

Maqasid Syariah Perspective Abu Hamid Muhammad Bin Muhammad Al-Ghazali

Mhd Dayrobi *, Dhiauddin Tanjung

Postgraduate Islamic Law, Universitas Islam Negeri Sumatera Utara
Jl. William Iskandar Ps. V, Medan Estate, Kec. Percut Sei Tuan, Kabupaten Deli Serdang, Sumatera Utara 20371, Indonesia

Article Info

Article history:

Received July 3, 2024
Revised August 15, 2024
Accepted August 27, 2024

Keywords:

Imam Al Ghazali
Maqasid Syariah
Maslahat

ABSTRACT

Maqasid sharia, if traced from its development, has existed since the time of Rasulullah SAW. Even though at that time the theme of maqasid syari'ah had not been clearly stated, at least maqasid syari'ah had provided color and contribution to Islamic legal legislation in accordance with the objectives of establishing Islamic law. This research aims to describe Imam Ghazali's thoughts regarding maqasid Sharia. This research is library research and is included in descriptive research and is a type of bibliographic research because it tries to collect data, describe and analyze Imam al Ghazali's thoughts regarding maqashid sharia. In this research, it is concluded that Imam al-Ghazali's Maqasid Syari'ah Thought can be traced from his books, especially in the book al-Mustasfa min Ilmi al-Usul. He classifies masalah based on whether the syara' is accepted or not accepted into 3 (three) types, namely Maslahat al-mu'tabarrah (benefits that are justified by the syara'), Maslahat mulgah (benefits that are rejected by the nashyara'), and Maslahat murlahah (benefits that are not justified and not canceled by Sharia'). Al Ghazali also divided the levels of maqasid sharia into 3 (three), namely the levels of daruriyah (primary needs), al-hajjiyat (secondary needs) and tahsiniyat (tertiary needs). Of these three levels, only the emergency level can serve as a guide in determining Islamic law. Meanwhile, at the hajjiyat and tahsiniyat levels, they cannot be used as guidelines in determining laws unless they are strengthened by evidence.

This is an open access article under the [CC BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license.



Corresponding Author:

Mhd Dayrobi
Universitas Islam Negeri Sumatera Utara
Email: mhddayrobi@gmail.com

INTRODUCTION

Maqasid sharia, if traced from its development, has existed since the time of Rasulullah Saw. Even though at that time the theme of maqasid syari'ah had not been clearly stated, at least maqasid syari'ah had provided color and contribution to Islamic law legislation in accordance with the aim of establishing Islamic law, namely realizing benefits and avoiding harm (dar'u al-mafasid wa jalbu al-manafi'). For example, the hadith of the Prophet Saw. regarding advice to young people who already have the ability to get married immediately. Meaning: from Abdullah bin Mas'ud, he said: The Messenger of Allah said to us: "O young generation, whoever among you, after being able to have a family, should marry, because he can lower his gaze and maintain his genitals, and whoever is not able, So let him fast, because he can control you. (muttafaqun 'alaihi).

Based on this hadith, the Prophet recommended marriage because in marriage there is a goal of the Shari'a that can be achieved, namely providing benefits for humans themselves. By getting married, a young man can protect his eyes and maintain his honor from things that can damage human values, such as adultery, prostitution, and so on. Meanwhile, a young man who is able or capable of getting married is advised to fast, because fasting can actually control his sexual desires. Furthermore, in its development, the study of maqashid al-syari'ah began to receive intensive attention when the companions were faced with various new problems and social changes that had never occurred when the Prophet Muhammad was still alive. With these social changes, friends are seriously studying the Al-Syari'ah maqashid as an effort to make legal breakthroughs to anticipate the social changes that are occurring.

