



LAW OF IHTIKAR PERSPECTIVE SURAT AL-HASYR VERSE 7

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Abstract Cases of hoarding of goods still often occur even though legal instruments that prohibit hoarding have existed for a long time. Thus, efforts to prevent hoarding are not enough with legal instruments alone. Joint efforts are needed to mitigate hoarding. In this case, educating Muslims, as adherents of the majority religion in Indonesia, regarding Islamic views on the practice of hoarding needs to be presented. This paper aims to examine Islamic law regarding hoarding through the perspective of the Koran. The focus of the Qur'anic verses studied is Al-Hashr verse 7. The research method used is literature research with language, ushul fiqh, and historical approaches. The results of the study show that the act of hoarding goods needed by society is prohibited by Islam because this action is contrary to the principle of economic equity. The principle of economic equity is the universal value of Surah Al-Hasyr verse 7. Hoarding which is prohibited by Islam is hoarding which is done by withholding the distribution of goods that are needed by the community, so that the price rises, to then be resold when the price has risen.

Keyword Hoarding, Surah Al-Hasyr verse 7, Islamic Law.

Introduction

March 2020, when the Corona virus outbreak began to hit Indonesia, there was a phenomenon that emerged along with the spread of the virus, namely the phenomenon of hoarding masks and *hand sanitizers*. Both masks and *hand sanitizers* were two health tools that were sought after by the public at that time, so that public demand for masks and *hand sanitizers* increased drastically. However, the high public demand for masks and *hand sanitizers* is being exploited by some individuals to make maximum profits, by hoarding them so that the stock of these two products runs low and then the price increases sharply.

The price increases that occurred were not half-hearted, reaching 300% or even 1000%. In West Jakarta, for example, one box of masks contains 50 *pieces*, which normally costs Rp. 20,000, sold for Rp. 300,000. Then in Bekasi, a 500 millimeter *hand*



*sanitizer is priced at Rp. 85,000, even though before the Covid-19 pandemic, the price was Rp. 25,000.*¹ (Bustomi, 2021)

The scarcity of masks and *hand sanitizers* which was then followed by an increase in prices had a direct impact on society at large, they were clearly at a huge disadvantage. There are two reasons for this, *firstly*, masks and *hand sanitizer* can be said to be basic needs during a pandemic. The public really needs these two tools to curb the spread of the Corona virus. The scarcity and increase in prices of these two tools means that it is difficult for people to get them. This means that public safety is threatened. Even on the government's side, whether or not controlling the outbreak is successful also depends on the availability and affordability of masks and *hand sanitizers*. These *two* price increases actually occurred at a time when society's economic wheels were at a standstill. Markets were closed, employee layoffs were rampant, many industries shut down and SMEs went bankrupt.² (DA Putra, 2021) This situation has an impact on increasing poverty rates. In the midst of increasing poverty rates, the prices of masks and *hand sanitizers*, which people clearly need, have actually increased many times over. This situation of course makes people who are in trouble suffer even more, especially groups of people who have lived below the poverty line from the start.

The hoarding case repeated itself the following year, 2022, this time the commodity being hoarded was cooking oil. This hoarding resulted in a shortage of cooking oil in the market and the price rose. The price of one liter of cooking oil on the market reaches Rp. 23,142 per liter, higher than the price set by the government, namely Rp. 14,000 per liter.³

In fact, the government always tries to take action against perpetrators of hoarding. Legal infrastructure that can catch perpetrators of hoarding is also available. These include the Trade Law (Law Number 7 of 2014) and the Business Competition Law (Law Number 5 of 1999) which regulate consumer protection, as well as Presidential Regulation Number 71 of 2015 concerning the Determination and Storage

¹<https://megapolitan.kompas.com/read/2021/03/02/09434271/setahun-pandemi-covid-19-saat-penimbun-mask-dibekuk-besar-cari-untung?page=all>, accessed on Tuesday, April 18, 2023 at 12:53.

²<https://www.liputan6.com/bisnis/read/4750566/kemnaker-72983-pekerja-kena-phk-dalam-pandemi-covid-19>, accessed on Tuesday 18 April 2023 at 16.47.

