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THE EARLY DEVELOPMENT OF ISLAMIC LAW: EXAMINING THE RATIONAL AND FLEXIBLE NATURE OF COMPILATION AND STANDARDIZATION

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Abstract

The establishment of standard law serves as a crucial framework for Muslims, particularly in mitigating confusion following the death of the Prophet Muhammad. This study examines the compilation and standardization of Islamic law during the formative years of Islam, emphasizing the contributions of the Companions, who brought diverse backgrounds and perspectives to the discourse. The analysis begins with the historical context of how Islamic law was compiled and standardized, progressing to an exploration of the characteristics of Islamic law as articulated by jurists (*mujtahid*). Through a comprehensive literature review, this paper aims to demonstrate the historical evolution of Islamic law, highlighting its rational, open, and flexible nature. These attributes reflect the positive implications of Islamic teachings, which are both transparent and characterized by the principle of *rahmatan li al-'alamin* (mercy to the worlds). Furthermore, this study elucidates the connection between the inclusive and humanistic spirit of Islam and the Islamic legal framework developed by early scholars, underscoring its rationality, flexibility, dynamism, and accessibility.

Abstrak

Penetapan hukum baku menjadi kerangka penting bagi umat Islam, khususnya dalam meredakan kekacauan pasca wafatnya Nabi Muhammad. Artikel ini mengkaji penyusunan dan standarisasi hukum Islam selama tahun-tahun pembentukan Islam, dengan menekankan kontribusi para Sahabat, yang membawa latar belakang dan perspektif yang beragam pada wacana tersebut. Analisis dimulai dengan konteks historis tentang bagaimana hukum Islam disusun dan distandarisasi, berlanjut ke eksplorasi karakteristik hukum Islam sebagaimana diartikulasikan oleh para ahli hukum (mujtahid). Melalui tinjauan pustaka yang komprehensif, makalah ini bertujuan untuk menunjukkan evolusi historis hukum Islam, dengan menyoroti sifatnya yang rasional, terbuka, dan fleksibel. Atribut-atribut ini mencerminkan implikasi positif dari ajaran Islam, yang transparan dan dicirikan oleh prinsip rahmatan li al-'alamin (rahmat bagi seluruh alam). Lebih jauh, kajian ini menjelaskan hubungan antara semangat Islam yang inklusif dan humanis dengan kerangka hukum Islam yang dikembangkan oleh para sarjana awal, dengan menggarisbawahi rasionalitas, fleksibilitas, dinamisme, dan aksesibilitasnya.

INTRODUCTION

Following the death of the Prophet Muhammad SAW, there was an urgent need for the issuance of laws or rules (known as sharia) that became guidelines for the Muslim community. For about 23 years as the community leader, the authority to establish laws (*tashri'*) was entirely based on the revelation of Allah conveyed by the Prophet. The Qur'an is vital because it summarizes the community's problems while

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serving as a universal religious spirit (Ghazali *et al*., 2021). At that time, the issuance of a law began with an event or question from the community that was addressed directly to the Prophet Muhammad. Then, the word of Allah came down to answer the question (Rohidin, 2017).

The second source, the hadith of the Prophet SAW, became the definitive solution to all of the community's problems at the time and served as the foundation for subsequent laws. Abdullahi Ahmed An−Na'im, in *Islam and the Secular State: Negotiating the Future of Shari'a*, wrote that the Qur'an and Hadith are two valid sources that outline the articles of faith and doctrines adhered to by Muslims, including the practices of worship that must be carried out and moral and ethical teachings that must be respected (An−Na'im, 2008).

The existence of this standard law will undoubtedly eliminate uncertainty among the people. However, the emergence of Companions who are able to answer the people's problems by referring to the Qur'an or the hadith of the Prophet can temporarily solve urgent problems. However, the need for standard rules or laws that serve as the foundation for the Muslim community cannot be neglected.

As a religion intimately tied to the law, the presence of sharia as a source of rules is still necessary since it can serve as a guide for human life, a guideline for action, a rule for socializing, and a means of regulating fair relationships between groups. Some legal products that we know today include *mubah* (permissible), *sunnah* (recommended), *wajib* (compulsory), *haram* (prohibited), and *makruh* (disliked).

