

Law, Power, and Justice: A Quranic Perspective

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Abstract

This article seeks to elaborate on the relationship between law, power, and justice from the Koran perspective. This study makes the Quranic texts its primary source. The study results show that from the perspective of the Koran, a legal system, including an Islamic legal order, must have the spirit to create justice. The realization of social justice is the spirit that underlies the stipulation of law. State power, through the legislative body, which is the institution that is authorized to stipulate law, is obliged to make the principle of justice one of a country's legal pillars. State power through its judiciary must make "considerations for the sake of realizing justice" in every decision on a legal case.

Abstrak

Artikel ini berupaya mengelaborasi relasi antara hukum, kekuasaan, dan keadilan dalam perspektif Alquran. Kajian ini menjadikan teks-teks Alquran sebagai sumber utamanya. Hasil kajian menunjukkan bahwa dalam perspektif Alquran, suatu tatanan hukum, termasuk tatanan hukum Islam, harus memiliki semangat untuk mewujudkan keadilan. Perwujudan keadilan sosial merupakan semangat yang mendasari penetapan hukum. Kekuasaan negara—melalui lembaga legislatif, yang merupakan institusi yang berwenang menetapkan hukum wajib menjadikan prinsip keadilan sebagai salah satu pilar hukum suatu negara. Kekuasaan

negara melalui lembaga yudikatifnya harus menjadikan “pertimbangan demi mewujudkan keadilan” dalam setiap memutuskan perkara hukum.

Keywords: Law, power, justice, Alquran.

Introduction

The Koran contains various instructions for humans, which can be used as a guide for life. The themes of the Koran are so numerous that almost no one problem is missed. Among the many Quranic themes, the Quranic perspective on law, power, and justice is an exciting substance to discuss.¹ Islam views that natural law and community law are essentially one, at least related to one another. Because what makes and upholds the law itself is one, Allah. The law in the Koran is called *sunatullah* (natural law). “Allah raised the heavens and without poles (as you see), then He dwells on ‘arsy, and subdues the sun and moon. Each circulates until the appointed time, Allah arranges the affairs (of His creatures), explaining the signs of His greatness so that you believe in meeting (you) with God (you). And He is the Lord who stretched the earth and made mountains and rivers on him. And make him fruit in pairs. Allah closes night today. In fact, there are signs (greatness) of Allah for those who think “(Q.S. Ar-Ra’d: 2-3).

The above verse shows that the natural law intended here is a natural law in a physical sense, while the verse below shows natural law in terms of God’s law (power) that applies in human society.² “Indeed, if it does not stop the hypocrites and those who have diseases in their hearts, so do the provocateurs in Medina, then surely we will raise (allow) you (fight) them, then they will

¹ Shabbir Akhtar, *The Quran and the Secular Mind: A Philosophy of Islam* (London and New York: Routledge, 2008).

² Muhamadul Bakir Yaakub, “A Textual Analysis for the Term ‘Wasatiyyah’ (Islamic Moderation) in Selected Quranic Verses and Prophetic Tradition,” *Journal of Education and Social Sciences* 5, no. October (2016).

not be neighbors to you (in Medina), except for a short time. They are damned wherever they are. They are captured and killed violently. Such is the *sunnatullah* (which has been applied) among the former people, and you will not get a change in *sunnatullah* “(QS. Al-Ahzab: 60-62).

Based on the two verses above (and other verses which, because of their limitations, are not quoted in this paper), there are three types of law in the Koran: (1) The rules that govern the entire universe are entirely in the power of God. (2) Regulations made by humans and applicable to (regulating) human society itself. (3) Laws that are not made by humans but affect and even apply to govern a human community with or without social consent, which is called *sunnatullah*.³

That third type of law is perhaps what St. Thomas Aquino is called *lex divine*.⁴ The code introduced by the Koran is not something that stands alone but is an integral part of the creed. Aqedah, about God who created the universe, arranged it, preserved it and looked after it so that all creatures lived their lives well and carried out their functions in an orderly manner.

Method

This study uses the content analysis method. The Qur’anic texts that are relevant to the concepts of law, power and justice are collected and then analyzed. The analysis of the relevant Alquran texts refers to a number of literatures of classical Islamic books, which have always been used as a source of study of Islamic thought and juices.

