

**THE STUDY OF ISLAMIC LAW
IN INDONESIAN ISLAMIC UNIVERSITIES**
(The case of the *Kulliyat Al-Shari'ah* of the State Institute of
Islamic Studies [IAIN] Sunan Kalijaga, Yogyakarta, Indonesia)¹

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ملخص

دراسة الشريعة الإسلامية بإندونيسيا قد بدت منذ قرن ١٢ م، ولو كان كذلك ما ظهرت كنظاميا إلا في قرن ١٧ أو ١٨ م. وفي ذلك الحين تسير تلك الدراسة في المعاهد الإسلامية بصورة عادية بسيطة. وكثير من كتب المراجع المستخدمة كانت هي من المراجع العربية على المذهب الشافعي إلا بعضها وهو مأخوذ من المراجع الجاوية لغة مثل: كتاب المجموع لمؤلف صالح دارات سماران.

في هذه المقالة حدث الكاتب تطور دراسة الشريعة الإسلامية في كلية الشريعة بجامعة الإسلامية سونن كاليجاكا يوجياكرتا. وقد وجد أن حسي الصديقي قد تأثر تأثيرا قويا في هذه الدراسة الأحكامية. وهو يقدم الأفكار الفقهية الخاصة الإندونيسيا الذي اصطلح فيه إبراهيم حسين الفقه الإندونيسي. وقد وجد الكاتب أيضا أن كلية الشريعة بالجامعة لها دور مهم في تطور الدراسة الإسلامية نفسها بإندونيسيا.

Abstrak

Kajian Hukum Islam di Indonesia telah dimulai sejak masuknya Islam ke kepulauan nusantara pada abad ke-13, meskipun demikian, baru pada abad ke 17 atau 18 kajian itu mencapai momentum skriptural. Pada waktu itu, kajian hukum Islam banyak dilakukan secara tradisional di pesantren-pesantren.

Kebanyakan literatur hukum Islam yang dipelajari tertulis dalam bahasa Arab, yang bercorak Syafi'i, tetapi juga ada beberapa literatur berbahasa Jawa seperti kitab *Al-Majmū'* Karya Saleh Darat Semarang.

Dalam artikel ini, penulis mengkaji perkembangan kajian hukum Islam di Fakultas Syari'ah IAIN Sunan Kalijaga Yogyakarta. Penulis menemukan pengaruh kuat seorang ulama ternama, Hasbi Ash shiddiqi, dalam membangun Fiqh Indonesia, inilah yang disebut Ibrahim Hosen sebagai Fiqh madzhab Indonesia. Penulis juga menemukan peranan yang begitu besar yang dimainkan oleh Fakultas Syari'ah dalam mengembangkan kajian hukum Islam di Indonesia.

Introduction

The study of Islamic law in Indonesia started as early as the arrival of Islam to the archipelagic country in the 13th century² and reached the scriptural momentum in the 17th or 18th century onward.³ Most of the learning process was done in and around the traditional learning institution, the *Pesantrens*. A few of literature of Islamic law studies at the *Pesantrens* were in the Javanese language such as the *Al-Majmū'* of Saleh Darat of Semarang, but most of them are in Arabic and all of them belong to the Shaf'i school of law.

