Review Article

Maqashid Syariah in the Companions and Tabi'in Period

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Abstract: Maqashid Syariah, or the objectives of Islamic law, is an important concept in understanding Islamic law that focuses on achieving good and preventing harm. In the period of the Companions and Tabi'in, this maqashid became the basis for legal decision-making and religious practices. This study aims to analyze how the Companions and Tabi'in implemented maqashid sharia in the social, political, and economic contexts of their time. Meanwhile, the research method used in this journal is library research. The findings show that the Companions and Tabi'in did not only focus on legal texts, but also considered the social impact of legal decisions, thus creating justice and social welfare.

Keywords: companions, maqashid sharia, period, tabiin

1. Introduction

The crucial question of maqashid sharia is an ongoing issue. Because it is always colored by many questions, including whether Islamic law is eternal or profane, whether it can adapt to modernization and change, whether it can overcome new issues that arise, whether it can accommodate change and the process of modernization, and so on.

There are two things in human life that cannot be avoided: the evolution of the times and changes in society and culture. Islamic law, which is considered flexible enough to adapt to changes in the times and food, finds it difficult to face this reality. Islamic law deliberately responds to changes in society in various domains, including social, cultural, political, economic, and others. As an expression of the role or purpose of Islamic law as an ally of social control, social engineering, and social welfare, this shows that these changes are handled, accepted, and directed consciously. In this regard, Islamic law has offered important guidelines for logical growth in an effort to adapt to its changing environment.

The act of adapting, modernizing, and responding to increasingly complex and important humanitarian issues that can no longer be answered by traditional fiqh treasures is a very urgent matter for maqāshid shari'a. As evidenced by various ijtihad activities carried out by Majma' al-Bukhūt al-Islāmiyyah in Cairo, the Indonesian Ulema Council (MUI), the Indonesian Muhammadiyah Tarjih Council, and Bahtsul Masail Nahdlatul 'Ulama Indonesia, it is not surprising that maqashid shari'a is considered to have a very important meaning in Islam today.

Given the length of questions surrounding the issue of maqashid shari'a, this topic is still very relevant today. This raises the question: Where did the idea of maqashid shari'a come from? Since early literature research only provided a few answers to the initial understanding,
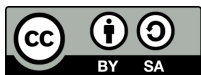
one of the objectives of the study was to uncover the embryo and genes of the science of maqashid shari'a.

In fact, maqashid shari'a has existed since the beginning of Islam. However, it has not been identified in detail and clearly. Therefore, it is important for us to trace the maqashid sharia before it was written down by Ibn Asyur and before it was conceptualized by Imam Syatibi in his muwafaqot, and even before it was echoed by Imam Haramain. Namely, the maqashid sharia'ah during the time of the companions and tabi'in.

2. Research Methods

The research method used in this journal is literature, including the type of library research. Library research is research whose data collection is carried out by collecting data from various literatures. Descriptive-analytical techniques are used to describe the principles and reasoning of Maqashid Syariah in the phase of the companions, tabi'in when making decisions related to Islam, including legal issues. The emphasis of library research is to find various theories, laws, arguments, principles, opinions, ideas and others that can be used to analyze and solve the problems being studied.

3. Discussion

Maqhasid Syari'ah

Etymologically, maqashid means "goal, purpose, target, and objective" and is the plural form of maqshud. According to Jasser Auda, maqashid is a technical term for understanding the intent and ultimate goal of a law. Some Islamic thinkers state that maqashid is an alternative way to express mashalih. Thus, the benefit for all elements that affect the ability of Muslim society to survive is maqashid.

According to Jaser Auda, al-Juwaini was the first person to put forward the idea of maqashid. Al-Juwaini occasionally used the phrase mashlahah ammah (public interest) to refer to maqashid syariah. Maqashid according to Al-Ghazali is mashlahah mursalah which has three levels: primary, secondary, and tertiary. However, other academics such as al-Thufi and al-Qaraafi have the same view, but with different words. Therefore, Jasser Auda sees that maqashid and mashlahah are two of the same things.

