

The Principles of the Welfare Law State in an Islamic Perspective

Sri Kusriyah^{*)}

^{*)} Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, E-mail: kusriyah@unissula.ac.id

Article	Abstract.
<p>Keywords: Islamic; Perspective; Welfare.</p> <p>Article History Received: 2022-09-27; Reviewed: 2022-11-18; Accepted: 2022-12-21; Published: 2022-12-22.</p> <p>DOI: 10.30659/jdh.v%vi%i.26590</p>	<p><i>The principles of a welfare state are a choice of state system in most countries in the world. Islam as a religion for all mankind and mercy for the natural environment, has principles on how to regulate the state so that it can provide benefits for human life, this paper aims to find out how the principles of a welfare state and an Islamic perspective. The method used in this paper uses normative juridical methods, the data required is in the form of secondary data with technical data analysis using qualitative analysis. The results of the discussion show that Islam as a teaching has the principle that the people have the right to welfare, and the state/government is obliged to promote welfare, educate the people's lives, and must even be active in all aspects of life towards the welfare of its citizens a. Freedom from poverty, b. freedom to choose a lawful job, c. property rights function socially, d. the right to education, e. the right to welfare. The principle of welfare in Islam is directed to achieve the system. a. The system of Islamic society is a system of social life that is advanced, mobile and active, capable enough to build a modern and advanced society, b. The Islamic social system with its recognition of the five human rights and legislation for social security, has the power to eradicate poverty, stupidity, cowardice and inferiority complex, c. The Islamic social system is suitable for all Muslims and non-Muslims, because the basics and rights according to this system are equally distributed to all residents without exception, d. The Islamic community system includes the people and the government in implementing social security, e. The Islamic society system is easy to form, not rigid, can be practiced at any time in accordance with the times and the movement of progress.</i></p>

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1. Introduction

The civil law The principles of a welfare legal state have become a choice of state system in most countries in the world, so in general the goal of the state is to achieve welfare for citizens. The welfare state is an idea that emerged after a relatively long period of time as a reaction to capitalist teachings in which in the

form of a slogan there are three basic capitalist economic systems: 1) liberalism, individuals are free to realize their interests, 2) utilitarianism, individual and public happiness will be manifested by the embodiment of enjoyment and avoidance of distress, 3) Harmony, there is no conflict between the interests of the individual and the public because the public interest will materialize if the individual has realized his personal benefit.¹ The practice of a capitalistic state provides excesses to the detriment of some, and only benefits others.²

According to Abdul Sami' Al-Mishri the capitalist system turns out to leave social strata in society, there is a group of capital owners who are always surrounded by abundant wealth and will continue to grow, there is a global monopoly on all commodities needed by society, the capitalist system also triggers a crisis in the world economic problems that burden people's lives, increase the number of unemployed and cause damage to the living system.³ On that basis it is felt necessary to carry out a social policy towards the creation of prosperity, this policy certainly requires a spirit that is different from the spirit of capitalism, and that spirit is social justice.⁴ The welfare state doctrine idealizes state intervention in the dynamics of society, in its extreme form a communist state emerges, while the moderate one takes the form of a social democracy in Western Europe.⁵ Lawrence M. Friedman said that in the 20th century the country was generally called the "Welfare State," because so much the state regulates welfare, the intervention of a government in the welfare state covers various aspects of the economy, finance, security, even to telecommunications and transformation as well as banking, the situation this is a typical form of the state in the 20th century which is called the "welfare state", or more broadly the welfare regulatory state.⁶ Jan M. Boekman

¹Ali Gharisyah, 1990, *Alittihajad Al-Fikriyat Al-Mu'ashirah*, Mesir, Dar-Al wafa, p. 30.

²In practice, capitalist government raises problems, among others: 1) A country that allows competition to run freely has made the rich become richer, while the poor have become poorer. This is because the accumulation of capital and wealth gathers for the rich, it will be easier to obtain various facilities and further facilitate the path to further accumulation of wealth, while the poor will be increasingly marginalized and very often will become unhealthy competition, because people will various efforts to be able to win the competition, and of course tricks and things that are considered unfair will be taken, 3) the values of capitalism are contrary to the spirit of prosperity. See Agus Triyanta, 2012, *Hukum Ekonomi Islam Dari Politik Hukum Ekonomi Islam Sampai Pranata Ekonomi Syariah*, Yogyakarta, UII Press, p. 19-20.

