



ADDIN

<https://journal.iainkudus.ac.id/index.php/Addin>

ISSN: 0854-0594; E-ISSN: 2476-9479

Volume 17, Number 1, June 2023: 79-104

DOI: <http://dx.doi.org/10.21043/addin.v17i1.19683>

***At-Ta'abbud and at-Ta'aqqul* in Islamic Law and Their Relevance to the Implementation of Law Number 33 of 2014 Concerning Guarantee of Halal Products**

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Abstract

This writing discusses *ta'abbudi* and *ta'aqquli* in Islamic jurisprudence, aiming to provide comprehensive insight into both of these terms. Positioning oneself as a *mukallaf* (a responsible and accountable individual), on one hand, acknowledges that acts of worship (*ta'abbudi*) must be fully accepted, whether or not one comprehends their meanings, as they are divine commands. Similarly, on the other hand, a *mukallaf* is granted the authority and capability to employ reason in dealings with worldly matters (*mu'amalah*), enabling the development of laws in accordance with the changing times. In the context of Law Number 33 of 2014 on Halal Product Assurance, *at-Ta'abbud* and *at-Ta'aqqul* hold significant relevance. Article 10, paragraphs (1) and (2), regulate the requirements for halal products, encompassing raw materials, production processes, storage, as well as processing, handling, and

packaging procedures. This indicates that *at-Ta'abbud* plays a crucial role in ensuring compliance with halal product requirements. Furthermore, Article 10, paragraph (3), emphasizes that halal products must be verified by accredited halal certification bodies. This underscores the importance of *at-Ta'aqqul* in analyzing and verifying the halal status of products.

Keywords: *Ta'abbudi, Ta'aqquli, Islamic Law, Halal Product Guarantee.*

A. Introduction

Islamic law is a law that gives full attention to humans, maintains everything related to humans, both regarding self, soul, intellect, property, lineage, faith as well as regarding rewards and punishments. Islamic law gives glory to humans because of their humanity.¹ Humans are the objects, as servants who are entrusted with the mandate to become actors in God's scenario on this earth. Human life becomes beautiful with guidance, instructions and legal provisions that govern all human movements and behavior. Thus, the presence of Islamic law is a blessing for all creatures because it has a noble function and purpose.²

The term Islamic law is a series of two words, namely the word law and the word Islam. These two words, found separately in Al-Qur'an, are also used in Indonesian. Islamic law has become a series of words that are used and standardized in Indonesian, but are not used in Arabic, nor are they found in Al-Qur'an. For this reason, it is necessary to know in advance the word law in Indonesian. According to Amir Syarifuddin, law is a set of rules regarding human behavior that are recognized by a group of people; compiled by people who are authorized by society and have

¹M. Ikhwan and Anton Jamal, "Diskursus Hukum Islam dalam Konteks Keindonesiaan: Memahami Kembali Nilai-Nilai Substantif Agama", *al-Manāhij: Jurnal Kajian Hukum Islam* 15, no. 1 (2021): 174

²Asman and Tamrin Muchsin, "*Maqasid al-Shari'ah* in Islamic Law Renewal: The Impact of New Normal Rules on Islamic Law Practices during the Covid-19 Pandemic", *Mazahib* 20, no. 1 (2021): 78.

authority, are binding for all its members.³ So Islamic law is a set of rules based on Allah's revelation and the sunnah of the Prophet regarding the behavior of a Muslim person who is recognized and believed to be binding for all who are Muslims.⁴ He said further that the word set of regulations is regulations that are formulated in detail and have binding power. Meanwhile, Al-Qur'an and sunnah are sources of regulations extracted from and based on Allah's revelations and sunnah.⁵ As for human behavior as a face-to-face, it means that Islamic law regulates human actions that are subject to law. In the meantime, the law is prescribed for the benefit of humans and is built on *'illah*. There is no law without an intention, but the meaning of the law is only known by Allah himself.⁶ So, the inability of the mind to know the meaning of a law ordained by Allah, does not mean that there is no intention contained in it.

Islamic law is inseparable from the arguments, reasons, and goals. There is no law without intention, it's just that in relation to the law there are two kinds.⁷ *'Illah* is something that influences the law because the law follows benefits and harms, meaning that if something contains benefits, there is a need to act; and if something contains an element of harm, there is a need to stay away from it. Thus the purpose of law can be understood as maintaining human life, realizing benefit and rejecting harm.⁸

³Amir Syarifuddin, *Ushul Fiqh*, Volume 1 (Ciputat: Logos Wacana Ilmu, 1997), 4-5.

⁴Muhammad Zuhirsyan, "Pagar, Ansari Yamamah, Penerapan Distribusi Harta Warisan Komunitas Muslim Suku Batak Simalungun Dalam Perspektif Hukum Islam", *Istinbath: Jurnal Hukum dan Ekonomi Islam* 21, no. 1 (2022): 8.

⁵Ngainun Naim and Qomarul Huda, "Pendekatan Interdisipliner dalam Studi Hukum Islam Perspektif M. Atho Mudzhar", *Al-Istinbath: Jurnal Hukum Islam* 6, no. 1 (2021): 43.

