



The History of the Birth of Shia Ja'fariyah, Zaidiyah, and Ibadiyah and the Source of Law and the Concept of Ijtihad

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ABSTRACT

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This article aims to analyze the development of Islamic legal theory during the leadership of Umar bin Khattab, focusing on his leadership model, social context, and practice of ijtihad in responding to the dynamics of early Islamic society. It specifically examines how Umar bin Khattab applied Islamic law contextually while maintaining the fundamental principles of the Qur'an and Sunnah. This study employs a qualitative method with a library research approach. Data were collected through an examination of primary and secondary sources concerning the history of Islamic legal thought, Umar bin Khattab's legal policies, and the practice of ijtihad during the period of the Khulafā' al-Rāsyidūn. The data were analyzed descriptively and analytically to identify patterns of legal reasoning and the orientation toward public interest (maslahah) in Umar's legal policies. The findings indicate that Umar bin Khattab's leadership played a significant role in shaping an adaptive, just, and public-interest-oriented approach to Islamic law. His ijtihad, particularly in policies concerning the distribution of zakat to muallaf and the postponement of hudud punishments under conditions of social crisis, demonstrates the consideration of social circumstances, contextual conditions, and the objectives of Islamic law. These policies indicate that the application of Islamic law during Umar's leadership was not merely normative but also responsive to the social, political, and economic conditions of society. Umar bin Khattab's approach to ijtihad demonstrates the dynamic and responsive character of Islamic law while remaining grounded in the fundamental principles of the Sharia. His approach highlights the importance of integrating textual sources, social context, justice, and public welfare in the process of legal reasoning. This study has implications for the development of contemporary Islamic legal thought, particularly in constructing contextual, adaptive, and maqāṣid al-syarī'ah-oriented approaches to ijtihad. Umar bin Khattab's methodological legacy provides a conceptual reference for addressing emerging legal issues resulting from social, political, economic, and cultural transformations.

Key Words: Umar bin Khattab, Islamic Legal Theory, Ijtihad, Public Welfare, Islamic Leadership.

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Introduction

After the death of the Prophet Muhammad SAW, the leadership of Muslims was continued by the caliphs who had to maintain the continuity of the sharia while facing the increasingly complex socio-political reality. During the time of Umar bin Khattab, Islamic law underwent significant development because he innovated legal policy without abandoning the basic principles of the Qur'an and Sunnah (Hubballah, 2025). Umar emphasized that Islamic law is not a rigid system, but can be adapted to the social context through *ijtihad* that is based on the benefits of the *ummah*. For example, Umar's decision to stop giving *zakat* to converts when Islam was established shows the flexibility of the law in the face of new social dynamics (Jaenudin, 1385).

Umar's period was marked by the expansion of Islamic territories beyond the Arabian Peninsula, such as Persia, Syria, and Egypt. This condition brought about significant social changes because Islam was no longer only dealing with Arab societies, but also with different peoples and legal traditions (HAKYEMEZ, 2021). This development requires a legal arrangement so that Islamic sharia not only applies in a narrow scope, but is also able to accommodate the needs of a diverse wide community. This makes the time of Umar one of the important phases in the history of Islamic law, because it was during this period that Islamic law began to be faced with a more complex global context (Abdad, 2014).

In addition to regional expansion, the growth of the Muslim population also poses new challenges in the administration of government and law enforcement. State financial institutions such as *baitul-mal* began to be organized more systematically to manage state revenues and expenditures, including *zakat*, *ghanimah*, and taxes from new regions. This arrangement requires a clear legal framework so that the management of state wealth runs transparently, fairly, and in accordance with sharia principles. Thus, the Umar period was the period of early formation of a stronger legal administration system, as well as affirming the importance of Islamic law as the foundation of governance (Sahidin, 2023).

