ISLAMIC LEGAL STUDIES IN INDONESIA:
Some Notes on Contemporary Challenges[1]

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Abstract

Islamic law has been throughout the history Islamic civilization the prime focus and indispensable part of Muslim intellectual endeavors. In this archipelago of Nusantara, the study of Islamic norms has been the important aspect of Islamic education, even of individual and communal life of the Muslims, since the appearance of the adherents of this religion in this region. After the independence, the state institutions of Islamic studies, founded nearly in all central cities throughout the republic in various forms, have played leading and significant roles in forming and improving the lives not only of the Muslim population, but also the nation as a whole.

Legal pluralism, to a lesser degree also legal polycentrism, seems to be increasingly adapted and accepted as the main theoretical framework and methodological approach in studying and implementing Islamic law in this biggest Muslim populous country in the world today. In connection with this, there have several trends of changes in the study of Islamic shari'ah and its affiliated disciplines, the most important of which are: from disciplinary to trans-disciplinary approach, from aspectual to holistic coverage, from sectarian attitude to cosmopolitanism, and from deductive logic into more inductive and comprehensive way of reasoning. All these trends have resulted in a certain new hybrid, not only of legal knowledge and products, but also of legal scholars and practitioners.

However, Islamic legal studies in this country have to face various challenges. The first is to transform it from merely sticks on theoretical suppositions, historical nostalgia and idealistic formulations into practical guidance, realistic solutions and implementable discourses. Secondly, to reorient the object and locus of the studies from Middle Eastern space of the past centuries into local, national and regional, and to a higher degree also global contexts in response to present demands and future needs. Lastly, but not the least, is the concrete action to upgrade all aspects, elements and sectors of Islamic legal studies and all its related factors, including capacity building of the

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[1] A paper presented at AICIS (Annual International Conference on Islamic Studies), jointly organized by the Ministry of Religious Affairs, Republic of Indonesia and IAIN Sunan Ampel, Surabaya, at Empire Palace Hotel Surabaya on November 5-7, 2012.

Conference Proceedings
Annual International Conference on Islamic Studies (AICIS XII)
المؤتمر السنوي الدولي الثاني عشر للدراسات الاسلامية

12th AICIS
IAIN SUNAN AMPEL SURABAYA

management, faculty and all supporting staffs, curriculum development, methods of teaching-learning, scientific journals, scholarly conventions and stricter merit-based selections of career improvement.

Key words

Shari'ah, Fiqh, Islamic Law, Legal Education, Legal System, Legal Pluralism, Legal Skills, Legal Renewal, Legal Hybridity. Cosmopolitanism, Transdiscipline Approach, Holistic Education.

INTRODUCTION

Universities and colleges all over the world are increasingly offering courses and specializations in Islamic law, not only in law schools, but also in business, economics, and international relations centers of learning. Conventional disciplines, such as sociology, anthropology and criminology, offer courses and have programs pertaining to Islamic legal issues. All courses on comparative legal system always include *shari'ah* in their curriculum.

In Indonesia, the study of Islamic law was the important aspect of Islamic education since the appearance of Islam in this archipelago at the century of Islamic calendar. The first law school founded by the colonial government offered a course on Islamic law, and it remains so up to now.[2] The study of Islamic law at the post-secondary level in this biggest Muslim populous country in the world today can be differentiated between those offered by 'secular' general schools of law and those managed by Islamic institutions of higher learning. This last type is further divided into those which belong to the state (PTAIN) and to the private foundations (PTAIS).

Since the founding of state institutions of higher learning (*PTAIN*), both in Jakarta and Yogyakarta, until the present existence of 6 UINs (state Islamic university), 13 IAINs (state institute of Islamic studies) and 34 STAINs (state higher school of Islamic studies), *shari'ah* faculty or department has never been absent.

This humble paper strives to describe the existence and development of the study of Islamic law in Indonesia, especially those offered by state institutions of Islamic studies. The description starts with an introduction to the key terms used in the discipline, followed by a brief accounts on the current trends of changes for the last few decades, and then an analysis on the contemporary challenges faced by these law schools.

