

## **Islamic Law Between Rights and Obligations in The Study of Islamic Law Philosophy**

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### **Abstract:**

Rights are possessions, possessions, which are not only objects, but also actions, thoughts and authority. In the Qur'an we find the word al-haqq which is a translation of the word rights which means property or the person who controls it. In theology, right also means power, authority, or authority. Liability is a burden or responsibility that is contractual in nature. In other words, an obligation is something that should be given. With the existence of rights and obligations, justice also arises, namely the recognition and treatment of rights. Meanwhile, in Islamic Law, justice can be interpreted as a term used to indicate equality or being in the middle of two cases or putting something in its place. This research uses qualitative research methods with library research as the data source. As a result, where there are rights there are obligations, and where there are obligations there is justice, namely applying and carrying out rights in accordance with a balanced place, time and level. By implementing rights, obligations and justice, this will automatically support the creation of moral actions.

**Keywords:** Islamic Law, Rights and Obligations, Islamic Law Philosophy



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### **Introduction**

Understanding Islamic law, source and goal, as a universal and comprehensive religion, which are not only regulates matters of worship rituals, but also has rules and foundations of faith for Muslims, from small to large matters, such as matters of love, zakat , fardhu prayers, division of inheritance, marriage and many more. For this reason, the main function of the five pillars of Islam and the six pillars of faith which are always practiced by Muslims, is very vital. Basically, Islamic law according to the Koran regulates human relationships with Allah and human relationships with humans and other living creatures.<sup>1</sup>

Islamic law is believed by Muslims to be law that originates from the revelation of Allah SWT. This belief is based on the fact that the sources of law in Islam are the holy Al-Quran

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<sup>1</sup> Eva Iryani. Hukum Islam. *Demokrasi dan Hak Asasi Manusia*. Jurnal Ilmiah Universitas Batanghari Jambi Vol.17 No. 2, 2018, 24.

and Sunnah, Allah and His Messenger commonly called *al-Syāri'*. However, it must be acknowledged that the holy Al-Qur'an and Sunnah are limited, both in the events and time of their legal enactment; Meanwhile, incidents are increasing in number and variety of problems day by day. In facing this problem, interpretation and efforts to discover Islamic law and legal experts are highly demanded. Understanding and interpreting the sources of Islamic law requires systematic and logical reasoning. This understanding can take the form of vocabulary and sentences written in the holy Al-Qur'an or Hadith, it can also take the form of efforts to contextualize the values contained in these two sources of law. Discussions about various forms of understanding are contained in the science of Ushul Fiqih, which some Islamic legal experts consider to be a science of Islamic philosophy that originally came from among Muslims, after studying the contents of the holy Al-Qur'an and Hadith.

Rights are a kind of property, belonging, which is not only objects, but also actions, thoughts and the results of those thoughts. In the holy Al-Qur'an we find the word *al-Haqq* which is a translation of the word rights which means property or the person who controls it. Liability is a burden or responsibility that is contractual in nature. In other words, an obligation is something that should be given. In line with these rights and obligations, justice also arises, namely the recognition and treatment of (legitimate) rights. Meanwhile, in Islamic Law, justice can be interpreted as a term used to indicate equality or being in the middle of two cases or putting something in its place. Considering that the relationship between rights, obligations and justice is so close, where there are rights, there will be obligations, and where there are obligations, then there will be a justice, namely applying and carrying out rights in accordance with place, time and balanced levels. By implementing rights, obligations and justice, it will support the creation of ethical actions or polite acts.<sup>2</sup>

## Method

The type of research used is qualitative in the form of literature study. The data sources used are divided into two, namely primary and secondary data sources. Primary data sources are the book *Islamic Theology: Historical Schools, Comparative Analysis* by Harun Nasution, *Philosophy of Islamic Law from Alauddin Islamic State University*, the book *Tauhidullah* by Imam Al-Ghazali, obtained from the laws of Indonesia, Malaysia and Egypt, regarding marriage law. Secondary data sources were obtained from books, research, journals, and other literature about sakinah families, household jurisprudence, husband and wife relations, and the rights and obligations of husband and wife in marriage.

The data collection technique used is documentation techniques, namely collecting data from written sources required in the research (Hermawan, 2019, p. 134). The processing technique is to use descriptive analysis, namely processing descriptive data with the aim of finding research conclusions. The data analysis process for this research begins with checking the data collected, in order to identify unnecessary data and avoid errors. Next, develop data sources by presenting research data. The final step is to present the research results, conclusions and suggestions, which are taken from the essence of research on the rights and obligations of husband and wife in the study of Islamic philosophy.

