


The Actualization of the Concept of National Fiqh in Building Religious Moderation in Indonesia

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Abstract

This study intends to critically examine and analyze the process of national fiqh actualization in shaping an attitude of religious moderation. Bearing in mind, the problem of unity amidst differences is primary, so it must remain a serious concern to maintain the country's resilience. The research method was qualitative with a library research approach, which collected a variety of relevant literature according to the topic of study. This study concludes that the concept of national fiqh has an orientation to unity and integrity in maintaining national sovereignty wrapped with nationalism. National fiqh's relevance and religious moderation become a mutually reinforcing synergy because national fiqh seeks to build a nationalist humanistic paradigm to reduce differences. Then, the actualization of national fiqh in building Indonesia's religious moderation is the appreciation of the teachings of Islam in a complex and contextualist manner, not merely normative or dogmatic, strengthened by the process of cultivating moderate, fair, tolerant, humanist, ethical, religious, and nationalist attitudes.

Keywords: National jurisprudence; religious moderation; actualization; Indonesia.

Aktualisasi Konsep Fikih Kebangsaan dalam Membangun Moderasi Beragama di Indonesia

Abstrak

Penelitian ini bertujuan mengkaji dan menganalisis secara kritis tentang proses aktualisasi fikih kebangsaan dalam membentuk sikap moderasi beragama. Mengingat masalah persatuan-kesatuan di tengah perbedaan menjadi hal yang primer sehingga harus tetap menjadi perhatian yang serius demi menjaga ketahanan suatu negara. Metode penelitian yang digunakan adalah kualitatif dengan pendekatan studi kepustakaan yakni mengumpulkan berbagai literatur yang relevan sesuai dengan topik kajian. Hasil penelitian ini menyimpulkan bahwa konsep fikih kebangsaan berorientasi pada makna persatuan dan kesatuan dalam menjaga kedaulatan bangsa yang dibungkus dalam sikap nasionalisme. Fikih kebangsaan dan moderasi beragama menjadi sebuah sinergi yang saling terkait. Fikih kebangsaan berusaha membangun paradigma humanistik yang nasionalis yang mampu meredakan perbedaan. Kemudian, aktualisasi fikih kebangsaan dalam membangun sikap moderasi beragama masyarakat Indonesia abad modern ini adalah dengan penghayatan ajaran agama Islam secara kompleks dan kontekstual, bukan sebatas normatif maupun dogmatis. Ini kemudian dikuatkan dengan proses penanaman sikap moderat, adil, toleran, humanis, etis, agamis, serta nasionalis.

Kata Kunci: *Fikih kebangsaan; moderasi beragama; aktualisasi; Indonesia.*

INTRODUCTION

Diversity is God's decree to be accepted by everyone. Diversity is created for unity, not conflict, let alone debate. However, empirically, diversity often becomes a conflict where diversity becomes a gap for hostility. Conflict and hostility are nuanced in religion, ethnicity, race, culture, language, skin colour, and area of

residence¹, even though this diversity is designed by the Almighty religious moderation, not by human desire. Diversity is often used to create conflicts that disrupt stability, security, and peace between humans. There are some groups wanting uniformity. They think that differences should be removed for various reasons. Such thinking is religiously and humanly a mistake. As stated by Charles Kimball, religion often becomes a cause for the emergence of conflicts. In exploring the link between religion and acts of violence committed by religious groups, Kimball uses historical, cultural, and political approaches.² In fact, no religion commands its followers to promote violence.

The birth of the idea of religious moderation is interpreted as an effort to love all existing differences, especially in beliefs.³ Religious conflicts must end because each religion has the right to exist, and its followers are free to practice their religious teachings without the intervention of the followers of other religions.⁴ Religious moderation is an attitude of maturity toward religious diversity in which a person respects others without debating their religious beliefs,⁵ even though doctrinally, every religion claims the truth of their respective religions.

¹ Yoyo Zakaria Ansori, Indra Adi Budiman, and Dede Salim Nahdi, "Islam Dan Pendidikan Multikultural [Islam and Multicultural Education]," *Jurnal Cakrawala Pendas* 5, no. 2 (2019), <https://doi.org/10.31949/jcp.v5i2.1370>.

² Charles Kimball, *When Religion Becomes Evil* (California, US: HarperCollins, 2002), 27.

³ M. Abdul Khaliq Hasan, "Merajut Kerukunan Dalam Keragaman Agama Di Indonesia (Perspektif Nilai-Nilai Al-Quran) [Knitting Harmony in Religious Diversity in Indonesia (Perspective of Al-Quran Values)]," *Profetika: Jurnal Studi Islam* 14, no. 1 (2016): 66–77, <https://doi.org/10.23917/profetika.v14i1.2008>.

⁴ Gina Lestari, "Bhinneka Tunggal Ika: Khasanah Multikultural Indonesia Di Tengah Kehidupan Sara [Bhinneka Tunggal Ika: Indonesia's Multicultural Treasure in the Middle of Sara's Life]," *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan* 28, no. 1 (2016), <https://doi.org/10.17977/jppkn.v28i1.5437>.

⁵ Agus Akhmadi, "Moderasi Beragama Dalam Keragaman Indonesia [Religious Moderation in Indonesia's Diversity]," *Inovasi-Jurnal Diklat Keagamaan* 13, no. 2 (2019): 45–55, <https://bdksurabaya.e-journal.id/bdksurabaya/article/view/82>.

Thus, a mature attitude is needed to reduce the tension between religious beliefs and respect without disturbing and blaming the followers of other religions.⁶ The diversity of religious beliefs has become God's decree that must be accepted with a tolerant attitude and no need a fuss about it.⁷ Let the issue of belief be God's business so that humans do not interfere in judging others' beliefs. Islam, for example, was revealed as a religion of compassion (*rahmah*) for the universe, not only for Muslims.⁸ This belief emphasizes that Islam is a religion of peace. Islam is not a religion of division but upholds unity, humanity, and brotherhood amidst differences.⁹

Unity is needed to build a nation. A nation cannot have only one religion or race/ethnicity, even if that country makes a religion the basis of the state. This belief emphasizes the fact that humans cannot be separated from differences. For example, the Medina state built by the Prophet Muhammad did not only contain people who were Muslim. It also did not have only one tribe.¹⁰ Therefore, the strength and progress of a country depend on the togetherness of its people. When people help each other (*ta'awun*), uphold justice (*i'tidal*), respect each other (*tasamuh*), trust each other (*amanah*), be wise to each other

⁶ Mohamad Fahri and Ahmad Zainuri, "Moderasi Beragama Di Indonesia [Religious Moderation in Indonesia]," *Intizar* 25, no. 2 (2019): 95–100, <https://doi.org/10.19109/intizar.v25i2.5640>.

