# Scientific Analysis Methods of Islamic Law
# in Contemporary Studies

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**Abstract – This article aims to explain the method of scientific analysis of Islamic law in contemporary studies. In line with the analysis method of classical Islamic law, which emphasizes on the study of texts originating from the Qur'an, hadith, ijma' and qiyas, the scientific studies of Islamic law in contemporary time can be done at least by using five methods of thinking, namely deductive-coherence method, inductive-correspondence method, scientific method, phenomenological method, or functional structural method.The five methods can be used individually or together in analyzing the science of Islamic law in accordance with the legal objects studied. Nevertheless, classical study methods can also be used together with contemporary methods in analyzing the scientific studies of Islamic law.**

**Keywords – Islamic Law, Method, Scientific, Analyzing, Procedure, *Ijtihad, Fiqh*.**

## I. INTRODUCTION

The Islamic law (*al-hukm al-Islami*) term is not known in the classical Islamic literature. This word is not found in the Qur'an, *hadith, fiqh* or *usul fiqh* books. The terms widely used in several literature are *al-hukm, hukm Allah, al-shari'ah, hukm al-shar'i, al-shari'ah al-Islamiyyah, al-tashri' al-Islami*, and others. Khallaf, for example, referred to Islamic law as *al-hukm al-shar'i* (Khallaf, 2003: 100). The term is not found in Islamic legal thought. This term is taken from the word *fiqh* which etimologically means understanding, mastering, and knowing something (Jamal al-Din, 2005: 522). Even if the term *al-hukm al-Islami* is found in some literature, Islamic law is not intended as it has been understood in Indonesia, but it is used for Islamic government such as *al-hukm al-Amawi* (Umayyad government) and *al-hukm al-'Abbasi* (Abbasid government). The derivation of Islamic legal words seems to be more in line with the Islamic Law or Islamic Jurisprudence in English. According to Mahmasani, Islamic jurisprudence dealt with questions of religion and acts of worship, and with legal transactions, along with all provisions, rules, and particulars derived from them (Mahmasani, 2002: 181).

In Islamic tradition, Islamic law is often interpreted or associated with *shari'ah* and *fiqh*, although both are not necessarily the same because the law in the sense of *shara'* comes from the Qur'an and *hadith* of the Prophet, while *fiqh* is a result of *ijtihad* of *fuqaha'*. It can be said that Islamic law is a phrase that belongs to the attributive phrases category, consisting of the words law and Islam. The word law means judging, governing, returning, rules, government, etc. (Ma'luf, 2009: 146). Terminologically, the law is a set of rules stipulated by the trimester and is multilaterally binding for its citizens as an effective social security to realize justice (Gurvitch, 2008: 51). And, the word Islam, according to Nasution, is a religion which teachings were revealed by God to human being through the Prophet Muhammad as His Messenger (Nasution, 2005: 24). From the definition of the two words, it can be stated that Islamic law is a set of rules about human actions determined by its governors based on God's revelations that bind Muslim communities to realize justice.

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Among Muslim scholars, Islamic law in the *shara'* or *shari'ah* category is interpreted in two meanings. Firstly, *Usul al-Fiqh* scholars stated that Islamic law is the provision of *Shari'* (Allah and His Messenger) which is related to *mukallaf* acts in the form of demands, choices, and provisions (Khallaf, 2003: 100). According to this definition, Islamic law is the text from which legal provisions come out. Secondly, *Fiqh* scholars defined Islamic law in acoordance with the consequences demanded by the *Shari'* provisions on an act such as obligatory, prohibition, and permissibility (Khallaf, 2003: 100). The three terms according to this definition are the law in the *Fiqh* scholars perspective. For example, the law of five daily prayers is mandatory, the law of buying and selling is legal, and the law of theft is harmful.

If Islamic law is understood as *Fiqh*, then according to *Usul al-Fiqh* scholars, it also contains two meanings. Firstly, it is a knowledge of practical rules of law obtained from the detailed arguments. This definition refers to *Fiqh* as an epistemology of Islamic law. Secondly, it is a bunch of practical *shara'* laws obtained from the detailed arguments (Khallaf, 2003: 100). This definition refers to the *Fiqh* as a collection of Islamic law.

The above definition refers to Islamic law either as *shara', shari'ah* or *fiqh*. Theoretically, this science can be found in the books of *Fiqh* and *Usul al-Fiqh* which are so many that had been written from the  classical time to the present. Islamic law has been established on the basis of the legal *istinbat* methods prophesied by Muslim scholars from all over the time dealing with legal products covering almost all human activities. There are many methods used by Muslim scholars in providing Islamic law, namely: *ijma'* (consensus), *qiyas* (analogy), *istihsan, maslahah mursalah, istishab, 'urf, shaz al-zari'ah*, and so forth. Although some of these methods are unapproved by some scholars, the are applied in solving legal issues occuring among Muslims.

