



EPISTEMOLOGY OF ISLAMIC LAW IN THE QUR'AN **EPISTEMOLOGI HUKUM ISLAM DALAM AL-QUR'AN**

M. Iqbal Nasir ¹

¹ Institut Agama Islam (IAI) As'adiyah Sengkang

Samsuddin ²

² Institut Agama Islam (IAI) As'adiyah Sengkang

*iqbalmesja@gmail.com

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ABSTRACT

Islamic law seems to be a disaster in international news, especially Islamic laws that are considered to violate human rights (HAM). Whereas in the view of Islamic law, especially in the Qur'an, has a side of justice that is not directly seen by the eyes of the head but with appreciation or wisdom related to the application of Islamic law mentioned in the Qur'an. As Allah Swt. mentions that in the law of qisas there is life for the wronged or relief for the wronged. The clear provisions of Islamic law are definite and fixed propositions, but not all propositions are definite or absolute, but must be examined by Islamic religious scholars in their fatwas. This study focuses on discussing the epistemology of Islamic law in the Qur'an in general to open the horizons of readers in studying Islamic laws mentioned in the Qur'an in general and subsequently developed by Islamic scholars.

Keywords: Epistemology, Islamic Law, Al-Qur'an.

ABSTRAK

Hukum Islam seakan-akan merupakan bencana dalam berita internasional terkhusus hukum-hukum Islam yang dinilai melanggar hak asasi manusia (HAM). Padahal dalam pandangan hukum Islam, terkhusus dalam al-Qur'an, memiliki sisi keadilan yang tidak langsung dilihat oleh mata kepala melainkan dengan penghayatan atau hikmah terkait penerapan hukum Islam yang disebutkan al-Qur'an. Sebagaimana Allah Swt. menyebutkan bahwa dalam hukum qisas terdapat kehidupan bagi yang dizalimi atau kelegaan bagi yang dizalimi. Hukum tersebut dapat memberikan rasa takut bagi para pelanggar dan juga bagi yang ingin melanggar hak-hak manusia lainnya. Ketetapan hukum Islam yang jelas merupakan dalil yang pasti dan tetap, akan tetapi tidak semua dalil pasti atau mutlak, melainkan harus ditelaah oleh para ahli agama Islam dalam fatwa mereka. Penelitian ini fokus membahas epistemologi hukum Islam dalam al-Qur'an secara umum untuk membuka cakrawala para pembaca dalam menelaah hukum-

hukm Islam yang disebutkan dalam al-Qur'an secara umum dan selanjutnya dikembangkan oleh ulama Islam.

Kata-kata kunci: *Epistemologi, Hukum Islam, al-Qur'an.*

A. INTRODUCTION

Taking good laws contained in the Qur'an of course also takes into consideration whether the good dominates or the bad. So the term *sadd al-zari'ah* emerged which is known as a method in the methodology of determining Islamic law, namely a method of legal conclusion based on considerations of greater harm if it is permitted. This prohibition was put forward for no other reason than to close the door to the harm it causes. Even though in the text this is not prohibited, it is even permitted. In relation to inter-religious marriages, it seems that the Quraish tended to prohibit marrying people of the book, because the danger it caused was much greater. This kind of legal perspective is in line with the legal situation which emphasizes: *dar'ul mafasid muqaddamun 'ala jalb al-masalih*. Meaning: Resisting danger takes precedence over taking benefits. So a more in-depth discussion is needed about the epistemology of Islamic law in the Koran.

B. LITERATURE REVIEW

Previous research that has discussed this study includes:

1. Isnan Anshory, (2018). Get to know the interpretation of the Ahkam verse. This book discusses Tafsir ahkam, which is one of the various styles of interpretation of the Al-Qur'an. Where this style focuses more on the interpretation of verses from the Koran which have the potential to become the basis of fiqh law. As ahkam verses are interpreted as verses from the Qur'an which contain a series of commands and prohibitions, or other fiqh issues.
2. Fi Zilal al-Qur'an, trans. As'ad Yasin, et al., Tafsir fi Zhilalil Qur'an: Under the Shade of the Qur'an. Tafsir Fi Zhilalil-Qur'an: Under the Shade of the Al-Qur'an as a book of interpretation that is different from other books of interpretation with the content of evidence and a strong spirit of struggle. As the title suggests, in this book we will find very strong nuances of the Qur'an, as if we were talking directly to the One who sent it down, Allah Azza wa Jalla.

C. METHOD

This research uses qualitative research in the form of library research which focuses on the epistemology of Islamic law in the Koran. Data analysis was carried out in three ways, namely collecting relevant data, coding, and extracting results. This research uses

qualitative research in the form of library research which focuses on the epistemology of Islamic law in the Koran. Data analysis was carried out through three things, namely collecting relevant data, coding, and drawing conclusions.

