



International Journal of Multidisciplinary Research and Growth Evaluation.

Al-Maqāshid Al-Khamsah in at-Tafsir Al-Munir

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Article Info

ISSN (online): 2582-7138

Volume: 04

Issue: 04

July-August 2023

Received: 14-07-2023

Accepted: 20-08-2023

Page No: 1123-1130

Abstract

The discourse on maqashid khamsah has become a significant topic in Islamic law, encompassing five primary objectives: safeguarding religion, life, intellect, progeny or honor, and property. This study aims to elucidate the views of Imam Wahbah Zuhaili in his work at-Tafsir Al-Munir Fi al-Aqidah Wa al-Syariah Wa al-Manhaj regarding maqashid khamsah in Surah al-Maidah, and to analyze these concepts within the context of relevant verses. The research methodology employed is library research, with data gathered from various pertinent literature sources, including books, journals, and documents. The focus of this study is on the verses in Surah al-Maidah related to maqashid khamsah. The data collection process involved an in-depth study and analysis of relevant literature. Data analysis was conducted through three stages: data selection, data presentation, and drawing conclusions. The findings of the research indicate that the verses examined in Surah al-Maidah indeed encompass the concepts of maqashid khamsah. Each verse underscores the importance of each concept, which necessitates intensive safeguarding and maintenance. The study also found that neither in at-Tafsir al-Munir nor in the text of the verses is there a clear order or stratification among these concepts, indicating that all aspects of maqashid khamsah are considered important without hierarchical priority. This research provides insights into how maqashid khamsah are understood and applied in at-Tafsir al-Munir, and underscores the importance of preserving each aspect in order to achieve the welfare intended by Islamic law.

DOI: <https://doi.org/10.54660/IJMRGE.2023.4.4.1123-1130>

Keywords: Al-Mā'idah, Maqāshid Khamsah, Wahbah az-Zuhaili

Introduction

Dharuriat is the primary human need. If these needs are not met, then human existence can be threatened. As-Sayuti defines *Dharuriat* as "the interests that are urgently needed by humans, such as the maintenance of religion, self (soul), intellect, property and heredity (honor). Thus, it is a pillar of life ^[1]. This is *the sunatullah* that has been running since time immemorial. Al-Ghazali grouped *Dharuriat* in five points or the famous Five Goals (*Al-Maqashid al-Khamsah*), namely Religion, Soul, Intellect, Descent (honor) and Treasure ^[2].

It is appropriate for Muslims to *read the verses* that contain the laws of Allah in the Qur'an. In Surah Al-Maidah there are several verses that mention these five points. Surah al-Maidah is Surah Madaniyah (a letter that came down after the hijrah of the Prophet (*peace and blessings of Allaah be upon him*)). This letter is full of Allah's laws both its commands and prohibitions, this letter begins with "*yaa ayyuhal ladziina amanuu.*", which is an appeal for believers, this kind of call is repeated 88 times in the.

¹ As-Sayuti, Al-Maslahah al-Mursalah wa makanatuhu fi Tasri', (Beirut: Dar al-Fikr, 1983) p. 19.

² Al-Ghazali, Al-Mustashfa, (Beirut: Dar al-Fikr, 1997) juz I hlm.258

Qur'an, of which 16 times are mentioned in surah al-Maidah ^[3].

Abdullah bin Mas'ud said, "When you hear *"yaa ayyuhal ladziina aamanuu.."*, put up your hearing because there is indeed good so that you are commanded to do it or there is evil so that it is forbidden to do it, while the meaning is *"yaa ayyuhal ladziina aamanuu."* O you who believe in Allah with true faith! O you who are pleased with Allah as God! O you who have established Allah as a worship! Listen and obey Allah!." ^[4].

There are several letters in the Qur'an that mention these five points of maqashid khamsah. Most of them are separated from each other and only a few are found in a single letter or series of verses in order. For example, in Surah al-Isra' verses 23 to 36 in order, these verses mention these five points, but in the *hifzh al-'aql* point the verse does not directly mention this point, but with the conclusion that a person who can keep the other 4 points of Maqashid means that he has a sound mind ^[5].

In contrast to the content of other letters, Surah al-Maidah has a complete and clear discussion of the five *Dharuriyats* or what is called maqashid khamsah. *literate* about the concept of maqashid khamsah.

In explaining the verse about *maqāsid as-shari'ah*, the tafsir Wahbah az-Zuhaili strongly supports it because in the book of tafsir *Al-Munir Fi al-Aqidah Wa al-Syariah Wa al-Manhaj* contains various kinds of discussions, especially on tafsir and fiqh. In addition to other discussions such as lughah (*linguistics*), balaghah, *i'rab*, and *asbabun nuzul* ^[6].

Wahbah az-Zuhaili also uses contemporary language that is easy to digest and combines the method of tafsir *bi ar-Ra'yi* (based on view/reason) and the method of tafsir *bi ar-Riwayah* (with Rinarat). With a clear *Takhrij Hadith* and stay away from weak hadith and *Israiliyyat* ^[7]. From several plus points about the interpretation of Wahbah az-Zuhaili, *at-Tafsir al-Munir fi al-Aqidah wa asy-Syar'ah wa al-Manhaj* is the right interpretation in explaining and explaining the concept of maqashid khamsah, because of its comprehensive content of tafsir in all aspects (comprehensive).

