

## Principles of Islamic Law

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<p><b>Article History</b>            Received : 2022-09-05            Revised: 2022-09-11            Published: 2022-09-30</p> <p><b>Keywords:</b>  <i>Principles Of Islamic Law, Islamic Law, Maqashid Al-Syari'ah, Welfare, Normative Research</i></p>	<p>This study aims to analyze the principles of Islamic law as the basic principles in the formation and application of law derived from the Qur'an, Hadith, and the ijthad of scholars. The research method used is normative legal research with a statutory and conceptual approach, through a literature study of various primary, secondary, and tertiary legal sources. The results show that the principles of Islamic law play a crucial role in realizing the objectives of sharia (maqashid al-syari'ah), namely protecting religion, life, intellect, descendants, and property. These principles reflect fundamental values such as justice, benefit, legal certainty, and flexibility in facing current developments. Apart from that, there are special principles such as eliminating difficulties (nafyu al-haraj), reducing legal burdens (qillat al-taklif), and establishing laws in stages (tadarruj), which show that Islamic law is adaptive, humane, and not burdensome. The application of these principles makes Islamic law remain relevant in various social conditions in society. Thus, the principles of Islamic law not only function as a normative basis, but also as a practical guideline in creating laws that are just, balanced, and oriented towards the welfare of the people.</p>

### I. INTRODUCTION

Islamic law is a legal system derived directly from the revelation of Allah SWT and the Sunnah of the Prophet Muhammad (peace be upon him), which was revealed as guidance and a way of life for all mankind. Islamic law not only regulates the relationship between humans and Allah SWT (hablun minallah), but also regulates relationships between humans (hablun minannas), as well as human interaction with their surroundings. With its vast scope, Islamic law exists as a comprehensive (syamil) and universal ('alamiyah) legal system, capable of addressing the various challenges of human life throughout time.

In its application, Islamic law has fundamental principles that serve as the primary foundation for the legal process. These principles serve as a foundation to ensure that the resulting laws truly align with the objectives of sharia (maqasid al-syari'ah), namely, safeguarding religion, life, intellect, posterity, and property. With these principles, Islamic law is not derived in a rigid manner but rather pays close attention to the

welfare (maslahah) and the real conditions faced by humans. These principles make Islamic law relevant for application in various spatial and temporal contexts.

One of the unique characteristics of Islamic law is its flexibility in addressing societal diversity and changing times. Islamic law emphasizes not only legalistic aspects but also encompasses the values of humanity, justice, and compassion. This is reflected in several important principles inherent in the Islamic legal system, such as eliminating hardship (nafyu al-haraj), reducing legal burdens (qillat al-taklif), and gradual enactment (tadarruj).

These three principles demonstrate that Islamic law has adaptive and solution-oriented mechanisms for addressing various societal conditions. The principle of nafyu al-haraj asserts that Islam does not intend to make things difficult for humans, but rather to provide convenience. The principle of qillat al-taklif reflects that the legal burden imposed on humans is not burdensome but proportionate to their abilities. Meanwhile, the principle of tadarruj

demonstrates that Islamic law is revealed and implemented gradually so that it can be accepted by society without coercion.

Thus, the existence of these principles proves that Islamic law is a legal system that is *rahmatan lil 'alamin* (blessing for all the universe), bringing mercy and goodness to all of nature. Islamic law is not exclusive and harsh, but rather open, moderate, and humane. Therefore, understanding the principles of Islamic law is crucial, especially for law enforcement officers, academics, and Muslims in general, so that the application of Islamic law is not only normatively valid but also just and beneficial in everyday life.

## II. RESEARCH METHODS

This research employs a normative legal research approach, focusing on the study of legal norms derived from statutory regulations, doctrine, and sources of Islamic law. The approaches employed include both a legislative and a conceptual approach, with the aim of understanding and analyzing the principles of Islamic law theoretically.

The legal sources used in this study consist of primary legal sources in the form of the Qur'an, Hadith, and regulations related to Islamic law, secondary legal sources such as books, scientific journals, and expert opinions, and tertiary legal sources such as legal dictionaries and encyclopedias. The legal sources were collected through a literature study, which involved collecting, reading, and reviewing literature relevant to the research topic.

