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# *Fikih Kebangsaan*: Methodology and Foundations for Unity, Tolerance, and National Defense

**Muhammad Arfan Ahwadzy[1], Muhammad Daffa Syafiq Nashr ad-Diba'i[2], Aiman Hakim[3]**

[1]Ma'had Aly Lirboyo Kediri, Indonesia, [2]Islamic State University of Sunan Gunung Djati, Indonesia, [3]Al-Azhar University, Egypt
Email: [1]muhammadarfanahwadzy@mahadalylirboyo.ac.id, [2]abadi1abda2@gmail.com, [3]zanthanyx@gmail.com

**Abstract**
The development of *fiqh* in Indonesia reflects post-reform socio-political dynamics and the need to situate Islamic law within a pluralistic nation-state. Existing studies, however, tend to emphasize cultural and normative harmonization without offering a robust theoretical framework grounded in clear epistemological assumptions. This methodological gap shows the difficulty of integrating the classical Islamic intellectual tradition (*turāth*) with contemporary national demands. This article argues for a conceptual framework of *Fikih Kebangsaan* (National *Fiqh*) to bridge *turāth* with the Indonesian context. Using a qualitative library research approach and conceptual analysis, the study finds that *Fikih Kebangsaan* rests on three pillars: state-based unity, interreligious tolerance, and the reinterpretation of jihad in the context of national defense. These findings demonstrate the epistemological flexibility of *turāth* in addressing modern nationhood. This study proposes an initial methodological framework for *Fikih Kebangsaan* as a normative and operational basis for developing contextual *fiqh* in Indonesia.

**Keywords:** *Fikih Kebangsaan*, *turāth*, unity, tolerance, *jihād*, nation-state

## Introduction

The dialectic between the universality of Islamic law and the particularity of state realities necessitates the transformation of fiqh from a merely dogmatic product into an adaptive instrument of public welfare (*maṣlaḥah*). A theoretical tension arises when the classical intellectual heritage (*turāth*) is positioned as a static body of texts that fails to negotiate with the practical demands of the modern nation-state.

Within the Islamic intellectual tradition, the epistemological distinction between *thawābit* (constants) and *mutaghayyirāt* (variables) provides a space for contextual ijtihād to reformulate public law in the profane domain. As cautioned by al-Qarāfī and Ibn 'Ābidīn, a rigid adherence to texts (*jumūd*) without considering the changing circumstances of time not only neglects the objectives of the Sharī'ah (*maqāṣid al-sharī'ah*), but also risks generating harm greater than

the benefits it seeks to achieve.

In Indonesia, efforts to synchronize Islamic law with national identity have been recorded within a long intellectual genealogy. This trajectory began with the idea of "Indonesian Fiqh" proposed by Hasbi ash-Shiddieqy in the 1940s, later developed into the concept of a "National Madhhab Fiqh" by Hazairin, and eventually reached a crucial point through the declaration of "Islam Nusantara" and "Fikih Nusantara" at the NU Congress in Jombang in 2015.

However, the socio-political dynamics following the Reformasi of 1998, marked by the penetration of radical movements and social fragmentation in the aftermath of the 212 Demonstrations, have triggered an urgent need for a more specific discursive framework, namely *Fikih Kebangsaan* (National-Oriented Fiqh). This idea was subsequently crystallized through authoritative forums such as Bahtsul Masail Lirboyo (2017) and PWNU East Java (2018), and further reinforced by the thought of key figures such as Quraish Shihab and KH. Afifuddin Muhajir.

Previous studies, such as those conducted by Harisudin (2021) and Kasdi (2019), have successfully mapped the theoretical dimensions of *Fikih Nusantara* as a response to cultural locality (Harisudin, 2021; Kasdi, 2019). Research by Ibrahim et al. (2025) has also effectively employed the *maqāṣid* framework to evaluate contemporary legal practices (Ibrahim et al., 2025), as has Ichwan et al. (2025) who mediate between the ijtihād of classical scholars and modern thinkers in interpreting the *naṣṣ* (Ichwan et al., 2025).

While scholarly discourse has extensively examined the development of Indonesian fiqh, Fikih Nusantara, and the broader paradigm of Islam Nusantara, these studies remain largely fragmented and descriptive (Harisudin, 2021; Kasdi, 2019; Supena, 2021; Thahir, 2021). Parallel investigations into *maqāṣid*-based legal reform and citizenship-oriented jurisprudence, such as *Fiqh al-al-Muwāṭanah*, have successfully identified the need for a more inclusive religious understanding (Azhar, 2024; Sholihuddin, 2021; Zaini et al., 2025). However, current literature has yet to provide a single, unified methodological model that serves as a foundation for a "national fiqh" (Busriyanti et al., 2025). The missing link in the existing scholarship is the absence of a systematic framework that comprehensively connects *turāth* (classical heritage) with the structural and practical demands of the contemporary nation-state (Zaini et al., 2025). Specifically, there is no conceptual model that provides a definitive legal grounding for unity, tolerance, and national defense in a way that is both

theologically authoritative and responsive to the Indonesian constitutional framework.

This research gap is also methodological. Previous works have primarily focused on identifying and explaining the values of moderation and national identity, yet they often stop short of explaining how these values are derived, justified, and operationalized through specific *uṣūl al-fiqh* instruments (Busriyanti et al., 2025; Ibrahim et al., 2025). While earlier scholars like Hasbi ash-Shiddieqy and Hazairin initiated the search for an Indonesian identity in fiqh, their focus was often limited to specific domains like inheritance or general national schools of thought (Kasdi, 2019; Sholihuddin, 2021). In contrast, this study fills the methodological void by demonstrating how national values are derived through the systematic application of tools such *as maṣlaḥah mursalah, istiḥsān, 'urf, sadd al-dzarī'ah, istisḥāb*, and *taḥqīq al-manāṭ*. This approach signals a necessary paradigm shift from a "mazhab textual" (*qawlī*) to a "mazhab methodological" (*manhajī*) framework, enabling Islamic law to move beyond individual dispensations (*rukhṣah*) toward structural normative obligations (*'azīmah*) within the state.

The urgency of this study is heightened by the contemporary context of intensifying radicalism, takfirism, and social polarization, which threaten the pluralistic fabric of the Indonesian nation (Akil et al., 2024; Sholihuddin, 2021; Suwarjin et al., 2024; Umar et al., 2025). Without a robust and contextual Islamic legal theory, the tension between religious identity and civic loyalty will continue to create a "paradigmatic void" in modern law (Ibrahim et al., 2025; Mohammed & Jureidini, 2022). By formulating a systematic *Fikih Kebangsaan*, this research provides an essential bridge between tradition and modernity, ensuring that Islamic legal principles function as an active agent for social restoration, justice, and national integration. Such a model is not only locally relevant but also has global significance as a template for Muslim citizenship in pluralistic, non-teocratic states.

The novelty of this study lies in the formulation of a systematic methodological framework that transforms *turāth* from a static legacy into an open source of law through contextual ijtihād. In contrast to previous studies that predominantly emphasize cultural aspects, this article proposes an explicit structure of Islamic law for strategic national issues by optimizing six methodological instruments: *maṣlaḥah mursalah*, *istiḥsān*, *'urf*, *sadd al-dharī'ah*, *istiṣḥāb*, and *taḥqīq al-manāṭ*.

