Renewal of Islamic Law in Indonesia; A Study of Yudian Wahyudi's Thought

Wardah Nuroniyah[1*]

[1*]UIN Syarif Hidayatullah Jakarta, Fakultas Syari'ah dan Hukum,wardah.nuroniyah@uinjkt.ac.id

Corresponding Author: Wardah Nuroniyah

[*]UIN Syarif Hidayatullah Jakarta, Fakultas Syari'ah dan Hukum,wardah.nuroniyah@uinjkt.ac.id

Abstract
The purpose of this study is to describe the results of Yudian Wahyudi's thoughts on the renewal of Islamic law in Indonesia. This type of research is a library research using a qualitative descriptive approach to describe the current phenomenon. This analysis seeks to see the socio-cultural background, the context of the readers and the text of books and articles about Yudian Wahyudi's thoughts related to the problems to be studied. The results of this study explain that Islamic law reform underwent a radical transformation with the emergence of several calls about Indonesian *fiqh* and Indonesian schools of thought by scholars such as Ash Shiddieqy and Hazairin who criticized puritans who often echoed Arabization of *fiqh*, both promoting the richness of Indonesian culture and traditions as a valid source. for the implementation of the law by trying to modernize the application of Islamic law with the help of modern knowledge and science. Yudian Wahyudi's thinking in the renewal of Islamic law offers an applicative methodological approach through the concept of returning to the Qur'an and Hadith, the concept of *fiqh* and *maqashid sharia* by trying to dialogue between sharia texts, and empirical *'urf*, both of which complement each other. Different from the previous figure, the Islamic renewal proposed by Yudian Wahyudi is not only a theoretical offer but can also be implemented practically.

Keywords: Renewal, Islamic Law, Islamic Legal Thought

Introduction

Indonesia, even though it is a Muslim country that is slow to reform its laws, but the birth of the Marriage Law, Government Regulation no. 9 of 1975, Government Regulation no. 10 of 1983. Government Regulation no. 28 of 1977 concerning Property Endowment, and the Compilation of Islamic Law in Indonesia (Inpres No. 1 of 1991) is a dynamic of renewal of Islamic legal thought that must be appreciated. Islamic teachings that regulate life procedures are called law, in the science of *ushul fiqh*, law is defined as "God's commandment relating to the actions of the mukallaf people, in the form of demands to do something which means an order that must be done, or a demand to leave something which means prohibition and it is forbidden to do, or the legal provisions are in the form of permissible (facultative) things, which means that they can be done and may be abandoned, as well as legal provisions that make two things related and one of them becomes a cause or condition or obstacle to the other (Muhammad Abu Zahrah, in Muslim MS, 2005).

Some Islamic law is obtained through the provisions of the texts of the Qur'an or Sunnah and some is obtained through ijtihad. The Nash al-Qur'an and Sunnah in pointing out legal provisions are detailed (tafshili) and outline (mujmal), some are certain (qath'i) and some are uncertain (zhanni). There is no difference in understanding among the jurists' among the qath'iy legal texts, while for the zhanni legal texts there are differences of understanding among the jurists'. Legal texts that designate legal provisions in detail are qath'i, while legal texts that designate legal provisions are broadly in the form of basic rules, allowing the use of reason to do details (Muslim MS, 2005).

According to Yudian Wahyudi, this fear of Islam is getting stronger when a group of people acting in the name of Islam commit acts of terror. Suicide bombings, brutal and indiscriminate shootings, resulting in the death of innocent people really cause tremendous fear, not only by non-Muslims, Muslims are afraid and condemn these immoral acts. The problem is, the occurrence of generalization or over generalization, so that whatever the form of terror, Islam will be accused. All acts of terror on earth will be addressed to Islam, not to certain groups who have hijacked Islam for their own benefit.

Furthermore, Yudian Wahyudi stated that the phenomenon of Islam phobia is not only related to terror alone, but extends to other dimensions. Including the political and economic areas. The presence of a sharia economic system in Indonesia in the early 1990s also raised suspicions about not expressing fear among people who did not see Islam clearly. They draw jumpy conclusions. It is as if the presence of a sharia economy is a sign of the establishment of a sharia state or a religious state. The good news is that slowly but surely, suspicion of the Islamic economic system is relatively reduced. In fact, the trend is the emergence of a new passion for studying Islamic economics not only among Muslims but also non-Muslims. Not only Islamic economics is studied on the PTKIN campus, but on general campuses Islamic economics or Islamic economics with all its dimensions is dissected and studied in depth (Saidurrahman & Azhari Akmal Tarigan, 2019).

No less interesting is the analysis provided by Bassam Tibi who wrote a book in 2012 with the title Islam and Islamism. The book was then translated with the title, Islam and Islamism, which was published in 2016 by Mizan Bandung. This book is interesting because it discusses what is needed today, Islam as moral (ethical) beliefs and teachings and Islam as religious politics or using religion as political interests. For Islamism, Islamic symbols will be used for political purposes. Although Bassam Tibi's work has received a lot of criticism, the message of this book is still important. The revival of Islam in the future is only possible if what is put forward are Islamic teachings that are full of moral content, not by putting forward symbols which will then be used for certain political interests (Bassam Tibi, 2016).

