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# COMPARATIVITY OF ISLAMIC TEACHINGS REGARDING THE ASPECTS OF AQIDAH, FIQH, AND AKHLAQ TOWARDS THE PHILOSOPHICAL, JURIDICAL, AND SOCIOLOGICAL ASPECTS IN THE TEACHINGS OF INDONESIAN POSITIVE LAW.

**By**

**Wahyu Prianto[1] Erna Kurniawati[2]**

[1]Faculty of Law, Nahdlatul Ulama University, Southeast Sulawesi, Indonesia.
[2]Faculty of Usuluddin, Adab, and Da'wah, Kendari State Islamic Institute, Indonesia

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***Abstract***

*This research aims to understand how the aspects of aqidah (creed), fiqh (jurisprudence), and akhlaq (morality) become fundamental elements in the perspective of Islamic teachings, and how the philosophical, juridical, and sociological aspects in the teachings of Indonesian Positive Law also serve as fundamental foundations for the Indonesian legal system. The study uses a literature or library research method to compare these two distinct concepts, which is typically viewed as a comparative study. The results indicate that the legal knowledge built within Indonesian Positive Law is fundamentally linear with the view built by Islam, particularly concerning the fundamental aspects of Aqidah, Fiqh, and Akhlaq in relation to the philosophical, juridical, and sociological aspects of Indonesian Positive Law. Both systems are closely related. However, the author finds that the Islamic view looks deeper, not just at the group level, but also at the aspect of human development towards individual human beings. The philosophy of Islam, according to the author, looks deeper: the development of the individual human being can give rise to good cultural group development concerning their tawhid (monotheism), fiqh, and their relationship with other human beings.*

***Keywords***: *Comparativity, Islamic Teachings, Indonesian Positive Law*

## A. INTRODUCTION

Essentially, the pre-existing views before the enactment of positive physical law in Indonesia already possessed a considerable inherent strength regarding how those values governed the life and way of life of the society. This is evident in how religious views persisted to regulate the social order of communities in Indonesia before Indonesia became a nation-state and established its own positive law. The doctrine that was highly influential in the social governance of Indonesia is the perspective of the Islamic religion. Islamic doctrine is fundamentally not merely a collection of separate dogmas but a powerful narrative harmoniously interwoven, forming a solid basic framework to regulate the social order of society, particularly for its adherents. This centers on the reciprocal relationship between humans and their Creator, the universe, and fellow creatures.

What can be discussed regarding this matter is how to examine the main pillars in belief and practice for regulating the social order, which include three things:

1. Aqidah (Creed), which is the theological foundation. Aqidah is the narrative of unshakable conviction, a promise of faith that binds a servant to their Creator.
2. Sharia (Islamic Law), which is the practical manifestation of Aqidah. If Aqidah is belief, then Sharia is action. Sharia is the narrative of a guide to living, a roadmap detailing worship, various matters ranging from social interaction, economics, family law, to criminal law.
3. Akhlaq (Ethics/Morality), which is the fruit of Aqidah and Sharia. Akhlaq is the narrative of character and morality—a reflection of the inner quality of a servant. Akhlaq determines how a Muslim interacts with fellow humans.

These three things do not stand alone but are interconnected and form a complete unity. A correct Aqidah will give rise to a correct Sharia, and a correct Sharia will yield noble Akhlaq.

The relationship between Aqidah, Sharia, and Akhlaq is very

*Corresponding Author: **Wahyu Prianto.**

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close, even forming an inseparable unity. Nevertheless, the three can be distinguished from one another. **Aqidah**, as a concept or system of belief containing the basic elements of faith, naturally explains the source and nature of the existence of religion. **Sharia**, as a concept or system of law, contains regulations that describe the function of religion. **Akhlaq**, as a system of ethical values, describes the direction and goal to be achieved by religion. Therefore, these three basic frameworks must be integrated within a Muslim. The integration of these three components in Islamic doctrine is like a tree: the roots are Aqidah, the trunk, branches, and leaves are Sharia, and the fruit is Akhlaq.[1]