There are four families of Sāfi'i fiqh texts used in those *Pesantrens*. First, the family of fiqh texts that originates from *al-Muḥarrar* of al-Rāfi'i (d. 623 A.H./ 1226 A.D.) namely the texts of *Minhāj al-Ṭālibīn* by al-Nawawī (d.676 A.H) with its summary and commentaries namely *Kanz Al-Rāghibīn* of Al-Mahallī (d. 876 A.H.), *Sharḥ Kanz al-Rāghibīn* of Qalyubi and Umaira, both *Manhaj al-Ṭullāb* and *Fath al-Wahhāb* of al-Anṣārī (d 926 A.H.), *Tuḥfat al-Muhtāj* of Ibn Ḥajar (d. 973), *Mughnī al-Muhtāj* of al-Sharbini (d. 977 A.H.) and *Nihāyat al-Muhtāj* of al-Ramli. The other three families of fiqh texts originate from *Taqrīb* of Abū Shujā' (d. 593 A.H.), *Qurrat Al-'Ayn* of al-Malibari (ca. 975 A.H.) and *Muqaddimāt Al-Ḥadhramiyyah* of Ba-Fadh al (10th A.H./ 16th) respectively. The family of fiqh texts which originate from the texts of *Taqrīb* by Abū Shujā' (d. 593 A.H.) are *al-Iqnā'* of Syarbini (d. 977 A. H.), *Kifāyat al-Akhyār* of Dimashqī (d. 829 A.H.), *Fath al-Qarīb* of Ibn Qāsim al-Ghuzzi (d. 918 A.H.), *Taqrīr* of 'Awwād, *Tuḥfat Al-Ḥabīb* of Bujairimī (ca. 1100 A.H.), and *Hashiya Al-Bajurī* of Al-Bajurī (d. 1277 A.H.). The family of fiqh texts which originate from the texts of *Qurrat Al-'Ayn* by Zain al-Dīn al-Malibari (ca. 975 A.H.) are *Fath al-Mu'īn* of Al-Malibari, *Nihāyat Al-Zayn* of Nawawī Al-Bantani (19th century A.D.), *I'ānāt al-Ṭālibīn* of Sayyid Bakrī al-Dimyati (ca. 1300 A.H.), and *Tarshih al-Mustafidin* of 'Alwi al-Thaqqaf (ca.

1300 A.H.). The family of fiqh texts which originate from the texts of *Muqaddimat al-Hadramiyya* by Ba-Fadl (10th/16th century) are *Minhaj al-Qawim* of Ibn Hajar al-Haytami (d. 973 A.H./1565-6 A.D.), *Sharh 'ala Ba-fadl* of Mahfuz al-Tarmasi (d.1338 A.H./ 1919-20 A.D.), *Bushra al-Karim of Sā'id b. Bāshin*, and *al-Hawash al-Madaniyya* of Sulayman al-Kurdi (d. 1194 A.H./1780 A.D.).⁴

The studies of Islamic law at the university level did not start until the creation of the first Islamic university in Indonesia in 1951.

The Creation of Kulliyat al-Sharī'ah

In April 1945, four months prior to the declaration of Indonesian independence, a group of Muslim leaders met in Jakarta to set up a preparatory committee chaired by Drs. Muḥammad Hatta who later became the first Vice President of the Republic of Indonesia. The task of the committee was to prepare the establishment of a private Islamic university and on July 8, 1945 (Rajab 27, 1364 A.H.) such an Islamic higher learning institution was created called *Sekolah Tinggi Islam* (College of Islamic Studies).

After the proclamation of Indonesian independence on August 17, 1945, because of the revolution, the capital city of the newly born republic had to move to Yogyakarta and the newly created Islamic college was brought along with the activists of the Republic. On April 10, 1946, the Islamic college started to function in Yogyakarta and on March 10, 1948 the college was transformed into Islamic University of Indonesia (UII) with four faculties: Islamic Studies, Law, Economics, and Education.

As a token of appreciation of the central government of the Republic of Indonesia to Yogyakarta as the city of revolution, the government created the Gadjah Mada University (fully funded by the government) in 1950 intended to serve the need of the nationalists, while for the Muslims the government created a State College of Islamic Studies (*Perguruan Tinggi Agama Islam Negeri*) in 1951 by taking out the Faculty of Islamic Studies from the Islamic University of Indonesia (UII) and transformed it into four faculties: Faculty of Dakwah (later became faculties of Dakwah and Uṣūl al-Dīn), Faculty of Qaḍā' (later became faculty of Sharī'ah), and Faculty of Tarbiyyah. Some eight years later the Faculty of Adab was added to the college after it had been integrated with the Jakarta College of Islamic Studies whose field of studies was limited to Islamic Education and Arabic literature.⁵

In its latest form the college is officially called *Institut Agama Islam Negeri* (State Institute of Islamic Studies) Sunan Kalijaga Yogyakarta with five faculties: Dakwah, Uṣūl al-Dīn, Sharī'ah, Tarbiyah and Adab. Since 1983 it

has also offered graduate programs leading to Masters and Ph.Ds. Until 1998 the Institute has produced more than 15.000 graduates, more than 250 Masters and 30 Ph.Ds. Now a days there are some 24 faculties of Kulliyat al-Shari'ah (Islamic law) in Indonesia but the one in Yogyakarta remains the oldest.