This research constitutes a qualitative study employing a doctrinal-

conceptual textual analysis design based on library research. This approach is chosen to interpret the principles of Islamic law and to formulate a methodological framework for *Fikih Kebangsaan*. The data are classified into three categories: primary sources, comprising classical authoritative works of *uṣūl al-fiqh* and foundational writings on Indonesian fiqh; secondary sources, consisting of academic literature on *Islam Nusantara*, *Fikih Nusantara*, and *Fikih Kebangsaan*; and supporting sources, including documents of collective intellectual forums such as *Bahtsul Masail*.

The analysis is conducted through an inductive reading in three stages: (1) identifying legal principles within classical texts; (2) contextualizing these principles through their reinterpretation within contemporary discourse; and (3) synthesizing them conceptually to formulate an adaptive model of *Fikih Kebangsaan*. The validity of the interpretation is maintained through cross-referential reading among classical texts, contemporary literature, and collective decision documents.

## Results and Discussion

### The Concept of *Fikih Kebangsaan*: A Theoretical Framework

Definitively, the term *Fikih Kebangsaan* (National-Oriented Fiqh) is derived from two words: *fiqh* and "kebangsaan" (nationhood). The term *fiqh*, in its relation to nationhood, may refer to two meanings: a general meaning and a specific meaning. In its general sense, *fiqh* denotes a comprehensive understanding of Islam, as reflected in the Prophet's supplication for Ibn 'Abbās: *Allāhumma faqqihhu fī al-dīn* (O Allah, grant him deep understanding of the religion).

In this sense, *fiqh* indicates that religious understanding is not confined merely to the domain of positive law, but encompasses aspects of creed (*'aqīdah*), ethics (*akhlāq*), and other universal values of Islam. In line with this, Imām Abū Ḥanīfah titled one of his works *al-Fiqh al-Akbar*, which addresses legal, theological, and ethical dimensions (Al-Miṣrī, 1431). This reflects *fiqh* as an expression of Islam's universalism across all aspects of human life.

Meanwhile, *fiqh* in its specific sense has undergone definitional development among Muslim scholars. Al-Ghazali defines *fiqh* as "knowledge of the established rulings of the *Sharī'ah* pertaining to the actions of legally responsible individuals" (Al-Ghazali, 1993). Historically, he indicates that the meaning of *fiqh* in the early period of Islam was considerably broader, in which

a person was regarded as a *faqīh* if he possessed a profound understanding of the entirety of religious teachings (Harisudin, 2021).

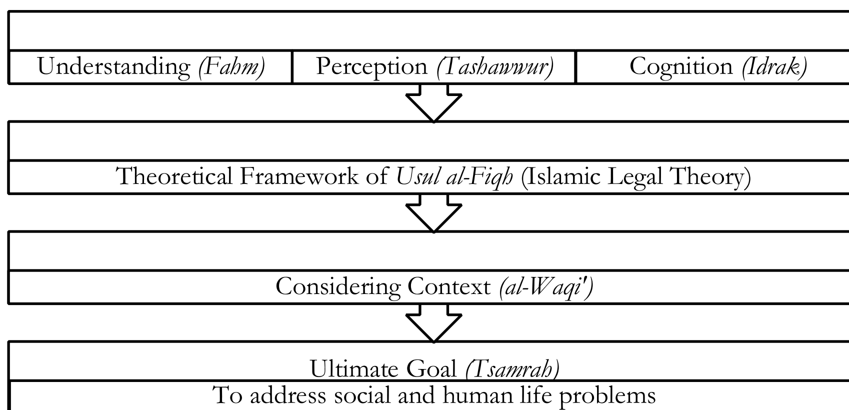
This perspective aligns with the function of *ijtihād* as an intellectual and methodological endeavor of scholars to derive legal rulings from foundational sources in order to respond to ever-evolving social realities (Bambang, 2024, p. 60). In a similar vein, Ibn Aqil al-Baghdadi defines *fiqh* as "knowledge of the rulings of the *Sharī'ah*," which, in substance, does not contradict earlier definitions but rather represents a simplification and refinement of its meaning toward the domain of practical law (Al-Ḥanbalī, 1999).

These two definitions ultimately reduce *fiqh* to *al-aḥkām al-khamsah* (the five legal rulings). What is meant by *al-aḥkām* here are the rulings of God concerning the actions of legally responsible individuals (*mukallaf*), such as obligatory (*wājib*), prohibited (*ḥarām*), recommended (*sunnah*), discouraged (*makrūh*), and permissible (*mubāḥ*). These rulings are derived from the evidences of the Sharī'ah in order to be known and applied, as noted by Ibn Khaldun (1988). Furthermore, as highlighted by Harisudin, *fiqh* is deeply embedded in the everyday life of Muslims compared to other disciplines. So familiar is it that people often equate Islam itself with *fiqh* (Harisudin, 2019, p. 10).

Upon closer examination, the phrase *al-'ilm bi al-aḥkām* indicates that *fiqh* is essentially a product of human reasoning (*ijtihād*), which implies that it may be classified as a form of knowledge or science. The acceptance of this thesis entails a consequence: fiqh is critical in nature, open to re-examination, and not immune to criticism. A more detailed explanation can be found in (Bashori, 2020, pp. 20–22). As a discipline, *fiqh* is also selective in nature. Its formation is always context-dependent and therefore inherently dynamic. Islamic law emerges within particular contexts, namely, communities shaped by specific historical, cultural, and intellectual backgrounds, thus requiring flexibility in interpreting the texts (Kasdi, 2019, p. 241; Zaini et al., 2025, p. 265). This is reflected in its formative processes, which are closely tied to contextual factors, commonly referred to as *asbāb al-nuzūl* for Qur'anic verses and *asbāb al-wurūd* for Hadith (Mahfudh, 2003, pp. 32–33). Consequently, this necessitates the possibility of legal change, given that the textual sources are finite, whereas human circumstances continue to evolve without limit (Busriyanti et al., 2025, pp. 637–639).

Fiqh could be seen also as understanding (*fahm*), perception (*tashawwur*), and cognition (*idrāk*), if one were to investigate the linguistic aspect, therefore, it's an intellectual product (Auda, 2008, p. 193). This lexical investigation

resulted to its interpretational function (*ijtihād*), which is done through *ushul fiqh* (islamic legal theory) on the Qur'an and Hadith with said aspects mentioned above to consider the cultural horizon in which it is obliged to solve a problem.




**Graphic 1.**
**Dialogical Scheme of Fiqh Formulation**

Based on the overall definitions presented, *fiqh* may be understood through at least two key observations. First, it functions as *Sharīʿah*-based rulings that regulate human conduct; and second, it represents the outcome of scholarly *ijtihād*. These two aspects indicate that *fiqh* is inherently dynamic and adaptive, rather than rigid or static.

