

## AN APPLICATION STUDY ON TAKLIFI LAW: FIQH SCHOOLS (MADHAB) PERSPECTIVE

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**Abstract.** This article aims to find out the opinion of the imams of the *mazhab* regarding the law of Taklifi. The discussion of *Taklifi's* law is one of several studies of Usul Fiqh. One of the main objectives of the study of Usul Fiqh is how to deduce the law of *Taklifi'* from its sources and its current application. The method used in this work is descriptive analysis methods using literature studies from several reliable sources. The literature review results show that a *Mukalaf* uses *Taklif* laws to form a worship foundation. Taklifi law, according to the understanding of language, is the law of giving a burden, while according to the term, it is Allah's commandment in the form of choices and demands. It is called *Taklifi* law because this command is directly about the actions of a *Mukalaf* (*Balig* and common sense). The law of *Taklifi* has divisions; namely, *Ijab* is a word that demands to do an act with definite demands, *Nadb* is the word of God that requires to do an action with an uncertain action. Still, only in the form of a suggestion to do, *Tahrim* is a word that demands not to do an act with definite demands, *Karahah* is the word of God which requires not to do an action with uncertain demands, but only in the form of a suggestion not to do something. *Ibadah* is the word of Allah that gives freedom to *Mukalaf* to do or not to do something.

**Keywords:** Taklifi, Nadb, Ibadah, Karahah, Tahrim

**Absrak.** Penulisan artikel ini bertujuan untuk mengetahui pendapat para imam mazhab tentang hukum Taklifi. Pembahasan tentang hukum *Taklifi'* adalah salah satu dari beberapa kajian Usul Fiqh. Bahkan salah satu tujuan utama dari studi Usul Fiqh adalah bagaimana menyimpulkan hukum *Taklifi'* dari sumber-sumbernya dan penerapannya masa kekinian. Metode yang digunakan dalam karya ini adalah menggunakan metode analisis deskriptif dengan menggunakan studi pustaka dari beberapa sumber yang terpercaya. Hasil dari tinjauan pustaka adalah bahwa hukum taklif adalah hukum-hukum ini yang digunakan oleh seorang *Mukalaf* untuk menjadi tumpuan dalam menjalankan ibadah. Hukum Taklifi menurut pengertian kebahasaan adalah hukum pemberian beban

sedangkan menurut istilah adalah perintah Allah yang berbentuk pilihan dan tuntutan. Dinamakan hukum Taklifi karena perintah ini langsung mengenai perbuatan seorang *Mukalaf* (balig dan berakal sehat). Hukum Taklifi mempunyai pembagian-pembagian yaitu, *Ijab* adalah firman yang menuntut melakukan suatu perbuatan dengan tuntutan pasti, *Nadb* adalah firman Allah yang menuntut melakukan suatu perbuatan dengan perbuatan yang tidak pasti, tetapi hanya berupa anjuran untuk berbuat, *Tahrim* adalah firman yang menuntut untuk tidak melakukan sesuatu perbuatan dengan tuntutan yang pasti, *Karahah* adalah firman Allah yang menuntut untuk tidak melakukan suatu perbuatan dengan tuntutan yang tidak pasti, tetapi hanya berupa anjuran untuk tidak berbuat, dan *ibadah* adalah firman Allah yang memberi kebebasan kepada Mukalaf untuk melakukan atau tidak melakukan sesuatu perbuatan.

**Kata Kunci:** *Taklifi, Nadb, Ibahah, Kaarahah, Tahrim*

## Introduction

*Usul Fiqh* is the science that helps sharia and the most appropriate and valuable, especially for *mujtahids* performing legal *Istinbath* with various arguments and texts and logical thinking. Al-Ghazali believed that the best knowledge is what can increase the ability of reason and logic and support the application of sharia, including the science of *Usul fiqh*. Such a thing is needed from sharia and defense.<sup>1</sup> *Usul Fiqh* is the last refuge for the *fuqaha* in deciding matters facing the ummah. *Taklid* alone cannot be accepted because we have been given the sense to continue to think with the logic contained in the guidance of sharia. In Islamic law, there are two types of regulation imposed on *Mukkalaf* (people who have met the requirements to be burdened by law) the first is *Taklifi*, and the second is *Wadh'iy*;

A *Mukalaf* uses these laws to be the focus in performing worship. The law of *Taklifi*, according to the linguistic sense, is the law of giving burdens, while according to the terminology, it is God's command in the form of choices and demands. So named the law of *Taklifi* as this directly related to the actions of a

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<sup>1</sup> Abu Hamid Gazali and Abdullah Mahmud Muhammad Umar, *Al-mustasfa min ilm al usul* (Lebanon: Dar Al-Kutub Al-Ilmiyah, 2010).

