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Akhmad Akbar Susanto, M.Phil., Ph.D.

USUL-APPROACH FOR ECONOMICS CASES:

Introduce Al-Qaradawi Approaches

Yuli Utami¹

ABSTRACT

The objective of this paper is mainly to introduce al-Qaradawi's economic thought and its relevance to contemporary development of Islamic economics discourse. His methodological approaches and discusses the debate that results from his selected writings in his books: Bay' al-Murāba'ah li al-'Amr bi al-Shirā' kamā Tajrīhi al-Ma'ārif al-Islamiyyah, Fawā'id al-Bunūk Hiya al-Ribā al-Harām, Dawr al-Qiyam wa al-Akhlāq fi al-Iqtisad al-Islāmī, Ri'āyah al-Bī'ah fi al-Shari'ah al-Islamiyyah, will inspiring the contemporary Islamic economist in doing ijihad. The findings show that al-Qaradawi sets new approaches in dealing with Islamic economics issues, such as ijihad intiqā'i, ijihad insha'i, and ijihad juz'i. Overall his thought can be categorized as reforming (tajdid), characterized by realistic (waqi'i), tolerance (tasamūl), ease (taysir) and moderate (wasatiyyah).

Keywords: Yusuf Al-Qaradawi, Islamic Jurisprudence Approach, Usul Fiqh, Wasatiyyah.



RESEARCH BACKGROUND

This paper will introduce the approach on Islamic Jurisprudence used by the most outstanding contemporary Muslim jurists today, and stands as one of the major authoritative references in matters pertaining to Islam Yusuf Al-Qaradawi (1926-); He is now commanding substantial followers in the Muslim world and over. His *fatāwā* exert a considerable influence especially on young and educated section of urban Muslim society. That is why the political establishment in the West cannot just slightly look into his juristic opinions. His verdict on economic boycott of American and Israeli products for instance (Abdullah, 2000) (Al-Qaradawi.net, 2002), though admittedly gives less significant impact on international and U.S. economy, has left considerable effect on political scenario in the Middle East. Mainly due to this fact, the US government has to take the issue into consideration seriously; for it is not sure where it will lead to future domestic and foreign-policies. (Dickey, 2002).

Al-Qaradawi is a prolific writer. He has written over a hundred books, besides articles that have been published in various journals or papers that he presented in numerous concurrences or workshops. His works deal with a range of issues, from *fiqh* to *uṣūl al-fiqh*, *tafsir* and science of the *Qur'ān* to *Hadith* and science of *Hadith*, economics to politics, culture, *da'wah* and other various aspects of daily life. It is for these reasons that some have come to describe him as encyclopedic. (Talimah, 2001)

Fiqh al-Zakāh, which is adopted from his doctorate dissertation in al-Azhar University, can be considered as Al-Qaradawi's masterpiece in Islamic economics. Since its publication, the book has received diverse responses, become the subject of debate and discussion among scholars and students of Islamic economics. It is not rare to find scholars, Muslims and Westerners, to quote his views from this book either to justify or to oppose particular views. In spite of some critiques addressed to this book, it remains one of the major references dealing with contemporary issues in *zakah*. Apart from this book, Al-Qaradawi also wrote other books dealing with economic matters like poverty, economic morality, trade financing, banking interest and environment.

A great number of Muslim scholars have written about Islamic economics (Chapra, 2000) (Kuran, 1993) (Saeed, 1999) (Hindi, 1996) (Philipp, 1990)² investigating various



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economic issues, although may not be dominant, have occupied the minds of philosophers, jurists, sufis, responding in their own way, for the discussion was not systematically independent on economic, gged in the works of *fiqh*, *tasawwuf* and *falsafah* that was dominated by revealed knowledge. In 1954, peter disregarded intentionally the Muslim's contribution of more than 500 years (the 'Great Gap') in k 'History of Economic Analysis.' However, the fact shown that contributions of Avicenna, Averoes nimonides appeared almost in all philosophy books of the 13th century. In 1940s Sayyid Abu'l A'la mdi was coined for the first time the term of Islamic economics. Others who talked were Sayyid Qutb

aspects related to it. However, their contribution seems to have been somehow different from the one espoused by Al-Qaradawi. He differs for instance from such Muslim economists as Muhammad Umer Chapra, Nejatullah Siddiqi, Monzer Kahf, and others. And that difference is discernible in the approach they employ in dealing with contemporary problems of economics. This difference perhaps stems from the educational background they had. While Chapra and Siddiqi are trained as economists, Al-Qaradawi is only educated as a jurist and Muslim preacher. Thus, the latter often approaches his subject matter from legal perspective, while the other two scholars from economic perspective. But this does not mean that his position is inferior to those western-educated Muslim economists. On the contrary, his, it seems, is more respected than others'. This is in evidence from a trust given to him by several banks and financial institutions to head *shariah* board committee in the last couple of years.

In spite of substantial contribution Al-Qaradawi has made to the development of contemporary Islamic economic thought, no serious study has been so far attempted. The present research is a humble attempt to shed a light on his thought so that students and practitioners of Islamic economics can benefit from his profound thinking.

OBJECTIVES AND RESEARCH QUESTION

The objective of this study is mainly just to introduce Al-Qaradawi's approaches and its relevance to contemporary development of Islamic banking and financial discourse. For this purpose, the research attempts to shed some light into selected contributions that he has made to the current discourse of economics. In spite of his intellectual outstanding in contemporary Islamic discourse, Al-Qaradawi's opinions are not without opposition. In this study, such objections and critiques are also discussed.

The concern of this study is also to survey the approach he had devised as he has employed a different set of methodologies in each topic and addressed economic issues from fiqh perspective; hence he uses *usul al-fiqh* methodologies in contemporary real cases in economics and finance. Methodology is one of the main components in the

and Muhammad Baqir Sadr (Kuran, 1993). The wake of Islamic Awakening which commenced to gain its momentum towards the end of 1960s, Islamic economics again began to attract attention with the establishing of Islamic banking (Hindi, 1996). Hence, after cited Abdullah Saeed (Islamic Banking), many Muslim scholars argued for it, though not few also ridiculed its visibility. According to (Philipp, 1990), actually the original discourse on Islamic economics can be dated back to 1950s as evidence from the publication of books, articles, and journals by Pakistani or Indian Muslim scholars. Philip estimated that up to 1975 there were already about 1000 books pertaining Islamic economics, 30% were in Arabic, 33% in English, and 27% in Urdu. Of all this work, almost 70% were authored by Pakistani or Indian Muslim scholars. These data show that Muslim scholars have really made a great contribution to the development of the discourse on Islamic economics.



foundations of economics. It provides arguments and rationalizations which are support various preferences utilized by economist in forming concepts, building models, formulating hypothesis, and testing theories. It also forms the study of reasons behind the principles on the basis of which various types of proportions are accepted or rejected. In short, methodology refers to not only the technical procedures (modeling techniques) used, but also to the choice of categories and preferred testing procedures and the underlying conceptualization of reality (the worldview) in relation to the preferred mode of reasoning as well as the standards used to appraise theories (Dow, 1996) (Machlup, 1978). Delving into this area is not new to Muslim scholars and some of Islamic economists, for Islamic laws i.e. *Fiqh* and *Usul Fiqh* (Islamic Jurisprudence) also deal with this issue. Usul Fiqh are a set of methodologies that governs how a Muslim jurist should work within the flexibility of the religion to best apply it to particular circumstances.³ For this purpose, Muslim jurist must relate the general Islamic jurisprudence to the specific circumstance of specific community, whereby what is suitable therein may not be suitable for others.

