



Maqashid Sharia Analysis of Insurance Implementation in Sharia Pawnshops

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ABSTRACT

To control and limit self-interest in Islamic business and insurance in accordance with the commands of Allah SWT is based on Sharia, which is the foundation for Islamic commerce. Since the Maqasid Shariah approach can provide a realistic and clear picture and description of the business operations, contracts, and products in sharia pawnshops, it can be considered that the products are able to meet the needs as the times continue to evolve. Naturally, fiqh evolves rapidly over time with the aim of conforming to the maqasid of sharia to protect the welfare of society. When applying a formalistic and textual approach to fiqh, it results in gaps because there are differences. Analyzing Maqashid Syariah Insurance Implementation in Islamic Pawnshops is the purpose of this study. And by using qualitative methods. The results of the study found that the analysis of maqashid sharia insurance application in Islamic pawnshops has been implemented properly. That is, the fulfillment of Maqashid Sharia values in financing motorized vehicles on trust products that guarantee insurance in Islamic pawnshops. First, the religion of the customers is maintained. Second, the customers' souls are maintained. Third, the minds of customers and Islamic pawnshops are maintained. Fourth, the property is maintained. And finally, Fifth, the offspring is maintained.

ABSTRAK

Untuk mengontrol dan membatasi kepentingan pribadi dalam bisnis maupun asuransi syariah sesuai dengan perintah Allah SWT didasarkan pada Syariat, yang merupakan fondasi untuk perdagangan Islam. Karena pendekatan Maqasid Syariah dapat memberikan gambaran dan deskripsi yang realistis dan jelas tentang operasi bisnis, akad, dan produk pada pegadaian syariah, dapat dipertimbangkan bahwa produk tersebut mampu memenuhi kebutuhan seiring dengan zaman yang terus berkembang. Secara alamiah, fiqh berkembang dengan cepat sepanjang waktu dengan tujuan agar sesuai dengan maqasid syariah untuk melindungi kesejahteraan masyarakat. Ketika menerapkan pendekatan fiqh yang bersifat formalistik dan tekstual mengakibatkan kesenjangan karena terdapat perbedaan. Menganalisis Maqashid Syariah Penerapan Asuransi Di Pegadaian Syariah menjadi tujuan studi ini. Serta dengan menggunakan metode kualitatif. Hasil studi menemukan mengenai analisis maqashid syariah penerapan asuransi pada pegadaian syariah telah diterapkan dengan baik. Yaitu telah terpenuhinya nilai-nilai Maqashid Syariah dalam pembiayaan kendaraan bermotor pada produk amanah yang melakukan penjaminan dari asuransi di pegadaian syariah. Pertama, terjaga agama para nasabah. Kedua, terjaga jiwa para nasabah. Ketiga, terjaga akal pikiran nasabah dan pihak pegadaian syariah. Keempat, terjaga hartanya. Dan terakhir Kelima, terjaga keturunannya.



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INTRODUCTION

The financial sector, characterised by the large number of companies established by public and private bodies and providing financial services to others outside the private sector, is evolving rapidly. It is essential to keep up with the latest information, especially in this age of rapidly evolving technology. The aim of financial services companies is to benefit society. Among them are various types of banking service organisations and other financial institutions. In the context of Sharia business, this implies that all financial transactions must comply with and be consistent with Islamic law, which is a set of rules specifically referenced in the Quran and Sunnah of the Prophet Muhammad (pbuh), which govern behaviour in a variety of ways. The main objective of Shariah compliance in general is to ensure that Shariah financial activities comply with Islamic regulations. One proactive way to increase public acceptance of Islamic finance is to enforce Shariah (Jannah, 2022).

Commercial exchange, trade and business partnerships are human endeavours for survival according to Islam. Every individual is motivated to build new innovations to solve difficulties and meet basic needs due to the complexity of challenges, advances in science and the development of today's civilisation. The majority Muslim population in Indonesia supports the growth of Islamic finance. The ultimate goal of Islamic economics is in line with Islamic law (maqashid ash-shariah) in order to realise world peace and prosperity in the future, but in practice, this is still contrary to Islamic theory of obedience to Sharia law. Talking about maqashid sharia then discusses the ultimate goal of achieving the benefit of the people with the goodness of the people (Jamhari, 2019).