A lot of research has *been done on maqashid khamsah*, but from the perspective of interpretation, this kind of research is still rarely carried out thoroughly, for example, Nita Nurningsih in her thesis explains about human rights in *hifz al-'aql*, describing the thematic interpretation of the verses forbidden *from the perspective* of the Qur'an ^[8]. The journal is only about the protection of the intellect and the impact that khamr has on the intellect and so on.

Amru Khalid in his book *Khowatir Qur'aniyah*, he tried to summarize these five points in one of the letters in the Qur'an, then he found that it was Surah al-Maidah that concurrently concurrent all these five points and explained them briefly and concisely and explained the correlation, both between verses and letters that are interconnected with each other ^[9].

The book *al-Muwafaqat* by Ibrahim bin Musa bin Muhammad or known as ash-Syatibi elaborates at length about *mashlahah mursalah*, also explains the meaning of the words Maqashid and Shari'ah which boils down to the division of Maqashid Sharia into two main parts. The first is Maqashid which is returned to the purpose of making sharia and Maqashid which is returned to the purpose of *mukallaf*/recipient of sharia responsibility ^[10]. From the aspect of the purpose of sharia is to protect humans from *harm* in five things (*maqashid khamsah*) which according to *asy-syatibi* in determining the five elements must be based on the postulates of the Qur'an and the Prophet's Hadith. Its function is as general rules in determining the five elements of the tree. Among these postulates are related to the command to pray, the prohibition of killing souls, the prohibition of drunkenness, the prohibition of adultery and the prohibition of eating other people's property in a *bad way* ^[11].

Afridawati's article entitled *Stratification of Al-Maqashid al-Khamsah and Its Application in Maslahah*, the author briefly and carefully explains the five points of maqashid khamsah and the correlation between these points and their application in Islamic law. The author also describes the stratification of the maqashid khamsah points according to the number of points and how to respond to points that are considered to clash with each other by prioritizing *mashlahat* that is *dharuri* (primary) from *maslahat* that is lower than that (secondary or tertiary) ^[12].

Based on this, this study aims to elaborate the opinion of Wahbah az-Zuhaili in his tafsir book *at-Tafsir al-Munir fi al-Aqidah wa asy-Syar'ah wa al-Manhaj* regarding maqashid khamsah in Surah al-Maidah; also analyze the concept of maqashid khamsah in Surah al-Maidah in the tafsir of Wahbah az-Zuhaili.

Research Methodology

The researcher will use the conceptual thematic interpretation method, namely by understanding the *nash* related to the concept to be researched in order to explain the theme comprehensively. Then the researcher will look for supporting verses from both the Qur'an and the sunnah, and elaborate them in the perspective of Wahbah Zuhaili then look for *istinbath* (conclusion) to get the relevant meaning ^[13].

The steps that will be taken in researching and analyzing using this conceptual thematic method are: *First*, determining the concept to be researched; *second*, collecting *nash-nash* that has a correlation with the concept to be researched both from the Qur'an and the Sunnah; *Third*, looking for the meanings contained in the *nash* by considering aspects that support the *nash* such as balaghah, *asbabun nuzul*, fiqh, without leaving aside the *sanad* elements of each *nash*; *fourth*, looking for a correlation between the *nash* that has been

³ Amro Khalid, *Khawatir Qur'an, Inya Najhrat fi Targeti Sawaril Qar'in, Tejam. Khuzain Abu Faqih* (Jakarta: Al-Y'Tashoom Kahiya Ummah, 2017) 117.

⁴ Ibid.

⁵ "The Origins of Memorizing the Five Faculties in the Evidence of the Qur'an | Muslim website," diakses 3 Juli 2021, <https://almoslim.net/elmy/284305>.

⁶ Moch. Jonah. "Kajian Tafsir Munir Karya Wahbah Zuhayli". *Humanistics*, vol 4 No. 2, 2018.

⁷ Ibid.

⁸ Nita Nurningsih, "Human Rights in Hifz Al-'Aql: A Thematic Interpretation of the Verses of the Prohibition of Khamar," August 14, 2020, <https://repository.uinjkt.ac.id/dspace/handle/123456789/53354>.

⁹ Amro Khalid, *Khawatir Qur'an, Inya Najhrat fi Targeti Sawaril Qar'in, Tejam. Khuzain Abu Faqih* (Jakarta: Al-Y'Tashoom Kahiya Ummah, 2017).

¹⁰ Suherman, "The School of Ushul Fiqh and Maqashid Shari'ah." p. 360

¹¹ Al-Syatibi, *Al-Muwafaqat fi Ushul al-Ahkam*, Juz. III, hal. From 62-64 to 70.

¹² See Afridawati's journal, "Stratification of Al-Maqashid al-Khamsah and Its Application in Maslahah". *Al-Qishthu*, vol. 13 no 1, 2015. p. 20.

¹³ Ibid.

researched and the concept to be studied in order to get a meaning relevant to the munasabatul ayat; *fifth*, to prepare a discussion framework in accordance with the formulation of the problem from this study; *Sixth*, complete with valid supporting evidences from the hadith, the words of the Shahabah, the words of Tabi'in, the ijma' of scholars and the words of experts in their fields; and seventh, the conclusion of the research.

Results and Discussion

1. Safeguarding Religion (*Hifzh ad-Dīn*)

The first concept is to maintain religion contained in verse 54 of Surah al-Maidah. Allah *Subhanahu wa Ta'ala* said:

"O you who believe, whoever among you apostates from his religion, Allah will bring a people whom Allah loves and they love Him, who is gentle with believers, who is hard on disbelievers, who wage jihad in the way of Allah, and who is not afraid of reproach from reproaches. That is the gift of Allah, which He gives to whomever He wills, and Allah is Vast and All-Knowing."

