



Analysis of a System Approach in Islamic Law Philosophy (Jasserauda's Perspective)

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ABSTRACT : Islam as a teaching can be studied from various perspectives. Both social, humanities, economic perspectives and even the legal perspective itself. This study will review Islam from a legal perspective as the main teaching of Islam. This study aims to describe JasserAuda's opinion about the purpose of the revelation of Islamic law by God seen from a systems philosophy approach. The research used in this paper is a literature review. Data were collected from various literary sources originating from JasserAuda's writings, namely The Philosophy As Islamic Law. Then the data were analyzed using content analysis. The results of this study indicate that the systems approach is carried out through several steps, namely: First, validating all knowledge. Second, using holistic principles. Third, courage is open and reforming. Fourth, determine the priority scale based on existing social conditions and not from the verballity of the text. Fifth, the multi-dimensional approach combined with the maqasid approach as a solution to the conflicting dilemma of two propositions. Sixth, taking maqasid as the determination of Islamic law.

Keywords : System Approach, Philosophy, Islamic Law

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ABSTRAK : Islam sebagai sebuah ajaran bisa dikaji dari berbagai berbagai perspektif. Baik perspektif sosial, humaniora, ekonomi bahkan perspektif hukum itu sendiri. Kajian ini akan mengulas tentang islam dilihat dari perpspektif hukum sebagai pokok ajaran islam. Penelitian ini bertujuan untuk mendiskripsikan pendapat Jasser Auda tentang maksud diturunkannya hukum islam oleh Tuhan dilihat dari pendekatan filsafat sistem. penelitian yang digunakan dalam tulisan ini adalah kajian pustaka. Data dikumpulkan dari berbagai sumber literatur yang berasal dari tulisan Jasser Auda yakni *The Phylosopi As Islamic Law*. Kemudian data dianalisis menggunakan analisis isi. Hasil penelitian ini menunjukkan bahwa pendekatan sistem dilakukan melalui beberapa langkah, yaitu: Pertama, memvalidkan semua pengetahuan. Kedua, menggunakan prinsip-prinsip holistic. Ketiga, keberanian bersifat terbuka dan melakukan pembaruan. Keempat, menentukan skala prioritas berdasarkan kondisi social yang ada dan bukan dari verbalitas teks. Kelima, Pendekatan multy-dimensional yang dikombinasikan dengan pendekatan maqosid sebagai solusi bagi pertentangan dua dalil yang dilematis. Keenam, mengambil maqasid sebagai penetapan hukum islam.

Kata kunci : Pendekatan System, Filsafat, Hukum Islam

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INTRODUCTION

The issue of maqasidal-shari'ah as a philosophy and methodology of Islamic legal analysis has a key role and continues to be a central issue around contemporary studies, which is considered capable of breaking the ice of Islamic law and is very strategic in exploring the internal dimensions of the text that are still settling. Maqasid al-shari'ah is also considered capable of reconciling the contradictions that occur in some of these sources of law with contemporary reality. Some Islamic jurists believe that Maqasid al-shari'ah can be used as a unit of analysis more effectively and strategically to develop Islamic law in global life., his struggle with fiqh deadlock faces contemporary legal problems. This study of maqasid al-shari'ah has been widely discussed by classical scholars as seen in several works of fiqh such as the treatise of as-Shafi'i, al-Mustasfa by al-Ghazali and others. This doctrine was later developed by al-Syatibi and is considered the most concerned with the theory of maqasidal-shari'ah as described in his work *Muwafaqat fi UsulShari'ah*. Al-Syatibi explained that the ultimate goal of an Islamic legal product is the creation of benefit, goodness and human welfare. The premise of the benefit of Syatibi's words can be enforced in the Shari'ah by the induction method (*istiqra'iy*) both as a general theme in Shari'ah and in the explanation of the *'ilat* (*ratio legis*) of various commands in detail. (Maksum, 2014) However, for JasserAuda's study of al-Syatibi is considered old-fashioned and unable to accommodate contemporary legal problems, so it is no longer appropriate to be applied to the current context.

