

Stratification of Al-Maqashid Al-Khamsah (Preserving Religion, Soul, Reason, Heredity and Property) and Its Application in al-Dharuriyah, al-Hajiyah, al-Tahsiniyah, and Mukammilat

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Abstrak. The stratification of al-maqashid al-khamsah (preserving religion, soul, reason, offspring and property) and its application in al-dharuriyah, al-hajiyah, al-tahsiniyah and al-mukammilat is a study that elaborates the implementation of the objectives of sharia in order to bring benefit and reject the glory of human life. The research method used is library research which is presented in descriptive form from literature that discusses al-maqashid al-khamsah then analyzed. The findings of this study are; The importance of al-maqashid al-khamsah maqashid al-khamsah is the purpose of shari'a to preserve (maintain) the five elements that must exist for the realization of the benefit (al-maslahat) of religion and the world. If this does not exist, it will cause damage (al-mafsadat) and even loss of life and life. There are differences in the opinion of scholars in placing the order of al-maqashid al-khamsah but what is popularly used is the opinion of al-Ghazali, namely hifzh al-din, hifzh al-nafs, hifzh al-'aql, hifzh nasl and hifzh mal. The main objective of sharia is to protect man from harm in five things maqashid al-khamsah safeguarding religion, soul, reason, offspring and property grouped into four strata namely primary needs (al-dharuriyat), secondary (al-hajiyat), complementary (al-tahsiniyat), and perfecter or complement (al-mukammilat).

Keyword: *Stratification, Al-Maqashid Al-Khamsah, Al-Dharuriyyah*

Introduction

Basically, Islamic rules were made with an ideal design by the Creator. The main purpose in Islamic Sharia law is to create benefits for mankind, implement goodness while avoiding difficulties or take advantage and reject bad both in the world and in the Hereafter, which

in terms of ushul fiqh is called *maqashid al-shari'ah* or *maslahat*, because the legal foundation in Islam should provide these benefits. As Yusuf Al-Qaradhwi expressed¹ that the law in Islam has a lofty purpose and a noble purpose that is highly desired by Allah the maker of the Shari'ah (Shari'a) the Most Wise to be realized in human life. This shows that shari'a law has legal illat (factors / considerations of legal causes) that can be understood and related to human benefit (goodness). And this issue is the agreement of the Islamic scholars except for a small group of Ahli Dzahir (technological/scripturalist) scholars and their followers.

The main purpose of sharia is to protect people from harm in five things, which in the term of ushul fiqh is called *maqashid al-khamsah*, more specifically: safeguarding religion, soul, reason, offspring and property, which can be divided into four strata, namely primary needs (*al-dharuriyat*), secondary (*al-hajiyat*), complementary (*al-tahsiniyat*), and perfecter or complement (*al-mukmilat*). Man will benefit if he is able to fulfill the five basic components, but he will have difficulties if he cannot fulfill the five components as he should. In determining the five main components, according to al-Shatibi, it should be based on the postulates of the Qur'an and hadith. These postulates serve as general rules in establishing the five basic elements. The Qur'anic verses on which it is based are generally the unsanctioned Makiyyah verses, and the Madaniyyah verses that reinforce the position of the Makiyyah verses. Among these verses are those related to the obligation of prayer, the prohibition of killing souls, the prohibition of drinking intoxicating drinks, the prohibition of adultery and the prohibition of eating other people's property in an improper way. As al-Fasi also argues that *maqashid al-shari'ah* can be used as an eternal legal basis and cannot be separated from the main sources of law, the Qur'an and Hadith.²

This study aims to explore the stratification of *al-maqashid al-khamsah* in maintaining religion, soul, reason and property and how it is

¹ Yusuf Al-Qaradhwi, "Pengantar Kajian Islam; Studi Analistik Komprehensif Tentang Pilar- Pilar Subtansi, Karakteristik, Tujuan Dan Sumber Acuan Islam" (Jakarta: Pustaka Al-Kautsar, 1999), 138.

² 'Ilal Al-Fasi, "Maqashid Al-Syari'at Al-Islamiyat Wa Makarimukaha" (Maktabat al-Wihdat al-'Arabiyat, n.d.), 51–52.

applied in al-dharuriyah, al-hajiyah, al-tahsiniyah, and mukmilat. The goal to be achieved is how the presence of Sharia on humans can protect the existence of basic human needs, how to preserve the existence of basic needs and what are complementary needs for humans. So that flexibility and ease in carrying out the Shari'a are seen, while difficulties and pettiness must be removed.

