

SCHEME OF *MASLAHAT* WITHIN SHARIA AND TRANSCENDENTAL *FIQH*

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Abstract

Actually, the concept of *sharia* that always deals with the pattern of life of Muslims. Due, many approaches were taken to discuss legal issues that are quite complexity. Thus, the rapid social changes of not matched by the acceleration of *fiqh* products in response to the need of legal guidance of *fiqh*. As humans, of course each individual has the responsibility imposed on *sharia*, on the other hand a real effort is needed to stay within the range of corridor with the legal rules. The issue of legal certainty that has often been questioned arises as a result of the unequal awareness of justice and legal equality. The ability to extract normative values contained in the text of the text can give more legitimacy to the *ijtihad*. Muslims cannot be separated from the two sources of guidance in every dimension of their lives, including when faced with a problem. Muslims must always be united with the Qur'an and Sunnah of the Prophet as a barometer of their lives despite the life dynamic. Therefore, when extracting a text of *nash* by looking at the social reality amid *maslahat* intake within it. The context of benefit must not avoided the basic pillars of Islam; *arkan al Iman* (the Pillar of Faith), *arkan al-Islam* (the pillar of Faith), *Ihsan* (social value).

Keywords: Law, Benefits, justice, *ijtihad*, and humanity

Abstrak

Sebenarnya konsep hukum Islam yang dibangun harus menyesuaikan pola kehidupan umat Islam pada

masa kini, dari sekian banyak pendekatan yang dilakukan dalam membahas persoalan hukum yang cukup rumit. karena cepatnya perubahan sosial masyarakat tidak diimbangi dengan percepatan produk fikih dalam merespon kebutuhan terhadap ijtihad dari hukum Islam. Sebagai manusia tentunya masing-masing individu memiliki tanggungjawab yang dibebankan atas dirinya, di sisi lain diperlukan adanya usaha yang nyata untuk tetap berada dalam koridor yang telah disepakati di dalam aturan yang legal. Persoalan kepastian hukum yang selama ini sering dipermasalahkan muncul akibat dari belum meratanya kesadaran terhadap keadilan dan kesetaraan hukum. Kemampuan melakukan ekstraksi terhadap nilai normative yang terdapat di dalam teks nash dapat memberikan legitimasi yang lebih terhadap ijtihad tersebut. Karena umat Islam tidak boleh lepas dari dua sumber guidance dalam setiap dimensi kehidupannya termasuk ketika dihadapkan pada suatu persoalan. Umat Islam harus senantiasa menyatu dengan Al-Qur'an dan sunnah Nabi sebagai barometer kehidupan mereka walaupun perubahan zaman terjadi. Karena itu ketika melakukan ekstraksi terhadap suatu teksnash dengan melihat realitas masyarakat tentunya mempertimbangkan kemaslahatan yang terkandung di dalamnya. Dalam konteks kemaslahatan ada hal yang wajib menyertai suatu pendapat yaitu masalah rukun iman, rukun Islam, serta nilai-nilai kemanusiaan. Suatu kemaslahatan tidak boleh bertentangan dengan tiga hal yang disebutkan di atas.

Kata kunci: Hukum, Maslahat, keadilan, ijtihad, dan kemanusiaan.

Introduction

For Muslim, Qur'an has provided a very clear picture of past and present life, because it is necessary to trace the events that have been described in Qur'an to photograph life in the past. Islam is a teaching that contains the command to obey and obey the provisions of Allah. Allah's

provisions are already very clear, especially those related to the clarity of halal or prohibited something that has been mentioned in Qur'an in authentic manner. It must also be understood that the conditions of society which are still relatively simple in terms of social infrastructure can understand the message of revelation to them. When there is a repetition of words that describe an event has a message that contains a different meaning. This is where expertise is needed in exploring the implicit meaning that God wants to convey to humans. There are two approaches to interpretation of a text by prioritizing general meanings and temporal meanings. General meaning is the meaning that has been considered standard and has high agreement value in it because there is a nuance of text that is so thick. Meanwhile, temporal meaning is more related to textual contextualization with the problems being faced by the community. In this case more emphasis on pragmatic solutions to deal with problem within society.

The spirit of sharia is *maslahat*(benefit), so it needs to be underlined that Islam always brings *maslahat* to human life.¹ The problem is now there are some things that are considered necessary interpretation of something that has been mentioned in the text. The issue of inheritance and testimony, for example which until now still causes debate among Muslim academics, even to a country like Tunisia the supreme court intervened in tandem with the spirit of emancipation that was so strong in Tunisia that the fall of Ben Ali's rule.²Feminists have the opportunity to fight for their aspirations. With a long academic debate the Tunisian Supreme Court finally decided that the portion of the distribution of inheritance between men was the same.³

Although it is written in the law it is assumed that conservatives still use the opinion of the ulama which emphasizes the written text contained in the text. There are two poles of thought related to the above problem, one side of those who understand the spirit of the shari'a is the dynamic which in fiqh language is called *maslahat* as practiced by

¹ Ibrahim AF.Rethinking the Taqlīd-Ijtihād Dichotomy: A Conceptual-Historical Approach. *Journal of the American Oriental Societ.*2016;136(2):285-303. doi:10.7817/jameroriesoci.136.2.285.

² SOFI MD. Rethinking the Root Causes of The Tunisian Revolution and its Implications.*Contemporary Arab Affairs.* 2019;12(3):41-64.

³ Gabsi Z. Tunisia's youth: awakened identity and challenges post-Arab Spring. *British Journal of Middle Eastern Studies.* 2019;46(1):68-87.

Umar bin Khattab who did *ijtihad* in the problems contained in the text. However, the dynamics that occur within the community do not necessarily have to take other avenues beyond those mentioned in the text. Because this is seen if there are parties who feel their rights have not been obtained as they should. Indeed, when referring to the situation when the passage of the above texts can be understood the atmosphere of a very patriarchy society without the slightest consideration of gender equality then accommodating the interests of women to inherit half of the male part is a revolutionary step. Not only recognizing the rights of women who have been neglected, they also recognize the rights of other parties such as men and children.