Yudian Wahyudi, as a legal expert as well as an enthusiast in philosophy, shows in the problematic way of reconstructing thought which is still considered to be more established. This reconstruction is carried out with a methodology that is more visible in the work of other Muslim thinkers and at the same time makes it an inspiring thought tool (having a solid basis from the Qur'an and Hadith) and relevant to Islamic law.

Method
This type of research is a library research using a qualitative descriptive approach to explain the current phenomenon (Sugiyono, 2013). This analysis seeks to see the socio-cultural background, the context of the readers and the text of Yudian Wahyudi's books and articles related to the problems to be studied. So that the content of the message becomes clear and relevant. The literature collection technique is by reading, recording, processing, analyzing and paraphrasing various concepts sourced from articles, books, about the thoughts of experts as the basis of this research (Faiz, 2019; Faiz & Faridah, 2022).

ISLAMIC LAW IN INDONESIA IN THE INDONESIAN LAW SYSTEM
In a simple formulation, it can be stated that in essence Islamic law in Indonesia is legal norms originating from Islamic Shari'a that have grown and developed in people's lives throughout the history of Indonesia. The form of Islamic law in Indonesia was born from the marriage between normative Islamic law (shari'ah) with local Indonesian contents (Ali, 2022)

There are two contradictory issues regarding Islam that emerged after the events of September 11 in the United States. First, the growing interest of the West to study Islam more objectively. Likewise in other parts of the world, many people are embracing Islam and there is an awareness to unite. This phenomenon is read as a sign of the revival of Islamic civilization after a long slump. Second, at the same time there is a tendency to strengthen Islam phobia in several countries including Indonesia itself. Islam phobia is a form of fear of Islam. In the context of

Indonesia, this phenomenon can be seen in the efforts to marginalize Islam in the past. Even today, this symptom still exists, although in a form that is no longer transparent.

Yudian Wahyudi is an Orientalist Plus breaker who, according to the authors, is in line with Khalil Abdul Karim's ideas in opposing the literal interpretation of Islamic sources (al-Qur'an and Sunnah) by people who he understands who come from mediocre education in Islam. Islamic sciences (high school, boarding and doctoral). Yudiana Wahyudi revealed that at the political level there were very significant changes. In 1901 in the Netherlands Queen Wilhelmina started her Ethical Policy, which was designed to improve the welfare of the East Indies people by providing them with a modern education (Vlekke in Yudian Wahyudi, 2015). This proved significant for an entire generation, including the young student and presidential candidate Sukarno, who eventually earned his B.A. in Architecture (on the development of the Indonesian education system). He and his colleagues came to be called "wong Sekolahan" by their contemporary Indonesians because they had been educated in modern Dutch schools as opposed to wong pondokan (graduated from pesantren). This "new" intellectual" unsurprisingly founded a nationalist movement that was "secular" in tone.Three years after the founding of the Indonesian Students Association in 1924 by Muhammad Hatta (then Indonesia's first Vice President), Sukarno founded the Indonesian National Unity, which was transferred to the National Party. Indonesia the following year. Likewise in 1928, the Youth Congress in Batavia (now Jakarta) adopted the Youth Pledge, which called for one nation (Indonesia) and one national language (Indonesian). Nationalism soon grew stronger when in 1921 Islamic nationalism, represented by the Islamic Association (Sarekat Islam), was split into the White Islamic Association (following Tjokroaminoto) and Paguyuban Merah Islam (following Semaun). The former are Muslims, the latter are Communists (Legge, 1965; Dofier, 1984; Jailani, 1959; Korver, 1982). Thus the efforts of the Islamic Association to "perfect" Indonesian Nationalism by adding a monotheistic-religious dimension to Islamism," failed (Abdulgani, 1990) and were unable to bridge the conflicts of this decade (Jay, 1957; Muhtarom, 1975). Sukarno and his supporters were sentenced to about four years in prison for challenging Dutch authorities. In his political exile, Sukarno sent reformist books by A. Hassan: these writings seemed to have an effect on Sukarno, so that he later emerged as the "new" intellectual leader." Sukarno was neither trained as a scholar of Islamic law nor did he know Arabic, but he wrote a number of articles criticizing the "narrow-minded" practice of Islamic law. In Bengkulu in 1930, for example, he protested the practice of Muhammadiyah separating men and women in mosques. He also advised Indonesian Muslims to use soap instead of dust to cleanse their bodies of serious impurity (an-najāsah al-mugallaẓah), and to use modern brushes and paste in place of siwāk (a piece of 'araq wood) to clean their teeth.

Furthermore, Yudiana Wahyudi stated that at the turn of the 20th century pesantren was the main center of Islamic learning, and especially law, in Indonesia. Pesantren offers the teaching of the Shafii school of ritual-oriented Arabic texts. The legal authority is the kyai who publishes the work, because the pesantren education system relies heavily on memorization, while neglecting writing skills.

