

# Maqashid Al Shariah in Economic Development: Theoretical Review of Muhammad Umer Chapra's Thoughts

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## Abstract

Muhammad Umer Chapra is among leading experts in Islamic economics. He published many well-known books, such as *The Future of Economics: An Islamic Perspective*, which reconstructed Ibn Khaldun's classical thinking and aimed to direct how the economic development of a country should be carried out. He also published a research paper entitled "The Islamic Vision of Development in the Light of Maqāṣid Al-Sharīah" as formulation on how to implement goals of shariah in economic development or maqashid al shariah. Muamalah activities, such as economic development, cannot be separated from the context of maqashid al shariah. This study aims to analyze whether the theory constructed by Chapra follows the principles of maqashid al shariah as proposed by other Muslim scholars: Al-Shatibi and Jasser Auda. Furthermore, it also analyzes Chapra's thoughts with correspondence to five fiqh legal maxims or qawaidh fihiyah. This study applied traditional or narrative review as a method of analysis. The results show that Chapra's thoughts aligned with maqashid al shariah as proposed by Al-Shatibi and Jasser Auda and with the five fiqh legal maxims.

**Keywords:** Al-Shatibi; Economic Development; Ibn Khaldun; Jaser Auda; Maqashid Al Shariah.

# **Maqashid Syariah dalam Pembangunan Ekonomi: Tinjauan Teoretis Pemikiran Muhammad Umer Chapra**

## **Abstract**

Muhammad Umer Chapra adalah salah satu pakar terkemuka di bidang ekonomi Islam. Dia menerbitkan banyak buku terkenal, seperti “The Future of Economics: An Islamic Perspective”, yang merekonstruksi pemikiran klasik Ibn Khaldun dan bertujuan untuk mengarahkan bagaimana pembangunan ekonomi suatu negara harus dilakukan. Ia juga menerbitkan makalah penelitian berjudul “Visi Pembangunan Islam dalam Cahaya Maqāsid Al-Shariāh” sebagai rumusan tentang bagaimana mengimplementasikan tujuan syariah atau maqashid syariah dalam pembangunan ekonomi. Kegiatan muamalah, seperti pembangunan ekonomi, tidak bisa dilepaskan dari konteks maqashid syariah. Penelitian ini bertujuan untuk menganalisis apakah teori yang dibangun oleh Chapra mengikuti prinsip-prinsip maqashid syariah seperti yang dikemukakan oleh cendekiawan Muslim lainnya: Al-Syatibi dan Jasser Audah. Selain itu, juga menganalisis pemikiran Chapra yang dikaitkan dengan lima kaidah hukum fiqh atau qawaidh fiqhiyah. Kajian ini menggunakan telaah pustaka naratif atau tradisional sebagai metode analisis. Hasil penelitian menunjukkan bahwa pemikiran Chapra selaras dengan maqashid syariah sebagaimana dikemukakan sebelumnya oleh Al-Shatibi dan Jasser Audah serta dengan lima kaidah hukum fiqh.

**Kata kunci:** *Al-Syatibi; Ibnu Khaldun; Jasser Audah; Maqashid Syariah; Pembangunan Ekonomi.*

## INTRODUCTION

The theory of economic development in a country has been the subject of discussion in macroeconomic studies for a long time since Adam Smith published his famous book *The Wealth of the Nations*. After that, economists pay much attention to how to create state prosperity and not merely accumulate wealth by exploiting human and natural resources as in the past, completing a lot of famines and wars and rebellions due to the unequal distribution of wealth. Even in many countries, especially developed ones, economists have included elements of sustainability and green economic development in their countries' economic development patterns. Garden city development is among the concept applied in developed countries such as Singapore.<sup>1</sup> The idea of a garden city is a metropolitan city with parks, agriculture, and urban forests with the intention that the city remains ecologically livable.<sup>2</sup>

Islam is a religion that not only deals with issues of worship or the relationship between humans and God but also takes care of the relationship between humans.<sup>3</sup> Islamic coverage of social purpose also has implications for teaching a revealed concept of economic development that can be adopted into the modern economic system.

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<sup>1</sup> Belinda Yuen, "Creating the Garden City: The Singapore Experience," *Urban Studies* 33, no. 6 (1996): 955-70, <https://www.jstor.org/stable/43100334>; Heejin Han, "Singapore, a Garden City: Authoritarian Environmentalism in a Developmental State," *The Journal of Environment & Development* 26, no. 1 (2017): 3-24, <https://www.jstor.org/stable/26197986>.

<sup>2</sup> Ridan Muhtadi et al., "Tinjauan Maqashid Syariah dan Fiqh al-Bi'ah dalam Green Economy [An Overview of Maqashid of Sharia and Fiqh al-Bi'ah in Green Economy]," *Ekonomi Islam* 10, no. 2 (2019): 242-59, <https://journal.uhamka.ac.id/index.php/jei/article/view/3808>.

<sup>3</sup> Armando Salvatore, "Discussing Islam and Modernity," *Review of Middle East Studies* 34, no. 1 (2000): 41-43, <https://doi.org/10.1017/S0026318400042413>; Ejder Okumuş, "Islam, Muslims, and Social Change," *Tevilat* 1, no. 2 (2020): 479-506, <https://dergipark.org.tr/en/pub/tevilat/issue/59479/913629>.

