Revisiting Property Ownership Ontology in Islamic Legal Philosophy and Maqāṣid al-Syarīʻah

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ABSTRACT

Studies on property ownership in Islamic law have predominantly focused on normative and juridical issues, including the legal basis of ownership, modes of acquisition, and the protection of proprietary rights. While these studies have substantially enriched Islamic legal scholarship, they have paid limited attention to the ontological foundations underlying the legitimacy of ownership. Consequently, *amānah* (trusteeship) has generally been understood as an ethical consequence arising after ownership is acquired rather than as the philosophical basis from which ownership derives its legitimacy. This study aims to reconstruct the ontology of property ownership within Islamic legal philosophy by positioning *amānah* as the ontological foundation of proprietary rights and examining its implications for the reconstruction of *ḥifẓ al-māl* within the framework of *maqāṣid al-Sharīʿah*. This research employs a normative legal method using philosophical, conceptual, and *maqāṣid al-Sharīʿah* approaches. The analysis is conducted through philosophical interpretation, conceptual synthesis, and *maqāṣid*-based reasoning based on classical and contemporary Islamic legal sources. The findings demonstrate that the legitimacy of ownership in Islam is derived not from human control over property but from a divine mandate that entrusts human beings with the responsibility of managing wealth. Building upon this ontological foundation, the study reconstructs *ḥifẓ al-māl* from a paradigm centered on the protection of proprietary rights to one focused on safeguarding the function of ownership as *amānah* for the realization of *maṣlaḥah*. The principal contribution of this study lies in redefining the ontology of ownership as a conceptual framework integrating the legitimacy of rights, human responsibility, and the objectives of the Sharīʿah within Islamic legal philosophy. This reconstruction also provides a philosophical foundation for addressing contemporary issues of property governance, including digital assets, Islamic financial regulation, intellectual property rights, and other emerging forms of ownership.

Keywords: Ontology of Property Ownership, *Ḥifẓ al-Māl*, *Maqāṣid al-Sharīʿah*, Islamic Legal Philosophy

ABSTRAK

Kajian mengenai kepemilikan harta dalam hukum Islam selama ini lebih banyak berorientasi pada aspek normatif dan yuridis, seperti dasar hukum kepemilikan, mekanisme perolehan, dan perlindungan hak milik. Pendekatan tersebut telah memperkaya pengembangan hukum Islam, namun belum memberikan perhatian yang memadai terhadap dimensi ontologis yang menjadi dasar legitimasi kepemilikan. Akibatnya, konsep *amanah* cenderung dipahami sebagai konsekuensi etis setelah hak kepemilikan diperoleh, sedangkan kedudukannya sebagai fondasi filosofis kepemilikan belum dianalisis secara sistematis. Penelitian ini bertujuan merekonstruksi ontologi kepemilikan dalam filsafat hukum Islam dengan menempatkan *amanah* sebagai dasar legitimasi hak kepemilikan serta menjelaskan implikasinya terhadap rekonstruksi konsep *ḥifẓ al-māl* dalam perspektif *maqāṣid al-syarī'ah*. Penelitian ini merupakan penelitian hukum normatif dengan pendekatan filosofis, konseptual, dan *maqāṣid al-syarī'ah*. Analisis dilakukan melalui interpretasi filosofis, sintesis konseptual, dan penalaran *maqāṣid* terhadap sumber-sumber hukum Islam klasik dan kontemporer. Hasil penelitian menunjukkan bahwa legitimasi kepemilikan dalam Islam tidak bertumpu pada hubungan penguasaan antara manusia dan harta, melainkan pada mandat ilahiah yang menempatkan manusia sebagai penerima *amanah*. Berdasarkan konstruksi tersebut, penelitian ini merekonstruksi *ḥifẓ al-māl* dari paradigma yang berorientasi pada perlindungan hak kepemilikan menuju paradigma yang berorientasi pada perlindungan fungsi kepemilikan sebagai *amanah* untuk mewujudkan *maṣlaḥah*. Kontribusi utama penelitian ini terletak pada perumusan kembali ontologi kepemilikan sebagai dasar konseptual yang mengintegrasikan legitimasi hak, tanggung jawab, dan tujuan syariat dalam satu kerangka filsafat hukum Islam. Rekonstruksi tersebut juga menyediakan landasan filosofis bagi pengembangan regulasi kepemilikan dalam isu-isu kontemporer, seperti tata kelola aset digital, keuangan syariah, dan bentuk-bentuk kepemilikan modern lainnya.

