

***Shari'Ah* Application Model in Muslim Countries**

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Diterima 12-03-2021 | Direview 10-05-2021 | Diterbitkan 30-06-2021

Abstract

In the Islamic world, leadership is *khilāfah* for Sunnis and *Imāmat* for Shiites. Along with the collapse of the Umayyad Empire, Europe, and colonization of the Muslim world, new concepts came into contact, such as the nation-state, democracy, nationalism, etc. In this mixing of ideas, there is a change in the development of the application of sharia. This paper aims to explain shari'ah application model in Muslim countries. This paper is a literature review that analyzes reference sources from journals, books, and websites using collecting data in the documentation and various articles and books with content analysis, namely by analyzing descriptive literature data or scientific research's message. At the same time, the data analysis method is deductive, inductive, and comparative. The findings of this paper are the application of shari'ah in the context of modernity in various Muslim countries. There are at least three types of responding to new concepts that are in direct contact with post-colonialism. First, the application of shari'ah mixed into the constitution of a country as a whole. Second, shari'ah is a sub-ideology, the intersection between religion and the State. Third; is the separation of shari'ah and the State. The application of shari'ah has many factors, such as the majority of schools, the hegemony of power, and welfare. Thus, in choosing the application of shari'ah, there are three forms of understanding, namely *ifrāṭ*, *tafrīṭ*, and *mu'tadil*.

Keywords: Shari'ah Application Model, Muslim Countries, Islamic World

Introduction

In conversations between the da'wah pulpit and Muslim academics, we declare Islam "in accordance with all times and places (*al-Islām ṣāliḥ li kulli al-zamān wa al-makān*)."¹ This is evidenced, among other things, by the observation that Islam is the religion that most covers various races and nationalities, with an area of influence surrounding almost all climatological and geographical characteristics.² From the very

¹ Yūsuf al-Qarḍāwī, *Shari'ah al-Islām Ṣāliḥ li al-Taṭbiq fi kulli al-zamān wa al-makān*. Ed. 5 (Mesir: Maktabah Wahbah, 1997), p. 12

² In the Middle Ages, the Arabian Peninsula gave birth to a nation that conquered large parts of the world that would later become the centers of civilization and gave birth to religion-Islam—which is embraced by some 450 million people, representing almost all races various regions. One in eight people in the world are followers of Muḥammad. The sound of the call to prayer reverberates five times

beginning, as is commonly seen in the Prophet's life and ḥadīth, the religion of Islam was aware of its dealings with racial and cultural pluralism. Therefore, grows free from claims of racialistic or linguistic exclusivity.³

Islam emphasizes the importance of *ijtihad* to reveal a problem as to why a law is implemented. If the *'illat* has been found, the next step is whether the *'illat* in question is still relevant or not, there is, or there is a shift. If it has shifted or changed, then the law will move or vary according to the change in *'illat*. The growth that occurs in Islam is essentially a shift towards form, not in substance. Like from the past until now. Humans have the same instinct, namely to eat. The location of the difference between "eating" from time to time lies in its form and how to process it, not on the content or the critical point of "eating".⁴

In many cases, Islam more often determines the substance, not the form. For example, mosques may be built in various forms, as long as their meaning and function do not shift, namely for people to worship and clean and holy places. At the beginning of Islam, where the faith of the Muslims was still not strong, the Prophet did not allow or recommend to visit the graves, because many of them made the graves a place for asking and praying. So that it can be understood, the point is that there is a strong reason why it is not permissible to visit the tomb because it can make people polytheists. After having strong faith, moving to Medina, many people have understood the purpose of the pilgrimage: to remind people that they will die and soften their hearts. After the strength of faith, people are sunnah to visit the grave. The law changes from its origin for a reason or *'illat*. This process continued after the Prophet died. At the time of the Companions, there was a renewal that had never happened at the time of the Prophet Muhammad. With many *abl-Qur'an*/*huffāz* killed in the war of *riddah*, namely the war against people who oppose paying *zakat*, it inspired to codify the *Qur'an* during the Caliph Abū Bakr, continued by the next caliph so that

a day and night around the most significant part of the warm climate of the earth's circle. Philip K. Hitti, *Histori of The Arabs*. Ed 1 (Jakarta: PT. Serambi Ilmu Semesta, 2013), p. 4

³ Nurcholish Madjid, *Islam Doktrin dan Peradaban: Sebuah Telaah Kritis Tentang Masalah Keimanan, Kemanusiaan dan Kemoderenan*. Ed 3 (Jakarta: Yayasan Wakaf Paramadina, 1995), p. 425-426

⁴ This substantive Islam is a typological concept of Islamic thought formulated by Azyumardi Azra through his work, *Substantive Islam*, so that the Ummah does not become foamy. This book is a collection of 95 severe and lengthy interviews through a rigorous process and careful consideration. This substantive Islam is the prototype of the most influential Islamic political thought. According to Azyumardi Azra, compared to formalist Islam and symbolic Islam, as a result of observing the reality of Islamic political developments, especially in Indonesia so far based on consideration of socio-political conditions in Indonesian society to date. Mujamil Qomar, *Studi Islam di Indonesia; Ragam Identitas dan Peta Pemikiran Islam di Indonesia* (Malang, Madani, 2017), p. 29-30.

until the time the *Qur'an* reached us with *Rasm al-Uthmānī*.⁵

The *Shari'ah* was revealed by Allah to realize benefits as well as to avoid corruption.⁶ According to Syatibi, one can achieve the goal through; *First*, fulfill the demands of the *Shari'ah (taklīf)*, trying to create it by carrying out the commands (*awāmīr*). *Second*, defend (*ibqā*) from destruction by avoiding the prohibitions (*naḥī*) contained in the *shari'ah*.⁷ Furthermore, Syatibi added, the basis of the purpose of *shari'ah* or *maqāṣid al-shari'ah* is the welfare (*maṣlahah*) of humankind.⁸ Al-Ghazali calls *maqāṣid al-shari'ah* with *al-dārūrīyah al-khamsah*, which guarantees the five basic needs, namely religion, life, intellect, property, and lineage.⁹ If you understand that Islam is a religion that is following the times and times, of course, in the modern era of *shari'ah* can accept and applied in countries with a majority Muslim population. But praxis is not easy.

Moreover, in the modern context, the State is not based on religion, unlike in classical times, which did apply the law based on faith. There are challenges in the application of *shari'ah* in the context of the modern State. So it is necessary to know and be known about the basic principles of the application of *shari'ah*. Then how to apply the principles of *shari'ah* is applied gives benefits (*maṣlahah*) to the fullest, not the other way around bringing destruction (landings).

