School of Philosophy of Islamic Law:

The Urgency of Teaching in Higher Education in Indonesia

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Abstract

The purpose of this study is to compare the teaching of philosophy of law in Universities in Indonesia. The approach used in this article is a comparative study. The results of this study indicate that in general the teaching of legal philosophy in Indonesia is dominated by the content of the European-Western legal philosophy. This study also finds that the schools of Islamic legal philosophy comprehensively discuss aspects of ontology, epistemology, legal sources and methodologies, and legal axiology through various themes that are also studies by Western European legal philosophy without separating but placing them in certain parts. In this regard, it is necessary to add a school of Islamic legal philosophy as part of the disciplines taught by law faculties in Indonesia, especially to treat equally between the Faculty of Islamic Law and the Faculty of Western Philosophy of Law, moreover Islamic Law is part of the Indonesian legal system.

Keywords: Law, School, Teaching, University, Philosophy

INTRODUCTION

Philosophy of Islamic Law Mazhab as a school that has existed and developed since 6 AD. His birth developed since the Prophet Muhammad was appointed as an apostle, spread and until now influential in all parts of the world, including in Indonesia, although it has experienced restrictions and narrowing of authority at times. Dutch colonial.(H Fathul Mufid & Subaidi, 2019)

As a school of law that is used as a guide for the life of the majority of Muslims in Indonesia, Islamic school of legal philosophy is not part of the sub-chapters or discussions in books that must be taught in law faculties at universities in Indonesia, even though as one of the schools

based on objective science, the existence of Islamic legal philosophy is equivalent to Western-European legal philosophy which has been taught as the basis for understanding national law.(Shomad, 2017)

Based on the introduction above, the formulation of the problem that will be presented in this article; First, how does the teaching of philosophy of law in law faculties compare in Indonesia? Second, what is the urgency of adding Islamic schools of law in teaching philosophy of law in law faculties in Indonesia?

METHODOLOGY

The type of research used is philosophical with a comparative approach. A comparative approach is used to compare various policies, guidelines or books of teaching philosophy of law at state universities in Indonesia, including Gadjah Mada University in Yogyakarta, University of Indonesia UI Depok-Jakarta, Diponegoro University in Yogyakarta. Central Java, Airlangga University in East Java, Hasanuddin University in eastern Indonesia or Makassar, and Padjadjaran University in West Java.(Djuwita, 2015) The selection of the public universities as a sample was based on the reason that the public universities was the best public universities according to the Ministry of Research, Technology and Higher Education and represented each province. In addition, these universities are influential state universities in Indonesia and represent all government policies in the development of national law. Data collection was carried out through literature study by reviewing literature related to research problems. The data analysis technique is qualitative analysis in the form of exposure, description, and description of the research results.(Darmiyati Zuchdi & Afifah, 2021)

RESULT AND DISCUSSION

Comparison of Teaching Philosophy of Law in State Universities in Indonesia

The Philosophy of Law course at Gadjah Mada University is taught by Abdul Ghofur Anshori who has written a book entitled "Philosophy of Law, History of Streams and Meaning".(Anshori, 2006) In the introduction to this book, it is stated that there are two things

that will be presented in this book, first, the notion of philosophy, the philosophy of law and the school of thought in the philosophy of law in the trajectory of human history. Second, the discussion of law itself which is studied philosophically includes ontology, epistemology, legal axiology, legal theory, functions and objectives of law, rights and obligations, issues of justice, legal politics, and law enforcement. (Anshori, 2018)

Although the book contains a sub-discussion on Islamic Traditionalism and Justice According to the Philosophy of Islamic Law which has introduced the resilience of Islamic philosophy in stemming the flow of postmodernism and the contribution of Islamic legal philosophy in interpreting justice and benefit, in this book Islamic legal philosophy is not shown as one of the schools of legal philosophy as well as other schools of legal philosophy that dominate teaching in universities.(Yasid, 2010)

Furthermore, at the Faculty of Law, University of Indonesia, based on the academic guidebook for Faculty of Law scholars, the legal philosophy course presents the basic understanding of legal philosophy, the meaning of law and schools of thought of philosophers.(Asikin, 2014; Cahyadi & Manullang, 2021) The topics in these courses are an introduction to philosophy, philosophical problems and systems, approaches in philosophical studies and steps in studying philosophy, understanding legal disciplines (jurisprudence), differences between legal disciplines and other sciences. empirical science, definitions of the philosophy of law and the normative properties of law. (Safrin Salam et al., 2020) The philosophical schools of thought that will be discussed are the natural law school, legal positivism, Kelsenian thought in law, the sociological school of law, the realism school, the historical legal school, the judicial process, and Pancasila as a joint of harmonious legal values.(Sinaulan, 2021)

