

Epistemology of *al-Hukm al-Taklifi* in Islamic Family Law: Integrating *Haqq* and *Iltizam* as the Normative Foundation of the Kompilasi Hukum Islam in Indonesia

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Abstract: This study explores the epistemology of *al-ḥukm al-taklīfī* in explaining the integration of *ḥaqq* (rights) and *iltizām* (obligations) as the normative foundation of the *Kompilasi Hukum Islam* (KHI) in Indonesia. It aims to reconstruct the moral coherence of Islamic family law by grounding it in the epistemic structure of *taklīf*. Using a qualitative, normative-philosophical approach, the study analyzes classical texts of *uṣūl al-fiqh*—including works by al-Ghazālī, al-Āmidī, and al-Shāṭibī—alongside modern legal thought on Islamic normativity and pluralism. The findings reveal that *al-ḥukm al-taklīfī* functions as an epistemic bridge linking divine revelation, rational cognition, and moral purpose. The codification of the KHI, however, has fragmented this unity by emphasizing legal form over ethical substance. Reintegrating *ḥaqq* and *iltizām* within *taklīf* restores law’s moral dimension and theological legitimacy. The study concludes that reform in Islamic family law must begin with epistemological reconstruction. The implications suggest that *taklīf* provides a universal framework for harmonizing revelation and reason, transforming Islamic law into a living moral discourse grounded in justice, compassion, and wisdom.

Keywords: al-ḥukm al-taklīfī, ḥaqq, iltizām, Kompilasi Hukum Islam, maqāṣid al-sharī‘ah

Introduction

The epistemological foundation of Islamic family law in Indonesia has long experienced a structural tension between theological normativity and state-based legal positivism. Since the enactment of *Instruksi Presiden* No. 1 of 1991, the *Kompilasi Hukum Islam* (KHI) has served as the central codified reference for Indonesia's religious courts, governing key domains of family law including marriage, divorce, maintenance, and inheritance. The codification of the KHI marked a historic milestone in institutionalizing Islamic law within the modern nation-state. Yet, this unification of diverse *fiqh* doctrines was achieved through a process that largely neglected the epistemological legitimacy of its normativity. Its legal authority derives from state recognition and bureaucratic enforcement rather than from theological authenticity grounded in divine revelation. Consequently, the moral and spiritual coherence that once animated *fiqh* as an embodiment of divine will (*amr ilāhī*) has been obscured beneath the surface of statutory regulation and administrative formalism. Khaled Abou El Fadl aptly calls this phenomenon a form of “moral alienation,” wherein divine purpose is supplanted by institutional authority and obedience to law becomes detached from its moral teleology.¹

This crisis of epistemological legitimacy is visible in several key provisions of the KHI, such as Articles 77–83 on the rights and obligations of spouses, Article 105 on child custody, and Articles 171–214 on inheritance. Although these provisions draw upon the classical doctrines of the Shāfi'ī school, they have been codified and interpreted in isolation from the ontological structure of *al-ḥukm al-taklīfī*, the foundational concept in *uṣūl al-fiqh* that defines the relationship between divine command (*khiṭāb Allāh*) and human moral agency (*af'āl al-mukallafīn*). In the absence of such grounding, Islamic family law in Indonesia risks degenerating into procedural legality devoid of moral intentionality.² This epistemic disconnection is not merely theoretical—it reflects a deeper transformation in the nature of Islamic normativity, from a moral theology of obligation to a positivist system of administrative control.

¹ Khaled Abou El Fadl, *Reasoning with God: Reclaiming Shari'ah in the Modern Age* (Lanham, MD: Rowman & Littlefield, 2014), p. 176.

² *Ibid.*, p. 283–290.

Scholars have examined this transformation from various angles. Mark Cammack and R. Michael Feener describe Indonesia's Islamic legal system as a form of "bureaucratized *fiqh*," in which legal authority is institutionalized through state apparatuses rather than derived from its classical epistemic foundations.³ Their analysis suggests that the legitimacy of the KHI lies in its procedural enforceability, not in its theological coherence. Similarly, Euis Nurlaelawati's study on the modernization of Islamic law highlights that the KHI, while successful in harmonizing *fiqh* with statutory law, fails to maintain a coherent relationship between law (*hukm*) and moral purpose (*maqṣid*).⁴ In both cases, the ethical essence of Islamic law—its connection to divine obligation—has been replaced by bureaucratic rationality.

At a more conceptual level, this problem mirrors what Jasser Auda terms the "fragmentation of Shari'ah knowledge," where Islamic law is separated from its integrated epistemic structure that once united revelation (*wahy*), reason (*'aql*), and purpose (*maqṣid*).⁵ Auda argues that the *Shari'ah* was never intended as a static corpus of rules but as a dynamic system of knowledge—a moral and epistemological framework that embodies divine wisdom in human reasoning. When codified law fails to preserve this integrative function, it loses its ontological coherence and becomes an instrument of technical regulation.⁶

To understand the roots of this epistemic rupture, it is necessary to revisit the classical conception of *al-ḥukm al-taklīfī* as articulated in *uṣūl al-fiqh*. Abū Ḥāmid al-Ghazālī defined *taklīf* as "God's address to human beings concerning their acts," underscoring its dual nature as both divine revelation and rational communication.⁷ Sayf al-Dīn al-Āmidī advanced this conception by describing *taklīf* as a cognitive bridge that connects divine will with human comprehension, making morality both

³ Mark E. Cammack and R. Michael Feener, "The Islamic Legal System in Indonesia," *Washington International Law Journal* 21, no. 1 (2012): 13–42, <https://digitalcommons.law.uw.edu/wilj/vol21/iss1/5>

⁴ Euis Nurlaelawati, *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts* (Amsterdam: Amsterdam University Press, 2010), <http://www.jstor.org/stable/j.ctt46msj2>

⁵ Jasser Auda, *Maqāṣid al-Shari'ah as Philosophy of Islamic Law: A Systems Approach* (London: The International Institute of Islamic Thought, 2008), p. 44.

⁶ *Ibid.*, h. 65.

⁷ Abū Ḥāmid al-Ghazālī, *al-Mustaṣfā min 'Ilm al-Uṣūl* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1993), p. 41.

intelligible and actionable.⁸ Within this epistemology, law is not a command external to reason but a rational manifestation of divine intention, integrating ontology (*wujūd*), cognition (*‘ilm*), and moral value (*qīmah*) into a unified structure of meaning. Likewise, Ibrāhīm al-Shāṭibī situated *taklīf* within the teleological unity of *maqāṣid al-sharī‘ah*, arguing that the validity of law depends on its ability to unite revelation, intellect, and purpose.⁹

This unity between revelation and reason also underlies the interdependence of *ḥaqq* (right) and *iltizām* (obligation) in Islamic law. ‘Abd al-Karīm Zaydān emphasizes that “no right exists without obligation, nor obligation without right; both are two aspects of the same divine command.”¹⁰ Within the classical epistemology of *taklīf*, every legal entitlement implies a moral responsibility, and every obligation presupposes a correlative right. This stands in contrast to modern Western jurisprudence, where legal validity is divorced from moral value. Hans Kelsen’s *Pure Theory of Law* defines legality as a function of a presupposed “basic norm” (*Grundnorm*) devoid of ethical substance, while H.L.A. Hart reduces law to a system of institutional rules recognized by authority rather than grounded in moral truth.¹¹ In Islamic epistemology, by contrast, normativity arises from *taklīf*—from the coincidence of divine intentionality and rational comprehension. Law derives its legitimacy not from procedural hierarchy but from its participation in divine wisdom (*ḥikmah*).

