

Analysis of the Basic Principles of Ownership in Islam Perspective of Hadith Study

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ABSTRACT

Every economic system has characteristics, so a system deserves to be called an established economic system. No exception to the Islamic economic system. The property ownership model is among the unique features of the Islamic economic system. This study aims to determine the extent to which the principle of ownership in Islamic economics can be used as a basis from a hadith perspective. The method used in this research is a literature study using the Jamami'ul Kalim software to find the position and quality of hadith related to property ownership. In the search, it has been found several hadiths that do have the quality of sanad and Matan, which are classified as vital. However, some hadiths have dho'if qualities. The paper concludes that Islamic economics can be called an economic system that stands alone, which differs from capitalist and socialist systems based on the ownership model. Islamic economics offers 3 types of ownership: relative, individual, and general. Based on the hadith search, these 3 offers have their basis. According to the author's opinion, all three of them deserve to be used as the basis of ownership in Islam, even though there are weak hadiths in the general ownership section.

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1. INTRODUCTION

The world economy recognizes three economic systems that have always been the subject of discussion among academics, namely the socialist/communist economic system, capitalism, and Islamic economics. (Nawawi, 2012) All three have their own characteristics and characters. The Capitalist understanding that extorts human resources leads to the birth of a Socialist/Communist economic system so that human intervention has a very dominant role. This causes individuals to be constrained in carrying out economic activities. However, in fact, everything is aimed at the common good. In this case, the state has responsibility in the distribution and production process to the entire community.

Next is the capitalist economic system as opposed to the socialist economic system, in which the state loses the central role in the economy. The core purpose of this system is to grow the economy,

therefore all individuals can carry out economic activities with the recognition of personal property rights.

The Islamic economic system is an economic system that emerged as a result of the birth of Islam. This system is claimed to have been born earlier than the two systems mentioned above. That is, around the 600s, while Capitalists emerged in the 1700s and Socialists around the 1800s. This Islamic economy was born and experienced development along with the emergence and development of Islam in the world. When the Prophet settled in Mecca, economic activities had not been carried out because the struggle of Muslims was more focused on monotheism. But when the Prophet moved to Medina, he was made a leader, and at that time he was able to manage the government well. (Syafiq, 2007)

In terms of property ownership, Islamic economics divides it into 3 things, namely relative ownership, individual ownership, and public ownership. Islamic economics does not prohibit individual ownership like the socialist system which can result in the exploitation of human resources. However, it also does not give full individual ownership rights to humans, resulting in an uneven economy.

Not a few of the basic concepts of economics initiated by the capitalists were then well restated by Muslim economists. Concepts that are based on the main source of law and requests from the ruler. The idea of Muslims is used as a guide in implementing capitalist economic policies. The same is true of non-Muslim European students. At that time, the richness of the field of knowledge in Islam was so close to European thinkers who had carried out the translation of Muslim scientific works into various Western languages. (Mannan, 2012)

Islamic economists are often faced with two basic problems when talking about sharia economics, namely: is sharia economics a system or a stand-alone science? Some of them argue that sharia economics is a system because it is something comprehensive and complex and interconnected. While the other part argues that sharia economics is a discipline in its own right because it can be formulated systematically, logically, and philosophically as a science. (Mannan, 2012)

In this regard, Agustianto argued that these two things should not be debated because they are both true. Islamic economics is termed as a system, because it is part of a complete order of life. In the concept of Islamic economics, the concepts of money, finance, production, distribution, etc. Islamic economics also has four essential parts of knowledge which are the science of revelation, As-Sunnah, Ijtihad and Ijma' of the scholars' which can be used to solve various problems in life. On the other hand, Islamic economics can be termed as a science because it can be understood systematically, logically and philosophically, empirically rational and consistent with the principles of scientific research. So it can be said that Islamic economics as a science that has a concept of scientific views based on the revelation of Allah SWT. (Agustianto, 2002)

The theme taken from the discussion of this article is about the concept of property ownership in Islam. The concept of property ownership is one of the distinguishing features between the Capitalist, Socialist, and Islamic economic systems.