Legal material analysis is conducted qualitatively by interpreting and reviewing the obtained legal material and then organizing it systematically. Next, conclusions are drawn using a deductive method, namely drawing conclusions from general concepts regarding Islamic legal principles to a more specific understanding.

## III. RESULTS AND DISCUSSION

### A. Research result

Based on normative studies of various sources of Islamic law, it was found that the

principles of Islamic law are the fundamental principles that form the basis for the formation and application of law. These principles are derived from the Quran, Hadith, and the *ijtihad* of Islamic scholars, which have subsequently developed into guidelines for social life.

One of the main principles of Islamic law is the principle of justice (*al-'adl*), which places justice as the primary objective in every legal enactment. Justice in Islamic law is not only formal but also substantive, namely granting rights to each individual proportionally in accordance with the provisions of *sharia*. Furthermore, there is the principle of benefit (*maslahah*), which emphasizes that every law aims to achieve good and prevent harm to humanity.

Furthermore, the principle of legal certainty is also a crucial element of Islamic law, as reflected in the clear provisions in the Quran and Hadith. This legal certainty provides clear guidance for Muslims in their daily lives. Furthermore, Islamic law also recognizes the principle of flexibility (*tathawwur*), which allows the law to adapt to changing times through *ijtihad*, as long as it does not conflict with basic principles of *sharia*.

### B. Discussion

#### 1. Understanding the Principles of Islamic Law

The principles of Islamic law are the fundamental principles that serve as the primary foundation for establishing, implementing, and developing Islamic law. These principles constitute the spirit or soul of every legal provision established in the *Shari'a*. In the context of Islamic law, principles are not merely technical rules but also reflect universal Islamic values such as justice (*al-'adl*), welfare (*al-mashlahah*), convenience (*al-taysir*), and wisdom in the gradual application of law (*tadarruj*).

With this legal principle, every form of law applied to Muslims is not merely normative but must also take into account the social and psychological conditions and needs of the community. This demonstrates that Islamic law was not created solely to

bind people, but rather to guide them toward good and protect them from harm.

Legal principles also function as important guidelines for mujtahids, fuqaha, and Islamic legal experts in exploring, developing, and establishing law. In the process of *istinbath* (legal exploration), legal principles become the basic framework that ensures that the laws established remain within the corridors of sharia. The ulama use the main sources of Islamic law such as the Al-Qur'an, Hadith, *Ijma'* (ulema agreement), and *Qiyas* (legal analogy) to establish laws based on justice and benefit (Amiruddin and Zainal Askin, 2023).

Furthermore, the principles of Islamic law also serve to maintain the consistency and unity of the Islamic legal system. Although Islamic law is applied in various social and cultural contexts, these principles ensure that the law maintains its spirit and purpose. Thus, legal principles serve as a balance between legal texts and social reality, between normative provisions and practical application.

In the history of the development of Islamic law, these principles have become important factors that have made Islamic law flexible and relevant throughout the ages. For example, when Islam was revealed, Arab society had certain customs and social systems. However, with the principle of *tadarruj* (gradually), Islamic law does not immediately drastically overhaul the entire social system, but rather improves it slowly so that society is able to accept the law with awareness and willingness.

Thus, the principles of Islamic law can be understood as the basic framework that upholds the objectives of sharia (*maqasid al-syari'ah*) so that the laws implemented truly bring benefit, justice, and convenience to humanity. Understanding these legal principles is crucial, particularly in the context of contemporary legal establishment, so that Islamic law remains responsive to developments without losing its fundamental values.

## 2. Eliminating Difficulties (Nafyu al-Haraj)

The principle of *nafyu al-haraj* is an important principle in Islamic law, emphasizing that the purpose of establishing Islamic law is not to burden or complicate humanity, but rather to provide ease, relief, and solutions to various life problems. Islam is a religion filled with compassion and pays close attention to the human condition as a creature with limitations. Therefore, all provisions of Islamic law are always oriented towards the benefit and convenience of its followers (Muhammad Syafii Anwar, 2019).