Recently, the science and technology have penetrated and even become a lifestyle of people. The scientific mindset is no longer as a foreign item among scholars and students of Islamic or non Islamic universities. Moreover, there is a tendency to unite the general sciences and Islamic sciences known as integration of science that does not distinguish  between Islamic sciences and general science If it is so, the methods used in general science can also be applied in the Islamic sciences.

## II. ANALYTICAL METHODS

The scientific studies of Islamic law can be done at least by using five methods of thinking, namely deductive-coherence method, inductive-correspondence method, scientific method, phenomenological method, or functional structural method. The deductive-coherence method is a method for scientific study of Islamic law which starts from general propositions, applied to specific cases, and then conclusion. The inductive-correspondence method starts from specific cases of scientific Islamic law which then drawing general conclusion. The scientific method is a method for the study of events or concepts of Islamic law by using steps in the study of scientific knowledge, usually as a combination of inductive and deductive methods. Phenomenological method is a method that emphasizes the science of Islamic law as a legal or social phenomenon. Functional structural method is a scientific method of Islamic law that has been internalized in Muslim societies, becoming the norm and part of their lifestyle. The law has entered social institutions and played a significant role.

The using  of these methods, as al-Faruqi pointed out, because there is an impression that traditional methods are not sufficient for Islamic scientific studies because: Firstly, there is a tendency to restrict the field of *ijtihad* into legalistic reasoning, which includes modern problems under the legal category so that it reduces the *mujtahid* to *faqih* (jurist) and reduces science to *fiqh*. Secondly, the elimination of all rational criteria and standards by using purely intuitive and esoteric methodology (al-Faruqi, 1997: 19). Although the second reason still needs to be studied further, considering that not all rational standards are omitted as that had been applied by al-Shafi'i through his deduction method, it is clear that certain  methodological analysis methods can be used.

### 1. Deductive-Coherence Method

The method of deductive-coherence - which in the study of *Usul al-Fiqh* can be equated with the method of *istidlal* and *istinbat* - moving from general to particular, from general concepts to specific ones and then drawing conclusions. This method is widely used by *Usul al-Fiqh* scholars by placing the text as a legal source from which it stipulates many legal provisions or decisions. The analysis used is usually textual analysis, in the form of direct inference rules. Al-Shafi'i, for example, identified two main sources of knowledge, namely knowledge contained in the text of revelation (*nas*) and deductive knowledge (*istinbat*) (al-Shafi'i, 2003: 19).

The procedure for this study can be done using *bayân* (clarification) and *qiyas* (analogy). Knowledge generated through the application of these two procedures, according to al-Shafi'i, is further classified into two categories; *ijma'* (consensus) and

*ikhtilaf* (disputes). *Ijma'* is the knowledge based on the scientific community agreement and *ikhtilaf* shows the area of knowledge disputed. With the emergence of knowledge based on the scientific community, there are four sources of knowledge as the basis of deduction, namely the texts of the Qur'an, *Sunnah, qiyas*, and *ijma'* (al-Shafi'i, 2003: 40).

Textual analysis of texts in the form of *bayan* (clarity) can be seen in terms of *mubayyan, zahir, mujmal, nas, mufassar, muhkam, khafi, mushkil, mutashabih,* and so on. Through analysis of the meanings and purposes of the texts, legal reasoning can be carried out. This method of deduction-coherence can be used in scientific studies of Islamic law with the rules and procedures above. The method of deduction is based on the postulate that the truth of Islamic law actually exists, namely in the provisions of the Qur'an or *hadith* of the Prophet. The human mind can know the idea of the truth but does not create it and not learn it through experience. In other words, the idea of Islamic law, which is the basis for knowledge, is obtained through rational thinking which is obtained from revelation, regardless of human experience. The knowledge system is built coherently on the basis of definite statements. The method used is deduction-coherence as in the following figure:
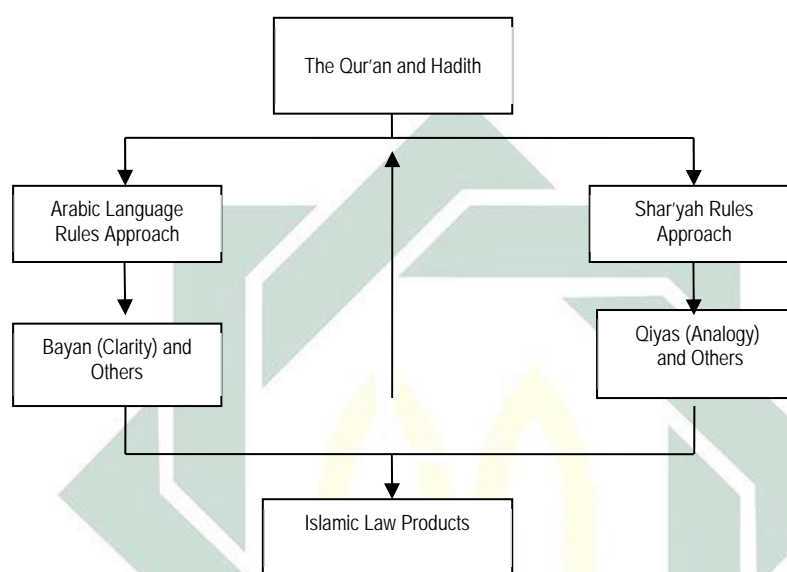


