




Research Article

Socio-Cultural Factors Backgrounding Islamic Legal Thought

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Received : March 27, 2024
Accepted : September 23, 2024

Revised : July 10, 2024
Available online : January 28, 2025

How to Cite: Hendra Dwi Aditya and Muthoifin (2025) "Socio-Cultural Factors Backgrounding Islamic Legal Thought", *al-Afkar, Journal For Islamic Studies*, 8(1), pp. 1197-1205. doi: 10.31943/afkarjournal.v8i1.1253.

Socio-Cultural Factors Backgrounding Islamic Legal Thought

Abstract. This article discusses the influence of socio-cultural factors on several Islamic legal products in Indonesia. Socio-cultural elements in the history of Islamic law by analyzing some examples of the results of scholarly thoughts in the form of fiqh, fatwas, court decisions, and laws applied in Islamic countries Islamic legal thought products. The role of Islam in Indonesia's social, cultural, and economic dynamics developed through a long struggle, where Hindu/Buddhist and Christian influences were accompanied by changes in the socio-cultural system. Islam remains a dominant part of the nation today. Because it provides a space that separates the sacred from the profane, there is still a secular

influence, albeit culturally and psychologically problematic. On the other hand, the pure teachings of Islam are those that liberate people from dependence on secular culture. Numerically the background to the formation of social order in society is that Islam plays a dominant role, but in fact, due to the acculturation of past cultures and the reality of modern national life, Islam has signs of being shifted. Otherwise, Islam in Indonesia will be used as a stamp of power to prop up a corrupt capitalist government.

Keywords: Social, Cultural, Thought, Islam, Law

INTRODUCTION

In fact, the development of Islamic thought in Indonesia is considered very rapid. In fact, Islam merges or mixes with Indonesian national culture in certain regions. The relationship is so close that it "confuses" Western observers when classifying, selecting, and distinguishing between the indigenous culture of Indonesia and Islamic culture. Some of these numbers also include Harry J. Bender. Commenting on Indonesian culture, Bender said that the original belief of Indonesian people is Islam. Other Western observers state that Indonesian Islam actually consists of unique beliefs whose content contains nuances of animist Islam and dynamism.

History tells that Islam entered and spread to the archipelago through the da'wah of merchants, missionaries, teachers, and kiai. When talking about local culture, they always try to interpret it, adapt it, and put it forward. The implication is that a preacher can be accommodating at one moment, change at another, and when forced to be confrontational.

Thus, Islam became culturally strong and deeply rooted in Indonesian culture. Da'wah methods and attitudes combined with religious understanding patterns developed by da'wah also serve to strengthen the relationship between Islamic culture and religion. The pattern of religious understanding that developed in the years and is still ours today is the Sufi pattern and this legalistic pattern has a connection with Hindu and Buddhist culture which is deeply rooted in Indonesian culture. Thanks to these conditions, Islam does not face significant obstacles and has been accepted by people in Indonesia, especially on the island of Java.

According to M. Ridwan Rubis, the Sufi and legalist patterns are actually a pattern of Islamic development that was almost evenly distributed in the Islamic world during its decline, namely the aspect of thinking. This is a pattern that places more emphasis on religious feelings than anything else. Sufi and legalistic patterns of religious development actually have advantages as well. Culture is deeply rooted in religion. But on the other hand, this pattern has weaknesses, one of which is its inability to withstand the onslaught of external thought developments, especially rational ones. Because this pattern of law and Sufism contains more emotional nuances, it can provide temporary religious satisfaction. The problems facing Muslims, especially in the 21st century, are not limited to the constraints of formal law.

Seeing this reality, Indonesian Muslim experts from various fields have tried to find solutions to the problems faced by Indonesian Muslims. The style of solving developed as one type of Islamic thought in 21st century Indonesia. The purpose of this

article is to examine the different features of the typology of thinking . To find this kind of thought, I will explain them in order. It ends with the background of Islamic thought in Indonesia, types of Islamic thought in Indonesia, critical and alternative commentary, and conclusions.