Economic development in the context of Islam should better answer human needs because, in addition to being able to be applied effectively, it must also follow *maqashid al sharia* or sharia objectives. It is part of checking and balancing whether a law that regulates human life is in line with the law determined by God.<sup>4</sup>

Among prominent experts in Islamic economics was Pakistani-Saudi economist, Muhammad Umer Chapra. He has been working as an Advisor at the Islamic Research and Training Institute (IRTI) of the Islamic Development Bank (IDB) in Jeddah, Saudi Arabia, since November 1999. Before being promoted to his current role, he spent close to 35 years serving in various economic advisory capacities at the Saudi Arabian Monetary Agency (SAMA) in Riyadh, first as an Economic Advisor and later as a Senior Economic Advisor.<sup>5</sup> Chapra has raised the theory of development in many of his writings that the concept of development must follow *maqashid al shari'ah* in order to achieve a development that aims to create prosperity in the world and hereafter.<sup>6</sup>

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<sup>4</sup> Martini Dwi Pusparini, "Konsep Kesejahteraan Dalam Ekonomi Islam (Perspektif Maqasid Asy-Syari'ah) [The Concept of Welfare in Islamic Economics (Maqashid al Shari'ah Perspective)]," *Islamic Economics Journal* 1, no. 1 (2015): 45-59, <https://doi.org/10.21111/iej.v1i1.344>; M. Iqbal, "Maqasid Syariah Sebagai Dasar Paradigma Ekonomi Islam [Maqashid Al Shari'ah as the Basis of the Islamic Economic Paradigm]," *Hikmah* 16, no. 2 (2019): 47-58, <http://e-jurnal.staisumatera-medan.ac.id/index.php/hikmah/article/view/46>; Fira Mubayyinah, "Ekonomi Islam Dalam Perspektif Maqasid Asy-Syariah [Islamic Economics in the Perspective of Maqashid Al Shari'ah]," *Journal of Sharia Economics* 1, no. 1 (2019): 14-29, <https://doi.org/10.35896/jse.v1i1.55>.

<sup>5</sup> Deema Al-Khudair, "50 Years of Memories: Pakistani Economist Who Helped Build Saudi Banking System," *Arab News* (blog), February 16, 2019, <https://www.arabnews.com/node/1453281/saudi-arabia>.

<sup>6</sup> Muhammad Umer Chapra, *The Future of Economics: An Islamic Perspective*, Islamic Economics Series 21 (Leicester, United Kingdom: Islamic Foundation, 2000); Muhammad Umer Chapra, "Ibn Khaldun's Theory of Development: Does It Help Explain the Low Performance of the Present-Day Muslim World?," *The Journal of Socio-Economics*, Special Issue on the Household Economy, 37, no. 2 (April 1, 2008): 836-63,

This study aims to explore further Chapra's thoughts in the context of Islamic economic development related to *maqashid al shari'ah*. His thoughts can be applied to formulate economic development policy that cannot be separated from the goals of Islamic teachings. It is also essential for this study to compare Chapra's thoughts with a classical scholar who intensively discusses *maqashid al shari'ah* as part of the scientific tradition of testing a theory so that a concept can be justified for its validity. Therefore, the main objective of this study is to theoretically review the concept of economic development by Chapra. This study also analyzes whether Chapra's thought follow the principles of *maqashid al sharia*, are in line with various existing theories, including the fiqh legal maxim, and whether his thoughts can be applied in a modern economic system to answer the problems faced by countries, especially in Muslim countries.

## METHOD

This paper uses a literature study which is part of the descriptive analysis. A traditional or narrative review is used in this study with steps: identifying the research question, selecting research materials, conducting research, and writing the review.<sup>7</sup> The data collected related to the topic under study was sourced from the literature. Research variables are not standardized; researchers carry out the analysis by comparing various sources of writing. The discussion will include the following: (a) the concept of economic development of Ibn Khaldun, which was reconstructed by Chapra, in this section we will

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<https://doi.org/10.1016/j.socec.2006.12.051>; Muhammad Umer Chapra, *The Islamic Vision of Development in the Light of Maqāṣid Al-Sharīḍh*, ed. Shiraz Khan and A. S. Al-Shaikh-Ali (London, United Kingdom: International Institute of Islamic Thought, 2008).

<sup>7</sup> San José State University Library, "How to Write Literature Reviews," HTML, SJSU Research Guides: Humanities, October 28, 2020, <https://libguides.sjsu.edu/c.php?g=939759&p=6772471>.

also discuss Chapra's views on development in the context of *maqashid al shari'ah*; (b) the discussion about the concept of *maqashid al sharia* according to Al-Shatibi and whether Chapra's thoughts accommodate *maqashid al shari'ah* in Al-Shatibi's perspective; (c) the discussion about the concept of *maqashid al shari'ah* according to Jaser Auda and whether Chapra's thoughts accommodate Jaser Auda's perspective; and (d) the discussion of Chapra's thoughts on *maqashid al shari'ah* in the context of the fiqh legal maxim.

## LITERATURE REVIEW

*Maqashid* is the plural form of the word *maqshad* in Arabic, which means purpose, objective, or principle. In the context of this study, *maqashid al shari'ah* can be viewed as goal or principle of Islamic law or *Shari'ah*. Several Islamic thinkers defining *maqashid al shari'ah* as an alternative to creating a condition of *maslahah* (common good). *Maslahah* has many definitions but has more or less the same as the implementation of goodness, which is the goal of *shari'ah*.<sup>8</sup> Al-Ghazali (d. 505 H / 1111 AD) elaborated on the classification of *maqashid*, which he included in the category of *mashalih al-mursalah*, i.e. benefits that are not directly mentioned in holy texts of Islam.<sup>9</sup> Some scholars also state that any *maslahah* or goodness not mentioned in the Qur'an and the Hadith is called *maslahah mursalah*.<sup>10</sup>

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<sup>8</sup> Mohammad Hashim Kamali, "Maqāṣid Al-Sharī'ah: The Objectives of Islamic Law," *Islamic Studies* 38, no. 2 (1999): 193–208, <https://www.jstor.org/stable/20837037>.

<sup>9</sup> Syarif Hidayatullah, "Maslahah Mursalah Menurut Al-Ghazali [Maslahah Mursalah According to Al-Ghazali]," *Al-Mizan : Jurnal Hukum Dan Ekonomi Islam* 2, no. 1 (2018): 115–63, <https://doi.org/10.33511/almizan.v2n1.115-163>; Mohammad Hadi Sucipto and Khotib, "Perdebatan Maslahah Mursalah Dalam Kitab-Kitab Al-Imam Al-Ghazali [The Maslahah Mursalah Debate in the Books of Al-Imam Al-Ghazali]," *El-Faqih: Jurnal Pemikiran Dan Hukum Islam* 6, no. 1 (2020): 1–17, <https://doi.org/10.29062/faqih.v6i1.106>.

