

# Opportunities and Challenges of the Islamic Legal System in Realizing Islam the Religion of Rahmatan Lil'alam

Asep Ramdan Hidayat \*

Bandung Islamic University, Doctoral Program in Law, Sharia.

\*Corresponding Author Email: asep.ramdan@unisba.ac.id

## Abstract

The research was conducted as a review of the UN's decision to officially designate March 15 as the day against Islamophobia, an extraordinary moment that presents both an opportunity and a challenge for the global Muslim community to seize the situation and prove to the world that they have been wrong in their approach and understanding of Islam. As an opportunity for the advancement of Islam in a global society, the application of Islamic law as a legal system is very important. As a mercy for all creation, Islam is certainly acceptable to everyone, both Muslims and non-Muslims. Two factors hinder the progress of Islam: the first is an internal factor of the behavior of Muslims themselves who have not fully implemented the teachings of their religion, and the second is an external factor that opposes the understanding of Islam. From a historical perspective, this period was a time of Islamic revival as it had emerged from stagnation and backwardness. This research was conducted through a literature review to examine how Islamic law can be a reference for the world legal system within the framework of rahmatan lil'alam.

**Keywords:** *Islamophobia, Islamic Legal System, Rahmatan Lil'alam.*

## A. INTRODUCTION

March 15 has officially designated the United Nations Day against Islamophobia (*International Day to combat Islamophobia*) a reasonable and not excessive expression for the Muslim Ummah of the world when saying Alhamdulillah for the UN decision because big or small will greatly benefit the world's population in providing a new paradigm (*New Paradigm*) to the existence of Islam as a religion (*Islam as a religion*). The religion of Islam is a perfect religion" *He sent down the Bible (Quran) to you actually; justifying the books that had been revealed before and sending down the Torah and the Gospel.*"<sup>1</sup> Completion of previous true and justifying religions of revelation such as Judaism and Christianity.

As a divine religion (heaven) Islam provides guidance and confidence in its people from belief in divinity, angels, prophets, books, last days and belief in qodho and Qodhar<sup>2</sup>, So Islam also regulates the order of life in this world in the form of sharia, namely the rules that include ritual worship (mahdhoh) and mu'amalah worship (ghoir mahdhoh).

The enactment of a legal order other than the mahdhoh law of worship, so if the Qur'an does not regulate in detail its implementation, then the law of mu'amalah is in its nature permissible<sup>3</sup>, both laws that are directly related to the interests of individuals and the interests of society in general. This is where Allah's affirmation that the presence of Islam as a religion presented by his messenger Prophet Muhammad is comprehensive, Rahmatan lill'alam,<sup>4</sup> therefore Islamic law is able to provide benefits for all layers of humanity, old, young, western and eastern which are not separated only by regional and even global. The Islamic legal system is now an inseparable part of the existing legal system in the same world as any other legal

system (civil law, common law, Socialist or socialist legal system legalism, etc.) with the character of their respective adherents and their development in various countries. A person's belief in believing in the truth of a religion becomes the starting point for the implementation of the legal system itself in addition to the influence of a country's policies that apply in it so that the development of a legal system such as the Islamic legal system also has the opportunity to become the choice of the legal system adopted by a state because the development of its people, either positive changes or decreases in enactment in certain societies that are the same as having opportunities and challenges as a problem. The development of the legal system is always changing, adapting to the times as well as its adherents are always developing following the legal system and there will always be renewal (tajdid) making adjustments except for the source that will not change, namely the Qur'an and Sunnah which have been given sampei end times. The question is;

- 1) How can the Islamic legal system be perceived to contribute to the fulfillment of human legal needs in general (a country)
- 2) What factors cause the dimming of the authority of the Islamic legal system in realizing Islam rahmatan lil'alam.

