



The Dynamics of the Social History of Islamic Law from the Classical Period to the Caliphate

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Abstract

This article aims to examine the dynamics of the development of Islamic law from the time of the Prophet Muhammad (PBUH) to the Abbasid Dynasty from the perspective of social history. This research uses a qualitative-descriptive approach and historical method, by examining the sources of classical and contemporary literature. The results of the study show that Islamic law has been shaped by the interaction between divine revelation and the social reality of society. The process of law formation during the time of the Prophet was greatly influenced by the social context of Arab society, while during the period of Khulafaur Rashidin to Abbastial, Islamic law underwent institutionalization, codification, and development of legal methodology (*ushul fiqh*). This study confirms that Islamic law is dynamic and adaptive to social change, making it relevant to answer the challenges of modernity.

Keywords: Dynamics; Social History; Islamic Law

Abstrak

Artikel ini bertujuan untuk mengkaji dinamika perkembangan hukum Islam dari masa Nabi Muhammad SAW hingga Dinasti Abbasiyah dalam perspektif sejarah sosial. Penelitian ini menggunakan pendekatan kualitatif-deskriptif dan metode historis, dengan menelaah sumber-sumber literatur klasik dan kontemporer. Hasil penelitian menunjukkan bahwa hukum Islam sejak awal telah dibentuk oleh interaksi antara wahyu ilahiah dan realitas sosial masyarakat. Proses pembentukan hukum pada masa Nabi sangat dipengaruhi oleh konteks sosial masyarakat Arab, sementara pada masa Khulafaur Rasyidin hingga Abbasiyah, hukum Islam mengalami institusionalisasi, kodifikasi, dan pengembangan metodologi hukum (*ushul fiqh*). Studi ini menegaskan bahwa hukum Islam bersifat dinamis dan adaptif terhadap perubahan sosial, menjadikannya relevan untuk menjawab tantangan modernitas.

Kata Kunci: Dinamika; Sejarah Sosial; Hukum Islam

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Introduction

Islamic law is a fundamental element in the formation of the identity, civilization, and social structure of Muslims.¹ From the time of the Prophet Muhammad (PBUH) to the classical caliphate, Islamic law not only regulates spiritual and worship aspects, but also becomes a normative system that shapes the social, political, economic, and cultural life order of Muslim society.² Therefore, it is not enough to understand Islamic law only through a normative-theological approach, but also through a historical and sociological approach that can explain how Islamic law was born, developed, and changed as the social context that surrounds it. In the study of Islamic law, there are still many approaches that separate the text from the context. In fact, history shows that the process of Islamic law legislation has never been separated from the socio-political dynamics of its time. During the time of the Prophet Muhammad (PBUH), for example, the law was gradually established through revelation, in line with the needs of the Arab society which was undergoing social transformation. After the prophetic period, the caliphs and scholars faced new challenges that required *ijtihad* and interpretation of the law to answer new realities that were not found in the time of the Prophet. This shows that Islamic law is a living legal system, not static, and always adaptive to change.

Over time, Islamic law underwent a process of codification and institutionalization, especially during the Umayyad and Abbasid Dynasties.³ During these times, the institution of *qadha* (judiciary), a system of legal administration, and the establishment of schools of *fiqh* that responded to increasingly complex social realities emerged. This phenomenon shows the mutual interaction between sharia texts and developing social conditions. This indicates the importance of a social history approach in understanding the evolution of Islamic law.⁴ However, studies that specifically focus on the social dynamics of the development of Islamic law are still relatively limited. Most of the research still emphasizes

¹ Mahmudulhassan Mahmudulhassan, "Exploring the essence, importance, and distinctive attributes of Islamic culture: An in-depth cultural analysis," *Bulletin of Islamic Research* 2, no. 2 (2024): 311–26.

² Mohammad Mushfequr Rahman, "Islam: The complete, functional and practical guide to life," *International Journal of Education* 9, no. 3 (2024): 87–108.

