

at-turōs

Jurnal Studi Keislaman



Indonesia's Foreign Policy in Promoting a Moderate Islamic Identity after the Reform

Sidrotun Naim, Sabil Mokodenseho

The Role of Al-Qur'an Learning Center for Children in Increasing of Religious Moderation Values in Kenagarian Air Bangis, Pasaman Barat

Musda Asmara, Rahadian Kurniawan, Sarweni Sarweni, Fian Wijayanti

The Influence of Islamic Product Quality and Design on Muslim Consumer Interest in Arung Meubel Products in Sorong City

Rokhimah, Andi Hasrun, Bambang Sunatar, Karfin, Susetyowati Sofia

Revitalization of Moderation Messages in the Madinah Charter: Religious Development Communication Studies

Nazil Mumtaz al-Mujtahid, Hasan Sazali

Zakat Literacy Level of Residents and Muhammadiyah Sympathists in Krajan Village

Lukmanul Hakim, Ikhwan Adriansyah

The Convergence of Maqasid Shari'a and Pancasila in Strengthening the Spirit of Nationalism in Indonesia

Moh Nur Fauzi

Criminal Liability of Children from the Perspective of Islamic Law and Positive Law in Indonesia

Akhmad Sukris Sarmadi, Arne Huzaimah, Jalaluddin, Lahmudinur, Agus Bambang Nugraha, Karimuddin Abdullah Lawang

Science Teaching in Islamic Civilization: an Analysis of Ibn Khaldun's Muqaddimah

Bahrum Subagiya, Endin Mujahidin

Lembaga Penerbitan, Penelitian, dan
Pengabdian kepada Masyarakat (LP3M)

at - t u r a s

Jurnal Studi Keislaman

Volume 10, Nomor 1, Januari-Juni 2023

P-ISSN: 2355-567X

E-ISSN: 2460-1063

a t - t u r a s

Jurnal Studi Keislaman

Vol. 10, No. 1, Januari-Juni 2023

Editor in Chief

Achmad Fawaid, (SCOPUS ID: 57214837323), Universitas Nurul Jadid, Probolinggo, Indonesia

Editorial Board

Ismail Marzuki, (SCOPUS ID: 57201500245), Universitas Nurul Jadid, Probolinggo, Indonesia

Hasan Baharun, (Scopus ID : 57200983602), Universitas Nurul Jadid, Probolinggo, Indonesia

Nurul Huda, Universitas Nurul Jadid Probolinggo, Indonesia

Mushafi Miftah, Universitas Nurul Jadid, Probolinggo, Indonesia

Ahmad Zubaidi, Universitas Nurul Jadid, Probolinggo, Indonesia

Muhammad Al-Fayadl, Universitas Nurul Jadid, Probolinggo, Indonesia

Lalu Masyhudi, Sekolah Tinggi Pariwisata Mataram, Indonesia

Hafiz Muchti Kurniawan, Universitas Adiwangsa Jambi, Indonesia

Muhammad Ilyas, Universitas Islam Jember, Indonesia

Ade Adhari, (Scopus ID: 57205020489), Universitas Tarumanagara, Jakarta, Indonesia

Pengeran Nasution, Universitas Malikussaleh, Aceh, Indonesia

Reviewers

Fariz Alnizar, (SCOPUS ID: 57217221166), Universitas Nahdlatul Ulama Indonesia (UNUSIA) Jakarta, Indonesia

Subhan Rachman, (SCOPUS ID: 57192937912), Universitas Islam Negeri (UIN) Sulthan Thaha Saifuddin Jambi, Indonesia

Hasrat A. Aimang, (Scopus ID: 57205062969) Universitas Muhammadiyah Luwuk, Indonesia

Abdul Rahmat, (Scopus ID: 57193453830) Universitas Negeri Gorontalo, Indonesia

Sri Wahyuni, (Scopus ID: 57195058014) Universitas Lancang Kuning, Riau, Indonesia

Chusnul Muali, (Scopus ID: 57205059301) Universitas Nurul Jadid, Probolinggo, Indonesia

Muhammad Mushfi El Iq Bali, (Scopus ID : 57205063612), Universitas Nurul Jadid, Probolinggo, Indonesia

Firdaus Firdaus, (Scopus ID: 57211049452) STKIP PGRI Sumatera Barat, Indonesia

Akmal Mundiri, (Scopus ID: 57205059378), Universitas Nurul Jadid, Probolinggo

Chanifudin Chanifudin, STAIN Bengkalis, Indonesia

Asyari Hasan, UIN Syarif Hidayatullah, Jakarta, Indonesia

Fahrina Yustiasari Liriwati, STAI Auliaurasyidin Tembilahan, Riau, Indonesia

Sri Wahyuni, UIN Sunan Kalijaga Yogyakarta, Indonesia

Fitria Kusumawardhani, Universitas Lancang Kuning, Pekanbaru, Indonesia

Aldo Redho Syam, Universitas Muhammadiyah Ponorogo, Indonesia

Refky Fielnanda, UIN STS Jambi, Indonesia

English Language Advisor

Sugiono Sugiono, (SCOPUS ID : 57205533745), Universitas Nurul Jadid, Probolinggo, Indonesia

Achmad Naufal Irsyadi, (SINTA ID: 6704870), Universitas Nurul Jadid, Indonesia

Layouter

Zaenol Fajri, (Scopus ID: 57222338853), Universitas Nurul Jadid, Probolinggo, Indonesia

at-turas: Jurnal Studi Keislaman (P-ISSN: 2355-567X, E-ISSN: 2460-1063) is a peer-reviewed journal in the field of Islamic studies across disciplines, such as history, geography, political science, economics, anthropology, sociology, law, literature, religion, philosophy, international relations, environmental and developmental issues related to scientific research.

at-turas: Jurnal Studi Keislaman is published twice a year (January-June and July-December) by Lembaga Penerbitan, Penelitian, dan Pengabdian kepada Masyarakat (LP3M), Gedung Rektorat Lt. 2 Universitas Nurul Jadid, Paiton, Probolinggo, Jawa Timur. Email: atturas.unuja@gmail.com

Editorial Office:

at-turas: Jurnal Studi Keislaman

Lembaga Penerbitan, Penelitian, dan Pengabdian kepada Masyarakat (LP3M) Universitas Nurul Jadid, Paiton, Probolinggo, Jawa Timur, Indonesia 67291.

