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Application of Fiqh Rules on the Intention of “AL-UMURU BIMAQASHIDIHA” in Islamic Family Law

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Abstract: Islamic law is built on arguments and rules, both those originating from revelation and the ijthad of scholars. Although a law is determined based on arguments or rules of ijthad, in fact scholars base it on the arguments from the revelation. Qawa'id fiqh is the result of ijthad of scholars in compromising the will of the law maker (ash-Syari') in the reality of human life. One of the main rules in Islamic law is the principle of al-umuru bimaqshidiha, all actions depend on the intent and intention of the perpetrator. This rule is very important in every aspect of Islamic law, both worship and muamalat, including in Islamic Family law, both concerning marriage, divorce, wills and other contracts. So that all actions of a person will ultimately get according to what he intended.

Keyword: Fiqh Rules, Intentions, Family Law.

INTRODUCTION

Islamic teachings concern various aspects, both the ubudiyah aspect which concerns human relationships with God, and the muamalah aspect which concerns relationships with fellow humans. All aspects of this teaching are outlined in the Qur'an and its practice is explained in the Sunnah of the Prophet Muhammad, including words, actions and approval of the actions of friends.

To understand the sources of law from the Qur'an and as-Sunnah, the mujtahid scholars then created ways to establish from the two sources which then gave birth to the science of ushul fiqh. With this science of ushul fiqh, the Qur'an and as-Sunnah are understood and give birth to the provisions of fiqh law both through linguistic ijthad and ijthad on the reality of legal problems that arise in life in society. (Mukhlisi, 2019) In addition to the science of ushul fiqh as a theory of fiqh, the scholars formulated the rules of fiqh which are the result of inductive thinking, by examining the many fiqh materials in thousands of fiqh books which are then formulated in a general conclusion called the rules of fiqh.

As a basis for the daily activities of Muslims in an effort to understand the meaning of Islamic teachings (maqashid al-syari'ah) more comprehensively, the existence of the Fiqh Principles is very important. Fiqh principles are very important as one of the things used in determining the law, including the fatwas of the Indonesian Ulema Council (MUI), the main source of the MUI fatwa arguments is the Qur'an and Sunnah. The next sequence is the legal arguments, both agreed upon and disagreed upon by the mujtahid scholars, then the fiqh principles. The fiqh principles are one of the important foundations of the arguments for the Indonesian Ulema Council in issuing its fatwas. (Firmansyah, 2019) In the eyes of Usul Fiqh experts and fuqaha, understanding the Fiqh Principles is absolutely necessary to carry out ijtihad as well as renew thinking on various problems in the dynamics of human life.

The benefit of the existence of qawa'id fiqhiyyah is to provide more practical guidance for the people now and in the future, in solving various legal problems that continue to develop. This is intended so that the resulting legal solutions remain in accordance with the Koran and al-Hadith as well as the spirit contained in these two texts.

In history, it is recorded that hundreds of rules have been formulated by fuqaha from the four schools of thought. These principles are an important basic capital as a guide for deriving new branch principles that are needed to respond to the problems of the people that continue to develop. For example, previous jurists compiled the rules in a guide called al-Asyhbah wa al-Nazha'ir. This term was first used by the caliph Umar bin Khattab when appointing Abu Musa al-Ash'ari as Qadhi in Basrah, he stated: "Understand similarities and similarities (problems), then determine qiyas for similar problems." The rule of al usiau bimaqasidiha is one of the five basic rules of al-qawaid al-khamsah which are almost agreed upon among the Sunni fiqh schools. The rule is very important in the study of Islamic law. So that it becomes one of the parts that dominates the application area of several Islamic law materials, both in the field of worship and mumalat in general. Imam Syafii once stated when commenting on the hadith that is the basis of the evidence for this rule, namely the hadith "Innamal a'malu binniyyati", this hadith, he said, contains one third of knowledge, and is included in seventy discussions (chapters) of fiqh".

As quoted from Imam al-Qirafi, a scholar of the Malikiyah school, in the book al-Furuq stated, the deeds are in accordance with their purpose, meaning that every deed can be cross-checked through its purpose/intention, so that the law of the deed is like the law of its purpose. This rule means that every act that is done depends on the intention that arises, meaning that every intention that is reflected in real action, then an intention that is not realized in the form of dlhohir will not have implications for the form of sharia. The law of action is returned to the intention, if someone leaves things that are prohibited in order to carry out an order, then he is rewarded for his actions, but if he leaves the prohibited things only based on habit then there is no reward for him.

