

POSITION OF THE QUR'AN AS A THEOREMS OF FIQH

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Abstract

Fiqh law is one of the shari'a laws that are amaliyah (practical) and based on syar'i theorems. One of the syar'i theorems is the Qur'an. The position of the Qur'an as a theorems for the law of fiqh is in the first place, followed by other arguments. This is because the Qur'an is the revelation of Allah which contains the law and is conveyed to us in a qath'i way. In terms of its position as a legal theorem, the Qur'an only shows the basic principles that lead a Muslim in a certain direction, where he can find answers on his own. Because the Qur'an does not try to be pan-legistic, that is. establishes all the details of the rule of law, but the Qur'an only offers a model of rules or laws that can be drafted for the future.

Keywords: Al-Quran, theorems of Fiqh

1. INTRODUCTION

Fiqh is another word for *amaliyah* of human, it is a continuation of the recognition of someone who has faith, mean that a believer will only have perfect faith when he has practiced fiqh.¹ These two things are interrelated, faith as the first, then fiqh is the continuation. These two things are different. Faith is in the form of innersoul, which is located in a person's heart and only he and Allah know. While fiqh is external whose form can be witnessed by others.

Fiqh is a part of human life that must be practiced, the existence of fiqh is very strong and there is no doubt about its existence and obligation to practice it. Because fiqh is a part of the sharia commanded by Allah. Various theorems, both Al-Quran and Hadith, clearly state that fiqh is something that must be fulfilled by someone who has claimed to be a believer. In fact, it is not just people who believe, even unbelievers are in essence also required to do *furu' sharia* (fiqh) and they will be prosecuted later in the hereafter.

Al-Quran explains a lot about fiqh both in the fields of worship, muamalah, munakahah and jinayah. These four areas are parts of fiqh. Therefore, there is a close relationship between the Qur'an and fiqh. For this reason, it is necessary to conduct a study on this issue, in order to find out how the position and influence of the Qur'an on fiqh.

2. LITERATURE REVIEW

A. Theorems and the Differences With Mashdar

In Arabic *dalil* means to show something, whether it is sensory or meaningful, good or bad. As for the understanding of the theorems in terminology as put forward by *ushul fiqh* scholars, it is something that is used as a legal argument for *syara'* relating to human actions based on the correct view of it, either with certainty (*qath'i*) or strong suspicion (*zhanni*). .

Some of the other *ushul fiqh* scholars also expressed the meaning of the proposition as something from which the *syara'* law is taken with regard to human actions with certainty (*qath'i*). Whereas something from which the *syara'* law is taken by means of a strong conjecture

(*zhanni*), it is called *ammarah (sign)* and is not said to be a theorem.

However, the well-known term for the meaning of the theorem put forward by *ushul fiqh* scholars is something from which the *syara'* law is taken which relates to human actions absolutely, either by means of certainty (*qath'i*) or by way of *zhanni*. Therefore, they divide the theorem into two kinds, namely, the theorem that understate *qath'i* and the theorem that understate *zhanni*.ⁱⁱ

The same thing was also stated by Abu Ishak Asy-Syairazi in his book *Al-Lum'u fi Ushulil Fiqh*, but he considered that there was no difference between something that refers to the law by means of *qath'i* and *zhanni*, both of which are still mentioned as theorems, the reason is because the Arabs do not distinguish, and still mention it as a theorem.ⁱⁱⁱ

Based on the above definition, it is clear that the theorem is what shows the law, then the law is the object contained in the theorem. The designation of law by this theorem is divided into two types, namely the first with certainty, meaning that the theorem provides clear instructions for a law through its redaction. So that the theorem is not understood by others, but specifically to the law. While the second is the appointment of the theorem towards the law is not certain, but there is still an element of doubt in it, but the tendency is greater.

As for *mashdar*, literally means source. However, when the word *mashdar* is associated with law, it means a source of law. The definition of a legal source is the place where a law or legal owner emerges. Sources of law (*mashdar*) have a broader meaning than theorems. According to Islam, the highest source of law is Allah, meaning that in essence the source of law is Allah, regardless of the use of the term source of law to others, such as prophet, theorems and others. then it means that the source of the law is the owner of the law, then this is different from the theorem, because the theorem is only a thing that points to the law, it can be understood that the theorem is only a means or a tool to get to the law.

