

VOLUME 1 No.2, MARCH 2012

JOURNAL OF ISLAMIC KNOWLEDGE

ISSN : 2089-0052

Table of Contents

DAKWAH OF THE ISLAMIC MOVEMENTS: CHALLENGES AND THE WAYS FORWARDS.. 1
Profesor Dr. Badlihisham Mohd Nasir

**THE SOCIAL CONSTRUCTION OF RELIGIOUS ELITES ON PLURALISM AND
INTERRELIGIOUS DIALOGUE IN MALANG INDONESIA 13**
Dr. M. Zainuddin, MA

**MEASURING RELIGIOUS LEADERS (MUSLIM-NON-MUSLIM) UNDERSTANDING ON
INTERFAITH DIALOGUES BASIC CONCEPT AND ITS EFFECTS TO SOCIAL RELATION: A
PRELIMINARY 22**
Khairulnizam Mat Karim, Suzy Aziziyana bt.Saili

**THE FIRST REVELATION OF THE QURAN: AN ANALYSIS OF BELL'S THE QURAN
TRANSLATED WITH A CRITICAL REARRANGEMENT OF THE SURAHS..... 35**
Mohd Zulfahmi bin Mohamad, Dr. Mohd Faizal Haji Abdul Khir

TABLIGH IN PROMOTIONAL MIX OF ISLAMIC BANK "X" SURABAYA..... 44
Ririn Tri Ratnasari, Muhammad Nafik HR, Syarifah Ajeng

**PURSUING ECONOMIC GROWTH AND HUMAN DEVELOPMENT THROUGH
EDUCATION: A LESSON FROM ANDALUSIA GOLDEN AGE 53**
Sari Lestari Zainal Ridho S.E., M.Ec.

EFFECTIVENESS OF FISCAL AND MONETARY POLICY IN ISLAMIC ECONOMICS..... 59
Sri Herianingrum, Muhammad Nafik HR

ISLAMIC EDUCATION OF ISLAMIC MODERNIST THOUGHT IN INDONESIA..... 64
Dr. H. Abdur Razzaq, MA

**ISLAMIC LAW AND SOCIAL TRANSFORMATION:HISTORIAL ANALYSIS TOWARDS
EGALITARIAN CHARACTERS..... 72**
Drs. Paisol Burlian, S.Ag. M.Hum

ISLAMIC LAW AND SOCIAL TRANSFORMATION: HISTORICAL ANALYSIS TOWARDS EGALITARIAN CHARACTERS

Drs. Paisol Burlian, S.Ag. M.Hum
Lecturer IAIN Raden Fatah Palembang Indonesia
burlianpaisol@yahoo.co.id

Abstract-The consequences of a social transformation, the Islamic law has replaced the law of *Jahiliyyah*. In history, the Prophet Muhammad and his early followers of Islam really made a stance counter to the legal system and *Jahiliyyah* in their behavior and actions, thereby gaining a strong opposition from the leaders of those who held *Jahiliyyah* system, and even the approach of Muhammad saw. as messenger engaged all including those whom considered marginalized in the social stratification to the teachings of Islam, and it was became an important point in these consequences. This study set out an understanding that Islamic law is involved with human history within the context of *Jahiliyyah* society, with the approach of a cultural phenomenon and humanities. The aim of this paper to discuss social change brought by by Islamic law from *Jahiliyyah* law as background of the study known as *fideistic subjectivism or scientific objectivism*. The finding of the study is obvious how Islam has defended and protected the weak group in the society to have equality status with others in before the Islamic law.

Keywords: Islamic law, Jahiliyah Law, Social Transformation.

I. Introduction

Prophet Muhammad received a revelation from Allah SWT first time on Monday the 17th of Ramadan 41 years after his birth, coinciding with the August

6, 610 M.¹ Since that time, Muhammad bin Abdullah undertaking *nubuwwah* of Allah SWT to bring Islam to the mankind, which turned out to revolutionized the entire social system, especially the legal system that existed at the ignorance period (*Jahiliyyah*).² Islam came into the society of *Jahiliyyah* with Syari'ah (Islamic law system) which is perfect to be able to arrange a fair and egalitarian relations between individuals within community. Basically, the advent of Prophet Muhammad with egalitarian teachings could be evaluated as a social change towards ignorance that was happening in the community, especially the legal system, with the revelation and guidance from Allah SWT.³

Islamic law is the holy commandments of Allah SWT that govern all aspects of life for every Muslim, and includes legal materials which purely spiritual as well as religious affairs.⁴ Through an empirical study of

¹ Muhammad Ridho, *Muhammad Rasul Allah Shalla Allahu 'alayhi wa Sallama*, cet. V (Kairo: Dar al-Ihya' al-'Arabiyyah, 1966 M / 1385 H) p. 59.

² Marshal G. S. Hodgson, *The Venture of Islam: Conscience and History in a World Civilization, Vol. 1 The Classical Age of Islam* (Chicago: Chicago University Press, 1974), p. 174.

³ Robert Roberts, *The Social Laws of the Qur'an: Considered and Compared with Those of the Hebrew and other Ancient Codes*, cet. I (London: Curzon Press, 1990), p. 2.