Through his research, JasserAuda shows that Islamic law that is able to provide answers to these crises is a multi-disciplinary approach that is integrated with relevant knowledge from various fields, namely general disciplines on Islamic law, philosophy and systems theory. (Dewi, 2015) Legal disciplines The Islam referred to includes *ushulfiqh*, *fiqh*, the science of hadith and the science of interpretation. While the disciplines of philosophy include the fields of logic, legal philosophy and post-modern theory. While the discipline of systems theory is a new, independent discipline, covering a number of sub-disciplines between systems theory and systemic analysis, namely wholeness, multidimensional, open and aiming at a specific goal (purposefulness) (Hasibuan, 2017) The theory generated from JasserAuda's research is the validation of several *ijtihat* methodologies as the realization of maqasid al-shari'ah which practically produces legal rules that are conducive to values of justice, moral behavior (moral behavior), nobility (magnanimity), coexistence and human development, which is the meaning of maqasid al-shari'ah. (Hasibuan, 2017) This study was motivated by JasserAuda's Academic Anxiety. First, the rise of terrorist acts in various cities including London in the name of Islamic law is considered by JasserAuda as a criminal act in the name of religion by some irresponsible people, thus fueling

his anger and questioning the existence of Islamic law. Does Islamic law discriminately allow killing people who live together in one city peacefully? So where is the wisdom(wisdom)and protection for everyone(people welfare)which is the basic foundation of Islamic law? As shari'ah as a policy(wisdom)to protect everyone in the life of this world and the hereafter. Shari'ah is the whole of justice, peace, wisdom and ignorance. So every rule in the name of justice with injustice, peace with quarrels, good with evil, wisdom with lies, is a rule that does not follow the shari'ah even though it is claimed to be a correct interpretation.

Second, the level of progress(Human Development Index/HDI)of Muslims is low, even though Muslims make up almost a quarter of the world's population stretching from North Africa to East Asia plus the largest Muslim minorities in Europe and America. The Human Development Index(HDI)factors that become the measurement are education, political and economic participation, women's empowerment which shows that it is still below the minimum standard.(Suwarno, 2020a)JasserAuda believes that Islamic law is able to bring about increased productivity, humanist, spiritual, and clean behavior, unity, brotherhood, and high democracy. However, in his travels to various countries a big question arises "where is Islamic law? How can Islamic law play a role in this crisis condition where is the fault of Islamic law? JasserAuda then tries to provide answers to the crisis through his research with a multidisciplinary approach that is integrated with science. Relevant knowledge from various fields, all of which are contained in his book *Maqasid al-shari'ah as Philosophy of Islamic Law a Systems Approach*. This paper aims to describe JaserAuda's opinion on Islamic law and the objectives of Islamic law in a multidisciplinary perspective.

RESEARCH METHODS

This study uses a type of library research, which is a study related to collecting library data through reading and taking notes and processing research materials(Zed, 2004). Data collection techniques were carried out by searching for literature related to the subject of Islamic studies, especially literature from western scientists to compare the opinions of scientists related to Islamic studies. Then the data were analyzed using content analysis.(Auliyah et al., 2021).

RESEARCH RESULT

Maslahat and Maqasidal-shari'ah are a unit of analysis in *ijtihad* which are considered by some khalaf scholars to be more effective and strategic in developing Islamic law in global life. In the view of classical scholars such as al-Ghazali, the essence of benefit in principle is to take advantage and reject harm in order to maintain the objectives of the Shari'ah which includes five things, namely maintaining religion, soul, mind, lineage and property. Maslahat plays a

role in ensuring the maintenance of these five principles, while mafsadat is detrimental to the maintenance of this principle.(Hasibuan, 2017)The same thing was also stated by Fakhrudin al-Razi, Imam al-Juwaini, al-Tufi, al-Syatibi. The concept of Maslahat is then classified into other subsets seen from several aspects. The most popular is the division of benefits in terms of quality, namely:(1)Maslahatal-Daruriyah(primary), namely benefits related to basic human needs in the world and the hereafter which summarized in al-masalih al-khamsah(religion, soul, mind, lineage and property).(2)Maslahatal-Hajjiyah(secondary), namely the benefits needed to perfect the previous main benefits that were formed to provide relief to maintain the Maslahatal-Daruriyah.(3)Maslahat al-tahnisiyyah(supplementary or tertiary)namely benefits that are complementary in the form of flexibility that can complement the previous benefits.(Maksum, 2014)