³<https://www.cnbcindonesia.com/news/20220205110456-4-313079/kabar-buruk-harga-minyak-goreng-will-continue-to-be-expensive/2>, accessed on Friday, April 21 2023 at 20.37.



of Basic Necessities and Important Goods.⁴ (Soleh, 2020) . This means that concrete steps for state control to create a conducive economic atmosphere already exist. However, in fact there are cases of hoarding Keep going repeated return. This signifies that implementation the above legal regulations are still not effective. According to Faisol Soleh, this was due to difficulties in identifying victims and difficulty in collecting evidence.⁵ (Soleh, 2020) However, the author actually believes that there needs to be a joint effort to prevent hoarding. Both state officials and society, including Islamic scholars. Because religion has an important role in maintaining order in social life.⁶ (A. Putra, 2020)

In the context of Indonesia, where the majority of the population adheres to Islam, it is necessary to educate Muslims about the law on hoarding which comes directly from the Islamic holy book (Al-Quran). It is hoped that this education will have a positive impact on the social life of the community, especially the people Islam.

Research methods

The research method used in writing this paper is expert opinion formulated in books and scientific articles. Apart from that, the author also uses other sources that are still relevant to the topic of discussion. This method is known as *library research* , namely taking data from books or scientific works that are directly related to the main problem.

The library sources used are divided into two categories, namely, primary data and secondary data. The primary data in writing this paper are the books of Tafsir Al-Qur'an, fiqh and history. The secondary data is scientific articles that are relevant to the discussion theme.

The data collection technique in this paper uses documentation techniques. Namely by collecting data originating from written sources (primary data and secondary data). Furthermore, the data is then analyzed using linguistic, ushul fiqh and historical approaches and then the universal meaning of the verse is drawn from the author's point of view according to the research focus. The linguistic approach is an effort to

⁴Mohammad Faisol Soleh, "Hoarding of Personal Protective Equipment During the Covid-19 Pandemic: A Study of Criminal Law in the Field of Consumer Protection" *Jurnal Hukum: Jurnal Hukum* Vol. 3, no. 1, 2020, p. 6-13.

⁵Ibid p. 10.

⁶Ahmad Putra, "The Concept of Religion from Max Weber's Perspective", *AL-ADYAN Journal* Vol. 1, No. 1, 2020, p. 49



understand the Al-Qur'an using Arabic rules, the ushul fiqh approach is an effort to explore the legal aspects of the Al-Qur'an through the rules of ushul fiqh, while the historical approach is an attempt to understand the Al-Qur'an by looking at the historical aspects (context) of the revelation of a verse and the socio-historical conditions of Arab society at the time of a verse down.

Finally, the author draws conclusions based on the data obtained during the research process. The conclusion drawn is not based on the researcher's wishful thinking or desires, but is an answer to the problem researched.

Discussion

Definition and Scope of *Ihtikar*

Lexically, *Ihtikar* is a derivation of the words *ihtakara-yahtakiru-ihlikar* which has the meaning of holding back or hoarding so that it can be sold at a high price, buy up. The root of the word *ihlikar* is *hakara-yahkiru-hakra* which means being unkind, persecuting, acting tyrannically.⁷ (Munawwir, 1997) Meanwhile, the meaning of *ihlikar* in the terminology of Islamic law (fiqh) has differences of opinion among *fuqaha* (fiqh experts). These differences of opinion basically stem from differences in the views of *fuqaha* regarding the boundaries of actions that can be categorized as *ihlikar*. The following is the explanation;

Firstly, according to the Shafi'i school of thought, *ihlikar* is hoarding purchased goods (in the form of staple foods), when the price is high, to sell at a higher price when the community really needs it.⁸ (Al-Malibari, 2018) From this definition it can be understood that according to the Shafi'i school of thought an action can be categorized as *ihlikar* if there are three elements; *Firstly*, the goods that are hoarded are obtained through market mechanisms (buying and selling), not obtained in other ways.⁹ (Syatha, 1998) *The two* items hoarded are staple foods and accompanying ingredients for staple foods, such as meat and fruit.¹⁰ (Al-Ghazali, nd) These *three* hoardings are carried out when the price of goods is high and the aim is to wait for prices to rise because of the public's need for the goods being hoarded.

Second, according to the Hanafi school of thought, *ihlikar* is buying food or

⁷Ahmad Warson Munawwir, *Al-Munawwir Arabic-Indonesian Dictionary* (Surabaya: Putaka Progressif, 1997) p. 285.

⁸Zainuddin Ahmad Al-Malibari, *Fathul Mu'in bi Syarhi Qurrati 'Ain bi Muhimmati Al-Din* (Damaskus, Dar Al-Faija, 2018) hlm. 277.

⁹Bakri Usman bin Muhammad Syatha, *'Ilanatu Thalibin* (Beirut, Dar Al-Fikri, 1998) Juz 3, hlm. 31.