Phone: 0888 30 77077, Hp: 082318007953

Email: atturas.unuja@gmail.com

Website: <https://ejournal.unuja.ac.id/index.php/at-turas/index>

Tables of Content

1-22

**INDONESIA'S FOREIGN POLICY IN PROMOTING A MODERATE ISLAMIC
IDENTITY AFTER THE REFORM**

Sidrotun Naim, Sabil Mokodenseho

23-41

**THE ROLE OF AL-QUR'AN LEARNING CENTER FOR CHILDREN IN INCREASING
OF RELIGIOUS MODERATION VALUES IN KENAGARIAN AIR BANGIS,
PASAMAN BARAT**

Musda Asmara, Rahadian Kurniawan, Sarweni, Fian Wijayanti

42-58

**THE INFLUENCE OF ISLAMIC PRODUCT QUALITY AND DESIGN ON MUSLIM
CONSUMER INTEREST IN ARUNG MEUBEL PRODUCTS IN SORONG CITY**

Rokhimah, Andi Hasrun, Bambang Sunatar, Karfin, Susetyowati Sofia

59-79

**REVITALIZATION OF MODERATION MESSAGES IN THE MADINAH CHARTER:
RELIGIOUS DEVELOPMENT COMMUNICATION STUDIES**

Nazil Mumtaz al-Mujtahid, Hasan Sazali

80-97

**ZAKAT LITERACY LEVEL OF RESIDENTS AND MUHAMMADIYAH
SYMPATHISTS IN KRAJAN VILLAGE**

Lukmanul Hakim, Ikhwan Adriansyah

98-115

**THE CONVERGENCE OF MAQASID SHARI'A AND PANCASILA IN
STRENGTHENING THE SPIRIT OF NATIONALISM IN INDONESIA**

Moh Nur Fauzi

116-127

**CRIMINAL LIABILITY OF CHILDREN FROM THE PERSPECTIVE OF ISLAMIC
LAW AND POSITIVE LAW IN INDONESIA**

Akhmad Sukris Sarmadi, Arne Huzaimah, Jalaluddin, Lahmudinur, Agus Bambang Nugraha,
Karimuddin Abdullah Lawang

128-143

**SCIENCE TEACHING IN ISLAMIC CIVILIZATION: AN ANALYSIS OF IBN
KHALDUN'S MUQADDIMAH**

Bahrum Subagiya, Endin Mujahidin



Editorial Office:

at-turas: Jurnal Studi Keislaman

P-ISSN: 2355-567X, E-ISSN: 2460-1063

Lembaga Penerbitan, Penelitian, dan Pengabdian kepada Masyarakat (LP3M)

Universitas Nurul Jadid, Paiton, Probolinggo, Jawa Timur, Indonesia 67291.

Phone: 0888 30 77077, Hp: 082318007953

Email: atturas.unuja@gmail.com

Website: <https://ejournal.unuja.ac.id/index.php/at-turas/index>

Moh Nur Fauzi

THE CONVERGENCE OF MAQASID SHARI'A AND PANCASILA IN STRENGTHENING THE SPIRIT OF NATIONALISM IN INDONESIA

IAI Darussalam Blokagung, Banyuwangi

Email: nurfauzi@iaida.ac.id

Received in:

2023-05-25

Received in revised form:

2023-05-14

Accepted in:

2023-06-26

Published in:

2023-06-30

Available online in:

2023-06-30

Citation:

Fauzi, Moh Nur. (2023), *The Convergence of Maqasid Shari'a and Pancasila in Strengthening the Spirit of Nationalism in Indonesia*, 10(1), 98-115.

Abstract: *This article describes the convergence between maqasid shari'a and Pancasila to develop the spirit of nationalism. This research is descriptive qualitative and can be categorized into the type of library research. Various data and sources were obtained from various literatures related to the concept of maqasid shari'a and Pancasila which were associated with nationalism. The research method used is a literature review. The data comes from books, scientific journals, national media and website that relevant to the topic. The focus of the research is directed at, first, the theoretical and methodological description of the maqasid shari'a concept; second, a description of the nature of nationalism, and third, searching for common ground between the concepts of maqasid shari'a and Pancasila in the frame of diversity. From this study it was found that first, the concept of maqasid shari'a occupies an urgent and significant position as a theoretical and methodological tool in observing the plural and pluralistic reality of Indonesia; second, nationalism is an important ideology in an effort to unite a plural and multicultural Indonesia with various ethnicities, tribes, cultures, languages, beliefs and religions, third, there is a meeting point or convergence between the concepts of maqasid shari'a and Pancasila substantively and inherently in the concept of Pancasila which is the great creations of this nation's founder.*

Keywords: *Convergency; Maqasid Shari'a; Pancasila; Nationalism*

INTRODUCTION

The existence of Indonesia, which adheres to the nation-state system and Pancasila as the basis of the state, in fact, there are still many questioned. Various radical Islamic organizations such as Jama'ah Ansharut Tauhid (JAT), Jama'ah Ansharut Daulah (JAD), Indonesian Mujahidin Council (MMI), and Hizbut Tahrir Indonesia (HTI) although they have been disbanded, strongly oppose Pancasila ideology and the Indonesian government system (Hastangka & Ma'ruf, 2021).

In this digital era full of openness and transparency, nationalism and the Unitary State of the Republic of Indonesia (NKRI) continues to face tough tests. The basis of the Pancasila state which has become a common sense of all elements of the nation has been sued and harassed as un-Islamic (Umami, 2020). This unifying ideology has repeatedly been replaced because it is considered secular and heretical. Nationalism that it also serves as a unifying spirit for the nation's children and is considered an infidel ideology (*taghut*) and contrary to Islam. Therefore, national insight and understanding of nationalism down to the grassroots is a necessity to be developed and preserved (Rohman, 2018).

