

## **Maqasid Al-Sharia Related to the Protection of Society**

**By**

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### **Abstract**

The research aims to highlight the importance of the purposes of Sharia related to the protection of society. The research consists of an introduction, three topics, and a conclusion. The inductive approach, which is based on tracking the purposes of Sharia related to the protection of society, and the descriptive approach. The most important results of the research: a statement of the purposes of Sharia related to the protection of society, and I divided it into two sections. Gifts, justice in buying and selling in measure and balance, and the purpose of bringing benefits and warding off corruption, and the forms of interest were clarified in it, namely: removing public hardship from society, removing harm and paying it off from people, and that the ruler has the right to dispose of society in a way that achieves the community's public interest. The purpose of preserving the five necessities, which are: preserving religion, preserving the soul, preserving the mind, preserving offspring, and preserving money, and the discussion was about the means of preserving the five necessities from two aspects: the existential aspect, and from the non-existent aspect, then I showed the effect of preserving these five necessities in protecting society.

**Keywords:** (purposes, society, Sharia).

### **Introduction**

Sharia came to preserve the five necessities, which are preserving the religion, preserving the soul, preserving the mind, preserving the offspring, and preserving the honour, and preserving these five necessities achieves the protection of society, hence this study came to reveal the cover of the impact of the purposes of Islamic law in protecting society. The research problem can be summarised in these questions: What are the overall legal objectives related to the protection of society? How to maintain external and internal security from the purposes of Sharia? What are the purposes of legitimacy related to the protection of society intellectually? What is the impact of legitimate purposes in protecting society?

### **Maqasid al-Sharia concept**

The provisions of the Islamic Sharia came to achieve the interests of the people in the immediate life and in the hereafter, so God's commands and prohibitions are in the interests of the people. (Al-Shatibi, Al-Muwafaqat 2/9).

First: Definition of purposes: Linguistically: the plural of purpose, and it comes with several meanings, including:

- Coming to the thing, heading and mother, including their saying: He went to Mecca for a pilgrimage, meaning: he went to Mecca to perform the rituals of Hajj.
- It comes with the meaning of intention: it is the closest linguistic meaning to the

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idiomatic meaning of intention.

- Second: Defining Sharia: Its origin is in the language: the source of drinking water. Such as prayer, fasting, and pilgrimage.

And it was said that it is: All that God enacted for His servants in terms of rulings. Belief, practical, or ethical through one of his prophets, peace be upon them. (Ibn Al-Atheer, The End in Gharib Al-Hadith and Al-Athar 2/460).

### ***Definition of the purposes of Sharia as a title***

The early scholars did not mention a definition of the science of the purposes of the Sharia, even those who wrote in this science, such as Al-Shatibi, did not mention a specific definition of this science. They are students of knowledge who know the secrets of the Sharia and its meanings.

And Muhammad Al-Youbi defined it: "It is the meanings, judgement, and the like that the Lawgiver took into account in legislation in general and in particular in order to achieve the interests of the people." (Al-Youbi, Maqasid al-Sharia 38).

### ***Objective of public law related to the protection of society***

#### ***The purpose of justice***

Definition of justice in language: uprightness and levelling, and justice: the opposite of injustice, and in terminology. God commanded the realisation of the principle of justice in the Holy Qur'an in many verses, and it includes justice among all people, whether they are Muslims or non-Muslims, and whether they are nobles and heads of society, or less, and whether they are relatives or not.

Justice is enjoined in Islamic law, and there is no consideration for any matter that prejudices the realisation of the goal of justice. Islam came to give everyone who has a right his right, and this legal goal achieves the protection of society from the occurrence of enmity and hatred between members of society with each other, and that is on the individual level, and Islam also seeks to Achieving it at the level of the group, and that is in their relationship with the ruler. One of the first duties of the ruler is to achieve justice among the subjects. Oath, those who are just in their rulings, their families and what they are given." Narrated by Muslim in his Sahih (3/1458).

### ***The forms of justice ordered by Islamic law varied among members of society, and among these forms***

The ruler's justice among the subjects: Justice is one of the pillars of governance, and one of the means of settling the state, so the state cannot be established without justice. His shadow - and he mentioned among them -: a just imam »Sahih al-Bukhari (8/ 163), and when justice is absent, oppression, oppression and aggression replace it, conflict and dissension occurred between the shepherd and the subjects, and evils occurred with that, and the enemies found a path paved for those with weak souls in spreading strife And destabilising security under glamorous slogans that carry mercy on the outside, but on the inside it is poison.

Justice in the judiciary between litigants: Sharia obligated justice between litigants, and justice in the judiciary is about delivering rights to their owners, separating and severing disputes. Paradise: A man who judges unjustly, then he knows that, so he is in Hell, and a judge who does not know, so he destroys people's rights, so he is in Hell, and a judge who judges rightly, so he is in Paradise." [Reported by al-Tirmidhi and authenticated by al-Albani

2/65]. The judiciary came to prevent injustice between people And pay off harm from them and remove it, and in this way enmity and hatred will not occur between members of society (Ibn Qudamah, Al-Mughni 14/62).