All factors that influence the face of Islamic thought in Indonesia in the 21st century can be divided into two main factors, namely external factors and internal factors. Internal factors are the objective conditions of Indonesian Muslims. External factors are Islamic ideas that enter Indonesia from outside. Regarding internal factors, there are at least three main factors that become the objective condition of Indonesian Muslims and may increase. First, the fusion of Islamic teachings with local culture. Syncretism is the mixing of local culture and religious teachings. This local culture is considered a religious doctrine. Burhanuddin Daya said religious practices in Indonesia are mostly mixed with non-Islamic beliefs, both in the form of prayer and akhuida, but also with locally rooted beliefs, such as Javanese ancestor worship traditions.

Second, the political situation of Indonesia which was colonized until 1945 and experienced the beginning of independence in 1945 and the reform phase in 1998. Third, there is a problem of backwardness (ignorance) among Indonesian Muslims, especially in the fields of education, and Economy (Poverty). External factors include five important things that can be developed. It is: First, al-Ghazali's Sufi thought and al-Shafi'i's fiqh thought. These two ideas have a huge impact on the world of pesantren in Indonesia. This model of thinking was later refined in Ashariya-style Kalam science thus forming the Sunni Indonesian model. Second, the Wahhabi movement in the Hijaz under the leadership of Muhammad ibn Abd al-Wahhab.

This movement is a representation of the purification of Islamic teachings and is a movement that aims to extract from the teachings of the original source religion namely the Qur'an and Sunnah, as well as references to salaf scholars. This movement spurred the development of similar movements in Indonesia, such as Muhammadiyah in Yogyakarta. Ketiga, concerning the ideas of Muhammad Abduh, especially his efforts to revitalize and rationalize ijihad efforts in the Islamic world. A. Mukti Ali stated that the Thought Reform Movement in Indonesia was strongly influenced by Abduh although only partially. He cited the example of the Sumatra Tawarib movement. As an example, it can be mentioned that "Sarekat Islam" (SI) in opposing the Dutch colonialists expressed its political ideas, leaving aside the problems of *the khilâfiyah* between traditionalists and modernists at that time. This was a form of influence from *pan Islamism* and al-Afghanî nationalism. Fifth, Fazlur Rahman's Neo-Modernism thought which offers a *historical-cultural analysis method* in understanding the ethical meaning of the Qur'an for the meaning of ethics to be used as a tool to interpret the contemporary problems of modern society.

The people of the archipelago at that time. Islam is a teaching that grows and develops in Indonesia and develops through commercial channels. India and China both have a great culture and acculturation originating from the Middle Eastern mainland, so acculturation between trade and culture, science, knowledge and religion originating from the Land of the Wind is very important for India and China. This has

a major impact on changing the socio-cultural landscape in India, India, and China. Indonesia is sometimes referred to in historical terms as the people of the land "Under the Wind". The enormous influence of India, China, and the Middle East through trade routes, resulted in cultural transformation through trade, religion, and culture. India was an amalgamation of early Middle Eastern civilizations, including Arabs, Gujarati, Jews, and Armenians, who had stable trade and were considered pagans by the Portuguese; is regarded as an enemy of controlling trade routes.

METHODS

1. **Type of Research** The type of research used by the author in this study is descriptive analysis, namely the analysis of the halal assurance system in the production of nagasari cakes by non-Muslims in the city of Surakarta. Use of ingredients labeled halal. The analyzed data will be presented in a clear and complete research report.
2. **Data Collection Method** Data collection method is a way to obtain information, information, or evidence needed for a study. The data collection method used by the author in this study is literature research and field research. Literature research is part of secondary data collection and is carried out through collection, reading, and in-depth study of books, articles, encyclopedias, magazines, newspapers, internet articles, and other sources related to this work. Field research is part of primary data collection that focuses on field activities. Namely, we conducted field research on research subjects by examining the halal assurance system of food production by non-Muslims in the city of Surakarta.
3. **Data Collection Techniques** Observation is an observation made at the time of data collection in a study. Observation is an active and careful act of the soul to be aware of certain desired stimuli, or conscious and systematic observation of a phenomenon. In this study, the authors looked at other materials and measures used to manufacture halal-labeled products.

