

*Comparison Of Legal System:***Islamic Law System, Civil Law, and Common Law***Asasriwarni^a M. Jandra^{b*},**^aSyari'ah Faculty of UIN Imam Bonjol Padang**^bFaculty of Islamic Religion, Ahmad Dahlan University Yogyakarta***Corresponding author: jandraj6@gmail.com***Article history**

Received: 2018-04-02

Received in revised form: 2018-08-13

Accepted: 2018-09-23

Published online: 2018-10-30

Abstract

This paper will discuss the comparison of Islamic legal system, civil law, and common law. Knowing the comparison is important. This method is very appropriate considering that the legal system has its own character and scope. The questions of this study are: (1) how is the comparison concept of legal systems; (2) how was the comparison of legal systems' source; (3) how was the comparison of its history and (4) the comparative material of law content. The purpose of this study is to reveal the concepts of legal systems comparison; the comparison of its source, history and the material comparison of law system's content. This study use normative legal method. The results of this study are: (1) the concept of legal system comparison is defined by the similarities and difference on the collection of law elements. The needs of legal systems comparison are grouped into scientific needs and practical needs; (2) the comparison of legal system source is that the source of Islamic legal system, civil law, and common law has similarity in the effort of legal discovery. (3) The comparison of the history of legal system have similarities in growth and development influenced by the traditions of human life from one generation to the next generation in wide definition. (4) Comparison of the content of law system have similarities that all aspects of human life is generally regulated by law. In this context Islamic law is comprehensively regulate various aspects of human life including the relationship with the universe, the Lord and the hereafter.

Keywords: Islamic law, civil law, comparison , and common law

1.0 BACKGROUND

The process of globalization is the establishment of legal system of all countries. Knowing the differences and similarities of the existing legal system in the world is important (Carlson, 2009: 1). The way to determine the differences and similarities of legal system is through comparison method. This method is very appropriate to use considering that the legal system in every society has its own character and scope.

The legal system of countries in the world is generally grouped into 5 (five) systems. First, the Civil Law system, prevailing in the European continent and in its former colonies; Second, the Common Law system, applicable in the United Kingdom, United States, and countries that use English (Commonwealth); Third, Customary Law system, in some African, Chinese and Indian countries; Fourth, the Muslim Law system, in Muslim countries, especially in the Middle East; And fifth, Mixed system, one of them is Indonesia, where the legal system of law, customary law and Islamic law applied (Ali, 2009: 203). In Indonesian legal system, comparative studies are important considering that there is an opinion that Indonesia's legal system is a mixed system, whereas there is another argument that Indonesia's legal system is a civil law system.

This paper seeks to reveal the comparative concepts of legal systems; the comparison of Islamic legal systems' sources, Civil Law, and Common Law; the comparison of Islamic law history, Civil Law, and Common Law; and the comparison of Islamic law content, Civil Law, and Common Law. Hopefully this paper is able to open the horizon of thought in the field of comparative law, especially for those who have the will and sincerity to find the truth of the law in the real sense.

2.0 DISCUSSION

2.1 The Concept of Legal System Comparison

A. Definition of the three legal systems comparison

Legal systems comparison (*an-naẓhm al-qanuniyyah al-muqaranah*) consists of three words, there are comparisons, systems and legal. Each word has its own meaning which is very important to be understood comprehensively. The term comparative (*muqaranah*) means: (1) consideration; difference and similarity: (2) equation; metaphor; (3) Guidelines; Considerations (Language Center, 2008: 131). The word system means: (1) an elemental device that is regularly interconnected to form a totality; (2) a regular arrangement of views, theories, principles, and so on; (3) methods; (Language Center, 2008: 1362). Whereas the word legal is defined by: (1) a rule made by a ruler (government) or tradition that applicable to all persons in a society (state); (2) laws, regulations, and so on to regulate social interaction; (3) standards (rules, provisions) concerning a particular event (nature and so on); (4) decisions (judgments) set by the judge (in court); Verdict (Language Center, 2008: 531).

