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

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
residence\textsuperscript{1}, 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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{4} Religious moderation is an attitude of maturity toward religious diversity in which a person respects others without debating their religious beliefs,\textsuperscript{5} even though doctrinally, every religion claims the truth of their respective religions.


Thus, a mature attitude is needed to reduce the tension between religious beliefs and respect without disturbing and blaming the followers of other religions.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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


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

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. National fiqh was initiated to respond to intolerant attitudes still growing and developing in Indonesia. These intolerant attitudes will lead citizens to extreme and radical attitudes, even encouraging them to become terrorists. Terrorism movements in Indonesia show that terrorism has a relationship with intolerant religious attitudes. We can see this in the


Bali bombings,\textsuperscript{16} church bombings,\textsuperscript{17} and bombings at other places of worship.\textsuperscript{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.\textsuperscript{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 \textit{fiqh} is expected to change the paradigm of Muslims to become moderate, tolerant, and pluralist so
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


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 Matanggi, 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


people are far from various conflicts and do not mind the differences.\textsuperscript{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 needed\textsuperscript{28} 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.\textsuperscript{29}


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 humanistic\(^{34}\) aspect is an important aspect in building the strength

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The Actualization of the Concept of National Fiqh

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


*Millah* Vol. 21, No. 2 February 2022 | 443
country for mutual progress and achieve universal prosperity. 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.

National fiqh and religious moderation have a close relationship in forming a moderate paradigm, love for unity, the sovereignty of the homeland, and tolerance. 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.

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

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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 (furū‘iyyah) 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


\(^{43}\) 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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{46} This is the urgency of developing national \textit{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 \textit{fiqh} and religious moderation represents the contextual meaning of Islam. Because if Islam is interpreted textually, there will be stagnation, and

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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


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


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. However, the solution is how to reconstruct Islamic teachings within the framework of nationality and religious moderation 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.

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. 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. It brings society to a spiritual, moral, and social crisis.

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. The actualization of national fiqh is a peaceful solution to reconcile various beliefs, ideologies, cultures, and beliefs in Indonesia to build the country, alleviate various social, economic, educational, and political problems, and strengthen social solidarity.

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. In order to be easily
accepted, national *fiqh* is chosen as a new approach to foster national unity amid the heterogeneity.\(^{63}\)

![Concept Map on the Actualization of National Fiqh in Building Religious Moderation](image)

**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

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

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The Actualization of the Concept of National Fiqh…


Millah Vol. 21, No. 2 February 2022 | 455
Arbanur Rasyid et al.


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The Actualization of the Concept of National Fiqh


