

Dynamics of The Rules for Changing Sharia Law According to Ibnul Qayyim Al-Jauziyyah

Incoming Manuscript: 28-08-2024 Manuscript Edited: 23-11-2024 Accepted Manuscript: 16-12-2024

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Abstract

The diversity of human life necessitates order to achieve social harmony. This study examines the significance of divine law (syari'ah ilahiyyah) as superior to tasyri' wad'i (man-made law), focusing on the consistency of Islamic law and its relationship to the fiqh maxim "Laa Yunkaru Taghayyur al-Ahkam bi Taghayyur al-Azman" (legal rulings may change with changing times). Using a literature-based method, the analysis incorporates classical and contemporary scholarly perspectives alongside practical applications of the maxim. The findings reveal that rulings derived directly from textual evidence (nass) are immutable, whereas those based on custom (urf), public interest (maslahah), or independent reasoning (ijtihad) may adapt to changing contexts. The maxim is narrowly applied to rulings influenced by customs, leaving core scriptural rulings unchanged. Examples include theft punishments adjusted for customary definitions of safekeeping, evolving zakat policies, and contemporary regulations such as traffic laws. These findings affirm that Islamic law combines permanence in foundational principles with flexibility in contextual applications, ensuring its relevance across times and places. The study concludes that understanding the boundaries of this fiqh maxim is crucial for maintaining the balance between the timelessness of Islamic law and its adaptability to modern challenges, preserving both its authenticity and practical utility.

Keywords: Islamic law; fiqh maxim; adaptability; syari'ah authenticity.

How to Cite: Syafaat Rudin (2024). Dynamics of The Rules for Changing Sharia Law According to Ibnul Qayyim Al-Jauziyyah. *Journal of Family Law and Islamic Court*, 3(2), 82-98.

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Introduction

Humans on the surface of the Earth exhibit diverse social lives and inclinations of differing natures (Young, 2013). However, alongside this diversity, it is an inherent fact that individuals cannot rise and thrive independently in all their affairs due to limitations in knowledge, strength, capabilities, and other factors. Consequently, humans require assistance from others to achieve their goals and complete the means necessary for their lives. This indicates that human life is fundamentally communal, where individuals complement each other's deficiencies (Young, 2013).

The human psyche tends to prioritize self-interest in various matters (Rueden et al., 2019). Additionally, it is human nature to love oneself and strive to fulfill personal desires, which can sometimes lead to acts of injustice in the pursuit of one's whims. If humans were left unchecked in this condition, it would be impossible to create a serene, peaceful, and happy life. Instead, chaos, disorder, and turmoil would prevail (Rueden et al., 2019).

In light of this, Allah Almighty created humans with an innate need for regulations that unite them and laws that are respected and upheld, ensuring the smooth functioning of life and safeguarding the causes of growth and progress. From this perspective, a well-known concept emerges, referred to as "tasyri' wad'i"—a system of rules or laws established by humans for themselves, designed to govern both individual and collective life (Al-Saayis, n.d., p. 9; Samuni, 2023).

The existence of tasyri' wad'i serves as a source of goodness for humanity.

However, human knowledge remains inherently limited, as they are unaware of matters beyond their perception. Furthermore, humans do not fully and comprehensively adhere to tasyri' wad'i. Likewise, the human soul cannot be adequately nurtured, nor will it submit and comply, except through strong motivation toward goodness driven by the hope of achieving promised rewards. Similarly, individuals refrain from wrongdoing primarily due to the fear of impending threats. Consequently, humanity inherently requires divine law (syariat ilahi), which is the law prescribed by Allah (SWT), surpassing human-made laws in both scope and authority.

Divine law, also referred to as Islamic law, has been present throughout all eras and across all times. Thus, no nation has existed without a form of Islamic law to guide and regulate their lives, as explicitly stated in the words of Allah (SWT) in Surah Al-Maidah (5:48).

لكل جعلنا منكم شرعة ومنهاجا

Translation:

"To each community among you, We have appointed a law and a clear way (Kementerian Agama, 2023)."

