

Dynamics of Islamic Law: The Role of Fiqh Principles and Rules in Contemporary Issues

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Info Articles	Abstract
<p>Article History Received: 2025-07-05 Revised: 2025-07-15 Published: 2025-07-31</p> <p>Keywords: <i>Islamic law, basic principles, rules of jurisprudence, legal istinbat, public interest.</i></p>	<p>Islamic law is a legal system derived from revelation and has unique characteristics that distinguish it from other legal systems. This study aims to analyze the basic principles and fundamental rules of Islamic law that serve as the basis for establishing and implementing law. The method used is qualitative research with a normative approach through a review of classical and contemporary literature. The results of the study indicate that the basic principles of Islamic law include justice (al-'adl), benefit (al-maslahah), legal certainty, and flexibility in responding to developments. Meanwhile, the rules of Islamic jurisprudence such as al-umur bi maqâsidiha, al-ḍarar yuzal, al-yaqîn la yazulu bi al-shakk, al-mashaqqah tajlib al-taysir, and al-'adah muḥakkamah play an important role in building a systematic and applicable legal framework. These principles and rules serve not only as guidelines for legal istinbat but also as instruments for addressing contemporary legal issues contextually. Therefore, a comprehensive understanding of the basic principles and rules of Islamic law is crucial for realizing laws that are just, relevant, and responsive to societal dynamics.</p>

I. INTRODUCTION

Islamic law is a legal system with unique epistemological and methodological characteristics because it originates from the revelation (the Qur'an) and the Sunnah of the Prophet Muhammad SAW, both of which are then processed through methodological tools such as ijma', qiyas, and various other istinbat methods. This uniqueness makes Islamic law a legal system that is not only normative, but also rational and contextual. To understand the dynamics of the application of Islamic law comprehensively, it is necessary to master two main foundations, namely the basic principles of Islamic law (al-mabâdi' al-asâsiyyah) and the basic rules of fiqh (al-qawâ'id al-fiqhiyyah). The basic principles of Islamic law such as the principle of justice (al-'adâlah), benefit (al-mashlahah), simplicity (al-tawâzun), legal certainty (al-yaqîn), and the universality of teachings are the philosophical foundations that distinguish the Islamic legal system from other legal systems. These principles serve as an ethical and normative framework to ensure that every legal provision applied does not deviate from the main objectives of sharia

(maqâshid al-syarî'ah), namely protecting religion, soul, mind, descendants and property.

On the other hand, fiqh rules are methodological formulations formulated by scholars based on inductive observations of partial laws in fiqh. Methods such as al-umûr bi maqâshidihâ (every matter depends on the goal), al-masyaqqah tajlibu al-taysîr (difficulty brings ease), al-ḍararu yuzâl (danger must be eliminated), and al-'âdah muḥakkamah (custom can be the basis of law) play an important role as analytical instruments in determining the law in new cases. This method allows Islamic law to be applied flexibly, methodologically, and remains within the corridors of sharia.

Modern social and technological developments also demand a more adaptive approach to Islamic law. Today, various contemporary issues, such as digital economic transactions, bioethics and modern medicine, reproductive technology, changes in social systems, and even issues of family law and international relations, require legal analysis that is not only textual but also contextual. In such situations, the basic principles and rules of Islamic law serve as epistemic tools to balance the text (naṣṣ) with social reality (al-

waqi'), thus producing laws that are relevant, beneficial, and widely accepted.

Thus, an in-depth study of the basic principles and rules of fiqh is not only important academically, but also has practical urgency in the legal decision-making process. Understanding these two aspects will enrich students' scientific competence in analyzing legal issues, as well as strengthening methodological abilities in explaining how Islamic law is able to respond to the challenges of the times. Therefore, discussion of the basic principles and basic rules of Islamic law is an important and strategic study in the sustainable development of Islamic legal science.

II. RESEARCH METHODS

This study employs a qualitative approach with library research, relying on a review of various written sources related to the basic principles and rules of Islamic law. The approach used is normative, as it focuses on examining Islamic legal norms as found in the Qur'an, Sunnah, and classical and modern literature on the principles of Islamic jurisprudence (*uṣūl al-fiqh*) and the rules of Islamic jurisprudence.

The data used in this research consists of primary data and secondary data. Primary data comes from the books of *uṣūl al-fiqh* and *maqāṣid al-syari'ah*, including the works of Al-Syaṭibi and Wahbah al-Zuhayli. Meanwhile, secondary data was obtained from various books, scientific journal articles, and other references relevant to the study of Islamic law and *fiqhiyyah* rules.

The data collection process was conducted through documentation methods, namely by tracing, reviewing, and grouping various library materials that are in accordance with the research focus. Data analysis was conducted using descriptive-analytical techniques, namely outlining the concepts of the basic principles of Islamic law, then examining their relationship to Islamic legal principles in the process of establishing law (*istinbāṭ al-aḥkām*).