Yudiana Wahyudi explained in his research that a Japanese admiral, named Hatta, had informed him that East Indonesia would not join the Unitary State of the Republic of Indonesia unless the seven words had been removed from the Pancasila narrative. In their place, Hatta suggested the words "One God," so that the accepted formulation of the first precepts of Pancasila would read "Belief in One God." The other four principles are (2) Just and Civilized Humanity, (3) Indonesian Unity, (4) Democracy Guided by Wisdom and Unity Emerging from Deliberations of Representatives, and (5) Social Justice for All Indonesians. At the previous meeting, the Special Committee for Wahid Hasyim had also responded to important articles 6 and 29 of the 1945 Constitution. To article 6, which states that "the President and Vice President of Indonesia must be native Indonesians," he added with the adjective "Muslim." Wahid Hasyim proposed that the Committee further replace article 29, which reads "The state guarantees the freedom of every citizen to embrace and practice their religion of choice," with "The state religion is Islam, with guarantees for non-Muslims to practice their religion." (Ansari, 1976); Zaini, 1998; Wahyudi, 1998). Attempts to incorporate Islam and Islamic law into the Indonesian Constitution were thwarted by Hatta, who not only rejected the amendment but also demanded that the word

Mukaddimah (from an Arabic etymology) be replaced by the more Indonesian term Pembukaan (Pembukaan) (Bahar, 1995). But the 1945 Constitution was only temporary: the first general election was held on December 15, 1955, to elect representatives in the Constituent Assembly whose job it was to draft a permanent constitution. In the Constituent Assembly from 1956 to 1959, Muslims and Nationalists could not reach an agreement on the basis of the state: Pancasila or Islam. The Nationalists want to return to the 1945 Constitution,

Then in August 1949, Maridjan Sekarmadji Kartosuwirjo (a Dutch high school graduate) (Pinardi, 1964; Boland, 1982) declared an Islamic State of Indonesia. The Qānūn Asāsī (Constitution) of this rudimentary nation states that "Both the basic values and the laws applied in the Islamic State of Indonesia are Islam," (article 2) and "The highest law is the Qur'an and Sahih Hadith" (article 2). 2:2). Muslim responses to the establishment of the Islamic State of Indonesia have been mixed. The Congress of Indonesian Muslims, representing Traditionalist and Reformist Muslims, met on 20-25 December 1949. Participants in the Congress who aspired to establish an Islamic State in Indonesia but through constitutional channels, issued a policy statement stating that they did not do so officially. supported the Indonesian Islamic State rebels (Shiddieqy, 1950). However, many Muslims supported Kartosuwirdjo, especially among them Kahar Muzzakar. "Since August 1, 1953," said Muzzakar, "South Sulawesi has been part of the Islamic State of Indonesia." (Vervey, 1989; Bruinessen, 1992) On September 21, 1953, Daud Berureueh followed suit, declaring Aceh part of the Islamic State of Indonesia (Sjamsuddin, 1985). However, it was not until June 4, 1962 that Kartosuwirjo was arrested. His execution in August 1962 was followed only a few months later by Beureueh's decision to sign the Aceh Peace Accords (Sekneg, 1986) and thus put an end to this experiment in the development of a sharia-based state.

When faced with matters whose legal status was defined by the earliest Islamic jurists as "don't care", Indonesian *fiqh* can use the rational deduction method, namely, "determine a decision based on benefit, general legal rules, and the effective cause of a decision" (Shiddieqy, 1980, 1971) Indonesian *fiqh* must use one of the following tools, depending on the situation: (1) analogy, which is carried out when necessary and only on matters that do not involve worship; (2) legal preference (*istiḥsān*); (3) The public interest (*istiṣlāḥ*), as long as it is a real, general and non-exclusive public interest in exaggerating certain individuals or groups, is not a prohibited benefit, and is decided by ahl al-ḥall wa al-'aqd (representatives who legal), always bearing in mind that if the public interest conflicts with a nash (Qur'anic text or hadith), the former determines the latter according to the tradition of "No harm will be inflicted or discussed in Islam" and (4) adat ('urf), with provisions do not justify prohibited things and vice versa; that it can bring about the general good and avoid evil and does not contradict the explicitly revealed texts; and decided by an authorized representative. Thus, Indonesian customs that fulfill these provisions, in Ash-Shiddieqy's view, can be considered as one of the sources of Islamic law in Indonesia (Shiddieqy, 1980, 1971, 1975, 1990). Decisions must be decided through a process of collective and independent legal reasoning in the sense of "laws, whether based on the Qur'an, Sunnah or reason, through consultation under the instructions of the head of state." (Shiddieqy, 1972) For the purpose of collective *ijtihad*, Indonesian *fiqh mujtahids* had to form a council of ahl al-ḥall wa al-'aqd, which in turn had to be supported by two other institutions. The first is a political institution, whose members are elected by and from the people and represent the power of the people. They may not meet the requirements of a *mujtahid*, but must master the task they represent. Second, the legislative body, which consists of two other components: *mujtahid* (*ahl al-ijtihad*) and experts who are elected by and from the people and represent the people's power (Shiddieqy, 1969, 1971, 1980, 1975, 1990). However, Ash-Shiddieqy's offer as described above is only theoretical; unfortunately, he never gave practical examples of how his Indonesian *fiqh* would be applied in practice (Yafie, 1985; Hosen, 1985; Wahyudi, 1993; Wahyudi, 1995). Reformed Shafiite teachings on, among other things: a) zakāt (alms) and bait al-māl (state trust), which was to be adapted to the modern demands of the Pancasila-based Indonesian republic; b) marriage, which was in need of reform in line with the progress of time, and the formation of a society blessed by God, namely, a parental society; c) inheritance, which was to be adapted to the demands of the Temporary People's Advisory Assembly (MPRS), and made to conform to the parental system of inheritance more in line with and suitable to the demands of the Qur'an itself (Yudiana Wahyudi, 2015).

