

Maqashid Sharia, Business Ethics and Sharia Economic Transactions According to the Hadith of the Prophet Muhammad

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Article history: received June 20, 2023; revised June 27, 2023; accepted June 30, 2023

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ABSTRACT

Business ethics in activities in the field of sharia economic transactions is the spearhead of realizing an ideal muamalah system, especially making maqashid syari'ah the main guide in business activities. The estuary in each transaction is the main assessment in the principle of the transaction, because if at the end of the transaction there is a right that is overridden then it becomes a problematic transaction. The existence of maqashid syari'ah as a principle in business ethics and muamalah transactions has implications for maintaining the rights of each party involved in a transaction, so that in the end it ends in mutual consent ('antaradlin), in religious values such a transaction is a transaction good and have an impact on their safety in this world and the hereafter,

Keywords: Maqashid al-shari'ah, Business Ethics, Transactions

INTRODUCTION

Prologue

Islam is a complete religion, in which there are norms that regulate human relations. (Jaih Mubarak: 1) Both vertically and horizontally. The vertical relationship is related to the human relationship with God, while the horizontal relationship is the relationship between humans and humans, (Muhammad Barmawi, 2016, p. 12-25), and even the relationship with the environment around them is regulated. In Islam, interactions carried out by humans in everyday life are regulated in the muamalah system. (Antonio: 2011) All norms that have been revealed by Allah SWT. To all mankind basically is for the sake of creating a peaceful and prosperous life, even for the sake of realizing the common good. (Bahsoan, Agil: 2011).

In essence, muamalah is based on the permissibility of behavior, in other words an interaction that occurs in a social life requires them to always communicate, even for the sake of the continuation of life there are economic activities. (Zainur :2017, p. 32)

An economy that is constantly developing and is in line with the development of human life demands a system that is not stagnant. Therefore, in the rules of fiqh, the original law of muamalah is mubah.

In this case Ibn al-Qayyim emphasized;

God bless you

The original law in various agreements and muamalat is valid until there is an argument that shows its unlawfulness and prohibition. (Ibn al-Qayyim al-Jauziyyah, vol. 1, p. 344)

Or something similar to that:

أن الأصل في الأشياء المخلوقة الإباحة حتى يقوم دليل يدل على النقل عن هذا الأصل

In fact, the original law of all creation is permissible, until the argument is established that shows this original law has changed.

The system regarding human activity in the context of transactions, has clear rules for achieving the goals of human life, namely the welfare of the world and the hereafter. (Antonio, M: 2001) Welfare in the context of Islamic economics leads to the realization of goals (maqashid) that are in accordance with sharia values, or can be called maqashid sharia.

There are five reasons why religion was revealed, especially for the sake of achieving the rights of each individual to live their lives in the world, namely; hifd al-din (guard of religion), hifdz al-nafs (guard of soul), hifdz al-'aql (guard of reason), hifd al-nals (guard of offspring), and hifdz al-mal (guard of property). (Fathi ad-Daraini: 1975, p. 28)

The fulfillment of several elements in maqashid al-shari'ah will have implications for the realization of a life full of maslahah. (Jauhar, AA-M. (2009). To achieve the goals of human life cannot be separated from meeting the needs of life. Meeting these human needs is an obligation of religion, therefore it must remain within Islamic rules.

One of the ways to meet human needs in their lives is by carrying out trading activities. This method is basically contained in the Qur'an, for example in Surah Al Baqarah: 275, in Surah al-Nisa: 29, and several other verses which include recommendations for buying and selling (bay'). Some of Allah's words in the letter referred to are the words of Allah SWT which support activities in human life, especially in the context of commerce, so that these rules have implications for the realization of inner goodness in each individual. Maslahah or goodness can be formed from maqashid sharia. (Muhammad Abu Zahrah :1958, p. 336)

METHOD

The study in this research is purely literature, however, to make this study in accordance with developments in the economic context, especially in the business category, reviews in the form of writing or newsletters are included as add-ons. Meanwhile, the approach used is maqashid ash-shariah, a presentation on the important points of the transmission of religion to mankind.

Describing the data obtained, especially articles in journals or books related to maqashid sharia and business, the author uses a qualitative analysis method, a method by examining various works and followed by a form of analysis to find facts and then draw conclusions.