Some of the studies above have recorded and explored Pancasila ideology but have not touched on the realm of convergence with Islamic scientific disciplines. For that reason the research seeks to find convergence between Pancasila and Islamic scholarship—in the context of Islamic legal philosophy—and can be used as an epistemological basis and strengthening of these Pancasila values (Fauzi, 2019).

One of the current social national problems faced by this diverse Indonesian society is that there are often attempts to clash between local wisdom and Islamic values (Fauzi, 2019). Local wisdom is considered un-Islamic because according to some it does not originate from Islam itself. Local wisdom is a cultural product that cannot be used as a basis in society, nation, and state. If this format and way of thinking are allowed, it will be counterproductive to our plural and pluralistic Indonesian social reality. Diversity will be meaningless on the altar of thought that originates from a single and anti-difference understanding (Amril, 2023).

Convergence between Pancasila values and Islamic values from the point of view of Islamic legal philosophy is still very rarely studied and researched. Besides that, this article tries to explore this issue from the

perspective of the *maqasid shari'a* approach to build a spirit of nationalism. It is hoped that this effort will result in a meeting point for a contextual, holistic, and comprehensive understanding of religious views toward the development of nationalism in the public space of Indonesian society. From this it can be said that the element of novelty and significance of this research found its momentum.

METHOD

The research method used is literature study with in depth reading of the topic. As a library research the data sources analyzed and compared it between one source to another. The form of research uses descriptive analysis to explore it. Sources and research materials were obtained from books, national media, and scientific journals. This research activity was carried out by means of literature studies and thematic studies of national issues that are developing in Indonesia.

From this analysis, the research was directed at convergence efforts between concepts which were assessed as having relations and meeting points. This descriptive-analytical research tries to examine the convergence between the *maqasid shari'a* concept and Pancasila which is one of the products of this nation's local wisdom and knowledge. *The maqasid shari'a* approach is used as a basis for analyzing it because it is considered capable of breaking through very strict interpretation barriers when dealing with the problems of the *ummah* which are developing so rapidly. In Indonesia itself, the concept of *maqasid shari'a* is used by intellectuals and experts in their fields as an approach to various social, political, economic, and cultural problems, and of course the realm of religion itself.

DISCUSSION

MAQASID SHARI'A DISCOURSE AS AN APPROACH

In the context of Islamic scientific disciplines, there are several ways or methods to discover or explore Islamic law (*istinbat al-ahkam*), namely the textual-linguistic approach (*lughawiyah*) and the approach to the aims or objectives of shari'a or *maqasid shari'a* (Satria Effendi, M. Zein 2015). The textual-linguistic approach (*lughatan*) refers to the textual meaning of the verses or primary Islamic texts (al-Qur'an and Hadith). Or the textual meaning of the opinions of the scholars (*aqwal al-ulama*) who have formulated certain thoughts on the problems that exist in society. Because it

focuses on textuality or linguistic aspects, empirical reality becomes neglected and gets less appreciation to explore its meaning (Asmawi, 2012).

Meanwhile, *maqasid shari'a* is an approach to exploring law through aspects of the goals and intentions of Islamic law (Syarifuddin, 2013). This approach is not stuck on the mere meaning of language but wants to dig deeper into the deepest meaning of an existing text. One of the benchmarks of this approach is the value of benefit. It is this last approach that will try to be elaborated on in this article.

Maqasid shari'a itself is a principle in Islam that is based on the fulfillment of basic human rights (Wahid, 2007). Abu Hamid Muhammad al-Ghazali (d. 505 H) in his book *al-Mustashfa min Ushul al-Fiqh* mentions five basic human rights that must be guaranteed and protected, namely the guarantee of freedom of religion (*hifz al-din*), protection of human life and life (*hifz al-nafs*), protection of freedom of thought (*hifz al-'aql*), protection of family safety (*hifz al-nafs*), and guarantee of community property (*hifz al-mal*) (Al-Ghazālī, 2010).

Meanwhile, Abu Ishaq al-Shatibi (d. 790 H), an expert and founder of *maqasid* scientific discipline from Andalusia, Spain, stated that the purpose of this *maqasid shari'a* is to achieve benefit for mankind (Al-Shatibi, n.d.). In line with al-Shatibi, Muhammad Said Ramadan al-Buthi (1929-2013) in his book *Dlawabit al-Maslahah fi al-Shari'at al-Islamiyyah* stated that the function of sharia is entirely returned to the benefit of a servant or the human being himself (*al-shariah kulluha raji'atun li mashalih al-'ibad*) (al-Buṭī, 1973).

The aspect of benefit which is the main goal of the existence of this law in the scientific discipline of Islamic legal theory (*ushul fiqh*) is called *maslahah mursalah*. In simple terms, *maslahah mursalah* is an approach or study in establishing the law based on benefit, even though there is no explicit and clear evidence or text (Khalaf, 2004). Benefit considerations are a top priority in this approach.

One of the Indonesian Islamic thinkers who has a high concern and appreciation for this approach is Abdurrahman Wahid or better known as Gus Dur. According to Gus Dur, the benefit aspect should be a measuring tool in assessing a policy or legal principles that will be implemented and applied in society (Wahid, 2006). The benefit approach is the starting point in strengthening Pancasila as the common platform for the elements of the nation and strengthening the insights of nationalism.

THE NATURE OF NATIONALITY AND THE MEDINA CHARTER

Indonesia's diversity in certain respects bears resemblance to the pluralism in the era of the Prophet Muhammad when he led in Medina. At the time of the Prophet, there were several sects and religions such as Christianity, Judaism, Zoroastrianism and Islam (Madjid, 2000). They live together and side by side with each other

Several historical facts show the similarity of socio-religious problems between the Medina Charter and nationalism (Abdullah, 2017). When the city of Medina was threatened and terrorized from outside, the Prophet Muhammad united them in a sense of belonging to Medina (Mudzhar, 2017). This is also experienced by the Indonesian people. In the context of colonialism, all the people were united against the colonizers who wanted to control Indonesia again. The historic event of the Surabaya youth resistance through the Jihad Resolution echoed by Hadlaratus Shaykh KH Hasyim Asy'ari is clear evidence that nationalism can unify all elements of the nation (Ahmad Royani, 2018).

