



## The Mutualism Interactions in the Changes of Social and Islamic Law

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### Abstract

Humans and everything in God's creation will benefit from Islamic law. Through the establishment of beneficial rules, Islam seeks to advance the world and its inhabitants. Islamic law must contain advantages throughout history. Changes in the law and disagreements in the law that arise among Islamic jurists are all advantageous. Change is an essential component of human existence. This is due to the fact that God has provided humanity with a great deal of capacity to effect significant life changes. God endows people with three potentials: the potential for rationality or intellectual capacity, defensive potential, and offensive potential. These three potentials are the driving force and urge for humans to be able to differentiate between useful and harmful activities. Individually and socially, therefore, human life is highly dynamic, continually evolving, and ever-changing. These transformations and processes are known as social change in society. Islamic law must be revised due to the inevitability of societal development. Islamic law, as God's rule that benefits humanity, is unquestionably capable of adapting to and responding to this societal transformation. To respond and adapt to these societal changes, Islamic jurists (*fuqaha*) created a widely accepted norm, namely, that Islamic law can alter and vary based on changes in time, location, circumstances, intents, and traditions. Social changes have ramifications for the evolution of Islamic law, while the evolution of Islamic law has implications for social change. The interaction between the two is mutualistic.

**Keywords:** Mutualism Interaction, Social Change, Islamic Law Change

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### Abstrak

*Hukum Islam bertujuan untuk membawa kemaslahatan bagi manusia dan seluruh ciptaan Allah. Agama Islam bertujuan untuk memakmurkan dunia dan isinya dengan bentuk menetapkan hukum yang mengandung kemaslahatan. Hukum Islam sepanjang zaman pasti mengandung kemaslahatan. Perubahan hukum maupun perbedaan hukum yang terjadi di kalangan para ahli hukum Islam semuanya mengandung kemaslahatan. Perubahan merupakan sesuatu yang niscaya dalam kehidupan umat manusia. Hal ini*



*karena manusia dianugerahi banyak potensi oleh Allah untuk mampu melakukan banyak perubahan dalam kehidupannya. Allah memberikan tiga potensi kepada manusia, yaitu potensi daya akal atau intelektual, potensi defensif, dan potensi ofensif. Ketiga potensi inilah yang merupakan penggerak dan pendorong manusia untuk dapat membedakan perbuatan yang bermanfaat dan perbuatan yang tidak bermanfaat. Karenanya, kehidupan manusia sangat dinamis, berkembang, dan senantiasa berubah dari waktu ke waktu, baik secara individu maupun sosial. Perkembangan dan dinamika inilah yang disebut sebagai perubahan sosial masyarakat. Keniscayaan perubahan sosial menuntut keniscayaan perubahan hukum Islam. Hukum Islam sebagai hukum Allah yang membawa kemaslahatan kepada manusia tentu mampu merespon dan menjawab perubahan sosial ini. Dalam rangka merespon dan beradaptasi dengan perubahan sosial ini, para ahli hukum Islam (fuqaha) merumuskan kaidah yang sangat populer, yaitu bahwa hukum Islam dapat berubah dan berbeda karena perubahan waktu, tempat, kondisi, niat, dan tradisi. Perubahan sosial berimplikasi pada perubahan hukum Islam, dan perubahan hukum Islam juga berimplikasi pada perubahan sosial. Keduanya berinteraksi secara mutualisme.*

**Kata Kunci:** *Interaksi Mutualisme, Perubahan Sosial, Perubahan Hukum Islam*

## A. INTRODUCTION

Islam arose during a period when humanity was enduring a great deal of destruction. At that time, nearly every joint in the human body was severely compromised. For instance, harm to aspects of belief or trust, morality, social institutions, family order, and state order. Historians call this time period the era of ignorance. During the *Jahiliyah* period, ignorance and desire dominated the mass of humanity. They disregarded conscience, logic, etiquette, shame, and the positive aspects of a person. Among their practices included fighting, murdering, robbing, stealing, gambling, adultery, consuming *khamr*, and engaging in usury.