Results and Discussion

Allah’s law covers all beings (the universe). Through careful observation of all the world around us, we can see how organized

³ David S Weissbrodt and Connie de la Vega, *International Human Rights Law: An Introduction* (Philadelphia: University of Pennsylvania Press, 2007).

⁴ Ibid.

the universe is. How regular the movements of the stars are in their respective paths.⁵ The earth on which we live rotates on its axis and circulates in its orbit around the sun for a certain period of time and inevitably causes the alternation of day and night and regularly switches from one season to another. Through natural science, we are introduced to the laws of physics and chemistry and biologies, such as the law of proportion, the act of conservation, the law of motion, the law of gravity, the law of relativity, the law of Pascal, the genetic code, the regulation of reproduction and embryology.⁶

The discovery of natural laws (*natuurwet*) as alluded to above, gives clear information to us how the universe starts from the smallest parts such as the particles in atomic nuclei that are hard to imagine small, to the galaxies that are unimaginable its size and breadth, everything moves according to the provisions of natural law governing it. And what we are closer to contemplating is the state of our own physical body. Science reveals that the human body consists of 50 million cells, the length of the network of blood vessels to 100 thousand kilometers, and more than 500 kinds of chemical processes in the liver.⁷ The human body is far more complicated and surprising than a computer plane. Without us knowing, the body regulates our body temperature, blood pressure, digestion, and other tasks that are not numbered. The body's holding center, the brain, can record and store more information than any plane.

In this connection, we can ponder one of the verses of the Koran, which reads: "We will show them the signs (of our power) of all the horizons and themselves so that it is clear to them that the Koran is true." (Fushilat: 53).

The message to observe, research, think about, and study the universe is very clear and repeatedly conveyed in several Koran verses. "Say it! Pay attention to what is in heaven and on earth. It is not useful to mark the

⁵ Ryan Calder, "God's Technicians: Religious Jurists and the Usury Ban in Judaism, Christianity, and Islam," *Archives Europeennes de Sociologie* (Cambridge University Press, August 1, 2016).

⁶ C. Mantzavinos, *Naturalistic Hermeneutics* (Cambridge & New York: Cambridge University Press, 2005).

⁷ Muhammad Muslihuddin, *Philosophy of Islamic Law and the Orientalist: A Comparative Study of Islamic Legal System* (New Delhi: Taj Company, 1992).

authority of Allah and the Apostles who gave warnings to unbelievers. “(Surah Yunus: 101). “And do they not pay attention to the power of heaven and earth and everything that Allah created ...” (QS. Al-A’raf: 185). “Verily in the creation of heaven and earth, and the alternation of night and day there are signs for intelligent people, (i.e.) people who remember Allah while standing or sitting or lying down and they think about You creating the heavens and earth (while saying) O our Lord, Thou hast not created this in vain. Glory to You, then protect us from the torments of hell. “(Q. Ali Imran: 190). The Prophet comment on these verses with their words, “Woe to those who read this verse then do not think.”

Koran instructions that direct humans to think, reason, observe, and examine as alluded to above are global in nature, supplemented by other detailed instructions where imagined signs refer to science’s main points about nature and the laws that apply to it.⁸ For example, a verse that reads: “He is the one who made the sunshine and the moonshine, and *manzilah* (mansion) assigned to its circulation so that you know the number of years and its calculations. God did not create it, but with such rights. He describes the signs (of his power) to those who know (knowledge) “(Q.S. Jonah: 5). “and the sun goes in its place, that is the provision of the Almighty, the All-Knowing. And We have ordained for the Manzilah the Manzilah months so that (after he reaches the last Manzilah) he returns as an old form of bunches. The sun can’t reach the moon, and night can not precede the day. And each in its orbit is circulating. “(Surah Yunus: 39).

Both of these verses are quite clear signs that can be captured in astronomy. Likewise, other sciences can pick up on the cues of various verses of the Koran that talk about animals, plants, water, clouds, lightning, and about humans themselves and their events and all kinds of problems.⁹ The effort of observation, research, and reasoning through the sciences that study human behavior and properties, both inanimate and living things, has revealed many discoveries that introduce us to the laws that apply with certainty to nature.

