

## **Business Activity in Mosque According to Maliki and Shafi'i Fiqh: A Case Study of Masjid Taqwa Al-Qulaib Muhammadiyah Medan Estate**

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### **Abstract**

Trading has been a long-standing activity, dating back to the time of the Prophet Muhammad. It is defined as a form of work that encompasses activities such as buying and selling, renting, pawning, cooperation (*mudharabah or musyarakah*), representation, and more, with the exception of activities that are expressly forbidden, such as causing harm, deception, gambling, and usury. This study aimed to ascertain the perspectives of Fiqh Maliki and Shafi'i on the transactions carried out within the mosque. Then, to Next, the study aims to identify the most pertinent viewpoint on the business activities within the mosque, as per the Fiqh of Maliki and Shafi'i. arch method is based on field research, the data needed in the community, and emphasizes the results of data collection from informants. Therefore, this study employs a descriptive-qualitative approach, gathering descriptive data in the form of written or oral words (speech) from informants chosen by the researcher to carry out the activities in the mosque setting. efer to this study as empirical research, as it seeks to uncover theories about the legal process and its influence on society. The result of this research Maliki Fiqh permits business activities on the terrace of the Taqwa Muhammadiyah Medan Estate mosque, as it is outside the prayer area, while Shafi'i Fiqh opposes such activities, arguing they disrupt worship and compromise the mosque's sanctity.

**Keywords: *Business; Mosque; Jurisprudence Maliki; Shafi'i Jurisprudence***

### **Introduction**

Muamalah is a Shari'ah law that regulates a person's relationship with another (Al-Krenawi, 2016). One of the several forms of muamalah activities that have been mentioned, which are most often carried out by humans in everyday life, is business transactions. Business transactions enable a man to fulfill all his needs. This is nothing new since the time of the Apostles (Duckworth et al., 2016). The economy, along with the development and business complex, is in need. We will then take all necessary steps to fulfill our daily needs (Crone, 1987). However, Islam has regulated various aspects such as muamalah and ubudiah.

According to the term (terminology), trade refers to the exchange of one property for another, or activities that regulate matters related to fellow human beings' way of life to meet their daily needs (Zainuddin & Jamhari, 1999). Basically, every living human being always wants his life in this world to be in a happy state, both materially and spiritually, individually and socially. However, in reality, this multidimensional happiness is very difficult to achieve because of humans' limited ability to understand and translate their desires comprehensively, as well as their limitations in balancing aspects of life with the resources they have to achieve it. People expect economic problems to guide them towards their life goals (Yusuf, 2021).

Nevertheless, conducting business has become a daily routine activity for all humans. However, not all Muslims adhere to the correct practices of buying and selling in accordance with Islamic law; some may even be unaware of the unclear provisions

outlined in Islamic law. These provisions may include elements of coercion, deception, and harm, as well as the existence of other conditions that disrupt the harmony of buying and selling in accordance with Syar'i law (Hanjoyo Bono Nimpono, 2019). In Islam, it is crucial to understand the components of business transactions, such as buying and selling. This implies that all activities, including buying and selling, are permissible as long as there is no evidence against them. This is in accordance with bermuamalah's rules. Basically, all contracts are valid until there is a proposition that cancels them or prohibits them (Rachmat, 2001). In this case, buying and selling are based on Allah SWT's word in Q.Al-Baqarah: 275, which is as follows:

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ

Translation:

Those who eat usury cannot stand, except as one who stands staggering in a demon-possessed state. So it happened because they said that buying and selling is the same as usury. QS. Al-Baqarah: 275.

The above verse clearly states that buying and selling is a prescribed action or transaction under Islamic law. Allah (SWT) permits buying and selling (trade), while usury is forbidden (Suherlan, 2023). Buying and selling provides power for his servants to meet each other's needs, as humans individually require clothing, food, board, and other necessities. This need will not cease as long as man is alive, and no one will be able to fulfill life on their own (Nabila, 2019). The method also states (Djazuli, 2019):

الأصل في المعاملة الإباحة إلا أن يدل دليل على تحريمها

Translation:

The original law is applicable to all forms of muamalah, unless there is a proposition that prohibits it.

