

## The Medan City Drainage Development Policy Review of *Al-Maqashid Sharia* Theory

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**Abstract.** *Policy is something that is urgent as a determinant of whether or not the impact will be caused. So that in making a policy, in-depth analysis is needed and attention to various aspects that will intersect with the policy. The drainage development policy in Medan city has raised many questions and complaints from the people directly affected by this development policy. In fact, a policy taken by the government should be able to bring benefits as intended by Maqashid Sharia theory. This research aims to analyse the implementation of the drainage system development policy in Medan city as an effort of flood mitigation program in Medan city area, using Maqashid Sharia theory in order to see the aspect of benefit or even harm caused by the existing policy. This research is a juridical-empirical research by using the concept of statue approach and case approach, this research also uses triangulation technique in analysing the existing data. The conclusion that can be drawn from this research is that there are still many things that must be considered in the process of developing the drainage system in Medan City. When viewed from the perspective of Maqashid Sharia theory, the Medan city government, in this case, which has full authority over the drainage development policy in Medan city, still overrides many aspects. Starting from Hifzh an-Nafs and Hifz al-Mal as a form of safeguarding the rights that should be owned by the community and the public in general.*

**Keywords:** *Drainage; Maqashid; Policy; Sharia.*

### 1. Introduction

Government policy is something that is of common concern, especially the direction of the policies taken will be applied to the sustainability of a development in the future. The urgency of understanding a government policy direction has been a hot topic of discussion for a long time. In this case, trying to examine the direction of policies taken by the Medan City Government related to the problems in Medan city is a topic that will be analyzed based on *Maqashid Sharia* theory.

Medan as a metropolitan city until now still cannot be separated from various existing problems, including one that is of great concern, namely the problem of flooding that continues to hit every year. Flooding in Medan city itself is influenced by several main factors, ranging from rainfall intensity, topography and even human factors with all forms of activities that can affect the surrounding natural conditions.<sup>1</sup>

The dense population and buildings as well as the small amount of green open space make Medan city a subscription city for flooding every year. This can be seen when the high intensity of rainfall causes the amount of water discharge on the surface to increase but cannot be balanced with a good water drainage system, as well as absorption by a small green open space, so flooding is inevitable.<sup>2</sup>

The role of the government is needed in terms of providing innovations that can bring better policy direction, so that the policies taken can provide solutions to flooding problems in Medan City. If we refer to the APBD General Policy and Temporary Budget Ceiling Priorities (KUA and PPAS), it is stated that flood management is a priority programmed included in the development priorities of Medan city for the 2022 fiscal year.<sup>3</sup>

If we refer to Act No. 26 of 2007 on Spatial Planning, the issue of strategy in terms of spatial planning of a city is also a determinant of the direction of good development, so that development planning becomes a separate concern in the law as an effort to be able to create a livable city, free from floods and disasters caused by climatic factors and activities within it.<sup>4</sup>

In accordance with the regulations contained in the Minister of Public Works Regulation Number 05/PRT/M/2008 on Guidelines for the Provision and Utilization of Green Open Space in Urban Areas, emphasis has been placed on this issue throughout the government in accordance with legal requirements. That the proportion of public green space in urban areas should be at least 20%

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<sup>1</sup> Nabila Anggraini et al., "ANALYSIS OF MAPPING OF BANJURY FREQUENCY AREAS IN MEDAN CITY IN 2020," *Journal of Samudra Geography* 4, no. 2 (August 13, 2021): P. 27–33, <https://doi.org/10.33059/jsg.v4i2.3851>.

<sup>2</sup> Dr I. Khambali, S.T., MPPM, Disaster Management, Print. 1 (Yogyakarta: Andi Offset Publisher, 2017), P. 196.

<sup>3</sup> Medan City Government, "MENU | Priority and Temporary Budget Ceiling (PPAS) Year 2022," portal.pemkomedan.go.id, 2022, <https://portal.pemkomedan.go.id/menu/pemerintahan/prioritas-dan-plafon-anggaran-sementara-ppas-tahun-2022>.

