

## The Principle of *Tauhid* and Ownership in Islamic Economic

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### **Abstract**

the purpose of this study is to explore the principle of Tauhid in ownership in Islamic economics, Tauhid in Islam is recognized as a fundamental principle of religion or can be called the most basic principle in religion especially in the concept of Islamic economics. Research method is a Literature review is a systematic, explicit and reproducible method for identifying, evaluating and synthesizing works of research results and ideas that have been produced by researchers and practitioners. Literature review aims to make an analysis and synthesis of existing knowledge related to the topic to be researched to find empty space for research to be carried out. the results of this study found that Islam recognizes human nature to love wealth and own it. The wealth that is in the hands of humans is only a deposit and a mandate that must be fulfilled according to what the owner wants. The concept of ownership in Islam is very comprehensive, where Islam not only regulates how property ownership can be obtained in a lawful way, how property can be developed and utilized, but also regulates how property can function for the welfare of the people, namely by moving the owners to distribute to meet their needs. The concept of ownership in Islamic teachings departs from the view that humans have a basic tendency (fitrah) to own property individually, but also need other parties in their social life.

**Keywords:** Principle, Tauhid, Ownership, Islamic Economic.

### **INTRODUCTION**

The modern world, with its limitless developments, brings humans out of the limits of their humanity. Many of today's modern humans forget their origins and live just to work, or even live just to meet the needs of the world. The true meaning of life is not achieved, spirituality is abandoned. Such is the condition of today's modern society, including Islamic society. Religious values often escape from their lives, defeated by the enemies of the world's desires.

*Tauhid* is the most important foundation of Islam. A person whose *Tauhid* is true, then he will find salvation in this world and the hereafter. Tawheed which is not true, will make someone fall into polytheism. Polytheism is a sin that will bring misfortune in the world as well as eternity in the punishment of hell. Allah SWT says in Al Qur'an surah An-Nisa' verse 48.

Tawhid itself in all Islamic scientific studies occupies a principled position. *Tauhid* is the initial study discussed in almost every branch of Islamic scholarship, including economics. in Islamic economic discourse, *Tauhid* is one of the fundamental principles as well as the initial foundation for building closeness to Allah SWT. That's why *Tauhid* has an important position in the study of Islamic Economics.

Since the beginning *Tauhid* has become a topic of study that has never been discussed. Tauhid has developed so rapidly since the time of the Prophet Muhammad until today. This development includes the concept as well as the practice. The concept of *Tauhid* includes the meaning and explanation of it. The practice here means how then the values of Tawhid can be

implemented in human life. In its development, *Tauhid* has been studied from various perspectives. Because basically every study of Islamic religion will be based on *Tauhid*.

*Tauhid* in Islam is recognized as a fundamental principle of religion or can be called the most basic principle in religion. (Sayyed Qasim Mujtaba Moosavi Kamoopuri, 2011) This means that religion is built on the foundation of *Tauhid*. This also means that *Tauhid* has the highest authority in the Islamic religion, so that there cannot be any Islamic teachings that conflict with *Tauhid* and its values.

According to Murthada Muthahari, human actions can be distinguished between natural actions (ordinary) and moral actions. Natural actions are actions that do not make the perpetrator worthy of praise, for example; the hungry will eat, the thirsty will drink, the weary will rest. This type of natural action is also performed by animals. While moral actions are actions that deserve to be praised or praised, actions that are synonymous with effort (effort). In a sense, humans recognize the great value of an moral act. The value in question is not the same as the price that can be juxtaposed or equated with material such as money or other goods, no matter how big the material is. The value in question is in a higher position in humans. (Muthahari Murthada, 1995)

The natural human actions in question are contrary to the principles of Islamic economics in which economic activities and activities, both individuals and groups adhere to the principle of *Tauhid* without giving priority to ego. If the human ego cannot be controlled, it will damage the value system that God has created. God created humans to carry out the duties of caliphs on earth. Where humans must protect and prosper the earth. So in running the wheels of the human economy must pay attention to all aspects so as not to conflict with Islamic values. All forms of fraud or deception and negative actions are strictly prohibited in the Islamic economy. This is an important point in the caliph principle, namely that one must really apply Islamic values in the course of the economy for human life.