## Result and Discussion

### The Understanding of Islamic Law, Rights and Obligations

#### a. Islamic Law

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<sup>2</sup> Darmawati. *Filsafat Hukum Islam*, (Makassar, FUF UIN Alauddin: 2019), 2.

Islamic law or Islamic sharia is a system of rules based on the revelation of Allah SWT and the Sunnah of the Prophet regarding the behavior of the Mukallaf (people who can be burdened with obligations) that are recognized and believed, which are binding on all its adherents. And this refers to what Rasulullah SAW has done to implement them totally. According to the language, Islamic law or Sharia means the path that humanity takes to get to Allah SWT. According to the term, Islamic Sharia means the laws ordered by Allah SWT for His people brought by a Prophet Muhammad saw, whether related to the faith or aqidah or related to practice. Islam is not only the religion that teaches how to worship to Allah swt. The existence of rules or a system of provisions of Allah SWT to regulate human relationships with Allah SWT and human relationships with each other. These rules are based on all Islamic teachings, especially the holy Al-Qur'an and Hadith.

Another definition of Islamic law is the Shari'a or rules established by Allah swt for His people brought by the Prophet Muhammad SAW, both laws relating to the faith (aqidah) and laws relating to 'amaliyah (actions) carried out by all Muslims believers. Islamic law is not just a theory but it is a set of rules to be applied in all areas or aspects of human life. Because there are many problems encountered, generally in the field of Islamic religion, which often make Muslims people think towards differences.<sup>3</sup>

Meanwhile, Islamic legal philosophy is a philosophy that analyzes the Islamic law methodically and systematically so as to obtain basic information, or analyzes Islamic law scientifically with philosophy as a tool. According to Hasbi Ash-Shiddieqy's view, Islamic legal philosophy is a discussion of the foundations of law, legal principles, legal principles (sources of law), legal rules, on which Islamic law is built.<sup>4</sup>

#### b. Rights

The word *al-Haqq* comes from Arabic and is the *masd'ar* form of the word *Haqqa* - *Yahuqqu* which means truth, justice, and ownership. *Al-Haqq* in the *al-Muĥîṭ* dictionary is one of the names of Allah SWT or His attributes, and one of the names from the holy Al-Qur'an. Meanwhile, in the Big Indonesian Dictionary, rights have the meaning of right, property, authority, power, and degree or dignity.

According to Wahbah al-Zuhaili's view, rights are a law that has been determined by Sharia. According to him, a comprehensive definition is the definition put forward by Ibn Nujaim, namely the specificity determined by Sharia for a power, because it includes various kinds of rights, such as the rights of Allah SWT towards His servants (prayer, fasting, etc.), the rights that regarding marriage, general rights, such as State rights, property, and non-material things such as guardianship rights over a person.<sup>5</sup>

In Ushul fiqh and fiqh's knowledge texts, there are differences of opinion in defining or explaining the word "*al-Haqq*". Among them, some interpret *al-Haqq* as ownership, control, something abstract, and others interpret it as freedom of action. However, in essence, the definition of rights is that rights are control (*sulthaniyyah*), not ownership (*milkiyyah*). We can observe this from the definition of rights contained in Fiqh Islamic knowledge which has the meaning of mastery. That rights are realistic possessions, both sides of which cannot

<sup>3</sup> Eva Iryani. *Hukum Islam: Demokrasi dan Hak Asasi Manusia*, Jurnal Ilmiah Universitas Batanghari Jambi Vol.17 No. 2, 2018, 24.

<sup>4</sup> Suparman Usman, *Falsafat Hukum Islam*, (Jakarta: Perpustakaan Nasional, 2015), 37

<sup>5</sup> Tresna Tulus Hadi, *Hak Sebagai Imbalan Kewajiban*, (Jakarta: UIN Syarif Hidayatullah, 2018), 31.

be accepted if they exist in one person. It will not be implemented on a person, unless it has been implemented on him. And nothing will be done for him unless it has been done for him.

So, rights are power over something that cannot possibly be applied to just one person. However, it must stand up by two people, namely the first person as the owner of rights who can take advantage and the second person as the fulfiller of other people's rights, in the form of carrying out obligations. Therefore, rights cannot be included in the ownership category. Because there are three basic differences between rights and ownership. Firstly, apart from the rights owner being able to use and abandon his rights, he can also terminate his rights. On this basis, it is called as "*Li kuli haqqin yusqât haqqahu*" (every right owner can revoke his rights). The second difference is that the object of rights is always work, while ownership can also take forms other than work, including ownership of objects. The third difference is that ownership falls into the category of full and strong power, unlike rights. This means that the owner of something can spend whatever he has as long as it does not conflict with the Sharia, while rights can only be exercised on certain things related to him.<sup>6</sup>

Based on the definition mentioned above, the word right has many meanings depending on the context in which the word is used. But what needs to be underlined is that all people have rights and they will get their rights if they fulfill the other rights, such as the rights of other people (*haqqu al-adamiy*), the rights of Allah SWT (*haqqullah*) as God or creator, the rights of neighbors and other creatures.

