

## ISLAMIC BUSINESS ETHICS IN THE *MAQASID AL-SHARI'AH* PERSPECTIVE

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### Abstract

Various studies on business ethics have carried out. However, as a Muslim, legal awareness of business ethics implementation will be more easily enhanced by using the Islamic Law approach, including the *maqasid al-shari'ah* plan. This research is library research, which uses qualitative methods with a juridical (legal) approach, namely Islamic Law. The results showed that in terms of *maqasid al-shari'ah*, the principles of Islamic business ethics were in line with *maqasid al-shari'ah*. The principle of the oneness of Allah (monotheism): *hifzh al-din* (guarding religion); the principle of balance and justice, related to *hifzh al-nafs* (guarding the soul); the principle of freedom is in line with *hifzh al-'aql*; the law of responsibility following *hifzh al-nasl* (safeguarding offspring and honor); and the policy of goodness, is very relevant to *hifzh al-mal* (safeguarding property).

**Keywords:** Islamic business ethics, *maqasid al-shari'ah*

### I. Introduction

Economic transactions are something that undoubtedly happens because humans are social beings who need each other. This activity is motivated by the existence of needs that can not be fulfilled by themselves, which causes the interaction and economic transactions between people. This transaction is called business. Namely, the activities carried out by individuals or groups of people (organizations) that create value (Fadya, n.d.), through the creation of goods and services to meet people's needs and obtain profits through transactions (Aziz, 2013, p. 42).

In interactions and transactions to meet the necessities of life (business), it is not uncommon to encounter conflicts and conflicts because of differences in the

interests of each party. For this reason, to achieve mutually beneficial goals, ethics must be considered in their implementation. Good business is not only profitable but both legally and morally.

According to Bertens, good business have from several points of view, namely: 1) economy (profitable), 2) legal (according to the rules), and morals (ethics). The benchmarks for good or not business from a moral point of view (according to the focus of the study of this paper) there are three, namely; 1) conscience; 2) The Golden Rule which says "Treat others as you want to treat"; and 3) general assessment or "social audit" (Bertens, 2000, pp. 27–28).

Business ethics include applied ethics, which can divide into three levels: macro, meso (middle), and micro. At the macro level, business ethics studies moral aspects of the economic system as a whole.

Ethical issues highlighted on a large scale, such as the question of justice, how wealth on this earth should share fairly is. At the meso level, business ethics investigates ethical issues in the organization (companies, trade unions, consumer institutions, professional associations, etc.). While at the micro-level, the focus is on individuals concerning the economy or business. At this stage, the ethical responsibilities of employees and employers, subordinates and managers, producers and consumers, suppliers, and investors studied (Bertens, 2000, p. 35; Ramadanthi, 2019).

Indonesia is a Muslim majority country. For a Muslim, all his life activities, including business transactions, refer to the values taught by Islam. That is an obligation for a Muslim as proof of his Islamic commitment.

Related to a Muslim's obligation to carry out Islamic teachings, there is a theory called the creed theory or Imam Shafi'i's theory of *shahada*, which requires the implementation of Islamic law by those who have pronounced his creed (creed). According to Imam Shafi'i, Muslims have forever bound to carry out Islamic law wherever they are. Both when in the jurisdiction where Islamic law enforces, and in the court where Islamic law does not implement. (Jajuli, 2019, p. 30; Praja, 1995, p. 107; Rasyid, 2013). Based on this theory, as a consequence of his Islamic statement (by reading the *shahada*), a Muslim must carry out Islamic law wherever he is. Likewise, the Muslim community in Indonesia, which is the majority, based on Imam Shafi'i's *shahada* theory, is also obliged to implement Islamic law in life.

