

The Implementation of *Dharûriyyât* Concept by Muslims Traders in the Pemangkat Market of Sambas Regency

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Abstract: *The Implementation of Dharûriyyât Concept by Muslims Traders in the Pemangkat Market of Sambas Regency.* This study aims to determine the application of the *dharûriyyât* concept among Muslim food traders at Pemangkat Market, Kambas Regency, West Kalimantan Province. This research is qualitative and descriptive using a socio-religious approach. Data were obtained through observations and interviews with shop owners/grocers of Muslims at the locations which were then analyzed using inductive analysis techniques. This study concludes that the majority of Muslim traders in Pemangkat Market have applied five aspects of the *Dharûriyyât* concept, namely: (i) *Hifz al-Din* (maintaining religion), which is marked by their obedience in carrying out worship, (ii) *Hifz al-Nafs* (maintaining the soul), their patience to avoid conflicts between fellow traders, (iii) *Hifz al-Aql* (maintaining reason), which is characterized by the tendency of traders not to consume/sell liquor; (iv) *Hifz al-Mâl* (maintaining wealth), which is indicated by a penchant for saving/investing and spending their wealth in the way of goodness; (v) and *Hifz al-Nasl* (maintaining offspring) which is shown by the enthusiasm of the actors to provide good education to children and feed them from lawful assets.

Keywords: implementation, the concept of *dharûriyyât*, muslim traders

Abstrak: *Penerapan Konsep Dharûriyyât di Kalangan Pedagang Muslim di Pasar Pemangkat, Kabupaten Sambas.* Penelitian ini bertujuan untuk mengetahui penerapan konsep *dharûriyyât* di kalangan para Pedagang Sembako Muslim di Pasar Pemangkat, Kabupaten Kambas, provinsi Kalimantan Barat. Penelitian ini adalah deskriptif kualitatif dengan menggunakan pendekatan sosio-religius. Data diperoleh melalui observasi dan wawancara dengan para pemilik toko/pedagang sembako Muslim di lokasi setempat yang kemudian dianalisis dengan menggunakan teknik analisis induktif. Kesimpulan dari penelitian ini menunjukkan bahwa para pedagang di Pasar Pemangkat telah menerapkan lima aspek dalam konsep *dharûriyyât* yaitu: (i) *Hifz al-Din* (memelihara agama), yang ditandai dengan kepatuhan mereka melaksanakan ibadah, (ii) *Hifz al-Nafs* (memelihara jiwa), kesabaran mereka untuk menghindari konflik antar sesama pedagang, (iii) *Hifz al-Aql* (memelihara akal), yang ditandai dengan kecenderungan pedagang untuk tidak mengonsumsi/menjual minuman keras; (iv) *Hifz al-Mâl* (memelihara harta), yang ditunjukkan dengan kegemaran untuk menabung/berinvestasi dan membelanjakan hartanya di jalan kebaikan; (v) dan *Hifz al-Nasl* (memelihara keturunan) yang ditunjukkan dengan semangat para pelaku untuk memberikan pendidikan yang baik kepada anak-anak dan memberi makan mereka dari harta yang halal.

Kata kunci: implementasi, konsep *dharûriyyât*, pedagang muslim

Introduction

Islamic Shari'ah aims to realize the benefit of humans both in this world and in the hereafter.¹ All the commands and prohibitions of Syari'at as contained in the Qur'an, and as-Sunnah have a specific purpose, nothing is in vain. All of them have deep wisdom, particularly as a mercy for mankind.² According to al-Syathibi, the goal of syara' can be achieved through understanding and fulfilling the demands of shari'ah (*taklîf*), both in the form of carrying out orders (*awâmir*) or leaving what is forbidden (*nawâhi*).³ To know the commands and the prohibitions, the only guideline that can be used is the Koran and the Sunnah (the two sources of Islamic law containing the main principles of Islamic teachings).⁴

Unfortunately, not all the strings of words/sentences listed in the texts of the Qur'an and al-Sunnah can be simply understood and immediately put into practice. The Shari' (law creator/Allah) can be understood clearly so that it can be implemented properly. Many verses of the Qur'an, including as-Sunnah, require interpretation in advance so that the will of the Shari' (law creator/Allah) can be clearly understood so that it can be implemented properly. For this reason, the jurists developed several methods of extracting Islamic law from its source, which was then used as standards by the *mujtahids* (law finder) in formulating the law. These methods included *qiyâs* (analogy), *istislâh* (principle of benefit), *istishâb* (the principle of constancy), and *'urf* (tradition). The application of these methods in practice also always refers to the concept of *maqâshid al-shari'ah*. (religious purposes)

Maqâshid al-Shari'a was first coined by al-Syatibi (d. 790 H) and was written in a book entitled *al-Muwâfaqât*. Ever since the book was

¹ Moh. Toriquddin, "Teori Maqashid Syariah Perspektif Ibnu Ashur.", *Jurnal Ulul Albab*, Volume 14, No.2 Tahun 2013, 197.

