

Fiqh Al-Haḍarah from a Geopolitical Perspective: The Idea of NU's Peace Diplomacy Through the Recontextualization of Political Jurisprudence

DOI: [10.24014/an-nida.v47i1.25330](https://doi.org/10.24014/an-nida.v47i1.25330)

Choirur Rois¹, Farhan Masrury², Arfad Zikri³

Universitas Islam Negeri Sunan Ampel Surabaya¹, Al Azhar University Cairo, Mesir³

Email: 02050122024@student.uinsby.ac.id¹, 02050122028@student.uinsby.ac.id²,
arfadarusy@gmail.com³

Abstract: *The conception of the jurisprudence of civilization (fiqh al-Haḍarah) as an idea of peace diplomacy offered by Nahdlatul Ulama (NU) is the main starting point of this study. This idea presents religious thoughts as a solution to various unsolved conflicts. For example, the Middle East issue gave rise to stereotypes and negative images of Islam as the basis for conflict under the pretext of jihad as a movement idea. Based on the results of the International Conference on the Jurisprudence of Civilization I, in Nahdlatul Ulama's view, the recontextualization of political jurisprudence from a geopolitical perspective, on the one hand, is critical as a basis for understanding carrying out Islamic teachings in the political sector of state administration. On the other hand, it is also an effort to create sustainable peace. The question here is how can the recontextualization of political jurisprudence in the view of Nahdlatul Ulama be used as an idea for world peace diplomacy when viewed from a geopolitical perspective. This paper uses a descriptive qualitative method with data collection using desk research and an annotated bibliography. The approaches used include textual-contextual, sociological approach to Islamic law, and the theory of critical discourse analysis. This research shows that, based on NU's view from a geopolitical perspective, fiqh al-Haḍarah can be used as a term to re-contextualize political jurisprudence discourse in an ideal direction. It is according to the needs and demands of the era. It presents islamic jurisprudence thinking as a solution to welcoming a better civilization in the future, either as a diplomatic idea or as an idea of sustainable peace.*

Keywords: *Fiqh al-Haḍarah; Geopolitics; Recontextualization; Nahdlatul Ulama.*

Abstrak: Tulisan ini berangkat dari konsepsi fikih peradaban (*fiqh al-ḥaḍarah*) sebagai gagasan diplomasi perdamaian yang ditawarkan oleh Nahdlatul Ulama (NU) kepada dunia untuk menghadirkan gagasan agama sebagai solusi atas berbagai konflik yang tak kunjung selesai sampai saat ini. Seperti halnya studi kasus di Timur Tengah yang memunculkan *stereotype* dan citra negatif atas Islam sebagai dasar konflik dengan dalih jihad sebagai ide gerakan. Dalam pandangan Nahdlatul Ulama berdasarkan hasil Mukhtar Internasional Fikih Peradaban I, rekontekstualisasi *fiqh siyāsah* dalam perspektif geopolitik menjadi sangat penting untuk dilakukan sebagai dasar pemahaman dalam menjalankan ajaran Islam di sektor politik ketatanegaraan serta sebagai upaya dalam mewujudkan perdamaian yang berkelanjutan. Lantas bagaimana rekontekstualisasi *fiqh siyāsah* dalam pandangan Nahdlatul Ulama bisa dijadikan gagasan diplomasi perdamaian dunia jika dilihat dari perspektif geopolitik? Tulisan ini disusun menggunakan metode kualitatif deskriptif dengan pengumpulan data menggunakan metode *desk research* dan *annotated bibliography*. Pendekatan yang digunakan diantaranya, tekstual-kontekstual, pendekatan sosiologi hukum Islam dan teori analisis wacana kritis (*critical discourse analysis*). Hasil dalam tulisan ini menunjukkan bahwa, berdasarkan pandangan NU dalam perspektif geopolitik *fiqh al-ḥaḍarah* dapat dijadikan sebagai istilah untuk dapat merekontekstualisasikan diskursus *fiqh siyāsah* ke arah yang lebih ideal sesuai dengan kebutuhan dan tuntutan zamannya serta menghadirkan pemikiran fikih sebagai solusi dalam menyongsong peradaban yang lebih baik di masa depan. Baik sebagai suatu gagasan diplomasi ataupun sebagai ide gagasan perdamaian yang berkelanjutan.

Kata Kunci: *Fiqh Al-Haḍarah; Geopolitik; Rekontekstualisasi; Nahdlatul Ulama.*

INTRODUCTION

The concept of the civilization of jurisprudence (*fiqh al-ḥaḍarah*) is a manifestation of an idea presented by Nahdlatul Ulama (NU) as it enters its second century¹. The discourse on *fiqh al-ḥaḍarah* was orbited into a major theme by the chairman of the Nahdhatul Ulama Executive Board (PBNU) KH. Yahya Cholil Staquf is packaged in 250 scientific halaqa series in various Islamic boarding schools in Indonesia. The *halaqah* raised the theme "Fiqh of Civilization; Fiqh Siyasah NU and the Reality of New Civilization ."According to the head of the NU. Institute for Human Resources Research and Development Ulil Absar Abdalla, these *halaqahs* are expected to contribute to NU's thinking in global diplomacy that will be carried out by the chairman of PBNU in the coming years.² Five main topics are the subject of study in the discussion of *fiqh al-ḥaḍarah*. They are the jurisprudence of the nation-state, citizenship jurisprudence, minority jurisprudence, border regime jurisprudence, and jurisprudence of the new world order.³

