

Utilizing Maqasid Syariah as a Tool in Developing Islamic Economics Theories

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ABSTRACT

Maqasid Syariah summarizes the overall purpose of sharia in a simpler and easier way to be understood. It can be designed as a tool in developing islamic economics theory. For instance *al-fikr al-maqasidi*, a pattern of thought inspired by maqasid Syariah, held on to it's principles and benefits for solving contemporary human problems included social politic, economics and finance problems, etc. The Maqasid Syariah studies are not only to understand the objectives of Syariah, but also to understand about Syariah theories for bringing it into reality, included economics aspect of human life. It will bring the mujtahid to the true final goal of law that comply to Syariah principles with a steady heart. Utilizing Maqasid Syariah in solving contemporary economic and finance challenges and problems will actualized fiqh muamalah as an elastic, flexible, energetic and always relevance with the age of development, so that those all will enhance Islamic economic theory today and the future.

Keywords: Maqasid Syariah, al-firk al-maqasidi, islamic economics, tool

A. INTRODUCTION

Maqasid Syariah is often referred to as the core of the goal of Islamic teaching as a whole. The concept of Maqasid Syariah summarizes the overall purpose of sharia in a simpler and easier way to be understood. Hence this Maqasid Syariah can be applicated in various aspects of life (Risuni, 1999: 13) and connected to various scientific disciplines in order to provide solvings to various problems that arise in an era, including economic issues. That is why the teachings of Islam are *salihun likulli zaman wa likulli makan* (applicable to all humankind everywhere on earth at all times), although the revelation has ended simultaneously with the death of Rasulullah Saw, more than 14 centuries ago. In this context, the concept of Maqasid Syariah helps us to make it easier to be implemented (Awwa, 2006).

Along with the development of the era of globalization, the problems of human life increased rapidly. The age of globalization, in some literature is declared that originated in the decade of the 1990s (Manzoor, 2004: 280). This era is signed by the rapid development of various matters of life, including the economic and finance field. Economic activity in the world is not limited by a geographic, linguistic, cultural and ideological boundaries, but rather because of mutual need and interdependent factors (Jan Pronk, 2001: 43). The world becomes a borderless world, especially because of the rapid development of information technology. Such circumstances give people many opportunities as well as challenges (Leimgruber, 2004: 18-19), especially in efforting how the moslem community is more Islamic, including its social economic and finance activities (Moten, 2005: 231-255).

The process of globalization is estimated faster in the future, even can be stated that the world is changing at an unprecedented pace. Complexity of people's lives include socio-cultural, economic and legal aspect increased rapidly. This condition needs a strong tool to conquer the exposure of various challenges and problems of life. One of a sophisticated tool is maqasid Syariah (Risuni, 1999: 16). Maqasid Syariah can be designed as a tool in solving contemporary problems and challenges.

B. THE DEVELOPMENT OF MAQASID SYARIAH

The theory of maqasid al-Syariah, like all other Islamic sciences, has not suddenly become an established and systematic science, but it has gradually developed, from its emergence to the process of systematization and perfection. At the beginning of its emergence, Islamic scholar founded maqasid syariah principles in al-Quran and hadith (Yubi, 1998: 41-45). At-Turmuzi al-Hakim was the first scholar used the term al-maqasid in the third century of Hijriyah. He was known as an priest

who do *ta'lil* more against Islamic law to seek and find the secret and wisdom behind the text. He was also noted as the first person that used the term of maqasid in the title of his works *al-Solah wa Maqasiduhu*, *al-Haj wa Asraruhu*, *al-'Ilal*, and *'Ilal al-Syari'ah*, and *'Ilal al-'Ubudiyah*, and *al-Furuq*. However, it is noted that al-Hakim did *ta'lil* (Risuni, 1995: 42-45) based on the *zuqqi* approach (Sufistic feeling) (Abdul Rahman, 2000).

