



FIQIH MUAMALAH IN VARIOUS ASPECTS

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ABSTRACT

Keywords:

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The term muamalah we often hear in everyday life and is usually associated with Islamic terms. Muamalah is an important thing that needs to be studied, especially economic actors among Muslims. The term muamalah is usually interpreted as a social relationship between humans. People's lives will be considered good when they can benefit others. In this case we need to learn what muamalah fiqh and the aspects in it so that we are not mistaken in carrying out economic activities that have Islamic status.

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A. INTRODUCTION

Muamalah is a relationship between humans in an effort to get the means to meet physical needs in the best way according to the teachings and demands of religion. The Islamic religion provides norms and ethics that are reasonable in an effort to seek wealth to provide opportunities for the development of human life in the field of muamalah in the future. In other words, this muamalah problem is managed as well as possible so that humans can meet their needs without causing harm to others. As for what is included in muamalah, among others, the exchange of goods, buying and selling, borrowing, wages, labor unions, and others.

It can be understood that Muamalah fiqh is knowledge about activities or transactions based on shari'a laws regarding human behavior in life that is obtained from detailed Islamic postulates. The scope of muamalah fiqh is the entire human muamalah activity based on Islamic laws in the form of regulations that contain orders or prohibitions such as obligatory, sunnah, haram, makruh, and mubah.



B. DEFINITIONS OF FIQH

The word fiqh etymologically means understand, know, and implement. This understanding is intended to mean that exploring a problem requires the mobilization of the potential of reason. In terms of terminology, the definition of fiqh according to Usul Fiqh scholars is knowledge of Islamic law that is practical through detailed propositions. While fiqh scholars define fiqh as a set of amaliah laws that are prescribed by Islam, Mustafa Ahmad Zarqa defines fiqh as a science of shari'a laws related to human actions that is derived from detailed arguments (Sudiarti, 2018).

The above understanding provides an understanding that Syara's laws, both in the form of orders and prohibitions against human behavior, are produced from detailed arguments. As for the purpose of syara, laws are laws obtained and determined by Allah SWT. Such as obligatory, sunnah, haram, makruh, and mubah. Meanwhile, the word amaliyah refers to human actions and behaviors. And what is meant by detailed arguments are the arguments or sources of law that underlie human actions, where the arguments are prescribed from clear naqly or nash arguments, namely the Qur'an and as-Sunnah, as well as the aqly arguments or ijtihad arguments from the mujtahids.

So in simple terms, it can be concluded that fiqh is an attempt made by the fuqaha to determine the law (mandatory, sunnah, haram, makruh, and permissible) for human actions originating from the naqly and aqly propositions.

C. THE UNDERSTANDING OF FIQH MUAMALAH

Etymologically, fiqh muamalah is fiqh, which means understanding, knowing, and implementing. Meanwhile, muamalah comes from the words 'amala, ya'malu, muamalat, which means doing one another. In terms of fiqh muamalah, these are laws relating to actions taken by humans in matters relating to their assets, such as buying and selling, leasing, mortgages, and others. The word human in the above sense is addressed to humans or someone who is already a mulatto, that is, someone who has been burdened by the law; they are mature and have reason and intelligence.



Muamalah is a Muslim human activity, so this cannot be separated from his devotion to Allah.

The object of muamalah in Islam has a very broad field, so that the majority of the Qur'an and Sunnah discuss muamalah issues globally. This shows that Islam provides opportunities for humans to innovate in various forms of muamalah that are needed in their lives on the condition that they do not depart from predetermined principles.

D. SCOPE OF THE FIQH STUDY

The fuqaha differ in dividing the scope of fiqh studies. There are fiqh scholars who divide it into eight parts as follows (Sudiarti, 2018):

1. Laws related to worship of Allah SWT Like prayer, fasting, zakat, pilgrimage, and umrah, this part is called worship.
2. Laws related to family problems Like marriage, divorce, issues of heredity, and maintenance, this section is called ahwal ash-syakhshiyah.
3. Laws relating to fellow Muslims in order to fulfill their respective needs relating to matters of property and material rights in this section are called muamalah.
4. Laws related to criminal acts; this section is called jinayah and uqubah.
5. The law relating to the settlement of disputes between human beings is called jinayah ahkam al-qadha'.
6. The law governing the relationship between rulers and citizens; this section is called al-ahkam as-sulthaniyyah or siyasa asy-syar'iyah.
7. The law governing relations between countries in a state of war or peace; this section is called siyar or al-huquq ad-dauliyah.
8. Laws related to morals, both good and bad; this part is called adab.

Human behavior is the object of study in fiqh, and the discussion of fiqh covers all aspects of human life and all problems of life in this world and in the hereafter. Therefore, in general, fiqh can be divided into two parts, namely:



1. Fiqh of worship: namely, all actions done to get closer to Allah, such as prayer, fasting, zakat, and pilgrimage. Everything that is done is Ta'abbudi in nature; therefore, all laws are permanent and will not change due to changing times and places.
2. Fiqh muamalah: namely, all issues related to actions between fellow human beings in meeting their needs in the world.