⁴ S.D. Goitein, "The Birth-Hour of Muslim Law; an Essay in Exegesis" dalam Jurnal *The Muslim World*.

history, Joseph Schacht called the Islamic Law as a summary of Islamic thought, the manifestation of the Islamic way of life that is very distinctive, and even as the core of Islam itself.⁵

In the early Islamic period, the period of Islam in Makkah, the Islamic law began to keep his law practice that has existed in the community. But then, as argued by Muhammad Hamidullah, in stages, based on revelation (the Quran) and Sunnah of Prophet Muhammad, the legal system has become a habit in the *Jahiliyyah* was constructed, and even replaced altogether with the Islamic law which totally different with the predecessor.⁶

As a consequence of a transformation (social changes), Islamic law reformed *Jahiliyyah* system.⁷ In history, the Prophet Muhammad and his early followers of Islam really made a stance counter to the *Jahiliyyah* system in their deeds and actions, thereby gaining a strong opposition from the leaders of those who wanted to maintain *Jahiliyyah* system. And even then, the approach of Muhammad brought the group that 'marginalized' in the social stratification to uphold the teachings of Islam was also part of important points in the changing process.⁸

This paper set out an understanding that Islamic law has involved with human history-in this context with *Jahiliyyah*-law, is a cultural phenomenon and can be

researched with the approach of cultural knowledge and its methodology.⁹ With the pros and contra, the study of social change by Islamic law from the law of *Jahiliyyah*, discussed in this paper, attempted to avoid the attitude attributed by Richard C. Martin as fideistic subjectivism or scientific objectivism.¹⁰ Furthermore, the perspective of Islamic Law stands to the marginalized group or poor *mustadl'afin* becomes a critical awareness of the importance of social change by Islamic law in society. sebuah penyadaran penting yang kritis terhadap adanya perubahan sosial oleh hukum Islam di dalam masyarakat.

II. *Jahiliyyah* Legal System Pre-Islamic Arab society

In general, the period of pre-Islamic Mecca called the period of *Jahiliyyah* which means folly and barbarian. In real terms, expressed by Philip K. Hitti, pre-Islamic Mecca society was a society that did not have the destiny of certain privileges (*no dispensation*), no inspired prophet, and no revealed book as guidance of life.¹¹

Refers to the word "*Jahiliyyah*" in the Qur'an, Ali Imron/3 verse 154 (...*yazhunnuna bi Allahi ghayra al-haqqi zhanna al-jahiliyyati...*), al-Ma'idah/5 verse 50 (*afahukma al-jahiliyyati yabghuna...*), al-Ahzab/33 verse 33 (*wala*

vol. I (Hartford: The Hartford Seminary Foundation, 1960), p. 23.

⁵ Schacht, *An Introduction...*, p. 1.

⁶ Muhammad Hamidullah, *The Emergence of Islam*, Afzal Iqbal (translator and editor), cet. I (Islamabad: Islamic Research Institut, 1993), hlm. 64.

⁷ Andrew Rippin, *Muslims: Their Beliefs and Practices*, vol. I *The Formative Period*, cet. I (London: Routledge, 1990), p. 10.

⁸ See Marshal G. S. Hodgson, *The Venture of Islam...*, p. 174.

⁹ Islam is not perceived as man creation, but namun Islam is revealed from the Almighty Allah SWT, see M. Atho Mudzhar, *Pendekatan Studi Islam Dalam teori dan Praktek*, cet. I (Yogyakarta: Pustaka Pelajar, 1998), hlm. 37-38.

¹⁰ Richard C. Martin, *Approach to Islam Religious Studies* (Tucson: Arizona Press, 1985), hlm. 2. Bandingkan dengan M. Atho Mudzhar there are two different approached in understanding Islam, these are *idealist approach and reductionist approach*, M. Atho Mudzhar, *Pendekatan Studi Islam...*, p. 43.

¹¹ Philip K. Hitti, *History of Arabs from Earliest Times to the Present*, edisi X (London: The Macmillan Press, 1974), p. 87.

tabarrujna tabarruja al-jahiliyyati ...) and al-Fath/48 verse 26 (*...fi qulubihmu al-hamiyyata hamiiyata al-jahiliyyati...*) as designated by Philip K. Hitti and identified by Mohammed Fuad as the verses that contain words "Jahiliyyah",¹² sufficiently to give a hint that the Jahiliyyah it has characteristics of the aspects of belief in God (*zhann bi Allahi*), the rules of civilization (*hukm*), life style (*tabarruj*) and character of arrogance (*hamiyyah*). In relation with the history of humanity, the laws of *Jahiliyyah* were made in favor of certain groups which could be named a racial character, feudal and patriarchal.

1. Racial Characteristic

The first trait was racial in the laws of *Jahiliyyah* could be demonstrated by a sense ultra nationalism and tribalism (*'ashabiyyah*) as well as protection to the people of the same tribe (*qabilah*). In pre-Islamic Arab society, known term *al-'ashabiyyah* or *al-qawmiyyah* which means that a person's tendency to defend desperately against those who were in their tribe (*qabilah*) and to others tribes under their protection. Right or wrong the person, so long as he assessed his inner group, would always be defended desperately when dealing with people who were assessed as its outer group.¹³

The Arabs pre-Islamic have a tremendous sense of nationality (ultra nationalism). They thought of themselves (Arab) as a noble nation and other nations considered (*Ajam*) has a lower status. Ibn Jarir al-Tabari recounts a legal incident of marriage *jahiliyyah* racial character with the underlying spirit of ultra-nationalism.