However, Amir Syarifuddin in his book *Outlines of Fiqh*, said that the source of *fiqh* means anything that is used as reference material for scholars in formulating their *fiqh* law. There are four sources of law agreed upon by the scholars, namely the Qur'an, hadith, *ijma'* and *qiyas*. But apart from that, there are other sources of law that are disputed among scholars, namely *istihsan*, *al maslahat al-mursalah*, *al istishab*, *urf* and *convention*, *qaul sahabi*, *syara' ummah* before Islam and *saad al zari'ah*.^{iv} Furthermore, according to Hasbi As-Siddieqy as well, he clearly mentions *mashadirul ahkam* (legal sources) which are agreed upon by scholars, there are four, two of which are mentioned as original sources (main sources), namely the Al-Quran and Sunnah, while the other two are mentioned as *tab'iyah* sources (sources linked to the main sources) are *ijma'* and *qiyas*. Meanwhile, other sources have disagreements.^v From these two explanations, it is clear that the use of the words theorem and legal *masdar* is for the same object.

Wahbah Zuhaili in his book *Ushul Fiqh Islami* defines the theorems and *masdar* of law with different definitions. He gives an understanding of the theorem as something that can lead us to a law, while the *masdar* of law is the theorem that the law derives from it. However, according to the author, this understanding also does not reveal any difference, because it can still be understood the same between the two, namely as a means or place for the emergence of law.

Because of that in some *fiqh* literature, we do not find a special understanding of legal *mashdar*, but they tend to combine *masdar* and legal theorem, even the scholars call all these legal sources as legal theorems, as Abdul Wahab Khalaf said that: "The legal theorems , *mashdar* (source) of law and *ushul* (principal) of law are synonyms, meaning that they have the same meaning.^{vi} We can also find this in his other books, where he distributes *mashdar* (sources) of law to *qath'i* and *dhanni*,^{vii} then this is the same as sharing the theorem.

B. The Position of the Quran as the Theorem of Fiqh

Fiqh is a science that deals with law. Ibn Subki definitively gives the notion of *fiqh* as quoted

by Amir Syarifuddin in his book :

العلم بالأحكام الشرعية العملية المكتسب من أدلتها التفصيلية
Knowledge of shar'i laws which is amaliyah which excavated and found from the theorems that are tafsil.^{viii}

This understanding states that fiqh is a syar'i law that was excavated by the scholars (mujtahid) from its tafsilian theorems, namely the theorems of the Qur'an which mention in detail the laws. So the position of the Qur'an as a source of fiqh is very clear as understood from the above definition.

Al-Quran in its context as a fiqh theorem is a separate paradigm that is important to study, so that we know how the position, relationship and influence of the Quran on fiqh law. As well as being able to distinguish the position of the Qur'an from other legal theorems.

Al-Quran as the main source of law is a revelation that was revealed to the last prophet, Muhammad SAW.^{ix} Al-Quran is a collection of news about various things that cover all dimensions, both science, monotheism, the universe, unseen problems and so on. Everything in this universe is not overlooked by the Quran.

Regarding the authenticity of the Qur'an, and the position of its laws that must be carried out by humans, it is because the Qur'an comes from Allah and was conveyed to us in a definite way (*qath'i*), meaning that there is no doubt about its truth. As proof that the Qur'an came down from Allah is because the Qur'an has great miracles that no one can match.^x Furthermore, the Qur'an is very clear about the law in it for every problem that exists in human life. Therefore, the Qur'an should be used as a source or theorem for the law of fiqh.

In various fiqh literatures, scholars mention the position of the Qur'an as a fiqh argument clearly, they even put it in the main position, only then followed by other legal theorems. Ahmad Hasan in his book *The Door of Ijtihad Before It was Closed* stated that "Al-Quran is the main source of Islamic legislation. and sunnah explaining and detailing the Quran. Several verses of the Qur'an clearly state that it is the basis and main source of law in Islam. The main purpose of the Qur'an is to lay down a way of life that regulates human relations with humans (*hablum minan nas*) and human relationships with Allah (*hablum minallah*).

