

Integrative-Transformative Legal Methodology: Reconstructing Bayani, Burhani, and Irfani in National Legal Reasoning

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ABSTRACT

This study aims to formulate an integrative-transformative legal methodology by reconstructing the bayani, burhani, and irfani epistemological triad within the context of national legal research and legal reasoning. The background of this study lies in the persistent gap between law as normative text and law as an instrument of substantive justice in Indonesia. Dominant normative legal research, which is strongly influenced by legal positivism, often emphasizes textual validity and formal certainty while leaving limited space for social rationality and moral-substantive considerations. Using a conceptual-philosophical legal research design with normative, conceptual, philosophical, and hermeneutical approaches, this study analyzes the epistemological foundations of bayani, burhani, and irfani and transposes them into an operational methodological framework for national legal research. The findings show that bayani can function as a normative-textual reading of legal norms, burhani as rational-empirical verification of legal effectiveness and social relevance, and irfani as structured ethical-substantive sensitivity oriented toward human dignity, public benefit, and justice. This study proposes the Integrative-Transformative Legal Methodology (MHIT), which operates through six procedural stages: legal issue identification, bayani analysis, burhani analysis, irfani analysis, integrative synthesis, and three-dimensional legal argument validation. The novelty of this study lies in transforming the bayani-burhani-irfani triad from an Islamic epistemological framework into an operational legal methodology for national legal reasoning. This model is expected to bridge textual legality, contextual rationality, and substantive justice in Indonesian legal scholarship.

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INTRODUCTION

Legal scholarship in Indonesia has developed within the enduring legacy of the Continental European legal tradition introduced through Dutch colonialism. Since the establishment of the first legal education institution in 1909, Indonesian legal education has largely been shaped by a scholarly tradition that places normative texts at the center of legal reasoning and legal interpretation (Wignjosuebrotu, 2008). Law students have traditionally been trained to master statutory interpretation, analyze legal norms, and apply syllogistic reasoning in adjudicative processes (Diantha, 2016). This legacy is not without merit, as it provides the legal certainty, conceptual order, and systematic structure required by a modern constitutional state. Nevertheless, it has also produced a serious epistemological problem that remains unresolved in contemporary Indonesian legal scholarship (Diantha, 2016).

This problem is reflected in the widening gap between law as a normative text and law as an instrument of justice. In many concrete cases within Indonesian society, legal institutions often encounter situations in which existing norms are unable to adequately address the complexity of social realities. Agrarian conflicts involving indigenous communities, gender-based violence cases constrained by rigid statutory formulations, and corruption cases resulting in lenient sentences for actors whose conduct has systemic consequences all point to the same fundamental issue: the prevailing legal methodology remains insufficient to deliver substantive justice (Mahfud MD, 2009).

The root of this weakness is epistemological. Within the dominant orientation of normative legal research in Indonesia, legal positivism continues to exert a strong influence on the way law is understood, particularly as a relatively autonomous system of norms. Hans Kelsen's Pure Theory of Law (*Reine Rechtslehre*) has become one of the methodological foundations of normative legal research by firmly separating *Das Sollen* from *Das Sein*, norms from facts, and law from morality (Roza & Parlindungan, 2022). Consequently, legal reasoning often operates as a technical exercise: identifying the relevant legal provision, matching it with the facts, and applying the appropriate sanction. Satjipto Rahardjo describes this condition as "business as usual," in which law is applied mechanically without sufficient attention to the living values and sense of justice within society (Priyatno & Aridhayandi, 2016).

Various intellectual efforts have been made to overcome this methodological limitation. Satjipto Rahardjo's progressive law (Rahardjo, 2016), sociological jurisprudence (Pound & DeRosa, 2017), critical legal studies (Kennedy, 2007), and the law and development approach have all offered alternative pathways for rethinking legal reasoning. However, most of these responses remain situated within Western epistemological frameworks and have not sufficiently explored intellectual traditions that are more deeply rooted in the Indonesian context. It is at this point that classical Islamic epistemology,

particularly the bayani-burhani-irfani triad formulated by Muhammad Abid al-Jabiri, offers significant methodological potential that has not yet been fully explored in national legal scholarship (Taufiq, 2025).

The three epistemological approaches are not unfamiliar within the intellectual heritage of Islamic law. However, systematic attempts to transpose them into the methodology of national legal research remain limited. Wardiono et al. (2025), in their work *Ilmu Hukum Profetik: Perspektif Filsafat Ilmu*, have made an important contribution by developing the bayani-burhani-irfani framework within the Muhammadiyah *manhaj tarjih* as an epistemological foundation for prophetic legal science. Their work provides a valuable point of departure, although its development remains primarily situated within the context of Islamic law and has not yet fully operationalized the three epistemological approaches as methodological procedures for broader national legal research.

Based on existing literature, studies on legal methodology in Indonesia may be mapped into three major streams. The first consists of positivistic studies that emphasize normative certainty and legal systematics. The second includes critical-progressive studies that foreground substantive justice and human-centered legal reasoning. The third comprises studies on prophetic law and Islamic epistemology that have begun to introduce transcendental values into legal scholarship. Nevertheless, most of these studies have not yet formulated an operational methodological procedure capable of integrating text, rationality, and substantive justice into a single model of legal discovery. This article seeks to address that gap by proposing the Integrative-Transformative Legal Methodology (MHIT).