³Abdul Sami' Al-Mishri, *Muqawwimat Al Iqtishad al-Islami*, Terjemahan Dimyauddin Djuwaini, *Pilar-pilar Ekonomi Islam*, Yogyakarta, Pustaka Pelajar, p. 220.

⁴Ibid., p. 20.

⁵Jimly Asshidiqie, *Undang-undang Dasar 1945: Konstitusi Negara Kesejahteraan dan Realitas Masa Depan*. (Inaugural Speech of the Professor of the Faculty of Law, UI, 1998). See Agus Triyanta, *Islamic Economic Law...*op. cit., p.21.

⁶Lawrence M. Friedman, *Legal Culture and the Welfare State*, dalam Gunther Teubner, *Dilemma of Law in the Welfare State*, (New York: Walter de Gruyter, 1986), p. 12. see Djauhari, *Politik Hukum*

welfare state means as an integration of economic facts and general ideas about justice, in which various aspects of social life are explained, therefore law is actually evidence that is always related to a welfare state with the characteristics of justice which must be the main goal (The welfare state is generally understood as the presence and functioning of law in various aspects of social life. It is thus evident that law is intertwined with the welfare state).⁷ Franklin Delano Roosevelt The 32nd President of the United States, in his messages to the United States Congress on January 6, 1941, summarized his message in four freedoms (the Four Freedoms), namely: 1) freedom of speech, 2) freedom of religion, 3) freedom from want , 4) freedom from fear.⁸

Article 40 of the UN Declaration of Human Rights states that everyone has the right to an adequate standard of living for the health and well-being of himself and his family, including food, clothing, housing and health care as well as social service needs, the right to get security in the event of unemployment, paralysis, widows, old age or also loss of livelihood which is included around his supervision.⁹

The practice of administering the state in the world is generally the concept of the welfare state, the state is required to extend responsibility to socio-economic problems faced by the common people, it is this development that provides legalization for the interventionist state of the 20th century, ensure the creation of common prosperity in society.¹⁰ Even though the welfare state is a solution to the failure of the previous state to realize welfare, it does not mean that the welfare state model does not have weaknesses. The highlights are:¹¹ Inequality has not been eliminated in various ways, mainly regional inequality, inequality in human resource development, and inequality in eradicating poverty. With the many facts of failure that have occurred in various countries that apply the welfare state model, the failure factors are as follows:

Negara Kesejahteraan Indonesia, Studi Tentang kebijakan Regulasi dan Instutusionalisasi Gagasan Kesejahteraan Ekonomi Masyarakat Nelayan di Jawa Tengah, Semarang: Unissula Press, 2008, p. 40.

⁷Jan M. Boekman, *Legal Subyektivty as a Precondution for the intertwinement of Law and The Welfare State*, *Ibid.*, p. 79.

⁸Edward Conrad Smith and Arnold Jhon Zurcher, 1966, *Dictionary of American Politics*, New York: Bernes & Noble Inc, p. 163, .

⁹Sukarmi, S., & Ong Argo Victoria. (2018). Cash Waqf in Sustaining of Indonesian Society "In Legal & Economic Perspective". *AL-ITQAN: JOURNAL OF ISLAMIC SCIENCES AND COMPARATIVE STUDIES*, IRKHS-IIUM, Malaysia, 2(1), 83–97. doi.10.31436/al-itqan.v2i1.43

¹⁰ Sri Ahyani, Land Registration As A Legal Construction Of Law In Order To Facing Asean Economic Communities, *International Journal of Nusantara Islam* Vol. 06 No. 02 2017: (198-207), DOI: 10.15575/ijni.v6i2.6227

¹¹Agus Triyanta, *Ekonomi Islam....* op. cit., p. 32-33.

