OPERATIONS OF THE INSTITUTION OF *BAITUL MAL WA AT-TAMWIL* UNDER THE PERSPECTIVE OF *AL-KULLIYAT AL-KHAMSAH* OF THE AL-SHATIBI'S *MAQASID AL-SHARI'AH*

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Abstract: The development of the Islamic economics in Indonesia shows progress and needs to be appreciated. It can be seen in the effort to find its relevance to the modern economy, including the application of *maqāṣid shari'ah* as the main support in every operational development of *shari'ah* financial institutions. In this study, researcher will focus on the issue of how to implement the maintenance of *al-kulliyāt al-khamsah* of *maqāṣid shari'ah* of al-Shatibi at BMT Mawaddah Pelenggagan, Pamekasan, Madura. This is a qualitative research that the data is gained by using documentation and interview technique. The results of this study are (1) the implementation of maintenance of *maqāṣid shari'ah* of al-Shatibi's *al-kulliyāt al-khamsah* which has been carried out by BMT Mawaddah has been going well. (2) There are several patterns that are not implemented because there are obstacles in their implementation. (3) It is found that there is a form of conformity between the concept of *maqāṣid shari'ah* in general and that of al-Shatibi's *al-kulliyāt al-khamsah*.

Keywords: *Maqāṣid shari'ah of al-Shātibī, al-kulliyāt al-khamsah*

Abstrak: Perkembangan ekonomi *shari'ah* di Indonesia menunjukkan kemajuan yang patut disyukuri dan diapresiasi, nampak pada ikhtiar untuk mencari relevansinya dengan ekonomi modern. Termasuk dalam penerapan *maqāṣid shari'ah* sebagai sandaran utama dalam setiap pengembangan operasional lembaga keuangan *shari'ah*. Dalam penelitian ini, peneliti akan focus pada persoalan bagaimana implementasi pemeliharaan *maqāṣid shari'ah al-Shātibī* dalam perspektif *al-kulliyāt al-khamsah* di BMT Mawaddah Pelenggagan Pamekasan, Madura. Adapun metode jenis penelitian yang peneliti gunakan adalah jenis penelitian kualitatif dengan menggunakan teknik dokumentasi dan *interview* (wawancara). Hasil dari penelitian ini, ditemukan bahwa (1) implementasi pemeliharaan terhadap *maqāṣid shari'ah al-Shātibī* perspektif *al-kulliyāt al-khamsah* yang dilakukan oleh BMT Mawaddah sudah berjalan dengan baik. (2) terdapat beberapa pola yang tidak terlaksana karena terdapat hambatan dalam pelaksanaannya. (3) ditemukan bahwa terdapat bentuk kesesuaian antara *maqāṣid shari'ah al-Shātibī* dengan pola *maqāṣid shari'ah al-Shātibī* perspektif *al-kulliyāt al-khamsah* yang dilaksanakan.

Kata Kunci: *Maqāṣid shari'ah al-Shātibī, al-kulliyāt al-khamsah*

Introduction

The course of Islamic economics and finance has crossed various ages and times and it has faced different transitions of civilization. At the beginning of its history of development, Islam was equipped with economic system to regulate economic activity at that time.¹ It was the change in the pioneers of civilization that made Islam lagging behind, when the world was progressing so rapidly. The West is the pioneer of a new civilization, it is here to contribute endlessly, comes up with various achievements, and gives a new color to the life of the modern world.

The achievements and contributions of the West to the world should be appreciated, but on the other hand, these achievements seem to be a new problem for global life, because they cause inequality and imbalance in global life itself. The economic system of capitalism is a system that operates based on Western ideology, with individualistic, hedonistic and destructive views.² We already know that the capitalist economic system is not able to provide solutions to socio-economic inequality. On the contrary, it creates and perpetuates these inequalities and disparities to maintain their existence. Even the interest system in the capitalist economic system is suspected as the cause of the crisis. Then the Islamic economic system came back and began to be looked at as an alternative solution and choice and is expected to be able to answer the world's socio-economic problems in the future.

Islamic banking and shari'ah financial institutions, as the embodiment of Islamic economic institutions, have proven to be able to withstand the storm of crisis occurred. This

¹ Muhammad, *Ekonomi Islam, Kontribusi Fundamentalisme Islam untuk Ekonomi Islam*, (Malang: Empatdua, 2009) and Adiwarmarman Azwar Karim, *Sejarah Pemikiran Ekonomi Islam*, (Jakarta: PT Raja Grafindo Persada, 2006).

² Ayief Fathurrahman, "Pendekatan Maqasid Shari'ah: Konstruksi Terhadap Pengembangan Ilmu Ekonomi dan Keuangan Islam", *Hunafa: Jurnal Studia Islamika*, Vol. 11, No. 2 (Desember 2014), 194.

immunity spurs the high level of public confidence in the development of the Islamic economy, both at the national and international levels.³ The rapid development of the shari'ah economy and business today is very clear, especially in Indonesia. This is proven by the establishment of several shari'ah institutions; shari'ah banking, shari'ah capital market, shari'ah mutual funds, shari'ah pawnshops, shari'ah insurance, shari'ah cooperatives, *Baitul Māl wa at-Tamwīl* (BMT) and others.

The development of shari'ah banking and shari'ah financial institutions is expected to be a solution to the inability of the usurious economic system in dealing with increasingly complex economic problems. More than that, the goal is to achieve global welfare of the people, both in this world and in the hereafter. With reference to the main objectives above, then *maqāṣid shari'ah* must be used as the main support in every operational development of shari'ah bank products and shari'ah financial institutions. As stated by Imam al-Shatibi in his book *al-muwāfaqāt fī ushūl al-shari'ah* that discussing *maqāṣid shari'ah* is the same as discussing *maslahah*, because benefit and welfare is the ending point of *maqāṣid shari'ah* itself.