The novelty of this article lies in its reconstruction of bayani, burhani, and irfani from an Islamic epistemological framework into an operational methodological procedure for national legal research and legal discovery. Unlike previous studies that have generally situated these three approaches within the domain of Islamic law or the *manhaj tarjih*, this article positions them as a model of national legal methodology. Through this model, legal texts can be read normatively, their social rationality can be examined, and their orientation toward substantive justice can be assessed in an integrated manner. The MHIT model proposed in this article is not intended to serve as a final or exclusive methodology. Rather, it is presented as an initial conceptual framework that remains open to testing, critique, and further development through empirical legal research and concrete case analysis.

By recognizing the contribution of Wardiono et al. (2025) as an important foundation and critically engaging it with broader traditions of legal philosophy ranging from Kuntowijoyo and al-Jabiri to Dworkin, Habermas, and Rahardjo this study seeks to formulate a more balanced alternative methodology. It neither relies uncritically on a single intellectual source nor neglects the methodological richness embedded within the Islamic-Indonesian intellectual tradition. Accordingly, this study addresses two central research questions: (1) how can an integrative methodological procedure combining bayani, burhani, and irfani be formulated in national legal discovery? and (2) to what extent can the integration of these three epistemological approaches bridge the gap

between textual legality and substantive justice?

METHODS

This study adopts a conceptual-philosophical legal research design by employing normative, conceptual, philosophical, and hermeneutical approaches. Its primary concern is not to examine the validity or application of a specific positive legal norm, but to reconstruct the methodological foundations of legal discovery within the context of Indonesian national legal scholarship. This design is appropriate because the object of inquiry is theoretical, epistemological, and methodological rather than empirical-sociological. In this regard, normative legal research is understood not as an attempt to establish correspondence truth through empirical verification, but as an effort to construct coherence among legal concepts, norms, principles, and systems (Hutchinson & Duncan, 2012).

The study applies four approaches in an integrative manner. The conceptual approach is used to clarify and analyze key concepts, including bayani, burhani, irfani, legality, legal morality, substantive justice, and legal discovery. The philosophical approach examines the epistemological and ontological foundations underlying the integration of these three modes of reasoning within legal science. The normative approach assesses the relevance of the proposed framework to the structure and principles of Indonesia's national legal system. Meanwhile, the hermeneutical approach is employed to interpret the dialectical relationship between legal texts, social contexts, and the value of justice, particularly in understanding how legal meaning is constructed through the interaction between norms, interpreters, and changing social realities (Gadamer, 1989).

The data used in this study consist of secondary legal materials, including books, journal articles, and relevant academic works on legal philosophy, Islamic epistemology, legal hermeneutics, prophetic legal science, and theories of justice. The sources were selected purposively by considering their conceptual relevance, argumentative strength, academic credibility, and contribution to the development of legal methodology. Although priority was given to literature published within the last ten years, several classical and foundational works were also used where necessary to support the theoretical construction of the study.

Data analysis was conducted through descriptive-critical, conceptual, hermeneutical, and epistemological-synthetic procedures. The descriptive-critical analysis was used to identify the limitations of dominant legal methodologies, particularly those influenced by legal positivism. The conceptual analysis clarified the meaning and methodological function of bayani, burhani, and irfani in legal reasoning. The hermeneutical analysis examined how legal texts can be interpreted in relation to social context and substantive justice. Finally, the epistemological-synthetic analysis was used to reconstruct the three epistemological approaches into an integrated methodological model, namely the Integrative-Transformative Legal Methodology (MHIT).

RESULT AND DISCUSSION

The Methodological Crisis in National Legal Science: Between Legal Certainty and Substantive Justice

Indonesian legal scholarship operates within a persistent tension between two fundamental values: legal certainty (*Rechtssicherheit*), which lies at the core of legal positivism, and substantive justice (*materielle Gerechtigkeit*), which reflects society's deeper aspiration for fairness. This tension is not merely theoretical; it is manifested in concrete legal experiences. A farmer who loses a land dispute despite having cultivated the land for generations, or an indigent defendant who receives a severe sentence because he cannot afford competent legal representation, illustrates the enduring gap between law in the books and law in social reality.

The root of this tension is epistemological. Within dominant legal-formalist tendencies, law is often understood primarily as a system of written norms, leaving limited space for moral considerations and social realities in the process of legal interpretation and legal discovery. The validity of a legal norm is determined formally, not by its justice, but by its conformity with established procedures of enactment and the hierarchy of norms (Kletzer, 2013). Within this framework, the question of whether a norm is just is often treated as external, or even irrelevant, to legal analysis.

In response to these limitations, several alternative schools of thought have offered important critiques and conceptual pathways. Satjipto Rahardjo's progressive law emphasizes that law exists for human beings, not human beings for law (Rahardjo, 2016). Lon Fuller, in *The Morality of Law*, argues that law contains an internal morality that cannot be ignored without undermining the very character of legality itself (Al'anam, 2025). Ronald Dworkin, through his theory of "law as integrity," maintains that a sound legal system must be capable of resolving hard cases through coherent moral principles rather than merely repeating the wording of statutory provisions (Ripstein, 2014). In the Indonesian context, Mahfud MD emphasizes that one of the central problems of national law is the gap between law in the books and law in action, particularly the inability of legal institutions to respond adequately to society's sense of justice (Mahfud MD, 2009).