The presence of verses that contain signs that refer to the revelation of the mysteries of nature encourage interest and arouse the enthusiasm of the first generation of Muslims—who can live these verses of the Koran—to plunge into broad

⁸ Ibnu Katsir, *Tafsîr Al-Qur’ân Al-’Adhîm* (Beirut: Dâr al-Kutub al-’Ilmiyah, 1987).

⁹ Imad Zuhair Hafidz, *Tafsir Al-Madinah Al-Munawwarah (Markaz Ta’dzhim Al-Qur’an)* (Riyadl: Maktab al-Tsaqafah al-Islâmiyah, 2011); Yusuf Qardhâwy, *Kayfa Nata’âmalu Ma’al-Qur`ânîl-Adzîm* (Cairo: Dar al-Kutub al-Haditsah, 1999).

knowledge and the scientific treasures of the Greeks, Romans, Persians, Indians, and Chinese in the fields of philosophical and natural knowledge, so as to produce great scientists such as Ibn Sina, Ibn Rusyd, al-Farabi, al-Ghazali and a series of big names familiar to the world of science in the East and the West.¹⁰

The existence of a number of definite provisions and applies as a law governing all beings in the universe, usually in the language of science, is called *natuurwet* or natural law, in the language of the Koran sometimes called *sunnatullah*.

In theological terms, such things are included in the categories of *qadar* and *qadla*, but this term dominates things that have to do with human behavior and is often considered synonymous with determinism. Further explanation about the *qadar* we can see from several verses, including: “Indeed, We created everything with *qadar*.” (Surah Al-Qamar: 49). The word *bi qadar* is interpreted here according to size. The cues behind this sentence can be captured more clearly with the help of physics that deals with matter and elements. The things that are around us, which are the necessities of our lives such as wood, iron, zinc, silver, gold, animals, plants, water, and so on, are all included in the material category. Most of the material that we know consists of elements. The joining of two or more elements through compounding patterns or mixing patterns forms a specific material. For example, the element oxygen combines with hydrogen to form a liquid compound and is called water. The elements incorporated in a mixture always have a certain proportion. Pure water still has a fixed and fixed percentage of oxygen and hydrogen, and so does the balance of nitrogen and hydrogen in ammonia.

In cases like this, the elements have joined to form a compound, following a rule known as *hakam* specific

¹⁰ Michael Davis, “Moral Theory in Ethics Across the Curriculum?,” in *Ethics Across the Curriculum-Pedagogical Perspectives* (Springer International Publishing, 2018), 39–54; Ahmad R Motameni, *Iranian Philosophy of Religion and the History of Political Thought* (California: University of California Press, 2014); Tom Sorell, *Scientism: Philosophy and the Infatuation with Science* (New York: Routledge, 1991).

predetermined proportions. Similar cues that we get from physical science information, as mentioned above, can also be found from chemical information that discusses these elements. For example, the element Al (aluminum), the number of protons contained in it 13; element Cu (copper), the number of protons is 29; the element Au (gold), the number of protons is 79; element Ag (silver), the number of protons 47; element Pt (platinum), the number of protons is 78; an element of Ni (nickel), the number of protons is 28; element Fe (iron), the number of protons is 26; element Hg (mercury), the number of protons is 80; etc.¹¹

At first glance, the two information presented above shows us the existence of certain levels of measure, which become specific provisions that can be observed in every being. All of this is part of the laws that govern and maintain the universe. In this connection, we can live the expression of a verse that reads: “And He (Allah) has created everything, and He is the one who sets the *qadar*/size with certainty as neatly as possible.” (Al-Furqan: 2).

Theological discussions in the fields of *qada* and *qadar* (matters of destiny) touchless on what is explained above. Whereas the verses that talk about the *qudrat-iradat* of Allah/the power and majesty of God mostly relate the various natural phenomena that are asked for attention so that humans observe them and do their reasoning to be able to read the Divine writings implied in them.¹² Also, to find *sunnatullah* or *kauniyah* laws that will sustain the upholding of Shariah law. Perhaps that is what Imam Ghazali insinuated with his expression: “... they were not able to read the Divine writing which was etched on the pages of the universe; the writing without illiteracy and sound certainly could not be achieved with the naked eye but must be with the eyes of the heart.