With this characteristic, Islamic law (*fiqh*) remains relevant through a contextual approach, capable of responding to the challenges of changing times without losing its identity. It reflects an authentic renewal that preserves the substance of the teachings while adjusting them to contemporary developments (Ahwadzy et al., 2025). Nevertheless, within *fiqh*, there exist domains that are changeable (*mutaghayyirāt*) and those that are constant (*thawābit*). The constant domain (*thawābit*) refers to rulings that are permanent and enduring, such as *ʿibādah maḥḍah* (pure acts of worship), which shape personal piety and carry a transcendent nature. Meanwhile, the changeable domain (*mutaghayyirāt*) encompasses *muʿāmalah* in its broad sense, which pertains to worldly and profane aspects of human interaction.

Among the aspects considered constant (*thawābit*) are the following: first, foundational beliefs, which constitute the foundation of Muslim faith; second, the fundamental obligations of worship), which must be observed by every Muslim; and third, universal humanitarian principles that serve as moral and ethical guidelines for all of humanity.

In articulating these universal humanitarian principles, Muslim scholars refer to them as *al-kulliyyāt al-khams* (the five universal principles), *al-ḍarūriyyāt al-khams* (the five essential necessities), or *maqāṣid al-sharī'ah* (the higher objectives of Islamic law). These five principles were described by al-Shāṭibī and Abdullah Darraz as a consensus shared across religions (*ittifāq al-millah*).

Within the domain of *mu'āmalah*, the objective of Islamic law is to regulate human affairs in both worldly and hereafter dimensions, encompassing individual life, social relations, and state governance. In this respect, the objectives of the Sharī'ah in *mu'āmalah* find expression, among others, in the discourse of *fiqh siyāsah*, which addresses the organization of human relations within society as well as the structure of governance. In this context, Muslim intellectuals have generally allowed considerable flexibility for Muslims in managing public affairs, state administration, and socio-economic interactions, so long as these practices remain aligned with the principles of Islamic law (Ahwadzy, 2025).

If *fiqh* fails to respond to change, it risks becoming disconnected from the very *maṣlaḥah* (public welfare) it is meant to uphold. In such a condition, *fiqh* becomes stagnant, producing rulings that no longer correspond to its own objectives and the *maqāṣid al-sharī'ah*. Therefore, such juridical formulations must be revisited through a process of re-reading, in order to restore the living spirit of Islamic law.

In this context, al-Qarāfī in *al-Furūq*, as also cited by Harisudin (2021, pp. 43–44) warns as follows:

والجمود على المنقولات أبدا ضلال في الدين وجهل بمقاصد علماء المسلمين والسلف الماضين

> "Rigid adherence to transmitted texts (*naṣṣ*) at all times constitutes misguidance in religion and ignorance of the objectives of Muslim scholars and the early generations*"* (Al-Qarāfī, 1431, p. 177).
>
> Similarly, Ibn 'Ābidīn emphasizes:
>
> ليس للمفتي الجمود على المنقول في كتب ظاهر الرواية من غير مراعاة الزمان وأهله، وألا يضيع حقوقا كثيرة، ويكون ضرره أعظم من نفعه
>
> "A mufti must not rigidly adhere to what is recorded in the authoritative texts (*ẓāhir al-riwāyah*) without considering the context of time and society, as this may lead to the neglect of many rights and result in harm greater than its benefit" (Ibn ʿAbidīn, 1286, p. 133).

An important point to note here is that *taqlīd* toward juridical dicta without considering the context of time will only lead to harm (*maḍarrah*) for

human life. This is because the juridical formulations of earlier scholars were constructed with due regard to the circumstances and conditions of their own times, taking into account the prevailing *maṣlaḥah*. Therefore, allowing space for the continual renewal of legal opinions (*fatwā*) is part of the effort of *fiqh* to realize human welfare, not only in this world but also in the Hereafter. This principle should serve as a guideline in *istinbāṭ al-aḥkām al-shar'iyyah* (the derivation of legal rulings) within *fiqh*.

As for the term "kebangsaan" (nationhood), it derives from the word "*bangsa*" (nation), which in turn originates from the Latin *nasci*, meaning "to be born" (van den Berghe, 1995). Terminologically, Ernest Renan defines a nation as a group of people united by the will to live together, rather than merely by similarities of race, culture, or history (Suryadinata, 2004, p. 81).

In the Indonesian context, Badri Yatim offers two perspectives on the concept of a nation. From an anthropological-sociological standpoint, a nation is an organized community whose members share commonalities in race, language, religion, history, and customs. Meanwhile, from a political perspective, a nation refers to a group of people residing within a defined territory and subject to the sovereignty of a state that holds the highest authority (Yatimah, 2011, pp. 57–58).

Before turning specifically to the term *Fikih Kebangsaan*, it is necessary to revisit the broader themes of *Indonesian Fiqh*, *Islam Nusantara*, and *Fikih Nusantara*.

Discussions on the character of *fiqh* in Indonesia cannot be separated from the efforts of scholars to formulate a legal framework that is compatible with local realities. Rajafi (2020) notes that as early as 1948, the idea of "Indonesian Fiqh" was introduced by Hasbi ash-Shiddieqy (Rajafi et al., 2020; Shiddiqi, 1997, pp. 215–216)). Although it only gained broader acceptance in 1961, this idea was considered capable of bridging the *Sharī'ah* with the dynamics of a newly independent nation (Fuad, 2005; Kasdi, 2019, p. 2050). Over time, the same spirit found new expression within the broader discourse that developed among Nahdlatul Ulama. At a significant historical moment in the early 21st century, the idea of *Islam Nusantara* was articulated more explicitly during the NU Congress (*Muktamar*) in 2015.

The term *Islam Nusantara* refers to Islam as it exists in the Nusantara (Indonesian archipelago), not Islam *for* Nusantara or Islam *from* Nusantara. Misunderstandings of the term often stem from an incorrect interpretation of this compound expression (Harisudin, 2016, p. 2). In fact, as explained by

Mustofa Bisri, *Islam Nusantara* is a *tarkīb iḍāfī* construction that carries the meaning of *fī* ("in"). Much like the phrase "water of a glass," which means water *in* the glass, *Islam Nusantara* thus signifies Islam *in* the Nusantara (Sahal & Aziz, 2015, p. 13).

From this foundation, a more technical elaboration emerged in the legal domain through the concept of *Fikih Nusantara*, which was explicitly introduced by M. Noor Harisudin in 2019 (Harisudin, 2021; Kasdi, 2019). Nevertheless, as Islamic thought continued to evolve, particularly in the post-Reformasi era marked by the rise of radical movements, there arose a need to shift attention toward the national dimension of Indonesian life. In this context, *Fikih Kebangsaan* developed as a continuation of *Fikih Nusantara*, positioning the principles of statehood as a crucial horizon in the interpretation of Islamic law, while remaining grounded in the overarching principle of public welfare (*maṣlaḥah*) for society.

From this perspective, the intellectual trajectory from *Indonesian Fiqh* to *Fikih Nusantara* ultimately finds its momentum in *Fikih Kebangsaan*. The term *Fikih Kebangsaan* thus represents a development and extension of *Fikih Nusantara*. In the terminology of classical scholars, this process is referred to as *istikhrāj al-furū' min al-uṣūl*, deriving new branches of thought from an established theoretical framework. In this sense, it signifies the generation of new discourses grounded in already formulated methodological foundations.