On the other hand, positive law in Indonesia is a product of a modern system structured within the country's statutory regulations. These two legal systems often coexist, even though they have different characteristics, principles, and mechanisms.[2] The relationship between Islamic law and positive law is not only relevant in an academic context but also has a significant practical impact on various aspects of life, including in the formulation of public policy. As a country with a multicultural background, Indonesia faces a major challenge in creating policies that are not only legally effective but also accepted by a society with diverse beliefs and religions. However, achieving this harmonization is not always easy. Various conflicts and differences in perspective often arise when religious law, especially Islamic law, is confronted with positive law. Islamic law or Islamic concepts are often considered to lack formal legitimacy, while positive law is deemed less sensitive to empirical conditions. Based on this, it is strongly hoped that the two legal systems can be mutually complementary.

Proceeding from this, the aspects in positive law that can be considered aligned and harmonious with the previously explained Islamic concepts, particularly in the creation of statutory regulations and policies, are the philosophical, juridical, and sociological aspects. These three aspects serve as the foundation and even the requirement for assessing the quality of policy-making or the formation of statutory regulations within Indonesia's positive legal system. These philosophical, sociological, and juridical foundations are generally utilized in the positive legal system for the formation of statutory regulations and Public Policy. Furthermore, the philosophical, sociological, and juridical foundations are contained in the core rationale (the considering) of Statutory Regulations in Indonesia.

[1]Karidawati Karidawati, "Aqidah Akhlak Sebagai Kerangka Dasar Ajaran Islam," Jurnal Pendidikan Guru 3, no. 3 (2022), https://doi.org/10.47783/JURPENDIGU.V3I3.384.

[2]Dina Rahmita, et al, "Analisis Komparatif Sistem Hukum Adat Dan Hukum Positif Dalam Harmonisasi Kebijakan Publik Di Indonesia", Jurnal Hukum,Adminnistrasi Negara,Dan Kebijakan Publik, Vol. 2, No. 1 (2025), Https://Doi.Org/10.62383/Presidensial.V2i1.456..

The philosophical element itself is defined as the consideration or reasoning which illustrates that the regulation or policy being formed or decided takes into account the outlook on life, consciousness, and legal ideals that encompass the spiritual atmosphere and the philosophy of the Indonesian state. The separate juridical element explains that the regulation or decision is formed and adopted to overcome legal problems or fill legal vacuums, by considering existing rules that will be amended to ensure legal certainty. Finally, the sociological element in the formation of statutory regulations or public policies illustrates that the regulation or policy being formed aims to meet the legal needs of society in various aspects, particularly future human relations.

## B. RESEARCH PROBLEMS

From the previous explanation in the background, it is clear how the aspects of Aqidah (Creed), Fiqh/Sharia (Jurisprudence/Law), and Akhlaq (Ethics) are fundamental elements in the perspective of Islamic teachings. On the other hand, the presence of philosophical, juridical, and sociological aspects in Indonesia's positive legal doctrine also forms a fundamental basis in the Indonesian legal system, especially in the formation of statutory regulations and the adoption of public policies. As previously explained, the perspective of Islamic teachings differs from that of Indonesia's positive law. However, when connected through these specific aspects or elements, they can provide an initial indication of alignment and harmonization regarding the fundamental elements within the respective legal systems and doctrines, be it Islamic teachings or Indonesian positive law. This, therefore, allows for a comparative analysis of the aspects of Aqidah, Fiqh, and Akhlaq in Islamic teachings against the philosophical, juridical, and sociological aspects in Indonesia's positive legal doctrine.