⁶Mukhtar Yahya and Fatchurrahman, *Dasar-dasar Pembinaan Hukum Islam* (Bandung: Al-Ma'arif, 1993), 81.

⁷First, the meaning is only known by Allah himself, there is no way for the mind to know the meaning, secondly, the meaning besides Allah knows, there is also a way for the mind to know the meaning.

⁸Pepen Irpan Fauzan and Ahmad Khoiril Fata, "Model Penerapan Syari'ah Dalam Negara Modern: Studi Kasus Arab Saudi, Iran, Turki, dan Indonesia", *Jurnal Manahij* 12, no. 1 (2018): 52.

With respect to legal provisions, the proposed scholars divide into two, namely legal provisions that are *at-ta'abudi* and those that are *at-ta'aqqul al-ma'na*. Legal provisions that are *at-ta'abudi* are laws whose meaning cannot be known, such as prayer, pilgrimage, and so on. Meanwhile, there are legal provisions that can be grasped by reason regarding the *'illah* contained therein, that is what is called *at-ta'aqqul al-ma'na*.⁹ The issue of knowing by reason or not does not mean that there is no benefit, but it is believed that there are benefits to be achieved from these legal provisions.¹⁰ So one of the elements that influence the determination of law is *'illah*. In fact, it is said that *'illah* is the principle of the *qiyas*, which is the most important discussion in the discussion of *qiyas*.¹¹

At-Ta'abbud: This refers to obedience to the rules and principles of the Islamic religion. In the context of the Halal Law, *at-Ta'abbud* demands that producers and consumers adhere to the regulations and procedures set forth in the law. This includes following the guidelines and standards established by halal authorities to ensure that products produced and consumed comply with the principles of halal in Islam. *At-Ta'aqqul*: This pertains to a deep understanding and knowledge of Islamic laws and principles. In the context of the Halal Law, *at-Ta'aqqul* emphasizes the importance of adequate education and training for those involved in the production and distribution of halal products. This will help them properly understand the halal requirements and implement them effectively. When both of these concepts are correctly applied

⁹Abd. Basir and Fitriyani, "Hukum Islam: Dialektika Konsep *Ta'abbudi* dan *Ta'aqquli*", *Al-Jauhari: Jurnal Studi Islam dan Interdisipliner* 7, no. 1 (2022): 29.

¹⁰Muhammad Abu Zahrah, *Uşūl al-Fiqh* (Beirut: Dār al-Fikr al-'Arabiy, n.d.), 233.

¹¹The pillars of *qiyas* consist of four elements: (1) *Asal* (main) an event that already has a text which is used as a place to describe, compare or liken; (2) *Far'u* (branch), namely an event that has no text and this is what is equated with what has been there is a text, (3) the law of origin, namely the law that has been determined based on the text to assign the law to its branches, (4) *'illah*, which is a trait that is present at the origin and that characteristic is also present in the branch, then the branch law is equated with the original law. Mukhtar Yahya and Fatchurrahman, *Dasar-dasar Pembinaan Hukum Islam*, 78-79; Muhammad Abu Zahrah, *Uşūl al-Fiqh*, 227.

in the implementation of Law Number 33 of 2014, it ensures that products consumed by Muslims meet strict halal standards in accordance with their religious teachings. This also provides protection for Muslim consumers and supports the development of the halal industry in Indonesia.

Law Number 33 of 2014 concerning Halal Product Guarantee has the aim of ensuring that the products consumed by Indonesian people comply with the principles of Islamic law. This law does not specifically discuss the implementation of Islamic law nationally, but regulates the guarantee of halal products. *At-Ta'abbud* and *at-Ta'aqqul* are important concepts in Islamic law. *At-Ta'abbud* refers to the devotion and worship of Allah swt., while *at-Ta'aqqul* refers to wise thoughts and considerations in making decisions. In the context of Islamic law, *at-Ta'abbud* and *at-Ta'aqqul* are often associated with an understanding of Islamic law and decision-making based on the law of Allah swt. These concepts become important in making the right legal decisions in everyday life. However, as previously mentioned, Law Number 33 of 2014 does not specifically discuss the implementation of Islamic law nationally or the concepts of *at-Ta'abbud* and *at-Ta'aqqul* in Islamic law.

Based on the thoughts above, this paper tries to reveal the main problem, how are *at-Ta'abbudi* and *at-Ta'aqquli* in Islamic law. This main problem is divided into two sub-problems, namely: What about *at-Ta'abbudi* and *at-Ta'aqquli* and their intricacies in Islamic law? How is the application of *at-Ta'abbudi* and *at-Ta'aqquli* in Islamic law and their relevance to the enactment of Law Number 33 of 2014 concerning Guarantee of Halal Products.

