

Philosophy of Ownership Law in Islam (Analysis of Fiqh Principles)



Dudang Gojali

Universitas Islam Negeri Sunan Gunung Djati Bandung, Indonesia

ABSTRACT: Ownership is an important microeconomic theory position in Islamic and capitalist economic systems. The discussion of ownership is not only related to financial aspects but also social and political aspects. Islam is a way of life and a universal religion because it includes all aspects of life related to economic, social, political, and cultural factors. This article aims to analysis the concept of ownership in Islam, the classification of ownership in Islam, and the fiqh rules that form the basis of ownership in Islam. This research uses a descriptive qualitative approach. The primary and secondary data used are books and journals. The concept of ownership in Islamic economics helps eliminate injustice in controlling one's property by individuals, the general public, and the state so that each group can utilize and own wealth fairly and evenly so that Islamic economics can solve the current economic crisis. Classification of ownership in Islam includes three forms, namely: 1) Private ownership (*al-milkiyyat al-fardiyyah*), 2) Public ownership (*al-milkiyyat al-ammah*), 3) State ownership (*al-milkiyyat al-daulah*). Each holding has a foundation.

KEYWORDS: Ownership, Law, Islam, Fiqh, Philosophy

I. INTRODUCTION

An essential concept in economics is the concept of ownership (Medias, 2018; Sulistiawati & Fuad, 2017). Ownership is an important position in microeconomic theory (Randall, 1975; Salim, 2014), both in Islamic and capitalist economic systems, because the discussion in the field of ownership is not only related to financial aspects but also social and political aspects, so it is a concern for Islamic and conventional economic thinkers to date (Munthe, 2014; Rahmawaty, 2013).

At this time, the reality is that there has been injustice in the control or ownership of property, both individual, public, and state (Akbar, 2012; Gunawan, 2017). This resulted in the emergence of a monopoly on ownership of assets (Posner & Weyl, 2017; Ramli, 2005) based on one group so that assets were not spread evenly in society. Responding to this fact, Islamic economics is expected to solve these problems and, at the same time, become a country's economic system (Purwana, 2013).

Islam is a way of life and a universal religion because it includes all aspects of life related to economic, social, political, and cultural factors (Asry, 2019; Munthe, 2014; Waldan, 2017). Along with the development of the study of Islamic economics and the need for solutions to the current financial crisis, it has encouraged the formation of Islamic-based economics that focuses on studying people's economic problems inspired by Islamic values.

In this article, the author explains the concept of ownership in Islam. What is the classification of ownership in Islam? And what fiqh rules form the basis of ownership in Islam?

II. METHODOLOGY

This research uses a descriptive qualitative approach. The primary and secondary data used are Al-Qur'an, Hadits, books and journals (Nuridin et al., 2021) related to the concept of ownership in Islam. To explain the classification of ownership in Islam and the fiqh rules that form the basis of ownership in Islam, researchers use content analysis (Aziz et al., 2023; Kosim, 2022).

III. RESULTS AND DISCUSSION

A. *The Concept of Ownership in Islam*

Ownership comes from Arabic from the root word "*Malaka*," meaning to have. Owning can be interpreted as controlling; owning an object means having the right to regulate and use it as long as there is no prohibition in Sharia. With ownership, parties who do not own do not have the right to use an object without the owner's permission. The relationship between humans and their wealth is different from the relationship between humans and possessions. Ownership is not a material thing. In Islam, ownership requires the legalization of Sharia. According to Sharia, ownership is a form of bond between individuals related to property,

Philosophy of Ownership Law in Islam (Analysis of Fiqh Principles)

which at the stage of the ownership process requires various things called the origin of ownership (*Asbab Al-Milkiyyah*). Furthermore, Sharia requires several rules for operating assets and developing them (Salim, 2014).

Al-Qur'an in Al-Baqarah verse 284, stated that "To Allah 'alone' belongs whatever is in the heavens and whatever is on the earth." Considering that ownership is common for humans, God gives power to humans to own whatever is on earth, but with a note that humans must always be aware of their status, which is only given; they must submit to those who give. This compliance must be realized starting when humans carry out the ownership process up to when they use their property rights. All must comply with the sharia, which expresses Allah's will. Therefore, Islam legitimizes ownership from a legal process and vice versa. Islam strongly condemns investment practices that violate the rules, especially if they are detrimental to society. If this harm to society occurs, the owner ignores the community, which actually, in the Islamic view, has rights in individual ownership. In principle, Islam does not recognize any ownership that arises from deviant ways (An-Nabahan, 2000; Rusfi, 2016).