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[2] See Mardjono Reksodiputro. 'Peran Pendidikan Tinggi Hukum dalam Pembaharuan Hukum Indonesia.' *Jentera, Jurnal Hukum* ; and Tan Cheng Han, et al. 'Legal Education in Asia' *Asian Journal of Comparative Law*, 184 (2006).

CLARIFICATION OF TERMINOLOGY

Shari'ah and its supporting and related disciplines have been throughout the history of Islamic civilizations the prime focus and indispensable aspect of Muslim intellectual efforts. The study of Islamic law and jurisprudence especially in global context or comparative perspective, including those which are transmitted in English, brings with it some problems that need to be resolved, at least recognized, before the subject can be initiated in earnest. One of the problems pertains to the terminology which are imported or borrowed into the Islamic disciplines from Western jurisprudence simply by the use, or sometimes abuse, of Western nomenclature. One clear example of this mis-use is the naming of Islamic law as '*Mohammadan Law*'.

What are the equivalent terms in English for *shari'ah* and *fiqh?* Are they synonymous? If not, what the distinction? Even though the two terms are often used interchangeably, their definitions, however indicate that the first term has a wider meaning than the latter. The term *shari'ah* includes both law and the other tenets of faith (*'aqa'id*). *Shari'ah* is often understood as the law itself, while *fiqh* is a knowledge of that law – its jurisprudence.[3]

The term *shari'ah* (sometimes written as *shari'a*, or *sharia*)*,* which is mentioned only once in the Qur'an in the above specific sense (Q, al-Jatsiyah, 18:45) for the last few decades has been widely circulating in all languages of the world, including English. *Shari'ah* law is used, just to cite one example, by an authoritative research report by a reputed Center for Security Policy, USA.[4]

The term *fiqh* in the literal sense mean 'understanding' and 'discernment'. In this sense, the words *fiqh* and *fahm* are synonymous, except the first usually carries a nuance of deeper comprehension (*fahm al-daqiq*). Initially it used to cover various kinds of understanding, including theological and secular issues, but later on it came to be used exclusively for a knowledge of law.

Fiqh, for Ash Shiddieqy, is of three kinds. First, *Qur'anic Fiqh*, the fiqh that the holy scripture clearly mentions. Second, *Nabawi Fiqh*, the fiqh as clearly epressed in the prophetic traditions. Lastly, *Ijtihadi Fiqh*, the laws derived through human reasoning. The fiqh literature consists mostly of this last category. It means that fiqh is essentially dynamic and elastic, since it changes in response to the needs of time and space.[5]

The products of *fiqh* come about in at least five forms. The first of which is *fatwa,* a legal opinion expressed by certain legal experts, individually or collectively in response to a question forwarded by the society. The second is *qadha,* a legal decision

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[3] See, among others, Imran Ahsan Khan Nyazee. *Islamic Jurisprudence* (Kuala Lumpur: the Other Press, 2000), p. 24.
[4] See *Shari'ah Law and American Courts: An Assessment of the State Appellate Courts* (Center for Security Policy, May, 2011).
[5] Hasbi Ash Shiddieqy,

reached by officially appointed judge(s) after sessions in court of justice. The third is *qanun,* legal rules of common application for certain territory enacted by the ruling body. The fourth is *siyasah shar'iyyah,* a bylaw enacted by the ruler to assist the implementation of the rules of the *shari'ah.* The last is *qawl,* which is an opinion expressed by a certain *faqih* (law expert) or a group of *fuqaha'* (law experts).

As a follow-up consequence of the above classification of Islamic jurisprudence, the study of Islamic law should be differentiated at least to five sub-subjects, namely *fiqh fatwa, fiqh qada', fiqh qanuni, fiqh siyasi* and *fiqh qawli,* most of these have been studied separately in the faculty of shari'ah in Indonesia, but mostly at introductory level, seldom include the their related practical expertise and skills.[6]

All these five kinds of *fiqh* result in a *hukm* (pl. *ahkam*), in its literal sense means a command or decision. In its technical sense it means a legal rule. All the rules based on *shari'ah* are commonly called *hukm shar'i,* rules based on *shari'ah* or derived from *shari'ah* sources. These rules may be differentiated into two categories, namely those who create obligation and duties (*taklifi*), and the other, those who are declaratory in its essence (*wadh'i*).