### c. Obligations

Obligations in Arabic are *wājibun* or *wujūban*. *Wājibun* (*fâ'il*) and *wujūban* (masdar from the word *wajaba-yajibu*). In the *al-Munjīd* dictionary it has the meanings *tsabata* (certain or determined) and *ordinarya* (settled).<sup>7</sup> Meanwhile, in the Big Indonesian Dictionary, obligation is something that is required, that must be implemented, and necessity. The word *wājaba* in the book *al-Ta'rifat* is westernized as "something fall". What this means is an obligation that has fallen upon him and must be done. There is an obligation because there is a proposition, so there is no doubt in it.<sup>8</sup>

In terms of terms, an obligation is a burden or responsibility that is contractual in nature. In other words, an obligation is something that should be given. One of the main characteristics of humans is that humans are able to carry out the obligation to follow religious teachings. Only humans can live within the legal framework. The other creatures can only follow natural laws that are forceful in nature. According to Islamic jurisprudence scholars, an obligation is something that if it has done then will be rewarded and those who abandon it will be punished without excuse or reason. In Islamic teachings, obligation is placed as one of the laws of Sharia', namely an action which if it has done then will be rewarded and if ignored, so it will be punished. In the other words, obligations in religion are related to the implementation of rights that required by Allah swt. Performing the five daily obligatory prayers that must be done in a day, paying zakat for people who have certain assets up to the nisab limit, and fasting in the holy month of Ramadhan, for example, is an obligation.

Hamka notes in his book that there are three types of the word 'obligation' in Islam religion. *First*, in the field of kalam science or a kind of theology, the science of divinity.

<sup>6</sup> Tresna Tulus Hadi, *Hak Sebagai Imbalan Kewajiban*. (Jakarta: UIN Syarif Hidayatullah, 2018), 32.

<sup>7</sup> Louis Ma'luf al-Yassu'i, Fr. Bernard Tottel al-Yassu'i, *al-Munjid Fī al-Lughah wa al-A'lam*, 887.

<sup>8</sup> Ali Muhammad al-Jurjani, *al-Ta'rifāt*, (al-Haromain, 1421 H), 244.

*Second*, in the science of Fiqh or Ushul fiqh, and third in the field of morals or Islamic ethics. Obligations in kalam science are obligations for humans especially Muslims believers that they must to know about the existence of Allah SWT. Obligations in the Science of Fiqh knowledge are obligations that must be carried out by someone who if they done of it, then gets a reward and leaves behind getting sin, this is a form of devotion to Allah swt. The third obligation is an obligation according to morals, this is deeper than the obligation of fiqh. If a person's faith increases, his piety increases, in terms of religion, not only did he done of what was obligatory according to fiqh Islamic knowledge, but he also did what was Sunnah. Because he no longer differentiates between what is Sunnah or Hadits and what is obligatory because he wants to increase his charity as much as possible.<sup>9</sup>

Based on the explanation above, an obligation is something a person determines or requires that he or she must carry out and carry out to fulfill his or her responsibilities. Because, if someone does not carry out their obligations, they will experience consequences in the form of punishment, sanctions, and so on. Meanwhile, those who carry out their obligations will receive their rewards and rights.

### **The Balance Between Rights and Obligations in Islamic Law**

Islamic law places Muslims in a place of balance between the interests of the world and the interests of the afterlife. Everyone has rights and obligations, both between Allah SWT and servants (*ḥablu minallah*) and between fellow humans (*ḥablu minannās*). Rights and obligations are two things that cannot be separated each other, because each right is a logical consequence of the implementation of obligations. So, everyone is obliged to respect the rights of other people, and every person who has rights (who has rights) is obliged to use his rights for his own good and the good or public benefit. That is why the balance between the implementation of rights and obligations in Islamic law is very important. Because, without perfect implementation of obligations, whether the legal command comes from sharia or positive law, other people's rights and even Allah's rights will not be fulfilled. In short, if someone carries out his obligations, then he has given other people their rights, even his own rights will also be obtained fairly.

