

The Concept of *Ta'abbudi* and *Ta'aqquli* in Islamic Law

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Abstract

The discourse on the concepts of *ta'abbudi* and *ta'aqquli* in Islamic law is a discourse that always lives and develops in tandem with the development of science. Understanding the concept of *ta'abbudi* and *ta'aqquli* should continue to use the rules, norms and arguments that serve as guidelines. The concept of *ta'abbudi* and *ta'aqquli*, it is urgent to get a basic conception, as a reference in formulating the relevant concept of Islamic law. This study is a conceptual study of literature with a normative theological approach. The findings in this study are that *ta'abbudi* is a textual provision (The Qur'an and hadith) in the field of worship that must be obeyed even though they do not know the rational reasons, while *ta'aqquli* allows there to be benefits according to rational reasons, so that reason is given space. The object is also different, *ta'abbudi* is focused on mahdah worship, while *ta'aqquli* is in the matter of *muamalah*. In addition, *ta'abbudi* is static, does not provide opportunities for *ijtihad*, while *ta'aqquli* provides opportunities for *ijtihad*. In the construction of Islamic law in the application of the concepts of *ta'abbudi* and *ta'aqquli* it turns out to have two legal dimensions. This means that there are certain problems that require *ta'abbudi* and also conditions that require *ta'aqquli*. It is not focused on the meaning of *lafadz*, but rather on the implementation of the law. Because the form of benefit lies in the philosophical meaning of Allah's decree which will have implications for human actions.

Diskursus konsep *ta'abbudi* dan *ta'aqquli* dalam Hukum Islam merupakan wacana yang senantiasa hidup dan berkembang berseiringan dengan perkembangan ilmu pengetahuan. Memahami konsep *ta'abbudi* dan *ta'aqquli* hendaknya tetap menggunakan kaidah, norma serta dalil yang menjadi pegangan. Konsep *ta'abbudi* dan *ta'aqquli*, urgen untuk mendapatkan konsepsi dasar, sebagai rujukan dalam merumuskan konsep hukum Islam yang relevan. Kajian itu merupakan kajian konseptual kepustakaan dengan pendekatan teologis normatif. Temuan dalam kajian ini bahwa *ta'abbudi* merupakan ketentuan nash (al-Qur'an dan hadis) dalam bidang ibadah yang harus ditaati meskipun tidak mengetahui alasan rasionalnya, sementara *ta'aqquli* memungkinkan ada kemaslahatan menurut alasan rasional, sehingga akal diberikan ruang. Objeknya pun berbeda, *ta'abbudi* tertuju pada ibadah *mahdah*,

The Concept of *Ta'abbudi* and *Ta'aqquli* in Islamic Law

Ismail Keri

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sementara *ta'aqquli* dalam soal muamalah. Selain itu, *ta'abbudi* bersifat statis, tidak memberikan peluang ijtihad, sementara *ta'aqquli* memberikan peluang ijtihad. Dalam konstruksi hukum Islam dalam penerapan konsep *ta'abbudi* dan *ta'aqquli* ternyata memiliki dua dimensi hukum. Artinya bahwa ada persoalan-persoalan tertentu yang mengharuskan *ta'abbudi* dan juga kondisi mengharuskan *ta'aqquli*. Hal itu tidak tertuju pada pemaknaan *lafadz*, akan tetapi lebih kepada implementasi hukumnya. Karena wujud maslahatnya terletak pada makna filosofis dari ketetapan Allah yang akan berimplikasi pada perbuatan manusia.