<sup>4</sup> Jamaluddin Jahid Haneng. "A CRITICAL ANALYSIS OF LAW NUMBER 26 OF 2007 ON SPATIAL PLANNING." *Plano Madani: Journal of Urban and Regional Planning* 2, no. 1 (October 1, 2012): P. 1-4.

of the size of the urban area. However, until now Medan city itself still lacks another 4,000 Ha (Hectares) to be able to fulfil the public green open space.<sup>5</sup>

In addition to green open space, the water drainage system and its management are also important indicators in dealing with flooding issues in Medan city. From 2022, there were 61 drainage project development points in Medan city that were focused on dealing with flooding issues. However, until the beginning of 2023, all of the drainage development points had not been completed. Even though the budgeting system used is single year, with a budget amount that is calculated to touch 1 trillion, of course the drainage development should be completed in accordance with the budgeting year.<sup>6</sup>

This is what then makes this topic interesting for the author to research and examine more deeply related to existing policies. This is also the basis for the author to conduct research related to the drainage system development policy in Medan city based on *Maqashid Sharia* theory and see based on existing juridical analysis. Analysis using the concept of *Maqashid Sharia* is essentially to be able to see the urgency of an existing policy by paying attention to various aspects that directly intersect with the policies taken, of course to see the extent of the aspects of benefit and harm caused.<sup>7</sup>

## 2. Research Methods

This research is a qualitative study using the concept of juridical-empirical research with a statute approach and case approach.<sup>8</sup> This research also relies on primary and secondary data. Primary data is data obtained directly by the method of interviews, observations and other document studies to be able to collect existing data. Meanwhile, secondary data is data collected based on

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<sup>5</sup> Ministry of Public Works and Housing, "Regulation of the Minister of Public Works and Housing (PUPR) Number 5 of 2008 on Guidelines for the Provision and Utilisation of Green Open Space in Urban Areas," 2008.

<sup>6</sup> Putri Fitria, "THE CITY OF MEDAN DILANDA BANJIR, DPRD ASSESSES DRAINAGE CONSTRUCTION IS NOT FINE," Sumut.bpk.go.id (North Sumatra: UJDIH Badan Pengawas Keuangan (BPK), Augt 18, 2022), <https://sumut.bpk.go.id/wp-content/uploads/2022/10/Kota-Medan-Dilanda-Banjir-DPRD-Menilai-Pembangunan-Drainase-belum-Beres.pdf>.

<sup>7</sup> Galuh Nasrullah Kartika MR and Hasni Noor, "The Concept of Maqashid Al-Syari'ah in Determining Islamic Law (Perspectives of Al-Syatibi and Jasser Auda)," *AL IQTISHADIIYAH JOURNAL OF SYARIAH ECONOMICS AND SYARIAH ECONOMIC LAW* 1, no. 1 (December 18, 2014): P. 50, <https://doi.org/10.31602/iqt.v1i1.136>.

<sup>8</sup> Jozef Raco, "Qualitative Research Methods: Types, Characteristics and Advantages," *OSF Preprints* 1, no. 1 (July 18, 2018): P. 20, <https://doi.org/10.31219/osf.io/mfzuj>.

previous research (library research) sourced from journals, books and other sources related to the issues raised in this study.<sup>9</sup>

The information analysis technique used in this research is based on the concept of Miles and Huberman's theory through three methods, namely, specific data reduction, data presentation and drawing conclusions/decision making.<sup>10</sup> The data sources of this research also use triangulation analysis techniques, so as to check the validity of the existing data and accuracy, besides indeed trying to summaries the various perspectives obtained from the existing data.<sup>11</sup>