Meanwhile, the main goal of humans as perfect and noble creatures of Allah swt who serve as a khalifah is their obligation to the Almighty Creator, namely Allah SWT. Humans as honorable, noblest and best creatures (*ahsanu al-khāliqīn*), to whom even angels bow down, have the obligation to use all their potential and knowledge only oriented towards goodness, namely serving, worshiping or serving Allah swt and the Oneness. Allah SWT and do not associate partners with anyone other than Him. Taklif towards oneself, towards society and towards the natural environment must be narrowed down and aimed in one direction, namely solely to worship Allah SWT. As a khalifah (leader on earth), humans must take care of themselves, their families and their descendants as best as possible so that their dignity does not decline. Caring for and educating his family so that they obey the commands of Allah SWT, get His blessing and are not thrown into the fire of hell whose fuel is stones and humans.<sup>10</sup>

### **Rights as a Logical Consequence of the Implementation of Obligations**

Ideally, if there are rights, then there must be obligations. New rights can be obtained after fulfilling obligations, not vice versa. In reality, rights are considered a joy, while

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<sup>9</sup> Tresna Tulus Hadi, *Hak Sebagai Imbalan Kewajiban*. (Jakarta: UIN Syarif Hidayatullah, 2018), 35.

<sup>10</sup> Hamka, *Studi Islam*, (Jakarta, Pustaka Panjimas, T.tt), 7.

obligations are considered a burden. In fact, humans can only have a sense of freedom if they have carried out their obligations well, so that they get their rights fairly. The meaning of rights here is what a person receives from another party, while obligations are what a person must do towards another party. Obligations arise because of the rights inherent in legal subjects.<sup>11</sup>

For an example, in terms of carrying out worship to Allah SWT. There are several things behind the priority and obligation of worship, Allah SWT commands and makes it mandatory for us to worship, so of course or surely Allah swt already knows the wisdom behind this command. Allah swt requires a faith, with the intention of cleansing the heart from syirik; The obligation of prayer is to purify oneself from the nature of takabbur, and a form of servanthood to Allah SWT because prayer is Allah's right as a God who must be worshipped by all of Muslims believers; The obligation of zakat is a reason for obtaining sustenance, purifying property, and fulfilling the rights of poor peoples; Requiring fasting to test patience and practice gratitude; Requiring the Hajj to bring Muslims closer to one another and closer to Allah as their creator; Requiring jihad in Allah's way for the truth of Islam, including *jihad an-nafsi* and jihad against ignorance by studying in order to obtain one's right in the form of knowledge; Order strictly to *amar ma'rūf nahi munkar* so that the benefits and rights of humanity are can be realized. All obligations in worship are carried out by Muslims with the aim of obtaining their rights and fulfilling the rights of fellow human beings.

### God's Rights and Servant's Rights

Allah SWT is the judge who makes and determines Kauni law (Taqdir) and Syar'i (Sharia) laws for all of his creatures.<sup>12</sup> So sharia law requires a judge to judge, there is a mahkum *fih* and a mahkum *'alaih*, the judge in sharia is *Al-Syāri'*, namely Allah SWT who is the first source of all Islamic legal regulations. Establishing the law is only the right of Allah SWT. Allah explains the truth and Allah is the Giver of the best decisions. In Surah Al-An'am verse 57 below:

قُلْ إِنِّي عَلَىٰ بَيِّنَةٍ مِّن رَّبِّي وَكَذَّبْتُمْ بِهِ ۗ مَا عِندِي مَا تَسْتَعْجِلُونَ بِهِ ۗ إِنِ الْحُكْمُ إِلَّا لِلَّهِ يَفْصِلُ الْحَقَّ وَهُوَ خَيْرُ الْفَاصِلِينَ

"Say, Verily I am above a clear proof (Al Qur'an) from my Lord, while you deny it. I don't have anything (punishment) that you ask for to hasten its arrival".

This discussion in the science of Theology (Tauhid) is based on the assumption that God created everything based on the fixed Sunnah. Therefore, Allah swt carries out things based on decisions that He Himself makes. He obliges and limits Himself within the provisions of the nature that He has created just as a constitutional leader is obliged to govern his people based on the country's constitution.<sup>13</sup> In theology or kalam regarding God's actions, the Asy'ari and the Maturidi Bukhara schools mention three rights of Allah SWT which are different from the Mu'tazilites. First, Allah SWT has the right to burden His creatures with burdens beyond their capacity. Second, Allah SWT has the right to criticize and corner His creatures without any reason for the sins committed previously and the rewards that will be

<sup>11</sup> Amir Syarifuddin, *Hukum Perkawinan Islam di Indonesia*, (Jakarta: Prenada Media, 2008), 159.

