

The Tasyri of Rasulullah Priode: An Introduction to Islamic Law

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Abstract

The previous period in the Medina period, many people have embraced Islam and the government has formed neatly arranged. Then push Tasyri 'in accordance with the development of society related to all aspects of life, both individuals and groups in each region, both in Worship, muamalah, jihad, criminal, mawaris, wills, marriage, thalak, oath, oath, justice and all things that become the scope of Fiqh. When something comes up that requires regulations, while Allah does not reveal to the Messenger of Allah the verses of al-quran that indicate the law he wants, then Rasulullah strives to know the legal provisions. answer questions or answer requests for legal fatwa. And the law published from the results of his ijtihad also became a law that must be followed. Every law that is prescribed in the period of the Prophet Muhammad that the source is from divine revelation (al-quran) and ijtihad of the Prophet (Sunnah).

Keywords: The tasyrid; Rasulullah; Islamic law

Background

Tasyri 'in term is the formation of laws to find out the laws for the actions of adults and the legal provisions and events that occur among them. Seeing from the meaning of Tasyri ', then a problem that needs to be considered is the existence of a religion (Islam) that is in the environment of people who are hard-tempered (Bedouin) and people who live full of barbarity and harassment and do not yet have a rule the

standard to be followed by its adherents, in this case is Tasyri '.

Of course, seeing these conditions, then God sent the Messenger of Allah as the first wasilah to uphold the true Islamic law. The enforcement of Islamic Shari'a (Tasyri ') did not stop after the Prophet's death, but this continued for several periods, starting from the period of the Prophet, Khulafaurrasyidin, Tabiin and so on. However, in this paper, we only describe the enforcement of Islamic law (Tasyri ') in the

period of the Prophet. It is inseparable that various social factors also become the background of the decline of the Qur'an. Many things that become the Asbabun Nuzul Al-Qur'an as a source of Tasyri 'this Rasulullah period. But not all of these verses of the Qur'an were revealed because of the Asbabun Nuzul. The appropriateness of tradition and the Qur'an is also seen there, but that does not mean that the Qur'an can be said to be an Arabian tradition, because the revelation of the Qur'an is for all its people.

As for the period of the Prophet, it has two phases, namely the Mecca phase and the Medina phase. Socio-cultural these two phases differ in the acceptance of Tasyri 'brought by the Prophet. Because the style of life of Mecca and Medina is very much different. The situation of Mecca which at that time was full of things that deviated from the rules or laws of Islam, of course, for these people it was difficult to accept things that were just brought by the Prophet. So that what was first implanted in their hearts were matters relating to monotheism.

Unlike the case with the Medina community who are very easy to accept Islam, they even accept the arrival of the Prophet with pleasure. So the formation of tasyri 'at this time was felt to be far easier

compared to the Mecca phase, and it was at this time that matters relating to worship, monotheism and so on became Tasyri'. Al-Qur'an and Hadith in this period became the source of the determination of Tasyri ', then the problem that arises is the connection with ijtiḥad at this time, whether ijtiḥad was also a source of Tasyri' at that time.

DISCUSSION

A. Formation of Islamic Law

Allah SWT. sending the Messenger of Allah as the first wasilah to uphold the true Islamic law. The enforcement of Islamic Shari'a (Tasyri ') did not stop after the Prophet's death, but this continued for several periods, starting from the period of the Prophet, Khulafaurrasyidin, Tabiin and so on. Socio-cultural these two phases differ in the acceptance of Tasyri 'brought by the Prophet

1. Tasyri 'Mecca Period

During the 13 years of Muhammad's prophethood in Mecca, the law was gradually reduced. This period is more focused on the naming process (ghars) of monotheistic values, such as faith in Allah, His Messenger, the Day of Resurrection, and commands for noble morals such as justice, togetherness, keeping promises and avoiding

moral damage such as adultery, murder and deception.

In the beginning, Islam was oriented towards improving the creed, because the creed was a fundament that would stand on it, whatever its form. When we look at the verses of the Qur'an that descended in Mecca, we see a rejection of shirk and invite them to monotheism, satisfying them with the truth of the message presented by the Prophets. Accompanying them to take lessons from the stories of the previous people, encourage them to throw the taqlid on their ancestors, and turn them away from the influence of ignorance left by their ancestors such as murder, adultery and burying a girl alive.

Most of the verses of the Koran that ask them to use the mind, God privileges them with reason, which is not possessed by other creatures so that they get a clue of truth from themselves (rationality). Remind them not to turn away from the teachings of the Prophets, so as not to be hit by a punishment like what was inflicted on the Amat who previously denied their Apostles and disobeyed the commandments of his god.

