THE PHILOSOPHY OF HIKMAH TASYRI’ BASED ON THE PERSPECTIVE OF SYEKH ALI AHMAD AL-JURJAWI

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Abstract
Humans need encouragement and motivation to work and worship Allah. One of the definitions of hikmah tasyri’ is showing humans the purpose of shari’a to be motivated to implement it. The ultimate objective is that humans see worship as a necessity rather than an obligation. What the thinking framework in establishing of hikmah tasyri’ is and to what extent it is relevant to the current situation? This study was library research using the primary book entitled Ḥikmatu tasyri’ wa falsafatuhu, employing a descriptive analysis method. The finding indicated that al-Jurjawi argued that hikmah tasyri’ is applicable in humans’ life, as evidenced by hikmah tasyri’ definition that uses the word yaqṣudu (aiming). The philosophy of Al-Jurjawi divides hikmah tasyri’ into two approaches. First, the philosophy approach consists of four principles: believing one God, implementing shari’a sincerely, commanding the good and forbidding the evil as reflected on the noble behaviour or attitude for prevention. Second, Tasyri’ approach is based on the textual source, dalil naqli, (Qur’an and hadiths), like the search of the Islamic law based on the understanding of the textual source and the use of logical thinking which are also strengthened by various approaches, namely social, health, and history. The thinking framework of al-Jurjawi in understanding hikmah tasyri’ is relevant to the current issues.

Keywords: Philosophy, Hikmah Tasyri’, Perspective.

Background of the study
Ali Ahmad al-Jurjawi is one of the ulul al-bab members or the knowledgeable person who understand the wisdom (hikmah) of a law. He was an Egyptian scholar from the 19th century and had contributed to the hikmah tasyri’ with his book entitled Ḥikmatu Tasyri’ wa Falsafatuhu. There are 331 discussions about hikmah tasyri’ in this book. Some of them were shariah that the wisdom was only known by Allah. For example, why do people wash certain parts of the body when wudhu’ (performing ablution), why do people need to do Islamic shower when their semen is released? Why do people only need to take wudhu’ when they urinate? The sperm is clean, and the urine is not. Why the sunset as a sign of praying time? Why the number of rak’ah (a single unit of Islamic praying) in praying is different? Why specific pray is silent while the others are not? Why a woman should wait for four months and ten days after the death of her husband, even when she is certainly not pregnant. And there are many more interesting issues. That’s why the
readers are interested in how al-Jurjawi explained the wisdom (hikmah) of laws that instructed by Allah.¹²

Many ulemas had written books concerning hikmah tasyri’ before al-Jurjawi. Two of them were Hujjatul Islam Imam al-Gazali (450-505 H / 1058-1111 M) in his book entitled Ihya Ulumuddin and Ibn Qoyyim (751 H) in his dissertation about hikmah tasyri’ entitled Asror al-syari’ah. There were also other sources of hikmah tasyri’. However, the method or the thinking framework used by al-Jurjawi in designing the book has unique characteristics; therefore, it is interesting to discuss further.¹³

Before describing hikmah tasyri’, al-Jurjawi shaped the readers’ mindset by providing facts about the greatness of Islam and its teaching. It is started by explaining the wisdom (hikmah) of the prophet revelation and humans’ needs for him. An vital theory introduced by al-Jurjawi to provide knowledge is that the regulation both samawi (heavenly) and duniawi (worldly) aims to maintain the sense of justice for every human.¹⁴ The regulation is made to avoid the actions that are not accounted for. For example, someone committed a crime to other person, and one of them died; the responsibility was necessary to this case to establish justice among them. It is the basis that the worldly life is not the end of a human’s life journey; the real-life is the hereafter.¹⁵

The writing system used by Ali Ahmad al-Jurjawi is different from the typical writing of fiqh (jurisprudence) book (using chapters). Al-Jurjawi’s used the theme discussed as the title of his writing. However, the main themes are similar to other authors, such as cleanliness (thaharah), praying etc. In the thaharah theme, Al-Jurjawi explained every aspect in details, starting from the wisdom (hikmah) of thaharah in worship, removing dirt using water, and washing the body parts. Subsequently, the hikmah of why wudhu’ (performing ablution) is compulsory and not, the hikmah of performing Islamic shower and finally the hikmah of not all types of wind exited from the body cancel wudhu’¹⁶.

