



ISTIHSAN AS THE DEVELOPMENT OF ISLAMICS EKONOMICS

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ABSTRAK

The problems and competition between conventional economics and Islamic economics need to be answered with a relevant new ijihad. One method of ijihad that was initiated is istihsan by Imam Hanafi, where istihsan provides a legal breakthrough by transferring to a stronger and maslahah in law. The ijihad is considered very important in order to provide breakthroughs and development of the Islamic economy. Where in each entity of thought certainly has its own methodology and thinking framework. Likewise with a theoretical framework regarding islamic economics. One framework of Islamic economic methodology that is different from conventional economic methodologies is the framework of thinking that starts from ushul fiqh (istimbath legal of method). Usul fiqh has a very strong role in contributing to the emergence of Islamic economics. Istihsan as one of the istimbath methods of Islamic law (ushul fiqh), of course that must be given more portions in order to further develop the Islamic economy. This research uses library research with in-depth analysis. The findings in this study are indicated that the development of Islamic economics starts from the basics in the form of a new ijihad model using the

istihsan method. Where the development of Islamic economics through this istihsan through breakthroughs in justice, maslahah, and honesty in every economic behavior.

Keywords: *Islamic economics, Usul fiqh, istimbath law of method, Istihsan.*

Preliminary

Islamic economics in the development of the world today is rapidly getting a study from academics. The study of Islamic Economics began when the idea of establishing an Islamic bank was held at the meeting of the Organization of Islamic Conference (OIC) in Karachi in February 1973. In the view of M.A. Mannan, the scholars' have discussed about economics since the first century taught by the Prophet Muhammad.¹ In the development, the Islamic Economy in this period experienced a very significant development, both in the Indonesian national arena and in the international arena. In the development, the Islamic Economy includes Islamic insurance, Islamic banking, Islamic capital markets, Islamic bonds, leasing, Islamic cooperatives, Islamic pawnshops and various other forms of business. This can be found in several aspects of economic models, selling Belionline, MLM, and so on.²

In development, Islamic financial and banking institutions today have experienced rapid progress. The leap and response to advances in modern technology and science have had very significant effects on human life. Especially, the effects on business and economic development, such as on more modern trading procedures with e-commerce, lending and payment systems using credit cards, SMS banking, international trade / export import with L / C media, to monetary instruments, exchange rates, waqf shares, fiduciary guarantees (rahn

¹ Abd. Shomad, "Konsep Lembaga Jaminan di Lingkungan Bank Syariah", Jurnal Yuridika, Vol. 23 No. 3 Tahun 2008, hal. 1.

² Abdur Rohman, "Analisis Konsep *Bisyaroh* Pada Jamaher Network Dalam Perpektif Ekonomi Islam", Jurnal Tribakti, Volume 27 Nomor 2 September 2016, hal. 330-331.

tasjiliy) in financing, warehouse receipt guarantees, and so forth. This can be found from the rise of studies and views on Islamic economics.³

In the context of developing the Islamic economy by promoting Islamic institutions, so that they can compete in accordance with what is needed by modern society, new ideas are needed that still prioritize the principles of Islamic economics. Except for this, Islamic economics is not only in the form of financial institutions, but also includes several very broad coverage and aspects, such as in terms of the State economic policies, macro of economics (fiscal policy, public finance, strategies to overcome poverty and unemployment, inflation, monetary policy), and other economic problems, such as employee wages, and so on.⁴

In based Islamic economics practiced, known as Islamic economics. Where in the basic principles of Islamic economics is very upholding ethical values. But in practice in the field, economic practices today are encountered with a variety of problems that do not uphold ethical values in economic principles. Fraud, price of manipulation, price of monopoly, usury, and any more. This certainly becomes a very big problem to be solved immediately. The potential for the blurring of the application of Islamic economic principles is an urgent matter to be immediately addressed.⁵

In every aspect of law related to the study of Islamic economics, the involvement of Islamic legal experts is important to play a role in:⁶

1. Ijtihad provides solutions to economic problems that arise, both at the macro and micro scale,

³ Wawan Gunawan Abdul Wahid, "Posisi Ushul Fikih dalam Metodologi Ekonomi Islam", *Jurnal Muqtasid*, Volume 5 Nomor 1 Juni 2014, hal. 2.