Islam arose to alter bad human conduct and inspire people to adopt the right way. Islam encourages individuals to perform good actions and be useful in their daily lives. Not only beneficial, but also capable of saving you, your family, other individuals, society, and the natural environment as a whole. Islam comes to offer humanity benefits of virtue. Therefore, the source of Islamic teachings, notably the Koran and the Hadith of the Prophet Muhammad, provides goodwill or benefits for all of God's creations. Islam arose to exalt humanity, care for the universe, and transmit the teachings of Allah revealed to His Messengers prior to the Prophet Muhammad.

The teachings of Allah given to the Apostles prior to the Prophet Muhammad are known as *syar'u man qablana* (the sharia of the people before to Muhammad's apostleship). At the time of the Prophet Muhammad, these teachings were commonly categorized into three categories: those that were carried down unchanged, those that were passed down with modifications, and those that were not passed down. The teachings are transmitted unchanged, including monotheism and the ban against harming others. Changes are made to the teachings, including prayer, fasting, pilgrimage, and marriage. Not transmitted are processes for cleansing from *najis* (unclean), repentance, and the distinction between halal and haram animals for food. In brief, it may be claimed that the teachings of Islam complete the teachings of Allah given to the Apostles before Muhammad's mission.

Islamic law is a component of Islamic doctrine. The terminology of Islamic law is sometimes referred to as *fiqh* (Islamic jurisprudence). Despite the fact that these two phrases appear to be synonymous, they really have a rather fundamental distinction. The word Islamic law is more inclusive than *fiqh*. Etymologically, *fiqh* means comprehension. *Fiqh* is the word for the study of the *syara'* laws that are practiced and taken from their extensive reasoning (al-Isnawi, 2018: 38). In other words, *fiqh* is commonly described as 'Islamic law' since it is a science that examines the legal elements of Islam.

In the early days of Islam's presence, the legal aspect of Islam was severely harmed; hence, it was one of the first crucial parts to be mended. Islam enhances two crucial facets of interconnected Islamic teachings, namely *aqidah* (belief) and *shari'ah* (law). The *aqidah* aspect will not be flawless if the *shari'ah* aspect is imperfect, and vice versa. This pure and good *aqidah* and *shari'ah* is able to lead humanity to become servants of Allah, who is always spreading benefit and kindness on this world.

Allah established Islamic law in order to distribute the blessings of Allah's creation to people and the rest of the universe. Islam aspires to make the world and its inhabitants better off by enacting beneficial rules. Islamic legislation must be beneficial to Muslims of all ages. Islamic jurists' differences of opinion on the law and its application of it have their advantages and disadvantages. "Fatwas of Islamic law can vary and differ owing to changes in time, place, situations, intents, and traditions," says a widely accepted guideline (Qayyim, 2020: 14).

Change is a vital aspect of human existence. God has gifted mankind with a great deal of capacity to make significant changes in their lives. God provides humanity with three potentials: intellectual power potential, defensive potential, and offensive potential (Prajā, 2002: 33). These three potentials provide the driving power and motivation for people to be able to differentiate between productive and harmful activities. Individually and socially, human existence is therefore very dynamic, ever-evolving, and ever-changing across time. These occurrences and processes are known as social transformation in society.

The inevitability of social change necessitates the modification of Islamic law. Islamic law, being the beneficial law of God, is surely able to adapt and respond to this societal development. In order to respond and adapt to these societal changes, Islamic jurists (*fuqaha*) created the aforementioned rule, which states that Islamic law can alter and vary based on variations in time, location, circumstances, intents, and traditions. Social developments have ramifications for Islamic law, and Islamic law changes have repercussions for society as well. These two modifications are the focal point of this paper.

## B. DISCUSSION

### 1. Social Change of Society

Change is a necessary part of the process. We live in an ever-changing world. Human life and all of God's creations in this world are subject to change, as well as the earth itself. Because of this, the entire planet is wiped out. To put it another way, there is no reason and no one can oppose change, even in the social order. Change is an unavoidable part of life. Societies are made up of people who go through the same thing that you do; they undergo change. Because people evolve, society and its established order must also adapt to accommodate these shifts. "Social change" refers to this shift in society.