There are at least three significant currents in taking an attitude towards Islamic law. *First*, the group makes the *shari'ah* just formalization. They want *shari'ah* as a fundamental basis in the nation and country. The consequence must be the realization of the Islamic State or at least try their best to make *shari'ah* a law. *Second*, the group of *shari'ah* deformations. They prefer the substantive path. There is no need for religion to be made legal-formal, given that there have been similarities in the nation and state practice. Every Muslim has practiced *shari'ah*, so there is no solid reason for formalizing

⁵ This view is in line with Quraish Sihab in assessing the Islam of the archipelago on the side of 'substance,' not form. If there is a form (culture) that is substantially following Islam, then it is accepted. If contrary, it will be rejected and revised. The principle of Islam in adapting to the culture. Khabibi Muhammad Luthfi. "Islam Nusantara: Relasi Islam dan Budaya Lokal". *Jurnal Shabih*. Vol 1, No 1 (2016), pp. 4

⁶ Ghafar Shidiq. "Teori Maqāṣid al-Syari'ah Dalam Hukum Islam". *Jurnal Sultan Agung*. Vol XLIV No 118 (2009): pp. 120; La Jamaa. "Dimensi Ilahi dan Dimensi Insani dalam *Maqāṣid al-Syari'ah*". *Jurnal Ilmu Syari'ah dan Hukum* Vol. 45 No 2 (2011): pp. 1255-1256.

⁷ Abū Ishāq al-Shāṭibī, *al-Munwāfaqāt fī Uṣūl al-Shari'ah* (Beirut: t.t), p. 7; Fakhr al-Dīn al-Rāzi, *al-Maḥṣūl fī 'Ilmi Uṣūl al-Fiqh*. Vol 2 (Beirut, Dār al-Kutub, 1999), p. 281-282

⁸ Moh. Toriquddin. "Teori *Maqāṣid al-Shari'ah* Perspektif al-Shāṭibī". *De Jure, Jurnal Syariah dan Hukum*. Vol 6. No 1 (2014): pp. 47

⁹ Ahmad Sarwat, *Maqāṣid Syari'ah* (Jakarta: Rumah Fiqih Publishing, 2019), p. 56

the form of legislation. *Third*, moderate currents. They are a middle class that does not want to separate religion from the State or the coercion of religion against religion.

Research Methods

This paper is a library research with a descriptive approach, namely by describing *Shari'ah* Application Model in Muslim Countries. Data collection methods use documentation, various articles and books. Then analyzed using content analysis and critical thinking, namely by analyzing the literature data that is descriptive. Data analysis methods are deductive, inductive and comparative.

Discussion

Understanding of *Shari'ah* and *Fiqh*

In the language of *Sharā'*, it comes from the word *Shara'a al-wārid*, which means to put water in his mouth. "*Shara'at al-dawāb fī al-mā'*", it enters the water. The words *al-shari'ah*, *al-shirā'*, and *mashra'ah* are the place where water flows. The terms *shari'ah* and *shir'ah* are the water source, which is the source of water, from which human beings can obtain water and drink it. Sometimes this source of water is also allocated for their pets.¹⁰ Salabi explained, *shari'ah* is something that refers to several Islamic laws, revealed to the Prophet Muhammad, recorded in the Qur'an, and ḥadīth.¹¹

In general, *shari'ah* refers to all the commands, prohibitions, instructions, and principles that God has given to human beings related to their behavior in this world and subsequent salvation in the hereafter. Its primary purpose is to enable human beings in their efforts to ignore the tendencies of lust, guide them to the path of truth, and make human beings always *istiqāmah* in carrying out their duties as *kehalifah fī al-ard*.¹² Allah describes *shari'ah* which includes faith, law, and morality to obtain happiness *dārayn*, the world, and the hereafter.¹³ Over time, the meaning of *shari'ah* changes historical continuity to be reduced, interpreted specifically regarding the law relating to human needs. Based on this definition, *shari'ah* is identical with the law in the sense of

¹⁰ Ibn Manẓūr, *Lisān al- 'Arab*. Vol 5. Ed 1 (Beirut: Dār al-Kutub al- 'Ilmiyyah, t.t), p. 160.

¹¹ Muḥammad Salabi, *al-Madkhal fī Ta'rif bi al-Fiqh al-Islāmī*, (Beirut: Dār al-Nahḍah al- 'Arabiyah, t.t), p. 28

¹² Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld, 2008), p. 14; Jaenal Aripin and Azharudin Latif, *Filsafat Hukum Islam Tasyri dan Syar'i*. Ed 1 (Jakarta: UIN Jakarta Press, 2006), p. 9; Jalaluddin Rakhmat, *Dabulukan Akhlak di Atas Fikih*. Ed 3 (Bandung: Muthahhari Press, 2003), p. 87-90

¹³ Muhammad Sallam Madkur, *al-Fiqh al-Islāmīy* (Kairo: Maktabah Abdul Wahāb, 1955).

the legal texts found in the Qur'an and hadith.¹⁴

Then if *shari'ah* means law, a reference to the verse "Whoever does not decide a case according to what Allah has revealed, then they are the wrongdoers" (al-Mā'idah :45). In the context of this meaning (in terms of language), some understand it normatively/textually as safely understood by the right/conservative group. Or is this verse interpreted contextually, what is understood by the contextualist/historical group. An-Naim's preferred "Religious Law of Islam" to name Islamic law. Not using *shari'ah* or *fiqh*. According to him, *shari'ah* is a fundamental rule or stipulation in growing norms and values in all lines. Sharia is not like direction or coercion carried out by the state like criminal law or civil law. Still, *shari'ah*, on the other hand, can color the legislative system, public security, and other social policies.¹⁵ *Fiqh* in the language "al-fahmu" means understanding. According to al-Asfahani, it means a strong sense of the core issue in depth.¹⁶ *Fiqh* is knowledge¹⁷ related to *shari'ah* laws relating to human actions, taken from detailed arguments, or codification of *shari'ah* laws regarding human actions taken based on complex ideas.¹⁸ On the other hand, Zarkashī defines *fiqh* as knowledge of new rules through and *istinbāt* against schools of various *maḥab*.¹⁹

