

Collaboration Between Revelation and Thought As A Method For Understanding Islamic Law

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ABSTRACT

Religious revelation teaches two ways to acquire knowledge. First, through revelation, namely through communication from God to humans, and secondly through reason or thought, namely using impressions obtained by the five senses as food for thought to arrive at conclusions. Knowledge obtained through revelation is believed to be absolute knowledge, while knowledge obtained through reason is believed to be relative knowledge, which requires continuous testing, can be right and can be wrong. In contrast to the revealed religion, the earthly religion departs from the knowledge acquired. through contemplation, to gain truth and enlightenment. In the age of scientific and technological advances, the question arises, which knowledge is more trusted, knowledge obtained through thought, knowledge through revelation, or knowledge obtained through both?

Keywords: *Islam, Law, Revelation, Human Thought.*

A. INTRODUCTION

Islamic law whose source is the Qur'an and the Sunnah of the Prophet. sent down by God to people who already have culture (Subehan Khalik Umar, 2017). Islamic law as a divine product teaches the truth and becomes a life guide for humans in all aspects of life (Mudassir, Edi Gunawan, 2017). Allah confirms this with His words:

Translated:

Verily, this Al-Quran guides a straighter (path) and gives good news to the believers who do good deeds that they will have a great reward (Departemen Agama RI).

One of the miracles of the Al-Qur'an is in terms of language, which until now has been unmatched. This specialty lies in the beautiful regularity of the sound, the pronunciations that fulfill the right of every meaning in its place, the commands that can be understood by various groups of people with different intellectualities, can satisfy the mind and please the feelings (Manna' Khalil Al-Qattan, 1973), up to the legal aspect (task or legislation). which aims to achieve individual happiness in the main society.

Regarding Islamic law, this will always be associated with God's revelation which is sacred, final, and unchangeable (Yuhawita, 2017). This term is also known as sharia, though in developments that occur that the term sharia is identified with fiqh. However, when the pronunciation of the sharia is explained by the mujtahids (experts of ijihad), then the elaboration is the result of the thoughts of a mujtahid. When this happens, the sanctity, sanctity, and assumption that Islamic law (revelation) will not change, will shift in value.

The word Islamic law is often found in various book titles or expressed in various studies, without explaining the intended meaning (Aris, 2015). This happens because the relationship between the two is very close, they can be distinguished, but it is impossible to separate them. Shari'a is the foundation, while fiqh is an understanding of shari'a. So that both become standard terms. Both of these words (sharia and fiqh) are found in the Al - Qur'an. As for the word shari'a, it is found in the letter al-Maidah (5) verse: 48:

Translated:

For every nation among you, We give rules and clear paths. Likewise in the letter al-Jatsiyah (45): 18:

Translated:

" Then We made you above a Shari'a (regulation) of (religious) affairs, so follow that Shari'a and do not follow the desires of people who do not know ."

fiqh word is in the letter al-Taubah (9): 122.

Translated:

“ It is not proper for the believer to go all (to the battlefield). why not go from each class among them some people to deepen their knowledge of religion and to warn his people when they have returned to him so that they can take care of themselves."

If studied fundamentally, the term fiqh, it is the result of the thoughts of the previous mujtahids. For example, there are at least four popular schools of thought (schools) among jurists, namely the Maliki, Hanafi, Shafi'i and Hambali schools. If you look at the form of their writings, you will find various books on fiqh. The jurisprudence contained in these thousands of books is the product of the mujtahid, namely human beings, not God, nor Prophets. If so, what is studied as fiqh or Islamic law is actually human thought. If studied now, it means that fiqh is studying the history of human thought. Studying "comparative fiqh" (fiqh muqarnas) means studying comparative human thought regarding Islamic law.

Therefore, a legal expert (especially academics in Indonesia) must be able to distinguish which Islamic law is called Shari'a law and which Islamic law is called fiqh law (Norcahyono, 2019). The expression that Islamic law is holy law, God's law, Allah's sharia, and the like, is often found. Likewise, those who think that Islamic law is definitely true and above all things. Here it appears that there is no clear position and area between the terms Islamic law and Allah's sharia in its concrete meaning is pure revelation whose position is beyond human reach. The essence and position of Islamic law are synonymous with fiqh which is the result of the ijihad of the jurists with sharia which is synonymous with revelation, which means beyond human reach, is a big problem that must be straightened out and put in its proper position (Nurridda Dhestiana, 2019).