Context of *Maslahat*

Therefore, the sharia that is revealed to humans is indeed to maintain stability in society. The essence of the sending of the Prophet Muhammad was to improve human morals giving another dimension of sharia interpretation especially those related to human relations. This means that in certain dimensions also consider the dynamics of society, especially those related to community *maslahat*.⁴

The problem now is that when sharing the same portion between men and women alike also raises social implications in other aspects. Surely, it will shift social responsibility in the household must also be given the same role between men and women. It turns out that if the egalitarian spirit in the distribution of portions of inheritance is brought into a wider domain which will be difficult for the woman herself. Basically, God created men and women differently due it needs to be given an understanding to those who are in the name of the struggle for gender equality must be prepared to face the consequences of other social similarities. The fact of gender equality in Western countries which supposedly adheres to egalitarianism between men and women faces serious social problems.

It is not only the high divorce rate that most of the victims are women because they are forced to act as a single parent as well as other issues in certain fields that have so far been dominated by men. In the

⁴ Attaran M. Moral Education, Habituation, and Divine Assistance in View of Ghazali. *Journal of Research on Christian Education*. 2015;24(1):43-51.

military sector, for example, in the name of equality of rights does the same portion of training between male and female combatants? Of course those who are in the name of human rights fighters are shouting again because they treat women roughly. That is where the importance of seeing the diction contained in the text is not partial because it will not see the true *maslahat*.⁵ How to respond to those who are uncomfortable with uneven portions of inheritance feel ignored. Because actually there needs to be a strong belief that the egalitarian spirit that they demand is actually only false because what is actually needed is not that. Islam teaches the concept of justice in two dimensions both in terms of egalitarian and proportional.⁶

Addressing political issues in Muslim societies remains a major problem in several countries. Because in principle every person has the right to be involved in political matters, but most importantly of all moral messages that are carried must prioritize the basic values that are passed through the deliberations. In addition, political objectives in Islam are not only as instruments to be in power, more than that they are intended to be able to carry out the message of God, which is to be a caliph on earth. The weight of the responsibility of someone who is given the mandate to lead certainly requires a special figure who can assume this responsibility. Because without any clear qualifications, of course it will be difficult to realize *maslahat* of the people. The *maslahat* of a society is very dynamic so it needs an instrument that regulates all of that. Because it needed a clear container to be able to regulate and spread moral messages that became the standard in society.⁷ Until now the consultation system that occurs is mostly realized by ballot boxes or ballot boxes. Because it is very important to maintain this mechanism so that the results of the event are indeed obtained from the most votes.⁸

⁵ Zuhri S. The Confusion about Maslahah Implementation in Ijtihad Discourse. *Pertanika Journal of Social Sciences & Humanities*. 2019;27(2):1893-1902.

⁶ Mus A al A al-D. *Li-Maslahat Man Tahdid Al-Nasl Wa-Tanzimuhu?: Wa-Hal Yatamashsh Dhalik Ma'a Mabadi' Al-Islam?: Dirasah "Ilmiyah Fi Daw" Al-Kitab Wa-Al-Sunnah Al-Nabawiyah Tubassiru Al-Ummah Bi-Ma Yuradu Laha.*; 1990. <http://search.ebscohost.com/login.aspx?direct=true&db=fxh&AN=MRB-MCS0101647&site=ehost-live>. Accessed October 2, 2019

⁷ Muhammad AH. *Al-Ishtirak Li-Maslahat Al-Ghayr Fi Al-Fiqh Al-Islami Wa-Al-Qanun Al-Muqaran.*; 1984. <http://search.ebscohost.com/login.aspx?direct=true&db=fxh&AN=MRB-MCS0092463&site=ehost-live>. Accessed October 2, 2019.

⁸ Hoesterey JB. Is Indonesia a Model for the Arab Spring? Islam, Democracy, and Diplomacy. *Review of Middle East Studies*. 2013;47(2):157-165.

The succession mechanism seems to have begun to show the establishment of the system in some countries even though there are still some who are not satisfied with this situation. But at least this system can provide opportunities for everyone to perform while the results depend on their struggle on the ground. The big problem that is still faced by modern society today when using the current system is that there is no mechanism built to be able to involve the community in getting more roles. Especially when something is considered to be damaging to their sense of justice. Until now, it has placed the community as a passive party in responding to the above situation.

They are just waiting for a change in the political atmosphere that will come when there is a new succession. The hustle and bustle of succession in a democratic climate turns out to create enormous costs because they usually collaborate with several parties to support the political cost funds that must be spent. It seems very difficult for anyone to be able to act independently in acting because they have to reciprocate to those who have been instrumental in succeeding so as to gain power. Just like the previous political players, it turns out that a democratic system that consumes large political funds tends to deviate from the normative goals that were raised during the campaign. This is due to the large amount of political funds that must be spent not only from large amounts of finance but also those who have been assisting political activities.

This is where the opportunity for collusion to occur in their government not only has to do political reciprocity but also to unravel their independence in placing the best people who should be placed in a vital position for the community. For this reason, there needs to be a mechanism that can unravel the essence of democratic politics itself. It is time to create an instrument that allows them to have the capability to get on the radar of prospective leaders in the community. Both for the executive zone, the legislature and the judiciary by creating new, better mechanisms.

Social' Spirituality and Artificial Human Connection

Dive into the world of imagination that has no limits as the real world, is another form of exploration for someone to express something that cannot be revealed in the real world. Intellect was created by God as a primary tool for humans to travel imaginative cross-dimensional, even visiting to be able to directly communicate and even meet God.

The world of imagination does not have the same timeliness as the real world which is very limited by the division of time itself which is divided in general into three parts namely past, present and future. The journey of imagination will continue to explore new territories that may not even be done by humans in the real world.