The benefits that will be realized, according to Imam al-Shatibi are divided into three levels, namely: *daruriyāh*, *hājīyah*, and *tahsīniyah* needs.⁴ *Darūriyah* is a level of urgent need that must be met, because it can threaten the safety of mankind, both in this world and in the hereafter. There are five things that fall into this category, namely maintaining religion, soul, mind, lineage and property. These five things are in other terms called *al-ḍarūriyah al-khamsah* or *al-kulliyyāt al-khamsah*. *Hājīyah* is a secondary need that does not threaten the safety of

³ Ayief Fathurrahman, "Meninjau Ulang Landasan Normatif Perbankan Shari'ah Di Indonesia: Telaah Atas Teori Kontruksi Fikih Klasik", *Jurnal Mawarid*, Vol. XI, No. 1 (Februari-Agustus, 2010), 6.

⁴ Abu Ishaq al-Shatibi, *Al-Muwafaqat* (Saudi Arabia: Wizarah Syuun al-Islamiyah), vol. 1, 7.

mankind, but it will experience difficulties. *Tahsīniyah* is a level of need that does not threaten the existence of any of the five points above and also does not cause difficulties.⁵

One of the shari'ah financial institutions that has implemented the maintenance of *maqāsid shari'ah* is BMT *Mawaddah* Palengaan, Pamekasan, Madura. So in this study, the author will focus on a review of shari'ah economic law on the implementation of maintenance of *maqāsid shari'ah* of al-Shatibi in BMT *Mawaddah*, Palengaan, Pamekasan, Madura in the perspective of *al-kuliyāt al-khamsah*.

Concept of *Maqāsid Shari'ah*

Terminologically, *maqāsid shari'ah* comes from two words, namely the words *maqāsid* and *al-shari'ah*. *Maqāsid* means intent and purpose,⁶ taken from the word *qaṣada-yaqṣudu*.⁷ The word *maqāsid* is the plural form of the word *maqsud*, which is something that becomes an object or target, so that it can be interpreted with a purpose. While the word *al-shari'ah* means law or legislation.⁸ The word *al-shari'ah* can also be interpreted as a path to a water source.⁹ The road to this water source can also be interpreted as the road to the main source of life.¹⁰

Meanwhile, according to Yusuf al-Qaraḍāwī, the word *al-shari'ah* comes from the word *shara'a*, which means to explain or explain something or also comes from the word *shir'ah* which means a place that is used as a means to take water

⁵ Galuh Nashrullah, "Konsep Maqasid al-Shari'ah dalam Menentukan Hukum Islam: Perspektif al-Shatibi dan Jasser Auda", *Al-Iqtishadiyah*, Vol. 1, No. 1 (Desember 2014), 54-55.

⁶ Ahmad Warson Munawwir, *Kamus Al-Munawwir Arab-Indonesia Terlengkap* (Surabaya: Pustaka Progresif, 1997), 1124.

⁷ Atabik Ali, *Kamus Kontemporer*, (Yogyakarta: Yayasan Ali Maksum, Multi Gaya Grafika, 1996), 1454.

⁸ Ibid, 712.

⁹ Ibnu Mansur al-Afriqi, *Lisan al-'Arab* (Beirut: Dar as-sadr, tt), 175.

¹⁰ Fathur Rahman, *Islam*, alih Bahasa Ahsin Muhammad, (Bandung: Pustaka, 1984), 140

directly so that the person who takes it does not need the help of other tools.¹¹ *Maqāṣid Sharī'ah* is the goal of all provisions of Allah SWT that are prescribed to mankind. As explained by Alī al-Sāyis that *sharī'ah* is a law given by Allah SWT to His servants so that they believe and practice it for their benefit in this world and the hereafter.¹²

Imām al-Shātibī explained about the term *maqāṣid sharī'ah* in one of his phenomenal works, namely the book *al-muwafaqāt fī uṣul al-sharī'ah*, that in fact, the *shāri'* (Allah SWT) establishes *sharī'ah* to realize and actualize the benefit of the world and the hereafter. This is also in line with Fathi al-Dārāini. He said that a law was not made for the law itself, but for another purpose, namely benefit.¹³ Likewise, according to Abū Zahrā that the essential purpose of Islamic law is benefit.¹⁴ This goal can be traced in the verses of the Qur'an and al-Hadith as a logical reason for the formulation of a law that is oriented to human benefit.¹⁵ The benefit that is the goal of *sharī'ah* is limited to five main components, namely religion, soul, reason, lineage and property. Everything that contains the maintenance of these five components is called *maslahah* and anything that causes the loss of these five components is called *mafsadah*.¹⁶

Maintaining religion at the *dāruri* (primary) level in maintaining religion (*hifẓ al-dīn*) in *maqāṣid sharī'ah* is the implementation and maintenance of primary religious obligations such as the prohibition of eating carrion, blood ,

¹¹ Yusuf Qardawi, *Membumikan Shari'at Islam*, (Bandung: Pustaka Mizan, 2003), 13.

¹² Ali al-Sayis, *Nashī'ah al-Fiqh al-Ijtihad wa atwaruh*, (Kairo :Majma' al-Buhūts al-Islamiyah,1970), 8.