D. RESULT AND DISCUSSION

Understanding Islamic Law and its Relevance to Fiqhi and Jurisprudence Proposals

Islamic law was clearly visible when the legal verses were revealed, when the Prophet saw. receiving this revelation, the friends understand and comprehend the law, Unless there is an event that contains laws in Islam that cannot be understood, then the friends will ask the Prophet saw. about this. so that the friend's questions are answered clearly by the prophet or the friend understands them well, Then the friend conveyed the law to other friends. As explained by al-Zarkasyi (Badrudin Muhammad bin, Jilid I).

إن القرآن إنما أنزل بلسان عربي مبين في زمن أفصح العرب وكانوا يعلمون ظواهره وأحكامه أما دقائق باطنه فإنما كان يظهر لهم بعد البحث والنظر من سؤا لهم النبي صلى الله عليه وسلم في الأكثر كسؤا لهم لما نزل {وَلَمْ يَلْبِسُوا إِيمَانَهُمْ بِظُلْمٍ} فقالوا: أينما لم يظلم نفسه ففسره النبي صلى الله عليه وسلم بالشرك واستدل عليه بقوله تعالى {إِنَّ الشِّرْكَ لَظُلْمٌ عَظِيمٌ}.

If we pay close attention, we can basically know about the practice of Islamic law since the Prophet was still alive. Likewise, the practice of ijtihad has been going on since the prophet was still alive. The Prophet himself was used to carrying out ijtihad, not just waiting for revelation from Allah in deciding several cases, although for certain matters the prophet always waited for revelation. Meanwhile, after the Prophet died, the khulafa rasyidin continued to base their lives related to world problems on Islamic law (Qadri Azizy, 2002).

The term Islamic law is often heard and associated with the Islamic religion. Amir Syarifuddin explained that to understand the meaning of Islamic law or in Malay called Islamic law, it is necessary to first know the word law in Indonesian. There are difficulties in giving a definition to the word law, below we will present a defini-

tion of law in a simple sense, namely, a set of rules regarding human behavior recognized by a group of people; prepared by a person authorized by that community; applies and is binding on all its members. This definition certainly still contains weaknesses, but it can provide an understanding that is easy to understand. If the word law according to this definition is connected to the words Islam or Sharia, then Islamic law will mean a set of regulations based on the Sunnah of Allah and/or the Sunnah of the Apostle concerning the behavior of the human face of the Prophet, which is recognized and believed to be binding on all Muslims (Amir Syarifuddin, 2010). Furthermore, Islamic law can be divided into two main areas, namely: a) the study of detailed regulations that are amaliyah and must be followed by Muslims in religious life. This is what is simply called fiqh in a special sense with all the scope of its discussion, b) the study of the provisions as well as systematic methods and efforts to produce a detailed set of regulations which is called fiqh proposals or in another sense the fiqh methodological system (Amir Syarifuddin, 2010).

In the history of Islamic law legislation, it is known as the Arabic term *tasyri'* date. In linguistic terms, date is defined as history, saga and chronicle. Meanwhile, *tasyri'* comes from the word *sharia* which simply means law, regulations and legislation. *Tasyri'* (legislation or enactment of law) means the establishment of laws in Islam. *Tasyri'* is establishing laws, forming *qanun* (laws and regulations). *Sharia* is defined as a number of rules or provisions revealed by Allah to the Prophet Muhammad saw for humans which cover three areas, namely: 1) beliefs (rules relating to creed), 2) deeds (provisions relating to a person's legal actions), 3) morals (about good and bad values (Abdul Majid Khon, 2013).

Apart from the *tasyri'* date, Islamic law is also known as *ahkam syar'iyah* (*shari'ah* laws). *Ahkam syar'iyah* is also known as Islamic law today. So that Islamic law basically gave birth to the science of jurisprudence, and jurisprudence with its methodology produced jurisprudence (Isnain Anshory, 2018). Islamic law experts in traditional books do not use the word Islamic law in the literature they write. Commonly used are the terms Islamic law, *sharia* law, *fiqh*, *sharia* and *sharia*. The word Islamic law only emerged when western orientalist began to conduct research on the provisions of Islamic law with the term Islamic law which can literally be called Islamic law. Islamic law is a series of the words law and the word Islam separately, which are words used in Arabic and also apply in the living and used Indonesian language, although no definitive meaning has been found (Abdul Manan, 2017). In an explanation of

Islamic law from Western literature, we find the definition of Islamic law, namely the entire book of Allah which regulates the life of every Muslim in all its aspects (Joseph Schacht, Mardani, 2015).

interact with legal sources in Islamic law such as the Koran, Sunnah and *ijtihad*. In fact, the principles of *fiqh* are also a science that forms the basis of the epistemology of Islamic law itself, because one of the important studies is talking about *hujjiyyah 'adilah* or the basics of legitimizing the postulates of sharia as a source of Islamic law. Even though the principles can basically be used in multi-disciplinary Sharia disciplines, it is only specifically that the principles of jurisprudence are the foundation for producing jurisprudence itself. This is the relationship between legal verses and *fiqh* suggestions (Isn'an Anshory, 2018).