The story was the story of Nu'man Ibn Munzhir rejected a Persian king Khusraw Abruwiz Hurqa on his son because of the laws of *Jahiliyyah* were held by Arab Nu'man considered a nation of "super" therefore it was prohibited in marriage with a *Ajam*, though suitors was a king-, as was believed to degrade the quality of the Arab's in Nu'man and his son.¹⁴

In the groups interaction, pre-Islamic Arabs always defended the interests of group and group members. Someone would always be defended by the members of a inner group when dealing with members of other groups (outer group), either right or wrong position.¹⁵ Right and wrong determined by group respectively.¹⁶ An example could be adduced in the law of battle and murder which determined by the feelings of tribe (*ashabiyyah*). For instance, the battle of Fijar which took place in the prohibited month (*asyhur al-hurum*) between tribe *Kinana* and tribe *Qays Ailan* (both were tribes of *Quraysy*) which witnessed by prophet Muhammad saw when he was 14/15 years old (he has not appointed as prophet). The war happened because to defense the members of these families, each of which involved clashes and killings in the market Ukaz, regardless of fault of each person who defended. Whatever the circumstances, if there was one member of a group clashed, then necessarily all members of the group would defend them..¹⁷

¹² Lihat Muhammad Fuad Abd al-Baqi, *al-Mu'jam al-Mufahras li Alfadz al-Qur'an al-Karim*, cet. I (t.p.: Dar al-Fikr, 1986 M / 1406 H), p. 184.

¹³ seet *al-'Aruba fi Mizan al-Qawmiyyah*, hlm 10 yang terdapat dalam Ali Husni al-Khurbuthuli, *Ma'a al-'Arab (I): Muhammad wa al-Qawmiyyah al-'Arabiyyah*, cet. II (Kairo: al-Mathbu'ah al-Haditsah, 1959), p. 5.

¹⁴ see dari al-Tabari, *Tarikh al-Tabari*, II: 150-156 dalam buku 'Ali Abd al-Wahid Wafi, *al-Musawah fi al-Islam*, Anshari Umar Sitanggal dan Rosichin (penterjemah) (Bandung: al-Ma'arif, 1984), p. 17-18.

¹⁵ 'Ali Husni al-Khurbuthuli menyatakan bahwa orang Arab pra-Islam (*Jahiliyyah*) benar-benar selalu membela anggota *qabilah*-nya, baik dalam posisi menganiaya (*zhalim*) maupun dalam posisi teraniaya (*mazlum*), lihat 'Ali Husni al-Khurbuthuli, *Ma'a al-'Arab (I) ...*, p. 21.

¹⁶ see *Ibid.*, hlm. 6.

¹⁷ see Ibn Hisyam, *al-Sirah al-Nabawiyah li Ibn Hisyam*, notasi oleh Mushthafa al-Saqa, dkk., cet. II (Mesir: Syirkah Maktabah wa Mathba'ah Mushthafa al-

2. Feudal Characteristic

Feudal character of the Arab pre-Islamic law envisaged by the superiority possessed by the rich and the nobility over the the poor and oppressed group. The rich and the nobility of Arabia pre-Islam was the holder of power, and at once became prosperous and wealthy classes in Makkah.¹⁸

Although there was good value (*al-muru'ah*) within Arabian society pre-Islam, as depicted in the poems of the Arabs pre-Islamic, namely that good group leader must be generous, as noted by Philip K. Hitti,¹⁹ but mentioned by Lapidus that Arab pre-Islamic society had a wrong sense of pride that neglect of the poor, neglect of almsgiving and of unsupport for the weaker member of the community²⁰. Legal system and the history of slavery in the pre-Islamic Arabia was strong evidence of the character of the feudal law of *Jahiliyyah* Arab society pre-Islamic was. A slave was a man who has a degree far below the average of men in general, could be traded anything by the owner, and had no human rights for granted as human being²¹.

3. Patriarchal Characteristic

The next character was strongly attached to the law of *Jahiliyyah* was patriarchal. Haifaa mentioned that men in power at that time high in the gender relation, positioned higher than women.

Women received discrimination, unfair treatment, and even considered as embodiment of sin. *Jahiliyyah* legal system stated that women did not earn the right for inheritance. The birth of a daughter was considered a disgrace, so much that then buried alive as a baby. In short, women were treated as a thing and not as a person²².

Conditions of women in the *Jahiliyyah* period as portrayed in the Qur'an al-Nahl/16 verse 58-59 (*wa idza busysyira ahaduhum bi al-untsa zhalla wajhuhu muswaddan wa huwa kazhim, yatawara min al-qawmi min su'in ma busysyira bihi, ayumsikuhu 'ala hunin am yadussuhu fi al-turab...*). The verse tells of the attitude of the *Jahiliyyah* in response to news of the birth of her daughter who was considered very shameful, lowered self-esteem of parents and families, so that these girls that needed to be killed or buried alive. It shows a story how Arab women pre-Islam treated at patriarchal *Jahiliyyah*.