### 3. Result and Discussion

#### 3.1. Drainage Development Policy in Medan City

The word drainage comes from the French word “*drainer*”, which means to drain, “burn”, or “drainer”. In civil engineering, drainage is generally defined as a technical measure to reduce excess water in an area or region, either due to seepage, rainwater, or irrigation water, so that the function of the area is maintained. A drainage system is a set of water structures designed to reduce or remove excess water from a particular area or terrain so that the water can be used optimally. A good drainage system can also help prevent a city or area from being plagued by standing water.<sup>12</sup>

In 2022 there are 61 drainage development points in Medan city that are intensified by the Medan city government. This is an effort to mitigate flooding in the Medan city area, as stated in the Medan Mayor Regulation No. 8 of 2023, that the technical issues related to the operational maintenance of roads and drainage are mandated to the Water Resources, Highways, and Construction Development of Medan City.<sup>13</sup>

The issue of flooding in Medan city is a common concern for all elements of society in Medan city. Medan TAJIR (Medan Without Flooding) is a priority programmed launched by the current mayor of Medan City. This is clarified from

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<sup>9</sup> Kornelius Benuf, Siti Mahmudah, and Ery Agus Priyono, "LEGAL PROTECTION OF FINANCIAL TECHNOLOGY CONSUMER DATA SECURITY IN INDONESIA," *Legal Reflection: Journal of Legal Science* 3, no. 2 (August 7, 2019): P. 145–60, <https://doi.org/10.24246/jrh.2019.v3.i2.p145-160>.

<sup>10</sup> Ahmad Rijali, "QUALITATIVE DATA ANALYSIS," *Alhadharah: Journal of Da'wah Science* 17, no. 33 (January 2, 2019): P. 81, <https://doi.org/10.18592/alhadharah.v17i33.2374>.

<sup>11</sup> Sugiyono, *Quantitative, Qualitative and R & D Research Methods* (2013; repr., Bandung: CV Alfabeta, 2014), P. 121.

<sup>12</sup> Suripin, *Sustainable Urban Drainage Systems* (Yogyakarta: Andi, 2004), P. 386.

<sup>13</sup> WALI KOTA MEDAN, "Regulation of the Mayor of Medan City Number 8 of 2023 on the Unique Technical Implementation of Road Maintenance and Drainage Operations at the Water Resources, Bina Marga, and Bina Konstruksi Office of Medan City," 2023.

the APBD General Policy and Temporary Budget Ceiling Priorities (KUA and PPAS), it is stated that flood management is a priority development programmed for Medan city for 2022.

### 3.2. *Al-Maqashid Sharia* Theory in the Aspect of Public Policy

*Maqashid Sharia* consists of two words, *Maqashid* and *Sharia*. *Maqashid* is the plural form of the words "*maqṣid*", which means the place to which one is directed or intended, and "*maqṣhad*", which means "goal or direction". However, the term *Shariah* translates to the path to the water source in the local language. The way to the source of water can also mean the way to the source of life.<sup>14</sup> When the words *Maqashid* and *Sharia* are combined, they can give identical meanings except in certain areas, such as the difference between *Maqashid* and *Sharia* with respect to redaction and development. Another definition of *Maqashid Sharia* is the ultimate goal and secrecy, as well as the rules or definitions established by the law.<sup>15</sup>

Jasser Auda divides *Maqashid* into four categories. *Maqashid* consists of three different things. The first is the wisdom underlying the law, the second is the positive purpose that the law seeks to achieve, and the third is the group of divine moral principles and goals that serve as the basis of the law. The fourth is *mashalih*, or that which relates to the public good.<sup>16</sup>

To be able to further explore the concept of *Maqashid Sharia* in meaning, then for that we need to examine the expressions of scholars who are concerned in this field, including: Imam al-Ghazali, Imam ash-Syatibi and Jasser Audah, as follows:

- 1) Imam al-Ghazali took the ideas of his mentor, Imam al-Juwaini, in his books *Syifa' al-Ghalil* and *al-Mustashfa min'ilm al-Ushul*. Imam al-Ghazali explained the essence of *Maqashid Shariah*, which is *Maslahat*. Otherwise, it is a phrase that explains how to bring benefits rather than negative consequences.<sup>17</sup>

<sup>14</sup> Fazlur Rahman, *Islam Translated: Ahsin Muhammad*, Print. 1 (1984; repr., Bandung: Pustaka, 1994), P. 140.

