

MAQASHID SHARIA THINKING PERSPECTIVE OF IBNU ASSYUR IN THE DEVELOPMENT OF SHARIA BANKING

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Abstract

Ibn Asyur was the second originator who made the concept of Maqashid Syariah into all scientific disciplines after Al Syathabi, in line with the journey of maqashid Syariah to become a field of knowledge. Sharia banking is also the second concept after the presence of conventional banking, but that is not a thing that prevents Islamic banking from continuing to grow and develop to spread benefits. Ibnu Asyur in his thoughts conveyed the similarity between maqashid sharia and the main objective of establishing sharia banking. Maqashid sharia in the perspective of Ibn Asyur can produce indicators of growth and development of sharia banking to be very rapid and of course still useful for Muslims and humanity in general.

Keywords: *Ibn Asyur, Maqashid Sharia, Islamic Banking*

Abstrak

Ibnu Asyur adalah pencetus kedua yang menjadikan konsep Maqashid Syariah menjadi semua disiplin ilmu setelah Al Syathabi, sejalan dengan perjalanan maqashid Syariah menjadi sebuah bidang ilmu. Perbankan syariah juga merupakan konsep kedua setelah hadirnya perbankan konvensional, namun hal tersebut bukanlah hal yang menghalangi perbankan syariah untuk terus tumbuh dan berkembang menebarkan manfaat. Ibnu Asyur dalam pemikirannya menyampaikan kesamaan antara maqashid syariah dengan tujuan utama didirikannya perbankan syariah. Maqashid syariah dalam perspektif Ibnu Asyur dapat menghasilkan indikator pertumbuhan dan perkembangan perbankan syariah yang sangat pesat dan tentunya tetap bermanfaat bagi umat Islam dan umat manusia pada umumnya.

Kata kunci: Ibnu Asyur, Maqashid Syariah, Perbankan Syariah

INTRODUCTION

Development and growth at any time or era will continue to occur as well as in Islamic Economics, and of course it will continue to experience changes and that is a must for solving problems in this contemporary era. To answer the problems of Islamic economics requires the application of maqashid sharia. Maqashid sharia is a common goal that must be achieved and realized by sharia in life. And maqasid sharia is one of the important concepts in the study of Islamic law.

The concept of Maqashid Shari'ah has actually existed since the time of the Prophet Muhammad. It's just that at that time maqashid sharia was still not conceptualized neatly and was not known by the term maqasid syari'ah as we find it today. However, in substance, the concept that existed at the time of the Prophet certainly gave color and contributed to being used as a benchmark in legalizing Islamic law, such as giving benefit and rejecting mafsada. After the Prophet Muhammad SAW died, Maqasid Shari'ah began to receive special attention from Muslim intellectuals. The friends began to be faced with new problems that had never existed before. This is caused by social changes in the dynamics of society that occur from time to time.

The figure who first used the term Maqasid Syari'ah was Abdillah Muhammad bin Ali At-Tirmidhi who was popularly known as Al Hakim At-Tirmidhi. He put this idea into his work called *as-prayer wa maqasiduhu* and *al furuq*. This book was later adopted and recognized as his own work by Imam Syihabuddin Al-Qarafi. Even so, at this time the term maqashid Syariah was still not as well known as it is today. The term Maqashid Shari'ah later became popular during the time of Imam Syatibi and became a science that stands alone after previously being one unit with the science of *ushul fiqh*. After Imam Syatibi died, the Maqashid Syari'ah discourse became extinct and almost disappeared. Until finally reformers emerged from Tunisia and Morocco named Ibn Asyur and Al-Fasi who tried to revive and re-conceptualize the maqashid sharia in a more orderly and structured manner. Ibn Asyur made a very large contribution to the development of the Maqashid Shari'ah concept theory in the modern era and Ibn Asyur also provided clearer input so that the concept of maqasid Shari'ah becomes more applicable and functional in dealing with social problems and *ubudiyah* problems. Ibn Asyur argues that it is time for Maqashid Syari'ah to become a scientific discipline that truly stands alone. (Mawardi, 2010).

Ibn Asyur's contribution was so great in developing maqashid sharia that it can be applied in various fields, therefore in this paper the author wants to explain how Ibn Asyur's maqashid sharia is perfect in developing Islamic banking. In this paper, it will be discussed and focused on the theory of Maqashid Sharia according to Ibn Asyur's thought, and aims, among other things: first, to know the history and biography of Ibn Asyur. Second, to know the meaning and urgency of Maqashid Syariah. Third, to find out the application of sharia maqashid and indicators of growth and development in the field of Islamic banking.