Key words: *Concept; ta'budi; ta'quli; islamic law.*

Introduction

The concept of *al-dīnu huwa al-aqlu walā dīna li manlā 'aqlalahu* is a discourse on the role of reason in understanding the values of Islamic teachings. This discourse also gave birth to a debate about the position of reason and revelation in interpreting the teachings of Islam, so that this discourse is described as a fierce debate among Islamic thinkers and philosophers. Generally, this debate is colored by various arguments about the extent to which reason can interpret religion and to what extent the information can only be explained through revelation. With reason, humans can understand the Qur'an as a revelation sent down through the Prophet Muhammad (pbuh), with reason humans are also able to review the history of Islam from time to time up to the present.¹

The Qur'an and hadith as the main sources of Islamic law contain two aspects of *din al-Islam*, namely basic beliefs, or religious principles (*uṣūl al-dīn*), and sharia laws or branches of religion (*furū' al- dīn*).² In line with this classification, Abdul Wahhab Khallaf divides the content of the Qur'an into three major parts: *aqīdah*, *khulūqiyyah*, and *'amaliyah*.³ *Aqīdah* is related to the basics of faith. *Khulūqiyyah* is related to ethics or morals. While *'amaliyah* relates to legal aspects that arise from human speech and actions.

¹Efrianto Hutasuhut, *Akal dan Wahyu dalam Islam (Perbandingan Pemikiran Harun Nasution dan Muhammad Abduh)* in *Jurnal Al-Lubb* Vol. 2 No. 1 2017, p. 177

²Sayyid Muhammad Rizvi, "Kecenderungan Rasionalisasi dalam Hukum Syariat," in *Jurnal Al-Huda*, Vol. 2 No. 5, 2002, p. 57.

³M. Quraish Shihab, *Membumikan Al-Qur'an: Fungsi dan Peran Wahyu dalam Kehidupan Masyarakat*, 25th print (Bandung: Mizan, 2003), p. 40.

The Concept of *Ta'abbudi* and *Ta'aqquli* in Islamic Law

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The material of Islamic law itself is divided into two major parts, namely worship (*ibadah*) and *muamalah*.⁴ Worship contains rules regarding the relationship/communication between humans and Allah, although there are still human and social dimensions. While *muamalah* contains rules about interactions between humans or with the natural surroundings, although there is still a divine dimension.⁵

The rules of law that already exist, in essence, must be obeyed by Muslims. In obeying and implementing it, it is not always based on human knowledge of the purpose of the law. This means that the human mind is sometimes unable to understand the reasons and objectives of a legal rule that must be obeyed and implemented. The problem is, is it true that the reasons for the Shari'a law that have been discovered by human knowledge can be considered as the real reason (*ratio legis*) for the enactment of these laws. Is it true that human obedience to the provisions of Shari'ah law is not based on the rational reasons of the Shari'a law, and is more on obedience, the mere submission of obedience to the God? To answer this, it will be studied more deeply about the concept of *Ta'abbudi* and *Ta'aqquli* in the Islamic sharia law. The purpose of this study is to elaborate on the concepts and objects of *Ta'abbudi* and *Ta'aqquli* and their relevance to the development of Islamic law.

Discussion

Definition and Objects of *Ta'abbudi* and *Ta'aqquli*

1. Definition of *Ta'abbudi*

The word *ta'abbudi* (تعبد) comes from Arabic, as *maṣḍar* from *fi'il ta'abbada-yata'abbadu-ta'abbudan* which means self-servitude, submission and humility, obedience, worship, obedience to Allah swt. In terminology, *ta'abbudi* is a legal provision in the *naṣ* (al-Qur'an and sunnah) which must be accepted as it is and cannot be reasoned with reason. While *ta'aqquli*, is a *naṣh* provision that can still be interpreted.⁶ According to al-Syatibi, *ta'abbudi* is "only following what has been decreed by Shari'a," or "something that is specifically due to Allah." Meanwhile, according to Muhammad Salam Madkur, *ta'abbudi* is merely serving Allah by

⁴Fathurrahman Djamil, *Filsafat Hukum Islam* (3rd print; Jakarta: Logos Wacana Ilmu, 1999), p. 52.

⁵Ahmad Munif Suratma Putra, *Filsafat Hukum Islam Al-Ghazal Masalah Mursalah & Relevansinya dengan Pembaharuan Hukum Islam* (1st print; Jakarta: Pustaka Firdaus, 2002), p. 15.

⁶Abdul Azis Dahlan, et al. (ed.), *Ensiklopedi Hukum Islam*, Vol. 5 (3rd print; Jakarta: PT Ichtiar Baru van Hoeve, 2003), p. 1723. See also Hamka Haq, *Filsafat Ushul Fiqh* (Makassar: Al-Ahkam Foundation, 1998), p. 140.

