

Teaching Legal Research Methodology in Indonesian Islamic Higher Education: A Curriculum Analysis

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Article History	Abstract
Received : 08-13-2026 Revised : 09-18-2026 Published : 10-01-2026	Complaints about the quality of student legal writing in Indonesian Islamic higher education are widespread, yet they are usually attributed to student motivation rather than to the design of the curriculum that is supposed to produce research competence. This article aims to analyse how legal research methodology is currently positioned within sharia and law study programmes, to identify the design features that limit the development of research competence, and to propose a reconstruction grounded in established principles of curriculum alignment. The study is conceptual and analytical, combining document analysis of the national higher education regulatory framework with a critical reading of the methodological literature on doctrinal legal research and of the learning-sciences literature on competence development; no field data were collected. The analysis shows that methodology instruction is typically positioned as a single mid-programme course assessed by a proposal document, that its content is dominated by the classification of research types rather than by the reasoning operations that legal research actually requires, and that the final thesis therefore becomes the first occasion on which those operations are practised. Three design consequences follow: competence is assessed before it is taught, supervision is required to compensate for curricular omission, and Islamic legal reasoning is treated as a separate subject rather than as an integrated methodological resource. The article recommends a spiral distribution of methodological work across the programme, assessment by research artefacts rather than by proposal documents, and explicit integration of uşūl al-fiqh reasoning into the methodology sequence.
Keywords: Constructive alignment; Curriculum design; Islamic higher education; Legal research methodology; Research competence.	

I. INTRODUCTION

The capacity to conduct disciplined legal research is a declared outcome of every sharia and law study programme in Indonesian Islamic higher education. The Higher Education Law establishes research as one of the three obligations of the academic community and requires that study programmes produce graduates capable of applying scientific method.¹ The national framework governing higher education quality assurance requires programmes to formulate graduate learning outcomes and to align curriculum, learning processes, and assessment with them.² Programmes accordingly list research competence among their outcomes, and the undergraduate thesis remains the principal instrument by which that outcome is certified.

¹Law Number 12 of 2012 concerning Higher Education, Articles 1(9) and 45.

²Regulation of the Minister of Education, Culture, Research and Technology Number 53 of 2023 concerning Quality Assurance of Higher Education, Articles 3–7.

The gap between this formal position and observable practice is familiar to anyone who supervises. Theses frequently reproduce the structure of methodological textbooks without exhibiting the reasoning those structures are meant to support: a stated research type unconnected to the questions asked, a legal materials inventory that is never actually interrogated, a discussion chapter that summarises sources rather than argues from them. The common explanation attributes these deficiencies to student motivation or to the quantity of supervision available. This article argues that the explanation is inadequate, and that the deficiencies are traceable to identifiable features of curriculum design.

The methodological literature supplies the first element of the argument. Doctrinal legal research is not a passive description of sources but a structured set of reasoning operations: locating authoritative materials, establishing their hierarchical relations, extracting the ratio of decisions, identifying and resolving inconsistency, and constructing an argument that survives the strongest available objection.³ Indonesian methodological scholarship describes these operations through the vocabulary of statutory, case, conceptual, historical, and comparative approaches,⁴ and emphasises that the choice among them follows from the legal issue rather than preceding it.⁵ Where instruction reduces this to a taxonomy to be memorised, the operations themselves are never practised.

The learning-sciences literature supplies the second element. Complex competence develops through repeated performance with feedback on tasks that approximate the target activity, not through exposition followed by a single high-stakes performance.⁶ Constructive alignment holds that intended outcomes, learning activities, and assessment must be mutually consistent; where assessment rewards the production of a document rather than the exercise of the underlying operations, learners rationally optimise for the document.⁷ Cognitive apprenticeship adds that expert reasoning must be made visible before it can be appropriated, since the operations of a skilled researcher are otherwise invisible in the finished product students are shown as models.⁸

Previous research on legal education in Indonesia has examined curriculum content, clinical legal education, and the effects of the independent learning policy on programme structure, while research in Islamic higher education has examined the integration of religious and general sciences. Neither literature has analysed the specific design of methodology instruction as the locus of the problem. The novelty of this article lies in treating research competence as a curriculum design question rather than as a matter of

³Terry Hutchinson and Nigel Duncan, "Defining and Describing What We Do: Doctrinal Legal Research," *Deakin Law Review* 17, no. 1 (2012): 83–119.