Islamic law (Syari'at Islam), encompassing both hukum taklifi (obligatory rulings) and hukum wad'i (conditional rulings), possesses numerous distinctive features and characteristics. One of its most remarkable attributes is its focus on promoting benefits and welfare (maslahah) while preventing harm and adversity (mafsadah). This is considered the most significant hallmark of Islamic law, as its primary purpose is to achieve and perfect human welfare and to eliminate harm

entirely or minimize it. In fact, the fundamental basis of **Islamic** law lies in ensuring the welfare of all creation. Ibn al-Qayyim al-Jawziyyah stated that the essence and foundation of Islamic law are to establish justice and provide welfare for Allah's servants in both this world and the hereafter. Accordingly, the entirety of Islamic law is grounded in justice, compassion, welfare, and wisdom. Therefore, any matter that deviates from justice to injustice, from compassion to cruelty, from welfare to harm, or from wisdom to folly cannot be considered a part of Islamic law, even if it is misinterpreted as such.

Islamic law is a manifestation of Allah's justice for His servants, His mercy toward them, His protection on Earth, and His wisdom that guides humanity to Him. It serves as undeniable evidence of the truthfulness and perfection of the Prophet Muhammad (peace be upon him) as His Messenger (Ibnul Qayyim al-Jawziyyah, n.d., p. 337).

Ibn Taymiyyah explained that a key aspect of perfecting *wara'* (piety) is the ability to discern the better of two good options and the worse of two evils. Similarly, it involves understanding that the foundation of *Syari'ah* is to promote and enhance welfare (*maslahah*) while preventing and minimizing harm (*mafsadah*). Therefore, a person who does not weigh their actions—whether to perform or abandon them—against the principles of *Syari'ah* in terms of its benefits or detriments will inevitably neglect obligatory duties and engage in prohibited acts.

This highlights the critical importance of aligning one's decisions with the objectives of Islamic law, which are

inherently focused on achieving justice, welfare, and balance, ensuring that every action contributes to the well-being of individuals and society in both this world and the hereafter (Muhammad bin Umar Salim Bazmul, n.d., p. 125).

Understanding *maslahah* (benefit) and *mafsadah* (harm) in Islamic law is a crucial matter, as it guides a *mujtahid* (jurist) in determining the rulings on ambiguous or unclear issues. Ibn al-Qayyim al-Jawziyyah emphasized that when someone struggles to discern whether a matter is permissible or prohibited, they should evaluate its harm, consequences, and objectives. If the matter entails pure and evident harm, it is inconceivable that the *Shari'ah* would command or permit it. In fact, the certainty of its prohibition becomes evident from the perspective of Islamic law.

This principle becomes even more apparent if the matter serves as a direct means to incur Allah's displeasure and leads to His anger and punishment in the near term. Thus, the evaluation of *maslahah* and *mafsadah* forms a foundational approach in understanding and deriving legal rulings, ensuring alignment with the overarching objectives of *Shari'ah* to achieve justice, welfare, and the avoidance of harm (al-Musyaqih, 1436, p. 26).

The statement of Ibn al-Qayyim al-Jawziyyah underscores that there is no harm (*mafsadah*) that the *Shari'ah* has not prohibited, nor is there any benefit (*maslahah*) that the *Shari'ah* has not commanded. This principle is further emphasized by Muhammad bin Husayn al-Jaizani, who asserts that Islamic law is founded on achieving welfare for Allah's servants

and warding off harm from them, both in this world and the hereafter. Accordingly, the Shari'ah only enjoins actions that lead to pure or predominant welfare and prohibits actions that result in pure or predominant harm. This foundational principle encompasses all aspects of Islamic law, leaving no aspect that deviates from its rulings. It affirms the holistic and comprehensive nature of the Shari'ah, designed to establish justice, ensure balance, and uphold the well-being of humanity in all circumstances (al-Jazaini, 1436, p. 234).

One clear example of how Shari'ah is designed to promote welfare (maslahah) and prevent harm (mafsadah) is the law of qisas (retaliatory justice), which prescribes punishment equivalent to the offender's actions. This principle has been implemented in previous communities and continues to apply to this ummah (Islamic community) due to its immense benefits.

One of the significant advantages of qisas is that it serves as a source of life and protection for humanity, fostering justice and deterring harm. This principle is explicitly stated in the words of Allah (SWT) in Surah Al-Baqarah (2:179):

ولكم في القصاص حياة يا أولي الألباب لعلمكم تتقون

Translation:

And there is [saving of] life for you in al-Qisas, O people of understanding, that you may become righteous (Kementerian Agama RI, 2023).