The Concept of *Ta'abbudi* and *Ta'aqquli* in Islamic Law

Ismail Keri

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carrying out his commands from the Qur'an and the Sunnah of the Prophet, not changing, reducing or adding to it.

Aspects of monotheism in Islamic teachings are aspects that must be fully accepted *ta'abbudi*. The truth of monotheism which emphasizes the doctrine of the Oneness of Allah swt., cannot be disputed. Muslims must absolutely accept this doctrine as the entrance to faith and Islam. A Muslim will never avoid accepting the doctrine of Allah swt as *ahad* or one and there is no equal to it. This is the most basic reality of the concept of the *ta'abbudi* approach in Islamic teachings.

The problem of *ta'abbudi*, humans only accept the provisions of sharia law as they are and implement them in accordance with these provisions. So, it can be understood that the provisions of *naṣh* which are *ta'abbudi*, are *gair ma'qūl al-ma'nā*, or absolute, do not require reason and are non-negotiable. Strictly speaking, that in the field of worship contained *ta'abbudi* values (*gair ma'qūl al-ma'nā*), where humans are not allowed to worship except with what has been prescribed.⁷ In this field, there is no door of *ijtihad* for humans to change the *kaifiyah* (procedures) for the implementation of *maḥḍah* worship, in contrast to what was exemplified by the Prophet (pbuh) in prayer and *hajj* for example. Likewise, humans cannot change the times of performing the *maḥḍah* worship, whether it is the five daily prayers, fasting in Ramadan, or the pilgrimage to times other than those that have been prescribed.

The meaning of *ta'abbudi* is basically in harmony with the hadith of the Prophet (pbuh) that: *man 'amila 'amalan laysa 'alaihi amrun fahuwa raddun*⁸ (whoever does a deed (worship) that we did not command, then it will be rejected). It is also implied in QS Al-Bayyinah/98:5.

وَمَا أَمْرُوآ إِلَّا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ

The translation:

And they were not commanded except to worship Allah, (being) sincere to Him in religion....⁹

In this regard, the *fiqh* rule emerges: 'Basically a worship is not valid (cancelled) to be performed until there is a proof that orders it. So it can be understood that in the field of worship, humans are passive in the sense that they cannot determine something of worship only based on rational reasoning. A worship must be based on revelation or *naṣh* both the Qur'an and the hadith of the Prophet (pbuh). This can be related to various provisions of worship in Islamic law,

⁷Fathurrahman Djamil, *Filsafat Hukum Islam*, p. 52.

⁸Muslim, *Sahih Muslim*, Chapter II (Bayrut: Dar al-Fikr, 1992), p. 213.

⁹Kementerian Agama Republik Indonesia, *Asy-Syifa The Holy Qur'an: Al-qur'an Tajwid Warna & Kode Angka, Transliterasi Perkata dan Terjemah {Per Kata}* (Jakarta: PT. Insan Media Pustaka, 2020), p. 598.

The Concept of *Ta'abbudi* and *Ta'aqquli* in Islamic Law

Ismail Keri

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which generally cannot be secreted, such as the *Zuhur*, *Asr*, and *Isha* prayers each four rak'ahs, the *Maghrib* prayer three rak'ahs and the *Fajr* prayer only two rak'ahs. Why is the number of rak'ahs different? The human mind has not, not even been able to know the rationale for the number of rak'ahs for each of the five daily prayers.

Indeed, in ratio there are some worships that can be known secrets and benefits for humans, such as zakat, fasting. So, in worship there is also a rational value, although to a lesser extent than the rational value in *ta'aqquli*. In worship, the *ta'abbudi* element is more dominant than the *ta'aqquli* element. Obviously, the basis for implementing legal provisions in *maḥḍah* worship is more as a mere demand for worship (*li alta'abbud*) without having to depart from the meaning dimension (*ta'aqqulat*).