Sudikno Mertokusumo interpret the system as an order or unity consisting parts or elements that are closely related to each other, it is the method and the statement of what should be. So that the legal system is a normative system. In other words the legal system is a collection of elements that exist in the interaction to each other which is an organized unity and cooperation toward the goal (Mertokusumo, 2009:18).

Based on the definitions, it can be stated that the comparison of the legal system is a consideration; difference; equation; metaphor; and guidance on the collection of law elements existing in interaction to each other which is an organized unity and cooperation towards the goal of unity.

B. Comparison Needs of the Legal System

Comparison needs of the legal system according to Sunarjati Hartono (1992: 3) can be divided to 2, namely:

- 1). Scientific needs;
- 2). Practical needs.

The scientific needs comparing various legal systems, so that will satisfy the need to derive the points of equality and the points of difference of all comparable legal systems (Sunarjati Hartono, 1992: 3). Practical needs, legal counseling apparently: (a) assist the establishment of national law widely; (b) assist in the international field by (1) assisting in the creation of international treaties and agreements in the field of private international law; (2) comparative law can also to avoid international disputes and misunderstandings (Sunarjati Hartono, 1992: 7-19).

2.2 The Sources Comparison of Islamic Law Systems, Civil Law, and Common Law

A. Islamic Law Systems Sources

The Islamic Law System in this Context is defined as the legal system of God which in its application some of it involves the ability of human reasoning. Based on the God's law verses in Surah An-Nisa 'verse 59 can be known the source of Islamic legal system referred is as follows:

“O ye who believe, obey Allah and obey the Messenger (His), and those from among you who are invested with authority; and then if you were to dispute among yourselves about anything refer it to Allah and the Messenger. If you indeed believe in Allah and the Last Day; that is better and more commendable in the end”

Based on verses above, it can be seen that the faithful are obliged to obey God. Obedience to God with historical approach means to obey his teachings contained in suhuf (religious text scrolls), and His books (Torah, Zabur, Gospel, and Al-Qur'an). In the context after the descent of the Qur'an, obedience to Allah means being obedient to the Qur'an because the Qur'an is Kalamullah (Allah's revelation). Qur'an is the main source of Islamic law. Under the verse, after the obedient command to Allah is commanded to obey the Messenger. This has historically been meaningful to all the Messengers of Allah and especially after the Qur'an came down was obedient to the Prophet Muhammad. Obedience to the apostle means being obedient to the sunnah. This Sunna became the second source of Islamic Law. This Qur'an and Sunnah by Hamid Khan is called The Revealed Sources Of Islamic Law. Hamid Khan further states that the Qur'an is The Word of God and the Sunnah is the tradition of the Prophet Muhammad (Hamid Khan, 2013: 18 and 20).

Another understanding that can be known through the previous verse is the command to obey the *Ulil Amr* (those in authority) as long as the *Ulil Amr* obedient to Allah and the Apostle. There is also a command to restore all things that are disputed to Allah and the Messenger (Qur'an and Sunnah). This last command is interpreted by the process of *ijtihad*. Thus *ijtihad* is intended as a method of inventing Islamic law.

With regard to the issue of *ijtihad* (independent reasoning), Hasbi Ash Shiddieqy mentions that the determination of the law is based on three main points, namely: (1) laws are established after the community needs them; (2) laws are established by who is entitled to establish the law and subject the people to its decrees; and (3) laws are fixed according to their needs. Along with the development of legal studies through *ijtihad*, a concepts about the application of law emerge, one of the concepts is the concept of *maslahah* (public benefit/public interest). Public benefit becomes an important reference in the establishment of Islamic law. To actualize this, there are five things that every Muslim must keep, namely: 1) keeping the faith, 2) keeping the soul, 3) keeping the mind, 4) keeping the posterity, and 5) keeping the property. These five things are also became the goal of Islamic law (*maqashid al-syari'ah*).

Literally, *maqashid al-syari'ah* consisting two words, the word *maqashid* and *syari'ah*. The word *maqashid* is the plural form of *maqshad* that means aim and purpose, while *syari'ah* means the laws of God. One of the authors who describes the *maqashid al-syari'ah* clearly and sistematically is Al-Syathibi in his book *al-Muwafaqat*. Al-Syathibi mentions that God's purpose in establishing law is to realize benefits to human life, both in the world and in the hereafter. Therefore, the law *taklif* (legal charge or obligation) should lead to the realization of the objectives of the law.