Kata Kunci: Ontologi Kepemilikan, *Ḥifẓ al-Māl*, *Maqāṣid al-Syarī'ah*, Filsafat Hukum Islam

INTRODUCTION

Property ownership constitutes one of the fundamental pillars of Islamic law, as it defines the relationship between individuals, wealth, and the purposes for which wealth is acquired and utilized. Beyond the legal authority to control assets, ownership establishes the framework of rights, obligations, and responsibilities that govern economic transactions and social relations. Contemporary economic systems, characterized by capital accumulation, market liberalization, and profit-oriented practices, have intensified challenges such as widening wealth inequality, excessive exploitation of natural resources, and the gradual erosion of the social function of property (Sabiya et al., 2023). These developments suggest that ownership can no longer be understood merely as a legal entitlement over material assets. Rather, it requires a broader philosophical framework capable of explaining the relationship between individual rights, social responsibility, and the normative objectives of law. Within this context, Islamic law offers a distinctive paradigm by conceptualizing wealth as a trust (*amanah*) entrusted to human beings for the realization of public welfare (*maṣlaḥah*), rather than as an instrument of unrestricted private interest.

This paradigm is grounded in the principle that Allah is the absolute and ultimate owner of all creation, while human beings are entrusted with the authority to possess, manage, and utilize wealth as His vicegerents (*khulafā'*) on earth. Consequently, ownership in Islamic law is not regarded as an absolute right but as a delegated authority exercised within the ethical and legal boundaries prescribed by the Sharīʿah. These boundaries ensure that the acquisition and utilization of wealth remain aligned with justice, balance, and collective welfare. Accordingly, ownership embodies not only legal consequences but also ethical and spiritual commitments, distinguishing the Islamic conception of property from legal traditions that prioritize either unrestricted individual ownership or state-centered control. In this respect, ownership represents an integrated construct that reflects the interconnected relationship between God, human beings, society, and the natural environment (Batubara et al., 2023).

Despite its centrality, contemporary scholarship on Islamic property ownership continues to focus predominantly on normative legal issues, including classifications of ownership, methods of acquiring wealth, limitations on property use, and their implications within Islamic jurisprudence (*fiqh al-muʿāmalāt*). While these studies have substantially enriched the legal understanding of ownership, they have paid comparatively limited attention to a more fundamental question concerning the ontological nature of ownership itself. Before ownership becomes a legal institution, it functions as an ontological construct that shapes how Islamic law conceptualizes the relationship between human beings, wealth, and divine sovereignty. When this ontological dimension remains underexplored, ownership tends to be reduced to a collection of legal rules governing rights and obligations over property, leaving unanswered the philosophical foundations from which those legal norms originate (Saifullah et al., 2025). Consequently, concepts such as *amanah*, property rights, and the objectives of Islamic law are frequently treated as normative consequences rather than as interconnected philosophical principles underlying the Islamic legal system.

Recent scholarship on Islamic property ownership reflects several dominant intellectual trajectories. One body of literature approaches ownership as a legal institution closely associated with the protection of individual rights within the framework of *Maqāṣid al-Sharīʿah*. Another emphasizes ownership as an ethical foundation for sustainable economic development, while a third examines ownership through the lens of *fiqh al-muʿāmalāt*, focusing on the legal classification of property, the causes of ownership, and mechanisms of wealth management. These perspectives are represented, respectively, in the works of Ahmad Syafi'i Sulaiman Jamrozi (Jamrozi, 2021) who argues that ownership is legally recognized in Islam but remains subject to its social function and the objective of preserving wealth (*ḥifẓ al-māl*), Muhammad Syauqi Yunilhamri and Mawardi (Muhammad Syauqi Yunilhamri & Mawardi, 2025) who interpret ownership as a trust that supports the ethical principles of the green economy, and Saipul Bakhri (Bakhri et al., 2025), who analyze ownership within *fiqh al-muʿāmalāt* by examining the classification of property, the legal causes of ownership, and the realization of justice in wealth management.