According to Yudiana Wahyudi, in anticipating proposed changes to Indonesian law in the 1960s, Hazairin limited the scope of his national school to aspects of Islamic law that had not been regulated by the state.

YUDIANA WAHYUDI'S POINTS OF THOUGHTS
Back to the Qur'an and Sunnah

At the beginning of the 20th century, Islamic law in the archipelago was very thick surrounded by backwardness in thinking, more taqlid, prohibitions on talfiq and prohibitions on opening the door of ijtihad and was clouded by poor methodological studies, characterized by one school of thought and cornered into the aspect of worship only. Islamic legal thought is more concerned with the results than the legal inference process, ignoring benefit as one of the goals of Islamic law, because the opinions of scholars are often imported as truth without being reviewed.

Externally politically, Muslims were under the feet of the Dutch colonialists, with their legal politics, namely reception theory, which is a theory that teaches that customary law applies in Indonesia, not religious law, as a consequence Islamic law does not apply unless it is received by customary law. The purification of Muslim practices from non-Islamic influences initiated a movement back to the Qur'an and Sunnah in the context of the 20th century.

Indonesianness; This is a continuation of the theme of "returning to the Qur'an and Sunnah, but at the same time it is an attitude of returning to the traditional attitude that maintains adat but is rejected by the reformists. Indonesian reformists aspire to build Islamic law that has Indonesian characteristics. They are trying to free Indonesian customs from Arab customs. According to Hazairin, the Patrilineal or Matrilineal principle will give birth to a family unit which in science is often called a clan. While the Bilateral principle will not give birth to a certain family unit. On the other hand, it can give birth to kinship groups that have a unitary function with a certain style and can be called tribes. According to Hazairin, the fortress to maintain a clan form of society (Patrilineal or Matrilineal) is a form of marriage called exogamy, namely the prohibition of marriage between men or women of the same clan. In a bilateral society, between people who are cousins, there is no prohibition against marriage. So all people who are cousins, both cross and parallel are allowed to marry

Hasby ash-shidiqy; The renewal softened from a puritanical fundamentalist attitude towards a localist which was marked by the emergence of the idea of a "national school of thought", the re-actualization of Islamic law, the indigenization of Islam, zakat as a tax and the concept of Indonesian *fiqh*. In terms of returning to the Qur'an and Sunnah, which radically seek to purify the practices of the ummah from the influence of Indonesian customs, they seek to accept and accommodate adat by making it a part of Islam. Indonesianness is basically a continuation of the term return to the Qur'an and Sunnah, on the other hand it is an attitude of returning to the traditional view that seeks to maintain Indonesian customs which were rejected by the reformists to be purified. There are two main tendencies of the Indonesian theme, namely the aspiration to build Islamic law that is characteristic of Indonesia by liberating Indonesian culture from Arab culture and making Indonesian customs as one of the sources of Islamic law in Indonesia.

Indonesian *Fiqh*

Indonesian *fiqh* as an effort to reform with a local pattern, in the study of the Tasyri Dates, proves that local fiqh has emerged since the beginning of the spread of Islam across the boundaries of Mecca and Medina. Hanafi school in Kuffah, Maliki in Medina, Shafi'i in Baghdad (Qadim school) and later in Egypt (jaded school), in addition to the Hambali school in Baghdad. The locality of these schools is due to differences in opinion, place, customs and the spirit of the mujtahids themselves. The locality of Indonesian fiqh must be supported by case studies (*al-waqa'i dirasat*) concerning Indonesian society with other contemporary social systems. This study must use the approach of sociology of law and the study of law in general to see its influence and ability to solve the needs of the community (Shiddiqi, 1982).

