

REMNANTS OF OTTOMAN LAW AND ITS APPLICATION IN CONTEMPORARY TIMES IN LEBANON AND THE ARAB WORLD

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Abstract

At the beginning of the sixteenth century (1516), the Ottomans controlled all the lands that are today within the Lebanese Republic, and their existence lasted for four hundred years, during which they established military, security, administrative and social systems and enacted laws to improve and organize the country. Although five centuries have passed since the Ottoman presence in Lebanon, some of these laws are still in force. Some have been amended, such as the personal status law related to Islamic Law, some administrative regulations, and the municipal ordinance that the French updated during the Mandate days (1920-1943). While Ottoman laws are still strictly enforced in Lebanon, such as the Associations Law. Two sources, one legal and the other specialized in Islamic history, confirm in two separate interviews to Anadolu Agency the importance of these laws for Lebanon since their enactment until today. "Not everything old is considered bad. For example, but not limited to, the Associations Law is an Ottoman law that enshrines freedom of association and respects Article 13 of the Constitution, and despite its promulgation in 1909, it has been considered a liberal law to date," says Appeals Lawyer Zakaria Yahya beast. Al-Ghoul added: "The Law of Associations is one of the most important laws issued during the Ottoman period. It is still in force to date, and it is the one who looks after the affairs of associations and how they are formed in Lebanon and the Arabs World. He pointed out that "there is a legislative decree issued in 1977, which is compared to the Ottoman Law of Associations as a recent law, but it allowed the pre-trial detention of journalists." He continued, "From here, this comparison makes us say that the problem does not lie in the extent of the laws' antiquity, but rather in the extent to which they meet the objectives of the current legal rules."

Keywords: Application, Ottoman Law, Arab World, Lebanon

1. Introduction

The Arab states viewed the Ottoman ruler as the supreme leader who would take shelter in its universal Caliphate and respond to its command. Therefore, when the French general Napoleon Bonaparte occupied Egypt in 1798 and the Ottoman Sultan, Selim III, declared religious jihad against the French, the Arabs of the Levant immediately responded to this call. Hejaz and North Africa. This is the

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testimony of an Arab thinker confirming that pre-Ottoman Arab view, and he is the dean of Palestinian scientific research, Anis Al-Sayegh.²

The Crusade that it faced, and their loyalty to it and their adherence to it if the state was subjected to a military defeat by a European state, and religion worked in those eras in determining the political and military conditions of the peoples of the Arab states.

Even before the Ottomans went to the countries of the Arab East, for reasons related to the conflict with the Safavids and the protection of the Hijaz from the Portuguese attacks, the Arabs viewed the Ottomans as an Islamic force that had merit in the nation and this is evidenced by the rejoicing of the Arab capitals and the release of manifestations of joy at the Ottoman conquest of Constantinople (in 1453), which Muslims have long looked to for its attachment to a prophetic gospel. And when the Arab states were subject to the rule of the Ottomans, they looked at them, not as a foreign power, but instead, they saw in it the rule of "Bani Othman," as well as the rule of "Bani Umayyah" and the rule of "Bani al-Abbas," and if they viewed the Ottoman rule as foreign occupation, revolutions would break out and resistance ignited; however, this did not happen until the end of the matter of the Ottoman Empire, after it had become weak and the conspiracies of the West, which deceived the Arabs with the idea of an Arab caliphate based on the ruins of the Ottoman Caliphate. What is currently happening in the hate campaigns against the Turks and their history is an exception made by political differences and does not express the feelings of the Arab masses if he compares its contents with the lava of hatred that pours day and night about Ottoman history. According to Al-Ghoul, "these laws that were issued left a positive impact and were in line with development and modernity at the time and even today, especially since the adoption of the association's Law coincided with the emergence of movements in Arab countries, including Lebanon, where the Beirut Reform Association was established, which was considered one of the most important associations at the time." He added, "Without considering the changes in society and the differences in customs and traditions, laws that date back to the period of the Ottoman rule of Lebanon are still in force in Lebanon and regulate the lives and relations of citizens."