Different with other legal systems which usually divide the rules into commission and omission categories, Islamic legal traditions divide each of them into binding (*wajib*=obligation) and non-binding (*sunnah* =recommendation) commission or binding (*haram*=prohibition) and non-binding (*makruh*=disapproval) omission, plus another distinct category of itself, *mubah* which grants a choice or option to the subject for the commission or omission of an act.

The definition of the *hukm shar'i* provided above stated that the communication from Allah may be related to the acts of the subjects in a manner that is declaratory, which is known *ahkam wadh'i* (declaratory rules). This is stated in order to accommodate rules that cannot be classified under the obligation-creating rules. The following classifications are made: (1) classification of secondary rules into *sabab* (cause), *shart* (condition) and *mani'* (impediment); (2) classification into *sihhah* (validity), *butlan* (nullity) and *fasad* (vitiation); (3) classification into *'azimah* (general rules) and *rukhsah* (excemption).[7]

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[6] Just to cite an example, *fiqh qanuni* should be an obligatory subject in Aceh in which 'qanun' is valid legal rules in the region. The course should be designed, at least at the graduate level, to prepare students do legal drafting and equip students with legal skills pertaining the shari'ah-based enactment and implementation.

[7] Nearly all *usul al-fiqh* textbooks elaborate on these terminologies and classifications, see Muhammad Salam Madhkur. *Usul al-Fiqh al-Islami: Tarikhuhu wa Usuluhu wa Manahij al-Usuliyyin fi al-Ahkam wa al-Adillah* (Cairo: Dar al-Nahdah al-'Arabiyyah, 1976); and Wahbah al-Zuhayli. *Usul al-Fiqh al-Islami* (Dimasyq: Dar al-Fikr, 1986).

RECENT TRENDS

The force and popularity of Islamic law as an ideal in the Muslim world today is remarkably at odds with the fear and suspicion with which it is greeted in the West. According to 2006 Gallup polls, for instance, about 80% of Muslim wish the *shari'ah* (whatever it means for the respondents) were either the only or a major source of their law.[8] To many, this gulf of perception is the single greatest reason for the perceived clash between Muslims and the West – a gulf that often places Western sympathies and policies at odds with the forces of democracy and peace in the Muslim world.

1More and more authors have voiced different conclusions about *shari'ah.* One of them is Noah Feldman, a professor of constitutional law at Harvard Law School, who writes *The Fall and Rise of the Islamic State*.[9] He argues that the union of state and religion in Muslim societies, as demanded by the vast majority of Muslims today, should not be feared or impeded by the West. This is because, when properly understood and soberly applied, the *shari'ah* has not historically entailed the theocracy or religious tyranny that the union of church and state has produced in the West. To the contrary, Feldman maintains that *shari'ah* provided a 'rule of law' in medieval Muslim societies that guarded the populace from the oppression of militaristic government.

Islamic law has been studied not only by Muslims, but it has become a growing object of study in nearly all centers of legal learning all over the world. Globally, Islamic law has become an integral part of comparative law, side by side with Roman continental legal system, Anglo-Saxon civil law, socialist-communist legal system.

In Indonesia Islamic law is not only studied and taught in Islamic institutions of learning, both state and private, but also in 'secular' schools of law, including those which are founded by non-Muslim foundations. This is mainly due to the fact that in this country Islamic law is a sub-system of the national legal system and the 'living law' for most of its population.

From Formal Positivism to Pluralism

Legal pluralism has become a major theme in the study of law and society. However, under this broad denomination, one can identify many different trends which share little but the very basic idea that law is much more than state law. Despite its eclectic character, these many conceptions of legal pluralism also share some common fundamental premises concerning the nature of law, its functions, and its relationship with its socio-cultural milieu.