2. Definition of *Ta'aqquli*

The word *ta'aqquli* (تعقل) comes from *fi'il ta'aqqala-yata'aqqalu-ta'aqqulan*, which means something reasonable (rational). So, *ta'aqquli* is *ma'ql al ma'nā*, namely laws that provide opportunities and possibilities for reason to think, both cause and illat are determined. This possibility is given so that humans (*mukallaf*) can reap the benefits of Allah's laws, both for individuals and the public.¹⁰

Ta'aqquli is dynamic and temporal. *Ta'aqquli* provides flexibility for diversity according to the consideration of the benefit of human life. This diversity can be in accordance with human cult (culture) in every space and time.¹¹ This definition shows the space for rational interpretation in Islamic teachings, especially for aspects of non-tawhid teachings and worship. The *naṣh* s which are *ta'aqquli* are *ma'qūl al-ma'nā*, or relative, so it requires thought in its implementation so that its legal provisions can adapt to the development of situations and conditions of society in every era and place.¹² Thus, *al-Islām sālīḥun likulli zamān wa makān*.

The meaning of *ta'abbudi* and *ta'aqquli* is related to the assumption that humans were created by God as servants who must obey him. For this reason, humans must perform actions that show their obedience to God. Human obedience to God can be distinguished in two forms. First, worship whose main function is to bring people closer to God, namely faith in Him and all its

¹⁰Mukhtar Yahya dan Fathurrahman, *Dasar-Dasar Pembinaan Hukum Islam* (Bandung: PT Al-Ma'arif, 1986), p. 362.

¹¹Fitriyani, *Hukum Islam dan Multikulturalisme di Indonesia*, in *Jurnal Tahkim* Vol. 12 No. 2, 2018, p. 8

¹²Abdul Aziz Dahlan (ed.), *Ensiklopedi Hukum Islam*, Vol. 5 (3rd print; Jakarta: Ihtiar Baru van Hoeve, 2003), p. 1723.

The Concept of *Ta'abbudi* and *Ta'aqquli* in Islamic Law

Ismail Keri

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consequences in the form of worship which is commonly called *maḥḍah*. *Kedua*, *muamalah* that applies according to customary traditions, which are the backbone for the benefit of human life, without this human life will perish. If the latter is worldly and can be understood by human reason (*al-ma'qūl al-ma'nā*), then the former is *ukhrawi* and is the absolute authority of God. (*ḥaqq Allāh*).

So it can be said that *ta'abbudi* are all provisions of Islamic law or *naṣh* provisions (al-Qur'an and hadith) that must be obeyed by a servant as a form of servitude and obedience to Allah alone, not for rational reasons so that they are absolute. However, in certain worship, the object can be expanded such as the object of zakat can be expanded the object of zakat that has existed in classical times, in accordance with the development of the times and human civilization. Therefore, worship still contains elements of ratio and dimensions of benefit for humans (*ta'aqqulāt* dimension).

While *ta'aqquli* are all provisions of Islamic law, the provisions of the texts (al-Qur'an and Hadith) that are accepted and obeyed by a servant because there are benefits for humans based on human rational reasoning in harmony with the benefits of human life in the world. So that it is relative according to changing times, places and situations. However, the laws that are *ta'aqquli* still contain the dimension of worship. Therefore, *muamalah* cannot be separated from the *ta'abbudi* framework.

3. *The Objects of Ta'abbudi and Ta'aqquli*

The object of *ta'abbudi* and *ta'aqquli* is the study of *ushul fiqh* scholars. *Ushul fiqh* scholars have consensus, that the laws relating to the issue of *maḥḍah* worship¹³ (pure) and things that are *ḍarūriyyah* included in the object *ta'abbudi*.¹⁴ Muslims cannot and should not interpret *naṣh* and *ta'abbudi* laws, such as the number of rak'ahs of the five daily prayers, Ramadan fasting, zakat obligations, and hajj. All these provisions are absolute and humans only implement them according to the *naṣh* (al-Qur'an, hadith).