2. Method

In writing this article, the author uses the following steps, and named Heuristics comes from the Greek "heurishein," which means to get or get. Heuristics is the stage of collecting historical sources. In this stage, the researcher collects all sources related to the research topic. Heuristics comes from the Greek

² Yūsuf 'Abd Allāh Ṣā'igh and Rosemary Sayigh, *Yusif Sayigh: Arab Economist and Palestinian Patriot: A Fractured Life Story* (Cairo, Egypt: New York : The American University in Cairo Press, 2015).71

"heurishein" which means to get or get. Heuristics is the stage of collecting historical sources. In this stage, the researcher collects all sources related to the research topic. Historiography is writing or reporting historical research by assembling facts into historical stories based on analyzed data. In the historiography stage, the researcher writes down the understanding and interpretation of historical facts in an engaging, logical, and accountable descriptive narrative analysis. By repeating the review of the existing literature and following the discussion, the author analyzes the application of laws that have long been applied in Lebanon and the Arab World. The author examines several books, such as Arab World, written by Philip K. Hitti, which discusses the Arab World at the end of the Ottoman period and the beginning of the Western colonial period about applying Law globally. The author also examines the book written by Muhammad Farid Beik entitled Daula' Iliyah al-Usmainyah. This book discusses the condition of the Arab World during the Ottoman and post-Ottoman times and the application of Islamic Law throughout the Ottoman region in the modern era.

3. Result dan Discussion

Brief History of The Ottoman

The Ottoman Empire was founded at the beginning of the fourteenth century by Osman I, son of Artgrel, as it was just a tiny emirate within the borders of the Islamic World based on the invasion against the Crusaders. This emirate began to expand gradually eastward, included many lands in its favor, and thus became the most powerful country in the World. What is the role of the Ottoman Caliphate in spreading Islam? The role played by the Ottoman Empire after it was transformed from a small state to a caliphate seeks to unite the Islamic World under one banner and one approach, and it has become an important role in spreading Islam and bringing it to the countries of Europe, in addition to providing clear and clear services to the Arab World and Muslims in general and this includes protecting The Arab and Islamic East from the colonial invasion so that it faced all attacks and confronted the plans and prevented the penetration of the colonizer and the implementation of his plans inside the Hijaz, as well as the defense of Islamic sanctities, on top of which is the protection of the Kaaba and the Prophet's Mosque, then resume the march towards Jerusalem and seize the Al-Aqsa Mosque.

In general, the Ottoman Caliphate had a significant role in spreading Islam and carrying its banner to the whole World and to southeastern Europe in particular. It also took care of Muslims and provided all the needs that facilitated the spread of Islam in Europe. This is evident from the size and abundance of mosques that still exist in Europe and other monuments. One of the great and great efforts made by the Ottoman Empire was its guarantee of religious freedom, which led to the expansion of the scope of Islam.

The greatness of the Ottoman Empire ended with the death of Sultan Suleiman the Magnificent, as the way was opened after him for the weak sultans to take charge of the affairs of the state at a time when there were many mistakes that spread in the body of the Ottoman Caliphate. The sultans of the Ottoman Empire used religious titles beside their names, such as the title of the protector of "the Two Holy Mosques" and the title of "the Caliph." They were also keen to implement Islamic Law in a strict application, for religion and the state were one thing for them, and the Noble Qur'an and the Prophet's Sunnah are the sources of their policy. The Islamic character takes place in the state's legislation and its conquests.

The Ottomans and the Islamic Conquests

The first Ottoman conquests took the form of campaigns directed to the north to reach the Black Sea, the Sea of Marmara, and other areas. From that time, Othman I continued his march and efforts in opening fortresses in the name of Islam against the neighboring Christian entities, and "Murad I" is the third prince of the Othman family. He defeated the Christian forces in the Balkans and moved the capital from "Brusa" to "Edirne," inhabited by mosques and schools. Thus the Ottoman army seized many cities in Eastern Europe, most notably Sofia, the capital of Bulgaria, and the Islamic conquests continued towards Europe under the pretext of spreading Islam. And after that, the great conquest came the conquest of "Constantinople," the capital of the Byzantine state, by the noble hadith of the Prophet, "Let you conquer Constantinople. Constantinople is a new Islamic named "Islambul," meaning the capital of Islam.