Nature of imagination is a vast area that requires a strong stimulus to get to something tangible in the world of imagination. God gives a lot of human stimulus to be able and willing to explore the world of imagination to provide a different horizon in the meaning of human life.⁹ Human life is too valuable if it is only filled by meeting physical needs or for those who consider ritual activities to be able to fill the spiritual needs of a person. It turns out that many people have fulfilled their physical needs and ritual activities but not made them comfortable in carrying out their lives. Because they are not or less active in doing the exploration of imagination. Imagination trip will be directed overnight and can explore distant regions if you bring supplies that are suitable and sufficient with the journey to be carried out. Ritual worship, especially prayer, is one of the important instruments to be able to travel the imagination that has been made a guide in Islam.¹⁰ The problem is how to go on an imaginary journey that can enable the person to return home safe and strong and passionate to be able to do a more valuable expedition. A person's inner atmosphere will be calmer when following the rhythm of the rules that God has outlined in this life.¹¹ This can be proven by the existence of general standards agreed upon by humanity on something called human rights. This agreement on humanitarian standards shows how important Islam is in their lives.

Each individual is a work of God in which various tasks and functions are mandated in his life. Of course when given a burden more than other creatures are automatically equipped with something that can overcome all obstacles in his life's journey. If there is someone who in his struggle seems so enthusiastic and focused to achieve something that is considered as the goal of his life. There is a pattern that is almost the

⁹ Acim R. The Reception of Sufism in the West: The Mystical Experiences of American and European Converts. *Journal of Muslim Minority Affairs*. 2018;38(1):57-72.

¹⁰ Koujah R. Divine Purposiveness and its Implications in Legal Theory: The Interplay of Kalām and Uṣūl al-Fiqh. *Islamic Law & Society*. 2017;24(3):171-210.

¹¹ El Shamsy A. Bridging the Gap: Two Early Texts of Islamic Legal Theory. *Journal of the American Oriental Society*. 2017;137(3):505-536.

same from almost all the history of the great men who have made history, namely: high consistency and determination to achieve something that he wants to achieve.

The main problem of humans in achieving something they want to achieve is the above. Thus the right method is needed in creating the rhythm of the breath of life to remain consistent with the goals to be achieved even though the ripple of life is always facing. The problem of life ripples is like a wave of sea water which is sometimes small but not infrequently large waves come so that more attention is needed to save themselves first. After the wave can be overcome, of course, must return to solve the problem in order to achieve the main goals in this life. Ripple of life waves certainly come and go because they are part of the life that is lived by humans. There are many paradoxes that occur in human life such as when someone wants a long life but forgets to face old age which certainly has many shortcomings. When you get something and forget it will end.

The phenomenon of urban life has its own uniqueness from day to day and from one place to another. Economic demands by being a measure in the daily activities of people who tend to be heterogeneous and individualist.¹² It is something that has become a daily activity when looking at the tiring traffic jam, especially during rush hour as if it is considered as a paralysis. With the accumulation of all the problems that exist in it, including with individual anxiety to find peace of mind by doing spiritual activities. Spiritual activity in urban communities seems increasingly lively when seeing the increasing number of worshipers in mosques in areas that are passed by many motorists. There is a kind of strong religious phenomenon present in urban society in urban areas. It was based on individual demands to find peace of heart which was considered increasingly difficult unless found in places of worship such as mosques. The mosque is considered a *Chappelle* (place of escape) where the need for channeling spiritual needs is considered increasingly urgent. The turmoil and thirst for spirituality are increasingly becoming when satisfaction in reaching the material becomes less intense. Quasi happiness for those who focus more on the search for material causes strange behavior that is sometimes considered normal due to the pressures of life.

¹² Ibrahim MH, Alam N. Islamic economics and Islamic finance in the world economy. *World Economy*. 2018;41(3):668-673. doi:10.1111/twec.12506.

The hustle and bustle of life that is so high will further torture humans if only based on meeting the material needs that tend to be unreliable. Surely as a human being will be drawn in these conditions to participate in struggling to meet economic needs that are felt increasingly high. However, if they do not anticipate appropriately, they will make themselves more humanized. Man was created by God to have its own uniqueness in which it is designed to fulfill at least the basic needs.¹³ Physical needs are the first needs that must be met by a person. This need requires humans to make an effort to meet their needs. These needs include the need for food and drink, clothing, food, and shelter.

The need for security, this need is based on the need for someone to avoid the dangers that threaten themselves. The need for this taste will make individuals make protection against possible dangers that can threaten human life. Therefore humans will usually prevent them with various things. If the threat of concern is assumed to come from other human beings, a binding rule will be made along with a threat to the culprit. Prevention of the model as usual in everyday life known as legal products. The third need is respect, usually needs like this will come to those who are finished with physical needs and a sense of security. Those who are at this level will carry out an activity that is considered as a social virtue or accomplishment and can also try to occupy positions that are considered honorable because they have the power to govern the people. So it is not surprising how many people are competing for positions in government whether executive, legislative or judicial. The higher power he will obtain, the greater the effort to reach the position. Usually to gain power like this they will display the figure who is considered the most suitable or at least will still maintain the ethical norms that become an ideal reference of morality.¹⁴ The problem of moral ideality is sometimes used as a shield to gain power so that community disappointment will increasingly accumulate from being exposed by these parties because it is related to the law. The competition of interests between various parties to obtain the respect that is realized by seizing power instruments often uses other moral instruments to get rid of competitors. When many

¹³ Naser MW. Theology and ethics in Adam Smith: A case for Islamic Economics. *Intellectual Discourse*. 2018;26:309-332. <http://search.ebscohost.com/login.aspx?direct=true&db=lih&AN=133745904&site=ehost-live>. Accessed October 2, 2019.