Islamization of Knowledge process requires the mastery of Islamic legacy as a prior condition; it first of all demands a comprehensive understanding of Islamic civilization and has direct access to the sources of Shariah (Al-Attas, 2005). One of the contemporary Muslim economists, Muhammad Anwar, tries to highlight some of the general principles Islamic Economics should have in its methodology. First, it must contain Islamically valid assumptions, institution, precepts, and postulates related to economic behavior of the individual and communities as extracted from the nucleus (defined as *Quran* and *Sunnah*); and second, the contemporary Islamic economists may choose the highly sophisticated methodology of traditional Islamic Scholars or he may select the promising western economic models and theories and cast them into an Islamic perspective (Anwar, 1999) (Ahmad, 1976). Therefore, if a researcher's empirical observations do not confirm the Islamic perspective, he must re-arrange and re-evaluate his data and/or re-examine his understanding of the Islamic principles. According to Louay Safi, there are four components that need to be utilized in formulating contemporary Islamic economics



They are knowledge of conventional economics and finance, knowledge of the *rath*) relating to economics and finance, western methodology of economics, methodology of economics (Safi, 1993). It is indeed very unfortunate, in spite

³[924.org](http://www.924.org), A Refutation of Fiqh al-Aqaliyaat (Fiqh Minorities) – A Jurisprudence to Islamization, October 02, 2003, pp. 2

of the importance of role it plays in formulating and conceptualizing such a highly demanded disciplines, it largely remains one of the areas received least attention from contemporary Muslim economists. Although less empirical test, this paper attempts to shed light on the technical procedures and underlying conceptualization that Qaradawi formulates in his dealing with economic issues, especially in issues pertaining to economic ethics, environment, banking and finance issues.

BANKING INTEREST AND TRADE FINANCING ISSUES

One of the characteristics of Qaradawi's legal thought is *priority-oriented* as manifestly reflected in the very title of one of his books *Fiqh al-Awlawiyyat*. He is against scholastic fanaticism (*al-ta'ssub al-madhhabi*) but rather calls for mutual appreciation in juristic disagreement (*al-ikhtilaf*) so long as it is still within the boundary of general principles of Islam (Al-Qaradawi, n.y.). Besides, Qaradawi's legal thought is also *realistic-oriented* where he always pays a close attention to surrounding socio-cultural, economic, and political circumstances of the society before passing any verdict. The concept of *maslahah* is one of principal guidance which Qaradawi always emphasizes when formulating his legal opinion. But he is not like some liberal Muslim scholars who on the name of *maslahah* have dared to challenge certain Qur'anic injunctions that have been stipulated as *muhkamat* or *qat'iyyah al-thubut wa al-dialalah* like issues pertaining to penal code, inheritance etc. He rather criticizes them, and calls them new *mu'attilah*, a term that previously employed to Mu'tazilah and other groups that deny *sifat* Allah (Al-Qaradawi, 2000). One of the instances that can quote to show his great concern over the *maslahah* is that of his fatwa on permissibility of woman to travel alone without being accompanied by her *mahram*. Although he has been opposed by some scholars due to the prophetic saying that requires a woman being accompanied by her male relative whenever she travels, Qaradawi is of firm belief that such a ruling is no longer attainable because the '*illah* (*ratio legis*) upon which this ruling established by the Prophet, that is fear of her safety, is not present any longer. It is the same approach that Qaradawi applies when dealing with economic issues like bank interest and trade finance.

QARADAWI'S USUL-APPROACH TO MURABAHAH ISSUE



er the holy Quran nor the Sunnah has made decisive prescription on issue o Murabahah. The Quran merely provides basic principles relating to, *inter* mance of obligations, writing of commercial contracts, rescission of unjust , and permissibility of trade and prohibition of *riba* in loan transactions. While n recognizes murabahah contracts, it does not stipulate any principles

concerning either their form or their substance. Quran has literal sense which acquires technical legal meanings to interpret its words. Usually this technique in *uṣūl fiqh* is called *bayān* (explication). This means that the holy Quran would explain and interpret itself. It can also take another form where the *Sunnah* would act as an interpreter of the *Quran* and elaborates the meanings ambiguous meanings found in it.

Sunnah is one of the sources of Islamic Shari'ah (Al-Qaradawi, 1984), upon which Muslim jurists establish their rules. There is no reason to reject it, especially when it confirms the whole standard required for authentic hadith. Hadith can engage into detail of problem.⁴ However, this exposition of theoretical method used by former Muslim jurists requires good knowledge of Arabic language and expertise in this area. The great jurists who have dealt with the subject with an eye on actual application such as Imam Shāfi'ī, al-Sarakhsī, al-Ghazālī, and al-Rāzī, used four methods of *dalālāt* (implication) to discover the *ahkām* from the Text (Khan Nyazee, 2003). According to Khan Nyazee, this system was the followed by succeeding jurists. They will list separate individual categories: *Ḍāhir* (Manifest), *Naṣṣ* (Explicit), *Mufassar* (Elaborated), and *Muhkam* (Unalterably Fixed).⁵ However, modern scholars, in their attempt to simplify things, have come up with an instructional device and have generalized the meaning of a text as *qat'ī al-thubūt* (definitive in transmission) and *qat'ī al-dalālāh* (definitive in meaning) but there is no such general category used by classical jurist.⁶ Therefore, modern scholars use aforementioned methods: the sources with respect to the transmission and with respect to the understanding of meaning.

According to Muhammad Amin in his book *Hāshiyah Ibn 'Ābidīn* (Amin, 1386H) and Ahmad Ibn Muhammad al-Ṭaḥṭāwī in his book *Hāshiyah al-Ṭaḥṭāwī 'alā maraqi al-falāh* (al-Ṭaḥṭāwī, 1318H), *sam'iyyah* evidence (*dalīl* in the form of *Naṣṣ*) can be divided into four:

1. **قطعي الثبوت والدلالة** we refers to sources that are definitive with respect to *sanad* (transmission) and definitive with respect to meaning. These would be the texts of the *Quran* and the *Sunnah Mutawatirah*.
2. **قطعي الثبوت وظني الدلالة** by which me mean the sources that are definitive with respect to *sanad*, but are probable with respect to meaning. This would be the



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texts of the *Quran* and the *Sunnah mutawatirah* that convey more than one meaning, that is, they are subject to interpretation.

3. ظني الثبوت وقطعي الدلالة refers to sources that are probable with respect to transmission and definitive with respect to the implied meaning. This would include traditions that were transmitted by one or two individuals in the first three generations (the example would include those traditions that contain definitive words/*Hadith ahad* that convey clear meaning / كأخبار الأحاد (الصريحة).
4. ظني الثبوت والدلالة refer to sources that are probable with respect to *sanad* and probable with respect to meaning. This would be the *mutasyābihāt* Text and the *Hadith ahad* that convey unclear meaning (صحيح الثبوت صريح الدلالة), that is, they are subject to interpretation.