By the spirit of Islam, which is *rahmatan li al-'ālamin*, Islamic law is made not only to apply to the internal Muslim community—even merely to the community in which Islam developed—but also to be a reference for broader interaction with other communities in the world, with the diversity of cultural backgrounds, religions, and traditions.

As Nurcholish Madjid expressed in *Pintu-Pintu Menuju Tuhan*, "Islam and the Prophet's tradition are *humanism and open religion*. The facts of the Divine Word regarding this in the Quran should be sufficient to prove that Islam is the last religion revealed by Allah for humankind." (Madjid, 2020). This view shows that Islam is a religion capable of becoming the most relevant belief to mankind's latest developments.

The study of the compilation and standardization of Islam is still being discussed today. Rizapoor & Rahimi (2023) through an article entitled "Imam Abu Hanifah: The Vanguard of Moderation in Islamic Jurisprudence and the Global Dissemination of Moderate Islam" emphasized the Abu Hanifah's position as an important Islamic thinker who confirmed the moderate and inclusive character of Islamic law. This article finds that Imam Abu Hanifah can indeed be considered a prominent scholar of moderate Islam. His *madhhab* was rooted in moderation and flexibility of Islamic law, has played a significant role in the spread of moderate Islamic teachings worldwide (Rizapoor, H., & Rahimi, 2023).

Purwanto (2017), in his work entitled "Pemikiran Imam al−Syafi'i dalam Kitab *al-Risalah* tentang Qiyas dan Perkembangannya dalam Ushul Fiqh," discussed in depth the theory of *qiyās* as one of the methods of deriving and determining Islamic law. The author showed the emergence of pros and cons among scholars, namely those who agree with the use of pure free reasoning with those who consider *qiyās* to be a standard and rigid theory of reasoning that "submits" under the shadow of religious texts such as the Qur'an, Sunnah, and Ijma' (Purwanto, 2017).

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Afdal (2016), through an article entitled "Islamic Law Codification: The Friction on Authority of Islamic Law Establishment," stated that the codification and legislation of Islamic law since the 2nd century Hijri has been influenced by the feud between political authorities (*umara*) and religious leaders (*ulama*) who each competed for the authority to establish Islamic law. This incident has theoretical implications for the differences in establishing Islamic law in the following eras, giving color to the character of rigid and standard law on the one hand with the character of rational and flexible law on the other (Afdal, 2016).

Alwana (2020), in "Aliran Pemikiran Ushul Fiqh dan Pengaruhnya terhadap Pendekatan Hukum Islam," demonstrated *madhhab* (schools of thought) in Islam that have an impact on differences in views and the determination of Islamic law. The differences in legal opinions of the *mujtahids* are influenced by the way of thinking according to the *madhhab* they adhere to, thus having implications for understanding legal texts, legal rules, and reasons derived from the law—making text (*sharia*) (Alwana, 2020).

Nur *et al.* (2020), through "*Maqāṣid Al-Sharī'at*: The Main Reference and Ethical—Spiritual Foundation for the Dynamization Process of Islamic Law," elaborated on the concept of *Maq ṣid Al-Sharī'at* from the time of the Prophet Muhammad to the present era. This article intends to describe the position of *maqāṣid al-sharī'at* as the primary ethical—spiritual basis for dynamizing the Islamic legal process in dealing with contemporary issues. Furthermore, this article has succeeded in demonstrating the side of flexibility and adaptability, which contributes to efforts to broaden the perspectives of those who regard Islamic law as an eternal, doctrinal, and final fact, making it impossible to adapt to various forms of social change and modernization in the current era (Nur *et al.*, 2020).

From the above studies, no articles address the problem of the formulation and standardization of Islamic law, emphasizing the rational and flexible character of Islamic law. Thus, this article elaborates on the topic above by emphasizing that the nature of Islamic law is rational and flexible. This article seeks to contribute to the broader literature while expanding the views of groups that have previously seen Islamic law as a rigid entity and a fixed doctrine that tightly closes other interpretations and views. This article emphasizes that Islamic law has a flexible, adaptive, and rational character, which is in harmony with a particular place and era.

This article aims to describe the history of the compilation and standardization of Islamic law in the early Islamic period after the death of the Prophet Muhammad. In addition, the rational and flexible principles of Islamic law will also be discussed in this article. The differences of scholars in determining Islamic law—which triggered the emergence of factions and *madhhabs* within the Muslim community—will also be explained in this paper. The ideas and theories offered in this article are still open to criticism because it is obviously far from ideal. They will likely be the focus of further research in the following stage.

