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Implementation of Islamic Sharia Law in Social Life

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Abstract

Implementing Islamic shari'ah in people's lives is not an easy thing. However, a serious effort is needed because, in the implementation process, there will be obstacles, both from internal Muslims themselves and external Muslims. The author of this paper uses the literature review method, which is a series of activities related to the method of collecting library data, reading, recording, and processing materials that are appropriate for the theme of the discussion and can be taken from library sources, either in the form of books, articles, journals, manuscripts. Publications and so on, where these sources contain theories relevant to the discussion. In this article, it can be concluded that the importance of obtaining correct information about Islamic Sharia law and how it can lead to positive attitudes and actions. In addition, this article also discusses the challenges in implementing Islamic Sharia law in social life.

Keywords: Islamic Sharia implementation; Islamic Sharia Law; Social Life

Introduction

Every human being in life and his life has values and norms which will regulate aspects of his life so that his life is orderly and orderly, in this case, including Muslims. Muslims have what is called Islamic shari'ah, in which values and norms of life must be implemented in social life so that society is orderly and orderly.

implementation process, there will be obstacles, both from internal Muslims themselves and external Muslims. Relationship with internal Muslims, namely the extent to which Muslims obtain correct information about Islamic shari'ah. Correct information about Islamic shari'ah will lead to "belief." Beliefs held by individuals will lead to "attitudes." The owned attitude will lead to "intention," finally, the intention will lead to "action." Actions will generate two possible feedbacks, namely strengthening beliefs and attitudes. The series of relationships can be seen in the picture below.

Information $\longrightarrow$ belief $\longrightarrow$ Attitude $\longrightarrow$ Intention $\longrightarrow$ Action

Implementing Islamic shari'ah in people's lives is not easy Concerning the externality of Muslims, one of the things that cannot be denied is that in today's society, several legal systems apply. Judging from age, the oldest legal system is customary law, followed by Islamic and Western law. Each legal system's style and characteristics grow and develop in society. Because of that, the legal system in Indonesia is called plural. In the condition of a pluralistic society, of

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course, many laws apply in this country that contradicts or are not under the needs and souls of most Indonesian people (Hutagalung, 1985: 4).

Therefore, to carry out Islamic shari'ah in human life, serious efforts are needed, both related to the development of individual Muslims themselves as actors and disseminators of information on shari'ah Islam; relating to the renewal of Islamic shari'ah (fiqh law) as much as possible following the needs of society; as well as the condition and situation of the community as a ground for implementing Islamic shari'ah.

Method

The author of this paper uses the literature review method, which is a series of activities related to the method of collecting library data, reading, recording, and processing materials that are appropriate to the theme of the discussion and can be taken from library sources, either in the form of books, articles, journals, manuscripts. Publications and so on, where these sources contain theories relevant to the discussion.

Result and Discussion

Shari'ah as Social Values and Norms

Etymologically, shari'ah (shari'ah) comes from the word Sana'a, which means to drink water, the source/place of discharge of water for drinking, method or way (Manzur, 1999). This understanding is then connoted as a straight path that must be passed by every Muslim in order to get happiness in the world, and the hereafter (Azizy, 2002). Muhammad 'Ali al-Says defines shari'a as the law of Sarah regarding human actions resulting from detailed arguments, namely the Quran and Sunnah (Sayis, 1970). Thus shari'ah, in this sense, is a revelation, both in the sense of al-wahy al-mallu (Quran) as well as in the sense of al-wahy gay al-mallu (Sunnah) (Jamil, 2002).

Terminologically, there are several opinions in defining shari'ah; among them, Manna al-Qattan understands it as "all God's provisions that are prescribed for his servants, both concerning faith, worship, morality and muamalah" (Qattan, 1989: 14). Meanwhile, according to Mahmud Saltut, with the meaning "the laws outlined by God or the basic laws outlined by God so that humans can guide them in their relationships with God, their relationships with fellow humans, and their relationships with nature and life" (Saltut, 1997).

Fathurrahman explained the definition of shari'ah mentioned above as the basics of Islamic law that are general and can be used as human guidelines in the following relationships:

1. The relationship between humans and God is by carrying out their religious obligations such as: praying, zakat, and others.