In the modern century, Indonesia is faced with a pluralistic, plural, and multicultural era. Various schools of thought, sects, and ideologies entered the archipelago with their respective variants. This is a challenge for the Indonesian people, who are inhabited by various ethnicities, tribes, cultures, beliefs, and religions. Amid the onslaught of various understandings and ideologies, our sense of nationalism and nationality is again being tested and harassed by them to be replaced with other ideologies. This effort will at least offend the concept and meaning and essence of nationality itself.

According to Quraish Shihab, Islamic teachings are very rich with evidence in the form of religious texts and social life practices which prove that the idea of loving the motherland is not a foreign idea from this teaching. It is enough to read His word which combines faith with the country (QS. Al-Hasyr [59]: 9) or which aligns the defense of the state with the defense of religion (QS. al-Mumtahanah [60]: 8). Suffice these two verses as proof of how obedience to bloodshed is part of Islamic teachings. This is reinforced by the policies of the Prophet Muhammad. When he arrived in the city of Medina. At that time, he united the population into one unit even though they had different beliefs, religions, ethnicities, and ancestry. All agreed to sign a charter of cooperation while providing opportunities for

each group to practice their religion and beliefs. And if an enemy is attacking from outside, then they together—without considering their differences—will appear to defend and defend the city of Medina. Isn't this the essence of national practice? (Shihab, 2019).

During the prophetic period in Medina, the Prophet succeeded in formulating an important document that was recorded on the stage of the first human history which proclaimed the unity and oneness of mankind within the framework of a sense of nationhood and nationalism. This important document became known as the Medina Charter or “*Mitsaq al-Madinah*” (Madjid, 2000).

In the opening (*muqadimah*) of *the Medina Charter* it is stated "In the name of Allah, the Most Gracious, the Most Merciful. This is the charter of the Prophet Muhammad among the believers and Muslims from the tribes of Quraysh and Yathrib (Medina), and their followers, who joined and fought with them." Article 1: "Indeed they are one people, different from another human (communities)" (Tim Forza Pesantren, 2015).

The Medina Charter explicitly recognizes the plurality of diversity and diversity in Medina, which consists of ethnic Jews, Christians, Zoroastrians, and of course Muslims themselves as one people (*ummatan wahidatan*) (Nafis, 2015). They were all given the right to live and thrive in the era of the Prophet's leadership in Medina. This is a historical fact that cannot be covered up about the truth of Islam which recognizes and accepts the fact of plurality and multiculturalism that adorns this world.

According to Quraish Shihab, the nature of nationality in the eyes of experts is indeed different. Perhaps Ernest Renan (1823-1892 AD), a French writer, philologist, and philosopher, was the first figure to proclaim nationalism through his lecture at the Sorbonne University in France in 1882. Ernest Renan, among others, stated that the basis of nationalism is "the desire to live together". According to him, a nation is "a group of people who are in an inner bond that is united because they have historical and cultural similarities" (Shihab, 2019).

In the pre-independence era, we were united as a nation because we were in the Dutch and Japanese colonial times. Even though they are different, the people feel that they are in the same unit, oppression, unfair treatment, and violations of human rights committed by the colonial nation. From here we have a sense of unity and oneness to form a platform to

move forward together, namely the Unitary State of the Republic of Indonesia (NKRI).

The choice of national ideology is a separate issue that must be solved by our founding fathers in such high plurality and diversity. This is where Muslims are faced with two difficult choices. On the one hand, reflecting on the past which in reality was filled with diverse and pluralistic concepts and practices of social life. Or on the other hand, standing tall in the face of contemporary reality which must be interpreted according to modern situations and conditions, in this case, the notion of nationalism or nationality. Admittedly, these two things are a difficult choice. And this nation continues to show its existence through the struggle between these two choices which makes it more mature in making its choices.

DIVERSITY FACTS IN INDONESIAN INTELLECTUAL PERSPECTIVE

Diversity are the hallmarks of our country which have been recognized by the international community. In the Qur'an, according to Quraish Shihab, the fact of the existence of diversity is explicitly affirmed and confirmed (Shihab, 2014). In the letter, al-Hujurat emphasized "O people! Indeed We have created you from a male and a female, then We made you nations and tribes so that you may know one another. Verily the most noble of you in the sight of Allah is the one who is the most pious. Indeed, Allah is All-Knowing, All-Conscientious" (Q.S. Al-Hujurat: 13). From this verse, Shihab explains in great detail the concepts that underlie nationalism, for example, unity, descent, language, customs, history, and love for the motherland. Through this admirable description, he finally concluded that nationalism is not at all contrary to the teachings of the Qur'an and Sunnah. In fact, according to him, all the elements that gave birth to this understanding are included in the teachings of the Koran, so a good Muslim must be a member of a good nation (Shihab, 2014).

Meanwhile, according to M. Nur Kholis Setiawan, the sentence "then We made you nations and tribes so that you would know each other" is understood not much differently by interpreters who have different models of approach. In other words, they generally agree that there is diversity in creation, and the lesson from this diversity is to get to know one another. In the context of Indonesia itself, according to population statistics, no less than 300 ethnic groups live in the archipelago with various cultures and

languages, the illustration of the verse above is very clear. Since the beginning, the founding fathers of this country agreed on Pancasila as the basic pillar of national and state life which requires fair treatment for all elements of the nation (Setiawan, 2012).

According to Abdurrahman Wahid (Gus Dur) our social facts in the form of diversity and diversity are a gift that must be maintained (Wahid, 2001). Diversity is our social capital to maintain the unity and integrity of the nation. Not the other way around, making it a means to divide unity, hate speech among people and other destructive acts. Diversity must be our movement and sense of belonging as a single nation. Has to maintain and care for its existence. Instead of creating divisions and disputes among the nation's children (Ghozali, 2020).

