

IMPLEMENTATION OF *MAQĀSID AL-SHARĪ'AH* AS MODEL
GOVERNMENT'S POLICY AT MALANG CITY
ON PERIOD 2011-2016

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Abstrak

Artikel ini fokus pada pengungkapan kebijakan-kebijakan pembangunan kesejahteraan sosial dengan menggunakan *maqāsid al-sharī'ah*, yaitu agama (*al-dīn*), akal (*al-'aql*), jiwa (*al-nafs*), keturunan (*al-nasl*), dan properti (*al-māl*) sebagai model pengembangan kesejahteraan di Kota Malang. Kebutuhan pada hak-hak dasar yang belum terpenuhi dapat menyebabkan problem ekonomi. Indeks Pembangunan Manusia (HDI) dalam mengukur kesejahteraan manusia kurang memadai, karena tidak memperhitungkan aspek kesejahteraan spiritual. Makalah ini mendiskusikan aplikasi *maqashid al-shariah* sebagai suatu model kebijakan pemerintahan di Kota Malang. Kajian ini menggunakan pendekatan kualitatif dengan data yang dikumpulkan dari wawancara, observasi, dan dokumentasi. Hasil studi ini menunjukkan bahwa pengembangan kesejahteraan publik serta strategi-strategi yang diterapkan oleh Pemerintah Malang adalah (a) pelestarian agama (*ḥifẓ al-dīn*) lewat program religius dan toleran; (b) pelestarian akal (*ḥifẓ al-'aql*) dengan menciptakan masyarakat terdidik; (c) menjaga jiwa (*ḥifẓ al-nafs*) melalui pembangunan masyarakat bersih, sehat, serta penyediaan layanan publik yang sangat baik; (d) pelestarian keturunan (*ḥifẓ al-nasl*) melalui layanan konseling kesehatan anak dan wanita hamil; dan (e) pelestarian properti (*ḥifẓ al-māl*) lewat peningkatan sektor ekonomi regional, penciptaan kota-kota pariwisata, dan pembangunan infrastruktur lokal.

Abstract

This article focuses on the disclosure of social welfare development policies using *maqāṣid al-sharī'ah*, namely religion (*al-dīn*), reason (*al-'aql*), soul (*al-nafs*), descent (*al-nasl*), and property (*al-māl*) as a model of welfare development in Malang City. The need for unmet basic rights can cause economic problems. The Human Development Index (HDI) in measuring human welfare is inadequate because it does not take into account aspects of spiritual well-being. This paper discusses the application of *maqashid al-shariah* as a model of government policy in the city of Malang. This study uses a qualitative approach with data collected from interviews, observation, and documentation. The results of this study indicate that the development of public welfare and strategies implemented by the Government of Malang are (a) the preservation of religion (*ḥifẓ al-dīn*) through religious and tolerant programs; (b) preservation of reason (*ḥifẓ al-'aql*) by creating educated people; (c) maintaining the soul (*ḥifẓ al-nafs*) through the development of a clean, healthy community, as well as providing excellent public services; (d) descent conservation (*ḥifẓ al-nasl*) through child and pregnant women's health counseling services; and (e) the preservation of property (*ḥifẓ al-māl*) through the improvement of the regional economic sector, the creation of tourism cities, and the construction of local infrastructure.

Keywords: *maqāṣid al-sharī'ah*, social welfare, government policy

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A. Introduction

The social welfare has been successful by measured from the government's policy, it can be seen from the quality of life. A prosperous society can be measured by the Human Development

Index HDI are people's ability to meet basic needs, education level, health, and viability. The problems of poverty are a complex and multidimensional problem because it is very closely related to various aspects of life both social, economic, cultural, and other aspects. According to the MDGs (Millennium Development Goals) measure that the social welfare internationally through the proportion of population or ability of the population with purchasing power above \$1.25 or Rp17.000 /day, due to low purchasing power caused by the inability of society to fulfill basic needs.¹

Indonesian Law no. 32 the year 2004 article 22 describes regional autonomy that local government has obligation such as: improving quality and life of society, developing democracy life, realizing justice and equity, improving basic education service, providing health service facility, and providing social facilities and public facilities worthy.