A literature review was used as a research method in this study. Snyder (2019) explained that in various studies, previous studies are the proper steps that need to be taken to ensure that the written review is accurate, appropriate, and reliable. Snyder also underlined the importance of literature reviews as methodological tools for answering research questions (Snyder, 2019). Based on this viewpoint, a literature review was used in this article to explore answers related to the preparation and

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standardization of Islamic law that emphasizes the rational and flexible character of Islamic law.

This study employed Nurcholish Madjid's article "Sejarah Awal Penyusunan dan Pembakuan Hukum Islam" as the primary data. The secondary data utilized were articles or references relevant to the codification of Islamic law, schools of legal thought in Islam, and Islamic legal legislation since the 2nd century Hijri, which is colored by the diverse opinions of the mujtahids in Islam.

DEFINITION OF *TASHRI'*

The term "*tashri'*" is a technical term describing the process of forming Islamic jurisprudence or legal regulations until they become permanent legal products (due to *ijtihad*) that become references for Muslims. According to Yayan Sopyan, *tashri'* refers to the establishment and implementation of legislation that governs the law of the actions of *mukallaf* (people burdened with religious orders and prohibitions) and the things that happen as a result of various decisions and events among them (Sopyan, 2018:9). Abdul Wahab Khallaf said that the established laws are in the form of beliefs (*'aq idiyyah*), the law of the actions of mukallaf (*'amaliyah*), and the law of morals (Usup, 2008).

Meanwhile, Saifudin Nur in *Ilmu Fiqh: Suatu Pengantar Komprehensif kepada Ilmu Hukum* noted that Islamic legal experts define *tashri'* as the activity of systematically forming Islamic law as well as the formation of theoretical laws and practical laws. Based on this understanding, *tashri'* contains two elements at once, namely revelation and reason, which play a role in the process of *ijtihad* or the exploration of these laws (Nur, 2007).

In *Pengantar Sejarah Legislasi Hukum Islam*, Husni Mubarak A. Latief mentioned *tashri'* as having the same root word as sharia, which is defined as "a collection of religious laws (*majmū'āt al-aḥk m*) that Allah has determined for all His servants which are intended for the good and well−being of human life in this world and the hereafter." (Husni Mubarak A. Latief, 2020).

The formation of Islamic law began in the era of the Prophet Muhammad. Standard legal products in written form were not yet available at the time because the Prophet's authority over *tashri'* was still totally dependent on referring directly to Allah's revelations. Usually, legal provisions were revealed after the Prophet received questions from his companions, and then Allah sent down revelations as the answer. The Prophet played a significant role in providing explanations of the holy verses that were still general to his people. The implementation rules were then established, along with actual examples for the companions to follow and practice (Rohidin, 2017:127−128). This practice continued until the Prophet died. Then, in the following period, the companions played an essential role in making and establishing laws that entirely referred to the Qur'an and the hadith of the Prophet, which then applied the *qiyas* and *ijma'* methods (Muhammad Nur Murdan, 2022).

In Islam, knowledge about the formation and compilation of Islamic law is fundamental because Muslims will understand the basic objectives, methods of establishing law, history, orientation, and the high awareness of the *mujtahids* when debating to formulate a legal product that will become a guide for subsequent communities (Sarah & Isyanto, 2022).

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It should be noted that one of the critical principles held by the mujtahids is the principle of benefit (*maṣlaḥah*) in the sense of bringing convenience and keeping the people away from harm (*muḍārat*) (Muhammad Sulthon, 2023). At this point, it is critical to underline the spirit of Islamic law, which is a blessing for the universe since it is rational, open, and flexible.

THE SCRAMBLE FOR LEGAL LEGITIMACY

The era of the Companions, *Tābi'in* (followers), and *Tābi' al-Tābi'in* (followers and followers) is known as the most authentic period in Islamic history. Scholars also often refer to these three periods as the era of the *salaf* (classical) of Islam. Because of their proximity to the early Islamic period when the Prophet was still alive, these periods are the primary references for various views, values, and attitudes.