Moral actions are different and far more noble than the natural actions above. These moral actions are also commonly called humane actions, which are more valuable than just natural or animal actions. In it is freedom, one of the values that transcends human animal aspects and material values. Therefore, we will meet humans who prefer the difficult way of life with the important reason that they are free and not enslaved. These moral actions are in line with the principle of *Tauhid* in Islamic economics which is not controlled by the ego.

As a universal and comprehensive system of life, Islam exists and is trusted by its adherents as a teaching that regulates all forms of human activity, including economic matters. One form of activity related to economic problems is the issue of ownership (*al-milkiyyah*). Islam always provides space and opportunities for humans to access all the resources of wealth that He has bestowed on this earth, in order to meet all demands of life, fight poverty, and realize prosperity in all aspects of human life.

Historically, ownership issues have actually existed and emerged since the existence of the first humans on this earth. At that time, the meaning of ownership was nothing more than the use of something to meet their needs, because humans had not thought about keeping what they owned. This is because the inhabitants of the earth at that time were still few, while the

necessities of life were very abundant. Ownership of something at that time, just use it to meet the needs of his life.

However, along with the development of time and the demands of society's needs, little by little the number of people began to increase and fill the corners of the earth. At that time competition began to make ends meet, everyone wanted to make ends meet. So since then, a shift in the meaning of ownership has begun, which was originally only used to meet the necessities of life, to become authority and power. At this time, the term ownership (property) has appeared, or also known as "al-milkiyyah".

As an original economic system, the Islamic economic system also regulates ownership rights that are different from ownership rights in socialist or capitalist economic systems. Ownership in Islamic law is mastery over something in accordance with the rule of law, and has the authority to act on what he owns as long as it is in the right direction and in accordance with the law. In principle, Islam does not limit the form and type of effort for a person in obtaining wealth, nor does Islam limit the amount of results achieved by one's efforts. This depends on the abilities, skills and skills of each, as long as it is done in a fair and lawful manner, meaning that it is lawful and right according to moral and reasonable standards (QS. al-Baqarah [2]: 188, an-Nisaa' [4] : 32) and does not harm himself or others.

## **RESEARCH METHOD**

Literature review is a systematic, explicit and reproducible method for identifying, evaluating and synthesizing works of research results and ideas that have been produced by researchers and practitioners. Literature review aims to make an analysis and synthesis of existing knowledge related to the topic to be researched to find empty space for research to be carried out. More detailed objectives are described by Okoli namely providing the theoretical background/base for the research to be carried out, studying the depth or breadth of existing research related to the topic to be studied and answering practical questions with an understanding of what has been produced by previous research.

The method used in this writing is a literature review which is a systematic, explicit and reproducible method for identifying, evaluating and synthesizing works of research results and ideas that have been produced by researchers and practitioners (Rahayu et al. 2019). The sources of literature used in preparing the thesis with this literature review are through National and International Journal Websites such as Google Scholar, Garuda, Research gate. Writing a literature review has several stages or steps.

According to Polit & Hungler in Carn well divides the stages into five, namely defining the scope of the topic to be reviewed, identifying relevant sources, reviewing the literature, writing the review and applying the literature to the study to be conducted. Ramdhani, Amin & Ramdhani describe four stages in making a literature review, namely selecting topics to be reviewed, tracking and selecting suitable/relevant articles, conducting literature analysis and synthesis and organizing review writing.

## RESEARCH RESULTS AND DISCUSSION

### The Principle of *Tauhid* in Islamic Economics

The main foundation of all Islamic teachings is *Tauhid*. Tawhid forms the basis of all concepts and activities of Muslims, be it economic, political, social or cultural. In the Qur'an it is stated that *Tauhid* is a fundamental philosophy of Islamic economics. (39 : 38 ).According to Abdul Manan, the foundation of Islamic economics is based on 3 fundamental concepts, namely faith in Allah (Tawhid), leadership (Khilafah) and justice (a'dalah). (Muhammad Abdul Mannan) Tawhid is the most important and fundamental concept because the first concept is the basis implementation of the objectives of activities both related to ubudiyah, mahdhah worship to morals.