Figure 1: Methods of Deductive-Coherence in Islamic Legal Studies

The above picture shows that Islamic law science using deduction-coherence method is based on the texts of the Qur'an and the hadiths of the Prophet analyzed through Arabic language and *shar'iyyah* approachs or methods. Through the linguistic approach, there are some legal methods of *istinbat* such as *bayan, zahir, mujmal, nas, mufassar, muhkam, khafi, mushkil, mutashabih,* and so forth while through the *shar'iyah* approachs, there are *qiyas, istihsan, istislah, istishab, sadd al-zari'ah, 'urf, mazhab sahabi, shar' man qablana,* and *amal ahl al-Madinah.* Through the above approaches and methods, the products of Islamic law then be produced wether that than agreed or disputed by the Muslim scholars. Thus, epistemologically, the science Islamic law can be known through the thinking of the texts of the Qur'an and the hadith of the Prophet performed through *ijtihad,* using certain *istinbat* methods, which then produce Islamic law in the form of *fiqh.* According to Muslim scholars, such *ijtihad* is called as *ijtihad istinbati,* namely the *ijtihad* performed through the legal texts (*nas shari'ah*) by researching and than concluding legal ideas contained in the texts.

## 2. Inductive-Correspondence Method

The inductive-correspodence method known also as the *istiqra'* method is a method that starts from special cases in the form of legal events that are reviewed based on general provisions in order to reach a legal conclusion (Safi, 2001: 113). If the nature of coherence uses a deductive thinking, then the nature of the correspondence in seeking scientific truth uses an inductive thinking, that is, the method of thinking starting from specific things then drawn to the general in the form of conclusions. In other words, correspondence is based on empirical data which are then made general statement called conclusion. In field research, both the inductive thinking and the nature of the correspondence are widely used because the conclusion obtained, whether or not preceded

by the hypothesis, is very dependent on the specific empirical data. The something concrete in the empirical field can be abstracted in the form of concept and theory. The theory and concept can develop through research or rational thinking.

This method used in the study of Islamic law is not exactly the same as the method of induction of scientific knowledge because general statements as generalations of particular events are not obtained from conclusions from data in the field, but are associated first with texts of the Qur'an or hadith. This inductive method can be used in scientific Islamic law as a discipline that is scientifically analyzed. Through a study of the scientific material of Islamic law that varies according to the discipline of each variety, a generalization is drawn which is then used as a conclusion. Such conclusion can be a scientific theory of Islamic law, if i tis really supported by the data. Please see the following figure:
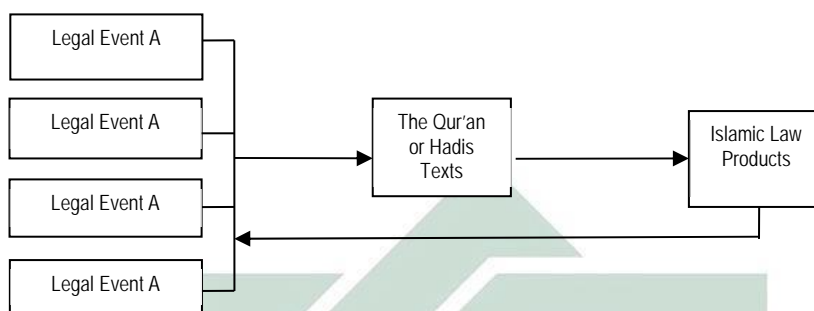


Figure 2: Inductive-Correspondence Method in Islamic Law Scientific Studies

Thus, the science of Islamic law can be obtained through a review of empirical legal events partially, one by one, both in the form of samples and populations reviewed based on the arguments of the Qur'an or the hadith then a legal provision made in the form of legal idea conclusion. Inductive thinking in the study of Islamic law is different from the same method in science. If in the science, the search for truth starts from the facts in the field which then from various facts are made conclusions, in Islamic law study, the conclusions are not based on 'what' the facts say, but how the facts legally exist so that the conclusions are not merely based on the statements of the facts but the statements of arguments about them in the Qur'an or hadith of the Prophet.