Malang city its famous successful for tourism management and good education. This can be proven by universities as a forum to gain knowledge and improve themselves and adequate library facilities managed by the government. In addition, based on the BPS report, shows that the social welfare in Malang continues to increased steadily, this can be seen from the first position in East Java period on 2015-2016.²

According to Ishaq in Irfan Syauqi,³ states: That the cause of the failure of economic development due to the neglect of development instruments in accordance with religion and culture.

Ideology is a society in which the economic, social and cultural system is desired by individuals, community, or the broader society

¹ Badan Pusat Statistik, Millenium Development Goals 2016.

² Badan Pusat Statistik, Indeks Pembangunan Manusia Kota Malang 2016.

³ Irfan Syauqi dan Laily Dwi, *Ekonomi Pembangunan Syari'ah* (Jakarta: PT. Raja Grafindo Persada, 2016), 12.

which then becomes the basis for action. The ideology in political parties will play its function and move in the party policy program which will then become the work program to address the problems that exist in society. These programs and values are concerned with welfare, education, health, tranquility, comfort.⁴

As part of Islamic legal theory, prosperity is aimed at promoting public interest and preventing social crime or corruption.⁵ This research would explore how the two concepts, namely *maqāṣid al-sharī'ah* and regional development program can be integrated and create prosperity of society with justice and prosperity. The social welfare program is a form of social responsibility for every entity, manufacturing or industrial sectors, trading, and services sectors of the environment.

In this case, an entity in carrying out the activities of the implementation of public service aims to gain trust is also expected to have a high social awareness around on the community. This research, researchers will study and analyze the concept of *maqāṣid al-sharī'ah* in terms of guarding religion, soul, intellect, descent, and wealth through development of public welfare policy in Malang city leadership period on 2011- 2013 and 2014- 2016.

B. Literature Review

Sri Herianingrum (2004) "Implementation of *Maqāṣid al-Sharī'ah* as a Model of Economic Development Agriculture in East Java," said: Development concept of *maṣlaḥah* was formed from peacefulness (*sakīnah*) family and beings are strong and work with sincerity and faith (*maqāṣid al-sharī'ah*). The result of this study are:

⁴ Imam Yudhi Prasetya, *Pergeseran Peran Ideologi dalam Partai Politik*, Jurnal Ilmu Politik dan Ilmu Pemerintah 1, no. 1, 2011, 35.

⁵ Saiful Mukhlis dan Anna Sutrisna, *Implementasi Maqashid Syari'ah dalam Corporate Social Responsibility Di PT Bank Muamalat Indonesia*, Jurnal Akuntansi Multiparadigma JAMAL 7, no. 1, April 2016

- a. Protection religion (*ḥifẓ al-dīn*): alms (*zakāh*), expenditure (*infāq*), charity (*ṣadaqah*) and pilgrimage (*ḥajj*) savings.
- b. Life protection (*ḥifẓ al-nafs*): the health of farmers by consuming nutritious foods.
- c. Protection reason (*ḥifẓ al-ʿaql*): quality of education.
- d. Protection of Descent (*ḥifẓ al-nasl*): the education of descent
- e. Protection Property (*ḥifẓ al-māl*): good productivity and profit increases

Musthafa Omer Muhammed, “The Performance Measures of Islamic Banking Based on The *Maqāṣid* Framework”. The result of this study is appealed for Islamic banking to use the guidance of *maqāṣid al-sharīʿah* as banking performance in order to create the right development of social welfare.

Ali Rama and Makhilani, “Economic Development Based on The *Maqāṣid Shariʿah* Framework”. The result of this study are Muslim should design its economic development model based on *maqāṣid al-sharīʿah*, preserve the five basic elements of human life. Furthermore, economic development focus on *maslahah*.

Atih Rohaeti Dariah, et.al., “A New Approach for Sustainable Development Goals in Islamic Perspective”. This result of this study that Islam provides guidance for SDGs in term relationships between human and Allah, human and human, and human and environment. This is a more comprehensive conceptual framework that encompasses the efforts of developing human beings and establishing a system as the medium for the implementation of the economic, social, educational, and governmental mechanism.

Zubair Hasan, “Sustainable Development from an Islamic Perspective: meaning implications and policy concerns.” The result of this study that *maqāṣid al-sharīʿah* as an inspiration of object the sharia and Holy Qurʿan indicate a way out of this impasse. It holds that worldview differences of secularism and Islam are the basic reason for divergence between their approaches to development. It

argues that the Islamic approach is more agreeable to environmental protection and concludes that issues surrounding sustainable development have moral, ethical, social, and political complexities and that economics or economists alone cannot resolve the problem.

