

Pluralistic Ethics and Fiqh of Nationality: Lirboyo Islamic Boarding School's Efforts to Build a National Episteme Based on Jurisprudence

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Abstract

The implementation of Islamic law through the establishment of the Unitary State of the Republic of Indonesia is a long-standing historical phenomenon. This process has led to social fragmentation, resulting in the disintegration of the Indonesian people both within the nation and state. This article examines the progressive response of the Lirboyo Islamic Boarding School alumni and student communities to the democratic process by introducing the fiqh of nationality, particularly in light of the rise of salafism ideology. Specifically, this article focuses on the use of the fiqh of nationality as a logical counter to the puritanism paradigm, which views human subjectivity as limited to carrying out God's commands. The aim is to identify patterns in the exploration of the meaning of normative texts that promote social and humanist goals and religious values. Additionally, this article reveals social strategies employed in representing the fiqh of nationality in the public sphere. A qualitative approach was employed as a method to discover important aspects of text exploration strategies and patterns. To provide more detailed text patterns and exploration, interviews were conducted with several senior students who initiated the discourse on the fiqh of nationality, as well as with several caregivers. The research findings indicate that the fiqh of nationality emerged as a result of a dynamic dialectic with citizenship phenomena at the local and global levels, which seeks to counter the tendencies of certain groups to generate monolithic religious propositions and understandings.

Abstrak

Upaya penegakan syari'at Islam dengan mengganti dasar negara merupakan catatan sejarah panjang berdirinya Negara Kesatuan Republik Indonesia. Fenomena tersebut memunculkan fragmentasi sosial yang mengarah pada terjadinya disintegrasi rakyat Indonesia dalam berbangsa dan bernegara. Artikel ini menganalisis progresifitas dialektika komunitas alumni dan santri Pesantren Lirboyo dalam merespon proses demokrasi di atas dengan memperkenalkan fikih kebangsaan, terutama pasca maraknya ideologi salafisme. Secara khusus, tulisan ini diarahkan pada pilihan fikih kebangsaan dalam membangun logika kontra paradigma puritanisme yang memposisikan subjektivitas manusia sebatas mengimplementasikan perintah Tuhan. Tujuannya menemukan pola eksplorasi makna teks normatif yang dikonstruksi sedemikian rupa dalam mempromosikan tujuan-tujuan sosial dan humanis nilai-nilai agama. Selain itu, juga diungkap strategi sosial dalam merepresentasikan fikih kebangsaan ke ruang publik. Pendekatan kualitatif dipilih sebagai teknik menemukan beberapa aspek penting berkenaan dengan strategi dan pola eksplorasi teks. Agar pola dan eksplorasi teks lebih detail maka dilakukan wawancara pada beberapa santri senior yang menginisiasi wacana fikih kebangsaan kemudian dilanjutkan pada beberapa pengasuh. Temuan penelitian menunjukkan bahwa fikih kebangsaan muncul sebagai hasil dialektika dinamis dengan fenomena kewarganegaraan di tingkat lokal maupun global yang berusaha mengunci kecenderungan kelompok tertentu dalam memunculkan dalil dan pemahaman keagamaan monolitik.

Keywords

pluralistic ethics; fiqh of nationality; critical discourse analysis; ideological strategy; mobilizing meaning



Introduction

This article analyzes the national discourse initiated by students of Lirboyo Kediri Islamic Boarding School. The discourse of national jurisprudence reflects three fundamental uniquenesses: first, the progressiveness of Islamic boarding school thought in adapting to global political turmoil; second, the consistency of views about religion, which plays a role as values and morals in maintaining the survival of the nation; third, the mainstreaming of jurisprudence as an epistemological basis and axiological foundation in contributing solutions for national and state life in the Indonesian and Islamic context.

In the last three decades, fiqh has become as a social discourse expected to provide epistemological solutions to national issues in Indonesia. As a scheme that explains various practical *'amali* laws, fiqh dominates the discourse of Islamic thought to the point that it becomes important and primary source for Muslims. Even today, fiqh is considered to be the most authoritative explanation of Islam.¹ Muslims' *amaliyah* actions will always refer to the legal provisions contained in fiqh. Therefore, the themes of fiqh discussions not only focus on matters relating to formal religious rites, issues of *halal* eating and drinking activities, and family matters, but also extend to economic, social, political, and cultural issues. In its development, this phenomenon has given rise to practical jurisprudence, which is associated with research and academic problem-solving related to national and Indonesian issues. These include constitutional jurisprudence,² interfaith jurisprudence,³ diversity jurisprudence,⁴ civilizational jurisprudence (nuonline, 12/12/2023), social jurisprudence,⁵ and national jurisprudence.⁶

In contrast to several issues that depart from the jurisprudence framework as the basis for their study, national jurisprudence has emerged as the result of a dynamic dialectic with citizenship phenomena at the local and global levels. This understanding begins with the belief that Islamic legal thinking, such as fiqh, can contribute to the rise of *salafism* ideology and neo-puritanism movements that occur in many countries with Muslim majority populations, including Indonesia. Efforts to enforce Islamic law by changing the basis of the state have been a long historical record of the founding of the Unitary State of the Republic of Indonesia, even since the beginning of the formation of this republic.⁷

¹ Khaled Abou El Fadl and Kurniawan Abdullah, *Melawan "Tentara Tuhan": yang Berwenang dan yang Sewenang-wenang dalam Wacana Islam* (Jakarta: PT. Serambi Ilmu Semesta, 2003).

² Afifuddin Muhajir, *Fiqh Tata Negara* (IRCISoD, 2017).