The discussion of the Qur'an includes all things such as morals, statutes and laws. All of that is the will of Allah as stated in the Qur'an, and our task is to explore it and make it happen in the form of legal provisions in their own context. The Quran only points out the basic principles that lead a Muslim in a certain direction, which he can find answers to on his own. Because the Qur'an does not seek to be pan-legistic, that is, to lay down all the details of the rules of life. But the Quran only offers a model of legislation that can be drafted for the future.^{xi} This statement clearly states that the Qur'an is the primary source in establishing Islamic law, and providing legal information. And we are required to dig it up in order to get these laws.

Amir Syarifudin said that the law of fiqh is one of God's will as outlined in the Quran, then the hadith came to explain it. In general, God's will is a basic guideline in the form of a general gesture and in general terms it cannot be implemented in practice. So that the will can be carried out properly and practically, it needs to be described in the form of detailed and easy-to-implement operational instructions, and the operational instructions are mentioned with fiqh.^{xii}

Furthermore, according to Ahmad Hasan, a number of legal rules are even clearly mentioned in the Qur'an. In general, the Qur'an divides the law into two types, namely halal and haram. However, after the development of fiqh occurred, this legal classification increased, namely obligatory, haram, makruh, mandub and permissible. This classification is based on moral assumptions and especially legal ones, because every behavior of the Muslims must fall into one of the certain legal categories, as mentioned in later fiqh literatures.^{xiii}

According to Abdul Wahab Khallaf, there are three laws contained in the Qur'an, namely,

i'tiqad, morality and amaliyah. The law in the third order, namely amaliyah, is the law relating to something that arises from the mukallaf, either in the form of deeds, words, legal agreements and expenditures. This amaliyah law is also known as Qur'anic fiqh. And this law is excavated using the methods of ushul fiqh. The law of amaliyah in the Qur'an is divided into two, namely worship and muamalat.^{xiv} With this statement it is clear that the Al-Quran which contains fiqh can be said to be a source of fiqh, because in it there are descriptions and instructions on fiqh problems.

So based on the description above, it is clear that the Qur'an is the theorem of fiqh, and its position is the main theorem. This means that the Qur'an is the first reference that must be opened by people who want to study fiqh, after that they move on to other theorem, when the Qur'an does not mention it.

C. Asbabun Nuzul and Nasikh Mansukh in the Quran

1. Asbabun Nuzul and its uses

Asbabun nuzul is one of the topics in the *ulumul Quran*, in various literatures that discuss the *ulumul Quran*, this issue is discussed first, this is a sign that *asbabun nuzul* has a great influence on the Quran. Literally *asbabun nuzul* consists of two words, namely *asbab* which is the plural form of the single word *sabab* which means causes. While *nuzul* literally means down. So when these two sentences are combined, the meaning is descending causes. The definition of *asbabun nuzul* in terminology is as stated by Sheikh Manna Al-Qatthan "Something for which the Qur'an was revealed, as an explanation of what happened, both in the form of events and questions."^{xv}

Ali al-Hasan as quoted by Hafidz Abdurahman in his book *Ulumul Quran Practical*; defines *asbabun nuzul*, namely "Events that occurred at the time of the Prophet Muhammad, because of that the Qur'an was revealed; or questions regarding the interpretation of the verse conveyed to the Prophet. Then a number of verses came to answer it"^{xvi}

This definition clearly states that *asbabun nuzul* is an explanation for events and questions that occurred at the time of the Prophet, where when an event occurred or a question arose to the Prophet, then after that the verses of the Qur'an came down to explain it. However, it should be noted that, it does not mean that every verse of the Qur'an all has *asbabun nuzul*, but there are also some that do not have *asbabun nuzul*, meaning that it comes down by itself without first having an event or question. As stated by As-Sayuthi, quoting Al-Ja'bari's opinion that the Qur'an was revealed in two ways, the first without cause and the second because of the impact of events or questions.^{xvii}

The events referred here are events that occurred in tandem with the revelation of the verse, because of that the stories about the previous ummah and past events before the Prophet Muhammad was appointed as a prophet were not included in the *asbabun nuzul*, this is like the statement of As-Sayuthi and others, their statement that is to criticize Al-Wahidi's opinion in interpreting Surah al-Fil. He said that the reason for the revelation of Surat al-Fil was the incident of the Habsyah army's invasion of Mecca. Even though these events cannot be said *asbabun nuzul*, but only past events.^{xviii}

The uses and objectives of *asbabun nuzul* are:

- a. To know the wisdom of enacting a law and the attention of the Shari'a to the general benefit in dealing with all events as a blessing for the ummah.
- b. Give an explanation of the legal limitations that are derived with the causes that occur, if the law is stated in a general form.
- c. To prevent takhsish (specialization) of general lafazh by specific theorem. If the problem is generally accepted, then the use of *asbabun nuzul* is to establish the law in the scope of general lafazh, even though there is a takhsish theorem. The reason for this is because *asbabun nuzul* is said to be *qaht'i*. While the dilalah *takhsih* is *dhanni*.