As for some previous studies that have a correlation of academic substance, namely: Afridawati "Stratification of al-Maqashid al-Khamsah (Religion, Soul, Reason, Heredity and Property)". Obtaining benefit and avoiding evil (jalb al-mashalih wa dar al-mafasid) is the main purpose of Allah sending down the Shari'a (the Rule of Law). God's rule is for the benefit of man himself. Maslahat is divided into three important parts, namely dharuriyyat (primary), hajiiyyat (skunder), and tahsiniyat (tertiary, lux). Maslahat or maqashid is something that must exist for the realization of the benefit of religion and the world. If this does not exist, it will cause damage and even loss of life and life such as eating, drinking, praying, praying and other worships. There are five maslahat or maqashid al-khamsah, namely: religion (al-din), soul (al-nafs), offspring (al-nasl), treasure (al-mal) and reason (al-aql).³

Nilda Susilawati "Stratification of Al-Maqasid Al-Khamsah and Its Application in Al-Dharuriyat, Al-Hajjiyat, Al-Tahsiniyyat". The stratification of maqasid sharia is divided into three levels, namely, first, the needs of ad-daruriyyah, which are fundamental needs that concern in realizing and protecting the existence of the five main things, namely religion, soul, reason, offspring and property. The second is the need of al-Hajjiyyah in the context of realization and protection needed in preserving the five points mentioned above, but the level of need is below the level of need ad-daruriyyah. The three needs of at-Tahsiniyyah are levels of need which, if not met, do not threaten the existence of any of the five points above nor cause difficulties. This level of need is in the form of complementary needs only. In the

³ Afridawati Afridawati, "Stratifikasi Al-Maqashid Al-Khamsah (Agama, Jiwa, Akal, Keturunan Dan Harta)," *Al-Qisthu: Jurnal Kajian Ilmu-Ilmu Hukum* 6, no. 2 (2022): 100–117, <https://doi.org/10.32694/qst.v6i2.1231>.

implementation of each level of maqasid sharia in accordance with human needs.⁴

Zulkarnain Abdurrahman "The Theory of Maqasid Al-Shatibi and Its Relation to Basic Human Needs According to Abraham Maslow" Imam al-Syatibi is considered a pioneer of maqasid science. He was able to combine the theories of ushul fiqh with the concept of maqashid al-shari'ah so that the resulting legal products were seen as more alive and more contextual. It's just that considering the times and human needs continue to change and develop, the concept of maqashid needs to be perfected because changing times will affect changes in law. Something that was considered worthless in classical times may now become valuable and valuable.⁵

Based on the search of the literature above, the research entitled "Stratification of Al-Maqashid Al-Khamsah (Maintaining Religion, Soul, Intellect, Offspring and Property) and Its Application in al-Dharuriyah, al-Hajiyah, al-Tahsiniyah, and Mukmilat" with the same title and specific discussions that have been published in scientific journals has not been found by the author. So this title is interesting to study to see how the level of al-maqashid al-khamsah and its application in life.

The type of research used is library research which is grouped in normative legal research and presented with descriptive methods collected from secondary data based on reading books related to this discussion. While the presentation and techniques of data analysis with reduction, display and analysis of data and conclusions.

Results and Discussion

Understanding al-Maqashid al-Khamsah

To define al-Maqashid al-Khamsah, we must depart from what is meant by maqashid sharia itself. Salaf scholars such as Abu Ishaq al-

⁴ Muh. Haras Rasyid, "Ijtihad Dan Reformasi Hukum Islam Di Indonesia," *Ash-Shahabah Jurnal Pendidikan Dan Studi Islam* 8, no. 1 (2022): 27–36.

⁵ Zulkarnain Abdurrahman, "Teori Maqasid Al-Syatibi Dan Kaitannya Dengan Kebutuhan Dasar Manusia Menurut Abraham Maslow," *Al-Fikr* 22, no. 1 (2020): 52–70.