Likewise Chapra explained that Islamic economic development was built based on the principles of *Tauhid* and ethics referring to the goals of sharia or maqashid al-syariah. Namely maintaining: (1) Faith or faith, (2) life or life (3) reason or intellect (4) offspring or posterity and (4) wealth or wealth (M. Umer Chapra, 2010). This concept is evidence that explains that the concept and system of Islamic economics should start from building a belief or faith, and end with wealth or property. It is hoped that in turn there will not be economic disparities or economic behavior that contradicts the principles of Islamic economics.

Tawhid implies that the universe was created by the One Almighty God who is also the owner of this universe, everything he creates has one purpose. It is this purpose that gives meaning to every existence in the universe of which humans are a part. If this is the case, humans who are equipped with free will, rationality, moral awareness combined with an awareness of Godhead are inherently required to live in obedience and worship to God Almighty. Thus, the concept of *Tauhid* is not just an acknowledgment of reality but also an active response to it. The reality of *Tauhid* is complete submission to the will of God, both regarding worship and muamalah, in order to create a pattern of life that is in accordance with God's will.

In this context Ismail Al-Faruqi said, "it was al- tauhid as the first principle of the economic order that created the first "welfare state" and Islam that institutionalized that first socialist and did more for social justice as well as for the rehabilitation from them to be described in terms of the ideals of contemporary western societies" (Sayyid Abul A'la Maududi, 1984)(Tawhid was the first principle of economic order that created the "prosperous state" and it was Islam that instituted the first socialism and carried out more social justice. Islam was also the first to rehabilitate (dignity) human beings. This ideal notion (concept) is not found in today's Western society). The concept of *Tauhid* which is the philosophical basis, teaches two main teachings in economics. First, All the resources in this world are God's creation and belong absolutely (absolute and real). Humans are only trustees(trustee) to manage these resources in order to realize the prosperity and welfare of human life fairly.

In managing these resources, humans must follow Allah's rules in the form of shari'ah. God's Word, "Then we made for you syari'ah in various affairs, so follow the sharia, do not

follow the desires of people who do not know"(QS: Al-Jatsiyah 18) Thus, every resource management and every way and effort to earn sustenance must be in accordance with God's rules. Likewise spending, such as spending, investment and savings must be in accordance with the Shari'ah of Allah. This is the implication of the concept of *Tauhid* or Islamic economic theology Interest (interest) which ensures business must be successful (profit) is contrary to *Tauhid*. God's Word,"One can not say how much profit tomorrow", (Ar-Rum: 41) Even though every business contains three possibilities, namely profit, break even or loss. Moreover, the level of profit can vary, it can be large, medium or small. So, the concept of interest is really not in accordance with Shari'ah, because it contradicts the principle of *Tauhid*. Second, God provides abundant natural resources to meet human needs. Humans who act as caliphs can utilize the many resources for their life needs. In the perspective of Islamic theology, these resources are God's countless (unlimited) blessings, as in his word "And if you count the favors Allah, you would not be able to count them.( QS. 14: 34 ) In contrast to the view above, conventional economists always put forward the jargon that natural resources are limited (limited ). Meanwhile, in Islamic economics, natural resources are numerous and abundant. Therefore, according to Islamic economics, the economic crisis experienced by a country, is not due to limited natural resources, but due to unequal distribution(maldistribution), resulting in resource inequality (economy). Many verses of the Al-qu'an indicate that agriculture, trade, industry, both goods and services, and various forms of productive activities are intended for human life. Furthermore, the concept of *Tauhid* teaches that everything starts from Allah, aims ultimately at Allah, uses means and resources according to Allah's law. Economic activities, such as production, distribution, consumption, export-import start from *Tauhid* (divinity) and in the corridors of sharia which aim to create falah in order to achieve the pleasure of Allah. If a Muslim works in the field of production, it is none other than fulfilling Allah's commands."He is the one who made this earth easy for you. So walk in all its corners and eat part of His sustenance and only to Him will we be returned". (QS. Al-Mulk: 15). When producing agricultural resources, for example, a Muslim considers that his work is worship to Allah. Likewise when trading, working in a factory or company. Everything in the frame of worship to God. The more diligently he works, the higher the value of his worship and piety to God. *Tauhid* in production also teaches that the goods produced are good and lawful. Economic actors who believe in *Tauhid* will not want to produce cigarettes, alcohol, let alone drugs and other illicit goods. In the service sector, economic actors who believe in *Tauhid* will not open hotels that are full of immorality, entertainment (discotheques) and tours that are full of evil, gambling locations, prostitution, etc. All of that must be avoided because it is contrary to the Shari'a of Allah. When a Muslim wants to buy, sell and borrow, he is always subject to sharia rules. He does not buy or sell illicit products and services, eat illicit money (usury), monopolize people's property, do corruption, or commit bribes. When a Muslim has wealth and wants to invest it to be productive, he will not invest it ribawi in interest-based financial institutions. He also will not use it for speculative business in the capital market or money market(money changers and foreign exchange banks).A Muslim will invest based on sharia principles such as mudhabarah and musyarakah schemes. And other forms of sharia investment. When someone consumes something, he is not excessive, israf and redundant, because this behavior is prohibited in Islam. (QS. 17:36) Even though there are quite a lot of available resources, humans as Allah's caliphs must not be wasteful and greedy in using them. Wasteful is the act of Satan (QS.17:27) and greed is the behavior of animals. Therefore, in utilizing resources, it must be efficient and think about the interests of future generations and pay attention to the environment. When a Muslim has a number of assets, he does not consume it himself, because