What is interesting about the teaching of Faculty of Law philosophy of law is about Pancasila as the Joint Value of Harmony. Based on the book Reflections on Legal Philosophy written by Law Purbacaraka and Soerjono Soekanto, it can be explained that the harmony of the legal values of Pancasila can be seen from freedom of religion, values and human nature,

nationality, exercise of power and decision-making tasks, and justice for all Indonesian people, both materially and materially. as well as spiritual.

Thus, the teaching model of legal philosophy at Faculty of Law is not limited to European-Western legal philosophy but also brings the system of thinking closer to legal philosophy in the Indonesian context as seen in the book written by Antonius Cahyadi and Fernando Manulang entitled Introduction to Legal Philosophy. one of the contributions to the treasures of legal philosophy in Indonesia. Among the main themes in this book are Introduction to general philosophy and legal philosophy, natural law school, legal positivism school, pure theory of law, sociological legal school, historical law school and legal realism school.(Cahyadi & Manullang, 2021)

Teaching philosophy of law at the Undergraduate Study Program at Diponegoro University provides students with an understanding of the law as follows:

1. Philosophy of Law is basically a part of Philosophy which discusses, primarily, Law.

2. In a narrow sense, Philosophy of Law studies the nature of law, which is embodied in various schools of Philosophy of Law; whereas in its broadest sense, Philosophy of Law includes not only Philosophy of Law itself which studies the nature of law, but also Legal Theory which explores the relationship between humans and law, Legal Studies which discusses how to solve legal problems, and Legal Practice which reviews the implementation of problem solving. the law.

3. An interrelative and comprehensive study of the nature of law, the relationship between humans and the law, how to solve legal problems, and the implementation of legal problem solving, is what is then referred to as a Paradigmatic Study.

4. The focus of the Philosophy of Law Course for the Bachelor of Law Study Program is on the nature of law, which is supported by human and legal relations, then by how to solve legal problems, as well as by the implementation of solving legal problems. And this source

Drafting team. Guidebook for Undergraduate Law Studies Program, Faculty of Law, Diponegoro University, Semarang, Faculty of Law, Diponegoro University, Semarang, 2021

Law as a paradigm serves to overcome the gap between philosophy and science and theory and practice, for this reason it is necessary to have a bridge connecting them. Erlyn Indiaarti offers a paradigmatic study and reframes legal philosophy as a complete scientific discipline, namely placing legal philosophy as a value base, legal theory as an explanation and understanding of law, legal science as a step to build systematic legal knowledge, along with its problems and legal practice as problem solving -legal issues, including drafting, implementing, and enforcing the law.

In addition, UNDIP also has an influential Indonesian legal figure in Indonesian legal thought named Satjipto Rahardjo who is known as Progressive Legal Studies. In 1986, on January 23, 1986, Satjipto Rahardjo wrote an article entitled 'About Legal Studies with Indonesian Characteristics starting with one question, 'Is it relevant when we talk about legal studies that have Indonesian characteristics?(Aulia, 2018) According to Suteki, Progressive Law is a legal thought that seeks to fight for justice and benefit, rather than legal certainty. The establishment and enforcement of Indonesian law requires the development of progressive legal ideas. At the level of law enforcement, the idea of a progressive movement is seen in how a progressive law enforcer is sensitive in using discretion and/or rule breaking, and uses his authority to protect the interests of the poor and marginalized.(Suteki, 2018) Finally, at the level of social movements, progressive law is described by legal empowerment and strengthening civil society movements to monitor state performance, for example the anti-corruption movement.(Rokhmad, 2013)

Likewise, teaching philosophy of Law at the Faculty of Law UNAIR also has an Indonesian character starting from Soetandyo Wignjosoebroto. According to Herlambang Perdana Wiratraman, Soetandyo's perspective does not only see the legal formulation as a text, but also sees the context. Law in context is not only an explanation of history, but also a

sociological analysis, and relates it to the world situation and the wide range of thoughts that characterize it. For that reason, the philosophy course discusses even though the topics of discussion consist of the relationship between philosophy, philosophy of law, and legal science; law and morals, naturalism, positivism, and utilitarianism, directed to understand the context of legal culture in Indonesia.