Al-Syathibi divides the general aims of *syari'ah* into two groups, namely the objectives of *syari'ah* according to the formulator (*maqashid al-syari'*) and the purpose of *syari'ah* according to the perpetrators (*maqashid al-mukallaf*) (Al-Syathibi, t.th.: 70). *Maqashid al-syari'ah* in the context of *maqashid al-syari'* includes four things, namely:

1. The main purpose of *shari'ah* is the benefit of human being in the world and in the afterlife.
2. *Syari'ah* as something to be understood.
3. *Syari'ah* as a *taklifi* law (the obligation-creating law) that must be executed.
4. The purpose of *syari'ah* always brings man beneath the auspices of the law (Al-Syathibi, t.th.: 70).

The four aspects are interrelated and connected to Allah as the creator of *syari'ah* (*syari'*). Allah decreed the *syari'ah* for the benefit of His people, both in the world and in the Hereafter. This goal will be realized if there is law obligation (*taklif*), and the law obligation can be done if it understood by humans. Therefore the whole goal will be achieved if the human's behavior is always on the legal path and not doing something because of lust. *Maslahah* (public benefit/public interest) as the substance of *maqashid al-syari'ah* can be divided according to the aspects. According to the aspects of its influence in human life, *maslahah* can be divided into three levels:

1. *Dharuriyat*, the primary *maslahah*, in which human life depends on it, both in diniyah (religion) aspects and worldly aspects. Then it cannot be left in human life. If it does not exist, the human life in the world will be destroyed and the life of the Hereafter becomes corrupted (gets tortured). This is the highest level of *maslahah*. In Islam, the *dharuriyat maslahat* is guarded from two sides: first, its realization and its embodiment, and secondly, keeping it. For example, the first is to keeps the religion by realizing and carrying out all religious duties, and the second to keeps the religion by fighting and *jihad* against the enemies of Islam.

2. *Hajiyat*, namely the secondary *maslahah*, which is needed by humans to simplify life affairs and eliminate difficulty in life. If it does not exist, there will be difficulties but not until ruining human life.

3. *Tabsiniyat*, is a *maslahah* that is the demand of *murū'ah* (moral), and it is intended for goodness and glory. If it does not exist, it will not damage or complicate human life, but it is needed as a tertiary need to improve the quality of human life (al-Zuhaili, 1986: 1020-1023).

The second type is *maslahah* that seen from the scope related to community (*jama'ah*) or individual. This type is divided into two categories, namely:

1. *Maslahat kulliyat*, the universal *maslahat* that given back for the good or the benefits of the people. For example; to defend the country against enemy and keep the hadith from counterfeiting.

2. *Maslahat juz'iyat*, namely the partial or individual *maslahat* that is partial, like the various forms of *mu'amalah* (social and economic model in Islam).

The third type is the *maslahah* that seen from the level of power of the base hadith. *Maslahah* in this case is divided into three, namely:

1. *Maslahah qath'i* is something that is believed to bring benefit because supported by *dalil* (arguments) that will not be interpreted allegorically again, or indicated by the arguments that sufficiently done through inductive research, or the *maslahah* can be sensed easily.

2. *Maslahah zanni*, is *maslahah* that decided by mind, or *maslahah* which is indicated by *dalil zanni* (speculated arguments) from *syara'* (Islamic law that based on *Syafi'i madzhab*)

3. *Maslahah wahmiyah*, is goodness that will be achieved in mind, but if actually contemplated it can be *madharat* (unnecessary) and *mafsadat* (pernicious thing) (al-Zuhaili, 1986: 1020-1023).

B. Source of Civil Law Legal System

The legal source of civil law are the applicable rules, laws, and legislation (including predominantly codes, statues, and legislation) (De Cruz, 2010: 102-103). Legislation is the basis of civil law legal system as disclosed by Joseph Dainow (Dainow: 424).