² Ghafar Shidiq, "Teori Maqâshid Al-Syari'ah Dalam Hukum Islam", *Jurnal Sultan Agung*, Vol XLIV No. 118 Juni-Agustus 2009, 120.

³ Fakhr al-Dîn al-Râzi, *Al-Mahshûl Fi Ilmi Ushûl al-Fiqh* (Beirut: Dâr al-Kutub, Juz II, 1999), 281-282.

⁴ Abd. Wahab Khallaf, *Mashadir Al-Tasyri' Fi Ma La Nassa Fih* (Kuwait: Dar al-Kalam, 1972), 67

published *maqâshid al-sharî'ah* has become a standard concept in *Fiqh*, and is oriented toward finding legal purposes.⁵ The word *maqâshid* is the plural form of the word *maqsid* which means request, intent, or purpose. So the term *maqâshid al-sharî'a* can be interpreted as *al-ma'anni allati syuri'at lahâ al-abkâm* (the content of values that becomes the goal of legal imposition).⁶ The term *maqâshid shari'a* is often interpreted differently. Nuruddin al-Khadîmi in his book *al-Maqâsid fi al-Mazhab al-Mâlîki* explains the historical aspect of the term *maqâshid shari'a*, as follows.

First, if what is meant by the term *maqâsid shari'a* is a scientific discourse where discussion is alluded to in various Islamic disciplines such as Tafsir, Hadith, Fiqh, and Usul Fiqh, then the term refers history of the Apostolic period (the period of revelation to the Prophet Muhammad) because the word *al-Maqâsid* (essence) and its synonyms, such as the words *al-Hikmah* (wisdom) *al-'Illat* (motif), *al-Asrâr* (secret), and *al-Ghâyat* (ultimate goal) have been alluded to, both in the Qur'an and the Sunnah. However, at this stage, the term is only known as *maqâshid* and is not yet in a standardized form as the term *maqâsid shari'a* in Islamic legal philosophy.

Second, if what is meant by *maqâshid al-sharî'a* is an independent scientific discipline (*ilm mustaqil*), namely a science that has its definition, a framework of discussion, and study objectives, then it refers to Imam al-Syatibi (d.790 H / 1388 AD) who has given a special space to discuss thoroughly about *maqâshid al-sharî'a*. in his book entitled *al-Muwâfaqât*,⁷ *maqâshid al-sharî'a* is one of the three main elements of a system that develops in and cannot be separated from the same straight line. The three elements are *Ushl al-fiqh*, which is the methodology that must be applied to Islamic law finding activities, *qawâ'id al-fiqh* which is the foundation of Islamic law, and *maqâshid al-sharî'a* which are the values and spirit, of Islamic law itself.⁸

⁵ Asafri Jaya Bakri, *Maqashid Al-Syari'ah Menurut al-Syatibi* (Jakarta: Grafindo Persada, 1996).

⁶ Ahmad al Hajj Al Kurdi, *Al-Madkhal al-Fiqhi: Al-Qawa'id al-Kulliyah* (Damsik: Dar al-Ma'arif, 1980), 186.

⁷ Nuruddin Al-khadimi, *Al-Maqashid Fi al-Mazhab al-Maliki* (Tunis: Dâr al-Tunisiyah, 2003),30

⁸ Ali Mutakin, 'Teori Maqashid Al-Syariah Dan Hubunganya Dengan Metode Istimbath

This study aims to find out how the application of the *dharuriyah* concept among Muslim grocery traders in Pemangkat Market, Kambas Regency, West Kalimantan province. This theme attracts the attention of researchers because it can be used as an indicator of a person's Islamic level which is reflected in their behavior related to worldly interests (*mu'amalah* activities) and those related to the interests of the hereafter (*Aqidah* and *Worship*).

Method

This research is descriptive and qualitative using a socio-religious approach. The aim is to obtain an overview of the implementation of the *dharûriyyât* concept among Muslim food traders in Pemangkat Market, Sambas district, West Kalimantan province. Data were obtained through interviews with certain figures selected through a purposive, non-random sampling technique. Apart from conducting interviews, researchers also made direct observations to obtain a valid picture of the attitudes and tendencies of the subjects studied. The picture obtained is then juxtaposed with the concept of *dharûriyyât* and analyzed using the inductive analysis technique.