¹⁰Abu Hamid Al-Ghazali, *Ihya Ulumuddin* (Beirut, Dar Al-Ma'rifah, tt), Juz 2, hlm. 73



something like that and then holding it until the price rises.¹¹ (Compiler, 2006) The meeting point between the Hanafi and Syafi'i schools of thought lies in the purpose of hoarding goods, namely to wait for the price of the goods being hoarded to soar. Meanwhile, the difference lies in the category of goods being hoarded. The Hanafi school does not specialize in *ihthikar* on staple foods alone, but also includes other items that are clearly needed by society. Note that this stockpiling is carried out during difficult conditions.¹² (Al-Zuhaili, nd)

The three Maliki schools of thought argue that *ihthikar* is holding merchandise to seek profits from market price fluctuations. ¹⁶ (Abdul Walid Sulaiman Al-Baji, 1913) Regarding the issue of hoarding, the Maliki school of thought has the same view as the Hanafi school of thought regarding the categories of goods that are hoarded. They do not limit the practice of *ihthikar* to food alone, but also include all kinds of goods that the community needs. In other words, all goods needed by the community are not permitted to be hoarded. Perhaps what makes a slight difference between Hanafi and Maliki is the emphasis in the Maliki school of thought that holding onto goods of one's own production - not obtained from buying and selling - until the price of the goods rises, is not included in the category of *ihthikar* .¹³

The four sects of hambali, according to this sect, *the idea* is to withhold staple food when conditions are difficult, and obtained from a buying and selling scheme, with the aim of being sold when the price rises.¹⁴ (Abdul Walid Sulaiman Al-Baji, 1913) The view of this fourth school, is the same as the view of the shafi'i school.

It seems that the school of thought which limits *ihthikar* to staple foods, apart from being characteristic of medieval jurisprudence which is agrarian *oriented* , is also a form of *ijtihad* which focuses on textual hadith ¹⁵*texts* . (Al-Zuhaili, nd) without analyzing the historical background that accompanied the emergence of this hadith . As a result,

¹¹Tim Penyusun, *Al-Mausu'ah Al-Fiqhiyah Al-Kuwaitiyah* (Kuwait, Dar Al-Salasil, 1427 H) Set. II, Juz 2, hlm. 90.

¹² Wahbah Al-Zuhaili, *Al-Fiqhu Al-Islami wa Adillatuhu* (Damaskus, Dar Al-Fikr, tt) Set. IV, Juz 4, hlm. 593.

¹³ Abdul Walid Sulaiman Al-Baji Al-Qurtubi, *Al-Muntaqa Syarh Muwattha*, Set. I (Kairo, Dar Al-Kitab Al-Islami, 1332 H) Juz 5, hlm. 15. Wahbah Al-Zuhaili, *Al-Fiqhu Al-Islami...* July 4, hlm. 590.

¹⁴Abdul Walid Sulaiman Al-Baji Al-Qurtubi, *Al-Muntaqa...* Juz 5 hlm. 16.

¹⁵ Wahbah Al-Zuhaili, *Al-Fiqhu Al-Islami...* July 4, hlm. 591-592.



fiqh seems to be a product of thought that only has historical value, less relevant in the modern era. The case of hoarding masks during the Covid-19 pandemic, for example, is very difficult not to be categorized as a practice of *ihhtikar*. There are two points of objection, namely, *firstly*, during the Covid-19 pandemic, masks are a basic necessity. Because masks are personal protective equipment from the dangers of the Corona virus. This means that without a mask there is a risk to life lurking. Thus, masks are part of the efforts of *hifdzun nafsi* (to maintain the safety of life), one of the objectives of Islamic law. *Secondly*, the hoarding of masks caused their prices to soar. Obviously, this action is detrimental to many parties. Therefore, the Hanafi and Maliki schools of thought, which do not limit the practice of *ihhtikar* to food, are more in line with economic activities and social conditions in the current era.

ihhtikar verses and their laws in the Qur'an, namely;

- 1) lexical meaning of *ihhtikar* is related to the meaning of *ihhtikar* in Islamic legal terminology, namely that the act of hoarding goods that society needs so that these goods can be sold at a higher price is basically an act of injustice and mistreatment of people. other.
- 2) Basically all schools of thought have a common point in understanding *ihhtikar*, namely withhold goods so that happen scarcity in market, Then sell it When the price soars high. It's just that they have different opinions regarding the commodities being stockpiled.
- 3) The practice of *ihhtikar* only applies to commodities that are needed public.
- 4) Hoarding certain goods can be categorized as *ihhtikar* if this action can cause price fluctuations and people's hardship. For example, hoarding an item whose price is fluctuating and its availability on the market is running low.¹⁶ (Al-Zuhaili, nd) Thus, if hoarding is carried out when the market is stable, it is not referred to as *endeavor*.
- 5) Hoarding goods that are not intended for resale, or for resale but at a price that does not increase, is not included in the category *endeavor*.¹⁷ (Al-Malibari, 2018)

