



SHARIA PHILOSOPHY OF ISLAMIC LAW

FILOSOFI SYARIAH HUKUM ISLAM

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Abstract

Islamic law has unique characteristics as a guideline for regulating the life of a servant. By knowing the principles of the wisdom contained in the character of Islamic law, the practice in applying Islamic law can run optimally and be able to follow the guidance of Allah swt as a figure who lowers the sharia. The principles of convenience, divinity, benefit, and balance between physical and spiritual are the main keys to the value of Islamic law itself.

Keywords: Islamic law, divinity, character, convenience

Abstrak

Hukum Islam mempunyai ciri khas sebagai pedoman mengatur kehidupan seorang hamba. Dengan mengetahui prinsip-prinsip hikmah yang terkandung dalam karakter hukum Islam, maka amalan dalam penerapan hukum Islam dapat berjalan maksimal dan dapat mengikuti tuntunan Allah swt sebagai sosok penurun syariah. Prinsip kemudahan, ketuhanan, kemaslahatan, dan keseimbangan antara jasmani dan rohani merupakan kunci utama nilai hukum Islam itu sendiri.

Kata Kunci : Hukum Islam, Ketuhanan, Karakter, Kenyamanan



1. INTRODUCTION

The changes in the times that have occurred since the beginning of human life until now are quite rapid from one generation to another, but there is one thing that connects an era with the era before and after, namely the Divine messages so that religion becomes a guide and a guideline for human life.

Each Apostle from a different era brought messages that came from Allah swt. to become a religious foundation based on faith and sharia. Related to the creed revealed by Allah swt. to each apostle, there will be no difference from every creed brought by every apostle since the Prophet Adam (as). until the Prophet (saw) so that the content of faith is impossible to differ from one apostle to the Prophet (saw) which is the cover of heavenly religion, because the problems contained in the faith come through the path of *khobar* which is impossible for Allah swt as the main source to convey to each messenger different from each other.

This concept makes the Islamic building since it first appeared will not be different in its pattern even though it is brought by each apostle whose characteristics to a different era for each people from a different era. This makes the heavenly religious relationship identical without any opposing elements and is covered in the realm of faith and belief of each servant.

The identical characteristics in the issue of faith make the existing problems, especially in *the issue of us}ul*, not *debatable*. The postulates and arguments that support all the problems of the principle of faith through the path of mukatamad so that the originality of the news is maintained until now.

However, in terms of sharia, the characteristics of sharia are different from faith because sharia is the making of laws in order to regulate the lives of individuals and groups. So that the path of making sharia is through the preparation and consideration of the era when the related sharia is revealed, as well as harmony with the messenger who brought the sharia so that the benefit for each ummah is in accordance with the developments that occur.

The system that is built in the process of determining sharia has hidden values and wisdom that have implications for the formation of Islamic legal philosophy as the main tool in finding these wisdoms. So that in-depth knowledge of the secrets, characteristics, virtues and rules that apply to Islamic law has a fairly important position to better understand the dynamics contained in philosophy in Islamic law as its object.

Relying on the description and information that has been presented in the background section, the formulation of the problem can be limited as follows:

1. What is the essence of sharia philosophy of Islamic law?
2. What are the secrets and virtues of sharia philosophy of Islamic law?

2. RESEARCH METHOD

This type of research uses the sharia legal approach method. This approach is defined as an approach that leads to the question of whether or not something can be used according to Islamic law .

The data used in compiling this research is using references from journals, books and other articles related to the topic discussed.



3. RESULTS AND DISCUSSION

Sharia Philosophy of Islamic Law

In studying the philosophy of Islamic law, the deepening of the terms and the meaning of the object of this study is the most important principle in the discussion, because the limitation of understanding will further narrow and sharpen from which side the philosophy of Islamic law wants to be discussed. In his sense. Islamic philosophy of law has two meanings, namely the meaning in words and the meaning in a series of unity.

