















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

### 5. Functional Structural Method

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

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

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

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

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

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

- a. The social fact paradigm relating to social systems and social structures (external) that can predominantly affect human behavior, including in the field of Islamic law. In the system and social structure there are positive functional dimensions and conflict dimensions that tend to be negative.
- b. The social definition paradigm focusing on social actions based on ones' awareness (internal) which can also influence their behavior, including in the field of Islamic law. Social action comes from the power of innovation, creation, and selection contained in human beings.
- c. The social behavior paradigm focusing on the empirical world of human behavior through their social interactions. This paradigm is an antithesis of the two previous paradigms because social systems and structures or social subjectivity (definition) are considered far from actual social reality. Human behavior as seen in everyday life becomes the central point of this paradigm.

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

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

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

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

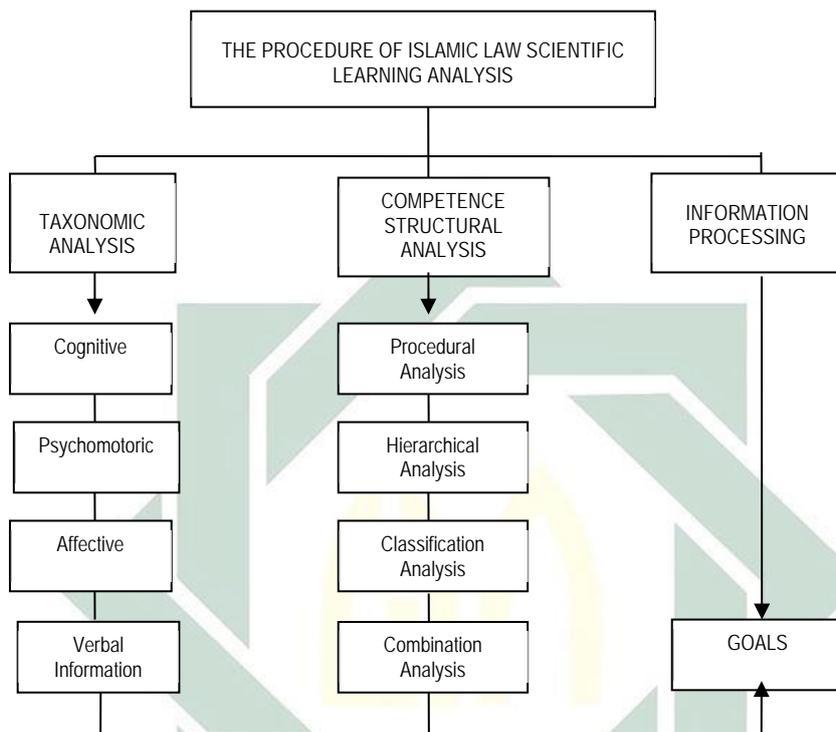


Figure 5: The Procedure for Analysis of Islamic Law Scientific Learning

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

The competence structural analysis deals with four aspects, namely:

1. Procedural analysis, which analyze scientific subjects of Islamic law along with their respective competencies with a series of appearance sequences, none of which is a competency prerequisite for other competencies. Each stand alone, although it can be done sequentially. In this case, one subject can be studied even if a student has not studied another subject.
2. Hierarchical analysis, namely analyzing scientific subjects in Islamic law where one competency can only be learned if other competencies have been learned and mastered. This analysis is done because there are tiered courses, one of which is a

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

3. Classification analysis, conducted by grouping subjects that do not have dependence on one another. Each subject is grouped according to their competencies; basic, primary, or supporting without having to prioritize prerequisite courses from the main courses.
4. Combination analysis, namely the analysis of courses by using procedural analysis, khirarkhikal analysis, and classification analysis simultaneously, or combining the three types of analysis to study the scientific subjects of Islamic law.

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

#### IV. CONCLUSION

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

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

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