

Convergence Epistemology of Legal Studies Based on Revelation

Yogi Prasetyo

(Fakultas Hukum, Universitas Muhammadiyah Ponorogo)

yogiprasetyomadiun@gmail.com

Received: 2021-October-11

Rev. Req: 2021-December-05

Accepted: 2022-January-27



10.59683/ijls.v1i1.3

How to cite this paper: Prasetyo, Y., *Convergence Epistemology of Legal Studies Based on Revelation*. *International Journal of Law and Society (IJLS)*, 1(1), 11-24. <https://doi.org/10.59683/ijls.v1i1.3>

This is an Open Access article distributed under the terms of the Creative Commons Attribution 4.0 International license (<https://creativecommons.org/licenses/by/4.0/>)

ABSTRACT: *The demand for the truth that occurs between the epistemology of normative legal science and the epistemology of the sociology of law in Indonesia does not develop positively or can be said to have stagnated. Therefore, it is necessary to reform the epistemology of fiqh from other discourses, such as those contained in a natural law based on religious revelations that touch on the substantial aspects of human spiritual, moral values as God's creatures. The basis for using epistemology of science-based on disclosure is by the times that are experiencing a multi-dimensional crisis due to the wrong way of thinking of humans themselves because they have ignored God's role in regulating human life. This research is library research (library research). Based on the theories and concepts used, the primary data source is a literature study that discusses the idea and image of the convergence of fiqh epistemology from Khudzaifah Dimiyati on Thinking & theorizing fiqh. In the holy book and the values of religious teachings. The value of the truth is not only recognized by rational logic and empirical reality but can also be recognized correctly and eternally. As in the prophetic direction, the epistemology of God-based revelation law has dimensions of humanization, liberation, and tridentidity that can guide and guide humans to achieve a better and essential life.*

Tuntutan kebenaran yang terjadi antara epistemologi ilmu hukum normatif dengan epistemologi sosiologi hukum di Indonesia tidak berkembang secara positif atau dapat dikatakan mengalami stagnasi. Oleh karena itu, perlu dilakukan reformasi epistemologi fiqh dari wacana lain, seperti yang terdapat dalam hukum alam berdasarkan wahyu agama yang menyentuh aspek substansial dari nilai moral spiritual manusia sebagai makhluk Tuhan. Dasar penggunaan epistemologi ilmu pengetahuan berdasarkan wahyu sesuai dengan perkembangan zaman yang sedang mengalami krisis multi dimensional akibat cara berpikir yang salah dari manusia itu sendiri, karena telah mengabaikan peran Tuhan dalam mengatur kehidupan manusia. Penelitian ini merupakan penelitian kepustakaan (*library research*).

Berdasarkan teori dan konsep yang digunakan, sumber data utama adalah bahan studi kepustakaan yang membahas teori dan konsep konvergensi epistemologi fiqih dari Khudzaifah Dimiyati tentang Thinking & theorizing fiqih. Dalam kitab suci dan nilai-nilai ajaran agama. Ilmu hukum dengan demikian, nilai kebenaran yang terkandung di dalamnya tidak hanya diakui oleh logika rasional dan realitas empiris, tetapi juga dapat diakui secara benar dan abadi. Epistemologi hukum wahyu berbasis Tuhan sebagaimana dalam ilmu hukum kenabian memiliki dimensi humanisasi, pembebasan dan tridentiditas yang dapat membimbing dan membimbing manusia untuk mencapai kehidupan yang lebih baik dan hakiki.

Keywords: *Epistemology, Legal Studies, Revelation.*

I. INTRODUCTION

According to Harvey Cox, as cited from Syamsuddin Arif, globalization and the modern era affect secularism (Syamsuddin, 2007). Therefore, it is commonly seen that people are more religious only when they are praying but acting like an atheist on some occasions. Corruptors is an example of what is mentioned before, and they are highly educated. Indonesia has the most Muslims, so secularism contradicts Islam values. This fact results in severe problems in society. According to Islam, science is given to students through education which is comprehensible since science is only from Allah SWT. Therefore, the concept of secularism divides humans from Allah.

Science is seen as an independent and unarguable thing. It is like a railway, looks like the same but they take us into different places, so there is no convergent point. It results in creating an exclusive human with some dilemmatic and straight dogmatic. Secularism tries to move or even despise the role of religion in education. It results from global politics, which the liberals lead. The liberal ideology has been initiated by the concept of independence and human rights. It focuses on the way people rule the world. In other words, a human can do anything without God. Secularism makes every science relative. Therefore, scientists, academicians and students agreed that science is not affected by value because it is absolute. Human is free to find and keep on looking for "truth" based on their perception. Secularism says that life is independent without God will because God does not exist in the world. If something good happens to them, it is all because of themselves. Secularism understood something pragmatically. Understanding the world with no things such as the afterlife. It is very narrow and wrong (Prasetyo, 2015).