The main source of Islamic law is the Qur'an, Islamic law functions as a guide, a guideline, and a limit to humans. If something is unlawful, then Islamic law functions as a guide that it may not be done, conversely, if something is obligatory then it must be done. In other terms, the provisions of Islamic law mean the results of the jurists' ijihad in explaining the instructions of the revelation (Miftahuddin, Irma Riyani, 2018). But what

has happened so far is as if Islamic law is a dead set of rules and restrictions, so it always seems passive. Finally, Islamic law creates a frightening impression on the surrounding community, even though Islamic law must be active, according to Abu Hanifah's opinion the existence of the term make it fat (knowing). The t-sentence inspires us to be active, and not to be late in providing Islamic legal provisions if a new case arises.

B. RESEARCH METHODS

This research is a type of library research, namely research whose object of study uses library data in the form of books as a data source. This research was conducted by reading, studying, and analyzing various existing literature, in the form of the Qur'an, hadith, books, and research results.

In this study, the authors used a qualitative research approach, which is a systematic research used to study or research an object in a natural setting without any manipulation in it and without any hypothesis testing. This qualitative research method is often called the "naturalistic research method" because the research is carried out in natural conditions (natural setting); Also known as the ethnographic method because initially, this method was used more for research in the field of cultural anthropology; and is also called a qualitative method because the data collected and the analysis is more qualitative in nature.

C. DISCUSSION

1. Islamic law

Islam is recognized as the last teaching revealed by Allah to Muhammad Rasulullah who is also the Prophet of the end of time. After the revelation that was sent down to the Prophet, there was no more revelation that came down after that which regulates human life. So also the Messenger of Allah is the last messenger, there is no more apostle after him who invites and manages people. Allah SWT. confirms the perfection of Islam (Islamic law) with His words in QS al-Maidah (5): 3

..... On this day I have perfected your religion for you, and I have completed My favor on you, and I have pleased Islam to be a religion for you.

Likewise Allah swt. confirmed that the Prophet The last one is Rasulullah saw., with His words in QS Al-Ahzab (33): 40

Translated:

Muhammad is by no means the father of any man among you, but he is the Messenger of Allah and the seal of the prophets. And Allah is All-Knower of all things.

This means, that Islam as the Divine Religion which was declared perfect at the end of the Prophet's life brought perfect laws that have high dynamics and flexible characteristics that can guarantee his ability to overcome all kinds of problems and problems that arise as a result of the development of society and the progress of the times in all fields, guaranteeing its relevance at all times, in various conditions and social environment. Islamic law is a system of knowledge that originates from the authority of revelation, however, the role of reason plays a role in interpreting and contributing to the standardization of the law. In order to have a clear understanding of Islamic law, it is better to look again at the opinions of legal experts, both in the field of religion, and other fields.

The term Islamic law consists of two sets of words, namely law and Islam. The word law is used in Arabic. and it is also found in the Qur'an. The word Islamic law is only known in terms of the Indonesian language and is not known in Arabic and in books with Arabic literature, nor is it found in the Qur'an. To understand the true meaning of Islamic law, it is better to first mention the meaning of the two words (law and Islam) (Amir Syarifuddin, 1997).

Said Law according to language comes from the word *حکم* which means to refuse. From this, the word *الحکم* (*al-hakam*) is formed, which means rejecting tyranny or persecution. Ordinary is also interpreted as assigning to something (Umar Syihab, 1993). Meanwhile, if the meaning of the law is simplified, then the law is a regulation or custom that is officially considered binding, which is confirmed by the authorities or the government, or laws, regulations, and so on to regulate social life in society. Or decisions (considerations) determined by the judge (in court) (Kamus Besar Bahasa Indonesia). Law also means a set of rules regarding human behavior that are recognized by a group of

people, drawn up by people who are authorized by that society, apply, and are binding on all its members.