This Islamic view differs from the law of ownership, which is subject to the philosophy and socio-politics of conventional economics. Islam rejects capitalism and that individual ownership is absolute. Islam also differs from the socialist notion that ownership is a collective duty. In addition, Islam also opposes the idea that ownership is a collective right. Islam fully recognizes and does not oppose that the public interest must be considered and prioritized over the interests of small groups, let alone individual interests. Thus, considering the public benefit must be accepted in the ownership formula.

Islam rejects the notion that ownership is collective property (Ahmad, 2014; Rad & Ahsan, 2000), arguing that this is contrary to individual property or the deprivation of individual property rights, which at the same time provides space for government intervention in banning property rights. This understanding positions the government among the regulators of assets, which is why it is legal to seize and then give to anyone the government provides on the pretext of the law.

Islam does not want an imbalance between the owner's rights and the rights of other communities (Gunawan, 2017). The owner's rights, in the Islamic view, are standard. It's just that the government has the right to intervene on behalf of the law, and even this is very limited to specific circumstances closely related to the social targets to be realized.

Such an Islamic position is intended to help balance property rights and intervention rights, which are feared to be excessive under the pretext of public welfare. In Islam, individual property rights concern joint rights that must be considered without, at the least, reducing the personal rights of the owner. Islam aims to create a just and prosperous society without prejudice to individual property rights (Chapra, 1979). Creating a just and prosperous society is impossible to build without protecting the property rights of its members, so protecting the property rights of individual members is the primary tool in creating a just and prosperous society (Sumarja, 2015).

B. Reasons for Ownership in Islam

From the sharia provisions regarding the cause or method of obtaining ownership, namely: (1) *Ihrazul Mubahat*, (2) *Al-Uqud*, (3) *Al-Khalafiyah*, (4) *Al-Tawalludu minal mamluk*. (Ash-Shiddiqy, 1984; Efendi et al., 2022)

1. *Ihrazul Mubahat* (Generating Ability)

Ihrazul mubahat is having something (object) which, according to *syara'*, may be owned or called *Istila al-Mubahat*. *Istila al-Mubahat* is a way of ownership through mastery of assets not yet controlled or owned by another party (Harun, 2007). *Al-Mubahat* is property that is not included in protected property (controlled by other people), and there is no legal prohibition (*mani al-syar'iy*) to own it (Habibi, 2021). For example, water that is still in its source, fish in the ocean, animals and wood trees in the forest, and so on.

The purpose of mastery over *al-mubahat* (babas property) is for the purpose of being owned. The method of mastery of free assets is: a). *Ihya al-mawat*, namely opening new land (fields) that are not used by other people, are not owned and are outside the residence of the population. B). Animal hunting. Allah makes hunting lawful unless the hunter in *ihram*.

2. *Al-Uqud* (Covenant)

Akad comes from Arabic which means covenant or agreement. This word can also be interpreted as a rope that binds because there will be a bond between people who are in *akad*. *Akad* is a relationship between consent and *qabul* in accordance with the provisions of the *syara'* which has an impact on the object of the *akad* (contract) (Darmawati, 2018). The contract is the strongest and most widely applicable cause of ownership in human life which requires the distribution of wealth (Salim, 2014).

3. *Al-khalafiyah* (Inheritance)

Al-khalafiyah means inheritance. *Al-khalafiyah* there are two kinds, namely: a) *Khalafiyah Syakhsyun an Syakhsyin* (Inheritance). Replacement of one person by another. For example, in terms of inheritance law, an heir describes the ownership position of the person who died to the assets left behind. b) *Khalafiyah Syaa in an syaa iin* (Guarantee loss). Replacement of objects for other objects occurs in *Tadlmin* (coverage) when someone damages or loses another person's property or in *Tawidil* (compensation) when someone wears or causes damage to another person's property (Salim, 2014).