The method of comparison of schools can be used in the problems faced by ijtihad given the solution in the various schools that exist. This comparison is not limited to the Sunni schools, in this case there are two stages, first, by choosing from among the four Sunni schools. Second,

choosing from all schools including non-Sunni, both are done in order to find an opinion that is most appropriate to the context, space and time, character and benefit of the Indonesian nation. Comparative studies of these schools must be followed by comparative studies of ushul fiqh from each school in the hope that these views can be integrated or even unified. This comparative study of *ushul fiqh* was carried out in several steps, namely; First, examine the principles held by each madhhab priest as well as the issues they dispute by examining their reasons. Second, by examining the arguments they hold and those in dispute, Third, by examining the arguments offered by each Imam of the Madhhab regarding the arguments in dispute and selecting strong arguments.

Meanwhile, if the problem faced has never been given a solution by the previous mujtahids, then by doing *ijtihad bir-ra'yi*, namely determining the law based on benefit, kulliyat rules and 'illat (legal causes). While the method that must be taken is sometimes with *Qiyas, Istihsan, Istishlah*, *'Urf* and *Istishab*. The law must be decided through *Jama'i ijtihad* or *Ijma'* in the sense of legislation based on the Qur'an, Sunnah or *Ra'yi* through consultation with state orders and not *fardi ijtihad. ijtihad jama'I* will offer more qualitative options because qualitative views are better than individual views. For this reason, it is necessary to establish the *Ahl al-Hal wa a;-'Aqd* Institution, this institution is supported by two institutions, the first is a political institution (*hai'at al-siyasah*) whose members consist of people elected by the people, from the people and by the people. . Second, the Ahl al-*Ijtihad* Institute (the mujtahids) and the *Ahl al-Ikhtishas* (the specialists) who are also representatives of the people, by the people and for the people (Shiddiqi, 1986).

Yudian Wahyudi stated that with Hasby's offer above, Indonesian fiqh is still not grounded, so it needs to be Indonesianized. Therefore, Indonesian fiqh implies Indonesian *ushul fiqh*. The Indonesian *fiqh* methodology will be able to become the key to grounding Indonesian fiqh, namely by several steps; First, 'Urf Indonesia is used as a source of Islamic law in Indonesia, here Hasby plays a major role in bringing puritan reformists closer to the legal practice of Muslims in Indonesia. Second, *Ijma'*, where Hasby only arrived at the theoretical level through *ijtihad jama'i* with the *Ahl al-Hall wa al-'Aqd* institution. If this institution is associated with several socio-political institutions that live in Indonesian society, it can be said that *Hay'at al-Tasyri'* is the Indonesian Ulema Council (MUI), with mujtahids drawn from representatives of Islamic organizations. While al-Ikhtishash can be translated into ICMI (Muslim Intellectuals Association). Furthermore, Ha'at al-Siyasah can be translated into the House of Representatives (DPR) and the People's Consultative Assembly (MPR). This is done on the grounds that *'urf* in a broader sense, where the two institutions are the place where the Indonesian nation produces laws. Muslims can use this institution for the same purpose for the promulgation of Islamic legal values whose implementation does require the legitimacy of power. If all members of *Ahl al-Hall wa al-Aqd* agree to apply Islamic law to Indonesian Muslims, then the law is a manifestation of Indonesian Fiqh, whether it is a law with an Islamic label or not as long as the law is proven to be intended to defend maqashid shari'a. ah (Wahyudi, 2014).
1. *Qur'anic fiqh* is a law that is expressly found in the Qur'an.
2. *Fiqh of Nabawi*; law that is not mentioned by the Qur'an but confirmed by the hadith.
3. *Ijtihadi Fiqh*; legal law achieved by *ijtihad* scholars. The two main components of the Indonesian fiqh methodology; First; *'Urf* Indonesia is used as one of the sources of Islamic law in Indonesia. Second, *Ijma'* or *ijtihad jama'i* with *ahl al-Hall wa al-'Aqd* institutions or those institutions with several socio-political institutions that live in Indonesian society.

SHARIA MAQASHID
Maqashid shari'ah is actually an extraordinary method to develop the values and spirit of Islamic law into various events. However, later this theory suffered the same fate that befell other theories in the field of Islamic law: the degradation of the ummah is mostly memorized by examples. old examples instead of using them as a knife. Analyze by proposing new examples. Even sacralization causes it to become a historical burden (Jauhar, 2013)

Furthermore, Indian Muslims withdrew because they did not keep up with the times. He also stated that God has determined the character or nature (sunatullah) for each of His creatures, Islam is the religion that is most in accordance with natural law, because natural law is God's

creation and the Qur'an is His word. Khan only took the Qur'an as a guide for Islam, while others such as hadith and fiqh were only as assistants and were of less importance. He argues that the hadith only contains the social morality of Islamic society. Khan views that it is necessary to hold new ijtihads to adapt the implementation of Islamic teachings to the changing circumstances of society (Fatah Wibisono, 2009).

In general, Islamic law thinkers in Indonesia want the actual implementation of Islamic law in the Muslim community. Realizing that so far many areas of Islamic law are no longer living law in society, the thought arose to review Islamic law in order to restore its actuality. Islamic law reform is a group of religious laws that never stops growing. It turns out that the legal points found in the works of great scholars from the past to the present show a strong tendency to make adjustments to the local conditions of space and time without compromising the general principles of religious law itself.

