



# Faculty of Law Universitas Islam Indonesia





# PROCEEDING

# Law and Development in the Era of Pandemic

Faculty of Law Universitas Islam Indonesia

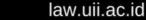


**International Student Colloquium 2020** 









# **International Proceeding**

Law and Development in the Era of Pandemic

Published in July 2021

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Faculty of Law Universitas Islam Indonesia, Special Region of Yogyakarta, Indonesia

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Law and Development in the Era of Pandemic

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# **Table of Content**

Editori	al Board	V
Steerin	g Committee	V
Organi	zing Committee	V
Table o	of Content	Vi
Forewo	ord	1X
Paper S	Submission of ISC 2020	
1.	Impact of the Pandemic Covid-19 on International Trade Law Dodik Setiawan Nur Heriyanto and Jihyun Park	1
2.	Analysis of Conventional Mortgage Regulations and Electronically Integrated Mortgage Rights (eMortgage) for Land Deed Officers (PPAT), Mortgagees, and Land Offices in Klaten Regency  Dian Shinta Amalia	8
3.	The Role of Notaries in Loan Restructuring Impacted by Covid-19 in Islamic Banking Inda Siswanti	18
4.	Turning The Substitute Notary Into An Acting Notary Upon The Death Of The Notary Public M. Dani Fadhlurrohman	29
5.	Achieving the Role of LPI (Investment Management Institution) as the State Investment Management Institution through the Job Creation Act Amalina Dwi Septiana	38
6.	Covid-19, Maqasid Sharia & Islamic Economic Law: VOSviewer Application  Aam Slamet Rusydiana, Aisyah As-Salafiyah, Muhammad Isa Mustafa	47
7.	Comprehensive Efforts to Overcome Fintech Interest Rates and Compare with the Conditions of Increasing Fintech in the Pandemic Era  Aryana Sekar Widyaningsih	59
8.	Criminal Responsibility Towards Public Transportation Companies if Traffic Accidents Based on Law Number 22 Of 2009 Concerning Traffic and Road Transport  David	68
9.	Modifications to Hire Purchase Act 1967 and Housing Development (Control and Licensing) Act 1966: Protection to Purchaser and Financial Institutions Interests During Covid-19 in Malaysia  Imtiyaz Wizni Aufa binti Othman, Izyan binti Nazim	72
10.	The Great Reset: Legal Perspective and its Development  Jeremy Abraham Guntur	84
11.	Literature Review: The Development of E-Court System Technology as a Transformation of Indonesian Law in the COVID-19 Pandemic Era M. Kenza Radhya E. A.	91

12.	Frustrated Contracts by Covid-19 Impacts  Nik Hajar binti Nik Hisham	99
13.	Advantages and Disadvantages of The Implementation of E-Litigation in Indonesia During the Pandemic Era  Putri Ariqah	106
14.	Cyber law in Indonesia and Its Relation to Indonesian Copyrights Law Rohima Putri Ridhani	111
15.	Pandemic Preparedness in Indonesia: The Role of Law and Regulation Safira Dewata Putri Alpatra	118
16.	The Legal Implications of Covid-19 in Malaysia: Selected Issues Syed Ahmed Khabir Abdul Rahman, Saiful Akmal Suhaimi	125
17.	Encourage the Advance of Artificial Intelligent in Replacement the Position of Civil Servant Apparatus During Pandemic to Reduce the Nepotism in Indonesia's Bureaucracy  Yuwan Zaghlul Ismail	132

### **Foreword**

Assalamualaikum, wr., wb.,

In the age of pandemic Covid-19 had impacts toward the humans. In relation with the humans has correlation with the development of law, and thus the committee held the 2020 International Students Colloquium with the topic of "Law and Development During Pandemic Era: Alleviating the Disadvantages to the Law that Affected by Covid-19". The objective of the conference is to acknowledge the participants regarding how the settlement should be the problem and disadvantage that caused by the pandemic; to engage the participants to think critically to the polemic issue of law during pandemic; and as a venue for lecturer, student, and community in respond to poor resolution from each country.