METHOD

Research studies use library research or library research, namely by presenting data obtained from various literature that is related to the themes studied, such as books, articles, documents, journals, and other scientific works (Zed, 2008). Descriptive-analytical approach which of course describes and analyzes the maqashid sharia thought according to Ibn Asyur. This research is a literature review that refers to a number of previous studies and is supported by data from research that has been published in journals and other academic works by different institutions..

IBNU ASSYUR BIOGRAPHY

1. Life History Ibn 'Assyria

Ibn Assyria's full name was Muhammad al-Thahir bin Muhammad bin Muhammad Thahir bin Muhammad bin Muhammad Shadzaliy bin Abdul Qadir Muhammad bin 'Asyur. He was born in 1296 H/ 1879 AD in the village of Marsi, an area in northern Tunisia. He comes from a respectable family hailing from Andalusia. His father named Muhammad is someone who is believed to hold an important position as chairman of the Majlis Association of Waqf. He married Fatimah, the daughter of Prime Minister Muhammad bin 'Aziz al-Bu'atur and later from this couple Muhammad Thahir Ibn Asyur was born who would later become a major scholar in Tunisia. Apart from being known as a religious family, the Ibn 'Assyrian family was also known as a scholar. Ibn 'Assyria's grandfather, Muhammad Thahir bin Muhammad bin Muhammad Syazili, was a nahwu expert, a fiqh expert who was famous for authoring many books, including Hasyiyah Qathr al-Nada. In 1851 H he was entrusted with serving as Qadhi in Tunisia and in 1860 H during the reign of Muhammad Sadiq Bey, he was appointed Mufti. He died in 1868 H. (Moh. Toriquddin: 2013).

The name Ibn Asyur is the isim kunyah (surname) of a large family from the descendants of al-Idrisiyi al-Husyaimiyyah, the ancestors of community leaders in Morocco whose family member Muhammad bin 'Asyur arrived in Tunisia and settled there in 1060 H. Among the causes of his migration to Tunis was due to the Crusaders' attack on Andalusia. Looking at his lineage and ancestry, it is not an exaggeration if the saying goes "the fruit does not fall far from the tree" to describe the track record of the achievements of the Ibn 'Assyrian family. With a family environment that has a high appreciation for academics, the best generations are created like Sheikh Ibn Asyur.

Since childhood, Ibn Asyur grew and developed in a family environment that loved science. The whole family, both from his parents and grandfather, always educated and directed him to love science. They all wanted Ibn 'Assyria to grow up to be a respectable man like their predecessors. Among the factors that shape his mindset and scientific insight are his intelligence since childhood, and family factors that always lead to a love of science with the expert creed of al-sunnah wa al-jamaah. Also the factor of his teachers who have had a big influence on his character, soul and knowledge. (Muhammad al-Tahir Ibn Assyria, 2010).

From the age of six, Ibn Asyur was introduced to studying the Qur'an, both memorizing, reciting, and reciting it around where he lived. In addition, he also studied and memorized Matan al-Jurumiyyah as well as studied French from al-Sayid Ahmad bin Wannas al-Mahmudiy. When he was 14 years old to be exact in 1310 H/1893 AD, Ibn 'Asyur began to retrace his steps to study at al-Zaitunah University. Zaituniyah is a mosque which in the course of history has become the center of religious activities affiliated with the Maliki school of thought and only a part of it adheres to the Hanafi school of thought. This mosque is also a bona fide educational institution on a par with al-Azhar which for centuries has served as a center for education, information and the dissemination of knowledge. At the university he studied fiqh and ushul al-fiqh, as well as Arabic, hadith, dates, and others. After studying for seven years at al-Zaitunah University, Ibn 'Asyur managed to graduate with a bachelor's degree on 4 Rabiul Awwal in 1317 H / 11 July 1899 AD While studying at al-Zaitunah University, Ibn 'Asyur showed his thirst for Islamic knowledge. In his spare time, he always took the time to study commentary books as well as memorize hadiths and Arabic poetry from the Islamic period onwards. He also read a lot of books on history and other sciences. One of the books he studied was al-Milal wa al-Nihal. The knowledge he obtained from al-Zaitunah university and his scientific activities shaped his personality and high intellect. Besides that, the attention of his father and grandfather was also very influential in shaping the morals of Ibn 'Assyria so that he became a great humble scholar in Tunisia. Ibn 'Asyur died on a Sunday in the month of Rajab in 1393 H/1973 AD and was buried in the al-Zalaj cemetery. (Moh. Hamza: 2022).

