



ISLAMIC LAW AND INDONESIANNESS: CRITICAL STUDY OF GRADUATIONS DISSERTATIONS OF DOCTORATE PROGRAM OF ISLAMIC LAW ISLAMIC UNIVERSITY OF INDONESIA YOGYAKARTA

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ABSTRACT

The article below tries to investigate the result of dissertations that have been written by the students of doctorate program of Islamic law, the Faculty of Islamic Studies, Islamic University of Indonesia Yogyakarta from 2012-2019. This study's objective was to map the result of the study of Islamic Law and Indonesian-ness of students dissertations from 2012-2019 about 19 dissertations from the academic core point of view regarding Islamic law and Indonesianness. This research's main problem was how do (did) the students mentioned above finish their dissertation of Islamic Law, and what the characteristic of approach and methodology did they apply in the dissertation. This research's approach and methodology have been integrated social sciences (sociology) and humanity sciences (history and anthropology), and the analysis that applied was qualitative analysis with interactive model. The result of this study has been revealed that the number of dissertations that have been

produced during 2012-2019 regarding dissertations with the theme of Islamic legal and Indonesian studies. The dissertations that be sources are dissertations of Doctorate Program the Faculty of Islamic Studies Islamic University of Indonesia. The contributions of these dissertations to enrich of a database on Islamic law and Indonesian-ness. From the dissertations, there are several variants of themes, scientific fields, approaches, and analysis of Islamic law and Indonesianness studies. In the study of the dissertation's quality, this research found that it still needed to be developed further to answer the issues that were very important in the study of Islamic law and Indonesian. There needs to be encouragement from various parties to conduct dissertation studies or research that more focused on the study of Islamic and Indonesian law to make a real contribution to the development of Islamic law and Indonesian.

Keywords: Indonesian; Islamic Law; Dissertation; and Islamic Universities.

INTRODUCTION

Since the beginning of the establishment of the Doctorate Program of Islamic Law, The Faculty of Islamic Studies Islamic University of Indonesia (the for further be called doctorate program of Islamic law, the Faculty of Islamic Studies, Islamic University of Indonesia Yogyakarta) has a scientific paradigm of Islamic law and Indonesianness as its core scientific (Yusdani, etc., 2019: 9). One of the indicators of the achievements is dissertation as the culmination of the work of graduation of the doctorate program of Islamic law, the Faculty of Islamic Studies, Islamic University of Indonesia Yogyakarta.

From 2012 to 2019, the doctorate program of Islamic law, the Faculty of Islamic Studies, Islamic University of Indonesia Yogyakarta, has entered the age of approximately ten years. It has produced 19 graduations who now they have entered and worked according to the institution they choose. For the purposes of the evaluation of the achievements, development, and positioning of Islamic law and Indonesianness in the future, it needs to do a study on theoretical construction of 19 dissertations of the doctorate

program of Islamic law, the Faculty of Islamic Studies, Islamic University of Indonesia Yogyakarta.

Departing from the above premise as an initial mapping to strengthen the Indonesian Islamic Law database, developing a methodological framework for Indonesian Islamic Law studies, developing study themes on Indonesian Islamic Law. This is important to do to support UII as a university-based on MERCY OF GOD at point R *Research* (BPM, 2019: 1). In addition, it is also to support the strengthening of the publication of research results that can be accessed by the public. Based on this premise, the study of the doctorate program of Islamic Law is urgent to carry out the dissertation of its graduations because those studies contribute to developing the approach and methodological framework for Indonesian Islamic Law studies, besides developing study the themes on Indonesian Islamic Law.

This study is essential to do, considering the limited studies on the portrait of Indonesian Law studies from the point of view of the academic work produced, especially in the form of a dissertation. Besides, this research has a strategic role: Islamic law and Indonesianness has a broad study with various sub-studies. It is expected that this research can provide information on the direction and trends of the existing Islamic law and Indonesian studies.

RESEARCH QUESTION

The main problem of this research was:

1. How do (did) the students mentioned above finish their dissertation of Islamic Law?
2. What the characteristic of approach and methodology that they applied in the dissertation?