*Mukalaf*. She mentioned the request because the statute of *Taklifi* requires a *Mukalaf* to do and leave an act<sup>2</sup>.

The discussion of *Taklifi* law is one of several studies of *Usul Fiqh*. One of the main objectives of the study of *Usul Fiqh* is how to deduce the law of *Taklifi* from its sources. Because the legal position of *Taklifi* is so essential in this discussion, this discussion will explain these matters. Furthermore, this scientific work aims to know the opinions of the imams of *Madzhab* about the law of *Taklifi*, to see the difference between *Taklifi* law and *Wadh'i* law, and to know the various discussions of *Taklifi* law in the science of *Usul Fiqh*.<sup>3</sup> In addition to this scientific paper's objectives, there are also benefits in writing this scientific paper: knowing the kinds of *Taklifi* laws, distinguishing *Taklifi* laws from *Wadh'i* laws, and finding out the discussion *Taklifi* law in fiqh proposals.

## Method

This research uses a descriptive method using a literature review. This study's data comes from *Usul fiqh* books and literature books related to *Taklifi* law. With a deductive and inductive approach, the writer takes the understanding and arguments of al-Qur'an and hadith, which then observes their application in the field and then produces new interpretations that can be used as guidelines for deciding the law of a subsequent case.

## Understanding *Taklifi* Law

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<sup>2</sup> Meirison Meirison, "Implementasi Tanqih Al-Manath Dalam Penerapan Hukum," *Nizham Journal of Islamic Studies; Vol 2 No 1 (2014): Mazhab Hukum Islam Di Indonesia*, September 25, 2017, <https://e-journal.metrouniv.ac.id/index.php/nizham/article/view/868>.

<sup>3</sup> Meirison Meirison, "Riba and Justification in Practice in Scholars' Views," *TRANSFORMATIF* 2, no. 1 (September 20, 2018): 348, doi:10.23971/tf.v2i1.922.

Etymologically, the word law (*al-hukm*) means to prevent or decide. According to *Usul Fiqh* terminology, law (*al-hukm*) means *Khitab (kalam)* of Allah, who regulates the deeds of the *Mukalaf*. Either in the form of *Iqtidla* (command, prohibition, encouragement to do or incentive to leave), *Takhyir* (the ability for the *Mukalaf* to choose between doing and not doing), or *Wald* (a provision that establishes something as a cause, condition, or *mani* [barrier]).<sup>4</sup> The law of *Taklifi* is a law that contains demands (to be done or left by the *Mukalaf*). That includes a choice between what is done and gone. In other words, they must do or not to do or are allowed to choose between making and not making.<sup>5</sup>

The law of *Taklifi* is the *Khitab* (word) of Allah, which relates to the actions of *Mukalaf*, whether it is a form of permissive guidance or specifying something as a cause, condition, or *Mani'*(barrier).<sup>6</sup>

### **The difference between *Taklifi* Law and *Wadh'i* Law**

According to *Usul fiqh* scholars, the distinction between *Taklifi* and *Wadi* law is that *Taklifi* law refers to provisions of Allah and His Messenger that are specifically linked to *Mukalaf's* acts, either in the form of directives, recommendations to ban, advise not to do or in the form of granting the freedom to do or not do. Whereas what is meant by *Wadh'i* law is the legal provisions governing the causes, conditions, and *mani* (something that becomes a barrier to carrying out *Taklifi* laws).<sup>7</sup>

There are two fundamental differences between the two types of law, namely, (1) *Taklifi* law is a law that contains orders, prohibitions, or gives a choice to a

<sup>4</sup> 'Abd-al-Wahhāb Ḥallāf, *ʿIlm uṣūl al-fiqh* (al-Qāhira: Dār al-ḥadīth, 2003).76

<sup>5</sup> Muḥammad al-Huḍarī, *Uṣūl al-fiqh* (Ṣaidā: al-Maktaba al-ʿAṣrīya, 2003).