The people of Umar's time also faced a change in their life patterns from a simple society to a more complex one, along with the integration of various new regions into the Islamic State (Akbar, 2023). The growing economic life, social interaction between nations, and the increasing need for regulation in the family and society demand a strong legal foundation (EŞİT, 2023). In this context, Islamic law is not only seen as a rule of worship, but also as a social instrument that is able to regulate various aspects of people's lives. Therefore, the time of Umar can be called a phase of strengthening the function of Islamic law in the daily life of Muslims (Nofrianti, 2018).

From the political side, Umar's leadership shows the need for a rule of law that functions to maintain the stability of the country. The increase in power creates new challenges in the relationship between the central government and the regions, so regulations that are able to maintain order are needed (Hidayah, 2024). Regulations regarding government administration, resource distribution, and state apparatus governance show that Islamic law is the basis for creating political order and government. Thus, Islamic law in the time of Umar not only functioned in the religious realm, but also became a legal framework in regulating the state system (Rahma & Imawan, 2025).

Overall, the background of Islamic law in the time of Umar bin Khattab reflects an important phase in the course of Islamic history, when Islamic law began to adapt to the realities of a broader and more diverse society. The developing geopolitical, social, economic, and political situation demands a legal framework that is not only sourced from texts, but also able to answer the challenges of people's lives in a practical way. Therefore, the time of Umar became an important foundation for the development of Islamic legal theory, which would later become a foothold for the development of Islamic law in the later period (Nofrianti, 2018).

The period of Umar's leadership became one of the important milestones because Islamic law was not only understood as a rule of worship, but also as a guideline in regulating the life of an increasingly wide and diverse society. On that basis, this paper was raised with the title *Theory of Islamic Law in the Time of Umar bin Khattab* to provide a more complete picture of how Islamic law developed during the time of the second caliph.

Research Methods

This research uses a qualitative method with a *library research approach*. The research is focused on the study of the thought and practice of *ijtihad* Umar bin Khattab in the development of Islamic law, especially in the context of leadership and social dynamics in the early Islamic period. Primary data sources in this study include the Qur'an, *hadith*, and classical works that discuss the history and theory of Islamic law. The secondary data sources come from scientific books and journal articles that are relevant to the research topic.

Data collection is carried out through searching, classifying, and reviewing literature that is directly related to the research theme. The data that has been collected is then analyzed using a descriptive-analytical method, namely by describing historical facts and analyzing them in the social, political, and legal framework of Islam during the time of Umar bin Khattab.

To maintain the validity of the data, this study uses the source triangulation technique by comparing views from various literature and the thoughts of scholars. Through this method, the research is expected to be able to provide a comprehensive picture of Umar bin Khattab's contribution in building a contextual, adaptive, and well-oriented Islamic legal theory. For further details, please refer to the image below.

