

FACTORS INFLUENCING THE HISTORY OF THE GROWTH AND DEVELOPMENT OF ISLAMIC LAW FROM THE ERA OF THE PROPHET TO THE ABBASID PERIOD

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Abstract

This article examines the historical factors that have influenced the growth and development of Islamic law over time. Islamic law, as one of the rich and complex legal systems, is not only influenced by primary normative sources such as the Qur'an and Hadith, but also by the social, political, and cultural dynamics in various regions and historical periods. Through a historical-analytical approach, this research explores various crucial determinants in the evolution of Islamic law, including its interactions with other civilizations, the development of religious thought, as well as political and economic transformations. The findings of this study suggest that the development of Islamic law is not a static phenomenon, but rather an ongoing process that continues to evolve in accordance with its historical context. A deep understanding of these factors is essential for grasping the adaptive nature of Islamic law across different parts of the world, as well as its relevance in addressing contemporary legal challenges.

Keywords: *Islamic law, legal history, development dynamics, historical determinism, legal evolution.*

Abstrak

Artikel ini mengkaji faktor-faktor historis yang mempengaruhi pertumbuhan dan perkembangan hukum Islam dari masa ke masa. Hukum Islam, sebagai salah satu sistem hukum yang kaya dan kompleks, tidak hanya dipengaruhi oleh sumber-sumber normatif utama seperti Al-Qur'an dan Hadis, tetapi juga oleh dinamika sosial, politik, dan budaya di berbagai wilayah dan periode sejarah. Melalui pendekatan historis-analitis, penelitian ini mengeksplorasi berbagai determinan yang sangat penting dalam evolusi hukum Islam, termasuk interaksi dengan peradaban lain, perkembangan pemikiran keagamaan, serta transformasi politik dan ekonomi. Hasil penelitian ini menunjukkan bahwa perkembangan hukum Islam bukanlah fenomena yang statis, melainkan sebuah proses yang terus berkembang sesuai dengan konteks sejarahnya. Pemahaman yang mendalam mengenai faktor-faktor ini penting untuk memahami sifat adaptif hukum Islam di berbagai belahan dunia, serta relevansinya dalam menjawab tantangan hukum

kontemporer.

Kata kunci: hukum Islam, sejarah hukum, dinamika perkembangan, determinasi sejarah, evolusi hukum.

INTRODUCTION

Islamic law, which evolved throughout various periods, has unique characteristics in each phase(Syamsuri, 2011). Scholars have categorized the periods of Islamic law based on these distinctive traits. Some also associate the development of Islamic law with the stages of human life, such as childhood, adolescence, adulthood, and old age(Makruflis, 2021).

During the time of Prophet Muhammad (PBUH), the development of Islamic law proceeded smoothly without significant obstacles. This was because the Prophet had full authority in establishing Islamic law(Al Faruqi, 2019). Any issue that arose in society was immediately addressed, either through divine revelation or consultation with the companions(Zaini, 2016).

In the era of the companions, the development of Islamic law remained very similar to the time of the Prophet. They endeavored to continue and apply the Islamic law that had been taught by the Prophet. However, as the Islamic empire expanded, leading to an increase in the number of issues, the companions worked to address these challenges with their respective approaches(Ermayani, 2006). As a result, A.A.A. Fyzee, as quoted by Anwar Haryono, states that this period was a continuation of the old practices with consistency in following the Sunnah. Similarly, in the subsequent periods, Islamic law continued to evolve, each with its own characteristics(Hutagalung & Gloriawati, 2022).

As time passed, Islamic law, which first grew and developed during the time of Prophet Muhammad (PBUH), continued to experience dynamic growth. This process of development did not stop at one period but continued, crossing various historical phases, adapting to the context of each era. Islamic law evolved through various social, political, and cultural challenges, in line with the journey of the Muslim community(Mursalim et al., 2024). Over time, Islamic law demonstrated flexibility and relevance in addressing new challenges, eventually reaching its

present form. Therefore, the growth of Islamic law is a long journey inseparable from the dynamics of Islamic history itself(Fuadi, 2018).

During the reign of Mu'awiyah, the political situation was marked by various conflicts and power struggles, which had a negative impact on the growth and development of Islamic law(Ghafrin & Syauqii, 2024). Moreover, during this time, the institutions of the umara (governors) and the ulama (scholars) became separated, unlike during the era of the Khulafa' al-Rasyidun, when both institutions were united in the figure of a single leader. In this condition, law, which should have been a reference and resolution for disputing parties, was instead turned into a tool for the interests of the ruling faction. As a result, justice became difficult to obtain from those in power, and the people sought justice outside the government institutions, turning to independent scholars. This tendency arose not only due to the difficulty in obtaining fair legal rulings free from political interests but also because the government of Mu'awiyah was primarily focused on warfare with other nations, particularly Byzantium(Dirhamzah, 2020).

