The construction of Islamic law benefit in the perspective of progressive law

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Abstrak

Hukum diberlakukan adalah untuk menggapai kemaslahatan bagi objek yang dikenai hukum tersebut. Konsep kemaslahatan yang di bahas oleh ulama zaman dulu sampai pada zaman al-Syatibi, merupakan konsep maslahah theosentris, yaitu kemaslahatan berdasar teks, sehingga maslahahyang dimaksud harus sesuai dengan keinginan pembuat hukum (*maqsud al-syar'i*). Berdasarkan hal ini, maka konsep maslahah yang theosentris harus diformulasikan menjadi maslahah antroposentris. Yaitu, kemaslahatan yang didasarkan pada keinginan dan kebaikan objek hukum (*maqsud al-mukallaf*). Adapun hukum progresif, yaitu sebuah hukum yang tidak terikat pada undang-undang atau dengan kata lain hukum berdasarkan hati nurani. Sehingga, melalui hukum progresif tersebut akan mampu untuk mewujudkan kemaslahatan bagi bersama.

Kata Kunci: Hukum Islam, hukum progresif, maslahah

Abstract

The law is applied is to reach the benefit of the object subject to the law. The concept of benefit discussed by the scholars of the past up to the time of al-Syatibi, is the concept of theocentric benefit, namely benefit based on the text, so that the intended benefit must be in accordance with the wishes of the legislators (*maqsud al-Syar'i*). Based on this, the concept of theocentric benefits must be formulated into anthropocentric benefits. Namely, benefit based on the desire and goodness of the object of law (*maqsud al-mukallaf*). The progressive law, which is a law that is not bound by the law or in other words the law based on conscience. So, through this progressive law will be able to realize the benefit for the joint.

Keywords: Islamic law, progressive law, *mahlahah*

Introduction

*T*he law was created to regulate the order of mankind, so that humans are more comfortable in living this life. Besides, the creation of law certainly has a purpose, namely to reach *maslahah* (benefit) for human burdened by the law. Therefore, the law must be upheld as fairly as possible, so that the concept of *maslaha* as the main goal of the creation of law can be achieved.

Benefit is a human-oriented goal of law and its change. Meanwhile, the benefit discussed by classical scholars until the time of al-Syatibi, was the concept

of theocentric *maslaha*. This means that the benefits discussed are still limited to the scope of the text (textual), not the problems outside the text (contextual). For this reason, it is necessary to reform the conception of *maslaha* from theocentric to anthropocentric,it is the concept of *maslaha* which is grounded, based on the intentions of the *mukallaf* (*maqsud al-mukallaf*), because in the matters of *muamallah*, human beings can understand the best conditions for him.

Progressive law is a law that is not bound by the law, or in other words, according to Satjipto Raharjo is a free law, a law that is happy and with conscience.[1] So that the law used does not become an objective, but, the law created becomes a means to achieve one goal, namely *maslaha*.

The next issue is how to position progressive lawsin order to achieve benefits for humanity because progressive law is conceptually a liberating and a happy law. The relationship between between progressive and benefit law becomes important to be studied in order to bring together these two concepts.

Anthropocentric benefits

The concept of *maslaha* which had been discussed by classical scholars until the time of al-Syatibi was still theocentric. The problem discussed cannot yet come out of the confines of the text. *Maslaha* is always interpreted as a virtue that is in the text and is sought in the text, not outside the text. Therefore, what is considered *maslaha* is to be in accordance with the intent of the legislator (*maqṣud al-Syar'i*). As a result, the resulting *maṣlaḥa* becomes a stagnant, old-fashioned concept, and is less able to adapt to changing times.[2]

Based on this fact, the concept of *maṣlaḥa* must be formulated from theocentric ideology to anthropocentric. It is *maṣlaḥa* which is not based on the intention of (*maqṣud al-syar'i*), but the purpose of the mukallaf (*maqṣud al-mukallaf*), because in the case of *mu'âmalah* and adat, it is humans who "better understand" themselves in the context of their lives, compared to Allah provisions, who descended in the past, under different conditions.