³ Zainun Kamal and Mun'im A. Sirry, eds., *Fiqh Lintas Agama: Membangun Masyarakat Inklusif-Pluralis* (Jakarta: Yayasan Wakaf Paramadina bekerjasama dengan the Asia Foundation, 2004).

⁴ Ahmad Syafii Maarif, ed., *Fikih Kebinekaan*, Cetakan I ([Jakarta] : Bandung: Maarif Institute ; Mizan Publishing House, 2015).

⁵ Sahal Mahfudh, *Nuansa Fiqh Sosial* (LKIS Yogyakarta, 2004).

⁶ Tim Bahtsul Masail HIMASAL, *Fikih Kebangsaan, Merajut Kebersamaan Di Tengah Perbedaan, Kelima* (Kediri: Lirboyo Press & LTN HIMASAL Pusat, 2020); Tim Bahtsul Masail HIMASAL, *Fikih Kebangsaan 3, Jihad & Kewarganegaraan Non-Muslim Dalam Negara-Bangsa* (Kediri: Lirboyo Press, LTN HIMASAL Pusat & LBM PPL, 2020); Tim Bahtsul Masail Himasal and Ahmad Muntaha, *Fikih Kebangsaan 2*, 2018.

⁷ Abdurrahman Wahid, ed., *Ilusi Negara Islam: Ekspansi Gerakan Islam Transnasional Di Indonesia*, Cet. 1 (Jakarta: Wahid Institute, 2009).

This fact is in line with the ideological polarization of the Indonesian Muslim movement, which has continued to strengthen in the last decade, so that pressure from certain groups to implement Islamic law in the state continues to emerge.⁸

In particular, this article focuses on the tendency of national jurisprudence to build a logical counter to the puritanical paradigm and positions the relevance of human subjectivity as limited to implementing God's commands, as stated in religious texts. Simultaneously, aesthetic dimensions, moral insight, and human experience in practicing interpretation are considered irrelevant and useless. Abou el Fadl describes this as an expression of the despotic and authoritarian ethos of Puritanism. Religious texts are promoted by certain groups of society to affirm reactionary power dynamics in society.⁹

This article explores the tendency of national jurisprudence to develop a logic that contrasts the paradigm of puritanism. According to this paradigm, human subjectivity is limited to implementing God's commands, as outlined in religious texts. Aesthetic dimensions, moral insight, and human experience in interpreting religious texts are deemed irrelevant and insignificant. Abou el Fadl argues that this perspective reflects the despotic and authoritarian nature of Puritanism. Some groups in society use religious texts to reinforce reactionary power dynamics and promote their own agendas.

The concept of nationalistic jurisprudence is characterized by contradictory terms that combine to form a complex and potentially conflicting approach. National jurisprudence involves addressing national issues using a jurisprudential methodology that seeks to reconcile the perspectives of the Sharia text and context. The use of "nationality" term in conjunction with "fiqh" invites multiple interpretations, as the term "fiqh" is often associated with textual and rigid patterns of reasoning. In contrast "nationality" is a modern term associated with pluralistic ideas.

National jurisprudence is a discourse that opposes the demands of extreme parties aiming to transform the foundations of the state through intolerant methods. It aims to convey unity amidst diversity and differences, emphasizing the significance of caring for togetherness while understanding these differences. A normative foundation was established based on jurisprudence principles to support this perspective. The concepts of classical fiqh, such as those related to non-Muslims, infidels, and jihad, were reinterpreted within contemporary contexts then applied to the Indonesian situation.

The preceding explanation established a framework for examining numerous key issues in this study. Initially, the investigation focused on the interpretation of normative texts that are designed to achieve specific social objectives. The analysis concentrated on the semiotic construction of national

⁸ Noorhaidi Hasan, *Laskar Jihad, Islam, Militansi, dan Pencarian Identitas di Indonesia Pasca Orde Baru* (LP3ES, KITLV, 2008).

⁹ Khaled Abou el-Fadl Mustofa, Helmi and M Mushthafa, *Selamatkan Islam dari Muslim Puritan* (Jakarta: Serambi Ilmu Semesta, 2006).

jurisprudence, taking into account its syntactic, semantic, and pragmatic aspects.¹⁰ Secondly, the study aimed to represent national jurisprudence within the public sphere, highlighting areas that remain subject to normative debate and lack legal certainty (*qath'i*). Despite this, the discourse can be disseminated to the public, facilitating social engagement with the topic.¹¹ Lastly, the discourse on national jurisprudence was assessed about the advantages and disadvantages of discussions surrounding national and state life in Indonesia. As a social phenomenon, national jurisprudence encompasses events that can lead to changes in knowledge, beliefs, attitudes, and values across society.¹²

This study adopts a qualitative approach, utilizing data collected through interviews and observations. Interviews were conducted with several caregivers at Lirboyo Islamic Boarding School, which serves as the focal point for national jurisprudence. Moreover, senior boarding school administrators who actively organize themes and issues related to national jurisprudence were also interviewed. The interviews were conducted casually and unstructured, facilitating the revelation of detailed and comprehensive information.

Apart from the interview data, observational data were also obtained by monitoring strategic efforts to propagate national jurisprudence discourse within the Lirboyo Islamic Boarding School and its alumni network. Due to its status as an Islamic boarding school with a large student population, Lirboyo has a vast alumni network with emotionally solid connections throughout Indonesia. Additionally, the observations focused on dissemination efforts reflected in the curriculum design of several educational units that mandated the incorporation of national jurisprudence content, particularly in the *ma'had 'ali* education as a hallmark of Islamic boarding school higher education.