2. Intellectual Career of Ibn 'Assyria

Ibn 'Asyur's intellectual journey was divided into two levels, namely the first starting from the ta'lim period divided into two periods at the Zaitunah family and university. Both

periods of scientific practice by becoming qadhi (judge) and professor at al-Zaitunah University and as a writer.

a. Study Period (*Ta'limiyah*)

Apart from having a family that lived with scientific overtones, Ibn 'Asyur. He is also a genius and love for knowledge. His genius has been seen since he was small. At the age of six he had started studying at the Sayyidi al-Mujawar Mosque in Tunis. There he began memorizing and studying the Koran from Sheikh Muhammad al-Khiyariy, and studied the book Syarh al-Sheikh Khalid al-Azhariy'Ala al-Jurmiyah. Apart from that, he was also taught to memorize a collection of scientific subjects such as Ibn 'Asyir's scientific examples, al-Risalah and al-Qathar. Presumably, this was the custom of earlier scholars to memorize scientific statements so that they would have a clear understanding of knowledge. Then at the beginning of the 14th century H, Ibn Asyur began his journey in seeking Islamic knowledge (rihlah) by joining the Zaitunah educational institution (Ta'lim al-Zaituniy) in Tunisia. This institution is equivalent to al-Azhar in Egypt. The teaching model for both is almost the same as making the mosque a center of education.

b. Teaching Period (*Muta'alimiyah*)

Ibn 'Assyria became one of the great scholars in Tunisia. After completing his academic activities at al-Zaitunah University, he devoted himself to the institution and held various positions in the religious field. He started his career in education as a second level teacher (mudarris) for the Maliki school of thought at the Zaitunah Mosque. Then in 1905 he became a first level mudarris. In 1905 to 1913 he was given the mandate to become a teacher at the al-Shadiqiy college. In 1908 he was appointed deputy inspector of teaching at the Zaitunah Mosque then the following year he was entrusted with serving as a member of the management board at the al-Shadiqiy college.

c. The Age of State Servants (al-Wazaif al-Qadaiyah al-Syar'iyyah)

Ibn 'Asyur served as qadi (judge) of the Maliki school of thought in Tunisia in 1913 and was appointed leader of mufti in 1927. He was also elected as a member of Majma 'al-Lughah al-'Arabiyyah in Egypt and Damascus in 1950 also became members of Majma 'al-Ilmi al-Arabiyy in Damascus in 1955. (Muhtamiroh:2013)

Ibn Assyrian has a very important role in the movement of nationalism in Tunisia. And has many roles in the field of institutional administration, among others:

a. Ibn 'Asyur had served as Member of the Majlis Idara al-Jam'iyah al-Khalduniyah in 1905 AD.

- b. As a Member of Lajnah al-Mukhallifah which organizes or manages books and manuscripts at Maktabah al-Shadiqiyah in 1905 AD.
- c. As a state delegate in scientific research in 1907 AD.
- d. As a Member of the Lajnah Tanqih Baramij al-Ta'lim in 1908 M.
- e. As a Member of the Madrasa Council, and the Council of Iarah al-Madrasah al-Shadiyah in 1909 AD.
- f. As Chairperson of Lajnah Fahrasah at Maktabah al-Sadiqiyah in 1910M.
- g. As Member of the 2nd Ishlah al-Ta'lim Majlis at Jami'ah Zaitunah in 1910 AD
- h. As Member of the first Majlis al-Auqaf in 1911 M.
- i. As Member of the 3rd Ishlah Majlis in 1924 M.
- j. As Member of the 4th Majlis Ishlah in 1930 M.
- k. As a member of scientific research and the leader of the Shura fi Majlis al-Syar'i Expert.
- l. As Sheikh al-Jamiah al-A'zham in 1932-1933 AD
- m. As Sheikh al-Jami' al-A'zham in 1956-1960M.
- n. As rector at Jami'ah al-Zaitunah in 1956-1960 AD.