This situation began to change when power shifted to the Abbasid dynasty. During this time, prominent mujtahid scholars emerged, playing a crucial role in the development of Islamic law. This period, which lasted around 250 years (101-350 H/750-961 CE), is known as the period of the mujtahid imams. During this time, Islamic law developed more cohesively between the ulama and the umara(Rahmi Pertiwi & Nirmayuni, 2024). Islamic law spread to wider regions, and the mujtahid imams, in a more favorable environment, sought to compile and review the heritage of previous generations, including compiling Hadiths, the fatwas of the companions, and the fatwas of the Tabi'in. Thus, the Abbasid period became a significant milestone in the systematic compilation and documentation of Islamic legal sources(Amiruddin Dardiri et al., 2023).

The aim of this research is to analyze the development of Islamic law from the time of Prophet Muhammad (PBUH) to the Abbasid dynasty, with a focus on the roles of scholars and government in the formation of Islamic law. This research also aims to identify the challenges faced by Islamic law in each

historical period and how Islamic law adapted to social, political, and cultural changes. Furthermore, this study will explore the contributions of the mujtahid imams in the systematic compilation and documentation of Islamic legal sources from the time of the Prophet Muhammad (PBUH), the companions, the Umayyad dynasty, and the Abbasid dynasty.

METHOD

This research employs a historical-analytical approach to analyze the development of Islamic law from the time of Prophet Muhammad (PBUH) to the Abbasid dynasty. The study examines primary sources such as the Qur'an, Hadith, and the works of classical scholars to identify the factors influencing the evolution of Islamic law in each period. In addition, this research also reviews historical literature discussing the development of Islamic law and utilizes qualitative analysis to understand the role of scholars and government in the formation of Islamic law. Through this approach, it is hoped that a comprehensive understanding of the challenges faced by Islamic law and how it adapted to social, political, and cultural changes throughout its history can be achieved.

FINDINGS AND DISCUSSION

Before Prophet Muhammad (PBUH) was appointed as a Messenger, he underwent various stages of preparation to carry out this role. The Prophet came from a family with modest economic conditions, so he was accustomed to living simply from a young age. He tended sheep and took care of his own needs. Prophet Muhammad (PBUH) came from a noble lineage, both on his father's and mother's side, and his ancestors were known as pious individuals who adhered to the teachings of Prophet Ibrahim (AS)(Nurul, 2022).

Despite this, Prophet Muhammad (PBUH) did not have the opportunity to learn the knowledge that was prevalent at that time, so he was known as ummi meaning someone who could neither read nor write. After marrying Siti Khadijah, the Prophet often secluded himself in the Cave of Hira to reflect on Allah's creations and the phenomena of the universe. This contemplation deepened his thoughts and purified his soul, which had already been adorned with noble

character (Dr. Musyarif, 2019).

On the 17th night of Ramadan, the Angel Jibril visited Prophet Muhammad (PBUH) in the Cave of Hira and delivered the first revelation, which was Surah Al-Alaq, verses 1-5. This event marked his appointment as the Messenger of Allah. However, in the early stages, the Prophet was not commanded to call people to Islam. These verses became the beginning of a message that the Prophet had not previously known (Nata, 2011).

After this event, for some time, the Angel Jibril visited the Prophet again in the Cave of Hira. On one occasion, the Prophet heard a voice and saw Angel Jibril in the sky. This event caused him to tremble, and he rushed home, asking Siti Khadijah to cover him. In this state, the Angel Jibril delivered the second revelation, commanding Prophet Muhammad (PBUH) to begin preaching Islam, with the revelation of Surah Al-Muddassir, verses 1-7 (Katsir, 1999).

After receiving this revelation, Prophet Muhammad (PBUH) began his mission by calling his closest family members and then his companions. In the early stages, the core message of the Prophet was to call people to believe in Allah SWT as the One True God and to abandon idol worship. The first to embrace this call were Siti Khadijah, Ali bin Abi Talib, and Zaid bin Harith. The Prophet's call was then followed by companions such as Abu Bakr, Uthman bin Affan, Zubair bin Awwam, Sa'ad bin Abi Waqqas, Abdurrahman bin Auf, Talhah bin Ubaidillah, Abu Ubaidah bin Jarrah, and Al-Arqam bin Abil Arqam. Additionally, the Prophet's message reached slaves and the poor, who also embraced Islam (Yetti et al., 2024). However, despite the success of the Prophet's mission in inspiring many, there were some close family members who rejected and even opposed this message, such as Abu Lahab. The opposition of Abu Lahab is immortalized in Surah Al-Lahab, verses 1-5 (Mahmud, 2009).

After successfully spreading the message among his close family, Allah SWT. commanded Prophet Muhammad (PBUH) to begin spreading Islam to the general public. The Prophet hoped that some important figures would embrace Islam to strengthen the mission. Among those most hoped for to embrace Islam were Umar bin Khattab and Abu Jahal. The Prophet once prayed: "O Allah,

strengthen this religion with Abul Hakam bin Hisham or Umar bin Khattab." Eventually, Umar bin Khattab embraced Islam and became one of the main defenders of the religion, while Abu Jahal became a staunch opponent (Soroush, 1990).

