

## Reactualization of Islamic Teachings in Indonesia: A Study of Munawir Sjadjali's Islamic Reform Thought

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### Abstract

This research discusses the re-actualization of Islamic teachings in Indonesia as proposed by Munawir Sjadjali. Munawir Sjadjali was an Indonesian Islamic intellectual and bureaucrat who served as the Minister of Religious Affairs of the Republic of Indonesia for two terms, from 1983 to 1993. The re-actualization of Islamic teachings conducted by Munawir Sjadjali was inspired by the Islamic reform movement previously championed by thinkers and reformers such as Muhammad Abdurrahman and Rasyid Ridho. This study is a type of library research using descriptive-analytical methods. The results of the study reveal that the re-actualization of Islamic teachings from Munawir Sjadjali's perspective does not mean moving Islam away from the axis of classical ijihad, but rather an effort to ensure that Islamic teachings are always contextual with the conditions of Muslims in Indonesia (shalih likulli zaman wa makan). Specifically, Munawir Sjadjali offers three methods of ijihad in the reform of Islamic law: first, 'adat, used in issues of inheritance distribution by considering the socio-economic conditions of Indonesian society and the roles of men and women; second, nasakh (abrogation) on issues of slavery that are inconsistent or contradictory to human rights; and third, mashlahah (public interest) on the issue of bank interest. In this regard, Munawir Sjadjali accepts bank interest on the grounds of mashlahah, but he remains accommodative towards the establishment of Bank Mu'amalah and Sharia Rural Banks (BPR Syariah) with the principle of trade partnership while adhering to prevailing banking regulations.

### Abstrak

Penelitian ini membahas tentang reaktualisasi ajaran Islam di Indonesia yang dikemukakan oleh Munawir Sjadjali. Munawir Sjadjali merupakan seorang intelektual Islam Indonesia sekaligus birokrat yang pernah menjabat sebagai Menteri Agama Republik Indonesia selama dua periode, yaitu tahun 1983 - 1993. Reaktualisasi ajaran Islam yang dilakukan oleh Munawir Sjadjali terinspirasi dari gerakan pembaharuan Islam yang sudah digaungkan oleh pemikir dan pembaharuan Islam sebelumnya seperti Muhammad Abdurrahman dan Rasyid Ridho. Penelitian ini merupakan jenis penelitian kepustakaan dengan menggunakan metode deskriptif analitis. Hasil dari penelitian mengungkapkan bahwa reaktualisasi ajaran Islam perspektif Munawir Sjadjali bukan berarti menjadikan Islam keluar dari poros ijihad klasik, namun upaya agar ajaran Islam selalu kontekstual dengan kondisi umat Islam di Indonesia (shalih likulli zaman wa makan). Secara spesifik Munawir Sjadjali menawarkan tiga metode ijihad dalam pembaharuan hukum Islam, yaitu; pertama, adat, digunakan pada masalah pembagian harta warisan dengan mempertimbangkan kondisi sosial-ekonomi masyarakat Indonesia serta peran laki-laki dan perempuan; kedua, nasakh pada isu-isu tentang perbudakan yang tidak sesuai atau bertentangan dengan Hak Asasi Manusia (HAM); dan ketiga, mashlahah pada isu bunga bank. Dalam hal ini Munawir Sjadjali menerima bunga bank dengan alasan mashlahah, namun ia tetap akomodatif terhadap pembentukan Bank Mu'amalah dan bank BPR Syariah dengan prinsip kemitraan perdagangan dengan tetap mengindahkan peraturan perbankan yang berlaku.

### Keywords:

Reactualization of Islamic Teachings; Islamic Reform; Munawir Sjadjali's Thought

### Kata kunci:

Reaktualisasi Ajaran Islam; Pembaharuan Islam; Pemikiran Munawir Sjadjali

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## Introduction

When we say "*Islam is always appropriate to the time and place wherever you are, and whenever you are*", we must be ready to accept statements that link the suitability of the verse or revelation to the social reality that occurs. For example, the question of the ratio of two and one in the inheritance distribution system for men and women according to the Qur'an. In responding to questions regarding revelation and reality, there are two typologies of group attitudes. On the one hand, some groups are passive in responding to these questions. Passive in the sense of not commenting or being indifferent, they are satisfied with their own understanding or the understanding they obtained from the scholars regarding issues related to the dissatisfaction of the contemporary population with the existing text of the Qur'an.<sup>1</sup>

On the other hand, there is a reactive group, this group is further divided into two groups. The first group, those who take steps to defend their scripturalism without questioning the times and their suitability, place religious texts as sacred literature whose existence is taken for granted. If their belief and defense of the *qath'i* of these sacred texts are only at a scientific or thought level, it may not have much of an impact on the discourse of religious reasoning as one of the solutions to religious life. But it is very unfortunate, sometimes their reactive steps are followed by physical or psychological violence. So it gives the impression that this religion has become very rigid towards people who question the maqashid or the purpose of Islam in governing them. Even though Islam itself cannot be stated as a religion that adequately regulates the ritual dimensions of servitude to its followers, Islam can more accurately be said to be religion or a way of life.<sup>2</sup>