⁴ Rial Fu'adi, Aminuddin Ihsan, Masjupri, Ismail Yahya, "Upaya Reformasi Mata Kuliah Ushul Fiqh Pada Prodi Muamalah Dalam Menghadapi Perkembangan Ekonomi Syariah", *Jurnal Kodifikasi: Jurnal Penelitian Islam*, Volume 6 Nomor 1 Tahun 2012, hal. 2.

⁵ Gahnsam Anand, Kukuh Leksono S. Aditya, Bagus Oktavian Abrianti, "Problematika Aplikasi Ekonomi Syariah Dalam Rezim Hukum Kepailitan", *Jurnal Bina Mulia Hukum*, Volume 2, Nomor 1, September 2017, hal. 70.

⁶ Rial Fu'adi, Aminuddin Ihsan, Masjupri, Ismail Yahya, "Upaya Reformasi.....", hal. 2-3.

2. Designing of Islamic agreements and agreements for the needs of business products in various Islamic financial institutions,
3. Guarantee and oversee all banking products and Islamic financial products to be distributed according to Islamic.

In order to develop Islamic economics and respond to today is economic in conditions, Islamic legal experts must be careful and creative in developing Islamic law by using relevant legal *istimbath* of methods. *Istihsan* developed and coined by Imam Hanafi who represented the rationalist group, of course this method has very significant implications for the development of Islamic economic law. Because *istihsan* which prioritizes rationality is seen to have a very more portion compared to the method that emphasizes mere text. This paper seeks to contribute to the development of Islamic economics through the *istihsan* method, with the following question formulation, 1). How does the legal *istimbath* model in use the *istihsan* method ?, 2). What is the breakthrough in the development of Islamic economics through the *istihsan* of method?

Research methods

In conducting this research, researchers used a type of library research (*library research*). Namely of research are carried out by conducting a study of the literature, previous research, and other sources related to this research.⁷ In conducting this research, the researcher will review the literature that discusses the concept of *istihsan* and Islamic economics. The nature of this research is descriptive analytic, in which the researcher tries to actualize the conception of *istihsan* which is then actualized towards the development of Islamic economy.

The data used in this study are primary of data. That is data taken from a study using instruments.⁸ Primary data in this study are data taken from reading

⁷ Jonathan Sarwono, *Metode Penelitian Kuantitatif dan Kualitatif*, (Jogjakarta: Graha Ilmu, 2006), hal. 18.

⁸ *Ibid*, hal. 30-32.

materials, including official documents, books, previous research reports, the books of *Usul Fiqh*. The author used primary legal material as the main reference, primary legal material is taken from the books of the ulama 'which discusses *usul fiqh*, especially those that discuss the *istihsan* and Islamic economics.

Istihsan As the Imam Hanafi *istimbath* Method

In the view of al-Sarakhsi (d. 483 H),⁹ etymologically (language) *istihsan* means that trying to get the best to follow for a problem that is calculated to be implemented. Meanwhile, according to Muhammad al-Said Ali Abdur Rabuh,¹⁰ *istihsan* in terms of language means to consider that a case is good. As for *istihsan*, according to the understanding of the term, as mentioned by Abu al-Hasan al-Karkhi,¹¹ a *usul* ulama from the Hanafi school of thought is as follows:

"*Istihsan* is the transfer of a mujtahid from the rule of law to a problem that is substantially similar to what is tired of being determined because there is a stronger reason for wanting to move".

Then, al-Sarakhsi,¹² also mentions the following: "*Istihsan* is putting aside a *qiyas* and using something stronger than that, because there is a proposition that desires and is more suitable for realizing benefit for mankind".

