Integrative-Intersubjective Type of Islamic Law Studies: The Shifting of Paradigms in Epistemology of Islamic Law at the Faculty of Sharī'a and Law, Sunan Kalijaga State Islamic University, Indonesia

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Abstract: The epistemology of Islamic law studies has shifted from an atomization model towards an integration one. The integration of Islamic law epistemology includes the subjective, objective, and intersubjective types. The epistemological integration model in this field has become a crucial discourse at the State Islamic University (*Universitas Islam Negeri* – UIN) of Sunan Kalijaga, Yogyakarta, Indonesia. Accordingly, the current article discusses the shifting of paradigms in epistemology of Islamic law studies at the Faculty of Sharī'a and Law (*Fakultas Shari'ah dan Hukum* - FSH) UIN Sunan Kalijaga of Yogyakarta, Indonesia. Document study in qualitative research was employed as a research methodology in this study. The sources of data were obtained from the writings of intellectuals at FSH UIN Sunan Kalijaga. The analysis in this article was done by using Ṭāhā 'Abdurraḥmān's theory of integrative epistemology, through the integration between philosophical epistemology, i.e., subjective, objective, and intersubjective reasoning, and historical epistemology, i.e., early, middle, and late periods. The research found the integrative-intersubjective type of Islamic law studies as the scientific mentality of a Muslim jurist who is capable of creatively integrating subjective-objective-intersubjective reasonings and early-middle-late periods, to address issues of Islamic law in the contemporary era. This finding has implications in shaping a moderate reasoning of Islamic law studies, which is neither extremely subjective on the one hand nor extremely objective on the other.

Keywords: *Integrative-intersubjective; epistemology of Islamic law studies; shifting of paradigms; Faculty of Shari'a and Law; UIN Sunan Kalijaga Yogyakarta*

Abstrak: Epistemologi studi hukum Islam telah bergeser dari pola atomisasi ke arah integrasi. Integrasi epistemologi hukum Islam melingkupi tipe subjektif, objektif, dan intersubjektif. Model integrasi epistemologi di bidang ini telah menjadi diskursus penting di Universitas Islam Negeri (UIN) Sunan Kalijaga, Yogyakarta,

Indonesia. Oleh karena itu, artikel ini mendiskusikan pergeseran paradigma pemikiran epistemologi studi hukum Islam di Fakultas Sharī'ah dan Hukum (FSH) Universitas Islam Negeri (UIN) Sunan Kalijaga Yogyakarta, Indonesia. Metode penelitian menggunakan studi dokumen dalam penelitian kualitatif. Sumber data diambil dari tulisan-tulisan para pemikir di FSH UIN Sunan Kalijaga. Artikel ini dianalisis menggunakan teori epistemologi-integratif dari Ṭāhā 'Abdurraḥmān, melalui integrasi antara epistemologi kefilsafatan (nalar subjektif, objektif, dan intersubjektif) dan epistemologi kesejarahan (nalar periode awal, pertengahan, dan akhir). Penelitian ini menemukan tipe studi hukum Islam integratif-intersubjektif sebagai mentalitas saintifik bagi seorang ahli hukum Muslim yang mampu mendialogkan secara kreatif antara nalar subjektif, objektif, intersubjektif dan nalar periode awal, pertenghan, dan akhir, untuk penyelesaian masalah hukum Islam di era kontemporer. Temuan ini berimplikasi pada pembentukan nalar studi hukum Islam moderat, yaitu tidak ekstrim subjektif di satu sisi dan ekstrim objektif di sisi yang lain.

Kata kunci: *Integratif-intersubjektif; epistemologi studi hukum Islam; pergeseran paradigma; Fakultas Shari'ah dan Hukum; UIN Sunan Kalijaga Yogyakarta*

Introduction

Today, various issues of Islamic law such as laws on family, gender, and politics,[1] have been addressed by using either subjective or objective reasonings alone. However, resolving such issues by integrating both reasonings (intersubjective) has not been a subject of much research.[2] Studying this topic is of utmost importance as it is considered the latest model in the development of Islamic law studies in Indonesia, particularly at Islamic Higher Education Institutions (*Perguruan Tinggi Keagamaan Islam Negeri* – PTKIN). According to Abdullah,[3] there are four phases in the development of Islamic law study in PTKIN. First, pre-1950, which refers to the development of Islamic religious knowledge (Islamic law). Second, 1951-1974, Islamic

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[1]Ahmad Zayyadi et al., "Understanding of Legal Reform on Sociology of Islamic Law: Its Relevance to Islamic Family Law in Indonesia," *Al-Manāhij: Jurnal Kajian Hukum Islam* 17. no. 2 (July-December 2023): 249-262.

[2]M. Amin Abdullah, "Agama, Ilmu, dan Budaya Paradigma Integrasi-Interkoneksi Keilmuan," *Pidato Inagurasi Anggota Akademi Ilmu Pengetahuan Indonesia (AIPI),* August 17, 2013: 3-9, 17.

[3]M. Amin Abdullah, "New Horizons of Islamic Studies Through Socio-Cultural Hermeneutics," *Al-Jāmi'ah: Journal of Islamic Studies* 41, no. 1 (2003), pp. 20-21.

law began to be associated with humanities, social sciences, and natural sciences. Third, 1975-1995, Islamic law started to engage in dialogs with auxiliary sciences. Fourth, 1996-present, the development of interdisciplinary Islamic law. The oldest PTKIN in Indonesia that pioneered interdisciplinary Islamic law is UIN Sunan Kalijaga through its Faculty of Sharī'a and Law (*Fakultas Syari'ah dan Hukum* - FSH).

Two arguments are presented for selecting FSH UIN Sunan Kalijaga Yogyakarta Indonesia as the focus of this research. First, historically speaking, FSH UIN Sunan Kalijaga is the oldest faculty of PTKIN in Indonesia. Second, FSH UIN Sunan Kalijaga boasts pioneering figures integrating subjective and objective reasonings, who eventually have significant influence on subsequent intellectuals. According to Presidential Regulation No. 11 of 1960 dated 9th of May, 1960 and the Decree of the Minister of Religious Affairs No. 43 of 1960 dated 28th of August, 1960, the State Islamic Institute (*Institut Agama Islam Negeri* – IAIN) maintains four faculties, namely the Faculty of Sharī'a and the Faculty of Ushuluddin in Yogyakarta (UIN Yogyakarta), the Faculty of Tarbiyah and the Faculty of Adab in Jakarta (UIN Jakarta).[4] Given its underlying history, UIN Yogyakarta pioneered studies on matters of *shari'a* and *uṣūluddīn*. Meanwhile, UIN Jakarta pioneered the field of *tarbiyah* and *adab*. The prominent figure in the field of *uṣūluddīn* at UIN Yogyakarta is Mukti Ali, while in the field of *shari'a* the leading figure is Hasbi ash-Shiddieqy. Hasbi offered the concept of Indonesian *Fiqh*, which entails subjective *Fiqh* being amalgamated with objective Indonesia.[5]

Hasbi as the architect of Indonesian *Fiqh* (subjective-cum-objective)[6] was a reformist in the reasoning of Islamic law studies from State Islamic University Sunan Kalijaga (UIN Sunan Kalijaga) of Yogyakarta, Indonesia. There are two arguments that support the choice of UIN Sunan Kalijaga. First, UIN Sunan Kalijaga is the oldest

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[4]Waryani Fajar Riyanto, *Neo-Mazhab Sunan Kalijaga: 60 Tahun Pemetaan Pembaruan Pemikiran Studi Hukum Islam di Fakultas Shari'ah dan Hukum UIN Sunan Kalijaga Yogyakarta (1963-2023)* (Yogyakarta: Syarī'ah Press, 2024), pp. 102-104.

[5]Hasbi ash-Shiddieqy, "Memoedahkan Pengertian Islam," in *Pandji Islam* (Jakarta: Boendelan Ketoedjoeh, 1940), p. 24.

[6]ash-Shiddieqy, "Memoedahkan Pengertian Islam," 25; Nourouzzaman Shiddieqy, *Fiqh Indonesia Penggagas dan Gagasannya: Biografi Pejuang dan Pemikir Teungku Muhammad Hasbi ash-Shiddieqy* (Yogyakarta: Pustaka Pelajar, 1997).

State Islamic University among all of the PTKIN throughout Indonesia. Second, Hasbi and his students serve as sources of reference, network centers, and transmitters of reform on the concept of Islamic law studies in Indonesia.[7] Accordingly, Hasbi's thoughts on Indonesian *Fiqh* has had a most crucial influence on the discourse of Islamic law studies reform in Indonesia. Articulately, Hasbi explains Indonesian *Fiqh* as *fiqh* that is defined to align with Indonesian characteristics and be in accordance with the habit and disposition of Indonesians.[8] Two thinkers from UIN Sunan Kalijaga,[9] namely Yudian and Najib, had subsequently developed Indonesian *Fiqh* toward Indonesianizing Indonesian *Fiqh*[10] and Positivization of Indonesian *Fiqh*.[11]

The latest debates among Muslim intellectuals, both domestically and internationally, about this topic (integration between subjective and objective epistemologies in Islamic law studies), have been documented in several scientific studies. There are four categories of studies. First, studies in the broader field of epistemology of Islamic law, as presented by Abdullah[12] and Hallaq.[13] Second, studies in the domain of Islamic law epistemology in Indonesia, as shown in studies

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[7]Akh. Minhaji dan Kamaruzzaman, *Masa Depan Pembidangan Ilmu di Perguruan Tinggi Agama Islam* (Yogyakarta: Ar-Ruzz, 2003), p. 108. See also, Akh. Minhaji, "Secercah Cahaya yang Selalu Dinanti: Dari Hasbi ash-Shiddieqy, Mukti Ali, hingga M. Amin Abdullah," in *70 Tahun M. Amin Abdullah: Pemikir, Guru, dan Pemimpin,* ed. by Waryani Fajar Riyanto (Yogyakarta: Laksbang Akademika, 2023), pp. 19-42.

[8]Hasbi ash-Shiddieqy, "Sjariat Islam Mendjawab Tantangan Zaman," in *Pidato Diucapkan pada Upacara Peringatan Dies Natalis I Institut Agama Islam Negeri* (Yogyakarta: Al-Jāmi'ah al-Islāmiyah al-Hukūmiyah, 1381 H), pp. 41-43.

[9]Agus Moh. Najib, *Pengembangan Metodologi Fiqh Indonesia dan Kontribusinya Bagi Pembentukan Hukum Nasional* (Jakarta: Kementerian Agama RI, 2011), pp. 56-57.

[10]Yudian Wahyudi, "Hasbi's Theory of Ijtihads in the Context of Indonesian *Fiqh*," *Tesis* (Canada: McGill University, 1993).

[11]Agus Moh. Najib, "Urgensi Redesain *Uṣūl Fiqh* Bagi Pengembangan Ilmu Hukum Islam Kontemporer," in *Pidato Pengukuhan Guru Besar Dalam Bidang Uṣūl Fiqh.* Disampaikan di Hadapan Sidang Senat Terbuka Universitas Islam Negeri (UIN) Sunan Kalijaga Yogyakarta (October 28, 2021); Najib, *Pengembangan Metodologi Fiqh Indonesia,* pp. 56-57.

