REFLECTIVE THINKING AND THE TRADITION OF ISLAMIC JURISPRUDENCE

Muhlison

email: muhlisonsiregar@gmail.com
North Sumatra State Islamic University

Abstract: Reflective thinking can occur when a person experiences confusion, obstacles or doubts in solving a problem he faces. Basically, reflective thinking is a person's ability to select the knowledge that has been owned and stored in his memory to solve any problems faced to achieve his goals. The method used to obtain the data needed in this discussion is the Library Research method. The result is that as a source of value, the Koran is strived to continue to be understood and actualized in the daily lives of Muslims. In line with this, humans were created with full limitations. No matter how great a human being, it is not certain that he has actually arrived at the "correct" degree or position in understanding the text (Qur'an) desired by Him. For that reason, human thought must be treated as a human work that cannot be separated from its shortcomings. It is so complex to understand the text (the Qur'an) that a theory is needed in order to capture the enlightenment of Allah SWT in the Qur'an or the Sunnah of the Prophet Muhammad. Along with this, the practice of ijtihad was born.

Keywords: Reflective Thinking, Islamic Tradition, Jurisprudence

INTRODUCTION

All objects that are known to humans about a result of a process, either through reason or the senses are called knowledge. Knowledge can be something that is felt, thought and seen. Knowledge can be obtained through thinking, humans use their minds to know and analyze something that is in their environment called the thinking process.Thinking is a characteristic possessed by humans (al-Insanu Hayawanun Nathiq) so that it distinguishes humans from other creatures. Thinking is an activity of the human person that results in discoveries that are directed to a goal. Thinking is also a mental activity to build and acquire knowledge, one of which is reflective thinking.

Reflective thinking can occur when a person experiences confusion,

obstacles or doubts in solving a problem he faces. Basically, reflective thinking is a person's ability to select the knowledge that has been owned and stored in his memory to solve any problems faced to achieve his goals. Therefore, to solve the problems faced by someone requires the ability to think reflectively. Someone who thinks reflectively is more likely to perform tasks such as remembering structured information, reading by understanding and interpreting texts, solving problems and making decisions.

FINDINGS AND DISCUSSION
Understanding Thinking.

According to language, thinking comes from the word "think" which means reason, memory, wishful thinking [1]. Meanwhile, according to the term, there are a number of definitions from the views of a number of experts including:

(1) Using reason to consider and decide something, weigh in memory[2].

(2) The notion of thinking according to Gilhooly refers to a series of processes of assembling, using, and improving internal symbolic models[3].

(3) Ross argues that thinking is a mental activity in terms of the basic theory of psychological objects. Meanwhile, according to Gilmer, thinking is a problem solving and the process of using ideas or symbols to replace an activity that appears physically[4].

(4) Wasty Soemanto argues that basically thinking activity is a complex and dynamic process. The dynamic process of thinking includes three stages, namely the process of forming understanding, the process of forming opinions, and the process of forming decisions. On the basis of this opinion, the thinking process is an activity to understand something or solve a problem through the process of understanding something or the core of the problem being faced and other factors.[5].

(5) While Glass and Holyoak[6] define thinking as a process of generating new mental representations through information transformation that involves complex interactions between mental attributes such as judgment, abstraction, reasoning, imagination, and problem solving.[7].

In general, thinking is only done by people who are experiencing a

problem or problem, either in the form of exam questions, missing something, making decisions, and so on. Basically, thinking about someone will appear because it is something to solve the problems they are facing. In other words, thinking is a mental process that aims to solve a problem that is being faced by an individual[8].

One of the characteristics of goal-directed thinking is thinking about something, to get a solution to a problem or to get something new. Thinking is also seen as processing information from the existing stimulus (starting position), to problem solving (finishing position) or goal state. Thus it can be argued that thinking is a cognitive process that takes place between stimulus and response[9].

From a number of explanations above, it can be understood that thinking is a process that involves complex interactions between mental attributes such as judgment, abstraction, reasoning, and imagination in an attempt to solve problems whose processes cannot be physically observed.

