# "DEMISTIFIYING" PURITANISM IN ISLAMIC LAWS
## A Prophetic Social Science Approach

**Abid Rohmanu**
*IAIN Ponorogo, Indonesia*
*abied76@gmail.com*

## Abstract

*This paper aims to evaluate puritanism in formulating Islamic laws through the lens of prophetic social science approach. The prophetic social science approach, as an Indonesian historian Kuntowijoyo argues, offers a new perspective in understanding the position of religion in society. It calls for theoanthropocentric, in contrast to theocentric, approach to study religion, thus suggesting a contextualized interpretation of religion. This approach is essential in formulating Islamic laws, while reserving also as a criticism to theocentricism that leads to Islamic puritanism. This article will contribute to the discussion on Islamic legal paradigm as epistemic field as to which theoanthropocentrical reserves as analytical tool to demystify puritanism in formulating Islamic law. In so doing, the article offers to essential elements of formulating Islamic laws: the transformation from theocentric to theoanthropocentric approach and the contextualization of Islamic laws.*

*[Artikel ini mengkaji lebih jauh paradigma teoantroposentris dalam kajian hukum Islam, sebagaimana di rumuskan oleh Kuntowijoyo. Pendekatan profetik dalam studi hukum Islam memerlukan rumusan theoanthropocentric, ketimbang theocentric, dalam menyusun hukum Islam. Artikel ini kemudian menjelaskan bahwa demistifikasi epistemologis sangat penting bagi kajian hukum Islam kontemporer. Ada dua langkah dalam melakukan demistfikasi epistemologis: pertama, transformasi struktur dasar hukum Islam.*

*Transformasi ini menuntut pergeseran eksemplar teologis dari yang bersifat teosentris ke teoantroposentris. Kedua, pengembangan kerangka teori yang bersifat kontekstual.]*

**Keywords***: Islamic Laws, Theoanthropocentric, Prophetic Approach*

## Introduction

The contemporary trends at the era of post reformation indicate to a shift in Indonesian Muslim religiosity towards puritanism. The indicators include: bombings, physical violence and discourse in the name of religion, the emergence of radical religious movements, and a series of controversial *fatwa*.[1] These phenomena are mostly related to Islamic laws, i.e. in the field of *mu'amalah* (non-worship) laws. This is because Islamic law is believed to regulate either private or public behaviors and aspects of life. The legal aspect then becomes the main orientation of religion with a normative-*harfiah* approach.

The trend of puritanism is an ironic phenomenon in the context of Islamic law studies. Unlike worship, *muamalah* law such as Islamic social jurisprudence, Islamic political jurisprudence, and Islamic interfaith jurisprudence are a relatively flexible field to be developed in accordance with the social context. However, Islamic laws are believed to be normatively understood and they are used as the confirmation of the most genuine religious identity. As a result, they become very potential to trigger the horizontal conflicts or even they are politicized to reach the ambition of irresponsible parties.

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[1] Martin van Bruinessen, "Mukaddimah: Perkembangan Kontemporer Islam Indonesia dan Conservative Turn" the beginning of 21ˢᵗ century", Moch Nur Ichwan et al (ed.), *Islam Indonesia dalam Ancaman Fundamentalisme* (Bandung: Mizan, 2014). This paper, the conservatives will be called puritans. Referring to Khaled About El Fadl, the terms of puritan is opposed to moderate. Puritans are those who consistently adhere to absolutism, dichotomous thinking, and are idealistic and tend to be intolerant of pluralistic realities. Abid Rohmanu, *Re-interpretasi Jihad: Relasi Fikih dan Moralitas* (Ponorogo: STAIN Po. Press, 2012), p. 161.

In response to the above phenomenon, the study of Islamic law which is paradigmatic becomes urgent.[2] Paradigmatic study of Islamic law requires a touch of theological discourse. Theology in Islam is the world of view setter, the basic assumptions and values needed by law. Abdul Karim Soroush emphasizes that theology is related to how far the initial assumptions and expectations of Muslims towards religion which influences to the understanding and style in interpreting legal texts (Qur'an and *hadis*).[3] Ignaz Goldziher and Joseph Schacht find that there is a connection between Islamic law and theology, and some even insist that Islamic theology is part of Islamic law.[4] Unfortunately, theology and Islamic law have not been in a harmonious relationship. Sachedina mentions that there is "a self-cultivated dislocation between theology, ethics, and law in Islamic tradition".[5] In other words, Islamic theology (*kalam*) and Islamic ethics have been marginalized from the tradition of Islamic law studies. As a result, Islamic law is less in touch with the empirical reality and loses its ethical sense. Furthermore, Islamic theology and ethics are more suspected because of its speculative-philosophical character. Both are considered to have endangered the central doctrine of Islam.