The second reactive is those who interpret religion as a teaching and motivational spirit for life. Religion has basic values that must be maintained in every era. As for its manifestation, it is up to the era that applies it, of course in a form appropriate to the time. This second reactive group is often called the reactualization group. Studies regarding the re-actualization of Islamic teachings in recent decades have occupied a dominant position. The specifics of the study regarding the issue of renewal are not only interesting among experts in the Muslim internal region itself but also invite many interested experts from outside Islam to carry out similar studies.

There is previous research related to the rectualization of Islamic law in Indonesia, among the previous research is a journal written by Muhammad Iqbal, which discusses the need for rectualization in the current context.<sup>3</sup> writing by Badruddin, which discusses socio-cultural influences on the actualization of

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<sup>1</sup> Abdur Rahman Adi Saputra and Hendra Yasin, "Gagasan Nasikhul Mansukh Dalam Lingkaran Pemikiran Munawir Sjadjali Tentang Reaktualisasi Ajaran Hukum Islam," *Jurnal Pemikiran, Pendidikan, Dan Penelitian Ke-Islaman* 6, no. 2 (2020): 1-10.

<sup>2</sup> Jalaluddin Rakhmat, *Islam Alternatif Menjelaskan Zaman Baru* (Bandung: Mizan Publishing, 2021).

<sup>3</sup> Muhammad Iqbal, "Urgensi Kaidah-Kaidah Fikih Terhadap Reaktualisasi Hukum Islam Kontemporer," *Jurnal EduTech* 4, no. 2 (2018): 21-29.

Indonesian Islamic law in the contemporary era.<sup>4</sup> writing by Yunahar Ilyas which discusses the idea of rectualizing Islamic law put forward by Munawir Sjadjzali.<sup>5</sup> written by Moh Dahlan, which discusses the implementation of Islamic law to make it more relevant to the needs of the Indonesian Muslim community.<sup>6</sup>

Some of the recent studies mentioned above have not discussed Munawir Sjadjzali's studies relating to Munawir Sjadjzali's reactualization as a whole<sup>7</sup> and have not included the figures who strengthened his re-actualization. This is what is innovative and different from other research.<sup>8</sup> Reactualization of Islamic teachings preached by Munawir Sjadjzali. An Indonesian Muslim who shocked Islamic scholarship with his ideas that gave voice to voices that had been silent because of their weakness and fear of the power of one interpretation of sacred religious texts. Munawir was an Indonesian Muslim intellectual and also served as minister of religion and came up with the idea of "Reactualizing Islamic Teachings" by prioritizing the maslahah aspect. This idea was first put forward in 1985. Munawir said that the condition of Muslims today is very different from the time of Rasulallah. However, Islamic thinkers have not dared to think more contextually. As a result, Islam became backward and left far behind the West. The ideas put forward by Munawir were too bold and very controversial for a minister of religion who was still in office. However, on the other hand, his position as a minister actually has a lot of room to socialize his ideas of reactualization. So it is from the explanation above that the author is interested in adopting the title "Reactualization of Islamic Teachings in Indonesia; A Study of Munawir Sjadjzali's Islamic Reform Thought".

The focus of this research is to examine the concept of re-actualizing the renewal of Islamic teachings initiated by Munawir Sjadjzali, which is then linked to the context of Indonesian Islam. This research uses a research method (*library research*), by critically and in-depth examining materials that are relevant to books and journals that are deemed worthy of being used as references.<sup>9</sup> As stated by Miqzaqon T and Purwoko, library research is a study that is used to collect information and data with the help of various types of literature such as documents, magazines, books, journals, historical stories and so on. In the library research step, it includes all the findings obtained in

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<sup>4</sup> Badruddin and Aditya Prastian Supriyadi, "Dinamika Hukum Islam Indonesia: Reaktualisasi Norma Islam Dalam Menalarkan Hukum Positif Merespon Sosio-Kultural Era Kontemporer," *De Jure: Jurnal Hukum Dan Syar'iah* 14, no. 1 (2022): 38–57, <https://doi.org/10.18860/j-fsh.v14i1.15512>.

<sup>5</sup> Yunahar Ilyas, "Reaktualisasi Ajaran Islam: Studi Atas Pemikiran Hukum Munawir Sjadjzali," *Al-Jami'ah: Journal of Islamic Studies* 44, no. 1 (2006): 223, <https://doi.org/10.14421/ajis.2006.441.223-240>.