Similarly with al-Sarakhsi above, Abdul Wahab Khalaf¹³ also mentioned, that *istihsan* is:

"*Istihsan* is the transfer of mujtahid from clear *qiyas* rules to vague (hidden) *qiyas* provisions, or from kully terms (general) towards specific legal provisions, because in the view of mujtahid the argument (reason) is stronger that requires the intended transfer (kully) (general) towards specific legal provisions,

⁹ Al-Sarakhsi. *Ushul al-Sarakhsi*. Juz II. (Kuwait: Dar al-Qalam, 2002), hal. 200.

¹⁰ Muhammad al-Said Ali Abdur Rabuh. *Buhus fi al-Adillah al-Mukhtalaf Fiha 'inda al-Usuliyin*. (Mesir: Matba' al-Sa'adah, 2004), hal. 53.

¹¹ Lihat dalam Muhammad Abu Zahrah. *Ushul al-Fiqh*, hal. 262.

¹² Al-Sarakhsi. *Loc. cit.*

¹³ Lihat dalam Abdul Wahab Khalaf. *Ilm Ushul al-Fiqh*. (Kairo: Maktabah al-Da'wah al-Islamiyah, 2008), hal. 79.

because in the view of Mujtahid the argument (reason) is stronger that requires the intended transfer ".

Meanwhile, according to Imam al-Bazdawi, as quoted by Abdul Karim Zaidan¹⁴ gives an understanding of istihsan:

"Istihsan is a move from the supposed use of qiyas to a provision of other stronger qiyas by specifying the qiyas provisions by using a stronger proposition".

In fact, there are still a few more definitions, but it is considered sufficient to put forward four definitions as mentioned above. Based on the four of definitions above turns out that, Istihsan revolves around three things. The first, Istihsan is the amendment or deviation of the stipulation and application of the law that has been set to other provisions in a problem because there are strong reasons for wanting the change. This understanding is seen in the definition put forward by Abu al-Hasan al-Karkhi. The second that, what is called istihsan is a move towards qiyas provisions that are still vague (hidden) due to a strong reason that is desired. Such understanding is in the perspective of al-Sarakhsi, al-Bazdawi, and Abdul Wahab Khalaf. And the third, leaving the kully provisions and practicing more specific provisions as an exception to the kully provisions, or specifying qiyas because of a stronger argument.

On this basis, that istihsan actually has a connection with the implementation and implementation of the provisions of the Islamic which have clear texts, both taken directly from texts, ijma 'and qiyas. However, this clear determination of the Islamic cannot be changed and applied just like that when dealing with a problem that requires realizing the benefit of the people. With the conclusion that istihsan basically overrides the general provisions that have been clear to move to a new provision that is more specific with the reason and purpose to realize a benefit. That is, more specific issues should be covered by a clear

¹⁴ Abdul Karim Zaidan. *Al-Wajiz Fi Ushul Fiqh*. (Baghdad: al-Dar al-Arabiyyah Littiba'ah, 2003), hal. 230.

provision, but it is not possible to apply. Then there must be a breakthrough with special provisions as an exception to a general or clear provision.

Among the schools, there are indeed differences in interpreting this *istihsan*. Generally among Hanafi Ulema, as mentioned by Abdul Wahab Khalaf,¹⁵ that Imam al-Bazdawi and Imam al-Nasafi interpret that *istihsan* by moving from the provisions of *qiyas* to other stronger *qiyas* or the specialization of *qiyas* with a stronger proposition. That is, the substance of *istihsan* among the Hanafi Ulema because of the resistance in the implementation of *qiyas* provisions. A problem in it is application should be based on a clear and standard *qiyas* provision, but there is a stronger and more appropriate reason. Then the provisions hold to a stronger reason to take precedence over the clear *qiyas* provisions.

While scholars 'from the Hanafi school'¹⁶ of thought are different from scholars' in the Maliki school of defining *istihsan*. For Ulema from the Maliki circles *istihsan* it is to practice and choose a proposition that is stronger than the two propositions. Sticking to one of the strongest propositions of these two propositions, could be due to general specialization or because of the exclusion of *qiyas*. Then among the Imam Ahmad Ibn Hambal (Hanabilah) schools of thought that *istihsan* is a deviation from a legal provision that should apply because there is a special proposition of Islamic.¹⁷

Thus it can be understood that in essence this *istihsan* as reflected in a number of definitions that have been mentioned above with a legal provision that should be enforced but because there is a reason (benefit) that requires special determination so that the clear provisions cannot be enforced. This could be because it cannot apply *qiyas* to a problem, or as an exception to the legal provisions *juz'i* from the *kulliy* or it could be the specialization of a portion of the general meaning with a more specific legal provision.