⁷ Yitzhak Y. Melamed, "Why Spinoza Is Not an Eleatic Monist (Or Why Diversity Exists)," in *Spinoza on Monism*, ed. Philip Goff (London, UK: Palgrave, 2011).

⁸ Mohammad Elius et al., "Islam as a Religion of Tolerance and Dialogue: A Critical Appraisal," *Journal for the Study of Religions and Ideologies* 18, no. 52 (2019): 96–109, <http://jsri.ro/ojs/index.php/jsri/article/view/1041>.

⁹ Muhammad Hifdil Islam, "Tolerance Limitation in Facing Religious Diversity Based on the Teaching of Islam," *Nazhruna: Jurnal Pendidikan Islam* 3, no. 1 (2020): 1–13, <https://doi.org/10.31538/nzh.v3i1.483>.

¹⁰ Zakaria Zakaria, "Manajemen Dakwah Rasulullah Dalam Menanamkan Sikap Moderasi Beragama Umat Islam Di Madinah [Management of the Prophet's Da'wah in Instilling Religious Moderation in Muslims in Medina]," *Jurnal Manajemen Dakwah* 7, no. 1 (2019), <https://doi.org/10.15408/jmd.v7i1.19979>.

(*wasathiyah*) and respect honesty-truth (*sadidan-shadiqun*)¹¹, then a safe, peaceful, advanced and prosperous life will be established.¹²

One way to foster a sense of oneness and unity is by developing national *fiqh* (jurisprudence), namely by instilling a sense of love for the homeland amid existing differences. Citizens are directed to live tolerantly and not worry about differences because it can damage unity and weaken the country. Due to failing to manage differences, several countries have crumbled.¹³ National *fiqh* was initiated to respond to intolerant attitudes still growing and developing in Indonesia.¹⁴ These intolerant attitudes will lead citizens to extreme and radical attitudes, even encouraging them to become terrorists.¹⁵ Terrorism movements in Indonesia show that terrorism has a relationship with intolerant religious attitudes. We can see this in the

¹¹ Toto Suharto, "Indonesianisasi Islam: Penguatan Islam Moderat Dalam Lembaga Pendidikan Islam Di Indonesia [Indonesianization of Islam: Strengthening Moderate Islam in Islamic Educational Institutions in Indonesia]," *Al-Tahrir: Jurnal Pemikiran Islam* 17, no. 1 (2017): 155–78, <https://doi.org/10.21154/altahrir.v17i1.803>.

¹² Khalil Nurul Islam, "Moderasi Beragama di Tengah Pluralitas Bangsa: Tinjauan Revolusi Mental Perspektif Al-Qur'an [Religious Moderation in the Midst of National Plurality: An Overview of the Mental Revolution from the Al-Qur'an Perspective]," *KURIOSITAS: Media Komunikasi Sosial dan Keagamaan* 13, no. 1 (2020), <https://doi.org/10.35905/kur.v13i1.1379>.

¹³ Moh Dahlan, "Implementasi Ajaran Fikih Kebangsaan Ala Joko Widodo [Implementation of Joko Widodo's National Jurisprudence Teachings]," *JURNAL ILMIAH MIZANI: Wacana Hukum, Ekonomi, dan Keagamaan* 1, no. 1 (2014), <https://doi.org/10.29300/mzn.v1i1.48>.

¹⁴ Miftakhul Arif, "Fikih Kebangsaan: Telaah Pemikiran Abdul Wahab Chasbullah Tentang Kemerdekaan Dan Persatuan Indonesia [National Jurisprudence: An Analysis of Abdul Wahab Chasbullah's Thoughts on Indonesian Independence and Unity]" (Ph.D. thesis, Surabaya, UIN Sunan Ampel Surabaya, 2020), <https://digilib.uinsby.ac.id/45524/>.

¹⁵ Idi Warsah, Dewi Cahyani, and Rahmi Pratiwi, "Islamic Integration and Tolerance in Community Behaviour; Multiculturalism Model in The Rejang Lebong District," *Khatulistiwa* 9, no. 1 (2019): 15–29, <https://doi.org/10.24260/khatulistiwa.v9i1.1269>.

Bali bombings,¹⁶ church bombings,¹⁷ and bombings at other places of worship.¹⁸ Terror attacks are carried out in the name of religion (Islam) with the excuse of jihad in the way of Allah. By killing infidels (non-Muslims), they think they are doing jihad. They also believe that the suicide bomber died as a martyr. Such understanding and action have no legal basis in Islam.¹⁹

The series of events above require a moderate attitude toward religion for the pluralistic Indonesian society to eliminate conflicts and tensions between religious communities. Religious moderation through the actualization of national *fiqh* is expected to change the paradigm of Muslims to become moderate, tolerant, and pluralist so

¹⁶ Husein Abdulsalam, “Bom Bali 2002: Kebiadaban Teroris dan Duka Para Korban [2002 Bali Bombings: The Outrage of Terrorists and the Grief of the Victims],” HTML, [tirto.id](https://tirto.id/bom-bali-2002-kebiadaban-teroris-dan-duka-para-korban-c5GL), October 12, 2018, <https://tirto.id/bom-bali-2002-kebiadaban-teroris-dan-duka-para-korban-c5GL>.; Muhammad Syaiful Ibad and Thomas Nugroho Aji, “Bom Bali 2002 [2002 Bali Bombing],” *Avatara* 9, no. 1 (2020), <https://jurnalmahasiswa.unesa.ac.id/index.php/29/article/view/34379>; Muhammad Subhan, Hermini Susiatiningsih, and Fendy Eko Wahyudi, “Pergeseran Orientasi Gerakan Terorisme Islam Di Indonesia (Studi Terorisme Tahun 2000-2015) [Shifting Orientation of the Islamic Terrorism Movement in Indonesia (2000-2015 Terrorism Study)],” *Journal of International Relations* 2, no. 4 (2016): 59–67, <https://doi.org/10.14710/jirud.v2i4.13409>.

¹⁷ August Corneles Tamawiyw, “Bom Surabaya 2018: Terorisme Dan Kekerasan Atas Nama Agama [Surabaya Bombing 2018: Terrorism and Violence in the Name of Religion],” *GEMA TEOLOGIKA: Jurnal Teologi Kontekstual Dan Filsafat Keilahian* 4, no. 2 (2019): 175–94, <https://doi.org/10.21460/gema.2019.42.443>; Abd Halim and Abdul Mujib Adnan, “Problematisa Hukum Dan Ideologi Islam Radikal (Studi Bom Bunuh Diri Surabaya) [Legal Problems and Radical Islamic Ideology (Surabaya Suicide Bombing Study)],” *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 2, no. 1 (2018): 31–61, <https://doi.org/10.30659/jua.v2i1.3572>.