The verse mentioned highlights the wisdom behind the legislation of qisas (retaliatory justice), which ensures the preservation of human life. However, this wisdom is not always understood by everyone, and some perceive qisas as a harsh law. The

verse explicitly states that this law is comprehended only by those with reason and intellect, while those lacking understanding tend to reject it.

Sulaiman al-Ruhaili, in interpreting this verse, explains that Allah (SWT) elucidates the purpose of qisas as guaranteeing the preservation of human life, which can be analyzed from two perspectives:

First, Deterrence: A person contemplating murder, knowing that they will face the death penalty for their actions, will likely refrain from committing the crime.

Second, Justice and Reconciliation: Implementing qisas against the murderer provides a sense of justice and closure to the victim's family. Conversely, if qisas is not enforced, it may drive the victim's family to seek revenge by taking the life of someone from the perpetrator's family, prompting retaliation in return. This could lead to an unending cycle of revenge killings between the two parties, as has been observed in some Muslim communities. In certain cases, such feuds have persisted for decades, with families engaging in reciprocal killings for up to 80 years.

Sulaiman al-Ruhaili emphasizes that the proper application of Shari'ah-based qisas would effectively prevent such cycles of violence, uphold justice, and ensure the preservation of life (Sulaiman al-Ruhaili, n.d.-c, pp. 13-14).

The comprehensive and perfect nature of Islamic law is another distinctive feature and characteristic of Shari'ah. This indicates that Islamic law is immutable and unchanging, as it remains applicable at all times and in all places. Consequently, Shari'ah

cannot be rejected, altered, or replaced by anything that would compromise its authenticity, purity, and stability.

Nashir bin Muhammad al-Ghomidi elaborates that Shari'ah is characterized by its permanence, resilience, and unchanging nature. This is because it originates from Allah (SWT), the All-Knowing, who fully understands the welfare of His servants, as well as what benefits or harms them. Therefore, Shari'ah provides timeless guidance for humanity, transcending eras, locations, and circumstances. While human-made laws evolve and adapt over time to address their inherent shortcomings, Islamic law remains steadfast, correcting human deficiencies and ensuring stability.

This permanence and stability foster trust and confidence in Shari'ah, reinforcing its suitability for governing humanity across diverse times, places, and contexts, without the need for modification or replacement (Nashir bin Muhammad al-Ghomidi, n.d., pp. 116–117).

The explanation mentioned above indicates that Islamic law (Shari'ah) is a system whose rulings cannot be altered or replaced. However, some scholars have mentioned that certain matters or issues may undergo changes in their rulings. There is even a well-known principle of jurisprudence among scholars, expressed in the phrase,

لا ينكر تغير الأحكام بتغير الأزمان

Translation:

"There is no objection to the change of rulings caused by changes in place."
(Kementerian Agama RI, 2023)

This principle of Islamic jurisprudence is frequently mentioned in the works of scholars, particularly in books

dedicated to qawa'id fiqhiyyah (jurisprudential principles) (Young, 2013). At first glance, the principle suggests that certain matters may undergo changes in their rulings. This notion appears to challenge and contradict one of the distinctive characteristics of Islamic law: its immutability and permanence.

Therefore, the question arises as to how these two seemingly contradictory issues—immutability and flexibility—can be reconciled (Rueden et al., 2019). How does Islamic law maintain its authenticity and stability? What is the position of the principle that "there is no objection to the change of rulings caused by changes in time" among scholars, and can this principle be used as evidence in legal matters? If this principle is accepted by scholars, what aspects of Islamic law may legitimately undergo changes in their rulings? These questions will be addressed and explored in the following research (Samuni, 2023).

Research Method

This article analyzes the fiqh maxim Laa Yunkaru Taghayyur al-Ahkam bi Taghayyur al-Azman within the framework of Islamic jurisprudence. A qualitative, literature-based approach is employed to examine the relationship between the permanence of scriptural rulings (nass) and the adaptability of laws influenced by custom (urf), public interest (maslahah), and independent reasoning (ijtihad).

A textual analysis methodology is utilized, allowing for a systematic review of both primary and secondary sources. Primary sources include the Qur'an, Hadith, and foundational

works of classical jurists, such as Ibn al-Qayyim al-Jawziyyah. Secondary sources consist of modern scholarly interpretations and case studies illustrating the practical application of the fiqh maxim in various contemporary contexts. By integrating classical and contemporary perspectives, the article offers a nuanced understanding of the principle's adaptability.

