

## Research article

# The Urgency of Transdisciplinary Approaches in Contemporary Islamic Law Studies

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**Abstract.**

Islamic law studies have encountered several contemporary issues. Islamic law is expected to contribute toward current problems faced by modern society. Therefore, ideally, studies of Islamic law should be developed through a transdisciplinary approach. This should be carried out through the theocentric paradigm integration framework and anthropocentric Islamic law. It is known that Islamic law initially came from the revelation (Qur'an and hadith), and that it aims for the benefit of humans. In its construction, Islamic law enforces the foundation of the principle of Tauhid and is developed through humanism principles such as humanity, fairness, equality and tolerance. From this perspective, the transdisciplinary approach should be taken into account in the studies of Islamic law. This paper elaborates on the development of contemporary Islamic law studies through a transdisciplinary approach from the perspective of formal and material objects. The results affirmed that contemporary Islamic law studies need to combine normative and empirical approaches, and textual and contextual analysis based on *maqasid al-syariah*. To be relevant to the needs of people and social issues, Islamic law should be integrated with other sciences. Only with this method can Islamic law help to effectively and comprehensively solve social problems and become a law that is *rahmatan lilalamin*.

**Keywords:** transdisciplinary approach, Islamic law, normative-empirical, holistic, *Maqasid al-Syariah*

## 1. Introduction

Islamic law is the law that base on the Al-Qur'an and Sunnah then was developed through fuqaha thought, has its characteristics. Islamic law on the one side is a law derived from sharia which is permanent. However, in terms of interpretation and application, Islamic law is a dynamic law because it can be adapted to the times and places that surround it. The history of Islamic law development shows quite an interesting dynamic because Islamic law can demonstrate its ability to adapt to various nations, various cultures, and different regional conditions and subsequently become laws that are practiced by Muslims in various parts of the world. However, facing the current contemporary era, Islamic law is faced with its challenges, namely the emergence of

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various humanitarian problems which of course challenge the contribution of Islamic law in its resolution. Therefore, Islamic law needs to be developed so that it is in line with contemporary developments.

The study of the development of Islamic law has been the concern of several figures and reviewers so far. The development of Islamic law as part of Islamic studies is seen more in the framework of scientific integration. According to Malkawi, the concept of epistemological integration is related to the concept of unity of knowledge which is the logical basis for this integration. In the context of Islamic teachings, the discussion about the unity of knowledge and epistemological integration is related to the Islamic principle of the oneness of God which is known as the Tauhid Principle. It has been discussed by past Muslim scientists who saw the need to preserve the unity of science and knowledge in general based on the fact that they are all connected to one source, namely Allah SWT, both in the form of derived texts and in scientific forms that enable humans. obtain it through research and investigation. It is as found in the efforts of Al-Gazali, Ibn Rushd, and Ibn Taymiyyah. [1]

It can be emphasized that the study of Islam is not sufficient to be seen from one approach, but Islam is ideally studied from more than one approach. Therefore, it is necessary to build a bridge or link between Islamic religious knowledge and secular science, in this case, natural sciences, social sciences, and humanities. The bridge must be doubled, for example through the Islamization of science and Islamic scientification. The first step that must be taken is to make room for the scriptures in the scientific method and on the other hand science must be full of values. Second, Islamic religious sciences such as theology, law, and ethics must be studied from the standpoint of scientific standards of inquiry.

[2]

This paper will present a more specific study, which describes the urgency of developing contemporary Islamic legal studies through a transdisciplinary approach, both in terms of formal objects and material objects. In addition to elaborating transdisciplinary approach to Islamic law from a theoretical perspective, this study will also review from the practical side the academic implications and their implementation in solving social problems such as domestic violence. Therefore, the discussion in this paper is developed in three main frameworks. First, what is a transdisciplinary approach and how does it work? Second, how is the construction of a transdisciplinary approach in Islamic legal studies? Third, what are the academic and practical implications of a transdisciplinary approach in responding to contemporary social problems?

This study aims to examine the development of Islamic legal studies, especially through a transdisciplinary approach so that Islamic law can dialectic with contemporary developments and be able to contribute in solving social problems. This study is based on the argument that Islamic law is a dynamic legal concept that can continue to be developed over time and place because Islamic law aims to create the benefit of society.

