

THE URGENCY OF ISLAMIC LEGAL EDUCATION: SHAPING THE CHARACTER OF INDIVIDUALS WITH ETHICS AND JUSTICE

Samsuddin

Institut Agama Islam As'adiyah Sengkang, Indonesia

Article Info

Article history:

Received September 12, 2023

Revised December 05, 2023

Accepted December 15, 2023

Keywords:

Character;

Education;

Ethics;

Islamic Law;

Justice.

ABSTRACT

Islamic law education plays an important role in the process of developing public law awareness. The research problem pertains to the definition of Islamic law and the pressing need for Islamic law education. The research aims to investigate how Islamic law shapes the character and justice of individuals. The research methodology employs the literature review method. We conducted a comprehensive analysis of pertinent literature, encompassing Islamic law theory. The results of the research played an important role in the learning process and the development of public law awareness. Through Islamic law education, we can create a learning environment that prioritizes honesty, morality, and independence and creates people who contribute to society. Through proper education, people can not only understand the law but also internalize the moral and ethical values contained in Islamic law.

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Corresponding Author:

Samsuddin,

Institut Agama Islam As'adiyah Sengkang, Indonesia

Email: samsuddin8508@gmail.com

1. INTRODUCTION

The word law, which comes from the Arabic lafadz, means norms, rules, measures, benchmarks, and guidelines, which are used to assess and see human behavior with the surrounding environment (Cahyono, 2021; Ali, 2022). Furthermore, law is defined as a set of rules, whether derived from formal or customary rules, that are recognized by a particular society and nation and are binding on its members (Eisenberg, 2001; Perreau-Saussine & Murphy, 2007; Taulbee & Von Glahn, 2022). The Qur'an and Islamic law literature do not mention the word Islamic law as one of the terms. What exists in the Qur'an is the word syar'ah, fiqh, Allah's law, and its roots. The term Islamic law is a translation of it in western literature (Mardani, 2015; Rohidin & SH, 2016).

Islamic law is a legal system governed by the Qur'an and Hadith, which aims to achieve justice and prosperity (Firdaus et al., 2020; Yasir et al., 2021). However, public law awareness still needs to be improved, especially in Muslim-majority countries. Many people do not understand their rights and obligations under Islamic law, resulting in frequent violations and injustices (Alotaibi, 2021; Karimullah, 2023). Therefore,

effective Islamic law education can be a solution to increase law awareness in the community (Santoso, 2020; Harahap et al., 2023; Purborini, 2023).

Law awareness refers to an individual's or a group's understanding of the applicable rules or laws. Law awareness is needed in society. This is so that order, peace, tranquillity and justice can be realised in the relationships between people (Barnett, 2014; Asnawi, 2023). Without a strong understanding of the law, achieving these goals will be extremely challenging.

Therefore, Islamic law education has an important role in shaping public law awareness (Purborini, 2023). In the midst of social dynamics and the development of an increasingly complex society, understanding Islamic law becomes very relevant. Islamic law does not only function as a regulation but also as a moral and ethical guide for the people (Fadel, 2008; Hallaq, 2009; Haron et al., 2020). Therefore, Islamic law education needs to be strengthened so that people can understand and apply law values in their daily lives.

2. METHOD

This research is library research. This research utilizes qualitative data, such as exposures, descriptions, and writings sourced from references relevant to research problems, including books, literature, articles, and journals. This research employs a descriptive method, which involves describing the information found in pertinent library materials.

This research employs a documentary data collection technique, wherein we extract information from various library materials through documents. We then analyze this information using content analysis, which involves indirectly studying human behavior or research objects through the analysis of books, essays, articles, magazines, and other forms of communication. Based on this technique, qualitative data is compiled, grouping similar data, after which the content is critically analyzed so that a concrete formulation is formulated and then explained in depth.

3. RESULTS AND DISCUSSION

Definition of Islamic Law

The term Islamic law in the history of the development of Islamic law, often causes ambiguous understanding, until now Islamic law is sometimes understood in the sense of sharia and sometimes understood in the sense of fiqh. The terms Islamic law, rule, and fiqh are very popular terms among Islamic law scholars (Darmini, 2021). Islamic law is commonly known by several terms or names, each of which describes a particular side or characteristic of the law. Since a long time ago among Muslims in the world, including in Indonesia, there have been debates and differences of opinion regarding the perception of Islamic law. At least there are several names that are often associated with the meaning of Islamic law; to avoid misunderstanding of Islamic law, it is necessary to explain the meaning of Islamic law as follows.