**Graphic 2.**
**The Intellectual Trajectory of Fiqh: From *Indonesian Fiqh*, to *Fikih Nusantara*, to *Fikih Kebangsaan***

At least several reasons can be identified as to why the term *Fikih Nusantara* is further developed into the context of nationhood. First, the differentiation of socio-political contexts. *Fikih Nusantara* emerged to interpret Islamic law within a local and cultural framework; however, in the post-Reformasi era, new challenges have arisen in the form of national dynamics that require interpretations of Islamic law responsive to state consensus and the principles of nationhood.

Second, the values of *al-waṭaniyyah* (homeland) are positioned as part of faith, serving as a key element in realizing religious moderation in Indonesia (Akil et al., 2024, p. 360). It therefore acts as a mediator which emphasizes the need for solidarity *en masse* within a *diverse loci* (Setiawan & Stevanus, 2023, p. 203).

Third, the need for integrating the *Sharī'ah* with state practices. *Fikih Kebangsaan* enables a stronger dialectic between the textual sources of Islamic law and the structures of national law and regulation (Zaini et al., 2025, p. 267). Although tensions may arise between the state's synthetic approach and the authority of scholars grounded in traditional *fiqh*, this integration aims to enhance the effectiveness of law in addressing issues of pluralism, gender, and human rights.

Fourth, as a response to ideological challenges and radicalism. The strengthening of transnational movements promoting the ideology of the *khilāfah* necessitates the consistency of *Islam Nusantara* in upholding a nation-state system that remains adaptive to Indonesia's political consensus (Supena, 2021, p. 31). In response to the rise of *takfīrī* tendencies, the concept of *Fiqh al-Muwāṭanah* (Citizenship *Fiqh*) has also emerged, seeking to cultivate a tolerant society by eliminating discriminatory theological attributions among fellow citizens (Sholihuddin, 2021, p. 154).

Fifth, the strengthening of the continuity of local intellectual traditions. This development represents a logical continuation of *Indonesian Fiqh* and *Fikih Nusantara*. By employing the principle of *istikhrāj al-furū' min al-uṣūl*, the discourse of *Fikih Kebangsaan* derives new branches of thought from an already established framework, thereby preserving the scholarly tradition while simultaneously addressing contemporary needs.

Thus, *Fikih Kebangsaan* may be understood as a scholarly framework that interprets the *Sharī'ah* within the context of national life. Azizi Hasbulloh, a specialist in *fiqh* and *uṣūl al-fiqh* as well as one of the initiators of *Fikih Kebangsaan* in Lirboyo, tends to define nationhood in line with the perspective of Abdullah bin Bayyah. According to this view, nationhood is understood as the interaction among a group of people residing within a shared territory, without necessarily sharing common ancestry, history, or religion, and governed by laws that regulate the rights and obligations of each individual. From this perspective, KH. Azizi states:

> "*Fikih Kebangsaan* is a form of *fiqh* that engages with the life of the nation, responds to socio-political dynamics, and seeks to organize societal

diversity in a harmonious manner, such that rights, obligations, and unity are aligned with the principle of maṣlaḥah. In doing so, it preserves the relevance and adaptability of the *Sharīʻah* within the Indonesian context" (Hasbullah, n.d., p. 4).

According to Masnun Tahir, the formation of *Fikih Kebangsaan* should be rooted in fundamental values such as: respect for social plurality (*taʻaddudiyyah*), awareness of national identity (*muwāṭanah*), the protection of human rights (*al-ḥuqūq al-insāniyyah*), justice (*al-ʻadālah*), democracy (*al-dīmuqrāṭiyyah*), an orientation toward public welfare (*al-maṣlaḥah*), and gender equality (*al-musāwah al-jinsiyyah*) (Tahir, 2015, p. 311).

**The Critiques to Expand the Current Formulation**

What Masnun Tahir proposes regarding the values of *Fikih Kebangsaan* is indeed valid, particularly in emphasizing critique and response to radical ideologies that instrumentalize religion (e.g., in the name of *jihad*). However, his formulation does not fully capture the breadth of *Fikih Kebangsaan*.

*Fikih Kebangsaan* is not limited to monitoring or countering extremism. Beyond that scope, it serves to regulate social diversity, protect human rights, balance individual and collective interests, and preserve national unity and integrity. Its distinguishing features include respect for local traditions, the adaptation of the *Sharīʻah* to cultural contexts, and an orientation toward the public good (*maṣlaḥah*). All of these operate within the Indonesian context, where Islamic law functions adaptively to sustain social harmony.

This critique can be further strengthened by the argument that the integration of *maqāṣid* into national law should not stop at the level of symbolic moderation; rather, it must become a transformative project that requires epistemological courage to concretely protect life, intellect, freedom, and social welfare (Ibrahim et al., 2025, p. 106). Through an evaluative approach using the lens of *maqāṣid al-usrah*, legal reform in Indonesia can genuinely realize justice for vulnerable groups and respond to the dynamic needs of contemporary Muslim society (Busriyanti et al., 2025, pp. 632–633).

Meanwhile, the perspective of Afifuddin Muhajir on *Fikih Kebangsaan* emphasizes the necessity of integrating the universality of Islam with the realities of statehood. For him, *Fikih Kebangsaan* is essentially part of *fiqh muʻāmalah*, particularly within the domain of *siyāsah* (governance). From his conceptualization, several key dimensions of *Fikih Kebangsaan* can be identified: (1) the dialogue between religion and the state; (2) the relationship between

Islam and democratic systems; (3) the role of the state in realizing public welfare (*maṣlaḥah*); and (4) the position of Pancasila within the framework of the *Sharīʻah* (Mutho'am & Bashori, 2023).

In sum, the definition of *Fikih Kebangsaan* as a development of *Fikih Nusantara* can be traced through several key elements. First, the locus of *muʻāmalah*, namely Islamic law that is flexible and capable of adapting to social change and the needs of society. Second, engagement with *ʻurf*, referring to a form of *fiqh* that interacts with local traditions and cultures without losing its grounding in the *Sharīʻah*. Third, the context of statehood, which actualizes the Sharīʻah within the framework of Indonesian nationhood, in harmony with the principles of Pancasila, the 1945 Constitution, and the Unitary State of the Republic of Indonesia (NKRI).

This definitional framework may serve as a conceptual reference for understanding the scope and boundaries of *Fikih Kebangsaan*. First, it helps to affirm the domain of *muʻāmalah* and the dialogue with *ʻurf* as the foundation of the flexibility of Islamic law, providing policymakers, scholars, and intellectuals with a clear basis for responding to socio-cultural dynamics. Second, it facilitates the integration of the *Sharīʻah* with the context of statehood and national principles, ensuring that Islamic law remains connected to the realities of a plural society and the structure of national law. At the same time, it functions as a normative reference for addressing ideological challenges and radicalism, while maintaining unity, loyalty, and commitment to the nation within everyday religious practice.

With this definition, *Fikih Kebangsaan* can be clearly understood and can function as a guideline for the development, implementation, and evaluation of Islamic law within the context of national life in Indonesia.