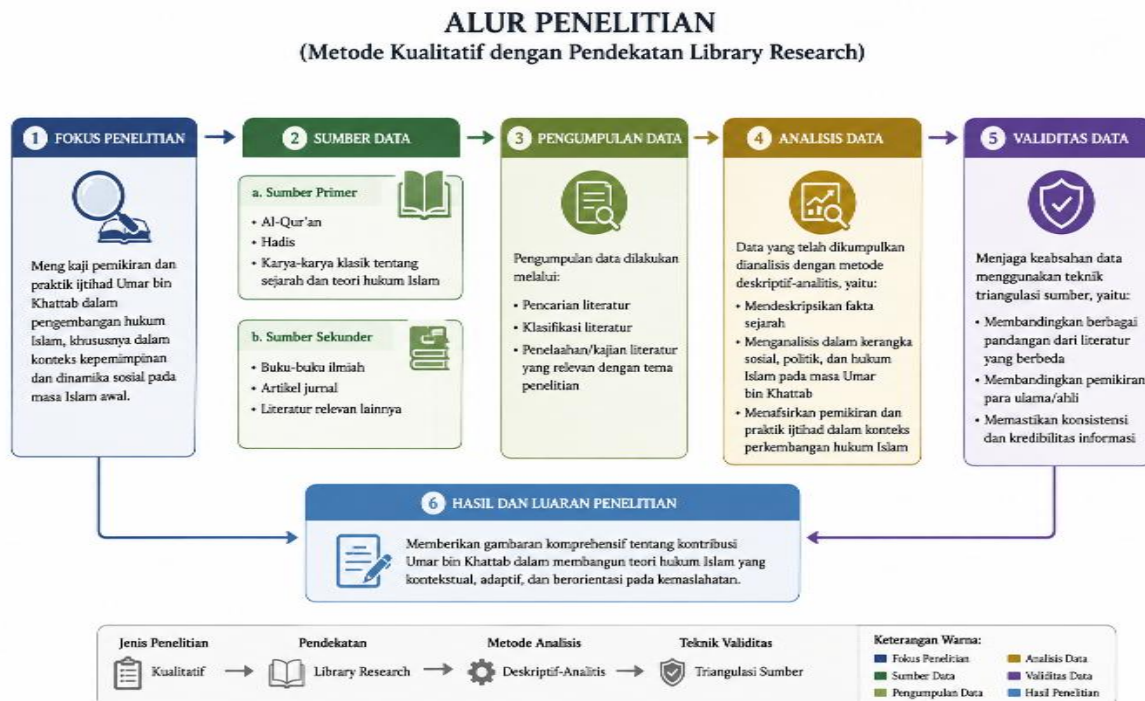


Figure 1. Research flow

Research and Discussion Results

When the Prophet PBUH died and the leadership was replaced by Abu Bakr RA, Abu Bakr had a strong desire and based on a firm passion in the hearts of the Muhajirin and Ansar was the most useful medicine to strengthen the pillars of Islam. So he prepared several armies to establish the region and restore Arab unity. After that was perfect, Abu Bakr sent the army to Iraq and Syria, to broadcast the preaching of Islam to the Persian and Romanian kingdoms, and Abu Bakr died before it was realized and it is not known who would continue it (Bik, 1967, p. 103).

Then came Umar, and upon his hand were the conquests complete, and the Muslims ruled from the east over most of the Persians as far as the river Jihon (Amudariya), from the north over Syria and Armenia. From the upper west of Egypt (Ja'far et al., 2023). In his time great Islamic cities such as Fusthath, Kufa and Bashrah were built. And most of the Muslims

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live there, among them there are many companions. Many non-Arabs converted to Islam (Bik, 1967).

Biography of Umar bin Khattab

Umar, whose full name is Abu al-Hafash 'Umar ibn al-Khattab ibn Nufayl ibn 'Abd al-'Uzza ibn Rabbah ibn 'Abdillah ibn Qarth ibn Ramzah ibn 'Adiy ibn Ka'ab ibn Luay al-'Adawiy, comes from the same lineage as the Prophet Muhammad PBUH and Abu Bakr ash-Siddiq. Their fate met the same ancestor, namely Ka'ab ibn Luay.

He was born in the city of Makkah about four years before the Fijjar War, or approximately thirteen years after the birth of the Prophet Muhammad PBUH. Umar's childhood was colored by simplicity as he spent his days as a herder of cattle belonging to his family while looking for firewood for the needs of life. After growing up, Umar pursued the field of trade. However, his trade was just enough to sustain his daily life (Nofrianti, 2018).

Umar bin Khattab was known as a tough and courageous leader, fair-spirited, generous, intelligent, had steadfastness of faith, and extraordinary fighting power, qualities that were closely attached to him. Before converting to Islam, Umar was one of the influential figures from the Quraish. His personality made him respected by both friends and opponents (Albayrak & Shueily, 2022). After converting to Islam, all his personal qualities were increasingly directed to defend the truth and fight for the treatises of the Prophet Saw (Muhammad Basri et al., 2023).

Umar was known as a figure who was firm in religious principles, courageous, had high loyalty, and was full of responsibility. Since his Islam, he asked the Prophet so that da'wah and worship were no longer carried out secretly. It was because of this assertiveness that he earned the nickname *Al-Faruq*. Its presence makes Muslims dare to perform worship openly, so that the infidels are no longer free to torture them. As a result, the polytheists switched to using diplomacy to hinder the Prophet's da'wah mission (Rahma & Imawan, 2025).

