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MAQASHID OF SHARIA COOPERATION

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Abstract

Maqashid The Islamic cooperative is a congregation in a business or community-based business activity. His own philosophy is independence, starting from the self then becoming the independence of the group (people). Or vice versa, group independence that encourages individual independence within it. The resources collected from members are a way to achieve economic sovereignty, so that cooperating is actually a long-term business strategy that secures the business interests of each member from unfair competition. Cooperating is building a fortress from efforts to destroy and colonize large investors and more established business owners. Maqashid The sharia cooperative at the religious level is a concentration of power in driving out the forbidden forms of muamalah and misleading ideologies. Only solidarity that is able to withstand the onslaught of expansion of capitalist business ventures, institutionalized solidarity is called cooperative. Maqashid syirkah sharia cooperatives contain six maqashid: 1). The accumulation of large amounts of capital so that it can be used to hold large jobs; 2). Streamlining macroeconomic rates; 3). The creation of broader and more adequate jobs; 4). The establishment of a sense of brotherhood among fellow capital holders and work partners; 5). The idea of advancing the company is better because it comes from many people too; 6). General transactions can end or cancel.

Keywords: *Maqashid, Koperasi, Sharia*

INTRODUCTION

Financial institutions are an intermediary in gathering in from the community and channeling it to the community. Financial institutions consist of bank and non-bank financial institutions. Financial institutions play an important role in the economy in Indonesia and are one of the important aspects of human life both in transactions, storage, payment services and the need for funds (Muftifiandi, 2015: 93). One of the non-bank financial institutions in the context of microfinance institutions is cooperatives. Its value is almost the same as banking financial institutions, namely services, investments in the form of ownership of motor vehicles and precious metals, business financing and the need for funds (Julius, 2013: 459).

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The phenomenon of the Islamic economy in Indonesia in the last fifteen years has experienced significant developments both at the level of theory and practice. The accelerated growth of Islamic Financial Institutions (LKS) continues to progress. For example, Bank Muamalat which has been established since 1992 and other Islamic banks (Dinnul Alfian, 2016: 19). Then followed by other LKS, such as Sharia Pawnshops, Sharia Insurance, Sharia hotels, Sharia Mutual Funds, Sharia Cooperatives and so on (Zainil, 2016: 92-94).

The Islamic finance industry in the frame of Islamic financial institutions in the economy of a country plays a very important role, one of which is to help business actors in carrying out, expanding, and developing their business activities through the provision of financing (Warkum, 2018: 31). In the midst of the progress of sharia economic development in Indonesia, various Islamic banks are competing to carry out financing activities for micro, small and medium enterprises. Microfinance institutions such as cooperatives, especially sharia cooperatives are not spared in providing financing through the provision of funding to cooperative members (Ropi, 2017: 263-264).

Cooperatives as a forum for partnership, cooperation, kinship, and healthy, good and lawful business togetherness are something that is highly praised by Islam based on the word of Allah SWT in surah al-Maidah verse 2 as follows:

يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُواْ لَا تُحِلُّواْ شَعَٰٓئِرَ ٱللَّهِ وَلَا ٱلشَّهۡرَ ٱلۡحَرَامَ وَلَا ٱلۡهَدۡيَ وَلَا ٱلۡقَلَٰٓئِدَ وَلَآ ءَآمِّينَ ٱلۡبَيۡتَ ٱلۡحَرَامَ يَبۡتَغُونَ فَضۡلٗا مِّن رَّبِّهِمۡ وَرِضۡوَٰنٗاۚ وَإِذَا حَلَلۡتُمۡ فَٱصۡطَادُواْۚ وَلَا يَجۡرِمَنَّكُمۡ شَنَـَٔانُ قَوۡمٍ أَن صَدُّوكُمۡ عَنِ ٱلۡمَسۡجِدِ ٱلۡحَرَامِ أَن تَعۡتَدُواْۘ وَتَعَاوَنُواْ عَلَى ٱلۡبِرِّ وَٱلتَّقۡوَىٰۖ وَلَا تَعَاوَنُواْ عَلَى ٱلۡإِثۡمِ وَٱلۡعُدۡوَٰنِۚ وَٱتَّقُواْ ٱللَّهَۖ إِنَّ ٱللَّهَ شَدِيدُ ٱلۡعِقَابِ

Meaning: O ye who believe, do not violate the shi'ar-shi'ar of Allah, and do not violate the honor of the illegitimate months, do not (disturb) the beasts, and animals qalaa-id, and do not (also) disturb those who visit the Temple while they seek mercy and sorrow from their Lord and if you have finished the Hajj, then they may hunt. and do not hate (you) for a people because they hinder you from the Holy Mosque, encouraging you to persecute (them). and help you in (doing) virtue

and piety, and do not help in committing sin and transgression. and fear Allah, for Allah is severe in punishment (Ministry, 2015: 156).

On the other hand, for example in verse 12 of the surah al-Nisa:

وَلَكُمۡ نِصۡفُ مَا تَرَكَ أَزۡوَٰجُكُمۡ إِن لَّمۡ يَكُن لَّهُنَّ وَلَدٞۚ فَإِن كَانَ لَهُنَّ وَلَدٞ فَلَكُمُ ٱلرُّبُعُ مِمَّا تَرَكۡنَۚ مِنۢ بَعۡدِ وَصِيَّةٖ يُوصِينَ بِهَآ أَوۡ دَيۡنٖۚ وَلَهُنَّ ٱلرُّبُعُ مِمَّا تَرَكۡتُمۡ إِن لَّمۡ يَكُن لَّكُمۡ وَلَدٞۚ فَإِن كَانَ لَكُمۡ وَلَدٞ فَلَهُنَّ ٱلثُّمُنُ مِمَّا تَرَكۡتُمۚ مِّنۢ بَعۡدِ وَصِيَّةٖ تُوصُونَ بِهَآ أَوۡ دَيۡنٖۗ وَإِن كَانَ رَجُلٞ يُورَثُ كَلَٰلَةً أَوِ ٱمۡرَأَةٞ وَلَهُۥٓ أَخٌ أَوۡ أُخۡتٞ فَلِكُلِّ وَٰحِدٖ مِّنۡهُمَا ٱلسُّدُسُۚ فَإِن كَانُوٓاْ أَكۡثَرَ مِن ذَٰلِكَ فَهُمۡ شُرَكَآءُ فِي ٱلثُّلُثِۚ مِنۢ بَعۡدِ وَصِيَّةٖ يُوصَىٰ بِهَآ أَوۡ دَيۡنٍ غَيۡرَ مُضَآرّٖۚ وَصِيَّةٗ مِّنَ ٱللَّهِۗ وَٱللَّهُ عَلِيمٌ حَلِيمٞ

