

The Law of Taklif (Mukallaf) in Business

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Abstract: All human actions, behavior, and words are closely linked to the requirements of Sharia law, whether derived from the Qur'an, Sunnah, or other sources recognized by Sharia. According to Imam al-Ghazali, rulings on sharia are the essence of Islamic jurisprudence (fiqh) and ushul fiqh (jurisprudence). The goal of these two disciplines is to understand the activities of the mukallaf. Humans are stressed in terms of the legal demands of Taklif to be carried out or demands to be abandoned, which of course demands to be carried out are called obligatory and recommendations to be carried out are called sunnah. Meanwhile, demands to abandon certain things are called haram (forbidden), and recommendations to abandon them are called makruh (reprehensible). These legal demands emphasize human action in all aspects of life, including in the context of business.

Keywords: Mukallaf, Taklif, and Business

1. Introduction

Islam is a torch of darkness is a phrase that has become jargon for millions of people around the world¹. Islam is a light that shines brightly in every gloomy corner of existence.

Islam is also a binding law. It is not only a law and regulation concerning human interaction with God, but also about how to interact with other humans.² Humans are governed, guided, and act according to Islamic values.

Islam considers the Quran as its primary and obligatory source, representing the commands of Allah SWT, and the Hadith or Sunnah as its second source, representing the behavior and daily life of the Prophet Muhammad (peace be upon him). All human interactions, whether spiritual or moral, are derived from the Quran and Hadith.³ This includes human actions (mukallaf). Mukallaf is one of the most important components of the topic of Islamic jurisprudence.

The purpose of sharia law is outlined in al-Ahkam al-Syari'a al-'Amaliyat, the view of fiqh as a science.⁴ This means that sharia rulings concern human actions (mukallaf). These sharia rules govern human behavior and have the

authority to regulate and even "force" human behavior through taklif.

The term taklif (تكلف) refers to the assessment of the burden of the decree on the recipient (al-Mukhatthab). That is, enforcing the law of taklif on humans for their actions or deeds (mukallaf). Taklif, in another definition, is a claim with legal burden and legal burden.

Humans are pressured by the legal requirements of Taklif (obligatory acts) to be carried out or to be abandoned. The latter are called wajib (obligatory), and the latter are called sunnah (recommended). Meanwhile, the latter are called haram (forbidden), and the latter are called makruh (reprehensible). These legal requirements emphasize human action in all aspects of life, including business and trade.

To further understand taklif and mukallaf, below the author explains their meaning.

2. Literature Review

2.1. The Meaning of Taklif and Mukallaf

Understanding Taklif

Taklif is a legal burden imposed on Mukallaf (those who are obliged to obey the law) and includes mandates, restrictions, and options. Some laws require obedience, while others simply recommend (Sunnah) to be followed. Laws containing prohibitions (haram) and

makruh (rejected) contain both prohibitions (the effects of which are better if abandoned). While the law is only optional (takhyir), giving the mukallaf the freedom to do or not do something, and all takhlif laws in various forms are imposed by the sharia within the limits of the mukallaf's competence.

Within the limits of the mukallaf's competence, sharia has been imposed. (Indeed, Allah does not bear the sins of those who cause damage) meaning that Allah will certainly feel this⁵, namely by leaving him who is not worthy of Him. According to Allah's word in QS Al-Baqarah (2); The Law of Taklifi and Implementation in Business

If you fear Allah, one day, We will surely deliver you from all your troubles.burden, then it is a day that is beyond doubt. There are five types of taklifi law, according to al-Sheikh Muhammad Nawawi.

- Al-Ijab (obligation)
- An-Nadb (sunnah)
- At-tahrim (forbidden)
- Al-karalah (dishonor)
- Al ibahah (permissibility).

These five laws of taklifi have been extensively developed empirically, particularly in terms of their expression. However, each expression does have its own distinct meanings, but these differences are explained. Below, we examine how these laws of taklifi relate to business.

Must

The word must have a stable or established etymology. As Abd al-Karim Zaidan, an Iraqi Islamic jurist, put it, it must mean: Something that Allah and His Messenger commanded the mukallaf to carry out, and which if done will be rewarded by Allah, but which if not done will be punished by Allah.⁷⁸

Based on the explanation of the meaning of obligation in the law of taklif (obligatory) regarding business, according to the author, whatever our occupation, however busy we are in business, our obligations as Muslims cannot be neglected. In any business, under any circumstances, these obligations must be fulfilled. For example, when prayer time arrives, all our business activities must be abandoned.

