

## Busthanul Arifin's Thoughts and Role in the Law on Religious Courts and the Compilation of Islamic Law in Indonesia

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<b>Abstract</b>	One of the successes in eliminating disputes regarding Islamic law in Indonesian society was the formulation of the Compilation of Islamic Law in the late 80s. Until now, KHI remains the main guide and reference, especially for Muslims throughout Indonesia. History records that success in efforts to formulate KHI has been overshadowed by competition between several Islamic legal schools of thought, especially at that time the majority of Indonesian Muslims adhered to the Shafi'iyah school of thought, but many offers emerged to absorb Customary law and BW. In this research the author will explain Prof. Bustanul Arifin's ideas and efforts regarding the importance of Islamic legal legislation during the formulation of the Compilation of Islamic Law in the New Order era. The results of the author's research: Busthanul Arifin is a sincere hard worker and a person who is consistent with his religion. He is also good at carrying himself. With his intelligence, Busthanul succeeded in occupying the position of Supreme Court Judge at the age of 38. And when the KHI was formulated he served as Junior Chair for Environmental Affairs for the Religious Courts of the Supreme Court. Researchers found that the strongest initial initiator of KHI was Busthanul Arifin. He was also the first to use the term Compilation, as legal politics, Bustanul Arifin as the person who created the PA Bill, in his struggle he often faced obstacles and obstacles, but because of his and his team's persistence in approaching academics and ulama, taking a formal political process, constitution, DPR-RI, Supreme Court and with the government in power at that time, the PA Bill was finally passed into law in 1989.
<b>Keywords</b>	<i>Thought, Busthanul Arifin, Legislator, KHI, UU-PA</i>

### Introduction

The relationship between religion and the state in Islam has been exemplified by the Prophet Muhammad (peace be upon him). This can be seen from the recognition of the State of Medina which was led directly by the Prophet PBUH. In line with the entry of Western colonizers into the Islamic World since the 19th century, Western political and state ideas began to develop their influence on Muslims. Among them is the idea of legal legislation which is practically seen in the existence of the legislative or parliamentary dewn (Muhamad Iqbal, 2007). One of the successes in eliminating disputes over Islamic

problems in Indonesian society is the formulation of the Compilation of Islamic Law at the end of the 80s. Until now, KHI remains the main guideline and reference, especially for Muslims throughout Indonesia. History records that the success in the formulation of KHI is largely overshadowed by the competition between several Islamic legal thoughts, especially at that time the majority of Indonesian Muslims adhered to the Shafi'iyah madhhab, but there were many offers to absorb Customary law and BW into the KHI material which was considered to be not in line with the practice practiced in *fiqh al-mawaris*, especially the Syafi'iyah madhhab (Azhar, 2016) which is familiar among Muslims in the country (Euis Nurlaelawati, 2016).

In this study, the author will explain the ideas and efforts of Prof. Bustanul Arifin on the issue of the importance of Islamic law legislation in the formulation period of the Compilation of Islamic Law in the New Order Period. Busthanul Arifin is known as a persistent legal practitioner in realizing Islamic law in the national legal system, especially regarding the increase in the authority and power of religious courts in the national judicial system, many efforts that he has proven include in addition to approaching academics and scholars. He also went through a formal political process, both through the constituents, the House of Representatives, the Supreme Court which is his place of duty and with the government. As a result of his thoughts and steps of struggle, he succeeded in realizing the Religious Court changing from a quasi-judicial to a State Court that is on a par with other State judicial environments. This is evidenced by the enactment of the Religious Court Law in 1989 and the Compilation of Islamic Law in 1991 (Bustanul Arifin, 1991).