Meaning: And for you (husbands) one-half of the property left by your wives, if they do not have children. if your wives have children, then you will get a quarter of the wealth he left behind after he has fulfilled the will they made or (and) paid for in debt. the wives get a quarter of the assets that you leave if you don't have children. if you have children, the wives get one-eighth of the assets that you leave after being fulfilled the will you made or (and) after your debts were paid. if someone dies, both male and female who do not leave their father and do not leave the child, but have a brother (a thousand) or a sister (just a thousand), then for each of the two types of brothers is one sixth treasure. but if there were more than one thousand brothers and sisters, they allied in the third, having fulfilled the will that he had made or after he had repaid his debt by not giving harm (to the heirs). (Allah establishes that as a Shari'ah which is truly from Allah, and Allah is All-Knowing, Most Merciful (Ministry, 2015: 117).

Also related to cooperation is in Surah Shaad verse 24 as follows:

قَالَ لَقَدْ ظَلَمَكَ بِسُؤَالِ نَعْجَتِكَ إِلَىٰ نِعَاجِهِۦ ۖ وَإِنَّ كَثِيرًا مِّنَ ٱلْخُلَطَآءِ لَيَبْغِى بَعْضُهُمْ عَلَىٰ بَعْضٍ إِلَّا ٱلَّذِينَ ءَامَنُوا۟ وَعَمِلُوا۟ ٱلصَّٰلِحَٰتِ وَقَلِيلٌ مَّا هُمْ ۗ وَظَنَّ دَاوُۥدُ أَنَّمَا فَتَنَّٰهُ فَٱسْتَغْفَرَ رَبَّهُۥ وَخَرَّ رَاكِعًا وَأَنَابَ

Meaning: David said: "Surely he has wronged you by asking for your goat to be added to his goat. Indeed, most of those who associate are part of their wrongdoing to others, except those who believe and do deeds that righteous, and very few of them ". and David knew that we tested it; then he asked forgiveness of his Lord and then fell prostrate and repented (Department, 2015: 735).

Supported by the hadith narrated by Imam Abu Daud and Ahmad as follows:

حَدَّثَنَا مُحَمَّدُ بْنُ سُلَيْمَانَ الْمِصِّيصِيُّ حَدَّثَنَا مُحَمَّدُ بْنُ الزِّبْرِقَانِ عَنْ أَبِي حَيَّانَ التَّيْمِيِّ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ رَفَعَهُ قَالَ إِنَّ اللَّهَ يَقُولُ أَنَا ثَالِثُ الشَّرِيكَيْنِ مَا لَمْ يَخُنْ أَحَدُهُمَا صَاحِبَهُ فَإِذَا خَانَهُ خَرَجْتُ مِنْ بَيْنِهِمَا

Meaning: Having told us Muhammad bin Sulaiman Al-Mishshishi, has told us Muhammad bin Al-Zibriqan, from Abu Hayyan Al-Taimi, from his father from Abu Hurairah and he gave it to him. He said; verily Allah says: "I am the third party of two who fellowship, as long as there is no one among them who betrayed his friend. If he betrayed him, then I came out of both of them (HR Abu Daud No. 2936).

حَدَّثَنَا أَبُو مُعَاوِيَةَ حَدَّثَنَا الْأَعْمَشُ وَابْنُ نُمَيْرٍ قَالَ أَخْبَرَنَا الْأَعْمَشُ عَنْ أَبِي صَالِحٍ عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَنْ نَفَّسَ عَنْ مُؤْمِنٍ كُرْبَةً مِنْ كُرَبِ الدُّنْيَا نَفَّسَ اللَّهُ عَنْهُ كُرْبَةً مِنْ كُرَبِ يَوْمِ الْقِيَامَةِ وَمَنْ سَتَرَ مُسْلِمًا سَتَرَهُ اللَّهُ فِي الدُّنْيَا وَالْآخِرَةِ وَمَنْ يَسَّرَ عَلَى مُعْسِرٍ يَسَّرَ اللَّهُ عَلَيْهِ فِي الدُّنْيَا وَالْآخِرَةِ وَاللَّهُ فِي عَوْنِ الْعَبْدِ مَا كَانَ الْعَبْدُ فِي عَوْنِ أَخِيهِ وَمَنْ سَلَكَ طَرِيقًا يَلْتَمِسُ فِيهِ عِلْمًا سَهَّلَ اللَّهُ لَهُ بِهِ طَرِيقًا إِلَى الْجَنَّةِ وَمَا اجْتَمَعَ قَوْمٌ فِي بَيْتٍ مِنْ بُيُوتِ اللَّهِ يَتْلُونَ كِتَابَ اللَّهِ وَيَتَدَارَسُونَهُ بَيْنَهُمْ إِلَّا نَزَلَتْ عَلَيْهِمْ السَّكِينَةُ وَغَشِيَتْهُمْ الرَّحْمَةُ وَحَفَّتْهُمْ الْمَلَائِكَةُ وَذَكَرَهُمْ اللَّهُ عَزَّ وَجَلَّ فِيمَنْ عِنْدَهُ وَمَنْ أَبْطَأَ بِهِ عَمَلُهُ لَمْ يُسْرِعْ بِهِ نَسَبُهُ