¹⁵ Abdul Wahab Khalaf. *Masadir al-Tasyri al-Islami Fima La Nassa Fih*, (Kuwait: Dar al-Qalam, 2007), hal. 69-70.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

If traced the basis of history and the formulation of istihsan as a method of istimbath law and legal proposition starts from the issue of qiyas. Qiyas as a method of legal istimbath and legal arguments in some aspects cannot be used, because one of the pillars of istihsan ('illat) does not reach the conditions. Thus, 'illat in qiyas used as a reason for equalizing law cannot be applied, because it is not comparable in it is illat. Therefore, the problem must be solved in another way that is closer to the aim of the syara '(maqashid shari'ah).

The basis of formulation, which are made into a proposition and method of legal istimbath. At first it was raised by Imam Abu Hanifah among his followers. As revealed by Zaky al-Din Sya'ban,¹⁸ among the Hanafi school of thought there are many issues of fiqh law based on istihsan. One example that can be disclosed is the former arir wild bird drink (wild).

In this case, the bird of prey is likened to the animal of the beast, where the meat must not be eaten because it contains unclean. Then automatically the saliva also contains unclean. So, if the bird is drunk, then the drink will be considered unclean as well. Based on the legal product that was originated from qiyas, then the drink from a bird of prey is likened to a beast, then the law is the same, that is the rest of the drink becomes unclean. However, for the ulama group 'who adheres to the Hanafi school of thought,¹⁹ it provides a legal view that the former bird drink is unclean, due to the bird when drinking using its beak, so that the water it drinks does not touch its saliva. This is certainly different from wild animals that drink using their mouths, so the water is unclean about their saliva.

Hasbi Ash-Shidqi,²⁰ revealed that the emergence of istihsan was caused by a problem of Islamic law that was contrary to a rule of law that was commonly used because of a cause that required leaving and overriding an old rule. Because leaving the rules that are commonly used will actually be able to realized the

¹⁸ Zaky al-Din Sya'ban. *Ushul Fiqh al-Islami*, (Mesir: Matba' Dar al-Ta'lif, 2009), hal. 154.

¹⁹ Lihat dalam Abu Zahrah. *Ushul Fiqh*, hal. 266.

²⁰ Hasbi Ash Shidqi. *Pokok-pokok Pegangan.....*,hal. 163.

objectives of the Islamics (maqashid islamic). The use of istihsan method in ijihad in the Hasbi perspective can only be done on an element of juz'iyah problem and not on the element of kulliyah problem.

After the use of istihsan as the reason for determining Islamic law, the use of istihsan is not only among the Hanafi schools of thought, but at the beginning of the formulation of istihsan departs from a two-proposition resistance, so the solution is to choose the most powerful proposition that can lead to the benefit, or also the application of the exceptions to the application of the proposition kully. The exception to the Kully proposition here is in Syatibi's view,²¹ holding on to the benefit of juz'i when there is a conflict with the kully proposition. In other conditions, the Maliki school of thought says that istihsan is a method that prioritizes maslahah over qiyas. That is, if there is a conflict between the maslahah with the qiyas, and then the maslahah must take precedence.

Furthermore, from the Hambali school of thought formulating istihsan is actually based on three ideas.²² The first, deviations from a legal provision that should be enforced due to the proposition of a special of text. The second, something that is considered good based on the considerations of mujtahid. The third, there is an argument which in mujtahid's view cannot be debated. On this basis, it can be seen that each ushul school has its own rationale in the formulation of istihsan as an argument in istinbath law.