If the word law is combined with the word Islam, then Islamic law will be interpreted: as a set of regulations based on Allah's revelation and the sunnah of the Prophet regarding the behavior of a mulatto human being who is recognized and believed to be valid and binding for all people who are Muslims (Ismail Muhammad Syah, 1992). From this definition, it can be concluded that Islamic law is regulations that are formulated in detail which have binding power extracted from and based on the revelations of Allah and the Sunnah of the Prophet, known as the Shari'a, which regulate the actions born of humans who have been subject to the law. This regulation applies and has power over people who believe in the truth of the revelations and sunnah of the Prophet, in this case are Muslims (Nurwahida & Ikmal Syafruddin, 2019).

Just a consideration, that initially, the jurists used the term sharia for the word law which was addressed to the mulatto to be carried out on the basis of faith, whether related to the actions of the mulatto, morality and faith. However, recent scholars have used the word shari'a in terms of Islamic law which only relates to the actions of the mukallaf. If glancing at Usul and Fiqh scholars, the definition of this law is found as follows: Usul Fiqh scholars define law as: Shari' orders concerned with the actions of mulattoes, whether in the form of demands, choices or decrees (Abdul Wahhab Khallaf, 1994). Meanwhile, according to Islamic jurisprudence experts, law is the effect desired by syari' decrees on actions, such as obligations, prohibitions and permissibility.

From these two perspectives, it can be understood that the text is law, while the effects desired by shari' orders, such as obligations, prohibitions and permissibility, are laws according to the terms of the jurists. In addition to the definitions put forward by ushul fiqh experts and experts, in simple terms law is regulations or customs that are officially considered binding, which are confirmed by the authorities or the government. Or laws, regulations and so on to regulate social life in society. Or a decision (consideration) determined by a judge (in court). Mahmud Shaltut in his book *al-Islam 'Aqidah wa Syari'ah* defines sharia as regulations that Allah has revealed to humans so that they are guided by their relationship with God, with each other, with their environment, and with life (Mahmud Shawltut, 1966). In daily practice, the terms fiqh and sharia are summarized

in the word Islamic law, without explaining the meaning of the two. This is understandable because the relationship between the two is very close, they can be distinguished, but it is impossible to separate them. Shari'a is the basis of law (Yusuf Hamid al-Alim, 1994), as the word of Allah swt. in QS Al-Maidah (5): 48:

Translation:

For every nation among you, We give rules and clear paths.

While fiqh is an understanding of the Shari'a. Fiqh and shari'a or syarak law are words that are often used in terms of Islamic law. In Arabic language literature, it is often referred to as *al-Shari'ah Al-Islamiyah*. In English it is translated as *Islamic Law*, while Islamic Fiqh is translated as *Islamic Jurisprudence*. In Indonesian, the word as *al-Syari'ah al-Islamiyah* is often found with the term syarak law or sharia law, and for the term fiqh, it is used with the term fiqh law or Islamic law (Andi Dama, 2021).

The Qur'an is the source of law in Islam, which is a guideline, instructions and rules or restrictions that apply to humans. The Qur'an becomes a law for humans who follow its instructions. The laws of the Qur'an are laws that must be followed, from Allah and conveyed to humans in a *qath'i* (certain) way, there is no doubt about their truth. When it comes to Islamic law, the laws or rules regarding orders and prohibitions, had, obligations, all of which come from revelation. The jurists described the revelations with their *ijtihad*. So that it can be said that fiqh is the result of the thoughts of fiqh experts or the result of their *ijtihad*. It can be concluded that Islamic law is a collection of efforts by jurists to apply shari'a to the needs of society (Muhammad Shohibul Itmam, 2019).

2. Islamic law is based on revelation and thoughts in Islamic law

When these rules or laws are something that comes out of the judge who shows his will for the actions of the mukallaf, then among Muslims there is no disagreement, that the source of *syar'iyah law* for all the actions of the mukallaf is the revelation of Allah SWT (Muhammad Ahsan, 2019). whether the law is regarding the actions of a mulatto which Allah has revealed to his Messenger or Allah has given instructions to the mujtahids to know the law regarding the actions of a mulatto by mediating the arguments and signs that

have been prescribed by him to instigate his laws. rule is emphasized in the form لا حكم إلا

الله (There is no law except for Allah)

Allah also confirms that:

" Determining the law is only the right of Allah. He explains the truth and He is the best decision maker."