[12]M. Amin Abdullah, "Bangunan Baru Epistemologi Keilmuan Studi Hukum Islam dalam Merespon Globalisasi," *Asy-Syir'ah* 46, no. 2 (2012), pp. 1-20.

[13]Wael B. Hallaq, *Reforming Modernity Ethics and the New Human in the Philosophy of Abdurrahman Taha* (New York: Columbia University Press, 2019).

by Bowen,[14] Mahsun,[15] Feener,[16] Hooker,[17] Fanani,[18] Najib,[19] Lubis,[20] Lina,[21] Kersten,[22] and Arskal.[23] Third, studies of Islamic law epistemology in PTKIN, which include research by Hefni.[24] Fourth, studies of Islamic law epistemology at FSH UIN Sunan Kalijaga Yogyakarta, Indonesia. There are eight themes in this fourth category: (1) "Capita Selecta I[25] and II";[26] (2) "Jogja School of Thought (*Mazhab*

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[14]John R. Bowen, *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning* (New York: Cambridge University Press, 2003).

[15]Mahsun Fuad, *Hukum Islam Indonesia: Dari Nalar Partisipatoris hingga Emansipatoris* (Yogyakarta: *LKiS,* 2005).

[16]R. Michael Feener, *Muslim Legal Thought in Modern Indonesia* (UK: Cambridge University Press, 2007), p. 23.

[17]M.B. Hooker, *Indonesian Shari'ah: Defining a National School of Islamic Law* (Singapore: Institute of Southeast Asian Studies, 2008).

[18]Ahwan Fanani, "Peta Pemikiran Hukum Islam di Indonesia: Tradisionalisme, Pembaruan, dan Tren Kontemporer," *Al-Qalam* 26, no. 1 (January-April 2009), p. 18.

[19]Agus Moh Najib, *Pengembangan Metodologi Fiqh Indonesia dan Kontribusinya Bagi Pembentukan Hukum Nasional* (Jakarta: Kementerian Agama RI, 2011).

[20]Nur A. Fadhil Lubis, "Islamic Legal Studies in Indonesia: Some Notes on Contemporary Challenges," in a paper presented at AICIS (Annual International Conference on Islamic Studies), jointly organized by the Ministry of Religious Affairs, Republic of Indonesia and IAIN Sunan Ampel, Surabaya, at Empire Palace Hotel Surabaya on November 5-7 (2012), pp. 1-14.

[21]Lina Kushidayati, "The Development of Islamic Law in Indonesia," *Qudus International Journal of Islamic Studies* 1, no. 2 (July-December 2013), pp. 163-180.

[22]Carool Kersten, *Islam in Indonesia: The Contest for Society, Ideas, and Values* (London: Hurt and Co. 2015), pp. 179-220.

[23]Arskal Salim, *Contemporary Islamic Law in Indonesia: Shari'ah and Legal Pluralism* (Edinburgh: Edinburgh University Press, 2015).

[24]Wildani Hefni, "Genealogi Studi Hukum Islam di Perguruan Tinggi Keagamaan Islam Indonesia," *Al-Ihkam* 13, no. 1 (2018), p. 224.

[25]Yudian Wahyudi (*ed.*), *Kapita Selekta I: Ke Arah Fiqh Indonesia (Mengenang Jasa Prof. Dr. T.M. Hasbi ash-Shiddieqy)* (Yogyakarta: Fakultas Sharī'ah IAIN Sunan Kalijaga, 1994).

[26]Yudian Wahyudi (*ed.*), *Kapita Selekta II: Kajian Tentang Al-Qur'an dan Al-Hadis (Mengantar Purna Tugas Prof. Drs. H.M. Husein Yusuf)* (Yogyakarta: Fakultas Sharī'ah IAIN Sunan Kalijaga, 1994).

Jogja) I[27] and II";[28] (3) "Faculty of Sharīʿa Looking toward the Future";[29] (4) "Islamic Legal Thoughts of Deans of the Faculty of Sharīʿa";[30] (5) "Unpacking the Involution of Islamic Law Studies at the Faculty of Sharīʿa and Law, UIN Sunan Kalijaga Yogyakarta";[31] (6) "Sunan Kalijaga School of Thought";[32] (7) "Neo Sunan Kalijaga School of Thought";[33] and (8) "Intersubjectivity of Islamic Law". I have added the eighth theme.

Past studies show the trend and conceptual map relating to the study of Islamic law in the world and Indonesia, particularly at UIN Sunan Kalijaga. Nonetheless, these studies merely focus on a single atomistic approach, i.e., history (genealogy, involution, and development). In the meantime, my paper focuses on both philosophy and history in an integrated manner. These studies explain the dialog between the subjective and objective types within the thoughts of Islamic law studies in the world and Indonesia. However, the most recent development regarding intersubjective (subjective + objective) Islamic law during the era of the FSH has yet to be discussed. This has not been critically reviewed and discussed by previous intellectuals. To

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[27]Ainurrofiq (ed.), *"Mazhab Jogja: Menggagas Paradigma Ushul al-Fiqh Kontemporer"* (Yogyakarta: Ar-Ruzz Press dan Fakultas Sharīʿah IAIN Sunan Kalijaga, 2002); Riyanta (ed.), *Neo Ushul Fiqh: Menuju Ijtihad Kontekstual* (Yogyakarta: Fakultas Sharīʿah Press, 2004).

[28]Malik Madani et al., *Mazhab Jogja II: Pembaruan Pemikiran Hukum Islam* (Yogyakarta: Fakultas Sharīʿah UIN Sunan Kalijaga, 2006).

[29]Marzuki Wahid (ed.), *Fakultas Shari'ah Menatap Masa Depan* (Yogyakarta: Kafasya, 2004).

[30]Khoiruddin Nasution et al. (eds.), *Pemikiran Hukum Islam Dekan Fakultas Sharī'ah UIN Sunan Kalijaga Yogyakarta (1963-2007)* (Yogyakarta: Fakultas Sharīʿah Press, 2008).

[31]Noorhaidi Hasan, "Meretas Involusi Kajian Hukum Islam di Indonesia: Pengalaman Fakultas Sharīʿah dan Hukum UIN Sunan Kalijaga Yogyakarta," *Asy-Syir'ah* 46, no. 2 (2012), pp. 385-402.

[32]Waryani Fajar Riyanto, "Epistemologi Studi Ilmu Hukum Islam Integratif di Fakultas Sharīʿah dan Hukum UIN Sunan Kalijaga," *Asy-Syir'ah* 47, no. 2 (2013), pp. 371-416. See also, Waryani Fajar Riyanto, *Mazhab Sunan Kalijaga: 50 Tahun Genealogi Epistemologi Studi Ilmu Hukum Islam Integratif di Fakultas Shari'ah dan Hukum UIN Sunan Kalijaga Yogyakarta (1963-2013)* (Yogyakarta: Syarīʿah Press, 2014).

[33]Waryani Fajar Riyanto, *Neo-Mazhab Sunan Kalijaga: 60 Tahun Pemetaan Pembaruan Pemikiran Studi Hukum Islam di Fakultas Shari'ah dan Hukum UIN Sunan Kalijaga Yogyakarta (1963-2023)* (Yogyakarta: Fakultas Sharīʿah Press, 2024).

address this gap and indicate uniqueness as well as contribution of the research, the current article employed integrative epistemological analysis (philosophy and history). Accordingly, to fill the existing research gap, the present study discusses the shifting of paradigms in the epistemology of Islamic law studies at FSH UIN Sunan Kalijaga Yogyakarta, Indonesia.

The present research used the method of document study in qualitative research.[34] Research data consist of literary works written by leading intellectuals (eleven thinkers) at FSH UIN Sunan Kalijaga, Yogyakarta, Indonesia (Hasbi ash-Shiddieqy, M. Amin Abdullah, Akh. Minhaji, Yudian Wahyudi, Syamsul Anwar, Noorhaidi Hasan, Euis Nurlaelawati,[35] Ratno Lukito, Agus Moh. Najib, Makhrus Munajat, and Ali Sodiqin). The relations that these intellectuals have with international minds were also observed. These thinkers were selected based on appropriateness and availability of the researcher's access to their writings[36] as well as their competence, instead of their representativeness.[37] The researcher assigned interest to those who are most likely to provide the most relevant information to provide explanations regarding the subject at hand. However, from the several intellectuals mentioned above, I provide more elaborations on the arguments made by Hasbi, Minhaji, Yudian, Najib, and Abdullah (Abdullah was much influenced by al-Jābirī and Auda). This is because these five thinkers have had extensive discussions about the shifting of paradigms in Islamic law studies, particularly at FSH UIN Sunan Kalijaga.

The data were subsequently categorized thematically in a structured manner based on the collected information. The categorization was then organized to address the research question raised. The data analyses in the current research are distinct since the

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[34]Glenn Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal* 9, no. 2 (2009), p. 27.

[35]Kobayashi Yasuko, "The Development of Studies on Islam in Indonesia: Towards a Combination of Area Studies and Islamic Studies," *Acta Asiatica: Bulletin of The Institute of Eastern Culture* 104, no. 1 (2013), pp. 99-106.

[36]J. Stokes, *How to do Media and Cultural Studies* (London, UK: SAGE Publications Ltd, 2019).

[37]H.R. Bernard, *Research Methods in Anthropology: Qualitative and Quantitative Approaches* (Lanham, Maryland: Rowman & Littlefield, 2018).

gathered primary literary sources were subsequently analyzed by using Ṭāhā 'Abdurraḥmān's theory of integrative epistemology (philosophy and history). The philosophical analyses made use of three types of Islamic reasoning of the Muslim community, namely subjective, objective, and intersubjective.[38] The philosophical analyses were also paralleled to al-Jābirī's concepts (*bayānī, burhānī, 'irfānī*).[39] As for the historical analyses, they were carried out by paying close attention to changes and shifts of concepts, meanings, and interpretations of Islamic law during the classical, modern, and postmodern eras. The historical analyses were also paralleled to Auda's thoughts.[40]

In the historical analyses, three phases were identified in the development of Islamic law studies in Indonesian state Islamic universities.[41] The first phase (1960-1980) refers to a shift from a subjective type of Islamic law studies reasoning to an objective one. According to Boland, the two main thinkers in this phase were Hasbi ash-Shiddieqy and Hazairin.[42] The second phase (1980-2000) refers to a shifting phase from an objective type of Islamic law studies reasoning toward a process of intersubjective formation. This phase was pioneered by Western alumni[43] proposing an empirical type of approach to the study of Islamic law. They include individuals like M. Atho' Mudzhar (sociology of Islamic law), Akh. Minhaji (social history of Islamic law), Yudian Wahyudi (philosophy of Islamic law), Ratno Lukito (Islamic legal pluralism), Noorhaidi Hasan (politics of Islamic

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[38]M. Amin Abdullah, "The Intersubjective Type of Religiosity: Theoretical Framework and Methodological Construction for Developing Human Sciences in a Progressive Muslim Perspective," *Al-Jāmi'ah: Journal of Islamic Studies* 58, no. 1 (2020), p. 12. See also, M. Amin Abdullah, "Islamic Religious Education Based on Religious Intersubjectivity: Philosophical Perspectives and Phenomenology of Religion," *Jurnal Pendidikan Agama Islam* 19, no. 1 (2022), p. 150-159.

