

SHARIA ECONOMIC LAW IN THE PERSPECTIVE OF ANTHROPOLOGY AND SOCIOLOGY

Pebriyana Nursyamsudin¹, Tajul Arifin², Abdal³

^{1,2,3} UIN Sunan Gunung Djati, Bandung, Indonesia

E-mail: ¹⁾fnursyamsudin@ymail.com, ²⁾tajularifin64@uinsgd.ac.id, ³⁾abdal@uinsgd.ac.id,

Abstract

Anthropology and sociology of Islamic economic law complement each other in understanding this legal phenomenon. Anthropology helps in understanding cultural contexts and traditions, while sociology helps identify the social and structural factors that influence them. The method used in this article is qualitative method, using literature studies whose sources are from books and journals related to the discussion of anthropology and sociology of Islamic economic law. This study opens opportunities to explore the practice, understanding, and social and cultural implications of Islamic economic law, thus enriching moral and ethical insights in Islamic economics more comprehensively. Therefore, this article tries to provide an overview of the Anthropology and Sociology of Islamic Economic Law.

Keywords: *Sharia Economic Law, Anthropology, Sociology*

1. INTRODUCTION

Anthropology and sociology are two disciplines that focus on the study of humans and society. Each of these disciplines can provide different views on sharia economic law (Ahmad Ifham Sholihin, 2013). From an anthropological perspective, sharia economic law can be studied as one aspect of Muslim culture and way of life. Anthropologists can conduct research on economic practices within Muslim communities, including how sharia law is applied to regulate their economic activities. They can also examine the ideas, values, and norms that underlie sharia economic law, as well as how these laws interact with other aspects of the social and cultural life of the community (Ikhsan & Arifin, n.d.)

From a sociological perspective, Islamic economic law can also be studied as a social phenomenon related to social interaction, social structure, and social change. Sociologists can study how sharia economic law affects social dynamics in Muslim societies, including the role of religious institutions, gender equality, and wealth distribution. They can also investigate social and economic factors that influence the application of Islamic economic law in daily practice (Kamanto, 2004).

However, it is important to remember that views of anthropology and sociology can vary between experts and researchers. Each individual may adopt a different approach in studying Islamic economic law, depending on their personal interests and academic background (Mahyudi, 2016).

2. IMPLEMENTATION METHOD

The method used in this article is qualitative method, using literature studies whose sources are from books and journals related to the discussion of anthropology and sociology of Islamic economic law. The steps used in this study by examining, analyzing from existing data to draw data conclusions according to strong data authors. the purpose of this study is to describe the anthropology and sociology of Islamic economic law by examining more deeply (Ikhsan et al., 2022).

3. RESULTS AND DISCUSSION

3.1 Understanding Sociology and Anthropology of Sharia Economic Law

Literally, in Greek, the word anthropos means man and logos means study, so anthropology is a discipline based on curiosity about humans. The main focus of anthropology is to understand the diversity of humans around the world, both in terms of biology, language, culture, social systems, and mindset. Anthropology studies various aspects of human life, such as social change, group dynamics, religious, economic, political, and linguistic beliefs and practices (Dawam Rahardjo, 1999).

While Sociology is a combination of two words derived from Latin, namely *socius* which means friend or friend and *logos* which means science, Sociology is a social science that studies the structure, function, and social interaction in human society. The main focus of sociology is society as a system consisting of various elements, such as groups, institutions, norms, values, and social change. This discipline studies various social issues, such as social stratification (social differences in society), social conflicts, social mobility, gender, race, social class, religion, politics, and other social factors that affect human life (Abdullah Saeed, 2002).

3.2 Anthropological views of Sharia Economic Law

The anthropological view of Islamic economic law looks at the relationship between law, economics, and society in the context of culture and tradition. Legal anthropology studies how laws are generated, understood, functioned, and applied in society. In the context of Islamic economics, anthropological views observe cultural and social aspects that influence Islamic economic law and practice. Here are some anthropological perspectives of sharia economic law (P3EI UII, 2015):

1. **Cultural Context and Values:** The anthropology of Islamic economic law emphasizes the importance of understanding the cultural context and values that shape and influence the drafting of Islamic economic law. Religious values, beliefs, and cultural practices in society play an important role in shaping Islamic economic law. Anthropological observations and analyses highlight these aspects and show how societal values influence Islamic economic practices.
2. **The Role of Social Systems:** The anthropology of Islamic economic law also looks at how social systems in society affect Islamic economic practices. Social structures, social relations, and traditional roots in society play a role in encouraging or restraining the application of Islamic economic law. Legal anthropology studies how Islamic economic law reflects power structures, gender role divisions, and social hierarchies in society.

