



PHILOSOPHY LAW ISLAM (TASYR'I)

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Abstract

Philosophy law Islam or tasyr'i is runway philosophical Which underlying all over building law Islam, Which regulates human relations with God and fellow human beings in everyday life. Through the study of Islamic legal philosophy, we can understand the goals, basis, and principles underlying the application of law in the lives of Muslims. This study aims to examine the essence of Islamic legal philosophy by identifying its sources of law, the values contained, as well as objective Which want to achieved. Method study This is studies literature with approach descriptive-analytical to understand the concepts of Islamic legal philosophy. This analysis describes the concept of tasyr'i as a way to maintain human welfare and prevent damage. The results of this study indicate that tasyr'i is not only formal legal but also functions as a moral, social, and spiritual guide to achieve justice and human welfare.

Keywords : Philosophy, Law Islam, Relationships, Justice, Prosperity

1. INTRODUCTION

The philosophy of Islamic law, or often called tasyr'i, is a study that discusses the philosophical foundations that form the basis of Islamic law. This philosophy not only functions as a guideline in implementing sharia but Also reflect values universal like justice, balance, And wisdom. As a legal system that originates from divine revelation and the Sunnah of the Prophet Muhammad SAW, Islamic law has a multidimensional dimension. Which deep, including aspect ethical, social, And spiritual Which make it unique compared to with other legal systems. Deepening this philosophy is essential to understanding the essence of Islamic law as a balanced and comprehensive guide to life.

The study of Islamic legal philosophy focuses on understanding the objectives of law (maqasid al-shari'ah) and how these objectives are reflected in the application of sharia. In tasyr'i studies, maqasid al-shari'ah or goals law Islam focused on five principle main, that is guard religion, soul, reason, descendants, and wealth. Principles This acknowledged as foundation Which support justice social And welfare man as a whole. With these principles, tasyr'i not only regulates individual behavior, but also designs a harmonious and productive social order.

On level practical, philosophy law Islam Also give framework think Which push people Islam is to use reason in understanding and applying the Shari'a in accordance with



the socio-cultural context develop. By Because That, study philosophy law Islam is not only discuss law as product rules, but Also as results thinking Which reflect objective humanity. With understand this philosophy, for practitioner And academics law Islam can develop understanding Which more deep regarding the dynamics of Islamic law in modern life.

2. RESEARCH METHOD

This study uses a library research method, with a descriptive-analytical approach to explore the concepts of Islamic legal philosophy. Primary data sources consist of the Qur'an and hadith, while secondary data sources include classical and contemporary books on Islamic law, maqasid the shari'ah, as well as writing for cleric And scholar Islam related. Analysis descriptive used to explain the concepts the basis of tasyr'i, while the analysis qualitative-analytical done to dig values philosophical in law Islam. Through method This, expected can understood meaning philosophy law Comprehensive Islam and its application in the lives of Muslims

3. RESULTS AND DISCUSSION

a. Concept Tasyr'i deep Law Islam

Tasyr'i in Islamic law refers to the effort to establish laws that come from the revelation of Allah through the Quran and the explanation of the Prophet in the hadith. Tasyr'i has a major goal, namely achieving human welfare (maslahah) and preventing all forms of damage (mafsadah). Islamic law not only involves formal legal aspects but also moral aspects that regulate the behavior of Muslims in all aspects of life. This concept of tasyr'i is colored by maqasid al-shari'ah, which is a guideline in understanding the meaning and purpose of various legal provisions.

Tasyr'i comes from the word syari'ah, which means path or water source, which in the context of Islam refers to the way of life designed by Allah to be lived by humans. In Islamic legal terms, tasyr'i means the process of establishing or legislating laws based on divine revelation and the sunnah of the Prophet Muhammad SAW, which functioning For guide people Islam in undergo life in accordance with values divine and humanity. Tashriyah No just gathering law Which nature legalistic, but Also concerning goals-goals big or purpose Which want to achieved through implementation law the. Philosophy tasyr'i in here is how every legal provision has the aim of maintaining welfare, justice and harmony in human life.

In Islam, tasyr'i based on two main sources, namely the Qur'an and the Sunnah of the Prophet Muhammad SAW. The Quran provides fundamental rules that must be obeyed, such as the prohibition of usury, the obligation of zakat, and laws other basics concerning worship and muamalah (inter-human relations). In addition, the Sunnah is a complement in explaining and providing concrete examples of how the rules are applied. This is where the tasyr'i process has universal value, namely being able to be applied in various context social And era Which different through ijtihad, or reasoning law, by competent scholars.

The concept of tasyr'i in Islamic law is closely related to the objectives of law or maqasid al-shari'ah, which aim to achieve human maslahah (welfare) and prevent mafsadah (harm). These maqasid serve as guidelines in making laws so that they do not only focus on literal application, but also considering values humanity and social



welfare. There is five purpose main recognized deep goals, namely take care of religion (hifz al-din), soul (hifz al-nafs), reason (hifz al-'aql), descendants (hifz al-nasl), and property (hifz al-mal). This principle governs all forms of tasyr'i, both in worship and muamalah, which means Islamic law aims to ensure spiritual and social balance in human life.

Process tasyr'i Also own flexibility in facing the change And development time through ijtihad. Expert scholars can apply ijtihad to adapt the law based on new contexts that did not exist in the past, such as modern economic problems, international relations, or environmental issues. Thus, the concept of tasyr'i is not merely rigid but also contains an element of flexibility that allow law Islam For still relevant in various condition And era, while maintain the essence of maqasid al-shari'ah.

b. Maqasid the Shari'ah as Essence Tashriyah

Maqasid al-shari'ah or the purpose of the Sharia is an important concept in Islamic legal philosophy. Five principle main deep goals namely take care of religion, soul, mind, descendants, and property, works as a pillar in maintaining social harmony and individual welfare. The application of sharia in accordance with this maqasid is expected to be able to create a just and prosperous society. This concept views the law no only as rules standard but as road for reach life which dignified and quality. Therefore, understanding maqasid is very crucial in maintaining the relevance of sharia in the midst of social change. Objectives al-Shari'ah, or purpose Sharia, is foundation main deep understand essence tasyr'i or philosophy law Islam.