Meaning: Having told us Abu Mu'awiyah told us Al-A'masy and Ibn Numair had told us Al-A'masy from Abu Shalih from Abu Hurairah, he said; The Messenger of Allah said: "Whoever alleviates a believer from difficulties in the world, Allah will relieve him of difficulties on the Day of Judgment. And whoever covers the

> shame of a Muslim, Allah will cover his shame in the world and in the Hereafter. make it easy for him in the world and in the hereafter, and Allah will help a servant as long as he wants to help his brother. Whoever walks the path in order to study then Allah will make it easier for him the path to heaven, and not a people gathered in one of the houses Allah, they read the book of God, and study it with their fellowmen unless it will be revealed to them tranquility, bestowed upon them mercy, surrounded by angels and Allah will mention them before angels who are by His side, and whoever is slowed by His charity will not be accelerated by his term (HR. Ahmad No. 7118).

The history of the traces of cooperatives based on sharia principles has existed in Islam, it has been known since the third century of the Hijrah in the Middle East and Central Asia which theoretically put forward by Islamic philosophers, narrated that Rasulullah saw in a cooperative partnership such as with Saibin Syarik in Madinah (Dakwatuna, 2018). Hanafiah, syafiiyah, hanabilah and malikiyah schools agree (allow) Syirkah. It's just that there are several types of syirkah that have differences of opinion among the four schools (Ilmam Aziz, 2018).

The core of the cooperative's activities is a joint effort with enthusiasm to help each other and in a compact rhythm there is no greed among the members of the cooperative. The members of the cooperative in managing cooperatives are like one body, where one member of the cooperative is likened to a member organ of the human body (kamatsalil jasadi). Every organ of the body with other organs is harmonious and mutual care and nurture (Ali Imron, 2018).

Basic facts and popular issues, still often arising in cooperative discourse is that cooperatives are people-based economic organizations or membership (membership based association) which now tends to become substantive power as the backbone of the economy in advanced countries even though it can be seen in the development and development of cooperatives in Denmark, the US, Singapore, Korea, Japan, Taiwan, and Sweden, although initially in empirical experience only as a countervailing power towards private capitalism in the economy dominated by companies based on equity capital (equity based association) which often being a cash cow for shareholders with a targeting system and mechanism that extorts managers (Kosmi Karawang, 2018). Both developed and developing countries today have accepted the presence of cooperatives, especially in order

to organize small economic groups whose economic position is weak. Some developing countries today even directly choose cooperatives to overcome economic inequality (Masbodik).

Etymologically the word cooperative comes from English, namely coperation, which means working together. While in terms of terminology, a cooperative is an association or organization consisting of people or legal entities that work together patiently to improve the welfare of members on a voluntary basis in a family manner (Ropi Marlina: 273). Some scholars refer to cooperatives with syirkah ta'awuniyah (cooperation agreement please help), namely a cooperation agreement between two or more people, one party provides business capital while the other party does business on the basis of profit sharing according to the agreement. In this cooperative there are elements of mudaraba because one party has capital and the other party does business on the capital (Al-Zahrah, 2018).

The father of the cooperative Bung Hatta, a cooperative as a social capital (social economy), has 7 principle values as a cooperative spirit, namely (Muhammad Hatta, 2007: 22-25):

1) The truth to drive trust.

2) Justice in a joint venture.

3) Goodness and honesty achieve improvement.

4) Responsibility in individuality and solidarity.

5) Understanding that is healthy, intelligent, and firm.

6) Willingness to help yourself and mobilize self-sufficiency and autoimmunity.

7) Loyalty in family.

In Indonesia, Islamic value-based cooperatives were born for the first time in the form of a business association called Syarikat Dagang Islam (SDI). DSI was founded by H. Samanhudi in Solo, Central Java, which consisted of Muslim traders, the majority of whom were batik traders. Although in its development, SDI turned into an Islamic company with a nuanced political movement. But the concept of cooperation in the form of Islamic syirkah and syirkah Modern has similarities, both are formed by the parties (members) on their own agreement (members) to seek profit proportionally (mutual benefit) (Al-Hikmah, 2018).

The application level of the seven values of cooperative spirit which animates the cooperative personality of Bung Hatta's version is outlined in seven cooperative principles internally and externally, namely:

1) Voluntary and open membership.

2) Democratic control by members.

3) Economic participation of members.

4) Autonomy and freedom.

5) Education, training and information.

6) Cooperation between cooperatives.

7) Concern for the community.

According to Rustam Effendi et al., In his research, the concept of Bung Hatta's cooperatives included: (a) Cooperatives are joint ventures based on the principle of kinship; (b) The concept of the Bung Hatta cooperative is based on the spirit of community collectivism which is already in the habits of the Indonesian people; (c) Cooperatives are not only economic entities, but also are social bodies that are responsible for the surrounding communities; (d) Cooperatives also as a forum to educate its members to have the nature of solidarity (faithful allegiance) and individuality (awareness of self-esteem); (e) Cooperatives provide moral education so that their members have high ideals; and (f) Cooperatives are tasked with increasing production, improving quality, and improving distribution (Rustam Effendi, 2018: 133).

While the concept analysis of Bung Hatta's cooperative in sharia economic perspective according to Rustam Effendi et al, namely: (a) There is a similarity between Bung Hatta cooperative concept with the concept of Islamic economics, namely the concept of syirkah (joint effort), creating brotherhood and fellow justice, the principle of benefit, the principle of mashlahah, the value of khilafah, distribution, and ta'awun; (b) There is a difference between the concept of Bung Hatta cooperatives with the concept of Islamic economics, namely the conceptual basis of Bung Hatta's cooperative concept, which is clinging to Article 33 of the 1945 Constitution and Law No. 25 of 1992. While the Islamic economic concept is based on Qur'an and hadith and include theorem in each of his theories; (c) The concept of cooperative Bung Hatta has a relationship with the concept of Islamic economics. This can be seen from some of the similarities in the concept of

Bung Hatta cooperatives which turned out to have sharia economic values; and (d) The concept of Bung Hatta's cooperative contributes to cooperatives in Indonesia and the Islamic economy (Rustam Effendi, 2018: 133).