Jahiliyyah legal system in Arab society pre-Islam with three main characters as described above as foundation basis to the discussion of Islamic legal system which brought social changes in the law system revolutionary.²³

III. Revolutionary of Islamic law and Egalitarian

Clearly stated that the Qur'an rejected the law of *Jahiliyyah* due to full of desires and only take aside to certain groups in society. Further asserted that Islamic law is the only law that should be held by the people coming from God and

Babi al-Halabi wa Awladihi, 1955 M / 1375 H), jilid I, hlm. 184.

¹⁸ M.A. Shaban, *Islamic History: A New Interpretation I A.D. 600-750*, cet. IX (Cambridge: Cambridge University Press, 1971), p. 8.

¹⁹ Philip K. Hitti, *History of Arab...*, hlm. 95.

²⁰ Ira M. Lapidus, *A History of Islamic Societies*, cet. X (Cambridge: Cambridge University Press, 1995), p. 24.

²¹ see Washington Irving, *Life of Mahomet* (London: J.M. Dent & Son Lt., 1949), p. 13-14.

²² see Haifaa A. Jawad, *The Rights of Women in Islam: An Authentic Approach*, cet I (New York: S.T. Martin's Press, 1989), p. 1-3.

²³ see Ira M. Lapidus, *A History of Arab...*, hlm. 19-20.

bring the principles of justice and social equality.²⁴

In the early period of Islam, Prophet Muhammad spread the Islamic teachings, universal to all mankind, under the guidance of revelation from Almighty Allah SWT. W.M. Watt detailing the teachings of Islam as taught by Prophet Muhammad in the early period of Islam into the 5 (five) key themes, namely; God's Goodness and Power, the Return to God for Judgement, Man's Response – gratitude and worship, Man Response to God – Generosity, and message of Prophet Muhammad.²⁵

The core message of prophet Nabi Muhammad saw is called *tawhid* that is teachings to believe in the One True God, the Almighty, the Creator of the universe and Superintendent judge for all creatures (including humans) on all actions.²⁶ Logical consequence of this doctrine is the obligation to worship and give thanks to God and responsible to be egalitarian and love among mankind.²⁷ In short, it can be said that the teachings of the early period is true believe in hereafter, ethical and prayer as mentioned by Lapidus; eschatological piety, ethical nobility and prayer formed the basis of early Islam.²⁸

In general, Islamic law stands on the principles that must be maintained in absolute and universal. These principles, as expressed by Masdar F. Mas'udi, is strong and study (*qath'i*) and acceptance

of Islamic law as a whole.²⁹ These principles identified by Masdar, among others, is the principle of individual freedom and responsibility,³⁰ principles of equality in the presence of Allah,³¹ principle of justice,³² principle of equality before the law,³³ principle of not harming yourself and others,³⁴ principles of criticism and social control,³⁵ the principle of keeping promises and uphold the agreement,³⁶ the principle of mutual help for the good,³⁷ principle to protect the weak,³⁸ the principle of consultation in matters of joint,³⁹ principle of equality in family,⁴⁰ and principle to treat other in good way (*ma'ruf*) between husband and wife.⁴¹

²⁹ Masdar Farid Mas'udi, *Islam dan Hak-Hak Reproduksi Perempuan: Dialog Fiqh Pemberdayaan*, cet. II (Bandung: Mizan, 1997), p. 29-30.

³⁰ Surat al-Zalzal/99 ayat 7-8, *Fa man ya'mal mitsqala dzarrotin khairan yarahu. Ma man ya'mal mitsqala dzarrotin syarran yarahu.*

³¹ Surat al-Hujurat/49 ayat 13, *Ya ayyuha al-nassu inna khalaqnakum min dzakarim wa untsa wa ja'alnakum syu'uban wa qaba'ilan li ta'arafu. inna akramakum 'inda Allahi atqakum.*

³² Surat Al-Ma'idah/5 ayat 8, *I'dilu huwa aqrabu li al-taqwa.*

³³ Surat Al-Ma'idah/5 ayat 8, *..Wa la yajrimannakum syana'anun qawmin 'ala alla ta'dilu... dan juga hadits riwayat al-Bukhari, Ya ayyuha al-nassu innama halaka al-ladzina min qablikum annahum kanu idza saraqa fihim al-syarifu tarakahu wa idza saraqa fihim al-dha'ifu aqamu 'alayhi al-haddu wa aymu Allahi, law anna Fatimata binta Muhammadin saraqat laqatha'tu yadaha.*

³⁴ Surat al-Baqarah/2 ayat 279, *La tadzlimuna wa la tudzlamuna* dan Hadits riwayat Ibn Majah, *La dharara wa la dhirara.*

³⁵ Surat al-'Ashr/103 ayat 1-3, *Wa al-'Ashri, inna al-insana lafi khusrin, illa al-ladzina amanu wa 'amilu al-shalihati wa tawashaw bi al-haqqi wa tawashau bi al-shabri.*

³⁶ Surat al-Isra'/17 ayat 34, *... Wa awfu bi al-'ahdi, inna al-'ahda kana mas'ulan*

³⁷ Surat al-Ma'idah/5 ayat 2, *Wa ta'awanu 'ala al-birri wa al-taqwa.*

³⁸ Surat al-Nisa'/4 ayat 75, *Wa ma lakum la tuqatiluna fi sabili Allahi wa al-mustadh'afina min al-rijali wa al-nisa'I wa al-wildani...*