Shathibi himself who is said to be the pioneer of maqashid never mentioned its definition, except to say that: "Indeed, the Shari'ah aims to bring about the benefit of mankind in this world and the Hereafter,⁶ or the laws are decreed for the benefit of man."⁷ Strong conjecture according to him is no longer needed because he has explained about the maqashid sharia in detail in his monumental work al-Muwafaqat, so it is enough to conclude it himself by the reader. So later the khalaf scholars tried to work out the definition. Etymologically (lughawy), maqashid al-shari'ah consists of two words, namely maqashid and shari'ah. Maqashid is a word in the plural form of the word maqsid which comes from the word qasada - yaqsudu - qasdan which means intentionality or purpose⁸, The place to go means the destination or direction.⁹ In *şarf* maqashid has various meanings, including the straight path or focus, holding firmly, justly, purpose or purpose, strong desire¹⁰ "to pray or to mean something (qaşada ilaih)".¹¹ While in terminology, the word maqasid al-shari'ah is the goal, value, and benefit to be achieved from the proclamation of shari'a, both globally and in detail.¹² The word shari'ah in terms of language has many meanings, including the way to the place of water and the straight path. While according to the term, sharia is everything that Allah decrees to His servants both related to qidah, worship, morals and muamalat and all systems that regulate human life for the benefit and happiness in the world and hereafter.¹³

⁶ Al-Syatibi, "Al-Muwafaqat Fi Ushul Al-Ahkam.", 350.

⁷ Al-Syatibi, 322.

⁸ Majma' al-Lughah Al-Arabiyyah, "Al-Mu'jam Al-Wasith" (Istambul: Al-Maktabah al-Islamiyah, n.d.), 766.

⁹ Ahsan Lihsasanah, "Fiqh Al-Maqashid 'Inda Al-Imām Al-Shāṭibī" (Mesir: Dar al-Salam, 2008), 11.

¹⁰ Ibn Manzur, "Lisan Al-'Arab" (Kairo: Dar al-Ma'rifah, n.d.), 12.

¹¹ Mahmud Yunus, "Kamus Arab-Indonesia" (Jakarta: Hidakarya Agung, 1990), 343.

¹² Jaser Auda', "What Is Shariah," www.jaserauda.net, n.d.

¹³ Abdurrahman, "TEORI MAQASID AL-SYATIBI DAN KAITANNYA DENGAN KEBUTUHAN DASAR MANUSIA MENURUT ABRAHAM MASLOW.", 56.

Some definitions of maqashid shari'ah formulated by contemporary scholars (khalaf) include: 1) Thahir Ibn 'Assyria¹⁴ الْمَعَانِي وَالْحِكْمُ الْمَحْذُوظَةُ لِلشَّارِعِ فِي جَمِيعِ أَهْوَالِ التَّنْشِيعِ أَوْ مَعْتَمِدِهَا (meaning-eating and wisdom that is the purpose of Shari'ah in any or most of what {Shari'a} establishes. 2) 'Ilal al-Fasi¹⁵ أَلْغَايَةُ مِنْهَا وَالْأَسْرَارُ الَّتِي وَضَعَهَا الشَّارِعُ عِنْدَ كُلِّ حُكْمٍ مِنْ أَحْكَامِهَا (the purpose of Sharia and the secrets laid by Allah Almighty on each of its laws. 3). Ahmad al-Raisuni¹⁶ أَلْغَايَةُ الَّتِي وَضَعَتْ الشَّارِعَةَ لِأَجْلِ تَحْقِيقِهَا لِي مَصْنُوحَةِ الْعِبَادِ (the goals laid by the Shari'a to realize the benefit of mankind). 4) Jasser Audah¹⁷ Explaining Maqasid al-Shari'ah applicatively is a branch of Islamic science that answers all difficult questions and is represented by a word that seems very simple, namely "why?", such as the following questions? Why does a Muslim pray? why is zakat and fasting one of the pillars of Islam? Why is being kind to one's neighbor an obligation in Islam? Why is drinking alcoholic beverages, even a small amount, a great sin in Islam? Why the death penalty is prescribed for people who rape or murder intentionally?.

As for what is meant by maqashid al-khamsah, based on the definition mentioned above, it can be concluded that the word "maqashid" means purpose and intent. While the word "al-khamsah" means five. Definition by Term (terminology) In terms of terms (terminology) the word "Maqashid al-Khamsah" is two words combined in one term of Islamic law, which means to maintain (maintain) the five goals namely religion, soul, offspring, reason, and property. In terms of jurisprudence the word "Maqashid al-Khamsah", is often also termed "Kulliyat al-Khamsah" (the five universals), and "al-Dharuriyyat al-Khamsah" (five kinds of vital interests). From the definition developed above, it can be concluded that the term maqashid al-khamsah is the purpose of shari'a to maintain (maintain) the five elements that must exist for the realization of the benefit (al-maslahat) of religion and the world. If this does not exist, it will cause damage (al-mafsadat) and even

¹⁴ Muhammad al-Tahir Ibn 'Asyur, "Maqashid Al-Syari'ah Al-Islamiyah" (Tunisia: Mashna' Al-Kitab, n.d.), 51.