Maqāsid ash-Shari'ah is the reason why Allah, the creator of Shari'ah, provides protection and benefits for mankind (Fatimah, 2020). Proponents of Islamic economic law utilise the instruments of Maqashid Shariah theory for the increasingly complex rules of trade, and refer to the divine justification and moral principles on which Islamic law is based, including equality of opportunity, social welfare, humanity, and others (Iskandar, 2016).

Al-Syathibi (Al-Syatibi, 2004) divides maqashid al-syariah into three levels, namely dharuriyyat, hajjiyyat, and tahsiniyyat. The first level, dharuriyyat, is a very basic need and must exist for human survival, such as the protection of religion, soul, mind, offspring, and property. If one of these aspects is missing, then life will be threatened. The second level, hajjiyyat, is a secondary need that if not fulfilled, although it does not threaten human existence, will cause difficulties and constraints in life, such as rules that provide relief in worship or muamalah. Meanwhile, the third level, tahsiniyyat, is a complementary need to perfect and beautify life, such as manners and ethics in behaviour. The aim is to create a better and more orderly life. There are five kinds of maqāsid dharuriyyat (Ikhsan & Iskandar, 2021), maqāsid dharuriyyat consists of five main aspects that must be maintained to ensure the survival of human life and the achievement of sharia objectives. The first is hifzh al-din (protecting religion), which includes all efforts to defend faith and protect religious freedom. The second is hifzh al-nafs (safeguarding the soul), which aims to protect human life from physical threats and harm. Third, hifzh al-'aql (protecting the intellect), emphasising the importance of education and the prohibition of things that damage the ability to think, such as the prohibition of alcohol and drugs. Fourth, hifzh al-nasl (preserving offspring), which regulates marriage and family to maintain the continuity of human generations. Finally, hifzh al-mal (safeguarding property), which regulates the protection of property rights and prevents theft or embezzlement. These five things are considered the main foundations that must be maintained for human welfare according to sharia principles. The objective of maqashid al-syariah in economics is to create sustainable economic, financial and business stability by upholding justice and ensuring economic activity runs in accordance with moral and ethical principles. Maqashid sharia also emphasises the importance of developing sharia contracts that enable the acquisition of wealth in a halal and fair manner, as well as regulating the circulation of wealth in the Islamic financial system in order to reduce economic inequality (Hisyam, 2021).

In addition, according to maqashid sharia, one way to ensure human welfare both in this world and in the hereafter is to protect wealth. Property has unlimited uses, therefore humans will always desire to own it. Property is protected or safeguarded, according to Imam Shatibi, by following the procedures of maqashid sharia based on the decree of Allah SWT. including: the necessity of replacing damaged goods to maintain or preserve property; prohibition of stealing and punishing those who do so; prohibition of betrayal, usury, and fraud in trade; the prohibition of eating other people's property without permission (Samudra, 2022).

The main system of trading and product manufacturing in Islam is called Maqashid sharia. Its purpose is to uphold and control human interactions in accordance with Sharia law as prescribed by Allah SWT. Spreading maslahat as a reference point for humans to determine their interactions throughout the world to future generations based on the Al-Quran, Sunnah, and Ijtihad as according to Imam Al-Shatibi (Nurhayati, 2022). Maqashid sharia provides the formulation of microeconomic practices that consider Islamic finance theory, and is also involved in macroeconomic practices (fiscal, monetary, and public finance) (Siregar, 2023). In addition, for the purpose of regulation of all financial organisations, including non-banking organisations, as well as indicators of socio-economic development and its control in order to achieve human needs, it is called Maqasid Syariah (Rindiani, 2023).