Appreciation for Busthanul Arifin's thoughts and role in the institutionalization of Islamic law and the improvement of the authority and power of the Religious Court in the national legal system, was not only given by his fellow judges but also by IAIN Syarif Hidayatullah Jakarta. In 1980, Busthanul was inaugurated as an Extraordinary Professor at the Faculty of Sharia IAIN Jakarta. And on December 22, 1993, then the President of the Republic of Indonesia awarded him a Certificate of Honor in the Field of Main Services with Presidential Decree No. 066/TK/Tahin 1993 dated August 11, 1993 And then the next award on the proposal of PP IKAHA, IAIAN Jakarta awarded the honorary doctorate (*Doctor Honoris Causa*) to Busthanul Arifin (Amrullah Ahmad, 1996). One of the considerations for the title, expressed by the Promoter, Prof. Dr. Harun Nasution, is as follows: "May it be clear, Promovendus is a Muslim scholar and legal practitioner who is istiqomah in the field of education, institutionalization of Islamic law, increasing the authority and power of the Religious Court in the national legal system in Indonesia.....". The author's focus in this study is to answer two questions, namely who exactly is the figure of Busthanul Arifin and what is the Thinking and Role of Busthanul Arifin as a Legislator of the Religious Court Law and the Compilation of Islamic Law in Indonesia?

### **Research methods**

This research is a *library research* using a descriptive qualitative approach. Based on the focus and objectives of the research, this study is an in-depth study to obtain information on Bustanul Arifin's profile and how his thoughts and efforts as a persistent legal practitioner in realizing Islamic law in the national legal system, especially the KHI legislation and the PA Bill (Prasetya Irawan, 1999). Primary data sources were obtained from direct interviews with the drafters of the KHI and figures both directly involved in the formulation of the KHI and the Law-PA. Data was also obtained from the profile book of Busthanul Arifin in commemoration

years of Prof. Dr. Busthanul Arifin by Amrullah Ahmad, et al. Also several books that tell the history of the formulation of KHI and UU-PA.

## **Results and Discussion**

### **Profile of Bustnul Arifin**

Busthanul Arifin was born in Payakumbuh, West Sumatra on June 2, 1929, as the last of six children of the Andaran couple Maharajo Sutan Kana. His formal education began with a Dutch school, not a religious school. However, like other boys in Minangkabau, young Busthanul Arifin spent his childhood in the surau. It was in the Surau that Busthanul prepared for his school lessons and there he learned to read the Qur'an. His confession immediately said, "In the second grade of elementary school, I have memorized the Qur'an (Bustanul Arifin, 1996). Busthanul learned to recite from his uncle, Ibn Abbas. At that time his uncle was a well-known reciter in his area. In addition to learning to recite from his uncle, Busthanul also learned the knowledge of Tawhid from his grandfather Tuanku Keramat. After graduating from elementary school, Busthanul was not allowed to continue to junior high school because the only junior high school was located in Padang, while the distance between Payakumbuh and Padang at that time felt very far. As a result, little Busthanul is getting more familiar with the surau. In accordance with the instincts of a child, he actually felt very happy. He didn't go to school for half a year. During that time, his daily work was to go to the rice fields, farm, study, learn silat and read books.

When Japan entered Indonesia, Bustanul had entered *Seinenda* whose training pattern was very harsh. Perhaps because of that, even though he was only a teenager, Busthanul was already treated like an adult. He was often asked to perform tabligh in his teens, therefore, Busthanul continued to add to his Islamic knowledge, both through reading and socializing. Busthanul from his youth was already fond of organizing, when he became the secretary of the Indonesian Student Association (IPI) Sumatra at the junior high school level which was chaired by Bustaman. Busthanul continued his high school education in Jakarta. After graduating in 1951, he left for Yogyakarta to continue his studies at the Faculty of Law, Gajah Mada University, Yogyakarta. Bustanul kulliah while active in the Indonesian Student Association (HMI) Yogyakarta Branch (1954-1955).

In Yogya, his habit in the village is to visit the ulama, including visiting the house of Muhammadiyah figure Prof. K.H Faried Ma'ruf in Kauman. AR Fakhruddin (Former Chairman of Central Muhammadiyah). Graduating from the Faculty of Law at the end of 1955, Busthanul pursued a career as a judge in Semarang. While working as a judge with his friends, he pioneered the establishment of the University of Semarang, which later became Diponegoro University. When the first time the kulliah was running, Busthanul was given the burden of teaching the Islamic Law mat kulliah because he was seen as more proficient than his fellow lecturers. Because he had to teach something that was not his discipline, Busthanul was more diligent in reading books that discussed Islamic law and books were easy to get because he often received book gifts from fellow lecturers and ordered from Jogjakarta.

