National Fiqh and Maqasid Based Ijtihad: Reassessing Ahmad Hasyim Muzadi through Jamal al-Din 'Atiyyah

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Abstract

This study examines Ahmad Hasyim Muzadi's concept of fikih kebangsaan (national fiqh) through the lens of Jamal al-Din 'Atiyyah's maqāṣid al-sharī'ah theory. While previous studies have discussed national fiqh primarily in normative and socio-political terms, limited attention has been given to its maqāṣid-based methodological foundation. This article addresses that gap by analyzing how Muzadi's thought reflects a structured maqāṣidī mode of ijtihad. This research employs a qualitative conceptual approach based on library research, examining primary texts of Ahmad Hasyim Muzadi alongside Jamal al-Din 'Atiyyah's maqāṣid framework. The analysis focuses on identifying the epistemological structure and levels of maqāṣid embedded in Muzadi's formulation of national fiqh. The findings demonstrate that Muzadi's fikih kebangsaan embodies a maqāṣid-based ijtihad operating across three interconnected dimensions: individual, communal, and humanitarian. His conception positions Indonesian Islam as a harmonizing force within plural society, affirms Pancasila as a constitutional meeting point between religion and state, and frames religious moderation as a strategic instrument for national cohesion. This construction reflects a substantive alignment with Jamal al-Din 'Atiyyah's expanded maqāṣid theory, particularly in integrating social welfare, civic solidarity, and national integrity into legal reasoning. The study concludes that Muzadi's national fiqh represents a contextual maqāṣidī reconstruction of Islamic legal reasoning relevant to contemporary plural societies. It recommends further development of maqāṣid-based national fiqh as a methodological framework for strengthening religious moderation and constitutional harmony in Indonesia.
Keywords: National Fiqh; Ahmad Hasyim Muzadi; 'Atiyyah's Maqasid al-Shari'ah.

Abstrak

Penelitian ini mengkaji konsep fikih kebangsaan Ahmad Hasyim Muzadi melalui perspektif teori maqāṣid al-sharī'ah Jamal al-Din 'Atiyyah. Kajian-kajian sebelumnya cenderung membahas fikih kebangsaan dalam kerangka normatif dan sosio-politik, sementara dimensi metodologis berbasis maqāṣid belum banyak dianalisis secara sistematis. Penelitian ini mengisi kekosongan tersebut dengan menelaah bagaimana

pemikiran Muzadi merefleksikan pola ijtihad maqāṣidī yang terstruktur. Penelitian ini menggunakan pendekatan konseptual kualitatif berbasis studi kepustakaan, dengan menganalisis karya-karya utama Ahmad Hasyim Muzadi serta kerangka maqāṣid Jamal al-Din 'Atiyyah. Analisis difokuskan pada identifikasi struktur epistemologis dan level maqāṣid yang terkandung dalam formulasi fikih kebangsaan tersebut. Temuan penelitian menunjukkan bahwa fikih kebangsaan Muzadi merepresentasikan ijtihad berbasis maqāṣid yang beroperasi pada tiga dimensi yang saling terhubung: individual, komunal, dan kemanusiaan. Konsepsinya menempatkan Islam Indonesia sebagai kekuatan harmonisasi dalam masyarakat plural, menegaskan Pancasila sebagai titik temu konstitusional antara agama dan negara, serta memosisikan moderasi beragama sebagai instrumen strategis bagi kohesi nasional. Konstruksi ini selaras secara substantif dengan teori maqāṣid Jamal al-Din 'Atiyyah, khususnya dalam integrasi kemaslahatan sosial, solidaritas kewargaan, dan integritas kebangsaan ke dalam penalaran hukum. Penelitian ini menyimpulkan bahwa fikih kebangsaan Muzadi merupakan rekonstruksi penalaran hukum Islam berbasis maqāṣid yang kontekstual dan relevan bagi masyarakat plural kontemporer. Penelitian ini merekomendasikan pengembangan fikih kebangsaan berbasis maqāṣid sebagai kerangka metodologis untuk memperkuat moderasi beragama dan harmoni konstitusional di Indonesia.

Kata Kunci: Fikih Kebangsaan; Ahmad Hasyim Muzadi; Maqasid al-Shari'ah 'Atiyyah.