³ Shaheen Amid Whyte, "The Ulama: History, Institutions and Modernity," dalam *Islamic Religious Authority in a Modern Age*, oleh Shaheen Amid Whyte (Springer Nature Singapore, 2024), https://doi.org/10.1007/978-981-99-7931-8_2.

⁴ Rizqi Anfanni Fahmi, "Recent Trends on Study of History of Islam in Indonesia," *Journal of Philology and Historical Review* 2, no. 1 (2024): 75–93.

on the normative aspect or classical fiqh without paying attention to the socio-historical background of the emergence of the law. As a result, there has been a rigid understanding of Islamic law, which considers it a completed and no longer developed system.

The basic concept used in this study is the social history approach of Islamic law. This approach views Islamic law not solely as a normative product of the texts of revelation, but as the result of a dialectic between the text (nash) and the social context that surrounds it.⁵ Thus, Islamic law is understood as a system that is historical, dynamic, and responsive to the needs of society. This perspective affirms that revelation and social reality interact with each other in the process of law formation. In the context of maqashid al-shariah, Islamic law aims to safeguard the interests of the ummah, which includes the protection of religion, soul, intellect, descent, and property.⁶ Therefore, the study of Islamic law through the social history approach is very relevant to understand how this maqashid is manifested in various historical contexts. Principles such as justice, convenience, and benefits are important parameters in assessing the development of Islamic law over time.

Some previous research relevant to this study was conducted by Muhammad Thoriqul Islam, which discussed the formulation of Islamic law during the time of the Prophet Muhammad PBUH with a historical approach. However, the study is still limited to the prophetic phase and has not discussed its continuity until the time of the caliphate.⁷ Meanwhile, research by Hassanein highlights the role of ijtiḥad in the history of Islamic law, but has not explored the interaction of law with social structures in depth.⁸ Another study by Raja Ritonga reviews the political influence on Islamic law during the Abbasid period, but does not systematically discuss the continuity from the time of the Prophet to the Abbasid period.⁹ In contrast to previous studies, this article seeks to provide a complete

⁵ Moch Nur Ichwan, *A NEW HORIZON IN QUR'ANIC HERMENEUTICS* Nasr Hamid Abu Zayd's Contribution to Critical Qur'anic Scholarship, 1999, https://www.academia.edu/download/57002862/Ichwan_MA_Thesis_on_Abu_Zayd_1999_complete.pdf.

⁶ Aasim I. Padela, *Maqasid Al-shariah and Biomedicine: Bridging Moral, Ethical, and Policy Discourses* (International Institute of Islamic Thought (IIIT), 2025).

⁷ Muhammad Thoriqul Islam dkk., "Historiography of the Development of Islam in the Classical Era," *Electronic Journal of Education, Social Economics and Technology* 6, no. 1 (2025): 132–42.

⁸ Abdelrahman Abdelhamid Mohammed Hassanein, *The Complementarity of Ijtihad and the Maqasid Al-Shariah in Islamic Law: An Analytical Study*, t.t., diakses 5 Agustus 2025, https://kwpublications.com/papers_submitted/17057/the-complementarity-of-ijtihad-and-the-maqasid-al-shariah-in-islamic-law-an-analytical-study.pdf.

⁹ Raja Ritonga dkk., "FACTORS INFLUENCING THE HISTORY OF THE GROWTH AND DEVELOPMENT OF ISLAMIC LAW FROM THE ERA OF THE PROPHET TO THE ABBASID PERIOD," *El-Ahli: Jurnal Hukum Keluarga Islam* 5, no. 2 (2024): 199–223.

picture of the development of Islamic law from the time of the Prophet Muhammad SAW, Khulafaur Rashidin, the Umayyad Dynasty, to the Abbasid Dynasty in one social historical frame.

Therefore, this article aims to fill this gap by examining the development of Islamic law from the time of the Prophet Muhammad (PBUH) to the Abbasid Dynasty through a social history approach. This study is important not only to enrich perspectives in the study of Islamic law, but also to show how Islamic law has a contextual character and is responsive to social changes throughout its history.