After al-Hakim, Abu Mansur al-Maturidy (d.333), a theologian and the theoretician of kalam science, wrote *Ma'khaz al-Syara'i'*, a book in the field of Ushul al-Fiqh. Abu Bakr al-Qaffal al-Syasyi (d.365) wrote Mahasin al-Shari'ah, a book discussed about al-maqasid (Risuni, 1995: 43). Abu Bakr al-Abhari (d.375) wrote *Kitab al-Usul*, *Kitab Ijma' ahlu al-Madinah*, *Mas'alat al-Jawab wa al-Dala'il wa al-'ilal*. Al-Baqilany (d.403) developed ushul al-fiqh with new ornaments so that he can be classified as the second *al-mun'thif* in the ushul al-fiqh science after Shafi'i as the first *al-mun'thif*. Shafi'i was known as the originator of the writing and construction of ushul fiqh science, then al-Baqilani made a very significant leap in the field of ushul fiqh by expanding its scope comprehensively and combining it with kalam science. Among his works in the field of ushul fiqh was *al-Taqrif wa al-Irsyad fi Tartib turuq al-Ijtihad* (Risuni, 1995: 45-46).

A notable person after him was al-Juwaini (Imam al-Haramain, d.478H). His prominent work was *al-Burhan* (Yubi, 1998: 47-48). He discussed deeper about al-maqasid in that book. This was a new phase in the development of al-maqasid science. The position of al-Burhan, exactly the same as al-Risalah, work of Syafi'i. He used the word *al-maqasid*, *al-maqasad* and *al-qasdu* in al-Burhan (Hasani, 1995: 41-44). Al-Juwaini was the founder of al-maqasid classification into three levels and the scope of *al-daruriyat al-kubro* (*al-daruriyat al-khums*) i.e religion, soul, intellect, descent and wealth (Risuni, 1995: 49-50).

Al-Juwaini's thought followed by his student, Abu Hamid al-Ghazali (d. 505 H). His work was *al-Mankhul min ta'liqat al-Usul*. Al-Ghazali not only accepted the idea of the teacher in the field of ushul al-fiqh in general and al-maqasid in particular, but also criticized and discussed the idea of the teacher, adding and developing it. It is seen in his work, *Syifa' al-Ghalil fi Bayani al-syabah wa al-mukhil wa masaliku al-ta'lil* and *al-mustasfa min 'ilm al-usul*. Al-Ghazali divides al-masalih according to its level of strength and clarity, so al-masalih according to him is at the level of *al-daruriyat*, *al-hajiyat*, *al-tahsiniyat* and *al-tazyinat*. Al-Ghazali's classification in al-maqasid was being main reference of the next generation of ushul al-fiqh theorists (Hasani, 1995: 45-46; Risuni, 1995: 52-56).

Fakhruddin al-Razy (d.606 H) was a scholar after al-Gazali. His work was *al-Mahsul*. It repeated al-maqasid's theory of al-Juwaini and al-Ghazali. Al-Razi's contribution in this regard was developing *ta'lil al-ahkam* method widely (Risuni, 1995: 57). Subsequently, al-Amidy (d. 631 H) wrote *al-Ihkam fi usul al-Ahkam* which was a summary of three earlier works namely al-Mu'tamad, al-Burhan and al-Mustasfa. The new and very useful contribution of al-Amidi was incorporating al-maqasid into the tarjih chapter, precisely the tarjih between conflicting qiyas. It is a good method that followed by scholars after him (Yubi, 1998: 54).

The development of ushul al-fiqh science after al-Razi and al-Amidy generation was stagnant. The work in this period was no more than summarizing previous works, commenting on the summary, then summarizing the comment again with insignificant additional comments. Al-maqasid improver in this period was Ibn al-Hajib (d. 646 H). He followed the method that had been pioneered by al-Amidy. According to him, al-maqasid has two kinds: first, al-daruri. This is the highest level of al-maqasid. It likes *al-maqasid al-khamsah* namely: maintaining religion, soul, mind, heredity and treasure. Secondly, the maqasid which is not al-daruri ie al-hajiyat or demands of needs such as sale and purchase and rent ... " (Risuni, 1995: 60)

Baidhawi (685 H) divided al-maqasid into maqasid ukhrawiyah and maqasid dunyawiyah. Ukhrawiyah is like cleansing the soul. Maqasid dunyawiyah has three levels. First, daruriyyah, for example protecting the soul with qisas, protecting the religion with jihad, protecting the mind by setting sanctions for the drunkards, protecting the property by establishing the rules of *al-daman* (compensation), protecting the heredity by establishing the law for adulterers. Secondly, maslahah hajiyah for example establishing the law of guardianship for children. Third, tahsiniyah like forbidden dirty goods. Al-Asnawi (d 772 H), he committed to the systematization of al-Amidy.