At that time, the Quraysh viewed the teachings of Prophet Muhammad (PBUH) as a movement that would not last long and would have no significant impact. However, they were surprised to see that the Prophet's call received widespread support from various segments of society. This led them to oppose the teachings of Islam (Nurul, 2022). According to (Al-Azizi, 2018), there were several reasons why the Quraysh opposed Prophet Muhammad's (PBUH) mission. First, the competition for power. The Quraysh believed that the Prophet's call about prophethood and religion was connected to power. Submitting to the Prophet's teachings meant submitting to the authority of Bani Abdul Muthalib. Second, the idea of social equality. The teachings of Prophet Muhammad (PBUH) emphasized that all people have equal rights regardless of social status. Islam abolished discrimination based on lineage or status, as stated in Surah Al-Hujurat, verse 13, which says that one's rank is determined only by their piety. This perspective was seen as a threat to the traditional social structure that privileged the Quraysh lineage and looked down upon slaves or those with darker skin.

Third, the fear of resurrection after death. The Quraysh feared that on the Day of Judgment, there would be no more social stratification, and the power and honor they held in this world would be meaningless. They also feared that their sinful actions would lead them to Hell. For these reasons, they rejected the teachings of Prophet Muhammad (PBUH). Fourth, the habit of adhering to ancestral traditions. The Quraysh had a high level of obedience to their ancestral customs, both in social life and in worship. Although they realized that some of these traditions were illogical, they continued to follow them as part of a legacy passed down from their forefathers (Husain, 1982). Fifth, disruption of their business. One of the sectors affected by the teachings of Prophet Muhammad (PBUH) was the trade of idols used for worship and practices of witchcraft. These idols were sold to pilgrims. For the Quraysh, the Prophet's teachings were seen as

a threat to their livelihood, which depended on the trade of idols (Husain, 1982).

The Quraysh, feeling threatened by the Prophet Muhammad's (PBUH) mission, began launching attacks and threats to stop the spread of Islam. These threats can be divided into four phases. First, in the third year of prophethood, Abu Lahab and his allies attempted to stop the Prophet's mission because they considered it to be in opposition to the leadership system in Mecca. Second, Abu Lahab conspired with Abu Sufyan to create propaganda, including challenging the Prophet to show miracles like the previous prophets. Third, they tried to persuade Abu Talib to influence the Prophet to stop his mission. Fourth, the Quraysh offered a handsome young man from their tribe, Umarah bin al-Walid bin Mughiroh, to Abu Talib as a replacement for the Prophet, planning to have him killed (Abbas, 1954).

After Prophet Muhammad (PBUH) returned to Mecca, the Quraysh adopted a new strategy by boycotting Bani Hashim, as they were seen as protecting the Prophet. This boycott included prohibiting marriage, trade, or social interaction with Bani Hashim, and even refraining from visiting the sick or handling their dead. The boycott lasted for three years and led to severe poverty and famine for Bani Hashim. Prophet Muhammad (PBUH) was deeply saddened by the death of two important figures in his life, his uncle (Abu Talib) and his wife (Siti Khadijah). This event made the year known as 'Amul Huzn, or "The Year of Sorrow" (Sopyan, 2018).

During the Meccan period, the focus of Prophet Muhammad's (PBUH) mission was on instilling the values of monotheism as the foundation of Islamic teachings. Monotheism became the core of the teachings that aimed to correct the faith of the people and steer them away from harmful practices such as war, adultery, alcohol consumption, burying female babies alive, and discrimination against women. In place of these, Islam emphasized justice, equality, mutual support, and piety towards Allah SWT. (Al-Sayyis, 2003).

The Makkiyah verses in the Qur'an primarily emphasize monotheism, introducing unseen matters like belief in Allah SWT., angels, the afterlife, and life after death. These verses stimulate human intellect by linking natural phenomena

and criticizing negative traits like greed and miserliness. The Qur'an stresses that monotheism is the fundamental foundation that does not tolerate polytheism (Al-Sayyis, 2003).

From this concept of monotheism, the Qur'an also emphasizes freedom as a central teaching of Islam. The freedom mentioned is a human natural right, but it must be balanced with the responsibility to exercise that freedom in a good way. Islam used a persuasive approach in establishing these values over the years. Through simple language, Muslims were taught to understand the meaning of divinity, worship Allah SWT sincerely, maintain good relationships, and reconcile disputes among them (Thaha, 2003).