Meanwhile, Imam Ahmad Bin Hanbal also stated that the foundation of Islam consists of three hadiths, one of which is the hadith about this intention. In Majallah Al-Ahkam Al'adliyyah, as a collection of legal rules implemented by the Ottoman Government based on the Hanafiyyah School, this rule is placed as the first rule contained in article 2. The book, which was compiled between 1868-1889 AD, was motivated by the need for judges (qadhi) in the Ottoman Turkish kingdom to adhere to one opinion in the Hanafi school of thought in deciding muamalah problems. Because before the birth of the Majallah book, qadhi often had different opinions on the same legal problem, because they used different reference sources, although still in the context of the Hanafi school of thought.

METHOD

The type of research in this paper is library research, namely research conducted by studying, reviewing, and examining library materials that have legal relevance to the main problem. This research is also called normative legal research with qualitative data analysis.

Normative legal research approach, namely Islamic legal research that aims to investigate Islamic legal norms to find the rules of behavior that are considered the best and that can be applied to provide legal provisions for a case, or normative legal research is legal research that places law as a system of norms, namely regarding the principles, norms, rules of laws and regulations, court decisions, agreements and doctrines (teachings). (Mukti Fajar ND and Yulianto Achmad, 2010)

In this article, the author will examine in depth the basic principles of the Prophet Muhammad (meaning and explanation of the rules, arguments of the rules, examples of rules and their applications related to Islamic family law. The object of study of Islamic family law; then it can be grouped into two, namely religion and religious. The study of religion is identical to the study of texts.

While religious studies are identical to the study of practice. Text studies may study the Qur'an or hadith as sources of Islamic teachings. It may also study the works of scholars, fiqh, fatwas and interpretations. While the object of religious study may study people related to family law issues; prospective brides, grooms, guardians and witnesses. In court, it can study judges, lawyers, peacemakers. Likewise, rituals related to family law; marriage contract ceremonies, pre-wedding events, pre-wedding courses, marriage courses. Tools related to family law; dowry, wedding attire.

Furthermore, organizations or institutions related to family law; KUA, judicial institutions; Religious Courts, High Religious Courts, to the Supreme Court. (A. Samad, 2021). Research sources are based on materials from libraries and available literature, especially qawaid fihiyyah books which can be accessed by the author and from articles published in various scientific journals. This literature review serves to build a concept or theory which is the basis for writing this article. There have been many articles that examine the rules of fiqh, both generally and specifically in certain fields of Islamic law studies, both economics, criminal law, siyasa and family law. (Muiz, 2020)

T.

RESULTS AND DISCUSSION

Rules of the Prophet Muhammad and its explanation.

a. The meaning of the word al-umuru bimaqashidiha

This principle is encompassed in just two words: al-umur and al-maqashid.

1) Meaning of al-umuru

Al-umuru is the plural of the word al-amr. Al-umuru, linguistically according to Ibn Faris in his *Maqayis Lughah*, it can be concluded into five meanings: al-amr from al-umuru is al-Hal (Allah) affairs, al-amr also means the opposite of an-nahyu (prohibition) also means growth and blessing (The Prophet Muhammad), also means a sign (address) indicator (amarat) also means al-'ajab, a big problem. (Syabir, 2007)

Some scholars are of the opinion that the word al-amru is a musytarak word, which means something, nature, affairs, certain actions and utterances. al-amru is a general word that includes all actions and utterances. This can be seen, for example, in the Qur'an: QS. Hud: 123:

وَلِلَّهِ غَيْبُ السَّمَوَاتِ وَالْأَرْضِ وَاللَّيْلِ يُزْجِعُ الْأَمْرُ كُلَّهُ فَاعْبُدْهُ وَتَوَكَّلْ عَلَيْهِ

In QS. Ali Imran: 154:

يَقُولُونَ هَلْ لَنَا مِنَ الْأَمْرِ مِنْ شَيْءٍ قُلْ إِنَّ الْأَمْرَ كُلَّهُ لِلَّهِ

In the context of this principle, al-amru is adjusted to the laws of all actions related to their purpose, because the science of fiqh discusses actions in their outward appearance.