The doctrine of maqasidal-shari'ah developed by al-Syatibi is basically as proclaimed by the previous scholars. In summary, al-Syatibi's theory can be described that the particular rules(juz'i)of Shari'ah are built by universal laws(qawannkulliyah). These laws are known through a comprehensive survey of shari'ah statements. By going through the procedure of perfect induction(istiqra'itamm), one can move from the particular rules to the universal laws of the Shari'ah. Syatibi's offer can be judged a particular qiyas beforehand, to a comprehensive process, in which induction and deduction can be used simultaneously. Induction allows mujtahids to move from particular to general, preferably deduction moves from general to particular.(Dewi, 2015)Contemporary cleric Yusuf Qardhawi describes maqasidal-shari'ah by quoting the thought of IbnQayyin stating that the dimension of maqasid al-shari'ah is the benefit of all mankind. The benefits to be realized and achieved by Islamic law are universal, true benefits, worldly and ukhrawi, external, spiritual, individual, general today and tomorrow. All are well protected and served, regardless of class type, social status, area of origin, descent, weak and strong people, rulers or the people.(Hasibuan, 2017)JasserAuda criticizes the theory of maqasidal-shari'ah which has evolved over the centuries against the traditional clarification of a number of scopes of needs(Maslahat)as follows: First, the scope of traditional maqasidal-shari'ah is Islamic law as a whole, but it fails to include the objective of Specific. The two traditional maqasid are more in favor of individuals, not families, communities and humans in general. The third clarification of traditional maqasid does not include the most universal and basic values such as justice and freedom. Fourth, traditional maqasid is concluded from studying literature rather than referring to the original source.(Hasibuan, 2017)

So to correct this deficiency, modern scientists consider a new dimension by dividing maqasid into three levels: (1) general maqasid, which includes three levels of maqasid as mentioned above plus a new maqasid "justice and convenience". (2) Special maqasid, namely to protect the special interests of syara' law, such as the welfare of children in the family, preventing monopolizing in financial transactions. (3) Partial maqasid, which is the implicit intention of a law enforcement such as the intention to find the truth in looking for a number of witnesses in a particular court, the intention to reduce the difficulty of fasting which allows sick people to break their fast and the purpose of eating the poor in prohibiting Muslims from storing meat during the holidays.. (Maksum, 2014) The new universal maqasid promoted by contemporary scientists who are directly induced from the shari'ah not from the body of literature, significantly allows being able to overcome the historicity of fiqh with higher values. The philosophy of the system as a rational one is not a moderate European post-modern philosophy (non-curocentric) but how Islamic philosophy and legal theory can take advantage of the progress of this new philosophy. Even the philosophy of this system that emerged in the mid-20th century is the antithesis of modern and post-modern philosophy. Systems philosophy as the antithesis of modern philosophy rejects the modernist reductionist view which states that all human research can be analyzed through an inseparable causal approach. He also rejects post-modernists who are considered unreasonable and deconstructed who undergo narrative changes (met-narrations) themselves. (Maksum, 2014)

The philosophy of the Islamic system is Jasser Auda's idea who tries to propose and promote Islamic philosophy by taking advantage of the criticisms of the philosophical systems of modernism and postmodernism, in order to criticize the modernism and postmodernism versions of sharia. Where, a number of philosophical systems theories completely reject the concept of God, simply because medieval and modernist theologians have proposed some causal arguments for God's actions. This concept is very historical (historicised), without finding out why. Therefore, the Islamic philosophical system can be built on the essence of systems philosophy in order to update Islamic theological arguments. According to Jasser Auda, the latest evidence of God's perfection of His creation should be based on a systems approach rather than causality-based arguments. The systems approach is holistic, where an entity is handled as a whole which consists of several subsystems. System features organize system analysis into sub-system components that determine the approach of how these subsystems interact with each other and the external environment along with arguments for the existence and greatness of God. (Dewi, 2015) A question arises about the "system" in relation to the relationship between the physical and the non-physical in human experience, whether the system is material or imaginary. As an answer

there are two types of systems (realist and nominal). First, "type realist" is defined as an objective, the world outside the individual's consciousness, seen as a subjective and a person's inner world. Therefore, the type of "realist identity" states that our experience with the system is a real picture of "evidence" that in the world there are systems. Second, the "nominal type" states that the system is only what is in our minds and has nothing to do with the physical world. Systems theory produces a middle ground between the two points of view by offering a correlation of the relationship between the system and the world, meaning that human behavior about the outside world (the system) is related to what is being experienced. In simple terms, the system connects what we think about the outside world with what is experienced in the real world. Therefore, based on the theory, the system does not require identification involving objects in the real world, but rather a "way to organize our thoughts about the real world". So, the system is strong enough to get a role or name, the system is not a point of view. fictionalist, as people think so far. In the end, is how we can change our scientific theory over the centuries, without having to represent actual changes in physical reality. That is the target of criticism in "basic thinking in Islamic law". (Dewi, 2015)