DISCUSSION

1. The Idiology Paradigm of Maqashid Syariah

Imam Al-Syathibi, in the book al-Muwafaqat noted that there are four streams in understanding the Qur'an and hadith, namely Zhahiriyah (literal), Bathiniyah, Al-Muta`ammiqun fi al-Qiyas (rationalist and tend to be liberal) and al- Rasikhun fi al-`Ilm (profound and moderate in knowledge) (Abu Ishak, t. 25: 25).

The first is Al-Ittijah al-Lafzdi (Zhahiriyah / Tellectual School), namely the flow of Zhahiriyah which is a school based on the Qur'an, sunnah and ijma ', but refuses intervention in the form of qiyas, ta`lil, istihsan and so on. Aliran Zhahiriyah also argued that basically 'illat law does not exist unless there is a proposition, because a legal text (nash) can determine the existence of law according to the form of the text itself, not because there is' illat' and this is not part of the object nash (Nurhadi , 2018: 43). Through the ta'lil process (search for ‘illat), the law moves from its form to legal meaning or‘ illat, such as the transition of the meaning of the essence to the meaning of majaz for a reason. Zhahiriyah, the name of the followers of this school, taken from the name of his role model, Daud bin Ali al-Zhahiri. It first appeared in the first half of the third century hijrah (Abu Ishak: 27). In understanding religious texts the zahiriah adheres to three basic principles (Abu Ishak: 28):

1) The necessity of holding fast to the outward text, and not exceeding it except with the other zhahir text or definite consensus (ijma). Use of reason is not permitted.
2) The purpose of the actual text lies in the zahir, not behind the text that needs to be searched for with deep reasoning. Likewise the mashlahah desired by syara`.
3) Looking for the reasons behind the establishment of Shari'a is a mistake. Ibn Hazm, one of the characters said: A person must not look for a cause in religion, because actually something is on the will of Allah, and is not permitted to say 'this' is because the stipulation is 'that', unless there is a text about it. (La yus`alu `amma yaf`alu wahum yus`alun) (Oni Sahroni, el, 2016: 26-30).

In the study of Islamic thought, the Zhahiriyah school developed to this day. They inherited the humility of the past Zhahiriyah. Among the characteristics of the present-day Zhahiriyah school in understanding texts is (Abu Ishak: 31):

1) Understanding the text literally (harfiyyah) and rigid, without seeing `illat or Maqashid behind the text.
2) Tend to be hard (tasyaddud), difficult and excessive (al-Ghuluww)
3) Think of himself as the most correct, and others wrong
4) Do not tolerate differences of opinion or views
5) Bad thinking because of the narrow perspective in the Shari'a and even the different views (Oni Sahroni, el: 27-39).

Many of the results of the Zhahiriyah group in understanding the text were considered wrong by the scholars because they were too narrow in understanding the syariah texts. This is due partly because they do not want to use reason in making law by expanding the scope of zhahir, so that the Qur'an is no longer able to anticipate the various consequences that arise later (Nurhadi: 44).

1) Friday and does not keep up with the times, so that it contradicts the function of the Qur'an as an eternal book in every space and time. The text of the Qur'an is limited, while the events and events experienced by humans always develop.
2) Not in line with the rationality of the Qur'an because it only limits understanding of language logic (M. Supri, 2018).

Second, the Bathiniyah School is a nomenclature for many groups that have existed in Islamic history. Appears for the first time in al-Ma'mun (w 218), one of the Abbasid rulers, and developed in the time of al-Mu`tashim (w 227). Some scholars point out that the basic principles used in understanding religious texts originated from the Magi which influenced one of the Muslim groups, namely the Shiite school. This stream is called Bathiniyah because they believe in the existence of a supernatural Imam. They claim there are two sides in the Shari'a; zhahir and heart. Humans only know the zahir, while the spiritual is only known by the Imam, the benchmark for interpretation of the inner Qur'an or Hadith is to Imamiyah (M. Supri, 2018; Abu Ishak: 33).

The pattern used by Bathiniyah in understanding religious texts;

1) The purpose and purpose of a text (the Qur'an and hadith) is not on the zhahir meaning obtained through the rules of language and the context of mention, but lies in the meaning behind the zhahir symbol.
2) They cult the inner meaning of a text and deny zhahir text so that many syar`i laws are ignored, not even obeyed (Abu Ishak: 34).

In its development, the School of Bathiniyah argued that to establish religious laws even though they had to clash with tsawabit texts, even though they collapsed. The existing provisions are considered no longer able to fulfill the human welfare that continues to grow (Nurhdi: 45). The desire to harmonize the text with reality is done through efforts to find the maqashid shari'ah which is thought to be behind text symbols without any provisions governing it, of course with the size of modern human reason. Anyone can do it. Under the pretext of kemashlahahan (al-mashlahah), modern humans have attempted to undermine shari'ah as in family law, inheritance, hudud and so on. The texts that have to be understood are limited to the space and context of the revelation, in other words adapted to the sabab nuzul (Abu Ishak: 35).

Yusuf al-Qaradawi named this group "al-Mu`aththilat al-Judud" (Neo-Mu`aththilah). If mu`aththilah classics play at the level of aqidah, neo-mu`aththilah plays at the level of the shari'ah.