The scholars always base *maslaha* concept on the "will of God" (*maqṣud al-syar'i*) obtained through the text (*naṣ*) of the Koran and Al-Hadith. Therefore, what is produced is a *maṣlaḥa* that is sky-high, not grounded, less realistic. Everything is always returned to the "will of God", even though those who undergo and are involved in religious and social problems so far are human beings.

The foundation of the *maslaha* on the "will of God" (*maqṣud al-syar'i*) obtained through the text (*naṣ*) must be reviewed because it means that it does not provide space for humans as *mukallaf* to determine their own laws. Therefore, it is time for a source or epistemology to be changed from theocentric to anthropocentric by making human values such as freedom, equality, justice, democracy as source of benefit.

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[1]Sajipto Raharjo, H*ukum Progresif: Kesinambungan, Merobohkan dan Membangun,* dalam jurnal hukum progresif, vol. 2,No. 1, April 2006, p. 18

[2]Wael B. Hallaq, *Sejarah Teori Hukum Islam*, translated by E. Kusnadiningrat dan Abdul Haris bin Walid, pp. 214-231

Involving these human values is part of the *maṣlaḥa* in the concepts of *ḍarûriyyah, ḥâjiyyah,* and *taḥsîniyyah*. According to the classical scholar of fiqh, such as al-Syatibi, *maṣlaḥa* was divided into three levels, *ḍarūriyah* (primary), *hâjiyyat* (secondary), and *taḥsîniyyat* (tertiary). *Maṣlaḥa ḍarûriyyat* is something that, if this does not exist, will cause damage and even loss of life. It must be there and protected from defects and all deficiencies. *Maslaha ḥâjiyyat* is something that is needed to avoid difficulties and societies, such as breaking the fast for the sick and travelers. While the *maslaha taḥsîniyyat* is to take something that is considered good by reason and avoid things that reason does not accept it.[3]

The ulama also agreed that the *ḍarûriyyat* was something essential, becoming the basis for the next two *maṣlaḥa; ḥâjiyyat* and *taḥsîniyyat*.[4] Furthermore, the *maṣlaḥa ḍarûriyyat* is based on five points of protection; religious *(ḥifż al-din),* life *(ḥifż al-nafs),* heredity *(ḥifż an-nasl),* property *(ḥifż al-mal),* and reason *(ḥifż al-aql)*.[5]

Maṣlaḥa with anthropocentric ideology, with its classification of *ḍarûriyyah, ḥâjiyyah* and *tahsniyyah* needs to be reconstructed. *Maslaha ḍarûriyyah* is a *maṣlaḥa* based on universal human values, such as freedom, equality, justice, purity *(fitrah),* honesty, goodness and loyalty. These human values occupy the station of *ḍarûriyyah* (primary). These human values have wider public and social implications when compared to the concept of *ḍarûriyyah khamsah,* because it only functions as protection against oneself or individuals, not the public directly.

The *maṣlaḥa ḥâjiyyah* contains religious protection *(ḥifż al-din),* life protection *(ḥifż al-nafs),* generation protection *(ḥifż an-nasl),* property protection *(ḥifż al-mal)* and reason protection *(ḥifż al-aql)* which in the beginning this classical *maṣlaṣah ḍarûriyyah al-khamsah* was revealed to be *ḥâjiyyah al-khamsah,* because the implication of its benefit is only on the protection of individuals rather than social or the public directly.[6] Furthermore, the concept of classical *hâjiyyah,* which is something that is needed to avoid difficulties *(masyaqat),* was revealed to be *taḥsîniyyah*. Whereas the classic *taḥsîniyyah maslaha,* which is to take something that is considered good by reason and avoid things unreasonable,[7] was eliminated because the new formulation has been represented by the concept of *ḍarûriyyah*.

This new formula of anthropocentric *maslaha* is similar to the concept of Thahir Ibn Asyur in *Maqâṣid al-Shari'ah al-Islamiyyah*. Ibn Asyur was a Muslim scholar who "dared" to add human values, such as freedom, equality, tolerance, and fitrah in the implementation of *maslaha*.

