

## The Concept of Property Ownership in The Perspective of Ibn Taimiyah

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### Abstract

*In life without us realizing in the life of a human being will not be separated in terms of muamalah which activity is concerned with needs. The concept of ownership is crucial in economics. This field of ownership is not only related to economic aspects but also social and political aspects, so ownership is an important position of microeconomic theory in Islamic economics as well as capitalist economics. The research design used is a literature study. research conducted to examine data by studying, understanding, and examining theories or assumptions in relevant materials or literature sources. The research methodology uses qualitative research methodology. The purpose of this method is to explain what happened and Discovering generalizations requires investigation, recording, analysis, and interpretation of previous events. In property rights i.e. individual property rights (milkiyyat al-fardiyyah), common property (milkiyyat al-ammah), state ownership (milkiyyat al-daulah). The picture above illustrates to us, namely Ibn Taimiyyah's view of the privileges of property in Islam, defining property rights as the authority to use an object based on sharia, such as guaranteeing ownership of abandoned land so that it can be cultivated, inherited, traded. Since this will later be accounted for before God, then return everything to the rules that come from giving the mandate that is God, how to obtain it and how to use it.*

**Keywords :** Possession, property, Ibn Taimiyah

### Abstrak

*Dalam kehidupan tanpa kita sadari dalam kehidupan seorang manusia tidak akan lepas dari segi muamalah yang kegiatannya mementingkan kebutuhan. Konsep kepemilikan sangat penting dalam ekonomi. Bidang kepemilikan ini tidak hanya terkait dengan aspek ekonomi tetapi juga aspek sosial dan politik, sehingga kepemilikan merupakan posisi penting teori ekonomi mikro dalam ekonomi Islam maupun ekonomi kapitalis. Desain penelitian yang digunakan adalah studi pustaka. Penelitian dilakukan untuk mengkaji data dengan mempelajari, memahami, dan mengkaji teori atau asumsi dalam bahan atau sumber literatur yang relevan. Metodologi penelitian menggunakan metodologi penelitian kualitatif. Tujuan dari metode ini adalah untuk menjelaskan apa yang terjadi dan Menemukan generalisasi membutuhkan penyelidikan, pencatatan, analisis, dan interpretasi peristiwa sebelumnya. Dalam hak milik yaitu hak milik individu (milkiyyat al-fardiyyah), properti bersama (milkiyyat al-ammah), kepemilikan negara (milkiyyat al-daulah). Gambar di atas menggambarkan kepada kita, yaitu pandangan Ibnu Taimiyyah tentang keistimewaan properti dalam Islam, mendefinisikan hak milik sebagai otoritas untuk menggunakan objek berdasarkan syariah, seperti menjamin kepemilikan tanah terlantar sehingga dapat diolah, diwariskan, diperdagangkan. Karena hal ini nantinya akan dipertanggungjawabkan di hadapan Tuhan, maka kembalikan semuanya kepada aturan yang berasal dari pemberian amanah yaitu Tuhan, bagaimana cara memperolehnya dan bagaimana cara menggunakannya.*

**Kata kunci :** Kepemilikan, harta, Ibnu Taimiyah

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### 1. INTRODUCTION

In everyday life without us realizing in this life a human being will not be separated in muamallah

terms which activity is concerned with needs. So that man can meet his needs for the next life that will inevitably make transactions in his economy.

Carrying out economic activities that are correct and in line with Islamic views, of course, the person needs a clear law or postulate. For in the muamalah of the law all may, unless there is a proposition that forbids it. So one needs to listen to fatwas or read the Quran or hadith that explains about muamalah.(Fitria, 2016)

The idea in the concept of ownership is crucial in economics. Because the discussion in this field of ownership is not only related to economic aspects but also social and political aspects, ownership is an important position of microeconomic theory in both Islamic economics and capitalist economics. As a result, it became a concern for the conventional school of Islamic and economic thinkers. The reality that arises today is that there has been unfair possession or ownership of private, public, and state property. As a result, assets are unevenly distributed throughout society and a monopoly of ownership of assets rests on one group. Therefore, it is hoped that the Islamic economy will be able to answer these problems and develop into a nation's economic system. Islam is a universal religion because it covers all aspects of life both economic, social, political, and cultural in its way of life. values, encouraging the development of the study of Islamic economics in addition to the need for solutions to the current economic crisis.

