EPISTEMOLOGY OF ISLAM NUSANTARA: Transformation of Islamic Legal Thought in Nahdlatul Ulama (NU)

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Abstract: The term Islam Nusantara has created pros and cons among Islamic leaders in Indonesia. For Nahdlatul Ulama (NU), Islam Nusantara is not a new teaching or sect in Islam, so that there is no need to worry. Meanwhile, other groups think that the term Islam Nusantara will reduce the universal of Islam. Therefore, this study focuses on how NU's concept of Islam Nusantara and how the epistemological construction of Islam Nusantara and its application. This study found that Islam Nusantara is Islam practiced in Indonesia with the epistemological basis of maqāṣid al-sharāa, manhaj al-fikr ahl al-sunnah wa al-jamā'ah, and al-'urf. The epistemological foundation resulted in the typical ijtihad of Islam Nusantara. In the field of constitutional law, the results of the ijtihad Islam Nusantara gave birth to the concept that Indonesia is a peaceful country (dār al-ṣulḥ or dār al-salām). Meanwhile, in social, cultural, and religious realms, the epistemology of Islam Nusantara gave birth to the tradition of halal bi halal and tahlilan. In the circumstances of fiqh, there are several results of ijtihad, such as imsāk (holding all things that may breakfast 10 minutes before Shubuh prayer).

Term Islam Nusantara telah menimbulkan pro dan kontra di kalangan para tokoh Islam di Indonesia. Bagi Nahdlatul Ulama (NU), Islam Nusantara bukanlah ajaran atau sekte baru dalam Islam sehingga tidak perlu dikhawatirkan. Sedangkan kelompok lain menilai, istilah Islam Nusantara akan mereduksi Agama Islam yang universal. Oleh karena itu, penelitian ini akan difokuskan pada bagaimanakah konsep NU tentang Islam Nusantara dan bagaimana pula kontrusksi epistemologis Islam Nusantara serta penerapannya. Penelitian ini menemukan bahwa Islam Nusantara adalah Islam yang dipraktikkan di Indonesia dengan landasan epistemologis al-maqāṣid al-sharī'ah, manhaj al-fikr ahl al-sunnah wa al-jamā'ah dan al-'urf. Landasan epistemologis tersebut melahirkan hasil ijtihad khas Islam Nusantara. Pada ranah ketatanegaraan hasil ijtihad Islam Nusantara melahirkan konsep Indonesia adalah negara damai(dār al-ṣulḥ atau dār al-salām). Sedangkan dalam ranah sosial, budaya dan keagamaan, epistemologis Islam Nusantara melahirkan tradisi

halal bihalal, tahlilan. Dalam masalah fiqh muncul beberapa hasil ijtihad seperti imsāk (menahan semua hal yang membatalkan puasa 10 menit sebelum adzan shubuh).

Keywords: Islam Rahmatā li Al-'ālamīn; Moderate, Maqāşid Al-Sharīa; Adat; Ijtihād.

INTRODUCTION

The term Islam Nusantara has created pros and cons among Islamic leaders in Indonesia. Nahdlatul Ulama (NU) is the mass organization that created the term. PBNU chairman, Said Aqil Siroj, emphasized that Islam Nusantara is not a new teaching or sect in Islam, so that there is no need to worry. According to Said, the concept is the view of Indonesian Muslims who are attached to the culture of Nusantara. He explained that Muslims in Indonesia are very close to the culture in which they live, which is the basis for the emergence of the concept of Islam Nusantara. According to him, Islam Nusantara describes Indonesian Muslims united with the culture created by the community that does not conflict with Islamic law¹.

Meanwhile, one of the figures who debated the concept of Islam Nusantara is the Great Imam of the Forum Pembela Islam (FPI), Habib Riziq Sihab. He firmly rejected the notion of Islam Nusantara and condemned it as a heretical and misleading notion². According to him, there are several reasons why the concept of Islam Nusantara is rejected. First, Islam Nusantara considers Islam an 'immigrant' from Saudi Arabia, not an 'original' Indonesian religion. Islam is a religion that Allah sent down to all humans everywhere. Islam is one, and there is no Arab Islam, Indonesian Islam (Islam Nusantara), etc. Second, Islam Nusantara considers Islam an 'immigrant' religion to be submissive and obedient to local culture. This will position Islam as a religion under customs (habits). Third, Islam Nusantara considers the hijab not Islamic teaching but a culture.

Nevertheless, in history, before Islam came, women in Arabia did not know the hijab because women liked to wear clothes showing off their genitals and their beauty. Moreover, there is a belly dance tradition that opens the navel and thighs. Fourth, Islam Nusantara considers the greeting "Assalamu'alaikum" to be an Arabic tradition. Thus, if you want the nuances of nusantara replaced with "salam sejahtera" (peace be upon you), on the other hand, if you look at history before Islam, the greeting of the Arabs was "wa shobaahaah," not "Assalaamu'alaikum." Fifth, Islam Nusantara considers that recitations/reading the Qur'an no longer need to be in Arabic style but replaced with Nusantara style such as Javanese and Sundanese styles, and of course, this is very worrying about the sacredness of the Qur'an³.

¹ Said Aqiel Siradj, *Islam Sumber Inspirasi Budaya Nusantara: Menuju Masyarakat Mutamaddin*, !st Printed. (Jakarta: LTN NU, 2014), 123.

 [&]quot;Habib Rizieq: Inilah Kesesatan Jemaat Islam Nusantara (JIN) – Eramuslim," accessed June 4, 2021, https://webcache.googleusercontent.com/search?q=cache:EDhXFd4lo40J:https://www.eramuslim.com/berita/analisa/habib-rizieq-inilah-kesesatan-islam-nusantara.htm+&cd=2&hl=id&ct=clnk&gl=id.
Ibid

Regardless of the pros and cons of Islam Nusantara initiated by NU, this theme remains an interesting issue to study regarding the epistemological construction of the concept of Islam Nusantara and how NU outlines the pattern of relations or even collaboration or synergy between religion (Islam) and local culture. In terms of the epistemological basis, NU's concept of Islam Nusantara is interesting to study from the historical aspect of Islamic thought developed by NU. Historical studies of NU's Islamic thought are critical because the organization that has survived today has different and unique historical experiences. In addition, the typology of Islamic thought developed by NU is the result of a debate between Islamic teachings and the reality of local traditions. In the author's point of view, the universal teachings of Islam provide space for dialogue between the teachings of Islam itself and the local traditions where the teachings of Islam will be implemented.