## B. THE ISLAMIC LEGAL SYSTEM IS AN INTEGRATIVE CONCEPT

Sudikno Mertokusumo gave a definition of the legal system as a complete order or unity consisting of parts or elements that are closely related to each other, namely methods or statements about what should be, so that the legal system is a normative system,<sup>5,6</sup> Gustaf Radbruch<sup>7</sup> in his book *Legal Philosophy provides an understanding that* there is a paradigm of enactment of a legal system that separates between the interests of religion and the interests of world life including legal elements in it, this is what forms an understanding in the field of the existence of a legal system with a religious dimension such as the legal system of Hinduism, Buddhism, Judaism and others.<sup>8</sup> The Islamic legal system does not separate religious affairs (hereafter) with elements of world interests including state that cannot be separated for one's life, namely, "in religion there is obedience to worship and in law there is obedience to law", according to Tolstoy in religious<sup>9</sup> philosophy the discussion is spiritual ( ruhaniayah) in legal philosophy is punishing the dhohir ( visible). Among the roles of the system is as an auxiliary instrument to trace a legal institution. As a system, law not only contains legal rules, but also has a legal structure including legal institutions that certainly function and are authorized to enforce the law itself. The law becomes dynamic precisely because there are legal institutions that adjust to the times, including various factors outside the law that affect the working of the legal system.<sup>10</sup>

There are several functions and purposes of studying legal systems

**First:** theoretical functions and objectives. Legal systems are one of the objects of legal comparison, both in the sense as a method (method of comparison), and as a branch of legal science.

**Second:** practical functions and purposes. Legal systems are one of the important sources of political formation and law enforcement.

**Third;** Broaden horizons and heighten wisdom. Studying the legal system is one way to broaden horizons and enhance wisdom, avoiding narrow ways of thinking.

**Fourth;** Legal systems are not merely static objects but develop, approach each other and substantively there are differences in each legal system.

The sources of Law in the Islamic legal system are the Qur'an, Sunnah, ijma ulama and al qiyas.<sup>11</sup> Islam brought and taught by Prophet Muhammad (peace be upon him) has the most complete teachings among the religions ever revealed by Allah (swt) to mankind. The completeness of Islam can be seen from its main source, the Quran, whose contents include the entire content of revelations that have been revealed to the Prophets. The content of the Quran covers all aspects of human life, ranging from issues of qidah, sharia, and morals, to issues related to science.<sup>12</sup>

The content of Islamic teachings consisting of aqidah, sharia and ahlak in their implementation cannot be separated or stood respectively, but is related to one another. Aqidah is the basis that strengthens and encourages adherence to sharia. The power of aqidah and adherence to sharia will encourage spontaneous behavior that is mahmudah. In this case the Holy Prophetsa stated that the perfection of a believer's faith lies in the beauty of his ahlak, Islamic teachings about sharia consist of worship and muamalah, regulating the system of human relations with God and human relations with fellow humans this is where the Islamic legal system gets a big role in the context of state as an effort to realize the value of mu'amalah worship values in the implementation of Sharia law.

The basic principles of Islamic law include: First, the principle of justice, which is *the value of justice, comes from very strong and essential principles*, which come from Allah Almighty. Justice in Islamic law comes from Allah Almighty, because it is His nature, and is done to fellow human beings.<sup>13</sup> *The second principle of legal certainty*, is the principle that states that no act can be punished except on the strength of existing regulatory provisions and applicable to that act. This principle is based on the words of<sup>14</sup> Allah "Whoever does according to Hidayah (Allah Almighty), then Verily he does it for (salvation) himself; and whoever goes astray is lost to himself, and a sinner cannot bear the sins of others, and we will not sacrifice until we send an apostle." *Third, the principle of expediency* is the principle that accompanies the principle of justice and legal certainty. The implementation of the principle of justice and legal certainty, should be considered the principle of benefit, both for the person concerned himself, and the interests of the community.

## C. DISCUSSION

The perfection of Islam as a religious teaching is undoubted, but in the concept of implementation, realizing Islam *rahmatan lil 'alamin* needs sincerity from its adherents.

There are two factors that can affect the image of the authority and splendor of Islam as the religion of *rahmatan lil 'alamin*, namely 1. Internal factors 2. External factors.

1. Internal factors come from the Ummah itself both from attitudes, behaviors that do not portray as Muslims who are kaffah (Q.s. al Baqoroh: 208) and have noble morals, punish according to sharia even though Islam teaches balance and harmony between intellectual and spiritual progress, therefore piety to Allah and love for others is the essence of life in Islam. In fact, if the teachings of Islam are carried out properly by its people, then there will be no division, intolerance and human evil, this is what has been far from our time today, Sheikh Muhammad Abduh (1849) stated "*Al Islamu Mahjubun Bil Muslimin*" meaning Islam is closed by the Islamic ummah, meaning it can be understood that the perfection of Islam as a religion can be covered by its goodness because of the behavior of its own Islamic ummah.

