

ABSTRAK

Tesis ini bertajuk **Kesan Perubahan Sosial Terhadap Hukum Islam**. Ia bertolak daripada suatu andaian bahawa hukum Syarak itu dapat berubah sesuai dengan perkembangan fakta-fakta sosial.

Untuk mencapai natijah akademik yang munasabah, tesis ini membuat pemeriksaan terhadap asas-asas metodologi *istinbāt* dalam disiplin ilmu Usul Fiqh. Kajian kemudian diteruskan dengan membuat penyelidikan terhadap kes-kes hukum yang dikembangkan pada zaman Nabi, sahabat sehingga ke zaman Imam mujtahidin, dan masa kini.

Pada peringkat asas metodologi, tesis ini memperolehi beberapa penemuan. Di antaranya, interaksi antara *khiṭāb* Allah s.w.t. dan aktiviti individu dan masyarakat diperakui oleh Syariah. *Maṣlahah* dan keadilan adalah matlamat tertinggi hukum Islam. Sifat semula jadi *nuṣūṣ* wahyu, sama ada al-Qur'an atau al-Sunnah memberi ruangan yang mencukupi bagi perkembangan pemahaman dan pengalaman masyarakat di setiap tahap sejarah. Oleh itu, Syariah bersifat abadi dan mutlak. Sedangkan pada peringkat pelaksanaannya, data-data perhukuman zaman Nabi, sahabat sehingga mujtahidin dan zaman moden memberikan bukti-bukti yang kukuh mengenai adanya kesan perkembangan persekitaran sosial terhadap penetapan hukum-hukum Syarak. Jenis-jenis hukum itu mencakupi masalah-masalah sosio-politik, sosio-budaya, ekonomi, hukum keluarga, dan bahkan hukum ibadah.

Akhirnya, tesis ini mencadangkan pentingnya pengembangan hukum Islam yang bersifat semasa dan tempatan yang menjunjung tinggi keadilan dan kemaslahatan yang sebenar.

ABSTRACT

The title of the thesis is **The Impact of Social Changes on Islamic Laws**. Its basic assumption is that Islamic laws change in accordance with the dynamics of social facts.

To achieve appropriate academic results, the thesis has examined the methodological principles of *istinbāt* in Usul Fiqh. Further, the research has dealt extensively with legal cases developed in the era of the Prophet, his Companions and during the period of four Great Imams, and in the modern time.

On the methodological level, the research has discovered the following findings: Interaction between the *khiṭāb* of Allah and individual as well as societal activities is deeply-rooted within the Shari'ah. *Maṣlahah* and justice are the loftiest goals of the Islamic legal philosophy. In addition, the natural character of the texts (*nuṣūṣ*) of revelation i.e. al-Qur'an and al-Sunnah provides sufficient venues for all kind of development of human mind and experiences in every stage of history. Therefore, shari'ah is eternal and absolute. On the level of implementation, legal data from the time of the Prophet, his Companions, the Imams as well as in the modern era, have clearly established valid evidence of the impact of social environment on Islamic laws. The category of laws encompasses socio-political cases, socio-cultural, economic, family issues and even issues related to *'ibādah*.

Finally, the thesis recommends the need for developing localized Islamic laws which take time and space elements into consideration and uphold firmly the real *maṣlahah* and justice of the society.