<sup>12</sup> Mudhofir Abdullah, *Allah Sebagai Pembuat Hukum*, (Jakarta: Al-Hakim, 2018), 16.

<sup>13</sup> Muhammad Arifin, *Teologi Rasional: Perspektif Pemikiran Harun Nasution*, (Aceh: LKKI, 2021), 98.

given. This is different from the Mu'tazilah group who said that Allah's power has limits. Meanwhile, the definition of tyrannical action is an act of intervention to use someone else's property without the owner's permission or placing something out of place. This is impossible for Allah SWT because He never conflicts with the property rights of other people (servants). Third, Allah has the right to do anything to His servants, then He is not obliged to pay attention to what is good or best for His servants, because there is no obligation for Allah SWT. It doesn't even make sense for Allah swt to be subject to obligations.<sup>14</sup> As explained in Surah Al-Anbiya' verse 23 below:

لَا يُسْأَلُ عَمَّا يَفْعَلُ وَهُمْ يُسْأَلُونَ

“He was not asked about what He did, and they were the ones who would be asked”.

Fourth, the obligation of humans as servants to obey Him is the right of Allah SWT as god or creator. Because this was ordered by Allah through His Shari'a, not just because of the guidance of reason. Next regarding human rights. Human rights in Islam religion do not only emphasize human rights, but these rights are based on human obligations to serve Allah SWT as their creator. In Islamic law, humans also have basic rights called human rights, which include; the right to life, the right to obtain independence or liberty, the right to express opinions in deliberations (musyawarah) or something like it, the right to organize, as well as the right to exercise one's beliefs and faith in one's religion. Human rights in the Islamic religion have been regulated in a comprehensive, complex, perfect and in-depth manner. Where in *Maqāshid al-Syarī'ah* (the aims of the Shari'ah) there are five *maqāshid* whose aim is none other than to safeguard human rights themselves.

### **Does God (Allah SWT) have an obligations**

The discussion about an obligations in Allah's actions is a continuation of the discussion about God's absolute power and justice. This obligation of God is closely related to the Mu'tazilah concept about justice. Harun Nasution views that the concept of God's justice given by the two Mu'tazilah and Asy'ariyah sects has very significant differences. Mu'tazilites view that God's justice as an obligation that God must respect. Thus, the Mu'tazilah argued that God has an obligations towards humans.<sup>15</sup> These obligations can be summed up in one obligation, namely the obligation to do good and best things for humans. In this understanding, God's obligations include: the obligation to fulfill His promises and threats, the obligation of God to send His Messengers to give such a good guidance to the humans, the obligation of God to provide sustenance to humans, the obligation not to impose burdens beyond human capabilities, and so on. The understanding that God has obligations emerged as a result of the Mu'tazilite concept of God's justice and runs parallel to the understanding of the existence of limits to God's absolute power and will.<sup>16</sup>

For the Asy'arites, the understanding that God has an obligations cannot be accepted, because it is contrary to the understanding of God's authority and absolute will that they adhere to. They understand that God can do as He pleases towards creatures, which is means that God has no any obligation whatsoever. As Imam al-Ghazali said that God's actions are non-obligatory (Ja'iz) and none of His actions are obligatory. Similarly, Al-Asy'ary sect said,

<sup>14</sup> Imam Al-Ghazali, *Tauhidullah; Risalah Suci Hujjatul Islam*, (Jakarta: Risalah Gusti, 1972), 50.

<sup>15</sup> Harun Nasution, *Teologi Islam: Aliran-aliran Sejarah Analisa Perbandingan*, (Jakarta: UI Press, 1986), 128.

<sup>16</sup> Harun Nasution, *Fisafat Agama*, (Jakarta: Bulan Bintang, 2019), 76.

that God has no obligations towards His servants. The Maturidiyah sect of Bukhara agree with the Ash'ariyah about the non-existence of God's obligations. Meanwhile, the Maturidiyah people of Samarkand put limitations on the absolute power of God, thus they also accept the understanding that there is an obligation to God, namely the obligation to fulfill the promise of rewards and punishments.<sup>17</sup>

Based on the explanation above, Harun Nasution summarizes on four acts of God which are God's obligations towards humans. Among them, God's obligation to do nice or good to humans, not impose burdens beyond the limits of human ability, send apostles, and promises and threats. The entire division of God's actions given by Harun is based on the opinion given by the Mu'tazilites sect or race. Because in general other groups outside the Mu'tazilah group or sect do not recognize the existence of God's actions because they are contrary to His absolute will. The details are as follows below:

1) Do good and best to the humans (*al-salab wa al-aslah*)

According to the Mu'tazilite sect's view, God is obliged to do good to the humans or His servants and this is one of the principles in their theology (tauhid). This arises because God has created humans and will reward them for what they have done. By giving all of the best to the humans, God will be fair when He takes action on human actions. God's obligations towards humans are not obligations understood in fiqh terms relating to rewards and punishments. However, God's obligations originate from His perfect nature; He placed this obligation upon Himself by His own will and choice. This obligation is a logical consequence and understanding of *Sunnatullah*.<sup>18</sup>

This kind of understanding did not develop in Ash'ariyah sect's theology, because they are view that God as having absolute and absolute freedom, thereby freeing Him from any obligation, including the obligation in doing good to the humans. Imam Al-Ghazali emphasized that God is not obliged to do what is good and best for humans, He is free from any commands.<sup>19</sup>

2) Does not impose burdens beyond the limits of human capability (*taklif mā lā yutāq*)

According to the Mu'tazilites sect, God cannot impose burdens beyond the limits of human ability to carry them out, because it is contrary to God's obligation to do what is the best for humans and its include to what means the concept of God's justice. When God gives something that humans cannot bear, then it means that He has not given the best for the humans and He has acted an unjustly by burdening humans excessively. This understanding also contradicts the Mu'tazilah sect belief or faith which is emphasizes human independence over their actions.

According to the Mu'tazilites sect, humans do any things within their own power so that it is impossible for them to do something beyond their power.<sup>20</sup> This thinking is different from what is held by the Ash'ariyah group. They think that God can and may give humans something they cannot bear. This is because God has absolute power over humans, He can do things without limits and no one limits His will. However, this group or sect emphasizes that humans will still be able to carry out all of this because in their understanding human

<sup>17</sup> Harun Nasution, *Teologi Islam: Aliran-aliran Sejarah Analisa Perbandingan*, (Jakarta: UI Press, 1986), 129.

<sup>18</sup> Muhammad Abduh, *Tafsīr al-Manār jilid IV*, (Cairo: Al-Jam'iyah al-Islamiyah, 1373 H), 442.

<sup>19</sup> Al-Ghazali, *Al-Iqtisat Fī al-I'tiqād'l*, (Ankara: Ankara Universitei, 1962), 160.

<sup>20</sup> Al-Ghazali, *Al-Iqtisat Fī al-I'tiqād'l*, (Ankara: Ankara Universitei, 1962), 161.



actions are essentially just the form and actions of God. Therefore, everything that God gives to the humans will definitely be able to be implemented by the humans.

This difference of opinion is based on views that said about the powers that exist in humans. According to the Mu'tazilah sect's view, humans have their own power in carrying out their actions so that they have limitations. Therefore, it is impossible for the humans to do something that is beyond the limits of their abilities. Meanwhile, the Asy'ariyah group views that human actions as merely the form and power of God's actions. Therefore, humans are definitely able to carry out whatever God gives to them to do, because they are acts anything on or within God's unlimited power.

### 3) Sends The Messengers (Rasul-Rasul)

The Mu'tazilites and Asy'ariyah race have the same view regarding to God's obligation to send to the humans a messenger (rasul), but their emphasis is different. For the Mu'tazilites race, sending a Rasul or messengers to the humans was a necessity from God because humans were unable to know all the truths about God and the supernatural world through their minds. Therefore, the function of the Apostle or Messengers is to confirm the truth that is known to the human mind and to explain what it does not yet know. Apart from that, the truth that humans have with their minds needs strengthening, justification and confirmation that this truth is in accordance with the truth established by the God.

The task of the Apostles or Messengers is to tell and remind humans about the truth that their minds have obtained. Therefore, God is obliged to send the messengers to the humans as a form of obligation to do good to the humans. Without the presence and explanation of the Apostle or Rasul, it is impossible for humans to live in a better life, both in this world and in the afterlife.<sup>21</sup> The Asy'ariyah view of the presence of the Prophet is very important. Religious truths must be conveyed by the Apostle (Rasul-Rasul) and cannot be fully known by the humans with their minds, because human minds are very limited. However, the importance of the presence of the Apostle (Rasul) does not extend to the God's obligation to send him. God does not have any obligations to the humans, He does not act for human interests. If God does not send humans apostles, then it does not mean anything to God because He is free to determine His actions.<sup>22</sup>

### 4) The Promises and The Threats (*al-wa'ad wa al-wa'id*)

Promises and threats are one of the five basic beliefs or faith of the Mu'tazilah sect. The promises is referred to are God's promises that will reward humans for the good deeds they have did. God is obliged to fulfill His promises to the humans to obtain a noble place or position for the good deeds they do. Meanwhile, threats are God's obligation to carry out a various punishments for humans who has did the bad things, both to the God and to the humans.