The consequences of this epistemic disjunction are clearly visible in Indonesia’s context. As Khoiruddin Nasution notes, the KHI was primarily designed to harmonize Islamic law with national legal frameworks, prioritizing formal unification over metaphysical depth.¹² This approach reflects what he calls “fiqh positivism,” a mode of codification that abstracts law from its theological roots. Arskal Salim similarly observes that within Indonesia’s plural legal system, the

⁸ Sayf al-Dīn al-Āmidī, *al-Iḥkām fī Uṣūl al-Aḥkām* (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1982), p. 92.

⁹ Abū Ishāq Ibrāhīm al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharī‘ah* (Cairo: Dār al-Ḥadīth, 1997), Juz II, pp. 17–22.

¹⁰ ‘Abd al-Karīm Zaydān, *al-Wajiz fī Uṣūl al-Fiqh* (Beirut: Mu’assasah al-Risālah, 1997), p. 134.

¹¹ Hans Kelsen, *Pure Theory of Law*, trans. Max Knight (Berkeley: University of California Press, 1967), 10; H.L.A. Hart, *The Concept of Law*, 2nd ed. (Oxford: Clarendon Press, 1994), p. 38.

¹² Khoiruddin Nasution, *Hukum Perdata (Keluarga) Islam Indonesia dan Perbandingan Hukum Perkaninan di Dunia Muslim* (Yogyakarta: Academia + Tazzafa, 2009), pp. 215–218.

Sharī'ah has shifted from a moral-ethical system of revelation to an administrative instrument legitimized by the state.¹³ This transformation reflects what Wael B. Hallaq has identified as the “modern epistemic rupture” in Islamic legal thought—where the *Sharī'ah*'s moral rationality is replaced by institutional authority.¹⁴

From the classical perspective, Ibrāhīm al-Shāṭibī reminds that the coherence of *Sharī'ah* rests on the unity of *taklīf*, *maqṣid*, and *'aql*; separating them dissolves the moral integrity of the law.¹⁵ In modern reformist thought, Mohammad Hashim Kamali frames *maqāṣid al-sharī'ah* as an epistemology that unites rights and obligations within a single moral order, where law becomes a rational expression of divine wisdom.¹⁶ Yet, even Kamali's and Auda's *maqāṣid*-oriented frameworks stop short of addressing the epistemic mechanics of *taklīf*—the process through which divine will becomes moral knowledge.¹⁷ This conceptual gap has left Islamic legal theory without a sufficient account of how normativity is constituted and sustained within human understanding.

Therefore, the present study identifies a critical research gap: while *maqāṣid al-sharī'ah* provides teleological direction and *fiqh* delivers normative substance, neither explains how obligation becomes epistemic authority. The metaphysics of *taklīf*—the transformation of divine address into moral consciousness—remains unexplored. This gap results in the under-theorization of Islamic family law's moral coherence, particularly in its codified form within the KHI. Addressing this lacuna requires shifting the analytical focus from *maqāṣid* as a theory of ends to *taklīf* as a theory of knowledge. Through this epistemic lens, Islamic family law can be reinterpreted not as a collection of static rules but as a dynamic moral discourse in which revelation, intellect, and purpose converge.

This study therefore asks: how does the epistemology of *al-ḥukm al-taklīfī* explain the integration of *ḥaqq* and *iltizām* as the normative

¹³ Arskal Salim, *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism* (Edinburgh: Edinburgh University Press, 2015), 232, https://ecommons.aku.edu/uk_ismc_series_emc/8

¹⁴ Wael B. Hallaq, *Authority, Continuity, and Change in Islamic Law* (Cambridge: Cambridge University Press, 2001), <https://doi.org/10.1017/CBO9780511495557>

¹⁵ Abū Ishāq Al-Shāṭibī, *al-Muwafaqāt*, Juz II, p. 20.

¹⁶ Mohammad Hashim Kamali, *Maqasid al-Shariah Made Simple* (Herndon, VA: International Institute of Islamic Thought, 2008), 32, <https://doi.org/10.2307/j.ctvkc67vz>

¹⁷ Jasser Auda, *Maqāṣid al-Sharī'ah as Philosophy of Islamic Law*, pp. 65–74.

foundation of the KHI? By reconstructing the KHI's legal provisions through the lens of *taklīf*, it seeks to restore the ontological unity of law and morality, redefining rights and obligations as co-constitutive expressions of divine order. This epistemological reconstruction, grounded in classical *uṣūl al-fiqh* yet responsive to contemporary challenges, proposes a foundation for the renewal of Islamic family law that is both theologically legitimate and socially relevant. The study contributes to ongoing reform efforts by demonstrating that true legal renewal must begin not with procedural modification but with epistemological clarification—an effort to understand law as moral knowledge rooted in divine communication.

The significance of this inquiry extends beyond Indonesia's legal system. The epistemology of *al-ḥukm al-taklīfī* provides a philosophical alternative to the moral relativism of secular legal theory and the rigidity of uncritical traditionalism. It offers a rational theology of law in which divine command and human reasoning coexist harmoniously within a single moral order. Within this framework, the KHI can be re-envisioned not as a bureaucratic instrument but as a locus of moral cognition—a living testament to the dialogical relationship between God and humanity. Reinterpreted through the lens of *taklīf*, Islamic family law can transcend its positivist limitations and reclaim its original identity as a manifestation of divine justice (*ʿadl*), mercy (*raḥmah*), and wisdom (*ḥikmah*).

Research Method

This study employs a qualitative normative-philosophical approach grounded in the epistemological inquiry of Islamic legal philosophy. The purpose is to examine *al-ḥukm al-taklīfī* as an epistemic category that integrates *ḥaqq* (right) and *iltizām* (obligation) within the normative structure of the *Kompilasi Hukum Islam* (KHI). Unlike doctrinal *fiqh* studies, which focus on deriving positive rules from textual sources, this research situates Islamic law as a system of moral cognition and theological reasoning. The normative-philosophical framework thus allows law to be understood as a rational expression of divine wisdom (*ḥikmah*), rather than as a collection of enforceable commands.¹⁸

¹⁸ John W. Creswell and J. David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 5th ed. (Los Angeles: SAGE Publications, 2018), p. 51–54.

The data for this study consist of primary classical sources—including works by Abū Ḥāmid al-Ghazālī (*al-Mustaṣfā*), Sayf al-Dīn al-Āmidī (*al-Iḥkām fī Uṣūl al-Aḥkām*), and Ibrāhīm al-Shāṭibī (*al-Muwāfaqāt fī Uṣūl al-Sharī'ah*)—and secondary contemporary references such as Jasser Auda, Mohammad Hashim Kamali, and Khaled Abou El Fadl. These scholars were selected through purposive criteria: (1) their works represent distinct yet interconnected stages in the epistemological development of *uṣūl al-fiqh*; (2) they articulate the foundational relationship between revelation (*waḥy*), reason (*'aql*), and obligation (*taklīf*); and (3) they provide interpretive bridges between classical ontology and modern legal thought. This criterion ensures that the epistemological analysis remains anchored in the authoritative intellectual tradition of Islamic legal philosophy.¹⁹

Data collection was carried out through documentary analysis, involving a three-stage process of (a) identifying and selecting relevant primary and secondary texts; (b) close reading and interpretation of key concepts; and (c) organizing findings into thematic categories. The analytical framework used is conceptual reconstruction and epistemic analysis. Conceptual reconstruction is applied to reinterpret the meaning of *taklīf*, *ḥaqq*, and *iltizām* within their ontological unity, while epistemic analysis examines how divine address (*khiṭāb Allāh*) transforms into moral obligation through human cognition. These interpretive procedures follow a hermeneutic logic consistent with the epistemology of Islamic legal reasoning.²⁰

The theoretical positioning of this study lies within Islamic legal philosophy (*falsafah al-tashrī'*), not within doctrinal *fiqh* or positive law. Its aim is not to produce new legal rules but to illuminate the epistemic foundations of existing ones. As such, the findings are interpretive and theoretical in nature. In recognition of its scope, this study is limited to conceptual and textual analysis; it does not examine judicial practice empirically.²¹

¹⁹ Abū Ḥāmid al-Ghazālī, *al-Mustaṣfā*; Sayf al-Dīn al-Āmidī, *al-Iḥkām*; Abū Ishāq al-Shāṭibī, *al-Muwāfaqāt*, Juz II, pp. 17–22.

