

Page: 937-951

The Challenge of Structuring Sharia Economic Law in Law Faculty

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Abstract

The development of Islamic economics, which became an alternative economic system after the collapse of the Soviet Union, as well as a balance to the liberal-capitalist economy, is increasingly popular among business people, especially in countries with a significant Muslim population such as Indonesia. This phenomenon also encouraged the development of Islamic economic law in the end. Therefore, the learning system at law faculties is important in preparing competent Islamic economic law graduates. However, from the results of the evaluation of Islamic economic law learning so far, there are 2 main problems, namely legislative disharmony in Sharia Economic Law, and lack of competent human resources availability, including teachers or lecturers. Responding to this and using the focus group discussion method and discussions with the association of teachers and researchers of Islamic Economic Law or APPHEISI, Law Faculty of UIA formulating and structuring a curriculum for sharia economic law as concentration. The main challenge in doing so is the suitability of the material to practical needs in the digital era, in addition to the limited credits assigned to undergraduate level and the availability of teaching lecturers. Using a pedagogical approach and the link between the academy and the industrial as well as the link with learning outcomes, it was decided that the basis for the preparation was to maximize existing courses and give priority to the most related courses. Therefore, there are courses that are inserted and integrated with existing courses based on their proximity. With this approach, a curriculum composition of 144 credits is obtained, consisting of national subjects (12 credits), university subjects (12 credits), core competency subjects (93 credits), specific competency subjects (21 credits), minor/optional subjects (6 credits). Apart from that, supporting programs are needed in the form of Training of Trainers (ToT) for Lecturers teaching Sharia Economic Law, and the establishment of The Study Center of Law and Sharia Economy at the university level, which is a collaboration between three faculties: the Faculty of Law, Economics and Religion.

Keywords: Sharia Economic Law; Islamic Economics; Sharia Economic Law Curriculum.

I. INTRODUCTION

Along with the collapse of the Soviet Union, the remain economic system that exist and becomes stronger is capitalism, eventhough the principle and the development is not exactly same as it was born (Ayesha et al. 2023)(Helliyah 2010). The capitalism today takes more concern towards humane and ethical, which is so called the new economy order. The main principle in this era is about being fast, global, network,



knowledge/technology influence (Soemitro 2020), which is called the knowledge-based economy by World Bank Istitute (Rohimah 2021).

The direction of economic development which is capitalist in nature without such opposition, has raised awareness among the global community to look for alternatives that can encourage more significant economic growth. Sharia financial institutions, such as Sharia banks, first offer a more humane profit sharing system. Sharia-based industries also offer promising business opportunities with significant technological assistance (Lubis 2024), maximize existing economic potential. Sharia economic development trends at the international level also influence these developments. Indonesia is among the 10 countries that have potential in the Sharia financial sector together with Malaysia, Saudi Arabia, Iran, the UAE, Kuwait, Qatar, Bahrain, Turkey and Bangladesh. In response to this, BAPPENAS has launched a Master Plan for Islamic Financial Indonesia as a direction for development and national strategy in the field of sharia finance (Rohimah 2021)(Abubakar and Handayani 2019).

According to the State of the Global Islamic Economy (SGIE), it is reported that in 2022 Indonesia will be in fourth position, and in 2023 it will be in third place behind Malaysia and Saudi Arabia. SGIE. According to this report, Muslim consumer spending in 2022 grew 9.5% per year to US\$2.29 trillion. Investment in Islamic economy-relevant companies total US 25.9 billion, an increase of 128% from 2021. Global Muslim spending on food and beverages is forecast to hit US\$1.89 trillion by 2027. Islamic finance assets expected to reach US\$5.96 trillion by 2026. And there are 33 key signals of opportunities identified, including novel halal certification, Islamic DeFi and Blockchain, leisure and spiritual retreats, AI-driven tourism, social medialed commerce, changing clothing demands, vaccine and biopharmaceutical growth, green pharma innovation, and live commerce (The Department of Economy and Tourism 2023).