C. Methods

1. Research approach

To answer the formulation of problems is used by qualitative approach. In this research, the methodology can be done by the exploration so had been found a deep description, and be able to understand the meaning. Qualitative approach by the multicase study.

2. The aim and research focus

Referring to the formulation of problems in this research, the aimed at the government's policy of Malang city in improving public welfare base on *maqāṣid al-sharī'ah*. This research is focused on government's policy on the leadership period of 2011-2016 that examine public welfare based on *maqāṣid al-sharī'ah* that covered *ḥifẓ al-dīn*, *ḥifẓ al-'aql*, *ḥifẓ al-nafs*, *ḥifẓ al-nasl*, and *ḥifẓ al-māl* in to deep description about economic development model that able to public welfare.

3. Source and type of data

The main data is primary data derived from an interview in-depth and direct observation in the field. Secondary data supporting obtained from documents or report was relevant. The data analysis techniques are data reduction, data display, and data verification through individual and cross-cases. The data credibility is checked through four criteria, namely: credibility test (participation extension technique, persistent observation, triangulation, and discussion with colleagues), transferability test (detailed data certainty), dependability test by conducting auditing the research process and conformity test by conducting the research result (data certainty) to draw conclusions.

D. Discussion

a. Analysis Government's Policy of Malang City Based on *maqāsid al-sharī'ah*

1. Protection Religion (*ḥifẓ al-dīn*): Qualified and tolerant religious social life; Orderly social life; Socialization of waqf of Malang City; The call to prayer in congregation at the beginning of time; Development of the *sakīnah* family; Safari Ramadhan and kinship with the scholars; require to pay alms to all levels of Government working environment.

Umar Chapra theory that a good Government if it can invite its people to worship Allah that is carrying out all his command and away from all his prohibitions.⁶

2. Protection of Reason (*ḥifẓ al-'aql*): Education that is accessible by the public; Increase public knowledge; Improve management and quality of education; Improve religious education; public knowledge; Improve the management of regional archives.

Social welfare will be felt *maṣlaḥah* if the Government has fulfilled and provided educational facilities. According to Umar Chapra regional progress can be seen from the quality of education,⁷ healthy sense of humans would be more appropriate to use their knowledge perfectly and also supported by Jasser Auda that welfare or *maṣlaḥah* built with qualified human resources by developing scientific minds.⁸

⁶ Umar Chapra, *The Islamic Vision of Development In The Light of Maqashid Syari'ah*, (London: The International Institute of Islamic Thought, 2008), 23.

⁷ Ibid., 27.

⁸ Jasser Auda, *Membumikan Hukum Islam melalui Maqashid Syari'ah*, (Bandung, Mizan, 2008), 57.

3. Life Protection (*ḥifẓ al-nafs*): Improving the prime public quality; improving the quality of regional regulations; TPS waste management; Increase in open space; improved health services, health facilities and infrastructure; improve maternal and child health; improve transportation system; free herbal treatment for the elderly and the poor; increased medical personnel; Improved quality of the baby; role and socialization of clean and healthy; improvement of basic sanitation facilities; operationalize spatial plans in accordance with the planning hierarchy (RT-RW) as coordination and synchronization of development across sectors and regions; Improved water, soil and air quality; planting and fostering public participation to be active in development planning; improve waste management at garbage dump; the development of transportation facilities; enhance and enforce local regulations to improve peace and order in the community; improve political education, law and human rights; protecting consumers on halal food circulation.

Umar Chapra said that a person must have a healthy soul in order sharia of life.⁹

4. Protection of descent (*ḥifẓ al-nasl*): Family coaching; build of sakinah family; improving maternal and children health; coaching for people with social welfare problems.

Umar Chapra said that the protection of descent needed to build a good generation in the future.¹⁰ Added by Jasser Auda oriented family moral values and Islamic law.¹¹ Supported by Hatta's policy that the interests of society must

⁹ Umar Chapra, *The islamic Vision of Development*, 7.

¹⁰ Ibid., 31.