¹⁸ H. M. S. Urip Widodo, “Teror Bom Buku di Jakarta: Peran Polri dalam Penanganan Terorisme di Indonesia [Book Bomb Terror in Jakarta: The Role of the Police in Handling Terrorism in Indonesia],” *Jurnal Keamanan Nasional* 2, no. 2 (2016): 241–68, <https://doi.org/10.31599/jkn.v2i2.48>; Debora Sanur, “Bom Samarinda: Kinerja Intelijen Dan Program Deradikalisasi [The Samarinda Bomb: Performance of Intelligence and Deradicalization Program],” *Info Singkat: Pusat Pengkajian Pengolahan Data dan Informasi* 8, no. 22 (2016): 17–20, https://berkas.dpr.go.id/puslit/files/info_singkat/Info%20Singkat-VIII-22-II-P3DI-November-2016-43.pdf.

¹⁹ Abdul Muis Naharong, “Terorisme Atas Nama Agama [Terrorism in the Name of Religion],” *Refleksi* 13, no. 5 (2013): 593–622, <https://doi.org/10.15408/ref.v13i5.915>.

that they can prioritize social interests, humanity, and the progress of the country universally.²⁰

RESEARCH METHOD

This study is a qualitative research based on literature study.²¹ This study examines the literature related to Islamic law and nationality from various perspectives. This study also analyzes a number of cases related to religious practices and their relationship to national issues. Data were collected from various sources, especially online academic databases and also the news media. The data was analyzed using the interactive model of qualitative data analysis.²²

RESULTS AND DISCUSSION

The Concept of National *Fiqh*

National *fiqh* is a fundamental step to instil the national aspect of the Indonesian people. This is in line with the mission of Islam, which is to maintain unity and integrity and avoid division.²³ This unity is framed in the concept of nationality, meaning that citizens are not

²⁰ Muhammad Sahal, Akhmad Arif Musadad, and Muhammad Akhyar, "Tolerance in Multicultural Education: A Theoretical Concept," *International Journal of Multicultural and Multireligious Understanding* 5, no. 4 (2018): 115–22, <https://doi.org/10.18415/ijmmu.v5i4.212>; Puspo Nugroho, "Internalization of Tolerance Values in Islamic Education," *Nadwa: Jurnal Pendidikan Islam* 12, no. 2 (2019): 197–228, <https://doi.org/10.21580/nw.2018.12.2.2397>; Universitas Islam Negeri Maulana Malik Ibrahim, Indonesia and M.Ag Farid Hasyim, "Islamic Education With Multicultural Insight An Attempt of Learning Unity in Diversity," *Global Journal Al Thaqafah* 6, no. 2 (2016): 47–58, <https://doi.org/10.7187/GJAT11320160602>.

²¹ N. Fabb, "Language and Literature," in *International Encyclopedia of the Social & Behavioral Sciences*, ed. Neil J. Smelser and Paul B. Baltes (Oxford: Pergamon, 2001), 8292–97, <https://doi.org/10.1016/B0-08-043076-7/03063-1>.

²² Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, Third Edition (California: SAGE Publications, Inc., 2014).

²³ Masnun Tahir, "Wacana Fikih Kebangsaan Dalam Penanggulangan Dan Pencegahan Radikalisme Di Lingkungan Kampus Di NTB [Discourse on National Jurisprudence in Combating and Preventing Radicalism in Campus Environments in NTB]," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 49, no. 2 (2015): 298–314, <https://doi.org/10.14421/ajish.2015.49.2.298-314>.

separated by the difference in religion, race, and ethnicity. Unity is also the purpose of Islam as a religion full of love for all of God's creatures.²⁴ In Aek Badak Julu, Sayur Matinggi, South Tapanuli Regency, North Sumatra, there was once a conflict based on ethnicity, religion, race, and group (SARA). This case emerged in 2016. At first, inter-religious activities in Aek Badak Julu went well. However, the emergence of public unrest began with a post on Facebook that insulted a group of a particular religion. This post sparked the anger of the residents. Friction between residents ensued, and throwing stones at each other was inevitable. The attack was dispersed by the South Tapanuli Police and Dandim 0212/TS. The riots between Muslims and non-Muslims caused four victims to be injured and some houses damaged.

The concept of mercy and unity strengthens human life amidst differences. This concept is beneficial for strengthening the nation and the state. Thus, human life will progress and be harmonious and prosperous away from SARA conflicts.²⁵ A strong nation cannot be supported only by a political system and leadership alone but also by its people. They are the real power of the state, as is believed in democracy (from people, by people, and for people).²⁶

National *fiqh* seeks to provide legislation on nationality to embody a harmonious, safe and peaceful life. In this condition, the

²⁴ Syaikhul Islam Ali, *Kaidah Fikih Politik: Pergulatan Pemikiran Politik Kebangsaan Ulama [The Rules of Political Jurisprudence: The Struggle of Ulama's National Political Thought]*, (Sidoarjo, Indonesia: Yayasan Bumi Shalawat Progresif, 2018).

²⁵ Juni Erpida Nasution, "Pendidikan Islam Dan Pembentukan Masyarakat Madani [Islamic Education and the Formation of Civil Society]," *Madania: Jurnal Ilmu-Ilmu Keislaman* 6, no. 2 (2016): 134–60, <https://doi.org/10.24014/jiik.v6i2.4819>.

²⁶ Hayat Hayat, "Keadilan sebagai Prinsip Negara Hukum: Tinjauan Teoritis dalam Konsep Demokrasi [Justice as a Rule of Law Principle: A Theoretical Review in the Concept of Democracy]," *Padjadjaran Jurnal Ilmu Hukum (journal of Law)* 2, no. 2 (2015), <http://jurnal.unpad.ac.id/pjih/article/view/7335>.

people are far from various conflicts and do not mind the differences.²⁷ It means that love for the homeland is part of religious orders that all Indonesians must carry out. People become nationalistic by implementing the Constitution and religion at the same time. Such an understanding is what was deliberately built in national *fiqh*.