The Lord is interpreted as everything that includes words and actions that arise from amukallaf, namely all actions/tasharuf that occur from him which include worship: purification, prayer, fasting, pilgrimage, sacrifice and nadzar. Likewise the muamalat, such as buying and selling, renting, grants, gifts or endowments. Also related to the law of al-ahwal ash-

syakhshiyah; marriage, talak, reconciliation, ila' and zhihar. In the field of jinayat including murder, theft, qadzaf, adultery and others.

Thus, the discussion of al-umuru which is interpreted as all kinds of actions is exactly the same as the discussion in the science of Usul Fiqh on the theory of sharia law in the section al-Mahkum bih/fih, namely the object of law is the action of a mukallaf which is linked to the khithab/violence order (Allah and His Messenger), whether in the form of demands to do; demands to leave; demands to choose a job, or those related to causes, conditions or obstacles. (Zaidan, 1996) In essence, legal actions imposed/borne on humans in the form of obligatory, sunnah, haram, makruh and mubah must be in accordance with human capabilities. Therefore, among the ushuliyyin, a rule was made: La Taklifa illa bil fi'li there is no taklif except in actions.

The conditions for an act (al-Umur) carried out by a mukallaf to result in the emergence of law are as follows:

- 1) The action is clearly known, then the mukallaf will limit it, understand its nature and law. Because people who don't know something will not be able to do what they intend and desire. It's like it's illegal for someone to intend to do something that is still unclear. Imam al-Bagawi said that whoever does not know the procedures/fardu for ablution or prayer is not valid to do it. Likewise, in the law of munakahat, if someone speaks in a language they do not understand, then the divorce is not valid.
- 2) The intended action can be carried out in the view of reason, sharia, or custom. So, people should not intend to do work that according to reason cannot be done. For example, performing ablution with the intention of performing and simultaneously not performing certain prayers. Because, intentions like this are contradictory. You should not also intend to do something that cannot be done in view of the Shari'a. For example, performing ablution with the intention of performing prayers in an unclean place, or according to tradition it would not be possible to carry out this act, such as intending to perform ablution for Eid al-Fitr prayers, even though it is at the beginning of the year. This is because Allah SWT burdens us only with things that are capable of being done and that make it possible to get results. Therefore, any action that humans are unable to carry out is not included in taklif, so it is not required and is not legally associated with orders or prohibitions.
- 3) the act is the result of someone's efforts, especially taklif which is specific to the individual, then the intention to pray for someone else is not valid. The illat of this matter is something that is specific, therefore it is forbidden for someone to have the intention to do someone else's work, because it is not the result of his efforts. As for outside of prayer, such as hajj, zakat or fasting, then it can be done by someone else, likewise those related to muamalat, it is valid to delegate to someone else.

2) Meaning of Maqashid (Muhammad)

The purpose of plural of the word maqshad which is a derivation of the word qashada-yaqshudu-qashdan, which has many meanings, at least three meanings according to Ibn Faris: a) coming to something and directing it, b) stored in something, and c) a fat and full-bodied camel. But what is related to this rule is the first meaning: coming to something and directing it.

Among the fuqaha, in terms of al-qashdu is the determination that is directed towards a job. Or in other words: al-qashdu is the motivation and encouragement that is used by someone to be directed towards something that arises from that encouragement.

So in this case, intention means closer to the word al-Maqashid, but in the terminology of fuqaha, intention is more specific than al-Maqashid. So they interpret intention as wanting (al-qashd) something together with its work, if there is a distance or not together between the intention and the work, then it is called 'azm (azam).

Thus the word al-Maqashid in the rules The Prophet Muhammad PBUH has a very broad influence, both in worship or muamalat, in which there are various contracts and transactions

(tasharruf). So that later the scholars set the nature of the rules The Prophet Muhammad PBUH is a substitute sentence for the rule "al-A'malu bin niyyati".

3) Words Related to Al-Qashdu

There are several words related to al-qashdu, namely: an-niyat, al-ba'its, al-iradah, al-azm, and al-hamm. Of course, these are words in Arabic that are famous for having many words to name or an action. These words are sometimes translated into Indonesian with the same word, considered synonymous/taraduf, namely: intention, will, intention, deliberate, ideals, and desires. Briefly, it can be explained as follows.