Several terms in the philosophy of Islamic law can be defined as follows:

Filsafat

In terms of etymology, philosophy comes from the Greek word, *philosophia*, a chain word from the word *philein* which means to love, and *sophia* which means wisdom. *Philosophia* means love of wisdom. The person who philizes or the person who does philosophy is called a philosopher or philosopher, meaning a lover of wisdom. In terms of terminology, as according to Sutan Takdir Alisyahbana quoted by Fathurrahman Djamil, philosophy means nature thinks, and philosophy means thinking. But not all thinking activities are called philosophical. Thinking called philosophical is thinking with conversion, that is, thinking carefully and according to a definite rule.

Harun Nasution said that the essence of philosophy is to think according to order (logic) freely (not bound by tradition, dogma, and religion) and deeply so that it gets to the bottom of the problem. Thus, philosophy will not be able to be separated from thinking activities that are the main tool in philosophy. A person who essentially thinks about an object or thing, then indirectly he will philosophize.

Wisdom

Hikmah comes from the Arabic word which means to establish, lead, decide, return. In the Al-Munawwir dictionary, the word *الحكمة* is isim mufrad, while the plural is *الحكم* which means wisdom. As for the term, as according to Ibn Sina in his Treatise Ath-Thabi'iyat quoted by Fathurrahman Djamil, it is to seek the perfection of human beings by describing all affairs and justifying all essences, both theoretical and practical according to the level of human ability.

Thus, the difference in terms between philosophy and wisdom is seen as having a difference on the one hand and having similarities on the other hand because both are a long and deep thought process to find out something that is the object of discussion. In fact, wisdom itself has a pattern that functions to explore the role of revelation in human deeds in order to be able to maximize the worship carried out by knowing the wisdom obtained.

1. Islamic Law

The definition of law in Arabic comes from the word *hakama* which means norm or rule, which is a measure or benchmark to assess the behavior or deeds of people and objects. Meanwhile, Islamic law is a set of regulations based on the revelation of Allah and the Sunnah of the Prophet regarding the behavior of *mukallaf* humans which are recognized and believed



to be valid and binding for all Muslims. The terms that have been described above have the function of fully understanding the philosophy of Islamic law as a unit that is a field of science as the object of study.

Thus, the philosophy of Islamic law is the knowledge of the essence, secret, and purpose of Islamic law both regarding its material, as well as the process of its determination, or the philosophy used to emit, strengthen and maintain Islamic law, so that it is in accordance with the purpose and purpose of Allah to establish it on earth, namely for the welfare of all mankind.

Just like philosophy in general answers questions that are not accessible to legal science. Likewise, the task of Islamic law philosophy as well as the task of philosophy in general has two tasks, namely critical tasks and constructive tasks. The critical task of Islamic legal philosophy is to question the paradigms that have been established in Islamic law. Meanwhile, the constructive task of Islamic legal philosophy is to unite the branches of Islamic law in the unity of the Islamic legal system so that it appears that one branch of Islamic law is inseparable from another. Thus, Islamic legal philosophy raises questions such as: what is the essence of Islamic law, the nature of justice, the nature of lawmakers, the purpose of law, and why people must obey Islamic law.

A. *Asrar al-Syariah al-Islamiah*

Asrar al-Syariah al-Islamiah or the secrets of Islamic law is something that arises because of a question about why or what is the reason why the sharia is made and implemented. In other words, the secret of Islamic law has a function as a purpose that must be known why the sharia was made by *musyarri'*, this is also the trigger to draw the wisdom contained in the shari'a.

However, our scholars in looking at *asrarul ahkam* or revealing 'illat and the wisdom of the law, the discussion that occurs is to say whether the law is 'illat, wise and contains benefits, disagreements of opinion or different thoughts. Sehingga pembentukan dan penguatan metode untuk menarik *asrar al-ahkam* memiliki kedudukan penting untuk memaksimalkan nilai-nilai pada suatu syariat.

In withdrawing a himah and the secret of the establishment of a Shari'a, the methods that can be done to obtain and know it are as follows:

a. Metode Ta'me

The ta'lili method is a method that is based on efforts to explore the law that rests on determining the laws (one that establishes the existence of law) contained in a nash. Amir Syarifuddin quoted al-Amidi's definition of 'illat as a clear and consistent nature (mundabit), by establishing the law according to that nature what is worthy of being the purpose of determining the law can be obtained. Whether the ruling is in the form of itsbat (positive) or nafyi (negative); both aimed at obtaining benefits and to prevent damage.