There are differences in the terminology of *shari'ah* and *fiqh*. *Shari'ah* is more to the source of law, namely al-Qur'ān and ḥadīth as well as to the firmness of law in the two heads of law in question. At the same time, *fiqh* results from the *mujtabid's* understanding of the verses that are not explicit in their development, as well as additional rules made in support of the implementation of al-Qur'ān and ḥadīth.²⁰ Thus *fiqh* can be said to be the practical side of *shari'ah*. Abdul Halim mentioned that *fiqh* is the resultant between revelation and ratio as an effort to apply *shari'ah*. Islamic law, in this sense, is the consequence between *shari'ah* and the sub-systems of the cultural,

¹⁴ Satria Efendi M. Zein, *Aliran-Aliran Pemikiran Hukum Islam* (Jakarta: Diktat Program IAIN Syarif Hidayatullah, t.t.), p. 7; Abdul Halim, *Politik Hukum Islam di Indonesia, Kajian Posisi Hukum Islam dalam Politik Hukum Pemerintahan Orde Baru dan Era Reformasi* (Jakarta: Badan Litbang dan Diklat Departemen Agama R.I, 2008), p. 68

¹⁵ Abdullahi Ahmad al-Nā'im, *Islam and the Secular State: Negotiating the Future of Sharia* (Cambridge: Harvard University Press, 2008), p. 1-2

¹⁶ Ar-Ragīb al-Asfahānī, *al-Mu'jam Mufradāt li al-Alfādẓ al-Qur'ān* (Beirut: Dār al-Fikr, t.t.), p. 126.

¹⁷ Science is absolute knowledge that produces belief and suspicion, because the laws that are praxis are sometimes established through definite and convincing propositions (qaṭ'i al-yaqīni), as well as zany propositions. Muḥammad Abū Zahrah, *Uṣūl al-Fiqh* (Cairo: Dār al-Fikr, 1967), p. 28

¹⁸ 'Abd al-Wahab Khalaf, *Ilmu Uṣūl al-Fiqh* (Qāhirah: Da'wah Islāmiyah Shabāb al-Azhar, 1998), p. 23.

¹⁹ Wahbah al-Zuhaylī, *al-Fiqh al-Islāmī wa Adillatubu*. Ed 4 (Damaskus: Dār al-Fikr, 2004), p. 30

²⁰ Satria Efendi Muhammad Zein, *Aliran-Aliran Hukum Islam* (Jakarta: Diktat Program IAIN Syarif Hidayatullah, t.t.), p. 9

social, political, economic, and physical environment. So there are various schools of thought in Islamic law, such as the famous Ḥanafī, Mālikī, Shāfi‘ī, Ḥanbalī, and Shi‘ite schools.²¹

Classical Islamic Politics

After the Prophet Muhammad died in 632 AD, tension and division until the end of the consensus in *Tsaqifah Bani Sa‘adab* was an embryo for the emergence of Islamic politics. The agreement gave birth to the caliphate.²² Under the leadership of the *Khulafā’ al-rāshidīn*, Islam spread until the 8th century had covered the Middle East, North Africa, to Spain’s plains.²³ During the *Umayyab* dynasty, the influence of Islam penetrated the archipelago.²⁴

At the time of the caliphate, as a reference to the golden age of Islam. And they were divided into three political forces that have been so violent throughout its history: *Shia*, *Khawārij*, and *Sunni*.²⁵ Each of which has a specific political significance in the Islamic world until contemporary times. The *Khawārij*, for example, has a powerful and complex political idealism statement. Such as their statements about people who are outside of their sect and are considered not to use Allah’s law are infidels. “The law belongs only to Allah.”²⁶ His attitude is very extreme, only their understanding is correct, and others are wrong. As a climax, they killed ‘Alī Ibn Abī Ṭālib. Who previously failed to kill ‘Amr bin ‘Ash and Mu‘āwiyah.²⁷

Political teachings as happened among the Sunni “*Khilafah*.” However, among the Shiites, they use the term “*Imām*.” al-Mawardi (975–1059 AD) was the one who formulated “*al-Aḥkām al-Sultāniyyah*” (state constitutional law) clearly describing the meaning of “*Khilafah*.” He conveys the obligation of the importance of appointing an “*Imām*” as the head of government functioning for “*khilafah al-nubuwwah fi kibirāshab al-*

²¹ Abdul Halim, *Politik Hukum Islam di Indonesia, Kajian Posisi Hukum Islam dalam Politik Hukum Pemerintahan Orde Baru dan Era Reformasi* (Jakarta: Badan Litbang dan Diklat Departemen Agama R.I., 2008), p. 68

²² Ajat Sudrajat. “Khilafah Islamiyah dalam Lintasan Sejarah”. *Seminar Paper*. Department of History Education, Universitas Negeri Yogyakarta, 2011), p. 2-4

²³ The power of Islam developed during the Umayyad Dynasty (period) Ad-Dakhil and even reached Spain. Philip K. Hitti, *History of The Arabs*, p. 258-268

²⁴ Uka Tjandrasasmita. “Five Hundred Years of Historical Relationship”. *International Seminar Papers*. University of Indonesia and Portuguese Center for the Study of Southeast Asia. Depok, 9-11 Oktober 2000, pp. 32

²⁵ On the process of this political division and the factors that influenced it. Hamid Enayat, *Modern Islamic Political Thought* (London: The Macmillan Press Ltd, 1982), p. 5-9

²⁶ Harun Nasution, *Teologi Islam* (Jakarta: UI Press, 1972), p. 12.

²⁷ Imam Ghazali Said, *Peng kafiran Sesama Muslim Menurut Abu Hamid al-Ghazali* (Surabaya: Diantama, 2012), p. xix

din wa siyāsah al-dunyā” (positioned to carry the message of the apostles to defend and preserve religion and regulate affairs or problems worldly).²⁸

Ibn Taimiyah (1263-1329 AD) believed that political leadership in Islam is a mandate to enforce the law fairly.²⁹ Because according to him, religion and the state are one package, namely, “religion not establish without the existence of the state.”³⁰ As with the issue of the benefit of the world, it is necessary to have a state. And choose a leader. Efforts are needed (*ikhtiyārah*), a kind of institution tasked with selecting prospective leaders (*abl Imāmah*) for the Muslim community.³¹ So in the Sunni tradition, *shūrā*’ becomes an essential process to give birth to political consensus. And the institution is known as *abl al-Ḥāl wa al-‘Aqd*. In addition to the agreement on the deliberation results, with the certainty of recognition from the Muslims (the people). So a leader or *Khalīfah* needs to be *bay‘at*. This is a form of acknowledgment and approval of the position of *Khalīfah*.³² On the other hand, Shia Muslims formulate the theory of “*Imamah*,” representing both religion and the state. So the necessity of an imam must reach the level of *iṣmah* or *ma‘ṣūm*, protected from sinful acts. To be only owned by the Prophet’s descendants (*abl al-bayt* from the lineage of ‘Alī).³³

The Intersection of Modern Era of Islamic Politics

After the colonial period, there were clashes with the theoretical nation of leadership in the Islamic world. Previously only knew the caliphate system on one side, and on the other hand, was the imamate. Next came the new conceptual things from the Western world, such as the nation-state, nationalism, sovereign, republic, democratic, Socialism, Capitalism, etc.³⁴ There are some significant debates among Muslim thinkers: *First*, the nation-state with the caliphate. In the beginning, until the time leading up to modernization, Islam knew only *Dār al-Islām* and *Dār al-Ḥarb*.