Accordingly, this paper is intended to criticize the paradigmatic Islamic law of the Puritans. The reasoning of the Puritans' paradigm of Islamic law was explored from the works of Khaled Abou El Fadl. Meanwhile, prophetic social science paradigm of Puntowijoyo was used as the analytical instrument. The analysis was focused on the mystification of contemporary Puritans' Islamic law epistemology.

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[2] Hans Kung, *Islam: Past, Present & Future* (England: One world Book, 2007), p. 144.

[3] Abdolkarim Soroush, *Reason, Freedom, and Democracy in Islam,* trans. Mahmoud Sadri & Ahmad Sadri (Oxford: Oxford University Press, 2000), p. 34.

[4] A. E. Souaiaia, "Reasoned and Inspired Belief: A Study on Islamic Theology", *The Muslim World,* April, 2007, p. 331.

[5] Abdulaziz Abdulhussein Sachedina, *Islam and the Challenge of Human Rights* (Oxford: Oxford University Press, 2009), p. 88.

## Theoantropocentrism: The Paradigm of Prophetic Social Sciences

There are several scientific paradigms[6] in Islam. The first is theocentric paradigm. This paradigm views everything from the perspective of God who has perfect power over nature and human beings. The paradigm is judged to be able to empower the human existence as *khalifatullah fil ardhi*. This works more from texts to texts. The second is Islamization of science paradigm. This paradigm is not quite different from the theocentric paradigm. Islamization of science is first proposed by Isma'il Raji al-Faruqi, as according to Kuntowijoyo, is more reactionary than appreciative towards the development of science in the West. According to this concept, all of them must be Islamized by returning science to its axis, namely monotheism. Therefore, the Islamization of science moves from context to text.[7] The third is anthropocentric paradigm. This paradigm questions anything from human perspective, even though the discourse is About God. This is well known as the anthropocentrism paradigm (*anthropos*: human, *centrum*: central).[8] This paradigm carries out a strict separation between religion and the reality of life (text≠context). Those four paradigms of theoanthropocentric are referred to religion and the reality of life by reasoning from text to context. Unlike the anthropocentric paradigm that produces secular science, the theoanthropocentric paradigm produces integral knowledge.

Theoanthropocentric paradigm does not deny the religion as the source of truth, but religion also asserts that it is not the only source
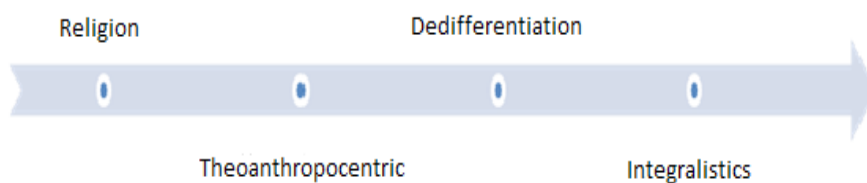
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[6] There are several definitions of paradigm. Thomas Kuhn interpreted the paradigm as a fundamental view of intellectual about what the subject of the study of scientific disciplines, what must be questioned and how to answer it. George Ritzer, *Sosiologi: Ilmu Pengetahuan Berparadigma Ganda,* adapted by Alimandan (Jakarta: Rajawali Press, 1992), p. 4. The second definition states that paradigm is the views of the humans, God, the reality, the nature, and the society are not tested, but taken for granted and precede scientific activities. Akh. Minhaji, *Strategies for Social Research: The Methodological Imagination in Islamic Studies* (Yogyakarta: SUKA Press, 2009), p. 27.

[7] Kuntowijoyo, *Islam sebagai Ilmu: Epistemologi, Metodologi, dan Etika* (Yogyakarta: Tiara Wacana, 2006), p. 8

[8] *Ibid.*, p. 51.

of knowledge. God gives human potential reason as the other source of knowledge. Both cannot be separated or debated. The source of knowledge including both religion (revelation) and human reasoning is called theoanthropocentric. It requires unification between religion and life, religion and science which then produces integral science.

Kuntowijoyo noticed that those various paradigms had experienced anomalies and crises. Thus, there should be a paradigm change in the form of paradigm synthesis, theocentricism and anthropocentrism paradigms. Theoanthropocentric and anthropocentric paradigms are not able to answer the problems of dehumanization, secularization, and human colonization in various sectors of life. For this reason, the



theoanthropocentric paradigm offers ethical values: humanization, liberation, and transcendence. Humanization is derived from the concept of *amr ma'ruf*. It is considered very important to overcome "objectivation" in all aspects of life (technology, economy, country and so on), "aggressiveness" either collectively or individually which is now widely encouraged by religion, "*loneliness*" caused by privatization and individuation that not only occurs in big cities, due to the development of information technology. Liberation is a derivative of *nahi al-munkar*. It is the liberation of society from all forms of domination of knowledge, social, economic, and political systems. Meanwhile, transcendence is derived from the concept of *tu'minu billah*. Kuntowijoyo interprets it as dedifferentiation which means the unification of religion and life as a response towards the tradition of secularism.[9]

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[9] *Ibid.*, p. 53.