Nurcholish Madjid in *Kontekstualisasi Doktrin Islam dalam Sejarah* regrets that this significant transitional era is marked by chaos of understanding, factional conflict, internal divisions, the spread of lies, and falsification of hadiths aimed at legitimizing and serving political interests. Even worse, in this era, many interpretations of the Qur'an were carried out not in line with its essence, as well as hadith texts that deliberately deviated from their core content, resulting in the mixing of authentic and fake hadiths in such a way as to distinguish between the two (Madjid, 1995:238).

Musthafa al−Siba'i (1915−1964), a hadith expert and political thinker born in Homs, Syria, described the complicated situation as a dark history that colored the journey of Islamic society. The year 40 A.H., al−Siba'i argued, was a watershed era for knowing the purity and falsity of the Sunnah, which was marked by the spread of false hadiths that were used as legitimacy and became tools for political interests and internal divisions in Islam.

Joseph Schacht, an orientalist who has extensively researched and criticized the authenticity of hadith, found that several hadiths that did not appear in the previous era existed in the *Tabi'in* period, and since then, all of them have been forgotten. He emphasized that several hadiths not existing in the previous era were born through forgery (Latifah Anwar, 2020).

Schacht's view, quoted by Fazlur Rahman in his work *Islam* (1992), is essential as one of the perspective bases because he specifically researched hadith and Islamic law through a historical and sociological approach, not a theological and legal approach. Schacht's research was motivated by the controversy surrounding the prohibition of writing hadith during the time of the Prophet, the emergence of hadith that were allegedly adjusted to interests, and the lack of attention to the makers of hadith (*muḥaddith*) so that many hadith were missed.

History also records the dispute between Ali and Muawiyah, which resulted in a massive calamity with many casualties. This was followed by the Khawarij, who held a grudge against the Caliph Ali and Muawiyah. These are examples of heartbreaking history for Muslims. In addition, after Ali died and the end of Muawiyah's caliphate, the Ahlul Bait demanded their rights to the caliphate and abandoned the obligation to obey the Umayyad Dynasty. The Muslim community's divisions then took different forms.

The division within the community is regrettable, especially when the Prophet's words are exploited as an instrument of legitimacy for each group's goals and to influence the community's opinions. The complexity is getting worse because each faction tries to interpret the verses of the Qur'an and the texts of the hadith according to their claims of interest. They do this mainly to strengthen the main characteristics

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and advantages of their imams and role models. If they were able to falsify the verses of the Qur'an, they might have done the same. Fortunately, this cannot be done because the Qur'an is very well protected (preserved) by numerous Muslims who narrate, read, and memorize it.

Additionally, the development of Islamic law has undergone substantial changes. Based on Schacht's findings, the fundamental shift was mainly caused by the introduction and formulation of legal theory, in addition to the Qur'an and Sunnah as the two primary sources of Islamic law, employing ijtihad (*ra'yu*). This matter not only resulted in various views in the future but also quite severe debates among Muslims.

In this confusing circumstance, scholars from the *Tabi'in* circle emerged and endeavored to codify and standardize Islamic law through fiqh, or a methodical process of understanding, a challenging but successful task. Efforts to standardize law during the *Tabi'in* era were more about using an *ad hoc* and practical—pragmatic approach to legal issues, using general principles contained in the Qur'an, and relying on the Prophet's Tradition and the habits of the closest Companions who received direct teachings from the Prophet.

From the above situation, schools of thought and legislation emerged with different socio—cultural and political backgrounds. Differences in ijtihad methodology and drawing legal conclusions became the background that strengthened these differences. In subsequent developments in Islamic history, mujtahids such as Imam Maliki, Hanafi, Syafi'i, Hanbali, al—Auzai, and Al—Zahiri were known (Nafiul Lubab & Novita Pancaningrum, 2015).

THE NEED FOR STRUCTURED AND STANDARD LAWS

Fortunately, the Prophet provided a firm basis for establishing laws in the future. This solid foundation became an important guide for the Companions and *T bi'in*, including when formulating the standardization of Islamic law. Codification of law in Islam is necessary because Islam is a belief where religion and law are closely related. Legal certainty is critical in Islam so as not to create confusion within the community.