This rule explains that every *muamalah* or transaction, such as buying and selling, renting, mortgaging, cooperation (*mudharabah* or *musyarakah*), representation, etc., is allowed, with the exception of those that are expressly forbidden, such as causing harm, deception, gambling, and usury (Djazuli, 2019). His father, 'Amir bin Shu'aib, stated in the Hadith that any activity, including buying and selling transactions, should not take place in the mosque. Here are the prophet's words:

عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال إذا رأيتم من يبيع أو يبتاع في المسجد فقولوا لا أربح الله تجارتك. رواه النسائي، والترمذي وحسنه

Translation:

Abu Hurayrah (may Allaah be pleased with him) reported that the Prophet (peace and blessings of Allaah be upon him) said, If you see a person buying and selling in a mosque, tell him, 'May Allaah be pleased with you (HR. An-Nasai and Tirmidhi).

Imam Shafi'i stated, "Basically, as long as it's voluntary, all buying and selling is halal." Except for the sale. All sales are available for purchase. In general, buying and selling is carried out in public places, such as markets, supermarkets, and so on. But now we often encounter the existence of business transactions conducted in the courtyard of the mosque. As for the sale and purchase carried out in the courtyard of the mosque as it happens in the mosque Taqwa Al-Qulaib Muhammadiyah Medan Estate, where the mosque set up a kind of charity business in the form of refilling water, better known as the water depot next to the mosque and including one roof of the mosque.

Every day there is a transaction that is carried out by the community, and it should not be done in a place that is prohibited, for example, on the terrace or in the mosque. Indeed, it cannot be avoided in the transaction because the mosque's charitable

efforts are in the mosque area and do not use barriers from the mosque itself. Basically, the courtyard and courtyard of the mosque and the right and left areas of the mosque, as well as the buildings added to the mosque and all that is connected to the mosque, whether outside or inside the mosque building, are assessed as the environment of the mosque according to the strongest opinion (Santi et al., 2023).

The rules that apply to the mosque environment are the same as those that apply to mosques, making it illegal to conduct sales and purchases there or to announce the absence of certain items. This rule is applicable regardless of whether buildings or fences permanently incorporate the mosque environment, as long as the boundaries of the mosque environment are clearly defined. In summary, if the mosque features a fence, it prohibits the sale of goods within its boundaries. If the mosque lacks a fence, the area used for prayer and all buildings connected to it are the limits of prohibited buying and selling. While the mosque holds a sacred position in Islamic society, Muslims view it not as a mere building but as a place of worship.

Mosques serve not only as places of worship, but also as gathering spaces for congregational prayer, fostering a sense of solidarity and *silaturahmi* among Muslims. Mosques frequently host congregational prayer, religious studies, and Qur'anic learning activities. Individuals in the business sector have a responsibility to understand the legitimacy of activities that may involve purchasing and selling. The intention is for *Muamalah* to operate lawfully, ensuring that all attitudes and actions are free from unwarranted harm.

In tafsir, Ibn Kasir can be explained by Allah SWT. The Holy Prophet (peace and blessings of Allaah be upon him) ordered to glorify and purify the mosque from filth, words that are useless, and all actions that are not worthy of the purity of the mosque itself (Abdullah Bin Muhammad, 2005). Moreover, with respect to the mosque's boundaries, it serves as a structure for congregational prayer. Typically, this structure consists of walls, although some may also consist of bamboo or simple poles. scholars disagree on whether the mosque's terrace or courtyard belongs to the mosque, so the law prohibits buying and selling there.

One view is that the mosque is included if its terrace or courtyard is walled and connected to its roof or floor. This is the opinion of Ash-Shafi'i and the narration of Ahmad. An-Nawawi (Pekerti & Herwiyanti, 2018):

المراد بالرحبة ما كان مضافا إلى المسجد محجرا عليه وهو من المسجد نص الشافعي على صحة الاعتكاف فيها

Translation:

If the courtyard (terrace) of the mosque is a place that is connected to the mosque and walled (fenced) around it, then this is the mosque. Imam Ash-Shafi'i confirms this, and it will hold valid *iktikaf*.

The second opinion says that the mosque's courtyard is completely unobstructed (there is no barrier), so it does not include the mosque (Yulian Purnama, 2018). As stated by Imam Malik in the book of *Al-Muwaththa* (Fatmawati, 2018):

أَنَّ بَلْعَهُ أَنَّ عَطَاءَ بَنِ يَسَارٍ كَانَ إِذَا مَرَّ عَلَيْهِ بَعْضُ مَنْ يَبِيعُ فِي الْمَسْجِدِ دَعَاهُ فَسَأَلَهُ مَا مَعَكَ وَمَا تُرِيدُ فَإِنْ أَخْبَرَهُ أَنَّهُ يُرِيدُ أَنْ يَبِيعَهُ قَالَ عَلَيْكَ بِسُوقِ الدُّنْيَا وَإِنَّمَا هَذَا سُوقُ الْآخِرَةِ