Society is continuously evolving on every level of its underlying complexity. There are economic, political, and cultural changes at the macro level. At the mezzo level, groups, communities, and organizations undergo transformation. There are changes in individual interactions and behavior at the micro level. Society is not a physical thing, but rather a network of interrelated activities on numerous levels. According to Edward Shils, “society is a temporary phenomenon. Society is not born from its existence at a single moment in time. However, it only exists in time. He is the embodiment of time” (Sztompka, 2017: 63).

Society has always been there, from ancient times right up until the present day. The reality is that its presence moves through a transitional period between what has occurred and what will occur. In today’s society, remnants of the past may be found in the form of influences and traces, in addition to seeds and promises for the future. Because of the way that the process of society works, it is implicitly understood that each phase is causally tied to the one that came before it, which in turn influences the phase that comes after it (Sztompka, 2017: 63).

Harper defines social change as a major alteration in the social structure throughout time. Changes in this structure include various sorts of changes in social structure. Firstly, personality changes linked with role changes and the emergence of new persons in the history of human life connected to the structure’s existence. Secondly, alterations in the relationships between the social structure’s components. Changes in the workflow of the bureaucracy in government institutions are one illustration of this. Third, alterations to the structure’s functions in relation to what the community does and how it does it. Fourth, alterations in the relationships between distinct structures. Fifth is the emergence of a new structure, which is an event of a new structure emerging to replace the old one (Martono, 2014: 5-6).

According to Harper’s concept of social change, five things change in the occurrence of ‘social change’: the role of the individual, the workflow of the bureaucracy, the function of the structure, the link between structures, and the formation of a new structure. If these five factors alter a society, it is evident that social change has occurred. Comparing the situation of the community in the present with the condition of the community in the past reveals social changes in society.

Social transformation happens due to the presence of causative variables. Social change can be caused by factors inside the community as well as those from outside the community. What originates from the community, such as population increase in a region. The expanding population of a region due to transmigration can surely result in the territory’s population becoming diverse. Residents of a diverse region, comprised of numerous ethnic groups that freely intermarry and disperse customs, technical knowledge, and ideologies, typically experience fast transformations that assist social transformation. Similarly, the collection of culture and new discoveries, essentially a culture, is becoming more diversified and accumulating. This accumulation of culture is the result of fresh discoveries made by community members.

Social changes originate outside the society, such as the impact of foreign cultures. Because of the impact of contemporary culture, traditional society has evolved into a more modern one. Those who live in traditional communities are steeped in the customs of their place of origin, which they have passed down through the generations. Even while rural areas are often associated with traditional societies, this is not true for all of them. A person’s surroundings are inextricably linked in traditional society. They communicate honestly and immediately with nature. Individuals and society are entwined

with the cosmos in a fundamental way. As a rule, in traditional civilizations, socio-culture is governed by custom and belief, rather than by law and regulation.

The progress and development of science and technology led to new discoveries both in the field of technology, the occurrence of revolutions, modernization in various fields, and other events in a place, quickly able to be known by other people who lived far from the center of the event. Because of this, the traditional community has gradually changed into a modern society. Modern society is a society that prioritizes rationality and is more open to new things. Modernist in modern structure. The modern social structure is a network of relations between people in modern society, from which social, political, economic, and cultural institutions develop. Its working order uses the principles of rationality, analytic, empirical causal, and objective. Modern society is characterized by the growth of knowledge.

Social change can also be seen from a different time context, namely the social change from classical to contemporary times. The social condition of society in classical times was full of simplicity, both in social structure, social organization, and social relations. This is different from the social conditions of contemporary society, that is, modern life, both in modern structure, social organization, and social relations. Contemporary times are characterized by the globalization of the world, and the melting of territorial boundaries. There is no longer a boundary between eastern and western cultures. Lifestyle is no longer a monopoly of a certain class of society but has become cross-class, so that the upper, middle, and lower classes of society that used to be obvious are no longer clearly visible because they have melted into the mix.

Social change can also occur because it comes from outside the community because of the occurrence of war. The occurrence of wars in one region caused a decrease in the number of inhabitants, as happened in some countries now, or the movement from one region to another so that the number of inhabitants became increasing, causing social changes. And the cause of the natural environment such as natural disasters. Social changes that occur in the life of society there are unplanned changes and planned changes. Unplanned changes are changes that take place beyond the will and supervision of society. These unintended changes usually cause more conflicts that are detrimental to the lives of the people concerned. Planned changes are changes that are estimated or that have been planned by parties that want to make changes in society. Those who want changes are called agents of change, that is, a person or group of people who have the trust of the community as leaders of one or more societal institutions.