The *ḍarūriyyah* laws which is the primary human need to maintain its existence and develop its function as the vicegerent of Allah on earth. There are five aspects of *ḍarūriyyah* that must be maintained by mankind, namely religion,

¹³Jalaluddin Rahman, *Islam dalam Perspektif Pemikiran Kontemporer* (1st print; Ujung Pandang: PT Umitoha Ukhuwah Grafika, 1997), p. 6.

¹⁴Abdul Azis Dahlan (ed.), *Ensiklopedi Hukum Islam*, p. 1723.

The Concept of *Ta'abbudi* and *Ta'aqquli* in Islamic Law

Ismail Keri

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soul, property, reason, and lineage.¹⁵ All *naṣh* provisions in this aspect are *ta'abbudi*, do not require the interpretation of human reason to modify or change it.

Some aspects of family law (*al-aḥwāl al-syakhsīyyah*) are also included in the *ta'abbudi* category, including the stipulation on the limit of divorce that a husband can refer only twice (QS 2:229), the provision on the limit of *iddah* or the waiting period of a wife who was divorced by her husband (QS 2: 228, and 234; QS 65: 4), *kaffarat* sanctions against the perpetrators of *zihār* and *ila'* (QS 2: 226; 58: 2-4). All this is explained by Allah clearly and in detail. So this provision does not require *ijtihad*.

Other objects of *ta'abbudi* are matters related to permanent morals, for example the obligation of children to be filial to their parents. This obligation cannot be changed even if one or both of his parents have apostatized. Allah confirms in QS al-Isra' /17: 23:

وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَبِالْوَالِدَيْنِ إِحْسَانًا إِمَّا يَبُلُغَنَّ عِنْدَكَ الْكِبَرَ أَحَدُهُمَا أَوْ كِلَيْهِمَا فَلَا تَقُلْ لَهُمَا آفٌ وَلَا تُنْهَرُهُمَا وَقُلْ لَهُمَا قَوْلًا كَرِيمًا

The translation:

And your Lord has decreed that you not worship except Him, and to parents, good treatment. Whether one or both of them reach old age (while) with you, say not to them [so much as], "uff," and do not repel them but speak to them a noble word.¹⁶

The obligation of children to serve their parents is a form of permanent morality or *qath'i* because there are no opportunities for children to be disobedient to their parents. Even if children and parents have different beliefs, religious differences only affect civil relations such as guardianship and inheritance, but the relationship between children and parents does not change because between the two there is a blood relationship (descendants).

However, in the application of the *qath'i Nash*, there were differences of opinion among the companions. In connection with some of the companions, they did not apply the *qath'i* legal textual as was done by Umar bin Khattab which will be explained in the next discussion.

The companions also differed on the object of *ta'abbudi*. At the time of the Prophet (pbuh) a small number of friends such as Bilal bin Abi Rabah (d.20 H/641

¹⁵Muhammad Abu Zahra, *Uṣūl al-Fiqh*, trans. Saefullah Ma'shum, et al., *Ushul Fiqih* (6th print; Jakarta: Pustaka Firdaus, 200), p. 484.

¹⁶ Kementerian Agama Republik Indonesia, *Asy-Syifa The Holy Qur'an : Al-qur'an Tajwid Warna & Kode Angka, Transliterasi Perkata dan Terjemah (Per Kata* (Jakarta: PT. Insan Media Pustaka, 2020), p. 284.

The Concept of *Ta'abbudi* and *Ta'aqquli* in Islamic Law

Ismail Keri

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AD) considered all the commands and prohibitions of the Prophet (pbuh), both in matters of worship and *muamalah* that are *sunnah* that must be obeyed (*ta'abbudi bi al-nuṣūṣ*). However, most of the companions viewed the object of *ta'abbudi* only related to the problem of *maḥḍah* worship. They are not attached to the *na-naṣ* related to *muamalah muamalah*. Therefore, they use reason in finding ways of implementation that are more suitable for their conditions. The main considerations are the interests of the community and the value of justice, with the main character in this case being Umar bin Khattab (d.23 H/644M).¹⁷

