

THE CHARACTERISTICS OF PROPERTY AND OWNERSHIP IN THE ISLAMIC ECONOMY

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ABSTRACT

The concept of property ownership in Islam has unique characteristics, which are in line with human nature. In contrast to the two currently developing concepts, capitalism and communism, neither system has succeeded in bringing individuals or groups into harmony with a social order of life. Individual property rights freedom is the foundation of the concept of capitalism, and the abolition of individual property rights is the main goal of socialism-communism teachings. Because humans are born into the world and do not own any property, the purpose of this paper is to investigate Islam's concept of ownership (the owner of the universe, the role of humans, and who provides everything). This article uses the literature study method, which entails gathering information from various sources, including books and related articles on property ownership in Islam. The findings of this study show that God owns everything in the universe, and humans did not have property in the world at first, but all the gifts that God gave with the guidance to use them as well as possible for the benefit of many people.

Keywords: Wealth, Ownership, Islam.



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INTRODUCTION

One of the most important matters in Islam is the concept of property and ownership. The importance of wealth in Islam is demonstrated by the fact that there are five maqashid sharia, one of which is hifz al-maal, or asset maintenance. (Toriquddin, 2014). According to Islam, all properties in the world belongs to Allah alone, and humans have only the right to use and make use of it. However, Islam recognizes a person's personal rights as well. For this reason, Islam prescribes muamalah regulations such as buying and selling, leasing, mortgages, and so on, as well as prohibiting fraud and usury and requiring people who destroy other people's goods to pay for it.

Wealth is one of the pillars of life that humans require in order to carry out their daily activities in the world. One thing that must be maintained in order to realize benefit and reject harm in achieving happiness in this world and the next is wealth (hifz al-mal). Therefore, no human being can live his or her life without the presence of wealth. There are so many inequalities experienced by humans as a result of a lack of wealth. Aspects of life that are thought to be caused by material scarcity include hunger, ignorance, rampant crime, poor health, and others. And it is undeniable that wealth is one aspect that every Muslim must prioritize (Andiko, 2016).

Az-Zuhaili defines wealth as al-mal, which means inclination, tendency, and propensity. The assets in question are anything that humans obtain or require, such as gold, silver, or animals, which are classified as visible objects. Not only in visible objects, but also in abstract forms that can be used, such as vehicles, clothing, and shelter; even something that cannot be controlled by humans, such as birds in the sky, cannot be considered a treasure (Syuhadak & Badrun, 2012). For this reason, property is defined here as anything in the form of goods with a visible object. Apart from assets, the ownership of the property itself is critical in the discussion of Islamic syari'a. Individual ownership of assets, regardless of where they came from or how they were spent, is recognized in Islam. The use of personal property must not have a negative impact on other parties. Furthermore, the individual is free to make productive use of their property, including how they protect and transfer it within the limits of existing Syari'a (, *Agar Harta Berkah Dan Bertambah*, 2007). This aims to reduce the futility of property ownership.

Based on the preceding explanation, the author concludes that Islamic economics is indeed very different from the understanding of capitalism, which considers property to be fully owned by humans because humans exert effort, and thus humans are free to obtain and use it. This viewpoint gave rise to the philosophy of hurriyat al-tamalluk (freedom of property), which is now considered a component of human rights. Humans, according to this understanding, have the freedom to choose how they obtain and use their wealth.

RESEARCH METHOD

This research uses literature review method (literature study). Sources of assessment are obtained from non-scientific articles and related books, as well as relevant previous studies. After gathering data on the concept of property ownership, it is analyzed and then compiled into an article report.

FINDINGS AND DISCUSSION

The concept of property in Islam

Treasure is known as al-mal in Arabic. According to the Encyclopedia of Islamic Law, al-mal is derived from ma-la, which means to lean or turn from the center to one side. Meanwhile, property is defined as anything that humans enjoy and want to keep, both in material form and in the form of benefits (Asnaini & Aprianto, 2019). As for the Indonesian Dictionary, property is defined as "goods (money and so on) that become wealth; people's belongings; tangible and intangible assets of value and legally owned by

the company. According to *Jumhur Ulama' fiqh*, all kinds of benefits for an object can be controlled by controlling the location and source, because someone who owns a car, for example, will obviously prohibit other people from using the car without his permission. According to this definition, wealth is anything that people enjoy and want to keep, both materially and in terms of benefits (Handoko, 2006). Wealth is also defined as anything with monetary value in society (az-Zarqa, n.d.).

