


## The Paradigm of Science According to Thomas Kuhn and Prophetic Jurisprudence

Bill Nope \* 

*Student of Doctoral Program, Faculty of Law, Universitas Islam Indonesia and  
Lecturer of Faculty of Law, Nusa Cendana University, Kupang, Indonesia*

(\*) corresponding author, email: 22932013@students.uui.ac.id

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### Abstract

*Prophetic Jurisprudence is a legal discipline based on the epistemological foundation of Islamic teachings derived from the Quran and Hadith. The framework of prophetic jurisprudence is built upon three prophetic ethical principles: humanization ('amar ma'ruf), liberation (nahi munkar), and transcendence (tu'minuna billah). One relevant approach for reflecting prophetic Jurisprudence is the paradigm of science proposed by Thomas Kuhn. Kuhn argues that science revolves around five key terms or concepts: paradigm, scientific revolution, pre-paradigmatic stage, normal science, and anomaly. The research questions in this study are as follows: (1) How can prophetic jurisprudence be accepted as normal science when based on Thomas Kuhn's paradigm of science? and (2) How can prophetic jurisprudence be applied to Indonesian society based on the thinking of Thomas Kuhn? This normative legal research reveals that the process of prophetic jurisprudence becoming normal science is still faced with the challenge of positioning prophetic jurisprudence as a product that needs to be systematic, logical, and open. Prophetic jurisprudence still requires tools, resources, and methods to address legal issues in the empirical world. The paradigm of prophetic jurisprudence has provided tangible examples of scientific practices through thought and research within the tradition of scientific inquiry that underlies scientific practices during a specific period. Prophetic jurisprudence is confronted with Indonesian society, which is positivist, pluralistic, and liberal and requires fast, decisive, and concrete legal solutions accompanied by sanctions.*

**Keywords:** *paradigm, philosophy, prophetic jurisprudence.*



## INTRODUCTION

Philosophy and science originated in ancient Greece and are known in the Western world today.<sup>1</sup> Philosophy and science were intertwined and not considered separate entities. Both disciplines stem from the term "*episteme*," with "*philosophia*" as the counterpart of *episteme*.<sup>2</sup> The earliest form of philosophy, called "*prote philosophia*," refers to theoretical knowledge that examines timeless and immutable civilizations distinct from the material world.<sup>3</sup> Aristotle defined it as "the science of first principles," focusing on studying fundamental principles.<sup>4</sup>

According to history, it was Socrates who first referred to himself as a "*philosophus*," which contrasted with the learned individuals of his time who called themselves "*sophists*" (the wise ones).<sup>5</sup> To protest their arrogance, Socrates preferred to identify himself as a philosopher, a lover of wisdom. The term "lover of wisdom" signifies someone who seeks and possesses noble or wise knowledge (*Sophos*).<sup>6</sup>

The first thinker in the history of philosophy recognized as "The Father of Philosophy" is Thales.<sup>7</sup> Some scholars also acknowledge him as the first scientist in the world.<sup>8</sup> In Greek society, Thales was considered one of the "Seven Wise Men of Greece," a group of seven esteemed Greek sages.<sup>9</sup>

During the period of Ancient Greece, Thales, as a philosopher, studied astronomy and various topics encompassing physics. However, a significant shift occurred during the modern era, when there arose a clear need to separate the group of

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<sup>1</sup> Paul Carelli, "Teaching Ancient Greek Philosophy as a Non-Western Tradition," *Asia Network Exchange A Journal for Asian Studies in the Liberal Arts* 23, no. 2 (July 19, 2016): 150–63, <https://doi.org/10.16995/ane.150>.

<sup>2</sup> Lea Cantor, "Thales – the 'First Philosopher'? A Troubled Chapter in the Historiography of Philosophy," *British Journal for the History of Philosophy* 30, no. 5 (September 3, 2022): 727–50, <https://doi.org/10.1080/09608788.2022.2029347>.

<sup>3</sup> Andrei Lebedev, "Early Greek Philosophers," *The Classical Review* 71, no. 1 (April 2021): 54–56, <https://doi.org/10.1017/S0009840X21000275>.

<sup>4</sup> The Liang Gie, *Pengantar Filsafat Ilmu*, 2nd ed. (Yogyakarta: Liberty Yogyakarta, 2010), 1.

<sup>5</sup> Matsephe M. Letseka, "Did Philosophy Originate in Greece? An Africanist Response," *Mediterranean Journal of Social Sciences*, November 1, 2014, <https://doi.org/10.5901/mjss.2014.v5n23p1302>.