Islamic law has two kinds of rules. First, the rules of jurisprudence that we find in the books of jurisprudence, which are used to issue laws (*takhrij al-ahkam*) from their sources, the Qur'an or *hadith*. Second, the rules of *fiqh*, namely the rules that are generally deduced from *fiqh* material and then also used to determine the law for new cases that arise, the law of which is not clear in the text.

In general, the rules of *fiqh* are divided into:

1. Basic rules of jurisprudence, such as achieving benefit and preventing damage. Added to this are five basic rules such as, a) every matter depends on the intention, b) belief cannot be eliminated because of doubt, c) difficulty brings ease d) disadvantage must be eliminated, d) custom is considered in determining the law (A. Djazuli, 2016).
2. General rules of jurisprudence, there are several general rules in the rules of jurisprudence such as: 1) a previous *ijtihad* is not canceled by a subsequent *ijtihad*, 2) the law of the follower remains as a follower, 3) the follower becomes disqualified by his death. which is followed, 4) the follower does not precede the one who is followed, 5) what follows can be forgiven and cannot be forgiven anything else, 6) the follower is not alone in the law, 7) if two things of one kind are united and the meaning is not different, then the law of one of them is included in the law of the other, 8) being happy with something means being happy with the consequences that arise from that something, 9) words cannot be relied on by those who are silent, but silence in matters that require information is information, 10) something that is legally obligatory cannot be left behind unless there is something else that is obligatory, 11) an obligation whose implementation is not perfect except in the presence of something, then that

something is also legally obligatory, 12) the law of means is the same as the law of ends, m) what is it is haram to use it, it is also haram to get it, 13) what is haram to take, it is also haram to give it, 14) something that is being used as the object of a certain action, must not be made the object of another action, 15) the words of a translator are accepted without reservation, 16) enjoyment is adjusted to the level of effort and effort is adjusted to enjoyment, 17) ijtihad is not permitted in a place where there is a text, 18) an action that is easy to carry out, does not abort a difficult one implemented, 19) the strong includes the weak and not vice versa, 20) two different rights do not absorb each other, 21) what is forbidden because of sadd al-z'a'ri'ah (closing the path of destruction), is permitted because of the benefit that stronger, 22) rights cannot be established except those stipulated by law, 23) a sign of occupying a stated position, 24) if an obstacle has been removed, then the law that was obstructed returns to its original state, 25) the law to guard something is the same as that which is guarded, 26) referring something to hidden elements has the power of a postulate, 27) mentioning something that cannot be divided, such as mentioning the whole, 28) if several conditions are required (cumulative conditions) then the thing becomes invalid without any error one, 29) required to maintain conditions according to ability, 30) whoever has something, then he is the owner of the need, 31) known gestures usually made by mute people have the same status as verbal explanations, 32) every condition that violates the basics Sharia is void, 33) whoever hastens something before the time will bear the consequences of not getting that something, 34) something that is dependent on a condition, is obligatory when there is a condition, 35) a right cannot be removed from someone's hands except on the basis of legal provisions strong, 36) the state of being forced eliminates the influence/consequences of legal action both words and deeds, 37) every legal action that thwarts the intended success is void, 38) every obligation imposed on a person means he is not free from his obligation unless he carries it out (A. Djazuli, 2016).

3. Specific rules of fiqh, these are grouped into six parts, namely the field of mahdah worship (human relationship with God), the field of ahwal syakhs(iyyah (family law), the field of mu'amalah (transactions) , the field of jinayah (criminal law), the field of siyasah (state administration), the field of 'aqdiyyah (judiciary) (A. Djazuli, 2016).