The Concepts of *Maslahah*, *Dharûriyyât*, and *Maqâshid al-Shari'a*

The benefit of life can be achieved in two ways, namely (a) by bringing good (*maslahah*) or (b) by rejecting evil (*mafsadat*). While the benefit itself can be divided into 2 (two) types, namely: *dharûriyyât* (principal) benefit and *ghairu dharûriyyât* (not principal) benefit but it can not be separated from the principal.⁹

Maslahah is the ultimate goal of the Shari'a contained in every legal provision set by Allah, both related to worldly affairs and the hereafter.¹⁰ In the study of the basic theory of Islamic law (*ushûl al-fiqh*)

Hukum', *Jurnal Ilmu Hukum*, Vol. 19 No 3. 2017, 545.

⁹ Agus Hermanto, 'Konsep Maslahat Dalam Menyikapi Masalah Kontemporer (Studi Komparatif al-Tûfi Dan al-Ghazali)', *Jurnal Al Adalah*, Vol. 14, Nomor 2, 2017, 437.

¹⁰ Saiful Bahkri, 'Maslahah Dan Implementasinya Dalam Pengembangan Ekonomi Syariah Sudut Pandang Al Syaitibi', *Journal Kopertais 4*, 4.

mashlahah is identical with various designations (attributes), namely the basis (*al-asas, al-ashl, al-qâ'idah, al-mabdâ'*), source or legal proposition (*al-mashdar, al-dalil*), doctrine (*adh-dhâbith*), concept (*al-fikrah*), theory (*an-nazhariyyah*) and method (*ath-tharîqah*).¹¹ There are three types/levels of human needs, namely primary needs (*dharûriyyât*), secondary needs (*hâjjiyyat*), and tertiary needs (*tahsîniyyat* or *kamâliyyat*).¹² *Dharûriyyât* needs are the highest and most important compared to *hâjjiyyat* and *tahsîniyyat* needs. So it is not justified to maintain the needs of *hâjjiyyat* and *tahsîniyyat* if it contradicts the needs of *dharûriyyât*.¹³

Dharûriyyât, etymologically, means “main, primary, or important”. *Al-dharûriyyât* (primary) is something indispensable in religious life or the human world, in the sense, if it does not exist, human life will be endangered and cause torment in the hereafter.¹⁴ *Dharûriyyât* is the level of primary need. If this level of need is not met, human safety will be threatened. In short, *dharûriyyat* is a concept of maintaining the essential needs (basic) for human life.¹⁵ Moreover, *dharûriyyât* is one of the levels contained in *maqâshid al-sharî'a*.¹⁶ Etymologically, the word *maqâshid* is the plural form of the word *maqshid*,¹⁷ which is formed from the letters *qâf, shâd* and *dâl*, which means intentional or purpose.¹⁸ While the word *al-sharî'a* comes from the word *shara'a, yashra'u, shar'an* which means to set the law, explain and state. The sentence *shara'a lahum shar'an* means to show them the way or the rules.¹⁹ So the term *maqâshid al-sharî'a* itself can be interpreted as the intent or purpose of Islamic law.

¹¹ Aminah, 'Maqashid Asy Syariah Pengertian Dan Penerapan Dalam Ekonomi Islam', *Fitrah Jurnal Kajian Ilmu Keislaman*, Vol. 03 No. 1 Juni 2017, 169.

¹² Ahmad Mursi Husain jauhar, *Maqashid Syariah* (Jakarta: Amzah, 2009). 10

¹³ Sapiuddin Shidiq, *Ushul Fiqh* (Jakarta: Kencana, 2011). 226

¹⁴ Muhammad Mawardi Djalaludin, *Al-Maslahah al-Mursalah Dan Pembaharuan Hukum Islam (Suatu Kajian Terhadap Beberapa Permasalahan Fiqh)* (Yogyakarta: Kota Kembang, 2009). 95

¹⁵ Mursyid Djawas, 'Jejak Maqashid Al-Syari'Ah Di Nusantara: Melacak Fuqahâ' Berbasis Maqashid al-Syari'Ah Dan Hasil Ijtihadnya.', *Conference Proceedings – ARICIS I, 2017.*, 160.

¹⁶ Jaser Audah, *Al- Maqashid Untuk Pemula*, (Yogyakarta: UIN Suka Press, 2013), 5.