This role played by the Ottoman Empire in spreading Islam and carrying its flag had a positive impact on all spectrums, as it applied the teachings of Islam, which stipulates the dissemination of this to those in the horizons, in accordance with the saying of the Messenger, may God bless him and grant him peace, "Convey from me even if a verse." Hence, the sultans took The Ottomans included all of these hadiths and verses that stipulated showing the truth and rejecting ignorance, so they proceeded to implement it. From here, the Ottoman Caliphate became a target for the enemies of Islam from the Crusaders and Jews, who started conspiring against it and striking it with blows. Historians agreed that the greatness of the state ended with the death of Sultan Suleiman the Magnificent, as the way was opened after him for the weak sultans to take charge of the affairs of the state, at a time when there were many mistakes that spread in the body of the Ottoman caliphate, and this caused the collapse of its structure, and the Ottoman threat became extinct again. , after the spread of injustice and the scholars became a puppet of the unjust rulers. In conclusion, what is said about the Ottomans that they used Islam as a pretext to reach their goals, this is a disgrace to the truth, because the Ottoman history was subjected to distortion,

forgery and skepticism by Jews, Christians and secularists, and it is more correct that the Ottoman Caliphate was its primary goal is to deliver the right to humanity and bring people out of darkness To the light As the Ottomans were keen to arbitrate the Sharia of God Almighty in everything, and its earthly and afterlife effects appeared on the Ottoman society, including succession and empowerment, security and stability; The spread of virtues and the shrinkage of vices and other products, and from all of this it can be learned that the Ottoman Caliphate was and will remain a lofty symbol cherished by all Muslims in the East and West of the earth, just as Turkey in our current era has begun to give consideration to this who after secularism eliminated him with the fall of the Caliphate, and we see This is through the current government's defense of Islamic sanctities and the provision of assistance to Muslims in various regions of the World until they are called "the neo-Ottomans".

Complimentary laws to the constants

Speaking about the importance of the laws set by the Ottomans in Lebanon, the professor of Islamic history at the Lebanese University, Ali Al-Hallaq, says, "The laws enacted by the Ottomans applied to all the lands of the Ottoman Empire, and they complemented what is established in the provisions of Islamic Sharia." He added, "These laws included the Penal Code, the fines stipulated by Sharia, and the Land Ownership Law." He continued: "These laws were formulated for the state's need for them in running its affairs, and the state also issued laws related to the fields of public law and administrative, financial and tax law that apply to all Ottoman lands." And he added, "These laws depended on local customs and mental and legal principles enacted by the sultans since the establishment of the Ottoman Empire and were called the Ottoman Law." ³In this regard, Hallaq says, "Perhaps the most important laws enacted by the Ottomans was the law of the land ownership system in the Ottoman era on Islamic foundations." Lawyer Al-Ghoul agreed with him, saying, "The Ottoman Empire, through its issuance of the Land Law in 1858, aimed to confront the feudal lords, so it made the disposal of land through specific laws set by the state." He continued: "The Ottoman Empire also divided the lands through specific laws that it sets for several sections, and made provisions and laws for each section, which regulated the work of landowners, especially since before the adoption of this law, there were no private properties, but the property of the state or the Ottoman Sultan, and after approving this Law The individual property arose and developed during the French Mandate (occupation) over Lebanon" between 1920 and 1943.⁴

Established entities

³ Gábor Ágoston and Bruce Alan Masters, eds., *Encyclopedia of the Ottoman Empire*, Facts on File Library of World History (New York, NY: Facts On File, 2009).

⁴ Meirison Alizar and Qasim Muhammadi, "Islamic Sharia and Non-Muslim Citizens in Kanunname During Sultan Abdul Hamid II of the Ottoman Empire," *Walisongo: Jurnal Penelitian Sosial Keagamaan* 27, no. 1 (July 30, 2019): 37–68, <https://doi.org/10.21580/ws.27.1.3543>.

But we are not talking about laws enacted by the Ottomans that are still fully or partially valid in Lebanon, but also institutions and entities that still exist.⁵ In this regard, Al-Ghoul says, "A municipality was established in Beirut in 1867, which also left a positive impact in terms of highlighting the importance of the city of Beirut, which turned into the capital and center of the Wilayat of Beirut in the year 1887." The lawyer adds on the appeal, "Also, the establishment of banks began in the Ottoman period, when we witnessed the beginning of the emergence of local and foreign banks, and local banks, Shiha Bank and Pharaoh." Al-Ghoul talked about establishing the Chamber of Commerce and Industry in Beirut, which had its headquarters in Khan Antoun Bey in 1898. He pointed out that "the Beirut Chamber of Commerce and Industry is still active today and is headed by the Lebanese Minister of Communications, Muhammad Choucair."