Among the companions of the Prophet SAW who most frequently carried out creations in the field of law as an implication of social change was Umar Ibn al-Khatab. One form of ijihad is saying three divorces at once. Umar Ibn Al-Khatab's ijihad is to provide a deterrent effect against the arbitrary actions of husbands who arbitrarily impose thalaq on their wives and to maintain the existence of the talaq function itself. Thus, the legal considerations made by Umar Ibn Al-Khatab above are in accordance with maqashid al-syari'ah. Therefore, Umar Ibn Al-Khatab's ijihad is in accordance with the fiqh adage which states that "changes in a fatwa depend on changes in the times, circumstances and habits of the community. In history, maqashid syari'ah according to Ahmad Rasyuni was first used by Abu 'Abdillah Muhammad bin 'Ali al-Tirmidhi, popularly known as Al-hakim al-Tirmidhi (d. end of the 3rd century H). He was the first to distribute Maqashid al-Shari'ah through his books: al-salat wa maqashiduhu, alwaj wa asraruh, al-'illah, 'ilal al-syari'ah, 'l'al al-'ubudiyah and al- Furuq. It was further developed by scholars such as Abu Mansur al-Maturudi (d. 333. H.), Abu Bakar al-Qaffal al-Syasyi (d. 365. H.), Abu Bakar al-Abhari (d. 375 H.), Al -Baqallany (d. 403 H), Al-Juany (d. 478 H), Al-Ghazali (d. 505 H), and so on.

One of the important figures in the discussion of maqasid sharia is Al-Ghazali. Al-Ghazali is also known as a philosopher, Sufi, faqih and usuli. Apart from that, al-Ghazali had an important role in the development of maqasid sharia. We can trace this through several of his books such as Syifa al-Galil and al-Mustasfa min 'ilmi al-usul. These two books were written in different periods so they have different characteristics too. The book Syifa alGalil was written when al-Ghazali was in an environment that preferred rationality and was still young. Meanwhile, Mustasfa's book was written after AlGhazali in a Sufism environment and rejected all types of ratios, so this book feels rigid and conservative. So revealing Al-Ghazali's thoughts is very interesting, because his maqasid sayri'ah thoughts cannot be separated from his personality as a philosopher and Sufism.

METHODOLOGY

This article is library research, meaning research whose data is based on written materials in the form of books, journal articles and other library materials. This research includes descriptive research and is a type of bibliographic research because it tries to collect data, describe and analyze Imam al Ghazali's thoughts regarding maqashid sharia. The data collection technique in this research uses the documentation method by obtaining data originating from books, journals, papers and various works related to Imam al Ghazali's maqashid sharia thoughts. In this research, the data analysis technique used is a descriptive method with content analysis techniques. The descriptive method is a method for researching the status of a group of people, an object, a condition, a system of thought or a class of events in the present which aims to create systematic paintings, images and descriptions.

RESULTS AND DISCUSSION

Maqashid Sharia Concept

Maqasid sharia comes from two words, namely al-maqasid and al-syariah. Al-maqasid is the plural form of the word al-Maqasid from the root word al-qasd. Etymologically, the word al-qash has several meanings, namely: First, the straight path (istiqamah al-tariq), this meaning is based on the word of Allah in surah al_nahl (16): 9. Second, the most important goal (al-i'timad wa al-amm). This meaning is often used and meant by fiqh and ushul fiqh scholars. The goal (al-maqasid) is the reference in every bukallaf action and the law changes along with changes in the goal. It is the deepest element that forms the basis of a person's every action.

The ushuliyin and fuqaha circles do not limit the meaning of the word al-maqasid. Because this word is in an etymological context after being combined with other words, such as the rule which says "all actions depend on the goal or intention of the perpetrator (al-umur bi maqasidiha). In this context, al-maqasid is interpreted as something that underlies a person's actions and is implemented in a real form (al-fi'il), or for example al-Ghazali's statement which said that there are five goals (maqsud) of the Shari'a, namely protecting religion, soul, reason, descendants and wealth. Meanwhile, Ibn Ashur defined maqasidul sharia as values or wisdom that are of concern to the sharia in all the content of the sharia, whether detailed or global. It could be that these values contain universal sharia values such as moderation (al-wastiyah), tolerance (al-tasamuh) and holistic (al-shumul). 'Alal alAfasi further defines maqasidul sharia as the main goal (al-ghayah) of the sharia and the secrets laid down by the sharia' as the foundation of every sharia law. Thus, maqasidul sharia becomes the basis of eternal law and cannot be separated from the main source of Islamic law.