Translation:

He had heard about Atha'Ibn Yasar, and when some of the people selling in the mosque passed in front of him, he called out to them, asking, "What have you brought?" "What do you want?" When someone reports to him that they want to trade, he responds, "You should go to the market of the world; this is the market of the hereafter (Imam Malik, *Al Muwaththa*, No. 421)

However, another instance involves the views of the Malikids, who assert in *Ikmal Ikmal al Mu'allim* 3/288, *Syarh al Zarqani* 2/206, *Mawahib al Jalil* 2/455, and *Al Syarh al Kabir* and their explanations 1/542 that it is acceptable to conduct business or engage in buy-and-sell transactions outside of the mosque, specifically in the mosque's courtyard. These scholars of the Malikiyah group, who hold this view, clarify that the mosque's courtyard is not a place for worship.

In analyzing the regulations concerning mosques and their environments, we observe a significant reverence for the sanctity of mosques within Islamic jurisprudence. The primary purpose of a mosque transcends its physical structure; it serves as a place of worship and a community center where Muslims engage in prayers, religious education, and social interactions. Therefore, we generally prohibit activities such as buying and selling within mosque premises to preserve the purity and sanctity of the worship space. This prohibition extends to any area clearly designated as part of the mosque environment, whether fenced or unfenced, emphasizing the importance of preserving the spiritual and communal functions of these spaces.

The interpretation of what constitutes the mosque's environment can vary. Prominent Islamic scholars and schools of thought have differing views, particularly concerning the mosque's courtyard or terrace. If enclosed and directly connected to the mosque, Ash-Shafi'i and Ahmad consider these areas part of the mosque and allow *iktikaf*. On the other hand, Imam Malik, citing early scholars' practices, suggests that unenclosed courtyards do not form part of the mosque, allowing for secular activities like commerce.

This contradiction in interpretations mirrors wider theological debates about the optimal use of mosque physical spaces and underscores the intricacy of merging religious beliefs with communal customs. The overarching concern remains to avoid any actions within mosque premises that could detract from their sanctity and the spiritual purpose they serve in the Muslim community.

## **Method**

This study involved conducting field research, gathering data from the community, and analyzing the results obtained from the informants. As a result, this study provides an overview of quality as a process for producing descriptive or oral (speech) data from informants selected by the researcher in order to understand the problems that occur in the mosque environment. We also refer to this study as royal research, as it seeks to develop theories about the legal process and its influence on society. Understand this study, the author uses a conceptual approach, which is done by understanding the concept of the problem discussed, namely that joint activities conducted in the mosque environment are reviewed according to the *Fiqh Maliki* and *Shafi'i Fiqh*.

## **Result and Discussion**

### **1. Working in the Neighborhood of Mosque**

Muslims use the term "mosque" to refer to their place of worship. The word "mosque" comes from Arabic *sajada*, which means prostration. The mosque is a place to prostrate. Therefore, Muslims use a mosque as a building or house to conduct their religious worship activities. *Gazalba* explained that the absorption of the word mosque from Arabic to Indonesian changed the sound of a to e, so that the mosque in Indonesian became a mosque (*Saputra & Syamsiyah, 2020*).

Etymologically, we pronounce or define the word mosque as *isim* (noun), derived from *Fi'il* (verb) *sajada yasjudu*, meaning prostration. *Husayn* mentioned that al-

masjid means a place of prostration, al-misjad means the forehead of the person who has traces of prostration, and al-misjad means al-khumrah, a small mat used as a prayer mat to place the forehead when prostrating. According to Husayn, some Arabs believe that al-misjad means the house of prostration, and al-masjad means the mihrab in a gathering of people's house or place of prayer (Saputra & Syamsiyah, 2020). Later developments narrow down the definition of a mosque to a specific building or walled environment that serves as a place of prayer for the five daily prayers, Friday prayers, or festival prayers.

Understanding the mosque as a building is a form or physical aspect of Islamic culture. For daily prayers, people refer to the place of prayer as a mosque, but they do not use it for Friday prayers. The jurists define a mosque as a piece of land, free from ownership, dedicated to prayer and worship. The mosque symbolizes the hub of all virtues to Allah Swt, encompassing two types of virtues: those encapsulated in daily amaliyah through interactions with fellow worshippers. From this understanding, it can be said that the This understanding reveals the mosque serves not only as a place of worship but also as a venue for various activities. Undoubtedly, the establishment of the mosque aimed to establish worship for Allah Swt, glorify him, establish prayer, recite the Divine Kalam, and pray to him (Syariah, 2012).