Historically, the birth of the idea of *fiqh al-ḥaḍarah* departs from the fact that until today, the discourse of fiqh in pesantren only stops at textual understanding derived from classical turats references and does not pay attention to the context of today's social reality, which sociologically has experienced significant differences.⁴ After the 2nd world War, a new world order emerged based on international law, transnational institutions, and soft power practices.⁵ This fact geopolitically entrusts the existence of new values that must be considered and taken into consideration in the nation and state, especially in the direction of international law.⁶ For example, the charter of the United Nations (U.N.) and human rights have received less attention in fiqh discourse.

The portrait of international politics is getting hotter day by day. The political conflict between the Middle East and Russia-Ukraine that led to the designation of Vladimir Putin as a suspect of war crimes in Ukraine by the International Criminal Court (ICC) is clear evidence that the crisis of the global

¹ *Live Halaqah Fiqh Civilization "Fiqh Siyasah Dan Kewarganegaraan" Di PP. Al Anwar 3 Sarang SESI I*, Channel Youtube (Gondan, Karangmangu Rembang: PP. Al-Anwar 3, 2022), <https://youtu.be/eMmy-h6F-cE>.

² *Halaqah Fiqh Civilization 1 Century NU 1344 - 1444 H* (Pesantren Nurul Jadid: Hall Boarding School, 2022), <https://youtu.be/5MjVteQi5ys>.

³ *Halaqah Fiqh Civilization | Habib Jindan Bin Novel Bin Jindan & KH. Zulfa Musthofa* (Tangerang Banten: foundation Al Fachriyah, 2022), <https://youtu.be/MDM2nNCNc5c>.

⁴ KH Husein Muhammad, *Islam Tradisional Yang Terus Bergerak* (Yogyakarta: IRCiSoD, 2019).

⁵ Chrystie Swiney, "The Urbanization of International Law and International Relations: The Rising Soft Power of Cities in Global Governance," *Mich. J. Int'l L.* 41 (2020): 227.

⁶ Joshua Castellino, *International Law and Self-Determination: The Interplay of the Politics of Territorial Possession with Formulations of Post-Colonial'national'identity*, vol. 38 (BRILL, 2021).

world order under Western hegemony is underway.⁷ The state of power conflict in the Middle East, with events in Egypt, Syria, Libya, Iraq, and Afghanistan, is strong enough to be an argument for the reality of today's global world order crisis under the influence of U.S. liberalism.⁸ This reality cannot be separated from the intervention and hegemony of Western ideology over Middle Eastern countries. Western political ideology, in this case, "the United States," with its concept of democracy, liberalism, and human rights, proved unable to present an ideal solution to conflicts occurring in the Middle East; this reinforced John Ikenberry's statement that the international world order under American influence was in crisis.⁹

According to the perspective of Islamic politics itself, the emergence of several groups that portray their movement as a form of jihad has also aggravated the situation, such as the Islamic State of Iraq and Syria (ISIS), the Taliban in Afghanistan, and Hizbut Tahrir Indonesia (HTI) and the Indonesian Mujahidin Council (MMI) in Indonesia have also built negative stereotypes and do not reflect political practices contained in Islamic teachings.¹⁰

There are at least two main polemics in the Islamic geopolitical perspective that hinder world peace diplomacy, namely the hegemony and influence of the Western country "U.S." as an external polemic and the political struggle of the Islamic state as an internal polemic in the Islamic world. Both have ideological, sociological, and philosophical dimensions of argumentation in creating peace. After the end of World War 2, the basis of peace that applies in the international world refers to articles 39-51 of the charter of the United Nations (U.N.),¹¹ which until now has not been fully achieved.¹² This shows that peace cannot rest solely on the efforts of the United Nations. The role and ideas of civil society are also

⁷ Dinia Andrianjara, "INFOGRAFIS: Fakta-Fakta ICC Yang Perintahkan Tangkap Putin," *CNN Indonesia*, March 26, 2023, Minggu 26 Maret edition, <https://www.cnnindonesia.com/internasional>.

⁸ John J Mearsheimer, "Bound to Fail: The Rise and Fall of the Liberal International Order," *International Security* 43, no. 4 (2019): 7-50.

⁹ Mario Del Pero, "G. John Ikenberry, Liberal Leviathan: The Origins, Crisis, and Transformation of the American World Order," *Journal of American Studies* 46, no. 4 (2012): 1111-13.

¹⁰ Kunawi Basyir, "Ideologi Gerakan Politik Islam Di Indonesia," *Al-Tahrir: Jurnal Pemikiran Islam* 16, no. 2 (2016): 339-62; Yair Galily et al., "The Boston Game and the ISIS Match: Terrorism, Media, and Sport," *American Behavioral Scientist* 60, no. 9 (2016): 1057-67; Choirur Rois and Nur Robaniyah, "PRAKTIK POLITIK ISLAM: KEPEMIMPINAN TALIBAN DI AFGHANISTAN DALAM TINJAUAN POLITIK ISLAM KAWASAN," *Jurnal Tapis: Jurnal Teropong Aspirasi Politik Islam* 19, no. 1 (2023): 1-27.