The appointment of Umar as caliph was the result of Abu Bakr's recommendation, which was conveyed through deliberations with prominent companions, including Abdurrahman bin Auf, Uthman bin Affan, Usaid bin Hudair, Sa'id bin Zaid, and Talhah bin Ubaidillah. All reached a unanimous agreement to appoint Umar as the successor to the leadership (Rahma & Imawan, 2025).

Abu Bakr was not without reason to offer Umar as a candidate to replace him, the reason was the fear of conflict in seizing power as happened when he was appointed caliph. Finally, Umar was chosen based on the format and candidate offer from Abu Bakr (Dr. Yayan Sopyan, S.H., M.A. & Dr. Yayan Sopyan, S.H., M.A., 2018, pp. 87–88)

His Leadership Characteristics

The leadership of Umar bin Khattab took place at a very decisive period in the history of Islam, when the religion began to develop from a simple community in Medina to a large political force that controlled large areas. Umar ruled for ten years (634–644 AD), a relatively short period but full of significant achievements. He is known as a strong and disciplined leader, while paying great attention to the principle of justice (Makhlouf, 2023). This leadership character makes Islamic law not only a collection of normative rules, but also a system that functions to maintain the order of society and ensure the welfare of the ummah in an increasingly wide area (Nurjanah & Dewi Siti Sobariah, 2023).

In addition to having personal firmness, Umar is also known to have a strategic vision in leading the country. He established a more structured governance mechanism, including establishing a diwan to regulate state administration and appointing officials and judges with high credibility (KUBAT, 2022). This step shows how his leadership emphasizes the importance of professionalism in managing the country. With a more organized government structure, Islamic law can be implemented systematically, so that people can feel the real benefits of the application of the law in their daily lives (Rahma & Imawan, 2025).

Umar's leadership is also synonymous with egalitarian attitudes and closeness to the people. He often goes directly to ensure that the needs of the community are met, and often

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even carries food items to be distributed to people in need (GÖKSÜN, 2022). This attitude shows that justice in leadership is not only manifested in the form of formal regulations, but also in concrete actions that reflect the moral principles of Islamic law. Thus, his leadership style sets an example that Islamic law should not be separated from the values of humanity and social concern that are its foundation (Nurjanah & Dewi Siti Sobariah, 2023).

During the leadership of Umar bin Khattab, the political situation was in a stable condition and the efforts to expand the Islamic territory achieved tremendous success. The expansion of Islam is not only limited to the Arabian Peninsula, but also extends beyond the Peninsula such as Yemen, Egypt, Syria to Persia, Damascus, Azerbaijan, etc (Yayan Sopyan, 2018). Under his rule, the development of Islam took place very rapidly, even in the historical record of Khulafaur Rashidin, the greatest expansion occurred during the time of Umar bin Khattab (Rahma & Imawan, 2025).

Furthermore, Umar was able to maintain political stability during the period of rapid expansion of Islam. The expansion of the territory poses new challenges in the integration of diverse societies, both in terms of culture and legal system. His strong leadership allowed for the formation of regulations that governed not only Muslims, but also non-Muslim communities living under Islamic rule (Gündüz, 2021). The tolerance that he applied to other religious groups showed that Islamic law during his leadership was able to become an instrument that protected all levels of society, while maintaining the order of the country as a whole (Rahma & Imawan, 2025).

The Influence of Leadership on the Formation of the Legal System

The influence of Umar bin Khattab's leadership on the formation of the Islamic legal system was particularly noteworthy, especially since he ruled at a time when the initial governance structure needed to be neatly arranged. The rapid expansion of Islamic territory creates new administrative, political, and social challenges, requiring a clearer and more systematic legal foundation (BOYNUKALIN, 2021). In this situation, Umar showed a firm but fair leadership style that not only strengthened normative laws, but made it an effective instrument for maintaining order in society and government. Such an approach places Umar's time as an important milestone in the formalities of early Islamic law (Nanda Herijal Putra, 2021).