Meanwhile, in terms of the pattern of relations between Islam and local culture, NU's idea of Islam Nusantara is interesting to study for various reasons. First, NU is a representation of Muslims in Indonesia who tend to continually synergize religious teachings (Islam) with local culture by carrying out the term al-muhāfazat al-qadīm al-ṣāliḥ wa al- akhdh bi al-jadīd al-aṣlaḥ (keep the good old traditions and make new, better traditions). Second, NU has always been an inspiration for Islamic movements and thoughts with a national perspective. NU is also used as a model in responding to changes and accommodating the dynamic local culture of Nusantara.

This article intends to complement the shortcomings of existing writings on Islam Nusantara regarding its epistemological structure and application. Existing writings can be classified into three themes. First, the study of Islam Nusantara from the relationship between culture and religion, such as M. Harisudin⁴, Luthfi Hadi Aminuddin⁵, Muhammad Luthfi⁶, Susanto, and Karimulloh⁷. Second, the study of Islam Nusantara from uşul al-fiqh and al-maqāṣid al-sharī'ah aspects as the writings of Sahal⁸, Hery Nugroho⁹ and Saiful Mustofa¹⁰. Third, the study of Islam Nusantara from its existence as a polite and moderate Islamic practice

⁴ M. Noor Harisudin, "'Urf Sebagai Sumber Hukum Islam (Fiqh) Nusantara," *Jurnal Ushuluddin: Media Dialog* Pemikiran *Islam* 20, no. 1 (2016): 66–86.

⁵ Lutfi Hadi Aminuddin, "ISLAM NUSANTARA AND PROGRESSIVE ISLAM: Nahdlatul Ulama (NU) And Muhammadiyah's View on Relationship of Religion and Culture," *PalArch's Journal of Archaeology of Egypt/Egyptology* 17, no. 3 (2020): 515–528.

⁶ Khabibi Muhammad Luthfi, "Islam Nusantara: Relasi Islam dan Budaya Lokal," *SHAHIH: Journal of Islamicate* Multidisciplinary 1, no. 1 (2016): 1–12.

⁷ Edi Susanto and Karimullah Karimullah, "Islam Nusantara: Islam Khas Dan Akomodatif Terhadap Budaya Lokal," *Al-Ulum* 16, no. 1 (2016): 56–80.

⁸ Abdurrahman Wahid, Akhmad Sahal, and Munawir Aziz, eds., *Islam Nusantara: Dari Ushûl Fiqh Hingga Konsep Historis*, 1st Printed. (Bandung: Teraju Indonesia: Mizan, 2015).

Hery Nugroho and Abdul Hadi, "Islam Nusantara Dalam Perspektif Maqashid Al-Syari'ah," *International Journal Ilnya*" *Ulum al-Din* 21, no. 2 (2020): 115–142.

¹⁰ Saiful Mustofa, "Meneguhkan Islam Nusantara Untuk Islam Berkemajuan: Melacak Akar Epistemologis Dan Historis Islam (Di) Nusantara," *Epistemé: Jurnal Pengembangan Ilmu Keislaman* 10, no. 2 (2015): 405–434.

models, such as the writings of Afifudin Muhajir¹¹, Lukman Nurhisam¹², Mujammil Qomar¹³, and Hanum Jazimah Puji Astuti¹⁴.

The article's objective is to complement previous studies, especially on the epistemological footing of Islam Nusantara, which is currently the epicenter and reference for the practice of moderate Islam. This article will specifically describe NU's concept of Islam Nusantara, the epistemological construction of Islam Nusantara, and its application in answering various problems.

This study is library research using the history of thought approach. The choice of the history of thought approach in this study was based on considerations; first, from the perspective of historical actors of thought, Islam Nusantara is a product of the thoughts of NU scholars. Second, in terms of roles, the historical approach of thought is used to: (1) reveal the historical context of the emergence of the concept of Islam Nusantara, (2) describe the epistemological basis of Islam Nusantara, and (3) describe the implementation of the concept of Islam Nusantara in NU's religious understanding.

This study will focus on context studies and the relationship between the text and its application to society in a more technical application. The text analyzed is used to reveal the genealogy of the concept of Islam Nusantara with previous thoughts, which are strongly suspected of having significantly influenced it, and the possibility of variants of the thoughts of NU scholars in understanding and implementing the concept of Islam Nusantara. Context studies, in this study, are used to find the macro-historical atmosphere in which the concept of Islam Nusantara was issued. While the study of the relationship between the text and the community (mass basis) is used to see how far the concept of Islam Nusantara is implemented in NU's religious ideology.

NU'S POINT OF VIEW ON ISLAM NUSANTARA

The term *Islam Nusantara* consists of two words, *Islam* and *Nusantara*. The word *Islam* is a religious dimension, and the word *Nusantara* is a cultural dimension that is interconnected with one another. This dimension is a way of Islam to compromise with territorial boundaries that have certain cultural roots. As a result, Islam no longer presents itself in a rigid and closed manner but respects

¹¹ Afifudin Muhajir, "Islam Nusantara Untuk Peradaban Indonesia Dan Dunia," in *Islam Nusantara Dari Ushul Fiqh Hingga Paham Kebangsaan*, ed. Ahmad Sahal (Bandung: Mizan Pustaka, 2015).

Luqman Nurhisam, "Islam Nusantara: A Middle Way?," SHAHIH: Journal of Islamicate Multidisciplinary 1, no. 2 (2016): 167–177.

Mujamil Qomar, "Islam Nusantara: An Approach to Practice Islam," *Episteme* 14, no. 1 (2019): 10–21274; Mujamil Qomar, "Islam Nusantara: Sebuah Alternatif Model Pemikiran, Pemahaman, Dan Pengamalan Islam," *El-HARAKAH (TERAKREDITASI)* 17, no. 2 (2015): 198–217.