¹¹ Perserikatan Bangsa-Bangsa, "Piagam Perserikatan Bangsa-Bangsa," 1945.

¹² Marcel Jesenský and Marcel Jesenský, "The Middle East Peace Process: A Can Is Kicked Down an Endless Road," *The United Nations under Ban Ki-Moon: Give Diplomacy a Chance*, 2019, 191-206.

needed. Indonesia's position as a non-aligned country with the principle of an active free foreign policy and a positive image of Indonesia in the international eye, which is seen as capable of being a peace mediator requires ideas that can be used as a basis to play its role in the international arena.¹³ In this context, Nahdlatul Ulama (NU), as a representative of the religious organization with the largest population of followers worldwide, has a foundation and idea of *fiqh al-ḥaḍarah* as a diplomatic basis for realizing peace.

The idea of civilizational jurisprudence has begun to be discussed by researchers, including Muhammad Nasruddin, who views the agenda of civilizational fiqh that NU has been carried out in several Islamic boarding schools involving santri, kiai, and nyai mothers. It has had a positive impact on strengthening the values of religious moderation in the Islamic boarding school environment.¹⁴ Choirur Rois et al. (2023) have also *used the perspective of fiqh al-ḥaḍarah to examine the phenomenon of LGBT campaigns that had been crowded on social media, which showed that fiqh al-ḥaḍarah can be used as a construction in compiling argumentative to provide awareness and prevention in countering the massive LGBT campaign on social media.*¹⁵

Departing from the findings of the research above, the problem to be answered in this article is how the recontextualization of *fiqh siyāsah* in the view of Nahdlatul Ulama can be used as an idea of peace diplomacy when viewed from the perspective of Islamic geopolitics in Indonesia. This is urgent to study, considering that until now, the foundation has not existed or even been reached by classical Islamic jurisprudence discourse; what is in today's reference to global peace discourse still refers to the conception of the U.N. charter, which to this day is still a world vision and cannot become a reality of world peace. This is evidenced by various conflicts that occur in countries in the Asia-Pacific region.¹⁶

This paper is prepared using qualitative-descriptive methods. Data collection was carried out using desk research and annotated bibliography methods. Primary data were obtained from various results of civilizational jurisprudence conferences and some related literature. Secondary data are taken

¹³ Aldho Faruqi Tutukansa, "The Future of Relations between Indonesia and the Middle East Region in Terms of Geopolitics as Indonesia's 2020-2024 Strategic Plan," *Journal Of Political And Legal Sovereignty* 1, no. 1 (2023): 01-04.

¹⁴ Muhammad Nasruddin, "Halaqah Fiqh Peradaban Dan Relevansinya Terhadap Penguatan Nilai Moderasi Beragama Di Pesantren," vol. 1, 2022, 1-13.

¹⁵ Choirur Rois, Ahmad Zainuri, and Marisa Santi Dewi, "FIQH AL-ḤAḌARAH REVIEW ON THE PREVENTION OF LGBT: Critical Study of the Phenomena of LGBT Campaign Efforts in Social Media," *Al-Tahrir: Jurnal Pemikiran Islam* 23, no. 1 (2023): 137-59.

¹⁶ Sukawarsini Djelantik, *Asia-Pasifik: Konflik, Kerja Sama, Dan Relasi Dan Antarkawasan* (Yayasan Pustaka Obor Indonesia, 2015).

from several reference sources related to the research topic. In this paper, the author uses three approaches. A textual-contextual approach is used to analyze data sourced from the term *fiqh siyasah*.¹⁷ The sociological approach of Islamic law is intended to bring out the point of view of *fiqh al-ḥaḍarah* in the dimension of *fiqh siyāsah*.¹⁸ Lastly, the author uses critical theory. This theory is necessary to bring out the view of *fiqh al-ḥaḍarah* criticism of the global world order crisis. This theory is very suitable to be used considering that *fiqh al-ḥaḍarah* itself exists as a moral vocation and concern for the problems of the global community as a logical consequence of the rationality of his time, and this, according to Mizanul Akrom, is very by the function of the theory.¹⁹ The results of this paper will provide a conceptual paradigm of *fiqh al-ḥaḍarah* as an alternative idea to present religious understanding (*fiqh*) as a solution by recontextualizing the term *fiqh siyasah*.

DISCUSSION

Fiqh Al-Ḥaḍarah, From a Geopolitical Perspective

The instability and security of a country have an impact on global geopolitical conditions. Such is the case in Afghanistan after the return to power of the Taliban group by overthrowing the leadership of Ashraf Ghani, formed by the United States (U.S.). This led to Joe Biden's policy to withdraw U.S. troops from Afghan territory²⁰. This means that Afghanistan's geopolitical dynamics significantly impact U.S. foreign policy. On the other hand, the geopolitical situation also has a double-edged knife impact (negative and positive) on world gold prices and the world economic situation. This situation can be seen in the current geopolitical conditions in Russia.²¹ Some research results also show a reciprocal relationship between geopolitical risks and a country's security cost. The convergence of regional interests in the form of peaceful settlement of disputes can ensure security. In addition, policy formulation that is independent and isolated from the influence of external forces can help control defense spending and geopolitical risks that continue to rise in some countries, such as

¹⁷ Laode Ismail Ahmad and Syamsidar Syamsidar, "Rekonstruksi Teks-Teks Hukum Qath'i Dan Teks-Teks Hukum Zhanni (Meretas Jalan Menuju Pendekatan Tekstual-Kontekstual)," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 49, no. 2 (2015): 230–50, <https://doi.org/10.14421/ajish.v49i2.140>.