## Constructing the Methodology of *Fikih Kebangsaan*

Muslim scholars, including those in Indonesia, employ a variety of methodologies in the process of *istinbāṭ* (deriving Islamic legal rulings). In general, they refer to the primary sources of the Qur'an, Hadith, *ijmā'* (consensus), and *qiyās* (analogical reasoning). However, several additional methods, as outlined below, are often actualized in the formulation of *Fikih Kebangsaan*. The methodological tools of *Fikih Kebangsaan* may thus be described as follows:

1. The Method of *Maṣlaḥah*

Since the early years of independence, Indonesian scholars have demonstrated prudence in determining the form of the state. Wahid Hasyim and Achmad Shiddieq, for instance, on the acceptance of nation acceptance that seemingly contradicts *Sharī 'ah* (Muktamar, 1926; Zuhri, 2013, p. 384). For both of them, maintaining the nation-state based on Pancasila is consistent with the principles of safeguarding religion and protecting the homeland (*ḥifẓ al-dīn wa al-waṭan*).

These positions indicate that *maṣlaḥah* (public welfare) holds a higher status than merely maintaining the formalization of the *Sharī'ah* in symbolic or legalistic forms. If it risks generating division, it is considered to bring about a greater *mafsadah* (harm) and must therefore be rejected. This is in line with the legal maxim: *dar' al-mafāsid muqaddam 'alā jalb al-maṣāliḥ* (preventing harm takes precedence over attaining benefit). The role of *maṣlaḥah* is highly dominant in legal determination, as it is capable of addressing various contemporary issues while simultaneously making Islamic law adaptive to modern developments (Azhar, 2024, p. 754).

In terms of levels of necessity (*marātib*), *maṣlaḥah* is divided into three categories. First, *maṣlaḥah ḍarūriyyāt* (primary necessities); second, *maṣlaḥah ḥājiyyāt* (secondary necessities); third, *maṣlaḥah taḥsīniyyāt* (complementary or tertiary necessities). However, *maṣlaḥah* must be aligned with the values of the Sharī'ah, must not contradict the *naṣṣ*, and its benefit must be more certain than the harm it may produce (Al-Buti, 1992). This is because certain liberal groups often invoke the concept of *maṣlaḥah* while in reality it merely follows personal desire, which instead leads to corruption and contradicts genuine welfare.

Therefore, in terms of Sharī'ah legitimacy, Wahbah al-Zuḥaylī classifies *maṣlaḥah* into three types: (1) *maṣlaḥah mu'tabarah*, namely interests explicitly affirmed by the textual sources (*naṣṣ*); (2) *maṣlaḥah mulghāh*, namely interests that appear beneficial according to rational consideration but are rejected by the Sharī'ah because they contradict definitive evidence; and (3) *maṣlaḥah mursalah*, namely interests that are neither explicitly affirmed nor rejected by specific textual evidence, but are consistent with the higher objectives (*maqāṣid*) of the *Sharī'ah* (Az-Zuḥailī, 2006).

2. *Istiḥsān*

In the plural context of Indonesian nationhood, situations often arise that require dynamic legal clarification within *fiqh*. Among them are debates regarding the act of extending Christmas greetings or the involvement of NU's *Banser* in guarding churches during Christian celebrations. If assessed strictly through textual *qiyās*, both practices could potentially be considered problematic, as they may be interpreted as forms of assistance in non-Muslim religious rituals (*i'ānah 'alā al-ma'ṣiyah*).

However, Indonesian scholars tend to interpret these phenomena in a broader sociological and ethical framework. Extending Christmas greetings is understood as a social expression that fosters harmony and tolerance, while guarding churches is viewed as an effort to protect the right to worship of fellow citizens. This legal reasoning is grounded in the consideration that maintaining social harmony (*ta'līf al-qulūb*) is more *maṣlaḥah*-oriented than causing division (HIMASAL, 2018, pp. 60–66).

In light of the above social realities, Indonesian scholars do not rigidly adhere to formal *qiyās*, but instead prefer rulings that are more aligned with the lived reality of a plural nation-state. This is precisely the essence of *istiḥsān*: a juridical preference that emphasizes *maṣlaḥah* (public welfare) and the prevention of harm (*mafsadah*), even when analogical reasoning (*qiyās*) may lead to a different conclusion. As emphasized by 'Abd al-Wahhāb Khallāf, continuously evolving social realities require a mujtahid to assess legal cases by considering the comprehensive objectives of the *Sharī'ah*, rather than relying solely on rigid analogical reasoning. Thus, *istiḥsān* functions as an effort to align legal rulings with emerging *maṣlaḥah* in real social contexts, ensuring that the *Sharī'ah* remains relevant and alive within societal dynamics (Khallaf, 1431, p. 83).

*Istiḥsān* is indeed regarded as an attempt to attain goodness through rational reasoning in order to achieve legal flexibility within plural societies (Rohayana et al., 2025, p. 344). However, it is important to note that *istiḥsān* is not an independent source of law. Rather, it arises when a jurist finds that a subtler form of analogy (*qiyās khafī*) is stronger than a more apparent analogy (*qiyās jalī*), or when considerations of *maṣlaḥah* necessitate an exception to a general rule. In other words, *istiḥsān* must still be grounded in *Sharī'ah* reasoning and contextual necessity.

3. *'Urf*

Experience shows that a legal ruling that is applicable in one region is not necessarily suitable for another. Similarly, legal decisions issued by foreign scholars or institutions such as Al-Azhar or Saudi Arabia may, in some cases, be less compatible with the Indonesian context and may even generate social tension (Mustofa, 2020, p. 87). Within the life of the nation, Indonesian society has numerous social practices that reinforce unity. For instance, respect for national symbols such as the Red and White flag (*Merah Putih*) and state ceremonies that integrate local and national values.

Indonesian scholars then interpret these social realities through the concept of *'urf*. In simple terms, *'urf* refers to customs or traditions that are widely practiced and accepted by society. In Islamic legal maxims, it is stated: *al-'ādah muḥakkamah* (custom is authoritative), meaning that custom may serve as a legal basis provided it fulfills certain conditions: it is widely practiced in society, consistently observed, does not contradict the *Sharī'ah* texts (*naṣṣ*), and brings about *maṣlaḥah* (public benefit) for the community (Kasdi, 2019, p. 257).

4. *Sadd Dharī'ah*

When various issues arise that have the potential to disrupt social and political stability, it becomes necessary to evaluate them through the lens of Islamic law to ensure that the solutions adopted are consistent with *Sharī'ah* principles while also preserving social harmony. During the turbulent socio-political situation of the early independence period, for instance, Masjkur initiated the National Ulama Conference held in Cipanas, Cianjur (2–7 March 1954), where it was stated that the vacancy of the presidential office posed a risk to Indonesia's political stability. In response to this condition, Abdul Wahab Chasbullah, one of the scholars attending the conference, took a preventive measure by appointing Sukarno as president with the status of *walī al-amr al-ḍarūrī bi al-shawkah*. This decision was aimed at safeguarding security, order, and the continuity of governance.

Similarly, in matters of worship and social activity adjustment by the Indonesian Council of Ulama (*Majelis Ulama Indonesia*, MUI) subsequently ruled that wearing masks during prayer is permissible and also accepted vaccination as a preventive measure to protect human life.

From these various decisions, a pattern emerges that seeks to establish preventive measures in order to reduce the risk of harm, conflict, or social disruption before they occur. In *uṣūl al-fiqh*, this approach is known as *sadd al-dharī'ah*, blocking the means that may lead to harm by considering broader public benefit (*maṣlaḥah*) (Mustofa, 2020, p. 82).