The conference was successfully held on November 28, 2020 along with around 289 participants consist of students and community. As the concept of the conference comprised between the session for students to make a presentation of the issue they took, and the main session presented by lecturer. There were 13 students submitted their papers from varies institution background. We glad to receive that they have a unique idea to discuss.

As the output of the conference, the committee proudly to publish the dissemination issue had discussed in the conference by collecting the student's paper in this proceeding. For this reason, this proceeding may inform the readers about the legal issue, particular, in Indonesia, South Korea, and Malaysia.

Wassalamualaikum wr. wb.

Editor in Chief,

Dodik Setiawan Nur Heriyanto, S.H., M.H., L.LM., Ph.D.

# Covid-19, *Maqasid* Sharia & Islamic Economic Law: VOSviewer Application

Aam Slamet Rusydiana<sup>a\*</sup>, Aisyah As-Salafiyah<sup>b</sup>, Muhammad Isa Mustafa<sup>c</sup>

<sup>a</sup> Researcher, Sharia Economic Applied Research & Training (SMART), Indonesia
 <sup>b</sup> Student, Sharia Economic Applied Research & Training (SMART), Indonesia
 <sup>b</sup> Lecturer, Faculty of Islamic Law, Tazkia Institute, Indonesia
 \*Corresponding Author. Phone: (+62) 877-7057-4884, E-mail: aamsmart@gmail.com

### **Abstract**

This study aims to determine the map of the development of research on the theme of Islamic economic law from the point of view of the magashid sharia in the Covid-19 pandemic published by indexed journals. The study was conducted in November 2020. The data analyzed were more than 50 published papers. The object of study is a published journal published in 2020. The data is then processed and analyzed using the VOSviewer application program to determine the bibliometric mapping of the development of Islamic economic law research from the perspective of maqashid sharia in the Covid-19 pandemic. The results showed that the research development map of this theme was divided into 6 clusters. Cluster 1 consists of 10 topics, cluster 2 consists of 10 topics, cluster 3 consists of 8 topics, cluster 4 consists of 7 topics, cluster 5 consists of 6 topics and cluster 6 consists of 4 topics. The findings from this study indicate that the sharia economy and its instruments and products are in accordance with the magashid sharia, all the aspect of magashid sharia must be guarded by all parties involved in Islamic economic activities, especially the government in charge of managing state finances while maintaining a balance of prices and can be applied and this concept even become a solution during the Covid-19 pandemic, where the objectives of each sharia economic instrument become more focused and their usefulness in this field can be optimized. All economic instruments in Islam that are based on magashid *sharia* are expected to be a solution that reduces the impact of the economic crisis due to the Covid-19 pandemic and can continue to be utilized in a sustainable manner.

**Keywords:** Covid-19, Islamic Economic Law, Maqashid Sharia, VOSViewer

### 1. INTRODUCTION

Islam is a perfect religion, it regulates everything that humans must do or what they have to abandon, all the commands and prohibitions that have been established by the Sharia aim to achieve goodness for humans themselves. Every sharia that has been determined by Allah both in Al-Quran and Sunnah certainly has a specific purpose, these goals are summarized in 5 important points known as *maqashid* sharia. *Maqashid* sharia in terms of the objectives contained in the Sharia which are categorized into 5 points, namely: protecting the religion, protecting the soul, protecting the intellectual, protecting the lineage, protecting the wealth.<sup>1</sup>

The completeness of Islamic law is evidenced by the continued implementation of all worship during the Covid-19 pandemic that is currently occurring, even though with several reliefs, or *rukhsahs* that have also been established by Allah, as well as in the economic field. It hopes that the economic systems and instruments stated in Islam can be a solution to various problems and crises that are happening, of course by still considering the aspects of conformity with *maqashid* sharia.

### 2. METHOD

There are more than 50 scientific research papers published by various journals both nationally and internationally in the period of early 2020 observations until the time of writing this paper, November 2020, which discusses Islamic economic law from the point of view of the *maqashid* sharia in the Covid-19 pandemic. Paper with this theme is interesting to discuss by considering the importance of scientific research to be carried out in order to generate ideas and innovations that can answer the country's economic problems.