From these two meanings, it can be concluded that maqasid sharia can include universal goals, namely establishing benefits and preventing misery, and also includes specific legal goals such as the goals contained in family law. The ulama provide an overview of the theory of maqasid sharia, namely that maqasid sharia must be centered and based on five main points of benefit, namely: the benefit of religion (hifz al-din), the benefit of the soul (hifz al-nafs), the benefit of reason (hifz al-aql), the benefit of descendants (hifz al-nasl) and the benefit of wealth (hifz al-mal). Each level has its own classification, namely basic/primary ranking (dharuriyyat), needs/secondary ranking (hajjiyyat) and complementary/tertiary ranking (tahsiniyyat). In determining the law, this ranking order will show its importance when it conflicts with its benefits. The dharuriyyat rank is in first place, then hajjiyyat and tahsiniyyat.

Biografi Abu Hamid Muhammad Bin Muhammad Al-Ghazali As-Syafi'i (Al-Ghazali)

Imam Al-Ghazali has the full name Abu Hamid Muhammad bin Muhammad alGhazali ath-Thusi ash-Syafi'i, who is famous with the title hujjal Islam al-Imam al-Jalil Zain ad-Din (Islamic argumentator) considering his true services in protecting Islam from the influence of heresy and Greek rationalism. Born in Ghazalah Village, Thus City, Khurasan, Persia (which today is located in the northeastern part of the country of Ira) in 450 H to coincide with 1058 AD. His father was a pious man who worked as a silk weaver, and had a brother named Abul Fatuh Ahmad bin Muhammad bin Muhammad bin Muhammad bin Muhammad alGhazali, and known by the name Majduddin. Imam al-Ghazali started studying religion as a child, by studying the Koran and the basics of other religious knowledge from his father. Next he studied jurisprudence with Shaykh Ahmad bin Muhammad Ar Radzakani in the city of Thusi. Then he went to Jurjan in 465 H to study with Imam Abu Nashr Al Isma'ili and write the book Al-Ta'liqat. Then go home to Thusi. At the age of 20, he had mastered several basic sciences and two main languages, namely Persian and Arabic, which were commonly used by the scientific community at that time, so that these two languages helped him understand scientific books autodidactically.

In 470 H. Al-Ghazali went to Naisabur to continue his education at the an-Nizamiyyah madrasa, at that time Abu alMa'ali Abdul Malik bin Abdullah al-Juwayni (Imam al-Haramain) acted as head and teaching staff there. For eight years he studied with Imam al-Haramain alJuwaini until the teacher's death, in 478 H/ 1085 AD. Imam Haramain nicknamed Al-Ghazali the nickname Bhar Mu'riq (the ocean that washes away) because of his mastery of the knowledge he had acquired, including knowledge of rhetoric so that he was able to provide rebuttals to his opponents. He learned from al-Juwaini about Islamic law as the main skill and other sciences such as As'ariyyah theology,

kalam science, logic, natural philosophy and so on. He collected all the lecture notes with al-Juwaini and gave the title *al-Mankhul min Ta'liqat al-Usul*. Al-Ghazali's journey to seek knowledge did not stop there, al-Ghazali then went to Mu'askar to take part in a scientific study attended by famous scholars of his time, held by the prime Seljuq Nizam al-Mulk. Al-Ghazali's intelligence and breadth of knowledge made him famous in these studies, so that in 484 H/ 1091 AD al-Ghazali was appointed professor in the field of Islamic law at the Nizamiah College in Baghdad by Nizam al-Mulk (Abu Ali Hasan bin Ali bin Ishaq al-Tusi).

Based on the description above, al-Ghazali is known as a philosopher, mantiqi, mutakallim, Sufi, faqih and ushuli. In the field of kalam science he is a mutakallimin *Asy'ariyah* figure, while in the field of Islamic law (*fiqh* and *ushul fiqh*) he is a *Shafi'iyah* figure. As ushuli of the *Shafi'i* school, while living in Damascus many attended al-Ghazali's assembly, who at that time taught at *Khaniqah Sheikh Nashr Al Maqdisi*, which eventually became known as *Madrasah Al Ghazaliyah*. The *Ishlah* movement carried out by Al Ghazali later gave rise to the profile of *Rabbani ulama* who had a big role in the liberation of *Bait Al-Maqdis*. As a scholar with extensive knowledge, al-Ghazali has a large number of scientific works, and it is almost impossible to determine how many of his writings there are.