In order to gain a good understanding of sharia or Islamic law and fiqh, it is necessary to provide a brief explanation for these two terms. Sharia or Islamic law and fiqh are two different terms, but the relationship between the two is very close, fiqh could not have been born without the existence of sharia. Viewed chronologically, Shari'a precedes Fiqh. Sharia is determined by Allah SWT, while fiqh is the result of human thinking about sharia. In general, the Shari'a contains eternal basic principles because they originate from the revelation of Allah SWT. which is exactly what it is. Its validity cannot be changed. On the other hand, fiqh as a result of human understanding is temporary, meaning, there may be things that can be reviewed, in accordance with developments in human culture, times and needs. Fiqh contains details of the Shari'a, because it can be called an elaboration of the Shari'a. The elaboration referred to here is an ijtihad activity using reason or al-ra'yu. In other words, it is in fiqh that we can find out about the findings of the fuqaha' scholars (those who are experts and specialize in the field of fiqh, the singular form is called faqih), including the founders of four schools of thought which to this day still exist. influential, namely Abu Hanifah (founder of the Hanafi school), Malik bin Anas (founder of the Maliki school), Syafi'i (founder of the Shafi school) and Ahmad bin Hanbal (founder of the Hanbali school). These Islamic jurists were very instrumental in developing Islamic law through their very admirable thoughts (Muhammad Tahir Azhari, 2015).

The end of the process of interpreting legal verses are sharia laws which are practical and applicable. This law relates to matters of worship and muamalah. So this law is then called fiqh. So if you pay attention, the relationship between legal verses and fiqh is like the relationship between trees and fruit. Trees function as the basis for the existence of fruit, and fruit is the result enjoyed from the tree (Isn'an Anshory, 2018).

From the previous explanation, it can be seen that there is a strong relationship between the three aspects deeply embedded in the Al-Qur'an, namely legal verses, fiqh suggestions, and law. These three things cannot be separated because they are interrelated and all three are the foundation of Islamic teachings, if one of them is separated then this sturdy religious building will crack and destruction can occur due to the lack of support in this religious building.

Interpretation of Legal Verses and the History of the Development of Islamic Law

The history of the interpretation of legal verses begins at the time of the Prophet saw., when the Prophet saw. receive the revelation of Allah Swt. namely the Koran to convey its laws to all human beings physically and mentally. Friends of the Prophet saw. take the interpretation and understand it according to their understanding, but when they do not understand the law of a verse or several verses then they return to clarify the interpretation to the prophet saw. But, after Nab saw. died, the fiqh scholars from the group of friends took over their role as heirs of the prophet under the leadership of the Rashidun khulafa. After that, a case occurred that could not possibly be solved unless the fiqh scholars from the Companions themselves took istinbat/the law of the Koran. But there are also differences of opinion regarding the 'iddah of a widow whose husband dies. Does the widow have to wait until she gives birth or does she wait for the 'iddah period of four months and ten days? This is the beginning of differences in understanding of fiqh (although the number is minimal) among friends in understanding legal verses. Subsequently, several schools of interpretation of legal verses were born in interpreting legal verses and taking istinbat} in line with the emergence of various kinds of furu'iyah problems in the interpretation of legal verses (Manna' al-Qattan, 2007).

If the Companions left behind many sets of jurisprudential laws, then it was an indication for the mujtahids after them to move towards a correct understanding of the excavation of the passages of the Qur'an. Where in their interpretation there is no as'lar or hadith of the Prophet Muhammad. Justification of salim reason (correct reasoning) and several tools of understanding are suggestions that continue to be made by tabi'in and subsequent generations in their various interpretations of the Koran, along with attention to the few problems that require knowing the law. Then various kinds of events arose, several needs and demands to know something that was appropriate to apply the law of Allah Swt., to various kinds of events whose laws had never been previously known. Ancient civilizations entered the realm of Islamic society and then several high priests emerged whose hearts were filled with an inexhaustible supply of piety and enthusiasm to explore the sources of the Shari'a (Abdurrahman Kasdi, 2014).

Previous scholars have codified the interpretation of legal verses, especially several school imams who focused their attention on this matter. The interpretation of legal verses developed in the 300

H century and was made famous by classical school scholars. The following is data from interpretive scholars who use legal patterns:

1. Abu Bakr al-Razi, known as al-Jassas, a hanafiah scholar who died in (d. 370 AH), wrote the book Ahkam al-Qur'an which was printed in three large volumes.
2. Abu Bakr bin al-'Arabi, including the malikiyyah ulama who died in (d. 543 AH), wrote the book Ahkam al-Qur'an which was printed in two volumes.
3. Abu 'Abdullah al-Qurtubi, was a malikiyyah scholar who died in (d. 671 AH), wrote the book al-Jami' li Ahkam al-Qur'an which printed several times.
4. Abu Hasan al-Tabari, was a Shafi'iyyah scholar, died in (d. 504 AH), wrote the book Ahkam al-Qur'an which was written in volume large and found in the publishers Dar al-Kutub al-Misriyyah and Maktabah al-Azhariyyah.
5. Syihab Abu al-'Abbas Hamad bin Yusuf bin Muhammad al-Halabi, died in (d. 756 H), wrote the book Al-Qaul al-Wajiz fi Ahkam al-Kitab al-'Aziz which is printed and is at the publisher Maktabah al-Azhariyyah volume I.
6. Miqdad al-Saburi, one of the twelve Shia imamiyyah scholars who wrote the book Kanz al-Furqan fi Fiqh al-Qur'an (Abdurrahman Kasdi, 2014).