2. External factors are coming from outside the Muslim Ummah who misunderstand Islam or even have a target to stop the pace of civilization development for the Muslim Ummah, this is clearly reminded by Allah Almighty. Directly through his words "Jews and Christians will never be pleased with you (Muhammad) so they will follow their religion (*Millatahum*)"<sup>15</sup>. The word *millah* in the text of the Qur'an is understood differently by *mufassir* such as Imam al Thobari in his tafsir interpreting *millah* as religion (cq.translation kemenag.) in contrast to *Tafsir al Baghowi* he interpreted it as *at thariqah*, i.e. way or way. So what non-Muslims want is for the Prophet Muhammad to follow their path (not follow their religion) meaning that the Prophet Muhammad is asked to focus on hoping for the pleasure of Allah, and do not need to look for search to please Jews and Christians, this is where Muslims are often trapped to follow the *millah*.

I don't know since when the conflict against Islamophobia began to be breathed and felt a threat to the lives of other ummah even though Islam appeared as a religion that rahmatan lil'alamin<sup>16</sup> where the presence of Islam must certainly be able to provide the best for human life whether believers/Muslims or for non-Muslims in the order of state, society, individuals, in the fields of economics, politics, law and others.

The world legal system that is running today in various countries is an average legal system left by the country that once colonized it, but what is interesting is that the enactment of the Islamic legal system is the choice of a nation because of the emotional element to the teachings of Islam.

There is a difference between the civil and Islamic law systems<sup>17</sup>, in terms of principles and legal characteristics. Some of these differences include, fundamentally civil law prioritizes written law which is a legacy of Roman tradition, while Islamic law prioritizes religious moral values derived from revelation. In addition, civil law systems tend to be rigid and textual while Islamic legal systems appear more dynamic, flexible, or eclectic.

When Pay attention to grouping Family Law According to Eric Richard (1990:40), is as follows:

- 1) Civil law system derived from Roman law practiced in continental European countries. This civil law applies because it is based on a codified civil code (Roman Law Corpus Iuris Civilis from Emperor Justinian, Code des Francais or Code Napoleon from Emperor Napoleon Bonaparte France, Dutch Code (Wvk, WvS, BW) which was in force in the Dutch East Indies era (Indonesia). This civil law system is practiced in continental Europe and its former colonies;
- 2) Common law system (Anglo American System) law based on custom or custom and based on precedent or judge made law. The common law system was practiced in Anglo Saxon, English and American countries as well as former British colonies/dominions;
- 3) Islamic law system, law based on Islamic sharia derived from the Qur'an and Hadith/Sunnah Rosul is practiced in countries based on Islam or the majority of the population is Muslim, such as in the Middle East, the Arabian Peninsula, and North Africa. By Rene David and John Brierley, Islamic legal systems are grouped into the Middle East System.
- 4) Socialist law system, a legal system practiced in socialist and communist countries (Soviet Union/Russia, Cuba, North Korea);

- 5) Sub-Saharan Africa, which is a legal system practiced in African countries located south of the Sahara Desert (Eric Richard, 1990: 40);
- 6) Far East System, a complex legal system is a combination of law from the civil law system, common law system and Islamic law that applies in Muslim-majority communities (North coast of Africa, Central Asia, East Asia, Southeast Asia).

Something interesting If we look at the above grouping, there have been major changes that have occurred recently and it is actually recognized that in the past few decades, it is almost believed that now there is no pure country that still survives in one type of legal system because of global influence and bilateral relations between countries followed by the back and forth of its inhabitants who cross and settle in a country other than their home country, even structurally the authority of the system Certain laws also faded along with the breakup of the country of origin of adherents of the legal system. For example point (4) above Socialist law system, a legal system practiced in socialist and communist countries (Soviet Union/Russia, Cuba, North Korea); has been corrected a lot even the Soviet fraction has looked at the Islamic legal system, even England as the originator of the common law system now its citizens have also been interested in the Islamic legal system (shari'a law), Islam as a legal system in the form of fatwas as in Malaysia has been widely implemented and formal institutionally although it is different from fatwas in Pakistan which have not been institutionalized.<sup>18</sup>

No matter how great Islamphobia intensifies its program to corner Islam religiously, as long as the Muslim ummah still sticks to the Qur'an and Sunnah which reflect noble moral behavior so that Islam is truly perceived as rahmatan lil'alam in insyaAlloh the Islamic legal system can run well (structural, state & cultural approach) and has great hopes of eliminating terrorist accusations, Anarchists and even accusations of intolerance will all cease to exist. For Muslims an effort to answer Islamophobia by displaying noble morals, humanist behavior is an attitude that deserves to be presented to them and the ummah can learn from the world stage carried out by our brothers in Qatar. As an illustration of some of the legal systems that apply and the countries that practice them.