THEORETICAL FRAMEWORK

The basic framework of this study is a systematic approach. This theoretical framework, as follows (Davis, Paker, 1979):

Table 1: Theoretical Framework

1	<i>The Problem, or Question, Sense of Academic Crisis of Dissertation</i>
2	<i>The Importance of Research Topics of Dissertation</i>

3	<i>The Prior Research on Topic of Dissertation</i>
4	<i>The Theoretical Framework / Approach and Research Methodology of Dissertation</i>
5	<i>Key Assumptions of the Dissertation</i>
6	<i>The Contribution to Knowledge of Dissertation</i>

Islamic studies, including the study of Islamic law, in the last few decades, have begun to take advantage of the theoretical framework adapted from the study of social and cultural sciences and humanities. However, theoretical applications are sometimes hampered by the methodology and study procedures that are slightly different from those of the sciences. Therefore, further elaboration of several methodologies and procedures for Islamic studies are combined with social and cultural studies. With the theoretical modification, the researcher introduces at least six analysis angles in carrying out Islamic studies. This is done solely to produce a holistic and comprehensive study with a structured theoretical framework.

RESEARCH METHODS, APPROACHES, AND ANALYSIS

Data sources

The data sources used as a primary reference in this study are:

Table 2: Data Sources

No.	Author/Student	The Topic of Dissertations
1.	Gailan Hoshi Ali	<i>Al-Murunah 'Inda Al-Imam Abi Hanifah Al-Nu'man Dirasatan Mu'asiratan Fi Madrasati Abli Al-Ra'yi</i>
2.	Marjohan Syam	Studi Sistem Hukum Pembuktian Di Lingkungan Peradilan Agama Wilayah Pengadilan Tinggi Agama Yogyakarta
3.	M. Usman	Analisis Historis Dan Filosofis Terhadap Pemikiran Reaktualisasi Hukum Islam Munawir Sjadzali
4.	A. Muliany Hasyim	Prinsip Memperketat Perceraian Di Wilayah Hukum Pengadilan Tinggi Agama Semarang Perspektif Maqasyid Al-

No.	Author/Student	The Topic of Dissertations
		Syari'ah
5.	Maksum	Fatwa-Fatwa Nahdlatul Ulama (Studi Tinjauan Sosio-Politik Hasil Munas Di Jakarta Tahun 62014 M)
6.	M. Nur Hasan Latief	Rekonstruksi Sistem Hukum Keluarga Islam Indonesia Pasca Putusan Mahkamah Konstitusi No. 46/Puu-Viii/2010 Tentang Anak Luar Nikah
7.	Aly Abdel Moneim	<i>Al-Khitbaab Al-Maqaasidi Wa Al-Tanmiyah Al-Mustadaamah Ru'yab Naqdiyyah Mutammimah Li-Khitbat Al-Tanmiyah Al-Wathaniyyah Al-Indunisiyyah Thawilat Al-Ajal (2005 – 2025)</i>
8.	Yusuf Buchori	Perlindungan Hukum Terhadap Perempuan (Istri) Korban Kekerasan Dalam Rumah Tangga (KDRT) (Perspektif Penegakan Undang-Undang Nomor 23 Tahun 2004 Tentang PKDRT Di Pengadilan Agama)
9.	Taufiqurrahman Kurniawan	Unifikasi Penanggulangan Global Islam (Analisis Usul Fikih Dalam Kontekstualisasi Nas-Nas Hisab Dan Rukyat)
10.	Umi Kulsum	Pencatatan Sebagai Syarat Sah Perkawinan (Telaah Kontekstual Terhadap Pasal 2 Ayat (1) Dan Ayat (2) Undang-Undang No.1 Tahun 1974 Tentang Perkawinan)
11.	Subroto	Legalitas Putusan Mahkamah Konstitusi Nomor 46/Puu-Vii/2010 Tentang Hubungan Keperdataan Anak Luar Nikah Dengan Ayah Biologisnya (Telaah Menurut Hukum Islam Dan Hukum Positif)
12.	Ulil Uswah	Perlindungan Konsumen Terhadap Pelaku Usaha Jasa Keuangan Syariah Pada

