

Research article

The Implementation of Maqasid Al-Sharia Values in Economic Transactions of The Java Community

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Abstract.

Indonesian people use the profit-sharing system in the villages, especially in the fishing, agriculture and trade sectors. Farmers implement the profit-sharing system that refers to the values in sharia. The Islamic Sharia aims to realize human benefit in realizing kindness in the world and the hereafter because the benefit principle is the primary goal of Maqasid Al-Sharia. The benefits from Maqasid Al-Sharia have five principles of human interest called al-mabadi'al-khamsah or usul al-khamsah, including: guarding religion (hifz al-din), guarding the soul (hifz al-nafs), guarding reason (hifz al-'aql), guarding property (hifz al-mal), guarding descendants (hifz al-nasl). The implementation of Maqasid Al-Sharia on the economic transactions of the Javanese community makes cooperation in the agricultural profit-sharing (paron). This research is library research using juridical-normative research type that is a research focused on examining the values of maqashid sharia in economic transactions of indigenous peoples. The research method used is juridical-normative using the positivist conception of legis. This conception views law as a normative system that is independent, closed, and detached from society's real life. This research collects secondary data; library materials include official documents, journals, books, libraries, scientific works, articles, and documents. The results show that 1) The "paron" cooperation carried out by farmers in Ngadiboyo Village is a cooperation agreement using verbal agreement and trust without a written agreement; 2) The "paron" cooperation carried out by farmers in Ngadiboyo Village is following the view of sharia economic principles. It is because the "paron" cooperation of the two parties has implemented sharia principles that are the principle of justice, the principle of voluntary, the principle of benefit, the principle of helping, the principle of honesty, the principle of trust, the principle of responsibility and the principle of permissibility. Referring to the main purpose of Maqasid Al-Sharia, it becomes the primary support in every economic transaction of the Javanese community.

Keywords: Maqasyid Syariah; Economic Transactions; Javanese Society

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1. Introduction

Allah sent down Islamic Sharia to provide kindness and benefit to humans. Therefore, the objective or *maqasyid* of Islamic law protects the interests and needs of humans in this world and the hereafter.[1] *Maqasid Al-Sharia* is the goals and secrets set by Allah in every law that has been prescribed that achieve individual and community happiness, maintain laws and others to prosper the world so that it reaches a significant stage of perfection, kindness, progression, and civilization. According to al-Shatibi and his book *al-Muwafaqat Fi Usul al-Shariah*, in addition to maintaining the benefit of human interests in life in the world, it also aims to maintain human interests after their death. *Maqasid Al-Sharia* is a general goal achieved by sharia and realized in life. Legal theorists make *Maqasid Al-Sharia* a science that must be understood by *mujtahids* who perform *ijtihad*. The essence of the sharia *maqasyid* theory is to *jalb al-masahalih wa daf'u al-mafasid* or accomplish kindness while avoiding evil, attracting benefits, and rejecting harm. Therefore, the equal term with the core of *Maqasid Al-Sharia* is *maslahah* (*maslahat*) because the law application in Islam must lead to *maslahah*. [2] A brief description of the economy of the ancient Javanese people during the Borobudur period in trading activities already exists. It was known to the people at that time but not necessarily entirely using money as a medium of exchange. In ancient Javanese, the term market called *pken* or *pkan* was already used in the 9th century. Some inscriptions mention that the market location is close to the village, road, or river. [3] The word market in traditional communities in rural areas is associated with a five-day week (*pancawara*) that is *legi* (*umanis*), *paing*, *pon*, *wage*, and *kliwon* (*kaliwuan*). Javanese people call it the market day (*dina pasaran* (*dina*: day)). Market activity in each village is centered on one market day. Each village is different from the others. Thus, it is known that there is a *legi* market, a *paing* market, a *pon* market, a *wage* market and a *kliwon* market, and until now those terminologies are still used.