¹⁴ Al-Daghistani S. Semiotics of Islamic Law, Maşlaḥa, and Islamic Economic Thought. *International Journal for the Semiotics of Law*. 2016;29(2):389-404.

parties who plunge to appear as individuals who will serve the people while still holding fast to the principles of morality, the more peaceful the life of the community. If the issue of morality standards is used as an instrument that prevents others from gaining power, it will create a pseudo morality in society.

Morality becomes an object of immorality which is very often discussed but only to the extent that it is considered to be an imaginary thing. The problem of urban society today is also experiencing a morality dilemma that is ambivalent to the reality they face. The only way for them to overcome all this is permissive to the existing reality but this attitude will make the community more apathetic to the surroundings. The more days this situation will create a society that suspects one another. The absence of a feeling of trust with the legal instrument of morality will make the parties in it only as human robots who only run formal rules without any effort to make social dialectics with other individuals.

The fourth need is those who want inner peace by dedicating themselves in the name of humanity. Those who are involved with this activity will certainly avoid themselves from social austerities because their surroundings are forcing them to get involved with existing realities. They will try to contribute to humanity with existing social activities. This group was born not because their economy was well established; it was born because of the birth of human consciousness which is actually present in every human being. They are like an oasis in today's urban society not only because they are increasingly rare due to high individualistic attitudes. They are considered as heroes of humanity because they humanize humans themselves. Sometimes what they do looks very simple such as volunteer rubbish, teaching poor children, providing free treatment, volunteering at disaster sites, and others. Attitudes like this seem to bring back the humanity that has long been lost.

Reflection of Esetoric Essence Within Islamic Value

Never crossed someone's mind when thinking the direction of life goals that are being lived will lead to a point that sometimes cannot be understood by the individual. Because every individual will experience a wall of saturation due to self-limitations as humans because many things that happen around him are out of his control. When in a condition of helplessness in seeing the existing reality, at that time humans will really

need guidance from those in power over him. At this point humans will make spiritual dialectics to rely on the power of the Omni Power that is outside of themselves.¹⁵ When the process of self-reliance on the power of the Omni power gets a response it will have implications for the addition of self-strength more than before. That is why the spiritual dialectic between himself and the power of the Omni power becomes a human need because it will continue to need Him.

The light of life is a great gift that God gives humans to fill their activities with high spirits. Humans are unique creatures that are believed to be God's representatives to manage the universe in order to *maslahat* all other creatures.¹⁶ Therefore they are equipped with the mind and heart in receiving guidance from God. This guidance can only be obtained for those who realize who they are so that they will do everything in their power to be able to capture messages from Him. God's message is delivered to humans every day through many means, either by means of scripture or by signs of truth being transmitted into their hearts. Dialectics carried out in all activities of his life will give birth to a temporary conclusion which is the basis for the continuity of his activities to a certain extent. Temporary solutions will usually continue to interact with different situations or circumstances until they reach the next stage.

When referring to the historical facts of the rise of Islam in building Islamic civilization in the Middle Ages, what happens is the accumulation of a spirit of spirituality, logic and freedom of thought directed to virtue. The high appreciation of the constructive logic made the Muslim community at that time transformed into a society that is sane towards everything. Sad condition as it is ongoing in the Islamic world today is still unable to translate the messages of comprehensive Islamic teachings in this life. One of the characteristics of the emergence of a collective consciousness in accommodating a difference both related to theology, thought, race, and geographical location becomes a necessity that must be used as a force to move forward.¹⁷

¹⁵ KURU ATA Research Note on Islam, Democracy, and Secularism. *Insight Turkey*. 2009;11(4):29-40.

¹⁶ Haraf al-Din A al A. *Al-'Uqubah Al-Muqaddarah Li-Maslahat Al-Mujtama' Al-Islami; Bahth Fiqhi Muqaran Wa-Dirasah Mutakhassisah Fi Jara'im Al-Hudud Wa-Turuq Ithbatuha Wa-Al-'uqubat Al-Muqarrarah 'Alayha.*; 1973. <http://search.ebscohost.com/login.aspx?direct=true&db=fxh&AN=MRB-MCS0093851&site=ehost-live>.

¹⁷ Collins, William P. "An-Na'im, Abdullahi Ahmed. Islam and the Secular State:

By looking at the usefulness of each party in a society it will be increasingly easy for these individuals to move to the next stage in building a humanist civilization. The number of problems that surround Muslims is a sign that the main problem is not yet solved. There are some Muslims who still become too much artificial pride so it is less rational in solving a problem. Islamic teachings that prioritize dialogue in dealing with problems advocate open negotiation in the *ukhwah*(brotherhood) frame. For this reason, a surefire step is needed to create an atmosphere that allows Islam to show the nobility of its teachings.

Anxiety is a reflection of ignorance about something that will happen, anxiety is also a picture of unexpected worries. Every time humans experience anxieties that continue to haunt themselves because more is happening beyond the control of the individual. Every human being has experienced a deadlock during the process of searching for the essence of life he lived. Sometimes a belief that accompanies it is so strong that it is steady in carrying out life activities on the other hand it is not uncommon for him to experience stagnation in activities caused by obstacles that endlessly hit without pause. This is where the struggle of a human being is valued whether to continue or retreat in the pursuit of life goals that have been planned. Humans are beings who have unlimited ambition but have limited consistency. When consistency in achieving life goals is maintained then what emerges is a high spirit of life to reach the goals to be achieved.