As for the field of syar'iyah courts, among others:

- a. As a judge at the Majlis al-Mukhtalith al-'Aqariy in 1911 AD
- b. As qadhi (state judge) at Majlis al-Syar'iy in 1913-1923 AD
- c. As mufti in 1923 M.
- d. As Chief Expert of Shura in 1927 M.
- e. Shaykhul Islam al-Maliki in 1932 AD
- f. As Member of the Arabic Language Council in Egypt in 1950 AD
- g. Majma' Ilmi al-'Arabi in Damascus in 1955 AD (Indra: 2016)

3. The Works Ibnu Asyur

- a. The field of syar'iyah sciences. Ibn 'Assyria's work in this field is quite a lot, among others are:Kitab tafsir al-Tahrir wa al-Tanwir
 - 1) Maqashid al-Syari'ah al-Islamiyyah
 - 2) Kasyfu al-Mughtha min al-Ma'aniy wa al-Alfazh al-Waqi'ah fiy al-Muwatha'
 - 3) Al-Nazhru al-Fasih 'Inda Madhayiq al-Anzhar fiy al-Jami' al-Shahih.
 - 4) Al-Taudhih wa al-Tashhih
 - 5) Al-Waqfu wa Atsaruhu

a. The field of Arabic language and literature. The works of Ibn 'Assyria in the field of Arabic language and literature are: Ushul al-Insya' wa al-Khithabah

- 1) Fawaid al-Amaliy al-Tunisiyah 'Ala faraid al-La'iy al-Hamasiyah.
- 2) Mujiz al-Balaghah
- 3) Revision of a collection of Basya poetry
- 4) Syarhu Muqaddimah al-Mazruqiy
- 5) Collection and direction of poetry by al-Nabighah

a. The field of Islamic thought and other fields. The works of Ibn 'Assyria, among others:

- 1) Usul al-Nizham al-Ijtima'iy fiy al-Islam
- 2) Alaisa al-Subhu bi Qarib
- 3) Usul al-Taqaddum wa al-Madina fiy al-Islam.

Naqdu 'ilmi li Kitab al-Islam wa Ushul al-Islam, a book in the form of a collection of papers, including:

- 1) Nasab al-Rasul Saw
- 2) Al-Syamail al-Muhammadiyyah
- 3) Al-Maqshad al-'Azim min al-Hijra
- 4) Al-Rasul Saw. wa al-Irsad
- 5) Wufud al-Arab fiy Al-Hadharah al-Nabawiyah
- 6) I'radh al-Rasul Saw. 'An al-Ihtimam bi Tanawul al-Tha'am
- 7) Majlis Rasulullah Saw
- 8) Al-Mukjizat al-Khafiyah lil Hadharah al-Muhammadiyah
- 9) The miracle of al-Ummiyah
- 10) Tahqiq Riwayah al-Farbariy li Sahih Muslim
- 11) Al-Farbariy wa Riwayah al-Shahihain

From the description of the education, activities, work and works of Ibn 'Asyur, it is understood that Ibn 'Asyur was a scholar who was an expert in various sciences, especially religious knowledge such as the science of ushul al-fiqh, linguistics, and others, so he deserve to be called a scholar. Ibn 'Asyur also proved his clergy by producing many written works, both in the form of books or papers (Hamza: 2022).

THE CONCEPT OF MAQASID AL-SYARIAH

Definition of Maqashid Sharia

Maqasid comes from the Arabic language, namely maqasid which is the plural form of maqsad which means intent, target, principle, intention, intention or purpose. According to al-Qurtubi, the word has the meaning of fair, balanced and simple, and also not too fast or not too slow, contained in the letter Luqman verse 9. So it can be concluded, the substance of the meaning of the word is the same, namely teaching to live simply, fairly, Don't go overboard and don't overdo it either.

And basically, the word maqasid is juxtaposed with the word sharia and forms the word order maqasid sharia. Sharia comes from the word syara' which means the road to a water source, the road to this water source can also be said to be the road to the main source of life. Etymologically it means al-tariqoh, namely the path taken to a source of water to drink. According to 'Iz al-Din bin 'Abul Salim, the meaning of the word sharia is the straight path and the rule of law that is blessed by Allah to His servants. Kamal Habib defines shariah with the straight path that must be taken so that humans get safety in this world and in the hereafter, as explained in QS. al-Jatsiyah [45]: 18 which means "Then we make you (Muhammad) follow the shari'at (rules) of that religion, then follow the shariah and do not follow the desires (desires) of people who do not know and are in QS. al-Maidah [5]: 48 which means "For every nation among you, we give rules and a clear path". Then Al-Raysuni interprets sharia, namely the provisions of Islamic law that are practical in the form of conceptions of aqidah, legislation, morality and muamalah. (Khasanah, R., & Hidayatullah: 2019)