The sellers who implement trading activities in the inscription are called: first, *Adwal*: small-scale sellers or itinerant vendors; second, *Apikul*: peddlers of goods by carrying their wares; third, *Adagang*: traders and usually on a small scale but above the schedule and the selling area is wider; fourth, *Abakul* or *adagang bakulan*: sellers who may be more professional in the market; fifth, *Banyaga bantal*: a more significant merchant. Unfortunately, the inscriptions do not provide a direct description of how the transaction activities in the market, whether by using an exchange medium or barter system. [4] In Javanese society, both men and women can trade and pawn transactions. The inscription data shows various kinds of transactions carried out by the community,

starting from trading and pawning land to trading transactions in the market. The inscription illustrates the trading in the Javanese period, which was conducted on a local, regional, and international scale. The local scale can be seen from taxable commodities, such as agricultural products, livestock, and home industry products.[5] Trading activities (*bakulan*) are exchange activities/transactions conducted in a society. The definition of *bakulan* includes activities that have economic value and social value. The actors of *bakulan* activities include sellers (*bakul*) and buyers (*wong tuku*). Thus, the "market" definition for the people in the study area is where relationships and comfort are established between *bakul*, *wong tuku*, and *bakulan*. In this sense, the market accommodates trading activities and social interaction. Referring to Schulz (1977), the market plays a role in accommodating commercial functions and developing social values.[6] This study aims to determine the implementation of *Maqasid Al-Sharia* values in Javanese economic transactions: the first is to determine the values of *Maqasid Al-Sharia*; the second is the *paron* system in economic transactions; and the third is the advantages of the *paron* system in Java.

2. Research Method

This research is library research using juridical-normative research that is focused on examining the values of *Maqasid Al-Sharia* in the economic transactions of indigenous people. Juridical-Normative is an approach that uses a positivist legislative conception. This conception views law as a normative system that is independent, closed, and detached from society's real life. This research focuses on the primary problem of applying or implementing *Maqasid Al-Sharia* values in economic transactions in indigenous peoples. The data in this study are secondary library materials, including official documents, journals, books, libraries, scientific works, articles, and documents related to this research material.

3. Result and Discussion

3.1. Maqashid Sharia Values

Terminologically, *Maqasid Al-Sharia* can be interpreted as values and meanings used as goals and realized by the sharia (Allah SWT) behind the sharia and law-making, which are researched by mujtahid scholars taken from sharia texts.[7] There are only three Mujtahids; *dlaruriyat*, *tahsiniyat*, and *Daruriyat* that maintain the benefit of the

world and the hereafter. If this does not exist, there will be damage in this world and the hereafter. [8] The level of damage is the extent to which the daruriyat is lost. There are five *maqasid al-dlaruriyat*: guarding religion, guarding the soul, guarding descendants, guarding property, and guarding the mind.[9]

3.1.1. Protection to the Religion

Islam maintains rights and freedoms, and the first freedom is freedom of belief and worship. Every believer has the right to other religions and schools of thought and should not be pressured to convert to Islam (Jauhar & al-Mursi, 2009). The basis of this right is according to the word of Allah: "There is no compulsion to (accept) religion (Islam). Indeed the right course has become clear from the wrong. (Al-Baqarah (2) 256).

3.1.2. Protection to the Soul

On the 9th of Zulhijjah in the year 10 H, the Prophet Muhammad went to the Arafah field, there he gave a sermon, which included:

O servants of Allah, I advise you and myself of fearing Allah and I encourage you to obey Him and I will begin with what is good.

The primary right in Islam is the right to life or soul, which is purified and should not be destroyed by glory. This is because humans are God's creation. Such is the deed of Allah that firmly establishes all things.

Indeed, He is Acquainted with that which you do. (QS. An- Naml 27:88)

3.1.3. Protection to Mind

Mind is the source of wisdom (knowledge), the light of guidance, the heart's eyes, and the medium of human happiness in this world and the hereafter. Therefore, with the sense of a letter from Allah being conveyed, humans have the right to be leaders on earth, and with it, humans become perfect, noble, and different from other creatures.

3.1.4. Protection to the Descendant

Al-Muhafazhah Ala Al-Nasl is a preservation guarantee for the human population to remain alive and develop physically and psychologically.[10] In nurturing descendants, Islam regulates marriage and prohibits adultery. In addition, Islam provides provisions in

the Al-Quran and As-Sunnah to maintain descendants. Moreover, Islam provides lessons on educating children and maintaining a family.

