

Universitas Islam Indonesia

Faculty of Economics

INTERNATIONAL PROGRAM



ISLAMIC STUDIES PROGRAM

Syllabus: Introduction to Islamic Law

Lecturer	: Agus Triyanta, Drs. MA, MH, PhD
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Credit(CP)	: 2
Consultation times	: By appointment
Campus	: Faculty of Law, UII

Subject Overview:

Islamic law plays a significant role in shaping Indonesian society, as Muslims contribute largely to the composition of the Indonesian population. This unit starts with the critical analysis of some of the basic concepts in Islamic law, such as its principles and its sources. How Islamic law has been transformed over its rich history will also be examined, namely the implementation of Islamic law in Indonesia.

The subject is designed to give students a broader understanding of Islamic legal concepts, as this will enable them to understand the differences and similarities between the secular and Islamic legal system. Moreover, it will provide students with enough knowledge to analyse applications of Islamic law, specifically, to the practices and implementation of this law in Indonesia in order to comprehend the unique 'model' of Islamic law in this developing nation.

Subject Objectives:

Upon the completion of the course, the student will:

1. Understand the basic differences between Islamic law and other modern legal systems

2. Comprehend the sources of Islamic law, namely *Qur'an*, *Sunnah* (tradition of the Prophet) and *Ijtihad*
3. Master the intervening aspects in the formation of Islamic law, together with the rise of the school of legal thought (*madhhab*) in Islam
4. Posses a conceptual understanding of the historical journey in the implementation of Islamic law in Indonesia.
5. Demonstrate the ability to analyse the position of cases involving Islamic law issues in the structure of Islamic law

Assessment:

The final grade will be determined by a composite evaluation of the student's performance based on the following assessment areas:

Task	Value	Deadline
Group Assignment/ Presentation	10%	Starting in the third week of semester
Essay	30%	Two weeks after group presentation
Mid Term Exam	30%	First exam period (week 7)
Final Exam	30%	Second exam period (week 14)

Group assignment and presentation:

The students will be divided into groups. Each group will be given a topic which must be presented to the class. The allocated time for presentation is a maximum of 60 minutes, which includes questions and answers.

Essay:

Each student must write an essay based on their presentation. The essay is to be 2000 words in length. The essay must include the abstract, introduction, analysis on the topic and must be closed by a conclusion and recommendation section.

Examination:

There will be two exams; mid term exam and end semester exam. The mid term exam will cover materials from week 1 to week 6, and the end semester exam will cover materials from week 7 to week 12. The questions in the exam must be answered in essay format. There will be no more than five short answer questions in each exam.

Grading System:

Based on university policy, a pass grade or better will only be given to students who achieve a final grade above 55%.

Total	Grade
86 - 100	A
83 - 85	A-
80 - 82	A/B
76 - 79	B+
71 - 75	B
68 - 70	B-
64 - 67	B/C

Total	Grade
61 - 63	C+
56 - 60	C
53 - 55	C-
49 - 52	C/D
45 - 48	D+
35 - 44	D
0 - 34	E

Policy on assessment:

Essays and assignments will not be accepted after the due date unless arrangements for an extension of time have been made prior to the due date. If you do not agree with the result that you achieve for any piece of assessment for this subject please contact the lecturer immediately. You have a right to know the reasons why your work has received a certain grade and to request it be reassessed if you believe it has been unfairly assessed.

Warning Concerning Academic Misconduct:

The International Program expects all students and staff to act with honesty and integrity in all matters. That means being truthful and recognising the intellectual ownership of other people's words, ideas, research findings and information. To not do so academically dishonest and may incur a range of penalties. Academic misconduct includes plagiarism, collusion, cheating in examinations, misappropriating the research of others and misrepresenting research findings.

What is plagiarism?

Plagiarism is the using of another person's ideas or expressions without appropriate acknowledgment and presenting these ideas or forms of expression as your own. It includes not only written works such as books or journals, but data or images that may be presented in tables, diagrams, designs, plans,

photographs, film, music, formulae, web sites and computer programs. Plagiarism includes the use of the work of lecturers or other students as your own without acknowledgment. Self-plagiarism is the reuse of your own work without indicating that you have reused it.

Quoting and Paraphrasing:

A quote occurs when you use 5 or more words from another source exactly as the words appear in the original. You are allowed to incorporate quotes from the work of others into your work. However, only up to 10% of your work can be quoted. A paraphrase is restating what someone else has said or written *using your own words*. A paraphrase is not achieved by simply altering the words from another source slightly. A slight rewording is still effectively a quote. You must either:

- Provide an *exact* quote (and indicate that it is a quote)
- Provide an appropriate paraphrase of the ideas in your words.

An appropriate paraphrase is normally achieved by reading and taking notes, then *closing the book and writing your own words*.

What is collusion?