4. *Al-Tawallud Minal Mamluk* (Breed)

Philosophy of Ownership Law in Islam (Analysis of Fiqh Principles)

Al-Tawallud minal amluk is something that is produced from something else. Any breed or anything that grows out of property belongs to the owner. This principle only applies to property that can produce something else/new (productive), such as laying eggs, breeding, producing milk, and so on.

From the provisions above contained philosophical values (Sularno, 2002):

- a. Grace value. Getting someone to own something Permissible, such as water, grass, trees in the forest, game, etc., with the condition that something is not in the possession/control of another person and the intention to own that thing, shows how great God's mercy is to human beings. With easy ownership without compensation, it makes it easy for him to fulfill the interests of life and shows his role as caliph and servant of Allah. More than that, the ability to take ownership like this is a manifestation of the Islamic character of *rahmatan lil alamin*.
- b. The value of appreciation, certainty, and willingness. According to Islam, *Aqad*/transaction is categorized as a way of obtaining property rights. In a contract, two or more parties enter into an agreement, and each party is valued as having the same position; each has something of value from the start, which is equally valued in the *Aqad*. This reflects that Islamic provisions contain the value of respect for every ownership. Furthermore, the contract has conditions for *ijab* (consent) and *qabul* and other conditions indicating the value of legal certainty in the right and the value of willingness.
- c. The value of responsibility and guarantee of family welfare. One of the ways that Islam regulates obtaining ownership is through *Khalafiyah Syakhsy An Syakhsy* or inheritance. The heir occupies the position of the *muwaris* (the person who inherits) in owning the assets left by the *muwaris*. Inheritance of property is primarily a consequence of lineage and marriage. The right to inherit for heirs is very strong. The *muwaris* must pay attention to the fate of their heirs. So that for waqf, almsgiving, grants, and others, there is a maximum limit (1/3). This reflects the value of Islamic guarantees/commitments to family welfare through ownership arrangements.

C. Classification of Ownership in Islam

According to Ibn Taimiyah, property rights are divided into three parts, namely: 1) Private ownership (*al-milkiyyat al-fardiyyah*), 2) Public ownership (*al-milkiyyat al-ammah*), 3) State ownership (*al-milkiyyat al-daulah*) (Abdul Azim Islahi, 1997; Mirzal et al., 2021).

1. Private ownership (*al-milkiyyat al-fardiyyah*)

Regarding acquiring individual property rights, Ibn Taimiyah explained in detail the interests justified by the Shari'a. Every individual has the right to enjoy their property, use it productively, transfer it, and protect it from waste. However, this right is limited by a number of limitations, including he may not use it with *tabdzir*, may not use it arbitrarily, and may not be extravagant. He may not use forgery, fraud, or fraudulent weighing in transactions. It is also prohibited to exploit people in need by hoarding goods, etc (MASTHIYAH, 2009).

Apart from the limitations on property rights above, the owner is also required to carry out certain obligations. Each individual's main obligation (*Fardhu `ain*) is to use his wealth for his own needs and that of his family, while helping the poor is a social obligation in the category of *Fardhu Kifayah* (Salim, 2014).

Ibn Taimiyah's doctrine shows that he tends to respect property rights over wealth with a social function (Firdaus, 2022). When an individual does not carry out social obligations on his property rights, the state can intervene in the individual's private property rights. Furthermore, the state has the right to collect taxes beyond the obligation of zakat, impose fines, and even confiscate property rights due to consideration of certain conditions.

Another obligation to individual property rights is the obligation to provide property loans to other people in need, either voluntarily (*bit-thariq al-tabarru`*) or by taking advantage (*bit-thariq al-ta`widh*). Financial obligations that do not provide benefits are divided into 4 types, namely: paying zakat, entertaining guests, supporting relatives, and helping people who need help (Salim, 2014).

Humans naturally tend to exchange goods to meet their needs. Sharia does not set rules as long as the exchange is carried out voluntarily (Irawan, 2015). However, if no agreement is reached voluntarily, Sharia stipulates certain obligations. For example, if someone owes another person and has goods that can pay off the debt, then the state has the right to force that person to sell his goods to pay off the debt. In the same way, the state can oblige an individual to sell goods or food at a fair price, that is, when someone else needs the goods, and the owner of the goods refuses to sell it except at a high price. So it can be concluded that justice and generosity must be limited by morals and law at the same time.