²⁸ Munawir Sjadzali, *Islam dan Tata Negara* (Jakarta: UI press, 1991), p. 211-212.

²⁹ Ibn Taymiyah, *al-Siyāsah al-Shar‘iyyah*, (Beirut: Dār al-Kitābah al-‘Arabiyyah, 1966), p. 4-5

³⁰ Ibn Taymiyah, *al-Siyāsah al-Shar‘iyyah*, p. 39

³¹ Al-Mawardi. *al-Abkām al-Sultāniyyah* (Beirut: Dār al-Fikr. 1881), p. 5

³² Mumtaz Ahmad (ed.). *Masalah-Masalah Teori Politik Islam* (Bandung: Mizan, 1993), p. 75-116.

³³ The tradition of pre-Islamic Iranian (Persian) society greatly deified its king (Kisra) and considered him a saint [*farr-ih izādi* or divine grace]. So, when the Persians embraced Islam, this cultural background also influenced their Islamic beliefs. Prophet Muhammad and his descendants (*abl al-bayt*) were respected by them as saints. As a successor to the Prophet only from among the *Ahl Bayt*. Munawir Sjadzali, *Islam dan Tata Negara* (Jakarta: UI press, 1991), p. 211-212.

³⁴ The term “Islamic Republic” in Sunni or Shia literature is a new innovation of European influences on Islam. Because, said Bassam Tibi, the concept of ‘republic’ came from the West, not an Islamic concept. Bassam Tibi, *Islam and a Cultural Accomodation in Social Change* (Bouldier: Westview Press, 1990), p. 161-162.

In terms of that concept, it is not the main foundation of Islamic politics in Khan's view.³⁵ Arabic does not have enough meanings that correspond to "nation." The words "*ummah, ṣu'b, and qawm*" are used in many terms, but these words have not concluded a meaning that corresponds to the ideas or ideas of the nation. The purpose of the *ummah* is more inclined or close to a group of "socio-religious" people, not referring to political people (polity). On the other hand, the term nation-states are associated with the criteria of ethnicity, language, culture, and geographical region.³⁶ What has happened is that politics in the terminology of nation-states is united by ignoring religious lines.

This concept is clearly in conflict with the idea of the caliphate, where the idea is that the State is formed on faith, not based on others such as ethnicity, geography, culture, etc.³⁷ And the historical reality, in 1924, Abdul Majid was deposed from the caliphate, marking the end of the caliphate system. Ottoman, Turkey by Mustafa Kemal Pasha, which shook the Islamic world.³⁸ After the collapse of the caliphate, the Arab nations were born, with one language in many countries.

Second; Democracy with *Shari'ah*. The debate on the nation-state is in the form of the state, while democracy is on the people's sovereignty. The people participate in determining their leaders. But it's a different matter because it comes to face to face with religion. According to Hamid Enayat, "If Islam comes into conflict with certain postulates of democracy, it is because of its general character as a religion." they cannot question many things in matters of religion. Still, the truth is specific because it comes from God. *Shari'ah*, for example, contains many sacred values, in contrast to democracy. Even heavenly things are debited on the pretext of the people's interests because the people are sovereign, so it seems that there is a feud between the "sovereignty of God" and "sovereignty of the people." There was a political debate between those who fully adopted secularization. As with Turkey, the at-Tatruk era changed the criminal law, while sharia only touched on family law issues (marriage). *Shari'ah* is replaced by Western law, while democracy is slowly but surely running in

³⁵ Qomarudin Khan, *Tentang Teori Politik Islam* (Bandung: Pustaka, 1995), p. 6.

³⁶ E. J. Hobsbawn, *Nasionalisme Menjelang Abad XXI* (Yogya: Tiara Wacana, 1992), p. 17-22

³⁷ Azyumardi Azra, "Islam dan Negara: Eksperimen Dalam Masa Moderen, Tinjauan Sosio-Historis". *Jurnal Ulumul Quran*, Vol. IV, No. 2 (1993), p. 10-17

³⁸ Marshall G.S. Hodgson, *The Venture of Islam* (Chicago and London: The University of Chicago Press, 1974), p. 17-18

Turkey.³⁹

On the other hand, some try to maintain Islamic political traditions. As was done by Rashid Ridla, who campaigned for writings about the caliphate in the *al-Manar* magazine, then it was recorded with *mawdū' al-Khilāfah*.⁴⁰ After the Islamic world came into contact with the system built by Western colonialism, the Islamic world experienced secularization, consciously or unconsciously. Thus, Islam as a part that is embraced by the majority is not the main factor in the state administration system. *Shari'ah* is limited to a significant function for belief (*'uqūdah* and worship) are private. If given a place in legal matters, then only exceptional civil cases (family). Until, at about the end of the 20th century, in 1979, in Persi-Iran, the revolutionary movement spearheaded by Khumaeni was able to overthrow the secular regime of Shah Reza Pahlavi. This is a sign of the reaffirmation of Islamic politics.⁴¹ In addition to the Persi moment, previously as one of the pioneers of reaffirming Islamic politics was the birth of the *Ikhwan al-Muslimin* in 1928 by Hasan al-Banna. In Palestine, Sudan, Malaysia, even Indonesia. After the reformation, militant Islamic movements emerged in Indonesia, such as PBB (as Masyumi's newborn), PKS (Indonesian *Ikhwan al-Muslimin* model), HTI, and FPI.⁴² By Martin van Bruinessen, this phenomenon is called a conservative turn.⁴³