²⁰ Lexy J. Moleong, *Metodologi Penelitian Kualitatif*, 38th ed. (Bandung: PT Remaja Rosdakarya, 2017), 157–160; W. Lawrence Neuman, *Social Research Methods: Qualitative and Quantitative Approaches*, 7th ed. (Boston: Pearson Education, 2014), pp. 478–480.

²¹ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2017), pp. 35–37.

Result and Discussion

Findings On the Epistemology of *Al-Ḥukm Al-Taklīfī*

The results of the epistemological analysis indicate that *al-ḥukm al-taklīfī* does not merely denote prescriptive divine injunctions but constitutes an intricate epistemic framework that mediates the relationship between revelation and reason, as well as between divine authority and human moral cognition. In the discourse of *uṣūl al-fīqh*, *taklīf* operates as an act of divine communication (*khiṭāb Allāh*) that transforms transcendent will into intelligible moral knowledge. This communicative act marks the transition from divine intention to human comprehension—transforming obligation from a metaphysical assertion into a rationally cognized norm. Abū Ḥāmid al-Ghazālī defines *taklīf* in *al-Mustaṣfā* as “the address of God concerning the acts of the legally responsible,” emphasizing that the validity of obligation (*wujūb*) presupposes the presence of cognition (*‘ilm*) and volition (*irādah*).²² This articulation reveals that the authority of divine law is epistemically contingent upon the human capacity to know and to will. Law thus assumes meaning only within a framework where intellect and intention coexist, making the *mukallaf* an active participant in the moral realization of divine will.

In this sense, *taklīf* is simultaneously an ontological and epistemological category. Ontologically, it affirms the reality of divine authority; epistemologically, it articulates the process through which that authority becomes accessible and binding upon rational agents. Al-Āmidī in *al-Iḥkām fī Uṣūl al-Aḥkām* extends this reasoning by asserting that divine command cannot impose binding force upon those devoid of comprehension, because moral responsibility (*mas’ūliyyah*) presupposes rational understanding.²³ The epistemic precondition of obligation (*shart al-taklīf*) is thus human intellect itself—the cognitive faculty that mediates between revelation and moral action. Without *‘aql*, divine command would remain unintelligible and hence non-binding. Accordingly, *taklīf* transforms divine speech into an epistemic event, wherein revelation becomes knowledge, and knowledge becomes the basis of moral responsibility.

²² Abū Ḥāmid al-Ghazālī, *al-Mustaṣfā*, p. 41.

²³ Sayf al-Dīn al-Āmidī, *al-Iḥkām*, p. 92.

This finding underscores that *taklīf* represents the epistemic core of Islamic legal philosophy. It embodies the intersection of *wahy* (divine revelation), *‘aql* (rational cognition), and *maqṣid* (moral purpose). Ibrāhīm al-Shāṭibī, in *al-Muwāfaqāt*, describes this synthesis as “the harmony between reason and revelation” (*al-tanāsuq bayn al-‘aql wa al-wahy*), arguing that law derives its authority not solely from divine origin but from its rational intelligibility and teleological coherence.²⁴ Through this synthesis, law achieves *epistemic legitimacy*—it becomes not only obligatory but also comprehensible and purposive. The *taklīfī* structure thereby unites theology and rational ethics into a single moral order, wherein divine command operates through rational understanding rather than coercion. The presence of *qaṣd akhlāqī* (moral intentionality) within *taklīf* distinguishes Islamic normativity from legal positivism, which grounds obligation in institutional authority rather than in moral cognition.

The study further reveals that *al-ḥukm al-taklīfī* constructs a dynamic model of human responsibility rooted in divine intentionality (*qaṣd ilāhī*). The *mukallaf* is not a passive object of divine legislation but an epistemic subject whose intellect participates in the articulation of divine purpose. This dialogical relationship defines the very essence of Islamic legal epistemology. Revelation provides meaning; reason internalizes it; and through moral agency, meaning becomes action. The transformation of divine knowledge into human conduct represents what modern moral epistemologists describe as “practical cognition”—a form of knowing inseparable from doing.²⁵ Consequently, *taklīf* establishes law as a communicative interaction between the divine and the human, one that fuses cognition, volition, and action into a unified epistemic process.

Within this epistemic framework, *ḥaqq* (right) and *iltizām* (obligation) emerge as two co-constitutive expressions of a single divine order. As ‘Abd al-Karīm Zaydān explains, “no right exists without obligation, nor obligation without right.”²⁶ This ontological interdependence rejects the positivist dichotomy between subjective rights and external duties. In the Islamic paradigm, *ḥaqq* and *iltizām* are mutually implicative; the realization of one necessitates the existence of

²⁴ Abū Ishāq al-Shāṭibī, *al-Muwāfaqāt*, Juz II, pp. 17–22.

²⁵ Khaled Abou El Fadl, *Reasoning with God*, p. 176.

²⁶ ‘Abd al-Karīm Zaydān, *al-Wajiz*, p. 134.

the other. The ethical coherence of Islamic law thus rests on this epistemic unity—wherein every legal claim presupposes a moral duty, and every duty implies a moral entitlement. In this regard, *taklīf* serves as the metaphysical foundation that binds rights and duties within a single moral ontology grounded in divine justice (‘*adl*).

The epistemic condition of normativity, therefore, consists of three interlocking elements: revelation as source (*aṣl*), reason as medium (*wasat*), and moral purpose as end (*ghāyah*). Revelation conveys the divine command, reason translates it into intelligible propositions, and moral purpose ensures that the resultant norm aligns with the objectives of divine wisdom (*ḥikmah*). These elements collectively constitute the epistemological architecture of *taklīf*, ensuring that normativity in Islamic law is both metaphysically grounded and rationally cognizable.²⁷ Law thus becomes a mode of knowing rather than a mere system of commands.

The analysis also demonstrates that the ethical consequences of normativity within the *taklīfī* framework manifest in the transformation of cognition into moral action. Once divine command becomes epistemically intelligible, it generates a corresponding moral responsibility in the agent. The *mukallaf* is thus characterized not only by the capacity to know but by the obligation to act upon that knowledge. This transformation from epistemic awareness to ethical commitment defines what classical scholars refer to as ‘*ilm al-taklīf*—the science of responsibility—where knowing God’s will necessarily entails embodying it in conduct.²⁸ In this respect, *taklīf* functions as a bridge between ontology and ethics: from divine being to human doing.

When viewed in contrast to modern legal systems, the epistemic and ethical unity of *taklīf* underscores the distinctive nature of Islamic legal philosophy. In the positivist tradition, as represented by Hans Kelsen and H.L.A. Hart, the validity of law depends upon institutional recognition rather than moral truth.²⁹ Obligation is enforced externally, through sanctions, rather than internalized through cognition. By contrast, in Islamic epistemology, obligation arises through ‘*ilm*—through understanding that transforms divine will into self-binding

²⁷ Mohammad Hashim Kamali, *Maqasid al-Shariah Made Simple*, p. 32.

²⁸ Abū Ḥāmid al-Ghazālī, *al-Mustaṣfā*, pp. 41–44.

