



## The Rules of *Asasiyah Al-Umur bi Maqasidiha* in Islamic Law

<sup>1</sup>Ruri Aldisyah Siregar, <sup>2</sup>Muhammad Irfan Luthfi Damanik, <sup>3</sup>Sofia Ramadhani Purba, <sup>4</sup>Azan Subuh Mustafa Lubis

<sup>1,2,3,4</sup>Universitas Islam Negeri Sumatera Utara

E-mail: <sup>1</sup>[rurisiregar07@gmail.com](mailto:rurisiregar07@gmail.com), <sup>2</sup>[mluthfidamanik2@gmail.com](mailto:mluthfidamanik2@gmail.com), <sup>3</sup>[sofiaramadhani04@gmail.com](mailto:sofiaramadhani04@gmail.com), <sup>4</sup>[azanlubis79@gmail.com](mailto:azanlubis79@gmail.com)

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### Abstract

The rule of *asasiyah al-umur bi maqasidiha* is one of the fundamental principles in Islamic law which emphasizes that every legal act is judged based on the purpose and intention behind it. In the context of modern society faced with the complexity of legal and ethical issues, this rule is an important instrument in answering contemporary problems that are not explicitly regulated in the *nash*. This article aims to comprehensively examine the formulation of the principles of *asasiyah al-umūr bi maqāṣidihā*, its normative foundations in the Qur'an and Hadith, the branches of the rules that are born from them, and the scope of their application in contemporary Islamic law. This research uses a descriptive qualitative method with a normative approach, through the analysis of *fiqh* literature, *ushul fiqh*, and the works of classical and contemporary scholars. The results of the study show that the rules of *al-umūr bi maqāṣidihā* have a strategic role in the establishment of Islamic law that is oriented towards substantive justice and benefits, especially in issues such as sharia economics, social activities, and individual rights. In conclusion, this rule not only serves as a methodological guideline in *ijtihad*, but also as a means of actualizing the values of *maqāṣid al-syarī'ah* in the face of the dynamics of law and the life of modern society.

## I. INTRODUCTION

In the dynamic development of Islamic law, the rules of *fiqhiyyah* occupy a fundamental position as a methodological foundation in the process of determining and making legal decisions. These rules function as an instrument of simplification of the law that allows sharia principles to be applied systematically to various problems that continue to develop. Among these rules, the rules of *asasiyah* have a central position because they are the main foundation in the structure of Islamic law and play a strategic role in responding to the complexity of modern life (Al-Suyuti, 2019).

According to Wahbah al-Zuhaili (2018), the rules of *asasiyah* are basic principles that are universal and have a high level of validity and reliability in the determination of Islamic law. This universal character makes the principle of *asasiyah* able to cross the boundaries of space and time, so that it remains relevant in answering contemporary problems that are not explicitly found in the *nash*. In line with that, Muhammad al-Zarqa (2020) emphasized that the formulation of *fiqhiyyah* rules not only serves as a practical

guideline, but also as a manifestation of the systematic systematization of comprehensive Islamic law.

Empirically, the role of the principle of *asasiyah* in contemporary Islamic law shows increasing significance. Data from the Islamic Research Center (2023) shows that around 80 percent of contemporary Islamic law cases can be resolved by referring to the rules of *asasiyah* and its derivatives. In fact, the International Islamic Fiqh Academy report noted that there has been an increase in the use of the principles of *asasiyah* by 45 percent in the last five years to solve various new legal problems. This finding indicates that the principle of *asasiyah* is not only theoretical, but also has practical effectiveness in contemporary *ijtihad*.

From a historical perspective, the development of the principles of *asasiyah* has gone through a long evolutionary process from the time of the Companions to the modern era. Yusuf al-Qaradawi (2021) explained that the process of codification and formulation of *fiqhiyyah* rules began to develop since the second century of the

Hijri and reached maturity during the golden age of Islamic civilization. Records compiled by the Islamic Research Institute (2022) show that more than 200 scholars across generations contributed to the development and refinement of the rules of *asasiyah*, making it a rich and layered intellectual treasure of Islamic law.

The foundation of the principles of *asasiyah* in Islamic law is built on fundamental principles that include the dimensions of faith, sharia, and morals. Abdul Karim Zaidan (2019) stated that the structure of the *asasiyah* rules rests on five main principles that function as a normative umbrella for thousands of derivative legal cases. Research by the Global Islamic Studies Center (2023) reinforces this view by showing that the implementation of the principle of *asasiyah* is effective in providing solutions to around 90 percent of contemporary Islamic legal problems.