Shari'a or Islamic law, which originates from the Qur'an, is the commandment of Allah and the Sunnah of the Prophet or hadith (Alaiddin Koto, 2004). When viewed from the side of the science of law, then Islamic Shari'a is the basics of law that must be followed by mankind, both related to Allah or related to relations between humans. From the word shari'a, the word tasyrik also appears , which means the making of laws and regulations originating from revelation and sunna which are called tasyri' *samawi* in literature (samawi = sky), and laws and regulations originating from human thought, which are called *tasyri' wadh'i* (*wadha'a* = to make something clearer by human work).

All human actions in the world must submit to the will of Allah and His Messenger. Part of the will of Allah and the Messenger has been written down in His book which is called the Shari'a, while most of it is hidden behind what is written. Fiqh of Islam is also the Shari'a of Allah. The mujtahids have done all they can in instituting the religious laws of Allah and His Shari'a from the Qur'an and the Sunnah of the Prophet (Muhammad Yusuf, 2020). Every provision of law that originates from the Qur'an, sunnah, ijmaa and kias, either directly or through true ijtihaad is the law of Allah and His Shari'a and is the guidance of the Prophet Muhammad. because the opinion of every mujtahid is taken from one of the four sources (Abdul Hamid Mahmud, 1991). Allah confirms:

Translated:

..... then ask those who are knowledgeable, if you don't know.

In order to know the whole of what Allah wants regarding human behavior, there must be a deep understanding of the Shari'a so that practically, the Shari'a can be applied in any condition and situation. The results of this understanding are set forth in the form of detailed provisions. Detailed stipulations regarding the actions of a mulatto human being who are mixed and formulated as a result of an understanding of the Shari'a are called fiqh.

So, fiqh in a simple way can be interpreted as "the result of the reasoning of legal experts (mujtahid) on syara' law which is formulated in the form of detailed rules.

From this description, it is clear that fiqh laws are a reflection of the development of people's lives in accordance with the conditions of the times (Anton Widyanto, 2017). Whereas Islamic law terminologically is a combination of shari'a and fiqh which in simple terms is "a set of regulations based on Allah's revelation and the sunnah of the Prophet regarding the behavior of a mulatto human being who is recognized as valid and binding on all people who are Muslims."

3. Blending revelation and thought

Allah confirms in QS Al-Nisa (4): 105: regarding the enforcement of a law :

Translated:

Verily, We have sent down the Book to you with the truth, so that you may judge between humans and what Allah has revealed to you, and do not challenge (the innocent), because (defend) the treacherous.

The word *بِمَا أَرَاكَ اللَّهُ*, in this letter it is understood to decide cases between humans by using the syarak law, by stipulation from revelation or through reasoning, an understanding that does not come out of the principles of the main source of Islamic law, namely revelation (Arijulmanan, 2014).

The word of Allah invites people to use reason in understanding the verses of the Qur'an. In Islamic history, the Prophet and his companions have previously set an example in the use of reason, in this case, *ijtihad*. Umar bin Khattab had done *ijtihad* when he did not find an answer from the Qur'an and the Sunnah of the Prophet regarding the events he faced, as did Usman and other friends (Al-Syekh Muhammad Al-Khadery, 1934).

Tasyrik which is interpreted as establishing law or enacting laws, comes from the word *syariat*. It can be said that laws or laws or regulations in Islam are divided into two kinds:

- a. *Tasyri' Mahdlah h*
- b. *Tasyri' wadl'i*

Tasyri' mahdl ah are the rules established by Allah with the verses of the Qur'an. While *tasyri' wadl'i* are the rules set by the mujtahidin, both the mujtahidin of the companions, as well as the mujtahidin of the tabi'in, or tabi'it-tabi'ib and so on by way of giving instructions from *tasyri' Divine* (nas Al-Qur'an 'an or hadith) or from the soul of sharia, the soul of these passages. This section looks at the main basis for taking the name *tasyri' Divine* as well, but remembering that the law is the result of the mujtahidin's ijtihad by giving instructions from *tasyri' Divine* or its spirit is called *tasyri' wadl'i* (Muhammad Hasbi Ash Shiddiqy, 1999).