<sup>6</sup> Amari makruf,dkk.,*Buku siswa fikih*,(Jakarta:kementerian agama, 2016),cetakan ke-1,hlm.109

<sup>7</sup> Muḥammad Ibn-ʿAbd-al-Ḥamīd al-Samarqandi and Rihi Murad, *Al -Mizan Fi Uṣūl al-Fiqh*, Tab'a 1, Manshurat Muhammad ʿAli Baydun (Bairūt: Dār al-Kutub al-ʿIlmīya, 2004).215

*Mukalaf*. In contrast, *Wadh'i* law explains the relationship of an event to the *Taklifi* law. For example, the law of *Taklifi* explains that prayer is obligatory for Muslims to perform. Likewise, the law of *Wadh'i* explains that when the sun sets in the middle of the day, it is a sign that an individual must conduct Zuhur prayer (2). The law of *Taklifi*, in its various forms, is often within a convert power. At the same time, some *Wadh'i* laws are beyond human ability and are not human activities. For example, as in the example above, the sun is slipping state is not within human capability, nor is it an activity. The relationship with human actions is because Allah made it (slipping the sun) as a sign for the entry of the midday prayer time.<sup>8</sup>

### **Taklifi Law discussions in *Usul fiqh***

The Hanafi group divides the law of *Taklifi* into seven parts, namely by dividing the word that demands to perform an act with a definite demand into two parts, namely *Fardhu* and *Ijab*. If an order is based on *Qath'I* (Certainty) evidence, such as the evidence of the Qur'an and hadith *mutawatir*, then the order is called *Fardhu*. However, if the instruction is based on the *Zhanni* proposition, then it is called *Ijab*. So is the ban. If the prohibition is based on the recommendation of *Zanny* (presupposition), then it is called *Karahah Tarhim*.<sup>9</sup> With the division as above, the Hanafiah group divides the law of *Taklifi* into *Fardhu*, consent, *Tahrim*, *Karahah Tanzih*, *Nadab*, and *Ibahah*. Even though the latter group divides the *Taklifi* law into seven parts, the ulama agrees to split the law into five parts, as mentioned above. The five kinds of laws affect *Mukalaf* actions, and that effect is what jurisprudence experts call *al-hakam al-Khamsah*, namely compulsory, *Haram*, *Mandub*, *makruh*, and *mubah*.

<sup>8</sup> 224, 2017, *مجلة القلم*, "دراسة تطبيقية", doi:10.35695/1946-000-008-007.

<sup>9</sup> Abū al-Wafā' 'Alī Ibn 'Aqīl and 'Abd al-Raḥmān ibn 'Abd al-'Azīz Sudays, *Al-Wādiḥ Fī Uṣūl al-Fiqh*, al-Ṭab'ah 1, Silsilat Al-Rushd Lil-Rasā'il al-Jāmi'iyah 222 (al-Riyāḍ: Maktabat al-Rushd Nāshirūn, 2008).99

## **Mandatory (*Wajib*)**

### a. *Definition of Mandatory*

Usul experts provide mandatory definitions, which are:

"Obligatory according to sharia" is what is demanded by sharia "to *Mukalaf* to do it in strict demands."<sup>10</sup>

Based on other definition is an act that grant reward to the doer and consider as sinful if not conducted.<sup>11</sup>

This obligatory can be recognized through pronunciation or other signs (*Qarinah*). Obligatory that is designated through articulation as in the form of *Amar* (command) in the word of Allah:

Meaning: "... establish prayers to remember me." (QS. Thaha: 14)

The words can also identify it itself, which demonstrate the responsibility as in His expression:

Meaning: "O you who believe are obliged of you to fast as required of those before you ..." (QS. Al-Baqarah: 183)

### b. *Wajib Clasification*

In terms of several aspects, it must be divided into four:

It must be divided into two categories based on a particular point of view or the uncertainty of the action required:

a. *Mandatory Mu'ayyan* is the type of action that has been determined, for example, reading *Fatihah* in prayer.

b. *Mandatory Mukhayar*, namely those who may choose one of several predetermined actions. For example, the oath *kifarat* gave three

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<sup>10</sup>سيحاني، جعفر، المبسوط في أصول الفقه (قم: مؤسسة الإمام الصادق، 2010) 221.

<sup>11</sup> Meirison Meirison, "Sejarah Kepemimpinan Wanita Di Timur Tengah Dalam Tinjauan Hukum Islam (Analisa Terhadap Syajar al Durr)," *Kafa`ah: Journal of Gender Studies* 9, no. 1 (July 30, 2019): 50, doi:10.15548/jk.v9i1.231.

alternatives, fed ten poor people, clothed ten poor people, or freed the slave.