The methodology developed by Kuntowijoyo is called as transcendental structuralism. Structuralism can be briefly described as follows: *first*, in the context of structuralism, elements cannot be understood except in relation to the others (interconnection). *Second*, the structure does not only see what is on the surface (reality), but it explores what is behind reality (meaning). What is on the surface is the reflection and logical consequence of the deep structure and the innate structuring capacity. *Third*, on the surface level, there can be a binary opposition (such as *qat'i vs. zanny*, *fikih* vs. sharia and others). *Fourth*, structuralism is concerned with synchronic elements (simultaneous elements), but it is not diachronic.[10] The logic of transcendental structuralism narrows down to the concepts of demystification and de-differentiation which generally mean relating text to context.

**Epistemological Mystification of the Puritans' Islamic Law**

The term "Islamic Law" in this paper is "*fikih*". Hasbi Ash Shiddieqy defines the term as the effort of legal experts to implement *sharia* in accordance with the needs of society.[11] Meanwhile, sharia is the revelation of the divine being and *fikih* is a cultural interpretation[12] of the Qur'an and *hadis*. Islamic law as an interpretation and understanding of revelation require a set of methodologies and frameworks to derive the law from its source. In this context, the term epistemology of Islamic law is then known.

Epistemology is defined as a theory of knowledge that discusses about resources, logical structures (reason), scopes, methods, values and responsibilities of knowledge. In its development, epistemology demands the need for humanitarian references such as praxis, emancipation,

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[10] *Ibid.*, p. 32-34.

[11] M. Hasbi Ash Shiddieqy, *Falsafah Hukum Islam* (Jakarta: Bulan Bintang, 1993), p. 44.

[12] Gunawan Adnan, *Women and Glorious Qur'an: An Analytical Study of Women-Related Verses of Surah an-Nisa'* (Gottingen: des Universitatsverlages, 2004), p. 94.

humanization, maturity, love, peace, communication and cooperation in the development of knowledge theories. Knowledge is the special thing of humans, born from the context of humanity, "from humans" and "for humans."[13]

Meanwhile, the epistemology developed by Puritans shows the opposite one. Their reasoning for Islamic law is regardless from social variables. In fact, Islamic law has a hermeneutical meaning, in addition having a social meaning and religious law. According to Kuntowijoyo's theoretical framework, Puritans execute the epistemological mystification of Islamic law. Excerpting from DA Rinkes, Kuntowijoyo states that Muslims tend to do religious mystification. There are five evolving mystics: metaphysical mysticism, social mysticism, ethical mysticism, reasoning mysticism, and reality mysticism. Metaphysical mysticism is developed in the world of Sufism (*mysticism*) in the form of the union of man in God (*manunggaling kawulo Gusti*). Social mysticism is the loss of individual selfhood in groups, organizations, sects and communities. Ethical mysticism is the sinking of human ability to face God's destiny (fatalism). Reasoning mysticism is the loss of reasoning ability, and reality mysticism is the loss of religious relations with reality of context.[14] This paper will only elaborate on the last three mystics such as ethical, reasoning and reality mysticisms.

*Ethical Mysticism*

Abou El Fadl explains that Puritanism is a theological orientation, it is not a structured school of thought.[15] Therefore, the ideological tendency of puritans is not singular. In general, the Puritan theological orientation is "purification", which is the recall of beliefs. All of the innovation forms in religion (*bid'ah*) are fought and all attributes of God

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[13] Aholiab Watloly, *Sosio-Epistemologi: Membangun Pengetahuan Berwatak Sosial* (Yogyakarta: Kanisius, 2013), p. 47.

[14] Kuntowijoyo, *Islam Sebagai Ilmu...,* p. 9.

[15] Abou El Fadl, *Selamatkan Islam dari Muslim Puritan* (Jakarta: Serambi, 2006), p. 117.

are forbidden to be interpreted. Their theological thinking was based on Ibn Taimiyah (d. 728/1328) and Muhammad b. Abdul Wahab (d. 1207/1792).[16]

The ethical mysticism of the Puritans is seen in the disappearance of the power of the human mind in the destiny and power of God. God's power for the Puritans is more represented by the text. The text has a major role in the Puritans' theological system. All of the forms of interpretation involving non-linguistic reasoning are considered as a form of fraud and threaten the authenticity of religious texts. The loss of individual selfhood and the merging of humans in the power of God are caused of religious authoritarianism. This union is the one which is well known in the world of Sufism as mysticism, but it is considered as a formal unification. People feel to be the legitimate spokesperson of God and they deny all forms of interpretation which are different from their group's ideology.