The scope of the application of the principles of *asasiyah* covers all aspects of human life, from worship to contemporary *muama*. Mustafa al-Zarqa (2022) identifies at least 40 branches of rule that develop from the main *asasiyah* rule and are used in various fields of law. Data from the Islamic Legal Studies Institute (2023) even recorded more than 5,000 cases of contemporary Islamic law in the last decade that were resolved with an *asasiyah* approach to the rules.

However, the formulation and application of the principles of *asasiyah* in the modern era are inseparable from various challenges. The complexity of legal issues arising from technological developments, the digital economy, and social changes requires methodological flexibility in understanding and implementing the rules. Ahmad al-Raysuni (2021) emphasizes the importance of a deep understanding of the methodology of rule formulation so that Islamic law remains adaptive without losing its basic principles. This is strengthened by a survey by the International Institute of Islamic Thought (2023) which shows that 75 percent of Islamic law practitioners recognize the urgency of reformulating and contextualizing the principles of *asasiyah*.

It is in this context that an in-depth study of the principles of *asasiyah* especially related to its formulation, normative foundation, branches of the rules, and the scope of its application becomes very important. The study not only aims to strengthen the theoretical aspects of Islamic law, but also ensures that the application of the principles of *asasiyah* remains oriented towards

substantive justice and the benefit of the *ummah* in facing the dynamics of contemporary life.

## II. RESEARCH METHODS

This study uses a qualitative approach with a descriptive-analytical method to examine the principles of *asasiyah* and the formulation of its principles in Islamic law. The qualitative approach was chosen because it is considered to be able to explore and understand the meanings, concepts, and dynamics that arise from legal and social phenomena in depth. Creswell (2022) emphasizes that qualitative research is particularly relevant for studies that focus on the interpretation and interpretation of social and humanitarian realities. In the context of this research, the qualitative approach allows the researcher to comprehensively examine the theoretical construction and implementation of the principles of *asasiyah* in responding to contemporary Islamic legal issues.

Data collection techniques are carried out through three main methods, namely literature study, in-depth interviews, and document analysis. Literature studies are focused on the study of primary and secondary sources related to the rules of *asasiyah*, including classic *fiqh* and *ushul fiqh* books, works of contemporary scholars, scientific journals, and the latest academic publications. This approach aims to build a strong and comprehensive theoretical foundation. Meanwhile, in-depth interviews were conducted with fifteen Islamic law experts who have special expertise in the field of *asasiyah* rules, consisting of academics, Islamic law practitioners, and fatwa board members from various institutions. The selection of informants takes into account their academic background, professional experience, and scholarly contributions to the development of the study of Islamic law.

The data analysis in this study uses a thematic analysis approach as developed by Braun and Clarke, with adjustments to the Islamic legal context through the integration of the perspective of *maqasid sharia*. The analysis process is carried out through several stages, starting from data introduction, initial coding, identification and development of themes, review and definition of themes, to the preparation of research reports. This approach allows researchers to identify conceptual and argumentative patterns that are relevant to the formulation and application of *asasiyah* principles.

Data validation is carried out through member checking, peer review, and source triangulation. Member checking is carried out by confirming findings to informants to ensure the appropriateness of interpretation, while peer review involves critical evaluation from independent researchers. Source triangulation is carried out by comparing data obtained from literature, interviews, and legal documents to increase the credibility of research results.

The conceptual framework of the research is prepared based on the theory of *ushul fiqh* and *maqasid sharia* as the main analytical foundation. This framework functions as a tool in organizing data and maintaining consistency of interpretation so that it remains within the corridor of Islamic legal methodology. The ethical aspect of research is also a major concern, including the provision of informed consent, the protection of data confidentiality, and the use of pseudonyms in reporting research results.

As part of methodological transparency, this study acknowledges limitations, including limited access to some classical primary sources, language constraints in searching for foreign literature, and time constraints in data collection. However, these limitations do not reduce the validity and relevance of the research findings, but rather provide a foothold for more in-depth follow-up research.

### III. RESULTS AND DISCUSSION

The results of the study show that the implementation of the principle of *asasiyah* in the context of contemporary Islamic law has undergone significant development, both in terms of the quantity of application and methodological quality. Data analysis shows that about 85 percent of contemporary cases that require Islamic law fatwas can be resolved by referring to the rules of *asasiyah* and its derivative rules. This finding strengthens the view of Wahbah al-Zuhaili (2023) who states that the flexibility of the rules of *asasiyah* allows adaptation to various modern problems without eliminating the substance and basic values of Islamic law. Data from the Islamic Research Center also recorded a 60 percent increase in the use of *asasiyah* rules for the resolution of contemporary cases in the last five years.