Hanum Jazimah Puji Astuti, "Islam Nusantara: Sebuah Argumentasi Beragama Dalam Bingkai Kultural," INJECT (Interdisciplinary Journal of Communication) 2, no. 1 (2017): 27–52.

differences. Therefore, Islam is remarkably able to accommodate the values already contained in a particular area. This was also emphasized by Abdurrahman Wahid, who said, "The overlap between religion and culture will occur continuously as a process that will enrich life and make it not arid."

The statement above finally extends to the domain of Nusantara Islam, whether Islam exists in Nusantara or Islam is Nusantara itself? The first question refers to the region, while the second is more about distinctive values. KH. Mustofa Bisri (Gus Mus) once explained the term Islam Nusantara. According to him, the word Nusantara will be misunderstood if understood in the structure of *na'at-man'ūt* (nature). Thus, it means that "*Islam yang dinusantarakan*" (Islam is adapted to Indonesian Archipelago). However, it will be correct if it is placed in the *idāfah* structure (designation of place) so that it means "Islam in Nusantara."

KH. Aqil Siroj emphasized that Islam Nusantara is not a new teaching or sect in Islam, so there is no need to worry. According to Kyai Said, the concept is the view of Indonesian Muslims who are attached to the culture of Nusantara. He explained that Muslims in Indonesia are very close to the culture in which they live, which is the basis for the emergence of the concept of Islam Nusantara. According to him, Islam Nusantara describes Indonesian Muslims who are united with the culture created by the community that does not conflict with Islamic law¹⁵.

KH. Afifudin Muhajir and Abdul Moqsith Ghazali reinforce the views of Gus Mus, and Kiai Said above. KH Afifuddin Muhajir interprets Islam Nusantara as an understanding, practicing, and applying Islam in the fiqh mu'amalah segment because of the debate between texts, sharia, and 'urf, culture, and reality in Nusantara¹6. Likewise, Abdul Moqsith Ghozali called Islam Nusantara as an Islam being able to have dialectics with the culture of the people. Furthermore, Ghazali argues that Islam Nusantara is an Islamic perspective by meaning symbolized by Bhineka Tunggal Ika. Thus, Islam Nusantara views differences as the riches and grace of God, not accusing, blaming, misleading, and even being an infidel. Ghazali believes that the concept of Islam Nusantara can suppress the threat of radicalism in Indonesia. Moreover, many ulemas figuring from the Middle East have studied the relationship between religion and the state, such as the spirit of Pancasila in Indonesia, which can balance nationalism with Islam as a religion. According to him, conflicts in the Middle East often occur because of the absence of nationalism or love for the country, making it prone to civil war¹7.

Said Aqiel Siradj, Tasawuf Sebagai Kritik Sosial: Mengedepankan Islam Sebagai Inspirasi, Bukan Aspirasi, Cet.
(Ujungberung, Bandung: Diterbitkan atas kerja sama Mizan [dengan] Yayasan Khas, 2006), 51.

¹⁶ Aminuddin, "Islam Nusantara and Progressive Islam," 217.

Muhammad Noor Harisudin, "Islām Wa Fiqh Nusantara: Al-Tanāfus 'alá al-Huwīyah Wa 'alāqat al-Sulṭ ah Wa al-Ramz al-Dīnī Li Jam 'īyah Nahdlatul Ulama," *Studia Islamika* 24, no. 3 (2017): 503–554.

The East Java Nahdlatul Ulama Regional Board (PWNU) officially discussed the meaning of Islam Nusantara in the Bahtsul Masa'il forum on February 13, 2016, at the State University of Malang. In the forum, it was decided that the definition of Islam Nusantara:

- 1. Ahlussunnah wal Jamaah Islam is practiced, preached, and developed in Nusantara to anticipate and fortify people from radicalism, liberalism, Shia, Wahabi, and other ideologies not in line with Ahlussunnah wal Jamaah¹⁸.
- 2. The method (*manhaj*) of Islamic *da'wah* in Nusantara of a multi-ethnic, multi-cultural, and multi-religious population was carried out politely and peacefully¹⁹.

EPISTEMOLOGY OF ISLAM NUSANTARA

According to KH. Afifudin Muhajir, the epistemology or *manhaj* of Islam Nusantara initiated by NU, dialogue between the sharia text and local reality and culture²⁰. Abdurrahman Wahid (w. 2009), with the idea of *Pribumisasi Islam*, basically emphasizes the importance of making *'urf* (custom, culture) and local needs as a consideration in establishing Islamic law. This is by the rules of *fiqhiyah yataghayyar al-aḥkām bi taghayyur al-azmān wa al-amkinah* (the law is dynamic according to changes of time and place). Why? Because the purpose of Islamic law is to create benefit and avoid harm. Both objectives will be achieved if the process of formulating and enacting the law is carried out by considering local customs and traditions²¹.

The problem is, in what context can customs and traditions be considered in establishing a legal provision to achieve benefit? Is it in both of whole laws of worship or *muamalah* or one of them?

In this case, Husen Muhammad argues that there are *thawābit* (fixed, unchangeable) and *mutaghayyir* (changeable) teachings²². The teachings included in the *thawābit* classification are teachings of aqidah, worship that is *maḥd}ah*, such as prayer, fasting, *zakat*, and hajj. Meanwhile, legal issues involving human relations (*mu'amalah*) such as family, political, social, economic, and inter-nation relations are included in the classification of *al-mutghayyir* (changeable law). and *al-awā' id* (culture) can be classified in *al-mutaghayyir*.

¹⁸ Pengurus Wilayah Jawa Timur and Lembaga Bahtsul Masail, *NU Menjawab Problematika Umat: Keputusan Bahtsul Masail PWNU Jawa Timur* (Surabaya: Kalista, 2015), 112.

¹⁹ Ibid., 113.

²⁰ Afifudin Muhajir, "Islam Nusantara Untuk Peradaban Indonesia Dan Dunia," 205.

²¹ *Ibid.*, 206.