Islamic Economics: An Overview

Understanding Islamic economics is an economic system that is built based on Islamic teachings, because economic activity in Islam is an inseparable part of Islamic teachings, as a living system, which is based on the text, where Islam

²¹ Al-Syatibi. *Al-Muwafaqat fi Ushud al-Syari'ah*. Jilid IV, (Beirut: Dar al-Ma'rifah, 2009), hal. 206-208.

²² Abdul Wahab Khalaf. *Masadir al-Tasyri al-Islami*....., hal. 70.

provides a set of perfect rules for the benefit of humanity.²³ In addition, Islamic economics also teaches the behavior of a person guided by Islamic teachings, how to view and analyze every problem in economics, and how to apply the principles of Islamic economics or Islamic economic values that must be used as a guide in achieving goals. In order to explain the understanding of Islamic economics at a macro level, there are opinions of some Islamic economic thinkers as follows:

Muhamad Abdul Mannan in "Islamic Economics: Theory and Practice" "Islamic economics is a social science which studies the economic problems of a people imbued with the values of Islam" (Islamic economics is a social science that studies the economic problems of people who are inspired by Islamic values).²⁴

Muhammad Nejatulloh al Shiddiqi in *Muslim Economic Thinking: A Survey of Contemporary Literature*. "Islamic economics is the Muslim thinker's response to the economic challenges of their time, in this edition they were aided by the Qur'an and the Sunnah as well as reason and experience (Islamic economics is the response of Muslim thinkers to the economic challenges of the times certain in this endeavor they are helped by the Koran and sunnah, reason (ijtihad) and experience."²⁵

In a book called *The Future of Economics and Islamic Perspective* mentioned:

"Islamic economics was defined as that branch of knowledge which helps relief human well-being through an allocation and distribution of scarce resources that is in conformity with Islamic teaching without unduly curbing individual freedom or creating continued macro of economic and ecological imbalances" (Islamic economics is defined as a branch of science that helps the prosperity of

²³ Aan Anshori, "Digitalisasi Ekonomi Syariah", *Jurnal Islamiconomic: Jurnal Ekonomi Keuangan dan Bisnis Islam*, Volume 7 Nomor 1 2016, hal. 4-6.

²⁴ Muhammad Abdul Manan, *Islamic Economic, Theory and Practice*, (Cambridge: Hourder and Stoughton, tt.), hal. 18.

²⁵ Muhammad Najetullah Siddiqi, *Rule of the state in the Economic, In Islamic Prespektive*, (UK. The Islamic Foundation, 2009), hal. 69.

the well-being of Muslims without undermining individual freedom or creating sustainable macro of economic and ecological imbalances.²⁶

From various notions of Islamic economics above, the writer concludes that Islamic economics combines the concepts of values and scholarship. The correlation between science and values will be able to present Islamic economics as an integral concept in order to build the integrity of life in society. Islamic economics as a science that can be digested by scientific methods, while Islamic economics as a value makes Islamic economics can be relevant to human conditions and nature, as well as providing an influence and connecting role to the sustainability of human life.

Istihsan as a Way to Develop Sharia Economy

As is well known that the purpose of the application of Islamic is to create problems and reject damage, both in the world and in the hereafter. This means that every aspect of the teachings of Islam must be aimed at the realization of these goals, not least on the economy. Therefore, Islamic economics must play a role as a solution to the economic problems that occur today. The logical consequence is that in order to create a islamic economic building, it cannot be separated from the theory of goodness and *maslahah* which is the essence of the *istihsan* method.²⁷ Islamic economics which has stagnated for a long time and has been displaced by conventional economics certainly has a great opportunity to become *ijtihadi* land. That is, hard work (*ijtihad*) from Islamic legal experts is needed to look for new breakthroughs in the method of *istimbath* law. For the next step, the ideal breakthrough is derived into a Islamic economic theory which can then be used as a rule at the level of practice.

²⁶ *Ibid*,

²⁷ Moh. Syarifudin, “*Maslahah* Sebagai Alternatif *Istimbath* Hukum dalam Ekonomi Syariah”, *Jurnal Lentera*, Volume 17 Nomor 1, Maret 2018, hal. 55-56.