INTRODUCTION

The relationship between Islamic jurisprudence (fiqh) and nationalism remains one of the most debated themes in contemporary Indonesian Islamic thought.[1] As a plural nation founded upon Pancasila and the 1945 Constitution, Indonesia represents a distinctive model of statehood that is neither theocratic nor secular. Within this framework, Muslim scholars have long engaged in efforts to conceptualize the proper relationship between religion and the state whether through formalistic aspirations for an Islamic state or through substantive approaches that emphasize ethical governance grounded in Islamic values. The discourse on fikih kebangsaan (national fiqh) emerges within this intellectual landscape as an attempt to articulate an Islamic legal reasoning that affirms the legitimacy of the Unitary State of the Republic of Indonesia (NKRI) while maintaining fidelity to Islamic normative principles.[2]

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[1] Saefur Rochmat, "The Fiqh Paradigm for the Pancasila State: Abdurrahman Wahid's Thoughts on Islam and the Republic of Indonesia," *Al-Jami'ah: Journal of Islamic Studies* 52, no. 2 (December 26, 2014): 309, https://doi.org/10.14421/ajis.2014.522.309-329.

[2] Ahmad Munjin Nasih et al., "Islam Raḥmatan Li-l-'Ālamīn and Civil Tolerance in Indonesia: The Legacy of Ahmad Hasyim Muzadi," *Teosofi: Jurnal Tasawuf Dan Pemikiran Islam* 14, no. 2 (December 3, 2024): 143–66, https://doi.org/10.15642/teosofi.2024.14.2.143-166.

This debate has gained renewed urgency in the context of transnational Islamic movements and radical narratives that challenge the ideological foundation of the Indonesian state. Movements advocating the establishment of a caliphate or promoting rigid formalism in the implementation of Islamic law have generated tensions within Muslim societies. In contrast, moderate Islamic organizations such as Nahdlatul Ulama have advanced a contextual and accommodative interpretation of Islamic law that upholds pluralism, social harmony, and constitutional nationalism. One of the prominent figures articulating this perspective was Ahmad Hasyim Muzadi, former Chairman of Nahdlatul Ulama (1999–2010), who formulated the concept of fikih kebangsaan as a theological and juridical justification for national commitment within a plural society.[3]

Several previous studies have examined aspects of Ahmad Hasyim Muzadi's thought. Research on civil tolerance highlights his contribution to interreligious harmony and human rights discourse. Other works have explored nationalism within pesantren-based fiqh traditions, or analyzed his role in Islamic education reform. While these studies provide valuable insights, they predominantly focus on normative, sociological, or institutional dimensions of his thought. The methodological foundation of his legal reasoning particularly the structure of ijtihad underlying his construction of fikih kebangsaan has not been systematically examined.[4]

More specifically, no study has critically analyzed his concept of national fiqh through the theoretical framework of maqāṣid al-sharī'ah as developed by Jamal al-Din 'Atiyyah.[5] 'Atiyyah's expansion of maqāṣid theory beyond classical formulations encompassing the protection of the individual (ḥifẓ al-fard), the community (ḥifẓ al-ummah), and humanity (ḥifẓ al-insāniyyah) offers a comprehensive

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[3] Imam Alfiannoor, "Konsep Hubungan Agama Dan Negara Menurut Ahmad Hasyim Muzadi," *Al Qalam: Jurnal Ilmiah Keagamaan Dan Kemasyarakatan* 17, no. 4 (2023): 2490–2502.

[4] Syarifuddin Syarifuddin et al., "Legal Politics of Restricting Access to Online Gambling in Fiqh Siyasah and Saddu Adz-Dzariah Perspectives," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 1 (June 23, 2025): 219–43, https://doi.org/10.19109/nurani.v25i1.25361.

[5] Syaiful Bahri, Syamsul Anwar, and Mochamad Sodik, "Pancasila, Piagam Madinah, Dan Konstruksi Fikih Kebangsaan Ala Pesantren: Studi Hasil Bah}th Al-Masa>Il Forum Musyawarah Pondok Pesantren (FMPP) XXX Tahun 2016," *Justicia Islamica* 20, no. 1 (July 14, 2023): 115–34, https://doi.org/10.21154/justicia.v20i1.5934.

analytical lens for evaluating contemporary socio-political jurisprudence. The absence of such an analysis constitutes a significant gap in the existing scholarship.[6]