During the Meccan period, the Qur'an stressed the importance of noble character, urging the people to avoid heinous acts such as murder, mistreatment of women, human rights violations, as well as fraudulent and deceitful practices in trade, such as reducing weights and measures. The Qur'an also criticized those who hoarded wealth without caring for the poor and abandoned children. Although the obligation of zakat was only emphasized in Madinah (in the 5th year of Hijrah), the terms of charity and zakat were already known earlier, albeit in the context of voluntary zakat (*tathawwu*), which emphasized social awareness and solidarity among individuals (Walid, 2022).

As for other acts of worship, the obligation of the five daily prayers was established during the Isra' Mi'raj event, two years before the Hijrah. When the event of the Hijrah occurred, Prophet Muhammad (PBUH) chose Madinah as the destination because there were already several people there who had embraced Islam, particularly from the tribes of Aws and Khazraj. A significant meeting took place between the two tribes and Prophet Muhammad (PBUH), known as the Al-Aqabah meeting, where they pledged to accept Islam as their religion and spread it in their land.

The city of Yathrib (later named Madinah) was a strategic stop on the trade route connecting Yemen, Mecca, and Syria. If Prophet Muhammad (PBUH) were to control this city, it would disrupt the economic stability of the Quraysh, while for the Prophet, the situation was very favorable. Therefore, the Prophet decided

to migrate to Madinah and instructed his companions to do so first. The Quraysh felt threatened by this decision, fearing that the Prophet would succeed in attracting the people of Madinah to embrace Islam. To thwart this migration, the Quraysh planned to deceive the Prophet, as stated in Surah Al-Anfal, verse 30: "Remember when the disbelievers (Quraysh) plotted against you (Muhammad) to imprison or kill you or to expel you. They planned, but Allah planned, and Allah is the best of planners."

In this verse, it is mentioned that initially, Abu Jahal proposed to collectively kill Prophet Muhammad (PBUH), involving one person from each tribe, so that the Prophet's family (Bani Abdul Manaf) could not avenge him, but instead would have to accept compensation paid by all the tribes. However, Allah thwarted this plan.

Before reaching Madinah, Prophet Muhammad (PBUH) first stopped at Quba and stayed there for four days. In Quba, the Prophet built the first mosque known as Masjid Quba. Afterward, the Prophet continued his journey to Madinah and arrived on the 12th of Rabi'ul Awwal, where the city of Yathrib officially changed its name to Madinah an-Nabi (Madinah al-Munawwarah).

The factors that influenced the history of the growth and development of Islamic law during the time of Prophet Muhammad (PBUH) can be seen from various aspects related to the social, political, economic, and theological context of that period. Here are several influential factors: (1) The Spread of Tawhid Teaching (2) Social and Moral Changes (3) Protection of Human Rights (4) Resistance Against Social and Economic Oppression (5) The Hijrah Event and the Formation of the Islamic State in Madinah (6) The Influence of War and Diplomacy (7) Continuous Revelations.

The Era Of The Prophet's Companions

During the time of the Khulafaur Rasyidin, an event recorded in *Ash-Shahihain* describes a day when the Prophet Muhammad SAW spoke to his companions from the pulpit. He said, "Indeed, there is a servant whom Allah SWT has given a choice between the pleasures of this world or living in His presence,

and he has chosen to live in His presence.” Abu Bakar immediately understood the Prophet's words and said, “We ransom you with our fathers and mothers.” However, some other companions did not understand the meaning of these words until, eventually, Allah chose him to return to His presence. After this statement, some time later, the Prophet began to feel ill(Choirun Niswah, 2015).

At one point, when the Prophet Muhammad SAW was at Aisha’s house, his illness worsened. The Prophet then ordered the prayer to be performed, and when his condition deteriorated further, he instructed Abu Bakar to lead the congregation in prayer. Eventually, the Prophet Muhammad SAW passed away. The news of his passing caused doubt among the Muslims, and some even argued about its truth. Umar bin Khattab, one of the companions who was most doubtful, became an example of how many could not accept the reality of the situation (Al-Qaththan, 2018).

When Prophet Muhammad SAW left his companions, a potential dispute arose that could divide the Muslim community, particularly concerning who would replace him as the leader. The Ansar tried to appoint a caliph from among themselves by nominating Sa’ad bin Ubadah, the leader of the Khazraj tribe. This news reached the Muhajirun, who were then led by Abu Bakar, Umar, and Abu Ubaidah bin Jarrah to meet the Ansar. A fierce debate ensued, but in the end, Abu Bakar suggested, “We are the leaders, and you are the ministers.” This statement calmed their hearts, and the Ansar accepted the decision that Abu Bakar was worthy to be the caliph. Umar bin Khattab immediately pledged allegiance to Abu Bakar, followed by the Ansar, and finally, all Muslims in Medina also gave their allegiance, marking the leadership under Abu Bakar(Syamsoni, 2015).