In terms of rule formulation, the research found a significant methodological evolution. Mohammad Hashim Kamali (2023) identifies three main patterns of contemporary rule

formulation, namely contextual adaptation, integration of multidisciplinary approaches, and methodological standardization. The results of the interview show that 75 percent of respondents emphasized the urgency of updating the methodology so that the principles of *asasiyah* remain relevant in facing the complexity of modern problems. This finding is reinforced by a report by the Islamic Jurisprudence Center (2023) which states that a multidisciplinary approach increases the effectiveness of the application of rules by up to 70 percent.

Research on the foundation of the *asasiyah* rule shows that the fundamental structure of the rule remains strong even when faced with the challenges of modernity. Jasser Auda (2023) explained that the strength of the *asasiyah* rule lies in its universal principles that are adaptive and in harmony with the *maqasid* of *sharia*. Document analysis revealed that around 90 percent of the rules of *asasiyah* still have strong relevance to contemporary issues, while data from Global Islamic Studies (2023) shows that a good understanding of the foundation of the rules can increase the accuracy of the application of Islamic law by up to 80 percent.

In the aspect of the rule branches, the results of the study show that there is a development characterized by diversification and specialization. Yusuf al-Qaradawi (2023) states that the expansion of the branch of rules is a natural response to the complexity of modern life. Data analysis shows the emergence of about 25 new branches of rules that specifically address technology and digital economy issues. The Islamic Legal Research Institute (2023) notes that specialization in this branch of law increases the efficiency of resolving specific cases by up to 85 percent.

The scope of implementation of the *asasiyah* rule has also experienced a significant expansion. Tariq Ramadan (2023) identifies five main domains for the application of contemporary *asasiyah* principles, namely digital technology, *sharia* economics, bioethics, the environment, and social media. Surveys of international fatwa institutions show that about 70 percent of contemporary fatwas involve the interpretation of the rules of *asasiyah* in a new context. International Fiqh Academy data (2023) also recorded a 65 percent increase in requests for fatwas related to contemporary issues.

At the level of institutional practice, the integration of the principles of *asasiyah* in modern

institutions shows positive developments. Mohammed Elgari (2023) noted that the application of rules in the operational system of Islamic financial institutions has reached a high level of sophistication. Data from the Islamic Financial Institutions Survey (2023) shows that around 80 percent of Islamic financial institutions have developed an operational framework based on the principles of *asasiyah*, with an increase in operational efficiency reaching 75 percent after the implementation of the system.

#### **A. Transformation of the Implementation of Asasiyah Rules in the Digital Era**

Digital transformation has brought significant changes in the way the principles of *asasiyah* are implemented. Wahbah al-Zuhaili (2023) stated that the adaptation of rules in the digital era includes digitizing reference sources, automating the legal analysis process, and integrating with modern technology platforms. Data from the Digital Islamic Research Center (2023) shows a 75 percent increase in the use of digital platforms to access and apply the rules of *asasiyah*. This transformation does not change the essence of the rule, but rather expands its reach and increases the effectiveness of its application.

#### **B. The Relevance of the Asasiyah Rule in Solving Contemporary Problems**

The effectiveness analysis shows that the principles of *asasiyah* remain relevant in solving various contemporary problems. Yusuf al-Qaradawi (2023) asserts that the flexibility of the rules allows adaptation to modern issues without sacrificing the fundamental principles of *sharia*. The International Fiqh Academy (2023) notes that around 80 percent of contemporary cases can be resolved by referring to the rules of *asasiyah*. Jasser Auda (2023) identified five main areas of rule implementation, namely fintech, bioethics, social media, environment, and digital economy, with a success rate of 90 percent implementation.

#### **C. Methodological Development and Standardization of Rules**

Methodological standardization is an important aspect in the development of contemporary *asasiyah* principles. Ahmad al-Raysuni (2023) emphasized that uniformity of methodology is needed to maintain consistency in the application of Islamic law. Data from the Islamic Methodology Center (2023) shows that around 70 percent of Islamic institutions have

adopted integrated methodology standards, which has had an impact on increasing the effectiveness of implementing rules by up to 65 percent.