***Ihtikar* in the Qur'an**

In the previous section, it was explained that *ihhtikar* is an unjust act and *ihhtikar* is essentially an act of persecution against humans. Thus, *ihhtikar* is clearly in conflict with the main aim of Islamic law, namely to bring about benefits in human life.¹⁸ (Khalaf, 2020)

¹⁶Wahbah Al-Zuhaili, *Al-Fiqhu Al-Islami...* July 4, hlm. 591- 593, Abdul Walid Sulaiman Al-Baji, *Al-Muntaqa...* Juz 5 hlm. 16. Bakri Usman bin Muhammad Syatha, *'Ilanatu Thalibin..* Juz 3, hlm. 31.

¹⁷Zainuddin Ahmad Al-Malibari, *Fathul Mu'in...* p. 277.

¹⁸Abdul Wahab Khalaf, *The Science of Ushul Fiqh* (Beirut: Dar al-Kutub al-Ilmiyah, 2020) p. 185.



Based on these facts, the writer found that the verses of the Qur'an that are used as the basis of the law of *ihktikar* are not verses that specifically discuss the law of *ihktikar*, but are verses of the Al-Qur'an that are read for their universal values. Included among them is the value of economic justice¹⁹ (Rafiah, 2010). The universal value of the Qur'an about economic justice is found in Surah Al-Hasyr verse k seven.

"The booty (fai') of those whom God gave to His Messenger (who came from) the inhabitants of several countries, is for God, the Messenger, the relatives (of the Messenger), the orphans, the poor and for the people who is on the way, so that the wealth does not just circulate among the rich among you. Whatever the Messenger gives you, accept it. And what he forbids you, leave it. And fear God. Truly, God is very severe in His punishment."

Historical Background of Surat Al-Hasyr

The reason for the revelation of Surah Al-Hasyr was the expulsion of the Bani Nadhir Jews from their hometown. The expulsion was motivated by Bani Nadhir's betrayal of the peace treaty they had agreed with the Prophet Muhammad. In the peace agreement there is a point not to attack each other between Muslims and Bani Nadhir.²⁰ (Al-Zuhaili, 1991)

However, after the war of Uhud which ended with the defeat of the Muslims, Bani Nadhir thought that the Muslims had become weak. Therefore they planned an attack on the Muslims. The leader of the Bani Nadhir, Ka'ab bin Asyraf together with 40 of his people came to the leader of the Quraysh in Makkah, Abu Sufyan, to make a cooperation agreement against the Muslims. Knowing that, Prophet Muhammad immediately sent Muhammad bin Maslamah to kill Ka'ab bin Asyraf, then ordered the Muslims to besiege the hometown of Bani Nadhir.²¹ (Haykal, 2015) The siege lasted for six days and during that time, the Muslims destroyed the Bani Nadhir's food sources, until the Bani Nadhir realized that they could not survive much longer. The siege of Bani Nadhir's hometown ended with a peace agreement, but Bani Nadhir had to leave their hometown because they had betrayed²² (Assyrian, 1984)

¹⁹ Khusniati Rafiah, "The Universal Values of the Qur'an, A Study on the Thought of Fazlur Rahman" *Dialogia Journal* Vol. 8 no. January 1, 2010, p. 21.

²⁰ Wahbah Al-Zuhaili, *Al-Tafsir Al-Munir*, Cet. 1, (Damascus, Dar Al-Fikr, 1991), Volume 28, p. 68.

²¹ Muhammad Husein Haykal, *Hayatu Muhammad*, (Beirut, Al-Maktabah Al-Ashriyah, 2015), p. 258.

²² Muhammad Thahir Ibnu Asyur, *Al-Tahrir wa Al-Tanwir* (Tunis, Al-Dar Al-Tunisiyah li Al-Nasr, 1984), Juz 28, hlm. 63.