The data analysis process incorporates both deductive and inductive reasoning. Deductive reasoning is applied to assert the unchanging nature of scriptural laws, while inductive reasoning is used to identify emerging patterns in the contextual adaptation of rulings. The analysis focuses on the dynamic interaction between theoretical principles and their practical application, ensuring a balanced exploration of the maxim's scope and limitations.

Ethical considerations are rigorously adhered to by accurately citing sources and providing appropriate references. The article's scope is confined to Islamic jurisprudence, specifically addressing the adaptability of rulings within this legal framework. Although comprehensive, the study relies on existing literature, which may include inherent biases. Future research could be enhanced by the incorporation of empirical case studies, which would further strengthen the practical insights of the study.

This methodological approach supports the article's objective of clarifying the balance between the immutable principles of Islamic law and its contextual flexibility, ensuring

its ongoing relevance in addressing contemporary legal challenges.

Results and Discussion

Results and Discussion

The Position of the Principle *Laa Yunkaru Taghayyuru al-Ahkam bi Taghayyuri al-Azman*

One of the foundations of Islamic law is that it possesses fixed, consistent, and unchanging rulings. This belief stems from the conviction that Allah (SWT) has perfected the religion of Islam. Likewise, the Prophet Muhammad (peace be upon him) has conveyed comprehensive teachings regarding religious rulings. Thus, Islamic law is often viewed as not requiring additions or modifications from anyone, at any time, or in any place. From this perspective, it is concluded that Islamic law cannot be changed, replaced, altered, or subjected to anything that would damage its image (Aditya et al., 2023; Saputra et al., 2021).

The immutability of Islamic law is rooted in the belief that the Quran and Sunnah (teachings of the Prophet) are the primary sources of Islamic jurisprudence (Genç & Syed, 2019). The Prophet Muhammad (peace be upon him) was given the authority to establish new laws for specific issues through his Sunnah on matters not explicitly determined by the legal provisions in the Quran (Genç & Syed, 2019).

Furthermore, the implementation of Islamic law in Indonesia is well-integrated into the national legal system, either through the transitional rules of the 1945 Constitution or through new legislation (Saputra et al., 2021). Islamic law in Indonesia covers various aspects, such as family law, inheritance law, criminal law, and

economic law (Massadi, 2019; Purkon et al., 2022; Suciyani, 2022).

The development of Islamic law in Indonesia is also influenced by the role of judicial institutions, particularly the Supreme Court, which provides jurisprudence in the field of Islamic family law (Purkon et al., 2022). Efforts to promote public understanding of Islamic law are also carried out through various media, including web-based applications (Khosyi'ah et al., 2021).

However, the implementation of Islamic law in Indonesia is not without challenges and polemics, particularly regarding contemporary issues such as the use of DNA evidence in determining lineage (Shabana, 2013) and the application of Islamic criminal law (Alotaibi, 2021; Massadi, 2019). Nevertheless, Islamic law in Indonesia continues to play an important role in the formation of national law and is an integral part of the lives of Muslim communities in the country (Nopriansyah, 2019; Rohmah, 2021). Ibn Taymiyyah explained that anything prescribed by the Prophet (peace be upon him) as continuous law cannot be changed, as abrogation is impossible after the mission of the Prophet Muhammad (peace be upon him). Furthermore, it is impermissible to assume that any scholar among Muslims deliberately alters Islamic law, particularly the Companions, especially the Khulafa' Rashidun. Such assumptions are held by ignorant and misguided groups, such as the Rafidah and Khawarij, who accused some Companions of disbelief or immorality. If anyone deliberately changes the law, such actions would not be accepted by the Muslim community (Ibnu Taimiyah al-Harrani, n.d., pp. 93–94).

Ibn Taymiyyah's statement above concludes the consistency of Shari'ah rulings, asserting that they will remain firm, steadfast, and eternal. This stands in contrast to the principle that states there is no objection to the change of rulings due to changes in time and circumstances. Furthermore, Ibn al-Qayyim al-Jawziyyah mentions that a ruling on a particular matter can change due to five factors:

1. Time;
2. Place;
3. Circumstances;
4. Intent;
5. Customs and traditions (Ibnul Qayyim al-Jawziyyah, n.d., p. 337).

To address and resolve the contradiction between scholars' statements about the consistency and immutability of Islamic Shari'ah rulings and the jurisprudential principle stating that there is no objection to the change of rulings due to changes in time and circumstances, it is necessary to examine the status of this jurisprudential principle according to the scholars. Additionally, the extent to which jurisprudential principles, including the aforementioned principle, can be used as evidence in various cases must be assessed.