<sup>15</sup> Umar ibn Salih ibn 'Umar, *Maqāṣid Al-Sharī'ah 'Inda Al-Imām Al-'Izz Al-Dīn Ibn 'Abd Al-Salām* (Yordania: Dār al-Nafa'is, 2003), P. 88.

<sup>16</sup> Husni Kamal and Arinal Rahmati, "The Concept of *Maqashid Sharia* in the Product Development of Islamic Financial Institutions," *AT-TIJARAH: Journal of Islamic Finance and Banking Research* 2, no. 2 (June 2, 2020): P. 122.

<sup>17</sup> Aris Nur Mu'alim, "PORTRAIT OF MAQASID SYARIAH PERSPECTIVE OF ABU HAMID MUHAMMAD BIN MUHAMMAD AL-GHAZALI AT-THUSI AS-SYAFI'I," *Al-Mawarid Journal of Sharia*

2) Imam ash-Syatibi, a Maliki school of ushul fiqh scholar, divides the concept of *Maqashid* into two parts: *qashd al-mukallaf* (the objective related to the exercise of rights) and *qashd ash-Syari'* (the objective related to the right maker). *Qashd ash-shari'at* is divided into two parts: the purpose of God's creation of *shari'a* and why *shari'a* must be understood. Then, *qashd ash-mukallaf* is divided into two parts: the first is that *shari'a* was created for the purpose of giving obligations to the *mukallaf*, and the second is that *shari'a* was created for the purpose of placing the *mukallaf* within the limits of *shari'a*.<sup>18</sup>

3) Jasser Auda, *Maqasid of Islamic law is the purpose/intent behind Islamic judgements*, writes Jasser Audah. The goal or purpose behind Islamic rules is the purpose of Islamic law. Jasser Audah simply clarifies the subject by saying that *Maqashid Sharia* is the purpose or motivation behind the law, not the law itself.<sup>19</sup>

*Maqashid Sharia* is divided into three basic requirements: al-Daruriyah, al-Hajiyah and al-Tahsiniyah. These requirements have an impact on the law. The needs of al-Daruriyah are essential needs that are the most important, crucial or crucial needs in a person's life, whether it is to maintain religious security or global security.<sup>20</sup> The term "al-Hajiyah needs" refers to secondary needs or comforts needed to avoid difficulties called "*mashaqqah*". If these needs are not met, they only cause hardship. However, the last need, called al-Tahsiniyah need, is an additional or tertiary need, which offers additional benefits to complement the previous two. The five elements of *Maqashid Shariah*, known as *Ushul al-Khamsah*, are part of ad-Daruriyah. Therefore, maintaining these five elements is an absolute must.<sup>21</sup>

To find out more details, here is a simple explanation divided into 5 basic fundamentals in *Maqashid Sharia*:

### 1) Maintain Religion (*Hifz al-Din*)

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*and Law (JSYH)* 4, no. 2 (September 14, 2022): P. 116, <https://doi.org/10.20885/mawarid.vol4.iss2.art3>.

<sup>18</sup> Abdurrahman Kasdi, "MAQASYID SYARI'AH PERSPECTIVE OF IMAM SYATIBI'S MIND IN KITAB AL-MUWAFQAT," *Yudisia* 5, no. 1 (January 18, 2016): P. 56, <https://doi.org/10.21043/yudisia.v5i1.693>.

<sup>19</sup> Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law (USA: International Institute of Islamic Thought (IIIT), 2008)*, P. 16.

<sup>20</sup> Yūsuf Aḥmad Muḥammad Badawī, *Maqāṣid Al-Sharī'ah 'Ind Ibn Taymīyah* (Jordan: Dār al-Nafā'is, 2000), P. 63.