¹⁵ Al-Fasi, "Maqashid Al-Syari'at Al-Islamiyat Wa Makarimukaha", 3.

¹⁶ Ahmad Al-Raisuni, "Nazariyat Al-Maqashid 'ind Al-Imam Al-Syatibi" (Virginia: Al-Ma'had al-Alami li Fikr al-Islami, 1995), 20.

¹⁷ Jasser Audah, "Maqasid Al-Shari'ah: A Beginner's Guide, Terjemah Oleh 'Ali Abdelmon'im Al- Maqasid Untuk Pemula" (Yogyakarta: Suka Press, n.d.), 4.

loss of life and life. As it is known that the five elements or called *uṣūl al-khamsah* are part of the needs of *al-ḍaruriyah*, so maintaining the five elements is absolutely necessary, namely 1) *hifzh al-din* (maintaining religion), 2) *hifzh al-nafs* (preserving the soul), 3) *hifzh al-'aql* (maintaining reason), 4) *hifzh al-nasl*, and 5) *hifzh al-mal* (preserving property).¹⁸

Looking at the definitions above, it can be said that what is meant by *maqashid al-syar'iyah* is the purpose of legal law, while its content is human benefit. This view is based on the starting point of an understanding that behind an obligation (*taklif*) created is in order to realize human benefit, so that every law must have a purpose. So if there is a law that has no purpose then it is tantamount to imposing a burden of obligation (*taklif*) that cannot be carried out, and that is impossible. It is clear that the laws which have been decreed and handed down to man are not made for the law itself, but are made for the benefit of man.¹⁹

Stratification of al-Maqashid al-Khamsah

Maqashid is something that must exist for the realization of the benefit of religion and the world. If this does not exist, it will cause damage and even loss of life and life such as eating, drinking, praying, praying and other worships. There are five *maslahat* or *maqashid al-khamsah*, namely: religion (*al-din*), soul (*al-nafs*), offspring (*al-nasl*), treasure (*al-mal*) and reason (*al-aql*). The way to maintain the five can be taken in two ways, namely: First in terms of existence (*min nahiyati al-wujud*) namely by maintaining and maintaining things that can perpetuate its existence. Second, In terms of non-existence (*min nahiyati al-'adam*) that is by preventing the things that cause its absence.²⁰ Examples of how to apply *al-maqashid al-khamsah* according to *al-wujud* and *al'adam* are For more details, consider the following example: a. Maintaining religion in terms of *al-wujud* e.g. prayer and

¹⁸ Fathurrahman Jamil, "Filsafat Hukum Islam" (Jakarta: Logos Wacana Ilmu, 1997), 128–132.

¹⁹ Abdurrahman, "Teori Maqasid Al-Syatibi Dan Kaitannya Dengan Kebutuhan Dasar Manusia Menurut Abraham Maslow."

²⁰ Al-Syatibi, "Al-Muwafaqat Fi Ushul Al-Ahkam.", 7.

zakat b. Keeping religion in terms of al-'adam e.g. jihad and punishment for apostates c. Maintaining the soul in terms of al-wujud e.g. eating and drinking d. Guarding the soul in terms of al-'adam e.g. punishment qishash and diyat e. Maintaining reason in terms of al-wujud e.g. eating and seeking knowledge f. Keeping reason in terms of al-'adam e.g. limits for drinkers of khamar g. Keeping offspring in terms of al-wujud e.g. nikah h. Keeping offspring in terms of al-'adam e.g. limits for adulterers and muqdzif i. Maintaining property in terms of al-wujud such as buying and selling and seeking sustenance j. Guarding property in terms of al-'adam e.g. usury, cutting off the hands of thieves.²¹