The pattern of relations between humans and God for the Puritans is formal, simple and easy to understand. They reject philosophical thinking related to human relations and God. It is not surprisingly known that the propaganda of Puritans is easier to be accepted by the public. The essence of human relations with God is "total" submission. Their theological system is positivistic—their submission will bring them to the heaven of God. On the contrary, the denial will lead to the hell. Positivistic theology is hegemonic which is the truth and virtue are measured in accordance with the positivist logic—true and good is based on certain texts, certain space and time, and certain communities. This subsequently brings about the claims of the truth and goodness while subduing historical dialectics under the confines of human subjective value.[17]

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[16] Abid Rohmanu, *Reinterpretasi Jihad...,* p. 137.
[17] Masdar Hilmy, *Islam Profetik: Substansiasi Nilai-Nilai Agama dalam Ruang Publik* (Yogyakarta: Kanisius, 2008), p. 202.

Submission in the Puritans conception was then standardized in legalistic legal packages. They summarized Islam as a *nomos* or law-oriented religion, not a love-oriented religion.[18] This religious orientation that emphasizes on law aspects leads to the world view of the hard and rigid Puritans. All of the theories and texts are given law interpretation and labeled as permitted or not and *halal* or *haram*. The world is considered them as black and white concept.

Mark Gould in his article, *Understanding Jihad,*[19] compares the tradition developed between Christians and Muslims. Muslims are more oriented on the details of legal matters than theology about the value and morality of actions. Meanwhile, the legal issues for Muslims/Puritans are almost not open to re-evaluation and contextualization. Thus, this legalistic regulation is the one taken as the reference in behavior and action. On the contrary, the diversity tradition of Christian perceives religion as "love". Therefore, Dawam Rahardjo once tried to popularize *rahmaniyah* (love) monotheism to imbalance the masculine divine perception.

### Reasoning Mysticism

The Puritans hate all forms of mysticism, intermediary doctrine (*tawassul*), Shiite teachings, and rationalism.[20] Because of this hatred of rationalism, they did a reasoning mysticism. In this context, the reasoning mysticism interpreted as blunt rationality when dealing with religion. All forms of rationality applied to "religion" were considered heresy. The Puritans preferred to hide behind literal texts to face the challenges of modernity. All intellectual traditions coming from non-Arab regions must be suspected, in addition to the ones derived from the Greek philosophical traditions and Western methodology.

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[18] Haidar Bagir, *Islam Tuhan Islam Manusia: Agama dan Spiritualitas di Zaman Kacau* (Bandung: Mizan, 2017), p. 49.

[19] Mark Gould, "Understanding Jihad", *The Ecumenical Review* (February-March 2005), p. 20-21.

[20] Abou El Fadl, *Selamatkan Islam...,* p. 61-62.

They do not distinguish between sharia and *fikih*, religion and religious knowledge, the ones which are established (*al-thabit*) and changeable (*al-mutaghayyir*). Because of the perspective that religion must be pure, straight and simple, all forms of rationality tendencies are avoided. The implication is that they do not accept the historical facts on the diversity of law schools (*mazhab*). The mainstream assessment that the diversity of opinions in the context of the school (the area of religious *furuiyah*) is considered as both valid and right to be the cause of the disunity and backwardness of the people. Abdul Wahhab, the head of the Puritans, once made a justification that medieval and contemporary jurists are heretics, and even commanded to the execution of some legal experts who disagree with their ideas and ideology.[21]

Puritans strictly separate religion and science. This means that contemporary science is forbidden as an approach to the understanding of Islam. Abraham M. Abu Rabi once pointed out the fact that most scholarship recipients who study in the United States from the Gulf countries only study hard sciences such as natural science and business administration. This science can be said to be value-free and criticism-free subject. The other knowledge discipline such as sociology of religion is considered a heresy (*bid'ah*) that cannot represent Islam authentically. Meanwhile, the study of Islamic law is more emphasized on memorizing classical texts method without understanding its association with the modern context.[22] This closed Islamic study towards critical philosophy and social sciences has built the intolerant of religious paradigm.

Furthermore, the diversity the Puritan reasoning is based on the top-down *taklifi* reasoning. Aksin as quoted from Yahya Muhammad stated that the reason for puritan diversity is based more on the logic of

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[21] *Ibid.*

[22] Abraham M. Abu Rabi', "A Post-September 11 Critical Assessment of Modern Islamic History", Ian Markham and Abraham M. Abu Rabi' (eds.), *11 September: Religious Perspectives on the Causes and Consequences* (Oxford: Oneworld, 2002), p. 36.