²⁹ Hans Kelsen, *Pure Theory of Law*, p. 10; H.L.A. Hart, *The Concept of Law*, p. 38.

knowledge. This self-binding nature of *taklīf* is what gives Islamic law its moral depth: compliance is not compelled by external authority but realized through internal recognition of divine wisdom.

This distinction also clarifies the difference between epistemic conditions of normativity and ethical consequences of normativity. The epistemic condition concerns the process by which divine command becomes knowable and thus binding—it pertains to the ontological and cognitive structure of law. The ethical consequence, by contrast, concerns the transformation of that knowledge into moral action—how knowing generates responsibility and how law engenders virtue. The epistemic condition explains *why* obligation binds; the ethical consequence explains *how* it transforms conduct. The former belongs to the realm of *uṣūl al-fiqh* and epistemology; the latter to *‘ilm al-akhlāq* and moral theology. Together, they reveal that the essence of *taklīf* lies not in prescribing acts but in producing moral subjects—individuals whose understanding of law becomes their pathway to ethical being.³⁰

From this analysis, it follows that the decline of epistemic coherence in modern Islamic law, as evident in the codification of the KHI, reflects the disintegration of *taklīf* as a living epistemology. When *ḥaqq* and *iltizām* are separated into distinct juridical categories, the law loses its integrative capacity to express divine justice. What remains is a formal legal structure detached from its metaphysical and moral roots. The positivization of *Sharī‘ah* thus represents not only a legal transformation but an epistemological rupture—a shift from knowledge-based to rule-based normativity. Restoring the epistemic unity of *taklīf* is therefore essential for re-grounding Islamic family law in its original intellectual tradition.³¹

Such restoration entails reconstructing *taklīf* as the epistemological foundation of law, where divine revelation, human reason, and moral purpose are reintegrated into a single system of knowledge. This reconstruction redefines Islamic law as a *cognitive-moral order* (*nizām ma‘rifī akhlāqī*) rather than as a procedural framework. Within this paradigm, the KHI can be reinterpreted not as a static code but as a living reflection of divine communication—an evolving discourse that links ontology, epistemology, and ethics. The reestablishment of *taklīf*

³⁰ Wael B. Hallaq, *Authority, Continuity, and Change in Islamic Law*.

³¹ Euis Nurlaelawati, *Modernization, Tradition and Identity*.

as the heart of normativity thus reclaims the theological legitimacy of Islamic law and reopens its moral horizon.

In conceptual synthesis, *al-ḥukm al-taklīfī* emerges as the epistemic grammar of Islamic normativity. It defines how divine will becomes knowledge and how knowledge becomes moral obligation. The *epistemic conditions of normativity*—revelation, cognition, and purpose—constitute its internal logic; the *ethical consequences of normativity*—responsibility, virtue, and justice—constitute its moral telos. Together they form a coherent structure of law as moral knowledge, uniting the cognitive and the ethical, the divine and the human. Through this epistemological framework, Islamic family law can transcend its positivist reduction and reclaim its role as a rational and moral manifestation of divine wisdom.³²

Finding On the Integration of *Haqq Iltizām* in *The Kompilasi Hukum Islam*

The analysis of the *Kompilasi Hukum Islam* (KHI) demonstrates that the codification of Islamic family law in Indonesia, though instrumental in creating legal uniformity within the religious court system, has produced a subtle yet profound epistemological dislocation between *ḥaqq* (right) and *iltizām* (obligation)—two interdependent categories central to the epistemology of *al-ḥukm al-taklīfī*. The codification process, while motivated by administrative necessity and the aspiration for national legal harmony, inevitably translated complex theological meanings into procedural norms. Consequently, what was once a dynamic moral relationship grounded in divine intentionality (*qaṣd ilāhī*) has been reframed within the formal structure of positive law. This shift is not a failure of law per se, but rather a displacement of its epistemic locus—from moral cognition to bureaucratic rationalization.³³

Article 2 of the KHI, which defines marriage as a legitimate bond (*‘aqd shar‘ī*) between a man and a woman conducted in accordance with Islamic law and registered by the state, marks the initial convergence of divine and civil authority. It affirms the religious foundation of marriage while situating it within the administrative apparatus of the state.³⁴

³² Jasser Auda, *Maqāṣid al-Sharī‘ah as Philosophy of Islamic Law*, pp. 65–74.

³³ Euis Nurlaelawati, *Modernization, Tradition and Identity*.

³⁴ *Kompilasi Hukum Islam* (KHI), Article 2, *Instruksi Presiden Nomor 1 Tahun 1991*.

However, by emphasizing legal validity (*ṣahḥiyyah*) over moral intentionality (*niyyah akhlāqiyyah*), this provision narrows the meaning of marriage from a covenantal relationship (*‘aqd dhimmī*) imbued with spiritual purpose to a procedural contract conditioned by registration. Within the epistemology of *taklīf*, marriage constitutes a divine trust (*amānah ilāhiyyah*) that binds the spouses not only through rights and duties but through a shared moral vocation. The positivist framing of Article 2, therefore, reveals an epistemic dislocation: the unity of form and meaning, intrinsic to *taklīf*, has been fractured by the procedural logic of codification.

This transformation is not merely semantic; it marks a deeper ontological shift in the nature of legal normativity. Classical jurists such as al-Ghazālī viewed *‘aqd al-nikāḥ* as a locus of divine command (*khiṭāb Allāh*), where moral obligation arises from intentional compliance with divine will.³⁵ The act of marriage, in this view, is simultaneously legal, moral, and theological—an epistemic event that unites revelation, intention, and action. In contrast, the KHI’s formulation translates this triadic unity into a legally verifiable status, thereby detaching the act’s metaphysical depth. From an epistemological standpoint, this shift represents the transformation of law from a system of divine communication to a codified instrument of social regulation.

Article 31 of the KHI, which delineates the mutual rights and obligations of husband and wife, provides a more concrete instance of this epistemic reconfiguration. The article specifies that the husband is the head of the family (*qawwām*) and the wife is obligated to manage the household and obey him.³⁶ Although derived from fiqh doctrine, this provision adopts a transactional framework that privileges authority over reciprocity. Within the classical *taklīfī* paradigm, *ḥaqq* and *iltizām* exist as moral correlates—the right of one party implies, and is implied by, the obligation of the other. The Qur’ān expresses this moral symmetry with clarity: “*wa lahunna mithlu alladhī ‘alayhinna bi-l-ma rūf*” (“And women have rights similar to those [of men] over them, according to what is just”) (Q. 2:228). In this verse, reciprocity is not a social negotiation but an ontological condition of justice (*‘adl*). The KHI’s juridical articulation, however, translates moral equivalence into hierarchical structure—legalizing leadership (*qiwāmah*) without its

³⁵ Abū Hāmid al-Ghazālī, *al-Mustaṣfā*, pp. 41–44.

³⁶ *Compilation of Islamic Law (Indonesia, 1991)*, art. 31.

epistemic complement of mutual responsibility (*musāwāh*). This move exemplifies what Arskal Salim terms the “juridical domestication” of Shari‘ah, wherein law, in the process of codification, becomes subordinated to bureaucratic rationality rather than grounded in divine epistemology.³⁷

The same pattern emerges in Article 80 of the KHI, which regulates *nafaqah* (financial support). It defines the husband’s obligation to provide maintenance as a legally enforceable duty, thereby ensuring procedural protection for dependents.³⁸ However, in doing so, the KHI omits the moral and devotional dimension that classical jurists associated with *nafaqah* as an act of worship (*‘ibādah*). In the classical view, financial support is not merely transactional; it is a manifestation of compassion (*rahmah*), responsibility (*mas’ūliyyah*), and the divine imperative to preserve familial harmony.³⁹ By detaching this act from its theological foundation, codified law redefines obligation as enforceable liability rather than voluntary moral fulfillment. This redefinition exemplifies the epistemological rupture at the heart of modern Islamic codification: the displacement of divine intentionality by administrative enforceability.