DISCUSSION

The concept of decomposition analysis views that "everything we are looking for must be available and really exists and a match is found. Then all will be resolved, as long as they are right and always have a hypothesis for something that is believed. When something that is believed to be true, then something that is sought is also true, and can prove the opposite of an analysis. An example of the decomposition method is Aristotle's analysis of the concept of "structure". Aristotle begins his analysis by constructing a classification of argument trees into their various logical elements. Later, He studied their structure by elaborating the relationship of the "Syllogistic" elements. Aristotle's method of decomposition had implications for human thought over the past two centuries in various ways. For example, IbnRushd, Aquina's Resolution and so on. All forms of the decomposition tradition have been criticized by contemporary systems theory and philosophers. The criticism is because decomposition is partial orientation, traditional logic, and a static perspective. (Chudlari, 2013) First, partial orientation; is a common feature of philosophy and science with a modern system approach. There are several holistic views that have emerged such as Aristotle's metaphysical view of the 'hierarchy of order' of nature or Hegel's proposition which states that 'the whole is greater than the sum of its parts,' but the general orientation of partial then holistic philosophical analysis makes it subject to many inaccuracies in the conclusions drawn.. Second,

traditional logic when 'structure' is included in philosophical analysis, focuses on simple logical relationships between specific elements rather than the logic, function, or purpose of the structure as a whole. It is true that Russell's deductive chain brings the logic of Aristotelian syllogisms with an up to date modern structure. Moreover, structure for today is understood in terms of one form or another of 'synergy' rather than just linear logical relationships. Finally, the decompositional analysis focuses on static relationships. Third, the perspective that is static between elements often ignores dynamic changes, which have a large impact on the overall performance of any paradigm. Contemporary analysis pays special attention to the 'dynamics of change'.

From this it can be seen that JasserAuda introduces system analysis as a more effective analysis than decompositional analysis, namely First, Literary analysis is to describe something to the smallest part. Analysis is a philosophical concept that has been widely introduced in various philosophical methodologies. The system is understood as a series of units, parts or elements of various functions in the form of a comprehensive integration. While the system analysis is back to the system itself. So, a typical system analysis is the identification of units, elements, or sub-systems and how these units are interconnected and integrated in their processes and functions. For example, to describe the concept of analysis is to have a strong understanding obtained from the hypotheses of the mind, while a strong mind is obtained from direct observation. In this process are combinations, relationships as well as strong connections from all units, so this is where the clarity of a problem will be found. (Suwarno, 2020a) JasserAuda presents several examples of systems theory, such as the theory of Bertalanffy, Ackoff, Simon, and others. From the various examples of existing systems, JasserAuda decided to offer a set of system characteristics that will serve as a system analysis knife, besides that it can also function as an analysis of theological, social and legal systems. The book *Maqasidal-shari'ah as philosophy of Islamic law* assumes that the most appropriate partner for *ushulfiqh* is a system that will analyze using a series of systems consisting of the following six features: the cognitive nature of the system of Islamic law), Wholeness, Openness, Interrelated hierarchy, multidimensionality and purposefulness

Second, Cognitive nature of the system is a way of how to organize our thoughts about everything in the real world. The Islamic legal hypothesis system in this case is a construction of thought by the *faqih* or "*fi dhinni al-faqih*", which is similar to the concept of *IbniTaymiyah*. (Mutholingah et al., 2018) Viewed from the perspective of Islamic theology, *Fiqh* is the result of human thought and *ijtihad* to the text of the book to reveal its implicit meaning or practical implications. *Fuqoha* and Theologians affirm that God is not a *Faqih*, because nothing is hidden from Him, therefore *Fiqh* is more of a material product of