### a. Meta-Analysis

This section describes the number of paper publications on the theme of Islamic economic law relations from the point of view of the *maqashid* sharia in the Covid-19 pandemic. There were 51 papers published in the observation period of the last year. The distribution of papers with a considerable amount of dominates in economic and social journals. The publication of a paper on the theme of sharia economics from the perspective of *maqashid* sharia in the Covid-19 pandemic until November 2020 which we made as to the object of study totaling 51 papers. However, this is because 2020 has not been completed until the period December 2020, the number of papers is still possible to increase and increase, the data collection of papers studied in this study is until November 2020.

### 1) Research Topic

The following table 1 shows some specific topics in the research paper on the theme of Islamic economic law from the perspective of *maqashid* sharia in the Covid-19 pandemic. Based on the following table, it can be seen that the top 3

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<sup>&</sup>lt;sup>1</sup> Kadir A., et.al., 'Penggunaan Dana Zakat Pada Korban Covid-19 Perspektif Maqashid Syariah' (2020) 1 Al-Tafaqquh: Journal of Islamic Law 107.

research topics used in this theme paper over the past year are 28 papers related to Islamic Banking, then 26 papers on Zakat and the Halal Industry topics. 24 papers. Each paper can contain more than one topic so that the number is more than the number of papers used as the object of research.

**Table 1.** Research Topic

Topic	Number of Paper
Islamic Banking	28
Zakat	26
Halal Industry	24
Financing	20
Wakaf	18
Qardhul Hasan	10

The topic with the lowest number of discussions is *Qardhul Hasan* with a total of 10 papers, so it needs to be a consideration for researchers to then reproduce quality research related to this topic. The absence of relatively complete and comprehensive data is probably the reason why research related to the above topics is not widely published in the paper on the theme of Islamic economic law from the perspective of *magashid* sharia in the Covid-19 pandemic.

### 2) Country

Table 2 shows the top 3 rankings of countries that were the object of study in the research paper on the theme of Islamic economic law from the perspective of *maqashid* sharia in the Covid-19 pandemic over the past year.

Table 2. Country

Topic	Number of Paper
Indonesia	29
Malaysia	19
Kingdom of Saudi	11
Arabia	

The results of the research above indicate that the most popular country used as the object of study in research, in the first rank is Indonesia which is written in 29 papers, followed by Malaysia with 19 papers, then Kingdom of Saudi Arabia with 11 papers.

### b. Bibliometric Analysis

To explore the results of the meta-analysis in the section above, this section will present a graphic visual mapping of the publication of a paper on the theme of Islamic economic law from the perspective of *maqashid* sharia in the Covid-19 pandemic. The results of the keyword mapping analysis form the basis for the co-occurrence mapping of important or unique terms contained in a particular article. Mapping is a process that allows a person to recognize elements of knowledge and their configuration, dynamics, interdependencies, and interactions.

Related to bibliometrics, science mapping is a method of visualizing a field of science. This visualization is done by creating a landscape map that can display topics from science.<sup>2</sup> (Royani, et al., 2013). The results of the visualization of the co-word map network publication of the paper on the theme of Islamic economic law, the point of view of the maqashid sharia in the Covid-19 pandemic can be seen in Figure 1 below.

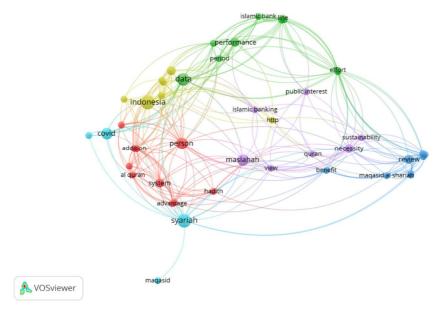


Figure 1. Mapping of Bibliometric Keyword

In this mapping, several keywords that often appear in the paper on the theme of Islamic economic law from the point of view of the magashid sharia in the Covid-19 pandemic in the past year are displayed and their relation to other keywords in the 6 clusters, namely:

- 1) Cluster 1 in red consists of 10 keywords, namely addition, advantage, al quran, article, currency, form, hadith, justice, person, system.
- 2) Cluster 2 in green consists of 10 keywords, namely data, effort, government, Islamic bank, life, line, performance, period, secondary data, validity.
- 3) Cluster 3 in dark blue consists of 8 keywords, namely benefit, context, figure, magasid al shariah, methodology, review, term, usul al figh.
- 4) Cluster 4 in yellow consists of 7 keywords, namely islamic banking, maslahah, necessity, public interest, quran, sustainability, view.
- 5) Cluster 5 in purple consists of 6 keywords, namely government policy, implementation, Indonesia, magashid shariah, regulation, soul.
- 6) Cluster 6 in light blue consists of 4 keywords, namely *covid, magasid, syariah*.

The keywords that are divided into the 6 clusters above are arranged in the form of a colored circle indicating the clusters, this data can be used to determine the keyword trend in the last year. The bibliometric analysis shows several keywords that are widely used in

<sup>&</sup>lt;sup>2</sup> Tupan, 'Peta Perkembangan Penelitian Pemanfaatan Repositori Institutsi Menuju Open Access: Studi Bibliometrik dengan VOSViewer' (2016) 4 Khizanah Al-Hikmah 114.

the paper which is the object of study. The keywords that appear the most are indicated by the larger circle. Meanwhile, the line relationship between keywords shows how much it is related to other keywords.

Furthermore, using the VOSViewer software, we found the bibliometric mapping of the authors as in Figure 2 below. The bigger the circle of the author's name, shows the more papers he has published in the paper on the theme of Islamic economic law from the point of view of the *maqashid* sharia in the Covid-19 pandemic in the last year.

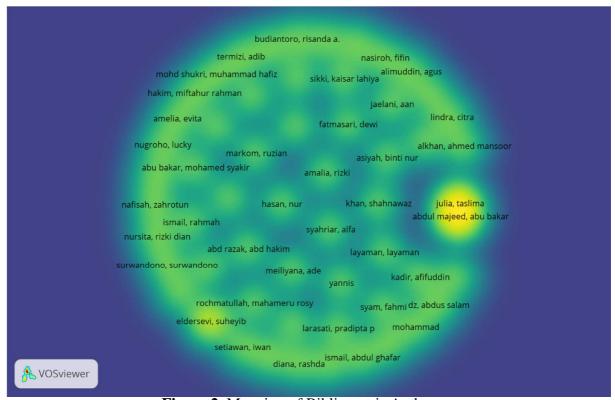


Figure 2. Mapping of Bibliometric Author

The cluster density view is the item (label) which is marked the same as the visible item. Each item dot has a color depending on the density of the item at that time. This identifies that the color of the points on the map depends on the number of items associated with other items. This section is very useful for obtaining an overview of the general structure of the bibliometric map by paying attention to which parts of the items are considered important to be analyzed. Through this worksheet, we can interpret the authors who have written the most publications.

Based on these results, a density map is displayed which is the result of an analysis using all published articles on the theme of Islamic economic law from the point of view of the *maqashid* sharia in the Covid-19 pandemic, both related and unrelated. There are many clusters sorted by author (indicated by colored circles). The most popular authors write publications related to the theme of Islamic economic law, the point of view of the *maqashid* sharia in the Covid-19 pandemic based on bibliometric mapping, namely Taslima Julia and Abu Bakar Abdul Majeed.

Furthermore, the journal mapping visualization is depicted in bibliometric Figure 3 below. Based on the following picture, the journal clusters appear to be listed in a luminous circle, showing the journal's productivity in contributing to publishing its paper on the theme of Islamic economic law from the point of view of the *maqashid* sharia in the Covid-19 pandemic.