<sup>6</sup> Moh. Dahlan, "Paradigma Ijtihad Munawir Sjadjzali Dalam Reaktualisasi Hukum Islam Di Indonesia," *AT-TURAS: Jurnal Studi Keislaman* 7, no. 2 (2020): 191–205, <https://doi.org/10.33650/atturas.v7i2.1504>.

<sup>7</sup> Saputera and Yasin, "Gagasan Nasikhul Mansukh Dalam Lingkaran Pemikiran Munawir Sjadjzali Tentang Reaktualisasi Ajaran Hukum Islam."

<sup>8</sup> Vita Fitra, "Reaktualisasi Hukum Islam : Pemikiran Munawir Sjadjzali," *Akademika* 17 (2012): 1–18.

<sup>9</sup> Dimas Assyakurrohim et al., "Metode Studi Kasus Dalam Penelitian Kualitatif," *Jurnal Pendidikan Sains Dan Komputer* 3, no. 01 (2022): 1–9, <https://doi.org/10.47709/jpsk.v3i01.1951>.

the literature and sources, making research notes after that, organizing and presenting the existing data.<sup>10</sup> The sources in this research include two categories, primary sources and secondary sources. The primary sources in this research are Munawir Sjadjzali's own book entitled "Contextualization of Islamic Teachings"<sup>11</sup> and the secondary sources are books, journal articles that are up to date and relevant to the theme being discussed.

## Results and Discussion

### *Biography of Munawir Sjadjzali*

Munawir Sjadjzali was born in Karanganom village, Klaten, Central Java, on November 7 1925, the son of Abu Aswad Hasan Sjadjzali (Tohari's son) and Tas'iyah (Badruddin's daughter). He is the oldest of eight children. From an economic perspective, the family is far from prosperous, but from a religious perspective, this family is a santri. The life of religious education in the Munawir family is due to the background of his father, who was known in his youth as a seeker of religious knowledge at various Islamic boarding schools, including the Jamsaren, Termas, and Tebuireng Islamic Boarding Schools. Munawir studied at elementary and middle school in Solo (1937-1940).

After that, he continued his education at Islamic boarding schools, including Jamsaren (Solo), Tebu Ireng (Jombang), and Tremas (Pacitan), so that when he studied at Islamic boarding school and when he finished Mambaul Ulum he had no other skills or abilities. It was during these wanderings that he arrived in Salatiga where he heard that a local Muhammadiyah school needed a teacher or educator. Because of this, Munawir immediately contacted the Muhammadiyah management and was accepted without any difficulties because he was an educator or teacher at the Muhammadiyah People's School on a probationary period.<sup>12</sup>

From being a teacher and actively participating in the movement era and being more active in the youth movement. He pursued a career after the recognition of sovereignty by the Netherlands in 1949 resulting in the formation of the Provisional Republic of Indonesia (RIS) and he met his soul mate when he joined the Mukhtamar in March 1950. He is also an accomplished diplomat and quite a productive intellectual, so many works have been published. write, some of it has been written down and the rest is still scattered. Among Munawir's works in the form of books are *Ijtihad Humanity, Islam and State Administration, and Anthology of Islamic Insights Today*. Apart from his work in book form, his intellectual legacy is in the form of writings by researchers written to commemorate his 70 years with the title "Contextualization of Islamic Teachings: 70 years of Prof. Dr. H. Munawir Sjadjzali.". Then Munawir wrote a book entitled "Is it Possible for Indonesia to be Based on Islam". Bung Hatta, the number two person in Indonesia at that time, read Munawir's writings until one-day

<sup>10</sup> Asmendri Milya Sari, "Penelitian Kepustakaan (Library Research) Dalam Penelitian Pendidikan Ipa," *Natural Science* [Diakses 11 Juli 2022] 6, no. 1 (2020): 41-53.

<sup>11</sup> Munawir Sjadjzali, *Kontekstualisasi Ajaran Islam* (Jakarta Selatan: IPHI & Paramadina, 1995).

<sup>12</sup> Sjadjzali.4



Bung Hatta met him. It was from this meeting that Munawir was trusted to work at the Ministry of Foreign Affairs. And from here his career began until he finally served as minister of religion for two terms, namely cabinets IV and V.<sup>13</sup>

### ***Munawir Sjadzali's Views Regarding Reactualization***

Munawir is an Indonesian Muslim intellectual, who at that time served as Minister of Religion and came up with the idea of "Reactualizing Islamic Teachings" by prioritizing the maslahah aspect which he put forward in 1985 at the Paramadina foundation forum. He said that the situation and conditions of Muslims today are very different from the time of the Prophet Muhammad SAW. However, Islamic thinkers have not dared to think more contextually. As a result, Islam, which in the hands of the Prophet saw was a revolutionary teaching, is now backward and far behind the West.