¹¹ Jasser Auda, *Membumikan Hukum Islam*, 56.

be precedence are: the dignity of the individual individual-one remains respected and protected because the problem of togetherness and brotherhood is a prerequisite in the life of the nation.¹²

5. Protection Property (*ḥifẓ al-māl*): Improving tourist destinations; increasing UKM; improving the economic sector; increasing the productivity; poverty reduction through BAZDA; improvement of cooperatives; to build a conducive business climate and attract investment; increasing access and expansion of export markets and streng then the performance of exporters and prospective exporters; facilitate the use of typical products of Malang City in ceremonial events; Increase agricultural productivity; increased employment opportunities.

Maṣlaḥah can be felt by the public when the Government can improve the economic sector. The concept of treasure maintenance in achieving *maṣlaḥah* in life according to Umar Chapra is a treasure a very important need to meet the four *maqāsid al-sharī'ah*.¹³ The concept is supported by the welfare concept of As-Syathibi gain treasure as a means of life in the world and the hereafter.¹⁴ While Jasser Auda developed the use of *maqāsid al-sharī'ah* (*ḥifẓ al-māl*) in economics, prosperous society and the reduction of socio-economic class differences.¹⁵

According to Umar Chapra, for building social welfare in regional development by fulfilling the primary needs of each

¹² Anwar Abas, *Bung Hatta dan Ekonomi Islam Menangkap Makna Maqashid Syari'ah*, 179.

¹³ Umar Chapra, *The Islamic Vision of Development*, 34.

¹⁴ Hamka Haq, *Al- Syathibi Aspek Teologis Konsep Mashlahah dalam Kitab Al- Muwafaqat*, 100- 101.

¹⁵ Jasser Auda, *Membumikan Hukum Islam*, 59.

and society in accordance with the purpose of human life such as: *ḥifẓ al-dīn*, *ḥifẓ al-‘aql*, *ḥifẓ al-nafs*, *ḥifẓ al-nasl*, *ḥifẓ al-māl*.¹⁶

Based on the concept of *maqāṣid al-sharī‘ah* above, the development of an Islamic economic model is based on government policy. The process of development objective is to achieve better worldly and after life welfare able to maintain social prosperity of the public. The spiritual and government’s policy can ensure the meeting of *maqāṣid al-sharī‘ah*, as they direct transformation of cultural attitudes and behaviors through individual development and institutional reform supported by Islamic policy. In a nutshell, this process is illustrated in figure 1.

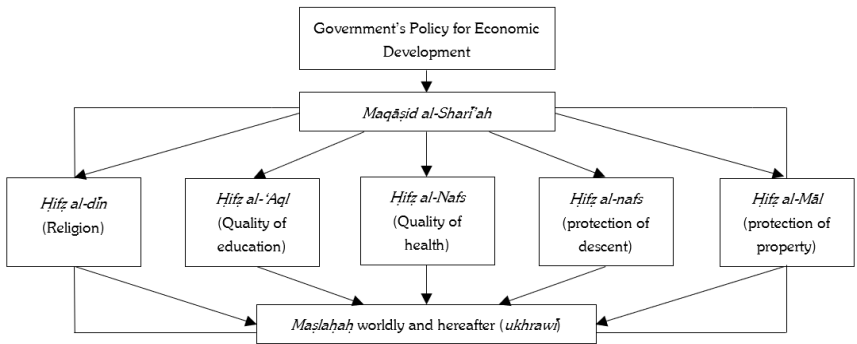


Figure 1. *Maqāṣid Al-sharī‘ah* as Model Economic Development

Social welfare measured by using *maqāṣid al-sharī‘ah* indicators namely maintenance of religious (*al-dīn*), soul/ health (*al-nafs*), reason (*al-‘aql*), descent (*al-nasl*) and wealth/property (*al-māl*). Based on field data showed that by the motivation that given through approach locally ulama developed and have an impact on increasing social welfare. Prophet Mohammad teaches welfare to be achieved by the public, following the teachings of Islam that are worldly and hereafter welfare, such as narrated will be balancing their welfare of worldly and hereafter.

¹⁶ Umar Chapra, *The islamic Vision of Development*, 4

E. Conclusion

Welfare to be achieved by the social or public were not merely worldly tangible, but a welfare balanced based *maqāsid al-shari'ah* as the main measure namely welfare that is worldly and hereafter. This is very different from what has been achieved common welfare in economic development, in which common welfare more emphasis on Physically welfare or material that is a Human Development Index (IPM). *Maqāsid al-shari'ah* system that regulates in economic development which leads to an Islamic government system. Spiritual development will create ideal human beings will shape cultural attitudes and behaviors necessary for the achievement of Islamic development.

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