The Dynamics of Lirboyo Scholars' Thought:

From Classical Fiqh to National Fiqh

The Lirboyo Islamic Boarding School is renowned for its significant role in developing a fiqh of nationality within Indonesia. As a traditionalist Islamic boarding school firmly rooted in classical scholarship, Lirboyo delves deeply into Islamic teachings and seeks to contextualize fiqh to align with Indonesia's socio-political dynamics and the nation's needs. Drawing from classical fiqh traditions, the Lirboyo scholars, through an extensive dialectical process, succeeded in creating a framework for

¹⁰ Norman Fairclough, *Critical Discourse Analysis: The Critical Study of Language*, 2. ed., [Nachdr.] (London: Routledge, 2013).

¹¹ Norman Fairclough, *Analysing Discourse: Textual Analysis for Social Research* (London ; New York: Routledge, 2003).

¹² Norman Fairclough, *Discourse and Social Change* (Cambridge: Polity, 1996).

national fiqh that maintains Islamic values while embracing the spirit of nationalism and the diversity of the nation.¹³

Historically, Lirboyo has actively engaged in both physical and intellectual struggles to defend Indonesia's independence.¹⁴ Through various discussion forums, such as the *Lajnah Bahtsul Masail* (LBM), Lirboyo consistently conducts intergenerational consultations to address national issues.¹⁵ This forum provides a space for scholars and students to discuss and seek solutions to contemporary challenges facing the country, thereby affirming Lirboyo's position as a center for fiqh development that is theoretical and applicable. The contextualization of fiqh at Lirboyo involves a deep dialectical process between classical teachings and national realities. One of the manifestations of this is the effort to integrate the concepts of *ukhuwah Islamiyah* (Islamic brotherhood), *ukhuwah wathaniyah* (national brotherhood), and *ukhuwah basyariyah* (human brotherhood). Through these concepts, Lirboyo scholars emphasize that love for one's homeland is essential to Islamic teachings, as reflected in patriotic and nationalistic commitments.¹⁶

This dynamic thought has intensified as Lirboyo confronts the influence of transnational ideologies such as the *khilafah* movement, which seeks to replace Indonesia's foundational principles. Scholars at Lirboyo argue that Pancasila and the Republic of Indonesia align with the principles of *Islam rahmatan lil 'alamin* (Islam as a mercy to the world) and that attempts to replace them with a transnational Islamic system could jeopardize national unity. Islamic history, including the Medina Charter, serves as an inspiration that a nation-state can be founded on the principles of consensus and unity, even within a pluralistic society.¹⁷ In their efforts to reinforce national commitment, Lirboyo scholars do not rely solely on consultation but also codify their thoughts in the *Fiqh of Nationality* book series. These books have become a resource for students and the wider public to understand Islam's role in fostering national unity and peace. The first book, *Fiqh Kebangsaan: Merajut Kebersamaan di Tengah Kebhinnekaan* (The Fiqh of Nationality: Weaving Unity Amidst Diversity), emphasizes that Islam can coexist harmoniously within the framework of a democratic and diverse nation.

The transition from classical fiqh to the fiqh of nationality is also seen in the perspective of Lirboyo scholars towards jihad and the defense of the state. Fiqh of nationality teaches that jihad is not only about warfare but also involves efforts to maintain national stability, support public welfare, and protect

¹³ The dialectical dynamics of fiqh ideas in Islamic boarding schools can also be read in Fathorrahman, Anis Masduqi, and Arif Sugitanata, "The Scholarly Transformation of Nahdlatul Ulama: Fiqh of Civilization as a Step Towards Embracing the Future," *Al Tahrir: Jurnal Pemikiran Islam*, 1, 24 (Mei 2024): 1–14, <https://doi.org/10.21154/tahrir.v24i1.8536>.

¹⁴ Asep Bahtiar, *Pesantren Lirboyo: Sejarah, Peristiwa, Fenomena, dan Legenda*, 2018, 27.

¹⁵ Ali Anwar, *Pembaruan Pendidikan di Pesantren Lirboyo Kediri* (Yogyakarta: Pustaka Pelajar, 2011), 87.

¹⁶ Zainul Milal Bizawie, *Masterpiece Islam Nusantara, Sanad dan Jejaring Ulama-Santri (1830-1945)*, I (Tangerang: Pustaka Compass, 2016), 212–23.

¹⁷ Ahmad Baso, *Pesantren Studies 2a: Pesantren, Jaringan Pengetahuan dan Karakter Kosmopolitan-Kebangsaan* (Jakarta: Pustaka Afid, 2012), 178–85.

the Republic of Indonesia from separatist threats. In contemporary term, jihad encompasses contributing to the development and sovereignty of the nation, promoting interfaith harmony, and creating national stability.¹⁸ The *Lajnah Bahtsul Masail* Forum at Lirboyo also addresses the citizenship rights of non-Muslims within the nation-state framework. Lirboyo scholars emphasize that, in the context of a modern nation, all citizens possess equal rights and responsibilities regardless of their religious background. They argue that this principle does not conflict with Islamic *Sharia* teachings, which advocate tolerance and respect for the sanctity of human life. This reflects the principle of *Islam rahmatan lil 'alamin*, emphasizing that Islam is a blessing for all humanity.¹⁹