In terms of time to do it and the time available to do what is required. Obligations like this can be divided into two kinds:<sup>12</sup>

a. *Wajib muwassa'*, the time available to carry out the obliged is broader or more than the time to do that obligation—for example, Zuhr prayer. The time available for performing the midday prayer is much more spacious than the time used for performing the midday prayer. Then compulsory like this can be performed at the beginning of time, at the middle of time, or at the end of time. According to the scholar, suppose the obligatory *muwassa'* is to be done at the middle or the end of time. In that case, it should be intended after the time (beginning of time) to postpone its implementation at the desired time because if it is not intended, then it may be a person who neglects time.

b. *Wajib Mudhayyiq*, the time available is precisely the same or as much as the time to do the duty. Like the fasting month of Ramadan. Fasting itself consumes the entire day of Ramadan. That is why the obligatory *Mudhayyiq* cannot be postponed from the time available to do it.

In terms of the person who has to do it, it is divided into two parts:

a. *Wajib 'ain*, is the requirement of Shara to carry out an act of every *Mukalaf* and should not be replaced by others, such as the obligation to perform prayers, fasting, zakat, and hajj. This obligatory is also called *Fardu 'ain*.

b. Obligatory (*wajib*) *Kifayah* is an obligation that is imposed on a group of people. If one person does it, then the demand is considered to have been fulfilled. Still, if no one does it, then the group of people is guilty, such as

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زحيلي، وهبة، الوجيز في اصول الفقه (بيروت؛ دمشق: دار الفكري المعاصر؛ دار الفكر، 2011) 151<sup>12</sup>

*Amar Ma'ruf* and *Nahi Munkar*, funeral prayers, establishing hospitals, schools, and so on.

In terms of content (quantity) and form of demands, divided into two:<sup>13</sup>

- a. The obligatory (*wajib*) *Muhaddad*, which Shara determines, in the form of action required, and *Mukalaf* is deemed not to have carried out the demand before carrying out what has been demanded by Shara or, in other words, is an obligation which has a predetermined level or amount. For example, prayer, zakat, and debt repayment. The five daily devotions have been determined for the time, the number of Rakaats, the pillars, and the conditions. Zakat has defined the types of objects that must be zakat and the amount of zakat that must be paid. If the *Muhaddad* is not carried out, it becomes a debt and can be taken by force.
- b. Compulsory (*Wajib*) *Ghairu Muhaddad* is obligatory, which is not determined by the method of implementation and the time of day or an obligation that is not specified with a number limit, such as *Infak fi Sabilillah*, assisting someone, helping people, and so on. Therefore, obligatory *Ghairu Muhaddad*, if it is not implemented, does not become a debt and cannot be forced.<sup>14</sup>

According to Amir Syarifuddin in *Usul Fiqh*, the law of *Taklifi* about compulsory, namely <sup>15</sup>: Demands to do with certainty, namely a case that when done gets a reward and if it is abandoned would be threatened by Allah SWT, which is referred to as "obligatory."<sup>16</sup>

For example: praying, fasting, and so on.

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<sup>13</sup> Ḥallāf, *ʿIlm uṣūl al-fiqh*.

<sup>14</sup> Huḍarī, *Uṣūl al-fiqh*.

<sup>15</sup> Amir syarifuddin, *Usul fiqih*, (Jakarta: Fajar interpretama offset), hlm.333-355

<sup>16</sup> H. Amir Syarifuddin, *Usul fiqh* (Jakarta: Logos Wacana Ilmu, 2008).115



Word of Allah SWT:

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَأَطِيعُوا الرَّسُولَ لَعَلَّكُمْ تُرْحَمُونَ (56)

"Establish prayers and pay zakat and obey the commands of the Prophet; hopefully, you will be blessed by Allah." *An-Nur: 56*

The distribution must be viewed in terms of implementation revelation.<sup>17</sup>

a. *Wajib Mutlak*

That is an obligation determined by the time of its implementation, meaning that it is not wrong to postpone the execution time until it can carry it out. For example, the obligation to pay *Kafarat* oath, but the Shara does not determine the time.

b. *Wajib Muaqqad*<sup>18</sup>

It is an obligation that should be carried out in its time. For example, the fast of Ramadan. This obligation is divided into three parts, namely:

1. *wajib dzu syahnaini*

An obligation whose implementation is within a specific time and time contains the two characteristics above, namely *Muwassa* 'and *Mudhayyaq*. The starting time is the same as the ending time, and the time is long, for example, the pilgrimage.

The distribution is mandatory from the implementer *Wajib al'Ain*, *Wajib Kifayah*.

The distribution is obligatory in terms of the level demanded *Wahub Muhaddad*.

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<sup>17</sup> زحيلي، وهبة، الوجيز في اصول الفقه

<sup>18</sup> Huḍarī, *Uṣūl al-fiqh*.

It is determining liability, for example, *zakat. wajib Ghairu Muhaddad* is an obligation that is not specified in the level.