Thus, this 'illat is the trigger for the law of an event and becomes a profound wisdom as to why the sharia is ordered or prohibited. As in the example of the prohibition of liquor is caused by intoxicating nature, which by intoxicating a person will cause harm and a greater impact on the negative things that he will do. So that if there is a food and drink that has the



same identical effect, then automatically in the sharia will prohibit the consumption of these goods freely and without a strong reason.

With the *ta'lili* method, the concept of qiyas as a tool to give birth to a law can be implemented. This is because *illah* will be a bridge that connects the original law contained in the sharia text to the branch law that is not contained in a *ta'lili* method that also makes qiyas a tool agreed upon by the scholars for its validity in giving birth to sharia laws.

b. Ta'wil Methods

Ta'wil can mean the deepening of meaning or *intensification of meaning* and interpretation. As Allah said, "He takes out the living from the dead" (al-An'am: 95), if what is meant in the verse is to remove the bird from the egg, then that is the interpretation. But if what is meant is to remove believers from disbelievers, or learned people from ignorant people, then that is *ta'wil*.

With this understanding and depiction, the meaning of *ta'wil* has something more profound. Because tafsir only dwells on things that are visible and clear through the rules that have been formed by the mufasssir. In another instance when Surah al-Nasr came down, the Companions judged that the liberation of Mecca was near, but Ibn Abbas was ra. Able to see more deeply about the event of the descent of surah al-Nasr, he saw that this surah came down in favor of the time of the death of the Prophet (peace be upon him) not long ago.

B. Mahasin al-Syariah al-Islamiah

Looking at the laws throughout the history of mankind, every law made has advantages on one side and disadvantages on the other, this is because the background of making the law depends on the characteristics of a group of people who make the law, so the application of the law will be limited to the dimension of space and time in which they live.

This is different from Islamic law as a guide to life which is applied in various dimensions of life. As stated by Mutawalli al-Sya'rawi that:

إن الإسلام صالح لكل زمان ومكان

Means:

Indeed, Islam is relevant in every era and every place.

The relevance of Islam especially as sharia is due to the fact that *musyarri'* or the maker of sharia is not in a person, but Allah swt. through the role of His messenger, so that Islamic sharia can be applied in various times and places and is not bound by a certain time and a certain place on this earth. Some of the virtues of Islamic law or sharia characteristics can be summarized as follows:

a. Rabbaniyah

The word Al-Rabbaniyah comes from the Rasbpun masdar which means creator, regulator, educator. What is meant by Al-Rabbaniyah is the Islamic law or regulation made by the Creator (Rabb). This law is not a human being and a mixture of various human creations. The law of Al-Rabbaniyah was made by Allah the Creator and Almighty over everything that exists in the universe.



Islamic law comes from Allah SWT which is not limited to a certain time, but in accordance with the development of the times, time, space, and seasons do not have the influence and power to change the principles and foundations of Islamic Sharia. Islamic sharia regulates human life so that it truly complies with the will of Allah SWT. To provide appropriate teachings and directions, Allah SWT appointed the Prophet and Messenger to guide and teach His shari'a.

This nature of rabbaniyah is the main priority in Islamic law, because by relying on the nature of the divine as its creator, other laws do not have these characteristics. Thus, the function of rabbaniyah makes Islamic law will remain relevant in various dimensions of life when applied in daily life.

b. *al-Taisir wa Raf'ul Kharaj*

Islamic sharia is based on convenience and does not burden humans. Allah SWT. Allah does not burden the obligations that make it difficult for humans in the implementation of Islamic law. The obligation given is according to ability, Allah SWT says: Allah does not want to be a difficulty for you. (QS. Al-Maidah: 6), Allah wills ease for you, and does not want difficulty for you (QS. Al-Baqarah: 185), Allah does not burden man, except what he is able to bear (QS. Al-Baqarah: 206).

