

Home > Vol 24, No 2 (2020) > **Anwar**

Retracing The Position of Sharia Science in The Formulation of Laws and Regulations

Syahrul Anwar, Aden Rosadi, Fauzan Fauzan

Abstract

This study tries to explain the efforts to retrace the position of Islamic science in the formulation of laws and regulations in Indonesia. As part of the implementation of Islamic law and the national legal sub-system, the position of sharia is particularly strategic and significant. The existence and position of sharia science lie not only in theoretical development through academic studies but also in practical terms which can provide its own colour in the formulation of laws and regulations in Indonesia. The implementation of sharia in life is not only an individual normative obligation, but also a collective responsibility that involves academics, legal practitioners, and the government. The position of sharia in forming laws and regulations theoretically and practically can be seen from three aspects, including substance, structure, and culture.

Penelitian ini mencoba menjelaskan tentang upaya pelacakan kembali posisi ilmu syariah dalam pembentukan peraturan perundang-undangan di Indonesia. Sebagai bagian dari implementasi hukum Islam dan sub-sistem hukum nasional, posisi ilmu syariah sangat strategis dan signifikan. Keberadaan dan posisi ilmu syariah bukan hanya terletak pada pengembangan teoritis melalui kajian akademik, tetapi juga secara praktis dapat memberikan warna tersendiri dalam pembentukan peraturan perundang-undangan di Indonesia. Implementasi ilmu syariah dalam kehidupan, bukan hanya kewajiban individual yang bersifat normative saja, tetapi juga menjadi kewajiban kolektif yang melibatkan akademisi, praktisi hukum, maupun pemerintah. Dengan menggunakan metode deskriptif tekstual-interpretatif, penelitian ini menunjukkan bahwa secara teoritis dan praktis, posisi ilmu syariah dalam pembentukan peraturan perundang-undangan dapat dilihat dari tiga aspek, antara lain: substansi, struktur, dan kultur.

Keywords

sharia science; law and regulation; substance.

Full Text:

[PDF](#)

References

- Ahmas, Khalilullah, "Hukum Islam Dalam Ketatanegaraan (Telaah Perspektif Menuju Indonesia Baru), " Jurnal Al-Syirah, vol. 1, no. 2, 2003.
- Aiman, "Kedudukan Ilmu Syariah Dalam Perundang-Undangan, " Aiman selalu berbagi, 2013. <http://mamduhhakim.blogspot.com/2013/10/kedudukan-ilmu-syariah-dalam-perundang.html>.
- Ali, Mohammad Daud, Hukum Islam PIH Dan THI Di Indonesia, Jakarta: PT Raja Grafindo Persada, 1996.
- , Pengantar Ilmu Hukum Dan Tata Hukum Islam Di Indonesia, Jakarta: PT Raja Grafindo Persada, 2007.
- Arkoun, Mohammed, The Concept of Authority in Islamic Thought: La Hukna Illa Li-Llah, New York: Institute of Political science, 1984.
- Auf, Yussef, "Islam and Sharia Law Historical, Constitutional, and Political Context in Egypt." Atlantic Council, no. 03, 2016.
- Bodenheimer, Edgar, Jurisprudence: The Philosophy and Method of the Law, Cambridge: Harvard University Press, 1967.
- Buzama, Khoiruddin. "Pemberlakuan Teori-Teori Hukum Islam Di Indonesia, " AL-'ADALAH, vol. X, no. 4, 2012.
- Dalmeri, "Prospek Demokrasi: Dilema Antara Penerapan Syariat Islam Dan Penegakan Hak Asasi Manusia Di Indonesia." Salam Jurnal Studi Masyarakat Islam, vol. 15, no. 2, 2012. <http://download.portalgaruda.org/article.php?article=97959&val=276&title=Prospek Demokrasi: Dilema antara Penerapan Syariat Islam dan Penegakan Hak Asasi Manusia di Indonesia>.
- Daud, Muhammad, "Kedudukan Hukum Islam Dalam Sistem Hukum Indonesia, " Jurnal Hukum & Pembangunan, vol. 12, no. 02, 1982.
- Diab, Ashadi L, "Dinamika Pekiran Hukum Islam Di Indonesia Dan Tantangannya, " Jurnal Al-'Adl, vol. 8, no. 2, 2015.
- Effendi, Bahtiar, "Duduk Soal Perda Syariah." Gusdur Net, 2008. <http://www.gusdur.net/id/mengagas-gus-dur/duduk-soal-perda-syariah-2>.
- , Islam Dan Negara: Transformasi Pemikiran Dan Praktik Politik Islam Di Indonesia. Jakarta: Paramadina, 1998.
- Fauzan, Fauzan. "Progressive Law Paradigm in Islamic Family Law Renewal in Indonesia." Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan 7, no. 2. 2020, <https://doi.org/10.29300/mzn.v7i2.3617>.
- Hasani, Ismail, and A. Gani Abdullah, Pengantar Ilmu Perundang-Undangan, Jakarta: . Fakultas Syar'ah dan Hukum UIN Syarif Hidayatullah, 2006.
- Huda, Nurul, and Mohamad Heykal, Lembaga Keuangan Islam Tinjauan Teoritis Dan Praktis, Jakarta: Kencana, 2010.
- Julianto, Muhammad, "Implementasi Hukum Islam Di Indonesia Sebuah Perjuangan Politik Konstitusionalisme." In Annual International Conference Islamic Studies (AICIS XXI), 666–85, 2012. <http://www.republika.co.id/berita/dunia-islam/islam-mancanegara/12/05/09/m3qcqk-2030->.