Besides the senses, mind and conscience as the basis of the epistemology of jurisprudence, in Indonesia, people also recently understood the revelation in the form of religion and scripture as a source of law. This is by the reality that the majority of the Indonesian population is Muslim, so the revelation (Al-Quran) becomes part of the law to regulate the community's life. Making revelation as the basis of law epistemology that can be used in general is not easy because there is an objective and subjective perspective, so it is susceptible to particular sentiments that are deliberate or not become a specific problem in life. Law thoughts based on religion are in line with the postmodern era that is being a wave of changes in human civilization (Brennan, 2013).

The incompetence of humans in regulating life finally restores the various problems that exist to God the Almighty over everything (Paulsen, 2013). The absoluteness of God's law that is often refracted by the postulates of artificial law shows its truth. As it has been explained in the revelation that God knows something best for the people, it has become a necessity that humans must believe and piety to Him (Schwartzman, 2014). The existence and benefit of revelation-based law has become the study of ontology and axiology law in Indonesia.

In contrast, the revelation-based law as an epistemology of law can be understood by a specific methodology that suits its characteristics and peculiarities not to lose the basic principle of the value contained in it and acceptable. This is different from what is meant in the Islamic law praxis (sharia) (Jehle, 2016) that has been formalized in Indonesia to organize certain things for the Muslim population. However, jurisprudence epistemology based on revelation takes the values or meaning contained in the disclosure (Al-Quran) as the basis of common jurisprudence epistemology (general) that can be accepted in general.

The science of law based on revelation in Indonesia can be seen from the science of prophetic law, which has three essential values as its fundamental principle, namely humanization, liberation and transcendence as its pillars. According to Kuntowijoyo, transcendence taken from the understanding of Al-Quran Surah Al Imron verse 110 is the basis of humanization and freedom in the epistemology of prophetic law. The dominance and role of religious revelation (al-Quran) as the value of transcendence in the prophetic jurisprudence is extreme when associated with elements of humanization and liberation. The prophetic jurisprudence based on revelation is studied by jurists in Indonesia such as (Koesnoe, Heddy Shri Ahimsa Putra, Amin Abdullah, Jawahir Thantowi, Syamsudin and Bambang Sutiyo), in their writings mentioned the object of prophetic law, namely all human activities that occur in life and also the usefulness of studying the jurisprudence that comes from God (Syamsudin et al., 2013). The prophetic jurisprudence is also expressed by (Absori, Kelik Wardiono and Saepul Rochman), the science of predictive law is presented as an alternative legal science, besides being theological, it tries to give a critical correction to the existing law, primarily normative positivistic (Absori & Rochman, 2015). There is also a criticism of jurisprudence that is not supported by religious bases, such as criticism of non-systematic law so that the prophetic jurisprudence appears more firmly with the main floor of the revelation of Al-Qur'an.

Furthermore, the epistemology of prophetic jurisprudence is discussed explicitly by Kelik Wardiono by using the concept of Kuntowijoyo. In his view, Al-Qur'an is a revelation that can be transformed into jurisprudence. The need to understand the Divine values whose truths can be objectified and explained scientifically (Wardiono, 2016). If tracing the prophetic jurisprudence based on revelation (al-Quran) in Indonesia has inspiration from Islamic thoughts abroad, such as; Danah Zohar and Ian Marshal on the importance of spiritual intelligence (Zohar & Marshal, 2000), M. Abed al-Jabiri about bayani-burhani-irfani as a typical Islamic reason in Arab (Al-Jabiri, 1986), and Syed Muhammad Naquib al-Attas about the Islamization of science (Al-Attas, 1985).

The central prophetic jurisprudence based on the Qur'an with the concept of humanization, liberation and transcendence should make the human a good servant of God, which means having an attitude of unity to a strong God. As described in Al-Quran Surah al-Fatihah verses 1-7;

"In the name Allah, the most gracious, the most merciful. Praise be to Allah, the Lord of the Worlds. The most gracious again, the most merciful. The master of the day of vengeance. Only You are the one we worship, and only to You do we ask for help. Point us up a straight path. That is the way of those whom You have given them a favour; Not their way of wrath and not their way of being astray." (Q.S. al-Fatihah 1: 1-7).