3.1.5. Protection to the Treasure/ Wealth/ Assets

Wealth is one of the primary needs in human life because humans cannot be separated. Humans are motivated to seek wealth to maintain their existence and increase material and religious enjoyment. Therefore, he must not stand as a barrier between himself and wealth. However, these motivations are limited by three conditions: assets collected legally. It is used for lawful things, and from this, the treasure must be taken out from Allah and the community in which he lives.[11] In this case, Imam al-Ghazali argues that: "Indeed, taking advantage and rejecting harm is the goal of creation. Good and bad creatures are very dependent on the extent to which the goals of the creatures have been achieved. However, what is meant by benefit here is to maintain the goals of *syara'*. The goals of *syara'* in dealing with creatures include: protecting their religion, soul, mind, lineage, and property. Everything that contains efforts to protect the five main things is a benefit. It is better if everything that does not contain the five main things is *mafsadat*.[12] In Islamic law, the humans themselves, the Islamic law aim to achieve a happy and prosperous life by taking what is beneficial and preventing or rejecting what is harmful to life. In other words, in general, the essential purpose of Islamic law is the achievement of Allah's pleasure in human life on this earth and the hereafter (Prawito, 2013). Based on the five *maqasid*, human considerations are sufficient to prevent or reject harm, both *muamalah*, and *aqidah*. If the government system applies this concept, then there will be benefits not only for Muslims but also for others.[13] The welfare achieved by the community or the public is materialized worldly and welfare based on *Maqasid Al-Sharia* as the basis for a balance between the worldly and the hereafter. The indicators can be measured using *Maqasid Al-Sharia* through the maintenance of religion (al-din), soul/health (al-nafs), and wealth/possession (al-mal). The community's welfare follows Islamic teachings taught by the Prophet Muhammad SAW, which will balance their welfare in this world and the hereafter.[14]

3.2. Paron System in Economic Transaction

Paron is profit-sharing made by landlords and sharecroppers where each party (landowner and cultivator) gets half of the harvest. In the KBBI, the term "paron/maro" means an agreement to divide the land between the cultivators and the landlords.[15]

Meanwhile, according to language system, *paron* is an economic transaction is an agreement that is unwritten or spoken and is only based on trust, between the landlords and the cultivator or farm laborer, where the amount of the distribution is based on an agreement that has been determined by both parties, for example: partly for landlords and partly for land cultivators/farmers. Islam upholds the creative principle in its people to develop its potential in managing life. Cooperation is an act of *muamalah*. The various types of *muamalah* are permissible (mubah) until evidence is found that prohibits them. It means that it may be carried out as long as no arguments are forbidding a *muamalah* creation. Humans are freely given the freedom to do anything that can benefit themselves, others, and their environment, as long as no provisions prohibit it. Profit-sharing cooperation is an agreement familiar to the village community, mainly farmers.[16]

In Indonesian people's lives, a profit-sharing system has been found in the villages, especially in the fishing, agriculture, or trade sectors. This system, close to the Islamic economics concept, has been rooted in the nation's culture for a long time. The implementation of profit-sharing performed by farmers refers to the sharia values. The success of implementing Islamic values into the fishing, agriculture, or trade system is due to the model of the *da'wah* (preach) strategy carried out by Wali Songo (Nine Islamic Messenger) who carried out cultural acculturation. The process of transforming Islam into fishing, agriculture, or trade system is almost without causing significant problems in society, and these values become the soul in various people's lives such as fishing, agriculture, and trade.[17] The system or method of cooperation in cultivating agricultural land carried out by farmers is *maron* and a small portion of *nelon*. [18] In the suitability of the cooperation system or method in cultivating agricultural land by farmers with Islamic *fiqh muamalah* rules, the system or method of cooperation in cultivating agricultural land carried out by farmers is not contradictory and follows the rules of *muamalah fiqh*, which regulates cooperation in cultivating agricultural land. Therefore, farmers' cooperation process is categorized as a valid cooperation if fulfilling the applicable pillars and conditions. In addition, both parties hold the *muamalah* principles that are the existence of voluntary and benefit elements and customs that are not contradictory with the Quran and hadith and do not contain any harm. Thus, it is done on the agreement and the willingness of the landlords and cultivators when they ('aqid) accept it gracefully, then *muamalah* is legal and permissible.[19] In Indonesia, there is some local wisdom in the economy implemented by the community and efforts to develop an Islamic economy by Islamic financial institutions. For example, the practice of profit-sharing. Profit-sharing practices in indigenous communities are determined by the economic