C. Common Law System Sources

The source of common law legal system can be known from the opinion of Peter de Cruz which explains the character of common law system as follows:

1). The law in the common law system is case based system of law which functions through analogical reasoning;

2). Law is based on the hierarchical doctrine of precedent;

3). Legal sources are sources of law which include statutes as well as cases;

4). Having distinctive institutions like the trust, tort law, estoppel, and agency;

5). Its legal style is more specialized and relies on distinctive improvisatory and pragmatism;

6). Categories of law such as contract and tort as separate bodies of law as well as two main bodies of law: common law and equity, which may, nevertheless, be administered by the same court;

7). There is no distinction between public and private law structurally or substantively as it does in the civil law (De Cruz, 2010: 102-103). Through Peter de Cruz's opinion above can be seen that the common law source is generally laws and cases.

2.3 Comparative History of Islamic Law System, Civil Law, and Common Law

A. History of Islamic Law System

The history of Islamic Law begins with the Law of God Almighty, delivered to the next generation by His Prophet and His Apostle. Every human being who will be born into the world has been bound by Islamic Law. That can be understood from the God's revelation as the legal verse, in QS. Al-A'raf verses 172-173. The translation is as follows:

“And (mention), when your Lord took from the children of Adam—from their loins—their descendants and made them testify of themselves, (saying to them), “Am I not your Lord?” They said, “Yes, we have testified”. (This)—lest you should say on the day of Resurrection, “Indeed, we were of this unaware” (172); Or (lest) you say, “It was only that our fathers associated (others in worship) with Allah before, and we were but descendants after them. Then would You destroy us for what the falsifiers have done? (173)”.

In line with the verses above, the Prophet also said in his *sabda* (statement) narrated by Imam Ahmad, mentioned that:

“Has told us Husayn ibn Muhammad, has told us Jarir (ie Ibn Hazim), from Kalsum ibn Jubair, from Sa'id ibn Jubair, from Ibn Abbas, from the Prophet Saw. Who has said: Indeed, Allah has taken the promise of Adam's ribs at Nu'man on the day of Arafah. So God took out from his ribs all the children he would be born to, then God spread it before Adam, then God spoke to them directly, "Am I not your Lord?" They replied, "Right (You are our Lord, we are witnesses)." (We do so) so that on the Day of Resurrection you will not say, "Surely we (the People of Adam) are the guilty of the unity of God, or that you do not say, up to His word, Who went astray."

Particularly about the history of Islamic Law in the context of Prophet Muhammad's (PBUH) teaching in general, the history of growth and development of Islamic law can be divided into six periods, namely the period of the Prophet, the period of *the Rashidun Caliphs*, the period of *Tabi'een* (followers), the golden period, *taqlid* period, and period of reawakening (Sayis, 2003; Sirry: 19. Some also divide it into five periods, namely the *Tabi'een* and Golden periods into one period, some mentioned as the bookkeeping period (Khallaf, 2000).

Brief history of each period is as follows:

1. Islamic Law In the Age of the Prophet. This period took place during the life of the Prophet Muhammad, counted from the first revelation in Qur'an (610 AD) until he died (632 AD). Islamic jurists usually divide this period into two parts, namely *Tasyri' Makkah* (Mecca Law) and *Tasyri' Madinah* (Madinah Law) (M. Hudhari Bik, 1980: 27-30).

2. The Rashidun Caliphs Period (11 AD- 41 AD). This period begins after the death of the Apostle, and is called the period of companions because the power of legislation is held by the leaders of the Prophet's companions.

3. *Tabi'een* Period (After the period of the Rashidun Caliphs until the beginning of 2 AD. The generation after Prophet's companion is *tabi'een* (followers/successor). They continue the companion's tradition in the development of Islamic law.

4. The Golden Age (Early 2 AD - Mid-Century 4 AD). This period is also called the period of maturity and fiqh improvement (Ash-Shidieqy, 1975: 18) or the period of Sunnah arrangement and the appearance of the Imams of *Madzhab* (Imam Maliki, Imam Hanafi, Imam Shafi'i and Imam Hambali).