His view is based on what he learned as a minister of religion. He found many reports from religious judges in various regions of Indonesia about the many irregularities that occurred in the lives of Muslim communities in Indonesia. For example, in inheritance matters, if a Muslim family member dies, then the distribution of inheritance should be resolved in the Religious Court with faraidl provisions, but what happens is that they go to the District Court in Indonesia so that the settlement can be resolved using provisions outside of faraidl. This is not only done by ordinary people but also by religious figures.

Munawir has adopted a decision policy in providing textual laws that are not completely in line with the text, both the Koran and Hadith. Sometimes there are even differences in the sound of the text of the four Imams of the School: Imam Abu Hanifah with his Istihsan and urf approach, Imam Malik ibn Anas with his Istishlah. Imam Muhammad Ibn Idris al-Syafi'I with his Qawl Qadim and Qawl Jadid. And Imam Ahmad Ibn Hanbal is relatively the most textual and very reluctant to use reason.<sup>14</sup>

Munawir also said that there were also two interpreters from the beginning of the 20th century, Mushtafa Al-Maraghi and Muhammad Rasyid Ridho, they had the view that the law was promulgated and enforced solely for the benefit of humans,<sup>15</sup> while human interests can change and differ due to differences in time and place.<sup>16</sup> Therefore, if there is a law that is promulgated and enforced at a time when the need for the law is urgent, but at a later date the need no longer exists, then it would be wiser if the law is withdrawn and replaced with another law that is appropriate to the current situation, namely seen from the aspect of public interest.<sup>17</sup>

<sup>13</sup> Sjadzali.5-42

<sup>14</sup> Muhammad Jamil, *Fikih Kontemporer: Sebuah Dialektika* (Medan: CV Manhaji, 2017), <http://repository.uinsu.ac.id/6278/1/10> Fikih Kontemporer %28Sebuah Dialektika%29 Final.pdf.

<sup>15</sup> Abdul Basith Junaidy, "Menimbang Maslahah Sebagai Dasar Penetapan Hukum (Kajian Terhadap Pemikiran Muhammad Abu Zahrah)," *Al-Qānūn* 18, no. 2 (2015): 325-57.

<sup>16</sup> Ahmad Yamin, "Konsepsi Muhammad Rasyid Ridha Tentang Syura Sebagai Azas Pemerintahan Islam," *Kontekstualita: Jurnal Penelitian Sosial Keagamaan* 21, no. 1 (2006): 29-49.

<sup>17</sup> Apik Anitasari Intan Saputri, "Reaktualisasi Hukum Islam Munawir Sjadzali Dan Kontekstualisasi Doktrin Islam Pribumi Abdurrahman Wahid Apik," *Khuluqiyah* 3, no. 1 (2021): 24-50.



Everything Munawir did was like what happened to Egypt and Muhammad Abduh. Abduh's reforms were also carried out because of his unease at seeing the prolonged stagnation of Muslims. Models of Islamic teaching that are only focused on doctrinal models and followed by taqlid mean that Islam cannot regain its golden age. Seeing facts in this direction, Munawir Sjadjali also referred to Abduh's opinion, which stated that Muslims must have the courage to liberate their minds from the shackles of taqlid, and Muslims should understand religion by using the methods used by previous Muslims before disputes arose.<sup>18</sup> Apart from that, when encountering disputes related to religious matters, it is better for Muslims to return to the first sources, namely the Al-Qur'an and Hadith, and also treat the potential of reason as one of the main powers possessed by humans.<sup>19</sup> However, what Munawir Sjadjali actually did was not completely the same as Abduh, or other previous reformer figures. It could be said that Munawir Sjadjali's steps are more about reconciling the religious and state contexts, which ultimately aims at an inclusive-moderate religious model.

The reforms initiated by Munawir Sjadjali were also a response to the emergence of reform movements in his time. This movement has not yet taken place on a massive scale, and is mostly focused on regional interests. some of which are recorded in history; a) In the 15th century the Walisongo movement preached that Islam was able to break through the strong Javanese Hindu-Buddhist tradition towards a mature face of acculturation, b) In the 18th century the Padri movement emerged which emphasized sharia coercion and morality, c) In the 20th century the Persii al Muhammadiyah movement -Ilsyad was born with the central theme of purifying the faith of worship and spirit amidst a syncretic society and a taqlid-oriented society, d) in the 1970s launched a movement that focused on the rationalization of Islam which was pioneered by Muslim scholars. These historical records encouraged Munawir Sjadjali to carry out reforms that were not only limited to the regional scope. but more globally, namely related to aspects of the legal and religious order while at the same time breaking through traditions that are strongholds of frozen thinking.<sup>20</sup>

### ***Munawir Sjadjali Reactualization of Islamic Teachings***

Reactualization in Indonesian comes from the root word that really exists (happens). Meanwhile, the word "actualization" means actualizing. Then, when the word "actualization" is added with the word "re" (return), it becomes "reactualization" which means the process, method, act of re-actualizing, refreshing and renewing the values of life in society.<sup>21</sup> The re-actualization of Islamic teachings is a proposed methodology for a movement for renewal of Islamic law offered by Munawir Sjadjali,

<sup>18</sup> Nasrudin Yusuf, "Perbandingan Pemikiran Muhammad Abduh Dan Rasyid Ridha Tentang Pendidikan," *Sosial Budaya* 8, no. 1 (2011): 64–85, <http://ejournal.uin-suska.ac.id/index.php/SosialBudaya/article/view/349>.