We are Indonesia, a country based on Pancasila and Unity in Diversity. A plural and even multicultural country. Not only Muslims who inhabit the archipelago. There are people of other religions—Catholics, Protestants, Hindus, Buddhists and Confucians as well as streams of belief—which also exist in our country. All elements of the nation have equal rights in efforts to build, maintain and care for the existence of this beloved country and nation.

There is no religion that teaches and encourages division and conflict among the nation's children. On the contrary, all religions according to K.H. Husein Muhammad, always teaches universal human values such as love, brotherhood, social solidarity, mutual cooperation, noble character, love one another not hating, respect not insulting, friendly and not grumpy and so on (KH Husein Muhammad, 2011). It is these religious values that must continue to be developed, nurtured, and disseminated by all religious communities in Indonesia.

MAQASID PANCASILA: A CONVERGENCE

Pancasila as the ideology of our nation and state is a common foundation in navigating the fierce debate and competition in the current global era. In the context of religious life in Indonesia, Pancasila is a meeting point between various sects and religions in this pluralistic country. In Gus Dur's view, Pancasila acts as a "traffic police" of religious life and belief in God Almighty (Ridwan, 2010). The debate about whether Pancasila is Islamic or not is no longer relevant to be raised in our public space. Why is that? Because Pancasila has been very Islamic in guarding our various and

different social facts. Our pluralism has been proven to exist under the auspices of an ideology that protects all elements of the nation's children.

Its applicative value in the realm of national jurisprudence (*al-fiqh al-siyāsī*), for example, can be seen from the struggle of our nation to make Pancasila the basis of the state and the guiding ideology for all groups and various beliefs in Indonesia. In the context of classical *siyasa fiqh*, there are two concepts about the state, namely *dār al-Islām* (Islamic area) and *dār al-harb* (war area). This raises various questions, for example, how do we translate it in the current context? How to respond to the concept of the nation-state of Indonesia and its relation to the formulation of Pancasila as the principle of statehood? Why not choose Islamic principles as the principles of the state? This is where the significance of observing and interpreting contemporary problems with *maqāṣid shari'a* perspective is important to develop. Pancasila which carries human values does not conflict with Islamic teachings. Besides that, in Pancasila, there are basic guarantees which in the Islamic context are known as the five basic principles (*al-kulliyat al-khamsah*) and become the right of every human being to be able to carry on his life (Fauzi, 2020)

In the context of the relationship between Islam and Pancasila, it is better if we pay attention to the statements of Abdurrahman Wahid or Gus Dur. According to Wahid, "Pancasila is placed by Muslims as a constitutional basis in the life of the nation and state, while Islam becomes the creed in the life of Muslims. constitutional ideology is not opposed to religion, does not become a substitute for it, and is not treated as a religion. Thus, laws and regulations that are contrary to religious teachings will not be enforced (Wahid, 2001)

On another occasion, Wahid also emphasized that "the state ideology and the nation's outlook on life, in this case, Pancasila, are rooted in several noble values that exist in religion. However, at the same time ideology guarantees the freedom of religious adherents to carry out their religious teachings. Thus, the relationship can be described as follows: religion plays a role in motivating individual activities through the values absorbed by Pancasila and outlined in the form of the nation's outlook on life (Wahid (ed), 2009).

According to Syaiful Arif, on *the first point*, it can be seen that Islam and Pancasila have their own place. Islam is the creed of the people, while

Pancasila is the constitutional foundation of the state. This constitutional basis is not opposed to religion, does not wish to change religion, and is not treated as a religion. The risk of placing a constitutional basis that respects religion is the commitment not to apply state regulations that conflict with religious teachings. Thus the place of each becomes clear. Religion is in the realm of religious culture, being a private matter for religious groups. It is related to the foundation of one's faith which is independent of the state. By placing religion as an independent creed of the people on the one hand and not interfering with the state; then the state is free from the agenda of state religion (Arif, 2018).

While on *the second point* given Syaiful Arif describes Islam and Pancasila which support each other. Religion supports Pancasila because the values based on this state originate one of them from Islam. For example, the precepts (Sila) of Belief in One Almighty God (Ketuhanan Yang Maha Esa) which is the principle of monotheism. Even though Pancasila's divinity precepts do not belong to Islam, especially with the seven words crossed out "by carrying out Islamic law for its adherents". However, the essence of the divine precepts is monotheism which is the highest value in Islam. As well as the precepts of humanity, unity, deliberation, and social justice. All of these precepts are contained in Islamic teachings so Pancasila is indeed inspired by this religion as well as inspiration from modern ideas such as nationalism, humanism, democracy, and socialism (Arif, 2018)

According to Syafi'i Maarif, in the Pancasila precepts, there is a divine and human spirit that synergizes with one another. The divine spirit is found in the first precept (Sila Pertama), Belief in the One and Only God. This first precept animates the other precepts in forming a just, prosperous, and civilized social order within the framework of the diversity of the archipelago. In essence, this divine spirit teaches universal human values such as justice, equality, equity, solidarity, mutual cooperation, and tolerance between religious communities which must be manifested in real terms in everyday life. Meanwhile, the human spirit contained in the other four precepts is a starting point in building a civilized and just Indonesia as a whole and evenly distributed in all areas of life (Maarif, 2017).

If the divinity and humanity spirit is broken down, it will form *a maqasid* formula that can be expanded in scope and scope, especially in the modern era. The First Precept: Belief in One Supreme God (Sila Pertama:

Ketuhanan Yang Maha Esa). This precept is a guarantee and illustration that Indonesia is a country based on monotheism, even though it does not explicitly state it is a religious country. In the context of religion and belief, every country is protected by the 1945 Constitution according to the choice of its conscience. The state has no right to interfere in regulating and forcing its citizens to choose their beliefs and religion. The state in this case must be neutral and only act as a facilitator to maintain the harmonization of relations between religions in Indonesia. So there is guarantee and protection in religion and belief according to the choice of each citizen (*hifẓ al-dīn*).