RESULTS AND DISCUSSIONS

Maqashid al-Shari'ah; As Corporate Value

In the current era, Muslims face a variety of contemporary economic dynamics, as a result of the increasingly rapid development of human civilization, especially supported by the existence of science and technology. The increasingly widespread model of complex economic activity triggers the emergence of new problems that must be answered by Islamic law. Because the emergence of new dynamics that did not exist in the previous era requires an answer in law. (Muhyar Fanani: 2010, p.76).

The dynamics of Islamic law on a completely new problem, cannot be confronted with a text that has no explanation about it, but a new phenomenon as a symptom of the increasingly rapid development of human behavior must be resolved by bringing up new laws with ijtihad, at least in Islam there has been established a normative design on it globally. Ijtihad in responding to new challenges is a solutive effort in answering and functioning to build an economic life that is in accordance with the times. Due to legal problems in the field of mu'amalah as long as the legal objectives are known (maqashid syari'ah) legal development can be carried out. Muhammad Zaki and Bayu, (2015),"

There is a well-known story which is used as a reference about the permissibility of ijtihad for new phenomena and has not been answered in the previous law. As the following history;

حَدَّثَنَا هَنَّاذٌ حَدَّثَنَا وَكَيْعٌ عَنْ شُعْبَةَ عَنْ أَبِي عَوْنٍ النَّقْفِيِّ عَنِ الْخَارِثِ بْنِ عَمْرٍو عَنْ رَجَالٍ مِنْ أَصْحَابِ مُعَاذٍ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمَّا بَعَثَ مُعَاذًا إِلَى الْيَمَنِ فَقَالَ كَيْفَ تَقْضِي فَقَالَ أَقْضِي بِمَا فِي كِتَابِ اللَّهِ قِي Allah Peace be upon you كَيْفَ تَقْضِي فَقَالَ كَيْفَ تَقْضِي فَقَالَ أَقْضِي بِمَا فِي كِتَابِ اللَّهِ قِي Allah Peace be upon you قَالَ أَجْتَهِدُ رَأْيِي قَالَ الْحَمْدُ لِلَّهِ الَّذِي وَفَّقَ رَسُولَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ وَعَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ قَالَا حَدَّثَنَا شُعْبَةُ عَنْ أَبِي عَوْنٍ عَنِ ALLAH AMEN AMEN O ALLAH

Has told us [Hannad], told us [Waki'] from [Syu'bah] from [Abu 'Aun Ats Tsaqafi] from [Al Harith bin Amr] from [someone from among Mu'adz's companions] that the Messenger of Allah -peace and prayer of Allah be upon him- 'alaihi wasallam once sent Mu'adz to Yemen, then he asked: "How do you decide the law?" he replied; I decide the law from what is in the book of Allah. He asked again: "If it is not in the book of Allah?" he replied; With the sunnah of the Prophet sallallaahu 'alaihi wasallam. He asked: "If it is not in the sunnah of the Prophet sallallaahu 'alaihi wasallam?" He replied; I will agree with my opinion. He said: " far] and [Abdurrahman bin Mahdi] both said; Have told us [Syu'bah] from [Abu 'Aun] from [Al Harith bin Amr] the nephew of Mughirah bin Syu'bah from [some residents of Himsh] from [Mu'adz] from the Prophet sallallaahu 'alaihi wasallam like that. Abu Isa said; We do not know this hadith except from this path but I think the sanad is not continuous, Abu 'Aun Ats Tsaqafi's name is Muhammad bin Ubaidullah. far] and [Abdurrahman bin Mahdi] both said; Have told us [Syu'bah] from [Abu 'Aun] from [Al Harith bin Amr] the nephew of Mughirah bin Syu'bah from [some residents of Himsh] from [Mu'adz] from the Prophet sallallaahu 'alaihi wasallam like that. Abu Isa said; We do not know this hadith except from this path but I think the sanad is not continuous, Abu 'Aun Ats Tsaqafi's name is Muhammad bin Ubaidullah.

The spread of Islam in various regions and the increasing spread of Muslims in all and corners of the world requires a new paradigm in responding to the various dynamics that are certain to be encountered. The economy is growing and has an impact on a completely new transaction model, so responding to it by combining various dynamics is a must. In the context

of the development of a completely new trading model, it certainly requires that experts answer it wisely, at least with this answer each party is protected by all their rights. (Rafsanjani, Haqiqi: 2016).

So, it can be understood that the main function of religion that has been brought by Rasulullah SAW. is aimed at realizing an ideal life in the life of mankind. Therefore, all the dynamics that exist, even those that are really new, have in essence been answered in terms of the law brought by the Prophet Muhammad. The values of this law are accumulated in terms of *maqashid al-shari'ah*.