<sup>6</sup> Muhamad Erwin, *Filsafat Hukum: Refleksi Kritis Terhadap Hukum*, 1st ed. (Jakarta: Rajawali Pers, 2012), 2.

<sup>7</sup> Zuli Dwi Rahmawati et al., "Greek Philosophy: The Classic View of Education," *Edu-Religia: Jurnal Keagamaan Dan Pembelajarannya* 6, no. 2 (January 5, 2024): 137–47, <https://doi.org/10.52166/edu-religia.v6i2.5375>.

<sup>8</sup> Graham Pont, "Philosophy and Science of Music in Ancient Greece: The Predecessors of Pythagoras and Their Contribution," *Nexus Network Journal* 6, no. 1 (April 2004): 17–29, <https://doi.org/10.1007/s00004-004-0003-x>.

<sup>9</sup> Gie, *Pengantar Filsafat Ilmu*, 3.

modern sciences from philosophy due to their distinct characteristics.<sup>10</sup> Philosophy mostly retained its speculative nature, while the contemporary sciences adopted empirical, experimental, and inductive methods. These contrasting features prompted the separation between philosophy and the modern sciences.<sup>11</sup>

The modern era was characterized by a rebellion against the dominance of truth held by the clergy. One significant milestone in this rebellion was the Copernican Revolution (1473-1543) in Astronomy.<sup>12</sup> Copernicus boldly challenged the geocentric view (earth-centered) and introduced his new perspective, the heliocentric view (sun-centered).<sup>13</sup> This marked a pivotal moment in the history of philosophy and science. Modern philosophy emerged between 1500 and 1800 AD, spanning three centuries.<sup>14</sup> It began with the Renaissance period, followed by the Baroque era and Enlightenment, and concluded with the Romantic period.<sup>15</sup>

The detachment of natural sciences, such as physics and mathematics, separated scientific knowledge from its philosophical roots. This development reached a more definitive form when Auguste Comte (1798-1857) established<sup>16</sup>, through his grand theory, that the progress of human thought and society would reach its pinnacle in the positive stage, surpassing the theological and metaphysical stages.<sup>17</sup> In this context, the term "positive" signifies that what is factual, and objective must be

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<sup>10</sup> John Freely, "The Flame of Miletus: The Birth of Science in Ancient Greece (and How It Changed the World)," *Choice Reviews Online* 50, no. 10 (June 1, 2013): 50-5565-50-5565, <https://doi.org/10.5860/CHOICE.50-5565>.

<sup>11</sup> Gie, *Pengantar Filsafat Ilmu*, 6.

<sup>12</sup> Maurice A. Finocchiaro, "Setting Aside All Authority: Giovanni Battista Riccioli and the Science against Copernicus in the Age of Galileo by Christopher M. Graney," *The Catholic Historical Review* 102, no. 3 (2016): 620-23, <https://doi.org/10.1353/cat.2016.0172>.

<sup>13</sup> Alberto Bardi, "The Archimedean Revolution of Nicolaus Copernicus," *Transversal: International Journal for the Historiography of Science*, no. 14 (June 30, 2023), <https://doi.org/10.24117/2526-2270.2022.i14.09>.

<sup>14</sup> Brendan Kolb and Andrew Chignell, "Modern European Thought: 1600-1800," in *The Encyclopedia of Philosophy of Religion*, ed. Charles Taliaferro and Stewart Goetz, 1st ed. (Wiley, 2021), 1-23, <https://doi.org/10.1002/9781119009924.eopr0247>.

<sup>15</sup> Teguh Prasetyo and Abdul Halim Barkatullah, *Filsafat, Teori, Dan Ilmu Hukum: Pemikiran Menuju Masyarakat Yang Berkeadilan Dan Bermartabat*, 1st ed. (Jakarta: Rajawali Pers, 2014), 37.

<sup>16</sup> Laurent Clauzade, "Auguste Comte and Spiritualism," *British Journal for the History of Philosophy* 28, no. 5 (September 2, 2020): 944-65, <https://doi.org/10.1080/09608788.2020.1805721>.

