

P-ISSN : 1412-6141

E-ISSN : 2548-7744

Jurnal

ADABIYAH

The Journal of Islamic Humanities

Mukhlis Latif

*Ibn Thufail and His Contributions in the Field of Islamic Philosophy:
Thoughts and Developments*

Yaniah Wardani

القيم البلاغية في ثلاثيات الردة وانتشرها في اندونيسيا ومصر: دراسة مؤلّنة

**Nur Taufiq Sanusi, Ahmad Fauzan, Abdul Syatar, Kurniati,
Hasanuddin Hasim**

*Political Configuration of Islamic Law in Legal Development in
Indonesia*

Kasjim Salenda, Sudirman

*The Reconstruction of Maqasid Al-Syariah against Traffic Violation in
Indonesia*

Mirwan, R. Fakhurrazi, Faishal Agil Al Munawar

*Endogamous Marriages among the Kiai in Sukorejo Islamic Boarding
School, Situbondo: A Phenomenological Approach in the Perspective of
Multicultural Fiqh*



**FAKULTAS ADAB DAN HUMANIORA
UNIVERSITAS ISLAM NEGERI ALAUDDIN**

Vol. 23 No. 1 (2023)



Theme: Islamic Humanities
VOLUME 23 ISSUE 1, JANUARY-JUNE 2023

EDITOR-IN-CHIEF

Nuri Emmiyati, Alauddin State Islamic University, Indonesia

ASSOCIATE EDITOR

Barsihannor, Alauddin State Islamic University, Indonesia

INTERNATIONAL EDITORIAL BOARD

Shamsi Ali, University of Northern California, United States

Miss Tiarne Jade Barratt, University of Sydney, Australia

Muhammad Widus Sempo, Universiti Sains Islam Malaysia, Malaysia

Salih Yousif Sharaf Mohamed, Al-Gazera University, Sudan

Aishah Waenaha Waemamah, Academy of Islamic and Arabic Studies Princess of Naradhiwas University
- Thailand, Thailand

EXECUTIVE EDITOR

Umar Thamrin, Alauddin State Islamic University, Indonesia

MANAGING EDITOR

Nasrum, Alauddin State Islamic University, Indonesia

EDITORS

Akbar Haseng, Institut Agama Islam Negeri Kendari, Indonesia

Sardian Maharani Asnur, Alauddin State Islamic University, Indonesia

Subehan Khalik Umar, Alauddin State Islamic University, Indonesia

Haniah, Alauddin State Islamic University, Indonesia

Andi Satrianingsih, Universitas Muhammadiyah Makassar, Indonesia

Awaluddin Syamsu, Universitas Muslim Indonesia

Muhammad Azwar, UIN Syarif Hidayatullah Jakarta, Indonesia

ASSISTANT TO THE EDITORS

Chusnul Chatimah Asmad, Alauddin State Islamic University, Indonesia

ENGLISH LANGUAGE ADVISOR

Rosmah Tami, Alauddin State Islamic University, Indonesia

Syahrani Junaid, Alauddin State Islamic University, Indonesia

ARABIC LANGUAGE ADVISOR

Muh. Saleh Syamsuri, Alauddin State Islamic University, Indonesia

Baso Pallawagau, Alauddin State Islamic University, Indonesia

IT SUPPORT

Taufiq Mathar, Alauddin State Islamic University, Indonesia

COVER DESIGNER

Nur Arifin



Jurnal Adabiyah:

This journal receives a national accreditation from Ministry of Research, Technology, and Higher Education Republic of Indonesia, **Nomor 10/E/KPT/2019** on April 4, 2019 with the **SINTA score: S2**.

The Journal has been published by the Faculty of Adab and Humanity of Alauddin State Islamic University, Makassar, since 1997 and has been online since 2016 with the main themes on Humanities and Islamic Studies with the emphasis on interdisciplinary and intertextuality approach.

This journal are published twice a year, on June and December. The themes related to Islamic Studies are textual studies, scriptural traditions, Islamic law, and theology; and those related to Humanities are language, literature, history, and culture.

The journal of Humanities and Islamic Studies will provide the online collection of articles from 1997 up to now. The most updated information can be found on the website.

Table of Contents

Mukhlis Latif	1-17
<i>Ibn Thufail and His Contributions in the Field of Islamic Philosophy: Thoughts and Developments</i>	
Yaniah Wardani	18-48
<i>القيم البلاغية في ثلاثيات البردة وانتشارها في اندونيسيا ومصر: دراسة موازنة</i>	
Nur Taufiq Sanusi, Ahmad Fauzan, Abdul Syatar, Kurniati, Hasanuddin Hasim	49-65
<i>Political Configuration of Islamic Law in Legal Development in Indonesia</i>	
Kasjim Salenda, Sudirman	66-85
<i>The Reconstruction of Maqasid Al-Syariah against Traffic Violation in Indonesia</i>	
Mirwan, R. Fakhurrazi, Faishal Agil Al Munawar	86-102
<i>Endogamous Marriages among the Kiai in Sukorejo Islamic Boarding School, Situbondo: A Phenomenological Approach in the Perspective of Multicultural Fiqh</i>	

Political Configuration of Islamic Law in Legal Development in Indonesia

Nur Taufiq Sanusi¹, Ahmad Fauzan², Abdul Syatar³, Kurniati⁴, Hasanuddin Hasim⁵
Alauddin State Islamic University of Makassar, Indonesia^{1,3,4}
Istanbul Sabahattin Zaim University, Turkey²
State Islamic Institute of Parepare, Indonesia⁵
Correspondence Email: nurtaufiq066@gmail.com

Doi: [10.24252/jad.v23i1a3](https://doi.org/10.24252/jad.v23i1a3)

(Submitted: 01/02/2023, Accepted: 29/06/2023)

Abstract

Indonesia's multicultural society influences legal policy in the development of the country from philosophical, cultural, social, and religious aspects. The current development of customary law, commonly referred to as *al-dah al-muhakkamah*, strongly supports national law as a source of law and is used by the Indonesian Islamic community along with customary law as its legal basis. Both are designed to provide legal benefits for the Indonesian people. This study focuses on the synchronization of Islamic law and national law to create a national law that is in harmony with the existing law in society through normative legal investigation methods and comparative legal approaches. The method used is qualitative method. The procedural model is a research technique that gathers verbal or written descriptions from sources in order to apply normative comparison techniques. The research results show Islamic law in the development of national law is the answer to the democratization of various sources of law in Indonesia. That is, national sources of law need to pay attention to the basic philosophy of Islamic law, which can answer and solve substantive and formal legal problems as the basis for the development of national law. The formalization of Islamic law in the context of the policy development of law or the development of Islamic law (legal structure) in the development of national law is not sufficiently limited to mere formalization but to its nature and content.