Defending and loving the country are an absolute requirement to maintain its existence. For that reason, legal and religious evidence is needed²⁸ so people, especially Muslims, are more convinced that nationalism is in line with Islamic law. Moreover, national *fiqh* emerged as a response to the emergence of radical ideas, intolerant movements, and other various extreme ideologies that have the potential to spread hatred and hostility where Islam and other religions in Indonesia do not teach such things. Islam does not command enmity between religions and killing people who are not of the same religion.²⁹

²⁷ M. Ali Haidar, *Nahdatul Ulama Dan Islam Di Indonesia: Pendekatan Fikih Dalam Politik [Nahdatul Ulama and Islam in Indonesia: Fiqh Approaches in Politics]* (Jakarta: Gramedia Pustaka Utama, 1994); Umi Musaropah, "Pendidikan Kebangsaan Dalam Pesantren Perspektif Abdul Wahid Hasyim [National Education in the Perspective of Abdul Wahid Hasyim . Islamic Boarding School]," *Ulumuddin: Jurnal Ilmu-Ilmu Keislaman* 9, no. 1 (2019): 1–22, <https://doi.org/10.47200/ulumuddin.v9i1.284>.

²⁸ Afsaneh Najmabadi, "The Erotic Vatan [Homeland] as Beloved and Mother: To Love, to Possess, and To Protect," *Comparative Studies in Society and History* 39, no. 3 (1997): 442–67, <https://www.jstor.org/stable/179155>; M. Alifudin Ikhsan, "Nilai - Nilai Cinta Tanah Air Dalam Perspektif Al-Qur'an [Values of Love for the Motherland in the Perspective of the Qur'an]," *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan* 2, no. 2 (2017): 108–14, <http://journal2.um.ac.id/index.php/jppk/article/view/2570>.

²⁹ Machfud Syaefuddin, "Gerakan Dakwah Cinta Tanah Air Indonesia (strategi Dan Metode Dakwah Kh. Habib Luthfi Pekalongan) [Indonesian Love of the Homeland Da'wah Movement (Dakwah Strategies and Methods of Kh. Habib Luthfi Pekalongan)]," *Jurnal Ilmu Dakwah* 37, no. 2 (2018): 215–46, <https://doi.org/10.21580/jid.v37.2.2706>; Maragustam, "Strategi Pembentukan Karakter Spiritualitas Keagamaan Dan Cinta Tanah Air Dalam Perspektif Filsafat Pendidikan Islam [Strategies for Building the Character of Religious Spirituality and Love of the Homeland in the Philosophy Perspective of Islamic Education]," *DAYAH: Journal of Islamic Education* 4, no. 1 (2021): 1–22, <https://doi.org/10.22373/jie.v4i1.7122>.

National *fiqh* is oriented towards a sense of justice, humanity, equality, togetherness, and mutual help.³⁰ This confirms that Islam is a humanistic religion besides a spiritual and moral religion. Thus, Muslims should understand that Islam does not only focus on issues of divinity and spirituality but also must pay attention to moral issues (ethics) to Allah, oneself, nature, and others.³¹ Focusing on the spiritual and moral aspects alone is not enough. Religious people must also pay attention to social problems in particular and the nation in general.³² These social and national issues are a shared responsibility. Therefore, religious people do not seem inclusive, selfish, and indifferent to social problems.³³

Thus, the concept of national *fiqh* is oriented to aspects of unity, togetherness (*gotong royong*), justice, and democracy which can strengthen national sovereignty. In addition, this concept implies that the humanistic³⁴ aspect is an important aspect in building the strength

³⁰ Fauzi Almubarak, "Keadilan Dalam Perspektif Islam [Justice in Islamic Perspective]," *ISTIGHNA: Jurnal Pendidikan Dan Pemikiran Islam* 1, no. 2 (2018): 115–43, <https://doi.org/10.33853/istighna.v1i2.6>; Achmad Hidayat and Zaenal Arifin, "Narasi Fikih Kebangsaan Di Pesantren Lirboyo [Narrative of National Jurisprudence at the Lirboyo Islamic Boarding School]," *Intelektual: Jurnal Pendidikan Dan Studi Keislaman* 10, no. 3 (2020): 315–28, <https://doi.org/10.33367/ji.v10i3.1491>.

³¹ Muhammad Nuh Muhammad Nuh, "Islam, Nilai Sosial, Sikap Keberagamaan Di Tengah Problem Kebangsaan [Islam, Social Values, Religious Attitudes Amid National Problems]," *Politika: Jurnal Ilmu Politik* 5, no. 2 (2015): 60–65, <https://doi.org/10.14710/politika.5.2.2014.60-65>.

³² Syaiful Anwar and Rifda El Fiah, "Urgensi Pengembangan Kurikulum Pendidikan Islam Berwawasan Kebangsaan [The Urgency of Developing a National Islamic Education Curriculum]," *Akademika: Jurnal Pemikiran Islam* 23, no. 2 (2018): 435–54, <https://ejournal.metrouniv.ac.id/index.php/akademika/article/view/1246>.

³³ Sagaf S. Pettalongi, "Islam Dan Pendidikan Humanis Dalam Resolusi Konflik Sosial [Islam and Humanist Education in Social Conflict Resolution]," *Jurnal Cakrawala Pendidikan*, no. 2 (2013), <https://doi.org/10.21831/cp.v0i2.1474>.

³⁴ Suprihatin Suprihatin, "Pendekatan Humanistik Dalam Pengembangan Kurikulum Pendidikan Agama Islam [Humanistic Approach in Developing Islamic Religious Education Curriculum]," *POTENSIA: Jurnal Kependidikan Islam* 3, no. 1 (2017): 82–104, <https://doi.org/10.24014/potensia.v3i1.3477>; Yushinta Eka Farida, "Humanisme Dalam Pendidikan Islam [Humanism in Islamic Education]," *Tarbawi: Jurnal Pendidikan Islam* 12, no. 1 (2015), <https://doi.org/10.34001/tarbawi.v12i1.306>; Saifullah Idris and Tabrani Za, "Realitas

of the nation-state so that it can stem conflicts, divisions, and other threats.