Based on this gap, the central problem addressed in this article is: How is Ahmad Hasyim Muzadi's fikih kebangsaan constructed, and to what extent does it reflect a maqāṣid-based method of ijtihad in the framework of Jamal al-Din 'Atiyyah? This study seeks to (1) analyze the epistemological structure of Muzadi's national fiqh, (2) identify the maqāṣid dimensions embedded in his legal reasoning, and (3) evaluate its relevance for contemporary debates on Islam, constitutionalism, and religious moderation in Indonesia.[7]

By situating Muzadi's thought within a maqāṣidī analytical framework, this research contributes theoretically to the development of maqāṣid-based constitutional fiqh and empirically to the discourse on Islamic moderation in plural societies. It argues that fikih kebangsaan represents not merely a political stance, but a structured form of maqāṣid-oriented ijtihad that integrates individual welfare, communal solidarity, and humanitarian responsibility into the architecture of Indonesian nationalism.[8]

RESEARCH METHODS

This study employs qualitative-conceptual legal research based on library inquiry to examine the construction of Ahmad Hasyim Muzadi's fikih kebangsaan and to analyze it through the maqāṣid al-sharī'ah framework developed by Jamal al-Din 'Atiyyah.[9] The research focuses on normative doctrines and legal reasoning rather than empirical field data, aiming to reconstruct the epistemological structure of Muzadi's national fiqh and evaluate its maqāṣid-based dimensions.

Primary sources consist of the writings, speeches, and official statements of Ahmad Hasyim Muzadi that address nationalism, religion

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[6] Mubaedah Al Fatah, "PEMIKIRAN KH. HASIM MUZADI TENTANG PENDIDIKAN ISLAM DAN RELEVANSINYA TERHADAP PENDIDIKAN ISLAM KONTEMPORER," *Jurnal Tawadhu* 8, no. 1 (April 22, 2024): 96–105, https://doi.org/10.52802/twd.v8i1.977.

[7] Arbanur Rasyid et al., "Actualization of the Concept of National Fiqh in Building Religious Moderation in Indonesia," *Millah: Journal of Religious Studies*, July 16, 2022, 433–64, https://doi.org/10.20885/millah.vol21.iss2.art5.

[8] BIOGRAFI INTELEKTUAL D A N POLITIK HASYIM MUZADI, *A. Kehidupan Sosio-Kultural Hasyim Muzadi*, *NEGARA DAN PLURALISME AGAMA*, n.d.

[9] John W Creswell and J David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Sage publications, 2017).

state relations, Islamic moderation, and the concept of fikih kebangsaan. Secondary sources include peer-reviewed studies on Nahdlatul Ulama's intellectual tradition, national fiqh, and literature on maqāṣid al-sharī'ah, particularly 'Atiyyah's expanded formulation. Sources were selected based on relevance to Muzadi's legal reasoning and engagement with 'Atiyyah's maqāṣid theory, while non-scholarly and indirectly related materials were excluded.[10]

Data were collected through systematic documentation and textual tracing. The data extraction process identified key concepts, normative claims, and patterns of reasoning related to nationalism and constitutional commitment. The analysis integrates content analysis to determine thematic patterns, interpretative analysis to reconstruct the structure of ijtihad, and maqāṣid-based reasoning to assess alignment with the dimensions of ḥifẓ al-fard, ḥifẓ al-ummah, and ḥifẓ al-insāniyyah. Analytical rigor was maintained through source triangulation and systematic mapping of arguments onto the maqāṣid framework. This approach enables a structured reconstruction of national fiqh as a contemporary maqāṣid-oriented legal model.

RESULT AND DISCUSSION
Intellectual Context and Genealogy of National Fiqh

Ahmad Hasyim Muzadi (1944–2017) emerged as a significant figure within the intellectual tradition of Nahdlatul Ulama (NU), particularly in the late twentieth and early twenty-first centuries. His presence marked an important phase in the articulation of Islamic thought within Indonesia's evolving democratic landscape.[11]

His prominence became especially visible during his tenure as Chairman of PBNU from 1999 to 2004. This period was historically crucial, as it coincided with Indonesia's political reform and democratic consolidation following the fall of the New Order regime.[12]

Muzadi's leadership followed the presidency of Abdurrahman Wahid, a former NU Chairman whose political ascent reshaped relations

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[10] Subi Nur Isnaini, "Manhaj Ibn 'Aṭiyyah Fī Al-Ta'āmul Ma'a Al-Isrā'īliyyāt Fī Al-Muḥarrar Al-Wajīz," *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 23, no. 2 (July 30, 2022): 261–84, https://doi.org/10.14421/qh.v23i2.3756.