³⁹ Surat al-Syura/42 ayat 38, *Wa amruhum syura baynahum.*

⁴⁰ Surat al-Baqarah/2 ayat 187, *... Hunna libasun lakum wa antum libasun lahunna...*

⁴¹ Surat al-Nisa'/4 ayat 19, *... Wa 'asyiru hunna bi al-ma'ruf...*

²⁴ al-Qur'an surat Al-Ma'idah ayat 50 berbunyi, *"afa hukma al-jahiliyyati yabghuna. Wa man ahsanu min Allahi hukman li qawmin yuqinun"*. Ayat ini didahului dengan ayat yang menerangkan perintah Allah SWT untuk memerangi dan menggunakan hukum Islam yang telah diturunkan oleh Allah SWT, lihat surat Al-Ma'idah ayat 48-49.

²⁵ W.M. Watt, *Muhammad; Prophet and Statesman*, cet. II (reprint) (Oxford: Oxford University Press, 1969), hlm. 23-24.

²⁶ Marshal G.S. Hodgson, *The Venture...* 1:163.

²⁷ Ira M. Lapidus, *A History...* p. 24.

²⁸ *Ibid.*

With regard to egalitarianism in Islam, al-Hujurat/49 verse 13 states that the most honorable before Allah Almighty is the most righteous, not the most wealthy, most clever or most powerful, either man or woman, and somehow come from any tribe. Mentioned in the beginning of the verse that man was created from the same origin, it is from man and a woman who then dispersed to various groups and tribes. It is also stressed that among humans necessary to make the mutual communication and interaction. The verse was narrated down with respect to several events, including events that occurred at the time of *fath al-makkah*. Bilal bin Rabah caled to prayer and assessed by the al-Harith bin Hisham inappropriate because Bilal was a "former" black slaves. Suhayl bin 'Amr responded by stating that the assessment if the act of Bilal's wrong, surely Allah will turn and sent down the verse.⁴²

If then there are the rules of Islamic law that seems incompatible with the egalitarian principle and other principles, then the rule must be understood in the context of the social reality context and legal attention to its function as a counter to the rules of non-egalitarian applicable at the time of *Jahiliyyah*. For example, the law of inheritance which divide the inheritance among men and women with one versus two parts as mentioned in the Qur'an, according to an egalitarian understanding, as expressed by Masdar, for example, must be understood by considering two important things. First, to give the inheritance to women, and put men and women the same status as subjects receiving an inheritance, then it

means that Islamic law has been reformed quite revolutionary and radical law of *Jahiliyyah* which has been there before, that did not make women as subjects of the recipient inherited property and could even become the estate itself. Second, socio-economic setting of family life in the emergence of the law was a family living expenses were borne by men, so that dividing the inheritance of men with the legacy that is greater than the legacy of women is a fair division. That way, the rules of Islamic law is the rule of law that have an egalitarian character, not racial, not feudal and patriarchal.

IV. Reaction Against Islam and Islamic Law

Islam emerged in the *Jahiliyyah* society by bringing social change, against the legal system that has gone before. Given the significant changes by Islam against the law of Arab society pre-Islamic, the Islamic mission got response from the community, both from community groups who wanted changes as well as from community groups that supported the existing law of *Jahiliyyah*.⁴³

1. Acceptance of Islam by the *Jahiliyyah* Community

The early acceptance group of Islam, as identified by Albert Hourani consisted of several young men (in a relatively small number) from an influential of tribe Quraish, some people (in a relatively large number of) members of small families and weak, the people which under protection of the tribe of Quraish and some workers and slaves.⁴⁴ *Jahiliyyah* people who welcomed the Islamic teachings were among the

⁴² Abu al-Hasan 'Ali bin Ahmad al-Wahidi, *Asbab al-Nuzul*, Abu al-Qasim Hibatullah ibn Salamah Abu Nashr (pentahqiq), (Kairo: Maktabah al-Dakwah, t.t.), p. 295.

⁴³ Marshal G.S. Hodgson, *The Venture...*, 1: 174.

⁴⁴ Albert Hourani, *A History of The Arab Peoples*, cet. 1 (Cambridge: Belknap Press of Harvard University Press, 1992), p. 17.

migrants within the marginal group and and poor-Lapidus said they were people who dissatisfied with the conditions of moral and social circumstance that existed and then accept an Islam as alternative.⁴⁵

Clearly, the first reverted to Islam were women, that was the wife of the Prophet Muhammad., Khadijah bint Khuwaylid,⁴⁶ then a young man 10 years old Quraysh, the son of the Prophet Muhammad's uncle. long nurtured by the Prophet Muhammad., that 'Ali ibn Abi Talib as the first boy who followed the teachings of Prophet Muhammad.,⁴⁷ followed then a salve given by Khadijah who later liberated by the Prophet Muhammad. before he took on the task prophethood (*nubuwwah*), Zayd bin Haritsah⁴⁸ and the next four was a gentle and caring man Abu Bakr al-Siddiq bin Abu Quhafah, who has real name 'Abd Allah dan laqab 'Atiq.⁴⁹ Beginning with these four person, slowly Prophet Muhammad. started well received by other *Jahiliyyah* society that would accept the changed, especially from groups identified above.