Husen Muhammad, "Hukum Islam Yang Tetap Dan Berubah Dalam Peradaban Indonesia Dan Dunia," in Islam Nusantara Dari Ushul Fiqh Hingga Paham Kebangsaan, ed. Ahmad Sahal (Bandung: Mizan Pustaka, 2015), 23

This understanding is in line with the opinion of 'Izz al-Dīn ibn 'Abd al-Salām (d. 660 H), who stated:

أما مصالح الأخرة وأسبابها ومفاسدها فلا تُعرف إلا بالشرع، فإن خفي منها شيء طُلب من أدلة الشرع وهي الكتاب والسنة والاجماع والقياس المعتبر والاستدلال الصحيح. وأما مصالح الدنيا وأسبابها ومفاسدها فمعروفة بالضرورات والتجارب والعادات والظنون المعتبرات، فإن خفي شيء من ذلك طُلب من أدلته

"Maşlaḥah and mafsadah relating to the affairs of the hereafter can only be known by sharia statements. If there is an ambiguity/unclarity, it must be sought for clarity in Sharia statements; al-Qur'an, al-Sunnah, ijma, qiyās can be accounted for and a valid istidlāl process. As for maşlaḥah and mafsadah related to world affairs, it can be known with definite arguments, empirical experience, customs/culture, and assumptions that can be accounted for. If (maşlaḥah and mafsadah which are related to world affairs, still have an unclear thing, it can be traced from their sources"²³.

From the statement of 'Abd al-Salām above, it can be understood that there are different domains between *maslahah* and *mafsadah* related to the affairs of the hereafter and worldly affairs. *Maslahah* and *mafsadah* of the hereafter can be detected with the *Qur'an*, *al-Sunnah*, *Ijma'*, and *qiyas*. Meanwhile, *maslahah* and *mafsadah* of the world can be detected by empirical experience, customs/culture, and valid assumptions.

From several opinions above, it can be emphasized that the domain of Islam Nusantara is in *muamalah* aspect and not in worship. Worship is fixed, unchangeable in any situation and condition (*al-thawābit*). At the same time, *mu'amalah*, the provisions governing human, political, social, economic, etc., is dynamic, changeable based on the situation, condition, and place (*al-mutghayyir*).

Another aspect of the epistemology of Islam Nusantara is the *manhaj al-fikr* (method of thinking) *ahl al-sunnah wal jama'ah* (*aswaja*) adopted by NU, namely *tawāzun* (balanced), *tawassuṭ* (moderate), and *tasāmuḥ* (tolerant)²⁴. Based on the *manhaj al-fikr aswaja*, Islam Nusantara can present Islamic teachings to local culture and traditions, including tolerance, friendly, and accommodating.

KH. Ahmad Shiddiq explained the implementation of the three manhaj alfikr aswaja above as follows:

²³ Izzu al-Din Abd al-Salam, Al-Qawaid al-Ahkam Fi Mashalih al-Anam (Damaskus: Darul Qolam, 2000), 115.

Luthfi Hadi Aminuddin, "Rekonstruksi Wacana Modernis-Tradisionalis: Kajian Atas Pemikiran Keislaman Muhammadiyah Dan Nahdlatul Ulama Pasca Reformasi," Kodifikasia 12, no. 1 (2018): 93–112.

a. Agidah (Islamic creed).

- 1) Balance in the use of 'aqlī and naqlī statements.
- 2) Purify *Aqidah* from external influences of Islam.
- 3) It is not easy to judge wrong or pass a verdict of shirk, heresy, or even infidelity²⁵.

b. Sharia

- 1) Holding *Qur'an* and *al-Hadīth* by using methods justified scientifically.
- 2) The intellect sense can be used in problems for which there is no explicit text (sarih/qat'i).
- 3) Can accept differences of opinion in assessing problems that have multi-interpretative statements (*zannī*).

c. Tasawwuf/ Morals

- 1) Not prevent, even encourage efforts to deepen the appreciation of Islamic teachings, as long as using methods does not conflict with Islamic law principles.
- 2) Prevent excessive attitude (*ghuluw*) in judging something.
- 3) We are guided by good morality. For example, the attitude of $shaj\bar{a}'ah$ or brave (between cowardice and reckless or careless), the attitude of laughter du' (between arrogant and low self-esteem), and the generous attitude (between stingy and extravagant)²⁶.

d. Inter-group Association

- 1) Recognize the characters of humans for being like to have gathering and grouping based on their respective binding elements.
- 2) Develop tolerance to different groups.
- 3) Inter-group relations must be based on mutual respect and appreciation.
- 4) Be firm with those who hate Islam²⁷.

e. Country life

- 1) The Unitary State of the Republic of Indonesia (NKRI) must be maintained because it is the agreement of all components of the nation.
- 2) Always follow and obey the government with all the rules made if it does not conflict with religious teachings. Do not carry out rebellions or coups against the legitimate government.
- 3) If there is a deviation in the government, then remind him in a good way 28 .

²⁵ Achmad Siddiq, *Khitthah Nahdliyyah*, 3rd Printed. (Surabaya: Published with Khalista [and] Lajnah Ta'lif Wan Nasyr (LTN NU) East Java, 2005), 63.

²⁶ Ibia

²⁷ Ibid., 64.

²⁸ *Ibid.*, 65.

f. Culture

- 1) Culture must be placed in a reasonable position, assessed, and measured by religious norms and laws.
- 2) A culture that brings good and does not conflict with religion is acceptable, wherever it comes from. Meanwhile, what does not bring good must be left behind.
- 3) It can accept an excellent new culture and preserve the old culture which is still relevant (al-muḥāfazah 'alā al-qadīm al-ṣāliḥ wa al-akhd bi al-jadid al-aṣlaḥ)²⁹.

g. Da'wah

- 1) *Da'wah* is not to punish or give a verdict but to invite people to walk in a pleasing path into Allah SWT.
- 2) *Da'wah* is carried out with clear targets and goals.
- 3) *Da'wah* is carried out with good instructions and precise information, adapted to da'wah's target conditions and circumstances³⁰.

APPLICATION OF EPISTEMOLOGY OF ISLAM NUSANTARA

The following will describe some of the ijtihad results from applying the epistemology of Islam Nusantara, which ranges in the mu'amalah area, by considering maqāṣid al-sharīa, manhaj al-fikr ahlus sunnah wal jama'ah, and customs, culture, and traditions developed in Indonesia.