In addition to serving as a place of worship, the mosque also serves as a gathering place for Muslims, a forum for discussions on silaturahmi, and a venue for activities that promote Islamic symbols, such as recitation and scientific discussions. Some individuals use these activities to bolster the market by setting up stalls. Given the needs of pilgrims, who require goods, food, and drinks for their worship and activities, as well as the needs of the general public, it is impossible to avoid business activities within the mosque environment. Thus, some community and pilgrim traders gather around the mosque trade.

This is particularly true during events or activities that draw a sizable crowd. Generally, public spaces like markets and supermarkets are where people buy and sell. But now we frequently encounter the sale and purchase transactions carried out in the mosque's courtyard. Regarding the sale and purchase activities occurring in the mosque courtyard, such as those at the Taqwa Al-qulaib Muhammadiyah Branch Medan Estate, the mosque has established a charitable business in the form of a water refill station, which is located next to the mosque and encompasses a portion of the mosque itself. Every day, transactions take place in places prohibited by law, such as the mosque's terrace. Indeed, it is impossible to avoid these transactions, as the mosque's charity business is located next door and does not utilize the mosque's own barriers.

The strongest opinion claims that the mosque's environment includes the courtyard, right and left areas, buildings added to the mosque, and everything connected to the mosque, inside or out. The regulations governing the mosque environment mirror those governing mosques, prohibiting the conduct of sales and purchases in these areas or the declaration of items absent. This provision is applicable regardless of whether the mosque environment is permanently integrated into the mosque, as demonstrated by the presence of buildings or fences around it, or if it remains unenclosed, as long as the boundaries of the mosque environment are clearly defined. In summary, the presence of a fence within the mosque prohibits the sale of goods within its boundaries.

If the mosque lacks a fence, the restriction on buying and selling extends to the area used for prayer, as well as any buildings that are connected to the mosque. In fact, the mosque holds a highly sacred position in Islamic society, serving not only as a building but also as a place of worship for Muslims. Mosques serve not only as places of worship but also serve as gathering places for congregational prayer, fostering a



sense of solidarity and silaturahmi among Muslims. Mosques frequently host congregational prayer, religious studies, and Qur'anic learning activities. Individuals in the business sector have a responsibility to understand the legitimacy of activities that may involve purchasing and selling.

The intention is for Muamalah to operate lawfully, ensuring that all attitudes and actions are free from unwarranted harm. In practice, the congregation at the Taqwa Al-Qulaib Medan Estate mosque considers business activities such as a water depot within its premises. When he finished performing Dhuhr prayers, Hermanto, one of the worshipers in this mosque, made a reservation to refill water. Hermanto took this action due to his household's need for water. When questioned about the legality of conducting transactions in the mosque area, Hermanto responded that he was unaware of the law; however, he clarified that he could conduct transactions outside the mosque, specifically outside the permitted prayer area. He mentioned the existence of a refill water station next to the mosque area, remembering himself.

Zulharnelis Zein, the chairman of the BKM mosque, maintains that the establishment of the water depot business charity dates back to 2017, aligning with previous BKM policies, and serves as a viable solution to meet pilgrims' water needs. He asserted that while some scholars may advocate for restricting business activities within the mosque, he maintains that the presence of this business charity does not impede public worship activities, given its proximity to the mosque area.

The evolving role of the mosque in Islamic society is characterized by a balance between spiritual sanctity and communal utility. Mosques traditionally serve as sacred spaces primarily for worship and religious activities, reflecting their foundational purpose of glorifying Allah and facilitating communal prayer. However, to meet the practical needs of the Muslim community, sometimes auxiliary functions must be integrated within or adjacent to mosque premises. The Taqwa Al-Qulaib Medan Estate mosque serves as an example of this, operating a water refill station as a charitable business to meet the essential needs of the congregation and visitors. While this setup supports the community, it also raises questions about the permissible scope of commercial activities within mosque environments.

This situation illustrates the dynamic and sometimes contentious interpretation of Islamic law regarding the use of mosque spaces. While some jurists and traditional interpretations strictly prohibit any form of commercial activity within a mosque's boundaries, others allow for exceptions if these activities support the mosque's role as a community center and do not interfere with its primary function as a place of worship.

The presence of the water depot at Taqwa Al-Qulaib underscores a pragmatic approach to community service within religious frameworks, emphasizing the mosque's role not only as a spiritual center but also as a focal point of communal life. This approach represents an adaptation of religious norms to modern community needs, highlighting the mosque's dual function in fostering spiritual and social well-being. The ongoing dialogue among community members, scholars, and religious leaders about these practices reflects the broader endeavor to align traditional Islamic principles with contemporary societal contexts.