Ahwal Shakhsyah (Private Law) Arab Ottoman

The development of personal status laws in Arab legislation

Family issues remained uncoded until 1917. The Ottomans issued a "Family Rights Law" to apply it in Arab countries.. And an expert explains with dates the development of legislation in 16 countries. Ideas calling for a review of the provisions regulating personal or family status appeared since the beginning of the last century. Still, personal status issues remained without codification until 1917 CE, until the Ottoman Empire issued a law for the provisions of marriage and separation for Muslims, Christians, and Moses, each according to their rules and traditions, and called it the "Law of Rights." The family," and mentioned in its compelling reasons the need to abolish spiritual courts that are not subject to state control and the need to codify family rulings on fixed bases by the traditions of different sects. After that, the issuance of personal status codes in many Islamic countries followed with successive amendments to some of their articles, which varies from one blog to another. He is considered the first to use this term in the Arab-Islamic jurisprudence at the beginning of the twentieth century. The Egyptian scholar Muhammad Qadri Pasha wrote his book "Shari'ah Rulings in Personal Status," which he classified into legal articles amounting to 647 pieces. All of which he took from the correct saying in the doctrine of Imam Abu Hanifa. Excluding others, in response to the needs of the Islamic legal judiciary in Egypt, which relies on this doctrine in its rulings on the Egyptian Muslims. This book spread in most Arab and Islamic countries, including the Syrian Arab region, and the judges adopted it in their jurisdictions even if no binding law was issued, as this was a common term between jurists and legal scholars. In the following report, "The Seventh Day" sheds light on the problem of the historical and legislative development of personal status laws in the countries of the Arab region at a time when the shifts in the jurisprudential approach to personal status came in

⁵ Mim Ketnâl Öke, "Young Turks, Freemasons, Jews and the Question of Zionism in the Ottoman Empire (1908–1913)," *Studies in Zionism* 7, no. 2 (September 1986): 199–218, <https://doi.org/10.1080/13531048608575900>.

the context of calls for renewal and jurisprudence that appeared in the Islamic World in the nineteenth and early centuries. The twentieth century, as that period is considered as the roots in spreading the call to *ijtihād*, the emergence of the harbingers of the need for it, the revival of the features of renewal and the invigoration of the spirit of contemporary *ijtihād* - according to legal expert and cassation lawyer Mahmoud al-Badawi.

At the outset - we must know that the Islamic personal status laws in force in the Arab countries came as a result of legislative balances between the jurisprudential religious authority and the modern positive legal references, and these balances were not purely doctrinal or academic, but always occurred in highly complex political and social contexts, many Arab laws and legislations have been issued with this name as well, including: "The Syrian Personal Status Law - promulgated by Legislative Decree No. 59 dated 9/17/1953 and amended by Law No. 34 dated 12/31/1975 AD", and the "Jordanian Personal Status Law" promulgated by Law No. 61 Date of 5/9/1976 AD and others - according to "Al-Badawi."

The Evolution of personal status law in Egyptian legislation

On the issue of the development of the Personal Status Law in Egyptian legislation, several separate laws were issued in 1920, 1929, and 1946, including the inheritance law, the Law of guardianship over money, and the Endowment Law No. 48 of 1946, then Law No. 180 of 1952 was issued to abolish the civil endowment. It was introduced Some necessary amendments to Law No. 100 of 1985 and Law No. 1 of 2000 that introduced amendments to divorce. Several draft laws are submitted to the House of Representatives to amend the Personal Status Law, especially the Al-Azhar Law. There are many discussions between negative and positive and the draft of Parliamentary Representative Mohamed Fouad.⁶

The Evolution of personal status law in Iraqi legislation

In the State of Iraq, the republican regime issued a personal status law in 1959, then amended by Law No. "11" in 1963 AD, which is drawn from all schools of jurisprudence, and in February 2013, the Iraqi Council of Ministers approved a new personal status law on the Jaafari doctrine. However, it still raises Accusations of sectarianism and lack of consideration for diversity within Iraqi society.⁷

The Evolution of personal status law in the Levant region "Jordan - Syria – Lebanon (Syam)."

⁶ زحيلي، محمد مصطفى، تاريخ القضاء في الإسلام (دمشق؛ بيروت: دار الفكر؛ دار الفكر المعاصر، 1995)، 87.

⁷ Islāmīk Fiqh Akāidmī, ed., *Fatwā fiqhīya mu'āsira*, Ṭab'a 1 (Bairūt: Dār al-Kutub al-'Ilmiya, 2008).