The Curriculum of the Kulliyat al-Shari'ah

The Kulliyat al-Shari'ah (hereafter it will be used interchangeably with Faculty of Islamic Law) used to have four departments : Islamic Courts (Qadā'), Comparative Schools of Islamic Law (Muqāranāt al-Madhāhib), Islamic Civil and Panel Laws, and al-Mu'āmalat. The department of Tafsir and Hadith was part of this faculty for a long time but later transferred to the Faculty of Uṣūl al-Dīn, while other departments are also modified. The latest divisions of the faculty into departments are the departments of al-Aḥwāl al-Shahshiyah (personal and family law), Comparative Schools of Law (muqāranāt al-madhāhib wa al-sharā'i, Commercial Law (mu'āmalāt), and Islamic Penal law and Politics (*al-jinayat wa al-siyāsah*). The department of al-Aḥwāl al-Shahshiyah is exclusively designed to supply the judges of Islamic courts that have jurisdiction over the issues of marriage, divorce, inheritance, and *awqāf*.

Since its creation in 1951, there have been a number of curricular changes applied to the faculty, four of them have been taking place in the last to decades : 1982, 1990, 1995 and 1997. Each department has curricula covering the general subjects (to be taken by every students of the Institute), the subjects of basic specialization (to be taken by every student of the faculty of Islamic Law), and the specialised subjects (to be taken only by students of a particular department in the faculty). After completing all required subjects and undertaking social service assignment for two months, students proceed to writing theses of about 80-100 pages to complete their undergraduate program. The time allotted for the program is 4 years (8 semesters) at the minimum and 7 years (14 semesters) at the maximum.

To illustrate further on the subjects taught in the faculty, the 1982 curricula classified the subjects into a number of categories; subjects on the Qur'an and 'ulūm al-Qur'an, on the ḥadīth and 'ulūm al-ḥadīth, on fiqh and uṣūl al fiqh, on Islamic law philosophy, on Indonesian law and its legal system, and some complementary subjects on Islamic history, Islamic philosophy, Social sciences, and languages. The Subjects on the Qur'an and 'ulūm al-Qur'an covered introduction to *'ilm al-tafsīr*, *tārīkh al-tafsīr*, *tafsīr āyāt al-ahkām*, *madhāhib al-tafsīr*, *tārīkh al-Qur'an*, *ma'āni al-Qur'an*, *falsafat al-Qur'an*, and *'ilm al-Qirā'at*. The Subjects on ḥadīth included introduction to

'ilm al-ḥadīth, selection of ḥadīth, ḥadīth al aḥkām, 'ilm rijāl al- ḥadīth, and ma'āni al-ḥadīth. The subjects on fiqh and uṣūl al-fiqh included introduction to fiqh and uṣūl fiqh, fiqh al-'ibādāt, fiqh al-mu'āmalāt, fiqh al-munākahāt, fiqh al-mawāriṭh, fiqh al-jināyat, fiqh al-siyāsah, uṣūl al-fiqh, usul al-fiqh al-muqārin, tārikh al-tashrī, al-qaḍā' fi al-Islam and its history. The Subjects on Indonesian law and its legal system covered customary law, civil law, penal law, constitutional law, commercial law, international law, and the law of procedure. Whereas the subject on social sciences included sociology of law, research method, and 'ilm al-falaq. These are in addition to the Pancasila ideology and Arabic.⁶

When the curricula were modified in 1995, some new subjects were added to them namely Masāil al-fiqhiyyah, Qawā'id al-fiqhiyyah, Muqāranāt al-qawānīn, Islamic Banking, and Philosophy of law.⁷ When again they were modified in 1997, further new subjects were added to them, namely approaches to Islamic studies, al-fatawā, Islamic economic institutions, and research method in legal studies. Arabic is also given greater attention in the new curricula.⁸

If one compares the curricula of the Kulliyāt al-Sharī'ah with those of the *Pesantrens*, it is evident that the former deals with other madhhabs than Shāfi'iyyah, and with the contemporary legal issues of Indonesia.