E. SCOPE OF FIQH MUAMALAH

The scope of fiqh muamalah as seen from its legal presentation can be divided into two areas, namely:

1. Muamalah, whose legal provisions are directly from the Qur'an and hadith.

The form of muamalah is in terms of marriage and its consequences, such as divorce, iddah, reconciliation, and inheritance. Likewise, in the case of the prohibition of alcohol, pork, dogs, and usury, transactions in this form are not allowed. Likewise in crime. Such as theft and licensing. Allah has determined firmly against some of the above because these problems will make it difficult for humans to find the essential truth due to the urge of lust and the whisperings of Satan.

2. Muamalah, whose legal provisions are not directly from the Qur'an and hadith but are based on laws obtained from the results of ijtihad of the fuqaha, which refer to general principles and principles in accordance with syara's provisions.

This form of muamalah will be influenced by social situations and conditions. We can see this in the practice of buying and selling in supermarkets, where the buyer is given the freedom to choose the item he wants and takes it to the cashier to hand over the price of the item. Buying and selling like this occurs by handing over money and goods to each other without any clear words (consent and agreement or *Ijab Qabul*).

Within its scope, Fiqh Muamalah is divided into two parts: Al Muamalah Al-Adabiyah and Al-Muamalah Al-Madiniyah.



1. Al-Muamalah Al-Adabiyah, namely muamalah in terms of the method of exchanging objects originating from the five human senses, whose enforcement elements are rights and obligations. The scope of Adabiyah Fiqh Muamalah includes the following:
 - a) Ijab Qabul
 - b) Enjoy each other.
 - c) There is no compulsion from either party.
 - d) Rights and obligations
 - e) Trade fairness
 - f) Fraudg
 - g) Counterfeiting
 - h) Hoarding
 - i) Everything that comes from the human senses that has to do with the circulation of wealth in social life
2. Al-Muamalah Al-Madiyah, namely muamalah, which examines its object, so that some scholars are of the opinion that muamalah Al-Madiyah is material muamalah because the objects of fiqh muamalah are things that are lawful, unlawful, and doubtful to be traded, things that harm, objects that bring benefit to humans, and several other aspects. Some of the things that fall into the scope of Madiyah Muamalah are as follows:
 - a) Buying and selling (al-Bai' al-Tijarah) is an act or transaction that has been prescribed in the sense that there are clear laws in Islam.
 - b) Pledge (al-Rahn), which is making an object that has a property value in the view of Syara' trust a debt, so that it is possible to take all or part of the debt from that object.
 - c) Guarantees and guarantees (kafalan and dhaman) are interpreted as bearing or guaranteeing something, namely a contract that contains an agreement from someone where there are rights that must be fulfilled against other people, and associate with other people in terms of responsibility for these



rights in dealing with a collector (debt). Meanwhile, dhaman means bearing the debt of the debtor.

- d) Debt transfer (hiwalah) means transfer. Transfer of rights or obligations made by a person (the first party) to a second party to demand payment of a debt from or pay a debt to a third party Because the third party owes the first party. Whether the transfer is intended as a substitute for payment or not.
- e) Falling bankrupt (taflis) is a person who has debt; all of his wealth is gone.
- f) The company or partnership (al-shirkah) is built on the principles of representation and trust because each party that has invested its capital in the form of shares in the company has given trust to the company to manage the shares.
- g) Problems such as bank interest, insurance, credit, and other new problems

F. FUNDAMENTAL PRINCIPLES OF FIQH MUAMALAH

Muamalat law has principles that can be formulated as follows:

1. Basically, all forms of muamalah are mubah, unless otherwise specified by the Qur'an and Sunnah of the Prophet.
2. Muamalah is carried out on a voluntary basis without containing elements of coercion.
3. Muamalah is carried out on the basis of considerations of bringing benefits and avoiding harm in people's lives.
4. Muamalah is carried out by maintaining the value of justice, avoiding elements of persecution, and taking advantage of opportunities in adversity.

G. CONCLUSION

Fiqh is an attempt made by the jurists to determine the law (mandatory, sunnah, forbidden, makruh, and permissible) for human actions based on naqly and aqly propositions. Etymologically, fiqh muamalah is fiqh, which means understanding, knowing, and implementing. Meanwhile, muamalah comes from the words 'amala, ya'malu, muamalat, which means doing one another. Etymologically, muamalah fiqh



are laws relating to actions carried out by humans in matters related to their assets, such as buying and selling, leasing, mortgages, and others.

The scope of muamalah fiqh in terms of legal performance is divided into two categories: muamalah whose legal provisions are directly from the Al-Qur'an and hadith, and muamalah whose legal provisions are not directly from the Al-Qur'an and hadith but based on laws obtained from the results of ijtihad of the fuqaha referring to general rules and principles in accordance with syara' provisions. Within its scope, muamalah fiqh is divided into two parts, namely Al-Muamalah Al-Adabiyah and Al-Muamalah Al-Madiniyah.



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