### 3. Scientific Method

The Islamic law can be studied using scientific method. This method is a combination of deductive-coherence and inductive-correspondence methods, which is a method based on rational analysis as well as on empirical facts. As a method that combine between rational and empirical thinking, the idea of truth which is the basis of knowledge can be accepted when it is supported by the data in the field. Furthermore, the data can be abstracted to become a scientific concept. The used thinking method on one side is deductive and on the other hand is inductive. Thus, the scientific method is based on both coherence and correspondence which the truth of its postulates built on these two foundations.

This scientific method is very similar to the *istiqra' tamm* method proposed by al-Shatibi. Al-Shatibi's thesis can be summarized as follows. Particular rules (*juz'i*) of *syari'ah* are built by universal laws (*qawanin kulliyyah*). These laws are known through a comprehensive survey of *shari'ah* statements. Using the perfect induction procedure (*istiqra' tamm*), one can move from particular to universal rules of the *shari'ah* laws (al-Shatibi, 2006: 29-39). According to Louay Safi, the method offered by al-Syatibi can extend the reach of *ijtihad* from particular *qiyas* limitations to a comprehensive process in which induction and deduction are used at the same time. The Induction let us to move from particular to general, whereas deduction moves from general to particular (Safi, 2001: 113). Regarding this, M. Yasir Nasution stated:

Islamic law is the result of deductive activities (*istinbati*) of scientists from the Qur'an and hadith. However, in reality it is not always the case. The scientists also consider the facts and values that live in the midst of society (*'urf*). These facts and values are accepted as sources and arguments after being justified from the Qur'an. In this way, an inductive process (*istiqra'i*) appears. The formulation of norms and legal principles of the Qur'an and hadith, thus, is a combination of deduction and induction. Therefore, the gap between Islamic law and the development of society should not occur anymore (Nasution, 2003: 101).

This method at the level of empirical sensual and empirical logic using logico-verification which uses propositions or constructs as the theoretical foundation of the study in order to obtain measurements of its truth. Next see the following pigure:
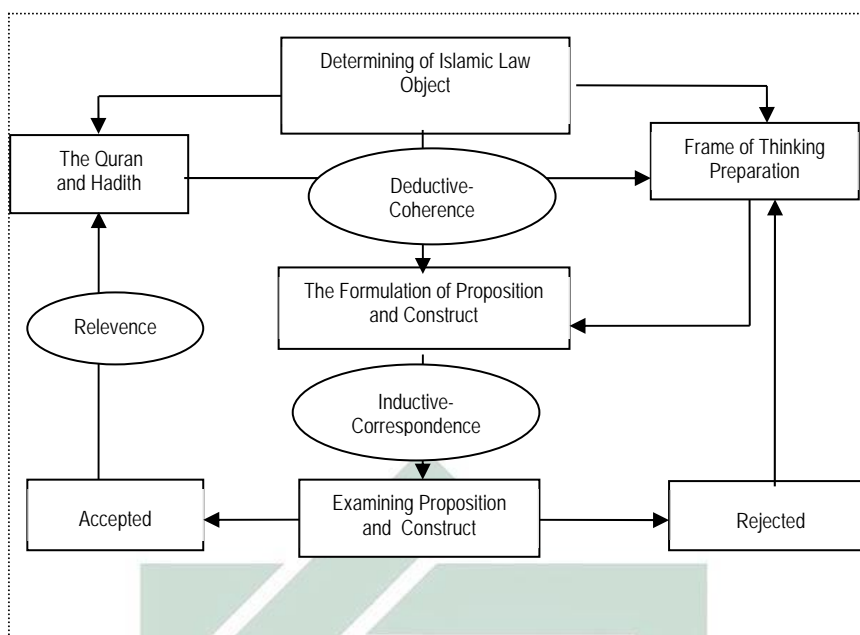


Figure 3: Scientific Method of Islamic Law Study

The scientific study of Islamic law, which originates from empirical legal events in order to analyze legal products and theories or arguments that underlying them, can be done through the following steps:

a. Determining the object of Islamic law in the form of questions about the object of Islamic legal material and identifying the factors associated with it. Some issues concerning with this object are determined in detail and clearly so that they are known for their essence and existence.

b. Preparation of a frame of thinking by submitting propositions which are arguments explaining possible relationships between various factors interrelating and forming constellations of problems or with constructs as a theoretical basis. This frame of thinking in the form of propositions or constructs is arranged rationally based on scientific premises that have been verified truthfully by paying attention to legal propositions (God revelations) and empirical factors or theoretical foundations that are relevant to the problem. The formulation of a frame of thinking based on a theory originating from the treasury of scientific knowledge chosen carefully and considered relevant to the legal problem reviewed. This theory can be in the form of postulates of the Qur'an, hadith, or the opinions of Muslim scholars. In this case, the deductive-coherence method is used.