Ibn Taimiyah was one of the leading figures in Islamic economics. He is also known to the general public for his ideas on an Islamic-based economy. According to him, the Qur'an or As-Sunnah should be the cornerstone of all economies. In addition, he was one of the dais, reformers, and important figures in the Islamic economy because of his views on the Islamic economy. the development of the Islamic economy throughout its history. His broad perspective, as well as the fact that he never used the word "sacrifice", is what makes people keep thinking about it. Economic progress as a result of following the teachings of Islam, while Muslims at the time of Ibn Taimiyyah were considered weak and weak. ignored because it neglected many of its doctrinal sources. The main purpose of Ibn Taimiyah's theory is to stop irresponsible parties from carrying out monopolistic practices that harm others.

Whereas According to Hanafiyah scholars, what is meant by "treasure" is everything that can be owned, shared, and utilized, or everything that can be owned by man and can be given in times of need. Wealth or wealth is everything that people enjoy, love and store, in the form of goods and services.

Individuals and groups are instructed in sharia teachings to act in such a way that they can meet their needs while effectively and wisely managing the resources at their disposal.

As for some previous research from his research Amir Salim, Muhajir, Alda Hermalia, in this research discusses Ibn Taymiyah's Thoughts in Price, Market and Property Rights in this research journal provides inspiration about how a country plays a role in development, especially economic development. The solution that has been offered by Ibn Taymiyyah is that the state should be the supervisor of development morality to make its people aware of the importance of moral norms and ethical values as a principle of development and can realize them in economic life.(Salim et al., 2021)

Research from Wedi Pratanto Rahayu entitled The Concept of Ownership in Islam which discusses the concept of ownership in Islam, the management of large and vast natural resources becomes more organized. So that with the application of the concept of common property in Islam, justice will be achieved which is the principle in Islam, both justice for individuals but also justice as a whole for the people.(Pratanto Rahayu, 2020)

Research from Faisal Rusdi, Tika Widiastuti entitled The concept Of Price Policy In The Market A Study Of Ibn Khaldun And Ibn Taymiyah Thought explains how demand and supply are the nature of market mechanisms, but still pay attention to the role of the government in the economy, especially the hisbah institution as a market supervisor to avoid tyranny in the market and must intervene. So Ibn Khaldun's thinking looks more at the phenomenon of market interaction in the form of demand and supply and from Ibn Taymiyyah has more complex thinking, both from market mechanisms and the role of government in buying and selling activities in the market, and is more relevant to be done today.(Rusdi & Widiastuti, 2020)

Research from Erna Dewi entitled The Concept of Sorting Syubhat and Non Shubhat Property in Ownership discusses about syubhat and non-syubhat property looks easy, but becomes difficult when dealing with everyday life. It even becomes difficult to distinguish between halal and haram, or to be syubhat or because it has been mixed with both. So the mixture of syubhat and non-syubhat property often occurs in society, both in terms of how to get it and its distribution.(Dewi, 2020)

Research from Rahmatul Huda entitled The Concept of Gold Ownership Through Gold Arisan Products at Sharia Pawnshops in this study on the mechanism of gold arisan in Sharia pawnshops is the same as arisan in general, namely by collecting a certain amount of money periodically in one group, then doing a certain amount of money periodically in one group, then conducting a draw to determine the turn of gold recipients periodically. The contracts contained in this golden arisan are Qardh, Murabahah, and Rahn. Based on the MUI National Sharia Council Fatwa No.77/DSN-MUI/V/2010 concerning the sale and purchase of gold cashlessly, either through ordinary buying and selling or murabahah buying and selling, the law is permissible (mubah, ja'iz) as long as gold does not become an official medium of exchange (money)(Huda, 2019)

From the subject matter studied in Islamic economics is different from Adam Smith's economic explanation, so there is a difference between the Islamic economy in property ownership and the general economy of society. The purpose of this article is to explain the concept of Islamic ownership as well as the concept of property ownership regarding the Islamic economy according to Ibn Taimiyah's view. The author uses a descriptive method of literature to reveal how ownership in Islam and Ibn Taimiyah's biography both have an impact on property ownership in Islamic economics.

## 2. METODE PENELITIAN

This research uses a qualitative research model. Qualitative research aims to obtain a complete picture of a thing according to the human view studied. Qualitative research is a research procedure that produces descriptive data in the form of written or spoken words of people and observed behaviors.(Moleong, 2018)

Qualitative research relates to the ideas, perceptions, opinions, or beliefs of the person under study, All of them cannot be measured by numbers. Research methods and research techniques are the most important components in research. Method is a whole scientific step used to find a solution to a problem. The research method itself can be defined as any procedure used to achieve the ultimate goal.