Keywords: Political configuration; Legal development; Legal politics; Islamic law

المخلص

يؤثر المجتمع متعدد الثقافات في إندونيسيا على السياسة القانونية في تطور البلاد من الجوانب الفلسفية والثقافية والاجتماعية والدينية. إن تطوير القانون العرفي الذي يشار إليه عادة باسم "العدة المحكمة" يدعم اليوم بقوة



القانون الوطني كمصدر للقانون ويستخدمه المجتمع الإسلامي الإندونيسي جنبًا إلى جنب مع القانون العرفي كأساس قانوني له. كلاهما مصمم لتقديم مزايا قانونية لشعب إندونيسيا. يركز هذا البحث على تزامن الشريعة الإسلامية والقانون الوطني لتحقيق القانون الوطني المتوافق مع القوانين القائمة في المجتمع من خلال أساليب التحقيق القانوني المعياري والأساليب القانونية المقارنة. الطريقة المستخدمة هي طريقة نوعية. تقنيات جمع البيانات ، وهي جمع الأوصاف الشفوية أو المكتوبة من عدة مصادر كمواد مقارنة معيارية. تظهر نتائج البحث أن الشريعة الإسلامية في تطوير القانون الوطني هي الرد على ديمقراطية مصادر القانون المختلفة في إندونيسيا. وهذا يعني أن مصادر القانون الوطني بحاجة إلى الاهتمام بالفلسفة الأساسية للشريعة الإسلامية التي يمكنها الإجابة على المشكلات القانونية الموضوعية والشكلية وحلها كأساس لتطوير القانون الوطني. إن إضفاء الطابع الرسمي على الشريعة الإسلامية في سياق سياسات تطوير القانون أو تطوير الشريعة الإسلامية (الهيكل القانوني) في تطوير القانون الوطني لا يقتصر بشكل كافٍ على مجرد إضفاء الطابع الرسمي ، ولكن ما هو جوهرها ومحتواها

الكلمات المفتاحية: التكوين السياسي ، التطور القانوني ، السياسة القانونية ، الشريعة الإسلامية

Abstrak

Masyarakat multikultural Indonesia mempengaruhi kebijakan hukum dalam pembangunan negara dari aspek filosofis, budaya, sosial dan agama. Perkembangan hukum adat yang biasa disebut dengan *al-ādah al-muhakkamah* dewasa ini sangat mendukung hukum nasional sebagai sumber hukum dan digunakan oleh masyarakat Islam Indonesia bersama dengan hukum adat sebagai landasan hukumnya. Keduanya dirancang untuk memberikan manfaat hukum bagi masyarakat Indonesia. Penelitian ini menitikberatkan pada sinkronisasi hukum Islam dan hukum nasional untuk mewujudkan hukum nasional yang selaras dengan hukum yang ada di masyarakat melalui metode penyelidikan hukum normatif dan pendekatan hukum komparatif. Metode yang digunakan adalah metode kualitatif. Teknik pengumpulan data yaitu mengumpulkan deskripsi verbal atau tertulis dari beberapa sumber sebagai bahan perbandingan normatif. Hasil penelitian

menunjukkan bahwa Hukum Islam dalam pembangunan hukum nasional merupakan jawaban atas demokratisasi berbagai sumber hukum di Indonesia. Artinya, sumber hukum nasional perlu memperhatikan filosofi dasar hukum Islam yang dapat menjawab dan memecahkan masalah hukum substantif dan formal sebagai landasan pembangunan hukum nasional. Formalisasi hukum Islam dalam konteks kebijakan pembangunan hukum atau pembangunan hukum Islam (*legal structure*) dalam pembangunan hukum nasional tidak cukup terbatas pada formalisasi belaka, tetapi bagaimana hakikat dan isinya.

Kata Kunci: Konfigurasi politik; Pembangunan hukum; Politik hukum; Hukum Islam

A. Introduction

The nationalist nature of the legal order of a nation must reflect the ideals of law, its legal goals, and functions, be directed to the nature and purpose of life of the nation and state and be directed towards the adjustment of national interests. Therefore, the interests of the people here are said to be the interests of all Indonesian people who are united in the life of the nation and state¹. Nasantala's perception is said to have a single national law that leads to legal unification. Creating a climate that fosters awareness of living under one legal roof for all levels of Indonesian society. Departing from these two views, although legal unification is the goal of national legal development, for the sake of fairness in national legal development, differences, backgrounds, socio-culture and the interests of Indonesian social groups and certain groups must be considered by the state so that their needs are considered, and these community groups are treated equally / equally and equally. Therefore, in addition to the insight of the archipelago and state, the insight of "unification in diversity" needs to be supplemented².

Islamic law to become a formal law in Indonesia, not separated from polemics, especially the struggle between Islamic law and Western law and Customary law, has reaped many dilemmas in the policy³. The feud between politics and law is very strong in its supremacy. When viewed from its development, there are three

¹ Mardan, 'CONTRIBUTION OF ISLAMIC LAW IN INDONESIAN LEGAL POLITICS', *Al-IHKAM: Jurnal Hukum Keluarga Jurusan Ahwal Al-Syakhshiyah Fakultas Syariah IAIN Mataram*, 11.1 (2019), 53–72 <<https://doi.org/10.20414/alihkam.v11i1.2119>>.

² Sirojul Munir, 'Pengaruh Hukum Islam Terhadap Politik Hukum Indonesia', *Istinbath: Jurnal Hukum Islam*, 13.2 (2014), 127–55 <<https://www.neliti.com/id/publications/162970/pengaruh-hukum-islam-terhadap-politik-hukum-indonesia>>.

³ Muhammad Hifdil Islam, 'Islamic Law in Indonesia (Tradition, Thought, Political Law and Legal Products)', *Asy Syari'ah*, 4.1 (2018), 31–50.

intersections in Islamic law in Indonesia⁴. First, coming from a group that wants the implementation of Islamic law in Indonesia to regulate its adherents, called a traditional group, namely, a group that thinks that religion regulates all aspects of life, then Muslims must practice the rules of Islamic law, including in-state life. Second, the moderate group comes from a group that wants uniformity and legal unity. Third, secular groups that want the institutional invalidation of Islamic law, this group argues that religion only regulates individual affairs with their god in the form of ritual worship, in no way regulating concrete social aspects, including the rule of law. The relationship between the Gnostics is very strong influencing government policies, both in the application and absorption of Islamic law.

Islamic politics and law are two sides of a coin that cannot be separated in an Islamic society⁵. Islamic law without political support is difficult to implement, and vice versa, politics that ignore Islamic law will result in chaos in the order of society⁶. This is believed to be true by those who already have legal awareness, so practicing and fighting for Islamic law in a country whose majority of the population is Muslim, is a must for Muslims, either through legal-formal channels or substantive roads. In Indonesia, the implementation, legal ideals, and legal consciousness – can't help but – are also shaped by the socio-political configuration that develops in its society.

Its relationship with Islamic law is undeniable. According to the Minister of Justice (Islam Surrey), Islamic law is essentially two areas: (1) worship and (2) Muamara, because the majority of the Indonesian population is Muslim. This means that the relevant laws and regulations in the field of worship are detailed, while in the field of Muamara, or related to various forms of people's life, they are not described in detail. That is, only the principles are regulated in this area, and their application and development remain open/to government officials or Uliil' Amri. Islamic law plays an important role in advancing the social order of Muslims and affecting various aspects of their lives, so the government will take Islamic law as long as it is by Pankashira and the 1945 Constitution (Minister of Justice). incorporating norms into national law. Ismail Saleh). This is particularly relevant to the needs of Islamic law since Islamic law contains a set of universal principles that can be used as a source for designing national laws.

⁴ Lina Kushidayati, 'The Development of Islamic Law in Indonesia', *Qudus International Journal of Islamic Studies*, 1.2 (2014), 163–80 <<https://doi.org/10.21043/QIJIS.V1I2.185>>.