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2. Human relations with fellow Muslims, which can be done by exchanging affection between one another and mutual help, special laws for forming a family. These relationships are then regulated in marriage, inheritance, and muamalah laws.

3. Relationships among human beings by helping each other create progress in life in general and world peace regulated in fiqh vinyasa, including fiqh gestures and daily (Jamil, 2002: 2).

Judging from the shari'ah mentioned above, shari'ah contains social values and norms. It is a value because shari'ah contains normative standards for behavior, both in personal and social relationships (Garna, 1996). Value is a concept, namely a mental formation that is formulated from human behavior so that it becomes several assumptions that are essential, good, and need to be respected accordingly. Values are a combination of all cultural elements considered good or bad in society; because of that, society encourages and requires its citizens to live up to and practice the values considered ideal. Social values are beliefs about good and evil, right and wrong, and what should be there and what should not be. The values that exist and develop in Islamic society, apart from originating from their culture, are also sourced from shari'ah sources.

As a norm, because Sarah is a guideline for behavior that comes from values, the code of conduct is based on abstract concepts about what is good and what is terrible and what should be and should not be. Norms are a concrete form of values; the guide contains a necessity, ability, and prohibition. Sociologically, social norms grow from social processes, the result of social life. Individuals are born in a society and are socialized to accept the rules of the pre-existing society. Therefore, Durkheim stated that social norms are outside the individual, limiting and controlling their behavior. The main element of a norm is social pressure on members of society to carry out these norms. If rules are not enforced by social pressure, they are not considered social norms. Social pressure shows that the norm is a social norm (Graham, 1977: 94).

Social norms contain expectations and standards of behavior so that people can behave according to social norms. In people's lives, social deviation often occurs, social norms are not used as standards of behavior, expectations are not achieved, and people behave not per social norms. To avoid this happening, social control is needed in social life. Social control can be interpreted as a system that educates, invites, and even forces community members to behave according to social norms. Taneko explained that from its nature, social control is preventive, namely an attempt to prevent behavior that deviates from social norms and is repressive, namely restoring harmony that has been disrupted due to behavior that deviates from social norms (Taneko, t.th: 70).

There are two kinds of social control, viz:

1. Formal social control, the Government or agencies carry out formal social control with a permanent position and uses a fixed procedure. In supervision, written regulations are used; And

2. Informal social control, In severe cases, The community does informal social control carried out by force, violence, or punishment.

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Implementation of Islamic Sharia

Islamic Shari'ah which contains the values and norms of individual and community life, must be developed and implemented in people's lives. Teaching, including Islamic shari'ah, will have no meaning and will not bring about a life improvement, as meant by the shari'ah of Islamic values and norms, namely: hifz al-din, hifz al-nafs, hifz al-aql, hifz al-nasl, and hifz al-mal, if it is not implemented in people's lives.

Values and norms originating from Islamic shari'ah, and an understanding of Islamic shari'ah values and norms, need to be developed through ijtihad and outreach efforts in society. As Yusuf Qardawi explained, efforts to ijtihad must continue to be carried out by Muslims because the times have demanded renewal in religious thought by reinterpreting Islamic teachings to be relevant to the current context. This is because the thoughts offered by classical Muslim scholars often cannot provide appropriate solutions to contemporary problems (Dahlan, 2001: 1449).

Concerning the implementation of Islamic shari'ah in social life, it is also necessary to have social control, both formal and informal, so that there are no behavioral deviations from social values and norms originating from Islamic shari'ah, especially for individuals or community groups. Who claims to be a Muslim? If the two things mentioned above (social control) do not exist and do not function properly, then the expectations expected in social values and norms originating from Islamic shari'ah will not materialize in the behavior of people's lives; in fact, both will likely disappear.

Formal social control can be carried out to control the implementation of Islamic Shari'ah in people's lives if the institutions that function to carry out the control are Islamic institutions, and informal social control can also control the implementation of Islamic Shari'ah in the life of society, if society as a component that must carry out social control, is an Islamic society, namely a collection of individuals who are bound by order of values and norms originating from Islamic shari'ah, and each individual is committed to values and norms Islamic Shari'a.