Lirboyo's alumni network, organized under HIMASAL (*Himpunan Alumni Santri Lirboyo*), also plays a vital role in disseminating nationalist values nurtured within the *pesantren*. Through various activities and consultations involving alumni across Indonesia, Lirboyo seeks to internalize national values and strengthen the understanding that preserving the Republic of Indonesia is part of one's duty to religion and the nation. In response to increasingly complex national issues, Lirboyo scholars have developed a fiqh understanding that is flexible, yet rooted in Islamic teachings. In various forums, scholars discuss themes such as jihad, leadership in Islam, and the role of religion within the nation-state, always prioritizing national unity and interests. This dialectical process demonstrates that fiqh at Lirboyo is not a rigid legal system, but is adaptable to socio-political contexts.²⁰

Lirboyo teaches that upholding the Republic of Indonesia and *Pancasila* is an integral part of religious obligation, as both are products of national consensus that aligns with Islamic principles. Defending the state, in the view of Lirboyo scholars, is not merely a military duty, but also the responsibility of all society members. The concept of *siyasaḥ syar'iyah* (sharia-based governance) is foundational, affirming that preserving the Republic is the most effective means of safeguarding people's welfare. Through these evolving dynamics, Lirboyo has developed a scholarly tradition that is responsive to changing times.²¹ Their efforts to develop a fiqh of nationality demonstrate that traditional Islamic boarding schools can contribute meaningfully to the discourse on Indonesian nationalism. This contextual approach makes Lirboyo's fiqh of nationality a theological solution that supports harmony amid the nation's diversity.

¹⁸ Zamakhsyari Dhofier, *Tradisi Pesantren: Studi Pandangan Hidup Kyai dan Visinya Mengenai Masa Depan Indonesia*, Cet. 8 rev (Jakarta: LP3ES, 2011); Abdullah Ubaid and Mohammad Bakir, eds., *Nasionalisme dan Islam Nusantara* (Jakarta: Penerbit Buku Kompas, 2015).

¹⁹ Tim Bahtsul Masail HIMASAL, *Fikih Kebangsaan, Merajut Kebersamaan di Tengah Perbedaan*.

²⁰ Tim Bahtsul Masail HIMASAL, *Fikih Kebangsaan 3, Jihad & Kewarganegaraan Non-Muslim dalam Negara-Bangsa*.

²¹ Tim Bahtsul Masail Himasal and Muntaha, *Fikih Kebangsaan 2*.

Mobilizing The Meaning of Text-Context: Promoting Fiqh as A National Ethos

In addressing the main concerns of transnational Islamic discourse, national legal principles draw upon intertextual connections with classical and contemporary literature. Terms of significance, such as *kafir*, *taghut* state, and wishing you a Merry Christmas *haram*, are evaluated through the patterns of Islamic scientific knowledge in the fields of tafsir, hadith, ushul fiqh, aqidah, and sufism.²² This allows for alternative interpretations that are more inclusive and comprehensive. National legal principles engage in a dialogue of ideas by considering the advantages and disadvantages of discourse and the dynamics of national discourse in Indonesia. By linking the text to national issues and problems, contextualization is achieved. The references in the *salaf* book, which were deemed outdated by some groups, were revived due to the resurgence of transnational Islamic currents in almost all Islamic countries.²³

The defense of Indonesia is demonstrated by efforts to build unity and prevent division. This is supported by *ta'birs*, which involves drawing arguments from the verses of the Koran, Hadith, and the opinions of the ulama. The use of the Koran as an argument includes QS. Ali Imran verse 103, which is interpreted using Tafsir al Qurthubi. Additionally, QS. Al Anfal verse 46 is used to emphasize the importance of avoiding division, with its meaning strengthened by citing the views of Imam Abu Hayyan in *Tafsir al Bahr al-Muhith*. Furthermore, the argument is reinforced by quoting Hadith and the views of KH. M. Hasyim Asy'ari in the *Muqaddimah Qanun Asasi*.²⁴

The promotion of fiqh as a significant issue in both Islamic and Indonesian contexts gained traction when the current became increasingly strong, advocating for Islam to be declared the state's fundamental principle in place of Pancasila. In the area of national jurisprudence, no clear-cut provisions (*nash sharih*) govern the state's form. The formation of a state is a matter of *siyasah*, which is technically tailored to more beneficial and less harmful conditions. Although the form of the state may be deemed part of standard sharia according to the Qur'an, the Qur'an primarily provides guidance on the behavior of rulers. The form of the state is context-dependent and subject to conditions. Ideally, the state's form should ensure the realization of optimal benefits and minimize maximum harm to fulfill the five objectives of the Shari'ah's revelation.²⁵

The method of aligning one text with the above possesses the capacity to project the infiltration of national jurisprudence discourse. A single-sentence product, which is part of a larger body of text, is related and combined with other texts so that this theoretical relationship can expose power dynamics and how the intertext shapes social structures and discourse practices.²⁶ From this point forward, the

²² Tim Bahtsul Masail HIMASAL, *Fikih Kebangsaan, Merajut Kebersamaan di Tengah Perbedaan*.

²³ Teun A. van Dijk, *Discourse and Knowledge: A Sociocognitive Approach* (New York: Cambridge University Press, 2014).

²⁴ Tim Bahtsul Masail HIMASAL, *Fikih Kebangsaan, Merajut Kebersamaan di Tengah Perbedaan*, 3–10.

²⁵ Tim Bahtsul Masail Himasal and Muntaha, *Fikih Kebangsaan 2*, 53.

²⁶ Fairclough, *Analysing Discourse*.

national fiqh approach serves as a counter-discourse to specific groups that frequently put forth caliphate practices to resolve Islamic and national problems. National problems, such as those related to plurality, tolerance, the relationship between religion and the state, and other issues within civil society, are portrayed as challenges that are also examined by the scientific knowledge of classical jurisprudence.²⁷ Consequently, as an epistemic device, fiqh is applied to contextualize several central issues that have typically been rigidly understood and accepted,²⁸ for instance, the issues of jihad, Islam as a blessing for all mankind, the implementation of the word qital, the relationship between Muslims and non-Muslims, and several other issues.