¹⁷ Muhammad Idris al-Marbawi, *Kamus Idris Al-Marbawi; Arab-Melayu* (Bandung: Al-Ma'arif, tt), 136.

¹⁸ Hans Wehr, *A Dictionary of Modern Written Arabic* (London: Mac Donald and Evan Ltd, 1980), 767.

¹⁹ Hasbi Umar, *Nalar Fiqih Kontemporer* (Jakarta: Gaung Persada Press, 2007), 36.

According to Koto, *dharûriyyât* needs are very important and basic needs, which cannot be changed and must be carried out for the benefit of humans in this world and the hereafter. The needs of this *dharûriyyât* include five main things, namely: religion (*dîn*), soul (*nafs*), intellect (*'aql*), descendants (*nasl*), and property (*mâl*).²⁰ These five things are called by scholars the term *al-kulliyât al-khams* (five main things). These five main points are the basis and general objectives of the shari'a that must be maintained by every human being to live prosperously in this world and the hereafter. The maintenance of the five main things is ordered on a priority scale, meaning that the first point (religion or *dîn*) is more important than the second (soul or *nafs*), the second is more important than the third (reason or *'aql*), and so forth.

Islamic jurists define the word shari'a differently. According to Asaf A.A. Fyzee shari'a is the canon of Islamic law, namely all the commands of Allah contained in the texts of al-Qur'an.²¹ Meanwhile, Satria Effendi defines shari'a as *al-nushûsh al-muqaddasah* (sacred texts contained in the Qur'an and al-Hadith (*al-Mutawâtirah*) which have not been intervened by human understanding. The scope of this shari'ah covers the fields of *i'tiqâdiyyah* (beliefs), *'amalîyyah* (deeds), and *khulûqîyyah* (morals).²² Mahmud Shalthûth interprets shari'a as laws and regulations set by Allah for His servants to be used as guidelines by humans in regulating relationships with Allah, with fellow humans, nature, and all life.²³ Meanwhile, Ali al-Sayis explained that the shari'a are laws given by Allah to His servants so that they believe and practice them for their benefit in this world and the hereafter.²⁴

Abu al-Ma'ali al-Juwâini, better known as Imam al-Haramâin (d.478 H) once brought up the idea of *Maqâshid al-Sharî'a* as a 'new science' that is different from *fiqh* and even *ushl fiqh*, itself.²⁵ Unfortunately, his

²⁰ Aladdin Koto, *Ilmu Fiqh Dan Ushul Fiqh* (Jakarta: PT Raja Grafindo Persada, 2009), 122.

²¹ Asaf A.A. Fyzee, *The Outlines of Muhammadan Law* (Delhi: Idarah-I Adabiyat, 1981), 19-20.

²² Satria Effendi, *Dinamika Hukum Islam" Dalam Tujuh Puluh Tahun Ibrahim Hosen* (Bandung: Remaja Rosdakarya, 1990), 312.

²³ Mahmud Syalthûth, *Islâm: 'Aqidah Wa Syariah* (Kairo: Dâr al-Qalam, 1966), 12.

²⁴ Ali al-Sayis, *Nash'ah al-Fiqh al-Ijtihâdî Wa al-Rûh* (Kairo: Majma' al-Islâmiyyah, 1970), 8.

²⁵ Abdul Majid al-Shogir, *Al-Fikr al-Ushulî Wa Isyâliyyat al-Sulthah al-Ilmiyyah Fi al-Islam* (Beirut: Dar al-Muntakhob al-Arabi, 1994), 356.

idea did not get a response from classical scholars. This is because they have different understandings of each other, even though they all depart from the same starting point.²⁶ Bakri, before defining *maqâshid al-sharî'a*, first explained the meaning of each word, namely *maqâshid* and *sharî'a*. *Maqâshid* is the plural form of *maqshid*, i.e. gap or goal. Meanwhile, *sharî'a* means the decree of Allah. So according to him, *maqâshid al-Sharî'a* is the main purpose of the law that has been determined by Allah.²⁷ This definition is similar to what was put forward by al-Rasuni who defines *maqâshid al-sharî'a* as the intent or purpose of establishing Islamic law. So it has a close relationship with wisdom and 'illat.²⁸ Meanwhile 'Allal al-Fasi understands *maqâshid al-sharî'a* as a method to find out the purpose of shari'a law to ensure the benefit of humans and prevent erroneous interpretations.²⁹