In general, this group is characterized as not exploring the sources, principles and laws of Shari'ah well, and having the courage to express their opinions even though they are not supported by strong arguments. Foothold in understanding text:

1) Prioritizing reason rather than revelation. Reason can determine which is more convenient to do until even have to collide with the syar`iy text.
2) On the pretext of mashlahah, Umar bin Khattab has defeated the text as in the case of al-mu`allafah qulubuhum which was not given zakat, denying the law of cutting hands when famine occurs and others.
3) The phrase often referred to comes from Ibnul Qayyim, "where there is a masah there is a shari'ah", even though the expression applies to cases where there is no nash, or there are various possibilities which can be determined through more mash. The right expression, "where there is a syariah there is mashlahah".

4) The existing texts must be understood as limited as the space and the context of the revelation, in other words adapted to the sabab nuzul. Al-`Ibratu bi al-khushush al-Sabab, la bi `General al-Lafzhi, such is the phrase often used (M. Supri, 2018).

Therefore Imam Ghazali, as quoted by al-Syathibi, placed them in a school that was wrong in interpreting and interpreting the text of revelation, even the damage they did (Abu Ishak: 75). Al-Razi stated that this was far more severe than the actions of unbelievers because they corrupted Islamic law as Islam itself (Al-Razi, t.th: 367).

There are some mistakes made by the Bathiniyah school, including (Nurhadi: 46):

1) Do not have the correct understanding device. They do not use the rules of language and the main points of interpretation as the basis for understanding the Qur'an, even though the Qur'an is revealed in Arabic and only can be understood if it is in accordance with the principles of Arabic.
2) Thinking that someone is lacking in the Shari'a, and that it is only perfectly understood in the heart that can only be done by the priest who praises.
3) Prioritizing reason rather than the Shari'a which he deems insufficient and releases him without control to explore the ocean of inner meaning. Therefore, the diversity of views that are not based on clear rules will cause chaos (Ahmad al-Mursi, 2009).

Third: the Al-Ittijah Attaqwili (Ra'yu / Philosophical School) flow, that is, some scholars attribute this tendency to Imam Sulaiman al-Thufi (w 716 H) known as the mashlahah theory he understands as "the cause that can deliver to the goal of the Shari'a swt in worship (al-`ibadat) and mu`amalah (al-Mu'amalah) "(Maman Suherman: 359; Abu Ishak: 37).

His opinion was very different from the number of scholars and was sharply criticized: "If there are mashlahah that are in conflict with the texts related to mu'amalah (adat), then mashlahah must be put forward rather than nash". According to al-Thufi, the relationship between mashlahah and Nash (dalil syar'i) revolves around three things;

1) Syar`i arguments are in line with mashlahah, such as in the determination of hudud against the perpetrators of murder, theft, qadzaf and others (Abu Ishak: 39).

2) If it is not in line but allows it to be compromised through takhshish or taqyid then both can be used within certain limits.
3) If there is a clash between mashlahah and nash and cannot be compromised, then mashlahah must be put forward and the text is abandoned (Oni Sahroni, el: 30-33).

This stream also states that mashlahah must be put forward, because reason can reason and distinguish human beings without the need for syara assistance. ' Mashlahah can be known with certainty through habits, while the syar'iy texts cannot explain it because of many interpretations and possibilities. The size is, the law of mu`amalat is in line with reason and habits and realizes benefits, both when in line with texts and contradictory.

According to al-Syathibi in his al-Muwafaqat, there are several errors found in this school, including (Nurhadi: 47):

1) Intellect has the limitations to reach all human beings perfectly. What is thought to be intellect brings about the possibility that it might be the opposite. His knowledge is very limited (Surah Al-Isra: 85, QS. Al-Nahl: 8 and others. Let go of the mind to reason without control as well as damage by curbing reason not to think).
2) Intellect follows syara, not vice versa (Abu Ishak: 26-27).

Although different, they agreed to say, the source of legal stipulation was syari'at, both contained in the form of text and the results of ijtihad. as they stated, that:

1) Kemashlahahan in worldly mu'amalah is unknown, and can only be known through revelation, therefore it is necessary to adhere to the provisions of the Shari'a to prevent chaos and indecision.
2) Mukallaf rights (servants) cannot be separated from God's rights. Al-Thufi distinguishes between worship which is deemed the right of God so that it needs to adhere to the provisions of syara`, and muamalat which is the right of the servant so that the benchmark is the slavery of the servant even if it contradicts the nash.
3) Al-Syathibi said, "In every form of taklif there is the right of Allah swt". The form of hudud punishment if it has reached the judge's hand, besides qishash, qadzaf and stealing, cannot be aborted even though it has been forgiven by the related party (Abu Ishak: 27-28).

4) There is nothing in the Shari'a that is contrary to reason. Putting forward the mashlahah rather than the impressive note there are so many mashlahah that conflict with the Shari'a. This is contrary to the fact that religion (syari`at) is in line with human reason and nature.
5) There is no conflict between Nash and Maslahah. The essential Kemashlahahan lies in the coverage of the Maqashid Shari'ah, so there cannot be a conflict between the two (M. Supri, 2018).

The four schools of Al-Ittijah al-Maqashidi (the Wasath / Moderate School) are too adhering to the birth of the text and putting aside the mashlahah or the intent behind the text resulting in the impression that Islamic Sharia is not in line with the times and problems in addressing the issue. On the contrary, too far to explore the inner meaning will result in efforts to abort various Shari'a provisions (Maman Suherman: 359).

This 'middle' attitude is expected to be able to guard the meaning of the Qur'an and hadith. The Prophet sallallaahu `alayhi wasallam said:

يَرِثُ هَذَا الْعِلْمَ مِنْ كُلِّ خَلَفٍ عُدُولُهُ ؛ يَنْفُونَ عَنْهُ تَأْوِيلَ الْجَاهِلِينَ ، وَانْتِحَالَ الْمُبْطِلِينَ ، وَتَحْرِيفَ الْغَالِينَ

Meaning: "Science (the Qur'an) will always be brought to every generation by moderate people (` udul); they are those who maintain the Qur'an from their ignorance, vanity manipulation and excessive abuse. "

In general, Islamic teachings are characterized as moderate (wasath); in aqidah, worship, morals and mu`amalah. This characteristic is referred to in the Qur'an as al-Shirath al-Mustaqim (right path / truth), which is different from the way those who are wrathed (al-maghdhub `alaihim) and who are heretical (al-dhullun) for doing many deviations (Nurhadi: 48).