[39]Muḥammad 'Abīd al-Jābirī, *Bunyah al-'Aql al-'Arabī: Dirāsah Taḥlīliyyah Naqdiyyah li Nuẓum al-Ma'rifah fī al-Ṣaqāfah al-'Arabiyyah* (Beirut: Markāz Dirāsat al-Waḥdah al-'Arabiyyah, 1990), pp. 56-60.

[40]Jasser Auda, *Maqāṣid al-Sharī'ah as Philosophy of Islamic Law: A Systems Approach* (London dan Washington: The International Institute of Islamic Thought, 2008), p. 253.

[41]Hefni, "Genealogi Studi Hukum Islam," p. 224.

[42]B.J. Boland, *The Struggle of Islam in Modern Indonesia* (Netherland: Springer, 1971), p. 165.

[43]Megan Brankley Abbas, *Whose Islam? The Western University and Modern Islamic Thought in Indonesia* (California: Stanford University Press, 2021), p. 1.

law), Khoiruddin Nasution and Euis Nurlaelawati (gender-perspective-based Islamic law), A. Qodry Azizy (eclecticism of Islamic law), and Nur A. Fadhil Lubis (Islamic legal studies).[44] The third phase (2000-present) refers to the phase in which the intersubjective type of Islamic law studies is established.[45] This phase is indicated by the transformation of the Faculty of Sharī'a to the Faculty of Sharī'a and Law, thereby making an integrative model of Islamic law studies possible.[46] Ultimately, the data are presented in a conceptual theme as a new research finding.

Integrative Epistemology: Philosophical and Historical Analyses in Islamic Law Studies

Hallaq understood the epistemological project of 'Reforming *al-Turāś*' (*taqwīm al-turāś*) proposed by Ṭāhā 'Abdurraḥmān as "constructing an independent theory for remolding tradition."[47] Ṭāhā defined epistemology as *fiqh al-ma'rifah*.[48] He offered the idea of epistemological interdependence (*al-takāmul al-ma'rifī*) between Islamic sciences (*al-tadākhul al-ma'rifī: al-dākhilī wa al-khārijī*) and other sciences from outside Islamic civilization (*al-taqrīb al-tadāwulī*). In his opinion, classical epistemology (*turāś*) needs to be understood with an integrative approach (*takāmulī*).[49] The integrative approach in *turāś* (*naẓrah al-takāmuliyyah li al-turāś*) is a holistic point of view that opposes the separatist and differential perspectives. An integrative perspective is one that considers *turāś* within a framework that integrates aspects of knowledge and practice, a dialogue that seeks truth, prioritizes long

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[44]Ronald A. Lukens-Bull, *Islamic Higher Education in Indonesia: Continuity and Conflict* (New York: Palgrave Macmillan, 2013), p. 1.

[45]Olen Gunnlaugson, Charles Scott, Heesoon Bai, and Edward W. Sarath (eds.), *The Intersubjective Turn: Theoretical Approaches to Contemplative Learning and Inquiry across Disciplines* (New York: State University of New York Press, Albany, 2017), pp. 1-14.

[46]Achmad Khudori Soleh, "Quantum Integration Model for Religion and Science," *Afkār* 25, no. 2 (2023), pp. 257-290.

[47]Hallaq, *Reforming Modernity Ethics,* p. 52.

[48]Zehra Yildirim, *Ḥiwār ma'a al-Duktūr Ṭāhā 'Abdurraḥmān 'an 'Ilm al-Kalām* (Ankara: Universitesi Ilahiyat Fakultesi Degisi, 2022), pp. 1110-1111.

[49]Ṭāhā 'Abdurraḥmān, *Tajdīd al-Manhaj fī Taqwīm al-Turāś*, 3rd edition (Casablanca: al-Markāz al-Ṡaqāfī al-'Arabī, 2007), p. 75.

rather than short term objectives,[50] doctrine and history, and intersubjective relationship between subject and object.[51] This is why Ṭāhā saw the need for social, political, and historical approaches to compensate for the shortcoming of *turāś* textual-substantive tendency (*nuẕhah maḍmūniyyah*).[52] In this article, based on Ṭāhā's integrative epistemology, I have subsequently interpreted it by means of an integration model between epistemology of philosophy (subjective, objective, intersubjective) and history (early, middle, late periods; and classic, modern, postmodern).

There are three types of philosophy in Islamic studies, i.e., subjective (*al-ẕātī*), objective (*al-mauḍū'ī*), and intersubjective (*al-baynaẕātī*). The subjective type of Islamic philosophy is characterized by the following aspects: normative, involvement, insider, certainty (*qaṭ'ī*; absolute), apologetic, defensive, absolutist, and non-dialogist. Upon observation of the shortcomings indicated by the subjective type of Islamic reasoning, the objective type of Islamic reasoning emerged by utilizing tools of social sciences such as sociology, psychology, anthropology, and history. Objective Islamic reasoning is characterized as descriptive, empirical, detachment, outsider, historicity, reductionist, and relativist. The next type is the intersubjective Islamic reasoning, which emphasizes on the formation of emphatic-sympathetic and inclusive-partnership-dialogical stance.[53]

Intersubjective Islamic reasoning accentuates experiences of virtues and kindness like charity (willingness to give unconditionally), compassion (*raḥmān-raḥīm*), honesty, fairness, equality, equity (*al-musāwah*), tolerance (*al-tasāmuh*), respect (*iḥtirām al-ghayr; al-ta'āruf*), humility, prioritizes patience and be unemotional in resolving various issues of social-humanity (*al-ṣabr*), forgiveness (*al-'af*), self-discipline (*ẕabt al-nafs*), prioritizes means and attitude of moderation (*al-tawāẕun; al-tawassuṭ*) and problem-solving models that avoid a path of violence (*al-'unf, al-ghuluw wa al-taṭarruf*), be it physical, psychological, social,

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[50]al-Raḥmān, *Tajdīd al-Manhaj fī Taqwīm al-Turāś,* p. 76.

[51]Wilda Rochman Hakim, "Telaah Epistemologi Pemikiran Islam Ṭāhā 'Abdurraḥmān Dalam Proyek Reformasi *Turāś* Islam-Arab," *Tesis* (Yogyakarta: UIN Sunan Kalijaga, 2024), p. 156.

[52]Ṭāhā 'Abdurraḥmān, *Ḥiwārat min Ajli al-Mustaqbal* (Beirut: al-Shabakah al-'Arabiyyah li al-Abḥāś wa al-Nashr, 2011), p. 24.

[53]Abdullah, "The Intersubjective Type of Religiosity," p. 11.

cultural, or even religious violence. Intersubjective (subjective and objective) type of Islamic reasoning refers to a new stance and mentality of Islamic reasoning that is enlightening (*al-'aql al-jadīd al-istiṭlā'ī*).[54] Wilber considers the subjective ("I"), objective ("You"), and intersubjective ("We") reasonings as the big three that need to be integrated through the universal integralism model.[55]

The relationship between subjective, objective, intersubjective philosophy in the reasoning of Islamic law studies is based on *bayānī, burhānī,* and *irfānī* logics. *Bayānī* rationality is based on the authority of text, *burhānī* logics is guided by reason, while *'irfānī* is based upon conscience. Guided reason is a rational capacity that considers three conditions in the activation process: it must comply with Sharī'a law, bring benefits and prevent harm, be practical and practiced, and not remain a mere thought or call to action.[56] Nonetheless, the majority of experts on Islamic law, throughout history, have been using the *bayānī* rationality (i.e., returning to the al-Qur'ān dan al-Hadīš) as their basis of reasoning.[57] While in fact, *burhānī* logic is more likely to be more rational-philosophical for analyzing the meanings of texts (*maqāṣid*)[58] in al-Qur'an and al-Hadīš as the sources of Islamic law.[59] According to al-Jābirī, both can be intercommunicated by using the expression *ta'sīs al-bayān 'alā al-burhān*, which is to develop a *bayānī* scientific discipline that is established upon a *burhānī* conceptual framework.[60]

Subjective-objective or *bayānī-burhānī* philosophical reasoning in Islamic law studies is called a normative-empirical relation.

[54]Abdullah, "The Intersubjective Type of Religiosity," p. 13.

[55]Ken Wilber, *The Marriage of Sense and Soul: Integrating Science and Religion* (Boston: Shambala Publications, 1998), pp. 20-30.

[56]Thāhā 'Abdurraḥmān, *Al-'Amal al-Dīn wa Tajdīd al-'Aql* (Beirut: al-Markāz al-Ŝaqāfi al-'Arabī, 1997), p. 67.

[57]Yudian Wahyudi, "The Slogan 'Back to the Qur'an and the Sunna': A Comparative Study of the Responses of Ḥasan Ḥanafī, Muḥammad 'Abīd al-Jābirī, and Nurcholish Madjid," *Dissertation* (Montreal: The Institute of Islamic Studies MeGill University, 2002).

[58]Abid Rohmanu and Khusniati Rofiah, "Ṭāhā 'Abdurraḥmān's Philosophical Contribution to Theorize Ethical *Maqāṣid*," *al-Ahkam* 33, no. 2 (2023), pp. 190-191.

[59]Agus Moh. Najib, "Nalar *Burhānī* dalam Hukum Islam: Sebuah Penelusuran Awal," *Jurnal Hermenia* 2, no. 2 (2003), pp. 217-218.

[60]al-Jābirī, *Bunyah al-'Aql al-'Arabī,* p. 514.

According to Minhaji, both are considered sacrality-profanity[61] or normative Islam-empirical Islam.[62] Lukito refers to it as the relation between sacred and secular laws.[63] In the context of religious studies, Mukti Ali refers to it with the term "doctrinaire-cum-scientific."[64] Meanwhile, Abdullah refers to it as "normative Islam-historical Islam"[65] and Yudian uses the term "absolute-relative."[66] Both of these dimensions need to be intercommunicated so that it is no longer apparent which is absolute and which is relative. When this has been made possible, then the new era of a normative-empirical understanding of the plurality of Islamic law shall be a possibility.[67] The subjective, objective, and intersubjective-conscience[68] philosophical reasoning approach can be integrated by using the historical approach.

By using a historical approach in Islamic law studies, Auda[69] proposed three categories of historical eras, namely classical, modern, and postmodern. There are four types of Islamic thoughts in the classical era, which are scholastic traditionalism, scholastic neo-traditionalism, neo-literalism, and ideology-oriented theories. Meanwhile, five types of Islamic thoughts are observed in the modern era, which are reformist reinterpretation, apologetic reinterpretation, dialogue-oriented reinterpretation or science-oriented reinterpretation, interest-oriented theories or a *maṣlaḥah*-based approach, and *uṣūl*

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[61]Akh. Minhaji, "Hukum Islam antara Sakralitas dan Profanitas: Perspektif Sejarah Sosial," in *Pidato Pengukuhan Guru Besar Sejarah Sosial Pemikiran Hukum Islam* (Yogyakarta: UIN Sunan Kalijaga, 2004), p. 23.