The book of hikmah al-tasyri’ wa falsafatuhu is interesting because the wisdom (hikmah) of several shari’a were explained, and the thinking method used in creating the hikmah is different from one to another. Al-Jurjawi used Qur’an or hadiths in describing the hikmah. However, he also employed a medical or social approach and logical thinking (nash). One of the examples of how nash used in his in-depth understanding in interpreting a verse or hadith that establishes the wisdom (hikmah), describing the hikmah of thaharah in worshipping, Al-Jurjawi mentioned surah at-Taubah: 108, “...within it are men who love to purify themselves; and Allah loves those who purify themselves”. Based on the verse, Al Jurjawi stated that the wisdom (hikmah) of thaharah in doing worship is showing politeness. He made an analogy of people who want to see a King or such. They clean their body and wear the cleanest and best clothes to be treated well. Thus, when people who want to see God, the One who owns the universe, they should perform better than that.¹⁷ The example of explaining the wisdom (hikmah) from a medical approach is that washing face repeatedly will make the face skin healthier and prevent skin diseases. Cleaning mouth, nose and ears might help people from a disease like influenza. Besides, the microbes and germs cause illness comes into the body from human’s pores, therefore cleaning it through wudhu’ (performing ablution) frequently will lead to a clean and healthy body.¹⁸

This type of mindset makes Al-Jurjawi’s writing interesting to be read and analyzed so that we can figure out how he describes the wisdom (hikmah) of law and
deepen the understanding in Islamic shariah. This hikmah adds beauty to Islamic teaching and understanding of its law. It is expected to create a mindset of shariah as a need for the human’s life instead of a meaningless obligation. [10]

Based on the background of the study, the research questions are: what is hikmah tasyri’, and What is the philosophy of hikmah tasyri’ and its logical relevance to the current situation?

B. Theoretical Framework

The theoretical framework of this study was based on motivation from Allah to investigate the wisdom (hikmah) of the shari’a obligated to human. As mentioned in Surah Al-Baqarah verse 269, meaning “He gives wisdom to whom He wills, and whoever has been given wisdom has certainly been given much good. And none will remember except those of understanding.” [11]. This verse encouraged humans to use their thinking skills to discover the wisdom (hikmah) from Allah’s obligation to the human. Only those who used their mind will find the wisdom (an understanding of the Quran and Sunnah). If someone knew the wisdom of an obligation or a law, he/she might do Allah and His Prophet’s command sincerely. In addition, the obligations will be the needs in their life, whereas the prohibitions from Allah and His prophet will genuinely be avoided because they have understood that those are not good for them. [12]

The ulema agreement established that wisdom is the real purpose of shariah law or known as maqasid syari’ah. Imam Syathibli, known as the father of maqasid (790 H), believed that the meaning of maqasid syari’ah is taking the advantages and avoiding the disadvantages ([13]). Syathibi then divided the objectives of Islamic shariah (maqashid al-syari’ah) into three parts:

1. المقاصد الضرورية, an dururiyat (essential) need.
2. المقاصد الحاجية, a hajiyat (complementary) need.
3. المقاصد التحسينية, a tahsiniyat (desirable) need.

Each need above covers the five needs: maintaining the religion (Hijz al-Din), nourishing the soul (Hijz al-Nafs), nurturing the mind (Hijz al-aql), maintaining the generation (Hijz al-Nasl) and keeping the wealth (Hijz al-Mal). All of the obligations instructed by Allah to the human are to manage these five aspects. The method of Ali Akmad al-Jurjawi determined the hikmah tasyri’ in his book, Hikmatu tasyri’ wa falsafatuhu will be the further discussion. [14]