Wasathiyyah (moderation) means the balance between two sides that are equally dislodged; 'left' and 'right', exaggeration (ghuluww) and ignorance (taqshir), literal and liberal, as well as generous nature which is between stingy (taqtir / bakhil) and wasteful in its place (tabdzir). Because the word wasath is usually interpreted as 'middle'. In a hadith of the Prophet, ummatan wasathan was interpreted by the ummatan udulan (Maman Suherman: 360).

Characteristics of moderation in understanding the text (Abu Ishak: 33-35):

1) Understanding religion in a comprehensive (comprehensive), balanced (tawazun) and profound.
2) Understanding the reality of life well
3) Understanding the principles of shari'at (Maqashid al-syari`ah) and not on the level of birth.
4) Open and understand ethics differ with other groups that are religious, even outside of religion, by always "prioritizing cooperation in matters agreed upon and being tolerant of disputed matters".
5) Combining "old" (al-ashalah) and "new" (al-mu`asharah)
6) Maintain a balance between tsawabit and mutaghayyirat. Tsawabit in Islam is very limited, such as the principles of aqeedah, worship (pillars of Islam), morality, things that are forbidden by qath`y (adultery, qatl, usury etc.). Mutaghayyirat; the laws stipulated by the text zhanniyy (tsubut or dilalah)
7) Tends to provide convenience in religion (Oni Syahroni, el: 33-36).

The basis of Thariq al-Jam'i's understanding of the text is (Abu Ishak: 37-43):

1) Mixing between the zahir and the spiritual in a balanced way and not separating the inner meaning from zahir.
2) Understanding texts in accordance with language, linguistic traditions and understanding of the Arabs (al-Shari'ah Ummiyyah)
3) Distinguish between syar`i meaning and language meaning. The meaning of syar`i is defined by religion, not the meaning that develops later. Said al-Sa'ihun on QS. Al-Taubah: 112 in the Qur'an means people who fast or emigrate, not those who travel.
4) Paying attention to the relationship (correlation / munasabah) between one verse and another, so that it appears as a whole.
5) Distinguish between the meaning of haqiqiy and majaziy through the correct ta'wil process. Basically the text must be understood haqiqiy. An expression (kalam) is possible to be comprehensively understood when fulfilling the following three conditions (Nurhadi: 49):
   a) There is a close relationship between the meaning of zahir and a text with other intended meanings
   b) There is qarinah / context / theorem (maqaliyyah or haliyah) which shows the use of the meaning of majaziy

c) There is a purpose / wisdom behind the use of the majaziy meaning to be achieved by the speaker (mutakallim) (Abu Ishak: 45).

6) Paying attention to the rights of the Qur'an which must be understood by every person who will interpret them, namely among others: a comprehensive view of the Qur'an, understanding the meaning of the various qira`at that exist, understanding rhetoric and context (siyaq) al -Qur'an, paying attention to the cause of nuzul and the tradition of the language of the Koran, understand verses that are abstruse or seem contradictory (M. Supri, 2018).

2. Sharia Cooperative Theory Framework

One of the most suitable forms of economic cooperation to empower small people is cooperatives. Because the cooperative can find principles and values of togetherness, mutual cooperation and mutual prosperity. Bung Hatta gives special attention to cooperatives as ideal economic cooperation (Anwar Abbas, 2010: 163-165; Zainil Ghulam: 100-101) because cooperatives are strategic institutions and become "alliance weapons for the weak to defend their lives" (Mohhamad Hatta, 1960: 120).

In Islam, cooperatives belong to the Syirkah / Syarikah category. Syirkah according to language means al-ikhthilath which means mixed or mixed (Hendi Suhendi, 2012: 125). It can also be interpreted as a partnership of two or more, so that each is difficult to distinguish, for example a partnership of property rights or a business union (Ghufron, 2012: 191). Whereas according to Wahbah az Zuhaili syirkah according to language is a mixture of assets with other assets so that they cannot be distinguished anymore (Wahbah, 2011: 441). In terminology there are several definitions put forward by Ulama 'Fiqh, including the opinion of Sayyid Sabiq: The contract between two people unionized on the principal of assets (capital) and profits (Sayid Tsabiq, t.th: 294); Hasbi Ash-Shiddieqie: A contract that applies between two or more people to ta'awun in working for a business and dividing its profits (Hasbi Ash-Shiddieqie, 2014: 89).

According to Dimyauddin Djuwaini cooperative (musyarakah) is an agreement of cooperation between two or more parties for a particular business in which each party contributes funds (or competence, expertise) with an agreement that the benefits and risks will be borne together in accordance with the agreement (Nasrun Haroen, 2017: 166). Like mudharabah, musyrakah is a cooperation contract or joint venture between two / more

owners of capital or expertise to implement a type of business that is lawful or productive. The difference with mudaraba is in terms of the distribution of profit-loss and involvement of participants in the work being done (Dimayuddin, 2010: 207-208; Wahbah, 1989: 792-793; Zainil Ghulam: 101).

Adapaun syirkah according to the Compilation of Sharia Economic Law Article 20 (3) is a collaboration between two or more people in terms of capital, skills, or trust in a particular business with profit sharing based on a ratio agreed upon by the union parties (Editorial Team, 2008: 14)

From what definition above can it be concluded that syirkah is a collaboration between two people or more in a business whose benefits and losses are shared (Hendi Suhendi, 2014: 125-127).