<sup>19</sup> Septi Aji Fitra Jaya, "Al-Qur'an Dan Hadis Sebagai Sumber Hukum Islam," *INDO-ISLAMIKA* 9 (2019): 204–16.

<sup>20</sup> Sjadjali, *Kontekstualisasi Ajaran Islam*.

<sup>21</sup> Departemen Pendidikan dan Kebudayaan, *Kamus Besar Bahasa Indonesia*, n.d.



who served as Minister of Religion of the Republic of Indonesia for two terms during the reign of President Soeharto. During his busy schedule as a state official, Munawir put forward the idea of re-actualizing Islamic teachings.<sup>22</sup>

As a discourse of thought, the idea of re-actualizing Islamic teachings is very interesting and important to study, because at least it has succeeded in breaking open the frozen discourse regarding Islamic legal methodology which has not experienced much significant development. The idea of re-actualizing Islamic teachings put forward by Munawir was initially driven by the ambivalent attitude in Islamic society regarding the implementation of Islamic teachings which needed to be straightened out.<sup>23</sup>

Therefore, a new breakthrough or Ijtihad in Islamic law is needed with a culture that adapts to the existing culture in Indonesia. Therefore, as a minister of religion, Munawir offers three methods of Ijtihad in establishing a law along with examples of case study issues. The three methods and examples of case study issues are:

#### 1. Custom

Adat (custom), Munawir always quotes the opinion of Abu Yusuf who is of the opinion that the text was revealed when there was a particular custom case. If things change, the legal arguments contained in the text will also fail. Munawir believes that the text is only an offer for effective problem solving (legal, political, social) in certain societal conditions. When there is a dispute between custom and text, and it turns out that the custom is more secure, the custom is accepted. And its legal force is as strong as the text.

An example in custom is regarding the distribution of inheritance between men and women 2:1. Retualization in inheritance law, between men and women 2:1, this is an idea that is hotter discussed than other issues. Because this division is a sharikh text (clear, clear verse) and also includes qad'i (absolute) arguments as stated in the Al-Qur'an Surah an-Nisa verse 11.<sup>24</sup>

يُوصِّيُكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلَّذِكْرِ مِثْلُ حَظِّ الْأُنْثَيَيْنِ ۝ فَإِنْ كُنَّ نِسَاءً فَوْقَ اُنْثَيَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ۝ وَإِنْ كَانَتْ وَحْدَةً فَلَهَا النِّصْفُ ۝ وَلَا يَبُوئُهُ لِكُلِّ وِحْدَةٍ مِّنْهُمَا السُّدُسُ ۝ إِنْ كَانَ لَهُ وَلِلَّهِ ۝ فَإِنْ لَمْ يَكُنْ لَّهُ وَلِلَّهِ وَوَرِثَةٌ أَبُواهُ فَلِأُمِّهِ الْثُلُثُ ۝ فَإِنْ كَانَ لَهُ إِحْوَةً فَلِأُمِّهِ السُّدُسُ ۝ مِنْ بَعْدِ وَصِيَّةٍ يُوصِيَ هَآءُ أَوْ دَيْنٍ ۝ إِبَاوُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا ۝ فَإِنْ يَبْعَثَهُ إِنَّ اللَّهَ كَانَ عَلَيْمًا حَكِيمًا

*"Allah (thus) directs you as regards your children's (inheritance): to the male a portion equal to that of two females: if only daughters two or more their share is two-thirds of the inheritance; if only one her share is a half. For parents a sixth share of the inheritance to each if the deceased left children; if no children and the parents are the (only) heirs the*

<sup>22</sup> Sjadzali, *Kontekstualisasi Ajaran Islam*.

<sup>23</sup> Saputera and Yasin, "Gagasan Nasikhul Mansukh Dalam Lingkaran Pemikiran Munawir Sjadzali Tentang Reaktualisasi Ajaran Hukum Islam."

<sup>24</sup> Isniyatul Faizah, Febiyanti Utami Parera, and Silvana Kamelya, "Bagian Ahli Waris Laki-Laki Dan Perempuan Dalam Kajian Hukum Islam," *The Indonesian Journal of Islamic Law and Civil Law* 2, no. 2 (2021): 152–69, <https://doi.org/10.51675/jaksya.v2i2.166>.



*mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. (The distribution in all cases is) after the payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by God and God is All-Knowing All-Wise”<sup>25</sup>*

However, this provision has been ignored by many Indonesian people. When he served as Minister of Religion, Munawir often received reports from various religious judges in Indonesia, especially areas where Islam is strong, such as South Sulawesi and South Kalimantan, about the many deviations from the provisions of the Koran. The judges saw that if a person had died, the heirs asked the religious court for a fatwa to give a fatwa according to the inheritance (faraid). However, this fatwa was not used in society but later asked the district court to apply another distribution system, which of course was not in accordance with faraid law. Things like this are not only done by lay people but by scholars and religious leaders.

Many families take preemptive policies while they are still alive and distribute most of their wealth to their children. Everyone gets the same share regardless of gender as a grant. Thus, after they died, the wealth that had to be shared remained small, even almost gone. Then the small amount of wealth is divided according to faraid law so that there are no irregularities. The problem here is whether the religious teachings that are carried out like this are valid and correct? So here Munawir tries to put forward his idea of rectualization which is based on the ambivalent attitude practiced by Islamic society, both educated and lay circles. He stated that the Qur'an adheres to manuscript (cancellation). With that, part 2:1 can be annulled. This is based on local Arab culture and customs, so this law can be overturned at the latest time (new customs), this is of course in line with what exists in Indonesia where women are no longer under the protection of men because they are able to work myself.

An example of Munawir's inheritance distribution law, where at that time he had three sons and three daughters. His three sons completed their education at a foreign university and the costs were borne by Munawir himself, while two of his three daughters of their own accord did not go to college, but only chose and studied at a vocational school which was much cheaper. . The question then that Munawir thought about was whether my son, who had already paid a lot of money and was studying abroad, would still receive twice as much as what my daughter would receive when I died. Munawir raised this issue with one of the scholars who had extensive knowledge of religion. The cleric did not issue a fatwa at all. He only told what he experienced himself and other scholars had done. While he was still alive, he divided his assets equally between his sons and daughters before he died as a gift. Thus, if he dies, the remaining small amount must be divided according to faraid.

Hearing this answer, Munawir then pondered for a moment and then asked whether from the perspective of Islamic beliefs this policy was not more dangerous.

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<sup>25</sup> Abdullah Yusuf Ali, *The Woly Qur'an Translation* by A. Yusuf Ali, 1937.

Because according to him, he distributed his wealth equally to his sons and daughters as a gift before he died. Thus, the cleric does not believe in the faraid law, because if he believed it, he would not have taken another path. This is often done by Islamic communities today. According to Munawir, such people's way of practicing Islam is ambiguous. On the one hand, he wants to continue implementing Islamic inherited law, but on the other hand he is looking for a path that provides more justice and indirectly doubts the value of justice. This is what prompted Munawir to re-actualize the inheritance law.<sup>26</sup>

Therefore, Munawir expressed the view that every legal determination must be based on aspects of benefit, therefore Munawir divides inheritance according to the rule of 1:1, this rule has now been adhered to by the religious courts, although within the limits of women's guidelines for treatment. equal to his brothers in the distribution of inheritance. This is as accommodated in article 183 of the KHI: The heirs can agree to make a peace in dividing the inheritance, after each is aware of their share.<sup>27</sup> Reactualization basically means modifications to inheritance law based on the belief that muamalah law is very open to intellectual reasoning by prioritizing the benefit of society. Munawir also based his ideas on changes in time, place, situation, goals and customs.<sup>28</sup>

## 2. *Naskh*

*Naskh* is a shift or annulment of the laws or instructions contained in the verses received by the Apostle in the previous period. Munawir believes that this approach is a necessity. Where the verses of the Qur'an were revealed under certain conditions, there are often differences and contradictions between the texts that were revealed first (asbab an-nuzul) and those that were revealed later. The opinions of great mufassir such as Ibnu Katsir al Maraghi, Muhammad Rasyid and Sayyid Qutb were often quoted by Munawir. The view of the commentators is that the text is a legal change that is closely related to changes in place and time.<sup>29</sup>

An example in the text is about abolishing slavery. There are several verses in the Qur'an giving permission to use slaves as an alternative channel for men's biological needs other than their wives.<sup>30</sup> However, Munawir indirectly stated that even though these arguments are the Sharih texts and Qath'i arguments, because conditions no longer allow humans to agree to condemn slavery as an enemy of humanity, slavery must be abolished.<sup>31</sup> The reason is, even though the Prophet died and had not received

<sup>26</sup> Munawir Sjadzali, *Dari Lembah Kemiskinan* (Jakarta: IPHI & Paramadina, 1995).