C. Research method

This study was library research and data was from various literature found by the author. Data collection involved data from both primary and secondary sources. The primary data source, the focus discussion in this study, was the thinking framework of discovering the hikmah tasyri’ in Hikmatu Tasyri’ wa Falsafatuhutulisan written by Ali Ahmad al-Jurjawi. The secondary source was the secondary data used to compare and support to al-Jurjawi’s arguments. Both primary and secondary data was collected to support the research aim, that was discovering the steps of Ali Ahmad al-Jurjawi in establishing the hikmah tasyri’. All data, including the supporting one, was analyzed descriptively and content analysis was also performed. [15]

The data and proof (dalil) obtained in this study was analyzed by ushuliyah method (method in Islamic law) employing the Maqasid Syari’ah concept. The proof from Quran will be discussed based on the tafseer approach to the meaning of the nash (clear or distinct guidance), however, the evidence from Hadith was presented by takhrij
method through the search of references. The conclusion was drawn by the inductive method (concluding from specific to general) and deductive method (concluding from general to specific).[16]

D. Discussion and Results

1. The definition of Ali Ahmad al-Jurjawi’s hikmah Tasyri’

Ali Ahmad al-Jurjawi defined hikmah tasyri’ from the word یقصد (aim), he argued that there were four purposes of the instructions of all worldly shariah (syari’at samawi), namely:[17]

1. Knowing Allah and things that are related to Him, for example believing One, Glorifying Him, and characterizing Him with the attributes of the perfection, the obligatory, the impossible and the jaiz (the ‘may’ attribute).
2. Knowing the way of worship to Allah that aim to glorify Him and appreciate His favours.
3. Having efforts to encourage humans to command the good and forbid the evil as well as beautify themselves with good behaviours, such as helping the weak, taking care of the neighbour, keeping the promise, and patience, etc
4. Hikmah tasyri’ aims are to stop the tyranny of those who overstep the bounds by creating laws based on their own volition, causing the laws often to be ignored.[18]. The rules established by Allah is different from those created by human.

Ali Ahmad al-Jurjawi’s definition of the hikmah tasyri’ presented above was different from the definition proposed by maqasid syari’ah in general, namely realizing the advantages and rejecting the disadvantages. The definition of the hikmah tasyri’ described by Al-Jurjawi is more applicable. Ali Ahmad al-Jurjawi focused on the four aspects in explaining the hikmah tasyri’:

1. Strengthening belief to Allah (tauhid).¹
2. Realizing faith to Allah in the form of worshipping (shari’ah).
3. Commanding the good and forbidding the evil (amar makruf nahi mungkar) and behave nobly.
4. Preventing the evil (crime)

The explanation above asserts that the objective of the law enforcement to human was encouraging them to slave to Allah by worshipping to Him, as the worship is ultimate aim of jinn and human creation² as well as the sky and earth creation.³ Worshiping Allah is that human need to realize how poor powerless, and dependent they are to Allah.⁴

¹ Tawhid (in arabic) is then written as tauhid (oneness) derived from the verb wahhada means to observe the oneness of Allah. Tawhid is the core teaching of Allah’s religion, not only Islam brought by Muhammad, but also all celestial religions. The earlier invitation of the previous messengers or prophets to the aqeedah tauhidiyah (the creed of oneness) can be seen the Qurán: surah al-A’raf verse 59, 65, 73, 80 and 158; Surah Hud verse 50, 61 and 84. see Suryan A. Jamrah, Studi Ilmu Kalam, (Pekanbaru : PPS UIN Suska Riau and LSFK2P, 2016), page. 40
² Allah explains this in surah al-Zariyat verse 56, meaning: “And I did not create the jinn and mankind except to worship Me”
³ Allah explains this in surah at-Talak verse 12, meaning: “It is Allah who has created seven heavens and of the earth, the like of them. [His] command descends among them so you may know that Allah is over all things competent and that Allah has encompassed all things in knowledge.”
⁴ Yusuf al-Qardawi, Fiqh Maqasid Syaridh, translator H. Arif MunandarRiswanto, Lc, (Jakarta : Pustaka al-Kausar, 2017 ), hlm. 206.
After explaining the monotheism, he explained the understanding of _hikmah tasyri’_ by the proof of the monotheism through the implementation of a series of worshipping. There is a concrete relationship between these two sequential understandings as if he wanted to convey that when the creed of monotheism is not embedded in the human’s heart, he cannot worship, and vice versa.\(^5\) Sheikh Abdul Qadir Jailani, an Islamic philosopher, illustrated this as the procession when a person reverts to Islam, namely: saying two sentences of the shahada, leaving all religions other than Islam and believing in the oneness of Allah in his heart.\(^6\)