The theological nature of Islamic law can be seen from the specific goals it seeks to achieve. The theory of maqashid shari'ah was put forward in order to describe these ideals (Mufidah, 2017). Maqashid shari'ah, apart from being a doctrine, is also a method for developing the values and spirit of Islamic law into social change. As a doctrine of *maqashid shari'ah* aims to achieve, guarantee and preserve the benefit of mankind, especially Muslims. For this reason, three different but complementary priority scales were launched. As a method / knife of analysis. Three priority scales are *al-Dharuriyat, al-Hajiyyat and al-Tahsiniyat. Dharuriyyat*: Primary goals are defined as goals that must exist, the absence of which will result in the total destruction of life. There are 5 interests that must be protected Religion, soul, mind, property and offspring. (There was a *khilafiyah* in the sequence). *Hajiyyat*: Secondary goals are defined as something that is needed by humans to make it easier to achieve interests that fall into the category of *dharuriyyat* and get rid of factors that complicate the effort to realize dharuriyat, because of its function that supports and completes the primary goals, then these secondary goals are needed. If the things hajiyyat do not exist then life will not be destroyed but there will be various imperfections and even difficulties. While *Tahsiniyyat*: Tertiary goals are something whose presence is neither necessary nor necessary, but is ornamental/beautifies the process of embodiment of *dharuriyat* and *hajiyyat.*

According to Ash-Syathiby, an expert in ushul fiqh from the Maliki school, he stated that to realize the benefit in this world and the hereafter. There are 5 (five) points that must be realized and maintained. By realizing and maintaining these five points, a mukallaf will get happiness in this world and the hereafter. Based on the results of the induction of ushul fiqh scholars on the texts, the five main problems are: religion, soul, reason, lineage and property. These five main benefits must be maintained by a person and for this reason, the Shari'a is introduced which contains orders, prohibitions and permits that must be fulfilled by every convert.

The need for *al-dharuriyyah* is defined as a goal that must exist, the absence of which will result in the total destruction of life. The needs of *Al-Hajiyyah* are in the context of the realization and protection needed in preserving the five points mentioned above, but the level of need is below the level of *ad-daruriyyah* needs. The non-maintenance of *Al-Hajiyyah's* needs will not threaten the existence of these five points, but will bring narrowness and narrowness, both in the effort to realize it and in its implementation. At-tahsiniyyah needs are the level of needs which if not fulfilled do not threaten the existence of any of the five points above and do not cause difficulties. This level of need is in the form of complementary needs, as stated by al-Syatibi, things that are appropriate according to customs, avoiding things that are not pleasing to the eye, and decorated with beauty in accordance with the demands of moral norms.

The need for *at-tahsiniyyah* is intended to realize and maintain things that support the improvement of the quality of the five basic basic human needs above and relate to matters related to *makarim al-morals* (noble morals). Not realizing and maintaining the needs of *al-Tahsiniyyah* does not threaten the existence of religion, soul, mind, lineage and property, nor does it bring difficulties to the five points, but can violate propriety and reduce the dignity of individuals and society.

The main problem that encourages scholars to formulate various theories and methods of ijtihad is the eternal reality faced by Islam that the texts of the Qur'an and Hadith are limited quantitatively, even though civilization (legal events) is always evolving (Rusdi, 2017). The ijtihad method was formulated by scholars to develop limited textual values into unlimited reality. As a maqashid shari'ah method, it is intended as a knife of analysis or glasses to read the reality that is around us. The following examples are primary objectives accompanied by secondary and tertiary objectives; To save religion, Islam requires worship, for example Hajj. For the smooth implementation of this primary goal requires facilities such as transportation. Without transportation, people can still perform Hajj but will face many problems. If you have to walk from Indonesia to Mecca, for example, it will be fatal, so transportation here is no longer only needed but has increased to become a necessity (dharury). In the tertiary stage, transportation is used with a sense of aesthetics and local capabilities. Here there will be variations, maybe there are those who choose the air way by plane, there is also the sea route by ship and the land route by car, camel and so on. Each is based on aesthetic considerations and local capabilities, it is here that it becomes clear that the need to use certain lanes and types of vehicles can cause harm.

Maqashid Sharia (God's will) is expressed in three different but complementary verses.

1. *Quranic verse*; The signs of God's greatness are in the Qur'an and authentic hadith, among the most important laws are monotheism, morality, justice, the law of couples, grace and slander, benefit and *mafsadat*. The biggest function of the creed "there is no god but Allah" is the key when crossing from this world to the hereafter, while shirk is the only unforgivable sin.