c. Formulation of propositions which are temporary or suspected statements on the questions raised which is the conclusion of the developed frame of thinking. The propositions in scientific studies of Islamic law, in contrast to those used in general scientific research, are not intended to test the truth of the theories or arguments used, but to seek temporary answers to whether legal issues occur in accordance with the provisions of the arguments or not.

d. Testing propositions which are the collection of facts relevant to the propositions to show whether there are facts supporting the proposition or not. The method of thinking used is inductive-correspondence by explaining specific legal cases that occur in the field and verifying them in detail.

e. Determination of whether the proposition used is accepted or rejected. The propositions are accepted if there is a match between the facts and the provisions of legal arguments, but it is rejected if there is a gap between the provisions of legal arguments and the events that occur. In this case, whether the legal decision is valid or not depends on the presence or the absence of conformity (relevance).

f. Making conclusions which are the determination of the legal status of the events reviewed.

Using the scientific method above, the science of Islamic law can be developed by involving theories, concepts, arguments, legal norms and linking them with empirical facts. The scientific study of Islamic law with a scientific approach can be done even though it was not easy at first. Louay Safi stated that one of the complicated problems faced by modern Islamic science - including the science of Islamic law - which is still in its embryonic stage, is a direct result of the absence of a definite definition of the relationship between reason and revelation. Through the scientific approach, it is expected that the definition of the relationship of reason and revelation can be bridged so as to produce a unified concept. Furthermore, quoting Muhammad M. Amziyan, Louay stated that the need to transcend positive definitions for one purpose, namely to combine revelation into a comprehensive area of science where the Qur'anic values and concepts are used for scientific research (Safi, 2001: 28).

Factual review of legal concepts can provide the opportunity for scientific Islamic law to leave the impression that legal developments (both Islamic and conventional ones) are always behind the law enforcement in the community which is always dynamic and rapidly changing. The negative impression implied in this law will also has an impact on legal science with the standard theories that have long been used. In Islamic law, the study of law done through *ijtihad* with typical methods, namely *qiyas, istihsan, istishab, maslahah mursalah, shaz al-zari'ah, 'urf,* and others. The use of these methods has produced many legal products and recognized by Muslims as valid methods, although for the use of several methods there are different opinions.

The scientific method is used as an alternative to the scientific development of Islamic law when the law is not just a legal product but has become part of science, namely the science of Islamic law. The use of scientific methods because as a science, the science of Islamic law must meet scientific standards that are measured using scientific procedures and methods. In order hat the science of Islamic law can be analyzed scientifically, it must fulfil the characteristics of scientific method, namely:

a. Obtaining sufficient and thorough information. Scientific explanation of Islamic law is carried out adequately so that it covers all or most aspects contained in the classes and sub-classes, studied carefully and thoroughly so that it is valid and far away from errors in the analysis or in using the analytical methods.

b. Using logical and orderly thinking. The scientific study of Islamic law is done logically, rationally, in accordance with the rules of straight thinking. The use of logic, inductive or deductive one, is necessary so that there is regularity of thinking in analyzing to avoid mistakes in making conclusion. In addition, the order of thought is needed so that the explanation is easy to understand because it is presented orderly and regularly.

c. Arranging knowledge systematically. The scientific discipline of Islamic law is structured systematically, namely between one topic and the next are carried out orderly so that there is no overlap between one topic and the others. The systematization of discussion can simplify and complement the study material.

d. Limiting problems with firm lines. The problems examined in the science of Islamic law are analyzed by classifying one problem with other problems explicitly.

e. Finding laws and general principles as the basic theory that can be trusted to be used in the future. The general principles of Islamic law science can be used as the basic theory for the development of scientific Islamic law through the method of verification to predict legal events in the future.

f. Testing and showing the points of findings. This verification is intended as a test and explorative study to make legal product discoveries about events that occur among Muslims.

## 4. Phenomenological Method

In addition to the scientific method, the study of scientific Islamic law can use fonomenological method. Compared to the scientific method, this method is further in assessing an object. Fonomenological method tries to get more complete and fundamental picture of the scientific phenomenon of Islamic law than the scientific method. The phenomenological method - inspired by the philosophical approach developed by Edmund Husserl - seeks to obtain the scientific essence of Islamic law to restore historical-empirical Islamic law to its base so as not to exceed the limits of its authority. Phenomenology seeks to obtain a complete picture and fundamental structure of scientific Islamic law in general (universal, transcendental, and inclusive) and not a particular-exclusive picture of science (Abdullah, 2011: 11). If in legal empirical scientific studies, researchers tend to be neutral (value-neutral), the phenomenology approach is more value-laden (bound by religious values that are believed and possessed by followers of existing religions (Smart, 1993 : 378). The main characteristic of the phenomenological method is that there are four truths,

namely empirical sensual truths (which are captured by the five senses), logical empirical truths (produced by reason/ratio/mind), empirical truths of ethics (reality idealization), and transcendental empirical truths (truth relating to belief or divinity) (Muhadjir, 2002: 13-34).