## 2. Literature Review

According to Wiesman, transdisciplinarity is beyond the boundaries of different academic cultures, such as between the humanities and natural sciences. Transdisciplinarity is an attempt to overcome the mismatch between the production of knowledge in academia and the need for knowledge to solve community problems. [3]. According to McGregor, transdisciplinary takes us beyond disciplines by weaving a new kind of knowledge. [4]. The emergence of transdisciplinarity signifies the need for a new synthesis at a time when fragmentation of knowledge and culture develops. [5].

Transdisciplinarity deals with complexity in science and opposes knowledge fragmentation. Transdisciplinarity requires the formation of relationships not only across disciplinary boundaries but also between theoretical and professional development. Transdisciplinary contributions often deal with the real world and generate knowledge that can contribute to solving social problems. [6].

The need for this cross-scientific approach is more important in contemporary times. The current level of human civilization which is marked by the progress and sophistication of information technology is the basis for the necessity of scientific entities to embrace and greet each other, both at the philosophical, material, strategic and methodological levels. [7]

## 3. Result and Discussion

### 3.1. Transdisciplinary Approach Construction in Islamic Law Studies

A transdisciplinary approach in the study of Islamic law can be developed through an integrated framework of theocentric and anthropocentric paradigms of Islamic law. That Islamic law is a law that comes from revelation (Al-Qur'an and Sunnah) on the one hand, but aims for the benefit of humans, on the other hand. Referring to this, contemporary

Islamic legal studies must combine normative and empirical approaches, textual, and contextual analysis.

Constructively, the transdisciplinary approach in Islamic law is based on the main principles of Islamic law which are shaded by the principle of tauhid and supported by other principles such as humanity, justice, mercy, tolerance and the purpose of benefiting Islamic law. [8]

Implementatively, a transdisciplinary approach is needed in a holistic manner in the study of Islamic law, both at the methodological and substantial levels of Islamic law, which is known as formal objects and material objects. It is also important to implement a transdisciplinary approach at the level of solving practical social problems.

### **3.2. The Urgency of a Transdisciplinary Approach in the Study of Islamic Law Methodology (Usul Fiqh)**

The usul fiqh has a strategic position because it is an engine for the production of Islamic law (fiqh). The jurisprudence that is born is determined by the building of the proposed fiqh. The development of the proposal of fiqh so far has gone through several phases, starting from the al-Shafi'i period with its textual paradigm (bayani), then the al-Syathibi period with its maslahat paradigm or based on the meaning of the text to the period of contemporary thinkers such as Muhammad Syahrur with his scientific historical paradigm ( al-Tarikh al-ilmi). [9]

Facing the ever-evolving contemporary era, of course, continuous development of fiqh proposals is also needed. According to Hasan al-Turabi, the science of jurisprudence has dried from the touch of the real reality of society. Therefore, the science of the idea of fiqh needs to be reconstructed by combining naql sciences (AL-Qur'an and Al-Sunnah) with rational sciences which are developing all the time due to ongoing scientific researches. [9]

The development of usul fiqh by involving other sciences is quite possible because proposals in formulating istibath rules need logical arguments in addition to those of revelation. The use of logic in the development of law is absolutely necessary because the text of the revelation is present in its performance which is generally zanni and regulates the problem in outline. The formulation of the principles of jurisprudence is based on universal values of religious teachings and is in line with human reason and reason in appreciating the values of benefit.[10]

So that, the contemporary Islamic law studies need to be combined between normative and empirical approach, textual and contextual analysis based on *maqasid al-syariah*. Through this method, the resulting of legal substance can be adapted to the times.

### 3.3. Transdisciplinary Approach in the Substance Level of Islamic Law (Fiqh)

The substance of Islamic law is ideally formulated from legal formulations extracted from Islamic legal sources and the opinions of Islamic jurists integrated with the perspectives of other sciences such as psychology, economics, sociology, anthropology, biology and others.

The findings of natural sciences such as physics, astrophysics, biology, bio-technology and social sciences such as psychology, psychoanalysis, sociology, anthropology, law, philosophy, need to be used to re-explain the concepts of Islamic law formulated during the classical period in which science social and natural sciences have not developed as they are today. [11]

about marriage, for example, can not only be based on texts and opinions of jurists, but it requires study from the side of certain sciences because marriage is not only related to the implementation of religious orders but also concerns how to create a harmonious relationship between husband and wife and also healthy descent. and quality and the formation of an orderly and prosperous society. Here, of course, it requires the involvement of psychology, biology, sociology, economics, demography and others besides fiqh itself.