**Table 1: Law System and the Country of the User**

No	Law System/ Family law	Country	Information
1	Civil law system	Continental Europe	Plus former colonies
2	Common law system	Anglo Saxon, English and American	Plus former British colonies
3	Islamic law system	The Middle East or Arabian peninsula and North Africa.	Middle East System and Muslim-majority countries
4	Socialist law system	Soviet Union/Russia, Cuba, North Korea	Countries with socialist ideas
5	Sub Sahara Law System	Afrikaans	which is south of the Sahara desert
6	Far East Law System	North coast of Africa, Central Asia, East Asia, Southeast Asia	a blend of law from the civil law system, common law system and Islamic law

In addition to the above behavioral approaches in historical calculations, experts also provide an overview of the journey of the ups and downs of the existence of Islamic law in the world life in the frame of legal civilization for its adherents. Discussions of the periodization of the growth and development of Islamic law (tarikh tasyri') among scholars vary, but they agree that its beginning began in the time of the Holy Prophetsa.<sup>19</sup>

CE. Hasbi Ash-Shidiqi divides the historical periodization of Islamic law into 5:

- 1) The period of growth, namely the time when the Holy Prophetsa lived for more than 22 years from 13 AH to 11 AH (611 AD-632 AD);
- 2) The period of formation, namely the period of companions and tabi'in (the period of khulafa ar rashidin and the Umayyads), lasted from 11 H-101 AH (632 AD-720 AD);
- 3) The period of perfection, the period of the mujtahideen imams, the heyday of the Abbasid State which lasted for 250 years, namely 101 H-350 AH (720 AD-961 AD);
- 4) The Period of Decline (period of taqlid and jumud) lasted since the middle ages 4 AH (350 AH);
- 5) A period of revival, a time of emerging attempts to break away from taqlid. Lasted from the 13th century to the present<sup>20</sup>

**Table 2: Periodization of the History of Islamic Law**

No	Era	Year	Information
1	Growth	611 M-632 M	The Time of Prophet Muhammad
2	Coaching	632 M-720 M	Companions, Khulafa'urrasyidin and umayyah
3	Perfection	720 M-961 M	Ulama mujtahiddin Daulah abbasiyah
4	Retrogression	961 M -1120 M	Taqlid and Jumud period
5	Resurrection	1120 AD- present	Efforts to escape from taqlid, towards a period of progress

From the periodization above, it is clear that the current conditions enter the calculation of the century of resurrection and this is a common belief that the progress or rise of Islamic civilization including the Islamic legal system in it has the opportunity to rise and steal the attention of world citizens behind the shock of other legal systems due to the shock of the state of its adherents such as the socialist legal system due to the collapse of the Soviet Union and the faltering of America as a common low user The system, especially in terms of economic life, is part of the study of the legal system, and more London has openly allowed its citizens to adopt the Islamic legal system in practice, albeit slowly but surely.

#### D. CONCLUSION

Considering the above symptoms, good symptoms of the behavioral approach of state organizers, including some parts of its citizens, in understanding the direction of progress of human civilization with liberalist, socialist and Islamist dimensions are being highlighted together. Likewise, with the approach of the period that tests, the Islamic era is in a pase, the development of progress, this is what really allows the Islamic legal system to develop and be embraced by nations that are looking for alternative directions to the direction of the legal system that has found a level of fatigue.

- 1) Starting to correct the legal system that has been implemented in certain countries so that the Islamic legal system began to be glimpsed as an alternative that is being considered for choice by world citizens.
- 2) Islam as a religion of rahmatan lil'alamin in its implementation still has to be fought to answer the challenges from the internal of its adherents so that the greatness of Islam as a religion is not covered by the behavior of its people who do not describe the nobleness of its teachings, while the external factor that is quite disturbing is a risk of competition with other legal systems that equally want to get a place from their adherents and this must be answered with commendable moral behavior displayed in the midst of the international community.

**Footnotes**

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