- d. To know the cause of the revelation of the verse, in order to understand the Quran, because knowing *asbabun nuzul* is the best way to understand the Quran.
- e. To know the object addressed by the verse of the Qur'an, so that by understanding this it is not wrong to determine the object of law.^{xix}

2. Nasikh Mansukh and its Uses

The text of mansukh in the Quran is a topic of dispute between scholars, some of them view that in the Quran there are texts, based on some of the instructions contained in the Quran, but some other scholars consider that texts are not in the Quran.

Shaykh Manna Al-Qaththan defines nasakh in terms of "raising (abolishing) the shari'a law with other shari'a legal theorems".^{xx} The mention of the word law here indicates that what is abolished is the law, not the verses of the Quran. So the verse of the Qur'an is still the same, but the law conveyed in that verse is erased with the emergence of the law from another verse.

From the above definition it can also be understood that the abolition categorized as nasakh is the abolition of the law carried out by the syara' theorem, while the abolition due to the emergence of causes such as madness, illness or other things, is not said to be nasakh, because it is not an abolition of the law, but it is mentioned as a cause or *'illat*.

Therefore, we can understand that the Mansukh text has its own requirements, including:

- a. Mansukh law is sharia law
- b. The argument for the abolition of the law is in the form of a syar'i theorem which comes later than the first legal theorem.
- c. The theorem or laws that are deleted are not limited to a certain time. Because if this is the same as delaying the application of the law for a while, then this is not said to be a *nasakh*.

Nasakh mansukh in the Qur'an consists of three types, namely:

- a. Nasakh of reading and law^{xxi}
- b. The only Nasakh law, but the verse reading is still ^{xxii}
- c. Nasakh reading, while the law of the verse is still valid ^{xxiii}

The three types of texts above are texts that are discussed in the *ulumul qur'an*, while in the context of fiqh, the meaning of texts is different and the division is also of three kinds, *First*; Nasakh which means that the Qur'an cancels the law stated in the previous heavenly books such as the Old Testament and the New Testament. *Second*; Nasakh is applied to the elimination of a number of verses of the Qur'an whose text has been removed from existence. And *third*; Nasakh means the revocation of some of the previous commands in the Qur'an by revelations that came later.^{xxiv}

Understanding the text of mansukh in the Qur'an is important, especially for commentators, fuqaha, ushul fiqh experts and others. Because this is one aspect that must be understood in establishing a law, so that there is no mistake in determining which laws should apply and which have been abolished.

D. Legal Verses in the Quran

The meaning of the legal verse is the verse of the Qur'an. This means that the verses of the Quran in which are contained laws. According to the term commentator, a verse is a number, or arrangement of words that have a beginning and an ending which is counted as a part of a letter. The collection of verses in a certain number and a certain name is called a surah. Meanwhile, *ahkam* is a plural word for law. Thus, the *ahkam* verses mean verses relating to various kinds of laws contained in the Qur'an.

In discussing *Ahkam* verses, always use the term Al-Qur'an verses, and it can be said that they never use the term letter, because the verse is more focused. Even so, in the discussion of law, this verse also discusses fragments of verses, or sentence units (lafadz), or even letter units in each sentence contained in a verse.^{xxv}

Regarding the number of legal verses in the Qur'an there are differences of opinion

between the scholars, they do not agree on this. The reason is because they have different views and analyzes in assessing legal verses. There is an opinion of scholars who say that the number of *ahkam* verses does not reach 1/10 of the total verses of the Qur'an. Some other scholars mention no more than 200 verses. While Imam Ghazali said that reaching 500 verses.^{xxvi}