The principle of the permissibility of changing rulings due to changes in time and circumstances is a well-established jurisprudential principle in Islamic law (Mathar, 2013; Meirison & Yusna, 2022). This principle is based on the recognition that the Shari'ah is intended to bring about benefits and prevent harm, and that the application of its rulings must take into account the specific context and circumstances (Mathar, 2013; Meirison & Yusna,

2022). However, the immutability of the fundamental principles and sources of Islamic law, namely the Quran and Sunnah, is also a widely accepted tenet. Scholars argue that while the application and interpretation of these sources may evolve to address changing circumstances, the core teachings and rulings of the Shari'ah remain fixed and unchanging (Baderin, 2021).

The jurisprudential principle mentioned above is frequently cited by people. In fact, some individuals use this principle as a shield to invalidate established Shari'ah rulings. They consistently advocate for changes to the fixed and established rulings of Shari'ah, propagating this notion openly or covertly, based on the claim that a jurisprudential principle accepted among scholars states that there is no objection to the change of rulings due to changes in time and circumstances.

This practice has provoked opposition from those who disagree, believing that Shari'ah rulings cannot and should not be changed or replaced. Consequently, they reject and discredit the above-mentioned jurisprudential principle. This has given rise to two opposing groups regarding the principle: one that supports it and one that opposes and rejects it.

Sulaiman al-Ruhaili, after outlining the positions of students of knowledge on the above principle, asserts that the principle is valid and undoubtedly true. However, the principle applies to specific contexts and should not be generalized. While the wording of the principle suggests a blanket endorsement of changes to Shari'ah rulings, it would be more appropriate to articulate the principle differently,

such as stating that there is no objection to the change of rulings due to a change in 'illah (legal cause) or reason linked to the passage of time, or using another, more precise phrasing (Sulaiman al-Ruhaili, n.d.-c, p. 358).

Sulaiman al-Ruhaili's explanation, which takes a balanced stance between two opposing perspectives regarding the application of the aforementioned principle, concludes that the principle in question is valid and consistent. However, its application is limited to specific matters and particular circumstances. Thus, the principle cannot be applied universally; it should not be used to alter the rulings of Sharia indiscriminately or without appropriate considerations and justifications grounded in the principle itself.

Some scholars have noted that the meaning of this fiqh principle is that changes in place, circumstances, and time significantly influence most Sharia rulings derived from *ijtihad*. Consequently, as long as Sharia rulings are based on local customs (*urf*) and societal norms, the manner in which those rulings are implemented will inevitably adapt to changes in customary practices. However, Sharia rulings explicitly established through definitive textual evidence (*nash*) remain immutable and unaffected by such changes (Muhammad Shidqi al-Burniy, n.d., p. 310).

Anwar Sholeh Abu Zaid asserts that the phrasing of the aforementioned fiqh principle is general in nature, but the matter intended by it is specific. This fiqh principle encompasses legal rulings based on scriptural texts (*nash*) as well as those derived

through *ijtihad*. However, the specific intent of scholars regarding this principle pertains to rulings derived through *ijtihad*, which are established based on considerations of *maslahah* (public interest), *qiyas* (analogical reasoning), and *'urf* or customary practices (Anwar Sholeh Abu Zaid, n.d., p. 100).

The explanation above highlights the scope of implementing the fiqh principle regarding the alteration of legal rulings, emphasizing that this principle applies to rulings derived through *ijtihad* based on specific customs (*'urf*) or public interest (*maslahah*). However, for rulings explicitly established by *nash* (scriptural texts), the aforementioned fiqh principle cannot be applied.

Kamilah al-Kawari mentions that legal rulings based on *'urf* and customary practices may change when these customs evolve. This is what the *fuqaha'* (Islamic jurists) mean by their statement: "*Legal rulings are not denied change due to the passage of time.*" Thus, such changes form the basis for legal differentiation.