The term Islamic Law basically comes from two basic words, namely law and Islam. In order to know the term Islamic law, we must identify these two words, namely the words law and Islam. The word law basically comes from Arabic *الحكم* which means decision, decree or order (Salaymeh, 2021; Darmini, 2021). The word law is then absorbed and used in the Indonesian language which in the large Indonesian dictionary has variants of meaning, including (1), Regulations or customs that are officially considered binding to regulate the association of community life (2) Decisions set by the Judge (Massier, 2008; Darmini, 2021).

The word 'Islam' can be interpreted as the religion of God entrusted to the Prophet Muhammad to be spread to mankind, with the aim of achieving a prosperous and happy life in this world and in the hereafter (Darmini, 2021). From the combination of these two words, it can be concluded that what is meant by Islamic law is a set of rules that come from God and the Prophet Muhammad to regulate human behaviour in order to achieve welfare and happiness in life, simply put according to Marzuki that Islamic law is a law derived from Islamic teachings.

Law is defined as "a collection of rules, both formal and customary, that are acknowledged by a specific society and nation and are binding on its members" (de Silva, 2020). The expression "Islamic law" is not mentioned in the Qur'an or Islamic legal literature. The Qur'an contains the terms *syar'ah*, *fiqh*, Allah's law, and its origins. The term "Islamic law" is a translation of Islamic law in Western literature.

Islamic Law is a translation of the western term Islamic Law, the word Islamic Law is often used by western writers (especially orientalist) in their works in the mid-20th century AD until now (Hallaq, 2022). Examples of their famous books are Islamic Law in modern times (1959) by J.N.D. Anderson, and A History of Islamic Law (1964) by N.J. Coulson (Darmini, 2021).

Experts on Islamic law who write in English also use the term Islamic Law in their writings. The word Islamic Law is often used to designate the Arabic term Islamic *fiqh*. Ahmad Hasan used the term Islamic Law in his work entitled The Early Development of Islamic Jurisprudence (Hasan, 1994). These terms are then translated into Indonesian into Islamic law. This term is then widely used in official terms such as legislation, naming courses, departments, and others (Darmini, 2021).

The Urgency of Islamic Law Education

Islamic law education has a much-needed role in shaping the character of society (Purborini, 2023). The correlation between Islamic law and community development lies in its significant role in creating a prosperous, just, and noble society. Islamic law, which covers all aspects of life, serves to increase public law awareness so that its goals and functions are interrelated and mutually supportive (Syarifuddin, 2017).

Generally, law has a role to regulate and control the behavior of society and can be a tool to encourage social change. Therefore, law is always closely related to the dynamics of life and the development of a society. Meanwhile, the function of law in Islam cannot be separated from its understanding and characteristics as discussed above, and there are quite a number of them, including (Syafei, 2000).

- a. The function of worship: Islamic law is a revelation from God that must be obeyed by the Muslims, and obedience to it is a form of worship as well as a reflection of one's level of faith.
- b. The function of amar ma'ruf nahi mungkar: Islamic law functions as a social control that aims to protect individuals and society, encourage goodness, and prevent bad things. Thus, the purpose of Islamic law (maqasid al-syariah) to achieve benefit and avoid harm (jalbu al-mashalih wa daf'u al-mafaasid) both in this world and in the hereafter can be achieved.
- c. The function of zawajh (providing ta'zir): This function illustrates that Islamic law acts as a coercive tool that protects society from all forms of threats and harmful actions while helping to realize the objectives of Islamic law.
- d. The function of ta'zhin wal ishlah al-ummah: Islamic law serves to regulate and facilitate social interaction in order to create a harmonious, safe, and prosperous society, in accordance with the principle of tayyibatun wa rabbun ghafur.

The four functions are interrelated and cannot be separated from one another. Directly or indirectly, each function influences each other and forms a unified whole. In addition, in Islamic law there is a different emphasis between the personal and behavioural aspects. From the personal aspect, Islamic law emphasises the principle of the willingness of both parties, as seen in the field of Islamic civil law. In contrast, in the aspect of actions (af'al), Islamic law tends to be stricter, especially in the criminal field, where the willingness of the parties involved is not a consideration. For example, the act of adultery, even if it is consensual, is still considered an offence and is subject to punishment (Syafei, 2000).