The concept mentioned above necessitates the practical application of tolerance within society. Tolerance should be demonstrated among individuals with diverse backgrounds. The premise is that such disparities are both inherent and unavoidable. Indonesia, a country with many cultures, ethnicities, beliefs, and religions, is replete with these differences. As a religion with the largest following, Islam must uphold and embody the values of tolerance, which are exemplified by a respectful attitude towards diversity, including religious and inter-faith differences between Muslims and non-Muslims.²⁹

The relationship between text and discourse, as well as between discourse and discourse, has been explored in the jurisprudence of nations. These interdiscursive connections³⁰ form the basis for understanding Islam as a religion of *rahmatan lil alamin*, or mercy for all creations. In the second book of the National Fiqh, Islam's lexical and grammatical analysis demonstrates the necessity of principles and teachings that promote compassion in all aspects of life. The doctrine of universal mercy also requires citizens to display respect for and good behavior towards others, regardless of their social, cultural, political, or religious backgrounds.³¹

Cross-discourse refers to the impact of history on a text and its influence on history. This suggests that a text depends on prior texts, contributing to its historical change and development.³² In the history of Islamic politics, national jurisprudence has been categorized into three crucial areas: *dar al harb*, *dar al kufr*, and *dar al Islam*. However, territorial mapping is no longer relevant when establishing a nation-state political system. A deterministic interpretation of these three terms can lead to out-of-context

²⁷ Tim Bahtsul Masail HIMASAL, *Fikih Kebangsaan 3, Jihad & Kewarganegaraan Non-Muslim Dalam Negara-Bangsa*.

²⁸ Khaled M. Abou El Fadl, *Atas Nama Tuhan: dari Fikih Otoriter ke Fikih Otoritatif* (Jakarta: Serambi, 2004).

²⁹ Tim Bahtsul Masail HIMASAL, *Fikih Kebangsaan, Merajut Kebersamaan di Tengah Perbedaan*, 49–74.

³⁰ James Paul Gee, *An Introduction to Discourse Analysis: Theory and Method*, 3rd ed (Milton Park, Abingdon ; New York: Routledge, 2011); Eriyanto, *Analisis Wacana: Pengantar Analisis Teks Media*, Cet. 1 (Yogyakarta: LKiS Yogyakarta, 2001).

³¹ Tim Bahtsul Masail Himasal and Muntaha, *Fikih Kebangsaan 2*, 1–4.

³² Fairclough, *Discourse and Social Change*.

understanding and axiomatic interpretation. Since the concept of the national state has been widely recognized, the nation-state system has begun to replace the caliphate system.³³

The teachings, thoughts, and principles of Islam, as conveyed by Prophet Muhammad, are entirely devoid of violence, cruelty, or tyranny. Conversely, Islam emphasizes the characteristics of a compassionate and harmonious faith that promotes love and peace. From this mercy, Islam offers values that can accommodate all groups comfortably and securely rather than instilling fear, injustice, or harassment in others (QS. Ali Imran: 159).³⁴ Historians note that the Fath Makkah event is a significant occurrence in Muslim history, reflecting the concrete implementation of the spirit of peace in the teachings of Islamic religion. Despite being in the majority and supported by powerful political forces, Prophet Muhammad did not use the Fath Makkah incident as an opportunity for revenge. Instead, he pardoned his enemies who had previously harmed, threatened, expelled, and even attempted to kill him.³⁵

Islamic civilization is characterized by a remarkable literary output, particularly in the field of sharia (fiqh). The religious and legal authority of Islam is established by referring to sacred texts, which are subject to interpretation by readers and interpreters. This interpretation shapes the framework of religious and legal norms. When an interpreter speaks on behalf of the text, it lends authority and legitimacy to their understanding of the text. However, this creates tension between the text and its representation.³⁶ This tension is evident in the Lirboyo Islamic Boarding School context, where particular groups have differing interpretations of the sources of Islamic teachings related to establishing a political system. This tension highlights the importance of understanding the complex relationship between texts and their interpretation in the Islamic tradition.³⁷

It is often argued that conducting discourse analysis alone may not suffice in determining the text's significance, as this approach may not delve deeply into the sociocultural conditions that underlie the emergence of the text. Consequently, the invitation extended by several figures from the Darul Islam/Indonesian Islamic Army (DI/TII) to establish an Islamic state for caregivers at the Lirboyo Islamic Boarding School was declined. This proposal was incompatible with Indonesia's national reality and historical context.³⁸ The Medina Charter agreement, which outlines the organization and development

³³ Tim Bahtsul Masail HIMASAL, *Fikih Kebangsaan 3, Jihad & Kewarganegaraan Non-Muslim Dalam Negara-Bangsa*, 103–12. Compare with KH. Maimun Zubair introduction in the same book volume 1.

³⁴ See Roger Boase, ed., *Islam and Global Dialogue: Religious Pluralism and the Pursuit of Peace* (Aldershot, Hants, England ; Burlington, VT: Ashgate, 2005); Juan Ricardo Cole, ed., *Peace Movements in Islam: History, Religion, and Politics* (London ; New York, NY: I.B. Tauris, 2022); Georges Tamer, ed., *The Concept of Peace in Judaism, Christianity and Islam, Key Concepts in Interreligious Discourses*, volume 8 (*The Concept of Peace in Judaism, Christianity and Islam*, Berlin Boston: De Gruyter, 2020).