The implementation of Islamic teachings can do well if someone understands the precepts well. In this research, Islamic business ethics can implement well if someone follows the purpose and objectives of the values of Islamic education in conducting business transactions. The use of establishing Islamic *shari'ah* (law) is known as the *maqasid al-shari'ah*. Regarding the importance of knowledge about *maqasid al-shari'ah*, al-Juwaini (referred to as the inventor of the theory of *maqasid al-shari'ah*) said that "Whoever does not understand *maqasid al-shari'ah* in every command and prohibition of Allah SWT. Then it cannot be categorized as someone who has a broad view of the objectives of *shari'ah*" (Busyro, 2019, p. 38). Concerning economics, the study of *maqasid al-shari'ah* as the basis of various economic transactions is still poorly understood by the majority of financial practitioners and practitioners. (Soediro & Meutia, 2018). The theory of *maqasid al-shari'ah* can be a benchmark and reference for various aspects of life to realize the benefit for all humans. (Amir-Ud-Din, 2014). Thus, the theory of *maqasid al-shari'ah* is critical to understand, as an essential reference for various activities of human life, so that benefit for all parties can realize.

This research is library research that uses qualitative analysis methods with a juridical (legal) approach, namely Islamic Law. In this case, the theory *maqasid* used is a theory to understand the objectives of establishing Islamic law. Data sources for exploring the values of Islamic teachings are verses of the Qur'an, Hadith, and various literature relating to Usul Fiqh (Islamic Law) and Islamic

economics, as well as other relevant writings.

Much research has done on business ethics (Amalia, 2014; Fasa, 2020; Kawasati, n.d.; Nawatmi, 2010). Research on *maqasid al-shari'ah* has also carried out, including (Busyro, 2019; Maulidi, 2015; Mutakin, 2017). Even about criticism of the *maqasid al-shari'ah* theory has also carried out (Fasa, 2017b). Some research on *maqasid al-shari'ah* and its applications in Islamic economics and banking has also carried out by researchers (Fasa, 2017a; Fasa, Aviva, Firmansah, & Suharto, 2019; Febriadi, 2017; Hassan, Aliyu, Huda, & Rashid, 2019; Ibrahim & Ismail, 2020; Iswandi, 2014; Solihin, Ami'in, & Lestari, 2019; R. P. Wijaya & Ismail, 2020). The focus of the study directed at the review of *maqasid al-shari'ah* on Islamic business ethics. So this study aims to find out how Islamic business ethics, Islamic business ethics principles, and Islamic business ethics from the perspective of *maqasid al-shari'ah*.

## II. Discussion

### A. Islamic Business Ethics

In the Islamic concept, wealth is not the goal of human life activities (*tasarruf*), but rather a form of deposit from God. Humans are not the absolute owners of assets, but only responsible for managing all types of resources (assets) and profits (profits). Therefore, Islam views assets as not merely the fulfillment of individual needs, but also requires that there is an equitable distribution of income for each individual (Rohmati, Anggraini, & Widiastuti, 2018; Shaikh, 2017).

Besides that, all his activities carried out in the context of his service to Allah. (Q.S. al-Dzariyat

[51]: 56; al-An'am [6]: 162). Likewise, in business. A Muslim should do his business activities to worship Allah. For this reason, business activities carried out by a Muslim should use the ethics (morals) taught by Islam, to reach Allah's pleasure (M. Mathkur, 2019). Business ethics taught by Islam is a term related to ethical or unethical behavior (Wilardjo, 2011).

In Islam, ethics can define as the principles and values of goodness based on the sources of Islamic law, namely the Qur'an and the Hadith (Al-Aidaros, Mohd. Shamsudin, & Md. Idris, 2013). Thus, Islamic business ethics are ethical norms based on the Qur'an and Hadith, which must use as a reference by anyone in their business activities. (Djakfar, 2012, p. 29). Islamic business ethics is also a study of how a person or organization conducts business or business contacts mutually beneficial by the values of Islamic teachings (Aziz, 2013, p. 47).

From the perspective of the teachings of Islamic ethics, humans required to do good to themselves and their fellow humans, the environment, and to God as their Creator. If humans have done right to their fellow human beings, their natural habitat, and to their Lord (external), then, in essence, they have done right to themselves (internal). To be able to do good to all that, in addition to being given freedom (free will), he must pay attention to the principle of the oneness of God (monotheism), the law of balance (*tawazun* = balance) and justice (*qist*), and responsibility before God. It is what Syed Nawab Haider Naqvi called ethical axioms, which include unity (monotheism), balance/equality (equilibrium), free will, and responsibility (Djakfar,

2012, pp. 21–22; Sampurno & Islam, 2016). Another opinion states that there are five axioms of Islamic business ethics (some call them the principles of Islamic economic law), namely: oneness (monotheism), balance (equilibrium), free will, responsibility, and virtue (*ihsan*) (Juliyani, 2016, p. 66; Muhammad, Junoh, Abdullah, Redzuan, & Muhamad, 2013; Sulistiani, 2018).