Because maqashid al-khamsah is ijthadi, there are differences among scholars in determining the order of the five main elements (uṣūl al-khamsah). Imam al-Ghazali started from the maintenance of religion, soul, reason, offspring and property.²² Imam al-Razi has a different version. He sequenced the five main elements above starting from caring for the soul, property, offspring, religion, and reason.²³ Al-Amidi ranks from the maintenance of religion, soul, heredity, reason, and property.²⁴ Unlike al-Shatibi, he ranked the five points, namely maintaining religion, soul, offspring, property, and reason.²⁵ Apart from the difference in the order in which the five points are mentioned, what is clear is that this difference shows that the five points have the same position and the same role, so that no one takes precedence over the others. Everything depends on the problems faced that are tied to certain situations and conditions, so that contextual thinking and understanding are absolutely owned by a reviewer of Islamic law (mujtahid). This is none other than so that the true and universal benefit can be realized.²⁶

²¹ Afridawati, "STRATIFIKASI AL-MAQASHID AL-KHAMSAAH (Agama, Jiwa, Akal, Keturunan Dan Harta).", 104.

²² Abu Hamid ibn Muhammad Ibn Muhammad Al-Ghazali, "Al-Mustaṣfa Fī 'Ilm Al-Uṣul" (Beirut: Dar al-Kutub al-'Ilmiyah, 2000), 174.

²³ Fachruddin Muhammad Ibn Umar Ibn al-Husaen al-Razi, "Al-Maḥṣul Fī 'Ilm Al-Uṣul," in V (Damaskus: Mu'assasat al-Risalat, n.d.), 60.

²⁴ Al-Raysuni, "Nazariyat Al-Maqashid 'ind Al-Imam Al-Syatibi."

²⁵ Al-Syatibi, "Al-Muwafaqat Fi Ushul Al-Ahkam". in I Vol.2, 8

²⁶ Abdul Helim, "Maqashid Syariah versus Ushul Fiqh (Konsep Dan Posisinya Dalam Metodologi Hukum Islam)" (Yogyakarta: Pustaka Pelajar, 2019), 24.

However, in the scientific treasure, the order proposed by al-Ghazali is the order most widely held by jurisprudence scholars and subsequent jurisprudence. The difference in the order above, shows that everything is legitimate because it is ijthadi. The workings of the five al-maqashid al-khamsah above are that each must go according to its order. Keeping religion (al-din) must take precedence over guarding everything else; Guarding the soul (al-nafs) must take precedence over reason (al-aql) and offspring (nasl) and so on. One example is suicide or throwing oneself into destruction. is something that is forbidden as the text in Sura al-Baqarah verse 195 reads *وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ*. However, if it is for the sake of jihad and the religious interests of Allah SWT, it is permissible because as mentioned above, that maintaining religion must take precedence over guarding the soul. Therefore, most scholars allow *istisyhad* (a form of resistance by sacrificing oneself in order to knock out more enemies such as suicide bombings and the like) of Palestinian fighters with the above legal considerations.²⁷

According to al-Shatibi, the order of statification is that the rank of dharuriyat occupies the first level, followed by the rank of hajiyat, then followed by tahsiniyat. As for the case of the same rank, then the resolution of the matter is as follows: First, if the clash occurs in a different order from the five points of benefit, the priority scale is based on the standard order, namely religion must take precedence over the soul, the soul must take precedence over reason, reason must take precedence over offspring, and offspring must take precedence over property. For example, it is compulsory to wage jihad to maintain religion even if there is a sacrifice of soul. Because nurturing religion is more important than nurturing the soul. Second, if the conflict occurs in the same level and order, either guarding property or guarding the soul in the rank of dharuriyat, the mujtahid is obliged to examine in terms of the scope of the benefit itself or other factors that strengthen one of the benefits that must come first. For example, the use of certain locations for roads or irrigation sometimes clashes with someone's property rights that must be relinquished, for the benefit of the crowd. In this

²⁷ Afridawati, "Stratifikasi Al-Maqashid Al-Khamsah (Agama, Jiwa, Akal, Keturunan Dan Harta).", 106.

case, the interests of the crowd must take precedence over the interests of individuals. Both of these benefits are at the level of Hajjyat, in order to preserve property.²⁸

Application of al-Maqashid al-Khamsah In al-Dharuriyah, al-Hajjyah, al-Tahsiniyah and al-Mukammilat