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[8]   *Shari'ah* on recent Gallup polls, see John L. Esposito and Dalia Mogahed, *Who Speaks for Islam? What a Billion Muslims Really Think* (Gallup Press, 2008), also: http://media.gallup.com/Muslim WestFacts/PDF/GALLUPMUSLIMSTUDIESIslamanddemocracy/030607rev.pdf.

[9]   Noah Feldman, *The Fall and Rise of the Islamic State* (Princeton: Princeton University Press, 2008).

Conference Proceedings
Annual International Conference on Islamic Studies (AICIS XII)
المؤتمر السنوي الدولي الثاني عشر للدراسات الاسلامية

12 AICIS
IAIN SUNAN AMPEL SURABAYA

There are many layers of social control. According to Durkheim, law is a social phenomenon which reflects all the essential varieties of social solidarity. Building on Durkheim's legacy, Marcel Mauss formulated the idea that, within a society, there can be many legal systems interacting with each other. However, it is Malinowski who first gave a definition of law that strongly associates it with the nature of social control. According to him, law should be defined by function and not by form.[10]

The concept of polycentricity of law was also originally developed by scholars in the Nordic European countries. It refers to a category of instances of legal pluralism, which are described as the use of sources of law in different sectors of the state administration. The principal hypothesis is that different authorities frequently used different sources of law or use the same sources with different orders of priority between them.[11]

The 70s and 80s witnessed the blossoming of a more fully integrated attempt to deal with law from a social perspective, denying the state its monopoly, and even its mastering, of the production of law.

From Deductive to Inductive Reasoning

Maqasid al-Shari'ah

From Disciplinary to Trans-disciplinary Approach

The word 'discipline', in its original sense, relates to a systematic instruction, given to disciples to train them in a craft or trade, or another activity which they are supposed to perform or to follow a particular code of conduct or 'order'. In due time, the term is understood to refer more to a particular branch of knowledge, or field of study, is a branch of knowledge that is taught or researched at the higher level of studies. Disciplines are defined and recognized by the academic journals in which research is published, and the learned societies, academic departments and the practitioners belong.

Trans-disciplinarity connotes a research strategy that crosses many disciplinary boundaries to create a holistic approach. It applies to research efforts focused on problems that cross the boundaries of two or more disciplines, such as research on effective information system for biomedical research, and can refer to concepts and methods that are originally developed by one discipline but are now used by several others, such as ethnography, a field research method originally developed in anthropology, but now widely used by other disciplines.

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[10] Bronislaw Malinowski, *Crime and Custom in Savage Society* (London: Routledge, 1936).
[11] G. Woodman, 'Ideological Combat and Social Observation: Recent Debates about Legal Pluralism.' *Journal of Legal Pluralism and Unofficial Law*, 42.

The study of Islamic law is used to be studied merely at normative, formalistic and legal level. Islamic law as a subject matter or object of study is usually taken as rules and regulation derived from divine sources. However, it can be studied as an object of study and approached in various disciplines. Philosophy, sociology, anthropology, psychology, history, just to mention the more common of them, have made 'law' as an object of their studies and researches. Some of them have brought about new disciplines, such as philosophy of law, sociology of law, anthropology of law, psychology of law, and history of law. So Islamic law is not confined anymore to merely legal order or rules inspired by divine values, but has been extended to other fields of studies or has been researched from various divergent perspectives.

From Aspectual to Holistic Coverage.

The study of Islamic law are used to concentrate more on the pure ritualism (*'ibadat*) and personal status or family laws, but for the last three decades, it has been extended to cover almost all aspects of Islamic law, especially those pertaining to human interaction (*mu'amalat*), such as trade, banking, insurance and even criminal and international laws.

From Sectarian to Cosmopolitanism

More than two decades after the appearance of Edward Said's *Orientalism,*[12] A. L . Macfie published a book with the same title in 2002. Macfie points out in his book that 'orientalism',[13] specifically regarding the religion of Islam, has re-emerged in the beginning of the 21st century due to the rise of fundamentalism and the new form of Western imperialism, called neo-colonialism.