The distribution is obligatory in terms of the form of the action required.

a. Mandatory *Mu'ayyan*.

The substance of which is mandatory, for example: reading Al Fatihah in prayer.

b. Mandatory *mukhayyar*

Obligators who are given freedom of choice, for example, *Kafarah* oath.

### **Definition of *Mandub***

Usul experts say what is meant by *Mandub* is:

"What is demanded by the sharia" makes it from *Mukalaf*, but the demands are not so harsh. "

Or in other words, all actions that are done will be rewarded, but if they are not done, they will not be subject to punishment or Sin (*'iqab*)..<sup>19</sup>

*Mandub* actions can be recognized through the pronunciation listed in the text as stated in the word "disunited" or "recommended" or performed in Amar. Still, a sign is found that indicates that the demands are not stern from the text itself. As in the word of Allah:

An example is sunnah writing/recording debt

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<sup>19</sup> Ibn 'Aqīl and Sudays, *Al-Wādiḥ Fī Uṣūl al-Fiqh*.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَابَيْتُمْ بَدَيْنَ إِلَى أَجَلٍ مُّسَمًّى فَآكْتُبُوهُ وَلْيَكْتُب بَيْنَكُمْ بِالْعَدْلِ وَلَا يَأْب كَاتِبٌ أَنْ يَكْتُبَ  
 كَمَا عَلَّمَهُ اللَّهُ فَلْيَكْتُبْ وَلْيُمْلِلِ الَّذِي عَلَيْهِ الْحَقُّ وَلْيَتَّقِ اللَّهَ رَبَّهُ وَلَا بِيحْسٍ مِنْهُ شَيْئًا فَإِنْ كَانَ الَّذِي عَلَيْهِ الْحَقُّ سَفِيهًا أَوْ  
 ضَعِيفًا أَوْ لَا يَسْتَطِيعُ أَنْ يُمِلَّ هُوَ فَلْيُمْلِلْ وَلِيُّهُ بِالْعَدْلِ وَاسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ فَإِنْ لَمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ  
 وَامْرَأَتَانِ مِمَّنْ تَرْضَوْنَ مِنَ الشُّهَدَاءِ أَنْ تَضِلَّ إِحْدَاهُمَا فَتُذَكِّرَ إِحْدَاهُمَا الْأُخْرَى وَلَا يَأْب الشُّهَدَاءُ إِذَا مَا دُعُوا وَلَا  
 تَسْأَمُوا أَنْ تَكْتُبُوهُ صَغِيرًا أَوْ كَبِيرًا إِلَىٰ أَجَلِهِ ذَلِكُمْ أَقْسَطُ عِنْدَ اللَّهِ وَأَقْوَمُ لِلشَّهَادَةِ وَأَدْنَىٰ أَلَّا تَرْتَابُوا إِلَّا أَنْ تَكُونَ  
 تِجَارَةً حَاضِرَةً تُدِيرُونَهَا بَيْنَكُمْ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ أَلَّا تَكْتُبُوهَا وَأَشْهَدُوا إِذَا تَبَايَعْتُمْ وَلَا يُضَارَّ كَاتِبٌ وَلَا شَهِيدٌ وَإِنْ  
 تَفَعَّلُوا فإِنَّهُ فُسُوقٌ بِكُمْ وَاتَّقُوا اللَّهَ وَيُعَلِّمُكُمُ اللَّهُ وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ (282)

*Meaning: O you who believe! If you are running a business with accounts payable that are valid for a certain period, you should write them down (debt and payment period). (Surah Al-Baqarah 282)*

In another verse, it is explained: Meaning: "... then there is no sin for you (if) you do not write it ..."

(Surah Al-Baqarah 282)

This second verse can be understood that writing accounts payable is only man dub (Sunnat). And also may be a sign that can be used to turn away Amar which has a mandatory meaning to the meaning of Mandub through general religious principles or fiqh principles and may also be indicated by the sequence of punishment for those who leave it.<sup>20</sup>

### **Mandub Types**

The scholars within the Hanafi school of thought equate the meaning of sunnah and *Nafal* with *Mandub*, according to them there are three kinds:<sup>21</sup>

- a. *Hadyu* sunnah is an act that is ordered to complete obligatory actions such as a call to prayer and congregational prayer. People who leave activities like

<sup>20</sup> Samarqandi and Murad, *Al-Mizan Fi Uşul al-Fiqh*.

<sup>21</sup> Samarqandi and Murad, *Al-Mizan Fi Uşul al-Fiqh*.

this are said to be lost and despicable, and if the whole village agrees to leave it, they can be fought.