¹⁸ Maulana Ira, "Urgensi Pendekatan Sosiologis Dalam Studi Islam," *Journal of Legal and Cultural Analytics* 1, no. 2 (2022): 89–98.

¹⁹ Mizanul Akrom, *Mengenal Teori Kritis: Perspektif Barat Dan Islam* (Ciracas: GUEPEDIA, 2021).

²⁰ Boy Anugerah and Jabinson Purba, "Kondisi Politik Dan Keamanan Afghanistan Di Bawah Rezim Taliban Dan Signifikansinya Terhadap Geopolitik Global," *Jurnal Lemhannas RI* 9, no. 3 (2021): 13–34.

²¹ Meng Qin et al., "The Essential Role of Russian Geopolitics: A Fresh Perception into the Gold Market," *Resources Policy* 81 (2023): 103310.

China, India, and Saudi Arabia.²² Some of these findings confirm that geopolitical conditions have a significant role in efforts to formulate the idea of peace at the international level.

The study of *fiqh al-haḍarah* promoted by Nahdlatul Ulama is an effort made in response to recent changes both at the national and international levels, especially in the face of negative change patterns that produce violence. Therefore, *fiqh*, which is the basis for determining the behavior of Muslims, seeks to be a forum to decide the problem of violence that plagues the world through the discourse of *fiqh al-haḍarah*.²³ In the halaqah *fiqh* of civilization held at the Al-Anwar Purworejo Islamic Boarding School, the chairman of PBNU expressed his opinion regarding the context of the discussion of *fiqh al-haḍarah* starting from discussions related to national *fiqh* to become a discourse of civilizational *fiqh* that seeks to see society in Indonesian and international territory.²⁴ In addition, *fiqh al-haḍarah* is intended as "the PBNU's endeavor to provide a platform for scholars who may disagree with each other to find breaking ground on the most strategic matters in human life amid a diverse world society."²⁵

Determinatively, the idea of *fiqh al-haḍarah* has an orientation that is interconnected with geopolitical studies in understanding political reality from the geographical dimension. This is evident when referring to the understanding of geopolitics proposed by Anhar Gonggong in his writings, saying that geopolitics according to The Penguin Dictionary of International Relations, is a way used in understanding a country's foreign policy so that it can understand, explain, and analyze to predict international political conditions and behavior through geographical variables. Understanding international geopolitics can make mapping a country's position easier in political discussions and debates²⁶.

In the perspective of geopolitics as a scientific discourse, geopolitics emphasizes the dimension of coercive power (policy intervention) of a country for its sustainability in the international realm while still considering aspects of

²² Khalid Khan, Chi-Wei Su, and Syed Kumail Abbas Rizvi, "Guns and Blood: A Review of Geopolitical Risk and Defence Expenditures," *Defence and Peace Economics* 33, no. 1 (2022): 42–58.

²³ Syakir, "Muktamar Internasional Fiqh Peradaban Langkah Awal PBNU Dari Jalan Panjang Menuju Perdamaian Dunia," *NU Online*, April 5, 2023, <https://www.nu.or.id>.

²⁴ Yahya Cholil Staquf, *Sambutan Ketua Umum PBNU KH. Yahya Cholil Staquf Di Acara Halaqah Fiqh Peradaban Di Pondok Pesantren Al-Anwar Purworejo* (Purworejo, 2022), Ponpes Al-Anwar Purworejo, www.youtube.com/tvnuid.

²⁵ Muhammad Syakir NF, "Fiqh Peradaban Perspektif Geopolitik Dikaji Di UIN Sunan Kalijaga," *NU Online*, April 4, 2023, <https://www.nu.or.id/nasional/fiqh-peradaban-perspektif-geopolitik-dikaji-di-uin-sunan-kalijaga-GK1OW>.

²⁶ Anhar Gonggong, "Membangun Kembali Budaya Maritim Indonesia Dengan Strategi Maritim Indonesia," *Jurnal Maritim Indonesia (Indonesian Maritime Journal)* 8, no. 2 (2020): 33–52.

geography as political strength or interest.²⁷ Therefore, what stands out from a geopolitical perspective is the struggle to fight for or defend the interests of a country. In this context, adagium is the foothold; in Latin, it is called "Si vis pacem, para bellum." If you want peace, prepare to fight.²⁸ The consequences of the adagium make war the path to peace.