Bani Nadhir's departure from his hometown left him with abundant possessions. Al-Hasyr's letter was then revealed to relate this incident and to regulate the management of the wealth inherited from the Bani Nadhir and the *Fai* assets in general. (Assyria, 1984)²³Thahir Ibnu Asyur further explained that these verses were present to eradicate the pre-Islamic Arab habit of managing war booty, which prioritized troop commanders rather than giving them to those who needed them more.²⁴ (Haykal, 2015) In practice, the Prophet Muhammad distributed the inheritance of the Bani Nadhir to the needy, poor and friends of the Muhajirin. Meanwhile, the Ansar people did not get a share except for only two people, namely, Abu Dujanah and Sahal bin Hunaif.²⁵ (Munawwir, 1997)

Literal Meaning of Surah Al-Hasyr: 7

To better understand the literal meaning of Surah Al-Hasyr verse 7, there are several important points that need to be discussed. These points are;

(مَا أَقَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَىٰ)

The lexical meaning of *afaa-yufiu-ifaatan* (أفَاء -يفيء -إفائة) is to return. The basic word is *faa-yafiu-faian* (فَاء -يفيء -فِيء) from the root word *fayaa* (فِيء) which has return meaning, shadow. While the meaning of *afaa* in the paragraph above is to make the Bani Nadhir's wealth a *fai property*.²⁶ (Al-Asfahani, 2018) *Fai* property in jurisprudence terminology is property that Muslims *acquire* from non-Muslims without going through war, such as *jizya* (personal tax), *ushur* (a ten percent trade tax from unbelievers), and property from peace agreements with non-Muslims. what is obtained after winning a battle is called *ghanimah*.²⁷ (Al-Anshari, 1994) In the case of the property left by the Bani Nadhir, the property they left is called *fai* because it was obtained through a peace agreement, without having to go to war.

Some scholars argue that the point of difference between *fai* and *ghanimah* is in the nature of the property, not the way to acquire it. *Fai* is immovable property, such as

²³ *Ibid*, hlm. 84.

²⁴ Muhammad Husein Haykal, *Hayatu Muhammad...* hlm. 259.

²⁵ Ahmad Warson Munawwir, *Kamus Al-Munawwir...* hlm. 1080.

²⁶ Al-Raghib Al-Asfahani, *Al-Mufradat in Gharib Al-Qur'an*, Set. V, (Kairo, Maktabah Taufiqiyah, 2018), hlm. 390.

²⁷ Zakariya Anshari, *Fathul Wahab* (Beirut, Dar Al-Fikr, 1994), Juz 2, hlm. 29.



land and houses, while *ghanimah* is movable property, such as gold and weapons.²⁸ (Al-Shabuni, 2007) In the event of the expulsion of Bani Nadhir, the most valuable property they left behind was land, which is an intangible property. move

Thus, giving the meaning of *fai* in terms of how to obtain it and in terms of the nature of the wealth is equally correct, if the meaning is based on the event of the expulsion of the Bani Nadhir. This means that both meanings are possible as described above. However, a specific understanding is needed, because between *fai* and *ghanimah* there are different legal consequences, in terms of how it is distributed. Namely, the management of *fai* is entirely the authority of the leader, and must be managed based on the benefit of the Muslim community. Meanwhile, *ghanimah* was distributed to the war troops. Therefore, other considerations are needed to provide a more specific understanding of *fai*. In this case, Al-Qurtubi explains that basically there is no difference between *fai* and *ghanimah* in terms of language, but there is *consensus* from the ulama that the two are differentiated in terms of how they are obtained.²⁹ (Al-Shabuni, 2007)

The lexical meaning of *fai* indicates that the wealth of the world actually belongs to God. In the case of the Bani Nadhir, the truth is that it was God who took back His wealth from the management of the Bani Nadhir, to then give it to the Prophet Muhammad. Because wealth truly belongs to God, wealth must be managed according to God's rules. Even Imam Asfhani stated that wealth is called *fai*, while *fai* basically has the meaning of shadow, to show that wealth is a temporary shadow.

Thus the meaning of the verse (مَا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَى) property taken back by God (as the real owner of wealth) from the people of the countries (Bani Nadhir), which was given to his Messenger (Prophet Muhammad) through the Muslims without having to fight.

(كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ)

Dulah is a derivation of the word (دَوْلٌ - دَال) which means circulating, rotating.³⁰ (Muhammad Ahmad Amin, 2003) Asfihani stated that *duulah* has the same meaning as *daulah*. Abu Husain Ahmad further explained that *duulah* and *daulah* are two words

²⁸Muhammad Ali Al-Shabuni, *Tafsir Ayat Al-Ahkam*, (Kairo, Dar Al-Shabuni, 2007), Juz 2, hlm. 431

²⁹ Muhammad Ali Al-Shabuni, *Tafsir Ayat...* hlm. 431.

