

Basic Principles and Basic Rules of Islamic Law

Hasan Munthe¹ Febrianti Lingga²

¹STAI Aceh Tamiang

²State Islamic University of North Sumatra

E-mail: hasanmunthe900@gmail.com fbriantiilingga@gmail.com

Info Artikel	Abstract
Article History Received : 2023-09-08 Revised: 2023-09-18 Published: 2023-09-30	Islamic law is a legal system that originates from revelation and has unique characteristics. This research aims to examine the basic principles and rules of Islamic law as a basis for determining law. The method used is qualitative research with a normative approach through literature review. The research results show that the basic principles of Islamic law include justice (al-'adl), benefit (al-maslahah), legal certainty, and flexibility. The principles of Islamic jurisprudence, such as al-umūr bi maqāshidihā, al-ḍarar yuzāl, and al-mashaqqah tajlib al-taysīr, serve as a methodological framework in establishing law. Thus, these principles and rules are important in legal istinbāt so that it remains relevant and responsive to developments in society.
Keywords: <i>Islamic Law, Basic Principles, Al-Qawā'id Al-Fiqhiyyah, Istinbāt, Welfare..</i>	

I. INTRODUCTION

Islamic law is a legal system that has unique epistemological and methodological characteristics because it is sourced 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 istinbath 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-mabadi' al-asasiyyah) and the basic rules of fiqh (al-qawā'id al-fiqhiyyah). The basic principles of Islamic law such as the principle of justice (al-'adlah), benefit (al-mashlahah), simplicity (al-tawazun), legal certainty (al-yaqin), 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 any legal provisions applied do not deviate from the primary objectives of sharia (maqashid al-syari'ah), namely safeguarding religion, life, intellect, lineage, and property. On the other hand, the principles of fiqh are methodological formulations formulated by scholars based on inductive observations of partial laws in fiqh. Principles such as al-umur bi

maqāshidihā (every matter depends on its purpose), al-masyaqqah tajlibu al-taysīr (difficulty brings ease), alḍararu yuzāl (danger must be removed), and al-'adah muhakkamah (custom can be the basis of law) play an important role as analytical instruments in determining the law for new cases. These principles allow Islamic law to be applied flexibly, methodologically, and remain 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 problems in 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 (nash) with social reality (al-waqi') to produce laws that are relevant, beneficial, and widely accepted. Therefore, an in-depth study of the basic principles and rules of fiqh is not only academically important but also has practical urgency in the legal decision-making process. Understanding these two aspects will enrich students' scientific competence in analyzing legal issues, while strengthening their methodological abilities in explaining how Islamic law can 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 scholarship.

II. RESEARCH METHODS

This research uses a qualitative approach with the type of library research (*library research*), namely research that relies on the study of written sources relevant to the topic of basic principles and rules of Islamic law. The approach used is a normative approach, because this research focuses on analyzing Islamic legal norms as found in the Al-Qur'an, Sunnah, as well as classical and contemporary literature in the field of ushul fiqh and fihiyyah rules.

The data sources in this research consist of primary data and secondary data. Primary data was obtained from ushul fiqh and maqāsid al-syarī'ah books, such as the works of Al-Syātibī and Wahbah al-Zuhaylī. Meanwhile, secondary data was obtained from books, scientific journals and other supporting literature related to Islamic law and fihiyyah rules.

The data collection technique was conducted through documentation studies, namely by identifying, reviewing, and classifying library materials relevant to the research. Furthermore, the data analysis technique was carried out descriptively and analytically, namely by describing the concepts of the basic principles of Islamic law, then analyzing them to find the relationship between these principles and Islamic legal rules in the practice of establishing law (*istinbāt al-aḥkām*).

With this method, research is expected to be able to provide a comprehensive understanding of the basic principles and rules of Islamic law, as well as their relevance in answering 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-Zuhaylī, *Uṣūl al-Fiqh al-Islāmī*, Damascus: Dār 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 maqāsid al-syarī'ah (Al-Syātibī, *al-Muwāfaqāt fī Uṣūl al-Syarī'ah*, Volume II, p. 7).