Understanding Reflective Critical Thinking

There are a number of definitions from a number of experts about reflective thinking, including:

(1) Gurol defines reflective thinking as a process of directed and precise activity in which individuals analyze, evaluate, motivate, gain deep meaning using appropriate learning strategies.[10].

(2) Paden defines that reflective thinking is "'An analysis and making judgment about what has happened", which means an analysis and making decisions about what happened. Bruning states that the reflective thinking process involves thinking skills such as interpreting problems, making conclusions, judging, analyzing, creative, and metacognitive.

Reflective Critical Thinking Principle

Based on the understanding and principles of critical thinking by the experts above, critical-reflective thinking is thinking continuously and deeply, in order to achieve certain thinking skills, to be able to take the right decision. And in this reflective-critical thinking, it can be done with principles such as:

(1) Focus on thinking within yourself self-mediation

(2) Essential (active and resistant) continuously and regularly

(3) Avoid passive negative feedback masukan

(4) Believing in reasonable things

(5) Asking positive questions

(6) Don't rush to decide carefully

(7) Making decisions in a skillful way

Reflective Thinking Model.

The practice of reflective thinking is often found in the form of cycles. This is because the practice of reflective thinking is expected to lead to the development of new ideas that can be used to plan the next stage. Theories regarding the reflective thinking practice model and its components from various angles have been found, including:

(1) Surbeck et al. (1991) stated that the reflection practice model has three components, namely: reaction, elaboration and contemplation.

(2) According to Schon the reflection model consists of two components, namely reflection in action and reflection on action.

(3) Boud et al. (2005) explained that the reflective practice model cycle consists of 3 stages, namely based on experience (experience), reflecting on experience (reflection), and learning with experience that leads to the final result (learning).

(4) Meanwhile, Jasper is of the view that the reflective thinking practice model consists of 3 components, namely:experience, reflection, and action.

Tradition of Islamic Jurisprudence

In developing countries, legal reform is a top priority. Therefore, in developing countries, legal reform always implies a dual role. First, it is an effort to break away from the circle of colonial legal structures. These efforts consist of abolishing, replacing, and adjusting the legal provisions of colonial inheritance in order to meet the demands of the national community. Second, legal reform plays a role in encouraging the development process, especially economic development which is indeed needed in in order to catch up with developed countries, and more importantly for the sake of improving the welfare of the citizens of the community[11].

In terms of renewal, according to Ibrahim Hosen, Islamic law is classified into two, namely Islamic Law in the Shari'ah category and Islamic Law in the Fiqh category. subtracted and added. Therefore, in terms of application, situations and conditions must be subject to it, it is generally accepted regardless of time and place. While the fiqh category has relative

truth, it is true but contains the possibility of being wrong or wrong but contains the possibility of being right. Meanwhile, in terms of application, fiqh must be in line with or follow the conditions and situations, for whom and where it will be applied. This is called the relative truth. because it is the zann of a Mujtahid regarding the law of something he considers to be God's law through ijtihad. While still being in line with the goals and spirit of Islamic law, namely creating benefit and av oiding harm[12].

In the Islamic tradition, fiqh has a central role as a legal instrument to regulate the life of the Muslim community. They need a legal instrument whose character is no longer purely normative textual (al-Qur'an and hadith), but has been structured into an applicative legal institution (fiqh). Thus, fiqh is codified to manage operationally all human activities, ranging from religious ritual issues to profane issues, whether political, social, economic or cultural.[13].

As a source of Islamic law, Ijtihad (literally, ijtihad comes from the word "juhd' which means seriously in carrying out an action), was originally used in the field of jurisprudence (fiqh) to state one of the rules set by the scholars of madhhab and followed by its formation. If a case is not found in the explanation of the Qur'an and Sunnah, then he must ijtihad with ra'yun / his mind.