Ibn al-Subky (d. 771 H) added *al-maqasid al-khamsah* one aspect, namely al-'ardh. He also changed the term al-nasab with al-nasal (Risuni, 1995: 62-64). Ibn Asyur objected to put al-'ardh into the scope of al-daruriyat. According to him, al-'ardh belongs to the scope of al-hajiyat. He also did not accept hifzu al-nasab in al-dharuriyat's scope unless it will lead to hifzu al-nasal ('Asyur, 2001: 81-82).

In addition to al-maqasid figures as mentioned above, there are also a number of figures and even more popular than the previous figures. Izzuddin Ibn Abd al-Salam (d 660) for example, he is

very popular with his work *Qawa'id al-Ahkam fi Masalih al-Anam*. This work focuses on the maqasid issue of shariah whether expressed in terms of maqasid al-ahkam or with al-masalih and al-mafasid, which was extracted from *jalbu al-masalih wa daru al-mafasid* (Risuni, 1995: 65). Briefly the work of Ibn Abdi al-Salam from the beginning confirms that the majority of Quranic maqasid are: *al-amru bi iktisab al-masalih wa asbabih, wa al-zajru 'an iktisab al-mafasid wa asbabih*.

One of notable persons in the field was Ibn Taymiyyah (Badawi, t.t.). What he did was developed by his senior student, namely Ibn al-Qayyim (d 751). The relationship between them was like the relationship between al-Qurafi against his teacher Ibn Abdi al-Salam. Subsequent generations include al-Syatibi (Ibrahim ibn Musa ibn Muhammad / Abu Ishaq (790 H / 1388 AD). As-Syatibi was known as the figure who initiated and built the systematization of the maqasid Shariah. His position as Imam Shafi's role in building the science of ushul fiqh (Abdul Rahman, 2000: 133-134). The works of al-Syatibi are *al-Muwafaqat*, *al-I'tisham*, *al-Ifadat wa al-Insyadat*, *Syarh al-fiyah* ('Ubaidi, 1992: 131-138). The contemporary generations that improved more to the concept of maqasid is Jasser Audah. One of his work is *Maqasid al-Shari'ah as Philosophy of Law: A System Approach*, and others.

C. MEANING & OPERATIONAL OF MAQASID SHARIAH

Maqasid al-Shariah, al-Maqasid al-Syar'iyyah, and Maqasid al-Syari' are words of equal meaning (Abdul Aziz, 2002; Mukhtar, 2001: 13-17). The most popular among them is Maqasid al-Shariah. Maqasid al-Shariah is one of the important concepts in studying Islamic law. The urgency of maqasid al-syari'ah encourages the theorists of Islamic law to make maqasid al-syari'ah as one of the criteria (in addition to other criteria) for mujtahid who do *ijtihad*. The main concept of maqasid al-syari'ah is to realize the good deed at the same time avoid the bad deed or getting the benefit and refusing disadvantage as the main purpose of Islamic Shari'ah was revealed to the earth (Yubi, 1998: 118-121). The similar term of maqasid al-syari'ah is *maslahat*.

Maqashid shariah consists of two words namely *maqashid* and *syariah*. *Maqashid* is the plural of the word *maqsd* which means a goal, a middle, fair, intentional, or a straight path (Abadi, 1987: 396; Wehr, 1980: 767). *Shari'ah* is the law and wisdom revealed by Allah Almighty for achieving the benefit for everyone in his life in the world and the hereafter.

Allah (SWT) decreed the Shari'a (rule of law) for guiding human to obtain the benefit and avoid the harm (*jalbul mashalih wa dar'u al-mafasid*). All rules of law that revealed by Allah were directed to provide the benefit for human. Meanwhile the meaning of *maqashid al-syariah* is

المعاني التي قصد الشارع إلى تحقيقها من وراء تشريعاته وأحكامه

The meanings which are the purposes of Shari '(Allah SWT) to be realized behind the teaching of a doctrine (Audah, 2007: 15). According to 'Alāl al-Fāsi (Fāsi, t.t.: 7) The meaning of *maqasid al-shari'ah* is the objective of shari'ah and the secrets established by al-Shāri '(God) in every provision of His laws. According to al-Kurdi, *Maqasid Syariah* means *al-ma'aani allati syuri'at laha al-ahkam* (Kurdi, 1980: 186).