## 3. RESULT AND ANALYSIS

### Concept of Ownership

Real ownership comes from the Arabic word

"malacca" which means to have. Having can be meant by understanding, there is something that means having the right to control and use as long as there is no prohibition in sharia. With ownership, the party who does not have the right to use something without the permission of the owner. The relationship between man and his property is different from the relationship between man and possession. Because ownership is not about the module. In Islam ownership requires legalization of sharia. For sharia, ownership is a form of interweaving between people linked to property, which at the stage of the ownership process is required to be various matters that are said to be the origin of ownership (asbab al- milkiyyah).(Sutrisno, 2021)

Then sharia requires several regulations in the application of assets and in their development. As for the verses of the Qur'an it is stated:

لِلّٰهِ مَا فِي السَّمٰوٰتِ وَمَا فِي الْاَرْضِ وَاِنْ تُبَدَّلُوْا مَا فِىْ  
اَنْفُسِكُمْ اَوْ تَخَفُوْهُ يُحَاسِبْكُمْ بِهٖ اللّٰهُ فَيَغْفِرْ لِمَنْ يَّشَآءُ وَيُعَذِّبُ مَنْ  
يَّشَآءُ وَاللّٰهُ عَلَى كُلِّ شَيْءٍ قَدِيْرٌ

*"It belongs to God that is what is in the heavens and what is on the earth. If you state what is in your heart or you hide, God will undoubtedly take it into account (of the deed) for you. He forgives who He wills and fantasizes who He wills. God is almighty over all things."*

In this verse it is explained that the owner of the existing resources is Allah Swt. Where as a human being is only the recipient of temporary entrustment. So that at any time it can be taken by the owner, namely Allah Swt. In this verse it is also explained that everything that is on earth belongs only to Allah Swt. And whether you bear what is in your heart or hide it. undoubtedly Allah will do the calculation with you your deeds then Allah Swt forgives who he wants and torments whom he will and Allah Swt is almighty over all things.(Kemenag, 2020)

This verse also confirms that Allah Swt knows all that man has done, the real and the hidden. In this verse Allah Swt affirms His dominion throughout the universe, and that whatever man has done, both real and hidden, then all will be held accountable. Including what has been described in this verse, which is to hide the witness. The word (الله) lillah that begins this verse is commonly translated with His own by many interpreters, so the word is not only understood in the sense of His own but also means His creation

and its manager and organizer. For the whole universe is the creation of Allah Swt, and besides that he manages and governs it so that all submit to Him whether they like it or not.(Shihab, 2001)

Considering possession is a common matter for man, until God gives man power to possess what is on earth, but on the record man is obliged to always be aware of his status which is only given, until he is obliged to submit to the given. This obedience must be realized from the moment man carries out the ownership process, to the use of his property rights. All must be in accordance with sharia which is the expression of God's will. Until Islam legalizes ownership that starts from a legal process, and vice versa, Islam is very threatening to investment applications that violate the provisions, most importantly if the consequences are detrimental to citizens. If this harm to the citizen is established, until the owner means ignoring the citizen, which is really in Islamic thought has the right in the ownership of people. In principle, Islam does not recognize all ownership arising from deviant methods.(Pangiuik, 2017)

This Islamic thinking is clearly different from the ownership law which is subject to the philosophy and socio-politics of conventional economics. Islam refuses to understand capitalism, if people's ownership is absolute. Islam is also different from understanding socialists that ownership is a collective duty, in addition, Islam is also opposed to understanding that ownership is a common right. Islam strongly recognizes and does not oppose, that the public interest must be considered and taken precedence over the interests of small groups, especially the interests of people. Thus thinking about universal benefit is something that must be accepted in the formulation of ownership.

Islam denies that ownership is collective property because it conflicts with individual property or deprivation of individual property rights, which at the same time allows government interference to prohibit property rights. A clear understanding places the government among the property regulators. Islam does not want a conflict between the rights of the owner as an individual and the rights of other societies; the right of the owner is considered standard in the Islamic perspective. It's just that the government can act in accordance with the law, but only under very specific conditions that are closely related to the social goals to be achieved.