Maqashid Sharia Period of the Companions

The period of the Companions was the period when Muslims lived under the guidance of the Prophet Muhammad SAW until the time when he was no longer with them. After the death of the Messenger of Allah, the Companions faced a number of new matters that required them to solve these matters by seeking wisdom from the verses of the Qur'an and the hadith of the Prophet SAW.

After the spread of Islam to all corners, a large number of Companions spread to various regions, each with its own unique customs and culture. Thus, as waratul anbiya' (heirs of the Prophets), they had an important role in carrying out the Prophet's mission to spread Islam. The Companions consistently adhered to the maqāshid sharia to carry out ijtihad when discovering new laws. Because they were with the Prophet during his life, and had received a good education. Therefore, their extraordinary potential to capture and apply maqashid in all ijtihad processes is not surprising. The Companions, as direct recipients of the Prophet's

teachings, played an important role in implementing the maqashid of Sharia in various contexts.

The Companions had several methods in solving these cases. Among them is by applying qiyas and maslahah, which are rational considerations (ra'yu). To overcome new situations that had not yet arisen during the lifetime of the Prophet Muhammad, ra'yu was used to develop legal answers with qiyas. The Companions performed qiyas by identifying the intent (illah) of an existing law to then be ilhaqkan to a new case for which there was no law. The same is true of the application of maslahah. In his actions, such as ijtihad of Sayyidina Umar to make a mushaf of the Qur'an, the maqshud of Sayyidina Umar in recording the mushaf was to preserve the Qur'an that had been memorized by the Companions, this was because many memorizers of the Qur'an were martyred on the battlefield, so that it was worrying that the huffadz would run out before passing it on to the next generation. This is illustrated by the answer of Sayyidinia Umar when asked by Sayyidina Abu Bakar that "this bookkeeping has never been done by the Messenger of Allah SAW". He did not answer with the argument of the Qur'an or Hadith, but he said that "this is a good thing". What Sayyidina Umar did was not a matter that was outside of religion, because there is a command in the Qur'an.

The second is the ijma' method, the companions usually discuss to reach a consensus on legal issues. This was followed by companions who were experts in the field of law. In the era of this companion, ijma' was very easy to do. Because the number of companions could still be counted. Especially the companions who were experts in fiqh or from the great companions. Ar-Raisuni said that the ijma' of the companions did not wait for all the companions who numbered hundreds of thousands to gather, but the ijma' of the companions only needed an agreement from the companions who were experts in fiqh and their great companions who only numbered tens, and they usually met.

There is another special thing about the companions, namely ijma' sukuti. In the era of the companions, if there was a new thing done by someone, and none of the companions reprimanded the new thing (just kept quiet), it showed that the matter did not conflict with the sharia. Because the companions would not be silent when there was an evil deed. Therefore, the silence of the companions can also be called ijma'

In general, the science of maqashid sharia during the time of the companions had not yet become a scientific study. Although the companions often disagreed. However, the discussion has not yet produced a distinctive methodological study. The thoughts of the companions were more pragmatic and aimed at answering problems. The legal discussions of the companions were still limited to giving fatwas on various problems or questions that arose, not yet discussing the problem of methodology in the study of Islamic law.

The mujtahid scholars who conceptualized maqashid sharia based their concept on the texts of the Qur'an and Hadith, they understood it by seeing how the companions of the prophet understood the Qur'an and Hadith. As Imam Syatibi in his muwafaqot in the chapter al-maqashid stated that "maqashid shari'ah has been established in the Qur'an and Hadith, then guarded by the chosen salaf". What is meant by the chosen salaf here are the companions. This was also expressed by Ibn Qoyyum that "the companions are the people who understand best what the Prophet Muhammad SAW wanted and intended." Therefore, it is very necessary to see how the companions viewed maqashid shari'ah. This is confirmed by Ibn Taimiyah who

said that the ijtihad and qiyas of the companions were in accordance with the principles of maqashid shari'ah.