Teaching philosophy of law at the Faculty of Law provides a basic, complete, and comprehensive understanding of the position of philosophical studies in legal thought, the principles of the study of philosophy of law, the importance of the study of philosophy of law in relation to the process of searching for the nature and/or essence of law. This course also explains the functions and objectives of legal philosophy, schools of thought (schools) in legal philosophy including, how legal philosophy provides answers to fundamental problems in the dynamics of law and law enforcement, the existence of Pancasila values as the highest philosophical values. in the society that forms the basis for the development of the national legal system in accordance with the highest legal ideals of the community, and an understanding of the importance and position of professional ethics in strengthening ethics, morality and integrity of law enforcement and law enforcement.

Teaching Philosophy of Law at UNPAD is a deepening of knowledge that studies the core scope and nature of law and all aspects of its development. Specifically, this deepening is studying the schools of legal philosophy that underlies the conception of law as a means of development, discussing and studying the meaning of law, legal systems, legal functions, and legal guidance and education in accordance with the nation and state of Indonesia which is developing.

Based on the facts described above, the law faculties in Indonesia have their own characteristics and characteristics. This character is colored by the academic goal of building a legal philosophy base that is Indonesian in character, but the teaching substance from the Western-European School of Law is more dominant and School of Philosophy of Islamic Law is used as an instrument to understand Indonesian legal philosophy.

School of Philosophy of Islamic Law: A Historical Summary

The Prophet Muhammad is believed to be the founder of the foundations of Islamic legal philosophy as well as being a kadi (qadhi) who decides disputes with the guidance of revelation, therefore the nature of School Of Philosophy Of Islamic Law law is transcendent, because its formulation does not involve humans, the only ones that can be accepted judicially are decisions prophet Muhammad which is a concrete explanation of the transcendent norms.

In turn, the various matters decided by the Prophet Muhammad and the ways the Prophet Muhammad resolved matters became a kind of jurisprudence continued by his successors (Rashidin caliphs), but at that time an established philosophical system was not yet needed. The closest companions such as Umar ibn Khattab were trained to use analogy (qiyas) and to use the discovery of law through legal reasoning (ijtihad) for matters that arose after the death of the Prophet Muhammad.

School Of Philosophy Of Islamic Law appeared at the end of the 6th century AD founded by Abu Hanifah, or known as Imam Hanafi, it has the full name: Abu Hanifah Al-Nu'man bin Tsabit bin Zutha Al-Kufi, born in Iraq in 80 AH/ 699 A.D., coinciding with the time of the Umayyad caliph Abdul Malik bin Marwan. This sect later became known as the Hanafi School which in turn grew and became influential in Afghanistan, Persia, Egypt, Turkey, the Indian subcontinent, China, Russia and parts of West Africa.

The scientific construction of this school has been complete both ontology, epistemology and legal axiology which he developed, but due to his writings not being codified, the development of this school was carried out by his students studying at Madrasah Ahlu Ra'yi (School of Rational Thinker). The existence of this law school is the first in Iraq and even the world. One of his famous students was Muhammad bin Al-Hassan Al-Shaibani, the teacher of Imam Shafi'i. Through his students, Imam Hanafi's views spread widely in Islamic countries, even becoming one of the schools recognized by the majority of Muslims. Philosophically, the Hanafi school of thought is as follows:

1. Ontologically, the nature of law according to the Hanafi School is all the rules of law made by Allah and the Prophet Muhammad. The rule of law can be in the form of various verses found in the Qur'an (ayat al-Ahkam) and the decisions of the Prophet Muhammad in resolving matters that have happened (hadith al-ahkam);

2. Epistemologically the source of law used by this school is the source of primary law (primary sources) contained in the Qur'an and secondary sources of law (secondary sources) contained in the Sunnah, especially the hadiths that have many narrations, because Imam Hanafi did not accept a hadith that has a single narrative (Sunday hadith). In addition, Imam Hanafi also acknowledged the consensus of the people who lived in the early days of Islam or the companions of the Prophet ('ijma shahaby) and the customs that are traditions (urf) as tertiary sources. The hallmark of the Hanafi school lies in the portion of the use of reason (ra'yi) which serves to make legal opinions.(Al-Sais, 1990)

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3. Methodologically, this school uses analogy (qiyas) and discretion (istihsan). The analogy of law made by Imam Hanafi by connecting the sectoral issues (furu ') to something whose

law has been determined by the source of the main law (ashal), by looking at the similarity of cause (illat), then the sectoral law must be the same as the law which is at the base. Through the analogy practiced by Imam Hanafi, the principle of law is formulated that "sectoral legal provisions follow the basic legal provisions".