Islamic Economics is a systematic study of human economic problems and their solutions, according to the Qur'an and Sunnah. In summary, it is economics from an Islamic perspective (Tahir, 2017). It based on the principles of *'aqidah* or the law of monotheism, justice, *al-ihsan* (doing good), *al-mas'uliyah* (accountability, responsibility), *al-wasathiyah*, *al-i'tidal* (balance, moderate), and honesty and truth (Salman & Nawaz, 2018; Sulistiani, 2018). Realization of the behavior of the principles of Islamic business ethics, namely: 1) honest in quantity, as implied in Q.S. al-Mutaffifin (83): 1-3; 2) sell goods of good quality. Hiding condition is cheating and lying, which will cause unrest. Conversely, honesty will give birth to calmness; 3) it forbid to take an oath because it is not justified and will eliminate blessings; 4) loose and generous; 5) building good relations between colleagues (*silaturrahim*); 6) orderly administration; and 7) transparent pricing (Djakfar, 2012, pp. 34–42).

In summary, Islamic business ethics are values of Islamic teachings based on the Qur'an and Hadith, which used as a reference in business activities. It based on the principle of the oneness of God (monotheism), balance or justice, the free will that is balanced and moderate, responsibility, and the law

of goodness (*ihsan*), which includes honesty and truth.

### **B. Maqasid al-Syari'ah**

*Maqasid al-shari'ah* is the secret and ultimate goal to be realized by *Shari`* (Allah) in every law he sets (Busyro, 2019, pp. 7–11; Fauzi, 2015; Toriquddin, 2014). It is a way to deduce the law by considering the priority of human benefit based on reason, although it is sometimes contradictory to the text. It means that reason is the primary consideration in determining social benefit (A. Wijaya, 2015). Opinions like this are also expressed by Imam al-Thufi who rely on the concept of *al-maslahah* (benefit) on four main principles, namely: 1) free mind determines *maslahah* and *mafsadah*; 2) *maslahah* is an independent *syar`i* proposition whose dependence does not depend on the confirmation of the text, but only depends on reason alone; 3) *maslahah* only applies to the field of *mu`amalah* and customs, not to the area of worship of *mahdah*; and 4) public interest is the most potent proposition of *syara`* (Amri, 2018).

The essence of the concept of *maqasid al-shari'ah* is the benefit. The benefit that God wants to manifest in establishing a law is the benefit in the world and the hereafter, either by bringing benefits or rejecting all forms of *mafsadat* (Nugraha, Nugroho, Lindra, & Sukiati, 2020; Syufa'at, 2013). The advantage that made as a goal by law is more directed to the interests of humans. The existence will produce

gains in its implementation and prevent the culprit from things that endanger him. The *maqasid al-shari'ah* is further than that, which is (in addition to protecting human problems, too) to maintain *shari'ah* (Al-Ghazali, n.d., p. I,286-287; Busyro, 2019, p. 21; Iswandi, 2014).

It aspects that manifested in the *maqasid al-shari'ah* are five, namely: guarding religion (*hifzh al-din*), guarding the soul (*hifzh al-nafs*), safeguarding reason (*hifzh al-'aql*), protecting offspring (*hifzh al-nasl*), and safeguarding property (*hifzh al-mal*) (Al-Ghazali, n.d., p. I,287; Al-Syathibi, 2002, p. II,8-9; Bakry, 2019; Mutakin, 2017; Toriquddin, 2014). The five aspects (namely religion, soul, reason, descent, and wealth) are the joints of human life (Syufa'at, 2013). The survival and glory of human life depend on the awakening and maintenance of these five aspects. Religion makes humans have the nature of humanity and away from the bad qualities of animals because religion is a special thing that humans have. Safeguarding the soul means preserving the right to live in an honorable state, such as guarding against killing and persecution. Keeping the mind means keeping the mind from things that can damage it. Safeguarding offspring means maintaining human nature and loving relationships between people. Safeguarding property protects it from something that threatens its existence, such as theft, *ghasab*, etc. (Abu Zahrah, n.d., pp. 366–369; Iswandi, 2014).