Qaradawi's approaches in respect to the contract of *murabahah* suggests that it is enough to rely on authentic Text which conveys clear meaning (*naṣṣ ṣaḥīḥ al-thubūt ṣarīḥ al-dalālah*), for a text of this kind is generally sufficient to establish a practical ruling of *Shariah*. With regards to the *sam'iyyah* evidence, this kind of Text could be equal to four sources, whereby "*sahih al-thubut*" (valid in the transmission) gives an understanding that all the *sahih* evidences can be used to obtain the law and "*sarih al-dalalah*" (clear in the meaning) gives an understanding that there is no place for the ambiguous evidences in the rules in relation to contract (Kotoub, 2000). This is due to the different presumptions that apply to *muammalah* and *ibadat*. The basic presumption for *ibadat* is that they are forbidden (*haram*) unless there is a clear Text to validate them; whereas the presumption in the commercial transaction (*muammalat*) is that they are permissible (*ibahah*), unless there is a Text that says otherwise. In the absence of a prohibition or an obligatory command, the normal state of permissibility should therefore prevail (Al-Qaradawi, 1995). Referring to Al-Satibi's division of matters of worship and that of, some scholars have allowed pricing (*tas'ir*) despite the existing of a Hadith that discourages such practice. They too allow contracts which contain little Gharar element that is not alarmingly dangerous due to the benefit and the public interest.⁷ For this approach,

as own reason, he said:

es not mean that we twist the Text or change fixed norms in order to on people and I do not believe that we want to do such thing to our ion. What I meant is to put people's interest.⁸



This statement is elaborated more in his book, *Fi Fiqh al-Awlawiyyat* wherein he emphasized on the use of mind in understanding the *sam'iyah* evident (Al-Qaradawi, 1996). The Qur'anic surah *An-Nisa*, verse 28, inspires Qaradawi to formulate his fiqh based on easiness, where on two equal opinions of *ahwat* (more careful) and *aysar* (easier), he will choose the *aysar*. Thereby he has been declared to be different from other Muslim jurists who presume the prohibition of permissibility must be based on texts which are definitive both in transmission and meaning (*naṣṣ qat'ī al-thubūt wa qat'ī al-dalālah*).⁹

The general provision of the *Quran* in the *surah Al-Baqarah* verse 275 “and Allah has permitted sale” indicates the permissibility of all types of sales. The word “*bay*” being a singular noun, is prefixed by the article “al”, therefore the general principle البَيْعُ (*al-bay'*) here must apply to all varieties of sale unless the generality is specified in some way:

*Be it the sale of one object for another, such as in barter (al-muqayadah), or of one currency for another (al sarf), a spot sale which involves the exchange of goods for their monetary value, or the forward sale (salam). It also includes other types of sale, such as sale at cost price (al-tawliyah), sale at cost plus profit (al-murabahah) and sale at lower than cost price (al-wadhi'ah), absolute sale in which no reference is made to the cost price (al musawamah) and sale by auction (al-muzayadah) and so forth. All of these are lawful, as indeed is any sale, whether it is for cash or deferred payment or in spot sale or a future sale, except those Quran or Sunnah has prohibited with an unalterably fixed evident that is perspicuous or not subject to abrogation or unequivocal text (nass muhkam la shibhata fi).*¹⁰

This limitation was given, because Qaradawi did not find any specification of general provisions of the *Quran* in respect to type of sale which is declared forbidden but it conveys clear meaning from the authentic Text (i.e. *Quran*). Nevertheless, in some cases there were *hadiths* which show that the Prophet (p.b.u.h) has only forbidden questionable sales which were prevalent among pre-Islamic Arabs, although he himself did not explain the varieties of lawful sale. Hashim Kamali in citing Qaradawi's definition of *bay'* adds that the permissible of the future sale might be the future trading

of *riba* and *gharar* as well as speculation. Though this sale and the other have not been specifically forbidden in the *sunnah* are permissible too by



virtue of this general statement (al-bay'), the future sale however brings *mafsadah* on its *illat* (Kamali, 2002).¹¹ Hence, this kind of contract is against public interest whereby the Lawgiver does not prohibit any contract except those that contain oppression, usury, hoarding, and cheating. It will lead to enmity among people that is the reason behind the prohibition of gambling and *Gharar*. In this sense, Kamali seems to use the same methodology as Qaradawi does that he used *Bay' Murabahah* as a major reference for his book of *Islamic Commercial Law*.

An-Nawawi said that authentic hadiths (*sahihs*) narrated by al-Bukhari and Muslim have undoubtedly true benefit (qat'i al-ma'na), while Ibn Hazm in his debate said that all *sahih hadith* give undoubtedly true benefit (qat'i al-ma'na), in any *hadith* narrated by al-Bukhari and Muslim or others (Hazm, n.y.). According to Al-Qasimi, some *Muhaddith* jurists agreed that *shahih hadith* in *Kitab Al-Jami' Al-Sahih of Bukhari and Muslim* gives undoubtedly true benefit (Al-Qasimi, 1978). Qaradawi has reason for using *sahih hadith* as sources to establish a practical ruling of shariah: it does not go against the Text.¹² Therefore, for those who reject *hadith shahih*, they are the same as those accepting *mawdhu'* (imitation) *hadith*.¹³

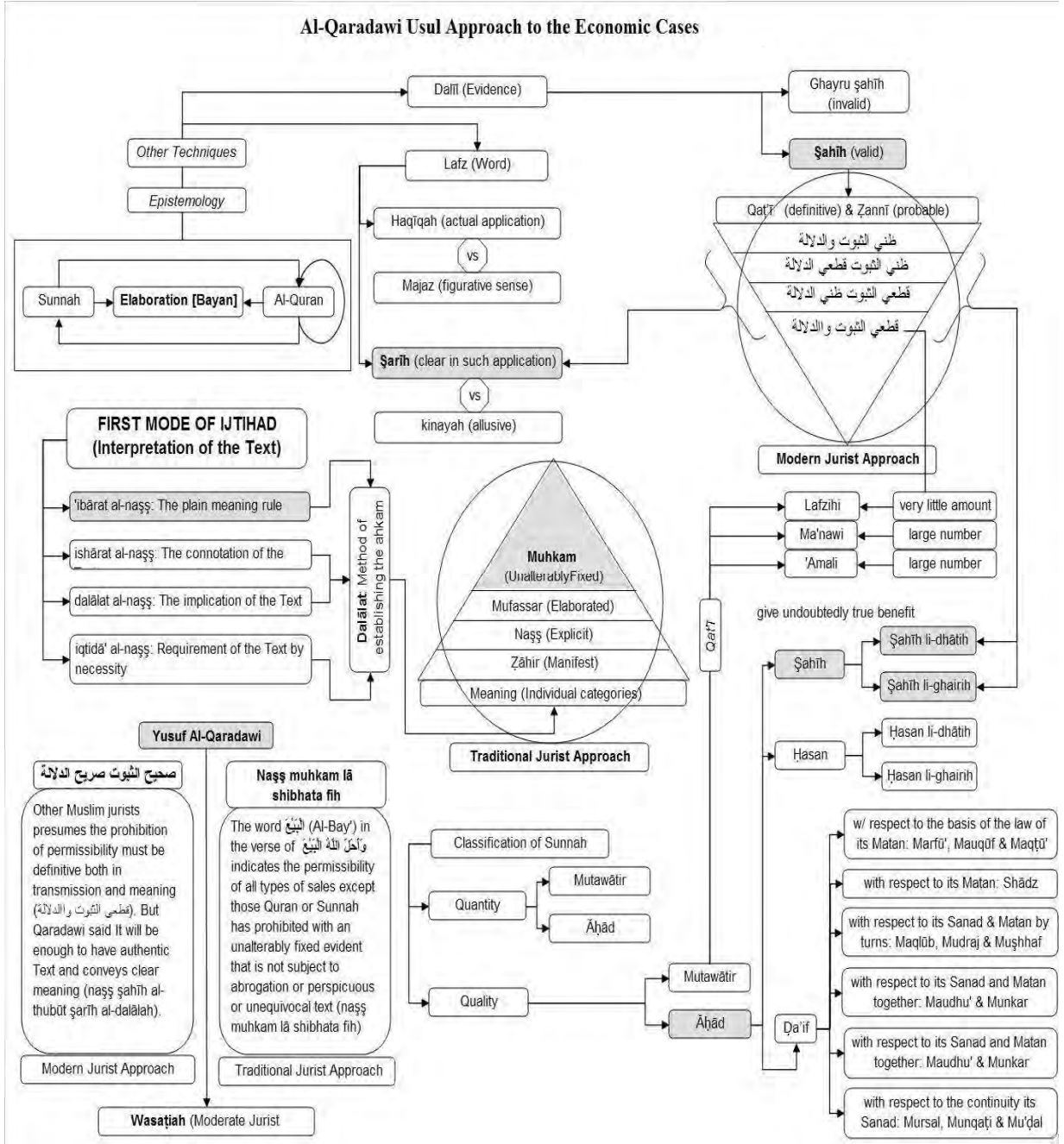
If Qaradawi finds contradicting *sahih hadith*, he will not throw any, but will prioritize it by applying *Tawaqquf* method.¹⁴ It is for discovering unseen or hidden meaning. Based on this method, he will first try to reconcile the contradictory hadiths called *tawfiq*, if he fails to do so, he will then moves to opt for another option, that is, *tarjih*, that is, giving one a preference over another. Only so doing, he will then embark on the process of interpretation (Al-Qaradawi, 1984).¹⁵ Qaradawi influenced by the method of Al-Ubby, Al-Sanusi and Al-Nawawi in reviewing hadith. They were put the external sense (*zahir*) in the *sahih hadith* prudently.¹⁶ The *sahih hadiths* have to be in the level of *mumtaz* (the best) or *Jayyid Jiddan* (the second best), so that can prevent any insignificant analysis.¹⁷