In some cases, Umar did not carry out the *naṣh* that was expressly stated by Allah and the Prophet (pbuh), because the case he was facing was not the same as the one referred to in the verse or there were doubts (contradictory two propositions in the same case). On this basis, the *illat* is different, which results in a different law. Umar did *ijtihad* himself in accordance with Islamic guidance which at that time was already widespread by still making *illat* as a basis for consideration. For example, Umar did not divide the spoils of war to Muslim soldiers, did not give *zakat* to converts (because according to him they were not included in the converts mentioned in QS al-Taubah: 60) and determined that three divorces were dropped at once by someone as triple divorces, not divorces. one as practiced by the Prophet (pbuh). In this case, Umar viewed that many cases that arose in his time did not match the substance contained in *naṣh*. Umar paid more attention to the purpose/wisdom of the revelation of Islamic law (*maqāṣid al-syarī'ah*) rather than the meaning of birth *naṣh* itself.

Ali bin Abi Talib (d. 40H/661M) also had policies that were not in line with the textual meaning of *nah*. He does not beat people who drink wine with 40 lashes, as the Prophet (pbuh) did, but 80 lashes. That was why he did *ijtihad* by equating people who drink alcohol with *qazaf* actors who, according to him, because they have lost their consciousness, often tell lies. This is the same as a person who lies accusing others of adultery. Therefore, the punishment for drinking alcohol is also the same as for *qazaf* perpetrators, which is 80 lashes. Besides, with this double punishment he wants to make the culprit come to his senses and repent.

The differences in the views of these friends gave birth to the rationalist and literalist schools in the history of the formation of Islamic law.¹⁸ The rationalist school views that the *naṣh* provisions that are *ta'abbudi* are very few and *ijtihad* with the *qiyās* or *istiḥsān* method must be developed. While the textualist view is that

¹⁷ Abdul Azis Dahlan (ed.), *Ensiklopedi Hukum Islam*, p. 1724.

¹⁸ Imam Syaukani, *Rekonstruksi Epistemologi Hukum Islam dan Relevansinya bagi Pembangunan Hukum Nasional* (1st print; Jakarta: PT Raja Grafindo Persada, 2006), p. 129-130.

The Concept of *Ta'abbudi* and *Ta'aqquli* in Islamic Law

Ismail Keri

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basically the texts are *ta'abbudi*, unless there are other instructions that state differently. For example, *ahlul ra'yu* argue that washing the ablution water container (vessel) that has been licked by a dog seven times, once with soil as described in the hadith narrated by Imam Muslim, is *ma'qūl al-ma'nā*. Because according to them, the *illat* (reason) for washing is due to the uncleanness in the dog's mouth, with the aim that the *najis* is removed from the vessel. If other than soil and watering less than seven times has cleaned the vessel, then it is sufficient. Washing with water and soil is not the only alternative.

Whereas al-Zuhri, imam Malik, imam Syafi'i, and Daud al-Zahiri argue that this issue is *ta'abbudi* and cannot be *ijtihad*ed. Therefore, the washing of the vessel must be done 7 times and once in between with earth, and cannot be replaced with anything else.¹⁹ On the other hand, *muamalah* is the most dominant object of *ta'aqquli*. In this regard, the provisions in the text, although firm, can still be *ijtihad*ed. As most scholars argue, the testimony of 2 men or a man and 2 women in business transactions as explained in QS al-Baqarah/2:282, is not absolute. In this case, the emphasis is on achieving the truth and upholding a good and honest business and avoiding deception. So, it can be stated that the object of *ta'abbudi* is *maḥḍah* worship, while the objects of *ta'aqquli* are *muamalah* and *gairu maḥḍah* worship, namely worship that is carried out in addition to being a means of communication with God but also directly a means of social communication with fellow human beings. When someone pays zakat, alms, infaq, then he has communicated with God (worship), and at the same time establishes a harmonious relationship through the provision of assistance to fellow human beings (social worship).²⁰

Although in *maḥḍah* worship it is not possible to know the exact *illat*, but at a certain level at least the philosophical meaning can be traced, for example the stipulation to wash a vessel that a dog licks 7 times and one of them with soil. *Ijtihad* in this case is not to change the legal provisions but rather to strengthen confidence in obeying the *ta'abbudi* legal provisions. Further details will be presented in the following discussion.