As a foundation for the purpose of establishing the law, it is no exaggeration to say that the consideration of *maqasid al-shari'a* becomes an urgent one for issues and problems which are not found firmly in the texts (Al-Quran and Sunnah). *Maqasid Syariah* is a system of values that could contribute to a desired and sound application of the *shari'ah*.

According to conclusion from many Islamic scholars released by Jasser Audah, *Maqasid al-Shariah* are the objectives/purposes/intents/ends/principles behind the Islamic rulings, (Ashur, 1997: 183) which found expression in the Islamic philosophy/theory/ fundamentals of law in various ways, such as public interests (*al-maṣāliḥ al-āmmah*) (Juwaini, 1400H: 183), 'unrestricted interests' (*al-maṣāliḥ al-mursalah*) (Ghazaly, 1413H: 172), the avoidance of mischief (*mafsadah*) (Qarafi, 1994: 478), the wisdom behind the scripts (*al-ḥikmah*) (Amidi, 1404H: 391), the appropriateness of the juridical analogy (*munāsabat al-qiyas*) (Qudama, 1399 H: 42), the basis behind juridical preference (*asl al-istiḥsān*) (Sarakhsi, n.d.: 205), the basis behind the presumption of continuity principle (*asl al-istiḥāb*) (Salam, n.d.: 23), and a large number of other tools for juridical *ijtihad*.

Al-Syatibi employed different words relating to al-maqasid, namely *maqasid al-shariah*, al-maqasid al-syar'iyyah, and *maqasid min syar'i al-hukm*. Nevertheless, some of these words contain the same meaning, namely the purpose of the law derived by Allah SWT (Bakri, 1996: 63-64). According to al-Shatibi, the meaning of al-maslahah is getting benefit and rejecting detriment not only based on common sense, but also protecting the rights of human.

Discourse about *maqasid syariah* always relates to discourse about *ta'lil ahkam*, namely about main question, did Allah establish *syariat* (rules) based on any objective or any wisdom or philosophy? Regarding this matter, there are two mainstreams school of thought. First, all deed of

Allah and all syariat rules revealed by Allah contains 'illat (rationality), include about Allah creates all creatures, Allah orders and forbids something, those all contain noble objectives and wisdom. It is school of salaf scholar, four imam mazhab and the their followers, majority of mufassir, mutakallimin, usuliyin dan fuqaha, even mu'tazilah (Yubi, 1998: 80). This school of thought is based on QS al-Mukminun 115; Shad 27.

The second, in contrary with the first, that all deed of Allah and all syariat rules revealed by Allah does not contain 'illat (rationality), include about Allah creates all creatures, Allah orders and forbids something. Those all don't contain noble objectives and wisdom, but only because of the desire of Allah. It is school of al-Zahiriyah dan al-Asy'ariyah (Yubi, 1998: 91).

In this regard, the justification of al-Shatibi's opinion should be argued that the reason can not determine the good and evil of something. The meaning resulted from the reason can not be subjected to the Shari'a. In this regard, al-Syatibi determined two criterias of maslahat, namely, first, the maslahat must be absolute meaning, not a relative or subjective. Secondly, maslahat is universal (kulliyah) and this universality is not in contradiction with some of its juz'iyat (Kailani, 2000: 136-139)

In al-Muwafaqat book, al-Shatibi divides al-maqasid in two important parts, namely 1). shari'a '(qashdu asy-syari)' that is based on the purpose of God as the Maker of Shari'a, and 2). means of mukallaf (qashdu al-mukallaf) that is based on the purpose of human beings who are burdened by the Shari'a. In the first objective, which deals with the purpose of Allah SWT in establishing the principles of the teachings of the Shari'a, and in this sense Allah Almighty aimed to set them to be understood, also so that people who are burdened by the Shari'a can carry out. While the second goal, for human beings as mukallaf understand the essence of the wisdom of the Shari'a.