Through this approach, research is expected to be able to produce a broader and deeper understanding of the basic principles and rules of Islamic law, while also demonstrating its relevance in dealing with various contemporary legal problems.

III. RESULTS AND DISCUSSION

A. Understanding Basic Principles and What Are the Basic Principles of Islamic Law?

The basic principles of Islamic law are the normative and philosophical foundations that form the basis for the entire building of sharia law. In the Islamic scientific tradition, law is not just a collection of technical rules, but is a manifestation of divine values, ethics, and beneficial goals outlined by Allah SWT. Therefore, the basic principles of Islamic law are understood as a set of general principles that direct how law is formed, interpreted and applied, so that every legal provision operates in accordance with the values of justice, balance and benefit (Wahbah al-Zuhayli, *Uṣūl al-Fiqh al-Islami*, Damascus: Dar al-Fikr, 1986, p. 45). These principles are present to ensure that all provisions of sharia are always in line with its main objective, namely realizing human welfare and preventing harm as explained in the theory of *maqāṣid al-syari'ah* (Al-Syaṭibi, *al-Muwafaqat fi Uṣūl al-Syari'ah*, Volume II, p. 7).

In the treasury of *uṣūl al-fiqh*, the basic principles of Islamic law include fundamental values that function as a framework for the process of establishing law (*istinbāṭ al-aḥkām*). These principles serve not only as moral standards but also as methodological ones, as they help scholars interpret texts when faced with new issues not explicitly found in the Qur'an and Sunnah. Thus, the basic principles of Islamic law make sharia dynamic, capable of responding to developments in the times without losing its fundamental character as a law derived from revelation. Scholars such as Al-Syaṭibi emphasized that sharia is built on the principles of welfare, justice, and balance, which are universal and always relevant in various social conditions (Muhammad Abu Zahrah, *Uṣūl al-Fiqh*, Cairo: Dar al-Fikr al-'Arabi, 1958, p. 56).

The basic principles of Islamic law are also understood as universal values inherent in every provision of sharia. These values include justice, welfare, humanity, balance, and moderation. Justice is the core principle that ensures that every application of the law is carried out without discrimination and always places humans in a proportional position. The welfare directs the law to provide real benefits to society, in accordance

with the fundamental principle of Islamic jurisprudence, namely: *jalb al-maṣaliḥ wa dar' al-mafasid* (take advantage and reject harm).

1. The Principle of Justice (al-'Adalah)

Justice is a fundamental principle and the soul of Islamic law. In the Quran, justice is explicitly commanded in various verses, particularly in the context of law enforcement and testimony. Allah commands that justice be upheld even if it conflicts with personal or family interests (Quran, an-Nisa': 135). Therefore, the principle of justice is objective and should not be influenced by emotional, economic, or social tendencies.

Furthermore, justice in Islamic law contains both procedural (the method of enforcing the law) and substantive (the results achieved) dimensions. Therefore, law enforcement in Islam not only pursues legal certainty but also ensures that its implementation meets the moral and ethical values of sharia (Al-Syatibi, al-Muwafaqat, Volume I, p. 31).

2. The Principle of Benefit (al-Maṣlaḥah)

Benefit is a universal value in Islamic law emphasized by the majority of scholars of the Islamic jurisprudence (usul fiqh). According to al-Ghazali, all provisions of sharia law are essentially aimed at safeguarding five basic human needs: religion, life, reason, posterity, and property (al-Ghazali, al-Mustaṣfa, Vol. I, p. 174). This demonstrates that Islamic law places great emphasis on both benefit and the prevention of harm.

The principle of benefit is also an important basis for dealing with new cases (al-nawazil) that are not found in classical sources. Through the benefit approach, scholars can establish laws that are in line with the objectives of sharia without going beyond the boundaries determined by the text (Ibn Qayyim al-Jauziyyah, I'lam al-Muwaqqi'in, Beirut: Dar al-Kutub, 1991, p. 12).

3. The Principle of Moderation and Balance (at-Tawazun wa al-Wasaṭiyyah)

Moderation is a hallmark of Islamic law, which rejects extremism. The Quran refers to

Muslims as *ummatan wasathan* (a moderate people) (Quran, Al-Baqarah: 143), indicating that Islamic law combines spiritual demands with social realities.

- a) In this context, balance is seen in: the relationship between rights and obligations, individual and societal interests,
- b) the world and the hereafter,
- c) freedom and responsibility.

This moderation ensures that Islamic law is not rigid, but still has clear moral boundaries (Yusuf al-Qaraḍawi, al-Khaṣa'ish al-'Ammah li al-Islam, Cairo: Maktabah Wahbah, 1996, p. 112).