Justice between children in gifts and gifts: Sharia obligated parents to be fair between children. Al-Nu'man bin Bashir, may God be pleased with them both, said: My father gave me a gift. Amra bint Rawaha said: I will not accept until the Messenger of God, may God's prayers and peace be upon him, testifies. So the Messenger of God, may God's prayers and peace be upon him, came He said: I gave my son from Amra bint Rawaha a gift, and she commanded me to witness you, O Messenger of God. He said: "You gave the rest of your children like this?" He said: No. He said: "So fear God and be just among your children." . Discrimination between children in dealings and gifts inherits enmity between them, enrages the breasts, and causes envy among them, and therefore the command came to do justice between them. (Ibn Rushd, Statement and Collection 13/369).

Justice in buying and selling in measure and balance: The reason for the prohibition of most financial transactions in the Qur'an and Sunnah is due to the achievement of justice and the prevention of injustice, including the threat to those who weigh the balance, and the prevention of ignorant and deceitful sales. (Ibn Mufleh, Al-Mubdi' fi Sharh Al-Muqni' 4/83). The results of achieving justice in society.

- Maintains security in the country.
- It achieves peace and stability in society.
- It protects society from enmity and hatred among its members.
- In justice, love and harmony prevail between the ruler and the ruled.

### ***The purpose of bringing benefits and warding off harm***

The Islamic Sharia came to achieve interests and bring them, and prevent and prevent corruption, and the outcome of that is the protection of society, and all the provisions of the Sharia are based on achieving the interests of people in their religion and their world. Imam Al-Shatibi said: "It is known from the Sharia that it was legislated for the interests of the servants, so the whole assignment is either to ward off corruption, or to bring an interest, the first of which is together." (Al-Shatibi, Al-Muwafaqat 1/199).

And the meaning of interests: linguistically: plural of interest, which is the benefit, or the act in which there is benefit, and idiomatically: Al-Ghazali defined it by saying: It is the preservation of the intent of the Shari'a, and the intent of the Shari'a with regard to creation is five: and it is to preserve their religion, their souls, their intellect, their offspring, and their money, so each What includes preserving these five assets is interest. (Al-Ghazali, Al-Mustafa, p. 174).

### ***Department interest***

The interest is divided in terms of the street's consideration of three sections.

### **The considered interest**

It is the interest that the Sharia witnessed as being; And the evidence for her request was established, such as: the interest of looking at the fiancée and others.

### ***The cancelled interest***

It is the interest that the law testifies to be invalid, such as: the interest in wine, because the law has cancelled its consideration compared to its many corruptions.

### ***Maslahah al-Mursalah***

It is an interest for which the Shari'ah did not witness consideration or cancellation, but it achieves the aim of the Lawgiver, such as collecting the Qur'an in the time of the Companions. . (Al-Jizani, Milestones of the Principles of Jurisprudence among the People of the Sunnah and the Community, p. 235).

### ***Examples of taking into account the interest of the community***

- Removing general hardship from the community; and facilitate them; because the Prophet, may God's prayers and peace be upon him, was sent as a mercy to the worlds.
- Lifting and paying off harm from people; because the law came to achieve happiness for them in their religious and worldly matters.
- The guardian has the right to dispose of the community in a way that achieves the community's public interest, including eliminating corruption, eliminating injustice, achieving justice, preserving funds, or preserving the morals, values and principles of society. (Al-Borno, Al-Wajeez in Explanation of the General Rules of Jurisprudence, p. 347).

### ***Preserving the five necessities and their impact on protecting society***

#### ***Preserving religion***

It is considered one of the most important of the five necessities, and the highest in rank, and a society cannot live a stable life, and the religion of its members is troubled, and therefore the Sharia came to preserve religion. (Al-Mardawi, Al-Tahbeer Sharh Al-Tahrir 7/3380).

#### ***Means of preserving religion from the existential side***

- Achieving belief in God in the lives and souls of people, and their continuity in doing so.
- Work establish religious rituals in the life of society, provided that they are present and visible.
- Calling people to this religion and working to spread it.

#### ***Means preserving religion from non-existence***

- Defending this religion and jihad with money and life.
- Carrying out the duty of enjoining good and forbidding evil, to protect the features of religion from extinction. (Al-Shatibi, Al-Muwafaqat 2/18).

### ***The impact of the purpose of preserving religion on protecting society***

This purpose maintains the protection of society by strengthening the preservation of the principles, values and identity of society, and protecting it from moral deviation and intellectual extremism, and confronting deviant ideas. Entering the minds of young people through the gate of religion, and influencing them with ideas of extremism due to the weakness of religion, and when caring for this purpose is the greatest role in protecting society.

#### ***Self-preservation***

What is meant by self-preservation is its maintenance from killing and damage, individuals and groups, and self-preservation is one of the five necessities that the Sharia came to care for, and it comes in the second rank of necessities after the rank of preserving religion.

### ***Means of self-preservation***

The Shari'a came with several means for self-preservation, including:

- From the side of my existence, by eating what God has permitted of food and drink, and taking housing and clothing, which depends on the survival of life?
- The prohibition of self-harm.
- The legality of punishment.