There are several studies found by the author related to the discussion of property ownership in Islam. Among them is written by Sirajuddin with the title Conceptual Reconstruction of Property Ownership from an Islamic Economic Perspective (Critical Study of Property Ownership of the Capitalist Economic System). This type of research is *library research* with a normative theological approach. This research provides results that show that the construction of the concept of Islamic economics is built based on Islamic beliefs, the Qur'an, al-Sunnah, Ijma' and qiyas which are used as the central point of his thought. In the view of Islamic economics, property ownership can be divided into three basic formulations, namely individual (personal), public ownership (communal) and state ownership. The Islamic economic view of property ownership cannot be built by destroying religious values as in the capitalist economy, nor does it mean distributing absolute free opportunities to private property, because it causes wealth to accumulate in a certain elite group, which can create distortions in the economy. (Sirajuddin & Tamsir, 2019)

Wahyuni also wrote about property and ownership in the Quran and Hadith. He explained that property ownership is the relationship between humans and assets determined by sharia in the form

of special treatment of property, which provides the possibility to be used in general until there is a prohibition on using it. (Wahyuni, 2019)

There is another similar study that focuses on property ownership. This research was written by M. Zia Ulhaq. The focus of the research is on property ownership according to the Qur'an and Hadith. The *maudhu'i* method is the method of interpretation used by researchers. The researcher found that absolute ownership is Allah SWT and humans as a will to maintain and prosper the earth for human life. Thus, the ownership of this property then becomes a tool for human life in maintaining the trust that has been given by using it as best as possible for happiness in this world and in the hereafter and for the benefit of mankind so that they can live a better life. (Ulhaq, 2019) In line with the research, the research conducted by Ali Akbar is also related to the concept of ownership in Islam. According to him, the concept of ownership in Islamic teachings comes from the paradigm that humans have a basic tendency (*fithrah*) to own property personally, but on the other hand still need other parties in their social life. Wealth that has been received in this world is a gift from Allah for humans so that it can be used as best as possible for the economic happiness of all mankind, in accordance with the will of Allah SWT. (Akbar, 2012)

In another study, Khairul Bahri Nasution also explained that property rights are the rights of every individual that must be complied with by other parties. However, so that something does not happen that can cause losses for the common good, there are several things that are the needs of the people's lives should not be taken ownership individually, and then managed for the welfare of mankind even though ownership to humans is relative. As with public ownership, no one person has the right to take over ownership, because the benefits of the object are used and managed for the benefit of all citizens. Some of the objects that should not be owned individually are highways, rivers, city parks, mining goods, and other natural resources because all of these objects are the necessities of life of many people. Which if this cannot be fulfilled, chaos will arise. Thus, the state has an obligation to regulate and maintain all natural resources for the needs of the community. (Nasution, 2020)

Ramli also researched the same topic related to ownership. However, in his writing, he only discusses the definitions, advantages and disadvantages of the concept of ownership in Capitalism, Socialism, and Islamic Economics. (Ramli, 2005)

Meanwhile, in this article, the author focuses on the hadith which is allegedly the basis for the concept of ownership in the Islamic economic system. The author will take a sample of hadith related to the theme of the writing. Then a search was carried out using the Jawamiul Kalim application to determine the quality of the hadith. The results of the search will be used to answer the research question, namely to what extent and to what extent is the concept of ownership in Islam used as a special feature in the Islamic economic system, which is ultimately said that the Islamic economic system is referred to as a stand-alone system, which is completely different from the capitalist and socialist economic systems. That is why this research is important to be carried out.

2. METHODS

This research is a library research that focuses on the study of Islamic texts, especially the hadith of the Prophet Muhammad SAW, which is related to the basic principles of ownership in the Islamic economic system. Literature research is chosen because the object of study is in the form of normative and scientific sources, not empirical phenomena in the field.