According to Robert H. Lauer, there are two main theories of social change: cycle theory and development theory. Cycle theory describes a change that repeatedly resembles a spiral. According to cyclical theory, events now basically have similarities with previous events. There is no clear distinction between primitive, traditional, and modern lifestyles in this transition. The theory of development, that is, linear change, develops towards a certain point, such as the change from a traditional society to a complex modern society. Society developed from the original primitive and traditional ways and became modern. The theory of linear development is divided into the theory of evolution and the theory of revolution. Adherents of the theory of evolution are of the view that society is gradually developing from traditional primitives, toward a complex and advanced modern society. Adherents of the theory of revolution are of the view that society changes linearly but is revolutionary.

The factors driving social change involve internal factors, such as changes in the number of inhabitants, new discoveries, opposition in society, and rebellions or revolutions, as well as external factors, such as the physical environment, warfare, and cultural influences of other people.

Social change has a positive and negative impact on society. Positive impacts can be in the form of the development of democratization, science and technology, and globalization. Negative impacts may cope with the emergence of consumptive behavior, hedonistic tendencies, secularism, or westernization. In addition, social change causes the occurrence of social disorganization or disintegration. This disintegration situation causes chaos, resulting in anomie (without rules). The process of disintegration as a result of social changes that occur in society, among others, is the upheaval of the region, protests and demonstrations, criminality, and juvenile delinquency.

## 2. Changes in Islamic Law

Islam, as the religion brought by the Prophet Muhammad, must have goals. The objective is in conformity with Allah's intention as the creator. Islamic teachings encompass all areas of human existence, including all of God's creations. The legal component is a significant aspect of Islamic beliefs. This legal component is one of the Islamic teachings that humanity must understand. Intelligent and mature humans (*baligh*) are required to learn the legal components of this Islamic doctrine so that the word Islamic law (*fiqh*) may be understood. Just as Islam has a purpose, so too does Islamic law.

As stated in Surah al-Anbiya verse 16 and Surah al-Mu'minin verse 115, several passages of the Qur'an and Hadiths of the Prophet Muhammad demonstrate that Allah did not create the universe in vain or without purpose. In both passages, Allah explains that he did not create the heavens, the earth, and its inhabitants for amusement. In other words, Allah created the heavens, the earth, and everything in them with sincerity and for a definite purpose, of which only He is aware. Humans are God's greatest and most perfect creation because they can accept civilization and culture. Due to this, Allah delivered revelations to the Apostles in order to create order and human order. This objective is described in verse 25 of Surah al-Hadid. In this verse, Allah states that the aim of sending Allah's Apostles with physical proof, the Qur'an, and the scales of justice (*al-mizan*) is to uphold justice (Praja, 2002: 99)

On the basis of the scholarly research conducted by referencing the verses of the Qur'an and the Hadiths of the Prophet Muhammad, it is possible to infer that the objective of Islamic law is to serve humanity. This objective may be found by tracing Islamic laws pertaining to humanity as legal subjects (*mahkum 'alaih*) and Islamic laws pertaining to Allah as legal objects (*mahkum 'alaih*) (*al-Hakim*). Numerous Islamic jurists have advanced theories about how to investigate the aims of Islamic law. Then the phrase *maqashid al-shari'ah*, which is particularly popular among Islamic jurists, was born (the purpose of establishing Islamic law). According to academics, the objective of Islamic law (*maqashid al-shari'ah*) is to safeguard religion, the soul, the mind, lineage, and property. The study of *maqashid al-sharia* gained impetus during al-reign Syathibi's and was maintained by Thahir Ibn 'Assyria's reign. These two academics were successful in articulating the *maqashid al-syariah* doctrine and its location.

