

The Logic of Impairment in Islamic Law: Philosophical Perspective as a Foundation for Ethics Education

Sahid Wahid¹, Achmad Musyahid¹, Rahmatiah HL¹

¹Postgraduate Program, Makassar State Islamic University, Indonesia

Abstract. *The logic of harm in Islamic Law plays a central role in balancing benefit (benefit) and harm (loss). The principle of *lā ḍarara wa lā ḍirāra* is an important basis for establishing legal policies that aim to avoid all forms of harm to individuals and society. In the context of Islamic legal philosophy, the logic of harm reflects ethical principles aimed at maintaining human welfare and preventing loss. This article examines the logic of harm as a philosophical framework in determining Islamic law and its application in various aspects of modern life. The research method used is a qualitative research approach with analytical descriptive methods. The approach used by researchers in solving existing problems is normative and theoretical. This research explores the importance of the logic of harm in Islamic Law, especially in maintaining a balance between benefits and harms in various aspects of life. With the principle "*lā ḍarar wa lā ḍirār*", Islamic Law not only functions as a system of rigid rules, but also a dynamic tool that continues to be relevant amidst current developments. In modern applications, the logic of harm has proven effective in addressing contemporary challenges in health, economics, and the environment.*

Keywords: *Logic of Disadvantage, Philosophy of Islamic Law, Benefits and Disadvantages*

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INTRODUCTION

The logic of harm is one of the main pillars in the establishment of Islamic law which relates to actions that cause danger or loss to individuals or society. In Islamic legal philosophy, this concept originates from the principles of Islamic ethics which prioritize the prevention of loss and danger, both on an individual and social scale (Wahbah, 2006). One of the important rules in Islamic law that underlies the logic of harm is "*lā ḍarara wa Lā ḍirāra*" (there must be no harm and there must be no harm to each other) (Syahrani, 2023). Islamic legal philosophy places harm as an important element in weighing *maslahah* (benefits) and *mafsadat* (losses). In this case, Islam not only emphasizes individual protection, but also maintains social balance through rational and ethical rules (Mafiah & Hidayati, 2023; Arham et al., 2022; Ibrahim & Harun, 2024).

In the modern era, the logic of harm is not only discussed in the context of classical Islamic law, but is also integrated into positive legal systems in many countries, including Indonesia (Elmahjub, 2021; Mukharrom & Abdi, 2023; Nur & Muttaqin, 2020). The application of this logic of harm is clearly visible in legislation relating to health, the environment, Islamic banking, consumer protection, and halal product guarantees. The combination of Islamic legal principles and modern positive law aims to create justice and welfare by minimizing risks and impacts. negative impacts that may arise from a policy or action.

This study aims to analyze the concept of harm in Islamic law, and explore how the principle is accommodated and implemented in Indonesian national legislation (Auda, 2022; Gaol et al., 2023; Jan et al., 2021). This study will also discuss the relationship between the rules of harm in Islamic law and positive legal norms. Thus, it is hoped that this study can contribute to the development of Islamic law studies in the modern era, especially in the context of complex and dynamic national law.

METHODS

The research method employed in this study is a qualitative approach, which is typically aimed at understanding phenomena from a contextual or interpretive perspective. This approach allows researchers to explore complex social or human-centered problems by focusing on patterns, meanings, and insights rather than numerical data. In this context, the analytical descriptive method is utilized, which is designed to provide a thorough description and analysis of the research subject. This method involves systematically identifying, categorizing, and interpreting data to uncover the underlying relationships or patterns. The aim is to create a rich, detailed picture of the phenomenon being studied while connecting it to theoretical frameworks. The research also integrates a normative approach, emphasizing how the phenomena align or contrast with established norms, standards, or regulations. This approach is particularly useful in evaluating the appropriateness or effectiveness of specific practices, policies, or systems based on normative criteria. In solving the identified problems, a theoretical approach is applied. This involves grounding the analysis in existing theories and frameworks to interpret the findings and provide explanations. The theoretical lens allows for a deeper understanding of the root causes of the issues and supports the development of recommendations or conclusions that are theoretically sound. By combining these approaches, the research seeks to achieve a comprehensive understanding of the subject matter, addressing both the descriptive aspects (what is happening) and the analytical dimensions (why and how it is happening). This integrated approach enhances the depth and validity of the findings, making them both contextually relevant and theoretically robust.

RESULTS AND DISCUSSION

The principle of "lā ḍarara wa Lā ḍirāra" functions as a universal principle in Islam that prevents actions that harm oneself and others. This is the basis for various Islamic legal decisions that aim to balance benefits and harms (Mansari & Rizkal, 2021). From a legal philosophy perspective, this principle is not only limited to certain laws but covers all aspects of life. The application of the logic of harm continues to develop in contemporary contexts, including in the fields of health, economics, and the environment. For example, the prohibition of smoking and the prohibition of usury are both based on the principle that these actions bring more harm than good. In terms of the environment, destructive actions such as deforestation are also prohibited because of their negative impact on future generations (Nurhayati et al., 2018).