The third definition of _hikmah tasyri’_ of al-Jurjawi emphasizes that humans should have a noble character, with the mission of preaching is to command the good and forbid the evil. The fourth definition complements this third definition that the purpose of the shariah law is as precautionary measures against human tyranny. Because the Allah’s rules made to protect the justice for all humans, unlike those made by humans who tend to favour particular groups. Therefore, God devises every detail of human behaviour so that they can obtain the benefits in their lives.\(^7\)

Analyzing the notion of _hikmah tasyri’_ proposed by al-Jurjawi above, we can conclude that he is among the scholars who claim that wisdom (_hikmah_) is not ‘illat (the basic feature) of law that can change the law. Instead, wisdom (_hikmah_) is the purpose of shari’a to motivate people to follow God’s commands and avoid His prohibitions sincerely. This is because they realize that both commands and prohibitions benefit them. Besides, the understanding of _hikmah tasyri’_ will reveal the beauty of Islamic shari’a and the truth of its teachings.\(^8\)

Based on the four definitions of _hikmah tasyri’_ presented by al-Jurjawi and concerning the position of humans as social beings on the earth, there are two primary objectives:

1. The first and second objectives: Establishing the oneness of God and proving it by worshipping are closely related to human relationships with God, the creator.
2. The third and fourth objectives: Commanding the good and forbidding the evil (_amar makruf nahi mungkar_) and prevention are related to the relationship between humans.\(^9\)

This thinking framework of Ali Ahmad al-Jurjawi is the basic concept of understanding Islam. _Aqeedah_ (creed), worship and morals or attitude are the three main aspects of Islamic teachings that are interrelated. In this context, Islam is illustrated as a tree consisting of roots, stems and fruits, where _aqeedah_ as the root, worship as the stem and morals as the fruit. The correlation between these three elements is causative. _Aqeedah_ (creed) as the root will grow worship as the stem, and the worship will produce morals as fruit. This analogy shows that aqidah plays a central role for one’s Islam.\(^10\)

The realization of a good relationship with God (_HabblumminnAllah_) and good relationship with humans (_Hablumminannas_) is an absolute requirement for a believer to obtain happiness in the world and salvation in the hereafter. The greatness of the word

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\(^5\)Sabariyah, _Kerangka Berpikir Ali Ahmad Al-Jurjawi_., hlm. 105

\(^6\)Syekh Abdul Qadir Jailani, _Fiqh Tasawuf_, translator: M. Abdul Ghaffar original title is _Al-Ghunyah li Thalibi atThariq al-Haqq fi al-akhiq_, (Bandung: Pustaka al-Hidayah, 2015), hlm. 81.

\(^7\)Sabariyah, _Kerangka Berpikir Ali Ahmad Al-Jurjawi_., hlm. 105

\(^8\)Ibid., hlm. 106

\(^9\)Sabariyah, _Kerangka Berpikir Ali Ahmad Al-Jurjawi_., hlm. 106

\(^10\)Suryan A. Jamrah, _Studi Ilmu Kalam_, (Pekanbaru; Program PPS UIN Riau dan LSFK2P,2016), hlm. 38.
of God is established Quran, Ali Imran verse 112, which means: "They have been put under humiliation [by Allah ] wherever they are overtaken, except for a covenant from Allah and a rope from the Muslims. And they have drawn upon themselves anger from Allah and have been put under destitution. That is because they disbelieved in the verses of Allah and killed the prophets without right. That is because they disobeyed and [habitually] transgressed".11

1. The Thinking Framework of Ali Ahmad Al-Jurjawi in Establishing the Hikmah Tasyri’.

After conducting a study on the book of hikmatu tasyri’ wa falsafatuhu, we can conclude that his mindset in determining the hikmah tasyri’ can be distinguished into two points of views, namely; the philosophy and tasyri’ (the use of the proof). The following are the results of the study.12

1) The general thinking framework (the philosophy point of view).