However, the problem goes beyond a simple choice between positivism and anti-positivism. What is required is an epistemological reconstruction: a methodological model that enables legal researchers to engage seriously and systematically with normative texts while remaining open to rational-empirical and moral-substantive dimensions that are inseparable from the nature of law itself. This need provides the basis for exploring prophetic epistemology as a source of methodological inspiration.

The Indonesian context further reinforces the urgency of such reconstruction. Indonesia is marked by profound legal pluralism, consisting of national law, diverse customary laws across local communities, and Islamic law that continues to live within a Muslim-majority society. A legal methodology confined to a single epistemological tradition is insufficient to capture the richness and complexity of these legal realities (Wignjosoebroto, 2008). Prophetic epistemology, with its inherently integrative character and refusal to reduce truth to a single source, offers a promising foundation for addressing this methodological challenge.

Prophetic Epistemology: The Intellectual Foundations of Bayani, Burhani, and Irfani

tion is essential to avoid a superficial or reductive use of these concepts, in which they function merely as terminological substitutions without sufficient attention to their epistemological depth.

Muhammad Abid al-Jabiri, a contemporary Moroccan-Arab philosopher, developed a structural analysis of the cognitive system of the Arab-Islamic intellectual tradition in his seminal work *Critique of Arab Reason (Naqd al-'Aql al-'Arabi)*. Al-Jabiri identified three major epistemological systems that shape what he described as the structure of Arab reason: bayani, burhani, and irfani. These are not merely technical methods of reasoning, but distinct epistemological orientations that differ in their sources of knowledge, criteria of validity, and procedures for producing legitimate knowledge (Shobirin & Yusup, 2023).

Within the Indonesian intellectual context, Kuntowijoyo developed the concept of Prophetic Social Science, which is grounded in three transformative values: humanization, liberation, and transcendence. For Kuntowijoyo, prophetic science should not be understood merely as religiously inspired knowledge, but as a value-based scientific orientation aimed at transforming social reality toward justice. Humanization seeks to restore human dignity, liberation aims to free human beings from oppression and structural injustice, while transcendence connects human action to values that transcend narrow pragmatic interests. Together, these values provide a normative compass for the development of science, including legal science (Shobirin & Yusup, 2023).

The convergence between al-Jabiri's epistemological triad and Kuntowijoyo's prophetic paradigm was later developed by Wardiono et al. (2025) in the field of legal studies. In *Ilmu Hukum Profetik: Perspektif Filsafat Ilmu*, they argue that the Muhammadiyah *manhaj tarjih*, as one of the most systematic Islamic legal methodologies developed in Indonesia, inherently integrates bayani, burhani, and irfani in the processes of *ijtihad* and legal reasoning. Their important contribution lies in demonstrating that this integration is not merely a theoretical ideal, but has been practiced within the Muhammadiyah intellectual and legal tradition for more than a century.

Nevertheless, the discussion should not stop at this point. Although the work of Wardiono et al. (2025) offers a rich and important epistemological foundation, its orientation remains primarily directed toward Islamic law and the *manhaj tarjih*. The remaining challenge, and the central gap addressed by this study, is how to transpose this framework into a more general methodology for national legal research—one that can be used by legal scholars from diverse intellectual and disciplinary backgrounds, including those who do not work specifically within the tradition of Islamic law.

The Three Epistemologies and Their Correspondence in National Legal Science

A. Bayani: From Sacred Textual Reasoning to Normative Legal Interpretation

Bayani, in al-Jabiri's classical formulation, refers to a system of knowledge that places the text (*nash*) as an authoritative source and language as the primary instrument for deriving meaning. Bayani reasoning operates deductively, moving from text to case, from general principles to particular applications. Its strength lies in its capacity to produce certainty, consistency, and normative coherence. However, it may become rigid when confronted with situations that are not explicitly regulated by textual sources or when social realities exceed the literal scope of the text (Damanik, 2019).

Within the Muhammadiyah *manhaj tarjih*, bayani is developed through a highly systematic procedure. This includes the identification and inventory of textual sources, verification of hadith authenticity, linguistic analysis involving grammar, semantics, and rhetoric, examination of the context of revelation (*asbab al-nuzul*), and resolution of conflicts among legal evidences (*ta'arudh al-adillah*) through reconciliation, preference (*tarjih*), or suspension of judgment (Wardiono et al., 2025). In this sense, bayani is not merely a literalist approach, but a disciplined textual methodology that seeks to preserve the authority, coherence, and internal consistency of normative sources.

In the context of national legal science, bayani can be transposed into the comprehensive and systematic reading of normative legal texts. This includes the inventory and identification of relevant positive legal norms, analysis of legal language and normative meanings contained in statutory formulations, tracing of *ratio legis* through academic drafts and legislative records, and examination of the vertical and horizontal consistency of legal norms. In legal research, bayani corresponds closely to the statute approach and historical approach as developed by Marzuki (2017).

