

THE SOCIAL HISTORY OF ISLAMIC LAW

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ABSTRACT

The social history of Islamic law is a recording of beliefs, thoughts, actions and interpretations of Muslims against the Islamic Law system. The content of the social history Law is illustrated intact in the social history of Islamic Law concerning the character, place and time. The purpose of this research is to know the social history of Islamic Law starting from the condition of Pre-Islamic Arabia, the period of Mecca and Medina, Khulafa Rashidun, Umayyads, Abbasid dynasties, sand social history of Islamic Law. The method used is an analytical, descriptive method based on the historical literature review of Islamic Law that colored the life of the nation and the state.

Pre-Islamic Arabs hold fast to tradition. And the Mecca period, the number of Muslims, is still small and weak, not yet united as a people and not yet have government. The principles of law in the constitution of Medina, the ideas in the constitution can serve as the basis or model of the development of the modern government. The laws that came out of the Messenger of Allah became *tasyrik* 'for Muslims and is a law that must be followed, whether it comes from God's revelation and from *ijtihad* (diligence) of Muhammad own.

The condition of Islamic law in The Khulafa Rosyidun time, there are several things that can be concluded: (1). The caliphs still cling to the Qur'an and al-Sunnah in overcoming various legal problems, (2). The territory of Islam is widespread and the problematic life of the people is increasingly complex and complicated, then Umar bin Khatab, both as a person and as caliph much encouraged scholars to actively perform *ijtihad*.

The Islamic law of the Umayyad period did not go far beyond what the earlier scholars did (in Sahabah era). There are several factors that encourage the rapid development of Islamic Law, namely: (1). Personal factors *mujtahid*¹⁾, (2). Social Environment factors, and (3). Political factors and the will of the authorities. At the time of the Abbasid, socio-cultural factors influenced the development and fostering of Islamic Law. In the field of *tafsir* (commentary), from the beginning was known two methods, the first is the *tafsir bil ma'tsur*, the traditional interpretation by taking the interpretation of the Prophet and the *Sahabah*²⁾. Secondly, the *tafsir bi al-ra'yi*, a rational method that relies heavily on opinions and thoughts rather than taking traditions and opinions of *Sahabah*.

The framework of the *fiqh* is determined by the time factor, place, customs and local socio-cultural conditions. The journey of *fiqh* cannot stop until the *fiqh Maliki, Hanafi, Shafii, and Hanbali, fiqh* must continue to develop throughout the ages and places, especially in the face of pluralism and globalization, *fiqh* must appear to provide alternative solutions to humanitarian solutions.

KEYWORD: History, Social, and Islamic Law