General thinking framework or philosophical point of view found in this study shows the basic thinking framework used by al-Jurjawi. This thinking framework plays a vital role because it thoroughly influences the hikmah tasyri’ elaborated by him. Even though his explanation is not philosophically different from other scholars in understanding a shari’a, we think this is important to be presented because he used it as the fundamental framework in explaining each wisdom (hikmah).13

The thinking framework of al-Jurjawi established the hikmah tasyri’ by maturing the creed (aqeedah). Aqeedah is an essential foundation in Islamic law; the good foundation will results in a sturdy building, while the weak foundation will not be able to hold the building. On the other hand, if aqeedah is right, then the implementation of shari’a will also be proper, and conversely, if the aqeedah is not correct, then the implementation of shariah will not be perfect.14

If we associate how al-Jurjawi emphasized the creed in determining hikmah tasyri’ with the book of fiqh (jurisprudence) used as a reference, the book Bada’i Sona’i15, the book of hikmatu tasyri’ wa falsafatuhu looks like the fiqh of Imam Abu Hanifah. Both consist of all aspects of the religion, namely: aqeedah, shari’ah, muamalah (interaction) and morals. In the current development of fiqh (jurisprudence), we think that redefining Shariah meaning to the general meaning of all aspects, including aqeedah (creed), shariah, morals, is more appropriate that the previous understanding related to worship only. The specialization of shari’a meaning to the understanding of the laws only will narrow down the meaning of one’s Islamic values. The reason why the teachings of religion become a mere obligation instead of a necessity is because humans only study shariah for special meaning.16

11Departemen Agama RI, al-Qurán dan Terjemahannya, al-Kamil, (Jakarta: Darussunnah, 2012), hlm. 65.
12Sabariyah, Kerangka Berpikir Ali Ahmad Al-Jurjawi,..., hlm. 107
13Ibid., hlm. 108
14Ibid.
15Bada’i Sona’i is one of the book of hanafiyah. The complete title is Bada’i Sona’i Tartibu al-Syara’i, written by Imam ‘alaiddin Abu Bakar bin Mas’ud al-kasani al Hanafi (died 587), published by Daarul al-kitab al-Limiyah Beirut Libanon.
16Sabariyah, Kerangka Berpikir Ali Ahmad Al-Jurjawi,..., hlm. 117
Realizing the oneness of Allah by sincerely practising his shari’a is another thinking framework in establishing hikmah tasyri’ to. The basic foundation is the power of thanking Him for his blessings. Al-Jurjawi argued that the wisdom behind the many types of worship instructed to humans is the abundant favours given to them. Therefore, worshiping, in various types and models, is to express our gratitude for the uncountable favours.\footnote{Ibid., hlm. 118}

Besides, the establishment of the hikmah tasyri’ is inseparable from the formation of noble character. Al-Jurjawi, in his wisdom, always related it to a good relationship between humans or good manners to humans. The noble moral values are reflected in his wisdom.\footnote{Ibid.}

The next thinking framework, that was used by Al-Jurjawi as a reference in establishing the hikmah tasyri’, was a precautionary measure. The shari’a enforced to humans aims to benefit themselves; thus, hikmah tasyri’ is closely related to the efforts to prevent people from evil. In the level of ushul fiqh, this preventive action is called Saddu Zari’ah (closing the door for evil).\footnote{Ibid., hlm. 119}

2) The Tasyri’ Thinking Framework (Manhaj of the Use of Proof).

In addition to the general thinking framework as previously discussed, we also found the tasyri’ thinking framework in Al-Jurjawi’s book that he used in determining the hikmah tasyri’. We believe that the word tasyri’ and philosophy was used in the title of the book because Al-Jurjawi employed these two approaches in determining the wisdom of worship in this book. The results of this study concerning the framework of Al-Jurjawi in terms of the use of proof or manhaj tasyri’ are as follows.\footnote{Ibid., hlm. 120}

a) Based on the textual sources (AL-Qur’an dan Hadith).