God has created man as the perfect and best being, and then man should have achieved the good thing by trying and praying to God. With faith and devotion to God, man will receive the guidance of righteousness, a path that does not contain sin and mistake. Suggesting that religious duties might be ontologically superior to personal conclusions about right and wrong (Mcconnell, 2013). All is the will of God. Man is obliged to obey and submit to the provisions of God that have been described in Al-Qur'an. The goodness of the earth happens because people follow the laws of God, and the damage on the ground occurs because people violate God's laws.

II. METHOD

This research is the research of library research (library research). Library study is a series of activities related to library data collection methods, reading and recording and processing research materials. This study uses the philosophy of science approach, so that in this research, there are three essential elements, namely the object of study in the form of legal reasoning epistemology (ontology), procedures, processes and means used by reason to explore and obtain the truth of law (epistemology) and usefulness The science of law (axiology).

Sources and types of data in this study were derived from literature study materials, such as; books, journals, dissertations and other scientific works related to the research. Based on the theories and concepts used, the primary data source is literature study materials that discuss the theory and concepts of epistemological convergence of jurisprudence from Khudzaifah Dimiyati about Thinking & theorizing of jurisprudence (Ikhwan, 2021).

The data in this study were collected through a literature study, in the early stages of library studies conducted through menginfentarisir various library materials related to the research. Library data collected through the inventory process matches the research theme performed in multiple libraries. The data have been collected and then studied intensively and deeply to obtain a more detailed and in-depth description and explanation. From the library, data collecting can give each other information that can dialecticalized knowledge of the truth so that collected data can be complementary. Data analysis was done by the descriptive interpretative method. Descriptive is done to obtain a description of the explanation of the data in the form of convergence epistemology and

science of some characters. Then the data is interpreted to find the actual meaning or other significant meaning contained in the data, so that obtained the information is clear.

III. RESULT AND DISCUSSION

Positivism rejects anything related to transcendent because they believe that God exists. As stated by B.M Oliver, "Here comes the time when science destroyed religious basis and norms, it offers new logical reasons for human behaviour, an ethic which is suitable with human need here and now, not beyond." Positivism rejects mathematics, sacredness, and thing beyond human experience. They think metaphysics is nothing for science because it pulls its way from any effort of verification, truth, or wrong perception with no evidence. Therefore, positivism is away from Philosophy because it is considered irrational speculative. It does not make sense. Positivism focuses only on the social aspects without taking value and social norms seriously. It actually can recognize real things which affect human life. The feelings of fairness, happiness, and joy are not real, but their existences are put in educational science. From the positivist point of view, the disadvantages of education are hedonism and materialism. Instruction is focused on things that are real. It sweeps away the essence of education, the existence and the non-existence. Science should be neutral, free from the value of judging attitude, feeling, and soul. Science limits itself from metaphysical and religious aspects.

Jurisprudence epistemology based on revelation has the same understanding as to the law of nature theory of Nature law. The primary reason for using the law of nature theory is that philosophically Nature law has aspects of ontology law that comes from God, not the law in the sense of empirical understanding in society nor the direction in a formal logical norm system. The epistemology that is often manifested in the form of reasoning method used law of nature is not reached by mind reasoning methods and objective empirical, thus having more closeness to the irrational way in the principle of religious values. The use of revelation as a trustworthy source of knowledge in the law has been felt by humans from ancient times until now, although it is recognized that there is a need for transformative development. The problematic issues resolved in the realm of empirical law and the positive norm system can be decomposed and settled with the religious values in the revelation.

The object of the epistemology of the study of revelation-based law has similarities to the description in the theory of natural law, as described in the previous view. Revelation as the basis of the philosophical epistemology of jurisprudence is included in the study of natural law theory. It can be understood by ontology aspects of natural law theory that has a law object in the form of revelation of scripture that contains the religious values. Revelation regulates all areas of human life so that the truth of revelation can study almost all legal issues that occurred. Epistemologically clear that revelation as the source of law derived from God and the conscience, morals, and sense becomes the specific characteristic of natural law theory. Natural law understanding law beyond the empiric and rational range proves a greater source of law and unmatched value. To reinforce it, the intuition of conscience even and morals still cannot touch it. However, the reasoning of conscience has a closeness with God, but not all things can be understood by humans,

even about conscience, namely the absolute truth of God's revelation. The axiological aspect of natural law theory also has role and usefulness similarities of acknowledgement in human life, i.e., as guidance of life for a human to carry out the command and stay away from God's prohibition (Laborde, 2014).