B. Discussion

1. Understanding *at-Ta'abbudi* and *at-Ta'aqquli* and Their Intricacies in Islamic Law

Ta'abbud comes from the word **تعبد** which means worship or worship.¹² *Ta'abbud* can mean activities or statements containing values (worship) that are ghairu *ma'qūl al-ma'na* or *ta'abbudiyah in nature*.¹³ While *ta'aqqul* comes from the word **تعقل** which means **تفكر** or think. Many *ta'aqqul* values are contained in the field of *mu'amalah*, Muslims are required to make *ijtihad* in the field of *muamalah* which contain *ta'aqquli* values or are *ma'qūlah al-ma'na* or rational in nature.¹⁴

Thus, it can be understood that *ta'abbud* and *ta'aqqul* are two forms of human worship to God (worship). *First*, worship that is vertical, its main function is to bring people closer to God, namely to believe in Him with all the consequences in the form of worship which is called *mahdah* worship. *Second*, worship that is horizontal, *mu'amalah* association in society that applies according to customary traditions (*adat*) which are the backbone for the benefit of human life.¹⁵ The first, called *ta'abbud*, is a provision that is *ukhrawi* in nature and is the absolute authority of God (*haq Allah*) and the second is *ta'aqqul* because it is worldly and can be understood by human reason (*al-ma'qul al-ma'ana*).¹⁶

¹²Ahmad Warson al-Munawwir, *Kamus al-Munawwir* (Surabaya: Pustaka Progressif, n.d.), 950.

¹³Fathurrahman Djamil, *Filsafat Hukum Islam 1* (Jakarta: Logos, 1997), 52.

¹⁴Ismail Keri, "The Concept of *Ta'abbudi* and *Ta'aqquli* in Islamic Law", *Al-Bayyinah* 5, no. 2 (2021): 215.

¹⁵Hamka Haq, *Falsafah Ushul Fiqhi* (Ujung Pandang: Yayasan Al-Ahkam, 1998), 136.

¹⁶Abdul Qodir Zaelani, "Konsep *Ta'aqquli* Dan *Ta'abbudi* Dalam Konteks Hukum Keluarga Islam", *Asas: Jurnal Hukum Ekonomi Syariah* 6, no. 1 (2014): 48.

2. The Intricacies of Ta'abbudi and Ta'aqquli in Islamic Law

Worship is one aspect of Islamic teachings that is *ta'abbud* in nature, is purely the right of Allah swt., completely beyond human reason. Humans must accept whatever has been determined by the Shari'a and humans have no right to determine it.¹⁷ Humans do not have the authority to determine legal provisions, because *madrasah* worship such as prayer, fasting, zakat and pilgrimage, are provisions that come from Allah swt. and no one may add to, omit or abort it. These provisions are the authority of Allah swt., while the human mind cannot reach these provisions regarding the reasons for implementing orders, so that humans are only fully subject to carrying out the Shari'a.

What can be understood from the matter of worship is only obedience to Allah's commands, humility to Him and glorifying Him. Obedience is the *'illah* for ordering an act of worship, nothing more and nothing less than that.¹⁸ So there is no legal *'illah* regarding prayer that can be grasped and ascertained by reason and this is what is called *ta'abbudiyah*.¹⁹ In this regard, asy-Syatibiy formulates worship philosophically, the principle in the matter of worship for the face-to-face is *ta'abbud* without looking at the value and wisdom, as follows:

الأصل في العبادة بالنسبة إلى المكلف التعبد دون الالتفات إلى المعنى.²⁰

In the explanation of the definition above, it is very clear that reason cannot be used in determining the provisions of worship.

¹⁷ Abdul Wahab al-Khallaf, *Ilmu Ushul al-Fiqh* (Kairo: Maktab ad-Dakwah al-Islamiyyah, 1968), 210.

¹⁸ Abu Ishaq asy-Syatibī, *al-Muwāfaqāt fī Uṣūl asy-Syari'ah*, Volume 2 (Beirut: Dār al-Ma'rifah, n.d.), 300-301.

¹⁹ Nasrullah, "Teori Ta'aqqulī Dan Ta'abbudī Menurut Fiqh Jinayah Dan Aplikasinya Dalam Penerapan Sanksi Pidana Korupsi", *Asy-Syari'ah* 16, no. 1 (2014): 56.

²⁰ Nasrullah, 209.

The function of the Shari'a in matters of worship is as *mubtadi'* and *munsyi'*, that is, as the maker and creator of law, because the human mind does not have the authority to determine forms of worship. Therefore, before the coming of the Islamic law, people were only allowed to hold on to the forms of worship contained in the previous law. After Islamic law came, then the procedures for worship referred to the provisions that had been stipulated through Al-Qur'an and Sunnah. So humans do not have the authority to make Shari'a, it must come from God which was revealed to humans through revelation, hereinafter referred to as text.

Likewise, the function of the Shari'a as *munsyi'* in the matter of worship can also be seen in the method of the Shari'a orders themselves, the benefits of the implementation of worship cannot be directly known or felt by humans in general. Shari'a orders are usually confirmed in a mandatory form, while prohibitions are confirmed in an unlawful form. Obligatory and unlawful as initial provisions in a claim, but this can change due to the existence of *'illah* which turns to other meanings, such as circumcision, *mubah* and *makruh*.