2. Public ownership (*al-milkiyyat al-ammah*)

Public or collective ownership is property rights that are usually required for social purposes (Demsetz, 2002; Rustan, 2013). If two or more people own assets, then they can use them according to the rules they set. If one of the parties seeks to develop the total assets for the common good, then the other party must contribute and work together for this.

An example of collective property rights is waqf. When a property is donated for a specific purpose or a particular community group, then there is an obligation that the property must be used according to its purpose. However, Ibn Taimiyah is of

Philosophy of Ownership Law in Islam (Analysis of Fiqh Principles)

the opinion that waqf assets can be used for other purposes if they provide more excellent benefits (At-Tariqi, 2004; Faujiah, 2018).

The main objects of shared ownership are the gifts of the universe, such as water, grass, and fire, which are specifically mentioned in the hadith of the Prophet Muhammad. One of the reasons for the necessity of collective ownership of natural objects is that Allah SWT gives them free of charge, and humans have no difficulty using them. Another reason is in the public interest. If someone controls one of these natural objects, it will cause problems for the community.

3. State ownership (*al-milkiyyat al-daulah*)

The third category is property rights by the state because it needs property rights to earn income, which in turn is used to carry out its obligations. For example, to organize education, maintain the law, maintain domestic security, protect the interests of society, and so forth. Ibn Taimiyah stated that the primary sources of state wealth are zakat, taxes, waqf, gifts, fines collection, spoils of war (*ghanimah*), and found items with no owners (A A Islahi, 1997).

State wealth is actually public wealth. The head of state only acts as a trustee (caretaker). The state is obliged to use it for the public interest, but it is not permissible to use it excessively. For example, zakat must be distributed to people who are entitled to receive it in accordance with sharia provisions.

The state is obligated to work hard for the economic progress of society, develop a social security system and reduce the gaps in the distribution of individual income. Imam Mawardi further explained that the state must continue the mission of the Prophet Muhammad in protecting religion and carrying out the mandate of world life (Mawardi, 1989).

From this distribution of property rights, it can be concluded that the property right is conditional and not absolute. This Islamic concept of property rights radically differs from the Roman view adopted by modern economists. In Islam, even though everyone is free to own wealth, they must submit to and follow sharia and moral provisions. Private property rights are primary institutions; under certain conditions, the state can intervene in these individual property rights. However, it is wrong to say that the state's rights are above all things.

Here the concept of ownership in Islam is also different from the thinking of socialists or communists, where Islam recognizes private property rights as a *ghariza* or human nature (A A Islahi, 1997).

D. Fiqh Rules of Ownership

1. Fiqh Rules Regarding Individual Ownership

Based on *Al-Majallah al-Ahkam al-Adliyyah* Number 97:

الإجازة اللاحقة كالوكالة السابقة

Translation: "No one may take legal action on other people's property without the permission of the owner of the property" (Al-Zuhayli, 1996)

Based on this rule, the seller must be the owner of the goods being sold, the representative of the owner of the goods, or the one who has been given a will or his representative. There are no other people's rights to the goods sold.

Permits that come later are of the same status as the representatives that were made earlier. As stated in the first rule, a person may not take legal action against other people's property without the owner's permission. However, based on the above limitations, if a person acts legally on another person's property, and then the owner permits him, the legal action becomes valid. That person is considered a representative of the owner of the property. An example is the *wakalah* contract that is enforced in Islamic Banks.

Based on *Al-Majallah al-Ahkam al-Adliyyah* Number 85:

الخراج بالضمان

Translation: "The benefit of an object is a compensating factor for losses" (Al-Zuhayli, 1996) The original meaning of *Al-kharaj* is issued both for the benefit of objects and work, such as a tree producing fruit or an animal producing milk. While *Al-dhaman* is compensation. For example, an animal is returned by a buyer with a disability. The seller may not charge for the use of the animal earlier. This is because the use of the animal has become the buyer's right.