⁵ Adri Wanto, 'Sharia, Two Sides of the Same Coin: The Contradictions between Sharia and Adat (Case Studies of Minangkabau's Matrilineal and Land Tenure System)', *Walisono: Jurnal Penelitian Sosial Keagamaan*, 25.1 (2017), 1 <<https://doi.org/10.21580/ws.25.1.1833>>.

⁶ Muhazir, 'Islamic Law Politics in the Contemporary Era (Revealing the Struggle for the Positivization of Islamic Law in Indonesia)', *ALHURRIYAH: Jurnal Hukum Islam*, 6.1 (2021), 23–35 <<https://doi.org/10.30983/alhurriyah.v6i1.3956>>.

From a formal historical and juridical point of view, the existence of the Republic of Indonesia is a country that was once colonized by the Dutch, British and Japanese. Each carries a different type of law and time-lapse, and therefore has and will have different implications. From here we will be able to understand the existence of a plurality of legal systems prevailing in Indonesia because of equivalence⁷. Islamic law as an inseparable part of the teachings of the religion (Islam) entered and became part of the norms of society since the entry of the teachings of Islam itself, namely starting from the 1st century Hijri or the 7th-8th century Miladiyah. "This Religious Law came to Indonesia along with the presence of religion". This belief is what makes Islamic law apply in the life of Indonesian society⁸.

With the birth of the compilation of Islamic Law and the promulgation of Law No. 7 of 1989 concerning Religious Justice. Moh. Mahfud MD⁹ in his dissertation regards a non-Democratic state. The political configuration of the New Order regime, according to Mahfud, contains authoritarian and democratic features at the same time. Its authoritarian features, however, appear to be more prominent.

Sociologically, it is recognized that the political reality of the New Order influences the forms of religious understanding in Indonesia, especially for Islam. The establishment of the Compilation of Islamic Law, which was guided by the Ministry of Religion of the Republic of Indonesia and the Supreme Court of the Republic of Indonesia, is a form of religious understanding desired by the new order of legal politics¹⁰. What kind of Islamic law is needed for the main projects of the new order is the starting point for the development of Islamic thought and the establishment of Islamic law in Indonesia. the ideology of the new order included the socio-religious change, and the modernization of "traditional" religious values into "modern" religious values, changing the traditional mentality to the modern one. Included in this part of the program is to carry out the unification and codification of national law as a starting point for the legal politics of the new order.

⁷ Abdul Syatar, 'TRANSFORMATION OF FIQH IN THE FORMS OF HAJJ AND ZAKAT LEGISLATION', *Mazahibuna; Jurnal Perbandingan Mazhab*, 1.2 Desember (2019), 120–33 <<https://doi.org/10.24252/mh.v1i2.11646>>.

⁸ Yohanes S Lon and Fransiska Widyawati, 'Customary Law Before Religion and State Laws Regarding Marriage In Manggarai , Eastern Indonesia □', *Jurnal Cita Hukum*, 9.1 (2021), 93–110 <<https://doi.org/10.15408/jch.v9i1.16510>>.

⁹ Ummu Awaliah and others, 'POLITICAL CONFIGURATION AND LEGAL PRODUCTS IN INDONESIA IN TERMS OF ISLAMIC CONSTITUTIONAL LAW', *Al-Risalah Jurnal Ilmu Syariah Dan Hukum*, 21.2 (2021) <<https://doi.org/10.24252/al-risalah.v21i1.24871>>.

¹⁰ La Jama, 'Fatwas of the Indonesian Council of Ulama and Its Contributions To the Development of Contemporary Islamic Law in Indonesia', *Indonesian Journal of Islam and Muslim Societies*, 8.1 (2018) <<https://doi.org/10.18326/ijims.v8i1.29-56>>.

Departing from some of the above thoughts, in the end, encouraging the author to formalize Islamic law into the development of national law in the context of legal development policies or the construction of Islamic law (legal building), is not enough just to be limited to pure formalization.

B. Methods

The survey method used is qualitative. The procedural model is a research method that generates written or verbal descriptive data of many people and observes the behavior of people so that normative comparison methods are used. This study talks about politicians/rulers, or in the form of phenomena. The approaches used in this study are: First, the Islamic law approach. Second, legal policy. Third, is the development of national law.

In this case, the type of research that the researchers use is based on the use of some of the above perspectives. Depending on the field of study, this type of research is categorized as legal research. The Islamic Law Policy Study is a study that explains the problems of Indonesian law to find and interpret new knowledge created by former scholars. b. Depending on the location, this type of study is classified as a literature study. c. This type of research is categorized as "developmental research" according to its purpose and aims to develop existing knowledge. So, according to the paradigm, this type of study belongs to normative comparative studies. In terms of its application, researchers use several methods related to the subject matter of this study. These include, first, observations by researchers who investigate political behavior or personality during government. Second, hold group discussions involving people who have sufficient abilities and knowledge in the field of research. Third, by analyzing the content. Most of the data generated by qualitative research are encoded and analyzed only by the sharp eyes and hearts of researchers. Alternatively, you can do so by using computer software.

C. Results and Discussions

1. History, the Political Development of Islamic Law

The path to the national legal system with the Islamic legal system is inseparable from the legal politics that have developed since Islam entered the archipelago ¹¹. Historically and sociologically, Islam entered the archipelago (Indonesia) from the city of Medina Al-munawwarah in the 13th century AD with the rapid development of Islam, according to some conclusions of Islamic historians ¹².

¹¹ Sulasman, 'The Process of Decolonization on Islamic Law in Indonesia : A Historical Perspective', *TAWARIKH: Journal of Historical Studies*, 8.April (2017), 131–42.

¹² Dedy Wahyudin, 'Mosque and Civilization : Setting Islamic Center of Nusa Tenggara Barat as Center of Civilization', *Nalar : Jurnal Peradaban Dan Pemikiran Islam*, 4 (2020), 29–42 <<https://doi.org/10.23971/njppi.v4i1.1921>>.

But there is another opinion that Islam entered and developed in Indonesia from the VII century AD. In other words, there was a debate in determining the beginning of the entry of Islam in Indonesia, considering that each opinion has its reasons and debates¹³.

In addition, based on the facts and realities of Islam in Indonesia, those who claim that the process of entering and entering Islam in Indonesia comes from several entrances not just from one door, according to the nature of the Indonesian archipelagic state¹⁴. It can be seen from one island to another, from one region to another, from an Islamic perspective, understanding, and color. As concrete evidence, this distinction begins in the realm of mah worship and extends to social and full worship or its branches.

This has been taught by Middle Eastern preachers with Da'i backgrounds or traders or merchants since the beginning of the existence of Islam and the beginning of its development in the archipelago (Indonesia)¹⁵. The subsequent dissemination of Islam or Islamization is studied in various ways through institutions, marriage ties, educational institutions, existing Tariqa institutions, arts, and public institutions developed by the Islamic community itself, socialized and developed. It is equally important that Islamization is supported by political forces¹⁶.

The course of legal development policies, including the development of Islamic law into national law, cannot be separated from the basic guidelines of the constitution¹⁷. Islamic law comes from the positive side (*siyāsah*) from its main source, Sharia (Islamic law)¹⁸ as the proposal of Nakuru, and Fiqh (Islamic law) as the proposal of Aciri as the result of human Ijtihad, which is considered the norm or rule of positive law. Both have been developed and formalized in the legal order of the country.

¹³ Ahmad Sukardja, *The Charter of Medina and the 1945 Constitution, A Comparative Study of the Basics of Living Together in a Plural Society* (Jakarta: UII Press, 1995).