³⁵ Zhaenal Fanani, *Muhammad: Korespondensi, Perjanjian, dan Fathu Makkah* (Surabaya: Tinta Medina, 2020).

³⁶ Nasr Hamid Abu Zaid, *Kritik Wacana Agama* (Yogyakarta: LKiS, 2003).

³⁷ Gusti A. B. Menoh, *Agama Dalam Ruang Publik* (Yogyakarta: Kanisius, 2015), 167–98. See also KH. Maimun Zubair's introduction in *Fikih Kebangsaan 3*.

³⁸ Interview with Agus M. Syarif Hakim An'im, 07/26/2022.

of national politics in Indonesia through the history of Islam, can serve as an example (*i'tibar*). Lirboyo Islamic Boarding School members have carefully considered various aspects of constructing arguments based on ideological principles within the context of pluralistic Indonesia. Thus, the Jakarta Charter must be a joint reflection, as its spirit is not fundamentally different from that of the Medina Charter. These historical facts have long been a topic of discussion among the founding fathers of the nation, including *kyai* from Islamic boarding schools.³⁹

Macro-Sociology of Fiqh of Nationality

In the preface of Hiroko Horikoshi's research, Abdurahman Wahid asserted that religious leaders have the capacity to formulate new doctrine that can lead to transformations in social life. Defending a nation's right to life can be accomplished through a particular religious spirit, which has been demonstrated to possess the power to bring about significant changes. As agents of change, Islamic boarding schools can coexist harmoniously with all aspects of the nation. The development of this reality has resulted in discourse struggles that have manifested in the form of a typical Islamic boarding school discourse known as *fiqh*.⁴⁰

Islamic boarding schools are designed to coexist and thrive in all social structures. They possess the capacity to promote knowledge and comprehension, ultimately contributing to the development of a strong unified nation in Indonesia. As a nation that is socially, culturally, and religiously diverse, Indonesia is vulnerable to various threats that could lead to the nation's disintegration. Religions can potentially be used as a tool for division.⁴¹ This concept was first proposed by KH. A. Wahid Hasyim before the proclamation of Indonesian independence in May 1945, when he posed the question, "How can religion be incorporated into Independent Indonesia without compromising the nation's unity, which is crucial at this time?"⁴²

Lirboyo Islamic Boarding School has a significant number of students and alumni, totaling tens of thousands. This potential serves as a free market for ideas that address strategic issues. The concept of national jurisprudence did not arise from seminars or symposia among elites but rather from the work of students. Its simplicity addresses both luxury and strategic issues. What external circles consider slums can serve as a reflection of students' understanding of the country's current state of disintegration. Similar to how philosophy did not originate from the altar of the Olympian kings in ancient Greece, national jurisprudence emerged from students' daily deliberation activities.

³⁹ Tim Bahtsul Masail HIMASAL, *Fikih Kebangsaan 3, Jihad & Kewarganegaraan Non-Muslim dalam Negara-Bangsa*, 122–40.

⁴⁰ Hiroko Horikoshi, *Kyai Dan Perubahan Sosial* (Jakarta: P3M, 1987).

⁴¹ Muhammad Muntahibun Nafis, "PESANTREN AND INTERFAITH DIALOGUE," *Al Tahrir: Jurnal Pemikiran Islam* 22 (November 9, 2022): 251–72, <https://doi.org/org/10.21154/altahrir.v22i2.3831>.

⁴² Bizawie, *Masterpiece Islam Nusantara, Sanad Dan Jejaring Ulama-Santri (1830-1945)*.

Deliberation is where the Lirboyo Islamic Boarding School students take place, staked out his ideas, followed up in one institution *Lajnah Bahtsul Masail* (LBM). This LBM is the embryo for spreading ideas in Islamic boarding schools because the LBM is formed among active students and alumni. LBM also plays a role in the infiltration process of every idea that will become the main theme in a *bahtsul masail* assembly. Thus, the LBM becomes a network that works through alumni forums and simultaneously moves from upstream to downstream to transform every cutting-edge idea. This process ensures that the effectiveness of the Fiqh of Nationality is absorbed down to the grassroots.

The aforementioned diagram indicates that discourse is generated through numerous text-production processes that encompass work patterns, work charts, and routines for processing ideas. Discourse is generated automatically through specific routines, work patterns, and habits. Discourse consumption has been conducted in several ways. The distribution of discourse depends on the pattern and type of discourse as well as the nature of the institutions associated with it.⁴³ For instance, Lirboyo Islamic Boarding School, with its extensive network of students and alumni, can easily disseminate discourse by organizing alumni-gathering activities, such as national-scale *bahtsul masail* events, to widely disseminate discourse to the general public.

Dimensions related to contexts external to discourse exhibit a positive correlation with discursive practices conducted by other communities, which is often referred to as discourse order. In other words, the relationship between the various discursive types facilitates dialectics. The phenomenon of celebrating holidays among followers of other religions, safeguarding the places of worship of other individuals, and receiving material donations from other religions becomes cross-discursive, establishing boundaries for the functioning of discourse in public spaces. This situation highlights the fact that knowledge is not absolutely true but rather relative, as it is acquired socially as a reflection of discourse products.⁴⁴

In dialectics, discourse is pivotal in constructing social structures and fostering societal continuity and transformation. Fairclough refers to the distinct characteristics of discursive practices that differ from those found in the text. While texts are the end product of the text production process, discursive practices encompass the entire social interaction process, with text being just one component.⁴⁵ Dialectical processes can reinterpret rigid and outdated fiqh texts as contextually relevant and

⁴³ Pierre Bourdieu et al., *Reproduction in Education, Society and Culture*, 2 .ed., reprinted, Theory, Culture & Society (London: Sage Publ, 2000).