<sup>27</sup> Zainal Abidin Abubakar, *Kumpulan Peraturan Perundang-Undangan Dalam Lingkungan Peradilan Agama* (Jakarta: PT. Raja Grafindo Persada, 1995).

<sup>28</sup> Budiarti A Rahman, "Melacak Pemikiran Pembaharu Hukum Islam Di Indonesia," n.d., 1-12.

<sup>29</sup> Sjadzali, *Kontekstualisasi Ajaran Islam*.

<sup>30</sup> Dedi Ratno, "Rekonstruksi Dan Reaktualisasi Hukum Islam," *Siyasatuna* 1, no. 8.5.2017 (2022): 2003-5, file:///C:/Users/Niki Sutoyib/Downloads/DEDI+RATNO+(REKONSTRUKSI+DAN+REAKTUALISASI+HUKUM+ISLAM)+21-27.pdf.

<sup>31</sup> Dadi and Imas Siti Masuroh, "Rekonstruksi Dan Reaktualisasi Hukum Islam Dalam Presfektif Munawir Sjadzali," *Jurnal Hukum Tata Negara* 2, no. 1 (2023): 1-5.



a revelation to completely eradicate slavery, the Prophet Muhammad always appealed to slave owners to act more humanely towards their slaves or free them altogether. This means that slavery is related to culture, customs and place. With the emergence of new customs, namely the rejection of slavery, the issue of slaves automatically disappeared. If we accept this line of opinion that even on basic matters such as slavery, the prophet still took into account the possible reaction of society, then should we not as his people learn from the wisdom of our great role model? However, on the one hand, there are still those who still want to apply the verses about slavery textually, because they are worried that it will threaten the integrity and universality of Islamic teachings.

According to Munawir, if this opinion is accepted and the system of slavery is maintained in accordance with the Sharifh verses, then Islam will have difficulty dealing with Human Rights (HAM), because human rights are the most fundamental or the right to live as an independent human being.<sup>32</sup> Thus, it can be understood that Munawir does not agree and wants to abolish slavery, because slavery does not respect human rights and is not in accordance with current human agreements. If the Prophet had not been worried about the reaction of society at that time because of the roots of slavery, he would have abolished and eliminated slavery.

### 3. *Maslalah*

When Munawir talks about problems, he always relates to at-Tufi's opinion. At-Tufi is of the opinion that if there is a dispute between the interests of the community and the text, then what must be prioritized is the interests of the community over the text.<sup>33</sup> *Maslalah* in this case, Abdul Wahab Khallaf believes that the meaning of *maslahah* is a law whose provisions are not mentioned in the Al-Qur'an and Sunnah. Its purpose is determined solely to seek benefit and prevent damage to human life. Ibrahim Husain doubts that *mashlahah* takes precedence when there are conflicting texts. According to him, the text contains beneficial values.<sup>34</sup>

An example relating to benefits is bank interest. Currently the result of the debate is the issue of bank interest. From the results of this debate three conclusions were found. Among them there are those who forbid it, there are those who consider it subhat, and there are also those who consider it permissible. Apart from this opinion, there are also those who say that bank interest is halal.<sup>35</sup> One of the scholars who says bank interest is halal is Munawir, he said that among Muslims today, there are still many who hold the view that bank interest is interest in a bank including usury, so it

<sup>32</sup> Ahmat Daulah, "Prinsip Prinsip Bernegera Menurut Pandangan Munawir Sjadjali" (UIN Raden Intan Lampung., 2018), <http://repository.radenintan.ac.id/3857/>.

<sup>33</sup> M Usman, *Rekonstruksi Teori Hukum Islam Membaca Ulang Pemikiran Reaktualisasi Hukum Islam Munawir Sjadjali* (Yogyakarta: LKiS Pelangi Aksara, 2015), [https://books.google.co.id/books?hl=id&lr=&id=V9BiDwAAQBAJ&oi=fnd&pg=PA1&dq=munawir+sjadjali&ots=vEVkBG1rx8&sig=FJH0-9enUUVGAWAcNe\\_KfITsHo8&redir\\_esc=y#v=onepage&q=munawir sjadjali&f=false](https://books.google.co.id/books?hl=id&lr=&id=V9BiDwAAQBAJ&oi=fnd&pg=PA1&dq=munawir+sjadjali&ots=vEVkBG1rx8&sig=FJH0-9enUUVGAWAcNe_KfITsHo8&redir_esc=y#v=onepage&q=munawir sjadjali&f=false).

<sup>34</sup> Ibrahim Hosen, *Beberapa Catatan Tentang Rektualisasi* (Jakarta: IPHI & Paramadina, 1995).

