

Preacher and Scientist: Integration of Science in Law Determination

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Abstract

Preacher and Scientist are not two different groups (science and profession) that must be disputed. Historically, the Preacher of the classical period also studied, controlling even in themselves they were also a Scientist. Along with the development of the age and science, there is a 'dichotomy' that separates those groups (science and profession). Many events that showed the difference and the conflict between the two groups. Integration of science or inter-profession should be done in every policy, decision, opinions as well as those that are legal products, both legal in general or Islamic law. On the other hand, both groups should be united in overcoming and responding to various problems of life that continue to develop. The integration of science will make the various policies, views and legal products more comprehensive. By using qualitative methods in the form of literature study can be seen that in Islamic history and science have a very close relationship. Fiqh is not a binding and unchanging rigid product. Fiqh must be able to change and synergize with various science disciplines so that various human problems can be answered.

Keywords: *Integration, Preacher, Scientists, Dichotomy, Islamization.*

Introduction

The current development not only affects the emerging of various technological innovations and knowledge but also creates new problems that are closely related to humans and the universe that needs solutions or answers. Religion as a human belief also needs to be integrated with various sciences.

These various problems will be answered in religious and scientific perspectives. Problems of Islamic law (fiqh) in human life (Muslims) need answers from various point of view. Humans today will be more obedient or trust the rules or Islamic law if supported by scientific data or views. There are also those who believe in science if it is compatible with their religion.

The relation in the scope of Muslims life, the problem of fiqh not only focused on matters of worship or law. As time goes by, fiqh is also expected to be able to answer various social phenomenon or problems of a nation or the world in general, as environmental crises, health, humanity and so forth. This article will discuss how the relationship between religion and science, and how the relationship between fiqh and science answering the needs of the people and the development of the times.

Method

The method used is the qualitative method of literature study (Library Research) by tracing the literature that related to this discussion of the paper.

Discussion

Relationships of Religion and Science

Discussion of the relation of religion and science in some literature cannot be separated. As time goes by, science undergoes dichotomy or sorting, there are various branches of fragments from a science, specialization and so forth.

The separation between religion and science, especially science, is due to the progress of science which is progressing. While religion is so strongly binding religious life is included in the issue of knowledge development so that religion can be regarded as a barrier to the development of knowledge. Group of religion itself considers the scientists can threaten their existence in society. As Muslih (2010: 226) suggests, it seems as if science is about to compete and even replace the position or position of religion in interpreting various world problems. Whereas according to Fajari (2016: 305-

306) Islam advocates adherents to research, understand the universe, and natural conditions.

In the general relationship of religion and science according to Haught (2004: xx-xxi), there are four kinds of approaches i.e conflict, contrast, contact, and confirmation. While Barbour (2002: 54-100) mentions the existence of four views about the relationship of science to religion that is conflict, independence, dialogue, and integration. In Islam itself, Hanafi explains that the dichotomy of science has occurred in several classical works throughout the history of Islamic scholarship tradition as did al-Gazāli and Ibn Khaldūn (2010: 175-176).

This separation also occurs in the time of Islamic civilization by labeling or attaching certain titles to a person such as al-Hukama, al-Arif, al-Ulama, al-Shufi, al-Auliya, al-Qadhi and so on. Though the preacher of that era studied all the science although there are some aspects that are more prominent. Ibn Sina who is known as Islamic philosophers, in fact, he is also a medical expert. The dichotomy of science in Islam centered on the division between the science of religion and the science of the world or the science of fard 'ain and fard al-kifayah emphasizes more on which aspects of science interest need to be studied and which may be learned, or even not at all. This sorting in the future has long consequences on the spirit of Muslims to deepen certain knowledge. Muslims are mostly focused on the sciences that belong to the science of religion, while the world of science is more general science is little to master it. However, in the history of classical Islam in fact the scholars were able to combine the science of religion and other science such as in this case science. In addition to giving birth to ideas or works of religious knowledge, they also gave birth to the ideas and discoveries of science and even wrote works related to science.