<sup>10</sup> Muhammad Yusuf, "Pendekatan Al-Maṣlaḥah al-Mursalah Dalam Fatwa MUI Tentang Pernikahan Beda Agama [The Use of al-Maṣlaḥah al-Mursalah Theory in the

The history of *maqashid al sharia* underlying the commands of the Qur'an and the Sunnah can be traced back to the time of the companions of the Prophet Muhammad (PBUH). One of the most famous examples is the Hadith which has many about the Asr prayers at the Banu Quraizhah, where the Prophet Muhammad sent a group of companions to the Banu Quraizhah and ordered them to perform the Asr prayers there. When he (PBUH) came back from the campaign of al-Ahzaab, and Jibreel came to him and told him to go out to Bani Quraizhah, who had broken the treaty, the Prophet (PBUH) told his companions, "None of you should pray 'Asr until he reaches Bani Quraizhah." They set out from Madeenah to Bani Quraizah, and they were worried about missing the 'Asr prayer. Some of them delayed the 'Asr prayer until they reached Bani Qurayzah, and they prayed it after the time for the prayer had passed because the Prophet (PBUH) had said, "None of you should pray 'Asr until he reaches Bani Quraizah." Others prayed 'Asr on time, saying that all the Prophet (PBUH) had meant was that they should hasten to go out (to Bani Quraizah); he did not mean that they should delay the prayer. These are the ones who were correct, but the Prophet (PBUH) did not rebuke either of the two groups, and neither expressed enmity towards the other.<sup>11</sup>

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Fatwā of MUI on the Interfaith Marriage],” *AHKAM : Jurnal Ilmu Syariah* 13, no. 1 (2013): 99-108, <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/955>; Muhammad Adil Khan Afridi, “Maqasid Al-Shari’ah and Preservation of Basic Rights Under the Theme ‘Islam and Its Perspectives on Global & Local Contemporary Challenges,’” *Journal of Education and Social Sciences* 4, no. 1 (2016): 274-85, [http://jesoc.com/wp-content/uploads/2016/06/KC4\\_143-1.pdf](http://jesoc.com/wp-content/uploads/2016/06/KC4_143-1.pdf).

<sup>11</sup> Ramli Abdul Wahid, “Perkembangan Metode Pemahaman Hadis di Indonesia [The Development of Hadith Understanding Methods in Indonesia],” *Analytica Islamica* 4, no. 2 (2015): 231-43, <http://jurnal.uinsu.ac.id/index.php/analytica/article/view/467>.

However, what happened was that the time limit for the Asr prayers was running out, and the friends arrived at Banu Quraizhah. Then the companions were divided into supporters of two different opinions: the first opinion insisted on the Asar prayer at the Banu Quraizhah with any consequences. In contrast, the second insisted that the Asar prayer was on the way (before the Asar prayer time ran out). The rationalization behind the first opinion is that the Prophet's commandment textually asks everyone to perform Asar prayers at Banu Quraizhah. In contrast, the rationalization of the second opinion is the 'intention/purpose' of Rasulullah (PBUH) order is to ask the companions to hurry towards the Banu Quraizhah and not 'intend' 'postpone the Asar prayer until the prayer time is up. According to the narrator, when the companions reported the story to the Prophet, the Prophet confirmed the truth of two opinions of the companions. The determination of opinion of the Prophet, as well as scholars, shows the ability and truth of the two points of view above.<sup>12</sup>

In the world of contemporary fiqh, Muslim scholars agree that Al-Shatibi contributed to the foundation of *maqhasid al shari'ah* to be the heart of ushul fiqh science. Al-Shatibi was a jurist and expert on Islamic law from Islamic Spain with the Maliki school of thought. His full name is Abu Ishaq Ibrahim bin Musa bin Muhammad al-Lakhmi al-Shatibi. The exact place and date of his birth are not known. However, the name al-Shatibi is often associated with a place in eastern Spain, namely Sativa or Syatiba (Arabic). It is assumed that al-Shatibi was born or at least once lived there. He died on Tuesday, the 8th day of Sha'ban in 790 H or 1388 AD in Granada. He started his education by studying Arabic grammar and literature from Abu Abd

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<sup>12</sup> Wahid.



Allah Muhammad bin Ali al-Fakhkhar, a grammar expert in Andalusia.<sup>13</sup>

The experience of living with his teacher until the year 754 H / 1353 AD and about the lessons he got were recorded in a book he compiled entitled *al-Ifâdât wa al-Irshâdât* or *Insya'at*.<sup>14</sup> From this book, it can be seen that al-Shatibi is sufficiently qualified in language and literature. The second language teacher was Abu al-Qasim al-Syarif al-Sabti (760 H / 1358 AD), the chief judge in Granada. Starting to study jurisprudence in 754 H / 1353 AD, al-Shatibi studied from Abu Sa'adah Ibn Lubb, from whom almost all of his fiqh education was completed. Ibn Lubb was a well-known Fakih in Andalusia with a level of *ikhtiyâr* or decisions by choice in a fatwa.<sup>15</sup> The history of al-Shatibi's education is coloured by many of Granada's leading scholars and diplomats who visited Granada. Among these scholars who need to be mentioned was Abu Abd Allah al-Maqqari who came to Granada in 757 H / 1356 AD because Sultan Banu Marin sent him as a diplomat. His intellectual interaction with al-Maqqari began with the discourse of Razism in the Maliki ushul fiqh. Al-Maqqari was also a person who influenced him in Sufism.<sup>16</sup> Al-Shatibi formulated *maqashid al shari'ah*

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<sup>13</sup> M. Khalid Mas'ud, "Abū Ishāq Shāṭibī: His Life and Works," *Islamic Studies* 14, no. 2 (1975): 145-61, <https://www.jstor.org/stable/20846950>; Deina Ali Abdelkader, "The Rudiments of an Islamic Just Society: The Contribution of Abu-Ishaq al-Shatibi," in *Islamic Activists, The Anti-Enlightenment Democrats* (London, United Kingdom: Pluto Press, 2011), 29-42, <https://doi.org/10.2307/j.ctt183p1xz.5>.