In conclusion, *maqasid al-shari'ah* is the goal of establishing Islamic law. It implies that every requirement set by the *shari'ah* (Islam) has a specific purpose, namely the benefit of humans and God's creatures in general. Forms of benefits that realized can be in the way of bringing benefits or avoiding interpretations (damage). The aspects (scope) of the interest of the *maqasid al-shari'ah* are five, namely guarding religion (*hifzh al-din*), defending the soul (*hifzh al-nafs*), defending reason (*hifzh al-'aql*), protecting offspring (*hifzh al-nasl*), and safeguarding property (*hifzh al-mal*).

### C. Application of *Maqasid al-Shari'ah* in Islamic Business Ethics

The goal of Islamic economics is a human benefit. It realized employing all the activities that could recognize the benefit. Another event to understand problems is to avoid all things that bring *mafsadah* (damage) to humans (Fauzia, 2014, pp. 12–13). The purpose of Islamic economics is in line with *maqasid al-shari'ah*, which is to realize human problems, even all of God's creatures, in the form of bringing benefits and avoiding interpretations.

To achieve these *mashlahah* goals, in carrying out its activities, a Muslim should hold to Islamic business ethics, which based on the principles of:

- 1) Oneness of Allah (monotheism). Judging from the *maqasid al-shari'ah*, the law of the unity of Allah (*tauhid*), following the primary and first aspects of the *maqasid al-shari'ah*, namely preserving religion (*hifzh al-din*). This principle is the basis of all human activities, including economic activity. This principle fosters a feeling that God is always watching over what humans do. It is known as the concept of *taqwa*. In summary, with monotheism, a person is still required to do good because all his activities can not separate from his relationship with God (Basri, Siti Nabihah, & Majid, 2016);
- 2) Balance or justice (*al-wasatiyah, al-i'tidal*, equilibrium). The demand a balance relates to self and the others' interests, the rich-poor, buyer-sellers' rights. Economic resources should not accumulate in certain circles or groups (Djakfar, 2012, p. 24; Maisya & Fauzy, 2016; Muthmainnah & Nursyamsu, 2017). Injustice in society can lead to various crimes, such as persecution or even murder. Thus, the principle of balance and justice is indirectly related to *hifzh al-nafs* (guarding the soul) in the *maqasid al-shari'ah*. In the science of Usul Fiqh, a concept like this called *sadd al-dzari'ah* (Abu Zahrah, n.d., pp. 288–295; Munawwaroh, 2018; Syafe'i, 2007, pp. 132–140);
- 3) Free will (effort). In the Islamic view, humans are endowed with the potential to will and choose. However, the intended freedom is not unlimited because freedom is unlimited (absolute) only belongs to God. Therefore, "freedom of choice" in any case, including in business, must be interpreted as the freedom that is not contrary to the *shari'a*, which strongly emphasizes ethical teachings (Darmawati, 2013; Djakfar, 2012, pp. 25–26). The understanding, the principle of freedom in Islamic business ethics are in line with *hifzh al-'aql* in the concept of *maqasid al-shari'ah*. That is, the mind guarded to be able to choose the right (to later be done) and the wrong (to then be avoided) in limiting the freedom that humans have (Laeheem, 2018);
- 4) Responsibility (*al-mas' uliyah*). This principle of trust is a consequence of the law of monotheism and freedom of choice. That is, freedom possessed by humans is responsible freedom. Humans must be brave and will be held accountable for all their options. All actions based on "his choice" will not only hold accountable before humans; even more critical is accountability before God. (Akbarnezhad, Jodaki, & Valipour, 2020; Eslami, Mohsen & Jamshidi, 2018). In Islamic teachings, humans have responsibilities towards God, themselves, and others. Duty

towards God because he as a creature who recognizes the existence of God (monotheism). It follows the theory of the creed or *shahada* theory of Imam Shafi'i (Jajuli, 2019, p. 30; Praja, 1995, p. 107; Rasyid, 2013). Responsibility towards other human beings because he as a social creature that is impossible to let go of his interactions with others to meet all the needs of his life. As for the responsibility for oneself because he has freedom of will, which is not possible to be held accountable by others (Darmawati, 2013; Djakfar, 2012, p. 27).