¹⁴ Timo Kaartinen, 'Islamic Transformations in the Periphery of Maluku, Indonesia', *Indonesia and the Malay World*, 47.138 (2019) <<https://doi.org/10.1080/13639811.2019.1583428>>.

¹⁵ Diego Fossati, 'The Resurgence of Ideology in Indonesia: Political Islam, Aliran and Political Behaviour', *Journal of Current Southeast Asian Affairs*, 38.2 (2019), 119–48 <<https://doi.org/10.1177/1868103419868400>>.

¹⁶ Sukardja.

¹⁷ Islam.

¹⁸ Wahyuddin Naro and others, 'Shariah Assessment Toward the Prosecution of Cybercrime in Indonesia', *International Journal of Criminology and Sociology*, 9 (2020), 572–86 <<https://doi.org/https://doi.org/10.6000/1929-4409.2020.09.5>>.

The politics of the development of Islamic law can be seen from various angles and perspectives¹⁹. Improvements in education (in a broad sense) and the political system are necessary to establish and strengthen the status of Islamic law in the national legal system. In addition, from the perspective of economic development, the policy of development of Islamic law can be said to be a very important substance that needs to be developed and strengthened its existence. Indeed, the Islamic economy, which has existed since the beginning of the time of the Prophet Muhammad PBUH²⁰, now feels and recognizes the importance of being involved in the economic development of Muslims and the public. The political power of the law greatly influenced the existence of the Islamic economy. Islamic economics should not only be regarded as an alternative to traditional economics but should be placed in the same position and treated equally.

In the development of the world, it does not mean that the legal development of a country is inseparable from the world economic power initiated by capitalist countries, as well as the power of NGOs (non-governmental organizations) or non-governmental organizations. the organization of government in the world, is an undeniable fact. The power of the state to form and direct legal policies cannot be enjoyed alone but must develop in line with global development.

The Islamic economy essentially upholds the principles of fairer and equitable trade and trade for profit, avoiding fraud and exploiting the vulnerable, by not using much energy for others²¹. worth it. With the legal policies provided and developed by Islamic Sharia, the Islamic economy is a truly just matter.

It is interesting as the political signs of the development of Islamic law into national law are described as the politics of national law, not just formalization. Also, when it is a policy to develop Islamic law into a national legal system known as Sharia, there is a harmony between the formalization (form) and material (material) aspects that are part of the national legal system.

¹⁹ Rüdiger Lohlker, 'Fiqh Reconsidered: Indigenization and Universalization of Islamic Law in Indonesia', *Interdisciplinary Journal for Religion and Transformation in Contemporary Society*, 7.1 (2021), 188–208 <<https://doi.org/10.30965/23642807-bja10011>>.

²⁰ Muhammad Husni, 'Integration of the Civil Society Development of the Prophet Muhammad; Historical Perspective', *Pappaseng: International Journal of Islamic Literacy and Society*, 1.1 (2022), 47–57 <<https://doi.org/10.56440/pijils.v1i1.3>>.

²¹ Arskal Salim, 'Adat and Islamic Law in Contemporary Aceh, Indonesia: Unequal Coexistence and Asymmetric Contestation', *Samarah*, 5.2 (2021), 529–51 <<https://doi.org/10.22373/sjkh.v5i2.11082>>.

2. Conceptualization of Islamic Law into the National Law of the 1945 Constitution

According to the 1945 Constitution, Indonesia is a nation of law that is not just founded on power (*machtstaat*). This indicates that the law plays a crucial and significant role in bringing the goals of the Indonesian state into reality. This signifies the significance of Islamic law policy in a certain Republic of Indonesian nation.

"All existing state bodies and regulations are still in force, so long as no new ones have been held in accordance with this Constitution," declares Article 2 of the Provisional Provisions of the 1945 Constitution. This indicates that Islamic law is still constitutionally enforced as it was prior to independence, that changing the law is difficult, and that there must be a good reason to keep the law of colonial products in place, even temporarily. The development of this justification provided the Indonesian government with a clear push to instantly establish valid products that were mandated by the 1945 Constitution, as well as all colonial lawful products, particularly the 1945 Constitution. Getting rid of the colonial products, whose laws must be adopted by the Indonesian government that is not governed by the 1945 constitution. It needs to be cautious if any legal products are kept around because they may still function effectively in Indonesia due to their potential universal value among legal products from the colonial era. This constitutional foundation is a mission through legislative policies built in Indonesian nationalism's philosophy and culture, which is difficult since it affects many different elements²².

Legally speaking, the Republic of Indonesia, which was proclaimed on August 17, 1945, is not Majapahit, Sriwijaya, or the successor of the previous archipelago kingdoms, but rather the "successor" of the Dutch East Indies. The requirements of Article 2 of the Provisional requirements of the 1945 Constitution state that the laws and regulations that are currently in effect are laws and regulations of the Dutch East Indies, not the Majapahit or the Sriwijaya Kingdom. It also does not carry on the policies of the Japanese military government, which ruled Indonesia until the Republic of Indonesia was established.

Indonesia has provided constitutional validity to the existence and application of Islamic law for three reasons. First, from a philosophical standpoint, the majority of Indonesian Muslims view the teachings of Islam as their moral and ethical code, and they have a significant influence on the creation of the fundamental standards of Pancasila. Second, for sociological reason, Indonesian Muslims' historical growth demonstrates that legal theories and viewpoints based on Islamic teachings are consistently current. Thirdly, the 1945 Constitution's Articles 24, 25, and 29 offer a framework for the formal application of Islamic law.

²² M.D Moh. Mahfud, *The Struggle for Legal Politics in Indonesia* (Yogyakarta: Gema Media, 1999).

In general, Articles 20 or 24 of the 1945 Constitution as well as Article 29 (1) of that same constitution specifically define Indonesia's position on Islamic law. There are numerous other norms that reflect the political evolution of national law and the position of Islamic law, including:

First, In order to enhance marriage and inheritance rules, religious considerations must also be taken into account, according to the MPRS II/MPRS/60 provisions. However, there was not a single legislation governing marriage and inheritance at the start of the New Order Government (March 27, 1968), when the MPRS II/MPRS/1960 legislation was repealed. Rules for marriage registration, a marriage statute, and an entire inheritance bill have all been developed by the development.

Second, Islamic law is one of the pillars of the Indonesian legal system, and along with customary law, it serves as one of the building blocks for the growth of Indonesian society. The overview of national policies and a five-year development plan in the field of law.

Third, Chapter IV.A.2. The direction of national legal policy is generally based on common law, religious law (in this instance Islamic law), and Western law, according to the National Policy Guidelines and the National Long-Term Development Plan (RPJPN) from 1999, the reform era.

Fourth, the National Long-Term Development Plan (RPJPN) 2005-2025. The establishment of domestic law necessitates the embodiment of sociological values by the cultural values dominant in the rice paddy society, it is explained, and the growth of domestic law necessitates compliance with legal permissions in society. In other words, the laws that exist in society should be considered while creating state laws. Islamic law is a body of legislation that already exists in society, is recognized by the majority of Indonesian citizens, is a component of the country's legal framework, and serves as one of the foundational principles for domestic law. For this reason, the rule of law must adhere to constitutional procedures and be consistent with Indonesian legal principles.

