

Effect of *Maqāsid al-Sharī'ah* on Preservation of Wealth

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Abstract

Money is an unavoidable part of life. Furthermore, sound money is a keeper of life. Islam's legislation supports in response to the value placed on sound money. Islam encourages people to acquire wealth through legal means, and it instructs us on how to manage it properly and how to increase it. Money, without a doubt, is one of the world's most valuable ornaments. Money is desired and adored, and Islam does not prohibit anybody from striving for and obtaining wealth as long as they do it in a good and lawful manner. This paper attempts to throw light on preservation of wealth in the preview of Maqasid Shariah.

Key Words: Maqasid Shariah, Objectives of Islamic Law, Preservation of Wealth, Money, Islam

Introduction

In fact, money is not desired for one's own in this life. Rather, it is desired for the advantages it can provide. It is merely a matter of survival. Machiavellian philosophy has no place in our religion (the ends justify the means). Relatively, the means are commended or condemned based on the outcomes they produce, whether good or bad.¹



The purposes and objectives of Islamic law, or *maqasid al-Shari'ah*, is an obvious but underappreciated element of the *Shari'ah*. In general, the *Shari'ah* is based on the individual and community benefits, and its regulations are aimed to protect these benefits while also facilitating the advancement and perfection of human life conditions.² Maturidiyyah is the foundation of conventional Sunni theology, along with Ash'ariyyah. Maturidi theology is best understood when compared to Mu'tazilah and Ash'ariyyah theology. The function of human reason in the creation of religious faith was one of the major theological issues that each of these schools grappled with. Unlike the al-Ash 'ari school, which claims that knowledge of God is gained by revelation through the prophets, Maturidiyyah claims that awareness of God's existence can be gained solely through reason.³

The link between human freedom and divine omnipotence was another important problem shared by all three schools. Despite humanity's free will, Maturidiyyah maintains that God is just all and in charge of history. Because humanity has the ability to discriminate between good and evil, it is responsible for whatever good or evil deeds are carried out. The Sunni theological school Maturidiyyah is named after its founder, Abu Mansur al-Maturidi. Following Ash'ariyyah, the school became known as the second orthodox Sunni theological institution during the Mamluk period. Al-Maturidi, who lived in the Central Asian city of Samarqand, had little influence on mainstream Islamic intellectual life during his lifetime. Maturidiyyah only gained prominence as a result of its acceptance by Central Asian Turkish tribes. The Maturidi school of theology progressively gained a foothold in all Hanafite communities. Because the Turks were largely Hanafite, the Hanafite and Maturidite schools extended over western Persia, Iraq, Anatolia, and Syria as a result of the Ottoman empire's growth.⁴

Money is an effective tool and an assistance in today's world.⁵ Consider how money is used to bring about advantages and to avert harm, because money is used to worship Allah and to maintain His commandments. It is a way of justice and rectification among Muslims; it is a means of kindness, connection, and solidarity. It is not permitted for a Muslim to see money as

anything other than what it is, to worship it as if it were a deity, and to act on whim and forsake one's convictions. It is forbidden to be neglectful and reckless in matters of law and justice, disobeying Allah's mandate and accepting Shaytan's demands for a few pounds that will not protect one from sickness, cure one from disease, or postpone death when one's time is up. Furthermore, on the Day of Judgment, everyone will be asked where they got their money and how they spent it in front of Allah.⁶

Contemplate the harsh questioning that a person who obtained money illegally would face, and then imagine the person who plans to divest his accounts every year, and the one who is cautious and ready for the taxman. Consider the person who hides a document or two and searches for a way out, and this is how life works.⁷ Remember your position in front of these debts, in front of the One who understands the deceit of the eyes and what is hidden in the breasts, in front of the One who knows no secret.⁸ Someone from humanity will say on that day: *"My wealth has been of no profit to me, my power has perished from me."* (Surah al-Haaqqah, 28-29.)