[11] Muhammad Noor Harisudin, "Islām Wa Fiqh Nusantara: Al-Tanāfus 'alá Al-Huwīyah Wa 'alāqat Al-Sulṭah Wa Al-Ramz Al-Dīnī Li Jam'īyah Nahdlatul Ulama," *Studia Islamika* 24, no. 3 (December 31, 2017): 503–54, https://doi.org/10.15408/sdi.v24i3.4324.

[12] Asep Muhamad Iqbal, "Islamic Fundamentalism, Nation-State and Global Citizenship: The Case of Hizb Ut-Tahrir," *IJIMS Indonesian Journal of Islam and Muslim Societies* 6, no. 1 (2016): 35–61.

between Islam and the state.[13] In this transitional moment, Muzadi inherited both institutional responsibility and intellectual challenges within NU.

Unlike genealogically dominant kyai figures whose authority derived from hereditary pesantren networks, Muzadi's legitimacy was primarily organizational and intellectual. His authority was cultivated through institutional engagement rather than lineage-based charisma.

His educational background played a formative role in shaping this orientation. He studied in pesantren institutions such as Gontor and al-Anwar, environments known for combining classical Islamic scholarship with disciplined organizational training.

Beyond pesantren education, Muzadi pursued higher studies at IAIN Sunan Ampel, where he encountered broader discourses on Islamic thought and modern governance. This exposure strengthened his analytical capacity in addressing contemporary socio-political questions.[14]

His activism in student and youth organizations particularly PMII and GP Ansor further shaped his civic and national outlook. These experiences embedded him within Indonesia's socio-political movements and refined his understanding of Islam's role in public life.

Nevertheless, the significance of Muzadi cannot be reduced to biographical elements alone. His lasting intellectual contribution lies in his formulation of fikih kebangsaan (national jurisprudence), a concept aimed at redefining the relationship between Islamic law and the nation-state.[15]

Through fikih kebangsaan, Muzadi sought to articulate a mode of Islamic legal reasoning compatible with Indonesia's plural constitutional order. He did not advocate the formal establishment of an Islamic state, but instead proposed an ethical reconstruction of fiqh for national life.

In this reconstruction, sharī'ah is not positioned as a rigid legal code to be formally imposed. Rather, it is understood as a moral and

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[13] M D Mahfud, "Membangun Politik Hukum, Menegakkan Konstitusi," *(No Title)*, 2010.

[14] Ahmad Sukardja, "Piagam Madinah Dan Undang-Undang Dasar 1945: Kajian Perbandingan Tentang Dasar Hidup Bersama Dalam Masyarakat Yang Majemuk," *(No Title)*, 1995.

[15] Abdullahi Ahmed An-Naim, *Islam and the Secular State: Negotiating the Future of Sharia* (Harvard University Press, 2008).

normative framework guiding citizenship, constitutional loyalty, and social harmony.[16]

Muzadi's project responds to a persistent tension within Indonesian Islamic discourse: whether Islamic normativity should manifest symbolically through state formalism or substantively through constitutional ethics. He clearly inclines toward the latter, emphasizing outcomes over labels.

The theoretical significance of his thought becomes clearer when examined through the maqāṣid al-sharī'ah framework developed by Jamal al-Din 'Atiyyah. In particular, 'Atiyyah's tripartite expansion ḥifẓ al-fard (protection of the individual), ḥifẓ al-ummah (protection of the community), and ḥifẓ al-insāniyyah (protection of humanity) reveals that fikih kebangsaan constitutes a structured maqāṣid-oriented ijtihād rather than a mere political accommodation.[17]

The Conceptual Architecture of Fikih Kebangsaan

In Muzadi's formulation, Indonesian Islam is not merely a geographical expression of the faith but a historically embodied religious experience shaped by cultural negotiation, ethical adaptation, and social integration.[18] Islam in Indonesia developed through gradual engagement with local traditions rather than abrupt rupture, producing a pattern of religiosity that privileges harmony over confrontation. This historically embedded character becomes the sociological foundation for what he later conceptualizes as fikih kebangsaan, where Islamic normativity operates within, rather than against, Indonesia's plural social fabric.[19]

Drawing inspiration from the Islamization model of the Wali Songo, Muzadi emphasizes da'wah bi al-ḥikmah persuasion through wisdom rather than coercive enforcement. Islam spread across the archipelago not by dismantling indigenous cultures but by transforming

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[16] M Morfit, "The Indonesian State Ideology According to the New Order Government'," *Asian Survey* 21, no. 8 (1981): 838–851, https://doi.org/10.2307/2643886.