Method

This research is a qualitative study with a descriptive-historical approach. The focus of his study is the development of Islamic law in a social context, from the time of the Prophet Muhammad (PBUH) to the Abbasid Dynasty. This approach was chosen to trace the relationship between the text of Islamic law and the socio-political reality of each period. The historical method used in this study covers four main stages. Heuristic, which is the collection of data through the search of classical literature (fiqh and history books) and contemporary literature (national and international journals), Verification, which is the criticism of sources on the validity and relevance of data, Interpretation, which is the interpretation of historical facts and social contexts, and Historiography, which is the preparation of historical narratives of Islamic law in a systematic and thematic manner.¹⁰

Data collection techniques are carried out through library research by examining documents, books, and scientific articles that are relevant to the topic. The criteria for selecting sources include actuality, academic validity, and balance between primary and secondary sources. Data analysis was carried out using content analysis methods and thematical-critical approaches, to identify patterns of development of Islamic law and the social factors that influence it. The researcher emphasizes the dialectical relationship between the text (revelation and sunnah) and the social context that shaped the formulation of Islamic law throughout its history.

¹⁰ John W. Creswell dan Cheryl N. Poth, *Qualitative inquiry and research design: Choosing among five approaches* (Sage publications, 2016),.

Results and Discussion

The Social and Cultural Context of Arabia in the Time of the Prophet Muhammad PBUH

The time of the Prophet Muhammad PBUH was the first phase of the formation of Islamic law which was very important and determined the direction of its development in the next period. Islamic law was not born in an empty social space, but rather emerged in the context of a tribal, patriarchal, and deeply tied pre-Islamic Arab society ('urf).¹¹ In this system, power and justice are exercised on tribal strength, rather than universal values, leading to acute social inequalities, such as the burial of baby girls alive, slavery, and the exploitation of the weak. The presence of Islam brings a vision of comprehensive social transformation. Through revelation that was revealed gradually (tadarruj), the Prophet PBUH built the structure of Islamic law from the spiritual foundation of monotheism to a just social order. The values of justice, equality, and respect for human rights are at the core of the teachings of Islamic law that developed in Medina.

In this context, Islamic law shows a theocentric as well as an anthropocentric character: it is derived from divine revelation, but takes seriously the condition of man and his society.¹² Wahyu does not necessarily impose rules, but follows the development of the social consciousness of the people. This can be seen, for example, in the process of banning khamar which goes through three educational stages (QS. Al-Baqarah [2]: 219, QS. An-Nisa [4]: 43, and QS. Al-Ma'idah [5]: 90). The Prophet PBUH played a role not only as a recipient of revelation, but also as a head of state, judge, and educator of the community. The legal decisions he made always considered the social, psychological, and even emotional aspects of society. In some cases, he or she makes different decisions for seemingly similar legal situations, depending on the perpetrator and his circumstances. This is proof that Islamic law is contextual from the beginning, that the prophetic period is an experimental phase of Islamic law, where the basic principles of law are instilled through direct social practice. Thus, the prophetic period formed the foundation of Islamic law that was not only normative, but also functional and transformational. Understanding this phase is essential so that we do not interpret the sharia rigidly, but rather as a living and dynamic legal system, which from the beginning was designed to respond to social changes in a

¹¹ Gideon Libson, "Core and Shell: On the Close Relationship between Ancient Halakhah and Shari'a and the Gulf That Emerged between Them," *Society, and Culture* 3 (2024): 4.

¹² Paola Pizzi, "Tawhīd as Social Justice: The Anthropocentric Hermeneutics of the Syrian Theologian Jawdat Sa'īd," *Journal of Qur'anic Studies* 26, no. 1 (2024): 63–100, <https://doi.org/10.3366/jqs.2024.0569>.

progressive and ethical manner.