Al-Shathibi divides maqashid into three categories, namely dlaruriyyah, hajjyyah, and tahsiniyyah. The categorization of maqashid is based on how big the role and function of a mashlahah is for the life of beings. If a form of mashlahah has a very large function for beings, where if the form of mashlahah is not fulfilled then the benefit of beings in the world cannot run stably (lam tajri mashalih al-dunya 'ala istiqamah) or there is inequality and injustice resulting in the collapse of social order (ikhtilal al-nidham fi al-ummah) and benefit in the hereafter i.e. salvation from the torments of hell is not achieved, So this goal falls into the category of Maqashid Dharuriyyah.²⁹ While Alyubi specifically discusses this maqashid sharia in his book Maqashid al-Shari'ah al-Islamiyyah wa 'Alaqtuha bi al-Adillati al-Shari'ati. He mentioned that based on the benefits contained in the law of shari'a, it can be divided into four types, namely dharuriyyat, hajjiat, tahsiniyat and mukammilat.³⁰

Al-Dharuriyah

According to Al-Ayubi dharuriyyat are various forms of benefit resulting from the maintenance of the purposes of the Shari'ah, which consist of the maintenance of religion, soul, reason, property and descendants of Maqashid dharuriyyah including the maintenance of religion (al-din), soul (al-nafs), reason (al-'aql), offspring (al-nasab), and property (al-mal). This is in line with the rules of Islamic law al-dharuru yuzal (all forms of evil must be eliminated). This rule occupies a very important and great position in the treasures of Islamic law. Because the

²⁸ Abdurrahman, "Teori Maqasid Al-Syatibi Dan Kaitannya Dengan Kebutuhan Dasar Manusia Menurut Abraham Maslow."

²⁹ Al-Syatibi, "Al-Muwafaqat Fi Ushul Al-Ahkam.", 7.

³⁰ Muhammad Sa'ad bin Ahmad bin Mas'ud Alyubi, *Maqashid Al- Syari'ah Al-Islamiyyah Wa 'Alaqtuhi Bi Al- Adillati Al- Syar'Iyyati* (Jami' al- Huququ Mahfuzhat, 1998).

purpose of Islamic law is to bring benefits and reject everything that has the potential to cause harm to religion, soul, property, reason, and nasab (dharuriyah al-khamsah).³¹

Al-Hajiyah

Maqashid Hajiyah refers to the benefit of spaciousness and flexibility in law (tausi'ah wa raf' al-dliq) which is aimed at avoiding difficulties (haraj) and masyaqahan, even though the intended benefit does not cause chaos for more important benefits. An example of this type of mashlahah is the provision of rukhshah (leniency) in prayer for people who are sick or traveling. This is in line with the rules of Islamic law al-musayaqqahtu al-tajlib al-taisir (difficulty leads to ease). This rule gives the understanding that difficulty is the cause of ease, and there must be tolerance when there is narrowness in doing a religious commandment.³² Muhammad Abu Zahrah defined Hajjat as everything that by Sharia law is not intended to preserve the maqashid al-khamsah, but rather is intended to eliminate the masyaqat, narrowness or ittiyat of the five points³³

Al-Tahsiniyyah

According to al-Shatibi, tahsiniat is a necessity that supports the improvement of one's dignity and morals in society and before one's God in accordance with propriety. If it does not exist, it will not cause damage or loss of something, and will not cause any harm in carrying it out, only that it is judged inappropriate and appropriate according to the degree of appropriateness of manners and ethics.³⁴ Maqashid tahsiniyyah refers to the benefit of supplementaries in the life of beings and deals with ethical (makarim al-akhlaq) and aesthetic (mahasin al-'adat) questions. Examples for this maqashid include covering the aurat for men in excess of the required limit both inside and outside the

³¹ Afridawati, "Stratifikasi Al-Maqashid Al-Khamsah (Agama, Jiwa, Akal, Keturunan Dan Harta) Dan Penerapannya Dalam Maslahah," *Al-Qisthu: Jurnal Kajian Ilmu-Ilmu Hukum* 1, no. 12 (2014): 874–92.

³² Afridawati.

³³ Muhammad Abu Zahrah, *Ushul Al Fikh* (Dar al Fikr al Arabiy, n.d.).