Islam's position of trying to strike a balance between property rights and interference rights, which is feared to be excessive under the guise of public safety. Individual property rights are held by common rights in Islam, which must be taken into account without in any way diminishing the individual rights of their owners. Islam seeks to build a just and prosperous society without compromising individual property rights. Creating a community Without safeguarding the property rights of individual members, it is impossible to build a just and prosperous society. Therefore, safeguarding the individual ownership rights of members is the main strategy to achieve this goal.

### **Theory of the concept of ownership in Islam**

In the provisions of syara' in terms of cause or method of obtaining ownership, namely 1) Ihrazul mubahat, 2) Al-uqud, 3) Al-khalafiyah, 4) Al-tawalludu minal mamluk.(Ash-Shiddiqy, 2001).

#### **a. Ihrazul Mubahat (giving rise to ability)**

According to the syara, Ihrazul mubahat is to have something (object), also called Istila'-Mubahat. Istila' al-Mubahat is a way of controlling property that has never been owned or controlled by another party. Al-Mubahat is property that is not protected and is not controlled by others. The law has it (mani' al-shariy). Water that is still at its source, for example; fish in the sea, woody animals and trees in the forest, And so on. In ihrazul muhabat has the purpose of mastery of almuhabat (free property) with the aim of wanting to be owned. As for the method of free property control, namely:

- 1) Ihya' Al-mawatis opens up new field land that is not used by others, is not owned and is not in that place or outside the residence of the inhabitants.
- 2) Hunting animals, where God grants or justifies hunting unless the hunter is in a state of fear. Allah Swt said in the Qur'an Surah Al-Maidah verse 1 :

يَا أَيُّهَا الَّذِينَ آمَنُوا أَوفُوا بِالْعُقُودِ ۖ أُحِلَّتْ لَكُم بَهِيمَةُ الْأَنْعَامِ  
إِلَّا مَا يَبْتَلِي عَلَيْكُمْ غَيْرَ مُحِلِّي الصَّيْدِ وَأَنْتُمْ حُرْمٌ ۗ إِنَّ اللَّهَ  
يَحْكُمُ مَا يُرِيدُ

*"O people of faith! Fulfill promises. Farm animals are justified for you, except those that will be mentioned to you, by not allowing*

*hunting when you are in berihram (Hajj or Umrah). Indeed, God ordains the law according to what He wills."*

b. Al-Uqud (treaty)

Akad which means contract or agreement comes from Arabic. Since a devout person will form a bond, this word can also be interpreted as a rope that binds them together. The relationship known as akad occurs between ijab and qabul in accordance with the provisions of the syara' which affects the object of the contract. For the most powerful and widely applicable possession in human life that entrusts the division of wealth is a contract. (Sutrisno, 2021)

c. Al-Khalafiyah (inheritance) Al-Khalafiyah has the meaning of pewaarian, which in Al-Khalafiyah has two kinds, namely:

- 1) Khalafiyah Syahsyun 'An Syahsyin (inheritance) is the replacement of a person with another person. In legal terms, for example, the term "heir of the heir" refers to the deceased person's ownership status of the property left behind
- 2) Khalafiyah Syaa'in 'An Syaa'iin (guaranteeing losses) is the replacement of objects with other goods, such as in tadlmin (coverage) when someone loses or damages someone else's property, and in ta'widl (compensation) when someone wears or damages someone else's property.

d. Al-tawalludu Minal Mamluk (breed) i.e. Al-Tawallud minal amluk is made from something that others have. Owners have offspring and everything that grows on their land. This rule only applies to properties that can produce something else or something new (productive), such as milk, eggs, or breeding. From the explanation above, it has content in its philosophical values, namely (Achmad Yasin, 2018) :

- 1) The Meaning of Mercy Obtaining something kosher, such as air, grass, forest trees, game animals, etc., from others, provided that something is not in the hands of others and has such intentions. This exemplifies God's generosity to man by allowing him to provide for the necessities of life and establish him as a caliph and servant of God through simple possession for nothing. In addition, the

acceptance of this method of ownership exemplifies the character of Islam, rahmatan lil'alamin.