The most appropriate understanding for understanding consideration for good (Istihsan) is as stated by Imam Abu al-Hasan al-Kharki that the determination of the law of a mujtahid on a matter deviates from the provisions of the law applied to similar matters, for reasons the stronger one who wants him to commit the deviation. Based on this definition, the subject of the law can leave a legal act if it obtains stronger legitimacy for the deviant act than before;

4. The legal axiology of this school is the values of justice aimed at achieving goodness. Verification of goodness is based on reason, feeling and empirical facts. Therefore, according to Imam Hanafi, goodness is based on religious law (syara), goodness is also measured based on agreement, goodness compared to emergencies and goodness compared to analogy.

The emergence of the Hanafi school was followed by the Maliki school of thought, which initially developed in Medina during the Abbasid reign under Caliph Harun al-Rashid. This school of thought spread and was influential in Medina, Egypt, Libya, Tunisia, Algeria, to Europe, which was then under Islamic rule, such as Cordova in Spain and Sicily in Italy.

There is no fundamental difference between Hanafi and Maliki ontology and legal epistemology. It's just that in the aspect of secondary sources of law, it is different from Hanafi who rejects the legal decisions of the prophet Muhammad which has a single narrative (hadith ahad), Maliki still places it as one of the sources of law. The next difference is in the aspect of tertiary sources of law, the Maliki school adds legal practices that occur among the people of Medina (amal expert Medina) and legal opinions of friends (fatwa shahaby) before making legal analogies.

For this reason, the Maliki school has a characteristic that distinguishes it from the previous schools by prioritizing syara' arguments (nash) over ratios. For Maliki, the legal practice of the people of Medina and the legal opinions of friends have argumentative power because of the historical relationship of the formation, application and enforcement of laws carried out by the prophet Muhammad in Medina so that their authenticity is guaranteed.

The difference between the Hanafi and Maliki schools lies in the aspect of the axiology of law, for Maliki the purpose of the burden of law is to achieve that benefit in matters that have never happened in the time of the Prophet Muhammad (maslahah mursalah). According to Imam Malik as rewritten by Imam Syatibi in the book of al-I'tisham, a maslahat in accordance with the purpose, principles, and arguments of law, which serves to eliminate damage.

Imam Malik also compiled the Book of Al-Muwatha which contains a collection of legal decisions that he made when he served as a judge (qadhi) and has been referred to by judges in the Islamic world after him, especially his students such as Imam Syafi'I who also became qadhi. That is why Imam Malik was also a pioneer who introduced the tradition of jurisprudence which was later followed in Europe, Britain and the West.

As a philosophical system, the Islamic school of law continued to develop until 767 AD through the concept of "Legal Fundaments" (Ushul Fiqh) introduced by Muhammad bin Idris al-Syafi'I (150 H- 204H/ 767M) in his book entitled Ar- Risalah ". Imam Shafi'i was a student of Imam Shaibani and Imam Maliki and the founder of the Shafi'i School which was influential and spread from Egypt to Saudi Arabia, Kurdistan, Hadramaut, Bahrain and Southeast Asia, including Indonesia.

Ontologically it is compared with the Hanafi and Maliki schools, only the real difference between this school and the Hanafi school is the existence of a legal exploration method (istidlal) used by Imam Shafi'i which is oriented towards achieving benefits, therefore this school is axiologically different. with the Hanafi School. Likewise, the difference with Imam Maliki is

regarding the writing of the Main Book (Al-Umm) which is jurisprudence and the result of the legal exploration process he does which is identical with positive norms.

The next difference, Imam Shafi'i tends to follow Imam Maliki in who argues that the values of justice as an axiology of law are followed by the goal of achieving benefit. This aspect of usefulness in Syafi'iyah's view was later developed by Al-Juwaini, Al-Ghazali, Al-Syatibi in the book "The Validity of the Basics of Law" (al-Muwaffaqat fi Usul al-Syariah). For Imam Ghazali, benefit has a basic element in the form of legal protection which is divided into legal protection for religion, soul, reason, human descent (human race), and protecting property. The elements of legal protection were mentioned by Al-Syathibi as "Legal Goals" (Maqashid As-Syariah) which was changed by Jasser Audah from being protection and preservation to the theory of legal goals which refers to development. (development) and fulfillment of human rights.