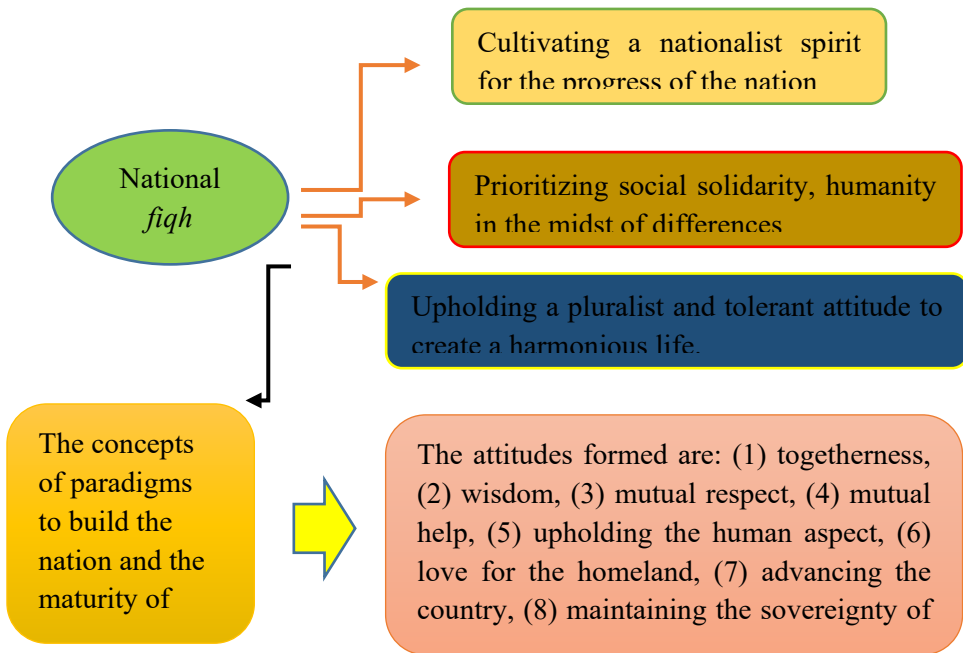


Figure 1. scheme of national *fiqh* concepts

National *Fiqh* and Religious Moderation

The study of national *fiqh* focuses on the concept of nationalism without questioning the existing differences. The orientation of national *fiqh* is to form a society that emphasizes harmony amid differences in advancing the nation.

Religious moderation is a paradigm that wants to realize that inter-religious life is always harmonious and united to build the

Konsep Pendidikan Humanisme Dalam Konteks Pendidikan Islam [The Reality of the Concept of Humanism Education in the Context of Islamic Education],” *JURNAL EDUKASI: Jurnal Bimbingan Konseling* 3, no. 1 (2017): 96–113, <https://doi.org/10.22373/je.v3i1.1420>.

country for mutual progress and achieve universal prosperity.³⁵ Religious moderation is interpreted as an adult attitude to respect other people's beliefs, namely by assuming that religious differences have become a necessity from God that no longer needs to be debated, let alone become a conflict.³⁶

National *fiqh* and religious moderation have a close relationship in forming a moderate paradigm, love for unity, the sovereignty of the homeland, and tolerance.³⁷ National *fiqh* and religious moderation teach how to be a good, balanced and pious human being in line with religious orders. Religion is the keyword to educate humans to become mature and responsible for being God's creatures (*'abdullah*) and the *caliph*.³⁸

Being the keyword means that theoretically and historically, religion has commanded humans to love their homeland and ordered them to respect differences.³⁹ However, strengthening is needed by embodying it into the concept of national *fiqh* and religious

³⁵ Edy Sutrisno, "Aktualisasi Moderasi Beragama Di Lembaga Pendidikan [The Actualization of Religious Moderation in Educational Institutions]," *Jurnal Bimas Islam* 12, no. 2 (2019): 323–48, <https://doi.org/10.37302/jbi.v12i2.113>.

³⁶ Kasinyo Harto and Tastin Tastin, "Pengembangan Pembelajaran Pai Berwawasan Islam Wasatiyah: Upaya Membangun Sikap Moderasi Beragama Peserta Didik [The Development of Wasatiyah Islamic Insights Pie Learning: Efforts to Build Students' Religious Moderation Attitudes]," *At-Ta'lim: Media Informasi Pendidikan Islam* 18, no. 1 (2019): 89–110, <https://doi.org/10.29300/attalim.v18i1.1280>.

³⁷ Ahmad Muzakki, "Pemikiran Fiqh Dan Tasawwuf Syekh Muhammad Nawawi Banten Dan Pengaruhnya Terhadap Moderasi Beragama Dan Perdamaian [Sheekh Muhammad Nawawi Banten's Fiqh and Sufism Thinking and Their Effect on Religious Moderation and Peace]," *LISAN AL-HAL: Jurnal Pengembangan Pemikiran Dan Kebudayaan* 14, no. 2 (2020): 381–98, <https://doi.org/10.35316/lisanalhal.v14i2.770>.

³⁸ Edi Junaedi, "Inilah Moderasi Beragama Perspektif Kemenag [This Is Religious Moderation from the Perspective of the Ministry of Religion]," *Harmoni* 18, no. 2 (2019): 182–86. <https://jurnalharmoni.kemenag.go.id/index.php/harmoni/article/view/414>.

³⁹ Arifuddin Tike, "Dakwah Dan Tuduhan Islam Sebagai Agama Teroris [Da'wah and accusations of Islam as a terrorist religion]," *Jurnal Al-Khitabah* 2, no. 1 (2015), <https://journal.uin-alauddin.ac.id/index.php/Al-Khitabah/article/view/2575>.

moderation. It is necessary to strengthen Muslims' understanding that Islam commands them to love their homeland and differences.

National *fiqh* and religious moderation need to be built and developed, considering that many Muslims themselves conflict with fellow Muslims only because of the branch (*furu'iyah*) issues in religion. Unfortunately, until now, Muslims still focus on these issues so that macro cases are not even considered. Macro problems include, for example, poverty and backwardness in science and technology, humanity, justice, welfare, economy, and education. Such problems are what the writers mean. These prove that Muslims in Indonesia are still far from being mature.⁴⁰

Various conflicts between religions, ethnicities, and sects in one country are obstacles to building unity in humanity.⁴¹ The emergence of the idea of "the theology of humanity" is proof that it is time for the Indonesians to be educated, nurtured, and guided to prioritize togetherness. The idea of *ummah* theology emphasizes that we have to protect and uphold human values. The goal is not to hurt, insult, make fun of, and kill each other just because of differences.

National *fiqh* becomes a barometer for the success of the idea of *ummah* theology.⁴² It can even be directed to become a national theology. This means that faith in God becomes a macro problem. At the same time, social relations between God's creatures must also become a macro issue.⁴³ This happens because divinity and humanity

⁴⁰ Mujamil Qomar, *Moderasi Islam Indonesia [Indonesian Islamic Moderation]* (Yogyakarta, Indonesia: IRCISOD, 2021).