## **2. Legal Business in the Mosque According to the Fiqh Maliki and Shafi'i Jurisprudence**

### **a. Fiqh Maliki**

The fiqh of Maliki permits individuals to engage in buying, selling, or trading within a mosque setting, as long as they are selling goods there; if not, it's considered prohibited. In the case of buying and selling through a realtor within the mosque, the

law is considered haraam. According to Shafi'i, doing business in the mosque is forbidden for anyone to make the mosque a place to sell and buy if it makes the dignity of the degree of honour tarnished, unless there is an urgent interest so that someone must do it but not to disturb people who are carrying out worship. The act becomes prohibited if it disrupts the peace (Abdurrahman al Jaziri, 2015).

But another case is one of the opinions of Malikiyah scholars who say in Ikmal al Mu'allim 3/288, Syarh al Zarqani 2/206, Mawahib al Jalil 2/455, and Al Syarh al Kabir and their explanations 1/542 that it is permissible to do business or buy and sell transactions other than in the mosque, namely in the mosque yard, because the Malikiyah group of scholars who think so explains that the mosque yard is not part of the mosque used for worship (Muhammad Ibn Al-Khalifah Al-Wastani Al-Ubay, 1994).

Basically, the neighbourhood, courtyard, and courtyard of the mosque, as well as the right and left areas of the mosque, as well as buildings added to the mosque and all that is connected to the mosque, whether outside or inside the mosque building, are assessed as the neighbourhood of the mosque according to the strongest opinion. Sale and purchase transactions and missing item announcements are prohibited in mosque environments because the same rules apply.

This provision applies whether the mosque environment is incorporated into the mosque permanently, as evidenced by the existence of buildings or fences surrounding the mosque environment, or whether it is not surrounded by a fence, provided that the boundaries of the mosque environment have been known for certain. The mosque prohibits buying and selling to prevent individuals from engaging in worldly affairs within its walls. So he was heedless of the hereafter and heedless of dhikr to Allah in the House of Allah. See how the attitude of Atha'bin Yasar (a scholar Tabi'in) rahimahullah follows:

كَانَ إِذَا مَرَّ عَلَيْهِ بَعْضُ مَنْ يَبِيعُ فِي الْمَسْجِدِ، دَعَاهُ فَسَأَلَهُ مَا مَعَكَ (1) وَمَا تُرِيدُ؟ فَإِنْ أَخْبَرَهُ أَنَّهُ يُرِيدُ أَنْ يَبِيعَهُ، قَالَ: عَلَيْكَ بِسُوقِ الدُّنْيَا. فَإِنَّمَا هَذَا سُوقُ الْآخِرَةِ

Translation:

If Atha Ibn Yasar passed by a man who was buying and selling in the mosque, he called him and asked what he had brought and what he wanted. If the person replies that he wants to buy and sell, then Atha will say, Please, you go to the market of the world, because here is the market of the hereafter" (Al Muwatha Imam Malik, no. 601).

The "Mosque" is the specific location where the ban on buying and selling applies. Therefore, it's crucial to understand the boundaries of the mosque area, as any area that encompasses the mosque's boundaries is subject to a prohibition on buying and selling. In the book Fiqh I'tikaf (P. 128–134), Shaykh Khalid Al Musyayiqih explained the limits of the mosque.

In the context of Islamic law, there are several views of scholars regarding the definition of space within a mosque, which includes the place of prayer, the roof, and the courtyard of the mosque. In general, scholars agree that any place used for prayer is considered part of the mosque. When discussing the mosque's roof and courtyard, opinions differ. The majority of scholars hold the view that the mosque's roof is an integral part of the mosque and is legitimately used for I'tikaf. On the other hand, the Malikiyyah maintains that the mosque's roof is not considered part of the mosque due to the invalidity of Friday prayers, although this view is considered weak. There are three different views of the mosque's courtyard. Shafi'ites, Imam Ahmad, and some Hanabilites consider the mosque's courtyard, connected to its building and surrounded by a fence, as an integral part of the mosque. No connection or fence means the courtyard is not part of the mosque and is an exit. In contrast, the Malikiyyah and some

Hanabilites believe that a mosque's courtyard without a barrier is not part of it. The diversity of interpretations in Islamic law regarding the physical space of mosques and their integration into worship practices is evident in this discussion (Yulian Purnama, 2018).