<sup>17</sup> Michel Bourdeau, Mary Pickering, and Warren Schmaus, eds., *Love, Order, and Progress: The Science, Philosophy, and Politics of Auguste Comte* (University of Pittsburgh Press, 2018), <https://doi.org/10.2307/j.ctv11wk0b>.

concrete, exact, accurate, and beneficial. Comte's theory emphasized the importance of empirical, tangible, and practical aspects in determining knowledge and truth.<sup>18</sup>

The fundamental and extensive social changes, closely associated with advancements in various fields of science and technology, have given rise to several societal problems and crises. As a result, many scientists and philosophers have dedicated special attention to the study of science. This heightened focus on critically reflecting upon science, and its societal implications has given birth to the philosophy of science as an independent philosophical discipline with its figures and schools of thought. Each school of thought has generated a Theory of Science (*wetenschapsleer*), which encompasses formulations regarding the requirements a theory or intellectual endeavor must fulfill to qualify as scientific or partake in science. These theories of science aim to provide a comprehensive understanding of the nature and characteristics of scientific knowledge, establishing the criteria by which theories and intellectual activities can be deemed scientific.<sup>19</sup>

One influential and relevant stream that has impacted the study of law and is pertinent for reflecting on the field of legal science is the paradigm of science<sup>20</sup> proposed by Thomas Kuhn. Kuhn presented his views on science around five key terms or concepts: paradigm, scientific revolution, pre-paradigmatic stage, normal science, and anomalies. He distinguished between two stages or periods within each scientific discipline: the pre-paradigmatic period and the period of normal science. Various competing schools of thought exist during the pre-paradigmatic stage, but none achieve widespread acceptance. However, one theoretical framework gradually starts gaining general acceptance, forming the first paradigm in a discipline. With the establishment of this paradigm, scientific activities within a discipline enter the period of normal science. In the period of normal science, researchers work within the framework of the accepted paradigm, conducting

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<sup>18</sup> Khudzaifah Dimiyati, *Pemikiran Hukum: Konstruksi Epistemologis Berbasis Budaya Hukum Indonesia*, 1st ed. (Yogyakarta: Genta Publishing, 2014), 133–34.

<sup>19</sup> Bernard Arief Sidharta, *Refleksi Tentang Struktur Ilmu Hukum*, 3rd ed. (Bandung: Mandar Maju, 2009), 84.

<sup>20</sup> Selain paradigma ilmu, beberapa aliran yang berpengaruh terhadap studi hukum dan relevan untuk merefleksikan ilmu hukum antara lain, aliran positivisme logikal, aliran rasionalisme kritis dan hermeneutik., *see*, Sidharta, 85–94.

empirical investigations and addressing problems within the established theoretical framework. This period is characterized by cumulative progress and incremental advancements within the boundaries set by the paradigm. In this phase, scientists strive to solve puzzles and anomalies within the existing paradigm, contributing to refining and developing scientific knowledge within that discipline.<sup>21</sup>

Based on the paradigm of science proposed by Thomas Kuhn, the author intends to draw a parallel with the paradigm of Prophetic Jurisprudence, which is grounded in the Islamic paradigm introduced by Kuntowijoyo, a Professor at the Faculty of Cultural Sciences, University of Gadjah Mada (UGM) in 2000.<sup>22</sup>

The concept of a prophetic paradigm in knowledge, articulated by Kuntowijoyo, is inspired by the ideas of two eminent thinkers, Muhammad Iqbal and Roger Garaudy. In legal studies, the emergence of this prophetic thought offers a revitalized spirit and a new framework that deserves to be developed as a distinctive element of legal education,<sup>23</sup> representing a manifestation of local genius.<sup>24</sup>

In his article entitled "The Ontological Foundation of Prophetic Jurisprudence," Syamsudin states that, for the time being (tentatively), it can be formulated that prophetic jurisprudence is a legal science whose paradigm, underlying assumptions, principles, teachings or theories, methodology, and normative structure are built based on the epistemological foundation of Islamic teachings<sup>25</sup> derived from the Quran and Hadith.<sup>26</sup> Fundamental assumptions are developed through the transformation and objectification of these Islamic teachings, manifesting as theories, doctrines, principles, rules, and legal norms applicable in society according to their respective contexts. The term "society" here refers to both Muslim and non-Muslim

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<sup>21</sup> Sidharta, 89.

<sup>22</sup> Muhammad Erfa Redhani, "Science and Prophetic Law: Karl Popper's Falsification Principle and Three Worlds of Science," *Prophetic Law Review* 6, no. 1 (June 1, 2024): 98–119, <https://doi.org/10.20885/PLR.vol6.iss1.art5>.

<sup>23</sup> Siti Zuliyah et al., "The Philosophical Thought of the Prophetic Law in the Indonesian Legal System," *Wisdom* 26, no. 2 (June 25, 2023): 242–54, <https://doi.org/10.24234/wisdom.v26i2.1002>.

<sup>24</sup> M. Syamsudin, *Ilmu Hukum Profetik: Gagasan Awal, Landasan Kefilsafatan, Dan Kemungkinan Pengembangannya Di Era Postmodern*, 1st ed. (Yogyakarta: Pusat Studi Hukum (PSH) FH UII kerja sama dengan FH UII Press, 2013), 11.