- 2) appreciation, certainty, and the meaning of willingness. According to Islam, aqad (transaction) is a way to acquire property rights. In a contract, two or more parties enter into an agreement. The parties that have the highest value are in the same position because each has something of value from the beginning that is equally appreciated in aqad. This reflects the respect for every possession embodied in Islamic law. In addition, ijab akad, qabul, and other conditions show the importance of certainty and willingness of the law of ownership.
- 3) the importance of responsibility and ensuring the well-being of the family. Islamic law, known as khalafiyah syakhsy'an syakhsy, or inheritance, is one way to acquire ownership. The position of heir (the person who bequeaths) is held by the heir who controls the property of the heir. The main property is inherited through lineage and marriage. The heirs must pay close attention to the fate of their heirs because the right of inheritance for them has a strong position. This reflects the importance of Islamic guarantees and commitments to family welfare through ownership arrangements, with a maximum limit of one-third for waqf, almsgiving, grants, and other forms of payment.

### **Biography of Ibn Taimiyah**

Ibn Taimiyah also known as Taqiyyuddin Ahmad bin Abdul Halim was born on January 22, 1263 AD / 10 Rabiul Awal 661 H. He was a prominent cleric of the Hambali School and came from a learned family. In a variety of subjects, including jurisprudence, interpretation, hadith, philosophy, and mathematics, proved his genius from a young age. He had 200 teachers, including Al Kamal bin Adul Majd bin Asakir, Shamsuddin Al Maqdisi, Ibn Abi Al Yusr, Ahmad bin Abu Al Khair, and Ibn Abi Al Yusr. Apart from coming from a family with a high level of education, it turns out that Ibn Taimiyah is also interested and talented in writing, as evidenced by the many books he wrote. (Azwar Karim, 2002).

The first book he wrote was about markets and government intervention in the economy, while the second book was about public income and financing.

The birth of Ibn Taimiyyah, which took place between the 7th and 8th centuries, was a pivotal moment in the history of the Islamic world and a time of political upheaval. Islam declined at the time, and Muslims divorced as a result of their split into many small states. In addition, the most powerful rulers, like kings, regarded other monarchs as their enemies, so they executed each other. The family of Ibn Taimiyyah immigrated to Damascus in 667H or 126 AD, carrying valuable books in several chariots to avoid mongol atrocities. (Abu Bakar, 2022).

Recorded in history, Ibn Taimiyyah once succeeded his father as a professor of hadith and Hambali jurisprudence in several well-known schools in the Damascus area. His father was known as a memorizer and teacher of Hadith, translation, expert in nahwu science and ushul science, so it is not surprising that Ibn Taimiyyah also learned to memorize the Qur'an, Ibn Taimiyyah's hadith career continued. grew up since this incident. In addition, he is reputed to be an agent of change who opposes the neglect of the state of Muslims as a result of lack of religious knowledge. In this regard, Ibn Taimiyyah sought to practice the sanctification of Islam. and renewal. (Akbar, 2012).

#### **Ownership in Islam according to Ibn Taimiyah**

*"It belongs to Allah in the heavens and the earth and what is in it, and He has power over all things."* (Qs. Al-Maidah:120)

In the above verse is the basic foundation of ownership in Islam. The verse shows that Allah Almighty is the sole owner, nothing in heaven and earth and no ally for Him. (Herianto, 2017)

According to Ibn Taimiyah's view in ownership there are various kinds of rights in ownership, namely divided into three parts in property rights, namely 1) individual property rights (milkiyyat al-fardiyyah / private property) 2) general ownership (milkiyyat al-ammah / public property) 3) state ownership (milkiyyat al-daulah / state property).

##### **a. Individual property rights (milkiyyat al-fardiyyah)**

In order to be justified by sharia, Ibn Taimiyah gave an individual and concise explanation of the acquisition of individual property rights. Everyone has the right to enjoy, utilize, transport, and guard his property from excess. to this right, among other things: He may not use it with tabdzir, and must not use it

indiscriminately or extravagantly. It must not use counterfeiting, fraud, or scale fraud in transactions. It is also against the law to exploit those in need by hoarding goods, etc. (Masrur, 2017).

In addition to the above division of property rights, the owner is also bound by a number of obligations. Everyone has a basic obligation (fardhu ain) to use his property for his own needs and help the poor who belong to the fardhu kifayah. categories of social obligations. Ibn Taimiyah's doctrine shows that he valued socially acceptable rights and ownership of wealth. The state has the authority to intervene in an individual's private property if the individual fails to fulfill his or her social responsibilities. In addition, the state has the authority to collect fines, confiscate property rights, and collect taxes other than zakat obligations under certain conditions.