## C. METODE PENELITIAN.

This type of research is literature research or library research to compare two different concepts. The purpose of literature or library studies is to intensively study existing theories in Islamic literature and books related to Indonesian Positive Law, specifically discussing philosophical aspects, juridical aspects, and sociological aspects. Literature study research is a study that interprets an issue with specific limitations, involves in-depth data collection, and includes various sources of information.[3] In writing this article, the author attempts to compare textbooks that discuss the aspects of aqidah, fiqh, and akhlak in Islamic teachings with the philosophical, juridical, and sociological aspects of Indonesian positive law. Comparative law studies are part of the science of reality or are very broad and difficult studies, whose purpose is not only to understand foreign legal systems in terms of their substance, but also to gain a deeper understanding from the perspective of reality and complex contexts, including motivations, policy backgrounds, philosophical, ideological, theoretical, juridical, social, cultural, economic, and political values. In reality, comparative legal studies can provide two benefits, both theoretical and practical. Theoretically, comparative studies provide basic knowledge about the legal systems of other countries.[4]

The types and sources of data that are essential in this

*Corresponding Author: **Wahyu Prianto.**

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research are data obtained through interviews with experts in fields related to the title, as well as secondary data obtained indirectly. In this case, it is obtained from literature in order to obtain a theoretical basis in the form of opinions, documents, or other legal materials. In order to obtain valid legal materials, so that accurate data can be obtained as study materials, the data collection methods used in this study are observation techniques and legal documentation techniques. The legal materials that have been collected are processed systematically, followed by qualitative analysis, which involves examining existing legal materials and presenting them in the form of qualitative descriptive descriptions to answer the research questions.

[3] Soerjono Soekanto, *Sosiologi Suatu Pengantar* (PT. Raja Grafindo Persada, 2002).

[4] Agus Supyan, "Library Research Atau Studi Kepustakaan", Majalah Ilmu Amal Lima, 2013, hal. 1.

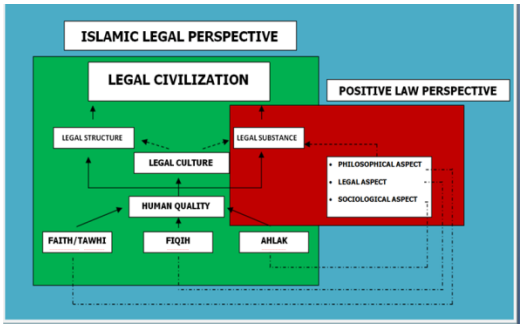
## D. PEMBAHASAN.

The basic framework of Islamic teachings refers to the outline or blueprint of Islamic teachings that are fundamental in nature, or that underlie all values and concepts in Islamic teachings. The basic framework of Islamic teachings is closely related to the objectives of Islamic teachings. In general, the objective of Islamic teaching or Islamic Religious Education, especially in higher education, is to nurture students so that they are able to understand, appreciate, believe in, and practice Islamic teachings, thereby becoming Muslims who are faithful, pious, and noble in character.[5] To achieve this objective, the basic framework of Islamic teachings includes three main concepts, namely aqidah, sharia, and akhlak. These three basic frameworks of Islamic teachings are often referred to as the three main scopes of Islamic teachings or the trilogy of Islamic teachings. If we return to the basic concept, the three basic frameworks of Islam above originate from the three basic concepts of Islam, namely iman (faith), islam (submission), and ihsan (excellence). From these three basic concepts, the scholars developed them into three concepts of study. The concept of faith gave rise to the concept of aqidah; the concept of Islam gave rise to the concept of sharia; and the concept of ihsan gave rise to the concept of akhlak.[6]

On the other hand, there is a well-known aspect in the world of positive law in Indonesia, both in terms of studying how to develop or reform the law down to the smallest scope, namely creating written rules or norms. The fundamental thing that needs to be looked at is how the philosophical, juridical, and sociological aspects, which are fundamental in legal terminology, can be used to build a human social culture with strong laws. In developing positive law in Indonesia, in this paper the author attempts to examine and view this through the lens of Islamic civilization or the basic concepts previously mentioned, namely that in terms of knowledge and the many advices of religious leaders in Islamic civilization, emphasis is placed on the importance of a good social condition for society. Therefore, the emphasis is on how to build a strong generation with three aspects, namely the aspects of Tawhid, Fiqh, and Akhlaq. The Islamic perspective views these aspects as the foundations that a human being must have in order to build a social civilization, and ultimately to build a national and state civilization through the development of the law itself.