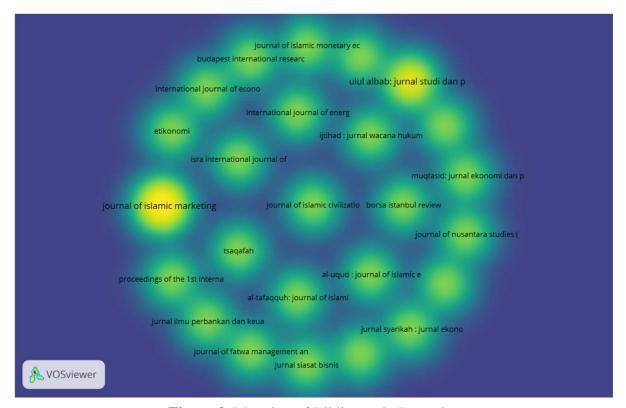


Figure 3. Mapping of Bibliometric Journal

Most journals in terms of the number of publications and number of links with other journals, where a paper writer can write many papers in different journals. The ranking of the most popular journals shown by the results of the bibliometric mapping, namely the *Journal of Islamic Marketing* and *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam*.

### 3. ANALISYS

Based on the above discussion, we find that the discussion of sharia economics during the pandemic from the entire collection of papers that have been studied shows that Islamic economic law cannot be separated from *maqashid* sharia.<sup>3</sup> Some of the instruments that are expected to be a solution to the problems and economic crises caused by Covid-19 are compatible with several *maqashid* sharia aimed at the problems of mankind,<sup>4</sup> among the solutions are as follows:

2

<sup>&</sup>lt;sup>3</sup> Setiawan I, 'Magashid Sharia's Criticism of the Pareto Optimum Theory' (2020) 11 Muqtasid 14.

<sup>&</sup>lt;sup>4</sup> Aisyah BN and others, 'Pelarangan Riba Dalam Perbankan: Impact Pada Terwujudnya Kesejahteraan Di Masa Covid-19' (2020) 4 Jurnal Imara 1.

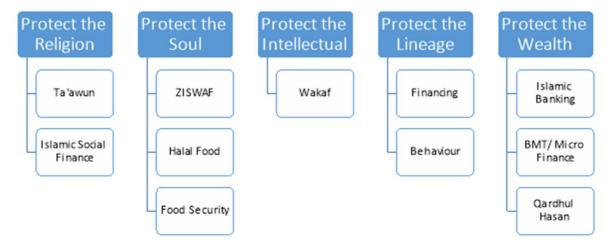


Figure 4. Magashid Sharia and Islamic Economic Law during the Covid-19 Pandemic

This paper that discusses the potential for sharia economy to be applied during the Covid-19 pandemic offers various kinds of instruments summarized in Figure 4 above, each of which has aspects of *magashid* sharia. This aspect must be guarded by all parties involved in economic activities, especially the government in charge of managing state finances while maintaining a balance of prices.<sup>5</sup>

Other parties engaged in the sharia economy also have a role to play in dealing with economic problems that are the impact of this pandemic, 6 this is necessary so that the Islamic economy can still provide benefits to achieve unreasonable maslahat contrary to magashid sharia.<sup>7</sup>

First, in terms of maintaining religion (hifdzu din), Islam already has the law so that people ta'awun or help each other in goodness and piety as stated in the word of Allah QS. Al-Maidah: 2 which reads "And cooperate in righteousness and piety, but do not cooperate in sin and aggression. And fear Allah; indeed, Allah is severe in penalty." This verse shows that in protecting religion, a person does economic activity not only based on seeking as much profit as possible with as little expenditure as possible but must be based on the concept of helping those who seek the pleasure of God.<sup>8</sup> One of the forms of helping instruments in the field of Islamic economic law is through Islamic social finance which is a voluntary gift/generosity so that those who are in excess provide assistance to those who are in need and in need so that economic inequality is reduced.<sup>9</sup>

Second, in terms of guarding the soul (hifdzu nafs). Islamic social finance in the form of ZISWAF (zakat, infaq, shadaqah and waqf) can be used to help people affected by

Published in July 2021

53

<sup>&</sup>lt;sup>5</sup> Jaelani A and Hanim TF, 'Sustainability of Public Finances During The COVID-19 Outbreak in Indonesia' (2020) 12 Al-Amwal: Jurnal Ekonomi dan Perbankan Syariah 109.