In the book *al-mankhul min Ta'liqat al-Usul*, al-Ghazali mentions more than 500 works in various scientific fields, including *Sufism*, *aqidah*, *fiqh*, *ulus fiqh*, *logic* and *philosophy*. Al-Ghazali's scientific works include: *Al-Mankhul min Ta'liqat al-Ushul*, *Shifa' al-Ghalil fi Bayan al-Shabah wa al-Mukhil wa Masalik al-Ta'lil*, *Haqiqah al-Qaulain*, *Al-Mustasfa Min 'Ilm alUsul*, *ihya 'Ulum ad-Din*, *Bidaya al-Hidaya wa tahzib an Nufus bi al-Adab Asy-Syariah*, *maqasid al-Falasafiyah*, and many other works. (Setiyanto, 2019).

In the course of his life, al-Ghazali experienced doubts regarding the conflicting truth claims he believed in, because at that time four truth claims emerged, namely *theology*, *philosophy*, *innerism* and *Sufism*. These doubts relate to the issue of what is correct knowledge and how to obtain it in the correct way, whether it comes from experience or from reason. The anxiety he felt could not be calmed by the various knowledge he possessed, including *theology*, *philosophy* and *Sufism*.

So al-Ghazali boldly examined the truth claims in various thoughts at that time. In his efforts to investigate *Sufism*, he argued that it should not only be based on cognitive knowledge, but also the *Sufi practice* itself must be followed by purifying oneself from other than Allah and abandoning all material and worldly life. Until finally he left the *Nizamiyah* school and left Baghdad, with the excuse of going to Mecca to perform the *Hajj*. In fact, what he wanted was to leave his career and get closer to Allah as a *Sufi*. Since the month of *Zulkaidah* 488 H/1095 AD, he wandered away from Baghdad living as a *Sufi* who was poor and ascetic towards the world, who abandoned worldly life, family. He spent his time in solitude, meditation, and spiritual training. It was during these wanderings that he wrote the book *Ihya ulum ad-din*.

Next, al-Ghazali returned to Baghdad in 499 H and returned to teaching at the *Nizamiah Naisabur College*, after being asked by *Fahr Mulk* (son of *Nizam Mulk*). However, this did not last long, only about three years (501-503 AH), because there were family problems and other problems that required him to return to his hometown, namely *Thus*. Imam al-Ghazali died in his hometown, on 14 *Jumadil* at the end of 505 H or corresponding to 19 December 1111 AD. Before he died, Imam al-Ghazali founded a *madrasa* for students of knowledge and a *hermitage* for *Sufis* in *Thus*. It was in this *madrasa* that al-Ghazali focused himself on teaching, chatting with *Sufis*. AlGhazali was buried in *Tabran*, near the grave of *alFirdausi* (a great poet of his time).

Imam Al-Ghazali's Maqashid Sharia Thought

Maqasidul sharia from Imam Al-Ghazali's perspective can be traced in several of his books, including *al-mankhul min Ta'liqat al-Usul*, *Asasu al-Qiyas*, *Syifa al-Ghalil fi Bayani Syaba wa al-Mulkhil wa Masalik at-Talil* and *al-Mustasfa min Ilmi al-Usul*. The book *al-Mustasfa* is the most comprehensive book in studying the concept of *maslahah* and the purpose of the revelation of Islamic law (*maqasid sharia*) in the view of Imam Al-Ghazali. From a historical perspective, during al-Ghazali's time, the study of *ushul fiqh* had experienced extraordinary progress, this was proven by the institutionalization and expansion of the study of *fiqh* with various existing schools of thought.

The study of the *murlahah* *maslahah*, which in previous times had not been widely discussed, was widely discussed during Imam al-Ghazali's time. Al-Ghazali can be considered as the *ushuliyin* figure of the Shafi'i school of thought who spoke the most about and paid attention to the *murlahah* *maslahah*. Thus, it is not an exaggeration to say that what al-Ghazali talked about regarding the *maslahah* *murlah* (especially that found in al-Mustasfa) had never been revealed by his predecessors. *Maqasidul sharia* in al-Ghazali's view is categorized in the discussion of *istislah* in the book al-Mustasfa. He began his discussion by classifying benefits based on the acceptance or non-acceptance of *sharia* into 3 (three) types, namely:

1. *Maslahat al-mu'tabarrah* (benefits that are justified by *sharia*'), this type of problem can be used as proof and the conclusion goes back to *qiyas*, namely taking the law from the soul or spirit of the text and *ijma*. For example, intoxicating drinks and food are haram for wine, because wine is forbidden to maintain the mind on which the law depends (imposition). The haram law established by the *sharia* regarding wine is proof of paying attention to this benefit.
2. *Maslahah mulgah* (benefits rejected by the *nashyara*'), for example, the opinion of some scholars to one of the kings that when having sexual relations between husband and wife during the day of Ramadan, one should fast for two consecutive months. When this opinion was refuted, why didn't he order the king to free his servants, even though he was rich, the cleric said, 'If I ordered the king to free his servants, it would be very easy for him, and he would easily free his servants to fulfill his sexual needs. So the benefit is, he must fast for two months in a row, so that he is deterred. This is an invalid opinion and violates *Nash*. So, according to al-Ghazali, such an opinion is a *maslahah* that is rejected and invalid according to *syar'i*.
3. *Maslahah murlah* (benefits that are neither justified nor canceled by the *syara*'). Regarding *maslahah* *musrlah*, Imam al-Ghazali did not provide detailed examples. Furthermore, Imam al-Ghazali emphasized that *maslahah* is not like in the book of *Syifa al-Ghalil*, namely attracting benefits (*jalb manfa'at*) or rejecting harm (*daf' madarrah*). This is because both are part of the goals and goodness of humans by achieving their goals. He explained that what is meant by benefit is maintaining the objectives of Islamic *sharia*/law (*maqasid as-syar'i*).

Imam al-Ghazali divided the levels of *maqasid sharia* into 3 (three), namely the levels of *daruriyah* (primary needs), *al-hajjiyat* (secondary needs) and *tahsiniyat* (tertiary needs). According to al-Ghazali, the aim of the *Shari'a* includes five things (*al-ural al-Khamsah*) namely preserving religion, soul, reason, offspring and property. So every thing that maintains these five things is called benefit, and every thing that eliminates these five things is called *mafsadat*. The five things mentioned above were placed by al-Ghazali at the *darurah* level. He gave an example of maintaining religion by killing infidels who lead astray and punishing those who commit heresy. According to al-Ghazali, these two things can eliminate religion for the people. Apart from that, he also gave an example regarding the maintenance of the human soul, such as the *sharia* order requiring *qisas*. Obligations are hadd for drinking alcohol, because with this sanction reason will be maintained, because reason is the basis of interpretation.

At the *al-hajjiyat* level, al-Ghazali gave an example of the case of marriage. According to him, the granting of powers to guardians who marry off their young children cannot reach emergency levels. But benefit is needed by providing equality (*kafa'ah*) so that it can be controlled and achieve goodness in life in the future. Meanwhile, at the *tahsiniyat* level, al-Ghazali said that this level is a benefit that cannot be returned to the two previous levels, both emergency and *hajiyat*. The benefits of *tahsiniyat* are used to improve (*li altahsin*), beautify (*tazyin*), make things easier (*li at-taysir*), get several privileges (*li al-mazaid*), get added value and maintain the best attitude in life (*ahsan al-manahij*) especially cases related to daily interactions or *muamalat*. For example, the status of a servant's ineligibility as a witness, even though the *fatwa* and narration are acceptable.

Imam al-Ghazali firmly said that only the emergency level can be a guide in determining Islamic law. Meanwhile, at the *hajiyat* and *tahsiniyat* levels, they cannot be used as guidelines in determining laws unless they are strengthened by evidence. So, as long as there is no argument at the level of *hajiyat* and *tahsiniyat*, it cannot be used as a legal determination. According to al-Ghazali, this is because it is like creating a new *Shari'a* based solely on opinion. Another requirement is that benefits can be used as a legal argument, if they are in line with *sharia* actions (*tasrifa tas-syar'i*).

These guidelines for action can be sourced from the Koran, Sunnah and ijma. So if these requirements are not met, then the benefit is included in the category of foreign benefit (*al-masalih al-garibah*) and is considered vanity and must be eliminated. Whoever is guided by it, he has established Islamic law based on lust.