¹¹ This sale operates on the basis of a fixed and predetermined profit without the possibility of incurring



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p. 19-59
qat'if is a method in accepting Hadith, i.e. the postponing the authority of Hadith if there were
r opposite Hadith against its content.
p. 136
p. 114
p. 21

Picture1



Sources: developed by the writer

Al-Suyuthi in his book *Tadrib al-Rawy*¹⁸ explained that when there are two kinds of *hadiths*, they might be reconciled or they might be so.



¹⁸ Al-Rawy is the most popular book used as reference in the subject of mustholah al-Hadith. He wrote this book in the 10th AC after he compiled the Scholars opinion before him.

For the last hadith, we apply the abrogating hadith (nasikh) in the known of repealed hadith (mansukh). If it were unknown which one is nasikh and mansukh, we apply the most preponderant Text such adopting the method of preference (tarjih) of the most eligible rawi (the most appropriate personality and memorize). However, if we did not know which one is the most preferable hadith, we have to do a tawaqquf until we find it (Al-Suyuthi, n.y.)

It shows that the procedure in Qaradawi's method is in line with the method applied by traditional scholars preceding him. Qaradawi in a sense has followed Imam Ibn Hazm's method of interpreting the hadith which strictly upholds a literal meaning of the text, (*sarīh or harfī*).¹⁹ But he departs from this scholar when asserts that the text which is conveyed in Arabic language also contains a *haqīqah* (actual sense) and *majaz* (figurative sense) dimensions. Ibn Taymiyah is Qaradawi's ideal scholar, but he begs to differ from him as the former refuses the notion of *majaz* in the Qur'an and Hadith. (Al-Qaradawi, 1984)²⁰ Qaradawi's technical procedures that he used to appraise the theory of Bay' Murabahah can be seen in picture 1.

Although there is a dispute as to the issue of absolute *Ijtihad*, Qaradawi believes that there is still a room for contemporary scholars to exercise their own independent reasoning (*ijtihad*) to resolve some new issues. In this connection, a scholar is required to exert his whole energy to comprehend the sources at the hand before formulating any well-organized opinion. They are not bound to follow the opinions of the preceding 'ulama. They can take what they think suit to solve the problems faced by their society, or else to leave it totally with the utmost respect to them and their contributions, Qaradawi is not in favor of *talfiq* as majority scholars also denounce it. He proposes easiness while exercising *ijtihad* so that people are not subjected to carry obligations which Allah Himself never ask them to do so (like *taqlid* or *Mazhab* Fanatism). This kind of *ijtihad* is called *Ijtihad juz'i*; it reaffirms the chosen opinion (*al-Tarjīhi*) (Al-Qaradawi, 2001). His approval of the *ijtihad* is based on *surah Al-Isra'* verse 36, *Al-Baqarah* verse 170-171, *al-*



cause Ibn al-Qayyim mentioned in his book (*I'lam al muwaaqī' iin*) the mistake committed by School who believed that all transactions, contracts and conditions of Muslims' are invalid there is Text which state otherwise. Therefore, whatever transaction, contract and condition, o valid Text to permit it, it is invalid. Thus, they (i.e Zahiri School) have invalidated many t, transaction, contract and condition without a clear Text.

2-214. This is because Ibn Taymiyah wants to keep what have done by salaf jurists, i.e. cing (ithbat) to Allah what He put as substantiation to Himself in the Quran and Sunnah and g to Allah what the Quran and Sunnah have denied.

Ahzab verse 67-68, *al-A'raf* verse 38 and the opinion of Ibn Qayyim al-Jawziyyah as expressed in his book *Talbis al-Iblis* (Devil Trap) wherein he condemns the *Muqallid* (blind imitation).

In governing the contract, Qaradawi listed five fundamental rules on murabahah development based on the Texts and chosen opinion of scholars which he considers to be the best. Qaradawi eclectic attitude is clear from such expressions as “*akhtar*” or “*akhtaruhu linafsi*” (“I choose” or “I have chosen for myself”) (Al- Qaradawi, 1995).²¹ When making such a selection, Qaradawi will give preference to the opinion of the Companions (*qawl shahabah*) over the views of other scholar.²² The idea of being independent is actually based on his analysis of content, his own understanding and interpretation (*ta'wil*) of *Quran*, Hadith as well as his capability in *Fiqh* and *Usul Fiqh* under discussion.²³ He exercises *ijtihad* whenever there is *ikhtilaf*.²⁴ Sometimes, however, he prefers being a *muqallid* of the best agreed opinion,²⁵ but on the other time, he stands between two opinions, and formulating his own fiqh with character of moderation²⁶ and Qaradawi uses to state his opinion confidently. It can be seen from the sentences such as “*qawlun qhairu sahihun*” or “the opinion is not right”, “*bila rayb*” (no doubt at all), “*wa al-haqq alladhi la raiba fih*” (and the truth which has no doubt), *wa minal muakkadi* (and surely), *fa al-wadih alladhi la khafa' fih* (the obvious which is unambiguous), *wa huna nuqarriru muthmainnin*” or “therefore, we conclude with a tranquility”, “*wa'taqadu anna*” or “and I believe,” “*fa huwa id'a'u marfudhin*” or “it is a nullify claim”, “*wa inna khalafa fi zalika al-mukhallifin*” or “eventhough, there still one disagree or “eventhough, there still one disagree to this opinion”.²⁷

QARADAWI'S USUL-APPROACH TO BANKING INTEREST ISSUE

The Muslims steadfastness to Islam can be seen from his understanding, consciousness and his consistency to observe *shariah* rulings in his daily life, including the way he/she interacts in economy and business (*muammalah*). Allah has promoted the spirit of justice and anti-despotism as principles of Islamic economic and explained clearly usurious concept in the end verses of *Al Baqarah: 275-281*. While some of the mistakes of the banks are being negligence of several aspects of *maslahah* and applying



p. 23 and 25.
p. 15, 16, 17, 23
p. 13, 14, 15, 30, 34, 35, 39, 40, 61.
p.15, 18, 22, 35.
p. 9, 15, 16, 17, 23, 37, 44.
p. 13, pp. 18, pp. 35, pp. 39, pp. 40, pp. 51, pp.61.
p. 28, 34, 35, 46, 53, 60, 61, 65, and 65 respectively.

interest in some of their products, the people who understand the authentic Text of the prohibition of *riba* come to reinterpret it by means of new approach in order to legalize their new systems.