Collusion involves working with others with the intention of deceiving examiners about who actually completed the work. For example, if a student employs someone else to do their work for them, that would constitute collusion. Or if one student willingly allows another student to copy their work for an individual assessment task, that would constitute collusion. In that case both students may have committed an academic offence. Collusion is not the same as collaboration. Collaboration is working together on a task; collusion is doing so in an unauthorised manner. What is authorised varies from task-to-task. For example, collaboration is allowed or expected on many assignments, but for other tasks such as exams and some in-class or online tests no collaboration is allowed. If you have any doubt about what constitutes authorised and unauthorised collaboration on a particular task you should consult IP management.

Avoiding plagiarism:

Plagiarism is avoided by appropriately acknowledging sources of your ideas or expressions. In this unit this entails:

1. Providing an in-text citation using the APA referencing system at the place where any idea or expression from another source is used, whether directly quoted or paraphrased; and
2. Clearly indicating where material is directly quoted (a direct quote occurs if 5 or more words from another source are used exactly as they are used in the

original) by using quotation marks for short quotes or indenting for longer quotes; and
 3. Providing a full reference to the source in a list of references at the end of the work, again using the APA referencing system.

Important Note: the *APA Referencing Guide* can be obtained from IP management

Lecture Program:

Meeting	Topics	Reading
1	A. Terminology Clarification; Islamic Law, <i>Shari'ah & Fiqh</i> B. Foundations and Goals of Islamic Law C. Characters of Islamic Law	Kamali, Muhammad Hashim. Schacht, Joseph. Liebesny, Herbert J
2	Source of Islamic Law 1: al-Qur'an	Kamali, Muhammad Hashim. Nyazee, Imran Ahsan Khan.
3	Source of Islamic Law 2: al-Hadith	Kamali, Muhammad Hashim. Nyazee, Imran Ahsan Khan.
4	Source of Islamic Law 3: Ijtihad as Legal Reasoning	Nyazee, Imran Ahsan Khan. Moshlehuddin, Muhammad
5	Subject and Object of Law in Islamic law	Hasan, Ahmad. Schacht, Joseph.
6	A. Five Laws (<i>al-ahkam al-khamsah</i>) B. General Principles of Islamic law	Liebesny, Herbert J
7	A. Principles in Islamic Private Law (<i>al-mu'amalah</i>) B. Principles in Islamic Criminal Law (<i>al-jinayah</i>)	Nyazee, Imran Ahsan Khan. Liebesny, Herbert J
8	A. Principles in Islamic Marriage Law (<i>al-munakahah</i>) B. Principles in Islamic Inheritance Law	Liebesny, Herbert J Moshlehuddin, Muhammad

	<i>(al-mawarithh)</i>	
9	Development of Islamic law 1: (Classical & Medieval Era)	Coulson, Noel J. Hasan, Ahmad.
10	Development of Islamic law 2: Modern and Current Era)	Coulson, Noel J. Hasan, Ahmad.
11	Islamic Law in Indonesia 1: Before Independence	Lev, Daiel S. Anshari, Endang S. Ali, Muhammad Daud Praja, Juhaya S.
12	Islamic Law in Indonesia 2: After Independence	Lev, Daiel S. Anshari, Endang S. Ali, Muhammad Daud Praja, Juhaya S.

Materials and References:

- Ali, Muhammad Daud. (1991). *Asas-Asas Hukum Islam*. (Jakarta: Rajawali Press)
- Halaq, Wael. (1997). *The History of Islamic Legal Theories*, Cambridge, Cambridge University Press.
- Hooker, M.B. (1984). *Islamic Law in Southeast Asia*. Singapore: Oxford University Press.
- Kamali, Muhammad Hashim. (2000). *Principles of Islamic Jurisprudence*. Selangor: Ilmiah Publisher.
- Lev, Daiel S, *Islamic Court in Indonesia*. (1989). Berkeley: Berkeley University Press.
- Liebesny, Herbert J, (1975) *The Law of The Near and Middle East*. New York: New York University
- Moshlehuddin, Muhammad, *The Philosophy of Islamic Law*, London: Oxford University Press.
- Nyazee, Imran Ahsan Khan. (2002). *Theories of Islamic Law and The Methodology of Ijtihad* Kuala Lumpur: The Other Press.
- Schacht, Joseph. (1971). *An Introduction to Islamic Law*, London: Oxford University Press.
- Hasan, Ahmad. (1970). *The Early Development of Islamic Jurisprudence*. Pakistan : Islamic Research Institute, 1970
- Coulson, Noel J. (1964). *A History of Islamic Law*. Edinburgh : Edinburgh University Press, 1964
- Praja, Juhaya S. *Hukum Islam Di Indonesia, Perkembangan Dan Pembentukan*.
- Anshari, Saifuddin. (1979). *The Jakarta Charter of June 1945* (Selangor: Muslim Youth Movement of Malaysia).