He suggests that there has been an increased interest in the study of Islam, especially after the attack on the USA on 9/11. What is interesting is that today Islam is being studied and analyzed in a similar way as it was during the 18th and 19th centuries. However, Macfie refines Said's arguments as he suggests that Western dominance has been challenged on numerous occasions. For example, he points out that orientalism is contradicted when one studies the history of the spread of communism during the 20th century, the Iranian revolution in 1979 or the rise of Egyptian nationalism. Recently, the cases of Iran and China as well as North Korea have been perceived more as challenges for Western powers.

Within the past couple of years, two significant publications that make a useful contribution to the teaching of Islamic studies, including Islamic law, have been

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[12]   Edward Said, *Orientalism* (Vintage Publishing House, 1979).
[13]   A. L. Macfie, *Orientalism* (Pearson Education, 2002).

Conference Proceedings
Annual International Conference on Islamic Studies (AICIS XII)
المؤتمر السنوي الدولي الثاني عشر للدراسات الإسلامية

12 AICIS
IAIN SUNAN AMPEL SURABAYA

published. They are specifically relevant and timely for academicians working in campuses and practitioners from diverse disciplines who need and make use of knowledge on Islamic religion and Muslim peoples. They are namely *The Sage Handbook on Islamic Studies*[14] and *Rethinking Islamic Studies: From Orientalism and Cosmopolitanism.*[15]

In the last decade and a half, the notion of cosmopolitanism has been used with increasing frequency in the Western human sciences. Embodying middle-path alternatives between ethnocentric nationalism and particularistic multiculturalism, it has been employed by political scientists, legal scholars, anthropologists, historians, theorists of postcolonial studies, philosophers and literary critics. It is important to clarify from the outset that this new cosmopolitanism has expanded into an exploration of other possibilities.

The Muslim discourses on the phenomenon of globalization have distinguished themselves by not succumbing to the antagonism guiding the Huntington's *Clash of Civilizations*[16] thesis or Benjamin Barber's account of 'Jihad vs. McWorld,'[17] either through the 'blind imitation' (*taqlid*) characterizing the unquestioned preservation of the classical Islamic heritage by traditionalist Muslims or through the atavistic return to the supposed pristine Islam of the 'pious ancestors' (*salaf al-salih*) or revivalist exponents.

Another impediment to the progress of Islamic studies, including in the field of Islamic law, suffers from the unfair treatment that whatever has been carried out and produced in this far-away periphery territory are considered insignificant, and even not Islamic enough, compared to those advanced achievement by the core and original Muslim in the central region. The impediment has even deeper due to the language used, Indonesia-Malaysia, is not globally recognized.

NEW HYBRIDITY

Islamic legal studies in Indonesia underwent radical changes with the emergence of calls for an Indonesian *fiqh* or *madhhab* (school of legal thought and practice) by such prominent scholars as Hasbi Ash Shiddiegy and Hazairin. In so doing, tended to be critical with the puritan movement which strove to cleanse Islamic law of un-Islamic elements, including local practices and ethnic customs. Instead of defending the 'Arabization' of fiqh, both promoted the richness of Indonesian cultures and traditions

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[14] Akbar S. Ahmed & Tamara Sonn (eds). *The SAGE Handbook of Islamic Studies* (London: SAGE Publications, 2010).

[15] Carl W. Ernst & Richard C. Martin (eds). *Rethinking Islamic Studies: From Orientalism to Cosmopolitanism* (Columbia: University of South Carolina Press, 2010).

[16] Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996).

[17] B. R. Barber, *Jihad vs. McWorld* (New York: Times Books, 1995).

as valid sources for the implementation of Islamic law in their newly established country.

In fact, since early 1990's Indonesia legal policy has dramatically shifted to be more lenient, if not supportive, to Islamic law, including the recognition of 'legal distinction', where particular groups of citizens would have certain specific law applicable for them exclusively. This situation has led Indonesia to further develop a national legal system under the motto of *Bhinneka Tunggal Ika* (unity in diversity), in which citizens are segregated based on their respective religious backgrounds. This paves the way for legal pluralism to deepen in which religious identity turns to be important legal basis in some areas.