In Islamic history, an important figure in the teaching of science is a wise man who is called a judge. The commonplace of the so-called judge is a doctor, writer, poet, astronomer, mathematician and wise man. In this judge there is a combination of wisdom with science. The classification of science will depend on itself. The judge taught the one to himself to his disciples with thorough knowledge. People who have contributed to Islamic science are not all people who are experts in all fields of science. Some of them are mathematicians, doctors or zoologists (Nasr: 1997: 23).

The intellectuals in the past have contributed greatly to the development of civilization. The achievements of these figures are even equivalent to the achievements of Babylonian and Greek science. Even what they do has surpassed the success of its predecessors. That achievement can be realized because at that time religion is open to science and philosophy so that thinkers can explore and digest new heritage thoughts and ideas without fear (Guessoum:

2014: 28-29). Even in the East itself as `Freely pointed out (2011: 5) that the development also extends beyond the limits of traditional science such as supranatural science.

Based on the achievements of Muslim scientists actually reflects that Islam has successfully encouraged its adherents to interact with science and produce various works that can be useful. The achievement also shows that the science possessed by Muslim scientists does not make them afraid let alone think that science will reduce their faith. Reflecting to the Muslim scientists, it can be concluded that Islam has succeeded in encouraging its adherents to cultivate science while producing scientific works that benefit all human beings. All Muslim scientists have never fear that the science they master will reduce their faith. Because of their work, the West benefited greatly from the work of the Muslim scientists. The religion of Islam should still position itself to be a progressive and transformative religion, continuing to give a shout of passion for its adherents to love and produce knowledge (Badarussyamsi, 2015: 257-258).

According to Abdullah (2006: 156) Islamic relations with science are related. Islam without science will be blind, faith without knowledge can make people become idolaters. For that reason, science and religion cannot be separated from one another. Both are bound and need each other. According to Hasbullah (ed) (2000: 26) science must be in accordance with religion to achieve its goals, the goal of science itself is to deliver the human understand the universe reality from where then humans will understand the existence of the creator of the universe. In line with this, Mahzar (2004: 224) states that in the paradigm of Science-Islam, science is part of the efforts of human activity in the grateful gifts that God has given. That characteristic which according to Sardar (1987: 180) became a differentiator of Islamic and Western science because Islamic science emphasizes the unity between religion and science, knowledge and values, physics, and metaphysics.

Problematics on Contemporary Fiqh and Dynamics Problems of People

Fiqh cannot be separated from the life of Muslims. Even the rules and the implementation of fiqh has accompanied the man since baby until the death. From waking up to sleep again. Starting from the smallest and simplest things, to the complicated and big issues. As the times progressed, the problem becomes so complex.

Fiqh is a form of creation of preacher who try to understand the content of verses of the Qur'an and hadith which then mixed into a legal provision. Generally, in the historical development of fiqh, there are so many preachers who have their own

formulations which later became a school of thought (*madzhab*). But of the many school of thought (*madzhab*) of fiqh that there are only a few that still developing to this day. The extinction of some other school of thought (*madzhab*) may be due to the founder of the school having no disciples or followers, leaving no written works and no support from the ruling government. The spreading of the fiqh school of thought (*madzhab*) or the community acceptance towards a madhhab school of thought (*madzhab*) of fiqh may be based on the view of the school of thought (*madzhab*) much in conformity with the problems of that society or nation. For example, Indonesia is known to be more dominant and even more accept the views school of thought (*madzhab*) fiqh Shafi'i. Even the preacher who are still in the chain of a particular school of thought (*madzhab*) sometimes have different views with the founder of the school of thought (*madzhab*) adhered.

Iqbal (2017: 3) states that all must know that fiqh is not a revelation of God. It is the *ijtihad* product of the preacher. Factors such as the background of a Mujtahid, the interests, the social conditions of the community, the geographic location and the epistemology used will have an effect on the formation of fiqh produced by a Mujtahid. Fiqh is not born from a vacuum, but it moves in the course of history. Every fiqh product that is born is a manifestation or a reflection of the interaction between the mujtahid with the condition of socio-cultural environment, and socio-political. Therefore, the fiqh is inseparable from the element of *ijtihad*. Indeed, the door of *ijtihad* is not completely closed. At least some people or even institutions are able to make *ijtihad* efforts to solve various problems which on the one hand require theorem of religion as part of the theological value, and on the other hand also requires scientific data that is rational and compatible with the facts.