<sup>14</sup> Mansur Mansur, "'Urf Dan Pembentukan Hukum Islam Menurut Al-Shāṭibī [‘Urf and the Establishment of Islamic Law According to Al-Shāṭibī]," *Lisan Al-Hal: Jurnal Pengembangan Pemikiran Dan Kebudayaan* 9, no. 2 (2015): 349-78, <https://doi.org/10.35316/lisanalhal.v9i2.94>.

<sup>15</sup> Moh Toriquddin, "Teori Maqâshid Syari'ah Perspektif Al-Syatibi [Theory of Maqâshid Al Shari'ah Al-Syatibi's Perspective]," *De Jure: Jurnal Hukum Dan Syar'iah* 6, no. 1 (2014): 33-47, <https://doi.org/10.18860/j-fsh.v6i1.3190>.

<sup>16</sup> Mas'ud, "Abū Ishāq Shāṭibī"; Tawfique Al-Mubarak, "Imam Al-Shatibi: The Master Architect of Maqasid," HTML, *International Institute of Advanced Islamic Studies* (blog), January 2015, [https://iaais.org.my/attach/Imam\\_al-Shatibi.pdf](https://iaais.org.my/attach/Imam_al-Shatibi.pdf).

into five cores: *hifdz ad-din* (maintaining the religion), *hifdz an-nafs* (maintaining the soul), *hifdz al-aql* (maintaining the mind), *hifdz an-nasl* (maintaining the descendants) and *hifdz al-maal* (maintaining the property).<sup>17</sup>

After Al-Shatibi, many scholars also developed some thoughts and analyses on *maqashid al shari'ah*. Jasser Auda is one of the contemporary Muslim scholars who is influential and has a robust *maqashid al shari'ah* concept used by many scholars in Islamic law studies.<sup>18</sup> He is an Egyptian-born who has lived in the West for a long time. He obtained his Ph.D. from the University of Wales, England, with a concentration in Islamic Law Philosophy in 2008. His second Ph.D. degree was obtained from the University of Waterloo, Canada, with a study in systems analysis in 2006. The Master of Fiqh was obtained from the American Islamic University, Michigan, for legal purposes of Islam or *maqashid al-shari'ah* in 2004. BA degree was obtained from the Department of Islamic Studies at Islamic American University, USA, in 2001, and a BSc degree was obtained from Engineering Cairo University, Egypt Course Av. 1988. He received education in the Qur'an and Islamic sciences at the Al-Azhar Mosque, Cairo.<sup>19</sup>

Jasser Auda introduced *maqashid al-shari'ah* concept with a systems approach and attempted to reconstruct it by reinterpreting

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<sup>17</sup> Ahmad Raysūnī, *Imam Al-Shatibi's Theory of the Higher Objectives and Intents of Islamic Law* (London, United Kingdom: International Institute of Islamic Thought, 2005).

<sup>18</sup> Syukur Prihantoro, "Maqasid Al-Syari'ah Dalam Pandangan Jasser Auda: Sebuah Upaya Rekontruksi Hukum Islam Melalui Pendekatan Sistem [Maqashid of Sharia in Jasser Auda's View: An Effort to Reconstruct Islamic Law through a System Approach]," *At-Tafkir* 10, no. 1 (2017): 120-34, <https://journal.iainlangsa.ac.id/index.php/at/article/view/235>.

<sup>19</sup> Retna Gumanti, "Maqasid Al-Syariah Menurut Jasser Auda (Pendekatan Sistem Dalam Hukum Islam) [Maqasid Al-Syariah According to Jasser Auda (System Approach in Islamic Law)]," *Jurnal Al Himayah* 2, no. 1 (2018): 97-118, <https://journal.iaingorontalo.ac.id/index.php/ah/article/view/582>.

the concept of maqhasid al-shariah by Al-Shatibhi. *Hifdz al-din* in the old maqashid theory is redefined as maintaining, protecting, and respecting freedom of religion and belief. *Hifdz al-nasl* is redefined as the protection of family and family institutions. *Hifdz al-'aql* is redefined by multiplying scientific thinking and research patterns. *Hifdz al-nafs* is reinterpreted by maintaining human dignity and human rights. *Hifdz al-maal* is redefined by prioritizing social concerns, development, and social welfare.<sup>20</sup>

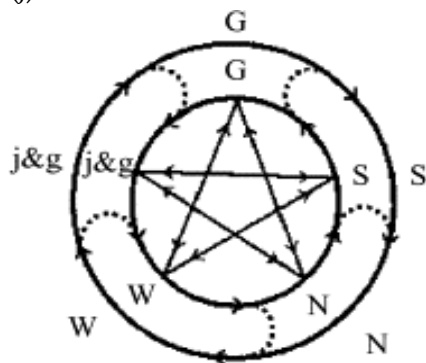
The study of maqashid sharia will eventually embrace Islamic economics as a branch of the *fiqh al-muamalah* study. In general, *maqashid al-shari'ah* is in line with Islamic economic goals to improve the welfare of the ummah, abolish unfair economic practices, avoid usury, and manage welfare and a prosperous state. One of the prominent Muslim scholars with widely acknowledged contributions to Islamic economics is Muhammad Umer Chapra. He is a scholar citizen of Saudi Arabia and currently works as a Research Advisor for Islamic Research and Training (IRTI) at the Islamic Development Bank. His academic degrees were obtained from the University of Karachi (1956) with an MBA and a Doctor of Economics degree at the University of Minnesota, Minneapolis. Having written many books and literature on Islamic economics, Chapra combines many conventional economic concepts and Islamic economics that originate from classical Islamic treasures. Like the thoughts of Ibn Khaldun, which he constructed again into a theory that he considered could answer the challenges of the masses in front of economic development.<sup>21</sup>

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<sup>20</sup> Jasser Auda, *Maqāshid Al-Sharī'ah a Beginner's Guide*, Occasional Papers Series (London, United Kingdom: The International Institute of Islamic Thought, 2008).

<sup>21</sup> Muhammad Yafiz, "Internalisasi Maqāshid Al-Syarī'ah Dalam Ekonomi Menurut M. Umer Chapra," *Ahkam: Jurnal Ilmu Syariah* 15, no. 1 (2015): 103-10, <https://doi.org/10.15408/ajis.v15i1.2853>.