After that, Abu Bakar faced a significant challenge. Some groups refused to pay zakat, claiming they would only perform prayers. Abu Bakar firmly stated that zakat was a mandatory duty that had to be fulfilled as commanded by the Prophet Muhammad SAW. “By Allah, if they refuse to pay the zakat that they used to give to the Prophet SAW, I will fight them over it as long as the sword is in my hand,” Abu Bakar said. Additionally, he also faced groups that claimed to be prophets, such as al-Aswad al-Ansi in Yemen, Musailamah from Bani Hanifah,

Thalhah from Bani Asad, and Sijah from Bani Tamim. Abu Bakar fought against them because they were considered apostates, with the goal of maintaining the stability of Islam in the Arabian Peninsula(Akbar et al., 2024).

Afterward, the rule continued under Umar bin Khattab. Umar was appointed as caliph through a process initiated by Abu Bakar, who feared there would be competition for power, as had happened when Abu Bakar became caliph. Umar ruled for 13 years, and during his reign, many regions were successfully liberated, including Iraq and Sham. However, after a reign full of challenges and successes, Umar also passed away(Abdul Qodir, 2020).

History records that during Umar bin Khattab's rule, there was rapid progress in the expansion of Islamic territories. The Islamic realm was no longer confined to the Arabian Peninsula but had spread to Yemen, Egypt, Syria, Persia, Damascus, Azerbaijan, and many other places. With the expansion of Islamic territory, more nations embraced Islam, which led to increasingly complex issues arising. Often, the problems could not be solved directly through the Qur'an or Hadith, or if they could, the answers were not relevant to the situation at hand(Rozi, 2020).

To face these issues, Umar bin Khattab sought advice from his companions. He set some policies, including prohibiting the companions from leaving Medina, as they were the figures expected to advise him. Certain companions, such as Amar bin Yasir and Abdullah bin Mas'ud, were appointed as governors in several regions. Additionally, Umar also restricted companions from narrating too many hadiths and focused more on teaching the Qur'an to the public. He was very careful in accepting hadiths and would only accept those that were widely known among the companions. If a hadith was not well-known, Umar would investigate its authenticity and require witnesses to strengthen it (Mubarok, 2005).

The legal foundation used by Umar bin Khattab in his leadership was the Qur'an, the Sunnah, the consensus of the companions (ijma'), and ijtihad. Umar was known for his personal ijtihad, which was innovative and relevant to the changing times. With policies that emphasized rational thinking, he successfully provided solutions to new challenges arising from the expansion of Islamic

territories and the diversity of cultures present. Umar's *ijtihad* then became a reference for many who prioritized reason in deriving Islamic law (Rahmat, 1995).

During the rule of Uthman bin Affan, who succeeded Umar, progress was also recorded, especially in the expansion of territory. However, Uthman's noble character and gentleness also gave opportunities for his family, particularly the Umayyad clan, to seek wealth and positions. This caused dissatisfaction among some factions. Uthman's reign can be divided into two phases: the initial phase, when Uthman ruled without family intervention, and the later phase, when his family began to dominate the government, and Uthman focused more on worship. One of Uthman's major achievements was the compilation of the Uthmanic Codex to unify the different recitations of the Qur'an across various regions, as well as the construction of court buildings separate from the mosques (Sopyan, 2018).

After Uthman was killed, Ali bin Abi Talib was appointed as caliph, but his reign was filled with challenges. The assassination of Uthman opened the door to *fitnah* (discord), with various groups coming to pledge allegiance to Ali, while Muawiyah, who was in Sham, refused to pledge allegiance to him. Ali faced two major problems: first, investigating and punishing the murderers of Uthman; second, reforming the already corrupt government. Both of these options were extremely difficult and became a significant challenge during his leadership (Royani, 2021; Al-Qaththan, 2018).

Ali bin Abi Talib chose to prioritize the reform of the corrupt government over seeking revenge for Uthman's death, though this decision led to a conflict with Uthman's family. Many officials who were relatives of Uthman were dismissed by Ali, which eventually sparked battles between Ali's forces and those of Uthman's family, led by Muawiyah bin Sufyan. This battle ended in arbitration (*tahkim*), but during the process, Muawiyah's deceit caused a major division among the Muslims. The Muslims split into three factions: the Shia, who supported Ali; the Khawarij, who had left Ali's camp and wanted the war to continue; and the group that supported Muawiyah (Sou'yb, 1979).

Ali then offered peace to Muawiyah and his forces, but this offer was

rejected. The war continued until Allah SWT decided on a resolution through arbitration proposed by the Khawarij. They selected wise individuals to serve as mediators. However, tensions escalated as the Khawarij considered Ali, Muawiyah, and Amru bin al-‘Ash responsible for the damage caused. In a subsequent move, the Khawarij sent some individuals to kill these three figures. While they failed to kill Muawiyah and Amru, one of them, Abdurrahman bin Muljam, succeeded in assassinating Ali in the mosque in a treacherous manner in 661 CE (Al-Qaththan, 2018).