The Distribution of the Alumni

When in July 1986 the Kulliyāt al-Sharī'ah held its first reunion of its alumni, it listed 1, 459 names of graduates the first being graduated in 1960. Most of the graduates are still active today in various segments of the society. Many of them are now teaching at the 24 faculties of Islamic law throughout the country. Some of them have reached the highest ladder as full professors and the deans of the faculties or even the rectors of various State Institutes of Islamic Studies (IAINs) throughout Indonesia.⁹

Indeed their learning at the Kulliyāt al-Sharī'ah in Yogyakarta was not the only training of Islamic law they underwent. Many of them went on to undertake further studies both in the country and overseas to pursue further degrees. Many of them have now become full professors and produced scholarly works that are now used as textbooks in many faculties of Islamic law throughout the country.

The Role of Prof. Hasbi Ash Shiddiqi

One must not fail to mention the prolific author, Hasbi Ash Shiddiqi, a professor of Islamic law at the Kulliyāt al-Sharī'ah of IAIN Yogyakarta, whose works numbered 72 books and 50 articles. Most of these books are used as the textbooks in the faculties of Islamic law throughout the country. After all many of the local professors are the disciples of Hasbi Ash Shiddiqi.¹⁰

Hasbi's works covered mostly the subjects of Islamic law, but some were also on tafsīr, ḥadīth, and others. His books on fiqh (37 titles) dealt with the history of Islamic courts, introduction to Islamic law, manuals of ṣalāt, zakat, fasting, poligamy, constitutional law, history of Islamic law, uṣūl al-fiqh, fiqh al-'ibādāt, fiqh al-mū'amalat, comparative schools of Islamic law, causes of the deviations of Islamic schools of law, philosophy of Islamic law, blood transfusion, ijtihād, and others. His books on the Qur'ān (6 titles) include tafsīr, *An-Nur*, 30 volumes history of tafsir, mujizat al-Qur'ān and ulum al-Qur'ān. His books on Ḥadīth (8 titles) covered issues of the history of ḥadīth, dirayah ḥadīth, rijal al-ḥadīth, the position of ḥadīth as a source of Islamic law, selection of 2002 ḥadīth (8 volumes), and the collection of ḥadīth on law (11 volumes). He also published 5 books on kalam and 17 books on Islam in general such Islamic history, family, women, and others. His articles also paid a lot of attention to Islamic law with some dealings with the Qur'ān, ḥadīth, and other.¹¹

Hasbi is not only known for his numerous works, but more importantly is his insistence on the need to return to the Qur'ān and the Sunnah, and to design and develop an Indonesian fiqh. When Indonesian Muslim reformists advocated a return to the Qur'ān and the Sunnah in the early 20th century, the goals were to purify Muslims from non Islamic practices (the *bid'a* and *khurafāt*) and to reopen the gate of ijtihād by abandoning taqlīd, allowing tafsiq, and encouraging comparative study of fiqh. The Muhammadiyah movement (founded in 1912), al-Irsyad (founded in 1914), and the Persatuan Islam (founded in 1923) were the chief proponents of the suggestion to return to the Qur'ān and the Sunnah. Hasbi was one of the Muhammadiyah members and leaders in Aceh and took part in the reform movements. Through his articles that he wrote in Aceh in the early century, he proved himself to be in the reformist's side. As he moved to Yogyakarta for his teaching position, he continued to play important roles in the purification movements through his teachings and books.¹²