The main contribution of bayani to legal science lies in its capacity to provide legal certainty, predictability, and normative stability values that remain indispensable in a democratic state governed by law. Nevertheless, its limitation is similar to what Gadamer identifies in hermeneutics: texts never speak by themselves. They always require interpreters, contexts, and purposes. In the hermeneutical process, legal meaning is constructed through the interaction between the part and the whole, between textual structure and interpretive horizon (Gadamer, 2013). This limitation opens the methodological space for *burhani*, which enables legal reasoning to move beyond textual validity toward rational and empirical verification.

B. Burhani: From Rational Demonstration to Empirical Verification

Burhani, in al-Jabiri's epistemological tradition, refers to a system of knowledge grounded in reason, logical demonstration, and rational argumentation. Unlike bayani, which derives authority primarily from textual sources, burhani relies on the strength, coherence, and demonstrability of an argument. A claim is accepted not merely because it

is found in an authoritative text, but because it can be rationally justified through valid premises, logical reasoning, and sound conclusions. In the tradition of Islamic philosophy, burhani draws upon Aristotelian logic while integrating it into the broader intellectual framework of Islamic thought (Abid al-Jabiri, 2019).

Within the Muhammadiyah manhaj tarjih, burhani is applied primarily to matters of worldly and social affairs (*muamalah duniawiyah*), particularly issues that require rational deliberation, empirical data, and contextual analysis. Its stages include problem identification and contextualization, the collection of scientific and empirical evidence, rational analysis and logical argumentation, abstraction and conceptualization, dialogue with textual principles, orientation toward *maqashid al-shariah*, and collective verification through *ijtihad jama'i* (Wardiono et al., 2025). What is significant in the Muhammadiyah approach is that burhani does not operate in isolation. It remains framed by the objectives of sharia and is verified collectively, thereby preventing individual rationality from becoming arbitrary or detached from normative guidance.

When transposed into national legal research methodology, burhani corresponds closely to socio-legal research, regulatory impact assessment, and other forms of rational-empirical legal analysis. The central question is no longer limited to "What does the legal provision state?" but expands to include: "Is this norm effective in social reality?", "What are its impacts on different groups in society?", and "Is there a stronger rational basis for an alternative interpretation?" The analytical instruments of burhani may include sociological data, judicial statistics, comparative legal studies, economic analysis of law, criminological studies, and empirical assessments of legal effectiveness (Wignjosoebroto, 2014).

The most significant contribution of burhani to legal discovery lies in its capacity to examine whether a norm, although valid from a bayani or textual perspective, remains socially relevant, rationally defensible, and empirically effective. Burhani thus provides a rational-empirical foundation for dynamic teleological interpretation, namely an interpretation that is not confined solely to the historical intent of the lawmaker, but is oriented toward the contemporary social purposes that the norm is expected to achieve. In this sense, burhani enables legal reasoning to move beyond textual validity toward contextual responsiveness and social effectiveness (Wardiono et al., 2025).

C. Irfani: From Spiritual Intuition to Ethical-Substantive Sensitivity in Legal Reasoning

Irfani is the most frequently misunderstood epistemology and, at the same time, the most controversial to transpose into modern legal science. In al-Jabiri's epistemological tradition, irfani refers to knowledge obtained

through inner experience, intuition, and spiritual illumination. Its primary source of knowledge is the purified heart (*qalb al-salim*), rather than text or discursive reason. Because of this, *irfani* is often associated with esoteric and personal experience, making it difficult to verify intersubjectively, since inner experience cannot be fully communicated or validated through language (Damanik, 2019).

This limitation explains why many modern legal scholars are reluctant to integrate *irfani* into legal methodology. Modern law, with its claims to objectivity, rationality, and public justification, appears at first glance to be incompatible with an epistemology that is personal, intuitive, and difficult to verify publicly. This critique must be taken seriously. Any attempt to incorporate *irfani* into legal science must therefore avoid reducing legal reasoning to private intuition or unverifiable moral sentiment.

The appropriate response, according to this study, is not to abandon *irfani*, but to redefine its operational meaning within the context of legal methodology. In national legal reasoning, *irfani* should not be understood as the authority of judges or legal scholars to decide cases based on personal intuition that cannot be publicly justified. Rather, *irfani* is more appropriately understood as structured ethical-substantive sensitivity: the capacity to perceive the ethical, humanitarian, and existential dimensions of a legal problem that may not always be visible on the surface of legal texts or empirical data.

Thus, within the Integrative-Transformative Legal Methodology (MHIT), *irfani* is not positioned as subjective intuition free from academic control, but as ethical sensitivity that must be translated into public legal argumentation. It must be tested through principles of human rights, public benefit, proportionality, and the protection of vulnerable groups. In this sense, *irfani* does not negate legal rationality; rather, it expands the horizon of legal rationality so that legal reasoning does not stop at formal legality or empirical effectiveness, but also reaches the level of substantive justice.