One example of this form of worship is prayer, which is ordered by the method prescribed in Islamic law. Humans feel that they do not get direct benefits from the implementation of the prayer service. Humans do it solely because of obedience to the orders of the Shari'a (pure *ta'abbud* to Allah swt.). Humans do not need to know the meaning contained in it. The command is coming from Allah swt. which must be obeyed even though it is not known by reason why the prayer was ordered to be carried out for the mulatto. Thus the determination of worship, can be evidence that there is no need for *ra'yu*. This also proves that the meaning (ideas and concepts) contained in worship cannot be understood

by humans, because the field of worship is categorized as pure *ta'abbud*.²¹

Mu'amalah is what is referred to as a habit that lasts a long time in a society (*al-'ādat*)²² whose meaning can be understood by reason before the arrival of the Shari'a, so that humans can do it with the help of reason. Law tool relating to *mu'amalah* can be rationalized by seeing whether or not there are benefits in it for human life. So 'illah is the motivating factor for enacting a law.

This problem is included in the affairs of the world which is accepted by reason *al-ma'qūl al-ma'nā*. Intellect is able to detect the magic that is contained in it. 'Illah is very closely related to *qiyas*, because it is one of its pillars. *Qiyas* as the argument used to formulate law there is a difference of opinion among *fuqahā'* regarding its position, consisting of three groups:

- a. The ulama group views that *qiyas* can be used as a *Syara'* proposition in matters that are not found in text, both in Al-Qur'an and in the hadith and *ijma'* of the ulama. Its use is not excessive, within reasonable limits;
- b. The Zahiriyah and Shia Imamiyah groups absolutely reject its use. Zahiriyah is of the opinion that it is not necessary to discover the 'illah of a law, nor is it necessary to know the purpose of establishing a syaraic law;²³
- c. Groups that use figurative language broadly and loosely. This group sometimes gives higher power to *qiyas*, thus giving the impression of limiting the generality of the verses of the Al-Qur'an or Sunnah.

²¹La Jamaa, "Konsep Ta'abbudi Dan Ta'aqquli Dan Implikasinya Terhadap Perkembangan Hukum Islam", *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* 47, no. 1 (2013): 5.

²²Sulfan Wandu, "Eksistensi 'Urf dan Adat Kebiasaan Sebagai Dalil Fiqh", *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 2, no. 1 (2018): 185.

²³Sakirman, "Metodologi Qiyas Dalam Istibath Hukum Islam", *Yudisia: Jurnal Pemikiran Hukum Dan Hukum Islam* 9, no. 1 (2018): 38.

The three groups of scholars above regarding the use of *qiyas* as an argument in formulating law (*Syara'*), are basically divided into two, groups that accept and groups that reject its use. And it is the meaning that is the point of the problem whether it is necessary to know the meaning of a law or not.²⁴ It can be identified in three ways:

- a. Text with '*illah*', if it is known that there is '*illah*' in a text, directly or indirectly, then there is no need to make efforts to find out the '*illah*;
- b. '*Ijma'*', if there is no text on an '*illah*', then the *mujtahid* make an agreement on a legal '*illah*', such as the determination to marry young girls by their *mujbir* guardians and young widows;
- c. '*Ijtihad*', an attempt to find out the law, the characteristics contained therein and rely on and pay attention to these characteristics and their equality.²⁵

The scholars differed in seeing the essence of an instrument in relation to law. Ahlul Haq of the Shia Ulama are of the opinion that '*illah*' means informer of the law. *Khamr* has intoxicating properties and this is an illicit for the prohibition of *khamr*. This characteristic is a warning about the prohibition of *khamr*. Thus, the law exists because of this characteristic, not because of the text. If it has been found in an original law, then the law can be known even though there is no text that says it. This opinion, although it does not ignore who is behind the text, still seems to ignore the text of the text. The presence of *nas* is just a confirmation.

Meanwhile, Hanafi scholars are of the opinion that '*illah*' does indeed lead the mind to know that there is a law, but what

²⁴Edy Muslimin, "Qiyas Sebagai Sumber Hukum Islam", *Mamba'ul 'Ulum* 15, no. 2 (2019): 243.

²⁵Muhammad Fārūq al-Nubhān, *Mabādi'u as-Ṣaqāfat al-Islāmiyah* (Kuwait: Dār al-Buḥūṣ al-'Ilmiyyah, 1394 H/1974 M), 269.

determines the law is the text itself, not the nature of *'illah* which is the cause as the informer. Text is what makes the existence of law. While the Muktazilah group say that *'illah* is something that influences the law, which is based on two things, namely something that brings benefits, indicates a necessity to do, if it contains *harm* indicates a necessity to leave it. Even though there are differences, all of them see that the purpose of Islamic law is for the benefit of mankind. This benefit can be achieved through obedience to the provisions of the law.

Islamic law is prescribed entirely for the benefit of humans who are built on the *'illah* contained in it. All laws are prescribed, nothing is without *'illah*. If there is no law of *'illah*, it cannot be determined on that incident (الحكم يدور مع علته وجودا و عدما).²⁶ The law is divided into two, the first is the law whose meaning is only known by Allah himself and there is no way to find out the meanings. This is meant to test humans, whether they obey these laws, even though they do not know the reason that is used as the basis for establishing these laws. Such laws are called *ta'abudiyah*. So basically, the provisions of the law have meaning, it's just that there are things that can be grasped by reason, there are also things that cannot be grasped by reason.