¹¹ P. Harrison, “Science and Secularization,” *Intellectual History Review* 27, no. 1 (2017): 47–70.

¹² David Martin, John Orme Mills, and W S F Pickering, *Sociology and Theology: Alliance and Conflict* (Leiden and Boston: Brill, 2004); Hamid Dabashi, *Islamic Liberation Theology: Resisting the Empire* (London: Routledge, 2008).

Sunnatullah introduced by the Koran as described above, is not limited to the provisions governing the material nature, but also reaches the nonmaterial nature. Even in the Koran, the use of the word *sunnatullah* refers more to what is called by science knowledge as “historical law” verses in the surahs of *al-Isra* ‘, *al-Kahf*, *al-Ahzab*, *Fathir*, *Ghafir*, *al-Fath*, *Ali*’ *Imran*, *al-Nisa*, *al-Anfal*, etc., which talks about *sunnatullah* with various formulations such as *sunnat al-awwalin*, *sunnata man arsalna qabla*, *sunan al-ladzina min qablikum*, all related to historical events experienced by the Prophets/Apostles with their respective people, requested by the Koran to be observed, pondered and took lessons from it. In this context, the Koran introduces historical figures such as Fir’awn, Haman, Jalut, Tubba ‘, al-Thamud, Quraisy, and so on.

Likewise with historical places such as *Badr*, *Uhud*, *Hunain*, *Thur*, *Hijr*, *Ahqaf*, *Saba*’, and so on. From history, it illustrates how the process of resurrection of a people and how the process of destruction, the factors of victory, and the factors of failure in a struggle. How is the struggle between the heroes of truth and the consequences experienced by opponents of truth who commit wrongdoing, who ignore moral values, blackmail the weak, live in luxury, and so on.¹³

History has its laws in the matters mentioned above. The code that applies throughout the history of human life is part of *sunnatullah*, which uses in certainty, as is the validity of natural law. In addition, the historical aspect also has an important meaning in sharia law. What is known in jurisprudence with historical-interpretation is quite clear it is equivalent in the science of *ushul fiqh* commonly used in processing Islamic law, with the existence of *nasikh-mansukh* law, *asbab al-nuzul*, *asbab al-wurud* and the status of *makkiyah* or *madaniyah* of the verses, all of that is to clarify the process of the formation of a law and historical background that encourages the presence of the law.

¹³ A. Goldschmidt and L. Davidson, *A Concise History of the Middle East* (Cairo: American University in Cairo Press, 1979).

The Prophet's *sunnah*, which describes his struggle for more than two decades, which is widely recorded in the Koran, translates the *sunnatullah* that applies in history. Great success in the form of success in building and fostering an exemplary people, and winning a great struggle in upholding truth and justice and creating the prosperity that gives meaning to humanity, all of that was not born in a day by the flash of Aladin lights but was the result of long and continuous hard work, which is driven by self-confidence and high morale as an embodiment of faith and piety.

The *Sunnah* of Allah's Messenger in that struggle educated his people to understand and live the *sunnatullah* that prevailed in history. In this connection, Sheikh Mahmud Syaltut commented, verses that speak of the struggle of the Prophet, revealed: "Verily, Allah only won a struggle following the provisions of His *Sunnah*, which applies to all His creatures. Who helps/defends Allah's religion by upholding justice, strengthening security, spreading peace, not making that power a means of oppression and destruction, but only as a means of creating prosperity and upholding God's law in terms of ordering the forgiving and preventing the evil".

As we all know, Islam's main characteristic is its teachings, which are quite practical and realistic in dealing with social reality with possible solutions. So with the struggle between truth and sleaze, which marks social life, the necessity to fulfill all the requirements is absolute. The causes of success and victory in a battle can be learned from history and well-prepared. Conversely, all causes of failure or destruction must be realized and avoided.