An-niyah (Noona-Nora), according to the language it is taken from the word nawa-yanwi (Noo-Yvonne), namely intentionally or intending. Intention according to the term is as Imam Al-Qarrafi explained: the intention (al-qashd) of the human heart towards what it wants which is related to the deed. While Imam an-Nawawi explained that intention is the determination/determination ('azm) of the heart for a good deed, whether obligatory or otherwise. The words intention and qashdu are two words that have almost the same meaning, therefore Imam an-Nawawi defines intention as al-qashdu.

Al-Bayt from the word ba'atsa, which means to rise and wake up from sleep, in terms of a psychological act that encourages and arouses the will/desire to realize certain actions. While Iradah from the word ar-rud, which is free will or desire, in terms of, iradah is the urge and tendency of the soul to do an act.

Al-'Azm means wanting an action accompanied by certainty or strong determination. Al-qashdu is also related to al-hamm, which is a strong desire and determination, or determination of the heart to do something, whether good or bad. Thus, the scholars pay great attention to this concise and solid rule.

b. Global Meaning of Qaidah

The meaning of this rule is that the various laws of transactions and actions (tasharuf) that arise from humans will differ according to the goals of that human, so:

- With the existence of intention, an action is considered worship or not.
- With the intention of a tasharuf, it is judged as obedience or a sin.
- With intention, a word will make it halal or haram.
- With the intention of a valid or fasid contract.

There is no difference in that between deeds (af'al) or words (aqwal). This shows that the existence of an act follows the will (qashd) or intention. In the Qur'an:

وَيُعَوِّظُهُنَّ أَحَقُّ بِرَدِّهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ

And their husbands have more right to return to them in that (period), if they want improvement. And they (women) have rights balanced with their obligations in an appropriate manner. But husbands have advantages over them. Allah is all-powerful, all-wise. (QS(228)

So, if a husband wants to reconcile with his ex-wife after breaking up with her, that is a permissible act of kindness. But if you intend to cause suffering, then it is not allowed.

وَلَا تُمَسِّكُوهُنَّ ضِرَارًا لِّتَعْتَدُوا

And do not detain them with the evil intention of tyrannizing them. (QS. Al-Baqarah:231).

This verse shows that speech follows will or intention, this can also be understood from the hadith:

بما رواه الترمذي، قال: حَدَّثَنَا هَنَّادُ ثَنَا قَبِيصَةُ عَنْ جَرِيرِ بْنِ حَازِمٍ قَالَ: حَدَّثَنِي الزُّبَيْرُ بْنُ سَعِيدِ الْهَاشِمِيِّ عَنْ عَبْدِ اللَّهِ بْنِ عَلِيٍّ بْنِ رِكَانَةَ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ: طَلَّقْتُ امْرَأَتِي الْبَيْتَةَ، فَأَتَيْتِ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقُلْتُ: يَا رَسُولَ اللَّهِ، إِنِّي طَلَّقْتُ امْرَأَتِي الْبَيْتَةَ، قَالَ: " مَا أَرَدْتَ بِهَذَا؟ ". قُلْتُ: وَاحِدَةً. قَالَ: وَاللَّهِ؟ قُلْتُ: وَاللَّهِ. قَالَ: فَهِيَ مَا أَرَدْتَ.

At-Tirmidhi said: Hannad told us, Qabidlah told us, from Jarir Ibn Hazim, he said: Az-Zubair ibn Sa'id Al-hasyimiy related, from 'Abdullah Ibn 'Aliy Ibn Rukanah, from his father, from his grandfather, said: "I divorced my wife with three divorces." Then I came to the Messenger of Allah SAW. I said: "O Messenger of Allah, indeed I divorced my wife with three

divorces." He asked: "What do you want with this?" I replied: "One divorce." He asked again: "Is it for Allah?" I replied: "For Allah." The Prophet said again: "Then that is your wish."

From the hadith it can be understood that the Prophet made Ibn Rukanah's intention a legal determination of a person's words, namely with the words of the Prophet: In the name of Allah

Human actions, both deeds and words, depend on the intention and purpose, not only seen from the side of the act itself or the arrangement of words. Sheikh Mustafa az-Zarqa' said:

Indeed, all of a person's actions and all of his transactions, both actions and words, will have different results, while the sharia law will judge it according to a person's will or intention, so whoever kills someone without any reason, if it is done intentionally, will be punished as intentional murder, if it is unintentional, the punishment will be different. Or someone says to another person: "Take this money!" if he intends to give without expecting anything in return, then it becomes a gift, but if giving it is something that is fardhu (zakat), then it is obligatory to repeat (the intention of giving)". (Az-Zarqa, 1998)

c. Evidence for the Principles/Ta'shil Al-Qa'idah

What is meant by the evidence of the rule is what is used as the basis for making this rule by scholars. The rules of fiqh as explained by the fuqaha, are sourced from the Qur'an, as-Sunnah and evidence of ijtihadiyah.