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[3] Abu Hamid bin Muhammad Al Ghazali, *al-Mustasfa min 'ilm al-Ushūl.,* p. 139-140. Also see Abi Ishaq al-Syatibi, *al-Muwafaqat fi al-Uṣûl al-Ahkam,* (Riyad: al-Riyad al-Hadisah, t,th), Juz 2, p. 8
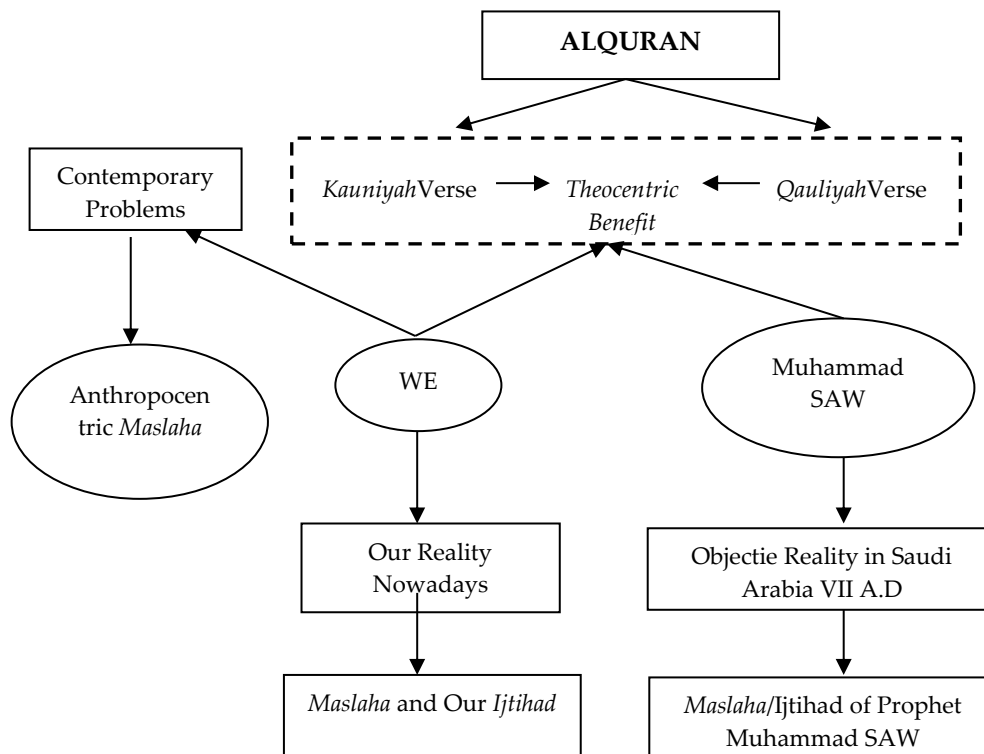
[4] Abdl al-Karim Zaidan, *Al-Wajiz fi Uṣûl al-Fiqh,* (Beirut: Muassasah al-Risalah, 1990), p.382

[5] Abi Ishaq al-Syatibi, *op.cit,* Juz II, p. 7

[6] Ahmad Imam Mawardi, *Fiqh Minoritas: Fiqh al-Aqalliyyat dan Evolusi Maqâṣid al-Syari'ah dari Konsep dan Pendekatan* (Yogyakarta: LKIS, 2010), p.197

[7] Abi Ishaq al-Syatibi, *Op.Cit.,* Juz II, p.7

Anthropocentric *maslaha* scheme

The concept of anthropocentric benefits will not change the way we pray, we fast, we give alms, and we go on pilgrimage because all the *mahdhah* worship is not disturbed by this new conception. We continue to practice *mahḍhah* exactly as the Prophet did because this new conception considers *mahḍhah* worship as a matter of *tawatur fi'li* which is a consequence of our belief in the Prophet Muhammad SAW and the message he carries. Thus, this anthropocentric benefit only affects the non-worship issues of the *mahḍhah*, such as *mu'âmalah*, politics, and Islamic crime which are indeed the weak points of Islamic law in responding to the challenges of the times. Because *naṣ* (text) is no longer descending, while new problems that must be answered by *naṣ* in every second must increase.There is nothing we can do unless we want to make creative breakthroughs relating to the relationship between text and reality.[8]