In Indonesian judicial practice, the *irfani* dimension has appeared in various forms, even though it is not always explicitly named as such. When a judge considers the social impact of a decision, the vulnerability of the parties involved, or the living sense of justice within society, the judge is not merely applying legal rules mechanically, but also engaging an ethical-substantive compass. Similarly, when the Constitutional Court takes into account the broader consequences of its decisions for vulnerable groups, it demonstrates a form of legal reasoning that goes beyond textual validity and empirical consideration toward moral responsibility and substantive justice (Wicaksono et al., 2022).

Operationally, *irfani* in national legal research can be implemented through several analytical instruments. These include testing legal norms

against universal human rights principles; employing maqashid al-shariah as a framework of public benefit, including the protection of life, intellect, lineage, property, and religion; applying the principles of proportionality and favor debilis, namely a legal orientation toward the weaker or more vulnerable party; and assessing the impact of legal norms on marginalized groups whose voices are often excluded from the law-making process. Through this operationalization, irfani becomes a dimension of legal reasoning that can be justified argumentatively within public legal discourse (Zuhdi & Abdun Nasir, 2024).

The Integrative-Transformative Methodological Procedure: Six Stages of Prophetic Legal Discovery

The integration of bayani, burhani, and irfani cannot function effectively if it is understood merely as the sequential application of three separate approaches. Wardiono et al. (2025) appropriately describe the relationship among these three epistemologies as spiral-triadic: neither linear nor merely parallel, but mutually interactive, corrective, and enriching within a continuous methodological movement. Each bayani analysis may generate burhani questions; each burhani finding may challenge or refine the adequacy of bayani interpretation; and irfani functions as a constant ethical evaluator, ensuring that the entire process remains oriented toward moral responsibility and substantive justice.

The term spiral-triadic indicates that the analytical process is recursive and dynamic. Researchers may, and indeed must, move back and forth among the three dimensions according to the complexity of the legal problem under examination. A finding derived from burhani analysis may require a renewed reading of legal texts through bayani. Likewise, an irfani consideration may raise new empirical questions that need to be examined through burhani. This recursive movement distinguishes the Integrative-Transformative Legal Methodology (MHIT) from rigid linear procedures that treat interpretation, empirical analysis, and ethical evaluation as separate or isolated stages.

Based on this spiral-triadic framework, this study formulates six integrative methodological stages that can be operationalized in national legal research and legal discovery. These stages are designed to ensure that legal reasoning proceeds through textual-normative clarification, rational-empirical verification, ethical-substantive evaluation, and integrative validation. The operationalization of these six stages is presented in the following table.

Table 1. Operationalization of the Six Stages of the Integrative-Transformative Legal Methodology (MHIT)

Stage	Analytical Focus	Key Questions	Analytical Instruments	Output
1. Identification of Legal Issues (Tashkhis al-Masalah)	Identifying tensions between legal texts, social facts, and society's sense of justice	What is the legal issue? Who is affected? Where does the injustice lie?	Case observation, interviews, preliminary document study	Legal problem map
2. Bayani Analysis	Reading legal texts, norms, principles, and	What exactly does the norm state?	Statute approach, historical approach,	Coherent normative

Stage	Analytical Focus	Key Questions	Analytical Instruments	Output
(Normative-Textual)	<i>ratio legis</i> comprehensively	What are its underlying principles? Are there disharmonies among norms?	systematic interpretation	construction
3. Burhani Analysis (Rational-Empirical)	Examining the rationality and effectiveness of norms in social reality	Is the norm effective? What are its social impacts? Are there more rational normative alternatives?	Sociology of law, economic analysis of law, comparative legal studies, judicial statistics	Rational-empirical assessment of the norm
4. Irfani Analysis (Moral-Substantive)	Assessing the moral, public-benefit, and substantive justice dimensions of norms	Does the norm protect human dignity? Whose interests are most vulnerable to harm?	Human rights principles, <i>maqashid shariah</i> , proportionality, <i>favor debilis</i>	Ethical-substantive assessment
5. Integrative Synthesis	Integrating legal texts, social facts, and moral values into a coherent legal position	What is the most coherent and just legal interpretation? Where is the harmony between text and justice?	Legal hermeneutics, teleological interpretation, integrative legal argumentation	Integrative legal argument
6. Three-Dimensional Validation of Legal Argument	Testing the quality of legal argumentation through three dimensions: normative, empirical, and substantive	Is the argument normatively valid, empirically logical, and substantively just?	Coherence test, rationality test, substantive justice test	Accountable legal conclusion

A. Stage 1: Identification of Legal Issues (Tashkhis al-Masalah)

The first stage is the identification of legal problems that contain tensions among written norms, social facts, and society's sense of justice. Proper identification does not merely determine "who violated which legal provision," but seeks to uncover the deeper structure of the conflict: what values are in tension, whose interests are in conflict, and where precisely the gap between legal certainty and substantive justice emerges. At this stage, irfani sensitivity has already begun to operate, namely the capacity to perceive the human dimension of a legal problem before entering technical legal analysis. The key questions are: where does the tension lie between the wording of the legal text, existing social reality, and the expected value of justice? What is truly at stake, and who is most vulnerable to harm?