[17] Dr Jamal Al-Din'Atiyyah, *Nahw Taf'il Maqasid Al-Shari'ah* (Damsyiq: Dar al-Fikr, 2001).

[18] Firmanda Taufiq and Ahalla Tsauro, "Nahdlatul Ulama (NU) and the Fiqh of Civilization (Fikih Peradaban): Strategies, Contributions, and Challenges in Overcoming the Humanitarian Crisis," *International Journal Ihya' 'Ulum Al-Din* 26, no. 1 (June 20, 2024): 173–83, https://doi.org/10.21580/ihya.26.1.20255.

[19] Ali Mursyid Azisi et al., "Initiating Interfaith Fiqh in the Modern Era: An Effort to Contextualize Rahmah and Humanist Islam in Digital Space," *Religió Jurnal Studi Agama-Agama* 13, no. 2 (September 1, 2023): 188–208, https://doi.org/10.15642/religio.v13i2.2403.

them ethically from within. Ritual, art, language, and custom were gradually Islamized without erasing their local character. For Muzadi, this legacy demonstrates that Islamic expansion historically succeeded through accommodation and moral persuasion, not through domination.[20]

From a maqāṣid perspective, this pattern of Islamization reflects a conscious prioritization of communal welfare. It safeguards ḥifẓ al-ummah by preventing sectarian fragmentation and violent polarization. Social cohesion becomes an objective of sharī'ah, not merely a political necessity. The preservation of unity in a multi-ethnic and multi-religious society is therefore elevated to a juridical concern grounded in maslahah.

At the same time, Muzadi's understanding supports ḥifẓ al-insāniyyah, as it recognizes cultural plurality as part of divine providence (sunnatullāh). Diversity is not treated as deviation but as a manifestation of God's creative will. Thus, harmony is not framed as compromise but as theological realism. Through this reasoning, Indonesian Islam emerges as a civilizational project aligned with universal humanitarian objectives.[21]

Unlike scripturalist approaches that privilege literal textual enforcement, Muzadi places social cohesion at the center of Islamic legal reasoning. Sharī'ah is not reduced to regulatory codes but understood as an ethical system aimed at cultivating order, justice, and dignity. The emphasis shifts from rigid norm enforcement to the creation of an ethical public sphere in which Islamic values inspire rather than intimidate.[22]

A second pillar of fikih kebangsaan is Muzadi's articulation of a symbiotic relationship between religion and state. He rejects theocratic absolutism, which conflates divine authority with political power, as well as strict secularism, which marginalizes religion from public life.

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[20] Amanda Tho Seeth, "Renegotiating the Islam and Development-Nexus in Indonesia: Fikih Peradaban as a Middle Ground between Local and Global Development Paradigms," *ISLAM NUSANTARA:Journal for the Study of Islamic History and Culture* 4, no. 2 (October 6, 2023): 1–26, https://doi.org/10.47776/islamnusantara.v4i2.690.

[21] Rochmat, "The Fiqh Paradigm for the Pancasila State: Abdurrahman Wahid's Thoughts on Islam and the Republic of Indonesia."

[22] Faisal Ismail, *Islam, Politics and Ideology in Indonesia: A Study of the Process of Muslim Acceptance of the Pancasila* (McGill University, 1995).

Instead, he proposes a cooperative model in which religion and state sustain one another within their respective domains.[23]

In this paradigm, the state guarantees freedom of religion and protects constitutional order, while religion provides moral guidance and ethical legitimacy. The relationship is reciprocal rather than hierarchical. Islam does not seek to dominate the state apparatus, nor does the state attempt to domesticate religion. Each functions within its sphere while contributing to shared national stability.