Thus, it can be depicted that the purpose of Islamic law is to preserve religion, soul, reason, descent, and property. These five goals can be hierarchical or not, very much depending on the level of benefit. Scholars establish that benefit has three levels, namely

primary (*al-dharuriyat*), secondary (*al-hajiyat*), and tertiary (*al-tahsiniyat*). These three levels of benefit determine the priority of the *maslahah* (benefits) contained in *maqashid al-shari'ah*. It may be that the benefit of property takes precedence over the benefit of religion, and vice versa.

A primary benefit is a benefit that must be achieved because it will damage humans if it is not achieved. A secondary benefit is a benefit that is recommended to be achieved because it will make life difficult for humans if it is not achieved. The tertiary benefit is a benefit that should be achieved because it can perfect human life if it is achieved. Thus, the purpose of Islamic law is to preserve religion, soul, reason, descent, and property, with the priority parameters of three ranks of benefit, namely *dharuriyat*, *hajiyat*, and *tahsiniyat*.

Islam is a universal religion, encompassing all human beings in the world, from the first man to the last. Islamic universality is not limited by land, ocean, state, or other restrictions (the Qur'an, Surah al-Saba verse 28). If Islam as a religion is universal, then Islamic law as one aspect of Islamic teachings must also be universal. Just because this Islamic law has characteristics that are different from other aspects of Islamic teachings, what is meant by universality here is global, while in detail it can adapt to existing situations and conditions.

Islamic law has characteristics that can distinguish it from various other laws. Some of these characteristics are inherent in Islamic law itself, and some are processed through the course of history. Here are some characteristics of Islamic law. First, it is perfect. Islamic law is always in harmony with all situations and human conditions, wherever and whenever, alone or in groups. This is because in general, Islamic teachings come down in a global form and on a large scale so that they can adapt and be consistent in their spirituality with the changing demands of time and place. The spirituality of Islamic teachings is to provide freedom to mankind in carrying out *ijtihad* following the situation and conditions as well as space and time (Djamil, 1997: 46).

Secondly, it is universal. Islamic law knows no boundaries of territory, ethnicity, race, nation, or language. The universality of Islamic law is illustrated by its nature, which is not only fixated on one age but on all ages. Islamic law gathers all different angles and aspects in unity and always fits into a society that wants both old and modern traditions. Islamic law is also suitable for experts of *aql* and *ahl naql*, *ahl al-ra'y*, and *ahl al-hadith* (Ash-Shiddiqi, 2015: 105-106).

Third, it is elastic, dynamic, and flexible. This is because Islamic law is perfect and universal. Islamic law (*fiqh*) is adaptable and receptive to the changing dynamics of the world around it (Rohayana, 2021). This third characteristic makes Islamic law always relevant to various places, the progress of society, and the development of the times. If Islamic sharia is believed to be something static and unchanging, then *fiqh* (Islamic law) becomes a bridge between this static sharia and something relative and constantly changing, namely space and time (Moses, 2018: 172). Islamic law only provides general and global rules, while the details are adjusted to human needs so that they can apply and be accepted by all human beings. Therefore, Islamic law has a movement and life that can shape itself according to development and progress through a process called *ijtihad*. *Ijtihad* is the right of every Muslim which is the principle of movement in directing Islam to development, is active, productive, and constructive (Schacht, 2003: 300).

Fourth, systematic. Islamic law corresponds to each other and is related and logically related. This logicity can be seen in several verses of the Qur'an that always



connect one institution with another. In addition, Islamic law that encourages its people to worship on the one hand, but also does not forbid its people to take care of worldly life (Djamil, 1997: 48).

Fifth, it is *ta'abbudi* and *ta'aqquli*. In general, Islamic sharia can be distinguished into two parts: the teachings of the *ta'abbudi* and the teachings of the *ta'aqquli*. *Ta'abbudi* is a form of worship whose main function is to bring people closer to Allah. This form of worship has been given, taken for granted, whose meaning cannot be understood by (irrational) ratios, such as the number of prayers (*rakaats*). *Ta'aqquli* is a worldly form of worship, the meaning of which can be understood by the ratio (rational). Sixth, upholding benefit, justice, and not complicating. Islamic law is based on benefit, and the basis of all the rules developed by Islamic law also boils down to benefit. Islamic law is concerned with how to maintain benefits, both in curative and preventive forms. Curative forms are actions that can support the foundations of benefit so that Islamic law takes actions that support the realization of these benefits. Preventive forms are measures to prevent the loss of benefits so that Islamic law takes actions that can prevent the disappearance of benefits or can potentially damage benefits (Masud, 1996: 244). Islamic law is a fair, balanced, egalitarian, and non-discriminatory law. Islamic law gives rights to a person in accordance with the obligations he has performed. Islamic law does not make it difficult, because it is not narrow, not crowded, not coercive, and not burdensome. It can be found in the form of aborting obligations, reducing the amount, exchanging, putting precedence (*taqdim*), terminating (*ta'khir*), deforming, and dissecting the load (*taqlil at-takalif*).