Application of *Shari'ah* in the Muslim World

In the current state implementation process, the interconnection of religion with the state can be classified into three forms: *first* "integrated," namely, the fusion of faith and the state. The *second* is "intersectional," namely the occurrence of adjustments between the two in terms of the application of the law, and the *third* is "secularistic" by positioning religion as a religious symbol, not included as an order or rule in running the wheels of government in a country. This is what has been practiced by Western nations after the birth of the "renaissance" or the period of awakening from its old

³⁹ Hamid Enayat, *Modern Islamic Political Thought*, p. 186; Ahmad Maulidizen. "Business Ethics: Analysis of al-Ghazali's Economic Thought With Sufism Approach". *Religia: Jurnal Ilmu-Ilmu Keislaman*. Vol 22, No 2 (2019): pp.160-177

⁴⁰ Ilkay Sunar and Sabri Penulisri, *Demokrasi di Turki; Permasalahan dan Prospek*, in Guilermo O'Donnell and Philippe C. Schmitter (Ed.), *Transisi Menuju Demokrasi; Kasus Eropa Selatan* (Jakarta: LP3ES, 1992), p. 263-297

⁴¹ Muhammad Rasyid Ridha, *al-Khilāfah*, (Kairo: al-Zahrā' li al-I'lam al-'Arabi, 1992).

⁴² Jhon L. Esposito and O. Voll, *Demokrasi di Negara-negara Muslim* (Bandung: Mizan, 1999), p. 78-96

⁴³ Bahtiar Efendy, *Islamic Militant Movement in Indonesia*, dalam *Studia Islamika*, Vol. XI, No. 3 (2004).

slumber.⁴⁴

In addition, the school of *fiqh* also participates in coloring the process of forming *shari'ah* law in an Islamic State. To whom the ruler is close to the flow of *fiqh*, at the same time, the style of sharia practice is carried out. Thus, of course, there are differences between several Muslim countries in the application of sharia. Some examples of the application of sharia in a modern context in Muslim countries;

1. Kingdom of Saudi Arabia

The Saudi State cannot separate from the relationship between political and religious schools. Muhammad bin Abdul Wahab was part of *Fiqh* or spiritual leaders with Muhammad Ibn al-Saud, a politician, so the Saudi religious and nationality (*shari'ah*) pattern with the Wahabism pattern is more dominant. Perhaps the criteria of "Sunni" in the view of the Saudi State are different from other Muslim countries.⁴⁵ The legal basis of Government is the same as the constitution in other countries.

Article 1 Chapter I clearly states that the Government does not make "dust" laws because, in their view, the Qur'an and Ḥadīth are final as the basis for state regulations. While a king heads the form of the State with legal authority from Kitābullah the Almighty and Ḥadīth, the State guarantees the Islamic belief system, implements Islamic laws, Instructing its citizens to practice virtue, and reject evil. The State is obliged to carry out da'wah. In the 2005 amendment, Article 1 stated: "The Kingdom of Saudi Arabia is a sovereign Arab Islamic State."⁴⁶

The royal government structure places religion - namely the 'ālimin - as the *mufti* for Islamic sharia issues. However, the roles and functions of each religion (*ulamā'*) and the kingdom are not contained in the law. The respective roles of religious figures as mufti and kings as executors of the State are limited to the commitment of the work-family to the advice that has been decreed. The implementation of Islamic law as the basis of the State includes the execution of criminal or criminal law, as part of the responsibility of the State or king: "The State shall protect the Islamic Creed and shall

⁴⁴ Martin van Bruinessen (ed), *Conservative Turn: Islam Indonesia Dalam Ancaman Fundamentalisme*, (Bandung: Mizan, 2014). Masykuri Abdillah, "Hubungan Agama dan Negara dalam Konteks Modernisasi Politik di Era Reformasi," *Jurnal Abkam*. Vol. XIII, No. 2 (2013): pp. 248. Munawir Sjadzadi, *Islam dan Tata Negara*, p. 1-2

⁴⁵ Pepen Irfan Fauzan and Ahmad Khoirul Fata. "Model Penerapan Syari'ah dalam Negara Modern; Studi Kasus Arab Saudi, Iran, Turkey dan Indonesia". *Jurnal Al-Manahij*, Vol. XII, No. 1 (2018): pp. 58

⁴⁶ Saudi Arabia's Constitution of 1992 with Amendments 2013, www.constituteproject.org accessed on 5 May 2020, 07.29 am

cater to the application of *Shari'ah*'.⁴⁷

In addition to applying Islamic law in criminal and civil matters, the government also established institutions to solve problems that are not contained in sharia. Thus, contextualization occurs in cases born later that have not or are not clear on the law. For example, in the financial and banking security sector. The Kingdom of Saudi Arabia emphasizes textual understanding, with the current knowledge of Muhammad bin Abdul Wahab being more dominant. Shari'ah must be used as the basis of the state. As for matters that have not been regulated, they can be resolved by the mufti or the state by referring to the two primary sources of law, namely Qur'an and al-Hadith.

2. Turkey

After the fall of the ottoman (*uthmāniyah*), Musthafa fundamentally changed the form of the State into a secular one, that is, separating religion from the State. The shift from the Islamic State to the main force is in the hands of the people, not the sultan. Mustafa Kemal's change of political direction in terms of the law as an attempt to separate Islam from the interests or issues of the State, such as eliminating religious institutions from the elements of government, as well as the disappearance of the institutions of "*Shaykh al-Islām*" and "*Shari'ah Court*" (April 18, 1924), family law which had previously used changed Islamic law to Swiss civil law. Kemal removed the inclusion of "Islam as the state religion" so there was no relationship between religion and the State, so in 1937 Turkey entirely imposed secularism as a constitutional basis.⁴⁸

Implementing in the process of *ahwal al-shakhsīyyah* law such as marriage, divorce, inheritance no longer refers to Islamic law but the new adoption law from the western world. When a divorce occurs, then the woman has the same rights as her husband. Also, in other directions, trade, criminal, maritime, and bond law, Western law is used following the needs of the Turkish people.⁴⁹

Kemal's background intermarried between nationalism and westernization as an attempt to catch up with other nations, both in terms of prosperity and technology. That is the fruit of the essential thinking of Mustafa -style reform, which is further as the first step of reform "the form of the State separates government from religion." He wanted to emphasize that sovereignty was in the hands of the people, while the position of the caliphate was only a spiritual position. However, this does not mean