RESULT AND DISCUSSION

The dynamics of the formation of cultural

Social and economic order in Indonesia experienced different acculturation patterns shaped by colonialism Trade between local populations in the form of mutually beneficial inter-island transportation, benefiting Chinese, Indian, and Arab merchants in the years. The trade route between the Middle East and Venice, the center of the pearl industry, and China, the center of iron and silk, influenced each other through the exchange of pearls, silk, and iron. These goods, which were later turned into indigenous luxury goods through barter, were used by indigenous peoples, Chinese, Indians, and Arabs who were the economic centers of the Middle East, a region that at that time had developed a highly developed civilization. a great impact on the development of trade between the two countries. Through Venice, Venice became a center of spice acquisition for Europeans.

The price of spices affected European trade enough at the time, that in the years Europeans began to go directly to the source of their spices, buying directly from distant spice centers. When Europeans first arrived in India, competition was already

at the heart of the Indian spice trade, between Europeans and Arab, Armenian, and Bengali traders, called pagans by Europeans.

Various means are used to control trade. that is, 1.by conquest or coercion (banda), 2. with a contract monopoly (ternate), and (3). Basic treaties or free trade were made with eastern kings and other nobles. Because VOC trade policy in Europe was market-oriented, actions taken in Indonesia were often changed based on market conditions, often to the detriment of indigenous interests.

The establishment of a new order

The implementation of the forced cultivation system, strengthening the relationship between the Dutch bureaucracy and priyayi was maintained. The relationship between priyayi and farmers has never changed, the exertion of energy for the implementation of forced cultivation is carried out traditionally according to the obligations of pre-existing farmers, while the priyayi / Javanese bureaucracy acts as plantation supervisors.

Before the implementation of colonization, Islamic areas in Indonesia already had an education system that focused on reading the Qur'an, performing prayers and lessons on basic religious obligations. The most basic form of this education takes place, in the home of the imam of a mosque or other pious Islamic society. For further education, the island of Java has pasantren. Pasantren is a kind of monastic education where students from the age of about ten years are taught by a teacher or kiyai¹⁷. The term pondok pesantren is a term for a form of Islamic education that is institutionalized in Indonesia, such as the word pondok (room, hut, small house) is used in Indonesian by emphasizing the simplicity of the building. It is also possible that cottage is derived from the Arabic word funduq (runag sleep, guesthouse, simple hotel) ¹⁸. There is often an assumption that pasantren has to do with a place of education peculiar to Sufi variants, which has given a decisive impetus to the Islamization of the archipelago. Sufi mystics revered as saints (saints) have also been considered to have made the most important contribution to Islam's entry into indigenous Javanese animism and Hindu pantheism, as was the case in India. As in the previous chapter already explained, the nine holy Muslims (wali songo) until now are revered as holy messengers and propagators of Islam in Java and even influential outside Java, although long before the Maluku region had been in contact with the dynamics of trade with foreigners from Asia-Arabia, Gujarat, and China who were traders, as well as Malay traders who had embraced Islam, were the propagators of Islam in Maluku in its early days. But in the previous government Islam had not developed rapidly in Maluku as written by Naidah, a soasio Law.

The influence of liberalism, had an impact on changes in colonial political policy. The process of changing from a plantation business system to a plantation company in Indonesia is not just a technological and organizational change. This development coincided with the change in the underlying colonial political orientation, that is, it was from a conservative political orientation to a liberal political orientation as a result of the influence of the French Revolution. Where the political change itself, occurred due to political changes in the Netherlands as a result of the

influence of the French Revolution. As a consequence, the implementation of the new policy utilizes the village government apparatus to spearhead the colonial bureaucracy, and become the implementing tool of all central government policies, including the implementation of the plantation system, while increasing the preparation of a modern colonial bureaucracy. That is, among others, the will to apply the legal-rational principles of hierarchy, differentiation and description of tasks, and a written document, demanding another prerequisite, namely education. Therefore, the education process is another symptomatic process that emerged with the bureaucratization process and the development of plantations in the 1920s. It was this political change that underpinned the colonial government to open primary schools (volkschools) for prospective lower-level government employees and plantation foremen, with mere literacy-writing-counting skills, becoming a top priority in colonial education. The two education systems are united in a cultural reality, doing inter-action even though they have significant differences between Sufism and liberalism, but in the next socio-political process in the course of history led Indonesia to give birth to a middle group born from different social and educational backgrounds and have backgrounds Different ideologies and socials can give birth to a common point of view or national consciousness.