The principles of the sharia system that demand the achievement of mutual benefit are in line with the application of maqasid sharia in the insurance sector (Indriani et al., 2024). Insurance is an agreement in which the insurer commits to provide protection to the insured party against certain risks (Andri Soemitra, 2015). The purpose of insurance is to provide financial security and reduce the burden of risks that may be faced by the insured party in the future (Soemitra, 2019). Insurance is an investment instrument in coverage to reduce the risk of financial loss by setting aside a sum of money to the insurer who will guarantee to compensate for risk losses according to the agreement of the parties (Suhardi, 2021). Insurance is an agreement in which the insurer, in this case the insurance company, commits to provide compensation or compensation to the insured party for certain agreed losses, damages, or risks. In return, the insured party pays a premium periodically to the insurance company (Indonesia, 2014). Insurance serves as a risk management tool that not only provides financial security, but also supports social welfare by creating solidarity among community members (Ajib, 2019).

In sharia insurance in the context of the agreement, protection according to sharia is reflected in the form of *tabarru'*. Referring to the previous description, as previous studies that became the basic reference for conducting this study, namely: The first study by (Prima Dwi Priyatno, 2020) which discusses how maqashid sharia is applied in Islamic insurance. This study highlights that the application of maqashid sharia aims to achieve the greater interests of sharia, including protecting religion. Another relevant study was conducted by (Wegayanti, 2018), which analysed the implementation of maqasid sharia in family takaful insurance in Yogyakarta. Protection is divided into five aspects: religion, soul, mind, offspring, and property, with each aspect having specific indicators. *Hifdzu ad-diin* focuses on the perfection of worship, *hifdzu an-nafs* on the protection of the soul, *hifdzu al-'aql* on educational guarantees, *hifdzu an-nasl* on the welfare of heirs, and *hifdzu al-maal* on the management of funds according to Sharia. This study concludes that maqasid sharia has been applied well in the mechanism of takaful family Yogyakarta, as evidenced by the positive responses of participants who feel the benefits of protection according to the purpose of sharia for benefit.

In addition, at sharia pawnshops, the implementation of protection occurs when agents and micro merchants perform their duties and transactions, such as buying a motorbike through trust financing. In addition, the need for the use of motorised vehicles continues to increase, resulting in rampant criminal acts occurring such as theft, robbery, or accidents that can result in damage to the vehicle or endanger the driver's life. Therefore, security in the form of insurance protection is necessary. Apart from that, pawnshops do not have this option, but offer a means in the form of compensation. Thus, co-operation with other parties is necessary. Thus, PT Jasa Raharja Putra Syariah cooperates with sharia pawnshops to be an alternative regarding insurance settlements available to the public (Solekhah, 2020).

Furthermore, Islamic pawnshops are Islamic financial institutions that are present to help the community in overcoming financial problems. With the presence of Islamic pawnshops, consumers get various financing alternatives and financial assistance, all based on Islamic sharia principles. In the sharia pawnshop business mechanism, there are several products that customers can choose from, such as *mudharabah* (profit-sharing partnership), *musyarakah* (business co-operation). In addition, there are also other pawn products that can fulfil the financial needs of consumers. Thus, Islamic pawnshops not only provide financial solutions, but also ensure that every transaction is conducted in a halal manner and in accordance with Sharia values (Menne, 2023).

RESEARCH METHOD

This research adopts a qualitative approach, where researchers collect information from various sources, such as books, journals, and articles relevant to maqashid al-syariah. Data was collected in the following ways: observation or direct inspection in the field. Furthermore, interviews, which are carried out by asking questions and asking questions to resource persons who are staff in related companies. And documentation includes geographical location and other information relevant to this research. After collecting the data, the researcher analysed it by linking the information obtained to the phenomena that occur in Islamic pawnshops in general. From this analysis, the researcher succeeded in identifying the application of insurance in the context of Islamic pawnshops based on the principles of maqashid Sharia (Fadli, 2021). This research uses logical analysis with qualitative methods, including the review of theoretical books and empirical data. This analysis aims to understand the relationship, meaning, and position between various concepts, policies, programmes, and events. Through this process, researchers can find the benefits, outcomes, or impacts of the various elements being analysed (Hardani, Helmina Andriani, Jumari Ustiaty, 2020). The data collection method applied is by retrieving information from the internet. This research was conducted at Pegadaian Cabang Pembantu Syariah (CPS) Setia Budi which is located at Jl. Setia Budi No. 84, Medan, North Sumatra.