For instance, Imam Abu Hanifah held that the apparent justice of witnesses was sufficient and that they did not require *tazkiyah* (further verification of integrity), except in cases involving *hudud* (fixed punishments) and *qisas* (retaliation). This view stemmed from the predominance of piety among people during his era and their general honesty in transactions. However, during the time of Abu Yusuf and Muhammad bin Hasan al-Syaibani, dishonesty became more prevalent. Consequently, relying solely on apparent justice in witnesses led to harm (*mafsadah*) and the loss of many rights. Therefore, they advocated the necessity of *tazkiyah* for

witness (Kamilah al-Kawari, n.d., pp. 132–133).

Fiqh scholars explain that the difference in rulings between Imam Abu Hanifah and his two students regarding *tazkiyah* for witnesses is a matter of temporal and contextual changes, rather than a divergence in legal evidence (*hujjah*) or reasoning.

In line with this, Abdul Wahhab Khalaf states that rulings based on *'urf* (customary practices) can change as the *'urf* itself evolves, whether due to changes in time or place. This is because a derivative ruling (*fara'*) may shift when the circumstances of its foundational origin change. Therefore, fiqh scholars emphasize that differences arising in such cases are attributable to changes in time and context, not to differences in legal evidence or reasoning (Khalaf, n.d.).

The conclusion of the aforementioned fiqh principle is that it does not apply to all Islamic legal rulings but is restricted to rulings derived from customary practices (*'urf*) and considerations of public interest (*maslahah*).

Ibn al-Qayyim al-Jawziyyah explains that there are two types of rulings:

The first type: These are rulings that remain unchanging regardless of time, place, or the opinions of scholars. Examples include the obligations of prescribed duties, the prohibitions of certain unlawful acts, and the fixed punishments (*hudud*) established in the Shari'ah. Such rulings are immutable and not subject to change or contrary *ijtihad*.

The second type: These are rulings that adapt according to considerations of *maslahah* (public interest), time, place, and circumstances. For instance, the extent, type, and nature of discretionary punishments (*ta'zir*)

vary based on what serves the prevailing *maslahah*. The Shari'ah accommodates this diversity to ensure rulings align with the needs and benefits of different situations (Al-Bakistaani, n.d., p. 307).

The Ruling on Using Fiqh Principles as Evidence

The knowledge of fiqh principles (*qawa'id fiqhiyyah*) holds a lofty status and immense benefits. These principles consolidate various branches of fiqh from numerous topics and diverse discussions. This consolidation aids in strengthening one's understanding, memorization, and in providing support for issuing legal verdicts (*fatwa*). Thus, fiqh principles serve as the foundations, while the branches of fiqh are their practical applications.

A clear illustration of the above statement is the fiqh principle articulated as "*al-umur bi maqasidiha*" ("matters are judged based on their intentions"). This principle applies to numerous branches of fiqh because every action, whether of the heart or the body, is intrinsically tied to one's intention. Below are examples of its application:

1. Murder: If a person intentionally kills another without a valid Islamic justification, it carries a specific ruling, whereas if done unintentionally, a different ruling applies.
2. Handling Lost Items (*luqatah*): If someone takes a lost item intending to keep it for themselves, it constitutes theft, and they are liable for any damage it incurs. However, if their intention is to safeguard it, announce it, and return it to its rightful owner, they are considered trustworthy (*amin*) and not liable for damages unless due to negligence or misuse.
3. Giving Money: If someone tells another to take money and intends it as charity, it is considered a gift. If intended as a loan, it must be repaid. If given as a trust (*amanah*), it must be safeguarded. Although the outward action is identical, the intention determines its ruling.
4. Zakat Payment under Duress: If someone refuses to pay zakat, and it is forcibly taken by the authority, it does not suffice because the required intention (*niyyah*) is absent, assuming they are capable of paying it willingly.
5. Using a Tasbih (Prayer Beads): Using a tasbih is permissible when necessary and done with good intentions. However, if it is used unnecessarily or to show off, such as wearing it around the neck or wrist, it constitutes ostentation (*riya*). The act remains the same—using a tasbih—but the intention alters its ruling.
6. Abstaining from Food, Drink, and Desire: If done for Allah's sake, it becomes worship (*ibadah*), but if done for other purposes, the ruling depends on the specific intention.
7. Immersion in Water While in a State of Major Impurity (*janabah*): If the person intends to perform the ritual bath (*ghusl*), their impurity is removed. If their intention is merely to cool off, the impurity remains.
8. Staying in a Mosque: If one intends *i'tikaf* (spiritual retreat), it is considered worship. If intended for rest, it is treated accordingly.
9. Eating Food: If the intention is to gain strength for worship, the act

becomes one of devotion. Without such an intention, it remains a neutral act.

