

**Comprehensive Study of Licensing Policy and Benefits of Danantara in
The Perspective of Human Rights and Maqashid Syari'ah**

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ABSTRACT

This research is qualitative research with a descriptive approach, namely an approach that aims to comprehensively describe DANANTARA, Human Rights, and Maqashid Sharia one by one. The data used in this study is secondary data that the researcher obtained indirectly from scientific articles in scientific magazines and credible websites. The conclusion in this article show that the existence of Danantara is in line with the principles contained in human rights and maqashid syari'ah because it aims to manage state assets optimally which can ultimately prosper the people and create problems. The welfare of the people is an achievement of a country as well as a concrete form of protecting the right to life of the people. From the perspective of maqashid syari'ah, the welfare of the people is also one of the masalah referred to by syahtibi and loved by Allah SWT.

Keywords: Danantara, Human Rights, Maqashid Syari'ah

ABSTRAK

Penelitian ini merupakan penelitian kualitatif dengan pendekatan deskriptif, yaitu pendekatan yang bertujuan untuk mendeskripsikan secara komprehensif DANANTARA, HAM, dan Maqashid Syariah satu per satu. Data yang digunakan dalam penelitian ini merupakan data sekunder yang diperoleh peneliti secara tidak langsung dari artikel ilmiah di majalah ilmiah dan website yang kredibel. Kesimpulan dalam artikel ini menunjukkan bahwa keberadaan Danantara sejalan dengan prinsip-prinsip yang terkandung dalam hak asasi manusia dan maqashid syari'ah karena bertujuan untuk mengelola harta negara secara optimal yang pada akhirnya dapat mensejahterakan rakyat dan menimbulkan masalah. Kesejahteraan rakyat merupakan pencapaian suatu negara sekaligus bentuk konkret melindungi hak hidup rakyat. Dari perspektif syari'ah maqashid, kesejahteraan umat juga merupakan salah satu masalah yang dimaksud oleh syahtibi dan dicintai oleh Allah SWT.

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INTRODUCTION

According to scientific research, the history of human rights only grew and developed when humans began to pay attention to these rights and fight for them against attacks or dangers arising from the power of a society or state. In essence, the issue of human rights revolves around the relationship between humans as

individuals and society. Because when a country becomes stronger and more widespread, it will be forced to intervene in the environment of personal rights which results in the reduction of personal rights. So at the same time, disputes occur between individuals (people) who are always in a losing position. At that time, protection of individual rights that are fundamental is very much needed. If we trace further back regarding the history of the birth of human rights (Effendi, 1994). Generally, experts in Europe are of the opinion that the embryo of human rights has actually existed since the birth of Magna Charta¹⁰ 1215 in the English kingdom. In Magna Charta, it is stated, among other things, that a king who has absolute power can have his power limited and be held accountable before the law. From this, the doctrine "the king is not above the law" was born and must be responsible to the people. Even though the power to make laws at that time was mostly in his hands (Monica, 2021).

Politically, the birth of the Magna Charta was the forerunner of the birth of constitutional monarchy. The ruler's bond with the law can be seen in Article 21 of the Magna Charta, which states that "Princes and Barons shall be punished or fined according to equality, and according to the offense they have committed." In 1789, the French Declaration was born (Fajri, 2016). This Declaration contains legal rules that guarantee Human Rights in the legal process, such as the prohibition of arbitrary arrest and detention of a person without a valid reason or detention without a warrant issued by an authorized legal institution (Budijanto & Rahmanto, 2021).

The development of human rights was further marked by the emergence of the discourse of the four human rights and freedoms (the four freedoms) in the United States on January 6, 1941, which was proclaimed by President Roosevelt. According to Prof. Miriam Budiarjo, as quoted by Abdul Ghofur, the four freedoms are (Aris Setyo Nugroho, 2008): a. Freedom to speak and express opinions (freedom of speech) b. Freedom of religion (freedom of religion) c. Freedom from fear (freedom of fear) d. Freedom from want (freedom of want).

The recognition of human rights in Europe began with the birth of the Magna Charta in England, which essentially contained the view that the king, who previously had absolute power, had his power limited by law. The birth of the Magna Charta was followed by the Bill of Rights in 1689, which gave rise to the view that essentially humans are equal before the law. This view then encouraged the emergence of a state of law and a democratic state (Albertin, 2019). The development of human rights was further marked by the emergence of The American Declaration of Independence, the contents of which emphasized the view that humans are free creatures from the womb of their mothers, so it is illogical if after birth they are shackled. In 1789, The French Declaration was born, a statement of basic human and citizen rights as a result of the French revolution under the leadership of General Lafayette with the symbols *Liberte*, *Egalite*, *Fraternite*, which means freedom, equality, and brotherhood. A more significant development was proposed by the President of the United States, F.D. Roosevelt, with the teachings of The Four Freedoms, which read (Ramadani et al., 2023): a. Freedom of speech and expression (freedom to express opinions and work)

b. Freedom of Religion (freedom of religion) c. Freedom from fear (freedom from fear)
d. Freedom from want (freedom from feeling poor).

