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Comparative Analysis Of The Concept Property In Islam According To Afzalur Rahman And Taqiyuddin Annabhani

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ABSTRACT

This study aims to examine the concept of property and property in Islamic law review by comparing the opinions of Afzalur Rahman and Taqiyuddin AnNabhani. This research method is comparative analysis. The results show similarities in thought between Taqiyuddin an-Nabhani and Afzalur Rahman, namely both talking about ownership in terms of Islamic, capitalist and socialist economics in today's life. The difference in the concept of Islamic economics in property ownership according to Afzalur Rahman that the concept of ownership in the Islamic economic system is in line with economic principles that require an economy in accordance with the Qur'an and Sunnah. While Taqiyuddin an-Nabhani argues that the concept of property ownership in the economic system according to Taqiyuddin An-Nabhani is divided into three, namely individual property rights, general property rights, and state property rights. Taqiyyuddin An-Nabhani's thoughts on the status of ownership of the economic system as well as Islamic views are carried out on the basis of ownership, how to use property rights, and how ownership is distributed.

Keywords: *Concept of Property and Leadership, Taqiyyuddin An-Nabhani, Afzalur Rahm*

INTRODUCTION

The concept of ownership in Islamic teachings departs from the basic view (*Fitrah*) to have property individually, but in social life requires other parties. One form of grace from the power of Allah SWT is in the form of wealth or wealth given to mankind to be used as well as possible to achieve the welfare (*Falah*) of all mankind economicall (Akbar, 2012). The capitalist system recognizes the existence of a *system of private ownership (private ownership*), where this system is very dominant in human life, especially in developed countries. However, the capitalist system does not limit human wealth, it has fostered and fostered *usury, oligopoly, monopoly,* and other things that harm many parties. The cause is greed and greed to obtain maximum benefits and has truly denied the losses borne by others from actions that deify wealth (Khalil, 2013).

The economic system of capitalism denies the role of morality in economic activity. For this system, both are not related and supportive. Therefore, humans are allowed to seek maximum profit and explore various natural resources in an incorrect way. Various efforts, be it haram or halal, will get rewards from what is done (Reva, 2023). However, the status of property in Islam is important, as evidenced by the five maqashid Shariah which is one of which is *al-maal* or wealth. Islam believes that all riches belong to Allah SWT and humans can only use it. In addition, Islam also recognizes human rights. Therefore, Islam regulates the muamalah laws such as buying and selling, renting, holding, and banning fraud and usury.

Taqiyuddin an-Nabhani is a scholar, politician and influential figure from Pakistan. He stood out in apolitical activity besides that he had ideas about Islamic Economics and expressed how the basic principles of Islamic economics. The basic principles of Islamic economics according to Taqiyuddin an-Nabhani are carried out on the principle of ownership, utilization of wealth, and the concept of distribution I of wealth which will be very contrary when faced with capitalism and socialism.

In contrast to Afzalur Rahman, a self-taught Muslim scholar comes from Pakistan. He pursued Islamic education and had studied at *Islamia college, Lahore*. Afzalur Rahman argues that the concept of property ownership lies in the recognition of individual rights and public property rights. Both rights are not absolute. This shows that property rights are closely related to the principle that humans are holders of the trust of Allah SWT. Therefore, humans do not get the right to master something without considering its impact (Eka, 2020).

Thus, it was found that there were differences of opinion in the concept of property and ownership so that this study aimed to analyze the differences in thoughts or opinions of the figures, namely Afzalur Rahman and Taqiyuddin anNabhani. The research method used is the *liburary Research* method with secondary data types taken from written works. The data analysis technique in this study is descriptive comparative analysis. The implications of this research are expected to provide broader and deeper knowledge about property and ownership and be practiced in accordance with Islamic teachings.

RESEARCH METHODS

The method used in this study is *Library Reserch.* The source of this research is from books, journals, and other scientific papers. The data analysis technique in this study, namely adescriptive comparative analysis, is an analytical technique to look for similarities and differences between the thoughts of Afzalur Rahman and Taqiyuddin an-Nabhani so that they can be described and compare events that occurred when the research was carried out, this is in accordance with the technique carried out by Quratul (2022) who analyzed the Comparison of Economic Thought Between Abu Yusuf, Ibn Taymiyah, and Ibn Khaldun (Quratul, 2022).