knowledge and understanding, rather than a literal manifestation of God's commandments. Al-Eini said that Fiqh is an understanding, and understanding requires a good perception. And perception is an effort that requires a comprehensive association of images and meanings to knowledge of the mind (idrakaqil). Al-Baydhawi in his writings states: Verily Fiqh is conjecture (dhann) rather than knowledge ('ilm) at a certain level because belief in God's rules is something that cannot be explained. Cognitive nature of the system of Islamic law is needed to validate/validate the many needs for a pluralistic mindset in all Islamic law educational institutions. (Suwarno, 2020) According to Jasser Auda, the current application of Fiqh products is a bad application, always ikhtyzaliyyan not shumuliyyan, harfiyyan instead of akhlaqiyyan, ahady al-bu'di instead of ahady al-ab'ad. (Zainuddin & Ridwan, 2020) Even some legal experts describe for Fiqh as God's rules that must be obeyed. They claim that their opinions that result from understanding and perception are God's commands which, according to Jasser Auda, are very likely to be wrong and even misused by some other groups. Likewise, the results of Ijma' are often claimed as "Revealed knowledge", although each mujtahid has different methods and approaches. Therefore, Ijma' is not an absolute result that can be believed to be true, especially to the point of disbelieving groups who do not disbelieve in the results of Ijma'.

Auda then emphasized that Ijma' is not a source of Islamic law, it is only a medium to find a truth and not the truth itself, because in fact the results of Ijma' are often distorted for certain interests. I agree more with the opinion of modern Ulama' who consider Ijma' only a medium to collect fatwah especially if the whole community without exception is involved and given space to express their aspirations regarding Islamic law. (Solikin, 2012) So for a Faqih ideally to have a broad view by deepening the breadth of knowledge before issuing a fatwa and not stipulating that legal products only rely on one textual argument to make evidence. As according to Fakhr al-Din al-Razi that the al-khitab argument from a text is often dhanny (guess) for the following reasons: (1). The possibility of law resulting from a single text has been limited by certain conditions that we do not know. (2). There is a possibility that the text is metaphorical or majaz. (3). Linguistic references come from linguists who have the possibility of being wrong. (4). Arabic grammar (nahwu-sharaf) is conveyed through ancient Arabic poems with the history of ahad, all of which cannot be believed to be valid, because the poets are very likely to be wrong. (5). The possibility of the text of the text has many meanings. (6). There is a possibility of one word or more in the text have undergone a change in meaning at a certain time which can change the original meaning. (7). There is a possibility that there is a hidden meaning of an expression that we do not understand. (8) There is a possibility that the text has

been mansukh without us knowing(9)Possibility the law set is illogical, meaning that the meaning of the text with rational reality cannot be accepted. Third, from a systems theory perspective, the advantage of systems analysis over decomposition analysis is a circular approach versus a partial approach. Partial causal thinking was a common feature of one's way of thinking until modern times. However, research in the social and natural sciences began to move from piecemeal analysis, classical equations, and logical statements towards the explanation of all phenomena in terms of comprehensive systems. Based on the arguments of Islamic theology, that the Hujjiyah of the al-kulli argument is considered from the rules of ushulfiqh where faqih has given priority to single and partial rules. Developing systematic and circular thinking in the understanding of ushulfiqh will be very beneficial for the philosophy of Islamic law, namely to develop the semantic meaning of cause and effect(sababiyah)towards a holistic language. a holistic approach is also beneficial for the science of kalam, namely to develop the language of cause and effect(sababiyah)towards a systematic language, including the existence of God.(Ilyasin, 2012)

The sababiyah theory has been influential and dominated in the methodology of Islamic law, although there are some jurists who emphasize the importance of the kully argument in determining the law, but in reality these arguments have no effect on the method itself, so that the sababiyah theory still remains, both in theological and legal internet cafes. According to Auda, there is no similarity between the concept of theology and the sababiyah method, except in the perception of mutakallimin which still uses the concept of sababiyah, which is used to answer the existence of God and questions about the science of kalam. Auda proposed the importance of the principle of holism to be used in understanding the science of kalam, especially in Islamic law.(Pratomo, 2019)Fourth, systems theory distinguishes between open and closed systems. A living system is an open system. Living System is implemented by reviving an organism as systematically as possible to survive. According to Bertalanffy's theory, open systems have the ability to obtain the same objectivity from different initial conditions through various balanced valid solutions. So open systems are very interactive with the environment outside the system, unlike closed systems that are isolated from the outside world. According to the above understanding, the Islamic legal system is an open system. However, there are still a few foqoha that still close the door of ijtihad, which automatically leads Islamic law to metamorphosis of death.(Muzakkir, 2019)Nevertheless, all Islamic legal educational institutions and most of the fuqaha of all times believe that ijtihad is indispensable for Islamic law, because the text(the Qur'an)is very limited and events are very unlimited. So the methodology of Islamic law has balanced a

definite mechanism to adapt to the times, in terms of system theory it is called interaction with the environment. Examples of these mechanisms are qiyas, masalah, and i'tibar'urf. However, it can be seen that these mechanisms require further development to make Islamic law more flexible so that it is always in accordance with the times.(Mutholingah et al., 2018)