⁴Peter Mahmud Marzuki, *Penelitian Hukum*, rev. ed. (Jakarta: Kencana, 2016), 133–178.

⁵Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: RajaGrafindo Persada, 2015), 13–24.

⁶John Hattie and Helen Timperley, "The Power of Feedback," *Review of Educational Research* 77, no. 1 (2007): 81–112.

⁷John Biggs and Catherine Tang, *Teaching for Quality Learning at University*, 4th ed. (Maidenhead: Open University Press, 2011), 95–110.

⁸Allan Collins, John Seely Brown, and Ann Holum, "Cognitive Apprenticeship: Making Thinking Visible," *American Educator* 15, no. 3 (1991): 6–11, 38–46.

student or supervisor effort, and in proposing a reconstruction that integrates uşūl al-fiqh reasoning into the methodological sequence rather than isolating it in a separate course.

The objectives are to analyse how legal research methodology is currently positioned within sharia and law programmes, to identify the design features that limit competence development, and to propose an evidence-based reconstruction. Three research questions guide the analysis: what does the regulatory framework actually require of programmes with respect to research competence; which features of prevailing methodology instruction obstruct the development of that competence; and what design would align instruction with the reasoning operations that legal research requires?

II. RESEARCH METHODS

This study is conceptual and analytical. Its purpose is to reconstruct a curricular design problem and to propose a solution derived from established principles, not to measure the prevalence of the problem across institutions. Accordingly it does not collect field data, and its claims about prevailing practice are advanced as characterisations of a recognisable pattern documented in the methodological and educational literature rather than as empirical generalisations. This limitation is stated explicitly because the credibility of a conceptual article depends on the precision with which its evidentiary base is described.

Three sources of material are used. The first is the regulatory framework governing Indonesian higher education, comprising the Higher Education Law, the ministerial regulation on higher education quality assurance, and the regulation establishing the independent learning scheme, analysed for what they require and permit with respect to curriculum structure and assessment. The second is the methodological literature on legal research, both Indonesian and international, analysed to specify the reasoning operations that constitute doctrinal competence. The third is the learning-sciences literature on competence development, analysed to derive design principles.

Analysis proceeds in three stages. First, the reasoning operations constitutive of doctrinal legal research are specified from the methodological literature, producing an operational profile of the target competence. Second, the prevailing instructional design is characterised and compared against that profile to identify which operations are taught, which are assumed, and which are assessed without having been taught. Third, a reconstructed design is derived by applying the principles of alignment, distributed practice, and cognitive apprenticeship to the identified gaps. The argument is therefore deductive in form: its conclusions follow from the stated principles and are open to refutation by demonstrating either that the principles are inapplicable or that the characterisation of prevailing practice is inaccurate.

III. RESULTS AND DISCUSSION

A. What the Regulatory Framework Requires

The first finding is that the regulatory framework is considerably less prescriptive than programme practice assumes. The Higher Education Law states the research obligation and the requirement of scientific method but does not specify curricular

means.⁹ The quality assurance regulation requires programmes to formulate graduate learning outcomes and to ensure that curriculum, learning process, and assessment support their attainment; it expresses a preference for assessment that captures actual performance rather than administrative completion, and it grants programmes substantial discretion over structure.¹⁰ The independent learning scheme further expands that discretion by permitting learning activities outside the conventional course structure, including research conducted under supervision at partner institutions.¹¹

The analytical consequence is significant. The single mid-programme methodology course assessed by a thesis proposal, widely treated as a regulatory requirement, is in fact an institutional convention. Nothing in the framework prevents a programme from distributing methodological work across several semesters, from assessing it through research artefacts other than proposals, or from embedding it within substantive law courses. The obstacle to reform is convention and workload accounting, not regulation. This finding matters because reform proposals in Indonesian higher education are frequently abandoned on the assumption that the regulatory framework forbids them.