The development of the sharia economy which continues to increase at the global level must be responded to comprehensively, including the preparation of reliable human resources who can answer these challenges. A good and responsive curriculum and education system is one of the most important parts of responding to this challenge. Higher education institutions, including the Faculty of Law, have a strategic role in providing solutions related to the challenges of enforcing sharia economic law in Indonesia, including by developing a curriculum to equip prospective alumni with special competencies in the field of sharia economic law. However, there is a challenge in structuring its curriculum as a subject in law faculty in general, and in As-Syafi'iyah Islamic University Law Faculty. This article aims to seek the format and structure of



Page: 937-951

Sharia Economic Law curriculum responding to the need of sharia economic practice in the digital era.

II. METHODOLOGY

There are two main problems of this article, including:

- 1. What is subject matters related and responded to the sharia economy practice in digital era?
- 2. What is the format of composing and structuring sharia economy law curriculum responded to the need of sharia economy practice in digital era?

To answer and seek the solution for the two problems above, the method used is a qualitative exploratory evaluation. Using a document study of the available data as an instrument to gather needed information, as well as other public and official documents becomes a next step. To complete the process of extracting the essence, values, teachings the role of Economy Sharia Law In Indonesia, reviewing the thoughts of developing experts also carried out.

Analysing data uses qualitative juridical manner of selected documents presented in descriptive way. Further, data is analysed qualitatively by outlining descriptive and perspectives analysis using deductive technique. This process completed in order to achieve the purpose of the research systematically, comprehensively, and consistently. Using Forum Group Discussion (FGD) as a triangulation mechanism for concepts that have been identified for further follow-up and completion.

III. LITERATURE REVIEW

Sharia Economic Law in Indonesia

Sharia economics or Islamic economics have been recognized as an alternative economic system in practice as a response to liberal-capitalist economy and social-communist economy that were known earlier. This system is the choice because the two existing systems contain weaknesses which are deemed unable to provide broad benefits to society (Ayesha et al. 2023)(Abubakar and Handayani 2019). According to Khurshid Ahmad, the concept of sharia economics or Islamic economics is widely accepted in this modern era because of the solutions offered in terms of interest in the modern financial system. This movement started in Pakistan and Egypt in the mid-1930s. Pakistan then opened an interest-free sharia bank; followed by Egypt which established an interest-free financial institution called Mit Ghomir Local Savings. This phenomenon also marks the beginning of acceptance of the sharia economic system and is the first stage of the four stages of global sharia economic development (Ayesha



Page: 937-951

et al. 2023). This movement was well responded to by experts in Indonesia, including KH Mas Mansur in 1937 who proposed the formation of a Sharia economic institution at the Muhammadiyah national conference, but this proposal was not well accommodated because it was feared that it would become a source of division for the ummah which was united in fighting against the Dutch (Muthoharoh and Ghozali 2018).

The next development was in the 1960s era which also became the second stage of the sharia economy in Indonesia which was marked by education and training as well as the development of the Islamic monetary system at leading universities in the US and Europe. The focus of the discussion in general is economic analysis of the prohibition of usury (interest) and proposed non-interest-based banking alternatives. Various international conferences and seminars were held to discuss this topic by both Muslim and non-Muslim economists. The first recorded international conference was held in Makkah al-Mukarromah in 1976. The third stage was marked by concrete efforts to develop a non-usury banking system. A clearer and more established concept of a non-usury financial system has been achieved and the first bank to apply this concept was the Islamic Development Bank (IDB) Jeddah, Saudi Arabia in 1975. The IDB then developed a new alternative economic system in the form of a usury-free system which was followed more of its 60 member countries (Kadir and Kara 2023).

Furthermore, the fourth stage is marked by integration efforts and a more sophisticated approach in building the theory and practice of sharia economics as a whole, especially in financial and banking institutions which are indicators of the community's economy. At the same time, the methodology of economics with an Islamic approach was also developing to solve several problems still faced by Muslims. This approach is still in its early stages of growth, but there is no doubt that it is a start that promises a very big and bright future (Ayesha et al. 2023)(Hasibuan 2016).

The development of sharia economics at the global level also has a strong influence on the development of sharia economic theory and practice in Indonesia. The starting point for the development of the sharia economy in question was the establishment of Bank Muamalat Indonesia (BMI) and Sharia Rural Banks in 1992 which was initiated by Karnaen A. Perwataatmadja, who at that time held the position of Executive Director at the IDB. However, after that, progress could be said to be slow because there was no policy basis that could be used as a practical guide for financial institutions at that time; which is being handled by banking circles is Law No. 7 of 1992 Government Regulation no. 72 of 1992 (Kadir and Kara 2023)(Habibullah 2017)(Murtaho 2016)(Antonio 2001).