This has been pointed Benda-Beckman as follows: 'elements of one legal order may change under the influence of another legal order, and new, hybrid or syncretistic legal forms may be brought up or coexisting with them.'[18]

The new Muslim intellectuals have been emerging for the last few decades. They combine an intimate familiarity with the heritage of Muslim civilization with a solid knowledge of recent achievements of the Western academe in the human sciences. In so doing their alternative discourses exhibit a cultural hybridity which enables them to develop a cosmopolitan attitude competence necessary to transform binary positions into a new synthesis.[19]

Globalization and the blurring of national boundaries increase the importance of a strong international orientation. This requires not only a good command of foreign languages, but also an ability to comprehend and emphatize with other cultures, a willingness and ability to appreciate the limitations of their own cultural contexts.

CONTEMPORARY CHALLENGES

Efforts to implement the Islamic knowledge, including Islamic legal knowledge, into practical uses, to realize divine guidance of Islamic revelation into day-to-day operational life have been initiated by Muslim scholars. I find that this is the first challenge of Islamic legal studies, namely to transform the study of Islamic law to be merely involved theoretical suppositions, historical nostalgia and idealistic formulations into practical rules, realistic solutions, and implementable formula in response to the present demands and future needs.

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[18] Franz and Keebet Benda-Beckman. 'The Dynamics of Change and Continuity in Plural Legal Orders.' *The Journal of Legal Pluralism and Unofficial Law*, 53/54:1-44.

[19] See Carool Kersten. *Occupants of the Third Space: New Muslim Intellectuals and the Study of Islam* (London: School of Oriental and African Studies, unpublished Ph. D. thesis, 2009). See also his article 'Islam, Cultural Hybridity and Cosmopolitanis: New Muslim Intellectuals on Globalization.'

Conference Proceedings
Annual International Conference on Islamic Studies (AICIS XII)
المؤتمر السنوي الدولي الثاني عشر للدراسات الاسلامية

12th AICIS
IAIN SUNAN AMPEL SURABAYA

For several decades, there has been calls of Indonesian scholars that the Muslims of this country are in great need of '*mazhab nasional*' or '*Indonesian fiqh*'. The first phrase was coined by Hazairin, and the latter by Hasbi Ash Shiddieqy. Later on more authors have sought to indigenize the Qur'anic injunctions and prophetic guidance in particular, and Islamic teachings in general. These efforts are followed by the increasing waves of locally-written books on various subjects of law in Bahasa Indonesia, following the earlier waves of inherited Arabic references (*turats*) locally reprinted, and subsequently succeeded by the waves of contemporary literature in Arabic and other Islamic languages translated into national language.

A diagnostic assessment of legal development in Indonesia, a study by the Government of Indonesia, represented by Bappenas (Indonesian national planning body), under a grant of the World Bank in 1996, contained, among other things, the following statement on legal education:

Most of the Indonesian law schools use the lecture method as their primary inmedium for teaching law. ... Foreign language material is used only in subjects which cover international law ... the foreign material referred to is predominantly English, as Dutch is a fading language in Indonesia. Most of the Indonesian law materials utilized are statutory provisions while Supreme Court decisions are only used to illustrate the application of particular provisions. The style or method of teaching in many law schools still leans too heavily on mastery of rules as rules (black letter law) rather than illustrations of principles.[20]

The descriptions cited seem not to change much up to now. The bad conditions of the general law schools were considered still better than the usual conditions of 'shari'ah' law schools in the country.

Of the foremost problem facing Islamic legal study is faculty development. The number of professors in the field of Islamic law is limited and the pace of adding them has been significantly slowing down lately to the tightening (pre)conditions to qualify for a candidate of professor.

Furthermore, it is suggested that one of the reasons studies of Islamic law has been hampered despite some academic progress in general, with the heavy burden of learning-teaching process combining the achievement both in academic and professional goals. There should be earnest effort to found different branches of knowledge, to separate academic groups who will be equipped mostly with theoretical foundations and philosophical values from professional classes which are oriented more into practical skills.

