

## Development of Islamic Law

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### Abstract

*Talking about Islamic law in Indonesia, Islamic law in Indonesia is developing in society becomes the legal system in Indonesia or nationally. Although in Indonesia there are customary law, but Islamic law does not conflict with customary law, Law is products born from the dynamics of human life. Where there is society, there is society law. However, society developed continuously starting from ancient society up to advanced and modern society. Therefore, the law must always accompany it and follow the rhythm of development of modern society. In a developed society and modern, the law must be advanced and modern too. Based on the problems above, the aim of this research is for: 1) to explain the sociological review of Islamic law towards practice buying and selling with a coverage system at the Kemlagi sub-district supermarket Kemlagi, Mojokerto district; 2) To analyze the factors behind the sale buy with the coverage system at the Kemlagi supermarket in Kemlagi sub-district Mojokerto district.*

**Keywords:** *Islamic Family Law, Indonesian Law, Marriage Law, Constitutional Court.*

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### I. INTRODUCTION

Before explaining the meaning of Islamic law, we must be able to understand the meaning of the word law and the word Islam. Law can be interpreted as a rule or set of norms that regulate our behavior. In a society, rules or norms are a reality that grows and develops in society. Islamic law is also a law that originates from the Al-Quran al Karim is part of the Islamic religion itself. Law that Islamic law is a set of norms or regulations that originate from Allah SWT and Prophet Muhammad saw. to regulate human behavior in amidst the people. With shorter sentences, Islamic law can be defined as law that originates from Islamic teachings. Islamic law is law that originates from and is part of the Islamic religion. Unlike other laws, Islamic law is not only the result of human thought influenced by culture, but the basis is determined by God through His revelation and explained by the Prophet through his sunnah. The Islamic legal system or Islamic Shari'a is a set of rules based on Allah SWT. and the Sunnah of the Apostle regarding the behavior of a Mukalaf or a person. Nor does Islamic law only regulates matters of worship, but also regulates matters of marriage, zakat issues, inheritance distribution issues and many others. Sharia is a legal

law that was ordered by Allah SWT for all His people which was brought by the previous prophets to the Prophet Muhammad SAW, both related directly related to religion or related to charity. Islam also does not only teach us about worshipping Allah SWT and Islam also teaches us to relate to fellow human beings. For every Muslim, what he does in life must be in accordance with Allah's will SWT as a form of faith in Allah SWT. Allah SWT did not bring down the religion of Islam arbitrarily if he did not there is a goal, nothing other than that and it is impossible to realize it for the benefit man.

The development of Islamic law began to show dynamic development over time relatively long time. In the historical portrait of the establishment of Islamic law, development Islamic legal thought in empirical reality can be identified systematically since period of the Prophet Muhammad. Until the current contemporary era. Prophet Muhammad SAW. The Prophet Muhammad was the first person to give fatwas to humans who are Muslim, the prophet Muhammad gave a fatwa to the Muslim community received from angel jibril. at the time of uracidin khulafa When the Prophet Muhammad died, the Prophet Muhammad did not leave his willia to his people friends for who will be the next leader nyah. Among the companions of the Prophet the most famous in the time of the prophet was Abu Bakar As-Sidiq and many others nyah, but the one who was chosen to be the first caliph was Abu Bakr who was chosen to be The first caliph after the death of the Prophet Muhammad, who was succeeded by Umab bin Khatab as the second caliph, then Ustman bin Affan as the third caliph, and by Ali Bin Abi Talib as the fourth caliph. Masa Khulafa Urasidin must be imitated and exemplified by the next generation because it is very important important in the development of Islamic law, it must be set as an example.

The maintenance of Islamic law in Indonesia is realized in the form of internalization in public. Internalization is an effort to convey Islamic law from one generation to the next other generations through teaching, both formal and informal, and realizing beliefs/beliefs and awareness of that in their behavior. This internalization is carried out by society both individually and in groups through instilling values, materials, and the rules of Islamic law. This internalization is more spontaneous; based on awareness and will society, driven by a sense of responsibility and attachment to religion (Horak, 2017). This maintenance in the form of internalization is carried out by the community in several places such as homes, mosques, Islamic boarding schools, Islamic boarding schools and universities. Internalization takes the form of teaching and indoctrination. In the field of inheritance, the Indonesian Muslim community makes provisions Islamic law as their guide in dividing inheritance. Expert quota provisions inheritance

follows the provisions stipulated in Islamic law, including provisions heirs who are entitled to inherited assets.