In language (lughatan) the term *maqashid al-syari'ah* is formed from two words, *maqashid* and *syari'ah*. *maqashid* is the plural form of *maqshud*. And is a derivation of the word *qashada*, which means towards, aims, wishes, and intention. *Maqashid* in Arabic grammar is referred to as part of *isim shifat* (*isim* which means *ma'ful*), namely things that are used as objects, therefore the word can be interpreted as "goals" or in the form of goals. While *asy-syari'ah*, is the subject form of the root word *syaraa'* which means "the way to the source of water as life." (Muhammad Mufid: 2016, 166)

Apart from the meaning above, *ibn al-Manzur* (d. 711 H) added *al-kasr fi ayyi wajhin kana* (solving the problem in any way), for example someone's statement *qashadtu qashdan rudetuhu* (I have solved a problem, meaning I have solved it problem completely) (Busyro, 2019)

Thus, it can be understood that *maqasid al-shari'ah* is a human effort in getting the perfect solution and the right path for a variety of phenomena in the dynamics that develop in human life, and all of this is based on the main sources of Islamic teachings, the Koran and Hadith of the Prophet SAW. *ijma'*, and *qiyas*.

The understanding of *maqashid al-shari'ah* as a corporate value occupies a strategic position, especially in the context of building an ideal economy in terms of religion. At least by making religion the standard, surely the patterns and models of the economy are measurable by truly optimal standards of goodness. This is because all transactions, if not bound by law, may have an impact on fraud in the transaction process. (Mujib, Abdul. (2017).

Religion that pivots on the teachings brought by the Messenger of Allah is tasked with guarding against acts of harm by one party or both. Therefore in *maqasid al-shari'ah* all the rights of each individual are guarded by religion, even if anyone dares to overstep these rules, there will be a reward that is appropriate for him.

In the context of the urgency of *maqashid al-syar'ah* Abd al-Halim stated,

Placing *maqāṣid al-sharī'ah* in a very important position is something that should be supported, especially when looking at the results of historical readings regarding the involvement of *maqāṣid al-sharī'ah* in every legal provision. However, the problem that actually arises when you want to make *maqāṣid al-sharī'ah* as a giver of consideration and at the same time as a method of establishing Islamic law. The problem is about the concept of *maqāṣid al-sharī'ah* itself. There are those who understand that *maqāṣid al-sharī'ah* is only related to the intent or purpose of establishing the law and this connection is in accordance with the true meaning of *maqāṣid al-sharī'ah* itself. But there are also those who understand that apart from being related to the intent or purpose of establishing law, *maqāṣid al-sharī'ah* is also related to 'illah (motive)⁹ for the existence of law. In *uṣūl al-*

fiqh, God is the determinant of the presence or absence of law. When there is a decision, it is almost certain that behind it there is a god that is the motive for the decision, but when the god of a decision is no longer there, there is no reason to maintain that decision. (Abdul Helim :2019)

Maqashid al-shari'ah is part of the best solution for a variety of human activities, especially in terms of buying and selling transactions. At least making it a corporate value leads to a careful action by each party, so that the rights of each involved in the transaction are properly fulfilled.

The salaf and khalaf scholars believe that all shari'ah laws aim to protect and develop human welfare. *Maqasid al-Syariah* is the highest purpose of Islamic law being sent down based on aims, principles, goals and ultimate goals. That is so that Islamic regulations fulfill their purpose in the right to justice. (Jasser Auda: 2008).

The main focus is the formulation of Islamic economics, as well as the formulation of fatwas, as well as *maslahah*-based financial products. Positioning *maslahah* as the highest principle in various fatwas is for the realization of common prosperity, because *maslahah* is the main concept in sharia. *Mashlahah* is the essence of the lowering of norms in Islamic shari'ah. In this context, experts formulate it in terms of *maqashid syari'ah*.

In the context of business ethics, making *maqashid al-shari'ah* a cooperative value has implications for an achievement that places the transaction aspect on openness, honesty, fairness, and even the purpose of the transaction is always an important concern in the current transaction. Because, the core of a *maqashid al-shari'ah* is the common good. Likewise, when it is used as a corporate value, the implication is that it is an ideal ethic in transactional activities, namely transactions that ultimately end in mutual consent ('an taradlin).