- a. There is no value system, to develop every economic or state system requires and at the same time gives birth to a certain system, without a value system it will be difficult for a system, both the economy and the country to develop.
- b. Dependence on government benefits, a person has reasons to be able to get social security from the government, this is a dangerous view, because it shows that citizens who are in the poor layer will actually enjoy dependence on the government as something special and wear them ,
- c. The imbalance between state financial revenue and expenditure, in the case of the social security welfare state which consists of various items has turned out to be a serious burden, during an economic crisis which can occur at any time it turns out that there is still an acceleration in the increase in expenditure for social security costs, while income declining country,
- d. The attitude of the government is ambivalence, the welfare state is very much trapped in antagonism of interests and policy ambivalence, the main problem usually comes from the freedom of citizens (individuals), in the name of freedom for example employees will stop working in the government and then move to the private sector which provides higher salaries , this means the government has lost their educational expenses and then the government will lose them¹².

Islam as a religion for all mankind and mercy for the natural world, has principles on how to regulate the state so that it can benefit human life. In the Islamic concept, the earth and the universe were created by Allah SWT for humans to be managed properly in the context of its survival, how can Islam as a way of life for its people determine the principles for state administrators in realizing the welfare of mankind

2. Research Methods

This research is normative juridical method. The data required is secondary data, namely data in the form of legal materials contained in documents, both in the form of primary legal materials, namely laws and regulations related to research, secondary legal materials in the form of writing or documents contained in the manuscript, and tertiary legal materials in the form of research results that have been conducted related to the principles of a welfare state law. Secondary data was

¹² K Anwar, M Wasino, S Samsudi, T Prihatin, Ong Argo Victoria, The Development Model Of School Culture On The Strengthening Of Students' Character In Sma Islam Sultan Agung Semarang, International Conference on Science and Education and Technology 2018 (ISET) Universitas Negeri Semarang (UNNES), 2018,

obtained through literature study, by searching for documents in the form of principles, theories and legal norms in laws and regulations, which are related to the problems raised in this research.

3. Results and Discussion

3.1. Definition of rule of law

The notion of a rule of law had emerged long before the revolution in England in 1688, but only reappeared in the nineteenth century. The background for the reappearance of a rule of law state is a reaction to past abuses, thus the elements of a rule of law have a close relationship with the historical development of society in a place.¹³ Starting from the conception of a liberal law state (*nachwater Staat/night watchman state*) to a formal rule of law state (*formele Rechtsstaat*), then becoming a material law state (*materiele rechtsstaat*) to the idea of a prosperity state (*welvarstaat*) or a state serving the public interest (social service state or social *verzorgingsstaat*).¹⁴ The concept of a rule of law cannot be separated from its own pillar, namely people's sovereignty which then gives rise to the notion of democracy, therefore a rule of law and democracy are inseparable. Many formulations have been given for the notion of a rule of law state, but it is difficult to find the same formula, either due to differences in the rule of law principles adopted, or because of the conditions of society and the times when the formulation of a rule of law state was coined. The conception of a rule of law state based on its legal tradition can be divided into two, namely the conception of a state based on the rule of law and the conception of a rule of law state which has received encouragement from the Renaissance and *aufklärung/reformation*, both of which were products of the nineteenth century and were influenced by liberalism and individualism.¹⁵

The liberal rule of law or what is often called the rule of law state in a narrow sense is the conception given by Immanuel Kant (1724-1804), whose emergence coincided with the birth of the ideology of liberalism which opposed the absolute power of the kings at that time, according to the view of liberalism the state must actually release itself from interference in the interests of its people, which means that the attitude of the state must be passive.¹⁶ At the beginning of the twentieth century the idea of limiting this power received a juridical formulation, Western

¹³ Ni'matul Huda, 2005, *Negara Hukum Demokrasi Dan judicial Review*, UII Press, Yogyakarta, p.1.

¹⁴ A El Khalfi, BFM Zukri, Ong Argo Victoria, *Comparative Law Of Islamic Inheritance And Civil Law Inheritance (West)*, *International Journal of Law Reconstruction*, Doktor Hukum Unissula, *Comparative Law 1 (2)*, 2019,

¹⁵ Mukti Fajar, 1993, *Tipe Negara Hukum*, Widya Gama Press, Malang, p. 16.