The use of textual sources, al-Quran and Hadith, for Al-Jurjawi was different from when the ulema established the law of a problem. The use of proof, the verses of the Koran, hadith, the consensus of ulema concerning the related issues, must be carried out accordingly in establishing the law of a problem. However, establishing the hikmah tasyri’ is not equal as establishing tasyri’ law. In one part, Al-Jurjawi first explained the arguments from the Qur’an, but he also used the hadith first in other parts. Regardless which proof was used first, here hikmah tasyri’ stated by Al-Jurjawi was the same as the text of the verses of the Quran or similar to the way of scholars looking for ‘illat (the basic feature) of law.\footnote{Ibid., hlm. 121}

b) Based on an in-depth understanding of the generality of textual (naqli) proof.

Hikmah tasyri’ presented by Al-Jurjawi was based on his deep understanding of the generality of the textual (naqli) proof mentioning the themes he discussed. In other words, the verses of the Qur’an and hadith served to reinforce his explanation of the wisdom of a shari’a.\footnote{Ibid., hlm. 122}
c) Based on the rational (aqli) proof strengthened by the medical and social approach.

In Islam, religion and rational (aqli) are like brothers, intelligence (aqli) is the backbone of the religious teachings because intelligence are necessary to explain the revelation. Intelligence is a natural strength that distinguishes the good and evil as well as the benefits and harms. It also serves as ilmutasawwur (illustration) dan tashdiq (assessment). Intelligence can identify the possible and the impossible, called hawiya taqliyah. As a rational soul, intelligence has rational knowledge meaning that it has a theoretical and practical basis.23 Allah grants us the ability to understand and distinguish the good and the bad. Each of Allah’s command can be understood rationally; why He commands it and why He forbids it. Due to the limited ability, some scholars can not discover the rationals behind some of the shari’a (law) ordered or prohibited by Allah. Therefore, they always depend on the principles of sami’nawaatha’na (we listen, and we obey). However, people whom Allah gives wisdom and intelligence can reveal the purpose of the Shari’ah (law), the ones some others can not find, as Allah said in the Quran, Al-Baqarah verse 269, meaning: "He gives wisdom to whom He wills, and whoever has been given wisdom has certainly been given much good. And none will remember except those of understanding".24

Based on the above explanation of the various hikmah tasyri’, it can be concluded that Al-Jurjawi determined the hikmah tasyri’ based on the basic framework proposed at the beginning of his book, namely:

1. Strengthening belief in Allah (Oneness) by being grateful for His blessings.
2. The hikmah tasyri’ proposed by him is as a manifestation of noble character.
3. The hikmah tasyri’ of Every law that Allah establishes is for the benefit of humans. Al-Jurjawi also had the mindset of preventing the harn and bring the benefits in setting the hikmah tasyri’. Ushul fiqh (jurisprudence study) explains one of the intermediary methods of the shari’ah maqasid is Sadduz dzari’ah (closing the path to forbidden behaviours). Dzari’ah is words or deeds used as a media for the realization of words or other deeds25. One example is the words of Allah in Al-Baqarah verse 104, meaning: "O you who have believed, say not [to Allah’s Messenger], “Ra’ina”26 Instead, say, "Unthurna" and listen. And for the disbelievers is a painful punishment", 27
4. No exaggeration is also the thinking framework of Al-Jurjawi. Although he specified this concept for muamalah (interaction) issues, it can also be applied to the problem related to worship. 28

23 Beni Ahmad Saebani, Filsafat Hukum Islam, (Bandung : Pustaka Setia, 2017), hlm. 137.
24 Sabariyah, Kerangka Berpikir Ali Ahmad Al-Jurjawi, …, hlm. 131
25 Mukhtar Yahya dan Fathurrahman, Dasar-dasar Pembinaan Hukum Fiqh Islam, (Bandung : Al-Ma'rif, 2016), cet. 1, hlm. 347.
26 Ra’a’ina means: May you pay attention to us. When the Companions said this to the Messenger of Allah, the Jews also used this word in mumbling, as if they called Ra’a’ina. What they said was Ru’ununah, which means foolishness, as a mockery to the Messenger of Allah. Thus, Allah commanded the companion to exchange Ra’a’ina with Unzurna, that has the same meaning as Ra’a’ina.
27 Departemen Agama RI, al-Quran dan Terjemhan, ... hlm. 17.
28 Sabariyah, Kerangka Berpikir Ali Ahmad Al-Jurjawi, ... hlm. 133
2. The correlation between Ali Ahmad Al-Jurjawi’s Thinking Framework and the Current Condition.