One of Chapra's famous theories is the theory of economic development which is constructed from the classical thought of Ibn Khaldun, known as Chapra's cycle of economic development, as depicted in Figure 1.<sup>22</sup> This formula is an intersection of interdisciplinary linking all social variables, political economy including Sharia (S), political power / Government (G), Society (Nation) (N), wealth or resources. (W), development (g), and justice (j).



**Figure 1.** The Chapra's Cycle of Economic Development<sup>23</sup>

The outermost cycle is called the progress cycle:  $S - N - w - j \& g - G - S$ . The steps are to cultivate awareness of the importance of shari'ah first, then develop a nation that understands shari'ah, then increase wealth (W) for the community or Nation that understands the Sharia, and most importantly, realize development and justice so that a society that understands Sharia, is prosperous and has justice, then supported by a strong government (G).

The inside cycle is called the rewind cycle:  $j \& g - W - N - S - G - j \& g$  means that setbacks will occur through stages; laws are not upheld, and justice does not materialize. So that chaotic conditions

<sup>22</sup> Chapra, *The Future of Economics*.

<sup>23</sup> Chapra.

arise, wealth disappears due to waves of anarchism and looting. The perpetrators of anarchism are people who lose their jobs because jobs are not available. The economy deteriorates, in conditions of a chaotic society like that, shari'ah is like a utopia, and finally, a weakening of a government (G). In the long-term analysis, this formula does not recognize the ceteris paribus clause because there is no one constant variable. The concept of ibn Khaldun above formulated in a functional relationship is as follows:

$$G = f(S, N, W, g \text{ and } j)$$

where:

G = dependent variable (dependent variable) because one of the objectives is to explain the glory or collapse of a country.

G must ensure the welfare of the community (N) by providing an environment that follows the actualization of development (g) and justice (j) through the implementation of Sharia (S) and distribution of wealth (W) so that it can sustain the common interests in the long term.

The following substantial question in discussing *maqashid al shari'ah* is: why is *maqashid al shari'ah* used to discuss the concept of economic development in Islam? The answer is because *maqashid al shari'ah* can be a parameter about *maslahah* and *mafsadah*. *Maqashid al shari'ah* allows to understand the various levels, objectives of Sharia, priorities and categories. *Maqashid al shari'ah* examines the relationship between two or more *maqashid* to ensure compliance. *Maqashid al shari'ah* facilitates elaboration by using reason for various muamalah laws. Reasoning in *maqashid al shari'ah* becomes a kind of analogy to deciding other cases with different reasons.<sup>24</sup>

One of the challenges of *maqashid al shari'ah* in the future is whether the Islamic economy can answer green economy issues. Green economy is a concept that supports human welfare and cares

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<sup>24</sup> Chapra.

for the preservation of the environment and ecosystems of life in economic development. Because by Islam, human activities on earth, including economic activity, are in a sustainable framework not to damage the environment and the obligation to leave a better legacy for the successor of civilization or the next generation.<sup>25</sup>

On the other hand, *maqashid al shari'ah* cannot be separated from fiqh legal maxim or *qawaidh al fiqiyah*. Fiqh legal maxim is fundamental to achieve of *maqashid al shari'ah*. Many scholars equate the way legal maxim works with *maqashid al shari'ah*. However, specifically, these two approaches to Islamic law are different. Fiqh legal maxim is limited in scope and controls the particulars of a single theme or chapter of fiqh. The legal maxim is also different from the science of *ushul al-fiqh* (methodology in Islamic jurisprudence) since the maxims are based on the fiqh itself. Fiqh legal maxim itself can be defined as “theoretical abstractions, usually in the form of short epithetical statements, that are expressive, often in a few words, of the goals and objectives of the Shari'ah”.<sup>26</sup> There are five famous fiqh legal maxim: matter determined by intention, hardship begets facility, certainty not dispelled by doubt, injury must be removed, custom is authority.<sup>27</sup>

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<sup>25</sup> Negin Vaghefi, Chamhuri Siwar, and Sarah Aziz Abdul Ghani Aziz, “Green Economy: Issues, Approach and Challenges in Muslim Countries,” *Theoretical Economics Letters* 5, no. 1 (2015): 28–35, <https://doi.org/10.4236/tel.2015.51006>; Amer Al-Roubaie and Adel Sarea, “Building Capacity for Green Economy: The Role of Islamic Finance,” *TAFHIM: IKIM Journal of Islam and the Contemporary World* 12, no. 2 (2019): 1–29, <https://tafhim.ikim.gov.my/index.php/tafhim/article/view/127>.

<sup>26</sup> Mohammad Hashim Kamali, “Qawa'id Ai-Fiqh: The Legal Maxims of Lslamic Law,” in *Islamic Legal Theory: Volume I*, ed. Mashood A. Baderin (London, United Kingdom: Routledge, 2014), 473–79.

<sup>27</sup> Buerhan Saiti and Adam Abdullah, “The Legal Maxims of Islamic Law (Excluding Five Leading Legal Maxims) and Their Applications in Islamic Finance ( ),” *Journal of King Abdulaziz University-Islamic Economics* 29, no. 2 (2016): 139–51, <https://doi.org/10.4197/Islec.29-2.12>.

## RESULTS AND DISCUSSION

### **Ibn Khaldun's Concept of Economic Development and Chapra's Thoughts on Maqashid Al Shari'ah**

This part discusses the theoretical review of Chapra's thoughts in his book *The Future of Economics: An Islamic Perspective*, constructed from Ibn Khaldun's classical thinking.<sup>28</sup> The literature review in Chapra's model describes a dynamic cycle of intersection between several essential elements in the economic development of a country. These elements are political economy, including shari'ah (s), political power or government (G), society or nation (N), wealth or resources (W), development (g), and justice (j). Economic development will not run well and generate benefits for the ummah if each element does not function correctly.