<sup>35</sup> Bani S. Maula, "Ijtihad Ulama Indonesia: Antara Muhammadiyah Dan Nahdlatul Ulama," *Himmah* 7, no. 20 (2017): 18–34.



is haram. Those who hold this opinion do not only live from deposit interest (including savings interest), only use bank services and quite a few have established banks with an interest system, the reason they put forward is darurah (compulsion) as explained in QS al-Baqorah (2): 173.

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمُنْيَةَ وَالدَّمَ وَلَحْمَ الْخِنْزِيرِ وَمَا أُهِلَّ بِهِ لِغَيْرِ اللَّهِ فَمَنْ أُضْطُرَ عَيْرَ بَايْعٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ  
إِنَّ اللَّهَ عَفُورٌ رَّحِيمٌ

*"He hath only forbidden you dead meat and blood and the flesh of swine and that on which any other name hath been invoked besides that of God but if one is forced by necessity without wilful disobedience nor transgressing due limits then is he guiltless. For God is Oft-Forgiving Most Merciful"*<sup>36</sup>

Which provides concessions because the criteria are not met, namely unintentionally and simply fulfilling needs. When Munawir delivered his speech at the anniversary of Muhammadiyah in Yogyakarta, he said that in the context of tajdid which is one of the characteristics of Muhammadiyah's reform movement, does the issue of banking in Islam still need to be discussed or postponed for discussion by the Muhammadiyah Tarjih Council? then he continued his question that we are involved in economic activities every day and to pay for the pilgrimage, we always do it now through banks. Is it permissible to use a bank only for emergency reasons? Indeed, there are also those among the ulama who seem to be leaning towards the opinion that banking is permitted on the grounds that it is necessary in today's economic life.

However, in the context of re-actualizing Islamic law, as it is, when faced with religious texts, there is a prohibition on committing usury. Among the ulama who can accept bank interest as halal on the grounds that it is necessary, they refer to the statement of ushul fiqh (Islamic jurisprudence methodology) that apart from changing the law because of necessity, many things are also permissible because of necessity. For example, looking at the face of a woman who is not your muhrim is forbidden (haram) in the opinion of most Shafi'i school of thought scholars. Related to this, if we pay attention to Munawir's opinion, he is more inclined towards accepting ordinary banks for reasons of desire, but he is still accommodating towards the formation of Mu'amalah banks and Sharia BPR banks with the principle of trading partnerships (syirkah or mudharabah) while heeding the regulations applicable banking.

The aim of using these three methods is to strengthen the idea of a more comprehensive reactualization of Islamic law which needs to be developed and analyzed through both philosophical and historical approaches as justification for the big ideas that Munawir has implemented. So that Islam can expand and develop along with the times and in accordance with the conditions in which the law was developed. Because the benefits and customs in each place are different. Prestigious law is law that grows from society, but the society referred to here is a society that has characteristics

<sup>36</sup> Ali, *The Woly Qur'an Translation* by A.Yusuf Ali.

and various points of view. Laws are formulated for the benefit of society. Quoting the words of the Rifyal Ka'bah, the interests of society include maintaining beliefs and outlook on life and respecting community traditions.<sup>37</sup>

## Conclusion

The word re-actualization is associated with the word Islamic teachings, meaning refreshing and renewing the values of people's lives in accordance with the context of events in Islamic teachings, or it can also be interpreted as lifting or reviving Islamic teachings (law) according to the circumstances of the incident so that Islamic teachings can touch people deeply. community life. The results of this research reveal that the re-actualization of Islamic teachings carried out by Munawir Sjadjzali does not mean modernizing Islam, but in order to implement Islamic teachings in accordance with environmental conditions and the needs of the times. Every time Islamic law develops, Ijtihad efforts are one of the paths that must be taken in order to contribute to Islamic civilization in the present and future. Munawir Sjadjzali provided a breakthrough in re-actualization which he felt was capable of using the text, maslahat and customary methods. However, according to Munawir, the benefit aspect must still come first. Regardless of the existing pros and cons, Munawir's ideas will certainly motivate future Muslim thinkers to always explore and align the texts and messages in the Al-Qur'an with the local and temporal situations of Indonesian society.

Research certainly has environmental limitations, especially the focus on reactualizing Munawir Sjadjzali's thoughts in the realm of the Islamic world. In this research, the author limits Munawir's reactualization thoughts by using the method used by Munawir in his reactualization. And this research has not explained other examples relating to contemporary problems using Munawir Sjadjzali's Ijtihad method, the author only provides three examples regarding the re-actualization of munawir, namely, the problem of inheritance distribution, the abolition of slavery and allowing bank interest. It is hoped that this research will later contribute to the field of education related to the treasures of Islamic knowledge, especially in the field of re-actualization of Islamic law. It is possible that future articles with the same theme will use more up-to-date methodology to be better than this research.

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<sup>37</sup> Rifyal Ka'bah, *Penegakan Syariat Islam DI Indonesia* (Jakarta: Rifyal Ka'bah Foundation, 2016).

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