While in the Jordanian state, the Family Rights Law was issued in 1951, which replaced the Ottoman Family Law, similar to the Syrian Law. Then, in 1976, the Personal Status Law No. 61 was published, which was recently replaced by the new Law No. 36 of 2010. In Syria, it was The Syrian Personal Status Law was promulgated by Legislative Decree No. 59 on 7/9/1953, and the Law was amended in 1975 and 2004. In Lebanon, the Ottoman Family Rights Law issued in 1917 is still applicable to Muslims, mainly from Hanafi jurisprudence. Every sect is allowed to governs personal status matters with its religious legislation, as the personal status law in Lebanon varies from one denomination to another, resulting in 15 different sets of laws on issues such as the rules of marriage, divorce, custody, and child visitation, for example, in cases of divorce for Shiite Muslims, the courts usually grant Shiite religious children custody of the fathers at the age of two for sons and the age of seven for girls.⁸

The Evolution of personal status law in Libya and Sudan

In Libya, Law No. 10 of 1984 regarding the provisions related to marriage and divorce and their effects, and regarding inheritance, a law of 1947, and some single amendments were issued in 2013, while in Sudan, the correct view of the doctrine of Imam Abu Hanifa is applied, except in matters issued by them. Legitimate publications from the Chief Justice take the Hanafi madhhab from other sects and then copied by the Muslim Personal Status Law of 1991 AD.

The Evolution of personal status law in Saudi Arabia and Kuwait

In Saudi Arabia, the Hanbali school of thought is applied according to the most correct in the well-known and approved jurisprudential literature, such as the Scout of the Mask and Ghayat al-Muntaha, and their scholars forbid codification. Amendments were made to Law No. 66 of 2007 by adding new articles to Law No. 51 of 1984 regarding personal status.

The Evolution of personal status law in Oman, Qatar, and the UAE

40 / 2004, and the official approval of the Shura Council was issued in 2014 AD on the Law of litigation procedures in family matters, and the Hanbali school of thought is applied in it. In the United Arab Emirates, the draft federal law of 1979 was prepared to issue the Personal Status Law of 455 articles and then amended. It was finally published by Law 28 for 2005.⁹

The Evolution of Personal Status Law in Yemen

In Yemen, Parliament Resolution No. 17-5 of 1996 was issued approving the Republican Decree-Law No. 20 of 1992 regarding the personal status and

⁸ Fadhilah Insani and Zahara Andini, "EPISTEMOLOGY OF BASIC CONCEPTS OF SPIRITUAL AND" 7, no. 1 (2021): 18.

⁹ Wahbah al-Zuhayli and Abdul Hayyie Al-Kattani, *Fiqh Islam wa adillatuhu* (Kuala Lumpur: Darul Fikir, 2010), 91.

amended by Law No. 27 of 1998, Law No. 24 of 1999, and Law No. 34 of 2003 AD, and works with the Zaidi sect.

The Evolution of personal status law in the Maghreb region

As for the Maghreb "Tunisia - Algeria - Morocco," the paths of personal status laws in the countries of the Maghreb varied according to the nature of their social formations and also to the nature of the patterns of religiosity that dominate their ideological structures. Although the three countries are characterized by an almost absolute unity of religion and sect, Where the percentage of Maliki Sunni Muslims in each of the three countries reaches more than 98% of the population, dealing with small minorities in those countries and legalizing their conditions varies from one country to another.

Legal expert Mahmoud El-Badawy Opinion

The personal status law in each of the three countries is one of the aspects of the conflict between traditional and modern values. After many years of colonialism, the deep gap between the contemporary West and the traditional East was revealed. Each of the three countries had its combination of modernity and heritage. Still, each of the countries The three insisted that their status law come out as a path of legal jurisprudence. In Tunisia, which witnessed the first codification of Islamic jurisprudence in the World in the "Criminal Law and Martial Law" issued in 1861, which came before the famous "Collection of Judicial Judgments," which was applied in most Islamic countries after that, and many look at the Tunisian Personal Status Code, which was under the administration of The supervision of a group of Sharia scholars from the sons of Al-Zaytoonah Mosque, among whom was the famous imam "Al-Taher bin Ashour", as it is one of the most draft laws in the Islamic World free from the restrictions of heritage.¹⁰ The prohibition of polygamy and even the ban of divorce.¹¹

The King has made amendments to the Moroccan Personal Status Code, described as revolutionary, centering on 11 points related to the division of responsibility for family care between the husband and wife and the consideration of guardianship as a woman's proper restriction of polygamy. The unification of the age of marriage and the period for choosing the custodian for males and females, protection of the child's right to lineage, and making divorce A solution to the marital pact exercised by the husband and wife, expanding the right of

¹⁰ Robert Cryer, Darryl Robinson, and Sergey Vasiliev, *An Introduction to International Criminal Law and Procedure*, Fourth edition (Cambridge, United Kingdom: Cambridge University Press, 2019), 85.