There is an interesting thing when we look at the history of the main figures in the world who have made history. Each of them has more life challenges than most people. Even sometimes they have crossed the line that is considered most people. Their consistency in overcoming these challenges makes them stronger in achieving it. The sheets of life are marked by the days that are lived, the bustle of life is not possible by responding monotonously to a challenge. The design of life given by the Creator of the universe requires that humans must be prepared to face the surprises in life. There is no one in this world who faces life's problems easily. All humans face life's challenges in accordance with their respective difficulty levels. This is where a high level of awareness

Negotiating the Future of Shari'a." *Library Journal*, 1 Apr. 2008, p. 87. *Gale eBooks*, <https://link.gale.com/apps/doc/A178083667/GPS?u=idpnri&sid=GPS&xid=4222654d>. Accessed 2 Oct. 2019.

is needed for them to follow the rhythm of life and the tone is still a mystery to life.¹⁸

Many life problems are offered to humans for their response. Broadly speaking, God has given the direction and purpose of this life but in the process to make it happen left to humans. There are many life issues raised in al-Qu'ran which at some level create debate in realizing them. Many social issues are still a hot topic of conversation to this day. This was deliberately created to continue to maintain the existing social dynamics. Gender issues, for example, on the one hand al-Qur'an affirms that the most noble people in the sight of Allah are those who are most devoted to Him. Meanwhile, there are clear boundaries that men are different from women. A clear differentiator in gender is interpreted in various social and cultural approaches. Certainly this interpretation of the gender problem cannot be generalized out loud. Because if you see certain phases in this issue by using a measure of community conditions and a certain period it is feared to be gender biased.

Of course, Islam does not advocate discriminating because it is very contrary to the concept of justice that is always echoed. However, what needs to be understood here is that gender issues are conditional issues that must be responded to with a standardized level of need and agreement.¹⁹ There must be agreement on local and universal values associated with this gender issue because this problem requires the role of both. It is also not wise if the social role of the community is now used as a benchmark for women in the past. Because each time and region has different needs in contributing to their communities. Because of that, the impression of activating or judging classical gender understanding of the previous books with the present measurement is very unwise. But universal values that cross time and place are something that cannot be denied and must exist. Universal values related to this problem are basic human needs that must be valued as inherent values in humans. The sense of security that human dignity respects is a problem that must be resolved by the community itself. These universal values are translated

¹⁸ Abdallah, Salam. "Information Ethics from an Islamic Perspective." *Encyclopedia of Information Ethics and Security*. IGI Global, 2007.355-361. Web. 2 Oct. 2019. doi:10.4018/978-1-59140-987-8.ch053

¹⁹ Choudhury, MasudulAlam. "Socio-Cybernetic Study of God and the World-System." IGI Global, 2014. 1-298.

according to local needs and conditions because it is sometimes necessary to have a better understanding for the implementation of local conditions in the frame of universal values. There are basic gender needs that are born that need to be responded to, such as menstruation and pregnancy so that it is needed how to respond to these needs when in the work environment. Of course, it is not wise to have this kind of condition not be accommodated as a special need to adapt to such situations. Even in Islam the Muslim needs to cover genitalia become a basic right that must be given space to be able to work rather than being pressured to them.²⁰

The problem will be different, if the demand for freedom goes beyond the values that are considered redline for others. Religious values, for example, would not be good if in the name of freedom in the frame of human rights they violated the normative limits that have been used as guidelines for Muslims for example. There are some casuistic issues in local communities that are considered to attract public attention by conducting opinions for a particular mission. Local standards in looking at the situation in other regions. Just look at the accompaniment of opinions on the role of women in Indonesia who are believed to be doing a dual role. This infiltration of understanding about gender issues is considered how heavy the role of women in Indonesia on the one hand is also making a living in the family must also provide food for families by shopping, cooking, and serving food on the dinner table.²¹

For Western people it is considered to be an excessive burden because after a wife works, in the household, the procession of shopping, cooking, and serving food is carried out by her. There is a local dimension that is not seen by other communities because with the reason to elevate the status of gender equality they penetrate culture with the aim of instilling cultural hegemony on the pretext of equal rights. On the other hand, for Indonesian people in general it may be that the global role of men as fathers and husbands has an unwritten obligation not only to meet daily needs but there are other things that are not less important, namely carrying out other tasks related to family safety, reputation, as well as those relating to backing up from other party interruptions. It

²⁰ Abdelkader, Ali Ahmed. "Measuring Service Quality of the Muslim Friendly Hotels in England and its Impact on Behavioural Intention." *IJCRMM* 6.3 (2015): 1-24.

²¹ O'Shaughnessy K. *Gender, State and Social Power in Contemporary Indonesia : Divorce and Marriage Law*. London: Routledge; 2009.

has become a norm for every man in Indonesia to help women who have difficulties such as lifting something or who need more energy than usual.

The high competition of life in fulfilling material life is not uncommon to have contact with other parties which leads to legal issues. In Indonesia, the atmosphere of people's lives cannot be defined simply because it has a high level of complexity. Indonesia, which is the largest Muslim country in the world, has a number of things that should be appreciated not only because it maintains the heterogeneity of its people from different tribes, nations and islands. This is due to the long history of experience over thousands of years that has provided valuable experience that has been maintained until now. Along with the development of the current era increasingly intense even outside influences do not have a territorial barrier because easily all information freely in and out. This is where the maximum effort is needed so that social rhythm like this is maintained because it will *bemaslahat* all parties.

Shaping *Ijtihad* The New Paradigm of Social Change

Many things make social changes in a society where one of the most important elements is economic and technological factors.²² The two elements above are the source of changes in the patterns of life of modern society today. This has a significant impact in contributing to society. It is worth observing mills in the reality of life economic factors become the reason for the occurrence of social pseudo that has not been found in the past until now. Competition in seizing the influence of hegemony carried out by large countries cannot be separated from economic influence. Even the calculation of welfare on a large or small scale into economic factors as a determining element. For this reason, social change should not exclude this crucial factor in reading people's behavior.

Technological developments also have a profound effect on changes in people's social lives. With technology, an artificial social dimension is created, meaning a kind of quasi reality in conducting a social relationship. This artificial relationship is unprecedented in human life. The pattern that was created began to follow the flow of trends created by the development of this technology. Just look at being

²² George, Susan Ella. "The Techno-Religious Age." *Religion and Technology in the 21st Century: Faith in the E-World*. IGI Global, 2006. 82-105.

left out of correspondence with correspondence replaced by electronic messages from a smartphone or remote communication with visuals even though it's easy to do. Even easy shopping activities are only done with the tip of the finger because such facilities are very lively provided by many providers.