For Islamic law observers, this breakthrough on the concept of anthropocentric *maslahat* is a long awaited new way to end the dead lock situation that has long been experienced by Islamic law in responding to contemporary problems. With this new conception of anthropocentric benefits, Islamic law scholars will be more flexible in doing *ijtihad* to answer contemporary problems. They are no longer bothered by the Sunnah which are actually local-temporal policies of the Prophet, such as the Prophet's words: *al-a'immah min quraysyin* (the Imam is from Quraysh) and the Prophet's words: *lan yufliha qawmun wallaw*

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[8] al-Syahrastani, *al Milal wa an Nihal,* (Mesir: Mustafa Babil Halaby, 1967), p. 200

amrahum imra'atan (no victorious for people who give up their affairs [government] to women).[9]

In conclusion tothis anthropocentric benefit, it is only human who understand their benefits. If normative law cannot create justice, progressive law takes the initiation of rule breaking.According to Satjipto Raharjo, there are three ways to do it:

1) Using spiritual intelligence to build up the deterioration of the law, if the classic law injures a sense of justice;
2) The search for deeper meaning should be a new measure in carrying out the law and state of law;
3) Law is not only based on logic, but with feelings, caring, involvement (Compassion) to the lower classes.[10]

Benefits in progressive law

In the view of Ibn 'Abd al-Salam, *maṣlaḥa* contains the meanings of *lazzat* (pleasure) and *farah* (happiness) and the means that lead to them. *Maslaha* is divided into two categories, worldly and after life *maslaha*. The first can be known by reason ('*aql*), the second is known through *naṣ* (*naql*). But in the sight of experts, the problem varies depending on the lowest level of the system is the problem for all people.[11]

In al-Syatibi's view in the theory of *maqâṣid shari'ah*, it was explained that the ultimate goal of law is one, namely *maslaha* or the good and welfare of humanity. For him, what is meant by *maṣlaḥa* is *maṣlaḥa* which discusses the substance of human life and the achievement of what is absolutely required by emotional and intellectual qualities. Al-Syatibi divides *maqâṣid* or *masâlih* (plural of *maṣlaḥa*) into *ḍharûriy* (primary / must), *ḥâjiy* (secondary / needed) and *taḥsîniy* (tertiary / complementary).[12]

The concept of *maṣlaḥa* also became basis of thought in the modern era. Generally, modern studies of *maṣlaḥa* refer to *maslaha al-mursalah* and *istiṣlâḥ*. *Maṣlaḥa* is considered a material principle that underlies *istiṣlâḥ* as a method of *ijtihad*. For Schacht, *istiṣlâḥ* is identical with the principles of roman law in public utilities characterized by *jus honorarium*.[13]

Sulaiman al-Tufî explains the limitation of *maṣlaḥa* based on two things, *'urf* and *syar'i*. *Maslaha'urf* is a cause or reason that can bring goodness and usefulness. An example is a business that can bring benefits to the culprit. Whereas, *Maslaha Syar'i* is everything that can be a cause to arrive at the purpose of Allah, both in worship and *mu'âmalah*.[14]

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[9] Muhyar Fanani, *Fiqh Madani-Konstruksi Hukum Islam di Dunia Modern*, (Yogyakarta: LKIS, 2010), pp. 209-210

[10] Suteki, "*Rekam jejak hukum progresif Prof Satjipto Rahardjo"*, dalam http://mitrahukum.org

[11] Ibn "abd al-Salam, *Qawaid al-Ahkam fi Maṣâliḥ al-Anâm*, vol. I (Kairo; Istiqamah, t.t), pp. 10, 6, 24

[12] Muhammad Khalid Mas'ud, *Islamic legal Philosophy A Study of Abu Ishaq al Syatibi's Life and Thought,* alih bahasa Ahsin Muhammad,*Filsafat Hukum Islam,* (Bandung: Pustaka, 1996), p. 167

[13] *Ibid*, p. 184.