Umar's leadership also changed the public perception of Islamic law as a tool of protection and social justice. He is known to be close to the people, respond quickly to their needs, and prioritize justice without discrimination. This approach instills the belief that Islamic law is not only a tool for power, but also a means of sustaining the welfare of society as a whole (Bashir, 2025).

Furthermore, Umar's leadership implies that Islamic law can evolve adaptively without losing its main principles. Regulations made during his administration ranging from regional administration to financial management affirm that leadership with integrity is able to make Islamic law responsive to the transformation of the times (Hubballah, n.d.). Therefore, Umar's influence on the Islamic legal system is not only contemporary, but also a reflection of the modern Islamic legal model that is inclusive and based on the principles of justice (Bashir, 2025).

Social Settings

Social life during the leadership of Umar bin Khattab underwent major changes along with the expansion of Islamic territory and the increase in the number of people who came from different cultural, economic, and traditional backgrounds. This new dynamic demands a more orderly legal and governance system so that people can live in justice and prosperity. To understand these conditions, here are some important aspects of the social setting during the time of Umar bin Khattab:

Diversity of Society and Culture

As the Islamic territory expanded into Persia, Syria, and Egypt, the society under Umar bin Khattab became very diverse in terms of culture, traditions, language, and local legal

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background. This condition requires that Islamic law be applied in an inclusive and diversity-sensitive framework (Nadvi & Khalid, 2023).

Umar responded to this challenge by establishing government policies that emphasized justice and equal rights before the law, as well as establishing a state administration that was able to accommodate this diversity. One of the manifestations is the management of zakat and baitul-mall that involve the wider community without distinguishing backgrounds (Nadvi & Khalid, 2023).

Fiscal Policy and State Financial Management

Umar bin Khattab built an orderly fiscal system in baitul mall as a center for financial management, state revenue from zakat, kharaj, and other taxes, as well as allocations that take into account the needs of the people much first, such as social assistance and security (Gündüz, 2021). This clarity in fiscal policy and financial distribution shows that Islamic law during Umar's time was not only a moral rule, but also a real administrative system that had a direct impact on the lives of the people. (Rahma & Imawan, 2025).

Economy and Social Welfare

After officially serving as caliph, Umar bin Khattab immediately conveyed to the Muslims various economic policies that would be enforced during his reign. The basic principles of economics include: (Fahmi Nurfatwa et al., 2025)

- a. The state only has the right to take and manage public wealth in a lawful way, and may not collect kharaj or fa'i except through the right channels according to the provisions of Allah SWT.
- b. The state is obliged to distribute the right to public wealth proportionately, not to make expenditures except for what is indeed its right, and is obliged to provide subsidies and bear the debts of people in need.
- c. The state rejects any form of property obtained from despicable practices or prohibited work.
- d. State wealth must be used appropriately, fairly, and in accordance with sharia principles. With this policy, Umar emphasized that Islamic economic management is not only oriented towards material welfare, but also emphasizes moral values, justice, and social responsibility.

The economic life of the people during the time of Umar bin Khattab developed rapidly along with the expansion of Islamic territory. Umar established baitul mal as a state financial institution that manages income from zakat, kharaj, jizyah, and ghanimah. The funds are not only used to finance government administration, but also for social welfare programs, such as assistance to the poor, orphans, and other vulnerable groups. This policy shows that Umar emphasized fair distribution. This principle made the economy of his time more orderly as well as fostering a sense of justice in the community (Fahmi Nurfatwa et al., 2025).

Government Stability

The expansion of Islamic territory during Umar's time demanded a neat and layered government structure. To ensure stability, Umar appointed governors in each conquered region with the task of regulating administration, enforcing the law, and maintaining security. In addition, he assigned judges to supervise the implementation of the law so that there was no abuse of authority. Umar even conducted direct supervision by visiting these areas to ensure that justice was served. This step taken by Umar not only regulates worship affairs, but also becomes the foundation of an effective and transparent government. (Wahab & Basar Dikuraisyin, 2024).