³⁰Muhammad Ahmad Amin and Muhammad Muhyidin Dib, *Ulum Al-Balaghah*, Cet. I, (Tripoli, Al-Muassah Al-Hadisah li Al-Kitab, 2003), hlm. 72.



that have the same meaning, but their use is different, *dulah* is used for property (circulation of property), while *daulah* is used for war (circulation of war, power). Both *duulah* and *daulah* have two meanings, firstly the movement of something from one place to another, secondly a loose state. Meanwhile, according to Thahir bin Asyur, *dulah* has the meaning of wealth that is circulated by people (moved from one hand to another).³¹ (Ahmad, 2008) The three views above boil down to the same point, namely, that *duulah* is the circulation or distribution of wealth from one person to another.

The fragment of the verse above is *the illat* or reason why *fai* must be managed by paying attention to the fate of the poor. The reason is so that *fai* assets do not only circulate among the rich, but also circulate among the poor.³² (Assyur, 1984) Simply put, so that there will be economic equality and benefits for Muslims.

(وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا)

Uslub (language style) in the section of the verse is *muqabalah language style*. That is the style of conveying an expression by using two opposite words. In that verse, the phrases *ataakum* and *fahudzuuhu* are *muqabalah* (comparative) phrases *nahaakum* and *wonder* _³³ (Al-Qurtubi, 1964)

So that the phrase *ataakum* even though lexically means to come but in the sentence it means to rule. Because, the word *ataakum* is a *muqabalah* (comparative) of the word *nahakum* which has the meaning of prohibiting. Related to this, Al-Qurtubi emphatically states that the only comparative or opposite of prohibition is command.³⁴ (Qasimi, 1997) Then the phrase *fahudzuuhu* which means to take. In this verse it means doing the commandment, because the meaning is a comparison of the meaning of abandoning prohibition (*fantahuu*). Thus, the meaning of the verse is that whatever the Messenger commands, do it and whatever he forbids, then do it. leave it

On the other hand, orders basically have consequences that must be carried out. Moreover, in this verse, the command is accompanied by a threat of Allah's painful

³¹Abu Husain Ahmad, *Maqayisu Al-Lughah*, (Kairo, Dar Al-Hadis, 2008), hlm. 305.

³²Muhammad Thahir Ibnu Asyur, *Al-Tahrir...* hlm. 85.

³³Here is the Qurtubi, *Al-Jami' li Ahkam Al-Qur'an* (Cairo, Dar al-Kutub al-Misriyyah, 1964), Juz 18, hlm. 18.

³⁴Jamaluddin Al-Qasimi, *Mahasinu Al-Taw'wil*, Set, I, (Beirut, Dar Al-Kutub Al-Ilmiyah, 1418 H), Juz 9, hlm. 186.



punishment for anyone who does not carry out the command.³⁵ (Al-Isnawi, 2009) So, it is very clear that the command in this verse contains the meaning that it must be carried out. Thus, Allah's command to obey the Prophet Muhammad's instructions regarding fair *property* management , which takes into account the fate of the poor, is mandatory. In a broader sense, the order to maintain economic equality and safeguard the benefit of the Muslim community must also be implemented.

Al-Qasimi explained that the command to obey the instructions of the Prophet Muhammad and abandon what he prohibited, in this verse, is general. This means that even though the order was conveyed within the framework of *fai* property management , the order does not only apply to *fai* governance and the economy , but also applies to other matters.³⁶ (Assyria, 1984) Thus, doing the things commanded by the Prophet Muhammad and abandoning whatever he forbade is an obligation for Muslims.

From the explanation of the literal meaning of Surah Al-Hasyr verse seven above, there are several important points that we can use as a basis for understanding the basic meaning of Surah Al-Hasyr verse 7:

- 1) Surah Al-Hasyr verse 7 is basically an explanation of the fair management of *fai assets*, which takes into account the fate of the poor.
- 2) The reason and purpose of *fai assets* must be managed with attention to the poor and poor is so that *fai assets* do not circulate only among rich people, but also circulate among The poor.
- 3) The literal meaning of *fai* (return) implies that wealth basically belongs to God, therefore wealth must be managed in accordance with the provisions Allah.

Historical Meaning of Surah Al-Hasyr: 7

The historical meaning that the writer means is the socio-economic condition of the Arab nation at the time at which the seventh verse of Surah Al-Hasyr was revealed. The purpose of this historical research is to ensure that our understanding of Surat Al-Hasyr verse seven is not limited to the linguistic side and a specific historical space (*asbabun nuzul*), but also to a broader historical scope. Because the Qur'an cannot be separated from the historical space that accompanies its presence. The hope is that our

³⁵Jamaluddin Al-Isnawi, *Nihayatu Al-Sul*, (Cairo, Dar Al-Taufikiyah li Al-Turast, 2009), Juz 1, hlm. 332-337

³⁶Muhammad Thahir Ibnu Asyur, *Al-Tahrir...* hlm. 85.



reading and understanding of Surah Al-Hasyr, verse seven, will be deeper and the purpose (*maqasid*) to be achieved from the revelation of this verse will be revealed.