[14] Khallaf, M*ashadir, Op.Cit.*, p. 141

From the explanation above, *maslaha* is one of the *istinbaṭ* methods of Islamic law that can be used as a basis for thinking to answer new problems that arise recently. *Maslaha* is any activity that is intended to bring good to many people and avoid damage. The main measurements of the *maslaha* are 1) not conflict with the principles of the teachings in the Koran and the Hadith; 2) benefit is rational and certain; 3) benefit is related to the interests of many people.[15]

According to some scholars, there are five criteria of *al-maslaha al-ammah* that can be used as a benchmark. First, something whose benefits are felt by the whole or most of the community. Secondly, it is in harmony with the objectives of the Shariah which are summarized in *al-kulliyyat al-khamsah*. Third, the intended benefits must be real (*haqîqî*) not limited to estimates (*wahmi*). Fourth, it does not conflict with the Koran and Hadith. Fifth, it cannot be carried out at the expense of other public interests that are equal or even greater.[16]

If progressive law theory is used as a perspective to study the notion of *maslaha*, the compatibility will appear. As explained above, Satjipto Raharjo developed a philosophy of progressive law as a liberating law, a law that is happy and run with a conscience. The three things above can be squeezed into: "the law is for humans, not humans for law."[17] In the sentence that law is for humans, it means that the law is present for the happiness and welfare of humans. If there are cross-disputes between humans, as much as possible the law reconciles. If you cannot make peace, the law will decide the dispute fairly. Justice is not just justice according to law, but justice is substantive. Justice created by the law will make the dispute over and humans return harmoniously.

Since its birth, the law did not intend to frighten humans at all. As long as they are true, the law will not find their faults. If this happens, what is wrong is not the law but the authorities. Therefore, the law should not fall to people with bad character because they will only make the law only 'benefit' (in the negative sense, provide individual benefits) for themselves, not benefit for all. If it is felt that formal or material law rules are no longer in accordance with the sense of social justice (social justice), then the legal apparatus need not hesitate to actually do *ijtihad*. Therefore, community justice is certainly more important than legal justice. In other words, the law may not be considered if justice requires it. Justice is the core of the law that makes human benefit. Conversely, injustice means only bring harm to humans.

In an effort to bring benefit to humans, the law must be placed as a means (*wasîlah*) and not an end (style). 'Don't be a prisoner of the law' as one of the substances of progressive law means putting the law as a means of it. Thus, the idea of progressive law actually makes benefits for humans. In the perspective of

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[15] Nasruddin, al-Ṭûfî, *Uṣûl Fiqh*, Jilid I, (Jakarta: Logos, 1997), pp. 122-3.

[16] Al-Zuhaili, *Uṣûl al-Fiqh al-Islami*, Juz II, hlm. 1028. Sa'id Ramadhan al-Buthi, *Dhwabith al-Maṣlaḥah fi al-Syariah al-Islamiyyah*, (Beirut: Mu'assah al-Risalah, 1986), hlm. 254. Abdul wahab al-Khallaf, *Ilmu Uṣûl al-Fiqh*, hlm. 86. Muhammad Abu Zahrah, *Uṣûl al-Fiqh*, (Bairut: Dar al-Fikr, tt), p. 278.

[17] Sajipto Raharjo, H*ukum Progresif: Kesinambungan, Merobohkan dan Membangun*, in Progressive law Journal, vol. 2,No. 1, April 2006, p. 18

this problem, Satjipto Raharjo has become a reminder for scientists and legal practitioners who have fallen asleep with the apparent legal reality. Satjipto Raharjo tries to explain honestly and briefly about the legal reality. Through his wandering Sutjipto must say that the law does not only contain order, but also stores disorder.[18] Satjipto Raharjo's opinion implies that being organized does not necessarily mean bring benefits to humans. Likewise, irregularity does not necessarily bring harm to others.

The benefit in the idea of progressive law will be seen in the table below:[19]