On the need to design and develop on Indonesian fiqh, it seems a continuing theme of that of the return to the Qur'ān and the Sunnah. In the first quarter of the 20th century the number of the proponents of the *adat* law grew rapidly, initiated by an Vollenhoven who argued that Islamic law in Indonesia

was not practised until it had been accommodated by the *adat* (*theorie receptie*). The opponents of the *adat* law, on the contrary, argued that the majority of Indonesian Muslims were already governed by Islamic law (*theorie receptie in complexio*) as advocated by Van den Berg. Hazairin (1906-1975) joined the debate and went to advocate the need to develop a national madhhab for Indonesian Muslims. Hasbi helped focus the effort by suggesting that Indonesian Muslims, in fact, needed an Indonesian madhhab in Islamic law (instead of merely national madhhab). It is from this point that Hasbi, through his works, is known for his excellent suggestion for the formulation of the Indonesian fiqh. Unlike Hazairin who was formally trained in the western system, Hasbi filled his various works with this idea of Indonesian fiqh.

Ibrahim Hosen was another professor of Islamic law who advocated a similar idea. He said that government's views could be seen as a madhhab. It is in this line that the promulgation of the Code of Islamic Courts (1989) and the issuance of the Presidential Instruction of 1991 on the socialization of the Compilation of Islamic Law were seen as signs of the coming into reality of the Indonesian fiqh.¹³

Kulliyat al-Sharī'ah of Yogyakarta at the Crossroad

It is evident that the Kulliyāt al-Sharī'ah of Yogyakarta has played important roles in the studies of Islamic law in Indonesian Islamic universities. Two factors have been identified: *first*, the fact that the Yogyakarta Kulliyāt al-Sharī'ah is the oldest in the country, and *secondly*, the Hasbi Ash Shiddiqi factor. These two factors seem to be diminishing today. As the other faculties of Islamic law have grown and produced their own graduates, the recruitment of the Yogyakarta graduates have slowed down. In the mean time, the role that had been played by Hasbi Ash Shiddiqi (died in 1975) has not been taken over by his deciples. His son, Nourouzzaman Shiddiqi, who is currently a full professor at the same institute, preferred Islamic history to Islamic law for his specialization. Ahmad Hanafi, another productive author of the Kulliyāt al-Sharī'ah, died untimely in 1968 when he was only 39 years of age after he had completed the publication of 16 books, many of them were on Islamic law. The Journal of *Ash-Sharī'ah* whose circulation used to reach almost all corners of the country and received questions for *fatwas* from all over the country at Hasbi's time, has reduced itself to a local publication with limited perspectives. The golden age is no longer so golden, in fact it is having difficulty surviving if not submerging.

Appendix

Some Textbooks used in the Kulliyat al-Shari'ah of IAIN Sunan Kalijaga Yogyakarta, Indonesia

In the 1982 curriculum among textbooks on tafsir used were *Mahāsin al-Ta'wīl* by al-Qāsimi, *al-Manār* by Rashid Riḍā, *al Jamī li-Aḥkām al-Qur'ān* by al-Qurtubi, *Tafsir al-Marāghī* by al-Marāghī, *Tafsir ayat al-Aḥkām* by 'Alī al-Sais, *Rawa'ī al-Bayān fī Tafsir Ayāt al-Aḥkām* by 'Alī al Ṣabuni, *al-Aḥkām al-Qur'ān* by Ibn al-'Arabī, *al-Tafsir wa al-Mufasssīrūn* by al-Dhahabī, *al-Burhān fī 'ulum al-Qur'ān* by al-Zarkashi, *al-Itqān fī 'ulum al-Qur'ān* by al-Suyūṭī, and *Ilmu-Ilmu al-Qur'ān* (The Sciences of the Qur'an) by Hasbi Ash Shiddiqi. In the 1995 curriculum the above required textbooks were somewhat modified. Some of the textbooks were moved to be listed under suggested readings, and new books were introduced.