The progressive attitudes contained in fiqh *ijtihadiya* field (*majâl al-ijtihâd fi al-fiqh*) require the opening of a scientific breakthrough that is responsive or even beyond the size of its time. By making fiqh as a civilization spirit, the step is a cultural work to elevate the conception of fiqh or *ushûl al-fiqh* in life. So that fiqh can be an encouragement in generating strategic solutions in the urgent life crisis to overcome (Syarifuddin: 2013: 48).

The earliest debate in modern times between fiqh and science is its relation to autopsy. Then the discussion of organ transplantation which then responded by fiqh preacher through Dar Ifta Egypt and *fatwa* fuqaha Pakistan on the way to experience some changes. Another problem that also gets the spotlight is the issue of brain death responded by the Council of Fiqh OKI (Peters et al. (2006: 347-364).

Integration on Fiqh of Cross-Knowledge

Based on the problems of humanity that continues to grow, fiqh still get a place in the hearts of people, especially Muslims. The attitude of the people who tend to follow only the views the imams of school of thought (*madzhab*) as a form of theological attitudes. Paradigm is caused by people who think that fiqh comes from the Islamic Shari'a.

Changing the paradigm is not easy in some traditional societies or villages. However, for urban communities that come into contact with modern lifestyles with their various scopes, they always think critically and even tend to demand that everything is rational and logical. To overcome the two groups of thought that occurred in the community, fiqh on one side still has a place, and the science needed, then both must be put together. In highlighting the relation of fiqh and science in modern times, Adib (2014: 178) classified it into two, namely integration and non-integration.

While Faiz (ed) assumes that *hadharah al-nash*, *hadharah al-ilm*, and *hadharah al-falasifah* must be interrelated because all sciences is related to other science. For example, the science of fiqh requires biology and laboratory when discussing the fiqh of menstruation, when doing *rukayah* or counting inheritance would need the help of astronomy and arithmetic like mathematics and accounting (2007: 194-195). Responding to the growing problems, especially those who are related to science, fiqh must be able to respond them well and provide appropriate answers. Fiqh can go along with various other science.

Therefore, in the determination of the law or *fatwa* must involve two related parties namely the preacher and scientists. By bringing them together in various decision forums or *fatwas*, so what is generated for the benefit of the ummah will be more comprehensive because viewed from the side of religion and science. It should be that the answer must be balanced that the science is supported with the views of religious preacher or religious views supported with views of science. So that humans or Muslims can behave similarly to the various answers given.

The role of preacher and scientists must arise and be present in every decision and *fatwa*. Even in the various institutions of *fatwa* and *bahtsul masail* which usually only review a problem from a religious point of view by presenting the arguments of *nash* and fiqh scholars' views. The forum must be balanced with the presence of scientists to bring a perspective of science in answering the problem being discussed. One example of the collaboration between preacher and scientists, is the *Isbat Meeting* which is conducted annually by the Ministry of Religious to establish the beginning of Ramadhan and the beginning of Shawwal. Such forums can be a medium or place to unite between *ahl ru'yah* and *ahl hisab*.

Conclusion

From the exposure above it can be concluded that the relationship between religion and science in Islam has experienced its glory with the emerge of Islamic scientists who have colored civilization of thought and progress of the West. The relationship of Islam and science is not necessarily debated. The needs and the developments of times have spawned many issues that need to be approached and answered based on the views of religion and science.

Fiqh as part of the result of Islamic civilization which previously considered very sacred and binding Muslims. This is because the position of fiqh is considered as part of God's revelation or shari'a. In fact fiqh is the result of ijtihad products of human thinking that seek to understand and formulate religious teachings. Therefore, fiqh products are not absolutely binding on humans. Fiqh was born from the conditions and needs of the time, because that is fiqh is flexible. With the development of technology and science, many human problems have not got an answer in the classical fiqh discussion. Therefore, to answer the various problems and needs of society in the modern era, fiqh should be based on the theorems of religion and the views of the Mujtahids supported by studies and views of scientists. The integration and interconnections between scholars and scientists must exist in any fatwas or decisions. In fact, in every forum of fatwa and bahtsul masail they should sit together to find solutions to various problems of the ummah.

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