Basically, education greatly influences a person's knowledge, and a person's knowledge about something believed can affect their attitude, which in turn will affect their behaviour and actions towards that thing (Johan et al., 2021). By changing a person's knowledge, it is expected that their behaviour will also change.

Islamic law education is expected to be able to lead the community to realise true happiness, not temporary happiness and be able to create Islamic character (Santoso, 2020). Islamic character is a character that maintains human dignity as a noble creature, in accordance with the nature and purpose of its creation (Santoso, 2020; Purborini, 2023).

In the context of Islamic law-based education, what needs to be emphasised is to make the motivation to learn part of the necessities of life, not just to fulfil the demands of life or as a tool to find work (Purborini, 2023). More than that, what is more important is to make the learning process an obligation to understand the commandments of Allah, so that we can carry out all His obligations and stay away from all His prohibitions. With the context of Islamic legal education, we will find the concept of character values that exist in Islamic teachings, namely faith and piety (Purborini, 2023).

Belief

Belief means conviction that grows because of clear knowledge, which becomes the basis for a person to believe in something. Therefore, believers are those who know

the truth, which is expressed verbally, believed in with the heart, and manifested in good behavior and noble morals. The Qur'an presents the following arguments regarding belief: Q.S. Al-Mujadilah/58: 11 (Fahrudin & Fauziah, 2020; Noviardi, 2021).

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا قِيلَ لَكُمْ تَفَسَّحُوا فِي الْمَجَالِسِ فَافْسَحُوا يَفْسَحِ اللَّهُ لَكُمْ وَإِذَا قِيلَ انشُرُوا فَانْشُرُوا يَرْفَعِ اللَّهُ الَّذِينَ ءَامَنُوا مِنْكُمْ وَالَّذِينَ أُوتُوا الْعِلْمَ دَرَجَاتٍ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ

Translation: "O you who have believed, when you are told, "Space yourselves" in assemblies, then make space; Allah will make space for you. And when you are told, "Arise," then arise; Allah will raise those who have believed among you and those who were given knowledge, by degrees. And Allah is Acquainted with what you do."

This ayah encompasses all gatherings where Muslims come together for good and reward, be it a battle assembly, a dhikr assembly, a knowledge assembly, a jum'ah assembly, or a feast day. Each person is more entitled to his seat as he reaches it first. But he must be tolerant and make room for his neighbor (Noviardi, 2021).

Taqwa

The al-Qur'an mentions taqwa as the most important concept of character values. Taqwa refers to maintaining oneself to remain obedient to carry out Allah's commands and stay away from all His prohibitions, also known as the piety of life. Taqwa is repeated in the Al-Qur'an 259 times with quite diverse meanings, including maintaining, avoiding, staying away, covering, and hiding. Here are the arguments in the Qur'an about piety, Q.S. Al-Hujurat/49: 13.

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

Translation: "O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted."

The following is a description of the noble Islamic manners and ethics by which Allah swt educates His believing servants. It is forbidden to degrade, insult, and belittle others. Although women are usually included with men in religious messages, here Allah swt specifically mentions the prohibition for women. The purpose is to anticipate the perception that the prohibition does not include women. Use of the same sentence structure emphasizes the prohibition for women and men. Initially, Allah mentions the prohibition for men and then pluralizes it for women. This is because most insults occur in women's gatherings. In this regard, Allah swt says, 'Let not women insult other women, who may be better than the insulter.' This prohibition is not limited to groups of men and women but includes individuals. The prohibition's reason is general; the ruling's generality benefits it (Sulfanwandi, 2021).

The proposed concept of character values culminates in the pursuit of akhlak karimah, or good behavior, which serves as the primary objective of Islam's revelation on earth. The formation of Islamic character values starts with learning, having faith,

and then piety, which is the basis of good character (Ismail, 2016; Ilmi et al., 2023). Humans who are knowledgeable without having good character will feel bland and useless, because their knowledge will not be used to build civilization for good; instead, it is used to destroy civilization and themselves, as examples of stories contained in the Al-Qur'an.

Islamic law plays several roles in education.