Although these studies have significantly advanced contemporary discussions on Islamic property ownership, their analyses remain largely concentrated on its normative, ethical, and practical dimensions. The ontological foundation of ownership is generally assumed rather than critically examined as an independent subject of inquiry (Ari Asriadi et al., 2023). Consequently, fundamental questions concerning why ownership is conceived as *amanah*, how its ontological foundations shape Islamic legal reasoning, and to what extent these foundations inform the construction of *Maqāṣid al-Sharīʿah* remain insufficiently explored. This conceptual limitation indicates the need to revisit the ontology of property ownership in order to develop a more systematic understanding of the relationship between Islamic legal philosophy, the concept of *amanah*, and the higher objectives of the Sharīʿah.

A closer examination of the existing literature reveals that scholarly discussions on property ownership in Islamic law continue to evolve along three dominant trajectories. The first conceptualizes ownership as a legal institution governing proprietary rights, the second frames it as an ethical instrument for promoting social justice and sustainable economic development, while the third examines ownership within the framework of *fiqh al-muʿāmalāt*, emphasizing the legal mechanisms of wealth acquisition and utilization (Wahab, 2024). Although these perspectives have substantially enriched contemporary understandings of the role of ownership in Islamic economic life, they largely treat the ontology of ownership as a self-evident premise rather than as an independent subject of philosophical inquiry. Consequently, scholarly attention has been directed primarily toward explaining how Islamic law regulates ownership rather than why ownership is conceptualized in a particular way in the first place. Yet, this underlying question is critical, as it shapes the formulation of legal norms, defines the limits of proprietary rights, and provides the normative legitimacy for the legal instruments governing wealth within the Islamic legal system.

This limitation suggests that existing scholarship has not fully engaged with the philosophical foundations upon which the Islamic conception of ownership is constructed. The notion of *amanah* (trust) is generally understood as a moral obligation arising after the acquisition of property, rather than as the ontological basis that explains why human beings are entrusted with authority over wealth (Hasibuan & Yafiz, 2026). Likewise, *ḥifẓ al-māl* is frequently interpreted merely as the objective of protecting property without first examining the ontological conception of ownership that justifies such protection. From the perspective of Islamic legal philosophy, however, the objectives of the Sharīʿah cannot be separated from the foundational concepts upon which they are established (Auda, 2008). Rather, they are rooted in a coherent worldview concerning the nature of human beings, the nature of wealth, and their relationship with divine sovereignty. Accordingly, without a clear understanding of the ontology of ownership, discussions of *Maqāṣid al-Sharīʿah* risk remaining confined to normative legal discourse while overlooking the philosophical foundations that sustain the coherence of the Islamic legal system.

Against this background, the present study identifies a significant conceptual gap within the existing body of literature. Previous studies have made valuable contributions by examining the legal, ethical, and practical dimensions of property ownership in Islam however, they have not systematically explored the ontology of ownership as the philosophical foundation from which Islamic legal norms are derived (Buhari, 2024). As a result, the relationship between *amanah*, ownership, and *Maqāṣid al-Sharīʿah* continues to be understood in a fragmented manner, without adequately explaining the conceptual framework that integrates these three elements into a coherent theory of Islamic law. Addressing this gap requires an approach that moves beyond normative legal analysis by positioning ontology as the primary analytical lens for understanding the conceptual structure of property ownership in Islam.

Unlike previous studies that concentrate primarily on the normative and practical dimensions of ownership, this article places the ontology of property ownership at the center of its analysis in order to revisit the relationship between the nature of ownership, the concept of *amanah*, and *Maqāṣid al-Sharīʿah*. The principal contribution of this study lies in the development of a conceptual framework demonstrating that ownership in Islam should not be understood merely as a legal entitlement recognized by the Sharīʿah, but as a divinely entrusted responsibility that philosophically underpins the legal norms governing the acquisition, utilization, and protection of wealth. From this perspective, *ḥifẓ al-māl* is interpreted not simply as the preservation of property, but as the logical consequence of an ontological understanding that all wealth ultimately belongs to Allah, while human beings function as trustees accountable for its responsible management.