[62]Akh. Minhaji, *Strategies for Social Research: The Methodological Imagination in Islamic Studies* (Yogyakarta: Suka Press, 2009), p. 25.

[63]Ratno Lukito, "Sacred and Secular Laws: A Study of Conflict and Resolution in Indonesia," *Thesis* (Canada: Institute of Comparative Law, Faculty of Law, McGill University, 2006).

[64]Mukti Ali, "Metodologi Ilmu Agama Islam," in *Metodologi Penelitian Agama*, eds. by Taufik Abdullah dan M. Rusli Karim (Yogyakarta: Tiara Wacana, 1990), p. 23.

[65]M. Amin Abdullah, *Studi Agama: Normativitas atau Historisitas?* (Yogyakarta: Pustaka Pelajar, 1996), pp. 17-30.

[66]Yudian Wahyudi, "*Maqāṣid al-Sharī'ah* sebagai Doktrin dan Metode," *Al-Jāmi'ah: Journal of Islamic Studies* 2, no. 58 (1995), pp. 1-10.

[67]M. Amin Abdullah, "Al-Qur'an dan Pluralisme dalam Wacana Postmodernisme," *Profetika* 1, no. 1 (1999), p. 13.

[68]M. Amin Abdullah, "Al-Ta'wīl al-'Ilmī: Ke Arah Perubahan Paradigma Penafsiran Kitab Suci," *Al-Jāmi'ah: Journal of Islamic Studies* 39, no. 2 (2001), pp. 1-12.

[69]Auda, *Maqāṣid al-Sharī'ah as Philosophy of Islamic Law,* pp. l62-l68.

revision. As for the postmodern era, it saw five types of Islamic thoughts, i.e., poststructuralism, historicism, critical – legal studies, postcolonialism, and neo-rationalism.

Meanwhile, Saeed[70] suggests six types of thoughts in Islamic studies during the postmodern era—after the modern period—namely the legalist-traditionalist, the theological puritans, the political Islamist, the Islamist extremists, the secular Muslims, and the progressive ijtihadists.[71] Ṭāriq Ramadhan posits six types of trends, which are scholastic traditionalism, salafi literalism, salafi reformism, political literalist salafism, liberal or rational reformism, and sufism.[72] In the meantime, Fanani made only three categories, namely traditionalist, reformist, and contemporary (eclectic and liberal).[73] Lubis suggests several shifting trends of Islamic law studies in Indonesia during the postmodern era, i.e., from formal positivism to pluralism, from deductive to inductive reasoning, from text to *maqāṣid al-sharī'ah,* from disciplinary to trans-disciplinary approach, from aspectual to holistic coverage, and from sectarian to cosmopolitanism.[74]

Three other variants that characterize the discourse of Islamic law studies in the postmodern era include glocalization[75] (local, national, global), objectification,[76] and positivization. These three types of reasoning highly affect the reasoning style of Islamic law studies at UIN Sunan Kalijaga. Glocalization, objectification, and positivization can be intercommunicated with Islamic law studies in the global era, such as the "double movement" theory proposed by Fazlur Rahman, "textual-historical inference" by Louay Safi, *ḥudūd* theory by

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[70]Abdullah Saeed, *Islamic Thought: An Introduction* (London and New York: Routledge, 2006), pp. 142-50.

[71]See Omit Safi (ed.), *Progressive Muslims: On Justice, Gender, and Pluralism* (Oxford: Oneworld Publications, 2003).

[72]Tariq Ramadhan, *Western Muslims and the Future of Islam* (New York: Oxford University Press, 2004), pp. 24-28.

[73]Fanani, "Peta Pemikiran Hukum Islam di Indonesia," p. 18.

[74]Lubis, *Islamic Legal Studies in Indonesia*, pp. 5-7.

[75]M. Amin Abdullah, "Lokalitas, Islamisitas, dan Globalitas: Tafsir Falsafi Dalam Pengembangan Pemikiran Peradaban Islam," in *Launching STFI Sadra dan Seminar Internasional: Peran Filsafat Islam dalam Merakit Paradigma Peradaban* (Jakarta: Sucofindo, 2012), p. 1.

[76]Kuntowijoyo, *Islam sebagai Ilmu: Epistemologi, Metodologi, dan Etika* (Yogyakarta: Tiara Wacana, 2007), pp. 23-24.

Muḥammad Shaḥrūr, "progressive ijtihad" by 'Abdullah Saeed, and "systems approach" by Jasser Auda.[77] For example, the objectification type can be used as a new method for achieving national law that is based on Islamic values.

According to Lukito,[78] Makhrus,[79] and Kamsi,[80] the objectification of Islamic law need to consider the three types of law applicable in Indonesia, which are the Western law originating from Continental Europe, the various existing customary laws, and laws of religion.[81] This has been outlined in the Broad Guidelines of State Policies (*Garis-Garis Besar Haluan Negara* – GBHN), which affirm the policy direction of the national law, i.e., the arrangement of an overarching and integrated national legal system by acknowledging and respecting laws of religion and customary laws, as well as renewing legislations inherited from the colonial period.[82] As such, according to Lukito,[83] the legal pluralism model should be used to develop the national law.[84] Legal pluralism assumes the possibility of moral laws

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[77]Nur Solikin and Moh. Wasik, "The Construction of Family Law in The Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's *Maqaṣid al-Shari'ah,*" *Ulumuna* 23, no. 1 (2023), pp. 328-331.

[78]Ratno Lukito, *Legal Pluralism in Indonesia: Bridging the Unbridgeable* (London and New York: Routledge, 2013), pp. 1-10.

[79]Makhrus, "Politik Hukum Pidana Islam Dalam Pembaruan Sistem Hukum Pidana di Indonesia," in *Pidato Pengukuhan Guru Besar dalam Bidang Politik Hukum Pidana Islam* (Yogyakarta: UIN Sunan Kalijaga, 2019), pp. 19-23.

[80]Kamsi, "Politik Hukum Islam di Indonesia: Indonesianisasi Hukum Islam," in *Pidato Pengukuhan Guru Besar dalam Bidang Politik Hukum Islam.* Disampaikan di Hadapan Rapat Senat Terbuka Universitas Islam Negeri Sunan Kalijaga Yogyakarta (August 24, 2018).

[81]A. Qodri Azizy, *Hukum Nasional: Eklektisisme Hukum Islam dan Hukum Umum* (Jakarta: Teraju, 2004), pp. 137-138.

[82]Mahfud M.D., *Perdebatan Hukum Tata Negara Paska Amandemen Konstitusi* (Jakarta: LP3ES, 2007), pp. 240-241.

[83]Ratno Lukito, "The Politics of Legal Pluralism in Indonesia: The State's Rational Approach to Islamic Law and Adat," in *Islamic Thought in Southeast Asia: New Interpretations and Movements,* eds. by Kamaruzzaman Bustamam-Ahmad and Patrick Jory (Kuala Lumpur: University of Malaya Press, 2013), pp. 81-96.

[84]Azizy, *Hukum Nasional,* p. 208.

originating from either religions or customs to become the state's formal positive law.[85]

The subjective laws of religion and customs can be objectified to develop an objective national law. In the objectification of Islamic law, a solution is offered so that the universal values of Islamic Sharī'a would not only be accepted by the Muslim community but by other religious communities as well without having any reservations where the values are originally sourced from. The norms of Islamic law need to be translated into objective categories so that they are well-accepted by all components of the nation.[86] By objectifying Islamic law, it would become more grounded in responding to and resolving concrete and real issues on legal incidents occurring among the Indonesian society. Such objectification method is seen as an effort to fortify and make Islamic law in Indonesia more concrete, namely applicable norms of Islamic law that are acknowledged by all Indonesians.

Substantive norms of Islamic law sourced from Islamic teachings can be promoted and, surely, they will not be rejected by other groups on account of their universality, e.g., upholding law and justice, building a democracy and trustworthy leadership, protecting human rights, guaranteeing solidarity, and a sense of tolerance. These values can be considered sources of law in order to develop the national law. This is called Islamic law based on the State of Pancasila.[87] According to Mahfud, reforming the reasoning of Islamic law studies in Indonesia should take into consideration the four fundamental principles for arranging the national law based on the State of Pancasila: first, the national law should guarantee national integrity and integration; second, the national law should reflect democratic and nomocratic principles that are based on inner wisdom; third, the law should promote the manifestation of social justice; fourth, the law should value plurality.[88]

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[85]Ratno Lukito, "Sharī'ah and the Politics of Pluralism in Indonesia," *Studia Islamika* 14, no. 2 (2007), p. 265.

[86]Kuntowijoyo, *Identitas Politik Umat Islam* (Bandung: Mizan, 1997), pp. 70-71.

[87]Mahfud M.D., *Perdebatan,* pp. 243-244.

[88] Mahfud M.D., *Perdebatan,* pp. 239-240.

The Thinkers of Islamic Law Studies at FSH UIN Sunan Kalijaga

According to Assyaukanie,[89] there are three typologies of Islamic studies, namely transformational, reformist-renewal, and ideal-totalistic. According to these typologies, the reasoning of Islamic law studies at UIN Sunan Kalijaga is reformist-renewal. The reformist-renewal type believes that *turāṡ* (classic) and *tajdīd* (modernity) can engage in intersubjective dialog. An intersubjective approach to Islamic law studies entails a total understanding of Islamic teaching (total discourse)[90] that is grounded upon scientific-faith-based premises (scientific-cum-doctrinaire)[91] found during classical, modern, and postmodern eras. The rationality intended to be developed by using this intersubjective approach is to conduct integrative-interconnective reasoning that aligns with the knowledge systems of classical, modern, postmodern societies, and in line with the reality of the global community, which is already connected with the "three worlds," namely subjective reality (firstness), objective reality (secondness), and intersubjective reality (thirdness).[92]

The subjective (firstness), objective (secondness), and intersubjective (thirdness) typologies can be used to understand the reasoning style of thinkers in Islamic law studies at UIN Sunan Kalijaga. This is in line with the interconnectivity between *bayānī*, *burhānī,* and *'irfānī* types. The *bayānī* type uses textual-deductive reasoning, while the *burhānī* type emphasizes contextual-inductive reasoning. The *burhānī* type is informed by disciplines of natural sciences, social sciences, and humanities such as sociology (of law), history (of law), anthropology (of law), literature, linguistics (of law), hermeneutics, cultural studies, psychology, and other sciences.[93] The *bayānī* and *burhānī* types need to be combined with the *'irfānī* type, which

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[89]A. Lutfi Assyaukanie, "Tipologi dan Wacana Pemikiran Arab Kontemporer," *Jurnal Paramadina* 1, no. 1 (1998), pp. 63-95.

[90]Hasan, "Meretas Involusi Kajian Hukum Islam di Indonesia," p. 399.

[91]Faisal Ismail, "Paving the Way for Interreligious Dialogue, Tolerance, and Harmony: Following Mukti Ali's Path," *Al-Jāmi'ah: Journal of Islamic Studies* 50, no. 1 (2012), pp. 148-150.