Furthermore, Imam al-Ghazali also explained that the *maslahah murrasa* can be used as a proof in the determination of Islamic law, if the *maslahah* is at an emergency level or the problem is at an emergency level. An example is the infidels who used a group of Muslim prisoners as human shields. If we don't attack them, they will attack us, and enter our country, and will kill all the Muslims. So the Mujtahid may be of the opinion that under any circumstances the Muslim prisoner would have been killed. In this way, caring for all Muslims is closer to the goal of *syara'*, because the goal of *syara'* is definitely to reduce the number of murders. Based on this example, the Mujtahid's *ijtihad* was carried out based on considerations of benefit which it was known for certain that the benefit was a sharia goal, not based on a particular proposition. A benefit like this can be justified by considering three characteristics, namely that the benefit has emergency status (primary), *qat'iyah* (certain), and *kulliyat* (general).

CONCLUSION

Imam al-Ghazali's *maqasidul syri'ah* thoughts can be traced from his books, especially in the book *al-Mustasfa min Ilmi al-Ushul*. He began his discussion by classifying *maslahat* based on the acceptance or non-acceptance of the *syara'* into 3 (three) types, namely *Maslahat al-mu'tabarah* (benefits that are justified by the *syara'*), *Maslahat mulgah* (benefits that are rejected by the *nashyara'*), and *Maslahah murlah* (benefits that are neither justified nor canceled by *syara'*). And divides the *maqasid sharia* levels into 3 (three), namely *daruriyah* (primary needs), *al-hajjiyat* (secondary needs) and *tahsiniyat* (tertiary needs). Of the three levels, only the emergency level can serve as a guideline in determining Islamic law.

Meanwhile, at the *hajjiyat* and *tahsiniyat* levels, they cannot be used as guidelines in determining laws unless they are strengthened by evidence. So, as long as there are no arguments at the level of *hajjiyat* and *tahsiniyat*, then they cannot be used as a legal determination. Apart from that, other requirements for benefits can be used as legal arguments, if they are in line with sharia actions (*tasrif tas-syar'i*). These guidelines for action can be sourced from the Koran, Sunnah and ijma. So if these requirements are not met, then the benefit is included in the category of foreign benefit (*al-masalih algaribah*) and is considered vanity and must be eliminated. And the problem of *murlah* can be used as proof in the determination of Islamic law, if the problem is at the level of emergency or blasphemy which occupies the position of emergency, *qat'iyah* (definite), and *kulliyat* (general).

REFERENCES

- [1] Al-Jauziyyah, 'Ilmul Muwaqqi'in 'An Rabb 'Alamin. (Dar Al Kutub 'Ilmiah, 1991) Juz 2.
- [2] Buthi, Al-Dawabit al-mushlahat fi al syari'ah al-islamiyah. Muassasah Risalah, (1997)
- [3] Dunya, Al-Haqiqah fi Nazhr Al-Ghazali. Dar Ma'arif, (1971).
- [4] Fuad, Ahmad al-Ahwani. Dar Fikr. (2000).
- [5] Ghazali, Al-Mustashfa min Ilmi AlUshul, (Dar Watin, 1997)
- [6] Imawan, Peran Tarekat Dan Kitab Kuning Dalam Membentuk Masyarakat Santri Madani di Mlangi Yogyakarta, (Universitas Islam Indonesia 2019)
- [7] Khatib, Konsep Maqasid Al-Asyariah: Perbandingan Antara Pemikiran Al-Ghazali, (2018)
- [8] Musolli., Maqasid Syariah; Kajian Teoritis dan Aplikatif pada Isu-Isu Kontemporer. At-Turas Universitas Nurul Jadid Paiton Purbalingga, (2018).
- [9] Nawawi, Riyadlu al-Shalihin. al-Risalah. (1998).
- [10] Rahman al-Kailani, Qawaid al-Maqasid inda al-Imam al-Shatib, Ardan wa Dirasatan wa Tahlilan. (Dar Fikr, 2000).
- [11] Setiyanto, Maqasid As-syariah dalam Pandangan Al-Gazzali,. (2019). h. 35.
- [12] Sutisna, Panorama Maqashid Syariah. Media Sains Indonesia, (2021)