Historical law is in line with natural law. Both have common ground in the law of cause and effect. The message and guidance given by the Koran to humans, as well as the *sunnah* of the Messenger of Allah, which provides a practical explanation for the message of the Koran, guides us to realize the connection of everything with its cause, as a condition for its occurrence. Some opinions do not understand *sunnatullah* in the form of natural law

and historical law, which see a kind of contradiction between the law of causation with divine law called monotheism, or moral law called *tawakkal*. He considered that monotheism's doctrine tends to give a seal of shirk (associating partners with Allah) if someone believes there is a cause (a determining factor) besides God. Or he found the law of resignation contrary to the law of causation.

Such doubts have arisen early, then rectified by the *sunnah* of the Prophet in practice as clearly reflected in the ways of the His tradition who takes all the conditions and associates all causes with his origins, in addition to explaining it in his verbal instructions to those who are reluctant to seek treatment when he is sick, for fear that the treatment of avoiding disease is contrary to his monotheistic faith and does not make him put his trust in Allah .

In that connection, the Prophet said, Treat you, for inevitably Allah created disease and also created medicine. In his other words, when he is asked about treatment, is it contrary to *qadar* (*taqdir*)? Then He answered, That (treatment) is a part of Allah's *qadar*. Ghazali explained that the causes are *sunnatullah*, and deviations from *sunnatullah* are not a requirement in *tawakkal* even though ignorance is denounced by religion. The elaboration that details the Koran laws carried out by *fiqh* shows that there are four main fields targeted by the law, namely the field of 'worship (*fiqh ibadah*) *mu'amalat*, *munakahat*, and *jinayat*.

Man's relationship as a being with his Khaliq (Allah) is regulated through the law of worship. The relationship between humans and their fellow humans in social traffic and daily relationships to meet their daily needs is regulated in the *mu'amalat* law. The human relations system in family life in a domestic environment is regulated through the law of law, and finally, the safety, security, and welfare relationship rules are enforced by the general authority or judicial body, regulated through the *jinayat* law.

The existence of laws in the body of Islamic law that originates from the Koran is a major feature of Islamic law.

Worship is nothing but the embodiment of a creed that is believed. This is where the legal link between faith and faith is evident. The relationship between creatures (humans) with Al-Khaliq, is regulated. The existence of a law of intent, which is given the role of determining the value of human behavior, clearly shows the moral role in that law. Here also appears the starting point of the difference between law understanding according to jurisprudence with Islamic law sourced from the Koran.

According to jurisprudence, the law is merely a matter of managing and regulating relations between humans. Beyond that, there is no need for regulation. In addition, there are still fundamental differences between the two types of law.¹⁴ According to the science of law, the law consists of orders and prohibitions, as well as rights and obligations. What is meant by moral values and morals is not classified as law. Thus it is not surprising that the consequences in the context of legal development are only directed so that they do not violate the legal guidelines. Obedience obeys the law into false and outward compliance.

On the contrary, according to the teachings of the Koran, the law runs at the same time with moral and moral dishonesty that comes from creeds or faith. Because of that, law enforcement, according to legal science, as long as it is not monitored and known to officials/law enforcement officers, always violates the law.

Legal development here is not directed towards human self-development. According to the teachings of the Koran, law enforcement always emphasized a message as follows, O people of knowledge! Be you, people who truly uphold justice, be

¹⁴ B Saiti and A Abdullah, "The Legal Maxims of Islamic Law (Excluding Five Leading Legal Maxims) and Their Applications in Islamic Finance," *Journal of King Abdulaziz University, Islamic Economics* 29, no. 2 (2016): 139–151; M.H. Kamali, "Legal Maxims and Other Genres of Literature in Islamic Jurisprudence," *Arab Law Quarterly* 20, no. 1 (2006): 77–101; al-Ustâdz al-Bâhi Al-Khûli, "Min Fiqh 'Umar Fî Al-Iqtîshâd Wa Al-Mâl," *Al-Muslimân* 4, no. 1 (1954): 55–59.

witnesses because of Allah, even if you yourself or your father and family relatives; rich and poor, Allah is also more taboo in his circumstances. Then do not you follow your passions, so that you do not deviate (from the truth).