On ḥadīth among textbooks listed in 1982 curriculum were *Sejarah dan Pengantar Ilmu Hadis* (History and Introduction to the Science of Ḥadīth) by Hasbi Ash Shiddiqi, *Ma'ālim al-Sunan* by al-Khattābī, *Fath al-Bārī* by al-'Asqalānī, *Sharḥ Muslim* by al-Nawawī, *Nayl al-Auṭar* by al-Shankani, *'Aun al-Ma'bud* by Shams al-Haqq, *al-Lu'lu' wa al-Marjān* by Fuād 'Abd al-Bāqī, *Subul al-Salām* by al-Sanānī, *Ibānat al-Aḥkām* by 'Abbās al-Māliki and *Koleksi Hadis Hukum* (The collection of Legal Ḥadīths) by Hasbi Ash Shiddiqi. In the 1995 curriculum some changes were also made to introduce some new texts into the list, such as *Uṣūl al-Ḥadīth* by Muḥammad 'Ajjaj al-Khatīb and *Taysīr Mustalāḥ al-Ḥadīth* by Mahmud al-Takhan.

On fiqh and uṣūl al-fiqh the list of the textbooks included *al-Fiqh al-Islāmi* by Yusuf Mūsā, *Fiqh al-Sunnah* by Sayyid Sābiq, *Bidāyat al-Mujtahid* by Ibn al-Rushd, *Aḥkām al-Mu'āmalat al-Shar'iyyah* by 'Alī al-Khafif, *al-Māl wa al-Iltizām* by Muḥammad Salām Madhkūr, *al-Mu'āmalat al-Ḥadīthah* by 'Isa Manun, *al-Milkiyyah wa al-Nadhariyyat al-'Aqdi fī al-Sharī'at al-Islamiyyah* by Abū Zahrah, *al-Aḥwāl al-Shahshiyyah* by Yūsuf Mūsā, *Kifāyat al-Akhyār* by Imām Taqīyy al-Dīn, *'Aqd al-Zawāj wa Athāruh* by Abū Zahrah, *al-Mīrāth fī al-Sharī'ah al-Islām* by Ḥasanayn Maḥlūf, *al-Tirkah wa al-Mīrath* by Yūsuf Mūsā, *Aḥkām al-Mawāriṭh fī Sharī'at al-Islām* by 'Umar 'Abd Allāh, *al-Tashri' al-Jinā'i al-Islami* by 'Abd al-Qādir 'Awdah, *al-Jarā'im fī Fiqh al-Islām* by Aḥmad Faṭḥi Bahansi, *al-Ta'zīr fī Sharī'at al-Islām* by 'Abd al-'Azīz Amīr, *al-Siyāsah al-Jinā'iyyah* by Faṭḥi Bahansi, *al-Siyāsah al-Shar'iyyah* by 'Abd Wahhāb al-Khallāf, *al-'Alāqah al-Dawliyyah fī al-Islām* by Abū Zahrah, *Uṣūl al-Fiqh* by Abū Zahrah, *Uṣūl al-Tashri' al-Islāmi* by 'Alī Hasb Allāh, *al-Ashbah wa al-Nazā'ir* by al-Suyūṭī, *Imām Abū Ḥanīfah*, *'Aṣruḥ*, *Hayātuh*, *Fikruḥ wa Arā'uh* of Abū Zahrah and other similar works by Abū Zahrah on

Mālik, Shāfi'ī and Aḥmad ibn Hanbal. On philosophy of Islamic law the list includes *Hujjat al-Bāliqah* by al Dahlawy, *Hikmat al-Tashrī' wa falsafatuh* by al-Jurjānī, *Falsafat al-Tashrī' fī al-Islām* by Sobhi Mahmasani, and *Falsafah Hukum Islam* (Philosophy of Islamic Law) by Hasbi Ash Shiddiqi. On tarikh al-Tashri' the list includes *Tārīkh al-Tashrī' al-Islāmi* by Khudari Bek, *Tārīkh al-Fiqh al-Islāmi* by 'Alī al Says, *Tārīkh al-Fiqh al-Islāmi by Yūsuf Mūsā, al-Qaḍa' fī al-Islām*, by Muḥammad Salām Madhkūr, *Tārīkh al-Qaḍa' fī al-Islām* by Aḥmad al-Mun'im, and *Sejarah Peradilan Islam* (History of Islamic Courts) by Hasbi Ash Shiddiqi. In the 1995 curriculum some changes were made to introduce new textbooks such as *Nazārat al-'Āmmah fī Tārīkh al-Tashrī' al-Islāmi* by 'Alī Ḥasan 'abd al-Qādir, *Tārīkh al-Qaḍa'* by Aḥmad Shalabī, *al-Ijtihād fī al-Sharī'ah al-Islamiyyah* by Yūsuf Qarḍawi, *Maqāsid al-Sharī'ah* by Ṭahīr 'Ashūrā, *Takhrīj al-Uṣūl 'alā al-Furū'* by Muḥammad Adib Ṣāhīh, *al-Fiqh 'alā al-Madhāhib al-'Arbā'ah* by al-Jāziri, *al-Fatāwa* by Maḥmūd Shaltut, *al-Majmū' al-Fatāwā* by Ibn Taimiyya, *al-'uddah* by Qādī Abū Yā'lā al-Baghdādī, *al-Iḥkām* by al-Amidi, *al-Madkhal fī Uṣūl al-Fiqh al-Islāmi* by al-Ḥakīm, and others.