1. Islamic law plays a crucial role in moral education by providing a solid foundation of character (Halstead, 2007). Values such as honesty, justice, and compassion found in Islamic law can be integrated into the education curriculum to form beneficial people.
2. It can realize the principles of learning ethics, such as patience, perseverance, and responsibility, which are taught in Islamic teachings and can shape students' ethical attitudes towards the learning process (Branch Jr, 2000). By practicing these values, students can not only improve the quality of learning but also build a learning culture that is disciplined, committed, and oriented toward maximum achievement.
3. It can foster discipline, as Islamic law places a strong emphasis on the importance of discipline in all aspects of life, including education (Hallaq, 2009). This includes effective time management, adherence to existing rules, and a high sense of responsibility—all of which play an important role in creating an organized and productive learning atmosphere.

In addition to the 3 important roles of Islamic legal education that have been mentioned, Islamic law education also plays a role to (Santoso, 2020; Purborini, 2023):

1. foster law awareness, namely Islamic legal education can help people understand their rights and obligations. With adequate knowledge, individuals will be more aware of the importance of laws and norms in daily life. This can reduce lawlessness and increase compliance with rules.
2. Building character and ethics: Islamic law encompasses not only legal aspects but also morals and ethics. Islamic law education has the power to mold individuals into more integrity, honesty, and responsibility. This is important to create an ethical and just society.
3. Islamic legal education can provide an understanding of how to resolve social conflicts based on fair legal principles. With this understanding, people can solve problems peacefully without having to involve actions that harm other parties.

4. CONCLUSION

Islamic law education is essential for the community's awareness of the law. Individuals can not only comprehend legal provisions but also assimilate the moral and ethical principles enshrined in Islamic law through appropriate education. This will cultivate a society that is more empathetic, just, and virtuous. The research discussion's description suggests that

Islamic law has a substantial impact on learning. The fundamental foundation for the development of students' personalities is the teaching of moral values, learning methods, and other values in Islamic teachings.

Therefore, it is important for educational institutions to incorporate the principles of Islamic law into their curriculum and learning activities to create an environment conducive to the formation of individuals who are responsible, meaningful, and beneficial to society. Therefore, Islamic law plays an important role in the learning and development of legal awareness in society. By teaching and applying the values contained in Islamic teachings, educational institutions can help produce individuals who are competent, noble, and ready to face the challenges of the modern world, as well as highly confident and honest.

REFERENCES

- Ali, H. Z. (2022). *Hukum Islam: Pengantar Ilmu Hukum Islam di Indonesia*. Sinar Grafika.
- Alotaibi, H. A. (2021). The challenges of execution of Islamic criminal law in developing Muslim Countries: An analysis based on Islamic principles and existing legal system. *Cogent Social Sciences*, 7(1), 1925413.
- Asnawi, M. N. (2023). Interrelation of Ethics, Law, and Justice. In *3rd International Conference on Business Law and Local Wisdom in Tourism (ICBLT 2022)* (pp. 333-344). Atlantis Press.
- Barnett, R. E. (2014). *The structure of liberty: Justice and the rule of law*. OUP Oxford.
- Branch Jr, W. T. (2000). The ethics of caring and medical education. *Academic Medicine*, 75(2), 127-132.
- Cahyono, L. D. (2021). Pandangan Hukum Islam Terhadap Sanksi Adat Ditinggikan Janjang di Minangkabau. *Sakena: Jurnal Hukum Keluarga*, 6(1), 41-53.
- Darmini, A. (2021). Pengantar Hukum Islam. *Mattaram, Literasi Nusantara*.
- de Silva, C. (2020). The nature of law. In *Galbraith's Construction and Land Management Law for Students* (pp. 1-23). Routledge.
- Eisenberg, M. A. (2001). The Concept of National Law and the Rule of Recognition. *Fla. St. UL Rev.*, 29, 1229.
- Fadel, M. (2008). The true, the good and the reasonable: The theological and ethical roots of public reason in Islamic law. *Canadian Journal of Law & Jurisprudence*, 21(1), 5-69.
- Fahrudin, A., & Fauziah, A. (2020). Konsep Ilmu Dan Pendidikan Dalam Perspektif Surat Al-Mujadilah Ayat 11. *Kontemplasi: Jurnal Ilmu-Ilmu Ushuluddin*, 8(1), 264-284.
- Firdaus, F., Juneidi, A., Astari, L., & Sari, F. M. (2020). Various Methods of Establishing Contemporary Islamic Law. *Ulu-muddin: Jurnal Ilmu-ilmu Keislaman*, 10(1), 39-58.
- Hallaq, W. B. (2009). *An introduction to Islamic law*. Cambridge University Press.
- Hallaq, W. B. (2022). *Law and legal theory in classical and medieval Islam*. Routledge.
- Halstead, J. M. (2007). Islamic values: a distinctive framework for moral education?. *Journal of moral education*, 36(3), 283-296.
- Harahap, B., Risfandy, T., & Futri, I. N. (2023). Islamic law, Islamic finance, and sustainable development goals: A systematic literature review. *Sustainability*, 15(8), 6626.
- Haron, H., Jamil, N. N., & Ramli, N. M. (2020). Western and Islamic values and ethics: Are they different?. *Journal of Governance and Integrity*, 4(1), 12-28.
- Hasan, A. (1994). *The early development of Islamic jurisprudence*. Adam Publishers.