The challenge of globalization facilitates humans to continue to develop rapidly, and part of the challenge is the creation of global competition, which has implications for social conflicts of interest, economic inequality, and major problems boil down to regional politics.²⁹ Case studies in the Middle East with all kinds of conflict portraits show the ethnic and sectarian face of Islam as a function of authoritarian politics and successfully build nuanced Islamic conflicts.³⁰ The problem is caused by the concept of Islamism, which fails to understand the substance and is not adapted to the times. This creates a very different reality between the Islamic position of *rahmatan lil 'ālamīn* and the reality of Islam, which has nuances of conflict.

Some of the findings above confirm that the international political situation in recent decades, with negative stereotypes arising from the facts regarding various conflicts in the international world, both religious, political, and economic backgrounds, is a sign of an ongoing geopolitical recession. International geopolitical dynamics greatly affect monetary, socioeconomic, and global security stability. In the economic sector, for example, Russia's invasion of Ukraine has succeeded in creating instability in economic flows, especially in the sector of global food prices.³¹

Responding to this reality requires the birth of big ideas from all Muslims to maintain Islamic values to face the challenges of the dynamics of the times. In this context, *fiqh al-ḥaḍarah* as an idea and conception of thought is presented by PBNU. If explored further, at least the idea emerged as a response of Indonesian

²⁷ Armaidly Armawi, *Nasionalisme Dalam Dinamika Ketahanan Nasional* (Yogyakarta: UGM PRESS, 2020).

²⁸ Louis Antoine Fauvelet De Bourrienne, *Memoirs of Napoleon Bonaparte*, vol. 1 (R. Bentley, 1836).

²⁹ Wai-Ming To, "A Bibliometric Analysis of World Issues Social, Political, Economic, and Environmental Dimensions," *World* 3, no. 3 (2022): 619–38.

³⁰ Nader Hashemi and Danny Postel, "Sectarianization: Mapping the New Politics of the Middle East," *The Review of Faith & International Affairs* 15, no. 3 (2017): 1–13, <https://doi.org/10.1080/15570274.2017.1354462>.

³¹ Kazi Sohag et al., "Food Inflation and Geopolitical Risks: Analyzing European Regions amid the Russia-Ukraine War," *British Food Journal* 125, no. 7 (2023): 2368–91.

Muslim's "NU." in responding to the reality of global conflicts and efforts to seek peace through the *fiqh al-ḥaḍarah* approach.³²

The Urgency of Recontextualizing *Fiqh Siyāsah* as an Idea of Peace

A fairly representative definition of politics in the treasury of *fiqh siyāsah* comes from Ibn 'Aqil al-Hambali. According to him in Ibn Taymiyah's quote;

السِّيَاسَةُ مَا كَانَ فِعْلًا يَكُونُ مَعَهُ النَّاسُ أَقْرَبَ إِلَى الصَّلَاحِ، وَأَبْعَدَ عَنِ الْفَسَادِ، وَإِنْ لَمْ يَضَعَهُ الرَّسُولُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَلَا نَزَلَ بِهِ وَحْيٌ

"Politics is an activity or a policy by which man is close to the benefit and far from damage (façade), although it is not a direct decree of the Holy Prophet(saw) and is not based on revelation in its establishment"³³.

More concisely than this definition, Ibn Nujaim al-Hanafi defines political fiqh as;

فعل شيء من الحاكم ؛ لمصلحة يراها ، وإن لم يرد بذلك الفعل دليل جزئي

"An attempt to bring about benefit by a judge or leader is not based on specific propositions."³⁴

More emphasis, Imam al-Shafi'i himself is of the view that;

لَا سِيَاسَةَ إِلَّا مَا وَافَقَ الشَّرْعَ

"No political practice (can be justified) except by the provisions of the Shari'a."³⁵.

Some of the above understandings, it is clear from these two definitions the existence of political activities or policies based on *maṣlahah mursalah*. *Maṣlahah mursalah* itself is a benefit that does not originate from the command of the Shari'ah postulate, and no evidence forbids it. Still, in it, there is a benefit that can be accepted by common sense. If viewed from the approach of *maqāshid al-sharia* as the view of Imam al-Shathibi, the basis of the argument of political fiqh is a universal benefit, which is the main goal of every enforceability of Islamic law.³⁶

According to K.H. Afifuddin Muhajir, one of the principles of fiqh siyasah as part of *fiqh al-Mu'āmalah* is built based on 'illat-illat (legal reasons) and benefits. In

³² National Seminar "Prospek dan Tantangan Fiqh Peradaban sebagai Solusi Krisis Tata Dunia Global" Pembicara Kunci Dr. (HC) KH. Yahya Cholil Staquf (Jakarta, 2023), <https://www.youtube.com/live/dhdzSjB3Krl?feature=share>.

³³ Ibn Taimiyah, "Al-Siyasah al-Syar'iyah Fi Ishlah al-Ra'i Wa al-Ra'iyah," Mesir: Dar al-Kitab al-'Arabi, 1969.

³⁴ Ibnu 'Abidin, *Hasyiah Raddul Mukhtar 'Ala Dar al-Mukhtar Syarhu Tanwirul Absor Fiqhu Abu Hanifah* (Bairut Libanon: Dar Al-Fikr, 2000).

³⁵ Syaikhul Islam Ali and Lc M Sosio, *KAIDAH FIQH POLITIK; Pergulatan Pemikiran Politik Kebangsaan Ulama* (Harakah Book, 2018).