The last largest school is the school founded by Imam Ahmad bin Muhammad bin Hanbal. Imam Ahmad ibn Hanbal was born in Baghdad during the reign of 'Abbasids held by a Caliph named al-Mahdi, that is in the month of Rabi' al-Awwal in 164 H coinciding with the year 780 A.D.

Based on the opinion of Ibn Qayyim Al-Jauziyah, one of the scholars of the Hanbali school, ontologically there is no difference between the Hanbali school and the previous schools. Similarly, the epistemological aspect is mainly related to the source of the law. But in the methodological aspect of Imam Hanbali using hierarchical interpretation that is if he finds a problem that requires a legal solution, then what must be done first is to find the answer to the problem to the Qur'an, then it is obligatory to establish the law based on the text of the Qur'an.

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problem that requires a legal solution, then what must be done first is to find the answer to the problem to the Qur'an, then it is obligatory to establish the law based on the text of the Qur'an.

But if you do not get evidence from the Qur'an and hadith, fatwas of the companions agreed or still disputed, hadith narrated without direct contact with the Prophet Muhammad, generally narrated by the third generation (hadith mursal) or hadiths that are genealogically weak (hadith dha'if). In such a situation, it is only when forced to use analogy.

Comparison Islamic school of legal philosophy with MFHEB

School of Philosophy of Islamic Law has been established long before the birth of Saint Aquinas who was born in Italy in the XII century, the foundation of the philosophy of natural law which is based on the Catholic worldview and feudalism. Aquinas' Natural Law sparked criticism from his colleague, Hugo Grotius, until a rational flow of Natural Law emerged and stimulated the emergence of a positivistic school of law built by exponents such as Hans Kelsen, John Austin, Hart and Ronald Dworkin. Furthermore, the positivistic school was also criticized by the Bentham school of Utilitarianism, so that various other legal schools were born, such as the historical legal school, sociological jurisprudence (sociological jurisprudence) and Pragmatic legal realism. prolonged legal discussion.[1]

The ontology, epistemology and axiology of MFHEB are as shown in the tabulation as follows:

Mazhab	Ontologi	Epistemologi	Aksiologi
Natural Law	Fundamentals of Truth and Justice	Doctrinal-Deductive (Apodic)	Legal Justice
Positivism Law	Positive Norms in Legislation.	Doctrinal-Deductive (Perspective)	Legal certainty
Legal Utilitarianism	Positive Norms in Legislation.	- Doctrinal-deductive	Legal Benefits

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[1] The dialectical flow of the development of Western law see Kelik Wardiono and Saepul Rochman, Philosophy of Law: Modernist Legal Dialectics, Muhamamdiyah University Press, Surakarta, 2018, p. 29-120

		- Non-Doctrinal - Inductive	
School of History	Institutionalized Behavior Patterns	- Non-Doctrinal-Inductive - Doctrinal-inductive internalization (Structural/Macro Approach)	Benevolence, Justice (simultaneous)
Sociological Juriprudence	Judge's Verdict	- Inductive Non-Doctrinal - Doctrinal-Deductive	Benevolence, Justice (Simultaneous)
Pragmatic Legal Realism	Manifestation of the symbolic meanings of social actors	Non-Doctrinal-Inductive (Micro-Interactional Approach)	Benefits

Source: Obtained from Shidarta, Characteristics of Legal Reasoning in Indonesian Context, (CV. Budi Utomo: Jakarta, 2006).

Islamic school of legal philosophy corresponds to natural law in the aspect of legal ontology, as something created transcendently, but also immanent by the decisions of the Prophet Muhammad, but differs in its axiological aspect because justice in Islamic school of legal philosophy is accompanied by usefulness. In addition, Islamic school of legal philosophy initially did not try to create positive legal norms as the flow of change from eternal law (lex aeterna), natural law (lex naturalis), Christian law (lex divina), to positive law (lex positiva) or human law (lex humana). As for Imam Shafi'i, he added that the side of positivism in the Book of Al-Umm is not the norms created through analogy as a source of primary law.

Therefore, Islamic school of legal philosophy is different from the Positive Law School which considers the nature of law as positive norms in legislation whose position is primary. In terms of epistemology and axiology in accordance with the Hanbali School, but what is meant by Hanbali in the concept of legal hierarchy is the degree of validity of the norms contained in the Qur'an in relation to the making of legal opinion (fatwa) or decision of a qadhi, to the validity of legal analogy if the norms on it are not found.