B. Stage 2: Bayani Analysis (Normative-Textual Reading)

The second stage is a comprehensive and systematic reading of relevant legal texts. This includes the inventory of applicable positive legal norms, such as statutes, regulations, and court decisions; analysis of legal language and normative meanings contained in legal formulations; tracing of *ratio legis* through academic drafts, legislative records, or law-making

documents; examination of vertical and horizontal consistency and synchronization of norms; and identification of the legal principles underlying the norms under review. In the bayani tradition, rigorous textual reading is a necessary foundation not because text is the only source of legal meaning, but because without careful textual analysis, subsequent rational, empirical, and ethical inquiry loses its normative basis.

C. Stage 3: Burhani Analysis (Rational-Empirical Verification)

The third stage is the rational and empirical verification of the norms that have been identified. Burhani requires that law be examined not only in terms of formal validity, but also in terms of logical consistency, social effectiveness, and practical consequences. The central questions are: is the norm logically coherent? Is it effective in social reality? What impact does it have on different groups within society? Are there alternative normative options that are more rational, effective, and socially responsive? Burhani analysis opens legal research to interdisciplinary perspectives, including the sociology of law, economic analysis of law, criminology, legal psychology, and comparative legal studies. This stage prevents legal discovery from becoming formally rational but socially irrational (DM et al., 2022).

D. Stage 4: Irfani Analysis (Ethical-Substantive Deepening)

The fourth stage is the deepening of the moral, ethical, and substantive dimensions of the norm under examination. At this stage, irfani operates as structured ethical sensitivity rather than arbitrary subjectivism. It is guided and controlled by the objectives of law, the value of public benefit, human rights standards, and principles of justice that can be justified argumentatively within public legal discourse. Irfani analysis includes testing norms against universal human rights standards; considering public benefit (*maslahah 'ammah*) as a fundamental objective of law; applying the principles of proportionality and protection for vulnerable groups; and identifying potential injustice that may arise from a textual-mechanical application of legal norms. The key questions are: is the application of this norm substantively just? Does this legal norm protect human dignity?.

E. Stage 5: Integrative Synthesis

The fifth stage is the integration of the results of the three previous analyses into a coherent, accountable, and normatively defensible legal position. Integrative synthesis is not an arithmetic process that merely adds together the findings of bayani, burhani, and irfani. Rather, it is a dialectical process that requires researchers to weigh, prioritize, and harmonize findings that may sometimes stand in tension with one another. If a conflict emerges between normative certainty identified through bayani and substantive justice emphasized through irfani, researchers must formulate legal arguments capable of minimizing the tension through contextual, teleological, or principle-based interpretation. In this process, burhani functions as a mediating dimension: empirical data and rational argument often provide the bridge that enables harmony between the demands of

legal text and the demands of justice (DM et al., 2022).

F. Stage 6: Three-Dimensional Validation of Legal Argument

The sixth stage is the validation of the quality of the legal argument produced through the preceding stages. Validation is conducted through three interrelated measures that reflect the three dimensions of integration. First, normative coherence examines whether the argument is consistent with the applicable legal system. Second, empirical rationality assesses whether the argument can be justified logically and supported by relevant data. Third, substantive justice evaluates whether the argument produces a just solution, protects human dignity, and promotes public benefit. If the argument fails to satisfy one of these measures, the analytical process must return to the relevant stage for refinement. This validation stage functions as a quality-control mechanism to ensure that legal discovery does not sacrifice one dimension—textual legality, rational-empirical validity, or substantive justice for the sake of another.

Illustration of MHIT Application in Legal Discovery

To demonstrate that the Integrative-Transformative Legal Methodology (MHIT) is not merely an abstract conceptual framework, this section presents an illustrative application of the model to an agrarian conflict involving an indigenous community. Agrarian disputes constitute one of the legal fields in which the tension between textual legality, empirical reality, and substantive justice is most clearly visible.

The case may be described as follows. A village head and an indigenous community submit an objection to the issuance of a Right to Cultivate (*Hak Guna Usaha* or HGU) granted to a plantation company over land that has been managed by the community for more than three generations. From a formal perspective, the HGU was issued in accordance with the provisions of the Basic Agrarian Law and its implementing regulations (Fajar et al., 2024). However, the community argues that the land is part of their customary territory and has long served as the basis of their livelihood, social identity, and cultural continuity.

From a bayani perspective, the analysis begins with a normative-textual reading of relevant legal sources. The Basic Agrarian Law recognizes the existence of land rights based on customary law, particularly through Article 5. In addition, Constitutional Court Decision No. 35/PUU-X/2012 affirms that customary forests are not state forests, thereby strengthening the constitutional recognition of indigenous communities and their traditional rights. The *ratio legis* of the Basic Agrarian Law also reflects the spirit of agrarian reform, social justice, and the use of land for the greatest prosperity of the people. Thus, a bayani analysis shows that the legality of HGU cannot be assessed only through administrative compliance, but must also be read in relation to the normative recognition of customary rights and the foundational objectives of agrarian law.

From a burhani perspective, the analysis proceeds by examining the rational and empirical dimensions of the dispute. Sociological data may show that the land has been managed productively and sustainably by the community for generations. Comparative and empirical studies may also indicate that the

recognition of indigenous land rights is positively associated with environmental sustainability, local food resilience, and the protection of community-based livelihoods. Furthermore, the issuance of HGU without meaningful consultation and without the free, prior, and informed consent of the indigenous community contradicts the principles of participatory governance and international standards relevant to the protection of indigenous peoples. Burhani analysis therefore tests whether the formal issuance of HGU is socially rational, empirically justified, and consistent with the broader objectives of agrarian governance.