Ta'abbudi and *Ta'aqquli* in the Development of Islamic Law

Worship is pure *ta'abbudi*, the meanings (ideas and concepts) contained in it cannot be reasoned, then humans must accept whatever has been determined by the Shari'a. The implementation of worship that is different from the procedures determined by the Shari'a is no longer worship. The limitations of the Shari'a

¹⁹Abdul Azis Dahlan (ed.), *Ensiklopedi Hukum Islam*, p. 1724.

²⁰Jalaluddin Rahman, *Islam dalam Perspektif*, p. 307

The Concept of *Ta'abbudi* and *Ta'aqquli* in Islamic Law

Ismail Keri

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concerning *ahārah* and prayer, for example, must be obeyed without first thinking about why it is done this way and why it is ordered. Intellect does not need to question why *tayamum*, which according to the eye does not mean cleanliness, can be a substitute for ablution and bathing for purification. The only thing that can be understood from the matter of worship is obedience to Allah's commands, humbling oneself to Him and exalting Him. Obedience is what is the *illat* (cause) for the command of an act of worship, nothing more and nothing less than that.²¹ Although it is true that behind obedience there are benefits for humans as well.

It is different with *muamalah* which is called by al-Syatibi as a universal habit (*'adat*) whose meaning can be understood by reason, then humans can do it with the help of reason. *Illat* of *muamalah* can be rationalized by seeing whether or not there is benefit in it for human life. Therefore, something is prohibited if there is no benefit in it and it is permissible even ordered if there is benefit in it. For example, transactions of money with money of the same kind, in the sense of buying and selling, are prohibited in Islamic law because there is no benefit to be gained. However, if the transaction is carried out in the matter of debt, then the Shari'a allows and commands it because in it there are benefits for human *muamalah*.²²

Other cases in *muamalah* whose meaning can be rationalized are mentioned by the Shari'a in several arguments: Al-Baqarah/2:188, al-Maidah/5:91; hadith *nahā 'an bay'i al-garār* and the hadith *kullu muskirin khamrun wa kullu khamrin ḥarāmum*, the *nashs* show clearly that in matters of customs (*muamalah*), the Shari'a still considers whether there are benefits contained in actions that can be grasped by reason. This shows a sharp and clear difference between matters of worship and *muamalah*. The meaning contained in all worship, especially *maḥḍah* worship, cannot be known except by revelation information, which must be accepted and carried out by humans with full obedience. While the meaning contained in *muamalah* can be known by reason, even according to al-Syatibi, before the advent of sharia, the mind was able to know the benefits contained in various forms and types of *muamalah*.

The function of the Shari'a in matters of worship is different from the function of the Shari'a in matters of *muamalah*. In matters of worship, the function of shari'a is as *mubtadi'* (former) and *munsyi'* (creator) of law.²³ Whereas in the case of *muamalah* whose meaning can already be known by the mind, the Shari'a only functions as a *mutammimah* (complete). The function of the Shari'a as *mubtadi'* and

²¹Jalaluddin Rahman, *Islam dalam Perspektif*, p. 308

²²Jalaluddin Rahman, *Islam dalam Perspektif*, p. 321

²³Jalaluddin Rahman, *Islam dalam Perspektif*, p. 37 7.

The Concept of *Ta'abbudi* and *Ta'aqquli* in Islamic Law

Ismail Keri

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munsyi' in matters of worship is due to the fact that the human mind does not have the authority to determine the forms of worship. Therefore, before the advent of Islamic law, at first people were only allowed to adhere to the forms of worship contained in the previous Shari'a. Later, after the arrival of Islamic law, then the procedure for worship refers to the provisions of Islamic law which are conveyed through the Qur'an and Sunnah.

