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**ABSTRACT**

**The Reconstruction of Indonesian-Islamic Law and its Relevance to the Development of National Law**

*Rekonstruksi Epistemologi Hukum Islam Indonesia dan Relevansinya Bagi Pembangunan Hukum Nasional*

Imam Syaukani, the author of this book, is a researcher on the Board of Research and Development, Education and Training in the Department of Religious Affairs of Indonesia. With a background in Islamic law and Western law, he chose to specialise in the development of Islamic law in Indonesia. This book developed from a 2003 Master’s thesis in the Law Faculty of the University of Indonesia, and examines an epistemology for Islamic law in Indonesia.

In the first chapter, Syaukani discusses Islamic law from the Indonesian perspective and the ideas of Hasbi Ash Shidieqy, Hazairin, Ali Yafie and Ibrahim Hosen. In the second and third chapters Syaukani compares their approach to that of orthodox and contemporary Muslim scholars. The fourth chapter discusses the main sources of Indonesian law. It refers to Western, customary and Islamic laws which were implemented by the Constitution of 1945 in accordance with Pancasila (the philosophic slogan of the Five Principles). Syaukani concludes that the aims of Islamic law (*maqasid al-Shari‘a*) should be used as a model for reconstructing the law.

The book aims at providing a comprehensive picture of a renewed understanding of Islamic law in the context of the development of the Indonesian legal system. It discusses the foundations of Islamic law, tension between divine and human law, revelation and reason and the concepts of *dalil* *qat‘i* (definitive proof) and *dalil* *zanni* (supposed proof).

The discussion of these themes, together with the presentation of the three main sources of Indonesian law, suggest that no legal system, in a globalized era, can exist in isolation. This book offers a new perspective of Indonesia law by revisiting its three main sources. It is a useful resource for scholars and lawyers.

Zaenul Mahmudi