10. Marital Intimacy: If done with the intention of maintaining one's chastity and that of their spouse, it is regarded as charity. Otherwise, it is judged according to the intention behind it.

The examples above demonstrate the significance of fiqh principles. Even though a principle may be concisely worded, it can encompass numerous fiqh issues, underscoring the importance of understanding and mastering these principles. This knowledge allows one to address many issues through a single principle.

Kamilah al-Kawari emphasizes that those deprived of knowledge of foundational principles (*usul*) are also deprived of access to the branches (*furu'*). It is impossible for anyone to master every fiqh issue individually. Indeed, scholarly discussions among the early generations (*salaf*) revolved around *jam'i* and *farq*. *Jam'i* refers to the knowledge of fiqh principles, while *farq* pertains to understanding the differences in fiqh rulings across various issues that may appear similar in form but differ in their legal implications (Kamilah al-Kawari, n.d., p. 5).

The explanation above is supported by Muhammad ibn Salih al-Uthaymeen, who states that religious knowledge is like a vast ocean—impossible for even the most diligent individual to fully traverse. However, mastering the foundational principles (*ushul*) of this knowledge facilitates access to and acquisition of its vast treasures (Muhammad bin Sholeh al-Utsaimin, n.d., p. 21).

Therefore, someone who diligently understands the foundational principles (*ushul*) of a discipline will find a path to amass a vast amount of knowledge in a relatively short time. This is because they are not required to memorize countless individual issues, as these issues are encompassed within the foundational principles of the discipline.

One of the key benefits of studying fiqh principles (*qawa'id fihiyyah*) is that it aids a *mujtahid* (Islamic jurist) in determining rulings for contemporary issues (*nawazil*). When a new situation arises, one of the tools that helps a *mujtahid* derive its ruling is the application of fiqh principles (Sulaiman al-Ruhaili, n.d.-c, p. 209). Consequently, this necessitates a discussion on the ruling of using fiqh principles as evidence.

Scholars differ in their opinions regarding the ruling of using fiqh principles as evidence.

Some scholars opine that fiqh principles are not valid evidence. This is because fiqh principles originate from the statements of scholars. Meanwhile, the statements of scholars who came after the companions (*sahabah*) are not considered valid evidence according to scholarly consensus, except if their statements represent consensus (*ijma'*). Thus, using the statement of a scholar as evidence for an issue is not valid. Accordingly, using fiqh principles as evidence is also invalid, as they are merely statements that originate from the scholars.

On the other hand, some scholars opine that fiqh principles are valid evidence. This is because if one examines the rulings of the Shari'ah, it becomes evident that these rulings group similar matters together and

differentiate between different matters. Moreover, the rulings encapsulated in fiqh principles are established based on evidence. Therefore, according to them, fiqh principles are valid evidence.

Sulaiman al-Ruhaili states that fiqh principles are valid evidence with the following details: If fiqh principles are derived directly from texts (*nusus*) either in wording or in meaning, then they are valid evidence without any doubt. This is because using them as evidence is equivalent to using the texts themselves. Examples include principles such as "*laa dharara wa laa dhiraar*" (no harm and no reciprocation of harm), "*al-umur bi maqasidiha*" (matters are judged by their intentions), and others.

As for fiqh principles derived from *istiqra'* (inductive reasoning) based on an analysis of Shari'ah rulings, their status is similar to *qiyas* (analogy). Such principles cannot be used as evidence except in the absence of explicit scriptural texts (Sulaiman al-Ruhaili, n.d.-a, pp. 24–26).

Implementation of the Principle *Laa Yunkaru Taghoyyuru al-Ahkam bi Toghyyuri al-Azman*

The previous discussion explained that this fiqh principle applies to rulings based on customary practices (*'urf*). However, human customs can be divided into three categories:

1. Customs Adopted as Shari'ah Rulings:

These include customs either established by the Shari'ah or pre-existing customs affirmed by the Shari'ah as legal rulings, such as purification (*taharah*) from ritual impurities (*hadass*) or covering the *'awrah* (intimate parts). Such Shari'ah rulings do not change or

alter, even if human customs and traditions evolve.