¹³ Fathi al-Daraini, *al-Manahij al-Ushuliyah*, (Damsyik: Dar al-Kitab al-Hadits, 1975), 28.

¹⁴ Muhammad Abu Zahra, *Ushul al-Fiqh*, (Mesir : Dar al-Fikr al-'Arabi, 1958), 366.

¹⁵ Satria Effendi , *Ushul Fiqih*, (Jakarta: Kencana, 2005), 233.

¹⁶ Muhammad Said Romadhan al-Buthi, *Dawa bit al Maslahah fi al-Shari'ah al-Islamiyah*, (Beirut: Dar al-Muttahidah, 1992), 110.

pork and so on. Failure to carry out this primary level can threaten the existence of religion at least for religious individuals. Maintaining the religion of *hifz al-din* in *maqāṣid sharī'ah* is described in Q.S. *al-Maidah*: 3 which means:

“Forbidden to you are carrion, blood, and swine; what is slaughtered in the name of any other than Allah; what is killed by strangling, beating, a fall, or by being gored to death; what is partly eaten by a predator unless you slaughter it; and what is sacrificed on altars. You are also forbidden to draw lots for decisions. This is all evil. Today the disbelievers have given up all hope of ‘undermining’ your faith. So do not fear them; fear Me! Today I have perfected your faith for you, completed My favour upon you, and chosen Islam as your way. But whoever is compelled by extreme hunger—not intending to sin—then surely Allah is All-Forgiving, Most Merciful.”.

Maintaining the soul in the *dāruri* (primary) level in the maintenance of the soul (*hifz al-nafs*) in *maqāṣid sharī'ah* is *qisas* stipulation for the survival of human life as a whole, so that humans do not easily take the lives of others . This is illustrated in Q.S. *al-Baqarah*: 178-179 which means:

“O believers! ‘The law of’ retaliation is set for you in cases of murder—a free man for a free man, a slave for a slave, and a female for a female. But if the offender is pardoned by the victim’s guardian, then blood-money should be decided fairly and payment should be made courteously. This is a concession and a mercy from your Lord. But whoever transgresses after that will suffer a painful punishment. There is ‘security of’ life for you in ‘the law of’ retaliation, O people of reason, so that you may become mindful ‘of Allah ”.

Maintaining the mind in the *dāruri* (primary) level to the maintenance of reason (*hifz al-'aql*) in *maqāṣid sharī'ah* is like a prohibition on consuming goods that can damage common

sense such as liquor and all kinds of drugs.¹⁷ As explained in Q.S. *al-Baqarah* verse 219 which means:

“They ask you ‘O Prophet’ about intoxicants and gambling. Say, “There is great evil in both, as well as some benefit for people—but the evil outweighs the benefit.” They ‘also’ ask you ‘O Prophet’ what they should donate. Say, “Whatever you can spare.” This is how Allah makes His revelations clear to you ‘believers’, so perhaps you may reflect”.

Maintaining offspring at the *dāruri* (primary) level in maintaining offspring (*hifz al-nasl*) in *maqāṣid sharī’ah* is the law of marriage and forbidding adultery. Marriage has proven to be an effective way of legally continuing the process of continuing generations. Adultery, according to *shara’* norms, destroys the sacredness of relationships with the opposite sex, and breaks kinship ties. The provisions regarding marriage are regulated in such a way as to meet the pillars requirements, so that the marriage becomes valid and is not considered adultery.¹⁸ One of the arguments is illustrated in Q.S. *al-Nisā*: 3-4 which means:

“If you fear you might fail to give orphan women their ‘due’ rights ‘if you were to marry them’, then marry other women of your choice—two, three, or four. But if you are afraid you will fail to maintain justice, then ‘content yourselves with one or those ‘bondwomen’ in your possession. This way you are less likely to commit injustice. Give women ‘you wed’ their due dowries graciously. But if they waive some of it willingly, then you may enjoy it freely with a clear conscience.”.

Maintaining offspring at the *dāruri* (primary) level in maintaining property (*hifz al-mal*) in *maqāṣid sharī’ah* is like a

¹⁷Khoirul Amin, “Implementasi Maqasid al-Ahkam Terkait Rekonstruksi Hukum Islam Indonesia”, Mlangi, Vol. 2, No. 2, (Desember 2014), 9-10.

¹⁸ Ismāil Muhammad Syah, dkk, *Filsafat Hukum Islām*, (Jakarta: Bumi Aksara.1992), 87.

prohibition against the practice of usury and the prohibition of eating usury property, as stated in Q.S. *Ali Imran*: 130 which means:

“O believers! Do not consume interest, multiplying it many times over. And be mindful of Allah, so you may prosper”.

Imam Shātībī, in this case, is a pioneer in formulating *maqāṣid shari'ah* in a systematic and comprehensive manner.¹⁹ Classical scholars often used short expressions to refer to *maqāṣid shari'ah*, such as *al-hikmah*, *al-maṣālih*, *al-aghārḍ*, *al-ghāyah*, *al-asrār*, *al -ahdāf* and so on. A comprehensive discussion of *maqāṣid shari'ah* has only been carried out by contemporary *maqāṣid* scholars, such as Imam Shātībī and others.²⁰

Imām al-Bannan interprets *maqāṣid shari'ah* with legal wisdom (*hikmat al-hukm*), Imām al-Samarqandī equates it with legal meanings (*ma'ānī al-hukmi*), Imām al-Asnawi interprets it with legal purposes (*maqāṣid al-hukm*), while Imām al-Ghazālī, Imām al-Amidī and Imām Ibn al-Hājib defines it by achieving benefits (*jalb al-maṣāleh*) and rejecting *mafsadat* (*dar' al-mafāṣid*). The variation in this definition indicates that there is a close relationship between *maqāṣid shari'ah* with wisdom, illat, purpose and benefit,²¹ because the ultimate goal of a *shari'ah* law is one, namely mashlahah and the welfare of mankind.²²

Implementation of *Maqāṣid Shari'ah* within the Shari'ah Financial Institution

¹⁹ Ahmad Imam Mawardi, *Fiqh Minoritas fiqh al-Aqliyat dan Evolusi Maqashid al-Syari'ah dari konsep ke pendekatan*, (Yogyakarta: Lkis, 2010) 180.