His career as a judge skyrocketed, in 1966 Busthanul was appointed as the Chief Justice of the South and Central Kalimantan High Court based in Banjarmasin. And on February 3, 1968, Busthanul was appointed as a Supreme Court Justice at the Supreme

Court when he was only 38 years old. Busthanul Arifin was blessed with 4 sons and daughters from his marriage to R.R Sadriah Rahayu, a girl from Yogyakarta.

Judging from Busthanul Arifin's Thoughts on Islamic Law in Indonesia, Busthanul since studying in the surau, studying law, especially when he had a career as a judge, his thinking was how to implement the law as aspired by various Islamic organizations. Busthanul's key thought in his efforts to realize the implementation of Islamic law is the sulthan factor that should not be abandoned. His stance refers to the Qur'an Surah An-Nisa' verse 59. If some commentators interpret *ulil amri as a scholar*, then Busthanul interprets it as "ruler". According to him, the Ulama cannot cancel each other, then which ulama are followed, then the solution is according to the legitimate ruler in that place.

According to Busthanul Arifin, in Islamic law there are two terms known as sari'ah and fiqh. According to him, the word shari'ah is clearly the nash (*qath'i*), while fiqh is the dharma-hum that is *zhanni*, which can be entered by human understanding and thought. What is produced by human thought is no longer sharia, but fiqh. Because we often hear the terms fiqh Shafi'i, Hanafi fiqh and others. It is so named, because the laws found by Shafi'i, Hanafi and others are the result of ijtihad, the result of their thinking in issuing the law from the main source of the Qur'an and the Sunnah of the Prophet which is known as Shari'ah.

### **Thoughts and Role of Busthanul Arifin, Initiator of the Religious Court Law and the Compilation of Islamic Law in Indonesia**

Busthanul Arifin's thinking on the Islamic Law Constitution is the actualization of Islamic law so that it can be effective in the life of the community. However. The constitutional effort encountered a number of obstacles, especially in the political background. If traced back, the political background began during the Dutch colonial period. For the sake of the permanence of colonialism, the Dutch government enacted legal policies that were tailored to the needs of colonialism. The application uses the theory of receptivity, namely Islamic law is enforced only if it has been absorbed by customary law. Islamic law is considered not an independent law, but must be associated with customary law (Bustanul Arifin, 1996).

Based on the above thoughts, in front of the working meeting of the Ministry of Religious Affairs, Busthanul proposed a framework of thinking to increase the authority and power of the Religious Court as follows, 1) It is necessary to improve the function and authority of the Religious Court by forming the composition of the Religious Court and the High Courts of Religion based on Government Laws/Regulations. 2) Improving the effectiveness of Islamic chambers in the Supreme Court. 3) Forming a State committee to conduct research on the application of Islamic law among the people to then be poured into the authority of the Religious Court. 4) The Role of Bustanul Arifin in the Implementation of the Compilation of Islamic Law

Marzuki Wahid, in his book "*Indonesian Fiqh: KHI and CLD-KHI in the Political Framework of Indonesian Law*", that the emergence of the idea of the formation of KHI, clearly originated from the circle of political elites who hold political power, both executive and judicial power. In Islamic society in Indonesia, it is seen that they are passive and conservative towards the development of Islamic legal institutions. The idea from the political elite can be understood, because the process of drafting the KHI is *top-down* and



through a structural approach. The Joint Decree which is used as the legal basis for the preparation of the KHI is dominated by the Supreme Court and the Ministry of Justice of the Republic of Indonesia. Of the 16 members of the project implementation team, only one representative from the MUI, namely K.H Ibrahim Hussein, LML. The rest are eight individuals from the Supreme Court of the Republic of Indonesia and seven personnel from the Ministry of Agriculture of the Republic of Indonesia.

Of several figures who were influential and contributed greatly in issuing ideas and ideas in formulating the Compilation of Islamic Law and the Law on Religious Courts, Busthanul Arifin who at that time was the Deputy Chairman of the Supreme Court for Environmental Affairs and Religious Justice, Busthanul was appointed as the Project Leader "Development of Islamic Law Through Jurisprudence" (with a joint decree of the Chief Justice of the Supreme Court and the Minister of Religion of the Republic of Indonesia, dated March 21, 1985). As the Project Leader, of course, his thoughts determine the direction of the Islamic Law Compilation activities are very dominant.