As an implication of this idea, fiqh learning in educational institutions, especially in tertiary institutions, in this case, the Sharia Faculty, must apply a transdisciplinary approach. The basic thing that needs to be done is reforming the curriculum. It is time for the Faculty of Sharia not only to offer linear fiqh learning, such as so far, Fikih Munakahat, Fikih Worship, Fikih Jinayat, Fikih Judiciary, Fikih Siyasah and others. But it is time for the introduction of Ecological Fiqh, Minority Fiqh (Fikih al-Aqalliyat), Health Fikih / Pandemic Fiqh, Human Rights Fiqh, Equality Fiqh, Anti-Violence Fiqh, Women's Empowerment Fiqh, Inclusive Islamic Law Sociology, Transformative Zakat Waqf Fiqh, Tolerance Fiqh, and as well as other sciences such as Political Law of Protection of Women and Children, Islamic Marriage Psychology, Local Wisdom Law, Islamic Family Law Philosophy, Sharia Economic Law Philosophy, Transformative Sharia Economic Law, Reproductive Health Fiqh, Social History of Islamic Law, Islamic Family Economic

Management, Case Administration and Judicial Management, Digital Technology for Religious Courts, Anti-Corruption Siyasa Syar'iyah, Falak Physics, Inheritance Mathematics, Islamic Inheritance Anthropology, and others.

Apart from being in the form of a separate subject, this integration needs to be presented in the learning process. Based on Sirajuddin's research in Jurisprudence learning at STAIN Bengkulu, there is a trend in the application of a contextual approach in the form of a scientific approach that develops scientific fiqh discourse with contemporary developments, for example, that in building a harmonious household it is not only based on the traditional fiqh paradigm but is also analyzed and studied from an angle other scientific perspectives, such as psychology. (M, 2012) Likewise, in research conducted by the academic community, both by student lecturers, it should be directed to a transdisciplinary approach so that its contribution can be in direct contact with the real needs of society.

### 3.4. Transdisciplinary Approach in Solving Contemporary Problems

The theoretical implications are further implications for the application in solving practical problems in society. For example is a transdisciplinary approach to solving the problem of domestic violence. Domestic violence is currently an important and urgent issue to be resolved. In recent years, data on cases of violence in Indonesia have been dominated by cases of domestic violence. The number of cases has continued to increase from year to year. In fact, during the Covid-19 pandemic, data on violence tended to increase.

The complexity of the problem of domestic violence requires special handling through a transdisciplinary approach. To solve the problem of domestic violence, of course, the root of the problem must be explored first. According to the results of the study, among the causes of domestic violence are the dominance of men (husbands) against women (wives), the existence of economic pressures in the family, the crush of problems in big cities that trigger stress, environmental conditions, and heavy work and mental conditions that are not stable. (HB, 2010) as well as economic problems as the cause of domestic violence in Banyumas. If economic problems become one of the triggers for domestic violence, of course, this economic aspect must be one of the important concerns in overcoming domestic violence. On the other side, sometimes there are internal problems or the individuals concerned that need to be addressed, especially in terms of emotional control or those related to psychological aspects. In this case,

handling domestic violence cannot be completely left to legal channels but must also involve psychological, economic, sociological, and religious approaches.

The transdisciplinary approach to domestic violence solving includes the involvement of various approaches in handling it, both legal approaches that include legal substance, legal structure, and legal culture. Equally important is the non-legal approach, namely the cultural approach, which requires synergy of social instruments such as religious institutions, traditional institutions, educational institutions, women's organizations and youth groups to collaborate in campaigning at the same time fighting domestic violence. In essence, it involves approaches from various sciences and institutions, and this is one of the real manifestations of a transdisciplinary approach in dealing with contemporary social problems.

#### 4. Conclusion

Contemporary developments require the development of the study of Islamic law so that it can be adapted to social dynamics and is able to answer the problems of contemporary society. The transdisciplinary approach is one approach that can be applied in the study of contemporary Islamic law. The transdisciplinary approach in Islamic law can be applied at the philosophical, methodological, substance of Islamic law, the academic world, and to its practical implications in society.

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