The definition of *maqâshid al-sharî'a*, as a separate field of science, is more widely put forward by contemporary scholars such as Tahir bin Asyr who divides *Maqâshid al-Sharî'ah* into two parts, namely: *Maqâshid al-Sharî'ah al-'âmmah* and *Maqâshid al-Sharî'ah al-khâshah*. The first part is intended as wisdom, secrets, and objectives of the general shari'ah heritage which includes all aspects of shari'ah without specializing in a particular field. While the second part is intended as a set of methods desired by al-Shari' in the context of realizing human benefit in certain fields, such as economics and family law. Tahir bin Asyr, a great Tunisian figure, is considered the father of contemporary *maqâshid*, after Imam al-Syâtibi. He is the one who is most serious about the new concept as a new science that is separate from the science of *ushl fiqh* after previously being united.³⁰ *Maqâshid al-Sharî'ah* has an important role to formulate

²⁶ Ahmad al-Raisuni, *Imam Al-Syathibi's Teori Of The Higher Objectives and Intens Of Islamic Law* (London: Washington, 2005), 22.

²⁷ Asafri Jaya Bakri, *Konsep Maqashid As-Syariah Menurut Al-Syatibi* (Jakarta: PT Raja Grafindo Persada, 1996), 158.

²⁸ Ahmad al-Raisuni, *Nazhariyyât Al-Maqâshid 'Inda al-Syathibi* (Rabat: Dâr al-Amân, 1991), 67.

²⁹ Allal al-Fasi, *Maqâshid Al-Syarî'ah al-Islâmiyah Wa Makârimihâ* (Beirut: Dâr al-Garb al-Islâmi, 1993), 193.

³⁰ Jamaludin Atiyyah, *Nahw Faaliyat Al-Maqashid al-Syariah* (Kairo: al-Muslim al-Muashir, 2002), 19.

and interpret something that is *maslahah* for mankind without leaving the essence of Islamic teachings because *Maqâshid al-Shari'ah* intends to connect God's will with human aspirations or desires.³¹

The authors of the book of *Usl Fiqh*, including al-Syatibi, presented 5 (five) main principles that every Muslim must implement in their daily lives, namely:³²

1. Maintaining Religion (*Hifz al-Dîn*)

Etymologically the word *al-Dîn* has many meanings, including لَمَلًا be أَحْضَوْعًا, obedience / الطَّاعَةَ, glory / الْعِزُّ, coercion / الْقَهْرُ, power, obedience, and many other meanings. Terminologically, *al-dîn* is defined as God's provision in controlling His intelligent servants so that they can choose the right path to use in any condition, both for the benefit of the world and the hereafter.³³ Humans need religion. Religion is the most important of all basic needs. Without religion, human life on this earth is meaningless.³⁴ Religion occupies the highest rank because all the teachings of the Shari'a direct humans to act following God's will and God's pleasure. In the Qur'an and Hadith, humans are required to believe in Allah. This faith is the basis of *muâmalah* (human relationship). The *muâmalah*, in the economic field, with *aqidah* allows economic activities to become worship. To protect religious honor, the Shari'a imposes severe penalties for crimes against religion.

2. Nurturing the Soul (*Hifz al-Nafs*)

Protecting the soul is the duty of every human being on earth. Allah forbids all actions that can damage the human soul, such as murdering and committing suicide and establishes *qishâs* laws for

³¹ Ubbadul Adzkiya, 'Analisis Maqashid Al-Syariah Dalam Sistem Ekonomi Islam Dan Pancasila.', *Jurnal Ekonomi Syariah Indonesia*, Vol. X No. 1. Juni 2020, 26.

³² Al Yasa Abu bakar, *Metode Istishlahiah Pemanfaatan Ilmu Pengetahuan Dalam Ushul Fiqh* (Banda Aceh: CV Diandra Primamitra Media, 2012), 39-40.

³³ Yusuf Hamid al-Alim, *Al-Maqashid al-'Ammat Li al-Syari'at al-Islamiyyat* (Riyad: al-Dar al-'Alamiyyat Li al-Kitab al-Islamiy, 1994), 205.