Revelation as a Primary Source in the Formation of Islamic Law

Revelation was the main source in the formation of Islamic law during the time of the Prophet Muhammad PBUH. The Qur'an as the holy book of Muslims not only contains spiritual and ethical teachings, but also establishes legal principles that govern various aspects of life, such as family, criminal, muamalah, and interreligious relationships. In the context of the people of Medina, revelation plays a role as a legitimacy for prophetic actions as well as the foundation of the Islamic legal system.¹³ For example, inheritance arrangements (QS. An-Nisa' [4]: 11), sanctions against theft (QS. Al-Ma'idah [5]: 38), and the prohibition of khamar (QS. Al-Ma'idah [5]: 90) are all examples of revelations that are present in response to real social needs. Revelation is also a means to affirm the authority of the Prophet as a political and legal leader. In some cases, the Prophet PBUH received direct guidance through revelation when facing certain legal problems. However, when revelation did not come down, the Prophet used ijtihad and social considerations in making decisions, which later became a legal practice that was also recognized.

This approach emphasizes that the structure of Islamic law is not built rigidly and instantaneously, but gradually, contextually, and considering social readiness. The concept of *tadarruj* (gradual) in the decline of the law is proof that Islamic sharia has accommodated the social and psychological processes of society since the beginning. In which the basic principles of sharia are tested through real-life practice." Thus, revelation as a primary source is not only a textual reference, but also an instrument for the transformation of society towards a just and civilized legal system.

Affirmation of Universal Principles

Islamic law developed during the time of the Prophet Muhammad (PBUH) was not only normative and contextual to the Arab society of the 7th century, but also contained universal principles that were relevant throughout time.¹⁴ These principles reflect the superiority of Islamic law values in answering human needs across space and time. Through revelation and his social approach, the Prophet PBUH succeeded in instilling a legal foundation that is not only valid according to shari'i, but also rational and oriented

¹³ Ishraq Ali dan Mohammad E. Abdollahi, "Divine traditions and the governance of the city-state of Medina," *HTS Teologiese Studies / Theological Studies* 80, no. 3 (2024), <https://doi.org/10.4102/hts.v80i3.10094>.

¹⁴ Faizi Faizi, "How Are Islamic Banking Products Developed? Evidence from Emerging Country," *Cogent Economics & Finance* 12, no. 1 (2024): 2378961, <https://doi.org/10.1080/23322039.2024.2378961>.

towards the benefit of mankind (maqashid al-shari'ah). One of the main principles that is highly emphasized is justice (al-'adl). In QS. An-Nahl [16]: 90, Allah SWT explicitly commands justice as the main basis in all aspects of life, including the enforcement of the law: "Indeed, Allah commands (you) to be just and to do good..." Justice in Islamic law is egalitarian and non-discriminatory, so it must be upheld regardless of social, ethnic, religious, or economic status. This principle is the main foundation for the construction of Islamic law that upholds equality and social balance.

In addition, the principle of ease (taysir) and the elimination of difficulties (raf' al-haraj) is the main spirit of Islamic sharia. QS. Al-Baqarah [2]: 185 states: "Allah wills ease for you and does not want hardship for you..." This verse shows that Islamic law is not a burden, but a system that is adaptive to human capacity and conditions. In prophetic practice, this principle is reflected in fatwas and legal decisions that are lighter where possible, without compromising the substance of the Shari'a. An example is relief in worship for travelers, sick people, or in other emergency conditions. The principle of maslahat (benefit) is also the main spirit in the application of Islamic law. Maslahat is interpreted as an effort to maintain the goals of sharia (maqashid al-shari'ah), namely the protection of religion, soul, intellect, descendants, and property.¹⁵ The Prophet PBUH in his various legal policies always considered aspects of the benefit of the people, such as the policy of suspending the implementation of certain laws when social conditions were not yet possible. This emphasizes that Islamic law is not a rigid system, but flexible in order to achieve the common good.