in Islam every Muslim who gets assets is required to distribute his personal wealth to the community in accordance with sharia rules. The community is entitled to receive that distribution.

### **The Principle of Ownership in Islamic Economics**

Property rights are one of the discussions discussed in the study of economics, both socialist and capitalist economics, and of course also in Islamic economics. Each of these economic systems has its own characteristics in determining ownership rights. Ownership of assets (goods and services) in the Socialist System is limited in terms of quantity (quantity), however, it is freed in terms of the method (quality) of obtaining the assets owned. This means that in obtaining it freed by any means can be done. Meanwhile, according to the view of the Capitalist Economic System, the amount (quantity) of individual property ownership and how to obtain it (quality) are not limited, that is, it is permissible in any way as long as it does not interfere with the freedom of others another.

A socialist economic system that limits the quantity of ownership and places state ownership in the highest position tends to give birth to authoritarian power, while a capitalist economic system that gives freedom to own goods without restrictions on quantity and quality tends to create social inequality. Owners of strong capital will be more prosperous and stronger, so that they will have unlimited wealth (property), while those who cannot afford it (poverty) will find it increasingly difficult to have wealth (property). The word "ownership" in Indonesian is taken from the word "property". It is an absorption word from the word "al-milk" Arabic. Etymologically the word "al-milk" taken from the root word " which means to have (Allamah Abi al-Fadhl Jamal al-Din Muhammad ibn Mukram Ibn Manzbur, 2000).

Imam raghib Al al asfahani in at-thoriqi (2004) defines al milk is spending on the allocation of assets on a formal legal basis in the form of orders and prohibitions that apply in society. this definition is specific based on the policies adopted by the authorities. thus property is the purity of something that can be spent based on applicable law (Abdullah Abdul Husein at Tariqi, 2011).

According to Abdul Salam Al Abadi, ownership is a special human right to ownership of goods that are permitted by an-naba nutrition to utilize and allocate without limits so that there are reasons that prohibit it (Abdul Salam Al-Abadi, 1995).

In Arabic the word means to maintain and control something freely (Musthafa Ahmad Al-Zarqa, 1978). That is the control over a person's property (goods or services) which allows him to take advantage of it in all ways permitted by syara', so that other people are not allowed to take advantage of the item except with his permission, and in accordance with the forms of muamalah that are permitted. For example, Ahmad owns a motorbike. This meant that the motorcycle was in Ahmad's power and grasp. He is free to use it and other people may not hinder and hinder him from enjoying the motorbike he owns, except after obtaining permission from the owner.