The sensual empirical truth is obtained through the five senses that capture the empirical object of knowledge. The truth of Islamic law empirically sensual regarding to human efforts in understanding legal objects or events among Muslim communities. By observing and examining the events of Islamic law among the people, we can get an idea of how the law functions in regulating them. The legal event examined empirically so that the truth can be known. Explaining this truth, Hamid Hasan Bilgrani and Sayid Ali Ashraf stated that this concept of full-scale science begins with knowledge of objects that can be perceived, then transcends this study and enters the field of Muslim. The achievement of this knowledge is the goal of every Muslim as a central goal and principal which function for his or her life (Bilgrani, 2009: 5).

The logic empirical truth is obtained through logical thinking based on empirical data, not pure logic generally based on certain premises both major and minor ones even without data support in the field. The scientific truth of Islamic law carried by empirical logic begins with the logical thinking of Islamic law which then looks for evidencein the field. If the premises contained in legal thinking are logic and in line with empirical evidence, the truth can be accepted. If not, it cannot be accepted.

The ethic empirical truth concerns with the idealization of reality, namely the truth of an object in terms of its ethical truth. The scientific truth of Islamic law is not solely studied based on the underlying theories but is also examined in terms of the ethical values contained. Although, among experts there are different opinions whether the field of law can be examined together with ethics or not. If it is viewed from the philosophy of science perspective that divides the study of science based on three categories; ontology, epistemology, and axiology, the science of Islamic law cannot be separated from values including ethical values.

The transcendental empirical truth is the truth relating to belief or divinity. The truth of this transcendental empirical phenomenology is inherently integrated in the science of Islamic law, a knowledge originating from Allah as *Shari'a* (the Maker and law Enforcer). In contrast to Western positive law, Islamic law cannot be separated from the transcendental nature. In this case, the transcendental is not understood purely apart from the empirical nature so that the phenomenon that arises is the study of Islamic legal science based on the facts of empirical Islamic law combined with the provisions of revelation both in the Qur'an (*al-wahy al-matlu*) and the *hadith* (*al-wahy ghayr al-matlu*).

Through the phenomenological method, it is expected that the scientific study of Islamic law can be separated from the gap between logical positivism and the Islamic ethos, as feared by Muhammad Arif (1997: 51), so that the role of Muslim scholars is needed in order to reconcile Islamic values with positivistic logic methods. The four truths forming the basis of the phenomenological methods above can be used integrally to analyze the scientific knowledge of Islamic law by involving the truths obtained from the senses, logic, ethics, and revelation as seen in the following figure:
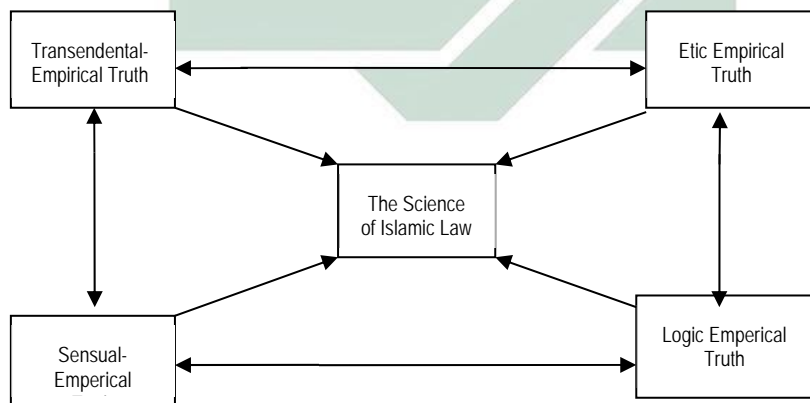


Figure 4: The Application Scheme of the Phenomenological Method in Islamic Law Sciences

It is seen through this picture that the science of Islamic law can be assessed by phenomenological methods using sensual empirical truth, logic empirical truth, ethic empirical truth, and transcendental empirical truth approaches. This four approaches can

be used interrelatively in the scientific study of Islamic law. The four are in line with the analysis of Hamid Hasan Bilgrani and Sayid Ali Ashraf about several aspects of thinking, namely ethical aspects, perceptual aspects, historical aspects, psychological aspects, observational aspects, and experimental or absolute truths (*haqq al-yaqin*), rationalism, or inference with evidence assessment (*'ilm yaqin*) and through empiricism (*'ayn al-yaqin*) (Arif, 1999: 163).