Ethics education in Islam prioritizes the development of moral responsibility. The principle of "lā ḍarara wa lā ḍirāra" teaches students to critically evaluate their actions and decisions within an educational environment. For instance, learners are encouraged to reflect on how their behavior whether in interpersonal relationships or academic integrity affects their peers and the community at large.

Scholars use the principle of harm as a basis for *ijtihād* (legal interpretation) to answer contemporary problems that are not explicitly regulated in classical Islamic legal sources (Kamali, 2008). For example, in the case of the use of medical technology such as vaccination, scholars consider the greater benefit to society, despite the risk of small side effects (Turnip, 2021). Law in Islam aims to achieve prosperity (*maṣlahat*) and avoid loss (*mafsadat*). This concept is based on theological principles as stated by Allah SWT in QS. Al-Baqarah [2]: verse 195. This principle reflects Islamic teachings which emphasize the importance of protecting individual and community rights from physical and moral danger (Muhamad et al., 2020; Pallathadka et al., 2023). In the context of legal philosophy, the logic of harm here functions as a tool that guides the

determination of law in situations where benefit and mafsadat intersect (Ishak, 2020). For example, in the case of cigarettes, even though there are economic benefits from the tobacco industry, the health harm caused is much greater, so smoking is considered not in accordance with the principle of benefit. Likewise, alcohol and narcotics are prohibited because of their great harm to health and social order.

In the economic field, the logic of harm is applied in the prohibition of usury. Usury is prohibited in Islam because it causes economic injustice that oppresses the weak (Berrocal et al., 2018). This prohibition is based on the logic that the profits obtained from usury practices are detrimental and exploitative. In other words, the harm caused by usury is greater than the benefits that may be felt by economic actors as stated by Allah in QS. Al-Baqarah [2]: verse 275. The prohibition of gharar (uncertainty) in economic transactions is also an application of the logic of harm. Transactions that contain elements of uncertainty are considered to be able to cause losses to one of the parties who do not have adequate information. This shows that in economics, Islamic law functions to prevent injustice and maintain social welfare (Berg & Kim, 2014).

The logic of harm is also applied to environmental issues. Islam teaches that humans are caliphs on earth, who are responsible for the preservation of nature. Actions that damage the environment, such as excessive deforestation, pollution, or irresponsible exploitation of natural resources, are considered forms of harm that are prohibited (Syarif, 2020). In this case, Islamic legal philosophy seeks to protect nature as part of humanity's moral responsibility to future generations. In the case of health, such as vaccination, the principle of harm is used to address the ethical dilemmas that arise. Some people may be hesitant or concerned about the side effects of vaccination, but scholars have assessed that the benefits of vaccines are far greater in protecting society from deadly infectious diseases (Ibrahim, 2019). This shows that Islamic law, through ijthihad based on the logic of harm, can accommodate the health needs of contemporary society.

By integrating the principle of harm into education ethics, Islamic teaching institutions aim to create a holistic framework for moral development. This approach not only strengthens individual character but also contributes to the formation of a just and harmonious society. Learners are encouraged to view their education as a means of contributing positively to the well-being of others, embodying the Islamic ideal of collective responsibility.

The theological foundation of this framework is derived from Quranic injunctions, such as QS. Al-Baqarah [2]:195, which emphasizes avoiding harm and promoting good. Prophetic teachings further reinforce the importance of ethical conduct, with sayings such as "There should be neither harming nor reciprocating harm" serving as guiding principles for behavior within educational settings.

CONCLUSION

This study explores the importance of the logic of harm in Islamic Law, especially in maintaining the balance between benefits and losses in various aspects of life. With the principle of "lā ḍarara wa Lā ḍirāra", Islamic Law not only functions as a rigid system of rules, but also a dynamic tool that continues to be relevant amidst the development of the times. In modern applications, the logic of harm has proven effective in overcoming contemporary challenges in the fields of health, economy, and the environment.

REFERENCES

- Arham, A. F., Hasim, N. A., Mokhtar, M. I., Zainal, N., Rusly, N. S., Amin, L., ... & Mahadi, Z. (2022). The lesser of two evils: Application of maslahah-mafsadah criteria in islamic ethical-legal assessment of genetically modified mosquitoes in Malaysia. *Journal of Bioethical Inquiry*, 19(4), 587-598. <https://doi.org/10.1007/s11673-022-10216-5>
- Auda, J. (2022). *Maqasid Al-Shari'ah as philosophy of Islamic law*. International Institute of Islamic Thought (IIIT).