¹⁶ Muntoha, 2009, *Demokrasi Dan Negara Hukum*, *Jurnal Hukum Ius Quia Iustum*, vol 16, Yogyakarta, p.382.

European jurists used the term rule of law by using the term *rechtsstaat* which was based on the civil law legal tradition, with administrative characteristics, while experts in the Anglo Saxons used the term rule of law which rests on the common law legal tradition with judicial characteristics.

3.2. The meaning of the Welfare Law State

The main type of welfare law state is the government's obligation to carry out *bestuuruzorg*, namely the implementation of public interests, for this reason the government is given the authority to break away from the rigid formal legal framework so that it can carry out its activities formulated as the independence of the government to be able to act on its own initiative in solving social problems. Freies Ermessen's teachings can also be formulated as a legitimate authority for the government to intervene in social activities in order to carry out tasks for the welfare of the people.

The welfare state in the Black's Law Dictionary states that "the welfare state is a nation in which the government undertakes various social insurance programs, such as unemployment compensation, old age pensions, family allowances, food stamps, and to the blind or deaf also termed welfare regulatory state."¹⁷ In reality there are various concepts, at least there are several views on the welfare state such as Lawrence M Friedman said that the welfare state is a state responsibility for the welfare of its citizens in a broad scope to reach market interventions as well as banking, telecommunications and transportation, Ramesh Misrha defines welfare state is the responsibility of the state for the welfare of citizens which includes market economic interventions, employment policies, and social welfare services.¹⁸ The main characteristics of a welfare state are as follows:

- a. The separation of powers based on trias politica is seen as no longer principled. Efficient considerations of work are more important than considerations from a political point of view, so that the role of the executive organs is more important than the legislative organs.
- b. The role of the state is not limited to maintaining security and order, but the state actively plays a role in carrying out people's interests in social, economic, cultural fields, so that planning is an important tool in the welfare state.
- c. Welfare state is a material legal state that emphasizes social justice and not formal equality.

¹⁷The welfare state according to Black Law's Dictionary, is a nation whose government runs various social insurance programs, such as unemployment compensation, pensions, financial assistance for families, food stamps, and assistance for the blind or deaf. In Djauhari, op.cit, p.45.

¹⁸ Ibid, p. 47.

- d. Property rights are no longer considered as an absolute right, but are seen as having a social function, which means that there are limits to the freedom to use them.
- e. There is a tendency that the role of public law is increasingly important and the role of civil law is increasing and urgent. This is due to the expanding role of the state in social, economic and cultural life.

Jimly Ashiddiqie is of the opinion that the current Welfare Law State has at least twelve principles, namely:¹⁹

- a. The rule of law (supremacy of law) is the normative and empirical acknowledgment of the rule of law, namely that all problems are resolved by law as the highest guideline, in the perspective of the rule of law, essentially the highest leader is not a human being, but a constitution that reflects the highest law,
- b. Equality before the law (equality before the law) within the framework of the principle of equality, all attitudes and actions that are discriminatory in their forms and manifestations are considered prohibited actions, except for special and temporary actions which are called affirmative, to encourage and accelerate certain groups of people to pursue progress so that they are equal with developed societies
- c. The principle of legality (due process of law), namely that all government actions must be based on legal and written laws and regulations,
- d. Limitation of power, by applying the distribution of power both vertically and horizontally,
- e. Independent executive organs, in the context of limiting this power, in this day and age there are also developing arrangements for independent government institutions, such as the Central Bank, Police Organizations, and the Attorney General's Office and others.
- f. An independent and impartial judiciary, this absolutely must exist in every rule of law in carrying out its judicial duties, judges may not be influenced by anyone, either because of the interests of public office or economic interests, to guarantee justice and truth no intervention is permitted in the decision process decision,
- g. State Administrative Court, in every legal state there is an opportunity for every citizen to challenge the decision of a state administration official, and the decision of a State Administrative judge is carried out by a government official,
- h. Administrative Court, a modern rule of law country commonly adopts the idea of forming a Constitutional Court within the state administration system, in an