Building upon this perspective, this study aims to examine the ontology of property ownership within the framework of Islamic legal philosophy and to elucidate its significance for the construction of *Maqāṣid al-Sharīʿah*. By doing so, the study seeks not only to enrich theoretical discourse in Islamic legal philosophy but also to offer a more comprehensive conceptual framework for understanding the relationship between ownership, *amanah*, and the objectives of the Sharīʿah. Ultimately, it aspires to contribute to the advancement of Islamic economic law by reinforcing the philosophical foundations of property ownership and providing a conceptual basis for wealth governance grounded in justice, accountability, and public welfare (*maṣlaḥah*).

METHODS

This study adopts a conceptual-philosophical legal research design grounded in Islamic legal philosophy (Yulia Audina Sukmawan & Dwi Damayanti, 2025). Its primary objective is to examine the ontological foundations of property ownership in Islam and to explain how these foundations shape the normative structure of Islamic law and the formulation of *Maqāṣid al-Sharīʿah*. In this study, legal norms are not treated as the final object of analysis but as expressions of underlying philosophical commitments concerning the relationship between God, human beings, and wealth. This methodological orientation is appropriate because the research seeks to reconstruct the conceptual foundations of property ownership rather than evaluate legal practice or examine empirical phenomena.

The study employs three complementary approaches. The philosophical approach explores the ontological basis of property ownership by examining the concepts of divine ownership, human vicegerency (*khilāfah*), and *amanah* as the philosophical foundation of proprietary rights in Islam (Missai et al., 2024). The conceptual approach is used to clarify the meaning, development, and interrelationship of the principal concepts discussed in the study, including ownership, trust, wealth, and proprietary rights within Islamic legal thought. In addition, the Maqāṣid al-Sharīʿah approach examines how the ontological understanding of ownership contributes to the realization of the objectives of Islamic law, particularly the protection of wealth (*ḥifẓ al-māl*) and the promotion of public welfare (*maṣlaḥah*). Together, these approaches provide an integrated framework for linking philosophical inquiry with Islamic legal reasoning.

The research is based exclusively on documentary sources. Primary sources include the Qur'an, the Sunnah, and authoritative classical works of *fiqh* and *uṣūl al-fiqh* that address the concept and philosophical foundations of property ownership. Secondary sources comprise scholarly books on Islamic legal philosophy, *Maqāṣid al-Sharīʿah*, and peer reviewed journal articles relevant to ownership, ontology, and Islamic legal theory. The literature was selected according to its academic authority, conceptual relevance, and contribution to contemporary debates in Islamic legal scholarship. Data were collected through systematic document analysis involving the identification, classification, and critical examination of relevant texts (Wiraguna, 2024).

The analytical process consisted of four stages (Riyan Muhammad & Subarkah, 2024). First, conceptual analysis was conducted to identify the essential characteristics and development of property ownership within Islamic legal thought. Second, philosophical interpretation was employed to examine the ontological assumptions underlying the relationship between God, human beings, and wealth. Third, critical synthesis was undertaken by comparing classical Islamic legal scholarship with contemporary academic literature to identify conceptual continuities, differences, and unresolved issues. Finally, Maqāṣid-based reasoning was applied to explain how the reconstructed ontology of property ownership provides the philosophical basis for the protection of wealth (*ḥifẓ al-māl*) and the broader objectives of Islamic law. Instead of relying exclusively on deductive reasoning, the analysis moved iteratively between philosophical concepts, Islamic legal sources, and contemporary scholarship to develop a coherent conceptual framework.

The analytical rigor of the study was ensured through conceptual coherence, interpretive consistency, and critical engagement with authoritative sources. Interpretations were continuously evaluated by comparing classical Islamic legal literature with contemporary scholarship to ensure that the reconstructed conceptual framework remained both philosophically sound and normatively consistent (Wijayanti, 2023). Through this methodological framework, the study offers a theoretically grounded explanation of the ontology of property ownership in Islamic legal philosophy and demonstrates its significance for understanding the development of *Maqāṣid al-Sharīʿah*.

RESULTS AND DISCUSSION

Ontological Foundations of Property Ownership in Islamic Legal Philosophy

Existing studies on property ownership in Islamic law have predominantly focused on normative aspects, including the legal basis of ownership, the modes of acquisition, and the limitations governing the use of property (Fadillah Mursid et al., 2023). While this perspective provides a well-established juridical framework, it does not fully explain the nature of ownership as the underlying concept from which rights and obligations over property are derived. Before being understood as a legal institution, ownership is fundamentally an ontological issue concerning the origin, legitimacy, and purpose of property rights within the Islamic worldview. An ontological approach is therefore necessary to clarify the philosophical foundations that distinguish the Islamic conception of ownership from those developed within modern legal systems.