2. *Kauniyah* verse; there are signs of God's greatness in the universe (cosmos). The most important sign of God's greatness is the law of pairing that God has entrusted to every natural object (macrocosmic marriage). *Sunatullah* or Allah's destiny (natural law) plays a key role in determining safety or peace in the world. Islam at the natural level is to balance the negative and positive potential of every object anytime and anywhere (across races and religions). Anyone who violates the law of spouses must be punished by Allah immediately, on the contrary, anyone who is obedient (subject to the law of spouses) will be rewarded, namely salvation. For example, a Jew/Christian/Muslim/Buddhist crossing the Pacific Ocean by swimming without any tools will surely be punished by Allah, he is against the law of balance that regulates himself and the ocean (the law of specific gravity) he will die and the state of being unbelievers and unjust. On the other hand, a communist who has no religion, crosses the ocean by ship or plane, he will be given the reward of salvation. In essence he believes in the law of spouses as the greatest law that governs the life of the cosmos (it can be said to be faithful). Like Islam, Iman and Ihsan are processes whose goal is safety and security whose Indonesian language is security, safety and peace, or security here is only at the cosmos or worldly level, to cross to the afterlife requires the key of Tawhid.

3. *Insaniyah* Verse; signs of God's greatness or God's laws that govern human life (cosmic). The law of spouses applies here too. Islam and Faith here are (safe and secure) at the level here is balancing positive and negative potentials, namely creating balance or social justice (mutual agreement/'an taradlin). Social mistakes must first be resolved between the parties involved, if the parties involved have not forgiven then Allah has not forgiven. Its position is in the middle between the quraniyah verse (vertical sins are easily forgiven) and more flexible than the kauniyah verse, because social mistakes can be forgiven but natural mistakes often cannot be forgiven. Islam is monotheism, which is to integrate the will of God in the scriptures, nature and humans. So that it is free from theological, cosmic and cosmic disasters. So that it is called taqwa whose peak is called ihsan, namely the process of awareness of presenting God anywhere (theological, cosmic, cosmic level) and whenever this is called Islam Kaffah (holistic Muslim) or insan kamil.

Couple law is the main law that regulates Islamic law, so it is known the principle of no benefit without mafsadat (Arifin, 2012) Every thing contains both elements at once. Here Yudian Wahyudi introduces five pairs of characteristics of Islamic law; First, Islamic law is divine but at the same time wadh'i (human, positive, secular). Human involvement in Islamic law is symbolized by the appointment of humans as caliphs (representatives) of Allah on earth. So every effort to interpret and understand the Qur'an as the main source of Islamic law always

involves elements of humanity. Sunnah or Sahih Hadith is a collection of understanding and interpretation of the Prophet Muhammad.

Second, Islamic law is absolute but at the same time relative. (Suntana, 2017) For example, the command to carry out justice is a divine and absolute commandment, but the implementation and assessment of the notion of justice is never separated from differences in time, space, causes and the perpetrators of justice itself. For example, the sense of justice of Arab Muslims is certainly different from the sense of justice of Indonesian Muslims. Third, universal but local at the same time, for example the command to carry out justice applies to all Muslims who are capable of law (mukallaf), but how to implement it is very concerned about differences in conditions, space, time and actors. Fourth, Islamic law is eternal but at the same time temporary, for example the order to carry out justice is at the same time a task that remains until the Day of Judgment, but in an emergency, for example, the order can be suspended. This flexibility is formulated with the rule "adl-dlaruratu tubihul mahdlurat". Fifth, Islamic law is literal as well as meaningful, Umar bin Khattab misaonya does not cut off the hand of a thief because he has to. In order to realize the divine values of Islamic law into real life, the jurists launched the theory of maqashid shari'ah (Wahyudi, 2007).

Islamic civilization has always paid attention to the need for an integral spiritual and material blend that cannot be separated. The separation of the two things can lead to misunderstanding of epistemology and moral confusion in the world. Islamic epistemology is based on guidelines (Al-Qur'an and Sunnah), Islamic epistemology views objects as general problems, not personal problems. A science becomes objective when it succeeds in being a problem solving for various problems that occur in society (Hambali: 2017).

There are considerations of morality in order to advance Islamic civilization as an alternative civilization so that what is pursued is not only brilliant achievements, but also what is no less important is the benefit of nature, especially humans. In other terms, Islamic civilization is not only pursuing science to realize scientific achievements (science for science), but also science for realizing social peace (science for peace of society) or science for human welfare (science for human welfare) so that the direction of scientific progress and technology (civilization) can be controlled by staying on the straight path al-sirath al-mustaqim.

Moderation Islam has been compiled by the Indonesian Ministry of Religion Team, stating that the plurality of various conditions that exist in Indonesia is very necessary for a comprehensive religious teaching system that can represent everyone who exists through flexible teachings without leaving the text (Al-Qur'an and Hadith) , as well as the importance of using reason as a solution to every problem that exists. Evaluation of learning is one component of the teaching system. Evaluation in Arabic is referred to as " , " if it is in the form of a verb evaluate " (قدر , يقدر) " Zainal Abidin Munawwir: 2007) in English evaluation is written "evaluation" if in the form of the verb evaluate "to evaluate".