A significant difference between the concepts of Islamic economics and conventional economics lies in the area of ethical values. Among the economic behaviors that have ethical values they are, ethics on consumer behavior, ethics of distributive justice, and ethics associated with the role of the ruler. Ethical variables in Islamic economics seem to have a very urgent position in the *ijtihad* process in order to develop Islamic economics. In developing Islamic economics, a method that emphasizes ethical insight with the hope of fulfilling the above purpose, *istihsan* as one of the methods of Imam Hanafi *istimbath*, needs to be elevated and its position to be used as a central method in the development of Islamic economy. Islamic economics which in many ways is the reincarnation of the *fiqh mu'amalah* should restore the flexibility and elasticity of Islamic law (*fiqh*) by making *istihsan* which has the essence of goodness and *maslahah* as the ultimate goal in the process.

The rules in Islamic have links with various dimensions on aspects of human life. The aspects of economics are only one of a series of human life. The essence of *istihsan* teachings should have implications for economic action in every Muslim individual. Apart from this, Muslim economic actors cannot forget the implications when conducting economic analysis on the Islamic religious framework. The composition of the explanation and implications of the method *istihsan* in the development of Islamic economics is a challenge and also a very heavy task, which must always be sought by Muslim economic actors. The description below will try to derive the theory of *istihsan* method into Islamic economic theory.

1. *Istihsan* in Islamic economics

Goodness and badness certainly are known to reason, while knowledge relating to both of these includes the subject of Islamic, which is to

realize masalah / goodness and badness of reject/ damage.²⁸ In the provisions regarding economic activities, the concept of goodness which is corrupted from istihsan is a basic illustration of the embodiment of the values of Islamic teachings in every aspect of human life. The concept of Islamic economics is actually not new in the Islamic world, in the past classical Islamic economists had thought about this. The thought of Islamic economics emerged as one of the Muslim intellectual traditions, although it was still very simple in accordance with the context of the times and the challenges of life that developed at that time. During this time, the study and thinking of Islamic economics can't be separated from Islamic legal thought (fiqh). In Islamic law thinking cannot be released with the principles of masalah, kindness, and balance. Thus, istihsan as a method that realizes this principle certainly has a special harmony in the sustainability and development of Islamic economic law.

This effort is a step to internalize Islamic economic values in all aspects of the nation's economy. Investment of Islamic economic values will have an influence on the behavior of economic agents. For example, when of someone knows that honesty has implications for the values of worship to God, including behavior that is contrary to Islamic, such as betrayal, corruption, and reduce the size and scale.²⁹ Internalization of Islamic values in Islamic economy in Indonesia as an effort to develop national character and science, especially the majority of Indonesians are Muslim.³⁰ It aims to

²⁸ Muhammad Izzu al-Din Ibn Abi Salam, *Qawa'id al-Ahkam fi Masalih alAnam*, (Beirut: Dar al-Kutub al-Ilmiyyah, 1999), hal. 12.

²⁹ Bambang Iswanto, "Peran Bank Indonesia, Dewan Syariah Nasional, Badan Wakaf Indonesia dan Baznas Dalam Pengembangan Hukum Ekonomi Islam di Indonesia", *Jurnal Iqtishadia*, Volume 9, Nomor 2, 2016, hal. 425.

³⁰ Akhmad Mujahidin, "Peranan Kearifan Lokal (*Local Wisdom*) Dalam Pengembangan Ekonomi dan Perbankan Syariah di Indonesia", *Jurnal Ilmiah Syari'ah*, Volume 15, Nomor 2, Juli-Desember 2016, hal. 157.

develop the potentials of Muslims by bringing the basic principles of Islamic economics.³¹

2. Istihsan in the production of goods

The production of goods has the same meaning as exploration. This namely is the movement of natural resources through science developed by human knowledge. One example taught by the Koran is related to land which has the function of absorbing rainwater and then growing diverse plants. These plants can then be used by humans as natural production, from which plants animals can consume them and then their animals can be used (produced) by humans in various forms and can also be used for meat, milk, and others. This explanation suggests that humans think of the life cycle. This means that when production does not care about the natural balance factor, the natural cycle cannot run normally, which in turn will cause a very negative impact. Correlation between istihsan and Islamic economics does not approve of inequality, scarcity, burdensome price increases, layoffs and so forth.³² In this position, Istihsan has a very appropriate position in order to criticize and develop the principles of Islamic economics. So, that the process of producing goods is in line with the main principles carried by istihsan, which is to take a more benefit, especially the creation of benefits in general.