Abdul Wahab Khalaf said that the number of legal verses in the Quran is not much. The legal verse concerning worship and matters related to it, such as jihad, totals 140 verses. While the legal verses concerning muamalah, ahwal al-syakhsiyah, jinayat, judicial and witnessing only amount to 200 verses, the total number is 340 verses.^{xxvii}

The *ahkam* verse of the Qur'an covers all fields, both worship, muamalah, munakah and jinayah. This is as the explanation we find in the books of commentary on the *ahkam* verse compiled by the scholars. As Ash-Shabuni for example explained that the *ahkam* verse of the Qur'an covers many things and it is generally stated that the *ahkam* verse covers all aspects of the discussion of fiqh, as seen from the index of the book. For example, in matters of worship, there is a verse concerning the obligation to face the Qibla in prayer, as Allah says in Surah Al-Baqarah verse 144:

قَدْ نَرَى تَقَلُّبَ وَجْهِكَ فِي السَّمَاءِ فَلَنُوَلِّيَنَّكَ قِبْلَةَ تَرْضَاهَا قَوْلٌ وَجْهَكَ شَطْرَ الْمَسْجِدِ الْحَرَامِ وَحَيْثُ مَا كُنْتُمْ فَوَلُّوا وُجُوهَكُمْ
شَطْرَهُ وَإِنَّ الَّذِينَ أُوتُوا الْكِتَابَ لَيَعْلَمُونَ أَنَّهُ الْحَقُّ مِنْ رَبِّهِمْ وَمَا اللَّهُ بِغَفِيلٍ عَمَّا يَعْمَلُونَ

Artinya: *Indeed We (often) see your face looking up to the sky[96], Then indeed We will turn you to the Qibla that you like. Turn your face towards the Haram mosque. and wherever you are, Turn your face towards him. And indeed those (Jews and Christians) who were given the Book (Torah and Gospel) do know, that turning to the Haram Mosque is true from his Lord; and Allah is never heedless of what they do.*

In this verse Allah explains about the direction of prayer, where at that time the Messenger of Allah was confused about the question of the direction of prayer, he always raised his face to the sky waiting for the revelation about the Qibla. So at that time this verse came down to explain the Qiblah law. In this verse it is stated that wherever a person's position is, he must turn his face to the Haram Mosque during prayer. In addition to this verse regarding the Qiblah, in matters of worship there are also other legal verses, such as the prohibition of people who are junub to pray, concerning the obligatory fast, the obligatory hajj and others.

In the case of muamalah, the Qur'an also mentions it, such as the issue of lawful buying and selling and the practice of usury, as Allah says in Surah Al-Baqarah verse 275:

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ
اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ
فِيهَا خَالِدُونَ

Artinya: *They say (opinion), Verily buying and selling is the same as usury, even though Allah has permitted buying and selling and forbids usury. those who have reached the prohibition from their Lord, then continue to stop (from taking usury), Then for him what he had taken first[176] (before the prohibition came); and affairs (up to) to Allah. people who return (take usury), then that person is the inhabitants of hell; they stay in it.*

Furthermore, in matters of marriage or civil law, the Qur'an also mentions it a lot, as the word of Allah in Surah An-Nisa verse 23:

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَأَبْنَاؤُكُمْ وَأَخَوَاتُكُمْ وَعُمَّاتُكُمْ وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ وَبَنَاتُ الْأُخْتِ وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمْ مِّنْ

الرَّضْعَةَ وَأُمَّهَاتُ نِسَائِكُمْ وَرَبِّبَاتِكُمُ اللَّيْ فِي حُجُورِكُمْ مِّنْ نِّسَائِكُمُ اللَّي دَخَلْتُمْ بِهِنَّ فَإِنَّ لَكُمْ تَكُونُوا دَخَلْتُمْ بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ
وَخَلْتُمْ أَبْنَاءَكُمْ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَنْ تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ إِنَّ اللَّهَ كَانَ غَفُورًا رَّحِيمًا

Artinya: *It is forbidden for you (to marry) your mothers; your daughters, your sisters, your father's sisters; your mother's sisters; the daughters of your brothers; the daughters of your sisters; your mothers who nursed you; breastfeeding sister; your wife's mother (in-law); your wife's children who are in your care from the wife you have interfered with, but if you have not mixed with your wife (and you have divorced), then it is not a sin for you to marry her; (and forbidden to you) the wives of your biological children (daughter-in-law); and bring together (in marriage) two women who are sisters, except what has happened in the past; Verily Allah is Forgiving, Most Merciful.*