RESULTS AND DISCUSSION

The Thought of Afzalur Rahman

Afzalur Rahman (1915-1998) was an athlete and educated Islamic scholar. A self-taught Muslim scholar from Pakistan. From Pakistan he migrated to the UK, then founded *The Muslim Educational Trust* (MET) in 1967 which was built with financial support from King Faisal of Saudi Arabia. The MET provides a platform for students to learn Islam in English schools such as *Necoham Hackney School* and *Bradford*. In his life Afzalur Rahman has produced does of works including *Faith and Pratice, liberty: Readings in Islamic Politikal Philosophy*, *Ekonomic Dotrines Of Islam*, *Muhammad As a Trader,* Prophet as A Leader, Military Index of the Quran, Encyclopediana of Science in the Qur'an, and several other works.

The concept of property ownership according to Afzalur Rahman in the book *Economic Doctrines of Islam.*

Dalam karyanya *Economic Doctrines of Islamic* yang mengemukanan bahwa

kepemilikan harta itu ialah "*Recognizing the right of individual for prosses the property. In spite of that he gave same limitation in order that is not inflicted of common infortence people. Because of that, Afzalur rahman stressed the limit of individual freedan in reach the property, there are:*

1. *Individual is free in strugging of their economic as long as it is not break the rights of others or endanger of common imfortunce people.*
2. *For defend of their life, they have to do right ful and leaving that fatidden to reach the property and not taking the fortidden thing (Rahman, 1995).*

With ownership, the party who does not own is not entitled to use without the permission of the authorized owner. According to shara' ownership is a form of bond between individuals related to property, which in the process of ownership, sharia requires various things called Asba al milk (the origin of ownership). This shows that every individual has the right to manage and utilize his property without interference from others, in the sense that others have no right to prohibit someone from using his property. So that full ownership rights exist for each individual (Ahmad, 1990).

Although Islam gives such freedom to a person to earn a life to earn a life and possess wealth, but besides that he must take the initiative to take good steps in acquiring such property, so that the source of production is not used arbitrarily for success or increasing the influence of a particular person and oppressing members of society. In terms of ownership of Afzalur Rahman, two understandings or groups related to ownership emerged, namely spiritual understanding and matrial understanding.

1. Spiritual Understanding (Rabaniayah) emphasizes more on the morak, spiritual aspects and excludes material aspects in human life. Spiritualism considers all economic activities in order to meet the needs of life to rely on prayer. So ownership is not so emphasized.
2. Matrial (material) matrialists emphasize the material aspects of human life. All human endeavors and efforts are only focused on achievement, while the moral aspect of life is ignored. Adherents of this idea justify all means to obtain wealth, both by right and wrong.

From the two understandings above, Islam takes the best way and tries to determine it according to its proportions. In this case, if the moral aspect is separated from economic development, it will lose the dick that serves to maintain stability and balance in the social system. However, if you prioritize the moral aspect without the matrial aspect, then in isalm it is not allowed. Because Islam allows good ownership individual or general. Islamic It does not emphasize that ownership is a collective duty because it is tantamount to tearing the individual thing of the owner from what he owns while giving wide room to the entry of government intervention that authorizes the abolition of property rights. For this reason, Islam recognizes the aspect of existence in the sense of ownership, where with this ownership it is necessary to be able to make the best use of it for mutual benefit (Rahman, 1995). Afzalur Rahman divides property rights into two, namely private property rights and public property rights.

1. Private property rights are property ownership owned by a person in a lawful way obtained by ability, skill and energy using moral and nonantisocial means and of course the property is used for mutual benefit. As in the Qur'an, it is mentioned in QS. Al-Barqarah:254:

Meaning: *O believers, spend (Allah's way) a portion of the rizki that We have given*

you before the day on which there is no more buying and selling and no more intercession and the unbelievers are the tyrants.

A person who already has wealth, but does not want to take advantage is considered a person who is not filial and will get sin. Because Allah Almighty bestows wealth as a pleasure worthy of enjoyment.

2. Public Property Rights, basically all objects on earth are created for humans and must be accounted for to use them as well as possible and must be distributed fairly in society. In accordance with the Word of Allah SWT in QS. Al-Baqarah:29.

   Meaning: He *is God, who made everything on earth for you and He willed (created) the heavens, and He made seven heavens. and he knows all things.*

   According to Afzalur Rahman, public property rights are all property and wealth belonging to the community that provides ownership or benefits of various different objects to its citizens. Just as objects that provide benefits to society are in public control, while some others are handed over to individuals so that they can enjoy, buy, sell and inherit them.

Implementation of the concept of property ownership in Islamic economics according to Afzalur Rahman today

Today the existence of the economic system is known in various terms including capitalist, socialist, and Islamic economics. The concept of capitalist ownership, scapitalist views that humans are the sole owners of property that has been distressed. Man has an absolute thing to spend according to his wishes. The private figure is seen as having the right to monopolize the means of production according to his power and allocate his wealth only to those areas that have material. The concept of socialist ownership, socialist economics views that all forms of sources of wealth and means of production are the common property of society. Each individual community has no rights except for retribution obtained as a form of bsolu service. The state exists to represent society with domination as a single power. As for Islamic property, Islam does not require a gap between the owner's individual rights and general rights. The owner's right in the Islamic view is standard (Agus, 2017).