Nevertheless, these shifts must be understood within their institutional and historical context. The KHI emerged from a pragmatic necessity—to provide legal certainty within Indonesia’s plural legal order and to reconcile diverse fiqh traditions into a unified judicial code. The translation of *fiqh* into codified rules required simplification, generalization, and adaptation to state structures.⁴⁰ Thus, the epistemological dislocation observed here is not the result of doctrinal negligence but the outcome of institutional constraints inherent in legal codification. The KHI’s reliance on bureaucratic mechanisms of enforcement inevitably limits its capacity to preserve the metaphysical depth of *taklif*. Recognizing these constraints allows for a more balanced critique—one that situates epistemic loss within the broader tension between moral knowledge and state legality.

³⁷ Arskal Salim, *Contemporary Islamic Law in Indonesia*, p. 232.

³⁸ *Compilation of Islamic Law (Indonesia, 1991)*, art. P. 80.

³⁹ Abū Ishāq al-Shāṭibī, *al-Muwāfaqāt*, Juz II, p. 20.

⁴⁰ Mark E. Cammack and R. Michael Feener, “The Islamic Legal System in Indonesia,” *Washington International Law Journal* 21, no. 1 (2012): 13–42.

From an epistemological standpoint, the separation of *ḥaqq* and *iltizām* in the KHI reflects the transformation of *taklīf* from a unifying principle into dualistic categories of entitlement and duty. In classical *uṣūl al-fiqh*, every *ḥaqq* is an extension of *taklīf*—a divine trust that empowers and obligates simultaneously. The subject of law (*mukallaf*) stands at the intersection of divine command and moral agency, embodying both rights and duties as co-constitutive dimensions of the same divine act.⁴¹ By contrast, the positivist codification of the KHI compartmentalizes these categories, treating rights as state-protected interests and obligations as externally imposed duties. This disintegration results not in moral failure but in epistemological fragmentation—a reduction of the *taklīfī* unity into juridical dualism.

Mohammad Hashim Kamali underscores this danger when he warns that “when obligation is stripped of purpose, law ceases to be a moral act.”⁴² Within the *taklīfī* paradigm, purpose (*maqṣid*) gives moral content to obligation; without it, obligation degenerates into coercion. The disconnection between *ḥaqq* and *iltizām* in the KHI thus signals a deeper disjunction between law and purpose—between the formal and the moral dimensions of normativity. Reintegrating these categories requires re-grounding the KHI in the epistemology of *taklīf*, wherein the legitimacy of law derives from the harmony of revelation (*waḥy*), reason (*‘aql*), and moral purpose (*maqṣid*).⁴³

Such reintegration would allow marriage to be understood once more as a sacred trust (*amānah*), marital rights as reciprocal obligations, and financial responsibilities as moral acts of devotion. Within this reconstructed epistemological framework, *al-ḥukm al-taklīfī* restores the coherence of law by uniting cognition, obligation, and purpose into a single moral order. This approach does not reject codification but reorients it: the KHI can function as both a legal code and a moral discourse if its interpretive basis returns to the epistemology of *taklīf*. Law, in this view, remains an act of reasoned obedience—binding not merely because the state enforces it, but because the intellect recognizes its divine purpose.

⁴¹ ‘Abd al-Karīm Zaydān, *al-Wajīz*, p. 134.

⁴² Mohammad Hashim Kamali, *Maqasid Al-Shariah Made Simple*, p. 32.

⁴³ Jasser Auda, *Maqasid al-Shari‘ah as Philosophy of Islamic Law*, pp. 65–74.

To synthesize these findings, the integration of *ḥaqq* and *iltizām* in the KHI is best understood not as a doctrinal shortcoming but as an epistemological displacement resulting from the institutional logic of codification. The state's effort to harmonize Islamic law within a plural legal system required the translation of moral-theological categories into bureaucratic language. This translation, while enabling administrative functionality, inevitably flattened the epistemic complexity of *taklīf*. Recognizing this dislocation opens the path toward epistemic reform: a process that seeks not to discard codification, but to re-inject into it the moral and cognitive essence of Islamic law.

Ultimately, the integration of *ḥaqq* and *iltizām* through the epistemology of *al-ḥukm al-taklīfī* provides a philosophical foundation for reconstructing Islamic family law in Indonesia. It restores the balance between moral intentionality and legal form, re-establishing law as a medium of divine wisdom rather than a mere administrative instrument. Within this paradigm, the KHI may evolve from a code of regulation to a system of moral cognition—reflecting the dialogical relationship between divine command and human understanding. In doing so, it fulfills the maqāsidic vision of Sharī'ah: to realize justice (*'adl*), compassion (*raḥmah*), and moral equilibrium (*mīzān*).⁴⁴

Reconstructing *Al-Ḥukm Al-Taklīfī* as the Normative Foundation

The synthesis of the findings reveals that the epistemology of *al-ḥukm al-taklīfī* provides not only a coherent theoretical basis but also a transformative normative framework for reconstructing Islamic family law in Indonesia—particularly within the *Kompilasi Hukum Islam* (KHI). Classical jurists such as al-Ghazālī, al-Āmidī, and al-Shāṭibī consistently regarded *taklīf* as the epistemic bridge between divine will (*irādah ilāhiyyah*) and human moral agency (*mas'ūliyyah insāniyyah*).⁴⁵ This study therefore reconstructs *al-ḥukm al-taklīfī* not as a mere legal category but as an epistemic-normative framework, positioned at the intersection of hermeneutic interpretation, legal theory, and normative ethics. It is *hermeneutic* in that it interprets revelation through the lens of human cognition; *theoretical* in that it articulates the epistemic

⁴⁴ Khaled Abou El Fadl, *Reasoning with God*, pp. 283–290.

⁴⁵ Abū Ḥāmid al-Ghazālī, *al-Mustaṣfā*; Sayf al-Dīn al-Āmidī, *al-Iḥkām*; Abū Ishāq al-Shāṭibī, *al-Muwāfaqat*, Juz II, pp. 17–22.

conditions of legal normativity; and *ethical* in that it grounds law in the pursuit of moral intentionality. Thus, this reconstruction is neither utopian nor doctrinal—it offers a practical epistemic model for understanding how divine command becomes binding moral knowledge in the contemporary legal context.⁴⁶

Within this paradigm, the command of God is never coercive but dialogical—it presupposes rational comprehension and moral participation. The *mukallaf* is not merely the subject of law but its interpretive co-creator, whose intellect (*'aql*) transforms divine speech into moral action. In the KHI, however, the transformation of *taklīf* into codified duty has fragmented this dialogical structure. The positivist translation of divine command into administrative obligation replaces epistemic engagement with procedural compliance.⁴⁷ The challenge, therefore, is not to reject codification but to restore its lost epistemic dimension: the process through which divine meaning becomes intelligible, rational, and ethically binding.

In the reconstructed framework of *taklīf*, the integration of *ḥaqq* and *iltizām* is essential. Rights are not conceived as autonomous entitlements but as manifestations of ethical responsibility. For instance, a husband's *ḥaqq al-qiwāmah* (authority) in Article 31 of the KHI must be understood not as hierarchical privilege but as *iltizām al-ra'āyah*—the moral duty of care. Conversely, the wife's *ḥaqq al-nafaqah* (right to maintenance) derives not from dependency but from her reciprocal participation in the family covenant (*'aqd al-zawāj*).⁴⁸ In this interpretation, *ḥaqq* and *iltizām* are co-constitutive aspects of divine justice (*'adl*), mutually reinforcing the moral equilibrium (*mīzān*) envisioned by the Shari'ah.