If traced historically, books of interpretation of legal verses have developed rapidly as evidenced by the birth of several works of interpretation of legal verses in the 3rd century AH. In general, several interpretations of legal verses from schools of interpretation take the form of tahlili and systematically, especially the four largest schools of jurisprudence such as the Hanafi, Maliki, Shafi'i and Hanbali schools. The interpretation of legal verses in the form of tahlili in the Hanafiyah school of thought is: (Isn'an Anshory, 2018).

1. Abu Mansur al-Maturidi (d. 333 AH) with his work Ta'wilat al-Sunnah.
2. Abu Lais al-Samarqandi (d. 373 H) with his work Bahr al-'Ulum
3. Al-Zamakhshari (d. 538 H) with his work al-Kasysyaf 'an Haqaiq Gawamid al-Tanzil.
4. Al-Nasafi (d. 710 AH) with his work Madarik Aal-Tanzil wa Haqaiq al-Ta'wil.
5. Abu Su'ud (d. 982 AH) with his work Irsya>d al-'Aql al-Salim ila> Mazaya al-Qur'an al-Karim.
6. Isma'il al-Haqqi (d. 1127 AH) with his work Ruh al-Bayan.

As for the Malikiyyah school of thought, namely: (Isn'an Anshory, 2018).

1. Ibn Abi Zamanain (d. 399 H) with his work Tafsir al-Qur'an al-'Aziz.
2. Makki bin Abi Talib (d. 437 AH) with his work Hidayah ila Bulug al-Nihayah fi 'Ilm al-Ma'ani al-Qur'an wa Tafsirihi wa Ahkamihi wa Jumal min Fununi 'Ulumihi.
3. Ibn 'Atiyyah al-Andalusi (d. 542 H) with his work al-Muharrar al-Wajiz fi Kitab al-'Aziz.
4. Ibn al-Jauzi al-Kalbi (d. 741 AH) with his work al-Ta'sil li 'Ulum al-Tanzil.
5. Al-Sa'labi (d. 875 AH) with his work Jawahir al-Hisan fi Tafsir al-Qur'an.
6. Ibn 'Ajibah (d. 1224 H) with his work al-Bahr al-Madid fi Tafsir al-Qur'an al-Majid.
7. Ibn 'Asyur al-Tunisi (d. 1393 AH) with his work al-Tahrir wa al-Tanwir al-'Aql al-Jadid min Tafsir al-Kitab al-Majid.

The interpretation of legal verses among the Shafi'iyah is: (Isn'an Anshory, 2018).

1. al-Sa'labi (d. 427 H) with his work al-Kasyf wa al-Bayan 'an Tafsir al-Qur'an.
2. al-Mawardi (d. 450 AH) with his work al-Nukat wa al-'Uyun.
3. al-Wahidi (d. 468 H) with his work al-Wajiz fi Tafsir al-Kitab al-'Aziz.
4. al-Muzaffar al-Sam'ani (d. 489 AH) with his work Tafsir al-Qur'an.
5. al-Karmani (d. 505 AH) with his work Garaib al-Tafsir wa 'Ajaib al-Ta'wil.
6. al-Bagawi (d. 516 H) with his work Ma'alim al-Tanzil fi Tafsir al-Qur'an.
7. Fakhruddin al-Razi (d. 606 AH) with his work Mafatih al-Gaib.
8. Al-Baidawi (d. 685 AH) with his work Anwar al-Tanzil wa Asrar al-Ta'wil.
9. Al-Kahzin (d. 741 AH) with his work Lubab al-Ta'wil fi Ma'ani al-Tanzil.
10. Abu Hayyan al-Andalusi (d. 745 AH) with his work al-Bah{r al-Muhit fi al-Tafsir.
11. Ibn Kasir (d. 774 H) with his work Tafsir al-Qur'an al-'Azim
12. Al-Biqai' (d.885 AH) with his work al-Durar fi al-Tanasub al-Ayat wa al-Suwar.
13. Al-Iji (d. 905 H) with his work Jami' al-Bayan fi Tafsir al-Qur'an.
14. Jalaluddin al-Suyuti (d. 911 AH) with his work al-Durar al-Mansur fi al-Tafsir al-Ma'sur.
15. Al-Syarbini (d. 977 AH) with his work al-Siraj al-Munir.