The sources of public ownership include waqaf, mining goods and zakat. According to Afzalur Rahman, the rich should pay zakat as required by Allah Almighty in the Qur'an and hadith for the wealth accumulated for the poor who need it in society. The Prophet explained zakat as money taken from the rich that is returned to the poor. The goal is to distribute wealth to a just society in a good way. In Indonesia today there are many zakat institutions managed by the government such as BAZNAS (National Amil Zakat Agency), LAZNAS (National Amil Zakat Institute) and other institutions.

The limitations of individual freedom in acquiring property according to Afzalur Rahman include:

1. Individuals are free to exercise their economy as long as they do not violate or harm the rights of other individuals or harm public interests.
2. In order to defend his life, man must do the lawful and die which is haram. As stated in the Word of Allah SWT in QS. Al-Baqarah:168:" *people, eat the lawful and what is*

found in the earth, and do not follow the footsteps of Satan; Indeed, Satan is a real enemy to you.

The Thought of Taqiyuddin An-Nabhani

Taqiyuddin an-Nabhani is a Palestinian cleric, politician and influential figure. Political activity was a prominent aspect of his life. This is a meticulousness in his works. He also studied many political events, then studied them carefully, with a perfect understanding of political situations. He was one of the greatest thinkers and politicians of the 20th century. Taqiyuddin an-Nabhani had ideas about Islamic economics (Taqiyudin, 2009).

The works of Taqiyuddin an-Nabhani, both in the field of politics and thought, are characterized by awareness, accuracy and very systematic. So that he can place Islam in a very perfect and comprehensive ideology that is based on the postulates of the Shar'I contained in the Bible and the Sunnah. The works of Taqiyuddin an-Nabhani are as follows: Nizamul Islam, At-Takatul Al-Hizbi, Mafahiim Hizb ut-Tahrir, an Nizamul Iqthisadi fil Islam, An Nizamul Ijtima'i fil Islam, Nizamul Hukm fil Islam and many other works.

Islamic Economic Thought Taqiyuddin an-Nabhani

In economic thought, Taqiyuddin an-Nabhani interprets"economics" not the meaning of frugal discussion and not wealth, but it is only a certain designation or term, namely the activity of managing the affairs of wealth both concerning activities to multiply the amount of wealth and maintain its use, which is then discussed in economics. As well as those related to the distribution procedures. The economic system is not distinguished by the amount and lack of wealth because from any side it will not affect the form of the economic system. Economics is a science that talks about production and quality.

Therefore, economics is universal in the sense that it is not related to a particular ideology while the economic system is a law or view that discusses the ownership, management, and utilization of property and distribution of wealth in society, so that the economic system is related to certain ideologies such as Islam, capitalists and socialists. Islamic political economy is a guarantee of achieving the fulfillment of all primary needs of every human being. The form of each possibility to meet his secondary and tertiary needs according to the degree of his ability, as an individual living in a society that has a certain lifestyle. Islam views each human being individually, not collectively, as a community living in a state. First, Islam requires every human being to satisfy his orimer's needs thoroughly, and at the same time, he views him with his personal capacity to meet his secondary and tertiary need.

Therefore, Taqiyuddin an-Nabhani argues that Islamic political economy not only aims to improve the standard of life in a country, but also pays attention to ensuring that everyone does not enjoy their lives. Political Islam does not only aim to strive for individual prosperity by providing freedom without thinking about the lives of others. But Islamic political economy is solely to solve everyone's main problem. That way Islamic politics is different from general political economy.

The Concept of Property and Ownership by Taqiyuddin an-Nabhani in the Book of Islamic Economic Systems

In Islam there is no freedom of ownership, but there are no absolute restrictions. Islam regulates the way not the amount of ownership and the way of utilizing ownership. Taqiyuddin an-Nabhani defines ownership as sharia law that applies to certain objects or uses, which allows anyone who gets it to use the goods, and get compensation from the goods (Salim, 2023).The various types of ownership according to Taqiyuddin an-Nabhani include:

1. Individual ownership

   Islam exists by allowing individual ownership and limiting that ownership by certain mechanisms rather than by means of expropriation. The method of this mechanism is in accordance with human nature and is able to regulate relationships between problems among fellow humans. Islam has also guaranteed man to meet his needs thoroughly. In individual ownership there are limitations, namely:

   a. By acquiring ownership and developing property rights instead of seizing the property of others.
   b. By means of determining the mechanism of managing it.
   c. By surrendering the land of the kharajiyyah as state property rather than as individual property.
   d. By forcibly making individual property public property under certain conditions.