- b. *Zaidah* sunnah is all actions that are recommended to do as a commendable trait for *Mukalaf* because following in the Prophet footsteps as an ordinary human being such as in eating, drinking, sleeping, and so on and if that action is done, it becomes suitable for the *Mukalaf*. If it is abandoned, it cannot be said to be *makruh*.<sup>22</sup>

*Nafal is an action that is recommended to do as a complement to obligatory acts and sunnah such as sunnah prayer. If they are done, efforts like that will be rewarded, and if they are abandoned, they will not be tortured and not criticized.*

*Usually, this Mandub is also called Sunat or mustahabb and is divided into:*

- a. Sunnah *'ain*, is all the actions that are recommended to every individual *Mukalaf* to do, for example, the Sunat Rawatib prayer
- b. *Kifayah* sunnah, which is all actions recommended being done by just one group, such as saying greetings, praying for people to sneeze, and so on. The Syafi'i scholars divided *mandub* into two:<sup>23</sup>

- *Muakkad* sunnah is an act that is required to do but is not subject to punishment for those who leave it but are criticized. For example, sunnah complements obligatory acts such as the call to prayer, congregational prayer, holiday prayer, sacrifice, and Akikah, because Rasulullah SAW always does such actions. He left only once or twice, which showed that the act was not obligatory but favoured.

- *Ghairu Muakkad* sunnah is any action that is required to do it but is not blamed for leaving it, but Rasulullah SAW. Often leave it, or in other words, all kinds of sunnah actions that the Prophet did not always do.

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<sup>22</sup> Huḍarī, *Uṣūl al-fiqh*.

<sup>23</sup> Sayyid Sabiq, *Fiqh Sunnah* (Jakarta: Pena Pundi Aksara, 2006).

According to Amir Syarifuddin in *Usul Fiqh* (2005), the law of sunnah is: The demand to do things is uncertain, meaning that the act must be carried out. When done by a Mukalaf, that is an act that will get rewarded by Allah SWT. And if they are left, there is no threat from Him, which is known as "*Nadab* (sunnah)." <sup>24</sup>

For example, alms, fasting on Mondays and Thursdays, etc.

*Mandub* (sunnah) is divided into;

1. In terms of always and not always, the Prophet practiced this sunnah. Sunnah is divided into two;

a. *Sunnah Muakkadah*

Namely, the actions carried out by the Prophet besides there is information that shows that the action is not something Fardhu.

b. *Sunnah Ghairu Muakkadah* That is an act that the Prophet did, but the Prophet did not customize himself with these actions.

2. In terms of the possibility of leaving the action, sunnah is divided into two, namely;

a. *Hadyu Sunnah*

That is an act required to do it because of the great benefits it gets from it, and the person who leaves it is considered heretical—for example, the holiday prayer.

The division of the *hadyu Sunnah*, namely:

1. *Sunnah Zaidah*

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<sup>24</sup> Meirison Alizar Sali, Desmadi Saharuddin, and Rosdialena Rosdialena, "Takhrij Fikih Dan Permasalahan Kontemporer," *Al-Istinbath: Jurnal Hukum Islam* 5, no. 1 (May 9, 2020): 51, doi:10.29240/jhi.v5i1.1235.

Namely, the sunnah, which if Mukalaf does it is declared good if it is abandoned, it does not get Sin. So the Prophet's delight was good when he was imitated and was not accused when left.

## 2. *Sunnah Nafal*

It is an act that is required to be in addition to compulsory worship

### **Haram(Tahrim)**

#### a. *Haram Terminology*

Usul experts say about haram is:

"What the Shara demands" not to do it with harsh demands. "

Or in other words, it is prohibited to do it, and if it is done, it will be punished, and if it is abandoned, it will be rewarded.<sup>25</sup>

Demands like this can be known through the pronunciation of the text as in the word of Allah:

Meaning: "It is forbidden for you to (eat) carcasses, blood, pork (meat) from animals slaughtered in names other than Allah ... (QS. Al-Maidah 3)

#### b. *Haram Types*

Haram is divided into two:<sup>26</sup>

1) *Haram li Zatihi* is haram because of the act itself, or haram because of the substance. Like this, Haram is forbidden from the beginning—for example, killing, adultery, stealing, and others.

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<sup>25</sup> Musyahidah, S., Ermawati, E., & Nurdin, N. (2021). The Effect of Riba Avoidance and Product Knowledge on the Decision to Become a Customer of Islamic Banks. *International Journal of Multidisciplinary Research and Analysis*, 4(8), 1090-1101.

<sup>26</sup> Ḥallāf, *ʿIlm uṣūl al-fiqh*.