*al-ḥaq al-milkiyah,* not *al-haqq al-dzati.*[23] God is the owner of the absolute right to His actions and creatures. The right of God (*mukallif*) has implications for the obligation of humans (*mukallaf*) to obey *bila kayf*. This is the reasoning of theocentrism which affirms the power of God, but at the same time man loses existence to the grounded of Islam. Furthermore, humans then actually replace the position of God and commit violence in the name of religion.

### *Reality Mysticism*

As the implication of ethical and reasoning mysticisms, the Puritan variety is uprooted from reality on the absence of a link between religion and real life. Religion seems to be an escape from the increasingly complex challenges of life. Abou El Fadl said that religious texts are the escaping places from modernity. The Puritan psychology is a supremacy-feeling of being superior to others (especially the Western), as compensation for feeling inferior to the advancement of modernity.[24]

Karen Armstrong states that in every age and tradition there have been groups that are against modernity of their own age. However, he further states that they have a symbiotic relationship with the modernity or such a double standard in dealing with modernity. They reject the spirit and rationality of modernity, but it is not possible for them to avoid from the realm of modernity. They oppose the Western modernity, but they use the products of modernity. This is not only on technological devices, for example, but also the pragmatic rationality of modernity for the benefit of the organization and ideological propaganda.[25]

Apart from double standards mentioned above, they separate their religion from the contaminated human reality. The Puritan's variety of religions is not apart from the authority of the text and that of *the*

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[23] Aksin, *Menalar Islam: Menyingkap Argumen Epistemologis Abdul Karim Soroush dalam Memahami Islam* (Ponorogo: STAIN Po. Press, 2016), p. 130.

[24] Abou El Fadl, *Selamatkan Islam...,* p. 117.

[25] Karen Armstrong, *Berperang demi Tuhan: Fundamentalisme dalam Islam, Kristen, dan Yahudi,* trans. T. Hermaya (Bandung: Mizan, 2013), p. 19.

*lafaz*. In other words, Kuntowijoyo state that what the puritans mostly do is to "decode", namely the elaboration of the Qur'an and *hadis* into religious sciences of their own version. The codification moves from texts to texts. Since it is about the text (*hawl al-nas*), the development of science is characterized as involutive and expansive. Involutive is an "inward" development of science so that it is "renic". It is in the sense of being uprooted from the historical context.[26] Meanwhile, the expansive character of decoding exists if what is actually not a religion is considered as a religion.[27] Interpretation and religious knowledge as the human's products are believed to be part of religion. So, there is an *overlapping* idea between the relative, temporary and profane with the absolute, eternal and holy ideas. The community is no longer tolerant with the cases of *khilafiyah* because there have been truth claims and sacred religious thought (*taqdis al-afkar al-diniyah*).

## Demystification of the Epistemology of Islamic Laws: A Criticism against Puritanism

Joseph Schacht abstracted Islamic law is the queen of Islamic sciences. Islamic law is the epitome of islamic thought, the most typical manifestation of the islamic way of live, the core and kernel of Islam itself.[28] This indicates that Islamic laws greatly determine the style of life and diversity. The mystification as practiced by the Puritans has distanced Islam and law from the reality of life. Islam seems to lose its claim and function as a religion *shahih li kulli zaman wa makan* and that is *rahmahtan li al-'alamin* religion. In this context, Kuntowijoyo offers the concept of

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[26] In Islamic law is known as *sharah* tradition and hashiah tradition. In this tradition, the scholarly activity is stopped in explaining and elaborating language to the existence of primary text and there are no briefs in creating new text. Properly if the character of scholarly involutive which is caused by the stagnation of thinking and the closing to efforts.

[27] Kuntowijoyo, *Islam Sebagai Ilmu...*, p. 6.

[28] Ashk P. Dahlen, *Islamic Law, Epistemology and Modernity: Legal Philosophy in Contemporary Iran* (New York: Routledge, 2003), p. 39.

"demystification," namely the effort to relegate religion (text) and context. According to Kuntowijoyo, Muslims should be familiar with their physical environment, social environment, symbolic environment and historical environment,[29] certainly not just to justify the legal stamp, but to dialogue creatively about the normative values and messages of Islam.

The paradigmatic message is important to be developed along with the strengthening of puritanical religious trends. Puritans massively and systematically preach the paradigm of thinking on all lines of life.[30] Islamic law which is perceived simply is more easily accepted by the public. A common challenge is how to counter discourse and paradigm? How to translate the complexity of Islamic laws implementatively in the academic world?