Second Precept: Just and Civilized Humanity. (Sila Kedua: Kemanusiaan Yang Adil dan Beradab). Every citizen has the right to fair and civilized treatment both within the state and in social relations among its citizens. In the case of community social assistance by the state, for example, this effort must be strictly and precisely controlled and monitored. It would be fatal if the social assistance funds that should be the right of the people, were treacherously enjoyed by irresponsible officials. If this is what happened—and recently actually happened—then it means that there has been an act of humanity that is unfair and uncivilized. This is really very unfortunate to happen in a country that adheres to the Pancasila state foundation. Even though the implementation of social assistance will guarantee the achievement of socio-economic protection and guarantees (*hifẓ al-māl*) for our people, which also means guaranteeing their survival (*hifẓ al-nafs*).

The Third Precept: Indonesian Unity. (Sila Ketiga: Persatuan Indonesia). As a plural nation, Indonesia has so far been considered successful in managing and caring for the existing diversity and diversity. Even though there are still ripples and turmoil in various regions, this is a common challenge that must be anticipated and addressed wisely. The emergence of various understandings, schools of thought, attitudes, and actions of some of our society that seek to undermine the unity and integrity of the nation must be anticipated and addressed firmly by the state and society together. For the sake of national unity and integrity, both of them must unite to declare war against radical currents and acts of terrorism that threaten the integrity of the Unitary State of the Republic of Indonesia (NKRI) and Pancasila. It has been proven and clearly exposed that acts of terrorism result in various forms of incalculable crimes against humanity.

How many people became victims of these acts and acts of terror? Therefore, for the sake of the unity and integrity of Indonesia, protection is needed for life (*hifz al-nafs*) and property (*hifz al-mal*) both state and private property in this country.

The Fourth Precept: Democracy led by wisdom in representative deliberations. (Sila Keempat: Kerakyatan yang dipimpin oleh hikmat kebijaksanaan dalam permusyawaratan perwakilan). In the context of regulation of provisions that must be applied in society, laws or government regulations that have been stipulated must refer to the general welfare as a whole. The policies made must have an impact and be directly proportional to the benefit of the people. In Islamic jurisprudence it is stated "*tasharruf al-imam 'ala al-ra'iyah manutun bi al-maslahah*". Policies from both the government (executive) and the House of Representatives (legislative) must refer to the realization of the common welfare and benefit of all Indonesian people.

If these principles or rules are used as the basis for policy-making, the continuity and welfare of society as a whole without exception will be guaranteed. The public will be able to feel and enjoy the results of these policies both in the realm of survival (*hifz al-nafs*), socio-economic (*hifz al-mal*), harmony in religion (*hifz al-din*), protected and guaranteed intellectual freedom (*hifz al-din*). *'aql*) and ensuring the survival of disadvantaged communities, especially in remote parts of the country (*hifz al-nasl*).

The Fifth Precept: Social Justice for all Indonesian people. (Sila Kelima: Keadilan sosial bagi seluruh rakyat Indonesia) In the realm of precepts, this is often a sharp satire because the level of its application still seems one-sided. In the case of corruption by some officials and chicken thieves as a case of comparison, the treatment felt and seen by the wider community is not the same. It seems that there is still injustice and partisanship among law enforcement officials. If the 'corruptor' who stole the state's money—and of course, the people's money—was only detained for a few years—and was still able to smile and laugh in prison—then the 'chicken thief', apart from being in prison, was almost the same as the corruptor's sentence, he was also judged by the masses. Observing this matter, law enforcement officials who are upright should immediately act to make new regulations and be able to provide a deterrent and effective effect on these corruptors. In this last precept of Pancasila, I hope that all the basic

principles of sharia contained in *maqasid shari'a* have been internalized in a clear and very real way.

From this, it becomes clear that there is a strong and interrelated relationship between *maqasid shari'a* and Pancasila. Both reinforce and affirm each other. And there is no need to be opposed just because one comes from religion and the other from human thought. On the one hand, religion does originate from God and therefore the truth it brings is absolute and absolute. But on the other hand, religion is also revealed to mankind in the world which is profane in nature which means there is an interconnection between the two. Religion was brought by the Prophets through the intermediary of God's revelation which is absolutely true, while humans form a culture that is tentative, changing, and developing by the development of humanity and its civilization.

Nahdlatul Ulama as one of the largest religious organizations in Indonesia has witnessed history in this regard (Muzadi, 2006 and Ridwan, 2010). NU has emphasized its clear views as stated in the Declaration on the Relations of Pancasila and Islam in the Decision of the 1983 Nahdlatul Ulama Alim Ulama National Conference in Situbondo, as follows: *first*, Pancasila as the basis and philosophy of the Republic of Indonesia is a fundamental principle but is not a religion, cannot replace religion, and cannot be used to replace the position of religion; *secondly*, the Precepts of Belief in One Almighty God as the foundation of the state according to Article 29 paragraph (1) of the 1945 Constitution which animates other precepts reflect monotheism according to faith in Islam; *third*, for NU, Islam is *aqidah* and *shari'a* covering aspects of the relationship with Allah and relations between humans; *fourth*, the acceptance and practice of Pancasila is the embodiment and effort of Indonesian Muslims to carry out their religious obligations; *fifth*, as a consequence of the attitude mentioned above, NU is obliged to secure a correct understanding of Pancasila and its pure and consistent practice by all parties (Himasal, 2018).

Thus the values contained in Pancasila are a reflection of what is termed *maqasid shari'a* which is studied in the scientific disciplines of Islamic legal theory. This is a form of high appreciation from well-known Islamic thinkers in Indonesia in constructing the relevance of Islamic teachings to the cultural values of the local community (local wisdom). In the context of Islamic law, convergence between the two is the spirit and basis of

progressive law whose emergence departs from the spirit of the times, the values of justice and universal humanity (Siroj, 2021).