In a seminar on Inheritance Law on KHI in 1992, at the Faculty of Law, University of Indonesia, Supreme Court Justice M. Yahya Harahap, one of the drafters of KHI, stated that KHI was born through the agreement of scholars in a national deliberation in Jakarta in 1988. Its birth was due to the very urgent need to complete the perfection of the pillar of religious justice as a "contemporary" judiciary. After the formulation of the KHI, it is hoped that all groups of Muslims must be subject to the same and uniform legal values, because before the existence of the KHI, the law applied in the Religious Court by the Judge referred to various doctrinal sources taken from various books in the madhhab. That means that before the birth of KHI, what the judge determined was fiqh, not law". The question arises of who first came up with the idea of drafting the KHI in Indonesia. It is stated that the originator of the idea of the KHI was Busthanul Arifin, the Supreme Court Justice and the Deputy Chairman of the Religious Court Environmental Affairs of the Supreme Court of the Republic of Indonesia at that time. The idea is about the establishment of KHI through the Islamic Law Development Project through Jurisprudence. He admitted that the idea arose after the Supreme Court ran for two and a half years fostering the technical field of religious justice. It is different from the opinion in the book Prof. Dr. KH. Ibrahim Hussein with the theme of reform of Islamic Law in Indonesia. In the illustrated book, the idea of KHI originated from the thought of KH. Ibrahim Husein presented to Bustanul Arifin.

Zafrullah Salim explained that the idea of formulating KHI was originally from Bustanul Arifin. Bustanul Arifin was the first to use the term Compilation, as Bustanul's legal politics at that time. His purpose was not to use the name codification but compilation was as a shortcut, because the sentence of codification was very difficult and took a long time because it had to be in the form of official laws and regulations and there had to be the approval of the House of Representatives which at that time was very phobic with Islamic law. Meanwhile, the compilation is quite legal from the Presidential Instruction. This is due to the urgent need among the Religious Courts for the existence of KHI. He conveyed this idea directly in front of President Suharto and received a positive response from the President. President Suharto as the Head of State at that time had a very large contribution in smoothing the KHI formulation project. As proof of the issuance of the Decree of the Chairman of the Supreme Court of the Republic of Indonesia and the Minister of Religion of the Republic of Indonesia regarding the appointment of the

implementation of the Islamic law development project at a cost of Rp.230 million, he immediately appointed Bustanul Arifin as the Chairman of the project. All project costs are incurred not from the state budget, but from President Suharto's own personal money.

Furthermore, in the implementation of the formulation of the KHI, several parties were involved who helped realize the great ideals of Islamic law legislation in Indonesia, among the parties involved and contributed to the effort to realize the Compilation of Islamic Law were scholars, scholars and legal practitioners at that time. According to Ms. Hasan Basri, the process of preparing KHI is carried out in a participatory manner by various parties, including:

- a. Bureaucrat of the Department of Religion and Supreme Court Justice of the Republic of Indonesia,

The position of Bureaucrat of the Department of Religion and Supreme Court Justice of the Supreme Court when the formulation of KHI is as the KHI Project Implementation Team and policy determinant. All activities related to the formation and strategic policies in the process of drafting the KHI are in his hands. The author's conclusion is that the government, in this case the President and several structures under the President, both executive and legislative, have a big role in making the KHI. The active role of the government in the formation of KHI. Not only that, in terms of the idea of having a draft KHI preparation is also rolling from bureaucrats, and in terms of the KHI project team is also mostly filled by the same people.

- b. Ulama

The scholars referred to in this sense are those who have the authority to make decisions in the field of religion both personally and collectively. These people are usually under the auspices of socio-religious organizations, such as MUI, NU, Muhammadiyah, Persis, Al-Irsyad, al-Wasliyah and so on or outside formal organizations, but because of their scientific capacity and moral integrity are recognized by the community as scholars. The existence of accusations later related to the dominance of bureaucrats and officials when the formulation of the KHI was denied by M. Yahya Harahap, in one of his writings stated that: "The accusations of some people who stated that the dominance of the involvement of the rulers at that time without involving the ulama were not true and outside the actual facts. There is no dominance of madhhab or majority or minority mass organizations in the process of formulating KHI, all components are invited to dialogue such as Bahsul Masa'il activities and seminars held by Muhammadiyah, as well as several seminars held in several universities. With these activities, many very valuable inputs were obtained in the formulation of the KHI at that time".