Islam does not prohibit the acquisition of property by human persons or property owners. However, the methods used in searching for wealth are obsessive or excessive efforts to develop wealth, which will lead to the spiritual side of man himself. The accumulation of wealth is also not viewed negatively in Islam. In fact, Islam does not justify excessive wealth accumulation only among individuals or societies. To bridge this gap, one of the pillars of Islamic law in the effective distribution of assets to their owners is the *zakat* system. As a result, inheritance-based asset distribution is one method of dividing assets among fellow Muslims (Choirunnisak, 2017).

According to the *fuqaha*, wealth in an Islamic context is determined by two factors: the '*aniyyah* element and the '*urf* element. The '*aniyyah* element indicates that the property is tangible or real (*a'yun*). For example, the benefits of a human-maintained house are not considered assets, but rather property or rights. Meanwhile, the element of '*urf* is anything that is considered property by all humans or by some humans; humans do not keep something unless they want benefits, both *madiyyah* and *ma'nawiyyah* benefits (Al-Qardhawi, 1997). Respecting the value of property and its role in human life is, indeed, the first rule in developing an Islamic economy. The second rule is that property belongs to Allah, and humans only hold trust or loans from Him as an economic foundation in Islamic society. As stated in Surat al-Hadid verse 7 of the Al-Qur'an, "Have faith in Allah and His Messenger, and spend some of your wealth that Allah has lent you." According to this verse, Allah is the owner of property because He alone creates the source of its production and facilitates access to it.

Various new sects such as Capitalism and Socialism, on the other hand, make the economy the goal of life and wealth the god for individuals and society (Qardhawi, 1997). Meanwhile, Islam does not view wealth as pessimistic and antipathetic, nor does it look like the excessively materialistic views, but Islam views wealth as: a) a pillar of life enforcement (QS. an-Nisa': 5), b) a goodness (QS. al-'Adiyat: 8 dan QS. al-Baqarah: 215 dan 180), c) God's favor given to the Apostles Him and those who believe and fear His servants (QS. adh-Dhuha: 8, (QS. at-Taubah: 28, QS. al-A'raf: 96, dan QS. Nuh: 12); d) a

trial or test of life (QS. an-Nahl: 112 dan QS. al-Baqarah: 155) (Qardhawi, 1997). Wealth should not be deified or made into a berhala to be worshiped other than Allah, according to Islam. Because the wealth obtained can be used to slander those who obtain them. Allah SWT said: "Do not let your possessions or children distract you from remembering Allah, you who believe. Whoever does so lose." (al-Munafiqun: 9)

These verses explain that this fraud does not arise simply because of wealth, but because of the person's belief that wealth is everything, where he no longer needs anything else when he already has wealth, and even believes that he no longer needs to serve Allah.

The categorization of property in Islam

The following is how property is distributed in Islam:

1. *Mal Mutaqawwim* and *Mal Ghairu Mutaqawwim*. Mutaqawwim assets are anything that can be mastered and used by Syara'. This understanding implies that every use of something is closely related to the legal provision of positive value, which is related to the method of obtaining and using it. Muslims, for example, eat halal buffalo if they are slaughtered in accordance with Islamic law. Whereas Ghairu Mutaqawwim assets are the inverse of mutaqawwim assets, namely everything that cannot be controlled and is prohibited from being used by Syara'. Property in this sense is prohibited from being exploited by syara'. Pigs, for example, are included in the property of ghairu mutaqawwim due to their species. Shoes obtained through theft are ghairu mutaqawwim because the method of acquisition is illegal.
2. *Mal Mitsli* and *Mal Qimi*. *Mall Mitsli* is defined as something that has market similarities or equality, with no differences in its parts or units, namely differences or deficiencies that normally occur in economic activity. Mitsli assets are classified into four types: those that are measured, those that are weighed, those that are calculated, and those that are sold by meters. Whereas Mal Qimi is property that has no similarities in the market or has similarities, but there are differences in value according to custom, such as animals and trees. Thus, the treasure which is both is called mitsli and the treasure which is neither is properly called qimi.
3. *Mal Istihlak* and *Mal Isti'mal*. Istihlak assets are only used once. The assets of Istihlak are divided into two groups: Istihlak Haqiqi and Istihlak Huquqi. While Isti'mal assets can be used repeatedly, the form of the object is not used up or destroyed in a single use.
4. *Mal Manqul* and *Mal Ghairu al-Manqul*. Manqul assets are anything that can be moved and changed from one location to another, either remaining in their original form and state or changing shape and condition as a result of such movement and change. Money, merchandise, various animals, vehicles, and various weighed and measured objects are examples of assets in this category. Meanwhile, Ghairu al-*Manqul*'s include all fixed assets that cannot be moved or changed from one location to another due to their origin, such as gardens, houses, factories, rice fields, and so on.