<sup>21</sup> Abdul Helim, *Maqashid Al-Syari'ah versus Usul Al-Fiqh (Concept and Its Position in Islamic Legal Methodology)*, *Digilib.iain-Palangkaraya.ac.id* (Yogyakarta: Pustaka Pelajar, 2019), P. 24, <http://digilib.iain-palangkaraya.ac.id/id/eprint/1714>.

Maintaining religion can be exemplified by maintaining five daily prayers, as a Muslim who has an obligation to maintain prayer, of course, is the main obstacle in carrying out existing laws (QS. Muhammad verse 7).

### 2) Keeping the Soul (*Hifz al-Nafs*)

Efforts in terms of maintaining the soul (self), in Islam itself it is fundamental and must be achieved in order to create a life in accordance with the commands of the Qur'an (QS. al-Baqarah, 2: 168) and (QS. al-A'raf verse 31).

### 3) Guarding the Intellect (*Hifz al-Akl*)

The most important human physical member is the mind. Through this ability, humans have the ability to reflect and distinguish between moral qualities, even with reason, humans can create their findings which are then used for the development and convenience of humans themselves (QS. Ali Imran verses 190-191).

### 4) Maintaining Descent (*Hifz al-Nasb*)

Descent is a relay of the continuity of a generation, so it is not uncommon for many to interpret descent as an honour for everyone and from there Islam is also very concerned about offspring. This is so that the offspring that are born can come from a clear and legal relationship according to religion and state (QS. al-Mukminun verse 101, QS. al-Furqan verse 54 and QS. Annisa verse 23).

### 5) Guarding the Treasure (*Hifz al-Mal*)

Intended by the maintenance of property, in the form of efforts made by a servant in maintaining the ownership entrusted by Allah *Subhanahuwata'ala* to him to be able to carry out daily activities in his life, so that there is no shortage and fulfilled existing needs (QS. Annisa verse 6).

*Maqashid Sharia* theory in the aspect of public policy is an important issue that until now has escaped the attention of the community and even existing policy makers. Public policies that are oriented towards *Maqashid Sharia* will certainly be a consideration in itself, because the results achieved and expected by existing public policies are solely to achieve the goals of *Maqashid Sharia* itself. In the form of benefit by rejecting *madarat*.<sup>22</sup>

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<sup>22</sup> Dian Berkah et al., "Atika Rukminastiti Masrifah & Achmad Firdaus the Framework of Maslahah Performa as Wealth Management System and Its Implication for Public Policy Objectives the

The role of *Maqashid Sharia* in the matter of public policy as a parameter that tries to ensure that the policies taken by the government remain oriented towards matters of benefit, related to the direction of welfare and equitable prosperity. So that using *Maqashid Sharia* theory in determining the direction of policy becomes something that is very calculated and considered.

Broadly speaking, it can be understood that implementing a policy in the community must require in-depth analysis, SWOT analysis (Strengths, Weaknesses, Opportunities, and Threats) is also one of the analytical methods often used in the formation of local government policies. In addition, government policies must be analyzed based on Cost-Benefit with the aim of being able to see the costs incurred and the benefits arising whether they are in accordance with the budgeted funds.<sup>23</sup>

In line with the *Maqashid Sharia* theory, the policy direction taken by each policy maker should certainly be in accordance with the interests of the people and without excluding things that can bring benefits to the existing community. By paying attention to the situation and conditions of the policy to be taken, it will certainly make a good policy according to existing rules.

### 3.3. *Al-Maqashid Sharia* Theory and Analysis Related to Drainage Development Policy in Medan City

إِنَّ وَضْعَ الشَّرَائِعِ إِنَّمَا هُوَ لِمَصَالِحِ الْعِبَادِ فِي الْعَالَمِ وَالْآجِلِ مَعًا

It means: "Indeed, the Shari'ah was created only for the benefit of the servant in this world and the hereafter" (Ash-Syatibi, 1977. 2: 2).