⁴¹ Firdaus M. Yunus, "Konflik Agama di Indonesia Problem dan Solusi Pemecahannya [Religious Conflicts in Indonesia Problems and Solutions to Solve them]," *Substantia: Jurnal Ilmu-Ilmu Ushuluddin* 16, no. 2 (2014): 217–28, <https://doi.org/10.22373/substantia.v16i2.4930>.

⁴² Muh Subair, "Ideologi Kebangsaan Dalam Pembelajaran Kitab Kuning Di Pesantren Pkp Manado [National Ideology in Learning the Yellow Book at the Manado Pkp Islamic Boarding School]," *Al-Qalam* 25, no. 1 (2019): 59–76, <https://doi.org/10.31969/alq.v25i1.696>.

⁴³ Tamrin Kamal, "Urgensi Studi Teologi Sosial Islam [The Urgency of Islamic Social Theology Study]," *Al-Hikmah: Jurnal Dakwah dan Ilmu Komunikasi*, no. 0 (2019): 22–38,

are humans' responsibilities as servants and representatives of Allah.⁴⁴ With this concept, religious moderation can be applied and developed.

Muslims in Indonesia still focus on the theological aspect. Through this aspect, they believe that the path of heaven will be reached smoothly. The human aspect is also an important thing to pay attention to. Being kind, loving, and helping each other are also religious orders.⁴⁵ Islamic law requires such a thing as evidence that the human aspect is essential in life.

Humanity upheld by ethics and religious norms will produce the beauty of life, tranquillity, and togetherness so that it is far from conflicts that divide the unity.⁴⁶ This is the urgency of developing national *fiqh* and religious moderation. Once again, this is not a matter that must be legalized normatively and textually not to trigger confusion in the Muslim world. It means that the idea of national *fiqh* and religious moderation represents the contextual meaning of Islam. Because if Islam is interpreted textually, there will be stagnation, and

<https://doi.org/10.15548/al-hikmah.v0i0.520>; Febri Hijroh Mukhlis, "Teologi Pancasila: Teologi Kerukunan Umat Beragama [Pancasila Theology: Theology of Religious Harmony]," *Fikrah* 4, no. 2 (2016): 171–86, <https://journal.iainkudus.ac.id/index.php/Fikrah/article/view/1885>; Syahrin Harahap, *Teologi Kerukunan [Concord Theology]* (Rawamangun, Jakarta: Prenada, 2011).

⁴⁴ Wawan Hernawan, *Teologi K.H. Abdul Halim ikhtiar melacak akar-akar pemikiran teologi Persatuan Ummat Islam (PUI) [Theology of K.H. Abdul Halim endeavors to trace the theological roots of the United Muslim Ummah (PUI)]* (Bandung: LP2M UIN Sunan Gunung Djati Bandung, 2020), <http://digilib.uinsgd.ac.id/30948/>; Irhamni Irhamni, "Rasionalitas Dan Tekstualis Dalam Teologi Islam [Rationality and Textualism in Islamic Theology]," *JURNAL MIMBAR AKADEMIKA* 1, no. 1 (2017): 78–95, <https://mimbarakademika.com/index.php/jma/article/view/05>.

⁴⁵ Yusran Yusran, "Amal Saleh: Doktrin Teologis dan Sikap Sosial [Amal Saleh: Theological Doctrine and Social Attitudes]," *Jurnal Al Adyaan; Jurnal Sosial dan Agama* 1, no. 02 (2015), <https://journal.uin-alauddin.ac.id/index.php/adyan/article/view/1338>.

⁴⁶ Nur Said, "Teologi Islam Kontekstual - Transformatif [Contextual Islamic Theology - Transformative]," *FIKRAH* 1, no. 1 (2013), <https://doi.org/10.21043/fikrah.v1i1.307>; Muhajirin Muhajirin, "Teologi Islam Kontekstual: Kajian Pemikiran Teologi Islam Abdurrahman Wahid [Contextual Islamic Theology: A Study of Abdurrahman Wahid Islamic Theology Thought]" (Master thesis, Universitas Islam Negeri Alauddin Makassar, 2013), <http://repositori.uin-alauddin.ac.id/2879/>.

the development of new ideas in Islam will be hampered. Finally, Islam will no longer be able to answer the challenges of human life.⁴⁷

Understanding Islam contextually is vital to dissecting the meaning of the words of God and His Apostle in religious texts.⁴⁸ Understanding religion textually will make people worship the religious texts. As a result, people who use this approach will easily accuse people who do not share their views. Therefore, the religious orders contained in the Qur'an and hadith need to be understood and interpreted contextually. Various approaches must be used to get the correct conclusions and align with time dynamics and the community's needs.

Therefore, national *fiqh* and religious moderation are evidence that Islam can be studied contextually with various interdisciplinary approaches. Furthermore, the concept of connectedness (*munasabah*) must indeed be carried out to explore an appropriate product that can be used to solve the problems of society and the nation.⁴⁹ From this, we can conclude that national *fiqh* and religious moderation have a relationship in building national unity by upholding human values.⁵⁰

⁴⁷ Amri Syarif Hidayat, "Membangun Dimensi Baru Dakwah Islam: Dari Dakwah Tekstual Menuju Dakwah Kontekstual [Building a New Dimension of Islamic Da'wah: From Textual Da'wah To Contextual Da'wah]," *Jurnal Dakwah Risalah* 24, no. 2 (2013): 1–15, <https://doi.org/10.24014/jdr.v24i2.10>.

⁴⁸ Asep Hedi Turmudi, "Sejarah Pemikiran Ushul Fiqh (Menuju Metode Penemuan Hukum Islam Kontekstual) [History of Usul Fiqh Thought (Towards Methods of Discovery of Contextual Islamic Law)]," *Foramadiahi: Jurnal Kajian Pendidikan Dan Keislaman* 11, no. 2 (2019): 213–24, <https://doi.org/10.46339/foramadiahi.v11i2.205>; Muhammad Anshori, "Geneologi Hermeneutika Hukum Islam (Fikih Kontekstual 'Umar Bin Al-Khaṭṭāb)[Geneology of Islamic Law Hermeneutics (Contextual Jurisprudence 'Umar Bin Al-Khaṭṭāb)]," *Asy Syar'iyah: Jurnal Ilmu Syari'ah Dan Perbankan Islam* 5, no. 1 (2020): 52–83, <https://doi.org/10.32923/asy.v5i1.1363>.

⁴⁹ Ahmad Arifi, "Dinamika Fikih Pola Mazhab: Kontekstualisasi Bermazhab dalam Fikih NU [Fiqh Dynamics of School Patterns: Contextualization of Schools in NU Fiqh]," *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* 43, no. 1 (2009), <https://doi.org/10.14421/ajish.2009.43.1.%p>.