Integrating these two tasyriks and combining the views of the salaf jurists who use the term shari'a for the name of Islamic law and the mutaakhirin jurists who use the word shari'a for the name of fiqh or Islamic law, compromises both (Islamic law which originates from God's revelation which is absolute and the product of Islamic law). What is addressed to the mulatto with his intellectual ability is that Islamic law, whose source is a revelation, is a system of knowledge, so the role of the jurists who are endowed with reason capable of being creative has taken an important role in instituting Islamic law.

From this explanation, it is explained that the soul and principles of Islamic law have breadth, flexibility and willingness to accept developments experienced by humanity, changes in time and place, making them definitely suitable and appropriate to be applied at any time and place. Islamic Shari'a, with its texts, which are the basis of Shari'a, are not a restraint on the creativity of reason and Islamic civilization. These texts are guidelines and road signs and a dividing wall between what is right and what is wrong (Farhat Abdullah, 2019).

Istinbath Islamic law itself is a process of understanding the mind against God's revelation. The laws of Allah, the All-Wise, who stipulates His laws for the benefit of mankind, are rules that are fixed or eternal. The ever-developing human mind has been given the flexibility to study, reveal, and compile the principles of God's revelation into a humane legal system. When the main sources of Islamic law do not contain the necessary legal provisions, the role of reason is needed to become one of the sources of knowledge of Islamic law (Aris, 2020). With Thus, legal Steinbach is needed and this *Steinbach* is the result of the creativity of the human mind.

Every law that is basically *prescribed* from four propositions, namely *al-Kitab*, *al-Sunnah*, *ijma'* and *qiyas*, either in sharia or through correct *ijtihad*, is the law of Allah, Shari'a and instructions from the Messenger who was ordered to follow it. Because the mujtahids have an opinion based on these four arguments, Allah commands them to stick to these mujtahids. Allah says in QS al-Anbiya: (7):

Translated:

then ask those of you who are knowledgeable, if you do not know.

Dr. Yusuf Al-Qardlawi explains in his book '*Awamilu Al-Sa'ah wa Al-Murunah Fi Al-Shari'ah al-Islamiyah*' has explained in detail how Islamic law can accommodate new things in different centuries, conditions diverse environment, as well as about how Islamic law is able to direct the development and solve every new problem with a solution that meets the interests of creatures, realizes the goals of sharia properly, without forgetting the spirit of the times that are being faced (Yusuf Al-Qardhawi, 1985).

D. CONCLUSION

After going through the presentation, it can be concluded :

1. If the simple meaning of Islamic law is related to the understanding of Islamic jurisprudence or Islamic law, as previously explained, then what is meant by Islamic law is the collection of efforts of jurists in implementing Islamic law in accordance with the needs of society which originates from *the Qur'an*. *Al-Sunnah* and *Ijmak* the companions and *tabi'in*. Or a set of rules based on Allah's revelation and the *sunnah* of His Messenger regarding human behavior which are recognized and believed to be binding for all who are Muslims.
2. That the Shari'a, which is meant by the revelation of Allah and the words of the Prophet Muhammad, are the basic laws established by Allah through His Messenger, which must be followed by Muslims. The basics of this law were further explained by the Prophet Muhammad. While *fiqh* (which is the result of the *sunbath* or *ijtihad* of a *Fakih*) means understanding or understanding, it can also be formulated as a science whose job is to determine and describe the basic norms and general provisions found in the *Al-Qur'an* and the *Sunnah* of the Prophet Muhammad recorded in the *hadith*

books, and trying to understand the laws contained in the Qur'an and the Sunnah of the Prophet Muhammad. to be applied to human actions that are mature, healthy in mind, obliged to implement Islamic law.

3. When the main sources of Islamic law do not contain the necessary legal provisions, the role of reason is needed to become one of the sources of knowledge of Islamic law. Thus, legal *Steinbach* is needed if needed. And *Steinbach* is the result of the creativity of the human mind.

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