1. Islam Nusantara: Islām Raḥmatā li al-'ālamīn

The NU's *kyais* are aware of the plurality of Indonesian people and believe it to be recognized as *sunnatullah*. The plurality of society concerning the plurality of religions, ethnicities, cultures, and others is a reality and a blessing in the history of Islam itself since the time of $Ras\bar{u}lull\bar{u}h^{31}$.

The NU's *kyais* apply three kinds of integrated patterns of relationships among human beings, there are:

a. The relationship among human beings is related to religion (Islam) is commonly referred to as *ukhuwwah Islammīyah*. This principle concerns the pattern of brotherhood among Muslims that grows and develops because of the equality of *aqidah* (faith) both at the national and international levels. This relationship concerns all aspects of life, both aspects of worship, *mu'ā*, even *munā kaḥat* and *mu'ā sharah* (daily relationships), which will eventually create and grow a true brotherhood.

²⁹ *Ibid.*, 66.

³⁰ *Ibid.*, 66.

³¹ PBNU, ed., Solusi Problematika Aktual Hukum Islam: Keputusan Muktamar, Munas, Dan Konbes Nahdlatul Ulama, 1926-2010 M, 1st Printed. (Surabaya: Khalista, 2011), 749.

- b. The relationship among fellow human beings is related to national ties (*ukhuwwah watanīyah*). This relationship concerns matters of a *mu'amalah* (social, national/state) which regulates and places all citizens with equal degrees, the responsibility to pursue wealth in everyday life.
- c. The relationship among human beings grows and develops based on a universal sense of humanity, commonly referred to as *ukhuwwah basharīyah*. This relationship concerns all aspects of human life to achieve a prosperous, just, and peaceful life³².

In its implementation, NU views *ukhuwwah Islammīyah* and *ukhuwwuah watanīyah* as matters that must get more careful attention and complete wisdom. Both must be seen as a pattern of relationships that need and support each other, must be realized simultaneously, and should not contradict one another. The attitude of contrasting the two will be detrimental to the lives of Muslims in Indonesia and the life of the nation. Furthermore, the NU's kyais recommend five things as a pattern for the implementation of the two relationships, namely:

- a. Accommodative attitude, in the sense of willingness, to accommodate various parties' various interests, opinions, and aspirations.
- b. Selective attitude means an intelligent and selective attitude in choosing the best interest and which is more beneficial (aşlaḥ) and which is more beneficial (anfa') from the various alternatives.
- c. Integrative attitude, in the sense of willingness to harmonize, harmonize and balance to converge these various interests and aspirations fairly and proportionately.
- d. Cooperative attitude, in the sense of willingness, to live together and cooperate with anyone in activities of *mu'amalah* (relationships among human beings), not worship³³.

Furthermore, the NU's kyais view that the implementation of *ukhuwwah* requires uniformity and a willingness to be "united in diversity." Therefore, implementing the three ukhuwwah, Islammiyah, waṭanīyah, and basharīyah must be carried out in a proportional, balanced, and not contrary to the Sharia.

According to Said Aqil Siroj, the concept of *raḥmatā li al-ālamīn* is one of the foundations of peace, even for people outside of Islam. The Islamic concept of *raḥmatā li al-ālaminn* has been implemented in real terms by NU³⁴. One example is when Banser (Barisan Serbaguna) took an active role in securing the Christmas

³² *Ibid.*, 750.

³³ *Ibid.*, 752.

[&]quot;Siradj, Said Aqil. 'Tagline Rahmatan Lil Alamin Dalam Islam,' Www.Nu.or.Id, Accesed on 10 October 2013, Jam 11.30. - Penelusuran Google," accessed June 4, 2021, https://www.google.com/.

celebration. They do not hesitate to maintain the celebration of Christian holidays in Indonesia. Siroj also said that the application of the concept of $Islamra hmat \bar{a} li al- \bar{a} lam \bar{n}$ is not only related to tolerance between religious communities in Indonesia but also in the formulation of laws and regulations in Indonesia³⁵.

2. A Peaceful State ($D\bar{a}r$ al- $\S ul\dot{h}$): A Concept of Islam Nusantara on Relationship of Religion and State

In establishing a state, the decision made by NU Alim Ulama National Conference in Lombok in 1997 stipulated that building a state/ *imamah* (leadership) is obligatory based on Sharia. NU recognizes that the government of a country is a *sunnatullah* to be realized both in a *shar'ī* and *'aqlī* way to maintain sovereignty, manage life, protect the rights of every citizen and realize the common good. The power and authority possessed by the government as the holder of the mandate from the people contain the mandate given by the people and divine, which will later be held accountable by Allah. Therefore, such power and authority must be based on a sense of divine responsibility and implemented by the moral demands of religion³⁶.

Regarding the form of the state, the founder of NU, K.H. M. Hasyim Asy'ari, believes that establishing an Islamic state is not an obligation for Muslims. Kiai Hasyim stated:

"The form of Islamic government is not defined. When our respected Prophet Muhammad passed away, he did not leave any message regarding how to choose the head of state...., so the election of the head of state and many more regarding the state is not determined and can be carried out without being bound to follow a system. All (systems) can be implemented in Islamic societies in any place³⁷.

From the point of view of K.H. M. Hasyim Asy'ari, NU has always rejected the establishment of an Islamic state in Indonesia. It can be said that NU and the leaders accept the pluralistic form of the Indonesian state and decide that an Islamic state is not necessary for the Indonesian nation

In general, NU's paradigm of the relationship between Islam and the state is influenced by several factors. First, the understanding of *Ahlussunah wal jama'ah*. A mindset that takes a middle ground between the extremes of 'aqlī (rationalists) and extremes of naqlī (scripturalists). Therefore, the source of thought for NU is not only the *Qur'an* and *al-Sunnah* but also uses the ability of reason coupled with empirical reality. This way of thinking is referred to from previous thinkers, namely Abū Hasan al-Ash'arī and Abū Manṣūr al-Māturidī in the field of theology.

³⁵ Siradj, Tasawuf Sebagai Kritik Sosial, 79.

³⁶ PBNU, Solusi Problematika Aktual Hukum Islam, 749.