We can notice the following when we consider the position of Islamic law from such a strong political standpoint. The Islamic approach's primary function is to close the legal gap in positive law. This is seen by the government's ratification of numerous laws and regulations, which enshrine positive law for its followers. Based on this, Islamic law fills up the gaps in waqf, zakat, inheritance law, and family law (lex specialized). Second, the contribution of Islamic law to the development of domestic law as a source of value. All Indonesian nationals must abide by the law (lex generalis). Islamic law is a valuable source for the established rule of law and can be used in a variety of legal contexts, including criminal, constitutional, and state

administrative law. It is not only applicable to civil law. Islamic law serves as a source of law because of this.²³

3. The Politics of Islamic Law in Indonesian Lawmaking

In the concept of positive law, the state of the law is the result of the empowerment of competent power. Moreover, in another view, if a law is based on another priority regulation, then the law is declared a positive law. Conversely, if the standard formulation consists of a linear formula and a quadratic formula, then the nature of the law is positive.

The general meaning is that you cannot legally oppose the law or legal conduct. From a positivist point of view, this is what is called legitimate, and the ordinance is binding. But what does it mean, does it mean that you must obey it? The situation is similar in the legal context. A legal entity should not make independent moral judgments regarding the validity of the law or disregard valid legal documents. In the broader context, the meaning of obligations is not yet clear, but one of them can be interpreted as legally binding, but is there a moral obligation? Whether the applicable legal requirements correspond to the requirements of morality.

The acceptance of Islamic law as a product of positive legal legislation is in principle a political product. Meanwhile, Daniel S. Lev explained that the most important thing in court proceedings is the concept of a political power structure²⁴. That is, in the process of legislative debate, various political forces will inevitably appear in the legislative product. However, it should be noted that the aggressiveness of the provisions of Islamic law (*siyāsah*) within the framework of Sharia and Fiqh does not obscure the meaning and essence of Islamic law itself.

Satjipto Rahardjo²⁵ explained that the law is formed by certain interests because it is a means of the decision or political will. Manufacturing is a place of controversy and conflicts of interest. Moreover, the institutions and institutions that produce it reflect the composition of power and interests that exist in society.

The specificity of Islamic law in the field of sharia may require state support under certain circumstances to strengthen its existence. Even in the Muamara region, Islam is widespread with the intervention of state powers to take precautions. However, the regulation of the state in the form of positive law should be consistent and not deviate from the provisions outlined by the sharia and the thinking of jurists.

²³ Muhammad Yusuf, 'Eksistensi Hukum Jinayat Dalam Masyarakat Nusantara', *LEGITIMASI: Jurnal Hukum Pidana Dan Politik Hukum*, 10.1 (2021), 41 <<https://doi.org/10.22373/legitimasi.v10i1.10516>>.

²⁴ Moh. Mahfud.

²⁵ M. Zulfa Aulia, 'Hukum Progresif Dari Satjipto Rahardjo', *Undang: Jurnal Hukum*, 1.1 (2018), 159–85 <<https://doi.org/10.22437/ujh.1.1.159-185>>.

As a sharia provision that creates sturdiness and certainty about what is allowed or prohibited, positive legal norms must, from a formal point of view, invalidate the provisions and levels required by Islamic Sharia.

Returning to the development of Islamic legal values and principles that exist in Indonesian society, of course, it is inseparable from the development of law long before independence which is the inner territory of every society. Islamic law seems to be adaptable to the environment of society, which is called customary and then common law. From his work, C.W.L., Van den Berg gave rise to a theory called Reception of the Complex, which claims that Indonesian Muslims are fully Islamic and united as a whole. Islamic law has been applied and accepted throughout the life of the people of the archipelago. This affirmation can be proven by the unity of Islamic values and life values in society. In the Minangkabau community of West Sumatra, these provisions are known as "*Adat Bersendikan Shara*" and "*Shara Bersendikan Kitab*"²⁶. That is, in a certain order prevalent in society, it will be respected if it is indecisive and violates the values espoused by Islamic law.

On the other hand, in the development of Islamic law into the legal order, it sought to be guided or diverted and even clashed with secular ideas and ideologies. This is evidenced by the emergence of the theory of the reception of Snouck Hurgronje²⁷. This theory was later expanded and developed by Van Vollen Hoven and B. Ter Haar. Although Snouck Hurgronje recognized that Islam is a religion of rights in the true sense of the word (Islam is a religion of rights in the true sense of the word). However, thanks to the reception theory developed by Snook Frugronier, was able to influence the policy of the Dutch East Indies government. There, his famous statement that Islamic values and Islamic law are theoretically accepted is often violated in practice. According to Snouck Hurgronje²⁸, the Indonesian Islamic community (Nusantara) follows customary law, not Islamic law. Common law includes elements of Islamic law that apply to this society. In other words, the applicable law is no longer Islamic law, but general law.

One that deserves recognition is the liberalization of legal policies and policies developed by the government to adhere to Islamic law in the legal system through the

²⁶ Ridwan Tohopi, 'Tradisi Perayaan Isra' Mi'raj Dalam Budaya Islam Lokal Masyarakat Gorontalo', *El-Harakah*, 14.1 (2012), 135–55 <<https://doi.org/10.18860/el.v0i0.2192>>.

²⁷ Jajang A Rohmana, 'REREADING CHRISTIAAN SNOUCK HURGRONJE : HIS ISLAM , MARRIAGE AND INDO-EUROPEAN DESCENTS IN THE EARLY TWENTIETH-CENTURY', *Walisongo: Jurnal Penelitian Sosial Keagamaan*, 26.1 (2018), 35–66 <<https://doi.org/10.21580/ws.26.1.2148> REREADING>.

²⁸ Mohammad Khotimussalam, 'THE DUTCH ISLAMIC POLICIES: PERAN POLITIK CRISTIAN SNOUCK HURGRONJE DI WILAYAH HINDIA-BELANDA', *Jurnal Tamaddun : Jurnal Sejarah Dan Kebudayaan Islam*, 7.1 (2019), 239–57 <<https://doi.org/10.24235/tamaddun.v7i1.4509>>.

legislative process. However, it should be noted that there is no opportunity or ease in the legislative process, and Islamic law itself has lost its basic meaning under Islamic Sharia. This vigilance must be maintained so that the formal legislative process does not change the actual legal entity.

Due to this, it is crucial that Islamic law be able to compete with other legal systems in order to support and strengthen the development of national law. Alamsjah Ratu Prawiranegara cited Padma Wahjono as saying that there are two requirements before national law can take the place of Islamic law. First, bravery. Not all ideas will succeed if you lack fortitude. Second, all concepts must fit inside the boundaries of Pancasila. Pancasila offers a chance to uphold majority rule without significantly offending Islam. Tawhid is the only precept of Pancasila, the One True Godhead. We therefore require individuals who are politically astute and religiously knowledgeable. Our overarching goal must also be to fortify the country in accordance with Pancasila.²⁹

According to the previous sentence, three requirements must be accomplished in order to implement the renewal of Islamic law. 1. The Islamic community's openness and high level of knowledge. 2. Muslims are brave enough to choose unconventionally when presented with two options (such as between revelation and reason, unity and variety, idealism and rationalism, or stability and change). 3. In Fiqh, comprehending the sociocultural and political circumstances that contributed to the development of a specific product is seen as understanding the uniqueness of the product in legal thought. As a result, the end result of legal thought itself must be amended if various aspects of specificity are found in different places and eras. As a result, it is possible to continue and strengthen the dynamic nature of Islamic law.³⁰

Some Islamic laws are part of the relationship structure between Islamic law and national law, which refers to "Islamic law" that has been established as positive legislation³¹, namely:

a. Islamic law is only for Muslims:

- 1) Law No. 7 of 1989 jo Law No. 3 of 2006 and Law No. 50 of 2009 concerning Religious Justice;
- 2) Law No. 17 of 1999 jo Law No. 13 of 2008 concerning the Implementation of Hajj;

²⁹ Alamsjah Ratu Prawiranegara, 'Strategies for the Struggle of Muslims in the Field of Law', in Amrullah Ahmad, *Dimensions of Islamic Law in the National Legal System Remembering*.