In the explanation of this verse, Wahbah Zuhaili explained about the *Mufrodāt lughawiyah* contained in this verse. Wahbah Zuhaili elaborated the meaning of the word "من يرتد" , which is to get out of Islam. And "الردة" is to leave Islam to disbelief or to non-religious (atheist), or to abandon one of the pillars of Islam such as zakat openly and disobediently [14].

This verse also affirms the power of Allah *Subhanahu wa Ta'ala* who always maintains His religion by replacing apostates with people who are better at upholding and carrying out His Shari'a. They are people who are firm in their stance, stronger in defense and straighter in their path. as Allah *Subhanahu wa Ta'ala* said in Qs Muhammad: 38

And if you turn away, he will surely replace (you) with another race; and they will not be like this of you.

Also in the words of Allah *Subhanahu wa Ta'ala* in Surah Ibrahim verses 19 and 20:

"Do you not notice that Allah has created the heavens and the earth with right? If He had willed, He would have destroyed you and brought in a new creature (to replace you), and that would not be difficult for Allah."

Allah *Subhanahu wa Ta'ala* said in the verse about the criteria of His chosen ones who will replace those who apostatize. Zuhaili's teachings summarize and classify the characteristics of those who will replace apostates into the following 6 criteria:

1. Allah *Subhanahu wa Ta'ala* loves them, that is, he rewards them with the best reward for their obedience, glorifying, flattering and pleasing them.
2. They love Allah *Subhanahu wa Ta'ala* by following His commands and staying away from His prohibitions, obeying Him and wanting His pleasure, and abstaining from everything that brings His wrath and punishment.
3. They are gentle, humble and affectionate to the believers.

4. Be harsh and arrogant towards the disbelievers who are hostile to them.

These 2nd and 3rd attributes or criteria are as mentioned by Allah in verse 29 of Surah al-Fath, Allah *Subhanahu wa Ta'ala* said:

"Muhammad was a messenger of Allah and those who were with him were harsh against the disbelievers, but had compassion for their fellow among them."

Also said Allah *Subhanahu Wa Ta'ala*. About the nobility, strength, authority, and superiority of faith in Surah al-Munafiqun verse 8:

"Even though the strength is only for Allah, for His Messenger and for the believers, but the hypocrites do not know."

1. They struggle in the way of Allah *Subhanahu wa Ta'ala* , which is to fight for the nobility of the sentence of Allah *Subhanahu wa Ta'ala* and His religion. *Sabilillah* or the path of Allah *Subhanahu wa Ta'ala* is the path of truth, goodness, virtue, and monotheism that leads to the pleasure of Allah *Subhanahu wa Ta'ala* as well as the struggle to defend the homeland, family and region where they live.
2. They are not afraid of reproach from those who reproach them, they are not afraid of ridicule, protest and criticism of anyone, because of their religious firmness, solidity, and steadfastness. It is also because they do good deeds in order to uphold the truth and eradicate falsehood, in contrast to the attitude of hypocrites who fear the reproach of their Jewish allies [15].

All of these are the gifts of Allah *Subhanahu wa Ta'ala*. which He gives to whomever He wills and gives taufik to whomever He wants to attain bounty. Allah *Subhanahu wa Ta'ala* is Vast in His wealth and vast in His bounty.

Some opinions are dissenting as to who will replace the apostates referred to here. Some argue that what is meant here is Abu Bakr and his companions (*may Allah be pleased with him*). There is another information that says that the people in question are the people of Yemen. And there is another information that says that what is meant here is the people of Abu Musa al-Ash'ari.

In this case, Imam ath-Thabari gave the opinion that the people whom Allah will bring and Allah loves them and they love Allah are the people of Abu Musa who came from Yemen. This is based on the narration that states that the Prophet when reading this verse said, *"They are the people of Abu Moses"* [16]

While those who are meant to be apostates in the verse as explained in the narration, They are 11 people or groups. Among them are those who came from the tribes that existed in the time of the prophet, namely the Banu Mudlij, the Banu Hanifah and the Banu Asad. During the leadership of Abu Bakr there were 7 tribes that apostatized, namely Ghatafan, Fazarah, Banu Sulaim, Banu Yurbu', some of Banu Tamim, Kindah and Banu Bakr bin Wail al-Hatham bin Zaid. With this, the number of apostates became 10 people, and during

¹⁴ Wahbah Zaheli, Tafsir al-Munir, (Jakarta: Gemma Human, 2013) Vol. E.H. Hallam. 563.

¹⁵ Wahbah Al-Zaheli, Tafsir al-Munir, Vol. E.H. Hallam. 566.

¹⁶ Muhammad bin Jarir Uth-Thabari, Tafseer At-Thabari, (Keru, Dar Ibn Jazi, 2015). Eve present. 576.

the leadership of Umar bin Khattab, Jabalah bin Aiham al-Ghassani apostatized. With this, the number becomes 11 people or groups^[17].

After examining and studying more deeply, this sentence is in line with the concept of religious care. Where Allah affirms that He has power over every soul and proves that Allah does not need a servant, but a servant who needs Allah in all his affairs, as Allah *Subhanahu wa Ta'ala* said in Qs Fathir verse 15:

"O man, you are the one who will in God; and Allah He is the Richest (does not need anything) and is Praiseworthy."

The verse in this surah al-Maidah also reminds a servant to avoid apostasy and always improve the quality of piety.