While the meaning of "ownership" according to the terms of various expressions put forward by experts, but essentially all the definitions are basically the same. For example,

Muhammad Mushthafa al-Salaby quoted by Ali Akbar, al-Salaby defines al-Milk as follows: "The specialization (privilege) of a thing that prevents others from acting on it and allows the owner to take action directly against that thing, as long as it is not there is a legal obstacle" (Ali Akbar, 2018). Ali Akbar quotes the definition of Musthafa Ahmad Zarqa' who defines al-Milkiyyah as follows: "Ownership is a specificity that hinders (others) that the syar'a gives authority to the owner to perform actions unless there is an obstacle". Furthermore, Ali Akbar also quotes the opinion of Abdul Karim Zaidan who defines al-Milk as follows: "Specialization (privilege) of something that allows the owner personally to use or perform an action against the property without anything preventing it according to Islamic law".

From the definition stated above, it can be understood that ownership is a person's control over something in the form of goods or assets both in real terms and legally, which allows the owner to carry out legal actions, such as buying and selling, grants, endowments, and so on, so that with this power people others, both individually and institutionally, are prevented from exploiting or using said goods. In principle, on the basis of this ownership, a person has the privilege of being free to do something or not to do something unless there are certain obstacles recognized by syara'.

Islam has a unique view of the problem of ownership (property), which is different from the views of capitalism and socialism. In the question of ownership, there is a sharp difference in views between Capitalism and Socialism. Capitalism highly upholds individual property rights to economic resources, even though these individual rights are in conflict with social rights. Humans are the sole owner of the property they have earned, there are no other people's rights in it.

In contrast to socialism, economic resources are the collective property of society or the state, so that individuals do not have the right to own them. The socialist economy views that all sources of wealth and means of production are the common property of society. Individual community members have no rights except for the fees they receive as a form of public service.

Property according to Islam - is not private property (capitalism) nor is it shared property (socialism) but belongs to Allah, because it is elaborated from the Al-Quran and Sunnah. The concept of ownership in Islamic teachings departs from the view that humans have a basic tendency (fitrah) to own property individually, but also need other parties in their social life.

The wealth or wealth that He has bestowed in this universe, is a gift from Allah to humans to be utilized as well as possible for the economic welfare of all mankind, in accordance with the will of Allah SWT. He is the Creator, Ruler and Owner of everything in this universe. As stated in QS al-Ma'idah verse 120:

As a separate system, Islamic economics has explained everything related to ownership issues (al-milkiyyah), procedures for managing and developing (kayfiyyah al-tasarruf fi al-mal), and how to distribute it (al-tawzi' al-tharwah bayna al-nas) in detail through the provisions of His laws.

## **Ownership Reasons**

Legal ownership according to Islam is ownership that was born from a process that was legalized by Islam. Ownership in Islam is synonymous with property so to own property of course goes through a process, namely trying to work where the property will be obtained and recognized by the general public that we already own the property. To own property, there are many causes and rules that govern it. According to Ghufron A Mas'adi, the causes of property ownership in Islam include:

- a. *Ihras al mubahat* (free control of property), means control of property that has not been controlled by another person.
- b. *Al Tawallud* (child or breed), means something that is produced from something else.
- c. *Al Khalafiyah* (Replacement), namely the replacement of someone or something new in the position of the old owner.
- d. *Al Aqd*, namely the relationship between consent and consent in accordance with the provisions of *syara'* (Ghufron A. Mas'adi, 2011).

According to Taqyudin An-Nabhani, the reasons for property ownership in Islam include:

- a. Working, by reviving dead soil, digging the contents of the earth, hunting, brokering (*samsarah*), company between assets and labor (*muhlarabah*), irrigating land for defense (*masaqat*) and labor contracts (*ijarah*)
- b. Heritage
- c. The need for assets to sustain life, meaning that if a person is unable to obtain assets due to *syara'* reasons, then he obtains assets to survive from the state. Giving state property to the people, means that the people are given property by the state from the *baitul maal*.
- d. Property acquired without property/energy compensation, such as grants, gifts, found items and others (Taqiyuddin An Nabhani, 2002).