²⁰ Adhi Maftuhin, dkk., *Gerbong Pemikiran Islam II* (Kairo: An-Nahdlah Press, 2016), 5.

²¹ Ahmad Imam Mawardi, *Fiqh Minoritas fiqh al-Aqliyat dan Evolusi Maqashid al-Syari'ah dari konsep ke pendekatan*, (Yogyakarta: Lkis, 2010), 180.

²² Muhammad Khalid Mas'ud, *Filsafat Hukum Islam dan Perubahan Sosial*, translated by Yudian W. Asmin, (Surabaya: al-Ikhlās, 1995), 225.

Shari'ah financial institutions are one of the basic human needs. This is, of course, very much needed by humans in order to fulfill their needs in accordance with the rules of Islamic shari'ah. In the application of Islamic law, there are at least two things behind the role of *maqāṣid shari'ah* in determining every law, especially the determination of laws relating to Islamic economic activities, especially in shari'ah financial institutions, namely:

1. The progress of the times which is marked by the existence of modern economic transactions that never existed at the time of the Prophet or the absence of a clear underlying argument, then *maqāṣid shari'ah* can be used by mujtahids in creating Islamic law that is elastic and flexible to suit the times.
2. The revival of Islamic economic discourse which has now reached the practical level and the rise of elastic and flexible law based on *maqāṣid shari'ah*, is expected to increase the belief of Muslims that the *shari'ah* he believes is in accordance with the times and all circumstances (*ṣālih likulli zamān wa makān*).²³

The implementation of *maqāṣid shari'ah* in the economic field, especially shari'ah financial institutions, has been carried out by Muslim economists. One of the implementation products is the *Maqāṣid Shari'ah* Index (MSI), a tool used to determine the performance of a company by using *maqāṣid shari'ah* as the basis for its footing. The company's performance measurement has been carried out using financial ratios such as Economic Value Added (EVA) and Capital, Asset, Management, Earning, Liquidity (CAMEL). However, performance measurement viewed from the financial sector alone still has weaknesses,

²³ Zaki Zamani, "Urgensi Maqasid al-Shari'ah dalam Manajemen Perbankan Shari'ah ", *JES*, Vol. 1, No. 2 (Maret, 2017), 292.

because it ignores non-financial factors which in reality have a positive impact on long-term financial performance.²⁴

The development of Indonesian Islamic Economy has been very significant in the last fifteen years, both theoretically and practically. The *Shari'ah* Economics Faculty is often found in several universities. Scientific works in the form of books and journals as well as shari'ah banks, shari'ah cooperatives, shari'ah pawnshop, BMT and sharia financial institutions are easy to find. However, along with this development, the study of Islamic economics from the *maqāṣid shari'ah* perspective can still be said to be small in number.²⁵

Muhammad Syafii Antonio revealed that the *maqāṣid shari'ah* study in Islamic economics is a very interesting topic and is becoming a trend in Islamic economic and financial development, such as the realization of the *maqāṣid* index in testing the performance of Islamic banks. In addition, *maqāṣid shari'ah* is also a discipline that has long been developed by the prior Muslim scholars such as Imām Juwainī, Imām Ghazālī, Imām Shātibī, and Ibn 'Ashūr. However, most of these studies are only focused on issues of worship, such as the work of al-Tirmizī al-Hākim "As-Shalātu wa Maqāṣiduhā" or the work of al-'Iz bin Abdu al-Salām. "Maqāṣid al-Ibādah".²⁶ The growth of Shari'ah Financial Institutions (LKS) continues to progress such as Bank Muamalat which has been established since 1992 and is followed by the other LKS, such as Shari'ah Pawnshops, Shari'ah Insurance, Shari'ah Mutual Funds, Shari'ah Hotels, BMT and so forth.²⁷

Profile of the BMT Mawaddah

²⁴ Budi Sukardi, dkk, "Inklusivisme Maqashid Shari'ah Menuju Pembangunan Berkelanjutan Bank Shari'ah di Indonesia", *Tsaqafah*, Vol. 12, No. 1 (Mei 2016), 213.

²⁵ Zainil Ghulam, "Implementasi Maqasid Shari'ah dalam Koperasi Shari'ah", *Iqtishoduna*, Vol. 7, No. 1 (April, 2016), 92.

²⁶ Muhammad Syafii Antonio, *Maqasid Shari'ah dalam Ekonomi Islam*, (Yogyakarta: Smart WR, 2014), v-vi.

²⁷ Ibid, 94.

Bait al-Māl wa at-Tamwīl (BMT) *Mawaddah* is a business unit engaged in the economy under the auspices of the *Al-Iqthisad lil-Muamalah* Cooperative (KOIM) *Mawaddah shari'ah* of East Java. Starting from the establishment of KOIM in 1993, which was precisely formed in April 1993 and received legality from the Ministry of Cooperatives on May 17, 1994 with a legal entity number: 7754/II/1994 and SK amendments to the articles of association with the number: 1/LAP-PAD/I/2017 on January 27, 2017.