³⁰ Ahmad Taufiq, 'Pemikiran Abdullah Ahmed An-Naim Tentang Dekonstruksi Syari'ah Sebagai Sebuah Solusi', *International Journal Ihya' 'Ulum Al-Din*, 20.2 (2018), 145–66 <<https://doi.org/10.21580/ihya.20.2.4044>>.

³¹ Yusuf.

- 3) Law No. 38 of 1999 jo No. 23 of 2011 Law No. 38 of 1999 concerning Zakat Management;
 - 4) Law No. 41 of 2004 waqf;
 - 5) Law No. 21 of 2008 on Sharia Banking
 - 6) Presidential Instruction No. 1 of 1991 jo Decree of the Minister of Religious Affairs No.154 of 1991, Compilation of Islamic Law (KHI).
- b. The implementing rules of Islamic law become national law.
- 1) Act. No. 1 of 1974 concerning Marriage, along with implementing regulations, namely PP. No. 9 of 1975. Then PP No. 45 of 1990 concerning Procedures for Divorce n for Civil Servants;
 - 2) Act. No. 11 of 2012 concerning the Juvenile Criminal Justice System;
 - 3) Law No. 32 of 2004 on Domestic Violence (KDRT);
 - 4) Law No. 11 of 2006 concerning the Government of Aceh, a judicial institution specifically in Nanggroe Aceh Darussalam Province (NAD) as part of the national judicial system is carried out by the Syar'iyah Court.
 - 5) Law No. 23 of 1990 concerning Health is an Islamic Law that is included in national law and applies to every citizen of the Republic of Indonesia.

D. Conclusion

Indonesia is neither a secular nor an Islamic state. Political reality demonstrates that Indonesia is Pancasila constitutionally. As a result, it is officially difficult for an Islamic institution to properly follow Islamic law, especially in a formal manner.

Indonesia has a diverse population, thus it makes sense that the law is a political creation. As a result, legal policy provides a clearer explanation of how politics affects the law or how the political system affects how laws are developed. Islamic sharia policy is a political initiative to maintain Islamic sharia as one of the rules that exist in society while taking variety (plurality) into consideration. Additionally, adherence to national criteria is required for putting the law into practice.

REFERENCES

- Aulia, M. Zulfa, 'Hukum Progresif Dari Satjipto Rahardjo', *Undang: Jurnal Hukum*, 1.1 (2018), 159–85 <<https://doi.org/10.22437/ujh.1.1.159-185>>
- Awaliah, Ummu, Muhammad Saleh Ridwan, Rahmiati Rahmiat, and Kusnadi Umar, 'Political configuration and legal products in indonesia in terms of islamic constitutional law', *Al-Risalah Jurnal Ilmu Syariah Dan Hukum*, 21.2 (2021) <<https://doi.org/10.24252/al-risalah.v21i1.24871>>

- Fossati, Diego, 'The Resurgence of Ideology in Indonesia : Political Islam , Aliran and Political Behaviour', *Journal of Current Southeast Asian Affairs*, 38.2 (2019), 119–48 <<https://doi.org/10.1177/1868103419868400>>
- Husni, Muhammad, 'Integration of the Civil Society Development of the Prophet Muhammad; Historical Perspective', *Pappaseng: International Journal of Islamic Literacy and Society*, 1.1 (2022), 47–57 <<https://doi.org/10.56440/pijils.v1i1.3>>
- Islam, Muhammad Hifdil, 'Islamic Law in Indonesia (Tradition, Thought, Political Law and Legal Products)', *Asy Syari'ah*, 4.1 (2018), 31–50
- Jama, La, 'Fatwas of the Indonesian Council of Ulama and Its Contributions To the Development of Contemporary Islamic Law in Indonesia', *Indonesian Journal of Islam and Muslim Societies*, 8.1 (2018) <<https://doi.org/10.18326/ijjms.v8i1.29-56>>
- Kaartinen, Timo, 'Islamic Transformations in the Periphery of Maluku, Indonesia', *Indonesia and the Malay World*, 47.138 (2019) <<https://doi.org/10.1080/13639811.2019.1583428>>
- Khotimussalam, Mohammad, 'The Dutch Islamic Policies: Peran Politik Cristian Snouck Hurgronje Di Wilayah Hindia-Belanda', *Jurnal Tamaddun : Jurnal Sejarah Dan Kebudayaan Islam*, 7.1 (2019), 239–57 <<https://doi.org/10.24235/tamaddun.v7i1.4509>>
- Kushidayati, Lina, 'The Development of Islamic Law in Indonesia', *Qudus International Journal of Islamic Studies*, 1.2 (2014), 163–80 <<https://doi.org/10.21043/QIJIS.V1I2.185>>
- Lohlker, Rüdiger, 'Fiqh Reconsidered: Indigenization and Universalization of Islamic Law in Indonesia', *Interdisciplinary Journal for Religion and Transformation in Contemporary Society*, 7.1 (2021), 188–208 <<https://doi.org/10.30965/23642807-bja10011>>
- Lon, Yohanes S, and Fransiska Widyawati, 'Customary Law Before Religion and State Laws Regarding Marriage In Manggarai , Eastern Indonesia □', *Jurnal Cita Hukum*, 9.1 (2021), 93–110 <<https://doi.org/10.15408/jch.v9i1.16510>>
- Mardan, 'Contribution Of Islamic Law In Indonesian Legal Politics', *Al-IHKAM: Jurnal Hukum Keluarga Jurusan Ahwal Al-Syakhshiyah Fakultas Syariah IAIN Mataram*, 11.1 (2019), 53–72 <<https://doi.org/10.20414/alihkam.v11i1.2119>>
- Moh. Mahfud, M.D, *The Struggle for Legal Politics in Indonesia* (Yogyakarta: Gema Media, 1999)
- Muhazir, 'Islamic Law Politics in the Contemporary Era (Revealing the Struggle for the Positivization of Islamic Law in Indonesia)', *ALHURRIYAH: Jurnal*