In Indonesia itself, the reconstruction of the maqasid approach has actually been initiated by several well-known Muslim thinkers. They were Hasbi ash-Shiddieqy (1905-1975) with the idea of "Indonesian Jurisprudence", Hazairin (1906-1975) with the "National School of Jurisprudence" or "Indonesian School", Munawir Sjadzali (1925-2004) with the idea of "Reactualization (Contextualization) Islamic teachings", K.H. Ali Yafie (1926 - ...) with "Social Jurisprudence", and K.H. Sahal Mahfudh (1937-2014) with his "Shades of Social Jurisprudence" and Masdar Farid Mas'udi (1954 - ...) with the Religion of Justice (Fuad, 2005). In this context, it is of course very urgent to add the major contribution of K.H. Abdurrahman Wahid with his clever and pithy ideas, Islam as Social Ethics and Indigenous Islam which is a mirror of the *maqasid shari'a* approach which is based on general/public welfare (*maslahah al-'ammah*).

If we summarize the views of those who seek to strengthen the Unitary State of the Republic of Indonesia (NKRI) about the indigenization of shari'a (pribumisasi syariat), then the moral message and main objectives of shari'a are, *first*, that shari'a was revealed to realize the benefit of the people in general and to be a blessing for the whole world. The message of shari'a is how humans create a social order that is just, prosperous, and full of balance; *secondly*, sharia was sent down to make human life easier, not to complicate it. That's why the ulama formulated ushul fiqh and qawaid fiqhiyyah as buffer zones in implementing shari'a that accommodates the needs of the masses and places in formulating religious legal decisions themselves; *third*, shari'a is revealed to humans to protect their own basic rights as individuals and citizens. This protection is manifested in the provision of guarantees for their lives, property, profession, beliefs, and minds so that humans can grow and develop as independent creatures of God who are entrusted with protecting and preserving this earth. These are some forms of shari'a flexibility when dealing with local wisdom (Arif, 2015).

It is from here that the convergence between Pancasila and *maqasid shari'a* approach finds its relevance and urgency in strengthening the spirit of nationalism. Pancasila as one of the local wisdom—in Islam, it is called *al-'urf* (Dahlan, 2020)—is a custom or tradition that is loaded with divine and

human values that can be used as a legal basis and therefore the two are intertwined in terms of the *maqasid Pancasila*.

As mentioned above, Indonesia is a diverse and plural nation. Various ethnicities, tribes, cultures, groups, beliefs, social organizations and religious understanding exist and grow in this country. All elements and elements of the nation have the right and are guaranteed by the 1945 Constitution to organize and gather together to advance the nation.

Unity is one of the keywords for success in managing cultural differences and diversity in the country. In the context of maintaining national unity, there are many attitudes, actions, and behaviors of us as a society that can be manifested in the public sphere. For example, in this digital era, we can expose the cultural behavior of our ancestors through mutual cooperation, collective action in humanitarian action, and so on through social media. This will inspire our sense of unity and oneness as one nation.

CONCLUSION

Based on the description and analysis above, several fundamental thoughts can be found. *First*, theoretically, in the scientific discipline of Islamic legal philosophy, there are philosophical values that are relevant and intertwined with the values of Pancasila if explored in depth. *Maqasid shari'a* which is constructed in the five human rights is in fact also contained in the five precepts of Pancasila which are intertwined with one another.

Second, the nature of nationalism is based on national commitments that are based on the diversity of the nation. Various efforts in the form of invitations, appeals, and movements to love the homeland must be inflamed on social media in the context of fostering a spirit of national unity. Through social media we must be more active and creative in campaigning for content that leads to love for the motherland and nation. *Third*, the convergence between Pancasila values and Islamic values is reflected explicitly in the scientific discipline or *maqasid shari'a* approach which is based on benefit or the common good. A humanitarian struggle that is framed in Islamic prophetic values that are echoed in the midst of a plural and pluralistic nation-state. The spirit of the Republic of Indonesia is the spirit of togetherness in diversity to make Indonesia more advanced, dignified and global. In this case religion—through the convergence of *maqasid shari'a* and Pancasila—is a determinant factor in efforts to contribute

and encourage the development of nationalism in the contemporary era in the perspective of diversity.

REFERENCES

- Abdullah, M. A. (2017). Islam as a cultural capital in Indonesia and the Malay world: A convergence of Islamic studies, social sciences and humanities. *Journal of Indonesian Islam*, 11(2), 307–328. <https://doi.org/10.15642/JIIS.2017.11.2.307-328>
- Abdurrahman Wahid. (2001). *Pergulatan Negara, Agama, dan Kebudayaan. Desantara*.
- Abdurrahman Wahid. (2006). *Islamku Islam Anda Islam Kita Transformasi Agama Masyarakat Negara Demokrasi*. The Wahid Institute.
- Abdurrahman Wahid (ed). (2009). *Ilusi Negara Islam Ekspansi Gerakan Islam Transnasional di Indonesia*. Gerakan Bhinneka Tunggal Ika-the Wahid Institute dan Maarif Institute.
- Abū Hāmid al-Ghazālī. (2010). *Al-Mustasfa min 'Ilm al-Uṣūl*. Dār al-Kotob al-Ilmiyah.
- Ahmad Royani. (2018). Pesantren Dalam Bingkai Sejarah Perjuangan Kemerdekaan Indonesia. *Jurnal Islam Nusantara*, 2(1), 121–128. <https://jurnalnu.com/index.php/as/article/view/75>
- Ahmad Syafi'i Maarif. (2017). *Islam dan Pancasila sebagai Dasar Negara Studi tentang Perdebatan dalam Konstituante*. Mizan.
- al-Butḥi, M. S. R. (1973). *Dawabit al-Maslahah fi al-Shariah al-Islamiyyah*. Muassasah al-Risalah.
- Al-Shatibi, A. I. I. (n.d.). *Al-Muwafaqat fi Ushul al-Ahkam*. Dar al-Fikr.
- Asmawi. (2012). *Studi Hukum Islam*. Teras.
- Dahlan, M., & Bengkulu, I. (2020). Paradigma Ijtihad Munawir Sjadzali dalam Reaktualisasi Hukum Islam di Indonesia. *AT-TURAS: Jurnal Studi Keislaman*, 7(2), 191–205. <https://doi.org/10.33650/at-turas.v7i2.1504>
- Fauzi, M. N. (2019). Jejak Pemikiran Kosmopolitan Gus Dur: Antara Universalitas Islam dan Partikuralitas Kearifan Lokal. *Transformatif (Islamic Studies)*, 3(2), 215–240.
- Fauzi, M. N. (2020). Menimbang Urgensitas Maqasid Al-Shariah dan Aplikasinya di Era Kontemporer. *Ulumuna: Jurnal Studi Keislaman*, 6(2), 154–182.