Although legislative activities were carried out after the Prophet Muhammad migrated to Medina, the foundations and principles of law had been firmly laid down in the era of preaching in Mecca, consistently considering ethical and moral aspects. While preaching in Mecca, the Prophet taught about the ideals of social justice that underpin the concepts of lawful and unlawful property, the importance of respecting others' legitimate property rights, the obligation to manage orphans' property correctly, and the protection of women and widows (Madjid, 1995:239).

The subsequent compilation and codification of Islamic law (fiqh) resulted in various scholars' points of view. The first view was expressed by Shaykh Muhammad Khudari Bek in *Tarikh Tashri' al-Islami* as summarized by Izomiddin in *Pemikiran dan Filsafat Hukum Islam*. Khudari Bek classified the formation of Islamic law into six periods, namely (1) the early period since the Prophet Muhammad was appointed as an apostle, (2) the period of the great companions, (3) the period of the minor companions and Tabi'in, (4) the period of the early 4th century A.H., (5) the period of the development of schools of thought and the emergence of *taqlid* schools of thought and (6) the period of the fall of Baghdad, namely in the middle of the 7th century by Hulagu Khan around 1217—1265 A.H. until now.

Second, Mustafa Ahmad Az—Zarqa expressed the view in *Madkhal al-Fiqh-i al-'Amm*, which divided the periodization of the formation of Islamic law into seven

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periods. Similar to Khudari Bek, Az−Zarqa divides the sixth periodization presented by Bek into two parts, namely the period from the mid−7th century until the emergence of *Majallah al-Ahkam al-'Adliyyah* (Civil Law of the Ottoman Empire) in 1286 A.H., and then, the period since the emergence of *Majallah al-Ahkam al-'Adliyyah* until now. (Izomiddin, 2018).

Aside from the periodization of the establishment of Islamic law mentioned above, the need for Muslims to have standard laws following the death of the Prophet Muhammad SAW became a necessity. As a source of law for mankind, the Qur'an provides a basic legal framework that is generally universal in nature. This basic framework was then derived into particular operational laws, which then became applied laws that regulate everyday human life. However, after the Prophet died, the process of forming laws was immediately carried out.

Islamic law—with its various schools of thought and views—was created after a long process and dynamics. According to Az−Zarqa, as quoted by Izomiddin, legal theories or rules did not yet exist during the Prophet's time because the Prophet immediately settled all legal issues, implying that fiqh was actual in this period.

During the era of the Companions, ijtihad was frequently used to solve difficulties, mainly when the answer was not found in the Qur'an or the Prophet's Hadith. Moreover, the breadth of Islamic power increased problems due to cultural differences in each region (Izomiddin, 2018:22). Scholars say that the Khulafa' Rasyidin period—which lasted for 30 years (632 to 662 AD)—was a significant era in the formulation and establishment of Islamic law because it became a foothold for the next generation in solving the people's problems.

When Abu Bakr As−Shiddiq ruled from 632 to 634 AD, he made decisions by consulting with his Companions. Ijtihad was carried out because he did not get the answer from the Qur'an and the Prophet's Hadith. Umar bin Khattab, who ruled in 633−644 AD, followed Abu Bakr's method of resolving legal issues. He boldly interpreted the texts of the Qur'an based on actual conditions and specific times at that time. He was a caliph who prioritized the public interest and welfare in resolving legal issues. Meanwhile, under the reign of Uthman bin Affan (644−656 AD), political turmoil caused by nepotism reduced the government's effectiveness. Unfortunately, since Ali bin Abi Thalib governed from 656−662 AD, the development of Islamic law has been hampered by the state's instability, which resulted from major political warfare among Muslim factions.

Generally, decision−making during the Companions' time referred directly to the Qur'an and Hadith. However, if a judgment could not be found, they used ijtihad by adhering to the *ma'qul al-nash* and issuing *i'lah* (the cause of the law) or the wisdom intended from the *nash*, then applying all problems following the *i'lah* with the *i'lah* in the *nash*. It is called *qiyas*, deliberation to find a law for which there is no *nash*, then agreement on a problem is called *ijma'*. Wahbah al−Zuhaili explained that legal creation using the qiyas technique involves extensive research on the law of contemporary cases in the Qur'an and Sunnah. The difficulties in the existing arguments are then analyzed, followed by a legal equivalent in other circumstances (Ummu Awaliah & Indo Santalia, 2022).