In the treasury of ushul fiqh, the basic principles of Islamic law include fundamental values that function as a framework for the process of establishing law (*istinbāt 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-Syātibī 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: Dār al-Fikr al-'Arabī, 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-maṣāliḥ wa dar' al-mafāsīd* (take advantage and reject harm).

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

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-Syātibī, al-Muwāfaqāt, 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-Ghazālī, al-Mustaṣfā, 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-nawāzil) 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: Dār al-Kutub, 1991, p. 12).

3. The Principle of Moderation and Balance (at-Tawāzun wa al-Waṣāṭiyyah)

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 (Yūsuf

al-Qaradāwī, al-Khaṣā'ish al-'Āmmah li al-Islām, Cairo: Maktabah Wahbah, 1996, p. 112).

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

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-yaqīn lā yazūlu bi al-syakk (faith is not lost because of doubt) (Wahbah al-Zuhaylī, Uṣūl al-Fiqh al-Islāmī, Damascus: Dār 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-Qawā'id al-Fiqhiyyah)

The rules of fiqh are general formulations derived from many sub-rules (furū'). 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-Ghazālī, al-Mustaṣfā, Vol. I, p. 182):

a) The method of "al-Umūr bi Maqāṣidihā"

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-Suyūṭī, al-Asybah wa al-Nazā'ir, p. 22).

b) 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-Ghazālī, al-Mustaṣfā, Volume I, p. 174; al-Suyūṭī, al-Asybah wa al-Nazā'ir, p. 60).

c) The method of "al-Ḍararu Yuzāl"

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: Dār al-Kutub, 1991, p. 12).

d) The method of “al-’Ādah 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-Suyūṭī, *al-Asybah wa al-Nazā'ir*, p. 89).

e) The method of “al-Yaqīn Lā Yazūlu 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-Zuhaylī, *Uṣūl al-Fiqh al-Islāmī*, Damascus: Dār al-Fikr, 1986, p. 74).

f) The Relevance of Basic Principles and Rules to Contemporary Legal Issues

The basic principles of Islamic law (*uṣūl al-fiqh*) and the rules of *fiqh* (*al-qawā'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-nawāzil*) that demand methodological flexibility without sacrificing the core values of sharia. Therefore, principles such as *maqāsid al-syarī'ah*, *istihsān*, *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-māl* (property/information) from misuse. Although there is no explicit text, the principle of *dar'u al-mafāsid muqaddam 'alā jalb al-maṣāliḥ* (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-Suyūṭī, *al-Asybah wa al-Nazā'ir*, p. 87).

Second, in the issue of modern economics and digital transactions, the principles of *al-yaqīn lā yazūlu bi al-syakk* (belief is not lost due to doubt) and *al-’ādah 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-Zuhaylī, *Uṣūl al-Fiqh al-Islāmī*, Damascus: Dār 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-ḍarūrāt tubīḥ al-maḥẓūrāt* (emergency can permit the forbidden) is a very relevant framework. However, this principle must be limited by other principles such as *al-ḍarūrah tuqaddar bi qadrihā* (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: Dār al-Kutub, 1991, p. 12).

Fourth, in the issues of gender, family, and domestic violence, the principle of *al-ḍarar yuzāl* (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-imām 'ala al-ra'iyah manūṭ 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-Qarāfī, al-Furūq, Beirut: 'Ālam 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-mabādi' al-asāsiyyah*) 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-maṣāliḥ*) and resist damage (*dar' al-mafāsīd*).

Meanwhile, the rules of fiqh (*al-qawā'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-umūr bi maqāṣidihā*, *al-masyaqqah tajlibu at-taysīr*, *al-ḍarar yuzāl*, *Andal-'ādah 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 *maqāṣid al-syarī'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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