Understanding changes in Islamic law is highly dependent on a precise and thorough grasp of its terminology. There are two potential interpretations of Islamic law: sharia and *fiqh*. Similarities and distinctions exist between both. The resemblance resides in the discussion of the laws derived from the Qur'an and the Hadith of Muhammad. Their nature differentiates them from one another. Sharia is absolute and holy because it is not the result of *ijtihad*, but *fiqh* is neither absolute nor holy since it is the result of *ijtihad* (Rohayana, 2021: 7-8). Sharia is Islamic law that applies throughout time and cannot change, but *fiqh* is Islamic law that "may" not always apply and "may" change have based on time, place, circumstances, intents, and traditions. Because sharia enforcement needs *fiqh*, and *fiqh* cannot exist if there is no sharia, the two can be distinguished but cannot be separated.

In accordance with the features of Islamic law, which are universal and dynamic, elastic, and adaptable, it is applicable to changes in times, locations, circumstances, intents, and traditions. Islamic law may adapt to societal developments, as demonstrated by the university and its adaptability. Adaptation can take the form of small alterations to fit (adjustments) or extreme maximal changes (renewals). This modification renders Islamic law dynamic and constantly applicable to any age, location, circumstance, and tradition. It is difficult to apply Islamic law to human existence throughout the years and in many locations if it does not adapt and evolve.

In the modern period, which is characterized by modern living, there are several changes in social conduct. Because of this, an Islamic legal system that controls social conduct in contemporary society is essential. Contemporary Islamic law refers to the law formulated and stipulated by Islamic jurists in light of the sociological realities of modern civilization.

The purpose of Islamic law is to benefit the life of a human being. Therefore, Islamic law should be able to provide solutions and alternatives that provide guidance to



problems in human life, both in the form of legal determinations as an answer to a problem that arises and in the form of regulations to organize human life itself. Islamic law is required to be able to provide answers to legal problems that arise in accordance with social changes in society.

### 3. Mutualism Interaction in the Changes in Social and Islamic Law

In simple terminology, Islamic law is the law of Allah. Islamic law must relate to God's word as found in the Qur'an and the Hadith of the Prophet Muhammad. If Islamic law is derived from the Qur'an and Hadith, it follows that Islamic law is God's law because it is derived from God's word. This is due to the fact that it is impossible for rules based on the Qur'an and hadiths to contradict Allah's laws. The direction of the Qur'an and the Hadith of the Prophet Muhammad must inform Islamic law.

In reality, theory and practice are not always compatible. The Islamic law, which should be congruent with human welfare, occasionally appears incongruous. This difference in interpretation may be inappropriate or unsuitable. This is because, as stated previously, God's intent in establishing His rules is to assist humanity. If it is inappropriate, then something must alter, whether it is the theory or the reality. This indicates that Islamic law sometimes adapts to the reality of society, or that the reality of society sometimes adapts to Islamic legal theory. If it is not accurately understood, then the understanding itself must be modified. If there is a gap between Islamic law and reality, there are three options: Islamic law, reality, or a shift in perspective.

The link between social transformation and Islamic law is one of reciprocal interaction. Thus, societal changes influence Islamic law changes, and Islamic law changes likewise influence social changes. In the social, social, and legal systems that comprise social subsystems, each system operates according to its role, despite interdependencies and interconnections. Consequently, societal changes might result in legal changes and vice versa. According to Talcott Parsons' theory of cybernetics, the presence of linkages and interrelationships in social and legal systems.