- Hukum Islam*, 6.1 (2021), 23–35
<<https://doi.org/10.30983/alhurriyah.v6i1.3956>>
- Munir, Sirojul, ‘Pengaruh Hukum Islam Terhadap Politik Hukum Indonesia’, *Istinbath: Jurnal Hukum Islam*, 13.2 (2014), 127–55
<<https://www.neliti.com/id/publications/162970/pengaruh-hukum-islam-terhadap-politik-hukum-indonesia>>
- Naro, Wahyuddin, Abdul Syatar, Muhammad Majdy Amiruddin, Islamul Haq, Achmad Abubakar, and Chaerul Risal, ‘Shariah Assessment Toward the Prosecution of Cybercrime in Indonesia’, *International Journal of Criminology and Sociology*, 9 (2020), 572–86
<<https://doi.org/https://doi.org/10.6000/1929-4409.2020.09.5>>
- Prawiranegara, Alamsjah Ratu, ‘Strategies for the Struggle of Muslims in the Field of Law’, in *Amrullah Ahmad, Dimensions of Islamic Law in the National Legal System Remembering*
- Rohmana, Jajang A, ‘Rereading Christiaan Snouck Hurgronje : His Islam , Marriage And Indo-European Descents In The Early Twentieth-Century’, *Walisongo: Jurnal Penelitian Sosial Keagamaan*, 26.1 (2018), 35–66
<<https://doi.org/10.21580/ws.26.1.2148 REREADING>>
- Salim, Arskal, ‘Adat and Islamic Law in Contemporary Aceh, Indonesia: Unequal Coexistence and Asymmetric Contestation’, *Samarah*, 5.2 (2021), 529–51
<<https://doi.org/10.22373/sjkh.v5i2.11082>>
- Sukardja, Ahmad, *The Charter of Medina and the 1945 Constitution, A Comparative Study of the Basics of Living Together in a Plural Society* (Jakarta: UII Press, 1995)
- Sulasman, ‘The Process of Decolonization on Islamic Law in Indonesia : A Historical Perspective’, *TAWARIKH: Journal of Historical Studies*, 8.April (2017), 131–42
- Syatar, Abdul, ‘Transformation Of Fiqh In The Forms Of Hajj And Zakat Legislation’, *Mazahibuna; Jurnal Perbandingan Mazhab*, 1.2 Desember (2019), 120–33 <<https://doi.org/10.24252/mh.v1i2.11646>>
- Taufiq, Ahmad, ‘Pemikiran Abdullah Ahmed An-Naim Tentang Dekonstruksi Syari’ah Sebagai Sebuah Solusi’, *International Journal Ihya’ ’Ulum Al-Din*, 20.2 (2018), 145–66 <<https://doi.org/10.21580/ihya.20.2.4044>>
- Tohopi, Ridwan, ‘Tradisi Peraraan Isra’ Mi’raj Dalam Budaya Islam Lokal Masyarakat Gorontalo’, *El-Harakah*, 14.1 (2012), 135–55
<<https://doi.org/10.18860/el.v0i0.2192>>
- Wahyudin, Dedy, ‘Mosque and Civilization: Setting Islamic Center of Nusa Tenggara Barat as Center of Civilization’, *Nalar : Jurnal Peradaban Dan*

Pemikiran Islam, 4 (2020), 29–42 <<https://doi.org/10.23971/njppi.v4i1.1921>>

Wanto, Adri, ‘Sharia, Two Sides of the Same Coin: The Contradictions between Sharia and Adat (Case Studies of Minangkabau’s Matrilineal and Land Tenure System)’, *Walisongo: Jurnal Penelitian Sosial Keagamaan*, 25.1 (2017), 1 <<https://doi.org/10.21580/ws.25.1.1833>>

Yusuf, Muhammad, ‘Eksistensi Hukum Jinayat Dalam Masyarakat Nusantara’, *LEGITIMASI: Jurnal Hukum Pidana Dan Politik Hukum*, 10.1 (2021), 41 <<https://doi.org/10.22373/legitimasi.v10i1.10516>>

Guidelines

Submission of Article

Jurnal Adabiyah welcomes the articles submission with the main themes on Humanities and Islamic Studies with the emphasis on interdisciplinary and intertextuality approach. Adabiyah is thematically published twice in a year. ie the theme of the humanities in June and the Islamic Study in December.

Themes related to Islamic Studies are textual studies, scriptural traditions, Islamic law, and theology; and those related to Humanities are language, literature, history, and culture. This scholarly journal Guarantees that the editor decision based on the peer review results will not exceed 30 days from the paper submission date.

Authors are invited to read our archives; to find the relevant topics for the journal, and to submit complete unpublished scientific researches, which are not under review in any other conferences or academic journal.

PUBLICATION ETHIC

Publication Ethic and Malpractice Statement

Jurnal Adabiyah is a peer-reviewed journal, published twice a year by the Faculty of Adab and Humaniora, **Alauddin State Islamic University of Makassar Indonesia**. It is available online as open access sources as well as in print. This statement clarifies ethical behaviour of all parties involved in the act of publishing an article in this journal, including the author, the editor-in-chief, the Editorial Board, the reviewers, and the publisher. This statement is based on COPE's Best Practice Guidelines for Journal Editors.

Ethical Guideline for Journal Publication

The publication of an article in *Jurnal Adabiyah*, is an essential building block in the development of a coherent and respected network of knowledge. It is a direct reflection of the quality of the work of the authors and the institutions that support them. Peer-reviewed articles support and embody the scientific methods. It is therefore important to agree upon standards of expected ethical behavior for all parties involved in the act of publishing: the author, the editor, the reviewer, the publisher, and the society. As the publisher of *Jurnal Adabiyah*, **the Faculty of Adab and Humaniora** takes its duties of guardianship over all stages of publishing seriously and it recognizes its ethical and other responsibilities. **The Faculty of Adab and Humaniora** committed to ensuring that advertising, reprint or other commercial revenue has no impact or influence on editorial decisions.

Publication Decisions

The editors of *Jurnal Adabiyah* is responsible for deciding which articles submitted to the journal should be published. The validation of the work in question and its importance to researchers and readers must always drive such decisions. The editors may be guided by the policies of the journal's editorial board and constrained by such legal requirements as shall then be in force regarding libel, copyright infringement, and plagiarism. The editors may confer with other editors or reviewers in making their decisions.

Plagiarism Screening

It is basically author's duty to only submit a manuscript that is free from plagiarism and academically malpractices. The editor, however, will check all submitted papers through [Turnitin](#).

Fair Play

An editor at any time evaluates manuscripts for their intellectual content without regard to race, gender, sexual orientation, religious belief, ethnic origin, citizenship, or political philosophy of the authors.

Confidentiality

The editors and any editorial staff must not disclose any information about a submitted manuscript to anyone other than the corresponding author, reviewers, potential reviewers, other editorial advisers, and the publisher, as appropriate.

Disclosure and Conflicts of Interest

Unpublished materials disclosed in a submitted manuscript must not be used in editors' own research without the express written consent of the author.

DUTIES OF AUTHORS

Reporting Standards

Authors of reports of original research should present an accurate account of the work performed as well as an objective discussion of its significance. Underlying data should be represented accurately in the paper. A paper should contain sufficient detail and references to permit others to replicate the work. Fraudulent or knowingly inaccurate statements constitute unethical behaviour and are unacceptable.

Originality and Plagiarism

The authors should ensure that they have written entirely original works, and if the authors have used the work and/or words of others that this has been appropriately cited or quoted.

Multiple, Redundant, or Concurrent Publication

An author should not in general publish manuscripts describing essentially the same research in more than one journal or primary publication. Submitting the same manuscript to more than one journal concurrently constitutes unethical publishing behaviour and is unacceptable.

Acknowledgement of Sources

Proper acknowledgment of the work of others must always be given. Authors should cite publications that have been influential in determining the nature of the reported work.

Authorship of the Paper

Authorship should be limited to those who have made a significant contribution to the conception, design, execution, or interpretation of the reported research. All those who have made significant contributions should be listed as co-authors. Where there are others who have participated in certain substantive aspects of the research project, they should be acknowledged or listed as contributors. The corresponding author should ensure that all appropriate co-authors and no inappropriate co-authors are included on the paper, and that all co-authors have seen and approved the final version of the paper and have agreed to its submission for publication.