5. *Istiṣḥāb*

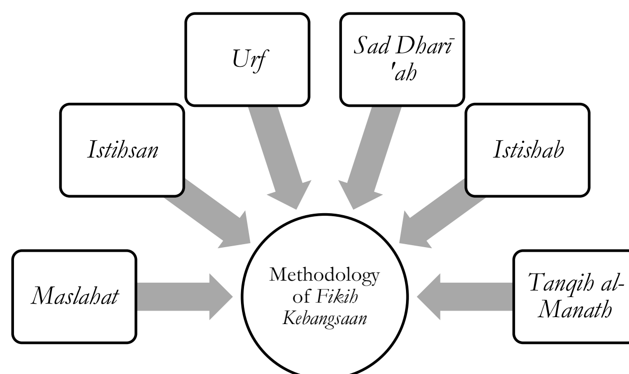
Along the course of national development, various issues have emerged that are not explicitly addressed in classical works of *fiqh*. One such issue concerns the legal status of women's participation in politics. At the NU National Conference (*Konbes NU*) in Surabaya in 1957, the decision permitting women to be elected and nominated as members of the DPR/MPR serves as an example of *istiṣḥāb* (Mustofa, 2020, p. 288). In classical textual sources, there is no explicit discussion regarding women's political rights in modern state institutions. However, scholars affirm that the original legal presumption (*al-aṣl al-ḥukmi*), namely that women retain capacity and political rights, remains valid until there is evidence that negates it. Based on this principle, women are recognized as having the right to participate in politics within the context of a modern and plural state.

6. *Taḥqīq al-Manāṭ*

Contemporary developments constantly give rise to new issues that are not discussed in classical works of *fiqh*. Within the context of nationhood, these emerging problems require a jurist not only to rely on textual sources, but also to understand the root of the issue, its social background, and the factors that influence the ruling (Zaini et al., 2025, p. 271). This approach is known as *taḥqīq al-manāṭ*, namely the effort to investigate the effective cause (*'illah*) of a ruling so that the application of Sharī'ah is aligned with empirical realities (*'ibārah 'an qirā'ah al-wāqi' wa al-tawaqqu' wa tashkhīṣ al-mas'alah al-ma'rūḍah min ḥaythu al-wāqi'*) (Mustofa, 2020, p. 28).

A concrete example can be seen in the view of Afifuddin Muhajir regarding the implementation of ḥudūd in Indonesia, such as the punishment of hand amputation for theft. KH. Afif agrees that the full application of Sharī'ah teachings is obligatory in all aspects of life. However, such implementation must be adjusted to empirical realities. Legal obligations such as *ḥudūd* are not themselves the ultimate objectives

(*al- maqāṣid*) of the *Sharī'ah*; rather, the objective is the prevention of harm arising from such acts (*al-mafsadah*) (Muhajir, 2023, pp. 461–462).




**Graphic 3.**
**Constructing the Methodology of *Fikih Kebangsaan***

## The Formulation of *Fikih Kebangsaan*

Following the elaboration of its methodological foundations, several formulations of *Fikih Kebangsaan* can be identified.

First, *Fikih Kebangsaan* is understood as an *ijtihādī* product situated outside the domain of *'ibādah maḥḍah*. In other words, the scholarly efforts to formulate *Fikih Kebangsaan* are focused on the domain of *mu'āmalah*, which is dynamic (*mutaghayyirāt*), rather than on ritual worship (*'ibādah*) that is constant (*thawābit*). In this regard, Zaki Najib Mahmud, a contemporary Muslim philosopher from Egypt, outlines four approaches to *ijtihād*: (1) addressing old problems using traditional modes of thought; (2) addressing new problems while still relying on old methods or perspectives; (3) addressing new problems with fresh perspectives while preserving the values and intellectual legacy of earlier scholars; and (4) addressing new problems with entirely new approaches detached from past intellectual traditions (Shihab, 2018, p. 8). Within these approaches, *Fikih Kebangsaan* most closely aligns with the third: responding to new issues while maintaining the foundational values of earlier scholars.

Second, *Fikih Kebangsaan* remains relevant to changing times. As a product of *ijtihād*, it is inherently responsive to temporal and social transformation. This is reflected in decisions of NU scholars, such as the ruling on firecrackers (*petasan*), which has undergone change. In the 1930s, firecrackers were considered permissible (*mubāḥ*), even recommended (*sunnah*), when used to welcome Ramadan. This was understandable, as at that time there was no electricity, television, or other modern forms of entertainment, and the

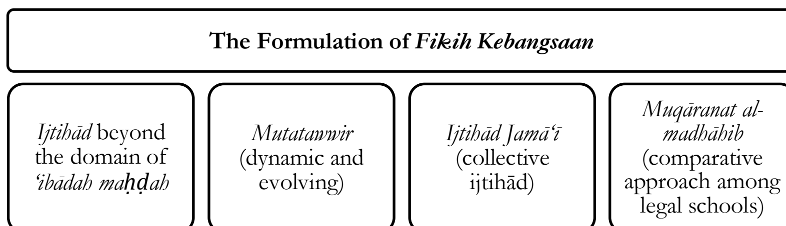
firecrackers themselves were not considered harmful. However, this ruling was revised at the NU Congress in Lirboyo, Kediri, in 1999, which declared firecrackers to be prohibited (*ḥarām*). This shift demonstrates an adjustment to changing circumstances and social conditions different from earlier periods.

Third, it is established through collective *ijtihād* (*ijtihād jamā'ī*). In the contemporary context, *ijtihād* is generally undertaken collectively by scholars. Institutions such as the Majelis Ulama Indonesia, Nahdlatul Ulama's *Bahtsul Masail*, Muhammadiyah's *Majelis Tarjih*, and Persatuan Islam's *Dewan Hisbah* represent the collective efforts of Indonesian scholars in determining legal rulings. Contemporary *ijtihād* requires collaboration among multiple scholars. This is not only due to the diversity of expertise required, but also because collective *ijtihād* produces outcomes that are more accountable and comprehensive. Thus, *Fikih Kebangsaan* is formulated through collective *ijtihād.*

Fourth, it accommodates multiple legal schools (*madhāhib*). Indonesian scholars are not rigidly bound to a single school of law. In various deliberations, cross-madhhab perspectives are employed to seek the most *maṣlaḥah*-oriented solution. From this standpoint, *Fikih Kebangsaan* aligns with the view of Hasbi ash-Shiddieqy, who advocated for the formation of an "Indonesian Fiqh" by drawing upon all existing schools of Islamic law (*muqāranat al-madhāhib*) as foundational sources. This differs from Hazairin, who proposed the development of a national madhhab primarily rooted in the *Shāfi'ī* school.

Taken together, these formulations demonstrate that *Fikih Kebangsaan* possesses both a dynamic and dialogical character: dynamic in its continuous responsiveness to evolving social realities, and dialogical in its effort to reconcile the textual foundations of the *Sharī'ah* with national needs and the spirit of collective unity. From this emerges a distinct expression of *fiqh* in Indonesia, one that is living, flexible, and deeply engaged with the realities of national life.