After the issuance of Law no. 10 of 1998 concerning Banking, conditions have changed and the development of the sharia economy has become more rapid because the system previously only recognized bank profit sharing. With the new law, various approaches have been made possible that encourage the financial industry not to have to rely on conventional systems so that it is more flexible and more innovative (Mardani 2015)(Maulidizen 2017). Significant developments can be seen from the establishment of three Islamic Commercial Banks (BUS), two conventional bank Sharia business units, 528 branch offices (including Sub-Branch Offices (KCP), Sharia Service Units (UPS), and Cash Offices (KK), and 105 Islamic People's Credit Banks (BPRS). Islamic banking assets as of March 2007 were more than IDR 28 trillion, with total Third-Party Funds (DPK) almost reaching IDR 22 trillion -party funds collected only reached 1.64% of total national banking assets (as of February 2007), the growth was quite fast and promising. It is projected that in 2008, the share of the Islamic banking industry will reach 5 percent of the total national banking industry (Ayesha et al. 2023).

Along with the practical implementation of sharia economics, disputes about this implementation also emerged. Based on the consideration that the sharia aspect dominates, this dispute is resolved in the religious court according to Law No. 3 of 2006 concerning Amendments to Law no. 7 of 1989 concerning Religious Courts, which was later strengthened by Law no. 21 of 2008 concerning Islamic Banking (Djamil 2013) (Mubarok 2013). Based on Law Number 3 of 2006 Article 49 letter i, what is meant by Sharia economics are actions or business activities carried out according to Sharia principles, including, among other things:

- a. Sharia Bank;
- b. Sharia microfinance institutions;
- c. Sharia Insurance;
- d. Sharia Reinsurance;
- e. Sharia Mutual Funds;
- f. Sharia bonds and Sharia medium term securities:
- g. Sharia Securities;
- h. Sharia Financing;
- i. Sharia Pawnshop;
- j. Sharia financial institution pension funds; And
- k. Sharia Business.

Thus, religious courts limitatively handle cases of Sharia economic disputes as regulated in Article 49 letter i above (Mardani 2015)(Muthoharoh and Ghozali 2018).



Page: 937-951

Since the last ten years, the development of the Islamic economic discourse in Indonesia has received the attention of many groups, both from a conceptual/academic aspect as well as from a practical aspect (N. Fadilah, 2019). From an academic standpoint, the development of Islamic Economics is marked by the many educational institutions that offer training programs and subjects in Islamic Economics, Islamic Finance, and Islamic Banking at both the undergraduate (S1) and postgraduate (S2 and S3) levels. In addition, discussions on the development of Islamic Economics are also carried out through seminars, symposiums, conferences, book studies, and other activities that examine more deeply the development of Islamic Economics and its application in the world of economics and business (Sri Hardianti, Sri Ayu Fadilah 2016).

Structuring Curriculum in Higher Education

According to Masykur (2019), curriculum is unique due to its characteristic and target. In developing or structuring good curriculum, at least these four elements has to be considered: (1) curriculum as an idea, (2) curriculum as written design of the idea, (3) curriculum as an activity when it implemented, and (4) curriculum as a result of such activity (Masykur 2019). In order to formulate such curriculum, it must be clear in advance what is the objective, material or substance that included, method, and evaluation instrument.

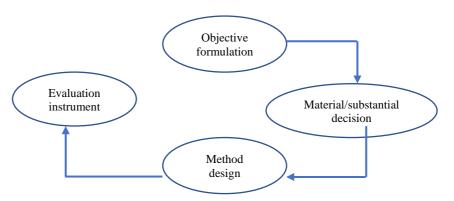


Figure 1: Curriculum Development Process Source: Lubis, 2021

Elaborating the concept above, according to Zais (1976), curriculum substantial should cover facts, observations, data, perception, sensing, problem solving that accumulated in the form of ideas or concepts. However, in structuring good curriculum needs a process thoroughly covers different stages and is undertaken carefully for specified



Page: 937-951

period that generally five years. Therefore, according to Ornstein and Hunkins, when develop a curriculum, it should encompass design, implementation and assessment, describes in their word as "Curriculum development encompasses how a curriculum is planned, implemented and evaluated, as well as what people, processes and procedures are involved" (Ornstein A. C., & Hunkins 2009). In doing so, at least these two dimensions should take into account: firstly, differentiation and more or less strongly linked component which is called as a systemic dimension; and secondly, program and progress plan follows the component mention which is also called as a sequential dimension (Barrier, Quéré, and Vanneuville 2019).

