

## REFORMULATION OF ISLAMIC LEGAL STUDY METHODOLOGY (THEME STUDY AND STUDY METHODOLOGY IN JOURNAL ARTICLES IN MORAREF)

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**Abstract:** *In general, the study themes above are a grouping of religious studies that have been carried out so far. However, by not limiting it to aspects of current scientific developments, the possibility of combining analysis between one theme and another is possible. Because of this, it can also happen that the theme of religious studies depends on which aspect it is viewed from. Comprehensively, there are basically two paradigms that are often used in connection with religious studies, namely; logical and positivistic.*

**Keywords:** *Reformulation, Methodology, MORAREF*

### The Introduction

Many historical studies have revealed this. However, this does not mean that Islam loses its identity in this process of "legal borrowing". All legal entities and institutions that have been absorbed have gone through an "Islamization" process which is then developed, sometimes resulting in something innovative. Another note that needs to be emphasized is that contact between the Islamic religion and Muslims and the outside world does not occur in one direction, but is a two-way interaction. It is indeed in accordance with the theoretical framework developed in various study findings, that cultural contact, including the legal system, can result in integration, strong cultures absorbing weak cultures, or acculturation, the mixing of various cultures which produces a new culture, or assimilation resulting in assimilation various cultures, or segregation of each culture operating separately from the others. All of this has happened in the history of the development of Islamic law, which is long enough to have spread to almost all corners of the world.

Whatever the answer may be – and the debate continues – all discussions of shar'iyyah assume a static ummah (the totality of believers) in which social, linguistic and cultural differences can be summed up in submission to God. Of course, this is the ideal and it is never actually a practical reality. Nonetheless, every Muslim government throughout history took this as a given and moved towards it.

The description above shows how the Islamic legal system has demonstrated its extraordinary ability in history to Islamize various elements of the various legal systems it encounters, to then be developed to enrich and strengthen Islamic law itself.

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### Study of MORAREF

The legal system that developed in the world and which once had an important and widespread influence was the Islamic legal system. Western hegemony during colonialism and also in the post-colonial era, which wanted to isolate and reduce the influence of the Islamic legal system, even in Muslim-majority countries, the opposite happened, giving rise to a reverse flow. More and more Muslims become aware and curious, and then want to apply the Islamic legal system, especially in certain areas, such as family law and economic law, in their lives and livelihoods, both voluntarily and through state legislation.

In line with the growing wave of globalization and the increasing interdependence of all countries in the world, global issues are increasingly urgent and widespread, for example; Issues of human rights and women's rights and others. Even though the formulation of these various matters has been quite advanced, their implementation, especially sanctions procedures for parties who violate them, is still not well developed.

The question is how scientists who are concentrated in the field of Islamic law codify the Islamic legal study model, which from the start has developed and covers many aspects according to the times. In the Indonesian scope, model.

There is no agreement in Islamic law studies either in terms of the approach or analytical scalpel used as well as matters related to philosophical views and conceptual foundations. Based on these facts, the author considers it important to carry out a study of the reformulation of the Islamic legal study model. The formulation of the problem posed in the form of questions to be answered and explored is: First, on what themes is the study of Islamic law in Indonesia carried out? Second, what approaches are used in the study of Islamic law in Indonesia? Third, what is the dynamic picture of Islamic legal studies in Indonesia? The aim of this writing is: To describe the trend in the theme of Islamic law studies in Indonesia.

In this subsection, relevant results of previous studies are presented. This was done to provide legitimacy regarding the position and importance of this study.

According to Mc. Millan and Schumacher, as quoted by Hadjar (Hadjar, 1999), state that: The steps that must be taken in conducting a literature review are: 1) analysis of the problem statement; 2) search for and read secondary sources; 3) selecting relevant preliminary research sources; 4) review relevant primary sources; 5) organizing notes as a result of studying library sources; 6) write a literature review.

Based on this statement, from a literature perspective, this study departs from the results of previous findings and studies regarding the dynamics of change, the paradigm of Indonesian Islamic Law. The studies related to the themes studied were written by:

Zulkifli (1999a), in his study entitled "Continuity and Change in Traditional Islam in Palembang" highlights the problem of continuity and change in traditional Islamic traditions which are summarized in the aspects of fiqh, monotheism and tasawwuf. Apart from that, it is strengthened by his study, Zulkifli (1999b), Ulama, "The Yellow Book and the White Book: Study of the Development of Intellectual Traditions and Religious Thought of the

Ulama of South Sumatra in the 20th Century", 1999 DIP Study Report, Puslit IAIN Raden Fatah Palembang. These two studies succeeded in showing that the continuity of these three aspects of Islamic teachings is still maintained with its center in ancient mosques in the city of Palembang. A study of "Ulama, Yellow Books and White Books" among South Sumatran ulama in the 20th century has also been carried out by this researcher. Through this study, he succeeded in revealing that the tradition of writing books has been carried out by the ulama of South Sumatra, including Islamic boarding school ulama.

Legal Politics in Indonesia, by Moh. Mahfud MD. This book explains legal policy (official line) regarding how politics influences the law that will be enforced both by making new laws and by replacing old laws in order to achieve State goals. Apart from that, he also explained democratic and authoritarian political configurations. And he classifies Indonesia as a democratic legal political configuration.