This makes a big enough impact on its development, but on the other hand the function of this digital tool has a significant negative impact. Because not a few certain parties who are not ready for the rapid development of technology like this then use it with a negative purpose. The negative behavior of misuse of digital technology is certainly a very troubling problem. Therefore, the pattern of family education in the digital age today is a bit different compared to the pattern of family education in the past. Because digital abuse can be fatal for those who become victims because their activities are very difficult to monitor. On the other hand the need for digital is a necessity which is an important part in today's life. Family education that is aware of the digital world becomes very important in building healthy relationships.

There must be time to build conventional relationships with other parties, be it family, neighbors, or colleagues. Because basically a healthy social relationship is by making direct contact by seeing, hearing, or touching actually not by artificial media. Therefore the pattern of teaching in social relations must also be built by adopting the reality of the times. It is not wise to have parents who are not aware of this situation, for example with the reason to make children stay at home by giving access to the digital world without watching wisely. Because the massive features in the digital world can influence children's behavior that can become a person that is organized in the real world.²³ The more intensely involved with the digital world without calculation can break through the ethical signs that had been held. Because it will create a pattern of pleasure that will eventually become a kind of digital activity. For this reason, there must be a strong perception that the digital world, despite being a reality, must be vigilant in using it.

The development of the digital world is even allegedly able to replace the social roles that we have understood so far. Just look at the emergence of the digital world of transportation for example, which initially caused

²³ Kirwan, Gráinne, and Andrew Power. "The Psychology of Cyber Crime: Concepts and Principles." IGI Global, 2012. 1-372.

high resistance because they felt threatened by its existence. Inevitably they are forced to go with the flow of this technological development if they do not want to sink if they keep defending themselves. In fact this also penetrated the world of education because of the many applications that seemed to replace the role of educators such as teachers and lecturers. The value without the role of teacher and lecturer is again questioned because the transfer of knowledge which becomes their conservative role tends to be replaced even more effectively in the transformation process.

For this reason, observers of the world of education must also review the basic concepts of the role of teachers associated with this knowledge transfer. It turns out that education is not only related to the transfer of knowledge but many things accompany the meeting between the teacher and students in the class. Not only will this create full interaction between teacher and student, it will also create patterns of thinking, attitudes and morals when the interaction occurs. Because it would be very dangerous if the reasons for the effectiveness of the transfer of knowledge via the digital world have a higher impact by negating the role of the teacher. That will only create humans like robots who do not have human empathy. Humans are social creatures that require attention and a touch of empathy from other humans so that such roles cannot be replaced by the tools of the times.

When referring to historical facts how the rise of a civilization is caused by the existence of a massive collective awareness of the energy that is driven by shaking rational thinking. The fact of rationality is the most effective media to turn into a catalyst for change in society. Rationality must be juxtaposed with normative values so that they will remain on the actual rails. For this reason, serious effort is needed to harmonize so that it can be realized. The rationality in question is not just using the exact line in life but more than that it can be transformed into a standardized pattern of action and attitude. The concern of rationality will be ridden by those who want to make normative values not as the main pillar will be eliminated if rationality can provide a logical reason to the community. Therefore there must be a logical sense in exploring the dimensions of ratio so that you get the message you want to feel. Indeed rationality cannot satisfy all humans in determining choices in attitude or thinking. Because there are some people who view rationality as not an urgent matter to be able to achieve peace of life. Because they don't

need a stage of exploration to get there in order to live happily as they wish. However, in general this rationality is very important in maintaining the rhythm of life that requires a logical reasoning behind something that happens. Although sometimes rationality is still at the level of debate-able because of the emergence of variations in giving answers to rationality itself.²⁴ It is normal to enrich the treasures of human thinking to continue to develop because without such maneuvers, human life will become stuck and boring. The thing that makes the reality of life dynamic is due to the inconsistency of rationality itself. It turns out that logical reasons for something cannot be the same when viewed from different perspectives.²⁵ Especially, when viewed from different times and places. For a value also must be able to follow a pattern like this, except for certain values that may not and will not change as outlined by the creator of this universe.

The area of philosophy is an abstract area which greatly facilitates those involved in it to be able to connect with others. Because the language and understanding used are relatively flexible because the road provided has no significant obstacles. But when a level of values that is full of philosophical meaning is translated in the form of implementation, what happens is the resistance of those who disagree. The application area is intentionally putting a special barrier portal on the road to be passed. Only for those who have a card that can pass it. The existence of special rules that block it makes not everyone will be free to explore in this region. It is therefore not surprising that many of the scientists who have embraced the world of philosophy are rather reluctant to enter this region.

Because for them the barrier blocks will make them slow to get to the essence. The concern for this essence region will make them become individuals who tend to be universalists in the sense that they can make contact with thought without any obstacles, let alone certain labeling. Therefore, this philosophical world can be a place of collective thoughts from various people across time, place, and background of beliefs. There is almost no place in this world that can bring together many elements

²⁴ Shemer N. Islamic Law and Political Ideology: Yusuf al-Qaradawi's Renewed Interpretation of Islamic Prayer Laws. *American Journal of Islamic Social Sciences*. 2016;33(1):52-66.

²⁵ Cattelan V. Alice's Adventures, Abductive Reasoning and the Logic of Islamic Law. *International Journal for the Semiotics of Law*. 2016;29(2):359-388.

in one place except this philosophical world. Because this philosophical world provides a place to meet artificially and even dialogue can then provide an assessment of each thought. The world of philosophy is a world filled with trinkets that tempt a thought to consider something that has been held or believed. No wonder when someone has begun to enter this path will experience a wealth of thought.