Ijtihad can be said to be a reconstruction of the thought of a fakih in resolving new legal cases carried out through in-depth reasoning accompanied by strong evidence and evidence by sticking to the main sources, namely the Al-Quran and Sunnah. Because it is a reconstruction of the mind, there are two tendencies of the product of ijtihâd, namely it could be that the result of one's ijtihad is right, but it could also be wrong or wrong.[14].

The existence of Islamic law or fiqh as a material for renewal can be justified because of the fact that Islamic law is part of science. According to Abdul Wahab Afif, the existence of Islamic law as a science is evidenced by the following scientific characteristics:[15]:

(1) Islamic law is produced from the accumulation of knowledge that is structured through certain principles, including the principles of *tasyri'* gradual, the principle of at least syara' demands, and the principle of eliminating difficulties;

(2) The knowledges are netted in a unified system; and has certain methods in ushul al-fiqh and qawaid fiqhiyyah, namely the

deductive method, the inductive method, the genetic method, and the dialectical method. As a characteristic of Islamic law as a science, whatever is produced or any product of Islamic law accepts the consequences as a science, among others, (a) Islamic law as a science is skeptical, (b) Islamic law as a science is willing to be tested and reviewed, and (c) Islamic law as a science is not immune to criticism.

Islamic law in its early history was a dynamic and creative force. This can be seen from the emergence of a number of schools of law that have their own style according to the sociocultural and political background where the schools of law grow and develop. This dynamic and creative development is driven by at least four main factors: first, religious encouragement, because Islam is a source of norms and normative values that govern all aspects of Muslim life, Second, with the expansion of the political domain of Islam during the Caliph Umar, social shifts occurred. which in turn gave rise to a large number of new problems with regard to Islamic law. Third, the independence of Islamic law specialists from political power. Fourth,[16].

According to Hasbi Ash-Shiddiqiey, there are five principles that allow Islamic law to evolve over time: 1) the principle of ijmak; 2) the principle of qiyas; 3) the principle of maslahah mursalah; 4) the principle of maintaining 'urf; and 5) the law changes with the changing times. These five principles clearly show how flexible Islamic law is[17].

According to Abdul Manan, there are three dimensions that must be considered if Islamic law is to be renewed in terms of fiqh. First, a complete change in doctrine, namely changing the values contained in fiqh which are no longer in accordance with the conditions, situations, places and times to be updated to suit the conditions of the times. Second, reforms in the way it is applied, in this case Abdul Manan gives an example in the tendency to prioritize the application of fatwas or ulama's syarah which are no longer relevant to the context of the times, so they must be abandoned. Third, updating the rules (rules) that are in accordance with the conditions and social situations of the Indonesian people and legalized by the competent authority so that they have binding legal force.[18].

Islamic law puts forward the concept of tahqiq, the problems of humanity or the realization of the benefit of mankind. It can be clearly understood that the principle of justice is a key word in Islamic law. Although it must be admitted that humans sometimes have difficulty

grasping the principles and norms of justice that God has set forth in His Shari'a according to the rules of his reasoning, even more so regarding the vertical relationship between man and his Creator.

Thus, the room for renewal of Islamic law is in matters relating to

Muhlison, Reflective Thinking And The Tradition of Islamic Jurisprudence

CONCLUSION

The Qur'an, the Sunnah of the Prophet Muhammad, is positioned as a source of value in the daily life of Muslims. As a source of value, the Koran is strived to continue to be understood and actualized in the daily lives of Muslims. In line with this, humans were created with full limitations. No matter how great a human being, it is not certain that he has actually arrived at the "correct" degree or position in understanding the text (Qur'an) desired by Him. For that reason, human thought must be treated as a human work that cannot be separated from its shortcomings. It is so complex to understand the text (Qur'an) that a theory is needed in order to capture Allah's enlightenment in the Qur'an or the Sunnah of the Prophet Muhammad. Along with this, the practice of ijtihad was born.

