Islamic Economic Analysis*, New Delhi: Genuine Publication & Media Pvt Ltd., 2002. Pp. 40-2.

- c. *Maslahah* concept is applied to all economic activities, both in the process of production and consumption. Unlike the case in conventional economics; wherein the utility is the purpose of consumption, while gaining profit as much as possible is the goal of the production process.

4. ***Institutional Framework***

What kind of institution enables and “forces” moslem to behave in accordance with previous descriptions? In capitalism, free market is an institutional mechanism for consumers (and other decision makers) to meet their needs and wants. Institutions, such as market mechanism, government supervisions, are certainly also required to guide consumer behavior in Islamic Economy. But there are three important elements that extend former institutions, namely:

- a. The absence of waste behavior (*israf*);
- b. Consistency in accordance with the hierarchy of *dharuriyyat* (primer), *hajjiyyat* (secondary) and *tahsiniiyyat* (luxury);
- c. The absence of large-scale of deviation to the Islamic principles.

In order to eliminate social disorder caused by economic problem, Ghifari and Fahim Khan¹² asserts that institutions should have an authority to make a restriction and supervise for consumer behavior. In effort to make this task more effective, a state institutions/governments have responsibility position with this task and authority. They are in charge to keep public interest, individual freedom, and prevailing social order.

Government’s roles could be a regulator for the "players" in the market. Government serve as a producer of

12. Khan, M. Fahim dan Nur Muhammad Ghifari, opcit., pp. 198-200

goods/services that can not be produced based on a profit-oriented motives, and goods/services in the category of non-rivalrous and excludable goods; and serve also as “huge” consumers to maintain market stability.

In the history of Islamic Economy, there was a well-known institution called *al-Hisbah*. This institution was in charge of anticipating the occurrence of deviations in the community, keeping the faith and ensuring that the welfare of society, both in worldly and hereafter dimensions was in accordance with the rules of God. The responsibility taken in hand by al-Hisbah, is called *wadzifah diniyyah* in word of Ibnu Khaldun; and *khidmah diniyyah* in word of al-Maqrizi. In general, the task of al-hisbah institutions, according to Essid Yassine¹³, can be divided into two categories:

“...we discover two categories of responsibilities, or rather, we find ourselves looking at two different figures: the censor of morals who breaks musical instruments, pours out wine, beats the libertine and tears off his silken clothing, and the modest market provost, a man who controls weights and measures, inspects the quality of the foods on sale, ensures that markets are well supplied, and occasionally sets the price of goods.”

al-Hisbah was one of attracting issues among moslem scholars, i.e. Abu al-Qodli Ya'ali, al-Ghazali, Ibn Khaldun, al-Sharazi, Ibn Taymiyyah, al- Maqrizi, al-San'ani and

13. Essid, Yassine, *A Critique of The Origins of Islamic Economic Thought*, Leiden: E.J. Brill, 1995. P.115.

Tajuddin al-Subhi, then many literatures wrote in depth about *al-Hisbab*. Other terms associated with *al-Hisbab*, but have same responsibilities were *'Amil ala al-Suq*, *Sabib al-Suq*, and *al-Muhtasib*.

5. Maslahah in Production Process

It is recommended in Islamic economy to have profit orientation and consider “*for whom to produce*” in production process, booth in goods and services. But profit is just a tool in effort to attain *maslahah* as the purposes. Referred to the concept of *maslahah* based on *maqashid syariah*, production process is in regard to the following factors :

- a. It is prohibited to produce goods and service that are not in line with *maqashid syariah*, not accordance with *al-kulliyah al-khamsah* and does not increase any *maslahah*, both in individual and social level. Pursuing profit must be in the frame of *maqashid syariah*. Operating casino might be lawfull on nation law and has a great profit on economic perspective, but it will not be chosen by Islamic economic agents due to its “violation” to the *hifdil-maal*, as one of primary components in *maqashid syariah*.
- b. In many ways, the type and amount of supply depend on demand. If it is assumed that all demand in market come from *maslahah* orientation which is rooted in needs, then the supply will follow these demands. Otherwise, supplier will not produces any goods and services that comes from improper desires and not in mutual accord with *maslahah*.

E. Conclusion

Based previous description, it could be summarized that *maqashid syariah* is the reason for the existence of rules in Islamic

teachings. Attaining *maslahah* and avoiding disobedience/disadvantageous for all mankind as universal value should be placed as the point, so all aspect of human life should lead in achieving the desired benefit in *maqashid syariah*. Hence, Islamic economy also put *maqashid syariah* as reference, so it will be the first choice for people (not jus for moslem) to solve contemporary economic problems. Moslem scholars are in charge to apply *maqashid syariah* on their analysis related to economics and economy.

In order to create peaceful world from economic aspect, *maqashid syariah* should ideally also has implications for—at least moslem—all mankind in their economic behavior, both in consumers and producers position. Five universal values derived from *maqashid syariah* are redefining economic problem, redefining needs, *maslahah*, institutional framework and *maslahah* in production. Based on those five values mentioned above, all of economic activities should lead to the benefit to maintain *maqashid syariah* and keep peaceful world.

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