¹¹ Wahba az-Zuhailī, *al-Fiqh al-islāmī wa-adillatuhū: aṣ-ṣāmil li-l-'adilla aṣ-ṣar'īya wa-l-'ārā al-maḡhabīya wa-ahamm an-naẓariyāt al-fiqhīya wa-tahqīq al-aḥādīṭ an-nabawīya wa-taḥrīḡihā mulḥaqan bihī fahrassa alfābā'īya ṣāmila li-l-'mauḍū'āt wa-l-'masā'il al-fiqhīya. Ġuz' 11: al-Fahāris al-'amma: fahrassa alfābā'īya ṣāmila li-l-'āyāt wa-l-'aḥādīṭ wa-l-'mauḍū'āt al-fiqhīya*, Nachdr. der vierten verb. Ausg (Dimašq Bairūt: Dār al-fikr, 2002), 87.

women to request a divorce, preserving the rights of the child by including the requirements of international conventions, ensuring the child's interest in custody, giving the daughters' children the right to inherit from their grandfather, simplifying marriage procedures for Moroccans residing abroad, and the right of women in money earned during the marriage.

Secular Law

During its subordination to the Ottoman Empire, Egypt knew foreign privileges. Then, it established consular courts that follow the consulates of foreign countries to look into disputes between Egyptians and the nationals of those foreign countries. Those disputes are decided according to what these courts deem not by Islamic Sharia. During the reign of Khedive Ismail, the consular courts were transformed into mixed courts belonging to the Egyptian state. All foreigners and Egyptians are obligated to stand before them, but their laws were taken from French Law, which was done with Nubar Pasha's advice to get rid of the consular courts. After the British entered Egypt, civil courts were established next to the mixed courts for the Egyptians themselves to judge in their internal disputes, and their laws were also taken from French Law in November 1883 AD.

As you can see, dear reader, these civil courts are illegitimate, as they do not adhere to Islamic Law, and they were called civil courts, i.e., national non-foreign courts. It was a generalization for the arbitration of manufactured laws in Egypt. Mixed courts were abolished in 1949, and the Sharia judiciary related to personal status provisions was abolished and merged into departments and affiliated to civil courts based on positive Law in 1955. Implications for the application of artificial laws: Islamic Law was not just limits and reinforced, but rather it represented a means to establish a society based on lofty morals and protect it from forms of corruption and decay. Therefore, the Islamic community lived under it for many centuries in which it enjoyed visible behaviors far from vices and immorality. Licensed brothels, liquor bars, gambling venues, or places for spreading evil, such as amusement parks, discos, and the like. And what was in the society of significant disobedience and sins, they are for every one of the evils, the owner is keen to hide them because Sharia was the Law that governed the state "Islamic Sharia is a means to establish a society based on lofty morals." It is the one that punishes and reprimands it, and because the general custom that the Sharia has established in the souls denounces it, it does not silence it or is satisfied with it.¹² The establishment of the limits of Sharia and the disappearance of enjoining good and forbidding evil. European laws, including French Law, do not hold the individual accountable for his behavior nor for the abominations and immorality he commits in the name of the individual's freedom. As for Sharia, the individual is held responsible for it. The opportunity for sinners to speak out about

¹² Junizar . Suratman, Husnul Fatarib, and Desmadi Saharuddin, "Sufism Between Asceticism and Jihad: A Conceptual and Historical Review," *Al-Insyiroh: Jurnal Studi Keislaman* 7, no. 2 (September 19, 2021): 36–57, <https://doi.org/10.35309/alinsyiroh.v7i2.4540>.

it, and they became their homes and places. People became accustomed to that, so it was the beginning of a dangerous moral revolution in the nation that it had not known before in this way, and society's view of the perpetrators of sins and sins changed. Many of the evils that violate the Law are not denied to their owners. In economics, dealing with usury, which is not criminalized by European artificial laws, appeared, and the rulers owed usury. Muslims dealt with it, and debts and their interests accumulated until foreign countries intervened in the policies of Muslims and supervised them and controlled their direction according to the interests of the foreign countries that had these debts and claims until this ended with the complete occupation. It is well known that the Islamic Sharia rejects dealing with usury altogether; the rulers and the ruled leave it.¹³