Another thing to note is the desire to provide answers to the people in several areas of Islamic government, namely by forming a new generation of thinkers who were then sent as preachers and *qāḍi* (judges) to decide legal cases amid societies such as Egypt, Persia, and Syria. According to Husni Mubarak A. Latief in *Pengantar Sejarah*

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Legislasi Hukum Islam, this model was implemented during the caliphate of Umar and Utsman. Companions such as Abdullah bin Mas'ud, who preferred logical viewpoints and ijtihad based on the *ra'yu* method (reasoning), emerged at the time. He was sent to spread Islam in Iraq, which provided new shades and directions to the development of schools of thought with logic in Islamic history (Latief, 2020:58). Subsequent developments have made the role of reason in determining a law very important, especially in finding a way out of everyday community problems. In fact, the role of reason is able to produce dynamic laws (Kawakib Kawakib & Syuhud Hafidz, 2021).

The burden imposed by a legal product is a notion that is frequently examined in the development and standardization of law because Islamic law seeks to make things easier. Busyro, in *Pengantar Filsafat Hukum Islam*, stated that a person would only be interested in a rule if the resulting provisions were manageable. As a result, legal formulators and policymakers must consider aspects of welfare and justice in the law. Islam, as a rational religion, emphasizes the importance of reason and conscience at the same time. Consequently, it is unsurprising that Islamic law adjusts its regulations to humans' rational and easy nature (Busyro, 2020).

Therefore, in the subsequent development of Islamic law, Muslim communities became familiar with decision—making methods such as *maṣlaḥah al-murlahah*, istiḥsan, *'urf*, *sadd al-dhari'ah*, and *istiṣḥab*, all of which were intended to make things easier by considering the place, context, and current situation when a law is established.

THE CHARACTER OF ISLAMIC LAW: RATIONAL AND FLEXIBLE

The legal approach (solutions or legal issues) was still practical—pragmatic before it became a fully developed science. The sources are the Qur'an, the traditions of the Prophet, and the Companions. This approach was taken because Islamic law's fundamental characteristics are flexible and broad, allowing it to adapt to current developments. The Qur'an surah al—Baqarah (2): 185 supports this principle of providing convenience and relief from the shari'a, which says, "Allah desires ease for you, and does not desire hardship for you...".

Al—Sayyid Sabiq (1915—2000) underlined the need for flexibility in Islamic law, emphasizing its ability to adapt to changes throughout time and across locations (*ṣaliḥ li kulli zaman wa makan*). The flexibility of this law lies in social affairs (*al-maṣaliḥ al-madaniyyah*), such as political affairs and war, to align with citizens' interests and guide policyholders (*ulul amri*) in defending justice and truth. Meanwhile, *'aqida* (creed) and worship entirely refer to the explanation of the related *nash*, which is clearly and in detail stated. This spirit of flexibility and rationality in establishing laws continued until the *Tabi'in* era.

Additionally, the establishment of law (*al-tashri'*) in Islam is also very rational, in the sense of accepting the reasonable opinions of the Companions, as happened during the Battle of Badr. When the War was about to begin, Rasulullah accepted Al—Khubab bin al—Mundzir's opinion that Rasul and his troops should hide near a water source so that they could control the water supply, not in Badr, where Rasul and his troops had previously been stationed. Because of this proposal, the Muslim troops won against the Quraysh troops.

Nurcholish Madjid, in his article "Konsep *Asbab al-Nuzul*: Relevansi bagi Pandangan Historis Segi—Segi Tertentu Ajaran Keagamaan," (Madjid, 1995:24—41) discussed the flexibility of this legal determination. Madjid noted, "One of the concerns

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often addressed by religious scholars, especially certain aspects of religious teachings in the field of law, is the extent to which the value or determination of law in Islam is determined by the conditions of space and time." For Islamic jurisprudence experts, changes to law are possible on the grounds of changes in time and place. The relevant rule regarding this issue is "*taghayyur al-aḥkam bi-taghayyur al-zaman wa al-mak*an" (changes in law due to changes in time and place). However, they disagree about the furthest limits to which such changes are justified (Madjid, 1995:29).

For instance, the divorce of Zaid ("ibn Muhammad") and his wife, Zainab, has become the starting point for establishing a divine law regarding the cancellation or termination of the legal significance of the practice of adopting children. This event is recorded in the Qur'an, Surah al−Ahzab (33): 37−40.