With the principle of responsibility, a person will awake self-respect and his descendants. The offspring will protect from things that are not good, including assets that are not well obtained, which can hurt family life and progeny. It is the relevance of the principle of responsibility in Islamic business ethics to the *hifzh al-nasl* (guarding offspring and honor) in the concept of *maqasid al-shari'ah*;

- 5) Goodness (*al-ihsan*), which includes honesty and truth. The principle of kindness can be realized, among others, honestly in measuring, selling goods of good quality, not using oaths, loose and generous, building good relations between colleagues, orderly administration, and setting prices transparently

(Hulaimi, Sahri, & Huzaini, 2017). This principle is a consequence of it mentioned earlier. The realization and actions that reflect the policies of Islamic economics are very relevant to *hifzh al-mal* (safeguarding property) in the concept of *maqasid al-shari'ah*. Ethical behavior, which is the realization of the policy of *al-ihsan*, is very influential on the preservation of one's property and can realize the goal of establishing Islamic law that features includes things that must be protected.

The principles of Islamic business ethics mentioned above will be more readily understood and practiced in real life if a clear correlation with *maqasid al-shari'ah*. The principle of monotheism is correlated with *hifzh al-din* (safeguarding religion) in the concept of *maqasid al-shari'ah*, so that all of its business activities will not separate from its vertical relationship with God. The principle of balance or justice correlated with *hifzh nafs* (safeguarding the soul). Behavior that adheres to the policy of balance and fairness can prevent the emergence of various kinds of crime, which may be life-threatening. The principle of free will correlates with *hifzh al-'aql* (guarding reason) because there is freedom of will to make reason awake from destructive thoughts. The principle of responsibility

associated with *hifzh al-nasl* (guarding offspring and honor) because the attitude of trust is a guarantee of the preservation of family and respect for things that are not good. Finally, the principle of kindness (*al-ihsan*) guarantees the protection of assets (*hifzh al-mal*). Someone who behaves well in his business activities causes his property to protect from the possible adverse actions of those who become business partners.

### III. Conclusion

Islamic business ethics are the values of Islamic teachings based on the Qur'an and Hadith, which used as a reference in business activities. The principles of Islamic business ethics are the oneness of God (monotheism), balance or justice, the free will that is balanced and moderate, responsibility, and the principle of goodness (*ihsan*), which includes honesty and truth.

*Maqasid al-shari'ah* is the goal of establishing Islamic law, namely realizing benefit for human beings and God's creatures in general. The form of interest can be in the way of bringing benefit or avoiding the bad things (damage). As for aspects (scope) benefit which is the goal of establishing Islamic law (*maqasid al-shari'ah*), namely protecting religion (*hifzh al-din*), protecting soul (*hifzh al-nafs*), protecting reason (*hifzh al-'aql*), guarding offspring (*hifzh al-nasl*), and guarding property (*hifzh al-mal*).

In terms of *maqasid al-shari'ah*, the first principle of

Islamic business ethics, namely the law of the oneness of God (*tauhid*), is following the primary and primary aspect of *maqasid al-shari'ah*, which is to protect religion (*hifzh al-din*). The second principle, balance, and justice is indirectly related to *hifzh al-nafs* (protecting the soul) in the *maqasid al-shari'ah*. The third principle, namely the principle of freedom, is in line with *hifzh al-'aql*. The fourth principle, namely the principle of responsibility, is by *hifzh al-nasl* (safeguarding offspring and honor). Actions and actions that reflect the fifth principle, the law of goodness, are very relevant to *hifzh al-mal* (safeguarding property) in the concept of *maqasid al-shari'ah*.

Conformity with the principles of Islamic business ethics with *maqasid al-shari'ah*, as explained above, expected to increase the awareness of Muslims to uphold these principles in all their business activities. It is in line with the creed theory (*shahada* theory) that a Muslim obliged to carry out all his obligations as a Muslim, wherever and whenever, including in economic and business activities.

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