<sup>25</sup> Syamsudin, *Ilmu Hukum Profetik: Gagasan Awal, Landasan Kefilsafatan, Dan Kemungkinan Pengembangannya Di Era Postmodern*.

<sup>26</sup> Musataklima, Adi Sulistiyono, and M. Syamsudin, "A Prophetic Law Basis for Strengthening the Values of Indonesian Consumer Protection Law Culture," *Prophetic Law Review* 6, no. 1 (June 1, 2024): 47–70, <https://doi.org/10.20885/PLR.vol6.iss1.art3>.

communities, intending to transform and objectify the mission of Islamic teachings as a mercy to all of humanity (*rahmatan lil'alam*).<sup>27</sup> Moreover, the framework of Prophetic Jurisprudence is based on three prophetic ethical foundations: humanization (enjoining good), liberation (forbidding evil), and transcendence (believing in Allah). All these foundations are aimed at achieving the comprehensive well-being (*kaffah*) of humankind (*baladun thoyyibatun warobbun ghofur*).<sup>28</sup>

## METHODOLOGY

Based on the discussion above, the research problem addressed in this study is: what is the roadmap for prophetic jurisprudence to be accepted as normal science based on Thomas Kuhn's paradigm of science? and how is prophetic jurisprudence applied to Indonesian society from Thomas Kuhn's perspective?. To formulate a legal analysis of both of these legal issues, this study applied normative legal research by library research or document study due to its predominant reliance on secondary data available in libraries.<sup>29</sup>

The author employs historical and conceptual approaches to obtain answers or information about legal issues in this research. The historical approach involves examining the history and perspectives on the scientific paradigm proposed by Thomas Kuhn. The conceptual approach<sup>30</sup> is carried out by studying the views or thoughts of Prophetic Jurisprudence based on three prophetic ethical foundations: humanization (*amar ma'ruf*), liberation (*nahi munkar*), and transcendence (*tu'minuna billah*). The ideas of Prophetic Jurisprudence are then linked to the scientific paradigm proposed by Thomas Kuhn.

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<sup>27</sup> Jejen Hendar, "Maqashid Sharia as the Basis for Decision Making of Corporate Social Responsibility Based on a Prophetic Legal Paradigm," *Prophetic Law Review* 5, no. 1 (June 1, 2023): 104–25, <https://doi.org/10.20885/PLR.vol5.iss1.art6>.

<sup>28</sup> Syamsudin, *Ilmu Hukum Profetik: Gagasan Awal, Landasan Kefilsafatan, Dan Kemungkinan Pengembangannya Di Era Postmodern*, 101.

<sup>29</sup> Suratman and Philips Dillah, *Metode Penelitian Hukum: Dilengkapi Tata Cara & Contoh Penulisan Karya Ilmiah Bidang Hukum* (Malang: Alfabeta, 2014), 51.

<sup>30</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, 1st ed. (Jakarta: Kencana, 2005), 93.

## RESULT AND DISCUSSION

### **Prophetic Jurisprudence Roadmap Becomes Normal Science Based on Thomas Kuhn's Paradigm of Science**

Engaging in philosophy is a form of thinking. However, not all forms of thinking can be considered philosophical, as philosophical thinking possesses distinct characteristics. Several features distinguish philosophical thinking:

1. Philosophical thinking is characterized by its radical nature, which means thinking deeply and thoroughly, reaching the very roots of the subject matter. It involves delving into the essence, nature, or substance of what is being contemplated.
2. Philosophical thinking is characterized by its universal nature. Universal thinking involves contemplating things and processes that are general or common. Philosophy concerns itself with the common experiences and shared understanding of humanity, often called the "common experience of mankind."
3. A conceptual approach characterizes Philosophical thinking. Philosophy does not concern itself with specific individuals or particular humans but rather with contemplating humanity as a whole;
4. Philosophical thinking is characterized by its coherence and consistency. Coherence refers to the adherence to the principles of logical thinking, while consistency means the absence of contradictions. Both coherence and consistency can be translated as "coherent" or "systematic.";
5. Philosophical thinking is characterized by its systematic nature. The term "systematic" stems from the word "system," which denotes a coherent arrangement of interconnected elements that work together to achieve a specific purpose or fulfill a particular role;
6. Philosophical thinking is characterized by its comprehensive nature. "Comprehensive" refers to the thorough inclusion or coverage of all relevant aspects;

7. In philosophical thinking, freedom is a defining characteristic. Within broad limits, every philosophy can be considered as a product of independent thought;
8. Philosophical thinking is characterized by responsible thought, which entails accountability to one's conscience guided by underlying ethics.<sup>31</sup>