The worship ordered by Allah swt. is none other than to get closer to Allah swt., which can be achieved successfully, because of the servant's obedience to Him for all His commands and avoiding all His prohibitions and being grateful for all the blessings bestowed upon him. Worship not only brings goodness to those concerned, but also brings goodness and perfection to society. The scholars call it Allah's rights or community rights, because Allah does not want those who enjoy benefit to be only individuals.

T.M. Hasbi ash-Shiddieqy argues that *'adah (mu'amalah)* are laws that were born from society and established to regulate the

²⁶H.A. Jazuli and Nurol Aen, *Ushul Fiqh: Metodologi Hukum Islam* (Jakarta: Raja Grafindo Persada, 2000), 50.

relationship between individuals and society. The relationship is built on a legal provision to realize the benefit of the servant in the world. Laws like this can be grasped by reason about the meaning, intent and purpose contained therein. Legal provisions such as these may change according to changes in time, situation, and place.²⁷ So the term *'adah (mu'amalah)* here is in the sense of all forms of individual and community relations, regardless of the type of relationship and its activities.

Ahmad Ibrahim Bik said that *mu'amalah* are all actions related to world affairs, such as trade, marriage, divorce, crime, justice, and others. All of this is regulated by Allah awt. with general or special texts. The laws of *juz'iyah* and *kulliyah* give instructions to me regarding muamalah giving benefit.²⁸ Thus, the nas sometimes expressly emphasizes the provisions of *mu'amalah*, as information and strengthens the ratio in determining its legal provisions.

3. Application of *Ta'abbudi* and *Ta'aqquli* in Islamic Law and Its Relevance to the Enforcement of Law Number 33 of 2014 Concerning Guarantee of Halal Products

Worship is basically imposed on the *ta'abbud* in character without regard to the meanings, whether they can be known or not no, while the traditions (العادات) the consideration is the meanings contained in them. In terms of worship, the servant must accept what is prescribed or ordered by the Shari'a without being allowed to subtract or add, because if you add, it is no longer worship but *bid'ah*. So whether or not a servant may perform a worship if the text determines it, commands or forbids it. For example, prayers must be performed in accordance with the guidance, without having to pay attention to their meaning and without being questioned why this should be, because the mind cannot know its meaning.

²⁷T.M. Hasbi ash-Shiddieqy, *Pengantar Ilmu Fiqh* (Jakarta: Bulan Bintang, 1991), 22.

²⁸Ahmad Ibrahim Bik, *Ilm Uşul al-Fiqh* (Kairo: Dār al-Fikr, n.d.), 118.

I don't need to question why the dawn prayer is two cycles, the evening prayer is three cycles. Likewise, other acts of worship do not need to be questioned about their *'illah* (special worship). Land as a substitute for water for purification, in the case of land does not have a cleansing meaning. So it is only understood as an obedience to the commandments of the law, submission to glorify the greatness of Allah swt.

The deeds of the face-to-face imposed by Allah swt. on His servants contain several benefits, both for individuals and for society. The benefit of the individual in many ways becomes the benefit of the community and the benefit of the community is essentially the benefit of the individual, because everyone is a member of society. Viewed from this aspect, any benefit that is general in nature is the right of Allah (*ḥuqūq Allah*). *Mukallaf* has no choice between doing and not doing. While individual benefit is the right of the servant (*ḥuqūq al-'ibād*). *Mukallaf* can choose in its application. Likewise, a legal provision converges between the rights of Allah swt. and the rights of the servant, between the benefit of the community and personal (individual) benefit. The thing that is considered is the dominant problem. If the benefit of the community is greater (dominant), then the provision is God's right and vice versa.²⁹

The acts of the face-to-face that have *at-Ta'abbudi* dimension in matters of worship and *mu'amalah* include:

- a. Worship in terms of whether the purpose of worship is pure or not is divided into two, namely first *madah* worship, such as prayer, fasting, and pilgrimage. These provisions are to draw closer to Allah swt. which can be achieved successfully because all commands are obeyed and shunned by His prohibitions.³⁰ These provisions may not be ignored or

²⁹Abdul Wahhab al-Khallaf, *ʿIlm ʿUṣūl al-Fiqh* (Kairo: an-Nasyr wa at-Tawujī, 1398 H/ 1978 M), 210-211.

³⁰Suarning Said, "Wawasan Al-Qur'an Tentang Ibadah", *Diktum: Jurnal Syari'ah Dan Hukum* 15, no. 1 (2017): 45.

aborted. This is what is called the pure right of God. Worship is beyond the reach of human analytical thinking, it is *ta'abbudi* in nature. Second, zakat, worship that carries the burden of obligation, which aims to get closer to Allah swt. through the giving of alms (compulsory) to the needy, poor is called *maḥḍah* worship. In addition to getting closer to Allah swt., there is also the meaning of giving a burden to the soul which is maintained for its longevity and maintenance, so that it is not only imposed on people who are obligated by fitrah, but also on people who are under their care (children who are not yet mature) and their helpers. According to Abu Hanifah, as stated by Mukhtar Yahya, zakat on property includes the worship of *maḥḍah*, which is subject to the burden of only the assets of people who have reached puberty (*mukallaf*). The assets of people who are immature, incapable of acting legally are not subject to the obligation of zakat. So only people who have matured (*balig*) are subject to the law of issuing zakat as well as the requirement to pray five times a day. This view seems to ignore the value of its benefits, because this provision emphasizes the property itself, when it reaches the nisab and haul it must be issued.