The elements above can be expanded into the following formula. The power of government (G) will not be realized except with the implementation of shari'ah (S). the government cannot get power except by society (N). the society cannot be supported except by wealth (W). the wealth cannot be achieved except by development (g). And the development will not impact prosperity and the distribution of wealth except with justice (j). Finally, all these elements will lead to God because justice is standard in Islamic economic development. Justice is evaluated not only by state institutions formed to carry out a supervisory function but, more importantly, done by God. Moreover, the authorities are burdened with the responsibility to bring about justice.

Furthermore, what is the role of each element in the effort to achieve economic development? The role of society (N), justice (j), and state (G) can be explained in the following passages. Humans are

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<sup>28</sup> Chapra, *The Future of Economics*.

social creatures. They cannot stand on their own and fulfill all the necessities of life by themselves. The human tendency is to cooperate with others to achieve a common goal and common social interests. However, cooperation requires an atmosphere of well-developed social trust where there is no conflict, mutual suspicion, and hostility. Therefore, there is a need for a sense of togetherness to prevent conflicts that cause injustice. Togetherness itself has two meanings; first, togetherness in the concept of brotherhood among Muslims, this first concept can encourage the community or state (*N*) to work together to help determine the establishment of development and create a civilization.

Meanwhile, the second togetherness is, in a negative sense, mutual defiance of the state and the law, which can create an atmosphere of chaos and broken trust. The extreme rarity of groups strengthens identity politics, causing tension between groups. Whether to be brought towards positive or negative togetherness depends on the manifestation of justice (*j*) in society. Justice is realized by fulfilling joint obligations and equitable development results (*w* and *g*).

However, justice (*j*) requires the existence of rules in shari'ah law (*S*). Those rules will be helpful if the community and state (*N*) understand well. That is why there is a need to be a role for government (*G*) to, in the early stages, make society (*N*) know and obey shari'ah law. Therefore, the economic welfare state, as the main objective of economic development, requires the government to create excellent and equitable education for all its people. Shari'ah helps the community and state (*N*) to instill good qualities such as obedience, honesty, integrity, simplicity, and a feeling of togetherness. It can contribute to the development process, justice, mutual understanding, cooperation, peace, and social harmony, as well as controlling behavior that can endanger society.



The role of welfare ( $W$ ) and development ( $g$ ) in Chapra's cycle does not depend on how many natural resources, such as gold and silver, are owned by the state.  $W$  and  $g$  depend on economic activity, labor, market size, benefits and facilities provided by the state, and equipment. The more economic activities are carried out, the more household income will increase, which will also lead to an increase in the level of prosperity. The increasing level of income and welfare allows the Government to increase revenue from the tax collection sector, which in turn also allows the Government to issue budget allocations to increase the overall welfare of the people in the country.

How does Chapra view the general theory of development in the framework of *maqashid al shari'ah*? The explanation of *maqashid al shari'ah* according to Chapra can be explained in Figure 2. According to Chapra, *maqashid al shari'ah* or the purposes of shari'ah is to develop humans and create welfare for all human beings. Five essential assets are needed, among which the five primary assets are connected: religion or individual belief, intellectual, good descent, individual wealth, and human life.

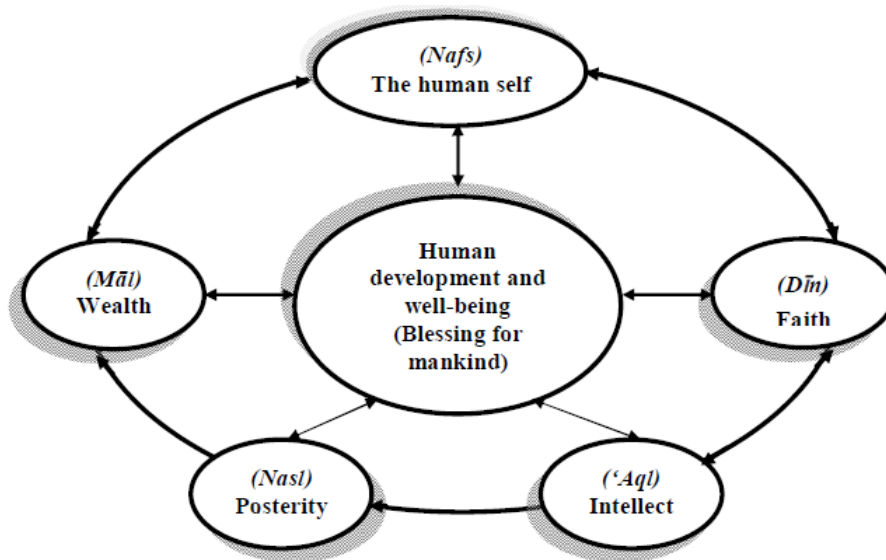


Figure 2. Chapra's Perspective of Maqashid Al Shari'ah<sup>29</sup>

The relationship between *maqashid al shari'ah* and economic development is further explained in Figure 3. Essential point explanations for this figure are as follows. Economic development activities in the context of *maqashid al shari'ah* must come from an ideology that is based on faith or belief in God which is described in the form of worldview or ideology in the form of *tauhid* (one God), *khilafah* (one nation), *risalah* (one message), and *akhirah* (one hereafter). This ideology is then described in the form of shari'ah (S) in Chapra's cycle which contains: values or behavior, the right motivation for what we are, and good education morally and materially.

The other five elements in development such as society (N), government (G), justice (j), development (g), and wealth (W) are then derived from shari'ah (S). The elements that must exist in society, among others, are Justice, freedom, the security of life, honesty, the fulfillment of all socioeconomics and political obligation, prudence,

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<sup>29</sup> Chapra, *The Islamic Vision of Development in the Light of Maqāshid Al-Shari'ah*.

patient tolerance, mutual care, and trust. Removal of poverty, employment availability, and self-employment must be met and achieved in the element of wealth (*W*). Equitable distribution is the justice element (*j*). Meanwhile, enabling environment, family integrity, and social and political stability are development goals (*g*). Everything requires a role from the state (*G*). In the short term, all of them will realize what is known as good governance and manifest individually; enrichment of self, posterity, and wealth. In the long term, it aims to create well-being that will support Faith.