### 5. Functional Structural Method

This method is obtained from the theory of functional structural, namely a theory explaining that religion and the Holy Book can be functional when the religion becomes the norm in a society (Suprayogo, 2003: 85). Based on the functional structural theory, Islamic law is translated and applied as a functional social institution for the community. Islamic law is not only understood as the words of Allah relating to mukallaf acts or a set of laws relating to mukallaf acts, containing in the Qur'an, *hadith* or ulama legal products (the opinion of the ulama which is actually obtained through understanding the Qur'an and the *hadith*), but the law has been internalized in the lives of Muslim communities in the form of norms or legal institutions.

The science of Islamic law can be seen in Islamic legal institutions, Islamic economic institutions, and so on which its basic concepts or applications are based on the provisions of Islamic law. The functional structure of scientific Islamic law as referred to by this method is closely related to the norms contained in a social system with its several sub-systems, namely physical sub-systems, biological sub-systems, political sub-systems, economic sub-systems, social sub-systems, cultural sub-systems, health sub-systems, defense and security sub-systems, and legal sub-systems (Praja, 2002: 97). The science of Islamic law is internalized in a Muslim society in some areas of the social sub-system above and is the norm of their lives.

Functional structural method can use a sociological approach as an formal object of Islamic law study, by examining legal phenomenon found in a society in a sociological perspective. The sociology is a science that discusses the process of interaction. As an interaction process, sociology discusses homogeneous and heterogeneous cooperative relationships leading to homogeneous or heterogeneous interactions as well as antagonistic relationships that lead to confirmity, hostility, or conflict on a narrow or broad scale.

The study of Islamic law based on this sociological approach is necessary because Islamic law cannot be separated from social life. The law will have binding power as a regulator, director, or control when it is applied in a community. If it is only at the level of the law in book and not the law in action in society, the purpose and philosophy of the of law is difficult to be implemented.

In every society there are always interests that must be fulfilled. The fulfillment of these interests can be carried out in various ways and through several rules. In order to avoid any conflict of interest, the rules are usually collected in several social institutions in accordance with the fields of life. Thus, a social institution is a set of rules from all levels that revolve around a basic interest in a society. These interests may be in the fields of physical, biological, political, economic, social, cultural, health, defense, security, or law aspects.

The aspects that should be considered when we review the Islamic law based on sociological approaches are:

a. The social fact paradigm relating to social systems and social structures (external) that can predominantly affect human behavior, including in the field of Islamic law. In the system and social structure there are positive functional dimensions and conflict dimensions that tend to be negative.

b. The social definition paradigm focusing on social actions based on ones' awareness (internal) which can also influence their behavior, including in the field of Islamic law. Social action comes from the power of innovation, creation, and selection contained in human beings.

c. The social behavior paradigm focusing on the empirical world of human behavior through their social interactions. This paradigm is an antithesis of the two previous paradigms because social systems and structures or social subjectivity (definition) are considered far from actual social reality. Human behavior as seen in everyday life becomes the central point of this paradigm.

If we pay attention to the aspects that become the formal objects of scientific sociological form of Islamic law, namely the social fact paradigm, the social definition paradigm, and social behavior paradigm, the internalization of legal norms in social lives occurs because of social systems and social structures that predominantly influence human behavior, social actions based on one's

consciousness (internal) which can also influence their behavior, as well as the empirical world that is seen in human behavior through their social interactions.