2) *Haram li Gairihi* is Haram because it is related to other actions, or haram because of other later factors.<sup>27</sup> For example, buying and selling, which is legally permissible, turns into haram when the Friday call to prayer has rung out. Likewise, the fasting of Ramadan, which has initially been obliged to turn into haram, because fasting will cause illness that threatens the safety of the soul. Likewise with others.<sup>28</sup>

The Hanafi school of thought divides this haram into two forms, based on the strength of the statement that defines its classification.:<sup>29</sup>

1) Haram, which is stipulated through the argument of *Qath'i*, is the harm of Al Quran, Sunnah, and *Ijma*. Haram, which is specified utilizing this *Qath'i* argument, is the opposite of Fardhu. An example is a prohibition of committing adultery, as explained in verse 32 of Surah Al Isra '.

2) Haram, as established by Zanni's claims, such as the Ahad hadith and Qiyas, is the polar opposite of obligatory, also known as *Karahiyatut Tahrim*. For example, such as the prohibition for men to wear gold jewelry and pure silk cloth, which is explained in the Ahad hadith, which include:

"Both of these are haram on my male people" (Narrated by Abu Daud, Ahmad and Nasai from Ali bin Talib)

According to Amir Syarifuddin in *Usul Fiqh* said that the law of *Taklifi* about haram, namely: Demands to leave with certainty, which is a job that if a *Mukalaf* does it, he will receive a threat from Allah And if abandoned, he will receive a reward, which is known as "haram." Hanafiah Ulama defines the haram law into two based on

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<sup>27</sup> Ermawati, E., Musyahidah, S., & Nurdin, N. (2021). Muslim Society Perspective on Islamic Banking Corporate Social Responsibility in Indonesia (Based On Qur'an and Hadits Economic Themes). *International Journal of Business and Management Review*, 9(3), 29-40.

<sup>28</sup> Ḥallāf, *Ilm uṣūl al-fiqh*.

<sup>29</sup> Ḥallāf, *Ilm uṣūl al-fiqh*.

the arguments that define it. The definite demands and prohibitions set out by the statements Zhanni are called *Karahah Tahrim*.<sup>30</sup>

For example: eating the wealth of orphans, eating usury assets, and so on.<sup>31</sup>

The ban on swearing, for example:

The Word of Allah SWT;

يَا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ وَلَا تَجَسَّسُوا وَلَا يَغْتَبَ بَعْضُكُم بَعْضًا أَيُحِبُّ أَحَدُكُمْ أَنْ يَأْكُلَ لَحْمَ أَخِيهِ مَيْتًا فَكَرِهْتُمُوهُ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ تَوَّابٌ رَّحِيمٌ (12)

*O you who believe! Stay away from most of the suspicions (so that you do not think the prohibited suspicion) because actually part of the suspicion is Sin and do not peek or find fault and carelessness of people and do not curse half of you the other half. Does anyone of you like to eat the flesh of his dead brother? (If that is the situation of swearing), then of course, you disgust him. (Therefore, obey these prohibitions) and fear Allah; verily Allah is the Recipient of repentance, again Most merciful. (al-Hujarat: 12)*

The above verse explains that swearing is HARAM because it is a definite form of demand (*Jazmun*), which is based on the argument of Qat'i, al-Quran al-Karim.<sup>32</sup>

### **Makruh(Karahah)<sup>33</sup>**

#### *a. Understanding Makruh*

Makruh, according to Usul experts, is:

"What the sharia demanded" to leave but not so harshly. "

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<sup>30</sup> Syarifuddin, *Usul fiqh*.115

<sup>31</sup> Syarifuddin, *Usul fiqh*.115

<sup>32</sup> ISyarifuddin, *Usul fiqh*.115

<sup>33</sup> Huḍarī, *Uṣūl al-fiqh*.



Or, in other words, something that is forbidden to do but is not tortured if done. For example, smoking, eating food that smells bad, and so on.

*b. Makruh Criteria*

In general, scholars divide makruh into two parts:

- 1) Makruh Tanzih, all actions that leave them are better than doing.
- 2) Makruh Tahrim is all prohibited activities, but the argument forbidding it is *Zhanny*, not *Qath'i*. For example, playing chess, eating snake meat (according to the Hanafiyah and Malikiyah schools of thought).