Prophet Muhammad always treated the egalitarian ways to the followers, without distinguishing the origin, social status and gender. Prophet Muhammad is the main example for the Muslims showing the attitude of humility to the the followers. There were commandment which sent down 3 years after the first revelation in order to spread Islamic publicly,⁵⁰ who took an order to have a humble attitude to the followers.⁵¹

Recorded in history, some events that depicted the life of an egalitarian and

contrasts with the laws of *Jahiliyyah*, including the role of a woman named Khadijah bint Khuwaylid in the spreading of Islam,⁵² liberation of Bilal bin Rabah by Abu Bakr,⁵³ rejection of the Prophet Muhammad towards feudalism and racial attitudes to Bilal bin Rabah,⁵⁴ changing attitude of Umar bin Khattab after embraced that against the law of *Jahiliyyah*⁵⁵ and several others events.

2. Opposition towards Transformation of Islamic Social

Before Prophet Muhammad saw did reformation to entirely law of *Jahiliyyah*, it was begun with the faith and religious rituals, almost there were no rejection towards Islam from *Jahiliyyah* society.⁵⁶ However, after Prophet Muhammad saw. openly did *indzar* to *Jahilliyah* society pre-Islamic, Islam gott a great resistance from the group of rich and powerful nobles at the time *Jahilliyah*, the group of the tribe of Quraish who actually the Prophet Muhammad belong to.⁵⁷

Tor Andrae asserts that based on the descriptions in the Qur'an, the conflict between the Prophet Muhammad. (Islam) with the Quraysh *Jahiliyyah*, has two closely related aspects of the religious and social aspects. Aspects of religious related

⁴⁵ Ira M. Lapidus, *A History...*, hlm. 24.

⁴⁶ Ibn Hisyam, *al-Sira...*, 1: 240

⁴⁷ *Ibid.* hlm. 245

⁴⁸ *Ibid.*, p. 247-248

⁴⁹ *Ibid.*, p. 249-250

⁵⁰ *Ibid.*, p. 262

⁵¹ *wa andzir 'asyirataka al-aqrabin wakhfidh janahaka li man 'ittaba'aka min al-mu 'minin...*

⁵² Khadijah strengthen Prophet Muhammad saw. after received revelation., supported him totally see Ibn Hisyam, *Ibid.* him. 237-239.

⁵³ Bilal released by Abu Bakr see Ibn Hisyam, *Ibid.*, him. 317-318.

⁵⁴ Prophet warned Abu Dzar al-Ghifari which called Bilal with *Ibn al-sawda'* and he said, *innaka imru 'un jika Jahiliyya. laysa li ibn 'I baydha' 'ala ibn a l-sawda' fadhli illa bi al-taqwa aw 'amal salih.* lihat 'Ali Abd al-Wahid Wafi, *al-Musawah...*, him. 11-12.

⁵⁵ Umar lament when he remembered he buried alive his daughter, in *Jahiliyyah* period before Islam. see Ibn Hisyam, *Sira...* 1: 400-402.

⁵⁶ Tor Andrae, *Mohammed The Man and His Faith (Mohammed Sein Leben und Sem Glaube)*. Theophil Menzel (translator), cet. 1 (New York: Harper Torchbooks, 1960), hlm.116

⁵⁷ *Ibid.*, hlm. 117-118

to the beliefs about God that there is no deity to be worshiped except Allah SWT. Moreover, the faith about hereafter was something new to the people of *Quraisy* that never been heard before from their ancestors. Apparently, the religious aspect shared by the tribes of *Jahiliyyah* was both a social bond united the members of each tribe. Therefore, embracing Islam was considered out of tribal ties that already existed and changed the dominion order in the *Jahiliyyah*⁵⁸

In history, there were several discussions and debates among the Quraysh with Abu Talib, Quraysh and Prophet Muhammad, and between the Quraish with the King of Abyssinia Najasyi in concluding several objections Quraish against Islam and Prophet Muhammad. At least three times the conversation between the Quraish with Abu Talib who became patron of Prophet Muhammad.: (1) come in peace,⁵⁹ (2) by trying to put pressure associated with the position of Abu Talib at the Quraysh,⁶⁰ and (3) by offering the exchange of Prophet Muhammad with bin al-Walid Umarah.⁶¹

In a conversation with the Prophet Muhammad itself recorded at least three important events: (1) of cursing the Prophet Muhammad as a magician, poet, healer, and even a crazy person, (2) in Hijr conversation which ended with calling Prophet Muhammad as a fool, and (3) offer to stop Islam and became one of the richest, most powerful, most glorious, and would be protected from interference devil.⁶² While the conversations between the Quraish with Najasyi king in

Abyssinia was to ask the king to return Muslim refugees to their homes Mecca.⁶³

Quraisy made an objections against Prophet Muhammad saw. deemed to have made some mistakes these are: *sabb al-aliahah*, *'aib al-din*, *tasfih al-ahkam*, *syatm al-aba'* dan *tafriq al-jama'ah*.⁶⁴ the Prophet Muhammad. still refused to stop the spread of Islam to the general public who used the law of *Jahiliyyah*. Determination of the Prophet Muhammad was reflected in his statement to Abu Talib, *ya 'amm law wadha'uw al-syams fi yamini wa al-qamar fi yasari 'a/a an atruka hadza al-amr hatta yuzhhirahu Allahu aw ahlaka fihi ma taraktuhu*.⁶⁵

It obvious that rejection towards Islam and Prophet Muhammad was closely related to changes in laws that affect social structures and patterns of community leadership. Social structure and leadership of the nuances of siding with the rich, nobles and rulers, to the social structure and egalitarian leadership nuanced and siding with the *muastadl'afin* in social structure.