5. *Taqlid* Period (In the beginning of the Fourth Century Until the Fall of Baghdad). This period called the stagnant era that occurs after the golden age. This era is marked by the emergence of the condition of problems explanatory that have been studied previously without giving new thought, reformulating the methods of the founders of the school and reaching its peak in the fanatic defense against the opinion of the imams of the madzhab (Hanafi and Amilia, 2002: 82).

6. The period of revival. After experiencing a lethargy, the decline of several centuries, Islamic thought rose again. This occurred in the 19th century / 13 AD. The resurgence of Islamic thought arose in response to the *taqlid* which brought to the decline of Islamic law. New movements emerged among the movements of jurists who suggested returning to the Qur'an and Sunnah. This movement was pioneered by Ibn Taymiyah (1263-1328 AD) along with his disciple Ibn Qayyim al-Jawziyya (1292-1356 AD). He says that the door of *ijtihad* is always open and never closed.

B. History of the Civil Law System

Civil law refers to the entire legal system currently applied to most Western European countries, Latin America, countries in the Near East, and much of Africa, Indonesia, [In this context, for Indonesian legal system Intensified, because Islamic law is a living and prevailing law in Indonesia] And Japan (Civil law, in one sense, refers to the whole system of law that currently applies to most European countries, Latin America, countries of the Near East, large parts of Africa, Indonesia and Japan). This system is derived from ancient Roman law first applied in Europe based on Roman *jus civile* (Peter De Cruz: 43 and Tassopoulos: 127).

The civil law legal system is undergoing convergence with the common law, at least in terms of its increasing dependence on case law, while still citing certain cases as an illustration of the general principle, not as an authoritative statement of principle. The number of case law is increasing, especially in the field of administrative law. But at its core and ideology, it remains a unique tradition that stands on its own constitutional protection of individuals, extraordinary ethical and moral principles, its dependence on the elaboration of concepts based on laws and Codified, specialized and privileged courts, the field of the collegial judiciary, attitudes toward access to justice (Peter De Cruz: 96).

C. History of Common Law Law System

The common law system comes from the UK that can be regarded as one of the main legal systems in the world. This legal system was born through a series of historic events, a series of different sources of law, ideology, doctrine, institutions, and legal thought. This legal tradition was successfully inserted from England to various countries around the world that are culturally geographical and linguistic, in contrast to England. There are Australia, Southeast Asia, India, and Hong Kong then formulated and incorporated into the current legal system under certain jurisdictions. Some other examples of common law jurisdictions are the United States, Singapore, Malaysia, New Zealand, and most parts of Africa, Pakistan, and America. Despite independence, some commonwealth nations continue to maintain relations with the British Empire. Although they have adopted a written constitution, their judges continue to interpret all of these constitutions in accordance with a typical British legal method, doctrine and convention (Peter De Cruz: 99-100).

2.4 Comparison of Content Content of Islamic Law System, Civil Law, and Common Law

A. Content of Islamic Law System

The material content of Islamic law in the sense of God Almighty regulate all aspects of human life of the world and the hereafter. Islamic law includes sharia and jurisprudence. Islamic law is very different from Western law which divides the law into private law (civil law) and public law. Similar to customary law in Indonesia, Islamic law does not distinguish private law and public law. The division of the field of Islamic jurisprudence is more focused on the form of human activity in relationships. By looking at this form of relationship, it can be seen that the scope of Islamic law is twofold, that is, the human relationship with God (hablun minallah) and human relationships with others (hablun minannas).

The first form of relationship is called worship and the second form of relationship is called muamalah. Based on the laws contained in the Koran, Abdul Wahhab Khallaf divides the law into three, namely the law of i'tiqadiyyah (faith), the laws of khuluqiyyah (morals), and the laws of 'amaliyyah (activity of both speech and deed). These 'amaliyyah' laws are identical with Islamic law here. Abdul Wahhab Khallaf divides the laws of 'amaliyyah into two, the laws of worship that govern man's relationship with his Lord and the laws of muamalah that govern human relationships with his fellowmen (Khallaf, 1978: 32). From the above explanation can be concluded that the scope or field of study of Islamic law there are two, namely the field of worship and the field muamalah.