According to Amir Syarifuddin in *Usul, Fiqh* said that the law of Taklifi about makruh, namely: Demands to leave or an uncertain prohibition. That is a job that is done, is not sinful, and if it is abandoned, you will get a reward, which is known as "*Karahah (makruh)*."<sup>34</sup>

For example, smoking :<sup>35</sup>

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَسْأَلُوا عَنَ أَشْيَاءَ إِن تُبَدَّ لَكُمْ تَسْؤُكُمْ وَإِن تَسْأَلُوا عَنْهَا حِينَ يُنزَلُ الْقُرْآنُ تُبَدَّ لَكُمْ عَفَا اللَّهُ عَنْهَا  
وَاللَّهُ غَفُورٌ حَلِيمٌ (101)

O you who believe, do not ask (to your Prophet) things that if explained to you will trouble you and if you ask when the Qur'an was revealed, it will undoubtedly be presented to you, Allah forgave (you) about these things. Allah is Forgiving, Most Forgiving. (Al-Maidah: 101.)

**Mubah(ibahah)<sup>36</sup>**

*Definition of Mubah*

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<sup>34</sup> Syarifuddin, *Usul fiqh*.

<sup>35</sup> Sayyid Sabiq, *Fiqh Sunnah*.221

<sup>36</sup> Samarqandi and Murad, *Al -Mizan Fi Uşul al-Fiqh*.

What is meant by mubah according to Usul experts is :<sup>37</sup>

*"What freedom gives converts to choose between doing or leaving it."*

*Mubah classification:*

Mubah can be divided into three kinds, namely:<sup>38</sup>

What is explained by sharia 'about its ability to choose between doing or not doing

1) The ability is not explained, but sharia 'informs that it will be able to provide leeway and convenience for those who do it

2) It is not well explained at all about the ability to do something like this back to the principle of *Bara'tul Asliyah*.

According to Amir Syarifuddin in Usul, Fiqh said that the law of Taklifi about mubah, namely<sup>39</sup>: Something that gives the possibility to choose between work or leave. So, here there is no demand to work on or go. This was neither ordered nor prohibited. Law in this form is called "*Ibahah*", while the action is given a choice to do or not is called "*mubah*."<sup>40</sup>

For example: doing hunting after doing Tahallul during the haj pilgrimage and so on.

If you hire someone for a particular job, then you have the power to do that work, or say: There is a tenant right for an employee to do the job, and this right is a status rule that requires the need for that job—implemented according to an agreement. The positive direction is that you are the owner of the benefits.<sup>41</sup> As for the assignment rules, it is permitted to fulfill them as a residence permit. Likewise, a marriage can occur well if the requirements and harmony are fulfilled. Marriage has legal

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<sup>37</sup> Hallāf, *ʿIlm uṣūl al-fiqh*.

<sup>38</sup> Samarqandi and Murad, *Al-Mizan Fi Uṣūl al-Fiqh*.

<sup>39</sup> Syarifuddin, *Ushul fiqh*, 363.

<sup>40</sup> Ibn ‘Aqīl and Sudays, *Al-Wāḍiḥ Fī Uṣūl al-Fiqh*.

<sup>41</sup> Muhammad Fawzy AbdelHay, *Usul al Fiqh Rise, Developments, Methodologies & Literature* (Cairo: Dar al-Salam, 2016).

consequences, not rent. It is related to the dowry paid in exchange and the benefits and enjoyments the bridegroom will take. All the implications of marriage will be attached to the bride and groom.<sup>42</sup>

## **Conclusion**

This research concludes that the law of Taklifi is divided into five parts, namely, consent (obligatory), Nadab (sunnah), Tahrim (haram), Karahah (makruh), and Ibahah (mubah). Ijab is a word that demands doing an action with definite demands. For example, the expression of Allah in the letter Al-Baqarah [2]: 43: "And establish prayers, pay zakat, and ruku' (bowing) with those who bow." "

Nadab is the word of God that demands to do an act with an act that is not certain but only in the form of encouragement to do. For example, the word of Allah Surah Al-Baqarah [2]: 282: "O you who believe, if you are not in cash for a specified time, you should write it down."

Tahrim is a word that demands not to do something with definite demands. For example, the word of Allah in Surah Al-Maidah verse 3: "It is forbidden for you to (eat) carcasses, blood, and pork."

Karahah is the word of Allah which demands not to do an action with uncertain demands, but only in the form of a suggestion not to do it. For example, the word of Allah in Surah Al-Maidah verse 101: "Do not ask (to your Prophet) things which, if explained to you, will trouble you."

Ibahah is the word of Allah that gives freedom to Mukalaf to do or not to do something. For example, the word of Allah in Surah Al-Baqarah verse 235: "And there is no sin for you to propose to these women with insinuation."

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<sup>42</sup> Sayyid Sabiq, *Fiqh Sunnah*. Jilid II, h.221

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