Islam views humans as originating from oneself (QS.4: 1), then developing into ethnic groups (QS.49: 13). From individuals (individuals), a small community (family) is built, and from this small community, a large community is then formed, which is bound by a common language, country, brotherhood of the same religion. Kaelany explained that according to Islam, society is a means to carry out Islamic teachings concerning shared life. Society must be the basis of the framework of worldly life for the unity and cooperation of the people toward the existence of human growth that embodies equality and justice.

Community development must start with individuals; each must take care of himself and improve their quality of life so that living in society is beneficial and does not harm others. According to Islam, human quality is seen from the benefits for other humans. It is with this view of the status and function of the individual that Islam provides him with a complete moral code. This complete moral code is based on religious norms, such as piety; surrender; truth; justice; affection; and so forth. The role of an individual who develops does not mean having to think of oneself as a "special class." Attitudes and creative traits that emerge from individuals must be self-beneficial and provide motivation to those who are less developed. Thus, tolerance

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and democracy emerge in social life. In this case, the role of the family as the smallest unit of society is vital in fostering individuals (QS.3: 13-19 and QS.66: 6).

Individuals who are well nurtured, based on religious values and norms, will give birth to an ideal society, namely a society described by the Qur'an as "mardatillah society (baldat tayyibat wa rabb gafur" (QS.34: 15). According to Kaelany, in order to achieve this ideal society, a series of patterns with tendencies and dimensions must be compiled, including:

1. The people are one, living in harmony side by side (QS. 2: 213 and QS. 49: 13). With this attitude, a sense of tolerance will grow between people;
2. Pious People. Taqwaan, as the main characteristic of Islamic society, has three fundamental rules: faith in Allah, love for Allah, and fear of Allah (Kaelany, 1992: 15).

The Qur'an it is explained the characteristics of the mardhatillah community, among others:

1. One people; one people (QS.2: 213);
2. Consists of various ethnic groups (QS.49: 13);
3. The noblest is the most pious (QS.49: l3);
4. Uphold deliberation in various matters (QS.3: l59 and (QS.42: 38);
5. Upholding justice (QS.5: 8; QS.6: 152; QS.19: 90);
6. Growth of unity and pluralism (QS. 3: 103; QS. 8: 63; QS. 48: 29);
7. There is leadership that is authoritative and obedient to Allah (QS. 4: 59); And
8. Do not insult each other among fellow members (QS.16: 11).

In addition to this, the obligations and rights of members are also fulfilled, such as:

1. Learning and teaching and getting education (QS.16: 75; QS.39: 9; QS.58: 11);
2. Getting a job according to his expertise (QS. 17: 84);
3. Get security protection, both soul, physical and property (QS.5: 32, 38; QS.2: 179). Amar ma'ruf nahi munkar (QS.3: 104):
4. Faith and piety (QS. 7: 96).

Thinking of the need for coaching individuals. This is the forerunner to forming an Islamic society, in line with Asymawi's thinking. Asymawi explained that the formation of a religious community that is faithful, pious, and has compassionate and compassionate characters is the first point that must be considered in efforts to implement Islamic sharia. Islamic sharia can only be applied after the foundation of the community's faith is solid and social life requires Islamic law. This opinion is based on a hadith narrated by Siti 'Aisah: "In fact, the first verse that was revealed spoke of heaven and hell, until after the human heart remained with its Islam, then the law of halal and haram was revealed. If what was revealed at the beginning were verses such as "do not drink liquor," surely they would have stated, "We will not leave it forever" (Asqalani, 1996: 242). Moreover, if the first thing that comes down is the command "Do not commit adultery," they will also say, "We will not leave it forever."

Based on the understanding of the hadith above. Before Islamic law is implemented, it is the foundation of faith that must first be nurtured and the Islamic society that must first be built. If Islamic shari'ah is applied before faith and Islamic society are not formed. The law will only be carried out as a formality, valid without inspiration and sincerity in carrying it out. Islamic law is

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derived based on the reasons behind it. Sometimes it functions as a solution to a problem; sometimes, it acts as an answer to a question (Asmawi, 1999: 23).