3. Istihsan in the consumption of goods

Islam as a religion that provides completeness in the teachings and has provided guidance on human life has given signs in consumption. Istihsan with all the essence of goodness, balance, and maslahah has given an assessment of the practice of consumerism which is very contrary to the essence of Islamic teachings. It can be taken as a common thread that excessive production will damage the natural cycle. The more exploited

³¹ Ugin Lugina, "Pengembangan Ekonomi Pondok Pesantren Di Jawa Barat", Risalah: Jurnal Pendidikan dan Studi Islam, Volume 4, Nomor 1, 2018, hal. 62.

³² *Ibid*,

nature, nature will experience damage, which in the end will spread to social inequality. In such a position, the key is how we can manage the income budget and household expenditure. A good spending arrangement embodies half the business and is considered part of the livelihood. Karrena in Islamic teachings implies his people to work well and consume things in a good way too. With the model of thinking about the consumption of goods using the istihsan approach, the goal is that consumption of goods can be balanced with income. As a result it can create a balance in human life.

4. Istihsan in the contract

One of the activities in the economy is a contract. A contract is the beginning of an economic activity. In today's condition, a contract that is taught by religion must meet in a council to make an agreement which is considered something that is very behind. Especially when juxtaposed with economic activity today, such as buying and selling online. Where in buying and selling online between buyers and sellers do not meet to have an agreement. Istihsan who accommodates the principles of kindness, willingness, and elements of mutual trust not to commit contract lies. Model of this kind would certainly make Islamic economics be able to respond to today's economic phenomena, with this particular istihsan could provide opportunities for the development of Islamic economics and also as a criticism of classical Islamic economic laws.

5. Istihsan in the distribution of goods

Distribution is understood as private and social distribution of ownership. In the teachings of Islam, each individual has their respective functions and roles, as individuals must be obliged for him regarding the distribution of the assets he has. As a seller, they are also required to distribute their merchandise in accordance with the guidance and teachings of the Islamic religion. As a social person, it is imperative for him to safeguard social assets with the aim of strengthening human relations and creating a

natural balance so that they are not over-exploited. As the State and the government must also create a regulation that does not provide monopoly social class opportunities with one another, so that the balance of the capital market and non-economic balance can be realized. In such conditions, istihsan which brings the principles of goodness, balance, and maslahah comes as a new methodology in the field of distribution of goods. So that the presence of Islamic economics that departs from istihsan thinking is able to respond and become a critique of violations of the distribution of goods in the practice of the country's economy.

Conclusion

Istihsan as a method of ijthihad developed by Imam Hanafi has the core in extracting the law by moving to a law with a stronger consideration, reason, and maslahah. In ijthihad, it uses istihsan as an effort to develop Islamic economy, rather taking an alternative and new breakthrough that is stronger and contains stronger maslahah. Islamic economics has basic principles that are different from conventional economics. The principles developed by Islamic economics and Islam are principles, goodness, honesty, maslahah, and do not cause of badness (damage). In an effort to develop Islamic economics, these principles must be developed proportionally, in the context of promoting Islamic economics in terms of overcoming the elements of crime in economic activities, such as lies, monopoly prices, hoarding of goods, and so forth. Thus, Islamic economics has its own style and value in the context of realizing honest, dignified, and bringing economic problems. Istihsan as one of several istimbath legal methods developed by Imam Hanafi that carries a mission to realize the elements of goodness, honesty, willingness, and bringing maslahah certainly has great urgency and opportunity in order to develop Islamic economics to be able to respond to the development of economic behavior today. The doctrine imposed on Islam which during ancient and ancient time, can be answered and proven by istihsan method,

so that Islamic economics can always exist and can compete with conventional economics.

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