Allah reminded in the last verse sent to Prophet Muhammad (pbuh) on farewell hajj that the extending of *riba* practice is an indication of the breakdown of economic system. He also warns the *riba* consumer, the secretary, and the witnesses (Al-Qaradawi, *Al-Halal wa Al-Haram*). The most popular *riba* committed by people is *riba al-Nasiah* (interest-bearing loan or the real interest or *riba jahiliyyah*) and *riba al-fadl* (all additional upon counter-value or *riba* on trading). Qaradawi is of the opinion that sunnah prohibits *riba al-fadl*, not because of its substance, but rather it can act as a mediator that can lead people to perform a real *riba*. Therefore, the Sunnah prohibition of this sort of *riba* is based on the notion what is known in Jurisprudence as *Sadd al-Dhari'ah* (blocking the lawful means to an unlawful end) (Al-Qaradawi, 1999).²⁸

The Islamic prohibition of *riba* is made on the basis of Qur'anic text that belongs to the category of *qat'i al-thubut wa al-dilalah*, whose interpretation receives no variety. And one of the legal maxims stipulates that "where there is a text there is no room for interpretation" (*Lā masāgha li al-ijtihādi fī mawrid al-nass*). The jurists unanimously agree that any legal rulings that are considered valid in transmission and meaning (*qat'iy wurud wa dalalah*), Muslims are obliged to observe them (Al-Qaradawi, 2000). Surah Al-Baqarah verse 275-281, which are unalterably fixed (*muhkamat*) and definitive Text (*qat'i*), clearly prohibit *riba* and contain a warning message for those who fail to comply with them. It implies that *ijtihad* cannot be exercised on this matter as it is already prescribed that there is no *ijtihad* on the *Qat'i* Text. In this regard, observe them. Surah Al-Baqarah verse 275-281, which are unalterably fixed (*muhkamat*) and definitive Text (*qat'i*), clearly prohibit *riba* and contain a warning message for those who fail to comply with them. It implies that *ijtihad* cannot be exercised on this matter as it is already prescribed that there is no *ijtihad* on the *Qat'i* Text. In this regard, observe them. Surah Al-Baqarah verse 275-281, which are unalterably fixed (*muhkamat*) and definitive Text (*qat'i*), clearly prohibit *riba* and contain a warning message for those who fail to comply

It implies that *ijtihad* cannot be exercised on this matter as it is already hat there is no *ijtihad* on the *Qat'i* Text. In this regard, Qaradawi writes:



Qaradawi says that Ibn Qayyim believes the sunnah prohibits *riba al-fadl* due to the substance of prohibition itself.

We should not step behind the one who altered the unalterably fixed text (muhkamat) to be the intricate one (mutashabihat) or who modified the definitive law (qat'i) to be probable one (zanni). Because, actually all the mutashabihats have to return to the muhkamat and the words having many interpretations have to return to the qat'i. This is how to settle whenever there were unclear message in the law.” (Talimah, 2001)

However, there are some sections of scholars who still dispute the validity of such notion as qat'i Texts. For them what is important not the text itself, but the objective that lies behind the text. Every text has its own end and objective, which commonly identified as *maslahah*. Since the very purpose of the Text is to materialize and preserve this *maslahah*, every legal ruling must be measured on this basis. Thus, if bank interest, for instance, can preserve such an objective, it should not be declared forbidden. In this regard, this group of people usually appeals to a maxim which says that *haythu tūjad al-maslahah fathumma shuri'a Allāh* (wherever there is *maslahah*, there must be *shariah* law) (Al-Qaradawi, 2002). Although such a maxim contains some truth, Qaradawi criticizes the way it is applied. For him, such a maxim is only appropriate for *ijtihadiyyah* problems, and not for an issue such as *riba* which prohibition has been clearly made and transparent, both in the Qur'an and the Sunnah. Qaradawi found that this legal has not been appropriately quoted from Ibn Qayyim. Although Qaradawi is of the view that *maslahah* should take precedence while formulating the ruling, he, nonetheless, disapproves the maxim just stated. He rather appeals to a maxim which says "*haythu tūjad shara'i' Allāh, fathamma al-maslahah* (where there is *shariah* law, there must be *maslahah*).

When applied to the case of *riba*, we then will arrive at a conclusion that Allah prohibited *riba*, and that prohibition would bring *maslahah* to the people at large. It will create justice and balance in society (Malaikah, 1997) (Malaikah & Translation Samson, 2001).²⁹ There has been a discussion as to whether *maslahah* could be a basis to establish particular legal ruling. In recent years, there has been number of Muslim scholars and intellectuals to make it as a measure and a sole basis for Islamic law. However, it has been refuted by many. Khan Nyazee notes that the main objection against the concept of

in general is that it is based upon *hikmah* (wisdom) (Khan Nyazee, 2003),³⁰ and jurists have been very cautious in the use of it for the determination of laws. Because wisdom is not definitive, but subjective, and could be manipulated by



Qaradawi, Ibn Qayyim. *I'lam al-Muwaqi'in*. Juz 3. p. 248.

certain people for certain whimsical purposes. Qaradawi argues that *hikmah* is obvious and transparent. Not everyone can grasp it easily; it is concealed and only those who have deep knowledge would be able to comprehend it. Due to this nature, it is sometimes not verifiable. People may view *hikmah* differently according to his own capacity of intellectualism. Here Khan Nyazee asserts that concealed reason is not qualified to an 'illah (cause) for the ruling.³¹ That is why Qaradawi encourages using *illat* rather than *hikmah*, for it brings constant characteristic. *Hikmah* can be accepted only when it fulfills a condition of being comprehensive and binding (*jami'ah mani'ah*).³² Riba is prohibited to avoid extortion and oppression by the creditors over the debtors. But it can no longer be conceived as relevant *hikmah*, because the real wisdom behind this prohibition is that to prevent people from producing wealth with the same wealth; and rather obligate them producing wealth with risks. The reason why wisdom cannot be used as basis of law is because the legal system must ensure that the professionals observe the proper methodology that meets conditions prescribed above.

The process of searching a cause for the hukm is usually done under the concept called qiyas (analogical reasoning) and that can be done through various means, such as through the text of the Qur'an and Sunnah or ijma'³³