2. Safeguarding the Soul (*Hifzh an-Nafs*)

The concept of taking care of the soul is found in the 32nd verse of Surah al-Maidah, Allah *Subhanahu wa Ta'ala* said:

"Therefore We have established (a law) for the Children of Israel, that whoever kills a man, not because he (kills) another man, or because he does not cause damage to the earth, it is as if he has killed all men. And whoever preserves the life of a man, it is as if he has preserved the life of all men. And indeed, Our Messengers came to them with clear information, and many of them thereafter went beyond the limits of doing harm on the earth."

This verse is an explanation of the previous verse that explains the story of the two sons of the Prophet Adam *'Alaihi (peace and blessings of Allaah be upon him)*, namely Qabil and Habil^[18]. When Allah asked the Prophet Adam to marry his daughter to his son because of an emergency. In the past, every time Prophet Adam had children, his children would be born twins, and the custom of Prophet Adam was to intermarry his children. Habil has a brother who is not beautiful while Qabil's brother has a beautiful and beautiful face, therefore Qabil wants to marry his twin brother. However, the idea was not approved by the Prophet Adam. So the Prophet Adam gave a solution so that every Habil and Qabil prepared a sacrifice, then for the sacrifice that Allah accepted, he was allowed to marry the beauty. Then the sacrifice of Habil was accepted by Allah *Subhanahu wa Ta'ala*.

The hasad that existed in Qabil made him not accept the decision. So he planned to kill his brother. Habil, who knew his brother's intentions, also tried to advise him with strong, touching and memorable advice that reminded him of the punishment of the hereafter. But Qabil ignored it and Habil was killed.

Allah *Subhanahu wa Ta'ala* explained this story to explain the impact of hasud, spiteful, egocentric feelings. All of this brings danger, disaster, and ugliness. Feelings of hasud, envy, and egocentricity can damage the bond of brotherhood between two brothers, and can result in bloodshed^[19].

The consequence of the murder as mentioned by Wahbah Zuhaily in *al-Munir* is the establishment of *the law of qishash*. The cause is a heinous crime and the bad deeds are committed by someone to their own brother in a tyrannical

and persecuted manner. This law is found in the Torah that applies to the Children of Israel, because the Torah is the first book that forbids murder^[20].

Explicitly, the verse does not only explain the consequences of the act of murder, because in the words of the verse there is the word '*fasaad*'. In language, '*fasaad*' means damage or decay. Meanwhile, what the Qur'an means here is destructive deeds^[21]. Wahbah Zuhaily interprets the meaning of '*fasaad*' here as doing damage on the earth in the form of acts that disturb security and order such as thieves and thieves so that it means that he has committed murder against someone without cause and sin, as if he has killed all humans.

On the side of Allah *Subhanahu wa Ta'ala* there is no difference between one soul and another. The act of violating one soul is like committing a violation against human society as a whole. Therefore, Allah *Subhanahu wa Ta'ala* said in Surah an-Nisa verse 93:

"And whoever kills a believer deliberately will be rewarded with Jahannam, and he will remain in it and Allah will be angry with him, and curse him and provide him with a great punishment."

This is a proof that shows that the human soul does not belong to him, but to the community in which he lives. Therefore, whoever commits a violation against a soul, even if it is in the form of suicide, he has the right to receive a painful adzab in the hereafter. Whoever guards and nurtures the life of a soul, in any way, it is as if he has preserved and preserved the life of all beings.

In *fiqhul hayah* (fiqh of life) in tafsir al-Munir, Wahbah Zuhaily explains that the verse (*مَنْ أَجَلَ نَفْسًا*) shows the sharia of *qishash* for the Children of Israel because it concerns a murderer. This verse does not hint at the story of Qabil and Habil, but it hints at what is mentioned in the story in the form of various forms of damage and losses that arise as a result of haram murder, namely deliberate and planned murder in a persecuted manner without a justified reason. Included among the damages and losses are as indicated by the verses (*فَأَصْحَابُ مِنَ الْخَسِرِينَ*) and (*فَأَصْحَابُ مِنَ الْفٰئِدِينَ*)^[22].

The harmony between the verse and the concept of soul care is clearly exposed here, where Allah *Subhanahu wa Ta'ala* describes the law in a story that has great meaning. This verse also illustrates how great the value of a Muslim's soul in the eyes of Allah *Subhanahu wa Ta'ala* is by equating killing one Muslim soul to killing all humans.

Allah *Subhanahu wa Ta'ala* also forbids destructive acts that can contribute to the security of society and equates it with the act of killing all human beings. Everything that Allah sharia in his religion must have wisdom and benefits in it.

3. Safeguarding the Intellect (*Hifzh al-'Aql*)

In the Qur'an, the concept of maintaining reason is found in many places, such as in Surah al-'Alaq verses 1 to 5 or the verse that first came down. This verse contains a call and encouragement to read and learn. And all of that cannot be

¹⁷ Wahba Zaheli, Tafsir al-Munir. Component. Ye, Hallam. 564.

¹⁸ This is the opinion of a large group of salaf and khalaf scholars.

¹⁹ Wahba Zaheli, Tafsir al-Munir, (Jakarta: Gemma Insaniyat, 2013) Hallam. 484

²⁰ Ibid.

²¹ "Translation and meaning of corruption in Indonesian in the dictionary of meanings. Arabic-Indonesian Dictionary of Terms Page 1," diakses 5 Agustus 2021, <https://www.almaany.com/ar/dict/ar-id/%D9%81%D8%B3%D8%A7%D8%AF/>.