³⁴ Ramadhan al-Buthy, *Dawabith Al-Mashlahat Fi al-Syari'at al-Islamiyyat* (Beirut: Mussasat al-Risalat, 1965), 12.

intentional murderers. In addition, to maintain their survival, humans are required to maintain the soul, such as eating, drinking, maintaining health, and others. The actualization of *al-nafs* shapes personality, whose development is influenced by internal and external factors.³⁵ Life safety guarantee (*al-Muhâfadzah alâ al-Nafs*) is a guarantee of the safety of an honorable and noble right to life. Included in the scope of this guarantee are guarantees for the safety of life, limbs, and human dignity. The latest guarantees include freedom in choosing a profession, freedom of thought or expression, freedom of speech, freedom to choose a place to live, and so on.³⁶

The scholars agree that Shari'ah was revealed by Allah to protect the human soul. They exemplify the shari'ah rules revealed by Allah regarding this matter, such as the prohibition of murder, suicide, killing infantile for fear of poverty, *qishâs*, punishment for perpetrators of persecution/murder even consuming food, drink, or illegal drugs that can cause bodily harm, and so on.³⁷ Life protection is intended to protect the right to life as well as human dignity to avoid actions that can result in the loss of human life. Humans need a safe, peaceful, comfortable, healthy life, and the fulfillment of their rights and peace. Everything is framed in the protection of the *nafs*. The key to building the *nafs* consists of two aspects, namely self-awareness (internal) and environmental awareness (external). Both can be built with attention, will, and strong discipline.³⁸

3. Keeping Intellect (*Hifz al-Aql*)

Apart from the need for Religion (*dîn*) and Soul (*nafs*), humans also need the protection of reason (*'aql*). Maintaining *Aql* is very important both for life and in economic activities. Islam recommends long-life education because education can help the process of brain and reason

³⁵ Abdul Mujib, Yusuf Mudzakir, *Nuansa-Nuansa Psikologi Islam* (Jakarta: PT Raja Grafindo Persada, 2003), 46.

³⁶ Muhammad Abu Zahrah, *Ushul Fiqh* (Jakarta: PT Pustaka Firdaus, 2010), 425.

³⁷ Yusuf al-Qardawi, *Madkhal Li Dirasat Al-Syari'at al-Islamiah* (Kairo: Maktabah Wahbah, 2001), 73.

³⁸ Muhammad Muflih, *Perilaku Konsumen Dalam Prespektif Ekonomi Islam* (Jakarta: PT. Rajawali Press, 2005), 6.

development so that humans can become intelligent and creative and they will be able to control nature and the changing life. This educational recommendation is reflected in the hadith of the Prophet Muhammad "*Seek knowledge from birth to the grave*". To maintain reason at the level of *dharûriyyât* Islam forbids its followers to drink alcohol. If this is not avoided it will result in damage to the mind.

4. Nurturing offspring (*Hifz al-Nasl*)

Maintaining offspring, at the level of *dharûriyyât*, is reflected in the religious commandment to marry and avoid adultery. If this rule is not obeyed, the survival of human descendants will be threatened and humans will slowly perish. Apart from the reason for having offspring, marriage is also prescribed because a *sakînah* household will encourage happiness in human life. The *sakînah* family³⁹ can shape the future of children who are bright, faithful, and pious. The formation of a *sakînah* family starts from a good husband and wife relationship.

5. Safeguarding Assets (*Hifz al-Mâl*)

Maintaining a property is included in the *dharûriyyât* level. The form of protection of this property is a shari'ah commandment that everyone works to get wealth for the necessities of life and life and prohibits taking other people's property illegally and inappropriately. Islam guides how to acquire wealth properly. If this rule is violated then the human need for the property will be threatened. In essence, all property belongs to Allah which is entrusted to humans. However, Islam recognizes a person's rights. Islam also regulates procedures for carrying out civil activities such as buying and selling, renting, borrowing, pawning, and so on properly and correctly and prohibiting fraud and usury.⁴⁰ Islam also regulates civil relations so that they can run on the principles of justice and willingness, always try to develop wealth, and not be extravagant and boast. Islam forbids handing

³⁹ Abdul Qodir Zaelani, Is Susanto, and Abdul Hanif, 'Konsep Keluarga Sakînah Dalam Al-Qur'an', *ElIzdiwaj*, 2.2 (2021), 25 <<https://doi.org/10.24042/el-izdiwaj.v2i2.10897>>.

⁴⁰ Sapiuddin Shidiq, *Ushul Fiqh* (Jakarta: Kencana, 2011), 24.

over wealth to people who are not able to maintain it properly. Islam also regulates the distribution of wealth to the poor so that wealth in the hands of individuals does not continue to accumulate. Distributing wealth to people in need is a strength for the whole community.⁴¹

Results and Discussion

The following description describes the social reality that the author has succeeded in lifting from the reality on the ground, which at the same time describes how Muslim food vendors in Pemangkat Market, Sambas Regency, West Kalimantan implement the *Dharûriyyât* concept in their daily activities.