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[20] Ali Budiardjo, Nugroho Reksodiputro. *Law Reform in Indonesia: Results of a Research Study Undertaken for the World Bank* (Jakarta: Cyberconsult, 1997), p. 61.

Even though it is not yet proved by scholarly survey and scientific research, those who are active in Islamic legal studies at least within Islamic institutions of higher learning often complain about the poor mastery of the language in which the Muslim scholarly heritage are mostly written, namely Arabic. It means that the practitioners of Islamic law in this country, including the judges in religious courts of justice and the lecturers in law schools, seldom refer to original reference literature. The students and graduates of Islamic legal studies seem to be more comfortable to read what are called 'white' translated publications and manuals written in national language, rather than reading directly the 'yellow' original Arabic scripts.[21]

What is hoped for of the study of Islamic law is to respond to the present and future needs, rather than concentrating on the historical past. Instead of focusing on the ideals of Islamic law, it is a challenge to pay more attention to the practical demands of the present and the future. Some authors have been complaining about the growing disconnect between what is taught in Islamic law schools and the actual practice of law among the Muslim population.

The growing demands for legal services, including in Islamic law, cause more and more graduates of the *shari'ah* schools are employed in various occupations. Formerly experts in Islamic law are needed more in the fields of *'ibadah* (rituals) and to a lesser extence, in *mu'amalah* (interconnection with other fellow humans, including economy, social, political and business. In order to provide those services, the graduates of law schools have to acquire a number of important legal practical skills.

As mentioned earlier, all types of the *fiqh* should undergo certain degrees of activities. *Fiqh Qanuni,* for example, offers a number of practical expertise, starting to do research on how to find a certain verse or particular *hadits* (prophetic tradition), to write a proposal for an academic draft of a prospective bills, to carry out harmonization and concordance studies, and to evaluate the implementation of certain legal acts. In order to be able to perform all those lawyers' activities, or lawyering, one has to undergo must be trained and exercised in those necessary skills.

Another handicap of studying Islamic law in the country is the limited collection and poor facilities of the supporting infrastructure for the scholarly study of Islamic law. The rich heritage of Islamic legal tradition is hard to find and those promising modern publications of recent research are also scarcely available in each of the many schools of Islamic law. The Islamic law library is usually only a small section of general library in the campus.

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[21] The term 'kitab kuning' (yellow book) is used to refer to the reprinted editions of original Arabic books of Islamic scholarly heritage widely referred and read in traditional Islamic centers of learning. It is called so probably due to the color of its lower quality papers in contrast with 'white' books which refer to books written by modern authors, mostly in national language. Further analysis on this matter, see Martin van Bruinessen.

Conference Proceedings
Annual International Conference on Islamic Studies (AICIS XII)
المؤتمر السنوي الدولي الثاني عشر للدراسات الإسلامية

12th AICIS
IAIN SUNAN AMPEL SURABAYA

The advancement of ICT (information communication technology) has helped the lecturers, students and researchers of Islamic law in obtaining relevant information and data for their tasks and assignments. However, the use of these advanced technology is often hampered by the shortage of funding and the lack of appropriate skills in using and maintaining the available equipments.

CONCLUDING REMARKS

Islamic law in Indonesia has been currently experiencing an increasing demand, as well as growing expectation, not only among the Muslim adherents, but also in society at large. The demand is expressed in a variety of implementation from those who strive for outright full application of what they believe as divinely-ordered *shari'ah* to those who personally readjust their lives and behavior to the divinely-inspired values of Islam.

Islamic legal schools, especially those of state owned institutions of higher learning, have played prominent role in preserving, maintaining and developing Islamic legal scholarly traditions in the country. They have become an integrated part, or even play pioneering roles, in upgrading and expanding the existence and function of the Islamic higher learning. Furthermore, these schools of Islamic law increasingly function as partners, sometimes also competitors, for 'secular' general law schools.

Despite all those gains, these schools of Islamic law are in a great need of improvement, especially in building their capacities and upgrading their capabilities in response to the rapidly changing present demands and future needs of the heterogeneous population at the national as well as global levels.

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