- Ilmi, I., Wanayati, S., Hasanah, A., & Arifin, B. S. (2023). Islamic Educational Values as the Core of Character Education. *EDUTEC: Journal of Education And Technology*, 7(2), 406-471.
- Ismail, I. (2016). Character education based on religious values: an Islamic perspective. *Ta'dib: Jurnal Pendidikan Islam*, 21(1), 41-58.
- Johan, I., Rowlingson, K., & Appleyard, L. (2021). The effect of personal finance education on the financial knowledge, attitudes and behaviour of university students in Indonesia. *Journal of Family and Economic Issues*, 42, 351-367.
- Karimullah, S. S. (2023). For true humanity: Harmonization of Islamic law and human rights towards universal justice. *Matan: Journal of Islam and Muslim Society*, 5(2), 132-148.
- Mardani, D. (2015). *Hukum Sistem Ekonomi Islam*. Jakarta: PT Raja Grafindo Persada.
- Massier, A. (2008). *The voice of the law in transition: Indonesian jurists and their languages, 1915-2000* (Vol. 235). Brill.
- Noviardi, A. (2021). Integrasi Nilai Pendidikan Iman Dan Ilmu Pengetahuan Dalam Tafsir Al-Misbah (Kajian Surat Al-Mujadilah 58: 11). *Andragogi: Jurnal Pendidikan Islam Dan Manajemen Pendidikan Islam*, 3(3), 367-377.
- Perreau-Saussine, A., & Murphy, J. B. (Eds.). (2007). *The nature of customary law: legal, historical and philosophical perspectives*. Cambridge university press.
- Purborini, V. S. (2023). Pentingnya Pendidikan Hukum Islam di Era Digital. *PROGRESSA: Journal of Islamic Religious Instruction*, 7(1), 91-102.
- Rohidin, D., & SH, M. A. (2016). Pengantar hukum islam dari semenanjung arabia hingga di indonesia. *Lintang Rasi Aksara Books, Yogyakarta*.
- Salaymeh, L. (2021). Decolonial translation: destabilizing coloniality in secular translations of Islamic law. *Journal of Islamic Ethics*, 5(1-2), 250-277.
- Santoso, F. S. (2020). Masa Depan Pendidikan Hukum Islam Di Perguruan Tinggi Keagamaan Islam Refleksi Pembelajaran Di Masa Kedaruratan Covid-19. *Ulumuddin: Jurnal Ilmu-ilmu Keislaman*, 10(1), 13-26.
- Sulfanwandi, S. (2021). The Thought of Wahbah Al-Zuhayli in Al-Munir Fi Al-Aqidah Wa Al-Syari'ah Al-Manhaj [Pemikiran Tafsir al-Munir fi al-Aqidah wa al-Syari'ah al-Manhaj karya Dr. Wahbah al-Zuhayli]. *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum*, 10(1), 65-84.
- Syafei, R. (2000). Hukum Islam Sebagai Dasar Hukum Universal Dalam Sistem Pemerintahan Modern. *MIMBAR: Jurnal Sosial dan Pembangunan*, 16(4), 289-304.
- Syarifuddin, A. (2017). Filsafat Positivisme Dan Aliran Hukum Positif. *Legalitas: Jurnal Hukum*, 7(1), 1-22.
- Taulbee, J. L., & Von Glahn, G. (2022). *Law among nations: an introduction to public international law*. Routledge.
- Yasir, M., Widodo, J., & Ashar, A. (2021). Islamic Law and National Law (Comparative Study of Islamic Criminal Law and Indonesian Criminal Law). *Al Hurriyah: Jurnal Hukum Islam*, 6(2), 167-181.