³⁶ Hamadi al-Ubaidi, *Al-Syatibi Wa Maqashid AL-Syari'ah* (Bairut Dimasko: Dar Kutaibah, 1992).

addition, K.H. Afifuddin believes the muamalah problem is loose in principle, so there is a prohibitive proposition. Therefore, political issues are relatively loose when viewed from the perspective of fiqh rules. This means that its Applicability or validity is not only guided by the availability of textual *nash* (legal propositions derived from the Qur'an and hadith) but more than that, in the context of fiqh siyasah, the void of prohibitive sharia law rules can be used as a legal basis. In this case, at least two considerations can be used as the basis for such concessions. First, because political fiqh is part of muamalah fiqh, it can follow its legal principles. Second, politics is not an end but a means of realizing benefits as a prostration of an end.³⁷

According to political fiqh thinking, the benefit in question is a benefit that does not contradict Islamic law. So, the perspective on the benefits and activities and political policies must be based on the perspective of the Qur'an and the hadith of the Prophet. This aligns with Abi al-Baqo' Ayyub Ibn Musa al-Husaini al-Kufi's Sharia (politics) views. He said that politics is the ethics with which man can walk the path of good fortune in the present and the future, where it is the vision-mission of the Prophets, either specifically or generally, spiritually and mentally. *Zahir* can be seen from the role of an *'amir* or government as a protector; it can be seen from the role of ulama' as a preacher of religion.³⁸ Fiqh siyasah is further synonymous with siyasah Islamiyah, which is political Islam based on the Quran and hadith as a basis for footing.³⁹

Historically, Islamic political practices before the onset of World War 2 were carried out based on the Khilafah system, which ended after the collapse of the Ottoman Khilafah in 1924 M.⁴⁰ Therefore, various literature on siyasah fiqh compiled at that time refers to the portrait of the Khilafah system. For example, *al-ahkam al-sulthaniyyah* by Imam al-Mawardi, who lived in 975-1058 M.⁴¹ This is something natural as a consequence of the reality of the times at that time. So, it is not surprising that classical fiqh literature on fiqh siyasah in the context of discussion refers to the system of government that prevailed at its time because this was what Muslims needed then. But what about the needs of Muslims today, amid globalization with the system of nation-state, democracy, and protection of

³⁷ KH. Afifuddin Muhajir's *Thoughts on Fiqh Siyasah and the New World Order* (Pondok Pesantren Nurul Jadid Paiton, 2022), https://youtu.be/1d3BX3tmlDM?si=kTC5OXtUKarD__oB.

³⁸ Abil Baqa' Ayyub Ibn Musa, *Al-Kulliyat Mu'jam Fi al-Musthalahat Wa al-Furuq al-Lughawi* (Bairut Libanon: al-Risalah Publishers, 1998).

³⁹ M Jafar, "Imam Asy-Syafi 'I Dan Perkembangan Mazhabnya," *Jurnal Al-Fikrah* 7, no. 1 (2018): 17-38.

⁴⁰ Mona Hassan, *Longing for the Lost Khilafah: A Transregional History* (Princeton university press, 2017).

⁴¹ al-Mawardi, *Al-Ahkam al-Sulthaniyyah* (Kairo: Dar Al-Hadist, 2006).

human rights that have changed the perspective of Islamic law and the direction of Islamic politics?⁴²

Observing this need, Nahdlatul Ulama figures and scholars consider it important to recontextualize in understanding *fiqh siyāsah*. The recontextualization was carried out through the International Conference on Fiqh of Civilizations, which produced several recommendation points as the basis for world peace diplomacy. Recommendations resulting from the conference include.⁴³

1. The concept of a caliph who wants to unite the Ummah in one command and position Muslims face with face non-Muslims is not a worthy aspiration.
2. Today's context of efforts to establish a caliph state can be contrary to the great goals of shari'a (*maqāshid al-sharia*), namely, safeguarding lives, safeguarding religion, safeguarding reason, safeguarding families, and safeguarding property because it can trigger prolonged conflicts.
3. *Ukhūwah basyariyyah* is the most appropriate and effective reason to realize the benefit of Muslims worldwide "*al-ummah al-islāmiyyah*" by strengthening the welfare and benefit of all humanity, both Muslims and non-Muslims and recognizing the brotherhood of all humans "*banī Ādam*".
4. The UN Charter can be the basic foundation available for developing new fiqh to uphold the future of peaceful and harmonious human civilization.
5. Development of a new discourse on fiqh, namely fiqh that can prevent all kinds of exploitation of identity counteract the spread of hatred between groups, promote solidarity and mutual respect for differences among people, cultures, and nations in the world, and support the birth of a truly just and harmonious world order, an order based on respect for equal rights and the dignity of every human being.

Apart from some of the explanations above, at least two factors underlie the urgent recontextualization of *fiqh siyasah* in NU's view – namely, sociological and philosophical factors. From a sociological perspective, after World War 2, there have been civilization-scale changes that have created the emergence of a new world order. This is marked by the existence of a U.N. charter that changes the geopolitical views of the international world.⁴⁴ Meanwhile, from a philosophical perspective, *fiqh* is a dynamic scientific discipline that has continuity with the

⁴² Masykuri Abdillah, "Sharia and Politics in the Context of Globalization and Society 5.0," *Ahkam: Jurnal Ilmu Syariah* Vol. 22, no. 1 (2022), <https://doi.org/10.15408/ajis.v22i2.28959>.