### III. THE PROCEDURE FOR ANALYSIS OF SCIENTIFIC LEARNING IN ISLAMIC LAW

The activity of analyzing scientific learning in Islamic law is intended to identify the scientific learning needs in order to achieve its objectives. The achievement of these learning objectives is preceded by an analysis of competencies that must be achieved by students as formulated in the Sharia Faculty curriculum. The analysis is the process of describing competencies into sub-competencies that are arranged logically and systematically. The procedure for analyzing scientific subjects of Islamic law can be done with three approaches, namely: taxonomic analysis, competency analysis, and information processing analysis as shown in the following figure:
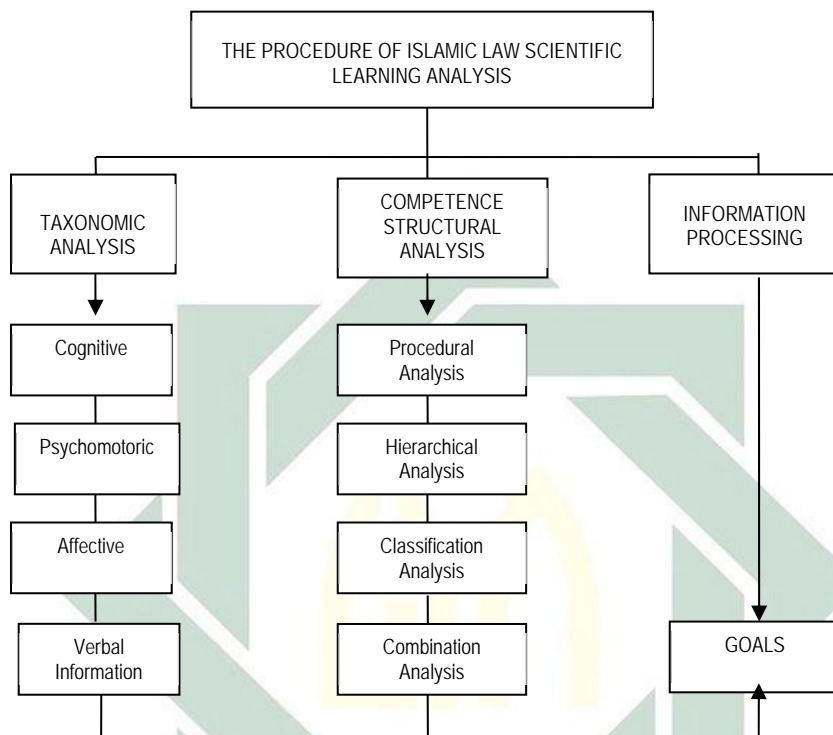


Figure 5: The Procedure for Analysis of Islamic Law Scientific Learning

The taxonomic analysis can be carried out by observing the four abilities that must be achieved in the scientific studies of Islamic law, namely cognitive, psychomotoric, affective, and verbal information aspects. The cognitive ability seems to be the largest area for scientific studies of Islamic law that demands mastery of a scientific set of Islamic law by thinking systematically, logically, and rationally. The motoric skill requires mastery of skills in the fields relating to Islamic law such as skills as judges, practitioners of Islamic banks, clerks, employees of the Ministry of Religion, etc., in addition to daily technical skills such as mosque management, determination of Qibla direction, initial determination and end of Ramadan, and so on. The affective ability is an ability that must be possessed in accoradance with the attitude in applying the concepts of Islamic law, including appreciation for it. The verbal information ability is related to skills in verbally arguing, or conveying the concepts of Islamic law that have been studied to the community.

The competence structural analysis deals with four aspects, namely:

1. Procedural analysis, which analyze scientific subjects of Islamic law along with their respective competencies with a series of appearance sequences, none of which is a competency prerequisite for other competencies. Each stand alone, although it can be done sequentially. In this case, one subject can be studied even if a student has not studied another subject.

2. Hierarchical analysis, namely analyzing scientific subjects in Islamic law where one competency can only be learned if other competencies have been learned and mastered. This analysis is done because there are tiered courses, one of which is a

prerequisite for other courses. For example, the basic, main, and applied subjects. When a student will program a course on Islamic marriage in Indonesia, for example, he must first pass the subjects of Islamic marriage law basic and Islamic marriage law.

3. Classification analysis, conducted by grouping subjects that do not have dependence on one another. Each subject is grouped according to their competencies; basic, primary, or supporting without having to prioritize prerequisite courses from the main courses.

4. Combination analysis, namely the analysis of courses by using procedural analysis, khirarkhikal analysis, and classification analysis simultaneously, or combining the three types of analysis to study the scientific subjects of Islamic law.

The figure 5 above shows that after taxonomic analysis and analysis of competency structures, it is followed by information processing. In other words, the competencies to be achieved in the form of cognitive, affective, psychomotoric, or verbal information contained in scientific subjects of Islamic law are identified and sorted which are the first, second competencies, and so on. If the main priority is cognitive competency, the syllabus of the course is directed to the maximum possible extent in that area, as well as other competencies. Furthermore, the courses contained in the curriculum are analyzed by considering competency analysis, namely procedural analysis, khirarkhikal analysis, classification analysis, and combination analysis. The four forms of analysis are used as needed. Existing information is processed in such a way using information processing methods. Through all the processes it is expected that the stated goals will be achieved.

## IV. CONCLUSION

Although the discussion in this article is still a concept of offering and not applied yet in the scientific world of Islamic law, it was stated because the established Islamic law had its own legal sources and methods (masadir wa manahij al-tashri 'al-Islami) which had also been established and if associated with general methods of science, should get appreciation. This is based on the hypothesis that if the integration of general science and Islamic science is encouraged vigorously in various State Islamic Universities (UIN) in Indonesia, the epistemological integration of the two sciences should also be done. Thus, there will be development of knowledge among Muslims.

The development of Islamic law studies is very much needed because of the demands of time, conditions, and human needs that are constantly changing and developing in line with the development of science and technology, especially the information technology that is currently happening. Therefore, Islamic universities have duties to develop Islamic sciences in line with the development of the latest science and technology.

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