Money is viewed as a blessing in Islam, and we should be thankful for it. Similarly, it is a trust, and we are responsible for maintaining and protecting it from harm. Money is one of the five needs that we must conserve and safeguard, according to Islam.⁹

Greetings, Muslim! You have been entrusted with the care of your money, which is actually Allah's property. You have been appointed as a guardian and have been entrusted with this money, so spend it well and raise it through legal means. Allah says in this regard: *"Believe in Allah and His messenger, and spend from what He has made you guardians over, for those who believe and spend, for them is a great reward."* (Surah al-hadid, 57:7.)

When money is Allah's property and you, o man, are a guardian and trustee over it, as a trustee in charge of a fund, you have an obligation to obey the owner's instructions and directives: What does He want from it? What will make Him happy? What will offend Him? What has He given us to do and what has He forbidden us to do?

So, whether you work for a firm or an organization, you cannot defy the owner's directives or go against his or her instructions. Similarly, the Muslim is made a trustee over Allah's property that has been granted to him.¹⁰ So, pay attention and learn the Holy instructions concerning money: Allah, Exalted be He, has given instructions concerning the earning of money, that is, the manner in which a Muslim may earn money. Allah declares:

“O you who believe, do not consume money amongst yourselves in unlawful ways, but let there be amongst you trade by mutual good will. And don't destroy yourselves; indeed, Allah has been Most Merciful to you.” (An-Nisa' 4: 29)

Identification of Maqasid

As previously stated, the 'ulama' have taken several approaches to identify the maqâsid. The first strategy to be mentioned is the textualist approach, which limits maqasid identification to clear language, orders, and prohibitions, which are the maqasid's bearers. Outside of this framework, the maqâsid, according to this viewpoint, have no separate existence. If a command is explicit and normative, it conveys the Lawgiver's objective maqsud in the affirmative sense. Prohibitions are symptomatic of the maqâsid in the negative meaning, in that their objective is to suppress and avert the evil that the verse in question contemplates. Although this is widely recognized, there are some patterns within this broad framework. While the Zahiris tend to limit the maqasid to the obvious text, the majority of jurists evaluate the text as well as the text's underlying 'illah and logic.¹¹ Shatibi, the maqasid's primary exponent, has stated unequivocally that the explicit injunctions must be observed and respected, but he has also stated that obedience to the obvious text should not be so rigorous that the text's rationale and goal are separated from its words and sentences. Rigidity of this kind, Shatibi argued, was incompatible with the Lawgiver's goal (maqsud), just as ignoring the obvious text would be.¹² This is a strong approach, one that bears more conformity with the Lawgiver's intent, when the text, whether a command or a prohibition, is interpreted in connection with its objective and rationale. Shatibi went on to say that there are two sorts of maqasid that may be

deduced from a thorough reading of the text: primary (asliyyah) and secondary (tab'iiyyah). The basic maqâsid, or darûriyyât, are those that the mukallaf must follow and safeguard regardless of personal preferences, whereas the supplementary maqâsid, or hajiyyat, are those that provide the mukallaf some flexibility and choice.¹³

A thorough examination of the Shari'ah's textual injunctions has raised the question of whether the means to a wâjib or harâm should also be considered a component of the purpose pursued by that injunction; in other words, whether the means to a command is likewise an integral part of that command. Another point raised is if avoiding the opposite of a command is essential to the command's goal and intent.¹⁴ Although there have been differences over technicalities, the prevailing response to these concerns is that the extra characteristics of orders and prohibitions are an intrinsic component of their purposes. In cases when the opposite of a command can be clearly distinguished, it is widely accepted that the opposite of a command is equivalent to a ban.¹⁵ The majority of Sharî'ah injunctions are simple to comprehend, and their purposes, as well as their opposites, may be determined by reading the straightforward text. It should be remembered that everything is required to carry out a command or wâjib is also included in that wâjib. Shâtibî has come to the same conclusion: whatever is complimentary to the maqâsid and in its service is also a part of the maqâsid. The question therefore arises as to why the Lawgiver is silent on a particular act in cases when a broad analysis of the available information shines light on its worth. The following is an example of a question: We know that the maqâsid can be deduced from unambiguous injunctions, but can they also be deduced from a broad reading of the nusûs?¹⁶