⁴³ Muhammad Aziz Luthfi, "Rekomendasi Mukhtar Internasional Fiqh Peradaban I: Menolak Khilafah, Mendukung PBB," *NU Online*, April 7, 2023, <https://www.nu.or.id>.

⁴⁴ Amitav Acharya and Dan Plesch, "The United Nations: Managing and Reshaping a Changing World Order," *Global Governance: A Review of Multilateralism and International Organizations* 26, no. 2 (2020): 221–35.

context of social reality.⁴⁵ This is the view of Ibn Qoyyim al-Jauzi in the rules of fiqh, which says that the change of law follows the changes in times, places, and conditions.⁴⁶

The role of PBNU through *fiqh al-ḥaḍarah* tries to provide a reinterpretation and recontextualization of the dimension of fiqh siyasah which is still based on the old order (government system based on the Khilafah) to be able to reach the reality of changing the new world order today without having to lose its substance meaning.⁴⁷ Thus, it becomes urgent to integrate the text's normativity with the context of reality. This is in line with K.H.'s view. Sahal Mahfudz asserts that fiqh is not enough to be seen as a text to answer problems but rather how it is contextualized to answer social problems.⁴⁸ On the other hand, this recontextualization is to realize the spirit of *al-muhāfadzatu bi qadi al-shāleh wal kudzu bi jadidil aslah*.

***Fiqh Al-Ḥaḍarah* is the Idea of Peace in the View of Nahdlatul Ulama**

The *fiqh of al-ḥaḍarah*, which NU. Has been initiated through NU. Several halves aim to realize peace and justice through understanding religious texts with a contextual approach, as has been done by Sahal Mahfudz with his social islamic jurisprudence.⁴⁹ This is proven by several efforts made by the NU in the international arena, as done by the Dutch PCINU, in fighting the phenomenon of Islamophobia that occurs in the Netherlands. According to the findings of Muhammad Taufiq et al., the multi-track diplomacy strategy carried out by PCINU involving an islamic jurisprudence approach has succeeded in promoting a peaceful, anti-terror, tolerant, and moderate Islam.⁵⁰ These findings reinforce the view that contextual approaches play an important role in implementing an

⁴⁵ Abdurrohman Kasdi, "Reconstruction of Fiqh Nusantara: Developing the Ijtihad Methodology in Formulating Fiqh from Indonesian Perspective," *QIJIS STAIN KUDUS* 7, no. 2 (2019): 239-66.

⁴⁶ Ibnu Qoyyim al-Jauziyyah, *I'lam al-Muwaqqi'in 'an Rabbil 'Alamin*, vol. Juz 3 (Bairut Libanon: Dar al-Jail, 1973).

⁴⁷ Reza Fauzi Nazar and Mohammad Fahmi Abdul Hamid, "Tracking the Genealogical Reasoning Reconstruction of Nahdlatul Ulama (NU) Fiqh: From 'Social Fiqh' to 'Civilization Fiqh,'" *Tashwirul Afkar* 41, no. 2 (2022): 137-62.

⁴⁸ Ahmad Faiz Muhammad Noer, "Pemikiran Fiqh Sosial K.H Ma Sahal Mahfudz Terhadap Formalisasi Hukum Islam," *Universitas Islam Indonesia*, 2018, <http://hdl.handle.net/123456789/7159>.

⁴⁹ Jamal Ma'mur Asmani, "Fiqh Sosial Kiai Sahal Sebagai Fiqh Peradaban," *Al-Ahkam* 24, no. 1 (2014): 31-46.

⁵⁰ Muhammad Taufiq, Muhammad Noor Harisudin, and Maimun, "Multi-Track Diplomacy Fiqh of Nahdlatul Ulama in Countering Islamophobia in Netherlands," *Ahkam: Jurnal Ilmu Syariah* 22 (2022): 2.

understanding of religious texts "fiqh," in the context of dynamic social realities.⁵¹ Geographical factors of a region certainly influence changes in the living conditions of a country. So, it is important to understand religious texts contextually based on current reality. This condition is a challenge for Muslims, to provide solutions to the problems of life by paying attention to the benefit of the Ummah.