V. Conclusion

With a background in *Jahiliyyah* law pre-Islamic which was racist, feudal and patriarchal, Islam was brought up with legal changes to the character contrary to the laws of *Jahiliyyah*. Islam teaches equality is drawn from the principles and laws of Allah and the Prophet Muhammad and his followers who wanted the egalitarian life. Conflicts

⁵⁸ Followed Prophet Muhammad saw. migrated and asked protection from Abyssinia king and Quraisy representative came and asked those migrated people returned to Mecca Injil, *Ibid.*, him. 300.

⁵⁹ See A. Guillaume, *The Life of Muhammad. A Translation of Ibn Ishaq's Sirat Rasul Allah*, cet. III (Karachi: Pakistan Branch Oxford University Press, 1970), p. nx-no

⁶⁰ Ibn Hisyam, *al-Sira...* I: 265-266.

⁶¹ *Ibid.*, hlm 120-122.

⁶² Ibn Hisyam, *al-Sira...* I: 265.

⁶³ *Ibid.*

⁶⁴ *Ibid.*, hlm. 266-267.

⁶⁵ *Ibid.*, him. 293-294.

to the beliefs about God that there is no deity to be worshiped except Allah SWT. Moreover, the faith about hereafter was something new to the people of *Quraisy* that never been heard before from their ancestors. Apparently, the religious aspect shared by the tribes of *Jahiliyyah* was both a social bond united the members of each tribe. Therefore, embracing Islam was considered out of tribal ties that already existed and changed the dominion order in the *Jahiliyyah*⁵⁸

In history, there were several discussions and debates among the Quraysh with Abu Talib, Quraysh and Prophet Muhammad, and between the Quraish with the King of Abyssinia Najasyi in concluding several objections Quraish against Islam and Prophet Muhammad. At least three times the conversation between the Quraish with Abu Talib who became patron of Prophet Muhammad.: (1) come in peace,⁵⁹ (2) by trying to put pressure associated with the position of Abu Talib at the Quraysh,⁶⁰ and (3) by offering the exchange of Prophet Muhammad with bin al-Walid Umarah.⁶¹

In a conversation with the Prophet Muhammad itself recorded at least three important events: (1) of cursing the Prophet Muhammad as a magician, poet, healer, and even a crazy person, (2) in Hijr conversation which ended with calling Prophet Muhammad as a fool, and (3) offer to stop Islam and became one of the richest, most powerful, most glorious, and would be protected from interference devil.⁶² While the conversations between the Quraish with Najasyi king in

Abyssinia was to ask the king to return Muslim refugees to their homes Mecca.⁶³

Quraisy made an objections against Prophet Muhammad saw. deemed to have made some mistakes these are: *sabb al-alihah*, *'aib al-din*, *tasfih al-ahkam*, *syatm al-aba'* dan *tafriq al-jama'ah*.⁶⁴ the Prophet Muhammad. still refused to stop the spread of Islam to the general public who used the law of *Jahiliyyah*. Determination of the Prophet Muhammad was reflected in his statement to Abu Talib, *ya 'amm law wadha'uw al-syams fi yamini wa al-qamar fi yasari 'a/a an atruka hadza al-amr hatta yuzhhirahu Allahu aw ahlaka fihi ma taraktuhu*.⁶⁵

It obvious that rejection towards Islam and Prophet Muhammad was closely related to changes in laws that affect social structures and patterns of community leadership. Social structure and leadership of the nuances of siding with the rich, nobles and rulers, to the social structure and egalitarian leadership nuanced and siding with the *muastadl'afin* in social structure.

V. Conclusion

With a background in *Jahiliyyah* law pre-Islamic which was racist, feudal and patriarchal, Islam was brought up with legal changes to the character contrary to the laws of *Jahiliyyah*. Islam teaches equality is drawn from the principles and laws of Allah and the Prophet Muhammad and his followers who wanted the egalitarian life. Conflicts

⁵⁸ Followed Prophet Muhammad saw. migrated and asked protection from Abyssinia king and Quraisy representative came and asked those migrated people returned to Mecca Injil, *Ibid.*, him. 300.

⁶⁴ See A. Guillaume, *The Life of Muhammad. A Translation of Ibn Ishaq's Sirat Rasul Allah*, cet. III (Karachi: Pakistan Branch Oxford University Press, 1970), p. nx-no

⁶⁵ Ibn Hisyam, *al-Sira...* I: 265-266.

⁵⁸ *Ibid.*, hlm 120-122.

⁵⁹ Ibn Hisyam, *al-Sira...* I: 265.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*, hlm. 266-267.