Classification of Benefits

The 'ulama' have divided the full range of masalih-cum-maqasid into three categories in descending order of significance, starting with the essential masâlih, or daruriyyat, then the complementing advantages, or hajiyyat, and finally the embellishment, or tahsiniyyat. Faith, life, lineage, intelligence, and property are the five important interests listed.¹⁷ These are, by definition,

necessary for normal societal order as well as individual survival and spiritual well-being, to the point that their destruction and collapse will trigger chaos and the breakdown of normal societal order. The Shari'ah tries to defend and promote these principles, as well as to approve measures that will help to preserve and advance them. As a result, jihad has been validated in order to safeguard religion, just as revenge (qisas) has been validated in order to protect life. To defend and promote these ideals, the Shari'ah uses both affirmative and punishing tactics.¹⁸ Theft, adultery, and wine-drinking are all punishable offences since they jeopardise the protection of private property, family well-being, and intellectual integrity, respectively. In a similar way, but on a different level, the Shari'ah encourages work and trading activities in order to enable individuals to earn a living, and it takes intricate procedures to maintain the smooth flow of commercial transactions in the marketplace.¹⁹ The Shari'ah's family laws are mostly comprised of guidelines and procedures aimed at making the family a safe haven for all of its members. The Shari'ah also promotes the pursuit of knowledge and education in order to ensure the people's intellectual well-being and the growth of arts and civilization. In other words, the basic *masalih* are an all-encompassing topic of the Shari'ah, as all of its regulations are tied to the safeguarding of these advantages in some way. In the meantime, these benefits are a manifestation of the Shari'ah's basic and overarching goals.²⁰

The second category of interests, known as *hajiyyat* or complementary interests, is not a separate category because it likewise seeks to safeguard and develop the vital interests, albeit in a secondary capacity. These are described as benefits that aim to alleviate severity and hardship that do not jeopardise regular order's survival.²¹ Many of the Shari'ah's concessions (*rukhas*), such as the shortening of *salah* and the opening of the fast for the sick and the traveller, are intended to alleviate hardship, but they are not required because people may survive without them if they have to. The Shari'ah has made similar concessions in practically every aspect of mandatory *'ibadat*. Similarly, in criminal law, the hadith that "specified penalties are deferred in all circumstances of uncertainty" safeguards a secondary interest by regulating

the method in which sanctions are carried out. These penalties, in turn, are intended to defend important interests by court intervention. Because of the people's necessity for specific contracts, such as the sale of salam and the lease and hire (ijarah) in the field of mu'amalat, the Shari'ah recognised them despite a certain oddity that is present in both. In the area of family law, the Shari'ah authorises divorce in cases of necessity by way of a concession, which is geared, in the end, at achieving justice.²² Luxuries, on the other hand, are things that make life easier and more prosperous for people. Finally, the luxuries and embellishments, which are level 3 of need. According to Jasser Auda, the objective of luxuries is to have a much more pleasant existence than is necessary. He refers to it as 'beautifying purposes,' such as the use of perfume, fashionable apparel, and lovely dwellings.²³

Money cannot be obtained through illegal means such as usury, fraud, gambling, monopoly, deceit, embezzlement, trickery, bribery, or theft in any form. The same goes for oppressively consuming orphans' money and transactions involving illegal activity, such as selling liquor and pork. Extortion, which is the seizure of another's money without their consent, and other ways in which money is passed between persons to be owned and consumed without their consent, are also examples of lack of skill and proper conduct in one's dealings.²⁴ Allah states: *"O you who believe, eat of the good things that We have provided for you, and be grateful to Allah, if it is Him you worship."* (Baqarah: 2:172). And Allah subhanahu wa ta'ala gives the same instructions to the believers as He does to the messengers:

"O you messengers! Enjoy all things good and pure and work righteousness, for I am aware of what you do". (Surah al-Mou'minin 23: 51).

