
THEORETICAL-METHODOLOGICAL FOUNDATIONS OF STUDYING THE CONCEPT OF SOCIAL PROTECTION IN ISLAMIC LAW

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ABSTRACT

In this article, the definition and origin of the concept of social protection in Islamic law, its legal and theoretical-methodological foundations are presented. Views on social protection are analyzed on the basis of sources, and its importance is revealed.

KEYWORDS: *Qur'an, Sunnah, Islamic Law, Jurisprudence, Social Protection And Provision, Zakat, Allowance, Charity, Verse, Hadith.*

INTRODUCTION

It is known from history that living together and socializing people as a community is a vital necessity. The prosperous and stable development of society, which is considered the main link of the state, is carried out with mutual help, support and strong relations of its members. Each individual actually need the reciprocal affection of people around him, whether in the form of monetary or spiritual assistance.

It is a well-known fact that all religions and political-economic systems, regardless of whether they have divine origins within their historical processes, have given importance to social protection and developed policies directed at social protection.

In this context, social protection throughout the world is a piece of social policy on the national and global scale. Social policy today, as a phenomenon of the 20th century and a systematic concept that developed economies use, possesses an identity of struggling with every issue that negatively affects societal life or that threatens the integrity of society¹.

Islamic law addresses the question of how to deal with poverty, which is a small aspect of financial rules, as well as the rights of the poor, the eradication of their demands, and the maintenance of their dignity in society. The concepts of "scarcity" and "poverty" are not unfamiliar to mankind. One of all faiths and philosophy of fundamental concerns has long been determining the best way to address the problem of poverty, the difficulties faced by people who live there, and the problems they face².

Main Part: The topic of social protection in the right of Islam is particularly widely studied in the east. In particular, scientist such as Y.Garadovi, M.S-Salih, E.Shenojak, A.Erol, Kh.Saglam, T.Boz, J. A.Mukhammad, I.A.Abbasi, M. Kahf, S.Al-Yafai, N.Khasan³ have studied conducting scientific research on social protection, social security and financial prayers, regardless of the Islamic right to the government. Poverty has a long history in the area and contributes to social protection issues. Additionally, the masses that experience poverty simultaneously mirror the

social protection concepts. The Islamic scholar Yusuf enumerated the unfavorable effects of mistreating priests and offered commentary on each one. These are what they are: Faith is the first thing that poverty has an impact on, then behavior, thinking, family, and community stability⁴.

As a result, the issues with social protection are portrayed as a chain, starting with the person and ending with the family and society. It is vital to resolve them in line with this series while doing so.

The word “social” is derived from the arabic word “community”, “belonging to society”, it means related to the life of a person and society, the stratum, class, society in it, dependent on the public, voluntary (unrequited) service for the needs of the society, belonging to the society, among the public⁵. The word of protection is an arabic word that means “sponsoring by someone, defense, barrier, sponsorship”⁶.

The social protection system provides assistance to people who are unable to work and make a living or who are caring for children and dependents⁷.

According to certain sources, Russian scientist P.I.Novgorodtsev coined the term “social protection” in his writings and also provided a solution to the issues that arose from this knowledge. The formation of the theoretical aspects of “Social protection” has a centuries-old history. This concept was gradually formed and essentially developed. Social protection is the process of implementation of targeted guarantees by the state, aimed at creating the necessary conditions for living and working, supporting the underprivileged⁸. Esping-Andersen, an early theorist of social protection, realized the importance of a broader definition of the phenomenon and developed the concept of social protection regimes as “an integrated, interdependent way of producing and distributing welfare between the state, the market, and the family”⁹.

The term social protection has various scientific definitions. Definitions differ in some respects. But all of them reflect selfless giving of help to people. Social protection - in a broad sense, consists of a set of measures aimed at providing social assistance in the event of a social danger (risk) applied to all layers of the population. In a narrow sense, it envisages social protection of socially needy sections of the population¹⁰.

Also, based on studies in Indonesia, of particular note is Benda-Beckmann’s (2007) description of social protection as a combination of family ,neighborhood, friendship, local communities, religions and secular institutions, including credit groups. All these definitions assume the largest context of analysis to be the nation-state, as it would be the provider of any secular institutions of social protection¹¹.

Analyzing the definitions given above, the term social protection can be defined as follows: “Social protection means comprehensive support by the state and society members of the stratum of society that needs both material and moral support”.

We see the principles that are applications of public social policy of modern social states for the establishment of social protection services for disadvantaged social groups in the Medina Islamic State that the Prophet Muhammad founded as the head of state. The hadith of: "The property that a person leaves behind in their death belongs to their heirs. The burden (social protection) the person who leaves behind debt and an impoverished family, however, belongs to us (the state)" of the Prophet Muhammad, regarding this

matter, expressly demonstrates that the primary duties of Islamic states is service to social segments that need aid and support¹².

The history of social protection in Islamic law dates back to the early days of Islam. There is no specific definition of the concept of social security in Islamic law. The foundation of the Islamic state of Madinah, which was established, can be seen to be based on this idea, which was utilised by our Prophet Muhammad.

the social security system of Islam is Divine in character and based entirely on the Qur'an and Sunnah. It is a system to accomplish the high standard of morality expressed under the term 'righteousness'¹³.

Islamic law had social protection before the modern notion of social protection, and it developed it. Contemporary Islamic scholars, while researching the concept of social protection and the functions of regulated social protection institutions in Islamic law after its emergence, emphasize that these institutions are one of the main areas of Islamic Sharia.

Allama Yusuf Qaradawi shows measures of Islamic law in solving the problem of poverty, which is one of the main issues of social protection as follows:

1. Practice
2. Taking care of poor relatives
3. Zakat
4. State provision
5. Mandatory duties other than Zakat
6. Voluntary donations and personal charity¹⁴.

Conclusion and Recommendations. This research on the theoretical underpinnings of comprehending the notion of social protection in Islam discovered that this concept did not occur in sources under the phrase social protection. That is, the term of this name appeared in the middle of the last century. The terms social security, social justice, social supply, social work, al-takaful al-ijtima are synonymous with the term of social protection. But the social protection system, which reflects the meaning and characteristics of social protection, was formed in the early days of Islam. It manifests itself in the evolution of human relationships within the confines of the social structure of society.

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