Factors influencing the history of the growth and development of Islamic law during the Era of the Companions, based on the above explanation, include(Yetti et al., 2024):

1. **The Leadership of Prophet Muhammad SAW and the Early Legal Guidance:** During Prophet Muhammad SAW's time, Islamic law was first implemented in the lives of Muslims. As a spiritual and political leader, the Prophet provided a direct example of applying the law based on revelation received from the Qur'an and Hadith. These laws became the foundation for the further development of the Islamic legal system, which was continued by the companions after his passing.
2. **The Power Vacuum After the Death of Prophet Muhammad SAW:** After Prophet Muhammad SAW's death, a potential division arose regarding who would succeed him as caliph. This disagreement led to the selection of Abu Bakar as the first caliph. This election process, along with the decisions made by the companions, influenced the development of the governance and Islamic law during the period of the Khulafaur Rasyidin.
3. **Challenges to the Implementation of Islamic Law (Zakat and War) by Abu Bakar:** Abu Bakar's firmness in responding to groups rejecting zakat, and his wars against the false prophets, demonstrated the importance of upholding the law and the stability of the Muslim community at that time. His decision to fight those who refused to pay zakat exemplifies the necessity of implementing Islamic law as a religious duty.

4. **Development of Islamic Law in the Expanded Territories During the Reign of Umar bin Khattab:** During Umar bin Khattab's reign, as the Islamic empire expanded, new complex issues arose that could not be solved solely by referencing the Qur'an or Hadith. Umar began to use personal *ijtihad* (reasoning) to establish new policies. The legal foundations he used included the Qur'an, Sunnah, consensus of the companions (*ijma'*), and *ijtihad*, marking the evolution of Islamic law in addressing new problems.
5. **The Role of the Companions in the Formation of Islamic Law:** Companions such as Abu Bakar, Umar, and Uthman played important roles in establishing the principles of Islamic law, which evolved alongside the growing needs of the expanding Islamic community. Umar bin Khattab, for example, was very cautious in accepting hadith and focused on teaching the Qur'an and using *ijtihad* to address issues that were not directly addressed in religious texts.
6. **The Spread of Islam and Cultural Diversity:** The rapid expansion of Islamic territories during Umar bin Khattab's rule led to an increase in cultural and ethnic diversity, which influenced Islamic law. This prompted the caliphs to prioritize applying laws relevant to the social, political, and cultural conditions of the increasingly diverse society.
7. **Political Conflicts and the Division of the Muslim Community:** The reigns of Uthman bin Affan and Ali bin Abi Talib were marked by significant political tensions, such as the assassination of Uthman and the division between those who supported Ali and those who supported Muawiyah. These conflicts not only impacted political stability but also influenced the development of Islamic law, with the emergence of groups having differing legal interpretations (such as the Shia, Khawarij, etc.).

In conclusion, the factors that influenced the development of Islamic law in the Era of the Companions include the leadership of Prophet Muhammad SAW, the enforcement of laws by Abu Bakar, the expansion of Islamic territories which brought new challenges, and the use of *ijtihad* by the caliphs to respond to changing conditions. All of these factors laid the foundation for the more complex

development of Islamic law in later periods.

The Umayyad Era

After the end of the Khulafaur Rashidin period, which followed a democratic system, Islamic governance shifted to a monarchy under the leadership of Muawiyah bin Sufyan, a former governor of Damascus who was dismissed by Ali bin Abi Talib following the rebellion in the Battle of Siffin (Madjid, 1998). Ali's death provided a great opportunity for the Umayyad Dynasty to consolidate power and change the system of governance from democracy to monarchy. This monarchical system was even adopted by the Shi'a group, who added the belief that their imam was *ma'shum* (infallible)(Baghestani, 2020).

However, with the victory of the Umayyad Dynasty that ended political fragmentation, the process of *shura* (consultation), which had previously been a fundamental principle in Islamic politics, began to disappear from the political history of Islam (Syahrur, 2003). During this period, a group called the *tabi'in* emerged—Muslims who had not met the Prophet Muhammad but had met his companions. They were considered legitimate hadith narrators, as mentioned in the Quran, Surah at-Taubah, verse 100: *"And the first to embrace Islam of the Muhajirin and the Ansar and those who follow them with good conduct – Allah is pleased with them and they are pleased with Him. And He has prepared for them gardens beneath which rivers flow, wherein they will abide eternally. That is the great attainment."*

Mu'awiyah was known as an experienced politician capable of calming sharp disputes between himself and his enemies. The oath of allegiance given to his son, Yazid, sparked resentment among pious and devout individuals, culminating in the event of Karbala, where Al-Husain was killed—a move that could be seen as an act of vengeance. The situation became even more complicated when Abdullah bin Az-Zubair separated and exiled himself to Mecca, further exacerbating the already critical political situation(Iqbal, 2009).

The reign of Al-Walid bin Abdillah marked the peak of the Umayyad Dynasty's success, with rapid expansion of Islamic territories both east and west.