All of the above rights after World War II were used as the basis for the formulation of human rights in the form of the Universal Declaration of Human Rights. In 1966, the UN General Assembly unanimously approved the agreement on economic, social, and cultural rights, and the agreement on civil and political rights and until now in the 21st century the struggle for human rights is still being fought for. Human rights have experienced developments in thought that are divided into 4 generations (Maulida, 2018): a. The first generation, states that human rights thinking is only centered on the fields of law and politics. b. The second generation, argues that human rights thinking not only demands legal rights but also social, economic, political, and cultural rights. c. The third generation, which is a reaction to the second generation of human rights thinking that does not emphasize the balance between legal rights and socio-cultural rights. d. The fourth generation, which is a critic of the very dominant role of the state in the development process that focuses on economic development so that it has negative impacts such as neglecting aspects of people's welfare. This fourth generation of human rights thinking was pioneered by countries in the Asian region in 1983 which later gave birth to the Declaration of The Basic Duties of Asia People and Government.

Some of the human rights concepts mentioned above are in line with the principles of *maqashid sharia* in the Islamic religion (Shiddiq, 2009). Al-Syatibi uses different words related to *almaqasid*. These words are *maqasid al-syariah*, *al-maqasid al-syar'iyyah*, and *maqasid min syar'i al-hukm*. However, several of these words contain the same *meaning*, namely the purpose of the law revealed by Allah SWT (Shidiq, 1970). According to al-Syatibi, what is meant by *al-maslahah* in the sharia sense is taking advantage of and rejecting *mafsadat* which is not only based on common sense, but in order to maintain the rights of servants. In connection with this, it is worth stating the justification for al-Syatibi's opinion that reason cannot determine the good and evil of something, meaning that reason cannot be the subject of the Shari'a. Here, it can actually be understood that al-Syatibi, in discussing *maslahat*, provides two *dlaabath al-maslahat* (criteria for *maslahat*) as limitations: First, the *maslahat* must be absolute, meaning it is not relative or subjective, which would make it subject to lust. Second, the *maslahat* is universal (*kulliyah*) and this universality does not contradict some of its *juziyat* (Paryadi, 2021). Based on this, this study aims to comprehensively analyze the licensing policy and benefits of DANATARA from the perspective of human rights and *maqashid sharia*.

RESEARCH METHODS

The above explanation indicates that this study aims to comprehensively analyze the licensing and benefits of DANATARA from the perspective of human rights and the *maqashid sharia* (Manzilati, 2017). This research is qualitative research with a descriptive approach, namely an approach that aims to comprehensively describe DANATARA, Human Rights, and *Maqashid Sharia* one by one (Qodir, 2023).

The data used in this study is secondary data that the researcher obtained indirectly from scientific articles in scientific magazines and credible websites (Nartin et al., 2024) & (Amane et al., 2023). The data obtained by the researcher was analyzed through the stages of data collection, data selection, data reduction, and drawing conclusions with a more comprehensive explanation below (Sugiyono, 2019).

RESULT AND DISCUSSION

Human Rights and Maqashid Syariah

According to scientific research, the history of human rights only grew and developed when humans began to pay attention to these rights and fight for them against attacks or dangers arising from the power of a society or state. In essence, the issue of human rights revolves around the relationship between humans as individuals and society. Because when a country becomes stronger and more widespread, it will be forced to intervene in the environment of personal rights which results in the reduction of personal rights. So at the same time, disputes occur between individuals (people) who are always in a losing position. At that time, protection of individual rights that are fundamental is very much needed. If we trace further back regarding the history of the birth of human rights (Effendi, 1994). Generally, experts in Europe are of the opinion that the embryo of human rights has actually existed since the birth of Magna Charta¹⁰ 1215 in the English kingdom. In Magna Charta, it is stated, among other things, that a king who has absolute power can have his power limited and be held accountable before the law. From this, the doctrine "the king is not above the law" was born and must be responsible to the people. Even though the power to make laws at that time was mostly in his hands (Monica, 2021).

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Comprehensive Study Of Licensing Policy And Benefits Of Danantara In The Perspective Of Human Rights And Maqashid Syari'ah

According to the book "Investment Law" by (Wikipedia, 2025), investment is an activity related to attracting funds to procure capital goods now, thereby generating a flow of new products in the future. Investment is crucial because it can drive economic growth. Therefore, the President of Indonesia established an agency related to this activity, namely Danantara. Danantara is an agency that manages investments in Indonesia, which are broader than the government budget. Its goal is to maximize the management of large-scale state assets with better coordination. Furthermore, Danantara was also established to be a catalyst for economic growth in Indonesia. This is done in various ways, such as optimizing state assets. Thus, public welfare can be improved.

The establishment of Danantara stems from the establishment of economic targets for the next five years. These targets aim to achieve high, high-quality, and inclusive economic growth. The President did not simply establish Danantara, as it has a legal basis. This legal basis comes in the form of a revision of the State-Owned Enterprises Law. This is also the government's primary plan for Danantara. This legal basis supports Danantara's authority as an independent government investment management agency. This will allow Danantara to operate optimally. In addition to the legal basis, Danantara will also be supported through an operational budget from the 2025 State Budget. Inter-ministerial coordination is also being carried out to ensure the agency can operate optimally as quickly as possible (Willa Wahyuni, 2025).

Based on the explanation regarding Danantara, Human Rights, and *Maqashid Syari'ah* that the researcher has explained above, the existence of Danantara is in line with the principles contained in human rights and *maqashid syari'ah* because it aims to manage state assets optimally which can ultimately prosper the people and create problems. The welfare of the people is an achievement of a country as well as a concrete form of protecting the right to life of the people. From the perspective of *maqashid syari'ah*, the welfare of the people is also one of the *maslahah* referred to by *syahtibi* and loved by Allah SWT.

CONCLUSION

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