Based on *Al-Majallah al-Ahkam al-Adliyyah* Number 95:

الأمر بالتصرف في ملك الغير باطل

Translation: "Any order to take legal action against another person's property is void" (Al-Zuhayli, 1996) The purpose of this rule is if someone orders to transact against other people's property that he does as his own, then the law is null and void. For example, a head of the security guard orders his subordinates to sell goods entrusted to him, and then the order is cancelled.

كل من أدلى إلى الهلاك بواسطة فلا يرث بوجودهما

Translation: “Everyone connected to the deceased through mediation, then he does not inherit as long as the mediation exists” (Husen, 2012)

For example, between grandfather and father. Grandfather cannot inherit as long as the father of the person who died is still around, because grandfather is related to the person who died through the father. Likewise, sons with grandsons. Grandsons do not become heirs as long as there are sons from the person who died, because grandsons are connected to the person who died through sons.

كل من ورث شيئاً ورثه بحقوقه

Translation: “Everyone who inherits something, then he also inherits the rights that are property” (Al-Zuhayli, 1996) For example, the right of *khiyar* to goods, because the right of *khiyar* still exists in buying and selling. Likewise, the right to debt or pledge or copyright is also inherited. The position of the heir, in this case, is the position of the deceased.

لا تركة إلا بعد سداد الدين

Translation: “There is no inheritance except after paying off the debt of the deceased.” (Al-Zuhayli, 1996)

This means that before the debts of the deceased are paid off, there is no inheritance. As it is known that in Islamic inheritance law, inheritance is not divided first before being taken for death financing and then for debt. If there is still a remainder, it will be deducted again for a will of a maximum of one third. The remainder is divided among the heirs according to the provisions of Islamic inheritance laws. The above rule is reinforced by the following rules:

لا ملكية لورثة إلا بعد سداد الدين

Translation: “There are no property rights for the heirs except after paying off the debt” (Al-Zuhayli, 1996)

2. Fiqh Rules Concerning Public and State Ownership

كل من مات من المسلمين لا ورث له مناله لبيت المال

Translation: “Every Muslim who dies without leaving an heir, his property will be handed over to Bait al-Mal” (Al-Zuhayli, 1996)

العقد يرضى مع الكافر كما يرضى مع المسلم

Translation: “Any agreements with non-Muslims must be respected in the same way that agreements with other Muslims are respected” (Al-Zuhayli, 1996)

This rule applies in contracts, agreements or transactions between Muslim and non-Muslim individuals and between Muslim and non-Muslim countries bilaterally or unilaterally.

الجباية بالحماية

Translation: “Fees must be accompanied by protection” (Al-Zuhayli, 1996) This rule emphasizes that any levy in the form of property from the people, whether in the form of *zakat*, *fae*, *rI*, *ma dun*, *kharaj* (land tax for non-Muslims), must be accompanied by protection from the government for the citizens who have issued what has been collected earlier. What is meant by protection here is that the people must have their wealth, blood and honor protected, including in conditions of creating comprehensive security conditions so that they can do business, work in lawful jobs, and build facilities and infrastructure for the welfare of the people.

لهم ما لنا وعليهم ما علينا

Translation: “For them there are rights like the rights we have and they are burdened with obligations like the burden of obligations towards us”

Philosophy of Ownership Law in Islam (Analysis of Fiqh Principles)

The above rule emphasizes the existence of equal rights and obligations among fellow citizens based on the moral *ukhuwah wathaniyah*, even though they differ in skin color, language, and culture, as well as wealth.

IV. CONCLUSIONS

The concept of ownership in Islamic economics helps eliminate injustice in controlling one's property by individuals, the general public, and the state so that each group can utilize and own wealth fairly and evenly so that Islamic economics can solve the current economic crisis.

Classification of ownership in Islam includes three forms, namely: 1) Private ownership (*al-milkiyyat al-fardiyyah*), 2) Public ownership (*al-milkiyyat al-ammah*), 3) State ownership (*al-milkiyyat al-daulah*). Each holding has a foundation.