5. *Mal 'Ain* and *Mal Dayn*. 'Ain's property is property in the form of objects. The property of 'Ain is divided into two parts: the property of 'Ain Dzati Qimah, which is an object with a form that is valued as a treasure. Second, there is the property of 'Ain Ghayru Dzati Qimah, which is objects that cannot be considered assets because they have no value or price, such as a grain of rice. Dayn's property, on the other hand, is ownership of an asset where the property is still under someone's responsibility, which means that the owner only owns the property but does not own the form because he is in the hands of others.
6. *Mal 'Aini* and *Mal Naf'i* (benefits). Aini's assets are tangible objects with monetary value, such as houses and livestock. Whereas Nafi's treasure is a'radl, which gradually grows with the passage of time, the Naf'i mall is intangible and impossible to save.
7. *Mal Mamluk*, *Mubah* and *Mahjur*. Individuals or legal entities own Mamluk property. In the meantime, mubah property is something that does not belong to anyone. According to Syari'a, mahjur assets are things that cannot be owned by oneself and provide benefits to others; sometimes these objects are waqf objects or objects that are specifically for the general public.
8. Shareable assets (*mal qabil li al-qismah*) and indivisible assets (*mal ghairu al-qabil li al-qismah*).
9. Main assets (*ashl*) and yield assests (*tsamarat*).
10. *Mal Khas* and *Mal 'Am*. Typical property is personal property that is not affiliated with others and may not be used without the owner's permission. While 'am' property is public property (shared) that can be used together (Djuwaini, 2008).

The concept of ownership in Islam

The term al-milkiyah in Islamic economics refers to something that is owned and can be used by someone (az-Zarqa, n.d.). Al-Milkiyah is derived from the word al-milk, which is also the source of the words malaka-yamliku wa mulkan wa milkan, which mean to control or possess. In simple terms, ownership means someone has control over something (assets or property), and these assets are in their hands both physically and legally ("Darwis Harahap,"Kebahagiaan Dan Akhir Kehidupan Menurut Filsafat Ekonomi Islam"," n.d.). Ibn Sayidih defines al-malk, al-mulk, or al-milk as ownership (mastery) of something and the ability to do whatever you want with it (Manzur & Mukarram, n.d.).

According to al-Zuhaili, ownership entails human ownership of an asset as well as the authority to transact freely with it (Shalabi, n.d.), Meanwhile, Syalabi defines ownership as a privilege over an object that prevents other parties from acting on it and allows the owner to transact directly on it as long as no syara' obstacles exist (al-Zuhaili, n.d.).

Under Islamic law, ownership has several implications. First, property is a right or set of rights granted by God rather than by society or its legislative authority. Syari'a law protects private property ownership. Third, ownership rights confer complete authority on the owner to use, exploit, or destroy the objects owned. Fourth, property rights are not subject to discrimination based on gender, religion, or ethnicity (Sanrego Nz, 2015). As a result, the status of property ownership in Islam must be clear, because ownership entails both rights and obligations toward these items.