As the oldest law theory, the theory of natural law has an ability that has never been immersed in the development era and global modernity that the stronger waves hit human life. The ability to survive from the natural law is inseparable from the base of faithful epistemology to support it all the time. Epistemology based on God's revelation on the natural law gets a strategic position in playing its role as the highest source of law and has the absolute value of truth. Although in its development, the natural law has basic moral epistemology, conscience and sense, so that the natural law becomes law concepts that cover various legal theories. Revelation as the source of natural law serves all law problems and their development in human life. It can be seen when the senses and minds cannot understand the truth well, and the conscience has been distracted by substantial interest so that the ultimate truth of God appears as the only grip for a human that does not need to doubt and verify. Such an understanding as proposed by Albericus Gentilis, he stated that to the natural law as a law that has structurally higher position becomes the basis of the policy of a king in the past. Positive law formed by the kings is an incarnation of natural law and should not be contrary to natural law.

Nature is a manifestation of God's existence in a natural context. Nature law understands the law formed from God's creation as the ruler of the universe that produces endless and absolute justice. The natural law as God's justice is the highest level of law that cannot be reached by human ability. This understanding is suitable to the theory of modern natural law, which patterned theology as proposed by the natural law theory of neo-scholastic flow by Le Fur. He describes that the concept of natural law is essential, which relates to the idea of God's justice as a natural law that relies on the human position as the best creation whose desire and higher intelligence, namely God intelligence (Friedmann, 1953). God as the source of law is described in the revelation in the form of the holy book as the guidance of human life. The spiritual dimension in the social and legal study which associated with capitalism spirit has also been described by Max Weber through the "Protestant ethic", whose main point is that hard work is a necessity to achieve spiritual welfare (Weber, 1992).

Thomas Aquinas, in the middle-ages states, that the natural law is understood as the law comes from God. Moreover, he mentioned four kinds of natural law (Aquinas, 1985). First, *lex aeterna* or eternal law is a form of God's power that cannot be captured by human ability. Secondly, *lex divina* or divine law is specific guidance from God on how people should live as it is written in the scriptures. Thirdly, *lex naturalis* or natural law is the most basic public instruction in human life. For example, a good thing must be done, whereas an awful something must be abandoned. This law is the embodiment of *lex aeterna* into human ability. Fourth, *lex positiva*, or applicable law, consists of God's positive law, found in the holy books and favourable artificial laws. Positive law implements natural law based on specific requirements needed globally (Huijbers, 2008). According to Thomas Aquinas, there are two main principles in natural law: primary and secondary. The primary principle is the principle associated with the fundamental human

right, which is universal without limitation and time and attached to every human being. At the same time, the second principle is specific principles described from primary focus by using the human mind. The enforcement and binding of the secondary code are based on the policy established and given by the country's positive law. The enforcement and binding of the second principle are based on the policy set and provided by the country's positive law. In elaborating these secondary principles often occur irregularities and abuses committed by humans towards the law for a particular interest.

Revelation is the base of epistemology in legal studies. Some Islamic jurists, such as Thomas Aquinas in the western and al Syafi'i in the eastern, understand that the law is derived from the revelation of God in the form of the holy book of the Quran. According to Syafi'i, based on the Islam religion, the natural law is the revelation of God delivered through the Prophet Muhammad for his people. The primary source of law in Islam is Al-Quran and Hadis, which contains some guidance of life reflected from the life of the Prophet Muhammad. Islamic law sourced on the Al-Quran is another form of natural law. Al-Quran has a close relationship with God directly as the absolute authority-holder of the revelation, so the truth is guaranteed and no doubt or tested again. Shafi'i states that the law must be adapted to the will of God through the revelation of the Qur'an. As a religion of revelation, Islam is a form of human recognition to believe, convince, and completely surrender to God because God has established the law for people to manage life to be better.

As the basis of epistemology in legal studies, Revelation has all legal issues related to disclosure as a source of law, such as holy book and Sunnah in Islam. Because revelation is a source of the external direction of people so that its existence can influence other internal people to the start of sense, mind, and conscience. Many kinds of legal issues related to religion's education in justification assessment become the object of revelation-based jurisprudence. This jurisprudence will emerge when it happens inappropriate in understanding the truth of the law so that the object of jurisprudence based on sense, mind, conscience can metamorphose to be revelation-based jurisprudence. The globalization era and emerging several conflicts are being legal issues, not only contravening society's legislation and social system and hurting the conscience but also ignoring God's role in arranging human life. It can be seen in some legal cases, such as the cases of student abuse by her teacher, religious conflict, simultaneous corruption conducted by some officers and various other topics (C.Mcclain, 2014).