Generally, the nature of human general is selfish or materialism, judging a behaviour based on the benefits. The reward or profit-oriented culture is not wrong because Islam also teaches it. The promise of paradise for those who perform good deeds is a reward from Allah, and it is reward-oriented. Likewise, the existence of hell as a threat to sinners is also a reward-oriented for mistakes. However, worship, in Islam, is judged based on the sincerity of the performance. Allah mentions in al-Bayyinah verse 5, meaning: "And they were not commanded except to worship Allah, [being] sincere to Him in religion, inclining to truth, and to establish prayer and to give zakah. And that is the correct religion".29

Understanding hikmah tasyri’ is one way to foster the sincerity in human when worshipping. By understanding hikmah tasyri’ and realizing that every command and prohibition of Allah aims to benefit human, people will worship sincerely and consider worship a necessity rather than an obligation.30

The thinking framework of Al-Jurjawi in discovering the hikmah tasyri’ can be applied in Muslim’s life, so that he follows the shari’a sincerely. The belief of life after the world life, the eternal life where every deed in the world will be held accountable, will strengthen the faith in the existence of Allah. It will also encourage people to be close to Allah and love Him more than anything. The belief in God will increase the gratitude for all Allah’ blessings. The power of appreciation ultimately motivates a Muslim to do all Allah’s commands sincerely, as he realizes that happiness is about being close to Allah, and worshipping is a way to be close to Him. Allah mentions this in surah Luqman, verse 12, meaning: “And We had certainly given Luqman wisdom [and said], “Be grateful to Allah.” And whoever is grateful is grateful for [the benefit of] himself. And whoever denies [His favour] - then indeed, Allah is Free of need and Praiseworthy”.31

The most relevant of the thinking framework offered by Al-Jurjawi in understanding the hikmah tasyri’ to apply in today’s condition is the implementation of morals (attitudes). The moral dimension cannot be separated from every shari’a. Each worship commanded to humans is not only limited to the relationship between the humankind and Allah, but also the relationship between humans. The moral of human being reflects his value. Thus, morality is a must for humans, as the messengers of Allah sent is to improve the morals (attitudes).32

The thinking framework of Al-Jurjawi in establishing the hikmah tasyri’ is also highly applicable for education, especially in Islamic education studies. Islamic education seems to centralize on fiqh (jurisprudence). The focus of learning in Islamic studies is about the law of action (halal or haram), the implementation of worship, the argument for and against it and the consequences of failing to observe it. In other words, it revolves around the law of tasyri’. The success or failure of Islamic education is judged by whether or not the child can perform the worship. For example, students can mention the procedures for prayer and can

29Ibid., hlm. 135
30Sabariyah, Kerangka Berpikir Ali Ahmad Al-Jurjawi,…, hlm. 139
31Ibid., hlm. 140
32Ibid.
conduct the prayer. The learning of Islamic studies in school is far from the understanding the *hikmah tasyri*'. The law of worship is delivered to children without an understanding of why such worship is instructed and what direct benefits of performing it. The understanding of worship is limited to the fact that the law is obligatory. If it is implemented, it will be rewarded and abstaining from it will be sinned. Consequently, the children can do their prayer because of fear and to fulfil their obligations; the prayers do not reflect in their daily lives.\(^{33}\)

Therefore, the main understanding of strengthening *aqeedah* (creed) must be included in religious learning, that every shari'a imposed on humankind aims to make all human know Allah and be close to Him. A strong understanding of power, greatness and the merciful of Allah must be nurtured in students in each learning at schools. These understanding will help children to understand the shari'a easily and implement it. The delivery of materials related to shari'a must also be strengthened by the *hikmah tasyri*’ behind them.\(^{34}\)