Based on the above exposition, the formulation of *Fikih Kebangsaan* may be schematically summarized as follows:




**Graphic 4.**
**The Formulation of *Fikih Kebangsaan***

## Analytical Interpretation of *Fikih Kebangsaan*

The findings of this study demonstrate that *Fikih Kebangsaan* represents a deliberate methodological shift toward "*istikhraj al-furū‘ min al-uṣūl*" instead of merely a descriptive extension of Islam Nusantara or Fikih Nusantara (Ali, 2014). While previous literature on Indonesian fiqh and legal reform has successfully identified moderate values, it has often lacked a unified framework for their operationalization (Akil et al., 2024; Supena, 2021; Tahir, 2015). These findings fill that methodological void by providing a structured bridge between classical turāth and the practical requirements of a modern, pluralistic nation-state. This matters because it repositions Islamic law in Indonesia as an active agent of social restoration and national integration, advancing the discourse from general cultural narratives to an authoritative and systematic legal theory that harmonizes religious identity with civic loyalty (Umar et al., 2025; Zaini et al., 2025). The core analytical claim of this discussion is that *Fikih Kebangsaan* functions as an epistemological bridge that transforms Islamic jurisprudence from a set of individual dispensations into a structural normative framework for modern citizenship (Syamsuri, 2026).

While Hasbi ash-Shiddieqy's Indonesian *Fiqh* sought a national "personality" and Fikih Nusantara focused on cultural locality, *Fikih Kebangsaan* explicitly addresses the political-legal structure of the contemporary state (Harisudin, 2021; Kasdi, 2019). It moves beyond locality toward nationhood, integrating the concept of *fiqh al-muwāṭanah* to ensure that Muslims and non-Muslims are viewed as equal legal subjects under a shared national contract. This shift gains legal efficacy in managing pluralism but requires what scholars call "intellectual courage" to reinterpret traditional categories (such as replacing exclusionary theological labels with inclusive civic ones) thereby aligning sharī‘ah objectives with the constitutional realities of Pancasila and the NKRI (Ibrahim et al., 2025; Sholihuddin, 2021; Zaini et al., 2025a).

Maṣlaḥah serves as the central legal logic of *Fikih Kebangsaan*, functioning as a legitimating framework that prioritizes the preservation of the NKRI and Pancasila as paramount public interests (Ali, 2014; Zaini et al., 2025). Unlike formalistic approaches that seek symbolic *sharī‘ah* implementation, this model of *maṣlaḥah* defines national unity and social cohesion as essential conditions for the performance of religion itself (*ḥifẓ al-dīn*) (Bensaid & Machouche, 2019). This application advances contemporary *uṣūl al-fiqh* by shifting the focus from individual welfare to structural stability, echoing the views of reformist thinkers

like Jasser Auda who advocate for a systemic approach to *sharī'ah* goals. By legally grounding national defense and tolerance in the logic of public benefit, *Fikih Kebangsaan* ensures that Islamic law remains responsive to the structural constraints of a secular-national legal system while maintaining its theological integrity.

Through the method of istiḥsān, *Fikih Kebangsaan* is able to transcend rigid qiyās in complex social settings (Harisudin, 2021; Supena, 2021). This methodological preference is justified in the Indonesian context because it allows for legal flexibility in cases like interreligious greetings or the protection of non-Muslim houses of worship by groups like Banser (Burhanuddin & van Dijk, 2025). While a literalistic *qiyās* might suggest strict separation, *istiḥsān* facilitates a "preferential ruling" based on the higher goal of communal harmony and the prevention of social friction (Azhar, 2024). This transition from "textual mazhab" to "methodological mazhab" allows the law to account for rational and ethical nuances, ensuring that religious practice supports, rather than undermines, the stability of a pluralistic state (Rohayana et al., 2025).

'Urf acts as a crucial bridge between Islamic law and Indonesian civic culture, transforming national symbols and ceremonies into legally recognized social practices (Harisudin, 2021). In *Fikih Kebangsaan*, acts such as honoring the national flag or participating in independence ceremonies are interpreted through the lens of *al-wathanniyah* (patriotism), which is framed as a natural and faith-consistent human instinct (Suwarjin et al., 2024). This is a controlled legal adaptation where civic traditions are validated because they do not contradict fundamental religious principles (Takim, 2020). By elevating nationhood to a legal category within uṣūl al-fiqh, *Fikih Kebangsaan* achieves a mature acculturation that integrates Islamic identity into the broader context of national life.

*Sadd al-dharī'ah* provides *Fikih Kebangsaan* with a preventive legal logic essential for anticipating radicalism and social fragmentation (Harisudin, 2021; Khan et al., 2020). This method allows jurists to look beyond the surface neutrality of an action to its potential long-term consequences for the nation's survival. In Indonesia's politically fragile and plural context, this preventive approach justifies legal restrictions on ideologies or actions that could destabilize public life, even if they claim religious motivation. This highlights the difference between immediate textual judgment and consequentialist moral reasoning, positioning *Fikih Kebangsaan* as an instrument of national stability that

proactively closes the "doors" to civil strife and disintegration (Anwar et al., 2025; Khan et al., 2020)

Istiṣḥāb is interpreted in *Fikih Kebangsaan* as a principle of legal continuity that provides stability for new civic and political questions (Harisudin, 2021). This method is vital for addressing modern issues not explicitly detailed in classical texts, such as women's participation in state institutions or the protection of disability rights. By maintaining a presumption of permissibility (*ibāḥah*) for civic innovations that foster justice, *istiṣḥāb* prevents the excessive prohibition of modern democratic practices. It ensures that Islamic law remains open and relevant to the evolving rights of citizens, anchoring new political realities in a foundational commitment to justice and equality (Azhar, 2024; Ichwan et al., 2025).

Finally, *taḥqīq al-manāṭ* represents the most explicitly contextual method in *Fikih Kebangsaan*, as it requires an empirical understanding of reality (Harisudin, 2021; Zaini et al., 2025). Identifying the effective cause of a ruling *('illat)* in the modern era, such as in issues of democracy, human rights, or public policy, demands more than just textual citation; it requires a diagnostic analysis of contemporary facts. This method supports adaptive responses to modern challenges by ensuring that the "application of the law" is synchronized with the "actual situation" of the Indonesian people (Rohayana et al., 2025; Zaini et al., 2025). This makes *Fikih Kebangsaan* a living fiqh that is sensitive to reality, transforming Islamic legal thought from a static collection of historical fatwas into a dynamic etical-humanist guide for the modern era.

The methodological novelty of *Fikih Kebangsaan* lies in its systematic synthesis of six classical *uṣūl al-fiqh* instruments: *maṣlaḥah mursalah, istiḥsān, 'urf, sadd al-dharī'ah, istiṣḥāb, and taḥqīq al-manāṭ*, into a unified framework that bridges turāth with the structural demands of the modern Indonesian nation-state. This is arguably a coherent internal logic where maṣlaḥah mursalah serves as the overarching teleological anchor, positioning NKRI and the Pancasila as paramount public interests that take precedence over symbolic legal formalization. To ensure this goal is grounded in fact, *taḥqīq al-manāṭ* functions as a diagnostic instrument, requiring a rigorous reading of contemporary social and political reality before any '*illah* is identified. This diagnostic process allows for legal flexibility through istiḥsān, which facilitates a preferential ruling when *qiyās* would result in social friction or hardship in a pluralistic society.