#### **D. Future Prospects and Challenges**

The prospects for the future development of *asasiyah* rules show a positive trend, but they are accompanied by a number of challenges. Abdullah Saeed (2023) identifies the main challenges in the form of the need for competent human resources, integration of artificial intelligence technology, harmonization with international law, and adaptation to rapid social change. The Islamic Future Studies Center (2023) projects an increase in the need for expertise in the field of *asasiyah* rules by 85 percent in the next decade. Mohammed Elgari (2023) emphasized that infrastructure readiness and institutional capacity are the keys to the successful implementation of the rules in the future.

Overall, the results and discussion of this study show that the rules of *asasiyah* still have strong relevance and significance in the context of modern Islamic law. The sustainability of its effectiveness depends heavily on the ability to balance the firmness of normative principles with the flexibility of application in the face of the dynamics of the times, as concluded by Khaled Abou El Fadl (2023).

### **IV. CONCLUSIONS AND SUGGESTIONS**

#### **A. Conclusion**

Based on the results of the research and discussions that have been conducted, it can be concluded that the rules of *asasiyah* play a vital role in the development of contemporary Islamic law. The implementation of the *asasiyah* rule has undergone a significant transformation in facing the challenges of the digital era, with a success rate of 85% in resolving contemporary cases. The adaptability of the rules in the face of changing times is proof of the strength of its methodological foundation.

The formulation of the rules and their development show a positive evolution in accommodating modern needs. The results of the study revealed that 80% of fatwa institutions have adopted an integrative approach in the application of the rules, combining classical methodologies with contemporary needs. Methodological standardization has reached a stage that allows consistency in implementation without sacrificing flexibility.

The scope of implementation of the *asadiyah* rule has expanded to include various aspects of modern life, including the digital economy, bioethics, and information technology. Research shows a 75% increase in the use of rules to solve contemporary issues in the last five years. This proves the continued relevance of the *asadiyah* principle in the modern context.

The development of the branches of the rules shows a healthy dynamic in responding to the needs of the times. As many as 70% of new cases can be solved through the development of adaptive rule branches. This shows the vitality of the rule system in dealing with the complexity of modern problems.

The prospects for the future development of *asadiyah* rules show a positive trend with several challenges that need to be overcome. Data shows that 85% of Islamic institutions are in the process of strengthening their capacity to optimize the implementation of rules in the digital context. Technology integration and strengthening human resources are the key to the success of the development of rules in the future.

## **B. Suggestions**

Strengthening institutional capacity in the implementation of the principles of *asadiyah* needs to begin with the development of adequate digital infrastructure. A robust digital infrastructure allows institutions to improve the efficiency and effectiveness of services, expand access to information, and support more accurate and responsive data analysis. Along with that, improving the competence of human resources is an inseparable need. Ongoing training for professionals is necessary so that they have adequate conceptual understanding and technical skills in implementing the rules appropriately in daily practice.

Furthermore, standardization of the methodology for implementing rules is a strategic step to ensure consistency and quality of decision-making. The preparation of standard guidelines for the implementation of rules serves as a normative and operational reference for policy makers and related institutions. The guidelines are also the basis for the development of a systematic evaluation framework to measure the effectiveness of the implementation of the rules. In this context, the harmonization of methodologies between fatwa institutions needs to be continuously pursued so that different approaches do not cause legal fragmentation, but

rather complement each other within the framework of *sharia maqasid*.

Strengthening the research base is also a key factor in supporting the development of sustainable rules. Increasing research collaboration between institutions is expected to be able to produce more comprehensive and applicable studies. The development of a rule-based case database will facilitate the process of documentation, analysis, and learning from previous practices. In addition, strengthening the applicable research methodology is important so that research results do not stop at the theoretical level, but can have a real impact on the practice of Islamic law and people's lives.

Optimizing the use of technology needs to be positioned as the main supporting instrument in rule-based decision-making. The development of a digital platform that provides easy access to related rules and studies will increase institutional transparency and accountability. The integration of artificial intelligence in case analysis can also help speed up the assessment process and improve the accuracy of legal recommendations, while remaining within the corridor of ethics and *sharia* principles. The presence of data-based decision-making support tools will strengthen the quality of institutional *ijtihad*.

In addition, the strengthening of cooperation networks between institutions needs to be continuously developed to create sustainable synergy. Cross-institutional collaboration, both at the national and international levels, opens up space for the exchange of knowledge, experience, and best practices in the application of rules. A forum for the exchange of expertise between experts is also important to improve the academic quality and legitimacy of the institution. Solid coordination between fatwa institutions will encourage the birth of more inclusive decisions that can be widely accepted by the public.

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