The Mu'tazilah sect or race considered this all to be God's obligation. Because if God does not do this, it means that He has lied, even though lying is impossible for God. Meanwhile, the Asy'ariyah race consider that this cannot work because of God's absoluteness in all of His actions. God can promise but can not fulfill it or, threaten but not make it happen, because He has absolute power, no one can control Him. Therefore every word in the holy Al-Qur'an which means "whom" will be translated as "as among them". If there is a verse

<sup>21</sup> Harun Nasution, *Teologi Islam: Aliran-aliran Sejarah Analisa Perbandingan*, (Jakarta: UI Press, 1986), 128.

<sup>22</sup> Abd al-Jabar Ibn Ahmad, *Syarh al-Uhl al-Khamsah*, (Kairo: Maktabah Wahbah, 1965), 563.

that says "whoever does good deeds will get heaven" it is interpreted as "some people who do good deeds will get a heaven". Because according to Ash'ariyah race, God could have done something else, and giving His servants the punishment of hell, because God is all-knowing (*Al- 'Alim*).<sup>23</sup>

### **Pays The Rights Immediately**

Humans as God's creatures are given the basic rights, without distinction between one another. With this right, humans are can develop a prosperous life, including carrying out their duties and functions as the Khalifah of Allah SWT in this world. In the holy Al-Qur'an and Hadith, Allah SWT has regulated these rights.<sup>24</sup> Therefore, every human being is must to know regarding their rights and be ready to fight for them as long as they do not take and exceed the limits of the other people's rights.

In Islam religion, humans have an obligations or duties to Allah SWT because they must or should to obey His laws. However, in these duties lie all the rights and freedoms according to the Islamic teachings. Humans recognize the rights of the other humans, because this is an obligation that imposed by religious law to obey Allah SWT. Therefore, human rights in Islam religion do not only emphasize the human rights, but these rights are also based on human obligations to serve Allah SWT as their creator. Humans were created by Allah swt only to serve Allah SWT, in Surah Az-Zāriyāt verse 56 is mentioned:

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ

“And I did not create jinn and humans except so that they would serve Me.”

Therefore, humans have an obligation to follow the provisions that has set by God. The obligations enjoined upon mankind can be divided into two categories, namely *Huqūqullah* and *Huqūqu al- 'ibād*. *Huqūqullāh* (the rights of Allah) are human obligations towards Allah SWT which are manifested in various rituals of worship such as prayer, fasting, Hajji and so on. Meanwhile, *Huqūqu al-'ibād* (the human rights) are human obligations towards each other and towards other creatures of Allah SWT, such as paying zakat, infaq and give shodaqah and so on. Allah's rights is do not mean that the rights are requested by Allah SWT, because they are beneficial to Allah swt and Alla is not need or depends to the humans, because what is required of servants in carrying out this worship is obedience or obedience. The servant is must to believe that what Allah SWT commands him is solely for the servant's interests and happiness at all, not for Allah's sake.<sup>25</sup>

From the explanation above, it can be concluded that, what is meant by paying rights immediately is that humans should to immediately carry out their obligations, both obligations towards Allah SWT and obligations towards fellow human beings, so that the rights of God and servants (*huququllāh* and *huququ al-' ibād*) has paid or fulfilled well. Examples of carrying out obligations immediately in the realm of *Huququllāh* are carrying out or obeying the laws of His Syari'ah, and carrying out prayers on time which must be

<sup>23</sup> Harun Nasution, *Teologi Islam: Aliran-aliran Sejarah Analisa Perbandingan*, (Jakarta: UI Press, 1986, 132.

<sup>24</sup> Nur Asiah, *Hak Asasi Manusia Perspektif Hukum Islam: Jurnal Syari'ah dan Hukum Diktum*, Volume 15, Nomor 1, Juni 2019, 58.