3. **Community Participation:** The anthropology of sharia economic law analyzes the level of community participation in formulating and implementing sharia economic law. The anthropological perspective looks at how local communities, communities, and groups are involved in the process of formation, implementation, and understanding of Islamic economic law. Participatory studies and field observations are also used to see how societies interpret, modify, or practice Islamic economic law according to their context.
4. **Social and Cultural Changes:** The anthropology of sharia economic law also pays attention to social and cultural changes that occur in societies that apply sharia economic law. Shifting values, technology adoption and globalization, as well as interactions with non-Muslim societies can affect how Islamic economic law is practiced and interpreted in changing contexts.

By understanding the anthropological perspective of sharia economic law, we can see how social, cultural, and traditional aspects affect the formation, implementation, and understanding of sharia economic law and practice in society (Rozalinda, 2017).

3.4. Sociological Views of Sharia Economic Law

The sociological view of Islamic economic law can be discussed from two points of view, namely the sociological point of view and the legal point of view. From a sociological point of view, sharia economic law can be seen as the result of social interactions and dynamics in a society that adheres to the teachings of Islam. Sharia economic law is part of the legal system that functions to regulate economic activities within the framework of Islamic principles, such as justice, equitable distribution, and prohibition against *riba* (interest) (Akbar S., 1994).

The sociology of sharia economic law also looks at the role of institutions, groups, and individuals in the application and development of sharia economic law in society. Social factors, such as culture, norms, and social structure, have an influence on recognition and compliance with Islamic economic law. In addition, the sociology of law can also see how sharia economic law has a social and economic impact on society, such as more equitable economic redistribution or the development of micro and small enterprises.

From a legal point of view, the sociology of Islamic economic law studies how Islamic economic law is implemented and applied in practice. Social factors, such as religious beliefs, social values, and societal demands, are factors that influence how Islamic economic law is applied in economic practice. For example, in the sociology of Islamic economic law, it can be studied how Islamic economic law is implemented in Islamic financial institutions, such as Islamic banks, or how Islamic economic laws are applied in the tax system in a country (Kamanto, 2004).

Overall, the sociological view of sharia economic law examines the relationship between law, society, and social factors in implementing and developing sharia economic law, as well as examining the social and economic impacts of the application of sharia economic law in society

In the sociological view of Islamic economic law, there are several concepts that can be seen (Panggabean et al., 2022):

1. **Social Solidarity:** The concept of social solidarity is very important in Islamic economic law.

Social solidarity is realized through the principle of justice in the redistribution of wealth and through the concept of zakat and alms which teaches concern for the less fortunate. This reflects the egalitarian values in Islamic societies.

2. Norms and Values: The sociology of Islamic economic law also studies the norms and values that influence decision-making in Islamic economics. Religious and moral norms direct individuals to behave fairly, respect the rights of others, and avoid prohibited economic practices, such as usury, gharar (uncertainty), and maysir (gambling).
3. The Role of Institutions and Acteurs: The sociology of Islamic economic law also analyzes the role of institutions and actors in implementing Islamic economic laws and principles. Institutions such as Islamic banks, Islamic microfinance institutions, and other Islamic financial institutions play an important role in providing financial services in accordance with sharia law. Actors such as rich people, businessmen, and workers also play a role in carrying out the principles of Islamic economics in practice.
4. Socio-Economic Impact: The sociology of Islamic economic law also studies the social and economic impact of the application of Islamic economic law in society. These include a more equitable redistribution of wealth, economic empowerment for disadvantaged communities, and increased awareness of social and moral responsibility in economic activity.

Thus, the sociological view of Islamic economic law not only pays attention to legal aspects and economic theory, but also pays attention to social, cultural, and moral aspects in applying and understanding Islamic economic law.