This interpretation aligns closely with al-Shāṭibī's *maqāṣidic* philosophy, which asserts that every divine command aims to preserve the equilibrium of human life (*taḥqīq al-mīzān*) through the realization

⁴⁶ Mohammad Fadel. "Political Liberalism, Islamic Family Law and Family Law Pluralism: Lessons from New York on Family Law Arbitration." *MARRIAGE AND DIVORCE IN A MULTICULTURAL CONTEXT: RECONSIDERING THE BOUNDARIES OF CIVIL LAW AND RELIGION*, Joel A. Nichols, ed., Cambridge University Press, Forthcoming, *Islamic Law and Law of the Muslim World Research Paper* 09-72 (2009): 09-05.

⁴⁷ Khaled Abou El Fadl, *Reasoning with God*, pp. 283–290.

⁴⁸ *Compilation of Islamic Law (Indonesia, 1991)*, art. P. 31.

of welfare (*maṣlahah*).⁴⁹ By reframing legal obligations as moral acts within this epistemic structure, *taklīf* transforms legal obedience from external compulsion into internal conviction. The essence of law thus lies not in enforcement but in understanding—the recognition that divine command, when rationally comprehended, becomes self-binding knowledge (*‘ilm mulzim*). In this way, the epistemology of *taklīf* restores the moral intentionality that positivist codification tends to obscure, ensuring that the law remains an instrument of moral cultivation rather than bureaucratic control.

Furthermore, the reconstruction of *taklīf* situates the KHI within a broader epistemological architecture that unites ontology, ethics, and normativity. Wael B. Hallaq observes that the enduring vitality of Islamic law lies not in its procedural rules but in its epistemological coherence—the inseparability of revelation (*waḥy*), reason (*‘aql*), and moral purpose (*maqṣid*).⁵⁰ *Taklīf* embodies precisely this coherence. It articulates a mode of knowing in which divine will is translated into humanly intelligible obligation without surrendering its transcendental source. Reinvigorating this epistemic unity within the KHI would realign codified law with its original moral rationality (*‘aql al-akhlāqī*), as envisioned by classical jurists and renewed by contemporary thinkers such as Mohammad Hashim Kamali and Jasser Auda. Kamali emphasizes that “when legal command loses its connection to divine wisdom, it forfeits its claim to moral legitimacy.”⁵¹

To operationalize this epistemic reconstruction, *taklīf* must function as a hermeneutic framework guiding the interpretation of the KHI’s provisions. This means that every legal article should be read through its underlying moral teleology rather than its procedural form. The hermeneutic principle of *maqāṣidiyyah*—interpreting norms by their purposes—finds its epistemic justification in *taklīf*, since purpose (*maqṣid*) is integral to divine command.⁵² Under this approach, *taklīf* becomes the methodological key: it connects the ontology of law (divine will), its epistemology (human cognition), and its axiology (moral purpose). Thus, *taklīf* is not simply a theological doctrine but a

⁴⁹ Abū Ishāq al-Shāfi‘ī, *al-Muwāfaqāt*, Juz II, p. 20.

⁵⁰ Wael B. Hallaq, *Authority, Continuity, and Change in Islamic Law*.

⁵¹ Mohammad Hashim Kamali, *Maqasid al-Shariah Made Simple*, p. 32.

⁵² Jasser Auda, *Maqasid al-Shari‘ah as Philosophy of Islamic Law*, p. 65–74.

comprehensive interpretive model for reconstructing the normative consciousness of Islamic law.

This reconstruction also carries theoretical implications for Islamic legal philosophy. It positions *taklīf* as a *meta-normative theory* that bridges the divide between *uṣūl al-fiqh* and legal hermeneutics. Unlike classical *uṣūl* methodology, which primarily focuses on deriving rulings (*istinbāt al-aḥkām*), the *taklīfī* model focuses on the epistemic structure of normativity itself—how knowledge of divine command becomes moral obligation.⁵³ In this respect, *taklīf* functions analogously to what modern legal theorists such as Ronald Dworkin call a “law as integrity” framework, where normative validity depends on moral coherence rather than procedural enactment.⁵⁴ By rooting normativity in cognition rather than authority, the *taklīfī* paradigm reconciles the theological source of law with the rational autonomy of its subjects.

At the same time, *taklīf* also operates as a normative ethic—a moral framework that defines the ethical horizon of legal action. Its emphasis on intention (*qaṣd*), comprehension (*fahm*), and purpose (*maqṣid*) transforms the understanding of law into an ethical endeavor. In contrast to legal positivism, which isolates obligation from virtue, the *taklīfī* framework binds duty and virtue as correlative acts of knowing and doing.⁵⁵ In this sense, *taklīf* is both descriptive and prescriptive: it explains how divine command becomes binding (epistemology) and prescribes how that command ought to be lived (ethics).

Fazlur Rahman’s *double movement* hermeneutic provides further theoretical support for this reconstruction. He proposed that the interpretation of revelation must proceed from contextual understanding of divine command to universal moral principles, and then back to concrete application in the present.⁵⁶ The epistemology of *taklīf* mirrors this hermeneutic logic: it begins with divine command (*khiṭāb Allāh*), internalizes its moral meaning through cognition, and rearticulates it as ethical responsibility within human society. This cyclical process transforms law into an ever-renewing dialogue between

⁵³ H.L.A. Hart, *The Concept of Law*, p. 38.

⁵⁴ Ronald Dworkin, *Law’s Empire* (Cambridge, MA: Harvard University Press, 1986), pp. 176–180.

⁵⁵ Hans Kelsen, *Pure Theory of Law*, p. 10.

⁵⁶ Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1982), pp. 7–12.

the eternal and the temporal. Abdullah Saeed expands this perspective by framing Islamic legal reasoning as “*ethical hermeneutics*,” wherein *maqāṣid al-sharī‘ah* serve as the bridge between divine revelation and human moral reasoning.⁵⁷ The *taklīfī* framework thus situates the KHI within a living interpretive tradition rather than a static codification.

In practical terms, this reconstruction calls for a reorientation of interpretive authority within Indonesia’s religious court system. Rather than viewing judges merely as enforcers of codified rules, it envisions them as epistemic agents—participants in the divine-human dialogue who must interpret the KHI’s provisions in light of their moral purpose.⁵⁸ This approach does not undermine judicial certainty but enriches it, enabling decisions that are not only legally valid but epistemically coherent and ethically sound. It operationalizes *taklīf* as both hermeneutic method and moral philosophy, ensuring that law functions as a mode of knowing, understanding, and embodying divine justice.

Ultimately, the reconstruction of *al-ḥukm al-taklīfī* as the normative foundation of Islamic family law transforms the KHI from a legal codex into a *moral-epistemic system*. It unites the theological, cognitive, and ethical dimensions of law into a coherent whole. Within this reconstructed framework, *taklīf* emerges as the “grammar of normativity”—the underlying structure through which revelation becomes moral knowledge and moral knowledge becomes social justice. In this sense, *taklīf* serves as the epistemological core of Islamic jurisprudence and the ethical lifeline of Islamic family law, restoring to the KHI its dual function as both a code of regulation and a covenant of moral consciousness.⁵⁹

Toward A Maqāṣid-Based Reform of Islamic Family Law

The broader implications of reconstructing *al-ḥukm al-taklīfī* extend beyond Indonesia’s jurisprudential boundaries. They present a transformative epistemological foundation for reimagining Islamic family law within the global discourse of *maqāṣid al-sharī‘ah*. The findings demonstrate that when *taklīf* is understood not as a static

⁵⁷ Abdullah Saeed, *Interpreting the Qur’an: Towards a Contemporary Approach* (London: Routledge, 2006), pp. 43–45.