⁴⁷ Pasal 23, Bab 5, Basic Law of Government KSA

⁴⁸ Harun Nasution, *Pembabaran Dalam Islam: Sejarah Pemikiran dan Gerakan* (Jakarta: Bulan Bintang, 1975), p. 153

⁴⁹ Munawir Sjadzali, *Islam dan Tata Negara*, p. 227-228.

that a secular government is against religion. Religion is still well accepted. It's just that religion is not used as the basis of legitimacy in running its government. Some conservative groups oppose a secular system of government.⁵⁰

For Turkey's progress, the material system was used as an excuse to reform various areas that were considered obstacles to progress. The reformation was in form; First: State Reform by changing the structure of the sultanate State into a Republic that the sultan was made a symbol of religious unity, not for the government. Second: religious reform, religious figures are separated from political, social, and cultural issues. Because religion is a social institution, it needs to be nationalized following the social and cultural conditions of the local community. In short, social design and culture adopted the west. At its peak, the call to prayer and the language of worship were composed into Turkish, and it is clear that this can be contradicted and rejected and can be thwarted by the scholars.⁵¹

In this religious reform, Bryan S. Turner gave his response as follows: "The secularism is a form of coercion from the regime government, not the secularization that grew as a consequence of the modernization process as in European countries. In addition, secularization in Turkey was a conscious imitation of the behavior patterns of European society, which were considered modern and more advanced."⁵²

Furthermore, the three things that reformed at Tatrak were language. Kemal wanted to separate from the shackles of foreign languages so that Arabic and Persian as national languages for centuries with Turkish. The impact on the learning of science and technology to Western nations. *Fourth*: legal reform. *Shari'ah* law applied for centuries is abolished and replaced by Swiss law. In family law, such as mandatory monogamous marriage for men. Equality of rights between men and women in terms of marriage and divorce resulted in changes in the pattern of inheritance law. Names and titles do not use the Ottoman heritage. Sunday is used as a National holiday and replaces the Hijri calendar to AD. Fifth is education reform. Education must separate from religious attributes, its implementation under one roof, namely the Ministry of Education.⁵³

⁵⁰ Mayam Jameelah, *Islam dan Modernisme* (Surabaya: Usaha Nasional, 1965), p. 146; Mukti Ali, *Islam dan Sekularisme di Turki Modern* (Jakarta: Djambatan, 1994), p. 126

⁵¹ Mukti Ali, *Islam dan Sekularisme di Turki Modern*, p. 89-90

⁵² Bryan S. Turner, *Atatrak's Republic of Culture* (New York: The Office of the Ambassador for Cultural Affairs Republic of Turkey, 1984), p. 318.

⁵³ Ziya Gokalp, *Turkism Nationalism and Western Civilization* (London: Niyazi Berkes, 1959), p. 225.

The application of secularization in Turkey, with the change of the sultanate state into a secular republic, is a phenomenon in the history of the Turkish people in particular and the Muslim world in general. He had an influence on the colonized countries, including Indonesia. There is an offer of a Republican State model that provides a broad space for the State to organize the government without interfering with its religious institutions. But apparently, the events that occurred in Indonesia in the formation of a Republican State were different from Turkey; Soekarno stated: "If the Islamization process is successful, then one day an Islamic society formed, whose soul and Islamic teachings illuminate behavior. If this happens, then the flood of Islam will automatically manifest in all decisions of the House of Representatives".⁵⁴

Such is the phenomenon of Turkey, as the pioneer of a Muslim-majority country, changing from an Islamic system to being secular. Nevertheless, the long history of Islamic power for centuries in Turkey is inseparable from applying the basic principles of law. The inhabitants of the two continents are still firm in upholding their religion. It is proven that many of their citizens are members of the religious organizations that developed at that time until now. For example, "*barakah Nūr*" with its founder Said Nursi with the laqab Badiuz Zaman has a membership of approximately 300,000 people. Currently, there are 62,000 mosque buildings in the religious facilities sector, and in one year, it is estimated that 1,500 mosques or mashallah will be built. There are 2000 al-Qur'an educational institutions scattered, not only in their country but also in other countries, even in Indonesia.

3. Indonesia

The direction and attitude of citizens on religious issues are related to how the State differs. There are at least three attitudes in this matter. *First*, those who hold a formalist view, then strictly *shari'ah*, need to be formulated as a state ideology. Religious rules are relegated to legal-positive legal systems. They are more focused on the enforcement of sharia to the exclusion of nationalism. Indeed, Islam is something final. It can be applied anytime, anywhere, and even for a pluralistic society. These people have an absolute and exclusive attitude in religion, and sometimes, on the one hand, they use religion as a political tool to smooth the achievement of an ideal. In this case, they are excessively *ifrat*, imposing their will on the implementation of *shari'ah* without

⁵⁴ Sukarno, *Di Bawah Bendera Revolusi* (Jakarta: Panitia Penerbit Di Bawah Bendera Revolusi, 1964), p. 452

any compromise.⁵⁵

Second, this group contradicts the first group. They mean more that religion is a private-personal realm that has nothing to do with the State. It is enough to use it as a source of ethics. This thought is called *tafrīt*. So that worldly affairs are superior compared to *ukhrawi*, so the national orientation will certainly dominate compared to religious orientation. Strictly speaking, they do not support laws originating from religion. The position of religion is only limited to moral-ethical education to aim that the State has a solid and transparent philosophical basis on ethics and morals. In this situation, there is a positive side. Namely, it can change the precarious atmosphere between Islamic groups and other groups and is very conducive to realizing the integration of a pluralistic nation. But on the other hand, it is not enough to accommodate some people who want to carry out their religious obligations *kaffah*.⁵⁶

Third, religion as a sub-ideology or as a source of ideology if the word “sub-ideology” is considered to cause rejection from some community groups. The first opinion emphasizes the dominance of religion as a part that must be implemented in a country where most of its citizens are Muslims, to the exclusion of other religions. While in the second group, thoughts are more dominated by the reality of plural life. The application of *shari‘ah* is unnecessary because it can lead to disintegration and intolerance of minorities. So in bridging these two very different poles between *ifrat* and *tafrīt* is *mu‘tadil*.