No.	Author/Student	The Topic of Dissertations
		Peradilan Agama (Pasca Undang-Undang Nomer 3 Tahun 2006 Tentang Amandemen Undang-Undang Nomor 7 Tahun 1989 Tentang Peradilan Agama)
13.	Mudara	<i>Maqāṣid Syari'ah</i> Sebagai Metode Penemuan Hukum Bagi Hakim Relevansinya Dengan Pengembangan Hukum Islam Di Indonesia (Telah Terhadap Putusan Pengadilan Agama Tentang Ekonomi Syariah Pasca Undang-Undang No.3 Tahun 2006)
14.	H. Syahril	Peradilan Agama Sebagai Peradilan Islam Dan Negara Dalam Dinamika Cita Hukum Islam
15.	H. Zainal Arifin	Pemikiran Maulana Syaikh Tgkh. Muhammad Zainuddin Abdul Majid Tentang Kewarisan Islam
16.	Rokhmat	Rekonstruksi Local Wisdom Menghadapi Determinasi Hukum Positif (Peraturan Desa Tentang Pelanggaran Kesusilaan Di Kabupaten Temanggung)
17.	Muh. Bachaqi	Urgensi Fatwa Syuriah Pengurus Wilayah Nahdlatul Ulama Jawa Tengah Terhadap Pilihan Politik Kaum Nahdliyin Di Jawa Tengah
18.	Firdaus Muhammad Arwan	<i>Ijarah Muntahiyah Bittamlik</i> Sebagai Konstruksi Perjanjian Sewa Beli Perspektif <i>Maqasid Ayy-Syaria'h</i> /Fokus Penelitian Ini Adalah Bagaimana Konsep Dan Implementasi IMBT Dalam Perspektif Maqasid Syariah?
19.	Azmi Sirojudin	Pelaksanaan Hukum Kewarisan Islam Di Masyarakat Kota Metro

Approach and Data Analysis Technique

This research approach that has been applied using social science and humanities approaches such as historical, sociological, anthropological, and so on. Analytical activities in this study started from formulating research problems, collecting research data, displaying data, reducing data, and formulating conclusions. Overall, the activities and steps of this research from beginning to end can be understood in the following diagram (Miles, Huberman, Saldana, 2014: 10).

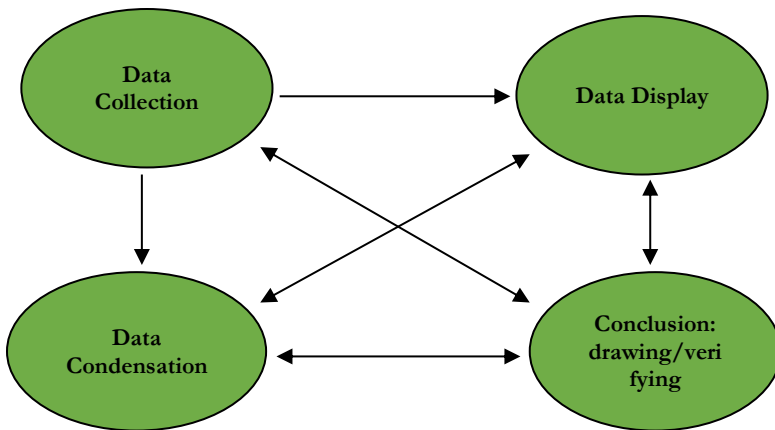


Diagram 1: The Diagram of Analysis Steps

RESEARCH RESULTS

Based on the results of the study of the dissertation on Islamic law in the doctorate program of Islamic law, the Faculty of Islamic Studies, Islamic University of Indonesia Yogyakarta Study Program as mentioned above, it can be argued that there are three things that stand out, namely the topic of study, scientific fields and perspectives used in the dissertation study. The description of these three things can be described as follows.