Classifications of maqāsid, according to traditional dimension (for instance Syatibi etc.), divided into three 'levels of necessity,' which are necessities (*ḍarūrāt*), needs (*ḥājīyāt*), and luxuries (*taḥsīnīyāt*) (Syatibi, 1997: 324). Necessities are further classified into what preserves one's faith, soul, wealth, mind, and offspring. The fifth sequence of this dharuriyyat is ijthadi, meaning that it is based on the scholars 'understanding of the texts taken by istiqlal'. In composing these five dharuriyyat (some call it al-kulliyat al-khamsah), Imam Syathibi sometimes prefers aql rather than nasl, sometimes nasl first then aql and sometimes nasl then mall and last aql. But one thing should be noted that in any order the Imam Syathibi always begins with din and nafs first. The above sequence differences show that the systematics of al-maqasid or al-masalih are ijthadi.

Some jurists added 'the preservation of honour' to the above five widely popular necessities. These necessities were considered essential matters for human life itself. There is also a general agreement that the preservation of these necessities is the objective behind any revealed law, not just the Islamic law. Purposes at the level of needs are less essential for human life. Examples are marriage, trade, and means of transportation. Islam encourages and regulates these needs. However, the lack of any of these needs is not a matter of life and death, especially on an individual basis. Purposes at the level of luxuries are beautifying purposes, such as using perfume, stylish clothing, and beautiful homes. These are things that Islam encourages, but also asserts how they should take a lower priority in one's life.

The levels in the hierarchy are overlapping and interrelated, like a pyramid (Auda, 2007: 17). The classical scholars composed maqasid al-syariah in pyramidal levels, starting from maqāsid 'ammah as its center and then branching into the maqāsid typical and the last maqāsid juz'iyah. Then from the other side starting from al-ḍarūriyah (necessities), ḥājīyah (needs) then taḥsīnīyah (luxuries). They set priorities in the event of a conflict between the maqasid with each other, then a stronger priority is prioritized. It aims to avoid the person who executes the interpretation or reasoning trapped in the laws of a particular nature (juz'iyat) alone and ignores maqasid al-syari'ah. As a result, it will lead to confusion of laws (Qaradawi, 1985: 44).

In addition, each level should serve the level(s) below. Also, the general lack of one item from a certain level moves it to the level above. For example, the decline of trade on a global level, for example during the time of global economic crises, moves 'trade' from a 'need' into a 'life necessity,' and so on. That is why some jurists preferred to perceive necessities in terms of 'overlapping circles,' rather than a strict hierarchy.

Although this theory seems simple, it turns out that the application of this theory in reality is very difficult and complicated. For this reason, lately emerged another view among contemporary scholars such as Jamaludin 'Atiyah ('Athiyyah, 2001) and Jasser Auda which is different from the classical arrangement above. They argue that maqāsid al-Syariah at all levels is not a pyramidal arrangement, in which maqasid is divided between the upper and lower, but it is the circles that meet and touch each other (dawāir mutadākhilah wa mutaqaṭi'ah), whose relationships are related to one another.

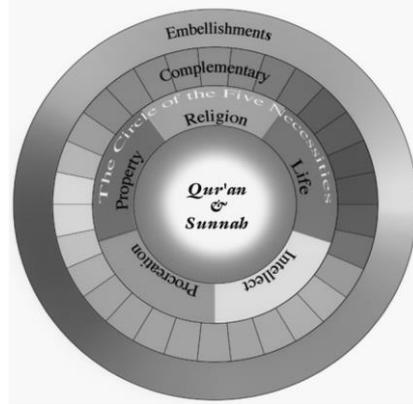


Chart 1. Circle of Maqasid Syariah

This model has two important characteristics, 1). The circles are not only concentric, but all of them beyond the center may also be regarded as orbiting the center (the core). They orbit in the manner of a solar system. 2). If we consider the radiuses as representing the pull or force of gravity toward the center, then the pull of gravity will be inversely proportional to the length of the radius. The shorter the radius the greater the pull of gravity and the longer the radius the less the pull.