2. Customs That Serve as the *'Illah* (Legal Cause) or Are Related to Shari'ah Rulings:

These involve matters used by people as a means of expressing intent. Forms like these will change according to shifts in *'urf* and customs. This category also includes rulings brought by the Shari'ah, where the *'urf* serves as the legal cause (*'illah*) for the ruling. Such rulings may change with the evolution of *'urf* because the legal cause (*'illah*) has changed.

3. Customs That Are Not Considered Shari'ah Rulings:

These are customs neither affirmed nor denied by the Shari'ah as legal rulings. The rulings on such matters may vary with the passage of time (Sulaiman al-Ruhaili, n.d.-b, p. 259).

The benefit of categorizing the types of customary practices above is to explain that not all Shari'ah rulings based on *'urf* can change with the passage of time and place. This is because some customs are established as Shari'ah rulings through textual evidence (*nash*), meaning that such rulings cannot change, even as time progresses and circumstances change. Therefore, the fiqh principle above has limitations in its application to rulings based on customs and *'urf*.

The following are implementations of the above fiqh principle:

1. Consensus of Scholars on the Punishment of Hand-cutting for Theft: Scholars agree that the punishment of cutting the hand of a thief applies when the

- stolen item is found in its rightful place of storage. The definition of the storage place is determined by human *'urf*.
2. Disagreement Among Scholars on the Duration of Menstruation: Scholars have different opinions on the minimum and maximum durations of menstruation, with all opinions relying on experience and customary practices.
 3. Permissibility of Buying and Selling Through Direct Exchange Without Formal Declaration: The permissibility of transactions through direct exchange, without the formal declaration of *ijab* and *qabul*, is based on customary practice.
 4. Permissibility of Locking Mosque Doors After Prayers: In the present time, it is permissible to lock the doors of mosques after prayers, although mosques are places designated for worship and should ideally remain open. However, this practice is adopted to protect the mosque from theft.
 5. Continuity of the Option to Cancel a Transaction (*Khiyar Majlis*) in a Sale: The validity of *khiyar majlis* (the option to cancel the transaction) in a sale remains as long as both parties are still in the same sitting and have not parted ways. The definition of "parting" is determined by customary practice.
 6. Permissibility of Earning Wages from Teaching the Qur'an: It is permissible to take compensation for teaching the Qur'an.
 7. The Prophet's Permission for Writing and Compiling Hadith: The Prophet Muhammad's permission to write and compile hadith, which was previously prohibited due to concerns about confusing it with the Qur'an.
 8. Permissibility of Collecting the Qur'an and Adding Harakat and *Shakal*: The permission to compile the Qur'an and add diacritical marks (*harakat* and *shakal*) that were not present previously.
 9. Permissibility of Establishing Schools and Universities: The permissibility of establishing educational institutions such as schools and universities.
 10. Non-Obligation of Zakat to People Who Are Attracted to Islam Due to Needs: The practice of not giving zakat to those attracted to Islam due to their need for support, but this practice is no longer applicable once Islam becomes strong and self-sufficient.
 11. Maintaining Traffic Order with Traffic Lights and Punishments for Violations: The implementation of traffic regulations, such as the use of traffic lights and penalties for violations, which may change with the evolution of time and place.

Conclusion

This study highlights the importance of the fiqh maxim *Laa Yunkaru*

Taghayyur al-Ahkam bi Taghayyur al-Azman (legal rulings may change with changing times) in maintaining the relevance of Islamic law amidst evolving contexts without compromising its foundational principles. It asserts that rulings derived directly from nass (scriptural texts) are immutable, while those based on custom (urf), public interest (maslahah), and independent reasoning (ijtihad) can adapt to changing circumstances. The findings demonstrate a balance between the permanence of Islam's core principles and the flexibility of its practical applications. The study underscores that a proper understanding of this maxim is crucial for preserving the authenticity of Islamic law while addressing contemporary challenges. In the context of Islamic jurisprudence, this flexibility supports the sustainability of law in regulating human life, as illustrated in evolving zakat policies and modern regulations such as traffic laws. By clarifying the boundaries and applications of this principle, the study enriches the fiqh literature. However, further research is needed to explore its practical applications in specific contemporary issues, thereby strengthening the foundational principles of Islamic law in addressing complex social dynamics without compromising its core values.

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