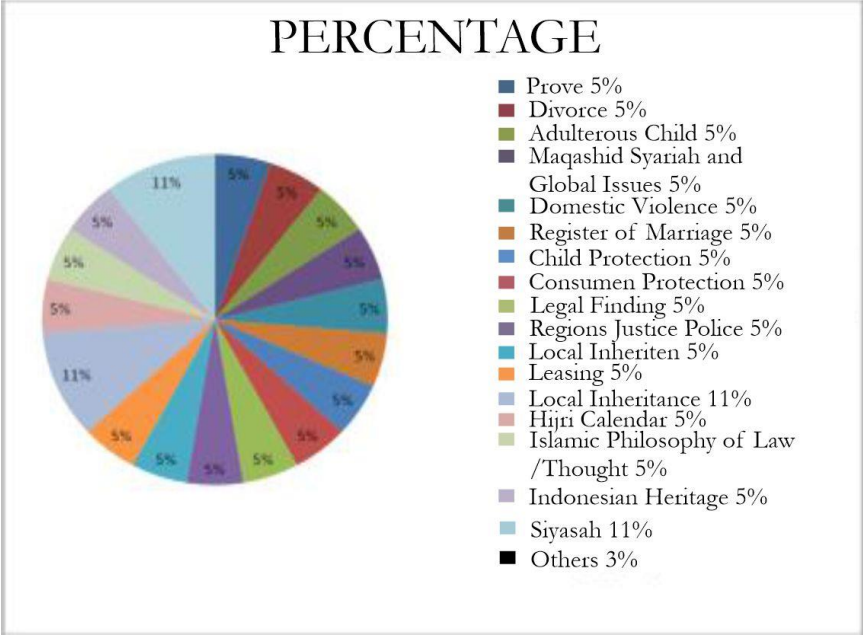
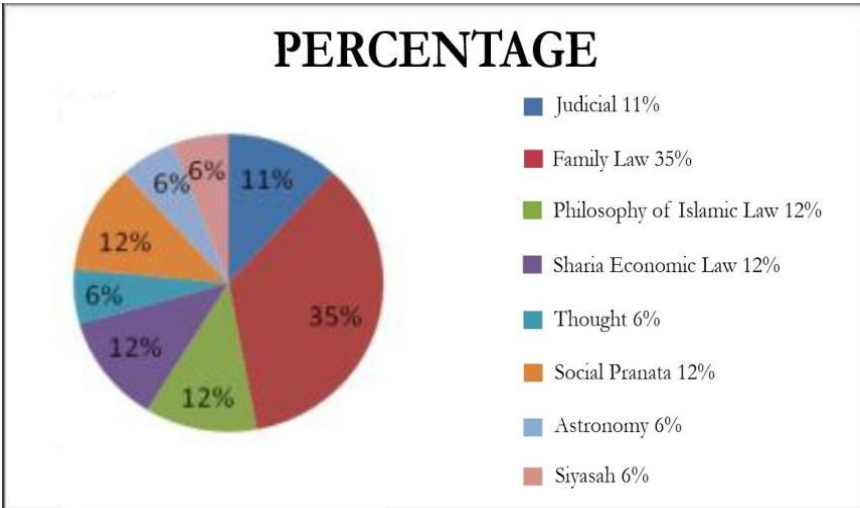


Diagram 2: Topics of Dissertations doctorate program of Islamic law, the Faculty of Islamic Studies, Islamic University of Indonesia Yogyakarta from 2012 to 2019

Based on the data presented above, it shows that the topic of the dissertation of Islamic law in the FIAI UII Islamic law doctoral study program discusses the topic of proof in the world of justice, divorce, the status of children outside of marriage, maqasid sharia and global humanitarian issues, protection of domestic violence law. Ladder, marriage registration, children's civil rights, consumer protection, legal discovery, and religious courts' position. The topics of this dissertation all raise topics on issues of Islamic law in Indonesia.



**Diagram 3: The Field of Fiqh of Dissertations
doctorate program of Islamic law, the Faculty of Islamic
Studies, Islamic University of Indonesia Yogyakarta from 2012
to 2019**

In detail, the scientific field of Indonesian fiqh, which becomes a dissertation study in the doctorate program of Islamic law, the Faculty of Islamic Studies, Islamic University of Indonesia Yogyakarta, includes the law on judiciary, family law, Islamic legal philosophy, Islamic economic law, Islamic legal thought, Islamic law, and social institutions and astronomical fiqh. The scientific field of Islamic law recorded in the dissertation study of the Islamic law doctorate program of Islamic law, the Faculty of Islamic Studies, Islamic University of Indonesia Yogyakarta shows a very diverse study of the development of Indonesian fiqh.