The ease of implementation of Islamic sharia from several aspects. For example, in the matter of prayer, if a person is unable to perform it in a standing condition, he will be given relief to sit in carrying it out, until he is no longer able to move his body. Islamic sharia will provide relaxation in accordance with the limits of a servant in carrying out prayers.

c. *Ri'ayatul Masholih Al-Basyariyah*

Islamic sharia pays attention to the benefits and goodness of humans and human fairies. Islamic sharia does not distinguish human beings in terms of nation, state, ethnicity, skin color, language, social status, and others. Islamic law states that human beings are one people.

Human benefits can be reviewed from three types, namely:

- 1) *Dharuriyat*, which is a necessity that must (absolutely) exist for humans, in the form of the maintenance of religion, soul, intellect, heredity and honor.
- 2) *Hajiyat*, which is a human need that if it is not there will be difficulties for him.
- 3) *Tahsiniyat*, which is a human need that is adjusted to habits and beauty, such as the obligation of beauty to dress in prayer, cover the awrah, and others.

d. *Al-Tawazun Bainal Maddah War Spirit*

Islamic sharia always pays attention to the balance between material and spiritual. Balance (*tawazun*) in Islamic sharia is moderate and balanced. Balance between the world and the hereafter, between the individual and the collective, between responsibility and freedom, between rights and obligations, and between the physical and spiritual.

The inequality between body and soul does not occur in Islamic law, even if we look at the entire life history of the Prophet (saw), the profession he carried out from a goat herder, to a merchant before being inaugurated as an apostle. This signifies and wants to be an in-depth



lesson about the ideal concept of Muslims to balance aspects of the world and aspects related to the hereafter.

4. CONCLUSION

Referring to the presentation of the paper above and its relation to the formulation of the problem that has been determined, the conclusions that can be drawn are as follows:

- a. The meaning contained in the philosophy of Islamic law has two types, the first is the understanding of each term of the sentence, and the second is the overall understanding as a science. The philosophy of Islamic law is the knowledge of the essence, secret, and purpose of Islamic law both in relation to its material, as well as the process of its formulation, or the philosophy used to emit, strengthen and maintain Islamic law, so that it is in accordance with the purpose and purpose of Allah to establish it on earth, namely for the welfare of all mankind.
- b. The method carried out to reveal the secret behind Islamic law uses the *ta'lil* method or the search for illat of a law, and uses the *ta'wil* method, which is to search for a deeper meaning of the establishment of Islamic law. Meanwhile, the virtue of Islamic sharia is that it contains a divine dimension, balances the body and spirit, and eliminates difficulties in carrying it out.

5. REFERENCES

- A. W. Munawwir, *Kamus Al-Munawwir* (Pustaka Progressi, 1997)
- Abdullah, Farhat, 'Keutamaan Syariat Islam', *Al-Risalah: Jurnal Studi Agama Dan Pemikiran Islam*, 10.1 (2019), pp. 130–40
- Amir Syarifuddin, *Pengertian Dan Sumber Hukum Islam Dalam Falsafah Hukum Islam* (Bumi Aksara, 1992)
- Amir Syarifudin, *Ushul Fiqh* (Kencana, 2008)
- Darmawati H, *Filsafat Hukum Islam* (UIN Alauddin, 2019)
- Faturrahman Jamil, *Filsafat Hukum Islam* (Logos Wacana Ilmu, 1997)
- Harun Nasution, *Falsafat Agama* (Bulan Bintang, 1987)
- Hasyimsyah Nasution, *Filsafat Islam* (Gaya Media Pratama, 1999)
- Ibnu Katsir, *Tafsir Al-Qur'an al-Azhim* (Dar Thayyibah, 1999)
- Muh. Salam Mazkur, *Al-Ta'rif Bi al-Syariah al-Islamiyah* (Maktabah al-Islamiyah, 1964)
- Muhammad Syukri Albani Nasution, *Filsafat Hukum Islam* (Kencana, 2020)
- Teungku Muhammad Hasbi Ash-Shiddieq, *Falsafah Hukum Islam* (2013)