### **Principles of Property Ownership**

Ownership of property, as described above, has specific principles. This principle applies and contains legal implications for some types of ownership, which are different for some other types of ownership. These principles include:

- a. In principle *milk* "Ain (ownership of things) since the beginning accompanied by *milk al-manfaat* (ownership of benefits) and not vice versa (Mas'adi).

This means that every ownership of objects or assets is also followed by ownership of benefits, but ownership of benefits is not necessarily followed by ownership of assets or objects. Thus the ownership of an object is not meant as the ownership of its substance or material, but rather the real purpose of ownership is the beneficiary of an object. Because there is no meaning to have something but there is no benefit.



- b. In principle, initial ownership of an object that has never been owned before is always *asmilk al-tam* (perfect possession).

This means that with first ownership, ownership is obtained based on the principle of *ihraz al-mubahat* and from principle *tawallud min-shy*. Perfect owner like this will continue until there is a transfer of ownership. The initial owner can transfer ownership of the object and simultaneously use it until the object is transferred to another party.

- c. In principle, perfect ownership is not limited by time, while *naqish* ownership is limited by time.

This means that perfect ownership will continue to be owned by someone as long as there is no process of transferring things to another party. But the beneficial ownership will end with the transfer of property to the owner if the agreement period has expired.

- d. In principle, ownership of objects cannot be aborted, but can be transferred or transferred to other parties.
- e. If someone intends to abort the object he owns, this cannot be done, the property remains his. This kind of action includes the act of wasting property which is prohibited by Allah SWT.

Its In principle, *mal al-masya* (mixed ownership) of material objects, in the case of *tasharuf*, is in the same position as *milk al-matayyaz*, unless there are obstacles (*al-mani'*). Based on this principle, it is permissible to sell part of the mixed property, donate it or give it an inheritance. Because *tasharuf* over some mixed assets is the same as asking for ownership of the object as a whole. Except for the type of contract *rahn* (debt guarantee), grants and *ijarah*, it is not permissible.

- f. In principle, the property of a mixture of joint debts in the form of a liability cannot be separated.

## Ownership Group

According to the Islamic view, (*al-milkiyyah*) is divided into three groups, namely: (1) individual ownership (private property); (2) common ownership (collective property); and (3) state ownership (state property).

- a. individual ownership (*al-milkiyat al-fardiyyah*/private property).

Individual ownership (private property) is *syara'* law which is determined on substances or uses (utility) which allows anyone who gets it to use the item, and obtain compensation – either because the item is taken for its utility by another person, such as being rented, or because it is consumed to consume the substance, such as being purchased – from the item.

Such individual ownership (private property) is like a person's right to bread and a house. So, that person could have bread to eat, sell and profit from the price. That person may also own a house to live in, sell and take advantage of the price. Where, each of the bread and the house is a substance. Meanwhile, the syara' law that is determined for both of them is al-Syari's permission for humans to use it by using it straight away, using it or exchanging it. This permission to use has made the owner of the goods where he is the person who gets permission to eat the bread and occupy the house, as he is also allowed to sell it.

The syara' law which relates to the bread, is the syara' law which is determined by its substance, namely the permission to spend it. Meanwhile, syara' law relating to houses is syara' law which is determined by its utility, namely permission to occupy it.

On this basis, the ownership is al-Syari's permission to utilize certain substances. Therefore, the ownership will not be determined other than by the stipulation of al-Syari' on the substance, as well as the reasons for its ownership. If so, then the ownership of a certain substance is certainly not solely derived from the substance itself, or from its basic character, for example because it is useful.(satisfaction) or not (dissatisfaction). However, it originates from the existence of permission granted by al-Syari', and originates from the reasons that are permitted by al-Shari' to possess the substance, which results in the consequence, namely the ownership of the substance is legal according to syar'i.