European laws, including French Law, do not hold the individual accountable for his behavior nor for the abominations and immorality he commits in the name of the individual's freedom. As for Sharia, the individual is held responsible for it. The opportunity for sinners to speak out about it, and they became their homes and places. People became accustomed to that, so it was the beginning of a dangerous moral revolution in the nation that it had not known before in this way, and society's view of the perpetrators of sins and sins changed. Many of the evils that violate the Law are not denied to their owners. In economics, dealing with usury, which is not criminalized by European artificial laws, appeared, and the rulers owed usury. Muslims dealt with it, and debts and their interests accumulated until foreign countries intervened in the policies of Muslims and supervised them and controlled their direction according to the interests of the foreign countries that had these debts and claims until this ended with the complete occupation. It is well known that the Islamic Sharia rejects dealing with usury altogether. The rulers and the ruled reject it. Personal evils fall under Islamic Law: Man-made laws have weakened the work and study of Islamic Sharia rulings, as the individual's interest in matters other than devotional matters is getting to know the man-made rules that he is referred to in state courts and a group of educated and educated Muslims were associated with European thought, By studying European laws, mastering their languages, getting to know their pioneers, becoming a student at their hands and their curricula, specializing in them, and quoting from them, along with the fascination, admiration, and emulation of the eminent European Law and legislation, and ignorance or disregard for the scholars of Islamic jurisprudence and its prominent imams such as Abu Hanifa, al-Shafi'i and others.¹⁴ Suppose these students and professors in the field of the judiciary rise to positions of leadership and management of the country's affairs. In that case, they direct the nation towards alienation and distance from Islam according to their upbringing. All of this has contributed to

¹³ Alizar and Muhammadi, "Islamic Sharia and Non-Muslim Citizens in Kanunname During Sultan Abdul Hamid II of the Ottoman Empire."

¹⁴ Meirison Meirison, "ADMINISTRATION AND FINANCE SYSTEM OF THE OTTOMAN EMPIRE," *Jurnal Ilmiah Al-Syir'ah* 18, no. 2 (December 27, 2020): 91, <https://doi.org/10.30984/jis.v18i2.1113>.

the current Islamic legislative underdevelopment, and this legislative backwardness is not the result of a deficiency in Islamic Sharia, but rather because of the fatal isolation imposed on Islamic jurisprudence in the face of modern civilization, and were it not for the people's need to know what they need from the jurisprudence of worship from Prayer, fasting, zakat, and pilgrimage to the extent that this jurisprudence has any impact on the life of the contemporary Muslim. This situation has made the incoming laws realistic and has become the Law of the nation.¹⁵

Legislative failure to meet the requirements of the times is not the result of shortcomings in Islamic Law: Muslims' money and time are spent on preparing those who are in charge of it, and they, in turn, support it with codification, application, and Arabization. Few and generations die that still remember anything about Islam, and new university youths emerge, young people who have been cut off from their religion, disguised as their history, thinking that glory and honor are only in following the systems of the West and its ways of life. But {God will not but that His light be perfected, even if the unbelievers hate it} [At-Tawbah: 32]. God has blessed the university youth themselves with guidance from Him. Their story is similar to the story of the boy of the owners of the groove who wanted him to be a successor to the magician, so he became more than just a successor to the monk, but rather became the owner of a mission that God wrote to spread more than he wrote for the call of his sheik. The blessed Islamic awakening came out at the moment when the enemies were about to declare their victory in the last round. Hence, they recalculated, and the nation, thanks to God Almighty, extracted many aspects of the return to Islam, the veil, and even the niqab spread. The Islamic appearance of men and women became familiar, and the wave of atheism and nudity receded. In the media, all this is at the applied level, but at the legislative level, a great deal of consideration has been restored to Islamic Law, which was the fourth source of legislation, to become the primary source of legislation. But do the enemies of the nation despair? They have re-broadcast immorality in the media and incited their followers to mock and ridicule the religion of God. Whenever these secularists try to eliminate all the practical gains of the Islamic awakening, they are also trying to destroy the legislative gains and call for the abolition of Article Two of the Constitution, which states that Sharia is the main source of its amendment legislation.¹⁶

4. Conclusion

Its foundation until its fall, the Ottoman Empire was a state dedicated to the renaissance of Islam and the defense of the Islamic World. For six centuries, it fought almost continuous wars with the Christian West, and this first appeared in

¹⁵ Desi Refnita . Refnita, "The Mustahik Zakat in Various Dimensions of Fiqh in Era Society 5.0," *El-Mashlahah* 11, no. 1 (June 28, 2021): 13–28, <https://doi.org/10.23971/elma.v11i1.2285>.