The interpretation of legal verses from the Hanbali school of thought is: (Isn'an Anshory, 2018).

1. Ibn al-Jauzi (d. 597 AH) with his work *Zad al-Masir fi 'Ilm al-Tafsir*.
2. Ibn 'Adil (d. 775 AH) with his work *al-Lubab fi 'Ulum al-Kitab*.

Based on the data on the interpretation of legal verses above, it is understood that the development of the interpretation of legal verses began during the time of the Prophet. and continued with the interpretation by the friends. Furthermore, the codification of interpretations of legal verses began in the 3rd century AH which was developed by fiqh scholars with their style of fiqh, some of these legal exegetical works are in the form of *maudu'i* and some are in the form of *tahlili* complete with interpreting the Qur'an 30 juz. then developed until now.

Purpose of Legal Verses

Muslim society is a society that has special leadership, as they also have special beliefs and outlook on life, namely *rabbani* leadership which is reflected in *Rasulullah saw.* and on what he conveyed from his Lord in the form of the *Shari'a* and its methods which continued to apply after he died. The community's obedience to the leadership of *Rabbani* is what gives them an Islamic identity and makes them a Muslim community. Without this absolute obedience, they are not Muslims. As a condition for this obedience, it is to obey Allah Swt. and the apostle, returned all matters to Allah Swt. and be pleased with the law of the apostle and carry it out wholeheartedly (As'ad Yasin, dkk, 2001).

The purpose of legal verses is to provide provisions for humans to implement so that they do not deviate from the correct path according to the perspective of the Islamic religion so that a Muslim finds peace and benefit in religious and social life, and for humans in general, and obtains worldly happiness. and the afterlife through legal verses specifically for someone who is Muslim.

Regarding the purpose of the legal verses above, the Qur'an's explanation of law can simply be separated into three parts: (Amir Syarifudin, 2014).

1. The Qur'an provides a perfect explanation in a detailed form that everyone can understand and does not require further explanation by the prophet saw. This kind of explanation is called *bayan kamil*. For example, the inheritance rights of a daughter if she is alone is half of the inheritance left behind.
2. The Qur'an provides a general and broad explanation, while the further explanation was left by Allah to the prophet, called *bay>n ijmal*i. For example, the order to perform prayers and zakat, the

form, method of measurement and implementation of which was explained by the prophet in his hadith.

3. The Qur'an explains the law indirectly through its signs. This signal was then understood by experts or mujtahids, and formulated from it other laws other than those directly mentioned in the Qur'an. For example, the Koran prohibits drinking alcoholic beverages called *khamar*. From the clear prohibition on drinking wine, the mujtahids or experts also established haram laws for other drinks that have the same properties as wine.

In general, the legal verses in the Koran have a purpose for Muslims: (Amir Syarifudin, 2014).

1. The law relating to what Muslims must believe and how to do it, is called the law of *i'tiqadiyyah*. Like believing in Allah Swt.
2. The laws regarding good characteristics and morals that must be carried out by good *mudallaf* people, and bad qualities that must be avoided by the people are called *khuluqiyyah*. For example, good manners.
3. Laws relating to actions and deeds that must be carried out or avoided by people in worldly life, both in relation to Allah Swt. The creator and in his relationship with fellow humans and the natural surroundings is called *syar'iyyah* law. Or *sharia* law in a special sense.

Therefore, the Al-Qur'an has a purpose so that it was not revealed 30 juz or only once the Al-Qur'an was revealed. The wisdom is:

1. If the Koran was revealed once, then the Prophet Muhammad saw. will find it very difficult to memorize the Koran and understand it.
2. In the Qur'an there is a verse that is *mansukh* in order to apply periodic wisdom in *pentasyriatan* and reject difficulties and burdens on humans in carrying out the demands of the *sharia*. This cannot be realized unless the Koran is revealed periodically.
3. So that the Koran can be firm in the hearts of those who listen to it.
4. Treating social diseases and religious beliefs that were ingrained when the Koran was revealed (Abdurrahman Kasdi, 2014).

Review of Islamic Law in the Koran

The Qur'an which began to be quoted to us with *mutawatir* renditions. In terms of *sanad*, the translation is *qat'i al-subut* which gives the benefit of *qat'i* (definitely) with *sigat* translation but it is

based on law, some of it is translated qat'iyyah and some are called zanniyyah (Abdurrahman Kasdi, 2014).