This principle is based on the very popular hadith of the Prophet, namely: Innamal a'malu binniyyati" Therefore, its basis is the hadith about the intention in a deed, then there are many supporting arguments for this principle, both from the text of the Qur'an and from other sunnah, and then the basis of the rational argument. Below will be mentioned some of the arguments that form the basis of this principle, including:

1) Al-Qur'an:

2) QS. al-Bayyinah;5:

2) وَمَا أَمْرُوا إِلَّا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ ۚ حُنَفَاءَ وَيُقِيمُوا الصَّلَاةَ وَيُؤْتُوا الزَّكَاةَ وَذَلِكَ دِينُ الْقَيِّمَةِ

This verse shows the obligation to have an intention in worship, because sincerity is part of the deeds of the heart. While sincerity will not be realized except with will (qashd) and intention.

3) QS. Al-Baqarah; 220:

قُلِ اللَّهُ يَعْلَمُ الْمُسْتَعِدَّ مِنَ الْمُصْلِحِ

This verse shows the expression of intent and intention. According to as-Suyuthi, these verses are the basis of this rule.

2) Hadith of the prophet:

1) Hadith narrated from Umar bin Khathab:

عَنْ أَمِيرِ الْمُؤْمِنِينَ أَبِي حَفْصِ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ تَعَالَى عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ يَقُولُ: إِنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ، وَإِنَّمَا لِكُلِّ امْرِئٍ مَا نَوَى، فَمَنْ كَانَتْ هِجْرَتُهُ إِلَى اللَّهِ وَرَسُولِهِ فَهَجْرَتُهُ إِلَى اللَّهِ وَرَسُولِهِ، وَمَنْ كَانَتْ هِجْرَتُهُ لِدُنْيَا يُصَيِّبُهَا، أَوْ امْرَأَةٍ يَنْكِحُهَا، فَهَجْرَتُهُ إِلَى مَا هَاجَرَ إِلَيْهِ

From Amirul Mukminin Abu Hafsh, Umar bin Al-Khathab radhiyallahu 'anhu, he said: "I heard the Messenger of Allah sallallahu 'alaihi wa sallam say: "All deeds depend on their intentions, and everyone will only get according to their intentions. So whoever migrates to Allah and His Messenger, then his migration is to Allah and His Messenger. Whoever migrates because of worldly pleasures or because of a woman he will marry, then his migration is to what he aims for". (HR. Muttafaq 'alaih).

Imam as-Suyuthi stated that this hadith is the basis for the principle of al-umuru bimaqasidiha, as the main hadith of other hadiths that discuss intentions.

This hadith shows the expression of intention in all actions. Ibn Rajab quoted from Imam ath-Thabari and others, meaning that all deeds are not specific to one particular deed. Imam Ahmad stated: "the most beloved for everyone who does an act in the form of prayer, fasting, alms or other types of goodness, then the intention must come first before doing it".

3) Opinion of the Scholars

Scholars agree that the importance of intention in every deed, in prayer, fasting, almsgiving and so on. Ibn Qayyim stated that intention is the spirit, essence and guide in deeds, everything follows the intention, if the intention is correct then the action is valid, likewise if the intention is damaged then all the deeds are damaged. The hadith of the Prophet consists of two series of sentences:

God bless you مَا تَوَى is enough to be used as a treasury of knowledge. The first sentence, according to Ibn Qayyim, shows that an act will not occur if there is no intention, while in the second string of hadith sentences, it shows that a person's deeds are meaningless unless there is an intention. This applies generally to worship, transactions, oaths, vows, and all contracts/transactions and all kinds of deeds.