[5] Karidawati, "Aqidah Akhlak Sebagai Kerangka Dasar Ajaran Islam."
[6] Karidawati, "Aqidah Akhlak Sebagai Kerangka Dasar Ajaran Islam."

Based on these two perspectives, the author attempts to examine the fundamental relationship between how Islam views the three aspects of tawhid, fiqh, and akhlak as the basis for developing civilized and cultured human qualities in social and legal relationships. Meanwhile, from a positive legal perspective, there are three aspects that are very similar and strongly related to the Islamic view. namely the philosophical, juridical, and sociological aspects. The philosophical aspect of structuring or creating laws is deeply rooted in the Islamic view of tauhid and the individual, so that a person with good tauhid qualities will automatically formulate laws that are philosophically sound. Similarly, the second aspect, namely the legal aspect of a person's knowledge of the law, cannot be distinguished from how a Muslim knows fiqh in Islam. so if you want to see how good someone is at making, implementing, or perhaps enforcing laws and regulations from a positive legal perspective, look at how they know and understand based on legal aspects, and from a religious perspective, look at how well someone can understand the concept of fiqh in religious regulations. Likewise, the third or final aspect, the moral aspect in the perspective of Islam, is the aspect of how a Muslim's character regulates life among fellow human beings based on human values, and so on. This aspect is inseparable if we look at the positive law perspective, namely the sociological aspect, where the sociological aspect is how we see the condition of society, the culture of society, and what becomes the inner nature of a regulation or the enforcement of that regulation. This can be illustrated through the following chart :




Thus, essentially, what is referred to as the legal aspect, namely the juridical, philosophical, and sociological aspects, has been previously expressed from an Islamic perspective on how to develop an individual and ultimately develop a group of individuals with a strong social culture, namely by instilling in individuals - individuals with a good

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understanding of tauhid, fiqh, and akhlakul karimah, so that the author can conclude that there is a relationship or similarity between these three aspects. both from the Islamic and legal aspects, which are the trunk or foundation and its derivatives. If Islam views the aspects of tawhid, fiqh, and morals as the foundation, then the structure of the house or its framework and procedures can be explained by the legal perspective, namely the philosophical, juridical, and sociological aspects, So what the author wants to convey is that there is a common thread between the legal knowledge developed by Indonesian positive law and the social knowledge of religion developed by Islamic views. Both are closely related, in that, according to the author, Islamic views look much deeper, not only at the group but also at human development at the individual level, because, according to the author, Islamic religious philosophy looks deeper. namely that the development of individuals can give rise to the development of a good group culture in terms of monotheism, fiqh, and sociology. When a group upholds these three aspects well, it will give rise to a good civilization. So even if there are differences between the Islamic perspective and Western law on this aspect, the author sees Islam as having a more fundamental view, while the legal thinking initiated by the Western world is more about organizing what already exists, albeit with the same aspects.

## E. KESIMPULAN

In conclusion, the aspects of fiqh and akhlak are fundamental elements in the Islamic perspective in relation to the philosophical, juridical, and sociological aspects of Indonesian positive law, which also forms the basis of the Indonesian legal system. This relationship is clearly illustrated by the fact that legal knowledge developed in Indonesian positive law is essentially linear with that developed by Islamic perspectives, particularly the fundamental aspects regarding the aspects of faith, fiqh, and morals, with the philosophical, juridical, and sociological aspects in Indonesian positive law. Both are closely related, However, according to the author, Islam takes a deeper view, not only of the group but also of the aspect of human development in relation to individuals, because according to the author, Islamic philosophy takes a deeper view, namely that human individual development can give rise to good cultural development of the group in terms of how is its monotheism? How is its fiqh? And how are human relationships, which are a very important aspect of the morals of each individual? Therefore, when these three aspects are properly upheld, they will give rise to a good civilization. So, if there is a difference between the Islamic perspective and Indonesian positive law on this aspect, the author sees Islam as more fundamental, while positive law, which was initiated by the Western world, is more about organizing what already exists, albeit with the same aspects.

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