³⁴ Ismardi Ilyas et al., "Stratifikasi Maqashid Al-Syari'Ah Terhadap Kemaslahatan Dan Penerapannya," *Hukum Islam* XIV, no. 1 (2014): 13–20.

prayer, removing dirt that sticks (which is not included in the category of unclean, because unclean is mandatory to clean), using good clothes when going to pray, and others.³⁵

Al-Mukammilat

The three stratifications above include *tatimmat* or *mukammilat*, if it is removed it will be able to eliminate its principled wisdom. Ali Hasaballah gave an example in the issue of *dharuriyat* the purpose of praying to maintain religion, in order to perfect the *shari'a*, the call to prayer for *i'lan* and *iqamah* for congregation was also given. In the event that it is forbidden to be married and it is forbidden to commit adultery in order to preserve offspring, in perfecting the *Shari'a*, it is recommended that the couple be *kafaah* or equal, because it is intended for the good of the family, and it is forbidden to commit idolatry with the *ajnabi* in the context of preventive measures.³⁶

Human benefit both in this world and in the Hereafter is built on the five main benefits (*ushul al-khamsah*) which are *dharuriyyah* in nature as mentioned above. If these five things are not maintained, then the benefits needed by beings, including those of *Hajyyah* and *tahsiniyyah*, will not be fulfilled. Viewed through the priority scale, the *dharuriyyah maqashid* is at the first level, followed by the *hajjiyyah maqashid*, *tahsiniyyah*, and *mukammilah*. Therefore, if there is a contradiction between the *dharuriyyah maqashid* and the *hajjiyyah*, *tahsiniyyah*, or *mukmilah maqashid*, the *dharuriyyah maqashid* must take precedence. From this it can be understood that the problems included in the category of *Hajj* are actually part of the preservation of the above *dharuriyyah* problems, as well as the *tahsiniyyah* problems. *Hajjiyyah* is the consummation (*mukmil*) for *dharuriyyah*, just as *tahsiniyyah* is the consummation for *hajjiyyah*. Something that perfects the perfecter can then be called a perfecter as well (*wa al-mukmil li al mukmil mukmil*). So it can be said that *Hajj* and *tahsiniyyah* are branches

³⁵ Afridawati, "Stratifikasi Al-Maqashid Al-Khamsah (Agama, Jiwa, Akal, Keturunan Dan Harta)."

³⁶ Ilyas et al., "Stratifikasi Maqashid Al-Syari'Ah Terhadap Kemaslahatan Dan Penerapannya."

(far'u) while dharuriyyah is the principal (ashl).³⁷ If we illustrate the five main points above in the conditions of al-dharuriyah, al-hajiyah, al-tahsiniyyah and al-mukmilat, it can be seen that the correlation supports each other for the creation of benefit and vice versa also the welfare of human life.

Hifzh al-Din and its Application

Maintaining or maintaining religion based on its importance can be grouped into: 1) maintaining religion at the level of al-Dharuriyah which is carrying out the main (primary) teachings as a religious obligation such as praying five times, if ignored then the existence of religion is threatened, in line with the substance of the meaning of the hadith of the Prophet "whoever establishes prayer has established religion and whoever leaves prayer he has broken religion). 2) Maintaining religion at the level of al-hajiyat i.e. carrying out religious provisions with the intention of avoiding difficulties, such as plural prayers and qashar for people who are traveling. If this provision is not implemented, it will not threaten religious existence but will bring difficulties to those who do it. 3) maintaining religion in the rank of tahsiniyyah is following religious instructions in order to uphold human dignity while completing the implementation of obligations towards Allah SWT.³⁸ Exceeding the extent of covering the aurat both in prayer and outside prayer for men (between the center and knees), cleaning the body of clothing and place. This is closely related to praiseworthy morals, although it does not threaten religious existence and bring difficulties, but its presence is very important in order to honor the Khaliq who loves beauty. 4) Maintaining religion in the level of mukmilat such as praying preceded by azan and iqomat or praying in a comfortable and air-conditioned mosque room. Its existence completes and perfects the previous three levels nor does its absence threaten or damage and bring difficulties to the previous three levels.

³⁷ Afridawati, "Stratifikasi Al-Maqashid Al-Khamsah (Agama, Jiwa, Akal, Keturunan Dan Harta)."

³⁸ Jamil, "Filsafat Hukum Islam."

Application of Hifzh Nafs

The implementation of preserving the soul (life) based on the level of importance in order to bring benefit and reject the glory of humans can be seen, namely: 1) nurturing the soul at the level of al-dharuriyah fulfilling the basic needs in the form of food to sustain life. If these basic needs are ignored, it will threaten one's life or life. So that in the situation that there is no basic food that is halal to sustain life and does not exceed the limit, then Allah justifies the forbidden thing to eat pork and the like just to survive as stated in the Qur'an surah al-Baqarah verse 173. 2) Nurturing the soul at the level of al-hajiyah such as being allowed to hunt animals to get delicious and halal food, taking fish in the sea and similar activities. If this is left unchecked, it will not threaten the existence of his life but will bring difficulties for him to get nutritious food in the form of animal protein. 3) Nurturing the soul at the level of al-Tahsiniyyah i.e. the establishment of the manner of eating and drinking.³⁹ This is only related to decency and etiquette, will not threaten the existence of the soul and bring difficulties if abandoned.