4) Intellectual evidence:

- 1) That the Shari'a will not consider as an act of a person who has no intention. Such as a crazy person, an idiot, negligent or forgetful.
- 2) That all the deeds of a rational person will only arise from his intention and will. If they are burdened with an act without any intention and will then it is certain that their taklif will not be able to be carried out.

d. Some Exceptions to this rule

Even though this principle is included in the basic principles (qawa'idul kubra) which are agreed upon by all Sunni schools of jurisprudence, according to Muhammad Usman Syabir and Abdurrahman as-Sudais, there are several things that need to be noted, or could even be said to be exceptions, including:

- a. That this rule does not provide space with its universality for several actions which originate from several hadiths which permit substitution (niyabah) in worship, for example the hadith about fasting debts:

مَنْ مَاتَ وَعَلَيْهِ صِيَامٌ صَامَ عَنْهُ وَلِيُّهُ

Whoever dies and has a debt of fasting, then his guardian must fast for him.. (Narrated by Abu Dawud.)

There is also another popular hadith: hadith from Ibn 'Abbas ra, he said, "There was someone who once met the Messenger of Allah sallallahu 'alaihi wa sallam and he said,

لَوْ كَانَ عَلَيَّ دَيْنٌ لَأَقْرَبُكَ مِنْ أُمَّي مَاتَتْ وَعَلَيْهَا صَوْمٌ يَا رَسُولَ اللَّهِ إِنَّ أُمَّي مَاتَتْ وَعَلَيْهَا صَوْمٌ

«O Messenger of Allah, indeed my mother has passed away and she still owes a month of fasting. Should I pay the qadha' of her fasting on her behalf?» He then said, "If your mother had a debt, would you pay it off?" "Yes," she replied. He then said, "Allah's debt is more deserving of being paid off." (Narrated by Bukhari and Muslim)."

and al-Khas'amiyah hadith about the badal hajj:

أَنَّ امْرَأَةً مِنْ خَثْعَمَ قَالَتْ يَا رَسُولَ اللَّهِ إِنَّ أَبِي شَيْخٌ كَبِيرٌ عَلَيْهِ فَرِيضَةُ اللَّهِ فِي الْحَجِّ وَهُوَ لَا يَسْتَطِيعُ أَنْ يَسْتَوِيَ عَلَيَّ ظَهْرَ بَعِيرِهِ فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَحُجِّي عَنْهُ. [رواه مسلم والجماعة]

Meaning: "That a woman from Khos'am said to the Prophet Muhammad SAW O Messenger of Allah, my father is very old, for him there is an obligation from Allah to perform the Hajj, and he cannot sit upright on the back of a camel. Then the Prophet SAW said: Perform the Hajj for him."

- b. That this rule also does not provide space with its universality, due to the existence of several hadiths that determine/enforce the law of actions without any intention. For example, the act of playing around is associated with marriage, divorce and reconciliation. In the hadith it is stated:

ثلاث جدهن جد وهزلهن جد; النكاح , والطلاق , والرجعة

"Three things that are real become real, and playing around also becomes real. These three things are marriage, talak, and reconciliation" (HR Ahmad, Abu Daud, Ibn Majah, Tirmidhi, and Hakim from Abu Hurairah).

Scholars have different opinions regarding the meaning of the hadith. Some are of the view that divorce is still valid if it is pronounced consciously, intentionally or jokingly. The view of scholars in Indonesia states that a divorce pronounced by a husband on his wife, whether intentionally or jokingly, is not categorized as divorce and has no legal consequences if it is not declared in front of a Religious Court hearing. This is based on in-depth study and consideration of several aspects related to the welfare of the husband, wife and their families. (Akmal & Asti, 2021)

In the principle of al-umuru bimaqashidiha, it contains the prohibition of substitution (niyabah/badal) in worship, because the worship required according to the sharia in the hadith from a mukallaf is not from the intention of the doer, but the intention of another person.

In the cases above, there was ikhtilaf among the ulama, but to apply this rule, several conditions were required, including: to apply this rule, try not to find (arguments) that contradict this rule. Either the argument is stronger or equivalent. If there are hadiths whose content contradicts this rule, as exemplified above, then this rule cannot be applied. Or by removing some of the details (juz'iyat) which are included in this rule in order to get the law from the rule to become an accepted deed, what's more, the issue of juz'iyat also relies on the hadith of the Prophet. So the rule that is implemented is not part of this rule. And what is practiced are parts of the Prophet's Sunnah. Because as-Sunnah is the legal basis in itself for practicing what it contains, this means that if the rules conflict with the Prophet's hadith, then what is practiced is the Prophet's hadith.