Unfortunately, many Muslims nowadays employ most of these illegal methods to make money in whatever way they can.²⁵ You will observe people being careless with their job and profits, without fearing Allah. Some of them will bring that which is unlawful and prohibited and use it as a means of making money.²⁶ These destitute individuals are unaware that Allah is the Provider and the Sustainer of Great Power. Exalted is He, He may cut them

off from every dinar and dirham if He so desires. He has the authority to shut every door in their faces and proclaim that all of their deals, trades, and schemes will fail. We were, in fact, came here rightfully on the basis of a trust and a contract. We came with our families and children as students or immigrants. Permission has been granted for us to stay and live here. It is not acceptable for us to earn money unless we do so in accordance with our deen and our legislation. As a result, our Shari'ah prohibits treachery, lying, and fraud, as well as a disregard for commitments and people's rights, as well as failing to maintain pledges and complete contracts. And this restriction, oh Muslim, follows you everywhere you go, wherever you go in the world, and with whoever you deal. Any resemblance to evil is not for us.²⁷ We do not speak in the same manner as the others, as the Qur'an teaches: *“And from the People of the Book are those who, if entrusted with a hoard of gold, will readily pay it back; others, who, if entrusted with a single dinar, will not repay it unless you constantly stand demanding because they say, “We have no duty towards the Gentiles”, but they tell a lie against Allah, and they know it. Rather, those who fulfil their pledge and have Taqwa, indeed Allah loves those who have Taqwa. As for those who purchase a small gain at the cost of Allah’s covenant, and their trusts, they have no portion in the Hereafter. This verse was revealed in reference to Bani Isra’il, but it can mean other than them, including Muslims. Allah will not speak to them or look at them on the day of Judgement, nor will He cleanse them of sin, and for them is a grievous punishment.” (Surah Aali-Imran: 3:75-77).*

O you Muslims! Indeed, Islam has prescribed numerous legislations for the preservation of money, so there is a procedure for financial transactions, and Islam has prohibited any procedure that causes harm to people's affairs and livelihood. So have Allah's Taqwa, and understand that anyone who rejects legal ways of earning money spreads evil, because he fills his throat and the throats of his family and children with haram money, and their flesh and bodies become composed of it.²⁸ Perhaps what drives someone to do this is apprehension about the future for his family and children. All of this stems from Shaytan's whispers and his methods of deceiving believers.

Wasn't it Allah subhanahu wa ta'ala who told us about Shaytan and his whisperings? "Shaytan promises you poverty, and commands you to vile deeds." And Allah says in the same Ayah: *"But Allah promises you His forgiveness and bounty; He is the All-Embracing, the All-Knowing."* (Surah al-Baqarah; 2:268.) And Allah says: *"Let them fear like those, who, if they had left behind them weak offspring, would be afraid for them; so let them be mindful of Allah and speak justly."* (Surah an-Nisa; 4: 9). And Allah says: *"And whoever fears Allah, He prepares for him a way out, and He provides for him from where he would not expect, and whoever puts his trust in Allah, Allah is sufficient for him. Allah will bring His command to pass; Verily Allah has measured out all things."* (Surah at-Talaq; 65:2-3)

2nd Khutbah

It is our responsibility to know and be aware, and especially to make our children aware of the Christian belief regarding Easter, which is the holiday celebrated these days. We have been given time off from work, and our children are not in school.²⁹ During this time, Christians commemorate the crucifixion and resurrection of the Messiah, Jesus, the son of Mary, according to their beliefs. May Allah's peace be upon them both.³⁰ First and foremost, it must be stated that Jesus is similar to Adam. Allah declares: *"The similitude of Jesus before Allah is as that of Adam: He created him from dust, then said to him: 'Be!' and he was."* (Ali-Imran 3: 59) Allah also says, regarding the excesses of the Christians: *"Oh people of the Book! Do not go to excess in your religion or say of Allah anything but the truth. Jesus, the son of Mary, was no more than a messenger of Allah, and His Word, which he bestowed on Mary, and a Spirit from Him. So believe in Allah and His Messengers. Do not say 'Three.' Desist. It will be better for you, for Allah is One God. Glory be to Him. Far Exalted is He above having a son. To Him belong all things in the heavens and on earth, and Allah is enough as a Disposer of affairs."* (An-Nisa' 4: 171) Allah says with regard to the crucifixion: *"Then, because of their [Bani Israil] breaking of their covenant, and their disbelieving in the revelations of Allah, and their unjust slaying of the prophets, and their saying: 'Our hearts are covered. [They don't acknowledge what the Prophet says]."*