The next problem is how a value from a case can be drawn from the highest level of generality. That way, the value is no longer limited by the specifics of the original event and can be applied to new cases in any location and at any time. To overcome this problem, experts agree on establishing a rule for this issue, namely: "*al-'ibrat-u bi-'umum-i 'l-lafẓ-i, la bi-khushush-i 'l-sabab-i/* The meaning depends on the pronunciation's generality rather than the cause's specificity." A generalization can only be made if the core message of a word can be captured. It indicates that a legal scholar must thoroughly comprehend the sources, theories, and legal regulations (Madjid, 1995:30).

From the preceding description, the author intends to convey that Islamic law is rational but also flexible and supple. Islamic law's flexible and supple nature may be attributed to the many legal experts (*mujtahids*) with varied viewpoints underpinning it; thus, the law's implementation is particularly dynamic in adapting to certain conditions, situations, times, and places (Muhammad Irfan Djufri & Indo Santalia, 2022).

Experts have widely expressed their views on the flexibility and suppleness of Islamic law. Imam Syafi'i, one of the leading figures in Islamic law and a "role model" for most Indonesian Muslims, was aware of the differences, changes, and developments in the opinions of Islamic legal experts during his time in Iraq and his relocation to Egypt. According to Madjid, if the shift from Iraq to Egypt alone, within the time limit of a human's lifespan, has been justified as a development, then what if the shift occurred in a larger dimension: from Arabia to Indonesia and within a period of not only tens of years but hundreds of years?

In Madjid's observation—for the case in Indonesia, in particular—opinions about the flexibility of Islamic law have never been felt to function in real terms in our country's legal life (of Islam). Even though people in our country only implement a few Islamic laws, there is no sense of dynamic and transformational processes. It needs to be paid attention to whether it is indeed desired to find the relevance between Islamic law and the rising demand of the developing Indonesian society as desired by the seminar.

THE HIJAZ AND IRAQ FACTIONS

Caliph Mu'awiyah bin Abu Sufyan (602−680), who ruled from 661 to 680 AD, began to return the government model to the era of Abu Bakr and Umar. The model of state governance that refers to the Syaikhani was called by Ibn Taimiyah the beginning of a "kingdom with mercy" (*al-mulk bi Rahman*), especially in the field of law enforcement, which took full inspiration from the two closest Companions of the Prophet, primarily the tradition of Umar when he was Caliph in Medina.

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As previously said, due to the differences in methodologies devised by the Companions, two prominent groups emerged in Islamic history, namely *Madrasah al-Hadith* (Hadith School) and *Madrasah al-Ra'y* (Reason School), in the following period. *Madrasah al-Hadith* is a group that refers its method of determining law directly to the Companions, such as Ibn Abbas, Zubair, Abdullah bin Umar bin Khattab, and Abdullah bin Amr bin Ash. This group that developed in the Hijaz region (Mecca and Medina) adhered firmly to the Prophet's Hadith because they knew a lot about it. Besides, the cases they faced were simple, so their solutions did not require logic in ijtihad. The homogeneity of the tribes and cultures they faced was the reason why they used this method. In other words, this faction was not constrained by geographical conditions; there were no significant problems in communication and similarities in daily traditions and customs.

Meanwhile, *Madrasah al-Ra'y* (School of Reason) is a school of thought that emerged in two Baghdad areas, Basrah and Kufa. These two schools adhere to logic in ijtihad, which requires rational analysis and consideration (Muhammad Haris et al., 2023). It was done because the Prophet's hadiths that reached them were very restricted compared to the cases they confronted, which were considerably more diversified and complicated in quality and quantity (Madjid, 1995:242). The heterogeneous factors of ethnicity, culture, and traditions of the people in Iraq provide a compelling rationale for researchers to apply reasoning approaches to address problems (Izomiddin, 2018:25). This faction believes that Islamic law was created and developed solely for the benefit of humankind. Therefore, its implementation must consider the situation, circumstances, and culture to make things easier rather than more difficult for them.