4. The Principle of Legal Certainty (al-Yaqin)

Legal certainty is a principle that guarantees that a law can only be established based on strong arguments. In ushul fiqh there is a rule: *al-yaqin la yazulu bi al-syakk* (faith is not lost because of doubt) (Wahbah al-Zuhayli, Uṣul al-Fiqh al-Islami, Damascus: Dar al-Fikr, 1986, p. 74).

Thus, legal certainty prohibits establishing laws based on assumptions, conjecture, or speculation. This principle provides legal stability, particularly in the areas of transactions and the judiciary.

B. Basic Rules in Islamic Law (al-Qawa'id al-Fiqhiyyah)

The rules of fiqh are general formulations derived from many sub-rules (*furu'*). These rules make it easier for scholars and legal practitioners to identify legal patterns in various cases. There are five main rules of fiqh agreed upon by the majority of scholars (al-Ghazali, al-Mustaṣfa, Vol. I, p. 182):

1. The method of "al-Umur bi Maqaṣidiha"

Meaning: Everything depends on the purpose.

This rule is the basis for assessing the legality of actions, especially those related to intentions. In worship, intentions determine whether the charity is valid or not, while in muamalah, intentions determine the legal consequences. This method provides legal flexibility by considering

psychological and social dimensions (al-Suyuti, al-Asybah wa al-Naza'ir, p. 22).

2. The method of "al-Masyaqqah Tajlibu at-Taysir"

Meaning: Difficulty brings ease.

This method shows that the Shari'a does not aim to burden humans. Under certain conditions, the law can be relaxed, such as rukhsah for travelers and sick people. This method is strong evidence that Islamic law is responsive to the human condition (al-Ghazali, al-Mustaṣfa, Volume I, p. 174; al-Suyuti, al-Asybah wa al-Naza'ir, p. 60).

3. The method of "al-Ḍararu Yuzal"

Meaning: The danger must be eliminated.

This principle is the basis for the legitimacy of government policy in eliminating practices that are detrimental to society, such as fraud, usury, gambling and environmental damage. In the contemporary context, this method is widely used in bioethical analysis and economic law (Ibn Qayyim al-Jauziyyah, I'lam al-Muwaqqi'in, Beirut: Dar al-Kutub, 1991, p. 12).

4. The method of "al-'Adah Muḥakkamah"

Meaning: Custom can be a legal basis.

This method recognizes the power of customs that do not conflict with the Shari'a. This is important in the formation of local and contextual Islamic law, such as marriage customs, business transactions and social practices (al-Suyuti, al-Asybah wa al-Naza'ir, p. 89).

5. The method of "al-Yaqin La Yazulu bi al-Syakk"

Meaning: Confidence is not lost because of doubt.

This rule ensures that laws are not determined based on doubt. This method influences various fields such as worship, justice and muamalah. Legal decisions must be based on facts and definite knowledge (Wahbah al-Zuhayli, Uṣul al-Fiqh al-Islami, Damascus: Dar al-Fikr, 1986, p. 74).

C. The Relevance of Basic Principles and Rules to Contemporary Legal Issues

The basic principles of Islamic law (uṣul al-fiqh) and the rules of fiqh (al-qawa'id al-fiqhiyyah) play a crucial role in responding to various contemporary legal issues not explicitly mentioned in the texts. Technological developments, modern economic systems, social change, and the dynamics of international relations give rise to new cases (al-nawazil) that demand methodological flexibility without sacrificing the core values of sharia. Therefore, principles such as maqāṣid al-syari'ah, istihsan, maṣlaḥah mursalah, and sadd al-dzari'ah are important tools to ensure that Islamic law remains relevant, functional, and solution-oriented in every era (Muḥammad Hashim Kamali, Principles of Islamic Jurisprudence, Cambridge: Islamic Texts Society, 2003, pp. 378-380).

First, the principle of benefit (maṣlaḥah) is highly relevant to modern social issues, such as personal data protection, public health, Islamic fintech, and public policy. Sharia prioritizes the protection of religion, life, intellect, descendants, and property. Within this framework, regulation of digital data use can be positioned as part of safeguarding al-nafs (safety) and al-mal (property/information) from misuse. Although there is no explicit text, the principle of dar'u al-mafasid muqaddam 'ala jalb al-maṣalih (preventing harm takes precedence over achieving benefit) provides a strong basis for certain restrictions on the use of technology that could potentially endanger public privacy and security (al-Suyuti, al-Ashbah wa al-Naza'ir, p. 87).