1. Implementing the Principle of Maintaining Religion (*Hifz al-Dîn*)

Maintaining religion (*hifz al-dîn*) is the first *dharûriyyat* in the order of human needs. It is only through religion that a servant can know his God, and through religion, he can also get guidance in pursuing the life of the world as well as preparing himself for the life in the hereafter.

Regarding the implementation of the concept of *hifz al-dîn*, it can be said that all Muslim traders in the research location have the same understanding of the obligation to maintain the religion. They also agree that the obligation to maintain religion is carried out in the form of obedience in carrying out religious orders and a willingness to stay away from what is prohibited.⁴²

However, at the implementation level, they have different tendencies. Some of them carry out the order in full, some partially following the density of their business in trading. An example is Mrs. Rohana, (50 years old), Mrs. Rohana has been trading groceries at Pemangkat market for five years. She opens her shop from 08.00 in the morning to 20.00 at night, sometimes even until 21.00, depending on the number of customers who come. Mrs. Rohana admits to carrying out all religious orders,

⁴¹ Agil Bohson, 'Masalah Sebagai Maqashid Al-Syariah Tinjauan Dalam Perspektif Ekonomi Islam', *Jurnal Masalah UIN Syarif Hidayatullah*, Vol. 8, No. 1/ Tahun 2011, 56.

⁴² 'Interview with Mrs. Rohana on December 19, 2019'.

starting from performing obligatory (five times prayers) and sunnah (recommended prayers (dhuha prayer) regularly, performing obligatory and *sunnah* fasting. including paying zakat, infaq, and alms.

Similar to Mrs. Rohana, another trader named Mrs. Jubaidah, (40 years old) admits that she regularly performs obligatory prayers, but for sunnah prayers (dhuha prayers) she does not do it regularly, depending on her busy schedule in the market. Regarding fasting, Mrs. Jubaidah admits that she only fasts during Ramadan. She never did *sunnah* fasting while trading. Mrs. Jubaidah also issues zakat, infaq, and alms. As for zakat, he only carries out zakat fitrah, while for zakat on wealth, she admits that she has never done it because she does not know how to calculate it. Nevertheless, she is keen on issuing infaq and alms, especially to the poor coming to her shop every Friday. Mrs. Rohana sells from 08.00 to 17.00 IWT. She does not trade until the evening to get rest and gather with her family.⁴³

Unlike Mrs. Rohana, and Mrs. Junaidah, another trader, Mr. Jamaludin, 25 years old, admits that he is not very routine in performing the obligatory prayers. Sometimes he prays but most of the time he doesn't pray. Even worse with the sunnah prayer, according to his confession, he rarely did the sunnah prayer. He did the same in the fasting worship. According to him, he only fasts in the month of Ramadan. But for alms, he admits that he is keen on giving alms.⁴⁴

Similar to Mr. Jamaluddin, two other traders, namely: Mrs. Kurnia (22 years) and Mrs. Meri (32 years old), admit that when they trade, they still perform the obligatory prayers (five times prayers) even though, similar to Mr. Jamaluddin, they seldom perform sunnah prayers, Concerning obligatory fasting (Ramadan fasting), both admit to carrying out obligatory fasting but for sunnah fasting, they never did it. Every year Mrs. Kurnia and Mrs. Meri issued zakat, but only zakat fitrah. As for the zakat of wealth, they both admit that they have never done it. However, they frequently issue infaq and alms.⁴⁵

⁴³ 'Interview with Mrs. Rohana, dan Mrs. Jubaida on December 19, 2019'.

⁴⁴ 'Interview with Mr. Jamaluddin, on December 20, 2019'.

⁴⁵ 'Interview with Mrs. Kurnia dan Mrs. Meri on December 20, 2019'.

Based on the facts presented above, it can be understood that although all Muslim traders in Pemangkat Market know and understand the obligation to maintain religion, they, however, have different tendencies, as reflected in the attitude of obeying religious orders. Some of them are fully and seriously in carrying out their religious obligations; while others tend not to comply with this obligation. This last attitude and tendency are of course wrong. Because keeping religion is the highest and most important obligation compared to other obligations.

2. Implementing the Principle of Maintaining the Soul (*hifz al-nafs*)

Nurturing the soul is the second *dharûriyyat* after maintaining religion. Religion cannot stand upright if there is no soul to uphold it. If we want to uphold religion we must protect the soul because by keeping the soul human will feel a safe, peaceful, and comfortable life.