According to this theory of cybernetics, a social system is a synergy between various social sub-systems that experience dependence and interrelationships. Individual behavior is not biological behavior but should be viewed as structured behavior. A person's behavior must be placed within the framework of a broad social system divided into sub-systems-sub-systems. The dependence and interrelationship between social and legal as mentioned above are also found in Islamic law. Does Islamic law lead to social change, and whether social change leads to a change in Islamic law?

Islamic law can change the society of society if Islamic law has been obeyed and implemented and become a handle, and even become a customary custom for the community. In addition, Islamic law can change the social society if Islamic law is absorbed into positive law for a country. In the history of Islamic law, various studies carried out concluded that Islamic law brightly changed social society. At the time of the Prophet, besides him as an Apostle, he was also the head of state, so Islamic law could be applied and made a regulation for all people at that time, Muslims and non-Muslims.

As previously explained, the social life of the *Jahiliyah* Arab community at the time of Muhammad's mission was severely affected. They like drinking *khamr* (liquor), gambling, and committing crimes such as burying infant girls alive and demeaning women. They liberated males to marry an infinite number of women. Their tribes preserve their distinct tribal identities and interests. In the historical history of Arab society, the law of *jahiliyyah* exhibits a racial, feudal, and patriarchal bias against specific groups. As

a result, there was frequent violence between tribes; indeed, it was their delight and source of pride.

The Islam delivered by the Prophet Muhammad, which rules an individual's personal and social life, was able to alter the social order and structure of the uneducated society of the time over a period of around 23 years. The Arab community, once known as the *jahiliyyah* community for its poor behavior and traditions, transformed into a culture that was extremely submissive to Islamic rule. The judicial system created by *al-Khulafa al-Rashidin* following the death of the Prophet was able to bring about significant social changes in Arab society at that time. During the reign of Umar bin Khattab, for instance, a large number of individuals dropped and played with all three divorce phrases at once. In light of these socioeconomic conditions, Umar bin Khattab performed *ijtihad* and concluded that the three divorces will fall three times. According to Umar bin Khattab, this undesirable social practice must be averted by requiring three divorces simultaneously, so that three divorces also occur.

As a result of Umar bin Khattab's *fatwa*, individuals at the time no longer dared divorce their spouses many times at once. In modern times, Islamic law clearly governs the conduct, position, structure, and institutions of society in Islamic nations that implement Islamic law in the country and state, such as Saudi Arabia and other Islamic countries. However, Islamic law does not inherently transform non-Islamic societies. Islamic law may transform non-Islamic societies if it is adopted and developed into positive legislation, like in Indonesia. For instance, Islamic law was included in Law No. 1 of 1974 regarding marriage.

Changes that occurred, for example, before the ratification of Law No. 1 of 1974, people in Indonesia often held underage marriages. After the birth of Law No. 1 of 1974, marriage is only allowed if the male party and the female party have reached the allowable age, which is 19 years old. Thus, the social system of society changed to carry out marriages must be in accordance with the law. Likewise, before the emergence of Law No. 1 of 1974, people were very easy to divorce their wives, but after the Law No. 1 of 1974 was ratified, divorce was not considered to fall unless it was declared before a court hearing.

To strengthen the role of Law No. 1 of 1974, the Compilation of Islamic Law was also ratified which regulates the tent of the social life of the community, especially in the field of marriage. Likewise, with the ratification of Law No. 21 of 2008 which regulates Islamic economic transactions, it changed the system and structure and social institutions in Islamic business, before the birth of the Law, Islamic economic transactions in financial institutions had not yet taken a strong hold. According to William Dahl, the law as a result of social engineering is a tool to be used as the basis for forming a prosperous society. This is the arena of the rules established and applied by the law aimed at the creation of an order in social life.

Thus, the law can bring about social change in society, or at least serve as a catalyst for several social changes. In accordance with the view of the role of law, legislation can alter social society as indicated above. If the law is confronted with social change, it can serve one of two purposes: as social control (social control) or as a method to transform society (social engineering). As was the case in the early generations of Islamic growth, i.e., during the time of the Prophet and *al-Khulafa al-Rasyidin*, Islamic law and all of its tools play a crucial role in bringing about social transformation and a new social order.