- Berg, N., & Kim, J.-Y. (2014). Prohibition of Riba and Gharar: A signaling and screening explanation? *Journal of Economic Behavior & Organization*, 103, S146–S159. <https://doi.org/10.1016/j.jebo.2014.02.016>
- Berrocal-Casero, M., Audije-Gil, J., Castanhinha, R. A., Pérez-Valera, J. A., dos Santos, V. F., & Segura, M. (2018). New discoveries of vertebrate remain from the Triassic of Riba de Santiuste, Guadalajara (Spain). *Proceedings of the Geologists' Association*, 129(4), 526–541. <https://doi.org/10.1016/j.pgeola.2018.04.009>
- Elmahjub, E. (2021). Islamic jurisprudence as an ethical discourse: An enquiry into the nature of moral reasoning in Islamic legal theory. *Oxford Journal of Law and Religion*, 10(1), 16–42. <https://doi.org/10.1093/ojlr/rwaa023>
- Gaol, C. P. L., Hansrainer, G., & Rainey, B. (2023). Bank interest in islamic law. *At-Tasyrih: jurnal pendidikan dan hukum Islam*, 9(1), 34–43. <https://doi.org/10.55849/attasyrih.v9i1.149>
- Ibrahim, A. H., & Harun, M. S. (2024). Applying the Concepts of Benefit and Harm in Malaysian Bioethical Discourse: Analysis of Malaysian Fatwa. *Journal of Bioethical Inquiry*, 1–14. <https://doi.org/10.1007/s11673-024-10345-z>
- Ibrahim, D. (2019). *Al-Qawa'id Al-Fiqhiyah (Kaidah-Kaidah Fiqih)*. Palembang: Noerfikri.
- Ishak, S. (2020). Kemudharatan tidak dihilangkan dengan kemudharatan. *Jurnal Al-Mizan: Jurnal Hukum Islam Dan Ekonomi Syariah*, 7(2), 117–126. <https://ejournal.unisai.ac.id/index.php/jiam/article/view/579>
- Jan, A. A., Lai, F. W., & Tahir, M. (2021). Developing an Islamic Corporate Governance framework to examine sustainability performance in Islamic Banks and Financial Institutions. *Journal of Cleaner Production*, 315, 128099. <https://doi.org/10.1016/j.jclepro.2021.128099>
- Kamali, M. H. (2008). *Principles of Islamic Jurisprudence*. Cambridge: Islamic Texts Society.
- Mafiah, Y., & Hidayati, T. W. (2023). The Significance of Al-Ghazali's Maslahah Concept to the Development of Usul Fiqh and Islamic Law. *AN NUR: Jurnal Studi Islam*, 15(1), 34–48. <https://doi.org/10.37252/annur.v15i1.444>
- Mansari, & Rizkal. (2021). Peranan hakim dalam upaya pencegahan perkawinan anak: Antara kemaslahatan dan kemudharatan. *Ulumuna: Jurnal Hukum Keluarga*, 4(2), 328–356. <http://dx.doi.org/10.22373/ujhk.v4i2.10219>
- Muhamad, A., Syihab, A. H., & Ibrahim, A. H. (2020). Preserving human–nature's interaction for sustainability: Quran and Sunnah perspective. *Science and engineering ethics*, 26(2), 1053–1066. <https://doi.org/10.1007/s11948-020-00192-7>
- Mukharrom, T., & Abdi, S. (2023). Harmonizing Islam and Human Rights Through the Reconstruction of Classical Islamic Tradition. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 7(1), 40–57. <http://dx.doi.org/10.22373/sjhk.v7i1.16436>
- Nur, I., & Muttaqin, M. N. (2020). Reformulating the concept of maṣlaḥah: From a textual confinement towards a logic determination. *Justicia Islamica*, 17(1), 73–91. <https://doi.org/10.21154/justicia.v17i1.1807>
- Nurhayati, A., Ummah, Z. I., & Shobron, S. (2018). Kerusakan lingkungan dalam Al-Qur'an. *SUHUF: International Journal of Islamic Studies*, 30(2), 194–220. <https://doi.org/10.23917/suhuf.v30i2.7643>
- Pallathadka, H., Al-Hawary, S. I. S., Muda, I., Surahman, S. H., Al-Salami, A. A. A., & Nasimova, Z. (2023). The study of Islamic teachings in education: With an emphasis on behavioural gentleness. *HTS Teologiese Studies/Theological Studies*, 79(1).

- Syahriani, E. (2023). *Kaidah Kemudahan dalam Prosesi Penyelenggaraan Jenazah Transgender (Studi Analisis Kaidah Lā Ḍarara Wa Lā Ḍirāra)* [Thesis, Universitas Islam Negeri Alauddin Makassar].
- Syarif, M. (2020). Lingkungan dan kemakmuran dalam tinjauan Islam. *Tarbawi: Jurnal Studi Pemikiran, Riset dan Pengembangan Pendidikan Islam*, 8(1), 113–128. <https://doi.org/10.32672/tarbawi.v8i1.3326>
- Turnip, I. R. S. (2021). Kehalalan vaksin Covid-19 produksi Sinovac dalam fatwa MUI dan implementasi vaksinasinya pada tenaga kesehatan di Puskesmas Tanjung Morawa, Deli Serdang (perspektif Qawaidh Fiqhiyyah). *Jurnal Hukum Islam dan Pranata Sosial Islam*, 9(1), 59–83. <https://doi.org/10.30868/am.v9i01.1250>
- Wahbah al-Zuhaili. (2006). *Al-Fiqh al-Islami wa Adillatuh* (Vol. 3). Damaskus: Dar al-Fikr.