The first circle is the central circle. It represents the heart or the core of the Islamic culture and it is also considered as the central power of its activity and continuation. It is also the core of all other circles. The circle of the essentials (daruriyyat) is the circle that includes five basic and universal necessities or priorities on which the lives of people depend, and whose neglect leads to total disruption and chaos. The five basic are preserving religion (one's faith), life, intellect, procreation and property. These five necessities are derived from Shari'ah as necessary and basic for human existence. Therefore, every society should preserve and protect these five necessities; otherwise human life would be harsh, brutal, poor, and miserable here and in the hereafter. Islam is a religion that upholds human values and provides solutions for human life to be harmonize and balance. This is what Jasser seeks to establish how a system concept can govern the lives of Muslims to run complying with the rules.

Moreover, the notion of *maqāṣid* has been expanded to include a wider scope of people – the community, nation, or humanity, in general. Ibn Ashur (also introduced shortly), for example, gave *maqāṣid* that are concerned with the 'nation' (*ummah*) priority over *maqāṣid* that are concerned with individuals. Rashid Rida, for a second example, included 'reform' and 'women's rights' in his theory of *maqāṣid*. Yusuf al-Qaradawi, for a third example, included 'human dignity and rights' in his theory of *maqāṣid*. The above expansions of the scope of *maqāṣid* allows them to respond to global issues and concerns, and to evolve from 'wisdoms behind the rulings' to systems of values and practical plans for reform and renewal.

On the other hand, we should not limit the concept of *maqāṣid* to what the classical scholars stipulate as described above. This is due to the development and change of time will of course affect the change of law. Something that in classical times is deemed worthless may now be valuable and valuable, as it exists in various commodities, plant species, occupations and so on. Likewise, something at a certain condition and place is valuable but in other conditions and places becomes worthless.

D. MAQASID SYARIAH FOR DEVELOPING ISLAMIC ECONOMICS THEORY

Sophisticated concept of *maqasid* Syari'ah explained above can be a tool in developing islamic economics theory. One tool in utilizing *maqasid* Syariah is called *al-fikr al-maqasidy*. It is a pattern of thought inspired by *maqasid* Syariah, held on to it's principles and benefits for solving contemporary human problems included social politic, economics and finance problems, etc.

Maqasid Syariah is not only useful for mujtahids (moslem scholars), but also for any thinker that adopted this method as a way of thinking for solving contemporary human problems (Risuni, 1999: 99-100). *Al-fikr al-maqasidy* as a method of systematic inductive thinking (*istiqrā'i*) to get a comprehensif final conclusion in solving any problems (Rabiah, 2002: 113-116). It shows that having a comperhensive understanding about *maqasid* syariah can be a basis platform in developing theory and practice of Islamic economic and finance in order to the process and result of Islamic

economic and finance are in line and compliance to the rules and norms determined by Allah as the Creator of the law ('Asyur, 2001: 411-518).

Maqasid Syariah will bring the mujtahid to the true final goal of law that comply to Syariah principles with a steady heart. In general, if a person does any activities without understanding the objective and the benefit of the activity, he will bored in short time, even stopped the activities (Risuni, 1999: 115). It is the reason of the urgency of a comprehensive understanding about maqasid syariah for every students, thinkers, scholars, and practitioners of Islamic economics and finance (Habib, 1427H: 111-132). In order to they will be consistent in developing Islamic economics and finance although it needs more efforts and consuming very long time in the future. They will see the urgency of Islamic economics and finance for human life from maqasid syariah perspectives. Based on the explanation above, it is very importance for every students, thinkers, scholars, and practitioners of Islamic economics and finance to understand well about maqasid Syariah in order to they always have flamed up of motivation and spirit in struggling the islamic economic and finance practice in the world. In this regard, asy-Syatibi stated (Syatibi, 1997: 344; Risuni, 1999: 119):

المقاصد ارواح الاعمال فالاعمال بالامقاصد اعمال لاروح غيها

Meaning: Al-maqasid/Objectives are soul of activities, if the activities done without objectives/maqasid then no soul inside.