In addition to this verse, in matters of marriage, the Qur'an also mentions many other civil issues, such as inter-religious marriages, divorce issues, married life and so on. Furthermore, in the matter of jinayah or crime, the Qur'an also mentions it as the word of Allah in Surah An-Nisa verses 92-93:

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَأً وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا فَإِنَّ
كَانَ مِنْ قَوْمٍ عَدُوًّا لَكُمْ وَهُوَ مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ وَتَحْرِيرُ
رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِّنَ اللَّهِ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ
جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا

Artinya: *And it is not proper for a believer to kill a believer (another), except because of a mistake (accidentally, and whoever kills a believer because he was wrong (let) he free a believing slave and pay for the diat that was handed over to his family (the murdered). unless they (the slain's family) give in charity, if he (the slain) is from a people (infidels) with whom there is a (peace) agreement between them and you, then (the murderer should) pay for the blood that was handed over to his family (the slain) and set him free. Whoever does not have it, then let him (the killer) fast for two consecutive months to accept repentance from Allah, and Allah is All-Knowing, All-Wise.*

In addition, the Qur'an also mentions various laws in other fields, such as laws relating to etiquette when visiting other people's places, eating problems at parents' homes and entering their rooms. In the field of government, the field of news media, the field of war and so on, the Qur'an regulates it quite perfectly. This is as the author got from the book of commentary on the Ahkam verse by Ash-Shabuni.

Conclusion

Based on the description above, we can conclude that *fiqh* is a human practice that comes from syar'i theorems. One of these theorems is the Quran. A postulate is something that points to the law, so that with a proposition we can understand the laws. Al-Quran is the first legal theorem, it mentions the laws, but we are required to explore them first.

The Qur'an mentions the laws of *fiqh* in full, which covers all aspects of its discussion, namely worship, muamalah, munakahah and jinayah, in addition the Qur'an also mentions other issues such as the system of government, morals and social activities, all things It is regulated by the Qur'an with explanations and legal Theorem of each.

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- iii Abu Ishak Asy-Syairazi, *Al-Lum'u fi Ushulil Fiqh*, (Beirut: Darul Kutub 'Ilmiah, 1985), Cet. I, hal. 5.
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- xi Ahmad Hasan, *The Early Development of Islamic Jurisprudence*, Terj. Agah Garnadi, *Pintu Ijtihad Sebelum Tertutup*, (Bandung: Pustaka, 1994), Cet. I. hlm. 28-38.
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- xiii Ibid, hal. 29.
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- xv Manna Al-Qaththan, *Mabahis fi Ulumul Quran*, Terj. Aunur Rafiq, (*Pengantar Studi Ilmu Al-Quran*), (Jakarta: Pustaka Al-Kautsar, 2009), Cet. IV, hal. 95.
- xvi Hafidz Abdurrahman, *Ulumul Quran Praktis*, (Bogor: Pustaka Utama, 2004), Cet. I, hal. 87.
- xvii Ibid, hal. 85-86.
- xviii Manna Al-Qaththan, *Mabahis fi Ulumul Quran...*, hal. 96.
- xix Ibid, 96-98.
- xx Ibid, 285.
- xxi Contohnya adalah sebagaimana yang diriwayatkan oleh Muslim dan lainnya dari Aisyah ra, ia berkata: Diantara yang diturunkan kepada beliau adalah bahwa sepuluh susuan mengakibatkan pemahraman. Kemudian Ainsyah membacakan ayat lain yang menyatakan lima kali susuan mengakibatkan pemahraman sebagai nasakh bagi ayat tentang susuan sebelumnya.
- xxii Contohnya adalah nasakh ayat 'iddah perempuan selama setahun menjadi empat bulan sepuluh hari.
- xxiii Contohnya yaitu ayat rajam dan ayat yang menceritakan tentang orang-orang yang terbunuh didekat sumur ma'unah, sehingga Rasulullah ber-qunut kepada pembunuh mereka.
- xxiv Ahmad Hasan, *The Early Development of Islamic Jurisprudence*, Terj. Agah Garnadi, *Pintu Ijtihad Sebelum Tertutup*, (Bandung: Pustaka, 1994), Cet. I. hlm. 54.
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