Understanding of how curriculum is conceptualised is important to help more explicit when inviting students to participate in learning activities, therefore, it is essential to formulate clear curriculum that enable both teacher and student understand clearly about the goal of the subject (Bovill and Woolmer 2019). Moreover, the curriculum should integrated to the needs of society, industry, students, faculty and parents. The curriculum should be multidimensional in nature and should cover all the practices of modern industry (Kumar and Rewari 2022)(Khan and Law 2015). To make it clear and it suggests to have a learning road-map as a guideline (O'Neill 2010).

IV. RESULT AND DISCUSSION

In preparing the curriculum for the Sharia Economic Law concentration at Law Faculty of UIA, there are two things that need to be elaborated further, namely: the challenges of Sharia Economic Law as a specialization which includes several related courses, and the preparation and structuring of courses so that they are in line with graduate learning outcomes and industry needs. or practical.

Issues in Sharia Economy Law Education

In accordance with the learning objectives of Sharia Economic Law, namely preparing graduates who have the knowledge and ability to carry out general tasks as scientists and practitioners of Islamic law and specifically Sharia Economic Law based on research and local wisdom (Siddiq 2023); It is necessary to first identify the problems faced in Islamic Economic Law Education so far. According to Mukharom et al., there are several problems in developing and implementing Sharia Economic Law in Indonesia, including:

- 1. Not yet complete and comprehensive regulations related to sharia economics in Indonesia.
- 2. Legislation disharmony in Sharia Economic Law.



- 3. Lack of competent human resources availability that impacted to difficulties in law enforcement.
- 4. Weak coordination between related institutions impacted to causes inconsistencies and overlaps in law enforcement; for example, between Religious Courts (PA) and District Courts (PN); between the Court and the Arbitration Institution, etc.
- 5. Low public awareness of Sharia Economic Law that causes many people don't want to use sharia products and services (Mukharom et al. 2020)(Renie 2021).

In the legal context, there is a proposal to revitalize sharia economic law in Indonesia. The practice of sharia banking, for example, still requires a lot of public promotion and education, because many Indonesians still have limited knowledge about the concept of sharia banking. Apart from that, moral and spiritual aspects in sharia economic practices must also be raised and strengthened because conventional economic systems tend to ignore this. Therefore, there is a proposal to codify Sharia economic law completely and at the same time increase the competency of human resources by utilizing developments in science and technology. (Hariyanto et al. 2023). In general, it can be said that the direction of preparing the Islamic Economic Law curriculum is aimed at:

- 1. Improving the quality of human resources supported by well research and development (R&D)
- 2. Well design of sharia economic education is very much needed to produce competent sharia economic human resources.
- 3. Comprehensive research results can serve as guidelines for producing innovations, services, regulations and many other things related to the development of the sharia economy. (Ayesha et al. 2023)(Abubakar and Handayani 2019).

The challenge of curriculum structuring in Law Faculty of UIA

A similar situation is also faced by the Law Faculty of UIA. As a new subject and concentration, several problems are faced in developing Sharia Economic Law, namely:

- 1. The objectives and scope are still diverse.
- 2. The syllabus, RPS and teaching materials are not yet standardized.
- 3. The subject is not part of the national curriculum
- 4. The subject has not touched on specific skills aspects in graduate learning outcomes (CPL)
- 5. MBKM (independent learning independent campus) (Iskandar 2024).



Apart from that, in its implementation it also faces several challenges, including being competent and having comprehensive mastery of sharia, economic and legal aspects lecturers are still limited, overlap between subject courses, and limited of the credits subject number only 144 credits.

The biggest challenge is to harmonize the disciplines of law, economics and sharia which are intertwined with each other, so it is necessary to clarify the focus of the discussion so that the scope of each is clear.