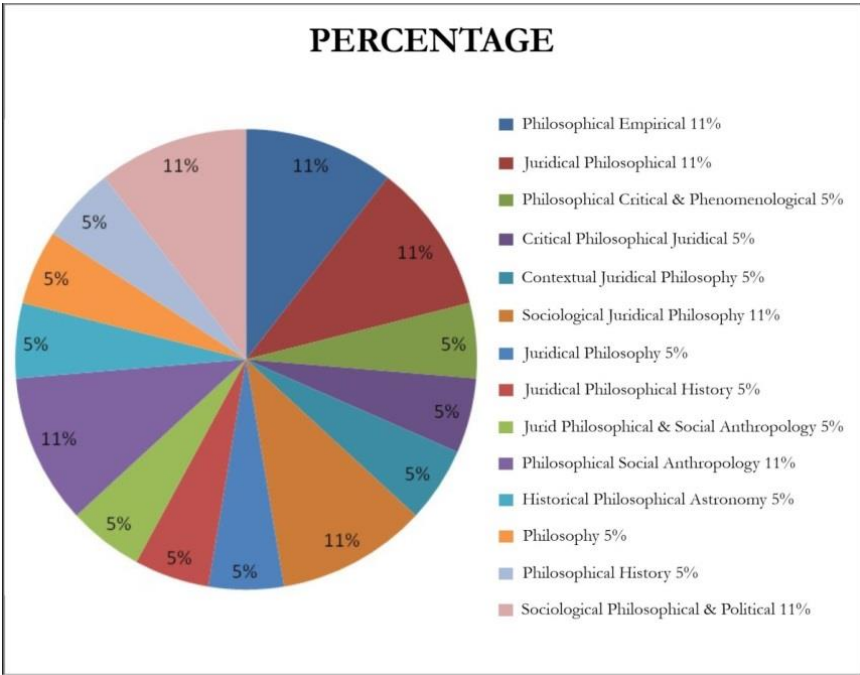


Diagram 4: Approach/Perspective of Dissertations doctorate program of Islamic law, the Faculty of Islamic Studies, Islamic University of Indonesia Yogyakarta up to 2019

The perspectives or approaches in dissertation studies in the Islamic law doctoral study program carried out by students in completing dissertation writing show various perspectives or points of view. The point of view referred to is illustrated, among others, sociological, juridical, philosophical, historical, anthropological, apart from that, of course, a normative approach. This data shows that the perspectives used in the dissertation study in the Islamic law doctorate program of Islamic law, the Faculty of Islamic Studies, Islamic University of Indonesia Yogyakarta are very diverse, even showing multidisciplinary, even this shows that dissertation studies have made use of the social sciences and humanities.

ANALYSIS OF RESEARCH RESULTS

The Methodological Building

To understand the reasoning of Islamic law were recorded in the study on a dissertation study program doctorate program of Islamic law, the Faculty of Islamic Studies, Islamic University of Indonesia Yogyakarta indeed cannot be released with three models study Islamic law in Indonesia that already exist namely (1) the model schools (predominantly reason the yellow book/fiqh schools - Syafi'iyah), (2) *Majlisi* model (MUI, Tarjih Council, Bahtsul Masail, Hisbah Council, Darul Ifta wal al-Irsyad, and others/collective), (3) Academic/scientific (Islamic legal study model in College) (Yusdani, 2019: 157 – 168).

The phenomenon of the three study models above affects the reasoning of the study and development of Islamic law in Indonesia. However, what is dominant is the reasoning of Islamic law in *majlisi* because in addition to each having constituents, it is also the productivity of the fatwas from each of these *majlisi*. Even though the occasional fatwas in the field of family law, Siyasah, and economics that are stipulated by the assembly are reactive, invite controversy and partiality because of limited data, references, perspectives and based on short-term considerations.