So it can be concluded that sharia according to the term is Allah's provisions addressed to His servants which include aqidah, morals, worship and muamalah. If we examine the word sharia, there is a relationship between the content of meaning between sharia and water in the sense of a link between means and goals. Something to aim for is certainly something very important. Shariah is a way or way and water is something to aim for. The link between shariah and water in this sense of language seems intended to emphasize how important shariah is in obtaining something important which is symbolized by water. This symbolization is very appropriate because water is an important component of life. As for the meaning of maqasid shariah according to the term, namely the meaning and purpose desired by syara' in establishing or stipulating all or most of the laws or the goals and secrets set by Allah in each predetermined law. Zahrah is the achievement of the benefit of mankind in this world and also in the hereafter. Because none of the laws are prescribed either in the Qur'an or in the Sunnah but there is benefit

in it. Al-Syatibi in his book entitled *al-muwafaqat* says that the content of *maqasid shari'ah* is the benefit of humans, because in essence all obligations are made to be able to realize the benefit of the human and reject harm. Likewise with *fathi al-Daraini* who said that the laws were not made for the laws themselves, but for other purposes, namely benefit.' *Allal al-Fasi* defines *maqasid al-Syariah* with objectives and secrets that required by sharia makers in all provisions of Islamic law. *Ahmad ar-Raysuni* interprets *maqasid sharia* as a goal that is always attached to sharia law for human benefit. And according to *Jasser Auda*, *maqasid sharia* is the purpose and secret behind the provisions and provisions of Islamic law. (M. Aziz:2019)

Humans and to maintain the public good by conveying legal provisions in special actions that contain wisdom. Within the scope of the objectives of *shari'ah*, the scholars' formulate five objectives of the decline of Islamic *shari'ah* (*maqasid sharia*). The five *maqasid* are:

a) Guarding religion (*Hifdzu Din*), as a form of Islamic guarding against religion. So Allah SWT has ordered His servants to worship Him. Among these forms of worship are prayer, zakat, fasting, pilgrimage, dhikr, prayer and others.

b) Guarding the Soul (*Hifdzun Nafs*), Islam is a protector for all mankind, so to safeguard the safety of the human soul from killing without a valid reason, Allah SWT forbids killing humans without a reason that is justified in Islam. If there is a murder, *qishas* must be enforced (QS. Al-Baqarah: 178). In addition to the prohibition against killing other people's lives, Islam also prohibits someone from committing suicide (QS. an-Nisa': 29).

c) Guarding the Mind (*Hifdzul 'Aql*), Islamic law prohibits *khamr* (liquor), narcotics and illegal drugs and anything that can damage the mind. This aims to protect the human mind from anything that can interfere with its function. Islam views that the human mind is a gift and a great blessing from Allah. With reason, humans become more noble compared to other creatures.

d) Safeguarding Offspring (*Hifdzun Nasl*), namely as a reason for the obligation to improve the quality of offspring, fostering the mental attitude of the next generation so that a sense of kinship is established among fellow human beings and forbidding adultery and inbreeding.

e) Guarding Property (*Hifdzul Mal*), to obtain lawful assets, Islamic law allows various forms of *muamalah*, such as buying and selling, leasing, pawning and others. Islamic Sharia forbids its people from eating human property with obvious vanity such as stealing, cheating, corruption, usury, reducing scales and so on (QS. an-Nisa': 29). (Fatmah Taufik Hidayat : 2021)

Ibn Assyrian's Thoughts Regarding Maqashid Sharia

From some of the ideas presented by Ibn Asyur, there is a matter of making maqashid al-shari'ah an important instrument in making Islamic law. More than that, according to him maqashid al-shari'ah must be an independent science (mustaqill) from the science of ushūl al-fiqh. This is emphasized in his book entitled Maqāshid al-Syarī'ah al-Islāmiyyah. He said: "If we want to codify absolute principles to understand religion, it is imperative for us to understand the problems of ushūl al-fiqh, then we reconstruct them in the context of tadwīn, then we test them using critical reasoning measures, we discard the parts the strange part that becomes an anomaly.. we call this new science the science of maqāshid al-syarī'ah.. and we will leave the science of ushūl al-fiqh according to its function as a method of compiling fiqh arguments.." This book specifically discusses maqasid al-fiqh. -shariah. Starting from its philosophical-metaphysical foundations, its traditional basis, the behavior of the maqashidi of salaf scholars, the method for determining maqashid criteria, testing maqashid, mapping the varieties of maqashid, and implementing maqashid in the realm of muamalah. Although it does not specifically discuss hadith, this book also involves hadith in several aspects. Both hadiths as maqashid sources, hadiths as maqashid reading objects, and implementation of maqashid based hadith instructions. (Bekti Cikita, 2021)