RESULT AND DISCUSSION

Sharia Pawnshops provides various financial products for customers, such as *Rahn*, Arrum Haji, Gold Savings, and Amanah products. Amanah products are designed to provide sharia financing to micro/small entrepreneurs, employees, and professionals to purchase motor vehicles, both new and used, with a ceiling of up to Rp 400 million and an instalment period between 12 to 60 months. This product follows the Fatwa of DSN-MUI which allows collateral goods to be insured, providing additional protection to customers and related parties.

Pegadaian Syariah offers various products, one of which is Produk Amanah or Amanah Financing, which is designed to facilitate the ownership of motorised vehicles. This product is aimed at permanent employees and micro/small entrepreneurs, giving them the opportunity to obtain a vehicle in a way that is in accordance with sharia principles. Through this financing, customers can own a motorised vehicle with clear terms and conditions, while ensuring compliance with sharia values. Islamic pawnshops use various contracts in their activities, including:

First, *Rahn* is an agreement in the Islamic financial system where the borrower's property is used as security or collateral for the debt received. In this contract, the borrower provides certain assets as collateral to the lender to ensure that the debt will be repaid. If the borrower is unable to repay the debt as agreed, the pledged asset can be repossessed or sold by the lender to cover the outstanding debt. According to the fatwa of the National Sharia Council (DSN-MUI) No. 68/DSN-MUI/III/2008, *rahn tasjily* is an agreement in which certain assets or goods belonging to the borrower are used as collateral to obtain a loan. In this contract, the borrower provides items that have value as collateral to the lender, which allows the borrower to gain access to the funds needed. If the borrower is unable to repay the debt in accordance with the agreement, the lender has the right to take or sell the collateral to cover the unpaid debt, thus providing protection for the lender while preserving the borrower's rights while fulfilling payment obligations.

Second, *Akad Ijarah*, is a lease agreement in a sharia context where one party (the owner) leases an asset or goods to another party (the lessee) in exchange for rental payments within a certain period of time. In this contract, the owner retains ownership of the leased asset, while the lessee has the right to use the asset during the lease period in accordance with the agreed terms. *Ijarah* contracts can be applied to various types of assets, such as property, vehicles, or equipment. At the end of the lease period, the lessee may be given the option to purchase the asset or return it to the owner, depending on the terms stated in the agreement.

The contracts applied in sharia pawnshops serve as a support to ensure that the various products and services offered can be implemented properly. Each contract in the pawnshop is chosen based on the product or service desired by the customer. For Amanah financing products, Pegadaian applies *Rahn* contracts, especially *Rahn Tasjily* contracts, which have been determined based on the National Sharia Supervisory Board Fatwa No. 68/DSN-MUI/III/2008. In this way, the selection of the right contract helps to ensure that the financing system runs in accordance with sharia principles. In a *Rahn Tasjily* contract, the goods pledged for debt remain in the possession of the borrower (*rahin*), while the ownership documents of the goods, such as

the BPKB, are handed over to the Islamic pawnshop (*murtahin*). In the context of Amanah financing, the choice of *Rahn Tasjily* contract is very appropriate because it allows customers to continue utilising their motorised vehicles, even though the BPKB as collateral is in the hands of sharia pawnshop. In this way, customers can carry out their daily activities without losing access to the goods used as collateral. In the implementation of Amanah financing at sharia pawnshop, no collateral is submitted when the contract is made between sharia pawnshop and the customer, who can be an employee or micro-entrepreneur. The collateral will only be submitted after the contract is completed, because at the time of the contract, Amanah financing has not yet been implemented. After the contract is executed, the customer can continue with Amanah financing to purchase the desired vehicle, according to the agreement that has been made with the dealer who is a partner of sharia pawnshop. This shows that the financing process is facilitated in stages, with the submission of collateral carried out after the main transaction is carried out.