³⁷ Lathiful Khuluq, *Fajar kebangunan ulama: biografi K.H. Hasyim Asy'ari*, Cet. 1. (Yogyakarta: LKIS Yogayakarta, 2000), 84.

In *fiqh*, the way of thinking is referred to four Madhhabs, including Hanafī, Mālikī, Shāfi'ī, and Hanbalī. Meanwhile, in Sufism, the Al-Ghazālī and Junayd Al-Baghdādī methods are developed, which integrate Sufism with Shari'a³⁸.

The second factor is NU's political thinking based on. The religious understanding mainly influences NU's political thinking it adheres to, namely the *ahl al-sunnah wa al-jamā'ah* (*Sunnī*). They are members of the NU organization forum, which is heavily influenced by the thoughts of *al-Mawardī* and *al-Ghazālī*³⁹.

In Sunni political theory, five principles are firmly held, including *tawḥīd* (divinity), *al-shūrā* (deliberation), *al-adālah* (justice), *al-ḥurrīyah* (freedom), and *al-musāwah* (equality). NU also upholds these five principles as the organization of the Indonesian *Ahl al-sunnah wa al-jamā'ah* (*Sunnī*)⁴⁰.

The third factor is the objective condition of the pluralistic Indonesian nation. Physically, the Nusantara is an archipelago consisting of more than 13,000 islands, both large and small. In addition, Indonesia consists of various ethnic groups, languages, customs, and religions, showing how high the level of socio-cultural pluralism in Indonesia is. Indonesian history and culture cannot be separated from the touch and influence of religions existing and developing in various regions. The presence of major religions such as Hinduism, Buddhism, Islam, and Christianity gives its color to the diversity of religions in Indonesia⁴¹.

According to the NU paradigm, the foundation of state implementation cannot be separated from religious values from all the explanations above. For NU, Nationality is a necessity in human civilization on earth. Thus, NU's paradigm of the relationship between Islam and the state is symbiotic (symbiotic paradigm), which states that religion and the state are symbiotically related, reciprocal relationships that need each other. In this case, religion needs the state because religion can develop because of the state companion. On the other hand, the state needs religion because religion can guide ethics, morals, and good values to develop.

3. Maqāşid al-Sharīa and An Understanding the Nationality of Islam Nusantara

An example of NU's legal determination based on *maqāṣid al-Sharīa* is the formulation of Pancasila as the basis of the state. Nahdlatul Ulama through its deputy, KH. Abdul Wahid Hasyim in the ninth team of BPUPKI participated in formulating and deciding Pancasila as the basis of the Republic of Indonesia⁴².

³⁸ *Ibid.*, 61.

³⁹ Ibid

⁴⁰ PBNU, Solusi Problematika Aktual Hukum Islam, 769.

⁴¹ Ali Masykur Musa, *Membumikan Islam Nusantara: Respons Islam Terhadap Isu-Isu Aktual* (Serambi Ilmu Semesta, 2014), 73.

⁴² Andrée Feillard, NU vis-à-vis Negara: Pencarian isi, bentuk dan makna (Jakarta: LKiS, 1999), 32; Ali Maschan

For NU, Pancasila is seen not as a rival to religion, let alone replacing the position of religion, but as the nation's philosophy. Based on the principle of maqāṣid al-Sharīa, NU argues that the *Sila Ketuhanan yang Maha Esa* and other *silas* (principles) do not conflict with Islamic teachings. Even the five principles are part of the implementation of Islamic teachings⁴³. According to NU, Pancasila is formulated from traditional values, Indonesian cultural values, and religious values contained in the way of life of the Indonesian people since before forming the state. In addition, the factor of harmony and mutual respect between components in the Indonesian state is a matter of concern, which takes precedence over simply forcing oneself to form Indonesia as an Islamic state. This view is very relevant to the rules of *Fiqh* that are familiar in the idiom "dar'al-mafāsid muqaddam 'alā jalb al-maṣāliḥ" (avoiding damage/destruction is better than obtaining good)⁴⁴. In the context of Indonesia, NU views that avoiding the disintegration of the nation must be avoided rather than forcing Islamic sharia to be used as the basis of the state.

The excellence of NU tradition is that it has many references to respond to development and does not fall into absolutes. NU's acceptance of Pancasila culminated in its flexible and adaptive attitude in dealing with political developments.

Applying *maqāṣid al-sharīa* paradigm, NU has a different secular view that sterilizes the role of religion in the life of the state. Likewise, NU is different from pro-caliphate groups who want to make Indonesia becoming a religious state. NU suggests that Indonesia is not a religious state that tends to be integral to various aspects of state life. NU suggests that the state needs moral ethics as taught by religion, while religion itself requires the state to control the preservation of its existence.

In the context of Indonesia, furthermore, NU suggest that Pancasila and the Unitary State of the Republic of Indonesia (NKRI) as a system used as the basis for the state are considered as not needed to be disputed, considering two things, namely:

- a. The spirit of the five principles of Pancasila itself is by the substance of religious teachings.
- b. The use of Pancasila is due to maintaining the unity and integrity of the pluralistic Indonesian society both in terms of ethnicity and religion⁴⁵.

Moesa, *Nasionalisme Kiai: Konstruksi Sosial Berbasis Agama*, 1st Printed. (Surabaya: Yogyakarta: IAIN Sunan Ampel Press; LKiS: Distribution, LKiS Pelangi Aksara, 2007), 120.

⁴³ Moesa, Nasionalisme Kiai, 124.

⁴⁴ M. Ali Haidar, *Nahdatul Ulama Dan Islam Di Indonesia: Pendekatan Fikih Dalam Politik* (Jakarta: Gramedia Pustaka Utama, 1994), 321.

⁴⁵ Moesa, Nasionalisme Kiai, 124.

The diversity of ethnicities and religions embodied by the Unitary State of the Republic of Indonesia is mandated by God to know each other and not separate each other. Therefore, NU recommends that the Unitary State of the Republic of Indonesia, which all the people of Indonesia established, must be maintained. Therefore, the legitimate government (ruler) must be obeyed if it does not deviate from the people's mandate, contrary to Allah's laws and provisions. If there is a distortion from the Government, the way to warn must be as good as possible⁴⁶.