The application of the explanation above can be seen from two surahs, namely al-Nisa'/4: 11 and al-Baqarah/2: 228

Allah Swt. says in QS al-Nisa'/4: 11 as follows:

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا فَرِيضَةٌ مِنَ اللَّهِ إِنْ اللَّهُ كَانَ عَلِيمًا حَكِيمًا

Translation:

Allah has prescribed for you regarding (distribution of inheritance to) your children. Namely: the share of one son is the same as that of two daughters; and if all the children are more than two daughters, then for them two-thirds of the property left behind; If there is only one daughter, then she gets half the property. and for two parents, for each of them one-sixth of the property left behind, if the deceased has children; if the person who dies has no children and he is inherited by his parents (only), then the mother gets one third; if the deceased has several siblings, then the mother gets one sixth. (The distributions mentioned above) after fulfilling the will he made or (and) after paying his debts. (Regarding) your parents and your children, you do not know which of them is closer (of much) benefit to you. this is a decree from Allah. Indeed, Allah is All-Knowing, All-Wise (Kementerian Agama RI, 2018).

The pronunciation of half, third, one hundred, eighty and others indicates the meaning of being dilalah qat'iyyah and not accepting ta'wil. Therefore, there is no room for ijtihad and no place for mistakes by mujtahids in understanding and istibnbat the law. The calculation that indicates this does not accept ta'wil, ta'dil, and tabdil (substitution) because the ta'dil removes the text from the origin of its placement with certainty and certainty.

Likewise Allah Swt. says in QS al-Baqarah/2: 228

وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ وَلَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ إِنْ كُنَّ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَبَعُولَتْهُنَّ أَحَقُّ بِرَدِّهِنَّ فِي ذَلِكَ

إِنْ أَرَادُوا إِصْلَاحًا وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ
وَاللَّهُ عَزِيزٌ حَكِيمٌ

Translation:

Women who are divorced handaklah refrain (wait) three quru' times. they must not hide what Allah created in their wombs, if they believe in Allah and the Hereafter. and her husbands have the right to refer to her during the waiting period, if they (husbands) want islah. and Women have rights that are balanced with their obligations in a ma'ruf manner. However, husbands have one level of advantage over their wives. and Allah is All-Mighty, All-Wise (Kementerian Agama RI, 2018).

In this verse there is a pronunciation of al-quru'. This pronunciation means that what is desired is menstruation and the possibility that is desired is purity between two menstruations. This pronunciation can possibly have two meanings, because isytirak lafzi (a pronunciation that has many meanings), then one of the two pronunciations is dilalah zanniyyah, not qat'iyah (Adurrahman Kasdi, 2014).

From the explanation of the legal verses above, we can provide answers to the community regarding certain laws according to their conditions, especially regarding the division of inheritance and divorce. And from the condition of society, we can then see what is meant by this verse. Because a law sometimes has different applications or implementation for each individual according to their conditions, so a law cannot be applied, let alone enforced, for all individuals.

According to Umar Shihab, there are five principles for determining law in the Koran. The legal principles are:

1. 'Adam al-haraj or not narrowing.
2. Taqlil al-taklif or reducing the burden.
3. Al-Tadrij fi al-tasyri' or the gradual establishment of laws.
4. Al-Maslahah al-murlahah or in line with the benefit.
5. Al-Musawah wa al-'adalah or equality and justice (Umar Shihab, 2003).

The general method for determining law in the Qur'an is:

1. Al-Umur bi al-maqasidiha or all affairs according to the intention.
2. Al-Masyaqqah tajlib al-taisir or difficulty brings ease.
3. Al-Darar yuzal or harm must be abandoned.
4. Al-'Adat al-muhakkamah or custom can be established as law.
5. Al-Yaqin layuzal bi al-syakk or something that is believed to be true cannot be erased because of doubt (Umar Shihab, 2005).

In the scope of Islamic law it is divided into two parts, namely: (Mardani, 2015).

1. Ahkam 'Ibadat

Ahkam 'Ibadat are the provisions or laws that regulate man's relationship with God. Ahkam 'Ibadat is differentiated between mahdah worship and gair mahdah worship.

Mahdah worship is a type of worship where the method, time or place has been determined, such as prayer, fasting, pilgrimage, vows, oaths. Meanwhile, gair mahdah worship is all forms of devotion to Allah Swt., and every word or action that provides benefits to humans in general, such as doing good to others, not harming others, maintaining environmental cleanliness and sustainability, inviting other people to do good and leave bad deeds and so on.