This means that if it is possible to pray at work in the middle of the day, it is obligatory to pray during work hours. Allah says, "Fear Allah" (Allah), Allah will give you the best of your ability."⁹

A good business, not the other way around, is one that makes us more obedient to Allah. Business isn't just something to be sought in life. Many people forget to pray and even pay zakat because they are too busy with their work. (That one doesn't sit around) means you don't want to remember me by sneezing. Work is an element of worship, but it's not the focus.

Mandub or sunnah

Linguistically, Mandub means "something recommended."¹⁰ In linguistic terms, it is an action that Allah and His Messenger approve of and are rewarded for following. And the person or persons who abandon it are not sinful.

Al-Syekh Nawawi said that he did not force it to be done firmly.¹¹ Abdul Karim Zaidan divided mandub into three levels¹¹:

- Sunnah Muakadah (recommended sunnah), which is an action that the Prophet Muhammad (peace be upon him) heeded and rarely abandoned, such as praying two rakaat before dawn.
- Sunnah ghair muakadah (ordinary sunnah), which is something that the Prophet Muhammad (peace be upon him) did but did not become a habit, such as praying the sunnah prayer twice, two rakats before the dhuhur prayer.
- Sunnah al Zawaiid, or following the daily routine of the Prophet as a human, such as etiquette in business.

This is what later made the Prophet known as a great trader.and success because of politeness, honesty and providing a sense of justice in trading.

In terms of business, it is known that the Prophet Muhammad (peace be upon him) applied modern management values in his life and business practices that were ahead of his time, long before modern business experts such as Frederick W. Taylor and Henry Fayol in the 19th century raised the principle of management as a discipline. Based on modern management

principles, the Prophet Muhammad (peace be upon him) has very well managed business processes, transactions, and relationships with all business elements and parties involved in it.¹²

According to Aflazul Rahman's book "Muhammad: A Trader," the Prophet was an honest and fair businessman when it came to negotiating business deals. He never left his clients unhappy. He often followed through on his commitments and delivered requested goods on time.

Muhammad SAW was also a responsible and ethical businessman. In other words, he practiced modern business management principles such as customer satisfaction, service excellence, competence, efficiency, transparency (honesty), fair competition, and competitiveness. Muhammad SAW consistently adhered to the principle of honesty (transparency) in his business dealings.¹⁴ When it came to business, he was always upfront about the advantages and disadvantages of the goods he sold.

Haram

Islam has set limits on authority in determining what is lawful and what is unlawful, primarily by removing rights from the hands of humans, regardless of their religious or worldly status. (And the right belongs to Allah all that is in it) there is also a share (who has created, who has created humans from what is not ordinary) namely anything¹⁵.

Regarding this matter, there is a Hadith which states: "Whatever Allah has made lawful in His book is halal, and whatever He has forbidden is forbidden; while what He has kept forbidden is permitted (ma'fu). Therefore, accept forgiveness from Allah, because indeed Allah will not forget a thing." Then the Messenger of Allah stated the verse: and your Lord does not forget (Narration of Hakim and Bazzar). "The Messenger of Allah, SAW, was once asked about the ruling on samin, cheese and forest donkeys, so he answered: What is called halal is: something that Allah has made lawful in His book; and what is called haram is: something that Allah has forbidden in His book; while what He has kept silent about, then that is the one that Allah has

forgiven you." (History of Tarmizi and Ibn Majah).¹⁶

For example, hoarding/storing goods (ihtikar¹⁷) for profit is prohibited by Islam. The hadith of the Prophet Muhammad (peace be upon him) "From Ma'mar, he said, the Messenger of Allah (peace be upon him) said: Whoever hoards goods, then he is guilty (sinful)."¹⁸ You set a lot of rice to resell when the price of rice rises, for example, because you expect it to rise. This is known as ihtikar in Islam and is strictly prohibited. At the same time, sell goods at a price that is appropriate for the situation. The prostitution business is another example. Islam forbids someone from freely renting out their genitals or simply seeking profit from the low world through disgusting and haram work.

Regarding this, Islam is clear in QS an-Nur: 33 which means "Do not force your servants to prostitute themselves if they really want to be protected, because you want to seek wealth to live in the world."¹⁹

Makruh

Makruh is a term meaning "something to be hated" in Arabic. According to most scholars, the word makruh, in Islamic jurisprudence, implies that something is recommended to be abandoned by sharia and is praised for being violated.