In terms of its parts, the scope of Islamic law in the field of muamalah, according to Abdul Wahhab Khallaf (1978: 32-33), includes (1) *ahkam al-ahwal al-syakhsbiyyah* / laws of personal / family matter; (2) *al-ahkam al-madaniyyah* / civil law; (3) *al-ahkam al-jinaiyyah* / criminal laws; (4) *ahkam al-murafa'at* / judicial proceedings; (5) *al-ahkam al-dusturiyyah* / laws of law; (6) *al-ahkam al-duwaliyyah* / state laws); And (7) *al-ahkam al-iqtishadiyyah wa al-maliyyah* / economic laws and property). Compared with Western law that distinguishes between private law and public law, Islamic law in the field of muamalah does not distinguish between the two, because the two legal terms in Islamic law are complementary and interrelated. However, if the division of the muamalah law of the seven above is classified in two parts as it is in Western law, then the composition is as follows:

i. Civil law (Islam), which includes:

- 1) *Ahkam al-ahwal al-syakhsbiyyah*, which regulates family issues, namely the relationship of husband and wife and relatives to each other. When compared to the legal system in Indonesia, this section covers Islamic marriage law and Islamic inheritance law.
- 2) *Al-ahkam al-madaniyyah*, which regulates the relationship between individuals in the field of buying and selling, accounts payable, leases, bettors, and so on. This law in the Indonesian legal system is known as the law of things, the law of covenant, and special civil law.

ii. Public law (Islam), which includes:

- 1) *Al-ahkam al-jinaiyyah*, which governs the violations committed by the mukallaf and punishments for him. In Indonesia this law is known as criminal law.
- 2) *Ahkam al-murafa'at*, which governs the problems of justice, witnesses, and oaths to uphold justice. In Indonesia this law is called the procedural law.

- 3) *Al-abkam al-dusturiyyah*, which deals with the rule of law and its foundations, such as the provision between judges and those judged, determines individual and social rights.
- 4) *Al-abkam al-duwaliyyah*, which deals with the financial relations between an Islamic state with another country and non-Muslim community relations with an Islamic state. In Indonesia this law is known by international law.
- 5) *Al-abkam al-iqtishadiyyah wa al-maliyyah*, which relates to the rights of the poor to the wealth of the rich, and regulates the source of income and sources of expenditure. What is meant here is the rule of financial relations between the rich with the poor and between the state and the individual.

The main difference between Islamic law (*shariah*) and Western law is that the result of the concept of Islamic law is an expression of God's revelation (the words of God). In other words, Islamic law is fundamentally derived from God's revelation. The sources of Islamic law then include the revelation of Allah (al-Quran), the Sunnah of the Prophet and other sources based on these two main sources (Akgunduz, 2010: 25) Manmade laws are very different from the laws that come from an unworthy God than, because of the striking differences between God as Creator and man as created, so that it would never be commonly accepted to compare what is made by man with what God made man.

B. Content of Civil Law System Content

Consists of private law and public law. Private law is a law that regulates relationships between individuals, or civil relationships between citizens and companies. Included in private law are civil and commercial law. Public law is the law that governs the relationship between state and individual. Those that include public law are constitutional law, administrative law, and criminal law.

C. Content of Common Law Law Systems

Basically the common law system of law does not recognize the division into private law and public law. Nevertheless, in the contemporary context the common law system of law begins to use legal groupings of private and public law.

3.0 CONCLUSION

1. Conception of comparative legal system is defined with consideration; difference; equation; metaphor; and guidance on the collection of elements of law existing in interaction with each other which is an organized unity and cooperation towards the goal of unity. Comparative needs of legal systems are grouped into scientific needs and practical needs.

2. Comparative source of Islamic legal system, Civil Law, and Common Law is that the source of Islamic legal system, Civil Law, and Common Law has equality of legal discovery. However, the source of the Islamic legal system, Civil Law, and the Common Law differs in terms of authorizing or enforcing authority. Islamic law is based on the Qur'an (God's revelation) and Sunnah.