[92]Abdullah, "Al-Ta'wīl al-'Ilmī," pp. 13-34; See also, Donald Davidson, *Subjective, Intersubjective, Objective* (Oxford: Clarendon Press, 2001), pp. 1-9.

[93]Abdullah, "Al-Ta'wīl al-'Ilmī," pp. 13-34.

puts emphasis on the conscience-ethics-spirituality dimension, in order to achieve a progressive Islamic law. According to Ainurrofiq, one of the thinkers in Islamic law studies at UIN Sunan Kalijaga, the combination of the three aspects is called *jamā'ī* epistemology or comprehensive epistemology.[94]

Jamā'ī epistemology or comprehensive epistemology or integrative epistemology have become a defining feature of reasoning at FSH UIN Sunan Kalijaga. Although it does not represent the whole, the periodization of the deans' thoughts at the faculty can represent the nodes of main thoughts. The Islamic law studies reasoning of Hasbi ash-Shiddieqy (1963-1972) is characterized as *Fiqh Indonesiyyi,* M. Husein Yusuf (1972-1976) is characterized as *Fiqh Ḥadīšī,* Marzuki Rasyid (1976-1981) is characterized as *Fiqh Masā'ilī,* Asjmuni Abd. Rahman (1981-1985) is characterized as *Fiqh Tarjīhī,* Zarkasyi 'Abd. Salam (1985-1992) is characterized as *Fiqh Manhājī,* Sa'ad Abdul Wahid (1992-1999) is characterized as *Fiqh Tafsīrī,* Syamsul Anwar (1999-2003) is characterized as *Fiqh Marātibī,* and Malik Madani (2003-2007) is characterized as *Fiqh Akhlāqī.*

Subsequently, Yudian Wahyudi (2007-2011)[95] and Ali Sodiqin (2024-2028) are characterized as *Fiqh Maqāṣidī*—the basic principle of developing *Fiqh Maqāṣidī* is by maintaining the functional relationship between text (*naṣṣ*), reason (*'aql*), and reality (*al-wāqi'*),[96] Noorhaidi (2011-2015) is characterized as *Fiqh Ijtimā'ī,* Agus Moh. Najib (2015-2019) is characterized as *Fiqh Uṣūlī,* and and Makhrus Munajat (2019-2024)[97] is characterized as *Fiqh Siyāsī.* Meanwhile, Hasan categorizes reasoning in Islamic law studies at UIN Sunan Kalijaga into three distinct variants, namely Indonesian *Fiqh*, *Fiqh* of the Jogja School

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[94]Ainurrofiq, "Menawarkan Epistemologi *Jamā'ī* sebagai Epistemologi *Uṣūl al-Fiqh*: Sebuah Tinjauan Filosofis," in *Mazhab Jogja: Menggagas Paradigma Uṣūl al-Fiqh Kontemporer*, ed. by Ainurrofiq (Yogyakarta: Ar-Ruzz Press dan Fakultas Sharī'ah IAIN Sunan Kalijaga, 2002), p. 52.

[95]Carool Kersten, "Cosmopolitan Muslim Intellectuals and the Mediation of Cultural Islam in Indonesia," *Comparative Islamic Studies* 7, no. 1-2 (2013), p. 105-136.

[96]Ali Sodiqin, "Teori *Mauḍū'ī Nuzūlī* sebagai Dasar Pengembangan *Fiqh Maqāṣidī,"* in *Pidato Pengukuhan Guru Besar dalam Bidang Ilmu Uṣūl Fiqh.* Disampaikan di Hadapan Sidang Senat Terbuka Universitas Islam Negeri (UIN) Sunan Kalijaga Yogyakarta (March 7, 2024), p. 70.

[97]Nasution et al., *Pemikiran Hukum Islam,* ix.

(*Mazhab Jogja*), and Interdisciplinary *Fiqh*[98] or Integration-Interconnection *Fiqh*.[99] Interdisciplinary *Fiqh* combines both insider and outsider dimensions at once.[100] According to Hallaq, both of these dimensions are considered relations between text of revelations (law in the book) and social change (law in action).[101] The two deans of FSH UIN Sunan Kalijaga who then served as Rector of UIN Sunan Kalijaga are Yudian Wahyudi (2016-2020) and Noorhaidi (2024-2028).

Creatively intercommunicating law in the book and law in action is intersubjective reasoning. According to Minhaji,[102] intersubjective Islamic law can also be understood as reasoning that integrates the subjective, theological, normative, deductive (Aristotelian logic) type on the one hand with the objective, anthropocentric, empirical, inductive (Hegelian logic) type on the other. The combination of both is bound to achieve justice and legal certainty.[103] To simplify, the subjective reasoning type can be positioned in the classical era, objective reasoning in the modern era, while intersubjective reasoning in the postmodern era.

The Early Period (1960-1980): Subjectivity of Islamic Law

The shifting of paradigms in epistemology of Islamic law studies at FSH UIN Sunan Kalijaga began in the Early Period (1960-1980). The key intellectual during this era was Hasbi ash-Shiddieqy.[104]

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[98]Hasan, "Meretas Involusi Kajian Hukum Islam di Indonesia," p. 402.

[99]M. Amin Abdullah, *Islamic Studies di Perguruan Tinggi: Pendekatan Integratif-Interkonektif* (Yogyakarta: Pustaka Pelajar, 2006), pp. 12-20.

[100]Kim Knott, "Insider/Outsider Perspectives," in *The Routledge Companion to the Study of Religion*, ed. by John R. Hinnells (London and New York: Routledge, 2005), p. 271.

[101]Baudouin Dupret, *Practices of Truth: An Ethnomethodological Inquiry into Arab Context* (Amsterdam/Philadelphia: John Benjamins Publishing Company, 2011), pp. 64- 67; Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni Uṣūl Fiqh* (Cambridge: Cambridge University Press, 1997), p. 231; See also, Fazlur Rahman, "Approaches to Islam in Religious Studies," in *Approaches to Islam in Religion Studies*, ed. by Richard C. Martin (Tucson: The University of Arizona Press, 1985), p. 23.

[102]Minhaji, "Hukum Islam antara Sakralitas dan Profanitas," p. 12.

[103]Fazlur Rahman, "Islam: Challenges and Opportunities," in *Islam: Past Influence and Present Challenge*, eds. by Alford T. Welch and Pierre Cachia (Edinburgh: Edinburgh University Press, 1979), pp. 319-327.

[104]Boland, *The Struggle of Islam,* p. 165.

Through his concept on "Indonesian *Fiqh*",[105] Hasbi linked the objectivity of "Indonesia" and the subjectivity of "*Fiqh*". Subjectivity was the main reasoning used in the classical era.[106] The type of Islamic law studies in the classical era is the literalistic-normative-theological-subjective model. According to Kinoshita, the literalistic tradition in PTKIN is influenced by Islamic law thinkers from the Middle Eastern network (Al-Azhar, Cairo).[107] Thinkers at FSH UIN Sunan Kalijaga who came from or maintained an Azharian way of thinking were generally very literalistic. During this era, discussions about texts (in Arabic) was highly dominant and tended to ignore discussions about the basic intention of the text (*maqāṣid al-shari'a*).[108] Islamic law studies in the classical era are reliant upon texts (*bayānī*), both directly and indirectly. I argue that during the classical era a clear distinction was not made between the position of *shari'a*, which is objective-sacred, and *fiqh*, which is subjective-profane. As a result, many cases in which profane values were sacralized (*taqdīs al-afkār al-dīniyyah*)[109] occurred and vice versa. Auda provides an illustration of the relationship between *shari'a*-absolute-objective and *fiqh*-relative-subjective during the classical era as presented in Figure 1 below:[110]

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[105]Yudian Wahyudi, "Reorientasi *Fiqh* Indonesia," in *Islam Berbagai Perspektif: Didedikasikan untuk 70 Tahun Prof. Dr. H. Munawir Sjadzali, M.A.*, ed. by Sudarnoto et. al. (Yogyakarta: Lembaga Penterjemah dan Penulis Muslim Indonesia, 1995).

[106] Auda, *Maqāṣid al-Shari'a as Philosophy*, pp. 34-40.

[107]Hiroko Kinoshita, *Islamic Higher Education in Comtemporary Indonesia: Through The Islamic Intellectuals of al-Azharite Alumni* (Kyoto: Kyoto University Press, 2009), pp. 1-27.

[108]Mohammad Hashim Kamali, "'*Maqāṣid al-Shari'ah*': The Objectives of Islamic Law," *Islamic Studies* 38, no. 2 (1999), pp. 193-208.

[109]M. Amin Abdullah, "Pengantar: Dialektika Epistemologi dalam Perspektif Humanisme Islam," in *Humanisme Islam: Kajian Terhadap Pemikiran Filsafat Muhammad Arkoun*, ed. by Baedhowi (Yogyakarta: Pustaka Pelajar, 2008), p. xxxi.

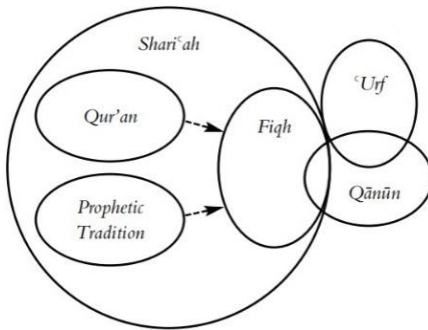[110]Auda, *Maqāṣid al-Shari'ah as Philosophy of Islamic Law,* p. 58.

Figure 1: The Subjectivity of Islamic Law

The key feature of subjective Islamic law studies during the classical era is the *bayānī* characteristics. Provided in the following are some of the main characteristics of the *bayānī* epistemology. First, this epistemology constantly relies on *aṣl* (foundation), which is in the form of *naṣṣ* (texts), namely al-Qur'an and al-Ḥadīš (Returning to the al-Qur'an and al-Sunnah). Second, this epistemology pays attention to the process of *naql* (text) transmission from one generation to the next (*silsilah*). In other words, this epistemology persistently relies on *riwāyah* (*naql*). Verification of this second characteristic is demonstrated by the numerous discussions carried out by ulama on *riwāyah* intending to maintain the originality of *khabar* (*naṣṣ*).[111] Four examples of intellectuals in this era are Husein Yusuf, Marzuki Rasyid, Sa'ad Abdul Wahid, and Malik Madani. According to Mudzhar, this classical era used conventional understanding as a means of reasoning.[112]

However, I posit that *bayānī* reasoning during the classical era had already come in contact with *burhānī* reasoning. There are a number of evidences relating to this. First, at the time of the Prophet and the companions, Islamic law studies tended to be literalistic and empiric. In fact, Schacht revealed that Islamic law at its initial stage did not use al-Qur'an as a source of knowledge.[113] Although *uṣūl al-fiqh* had just

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[111]N.J Coulson, *A. History of Islamic Law* (Scotland: Edinburgh University Press, 1991), p. 31.

[112]M. Atho' Mudzhar, "Persoalan Gender dan Dampaknya terhadap Perkembangan Hukum Islam," *Profetika* 1, no. 1 (1999), pp. 110-123.