Today's reality, the foundation of world peace refers to the legality of the charter of the United Nations (U.N.). For more than 75 years, the United Nations as an international organization has played a key role in shaping the world as we know it today. The U.N. is constantly required to respond to various international issues, human and natural disasters, and state conflicts. The U.N. has an important role in bridging multilateral diplomacy. As recorded in 2020, the U.N. membership includes 193 countries worldwide.⁵² This position of the U.N. makes the U.N. chart the highest norm in the international world.⁵³

The spirit of peace brought by the United Nations also has a strong foundation in Islamic law. Even in micro-conflicts, such as in the husband-wife conflict in verse 128 of surah An-Nisa', the Qur'an holds the view of *al-sulhu khair* (*islah* "reconcile" is better). Still, in the same case example, in verse 35 of surah An-Nisa' to bring peace in the family, for a couple who are in conflict and want to divorce, the solution offered by the Qur'an is to send a peacemaker (a judge) from both sides. This is in the event of a dispute between a husband and wife. So what about the dispute between two countries that want to go to war? On? this basis, I supported the recommendations of *fiqh al-ḥaḍarah* as a result of NU's thoughts, ideas, and views at the International Conference on Fiqh of Civilization I supported the U.N. chart and rejected the khilafah.⁵⁴

NU's attitude and views were then strengthened by an agreement at the International Conference on Fiqh of Civilization I in Surabaya on Monday, February 6, 2023. The conference outcome resulted in a common consensus among scholars who agreed on the position of the chart U.N. as a valid treaty in Shari'a. This agreement is based on the signing of the chart U.N. carried out by the head of state, while the head of state becomes a representative for the Muslims of each

⁵¹ Miftahul Huda, "Pendekatan Kontekstual Dalam Manhaj Ijtihad (Eksplorasi, Dan Rekonstruksi)," *Istinbath* 16, no. 2 (2017): 345–64.

⁵² Karen A Mingst, Margaret P Karns, and Alynna J Lyon, *The United Nations in the 21st Century* (Routledge, 2022).

⁵³ Shaummil Hadi, "PERSERIKATAN BANGSA-BANGSA: SISTEM PEMBUATAN KEPUTUSAN DAN DILEMA INTERVENSI KEMANUSIAAN," *VARIASI: Majalah Ilmiah Universitas Almuslim* 14, no. 2 (2022).

⁵⁴ Aziz Luthfi, "Rekomendasi Mukhtar Internasional Fiqh Peradaban I: Menolak Khilafah, Mendukung PBB."

country.⁵⁵ With the chart U.N. recognized as valid as a treaty, of course, it makes it easier for all countries in the world to be able to respond or prevent radical movements in the name of Sharia.

Through the discourse of *fiqh al-ḥaḍarah* NU. Wants to encourage Muslims in all corners of the world to have the same awareness, to start a big projection that Islamic shari'a has ideas that can be presented as solutions to all the dynamics and problems of global challenges of the 21st century, especially in terms of realizing peace. To achieve this goal, the discourse of *fiqh al-ḥaḍarah* should be raised and used as a narrative to re-initiate the conception of fiqh by the needs of Muslims today. Not only making fiqh talk a term to discuss matters of a ritual nature but more than that, future fiqh discourse must be able to be actualized into ideas that can present Islamic shari'a as a solution without being confined and trapped in classic issues that cannot be realized in today's reality. Because the conditions and terrain are already very different.

CONCLUSION

Adagium Islam *ṣaliḥun li kulli zamān wa makān* will only become a mere jargon or ideal when the existence of Islamic shari'a does not present a solution to the reality of socio-political problems and challenges of the reality of its time. The reality of the day shows that the thought and concept of islamic jurisprudence still do not show its authority. Some Islamic countries today even make Islamic thought insinuate negative expectations in the eyes of international politics. Such political realities in Syria, Afghanistan, Iran, Iraq, and other Islamic countries contribute to the negative index and decline of Islamic political thought. In response to this, Nahdlatul Ulama is of the view that in the perspective of *fiqh al-ḥaḍarah*, *fiqh siyāsah* as a treasure in Islamic thought that discusses interests between the people and the state or the state with other countries must be actualized and recontextualized to today's reality. The idea of an Islamic state with a Khilafah system in the past should not be understood rigidly and only textually; it should be understood according to the reality and needs of the times.

In addition, this recontextualization necessitates the development of a new discourse on fiqh. That is fiqh that can prevent the exploitation of identity, spread hatred between groups, promote solidarity and respect for differences among people, cultures, and nations, and support the birth of a truly just and harmonious world order. NU recommends this through the International Conference on the Jurisprudence of Civilization. To present the idea of fiqh in today's reality and from a geopolitical perspective, the recontextualization of *fiqh siyāsah* is urgent to

⁵⁵ Muhammad Syakir NF, "Fiqh Peradaban Perspektif Geopolitik Dikaji Di UIN Sunan Kalijaga."

be carried out by Muslim scholars around the world while considering geopolitical aspects and problems faced by each country. This recontextualization can be sought by rereading some fiqh texts that cannot be applied in reality today. Such as the understanding of the Islamic state with the caliphate system as a single system of government. To realize this, according to NU's view. *Fiqh al-ḥaḍārah* can be used to provide readjustment to islamic jurisprudence discourse in an ideal direction and by the needs of the times. Thus, islamic jurisprudence thinking can be used as a solution to welcoming a better civilization in the future.

Given that the vocabulary of *fiqh al-ḥaḍārah* is still relatively new as a scientific discourse and requires a more comprehensive study in the academic world. The researcher provides the following recommendation: Discourse on *fiqh al-ḥaḍārah* can be used to present the study of islamic jurisprudence in a more ideal and strategic direction in the locus of *fiqh siyāsah*. For this reason, it is a common imperative for every Muslim intellectual to be involved and contribute thought and attention to make the study of *fiqh al-ḥaḍārah* a campaign for peace in the international world through fiqh studies.

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