Philosophy encompasses three main branches: ontology,<sup>32</sup> which consists of general and special metaphysics. General metaphysics deals with the existence of things. In contrast, special metaphysics includes three essential parts: theology, anthropology, cosmology, and epistemology, the branch of philosophy related to the truth of knowledge.<sup>33</sup> Epistemology includes logic, methodology, and philosophy of science; and third, axiology, which concerns values and consists of aesthetics and ethics. Aesthetics is concerned with beauty, while ethics is related to behavior. Philosophy of law is a derivative of ethical philosophy that addresses human conduct.<sup>34</sup>

The nature and benefits of legal philosophy can be summarized as follows: (1) Holistic or comprehensive: Legal philosophy is not arrogant or *a priori* in nature.<sup>35</sup> It takes a comprehensive approach that goes beyond mere positive law; (2) Foundational: Legal philosophy encourages understanding of law beyond positive law alone;<sup>36</sup> (3) Speculative: It invites innovative thinking about the law, promoting creative and speculative exploration; (4) Critical reflection: It guides us in analyzing legal issues rationally, fostering critical reflection, (5) Disciplinary: Legal philosophy asserts itself by addressing existing problems following predetermined principles;

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<sup>31</sup> Prasetyo and Barkatullah, *Filsafat, Teori, Dan Ilmu Hukum: Pemikiran Menuju Masyarakat Yang Berkeadilan Dan Bermartabat*, 1–3.

<sup>32</sup> Kresna Ningsih Manik et al., “Study of Ontological, Epistemological and Axiological Principles in Final Academic Assignments for Dissertation Scientific Papers: Philosophical Values in Scientific Writing,” *International Journal of Multidisciplinary: Applied Business and Education Research* 5, no. 1 (January 25, 2024): 330–38, <https://doi.org/10.11594/ijmaber.05.01.29>.

<sup>33</sup> Robert J. Sternberg, “What Is Wisdom? Sketch of a TOP (Tree of Philosophy) Theory,” *Review of General Psychology* 28, no. 1 (March 2024): 47–66, <https://doi.org/10.1177/10892680231215433>.

<sup>34</sup> Zainal Arifin Mochtar and Eddy O.S. Hiariej, *Dasar-Dasar Ilmu Hukum: Memahami Kaidah, Teori, Asas Dan Filsafat Hukum*, ed. Yayat Sri Hayati (Depok: Rajawali Pers, 2024), 217.

<sup>35</sup> Tomasz Gizbert-Studnicki, “The Most Important Problems of Legal Philosophy and the Nature of Law,” *Anali Pravnog Fakulteta u Beogradu* 69, no. 4 (December 20, 2021): 773–82, [https://doi.org/10.51204/Anali\\_PFBU\\_21403A](https://doi.org/10.51204/Anali_PFBU_21403A).

<sup>36</sup> Ervina Dwi Indriati, Sary Ana, and Nunung Nugroho, “Philosophy Of Law And The Development Of Law As A Normative Legal Science,” *International Journal of Educational Research & Social Sciences* 3, no. 1 (February 20, 2022): 425–32, <https://doi.org/10.51601/ijersc.v3i1.293>.



and (6) Strives for perfection: It seeks to achieve perfection by acknowledging and addressing human doubts, thereby working towards attaining a higher level of excellence.<sup>37</sup>

Legal science is considered a practical science, and its position holds a special status within the classification of sciences. This exceptional nature requires legal science to be capable of responding to various new developments in society while remaining within the framework of axiological values inherent in legal philosophy.<sup>38</sup> A legal philosophy informs us about the emergence of law,<sup>39</sup> how it arises and its intended direction, origin (genetics), growth, and the purpose or function of law.<sup>40</sup>

During his inauguration speech as a Distinguished Professor, Syamsudin stated that the ideas and birth of Prophetic Jurisprudence are inseparable and, at the same time, a continuation of philosophical reflection on the fundamental assumptions of humanization, liberation, and transcendence.<sup>41</sup> According to the perspective of prophetic jurisprudence, engaging in legal matters is a human endeavor to serve and seek divine satisfaction from the Almighty God based on humanization, liberation, and transcendence.<sup>42</sup>

From the perspective of prophetic jurisprudence, the principle of humanization in law is interpreted as an effort to humanize individuals (creatures of God).<sup>43</sup> The principle of liberation in law is an endeavor to free individuals from knowledge

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<sup>37</sup> Mochtar and Hiarij, *Dasar-Dasar Ilmu Hukum: Memahami Kaidah, Teori, Asas Dan Filsafat Hukum*, 218.