Islam has a distinct perspective on the issue of ownership that differs from both capitalism and socialism. Islam does not recognize property rights because all human behavior, including economic issues, must be governed by Syari'a law. Islam governs the acquisition and use of property. There are three types of ownership, according to Shaykh Taqiyuddin an-Nabhani: a) individual ownership (Milkiyah Fardhiyah); b) public ownership (Milkiyah 'Ammah); and c) state ownership (Milkiyah Daulah) (Rivai, 2013). Furthermore, the concept of ownership is founded on Islam's primary sources, namely the Qur'an and Hadith. In an Islamic perspective, the fundamental principles of property rights are as follows: First, Allah SWT is the rightful proprietor of this universe, including all economic resources. As a result, the use and management of the universe must, of course (absolutely), adhere to Allah SWT's provisions. Second, Allah SWT grants humans limited ownership rights (limited ownership) over economic resources, with the limits of ownership and how to use them determined by Him. As a result of this, (1) property rights are not permanent in the sense that they are absolutely valid forever. It is subject to change in accordance with the provisions of the Islamic religion. (2) In addition to ownership rights, there are obligations that must be met. Third, Allah primarily created the universe for the benefit of the means of life (wasilah al-hayah) for creatures (the universe and its contents) in order to achieve prosperity and prosperity.

The characteristics of property and ownership in Islam

In general, the characteristics of property and ownership in Islam are:

1. Ilahiyah. The first process in property ownership and development comes from God. The goal is to seek Allah's pleasure, and the methods do not contradict His Shari'ah. The activities of production, consumption, exchange, and distribution are all linked to Ilahiyah principles dan Ilahiyah purposes. A Muslim engages in production activities in order to meet their own needs, those of their family and society, as well as to carry out God's commands (QS. al-Mulk: 15). When a Muslim consumes lawful sustenance, they believe they are carrying out God's commands (QS. al-Baqarah: 168). As proof of their submission to Allah's commands, they enjoy it within reasonable and modest limits (QS. al-A'raf: 31). Do not exceed

the body's nutritional requirements or the legal limits of food. He will not engage in illegal business practices, will not engage in usury activities and hoard of goods, will not act unjustly, will not cheat, steal, corrupt, collude, and will not practice bribery. (QS. al-Baqarah: 188) (Qardhawi, 1997).

2. Akhlaq. With each economic step, the connection between the economy and morality becomes clearer. Islamic economics is a moral economy that draws its strength from the revelation of the Qur'an. Morals give a new meaning to the concept of value and can fill the mental void left by the industrialization era (Qardhawi, 1997).
3. Humanity. There is an understanding that in every human property, there are other people's rights (QS. al-Ma'arij: 25). This awareness is reflected in the distribution of zakat, infak, and sadaqah to those who are entitled to them (dhuafa' and cookin), as well as in fi sabilillah activities (Qardhawi, 1997).
4. A mediator. According to Islam, the world is a place to plant and a pathway to the hereafter. The road must be pleasant and beautiful in order to safely and securely transport people to their destination. Islam sees a prosperous economic life as a means to increase kindness to one's fellow creatures. Anything that conveys goodness is beneficial. Wealth is not always a disaster for its owner, and it is not acquired through disbelief. Islam has never considered wealth to be a barrier to rich people attaining high levels of taqarrub to Allah (Qardhawi, 1997).

Some provisions of Allah are not permitted/forbidden in the pursuit of wealth, including the existence of Riba, because this is a prohibition of Allah. Furthermore, Maisir/gambling or chance, injustice, Gharar (uncertainty containing elements of jahalah/fooling), mukhatarah (speculation), qumaar (betting), and Ghasiy are all prohibited (cheating).

CONCLUSION

Wealth is viewed as a pillar of life enforcement, goodness, and Allah's pleasure in Islam. The status of human-owned property can be viewed from various angles in Islam, including as a mandate (entrusted) from Allah SWT, a living decoration, a test of faith, and even a provision for worship. In essence, Allah SWT is the rightful proprietor of the universe and its contents. Humans are merely God's representatives in the framework of the earth's prosperity and welfare. Human ownership arises from God's essential ownership. As a result, any action or economic policy taken by humans to benefit the universe must not contradict the provisions outlined by Allah, the Almighty.

In the Islamic perspective, the fundamental principles of property rights are as follows: First, Allah SWT is the absolute owner of this universe, including economic resources. Second, Allah SWT grants humans limited ownership rights (limited ownership)

over economic resources, with the limits of ownership and how to use them determined by Him. Third, Allah primarily created the universe for the benefit of the means of life (wasilah al-hayah) for creatures (the universe and its contents) in order to achieve prosperity and prosperity. In general, Islamic property and ownership have the following characteristics: Ilahiyah, Moral, Human, and Mediator.

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