As an independent science, maqasid al-shari'ah is important to be studied by fiqh experts. Both those who have reached the highest degree of mujtahid and those who have not. Ibn Asyur made a special sub-chapter about the urgency of this maqashid science. Then what is called maqashid al-syarī'ah, Ibn Asyur defines maqashid al-syarī'ah: "The meaning and wisdom that is considered (used as a reference) by lawmakers in each of their legislative activities, or in general only if their attention is not certain is limited to wrong a legal aspect."

From this definition it can be concluded that maqasid al-shari'ah are values that are the reference for determining law, and these values are universal in the sense that they are not specific to one or two legal cases. This value is like hifzh al-māl (safeguarding wealth). Preservation of wealth is a value that is used as a reference for determining illegitimate law on actions that are wrongly usurping the property rights of others. Such as by means of manipulation (gharar) and exploitative-oppressive (usury), or ways that can lead humans to destructive conditions (mafsadah). This value is universal in the sense that it applies and becomes the basic value that underlies every economic transaction. Safeguarding wealth is the meaning and wisdom that is used as a reference by lawmakers and is universal and Ibn Asyur argues that this word has a middle meaning, which is contained in surah al-Taubah verse 42.

At the beginning of the 20th century, Ibn Asyur added several values that considered universal in the Shari'a. Among them are equality (al-musāwah), naturalist (al-fithrah) which has the same meaning as the principle of tolerance (al-samāhah), moderation (wasath), and prioritizing convenience (al-taysīr). is to maintain the harmony of the ummah and the perpetuation of goodness in it by focusing on the goodness of individual humans (hifzhu nizhām al-ummah wa istidāmat shalāhihi bi shalāhi al-muḥaymin alayhi wa huwa nau' al-insān). Kindness to humans necessitates the goodness of their minds, their actions, and the goodness of the natural surroundings. (Nabila Zadani: 2018)

Ibn Ashur divides maqasid sharia into two parts, namely maqasid al amah and maqasid al khasah. First, maqasid al tashri' al ammah are hidden meanings and wisdom in all or the majority of laws, in which the substance of the law is not bound by specific legal space. The general purpose (maqasid al 'amah) of sharia of all laws is a goal that is not only devoted to one law. As the purpose of worship in general is to glorify Allah SWT and fear Him and surrender and submit all matters to Him. Every law, whether in the form of commands or prohibitions, is aimed at worshiping and believing in Allah, bringing benefit and averting harm, facilitating and eliminating difficulties.

Second, maqasid al-khasah are ways that are desired by shari' to realize the benefit of humans, or to maintain the general benefit in special deeds. Ibn Ashur in determining maqasid Khasah is by sorting out whether a law is a goal (maqsud) or an infrastructure (wasilah). After that he divided the maqashid into two, namely the goals of shari' and human goals, from these goals in terms of their relationship with the rights of Allah and the rights of the servant are divided into three, namely the rights of Allah, the rights of the servant, a mixture between the rights of Allah and the rights of the slaves. servant. Meanwhile, wasilah (infrastructure) are laws that have been stipulated by which other laws can be obtained, this law is not the goal, but to obtain other laws according to demands, because without this law sometimes the purpose of law is not achieved or achieved but chaos occurs. Like witnessing a wedding and announcing marriage. (Julian et al:2022)

COMBINATION OF BANKING WITH MAQASHID SHARIA PERSPECTIVE OF IBNU ASYUR

Correlation of Islamic Banking Products with Maqashid Syariah Perspective of Ibnu Asyur