⁶² *Ibid.*, him. 293-294.

of Quraish against Islam which was closely related to the religious aspects and social aspects was a counter to the egalitarian system of Islamic law. And by implication, the understanding of Islamic law must be followed by the realization that Islamic law was to have an egalitarian character and it was the social change of the to egalitarian Islamic law.

REFERENCES

- [1] Andrae, Tor, *Mohammed The Man and His Faith (Mohammed Sein Leben und Sem Glaube)*, Theophil Menzel (translator), cet. I (New York: Harper Torchbooks, 1960).
- [2] Jawad, Haifaa A., *The Rights of Women in Islām: An Authentic Approach*, cet I (New York: S.T. Martin's Press, 1989)
- [3] Al-Baqi, Muhammad Fuad Abd, *al-Mu'jam al-Mufahras li Alfadz al-Qur'an al-Karim*, cet. I (ttp.: Dar al-Fikr, 1986 M / 1406 H), al-Khurbuthuli, Ali Husni, *Ma'a al-'Arab (I): Muhammad wa al-Qawmiyyah al-'Arabiyyah*, cet. II (Kairo: al-Mathbu'ah al-Haditsah, 1959),
- [4] Goitein, S.D., "The Birth-Hour of Muslim Law; an Essay in Exegesis" dalam *Jurnal The Muslim World*, vol. L (Hartford: The Hartford Seminary Foundation, 1960)
- Hourani, Albert, *A History of The Arab Peoples*, cet. I (Cambridge: Belknap Press of Harvard University Press, 1992).
- [5] Hitti, Philip K., *History of Arabs from Earliest Times to the Present*, edisi X (London: The Macmillan Press, 1974)
- [6] Hamidullah, Muhammad, *The Emergence of Islam*, Afzal Iqbal (translator and editor), cet. I (Islamabad: Islamic Research Institut, 1993)
- [7] A. Guillaume, *The Life of Muhammad, A Translation of Ibn Ishaq's Sirat Rasul Allah*, cet. III (Karachi: Pakistan Branch Oxford University Press, 1970).
- Irving, Washington, *Life of Mahomet* (London: J.M. Dent & Son Lt., 1949)
- [8] Lapidus, Ira M., *A History of Islamic Societies*, cet. X (Cambridge: Cambridge University Press, 1995),
- Mudzhar, M.Atho, *Pendekatan Studi Islam Dalam teori dan Praktek*, cet. I (Yogyakarta: Pustaka Pelajar, 1998)
- [9] Martin, Richard C., *Approach to Islam Religious Studies* (Tucson: Arizona Press, 1985).
- Mas'udi, Masdar Farid, *Islam dan Hak-Hak Reproduksi Perempuan: Dialog Fiqh Pemberdayaan*, cet. II (Bandung: Mizan, 1997)

- [10] Ridho, Muhammad, *Muhammad Rasul Allah Shalla Allahu 'alayhi wa Sallama*, cet. V (Kairo: Dar al-Ihya' al-'Arabiyyah, 1966 M / 1385 H).
- [11] Roberts, Robert, *The Social Laws of the Qur'an: Considered and Compared with Those of the Hebrew and other Ancient Codes*, cet. I (London: Curzon Press, 1990).
- [12] Rippin, Andrew, *Muslims; Their Beliefs and Practices, vol. I The Formative Period*, cet. I (London: Routledge, 1990).
- [13] Hisyam, Ibn, *al-Sirah al-Nabawiyah li Ibn Hisyam*, notasi oleh Mushthafa al-Saqa, dkk., cet. II (Mesir: Syirkah Maktabah wa Mathba'ah Mushthafa al-Babi al-Halabi wa Awladihi, 1955 M / 1375 H).
- [14] M.A. Shaban, *Islamic History: A New Interpretation I A.D. 600-750*, cet. IX (Cambridge: Cambridge University Press, 1971)
- [15] Schacht, Joseph, *An Introduction to Islamic Law*, cet. II (Oxford: Oxford University Press, 1964)
- [16] Hodgson, Marshal G. S., *The Venture of Islam: Conscience and History in a World Civilization, Vol. I The Classical Age of Islam* (Chicago: Chicago University Press, 1974).
- [17] al-Thabari, *Tarikh al-Tabari*, II: 150-156 dalam buku 'Ali Abd al-Wahid Wafi, *al-Musawah fi al-Islam*, Anshari Umar Sitanggal dan Rosichin (penterjemah) (Bandung: al-Ma'arif, 1984).
- [18] Watt, W. Montgomery, *Muhammad: Prophet and Statesman*, cet. II (Oxford: Oxford University Press, 1969).
- al-Wahidi, WAbu al-Hasan 'Ali bin Ahmad, *Asbab al-Nuzul*, Abu al-Qasim Hibatullah ibn Nashr, Salamah Abu (pentahqiq), (Kairo: Maktabah al-Dakwah, t.t.),

Author's Profile



Drs. Paisol Burlian, S. Ag, M. Hum is full time lecturer at Faculty of Dakwah and Communication IAIN Raden Fatah Palembang. He bachelor degree from Faculty of Syariah IAIN RF Palembang and Faculty of Islaime Studies Universitas Muhammadiyah Palembang. His Master in Law from Universitas Sriwijaya Palembang. Now he is pursuing his PhD program at Universitas Diponegoro Semarang