¹⁹Jimly Ashiddiqie, Loc.Cit, p. 154-161.

effort to strengthen the system of checks and balances between the branches of power,

- i. Protection of human rights, constitutional protection of human rights with legal guarantees for fair enforcement, protection of human rights needs to be promoted widely in order to promote respect for and protection of human rights as an important feature in a rule of law,
- j. Democratic (*demokratische rechtsstaat*), adheres to and practices the principle of democracy or people's sovereignty which guarantees the participation of the community in the process of making state decisions, so that every statutory regulation that is enacted and enforced reflects the feeling of justice that lives in society,
- k. Functioning as a means of realizing state goals (*welfarestate*), law is a means of achieving idealized goals,
- l. Transparency and social control, there is transparency and social control that is open to every process of forming and enforcing the law, so that the weaknesses and deficiencies that exist in the official institutional mechanism can be supplemented in a complementary way by direct community participation.

3.3. Principles of the rule of law in an Islamic perspective

Islam as a complete and perfect religion in the regulation of human life,²⁰ included in the regulation of state goals, the Qur'an provides the following directions: "That is, those people who, if We give them a position on earth, they perform prayers, pay zakat, and order to do good and prevent from being wrong, and to Allah is the return of all affairs".²¹ This verse contains the meaning of the goal of an Islamic state and the basic characteristics of the rulers and regulators of the state who will receive the help of Allah SWT, namely:²²

- a. In their personal lives, they adhered to a godly, devout way of life, their character is free from the filth of sin, disobedience to God, despair and disobedience, they behave like true knights, uphold prayers to their Lord, are humble and uphold the prayer system in the life of the people group,
- b. Their wealth and wealth resources are not used to indulge in lust and luxury, on the contrary they uphold the institution of zakat, they pay their own zakat, and

²⁰. See Al-Qur'an Surah Al-Maidah verse 3, which means "Today I have perfected your religion for you and I have completed My blessings upon you, and I have approved Islam as your religion". Al-Qur'an. Op. cit. p. 107.

²¹. Al-Quran Surah Al-Hajj, verse 41, op.cit. p. 337.

²²Abul A'la Maududi, *Law and Constitution of the Islamic Political System*, Translated from The Islamic and Constitution, Bandung, Mizan, 1990, p.,206.

- organize zakat institutions so that the prosperity of society can be distributed evenly and the State can fulfill its function as organizer of prosperity.
- c. They use state power to eradicate evil and sin and to promote and uphold virtue and goodness.

The concept of the welfare state in Islamic principles according to Muhammad Tahir Azhary, is called Islamic Nomocracy,²³ is a rule of law country that has the following general principles: 1) The principle of power as a mandate, 2) the principle of deliberation, 3) the principle of justice, 4) the principle of equality, 5) the principle of recognition and protection of human rights, 6) the principle of an independent judiciary, 7) the principle of peace, 8) the principle of welfare, 9) the principle of obedience to the people. The principle of welfare in Islamic nomocracy aims to realize social justice and economic justice for all members of society, this task is borne by the state and society, and social and economic justice is not only the fulfillment of material needs but the fulfillment of spiritual needs.²⁴ According to Maududi, the government must try to ease the burden on the people and provide guarantees for meeting their basic needs as well as comfort. The government must strive for welfare, a decent life and prosperity.²⁵ In Maududi's view, the Islamic State is a state that is comprehensive and protects all sectors of life, but its wholeness and universality is based on the universality of divine law which must be upheld and obeyed by all people and Islamic leaders.²⁶

The principle of social justice and economic justice in a country based on Islamic principles is intended to prevent hoarding of wealth in the hands of a person or group of people, while other members of society experience poverty, the Qur'an confirms that in the property of the wealthy class there are rights of other people who need it because of their weak or incapable economic condition, whether they ask for it explicitly or not.²⁷ If in capitalism which adheres to the principle of *laissez faire*, individual ownership rights are absolute without limits, freedom is guaranteed to enter all kinds of economic activities and transactions according to free competition, every commodity is considered good morally and economically as long as it can be sold, whereas in socialist Marxism property rights are only for the proletariat represented by the dictatorship.²⁸ The Islamic economic system contains

²³ Islamic nomocracy as a translation of the conception of the State according to Ibn Khaldun as *Siyasi Diniyah*, in Islamic nomocracy both sharia and law based on human ratios, both function and play a role in the State, on the other hand in secular nomocracy humans only rely on law solely the result of thoughts human, See Muhammad Tahir Azhary, Op.Cit. p. 85.