Banking has grown rapidly from its inception until now, of course that has also been experienced by Islamic banking which has the main objective of presenting Islamic banking is to provide an Islamic financial system as an alternative to the conventional financial system which is based on usury and of course also to achieve and realize the welfare of all existing people. in the world and around it. By achieving this, the term Maqashid Syariah is used as the main support in all matters, especially in developing operations and developing goods issued by Islamic banks. Therefore, the people concerned or who work in Islamic banking must be well versed in what and how to practice and apply the maqashid sharia principles to goods that have been issued by Islamic banking. As previously explained, according to Ibn Asyur, maqasid sharia can be achieved if the five basic human needs have been fulfilled. There are three levels needed by humans to live their lives, namely: dharruriyyat (primary), hajjiyat (secondary) and tahsiniyyat (tertiary). Humans are required to be able to meet their needs, especially dharruriyyat adequately. The point is that it must be done in a way that is right, fair and lawful. If humans can fulfill these basic needs, then that is what is meant by maqashid sharia. Basic human needs are divided into five things, namely: first, maintaining religion (addin). Second, guarding the soul (an-nafs). Third, keep the mind (alaql). Fourth, keep the property (al-lmaal). Fifth, guarding the offspring (an-nasl). (Hamzah:2022)

Likewise with the economic system that must be built. The economic system is considered successful if it has achieved its goal of welfare for its people and can be said to be prosperous if its basic needs are met. Various types of financing offered by Islamic banking actually really support economic and industrial activities. The goals and functions of Islamic banking are widespread economic prosperity, distribution of income and socio-economic justice and equal wealth. In the field of Islamic banking, for example, Bank Syariah Indonesia, always tries to update its products based on Islamic maqashid. The products of Bank Syariah Indonesia are: First, funding, including deposits and savings. Second, distribution of funds, including consumption aspects (purchasing houses and haj funds) and mudharabah and musyarakah financing (investment and working capital). Third, services, including m-banking. In Islamic banking products, ushul fiqh from the perspective of maqshid syariah offers a philosophical

perspective and encourages a logical analysis of the contracts in each product. Every sharia banking product refers to the fatwa of the National Sharia Council (DSN), which is further regulated by Bank Indonesia Regulations (PBI). The Sharia Supervisory Board (DPS), whose main responsibility is to oversee all products launched, is a requirement for every Islamic bank. DPS is also responsible for correcting and assessing other sharia areas, including making deliberate efforts to instill sharia values in the behavior of the entire sharia banking workforce. The emergence of maqasid syari'ah theory in the study of Islamic economics is the right step towards creating the most ideal model of Islamic economics. (Dewi Reni: 2013) This is because maqashid ash-shari'ah can be used as a tool to complement the arguments in forming laws in order to achieve the goals of the law.

Several reviews of Islamic banking products and activities in general with maqashid sharia values:

- a. Keep religion. This is achieved by Bank Syariah Indonesia by relying on the Al-Qur'an, Hadith and other Islamic laws as guidelines in making all systems and products work. With the existence of the Sharia Supervisory Board and the National Sharia Council, the legitimacy of Islamic values and norms of banks is increasingly guaranteed and God willing, Muslims and non-Americans can trust them.
- b. Guarding the Soul. This is reflected in the contract that applies to all transactions in Islamic banks. Psychologically and socially, the use of contracts between parties causes people to respect each other and maintain the trust placed in them. Therein lies the value of the soul. Furthermore, this is also achieved by stakeholders and shareholders of Islamic banks, one of which, when dealing with customers, must be well civilized, dress politely and speak politely and Islamically.
- c. Keeping Mind. This is demonstrated by the requirement that banks always disclose details of their product systems and prohibit concealment of assets. Through this, it can be seen that customers are advised to be broad-minded when carrying out transactions at the bank without any of the parties being harmed. Islamic banks provide customer education by providing training on each item provided by the banking system.
- d. Protecting Treasure. This can be seen in every item managed by the bank that the bank is trying to hold and allocate its customer's funds in a fair and legal manner and is lawful in order to generate a reasonable profit. This is also reflected in the management of the zakat mechanism whose aim is to clean up customer assets openly and uniformly.
- e. Protecting the Ancestry. This is achieved by taking care of the four things discussed earlier, so that the customer's funds that Allah wills are guaranteed to be halal which will

have a good impact on the family and their descendants which are supported by the savings funds and business operations.