Thus it will not damage the universality of this rule. If this exception is considered to damage the universality of this rule, then we will have difficulty accepting the application of this kulliyah rule. In fact, the exception to this kulliyah rule by the sunnah related to worship with the change of its doer (niyabah) is by way of tarakhush (leniency) so that the mukallaf does not miss (the reward) for the lesser worship. So the rule of al-umuru bimasihidiha remains valid in a kulliyah (universal) manner.

e. The purpose and function of the principle of al-Umuru bimaqashidiha

The purpose of specifying intentions and goals is to differentiate all deeds that arise from humans, and to draw closer to Allah SWT by hoping for His reward.

There are several functions of intention or intention in all actions:

To distinguish all kinds of actions.

In this case, to limit, separate an act that is similar in form and description, while the law is different. In this case, it is divided into two:

- a) distinguishing worship from habits/customs, also distinguishing one act of worship from another, such as bathing which has two laws; bathing for janabah (obligatory) or bathing sunnah (eg: for Friday prayers, Eid al-Fitr and Eid al-Adha), which are worship. Or bathing with the aim of cleaning and refreshing oneself. The bathing can be the same, what differentiates it is the intention.
- b) distinguish one worship from another. For example, the method of Dhuhur prayer will be the same as the Asr prayer, what differentiates them is the intention, likewise in other worships the method may be the same but the law is different, depending on the intention, for example fasting (obligatory, vow, sunnah), or other acts of worship. So the intention also determines to get a reward/reward from Allah from what is done according to the intention.

As a means of Taqarrub to Allah to get a reward.

In addition to worship or transactions that are the same as those mentioned in the first section above, there are also worship or transactions that are indeed different in form, such as jihad, da'wah, paying debts. So it could be that something that is considered a good deed but the intention is not sincere, not because of Allah, does not get a reward from Allah. So that the

deed gets a reward, an intention is needed, namely sincerity in doing it because of Allah, so that what is done gets a reward from Allah SWT.

The Principle of Al-Umuru Bimaqashidiha and Its Application in Islamic Family Law

Understanding this rule is very important to apply to issues that are applicable (juz'iyat), of course you must really pay attention to matters that are anchored in the law (manathul hukmi), the fulfillment of the elements and conditions of the rule and the absence of obstacles. So if all of these are fulfilled, then the parts of juz'iyat can be applied according to general rules, if they are not in accordance, they will be subject to exceptions.

Below are several opinions of scholars, regarding the scope of this general rule with regard to matters of a furu/juz'i nature:

- a. The Malikiyah and Hanabilah schools in one famous history argue that touching (lams) of a man's skin to a woman does not invalidate ablution, unless the intention of touching it is due to lust and feels a pleasure. So here the intention becomes the benchmark for breaking ablution by touching.
- b. Al-Bandanaji, a scholar from the Syafi'iyah, stated that if jewelry (gold/silver) is broken/damaged, which is impossible to use, then zakat is not obligatory if the intention is to repair it again. But if the intention is to make it into dirham money or keep it, then zakat must be paid from the moment the jewelry is broken. So the intention becomes the benchmark for the limit of the obligation of zakat on damaged jewelry that is not suitable for use.
- c. Imam Malik and Imam Ahmad in one of the narrations, mentioned that it is not permissible for a wife to release her property more than one third of her property except with her husband's permission. The wife's action of releasing her property shows the aim/intention to damage the inheritance, so this is not allowed. But if the aim is to damage the inheritance, then it can be prohibited even if it is less than one third.

The scholars made branch rules from this rule, but of course there are some differences among the scholars. The branch rules from the Al-Umuru Bimaqashidiha Rule include:

- a. Rules لا ثواب إلا بالنية

There is no reward except with intention, is also an important principle in Islamic teachings. This principle was made the Kubra (main) principle by Ibn Nujaim in his book al-ashbah wa Nazha'ir. This principle has almost the same meaning as the principle of al-umuru bimaqashidiha.

Applications of this rule include:

- 1) If you spend wealth with the intention of sum'ah and riyah' then there will be no reward.
- 2) Waqf is invalid without intention, you will not get a reward if you do not have the intention to worship Allah SWT.
- b. Rules may Allah bless him and give him peace of mind *لِلْأَلْفَاظِ وَالْمَعْنَى*, the expressions in the contract are based on the intent and meaning, not on the pronunciation and arrangement of words.