The ontological foundation of ownership in Islam is rooted in the doctrine of *tawḥīd*, which affirms that Allah is the absolute owner of all creation. The Qur'an consistently emphasizes that sovereignty over the heavens, the earth, and everything within them belongs exclusively to Allah, leaving no room for absolute human ownership. Consequently, human ownership does not arise independently but derives its legitimacy from divine authority. Property ownership in Islam is therefore grounded not in the exercise of control over material objects, but in the recognition that all proprietary rights ultimately originate from Allah (Roikhani, 2022).

On this foundation, human beings are entrusted with the role of *khalīfah*, receiving the mandate to manage wealth in accordance with the principles of Sharīʿah. This position indicates that human ownership is derivative rather than absolute, conferring authority to administer and utilize property rather than unrestricted dominion over it (Wijayanti et al., 2024). Accordingly, every proprietary right is inseparable from corresponding moral and legal responsibilities, ensuring that wealth is managed in a manner consistent with justice, public welfare (*maṣlaḥah*), and social equilibrium. From this perspective, rights and obligations constitute two inseparable dimensions of ownership.

The relationship between Allah, human beings, and property forms the ontological structure that characterizes ownership in Islamic legal philosophy. Allah is the absolute owner, human beings are trustees entrusted with responsibility, and property constitutes the object through which the objectives of the Sharīʿah are pursued. This structure demonstrates that ownership is not merely a legal relationship between a subject and an object, but also a theological relationship that provides the foundation for the legitimacy of every act involving property (Dzikrulloh, 2021). Consequently, the exercise of property rights cannot be separated from accountability before Allah and the obligation to safeguard the public interest.

Trusteeship as the Foundation of Ownership: Beyond Ethical and Juridical Interpretations

Within Islamic law, *amānah* is commonly understood as a moral obligation requiring property owners to manage their wealth with honesty, justice, and responsibility. Although this interpretation has established the ethical dimension of ownership, it continues to treat *amānah* as an obligation that arises only after ownership has been acquired (Dewi & Azzaki, 2024). Such an approach does not fully explain that *amānah* is the very principle from which ownership derives its legitimacy. This study therefore argues that *amānah* should be understood not merely as an ethical norm but as the ontological foundation that defines the legitimacy of property ownership in Islamic law.

This ontological perspective fundamentally reshapes the relationship between human beings and property. Ownership does not arise solely from effective control over an object but from a divine mandate that authorizes human beings to administer wealth in accordance with the objectives of the Sharīʿah. Consequently, ownership does not confer unrestricted authority; rather, it embodies responsibilities that exist from the moment the right is granted. In this framework, *amānah* is not a consequence of ownership but the precondition that both establishes and limits the exercise of proprietary rights (Nizaruddin, 2019).

Such a reconstruction shifts the orientation of ownership from the protection of individual rights toward responsible stewardship directed at the realization of *maṣlaḥah*. Ownership is no longer conceived as a means of maintaining exclusive control over wealth but as an instrument for ensuring that property is managed in ways that generate balanced benefits for both individuals and society. Accordingly, the legitimacy of any exercise of ownership cannot be assessed solely on the basis of legal entitlement but must also be evaluated according to its capacity to promote justice, prevent harm, and preserve social equilibrium. From this perspective, the social dimension of ownership is not an external limitation imposed upon proprietary rights but an inherent element of *amānah* itself (Afifah et al., 2024).

The findings of this study further demonstrate that the fundamental distinction between the Islamic conception of ownership and the paradigm of absolute ownership lies not merely in the existence of restrictions on the use of property but in the philosophical foundation from which ownership originates. (Mugni Muhit & Jajang Herawan, 2023) The paradigm of absolute ownership regards the owner's autonomous will as the principal basis for determining the use of property. By contrast, Islamic law identifies *amānah* as both the source of legitimacy and the normative framework governing every exercise of ownership. Consequently, the freedom to utilize wealth is inseparable from accountability before Allah and the obligation to pursue *maṣlaḥah* in accordance with the objectives of the Sharīʿah.