Friends of the Prophet Muhammad in the city of Medina were divided into two groups, namely the Muhajirin group and the Ansar group. This grouping is not based on social status, but rather on their area of origin. The Muhajirin are friends of immigrants, who originally came from the city of Makkah and then lived in the city of Medina, while the Ansar are friends who are native residents of the city of Medina.

In the city of Medina, the economic conditions of Muhajirin friends were different from the economic conditions of Ansar friends. Friends of the Ansar who had lived in the city of Medina for a long time had economic stability, while the Muhajirin did not have economic stability, it could even be said that the Muhajirin's economic condition was very worrying. As an illustration, in the city of Medina, all of the Muhajirin's friends are homeless, they live in the houses of the Ansar's friends.³⁷ (Hisyam, 2013) There was even a time when Hamzah bin Abdul Mutallib, uncle of the Prophet Muhammad, was forced to ask Usman bin Affan for food because he could no longer endure hunger.³⁸ (Haykal, 2015)

As immigrants to the city of Medina, Muhajirin had to build the economy from the bottom. Because when they migrated to the city of Medina, all the wealth they had was left in the city of Mecca. More than that, they had to face the bitter reality, the possessions they had left in Mecca were looted by the non-Muslim Quraysh. Thus, the muhajirin now became poor, they no longer had any wealth. This condition, of course, requires them to rebuild the economy from lower.

The Muhajirin rebuilt their economy with the help of Ansar friends. Friends of the Muhajirin who were involved in agriculture, such as Abu Bakar, Umar bin Khattab, and Ali bin Abi Talib, worked on agricultural land belonging to the Ansar. This means that Ansar friends are willing to share agricultural land with Muhajirin friends. Meanwhile, Muhajirin's friends who work as traders received capital assistance from Ansar friends. Like Sa'ad bin Rabi' who offered half of his property to be managed by Abdurrahman bin 'Auf as business capital.³⁹ (Haykal, 2015) Even though Abdurrahman bin Auf refused the offer and preferred to be taken to the market to analyze its condition, this is a portrait of how Ansar friends helped Muhajirin friends

³⁷Ibnu Hisyam, *Al-Sirah Al-Nabawiyah* , (Kairo, Dar Al-Tauqiyah li Al-Turast, 2013), hlm. 303.

³⁸ Muhammad Husein Haykal, *Hayatu Muhammad...* hlm. 191.

³⁹ *Ibid*, hlm. 190-191.



rebuild its economy.

On the other hand, this fact can be read as the economic dependence of Muhajirin friends on Ansar friends. Such conditions cannot be maintained forever. It is true, it is impossible to avoid the poverty that is currently ensnaring the Muhajirin. That is a risk they have to bear as followers of the Prophet Muhammad. Besides, Ansar was really willing to help them. However, it is impossible for Muhajirin friends to depend on Ansar friends for life. For example, land cultivated jointly between Ansar and Muhajirin is very likely to give rise to land disputes when their generations change.

From this, it can be understood the reason or purpose of the Prophet Muhammad to prioritize Muhajirin friends over Ansar friends in dividing the property of the *Fai* Bani Nadhir, after their expulsion. The reason is none other than to create economic equality and reduce or even eliminate the economic dependence of Muhajirin friends on Ansar friends. Muhajirin friends who are in poverty must be helped to escape the trap of poverty. From among the Ansar, only two people received shares, namely, Abu Dujanah and Sahal bin Hunaif. The two people were poor friends of Ansar. This means that the economic conditions of both of them are the same as the economic conditions of the Muhajirin. This step taken by the Prophet Muhammad, in turn, succeeded in giving birth to the economic independence of his friends. Husein Haykal noted that Muhajirin and Ansar at a later stage had the same economic level.⁴⁰ (Haykal, 2015)

The Prophet Muhammad's policy of dividing the property of the Bani Nadhir to those who are more in need (poor), is very contrary to the tradition of the pre-Islamic Arabs in managing the spoils of war. Before the coming of Islam, the Arabs gave priority to war commanders in dividing the spoils of war, rather than giving priority to those who were more in need.

After winning a battle, the war commander (pre-Islamic Arabs) had the right to obtain four things. *First, the mirba'*, namely a quarter of the spoils of war taken by the commander before the spoils were distributed. *Second is shafaya*, the possessions with the highest value. *The third is nasyithah*, treasures found by soldiers during their journey to the battlefield. *Fourth, fudhuli*, the remaining spoils of war that cannot be shared (*impartible*), such as horses or camels that are only left One.⁴¹ (Assyria, 1984)

From the explanation above, it can be understood that Surah Al-Hasyr verse seven has two historical meanings (purpose/ *maqasid*); *first*, economic equality by paying

⁴⁰Muhammad Husein Haykal, *Hayatu Muhammad...* p. 259.