p. 222
p. 51
p. 304 -307



Table 1
Rules Governing Contract

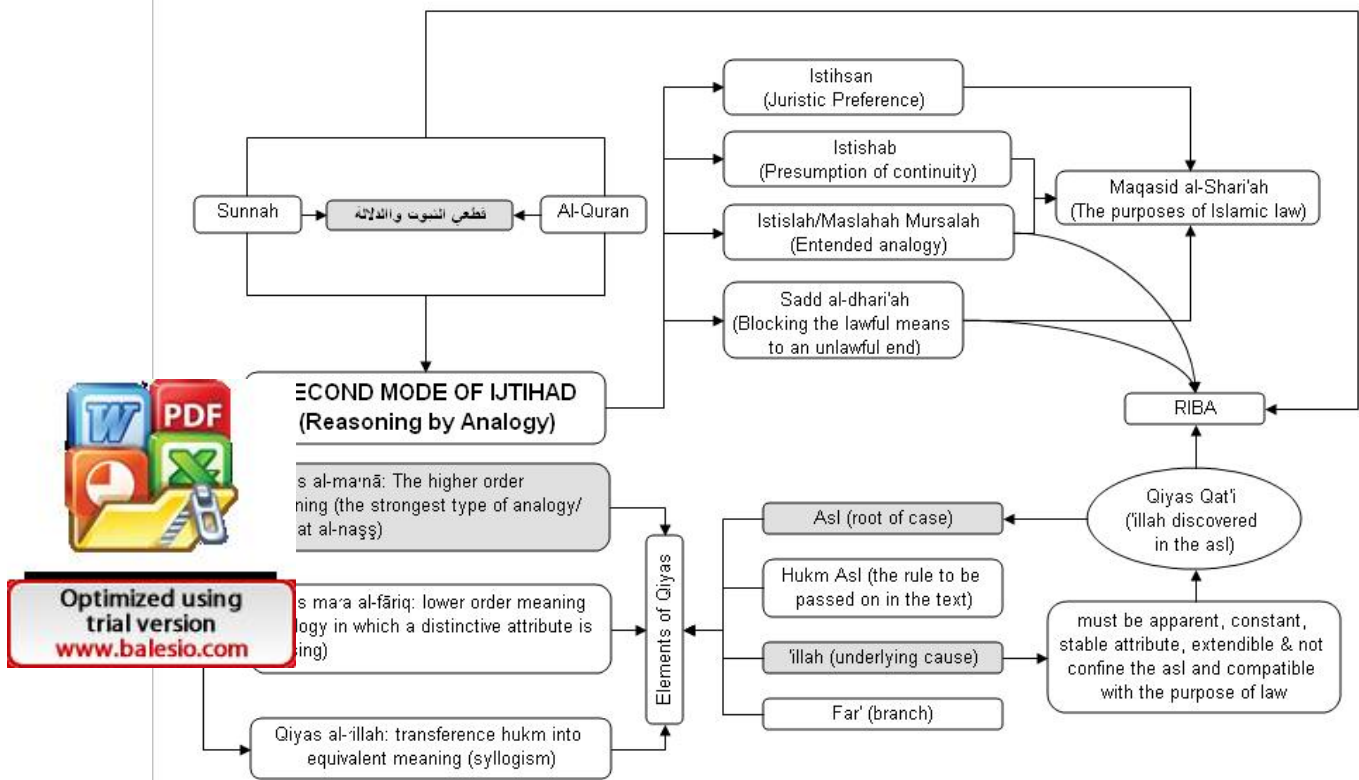
Fundamental Rule	Zahiry	Malikiy	Shaffiyy	Hanefiy	Hambaly	Qaradawi
<ul style="list-style-type: none"> The fundamental rule in transaction is permissibility 	<p>(Ibn Taymiyah) في البيع والائنة</p> <p>Quran verse 2:219 saying that the fundamental rule in all contracts of sale is permissible as long as parties agree on the sale, except what the Prophet has prohibited (Shaffiyyin 4:40mm, III pp. 2)</p> <p>The word 'sake' in the verse is general which include all kinds of sales and it is permissible unless specified as prohibited sale (Al-Nawawi)</p> <p>Prophet (pbuh) has prohibited certain types of sales, but did not mention what is permissible (Al-Mawardi in 4:41-Hawir)</p>	<p>the word sake is general & it is mentioned, will be understood according to its generality unless it is specified. (Ibn Rush, in Muqaddimah, pp. 539)</p>	<p>Quran verse 2:219 saying that the fundamental rule in all contracts of sale is permissible as long as parties agree on the sale, except what the Prophet has prohibited (Shaffiyyin 4:40mm, III pp. 2)</p> <p>The word 'sake' in the verse is general which include all kinds of sales and it is permissible unless specified as prohibited sale (Al-Nawawi)</p> <p>Prophet (pbuh) has prohibited certain types of sales, but did not mention what is permissible (Al-Mawardi in 4:41-Hawir)</p>	<p>Murabaha and Tawfiyah are permissible because they fulfil the permissibility conditions and because of the trader's necessity. (Al-Mingiyani, in 4: Hidayah)</p>	<p>a contract can not be prohibited unless it is mentioned and a type of worship can not be permitted unless mentioned (Ibn Taymiyah)</p>	<p>Reason: To prevent people from allowing what Allah does not allow. To ease on people, since the direction of legislation in the Text is of the tendency of reducing the prohibited to ease on people</p>
<ul style="list-style-type: none"> Allah has permitted Sale 	<p>everything prohibited was mentioned by its name. (Ibn Hazm)</p>					<p>The word البيع in the verse of البيوع indicates the permissibility of all types of sales except those Quran or Sunnah has prohibited with an unalterably fixed element that is not subject to abrogation or permissive or unequivocal text (nagṣṣ mulham bi shibhah fi)</p>
<ul style="list-style-type: none"> Contracts are based on consideration of the reason and interest to public 			<p>The fundamental of the worship is obeying and worshipping without asking for the reasons behind it. The transaction is based on knowing the reasons and objectives (Shaabi)</p>			<p>The reason behind the prohibition is blocking the means of dispute but the cure it means of modern transaction & communication will eliminate the reason of prohibition which was the uncertainty of delivering which led to dispute</p>
<ul style="list-style-type: none"> The right of contemporary scholars to practice if they 		<p>Have various opinions in one issue</p>	<p>Shaffiyya two views, old in Iraq and new in Egypt (Qadim and Qawlijadi)</p>	<p>Abu Yusuf and Muhammad have different views from their teacher Imam Abu Hanifah in almost three of his opinions, circumstances and situations owed to change in</p>	<p>Every year Allah will send a scholar, who will clarify whatever in its benefit (Abu Dawud)</p> <p>Have various opinions in one issue</p>	<p>If the right of jihad is given to a contemporary specific issues in transactions. It means that the legislation is broad, flexible and able to face changes in any time and space. This will provide the scholar, when examining a case, the freedom and broadness to choose the opinion that he sees to be fulfilling the objectives scholars it is not surprising that they will differ in of Syariah without ignoring the definite Text choose to follow if there are two equal opinions one is easier (easier) & the other is ahwat (difficulty). Qaradawi will follow the also folk using what the Prophet used to advise Muhammad & Abu Musa when they sent to Yaman & Quran An-Nisa 2:8. This does not mean that we must the Text or change fixed norms in order to ease on people in the branches (Furq) without ignoring the fundamental (Usul)</p>
<ul style="list-style-type: none"> The current need of each issue 						

In doing so, a jurist has to find an exact parallel between ‘illah and revealed sources or use reasoning methods if they did not meet what is needed in solving multitude case. In his book *Fawa'id al-Bunuk*, Qaradawi identifies a certain kind of misusing Islamic jurisprudence in interpreting riba and bank interest in justifying some banking products, especially in the use of analogy, ‘illah, and ijma’. This happens because the methodology they apply does not meet the conditions required. Few examples can be cited here to prove the case: the case of relationship between bank and its deposit client; an analogy of the conventional bank interest with the profit shared by the bank to their client; and other which will explore in next chapter. Qaradawi’s method in the banking interest apparently is nothing new and the picture 2 below will describe his strict method to the rule of *ijtihad* when he deals with the definitive Text.

QARADAWI’S USUL-APPROACH TO ECONOMIC ETHICS ISSUE

The Islamic Divine law (*shariah*) has remained central to Muslim identity and practice, for it constitute the ideal social blueprint for the good society. It has been a source of law and moral guidance, the basis for both law and ethics (Esposito, 1988). The *shariah* is completely open i.e. it can be developed and shaped according to the needs of society and time by any number of its other sources (*ijma, qiyas, istislah* and other *ijtihad* process). The sources of the *shariah* are the definitive Texts that provide a methodology for adjusting to change (Sardar, 1985).

Picture 2
The Path of Qaradawi’s Methodology in Banking Interest



Sources: developed by the writer

The purposes of Islamic law have been determined from the Texts through a process of induction (*istiqra'*) rather than through deduction. This is the reason why the *maqasid* are considered definitive (*qat'i*) (Asy-Syatibi, 1996).

However, Qaradawi in his book *Dawr al-Qiyam wa al-Akhlāq...* firmly stated that the purpose of Islamic law can be achieved also through a process of deduction (*istimbath*) or by re-analyze subject matters and Texts through method of *qiyas* or *istislah* or others and then leave the irrelevant *ijtihad* (Al-Qaradawi, 1998). Yet, it can be done by high rank *mujtahid* only which not everybody can use this approach. In spite of having different idea with Shatibi, does not mean that Qaradawi would always disagree with him. His book *Madkhal li dirasati al-shariah al-Islamiyah* is containing majority Shatibi's idea on *maqasid*. Actually, Shatibi's inductive method is not confined to the identification of objectives and values but also extends to commands and prohibitions, which may either be obtained from the clear Texts, or from a collective reading of a number of Textual proclamations that may occur in a variety of contexts. As a matter of fact, the Shatibi synthesis approach should call by inductive-deductive approach.