### ***The impact of the purpose of self-preservation on the protection of society***

This purpose maintains the protection of society by preserving the lives of its members through the prohibition of killing, the criminalization of its perpetrator, the prohibition of suicide, and the deterrence and rebuke of those who unjustly take lives with the punishment of retaliation. Eating and drinking is for those who fear death for themselves, and it is permissible for the compelled to eat dead meat to defend himself from death.

Likewise, the Sharia came to punish the warriors and bandits with deterrent penalties, and repressive rulings, all of this to protect the human soul from everything that harms it, and that also includes blocking the means leading to killing, such as forbidding the sale of weapons at the time of sedition. (Al-Mardawi, Al-Tahbeer Sharh Al-Tahrir 7/3380).

### ***Preserving the mind***

God honoured man with reason, and favoured him over many of his creatures with this blessing. Sharia has taken care of the human mind, and has made it the orbit of assignment, the area of responsibility, and the place of discourse. Sharia has made it the third destination of its purposes after preserving religion and preserving oneself. (Al-Zarkashi, Al-Bahr Al-Muheet fi Usul Al-Fiqh 7/266).

### ***Means of keeping the mind***

The Sharia came with several means to preserve the mind, including:

- Encouraging education, because through it the mind grows, increases its understanding, enlightens from the darkness of ignorance, and protects from stray deviations and destructive thoughts.
- Encouraging reflection and positive thinking that leads to positive knowledge and scientific results.
- Prohibition of everything that goes beyond the mind of taking drugs and drinking intoxicants.

### ***The impact of the purpose of preserving the mind on protecting society***

Islamic law came to preserve the mind, because if the human mind is disturbed, the system of society is disturbed, as society develops and progresses with the progress and growth of the minds of its members. From the sensory means of destruction: such as consuming what destroys the mind, such as drug abuse and drinking intoxicants. (Al-Zarkashi, Al-Bahr Al-Muheet fi Usul Al-Fiqh 7/266).

### ***The preservation of offspring.***

Islam meant preserving offspring, and made it one of the five necessities that must be preserved and protected from loss, because by preserving offspring, the survival of the human species is preserved.

### ***Birth control methods***

#### ***The Sharia came with several means to preserve offspring, including***

- Sharia regulated the relationship between individuals with the legality of marriage.
- Prohibition and criminalization of any sexual relationship outside marriage.
- Legality of the penalty for adultery.
- Legality of the penalty of defamation.
- Preventing abortion without an acceptable excuse.

#### ***The impact of the purpose of preserving birth control on the protection of society***

Since the survival of the human race was necessary, the Sharia legitimised marriage, regulated its features, drew its limits, preserved the rights of the spouses and the rights of the children, and prohibited adultery. Because it involves the loss of offspring, the mixing of lineages, and the loss of children because the illegitimate father evades taking responsibility for his child, and he may have agreed with his mother to get rid of him, either by leaving him in a public place, or by killing him. It protects her, so she prohibited slander, and imposed a punishment on him. (Al-Futouhi, Sharh al-Kawkab al-Munir 4/162).

### ***Saving money***

Money is considered the backbone of life, and the interests of life cannot be established without it. Therefore, the Sharia made it one of the five necessities, and it is one of the important means to achieve and preserve the objectives of the Sharia. Neglecting this purpose leads to life disorder, so the Sharia determined the ways of earning, and drew the aspects of spending.

#### ***Ways to save money***

The Shari'a came in several ways to preserve money, including:

- Encourage earning a halal livelihood, and search for money in legitimate ways.
- The prohibition of extravagance and waste.
- Preventing abuse of other people's money, such as theft, usurpation and embezzlement.
- Urge to document financial transactions in writing and attestation.

#### ***The impact of the purpose of saving money on protecting society***

Since the foundation of the interests of life is money, and the world is not righteous without it, the Islamic Sharia came to protect it, and organised the ways of earning it, and determined the aspects of its spending. Theft, usurpation, looting, and embezzlement, because these methods violate the preservation of money, and affect the security of society, so they came with deterrent penalties for reprimands, such as the theft and theft. ( Al-Shawkani, Irshad Al-Fuhul to Achieve the Truth from the Knowledge of Principles 2/129).

## **Conclusion**

Praise be to God, the Beneficent, the Beneficent, for what facilitated and helped, and prayers and peace be upon the seal of the prophets and messengers, as for what follows:

- The perfection of Sharia and its validity for every time and place, and the generality of its legislation for all aspects of life, and that it came to preserve and achieve human interests, and to prevent and reduce corruption.

- Statement of some of the purposes of the general law related to the protection of society, namely: the purpose of justice, and the purpose of bringing benefits and warding off corruption.
- It showed the forms of justice, namely: the ruler's justice among the subjects, justice in the judiciary between opponents, justice between children in gifts.
- In it, the forms of interest were shown, namely: removing the general hardship from society, removing harm and repelling it from people, and that the ruler has the right to dispose of society in a way that achieves the society's public interest.
- Explanation of the means of preserving the five necessities from two sides: the existential side: by establishing its pillars and establishing its foundations, and from the non-existent side: by preventing the imbalance in it.

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