An individual who has an awareness of the importance of exploring the mind will surely come to a stage of what the life is. The time spent more and more days passed quickly because they longed for a clearer stage of life in the direction to be sought. When referring to human behavior when performing worship activities to God, it is actually based on many reasons that accompany it. Of course faith is something that cannot be denied as a spiritual incentive to communicate to God.²⁶ While someone ever asked himself while doing ritual worship activities to God, what is the main motivation that drives him to do that. Because even faith has a reason to be understood, and it would not be possible to just happen without a cause there must be a background. Life experience is the most valuable teaching in teaching the complexity of life. As challenges become more massive, people realize how helpless they are in determining the outcome of their efforts. They realize there are other forces outside of humans who are more powerful in determining their lives. Awareness like this has actually become part of the human self so that in the course of history proves the many worship processions to worship the Creator. Humans are unique creatures because they have a combination of other creature elements. So that in the course of their lives they experience a spiritual experience that delivers them to a relatively different experience. This spiritual experience can bring them closer to a feeling of longing and fear of something abstract that they face. The purpose of life is not just doing routine activities, but there are other things that have been designed by God for humans to overcome all the challenges that exist. The concept of life in Islam is to do good so that every effort must be made to be able to do good. Both in the eyes of God and the normative values of humanity. Exploration of self in reaching a truth each individual has a different experience. Because not everyone can get to the point of satisfaction sought.

²⁶ Malik J. Fiqh al-Da'wa: The Emerging Standardization of Islamic Proselytism . *Welt des Islams*. 2018;58(2):206-243.

Humanity as Core Bridge of Value Toward Sharia

Try to imagine what exactly the concept of humanity can overcome the problems of this life. At a certain level there is a universal agreement that human values include those basic needs in their existence. Thus, genocide is strongly opposed because it violates basic human rights to exist. However, in the development of the next stage each of them is allowed to compete to achieve life targets. The problem is there are any unfair competition behavior because it will kill the existence of other groups. Therefore, we need a rule that makes all parties compete fairly in a fair manner. Human values are sometimes defeated by economic and political interests so as to create a sustainable clash (Shahnazari, Ali, 2014). The main problem of community life is greed by certain groups of individuals who want to control society in an exploitative manner, sometimes with a display of kindness. This continues until there are parties who can put up resistance by giving a collective awareness to the public about such conditions.

At present it is almost impossible to exploit humanity like in ancient times through physical occupation, but it metamorphoses into other forms subtly and unconsciously controls the lives of many people. Globalization is now a necessity that no one can possibly avoid. The fact of globalization is a consequence of the development of science that makes this world seem to shrink. At the same time one can find out what is happening in other parts of the world so that distance is not a problem for human interaction at this time. The problem of globalization unwittingly changes many things that have not been thought of so that it creates new social behaviors that are very interesting. In the past, more social interaction occurred when gathering or meeting each other physically. So now there is a new trend with technological developments making many people able to carry out intense social interaction in cyberspace. This makes the social theory so far has to undergo revision, especially related to social interaction. Nowadays more and more social interactions are carried out in cyberspace showing the paradigm of social interaction is also experiencing significant changes. How is the concept of collectiveness, neighbors, and other social relations that make the dimension of social relations a dilemma. Because many people are very close to communicating with many parties in cyberspace even the neighbors next door sometimes do not know well. That indicates how technological change can also make social change and human behavior.

Actually something that has not been thought of is not necessarily not there because the ability to think is relative. Therefore the discovery of something that is considered new actually has existed in a long period of time since the creation of it. Because it takes a maximum effort to do thinking out of the box in order to reach something that has not yet been touched. Issues like this are sometimes very effective in solving problems that come in unexpected forms. It is often understood that current social reality hardly provides a place for mutual dialogue but more infiltration of weaker groups. Over time this backfires for them because it will make the problem accumulate and if that happens then the social problems will become more acute. The fact that humans have different backgrounds and abilities is certainly necessary regulations and social attitudes that are aware of this reality. The main problems of the community at this time both on a global, regional and local scale always see the problem only in the past and the paradigm of their own interests. Unwittingly the community has now transformed into a quasiheterogeneous group of people.²⁷

This means that on the one hand realizing the reality of heterogeneity cannot be avoided on the other hand is still not ready to leave the side of the ego that is inherent either ethnicity, economic interests or associated with beliefs. If this continues it will create an anomaly in the community itself. So far, nationalism ties are seen as an effective way to be able to glue all components in society. However, excessive understanding of nationalism is also dangerous because it will create chauvinism that is vulnerable to clashes with other countries. On the other hand without the spirit of high nationalism, of course it will be very easy to be influenced by an outside understanding that can damage the resilience of a country. Therefore the concept of nationalism must be dynamic by prioritizing aspects of humanism and social dynamics. Sometimes on behalf of someone's national interest that is considered to contribute to a country, citizens are given rights to foreigners.

It is common in the world of sports because the interest to raise the name of the nation on the world stage is not uncommon given the rights of citizens are given to them. The concept of nationalism is sometimes

²⁷ Rosenow-Williams K. Organising Muslims and Integrating Islam: Applying Organisational Sociology to the Study of Islamic Organisations. *Journal of Ethnic & Migration Studies*. 2014;40(5):759-777.

relaxed for certain purposes, of course, this general phenomenon causes a reinterpretation of the concept of nationalism itself. Nowadays someone who is considered to have high nationalism if he is able to raise or fly the flag in another country. This reality provides great opportunities for athletes to fill large opportunities like this or those who take part in similar competitions in the scientific field. In the past those who were considered to have high nationalism when someone fought in defending or defending independence. Such conditions began to change with the changing shape of the response to the social conditions of global society which tends to avoid physical confrontation. Because for them it will only cause harm to all parties. Such a phenomenon is a positive response because it will better respect human values and will create positive competition. Now the question of pride in something that is seen as able to deliver the respect given to someone will create social dynamics that have never happened.

When the heart feels empty and no longer know what to do when the hope that is awaited is impossible to reach there is a strong faith needed because that's when the devil most awaits to turn our hearts away from God. Surely everyone is ready when faced with a situation that benefit for him and he feels very close to God because the one who is always granted by him is asking. Another case if the opposite happens so that the heart feels rebellious about what the steps should be done. Situations like this often occur, this is where one's faith will be tested whether the love of God is sincere or just because it is given in a comfortable condition.