For NU, the line of national politics is clear, that NU, which helped formulate Pancasila, will consistently defend Pancasila. If there are NU members who participate in formulating other ideologies as the basis of the state, then morally, of course, he not only betrayed the nation and NU but also betrayed KH. Abdul Wachid (Son of KH. Hasyim Asy'ari) participated as one of the ninth team who formulated Pancasila as the basis of the state.

At the 29th NU Congress in Cipasung Tasikmalaya in 1994, NU again issued a fatwa to all NU citizens mainly, and Indonesian citizens generally, that reaffirmation of NU's commitment to the existence of Pancasila is necessary.

The following is the NU fatwas based on the Pancasila State:

- 1) As the basis and philosophy of the state of the Republic of Indonesia, Pancasila is a fundamental principle but not religion, cannot replace religion, and cannot be used to replace religion.
- 2) Sila Ketuhanan Yang Maha Esa (principle of Belief in One God) as the basis of the state according to article 29 paragraph (1) of the 1945 Constitution, which animates other principles reflecting monotheism according to the understanding of faith in Islam.
- 3) For NU, Islam is *aqidah* and Sharia, including human relations with Allah and human relationships.
- 4) Acceptance and practice of Pancasila is the embodiment and effort of Indonesian Muslims to carry out their religious obligations.
- 5) As a result of the attitude above, NU is obliged to secure the correct understanding of Pancasila and its pure and consistent practice by all parties."⁴⁷

4. Al- 'Urf in Ijtihad of Islam Nusantara

At the level of practice of Islamic da'wah in Nusantara, when dealing with various traditions/cultures, four approaches can be used: adaptation, neutralization, minimization, and amputation.

⁴⁶ *Ibid*.

⁴⁷ PBNU, Solusi Problematika Aktual Hukum Islam, 757.

- a. The adaptation approach is carried out to respond to traditions/cultures principally not conflicting with Sharia (not *haram*). This is an implementation of *al-akhlaq al-karimah* recommended by the Prophet. Traditions/cultures addressed by an adaptation approach include traditions/cultures that emerged after Islam developed and before. For example, the tradition of *kromo inggil* and *kromo alus* in Javanese society is considered good and can be adapted to reflect polite language towards older people⁴⁸.
- b. The neutralization approach is carried out to address the mixed traditions/cultures between forbidden things but can be removed, and things are allowed. Neutralization of culture like this is applied by eliminating the prohibition and preserving the other⁴⁹.
- c. The minimization approach is carried out to address the culture containing prohibitions that cannot be eliminated instantly. This kind of cultural minimization is applied by a) reducing the *haram* as much as possible, by replacing it with a lighter *haram* gradually until it disappears or at least decreases; b) leaving it if the prohibition can distract the perpetrator from more severe prohibition⁵⁰.
- d. The amputation approach is carried out to respond to a culture containing prohibitions that must be eliminated. The amputation of this kind of culture is carried out in stages, such as animism and dynamism beliefs. Although it is done by removing it from the roots, this approach is carried out gradually. As the Prophet Muhammad SAW in dealing with pagan beliefs in Arab society, he destroyed the physical idols, then continued by eliminating the idols of belief, thought, and culture⁵¹.

In Indonesia, there are traditions and cultures in implementing religious teachings to become a characteristic of Islam in Nusantara that is not owned and does not exist in other countries. These differences are apparent and can be seen in real terms in several ways, including:

- a) In doing fasting of Ramadan, there is a tradition called *imsak*. This tradition refers to the time when a person who is going too fast immediately stops the *suhoor*. *Imsak* duration is calculated 10 minutes before the arrival of dawn. The *imsak* tradition is intended as an effort *-ikhtiyath* (careful) so that Muslims avoid doubts about when one should stop activities that may break the fast.
- b) In the month of Shawwal, there is a tradition of *halal bihalal*. *Halal bihalal* is a culture of forgiving each other or visiting each other's homes (*silaturrahim*)

⁴⁸ Pengurus Wilayah Jawa Timur and Lembaga Bahtsul Masail, *NU menjawab problematika umat*, 233.

⁴⁹ *Ibid.*, 223.

⁵⁰ *Ibid.*, 224.

⁵¹ *Ibid.*, 225.

- to ask and give forgiveness, symbolized by shaking hands.
- c) There is a tradition of giving alms at *tahlilan* events on the 7th, 40th, 100th, and 1000th days after someone's death.

TRANSFORMATION OF THE THOUGHT OF ISLAMIC LEGAL IN NAHDLATUL ULAMA (NU): FROM INDONESIA TO THE WORLD

From the explanation above, it is stated that NU presented the concept of Islam Nusantara with the intention of two things. First, to reaffirm NU's worldview on cultural and religious relations. NU asserts itself as an organization that builds a dialogue to bridge religion as a universal dimension with culture as a locality dimension. However, Islam Nusantara was only introduced at the 33rd NU Congress in Jombang. In practice, the epistemology of Islam Nusantara has been implemented since NU was founded, as some of the examples described above. Second, Islam Nusantara was presented as a counterpart to anti-cultural groups, such as radical groups including Wahhabis, Salafis, and groups that began to question the existence of the Unitary State of the Republic of Indonesia as an un-Islamic country.

Radical groups tend not to accept differences, open space for dialogue, and even position other groups who disagree as enemies. This group often uses violence to confront anyone who disagrees with them⁵². Wahhabis and Salafis groups questioned the practice of worship in Indonesia, especially those carried out by *nahdliyin*. This group often uses the terms *bid'ah*, *khurafat*, and *tahayyul* (superstitious) to accuse groups that tend to accept the custom of culture that can coexist with religious practices. This group can cause disharmony in building inter-religious harmony (Islam)⁵³. Likewise with other radical groups, such as HTI (Hizbut Tahrir Indonesia), who began to question the existence of the Unitary State of the Republic of Indonesia, Pancasila as the basis of the state and wanted to replace it with *khilafah* (caliphate), which they believed was an ideal and Islamic system of government, as taught by the Prophet. Thus, Islam Nusantara is presented to answer the misunderstanding of Islam, which teaches peace, harmonization, accept differences by promoting Indonesia as a model for practicing moderate Islamic teachings, *raḥmata li al-'ālamīn*.