<sup>38</sup> Retna Gumanti, "Reconceptualizing Consumer Contracts in the Philosophical Perspective Of Pancasila," *Prophetic Law Review* 1, no. 1 (December 1, 2019), <https://doi.org/10.20885/PLR.vol1.iss1.art3>.

<sup>39</sup> E. E. Isaev, "The Value of Procedural Policy: Axiological and General Legal Aspects," *Uchenye Zapiski Kazanskogo Universiteta Seriya Gumanitarnye Nauki* 166, no. 3 (September 17, 2024): 30–39, <https://doi.org/10.26907/2541-7738.2024.3.30-39>.

<sup>40</sup> Prasetyo and Barkatullah, *Filsafat, Teori, Dan Ilmu Hukum: Pemikiran Menuju Masyarakat Yang Berkeadilan Dan Bermartabat*, 16.

<sup>41</sup> M. Syamsudin, "Berhukum Profetik Di Tengah Kalatidha" (Pidato Pengukuhan Guru Besar, Yogyakarta, Universitas Islam Indonesia, November 24, 2022), [https://www.uin.ac.id/wp-content/uploads/2022/11/M.Syamsudin\\_Pidato-Pengukuhan](https://www.uin.ac.id/wp-content/uploads/2022/11/M.Syamsudin_Pidato-Pengukuhan).

<sup>42</sup> Syamsudin, *Ilmu Hukum Profetik: Gagasan Awal, Landasan Kefilsafatan, Dan Kemungkinan Pengembangannya Di Era Postmodern*, 9.

<sup>43</sup> Hendar, "Maqashid Sharia as the Basis for Decision Making of Corporate Social Responsibility Based on a Prophetic Legal Paradigm."; Ahmed Al-Zamli and Shroog Al-Qahtani, "The Prophetic Method in Building Human Individual Responsibility in Islam as a Model," *International Journal for Scientific Research* 3, no. 5 (May 26, 2024): 341–74, <https://doi.org/10.59992/IJSR.2024.v3n5p13>.

systems and the social, cultural, economic, and political structures that bind them.<sup>44</sup> The principle of transcendence in law is interpreted as an effort to direct the purpose of human life toward a meaningful existence. Hence, the foundational assumption of prophetic jurisprudence is that law is essentially the will of Allah directed toward humans to achieve the noble status of being *Khalifah* (leader). Based on the above description of the foundational assumptions of Prophetic Jurisprudence, when viewed from the perspective of the philosophy of science, namely ontological, epistemological, and axiological, these three fundamental concepts emerge coherently and sequentially.<sup>45</sup> Humanization serves as the ontological foundation of prophetic jurisprudence, Liberation as the epistemological foundation of prophetic jurisprudence, and Transcendence as the axiological foundation of prophetic jurisprudence.<sup>46</sup>

### Prophetic Jurisprudence and Normal Science

The roadmap that prophetic jurisprudence is currently and continuously traversing to become a normal science must go through at least three stages: as a process (research activity), as a procedure (adhering to scientific methods), and as a product (systematic, logical, and open knowledge).

For the author, prophetic jurisprudence has already traversed the two stages mentioned earlier. This is justified because prophetic jurisprudence has been advocated and debated for a significant period. As a procedure, the roadmap of prophetic jurisprudence towards normal science has been. It continues to be supported by various scientific research endeavors (adhering to scientific methods) with specific scientific achievements. The legal scholarly community has achieved these achievements and will provide a foundation for further practice. However,

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<sup>44</sup> Novita Sari and Taat Wulandari, "Grounding the Teachings of Kuntowijoyo as a Prophetic Social Science as an Effort to Counteract Radicalism in Indonesia," in *Proceedings of the 2nd International Conference on Social Science and Character Educations (ICoSSCE 2019)* (Proceedings of the 2nd International Conference on Social Science and Character Educations (ICoSSCE 2019), Yogyakarta, Indonesia: Atlantis Press, 2020), <https://doi.org/10.2991/assehr.k.200130.046>.

<sup>45</sup> Lukman Santoso, "Towards Religiosity-Based Legal Science: Critical-Constructive Prophetic Law on Positivism Paradigm," *Prophetic Law Review* 2, no. 2 (December 1, 2020): 221–42, <https://doi.org/10.20885/PLR.vol2.iss2.art6>.