²² Wahbah Al-Zuhaily, Tafsir al-Munir, Vol. E.H. Hallam. 488.

realized properly except with a device of reason ^[23]. And one of the verses that *zhahir* calls for the preservation of the intellect is found in Surah al-Maidah verse 90, Allah *Subhanahu wa ta'ala* says:

"O you who believe, indeed, (drinking) khamr, gambling, (sacrificing for) idols, drawing fortune with arrows, are among the deeds of the devil. So stay away from these deeds so that you may have good luck."

Khamr is any kind of intoxicating drink that shuts down the function of the intellect. *Khamr* can also be grape water that is boiled very hot and foamy. According to the majority of scholars, *khamr* is all drinks that are intoxicating and damage the function of the intellect. *Hanafiyyah* scholars argue that when *khamr* was forbidden, Arabs called *khamr* for a drink made from grape water. Therefore, they argue that *khamr* only comes from this type only. As for other drinks that can be intoxicating, they are not called *khamr* because language is not formed through *qiyas* ^[24].

The prohibition also applies to all those who are intoxicating because of their intoxicating nature, not because all those who are intoxicating are called *khamr* ^[25]. This is the opinion of Ibn Umar. *Jumhur* argues that *khamr* is the name for all drinks that spoil the mind ^[26]. Therefore, apart from what comes from wine, the law is also haram based on the verse of the Qur'an in Surah al-Maidah. This is the opinion of Umar bin Khattab. He said: *"There are five types of khamr that are forbidden: those of wine, dates, honey, coarse wheat, wheat."* Ibn Abbas's opinion about *khamr* is all that closes the mind. This opinion is based on the hadith of the Prophet Muhammad (*peace and blessings of Allaah be upon him*) narrated from an-Nu'man bin Bishr, *"Indeed, from wheat there is khamr, from coarse wheat there is khamr, from dry wine there is khamr, from dates there is khamr, and from honey there is khamr."* (HR. Ahmad)

Likewise, a hadith narrated by Imam Ahmad, a Muslim and the author of the book of Sunan except Ibn Majah, narrated from Ibn Umar that the Prophet (*peace and blessings of Allaah be upon him*) said:

"All that is intoxicating is khamr and all khamr is haram".

On that basis, *Jumhur* is of the opinion that all intoxicating things are unclean based on the words of Allah *Subhanahu wa Ta'ala* (رَجَسَ) and with the existence of a limit (punishment) for the perpetrator. Likewise, *Hanafiyyah* scholars are of the opinion that intoxicating drinks that are not boiled, namely drinks from raw or half-cooked dates and grapes, dry wine soaking, and uncooked dates are *najis mughallazah* (heavy uncleanness), just like *khamr*. This is the opinion of Imam Abu Hanifah in one of the strong narrations because the *ruling is haram*, whether a little or a lot. Therefore, if it is more than one dirham, it cannot be tolerated. As for those that are boiled, such as *al-mutsallats al-'inabiy*, which is boiled with wine water until one third remains, and also *jumhuri*, which is wine water that is added with ordinary water until it is diluted, it is not unclean according to Imam Abu Hanifah and Abu Yusuf ^[27].

The background of the descent of this verse is as narrated by Imam Ahmad from Abu Hurairah that when the Prophet came to Medina and its inhabitants drank *khamr* and ate from the proceeds of gambling. The companions asked the Prophet about the laws of the two cases. Then Allah *Subhanahu wa Ta'ala* sent down the verse:

"They ask you about khamr and gambling. Say: "In both there is great sin and some benefit to man, but the sin of both is greater than the benefit." (Qs. Al-Baqarah: 219)

Then the companions concluded that Allah did not forbid *khamr*, but said that *khamr* is a great danger. Until one day there was a friend of Muhajirin who received the maghrib prayer and the recitation was irregular. Therefore Allah *Subhanahu wa Ta'ala* sent down a more strict verse against this *khamr*. Allah *Subhanahu wa Ta'ala* said:

"O you who believe, do not pray while you are drunk, so that you understand what you are saying" (Qs. An-Nisa: 43)

Then Allah sent down the 90th verse of Surah al-Maidah. Until the end of verse 91 *فَيَهْلِكْ أَتْمُ مَنَّهُونَ*, the companions decided to stop drinking this *khamr*. Some of the companions said, "O Messenger of Allah, many companions have died in jihad, some have died in their beds. They used to drink *khamr*, eat from gambling, as Allah classifies it as unclean and includes the deeds of Satan." So Allah *Subhanahu wa Ta'ala* sent down a verse in answer to them:

"There is no sin for those who believe and do righteous deeds because they eat the food they have eaten before." (Qs. Al-Maidah: 93)

In other editorials, Ibn Jarir, an-Nasa'i, al-Baihaqi, Abd bin Humaid, Ibn Mundzir and Ibn Mardawaih narrated from several people, this narration is also quoted in the book *Saheeh Asbabun Nuzul* ^[28]. They said, "The prohibition of *khamr* concerns two tribes of ansar. After getting drunk, they do everything to each other. And after they came to their senses, one of them saw marks on his face and beard. Then he said, 'The one who did this is my brother the fulan'. Even though they are brothers and have no grudges. Then he said, 'By Allah, if my brother is a meek man, he would not have done this to me,' so that a resentment arose in their hearts. Then Allah *Subhanahu wa Ta'ala* sent down the 90th verse of this surah al-Maidah.