In contrast to Hans Kelsen who stated that the basic norm (grundnorm) can be formulated in the form of a rule of law that is considered the highest in the field of law. The rule reads as follows: "one must conform to what is determined" (man soll sich so verhalten wie die verfassung vorschreibt). For Kelsen, the basic norm simply serves as a transcendental-logical condition for the validity of the entire legal system. That means that the obligations and obligations related to the law do not come from the content of a particular rule of law, but from a formal point of view.(Ali, 2017)

The concept of legal certainty offered by Islamic school of legal philosophy is that the religious norms contained in the Qur'an which are transcendent are what are called legal certainty (qath'iyah argument), on the contrary, even though legislation is stated in definite words, it is still considered something relatively because it was made by humans. For this reason, in this regard, Satjipto Rahardjo stated that the law is not a building full of rational logical order. But because it is humans who have an interest and want to see that the law is indeed always in the consciousness that wants to be organized.2

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2 Satjipto Rahardjo. "Teaching Order Finding Disorganization Thirty Years of Intellectual Journey from Bojong to Pleburan". Speech Ending Term of Office as Permanent Professor at the Faculty of Law, Diponegoro University, 2000, p. 17

in this regard, Satjipto Rahardjo stated that the law is not a building full of rational logical order. But because it is humans who have an interest and want to see that the law is indeed always in the consciousness that wants to be organized.(Raharjo, 2007)

The difference between Islamic school of legal philosophy and the utilitarian school lies in the aspect of ontology and the axiologically corresponding glimpse that is usefulness. It's just that the doctrine of utility according to Bentham and John Stuart Mill is an orientation of positive legal norms whose supporting arguments are legislative authority. Benefit according to Maliki and Syafi'i school is based on religious norms, this benefit was developed by al-Ghazâli, based on the presence or absence of assertions validated by religious law (syara) against it, therefore the benefits are divided into three, namely (1) benefits which is recognized by Islamic law (maslahah mu'tabarah); (2) benefits that do not obtain validity from Islamic law (maslahah mulgah); and (3) benefits that are not validated by Islamic law, both for its acceptance and rejection (maslahah mursalah). Islamic school of legal philosophy in this case only makes an analogy for matters that have not yet obtained its legal certainty. Islamic school of legal philosophy in this case only makes an analogy for matters that have not yet obtained its legal certainty.

The similarity between Islamic school of legal philosophy and the historical school is in the axiological aspect, but differs in the legal ontology aspect, although they both use institutionalized individual behavior which has implications for the existence of every legal norm. Law is seen as the embodiment of the soul or spirit of a nation (volksgeist).(Absori & Achmadi, 2017)

In Islamic school of legal philosophy, individual behavior which is institutionalized is the behavior of the prophet Muhammad and his companions which later in the Maliki tradition is known as the legal practice of the people of Medina and tradition (urf). The requirements for tradition to be considered as a source of law are that if there is no specific argument in the Qur'an and al-Sunnah that resolves the case or case, the requirements for the validity of the tradition must be generic and do not rule out higher sources of law.(Djazuli, 2021)

This issue also shows a difference with the pragmatic legal realism school, because what is meant by the manifestation of the symbolic meanings of social actors included in legal opinions are fatwas and consensus that have been agreed upon by the friends. As for the people after that, they can agree on matters that are independent of events that have not been stipulated by sharia law.

Furthermore, at first glance, Islamic school of legal philosophy has many similarities with the sociological jurisprudence school, but in the realm of ontology, although they both justify judges' verdicts as the essence of law, fundamentally there are differences because "judges" mean lawmakers essentially, namely God, while "qadhi" is law enforcement who decides a case based on the authority given by the judge, therefore the issue of authority becomes something important.

CONCLUSION

Based on the explanation above, it can be stated that at first glance there are similarities between Islamic school of legal philosophy and MFHEB, but differences are also found. The similarity lies in the epistemological realm, while the difference can be seen from the nature of the schools of Islamic legal philosophy which connects all ontological and axiological structures with sources of syara law, whereas on the other hand MFHEB pays attention to certain sectors which according to School of Philosophy of Islamic Law are not absolute primary sources.

Based on the results of studies on the teaching of philosophy of law at universities in Indonesia, it is necessary to accommodate School of Philosophy of Islamic Law as part of the teaching system in universities so that academics need to change legal philosophy textbooks by adding school of philosophy of islamic law either as a separate school or as part of a school. natural law. For policy makers, it is necessary to update curriculum standards in universities that are adequate to present teaching philosophy of law in an integrative format that integrates the values of Eastern and Western civilizations.

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