2. Ahkam Mu'amalat

Ahkam Mu'amalat are the provisions or laws that regulate relations between humans (creatures) which consist of:

- a. Ahkam al-ahwal al-syakhsiyyah (law of people and humans), namely law regarding people (legal subjects) and family law, such as marriage law.
- b. Ahkam al-madaniyyah (object law), namely the law that regulates matters relating to objects, such as buying and selling, renting, borrowing, settling inheritance or inheritance law.
- c. Ahkam jinayat (Islamic criminal law), namely the law relating to prohibited acts or criminal acts and threats or legal sanctions for those who violate them.
- d. Ahkam Qada' wa al-Murafa'at (procedural law), namely law relating to court proceedings, for example rules relating to evidence, such as witnesses, confessions, oaths relating to the implementation of data penalties and others.
- e. Ahkam Dusturiyyah (constitutional law and legislation), namely law relating to political issues, such as regarding basic arrangements and state systems, legislation within the state, conditions, rights and obligations of leaders, relations leaders and their people, etc.
- f. Ahkam al-dauiyyah (international law), namely the law that regulates relations between countries, both in peace and in war.
- g. Ahkam al-iqtisadiyyah wa al-maliyyah (economic and monetary law), namely law regarding the economy and finance within a country and between countries.

There are five targets of Islamic law or aims towards society, namely: preserving religion, preserving the soul, preserving the

mind, preserving offspring, and preserving property (Mardani, 2010). The aim of Islamic law can be seen from two aspects, namely 1) the aspect of the makers of Islamic law, namely Allah and his messengers, 2) the aspect of humans who are the perpetrators and implementers of Islamic law. If seen from 1) makers of Islamic law, the objectives of Islamic law are: first, to fulfill the primary, secondary and tertiary needs of human life, which in the Islamic law literature are respectively called *daruriyyah*, *hajiyyah* and *tahsiniyyah*. Primary needs (*daruriyyah*) are the main needs that are protected and maintained as well as possible by Islamic law so that the benefit of human life can truly be realized. Secondary needs (*hajiyyah*) are needs that are treated to achieve primary life, such as independence, equality and so on, which support the existence of primary needs. Tertiary needs (*tahsiniyyah*) are human life needs other than primary and secondary ones which need to be provided and maintained for the good of human life in society, for example clothing, food, housing and so on. Second, the purpose of Islamic law is to be obeyed and implemented by humans in everyday life. Third, in order to be obeyed and implemented properly and correctly, humans must improve their ability to understand Islamic law by studying *usul fiqh*, namely the basis for the formation and understanding of Islamic law as its methodology. Apart from that, in the second aspect, namely the perpetrators of Islamic law, namely humans themselves, the aim of Islamic law is to achieve a happy and prosperous life. The way to do this is, as mentioned above, by taking what is beneficial, preventing or rejecting what is detrimental to life. In other words, the essential aim of Islamic law, if formulated in general, is to achieve God's pleasure in human life in this world and the hereafter (Mardani, 2010).

E. CONCLUSION

The epistemology of Islamic law in the Qur'an is the rules of Islamic teachings in the Qur'an to provide the rights of every Muslim so that they are not reduced or misused. And it also provides obligations to those who are assessed in the Qur'an as people who have full responsibility in a case. For example, it is well known that the husband is responsible for providing for his wife and the wife has the right to be supported by her husband. If there is no Islamic law that regulates this, the wife's rights can be ignored by her husband so that life in the household will never be harmonious, achieving *sakinah*, *mawaddah* and mercy. Likewise, other rights and obligations contained in Islamic law based on the verses of the Koran are the rules of Allah Swt. that humans must carry out to obtain justice and happiness in life. The birth of various legal interpretations

with various types of jurisprudence sects is a solution for Muslims to implement Islamic law according to their school of thought, they can even choose a school of thought if it feels difficult to implement or is an emergency in certain circumstances but not in every case. The variety of Islamic law according to scholars based on the Koran is the love of Allah Swt. to his servants so that the muqallid (lay followers) can choose which laws of the ulama they can follow. If the ulama who gives the fatwa is right with Allah Swt. then they get two rewards and if the scholars they follow are not right in the sight of Allah Swt. get one reward, with one condition, namely that the cleric is a mujtahid/cleric with in-depth religious knowledge. From the results of the research above, it is known that Islamic law in the Koran covers all aspects of human life. Not only Muslims but also humanity as a whole. Islamic law guarantees the security of the human soul, his property, his dignity, his offspring, his economy, his state, his harmony, his peace, his care, his knowledge, and even his happiness in the afterlife is also explained in the discussion of Islamic law which is sourced from the Qur'an and hadith which are essentially revelation of Allah Swt. Therefore, a more detailed interpretation of the verses of Islamic law is needed which may not have been mentioned by previous scholars. As the current situation is different from the early days of Islam, it requires the determination of new Islamic laws that are relevant today.

This research only describes in general the epistemology of Islamic law in the Qur'an and further research is urgently needed which can explain in depth the epistemology of Islamic law in the Qur'an. Both worldly and spiritual, the only law is in the hands of the Most Just Judge, namely Allah Swt.

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