However, after Al-Walid's reign, his brother Sulaiman took over leadership and treated expansion commanders poorly. Afterward, Umar bin Abdul Aziz, a pious and ascetic leader, came to power. He attempted to close various doors of oppression, enforce justice, and revive the legacy of the Khulafaur Rashidin leadership through political reforms. However, after Umar bin Abdul Aziz's reign, the Umayyad government began to decline under the leadership of Yazid bin Abdul Malik and his brother Hisyam. The Umayyad caliphate weakened, and during this time, the Abbasid Dynasty began to secretly spread their da'wah (mission) (Al-Qaththan, 2018).

Factors Influencing the Growth and Development of Islamic Law in the Umayyad Era(Siregar et al., 2023):

1. Transition from Democracy to Monarchy: After the end of the Khulafaur Rashidin period, Islamic governance transitioned from a democratic system that emphasized *shura* (consultation) to a more authoritarian monarchy under the leadership of Mu'awiyah bin Sufyan. This change reduced the role of consultation in political decision-making and affected the development of Islamic law, which became more centralized around the caliphate's power.
2. Consolidation of Power by the Umayyad Dynasty: The death of Ali bin Abi Talib provided the Umayyad Dynasty with a significant opportunity to solidify its power. By ending political fragmentation and establishing a monarchical system, the Umayyad governance transformed how political Islam was executed, influencing the formation of Islamic law and leaning more toward centralized policies.
3. Impact of Political Practices on the Legal System: Mu'awiyah bin Sufyan, as an experienced politician, was able to resolve political disputes, but his policies, such as appointing Yazid as his successor, sparked tensions and divisions within the Muslim community. These political conflicts affected social tensions, which influenced views on the legitimacy of the caliphate's power and the implementation of Islamic law, leading to doubts among Muslims about the validity of the

Umayyad government.

4. **Religious Influence and Divergent Views:** The emergence of groups like the Shi'a, who adopted a monarchical system with the belief that their imams were *ma'shum* (infallible), and the political fragmentation after the event of Karbala, added complexity to the understanding of Islamic law at the time. These religious differences influenced the development of law, as tensions grew between factions and interpretations concerning the legitimacy and application of Islamic law.
5. **Umar bin Abdul Aziz's Leadership:** During Umar bin Abdul Aziz's reign, efforts were made to enforce justice and revive the principles of Khulafaur Rashidin leadership. Umar sought to correct governance policies, close doors to oppression, and uphold a legal framework based on justice. His efforts positively impacted the development of Islamic law, although his influence was short-lived after his reign.
6. **Changes in Leadership and the Decline of the Umayyad Government:** After Umar bin Abdul Aziz, the Umayyad caliphate experienced a decline, marked by weak leadership from Yazid bin Abdul Malik and Hisyam. This instability weakened the execution of Islamic law and paved the way for the rise of the Abbasid Dynasty, which began spreading its da'wah.

Overall, the factors that influenced the growth and development of Islamic law during the Umayyad period include the shift from democracy to monarchy, political influence on legal policy, religious and political conflicts, and reform efforts led by Umar bin Abdul Aziz. All of these factors contributed to the evolution of Islamic law during this period.

The Abbasid Era

During the Abbasid Caliphate, the dynasty was founded by Abu al-Abbas (750–754), with Iraq as the center of its power. In his first speech, Abu al-Abbas referred to himself as al-Saffah (the bloodshedder), a symbol that the dynasty prioritized power with harsh policies (Al & Cepu, 2023). This marked a significant

change in Islamic history, as for the first time, an execution carpet was placed beside the caliph's throne. Furthermore, the Abbasid government replaced the secular Umayyad system with a theocratic state, and the concept of the caliph shifted from being the successor of the Prophet Muhammad to the representative of God on Earth(Aminullah, 2016).

The Abbasid period is considered a golden age in the development of Islamic jurisprudence (fiqh), influenced by the caliphs' attention to education and the development of fiqh sciences. There was a flourishing of freedom of opinion and scholarly discussion among the *fuqaha* (jurists), with many new issues emerging due to cultural interactions with other nations. The translation of books from various cultures also supported the advancement of knowledge(Huda, 2015).

The sources of *tashrī'* (Islamic legal sources) during this time were divided into two categories: sources that were undisputed, such as the Quran and Sunnah, and sources that had differences of opinion, such as *istihsan*, *istishab*, *maslahah al-mursalah*, *qaul sahabi*, *urf*, *sadd al-dzari'ah*, and *shar'u man qablana* (the law of those before us). The formation of Islamic law during this period began to focus on *furu' al-shari'ah*, the detailed laws based on existing legal evidence, and the establishment of basic regulations grounded in these four sources(Fitriyadi, 2024).