So Islamic shari'ah law can only be applied after a society that is already strong in faith and ready to accept Islamic law is formed, namely an Islamic society. Besides that, Islamic Shari'ah always maintains local customs, does not break with the past, and even respects some rules, customs, and habits that have become the basis of the law of society. As an example of the law of cutting hands, before it was stated in the Koran, it had already been implemented by the Jahiliyyah community during the time of al-Walid bin al-Mugirah. Then the Quran applies it, too, considering that the people at that time were mostly nomadic tribes, where prison was not a solution. The punishment of cutting off the hands became a medium to differentiate between thieves and not thieves, as well as a medium to deter the perpetrators. Likewise with the pilgrimage, which has become the shari'ah of the ignorant people, then it is shari'ah approved by the Quran by changing the essence of what it worships, namely God, not worshiping idols in the Kaaba, as worshiped by the ignorant people. With this fact, Asymawi argues that "the best application of Islamic shari'ah is the interconnection between shari'ah and society and revision of some of its laws as well" (Asmawi, 1999: 26).

Model of Islamic Society

In the life of Muslims, there is already a model of Islamic society, built by the Prophet Muhammad, called civil society (civil society). Before the formation of civil society, the Prophet Muhammad, after being appointed as an Apostle, spent 13 years in Mecca and served as a messenger of revelation, which he preached individually. For three years, the Prophet Muhammad spread religion limited to his close friends and relatives. It was only after entering 613 AD that he began to appear in public (Hart, 1983: 28). The Prophet's da'wah material at that time was only related to matters of faith.

The preaching of the Prophet Muhammad SAW in Mecca experienced hefty challenges from unbelievers, so very few people believed at that time. Most groups that claim to believe are made up of the weak (data), and a few are made up of the elite. After the Apostle appeared in public preaching about faith, the pressures and challenges from disbelievers began to be felt by groups who had declared their faith. Groups of people who believe are persecuted, oppressed, and some are even killed because they defend their faith. However, despite the severity of the persecution by the infidel against those who have declared their faith, no one has retracted their faith. They are willing to be tortured, persecuted, and even killed by infidels rather than have to renounce their faith.

The more intense the tortures of the disbelievers against the Prophet Muhammad and his people, then out of fear for his safety and that of his people, in 622 AD, the Prophet Muhammad, and his followers migrated from Mecca to Medina. This migration event was a significant turning point in the life of the Prophet. In Mecca, it was difficult for him to get a small number of followers, and in Medina, his followers increased so that in a short time, he could gain influence, making him an absolute power holder (Hart, 1983: 28).

After the Prophet migrated to Medina, his role was not only limited to delivering revelations but also as a community leader and head of state. Therefore, in his function as Allah's Messenger,

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he did not only preach to individuals but to people. The goal achieved is to form a state society and to achieve this goal, the following steps are taken:

1. Establishing a mosque as a center for da'wah activities and a center for cultural development;
2. Brotherhood of fellow Muslims (Ansar and Muhajirin) based on religious ties without any difference in degree either because of blood or because of ethnicity; And
3. Building a state society that is supported by all residents of Medina and its surroundings regardless of their ancestry and religion (Hilmy, 1999: 24-25).

The Prophet Muhammad SAW built a state-owned society in Medina based on a common consensus of all the people of Medina and its surroundings, as outlined in the "Medina Charter." The Medina Charter shows the character of a pluralistic society in terms of heredity, religion, and culture. It includes Muslim Arabs, Jews, and non-Muslim Arabs. The Medina Charter is established based on the principle:

1. Freedom of religion;
2. Equation;
3. Togetherness;
4. Justice;
5. Peace and justice; And
6. Deliberation (Hilmy, 1999: 24-25).

Conclusion

Islamic Shari'ah is a social value and norm that regulates human relations with God, human relations with fellow human beings, and human relations with the natural surroundings. Islamic Shari'ah, as a value, has normative standards for behavior in personal or social relationships. Islamic Shari'ah as a social norm contains expectations so society can behave by these norms. This hope must be realized in social life. If it is not implemented, Islamic shari'ah will have no meaning and will not improve social life.

Islamic Shari'ah can be realized well in social life, one of which must be forming an Islamic society. Namely, religious people who are faithful and pious and have compassionate and compassionate characters. This is by the words of the Prophet, narrated by 'Aisyah, that before Islamic shari'ah is implemented, it is the foundation of faith that must first be fostered; in this way, Islamic society will be built, and Islamic shari'ah will be easy to implement in social life..

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