⁴⁴ David Machin and Andrea Mayr, *How to Do Critical Discourse Analysis: A Multimodal Introduction* (Los Angeles: SAGE, 2012); compare with Pierre Bourdieu and Randal Johnson, *The Field of Cultural Production: Essays on Art and Literature* (New York: Columbia University Press, 1993).

⁴⁵ Fairclough, *Analysing Discourse*; Fairclough, *Critical Discourse Analysis*.

applicable to national jurisprudence. These interpretations are studied, discussed, developed, and disseminated through cultural networks (*Nuonline*, 18/06/2020).

The Islamic Archipelago discourse has significantly hastened the scientific development of other concepts with a different basis for growth, drawing on the wealth of Islamic treasures in Indonesia. The popularity of Indonesian Islam is relatively recent. Earlier, the idea of indigenizing Islam was prevalent during the Gus Dur era. Thus, it is logical that the Islamic *Nusantara* discourse nurtured Indonesian jurisprudence and Sufism. Fiqh *Nusantara*, a sub-discipline of Islam *Nusantara*, gave rise to the Fiqh of Nationality. It is essential to consider the dialectical-intertextual logic of macro social science and jurisprudence, which are dynamic. This means that national jurisprudence is a formulation of jurisprudence law in one state concept, considering the texts of Sharia, Pancasila, and the 1945 Constitution as a common agreement.

The background to the idea of fiqh of nationality originates from the historical awareness (the) *kyai* of the long journey of the Republic of Indonesia and its ups and downs against colonialism. A sense of nationality does not just come, however, as a result of the hard work of warriors and heroes to the point of blood at the end. Ulama has many contributions and roles. This context emphasized that fiqh of nationality implies the political *manhaj* of the *kyai* cleverly raised by the *Lirboyo* students when there was a group of society making historical movements to exhale ideas that the caliphate wanted to replace state principles based on *Pancasila*.

The national pledge in Indonesia is rooted in a long historical process and is expressed as loyalty to the state. This loyalty must be accompanied by an acknowledgment of the diversity of the Indonesian nation. Scholars and religious leaders have recognized and articulated this diversity in various works of jurisprudence. Key figures in the development of Indonesianism and national identity include KH. Hasyim Asy'ari and KH. A. Wahab Chasbullah, who played important roles in creating a plan for the nation's identity. The journey of Islamic preachers in the archipelago demonstrates that there is no conflict between nationalism and Islamic teachings. It is widely recognized that a peaceful society requires a conducive homeland, and religious leaders, such as *kyai* and *ulama*, serve as agents of change within their communities.

Fiqh of Nationality is a sudden slice of the Indonesian vision that faced a serious challenge when radical Islamic groups emerged that tried to offer Islam as a solution to various crises in Indonesia. This is a problem in itself, primarily since the Islamic boarding school community is known for its moderate characteristics, respect for diversity, and local traditional and cultural values. In this context, with its capital and brilliant historical experience, the Islamic boarding school community has tried to do something to help solve various national problems.

The discourse on fiqh of nationality embodies the advancements that have transpired within traditional Islamic circles, wherein fiqh has been transformed into a socially and religiously relevant "movement" to adapt to the changing social landscape. As an outcome of intellectual contemplation and discourse, national jurisprudence is open to revision, debatable, and exhibits the character of uncertain jurisprudential thought. Consequently, this thought aims to counter the inclinations of specific groups that consistently lead to disagreements and confusion in religious understanding and reflect the Islamic government system. On the other hand, national jurisprudence serves as a platform for open discussions and a venue for exploring alternative ideas and perspectives.

The formulations within the discipline of fiqh of nationality aim to provide a comprehensive resolution of the arguments (*hujjah*) incorporated in the decisions made by the Executive Board of *Nahdlatul Ulama*. During the plenary session of the National Conference of *Alim Ulama* and the 2012 *Nahdlatul Ulama* Grand Conference, the *Masail al Maudlu'iyah* commission's results, which detailed the Unitary State of the Republic, were elucidated. Indonesia, as a nation, has been established through a national consensus, with Pancasila serving as its foundation. Although Indonesia is not classified as an Islamic country, this is deemed acceptable from an Islamic perspective. Pancasila, although not a religious law, is in accordance with and does not conflict with the tenets of Islam.

In Indonesian history, radicalization based on religious understanding is nothing new. Throughout history in Indonesia, certain groups and factions have always emerged who reject Indonesia as a national entity based on *Pancasila*. Radicalism was born from the imperfect understanding of religious doctrine, accompanied by economic and political alienation. At this point, this is the role. The macro-sociological urgency of fiqh of nationality was discovered. That means culturally, all of the elements involved in the birth of fiqh of nationality act as civil society in providing a comprehensive religious understanding of universal religious values, especially to strengthen national solidarity.