Types and Approaches to Research

This research uses a qualitative-descriptive approach with a normative-theological paradigm. This approach aims to understand and analyze the concept of ownership in Islam based on hadith sources, while placing it within the framework of the Islamic economic system conceptually. The analysis is done by interpreting the meaning of the hadith text and relating it to the principles of Islamic economics.

In addition, this study also uses a hadith study approach that emphasizes the analysis of sanad and matan to determine the validity of the hadith that is used as the basis for argument.

Data Source

The data sources in this study consist of:

1. The primary data source is the hadiths of the Prophet Muhammad PBUH related to the concept of property ownership in Islam, both relative ownership, individual ownership, and public ownership. These hadiths are traced from the hadith books collected in *the Jawāmi' al-Kalim* application.
2. Secondary data sources are in the form of supporting literature such as books, scientific journal articles, and academic works that discuss Islamic economics, the concept of ownership, and hadith study methodologies.

Data Collection Techniques

Data collection is carried out through documentation and literature search. Hadiths relevant to the theme of ownership were searched using *the Jawāmi' al-Kalim* application with keywords that were in accordance with the research theme. Furthermore, supporting data is collected from various scientific references to strengthen the conceptual analysis.

Data Analysis Techniques

Data analysis is carried out through the following stages:

1. Identification of hadiths, namely determining hadiths that are relevant to the concept of ownership in Islam.
2. Analysis of the quality of hadith, including the assessment of sanad and matan to determine the status of the hadith (*ṣahīḥ*, *ḥasan*, or *qāīf*).
3. Content analysis, which examines the meaning and substance of hadith in relation to the principle of ownership in the Islamic economic system.
4. A comparative-conceptual analysis, by comparing the concept of ownership in Islamic economics with capitalist and socialist economic systems, in order to affirm the distinctive characteristics of Islamic economics.

Conclusion Drawing Technique

Conclusions are drawn inductively, namely by compiling generalizations based on the results of hadith analysis and conceptual discussions. The conclusion is directed to answer the research question regarding the extent and how strong the concept of ownership in Islam has the basis of hadith and its position as a distinguishing feature of the Islamic economic system.

3. FINDINGS AND DISCUSSION

The Concept of Ownership in the Capitalist Economic System

According to the Indonesian dictionary of ownership, the root word *milik* means to have; rights, so ownership means something related to material things in the form of processes, actions, and ways of ownership. (Balai Pustaka, 1999)

In his book *The Wealth of Nations* (1776), Adam Smith argued that a prosperous society is one that implements free market rules and recognizes private property rights. This is then termed as a liberal or capitalist economic style. (Muhammad, 1997, p. 65) *Capitalism* is an economic system that allows the private sector to have the means of production. An economic system based on private property rights to various goods and personal freedom to make contracts with other parties (*freedom to contract*) and run businesses of their choice based on their own interests and to seek profit for themselves. (Winardi, 1992) It is clear that in a capitalist economy individual freedom occupies an important place, therefore the rules adopted are individualistic, giving only the interests of the individual priority. Carla describes the main characteristics of the capitalist economic system as follows: (Pol, 2002)

1. Man is free to have the means of production or capital goods
2. Humans are free to determine their own field of work and the scope of their business

3. Producers are free to determine how much to produce
4. Prices are determined by the market
5. Government or state intervention is limited to matters where the private sector is incapable of managing and maintaining law and order.

The capitalist economic system recognizes not only personal ownership of tangible goods, but also ownership rights of intangible goods, such as ownership of intellectual property rights such as copyrights and trademarks, and other rights arising from ownership of shares in a company. From a capitalist/liberal perspective, ownership is given to all citizens freely and competitively, because individuals who can dominate property because they have capital can dominate all goods produced. Sunaryati Hartono first explained absolute private ownership in the capitalist economic system which greatly supports the economic development of European countries. However, the facts prove that absolute private property and freedom of contract, which are the motto of European economic activity, cannot achieve the goal of a "prosperous common economy".(Haryono, 1982)

Next, Carla also explained 3 things that the capitalist system can harm the economy, namely:

1. Uneven distribution of income
2. Economic instability
3. The concentration of economic power among certain groups creates a monopoly position.