Progressive Law and *Maslahat* Theory

Identification	Establishment/paradigm	Benefit (*maslahat*)
Paradigm	1. Holistic; 2. Constructive: knocking down, replacing and building to repair the old	1. Those Holisticand Comprehensive ones are more beneficial than those partial or chunk ones; 2. Knocking down, replacing and building to repair the old better and more beneficial rather than to let the old one remains in its disadvantage. The old paradigm which causes a lot of harm is replaced by a new, more beneficial paradigm.
Assumption	1. Law is for humans, not vice versa. 2. Law is not an absolute and final institution. The law is always in the process of being (*law as a process, law in the making*).	1. Law for humans is more *maslaha* than humans for law. All human efforts are essentially for human well-being and happiness. For what we have law if it does not bring happiness to humans. 2. Law is not a final religious law. The law always goes to its perfection. Making law as a final and absolute institution will only hold human's hostage because humans are no longer creative and dynamic. Such a law is actually not beneficial for human life.
Purpose	Human well-being and happiness	Law that aims to prosper and make people happy means that the law is a problem for humans. The law that complicates and narrates humans means the law is of no benefit to humans.
Spirit	1. Liberation from the domination of types, ways of thinking, principles and legal theories. 2. Proper and anti-status quo law. 3. Liberation of positivistic administration of law enforcement.	1. A law that liberates is more *maslaḥah* than a restraining law. 2. The proper law is more problematic than the pro-status quo law. 3. Positive law enforcement only presents legal justice. Progressive law enforcement will bring substantive justice. Substantive justice is more problematic than procedural justice.

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[18] Satjipto Raharjo, *Ilmu Hukum: pencarian, pembebasan dan pencerahan*,(Bandung : PT Citra Aditya Bakti, 1991),.p. 27.

[19] Dikutip dikembangkan dari Yudi Kristiana, "M*enanti Progresivitas Kejaksaan*," dalam Maryna A. Safitri (ed), *op.cit.*, pp. 237-8.

	4. Encouraging rule-breaking (legal breakthrough).	4. Legal breakthroughs that bring benefit are better than fixating on the sound of articles that handcuff.
Law Type	Responsive	Responding to all situations and conditions is more problematic than being unwilling to know about change. Responsive law means humanistic law
Progressivity	1. Refuse to be a prisoner of the law, if it conflicts with justice. 2. Be sensitive to changes in society. 3. Reject the status quo when it creates decadence, corruption and harms the interests of the people.	1. *Maslahat* law is a law that is able to free prisoners of the law if it conflicts with justice. 2. Responding to all situations and conditions is more problematic than being ignorant about change. Responsive law means humanistic law.

The table above can at least illustrate the compatibility between benefit and progressive legal ideas. Of course, the above table can still be refined with sharper and argumentative descriptions in accordance with the characteristics of progressive legal ideas. By looking at the table above, it can be drawn a common thread that one very prominent characteristic of progressive legal ideas is the necessity to understand the law in depth, namely the inner meaning. The law does not stop at the sound of the articles. The law also does not merely promise procedural justice. More than that, the law must be manifested in its genuine meaning, which is happiness for humanity. In this way, the true law has returned to its original *khittah*.

Theory of integrative benefit

In this paper, a new theory of law was invented i.e. "The Integrative Benefit Theory" which refers to the integration theory of the benefit of Islamic legal thinking that has to do with the integration between science and religion. Science and religion are not separate things and neither are things one above the other. The view that religion is higher than science is the influence of the concept of the dichotomy of science and religion. Science is considered as a human creation that has a relative truth that is therefore inferior to religion as God's creation which has absolute truth.[20]

In the context of gradations, science can be absolute, and vice versa religion can be relative, depending on which level they are at. In the world level, scientific intelligence is absolute because its truth is integrated with God's truth, so in the world level, the senses of religion are relative, because religion is understood as far as it is capable of being conceptualized by humans, which is commonly defined by fiqh. The unity of science and religion is at the level of the world of intelligence

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[20] Arqom Kuswanjono, *The Integration of Science&Religion; The Perspective of Philosophers Mulla Sadra* (Yogyakarta: Kahfi Offset, 2010), Page 150

which is absolutely truth. At this level, science and religion are in an existential unity, because both are in and are part of God.

When looking at the beginning of Surah al-ʾAqaq, i.e. 'iqra' which contains the command to read, it is very difficult to make a clear category whether the 'reading' is an order related to science or religion, because that command has two contents of knowledge and religion at the same time. Reading is a religious command because explicitly the command is contained in the Koran but on the other hand reading is the main requirement for developing knowledge.

Science is not God's creation, because science is part of God itself. If science is God's creation, it means that there is a time when God exists, but there is no knowledge, but in fact, God and science are identical-integrated. Knowledge is a whole part of God, as *Al-Alim* is one of the ninety-nine names of God.