⁵⁰ Fathorrahman Fathorrahman, "Kontruksi Pemikiran Fikih Sosial Kh. Ali Yafie Dalam Merespons Program Pemerintah Di Era Orde Baru [Construction of Social Jurisprudence Thought Kh. Ali Yafie in Responding to Government Programs in the New Order Era]," *Kodifikasia:*

Human values will be in line with *maqashid sharia* principles. They can also become a guide in determining the law in *fiqh*.⁵¹ This concept emphasizes that Islam is not only based on spiritual and moral issues but also social, political, economic, cultural, educational, and humanitarian issues.⁵² Thus, national *fiqh* becomes a barometer for Muslims in actualizing Islamic teachings.

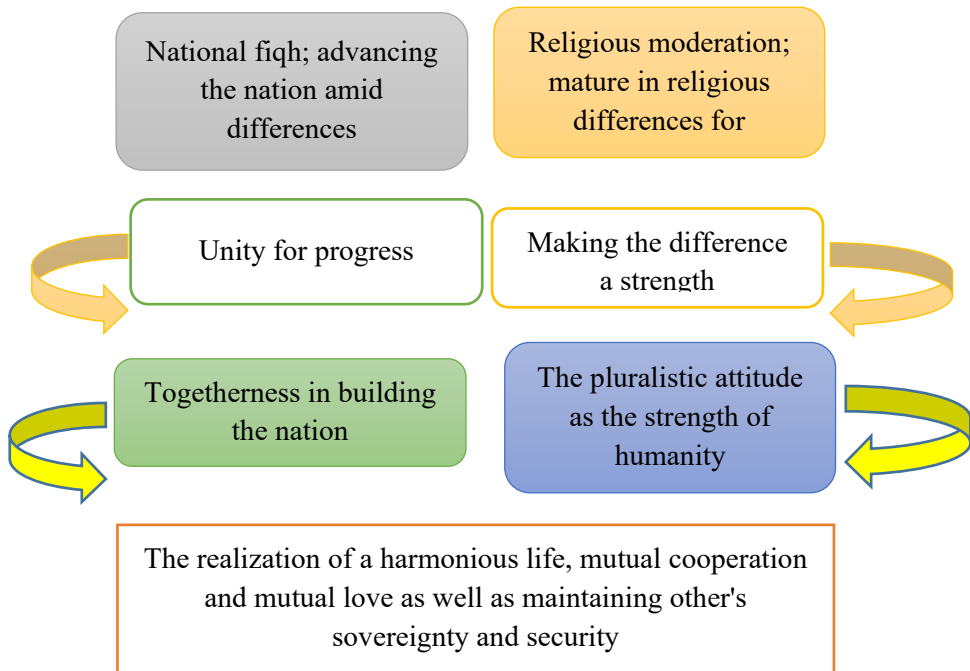


Figure 2. Scheme of the relationship between national fiqh and the concept of religious moderation

Jurnal Penelitian Islam 14, no. 1 (2020): 123–46, <https://doi.org/10.21154/kodifikasia.v14i1.1964>.

⁵¹ Muhammad Ngizzul Muttaqin and Iffatin Nur, “Fiqh Jalan Tengah (Mempertemukan Maqashid Syari’ah, Hukum, Dan Realitas Sosial) [Fiqh of the Middle Way (Bringing Together Maqashid Shari’ah, Law, and Social Reality)],” *Zawiyah: Jurnal Pemikiran Islam* 5, no. 2 (2019): 197–217, <https://doi.org/10.31332/zjpi.v5i2.1509>.

⁵² Nasrulloh Nasrulloh, “Tajdid Fiqh Dari Konservatif Tekstual Menuju Fiqh Progressif Kontekstual [Tajdid Fiqh From Conservative Textual To Progressive Contextual Fiqh],” *De Jure: Jurnal Hukum Dan Syar’iah* 6, no. 1 (2014), <https://doi.org/10.18860/j-fsh.v6i1.3189>.

The Actualization of National *Fiqh* in Building Religious Moderation in the Life of Indonesian Society

The actualization of national *fiqh* in building religious moderation in Indonesia is a strategic step to stem radical, extreme, intolerant, and terrorist movements that can break Indonesian unity. We know there are many steps to strengthen unity.⁵³ However, the solution is how to reconstruct Islamic teachings within the framework of nationality and religious moderation⁵⁴ so that the nuances of humanity, equality, justice, togetherness, and love for the homeland are felt in the lives of people, especially Muslims in Indonesia.⁵⁵

The onslaught of the era of globalization has made human life filled with technological sophistication, which is rapidly growing. In addition, the Indonesian Muslim community loves to follow western culture even though this culture has deviated from Islamic principles and also eastern ethics.⁵⁶ The trend of western culture adopted and consumed by the Indonesian people is proof that religion is fading and even buried by the hedonistic-materialistic paradigm.⁵⁷ It brings society to a spiritual, moral, and social crisis.

⁵³ Muh Haras Rasyid. "Aktualisasi Nilai-nilai Tasamuh dalam Kehidupan Politik di Indonesia [The Actualization of Tasamuh Values in Political Life in Indonesia]" *Ash-Shahabah* 5, no. 2 (2019): 171-180. <http://journal-uim-makassar.ac.id/index.php/ASH/article/view/262>.

⁵⁴ Muhammad Iqbal, "Urgensi Civic Education Dalam Membangun Budaya Demokrasi Menuju Masyarakat Madani Indonesia: Sebuah Pendekatan Fiqh Siyasah [The Urgency of Civic Education in Building a Culture of Democracy Towards Indonesian Civil Society: An Approach to Fiqh Siyasah]," *JURIS (Jurnal Ilmiah Syariah)* 14, no. 1 (2016): 1–11, <https://doi.org/10.31958/juris.v14i1.292>.

⁵⁵ Nashrun Jauhari, "Fiqh Prioritas Sebagai Instrumen Ijtihād Maqâṣidī Perspektif Yûsuf Al-Qarâḍawî Dan Urgensinya Di Era Kontemporer [Priority Fiqh as an Instrument of Ijtihād Maqâṣidī Yûsuf al-Qarâḍawî's Perspective and Its Urgency in the Contemporary Era]," *Maraji: Jurnal Ilmu Keislaman* 3 (2016): 132–62, <https://doi.org/10.36835/maraji.v3i1.65>.

⁵⁶ Rasyidin Muhammad, "Islam Dan Globalisasi [Islam and Globalization]," *At-Taḥkir* 10, no. 1 (2017): 1–15, <https://journal.iainlangsa.ac.id/index.php/at/article/view/229>.