Inversely, socioeconomic developments result in modifications to Islamic law.

Changes in society can take the shape of socio-cultural, socio-economic, and other alterations. Social development does need legal reform. The interplay between legal and social transformation is a genuine phenomenon. Changes in society might prompt requests that Islamic law controlling society also evolve. In the historical context, *fiqh* treasures demonstrate the effect of sociocultural shifts on the concepts used by the *fuqaha* in the formulation of law. The creation of two perspectives of al-Shafi'i school of thoughts, known as *qaul qadim* and *qaul jadid*, is a tangible example of how societal changing factors influence Islamic law. The old view (*qaul qadim*) was al-legal Shafi'i's opinion in Iraq, whilst the new opinion (*qaul jadid*) was his opinion in Egypt. The reason for this shift in al- perspective Shafi'i's is that the social situations of the Iraqi people differ from those of the Egyptian people.

Islamic law which is categorized as *fiqh* as part of the product of the thought of scholars of *fiqh* (*fuqaha*), is not an absolute thing or does not accept change. On the contrary, the results of their thinking that are lacking or incompatible with contemporary times need to be reviewed (reformulation). Thus, the interaction of Islamic law with the development of contemporary society has always led to a rethink of the results of the thinking of earlier scholars. This is especially true when it comes to today's problems, which are getting broader and more complex, especially in light of modern times, which gave birth to the era of globalization, which made everything a unified point of view as a result of easy communication and transportation. Distance no longer means anything, facilitating information, and the division of countries and territories inhabited by various nations, languages, religions, and cultures has become blurred as a result of scientific and technological advances.

This globalization significantly alters all elements of existence. To put Islamic law in a position of use in the face of all social change, further abilities in interpreting societal phenomena are required. Convergence between *ushul fiqh* and other sciences can lessen Islamic law's formality. Therefore, Islamic law cannot be seen just through the lens of principles; one must also consider its organic and structural relationships and interactions with social life. This is a significant aspect of the evolution of Islamic legal theory. The evolution of Islamic legal philosophy is not only viewed as a religious occurrence, but also as a creative conflict between Islam and social society, between Islamic principles and the structural realities of society. The renewal of Islamic legal philosophy is inseparable from the continuous evolution of human life.

In Islamic law, social, cultural, and geographical changes are important variables that contribute to legal changes. Therefore, it is not surprising that *fiqh* experts establish the rule that Islamic law can change with changing times, places, conditions, intentions, and traditions. Islamic law fatwas are the product of mujtahid mufti related to one legal event yang submitted to him, so it is dynamic. The dynamics of this Islamic legal fatwa are in order to respond to the development of new n faced by the community, when problems arise that are new in nature and unclear legal positions. Thus, changes in Islamic law need to be implemented, since the results of ijtihad are always relative, in response to new problems, as long as they do not contradict the principles of the Quran and sunnah. The above description shows that Islamic law and the social reality of society interact mutually. Social changes can result in changes in Islamic law, and changes in Islamic law can also result in social changes.



### C. CONCLUSION

Islamic law and social change are intertwined in a mutually beneficial way. There are a number of factors that influence the development of Islamic law, and these factors are affected by societal change. Although they are linked and interdependent, social, legal, and political systems operate independently within the social subsystems they form. As a consequence, social changes can drive legal ones, and the reverse is also true.

To accomplish the aim of Islamic law, which is to benefit mankind and all of God's creation, there must be a mutual relationship between societal development and modifications to Islamic law. By establishing beneficial rules, Islam seeks the prosperity of the planet and its inhabitants. Consequently, Islamic law must constantly be pertinent to the needs and difficulties of the period. In order to fulfill the benefit that is the purpose of Islamic law, any legal developments and legal disagreements that occur among Islamic jurists are referred to be Islamic legal evolution. Without adjustments and modifications, Islamic law has trouble achieving its objectives. Islamic law has been able to adapt to societal conditions since its origin, allowing it to affect social change. Also, Islamic law does not deny social reality, hence Islamic law can be modified to accommodate social reality. The connection of mutualism, social transformation, and changes in Islamic law is known as mutual acceptance and complementarity.

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