So, if it is read more carefully, it can be said that the study of the *majlisi* model uses a lot of the paid reasoning model, *ta'lili/qiyasi*, and even though its reasoning is used, it may be in a limited scope. Therefore, the reasoning of Islamic law that stands out in the dissertation study of the Islamic law doctorate program of Islamic law, the Faculty of Islamic Studies, Islamic University of Indonesia Yogyakarta (*Multi, Inter* or even *Transdisciplinary*) is studied in higher education world studies with a model of combining *descriptive* Islamic Law studies (using social science and humanities approaches. = *share values*) and *prescriptive* (philosophical approach = *distinctive values*) simultaneously (Abdullah, 2019: 90-91). However, the findings of the study of Islamic law in the higher education model sometimes seem elitist, challenging for the general public to accept due to various considerations and arguments put forward by the community.

Apart from that, all the studies of Islamic law recorded in the dissertation above show the dynamics, fulfillment. Simultaneously, as

a response to demands in the last few years, several Islamic universities and prominent Muslim figures in Indonesia have started and pushed towards the development of studies and thoughts. Islamic law in order to be contributive, responsive, and solution to various contemporary human problems. These humanitarian problems are at the local, national, and global/international levels. Of course, this development needs to be welcomed for the development of Indonesian fiqh.

Regarding the reasoning of Islamic law as stated above, it can be emphasized that it seems that the dissertation study on the doctoral study program of Islamic law, Faculty of Islamic religious sciences, UII explains that Muslims in developing Islamic law in Indonesia need to rearrange a more precise strategy. In this connection, the understanding and application of Islamic legal teachings in its authoritative sources in Indonesia with solid academic reasoning by considering which sides are *distinctive values* and *share values* and how the strategy of embedding them in the legal system is applied in Indonesia.

The vital contribution of the dissertation study above in building and developing Islamic legal reasoning in Indonesia, in general, has developed this academic study, such as a thesis (Fuad, 2004), dissertation (Mudzhar, 1993, Djamil, 1995, Rosyada, 1999, Zahro, 2001, Feener, 2007) and previous studies (Wahyudi, 2015: 21-48). Especially in the reform era, it can be categorized into two, namely *fiqh studies with a descriptive model* and *fiqh studies that are prescriptive in nature*.

Descriptive Model Studies of Islamic Law

The descriptive model study of fiqh looks at Islamic law as a social phenomenon that interacts with other social phenomena. In this connection, fiqh can be seen both as an independent variable (free) that affects society and fiqh as a dependent variable (bound) influenced by society. In the study of fiqh, this model usually uses various approaches developed in the social sciences and humanity (humanities), such as: (1) *Historical (historical) approach*. This historical approach (*historical approach*) is widely used by reviewers of Islamic law in Indonesia. (2) a *sociological approach* (3) a *political approach* (4)

an *anthropological approach* and others (Anwar, 2005: 2-3). An essential contribution of the model study of jurisprudence descriptive in the cognitive development of Islamic law in Indonesia can be explained there was a reciprocal relationship dynamics and interrelationships, dialectics, interaction and interplay between Jurisprudence on the one hand and public life on the other.

Prescriptive Model Studies of Islamic Law

In contrast to the study of jurisprudence model of a *descriptive* study of a jurisprudence model of a prescriptive aims to explore the norms of Islamic law in the level *das sollen* the norms that are considered ideal be able to regulate human behavior and set an excellent social life. In this regard, *Usul al-fiqh* belonging to the field of study of jurisprudence prescriptive, which aims to find the norms of sharia to respond to various problems from the standpoint of normative (Anwar, 2005: 2-3, Majelis Tarjih dan Tajdid Pimpinan Pusat Muhammadiyah, 2016: 5-6, Majelis Tarjih dan Tajdid Pimpinan Pusat Muhammadiyah, 2016: viii-ix).

On that basis, this prescriptive study model is in the wrong view of many Muslims, with jurisprudence usually only means a collection of concrete rules in the form of halal, haram, makruh, permissible, or circumcision. When it is called *fiqh* or Islamic law, they only imagine these categories. This definition is clearly inaccurate. Besides consisting of evaluation categories such as halal or haram, *fiqh* also consists of relational categories. More importantly, *fiqh* actually consists of tiered/ *stratified/ layered* norms.