Fifth, Analyzing independent elements that are stratified is an approach between the "systemic" and "decomposition" methods. In connection with this feature, Jasser introduced the theory of "categorization" in cognitive science, to outline the general classification strategy that fits the available subjects. Categorization is removing the differences between elements that are scattered in various sizes, then placing them in the same category. This is one of the most basic cognitive activities, when humans make sense of the information they receive, then generalize, predict, name and evaluate various items and ideas. Based on cognitive science, there are two alternative theories of explanation for the category of humans, namely the category of "feature similarity" and the categorization of "mental concepts". The "feature similarity" category seeks to examine the similarities and differences in basic properties between elements. The differences and similarities are weighed to find out how much or far the differences and similarities in characteristics. While the concept category is more of a mental concept than similarity. The concept also uses a vague or soft assessment rather than the hards category.(Pratomo, 2019)

Concept-based categorization will be used to understand the rules of ushulfiqh, although the analytical activities will not stop at the "tree structure" level, but will continue to develop to analyze the relationship between the sub-outcomes and the concept. The tendency of this structure is not subject to formal logical analysis such as Aristotle's syllogism theory, but will focus on procedures and decision making in the implementation of the application of fiqh rules.(Ilyasin, 2012)Dimensions according to terminology have two dimensions, namely rank and level. Ranking is a number of measures that are being considered, meaning a measure to determine quality after going through a process of consideration. While the level is several levels in one measure. Philosophical investigations generally tend to think from one dimension and two levels. Phenomena and opinions with opposite tendencies are usually only seen from one side, even seem contradictory rather than complementary, and are usually analyzed with a "zero sum" value rather than a "win win". Thus, phenomena and opinions are always expressed in a dichotomous manner that seems contradictory, such as religion/science, empirical/rational, physical/metaphysical,objective/subjective, and so on. These dichotomies use one-dimensional thinking and a single ranking, which tends to be on one factor only, even though the pair can be combined in other dimensions. For example,

religion and science, in general, problems arise in the concept of God's destiny "Divine command", which they should be able to balance on human happiness, the meaning of life and so on. One dimension method tends to one factor when addressing the problem. Even fatwas are still dealing with issues of single facts(single evidence), although in fact there will always be various kinds of facts(just)that can be used for the same case, and indirectly produce different results. This is the main topic that is often discussed in traditional and contemporary literature on the study of ushulfiqh with contradictory facts(disagreement between evidences)/ta'arud al-adillah.

According to Jasser, there are problems in ta'arud al-adillah(contradictions between texts). Actually, the contradiction is only found in the language aspect, not on the logical side which is always related to the conditions when the text was formulated. The use of the logical side refers to the question "whether in substance" there is a contradiction or not to the texts. Therefore, the historical aspect of sociology should play a role and be involved in addressing the problem of ta'arud al-adillah. To overcome this problem, the jurists should use the maqasid framework, which is to take a priority scale on the text by considering existing social conditions and not assuming that one text contradicts another. Because as possible the words of God revealed by God Himself contradict each other(contradictory) justifying this ta'arud problem, it will demean God and accuse God's word of being imperfect. The question is always about whether God's destiny is the cause of all events or not/ta'wilaf Allah. In fact, the concept of cause/'illat/asbab cannot be distinguished in the kalam literature which is studied from the concept of purpose(ghrad/maqasid/hikam). The two concepts are only distinguished in the field of fiqh. Ta'wil theology debate is very relevant to the material of Islamic law because Islamic law itself is theologically the result of "divine action". Where the revelation of aghrad is behind the law, then maqasidal-shari'ah. So the question is: did God have a purpose behind the revelation of the law? Kalamiyunhas three different answers:(1)Divine actions must have causes/puposes.Mu'tazilah and Shi'ah(with few exceptions)divide all behavior(action)into good(hassan)and bad(qabih). The majority of them believe that one of the good and bad that is essential(dzati)in every action and no single subject can change it. They argue that a person's opinion can be judged as good or bad. Because this opinion is the result of rationality, the eyes of the Mu'tazilah use it universally, so that it applies not only to humans but also to God. For mankind, good behavior is an obligation, while bad behavior is a prohibition. In God's terminology, good behavior is an action that "He must do", and bad behavior is an action that "He cannot do". They also argue that an action that has no purpose(ghard)is useless(abath), which means bad. Therefore they judge that all God's actions require a purpose.(2)Divine actions are free from goals(divine