This ruling is makruh for those who perform 'tikaf, just as it is for those who engage in business or work for money. However, if trading is one of the activities, it is not makruh.

Another connection with business, Abu Hamid Al Ghazali Asy Syafi'i said, "Muhammad bin Sirin, one of the scholars of the successor generation, considered the profession of broker to be makrooh. Similarly, Qatadah, a scholar of the successor generation, considered the wages earned from brokering to be makrooh".

This opinion likely arises for two reasons. First, brokers find it difficult to avoid lying and exaggerating when praising the merchandise they broker to ensure sales. Second, the work of a broker is immeasurable, sometimes hectic, sometimes not. Meanwhile, the commission amount as a broker usually doesn't reflect the work itself but rather the price of the brokered

goods, which is injustice. The amount of wages should be considering the level of fatigue that the broker gets to sell the merchandise.

Permissible

The term "language" refers to "anything that is permitted or permissible." According to scholars of usul, it is something that the mukallaf is given the choice between doing and not doing. Selling and buying wine, for example, is permissible; however, if the wine is sold to people who convert it into alcohol (khamer), buying and selling it is prohibited because it is prohibited.

Another permissible thing is the buying and selling of weapons; however, if the purpose of the weapon is to kill another person, it is also permissible to sell a young child. If there is no authentic text, such as due to some weak Hadith, or if there is no definite text (sharih) indicating that it is haram, it is left as it is, i.e. permissible.²¹

2.2. The Meaning of Mukallaf

The word mukallaf comes from the word taklif, which implies someone who is burdened by a law. This is also known as mahkum'alaih in ushul. When someone has fulfilled the prerequisites for receiving taklif syara', they are called mukallaf (ahliyah).

Court of Justice

In short, the fih court is an action of the mukallaf related to or burdened by Sharia law, followed by ijab or mandatory direction received from the word of Allah in the letter Al-Maidah (5):

The verse above relates to one of the actions of a mukallaf, namely the obligation to fulfill a promise. This is also the recommendation stated in Al-Baqarah (2): 282:

أَلَاذَنَدَأَيْ نَتْ اُمْ بِدِي نَا يَأْيَهَا الَّذِي بِنَا لَى اجْلَ مُسَمَّى بِكُنْقَا وَهَا

"*O you who believe, if you don't do your congregation in cash for the specified time, you should write it down.*"²³

This verse relates to the actions of the mukallaf, namely recording debts which is sunnah in law.²⁴

Almighty God

Mahkum alaih is another name for mukallaf. Mahkum 'alaih has the same etymological meaning as legal subject and mukallaf, which signifies those burdened by the law or those treated by the law. In terms of terminology, mahkum 'alaih refers to those who are obligated to do anything by Allah SWT, and all their actions have been accounted for based on Allah SWT's request.²⁵

Mahkum alaih refers to amukallaf whose actions relate to shar'i law, or to put it another way, mahkum alaih refers to amukallaf whose actions take the place of Allah's law.

Because he was charged with sharia law, it was called themukallaf as "mahkum alaih". So, mahkum alaih' refers to the person ormukallaf as a whole, but mahkum fih refers to the actions of the individual. a) Requirements for the court of law

There are two conditions that must be complied with by amukallaf who is legally burdened *taklif*.

- 1) The person can interpret the evidence of taklif himself or with the help of others. It is impossible for anyone to comply whatever is in the heavens and the earth. Reason is the only way to understand the evidence of taklif, because reason is a tool for knowing what has been taklif. Consequently, because reason is a veiled quality that is difficult to assess, Allah limits taklif to matters related to the assumptions of reason, namely puberty, made, and if he does not appear to be mistaken in his reasoning, he is capable of carrying out taklif.
- 2) The person is "talented" in handling the matter. "Expert" in this context refers to someone who possesses honorable or appropriate qualities. For example, someone can be described as a specialist in managing waqf, implying that he or she is worthy of being entrusted with managing waqf property.²⁶ One of the prerequisites for a mukallaf to be entrusted with taklif is mentioned in the topic of the alaih court. Ahliyah taklif refers to this kind of expertise. Usul scholars distinguish expertise into two elements in this situation, namely:

Ahliyah al-wujub

A person's eligibility to have rights and obligations is determined by his or her membership in al-wujub. The exact cause that God created in humans is the basis of this expert. Because of the fuqaha known as al-zimmah, which are human nature traits that exist in every human being, whether male or female, fetus or child, mumayyiz or baliq, intelligent or stupid, sane or crazy, sick or healthy. The skill of being is his own humanity, as long as he is named after another.