- b. *Aḍ-ḍarāib al-māliyah* (wealth taxes),³¹ which include: (1) agricultural land tax, (2) one-fifth of the spoils of war, (3) one-fifth of the assets obtained from the bowels of the earth (mines or hidden assets), (4) *fā'i* assets (obtained from non-Muslims not by way of war). All of this is the right of Allah swt., the pilgrim does not have the right to vote, let alone abort it, because the mulaf can only abort what belongs to him. These provisions are *mu'amalah* affairs which contain general benefit (*huqūq Allah*).

³¹Gazali, "Pajak Dalam Perspektif Hukum Islam Dan Hukum Positif", *Jurnal Mu'amalat* 7, no. 1 (2015): 95.

- c. *Al-'Uqūbāt* (criminal sanction) does not include criminal accusations of adultery and *qiyas* crimes, which include:
- 1) Perfect punishment (*'Uqūbat Kāmilah*), such as adultery, theft, and rebellion;
 - 2) Imperfect criminal (*'Uqūbat Qāshirah*), such as imposing sanctions, it is forbidden to inherit property for someone who intentionally kills someone whose inheritance will be inherited;
 - 3) Penalties that contain elements of worship (*'Uqūbah fihā Ma'na al-'Ibādah*), such as paying expiation for those who break their oaths, expiation for those who intentionally break their fast during Ramadan, and expiation for those who kill because of a mistake or accusation his wife is adulterous.³² Sanctions contain elements of worship, because expiation can be exchanged for worship, such as fasting, almsgiving, or freeing slaves. So the violation of a criminal act in which there is benefit for the community is the right of Allah swt., the *mukallaf* has no choice or aborts it.

The worship of *maḥḍah* is seen from the point of view of legal subjects, the law-encumbered *mulaf* in certain circumstances, there is a side that can be known the legal meaning of a legal provision. For example, prayers for travelers may summarize and combine two prayers which are four cycles, but this stipulation is also based on text, not based on ratios. Reason only captures the meaning contained in it as (*rukḥṣah*),³³ because in the state of the traveler it is an *'illah* which allows the reduction of cycles. The traveler himself encounters difficulties or not, these provisions can be implemented. And if difficulties are seen as the law of the law

³²Almuh Fajri Salma, Taufik Hidayat, and Edi Safri, "The Other Side of the History of the Formulation of Aceh Jinayat Qanun", *Ahkam: Jurnal Ilmu Syariah* 22, no. 1 (2022): 95.

³³Zulfahmi, "Konsep Rukhsah Sebagai Perwujudan Islam Akomodatif: Kajian Kaidah Hukum Islam", *Jurnal Hukum Islam* 21, no. 2 (2021): 53.

during the journey as a traveler does not exist, then there are no rough prayers, there are no difficulties experienced along the way. Rough prayer prescribed for travelers is a lesson from rejecting the impact of difficulties, because it cannot be used as a legal instrument because it is only a relief for travelers.³⁴ So in the case of certain conditions, worship such as prayer has *at-Ta'aqquli* in relation to legal *'illah*, which concerns the issue of the implementation of the traveler's prayer, the pilgrim has limited ability to carry out the prayer, such as praying by sitting or lying down, because he is unable to stand up. This can be understood by reason, but in terms of provisions the command to pray and rak'ah is *at-Ta'abudi*. Thus worship has two dimensions, namely first, *at-Ta'abbudi* which relates to legal provisions commanding prayer. This is what reason can't understand about the command to implement it. Second, *at-Ta'aqquli* which is related to relief for the *mulaf* as an alternative way in carrying out the traveler's prayer.

In the field of *mu'amalah*, actions that are considered the rights of servants are as follows. *Qisas* crime for people who kill on purpose. This provision is for the benefit of the people, preserving life and safeguarding human souls.³⁵ *Mukallaf* can change or choose legal sanctions against perpetrators of criminal acts. If the heirs can quell anger and forgive the offender, then the offender pays expiation, Q.S. al-Baqarah [2]: 178-179:

“O, you who believe, it is obligatory upon you *qisas* regarding those who are killed; freeman to freeman, servant to servant and woman to woman. So whoever gets forgiveness from his brother, let (the one who forgives) pay (*diyat*) to the one who forgives in a good way (also). That is a relief from your Lord

³⁴Muhammad al-Khuḍarī Bik, *Uṣūl al-Fiqh* (Beirut: Dār Ihyā' at-Turās al-'Arabīy, 1389 H/1969 M), 298.

³⁵Sudarti, “Hukum Qishash Diyat: Sebuah Alternatif Hukuman Bagi Pelaku Kejahatan Pembunuhan Berencana di Indonesia”, *Yudisia: Jurnal Pemikiran Hukum Dan Hukum Islam* 12, no. 1 (2021): 36.

and a mercy. Whoever exceeds the limit after that, then for him a painful punishment.”