From an irfani perspective, the analysis deepens the ethical-substantive dimension of the case. A mechanical application of HGU regulations may threaten the livelihood, dignity, and cultural continuity of the indigenous community as a vulnerable group. The principle of *maqashid al-shariah*, particularly the protection of life, property, and human dignity, indicates that the interests of communities whose survival depends on the land must receive serious legal consideration. The principle of proportionality also raises a critical question: are the economic benefits of plantation investment proportionate to the loss of livelihood, identity, and social security suffered by the indigenous community? In this sense, irfani analysis ensures that legal reasoning does not stop at formal legality or empirical effectiveness, but also considers the ethical weight of human suffering and social vulnerability.

The integrative synthesis of these three analyses produces a more coherent and accountable legal position. An HGU issued without adequate recognition of customary rights and without meaningful participation or free, prior, and informed consent from the affected indigenous community can be legally challenged, not merely morally criticized. This position is normatively grounded in Article 5 of the Basic Agrarian Law and Constitutional Court Decision No. 35/PUU-X/2012; empirically supported by data on customary land management, environmental sustainability, and participatory governance; and substantively justified because it protects vulnerable communities from disproportionate harm. Thus, MHIT produces a form of legal discovery that is more integrated than an approach based solely on the procedural legality of HGU issuance (MK, 2012).

The Connection between Prophetic Legal Science and Manhaj Tarjih: Mutually Reinforcing Sources

One of the distinctive features of the methodology proposed in this study is that it draws upon two intellectual streams with different historical roots but converging normative orientations. The first is Kuntowijoyo's prophetic social science, which emerged from the transformation of prophetic values within the Indonesian intellectual tradition. The second is the Muhammadiyah *manhaj tarjih*, which has been developed and elaborated by Wardiono et al. (2025) as an epistemological foundation for prophetic legal science.

Kuntowijoyo formulates prophetic science through three transformative pillars: humanization, liberation, and transcendence. Humanization restores human beings as subjects rather than objects of social and legal processes. Liberation seeks to free human beings from structural injustice, domination, and dehumanizing systems. Transcendence connects human action to values that go

beyond narrow pragmatic interests. When mapped onto al-Jabiri's epistemological triad, a meaningful correspondence can be identified. Bayani provides a normative basis that ensures consistency, certainty, and attachment to authoritative principles, thereby corresponding to transcendence. Burhani provides rational and empirical capacity to respond to changing social realities, thereby corresponding to liberation as an effort to overcome unjust or irrelevant structures. Irfani provides ethical sensitivity to human dignity, suffering, and vulnerability, thereby corresponding to humanization as the orientation that places human beings at the center of legal reasoning (Kuntowijoyo, 2018).

Wardiono et al. (2025) strengthen and operationalize this correspondence through their study of the Muhammadiyah *manhaj tarjih*. They show that *manhaj tarjih* is not merely a method for determining Islamic legal rulings, but an epistemological system that has been tested in practice for more than a century. Muhammadiyah's ability to respond to contemporary issues—ranging from human milk banks and organ transplantation to complex bioethical questions—while maintaining intellectual coherence and public trust demonstrates that the integration of bayani, burhani, and irfani can function as a living and operational legal methodology.

Nevertheless, it is important to emphasize that this study does not advocate the "Islamization" of national legal methodology. Rather, it argues that the epistemological triad that has proven functional within the Islamic legal tradition contains universal methodological insights relevant to the broader development of legal research. These insights can be used by legal scholars from diverse intellectual and religious backgrounds because the proposed model does not impose a particular theological doctrine, but offers a methodological structure that integrates textual normativity, rational-empirical analysis, and ethical-substantive evaluation. In this sense, MHIT contributes to the enrichment of national legal methodology by drawing from the Islamic-Indonesian intellectual tradition while remaining open to broader academic dialogue (Wicaksono et al., 2022).

The MHIT Model: Position, Contribution, and Comparative Significance

The preceding analysis culminates in the formulation of the Integrative-Transformative Legal Methodology (MHIT). This model is constructed upon three principal dimensions that reflect the integration of bayani, burhani, and irfani: the normative-textual, the rational-contextual, and the ethical-substantive.

The normative-textual dimension affirms that legal reasoning must begin with applicable legal texts and the broader system of norms. This dimension safeguards the integrity of the rule of law, since legal discovery without a strong normative foundation risks turning into arbitrary legal creation that undermines certainty and predictability. The rational-contextual dimension emphasizes that law must be examined through reason, tested against social facts, and interpreted in light of the actual needs and complexities of society. Meanwhile, the ethical-substantive dimension affirms that law must be oriented toward justice, public benefit, and the protection of human dignity. This dimension functions as a teleological compass that ensures legal reasoning remains directed toward substantively just outcomes (Busyro, 2019).