As mentioned earlier, Puritanism is more of an ideological orientation than the school of law. In the context of Islamic law studies, The Puritans show contra-tradition and intellectual attitudes. They don't like *ijtihad* and pluralism of legal opinions and schools. The law is what they are peddlers with an intolerant theological basis. Therefore, developing Islamic law studies, as well as a counter against puritanism must be done paradigmatically. The paradigmatic Islamic law cannot be separated from theology as a source of paradigm. Theology provides
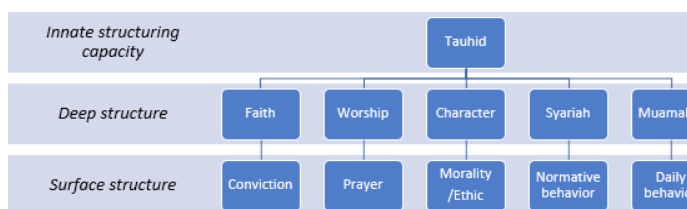
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[29] Kuntowijoyo, *Islam Sebagai Ilmu...*, p. 10.

[30] Wahid Foundation and Indonesia Survey Institute (LSI) was carrying out a national survey about social-religion of intolerant and radicalism in 2016. This survey was being done on 1.520 respondents from 34 provinces in Indonesia in March-April. The result clarifies 11 million people are potentially doing radicalism. According to Yenny Wahid, this sum is large enough, because of 11 million people are same as Javanese and Balinese people. This sum also noted that there are 600.000 citizens have ever done radicalism. Wahid foundation also doing survey to the students who joining at spirituality (Rohis) camped in Cibubur (2-6 May, 2016). For about 60% respondents are in this camp area were ready to go on war this time, and 68% in the future. Then, 37% with 41% are very agree and Muslims also agree should be joined in *Khilafah*. See the Citizens' idea based on police data, the violence, which was caused by religion in 2015, there are 1.568 cases. *Kompas* press (March, 15 2017).

assumptions[31] and the basis for the development of Islamic laws.

## Theology as the Deep Structure of Islamic Law

Among the key words of understanding structuralism theory are the interconnection of elements and attention not only to surface structure, but also to deep structure. In addition to deep structure and surface structure, there is the term of innate structuring capacity which in Islamic Scholarly is played by theology/monotheism. The application of Kuntowijoyo's structuralism can be described as follows:



The mind mapping of Kuntowijoyo is confusing yet, while he does not explain the logic of structuralism, especially about the correlation among deep structure and surface structure. The author will interpret of Kuntowijoyo about theological relations as the deep structure and Islamic law as surface structure.

Theology as the science which is the deep structure, while the value of monotheism/*tauhid* is innate structuring capacity. This monotheistic value is permanent and it is a common platform for Muslims. Meanwhile, theology as a deep structure is changeable. The scientific vision of transformative Islam is actually played out and started from theology and theological vision. Transformation cannot be done only by surface structures. Theology is being a nature of structured Islamic law.

[31] The basic assumptions are the source of paradigm. Basic assumption is the foundation of sciences, the scientific fields or the based of frameworks. The other sources of paradigm are: values, models, research problems, concepts, research methods, analysis methods, analysis result, and representative(ethnography). Heddy Sri Ahimsa-Putra, *Paradigma Profetik Islam: Epistemologi, Etos, dan Model* (Yogyakarta: Gajah Mada University Press, 2017), p. 25.

An easy illustration of this is like a chess. The surface structure in this game is the variation of chess pieces and that of pawns' steps. Meanwhile the deep structure is like the rule of the game and the pattern that manages internal relations among chess pieces. Chess rules thoroughly unite each piece towards the other one through the existing pattern of relationships. Deep structure defines and determines the game. If we change the deep structure, we change the rules of the game, then we no longer play in the same game. We have transformed other games that we might better value.[32]

From the above illustration, we can assess the importance of theology as a deep structure in Islamic scientific structures including the epistemological structure of Islamic law. However, the real practice indicates the opposite. Theology is still treated as merely theocentric dogma which is not reflected in the problem of life yet. Kuntowijoyo in this case asserted that theology is still debatable among Muslims. The debate is still at a semantic level. One party assesses theology as the science of utterance, namely the science of divinity that is normative and scholastic abstract. Meanwhile, the others understand theology as the science of the interpretation of reality in the perspective of the divine beings. The first group invites normative reflection, while the second one invites empirical reflection.[33] The understanding of the first group is considered as mainstream which might be because of psychological burden. Kuntowijoyo then would rather call prophetic social science than social theology.

Instead of ordinary people who do not receive Islamic higher education, discourse and Islamic studies PTAI still takes distance (differentiation) with a reflective-empirical theological discourse, critical-speculative philosophy, and grounded social science. Inter relations of Science have not been substantively seen. Scientific differentiation is

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[32] Ken Wilber, *A Sociable God: Toward a New Understanding of Religion* (Boston: Sambala, 2005), p. 91.