Ahliyah al-ada

According to sharia, a mukallaf's membership in the Ahliyah al-Ada (the legal guardian) qualifies him to have legal implications for all his comments and actions. If a person conducts a business transaction, for example, his actions are considered valid and the legal consequences apply. If he prays, fasts, and fulfills other responsibilities, sharia considers his actions valid if is sufficiently aligned with the conditions and cancels the obligation of the mukallaf. Similarly, if someone commits a crime against another individual, they will face criminal penalties for property or corporal punishment. Essentially, ahliyat alada' is accountability based on the individual's reason or intelligence.²⁷

2.3. Mukallafin Business Perspective

As explained above, themukallaf can be subject to Sharia law if actions are prohibited and actions are recommended. According to the law, what is imposed is according to the level of the act. To interpret it, because the law of sayar' is imposed according to the action.

Doing business in Islam is not only about profit, but also about seeking the pleasure of Allah SWT. Consequently, Islam provides guidelines or standards (sharia) that its citizens must follow when conducting business. Here are some principles that must be followed in sharia business:

Halal in business

Allah SWT commanded His servants to seek halal fortune. And prohibits haram business

activities, meaning business that is carried out according to syar'i or His rules as stated by Allah SWT in QS alBaqarah (2); 275:

"Allah has permitted buying and selling and has prohibited usury" In a history, the Messenger of Allah said:

"Flesh that grows from something that is forbidden will not enter heaven, while hell is more suitable for all flesh that grows from something that is forbidden."

Business activities are inseparable from actions, commitments, rules, and methods applied in the business. As a good Muslim, all sharia regulations must be followed. Based on the explanation of the verses and hadith above, if interpreted as commands and prohibitions, commands that are obligatory are permissible, while prohibitions that are forbidden must be avoided.

Thayyibahin business

In addition to demanding halal business, Islam also promotes thayyib (good or beautiful) business that benefits not only yourself, but also your business partners and the wider community. Allah SWT says in the Qur'an: "Whoever does righteous deeds, whether male or female, while being a believer, We will certainly give him a good life, and We will certainly reward them with the best of what they did." (Qur'an, an-Nahl: 97).

Honesty in Business

According to Qardawi, honesty is the pinnacle of morality and the most distinguishing characteristic of believers. Religion cannot stand firm in a world without honesty, and things cannot run smoothly. However, without honesty from owners and employees, businesses will fail.²⁸

Honesty is a concept that gives individuals who practice it peace of mind. Others enjoy being friends and associating with them because of their honesty. Cultivating relationships is crucial in business because these relationships will help the company grow in the long run.²⁹

This notion of transparency and honesty extends to partners. Anyone entrusted with a task should

make their work public rather than concealing it. Financial reports, as well as other related reports, should be transparent.³⁰

Healthy Competition

Islam prohibits all forms of legitimate competition because it is contrary to the principles of Islamic transactions. Islam encourages its followers to compete in virtue, which implies that competition is no longer seen not as a way to kill off rivals, but as a means to provide the best reward for one's efforts.

The Prophet Muhammad (peace be upon him) demonstrated how to compete effectively by offering the best service and being honest about the condition of the merchandise, and he also forbade cooperation in commercial competition, as it is a sin to be avoided. As Allah has stated:

"And do not let some of you consume the property of others among you in a false way and (do not) bring (the affairs of) that property to the judge, so that you can consume part of the property of others by (doing) sin, even though you know."³¹

In the hadith of Rasulullah SAW it is stated:

From Abu Hurairah said, Rasulullah SAW said: "Allah's curse is against bribers and bribe takers in law". (HR. Ahmad, Abu Dawud, and Tirmizi).

3. Conclusion

Mukallaf in a business that is subject to Islamic law, a Muslim who runs a business may be subject to Islamic law according to the level of his actions. Some businesses are prohibited, which are Haram, and some are permissible. Obligatory commands and recommendations for choosing which to carry out or abandon, and the consequences of each are in accordance with Islamic law that are imposed on a person who is declared mukallaf or meets the requirements for taklif.

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