The idea of establishing KOIM itself emerged after the caretaker of the *Miftahul Ulum* Islamic Boarding School in Panyepen which at that time was under the care of RKH Muddatsir Badruddin. He sent one of his students to attend a training in Jakarta. This idea was then reaffirmed by holding a cooperative establishment meeting at the *Miftahul Ulum* Islamic Boarding School in Panyepen. Palangaan, Pamekasan, Madura which was attended by 5 people.

Since the first year of the establishment of the KOIM Cooperative, there has been no activity and it can be said to be a vacuum, until the time came on January 2, 1999. The KOIM Cooperative was operational in the Shari'ah Financial Services Unit (UJKS). Furthermore, in September 2015 the Ministry of Cooperatives issued a new regulation on the implementation of Shari'ah Savings and Loans Cooperatives (KSPPS) No. 10 of 2015 and No. 14 of 2015 concerning KSPPS accounting and No. 16 of 2015 concerning KSPPS. In the 2015 RAT, it was approved to change the name from the Shari'ah Financial Services Cooperative (KJKS) KOIM *Mawaddah* to the Savings and Loans and Financing Cooperative (KSPPS) and continued the Extraordinary Member Meeting to change the articles of association from KJKS KOIM to KSPPS Cooperative KOIM *Mawaddah Shari'ah* East Java.

The *Shari'ah* Savings and Loans and Financing Unit (USPPS) or BMT *Mawaddah* is here as a solution to the real conditions of the community which, when viewed from an economic perspective, have not been able to live properly and

steadily. There are still many people who are often entangled in transactions with moneylenders so that instead of improving people's living standards, it adds to the burden of their lives. Previously, there were no institutions that could help improve the welfare of the wider community, no bargaining power with other parties and other conditions that were completely unfavorable for the lower middle class. In fact, the potential possessed by the general public if it is managed with a togetherness system, it is almost certain that it will be able to improve the community's economy and prosper their lives.

Bait al-Māl wa at-Tamwīl (BMT) *Mawaddah* is a representation of a micro-economic *shari'ah* financial institution which is an asset financial institution for the community with a pattern of togetherness through savings, financing and other activities that have an impact on the community. Improving the economy of the members or customers and partners to a more prosperous level, safe and blessed is one of its tasks. As a *shari'ah* financial institution, whose mission is to become a socio-economic institution for the community, BMT *Mawaddah* always improves itself, especially in terms of service quality and management so that it becomes an institution that is in accordance with the vision and mission it carries. This institution is indirectly an asset of the community which in its operational implementation refers to the principles of Islamic *shari'ah*.

In the history of the establishment of BMT *Mawaddah*, there was only one branch, which was located at the *Miftahul Ulum* Islamic Boarding School in Panyepen with simple operations. However, as more and more customers join in BMT *Mawaddah*, the infrastructure facilities and quality of service are also improved, starting from the use of money counting machines, building construction and all supporting facilities, employee training, and so on.

As time goes by, BMT *Mawaddah* is growing and advancing rapidly, so in order to develop the business and meet the needs and demands of customers in *shari'ah* financial

transactions, especially alumni of the *Miftahul Ulum* Islamic Boarding School, students, guardians of students, all sympathizers or the community, then BMT *Mawaddah* opened branches in various areas in Madura which until now BMT *Mawaddah* already has 16 branches.

The Implementation of BMT *Mawaddah*

1. Protecting the Religious

In the maintenance of this religion, BMT *Mawaddah* has several programs with several patterns of maintenance. The following are explanations of what patterns have been carried out by BMT *Mawaddah* in maintaining this religion:

First; BMT *Mawaddah* provides assistance for the construction and maintenance of worship facilities and infrastructure such as mosques and so on through the BMT *Mawaddah* social fund. Several mosques that received assistance, including the *Jamik an-Nashar* mosque, *Miftahul Ulum* Islamic Boarding House and the *Maryam* mosque which located in Poto'an Laok Pamekasan. They received funding assistance of Rp. 400,000,000.00,-

The mosque is one of the important symbols for Islam where the congregational prayers are carried out in it. So departing from that, BMT *Mawaddah* participates in safeguarding and maintaining the mosque to be a proper place to carry out worship, especially the five daily prayers for the people. So that Muslims will always get comfort in carrying out worship activities and other religious activities. By that, then this religion will continue to be maintained by maintaining mosques and prayers.

Second; BMT *Mawaddah* provides assistance for religious events such as public recitations, commemoration of Islamic holidays and other activities through the participation funds donated to *Miftahul Ulum* Islamic Boarding School and several Islamic Boarding Schools in Madura and other areas. Third; Payment of Zakat by BMT *Mawaddah* to the indigent, poor and other *al-aṣṇāf al-tsamāniyah* (eight groups), especially the customers of BMT

Mawaddah themselves who are included in the *mustahiq zakah* group which is allocated from the profits of BMT *Mawaddah* as a form of obedience to religious rules. Fourth; the guarantee of every BMT product is a halal product because it is under full supervision by the DPS of BMT *Mawaddah* and there is a process of product preparation before the publication of the product at BMT *Mawaddah*.

So the activities mentioned above can be the main differentiator between Islamic financial institutions and conventional financial institutions. So that it gives a good impression to customers and the wider community that Islamic financial institutions such as BMT *Mawaddah* in carrying out their activities are in accordance with religious norms. So religion is not just a theory, but becomes an implementation and form of obedience to existing rules in religion itself. By conducting all mentioned above, religion is not just a symbol, but it has become a spirit in every daily Muslim activity, so with the maintenance of Islamic teachings, the Islamic religion will be preserved from generation to generation.