According to Wahyu Widyna, the involvement and role of Muhammadiyah and NU organizations are not involved organizationally, but only representatives who are experts in Islamic law. These two mass organizations were widely involved as reviewers who had broad speaking rights, especially during the workshop held in Jakarta at that time. Many of the materials discussed by the Tarjih and Bahsul Masa'il Councils were absorbed in the preparation of the KHI. Among Muhammadiyah who are active is KH. Ahmad Azhar Basyir as the head of the Tarjih Council Centre at that time. Among NU there is KH. Saqoqi, KH. Ali Yafie and KH Zainuddin Majdi. Although these great figures have their own opinions and arguments but do not impose their opinions or reject the opinions of

others, there is no majority or minority dominance in the process of formulating the KHI. According to Bustanul Arifin, for the implementation of interviews with the religious scholars, the central committee has agreed to use two ways, namely by bringing them together to be interviewed together, but if the first way is not possible to be carried out, the team will interview them separately. From this interview, it is also hoped that suggestions will be obtained on the use of books and reference schools.

c. Muslim intellectuals and scholars.

The involvement of Muslim intellectuals and scholars referred to in this classification, according to Abdul Gani Abdullah, are those who are recognized for their scientific expertise, especially in the field of Islamic law. These people usually teach at a university (Islam). For example, UIN/IAIN/STAIN/PTAIS or the like. In the preparation of the KHI, Muslim intellectuals/scholars have a role as researchers of the yellow books that are distributed in PTAIN. The research took 3 months, from March 7 to June 21, 1985.

On one occasion, Bustanul Arifin once expressed his concern because the many and diverse practices of madhhab and the style of thinking of Islamic Law were used as a reference by the judges at the Religious Court at that time: "Which Islamic law of the Fiqh scholars is used as the basis for the judge's decision? Because there are many opinions in a certain issue. The regulation should be clear and the same for everyone, and there must be legal certainty". This reality is further exacerbated by the lack of clarity in public perception of shari'ah and fiqh. Since hundreds of years among Muslims around the world, including in Indonesia, there has been a confusion in perception about the meaning and scope of Islamic law. Sometimes sharia is equated with fiqh and sometimes even equated with *al-din* (Religion). This situation causes inconsistency in determining what is called Islamic law, confusion on how to implement Islamic law and a further consequence is the inability to use the roads and tools that have existed in the 1945 Constitution and other laws (Abdurrahman, 1992).

Busthanul Arifin's thoughts on increasing the authority and function of religious courts are very important, this is due to several reasons, including:

1. Law is the rule of the game in society
2. Every member of the community must obey the rules of the game, otherwise the community will obey.
3. The application of the law cannot be continuously forced if it is opposed by the people.
4. The law without any power at all is an illusion. The law will only apply if there is a shadow of power.
5. The court is the place and body of legal authority. It is impossible to imagine a state of law without a competent and powerful court.

In this context, Busthanul Arifin appeared with the idea of the need to make a Compilation of Islamic Law. The idea is based on the following considerations:

1. In order for Islamic law to be enforced in Indonesia, there must be a clear law that can be implemented by law enforcement officials and the community.

2. Non-uniform perceptions of shari'ah lead to legal disparities.
3. In the history of Islam, many countries have enacted Islamic law as their national legislation.

Former Minister of Religious Affairs, Munawir Sjadzali stated that the effort to give birth to the PA-PA and KHI Law is inseparable from the role of Bustanul Arifin. In preparing the Bill, Bustanul is the team leader, he was also asked to chair the Assistance Team of the Minister of Religion of the Republic of Indonesia when the Bill was discussed in the House of Representatives of the Republic of Indonesia. In the preparation of the KHI, Bustanul Arifin was the initiator and also the project leader. It is not an exaggeration if we Muslims in Indonesia thank Busthanul for his services as a pioneer in the maintenance of actualization and relevance of Islamic law for Indonesia in the midst of such rapid progress (Munawwir Sadjali, 1996).