The integration continues as istiṣḥāb provides legal continuity, presuming the permissibility of modern civic innovations unless a definitive textual proof prohibits them, thereby preventing excessive legal restrictions. Meanwhile, ‘urf validates Indonesian civic culture and symbols as legitimate social practices within the *Sharī‘ah* framework, elevating nationhood from a mere sentiment to a legal category. Then *sadd al-dharī‘ah* acts as a safety mechanism, providing the preventive logic necessary to anticipate and block ideologies or actions that could trigger national disintegration or radicalism. By shifting the focus from a "textual mazhab" (qawlī) to a "methodological mazhab" (*manhajī*), this synthesis transforms *turāṡ* into an "open corpus" capable of negotiating with modern sovereignty. This approach fulfills the process of *istikhraj al-furū‘ min al-uṣūl*, successfully deriving a defendable, authoritative national jurisprudence that fills the existing methodological void in contemporary Islamic legal thought.

## The Contribution of *Fikih Kebangsaan*: Unity, Tolerance, and National Defense; Along with Its Limitations

The journey of Indonesia as a plural nation has always been marked by enduring challenges: how to preserve unity amidst diversity, how to maintain interreligious harmony, and how to strengthen national commitment in the face of various threats. It is within this context that *Fikih Kebangsaan* emerges, providing a moral foundation for Muslims to actively participate in nation-building. From this long historical dynamic, *Fikih Kebangsaan* contributes to three key aspects.

First, *Fikih Kebangsaan* contributes to national unity by transforming political loyalty into a religiously meaningful concern through the logic of *maqāṣid al-syarī‘ah*. It rises from endorsement of the NKRI to establishment of a legal-ethical basis where maintaining national unity is viewed as a prerequisite for the preservation of religion and the maintenance of public order. By converting loyalty to the nation into a *maqāṣid*-oriented responsibility, the framework positions the state as a shared "social contract" where every citizen has a moral duty to uphold *al-manfa'ah al-ammah* (public benefit) (Ulum, 2019; Umar et al., 2025). This reinterpretation is needed in preventing sectarian fragmentation, as it delegitimizes exclusive religious ideologies that view the nation-state as an obstacle to faith, instead framing national stability as the very ground upon which religious life flourishes.

Second, *Fikih Kebangsaan* serves as a foundation for the emergence of religious tolerance. Indonesian scholars continue to rely on the classical *kitab*

*kuning* tradition as a reference in formulating legal rulings, ensuring that their decisions remain rooted in the intellectual heritage of classical Islamic scholarship. In the framework of *Fikih Kebangsaan*, on the other hand, tolerance is elevated from simple social courtesy to a legal-ethical extension of *fiqh al-muwāṭanah* (Sholihuddin, 2021), supporting interreligious tolerance by utilizing methodological tools like *istiḥsān and maṣlaḥah* to justify coexistence and civic cooperation in a plural society. This allows Muslims to engage in deep civic collaboration and interreligious dialogue without diluting their Islamic identity, as the framework maintains a clear distinction between the domain of *tsawābit* and the *mutaghayyirāt*. Through this perspective, interreligious relations in Indonesia are viewed not as a source of conflict, but as an opportunity to foster solidarity and coexistence.

Third, *Fikih Kebangsaan* reinterprets national defense as a religious-ethical duty by linking "defending the homeland" to the preservation of the conditions necessary for the common good. Avoiding purely romantic narratives, the argument is framed as a legal-moral reading of citizenship where security is a structural requirement for social welfare and the free practice of religion (Umar et al., 2025). Within the paradigm of *Darul Ahdi wa Syahadah*, Muslims are viewed as guardians of the nation's social contract, making national defense a manifestation of *jihad fī sabīlillāh* aimed at protecting the sovereignty and integrity of the nation-state. This collective responsibility ensures that national security is also a foundational normative obligation to protect the life, property, and dignity of all citizens within the Indonesian constitutional framework.

At the very least, two essential elements must not be absent in defending Indonesia: love for the homeland (*ḥubb al-waṭan*) and nationalism. Defending Indonesia is a natural extension of one's attachment to the homeland. Such love motivates individuals to stand at the forefront whenever national sovereignty is under threat. At the same time, these efforts are aligned with the universal ethical boundaries set by Islam. However, this ideal becomes difficult to realize when confronted with challenges such as the rise of divisive radical ideologies, the spread of intolerance among citizens, and the weakening of collective awareness in preserving national unity.

These are among the national challenges Indonesia will face in the future. Therefore, there is a strong expectation that *Fikih Kebangsaan* can demonstrate itself as a grounded moral framework. As a further specification of *Fikih Nusantara*, *Fikih Kebangsaan* seeks to realize the intellectual agenda of earlier Indonesian Muslim scholars by formulating a model of *fiqh* that is capable of

preserving national integrity, fostering social harmony, and strengthening love for the homeland. Nevertheless, *Fikih Kebangsaan* is a dynamic and evolving body of thought, it is not a finished product that ends at a fixed point. For this reason, it becomes the responsibility of future Muslim generations to continue studying, critically engaging, developing, and reformulating *Fikih Kebangsaan* on the basis of *maṣlaḥah*, in accordance with the needs of the present and the challenges of the future.

This study recognizes that its contribution is primarily conceptual-normative and does not yet account for empirical measurements of how *Fikih Kebangsaan* is implemented in everyday social reality. The formulated framework requires future testing and validation within formal legal institutions, public policy developments, and the collective fatwā practices of authoritative religious bodies such as the Religious Courts (Peradilan Agama) and the NU's *Bahtsul Masail.* Another possibility is a comparative analysis between the Indonesian model of *Fikih Kebangsaan* and constructions of Muslim citizenship in other countries. And, consequently, the development of operational methodologies based on *maqāṣid al-sharīʻah* could be concretely applied to contemporary national issues.

However, these limitations do not reduce the value of the present work; establishing a robust conceptual foundation is an essential first step for any transformative legal project. By systematically integrating classical heritage with contemporary national needs, this research provides the necessary theoretical blueprint for future empirical and institutional applications, ensuring that Islamic law remains a relevant and constructive force in the modern pluralistic world.

**Conclusion**

*Fikih Kebangsaan* can be formulated as an epistemological framework that integrates *turāth* with the practical needs of the modern nation-state through three main pillars: unity within the framework of the state, interreligious tolerance, and the reinterpretation of *jihād* in the context of national defense. The analysis shows that fiqh remains dynamic and adaptive when guided by maṣlaḥah and collective *ijtihād*, and its methodological strength lies in transforming classical *uṣūl al-fiqh* into a structured legal-ethical basis for citizenship, public order, and social cohesion. In this way, his study contributes to the initial formulation of a conceptual framework for *Fikih Kebangsaan*, positioning *fiqh* more explicitly as both a normative and analytical instrument in

understanding the relationship between religion and the state in a contextual manner. Furthermore, this article strengthens the argument that a *maqāṣid*-based approach combined with collective *ijtihād* is relevant in addressing the "structural constraints" faced by Muslim societies within pluralistic state systems.

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