⁵⁸ Euis Nurlaelawati, *Modernization, Tradition and Identity*.

⁵⁹ Wael B. Hallaq, *The Impossible State: Islam, Politics, and Modernity’s Moral Predicament* (New York: Columbia University Press, 2013), pp. 95–102.

classification of obligations but as a dynamic epistemic process, it reconfigures the entire logic of Islamic legal reasoning—from one based on formal prescription to one rooted in moral cognition (*ma'rifah akhlāqiyah*). In this sense, the *Kompilasi Hukum Islam* (KHI) should not be read merely as a codified corpus of enforceable norms but as a textual locus of divine communication, where revelation (*wahy*) and reason (*'aql*) converge to generate binding moral knowledge.⁶⁰

This epistemological reading redefines the relationship between *taklīf* and *maqāṣid*. Contrary to the conventional narrative that *taklīf* derives meaning from *maqāṣid*, this study argues that the reverse is epistemologically true: *maqāṣid* depends upon *taklīf* for its intelligibility.⁶¹ Purpose (*maqāṣid*) is not the origin of divine command but its teleological outcome; it becomes known only through the epistemic act of *taklīf*—the process by which divine intent is translated into human comprehension. Thus, *taklīf* is the ontological root of moral purpose, and *maqāṣid* its cognitive fruit. Without *taklīf*, there can be no *maqāṣid*, for divine purpose cannot be discerned apart from the epistemic mechanism that renders divine command intelligible. As Ibrāhīm al-Shāṭibī makes clear, “the lawgiver’s intent (*maqāṣid al-shāri'*) is discernible only through the comprehension of the divine command (*fahm al-amr al-ilāhī*).”⁶²

This inversion has profound implications for the reform of Islamic family law. It means that a *maqāṣid*-based legal system must be grounded in the epistemology of *taklīf* to ensure that moral purposes are not constructed independently of revelation, but discovered within it through rational reflection. Modern reform projects that treat *maqāṣid* as autonomous ethical principles risk detaching morality from divine intentionality, thereby reintroducing the secular epistemology that Islamic jurisprudence originally sought to transcend.⁶³ By contrast, *taklīf*-based *maqāṣid* integrates divine will, reason, and moral purpose within a single epistemic circuit. This structure prevents *maqāṣid* from degenerating into abstract ethics and ensures that moral reasoning remains anchored in revelation.

⁶⁰ Abū Ishāq al-Shāṭibī, *al-Muwāfaqāt*, Juz II, pp. 17–22.

⁶¹ Mohammad Hashim Kamali, *Maqasid al-Shariah Made Simple*, pp. 32–34.

⁶² Abū Ishāq al-Shāṭibī, *al-Muwāfaqāt*, Juz II, p. 20.

⁶³ Jasser Auda, *Maqāṣid al-Shari'ah as Philosophy of Islamic Law*, pp. 65–74.

In the context of the KHI, this *taklīf*-oriented reconstruction transforms the purpose of law from administrative regularity to moral intentionality. When read through *taklīf*, the KHI's articles—on marriage (Article 2), spousal rights (Article 31), and financial maintenance (Article 80)—become not mere legislative directives but manifestations of divine address (*khitāb Allāh*).⁶⁴ Each legal rule thus carries a dual dimension: a procedural form determined by codification and a moral meaning determined by *taklīf*. The epistemic challenge of reform is to reestablish this correspondence—to ensure that the *form* of law expresses the *meaning* of divine intent.

This epistemic reorientation generates a coherent response to two persistent crises in contemporary Islamic jurisprudence: moral relativism and legal formalism. Against relativism, *taklīf* reaffirms divine intentionality (*qaṣd ilāhī*) as the ultimate source of moral authority; against formalism, it elevates reason (*ʿaql*) as the interpretive instrument that discloses that intention. The synthesis of these two poles—authority and reason—constitutes what Mohammad Hashim Kamali calls a “rational theology of law,” wherein divine command (*amr ilāhī*) and human understanding (*idrāk insānī*) coexist within a unified epistemic horizon.⁶⁵ In this model, legal reform (*iṣlāḥ al-qānūn al-islāmī*) is not a departure from revelation but an act of epistemic deepening—a continuous process of moral discovery through rational engagement with divine will.

By applying *taklīf* epistemology to family law, the study demonstrates how the unity of *ḥaqq* and *iltizām* yields a holistic moral order structured around justice (*ʿadl*), compassion (*raḥmah*), and balance (*mīzān*).⁶⁶ These three principles form the triadic core of what Jasser Auda terms a “systems-based *maqāṣid* paradigm,” in which law functions as an interactive network of moral purposes rather than a linear sequence of duties.⁶⁷ Under this paradigm, the KHI's legal provisions can be reformulated as adaptive ethical structures. Article 2 may be interpreted as a covenant of shared responsibility rather than

⁶⁴ *Compilation of Islamic Law (Indonesia, 1991)*, art. 2, 31, and 80.

⁶⁵ Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld, 2008), pp. 271–276.

⁶⁶ Abū Ishāq al-Shāṭibī, *al-Muwāfaqāt*, Juz II, p. 21.

⁶⁷ Jasser Auda, *Revisiting Maqasid al-Shariah: Towards a Systems Approach* (London: IIIT, 2021), pp. 45–52.

mere registration; Article 31 as a framework of reciprocal care rather than hierarchy; and Article 80 as an act of moral devotion rather than a financial transaction. This interpretive transformation repositions the KHI as a *living moral discourse*—a textual space where divine revelation interacts dynamically with social reason.

Contemporary *maqāṣid al-sharī'ah* scholarship has evolved from abstract ethical principles toward a systemic approach that prioritizes institutional reform, including the restructuring of legal institutions to realize contextual *maṣlaḥah* (public interests).⁶⁸ When informed by *taklīf* epistemology, such reform can move beyond interpretive theory into systemic reconstruction. In judicial practice, for example, *taklīf* can guide how judges contextualize codified norms by identifying their underlying moral intentions; in legislative processes, it can serve as a philosophical filter that aligns statutory language with theological purpose. In both domains, *taklīf* functions as an epistemic compass that preserves the unity of divine meaning across institutional structures.

This approach also bridges the long-standing gap between *maqāṣid*-based ethics and *uṣūl al-fiqh*-based normativity. Fazlur Rahman's double-movement hermeneutic—reading divine revelation from historical context to moral universality and back—finds its epistemic anchor in *taklīf*.⁶⁹ *Taklīf* provides the rational continuity that connects divine intent with human moral reasoning across time and culture. In contrast to some modern *maqāṣid* reformulations that treat moral objectives as independently derivable, *taklīf* ensures that purposes remain theologically rooted and epistemically disciplined. Abdullah Saeed echoes this when he describes contemporary *maqāṣidiyyah* as a form of “ethical hermeneutics” that must remain tethered to divine intentionality to avoid ethical relativism.⁷⁰

Wael B. Hallaq's recent work further reinforces this point. He argues that the classical Islamic legal system maintained its integrity precisely because it operated as a moral-epistemic order in which

⁶⁸ Azwarfajri Azwarfajri, Saifuddin Sa'dan, Syahminan Zakaria, and Muhammad Yusuf, "The Construction of Contemporary Maqasid: A Paradigm Shift from Textual to Contextual Approaches," *Jurnal Pemikiran Islam* 5, no. 2 (2025): 197–218, <https://doi.org/10.22373/jpi.v5i2.32960>.

⁶⁹ Fazlur Rahman, *Islam and Modernity*, pp. 7–12.