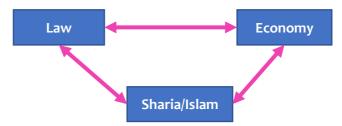


Figure 2: Intertwined 3 Aspects

Apart from the emphasis and focus of discussion between the terms of Law, Economy and Sharia, clarity of terms is also an issue. Various of the terms: Sharia Economic Law, Sharia Business Law, Islamic Economic Law, and Islamic Business Law. Therefore, it is important to emphasize/weighting on which aspects for optimal results.

Teaching and Learning Methods

Based on the explanation above, a special discussion has been held regarding the Islamic Economic Law/Sharia curriculum at the forum association of teachers and researchers of Islamic Economic Law or APPHEISI. The idea that discussed in the forum has been elaborate further in focus group discussion by inviting resource persons who are competent in their fields. The results of several discussions are as follows:

- 1. Considering point of contact with other subjects:
 - a. Islamic Law,
 - b. Islamic Law of Engagement,
 - c. Zakat and Wakaf Law,
 - d. Religious Courts Procedural Law, etc
- 2. Strengthening Graduate Learning Outcomes (CPL) including aspect of knowledge, attitude, general skills, specific skills,
- 3. There needs to be basic principles that can be understood by business actors so that they can be dynamic in formulating products.



- 4. Every law material related to economics insert a discussion of Islamic law;
- 5. There needs to improve joint research to be able to integrate community habits, national law and Islamic fiqh, especially regarding sharia economic transaction agreements.

As a result of this thinking, the learning outcomes of graduates (CPL) of Islamic economic law graduates have been prepared as follows:

Code (KP)	Knowledge Aspect
KP-1	Able to explain the norms of Sharia Economic Law contained in the Al-
	Qur'an and As-Sunnah.
KP-2	Able to explain well the methods of ijtihad and rules for developing Islamic
	law, especially Sharia Economic Law (muamalah).
KP-3	Able to explain the principles of sharia economic/business law in Muamalat
	Figh, both classical and contemporary.
KP-4	Able to explain the principles of yariah contracts in muamalah fiqh and DSN-
	MUI fatwa in relation to contemporary financial and business practices.
KP-5	Able to explain the theories and concepts of material law that apply in
	Indonesia related to sharia economic law.
KP-6	Able to describe knowledge of procedural law (formal law) in relation to
	resolving sharia economic law disputes through litigation and non-litigation
	channels.
-	Specific Skill Aspect
KK-1	Skilled in explaining and contextualizing the norms contained in the verses
	of the Koran and legal hadiths related to sharia economics.
KK-2	Skilled in integrating sharia law norms and legal norms applicable in
	Indonesia (positive law) in resolving sharia economic law cases, both
	through litigation and non-litigation dispute resolution channels.
KK-3	Skilled in using formal legal procedures (procedural law) in resolving sharia
	economic law cases, both through litigation and non-litigation dispute
	resolution channels.
KK-4	Skilled in reading, criticizing and making sharia agreements (contracts) used
	in financial institutions and sharia businesses.

The next step is to reduce courses that are related to the CPL above, as below:

No	Subjects	Relation to Learning Outcomes				
1	Introduction to Sharia Economic	KP-1	KP-2	KK-1		_
	Sharia					
2	Fiqh Muamalah and Fatwa DSN-	KP-1	KP-2	KP-3	KP-4	KK-1
	MUI					
3	Sharia Bank Law (integration*)	KP-3	KP-4	KP-5	KK-2	
4	Sharia Capital Market and	KP-3	KP-4	KP-5	KK-2	
	Investment Law (integration*)					
5	Sharia Non-Bank Financial	KP-3	KP-4	KP-5	KK-2	
	Industry Law (integration*)					



6	Sharia	Financial	and Bu	siness	KP-5	KP-6	KK-3
	Dispute	Resolution	ı (integrati	on*)			
7	Sharia	Business	Contract	Law	KP-3	KP-4	KK-4
	(integra	ition*)					
	-4-						

^{*)} Integration means that the teaching materials can be integrated with related MK Law teaching materials; For example, the Banking Law Constitutional Court; MK Capital Market Law; MK Religious Court Procedural Law, MK ADR and Arbitration, etc.