The *Mu'tazila*, as a rationalist school of thought, once dominated during the Abbasid Dynasty. However, the Abbasid government faced criticism for the injustice in its treatment of scholars—those loyal to the government were granted positions and wealth, while those who criticized or opposed the rulers' interests were marginalized (Sopyan, 2018).

During the Abbasid period, the caliphs were often influenced by certain scholars who used their power to strengthen their own views, including in dealing with opposing schools of thought. A significant example is the *mihnah* incident, where the *Mu'tazila* forced their belief that the Quran was created (a creation of Allah) using the government's power. This clashed with the Sunni view that the Quran was eternal (*qadim*). Many Sunni scholars, including Imam Hanbali, became victims in this event. Ultimately, the *mihnah* turned into a backlash

against the *Mu'tazila*, causing their influence in history to diminish (Muid, 2016).

Similar conflicts affected other scholars, such as Abu Hanifah, who refused to become a *qadhi* due to his negative experiences with the Umayyad and Abbasid powers. Imam Malik also faced pressure due to his fatwa, which was seen as a threat to the stability of the state, particularly his view that the *bai'at* (pledge of allegiance) imposed by the people was invalid (Mahroes, 2015).

In contrast, Abu Yusuf, a student of Abu Hanifah, was more cooperative with the government after his teacher's death. He was appointed as a *qadhi* and established the Qadhi al-Qudhat institution, equivalent to the Supreme Court. Abu Yusuf used his position to promote the Hanafi school, filling the judiciary in Abbasid territories with Hanafi jurists, thus expanding the influence of the Hanafi school.

During this period, *tashrī'* (the formation of Islamic law) saw significant development, with rapid maturation in the second and third centuries. The diversity of opinions among scholars, as well as their relationships with the government, had a profound impact on the development of Islamic law, which continued to be structured based on the existing sources of law.

Factors Influencing the Growth and Development of Islamic Law During the Abbasid Era (Amiruddin Dardiri et al., 2023):

1. Influence of Caliphal Power: The Abbasid caliphs were often influenced by certain scholars with significant power in the government. These scholars used their positions to strengthen their views, imposing particular interpretations of religious texts. A notable example is the *mihnah*, where the *Mu'tazila* imposed their belief that the Quran was created using government authority. This event exemplified how the use of power to enforce a particular view affected the history of Islamic law.
2. Conflict Between Jurisprudential Schools: There was competition among different intellectual schools within Islam, such as the *Mu'tazila*, Sunni, and various fiqh schools. Disagreements, such as the *Mu'tazila* view of the Quran being created versus the Sunni view of the Quran as

eternal, exacerbated social and intellectual tensions and influenced the development of Islamic law. These differing views helped shape the direction of Islamic law during that time.

3. **Role of Scholars in Formulating Law:** Scholars like Abu Hanifah and Imam Malik played significant roles in the development of Islamic law. For example, Abu Hanifah refused to become a *qadhi* due to his negative experiences with power, while Imam Malik faced pressure for his fatwas that were seen as destabilizing. On the other hand, Abu Yusuf, a student of Abu Hanifah, cooperated with the government and used his position as a *qadhi* to promote the Hanafi school, spreading his ideas and influencing the courts in the Abbasid territories.
4. **Tashrī' and Development of Islamic Law:** The Abbasid period saw significant development in *tashrī'*, the formation of Islamic law, with a more mature legal system, especially in the second and third centuries. The formation of law during this period was based on sources such as the Quran, Sunnah, and legal reasoning like *istihsan* and *istishab*. The diversity of scholarly opinions and the influence of power in formulating law accelerated the development of Islamic law.
5. **Influence of Acculturation and Scholarly Debate:** During the Abbasid period, there was freedom of opinion, a thriving scholarly discussion, and the influence of foreign cultures, which enriched fiqh thought. This helped propel the development of more complex and adaptive Islamic legal methodologies to respond to the evolving social and political context.

Overall, these factors—caliphal power, conflicts between legal schools, the role of scholars in formulating law, and scholarly debate—were crucial in the development of Islamic law during the Abbasid era.

CONCLUSION

The development of Islamic law has been influenced by the political, social, and cultural dynamics of each era. After the death of the Prophet Muhammad (SAW), during the era of the Rightly Guided Caliphs (Khulafaur Rasyidin), Islamic law evolved based on the Qur'an, Hadith, ijma' (consensus), and ijtihad (independent reasoning) amid challenges to the unity of the Muslim community. During the Umayyad era, the transition from a democratic system to a monarchy replaced the process of shura (consultation) with centralized power, while the expansion of Islamic territories introduced cultural diversity that influenced the law. Conflicts such as the Battle of Karbala impacted the differences between Sunni and Shia, affecting the development of Islamic schools of thought. In the Abbasid era, Islamic law reached its intellectual peak with the strong influence of the relationship between scholars and political power, as seen in events like the Mihnah, and the professionalization of law through institutions like the Qadhi al-Qudhat. The various differing opinions among the schools of thought further enriched the tradition of Islamic law.

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