The Maqasid Syariah studies are not only limited to understand the objectives of Syariah by preserving five basic needs (faith, soul, wealth, mind, and offspring), but also to understand about Syariah theories for bringing Maqasid Syariah into reality, basic philosophy, rationality, *illat*, the secret of tasyri', and any other method to discover islamic law like theory of analogy, *illat*, *masalikul'illat*, *istihsan*, *maslahah mursalah*, *sadd al-zariah*, 'urf, *istishab*, *takhrijul manath*, *tanqihul manath*, *tahqiqul manath*, and other methodologies instruments related to Maqasid Syariah, accompanied by ushul fiqh theorem related to Maqasid Syariah. Those concepts can be adopted as a tool in enhancing Islamic economic and finance development.

Maqasid Syariah is not only being a determinan instrument in producing innovative islamic economics theory that can be applicated in producing many scheme of economic activities fulfilled Syariah compliance, but also providing philosophical and rational dimension to them. Maqasid Syariah extended rational and substancial thinking pattern to render contracts and products offered by Islamic economic and finance institution. If the contracts and products only employee fiqh thought *an sich*, then caused formalistic and textual pattern of thought that occasioned rigid and jumud. Contrary to that condition, Maqasid Syariah will make islamic economics and finance product developed well and always in line and relevance with the rapid change of the world in many aspects. It is suitable with what al-Ghazali stated (Risuni, 1999: 91):

مقاصد الشرع قبلة المجتهدين من توجه الى جهة منها اصاب الحق

Factual example about application of maqasid Syariah in economics and finance is annuity method decision for murabahah based product. Other example is hedging, hybrid contract, murabahah financing, penalty for default payment, syariah card, gharar qalil, (revenue sharing, net revenue sharing and profit and loss sharing), Profit Equalization Reserve (PER), sukuk, repo, take over, etc.

Ijtihad as a method in giving solution to the complexity of economic and finance problems needs Maqasid Syariah to provide philosophical, moral and substancial dimension of ijtihad's product. Carelessness to Maqasid Syariah impacted to the rigidity and jumud of islamic economic and finance concept. A scholar and practitioner of Islamic finance who did not understand Maqasid Syariah will easily missed in getting the substance of islamic economic and finance. If regulations dan rules of PSAK (Pernyataan Standar Akuntansi Keuangan/Standard Statement of Financial Accounting) formulated without well understanding to Maqasid Syariah, the regulations and rules will be ambiguous, rigid and may be will occur a fatal wrong. Without Maqasid Syariah, all products of finance and banking, regulation, fatwa, fiscal and moneter policy will get lost of its syariah substance. Without Maqasid Syariah, fiqh muamalah that developed will be rigid and static, finally islamic banking and finance will be stagnan.

Employing Maqasid Syariah in solving contemporary economic challenges and problems will actualized fiqh muamalah as an elastic, flexible, energetic and always relevance with the age development (*shalihun li kulli zaman wa likulli makan*). This condition will enhance the development of Islamic economic theories and application of the theories into economic activities rapidly. It is why Maqasid Syariah is very urgent tool in dinamizing fiqh muamalah of economic in order to the theory and practice of islamic economic relevance and suitable with the development of contemporary era.

E. SUMMARY

Based on the above explanation, it can be concluded that maqasid Syariah summarizes the overall purpose of sharia in a simpler and easier way to be understood. It can be designed as a tool in developing islamic economics theory. One tool in utilizing maqasid Syariah is called *al-fikr al-maqasidy*. It is a pattern of thought inspired by maqasid Syariah, held on to it's principles and benefits for solving contemporary human problems included social politic, economics and finance problems, etc.

The Maqasid Syariah studies are not only limited to understand the objectives of Syariah by preserving five basic needs (faith, soul, wealth, mind, and offspring), but also to understand about Syariah theories for bringing Maqasid Syariah into reality. Maqasid Syariah will bring the mujtahid to the true final goal of law that comply to Syariah principles with a steady heart. It is the reason why every students, thinkers, scholars, and practitioners of Islamic economics and finance are very urgency to understand comprehensively about maqasid syariah. Employing Maqasid Syariah in solving contemporary economic and finance challenges and problems will actualized fiqh muamalah as an elastic, flexible, energetic and always relevance with the age of development (*shalihun li kulli zaman wa likulli makan*), so that those all will enhance the development of Islamic economic theories and application of the theories into economic activities rapidly.

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