The ijtihads of the companions, according to Abdul Aziz, were in accordance with the five principles of maqashid shari'ah. First, the principle of maintaining religion (hifdhu ad-din), as was the ijtihad of Sayyidina Abu Bakar to fight apostates and people who refused to pay zakat. The second is Sayyidina Umar's ijtihad when one person fights many people, this is in accordance with the principle of protecting the soul (hifdhu an-nafs). The third principle is to maintain reason (hifdhu al-aql), such as the ijtihad of Sayyidina Umar and Sayyidina Ali to double the punishment for drinking Khomr from 40 times to 80 times. The fourth principle is the principle of safeguarding assets (hifdhu al-mal), just like the ijtihid of Sayyidina Uthman who called for caring for found items by declaring them and then selling them. and when the owner comes, the owner is given the money from the sale. And the last one is Sayyidna Umar's ijtihad which increases the iddah period (3 months) by an additional 9 months. This is in accordance with the principle of protecting offspring (hifdhu an-nasal).

Maqashid Syariah Tabi'in Period

Maqashid Syariah is the goal and purpose of Islamic law which aims to achieve the welfare of the people. In the Tabi'in period, which is the generation after the companions of the Prophet Muhammad SAW who studied with the companions, the understanding and application of maqashid syariah experienced significant development. The Tabi'in tried to continue the legacy of knowledge from the companions and apply it in a broader social context. Knowledge of the laws in the Qur'an and Sunnah became the main basis for decision making. They also had additional new legal references, namely ijma' ash shahabi, ijma'ahl al madinah, fatwa ash shahabi and qiyas which had been produced by the generation of companions without having to rely entirely on the formal Usul Fiqh theory.

During the Tabi'in period, Islamic scholars and intellectuals tried to apply maqashid syariah in various aspects of life. They used the knowledge gained from the Prophet's companions to make legal decisions that were relevant to the context of their time. Regarding the sharia maqashid carried out by the tabiin generation of ulama, one of them can be seen from the term ijtihad birra'yi or ijtihad with reason.

At this time, the development of Islamic society became increasingly complex. In this way, the problems that arise are increasingly complex, which are not found in the Qur'an and Sunnah, so this is where tabi'in carry out ijtihad to seek legal provisions based on their reasoning on certain verses. Various social, political and economic challenges arise, requiring in-depth interpretation and understanding of sharia to maintain the benefit of the people. An example of fiqh scholars in Iraq in making laws is better known by the use of ar ra'yu, in every case they encounter they look at the illat, so that with this illat they can equate the law in the case at hand with cases that already have texts. The scholars of Medina used many hadiths of the Prophet Muhammad SAW, because they could easily trace the sunnah of the Prophet in that area. From here the beginning of the differences in establishing a law among the scholars of fiqh emerged. As a result, three groups of scholars emerged, namely Madrasah al Iraq, Madrasah Al Kufah, Madrasah Al Madinah. Thus, several clearer differences emerged along with differences in groups of legal experts (fuqaha) based on geographical location. In ijtihad. like the generation of companions, the legal experts of the tabi'in generation also took the same steps as those taken by their predecessors. However, in determining a law as explained

above in the era of the tabi'in, in addition to referring to the Qur'an and sunnah, they already had additional new legal references, namely ijma' ash-shahabi, ijma'ahl al madinah, fatwa ash shahabi, qiyas, and maslahah mursalah which had been produced by the generation of companions.

4. Conclusions

Maqashid Syariah, or the purpose of sharia, is an important concept in understanding and implementing Islamic law. The mujtahid scholars who conceptualized maqashid syariah based their concept on the texts of the Qur'an and Hadith, but they understood it by looking at how the Prophet's companions understood the Qur'an and Hadith. The science of maqashid syariah during the period of the companions and tabi'in had not yet become a scientific study and had not produced a distinctive methodological study. The thoughts of the companions were more pragmatic and aimed to answer problems. And in essence they had applied the study of maqashid syariah such as maslahah and had maintained the five principles of maqashid syariah (kulliyatul khoms).