²⁴ Ibid p. 150.

²⁵ Abul A'la Maududi, Op. cit. p. 207

²⁶ Ibid, p171.

²⁷ Al-Qur'an Surah Al-Ma'arj, verses 24-25, see also Al-Qur'an Surah Adz-Zariyat verse 19.

²⁸ A M Saefudin, 2011, *Membumikan Ekonomi Islam*, Jakarta, PT PPA Consultants, p.80.

values as an implication of the principles of monotheistic economic philosophy in Islam, namely:²⁹

a. Basic Value of Ownership

The basic value of ownership in the Islamic economic system is:

(1) Ownership lies in owning its benefits and not in absolute control over economic resources. A Muslim who does not produce benefits from the resources entrusted by Allah to him will lose the rights over these resources, as applies to land or land ownership. The hadith of the Prophet SAW, "Whoever resurrects a dead piece of land, then the land will become his property, and no one has the right to own it who simply fences it off with a wall after three years".

(2) Ownership is limited throughout his life while living in the world and if the person dies it must be distributed to his heirs according to Islamic provisions. Alqur'an Letter *Al-Baqarah* verse 180 confirms. "It is necessary for you, if one of you is about to die, if he leaves wealth, try to make a bequeath for two parents and close relatives in a ma'ruf manner as an obligation for those who are pious".

(3) Individual ownership may not be of resources that concern the public or become the livelihood of many people. These resources belong to the public or the State. Hadith of the Prophet Muhammad;" All Muslims are united in three things water, grass and fire and salt" (narrators Ahamad and Abu Daud). These four kinds of goods, if we can also relate them to mining and petroleum goods, as well as the basic needs of human life from time to time and under certain conditions, fall into the category of public property, including sources of drinking water, forests, the sea and its contents, air and space.

b. Balance

It is a basic value whose influence is seen in various aspects of Muslim economic behavior, such as moderation, frugality and avoiding waste. The concept of this balance is not only the scale of the goodness of the results of its efforts directed to the world and the hereafter, but also related to individual interests and public interests that must be maintained, growth with equity appears in the economic life of society, and a balance between rights and obligations.

c. Justice

²⁹ Ibid, p. 81-86.

The most frequently mentioned word in the Qur'an after "Allah" and "Science" is the word "justice". The word justice is mentioned more than 1000 times showing how the basic value of justice has a very noble weight in Islam, both related to socio-political and socio-economic aspects. In this case there are several meanings:

(1) justice, which means freedom that is conditional on Islamic morality, as confirmed in Al-Qur'an Surah Al-Lail verses 8-10; "As for those who are miserly (don't want to sacrifice any of their rights) and they feel self-sufficient (egotistical) and deny (scorn) goodness, then We make smooth the way towards trouble (chaos)".

(2) justice must be applied in all phases of economic activity, justice in production and consumption is the arrangement of efficiency and eradication of waste. It is tyranny and oppression if someone is allowed to do something with his own property but exceeds the set limit and even lets him take away the rights of others (QS 4: 160-161, 26: 182-183, 2: 188). Justice in distribution is the correct assessment of the factors of production and pricing policies, the results are in accordance with a reasonable dose and the right size or actual level. (QS; 15: 19, 20: 6, 25:2). Equity means the policy of allocating a certain amount of results from economic activity for those who are unable to enter the market or who are unable to buy them according to market forces, namely through zakat policy, infaq and alms. (QS: 2: 110, 271,280, 4: 8,9). Hadith of the Prophet Muhammad SAW, "I swear to Allah, not believers who eat full all day while they know their neighbors are in hunger". The explanation of the above verses shows that the distribution of income and wealth must be equal for all human beings in terms of physical, mental and skills to carry out economic activities.