Conclusion
Based on the description above, it shows that this study explains the renewal of Islamic law in Indonesia from ancient times to the present, Islamic law reform has undergone a radical transformation with the emergence of several calls to declare Indonesian fiqh and Indonesian school of law by scholars such as Ash Shiddieqy and Hazairin, both of which promote cultural wealth and Indonesian traditions as a valid source for the implementation of Islamic law in their newly founded country. Yudian Wahyudi continued the struggle of the two previous figures in an effort to launch the renewal of Islamic law in Indonesia, which is not only a theoretical proposition, but can also be implemented practically.

References
Affandi, F. A., Wijaya, C. H., Faridah, D. N., dan Suyatma, N. E. 2019. Hubungan antara Kandungan Karbohidrat dan Indeks Glikemik pada Pangan Tinggi Karbohidrat. PANGAN, Vol. 28 No. 2 Agustus 2019 : 145 – 160. https://www.jurnalpangan.com/index.php/pangan/article/download/422/364#:~:text=Semakin%20tinggi%20panga n%20dengan%20kandungan,nilai%20IG%2Dnya%20semakin%20ti nggi.

Ahmad Akso Abdur Rouf, (2022), ORIENTALIS PLUS DI PONDOK PESANTREN NAWESEA YOGYAKARTA (STUDI LITERATUR PEMIKIRAN PROF. YUDIAN WAHYUDI), jurnal Education and development Institut Pendidikan Tapanuli Selatan, Vol.10 No.2 Edisi Mei 2022.

Ali, H. Z. (2022). Hukum Islam: Pengantar Ilmu Hukum Islam di Indonesia. Sinar Grafika.

Arifin, Z. (2012). Pendidikan multikultural-religius untuk mewujudkan karakter peserta didik yang humanis-religius. Jurnal Pendidikan Islam, 1(1), 89-103.

Bassam Tibi, (2016), Islamische Zuwanderung und ihre Folgen, Ibidem Sachbuch.

Dr. Azhari Akmal Tarigan, M.Ag. 764 TGS. Prof. Dr. K.H. Saidurrahman, M.Ag. (2019), REKONSTRUKSI PERADABAN ISLAM: Perspektif Prof. K.H. Yudian Wahyudi, Ph.D. Prenadamedia Group, Jakarta.

Faiz, A., & Faridah, F. (2022). Program Guru Penggerak Sebagai Sumber Belajar. Konstruktivisme: Jurnal Pendidikan Dan Pembelajaran, 14(1), 82-88.

Hambali, (2017). Filsafat Ilmu Islam dan Barat, Bandung: Alfabeta.

Ikbal Hanafi Hasibuan, Saidurrahman Saidurrahman, Azhari Akmal Tarigan, (2019), Inheritance Rights For Adultery Children; An Analysis Of Proserity Approach To The Inheritance Rights For Adultery Children In The Islamic Law Compilation, INTERNATIONAL JOURNAL ON LANGUAGE, RESEARCH AND EDUCATION STUDIES, Vol. 3, No. 3, 2019.

Jauhar, A. A. M. H. (2013). Maqashid syariah.

Mansur, (2012), KONTEKSTUALISASI GAGASAN FIQH INDONESIA T.M. HASBI ASH-SHIDDIEQY (Telaah atas Pemikiran Kritis Yudian Wahyudi), Asy-Syir'ah Jurnal Ilmu Syari'ah dan Hukum, Vol. 46 No. I.

Mufidah, L. L. N. (2017). Pendekatan Teologis Dalam Kajian Islam. MISYKAT: Jurnal Ilmu-Ilmu Al-Quran, Hadist, Syari'ah Dan Tarbiyah, 2, 151-62.

Muji Mulia, (2018), PEMBAHARUAN HUKUM ISLAM DI INDONESIA (Analisis Historis tentang Kompilasi Hukum Islam), Jurnal Ilmiah Islam Futura, Vol. VII, No. 1.

Rusdi, M. A. (2017). Maslahat Sebagai Metode Ijtihad Dan Tujuan Utama Hukum Islam. DIKTUM: Jurnal Syariah dan Hukum, 15(2), 151-168.

Sugiyono, D. (2013). Metode penelitian pendidikan pendekatan kuantitatif, kualitatif dan R&D.

Suntana, I. (2014). Politik Hukum Islam. CV. Pustaka Setia

Yudian Wahyudi, (2015), The Position Of Islamic Law In The Indonesian Legal System (1900-2003), Asia-Pasific Journal on Religion and Society (APJRS), Volume 1, Number 1, March 2015, 21-4.

--------------------, Maqashid Syari'ah dalam Pergumulan Politik, Berfilsafat Hukum Islam dari Harvard ke Sunan Kalijaga, Pesantren Nawasea Press, 2007

-------------------, Ushul Fikih Versus Hermeneutika, Membaca Islam dari Kanada dan Amerika, Pesantren Nawasea Press, 2014

------------------, Pembaharuan Islam Yudian Wahyudi, Komparasi dengan Hasbi Ash-Shiddieqy, Hazairin, Nurchlish Madjid dan Quraish Shihab, Suka Press, 2021

Zainal Abidin Munawwir, (2007), Kamus Al-Munawwir Indonesia-Arab Terlengkap, Surabaya: Pustaka Progressif.