Sharia foundation is allowed by the syirkah contract based on the arguments that can be found in the Qur'an and Hadith (Wahbah: 793). Among the arguments of the Qur'an in surah Shad verse 24 as before, from the hadith of Abu Daud's history it has also been mentioned above (Zainil Ghulam: 102). Also ijma 'ulama as Ibn Munzir's opinion quoted by Sayyid Tsabiq (t.th: 194).

The contract will be valid if it fulfills the pillars and conditions. It's just that scholars' Fiqh disagree in this matter. According to scholars' Hanafiyah, there are two rukun syirkah, namely ijab and kabul because ijab kabul (akad) determines the existence of syirkah. As for the others, such as two people or parties who are involved and assets are outside the discussion of the contract as before in the sale and purchase contract (Said Tsabiq: 104). The general syirkah requirements according to Wahbah al-Zuhaili, as explained by Dimyauddin and Zainil Ghulam, are as follows (Wahbah: 432-433):

1) Syirkah contract must be able to accept wukalah (representative), each partner is a representative of the others, because each gets permission from another party to carry out his role. In syirkah, each partner gets permission from other parties to carry out business transactions, each partner is the representative of the other party. So, the syirkah contract must be represented (the work in syirkah must be spread so that each party has a contribution, for that, each partner must represent the other party to carry out their part).

2) Benefits can be quantified, meaning that each partner gets a clear share of the results of business profits, can be in the form of a ratio or percentage, for example 20% for each partner.
3) Determination of profit sharing (profit) cannot be stated in a fixed nominal amount (for example, Rp. 500,000, for each partner), because this is contrary to the concept of syirkah to share in the profits and risks of the business being carried out (Dimayuddin: 208-209; Zainil Ghulam: 104).

The kinds of syirkah contract, can be classified in two types, namely syirkah al-amlak (syirkah ownership) and syirkah al-'aqd (syirkah akad) (Said Tsabiq: 196). syirkah al-amlak occurs because of a will, inheritance or other agreement so that one asset is owned by two or more people. While the division of syirkah al-'aqd has differences of opinion in several schools about its division (Zainil Ghulam: 105). According to the Hanabilah School, it is divided into five namely: syirkah al'Inan, syirkah al-mufawadhah, syirkah al-abdan, syirkah al-wujuh and al-mudarabah. Whereas according to the Hanafiyah school it is divided into: syirkah al-amwal, syirkah al-a'mal, syirkah al-wujuh and every one of the three is divided sometimes mufawadhah or 'inan (Wahbah: 794-795).

Here the author quotes the opinions of the Malikiyah and Syafi'iyah schools which divide the syirkah al-'aqd in (Zainil Ghulam: 105; Wahbah: 794-795):

1) Syirkah al'Inan: is an alliance between two people in property to trade together, and share profits or losses together (Wahbah: 444-445).
2) Syirkah al-Mufawadhah; is a transaction of two or more people for association provided that they are comfortable in the amount of capital, determination of profit, processing, and religion adopted (Rachmat Syafei, 2011: 186; Said Tsabiq: 407).
3) Syirkah al-Abdan: is the fellowship of two people to accept work done together. Then profits are divided between the two by setting certain requirements. This partnership occurs, for example between two tailors, ironworkers and others (Rachmat Syafei, 2011: 190; Nasrun Haroen: 165-166).
4) Syirkah al-Wujuh: is the fellowship of two leaders in the view of the community without capital, to buy goods in cash and will sell them in cash, then the profits obtained are shared between them with certain conditions (Rachmat Syafei, 2011: 191; Wahbah: 447 -448).

When it is harmonious and the terms of the contract are fulfilled, the contract becomes valid. But on the contrary, if there is one contract that is not fulfilled, the contract will automatically be canceled. In principle, syirkah contracts can be stopped if one of the partners dies, falls away or has a mental disorder. It can also be possible to continue the syirkah contract if there is a partner who decides the agreement in the middle of the road because of a loss or something else. Because actually, each partner has the basic right to continue this syirkah contract or decide (Rachmat Syafei, 2011: 191; Zaini Ghulam: 106).

3. Maqashid Muamalah Syirkah Cooperative

Muamalah wisdom is generally realized in five forms, namely (Nurhadi: 436):

1) Realizing submission to the Shari'ah of Allah swt is proven by the values of worship in the Muamalah Iqtishadiyah activities in accordance with sharia, by conducting syirkah cooperatives in sharia.
2) Preserving and reviving the sunnah of the Messenger of Allah by following the sunnah of the Holy Prophet (peace and blessings of Allah be on him) in making Iqtishadiyah according to his guidance, by interacting with the economy as a form of help between fellow members.
3) Keep yourself from being forbidden by Allah and His Messenger and take and enjoy that which is lawful, by sharing according to the guidance of the Qur'an and the Sunnah.
4) Growing morals (noble deeds and noble character, namely the nature of trustworthiness, wisdom, honesty, purity of heart / feeling, generosity and zuhud nature) and material (peace and benefits of halal sustenance blessings and preserved economic stability of mankind).
5) Realizing brotherhood (ukhwah Islamiyah / help) and unity (keeping away from jealousy, mutual wrongdoing, hostility, disputes and quarrels).

Maqashis (wisdom) is essentially hablum minallah (maqashid tauhidiyah wa ibadiyah) hablum minannas (maqashid khuluqiyah waqa'iyah). Maqashid (wisdom) of the master of all sharia is the benefit of the servant of the hereafter, in accordance with the method of Maqashidiyah جلب المصالح ودفع المفاسدto uphold the benefit and reject the youth (Nurhadi: 2018).