[113]Joseph Schacht, *An Introduction to Islamic Law* (New York: Oxford University Press, 1983), pp. 19-38.

emerged in the early 3rd century Hijri, but as a theory *istinbāṭ* had been around since the time of the Prophet and his companions.[114] This explanation reinforces my argument that Islamic law in the classical era was highly dynamic and did not merely rely on texts. Second, in the 300s era of the Hijri calendar, there was political struggle that pervaded into the domains of law and theology. Coercion in adopting a certain political ideology as state ideology had led to fanaticism in a particular Islamic jurisprudence school of thought (*maẓhab*). So, here it was when contact between politics (*siyāsī*) and *bayānī* was observed.[115]

The literalistic paradigm can be understood since experts in Islamic law studies of the classical era defined law as something sourced from God's command, so the law is derived only through holy texts that the Prophet Muhammad had heard and thus the manifestation of law is conceivable.[116] In this case, the majority of experts in Islamic law studies of the classical era adhered to the concept of linguistic optimism, which is influenced by the God power theology, a concept that considers language as a sufficient means to communicate.[117] According to Minhaji, the view of linguistic optimism may have led to the development of a deductive-literalistic logic in Islamic law studies.[118] Meanwhile, Syamsul proposes the Hierarchy of Norms Theory to advance the literalistic type of the classical era, so that it is able to respond to the various issues found in society.[119] The literalistic

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[114]Ishaq and Muannif Ridwan, "A Study of 'Umar bin Khattab's Ijtihad in an Effort to Formulate Islamic Law Reform," *Cogent Social Sciences* 9, no. 1 (2023), pp. 1-10.

[115]Coulson, *A. History of Islamic Law,* p. 188.

[116]Syamsul Anwar, "Epistemologi Hukum Islam dalam *al-Muṣtashfā min 'Ilm al-Uṣūl* Karya al-Ghazālī (450-505/1058-1111), *Disertasi* (Yogyakarta: IAIN Sunan Kalijaga Yogyakarta, 2001), p. 163.

[117]Khaled Abou Fadl, *And God Knows the Soldiers: The Authoritative and Authoritarian in Islamic Discourses* (New York: University Press of America, 2001), p. 54.

[118]Akh. Minhaji, "Reorientasi Kajian Uṣūl al-Fiqh," *Al-Jāmi'ah: Journal of Islamic Studies* 6, no. 63 (1999), pp. 12-28; Minhaji, "Hukum Islam antara Sakralitas dan Profanitas," pp. 40-46.

[119]Syamsul Anwar, "Membangun *Good Governance* Dalam Penyelenggaraan Birokrasi Publik di Indonesia: Tinjauan dari Perspektif Syarī'ah dengan Pendekatan *Uṣūl Fiqh*," in *Pidato Pengukuhan Guru Besar Ilmu Uṣūl Fiqh,* (Yogyakarta: UIN Sunan Kalijaga, 2005), pp. 4-5; Syamsul Anwar, "Pengembangan Metode Penelitian Hukum

paradigm of the classical era was subsequently criticized by Rahman and Arkoun.

Rahman argues that there are three limitations observed in the literalistic Islamic law studies method of the classical era. First, a disconnected understanding. Second, lack of attention to historical element. Third, overly textual.[120] Accordingly, Rahman proposed the concept of the "double movement" interpretation of Islam, which involved a critical reinterpretation of classical Islamic texts and a re-evaluation of traditional Muslim practices in the light of modern knowledge and values. Arkoun, meanwhile, developed his own method of "circle of language-history thinking," which aimed to study the historical–linguistic context of Islamic texts and the historical evolution of Islam to understand the development of Islamic thought and the potential for its modernization.[121] Arkoun added six of his critiques. First, mixture of myths and history. Second, emphasis on the theological superiority of Muslims over non-Muslims. Third, sacralization of language. Fourth, univocalization of meanings revealed by God. Fifth, assumption on trans-historical personal reasoning. Sixth, legal dictum revealed in clear Arabic language.[122]

The criticism Rahman and Arkoun raised against literalistic-deductive-subjective reasoning above resulted in a rationalistic-inductive-objective type of reasoning. The difference is that inductive reasoning is used to draw conclusions from individual cases that have highly specific scope into a general conclusion. While deductive reasoning, on the contrary, is used to draw conclusions from general issues into individual cases.[123] At UIN Sunan Kalijaga, Rahman's

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Islam," in *Mazhab Jogja: Menggagas Paradigma Ushūl Fiqh Kontemporer*, ed. by Ainurrafiq (Yogyakarta: Ar-Ruzz, 2002), pp. 147-162.

[120]Rahman, "Islam: Challenges and Opportunities," pp. 319-327.

[121]Humaira Ahmad, "Mapping Neo-Modern and Postmodern Qur'anic Reformist Discourse in the Intellectual Legacy of Fazlur Rahman and Mohammed Arkoun," *Religions* 14, no. 595 (2023), p. 12.

[122]Makmun Syar'i, "Mohammed Arkoun's Thought on Sharī'ah Deconstruction: A Historical and Anthropological Approach," *Mazahib* 21, no. 2 (December 2022), pp. 291-314. See also, Mohammed Arkoun and Robert D. Lee, *Rethinking Islam* (London: Taylor and Francis, 2019), p. 72.

[123]Arskal Salim, "From *Uṣūl al-Fiqh* to Legal Pluralism: An Autoethnography of Islamic Legal Thought," *Mazahib* 19, no. 1 (June 2020), p. 87.

thoughts are further developed by Nasution,[124] while Arkoun's thoughts are elaborated by Syamsul.[125] During the classical era, inductive-objective reasoning was used by Abū Ḥanīfah. As for the deductive-subjective reasoning, it was mostly used by the Mutakallimūn jurisprudence circle (Muslim theologians), which was pioneered by al-Shāfi'ī and followed by the majority of Muslim jurists.[126]

The Middle Period (1980-2000): Objectivity of Islamic Law

The Middle Period (1980-2000) is the phase in which a shift occurred from the subjective-literalistic reasoning of Islamic law studies to an objective-*maqāṣid* one. This phase was initiated by thinkers at FSH UIN Sunan Kalijaga who conducted their study in the West,[127] who offered the empirical approach in Islamic law studies.[128] The literalistic paradigm of reasoning in Islamic law studies, characterized by its theological, normative, deductive, and subjective elements, had persisted for five centuries (from 2nd century Hijri to 7th century Hijri). This paradigm experienced improvements given the advent of al-Syāthibī in 8th century Hijri with his *Maqāṣid al-Sharī'ah* theory, which no longer relied on textual literalism.[129] Al-Shāṭibī altered the Islamic law studies method from rationalism-deductive reasoning to rationalism-inductive.[130] Fanani postulates that the epistemology of *uṣūl al-fiqh* according to al-Shāṭibī and Abū Ḥanīfah is rationalism-inductive. Whereas the *uṣūl al-fiqh* epistemology of al-Ghazālī and al-Shāfi'ī is rationalism-deductive.[131] I argue that both methods had been

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[124]Khoiruddin Nasution, *Fazlur Rahman Tentang Wanita* (Yogyakarta: Tazzafa, 2002).

[125]Mohammed Arkoun, "Ke Arah Islamologi Terapan," in *Al-Jāmi'ah: Journal of Islamic Studies* 1, no. 53, trans. by Syamsul Anwar (1993), pp. 1-12.

[126]A. Yasid, "Logika Induktif dan Deduktif dalam Tradisi Pemikiran *Ushūl al-Fiqh*," *Asy-Syir'ah* 46, no. 1 (2012), p. 24.

[127]Brankley Abbas, *Whose Islam?*, p. 1.

[128]Lukens-Bull, *Islamic Higher Education in Indonesia*, p. 1.

[129]Abū Isḥāq al-Shāṭibī, *Al-Muwāfaqāt fī Uṣūl al-Aḥkām* (Beirut: Dār al-Fikr, 1990), I: 29-34.

[130]Muḥammad Khalīd Mas'ūd, "Abū Isḥāq al-Shāṭibī (D.790/1388)," in *Islamic Legal Thought: A Compendium of Muslim Jurists*, eds. by Oussama Arabi, David S. Powers, and Susan A. Spectorsky (Leiden: Brill, 2013), pp. 353-374.

[131]Muhyar Fanani, *Ilmu Uṣūl al-Fiqh di Mata Filsafat Ilmu* (Semarang: Walisongo Press, 2009), p. 109.

developed by Yudian and Syamsul. Yudian modified *maqāṣid al-sharī'ah* as a doctrine toward a method[132] and nationalism.[133] Syamsul, meanwhile, further elaborates the epistemology of Islamic law of al-Ghazālī.[134]

Six centuries later, the conceptual contribution of al-Shāṭibī during 8 H/14 CE was revitalized by reformists of modern Islamic law studies by using modern *uṣūl al-fiqh* analysis, as conducted by Muḥammad 'Abduh (w. 1905),[135] Rashīd Ridā, 'Abdul Wahhab Khallāf, Allal al-Fāsī, and Ḥasan Turābī. Since they only focused on revitalization, this circle is categorized by Hallaq, a figure who has been much studied and commented by Minhaji,[136] as Islamic law reformists who adhered to religious utilitarianism school.[137] In Indonesia, according to Feener, al-Shāṭibī had an influence on Hasbi through his concept of "Indonesian *Fiqh*" and Hazairin through his idea on "National Madhhab *Fiqh*."[138] In the meantime, Minhaji[139] and Yudian[140] were developing *uṣūl al-fiqh* by utilizing the role of hermeneutics. In the modern era, the objective position of *sharī'a* and the subjective stance

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[132]Yudian Wahyudi, *"Maqāṣid al-Sharī'ah* Sebagai Doktrin dan Metode,"* pp. 12-15; Yudian Wahyudi, *Maqāṣid al-Sharī'ah Dalam Pergumulan Politik: Berfilsafat Hukum Islam dari Harvard ke Sunan Kalijaga* (Yogyakarta: Nawesea Press, 2006).

[133]Yudian Wahyudi, "Islam dan Nasionalisme: Sebuah Pendekatan *Maqāṣid al-Sharī'ah,"* in *Pidato Ilmiah Dies Natalis UIN Sunan Kalijaga Yogyakarta ke-55,* (2006), p. 9.

[134]Anwar, "Epistemologi Hukum Islam", p. 23; Supriatna, "Menelusuri Pemikiran Hukum Islam Prof. Dr. H. Syamsul Anwar, M.A.," in *Pemikiran Hukum Islam Dekan Fakultas Sharī'ah UIN Sunan Kalijaga Yogyakarta (1963-2007),* pp. 281-282.

[135]Hallaq, *A. History*, p. 212; Khoiruddin Nasution, *Riba & Poligami: Sebuah Studi Atas Pemikiran Muhammad Abduh* (Yogyakarta: Pustaka Pelajar-ACAdeMIA, 1996), pp. 23-31.

[136]Wael B. Hallaq, *The Impossible State: Islam, Politic, and Modernity's Moral Predicament* (New York: Columbia University Press, 2013); See, Akh. Minhaji, *Ancaman Paradigma Negara-Bangsa: Islam, Politik, dan Problem Moral Modernitas* (Yogyakarta: Suka Press, 2015).