Written in Al Muwaththa', from Imam Malik:

أَنَّ بَلْعَهُ أَنَّ عَطَاءَ بْنَ يَسَّارٍ كَانَ إِذَا مَرَّ عَلَيْهِ بَعْضُ مَنْ يَبِيعُ فِي الْمَسْجِدِ دَعَاهُ فَسَأَلَهُ مَا مَعَكَ وَمَا تُرِيدُ فَإِنْ أَخْبَرَهُ أَنَّهُ يُرِيدُ أَنْ يَبِيعَهُ قَالَ عَلَيْكَ بِسُوقِ الدُّنْيَا وَإِنَّمَا هَذَا سُوقُ الْآخِرَةِ

Translation:

He had heard about Atha'Ibn Yasar, and when some of the people selling in the mosque passed in front of him, he called out to them, asking, "What have you brought?" "What do you want?" When someone reports to him that they want to trade, he responds, "You should go to the market of the world; this is the market of the hereafter (Imam Malik, Al Muwaththa, No. 421).

Even Hadith above clearly prohibits buying and selling in mosques, even if the perpetrator is a Celaena. But does that mean it's illegal? That appears to be the case, but how do you feel about the fans? Generally, they say makruh; there is also Imam Ahmad, who has two narrations: one forbidding and the other forbidding.

### **b. Opinion of Shafi'i Jurisprudence**

Shafi'i Fiqh considers any business activity in a mosque setting, including sales and purchases, that involve coercion as invalid. However, Shafi'i Fiqh divides coercion to sell goods into two categories: coercion without a right, where an individual forces another without having the authority to do so, and coercion due to a right, such as a judge or someone with the authority to compel another to sell goods to settle a debt. In the current Torah, there are many glad tidings of the coming of a universal reformer (Hasbiyallah, 2006). When it comes to buying and selling in mosques, *makruh* is the prevailing rule. Imam Shafi'i, who recorded his words in the book of al-Umm, made the following statement:

قَالَ الشَّافِعِيُّ وَأَكْرَهَ الْبَيْعَ وَالشِّرَاءَ فِي الْمَسْجِدِ فَإِنْ بَاغَ مَعْتَكِفٌ أَوْ غَيْرُهُ كَرِهْتُهُ وَالْبَيْعَ جَائِزٌ قَالَ الْقَاضِي بِسَبَبِ الْمَسْجِدِ لَا يَسْبَبُ الْاِعْتِكَافِ وَهِيَ كَرَاهَةٌ تُنْزِيهِ لَا تَحْرِمُ

Translation:

Imam Syafi'i said, I do not like buying and selling in the mosque, so if someone who is in i'tikaf or others carries out a buying and selling transaction in the mosque, I consider it makruh, and the transaction is permissible. Al-Qadhi said the cause is the mosque, not the cause of i'tikaf, and this is makruh tanzih, not makruh tahrim (Nawawi & Abi Zakariya, 2007).

Humans use buying and selling as a way to assist one another until their needs are satisfied. In Islam, the practice of buying and selling has a basis, namely the Qur'an, Sunnah, and ijma' (agreement of scholars). According to Imam Asy-Syafi'i, the concept of buying and selling encompasses two meanings: Allah has approved the act of buying and selling if the goods possess elements of goodness. However, it must be based on mutual consent. b. If the Messenger of Allah does not forbid the sale of certain goods, Allah permits such activities (Syafii, 2006).

According to Imam Asy-Syafi'i, the definition of buying and selling in sharia is an agreement that involves exchanging property for property, naturally, with the aim of gaining ownership of the goods (Ahmad Wardi Muslich, 2010).

Imam Ash-Syafi'i classified sales transactions into two main categories based on their validity. A valid sale is a transaction that meets all the conditions and pillars stipulated in Islamic jurisprudence. Imam Ash-Syafi'i posits that a valid sale can take various forms, including a real sale, which involves direct transaction; murabahah, a sale with an agreed profit; and salam, a purchase where the buyer explains the goods'



characteristics as a form of assurance. Valid sales also include *tawliyah*, which is the sale of goods without profit; the sale of animals for animals; *sarf*, which is the exchange of currency; *isyarak*, a sale through gestures; *muhatah*, a sale without speaking; and transactions that contain the option of *khiyar*, giving the buyer the option to cancel the transaction under certain conditions. Conversely, a transaction is considered invalid if it does not meet the conditions and pillars specified, so the validity of the sale is highly dependent on the fulfillment of these provisions (Imam Mas'ud, 2007).