In the perspective of this prescriptive *fiqh* study, initially, the layering of *fiqh* norms consists of two levels of norms: concrete rules (*al-ahkam al-far'iyah*, and general principles *al-ajian al-kuliyah*). These general principles, in the view of Islamic jurists, can cover broad categories so as to include the basic values (*al-qiyam al-asasiyah*) of *fiqh*. Therefore, for practical purposes, these norms are divided into three levels, namely (1) *concrete rules*, (2) *general principles*, and (3) *basic values* (Majelis Tarjih dan Tajdid Pimpinan Pusat Muhammadiyah, 2016: 40). The basic values of *fiqh* are the basic values of Islam. In the Koran *harfiyah* and implicitly, there are many basic Islamic values , which are also the basic *fiqh* values. For

example, monotheism *justice, equality, freedom, tasamuh, taawun*, and so on. From these basic values, general principles of fiqh are derived, and from general principles, concrete rules are derived. In other words, it can be said that a concrete legal rule is based on or is overshadowed by general principles, and general principles are overshadowed by basic values (Majelis Tarjih dan Tajdid Pimpinan Pusat Muhammadiyah, 2016: 4-5).

For example, the primary value of equality can be derived from the general principle in political life that men and women have the same political rights. From this principle, a concrete regulation *al-bukm al-far'i* was derived that states that women can become president (Majelis Tarjih dan Tajdid Pimpinan Pusat Muhammadiyah, 2016: 5).

Of the basic values of freedom handed down a legal principle in the law of the engagement, namely the principle of freedom of contract *mabda Hurriyah al-ta'aqud* and of the principles handed down concrete rules in the form of, for example, futures contracts of a commodity is permissible legal (Majelis Tarjih dan Tajdid Pimpinan Pusat Muhammadiyah, 2016: 5).

In fiqh studies, the use of the al-fiqh has been proposed as it has been widely used so far is more focused on studies clinical fiqh - establishing the legal status of cases for which there is no legal provision), namely concrete legal regulations, for example: what is the law of bank interest? What is the law of marriage between couples of different religions? What is the credit card law? What is the law for women to become heads of state? Etc. In addition, descriptive Islamic legal studies also do not touch on philosophical aspects. Sometimes they get stuck in making typologies and sometimes overlap between one typology and another.

Therefore, the study of fiqh should be directed to the exploration of principles by considering the norm level approach so that it is easier to respond to various developments in society from the point of view of sharia law. In recent years, this prescriptive fiqh study model in Indonesia has begun to receive serious attention and response from academics in Indonesia, such as the study of *maqasid syari'ah* in various fiqh fields, both theoretical and practical. Even though this prescriptive fiqh study is still limited, it is

a necessity for future fiqh studies in Indonesia (Prihantoro, 2019: 274-275).

Relating to the development of maqasid sharia theory as a fundamental paradigm in the development of jurisprudence or even Islam itself in the era of contemporary society today, academic strategic programmatic study steps are needed so that maqasid as a scientific discipline can meet the criteria of modern scientific methodology, mostly logic, philosophy of science, philosophy of law and science of law. Some of the issues raised are a challenge and an opportunity to develop the study maqasid as a contemporary paradigm (Abubakar: 2016: 16).

Therefore, it can be emphasized once again that the important contribution of the above dissertation study in building and developing Islamic legal reasoning in Indonesia has developed academic studies by integrating *fiqh studies with descriptive models* and *jurisprudence studies that are prescriptive in nature*. The study and development of jurisprudence like this have developed further from thesis studies, dissertations, and previous studies, especially in the reform era.

Indonesian Fiqh and Society Demands 4.0

So that Indonesian fiqh thinking is contributive, responsive, and solution to various contemporary humanitarian problems at the local, national, and global/international levels. It seems that strategic steps need to be rearranged. In this connection, the understanding and application of Islamic law in Indonesia needs the support of solid academic reasoning by distinguishing *distinctive values* and *share values* and their embodiment in the Indonesian legal system.