   Thus, it is clear that the meaning of individual ownership embodies power in a person over the wealth he owns by means of certain mechanisms. So as to make the ownership a sharia right given to someone (Salim, 2023).

2. Common ownership

   Public ownership is the permission of as shari' to a community to make equal use of objects. While objects that fall into the general category are objects that have been declared and each needs each other. These objects include:

   a. Public facilities, as the Apostle said "Muslims are united in three things, namely water, pasture and fire".
   b. Mining materials, divided into mining materials that are limited in number including private property in which there is a law of rikaz in which there is 1/5 of the property (which must be issued) and mining materials that are not limited to public property and must not be owned privately.

3. State Ownership

   State property is property that is the right of all Muslims. While its management became the authority of the caliph. The meaning of processing by this caliph is the power that the caliph has to manage it. Because eating possession is the power in oneself over one's possessions.

Impelentasi Ownership of Property in the Islamic Economic System According to Taqiyuddin An-Nabhani Today

1 The concept of ownership in the capitalist economic system

The capitalist economic system is every source and value of power that produces production factors mostly owned by the private sector (Rahardja, 2017).In view of this system, natural resources can be owned by individuals and businesses run their lives and competition between companies to obtain the greatest profit. The capitalist economy promotes individual freedom to take an important place so that the principle adopted is individualistic. In capitalist understanding, there is ownership of t(Ali, 2015).

2 The concept of ownership in a socialist economic system

The socialist economic system shows an economy whose government does not act as a directing party in large industries such as railways, toll roads. In this system the government has a big role in regulating economic patterns in a country. Socialist society strongly emphasizes a sense of community and collectivism (communism). The communism system is that all decisions on the implementation of the economy must be regulated by the government[20]. This system is known as the "Command economy" because something must be regulated from the ruler which is also known as the "Totalitarian Economic system (Itang & Daenuri, 2017).

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Table 1.1 Comparative Thoughts between Afzalur Rahman and Taqiyuddin An-Nabhani

Afzalur Rahman	Taqiyuddin An-Nabhani
Difference 1. The concept of property ownershipin the economic system according to Afzalur Rahman is divided into two, namely individual property rights and general property rights. 2. The concept of ownership in the Islamic economic system is in line with economic principles that require an economy in accordance with the Qur'an and Sunnah 3. The concept of individual rights and general rights according to Afzhur Rahman where these two rights are not absolute. This shows that property is closely related to the principle that humans are trustees of Allah SWT. It shows that human beings do not have the right to control something without	**Difference** 1. The concept of property ownership in the economic system according to Taqiyuddin An-Nabhani is divided into three, namely individual property rights, general property rights, and state property rights. 2. According to Taqiyuddin that the Islamic economic system of property ownership in terms of quantity (quantity) is not limited, but limited in a certain way in obtaining property, namely halal and haram. 3. Taqiyyuddin An-Nabhani's thoughts on the status of ownership of the economic system as well as Islamic views are carried out on the basis of ownership, how to use property rights, and how ownership is

considering its impact on the public. In this case, there is no oppression of the rights of others through the property they own because in the property there are some rights of others that must be fulfilled. In Islam every individual has private property rights in accordance with the Shari'ah so that private property rights can benefit others. **Equation** Discusses ownership in terms of Islamic, capitalist and socialist economies	distributed. This is considered inappropriate when juxtaposed with a capitalist economic system that enriches itself and obtains the maximum benefit of property, while the socialist economic system states that the state organizes andmanages economic resources, so individual ownership does not apply in this system **Equation** Discusses ownership in terms of Islamic, capitalist and socialist economies

CONCLUSION

From the discussion above, it can be concluded that there is a conflict in the thinking between *Taqiyuddin an-Nabhani* and Afzalur Rahman, which is both talking about ownership in terms of Islamic, capitalist and socialist economics in today's life. The difference is in the concept of Islamic economics in property ownership according to Afzalur Rahman that the concept of ownership in the Islamic economic system is in line with economic principles that require an economy in accordance with the Qur'an and Sunnah.While Taqiyuddin an-Nabhani argues that the concept of property ownership in the economic system according to *Taqiyuddin* An-Nabhani is divided into three, namely individual property rights, general property rights, and state property rights. Taqiyyuddin An-Nabhani's thoughts on the status of ownership of the economic system as well as Islamic views are carried out on the basis of ownership, how to use property rights, and how ownership is distributed.

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