However, using the mosque as a place for buying and selling will tarnish its reputation. Then the law is forbidden. This is in line with the Shafi school of thought:

الشافعية قالوا : يحرم اتخاذ المسجد محلاً للبيع والشراء إذا أزرى بالمسجد أضع حرمة - فإن لم يزر كره إلا لحاجة ما لم يُضيق على مُصلٍ فيحرم

Translation:

Syafi'iyah scholars said: It is forbidden to use the mosque as a place for selling and buying if it removes the honour of the mosque. If it doesn't degrade the mosque, it's fine. If it doesn't detract from the mosque's honor, we dislike it unless it's necessary, provided it doesn't impede the prayers of those present. If it becomes narrower, the law declares it as prohibited (Abdurrahman al Jaziri, 2015).

In conclusion, the Shafi'i jurisprudence on buying and selling in the mosque environment aligns with the Maliki jurisprudence, stating that such activities are considered *makruh*. However, it can be forbidden for anyone to use the mosque as a place for buying and selling if it tarnishes the mosque's honor and narrows its space during prayer.

### c. Analysis of The Views of Maliki Fiqh and Syafi'i Fiqh Related to Business in the Taqwa Al-Qulaib Muhammadiyah Medan Estate Mosque Environment

Business activities in the Taqwa Muhammadiyah mosque environment began in 2017 and have continued until now. BKM established the business to transform the mosque's operations into a charitable endeavor, with the aim of aiding the local community. The business charity takes the form of refilling water, commonly known as RO, to ensure it is safe for drinking. This causes many pious worshippers to feel disturbed during their prayers in the mosque. According to the author's analysis, two fiqh opinions, Imam Maliki and Syafi'i, provide an explanation for the business activities at the Taqwa mosque.

The prohibition of buying and selling in the mosque is caused by acts accompanied by noise, accompanied by high voices, filled with traces of sales that can dirty the surrounding area, and various other things that can eliminate the honour and glory of the mosque. It creates a highly unfavorable environment for worshippers, causing disruption and diminishing the relevance of worship activities, despite the mosque's original purpose. However, its establishment was for the purpose of remembering Allah SWT, performing prayers, and imparting knowledge. In this scenario, it's crucial to comprehend that the sharia determines the mosque's function, which excludes buying and selling. We equate all related activities, such as renting, pawning, lending, and various other transactions, with buying and selling.

According to Abu Hurairah *radhiyallahu'anhu*, the Prophet *sallallahu 'alaihi wa sallam* said, "If you see someone buying and selling in the mosque, say to him, May Allah not give you profit in your trade (HR. An-Nasai).

Buying and selling in the mosque environment is synonymous with a lack of self-purification from worldly matters and anything unrelated to the afterlife. Engaging in buying and selling activities within the mosque area compromises the mosque's honor and disrupts the worship process. Therefore, if you wish to conduct a transaction, you

should consider leaving the mosque area. Moreover, the traded goods have the potential to negatively impact the mosque's comfort level. These goods generate dispersed waste, unpleasant smells, and disturbances. Buying and selling in the mosque is prohibited so that people are not distracted by worldly affairs. This is due to his disregard for the afterlife and his failure to offer dhikr to Allah in the mosque. This is based on the attitude of Atha 'bin Yasar ra, who states: "If Atha bin Yasar passes by someone who is buying and selling in the mosque, he calls him and asks what he is carrying and what he wants?" If the person says he wants to buy and sell, Atha will say, "Please go to the worldly market, because here is the market of the afterlife." (Al Muwatha Imam Malik, no. 601).

In defining the boundaries of the mosque area that is prohibited for buying and selling activities, there are several views agreed upon by scholars. Scholars consider all areas used for prayer, including the mosque's roof, as legitimate locations for performing i'tikaf. The definition of a mosque also includes the courtyard, connected to the mosque and surrounded by a fence. Based on valid evidence and direct statements from Imam Asy-Syafi'i in his book, *al-Umm*, the author selected the perspective of Asy-Syafi'i's fiqh from among the various existing viewpoints. In the book, Imam Asy-Syafi'i expressed his dislike of the practice of buying and selling in the mosque. He considered that although buying and selling transactions in the mosque were not completely prohibited, the activity was considered makruh (disliked) because it could disrupt the solemnity and original purpose of the mosque as a place of worship, not as a place for commercial transactions. Al-Qadhi added that this is makruh tanzih, not makruh tahrim, indicating that while the activity is undesirable, it is not legally prohibited. (Abu Zakariya bin Yahya bin Syaraf an-Nawawi, 1438H/2017M)

However, if the mosque serves as a venue for commerce, thereby compromising its honor and dignity, the law prohibits it. According to the Shafi school of thought, this is forbidden.