The application of the concepts of *ta'abbudi* and *ta'aqquli*, human actions are divided into three kinds. First, actions in which there is only the right of Allah alone, which in itself is pure *ta'abbud*, namely all worship. Second, the act in which there are the rights of Allah and the rights of the servant together, but the weight of Allah's rights is greater. For example, regarding the maintenance of the soul, although the preservation of human life is a human right, that right is in the hands of Allah. That's why it is forbidden to kill other people and commit suicide or ask for help from medical personnel (doctors) to end his own life, which in modern medicine is known as euthanasia.²⁴ Third, actions in which there are rights of servants and rights of Allah, but the weight of the rights of servants is greater. In this case, reason plays a very big role in understanding the meaning of the benefits it contains, for example the benefits contained in trade.

So the obligation to wash the vessels that the dog licks seven times and one of them with soil essentially has a benefit value for humans. According to research by an orientalist, a container that was exposed to dog saliva turned out to contain germs (rabies) which strangely could only be removed if it was washed with soil. This conclusion was based on his experiment by placing two containers that dogs licked under a microscope, each of which was washed seven times but one of them was washed with detergent and the other was washed with water mixed with soil. It turned out that the container that had been licked by a dog that was washed with detergent still had germs, while the container that was washed with water mixed with soil looked clean (under the microscope).

So, it can be said that purely *ta'abbudi* legal rules cannot be changed based on ratios, but understanding the secrets and wisdom behind a *ta'abbudi* does not mean changing the *ta'abbudi* provisions. Likewise, expanding the object of a *mahḍah* worship that is *ta'abbudi* is very possible and this has implications for the development of Islamic law. Zakat as one of worship is *ta'abbudi*, but the object of zakat in the context of today's life can be expanded, such as zakat on professions or services, and zakat on luxury goods. (Hamzah, 2021) Even though zakat worship is classified as *mahḍah* worship, it has benefits for humans (social functions) so that

²⁴Setiawan Budi Utomo, *Fiqh Aktual Jawaban Tuntas Masalah Kontemporer* (1st print; Jakarta: Gema Insani Press, 2003), p. 176-177.

The Concept of *Ta'abbudi* and *Ta'aqquli* in Islamic Law

Ismail Keri

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the expansion of the object of zakat can use the *ta'aqquli* approach. In this context, the worship of zakat is *ta'abbudi* which has an element of *ta'aqquli*.

The rules of family law which on the one hand contain elements of *ta'aqquli*, but on the other hand still have elements of *ta'abbudi*, such as marriage and divorce and *iddah*. Even though a divorced woman has been confirmed not to be pregnant based on medical technology, she still has to undergo the *iddah* period. Because, although one of the wisdoms (rational reasons or *ta'aqquli*) of having to undergo the *iddah* period is to ensure that a divorced woman is pregnant or not, *iddah* also contains an element of *ta'abbudi* because there are still other secrets behind the necessity of undergoing the *iddah* which have not yet been discovered or known to the human mind.

The problem of the habit of reading *Barzanji* if it is done as an effort to take lessons from the life history of the Prophet Muhammad (pbuh), then it is *ta'aqquli* so it can be categorized as a *bid'ah ḥasanah*. However, if the habit is carried out to reject danger, then it has entered the realm of belief, so it becomes *ta'abbudi* and therefore classified as *bid'ah ḍalālah*.

Conclusion

Ta'abbudi is a *nash* in the field of worship that is obeyed as a form of servitude even without knowing the rationale for it. While *ta'aqquli* are all provisions of Islamic law or textual provisions that are accepted and obeyed because there are benefits based on rational reasoning. The object of *ta'abbudi* is *maḥḍah* worship, *ḍarūriyyah*, and *qaṭ'i* provisions relating to worship, while the object of *ta'aqquli* is *muamalah* issues, including *naṣḥ ḥanni* which are not related to worship. The concept of *ta'abbudi* is static, so that the door of *ijtihad* is not open to change the procedure for worship, the time and place of the implementation of certain *maḥḍah* worship, from the development side of Islamic law it is still possible to expand the "tools" of a *ta'abbudi* as well as the object of a *maḥḍah* worship. Meanwhile, in *ta'aqquli*, there is a high chance of experiencing expansion through *ijtihad*.

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The Concept of *Ta'abbudi* and *Ta'aqquli* in Islamic Law

Ismail Keri

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