REFERENCES

- 1) Ahmad, M. (2014). ESPOSITO DAN KAPITALISME DI BUMI ISLAM Kajian Hak Milik Pribadi, Privatisasi dan Intervensi Negara, serta Kesenjangan Buruh-Majikan. *Jurnal Penelitian*, 11(2).
- 2) Akbar, A. (2012). Konsep kepemilikan dalam Islam. *Jurnal Ushuluddin*, 18(2), 124–140.
- 3) Al-Zuhayli, W. (1996). *Majallat al-Ahkam al- 'Adliyyah*. Jld.
- 4) An-Nabahan, M. F. (2000). Sistem Ekonomi Islam: pilihan setelah kegagalan sistem Kapitalis dan Sosialis. *Yogyakarta: UII Pers*.
- 5) Ash-Shiddiqy, H. (1984). Pengantar Fiqh Muamalah. *Ke II, Jakarta: Bulan Bintang*.
- 6) Asry, L. (2019). Modernisasi dalam perspektif Islam. *At-Tanzir: Jurnal Ilmiah Prodi Komunikasi Penyiaran Islam*, 10(2).
- 7) At-Tariqi, A. A. H. (2004). Ekonomi Islam Prinsip, Dasar, dan Tujuan. *Yogyakarta: Magistra Insania Press Azhar*.
- 8) Aziz, A., Hidayat, A., Herlina, E., & Ernawati, W. (2023). Oligopoly Market and Monopolistic Competition in the Digital Era: Shariah Economic Perspective. *Quality - Access to Success*, 24(193), 61–67. <https://doi.org/10.47750/QAS/24.193.07>
- 9) Chapra, M. U. (1979). *Objectives of the Islamic economic order*. Islamic Foundationr.
- 10) Darmawati, D. (2018). Akad Dalam Transaksi Ekonomi Syari'ah. *Sulesana: Jurnal Wawasan Keislaman*, 12(2), 143–167.
- 11) Demsetz, H. (2002). Toward a theory of property rights II: The competition between private and collective ownership. *The Journal of Legal Studies*, 31(S2), S653–S672.
- 12) Efendi, N., Nurhasanah, N., & Saripudin, U. (2022). Etika dalam kepemilikan dan pengelolaan harta serta dampaknya terhadap ekonomi Islam. *Fair Value: Jurnal Ilmiah Akuntansi Dan Keuangan*, 5(1), 310–316.
- 13) Faujiah, A. (2018). Bank Wakaf Mikro Dan Pengaruhnya Terhadap Inklusi Keuangan Pelaku Usaha Kecil Dan Mikro (UKM). *Proceedings of Annual Conference for Muslim Scholars, Series 1*, 373–382.
- 14) Firdaus, M. I. (2022). Correlation of The Concept of Property Rights in Islamic Law and KUHPerdata. *Az-Zarqa': Jurnal Hukum Bisnis Islam*, 14(1), 63–83.
- 15) Gunawan, A. (2017). Kepemilikan Dalam Islam. *Tazkiya*, 18(02), 145–158.
- 16) Habibi, M. L. (2021). INDUSTRI HALAL DAN ISLAMIC JURISPRUDENCE. *Economic: Jurnal Ekonomi Dan Hukum Islam*, 12(2), 27–32.
- 17) Harun, M. H. (2007). *Fiqh muamalah*. Muhammadiyah University Press.
- 18) Husen, F. (2012). *Kaidah-kaidah Fiqh: Muamalah, Ahwalussahsiyah, Jinayah, Siyasa*. <http://faizalhusen.blogspot.com/2012/03/kaidah-kaidah-fiqh-muamalah.html>
- 19) Irawan, M. (2015). Mekanisme Pasar Islami Dalam Konteks Idealita dan Realita. *Jebis*, 1(1), 67–78.
- 20) Islahi, A. A. (1997). Konsep Ekonomi Ibnu Taimiyah (Cetakan Pertama). *Surabaya: PT. Bina Ilmu Offset*.
- 21) Islahi, Abdul Azim. (1997). Konsepsi Ekonomi Ibnu Taimiyah, Terj. *Anshari Thayib. Surabaya: Bina Ilmu*.
- 22) Kosim, K. (2022). Adopted Children in Distribution of Inheritance according to Islamic Law in Indonesia. *International Journal of Multicultural and Multireligious Understanding*, 9(4), 155–161.
- 23) MASTHIYAH, I. (2009). HAK MILIK DALAM ISLAM PERSPEKTIF IBN TAYMIYAH. *Dialog*, 32(1), 90–100.
- 24) Mawardi, I. al. (1989). *al-Ahkâm al-Sulthâniyyah waal-Wilâyat ad-Dîniyyah. Beirut: Dâr Al-Fikr, Tt*.
- 25) Medias, F. (2018). *Ekonomi Mikro Islam: Islamic Microeconomics*. Unimma Press.
- 26) Mirzal, H., Putra, M. H. W., & Rasyida, S. N. (2021). Land Acquisition In The Work Creation Law In The Perspective Of Islamic Ownership Theory (an Analysis with the concept of Istimlak and Milk al-daulah). *Ijtihad: Jurnal Hukum Dan Ekonomi Islam*, 15(1).
- 27) Munthe, M. (2014). Konsep Distribusi dalam Islam. *Syariah*, 2(1).