Therefore it can be said that individual ownership is a person's right to use a property. This property is obtained from the business carried out, namely work. Individual ownership is sharia law that applies to goods, both substances („ayn) and benefits, which allows a person to use the item or get compensation either because the item is taken advantage of by someone else. Individual ownership rights are syar'i rights for individuals.

This right is guarded and regulated by Islamic law. Protection of individual property is a state obligation. Therefore, syara' law stipulates that there are sanctions as preventive (prevention) for anyone who abuses this right.

In Islam, private ownership is something that is known and allowed. Therefore when explaining the origin of ownership, God attributes wealth to Himself: maal Allah (God's wealth). Then when explaining the transfer of ownership to humans, God attributes property to humans: amwaalihim (their property) (QS. an-Nisa' [5]: 6; QS. at-Taubah [9]: 103);amwaalikum (harta kalian) (QS. al-Baqarah [2]: 279)country folk (his wealth) (QS. al-Lail [92]: 11).

b. Public Ownership (al-milkiyyat al-'ammah/public property)

Public ownership is al-syari' permission for a community to jointly use objects/goods. Meanwhile, objects that belong to the category of public ownership are objects that have been stated by al-Shari' as objects that are jointly owned by a community and may not be controlled by just one person.

Because it is public property, every individual can use it, but it is prohibited to own it. At least, there are three types of objects that can be grouped into public ownership, namely:

### 1. Public Facilities and Facilities

The purpose of public facilities or facilities is anything that is considered as human interests in general. This object belongs to the type of public ownership because it is a basic need of the community, and if it is not fulfilled it can cause division and disputes. This type of treasure is described in the hadith of the Prophet. relating to public facilities: "Humans are united (shared) in three things: water, pasture and fire" (Narrated by Abu Daud).

In this case it is recognized that humans really both need water, fields and fire. The water referred to in the above hadith is water that has not been collected, whether it comes from springs, wells, or flows in rivers or lakes, not water that belongs to individuals at their homes. Therefore, the discussion of the fuqaha' regarding water as public ownership is focused on the water that has not been taken. Meanwhile, al-kala' is a meadow, either wet or green grass (al-khala) or dry grass (al-hashish) that grows on land, mountains or streams that have no owner. While what is meant by al-nar (fire) is fuel and everything related to it, including firewood.

The form of public ownership is not only limited to these three types of objects, but also includes everything that is needed by the community and if it is not fulfilled, it can cause divisions and disputes. This is due to the indications of al-syari' related to this problem that these objects are categorized as public ownership because of certain characteristics contained in them so that they are categorized as public ownership (public facilities).

### 2. Natural resources whose formation character prevents them from being owned by individuals individually

Although both are public utilities as are the first type of public ownership, there are differences between the two. If the possession of the first kind, by its nature and formation do not preclude one from possessing it, then this second type, by nature and by way of formation, preclude one from possessing it personally. As the hadith of the Prophet SAW .: The city of Mina becomes the residence of whoever comes first (to him)

Likewise public roads, humans have the right to pass by on them. Therefore, the use of roads that can harm other people in need, must not be permitted by the authorities.

### 3. Mining Items With Unlimited Deposits

The evidence that is used as the basis for this type of item whose deposit is not limited is the hadith of the Prophet narrated by Abu Dawud about Abyad ibn Hamal who asked the Messenger of Allah to be allowed to manage the salt mine in the Ma'rab region: "That he came to the Messenger of Allah SAW asking for (a mine) of salt , then he gave it. After he left, there was a man who asked him: "O Messenger of Allah, do you know what you gave

him? Indeed you have given something like flowing water". Then he said: Then the Messenger of Allah took the mine back from him.

The prohibition is not only limited to salt mines, but covers all mining goods with large amounts of deposits (like running water) or unlimited. This also includes ownership of all types of mines, both those that appear on the surface of the earth such as salt, precious stones or mines that are in the bowels of the earth such as mines for gold, silver, iron, copper, oil, tin and the like. Mining goods of this kind become public property so that it cannot be owned by an individual or several people.