Shariah was revealed for one basic universal purpose: to realize or to make real the best interests of humans on earth. While Ibn Taymiyah said that Allah revealed Shariah in order to achieved justice (Al-Qaradawi, 1990), Imam al-Ghazali said it is only for the achievement and the realization of the very benefits (*maslahah*) or prevent harms of man on earth and hereafter. Imam al-Ghazali defined *maslahah* as the preservation of the ends of the shar' (Al-Ghazali, 1294H). According to him, *maslahah* or benefits should be harmonious and consistent with the objective (*maqasid*) of the shariah, since the basic purpose of legislation (*tasri'*) is to protect the interest of people against harm.

Objectives or *Maqasid al-Shari'ah* can be classified as under *daruriyyat* (necessities/essentials), *hajiyyat* (requirements), *tahsiniyyat* (embellishments). A corollary of this Shari'ah norm relating to these three classes can be indicated that *tahsiniyyat* is the complement of *hajiyyat* and *hajiyyat* is the complement of *daruriyyat*. Nature of complimentarily: every complement, as long as it is a complement, is subject to a condition that it not invalidate or eliminate a *darurah*. For example *bay'* (sale) is a *darurah* and on of *gharar* (uncertainty) and *jihalah* (ignorance) is a *hajah*. This *hajah* will be eliminated if its pursuit eliminates *bay'* (a genuine sale transaction which is a *darurah*). Following the same principle, the jurists have permitted *bay' salam* (sale of goods that will be produced in future), though normally a *bay'* (sale) contract requires



the presence of the *mabi'* (the good being sold and purchased). Therefore, priorities stage in *maqasid* as Qaradawi summed up from Imam al-Ghazali are 1). The stronger interest shall prevail, 2). The public interest is prior to private, 3). The definitive interest prevails over the probable (Al-Qaradawi, 1998).

The Shari'ah specifically called for the protection of five things pertaining to humans: religion (*din*), life (*nafs*), progeny (*nasl*), intellect ('*aql*), and wealth (*mal*). These five basic and universal necessities or priorities are on which the lives of people depend, and whose neglect leads to total disruption and chaos. Based on Imam Qarrafy idea, Qaradawi adds self-esteem (*'izzah*) into the five basic necessities; therefore it called *al-daruriyyat al-khams aw sittu* (five or six basic necessities).³⁴ Qaradawi's technical procedures on economic ethics and environmental issue basing *maqasid shariah* approach can be seen in picture 3.

QARADAWI'S USUL-APPROACHES TO ENVIRONMENTAL ISSUE

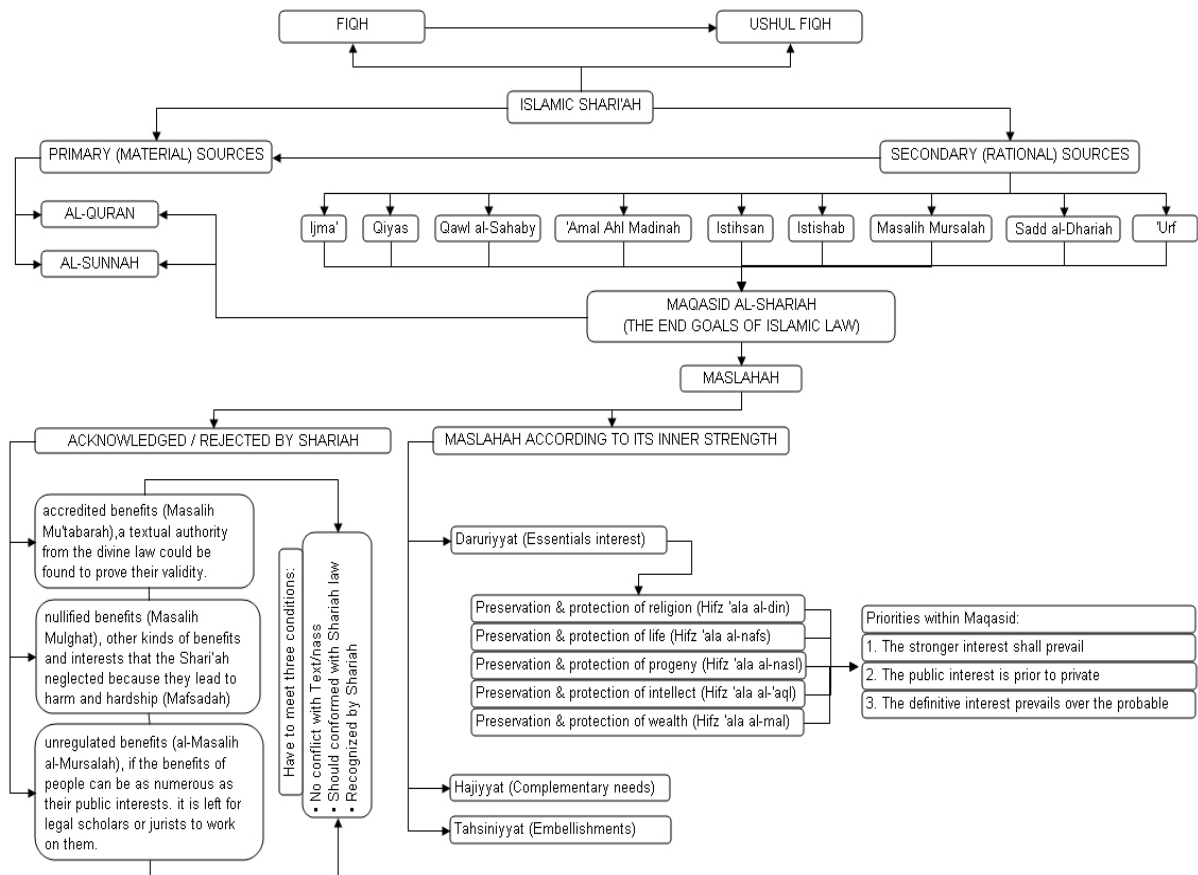
Similar to other issues in contemporary Islamic economics, Qaradawi uses several approaches from different disciplines in Islam to protect the nature, they are:

1. USHUL AL-DIN APPROACH

Ushul al-Din is the principles of religion that is learn about *aqidah* (faith or believe) and it is related to the divine nature and creature's element. All the creating elements of creatures are the loci of the signs pointing to "Allah" existence (16:3-8; 48-49), therefore, He has to be worshipped and praised (59:1; 64:1; 17:144 & 70; 33:72; 38:72). Human being has been honored by Allah several distinctive elements than other creatures, i.e. thinking capability (mental) and spiritual capability for being trustee of the earth (*khalifah*) (2:30, 33). He also created from the earth (soil) and grows by way of this element that lead him with building of it by develop civilization on the earth (11:61). The vicegerency and build the earth are the most concrete devoutness (7:96; 16:97). This approach realizes that there is an organic connection between proper knowledge and right behavior. Indeed, knowledge becomes a tool that renders humanity morally responsible.



Picture 3
An Islamic Jurisprudence of Environment and Islamic Economic Ethics



Sources: developed by the writer

The vicegerency is based upon knowledge that enables the human being to be a care taker of the environment in which he dwells. Humanity should behave in such a way that would maintain the balance that exists within the environment. Any destruction occurring to the environment is tantamount to destroying these 'Signs'. If any species becomes extinct, it is considered a loss of a Sign that reflects the greatness of the Creator. It is indeed a very sad thing if man continues to destroy the environment, because he will prevent the generations to come from having a healthy relationship with the environment, where "healthy" means the chance to experience these Signs.