Fiqh of Nationality: The Discursive Practices and Ideological Strategies

Fairclough defines ideology as the "signification/construction of reality" embedded in various dimensions of discursive practices. It contributes to the production, reproduction, or transformation of relations of domination. Thus, ideologies are created and perpetuated with the intention of altering relations of domination. The process of constructing meaning from language to reality, encompassing matters of world meaning, social relations, and social identity, is ideological in nature as it often

reinforces relations of domination within society.⁴⁶ John B. Thompson characterizes ideology as the practices inherent in any meaning-producing process that serves to maintain power relations.⁴⁷

In practice, ideology does not always have the negative connotation of power. Ideological practices do not always place the subject as passive and pro-status quo, so the subject does not allow it to bring about social change. However, for Fairclough, the subject can sovereign himself as an agent who can engage in social transformation. The existence of ideological struggle reflects the process of restructuring and transforming relations of domination from one dimension of discursive practice. Meanwhile, the existence of ideology is latent and operates behind discourse and social discursive practices.⁴⁸ One of the ideological dimensions of national jurisprudence lies in its potential to influence and shape the views of subjects in directing social practice. However, this does not mean that ideology is static and patent because Fairclough makes the ideological struggle a dimension of discursive practice in the context of reformulating discourse and ideology in the context of the transformation of domination.⁴⁹

Drawing from this perspective, it is evident that the fiqh of nationality emerged as a response to the uncertainty and disputes surrounding the Indonesian nation, prompted by differences and the desire to establish an Islamic state to resolve these issues. The most daunting challenge that Indonesia faces at the national level is the transnational Islamic movement, which employs religious terminology to politicize Islam. Despite the tendency of certain groups to dismiss differences, a counter-discourse emerged as a result of fiqh debates. This debate cycle aims to overcome the rigidity of interpretation by providing fresh perspectives and directions for understanding.

The relationship between the discourse of the fiqh of nationality and social practices is essential for propagating ideas and concepts related to the fiqh of nationality. The Lirboyo Islamic Boarding School, as a central hub for the dissemination of the fiqh of nationality concepts, has generated ideas through its alumni network and the educational institutions it supports.⁵⁰ In Indonesia, fiqh of nationality embodies a sense of unity and identity. It aims to cultivate collective awareness of Indonesia's reality as a diverse nation. Our objective was to promote cohesion, which could lead to an attitude of civic religion by upholding values such as unity, honesty, humanity, human rights, and inclusive ethics as integral aspects of daily life.

⁴⁶ Fairclough, *Discourse and Social Change*, 87.

⁴⁷ John B. Thompson, *Studies in the Theory of Ideology* (Berkeley: University of California Press, 1984).

⁴⁸ *Ibid.*

⁴⁹ Fairclough, *Critical Discourse Analysis*, 49.

⁵⁰ The discussion of national jurisprudence is the outcome of the collaboration between the Lirboyo Santri Alumni Association (HIMASAL) and the *Lajnah Bahtsul Masail* Lirboyo Islamic Boarding School. This collaboration is part of their commitment to upholding Islamic law. Defending one's homeland is a component of upholding Islamic law. The implementation of Islamic law would not be effective without a robust state. The introduction to KH. Abdullah Kafabihi Mahrus's book on *Fikih Kebangsaan, Merajut Kebersamaan di Tengah Perbedaan*, highlights this concept.

Ideological contention is likely to manifest in the public sphere due to the presence of competing elements within the National Common Sense, which engage in meaningful negotiation. Hegemony is understood as a form of power over society established through alliances with other social forces striving to achieve equilibrium in an unstable environment. Consequently, hegemony should not be construed solely as domination but as a forum for negotiating the meanings of the various social forces involved in the hegemonic struggle and the pursuit of public approval.

While ideology remains largely hidden, it operates behind discourse and social discursive practices. One of the ideological dimensions of national jurisprudence is its potential to influence and shape individuals' beliefs and actions in directing social practices. However, it is important to note that ideology is not fixed and unchanging. Fairclough recognizes the ongoing struggle for power and influence within discursive practices, particularly in transforming dominant ideas and beliefs.

Conclusion

The development of the fiqh of nationality was prompted by the emergence of salafism and transnational Islamic movements that sought to establish Islamic law as a governing system in Indonesia. Fiqh of nationality aims to harmonize the potential for ideological fragmentation and bridge national-political realities in Indonesia by drawing on the ideal values of Islam as embodied in *maqashid al syari'ah* and derived into *ushul al khamsah*. This approach serves as a counter-discourse to proponents of the caliphate ideology.

The discussion of fiqh of nationality is conducted in the public sphere using intertextual and interdiscursive methods, which involve comparing one text with another. This approach is highly effective and strategic for establishing the legitimacy of an argument and illustrating the development and genealogy of an idea. Moreover, it can provide insights into the social dimensions of a text and uncover its objectives. However, it is essential to recognize that this method does not detract from the normative nature of the fiqh of nationality; instead, it can help moderate extremist ideas and promote more moderate interpretations of Islamic teachings. For the discourse on fiqh of nationality to be successful, it must engage in a dialectical relationship with existing social structures. This dialectical relationship is crucial for disseminating ideas and concepts related to fiqh of nationality. The Lirboyo Islamic Boarding School, as the primary source of ideas related to the fiqh of nationality, can generate new ideas through its alumni network or the educational institutions it supports.

The fiqh of nationality has a spirit of togetherness and nationalism in the Indonesian context. The fiqh of nationality is a collectivity of consciousness of the reality of Indonesia as a plural national entity; cohesiveness, which has given birth to an attitude of civic religiosity that upholds the values of togetherness, glorifies honesty, respects humanity, glorifies human rights, and make inclusive ethics an

integral part of everyday experience. Additionally, the concept of nationality places people (*ummah*) as the return center for all policies taken by the government. The term nationality not only focuses on issues of religious behavior but also on a government system based on empowerment and the people's government. Therefore, the government and representative institutions must be subject to the will and wishes of the people. The fiqh of nationality places *ushul al khamsah* as an element of fulfilling people's rights and promoting political and state ethics.

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