In essence, sharia (rules) is made in order to create a better quality of life, in accordance with the needs and limits of humans themselves. In line with the *Maqashid Sharia* theory that tries to explain the objectives to be achieved in the sharia itself. As agreed by the scholars that the essence of *Maqashid Sharia* is the benefit for servants (*li mashalih al-'ibad*) in the world and in the hereafter, either by bringing benefits or rejecting *mafsadat*.

The urgency of understanding *Maqashid Sharia* is the main thing that every policy maker in this country must be able to know. Especially for those who are given the mandate to be able to run the wheels of government, of course, must

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Emergence of Waqf Bank: A Social Welfare Alternative in Indonesia," *MEDIA SYARIAH: Wahana Kajian Hukum Islam Dan Pranata Sosial* 18, no. 2 (2016): P. 247.

<sup>23</sup> Kaswadi Yudha Pamungkas, "ANALYSIS OF DAILY GOVERNMENT POLICY FOR DAILY LEADERS," [bpsdm.sulselprov.go.id](https://bpsdm.sulselprov.go.id), February 27, 2023, <https://bpsdm.sulselprov.go.id/informasi/detail/analisis-kebijakan-pemerintah-daerah-pengetahuan-wajib-bagi-para-pemimpin-daerah>.

be equipped with good insight into religious knowledge and adequate world knowledge, of course, in order to bring the direction of policies that are in accordance with what is equally expected by the community.

In line with this, if you look at the *Maqashid* rules themselves, Ibn al-Qayyim once revealed in his work.

الشريعة مبنية على مصالح العباد باعتبار القران وشواهد الأحوال

It means: "Shari'ah is established on the basis of the benefit of the slave, taking into account the *qarinah* (context) and paying attention to the situation" (Ibn al-Qayyim, 1977. 3: 14-20).

Looking at the policy analysis of Medan city's drainage development, it is actually not a new thing that has been studied or even analyzed recently. Based on the data obtained, the Medan city government in the hands of Mayor Bobby Nasution has been very aggressive in realizing existing programs. One of them is Medan TAJIR (Medan Without Flooding), which is a priority programmed of the Medan city government.

This is made clear through the KUA and PPAS, stating that flood management is a priority development programmed for Medan city for 2022. However, until now flooding at several points is still inevitable, the worst was in mid-November 2022 which paralyzed almost all corners of Medan city, covering 9 sub-districts namely: Medan Sunggal, Medan Helvetia, Medan Barat, Medan Johor, Medan Maimun, Medan Polonia, Medan Baru, Medan Petisah, Medan Selayang.<sup>24</sup>

The data obtained shows that there are 61 points that are the development targets of drainage projects in Medan City. However, until now all of these drainage projects have not been able to work optimally in accordance with what is expected. There is a strong suspicion that the planning of drainage project development in Medan city has ignored many aspects. In a press release conducted by the Legal Aid Institute (LBH) Medan strongly suspects that the drainage development project violates the human rights of its citizens both in the comfort sector and the supervision carried out in the project.<sup>25</sup>

Some of the main issues related to the drainage development policy in Medan city that are most highlighted include: Lack of supervision, ignoring the rights of

<sup>24</sup> Ministry of Health Health Crisis Centre, "Ministry of Health Health Crisis Centre," Kemkes.go.id, 2016, <https://pusatkrisis.kemkes.go.id/Banjir-di-KOTA-MEDAN-SUMATERA-UTARA-18-11-2022>.

<sup>25</sup> Legal Aid Institute (LBH) Medan, "Stumbling Blocks to Law Enforcement & Justice (Reviewing LBH Medan's 2022 Year-End Note) - LBH Medan," lbhmedan.org, 2022, <https://lbhmedan.org/batu-sandungan-penegakan-hukum-keadilan-mengulas-catatan-akhir-tahun-2022-lbh-medan/>.

road users (motorized vehicles), budgeting system and public information that is less clear and transparent, not paying attention to the situation and conditions, and other socio-economic aspects. On the other hand, the flood mitigation project with the development of Drainage and the Deli River flood control project is considered by the Medan city government as the right solution in overcoming the flood problem in Medan city.