<sup>&</sup>lt;sup>6</sup> Kadir.*ibid*.

<sup>&</sup>lt;sup>7</sup> Harisah, 'Kebijakan Pemberian Insentif Pada Tenaga Medis Virus Corona' (2020) 7 SALAM: Jurnal Sosial dan Budaya Syar-i 519.

<sup>&</sup>lt;sup>8</sup> Priyatno PD, Sari LP and Atiah IN, 'Penerapan Magashid Syariah Pada Mekanisme Asuransi Syariah' (2020) 1 Journal of Islamic Economics and Finance Studies 1.

<sup>&</sup>lt;sup>9</sup> Jureid, 'Ekonomi Syariah Sebagai Alternatif Kesejahteraan Ekonomi Masyarakat Pada Era Covid-19' (2020) 5 Jurnal Kajian Ekonomi dan Kebijakan Publik 19.

Covid-19 to survive,<sup>10</sup> especially those without income,<sup>11</sup> making it difficult to meet their primary needs, such as food needs. Food consumption also needs to be considered so that what goes into everyone's stomach is food that is truly guaranteed to be halal so that it produces good energy and is protected from various diseases.<sup>12</sup> The issue of food security (food security) is also one of the challenges for the current government on how to adequately meet the food needs of its people.<sup>13</sup> All of this is done as an effort to keep people's souls alive.

Third, maintain reason (*hifdzul aql*). Education during this pandemic period still has to continue even though it is through online media, unfortunately, some people are unable to access education due to high school fees and other necessities. <sup>14</sup> In this case, one of the Islamic economic law instruments, namely waqf, can be a solution, <sup>15</sup> where the use of waqf for the education sector has been long and long term so that it can provide sustainable benefits to ensure the quality of education for the next generation to be maintained. reason and can have access to study knowledge easily. <sup>16</sup>

Fourth, maintaining offspring (hifdzu nasl) through financing provided by Islamic financial institutions, both Islamic banks and micro-financing, which can be used to support families and children.<sup>17</sup> The state of the Covid-19 pandemic, which has resulted in increasing needs accompanied by decreased income, sometimes forces each family head who is responsible for their offspring to be able to meet their needs, but on the other hand, they need financial assistance. Therefore, the presence of Islamic financial institutions needs to be a provider of assistance to them.<sup>18</sup> The financing behavior provided can also be adjusted to needs and priorities, for example by prioritizing those who propose productive financing for businesses so that the money can be rotated and provide sustainable benefits.<sup>19</sup>

Fifth, safeguarding property (*hifdzul mal*). In general, Islamic economic law aims to protect assets. This safeguarding of assets is carried out so that people do not spend their assets excessively but are also not stingy, and can reduce the inequality rate between rich

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<sup>&</sup>lt;sup>10</sup> Badan Amil Zakat Nasional, 'Laporan Baznas Dalam Penanganan Pandemi Covid-19' (2020).

<sup>&</sup>lt;sup>11</sup> Jaelani A and Hanim TF, 'Sustainability of Public Finances During The COVID-19 Outbreak in Indonesia' (2020) 12 Al-Amwal: Jurnal Ekonomi dan Perbankan Syariah 109.

<sup>&</sup>lt;sup>12</sup> Idris SH, Abdul Majeed AB and Chang LW, 'Beyond Halal: Maqasid Al-Shari'ah to Assess Bioethical Issues Arising from Genetically Modified Crops' (2020) 26 Science and Engineering Ethics 1463.

<sup>&</sup>lt;sup>13</sup> Prasetiyo JR, 'The Role of Religion on Food Consuming Issue Developing Theological-Philosophy Concept of Food Through Al-Qur' an' (2020) 5 Shahih Journal of Islamicate Multidisciplinary 1.

<sup>&</sup>lt;sup>14</sup> Jaelani A and Hanim TF.*ibid*.