سُنَّةَ الله الَّتِيْ قَدْ خَلَتْ مِنْ قَبْلُ وَلَنْ تَجِدَ لِسُنَّةِ الله تَبْدِيْلًا

As the *sunnatullah* (God's law which He has set) which has been in effect for a long time, you will never find a change for that *sunnatullah*. (Q.S. *Al-Fath:* 23)[21]

The truth of God's knowledge is the truth that encompasses all of this nature from beginning to end. Not a single grain of dust has fallen without His knowledge. The knowledge of God has been carried out in this universe and humans are permitted, even instructed to explore it.

There are two kinds of knowledge, namely the knowledge given and the knowledge gained. The knowledge given can survive. It can also take the form of intuition, inspiration, revelation, as received by the Prophets and Apostles. As for the knowledge gained, it is the science that has to get through various investigations and experiments. All developing knowledge is the result of continuous reading and investigation of phenomena that occur in the universe.

The perfection of God's knowledge can be seen from His creation in nature, that is, there is no creation in vain, everything is beneficial and supports the preservation of nature, and is non-residual. One example can be shown that animal waste, as if it were a wasted and useless object, but its existence still provides benefits, for example to fertilize plants and can also produce gas for domestic use. This can be compared to man-made motorized vehicles that emit smoke which can be detrimental to health. However, humans always try to correct the weaknesses of their theories of the mistakes they make. Human error when reading the knowledge of God in nature, is actually part of the process of finding the truth and not also because there is a mistake of God's knowledge but because of the inability of humans to find the true truth of God's knowledge.

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[21] Ministry of Religion of the Republic of Indonesia, *Al-Qur'an and Its Translation New Cordova*, Syamil Quran, Bandung, 2012, P.513

Conclusion

It is clear that the concept of integration of science and religion is actually centered on God (monotheism) because from Him all originate and to Him all will return, *inna lillahi wa inna ilaihi raji'un* (everything comes from God and to Him all will be back).

Today, the development of science and religion (read: theology), tends to be partial (independent). Both develop individually not greet each other. But with the power of information media, the development of science and technology, especially in the West, has hegemony of science in general and is able to build a scientific paradigm that the science is only rational and empirical. Other sciences become subordinate and only get a 'scientific license' after being tested by the Western scientific standard. The truth of taste, intuition, and revelation must be excluded from the scientific category (at least this is the attitude adopted by logical empiricism).

This partiality, historically-geographically can be explained that the expansion of the development of science in Islam moved both directions, namely to the West brought by Ibn Rushd with his peripatetic rationalism, and to the East carried by Al-Ghazali with his Sufism.

The effect of peripateticism in the West developed rapidly after gaining momentum precisely in the Renaissance. But it is unfortunate that the development was by leaving religion. While the influence of Sufism Al-Ghazali in the East was also very strong because it is in line with the Eastern way of life, which places more emphasis on aspects of spirituality. The development of both has a different style, that is if in the West the emphasis is more on reading nature (context) which enables empirical sciences to develop, whereas in the East it is more on reading texts that allow the development of spiritual/religious sciences.

The polarization of these developments certainly had their respective effects. The development of empirical sciences (read: modernism) on one hand has been able to open the secrets of nature and produce technology that can help overcome various human problems. On the other hand, they produce a variety of negative impacts, such as pollution, poverty, natural damage, moral decadence, and others. As for the East, which places more emphasis on the study of texts, they make texts as objects that are studied, researched and even memorized[22]. The positive impacts caused are the development of religious sciences such as *Tajweed*, *Qira'ati*, the hermeneutics of the Holy Book, and others. The negative impact is that in addition to the underdevelopment of general sciences, if in the West, different scientific views can actually lead to new knowledge. But in the East, the emergence of various streams as a result of interpretations of the text not infrequently causes social-religious conflict. Then, the legal theory of integration between the theory of benefit and the theory of progressive law is able to dismiss the scientific dichotomy.

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[22]Arqom Kuswanjono, *Integrating Science &Religion; The Perspective of Philosopher Mulla Sadra,Op.Cit*. Pages 151-153, and155-156

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