Another important principle is freedom of religion, as affirmed in QS. Al-Baqarah [2]: 256: "There is no compulsion in religion..." This verse affirms Islam's respect for the individual's right to choose one's beliefs and is the basis for strong tolerance in a multicultural society. The Prophet Muhammad (PBUH) consistently upheld this principle in his socio-political practices, including in his relations with the non-Muslim community in Medina. The Medina Charter is a clear example of the institutional application of the principle of religious freedom.¹⁶ Thus, these universal principles are not only of moral value, but also form a legal framework that continues to live and develop in Islamic jurisprudence throughout history. Scholars generation after generation have made these

¹⁵ Abdulloh Munir dan Kusnadi Kusnadi, "Maintaining the Social Environment: Urgency and Principles in Maqasid Al-Shariah," *Tribakti: Jurnal Pemikiran Keislaman* 35, no. 2 (2024): 303–20.

¹⁶ Zakiati Salma dkk., "The Medina Charter and Lessons of Multiculturalism in Contemporary Islamic Politics," *Negrei: Academic Journal of Law and Governance* 4, no. 2 (2024): 111–38.

principles the basis for legal istinbath, especially in the face of changing social dynamics. Justice, convenience, benefits, and tolerance are the main pillars that make Islamic law can be actualized and accepted in various contexts of the times and cultures.

The Period of Khulafaur Rasyidin: Consolidation, Codification, and Social Response to New Dynamics

After the death of the Prophet PBUH, Muslims entered a crucial phase that not only demanded spiritual continuity, but also institutional and legal system strengthening that was able to respond to rapidly evolving social complexity. The four leading caliphs, namely Abu Bakr ash-Siddiq, Umar bin Khattab, Uthman bin Affan, and Ali bin Abi Talib, played an important role in the formation and development of the Islamic legal system. Although still based on revelation, the system is beginning to show flexibility and adaptation to the needs of the times. Caliph Abu Bakr faced great challenges after the death of the Prophet Muhammad SAW, especially related to the crisis of faith in several Arab tribes and the zakat disobedience movement. In this context, the legal steps taken by Abu Bakr confirm that Islamic law at this time began to function as an instrument to maintain social stability and public order.¹⁷ His decision to fight against the group that refused to pay zakat, known as the Riddah War, was an effort to maintain the integrity of the sharia and the unity of the ummah.

Abu Bakr views zakat as not just an economic obligation, but an absolute socio-religious obligation. In a narration it is stated, "By Allah! I will fight anyone who separates between prayer and zakat." (HR. Bukhari). This legal approach confirms that Islamic sharia is a normative force that binds society. In addition, the time of Abu Bakr was also marked by the initiation of the codification of the Qur'an. After many memorizers were killed in the Battle of Yamamah, Abu Bakr instructed Zaid bin Tsabit to compile the mushaf in one official manuscript. This project is not only religious literacy, but also has legal implications because it is an authoritative source for determining sharia norms.

The leadership of Umar bin Khattab marked an important phase in the evolution of Islamic law. During his reign, Islamic rule expanded significantly to Syria, Egypt, and Persia, giving rise to the need to regulate multiethnic and multicultural societies through a

¹⁷ George Mousourakis, "Continuity, Diversity, and Change in the Islamic Legal Tradition," dalam *Traversing Legal Traditions*, oleh George Mousourakis, Springer Textbooks in Law (Springer Nature Switzerland, 2025), https://doi.org/10.1007/978-3-031-94669-1_9.

more structured legal system.¹⁸ Umar was known as a progressive caliph who established an organized judiciary and appointed judges (*qadhi*) in various regions. One of its well-known legal policies is the suspension of the beheading of thieves during times of famine, which shows that Islamic law can be applied contextually and oriented towards the common good. Strong state administrative policies, such as the establishment of a diwan (bureaucracy), the regulation of land division, and the provision of salaries for state employees, show the implementation of sharia in a systematic socio-political order.¹⁹ This approach strengthens the principle of *ta'lil al-ahkam* (rationalization of law) which is an important reference in the development of the *fiqh* school.

During the reign of Uthman bin Affan, the main challenge was not only territorial expansion, but also the potential for internal disintegration. For this reason, Uthman took a strategic step in the form of standardizing the Qur'anic mushaf into one official version, known as the Ottoman Mushaf. This effort is very important from the perspective of Islamic law, because it prevents differences in interpretation that can trigger legal conflicts among the ummah. However, his reign was also marked by socio-political turmoil, including allegations of nepotism in the appointment of officials that triggered tensions between groups. Nevertheless, the legal system continues to run with the active role of formally appointed judges, maintaining social stability and the implementation of the law.