[137] Hallaq, *A. History*, p. 213.

[138] Feener, *Muslim Legal Thought in Modern Indonesia*, p. 55.

[139] Akh. Minhaji, "*Uṣūl al-Fiqh* dan Hermeneutika: Refleksi Awal," in *Ilmu Uṣūl al-Fiqh di Mata Filsafat Ilmu*, ed. by Muhyar Fanani (Semarang: Walisongo Press, 2009).

[140] Yudian Wahyudi, *Uṣūl al-Fiqh versus Hermeneutika: Membaca Islam dari Kanada dan Amerika* (Yogyakarta: Nawesea Press, 2007).

of *fiqh* had been distinguishable in terms of its position and scope. An illustration is presented by Auda[141] as shown in Figure 2.
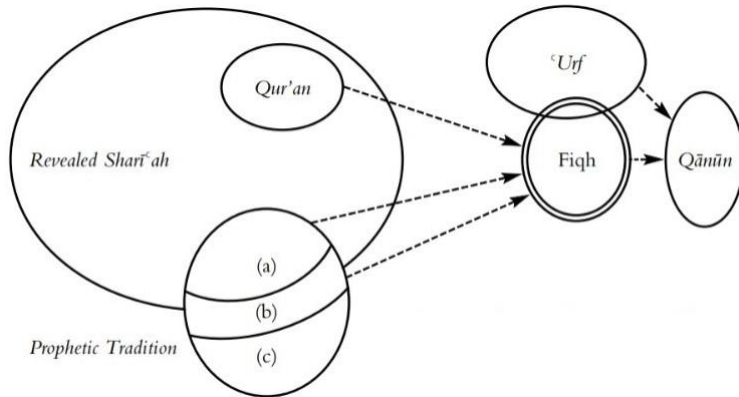

Figure 2: The Objectivity of Islamic Law

The theory of *maqāṣid al-sharī'a* and *uṣūl al-fiqh* had experienced developments in the subsequent phase. *Fiqh* began collaborating with *'urf* and *qanūn*. According to Chapra,[142] Auda,[143] and Ṭāhā (ethical *maqāṣid*),[144] one of the *'urf* and *qanūn* that need to be utilized are the Human Development Index (HDI) and Human Development Targets (HDT), which had been introduced by the United Nations (UN). Through such interconnection, *maqāṣid al-sharī'a* in the modern era, which put emphasis on protection and preservation, had shifted toward development and rights in the postmodern era. According to Hasbi, the emphasis on development and rights is in line with the concept of *maṣlaḥah-mursalah*.[145] *Maṣlaḥah* should be the target of *maqāṣid al-sharī'ah* to be, subsequently, realized through a comprehensive study of Islamic

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[141]Auda, *Maqāṣid al-Sharī'ah as Philosophy of Islamic Law,* p. 196.

[142]Muhammad Umer Chapra, *The Islamic Vision of Development in the Light of Maqāṣid al-Sharī'ah* (London, United Kingdom: International Institute of Islamic Thought, 2008).

[143]Auda, *Maqāṣid al-Sharī'ah as Philosophy of Islamic Law,* p. 45.

[144]Ṭāhā 'Abdurraḥmān, *Mashrū' Tajdīd 'Ilmi li Mabḥaṡ Maqāṣid al-Sharī'ah* (al-Markāz al-Ṡaqāfi al-'Arabī: al-Muslim al-Mu'ashir, 2002).

[145]Hasbi ash-Shiddieqy, *Pokok-Pokok Pegangan Imam-Imam Mazhab dalam Membina Hukum Islam* (Jakarta: Bulan Bintang, 1973), p. 1.

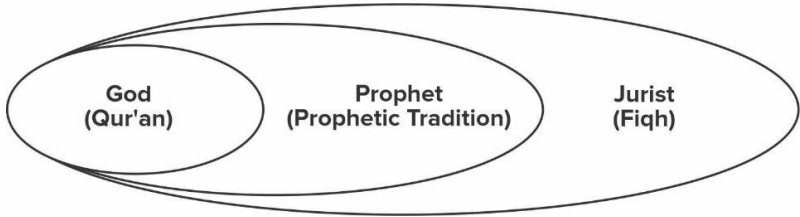law. HDI and HDT can be used as a measure of Muslim community's welfare and wellbeing from time to time.

Figure 3: The Qur'an, Sunnah, and *Fiqh*

Unlike Auda, Najib presents an illustration of the objective position of sharī'a (al-Qur'an) and the subjective stance of *fiqh* (*mujtahid*) in different circles as shown in Figure 3.[146] Figure 3 shows that the absolute and true (*al-ḥākim al-ḥaqīqi*) creator of Islamic law is Allah SWT, in which His revelations are found in al-Qur'an. Furthermore, the Prophet Muhammad is the maker of explanatory law (*al-ḥākim al-mubayyin*) from al-Qur'an, which is described in al-Ḥadīs. As for *mujtahid*, this refers to relative lawmakers (*al-ḥākim an-nisbi*), since the results of their ijtihad are interpretations (*fiqh*/*tafsīr*) of al-Qur'an and al-Ḥadīs. Such interpretations are undoubtedly made in accordance with the context (*'urf*) at hand.[147] Meanwhile, according to Nasr, these relative (*fiqh*) and absolute (*sharī'ah*) dimensions are creatively semipermeable by using the relatively-absolute concept.[148] Semipermeable and creative reasoning are two vital aspects of intersubjective reasoning in the postmodern era.[149]

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[146] Najib, "Urgensi Redesain *Uṣūl al-Fiqh*," p. 23.

[147] Najib, "Urgensi Redesain *Uṣūl al-Fiqh*," pp. 23-24.

[148] M. Amin Abdullah, "Islam Indonesia Lebih Pluralistik dan Demokratis," *Ulumul Qur'an* 3, no. 6 (1995): 75.

[149] Abdullah, "Agama, Ilmu, dan Budaya Paradigma Integrasi-Interkoneksi Keilmuan," 9-21. See also, Waryani Fajar Riyanto, "Pendekatan Integrasi-Interkoneksi: Perspektif *Intersubjective Testability* Ian G. Barbour dan *Semipermeable* Holmes Rolston III," *Jurnal Kajian Islam Interdisipliner* 11, no. 2 (July-December 2012), pp. 67-94.

The Late Period (2000-Present): Intersubjectivity of Islamic Law

The Late Period (2000-Present) refers to the paradigm shift that led to the establishment of the intersubjective (subjective + objective) type of Islamic law studies.[150] The concretization of this phase is indicated by the scientific and institutional transformation of IAIN to UIN Sunan Kalijaga in 2004.[151] This resulted in the transformation of the Faculty of Sharī'a into the Faculty of Sharī'a and Law. The transformation consequently led to the rise of an epistemology of Islamic law studies with an integrative perspective, and no longer a single perspective.[152] There is no single perspective and understanding in Islamic law studies. We can find various approaches in Islamic law studies such as textual or scriptural approach in the classical era, rational, logical, critical, empirical approach in the modern era, and also intersubjective, conscience-based, ethics-based, intuitive, innermost-voice-of-the-heart-based approach in the postmodern era.[153] The innermost voice of the heart (innersubjective, *ruhiology,* ruhioscience, *ruhani* quotient, realsource) refers to prophetic ethics that inspired the prophets of the past to guide their self and their people. Actually, prophetic ethics did not end during the era of the prophets, as it continued on to this day and is embedded within the conscience of humans as Muslim jurists connected by their belief in God and the End-Times.[154]

When every Muslim jurist engages their conscience, epistemologically speaking, they are no longer simply carrying out action and making decisions based on texts or *naṣṣ* and empirical element alone, they are already engaging their conscience. In scriptural ethics the role of *kitāb*,[155] which here means the conscience (*qalbun*

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[150] Gunnlaugson et al., *The Intersubjective Turn,* pp. 1-14.

[151] Sibawaihi et al., "Transforming Islamic Higher Education Institutions in Indonesia: From Institutes/Colleges into Universities: Globalization or Glocalization?," *Management in Education* 1, no.1 (2024), pp. 1-8.

[152] Soleh, "Quantum Integration Model for Religion and Science," 257-290.

[153] Yuval Noah Harari, *Homo Deus: A Brief History of Tomorrow* (New York: Harper Perennial, 2017): 237, 238, 239.

[154] Abdul Karim Soroush, *Baṡtu al-Tajribah al-Nabawiyyah*, trans. by Ahmad al-Qabanji (Beirut: al-Intishār al-'Arabī, 2009): 15-51, 49-51.

[155] The Qur'an 2:44, 2:78-79, 17:14, 18:1, 42:17, 42:52.

salīm), is most vital, dominant, and central.[156] In English it is often referred to as "conscience," which is an inner feeling or voice that is considered to act as a guide to the rightness or wrongness of one's behavior. *Rasa* or *Ni'mat* or *Zat* (feeling) or the innermost trembling of the heart may function as a guide or moral compass regarding what is right or wrong in a Muslim jurist's behavior. Even the Prophet Muhammad when asked which conducts are appropriate and which are not, which are good and which are not, he concisely responded: *is'al ḍamīraka* (ask your own heart) and *istafti qalbaka* (ask for guidance and direction from your own conscience).[157]

The role of the conscience or intersubjective element in Islamic law studies started to decline in the postmodern era, which is indicated by the science revolution. As a result of the science revolution that began in the 17th century in the West, there were numerous new discoveries that accelerated changes in the dimension of human spiritual life, including in the field of Islamic law.[158] Many legal cases that emerged did not attain sufficient explanations by merely using subjective-cum-objective and objective-cum-subjective methodologies in Islamic law studies.[159] I argue that in order to address this matter, in the mid 19th century, a reform of Islamic law studies had occurred by the introduction of intersubjective reasoning (conscience). Given that the subject and object relationship prioritizes the "I" (my Islamic law) and "You" (your Islamic law) reasoning, the intersubjective approach creates the "We" (our Islamic law) reasoning.[160] "Our Islamic law"

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[156] M. Amin Abdullah, "Integritas Penegak Hukum dan Hakim dalam Perspektif Agama: Keteranyaman Etika Skriptural dan Etika Rasional-Kritis," in *Bunga Rampai Penegakan dan Penguatan Integritas Peradilan*, ed. by Festy Rahma Hidayati (Jakarta: Sekretariat Jenderal Komisi Yudisial Republik Indonesia, 2023), p. 15.

[157] Islamic theology requires that a person abide by the dictates of his or her conscience. Khaled Aboe Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women* (Oxford: Oneworld, 2001), pp. 94-95.

[158] Saeed, *Islamic Thought,* pp. 43-59.

[159] Abdullah, "Agama, Ilmu, dan Budaya", p. 17.