2. Maintaining the Property

In maintaining property, BMT *Mawaddah* has several excellent programs. Based on the data and information that the researcher got, the following will explain what patterns have been carried out by BMT *Mawaddah* in maintaining assets including:

First, the investment products owned by BMT *Mawaddah* for customers are *mudarabah*, deposits and so on. This investment product is intended that people who do not have skills in managing their assets but have the capital can develop the quantity of assets in Islamic ways, such as investing their assets in BMT *Mawaddah*. Here, BMT *Mawaddah* gets the trust of the community to manage their assets, so that public funds can continue to develop in a *halal* manner because it is managed by contract and management in accordance with Islamic religious rules.

Second, BMT *Mawaddah* Has its own land or business entity such as a KOIM mini market or supermarket, fashion shop, printing and photocopying, depots and so on. By these, it provides a lot of materials and basic needs to be consumed by the wider community. It is because it already has several branches in several areas in Madura in particular and East Java in general. Besides that, this business has regular customers, namely the students of the *Miftahul Ulum* Islamic Boarding School which until now numbered thousands of male and female students, on average, of them are customers at BMT *Mawaddah*. It is clear that customer funds invested in BMT *Mawaddah* are managed in the real sector so that BMT *Mawaddah* is able to provide field facts about the *halal* management of customer assets. This is important to increase people's confidence that their assets are managed in a trustworthy manner and their safety and *halal* are guaranteed.

Third, there is a DPS that oversees economic activities at BMT *Mawaddah*. DPS acts as a supervisor at BMT *Mawaddah*, both in preparing and launching a product that is in accordance with Islamic teachings or financial activities that become routine at BMT *Mawaddah*. So that, all activities related to law at BMT *Mawaddah* can be monitored properly. Through this pattern, it will have an impact on the level of trust in Islamic financial institutions of BMT *Mawaddah*. At the same time, it shows that the institution really maintains the *shari'ah* of every financial activity and guarantees that the customer's assets will not be mixed with illicit assets due to *maysir*, *gharar*, usury, *dhulm* etc.

Fourth, maintaining the liquidity of BMT *Mawaddah*. That liquidity is a very fatal thing in a shari'ah financial institution. In order to maintain customer needs for their assets back when customers need their assets, BMT *Mawaddah* always does financial planning. This is evident from the detailed reports and financial targets contained in the annual RAT whose graph is always increasing. From

there it will be easy to see that BMT *Mawaddah* really maintains its liquidity so that people can easily withdraw their funds at any time with the amount they need.

Fifth, planning the budget for BMT *Mawaddah* funds properly and correctly can also be seen in details of financial activities and financial targets for the next year through the BMT *Mawaddah's* annual RAT book. This is aimed at maintaining the customer's assets properly and safely. Sixth, there is a passbook and proof of other transactions such as receipts and so on in controlling debits, credits and proof of payments. This is done by BMT *Mawaddah* to maintain transparency of transaction activities, so that customer assets are maintained safely.

Seventh, there is the RAT (Annual Member Meeting) of BMT *Mawaddah*, which is attended by all members, staff, administrators, supervisors. This is done by BMT *Mawaddah* in dealing with the transparency of the assets of members and customers as well as the assets of the institution. By these they can be controlled and be transparent to avoid negative things and is of course free from unscrupulous persons in the assets of members, customers and assets of BMT *Mawaddah*. Eighth, it is carrying out audits in each unit of BMT *Mawaddah* regularly, at least once every three months. This is done by BMT *Mawaddah* in order to maintain the security of customer assets so that their security is maintained from cash leaks or misappropriation of persons.

Ninth, there is the implementation of periodic monitoring and evaluation to all BMT *Mawaddah* branches with a self-assessment pattern as a preventive measure. This is also done by BMT *Mawaddah* to minimize non-performing financing, so that the development and maintenance of customer assets can be well-maintained and developed as expected and its liquidity is maintained. Tenth, a monthly evaluation meeting is held with the management and the existing managers. This is done by BMT *Mawaddah* with the aim of improving the quality of

management and efforts to avoid mistakes as well as improving systems and programs that are not running well, so that the stability of BMT *Mawaddah* can be maintained and the development of customer assets can be well controlled.

3. Protecting the Mind

In the maintenance of sense, BMT *Mawaddah* has several programs with several patterns of maintenance. The researcher will explain what patterns have been carried out by BMT *Mawaddah* in the maintenance of the human mind, namely:

First, the real assistance of BMT *Mawaddah* for education likes appreciating of end-of-year souvenirs of the educational calendar and providing scholarships. This is done by BMT *Mawaddah* as a contribution and appreciation for the progress of human resources and as a stimulant so that education in Indonesia, especially in Madura, continues and the human mind is maintained. With this program, BMT *Mawaddah* hopes that public education, especially future generations, will continue to be preserved. The pattern taken by BMT *Mawaddah* in maintaining reason includes giving appreciation in the form of giving souvenirs in several educational places at the end of the educational calendar year, especially education at the *Miftahul Ulum* Islamic Boarding School itself and some religious institutions in other areas.

In addition, BMT *Mawaddah* also provides scholarships for education ranging from undergraduate (s1) to postgraduate (s2). Many students at various universities receive scholarships, especially those who excel in previous education and on average those who receive educational scholarship are the alumni of *Miftahul Ulum* Islamic Boarding School. Later, they will be appointed as employees or staff either by BMT *Mawaddah* itself or *Miftahul Ulum* Islamic Boarding School.