However, the drainage development process at several points has become a complaint for the affected communities. The most highlighted because it is located in the city centre area is West Medan, namely in Medan Kesawan. The people and businesses on the London - North Sumatra (LONSUM) road have felt the impact of this drainage development, as some of them have been forced to close their businesses for months. In other areas there are even some drainages that are simply abandoned, without any police line or even information about the drainage excavation project.

Seeing this phenomenon in the *Maqashid Sharia* theory itself, that all policies taken and pursued should lead to the benefits or benefits felt to the community, from the policies taken, not the other way around. Of course, the above matters become our common concern that in making policies and implementing existing policies by the Medan city government, there are still many aspects that intersect directly with the community around the project.

In *Maqashid Shari'ah* theory itself, the form of violations and negligence committed by the Medan city government is considered to be directly related to the form of override of *Hifz al-Nafs* (Protecting the Soul) and *Hifz al-Mal* (Protecting the Treasure). Because of course the lack of supervision related to this drainage development policy has an impact on many aspects that are felt directly by the community.

The lack of supervision resulted in the drainage development project violating the rights of other communities. The excavation of piles rather than the drainage that is placed for days is quite disturbing to the surrounding community and even road users who drive. Un-dried piles and excavated holes that were not marked resulted in traffic accidents. It even caused a foreign bus travelling to Medan to become a victim of the poorly supervised project.

The contour of the road asphalt that changed due to the ongoing drainage development activities also caused diversion of flow everywhere, hampering the activities of the community, especially those who are conducting commercial activities in the area. They were forced to close their activities temporarily. The unclear budgeting system and lack of transparency in information disclosure have also been questioned by many activists and even institutions that represent the voice of the people.

This is then of course in the *Maqashid Sharia* analysis we can examine that from the drainage development policy taken by the Medan city government, there are still many things that are *al-Daruriyat*, namely in the aspects of *Hifz an-Nafs* and *Hifz al-Mal*. In terms of safeguards related to the soul, of course, it leads to social aspects that are harmed by the Medan city government against the affected community, in the form of rights deprived through the policies taken.

In terms of safeguards related to property, it leads to the budget and existing facilities that are not utilized effectively due to the lack of access to information disclosure regarding the budget and management of the existing budget. Because of course the budget used should be sourced from the APBD or APBN, the essence of which boils down to taxes that are imposed obligations to be fulfilled by the community, in accordance with the law.

The two elements of the *Maqashid Sharia* theory can then be concluded that the Medan city government is still not optimal in determining and applying a policy that will be taken/is being implemented. The Medan City Government should be able to analyse more deeply related to the policies to be taken and look at the situation and conditions. Of course, it is inseparable from the strict supervision process in order to produce a policy that is in accordance with the *Maqashid Sharia* theory, namely bringing *maslahah* and rejecting *madarat*.

The good, the bad of a policy, of course, what will be the reference is how the policy is taken and implemented in accordance with what exists. Apart from causing positive and negative impacts, of course each policy taken cannot deny this. The most important thing is how the policy-making process and its implementation can be based on in-depth aspects in accordance with *Maqashid Sharia* theory.

#### **4. Conclusion**

The drainage development policy in Medan city is a good solution to overcome the flooding problem in Medan city. Flooding that has become a subscription certainly has an impact on various lines of community life. The Medan city government should also not fail to supervise the policies that are being executed. The effectiveness of budgeting must also be considered starting from its allocation to the situation and conditions in the implementation of the policy. Many factors cause flooding in Medan city, in addition to coordination between local governments, Green Open Space (RTH) should also not be missed to be able to solve the flooding problem in Medan city. Because the purpose of the mandated Act No. 26 of 2007 is to be able to minimize the impact of flooding in the city area based on spatial management, especially in a densely populated city.

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