Caliph Ali led in the midst of the conflicts and divisions of the Muslims, especially after the assassination of Uthman, which marked a period of *kubra* (great slander). This period is a test for the resilience of the socio-political structure of the people. In the legal context, Ali emphasized the importance of justice, moral ethics, and peaceful resolution of conflicts.²⁰ Ali is known as a figure with a deep understanding of Islamic law. He issued many fatwas and legal decisions based on strong *istinbat* and sensitive to the social context. One of his famous legal principles is, "The truth is not measured by who says it, but by what he says." Although his power was limited due to political conflict, Ali remained committed

¹⁸ Keshav Bhattarai dan Mahmoud Yousef, "Demography, Language, Ethnicity, Religion, and Refugee Crises," dalam *The Middle East*, oleh Keshav Bhattarai dan Mahmoud Yousef, World Regional Geography Book Series (Springer Nature Switzerland, 2025), https://doi.org/10.1007/978-3-031-83967-2_3.

¹⁹ Yoghi Pratama, *The Political Economy of Islamic Banking in Indonesia: An Institutional and Analysis Development Approach*, 2024, <https://openresearch-repository.anu.edu.au/items/650ed87b-9f4d-44ac-85e9-5bd4ada7a433>.

²⁰ Titilayo Modupe Kolade, "Promoting Peace, Justice, and Strong Institutions: A Comprehensive Approach to Counterterrorism for Global Security," *Asian Journal of Education and Social Studies* 50, no. 12 (2024): 490–509.

to the principle of justice and encouraged the strengthening of Islamic law based on ethics. His thinking became an important basis in the development of the jurisprudence of Ahlul Bayt and had a significant influence among Shia and some Sunni thinkers.

The Umayyad Dynasty: The Consolidation of Power and the Institutionalization of Islamic Law in Social Reality

The reign of the Umayyad Dynasty (661–750 AD) was an important phase in the history of the development of Islamic law which was marked by a shift in the structure of government from the Shura caliphate system to a hereditary monarchy form. These changes have a significant impact on the consolidation of power and the process of institutionalization of Islamic law at the level of social and political praxis. This dynasty managed a large area with a multiethnic and multireligious society, so Islamic law had to be transformed from a mere normative norm to an administratively and operationally institutionalized system in the body of the state.²¹ The transition of leadership from Ali bin Abi Talib to Muawiyah bin Abi Sufyan marked the beginning of dynastic rule in Islamic history. The political system that was originally based on deliberation and collegiality of the ummah began to change into a centralized authority that was inherited from generation to generation. In this context, Islamic law is not only a moral guideline, but also part of the instrument of state power.

Umayyad caliphs such as Muawiyah, Abdul Malik, and Umar bin Abdul Aziz began to use state structures to control the implementation of the law, including through the appointment of qadhi (judges) and the drafting of administrative legal policies. This shows that Islamic law at this time began to intersect with political interests, although it was still rooted in the principles of sharia maintained by scholars. One of the important achievements of the Umayyad period was the strengthening of Islamic judicial institutions through the institutionalization of the position of qadhi as part of the state structure.²² The qadhis are officially appointed by the government to handle various religious and social matters, including civil, criminal, and public litigation matters. This appointment marks the beginning of the formation of a sustainable and documented judicial system. In addition to being law enforcers, the qadhis also began to form legal precedents which later became a

²¹ Emine Aslı Odman Pérouse, "Istanbul, 1923-1944: Territoriality and Automobility during Interwar Global Capitalism" (PhD Thesis, Boğaziçi University, 2024), https://www.academia.edu/download/112202899/10623246_OdmanAsli_2024_02_23.pdf.