Humans cannot live alone, definitely need other people to meet their needs. Islamic teachings teach that we establish cooperation with anyone, especially in the economic field with the principle of mutual help and benefit, not deception and harm. Without cooperation, we find it difficult to make ends meet. Syirkah is essentially a mutually beneficial collaboration in developing potential that is owned either in the form of assets or jobs. Therefore, Islam encourages its people to cooperate with anyone while still holding the principle as mentioned above. Then the maqashid (wisdom) that we can take from syirkah is that there is help, help each other to help in kindness, stay away from selfishness, foster mutual trust, realize weaknesses and shortcomings, and cause blessings in business if not betrayed (Abdul Rahman, 2010: 135)

According to Nurhadi as quoted in the book hikamt al-Tasyri 'written by Al-Jurjawi, he did not mention maqashid syirkah separately, but he divided it into three categories of syirkah, namely: 1). Syirkah Innan. 2). Syirkah Shanai. 3). Syirkah Wujuh. Therefore, in the first part the writer will explain the wisdom of syirkah in general, followed by wisdom from the three types of syirkah (Dwi Suwiknyo, 2010: 189-192; Nurhadi: 374). According to the Al-Jurjawi in his book the wisdom of al-Tasyri 'wa falsafatuhu, syarikat or syirkah is divided into three types, namely: maqashid (hikmah) Syarikat Inan (Travel Service Bureau), maqashid (hikmah) Syarikat Shana'i (Cooperation in the Industrial Sector) and maqashid (wisdom) Syirkah Wujuh (Order Receiving Bureau). The lessons learned from the three syirkah are:

1) Maqashid (hikmah) Syarikat Inan (Travel Service Bureau) Developing Assets. Inan in the book Bada'i stated that the phrase "Inan" is taken from the origin of the word "anni" which is interpreted by showing. So named because the activity will only be carried out in accordance with the wishes of two or one of the two, or based on the capital or capital equation, one of which is greater than the other. Sebgian says "inan" is a person who is busy controlling the leash of his horse using only one hand. Inan said the Bureau because it only covers part of the capital, other assets are used freely in accordance with the willingness of the two people who combine the capital or because each of them shares the use of capital together. This collaboration has a lesson that is the benefit of the people in every age that exists. Because basically they need to develop capital and cooperation, including one way to develop capital (Ali Ahmad, 1994 M / 1414 H: 96; Ali Ahmad, 2006: 447-448; Ali Ahmad, 1996: 312-313).

2) Maqashid (wisdom) Syarikat Shana'i (Cooperation in the Field of Industry) / Skills. The wisdom of cooperation in industry is that two investors of an industry, if both have agreed to build a company, then it will bring enormous benefits to both of them, which is to produce sustenance, thus the industry can be bigger and opened branches in other areas to open jobs and open doors for sustenance for others. Industrial cooperation also has the wisdom to develop creations in technology, both medicine and research and factories. The wisdom is also avoidance of mutual abuse among others, and teach the nature of trust which is a very noble attitude and character (Ali Ahmad: 97).

3) Maqashid (wisdom) Syirkah Wujuh (Order Receiving Bureau). The wisdom of this collaboration is to help alleviate poverty, also promising a reward for the rich to the poor. People who have assets will lift people who are weak in terms of assets from humiliation, shortages and professions begging and will draw closer to God Almighty and become lucky people. This bureau was also called the receiving service bureau because he sold credit for advice from others (Ali Ahmad: 98).

One form of syirkah is cooperative. Maqashid The Islamic cooperative is a congregation in a business or community-based business activity. His own philosophy is independence, starting from the self then becoming the independence of the group (people). Or vice versa, group independence that encourages individual independence within it. The resources collected from members are a way to achieve economic sovereignty, so that cooperating is actually a long-term business strategy that secures the business interests of each member from unfair competition. Cooperating is building a fortress from efforts to destroy and colonize large investors and more established business owners.

Maqashid The Islamic cooperative at the religious level is a concentration of power in dispelling illicit forms of muamalah and misleading ideologies. Usury is the prima donna of the business world, its existence is a direct derivative of capitalist ideology that sits money above everything. Only solidarity that is able to withstand the onslaught of expansion of capitalist business ventures, the institutionalized solidarity is called cooperative.

According to the author, Maqashid Syirkah, the cooperative contains maqashid (wisdom) which is very large, both for the perpetrators and for the wider community, including the following:

1) Large amounts of capital are collected, so that they can be used to carry out large jobs as well.
2) Can facilitate the macroeconomic rate.
3) Creation of broader and more adequate jobs.
4) The establishment of a sense of brotherhood among fellow shareholders and other working partners.
5) The idea of advancing the company becomes more because it comes from many people too.
6) General union transactions can end or cancel with several conditions:
   a) One of the parties resigns
   b) Death of one party
   c) One party suffers from a madness that is difficult to cure
   d) One of the apostates (out of Islam) and fled kenegri who fought with Muslim countries, because people like this were considered dead.

CONCLUSION

Maqashid The Islamic cooperative is a congregation in a business or community-based business activity. His own philosophy is independence, starting from the self then becoming the independence of the group (people). Or vice versa, group independence that encourages individual independence within it. The resources collected from members are a way to achieve economic sovereignty, so that cooperating is actually a long-term business strategy that secures the business interests of each member from unfair competition. Cooperating is building a fortress from efforts to destroy and colonize large investors and more established business owners.

Maqashid The sharia cooperative at the religious level is a concentration of power in driving out the forbidden forms of muamalah and misleading ideologies. Usury is the prima donna of the business world, its existence is a direct derivative of capitalist ideology that sits money above everything. Only solidarity that is able to withstand the onslaught of

expansion of capitalist business ventures, the institutionalized solidarity is called cooperative.

Maqashid syirkah sharia cooperative contains six maqashid, as follows:

1) Large amounts of capital are collected, so that they can be used to carry out large jobs as well.
2) Can facilitate the macroeconomic rate.
3) Creation of broader and more adequate jobs.
4) The establishment of a sense of brotherhood among fellow shareholders and other working partners.
5) The idea of advancing the company becomes more because it comes from many people too.
6) General transactions can end or cancel

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