At this time the Koran only explained a little of the second goal, so that the majority of the problems of worship had not been prescribed except after hijrah. Worship that

is prescribed before the emigration is closely related to the maintenance of the creed, such as the prohibition of carcasses, blood and slaughter which are not called the name of Allah. In other words, the Mecca period was a period of aqeedah revolution to change the belief system of the ignorance community towards servitude to Allah alone. Statu revolution that presents fundamental changes, social and moral reconstruction in all dimensions of community life.

But there are some things that cause the teachings of the Prophet Muhammad not accepted by the people of Mecca, especially in economic aspects, including factors yatu:

1. Monotheism teaches the beliefs and practices of worshiping idols. When worshiping an idol is eliminated then the idols are no longer available. This threatens their economic side (idol producers). Because of that the teachings of monotheism are also widely rejected by the people of Mecca.

2. Islamic teachings denounce the economic behavior of the people of Mecca which has the main characteristic of accumulating wealth and ignoring the poor and orphans. As we know that Mecca is located in important trade routes. Mecca prospered because of its location on important routes from southern Arabia to the north and the Mediterranean, the Persian Gulf, the red sea through jiddah and Africa. And Mecca is one of the bustling trade centers. it greatly influenced the refusal of the Prophet's propaganda.

2. Tasyri 'Medina Period

In this phase or period Islam is already strong and growing rapidly, the number of Muslims has also increased and they already have a resounding government. This condition encourages the need to perform tasyri 'and the establishment of laws to regulate relations between individuals of one nation and other nations, and to regulate their relations with non-Islamic nations both in times of peace and war.

The Medina period is known as the structuring and establishment period of the community as a pilot community. Therefore, in the Medina period, the verses that contain the laws for this purpose (ahkam verses) are down, both talking about ritual and social. Even though in this period the Prophet Muhammad (PBUH) only did legislation, legality provisions have existed since the Mecca period, in fact the foundations have been firmly established in the Mecca period. The basics are indeed not directly legalistic because they are always associated with moral and ethical teachings.

In this period Tasyri 'Islam was oriented towards the second goal which was prescribed to them the laws that cover all situations and conditions, and which relate to all aspects of life, both individuals and groups in each region, both in worship, muamalah, jihad, criminal, mawaris, wills, marriage, thalak, oath, justice and all things that are the scope of the science of jurisprudence.

The process of law formation during the prophetic period is not described events, describes their events, looks for the causes of their branching and codification of laws, as well as the last days that have been understood. But the formation of law at this time goes along with the reality and guidance that Muslims, when faced with a problem that must be explained by the law, then they immediately ask the Prophet.

Sometimes the Messenger of Allāh gave a fatwa to them with one or several verses (revelations) revealed by Allah to him, sometimes with a hadith and sometimes by giving a legal explanation with his experience. Or some of them did an act then the Prophet (PBUH) set (takrir) it, if it was true according to the Prophet PBUH. There are three aspects that need to be explained from the process of developing sharia in this period.

A: the Prophet's method of explaining the law. In many cases the Islamic Shari'ah Descended globally the Prophet himself did not explain whether his actions were obligatory or sunnah, how the terms and conditions and so forth. Like when the Prophet prayed, the Companions saw the Prophet's prayer and they followed it without asking the terms and the harmony.

B: Sharia legal framework. There are laws that are prescribed for a problem faced by the community, such as may intercourse with their wives when they are menstruating, can they fight during the month of Hajj. And there are also those that are prescribed without preceded by questions from friends or have nothing to do with the problems they face, including therein is a matter of worship and some things related to muamalat.

C: the gradual decline of the Shari'a. That is, the establishment of conditions for a society that is decent and ready and accepting Islam must be a priority.

Islamic Law Development

In the fostering of Islamic law four basic principles have been maintained:

1. Gradually in establishing the law.

Gradually, this applies in the time of 'tashri' and applies also to the various types of laws prescribed. The wisdom of gradually decreasing the law is so that gradually the contents of the law are readily understood, material by material, and easily understood by the laws. perfect, based on events and situations that require the establishment of law.

The purpose of the law is revealed and prescribed gradually is that all people in the first period of embracing Islam are not burdened with something troublesome, both those they want to do or want to leave, so that all people are willing to accept and taklif.

As when the Messenger of Allah was asked about the matter of khamer and gambling, while both of them included strong customs among them. Then he answered them with verses of the Qur'an, al-Baqaraha verse 219 which read; "They ask you about khamar and gambling. Say: "In both of them there are great sins and some benefits for humans, but both sins are greater than the benefits".The verse does not explain the demand to leave it, but is told to understand it against actions which are of little use. Allah says in Surah an-Nisa: 43."O you who believe, do not pray, while you are drunk, so you understand what you are saying." This prohibition does not invalidate the first one even he strengthens it. Then the Qur'an explains the prohibition as a strict decision on a law.