⁵⁷ Kausar As, "Islam Dalam Globalisasi : Tantangan Agama Dalam Manajemen Keutuhan Umat [Islam in Globalization: Religious Challenges in Management of the Integrity of the

The solution to strengthening the spiritual, moral, and social aspects of the Indonesians can be done by applying the concept of national *fiqh*. This concept is expected to realize a moderate attitude in religion so that they can enjoy the progress of time without being busy in conflicts due to differences.⁵⁸ The actualization of national *fiqh* is a peaceful solution⁵⁹ to reconcile various beliefs, ideologies, cultures, and beliefs in Indonesia to build the country, alleviate various social,⁶⁰ economic, educational, and political problems, and strengthen social solidarity.⁶¹

The process of uniting differences will be realized so that life can run in peace, security, and serenity. The approach used to unite people must be humanitarian, social, and moderate.⁶² In order to be easily

Ummah],” *Millah: Jurnal Studi Agama*, 2012, 379–98, <https://doi.org/10.20885/millah.volxi.iss2.art3>.

⁵⁸ Taufik Bilfagih, “Islam Nusantara; Strategi Kebudayaan Nu Di Tengah Tantangan Global [Nusantara Islam; Nu Culture Strategy Amid Global Challenges],” *Aqlam: Journal of Islam and Plurality* 1, no. 2 (2018), <https://doi.org/10.30984/ajip.v1i2.505>.

⁵⁹ Ahmad Khoiril Fata and M. Ainun Najib, “Kontekstualisasi Pemikiran Kh. Hasyim Asy’ari Tentang Persatuan Umat Islam [Contextualization of Thought Kh. Hasyim Asy’ari About the Unity of the Islamic Ummah],” *MIQOT: Jurnal Ilmu-Ilmu Keislaman* 38, no. 2 (2014), <https://doi.org/10.30821/miqot.v38i2.65>.

⁶⁰ M. Thoriqul Huda and Uly Dina, “Urgensi Toleransi Antar Agama Dalam Perspektif Tafsir Al-Syaârawi [The Urgency of Inter-Religious Tolerance in the Perspective of Tafsir al-Syaârawi],” *TARBIYA ISLAMIA : Jurnal Pendidikan Dan Keislaman* 8, no. 1 (2019): 44–60, <http://ejournal.unim.ac.id/index.php/tarbiya/article/view/344>.

⁶¹ Anjar Nugroho, “Rekonstruksi Pemikiran Fikih: Mengembangkan Fikih Progresif-Revolutioner [Reconstruction of Jurisprudence: Developing Progressive-Revolutionary Jurisprudence],” *Al-Manahij: Jurnal Kajian Hukum Islam* 9, no. 1 (2015): 1–20, <https://doi.org/10.24090/mnh.v9i1.508>.

⁶² Alfian Miftah Hasan and Muhamad Ali Mustofa Kamal, “Wawasan Al-Qur’an Tentang Nasionalisme: Tafsir Tematik Dengan Term Ummah Konteks Ke-Indonesia-an [Al-Qur’an Insights About Nationalism: Thematic Interpretation With the Term Ummah Indonesian Context],” *Syariati: Jurnal Studi Al-Qur’an Dan Hukum* 5, no. 01 (2019): 1–10, <https://doi.org/10.32699/syariati.v5i01.1181>; Muh Nashiruddin, “Fikih Moderat Dan Visi Keilmuan Syari’ah Di Era Global [Moderate Fikih and Sharia Science Vision in the Global Era],” *DIKTUM: Jurnal Syariah Dan Hukum* 14, no. 1 (2016): 29–43, <https://doi.org/10.28988/diktum.v14i1.221>.

accepted, national *fiqh* is chosen as a new approach to foster national unity amid the heterogeneity.⁶³

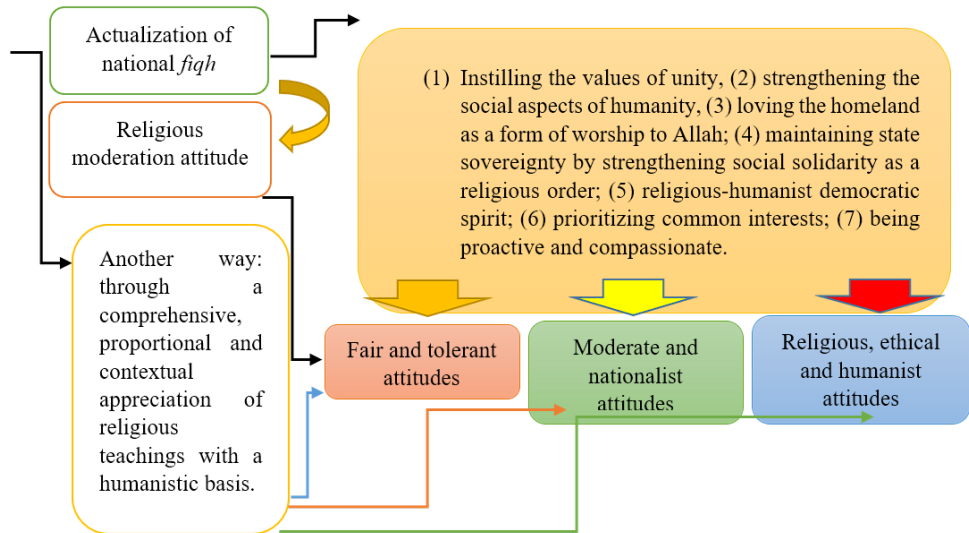


Figure 3. concept map on the actualization of national *fiqh* in building religious moderation

CONCLUSION

The above study emphasizes that the concept of national *fiqh* is oriented to the meaning of unity in maintaining national sovereignty, wrapped with nationalism. The relevance of national *fiqh* and religious moderation becomes interrelated because national *fiqh* seeks to build a nationalist humanistic paradigm to reduce differences and prioritize unity amid pluralism. Then, the actualization of national *fiqh* in building a moderate attitude is done through a complex and contextualized appreciation of the teachings of Islam, strengthened by

⁶³ Masnun Tahir, "Fikih NKRI: Landasan Berkonstitusi Bagi Umat Di Indonesia [Fiqh of the Republic of Indonesia: Constitutional Foundation for the People in Indonesia]," *Supremasi Hukum: Jurnal Kajian Ilmu Hukum* 4, no. 1 (2015), <https://doi.org/10.14421/sh.v4i1.1969>.

the process of inculcating moderate, fair, tolerant, humanist, ethical, religious, and nationalist attitudes.

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