3.5. Examples of Anthropology of Sharia Economic Law in Indonesia

As an example of the anthropological approach of sharia economic law in Indonesia, we can see how local communities in several regions apply and understand sharia economic law in the context of their culture and traditions. Here are some examples (Abd Ghafur, 2022):

1. The Practice of Gotong Royong in Sharia Economics: In some regions of Indonesia, especially at the village or small community level, the practice of gotong royong has become an integral part of sharia economic law. The concept of "arisan" in which a group of people gathers periodically, contributes a certain amount of money, and takes turns receiving the results, is a concrete example of sharing profits and risks in accordance with Islamic economic principles. This kind of practice reflects the values of social solidarity and distributive justice in society.
2. The Role of Sharia Microfinance Institutions: In Indonesia, there are many sharia microfinance institutions such as Baitul Mal Wa Tamwil (BMT) and Sharia Cooperatives. The anthropological approach of Islamic economic law can observe how these institutions not only provide financial services in accordance with Islamic economic principles, but also involve local communities in the decision-making process and program implementation. These institutions usually arise from the initiative of local communities who want to apply the principles of Islamic economics locally.
3. Changes in Consumption Practices: Some Indonesians have also adapted sharia economic

law in their consumption practices. For example, in the case of food and beverages, there is a growing demand for halal products and meat processed in accordance with sharia principles. This reflects a shift in consumer preferences that value halal and hygiene aspects more in terms of religion in the selection of products and services.

4. **Waqf Economics:** The concept of waqf, which is the donation of property for charitable and good causes, is also part of the sharia economic law practiced in Indonesia. In many areas, there is land or property that is given as a waqf by individuals or families, and the income from the property is used to help communities in need. The anthropological approach of Islamic economic law can reflect how the economic practices of waqf are related to local culture and beliefs, as well as how local communities are involved in the selection and management of waqf assets (Anshori, 2006).

In all of this, the anthropological approach of sharia economic law can provide a deeper understanding of how sharia economic law and practice are implemented in Indonesian society in accordance with local cultures and traditions.

3.6. Examples of Sociology of Sharia Economic Law in Indonesia

As an example of the sociological approach of sharia economic law in Indonesia, we can see how social and structural factors influence sharia economic law and its practice. Here are some examples (Muklis Bin Abdul Aziz, Didi Suardi, 2020):

1. **The Role of Society in Promoting Sharia Economy:** In some regions of Indonesia, especially in strong Muslim communities, communities play an active role in promoting and supporting sharia economy. The community plays an important role in shaping awareness and organizing various economic activities in accordance with sharia principles, such as through the establishment of sharia cooperatives or sharia microfinance institutions. The sociology of Islamic economic law studies how societies are organized and collaborate to build alternative economic structures based on sharia principles.
2. **Structural Factors in Sharia Economic Implementation:** Structural factors such as government policies also play an important role in the implementation of sharia economic law in Indonesia. The sociology of Islamic economic law looks at how government regulations and policies affect its implementation and development. For example, increasing government support for Islamic microfinance institutions through various incentives, regulations, and financing policies helps accelerate the development of the Islamic economy in Indonesia.
3. **Impact of Globalization and Modernization:** The sociology of Islamic economic law also studies how globalization and modernization affect Islamic economic law and practice. Indonesia as a country that is open to global influence faces challenges in maintaining and developing the Islamic economy in line with economic and social relations that are increasingly linked to the global economy. The study of sociology of sharia economic law looks at how globalization and modernization affect the social and economic order in Indonesia and how society responds to it in the context of sharia economic law.
4. **Gender Roles in Islamic Economics:** The sociology of Islamic economic law also pays attention to gender roles in Islamic economic practices. This study looks at how Islamic

economic law and its practices affect gender in terms of access and participation in the Islamic economy. In some cases, there are challenges in providing equal opportunities for women to engage in the Islamic economy, and this study looks at the social, cultural, and structural factors that influence the gender gap in the Islamic economy.

Through the sociological approach of sharia economic law, we can understand how social, structural, and cultural factors influence sharia economic law and practice in Indonesia. This approach allows us to see how these factors interact and influence each other in creating a strong and functioning Islamic economic ecosystem in Indonesian society.

3.7 CASE STUDIES AND SOLUTIONS ANTHROPOLOGY AND SOCIOLOGY OF SHARIA ECONOMIC LAW

Case Studies:

A country that implements sharia economic law faces problems in regulating economic aspects related to sharia principles. There is a discrepancy between the sharia law that wants to be applied and the existing norms and values of society. In addition, there is also debate about the implementation of sharia economic law which is claimed to be a form of discrimination against non-Muslim communities.