The Concept of Ownership in a Socialist Economic System

Socialism is an economic system in which the government or trade unions control and manage all the means of production, so that private companies are given restrictions and sometimes even eliminated entirely. In this socialist economic system, the joint use of the means of production is usually carried out by the government. There are 5 main characteristics of the socialist economic system presented by Carla:

1. All economic resources are owned and controlled by the state on behalf of the government
2. All economic and production activities must be carried out together
3. The central planning body consisting of the government determines the quantity and type of goods to be produced
4. The price and distribution of goods are determined and controlled by the government
5. All citizens of society are workers, and they are obliged to participate in production according to their ability.

This Marxist-socialist has the principle of equal or just distribution of production and wealth to each of its members. Individual ownership in a socialist economic system does not exist or almost non-existent. On the other hand, the existence or existence of state companies is the most important part in meeting the living needs of the people.

According to Carla, there are two (2) negative impacts of the Socialist system, namely:

1. Residents do not feel that they own the goods produced
2. Work motivation becomes narrow.

The Concept of Ownership in the Islamic Economic System Perspective of Hadith Study

1. Relative Ownership

Property derived from the Arabic word *milk*, linguistically in the Islamic view can mean " *To have something and be able to act freely towards it*". In terms, it can be interpreted as " *An intention that hinders another, according to the Shari'ah, which justifies the owner of the intention to act against his property at will, unless there is an obstacle*". In order to be able to own an individual, the Islamic economic system provides a condition for every Muslim to be active and involved in all kinds of economic activities. This means that the field of business in the Islamic view is so varied because Allah has spread this earth with all its contents for the benefit of his creatures, as long as it is not contrary to the Islamic law. (Suhrawardi, 2000)

The hadith that is commonly used as the basis for relative ownership is as follows:

عن عائشة قالت: قال رسول الله صلى الله عليه وسلم إن أطيب ما أكل الرجل من كسبه وإن ولده من كسبه. رواه ابن ماجه

Mean: "From Aisyah RA. He said: The Prophet PBUH said, "Indeed, the best thing that a person eats is what he gets from his own efforts, and indeed his children are the result of his efforts". (HR. Ibn Majah).

All the wealth that is on earth is the property of God, man's possession of things that come later and can in no way take away the eternal possession of God.