Application of Hifzh al-'Aql

As the importance of religion and soul, the intellect is an aspect that is of important concern in order to maintain benefit and avoid evil, then based on its level can be seen, namely: 1) maintaining reason at the level of al-dharuriyah such as forbidden liquor (khamar) and the like that will damage reason. If this is ignored it will cause damage to brain function resulting in disruption of the human mind. 2) Maintaining reason at the level of al-Hajiyah as it is recommended to study, if not done it will not damage the intellect but will only bring difficulties for a person to access knowledge in his self-development. 3) Maintaining reason at the level of al-Tahsiniyyah abstains from imagining or long wishful thinking and avoids listening to useless things, if done not to damage reason but only ethical matters and does not threaten to damage reason directly in a short time ⁴⁰.

³⁹ Jamil.

⁴⁰ Nilda Susilawati, "Stratifikasi Al-Maqashid Al-Khamsah Dan Penerapannya Dalam Al-Dharuriyat, Al-Hajjiyat, Al-Tahsiniyyat," *Mizani* 2, no. 1 (2015): 1–12.

Application of Hizh al-Nasl

Maintaining offspring in terms of the level of need can be explained that: 1) nurturing offspring at the level of al-dharuriyah is the Sharia of marrying and avoiding adultery. If violated, it will threaten the existence of offspring with unclear fate. 2) At the level of al-Hajiyah maintaining offspring such as giving provisions to the husband to mention the type and amount of dowry, the time of the contract and the right of thalaq. If it is not done then the husband will pay the mitsl dowry and if it turns out that after marriage there is a conflict and the husband or wife cannot continue the marriage, the solution is thalaq even though it is hated by Allah. But if this is not facilitated by the Shari'a, it will have difficulties in settling down for those who experience these problems. 3) At the level of al-tahsiniyyah such as khitbah before marriage and walimah after ijab qabul. If this is abandoned, it does not threaten existence and bring difficulties.

Application of Hifzh al-Mal

Maintaining property at the level of al-dharuriyah is the provision of sharia on how to obtain property and the prohibition of taking other people's property bathily or obtaining property by usury. If this is violated, it will threaten the existence of the property we have. While at the level of al-hajiyah there are rules about the system of economic cooperation in Islam (mudharabah) or the existence of a system of buying and selling greetings and now the trend with buying and selling online. If it is not carried out, it will not threaten the existence of property but only slows down economic or business development and will bring difficulties in transactions. At the level of al-tahsiniyyah, there is transparency in ethics in buying and selling the issue of price and quality of goods, because this will be closely related to the needs at the previous level.

As explained in Ushul Khamsah and its application above, each stratification has al-mukmilat (consummation) as at the level of al-dharuriyah namely the minimum limit of qishas (tamasul) in order to nourish the soul, the minimum limit of intoxication in maintaining the mind. At the level of al-Hajiyat in buying and selling, there is khiyar in

buying and selling in maintaining property and there is kafaah in maintaining offspring. At the level of al-tahsiniyyah there is thaharah in a series of prayers in order to maintain religion.⁴¹

Conclusion

Based on the description above, it can be concluded that al-Maqashid al-Khamsah is an effort made by scholars in order to give birth to the secrets and objectives of sharia 'which have not been listed in detail through the Quran and hadith, this effort gave birth to a branch of science that stands alone, namely al-Maqashid al-Sharia which was pioneered by al-Shatibi and several scholars after him such as al-amidy, al-Ghazali and others. Stratitikasi al-maqashid al-khamsah shows the level of importance in order to bring benefit, as a scientific effort that is ijtihadi there are differences in terms of order but do not reduce the number of five main things, namely maintaining religion, nurturing the soul, maintaining reason, maintaining offspring, and maintaining property. In each of them there are levels of need namely al-dharuriyah, al-hajiyah, al-tahsiniyyah and perfected with al-mukammilat.

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⁴¹ Jamil, "Filsafat Hukum Islam."

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