Solution:

1. Anthropology: Conduct anthropological analysis to understand the values, norms, and beliefs of society related to Islamic economic law. By understanding the perspectives and needs of the community, appropriate communication strategies and approaches can be built in the application of sharia economic law that can be accepted and implemented by all communities fairly.
2. Sociology: Using a sociological approach to see social aspects that affect the implementation of Islamic economic law. The study of existing social structures and social interactions can help in designing policies that can minimize conflict and facilitate the integration of different religious communities in the context of the application of Islamic economic law.
3. Law: Apply a legal approach to formulate sharia economic laws and policies that are in accordance with Islamic principles and also take into account the needs and justice for non-Muslim communities. The legal approach is also important in establishing a fair and transparent judicial system to resolve disputes that may arise in the application of sharia economic law.
4. Sharia Economics: Develop education and counseling programs to increase public understanding of the principles and benefits of sharia economic law. The promotion and raising of awareness of the Islamic economy can help reduce resistance and discrimination that may arise.

With an interdisciplinary approach such as anthropology, sociology, law, and Islamic economics, it can formulate holistic solutions and involve all stakeholders to achieve a more harmonious and inclusive implementation of Islamic economic law.

4. CONCLUSION

Anthropology and sociology have a crucial role in understanding Islamic economic law. These two disciplines make important contributions in studying and analyzing the implementation, development, and impact of Islamic economic law in social, cultural, and structural contexts. In the context of anthropology, an understanding of cultural values, social norms, and people's belief systems is very important. The anthropological approach allows his observations to understand the cultural and traditional context in which Islamic economic law is practiced. Thus, the anthropology of Islamic economic law can reveal a deeper understanding of the implementation of such laws and how cultural values and traditions influence them at the local level. On the other hand, sociology provides analytical tools for understanding the social and structural factors that influence Islamic economic law. The study of the sociology of Islamic economic law involves an analysis of government policies, market dynamics, interest groups, and social relations and structures in society. Sociology provides a broader understanding of the role of social forces and structural factors in the development and development of the Islamic economy.

Through a combination of anthropological and sociological approaches, we can gain a comprehensive understanding of the implementation, development, and impact of Islamic economic law. This study not only focuses on the legal aspects, but also pays attention to the social, cultural, and structural context in which the law is enforced. Thus, anthropology and sociology of Islamic economic law can help improve our insight and understanding of the moral, ethical, and social impact aspects of Islamic economic law

REFERENCES

- Abd Ghafur. (2022). Antropologi Ekonomi. *Iqtishodiyah : Jurnal Ekonomi dan Bisnis Islam*, 8(1), 1–17. <https://doi.org/10.55210/iqtishodiyah.v8i1.768>
- Abdullah Saeed. (2002). *Interpreting The Qur'an: Toward a contemporary approach*. Routledge.
- Ahmad Ifham Sholihin. (2013). *BUKU PINTAR EKONOMI SYARIAH*. Gramedia Pustaka Utama.
- Akbar S., A. (1994). *KE ARAH ANTROPOLOGI ISLAM*. Media Da'wah.
- Anshori, A. G. (2006). *Hukum Dan Praktek Perwakafan Di Indonesia*. pilar media.
- Dawam Rahardjo. (1999). *Islam dan Transformasi Sosial-Ekonomi*. Lembaga Studi Agama dan Filsafat (LSAF).
- Ikhsan, M. M., & Arifin, T. (n.d.). *Perlindungan Konsumen Dalam Pandangan Sosiologi Dan Antropologi Hukum Ekonomi Syariah*.
- Ikhsan, M. M., Mukhlas, O. S., & Sururie, R. W. (2022). Mediasi Sebagai Alternatif Penyelesaian Sengketa Ekonomi Syariah. *Jurnal Hukum Ekonomi Syariah : AICONOMIA*, 1(2), 105–114. <https://doi.org/10.32939/acm.v2i2.3124>
- Kamanto, S. (2004). *Pengantar Sosiologi*. LPFE UI.
- Mahyudi, D. (2016). *PENDEKATAN ANTROPOLOGI DAN SOSIOLOGI DALAM STUDI ISLAM*.

- Muklis Bin Abdul Aziz, Didi Suardi. (2020). *PENGANTAR EKONOMI ISLAM*. Jakad Media Publishing.
- P3EI UII. (2015). *Ekonomi Islam*. RajaGrafindo Persada.
- Panggabean, M. T. K., No, J. S. P., & Barat, J. (2022). *PERLINDUNGAN KONSUMEN TERHADAP KELANGKAAN MINYAK GORENG AKIBAT PENIMBUNAN DITINJAU DARI HUKUM POSITIF INDONESIA*. 19.
- Rozalinda. (2017). *Fikih Ekonomi Syariah Prinsip dan Implementasinya Pada Sektor Keuangan Syariah*. RajaGrafindo Persada.