Disclosure and Conflicts of Interest

All authors should disclose in their manuscript any financial or other substantive conflict of interest that might be construed to influence the results or interpretation of their manuscript. All sources of financial support for the project should be disclosed.

Fundamental errors in Published Works

When an author discovers a significant error or inaccuracy in his/her own published work, it is the author's obligation to promptly notify the journal editor or publisher and cooperate with the editor to retract or correct the paper.

PLAGIARISM



It is basically author's duty to only submit a manuscript that is free from plagiarism and academically malpractices. The editor, however, will check all submitted papers through [Turnitin](#).

AUTHOR GUIDELINES

Guidelines for online submission:

1. Author should first register as Author to the website of Jurnal Adabiyah. Click the menu “[register](#)” to register as an author.
2. Once after the author is registered, please login to the website of *Jurnal Adabiyah* and submit the article through online submission (with the status of *active submissions*).
3. The article should follow the standard template of *Jurnal Adabiyah* provided in the website.
4. The citation and bibliography should follow the Turabian citation style.
5. Author is restricted not to send his/her article to another journal before having confirmation from the editorial team (approximately 4 weeks right after the article submitted).
6. Author should follow editorial decisions and recommendations related to the article completion. All reviews and assessments will be informed through online submission.

Article submitted to Jurnal Adabiyah editorial board must follow these guidelines:

1. Article should be based on the scientific research in the field humanities and Islamic studies;
2. Article must be an original work and has not been previously published;
3. Article should be written in Arabic or English languages;
4. Article must be typed in one-half spaced on A4-paper size;
5. Article’s length is about 6,000-10,000 words;
6. All submission must include a 150-250 word abstract;
7. Abstract should be written in 3 languages; Arabic, English, and Bahasa;
8. Full name(s) of the author(s) must be stated, along with his/her/their institution and complete address;
9. All submission should be in OpenOffice, Microsoft Word, RTF, or WordPerfect document file format;
10. Bibliographical reference must be noted in footnote and bibliography according to *Jurnal Adabiyah* style. In addition, it is suggested for author(s) to use reference manager tools such as  MENDELEY or  otero

When a source is cited for the first time, full information is provided: full name(s) of author(s), title of the source in italic, place of publication, publishing company, date of publication, and the precise page that is cited. For the following citations of the same source, list the author’s last name, two or three words of the title, and the specific page number(s). The word *ibid.*, *op.cit.*, and *loc.cit.* are may not be used any more.

Example in footnotes:

¹Mircea Eliade (ed.), *The Encyclopedia of Religion*, vol. 8 (New York: Simon and Schuster, 1995), h. 18.

²Norman Daniel, *Islam and the West* (Oxford: One World Publications, 1991), h. 190.

³Syeikh Ja’far Subhānī, *Mafāhim Al-Qur’ān* (Beirut: Mu’assasah Al-Tarīkh Al-’Arabī, 2010), Juz 5, h. 231.

⁴Syeikh Ja'far Subhānī, *Maḥāhim Al-Qur'ān*, h. 8-9.

Example in bibliography:

Subhānī, Syeikh Ja'far. *Maḥāhim Al-Qur'ān*. Beirut: Mu'assasah Al-Tarīkh Al-'Arabī, 2010.

Eliade, Mircea (ed.). *The Encyclopedia of Religion*, vol. 8. New York: Simon and Schuster, 1995.

Daniel, Norman. *Islam and the West*. Oxford: One World Publications, 1991.

Shihab, Muhammad Quraish. *Sunnah-Syiah Bergandengan Tangan: Mungkinkah? Kajian Atas Konsep Ajaran Dan Pemikiran*. Cet. III. Jakarta: Lentera Hati, 2007.

Detail informations of the footnotes:

1. Holy book

Al-Qur'ān, Al-Baqarah/2: 185.

Perjanjian Baru, Mrk. 2: 18.

2. Qur'anic translation

¹Departemen Agama RI, *al-Qur'an dan Terjemahannya* (Jakarta: Darus Sunnah, 2005), h. 55.

3. Book

¹Muḥammad 'Ajjaj al-Khaṭīb, *Uṣl al-Ḥadīth: 'Ulumuh wa Muṣṭalahuh* (Beirut: Dār al-Fikr, 1989), h. 57.

4. Translation Books

¹Toshihiko Izutsu, *Relasi Tuhan dan Manusia: Pendekatan Semantik terhadap al-Qur'an*, terj. Agus Fahri Husein dkk (Yogyakarta: Tiara Wacana, 2003), h. 14.

5. Voluminous book

¹Muḥammad al-Ṭāhīr b. 'Ashur, *al-Taḥrīr wa al-Tanwīr*, Vol. 25 (Tunisia: Dār al-Suḥūn, 2009), h. 76.

¹Muḥammad b. Ismā'īl al-Bukharī, *al-Jam' al-Ṣaḥīḥ*, Vol. 2 (Beirut: Dar al-Kutub al-'Ilmiyah, 1999), h. 77.

6. Article in book

¹Sahiron Syamsuddin, "Metode Intratekstualitas Muhammad Shahrur dalam Penafsiran al-Qur'an" dalam Abdul Mustaqim dan Sahiron Syamsuddin (eds.), *Studi al-Qur'an Kontemporer: Wacana Baru Berbagai Metodologi Tafsir* (Yogyakarta: Tiara Wacana, 2002), h. 139.

7. Article in encyclopaedia

¹M. Th. Houtsma, "Kufr" dalam A. J. Wensinck, at al. (ed.), *First Encyclopaedia of Islam*, Vol. 6 (Leiden: E.J. Brill, 1987), h. 244.

8. Article in journal

¹Muhammad Adlin Sila, "The Festivity of *Maulid Nabi* in Cikoang, South Sulawesi: Between Remembering and Exaggerating the Spirit of Prophet", *Studia Islamika* 8, no. 3 (2001): h. 9.

9. Article in mass media

¹Masdar F. Mas'udi, "Hubungan Agama dan Negara", *Kompas*, 7 Agustus 2002.

10. Article in Internet

¹Muhammad Shaḥrūr, “Reading the Religious Teks: a New Approach” dalam <http://www.shahrou.org/25> Februari 2010/diakses 5 Juni 2010.

11. Thesis or dissertation

¹Syahrudin Usman, “*Kinerja* Guru Pendidikan Agama Islam pada SMAN dan SMKN Kota Makassar”, *Disertasi* (Makassar: PPs UIN Alauddin, 2010), h. 200.

COPYRIGHT NOTICE

Authors who publish with this journal agree to the following terms:

- 1) Authors retain copyright and grant the journal right of first publication with the work simultaneously licensed under a [Creative Commons Attribution License](#) that allows others to share the work with an acknowledgement of the work's authorship and initial publication in this journal.
- 2) Authors are able to enter into separate, additional contractual arrangements for the non-exclusive distribution of the journal's published version of the work (e.g., post it to an institutional repository or publish it in a book), with an acknowledgement of its initial publication in this journal.
- 3) Authors are permitted and encouraged to post their work online (e.g., in institutional repositories or on their website) prior to and during the submission process, as it can lead to productive exchanges, as well as earlier and greater citation of published work (See [The Effect of Open Access](#)).