At first, the practice of ijtihad was not as systematic as it is today. This means that the implementation of ijtihad is still temporary (potential and practical) because there is not yet an adequate set of theories. Unlike the case when Muslims have obtained a methodological formulation, in an effort to provide an answer to a problem when the two authoritative sources (the Qur'an and Sunnah) "silent" do not provide an answer, ijtihad efforts from time to time continue to be perfected. Likewise, the relation with all the requirements to be able to perform ijtihad is also formulated and continuously developed.

Endnote:

1 Nasional, D. P. (2005). *Kamus Besar Bahasa Indonesia*. Balai Pustaka.

2 Sunaryo, W. (2011). *Taksonomi Berpikir*. PT Remaja Rosdakarya.

3 Wijaya, C. (2010). *Pendidikan Remidial*. Rosda Karya.

4 Ibid

5 (Priest, 2013)

6 Suharnan. (2005). *Psikologi Kognitif*. Srikandi. p. 280

7 Ibid

8 (Priest, 2013)

9 Walgito, B. (2004). *Pengantar Psikologi Umum*. Andi Offset.

10 Guroll, A. (2011). Determining The Reflective Thinking Skills of Preservice Teacher in Learning and Teaching Process. *Energy Education Science and Technology Part B: Social and Education Studies*, 3(3), 387.

11 Nusantara, A. H. (1980). *Pembangunan Hukum (Pengantar Editor) dalam Beberapa Pemikiran Pembangunan Hukum di Indonesia*. Penerbit Alumni.

12 (Grace, 1996)

13 Hamim, T. (2004). *Islam & NU di Bawah Tekanan Problematika Kontemporer*.

Diantama

14 Rosyada, D. (1994). *Hukum Islam dan Pranata Sosial*. Rajawali Press.

15 Afif, A. W. (1991). *Fiqh (Hukum Islam) antara Pemikiran Teoretis dengan Praktis*.

Fakultas Syari'ah IAIN Sunan Gunung Djati

16 Rofiq, A. (2001). *Pembaharuan Hukum Islam di Indonesia*. Gama Media.

17 (Charity, 1989)

18 Manan, A. (2006). *Reformasi Hukum Islam di Indonesia*. Rajawali Press.

BIBLIOGRAPHY

Afif, A. W. (1991). *Fiqh (Hukum Islam) antara Pemikiran Teoretis dengan Praktis.* Fakultas Syari'ah IAIN Sunan Gunung Djati.

Amal, T. A. (1989). , *Islam dan Tantangan Modernitas ; Studi atas Pemikiran HukumFazlur Rahman*. Mizan.

Guroll, A. (2011). Determining The Reflective Thinking Skills of Preservice Teacher in Learning and Teaching Process. *Energy Education Science and Technology Part B: Social and Education Studies*, 3(3), 387.

Hamim, T. (2004). *Islam & NU di Bawah Tekanan Problematika Kontemporer.* Diantama.

Imam, M. (2013). *Psikologi Pendidikan*. Ar-Ruzz Media.

Manan, A. (2006). *Reformasi Hukum Islam di Indonesia*. Rajawali Press.

Nasional, D. P. (2005). *Kamus Besar Bahasa Indonesia.* Balai Pustaka.

Nusantara, A. H. (1980). *Pembangunan Hukum (Pengantar Editor) dalam Beberapa Pemikiran Pembangunan Hukum di Indonesia*. Penerbit Alumni.

Rahmat, J. (1996). *Ijtihad Dalam Sorotan*. Mizan.

Rofiq, A. (2001). *Pembaharuan Hukum Islam di Indonesia*. Gama Media.

Rosyada, D. (1994). *Hukum Islam dan Pranata Sosial.* Rajawali Press.

Suharnan. (2005). *Psikologi Kognitif*. Srikandi.

Sunaryo, W. (2011). *Taksonomi Berpikir.* PT Remaja Rosdakarya.

Walgito, B. (2004). *Pengantar Psikologi Umum*. Andi Offset.

Wijaya, C. (2010). *Pendidikan Remidial*. Rosda Karya.