Revelation as the review object of epistemology in legal studies is not only about the understanding of law as the social reality of society and law as the system of positive norms and law sense of conscience, but also it continues in taking the object of law into revelation based on the value of religion's education enclosed in the holy book and *sunnah rasul*. Studying the law with revelation epistemology to a particular law case is not enough by looking at the empirical evidence of law and legislation and sense of conscience. Furthermore, the issue of law will be assessed using standard measurement coming from the transformation of the revelation value in religion's education to get a truth of revelation-based jurisprudence. The reason for doing the legal issue, either intentional or unintentional, impacts others. Therefore, the legal case is understood totally to find out the real truth, the absolute truth of God. Understanding the object of

law can reinforce specific character from the reasoning of revelation in the epistemology of law study.

The object of revelation-based law has conformity to the reasoning method in natural law theory. This statement is described by Thomas Aquinas, who understands God as the source of direction. The revelation as the source of direction has had the absolute and endless truth because it sources God, who controls everything. Based on the understanding and belief, the reality of revelation can be developed into scientific knowledge and having responsibility. The main disclosure in the form of the holy book has had absolute truth so that legal problems can be examined using the value of whole truth. The scope of revelation objects can arrange all aspects of human life; it makes it people difficult to understand the thing. Here, it is caused the inability of man in transforming revelation into the human understanding whose limited ability (Chemerinsky & Goodwin, 2016).

The epistemology legal study of revelation-based used secondary data in the form of the holy book and sunnah rasul from literature. However, primary data obtained from the society directly and the study of conscience and moral of law is needed to complete the analysis of revelation. The use of these data results from the revelation-based unlimited epistemology in rational logic in reason and reality of empiric facts. All these data were used together to understand the legal issues faced. The use of these data was expected that understanding the law could bring the people into absolute knowledge of the law and uncontested through some revelation-based hypothesis. It should be remembered that the use of primary and secondary data and data containing the study of conscience doesn't mean merging or integrating mind, senses and conscience as in the legal theory of integral law (law integration). The data were only used to build the construction of new data-capable for transforming the value of religion's education into human reason.

There are three techniques in collecting data to capture legal study of revelation-based. The first technique was conducting a literature study through reading, watching, listening and writing all documents in the library and searching all records on the internet. Second, exploring all information about law growing in the society by interviewing, observing, delivering questionnaires as in epistemology of sense-based jurisprudence relies on empirical data in the field. Third, contemplating to have a sense of conscience in law can be obtained from practical reality in the society and legislation. The data must be proven by adapting other data. The validity of data needs to be examined critically and carefully before being applied to the advanced law study since the data obtained are complex and reach several legal issues with various backgrounds. The processing of primary data, i.e. legal reality in the society, a system of positive norms as the secondary data and the data explored from the conscience were conducted to get validated and organized data. The primary, secondary and obtained data from the study of conscience were born in this research as the processing data technique.

Moreover, the next step was classifying the data based on the classification of law materials and arranging the systematic data objectively and logically. The use of systems arranged objectively and logically considered religion's education becomes the main principle in revelation-based jurisprudence and can be found in the reasoning of natural

law theory. The revelation-based reason was done to analyze the relationship of one legal entity to others to understand law generally so that it is appropriate to the value of religion's education in the revelation. Although the technique of processing data was conducted by having procedure and mechanism, i.e. deductive and inductive reasoning methods, the dimension of legal assessment standard should be believed and convinced well before being explained scientifically. However, it does not mean that the resulting truth of the epistemology of revelation-based jurisprudence cannot be accepted and assured. Nowadays, many study findings admit the truth of revelation than objectively and rationally truth. After collecting and processing the data, it was analyzed by reviewing the result of processing data supported by the theory of natural law that is more likely to have a common epistemological revelation-based. Analysis data is an activity providing supported review, opposing or giving justification of legal issues and ended by concluding seemly to the values of revelation in religion's education.