Syafi'iyah scholars said: It is forbidden to use the mosque as a place for selling and buying if it removes the honour of the mosque. If it does not diminish the dignity of the mosque, then it is considered acceptable. If it doesn't diminish the dignity of the mosque, it is generally disliked, unless it serves a necessary purpose and doesn't impede the prayers of those present. If it becomes narrower, the law declares it as prohibited (Abdurrahman al Jaziri, 2015).

The differences of opinion between the Malikiyah and Shafiiyah scholars, as outlined in the author's analysis above, converge at a single point: the issue of defining the boundaries of the mosque. This limits the area to ensure it does not interfere with the mosque's worship activities or mix with the area used for prayer within the mosque. These boundaries, as the author describes above, are the basis for differences of opinion, which ultimately provide legal opinions regarding business activities carried out in the mosque.

Based on the literature that the author has studied, the author draws a legal conclusion (Munaqasyah Al-Adillah) on the differences of opinion in this matter. The legal conclusion that the author draws is the opinion of the Malikiyah Ulama, who are of the view that the law of trading in the courtyard of the mosque, in this case the charity business of the Drinking Water Depot located on the side of the Taqwa Medan Estate Mosque, is ruled Makruh on the grounds that the terrace of the mosque, which includes the part outside the prayer area in the mosque, is not included in the prayer area. The author chose this opinion based on the Malikiyah Ulama's belief that the charity business not only contributes to the mosque's economy and finances, but also serves the community and surrounding congregation by providing drinking water.

Authentic hadiths form the basis of this legal conclusion, and it's crucial to exercise *ihtiyath* (prudence) to avoid violating the mosque's boundaries for trading or charity, as this could tarnish the mosque's reputation and disrupt the congregation's worship (Ningtyas et al., 2023).

Maliki Fiqh permits business activities in areas of the mosque that are not designated for prayer, such as the terrace. This permission comes with certain conditions: the activities must occur outside the main prayer hall, the goods involved in transactions must be present to ensure transparency, and the types of business conducted must adhere to Islamic ethical guidelines, explicitly excluding forbidden activities like gambling and usury. The underlying rationale for this permissibility is that it supports community welfare and economic interaction without compromising the sanctity of the mosque.

Shafi'i Fiqh, on the other hand, generally opposes business activities within the mosque environment. The primary arguments against such activities include the potential disruption to worship, as noise and distractions from business dealings can interfere with the congregation's focus. Additionally, Shafi'i scholars argue that commercial transactions can compromise the mosque's sanctity and primary function as a place of worship. Furthermore, business activities might crowd the mosque, particularly during peak prayer times, which can impede worshippers. However, exceptions are made for business activities that directly support mosque functions, such as selling Islamic books, provided these are carefully regulated (Nasir, 2016).

The key difference between the Maliki and Shafi'i perspectives lies in their approach to balancing community needs with the mosque's primary function as a place of worship. Maliki Fiqh emphasizes practical community welfare by allowing controlled business activities in non-prayer areas, whereas Shafi'i Fiqh prioritizes maintaining the mosque's sanctity and minimizing disruptions to worship.

In the context of Masjid Taqwa Al-Qulaib Muhammadiyah Medan Estate, the Maliki approach might be more suitable for a mosque that also functions as a community center, as it allows business activities on the terrace while keeping the main prayer hall undisturbed. Conversely, the Shafi'i approach would require stricter controls, possibly relocating business activities entirely outside the mosque premises to ensure a purely spiritual environment.

Both perspectives offer valuable insights. The Maliki view is suitable for contexts where balancing community welfare with religious functions is important, while the Shafi'i view is ideal for maintaining a dedicated spiritual environment. A balanced approach could involve designating specific times and areas for business to support community needs while ensuring minimal disruption to worship.

## **Conclusion**

Maliki Fiqh opposes the ban on business activities in the Taqwa Muhammadiyah Medan Estate mosque environment because these activities take place on the mosque's terrace, which does not fall within the prayer place's boundaries. Anyone can conduct a sale or purchase transaction within the mosque, provided the goods they're trading are present; if not, there's no objection. The law forbids buying and selling through brokers in the mosque, setting it apart from other transactions. Shafi'i Fiqh opposes business activities in the Taqwa Mosque, arguing that they disrupt the congregation's worship. It can be forbidden for anyone to use the mosque as a place for buying and selling if it tarnishes the honor of the mosque and makes it narrow when people pray.

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