The above listing includes only the required textbooks. It is, indeed, not possible to assess how much those required textbooks were actually read by the students. The suggested readings are not listed here, for it would have been a very long list. This textbook review will also exclude those used for subjects on Indonesian *adat* (customary) law, Indonesian legal system, the law of procedure, and such general subjects as sociology of law and research method.

ENDNOTES

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¹Paper presented at the *International Seminar on Islamic Studies in the Asean Region*, held at Prince of Songkla University, Pattani, Thailand, from 25 to 28 June 1998.

²It is also argued that the first arrival of Islam to Indonesia took place as early as 7th or 8th century when Malaysian and Indonesian natives made contacts with Muslim sailors coming from the Middle East through the Siraf-Cina route, but massive Islamization started to take place in the 13th century. This issue is discussed in Mohammad Atho Mudzhar, *Fatwas of the Council of Indonesian Ulama* (bilingual edition, seri INIS, vol. XVII, Jakarta, 1993, pp. 10-13). Other sources may be consulted such as Fatimi, S.Q., *Islam Comes to Malaysia*, (Singapore, Malaysian Sociological Research Institute, 1963, pp. 38-42), N.A.Baloch, *The Advent of Islam in Indonesia* (Islamabad, Nasional Institute of Historical and Cultural Research,

1980, pp. 29-30), Syed Farid Alatas, "Notes on various Theories Regarding the Islamization of the Malay Archipelago" in the *Muslim World* 75 nos. 3-4 (July-October, 1985), Cesar Adib Majul, "Theories on the Introduction and Expansion of Islam in Malaysia", in *Second Biennial Conference Proceedings, Taipei*, International Association of Historians of Asia, October 6-9, 1962), N. Nakahara, "Muslim Merchants in Nan-Hai", in *Islam in Asia* vol. 2 Southeast and East Asia (Eds. Raphael Israeli and Anthony H. Jones, the Hebrew University, Jerusalem, 1984). One also may consult the work of Ibn Battuta, Hasan Abu Zayd al-Sirafi, Buzurg b. Shahriyar al-Ramhurmuzi, al-Biruni, and W.P. Groenevelt.

³See Muhammad Atho Mudzhar, *Fatwas*, pp. 17-20.

⁴*Ibid*, pp. 17-18

⁵H.A. Soeipto and Agussalim Sitompul, "Sejarah Pertumbuhan dan Perkembangan IAIN" in *Al-Jami'ah* (IAIN Sunan Kalijaga, Yogyakarta,); see also *Buku Agenda 1998* (Institut Agama Islam Negeri, Sunan Kalijaga, Yogyakarta, 1998).

⁶Institut Agama Islam Negeri, Sunan Kalijaga, *Syllabus Fakultas Syari'ah* (Berdasar Keputusan Menteri Agama Tahun 1982).