B. The Competence Profile and What Instruction Omits

The second finding concerns the mismatch between the target competence and the content of instruction. Reading the methodological literature for operations rather than categories yields a profile of what a competent doctrinal researcher does: formulating a legal issue in a form that admits of argument; identifying and hierarchically ordering authoritative materials; extracting the operative reasoning from a judicial decision as distinct from its narrative; detecting inconsistency among norms and applying the recognised principles of resolution; constructing an argument from authority, principle, and purpose; and anticipating the strongest objection to that argument.¹² In Islamic legal subjects the profile extends to the identification of the textual basis of a ruling, the determination of whether the matter is governed by a definitive or interpretable text, and the application of objectives-based reasoning where the latter obtains.¹³

Prevailing instruction addresses a different object. Its dominant content is the classification of research into normative and empirical types, the enumeration of approaches, and the distinction among primary, secondary, and tertiary legal materials. These are genuine elements of methodological knowledge, but they are declarative: knowing that a case approach exists is not the ability to extract a ratio. Table 1 sets out the comparison.

Table 1. Reasoning Operations of Doctrinal Research and Their Treatment in Prevailing Instruction

⁹Law Number 12 of 2012, Article 45.

¹⁰Regulation of the Minister of Education, Culture, Research and Technology Number 53 of 2023, Articles 5 and 17.

¹¹Regulation of the Minister of Education and Culture Number 3 of 2020 concerning National Higher Education Standards, Article 15(1)–(3).

¹²Hutchinson and Duncan, “Defining and Describing What We Do,” 101–110; Marzuki, *Penelitian Hukum*, 133–140.

¹³Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, 3rd ed. (Cambridge: Islamic Texts Society, 2003), 1–14.

Reasoning operation	Typical treatment	Design gap
Formulating an arguable legal issue	Assumed; stated in proposal	Not practised with feedback
Ordering authorities hierarchically	Taught declaratively	Rarely applied to a live problem
Extracting the ratio of a decision	Mentioned under case approach	Seldom practised on actual decisions
Resolving normative inconsistency	Covered in jurisprudence courses	Not transferred to research tasks
Constructing and defending an argument	Assessed in the thesis	First practised at the point of assessment
Applying uṣūl al-fiqh reasoning	Taught as a separate subject	Not integrated into methodology

Source: Analysis of methodological literature and curriculum structure, 2026.

The pattern in Table 1 identifies the central design defect: the operations that constitute the competence are, for the most part, first practised at the moment they are assessed. This inverts the sequence that the learning-sciences literature establishes as necessary, in which repeated low-stakes performance with feedback precedes summative judgement.¹⁴ Two consequences follow. Supervision is compelled to function as remedial instruction, which explains both its intensity and its unevenness, since a supervisor teaching operations that the curriculum omitted is doing so without the shared standards that curricular treatment would supply. And students, facing a single high-stakes document, rationally direct effort toward its formal features, which is precisely the behaviour that prompts complaints about superficiality.

C. The Separation of Uṣūl al-Fiqh from Methodology

The third finding concerns a feature specific to Islamic higher education. Programmes in sharia and law teach uṣūl al-fiqh as a substantive subject, generally early in the programme, and legal research methodology as a separate course, generally later. The two are rarely connected, with the result that students who have studied the interpretive apparatus of Islamic legal reasoning do not deploy it when conducting research on Islamic legal questions, defaulting instead to the general doctrinal vocabulary.

This separation is difficult to justify. Uṣūl al-fiqh is, in its structure, a methodology: it specifies sources, their hierarchy, the conditions under which each may be relied upon, the techniques for resolving apparent conflict among texts, and the conditions under which purposive reasoning is admissible.¹⁵ The distinction between matters governed by definitive texts and matters open to interpretive reasoning performs, within Islamic legal method, a function directly analogous to the distinction between settled and contestable questions in general legal research.¹⁶ Presenting this apparatus as doctrine to be known rather than as method to be used forfeits an integrative resource that is distinctive to Islamic higher education and that would strengthen, rather than compete with, general methodological training.

The integration required is concrete rather than rhetorical. It means teaching the extraction of a ruling's textual basis alongside the extraction of a judicial ratio; treating

¹⁴Hattie and Timperley, "The Power of Feedback," 86–95.

