

REVISITING THE PRACTICE OF ISLAMIC LAW: IDEAS AND INSTITUTIONS

Recently, Islamic law (or *shari'ah*) and its adoption in many Muslim countries have received tremendous attention from around the world. After Islamic family law has been adopted in many Muslim countries for years, some other areas of Islamic law follow to be adopted into state legal systems. These latest adoptions include Islamic laws of economy, penal, and politics, complementing or replacing gradually the Western laws. While such adoption is basically accepted, criticism has been raised over stipulations no longer compatible with contemporary ideas of law and social values. For example, criticism mounted when local *Shari'ah*-inspired regulations in Indonesia are considered to bring about discrimination against women. One of the problems seems that the *Shari'ah* teachings in many Muslim countries remain to focus Islamic law in its theological aspects disregarding the more practical dimensions of the law and its relationship with current ventures.

Al-Jami'ah is organizing an international conference on the latest studies of Islamic law. The papers are expected to discuss various issues (read the details below).

THE SCHEDULE AND VENUE

The conference is to be held on 11-13 November 2016 in the Sunan Kalijaga State Islamic University (a specific venue to be announced later).

KEY DATES

- Abstract acceptance: 1 August - 20 September
- Abstract selection: 1 October 2016
- Paper Submission: 25 October - 5 November

THE SCOPE OF THE SEMINAR

The scope of the seminar will expand to include studies related, but certainly not limited, to the complexities of law, legal actors and legal activities in many corners of the world. A number of topics below can be substantiated in this seminar:

1. IDEAS AND PRACTICES OF LEGAL PLURALISM

As an offshoot of colonialism, legal pluralism is certainly not a myth. It is a fact exacerbated in everyday lives of the people, especially since the emergence of the ideology of nation state throughout the Muslim world. This topic will cover the enigma of legal pluralism in many Muslim countries both from the perspective of legal theories, developed to face the persistent reality of pluralism, as well as the complexities involved in its practical realm, particularly in the situation where Islamic law acts as one of the most dominant legal traditions existing therein.

2. CONFLICT OF LAW IN MUSLIM WORLD

The current trend of legal pluralism studies is devoted much toward understanding the competition, conflict and tension as well as its resolution appearing as a result of the encounter between different legal traditions living side by side in a single community. This topic will try to substantiate discussion on the practical aspects of legal conflicts in Muslim world. What Muslims understanding of legal conflict and how the resolution can be developed with the consideration of local values that may come from within. This can be the result of the competition between different schools within the system of Islamic law or that between Islamic and other legal traditions existing in the society, either derived from local, national or international norms.

3. ISLAMIC LAW AND MINORITIES ISSUES

How Muslims treat others with differences is certainly an issue emerged substantially in the last decade. The discussion in this juncture will be focused on the experience of certain minority groups in a majority Muslim society and *vice versa* the life of minority Muslims in the midst of non-Muslim majorities. The course of the discussion will therefore be directed toward understanding how the idea of minorities is developed theoretically in Islamic law and how then it is reflected in the life of the people.

4. GENDERED ISLAMIC LAW

Gender issues certainly remain the hottest topic in Islamic studies generally. The central issue evolved in this topic is what the current development of the gender debates in Muslim world and what its relation to the development of Islamic law. Also, what the impact of Western gender teachings to the Islamic legal system developed in the states where Muslims comprise the majority population. In this respect, the gendered Islamic law may be seen from the perspectives of its legal substance, infrastructure, or culture as well. Thus the discussion can also be expanded to include the experience of the struggle of gender legal equality in many corners of Muslim community.

5. ISLAMIC LEGAL EDUCATION

In this topic the discussion will be devoted to understand the tradition of Islamic legal education developed in Muslim countries. This will involve a number of issues such as Islamic legal curriculum development, the experience of Islamic legal teachings in a traditional or modern school, the development of the institution of Islamic legal teaching, or any other topics related to the process as well as institutional development of Islamic legal education.

6. FATWA AND LEGAL DECISIONS

Fatwa reflects imminently whether Islamic law can work in the life of the Muslim *Ummah*. Through the process of *ifta'*, solution to certain real and everyday legal problems can be found effectively. In this cluster, the discussion will focus on studying the practical aspects of fatwa and legal decisions made by Muslim jurists or legal scholars in response to everyday legal problems in the society: How the process of fatwa is created and what the legal methods used therein and factors influencing the process, as well as to see the relationship between fatwa of the *Ulama* and legal decisions created by the judges in the courts.

7. ISLAMIC LEGAL REASONING

Understood as the process by which lawyers and judges try to resolve legal problems or make decisions of cases brought to them, legal reasoning will be discussed in its capacity as a means of law-making. The papers invited in this topic can evolve to see the practical aspects of legal reasoning done by lawyers or judges in Islamic courts. How the logic is actually built in the process of reasoning to reach the right answer upon a certain case, what the model of legal reasoning developed by the judges in Islamic courts, and what the differences between the judges in Islamic courts and those of secular courts in terms of their legal reasoning, etc.

8. ISLAMIC COURT AND LEGAL APPARATUS

The discussion in this cluster will be focused on seeing the current development of the Islamic legal institutions in many corners of the world. In Muslim countries, the Islamic courts are built either separated from or united with secular courts system, while in secular countries, Islamic legal institutions appear usually in the form of quasi-court system substantiating the use of mediation and arbitration in the law-making process. Papers may discuss the phenomenon of these two models of legal institutionalization.

9. ISLAMIC LAW IN EVERYDAY LIFE

This topic devoted specifically to invite scholars and students having experience in socio-anthropological and ethnographic researches on the life of Islamic law.

Islamic law is here viewed as a living body of norms existing in the midst of everyday life people, unlimited only to those norms or rules emanated in the books of *fiqh* or state codes. The discussion may be invited to see how the rules of Islamic law appear in the real lives of the people and the dialogue that may ignite to bridge the gap between law in book and law in practice.

10. ISLAMIC LAW AND ECONOMICS

After family law, one of the most adopted aspects of Islamic law is economic law. According to one source, the value of Islamic financial assets worldwide increased from USD 150 billion in the mid-1990s to an estimated USD 1.6 trillion by end-2012. The ideas of Islamic banking and finance, for example, have also been adopted even in the European countries. It is now important to ask questions, from the basic one, such as how 'Islamic' are Islamic banking, to the more economic one, "how does Islamic finance play an economic role in the global market".

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