<sup>&</sup>lt;sup>15</sup> Asnawi N, Wicaksono TS and Setyaningsih ND, 'Measuring the Economic Islamicity Index in the Archipelagic Indonesia: Does Spatial Role Affect It?' (2020) 12 Talent Development & Excellence 3464

<sup>&</sup>lt;sup>16</sup> Nugraha E and others, 'Maqashid Sharia Implementation in Indonesia and Bahrain' (2020) 19 Etikonomi 155.

<sup>&</sup>lt;sup>17</sup> Wardiwiyono S, 'Six Years in Achieving Maqasid Ash-Shariah: The Case of Islamic Commercial Banks in Indonesia', Proceedings of the 1st International Conference on Science, Health, Economics, Education and Technology (2020).

<sup>&</sup>lt;sup>18</sup> Surahman M and Nurrohman, 'Analysis of Maqashid Al-Syariah on the Application of the Collateral in the Mudharabah Contract in Sharia Financial Institutions' (2020) 4 Amwaluna: Jurnal Ekonomi dan Keuangan Syariah 276.

<sup>&</sup>lt;sup>19</sup> Syed MH and others, 'An Artificial Intelligence and NLP Based Islamic FinTech Model Combining Zakat and Qardh-Al-Hasan for Countering the Adverse Impact of Covid-19 on SMEs and Individuals' (2020) VIII International Journal of Economics and Business Administration Volume 351.

and poor so that mutual welfare can be achieved. The role of Islamic banks and BMTs which act as intermediation between parties with a surplus (excess) and those who are deficit (deficient) is of course very necessary.<sup>20</sup> Islamic financial institutions, which in fact have a social function in addition to a commercial function, make it the front line of the sharia economy.<sup>21</sup> Especially with the existence of contracts that specifically exist only in Islam, such as *qardhul-hasan*, which is a financing without any additional interest or in the form of loans to the public which will later be returned a nominal amount borrowed.<sup>22</sup>

With these aspects of *maqashid* sharia, the objectives of each sharia economic instrument become more focused and their usefulness in this field can be optimized. Especially in safeguarding assets, where many instruments are not owned by conventional economic systems. All economic instruments in Islam that are based on *maqashid* sharia are expected to be a solution that reduces the impact of the economic crisis due to the Covid-19 pandemic and can continue to be utilized sustainably.

### 4. CONCLUSION

The focus of this research is to try to find out the development of the theme of Islamic economic law from the point of view of *maqashid* sharia in the Covid-19 pandemic in the world. The results show that there is an increase in the number of published papers on this theme compared to other themes, until November 2020, there have been more than 50 studies on this theme during the past year.

The top three research topics that are widely used are Islamic Banking, Zakat and Halal Industry. The top 3 countries that became the object of study in this research theme were Indonesia then Malaysia and Saudi Arabia.

The visualization of bibliometric mapping shows that the map of research development in the field of Islamic economic law from the point of view of *maqashid* sharia in the Covid-19 pandemic is divided into 6 clusters. Cluster 1 consists of 10 topics, cluster 2 consists of 10 topics, cluster 3 consists of 8 topics, cluster 4 consists of 7 topics, cluster 5 consists of 6 topics and cluster 6 consists of 4 topics.

It should be noted that the purpose of this study is to present an overview of the research trends on the theme of Islamic economic law from the point of view of the *maqashid* sharia in the Covid-19 pandemic, but the limitation is only in the last year. Although research has been carried out using specific bibliometric indicators so that readers get a general representation of the most significant data on this theme, the results presented are still dynamic and can change over time with new trends that emerge or variables that increase and decrease further.

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<sup>&</sup>lt;sup>20</sup> Ramdhoni MI and Fauzi FA, 'Islamic Banks Performance: An Assessment Using Sharia Maqashid Index, Sharia Conformity and Profitability and CAMELS' (2020) 2 INTERNATIONAL JOURNAL OF APPLIED BUSINESS RESEARCH 15.

<sup>&</sup>lt;sup>21</sup> Yaakub S and Abdullah NAHN, 'Towards Maqasid Shariah In Sustaining the Environment Through Impactful Strategies' (2020) 5 International Journal of Islamic Business 36

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