Rather, Allah has set a seal upon their hearts for their rejection of faith, and only a few of them believe. For their disbelief, and their terrible slander against Mary. For their saying: ' We killed the Messiah, Jesus, son of Mary, the Messenger of Allah!'; but they did not kill him, nor did they crucify him, but it was made to appear that they did. And those who differ are full of doubt, without knowledge, only conjecture to follow, for surely they did not kill him. Rather, Allah raised him up to Himself, and indeed Allah is All-Powerful, All-Wise." (An-Nisa 4: 155-8)

We believe that Jesus will return before the end of time, and that he will follow the Prophet Muhammad's Shari'ah, may Allah bless him and grant him peace. He will govern justly, breaking the cross, killing the pig, and abolishing the jizya. In conclusion, Jesus was an Allah-created prophet.³¹ It's also important to keep an eye on what's going on in the Muslim world. Everywhere we look in the world, we see our brothers and sisters suffering and persecuted. Look at our Palestinian brothers and sisters, who are suffering at the hands of the Jews every day. We also look at how the occupiers are oppressing the Iraqi people in occupied Iraq.³² They are indiscriminately employing fatal weaponry, killing men, women, children, and the elderly. They are unconcerned about human life. They attack all buildings with their massive weapons, including homes, schools, hospitals, and now mosques, slaughtering people as they seek refuge in Allah's houses. Chaos reigns supreme. Is this the great democracy that they want to spread throughout the Middle East? The hospitals are overcrowded, and the doctors are overworked. The situation is critical. How much longer can people stand it?³³ As Muslims, all we can do is complain to Allah. We all complain to Allah about our tribulations. We only go to Allah to complain about our oppression. Indeed, Allah gives the victory. Allah gives victory to those who truly turn to Him. Allah gives victory to those who fight for justice and the truth. Except for Allah, there is no power.

Conclusion:

The Maqasid are obviously anchored in the Qur'an and Sunnah's textual injunctions, but they focus on the overall concept and purposes of these

injunctions, frequently beyond the text's specialties. The emphasis is on the objective and purpose that is advocated and upheld rather than the words and sentences of the text. In comparison to the sources' legal theory, the Usul al-Fiqh, the maqasid al-Shari'ah are free of methodological formalism and literalist interpretations of the text. As a result, the maqasid incorporates a level of adaptability and insight into Shari'ah reading that is unique in many respects and overcomes the vicissitudes of time and circumstance. At a time when some of Usul al-most Fiqh's important doctrines, such as general consensus (ijma'), analogical reasoning (qiyas), and even ijti'hâd, appear to be burdened with difficult conditions, conditions that may be at odds with the current socio-political climate of today's Muslim countries, the maqasid has become the focus of attention because it tends to provide a quick and convenient access to the Before attempting to understand the nuances of the Shari'ah, it is natural to first grasp the general strokes of the Shari'ah's purposes. An adequate understanding of the maqasid thus provides insight and a theoretical framework within which the quest to gain thorough knowledge of the Shari'ah's many teachings can become more appealing and relevant.

References

- ¹ "Impact Of Maqasid Shariah On Preservation Of Wealth - Google Search."
- ² Tarique, Islam, and Mohammed, "Developing and Validating the Components of Maqasid Al-Shari'ah-Based Performance Measurement Model for Islamic Banks."
- ³ Mergaliyev et al., "Higher Ethical Objective (Maqasid Al-Shari'ah) Augmented Framework for Islamic Banks: Assessing Ethical Performance and Exploring Its Determinants."
- ⁴ Akram Laldin, "Chapter 2: Ethics in the Light of Maqasid Al-Shari'ah: A Case Study of Islamic Economics and Finance."
- ⁵ Dikko, Globalization, and 2015, "Maqasid Al Sharia and Takaful Operations: Issues and Challenges in an Emerging Industry."
- ⁶ Mergaliyev et al., "Higher Ethical Objective (Maqasid Al-Shari'ah) Augmented Framework for Islamic Banks: Assessing Ethical Performance and Exploring Its Determinants."
- ⁷ Lateef et al., "Ethical Values in Islamic Financial Planning."
- ⁸ Azman, ..., and 2019, "Islamic Social Finance and the Imperative for Social Impact Measurement."
- ⁹ Nouman et al., "Nexus between Higher Ethical Objectives (Maqasid Al Shari'ah) and Participatory Finance."
- ¹⁰ Ibrahim et al., "Maqasid Al-Shariah Based Islamic Bioethics: A Comprehensive Approach."