Thus, forgiveness for the perpetrators of criminal acts is the right of the servant, which is understood that he aborts the *kisas* law for the perpetrators of criminal acts by paying expiation which also contains benefits.³⁶ That is the purpose of the law, realizing benefit in this world and the hereafter and rejecting harm. So, from an Islamic point of view, there is no need for a causal law for the perpetrators of murder. Meanwhile, according to public law, the criminal act of murder is included in public law, so the government represents the interests of the people who take action and give punishment to the killer. The victim's family cannot provide forgiveness.

Actions that are seen as mere rights of servants, include material rights such as owning goods that have been purchased, receiving wages for work, receiving compensation for damaged goods, purchasing rights over land belonging to neighbors or union members, holding goods used as collateral for debts to be paid immediately receivables. All of that is the right of the servant. So the servant has full rights, can choose between implementing these rights or not.

The act of *mukallaf* is sometimes mixed between the rights of the servant and the rights of Allah swt., but Allah's rights are greater. For example, criminal punishment for adultery accusers, seen from the point of view of maintaining human dignity,³⁷ the provision of had punishment for adultery accusers is the benefit of society because it is God's right. Seen from the point of view that she can reject the heinous accusations thrown at a good woman and declare her nobility and preservation from committing immorality is an individual benefit. Because that is the right of the servant,

³⁶Rokhmadi, "Hukuman Pembunuhan Dalam Hukum Pidana Islam Di Era Modern", *Jurnal at-Taqaddum* 8, no. 2 (2016): 152.

³⁷Budi Kisworo, "Tuduhan Berzina (*Qazfu az-Zina*) dalam Kajian Teologis dan Sosiologis", *Al-Istinbath: Jurnal Hukum Islam* 5, no. 1 (2020): 106.

the person who benefits, but Allah's right is stronger. The accused woman cannot abort the had-law of her accuser and cannot carry it out herself. Likewise, the accuser cannot be a judge himself. Giving had is the right of Allah swt., which is carried out by the state.

In addition, when the rights of the servant are mixed with the rights of Allah swt., but the rights of the servant are stronger, such as the *qisas* punishment. Viewed from the point of view that containing the maintenance of life and safeguarding the human soul is the benefit of society.³⁸ It is God's right. Whereas if viewed from the point of view that he can extinguish anger, then forgiveness for criminals is an individual right, benefit for the individual. From this point of view, the servant's rights are stronger, the servant can choose or abort the sentence for the perpetrator of the crime of murder so that the killer is not sentenced to *kisas*. Thus Islamic law relating to criminal sanctions has two dimensions, namely *Ta'abbudi* and *Ta'aqquli*. *Ta'abbudi* when Allah's right is more dominant, I have no choice, let alone abort this provision. *Ta'aqquli* when the servant's rights are stronger, because he can choose or abort like *kikis* law for murderers by paying expiation.

In Islamic law, human rights are recognized for their essence, and even become basic obligations. Everyone acts not because of his own interests, but because for the sake of everyone protecting the rights of others, as an obligation that must be fulfilled. Likewise, the Shari'a places God as the holder of all rights, both the rights of oneself and the rights of others. So everyone takes care of and is obliged to fulfill God's commandments for the benefit of himself and society. This is where the specialty of Islamic law is that actually with the concept of basic obligations all efforts to save oneself and others are rewarded, and all actions that harm oneself and others are sanctioned with sin. Suicide is God's right so that it is seen as

³⁸Zikri Darussamin, "Qisas Dalam Islam Dan Relevansinya Dengan Masa Kini", *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* 48, no. 1 (2014): 102.

a crime punishable by sin.³⁹ From here it also encourages people to avoid this prohibition, because it results in sin which ends in threats of torture so that people are motivated to stay away from it so that the goal of the law is achieved.

All kinds of acts of the face-to-face are bound by legal provisions and legal sanctions for acts of violation of the law in the public space. However, it should be noted that the implementation of worship and muamalah must be based on the sincerity of the intention to earn the pleasure of Allah.

Thus, the value of worship and muamalah is also determined by the sincerity of the intention that encourages the servant to carry it out. Even though actions related to worldly affairs, carried out on the basis of sincerity with the intention of hoping to please Allah alone, are classified as worship in a broad sense. That intention is the spirit of an action, like a human being who consists of a body, if a human being does not have a spirit he is called *mayyit*. Thus, the intention has an influence on an act, is one of the pillars of whether a worship is valid or not. The action is not only seen from the side of the outward benefit, but also must be seen from the side of the motivation.

Ta'abbudi and *Ta'aqquli* are two important concepts in Islamic law. *Ta'abbudi* refers to actions that are performed directly out of obedience to Allah and His provisions, whereas *Ta'aqquli* are actions that are based on knowledge and experience. In the context of Islamic law, *Ta'abbudi* and *Ta'aqquli* are used to make decisions about legal issues based on Islamic principles, and also to determine the legitimacy of a law or rule.