The embodiment of well-being in the Qur'an is formulated with the words "*Baldatun Thayibatun wa Rabbun Ghafurun*"³⁰a country that is prosperous under the blessing of Allah SWT, the state is obliged to regulate and allocate sufficient funds for social security purposes for those who need it.³¹Ahmad Azhar Basyir said that the goal of the state according to Islam is the implementation of the teachings of the Qur'an and the Sunnah of the Prophet in social life towards achieving welfare in the world, material and spiritual, individually and in groups and leading to the achievement of happiness in life in the hereafter.³²

³⁰Al-Quran Surah Saba verse 15, which means "*This is a good country (comfortable) and God is forgiving*". Op. cit. p. 430.

³¹Muhammad Tahir Azhary, 2003, *Negara Hukum Suatu Studi tentang Prinsi-prinsipnya Dilihat dari Segi Hukum Islam, Implementasinya Pada Periode Madinah dan Masa Kini*, Kencana, Jakarta, p.152.

³²Ahmad Azhar Basyir, op. cit. p.19.

Islam as a teaching has the principle that the people have the right to welfare, and the state/government is obliged to promote welfare, educate the people's lives, and must even be active in all aspects of life towards the welfare of its citizens, including among others:³³

a. Freedom from Poverty

In the view of Islam, poverty is very close to disbelief, therefore it must be eliminated, at least reduced, in the provisions of the Medina Charter, Article 11 stipulates that believers may not allow any of them to bear debts and family burdens that must be provided for, but must help them by In a good way, Article 15 emphasizes Allah SWT's guarantee or protection for weak people, and some of the believers are obliged to be helpers and defenders of some others. In an effort to eradicate poverty, the most important source is from zakat as an obligation for Muslims who are able to afford it, it is also recommended to give alms and spend their wealth in the way of Allah SWT.

b. Freedom to Choose Halal Jobs

Work is one of the recommendations in Islam, work that is expected by Islam is a good deed or work or in the Qur'an it is called good deeds. Besides being useful for earning income to meet their own needs including that of their family, working is also burdened with the obligation to pay zakat, it is not recommended to receive it.

c. Property Rights

In Islam property rights are considered sacred, the sanctity of property in the provisions of Islamic law is supported by rules according to the words of the Prophet SAW "A person who dies defending his property means he dies as a martyr". Ownership is human nature, property rights are innate tendencies or fitrah, in an Islamic perspective it must be obtained in a lawful way, not in a way that is prohibited or illegal. Islam also emphasizes that property rights have a social function.

d. Right to Obtain Education

Allah SWT gives certainty that he will elevate the degree of those who believe and those who are given knowledge of several degrees compared to those who do not believe and have no knowledge, as stated in the Qur'an Surah Al-

³³Arif Efendi, Peran Strategis Lembaga Pendidikan Berbasis Islam di Indonesia, *El-Tabarwi Jurnal Pendidikan Islam*, Vol 1 No 1 2008;

Mujadilah verse 11. From an Islamic perspective, no matter how far the place if for the sake of science must be taken, as the Arabic words, "Acquire science even if it reaches China".

e. Welfare Rights

In contrast to the views of secularists who see welfare solely from the aspect of fulfilling worldly needs, in an Islamic perspective welfare does not only meet worldly needs but at the same time includes the fulfillment of happiness in the hereafter. Islam also really maintains a balance between mental and physical, spiritual and physical needs, Islam also wants to achieve happiness with togetherness, collective, or social and economic justice. Normatively collectivism in Islam has been seen in the distribution of zakat to eight sections as in the Al-Qur'an Surat At-Taubah verse 60.