EDITORIAL TEAM

PEER REVIEWERS

PUBLICATION ETHICS

FOCUS AND SCOPE

AUTHOR GUIDELINES

ONLINE SUBMISSION

OPEN ACCESS

COPYRIGHT NOTICE

AUTHOR FEES



ABOUT THE AUTHORS

Syahrul Anwar
State Islamic University (UIN)
Sunan Gunung Djati Bandung
Indonesia

Aden Rosadi
State Islamic University (UIN)
Sunan Gunung Djati Bandung
Indonesia

Fauzan Fauzan
State Institute for Islamic Studies
(IAIN) Bengkulu

NOTIFICATIONS

[View](#)
[Subscribe](#)

USER

Username

Password

☐ Remember me

JOURNAL CONTENT

Search

Search Scope

Browse

[By Issue](#)
[By Author](#)
[By Title](#)
[By Sections](#)
[By Identify Types](#)
[Other Journals](#)

Mardani, "Hukum Islam Dalam Sistem Hukum Nasional." Jurnal Hukum & Pembangunan, vol. 38, no. 2, 2008. <https://doi.org/10.21143/jnp.vol38.no2.170>.

Masruhan, "Positivisasi Hukum Islam Di Indonesia." The Indonesian Journal of Islamic Family Law, vol. 01, no. 02, 2011. <https://doi.org/10.20885/unisia.vol26.iss48.art11>.

Muhtarom, M, "Kedudukan Peraturan Perundang-Undangan Negara Dalam Institusi Hukum Islam." Jurnal Suhuf, vol. 27, no. Mei 2015.

Muttaqin, Labib, "Positifisasi Hukum Islam Dan Formalisasi Syari'ah Ditinjau Dari Teori Otoritarianisme Khaled Abou El-Fadl," Al-Ihkam: Jurnal Hukum & Pranata Sosial, vol. 11, no. 1, 2016. <https://doi.org/10.19105/al-ihkam.v11i1.859>.

Nafis, Muhammad Wahyuni, and Rahman Zainuddin, Konstektualisasi Ajaran Islam, Jakarta: Ikatan Persaudaraan Haji Indonesia, 1995.

Nurhayati, "Memahami Konsep Syariah, Fikih, Hukum Dan Ushul Fikih," Jurnal Hukum Ekonomi Syariah, vol. 2, no. 2, 2018. <https://doi.org/10.26618/jhes.v2i2.1620>.

Nurrohmah, Islamic Thought in Indonesia's Religio Political Context, Bandung: Penerbit Gunung Djati Press Bandung, 2010.

Praja, Juhaya S, Filsafat Hukum Islam. Bandung: Pusat Penerbitan Universitas LPPM Universitas Islam Bandung, 1995.

Rosadi, Aden, Peradilan Agama Di Indonesia : Teori Dan Sistem Pembentukan. Bandung: Simbiosis Reka Utama, 2015.

Sarifin, Pipin, and Dedah Jubaedah, Ilmu Perundang-Undangan, Bandung: Pustaka Setia, 2012.

Schirmacher, Christine. The Sharia – Law and Order In. Germany: Hänssler Verlag, 2013.

Sularno, M, "Syari'at Islam Dan Upaya Pembentukan Hukum Positif Di Indonesia," Al-Mawarid, vol. 14, no. 2, 2006.

Syukri, Muntasir, "No Title Transformasi Syariat Islam Di Indonesia," 2011. <https://muntasirsyukri.wordpress.com/2011/09/01/transformasi-syariat-islam-di-indonesia/>.

Umar, Nasarudin, "Konsep Hukum Modern: Suatu Perspektif Keindonesiaan, Integrasi Sistem Hukum Agama Dan Sistem Hukum Nasional." Walisongo: Jurnal Penelitian Sosial Keagamaan, vol. 22, no. 1, 2014. <https://doi.org/10.21580/ws.2014.22.1.263>.

Utama, Sopyan Mei, "Eksistensi Hukum Islam Dalam Peraturan Perundang-Undangan Di Indonesia." Jurnal Wawasan Yuridika, vol. 2, no. 1, 2018. <https://doi.org/10.25072/jwy.v2i1.166>.

DOI: <http://dx.doi.org/10.29300/madania.v2i4i2.3001>

Rebacks

- There are currently no rebacks.



This work is licensed under a [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-nc-sa/4.0/).

Indexing by :



Jurnal Madania ini diterbitkan oleh IAIN Bengkulu dan Disebarluaskan dengan perijinan dibawah [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-nc-sa/4.0/)

MADANIA: JURNAL KAJIAN KEISLAMAN

Institut Agama Islam Negeri Bengkulu
Jl. Raden Fatah, Pagar Dewa Kota Bengkulu 38211
Bengkulu, Sumatra Indonesia



[View MyStat](#)

ARTICLE TOOLS

- Print this article
- Indexing metadata
- How to cite item
- Finding References
- Review policy
- Email this article (Login required)
- Email the author (Login required)

LANGUAGE

Select Language

English

[Submit](#)

FONT SIZE

KEYWORDS

Islam Islam. Islamic economics
Islamic education
Islamic law Sufism character
education epistemology hadith
inclusive schools mashlahah
meaning mediation nazir online
business. pesantren religion
science integration strategy the
Quran zakat

Visitors	
21,173	62
1,143	60
1,025	45
73	41
68	37

FLAG counter

[View MyStat](#)