Compared with progressive law, which primarily emphasizes the orientation of law toward human beings, MHIT offers a more systematic epistemological structure by integrating textual normativity, rational-empirical analysis, and ethical-substantive sensitivity. Compared with legal positivism, which prioritizes formal validity and legal certainty, MHIT does not reject certainty; rather, it places legal certainty in a dialectical relationship with social effectiveness and substantive justice. In this way, MHIT seeks to overcome the weaknesses of approaches that either absolutize legal texts or, conversely, detach legal reasoning from normative foundations. The comparative position of MHIT in relation to other models of legal methodology is presented in the following table.

Table 2. Comparison of MHIT with Other Models of Legal Methodology

Model	Main Focus	Limitations	Position of MHIT
Legal Positivism	Formal validity and legal certainty	Tends to separate law from morality and social reality	Maintains legal certainty while connecting it with social reality and substantive justice
Progressive Law	Law for human beings; human-oriented legal reasoning	Does not always offer a detailed and systematic epistemological procedure	Provides a gradual and accountable text-reason-morality procedure
Maqashid Shariah	Public benefit and the objectives of Islamic law	More often operationalized within the context of Islamic law	Expands the value of public benefit as a substantive compass in national legal methodology
Socio-Legal Studies	Law in society and social effectiveness	Sometimes lacks a strong normative basis in legal texts	Combines socio-empirical analysis with textual reading and moral consideration
MHIT	Integration of text, rationality, and moral values within a spiral-triadic procedure	Still conceptual and requires further empirical testing	Offers an operational procedure that integrates the three dimensions in a unified manner

The novelty of the MHIT model, compared with previous legal methodologies, lies in three main aspects. First, it integrates three intellectual traditions that have often developed separately: Islamic epistemology, represented by al-Jabiri; prophetic legal science, represented by Kuntowijoyo and Wardiono et al.; and contemporary legal philosophy, represented by Kuntowijoyo and Wardiono et al.; and contemporary legal philosophy, represented by Dworkin, Habermas, and Rahardjo. Second, it formulates an operational procedure that can be followed systematically while still preserving dialectical flexibility. Third, it emerges from the contextual needs of Indonesian national legal scholarship while remaining open to broader global academic dialogue.

The MHIT model can be applied in four principal contexts. First, in academic legal research, this model provides a richer analytical framework than conventional normative approaches by integrating textual analysis, rational-empirical verification, and ethical-substantive evaluation. Second, in judicial legal discovery, this model offers a more accountable framework for judges in resolving

hard cases, particularly cases in which statutory provisions are insufficient to address complex social realities or society's sense of justice. Third, in legislative studies, MHIT can be used to evaluate whether a legal norm is not only formally valid, but also socially effective and substantively just. Fourth, in socio-legal research, this model enables researchers to connect empirical findings with normative legal reasoning and ethical evaluation, thereby preventing socio-legal analysis from becoming detached from the legal system itself.

Accordingly, MHIT does not position itself as a replacement for existing legal methodologies, but as an integrative framework that can enrich them. It preserves the contribution of legal positivism in maintaining certainty, adopts the concern of progressive law for humanity and justice, accommodates the empirical orientation of socio-legal studies, and incorporates the ethical direction of maqashid-based reasoning. Its main contribution lies in its effort to bring these dimensions into a single methodological structure that is systematic, dialogical, and substantively oriented toward justice.

Nevertheless, this study recognizes that MHIT remains a conceptual model that requires further testing and refinement. Future research may apply this model to concrete legal cases, judicial decisions, legislative processes, and socio-legal problems in order to assess its practical relevance and methodological adequacy. Such empirical and doctrinal testing is necessary to ensure that MHIT does not remain merely a theoretical construction, but can develop into a usable framework for legal research and legal discovery in Indonesia and beyond.

CONCLUSIONS

This study concludes that the integration of bayani, burhani, and irfani can be reconstructed into an operational methodological framework for national legal research and legal discovery. Bayani provides a normative-textual foundation that ensures legal certainty, systematic interpretation, and coherence with the existing legal system. Burhani contributes rational empirical verification by examining whether legal norms remain socially relevant, effective, and responsive to the realities faced by society. Irfani complements both dimensions by introducing structured ethical-substantive sensitivity, ensuring that legal reasoning remains oriented toward human dignity, public benefit, and substantive justice.

The proposed Integrative-Transformative Legal Methodology (MHIT) offers a spiral-triadic procedure that does not treat text, reason, and moral values as separate or sequential dimensions, but as mutually reinforcing elements in legal reasoning. Through six stages identification of legal issues, bayani analysis, burhani analysis, irfani analysis, integrative synthesis, and three-dimensional validation MHIT provides a methodological pathway for bridging the gap between textual legality and substantive justice. This model does not reject legal certainty, but situates it within a broader relationship with social rationality and ethical responsibility.

The main contribution of this article lies in transforming the bayani-burhani-irfani triad from an Islamic epistemological framework into a methodological model for Indonesian national legal scholarship. MHIT is not intended as a final or exclusive methodology, but as an initial conceptual

framework that remains open to critique, empirical testing, and further development. Future studies are therefore encouraged to apply this model to concrete legal cases, judicial decisions, legislative processes, and socio-legal research in order to test its practical relevance and strengthen its contribution to the development of a more just and integrative national legal methodology.

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