Within the maqāṣid expansion of Jamal al-Din 'Atiyyah, this framework primarily reflects ḥifẓ al-ummah, understood as the preservation of collective order and institutional continuity. Social chaos (fitnah) is viewed as antithetical to maslahah. Therefore, constitutional loyalty and civic responsibility become religiously meaningful commitments aimed at safeguarding communal integrity.[24]

By grounding nationalism in Islamic ethics, Muzadi transforms it from a secular ideology into a morally infused responsibility. The nation-state is not sacralized, but it is recognized as the legitimate arena for realizing sharī'ah's higher objectives. Thus, the state becomes a vehicle for ethical governance rather than an obstacle to religious authenticity.

Within this symbiotic paradigm, Pancasila occupies a central normative position. For Muzadi, Pancasila is neither a theological rival nor a secular abstraction, but a constitutional covenant that embodies shared moral commitments. Its function parallels the Charter of Medina, which historically regulated coexistence among diverse communities without erasing religious identities.

Pancasila institutionalizes belief in God while safeguarding pluralism and civic equality. In maqāṣid terms, it secures ḥifẓ al-fard through protection of religious freedom and human dignity, ḥifẓ al-ummah through preservation of national unity, and ḥifẓ al-insāniyyah through its emphasis on justice and social welfare. Its principles divinity,

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[23] Ahmad Najib Burhani, "Pluralism, Liberalism, and Islamism: Religious Outlook of Muhammadiyah," *Studia Islamika* 25, no. 3 (December 4, 2018): 433–70, https://doi.org/10.15408/sdi.v25i3.7765.

[24] Hasnan Bachtiar and Zakiyuddin Baidhawy, "Theologising Democracy in the Context of Muhammadiyah's Ijtihād," *Indonesian Journal of Islam and Muslim Societies* 12, no. 1 (June 4, 2022): 165–200, https://doi.org/10.18326/ijims.v12i1.165-200.

humanity, unity, deliberation, and social justice resonate with sharī'ah's higher objectives.[25]

Through this interpretation, Muzadi reframes debates about whether Indonesia should be categorized as Islamic or secular. He redirects the discussion toward a functional question: do constitutional arrangements fulfill the substantive objectives of sharī'ah? If justice, freedom, and social order are preserved, then the maqāṣid criteria are met regardless of formal labels.

Muzadi's metaphor of Indonesia as a "common house" captures his ontological understanding of pluralism. The nation is inhabited by diverse religious communities whose coexistence is permanent rather than provisional. Plurality is not an emergency condition but a structural reality embedded in Indonesia's historical formation.

In this shared house, religious moderation (tawassuṭ) functions as the operational ethic ensuring peaceful coexistence. Extremism threatens not only social order but the very objectives of sharī'ah. Within 'Atiyyah's framework, this dimension clearly reflects ḥifẓ al-insāniyyah, as it prioritizes universal human dignity over sectarian triumphalism.

Muzadi's reasoning aligns with the Aswaja principles of balance (tawāzun), tolerance (tasāmuḥ), and justice (i'tidāl). Yet he extends these principles into constitutional discourse, embedding them within state legitimacy and civic ethics. Moderation is therefore not a rhetorical slogan but a jurisprudential commitment.

The reinterpretation of jihad in Muzadi's thought further illustrates his maqāṣid orientation. The 1945 Jihad Resolution is understood as a contextual defense of sovereignty rather than a perpetual mandate for militancy. Its historical specificity prevents its misuse as a justification for contemporary radicalism.

In present circumstances, defending the nation is expressed through civic engagement, institutional loyalty, and moral education. Pesantren play a central role as moral guardians of NKRI, shaping citizens who internalize unity as a religious obligation. This reflects both ḥifẓ al-ummah, through collective security, and ḥifẓ al-fard, through ethical formation of individuals.[26]

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[25] Ahmad Rajafi, Ressi Susanti, and Ahmad Elmawan M. Alhanif, "Humanist Fiqh Developed by KH. Ahmad Rifa'i Arief Banten, Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (June 13, 2023): 27, https://doi.org/10.31958/juris.v22i1.6921.

[26] Ngainun Naim, "Islamic Jurisprudence for Diversity: From Theological-Normative Reason to Progressive Contextual Reasoning," *AL-'ADALAH* 15, no. 1 (January 18, 2019): 51, https://doi.org/10.24042/adalah.v15i1.2621.