Objectives Sharia reflect purpose and purpose law Islam which oriented towards human welfare. This concept provides important guidance on how Islamic law is applied to achieve maslahat (goodness) and avoid mafsadah (harm). Maqasid al-Shari'ah has a vital role in ensuring that the law is not only applied textually but Also in a way contextual, so that essence sharia can applied in various era And place without losing its relevance. In Islamic law, maqasid al-shari'ah refers to five main objectives, often referred to as al-dharuriyyat al-khams (five basic needs). These five main objectives are:

- 1) Protecting religion (hifz al-din): Protecting religion is the main objective underlying the Shari'a. Laws such as the obligation of prayer, fasting, zakat, and the prohibition of shirk aim to maintain the integrity of the faith and practice of Islam in the lives of the people.
- 2) Guard soul (hifz al-nafs): Sharia Islam very value life man. The rules regarding the punishment for murder, the prohibition of suicide, and provisions of criminal law aim to protect human life from being misused or taken away unlawfully.
- 3) Maintaining reason (hifz al-'aql): Reason is considered an important gift from Allah that distinguishes humans from other creatures. Therefore, Islamic law prohibits the use of substances that damage reason, such as alcohol and narcotics, so that reason is maintained for the good of the individual and society.
- 4) Protecting descendants (hifz al-nasl): Islam places great emphasis on legitimate descendants as part of from structure social. Wedding Which legitimate, rule about inheritance, And prohibition to Adultery is a form of implementing sharia to protect offspring and create a stable family.
- 5) Safeguarding wealth (hifz al-mal): Wealth has an important role in human life, so that the sharia regulates aspects of ownership, trade, and the prohibition of usury to ensure fair distribution and prevent exploitation or plunder.



Maqasid al-Shari'ah functions to maintain a balance between individual rights and collective interests. society. Philosophy tasyr'i which oriented on goals this give space for the development of Islamic law through ijti'had, to suit modern challenges. For example, in an economic context contemporary, goals Sharia push development system banking sharia which interest-free for create justice economy. That's right. also deep issue environment, principle take care of soul and property in goals can translated as commitment for protect nature for the sake of continuity human life .

The importance of maqasid al-shari'ah is also seen in the contextual application of various Islamic laws. Scholars, through ijti'had, can make interpretations that are in accordance with the principles of maqasid deep problems new which appeared. Principle goals this makes possible Sharia Islam to remain relevant without having to abandon its basics, while still maintaining benefits and avoiding harm. With thus, goals Sharia to be pillar main deep concept tasyr'i which ensure that Islamic law is not just rigid norms, but dynamic, responsive, and progressive rules.

c. Relevance Tashriyah with Dynamics Social Contemporary

Islamic legal philosophy has flexibility in facing the changing times, thanks to the principle of ijti'had (reasoning law) which makes possible adaptation Sharia without eliminate essence the law. This is very important in facing contemporary issues such as human rights, sharia economy, and issues environment. Principles law which sourced from goals Sharia makes possible Sharia remain relevant and able answer challenge times. For example, deep context economy sharia, concept justice and the prohibition of usury is applied to avoid economic practices that harm the community. Thus, tasyr'i no only to be guide religious but also as solution practical for creating social and economic balance.

The relevance of Tasyr'i, or the determination of law in Islam, is very important in the context of contemporary social dynamics. In a society that is constantly changing, Islamic law must be able to adapt to developments. social, culture, And technology. Tashriyah functioning as guidelines moral And et fish Which can help society in facing modern challenges. Here is a brief explanation of the relevance of Tasyr'i to contemporary social dynamics:

1) Adaptation Islamic Law

- a) Change Social: Tashriyah must capable respond change social Which fast, such as globalization, urbanization, and changes in societal values.
- b) Cultural Context: Islamic law needs to take into account the local cultural context in order to remain relevant and accepted by society.
- c) Innovation and Technology: With the advancement of technology, Islamic law must accommodate new issues such as digital rights, privacy, and cybercrime.

2) Role Tashriyah in Public Modern

- a) Moral Guidance: Tasyr'i provides clear moral guidance for individuals in making ethical decisions amidst the complexities of modern life.
- b) Justice Social: Law Islam functioning For create justice social, reducing inequality, and protecting individual rights.
- c) Education and Awareness: People need to be educated about Islamic law so they can understand and apply it in their daily lives.

3) Challenge Which Faced with

- a) Interpretation Law: Various interpretation to Tashriyah can cause difference opinion among scholars and society.



- b) Resource Constraints: Many communities still face problems of illiteracy and lack of access to legal education.
- c) Globalization: Influence culture foreign can influence values public And challenging the implementation of Islamic law.

4. CONCLUSION

The philosophy of Islamic law or *tasyr'i* is the core of the objectives of Islamic law which prioritizes benefit and prevents *mafsadah*. Through an in-depth study of the basic concepts of *tasyr'i* and *maqasid al-shari'ah*, it can be concluded that Islamic law not only functions as formal regulation but also as moral and social guidelines that aim to form a just and prosperous society. The flexibility of Islamic law in the form of *ijtihad* allows the sharia to adapt to social dynamics without reducing the essence of the *maqasid*. Therefore, the philosophy of Islamic law has an important role in answering the challenges of the times while maintaining the main principles of the sharia.

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