actions are above causes/purposes). Ash'ari (including salafi and Hanbalis) reacted to the position of the Mu'tazilah which was considered radical and contradictory. They believed that behavior could be bad and good, but they ensured that the classification of good and bad would be based on the shari'ah and not on reason. For Ash'ari, without shari'ah behavior is balanced between good and bad. So they believe that God once had an "obligation" (must) to do something, and what God does is without regard to good or bad. So Ash'ari is of the opinion that God's action is free from purpose or intent, because a behavior that has a purpose means a need, and God has no need. They also assert that God is the cause of cause and the creator of both cause and effect. Ash'ari refers to all the rules of ushulfiqh and moral philosophy in the argument above. (3) Divine action has a purpose without grace. Divine action has a cause (Divine act). It has causes/purposes out of grace. Maturidi (some Hanafi followers), who have the fewest followers, take the middle position. They believed that the Mu'tazilah were right in setting goals in God's behavior, but wrong in placing "duties" on God. They also believe that Ash'ari is "right" in his opinion that God does not "need" a purpose, but rather humans need a purpose and benefit. Maturidi believes in the principle of al-tahsin wa al-taqbih. However, for Maturidi, "reason" does not have the power to judge or judge good and bad, however, reason is a gift from God to humans so that they can distinguish between good and bad. (Muzakkir, 2019)

CONCLUSION

Systems philosophy is the antithesis of modern philosophy which rejects the modernist reductional view which states that all human research can be analyzed through an inseparable causal approach. System philosophy also rejects postmodernism which is considered unreasonable and deconstruction which undergoes mere narrative changes (metnarrations). Thus, Jasser Auda offers multi-disciplinary research to develop the theory of ushulfiqh through a systems approach. System analysis is the identification of units, elements or sub-systems of how these units are interconnected and integrated in their processes and functions. The characteristics of the system that will be used as a system analysis knife that can also function as an analysis of theology, social and legal systems, namely by using a series of systems consisting of the following six features: the cognitive nature of the system (Cognitive Nature of the System of Islamic Law), wholeness, openness, interrelated hierarchy, multi-dimensionality and purposefulness. First, the cognitive nature of the system (Cognitive of the system of Islamic law), Jasser Auda emphasizes the importance of separating the text (al-Qur'an and Hadith) from people's understanding of the text. According to him, fiqh is the interpretation, understanding and views of legal experts on the text.

Unfortunately, this interpretation is often claimed as a command of God that can be distorted for authoritarian interests. It is also emphasized that fiqh should accommodate 'urf to meet the demands of maqashidal-shari'ah, although sometimes 'urf is different from the meaning indicated by the text.

Second, the wholeness that the hujjiyah of the arguments of al-kulli is considered from the rules of ushulfiqh in which the fuqaha have given priority to single and partial rules. Developing systematic thinking in understanding ushulfiqh, namely developing causal semantic meaning towards a holistic language. Third, openness, the Islamic legal system is an open system even though there are still jurists who still close the door to ijtihad, which automatically leads Islamic law to metamorphosis. Ijtihad is indispensable for Islamic law, because the text (al-Qur'an) is very limited and events are infinite. So the methodology of Islamic law must develop a definite mechanism to adapt to the times or interactions with the environment to make Islamic law more flexible so that it is always in accordance with the times. Fourth, hierarchical interrelation is a categorization that eliminates the differences in scattered elements and places them in the same category, namely when humans understand the information they receive, then generalize, predict, name and evaluate various items and ideas to determine the priority scale based on existing social conditions not from the verballity of the text. Fifth, multidimensional (multi-dimensionality) is a multidisciplinary approach by combining relevant concepts from Islamic disciplines, in this case is maqashidal-shari'ah along with the concepts of ushulfiqh related to it. Sixth, aim (purposefulness), the principle of purposefulness according to Jasser Auda is the realization of the main goal (maqashid) which is the fundamental basis for the Islamic legal system. Therefore, the validity of each Ijtihad must be determined at the level of purposefulness or the realization and fulfillment of the legal objectives without relating it to certain tendencies or schools of thought.

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