IMPLEMENTATION OF INSURANCE ON AMANAH PRODUCTS AT SHARIA PAWNSHOPS

The application of insurance in Amanah products by sharia pawnshop is carried out in collaboration with PT Jasa Raharja Putra Syariah. This cooperation aims to provide protection for customers in the event of a disaster or unwanted things. Given that disasters can befall not only the financed vehicle but also the customer's life, sharia pawnshop ensures that the vehicles of customers who carry out Amanah financing are insured. With this step, sharia pawnshop seeks to provide a sense of security and additional protection to customers, so that they can feel more at ease when using the financing services offered. Sharia pawnshop provides insurance services that include protection for vehicles, lives, and loans for customers who obtain Amanah financing. This is done to protect both sharia pawnshop and customers from suffering losses. Insured vehicles serve to mitigate unwanted risks, such as loss, accidental damage, or unforeseen situations. In addition, customers' lives are also protected by insurance because accidents can have a fatal impact on customers, so sharia pawnshop provides insurance in the form of compensation for families or heirs. Finally, ensuring customer loans is important to overcome the risk of default, where customers may have difficulty making payments. With this insurance, sharia pawnshop is committed to providing protection and security for its customers (Solekhah, 2020).

ANALYSIS OF MAQASHID SYARIAH BASED ON INSURANCE PRODUCTS AT SHARIA PAWNSHOPS

In the context of modern Islamic finance, (Iskandar, 2016) the rahn contract plays an important role to support the implementation of various other *tijari* contracts, such as *murabahah*, *istisna'*, *ijarah*, and *salam*. In addition, the rahn contract also functions as an alternative model of microfinance offered by sharia pawnshop. This Islamic financial system not only focuses on asset development, but also helps businesses to avoid transactions that contain elements of usury. Thus, the rahn contract provides additional benefits in supporting economic growth, especially in the Micro, Small and Medium Enterprises (MSME) sector. The existence of Islamic pawnshops that offer rahn services can be explained by several reasons, including the fast loan application process, so that customers do not have to wait long to get the funds they need. Thirdly, the Islamic pawn system does not charge interest in return, in line with sharia principles. In addition, the pawnshop also ensures that the use of loan funds is not allocated for activities that are contrary to Islamic law. The Islamic pawnshop system, from a conceptual perspective and the practices implemented, can provide beneficial value (*maslahah*) if implemented properly. This is an important basis for evaluating the development of Islamic pawn practices in Indonesia. For example, we can analyse the trust products and operations in sharia pawnshop in general by applying Maqashid Syariah values, ensuring that every activity undertaken is in accordance with the broader objectives of sharia and does not contradict ethical norms, as seen in bad practices such as alcohol consumption or drug trafficking.

Table 1. Analysis of Maqashid Syariah Based on Insurance Product at Sharia Pawnshops