⁴¹ Muhammad Thahir Ibn Asyur, *Al-Tahrir...* Juz 28. p. 85.



attention to the fate of the poor. *Second* , erasing the traditions of pre-Islamic Arabs in managing looted wealth war.

The Universal Meaning of Surah Al-Hasyr: 7 and the Law of *Ihtikar* .

Universal has a general meaning, applies to all people or the whole world. ⁵⁵ Thus, the universal meaning that the author means is the meaning that applies to all mankind, without knowing the boundaries of culture, environment and era. This means that this meaning is always in accordance with different cultures and environments and is always in harmony with changing times.

Muslims have agreed that the Koran is valid and always appropriate to diverse cultures, different environments and ever-changing times. ⁵⁶ This means that the teachings of the Koran are universal. In this case, not a single Muslim has a different opinion. The problem is, are the universal teachings of the Qur'an based on its literal meaning?

Of course the answer is no. ⁵⁷ Because, if the universal nature of the Al-Qur'an lies in its literal meaning, then the meaning of the seventh verse of Al-Hasyr has lost its relevance in this century. Because the literal meaning of this verse is an explanation of the management of *fai assets* , whereas *fai assets* no longer exist in this century. Because the concept of *fai assets* only applies in the caliphate system, not the nation state system. In other words, this literal meaning actually harms the universal nature of the Koran which is always in harmony with changing times. Therefore, the universal meaning of Al-Hasyr verse seven must be read through another lens.

According to the author, the universal meaning of the seventh verse of Al-Hasyr lies in its historical meaning. This meaning is relevant to changing times, cultural and environmental differences. However, this does not mean that the literal meaning is unimportant. The literal meaning is still important, even very important. Because the basic meaning of the seventh verse of Al-Hasyr, or even the meaning of the Qur'an in general, is its literal meaning. This means that it is impossible to understand the Qur'an without understanding the literal meaning of the verses Al-Qur'an.

Previously, the author explained that this verse has two historical meanings, namely economic equality and the elimination of pre-Islamic Arab traditions in managing war booty. Of these two historical meanings, the first meaning is economic equality or in other words economic justice is a meaning that is in harmony with socio-economic conditions in the current era.



Ibn Asyur explained that *the maqasid of sharia* extracted from the seventh verse of Surah Al-Hasyr is the necessity of distributing wealth (economic equality) among Muslims with a strict system, including a strict system in terms of business transactions.⁴² (Rafiah, 2010) This means that business transactions must be ensured so that they always run along the corridor of economic equality among Muslims.

Starting from here, the act of *ihtikar* carried out by hoarding goods that society needs to the point of causing scarcity and prices to rise, which is clearly detrimental to society at large, is an action that is not justified. This action is contrary to the principles of economic justice or economic equality.

The act of *ihtikar* only benefits one party, namely the *muhtakir party*, while the other party is harmed. They are disadvantaged by the difficulty of getting the goods they need and they are also disadvantaged by the soaring prices. This condition only benefits and enriches *the muhtakir*, while the other party seems to have been robbed of his wealth. Thus, it is clear that *ihtikar actions* are contrary to the principle of economic equality, or in Ibn Asyur's language, business practices using *ihtikar* do not run along the corridor of economic equality among the people. Islam.

Conclusion

Based on the description of the ins and outs of *the ihtikar* perspective of the four schools of thought and critical analysis of the understanding of *the ihtikar* of the four schools of thought as well as textual and historical analysis of the seventh verse of Surah Al-Hasyr, there are several points that can be drawn as conclusions:

1. *The first* action that falls into the category of *ihtikar* is the act of hoarding goods that people need, causing scarcity and rising prices, then reselling them when the price is high.
2. *The second* literal meaning of Al-Hasyr verse seven is an explanation of the management of *fai assets* based on concern for the fate of the poor. The historical meaning is an explanation of the principles of economic equality and the elimination of Arab traditions in managing looted wealth war.
3. *The third* universal meaning of Al-Hasyr verse seven is the principle of economic

⁴² Khusniati Rafiah, " *Universal Values of the Qur'an...* p. 20.



equality or economic justice.

4. *The four acts of ihtikar* are contrary to the principle of economic equality, therefore acts of *ihtikar* are acts that are prohibited in Islam.

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