Based on this analysis, this study reconstructs *amānah* from an ethical value into the ontological foundation of property ownership in Islamic law. Within this framework, the legitimacy of ownership is derived not from the factual relationship between a person and an object of property but from a divine mandate that integrates rights, responsibilities, and the objectives of the Sharīʿah into a unified conceptual framework. Accordingly, the protection of property extends beyond safeguarding proprietary rights to ensuring that every form of ownership fulfills its function in realizing *maṣlaḥah*. This ontological reconstruction provides the conceptual basis for reinterpreting *ḥifẓ al-māl* within the framework of *maqāṣid al-Sharīʿah*, thereby establishing a more coherent paradigm of ownership grounded in the foundational principles of Islamic law.

Reconstructing *Ḥifẓ al-Māl* within the Framework of *Maqāṣid al-Sharīʿah*

Contemporary scholarship on *maqāṣid al-Sharīʿah* generally conceptualizes *ḥifẓ al-māl* as the objective of protecting property rights against unlawful appropriation, misuse, and destruction. While this perspective provides an important normative foundation for safeguarding ownership, it continues to regard property primarily as an object requiring legal protection. As a result, *ḥifẓ al-māl* is predominantly understood as a mechanism for securing proprietary rights rather than as a framework for ensuring that ownership is exercised in accordance with the objectives of the Sharīʿah. Such an interpretation does not fully integrate the protection of property with the ontological conception of ownership, in which human beings are entrusted with wealth as a divine trust (*amānah*) (Ratrie Nurandari & Moch. Khoirul Anwar, 2021).

Building upon this ontological framework, this study reconstructs *ḥifẓ al-māl* not merely as a principle concerned with protecting property as an object, but as a principle directed toward preserving the function of ownership as *amānah*. From this perspective, the protection of wealth extends beyond safeguarding the existence of property itself to encompass the entire process of acquiring, managing, utilizing, and distributing wealth in a manner consistent with the objectives of the Sharīʿah (Nurhidayatullah & Oman Fathurohman, 2024). Accordingly, the focus of *ḥifẓ al-māl* shifts from protecting material assets to preserving an ownership system that generates justice, public welfare (*maṣlaḥah*), and responsible stewardship.

This reconstruction also transforms the orientation of *ḥifẓ al-māl* from a rights-based approach to a trusteeship-based approach. Under the rights-based paradigm, the effectiveness of property protection is measured primarily by the security of individual proprietary rights. By contrast, the trusteeship based paradigm evaluates *ḥifẓ al-māl* according to the extent to which the institution of ownership fulfills the moral, social, and legal responsibilities inherent in every property owner (Ramzy et al., 2024). Consequently, protecting property is no longer regarded as an end in itself but as a means of realizing *maṣlaḥah*, which constitutes the overarching objective of the Sharīʿah.

This reconstruction further redefines the position of *ḥifẓ al-māl* within the broader framework of *maqāṣid al-Sharīʿah*. The protection of property cannot be understood as an isolated objective but must be interpreted in conjunction with the other objectives of the Sharīʿah. The management of wealth that disregards the principle of *amānah* undermines not only economic justice but also human dignity, social harmony, and the broader realization of *maṣlaḥah*. In this sense, *ḥifẓ al-māl* functions as an integrative principle that links the protection of ownership with the comprehensive realization of the objectives of Islamic law (Zaini, 2021).

Based on this analysis, this study argues that the reconstruction of *ḥifẓ al-māl* lies not merely in expanding the scope of property protection but in redefining the very meaning of protection itself. *Ḥifẓ al-māl* should no longer be understood as the protection of proprietary rights as an end in itself, but as the protection of the function of ownership as *amānah*, through which *maṣlaḥah* is realized. This reconstruction positions ownership as a philosophical institution that integrates rights, responsibilities, and the objectives of the Sharīʿah within a coherent conceptual framework. Accordingly, the principal contribution of this study is to redefine *ḥifẓ al-māl* as a paradigm of property protection grounded in trusteeship rather than in the mere exercise of proprietary control.