The obligation to lend property to the needy, either voluntarily (bitariq al tabarru) or by taking advantage (bit tariq al tawidh), is another obligation imposed by individual property rights. There are four types of financial obligations that have no benefit: helping the needy, entertaining guests, expressing sympathy for relatives, and paying zakat.

Sharia does not impose certain rules because humans naturally tend to trade goods to meet their needs. Transactions are voluntary. Sharia, on the other hand, imposes certain obligations if an agreement is not reached voluntarily. If, for example, a person owes money to another person and has property that can be used to pay off his debt, the state has the authority to force the debtor to sell the property. Similarly, the state can force a person to sell food or goods at a reasonable price, such as when the owner of the goods refuses to sell them unless they are sold at a high price. Therefore, it can be concluded that morality and law must simultaneously limit generosity and justice. In the Qur'an it is also explained in sura Al-Imron verse 189 which reads :

وَاللَّهُ مُلْكُ السَّمَوَاتِ وَالْأَرْضِ وَاللَّهُ عَلَى كُلِّ شَيْءٍ قَدِيرٌ

*"And it belongs to God the kingdom of heaven and earth, and God is almighty over all things."*

##### **b. Common ownership (milkiyyat al-ammah)**

Property rights necessary for social purposes are collective or common property. They can use the property according to the guidelines they have set if at least two people have it. The other party must contribute and cooperate if either party tries to increase the amount of assets for the overall benefit. For example, waqf which is an illustration of common property rights. When a treasure is given for a specific purpose or for a particular group or community, then it must be used according to its meaning. On the contrary, Ibn Taimiyah argued that waqf property could be used for other purposes if it gave greater. (Masthiyah, 2017).

The gifts of the universe, which were specifically mentioned by the Messenger of Allah as water, grass, and fire, are the most essential common property. Because every natural object is provided by Allah Almighty in such a way that it is free and humans have no trouble utilizing it. That, this is one of the reasons that the theft of property ownership of natural objects occurs. Another reason is in the public interest; If someone is an expert in one of the natural objects mentioned earlier, it will pose a challenge to society. In the Qur'anic verse it is also explained in the letter Taha verse 6 which reads:

لَهُ مَا فِي السَّمُوتِ وَمَا فِي الْأَرْضِ وَمَا بَيْنَهُمَا وَمَا تَحْتَ  
الْأَرِثِ

*"It is His, what is in the heavens, what is on earth, what is between the two, and what is underground."*

In this verse it is explained that all that has existed in the heavens and the earth, where between the heavens and the earth is also all that has been in the ground, both known and unknown, belongs to Allah Swt. Where God is the one who controls all and has arranged by his will. Allah Swt is the one who knows everything that has existed, whether it is good or real. And nothing moves, changes, remains, stands still and so on, except with the permission of Allah Swt which corresponds to the reality of his qodrat irodad.

In the hadith according to Ibn Majah it is also mentioned and explained i.e. :

حَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ قَالَ أَنْبَأَنَا اللَّيْثُ بْنُ سَعْدٍ عَنْ نَافِعٍ  
عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ

عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَامَ فَقَالَ لَا  
يَحْتَلِبَنَّ أَحَدُكُمْ مَاشِيَةً رَجُلٍ بِغَيْرِ إِذْنِهِ أَيُّحِبُّ أَحَدُكُمْ أَنْ  
تُؤْتَى مَشْرُبَتُهُ فَيَكْسِرَ بَابَ خِزَانَتِهِ فَيَنْتَقِلَ طَعَامُهُ فَإِنَّمَا  
تَحْزَنُ لَهُمْ ضُرُوعُ مَوَاشِيهِمْ أَطْعِمَاتِهِمْ فَلَا يَحْتَلِبَنَّ أَحَدُكُمْ  
مَاشِيَةً أَمْرِي بِغَيْرِ إِذْنِهِ

*"He stated, Have told us Muhammad bin Rumh said it has given us (Laits bin Sa'didari Nafi' - from Abdullah bin Umar) Rasulullah Saw bersabda : Never let one of you flush the cattle of another without his permission. Do you like it if your food storage shed is broken into the door and then all the contents are taken out, in fact their cattle milk is their food storage warehouse, then don't one of you milk someone else's livestock without permission."*

#### c. State ownership (milkiyyat al-daulah)

State property rights fall into the third category because the state needs property rights to make money, which is then used to fulfill its responsibilities. For example, to organize education, enforce laws, safeguard the public interest, and so on. According to Ibn Taimiyah, zakat, taxes, waqf, gifts, fines, and spoils of war (ghanimah) are the main sources of wealth of the country. Other sources include found items whose owners no longer exist. The head of state serves only as the guardian (caretaker) of the real wealth of the state, which is of public property. The state should use it in the public interest, but it cannot be overused. In accordance with sharia, for example, zakat must be distributed to those who are entitled. (Ulfah, n.d.)