The epistemology study of revelation-based has higher reasoning than epistemology of sense-based, brain-based, and conscience-based. Reasoning methods of sense, brain, and intuition to revelation are used after having faith in the truth. The feelings, brain, and conscience only play as instruments to prove the truths that have been believed and convinced or called hypotheses. The fact obtained by revelation-based epistemology is the absolute or the real truth because it comes directly from God. There are legal issues that the mind of the senses cannot handle at a specific time, and human conscience, so revelation is needed to understand the truth. As the base of epistemology, Revelation has a vital role since it can affect the epistemological base of the senses, mind, and conscience. The values of religion's education in revelation can be the primary orientation of truth created by senses, mind, and conscience. In Islam, disclosure is understood as the world view of Islam as the basis in all aspects of human life. This understanding as argued by al-Jabiri about the trilogy of Islamic reasoning methods: first, Bayani as the epistemology emphasizing on the authority of directly and indirectly text through inference (*istidlal*); second, Burhani as the epistemology creating knowledge through the basic principle of logic based on the previous believed-knowledge axiomatically (*badhihi*). Burhani is defined as a thinking activity to decide the truth of proposition (*qadliyah*) through deductive approach (*al-istintaj*); third, Irfani as the epistemology based on the experience of conscience intuition as a method of knowledge expression obtained through the exposure of God to his servant after having mentally and spiritually (*riyadlah*).

The use of the inference method to sum up deductively as in logic reasoning caused the position of the principal value of natural law of revelation-based epistemology on the lower level. The understanding was started from the conformity of the reality of empirical behaviour to the system of positive law norms. The next step was examining the agreement of the system of positive law norm to the value of universally law truth obtained from the importance of religion's education of revelation. It can be seen that the process of exploring the reality of law did not cease on the mind, but it was ended by a higher reasoning method than the mind as the source of the direction. The natural law has two main reasoning methods to comprehend the law truth. First, on the highest level has absolute belief and confidence in God written in Al-Quran and explained more in Al

Hadis. Second, on the lower level has inference by concluding deductively or inductively. It is not a reliable reasoning method in understanding natural law, as Shidarta and Khudzaifah Dimyati.

The epistemology legal study of revelation-based has a vital role in human life. Based on the absolute and tangible benefit, epistemology legal study of revelation-based has the advantage. First, as the highest level of the source of law, it can be used as the primary and principal basis for the lower law. Second, it is the solution of legal issues for the most challenging problems humans cannot solve because of limited human ability. Third, having belief and confidence can draw hypotheses to describe more about the truth through the epistemology of senses, mind, and conscience. Fourth, revelation in the form of a holy book can be used directly and indirectly to be positive law. Fifth, religiously, the use of revelation as the source of law is a form of human faith and devotion to God (tauhid), so there is a relationship between law and religion and following, it is used as the main framework in developing integral legal study or integrated law and religion (Waldron, 2014).

The disability of the epistemology of legal study in Indonesia in responding to various legal problems worries some legal experts, such as Khudzaifah Dimyati. She argues about the concept of convergence legal study. The main point of convergence legal study is the convergence of the legal study to the revelation as the base of epistemology (Dimyati, 2014). Convergence legal study seems to be more inclined to use the analysis of disclosure as the basis of epistemology and subsequently develop to another cause of the epistemology. In understanding the truth of convergence, the legal study uses inductive-deductive reasoning to clarify the revelation objectively. Integrative legal study based on ontology, epistemology, and axiology progresses between the idea of natural law, historical law, and pragmatic legal realism. Next, it is combined with critical theory argued by Jurgen Habermas, the hermeneutic circle paradigm claimed by a freedom theologian, J.L. Sugendo, and the idea of textual inference historically coherent by Louay Safi. The framework of convergence legal study is always based on positive legal thinking as its primary foundation.

Revelation as a part of convergence legal study is needed reconstruction in legal research. The reconstruction is done to solve the roof of the problems states that it separates revelation as the source of knowledge in the legal area. Then it proves that revelation can be part of the epistemology of legal study. In this case, the concept of Louay Safi is relevant and appropriate since it can establish the characteristics of rational revelation. The refusal of revelation as the source of knowledge, according to Louay Safi, is only based on unnatural causes and the conflict of revelation to study, it is not an imperative conflict that occurs in all fields of study, but it is assumed that it affects the type of Western thinking that is absurd and artificial. According to Louay Safi, the conflict between revelation and study in Islam is caused by a desire to walk on other cultural bases that have been assumed appropriate to their idealism (Safi, 2001). To formulate the basic framework and methodological is needed an effort to integrate revelation with rational thinking ways. It has three steps, they are.