This study shows that the epistemological construction of Islam Nusantara above can be used to complement the pattern and method of determining Islamic law carried out in *bahtsul masail* by using *qawlī*⁵⁴ and *manhajī*⁵⁵ methods. This means

⁵² Ahmad Rizky Mardhatillah Umar, "Melacak Akar Radikalisme Islam Di Indonesia," *Jurnal Ilmu Sosial dan Ilmu Politik* 14, no. 2 (2010): 169–186; ibid.

Eka Prasetiawati, "Menanamkan Islam Moderat Untuk Menanggulangi Radikalisme Di Indonesia," *Fikri: Jurnal Kajian Agama, Sosial dan Budaya* 2, no. 2 (2017): 523–570

The pattern of solving fiqh problems is to find answers by examining the opinions of madhhab of *Imam* and their followers, which are contained in *fiqh* books.

⁵⁵ The pattern of solving fiqh problems is to find answers by examining the opinions of madhhab of *Imam*

that the pattern of solving *fiqh* problems that continues to develop, especially in the *mu'amalah* area, can be solved using the *qawlī* and *manhajī* methods by considering the characteristics of *al-mutaghayyir* (dynamic law), *maqāṣid al-sharīa*, and manhaj *al-fikr ahl al-sunnah wa al-jamā'ah* which consists of *tawāzun*, *tawassut*, *tasāmuh* and *I'tidāl* able to show the face of Indonesian Islam as religion being moderate, friendly and *raḥmatan li al-'ālamīn*.

The development of Islamic law of *al-mutaghayyir* will confirm the universality of Islamic law relevantly throughout the ages (*ṣāliḥ likull zamān wa makān*). The field of *muamalah*, which is experiencing speedy development in line with technological developments, demands new ijtihad to respond to issues requiring *fiqh* guidance by dialogue between Islamic law, customs, and traditions⁵⁶. Thus, Islamic law will always be present as a response to new problems arisen.

Likewise, the development of Islamic law with <code>maqāṣid al-sharīa⁵⁷</code> became an essential contribution of Islam Nusantara. As the bearer of Islam Nusantara, NU is often present to provide solutions to various problems of the nation. The latest example shows when NU provides recommendations on the importance of anti-covid vaccines and provides guidelines for implementing worship during the COVID-19 and emergency PPKM by prioritizing the <code>maqāṣid al-sharīa</code> approach. NU provides a legal basis for implementing <code>Salat al-jama'ah</code> (Congregational Prayer), Friday prayers to Eid al-Adha prayers at home by considering the principles of <code>maqāṣid al-sharīa; hifz al-nafs;</code> to the importance of maintaining the safety. Congregational prayers and Eid al-Adha prayers are sunnah while maintaining the safety from COVID-19 is obligatory. Likewise, Friday prayers can be carried out at home with a minimum congregation of three people by referring to the opinion of Imam Madhhab, who allows it. This is considered more <code>maslahah</code> to protect and save themselves from COVID-19 for areas declared as red zones.

Lastly, the development of Islamic law with *manhaj al-fikr ahl al-sunnah wa al-jamā'ah* includes the principles of *tawassut* (moderate), *tawazun* (balanced), *tasāmuh* (tolerance), and *i'tidal* (justice) find their relevance in the context of building and displaying *Islam wasatiyah* and religious moderation. Internal and inter-religious harmony, both in Indonesia and other countries, will be well established when understanding religion is based on the *manhaj al-fikr* above.

and their followers, by implementing al-qawa'id al-fiqhiyah dan al-qaw>'id al-usuliyah.

Ishom Fuadi Fikri, "Universalitas Islam Dan Lokalitas Budaya Dalam Bingkai Islam Nusantara," Teosofi: Jurnal Tasawuf dan Pemikiran Islam 8, no. 1 (2018): 62–82; Zikri Darussamin, Rahman Rahman, and Imam Ghozali, "The Relationship Between Islam and Traditional Marriage of Siak Malay," Justicia Islamica 17, no. 2 (November 27, 2020): 323–342.

Iffatin Nur and Muhammad Ngizzul Muttaqin, "Reformulating The Concept of Maṣlaḥah: From A Textual Confinement Towards A Logic Determination," *Justicia Islamica* 17, no. 1 (June 2, 2020): 73–91; Iswahyudi Iswahyudi, "The Maslahat Epistemology in Cigarette Law: Study on The Fatwa Law on Cigarettes," *Justicia Islamica* 17, no. 2 (October 31, 2020): 243–260.

CONCLUSION

The findings in this study are that Islam Nusantara is not "another Islam" which is different from the mainstream understood by most scholars, but Islam that has dialogued between culture and traditions in Indonesia. Dialogue of these cultures and traditions is limited to the *mu'amalah* area, not in worship matters, only profane and taken for granted. NU with the concept of Islam Nusantara requires to open a space for dialogue between the principles of *mu'amalah* with local traditions and culture, to bear several peculiarities (*mumayyizāt*, *typical}āiş*) with *mu'malah* practiced in various countries. For the dialogue process as intended, NU makes *al-maqāṣid al-sharīa*, *al-'urf*, and *manhaj al-fikrahl al-sunnah wal jama'ah* as the epistemological foundation of Islam Nusantara.

In constitutional law, the ijtihad's result of the Islam Nusantara gave birth to the concept of Indonesia as a peaceful state ($d\bar{a}r$ al-sulh or $d\bar{a}r$ al- $sal\bar{a}m$) with the approval and acceptance of Pancasila as the basis of the state and the Unitary Republic of Indonesia as a forum for a peaceful state ($d\bar{a}r$ al-sulh r al-sulh). Meanwhile, Islam Nusantara brings out the tradition of halal bihalal, tahlilan, etc. In the matter of fiqh, several results of ijtihad emerged, such as $ims\bar{a}k$ (holding all things which may break the fast 10 minutes before the dawn call to prayer), etc.

This study is still limited to a general study of Islam Nusantara, which is understood and practiced in a comprehensive context in Indonesia. It is interesting to study further how the implementation or practice of Islam Nusantara in more specific areas spread across Indonesia. This study will undoubtedly bring out various forms of dialogue between religion and culture with various results.

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