[33] Kuntowijoyo, *Islam Sebagai Ilmu....*, p.83

symbolized by the distance between faculties. Nurcholish Madjid once stated that the rivalry between religion and natural science has relatively experienced a decrease in tension, but the rivalry between religion and social science still exists. According to him, the rivalry between religion and social science is caused by two things: *first*, social science intends to explain social reality which is often considered to be in the contrary to religious explanation. *Second*, social science is concerned with the formation of paradigms and *weltanschauung*[34] which is often against the normative religious paradigm.

To positively correlate between theology as deep structure and that of Islamic law as *surface structure* as quoted from McGrath, is by positioning of theology as a science, not as a merely divine dogma. In the Christian tradition, before the 13th century or the Agustine era, Christian teaching was seen as *sapientia* (wisdom), not *scientia* (science). Science deals with temporary things, while wisdom is related to eternal things such as God. Agustine argues that science does not exclude wisdom but it can lead to wisdom. Since then, theological wisdom has been valued as science. Theology is an attempt to seek wisdom which is defined as correlating the understanding with practice involved in all aspects of life. Theology and science as in accordance to McGrath are not identical or oppositional, but they are collaborative which occupies the right position among other sciences.

In the tradition of Islamic science, theology has indeed been agreed upon as a science, but it has not been positioned and acted as science in the Christian tradition. Theology as a deductive science cannot be contributive and collaborative with other sciences (especially Islamic law). Theology has not become a real deep structure for the grounded Islamic law—the one which is oriented to the benefit of humanity. Theology cannot yet become a common link between beliefs and practices or the social life.

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[34] Nurcholish Madjid, *Islam Kemodernan dan Keindonesiaan* (Bandung: Mizan, 2008), p. 308.

There are several criteria to assess whether theology as a deep structure has contributed to the development of Islamic law and social life. Jaco Beyers formulates the following criteria:[35]

1. Back to the source, the text and the past do not merely collect traditions and confirm them, but creatively identify what is missing from the traditions. Meanwhile, it has meaning in the present context. Back to the tradition also means the contextualization of tradition;

2. Engagement with with the present. Theology has a concentration on the past and the present. The engagement with the present must be interpreted as involvement with God. This means that theology should respond to the contemporary of reality by creatively connecting between secular realities and religious ones;

3. Truly creative thinking. Theology should be able to guide creative-innovative thinking. In this context, abduction methods and logic are considered most appropriately as theology which is involved with the past and the present. As according to Fazlur Rahman, the interpretation model of double movement can be an example of abduction logic, namely logic and reasoning that try to find new alternatives and relate between various ideas.

4. Reflection: self-understanding and self-renewal. The scientific function of theology is self-reflection. Showing up the new theological idea which is appropriating to the cultural context assumes that someone has reflected to the old ideas. Whether deciding to follow or not to follow certain to theological thought requires rational argumentation. Theology in this case must always be developed by rejecting irrelevant theological ideas and finding new theological ideas which are more appropriate with the new context.

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[35] Jaco Beyers, "How Scientific is Theology Really? A Matter of Credibility", *Theological Studies,* Vol. 72, No. 4, 2016.

5. The last criteria, theological thinking which is more in line with the new context must be disseminated. Ford emphasized that theology can impact the community only if people can read and understand it. Because it is the duty of scholar, theologians and lawyers are about how to write down their ideas so that they can be understood by the community.

The formulation of Jaco Beyers confirms to the important role and function of involving rational Islamic theology in the study of Islamic law. It is like a building foundation that will reinforce the building features of Islamic law which are relevant to contemporary demands.

**Theoretical Demystification: Synthetic-Analytical Interpretation**

The demystification of the Puritans toward Islamic law epistemology is not sufficiently done at the level of theological paradigm, but it needs to be followed up with some theoretical counters suitable with the theoanthropocentric paradigm. Heddy interpreted paradigm as a set of concepts that logically correlate each other to form a framework of thought. A set of concepts that forming the paradigm in addition to basic assumptions and values are theories, models, and methods.

In accordance with Kuntowijoyo's prophetic social science, epistemological demystification is carried out with the theory of synthetic-analytic interpretation.[36] Why is it the theory of interpretation? Because in the epistemology of Islamic law, al-Qur'an and *hadis* which are in the form of text are centers and sources, so that demystification is strongly related to the mode of interpretation. He further states that the style must meet the synthetic and analytic elements.