Throughout the Caliphate of Umar ibn Abd Aziz, towards the end of Umawi rule, the standardization of the Sunnah, which later became parallel to the Hadith, began. Umar's efforts encouraged the formation of schools of religious thought related to politics, theology, law, and others. Standardizing the Sunnah influenced political reality because the ethnic, cultural, and geographical backgrounds of Islamic communities were increasingly diverse due to the large number of non—Arab people (Syrians, Egyptians, Persians) who converted to Islam. (Madjid, 1995:244)

The positive impact of this exchange of ideas and culture generated several scholars with specific fields of study, especially the study of Islamic law or *fiqh*. They initiated the formation of schools of thought and even taught future imams of the schools of thought spread across various regions of the Islamic government.

In addition to Hijaz and Iraq, several legal experts emerged from Sham (Syria). Caliph Umar in Abd Aziz (usually called Umar II) was one of the essential figures from Sham. His fame made him fifth on the list of *Khulafa' Rasyidin*. He appointed the Four Caliphs and sponsored the writing of the Sunnah and Hadith. Umar died in 101 A.H. (Madjid, 1995:248)

In Egypt, prominent scholars Abdullah bin 'Ash (d. 65 H), Abd Khair ibn Abdullah al—Yazani (d. 90 H), Yazid ibn Abi Habib (d. 128) who are called pioneers of science in Egypt and the issue of halal—haram experts appeared. The presence of these experts and scientists confirmed the intellectual passion that existed in the early days of Islam, which was marked by breakthroughs in ijtihad (the formation of new ideas).

Madjid emphasized in the description above that Islamic law has a rational and flexible character that considers societal peculiarities and the era in which the law is decided. Madjid's statement aligns with Nur *et al.*'s (2020) research, which identifies *maqaṣid al-shari'at* as the primary ethical—spiritual foundation for the diversity of

Islamic law—making in the modern era. From this view, Nur shows the dynamic and adaptive side of Islamic law so that it can open the insights of groups who see Islamic law as something eternal, doctrinal, and final.

In addition, Madjid's thesis is also in line with Afdal's research (2016) on the codification and legislation of Islamic law since the 2nd—century Hijri, which theoretically has implications for differences in the determination of Islamic law in subsequent eras, giving color to the character of rigid and standard law, on the one hand, with a rational and flexible legal character on the other. Likewise, Alwana's research (2020) emphasizes that differences in views in the determination of Islamic law are greatly influenced by the way of thinking according to the school of thought they adhere to, with implications for understanding legal texts and rules, as well as legal reasons extracted from the text of the lawmaker (sharia).

Purwanto's (2017) research on *qiyas*, a method of establishing Islamic law, and Haris *et al.'s* (2023) research on the ijtihad of *fiqh* during the time of the Companions led to the emergence of two schools of thought, the traditionalist and the rationalist. And this ijtihad's pattern of the thought between these two groups (the traditionalist and the rationalist) had an impact on differences to how they produce the Islamic law is align with Madjid's perspective in this study. Thus, from the brief description above, it can be concluded that Madjid's view on the rational character of Islamic law is still relevant to discuss.

CONCLUSION

The compilation and standardization of Islamic law in the post—death period of the Prophet Muhammad SAW encouraged the emergence of scholars with specific and impressive expertise. Scholars call this *salaf* (classical) era the most authentic and decisive period in Islamic history. Therefore, various legal decision—making steps, such as *qiy s* and *ijma',* became essential references for the Muslim community afterward. This period is also necessary and has become the primary reference for various community perspectives, values, and attitudes due to its proximity to the early Islamic period, allowing them to meet the Prophet.

This article identifies a crucial feature of Islamic law: it is rational and flexible and must also facilitate (lighten) and be dynamic. The character of Islamic law in this way is an implementation of Allah's word in Surah al—Baqarah (2): 185, in which Allah desires ease for His servants, not hardship. Furthermore, Islamic law's nature directly results from Islam emphasizing the necessity of reason and conscience. Therefore, Islamic law must connect its restrictions with humans' rational and straightforward nature.

Islamic law's rational, flexible, and straightforward nature is still essential to discuss today. As conveyed by Madjid (1995), which was strengthened by Rizapoor & Rahimi (2023), Sulthon (2023), Sarah & Isyanto (2022), Nur *et al.* (2020), Busyro (2020), Purwanto (2017), and Afdal (2016), who in the same vein said that the open, flexible, and straightforward character of Islamic law needs to be the fundamental spirit and primary reference that underlies the adoption and determination of Islamic law in the current era.

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