The same thing was strengthened by one of the drafters of KHI\ Abdul Gani Abdullah. According to him, the idea of formulating KHI was initially initiated by Bustanul Arifin. The idea was discussed with bureaucrats from the Ministry of Justice and the Supreme Court of the Republic of Indonesia at that time. This idea emerged after two and a half years of the Supreme Court (MA) fostering the judicial technical field of Religious Justice. Bustanul Arifin put forward his idea in a joint working meeting attended by the Chairmen of the High Court from the General Court, the Chairmen of the Religious and Military Courts throughout Indonesia on March 21, 1985 in Yogyakarta (Amrullah Ahmad, 1996).

H. Poerwoto S. Gandasoebroto, S.H, as the Chief Justice of the Supreme Court of the Republic of Indonesia at that time, stated that Busthanul was very big in midwifery for the birth of the PA and KHI bills. According to him, Busthanul as the Deputy Chairman of Environmental Affairs of the Religious Court strives to make the Religious Court an independent judiciary and on par with other courts. It was Bustanul who had the birth of the Religious Court as it is today. The author's conclusion, from various existing literature as a result of interviews with several KHI drafting figures, the strongest allegation is that the initial initiator of KHI is Mr. Prof.Dr. Busthanul Arifin.

Furthermore, Wahyu Widiana explained that the work of this project began by preparing a certain *draft question form* prepared by the *Ad hoc* KHI Committee, then mapped out who should be an informant (respondent) among scholars and experts in Islamic Law in various regions in Indonesia. After that, all incoming opinions will be accommodated by a large commission, after which it is submitted to a small commission tasked with taking the main points of thought and only then it is continued to the finishing stage, namely the *legal drafting* process, which is to arrange the main points into the form of language articles and legislative verses. According to him, the involvement of scholars and scholars in Indonesia, both among Muhammadiyah and NU, in the formulation is not in the *policy position*, let alone in strategic policies. The involvement of Muslim scholars/scholars is limited to informants who give input spontaneously during seminars, as interview informants and present as workshop participants to ratify the draft KHI that has been prepared by the core drafting team.

In addition to KHI, Bustanul Arifin as the person who was in charge of the birth and drafting of the PA Bill, he stated the importance of institutionalizing Islamic law so



that Islamic law is effective in people's lives. However, the institutionalization effort encountered a number of obstacles, even rejection, especially those with a political background. When the idea of drafting the PA Bill emerged which is clearly the implementation of articles 10 and 12 of Law No. 14 of 1970 and in accordance with the constitution and state regulations. But in reality, there are groups that try to reject the draft. Ridwan Saidi in his research explained that the reaction against the PA Bill was so strong. According to him, categorically, there are three patterns of reaction to opposition to the RUU-PA.

The first pattern considers the PA Bill unnecessary considering the need to realize the unity of the courts in the context of unification of the law. The stand-alone Religious Court is considered to be impressive for dualism. However, this group still considers the need for a Religious Court whose implementation is interrogated into the General Court. Here the judiciary is distinguished as a process from the court as an institution. This thinking contains constitutional weaknesses because it does not refer to the constitution, in this case Law No. 14 of 1970 which affirms that the four judicial environments are the parent to the Supreme Court. Therefore, it is impossible to have dualism. In addition, this thinking is not based on the reality that the Religious Court has been alive since more than a hundred years ago.

The second pattern, considering the Bill-PA unnecessary, also wants the dissolution of the Religious Court. They urge Muslims to take care of their own Islamic law. This second thought, in addition to containing constitutional weaknesses, is also very dangerous. If Muslims are allowed to "carry out Islamic sharia on their own without the help and interference of the government", are Muslims also allowed to cut off the hands of thieves?

The third pattern is not only rejecting the Bill-PA, but also rejecting the existence of Religious Courts and Religious Courts. The main figures of the third pattern, this includes Franz Magnis Suseno and Mgr. Leo Soekoto, which are supported by the daily Suara Pembaruan. Magnis Sesuno wrote, among others: "If we want to look at countries that have made one of the state religions, or where one of the religions is very influential, we see one thing that is clear, that is, the turmoil caused by the extremist or fundamentalist group in that religion does not decrease, but rather increases. Given the finger hint to hold the whole hand.