The theory of synthetic interpretation is an attempt to subjectify the norms of the teachings of the Qur'an. What is important to do at this stage is a reflection of the moral messages of the Qur'an, then synthesizing it with the appreciation and practice of the individuals (text reader/text

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[36] Kuntowijoyo, *Islam sebagai Ilmu …,* p. 12; Kuntowijoyo*, Paradigma Islam: Intrepetasi untuk Aksi* (Yogyakarta: Tiara Wacana, 2017), p. 357.

interpreter). Reflection on the substance of the Qur'an as according to Kuntowijoyo is carried out on two things: the first, normative concepts of the Qu'ran such as "*ma'rūf*", "*munkar*", "*fuqārā*", "*masākin*" which are actually meaningful. These concepts build the normative-ethical structure of the Qu'ran which is the way to understand the Qu'ran as well as being a worldview of the Qu'ran. These normative-ethical concepts are called as ideal type of al-Qur'an.

The second is the reflection of the historical stories and parables (*amthāl)* of the Qur'an. There are various stories, events and metaphors and symbols are found in the Qur'an which need to be reflected to get some wisdom, for example the story of the Prophet Ayyub's patience and the brutality of the tyrannical ruler of Pharaoh. Toward to the such of texts, Kuntowijoyo invites to emphasize more on moral messages that are universal than historical data. This is what is called arche-type on the universal conditions told in the Qur'an.

The theory of synthetic interpretation, Muslims are invited to carry out individuals to psychological transformations with the hope is that each Muslim has an Islamic personality which is oriented towards morality, not just identity. According to Kuntowijoyo, this synthetic interpretation theory must be continued with an analytical interpretation theory. The first theory is still in an individual transformation framework. Islam teaches people to make changes and social transformations as well. The prophetic dream of Islam is the creation of a faith-based egalitarian and justice society (QS. Ali Imran: 110).

The theory of analytic interpretation requires the translation of normative-ethical messages of the Qur'an objectively, but not subjectively. Kuntowijoyo called an analysis of messages which brings about theoretical constructs as Qur'anic theory building, for example, how Muslims build theoretical-objective construct about the message of the Qur'an *baldah tayyibah*. The objectification is important because the scale of public implementation is characterized by pluralism. This

is intended that even non-Muslims can accept this theoretical construct without being burdened with religious ideology. Kuntowijoyo in this case exemplified Pancasila as objectification of the teachings of the Qur'an.

From the above explanation, it can be understood the importance of interpretation theory for legal epistemology demystification. The demystification is stetted up in Kuntowijoyo's invitation to "leave" the historical burden of "the past" in transcending law texts. Law mystification, such as the understanding and application of verses of *jihad* by the Puritans, it is a concrete example of historical and ideological burdens in an interpretive activity. This is not only against the logic of interpretation, but also collides with the core message of the Qur'an, that is morality.

Meanwhile, the historical burden of the past is considered negative by Kuntowijoyo, the historical burden of the contemporary situation is inevitable in the theory of interpretation. The contemporary historical burden is positive.[37] The present historical burden is the historical bias of the interpreter in utilizing the development of contemporary science in applying normative teachings in the field of Islamic law, isn't it? Muslims have historically used the Greek scientific tradition in developing Islamic scholarship, haven't they? The contemporary science is used only as a tool of analysis as long as it does not harm the ethical and epistemological premise of Islam, isn't it?

## Conclusion

This above discussion benefits from the prophetic paradigm in social science proposed by a renowned Indonesian scholar Kuntowijoto. This paradigm particularly distinguishes between theocentric and theoantropocetric approach in understanding religion. Through theoantropocetric approach, the article further reveals a criticism to

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[37] Kuntowijoyo, *Islam sebagai Ilmu…,* p.19; Aksin Wijaya, *Satu Islam, Ragam Epistemologi: Dari Epistemologi Teosentrisme ke Antroposentrisme* (Yogyakarta: Pustaka Pelajar,2014), p. 277.

contemporary trends of theocentric approach in formulating Islamic laws which lead to puritanism in understanding the laws. The theoantropocetric approach also offers a contextualized understanding of Islamic laws which serves as the Islamic concepts devoted for the transformation of humanity. Thus, theoanthropocentric approach in Islamic laws is interpreted as a reflection of humanitarian problems with a divine vision. In contrast to puritan understanding of Islamic laws, theoantropocetric approach reserves as analytical tool essential to formulate a contextualized interpretation of divine laws. Thus, Kuntowijoyo has successfully offered the synthetic-analytic interpretation of religion which is essential to "demystify" puritanism in understanding Islamic laws. The synthetic-analytic interpretation further suggests a contextualized interpretation of Islamic laws which includes not only the subjectification of normative-ethical interpretation on an individual scale, but also the objectification of Islamic law at social scale. As this article argues, a contextualized is an essential key to define Islamic laws which serve for the humanity and an ample example of Islam as a blessing for the universe (*rahmatan li al-'alamin*).

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