Likewise, it is not permissible by law to give privileges to a particular person or institution to exploit it, but the authorities are obliged to let it become public property for all the people. It is the state that is obliged to dig it up, separate it from other objects, sell it and store the results in itbayt al-Mal. Meanwhile, mining goods whose deposits are classified as small or very limited, can be owned by individuals or associations. This is based on the hadith of the prophet who allowed Bilal ibn Harith al-Muzani to own mining goods that were already in the Najd and Tihamah sections. It's just that they are obliged to pay khums (one-fifth) of what they produce to bayt al-Mal.

Public ownership is the ownership of property or something where every community jointly uses it, in the form of goods that are absolutely necessary for humans in everyday life such as water, fire, meadows, rivers, roads and so on. Management of public property is carried out only by the state for all the people. Because if left absolutely to the people, this could lead to inequality between the strong people and the weak people. Therefore the government's efforts to manage this wealth must be fair to realize the welfare of all people.

c. State ownership (al-Milkiyyat al-Dawlah/ State property)

State ownership is property that has been determined by Allah to be the right of all Muslims/the people, and its management becomes the authority of the caliph/state, where the caliph/state has the right to give or specialize it to some Muslims/people in accordance with their ijthihad/policy. The meaning of management by the caliph/government is that the caliph/government has the power to manage it.

State ownership includes all types of property that cannot be classified as public property (al-milkiyyat al-'ammah/public property), but sometimes can be classified as individual property (al-milkiyyat al-fardiyyah). This means that state ownership (al-Milkiyyat al-Dawlah/State property) is basically public property, but the right to manage it is the authority and responsibility of the government. Even so, the scope of public ownership can be controlled by the government, because it is the right of all people in a country, whose management authority is in the hands of the government. Thus, the government in this case has the right to manage this property, because it represents the interests of the people, carries out the mandate of the community, or even the government is an institution of Allah's caliphate on earth.

It is recognized that state property rights are different from public property rights. These state property rights can be transferred to individual property rights if state policy

so requires. However, public property rights cannot be transferred to individual property rights, even though they are managed by the government. In relation to public property rights, basically the government is only the organizer and executor of the mandate of the community, while with regard to state property rights the government has full authority.

## CONCLUSION

A complete understanding of the concept of *Tauhid* has implications for the entire life activity and human behavior in the world. Shahadah is a testimony as well as a moral statement that encourages people to implement it in their lives as a whole (kaffah) including in the economic life of mankind.

A worldview that starts from the concept of God or the oneness of God will have implications for the activities of human life in the world as a whole. There is a demand that whatever form of economic formulation or concept is formulated it must be maintained within the framework of the truth of *Tauhid*. Truth in the concept of *Tauhid* is absolutely owned by Allah SWT. Carrying out economic activities by always ensuring that they are in line with the provisions of Allah SWT is a real form of one's faith as a Muslim. In other words, the choice to have an Islamic economy is a consequence of one's Islam (ideological reasons).

Islam recognizes human nature to love wealth and own it. The wealth that is in the hands of humans is only a deposit and a mandate that must be fulfilled according to what the owner wants. The concept of ownership in Islam is very comprehensive, where Islam not only regulates how property ownership can be obtained in a lawful way, how property can be developed and utilized, but also regulates how property can function for the welfare of the people, namely by moving the owners to distribute to meet their needs. Precisely that, Islam recognizes the existence of individual ownership, public ownership, and state ownership. The three types of ownership are given authority limits according to their respective functions, which in essence is to maintain a balance towards the welfare of both individuals, society and the country.

Islam provides space and opportunities for humans to access all the resources of wealth that He has bestowed on this earth, in order to fulfill all the demands of their lives. The concept of ownership in Islamic teachings departs from the view that humans have a basic tendency (fitrah) to own property individually, but also need other parties in their social life. The wealth or wealth that He has bestowed in this universe, is a gift from Allah to humans to be utilized as well as possible for the economic welfare of all mankind, in accordance with the will of Allah SWT.

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