Mu‘tadil can be applied to a diverse country regarding ethnicity, race, ethnicity, and religion. Religion is used as a source of ideology. And when applied in Indonesia as a sub-ideology of Pancasila. In Masykuri’s view,⁵⁷ Indonesia in implementing Islamic law is more of a mixed approach between religious and national law. The merger in question is: (1) the formalization of sharia in special civil law, including; family law, zakat, hajj, waqf, and sharia banking. This means that it has been promulgated and has established a special court that handles particular civil matters, namely the Religious Courts. (2) Applied with the same subject or content “substantively.” The application of state law that is following its *shari‘ah* law, such as jinazah or murder, the punishment is “*qiṣāṣ*” or if the family forgives the perpetrator to pay diyat. So the same thing with this is the “death penalty” for the perpetrators of the crime of murder or other crimes

⁵⁵ Masykuri Abdillah, *Hubungan Agama dan Negara dalam Konteks Modernisasi Politik di Era Reformasi*, pp. 251

⁵⁶ *Ibid*

⁵⁷ *Ibid*

with the criminal sanction of the death penalty. (3) in applying *shari'ah*, the essence is the same because the substance is difficult to implement in the context of a democratic country—for example, imprisonment or imprisonment for the crime of theft. In *kazannah fiqh*, the meaning of cutting hands is cutting in real terms, namely in the form of physical as described in the hadith of the Prophet Muhammad. It can also be interpreted as cutting his power, namely by imprisoning or closing access to energy by being in prison. In progressive law, corruptors may be sentenced to be exiled to islands in Indonesia with social punishments such as raising livestock, fisheries, agriculture, etc. Because Indonesia is made up of tens of thousands of islands and “exile” is one punishment in Islam for the crime of robbery.

On other occasions, the practice of implementing “substantive” or “essential” *shari'ah* is attempted through the incorporation or inclusion of *shari'ah* principles into national law and in the public policy. Thus, it is clear that all parties can accept a good rule of law in a country to the “agreement” with no coercion from the larger group or vice versa from the distinguished minority group. *Firstly*, it is clear that Muslims can only use it, and this will face many obstacles, as was the case when the Indonesian nation was founded in the early days of the debate. Meanwhile, the *second* and *third* implementation practices position “Islamic law” to be merged and enter into a unified whole in national law and become common law. As Nadirsyah Hosen said, Indonesia’s experience in practicing the substantive *shari'ah* approach has a positive impact: “under this approach, the flexibility of Islamic law is secured, and the citizen constitutional rights are guaranteed the compatibility of *shari'ah* and constitutionalism does not lead to political chaos upon society. Instead, it protects *maṣlahah al-‘ammah* as the main object of *shari'ah*”.⁵⁸

Conclusion

The application of sharia in a modern context requires careful studies and preparations, both for the population and for implementing the constitution. Moreover, the people are heterogeneous, as is the case in Indonesia. There is also a need for adjustments due to contact with concepts that came later after colonialization. It can be understood that the approach to the application of *shari'ah* does not necessarily make it a formal legal state. In practice, *shari'ah* is understood as *ijtihad (fiqh)*, as a form of ulama’s understanding of God’s law, which in specific perspectives will

⁵⁸ Nadirsyah Hosen, *Shari'a and Constitutional Reform in Indonesia* (Singapore: ISEAS, 2007), p. 233

differ in its application according to the *'illat* or context. The application of *shari'ah* in the sense of “necessity or not” is legalized in the form of laws in different Muslim countries, following the relationship between the typology of religious relations and the state.

Thus, the school of *fiqh* also participates in coloring the process of forming *shari'ah* law in an Islamic State. To whom the ruler is close to the flow of *fiqh*, at the same time, the style of *shari'ah* practice is carried out. Thus, of course, there are differences between several Muslim countries in the application of *shari'ah*. At least the application of *shari'ah* in Muslim countries there are several types according to the situation. *Shari'ah* is used as the legal basis of a nation. Made a sub (intersection), meaning that part of it becomes official law, but on the other hand, *shari'ah* law has been fulfilled because the substance is the same or in line with sharia. If it cannot be fully applied, then its essence is fulfilled. Furthermore, *shari'ah* is separated from religion. The majority of its citizens may be Muslims, but in running the country, they do not use Islamic law or *shari'ah*.

References

- Abdillah, Masykuri. “Hubungan Agama dan Negara dalam Konteks Modernisasi Politik di Era Reformasi,” *Jurnal Abkam*. Vol. XIII, No. 2 (2013): pp. 248.
- Ahmad, Mumtaz (ed.). *Masalah-Masalah Teori Politik Islam*. Bandung: Mizan, 1993.
- Al-Asfahān, Ar-Ragīb. *Al-Mu'jam Mufradāt li al-Alfādẓ al-Qur'ān*. Beirut: Dār al-Fikr, t.t.
- Ali, Mukti. *Islam dan Sekularisme di Turki Modern*. Jakarta: Djambatan, 1994.
- Al-Nā'im, Abdullahi Ahmad. *Islam and the Secular State: Negotiating the Future of Sharia*. Cambridge: Harvard University Press, 2008.
- Al-Qarḍāwī, Yūsuf. *Shari'ah al-Islām Ṣāliḥ li al-Taṭbīq fī kulli al-zamān wa al-makān*. Ed. 5. Mesir: Maktabah Wahbah, 1997.
- Al-Rāzi, Fakhr al-Dīn. *Al-Mahṣūl fī 'Ilmi Uṣūl al-Fiqh*. Vol 2. Beirut, Dār al-Kutub, 1999.
- Al-Shāṭibī Abū Ishāq. *Al-Muwāfaqāt fī Uṣūl al-Shari'ah*. Beirut: t.t.
- Al-Zuhayl, Wahbah. *Al-Fiqh al-Islāmī wa Adillatuhu*. Ed 4. Damaskus: Dār al-Fikr, 2004.
- Aripin, Jaenal and Azharudin Latif. *Filsafat Hukum Islam Tasyri dan Syar'i*. Ed 1. Jakarta: UIN Jakarta Press, 2006.
- Azra, Azyumardi, “Islam dan Negara: Eksperimen Dalam Masa Moderen, Tinjauan Sosio-Historis”. *Jurnal Ulumul Quran*, Vol. IV, No. 2 (1993), p. 10-17
- Bruinessen, Martin van (ed), *Conservative Turn: Islam Indonesia Dalam Ancaman Fundamentalisme*. Bandung: Mizan, 2014.
- Efendy, Bahtiar. “Islamic Militant Movement in Indonesia”. *Studia Islamika*, Vol. XI, No. 3 (2004).
- Enayat, Hamid. *Modern Islamic Political Thought*. London: The Macmillan Press Ltd, 1982.
- Esposito, Jhon L. and O. Voll. *Demokrasi di Negara-negara Muslim*. Bandung: Mizan, 1999.
- Fauzan, Pepen Irfan and Ahmad Khoirul Fata. “Model Penerapan Syari'ah dalam Negara Modern; Studi Kasus Arab Saudi, Iran, Turkey dan Indonesia”. *Jurnal Al-Manābij*, Vol. XII, No. 1 (2018): pp. 58