The principle of welfare in Islam is directed at achieving an Islamic social system with its special characteristics. Mustafa as-Siba'i mentions several characteristics, namely as follows:³⁴

- (1) The Islamic system of society does not mean a society of zahid (avoiding the world) and darvishes (wandering Sufis) who choose to live in poverty according to conventional Sufi teachings or a movement of fakirs in Indian lands who are passionate about distancing themselves from wealth and property on the grounds that they are afraid of taking responsibility for life's property and deceit. The Islamic community system is a system of social life that is advanced, mobile and active, which is capable enough to build a modern and advanced society,
- (2) The Islamic social system with its recognition of the five human rights and legislation for social security, has the power to eradicate poverty, ignorance, cowardice and feelings of inferiority.
- (3) The Islamic community system is suitable for all Muslims and non-Muslims, because the basics and rights according to this system are equally distributed to all residents without exception.
- (4) The Islamic community system includes the people and the government in implementing social security,
- (5) The Islamic society system is easy to form, not rigid, can be practiced at any time in accordance with the times and the movement of progress.

The five basic principles that must be guaranteed protection in Islamic law

³⁴Musthafa Siba'i, 1987, *Sistem Masyarakat Islam*, Jakarta, Pustaka Hidayah, p.181-182.

are protection for (1) religion, (2) life, (3) reason, (4) lineage and (5) property.³⁵ Realizing true prosperity for mankind is the basis as well as the main goal of Islamic law, therefore the ultimate goal of Islamic economics is as the goal of Islamic law is to achieve happiness in this world and the hereafter.³⁶

The Prophet Muhammad built the socio-political base of the Medina community based on the values summarized in the hadith as follows: "O people, spread greetings (peace, safety), give food, connect family love, and when people sleep soundly, pray at night. , surely you will enter heaven full of peace and safety." This hadith is a kind of political speech by the leader which contains the following consequences:³⁷

a. *Afsyu al-salam* (spread greetings)

Namely social politics, in essence this is an effort to create peace, reconciliation and socio-political development, tribal fanaticism in the pre-Islamic Arabian peninsula often causes bloodshed between tribes that has lasted for generations, thanks to the efforts of the Prophet tribal fanaticism was replaced with the values of Islamic brotherhood and justice based on divine revelation.

b. *Ath-'ilmu al-tha'am* (Give the Food)

Namely economic development, after security and peace are created the next basic pillar is the guarantee of basic human needs so that no one is hungry, naked and cold/hot. The Prophet set aside a special place in the foyer of the mosque (*shuffah*) to be used as a shelter for homeless people. The amil zakat institution was established to distribute people's wealth from groups such as the poor.

c. *Shillu al-arham* (Connect Family Love/Relationship)

Namely the development of culture based on the values of love. Allah is al-rahman al Rahman, in the hadith qudsi Muhammad taught that Allah's love (his mercy) overcomes his anger (ghadab). He taught the values of love with these words: "You will not enter heaven until you believe, and you will not believe until you love one another." (HR Bukhari).

d. *Shallu billaili wa l-nasunlyam* (Night Prayer)

³⁵Imam Syafe'I, Pondok *Pesantren*: Lembaga Pendidikan Pembentukan Karakter, *Al-Tadzkiyyah: Jurnal Pendidikan Islam*, Vol 8, No 1 2017;

³⁶Suhrawardi K. Lubis, Farid Wajdi, 2012, *Hukum Ekonomi Islam*, Jakarta, Sinar Grafika, p.5.

³⁷Afzalur Rahman, 2009, *Muhammad Sebagai Negarawan, Ensiklopedi Muhammad*, Terjemahan, Bandung: Pelangi Mizan, p. 16-17.

Namely spiritual development, this last point reminds people to continue to animate their souls through specific spiritual exercises in order to achieve a more meaningful life, according to the Prophet it is during the night that one can enjoy an intensive closeness to Allah because every night Allah descends into the sky of the world to hear prayer for His servant.

4. Conclusion

The principle of welfare in Islam is directed to achieve the system. a. The system of Islamic society is a system of social life that is advanced, mobile and active, capable enough to build a modern and advanced society, b. The Islamic social system with its recognition of the five human rights and legislation for social security, has the power to eradicate poverty, ignorance, cowardice and low self-esteem, c. The Islamic social system is suitable for all Muslims and non-Muslims, because the basics and rights according to this system are equally distributed to all residents without exception, d. The Islamic community system includes the people and the government in implementing social security, e. The Islamic social system is easy to form, not rigid, flexible.

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