VWUF APPROACH

vwuf is ethics in Islam that applied personal spiritual development inwardly rather than in the outward realm of the people and society around one. Islam is of order to devout Allah and being good (*ihsan*) to other creatures. Aqidah,

‘ibadah and akhlaq (ethic) are the essences of the goodness (*ihsan*) and devoutness (*taqwa*) which are depict that the goodness is not only pray (2:77; 107:1-7). When Allah forbid all kinds of destruction, man has to accepted it as devotional order of ibadah and mu’ammalah (17:44) and expression to love the nature (3:190; 87:1-3), because nature is a divine gift for each human being and keep the environment beauty will arise feeling of insaf (aware) (17:44; 22:18; 7:185; 10:101; 31:20; 14:32-34).

Through tasawwuf approach, Qaradawi reject the theory limits and constant of Marx and Malthusian population theory by saying that the sources actually are unlimited. However, the bounded of sources caused people fallen in with infidelity (kufr) and unfairness (zulm). Both are the cause of imbalance of nature, and the inner recovery to this human weaknesses is the only solution which also recommended by the Ottawa conference ethic agenda. Qaradawi notes that man has to have two important actions in cherishing the environment i.e. moral lesson (*i’tibar*) and be grateful to the God’s blessings (16:10-13, 14-18; 36:33-35, 71-73; 14:7). Both can void seducing nature (22:18) and also introduce the amenities for economic development (27:60, 88; 50:10; 32:7; 37:6; 15:16; 67:5). Through this approach, Qaradawi found a correlation between the behavior of people and the conditions of the environment. The right and moral behavior yield positive results. Disbelief and swerve from the right path will result in negative impact on the environment.

3. FIQH APPROACH

Fiqh is knowledge of the Shariah law practice that derived directly from the specific evidences in the Texts or extended through reasoning from general propositions³⁵ of the shariah in the light of its maqasid (Khan Nyazee, 2003).³⁶ It regulates the relationship between man and God and man and himself and other creatures based on law shariah, and its methodology involves whole life circle. Therefore, we could find so many literatures on fiqh, because fiqh can be developed through innovation or rebuilding or reforming process (*Tajdid al-fiqh wa tatwiruhu*) (Al-Qaradawi, 1998).³⁷ The environment issue on fiqh can be developed through legal maxim from Hanafieth school of thought *la dharara wa la dhirara* (don't harm nor become a cause of harm) (4:29; 2:195, 233, 282, 231). This

axim divided into several maxims. One of the examples from these maxims



il prepositions means all general principles that are supported by the Shariah whether directly rectly

28. *Tajdid al-fiqh wa tatwiruhu* developed through legal determination and *ijtihad* revival.

is 'the emergency reason allows the forbidden thing' (6:119, 145; 2:173). These further develop into other maxims that people use to decide to implement on the current needs to protect the environment and public interest (Abu-Sway, 1998). Through this approach Qaradawi found that any attempt to achieve prosperity away from divine revelation and guidance will certainly lead to destruction. In his book al-Sunnah Masdaran lil-Ma'rifati wal-Hadarah, Qaradawi also use this approach to discuss the same topic (Al-Qaradawi, 1977).

4. USUL AL-FIQH APPROACH

Usul al-Fiqh are a body of principles of interpretation by the help of which the mujtahid is able to derive the law from the detailed evidence in revealed sources and ijihad sources. It faces the same methodology to the Islamic economic ethics jurisprudential approach mention earlier. Looking at the original five, we would recognize that to protect the environment is a major aim. For if the situation of the environment keeps deteriorating, there will ultimately be no life, no property and no religion. The environment encompasses the other aims of the Shari'ah. The destruction of the environment prevents the human being from fulfilling the concept of vicegerency on earth. Indeed, the very existence of humanity is at stake here. Excessive pollution might lead to sterility, deformities, abortion and chronic diseases. As far as protecting the mind or reason, the highly polluted industrial cities might not see the sun for long days resulting in deep depressions which affects the person's ability to rationalize properly. Certain radiation might also destroy the brain.

The attempt to protect the property will also be in vain in the context of a highly polluted environment. There are already many rivers and lakes that are considered dead with no marine life. This is a direct result of acid rain which destroys also forests. These forests and water sources form the natural habitat of many species; their death means the possible extinction of some of the Signs pointing in the direction of God. To consider the protection of the environment as one of the major aims of the Shari'ah, it will hopefully enable a neo-model of *maqâsid Sharî'ah* a chance to be advanced as an alternative to the already existing western model which is the primary source of pollution.



AL-QURAN AND AL-HADITH APPROACH

Al-Quran and Al-Hadith give high attention to the environment. So many parables describe the nature and even the name of Surah taken from the name of animals (*Al-An'am*, *Al-Fil* and *Al-Adiyat*), insects (*Al-Nahl*, *Al-Naml* and *Al-Ankabut*), birds (*Al-Baqarah*), mining (*Al-Hadid*) other natures (*Al-Ra'd*, *Al-Zariyat*, *Al-Najm*, *Al-Fajr*, *Al-Baqarah*).

Al-Syams, Al-Lail, Al-dhuha, Al-Asr and *Al-Thur*) and the places (*Al-Balad, Al-Ahqaf, Al-Hajr* and *Al-Kahfi*). All these name have an implication of raising awareness to oneself so that he tied to the nature and take care the environment. There is some repetition of concepts and Quranic verses in exploring Islamic teachings on the environment. However, each brings a slightly different perspective to bear and each repetition helps to reinforce the core ideas and clarify them further.

CONCLUSION AND RECOMMENDATION

Al-Qaradawi allowed an ease and leniency in the logic of rectifying Muslims transaction. In this relation, Al-Qaradawi has introduced *ijtihad juz'i* for analytical tool to conclude a well-organized opinion in some speculative issues. His notion of *ijtihad juz'i* in Islamic jurisprudence, which in nature upholds consensus of jurists and public interest, and of *ijtihad intiqa'i* (selective *ijtihad*) and *ijtihad insha'i* (innovative *ijtihad*) are very beneficial in solving problem of public law in Islamic economy and are potentially utilized by capable scholars, thinkers or professionals (who has fulfilled the criteria of mujtahid) as an approach to other issues.

Some actions that need to be done as a consequence of binding promise of both parties is keeping the consistency of the binding to avoid the promise being just written on the paper. Therefore, it is necessary for future research to measure the validity, consistency and the effect of promise in murabahah transaction with support from convincing empirical works. To consider the protection of the environment as one of the major aims of the Shari'ah, Al- Qaradawi proposal enables a neo-model of *maqâsid Shari'ah* a chance to be upgraded as an alternative to the already existing western model which is the primary source of pollution. It might be a measureable approach for the future research.

The discussions of current Islamic economists mainly concern with the integration of conventional economics and Islamic heritage which resulting on the need of how to appraise the Islamic economic theories and how to prove the reliability as well as the use of tools of analysis developed by conventional economics as long as the paradigm does not root from Secularist. Unfortunately, however, Al-Qaradawi's works on Islamic



missed the empirical test to provide evidence of the strength and the reliability of theories and concepts, particularly on the topic of zakat, poverty and so on. Hence, as an outstanding contemporary Muslim jurist who stands as one of the most authoritative references today, Al-Qaradawi is necessarily suggested to have a

trained economist partner in order to achieve ‘reliability’-comprehensive work in the development contemporary Islamic economics.

The contemporary Islamic economics has moved faster in line with the globalization competitiveness. There are so many researches and findings on it. Some are using Al-Qaradawi's books as reference, some are criticizing it. Therefore, there is a need to publish a revised version of his works; especially of the former books such Fiqh al-Zakat and Mushkilat al-Faqr so that those are accessible to the latest generation reader. There are abundance contributions for Islamic economics discourses made by traditional and contemporary Muslim jurists which are still remained in the library collection that need to be studied. Therefore, it is quite interesting to explore them for the future research. The future research and the application in the real Islamic economic practices need some approaches that construct in based on the root of Islamic laws and Principles a.k.a Usul Fiqh.



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