To respond to and towards the development of jurisprudence as mentioned above, it appears that the jurisprudence studies in various dissertations in the Islamic law doctorate program of Islamic law, the Faculty of Islamic Studies, Islamic University of Indonesia Yogyakarta are often seen with the need for jurisprudence to answer the complex challenges of globalization and political diversification, using the model of social ijihad. Social Ijtihad, as the development of Indonesian fiqh, has not been much heeded and studied so far. Social Ijtihad in the sense of plural and multicultural

life requires a positive response from Islamic thinkers, especially Islamic legal experts, especially regarding respecting different people's existence. That is one aspect of social *ijtihad*. However, experts in Islam and Islamic law also need to understand the UNESCO documents of 2001 and 2007. Muslims are currently faced with three significant problems: local values, national values in the meaning of *nation-state*, and values. (Abdullah, 1998: 28; Fauzi, 2018: 163).

Local values related to efforts to support local traditions owned by ethnic groups, national values related to efforts to support the constitution, democratic system, the new order of the nation-state, and global values related to issues, such as human rights, climate, change, and so on. There it takes social thinking from Muslims to be sharper in supporting new developments. Therefore. Old documents should *rewrite* immediately, at least *rethinking* (Fauzi, 2018: 163, Thontowi, 2019: 44). In such a context, the idea of *fresh* *ijtihad* is very urgent and needed. *Fresh* *ijtihad* is when Muslims think religion is not religious monolithic, but at the same time, Muslims also need to collaborate and involve *Social Science* Sociology, Anthropology, History, become part of religious thought at the same time. Science, Bio-ethics, Bio-technology also enter into religious thought (Thontowi, 2019: 60 – 62).

During this time, *ijtihad* is apparently only limited to recycling intern in religion. In fact, there is a tendency that *ijtihad-ijtihad* has been limited to matters of a ritual nature, not problems of a social nature. On that basis, *fresh* *ijtihad* not only thinks about ritual but social and cultural, even science. Without that, *ijtihad* will only be *recycling*. It will spin again on ritual matters but never open the tap for social and cultural problems (Thontowi, 2019: 29, Asmuni, 2019: 279-283). Demands in UNESCO documents or global values are social in nature because they are required to respect, respect, and cooperate with other people who are different. In this world, everything will be different, each has an identity that is not easily influenced, so they are required to change (Asmuni, 2019: 279-283). Therefore, a *fresh* prerequisite for *ijtihad* is to think that religion and, simultaneously, consider the social, cultural, scientific, and technological impacts have implications for higher education. Therefore, religion needs to be understood in a *multi-*

dimensional approach in the sense that it is not a *single-approach* Muslims today need different social attitudes towards other people, both *inter-faith* and *inter-cultural*. That way, Muslims today must have a new religious *worldview* which is a *multi-dimensional approach* (Asmuni, 2019: 283, Asmuni, 2019: 29, Yusdani, 2015: 65-66) because the old perspective is considered to be no longer sufficient to be used to solve humanitarian problems in the era of 4.0. Apart from that, it is also necessary to develop diversified themes for Indonesian fiqh studies (Sutomo and Fanani, 2016) to respond to various national policies (legislation) so that the study's scope becomes a social fiqh study.

CONCLUDING REMARKS

As the end of the overall description of this paper, the following conclusions can be made:

The first, Whereas an urgent challenge for Indonesian fiqh reviewers and observers, requires the formulation of a robust methodological framework so that it can support global issues such as human rights, gender, *inter-faith interaction* national issues such as constitutional issues, the nation-State system, law enforcement, local issues such as supporting the local culture of the Indonesian community. These issues, like them or not, are the problems facing humanity today. In this connection, Islam's contribution as a religion that is *rahmatan lil alamin* is highly anticipated by humanity today.

The Second, Indonesian jurisprudence as a science needs to be directed towards building a paradigm, reasoning, and methodology of religious science that is responsive and solutive to social problems in the fields of law, economy, politics, socio-culture. In addition, Indonesian fiqh also needs to function creatively in the social system that exists in today's state and social lives.

For developing and enriching of the limitation of this research need to be continued for future research, there are several suggestions as follow :

1. The themes of study of dissertation need to develop and compare with other higher institution of Islamic Law, either Indonesian institution or out of Indonesian institution of higher education.

2. The theoretical framework of the study, for instance, approach and analysis, needs to be completed with other approaches and analyses.

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