The first stage is implementing a textual inference procedure: (1) identifying the relevant revelatory text to the issues, including analysis and thematically linguistic study. (2) Understanding or interpreting the meaning of the statement of revelatory text adequately and relevantly, either lexically or contextually. (3) Clarifying or ta'lil text revelation by identifying the cause of authority or legal in-text revelation. It aims to identify the general characteristics of different objects that justify using the same terms as the first step in determining the universal principle in organizing various Islam laws. (4) Formulating a concept of a rule derived from revelation text which the process of continuous abstraction can gain. The concept of the general rule of derivation results from the revelation text can be integrated into another higher-level abstraction rule. It is essential to realize that the system of rule concepts successfully derived from the text revelation can never be sufficient to inspire specific actions since the system itself consists of the general rule. The application to particular cases requires considerations and specifications. It can be done by including information related to action character and individual or collective interaction. The application of universal rule needs the knowledge of existing requisites. The application completed by rules is possible when the academic action requirements are suitable to the actual condition. Therefore, a prior study on the action and human interaction is needed before the rules of revelation text are applied.

The second stage is the procedures of historical inference, they are: (1) analyzing an action of an individual including social phenomena being discussed to identify the purpose that is entire object argued by the actor, the motive is psychological encouragement of actor and rules of technical procedures of social law should be followed to achieve the purpose of action. (2) Classifies various action types based on the similarity or difference of components consisting of purposes, motives, and rules. A similar purpose will build a homogeneous group, and different actions will be divided into heterogeneous populations. (3) Identifying the universal rules which build interaction between various groups identified in the previous step. To take the universal rules of interaction law, model of cooperation and conflict, domination and submission, social growth and deterioration must be studied extensively beyond time and area boundaries. (4) Systematization of universal rules gained to eliminate internal inconsistencies of the system of rule obtained.

The third stage is the procedure of textual inference and firm historical conducted by: (1) analysing the revelatory text and phenomena into essential components, such as statements and actions. (2) Group similar statements or actions into one category. (3) Identifying the rules connecting various categories. (4) Identifying the general rules and purposes into interaction or interrelation of various categories. (5) Systematization of rules obtained through the previous procedures. The textual and historical inference pattern is not limited to a similarity of the textual and historical procedure. Still, it can be broadened to the structure of action and statement since action and statement also basically have rules and purposes of motive that enable unity and coherence. Besides, it can be compared among them. Using this concept, it is expected that the relationship pattern between the revelation, citizen and empirical in advance is achieved.

The normative theological approach that has been hegemonic in understanding revelation must be renewed into an empirical factual approach in society. The text of revelation as the primary orientation should be changed into an observed accurate system in social life using objectivism methodology. The integrative legal study admits subjective awareness as the structure super of thinking of realism legal pragmatic and the reality of based-material objective factual as the structure of feeling of sociological jurisprudence and historical law. Both of these emerge because of dialectics in social relationship patterns internally, externally, and objectively. Integrative legal study based on firmly Islamic values. Therefore, it contains elements of non-neutral criticism whose agreement of emancipator practice interest. Consequently, the concept of law has close to the theory of criticism of Frankfurt and Max Horkheimer. Criticism as an adaptation process of context occurs to the text of revelation and vice versa. To describe the reality of empirical facts is needed an interpretation of text revelation using the method of hermeneutic circumference argued by J.L. Sugendo so that it asks the process of the performance of revelation text continuously to the reality of empirical facts in the society. As a result, new ways to comprehend all of the legal issues will be found in the form of context and text.

Epistemology reconstruction should provide methodological foundations to absorb revelation into the legal study. Convergence legal study is a basic framework to unify the epistemology of legal study has been dispersed their features and character without foreword. By comprehending legal as one of the integrated systems of human thinking, convergence legal study has weaknesses. In other words, some limitations were also found in this convergence legal study. So, according to the initiator of the concept of convergence legal study as the basic framework in building an ideal concept of the epistemology of Indonesian legal study context, continuing on this concept by using another legal study which gives a complete and comprehensive understanding of the concept of legal study in Indonesia. The problems on the concept of convergence legal study are probably an acquisition process of revelation as the main principle in legal study. Hence, it will be like in the understanding of the concept of prophetic legal study based on the disclosure of Al-Quran. Therefore, according to Khudzaifah Dimiyati as the initiator of convergence legal study, a wise attitude is needed to understand the epistemology of legal study by not being tempted to take side one of the epistemology of legal study.