[160] Husni Muadz, *Anatomi Sistem Sosial: Rekonstruksi Normalitas Relasi Sosial dengan Menggunakan Pendekatan Sistem* (Mataram: IPGH Press, 2014), p. 295.

constitutes the relations between religious, customary, and Western laws in order to establish a national law in Indonesia.[161]

Meanwhile, according to Abdullah,[162] intersubjectivity refers to a position of scientific mentality that is capable of intelligently and creatively intercommunicating the subjective and objective realms found in a Muslim jurist when they are resolving life issues, be it in the field of science, religion, or culture. The community of Islamic religious thinkers constantly work within the frame of intersubjective testability.[163] Intersubjective Islamic law in the postmodern era made it possible for Muslim jurists to engage in a dialog with science (natural sciences, social sciences, and humanities). Additionally, Muslim jurists also need to have a competent worldview in the field of Islamic law studies.[164] This explanation is described by Auda in the following illustration presented in Figure 4.[165]
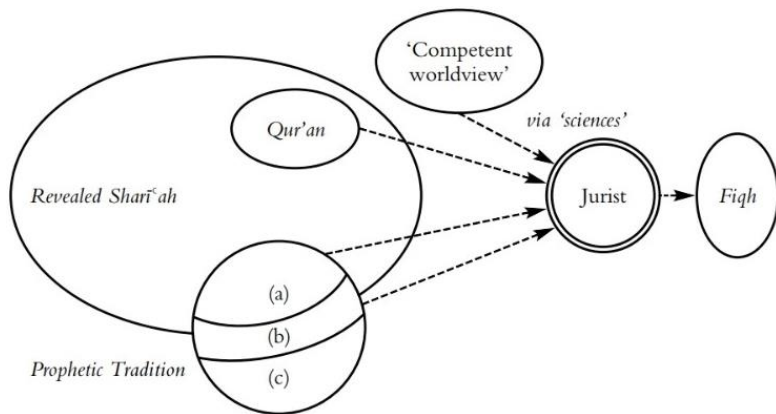

Figure 4: The Intersubjectivity of Islamic Law

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[161] Abdurrahman Wahid, *Islamku, Islam Anda, Islam Kita: Agama Masyarakat Negara Demokrasi* (Jakarta: The Wahid Institute, 2006), p. 34

[162] M. Amin Abdullah, "Intersubjektifitas Keberagamaan Manusia: Membangun Budaya Damai antar Peradaban Manusia melalui Pendekatan Fenomenologi Agama," in *Filsafat dan Bahasa dalam Studi Islam*, ed. by Ahmad Pattiroy (Yogyakarta: Lemlit, 2006), p. 11.

[163] Abdullah, "Agama, Ilmu, dan Budaya", p. 17.

[164] Ahmad Atif Ahmad, *Islamic Law: Cases, Authorities, and Worldview* (London: Bloomsbury Academic, 2017), pp. 11-20.

[165] Auda, *Maqāṣīd al-Shari'ah as Philosophy of Islamic Law,* p. 204.

Figure 4 explains the possibility of interdisciplinary science in intersubjective Islamic law studies in the postmodern era. According to Noorhaidi, the development of Islamic law studies demands a shift of orientation from text-subjective to context-subjective, and it requires a interdisciplinary-intersubjective approach involving the use of various fields of science. A text-based legal-normative-subjective approach is no longer feasible to ensure actuality of Islamic law studies amidst the changing current of objective contexts.[166] Rolston views the dialog between these two dimensions as interpretation and experience.[167] Euis offered the need to implement dialogs between tradition, modernity, and Indonesianness along with religious and non-religious sciences.[168] Meanwhile, Ḥanafī uses the dialogical concept of *naṣṣ* (text) and *wāqi'* (reality).[169] According to Najib, *fiqh* should also be intercommunicated with *'urf.*[170] Indonesian *'Urf* can serve as one of the legal sources in Indonesia. *'Urf* (custom) in this case is broadly defined, in both the real world, e.g., constitution and national covenants, and in cyberspace.[171] Najib presents the following illustration shown in Figure 5.[172]
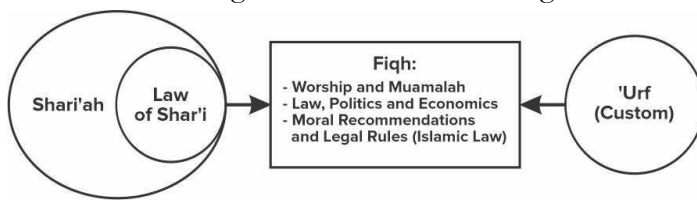

Figure 5: *Shari'a*, Islamic Law, *Fiqh, 'Urf*

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[166] Hasan, "Meretas Involusi Kajian Hukum Islam di Indonesia," p. 400.

[167] Holmes Rolston III, *Science and Religion: A Critical Survey* (New York: Random House, 1987), p. 34.

[168] Euis Nurlaelawati, "Mengkaji Ulang Pembaruan Hukum Islam di Indonesia: Negara, Agama, dan Keadilan Dalam Keluarga," in *Pidato Pengukuhan Guru Besar dalam Hukum Keluarga Islam*. Disampaikan di Hadapan Rapat Senat Terbuka Universitas Islam Negeri Sunan Kalijaga Yogyakarta (October 4, 2018), p. 31.

[169] Ḥasan Ḥanafī, *Min al-Naṣṣ ilā al-Wāqi'* (Cairo: Maṭbūli, 1990), pp. 23-30.

[170] Agus Moh. Najib, "Reestablishing Indonesian Mazhab *'Urf* and the Contribution of Intellectualism," *Al-Jāmi'ah: Journal of Islamic Studies* 58, no. 1 (2020), pp. 171-208.

[171] Ita Musarrofa and Holilur Rohman, " *'Urf* of Cyberspace: Solutions to the Problems of Islamic Law in the Digital Age," *al-Ahkam* 33, no. 1 (2023), p. 63.

[172] Najib, "Urgensi Redesain *Uṣūl al-Fiqh*,", p. 13.

As presented by Najib, Figure 5 explains that *fiqh*, in general, is the results of intersubjective dialog between sharī'a, particularly *shar'ī* law on the one hand, and *'urf* on the other.[173] *Fiqh* actually contains several aspects, namely ibadah (worship) and muamalat (commercial and civil acts or dealings), subsequently, *fiqh* does not only discuss Islamic law, it also discusses political Islam and Islamic economics, and the key aspect in this discussion is that *fiqh* contains ideal moral advices and positive legal rules.[174] As shown in Figure 5, *fiqh* is simultaneously bound by two dimensions, i.e., the theological *sharī'a* and the empirical *'urf*.

According to the elaborations provided above, the intersubjective model of Islamic law studies, by means of fresh *ijtihād,*[175] is an inevitability at FSH UIN Sunan Kalijaga. For instance, it may start from the epistemology of the *muqāranah al-maẓāhib fī al-fiqh* (comparative legal system method).[176] Subsequently, the scientific-cum-doctrinaire method.[177] Regarding integrative epistemology, an interesting idea emerged about the *tauḥīd al-'ulūm* (unity of sciences), which integrates dimensions of theology (*āyat qauliyah*), cosmos (*āyat kauniyah*), and cosmic (*āyat nafsiyah*).[178] Eventually, FSH UIN Sunan Kalijaga applies "two paths" approach in the integrative epistemology of Islamic law studies. The first path refers to an integration-interconnection of sciences in Islamic law studies (*takāmul al-'ulūm wa iẓdiwāj al-ma'ārif fī al-sharī'ah*)[179] that intercommunicates two pillars, which consist of three components respectively, namely *ḥaḍārat an-naṣṣ, al-falsafah, wa al-'ilm* on the one hand, and semipermeable, creative

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[173] Najib, "Reestablishing Indonesian Mazhab *'Urf*" p. 208.

[174] Najib, "Urgensi Redesain *Uṣūl al-Fiqh*," pp. 13-14.

[175] M. Amin Abdullah, *Fresh Ijtihad: Manhaj Pemikiran Keislaman Muhammadiyah di Era Disrupsi* (Yogyakarta: Suara Muhammadiyah, 2019).

[176] Akh. Minhaji, "Secercah Cahaya yang Selalu Dinanti: Dari Hasbi ash-Shiddieqy, Mukti Ali, hingga M. Amin Abdullah," p. 23.

[177] Mukti Ali, *Metode Memahami Agama Islam* (Jakarta: Bulan Bintang, 1991), p. 12.

[178] Waryani Fajar Riyanto, et al., "Transdisciplinary Policy in Handling Covid-19 in Indonesia: A Comparative Study on the Thought of Kuntowijoyo, M. Amin Abdullah, and Yudian Wahyudi," *Afkar Special Issue on Covid-19* 1, no. 1 (2022), p. 199.

[179] M. Amin Abdullah, *Islamic Studies di Perguruan Tinggi: Pendekatan Integratif-Interkonektif* (Yogyakarta: Pustaka Pelajar, 2006).

imagination, and intersubjective testability on the other.[180] The second path refers to a multidisciplinary, interdisciplinary, and transdisciplinary approach to Islamic law studies that intercommunicates the subjective (religion), objective (science), and intersubjective (conscience-innersubjective) dimensions.[181]

Conclusion

The current research found the integrative-intersubjective type of Islamic law studies at FSH UIN Sunan Kalijaga in the Last Period. The integrative-intersubjective Islamic law studies is a position of conscience-scientific mentality that is able to integrate in a semipermeable creative manner between the subjective and objective worlds found within the competent worldview of a Muslim jurist in order to address issues of Islamic law by correlating science, religion, and culture. As such, a single perspective of interpretation and understanding is not considered commonplace in an integrative-intersubjective type of Islamic law studies. Accordingly, to address the many issues of Islamic law in the contemporary era, the integrative-intersubjective Islamic law studies employs epistemological interdependence (*al-takāmul al-ma'rifī*) between Islamic sciences—including Islamic law (*al-tadākhul al-ma'rifī: al-dākhilī wa al-khārijī*) and other sciences from outside Islamic civilization (*al-taqrīb al-tadāwulī*).

This finding also has implications on the formation of a moderate Islamic law studies, which is neither extremely subjective on the one hand nor extremely objective on the other. Extreme textual-subjectivity has an impact on formalistic Islamic law and prioritization of only legal justice. Meanwhile, extreme contextual-objectivity results in substantialistic Islamic law and prioritization of only legal certainty. Both reasonings should be complemented with integrative-intersubjective Islamic law that focuses on legal ethics, i.e., emphasizes on the role of a Muslim jurist's conscience (innersubjective). I recommend that further research be conducted on "integrative-intersubjective" philosophy found in various types of Islamic studies. Additionally, I also suggest that subsequent researchers continue to carry out research in this topic, by observing the 'millennial' thinkers at

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[180] Abdullah, "Agama, Ilmu, dan Budaya," pp. 9-21.

[181] M. Amin Abdullah, *Multidisiplin, Interdisiplin dan Transdisiplin: Metode Studi Agama dan Studi Islam di Era Kontemprer* (Yogyakarta: IB Pustaka, 2021).

FSH UIN Sunan Kalijaga. It is also quite crucial that FSH UIN Sunan Kalijaga Indonesia immediately complements al-Jābirī's epistemological rift (*al-qaṭī'ah al-ma'rīfiyyah*) model and Auda's epistemological system (*al-niẓāmiyah al-ma'rīfiyyah*) with Ṭāhā's epistemological interdependence (*al-takāmul al-ma'rifī*).

Conflicts of Interest

The author declares no conflicts of interest with any party in the writing of this article.

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