<sup>46</sup> Syamsudin, *Ilmu Hukum Profetik: Gagasan Awal, Landasan Kefilsafatan, Dan Kemungkinan Pengembangannya Di Era Postmodern*, 11.

prophetic jurisprudence, a product that entails systematic, logical, and open knowledge, has not been fully realized. Systematic refers to the position of prophetic jurisprudence within the hierarchical structure of Indonesian legislation. Prophetic jurisprudence, constructed and sourced from the Quran and Hadith, must confront the reality within the hierarchy of Indonesian legislation (positive law) based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Logical means prophetic jurisprudence seeks answers to concrete legal problems/events in society, requiring definitive solutions, actions, and even sanctions in the empirical world. Open means that prophetic jurisprudence can be accepted empirically, as Indonesia consists of diverse ethnic groups, religions, cultures, and belief systems.

If prophetic jurisprudence wishes to be recognized as a normal science, it must fulfill two essential characteristics. These characteristics are:

1. Prophetic jurisprudence has scientific achievements that can attract law practitioners from various other approaches to conducting scientific activities. This implies that a significant number of legal practitioners tend to choose prophetic jurisprudence as one of the methods to carry out their scientific endeavors;
2. The achievements of prophetic jurisprudence are sufficiently open, allowing for various unresolved issues that require resolution by practitioners of the discipline referring to those accomplishments. Kuhn referred to the two essential characteristics as paradigms.<sup>47</sup>

Following Kuhn's paradigm, prophetic jurisprudence offers new aspects and elements that can be considered as departing from existing or established methods. In addition to being systematic and sequential, prophetic jurisprudence must present models that serve as the basis for a unified (coherent) scientific research tradition. It should be capable of providing equal justice based on easily understandable facts or phenomena and should serve as an alternative solution for various societal issues. In

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<sup>47</sup> Sidharta, *Refleksi Tentang Struktur Ilmu Hukum*, 90.

short, prophetic jurisprudence offers "new legal answers" to various unresolved problems.

For the author, the roadmap of prophetic jurisprudence towards normal science still requires serious discussions. This because prophetic jurisprudence will consist of theories, doctrines, principles, and norms derived from society's legal norms. Indeed, Prophetic Jurisprudence is built upon the foundation of the "decay" of our law enforcement system, but it still requires tools, means, and methods to address legal issues in the empirical world.

It is expected that prophetic jurisprudence will serve as a "middle ground" for improving our legal system. However, at a certain point, prophetic jurisprudence must be able to provide concrete solutions to real-life issues in society. Prophetic jurisprudence also faces the challenge of the heterogeneous Indonesian society, with its diverse ethnic groups, religions, and vibrant cultures. This condition aligns with Shidarta's assertion that legal norms will not function unless there is pressure or stimulus from concrete events. Legal norms are tasked with serving concrete events.<sup>48</sup>

### **The Application of Prophetic Jurisprudence in Indonesian Society Based on the Thought of Thomas Kuhn**

According to Kuhn, existing sciences that have established a paradigm (normal science) will undergo a crisis, followed by a scientific revolution. The rebellious science then becomes a new normal science and establishes a new paradigm.<sup>49</sup> The emergence of the prophetic jurisprudence paradigm is a response to the dominant positivist legal school in the development of Indonesian law, which has proven insufficiently beneficial for the nation's and the state's interests.<sup>50</sup>

Based on Kuhn's ideas, the prophetic jurisprudence paradigm has provided concrete examples of scientific practice in principles, models, or instruments within the tradition of scientific research, serving as a foundational reference framework for

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<sup>48</sup> Shidarta, "Hukum Profetik: Antara Humanisasi, Liberasi, Dan Transendensi," *Business Law*, May 2, 2019, [https://business-law.binus.ac.id/2019/05/02/antara\\_humanisasi\\_liberasi\\_transendensi/](https://business-law.binus.ac.id/2019/05/02/antara_humanisasi_liberasi_transendensi/).

<sup>49</sup> Kuntowijoyo, *Islam Sebagai Ilmu: Epistemologi, Metodologi, Dan Etika*, 1st ed. (Jakarta: Ujung Berung, Bandung: Teraju, 2004), 57–58.

<sup>50</sup> Dimiyati, *Pemikiran Hukum: Konstruksi Epistemologis Berbasis Budaya Hukum Indonesia*, 123.

scientific practice in a specific period.<sup>51</sup> This situation has guided scientific activities during the period of normal science, wherein scientists have had the opportunity to articulate and develop these principles in a detailed and profound manner.<sup>52</sup>

Prophetic jurisprudence is a discipline or knowledge (in law) whose epistemological foundation is rooted in Islamic teachings (the sources being the Quran and Hadith), applicable to both Muslim and non-Muslim communities.<sup>53</sup> The next question is: How can prophetic jurisprudence be applied in Indonesia based on Kuhn's thinking? Isn't the dark history of the past in the Western world<sup>54</sup> an important lesson regarding the law?