If you pay close attention to all the people you love, you will experience a very difficult life struggle, it is done to make themselves strong in carrying even greater responsibilities. The reality is that life goes on its path without being able to be controlled by humans so that not a few of them feel disappointed and even despair when the expected results deviate. It is this life that many people deceive by the mirage in it which often makes them fall asleep. This life has been designated to take place with infinite factors, but of the many factors, God is the deciding element of all that. On the other hand, God also gives responsibility to every human being to pick up the destiny that is about to be carried out, of course, with all the efforts that He approves. This is the source of the misfortune of social life when each party fetches the fate of his life but by not using the methods of Allah. Life that takes place today

has a relay reality from time to time. Every human being is not possible apart from what was done by the individual beforehand so he must deal with everything that was done by the previous person. Likewise they are responsible for the relay of future life because current behavior affects future life.

The reality of Muslims today is a picture of what happened to the situation in the past, therefore to be able to change the life line by trying to make the best contribution at this time. There is indeed a feeling of uncertainty if you want to change the current condition of Muslims because there are certain attitudes that are felt to hamper progress but are still maintained. The still unclear where the profane or non-profit areas make it difficult to get out of the trap of past stagnation. One of the most concrete steps that must be taken by Muslims today is to pay close attention to science and technology. The problem although this is often brought up as an important element that must be seized, but in application is still far from the hope of realizing independence in science and technology.

Not to mention if it is associated with economic and political problems that are considered acute so that it is allegedly the source of social unrest in many places and regions. There are still many homework that must be completed first before moving on to fix science and technology matters. Even though there have been so many prominent scholars who echoed the importance of mastering these fields so that the condition of Muslims could change for the better. The main problem in the Islamic world is politics, because it has taken almost all of the energy or resources of its people so that many other more important sectors are set aside. It happened due to the influence of past cultural heritage which was still carried by a handful of elites who felt the most important part of that era.

Comprehensive understanding of Islam as a global teaching can only be applied if Muslim communities generally have the same understanding of how important it is to develop a mentality as a Muslim. There is very little awareness from internal Muslims that Islam is a holistic teaching that has the aim of forming a world reference civilization. Of course, to be able to be a reference or as a guardian of the balance of the world must have superior capacity in all areas of life. The problem is whether Muslims have the capacity, it is still far from reality because

the efforts made have not yet touched the core problem of the Muslims themselves. Islamic civilization of the past was realized because of the great energy that moved all the elements in it to be able to race to realize results that have the power for this life and even the hereafter. The great energy did not just appear but after the accumulation of various factors that made Islam emerge as an advanced civilization. There are several factors that should be considered by Muslims themselves to progress among them is solving sectarian problems. An understanding will be very difficult to force on others so that a method is needed for each party to feel comfortable without disturbing the stability of the community.

Indeed there are standard rules that an understanding must not cause shock in society. Although academically it is fine but it would be wise to pay attention to social orders in society. That is why al-Hallaj incident in Islamic history could occur because the government considered this phenomenon would disturb the peace of the community. On the other hand freedom of expression must also be guaranteed so that the creations created will be richer. Even so the retention of ideas or thoughts is not the right step for the reasons to maintain the peace of society. Because it is even more dangerous because it can cause adverse effects on the intellectual development of a nation. It is better to educate the public about a thought that is considered out of mainstream thinking. Education like this will even make people more mature and rich in thought so slowly but surely will form a rational society.

When people get this degree it will be easier to mobilize great energy in shaping advanced civilizations. Rational society will create a measurable track in forming a civilization. They will have clear calculations in acting and doing likewise when faced with personal or public interests. Surely there is an awareness of how important it is to combine the obligations in the world and the hereafter that are waiting for them. Not infrequently because of the imbalance in looking at life so that it is increasingly unbalanced in acting. Just look at the current situation when God bestows abundant nature to Muslims but is not utilized even if it is managed but carried out by a foreign country which incidentally is not the Muslim community itself. This inclination is increasingly taking place making the condition of Muslim communities increasingly left behind because the problem of managing the universe is still considered not an obligation.

Conclusion

Whereas the management of nature provided by God is the reason human existence was created. It means that Allah's reason for creating humans in this world is to be a Caliph here. This means that the management of the universe is the most important element of our lives as human beings, reflecting some forms of worship to God. The terminology of worship that is embedded in our minds so far is still revolving around routine worship (*mahdah*) so that the management of the universe is still considered not serious and important. This can be seen how the existing resources are not moved to manage the universe for the *maslahat* of this life. For this reason, a maximal effort is needed in shaping a new paradigm to form a true and correct perception in viewing Islam as a holistic teaching. How so far the main focus of Muslims has not touched on essential issues that are actually very important and even most important. How clever the Prophet Muhammad has given a clear and firm line that the mastery of space in the event of *isra* 'mi'raj. However, it is often misunderstood how the event was not interpreted as it should be by empowering all the potential that exists to master space technology.

The fight of a civilization will be superior if it masters space technology which is currently still considered backward. Because it takes concrete steps and is accompanied by philosophical values behind it. There are some signs from Allah about the main fields that must be mastered by Muslims besides mastery of space as well as other fields such as mountains, wind, birds, fish, ants and many others mentioned in the text of the scriptures. the problem is how to get started, which is felt to be lagging behind other civilizations outside of Islam. So the next step, of course, is education, both formal and informal. In Islam education in general must begin with an introduction to Allah then followed by an understanding of all His creations. Therefore Islam does not recognize the term dichotomy as the secular teachings of the Western world. Because it is a way to have a positive effect on the progress of Islamic society by combining the values of monotheism with natural science. Of course there is a teaching pattern that natural science is a decree of God that needs to be sought formulation.

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