Since Magnis wrote about the Bill, there is no doubt that he meant "extremists" and "fundamentalists" who are given the index finger to hold all their hands, it is the government that proposed the Bill and the Muslims who support it. The weakness of this third pattern is fatal because the mainstream of thought originates from secular thinking. In fact, in addition to rejecting secularism, Pancasila actually guarantees religious people in carrying out their worship. in the sentence of the Minister of Religion (1983-1993), Munawir Sjadzali. The emotional nature of Magnis Suseno's writing makes him lose his objectivity, as well as showing that the current group is not trying to see the RUU-PA in the reality of law enforcement in Indonesia clearly. In the DPR-RI forum itself, of the four factions (ABRI, the Development Work Faction, the United Development Faction and the Indonesian Democratic Party Faction), only FPDI "does not reject, but also does not necessarily support".

Alamsjah Ratu Prawiranegara, former Minister of Religious Affairs, explained what the reaction was to the rejection of the Bill by Christians and Catholics as well as the Indonesian Democratic Party. So fiercely they opposed the PA Bill, to the point that they demanded the repeal of Law No. 14 of 1970. They know that the law is the source of the birth of the RUU-PA. Alhamdulillah, because the President/Mandatory MPR also agreed, even though the challenge is very great, we do not back down. And the PA Bill was finally passed into Law No. 7 of 1989 concerning Religious Justice. Ahmad Roestandi explained that the reason why so many parties opposed the PA Bill when it was submitted to the House of Representatives was because of lack of understanding. However, after being explained by Bustanul Arifin in front of the House of Representatives at that time by stating that the Law was intended to uphold justice, not to realize an Islamic state. but to strengthen the Indonesian state based on Pancasila.

After going through a tortuous journey, the PA Bill was passed into Law No. 7 of 1989 concerning Religious Justice. Busthanul Arifin stated that if we talk about Islam, scholars must follow, even become the basis." In a tone full of reverence, Busthanul recalled the dialogue between West Java ulema and the Indonesian Ulema Council (MUI) at the Istiqlal Mosque in Jakarta, regarding the RUU-PA. At that time, the Chairman of the West Java Islamic Boarding School Cooperation Agency (BKSP), the late K.H. Sholeh Iskandar said: "We ulama if we take action not based on faith alone, not based on our own interests, but based on the interests of the state as well. In the past, when the government proposed the Marriage Bill, we came to protest, because the bill was not correct. Now we have come to support the government". Former minister of religious affairs (1978-1983) Lt. Gen. (ret.) H. Alamasyah Prawiranegara called Busthanul a hardworking person who was sincere and a person who was consistent with his religion. He was also good at carrying himself with his intelligence, Busthanul succeeded in his struggle.

### **Conclusion**

Busthanul is a hardworking person who is sincere and a person who is consistent with his religion. He was also good at carrying himself with his intelligence, Busthanul managed to occupy the position of Supreme Court Justice at the age of 38. And when KHI was formulated, he served as the Deputy Chairman of the Religious Court Environmental Affairs of the Supreme Court. The author's research results suggest that the strongest initiator of KHI is Prof.Dr. Busthanul Arifin. He was also the first to use the term Compilation, as Busthanul's legal politics at that time so that it could immediately be legally guided by the Religious Court. The idea was discussed with bureaucrats from the Ministry of Justice and the Supreme Court of the Republic of Indonesia at that time. The position of the Bureaucrat of the Department of Religion and the Supreme Court Judge during the formulation of the KHI was as the KHI Project Implementation Team and policy maker. Bustanul Arifin as the person who drafted the PA Bill, he stated the importance of institutionalizing Islamic law so that Islamic law is effective, there must be a clear law, there must be no disparity and it has been widely practiced by other Islamic countries. The institutionalization effort encountered a number of obstacles, even rejection, especially those with a political background, but with his persistence in approaching academics and scholars, going through a formal political process, the constituent, the House of Representatives, the Supreme Court and with the government in power at that time, the RUU-PA was finally passed into law in 1989.

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