- ¹¹ Shinkafi, Humanomics, and 2017, "Contemporary Islamic Economic Studies on Maqasid Shari'ah: A Systematic Literature Review."
- ¹² Shinkafi, Humanomics, and 2017.
- ¹³ Lateef et al., "Ethical Values in Islamic Financial Planning."
- ¹⁴ Budiman et al., "The Effect of Financial Ratios, Maqasid Sharia Index, and Index of Islamic Social Reporting to Profitability of Islamic Bank in Indonesia."
- ¹⁵ Aris et al., "Maqasid Shari'ah in Islamic Finance: Assessment on Ideologies of Muslim Philosophers and Economists."
- ¹⁶ Shinkafi, Humanomics, and 2017, "Contemporary Islamic Economic Studies on Maqasid Shari'ah: A Systematic Literature Review."
- ¹⁷ Mergaliyev et al., "Higher Ethical Objective (Maqasid Al-Shari'ah) Augmented Framework for Islamic Banks: Assessing Ethical Performance and Exploring Its Determinants."
- ¹⁸ Review and 2018, "Maqasid Ash-Shari'ah Framework and the Development of Islamic Finance Products: The Case of Indonesia."
- ¹⁹ Dusuki, Economics, and 2007, "A Critical Appraisal on the Challenges of Realizing Maqasid Al-Shariaah in Islamic Banking and Finance."
- ²⁰ and and 2020, "Human Prosperity Measurement within the Gloom of Maqasid Al-Shariah."
- ²¹ Review and 2018, "Maqasid Ash-Shari'ah Framework and the Development of Islamic Finance Products: The Case of Indonesia."
- ²² and and 2020, "Human Prosperity Measurement within the Gloom of Maqasid Al-Shariah."
- ²³ Review and 2018, "Maqasid Ash-Shari'ah Framework and the Development of Islamic Finance Products: The Case of Indonesia."
- ²⁴ Mergaliyev et al., "Higher Ethical Objective (Maqasid Al-Shari'ah) Augmented Framework for Islamic Banks: Assessing Ethical Performance and Exploring Its Determinants."
- ²⁵ Review and 2018, "Maqasid Ash-Shari'ah Framework and the Development of Islamic Finance Products: The Case of Indonesia."
- ²⁶ Dusuki, Economics, and 2007, "A Critical Appraisal on the Challenges of Realizing Maqasid Al-Shariaah in Islamic Banking and Finance."
- ²⁷ Dusuki, Economics, and 2007.
- ²⁸ Mergaliyev et al., "Higher Ethical Objective (Maqasid Al-Shari'ah) Augmented Framework for Islamic Banks: Assessing Ethical Performance and Exploring Its Determinants."
- ²⁹ Tarique, Islam, and Mohammed, "Developing and Validating the Components of Maqasid Al-Shari'ah-Based Performance Measurement Model for Islamic Banks."
- ³⁰ Basah et al., "Towards Acceptance of Islamic Wealth Management."
- ³¹ Tarique, Islam, and Mohammed, "Developing and Validating the Components of Maqasid Al-Shari'ah-Based Performance Measurement Model for Islamic Banks."
- ³² and and 2020, "Human Prosperity Measurement within the Gloom of Maqasid Al-Shariah."
- ³³ Dusuki, Economics, and 2007, "A Critical Appraisal on the Challenges of Realizing Maqasid Al-Shariaah in Islamic Banking and Finance."