And if you distort (the truth) or are reluctant to be a witness. Then surely Allah is All-Knowing everything you do. That is the message of the Koran; how should one do justice. Not only demanded from and against others, but the first is also from and against himself. The possibility of a justice seeker in effect deceiving a judge, or the presence of a legal apparatus abusing his position, the Koran warns early: “And let not some of you eat the treasure of the other part by vanity and do not also use the treasure as bait (to bribe) the judges so that you can eat some of the other person’s possessions by (sinning), even though you know” (Al-Baqarah: 188)

In relation to the possibility that someone might be deceiving the judge, the *sunnah* of the Prophet clarifies as follows, in fact, you submit cases to me (to be decided). Maybe some of you are more capable than others (their opponents) to give reasons to strengthen their demands, then I decide on the case based on what I hear (from the reasons/information). Then whoever receives the case verdict (which he himself knows) is the right of his brother (his opponent in the case) then he should not take it (the right). Because indeed, he only took (received from me) a piece of hellfire. Thus said the Prophet.

Thus it is clear. The Koran introduces an integral conception of law. In it is integrated between the *sunnatullah* with the *sunnah* of the Prophet, as integrated between *aqeedah*/faith and moral or *akhlak*, with the law in the formulation taught by the Koran.

With this nature, then the law of the Koran teachings has its strength that is not entirely dependent on the existence of power as a coercive force from outside the law. The idea of law taught by the Koran continues to grow from period to period, through the path of knowledge. If the law introduced by the Koran

depends on some authority, then this type of law has long been buried in the bowels of history or at least become a display item in museum cabinets.

Because we all know enough how great the powers that can conquer the Islamic territories and their people accompanied by efforts to liquidate their culture and law, but it turns out that Islamic law from the teachings of the Koran can show a powerful endurance. It still survives and even develops in new forms through the process of *taqniin* (formulated to be positive through jurisprudence and sometimes through various forms of legislation).

On the other hand, the very rapid development of science, which occurred in developed countries, can also fence off a negative view of Islam and the Koran, which is very dominating Western nations. One symptom of this development is the interest of Western scientists to study Islam/the Koran, as a science. In this context, the legal experts from them, from congress to congress, began to open their views on Islam.

So Fiqh is made a permanent agenda in their studies in the field of law. As an example, we can see from the results of the Congress of International Law Experts which took place in London (2-7 July 1951), which among other things stipulated, the legal principles (laws) contained in Islam were high-value laws and hard to deny the truth.

In addition, the existence of various madrassas and schools of thought shows that Islamic legislation is rich in multiple legal theories and beautiful legal techniques so that these laws can meet the needs of modern life.

In the context of legal development in our country, the Republic of Indonesia, the evolution and development of national law is directed towards constitutional reform that is in accordance with the growing legal awareness in society. As a continuation of this idea, from 1978 to 1983, legal studies have been carried out, which include, among others, Islamic Law.

Even the compilation of Islamic Law has also been completed by the Supreme Court together with the Ministry of Religion.

The law introduced by the Koran continues to live, even if it has to experience ups and downs and tides in its application because that is indeed the law of history in *sunnatullah* itself. But it must be admitted, the development of the aspects is not balanced. The segment concerning social law (*ahkam syar'iyah 'amaliyah/fiqh*) dominated the development more. While other aspects relating to *sunatullah* in the form of natural and historical laws, received less attention in its development. But in any case, the development of the fiqh aspect, which formulated the social law, was very instrumental in growing legal awareness and normative attitudes in the lives of Muslims. In addition, the Koran's legal insight, in its application, is also less integrated between its laws concerning the social aspect with its laws concerning *sunnatullah* in the form of natural law and historical law. These two things, namely the balance and integration in terms of understanding, implementing, and developing the Koran's legal insight, is a challenge for Muslim scholars and scholars.

Conclusion

From the Koran perspective, a legal system, including an Islamic legal order, must have the spirit to create justice. The realization of social justice is the spirit that underlies the stipulation of law. State power, through the legislative body, which is the institution that is authorized to stipulate law, is obliged to make the principle of justice one of a country's legal pillars. State power through its judiciary must make "considerations for the sake of realizing justice" in every decision on a legal case.

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