Maqashid Sharia and Business Ethics

In language, ethics comes from the Greek *ethikos* (Suwito: 2004), has various meanings, a), as an analysis of the concepts of what should, should, duty, moral rules, right, wrong, obligatory, responsibility and others. b), application to moral character or moral actions. Third, the actualization of a morally good life.

Ethics is an important part of moral philosophy, so the main object of the term ethics is morality. Morality is a term in the scope of activities in human life and at the same time activities that can distinguish good activities or vice versa. The norms included in it. (OP Simorangkir: 1992)

Robert C. Solomon stated, that morals cannot be interpreted as norms and obedience, but the object of the term is more focused on a character or traits that emerge from the nature of each individual such as kindness, compassion, generosity and so on. , all of which are not contained in the law. (K. Barten: 2007)

Meanwhile, the word business means the exchange of goods, services or money that is mutually beneficial and provides benefits. The basic meaning of business is "the buying and selling of goods and services". Business takes place because of interdependence between individuals, efforts to maintain and improve living standards and others (Pandji Anoraga: 1997)

When the term ethics is juxtaposed with business, what is meant is moral values in a series of transactional activities with a positive impact on the basis of judgment and at the same time the feelings of both parties who have made a transaction.

In this case, Djohar Arifin stated that Islamic business ethics is a value that is used as a measure of good, bad, right and wrong in the business world based on the principles of morality. In other words, business ethics is a set of principles and norms that must be instilled in each person who is conducting a transaction, where business people must have a commitment to conduct transactions, behave, and also relate in order to achieve their business goals safely, so that in the end transactions that have been set can mutually willing, accept, no one even feels aggrieved. (Djohar Arifin: 2009)

Business ethics that is based on Islamic norms is an effort to achieve the truth in religious judgments in transaction practices, then practice the right things regarding products, good service to related parties. Organizational policies, standards for moral behavior in business, responsible and moral behavior are the main standards in Islamic business ethics. This means that Islamic business ethics is a habit or moral culture related to the business activities of a company.

Ethics in commerce in Islam is sincerity of intention, namely relying only on Allah SWT. Purifying to worship Allah, and not mixing it with things outside of that. Sincere intentions, all forms of worldly activity such as business turn into worship. (Muhammad Saifullah, 2010) The business principles demonstrated by the Prophet are;

1. *Fathanah* (professional)

Activities in commerce must always be based on brain intelligence, so that practically commerce activities run according to standards set by religion.

2. *Trust* (Trusted),

Everything that happens in a transaction is in accordance with its descriptions, so that with an attitude of trust, no party will feel disadvantaged.

3. *Shiddiq* (Honest),

Honesty is the key to realizing goodness in the variety of one's activities, cheating and any negative actions are basically derived from lies.

4. *Tabligh* (transparent)

In the description of Islamic business ethics with the estuary of maintaining each one that is related at the time of the transaction becomes the basis of maqashid shari'ah. Therefore good ethics based on a series of Islamic norms have an impact on the harmony of all parties. (Then Muh Shabiran: 2017)

At least in the context of business ethics in the eyes of maqashid it can be classified into two things;

1. All business practitioners (entrepreneurs), are always not just looking for profit. Instead, what must be instilled is to seek pleasure and achieve blessings for the sustenance given by Allah SWT.
2. When practicing business, ethics is the main standard, so that all activities in commerce can lead to harmony and harmony among people.

With regard to business ethics, the standard is essentially a maqashid in Islamic norms. At least the five main themes of maqashid al-shari'ah are accommodated in trading activities, namely safeguarding the rights of all so that those participating in the transaction are satisfied.

Maqasidsharia which is used as the basic foundation in the ultimate goal of Islamic economics, is happiness in the world and the hereafter, through a good and honorable life system. Therefore, *maqashid sharia* is used as an important principle for the variety of individual or institutional behavior both as producers, consumers, employees. Thus, conceptually *maqasid sharia* plays an optimal and important role in a series of activities in the fields of production, or marketing, market share, consumers, etc., and all of them are pivotal to Islamic norms aimed at realizing the benefit of mankind. (Sulaeman:2018)

CONCLUSSION

Based on the description above, Islam, which includes norms aimed at realizing benefit in human life, has been stated in the term *maqashid al-shari'ah*. Business is an attempt to gain profit, it will run ideally if *maqashid* insight is used as a barometer in these activities. *Maqashid al-shari'ah* has a standard will have an impact on the realization of ethics in matters of economic transactions, so that it ends in a transaction that both have satisfaction and no one feels aggrieved.

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