Second, BMT *Mawaddah* provides education on Islamic products to customers and to prospective customers in

particular, so that they understand the products of Islamic financial institutions, especially those of BMT *Mawaddah*. In a straightforward and comprehensive manner, the employees of BMT *Mawaddah* will explain about the product and the mechanism of the product and matters related to BMT *Mawaddah*, so that when the prospective customers and the customers understands about the products available at BMT *Mawaddah*, they are ready to use the products owned by BMT *Mawaddah*, such as savings products, financing products and investment products. So with the program and employee obligations in providing explanations about BMT *Mawaddah* products, they will be interested to the products of it. From this, the researcher concluded that indirectly, BMT *Mawaddah* participated in educating and contributing knowledge for the wider community.

Third, BMT *Mawaddah* participates in providing assistance to educational institutions, especially formal Islamic schools and Islamic boarding schools under the management of the *Miftahul Ulum*. It is because the average BMT *Mawaddah* customers are students of *Miftahul Ulum* Islamic Boarding School so that the benefits return to them again. This is intended that teaching and learning activities in educational institutions of the Islamic boarding house continue to run well with adequate learning facilities so as to create an educated society.

Fourth, BMT *Mawaddah* provides scientific research opportunities for undergraduate, postgraduate and other students who want to do research about BMT *Mawaddah*. And the results of this research can be used by directors, employees, customers and all staff of BMT *Mawaddah* as consideration or reference or even evaluation in developing BMT *Mawaddah*.

Fifth, BMT *Mawaddah* conducts socialization, counseling and promotion about shari'ah economics, such as introduction of sharia products, the importance of saving, investment awareness, *halal* transactions. All of these are

carried out by the formal and non-formal education units / Islamic boarding schools / institutions and non-formal education units and the wider community with the aim that they becomes aware and understand about the mechanisms, objectives, vision and mission of the Islamic financial institutions and provides awareness and understanding of the importance of saving.

Sixth, BMT *Mawaddah* carries out education, seminars, workshops and trainings for new and old employees about the mechanism for carrying out BMT activities properly and correctly. This is none other than a strategy to increase internal human resources owned by BMT *Mawaddah*. Several things that have been done are appraisal training gold, training on financing products, savings and so on. These activities become a routine agenda and are carried out by BMT *Mawaddah* at the end of every month. With the agenda, it is hoped that it will increase the understanding of employees, administrators, supervisors and overall staff as well as improve the human resources of BMT *Mawaddah* managers.

Seventh, BMT *Mawaddah* cooperates with the campus or the Miftahul Ulum Islamic High School (STAIMU) in in several ways, especially matters related to payments and finances. In this program, every student has obligation to pay tuition fees through BMT *Mawaddah*. Cooperation like this can help create efficiency and effectiveness in student payments to educational institutions, so that the process of learning and teaching on campus and high schools can still run well.

Eighth, BMT *Mawaddah* collaborates with the *al-Miftah* Magazine organization, an Islamic magazine engaged in *da'wah* through writing. BMT *Mawaddah* helps with marketing and sales of the *al-Miftah* Magazine. What is done by BMT *Mawaddah* is hoped that the wider community can enjoy and consume Islamic readings.

4. Maintaining the Soul

Caring for the soul is the fourth *maqāṣid sharī'ah* of the five *ḍarūriyyat* things that must be maintained in order to create benefit and avoid harm to humans in this world and the hereafter. In the maintenance of this soul, BMT *Mawaddah* has several programs with several patterns of maintenance. Among the explanations of the patterns that have been carried out by BMT *Mawaddah* in the maintenance of the human soul are as follows:

First, BMT *Mawaddah* manages savings funds and other customer funds in a safe, *halal* and professional manner. It aims to provide peace of mind to customers in entrusting their assets to BMT *Mawaddah*. Second, BMT *Mawaddah* strives to maintain the cleanliness of the environment around BMT *Mawaddah* properly, programmed, and scheduled. The application of this cleanliness is aimed for employees, especially in the BMT *Mawaddah* area, indoors and outdoors with a pattern of implementing a daily cleaning schedule. This is done by BMT *Mawaddah* in order to help maintain the health of the wider community. In accordance with the health motto is "prevention is better than cure". By maintaining of this cleanliness is expected to prevent the arrival of various diseases such as diarrhea, the growth of dengue fever mosquitoes, malaria mosquitoes and so on.

Third, the area and rooms of BMT *Mawaddah* are equipped with CCTV so that they are always monitored and recorded for all indoor and outdoor activities of BMT *Mawaddah*. This aims to provide comfort and security for assets, employees and customers, so that customers feel conducive and safe environment. Fourth, BMT *Mawaddah* applies special rules for employees and all staff including the prohibition of smoking in the workspace, prohibition of being involved in crimes such as drugs and other addictive substances. The regulation is expected to be able to maintain the mental and health of employees and staff as a whole, especially the souls of customers, will be well maintained.

Fifth, at BMT *Mawaddah* there are demands to behave, dress and communicate well and politely, especially to customers. This will make customers feel comfortable and at ease while in the room and environment of BMT *Mawaddah*. Sixth, BMT *Mawaddah* has a social service program (baksos) in the environment around BMT *Mawaddah* with a mutual cooperation pattern. Activities are carried out by employees and the surrounding community at least once a year. This is aimed to providing awareness of the importance of environmental cleanliness to the wider community and helping to improve environmental hygiene, so that the health of employees and the community can be maintained properly.