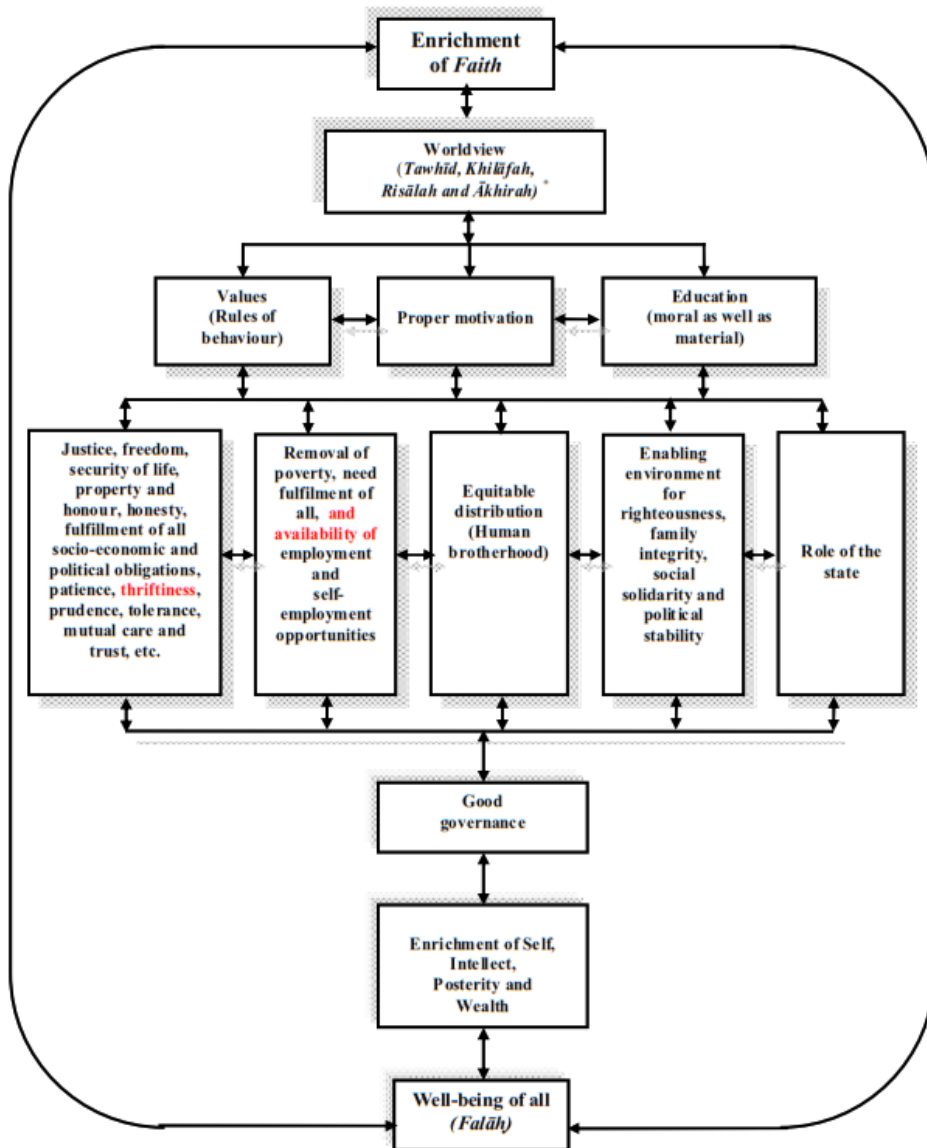


Figure 3. Chapra's Invigorating Human Nafs<sup>30</sup>

<sup>30</sup> Chapra.

## **Comparison of Chapra's Maqashid Al Shari'ah with Al-Shatibi's**

This section aims to compare concepts of *maqashid al shari'ah* in Chapra's and Al-Shatibi's thoughts. The elements of economic development, its functions and rules, and its explanation in the light of *maqashid al shari'ah* by Chapra was explained first and followed by *maqashid al shari'ah* proposed by Al-Shatibi to check whether the concepts have similarities or not. The first element in Chapra's thought is community or nation (N), which functions and rules are for a conception. Community or nation (N), according to Chapra, should be manifested in justice, freedom, the security of life, honesty, the fulfillment of all socioeconomics and political obligation, prudence, patient tolerance, mutual care, and trust (*nafs*/human). This concept of community or nation is relevant to *hifdz an-nafs* (maintaining the soul) in Al-Shatibi's view. The second element is the government (G) whose functions and roles are making and implementing laws and policies. Government, according to Chapra, has significant roles that only states can provide: to maintain *nafs, aql, din, nasb, and maal*. This is in line with Al-Shatibi's view on *hifdz ad-din* (maintaining the religion), *hifdz an-nafs* (maintaining the soul), *hifdz al-aql* (maintaining the mind), *hifdz an-nasl* (maintaining the descendants) and *hifdz al-maal* (maintaining the property).

The third element is shariah (S) as basic rules for every Muslim. Chapra considers shari'ah as values or behavior, the right motivation for muamalah. Shari'ah also contains good education, morally and materially. Based on this, Chapra's thought aligns with Al-Shatibi's notion of *hifdz ad-din* (maintaining the religion) and *hifdz al-aql* (maintaining the mind). The fourth element in Chapra's thought is wealth (W) which can be viewed as capital for development. In the light of *maqashid al shari'ah*, wealth based on Chapra's thought implies the removal of poverty, employment availability and self-employment. Thus, it aligns with *hifdz an-nasl* (maintaining the

descendants) and *hifdz al-maal* (maintaining the property) in Al-Shatibi's point of view.

Justice (*j*) and development (*g*), as the fifth element in Chapra's thought, can be functions of *maslahah*. Chapra emphasizes this element for enabling environment and family integrity. Furthermore, it also aims for social and political stability as development goals and equitable distribution. Chapra's views on these are in line with Al-Shatibi's *maqashid* in *hifdz an-nafs* (maintaining the soul), *hifdz an-nasl* (maintaining the descendants) and *hifdz al-maal* (maintaining the property). The results of the comparison above show apparent similarity (100%) between Chapra's concept of *maqashid al shari'ah* and Al-Shatibi's. Chapra accommodates what has been conceptualized by Al-Shatibi as the founder of the contemporary *maqashid al shari'ah*.