²² Savannah Leavitt, "The Early Islamic Empires Transitions," *Supplanting Empires: Power Transitions Across Human History*, Lexington Books, 2024, 219.

reference in the development of fiqh. With this institution, Islamic law is not only responsive to events, but also begins to undergo codification in its judicial practice. This is where the embryo of a more established legal system in the Abbasid era can be seen.

Although the Umayyad Dynasty was not known as a major supporter of scientific activity, this period was a fertile ground for the growth of Islamic legal thought. Scholars such as Hasan al-Bashri, Rabi'ah ar-Ra'yi, and Ibrahim an-Nakha'i began to develop an *ijtihad* approach that considered social and rational aspects in determining the law. The difference in approach between the Hijaz and Iraqi scholars began to be seen, which later developed into formal fiqh schools such as Hanafi and Maliki. This phenomenon reflects the birth of a dialectic between text (*nash*) and social reality (*waqi'*) in the praxis of Islamic law. These new approaches strengthen the character of Islamic law as a system that is open to interpretation and responsive to societal conditions.

Umayyad rule stretched from Spain to Central Asia, populated by people with diverse religious and cultural backgrounds. In the face of this complexity, the Umayyad government applied an adaptive legal approach, for example by maintaining local law (*'urf*) as long as it did not conflict with the basic principles of sharia. In addition, a special tax system for non-Muslims (*jizyah* and *kharaj*) is also applied, while guaranteeing legal protection and their religious freedom.²³ These steps show that Islamic law in the Umayyad context is not exclusive, but rather prioritizes the principles of justice and openness. In practice, Islamic law is an instrument of social integration that facilitates harmony between groups, not a tool for domination of the majority group.

The Umayyad era also marked the emergence of systematic learning of Islamic law. Although it has not been standardized in the form of fiqh books, lessons on the Qur'an, hadith, and legal *ijtihad* began to be taught openly in the great mosques. Ulama have students who learn directly through the *halaqah* method. This created a lively scientific tradition and became a strong foundation for the development of Islamic law in the Abbasid period. The general public is also beginning to become accustomed to the process of making laws (*istinbath*) and the importance of understanding *maqashid al-syariah* (the purposes of Islamic law). This literacy forms a society that is aware of the law and helps maintain social order.

The reign of the Abbasid Dynasty (750–1258 AD) was a peak period in the history of

²³ A. MUSLIM, *FIQH MU'ASARAH IN SOCIETY: EXPLORING THE RIGHTS OF NON-MUSLIMS AND APPOINTMENT OF NON-MUSLIM LEADER IN A MUSLIM COUNTRY*, t.t.,.

the development of Islamic law which was characterized by the systematization of thought, codification of fiqh, and the strengthening of legal institutions.²⁴ In contrast to the previous era which emphasized more on territorial expansion and political stability, the Abbasid period actually presented an intellectual atmosphere that was very conducive to the development of science, including law. In this era, Islamic law has not only grown as a normative system based on revelation and ijtihad, but also as an institutionalized and comprehensive legal system in responding to the dynamics of a plural and complex society. The Abbasid government centered in Baghdad gave rise to a new civilization in the Islamic world. The city developed into a scientific epicenter that brought together scholars from various disciplines, including fiqh, philosophy, medicine, and astronomy. The presence of the Bayt al-Hikmah institution is a symbol of the state's support for the development of science. Caliphs such as Al-Manshur and Harun al-Rashid encourage intellectual activities, so that legal experts (fuqaha) are more free to develop legal thinking that is methodological and systematic.

The atmosphere of relatively maintained political stability allows Islamic law to experience a more complete and rational articulation. If previously Islamic law was more responsive to the direct reality of the ummah, then at this time the law began to be formulated in an established theoretical framework. This period witnessed the emergence and establishment of fiqh madhhabs which became the operational framework of Sunni Islamic law. The four main Hanafi madhhabs, Maliki, Shafi'i, and Hanbali have received systematic institutional and methodological forms. Imam Abu Hanifah laid the rational foundation in qiyas and istihsan, while Imam Malik strengthened the authority of the charity of Ahl al-Madinah. Imam Shafi'i succeeded in formulating the methodology of ushul fiqh in al-Risalah, and Imam Ahmad bin Hanbal emphasized the authority of hadith in law. This diversity of approaches shows that Islamic law is not monolithic, but it opens up space for a pluralism of legal thought that remains within the epistemological framework of Islam. These madhhabs are not just differences of view, but a form of legal adaptation to the social reality and needs of the ummah in various regions of the Islamic world.