On the other hand, those who received colonial teaching and students finally had the awareness to rise together in terms of resisting colonial policies that were considered very detrimental to the natives. National consciousness was the forerunner of the birth, the movement to seize the independence of the Indonesian nation which, was run by new groups in history. With a variety of educational, social, and geographical backgrounds. But the difference then did not become an obstacle, due to the influence of consciousness formed from the basis of knowledge obtained both in *pasantren* and schools formed by the colonial government. However, against the background of differences in education that gave birth to differences in ideology in determining the direction of the post-independence government, various turmoil in the newly aged Republic gave birth to various turmoil in the newly aged Republic. So that it still continues to experience various turmoil in the form of physical rebellion, but in the end gave birth to a form of policy of the government of the Republic of Indonesia carried out by the government of the old order-order reform.

Regarding its relationship with how to alleviate the backwardness of the Ummah, according to Adi Sasono as another figure in this Transformative Islam, there are at least two currents of thought. *First*, consider poverty eradication can be done through economic growth strategies with the right set of price policies. *Second*, consider that the process of poverty alleviation and equity can only be implemented effectively, if social preconditions need to be realized first, especially regarding institutional or structural changes in the allocation of resources, so that they can be fully utilized for the benefit of society as a whole. Therefore, in analyzing the factors causing underdevelopment for development policy, it is necessary to look at the external conditions of the people, not just circling on the internal conditions of the people. The role of religion in development is to provide ideological and moral criticism for production, technology, etc. As a first step to realize that, Non-

Governmental Organizations (NGOs) have flourished in major cities throughout Indonesia.

CONCLUSION

People born from different historical, ideological and cultural backgrounds experience cultural acculturation in living in the reality of national life. Plantation political change is actually a form of forming social structures through bureaucratization and political policy changes, which has an impact on changing the government system from direct government to direct government, and logic requires bureaucracy and management skills, but the teachings of Tarekat, on the other hand, become an inspiration for students in pesantren. The emergence of the spread of Islamic teachings in the archipelago quantitatively has a very important meaning for the development of these teachings in the archipelago. However, psychologically and culturally, this has suffered a fundamental setback. The mentality of bureaucracy, liberalism, and hedonism is a mentality formed from European culture that was integrated into the colonial system of government due to the French Revolution which influenced changes in colonial policy. Although the spirit of santri has an important meaning in the social order, in the political context it has regressed in the life of the Islamic state. This can be seen from the dominance of Islamic parties that suffered defeat in parliament. Due to changes in government policies based on development-oriented economic systems, some Islamic groups experienced setbacks in the economic sector due to technological limitations and lack of development of economic organizations such as in Europe with the increasingly advanced economic development of time. Following the logic of statistical economics and as a result of the implementation of government policies that depend on macroeconomic progress, this has a significant impact on the economic position of the majority of Muslims and, in the context of democracy, negatively affects the electoral performance of the figures that determine who wins. But the fact is just the opposite.

From the discussion above, it is clear that trade activities have been carried out at regional, national, and international levels since colonial times. Some communities have problems with access to transportation and direct participation in economic activities, which causes some members of the Islamic community to experience spiritual and cultural decline, so that even though their teachings are physically very sacred, in reality the Islamic clothing they wear will be what is behind the torn clothes. Although this mentality of pragmatism, hedonism, and materialism is a legacy of the colonial era, this mentality of pragmatism and hedonism is natural and often practiced in the daily lives of Indonesian Muslims. Seeing the developing situation in colonial plantations, plantation policy also does not ignore the participation of traditional heads in areas fully controlled by the colonial government. Therefore, sociologically, indirect cultural exchange takes place in a social context. The bureaucratic mentality prevailing in Indonesian society was a reflection of the influence of colonial policies and rested solely on profit, with little effort to organize local population groups and pay attention to the social conditions of their communities. It exploits traditional leaders, a situation still practiced throughout government. Development Prioritizing a

country's economic system based on development policies, resulting in a labor-intensive and capital-intensive orientation which is a tangible manifestation of application practices. The economy of a country is affected by the absence of power possessed by the general public. The private economic system became dominant because it monopolized capital resources and did not participate in the economic activities of the country. As a reflection of the practice of economic development thinking, underdevelopment and underdevelopment will continue to occur in groups of people who do not have capital capabilities, both technology and human resources.

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