Philosophy of Ownership Law in Islam (Analysis of Fiqh Principles)

- 28) Nuridin, N., Jamali, J., Firdaus, S., Rosidin, D. N., Fatimah, S., & Hidayat, A. (2021). Multicultural Awareness of Al-Qur'an Perspective and Prevention of Religious Radicalism-Liberalism. *International Journal of Multicultural and Multireligious Understanding*, 8(10), 256–261.
- 29) Posner, E. A., & Weyl, E. G. (2017). Property is only another name for monopoly. *Journal of Legal Analysis*, 9(1), 51–123.
- 30) Purwana, A. E. (2013). Pembangunan Dalam Perspektif Ekonomi Islam. *Justicia Islamica: Jurnal Kajian Hukum Dan Sosial*, 10(1).
- 31) Rad, P. S., & Ahsan, M. (2000). Legitimacy of ownership and Islam: A case study of Iran. *Islamic Quarterly*, 44(3), 473.
- 32) Rahmawaty, A. (2013). Distribusi Dalam Ekonomi Islam Upaya Pemerataan Kesejahteraan Melalui Keadilan Distributif. *Equilibrium*, 1(1), 1–17.
- 33) Ramli, T. A. (2005). Kepemilikan Pribadi Perspektif Islam, Kapitalis, Dan Sosialis. *Jurnal Mimbar*, 21(1).
- 34) Randall, A. (1975). Property rights and social microeconomics. *Natural Resources Journal*, 15(4), 729–747.
- 35) Rusfi, M. (2016). Filsafat Harta: Prinsip Hukum Islam Terhadap Hak Kepemilikan Harta. *Al-'Adalah*, 13(2), 239–258.
- 36) Rustan, M. (2013). *ESENSI FUNGSI SOSIAL HAK MILIK ATAS TANAH DALAM PERSPEKTIF KEADILAN DAN KEMANFAATAN (THE ESSENCE OF SOCIAL FUNCTION OF PROPERTY RIGHT OF THE LAND IN PERSPECTIVE JUSTICE AND UTILITY)*. Universitas Hasanuddin.
- 37) Salim, M. F. N. (2014). *Konsep Kepemilikan Dalam Islam*.
- 38) Sularno, M. (2002). Konsep Kepemilikan dalam Islam (Kajian dari Aspek Filosofis dan Potensi Pengembangan Ekonomi Islami). *Al-Mawarid: Jurnal Hukum Islam*, 9.
- 39) Sulistiawati, S., & Fuad, A. (2017). KONSEP KEPEMILIKAN DALAM ISLAM Studi atas Pemikiran Syaikh Taqiyuddin an-Nabhani. *Syariah*, 5(2).
- 40) Sumarja, F. X. (2015). *Hak Atas Tanah bagi Orang Asing, Tinjauan Politik Hukum dan Perlindungan Warga Negara Indonesia* (Vol. 1, Issue 1). STPN Press.
- 41) Waldan, R. (2017). Quality of Work Life Sebagai Solusi Peningkatan Kinerja Karyawan dalam Perspektif Islam. *Jurnal Al-Hikmah*, 12(2), 29–50.



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non Commercial 4.0 International (CC BY-NC 4.0) (<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.