Building and reforming Indonesian law, the work of Satjipto Rahardjo. This book describes legal development which is closely related to the development of other areas of life as part of a larger social transformation, so that it is charged with providing conceptual and structural support for changes in society. Apart from that, it also examines the relationship between law and the economy, how a nation's economy will be reflected in its laws. The economic role carried out by the legal system and economic politics requires law to make it happen.

Legal Aspects in Sharia Banking and Insurance in Indonesia, by Gemala Dewi, this book contains the history of the development of sharia, an overview of sharia banking operations in Indonesia, the differences between conventional banks and sharia banks, an overview of Indonesian banking law according to Islamic law.

Sharia Economic Law in National Regulation, by Bismar Nasution. According to him, the implementation or adoption of sharia economics into the national legal order should be seen in a broad framework. For this transition to be successful, a sharia legal system must be established in Indonesia. Therefore, it is necessary to think about integrating the principles of Islamic law into the legal system in Indonesia.

### **Relevant concept or theory**

This study will discuss two concepts, namely; first, the theme of religious studies as seen from the dimensions of the field of study, and second, the analytical model of religious studies. These two theories are considered related because Islamic legal studies are part of religious studies.

Talking about the theme of religious studies by borrowing the analysis of "religion commitment", by Glock and Stark (1968), there are five dimensions of study, namely; (Stark & Glock, 1970) ideological, intellectual, experiential, ritualistic and consequential dimensions. First, the ideological dimension, is a theme related to beliefs (beliefs) in the form of explanations of everything about God and his relationship with nature and everything in it which is based on the ethical structure of beliefs held by humans. Second, the

intellectual dimension, namely related themes with religious literacy in the form of a study of the level of understanding of adherents of the religion being studied. Third, the experiential dimension, is a theme that discusses experiences in implementing the concepts or teachings of a religion. This includes four levels; confirmative, responsive, esthetic and participative. Fourth, the ritualistic dimension, which examines the rituals carried out by a group of religious adherents. This can take the form of rites, their frequency and meaning for the adherents themselves. Fifth, the consequential or social dimension, namely the theme that examines everything related to the implications or effects of implementing religious teachings.

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Regarding analytical methods, religious studies that are commonly used can be classified: (Abdullah & Karim, 1989; Muhajir, 1990; Pals, 1996) first, normative, namely studies related to norms or values, doctrines, concepts and principles owned by a religion. Second, empirical, which includes sociological and historical aspects of a religion. In the sociological aspect, the study includes the implementation of a belief or religion in people's lives. Meanwhile, historical is a study model for reconstructing past events regarding the development and life of religious figures, and can also be related to documentation analysis of previous concepts of a religion. Third, philosophical, namely the complex use of reason from various dimensions. Philosophical analysis is usually intended to explore contextual information. Fourth, comparative, is an analytical model for comparing two or more scientific fields of discussion in the context of developing or exploring new paradigms from concepts and doctrines as well as data and phenomena of religious life between social groups. Fifth, interpretive, is a study analysis that aims to understand the text or concept of a religion to be understood comprehensively by interpreting existing concepts.

## **Conclusion**

This study is a type of exploratory study using a content analysis approach. All data was collected through literature sources. The next step is to sort the data from the 30 Mary Places by classifying them based on types. Next, try to find relationships between the themes being analyzed and compared so as to give rise to categories of similarities and differences in aspects of the themes and content.

This study uses primary sources in the form of the results of studies of Islamic law in Indonesia which come from online journals at PTKI at MORAREF. Other literature is a secondary source that is used as comparison

material and a reference for thought so that the objectives of this study can be achieved.

The steps in this study are; defining the problem, collecting data, reducing the data in the form of sorting themes, then displaying the data by creating a model, matrix or table in order to map the type of data that has been collected. On written data, content analysis and verification and interpretation are carried out. For data that is considered to have many similarities in content and form, comparative analysis is also used as a cross check between one data and another. Furthermore, the data that has been patterned, focused and arranged systematically is concluded so that a deeper (grounded) picture is obtained regarding the formulation of Islamic legal studies in Indonesia.

### References

- Abdullah, T., & Karim, M. R. (1989). *Metodologi Kajian Agama: Sebuah Pengantar*. Tiara Wacana.
- Hadjar, I. (1999). *Dasar-Dasar Metodologi Kajian Kuantitatif dalam Pendidikan*. Rajawali Pers.
- Muhajir, N. (1990). *Metode Kajian Kualitatif*. Rake Sasrasin.
- Pals, D. L. (1996). *Seven Theories of Religion*. Oxford University Press.
- Stark, R., & Glock, C. Y. (1970). *American piety: The nature of religious commitment* (Vol. 1). Univ of California Press.
- Zulkifli. (1999a). *Kontinuitas dan Perubahan dalam Islam Tradisional di Palembang*.
- Zulkifli. (1999b). *Ulama, Kitab Kuning, dan Buku Putih: Studi Tentang Perkembangan Tradisi Intelektual dan Pemikiran Keagamaan Ulama Sumatera Selatan Abad XX*.