This principle has a strong foundation in the Al-Qur'an, including the words of Allah SWT in surah Al-Baqarah verse 185:

بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ ۗ يُرِيدُ

Meaning: "Allah desires ease for you and does not desire hardship for you."

This verse was revealed regarding the obligation of fasting, a clear example of how Islamic law is not rigid or burdensome. For those who are sick, traveling, or in certain circumstances that prevent them from fasting, Islam provides a concession (*rukhsah*) to not fast at that time and make up for it at another time. This is a concrete manifestation of the application of the principle of *nafyu al-haraj* in daily life.

In addition to fasting, this principle is also evident in the performance of prayer. Those unable to pray standing due to illness are permitted to perform prayers sitting or even lying down. If someone is unable to perform ablution due to illness or lack of water, sharia provides an alternative, namely *tayammum* (ablution) using sacred soil. All of this demonstrates Islamic law's high flexibility and consideration of individual abilities.

The principle of *nafyu al-haraj* is also in line with the words of Allah SWT in surah Al-Hajj verse 78:

وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ

Meaning: "...And He (Allah) has not placed upon you in religion any hardship."

This verse emphasizes that Islam is not a religion that imposes heavy burdens on its followers. Rather, Islam came to free

humanity from the hardships of life and make it easier to carry out obligations. In this context, Islamic law serves to protect people from excessive hardship, both in worship and in social interactions.

In the realm of muamalah, this principle is evident, for example, in the laws of buying and selling, marriage, inheritance, and other transactions. When someone is in an emergency or unable to fulfill an obligation perfectly, Islamic law provides alternative solutions to avoid difficulties. For example, in situations of necessity and the absence of halal food, Islam permits the consumption of food that is originally haram (forbidden) within certain limits to preserve life (Abdul Azis, 2021).

Thus, the principle of nafyu al-haraj has a very broad meaning. It not only provides relief in worship, but also becomes the basis for establishing adaptive and humane Islamic law. This principle is also a reflection of the principle of maqashid al-syari'ah which prioritizes human benefit and prevents harm.

The application of this principle is also highly relevant in the context of contemporary Islamic law. Islamic scholars and jurists (fuqaha) use the principle of nafyu al-haraj as a basis for conducting ijtihad (inquiry) on modern issues not explicitly mentioned in the texts. This ensures that Islamic law remains in line with social realities and does not conflict with human capacity to implement it.

Therefore, the principle of nafyu al-haraj is a manifestation of Allah SWT's love for His servants, which shows that Islam is not a burdensome religion, but a religion that brings convenience, justice and solutions in every aspect of life.

### 3. Reducing the Legal Burden (Qillat al-Taclif)

The principle of qillat al-taklif is an important principle in Islamic law, emphasizing that the obligations imposed by

Islamic law are not numerous and burdensome, but rather limited to those that are essential, fundamental, and crucial to human life. This principle demonstrates Allah SWT's compassion for His servants, as not all aspects of human life are burdened with obligations; rather, most are granted in the form of permission (ibadah).

Thus, humanity has the freedom to live its life flexibly as long as it does not conflict with the provisions of sharia (Nurul Irfan and Masyrofah, 2022).

Allah SWT created humans with all their limitations, both in terms of physical abilities, and social conditions. Therefore, Islamic law is structured to suit human capabilities. Allah SWT says in the Quran, Surah Al-Baqarah, verse 286:

وُسْعَهَا اللَّهُ لَ يَكْفٍ

Meaning: "Allah is not a burden somebody but according to his ability."

This verse forms the essential basis for the principle of qillat al-taklif, which demonstrates that every obligation in Islam is determined with full consideration of human capabilities. No obligation in Islam is impossible to fulfill, because Islamic law is not intended to burden but to regulate life with wisdom.

A concrete example of this principle can be seen in the fundamental obligations of Islam. Muslims are only required to pray five times a day. Although prayer is the most important pillar of Islam, this obligation is not made excessive, making it easy for every Muslim to fulfill. Fasting is required only during Ramadan, not throughout the year. Zakat is obligatory only for those who have the financial means required to meet the nisab (minimum threshold). Hajj is obligatory only once in a lifetime for those who are physically and financially able. All these provisions demonstrate that the burden of Islamic law is relatively light and realistic.