Ijtihad and Theory of Islamic Law in the Time of Umar bin Khattab.

The discussion of Islamic legal theory during the time of Umar bin Khattab shows that his leadership was very influential in formulating laws that were just and according to the needs of society. Here are some important points related to ijtihad and Islamic legal theory during the time of Umar bin Khattab:

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Principles of Justice

Umar bin Khattab is known to have done *ijtihad* who are humanist and pay close attention to the condition of the community. One example is that when there was a serious famine, he decided not to carry out the punishment of cutting off his hands for thieves. In such an emergency situation, severe punishment is considered unfair and creates additional suffering (Samavati, 2024). This decision shows that Islamic law, in Umar's view, must remain humane and take into account the social context in order to remain relevant and fair. This is not a denial of the original law, but rather a contextual practice of restorative justice (Sahidin, 2023).

Ijtihad Zakat Muallaf

Umar also took an important decision on the issue of zakat to converts. After Islam grew stronger, he stopped giving zakat to the group because the *maslahat* changed which was once aimed at strengthening social ties and their beliefs is now considered no longer necessary. Decisions like this show how his *ijtihad* not only follows the text, but also considers the benefits and conditions of society concretely (Jaenudin, 1385).

The *ijtihad* of Umar bin Khathab in stopping the distribution of zakat property to converts was based on his view that the situation of Muslims had changed compared to the time of the Prophet (peace be upon him). However, Umar considered that when the strength and position of Islam was established, the reason for giving a share of zakat to converts was no longer relevant, so the group was not included in the recipients of zakat.

Political Ijtihad and Constitutional Reform

Umar also introduced structural reforms in the government to support law enforcement. Through his political *ijtihad*, he established a more professional system of government, established diwan institutions, separated central and regional powers, and established a more modern financial and internal security system. This shows that Islamic law in Umar's time was not only a matter of norms, but also an effective system of government (Rezki, 2025).

Umar's *ijtihad* not only reflects his moral courage, but also shows intellectual maturity in *fiqh siyasi*, which emphasizes that an Islamic leader is obliged to prioritize the principles of compassion and benefit in every policy (Ekinci, 2021). This step then became an important foundation in the discussion of emergency *fiqh*, because it showed that *maqashid shari'ah* occupies a more important position than the textual application of law when dealing with conditions that threaten human values.

Progressive Ijtihad in Response to Social Change

Umar bin Khattab is often called the pioneer Progressive *Fiqh* because of his ability to understand the law contextually and adaptively. He implemented *ijtihad* by taking into account the needs of society and social change, not just following the text literally. This attitude is an inspiration for modern Islamic legal thinking that wants to remain relevant to the development of the times (Scott, 2016).

Equivalence

In each of his policies, Umar emphasized that all people are equal before the law regardless of social status, wealth, or position. He built a philosophy of essential justice, which was based on the principle of equality and harmony between ratio and revelation. This philosophy then became the basis for the legitimacy of Islamic law as a system that is fair and trusted by the wider community. (Mansur & Murtiningsih, 2021).

Conclusion

Umar bin Khattab's leadership brought about major changes in the Islamic social, legal, and governmental system. Umar was able to create a more stable social order even though the Islamic community faced new dynamics due to territorial expansion. State financial institutions such as *baitul malls*, government structures with a division of roles between the central and regional governments, and strict supervision of officials who are careful to consider the needs of the community realistically. The social setting faced at that time demanded adaptive policies, and Umar answered this with a decision that combined the value of justice with the social context. *Ijtihad* Umar bin Khattab shows the progressive side of Islamic law that is relevant throughout the ages. His decision in terms of postponing the execution of the hand

during famine, the zakat policy for converts, and political and administrative reforms are proof that Islamic law can be applied with flexibility without losing the essence of sharia. Islamic legal theory in Umar's time emphasized that the benefit of the community was a priority, and justice was the basis of every regulation. Thus, Umar's leadership not only set an ideal example of a just leader, but also inherited a contextual and inclusive model of ijtihad, which remains a reference in the study of Islamic law to this day.

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