This rule is a rule in the field of muamalat. Because contracts/transactions are part of actions that arise from humans. A contract or transaction is not required to use certain languages, as long as the Sharia or law does not regulate it, the most important thing is that it can be understood by the contracting parties. (Romli, 2021) In the case of a marriage contract, in the Syafii School, when someone performs a marriage contract, then the word used is the word "nikah" or "tazwij" or the meaning of both, which in Indonesian is married. So the marriage contract can be valid, without mentioning the word nikah, just mentioning the word nikah.

- c. The purpose of a word/lafadz depends on the intention of the speaker *مقاصد اللفظ على نية*
اللافظ

An example of the derivative rule above is, if there is a husband who has a wife named Thaliq, then one day the husband says "Yaa Thaliq". If with these words the husband has the intention to menhalaq his wife, then the thalaq falls. But if the husband only intends to call his wife, then the thalaq will not fall, because "The purpose of a speech is returned to the intention of the person who said it."

Based on the results of the research above, it can be explained that in the treasury of Islamic fiqh, the principle of "al-umuru bimaqashidiha" has an important position as a basis for determining the law of various actions, including in the context of family law. This principle literally means "all matters depend on their purpose." The essence of this principle lies in the importance of intention in determining whether or not an action is valid in Islam, both in worship and muamalah, including family matters such as marriage, divorce, reconciliation, and so on.

As the meaning and basis of the rule comes from the hadith of the Prophet Muhammad SAW: "Indeed every deed depends on its intention, and indeed everyone will get according to what he intended" (HR. Bukhari and Muslim). This rule is the main fiqh rule which is included in the five major rules that form the basis of many branches of Islamic law. In the context of Islamic family law, intention has a very strategic position, because it affects the validity of a contract or the legal consequences of a particular action. So in the application of Islamic Family Law is as follows:

First, Intention in Marriage. In a marriage contract, intention is the main factor. A man who marries a woman with a temporary intention, for example a temporary marriage (which is not permitted according to the majority of Sunni scholars), even though outwardly fulfilling the pillars and requirements, is not valid because his intention is contrary to the main purpose of marriage, which is to build a *sakinah* family. "Indeed, intention can affect the law of a contract. If a man marries with the intention of divorcing within a certain time without his wife's knowledge, then the marriage does not reflect the noble intention of marriage according to sharia. (Az-Zuhaili, 1999)

Second, Intention in Divorce. Divorce in Islamic law is very dependent on intention. If someone says the word *talaq* playfully or in uncontrolled anger, then the scholars have different opinions, but many still consider the divorce valid if it fulfills the elements of seriousness and intention from the husband. Imam Nawawi stated that, "Divorce that is said in a serious or playful condition still falls if accompanied by intention." (An-Nawawi, 1997) However, if the words come out without the intention of issuing a divorce (for example due to severe coercion or in the context of joking without awareness), then the scholars can exclude the validity of the divorce.

Third, Intention in Reconciliation. Reconciliation after *talaq raj'i* (one or two divorces) must be accompanied by the intention to rebuild the household. If reconciliation is done only to postpone the *iddah* period or to make things difficult for the wife, then it is contrary to the *maqashid asy-syari'ah* and can be considered *haram* even though it is legally valid outwardly. (Muhammad Abu Zahrah, 1958)

Fourth, Intention in *Fasakh* and *Khulu'*. *Fasakh* and *khulu'* are forms of termination of marriage relations proposed by the wife. In this case, intention also becomes important. If the wife submits *khulu'* due to pressure or without a reason justified by the Shari'a, then she is sinning even though the process is legally valid. However, if it is intended to protect the safety or rights of those who are wronged, then it is considered a valid form of self-protection.

Thus, the *al-umuru bimaqashidiha* rule shows how important intention is in assessing an action in Islam, including in the field of family law. Whether in marriage, *talak*, reconciliation or *fasakh*, intentions not only influence the validity of the action but also the moral and spiritual value of the action. Therefore, a proper understanding of intention is an important requirement in implementing Islamic law fairly and wisely.

CONCLUSION

The principle of al-umuru bimaqashidiha is a very important basic principle in understanding various aspects of Islamic law, both in the fields of worship and muamalat in general. This principle is based on the hadith about intention in actions. The validity of an action depends on what is intended by the mukallaf. The application of this principle in family law is very urgent, especially in marriage, divorce, reconciliation, waqf and alms. This is because it concerns the validity of these legal events

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