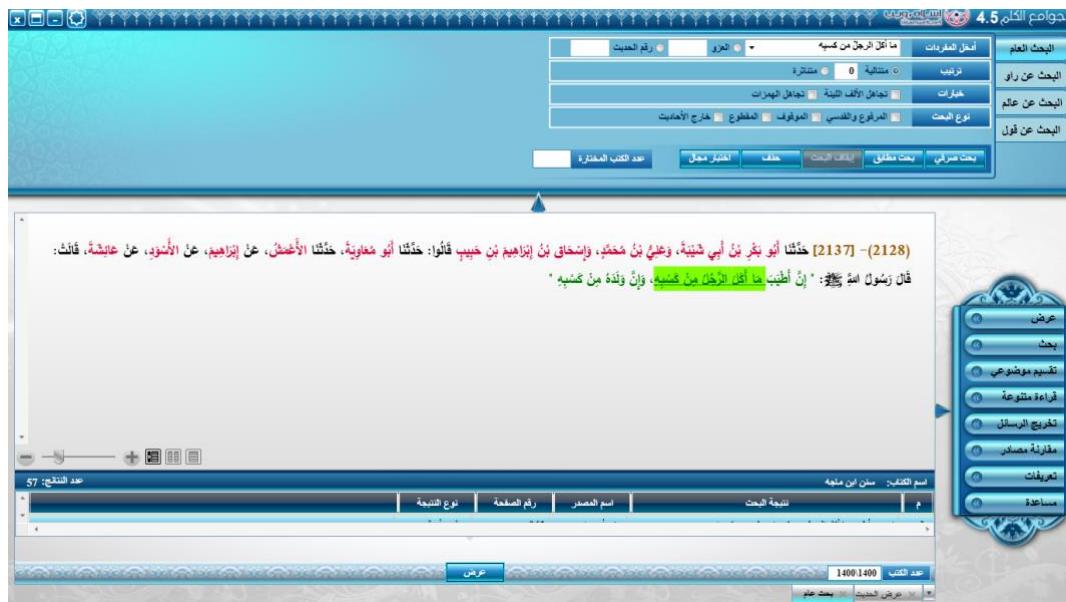


Figure 1. Initial Search





Figure 2. Sanad Quality

Based on the search, it was found that the hadith is a *marfu'* hadith. At first glance, it can be seen that this hadith can be accounted for. All of his sanads are connected and have trustworthy quality.

1. Private Ownership

Islam accepts the recognition of individual ownership, but it is not absolute ownership, but is limited by certain rules. Islam as a religion that is in line with human nature, has stipulated that every individual has the right to own personal property.

The hadith that is used as the basis for the ability to own personal property are as follows:

عن سعيد ابن زيد بن عمر وبن ثقيل، عن النبي صلى الله عليه وسلم قال : من قتل دون ماله فهو شهيد (رواه ابن ماجه)

Mean: "From Sa'id ibn Zaid ibn Umar and Ibn Tsaqil, from the Prophet PBUH said: Whoever is killed for defending his property, then he is a martyr.". (HR. Ibnu Majah)



Figure 1. Initial Search





Figure 2. Sanad Quality

Based on the search results, it was found that the hadith is a *marfu'* hadith. If you look at the quality of the sanad, it is found that all of them have trustworthy qualities. According to the author, this hadith can be used as the basis for personal property rights. Even Islam guarantees those who are killed for defending their property rights by martyrdom.

2. Public Ownership

Islam provides recognition of individual ownership that actually only pays attention to individual rights, as well as recognition of ownership in general that can be used by many people. This is so that the existing staples are not misused arbitrarily by some people which results in the needs of the masses not being taken care of.

The hadith used as an affirmation of property rights in general is as follows:

شُرَكَاءُ فِي ثَلَاثٍ فِي الْمَاءِ وَالْكَلَأِ وَالثَّارِ وَتَمَمَّ حَرَامٌ قَالَ أَبُو سَعِيدٍ يَعْنِي الْمَاءِ الْجَارِي

Means: "Muslims are united in three things; water, grass and fire. And the price is haram." Abu Sa'id said, "What is meant is flowing water."



Figure 1. Initial Search



Figure 2. Sanad Quality

Based on the search, it was found that this hadith is a *hadith of Dho'if* from the side of the sanad. Because there is one sanad whose biography cannot be traced. So in the context of hadith as the basis for determining the law, this hadith is not strong.

From the perspective of mata, it is explained that everything related to the basic needs of the community should not be traded. For example, water, water is a gift from God for the basic needs of mankind. Water is not a production item produced by a producer. So trading water is something that is prohibited.

According to the author, this hadith can be used as a basis for ownership in general even though it is defective in terms of its sanad. With the reason that in terms of the content of this hadith it will have a positive impact on life and does not violate the principle of benefit, so that the mission of the Sharia economic system, namely justice and prosperity, is realized.

4. CONCLUSION

The conclusion of the article is that Islamic economics can be referred to as a stand-alone economic system, which differs from capitalist and socialist systems based on the ownership model. Islamic economics offers 3 types of ownership, namely relative, individual, and general. Based on the search for hadith, these 3 offers have their own basis. According to the author, these three are worthy of being used as the basis of ownership in Islam even though in the section of public ownership there is a weak hadith.

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