¹⁶ Meirison Meirison and M. Harir Muzakki, "Implementing The Spirit of Jihad in Sufism," *Jurnal THEOLOGIA* 31, no. 1 (November 6, 2020): 1, <https://doi.org/10.21580/teo.2020.31.1.5379>.

an attempt that succeeded in imposing Islamic rule on a large part of Europe. Then, in the long run, to halt or postpone the relentless counter-attack on the part of the West, which had been ongoing since the eleventh century AD. This centuries-old conflict left its mark on the entire infrastructure of Turkish society, Turkish institutions, and the Ottoman Turks, their empire, which included all the original lands of early Islam, as Islam itself. In the Ottoman chronicles, the lands of the empire are referred to as "the land of Islam" and refer to its ruler as "the Padishah of Islam," and to its soldiers as "the soldiers of Islam," and to its religious chief as "the Sheikh of Islam." Its people saw themselves as Muslim people above all else. The Ottoman Turks also associated with Islam and dissolved their identity, perhaps more than any other Muslim people. The Ottoman sultans gave Islamic Law a greater degree of influence and effectiveness by seeking to make Islam the public true basis and private life so that it can be said that they were the first to try to make Sharia the effective Law in the state and to apply it throughout the country. It to give full recognition and authority to the courts and judges who acted under and by them. When the "law of his name" was issued, which was established by the legislator Sultan "Suleiman the Magnificent," he addressed an expressive sentence that appeared in his chest, which is "The law is the name of the Sultan that agrees with the honorable Sharia." With the Ottoman rule characterized by the lack of governmental intervention, as the state exercised governance within a very narrow scope that did not exceed a few sectors, such as financial management, maintaining public security, and organizing the judicial facility, the state implemented the provisions and established many Islamic traditions. And the religious character seemed noticeable and strong in the hearts of the Ottomans. Their spiritual life was characterized by the vitality that has remained visible to this day, in mosques, the call to Prayer, markets, customs, and traditions. The truth is that in this study, we are not about the historical narrative. If we followed the supreme policy of the state about the strict application of the provisions of Sharia and the critical role played by the Sheikh of Islam and the judges, we would have had a long talk. The blessed Islamic awakening came out when the enemies declared their victory in the last round. Hence, they recalculated, and the nation, thanks to God Almighty, extracted many aspects of the return to Islam, the veil, and even the niqab spread. The Islamic appearance of men and women became familiar, and the wave of atheism and nudity receded. In the media, all this is at the applied level. Still, at the legislative level, a great deal of consideration has been restored to Islamic Law, which was the fourth source of legislation, to become the primary source of legislation. But do the enemies of the nation despair? They have re-broadcast immorality and immorality in the media and incited their followers to mock and ridicule the religion of God; Whenever these secularists try to eliminate all the practical gains of the Islamic awakening, they are also trying to destroy the legislative gains and call for the abolition of Article Two of the Constitution, which states after its amendment that Sharia is the main source of legislation. It is strange for their organization, for the constitution of each nation represents the

constants agreed upon by this nation, but the Muslims are intended for them to have their constitution an expression of the will of others towards them. Campaigns to distort the Ottoman history aiming at disengaging the Arab peoples and the Turks, in advance and in succession, after they were all under one umbrella, whose effects have extended to the Arab and Turkish conscience to this day.

- Many Arab writers took the Ottoman history from Western Orientalists who worked to distort the Ottoman history since the incursion of the Ottomans into Europe, especially the era of Suleiman the Magnificent, and then the Western view of hatred for the Ottomans was reflected on the Arab pen influenced by nationalism

- The Arab states viewed the Ottoman Empire as an Islamic power that took over after the Mamluks were toppled in the Arab East, and they saw them as brothers in faith and protectors of Muslim lands.

The Arab states used to view the Ottoman ruler as the supreme leader that they sought the shade of its universal Caliphate

- If the Arabs viewed the Ottomans as occupiers, revolutions would erupt and the Arab resistance erupted, but this did not happen until the end of the Ottoman Empire after weakness spread in it and the West managed to do so, which deceived the Arabs with the idea of an Arab caliphate on the ruins of the Ottoman Caliphate

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wa- 'l-masā'il al-fiqhīya. Ġuz' 11: al-Fahāris al- 'amma: fahrassa alfabā'yia šāmila li- 'l-āyāt wa- 'l-aḥādīṭ wa- 'l-mauḍū'āt al-fiqhīya. Nachdr. der vierten verb. Ausg. Dimašq Bairūt: Dār al-fikr, 2002.

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