Second, in the issue of modern economics and digital transactions, the principles of al-yaqin la yazulu bi al-syakk (belief is not lost due to doubt) and al-'adah muḥakkamah (custom/habit can be the basis of law) are very important. In online transaction practices such as marketplaces, e-wallets, or digital murabahah contracts, many new mechanisms are unknown in classical fiqh. However, as long as excessive gharar (unclearness) can be avoided and the principles of transparency and mutual consent between parties are fulfilled, Islamic law can still accommodate them (Wahbah al-Zuhayli, Uṣul al-Fiqh al-Islami, Damascus: Dar al-Fikr, 1986, p. 74).

Third, on the issue of biotechnology such as test tube babies, genetic engineering, organ transplants, and stem cell donation the principle of al-ḍarurat tubiḥ al-maḥzurat (emergency can permit the forbidden) is a very relevant framework. However, this principle must be limited by other principles such as al-ḍarurah tuqaddar bi qadriha (emergency is measured according to its needs), to prevent abuse or exceeding the ethical limits of sharia (Ibn Qayyim al-Jauziyyah, *I'lam al-Muwaqqi'in*, Beirut: Dar al-Kutub, 1991, p. 12).

Fourth, in the issues of gender, family, and domestic violence, the principle of al-ḍarar yuzal (all forms of harm must be eliminated) plays a very significant role. This principle provides a normative basis for protecting women, fulfilling the right to a decent living, and addressing domestic violence, although in practice there are social traditions that do not always align with the values of Islamic justice (Jamal Badawi, *Gender Equity in Islam*, Plainfield: American Trust Publications, 1995, pp. 41-45).

Fifth, in the issue of the environment, pollution, and climate change, the principle of taṣarruf al-imam 'ala al-ra'iyyah manuṭ bi al-maṣlaḥah (government policies must be oriented towards the welfare of the people) becomes the basis of legitimacy for strict regulations in the management of natural resources. Islamic law views humans not as the absolute owners of nature, but as khalifah who have the responsibility to maintain its sustainability and preservation (al-Qarafi, *al-Furuq*, Beirut: 'Alam al-Kutub, 1998, Volume I, p. 177).

Thus, the basic principles and rules of Islamic jurisprudence serve as a bridge between the texts and modern realities. Both provide methodological flexibility that allows Islamic law to remain relevant and consistent with sharia values. This flexibility does not imply relativism, but rather a measured form of adaptation based on the broader objectives of sharia, enabling Islamic law to respond to the challenges of the times without losing its normative identity.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

The basic principles and rules in Islamic law are two methodological components that have a fundamental role in building the structure of Islamic legal thought. Basic principles (*al-mabadi' al-asasiyyah*) serves as an epistemological and philosophical foundation that underlies the overall character of Islamic law, including the principles of justice, public welfare, balance, and legal certainty. These four principles not only serve as a normative foundation, but also as a guiding mechanism in formulating partial laws so that they remain in line with the main value of sharia, namely realizing the public welfare (*jalb al-maṣaliḥ*) and resist damage (*dar' al-mafasid*).

Meanwhile, the rules of fiqh (*al-qawa'id al-fiqhiyyah*) is present as a technical and methodological tool for the fuqaha in carrying out *istinbat* law on issues that are not explicitly stipulated in the text. Methods like *al-umur bi maqaṣidiha*, *al-masyaqqah tajlibu at-taysir*, *al-ḍarar yuzal*, *Andal-'adah muḥakkamah* providing flexibility, efficiency and certainty in the legal decision-making process. The function of this rule is not only to simplify the reasoning process, but also to maintain consistency with Islamic law *maqaṣid al-syari'ah* as its highest goal.

Through the integration of principles and rules, Islamic law shows its very strong adaptive capacity. In facing developments in an era full of dynamics, such as modern economic issues, digital finance, bioethics, information technology, and changes in social structure, Islamic law can still provide relevant, rational and beneficial solutions. These principles and rules are what keep Islamic law from being rigid (*rigid*), but rather elastic in the realm of muamalah, social, and customs, while remaining firm and definite in matters of worship and matters that have clear textual provisions.

This entire description shows that Islamic law has a rich and systematic internal mechanism to answer contemporary problems without having to deviate from the corridor of divine values.

Thus, studying, understanding and mastering the basic principles and rules of fiqh is not just an academic requirement, but is an important entry point to understanding the character of

Islamic law as a comprehensive, humanist, adaptive legal system and oriented towards achieving the goals of the sharia. An in-depth understanding of these two aspects is very important, especially for students and academics of Islamic law, so that the legal analysis carried out does not stop at the textual level, but is able to arrive at a substantive meaning that reflects the values of justice and benefit which are the spirit of Islamic law.

B. Suggestion

Thus, the author has written this paper, realizing that this paper still has many shortcomings. Therefore, constructive criticism and suggestions are always welcome for the perfection of this paper. Finally, the author would like to thank all parties who have assisted in the completion of this paper.

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