Make law making efficient.

Here the laws are prescribed by Allah and His Messenger only according to the legal requirements needed, and respond to events that require the law. The wisdom of fostering this tasyri 'is to meet human needs and realize benefit, so it is better that at each time the rules are limited according to the needs and benefit of the times, so that

people who were past, present, and future, will not find difficulties due to regulations regulations outside their needs and benefit.

Among the principles stipulated in the Islamic Shari'a is that the law of origin is permissible. For that, all animals and objects or agreements or transactions that are not required by the sharia 'argument are permissible. narrowness. Any problems for which there are no regulations, the law may be based on ibahah ashliyah (permissibility by origin).

3. Provides ease and relief.

This principle is most prominent in Islamic legal legislation. In many cases, the law's aim is to provide convenience and relief for Muslim believers.

In special circumstances where the 'adzimah law brings difficulties, the law of rukhshah (waivers) is permissible. The existence of coercion, illness, travel, error, forgetfulness, and ignorance are reasons for legal relief.

4. The passage of laws in accordance with the benefit of mankind.

The proof of this principle is that shari'a (legislators) provide a lot of legal ta'il with the benefit of humans as' illat law. Syara 'stipulates that the existing laws based on' illat will revolve with 'illatnya, namely the existence of' illat stipulates the existence of law and there is no 'illat nullifying the law. for this God prescribed some laws, then canceled and abolished them, because benefit requires such changes.

One example is that Allah first required to appear before Baitul Maqdis when praying, then this law was abolished and replaced with the command to face the Ka'bah when praying.

The abolition of the law, the replacement of the law, and changes in the

law, is evidence that the laws in Islam are set for the benefit of mankind. To preserve them, the legislators pay attention to 'urf (the customs of the people when the regulations apply) as long as these customs do not damage the wrong one basis of religion. Therefore the shari '(legislators) pay attention to the existence of kafa'ah (balance, kufu) in marriage, pay attention to' asabah in inheritance and guardianship laws, and require payment of diyat (fines).

For the benefit of mankind, it is necessary to pay attention to the customs and things that are usually done by the local community (local), as long as it does not contradict the main points of religion and does not bring harm.

Sources of Islamic Law at the time of the Prophet Muhammad

Determination of the law in the period of the Prophet Muhammad has two sources, namely:

1. Divine Revelation (Al-Quran)

Al-quran is a holy book revealed to the Prophet Muhammad SAW which contains instructions for the truth of the happiness of humanity. In the language of "Fazlurrahman, the Koran is a religious and ethical document that aims to practically create a moral and good society, consisting of pious and religious people with sensitive and real circumstances of a god who commands good and prohibits evil. When something happens that requires the formation of law due to an event, disputes, questions, requests for fatwas, then Allah sends down a revelation to the Prophet Muhammad one or several verses of the Qur'an that explain the law that he wants to know. Then the Prophet conveyed to Muslims what had been revealed to him, and the revelation became a law that must be followed.

There is a very prominent characteristic of the Koran namely, that although the Koran was revealed in a certain time space, for a certain reason, but the essence of the word of God is universal, thus overcoming space and time. Therefore it can be said that the target of the Koran and also the cause of its decline is "humanity (the problematics of human life), both at the time of the Prophet, the present and the future.

2. Ijtihad Rasulullah (Sunnah)

Sunnah is the second source of jurisprudence after the Koran. In the terminology of muhaddisin, fuqaha and ushuliyin, sunnah means everything that is attributed to the Prophet Muhammad, both the words, actions and provisions. Like the Koran, the sunnah also does not appear at one time, but gradually (periodically) following the general phenomena in society, or more accurately referred to following the development of sharia down. Therefore, in many cases, we will see that the sunnah aims to explain, detail, limit and interpret the Koran.

CONCLUSION

In the period of Makiyyah, the Messenger of Allah focused more on the formation of the creed and morals of the Makkah community which was contrary to the customs of the Meccan community at that time. For example, the mecca's habits of worshiping idols, gambling, drinking khamer, killing a baby girl, and committing adultery. After the appointment of the Prophet Muhammad and openly preaching then formed Islamic Law which invites the Meccan community to abandon previous habits, and worship Allah Almighty.

When the Messenger of Allah invites the people of Mecca to worship God and

renounce the habits of the previous ancestors, there was resistance from the Meccan community who hated the teachings brought by the Prophet Muhammad so that the Messenger of Allah emigrated to Medina. worship Allah Almighty.

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