### **Comparison of Chapra's Concept of Maqashid Al Shari'ah with Jaser Auda's**

This section aims to compare concepts of *maqashid al shari'ah* in Chapra's and Jasser Auda's thoughts. The elements of economic development, its functions and rules, and its explanation in the light of *maqashid al shari'ah* by Chapra was explained first and followed by *maqashid al shari'ah* proposed by Jasser Auda to check whether the concepts have similarities or not. The first element in Chapra's thought is community or nation (*N*), which functions and rules are for a conception. Community or nation (*N*), according to Chapra, should be manifested in justice, freedom, the security of life, honesty, the fulfillment of all socioeconomics and political obligation, prudence, patient tolerance, mutual care, and trust (*nafs*/human). This concept of community or nation is relevant to *hifdz ad-din* (maintaining the religion) and *hifdz an-nafs* (maintaining the soul) in Jasser Auda's view. The second element is the government (*G*) whose functions and roles

are making and implementing laws and policies. Government, according to Chapra, has significant roles that only states can provide: to maintain *nafs*, *aql*, *din*, *nash*, and *maal*. This is in line with Jasser Auda's view on *hifdz ad-din* (maintaining the religion), *hifdz an-nafs* (maintaining the soul), *hifdz al-aql* (maintaining the mind), *hifdz an-nasl* (maintaining the descendants) and *hifdz al-maal* (maintaining the property).

The third element is shariah (S) as basic rules for every Muslim. Chapra considers shari'ah as values or behavior, the right motivation for muamalah. Shari'ah also contains good education, morally and materially. Based on this, Chapra's thought aligns with Jasser Auda's notion of *hifdz ad-din* (maintaining the religion) and *hifdz al-aql* (maintaining the mind). The fourth element in Chapra's thought is wealth (W) which can be viewed as capital for development. In the light of *maqashid al shari'ah*, wealth based on Chapra's thought implies the removal of poverty, employment availability and self-employment. Thus, it aligns with *hifdz an-nasl* (maintaining the descendants) and *hifdz al-maal* (maintaining the property) in Jasser Auda's point of view.

Justice (j) and development (g), as the fifth element in Chapra's thought, can be functions of *maslahah*. Chapra emphasizes this element for enabling environment and family integrity. Furthermore, it also aims for social and political stability as development goals and equitable distribution. Chapra's views on these are in line with Jasser Auda's maqashid in *hifdz an-nafs* (maintaining the soul), *hifdz an-nasl* (maintaining the descendants) and *hifdz al-maal* (maintaining the property). The results above indicate no significant difference in almost elements between Chapra and Jasser Auda. It means that *maqashid al shari'ah* in Umer Chapra's perspective also accommodates Jaser Auda's. There is a slight difference in the elements of society because Jasser Auda's re-reading of the meaning of freedom in society

must also include freedom to maintain, protect and respect freedom of religion and belief. The rest, although reinterpreted, it does not change the points to be achieved from *maqashid al shari'ah* as noted by Chapra.

### **Chapra's Concept of Islamic Development in the Context of Fiqh Legal Maxim**

Chapra's concept of Islamic development can be analyzed in the context of some fiqh legal maxim. First fiqh legal maxim states that intentions determine matters. It was originated from Arabic *inama a'mal bin niyah*, which translates to any act of a human being must come from his will and intention. This fiqh legal maxim intends that intentions determine matters. In Chapra's concept, economic development begins with a clear worldview ideology, namely (*tauhid, khilafah, risalah* and *akhirah*) and ends with a clear goal of achieving prosperity in the world and here after (well-being or *falah*). The second fiqh legal maxim states that hardship begets facility originating from Arabic *mashaqqah tajlibu al taysir*. *Mashaqqah* means hardship where legal obligation will be lifted, and *taysir* means a facility, i.e., legal mitigation for an exception to the rule. Another term is *rukhsah* which were performing the rule results in hardship. This maxim means that the necessity to lighten the burden and to disregard rules in exceptional circumstances if it will cause hardship. The concept of economic development, according to Chapra mandates to make good governance. Good governance will make laws that can mitigate all Hardship that will arise in the implementation of economic development.

The third fiqh legal maxim states that certainty is not dispelled by doubt which originated from Arabic *al yaqin la yuzalu bi al shak*. Chapra's concept of economic development makes *shari'ah* a clear basic rule and all elements have their respective functions. They can



be irregular in implementation but each element cannot replace the other elements. The fourth fiqh legal maxim states that injury must be removed which originated from Arabic *al darar yuzal*. Other concept is *la dirar* which means no retaliation of harm with harm. *Darar* means inflicting harm to others absolutely, and *dirar* means inflicting harm to others, not due to legally prescribed punishment. Chapra's concept of economic development includes elements of justice as one of the five important elements. Injustice will definitely cause injury so that it is not tolerated.

The fifth fiqh legal maxim dictates that custom is authoritative which originated from Arabic *al adah muhakammah*. *Al adah* can sometimes translate *'urf* which means something is widely known by individuals or society either by word, action, or abstinence in the absence of text. In the context of Chapra's development theory, there are elements of society with good habits as a growing tradition of reason. The task of the government is to keep the people in their good habits and make efforts with Shariah education so that their excellent habits get clear direction.

## CONCLUSION

Muhammed Umer Chapra has made a significant contribution to Islamic economics as the world witnesses today. Furthermore, he also develops a model of economic development based on Ibn Khaldun's classical works and identifies some elements of development from the Islamic framework. These elements are community or nation (*N*), government (*G*), shari'ah (*S*), wealth (*W*), justice (*j*), and development (*g*). Analysis and discussion on these elements indicate that Chapra's thoughts aligned with *maqashid al shariah* as previously proposed by Al-Shatibi and Jasser Auda. Furthermore, Chapra's thoughts aligned with the five fiqh legal maxims in Islamic law. It implies that Chapra's thoughts in general

were based on Islamic teachings and could be applied as a model for economic development among Muslim or Islamic countries. The findings of this study can be the basis for further research to find out where to start to apply this excellent theory to realize the goals of shariah in economic development and exceptionally balanced well-being not only in this world but also in the hereafter.

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