principles adopted by each indigenous community. In local communities in the Tengger mountains, which have experienced the "individualization" process of land ownership for hundreds of years, it shows that the profit-sharing system occurring generally is between the land owner's family and the tenant/user. Although usually, they are relatives, the arrangement takes relatively light forms. Farmers who work other people's land get at least 50% of the harvest (*maro/paron*), and often more, even up to 75% (*telon*). In the Java lowlands, this profit-sharing arrangement is much more stringent because it is not based on "relatives", but "patronage" or "cooperation" between two different classes in society.[20]

3.3. The Advantages of Paron System in Java

3.3.1. Profit-Sharing Agreement in Law No. 2 of 1960

Profit-sharing agreement regulations (agricultural land). Profit-sharing agreement is an agreement between a person who has the right of an agricultural land and another who is called a cultivator. Based on an agreement, the cultivator can cultivate the land with the profit-sharing between the cultivator and owner of the land according to a mutually agreed balance; for example, each party gets one-half.[21] Meanwhile, the understanding of Law No. 2 of 1960 concerning profit-sharing agreements (agricultural land) stated in article 1 point c, that: "Profit-sharing agreements are agreements with any name which are held between the owner on one side and a person or legal entity on the other hand, who in this law is called a "cultivator," based on an agreement in which the owner permits the cultivator to carry out an agricultural business on the owner's land, with the profit-sharing between the two parties.[22] In practice, in Indonesia, profit-sharing agreements are usually made between the owner of a privilege and a party willing to manage the land or a party who wants to use and operate a business on the mentioned privilege. The harvest will be divided between the owner and the party who maintains it.

3.3.2. Paron Agreement in terms of the Sharia Economic Law Compilation

Sharia economics includes a union cooperation contract called *mudharabah*. Meanwhile, in the Civil Code, the occurrence of default in the *paron* agreement includes the third form of the default forms, that is, the objective achievement through errors.[23] Nevertheless, this *paron* agreement is still legal based on the Quran, which states that

helping out in kindness is recommended and allowed. In addition, it is also supported by one of the arguments of the Fiqh Rule, which is "The basic principle on the issue of benefits is permissible."

3.3.3. The Advantages of Traditional Economy System

1. The relationship between individuals and society and mutual help is powerful.
2. There is no economic gap between the rich and the poor
3. Economic activities are based on the honesty principle because the primary goal is to meet the needs of life, not to make a profit
4. No monopoly from the government
5. There is no inflation, unemployment, or other economic problems in the traditional economic system.[24]

4. Conclusion

In Islamic law, *maqasid* is to protect the interests and needs of humans in this world and the hereafter. The essence of the Maqasid Al-Sharia theory is to *jalb al-masahalih wa daf'u al-mafasid* or realizing kindness and avoiding evil, and attracting benefits and rejecting harm. The application of Maqasid Al-Sharia values: first, protection of religion. Islam protects rights and freedoms, and the first freedom is freedom of belief and worship. Every believer has the right to religion and other schools of thought and should not be pressured to convert to Islam. Second, protection of the soul because the primary right that Islam focuses on is the right to life or soul, a right that is purified and should not be destroyed by glory. Humans are God's creation. Third, protection of mind because it is a source of wisdom (knowledge), the light of guidance, the light of the heart's eyes, and a medium for human happiness in this world and the hereafter. Fourth, the protection of descendants, *Al-Muhafazhah Ala Al-Nasl* is a guarantee for preserving the human population to live and develop physically and psychologically. Fifth, the protection of assets is one of the core needs in human life because humans cannot be separated from them. Allah says: Wealth and children are the adornments of the life of this world (Al-Kahf 18:46).

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