The state is obliged to make many efforts to improve the economy of society, create a social security system, and level the income distribution gap of individuals. Furthermore, Imam Mawardi explained that the responsibility of the state is to carry out the mandate of life in the world. and uphold religion, as deemed suitable by the Prophet Muhammad.

It can be concluded that property rights are conditional and not absolute from this division of property rights. The Islamic view of property rights was very different from the Roman view, which was later embraced by modern economists. Even though everyone in Islam is free and has money, they still have to abide by sharia and moral rules. Private property rights are fundamental institutions, and the state has the authority to interfere with individual property rights in certain circumstances. However, it is erroneous to assert that the rights of the state must come first. In this regard, the Islamic view of the concept of ownership differs from the communist or socialist view because Islam views private property as part of the human nature.

d. Treasures in the perspective of ibn taimiyah

Al-mal, which means "treasure" in Arabic, comes from the root word maala-yamiilu-mailan, which means oblique, doying, like, joyful, or turn away from the middle of one side At this point, at least, the meaning of treasure begins to appear: it is something that people tend to or like. However, not everything people like or like is treasure. People prefer children and women, for example, but this is not what Islamic jurisprudence calls the concept of "inner treasure". Twenty-six times in the Qur'an, there are eight terms of various types and forms called al-mal, which are scattered in various verses and letters. Property, wealth, and property rights are all synonymous terms. Furthermore, scholars' in Reconstruction of the meaning or definition of treasure (al-mal) should be revisited to improve understanding.(Masrur, 2017)

Anything that is cherished by human nature, can be kept, and has value is considered wealth. However, this definition is not complete or concrete because people's preferences vary and not all possessions can be stored, such as vegetables that rot quickly. There are two kinds of jurists in defining treasures, namely Hanafiyyah scholars and jumhur scholars. According to Hanafiyyah, maal is something mediocre. Therefore, which does not include blood treasures and carrion. is what can be obtained and stored when necessary, or something that applies to it in terms of competition and costs.

In this case, what is meant by interest is the public interest, not the interest of a particular

person. In the fiqh rule on the concept of property which means "no one may take legal action against another person without the permission of the owner of the property" from the explanation of this rule it is explained that in this Rule stipulates that the seller must be the owner of the goods sold, his representative, or the beneficiary of the will or the representative of the owner. There is no other person's right to the product being sold.

#### 4. CONCLUSION

The description above illustrates to us that Ibn Taimiyyah's view of the privileges of property in Islam, Ibn Taimiyah defines property rights as the authority to use an object based on Shari'a, such as guaranteeing ownership of abandoned land so that it can be cultivated, inherited, traded, and so on.

Islamic economics can be a solution to the current economic crisis because the concept of ownership helps eliminate injustices in the control of one's property by individuals, societies, and the state so that each group can use and own assets independently. Everyone has the right to enjoy, utilize, transfer, and protect their property from waste. However, a number of restrictions apply to this right. Ibn Taimiyah referred to this as an individual property right. also known as social property rights, in addition to individual property rights.

The principle of Ibn Taimiyyah's thought was the result of a critical dialogue with the social, economic and political phenomena of his time. He has provided inspiration on how a State plays a role in development, particularly economic development. The solution offered by Ibn Taimiyah is that the state should be the supervisor of development morality to make its people aware that how important moral norms and ethical values are as principles of development and can realize them in economic life.

Ibn Taimiyyah's stance is between two equally extreme prohibitions, namely absolutely prohibiting and the right of the government to regulate prices unconditionally. In setting prices, the highest and lowest levels can be set, so that the interests of two parties, namely sellers and buyers, are protected. Jurists also agree that a person can be forced to sell merchandise at an equivalent price level, if he is legally bound to sell it. Because this matter will later be accounted for before Allah SWT, then we return everything to the rules that come from the one who



gave the mandate, namely Allah SWT, how we obtained it and how we use it.

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