Some of the companions also asked, '*Khamr* is unclean, while he is in the stomach of the fulan. He was killed in the Battle of Uhud. Then Allah sent down the verse (*لَيْسَ عَلَى الَّذِينَ ءَامَنُوا (وَعَمِلُوا الصَّالِحَاتِ* ^[29].

The Jahiliyyah Arabs are people who are addicted to *khamr* and have a dependence on it. If it is forbidden to them at one time, the majority will not be able to let it go. In Surah al-Baqarah, Allah insinuates a little about its haram. In Surah an-Nisa, Allah forbids it only at prayer times so that they do not drink it during the day, but drink it at night. And in the

²³ "The Origins of Memorizing the Five Faculties in the Evidence of the Qur'an | Muslim website," Diakses 7 Agustus 2021, <https://almoslim.net/elmy/284305>.

²⁴ Wahbah Al-Zaheli, Tafsir al-Munir, Vol. Eve Hallam. 59.

²⁵ Abu Bakar al-Jashshash, Ahkamul Koran lil jashshash (Beirut, Dar Ihya at-Turast al-'Arabi,1996) juz. Case II. 6.

²⁶ Muhammad bin Abdillah al-'Arabi, Ahkamul Quran Ibnu Arabi (Beirut, Dar Fikri 'Arabi, t.th) Juz. Case I. 150.

²⁷ Wahbah Al-Zaheli, Tafsir al-Munir, Vol. Eve Hallam. 59.

²⁸ Muqbil bin Hadi al-Wadi'i, Sahih Asbakar. (Sahih Al-'Aaal, 2009) 101.

²⁹ Wahbah Al-Zaheli, Tafsir al-Munir, Vol. Eve Hallam. 57.

end, Allah forbade *khamr* in its entirety with the descent of this verse.

In a narration from Ibn Mundzir from Said bin Jubair, it is stated that Umar said "*Khamr* is juxtaposed with gambling, idols and the drawing of fate? Stay away from you and the perpetrators." So the companions abandoned him.

The haram of *khamr* can be reviewed from several sides. First, from the sentence structure in this verse begins with the word (نما) which gives the meaning of restriction. Basically, the word (نما) is meant as hashr (حصر) which is a restriction. This is the madzhab Jumhur, the scholar of the language, and Ushul Fiqh^[30]. Then the word *khamr* is juxtaposed with idols and the drawing of fate, this is an ugly deed both from the perspective of sharia and reason. Secondly, all of them are called unclean (رجس) and are labeled as satanic deeds, and that is an evil. Third, the word 'stay away' is not only a prohibition and prohibition, but it also contains the meaning of throwing away as far as possible. And finally, Allah makes the act of staying away from all that is forbidden as a blessing and victory.

The concept of guarding the intellect is directly mentioned in this verse. Allah commands his servants to guard the intellect from everything that damages the function of the intellect such as *khamr*. Even Allah calls it a satanic act and juxtaposes it with gambling and drawing fortune. So lucky for anyone who is able to maintain his intellect.

4. Keeping the Offspring (*Hifz an-Nasl*)

The concept that encourages in maintaining offspring is explicitly found in 10 places in the Qur'an^[31]. For example, in Surah an-Nisa verse 3 which encourages Muslims to maintain offspring and honor even by marrying 4 women in their lives. And this concept is also found in the 5th verse of Surah al-Maidah. Allah *Subhanahu wa Ta'ala* said:

"With the intention of marrying her, not with the intention of committing adultery and not (also) making her a mistress"

Linguistically مُخَصِّنِينَ is the plural form of the word مُخَصِّنٌ which means a person who guards. And what is meant in the Qur'an in this verse are those who guard themselves against adultery. And مُسْفِحٌ means one who commits adultery. While the meaning of the sentence عَتِرَ مُسْفِحِينَ is not to commit adultery with these women openly, or not to commit adultery openly. And الخدن is the singular form of أَخْدَانٌ which means friend, both male and female. But the meaning of the sentence أَلَّا تُخْفِي أَخْدَانٌ in the verse is not to commit adultery secretly. All of these meanings are the perspective of Wahbah Zuhaili in the tafsir al-Munir^[32].

This verse contains the sharia of marrying the women of the believers who are *muhshanah* and the women of the Ahlul Kitab who are *muhshanah*. What is meant by *muhshanah* women here is independent women according to the opinion of Mujahid and the majority of scholars. Meanwhile, in the opinion of Ibn Abbas, it is a good woman (protecting herself from adultery)^[33].

This verse also contains the permissibility for believers to marry independent women from women believers and from

women who are experts in the Book. Both the women of the Book Expert have the status of infidels, *dzimmi*, or *harbi*. This applies if the dowry or dowry can be paid. In this verse, the mention of *qaid* or the qualification for dowry payment here is to emphasize the law of the obligation to pay dowry, not because it is a condition for marriage to be halal.

Independent women have a special position in this verse. Because the mention of independent women is more intended to provide encouragement to marry women who have the main position of existing women. It does not mean that other than free women are not halal, because marrying a Muslim female slave is legal based on agreement, including according to Imam Abu Hanifah.

It is permissible to marry independent women who protect themselves and their honor from adultery, on the condition of paying their dowry or dowry, with the intention and purpose of protecting and preserving themselves from adultery, not to spill 'water' carelessly through overt adultery and not through secret adultery, i.e. having an illegitimate mistress or mistress^[34].