The next form of development of Islamic law is formalization, namely making law Islam as part of the substance/legislation. This is done through political efforts in the legislative process. This formalization is an answer to needs society in the form of a constitution. Through formalization, Islamic law is not only lived in society, but also becomes a positive law enforced by the state. In addition, through this formalization, Islamic law needs to compromise other legal systems in Indonesia. As a legal substance, Islamic law works together with law custom ('ādah) and Western law to formulate actions/laws in accordance with real needs of society. Opportunities for formalization have become wider since political reform in 1998. Movement to make Islamic law present in the national legal system more broadly and massive. Meanwhile, during the New Order and Old Order periods, the development of Islamic Law hampered, because the relationship between Islam and the state tends to be conflictual. Progress in the formalization of Islamic law in Indonesia occurred during the Reformation Order. After The New Order was overthrown, aspirations for the formalization of Islamic law emerged on a massive scale because democracy is wide open. Freedom of expression and opinion is utilized by Islamist groups in Indonesia to include Islamic law as a formulation material laws in the legislative process in the DPR. Also, aspirations of formalization found a way wide open through several successful Islamic parties in the Indonesian parliament. The formalization of Islamic law in Indonesia resulted in several source laws The legal material is taken from Islamic law (Ma'u, 2017), namely the law concerning marriage, sharia banking, organizing the Hajj, managing zakat, waqf, letters sharia values (suqūq), prohibition of pornography and pornographic action, as well as guarantees of halalness product. The success of this formalization was accompanied by a quite crucial political process in parliament. Opinions arise among members of parliament which result in the process voting and strikes in the implementation of several of these laws

Islamic law as a law that lives in society can be implemented in terms of implementation or legal behavior in society specifically related to individual problems and family. The formation of Islamic law in Indonesia is closely related to historical factors inherited from the Islamic kingdom in the archipelago before the arrival of the VOC with the emergence of two theories of the development of Islamic law, namely the acceptance of Islamic law as a persuasive source, namely Islamic law, the Qur'an and the Sunnah. That acceptance contained in the Jakarta Charter which was signed on June 22 1945 lasted until July 5 1959. Acceptance of Islamic law as a source

Authoritative is a source of law that has been adhered to by all school imams. At the beginning of the VOC's arrival in 1602 AD, Islamic law had been implemented. This implementation can be traced by finding several books as a guide to the application of Islamic law, for example in the Mataram area, is called "Surambi Court", because held in the foyer of the Great Mosque, in Banten the court was led by a person qadhitunggal, in Cirebon the court was carried out by seven ministers representing the sultan, in Sulawesi there is the book Ammana Gappa, in Aceh there is the book Sirathal Mustaqim essay by Nuruddin al-Raniry (1628). Seeing the development of Islamic law. Accordingly, the VOC compiled a known Compendium (summary book). Freijer's Compendium which contains Islamic marriage and inheritance laws (1760), after Blanda made power effective in Indonesia (1816-1942) several. For example, Vanden Berg (1845-1927) issued the Receptio theory in Complex that the law follows the religion adhered to. Then Cristian Snouck Hurgronje (1857-1936) issued the Receptio theory that Islamic law would be enforced first and accepted by customary law.

## **II. METHODOLOGY**

The type of research used in this legal research is descriptive legal research. Descriptive research is research intended to provide data that is as accurate as possible about humans, circumstances or other symptoms. The intention is to reinforce hypotheses, so that they can help in strengthening old theories, or in developing new theoretical frameworks.

## **III. RESULT AND DISCUSSIONS**

Law that Islamic law is a set of norms or regulations that originate from Allah SWT and Prophet Muhammad saw. to regulate human behavior in amidst the people. With shorter sentences, Islamic law can be defined as law that originates from Islamic teachings. Islamic law is law that originates from and is part of the Islamic religion. Unlike other laws, Islamic law is not only the result of human thought influenced by culture, but the basis is determined by God through His revelation and explained by the Prophet through his sunnah. The development of Islamic law began to show dynamic development over time relatively long time. In the historical portrait of the establishment of Islamic law, development Islamic legal thought in empirical reality can be identified systematically since period of the Prophet Muhammad. Until the current contemporary era. Prophet Muhammad SAW. The Prophet Muhammad was the first person to give fatwas to humans who are Muslim, the prophet Muhammad gave a fatwa to the Muslim community received from angel jibril.

#### IV. CONCLUSIONS

The next form of development of Islamic law is formalization, namely making law Islam as part of the substance/legislation. This is done through political efforts in the legislative process. This formalization is an answer to needs society in the form of a constitution. Through formalization, Islamic law is not only lived in society, but also becomes a positive law enforced by the state. In addition, through this formalization, Islamic law needs to compromise other legal systems in Indonesia. As a legal substance, Islamic law works together with law custom ('ādah) and Western law to formulate actions/laws I accordance with real needs of society. Opportunities for formalization have become wider since political reform in 1998. Movement to make Islamic law present in the national legal system more broadly and massive. Meanwhile, during the New Order an Old Order periods, the development of Islamic Law hampered, because the relationship between Islam and the state tends to be conflictual. Progress in the formalization of Islamic law in Indonesia occurred during the Reformation Order. After The New Order was overthrown, aspirations for the formalization of Islamic law emerged on a massive scale because democracy is wide open. Freedom of expression and opinion is utilized by Islamist groups in Indonesia to include Islamic law as a formulation material laws in the legislative process in the DPR. Also, aspirations of formalization found a way wide open through several successful Islamic parties in the Indonesian parliament. The formalization of Islamic law in Indonesia resulted in several source laws The legal material is taken from Islamic law (Ma'u, 2017), namely the law concerning marriage, sharia banking, organizing the Hajj, managing zakat, waqf, letters sharia values (suqūq), prohibition of pornography and pornographic action, as well as guarantees of halalness product. The success of this formalization was accompanied by a quite crucial politica process in parliament. Opinions arise among members of parliament which result in the process voting and strikes in the enactment of some of these laws.