As a result of these discussions, a Sharia Economic Law curriculum has been established at the Law Faculty of UIA through Dean Decision No: Skep - 40/01/FH-UIA/VIII/2023 regarding Special Program of Sharia Economic Law, that describes further the fixed subject of Sharia Economic Law as follows:

No	Subjects	SKS	Semester
	Specific Competence/Concentration		
1	Introduction to Sharia Economic Law	2	1
2	Fiqh Muamalah and Fatwa DSN-MUI	2	2
3	Akad in Sharia Economic Activities	3	2
4	Sharia Bank/Sharia Banking Financial Institutions	2	3
5	Nonbank Sharia Financial Institutions	2	3
6	Sharia Social Fund	2	4
7	Fintech based on Sharia Principle	2	5
8	Halal Industry	2	5
9	Sharia Economic Dispute Resolution	2	6
10	Sharia Economic Activity Supervisory Agency	2	7
	Total SKS		21

Subjects that integrated to existing subjects supporting sharia economic law competence as follow

No	Subjects	SKS	Semester	
	Integrated			
1	Sharia Bank Law		2	3
2	Sharia Capital Market and Investment Law		2	4
3	Sharia Business Contract Law		2	5
4	Sharia Financial and Business Dispute Resolution		2	6
	To	otal SKS	•	8

The consideration for integrating Sharia Economic Law courses with existing material is substantive closeness. Overall, the number of credits that students must take is 144 credits with the proportion of subject clusters as follows:

No	Subjects Cluster	SKS
1	National Subjects	12
2	University Subjects	12



Page: 937-951

3	Core Competence Subjects	93
4	Specific Competence Subjects	21
5	Minor/Optional Subjects	6
	Total SKS	144

To strengthen the development of Sharia Economic Law within the Law Faculty of UIA, The Study Center of Law and Sharia Economy has also been established at the University level, which is a collaboration between three faculties: the Faculty of Law, Economics and Religion.

In order to prepare for the implementation of Sharia Economic Law Education at the Law Faculty of UIA, several things need to be prepared, including:

- 1. Training of Trainer (ToT) for Lecturers teach Sharia Economic Law
- 2. Subjects related to Sharia Economic Law can be taken at other Study Programs/Faculties of Internal University or taken at other University (MBKM). Subject related to Sharia Economic Law can be included as elective subject course.

V. CONCLUSION

The preparation of the Sharia Economic Law curriculum as a special program at the Law Faculty of UIA has challenges, at least in terms of: fulfilling aspects of suitability of material with practical needs and encouraging competent human resources in the field of Sharia Economic Law. Curriculum preparation is therefore carried out by accommodating input from various parties who are competent in their fields, such as APHEISI and other individual sources. The results of the discussion are then analyzed using a pedagogical approach as well as practical needs. Apart from that, the results of the evaluation of Sharia Economic Law learning so far are also an important part.

Based on the considerations above, a Sharia Economic Law curriculum can be prepared as follows:

- 1. The curriculum must be considered Learning Outcomes (CPL) including aspect of knowledge, attitude, general skills, specific skills;
- 2. It is necessary to pay attention to points of contact with other subjects, such as Islamic Law, Islamic Engagement Law, Zakat and Endowment Law, Religious Court Procedure Law, etc. The solution to this is to integrate and insert courses that have the strongest affinity.
- 3. There is a need for joint research to be able to integrate community habits, national law and Islamic fiqh, especially regarding sharia economic transaction agreements. For this reason, The Study Center of Law and Sharia Economy has



been formed at the university level, which is a collaboration between three faculties: the Faculty of Law, Economics and Religion.

4. Considering the MBKM (independent learning independent campus) higher education policy; involvement of the industrial world in learning and interconnection with other study programs is an option.

The results of the discussion of the curriculum in question have been outlined in Dean Decision No: Skep - 40/01/FH-UIA/VIII/2023 regarding Special Program of Sharia Economic Law which stipulates 144 credits for undergraduate level in Sharia economic law, with details:

- National subjects : 12 SKS
- University subjects : 12 SKS
- Core competence subjects : 93 SKS
- Specific competence subjects : 21 SKS
- Minor/optional subjects : 6 SKS

Several courses are fundamental and also respond to the digital era, including Fiqh Muamalah and DSN-MUI Fatwa, Sharia Social Funds, and Fintech Based on Sharia Principles.

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