5. Preserving Offspring

Among the benefits of the world is the maintenance of human existence and the maintenance of lineage. In the maintenance of this offspring, BMT *Mawaddah* has several programs with several patterns of maintenance. Based on the data and information that the researcher got, the following will explain what patterns have been carried out by BMT *Mawaddah* in the maintenance of human offspring:

First, BMT *Mawaddah* has a financing product, by providing business capital assistance so that the lower middle class who has a business can run their business by using this capital. This will be able to create a prosperous family and be able to continue the existence of family life and their descendants. Second, providing assistance to orphans, especially those who stay in *Miftahul Ulum* Islamic boarding school through *zakat* funds and social funds. With such assistance, it is hoped that it can help ease the burden of life and provide the ability to continue the existence of the child and his descendants later.

Third, BMT *Mawaddah* does not employ minors in any way, this is done as a form of avoiding exploitation of offspring. Fourth, BMT *Mawaddah* maintains the safety of employees' workplaces through building maintenance programs and employee work facilities such as vehicles.

This is intentionally done in order all employees can maintain their safety and also maintain their lives. And Fifth, BMT *Mawaddah* guarantees the management of funds in a *halal* and *syar'i* way because then the customer's assets become a blessing and have a good impact on the family and descendants who are supported by their savings funds.

6. Maintenance Pattern Not Implemented

BMT *Mawaddah* has tried to give the best to serve customers and seek things for the benefit of customers and keep away things that can harm customers. However, there are some things that have not been realized until now. Therefore, in the future it will always be pursued as the maximum effort of BMT *Mawaddah* in serving the needs and benefits of the many people. Among the things that have not yet existed and have not been realized at BMT *Mawaddah* are:

First, there are no security officers (security guards, etc.). This has not been realized properly because BMT *Mawaddah* believes that the funds entrusted to BMT *Mawaddah* are community funds and will be jointly guarded by the community. Even though several BMT *Mawaddah* parties have tried to do it through evaluation meetings, both monthly, quarterly and annual BMT *Mawaddah* meetings, it has not yet been realized. Second, BMT *Mawaddah* did not activate the *Hajj* and *Umrah* savings and travel programs managed by BMT *Mawaddah*. This is because at the *Miftahul Ulum* Islamic Boarding School, there is already *Hajj* and *Umrah* travel, namely *Madani* travel belonging to *Miftahul Ulum* Islamic Boarding School.

Third, BMT *Mawaddah* does not accept students or internship students because there are no appropriate activities and roles that can be submitted to students or interns in carrying out economic transaction activities at BMT *Mawaddah*. In addition, to keep the internal secrets of BMT *Mawaddah* and to keep other unwanted things. Fourth, BMT *Mawaddah* does not yet have an insurance

product, although in fact BMT *Mawaddah* has attempted to have this product because it is hampered by the complete requirements for procuring insurance products. Fifth, BMT *Mawaddah* does not yet have an e-transaction system or online transaction because it is hampered by the amount of tax payments and avoids cooperation with non-shari'ah financial institutions.

7. The Operation of BMT *Mawaddah* under the Perspektif of *al-Kulliyāt al-Khamsah* within *al-Shātībī's* Concept of *Maqāṣid Shari'ah*

One of the statements of Imam Shatibi in his book *al-muwafaqāt fī uṣul al-sharī'ah*: "indeed, *shārī'* (Allah SWT) stipulates *sharī'ah* to realize and actualize the benefit for mankind in the world and the the hereafter".²⁸ This is, of course, in line with what BMT *Mawaddah* has been trying to do, to become a *shari'ah* economic institution whose goals are not just business oriented and worldly benefits, but more of how to get benefit for the life in the hereafter. This is the one of the reasons of why BMT *Mawaddah* becomes one of the largest Islamic educational institutions in Madura with a number of students reaching thousands.

Worldly benefits that have been considered by BMT *Mawaddah* can be seen by providing educational scholarships to several state university students in Indonesia, have financing programs, savings programs and so on. All of which are oriented towards worldly benefits. As for the hereafter benefits that have been pursued by BMT *Mawaddah*, such as providing financial assistance for the construction and maintenance of several mosques, paying zakat to the poor and so on. These all are oriented towards reaching the benefit of the hereafter. Finally, in this study, the researcher found a match between the Imām Shātībī's statement above with what has been done by BMT *Mawaddah* regarding the implementation of *maqāṣid*

²⁸ *Ibid*, 28.

shari'ah of al-shātibī particularly within the perspective of *al-kulliyāt al-khamsah*.

Closing

First, the implementation of the maintenance of *maqāṣid shari'ah* of al-shātibī perspective of *al-kulliyāt al-khamsah* carried out by BMT *Mawaddah* has been going well. This can be seen from its success in organizing many programs and activities related to the maintenance of *maqāṣid shari'ah* al-shātibī's *al-kulliyāt al-khamsah* perspective which always increases every year.

Second, there are several patterns that are not yet implemented in the implementation of *maqāṣid shari'ah* of al-Shātibi's perspective of *al-kulliyāt al-khamsah* because there are obstacles behind the failure of the pattern.

Third, based on the results of primary and secondary data analysis as well as existing literatures, there is a form of conformity between the perspective of *al-kulliyāt khamsah* in *Maqāṣid Shari'ah* of al-Shātibi with the pattern of implementation of programs carried out by BMT *Mawaddah*, Palengaan, Pamekasan, Madura.

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