At the beginning of the verse, Allah *Subhanahu wa Ta'ala* describes the halal law of the food of the book expert. The food referred to here is the slaughter of book experts according to the majority of scholars. Because slaughtered animals can turn into food with the slaughtering process they do. As for other foods such as bread, fruits and so on, then it is mubah for all humans. Therefore, there is no relevance here to discuss regarding the book experts. Food or slaughter of Muslims is also halal for book members. Muslims may distribute their slaughter to the scholars of the book or sell it to them.

After explaining the law of food and marriage with the woman of the book, it is necessary to underline that there is a difference in the law between slaughter and marriage. Slaughtered animals are allowed for both parties because their halalness does not imply anything haram. In contrast to marriage, only Muslim men are allowed to marry women who are experts in the book and men who are experts in the book are not allowed to marry Muslim women. This is because if men who are experts in the book are allowed to marry Muslim women, then they also have the authority of sharia or legal to do anything to their wives. And Allah *Subhanahu wa Ta'ala* forbids to provide a sharia gap for the disbelievers to control the Muslims^[35].

In maintaining offspring, all aspects that have a relationship with offspring must be clear. For example, in this verse, Allah *Subhanahu wa Ta'ala* emphasizes the function of marriage and explains the law of marriage with a scholar of the book. One of the purposes is all so that the nasab can be studied clearly. And oppose the act of adultery because it can damage the nasab and break the bond of friendship.

5. Safeguarding Property (*Hifz al-Māl*)

In the stratification of maqashid khamsah, the concept of protecting property is in the last stage according to al-Ghazali's opinion. The treasure referred to in the Qur'an is the treasure of Allah *Subhanahu wa Ta'ala* which He gives from His bounty, Allah *Subhanahu wa Ta'ala* said in Surah Ali Imran verse 180:

³⁰ Hasan al-Jaizy, "Lafadz INNAMA ~ Catatan Hasan Al-Jaizy," Lafadz INNAMA ~ Catatan Hasan Al-Jaizy (blog), 6 Juni 2012, <http://diary-hasanel-jaizy.blogspot.com/2012/06/lafadz-innama.html>.

³¹ "The Origins of Memorizing the Five Faculties in the Evidence of the Qur'an | Muslim website." Diakses pada 8 Agustus 2021.

³² Wahbah Al-Zaheli, Tafsir al-Munir, Vol. E.H. Hallam. 422.

³³ Ibid.

³⁴ Wahbah Al-Zaheli, Tafsir al-Munir, Vol. E.H. Hallam. 425.

³⁵ Wahbah Al-Zaheli, Tafsir al-Munir, Vol. E.H. Hallam. 426.

"Never let those who are unworthy of the wealth that Allah has given them from His bounty think that piety is good for them."

In Surah al-Maidah, the verse that clearly mentions the concept of property protection is found in verse 38. Allah *Subhanahu wa Ta'ala* said:

"The man who steals and the woman who steals, cut off the hands of both (as) retribution for what they have done and as a punishment from Allah. And Allah is Mighty and Wise."

Wahbah Zuhaili in his commentary interprets (السَّارِقُ) as a person who takes property secretly and secretly from the proper place of storage^[36].

As-Sariqah or theft is the stealthy and discreet taking of property from its standard and proper storage (*hirzul mitsl*). *Al-Hirz* or storage is of two kinds. First, storage which is indeed a place to store and maintain, such as houses, storage boxes and others. Second, storage by involving external elements, namely guards, such as public places guarded by a guard officer, as well as items whose owners are nearby. *Al-Hirz* means something that is usually made to guard and store property^[37].

Allah *Subhanahu wa Ta'ala* establishes and commands the managers of power and government to apply the punishment of cutting off the hands of thieves, both men and women. Whoever steals is sentenced to have his hands cut off. The meaning of the sentence *Then cut off the second hand*". The part of the hand that is cut off starts from the wrist. Meanwhile, theft whose perpetrator can already be punished with the limit of cutting off his hand is if the stolen property is worth a quarter of a dinar or more, according to the majority of scholars other than *hanafiyyah scholars*.

Wahbah Zuhaili said about the limit of theft, first, the hand that is cut off is the right hand. Then if he commits another theft, his left leg will be cut off starting from the ankle. Then if he repeats the act of stealing again, his left hand is cut off. Then if he still repeats the act of stealing, then his right leg is cut off. Then if he repeats the act of stealing again, he is punished with *takzir* and imprisoned^[38].

The act of theft can be determined and proven by two pieces of evidence, the first is a confession (the perpetrator) and the second is *bayyinah* (two witnesses). The penalty of *theft* can be extinguished by the forgiveness of the perpetrator, or by repentance, before the case is reported to the priest or judge. It can also be lost by changing the status of the stolen property to the property of the perpetrator with the donation and others, even if the case has been reported to the judge, according to the madhhab Imam Abu Hanifah and Muhammad^[39].

This is based on a hadith narrated by ad-Daruquthni, where the Messenger of Allah (*peace and blessings of Allaah be upon him*) said:

"If someone steals, then cut off his hand. Then if he steals again, then cut off his left leg. (HR ad-Daruquthni)"

This is the opinion of *Malikiyyah* scholars and *Shafi'iyyah* scholars. Meanwhile, *Hanafiyyah* scholars and Hanabilah

scholars said that if the thief's right hand and left leg have been cut off if he commits theft again, there will be no more law to cut off him.