Law Number 33 of 2014 concerning Halal Product Guarantee is an important law in the context of food and beverages in Indonesia. This law aims to protect consumers from non-halal products and to

³⁹Hamka Haq, *Syariat Islam: Wacana dan Penerapannya* (Ujung Pandang: Yayasan Al-Ahkam, 1422 H/2001 M), 35-36.

ensure that the products consumed by Indonesian people comply with halal principles.⁴⁰

In implementing this law, the principles of *Ta'abbudi* and *Ta'aqquli* are very relevant. The application of *Ta'abbudi* can help make decisions based on Islamic principles, such as the halalness of raw materials and product processing. *Ta'aqquli* principle is also very important in determining the legitimacy of halal products, because it requires knowledge and experience regarding the production and processing of halal food and beverages.⁴¹

However, keep in mind that in applying this law, it must be done wisely and fairly, and must not violate the rights of consumers or business actors. In addition, *Ta'abbudi* and *Ta'aqquli* must be applied proportionally and not deviate from the main objective of the law, which is to protect consumers from non-halal products.

The application of *Ta'abbudi* and *Ta'aqquli* principles is very relevant in the enactment of Law Number 33 of 2014 concerning Guarantee of Halal Products. By implementing these principles, it is hoped that safe and quality halal products can be made available to the people of Indonesia, and consumers can choose products that comply with halal principles.

The obligation of halal certification is a form of obedience to the law, in this case, the Islamic religious law.⁴² In Islam, eating or using unlawful or non-halal foodstuffs is a violation of law which is considered a sin and can affect human safety and health. Therefore, as Muslims, we have a responsibility to ensure that the food and other products we use are halal.

Obligation of halal certification is one way to ensure that the food and other products we use comply with Islamic law. In the process

⁴⁰Samsuri Wanto, "Sertifikasi Halal dan Implikasinya Bagi Bisnis Produk Halal di Indonesia", *Jurnal Al-Maal* 2, no. 1 (2020): 98-122.

⁴¹Sulistyo Prabowo and Azmawani Abd. Rahman, "Sertifikasi Halal Sektor Industri Pengolahan Hasil Pertanian," *Forum Penelitian Agro Ekonomi* 34, no. 1 (2016): 57-70.

⁴²Desi Indah Sari, "Perlindungan Hukum Atas Label Halal Produk Pangan Menurut Undang-Undang," *Repertorium: Jurnal Ilmiah Hukum Kenotariatan* 7, No. 1 (2018): 1-14.

of halal certification, the ingredients used in the product are carefully examined to ensure that there are no haram elements contained in it. After that, the product is given a halal certificate which shows that the product is safe and lawful for consumption by Muslims.⁴³

By fulfilling our halal certification obligations, we also help protect Muslim consumers from products that are not halal or have doubts about their halal status. In addition, the obligation of halal certification also ensures that producers and sellers of halal products meet the standards and requirements set by the authorized halal certification body. By fulfilling this obligation, we can ensure that we as Muslims adhere to the rules of the Islamic religion and maintain the health and safety of ourselves and others.

The author agrees that the law on halal product assurance is very important to ensure legal compliance in terms of product halalness. This is because the need for and demand for halal products is increasing in various countries, including Indonesia. Halal products that are produced and consumed properly can provide benefits for consumers, producers and society as a whole.⁴⁴

With the existence of the law on halal product guarantees, producers will be required to produce halal products according to standards set by the competent authority. Consumers can also have more trust and confidence that the products they consume meet halal standards and are safe for consumption.⁴⁵

In addition, the law on halal product guarantees can also assist the government in controlling and supervising the halal industry in the country. This can encourage the growth of a higher quality and sustainable halal industry, as well as assist in strengthening the competitiveness of the halal industry in the global market.

⁴³H.D. Faridah, "Sertifikasi Halal Di Indonesia: Sejarah, Perkembangan, Dan Implementasi," *Journal of Halal Product and Research* 2, no. 2 (2019): 68-78.

⁴⁴Moh. Kusnadi, "Problematika Penerapan Undang-Undang Jaminan Produk Halal Di Indonesia", *Islamika: Jurnal Keislaman dan Ilmu Pendidikan* 1, no. 2 (2019): 116-132.

⁴⁵Lies Afroniyati, "Analisis Ekonomi Politik Sertifikasi Halal Oleh Majelis Ulama Indonesia", *JKAP: Jurnal Kebijakan dan Administrasi Publik* 18, no. 1 (2014): 37-52.

In this case, legal compliance is very important to ensure compliance with the law on halal product guarantees. Violation of these laws can result in harsh penalties, such as fines or even revocation of business licenses. Therefore, legal compliance in this case can ensure that all parties involved in the production and sale of halal products can act in accordance with applicable regulations and provide maximum benefits for all parties involved.

C. Conclusion

At-Ta'abbud and *at-Ta'aqqul* are important concepts in Islamic law that refer to the obligation to submit to Allah's commands and engage in rational thinking when carrying out religious and everyday tasks. In the context of implementing Law Number 33 of 2014 on Halal Product Assurance, the concept of *at-Ta'abbud* reminds us to comply with the legal provisions set by the state to ensure the halal status of products. Meanwhile, the concept of *at-Ta'aqqul* emphasizes the importance of rational thinking and research in establishing standards and procedures related to halal products. By understanding and applying these two concepts correctly, the government and the community can collaborate effectively in implementing Law Number 33 of 2014, ensuring the safety and compliance of halal products with Islamic principles, and supporting the sustainability of the halal industry in Indonesia.

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