Implications of the Ontological Reconstruction of Ownership for the Development of Islamic Legal Philosophy

The ontological reconstruction of ownership, which establishes *amānah* as the basis for the legitimacy of property rights, carries significant implications for the development of Islamic legal philosophy. Ownership is no longer understood merely as a legal relationship that generates individual rights over property but as a normative construct integrating theological, ethical, and juridical dimensions within a coherent conceptual framework. From this perspective, the legitimacy of ownership derives not only from legal recognition but also from the responsibility entrusted to human beings to manage wealth in accordance with the objectives of the Sharīʿah (Faridatuz Zakiyah & Mohammad Salahuddin Al-Ayyuubi, 2025).

This reconstruction fundamentally reshapes the understanding of property protection in Islamic law. The protection of ownership is no longer confined to safeguarding individual proprietary rights but extends to preserving the social function inherent in every form of ownership. Consequently, the legitimacy of ownership cannot be assessed solely through formal legal entitlement it must also be evaluated according to its capacity to promote justice, public welfare (*maṣlaḥah*), and social equilibrium as the fundamental objectives of the Sharīʿah (Ubaidillah et al., 2024). This shift demonstrates that proprietary rights and social responsibility are not separate concepts but mutually constitutive elements of the Islamic conception of ownership.

From the perspective of Islamic legal philosophy, this reconstruction further demonstrates that rights and obligations exist in an inseparable relationship. Property rights derive their legitimacy through the responsibilities accompanying them, while those responsibilities can only be fulfilled through the recognition of legitimate rights. Ownership, therefore, should not be regarded as an end of the law but as an instrument for realizing justice and *maṣlaḥah*, which constitute the normative orientation of Islamic law. Accordingly, the function of law extends beyond guaranteeing legal certainty to ensuring that the exercise of ownership remains consistent with the objectives of the Sharīʿah (Jailani Muhtadhy et al., 2025).

The findings of this study further indicate that an ontological approach provides a more comprehensive conceptual framework for understanding ownership than approaches confined to normative legal analysis. Within this framework, *amānah* and *ḥifẓ al-māl* are understood not as separate doctrines but as interconnected philosophical principles that explain the source of legitimacy, the limits of ownership, and its orientation toward *maṣlaḥah*. Rather than replacing the classical understanding of ownership, this reconstruction expands its analytical framework, enabling it to respond more effectively to contemporary legal and economic developments.

Based on the foregoing analysis, this study reconstructs the concept of ownership in Islamic law from an ownership-oriented paradigm to a trusteeship-oriented paradigm. This reconstruction demonstrates that *ḥifẓ al-māl* should no longer be understood merely as the protection of proprietary rights but as the protection of the function of ownership as *amānah*, through which the objectives of the Sharīʿah are realized. The principal contribution of this study, therefore, lies in redefining the ontology of ownership as a conceptual foundation that integrates the legitimacy of rights, human responsibility, and *maqāṣid al-Sharīʿah* within a unified framework of Islamic legal philosophy. By offering this perspective, the study contributes to the advancement of Islamic legal philosophy while providing a conceptual basis for future research on ownership and property protection in the context of contemporary Islamic law.

CONCLUSIONS

This study demonstrates that property ownership in Islamic law should not be understood merely as a legal relationship that generates proprietary rights but as an ontological construct defining the legitimacy, limits, and purpose of ownership. Within this framework, ownership derives its legitimacy not from human control over wealth but from a divine mandate that entrusts human beings with the responsibility of managing property as *amānah*. Accordingly, *amānah* is reconstructed from being merely an ethical consequence of ownership into the ontological foundation that both legitimizes and limits the exercise of proprietary rights. Building upon this foundation, the study reconstructs *ḥifẓ al-māl* from a paradigm centered on the protection of proprietary rights to one directed toward safeguarding the function of ownership as *amānah* in realizing *maṣlaḥah*.

The principal contribution of this study lies in redefining the ontology of ownership as a conceptual framework that integrates the legitimacy of rights, trusteeship, and the objectives of the Sharīʿah within Islamic legal philosophy. The novelty of this research does not lie in expanding the scope of property protection but in transforming the paradigm of *ḥifẓ al-māl* from protecting private ownership as an end in itself to protecting the function of ownership as a form of trusteeship. This reconstructed framework enriches contemporary Islamic legal philosophy while providing a theoretical foundation for addressing emerging issues of property governance, including digital assets, Islamic financial regulation, intellectual property rights, and other modern forms of ownership that require a balanced relationship between individual rights, social responsibility, and *maṣlaḥah*.

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