⁷Ditjen Pembinaan Kelembagaan Departemen Agama, *Topik Inti Kurikulum Nasional Institut Agama Islam Negeri Fakultas Syari'ah* (Proyek Pengembangan Pendidikan Tinggi Agama Islam, Jakarta, 1995)

⁸Direktorat Pembinaan Perguruan Tinggi Agama Islam Direktorat Jenderal Pembinaan Kelembagaan Agama Islam, *Kurikulum Institut Agama Islam Negeri/Sekolah Tinggi Agama Islam Negeri Tahun 1995 Yang Disempurnakan* (Departemen Agama, 1997). For further details, the list of the textbooks used for each subject is provided in the appendix.

⁹To mention a few, of the graduates of 1960, Achmad Chatib is the professor at the Islamic University of Indonesia in Yogyakarta, Sanusi Latif was once the rector of the IAIN Bandung, Maşudi is a professor at the Faculty of Islamic Law, Jakarta, Marsekan Fatawi was the rector of the IAIN Surabaya, and Zarkowi Suyuti was the rector of the IAIN Semarang. Of the 1961 graduates, Masyfuk Zuhdi was a professor at the IAIN Surabaya and Ahmad Syadali was the rector of the IAIN Jakarta. Of the 1962 graduates, Rachmat Jatnika, Jauharudin A.R., were rectors of the IAIN Bandung. Of the 1963 graduates, Bakri Syahid and Mu'in Umar were rectors of the IAIN Yogyakarta and Andi Rasdiyansah was the rector of IAIN Ujung Pandang. Of the 1965 graduates, Alfani Daud was the rector of the IAIN Banjarmasin. Of 1974 graduates, Endang Soetari is the rector of IAIN Bandung. Many of them continued to stay in Yogyakarta as professors at the Kulliyat al-Shari'ah. Some even held political positions as members of the parliament, diplomatic positions, judges of the Islamic courts, and important positions in the Ministry of Religious Affairs as Directors, Director Generals, and the heads of the regional offices of the ministry, all of which in turn strengthen the role of the alumni of the Kulliyat al-Shari'ah of Yogyakarta. For the complete list of the alumni until 1986, see *Buku Kenangan Reuni Alumni Dan Seminar Hukum Islam* (Fakultas Syari'ah IAIN Sunan Kalijaga, Yogyakarta, 7-8 July, 1986).

¹⁰Muhammad Hasbi Ashiddiqy was born in Lhok Seumawe, Aceh, on March 10, 1904 and died in Jakarta in December, 1975. He was a self educated person. He went from one Pesantren to another to learn about Islam in Aceh area and Surabaya, East Java. He was active in Islamic and independent movements in Aceh and later recruited to be a teacher and a university professor, although he himself never went to any university. His prolific authorship proved his scholarship in Islamic studies in general and Islamic law in particular. From now on he will be referred to as Hasbi instead of Shiddiqy to avoid confusion with his son, Nourouzzaman Shiddiqy, who is also a professor at the institute.

¹¹The full list of his works are supplied in the appendix. The list is taken from Yudian Wahyudi, "Hasbi's Theory of Ijtihad in the context of Indonesian Fiqh", Masters thesis, Institute of Islamic Studies, McGill University, Montreal, Canada, 1993, pp.103-112. Wahyudi himself took the list from Nourouzzaman Shiddiqy, "*Muhammad Hasbi Ash Shiddiqy Dalam Perspektif Sejarah Pemikiran Islam di Indonesia*", Ph.D dissertation, IAIN Sunan Kalijaga, Yogyakarta, 1987, later published under the title: *Fiqh Indonesia, Penggagas dan Gagasannya* (Indonesian Fiqh, the initiator and its ideas), Pustaka Pelajar, 1997. The reason for taking the list from Wahyudi is because he has provided it with English translation of each title of Habi's works.

¹²For further details, see Yudian Wahyudi, "Hasbi's Theory", pp. 23-31; also Nourouzzaman Shiddiqy, "Fiqh Indonesia", pp. 34-38.

¹³For further discussion on the issue, see Mohammad Atho Mudzhar, *Fatwas*, pp. 33-43; Yudian Wahyudi, "Hasbi's Theory", pp. 31-47; and Nourouzzaman Shiddiqy, "Fiqh Indonesia", pp. 215-236.