For the author, the presence of prophetic jurisprudence, built upon the transformation and objective mission of Islamic teachings as a mercy to all creation (*rahmatan lil'alamin*), can be accepted with sound reasoning. However, the transformation and objectivity of prophetic jurisprudence as a mercy to all creation will directly intersect with the realistic empirical reality of Indonesians who may be religiously devout but do not practice their faith. Indonesians who diligently worship in mosques, churches, temples, and viharas on one side, but on the other side, still engage in ethical and moral violations and even break the law.<sup>55</sup>

Prophetic jurisprudence exists within pluralistic Indonesia, comprising six religions and various belief systems (each with their respective deity).<sup>56</sup> Prophetic jurisprudence also faces the reality that some segments of Indonesian society have individualistic characteristics and even tend towards liberalism, which still distinguishes between worldly affairs and matters of the afterlife. Furthermore, there

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<sup>51</sup> Kelik Wardiono, "Prophetic: An Epistemological Offer for Legal Studies," *Journal of Transcendental Law* 1, no. 1 (September 20, 2019): 17–41, <https://doi.org/10.23917/jtl.v1i1.8797>.

<sup>52</sup> Zubaedi, *Filsafat Barat: Dari Logika Baru Rene Descartes Hingga Revolusi Sains Ala Thomas Kuhn*, ed. Ilyya Muhsin, 1st ed. (Yogyakarta: Ar-Ruzz Media, 2007).

<sup>53</sup> Syamsudin, *Ilmu Hukum Profetik: Gagasan Awal, Landasan Kefilsafatan, Dan Kemungkinan Pengembangannya Di Era Postmodern*, 12.

<sup>54</sup> The dark history of the past in the Western world, as the author means, involves church intervention in all aspects of human life, which causes injustice, upheaval, war, and even human delays in using reason or common sense.

<sup>55</sup> Nur Khoirin and Mahfudz Junaedi, "Religious Inconsistency on Corruption Behaviour Among Muslim Politicians in Indonesia," *HTS Teologiese Studies/Theological Studies* 78, no. 4 (June 6, 2022), <https://doi.org/10.4102/hts.v78i1.7361>.

<sup>56</sup> Simon Butt, "Constitutional Recognition of 'Beliefs' in Indonesia," *Journal of Law and Religion* 35, no. 3 (December 2020): 450–73, <https://doi.org/10.1017/jlr.2020.39>.

are Indonesians who do not believe in a deity. At this level, prophetic jurisprudence requires significant support from empirical reality. Philosophically and sociologically, prophetic jurisprudence, as a "local genius" in legal education, must be able to prove its acceptance by all segments of Indonesian society.

## CONCLUSION

Based on the results and discussions, the author hereby answers the formulated research questions as follows: firstly, regarding the roadmap for prophetic jurisprudence to be accepted as a normal science based on the scientific paradigm proposed by Thomas Kuhn:

1. The aspect of prophetic jurisprudence still confronts the process of prophetic jurisprudence towards normal science as a product. As a product, prophetic jurisprudence must be systematic, logical, and open. Systematic means determining the position of prophetic jurisprudence within the hierarchical structure of Indonesian legislation. Prophetic jurisprudence, which derives its foundation from the Quran and Hadith, must confront the reality within the hierarchy of Indonesian legislation (positive law) based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Logical means how prophetic jurisprudence provides concrete solutions to legal issues. Society requires definite answers, actions, and even sanctions in the empirical world. Openness refers to how prophetic jurisprudence can be accepted empirically, as Indonesia consists of diverse ethnic groups, cultures, religions, and belief systems.
2. Prophetic jurisprudence is constructed to develop our legal system. However, it still requires tools, means, and methods to address legal issues in the empirical world.

Secondly, regarding the application of Prophetic Jurisprudence in Indonesian society based on the thinking of Thomas Kuhn:

1. The prophetic Jurisprudence paradigm has provided concrete examples of scientific practice, such as thinking, research, principles, models, or

instruments within the tradition of scientific research, serving as a reference framework that underlies scientific practice in a specific period. This situation has guided scientific activities during the period of normal science, where social and legal scientists have had the opportunity to elaborate and develop these examples in a detailed and profound manner;

2. The transformation and objectivity of prophetic jurisprudence as *rahmatan lil'alam* will directly intersect with the realistic empirical reality of Indonesian individuals who have a positivist, pluralistic, and liberal mindset and still require prompt, decisive, and concrete solutions accompanied by legal sanctions.

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