3. Comparative history of the Islamic legal system, Civil Law, and the Common Law is to have similarities in terms of growth and development influenced by the traditions of human life from generation to generation with the greatest understanding. While the difference is about the

principle of legal history which in Islamic law affirms that the law begins with God and will return to Gd. In addition, the differences can be seen from the development of the legal system.

4. Comparison of material content system of Islamic Law, Civil Law, and Common Law is to have similarities in terms of generally aspects of human life is regulated by law. However it differs in terms of the details of its arrangements and the grouping of legal areas into private and public law. In this context Islamic law is very comprehensive governing various aspects of human life, not only in the context of human relations but also the relationship with the universe and the Lord of the universe.

Bibliography

- Ali, Achmad (2009) *Menguak Theory of Law and Theory of Justice*. Jakarta: Kencana.
- Akgunduz, Ahmed. (2010). *Introduction to Islamic Law*. Rotterdam: IUR Press.
- Bek, M. Hudhari. (1980). *Tarikh Tasyri' al-Islamy*. Trans. Mohammad Zuhri. *Sejarah Pembinaan Hukum Islam*. Indonesia: Dar al-Ihya.
- Carlson, Scott N. (2009). *Intro to Civil Law Legal System*. U.S. Institute of Peace: INPROL Consolidated Response.
- Cruz, Peter De. (2010). *Comparison of Legal Sisitem (Common Law, Civil Law and Socialist Law)*. Bandung: Nusa Media.
- Defender, M. Hudhari. (1980). *Tarikh Tasyri 'al-Islamy*. Trans. Mohammad Zuhri, *History of Islamic Law Development*. Indonesia: Dar al-Ihya.
- Dainow, Joseph. (1966). "The Civil Law and the Common Law: Some Points of Comparison." *The American Journal of Comparative Law*, 15(3), pp. 1966-1967.
- Ainurrofiq. (ed.). (2002). *Madzhab Yogya, Menggagas Paradigma Ushul Fiqh Kontemporer*. Yogyakarta: Ar-Ruzz.
- Hartono, Sunarjati. (1982). *Kapita Selekt Perbandingan Hukum*. Bandung: 1982.
- Khallaf, Abdul Wahab. (2000). *Khulasah Tarikh Tasyri 'al-Islami*. trans. H. Ahyar Aminuddin. *Perkembangan Sejarah Hukum Islam*. Bandung: Loyal Pustaka.
- Khan, Hamid. (2013). *Islamic Law*. US Institute of Peace: INPROL - International Network to Promote the Rule of Law.
- Mertokusumo, Sudikno. (2009). *Penemuan Hukum*. Yogyakarta: Liberty.
- Messitte, Judge Peter J. (1999). *Common Law V. Civil Law System*. Available at <URL: http://web.ntpu.edu.tw/~Markliu / common_v_civil.pdf> Accass date: 3 May 2018
- National, Language Center Department of Education. (2008). *Indonesian Dictionary*. Jakarta: Ministry of National Education.
- Sayis, Muhammad Ali. (2003). *Tarikh al-fiqh al-Islamy*. trans. Nurhadi, *Sejarah Fikih Islam*. Jakarta: Pustaka al-Kautsar.
- Ash-Shidieqy, T.M. Hasbi. (1975). *Dinamika dan Elastisitas Hukum Islam*. Jakarta: Tintamas.
- Sirry, Mun'im A. (1995). *Sejarah Fiqih Islam: Sebuah Pengantar*. Surabaya: Risalah Gusti.
- Al-Syathibi. (WY). *Al-Muwafaqat fi Ushul al-Shari'ah*, Riyadh: Maktabah al-Riyadh al-Hadithah.

Tassopoulos, Ioannis A., The Legal System. Available at
<http://video.minipress.gr/wwwminipress/aboutgreece/aboutgreece_legal_system.pdf> Access date:
3 May 2018

Al-Zuhaili, Wahbah. (1986). Ushul al-Fiqh al-Islami. Beirut: Dar al-Fikr.