A thief can only be sentenced to have his hands cut off, if he is indeed a person who has reached puberty and is sensible, as these two conditions are common in all *sharia* decrees, including *the punishment of limits*. In this case, there is no difference between whether the perpetrators are group or single. And it is also required that there should be no element of *shubhat* (doubtful indications), such as the theft of something from the mahram's own relatives, the theft of a guest from the person who entertained him. This is based on a hadith narrated by Ibn Adiy from Ibn Abbas,

"Pray (avoid) the imposition of the punishment of limits with the yubhatan."

Also, the stolen treasure was indeed stolen from *al-Hirz* with both of the above. This is based on a hadith narrated by Abu Dawud, an-Nasa'i and Ibn Majah from Abdullah bin Amr:

"That the Messenger of Allah (peace and blessings of Allaah be upon him) said. Asked about the date palm that was still on the tree, he said, "And whoever steals something from it after it has been put in a drying basket and what he steals reaches the price of a shield, then he must be cut off."

Then Allah *Subhanahu wa Ta'ala* explained the meaning of *the punishment of the limit* of theft. Actually, the punishment of cutting off the hands of male and female thieves is a reward for both of them for the bad deeds and actions committed, as a form of insult to the perpetrator, providing a deterrent effect so that they do not repeat the act of stealing, as well as becoming a lesson for other people.

In carrying out this punishment, although there are some people who view it negatively and cynically, this is a suitable and very effective punishment sanction so that it can provide a more deterrent effect, and can create more security for people's property and soul. No one can understand and feel the various effects of psychological and mental harm caused by the crime of theft, as well as the anxiety, worry and fear caused by this one crime.

The crime of theft spreads anxiety, worry, anxiety and fear so that areas that are being hit by rampant theft crimes are all threatened by various dangers. When a thief breaks into a house at night or during the day, it is enough to make the surrounding community panic, even to the point of murder and other dangers.

This condition of course contains *extraordinary harm* and disturbances that cannot be known at the end or cannot be predicted and imagined the consequences caused. How many people are aging and women and children are deprived of their livelihoods, and how many fears cause people to not sleep peacefully in their homes.

Wahbah Zuhaili even assessed that the crime of theft can sometimes have a more acute impact than murder. The reason is because murder is a personal incident whose impact can instantly disappear for people other than the family of the victim killed and the scope is only limited between the

³⁶ Wahbah Al-Zaheli, Tafsir al-Munir, Vol. E.H. Hallam. 509.

³⁷ Wahbah Al-Zaheli, Tafsir al-Munir, Vol. E.H. Hallam. 511.

³⁸ Ibid.

³⁹ Wahbah Al-Zaheli, Tafsir al-Munir, Vol. E.H. Hallam. 513.

perpetrator and the victim^[40].

As for the crime of theft, its effects and impacts are massive, even, always haunting and threatening and lurking property owners, kiosk owners, other places of business, so that they are always far from the so-called sense of calm and their wealth is always threatened by their safety.

Then Allah *Subhanahu wa Ta'ala* emphasized the necessity of imposing a *limited* punishment on the perpetrators of theft. Allah *Subhanahu wa Ta'ala* has total power in realizing His commandments and enforcing them as He pleases. Allah *Subhanahu wa Ta'ala* does not impose but a rule of law that must contain *mashlahat* and wisdom.

Wahbah Zuhaily also emphasized that Allah *Subhanahu wa Ta'ala* must apply punishments that according to Him are more appropriate and more effective in breaking the chain of crime, more effective in eradicating the roots of crime, more effective in providing a deterrent effect, so that the perpetrator and others do not dare even if they are only limited to thinking about committing the same criminal act. It is as if Allah *Subhanahu wa Ta'ala* wants to convey the message that, "Do not underestimate the case of the thieves. Be firm in applying the penalty of limitation against them. For it contains goodness in the true sense, even though it is not liked by those who envy and criticized by ignorant and ignorant people."

Allah expressly mentions the consequences of theft in Surah al-Maidah. This is in line with the concept of safeguarding property, namely by preserving what Allah entrusts to his servants and using it in the right way.

Conclusion

Based on the results of the research conducted on the concept of maqashid khamsah contained in Surah al-Maidah from the perspective of tafsir al-Munir by Wahbah Zuhaily, the following conclusions can be drawn:

In Surah al-Maidah, the verse containing the concept of maqashid khamsah is found in verses 54, 32, 90, 5 and 38. The order is in accordance with the stratification according to al-Ghazali in his book *al-Mushtashfa*, namely *hifzh ad-din* (guarding religion), *hifzh an-nafs* (guarding the soul), *hifzh al-'aql* (guarding the intellect), *hifzh an-nasl* (guarding the descendants), *hifzh al-mal* (guarding property). Wahbah Zuhaily did not directly mention the concept of maqashid khamsah, but interpreted the verse by conveying values that are in line with the purpose of maqashid khamsah.

And if we look at the theory of Imam as-Syatibi about how to maintain maqashid khamsah, then the 54th verse of Surah al-Maidah is about maintaining religion, and the 90th verse is about maintaining reason and the 38th verse is about protecting property contains a type of protection in terms of non-existence (*min nihayatil 'adam*). While the 5th verse about taking care of offspring is guarding in terms of existence (*min nihayatil exists*). And in verse 32 Surah al-Maidah has two types of guarding. That is, the guard in terms of nothingness (*min nihayatil 'adam*) found in the first paragraph of the verse and the guard in terms of existence (*min nihayatil wujud*) found in the next paragraph of the verse. And all of these verses can be used as evidence for the concept of maqashid khamsah.

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⁴⁰ Wahbah Al-Zaheli, Tafsir al-Munir, Vol. E.H. Hallam. 514