References

1) Ar-Raisuni, Ahmad. "Muhaadharaat Fi Maqaashid Asy-Syariah." Kairo: Darul Kalimah, 2013.
2) Asy-Syathibi. "Al-Muwaafaqaat," 13. Dar ibni Affan, 1997.
3) Auda, Jasser. Maqashid Al Shariah As Philosophy Of Islamic Law: A System Approach. London:The International Institute of Islamic Thought, 2007.
4) Aziz, Abdul. Ushulul Fiqh Indas Sohabah. Al-Wa'i Al-Islamy, 2011.
5) Azizah, Aisyatul, Moch Nu, and M Syam Rosyadi. "Nalar Maqasid Syari ' Ah Di Era Sahabat Dan Tabi ' in" 2, no. 2 (n.d.): 124–29.
6) Firano, Ismail. "Maqāşid Al-Zuwāj Al-Syar'iyyah: Dirāsah Li Ahammi Maqāşid Al-Aşliyyah Wa Al-Taba'iyyah." Jurnal Al-Dustur 7, no. 2 (November 30, 2024): 170–97. https://doi.org/10.30863/aldustur.v7i2.7131.
7) Jasser Auda, Shiraz Khan, Anas Al Shaikh-Ali. Maqasid Al-Shariah: A Beginner's Guide. London:The International Institute of Islamic Thought, 2008.
8) John J. Donohue, John L. Esposito. Islam in Transition. New York : Oxpord University Press, 1982.
9) Lara Aziza Putri, and Miftahul Zikri Sy. "Relevansi Konsep Maqashid Syariah Pada Pemasaran Syariah Dalam Pandangan Imam Asy-Syatibi." JURNAL ILMIAH EKONOMI DAN MANAJEMEN 3, no. 1 (December 14, 2024): 12–23. https://doi.org/10.61722/jiem.v3i1.3312.
10) M Nasir, and Alwis Tarusang. "The Impact of The Companions' Ijtihad on The Evolution of Islamic Law in Subsequent Eras." Al-Ubudiyah: Jurnal Pendidikan Dan Studi Islam 5, no. 2 (June 15, 2024): 34–43. https://doi.org/10.55623/au.v5i2.322.
11) Moktar, Mohd Sufian, Wan Mohd Yusof Wan Chik, Abdul Wahab Md. Ali, Muhamad Hafizuddin Ghani, and Nur Fazliza Zulkafli. "The Maqasid Syariah in State Jurisprudence." International Journal of Academic Research in Business and Social Sciences 14, no. 12 (December 24, 2024). https://doi.org/10.6007/IJARBSS/v14-i12/24303.
12) Nur, Iffatin, Ali Abdul Wakhid, and Lestari Handayani. "A Genealogical Analysis on the Concept and Development of Maqaşid Syarī'Ah." AL-'ADALAH 17, no. 1 (November 30, 2020): 1–30. https://doi.org/10.24042/adalah.v17i1.6211.
13) Qoyyum, Ibnul. "I'lamul Muwaqi'in 'an Rabbil 'Alamiin." Beirut: Dâr al-Kutub al-Ilmiyah, 1991.
14) Rizani, Rasyid, Jalaluddin Jalaluddin, Fathurrahman Azhari, and Fahmi Hamdi. "Istinbath Hukum Islam Masa Kenabian Dan Sahabat: Sejarah, Karakteristik, Dan Metode Ijtihad Dalam Membentuk Hukum Islam." Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory 2, no. 2 (June 8, 2024): 619–44. https://doi.org/10.62976/ijijel.v2i2.540.
15) Rohayana, Ade Dedi. "The Mutualism Interactions in the Changes of Social and Islamic Law." HIKMATUNA: Journal for Integrative Islamic Studies 8, no. 1 (June 30, 2022): 16–27. https://doi.org/10.28918/hikmatuna.v8i1.5683.
16) Soekanto, Soerjono. Pokok-Pokok Sosiologi Hukum. Jakarta: Rajawali Pers, 1980.
17) Sugiyono. Metode Penelitian Kuantitatif, Kualitatif, Dan R&D. Alfabeta. Alfabeta, 2013.
18) Suharsimi, Arikunto. "Prosedur Penelitian Suatu Pendekatan Praktik." Jakarta: Rineka Cipta, 2006.