One of the monumental achievements of the Abbasid period was the codification of law in the form of systematic fiqh books. Works such as al-Mabsuth by as-Sarakhsi, al-Umm

²⁴ Wayne H. Bowen, *The History of Saudi Arabia*, Bloomsbury Publishing, 2024, <https://www.torrossa.com/it/resources/an/5868283>.

by Imam Shafi'i, and al-Muwatha' by Imam Malik not only compile fatwas, but systematically compile the structure of Islamic law based on chapters and themes of law. The state plays a role in supporting the process of institutionalization of the law. Clerics are given the position of qadhi and mufti who are tasked not only with enforcing the law in court, but also issuing official fatwas for the government and society.²⁵ A more organized judicial institution was formed, becoming the forerunner of the Islamic legal system that runs in a formal state structure. Abbasid society is made up of diverse ethnicities, religions, and cultures, including non-Muslim communities such as Jews, Christians, and Zoroastrians. This diversity encourages Islamic law to be more inclusive, by accommodating cultural diversity through legal mechanisms such as recognition of 'urf (local customs) that do not conflict with sharia principlest.

Openness to Greek philosophy, logic, and other foreign ideas also formed a rational nuance in the development of ushul fiqh. The tradition of legal debate, criticism, and argument is growing rapidly. Ushul fiqh as a legal methodology is not only a tool of istinbath, but also a means of dialogue between the nash and the context. Therefore, the Abbasid period became an important milestone in making Islamic law a scientific and rational system. However, the relationship between the ulama and the ruler is not always harmonious. The closeness of some clerics to the palace raises ethical dilemmas and potential political intervention in the fatwa space. The controversy over the khalq al-Qur'an (the doctrine that the Qur'an is a creature) carried out by the Caliph Al-Ma'mun is a clear example of the intervention of power against the independence of legal thought. The rejection of clerics such as Imam Ahmad bin Hanbal to the ideological pressure of the state even led to torture. This event indicates that although Islamic law has made significant intellectual progress, the relationship between religion and power remains a crucial issue that is not easily resolved. However, the resistance of scholars actually strengthens the autonomy and independence of fiqh science in the long term.

Conclusion

This study shows that the development of Islamic law from the time of the Prophet Muhammad (PBUH) to the Abbasid Dynasty was a long, complex, and full of interactions between revelation and social reality. Islamic law was not born in a vacuum, but grew and developed in the dynamics of an ever-changing society. From time to time, Islamic law has

²⁵ Mas'udatul Fitriyah, "Islamic Law and Custom in the Land of Bima: A Study in the History of the Government of the Bima Sultanate," *Journal of Islamic History and Manuscript* 4, no. 1 (2025): 15–42.

shown a high adaptability to the social, political, and cultural conditions of Muslims. During the time of the Prophet Muhammad (PBUH), Islamic law was rooted in divine revelation that was revealed gradually (tadarruj) according to the needs and conditions of the Arab society at that time. The Prophet not only played the role of a revelation presenter, but also as a head of state, judge, and educator. The legal legislation process at this time is contextual, responsive, and prioritizes the values of justice, benefit, and humanity. The period of Khulafaur Rashidin was a phase of legal consolidation, where the caliphs faced new challenges after the death of the Prophet. The codification of the Qur'an, the establishment of judicial institutions, and the practice of ijtihad are markers that Islamic law is beginning to be positioned as a normative system that is able to answer the dynamics of post-prophetic society. Caliphs such as Umar bin Khattab and Ali bin Abi Talib showed how the law could be applied contextually and rationally without losing the essence of the Shari'a.

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