⁷⁰ Abdullah Saeed, *Interpreting the Qur'an*, pp. 43–45.

revelation, law, and ethics were inseparable.⁷¹ Modern codification, by contrast, fragmented this unity by transferring law from the realm of moral cognition to bureaucratic administration. The *taklīf*-based reconstruction proposed here offers a way to restore this lost unity without rejecting codification itself—it redefines codification as an epistemic instrument rather than an end in itself. Through this lens, the KHI can evolve into an institutionally grounded yet morally coherent system, capable of embodying the *maqāṣidic* vision of justice, mercy, and wisdom within Indonesia’s plural legal framework.

In this respect, *taklīf* epistemology provides a philosophical foundation for systemic reform—one that extends from jurisprudential interpretation to institutional design. It proposes that the legitimacy of Islamic law depends not on state enforcement but on the epistemic integrity of its reasoning processes. When *taklīf* governs the production of legal meaning, law becomes an extension of divine knowledge rather than a projection of political authority. As Khaled Abou El Fadl insists, “without moral reasoning, law becomes tyranny.”⁷² The task of reform, therefore, is to institutionalize moral reasoning—to embed *taklīf*-based epistemology within the structures of legal education, judicial reasoning, and legislative drafting.

In conclusion, the epistemology of *al-ḥukm al-taklīfī* provides a foundational grammar for *maqāṣid*-based reform. It situates *maqāṣid* within a hierarchy of knowledge where revelation informs reason, and reason discloses purpose. This epistemic ordering reverses the common assumption that *maqāṣid* grounds *taklīf*; rather, *taklīf* grounds *maqāṣid* by making divine purpose knowable. When applied to the KHI, this reconstruction transforms Islamic family law from a static compilation of rules into a living, reflexive system of moral cognition. It harmonizes divine authority with rational autonomy, ensuring that Islamic law remains both theologically anchored and socially responsive. In doing so, it revives the original vocation of the *Sharī‘ah*—not as a mere instrument of regulation, but as a pathway to moral enlightenment (*ḥudā akhlāqīyyah*), guiding humanity toward justice (*‘adl*), mercy (*rahmah*), and wisdom (*ḥikmah*).⁷³

⁷¹ Wael B. Hallaq, *Restating Orientalism: A Critique of Modern Knowledge* (New York: Columbia University Press, 2018), 121–124.

⁷² Khaled Abou El Fadl, *Reasoning with God*, pp. 283–290.

⁷³ Wael B. Hallaq, *The Impossible State*, pp. 95–102.

Conclusion

This study reveals that *al-ḥukm al-taklīfī* functions as the epistemological foundation of Islamic law, bridging revelation (*waḥy*), reason (*‘aql*), and moral purpose (*maqṣid*). It demonstrates that *maqāṣid al-sharī‘ah* derives its intelligibility from *taklīf*, not vice versa, as divine purpose becomes knowable only through the epistemic process that translates command into moral cognition. Theoretically, this reconstruction advances current debates by positioning *taklīf* as a unifying grammar of normativity that integrates classical *uṣūl al-fiqh* with modern systems-based *maqāṣid* thought, moving beyond dichotomies between positivism and moral relativism. Methodologically, it establishes *taklīf* as both a hermeneutic framework and normative ethic capable of informing legal interpretation and institutional reform. The study, however, remains limited to textual and philosophical analysis without empirical validation of judicial practices. Future research may empirically explore how *taklīf*-based reasoning influences judicial decisions in Indonesia’s religious courts or how interdisciplinary approaches—combining legal theory, moral psychology, and social ethics—could operationalize this epistemology in legal education and policy. Ultimately, *taklīf* emerges not only as a theological concept but as a living epistemic paradigm that can renew Islamic law’s moral coherence and relevance in the modern world.

References

Books

- Abou El Fadl, Khaled. *Reasoning with God: Reclaiming Shari‘ah in the Modern Age*. Lanham, MD: Rowman & Littlefield, 2014.
- Auda, Jasser. *Maqāṣid al-Sharī‘ah as Philosophy of Islamic Law: A Systems Approach*. London: International Institute of Islamic Thought, 2008.
- Auda, Jasser. *Revisiting Maqasid al-Shariah: Towards a Systems Approach*. London: International Institute of Islamic Thought, 2021.

- Creswell, John W., and J. David Creswell. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. 5th ed. Los Angeles: SAGE Publications, 2018.
- Dworkin, Ronald. *Law's Empire*. Cambridge, MA: Harvard University Press, 1986.
- Ghazālī, Abū Ḥāmid al-. *al-Mustasfā min 'Ilm al-Uṣūl*. Beirut: Dār al-Kutub al-'Ilmiyyah, 1993.
- Hart, H. L. A. *The Concept of Law*. 2nd ed. Oxford: Clarendon Press, 1994.
- Hallaq, Wael B. *Authority, Continuity, and Change in Islamic Law*. Cambridge: Cambridge University Press, 2001.
<https://doi.org/10.1017/CBO9780511495557>.
- Hallaq, Wael B. *The Impossible State: Islam, Politics, and Modernity's Moral Predicament*. New York: Columbia University Press, 2013.
- Hallaq, Wael B. *Restating Orientalism: A Critique of Modern Knowledge*. New York: Columbia University Press, 2018.
- Kamali, Mohammad Hashim. *Maqasid al-Shariah Made Simple*. Herndon, VA: International Institute of Islamic Thought, 2008.
- Kamali, Mohammad Hashim. *Shari'ah Law: An Introduction*. Oxford: Oneworld, 2008.
- Kelsen, Hans. *Pure Theory of Law*. Translated by Max Knight. Berkeley: University of California Press, 1967.
- Marzuki, Peter Mahmud. *Legal Research*. Jakarta: Kencana, 2017.
- Nasution, Khoiruddin. *Islamic Family Law in Indonesia and Comparative Muslim Marriage Law*. Yogyakarta: Academia + Tazzaafa, 2009.
- Nurlaelawati, Euis. *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts*. Amsterdam: Amsterdam University Press, 2010.
- Rahman, Fazlur. *Islam and Modernity: Transformation of an Intellectual Tradition*. Chicago: University of Chicago Press, 1982.
- Saeed, Abdullah. *Interpreting the Qur'an: Towards a Contemporary Approach*. London: Routledge, 2006.
- Salim, Arskal. *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism*. Edinburgh: Edinburgh University Press, 2015.
- Shāṭibī, Abū Ishāq Ibrāhīm al-. *al-Muwāfaqāt fī Uṣūl al-Sharī'ah*. Cairo: Dār al-Ḥadīth, 1997.
- Zaydān, 'Abd al-Karīm. *al-Wajīz fī Uṣūl al-Fiqh*. Beirut: Mu'assasah al-Risālah, 1997.

Chapter or Other Part of an Edited Book

- Fadel, Mohammad. "Political Liberalism, Islamic Family Law and Family Law Pluralism: Lessons from New York on Family Law Arbitration." In *Marriage and Divorce in a Multicultural Context: Reconsidering the Boundaries of Civil*

Law and Religion, edited by Joel A. Nichols, 9–25. Cambridge: Cambridge University Press, 2009.

Journal Articles

Azwarfajri, Azwarfajri, Saifuddin Sa'dan, Syahminan Zakaria, and Muhammad Yusuf. "The Construction of Contemporary Maqasid: A Paradigm Shift from Textual to Contextual Approaches." *Jurnal Pemikiran Islam* 5, no. 2 (2025): 197–218. <https://doi.org/10.22373/jpi.v5i2.32960>.

Cammack, Mark E., and R. Michael Feener. "The Islamic Legal System in Indonesia." *Washington International Law Journal* 21, no. 1 (2012): 13–42. <https://digitalcommons.law.uw.edu/wilj/vol21/iss1/5>.

Legal Documents

Compilation of Islamic Law (Indonesia). Presidential Instruction No. 1 of 1991.