Furthermore, Islam provides extensive freedom in matters of mubah (permissible). This means that only a small portion of human life is regulated by obligations and

prohibitions, while the vast majority is free to choose according to needs and circumstances. For example, in social transactions (muamalah), Islam only regulates general principles such as honesty, justice, and the prohibition of usury (riba), while the forms and types of transactions are allowed to evolve with the times. (Nurul Irfan and Masyrofah: 2022)

The principle of qillat al-taklif also implies that Islamic law maintains a balance between rights and obligations, as well as between individual interests and the interests of society. With a limited number of clearly defined obligations, Islam provides space for people to worship peacefully, without feeling unduly burdened. This demonstrates that Islam is a religion that is both easy and uncomplicated.

Furthermore, the principle of qillat al-taklif also serves as an important foundation for modern Islamic legal ijihad. When scholars establish laws regarding contemporary issues, they always adhere to the principle that such laws should not be a heavy burden on the community. This principle aligns with the maqasid al-syari'ah (objectives of Islamic law), namely, safeguarding the benefit and preventing harm (Hendra Gunawan, 2025).

Thus, the principle of qillat al-taklif demonstrates that Islamic law is structured in a proportional, humane, and realistic manner, in accordance with human capabilities and needs. Islam is not a religion that complicates matters, but rather one that provides ease, balance, and freedom in daily life.

#### 4. Gradual Promulgation (Tadarruj)

The principle of tadarruj is a crucial principle in Islamic law, meaning the gradual establishment of laws. This principle demonstrates that Islamic law does not enact laws abruptly, but rather adapts them to the mental, social, and cultural readiness of the community. This gradual approach aims to facilitate and prevent difficulties in accepting and implementing the law (Asep Saepudin Jahar, 2020).

This principle illustrates that Islam is a realistic and wise religion, taking into account the objective conditions of society. Thus, the law can be implemented effectively and sustainably, not through coercion.

An example of the application of the tadarruj principle can be seen in the process of prohibiting khamr (alcoholic drinks):

1. First stage: Allah introduced that khamr has benefits, but the harm is greater than the benefits. (Al-Qur'an, Surah AlBaqarah: 219)
2. The second stage: Allah forbids drunken people from approaching prayer, thus limiting the consumption of alcohol to certain times. (Al-Qur'an, Surah An-Nisa: 43)
3. Third stage: Allah revealed a strict and comprehensive prohibition against khamr. (Al-Qur'an, Surah Al-Ma'idah: 90-91)

This gradual approach reflects the wisdom of Islamic law in organizing social life. Islam does not force, but rather gradually educates its followers to abandon bad habits and wholeheartedly accept the law.

Thus, the tadarruj principle can be used as an important guideline in the implementation of Islamic law in modern society, especially in the context of social change and the sustainable application of sharia law.

### III. CONCLUSION AND SUGGESTIONS

#### A. Conclusion

Based on the results of normative legal research, it can be concluded that the principles of Islamic law are fundamental principles derived from the Qur'an, Hadith, and the ijihad of Islamic scholars, which serve as a foundation for the formation and application of law. These principles reflect fundamental values such as justice, public welfare, legal certainty, equality, and individual responsibility.

The principle of justice is the primary objective in every Islamic legal enactment, accompanied by the principle of public welfare, as an effort to realize goodness and

prevent harm in society. Furthermore, the principle of legal certainty provides clear guidance for Muslims, while the principle of flexibility demonstrates that Islamic law is able to adapt to changing times through *ijtihad* without abandoning its fundamental principles.

Thus, the principles of Islamic law play a crucial role in maintaining a balance between normative values and the practical needs of society. The existence of these principles ensures that Islamic law remains relevant and capable of addressing various legal issues in modern life.

#### **B. Suggestion**

Based on the results of the research that has been conducted, it is recommended that academics and researchers can further develop studies on the principles of Islamic law in greater depth, both through normative and empirical approaches, so that a more comprehensive and applicable understanding can be obtained in the lives of the community.

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