<sup>25</sup> Nur Asiah, *Hak Asasi Manusia Perspektif Hukum Islam: Jurnal Syari'ah dan Hukum Diktum*, Volume 15, Nomor 1, Juni 2019, 59.

done in five time a day as a form of service to Allah SWT as the creator. Surah Az-Zāriyāt verse 56 and Surah An-Nisā' verse 103 below:

إِنَّ الصَّلَاةَ كَانَتْ عَلَى الْمُؤْمِنِينَ كِتَابًا مَّوْقُوتًا

*"Indeed, an obligatory prayer is a time-determined obligation for muslims believers."*

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِي

*"I did not create the jinn and the humans except for that they should to worship to Me".*

Then, carry out your obligations immediately in the realm of *Huququ al-'ibād*, wih one of them is paying a zakat (if your wealth have reached the nisab). The purpose of zakat is to cleanse and purify wealth and its owners, and provide the starvers and poors with their rights. Apart from that, it includes giving a shadaqah and infaq to people who are entitled to receive it.<sup>26</sup> As said by Allah swt in Surah At-Taubah verse 60 and 103 below:

إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ

*"Sesungguhnya zakat itu hanyalah untuk orang-orang fakir, orang miskin, amil zakat, yang dilunakkan hatinya (mualaf), untuk (memerdekakan) hamba sahaya, untuk (membebaskan) orang yang berutang, untuk jalan Allah dan untuk orang yang sedang dalam perjalanan, sebagai kewajiban dari Allah..."*

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ

*"Take the zakat from their wealth, to cleanse and purify them, and do pray for them."*

The form of paying rights immediately, apart from zakat, infaq and shadaqah, is the obligation of husband and wife in the household to fulfill their respective rights. The husband's obligations according to the Compilation of Islamic Law (KHI) include; (1) provide support for the wife, household costs and children's education costs, (2) provide religious education and opportunities to learn useful knowledge for the his wife, (3) provide a place to live for the wife and children. The wife's obligations is include; (1) be filial or obedient to your husband within the limits permitted by Islamic law, (2) arrange daily household needs as well as possible, (3) be obliged to care for and educate your children well because the mother is *madrasatu al- ūla*. So that all the husband's obligations are the wife's rights, and all the wife's obligations are the husband's rights.<sup>27</sup>

According to the Harun Nasution's Theology, he does not deny about the power that comes through revelation (wahyu). Not all the good and bad actions are can be known by the sense, to know that the sense requires the help of revelation. Revelation thus perfects

<sup>26</sup> Yusuf Qordhawi, *Fiqh Zakat*, Terj. Salman Harun, Cet. 6, (Jakarta: Litera Antar Nusa, 2015), 37.

<sup>27</sup> Muhammad Syukri, *Perspektif Filsafat Hukum Islam atas Hak dan Kewajiban Suami Istri dalam Perkawinan*. Jurnal Studi Keislaman, Volume 15, Nomor 1, Juni 2019, 71-73.

sense's knowledge of good and evil. Apart from that, sense also does not know its obligations towards God, whereas revelation (wahyu) comes to remind humans about these obligations.<sup>28</sup>

## Conclusion

Based on the author's explanation of Islamic Law, between Rights and Obligations above, it can be concluded that, Islamic Law or Islamic Shari'a is a system of rules based on the revelation of Allah SWT and the Sunnah of the Prophet regarding the behavior of mukallaf (people who can be burdened with obligations) which is recognized and believed, which is binding on all its adherents. Meanwhile, rights are power over something that cannot possibly be applied to one person on both sides. However, it must stand up to two people: the first person as the owner of the rights who can take advantage and the second person as the fulfiller of other people's rights, in the form of carrying out obligations. An obligation is something a person determines or requires that he or she must carry out and carry out to fulfill his or her responsibilities. Because, if someone does not carry out their obligations, they will experience consequences in the form of punishment, sanctions, and so on. Meanwhile, those who carry out their obligations will get their rights. The balance of the implementation of rights and obligations in Islamic law is very important. Because, without perfect implementation of obligations, whether sourced from sharia' or positive law, other people's rights and even Allah's rights will not be fulfilled. In short, if someone carries out his obligations, then he has given other people their rights, even his own rights will also be obtained fairly.

Rights and obligations in the theology knowledge. Harun Nasution views that the concept of God's justice given by the two of Mu'tazilah and Asy'ariyah sects or race has very significant differences. Mu'tazilites view that God's justice as an obligation that God must to respect humans. Among them, the God's obligation is to do good to humans, not impose burdens beyond human capability, send humans an apostles or messengers (Rasul-Rasul), and promises and threats. Asy'ariyah and Maturidiyah Bukhara races's ideology, that God can do whatever He pleases to the creatures, which is means that the God has no any obligations whatsoever.

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<sup>28</sup> Harun Nasution, *Teologi Islam: Aliran-aliran Sejarah Analisa Perbandingan*, (Jakarta: UI Press, 1986, 28).

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