<http://ejournal.kopertais4.or.id/madura/index.php/ulumuna/article/view/4082>

- Ghozali, I. (2020). Implementasi Hak-Hak Politik Kelompok Minoritas Menurut Abdurrahman Wahid. *Zawiyah: Jurnal Pemikiran Islam*, 6(2), 250–271. <https://doi.org/10.31332/ZJPI.V6I2.2062>
- Hastangka, H., & Ma'ruf, M. (2021). Metode Pancasila dalam Menangkal Radikalisme. *Jurnal Kewarganegaraan*, 18(2), 115. <https://doi.org/10.24114/jk.v18i2.23538>
- Himasal, T. B. M. (2018). *Fikih Kebangsaan Merajut Kebersamaan di Tengah Kebhinnekaan*. Lirboyo Press dan LTN Himasal Pusat.
- KH Abdull Muchiet Muzadi. (2006). *NU dalam Perspektif Sejarah dan Ajaran (Refleksi 65 Th. Ikut NU)*. Khalista.
- KH Husein Muhammad. (2011). *Mengaji Pluralisme kepada Mahaguru Pencerahan*. Mizan.
- Khalaf, A. W. (2004). *Ilm Ushul Fiqh*. Tanpa Penerbit.
- M. Cholil Nafis. (2015). *Fikih Kebangsaan Studi Historis dan Konseptual Perlindungan Kehidupan Beragama dalam Negara Bangsa*. Mitra Abadi Press.
- M. Nur Kholis Setiawan. (2012). *Pribumisasi Al-Qur'an: Tafsir Berwawasan Keindonesiaan*. Kaukaba.
- M. Quraish Shihab. (2014). *Membumikan Al-Qur'an Fungsi dan Peran Wahyu Pesan dalam Kehidupan Masyarakat*. Mizan.
- M. Quraish Shihab. (2019). *Islam dan Kebangsaan Taubid, Kemanusiaan, dan Kewarganegaraan*. Lentera Hati.
- Mahmud Arif. (2015). Team Penyusunan Kamus Besar, (Pusat Pembinaan dan Pengembangan Bahasa Indonesia, 1990), h. 677. *AL-TAHRIR: Jurnal Pemikiran Islam*, 1, 81–83.
- Mudzhar, M. A. (2017). Pendidikan Agama Berwawasan Multikultural. *EDUKASI: Jurnal Penelitian Pendidikan Agama Dan Keagamaan*, 4(1), 216–242. <https://doi.org/10.32729/edukasi.v4i1.396>
- Nur Khalik Ridwan. (2010). *Negara Bukan-Bukan*. IRCiSoD.
- Nurcholish Madjid. (2000). *Islam Doktrin dan Peradaban Sebuah Telaah Kritis tentang Masalah Keimanan, Kemanusiaan, dan Kemodernan*. Paramadina.
- Rohman, F. (2018). Pendidikan Wawasan Kebangsaan Dengan Pendekatan Bayani Di Pondok Pesantren Darul Falah Bangsri Jepara. *Edukasia: Jurnal Penelitian Pendidikan Islam*, 13(1), 53. <https://doi.org/10.21043/edukasia.v13i1.2876>
- Satria Effendi, M. Z. (2015). *Ushul Fiqh*. Prenada Media Group.

- Siroj, A., & Siroj, A. M. (2021). Hukum Islam sebagai Hukum Progresif. *AT-TURAS: Jurnal Studi Keislaman*, 8(2), 207–235. <https://doi.org/10.33650/at-turas.v8i2.1934>
- Syaiful Arif. (2018). *Islam, Pancasila, dan Deradikalisasi Meneguhkan Nilai Keindonesiaan*. PT Elex Media Komputindo.
- Syarifuddin, A. (2012). *Usul Fiqih 1*. Kencana.
- Tim Forza Pesantren. (2015). *Ijtihad Politik Islam Nusantara Membumikan Fiqih Siyasah Melalui Pendekatan Maqasid Asy-Syari'ah*. Lirboyo Press.
- Umami, I. (2020). Communicative Social Interactions As an Effort To Prevent Radical Islam in Students. *AKADEMIKA: Jurnal Pemikiran Islam*, 25(1), 25. <https://doi.org/10.32332/akademika.v25i1.2154>
- Wahid, A. (2007). *Islam Kosmopolitan Nilai-Nilai Indonesia dan Transformasi Kebudayaan*. The Wahid Institute.
- National Media
- Klaim Kebenaran Perilaku Beragama Oleh Prof. Dr. Amril, M - Universitas Islam Negeri Sultan Syarif Kasim Riau*. (n.d.). Retrieved May 19, 2023, from <https://www.uin-suska.ac.id/2022/02/15/klaim-kebenaran-perilaku-beragama-oleh-prof-dr-amril-m/>
- Kesepahaman Islam dan Nasionalisme - Buku - koran.tempo.co*. (n.d.). Retrieved May 24, 2023, from <https://koran.tempo.co/read/buku/450581/kesepahaman-islam-dan-nasionalisme>
- Upaya Mengganti Pancasila dengan Ideologi Lain pada Awal Kemerdekaan Halaman all - Kompas.com*. (n.d.). Retrieved May 23, 2023, from <https://www.kompas.com/stori/read/2022/09/23/160000179/upaya-mengganti-pancasila-dengan-ideologi-lain-pada-awal-kemerdekaan?page=all>