Indicators of Islamic Banking Development With Maqashid Syariah Perspective of Ibnu Asyur

The growth of Islamic banking has been very rapid so it is necessary to see how maqashid sharia is made an indicator of that growth and it is necessary to know that sharia conformity is an indication of the success of a sharia bank in realizing maqashid sharia according to Ibnu Asyur. Islamic bank investors do not only prioritize profits/dividends from their investment results, but they must know where their funds are invested. Sharia banking is obliged to comply with the commands of Allah SWT, create justice and economic prosperity, and strive for a fair distribution of wealth in society. Ibn Asyur argues for a more detailed description and includes elements of maintaining order, increasing human welfare; preventing corruption, upholding justice, maintaining stability and harmony (Julian et al: 2022). So the growth indicators for Islamic banks are based on the Maqasid Syariah Perspective of Ibn Asyur, which originates from the universality of Islamic values and collaboration with maqasid al amah and maqasid al khasah :

1. Educating Individuals

In the era of the new millennium, knowledge has become an asset that can be assessed, developed and managed. This paradigm shift occurred when Islam had established knowledge as an obligation since more than 1400 years ago. One way to acquire knowledge is through education, which also includes training and self-discipline. In the Koran and much Islamic literature, there are many inspirations that not only support the advancement of knowledge and skills training, but also encourage the provision of information to the public and the market. The Qur'an, in addition to relating the story of human superiority over angels and other creations for reasons of knowledge, it also elevates the degree of people with more knowledge above those with less knowledge. And this is implied in the individual's obligation to continue to improve their knowledge as high as possible, because in Islam knowledge is a priceless treasure. In addition, knowledge must also be disseminated widely. From this it can be understood that Islamic banking will grow if Islamic banking is not only tasked with educating and training its employees, but also must contribute to enriching public knowledge, and keeping the public informed about their obligations and activities..

2. *Establishing Justice*

Justice is a total understanding and covers all aspects of human life. The context of this indicator collaboration with maqashid sharia is on economic justice which correlates with aspects of social and political justice. The obligation to behave fairly in the economy has been repeatedly mentioned in the Koran, such as the prohibition of consuming other people's wealth unfairly, without any a good agreement between the two parties. Some elements of injustice such as bribing, cheating, maisir, gharar and usury, are harshly criticized in Islam, in addition to interest which is considered the main factor in stabilizing the economy, which has given birth to many moral diseases. Applying the interest system means processing the transfer of wealth from the poor to the rich, which in turn will create striking social inequality. In contrast, Islamic sharia encourages all forms of activities that will guarantee economic justice, such as the process of circulation of wealth (tadaul) which is not only limited to the rich, profit sharing (shirkah) between parties who agree, and fair pricing (tsa 'ir), by avoiding the advantages that burden society. The Islamic banking system must strive to realize economic justice through the circulation of wealth, elimination of absolute privatization and efficiency in the utilization of existing resources. The development and growth of Islamic banking will increase but they must strive to realize economic justice which can result in a permanent contribution to efficiency, productivity, economic growth and stability. In order to realize social justice, as suggested in the Koran, Islamic banking must find an effective balance between profitability and social justice.

3. *Public Interest*

Ibnu Asyur believes that the wealth owned by individuals, companies and the government is none other than a deposit entrusted by Allah SWT. Therefore, everything related must be directed to general social goals. Redistributing wealth, in fact, is not the kindness of the rich to the poor, but rather the rights of the poor-poor in the assets of the rich and then handing them over to the rightful members of society. Several schemes for distributing wealth to the rightful community have been determined in Islamic Sharia, including: zakat, endowments, donations and grants ('ithiyah), and social security (al-takaful alijtima'i). And the benefit for the people and for a long time will happen, Islamic banking can contribute to public benefit with the help of the government through paying taxes and zakat, buying sukuk, financing development projects and so on, so that the government can then reserve part of the funds for the interests of other programs. IDB (Islamic Development Bank) has contributed a lot in

development and community projects in various Muslim countries. IDB projects include: mobilizing waqf funds and channeling them to various financing needs for research and training programs, government financing projects, trade financing, helping to increase trade between Muslim countries, investing in the real sectors of the economy that are vital in order to poverty alleviation.

CONCLUSION

Ibnu Asyur is a maqashid sharia figure who has developed the concept of maqashid sharia to become a very important scientific discipline, especially in this contemporary era, so that his thoughts regarding maqashid sharia can develop sharia banking to be better and of course it will grow very rapidly which of course remains focused on masalah. people. Maqashid sharia is considered to be an important basis for solving increasingly diverse legal issues in this modern era.

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