- Gokalp, Ziya. *Turkism Nationalism and Western Civilization*. London: Niyazi Berkes, 1959.
- Halim, Abdul. *Politik Hukum Islam di Indonesia, Kajian Posisi Hukum Islam dalam Politik Hukum Pemerintahan Orde Baru dan Era Reformasi*. Jakarta: Badan Litbang dan Diklat Departemen Agama R.I, 2008.
- Hitti, Philip K. *Histori of The Arabs*. Ed 1. Jakarta: PT. Serambi Ilmu Semesta, 2013.
- Hobsbawn, E. J. *Nasionalisme Menjelang Abad XXI*. Yogya: Tiara Wacana, 1992.
- Hodgson, Marshall G.S. *The Venture of Islam*. Chicago and London: The University of Chicago Press, 1974.
- Hosen, Nadirsyah. *Shari'a and Constitutional Reform in Indonesia*. Singapore: ISEAS, 2007.
- Ibn Manẓūr, *Lisān al- 'Arab*. Vol 5. Ed 1. Beirut: Dār al-Kutub al- 'Ilmiyyah, t.t.
- Ibn Taymiyah. *Al-Siyāsah al-Shar'iyyah*. Beirut: Dār al-Kitābah al-'Arabiyah, 1966,
- Jamaa, La. "Dimensi Ilahi dan Dimensi Insani dalam *Maqāṣid al-Syarī'ah*". *Jurnal Ilmu Syarī'ah dan Hukum* Vol. 45 No 2 (2011): pp. 1255-1256.
- Jameelah, Mayam. *Islam dan Modernisme*. Surabaya: Usaha Nasional, 1965.
- Kamali, Mohammad Hashim. *Shari'ah Law: An Introduction*. Oxford: Oneworld, 2008.
- Khalaf, 'Abd al-Wahab. *Ilmu Uṣūl al-Fiqh*. Qāhirah: Da'wah Islāmiyah Shabāb al-Azhar, 1998.
- Khan, Qomarudin. *Tentang Teori Politik Islam*. Bandung: Pustaka, 1995.
- Luthfi, Khabibi Muhammad. "Islam Nusantara: Relasi Islam dan Budaya Lokal". *Jurnal Shabib*. Vol 1, No 1 (2016), pp. 4
- Madjid, Nurcholish. *Islam Doktrin dan Peradaban: Sebuah Telaah Kritis Tentang Masalah Keimanan, Kemanusiaan dan Kemoderenan*. Ed 3. Jakarta: Yayasan Wakaf Paramadina, 1995.
- Madkur, Muhammad Sallam. *Al-Fiqh al-Islāmī*. Kairo: Maktabah Abdul Wahāb, 1955).
- Maulidizen, Ahmad. "Business Ethics: Analysis of al-Ghazali's Economic Thought With Sufism Approach". *Religia: Jurnal Ilmu-Ilmu Keislaman*. Vol 22, No 2 (2019): pp.160-177
- Nasution, Harun. *Pembaharuan Dalam Islam: Sejarah Pemikiran dan Gerakan*. Jakarta: Bulan Bintang, 1975.
- Nasution, Harun. *Teologi Islam*. Jakarta: UI Press, 1972.
- O'Donnel, Guilermo and Philippe C. Schmitter (Ed). *Transisi Menuju Demokrasi; Kasus Eropa Selatan*. Jakarta: LP3ES, 1992.
- Qomar, Mujamil. *Studi Islam di Indonesia; Ragam Identitas dan Peta Pemikiran Islam di Indonesia*. Malang, Madani, 2017.
- Rakhmat, Jalaluddin. *Dahulukan Akhlak di Atas Fikih*. Ed 3. Bandung: Muthahhari Press, 2003.
- Ridha, Muhammad Rasyid. *Al-Khilāfah*. Kairo: al-Zahrā' li al-'Ilam al-'Arabi, 1992.
- Said, Imam Ghazali. *Pengkafiran Sesama Muslim Menurut Abu Hamid al-Ghazali*. Surabaya: Diantama, 2012.
- Salabi, Muḥammad. *Al-Madkhal fī Ta'rīf bi al-Fiqh al-Islāmī*. Beirut: Dār al-Nahḍah al-'Arabiyah, t.t.
- Sarwat, Ahmad. *Maqāṣid Syarī'ah*. Jakarta: Rumah Fiqih Publishing, 2019.
- Shidiq, Ghafar. "Teori Maqāṣid al-Syarī'ah Dalam Hukum Islam". *Jurnal Sultan Agung* Vol XLIV No 118 (2009): pp. 120;
- Sjadzali, Munawir. *Islam dan Tata Negara*. Jakarta: UI press, 1991.
- Sudrajat, Ajat. "Khilafah Islamiyah dalam Lintasan Sejarah". *Seminar Paper*. Department of History Education, Universitas Negeri Yogyakarta, 2011), p. 2-4
- Sukarno. *Di Bawah Bendera Revolusi*. Jakarta: Panitia Penerbit Di Bawah Bendera Revolusi, 1964.
- Tibi, Bassam. *Islam and a Cultural Accomodation in Social Change*. Bouldier: Westview Press, 1990.

- Tjandrasasmita, Uka. "Five Hundred Years of Historical Relationship". *International Seminar Papers*. University of Indonesia and Portuguese Center for the Study of Southeast Asia. Depok, 9-11 Oktober 2000, pp. 32
- Toriquddin, Moh. "Teori *Maqāṣid al-Sharī'ah* Perspektif al-Shāṭibī". *De Jure, Jurnal Syariah dan Hukum*. Vol 6. No 1 (2014): pp. 47
- Turner, Bryan S. *Atatürk's Republic of Culture*. New York: The Office of the Ambassador for Cultural Affairs Republic of Turkey, 1984.
- www.constituteproject.org accessed on 5 May 2020, 07.29 am
- Zahrah, Muḥammad Abū. *Uṣūl al-Fiqh*. Cairo: Dār al-Fikr, 1967.
- Zein, Satria Efendi M. *Aliran-Aliran Pemikiran Hukum Islam*. Jakarta: Diktat Program IAIN Syarif Hidayatullah, t.t.