Regarding how this concept is implemented by the traders at Pemangkat Market, all informants admit that they always try to carry out various activities so that their body health can be maintained properly. All informants have their strategies to regulate the rhythm of work so that it does not become tiring and lead to health problems. That is why several traders at Pemangkat market close their shops in the evening so that they can rest and spend time with their families. At certain times, the traders also join in gymnastics activities to stay in shape and move well. The traders interviewed also admit that they have ways to avoid stress in the face of intense trade competition; among others, by not feeling jealous if competing stores get a lot of customers. All leave it to the Allah because they believe that sustenance has been arranged by Him.⁴⁶

3. Implementing the Principle of Maintaining Mind (*hifz al-'aql*)

Nurturing mind (*hifz al-'aql*) ranks third in the concept of *dharûriyyât* after religion and soul. Maintaining sense is very important for an entrepreneur because with the support of common sense they can find accurate strategies to generate their business to greater profits.

⁴⁶ Interview with Mrs Rohana on December 20, 2019'.

Regarding the implementation of the concept of maintaining reason, the informants apply two strategies. The first is internal strategy. They do this by avoiding consuming intoxicating goods. The second strategy is not to sell goods forbidden by religion, such as alcoholic beverages or drugs containing narcotic elements. Traders are reluctant to sell such goods because they believe that the profits gained from selling prohibited goods will only result in a negative impact on both their business and family life.⁴⁷

4. Implementing the Principle of Protecting Offspring (*Hifz al-Nasl*)

The informants interviewed all have children. Mrs. Rohana, for example, has four children, all of whom are grown, some are still in college, and some are already working as Civil Servants. Mrs. Jubaida has three children, all of whom are still in school. Similarly, Mr. Jamaludin had three children, and all of them are still in elementary school. Mrs. Kurnia has two children, one child is still in junior high school and the other is in high school. Mrs. Meri has three children, the eldest is a high school student, the second is in MTs and the third is still in Kindergarten.

About the implementation of the principle of protecting offspring, the traders interviewed by his name already have a deep understanding of the need to maintain offspring. This is shown by their consistent attitude in providing education to their children. The provision of education is not only limited to formal education (schools), but also through family education which contains knowledge of religion, morals, and *ahlaq*.⁴⁸

5. Implementing the Principle of Safeguarding Property (*Hifz al-Mâl*)

Regarding the implementation of the fifth principle, there are two tendencies that the traders of Pemangkat market, Kambar Regency have. The two tendencies are saving and investing. This is expressed by the traders, among others: Mrs. Rohana and Mrs. Jubaidah. The two traders claimed to earn around Rp 600-800 r Mrs from their business. per day.

⁴⁷ Interview with Mrs Rohana on December 20, 2019'.

⁴⁸ Interview with Mrs Rohana on December 20, 2019'.

Most of his income is used to cover his daily needs, such as paying for his children's education and other family needs. The rest is saved for the cost of Umrah worship and developing a business. Mrs. Rohana plans to open a branch elsewhere, while Mrs. Jubaidah already owns shares in the Copra and Pinang businesses which are managed by her parents.⁴⁹

Slightly different from Mrs. Rohana and Mrs. Jubaidah who already has capital and investment, three other traders, namely: Mr. Jamaluddin, Mrs. Kurnia, and Mrs. Meri can only set aside part of their income for savings. All three admitted that most of their income was used to cover their daily needs and children's education. The rest they saved or used to increase business capital⁵⁰ or, as Mrs. Kurnia mentioned, to help with medical expenses for her father.⁵¹

It should also be pointed out here that apart from saving and investing, the traders above also spend part of their income for the benefit of social worship, such as giving infaq for the construction of mosques and providing assistance to the poor. They do this based on the spirit of social care and awareness to carry out religious orders.⁵²

Conclusion

Based on the description above, it can be concluded that the application of the concept of *dharûriyyât* among food traders in Pemangkat Market, Sambas Regency, West Kalimantan Province has been in line with the basic principles contained in the *dharûriyyât* concept. The facts also indicate that the Muslim traders had a good understanding of the concept of *dharûriyyât* and implemented all the principles contained in the concept properly and correctly. It must be admitted, however, there are still traders who have not fully implemented the first principle, namely protecting religion, which is the top and most important principle of all the principles contained in the *dharûriyyât* concept.

⁴⁹ 'Interview with Mrs Rohana on December 19, 2019'.

⁵⁰ 'Interview with Mrs Rohana on December 19, 2019'.

⁵¹ 'Interview with Mrs Rohana on December 19, 2019'.

⁵² 'Interview with Mr. Jamaluddin, Mrs. Rohana, Mrs. Jubaida, Mrs. Meri dan Mrs. Kurnia on December 19-20 2019'.

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