Safeguarding of Religion (<i>Hifdz al-Din</i>)	According to (OJK, 2016), the protection of customers' religion is implemented through the application of fatwas from the National Sharia Council-Majelis Ulama Indonesia (DSN-MUI) which is based on OJK Regulation Number 31/POJK.05/2016 concerning Pawnshop Business. OJK emphasizes that all pawnshop activities must comply with sharia principles that prohibit transactions that contain elements of usury, <i>gharar</i> , and <i>maysir</i> . By following these principles, sharia pawnshop is committed to creating an atmosphere that is safe and in accordance with
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	Islamic teachings, so that customers can carry out their financial activities comfortably and without violating sharia provisions.
Safeguarding the Souls (Hifdz al-Nafs)	Safeguarding the lives of customers is one of the main focuses in the operation of sharia pawnshops. The pawnshop provides customer life protection through insurance products, which are designed to protect customers from unexpected risks, such as accidents or other calamities. With life insurance, customers will receive compensation in the event of unwanted things, so that it can help ease the burden on the families left behind. This effort not only shows sharia pawnshops's concern for customer welfare, but is also in line with the maqashid sharia principle which aims to protect lives and provide security to people in living their daily lives. Thus, sharia pawnshops is committed to maintaining the safety and health of the souls of its customers.
Preservation of Mind (Hifdz al-Aql)	This is realized through the demand that Sharia Pawnshops must provide clear and transparent information about all products and services offered. The pawnshop is expected to explain in detail the terms and conditions, benefits, and risks that customer may face in each transaction. In addition, financial education is also part of this effort, where customers are given an understanding of how to manage their finances properly. In this way, sharia pawnshops play a role in keeping customers' minds from being trapped in harmful practices, while helping them make wise and smart decisions in using financial services. These efforts are in line with the principles of maqashid sharia which emphasize the importance of protecting human minds and thoughts in living their daily lives.
Safeguarding of Wealth (Hifdz al-Maal)	This principle is realized through a strong guarantee mechanism, where the goods used as collateral, such as motorized vehicles, remain in the control of the customer during the financing process. In this case, sharia pawnshop ensures that customer assets are protected from the risk of loss. In addition, Amanah products are also equipped with insurance, so that customers are protected from possible loss or damage to the collateral. Thus, Pegadaian Syariah not only functions as a financing institution, but also plays a role in safeguarding and protecting customer assets in accordance with the maqashid sharia principle which emphasizes the need to preserve and protect individual wealth.
Preservation of Descendant (Hifdz al-Nasl)	Sharia pawnshops not only provides financing to customers, but also ensures that the benefits of the financing can be used to improve the welfare of the customer's family and descendants. With financing aimed at purchasing a vehicle or business capital, customers can increase their income, which in turn has a positive impact on their family life. In addition, the insurance mechanism implemented also provides protection for customers, so that if something untoward happens, customers or their families will still receive financial support. Thus, sharia pawnshop is committed to safeguarding the welfare and offspring of customers in accordance with maqashid sharia values.

CONCLUSION

From the results of the analysis and discussion carried out, it can be concluded that the application of insurance in sharia pawnshops has been carried out properly and fulfils the principles of maqashid sharia. This is expected to provide a clear and in-depth understanding of the operational activities, contracts, and products offered by Islamic pawnshops. The aim is to ensure that the products provided are not only in line with the needs of the community, but also in line with the maqashid sharia objective, which is to realise the benefit of the

people. For example, the values of maqashid sharia have been fulfilled in the financing of motor vehicles through Amanah products, where there is a guarantee from the insurance applied in Islamic pawnshops. One aspect is the protection of the customer's religion, which is prioritised in all transactions. This is reflected in the DSN-MUI fatwa which was regulated by the Financial Services Authority (OJK) in 2016, specifically in OJK Regulation No. 31/POJK.05/2016 concerning Pawnshop Business. In the regulation, it is affirmed that all sharia pawnshop business activities must follow sharia principles and use contracts that are in accordance with Islamic law. The contracts used must also obtain a fatwa or statement stating the suitability of sharia from the National Sharia Council (DSN-MUI). In addition, the minds of customers and Islamic pawnshops must also be protected, so that in every transaction and operation carried out, there are no elements that harm one party. In the context of Islamic pawnshops, there are various demands that ensure transparency and protection for customers. Firstly, Islamic pawnbrokers are required to explain in detail about the product systems they offer, without hiding any information regarding the goods involved. This is important so that customers have a clear understanding before making a decision. Furthermore, with regards to life protection, Islamic pawnshops provide insurance for customers. This is important because in the event of an accident, customers may be at risk, and this insurance provides compensation to help them. In addition, to protect customers' descendants, pawnshops also provide protection in the form of compensation in case of risk, both in terms of collateral and customers' lives. Finally, Islamic pawnshops ensure the protection of customers' assets. With the fatwa allowing the insuring of collateral, all parties will feel safe and no one will be harmed in the transaction.

The application of insurance in Amanah products in sharia pawnshop is carried out through cooperation with PT Jasa Raharja Putra Syariah. This cooperation aims to protect customers from risks that may occur, such as accidents or other unexpected events. This risk can not only affect the vehicle being financed, but can also affect the safety of the customer's life. With insurance, Pegadaian Syariah seeks to ensure that both customers and the pawnshop itself are protected and do not suffer losses due to calamities that may occur.

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