### A. Conclusion

Based on the results, we present three conclusions to address the research questions formulated in this study. First, there are four purposes of *hikmah tasyri*’ according to Ali Ahmad al-Jurjawi and the understanding the *hikmah tasyri*’ proposed by Al-Jurjawi is applicable in human life. They are presented as follows:

a. Knowing Allah and things that are related to Him, for example believing One, Glorifying Him, and characterizing Him with the attributes of the perfection, the obligatory, the impossible and the *jaiz* (the 'may' attribute).

b. Knowing the way of worship to Allah that aim to glorify Him and appreciate His favours.

c. Having efforts to encourage humans to command the good and forbid the evil as well as beautify themselves with good behaviours, such as helping the weak, taking care of the neighbour, keeping the promise, and patience, etc

d. *Hikmah tasyri*’ aimed to stop the tyranny of those who overstep the bounds by creating laws based on their own volition, causing the laws often to be ignored. The rules established by Allah is different from those created by human.

Second, the results show that the thinking framework of Al-Jurjawi in determining the *hikmah tasyri*’ in the book entitled *Hikmatu Tasyri*’ wa Falsafatuhu can be divided into two approaches. These two approaches are also reflected in his book entitled *hikmah tasyri*’ and its philosophy.

Third, the thinking framework of Al-Jurjawi in understanding the *hikmah tasyri*’ is relevant to the current condition, where people needs the in-depth explanation related to shari'ah so that they can be motivated to understand and observe the commands and abstain from the prohibited. The ultimate goal is that people will need the shari'a, instead of performing it because of fear and coercion. The thinking framework of Al-Jurjawi is also highly relevant to apply in education, especially for Islamic religious studies, which currently focus on *fiqh* (jurisprudence). It is expected that the inclusion of *hikmah tasyri*’

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\(^{33}\)Sabariyah, *Kerangka Berpikir Ali Ahmad Al-Jurjawi,...*, hlm. 141

\(^{34}\)Ibid.
explanation in education will emphasize the greatness of Islamic teachings to the students, which in turn will foster the generation with noble personality.

REFERENCES
Ali Ahmad al-Jurjawi, Hikmah al-Tasyri’ wa al-Falsafatuhu, diterjemahkan oleh Faisal Sakeh, dkk., Indahnya Syariát Islam, (Jakarta, Gema Insani, 2016)
Ali Ahmad al-Jurjawi, Hikmatu Tasyri’wa Falsafatuhu, (Beirut: Daaru al-Fikr, 2009), juz satu
Beni Ahmad Saebani, Filsafat Hukum Islam, (Bandung : Pustaka Setia, 2017)
Departemen Agama RI, al-Qurán dan Terjemahannya, al-Kamil, (Jakarta: Darussunnah, 2012)
Departemen Agama RI, Al-Qur’an dan Terjemhanya, (Semarang: Toha Putra, 2015)
Mukhtar Yahya dan Fathurrahman, Dasar-dasar Pembinaan Hukum Fiqh Islam, (Bandung: Al-Maárif, 1986), cet. 1
Noeng Muhajir, Metodologi Penelitian Kuantitatif, (Yogyakarta: Rake Sarasin, 2015)
Sabariyah, Kerangka Berpikir Ali Ahmad Al-Jurjawi Menetapkan Hikmah Tasyri’ Pada Kitab Hikmatu Tasyri’ Wa Falsafatuhu (TesisSabariyah, 2011).
Suryan A. Jamrah, Studi Ilmu Kalam, (Pekanbaru: PPS UIN Suska Riau dan LSFK2P, 2016)
Syaid Ahmad Hasyim, Mukhtarol alHadits, (Semarang: Toha Putra, t.th)
Syekh Abdul Qadir Jailani, Fiqh Tasawuf, penerjemah M. Abdul Ghaffar dengan judul asli Al-Ghunyah li Thalibi atThariq al-Haqq fi al-akhlq, (Bandung: Pustaka al-Hidayah, 2015)
Yusuf al-Qardawi, Fiqh Maqasid Syariáh, penerjemah H. Arif MunandarRiswanto, Lc, (Jakarta : Pustaka al-Kausar, 2017)