IV. CONCLUSION

In the effort to explore and obtain a good legal science is not enough to base on the science of normative law in the legislation and legal sociology contained in the empirical reality of the law in society, but also required epistemology of science based on God's revelation contained in the scriptures and values -the value of religious teachings. Legal science, thus, the value of truth contained in it is not only recognized by rational logic and empirical reality but also can be recognized truthfully and eternally. Epistemology of God-based law of revelation, as in the science of prophetic law, has the dimension of humanization, liberation and tridentidity that can guide and guide people to achieve a

better and ultimate life. The epistemology of the science of revelation-based law shows the position of the human race as the best of God's creation.

VI. REFERENCES

- [1] Absori, K. W., & Rochman, S. (2015). *Hukum Profetik; Kritik Terhadap Paradigma Hukum Non-Sistematik*. Yogyakarta: Genta Publishing.
- [2] Al-Attas, S. M. N. (1985). *Islam, Secularism and the Philosophy of the Future*. London-New York: Mansell Publishing Limited.
- [3] Al-Jabiri, M. A. (1986). *Bunyah al 'Aql al 'Arabi; Struktur Nalar Arab*. Beirut, Libanon: Markaz Dirasah al Wihdah al Arabiyah.
- [4] Aquinas, T. (1985). *Summa Theologiae, Trans. R.J. Henle*. Amerika: University of Notre Dame Press.
- [5] Brennan, P. M. (2013). The Liberty of the Church: Source, Scope and Scandal. *Journal Contemp Legal Issues*, 21(165), 189–193.
- [6] C.Mcclain, L. (2014). Can Religion Without God Lead To Religious Liberty Without Conflict. *Boston University Law Review*, 94(1273), 1300–1319.
- [7] Chemerinsky, E., & Goodwin, M. (2016). Religion Is Not A Basis For Harming Others. *The Georgetown Law Journal*, 104(1111), 1135.
- [8] Dimiyati, K. (2014). *Pemikiran Hukum; Kontruksi Epistemologis Berbasis Budaya Hukum Indonesia*. Yogyakarta: Genta Publishing.
- [9] Friedmann, W. (1953). *Legal Theory*. London: Stevens & Sons Limited.
- [10] Huijbers, T. (2008). *Filsafat Hukum Dalam Lintasan Sejarah*. Yogyakarta: Kanisius.
- [11] Ikhwan, A. (2021). *Metode Penelitian Dasar (Menenal Model Penelitian dan Sistemikanya)*. Tulungagung: STAI Muhammadiyah Tulungagung.
- [12] Jehle, G. (2016). Innovation, Arbitrage, and Ethics: The Role of Lawyers in the Development of a New Transnational Islamic Finance Law. *The Georgetown Law Journal*, 104(1345), 1346–1348.
- [13] Laborde, C. (2014). Dworkin's Freedom Of Religion Without God. *Boston University Law Review*, 94(1255), 1258–1271.
- [14] Mcconnell, M. W. (2013). Why Protect Religious Freedom? *Yale Law Journal*, 123(770), 792.
- [15] Paulsen, M. S. (2013). The Priority of God: A Theory of Religious Liberty. *Law Review*, 39, 1159–1160.
- [16] Prasetyo, Y. (2015). Kebijakan Pendidikan Berkeadaban Melalui Inovasi Pembelajaran Berkeadaban.
- [17] Safi, L. (2001). *The Foundation of Knowledge: A Comparative Study In Islam and Western Methods of Inquiry*. Trans. Imam Khoiri.

- [18] Schwartzman, M. (2014). Religion, Equality, And Public Reason. *Boston University Law Review*, 94(1321), 1336.
- [19] Syamsuddin, A. (2007). Kemodernan, Sekulerisasi dan Agama. *Jurnal Majalah Islamia*, 3(2), 35.
- [20] Syamsudin, Koesnoe, Putra, H. S. A., Abdullah, A., Thantowi, J., & Sutiyo, B. (2013). *Ilmu Hukum Profetik*. Yogyakarta: Universitas Islam Indonesia.
- [21] Waldron, J. (2014). Religion Without God By Ronald Dworkin. *Boston University Law Review*, 94(1207), 1207–1211.
- [22] Wardiono, K. (2016). *Paradigma Profetik: Pembaruan Basis Epistemologi Ilmu Hukum*. Yogyakarta: Genta Publishing.
- [23] Weber, M. (1992). *The Protestant Ethik and The Spirit of Capitalism*. London: Talcott Parsons.
- [24] Zohar, D., & Marshal, I. (2000). *Spiritual Intelligence The Ultimate Intelligence*. London: Bloomsbury.