¹⁵Kamali, *Principles of Islamic Jurisprudence*, 1–10, 351–358.

¹⁶Abū Ishāq al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharī'a* (Beirut: Dār al-Ma'rifa, 1997), 2:8–12.

the resolution of conflicting texts and the resolution of conflicting norms as two applications of one competence; and requiring that research tasks in Islamic legal subjects state both the legal-positivist and the *uṣūlī* grounds of the argument advanced. The intellectual payoff is that students acquire the capacity to distinguish a criticism directed at a classical formulation from a criticism directed at the objective that formulation serves, which is the central analytical move in contemporary Islamic legal scholarship.

D. A Reconstructed Design

Applying the principles of alignment, distributed practice, and cognitive apprenticeship to the identified gaps yields a design with four features. The first is spiral distribution: methodological work is allocated across the programme rather than concentrated in one course, with each substantive course carrying one research task requiring a specified operation. The cumulative effect is that every operation in the competence profile is practised several times before the thesis, at low stakes, in the context of substantive content the student is already studying.

The second feature is assessment by artefact. In place of a proposal document, methodological assessment takes the form of artefacts that make reasoning visible: a case analysis isolating the operative reasoning of a decision, a norm-conflict memorandum resolving an identified inconsistency, an annotated legal materials inventory justifying inclusion and exclusion, and a counter-argument memorandum stating the strongest objection to the student's own position. Each is short, each targets one operation, and each can be assessed against explicit criteria.¹⁷

The third feature is the visibility of expert reasoning. Students are shown not only finished scholarship but the process of its production: an instructor working through an unfamiliar problem aloud, revising a formulation, discarding a line of argument and explaining why. Cognitive apprenticeship identifies this modelling as the mechanism by which tacit expert procedures become available to novices, and its absence as a principal reason why exposure to exemplary products fails to produce competent performance.¹⁸

The fourth feature is integration of the *uṣūlī* apparatus, achieved by pairing each general methodological operation with its Islamic legal counterpart within the same task rather than in a separate course. This requires coordination between the teachers of *uṣūl al-fiqh* and of methodology, which is an institutional rather than an intellectual obstacle.

Two objections deserve acknowledgement. The first is workload: distributed tasks increase assessment burden on teaching staff. The response is that the burden is not additional but relocated, since the remedial supervision currently required is itself a substantial and unaccounted workload, and short targeted artefacts assessed against explicit criteria are less costly than the diagnosis and repair of a defective thesis. The second objection is that the design presupposes staff capability in the operations themselves. This is correct, and it identifies a precondition rather than a defect: the

¹⁷D. Royce Sadler, "Formative Assessment and the Design of Instructional Systems," *Instructional Science* 18, no. 2 (1989): 119–144.

¹⁸Collins, Brown, and Holum, "Cognitive Apprenticeship," 6–11.

reconstruction requires investment in staff development, and a programme unwilling to make it should not expect the competence to appear in its graduates.

IV. CONCLUSION

This study asked what the regulatory framework requires of programmes with respect to research competence, which features of prevailing methodology instruction obstruct its development, and what design would align instruction with the reasoning operations legal research demands. It found, first, that the framework is permissive rather than prescriptive, so that the conventional single-course design is an institutional choice and not a regulatory obligation. It found, second, that prevailing instruction addresses declarative knowledge about research types while leaving the constitutive reasoning operations to be first performed at the moment of summative assessment, a sequence inconsistent with established evidence on competence development. It found, third, that the separation of *uṣūl al-fiqh* from methodology forfeits an integrative resource distinctive to Islamic higher education.

The theoretical implication is that research competence in law should be analysed as a curriculum design problem governed by alignment and distributed practice, rather than as a function of student disposition or supervisory intensity. The practical implications are a spiral distribution of methodological tasks across the programme, assessment through short artefacts that make reasoning visible, explicit modelling of expert reasoning in progress, and structural integration of *uṣūlī* method into methodological instruction. Further research should test the reconstruction empirically, comparing the quality of reasoning in theses produced under distributed and concentrated designs, and should examine whether integrated *uṣūlī* instruction measurably improves students' capacity to distinguish criticism of a formulation from criticism of its underlying objective.

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