Through this recontextualization, jihad is transformed from armed struggle into constitutional commitment. Islamic activism is situated firmly within national legitimacy, countering transnational radical narratives that detach religious duty from civic responsibility. In doing so, Muzadi's fikih kebangsaan demonstrates how maqāṣid reasoning can harmonize faith, nationhood, and universal humanity within a coherent jurisprudential framework.[27]

Islamic-Indonesian Rationality: A Symbiotic Paradigm

Islamic–Indonesian rationality in Muzadi's thought represents a distinctive synthesis between religious normativity and national consciousness. It cannot be reduced to conventional fiqh formalism that focuses narrowly on doctrinal rulings, nor can it be interpreted as mere political pragmatism designed to accommodate state power. Instead, it reflects a mode of reasoning deeply rooted in maqāṣid al-sharī'ah, where the ultimate orientation of law lies in the realization of maslahah public good, justice, and social harmony.[28]

At the epistemological level, Muzadi's rationality shifts the axis of Islamic legal thought from textual literalism to purposive interpretation. Texts remain authoritative, but their function is mediated through objectives. This means that the meaning of sharī'ah is not exhausted by formal compliance; rather, it is fulfilled when its higher purposes are achieved in concrete social realities. Such a framework situates Islam within dynamic historical contexts without undermining its normative integrity.[29]

In this configuration, Islam is positioned fundamentally as a value-system rather than a state ideology. Muzadi does not seek to transform Islam into a political apparatus or constitutional label. Instead, Islam operates as an ethical reservoir that informs public life, shapes civic virtue, and nurtures collective responsibility. The distinction is crucial:

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[27] Mukhlis Latif and Muhammad Mutawalli, "Fiqh of Civilization in Building a Legal State: The Relevance of Muhammad Arkoun's Thought," *Al-Ahkam; Vol 33, No 2 (2023): OctoberDO - 10.21580/Ahkam.2023.33.2.16643* , October 2023.

[28] Akhmadul Faruq, "Al-Pancasila Fi Al-Mandzûri Al-Maqâshidî Al-Syar'î: Dirâsah Tahlîliyah," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 1 (June 27, 2021): 207–29, https://doi.org/10.19105/al-lhkam.v16i1.5027.

[29] Maharsi Maharsi, "VISHNU IN TWO CLASSICAL JAVANESE ISLAMIC TEXTS: Continuity and Harmony among the Javanese Revisited," *JOURNAL OF INDONESIAN ISLAM* 17, no. 1 (June 1, 2023): 124, https://doi.org/10.15642/JIIS.2023.17.1.124-146.

when Islam becomes an ideology of the state, it risks instrumentalization; when it remains a value-system, it retains moral transcendence.[30]

This orientation produces what may be described as "constitutional religiosity." Within this framework, religious commitment does not compete with constitutional order but reinforces it. Faith becomes a motivating force for loyalty to democratic principles, social justice, and peaceful coexistence. Rather than destabilizing plural democracy, religion provides ethical depth to constitutional governance.

Constitutional religiosity thus redefines the relationship between divine normativity and political structure. The constitution is not viewed as a secular rival to revelation, but as a civic contract capable of embodying sharī'ah's higher objectives. When justice, dignity, and order are upheld, the constitutional framework itself becomes an arena for religious fulfillment.[31]

Critically, this model challenges transnational textualism that equates Islamic authenticity with formal state implementation of sharī'ah. Such textualism often prioritizes symbolic markers legal codes, institutional labels, or public rituals over substantive outcomes. Muzadi's approach contests this hierarchy by asserting that justice and welfare carry greater juridical weight than symbolism.

In prioritizing substantive justice, Muzadi reorients Islamic discourse away from identity politics. The question shifts from "Is the state Islamic?" to "Does the state realize the objectives of Islam?" This reframing dissolves binary debates that trap Muslim societies between theocratic aspiration and secular rejection. Instead, it invites evaluative reasoning grounded in ethical consequences.

The emphasis on substance over form also protects Islam from politicized absolutism. When religion is equated exclusively with legal formalization, it becomes vulnerable to authoritarian appropriation. Muzadi's maqāṣid orientation prevents this by maintaining a distinction between eternal values and contingent institutional forms. Political

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[30] Syafaul Mudawam, "The Uṣūl Al-Fiqh Approach on the Understanding of Islamic Law in Contemporary Era: Source and Contextualization," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 55, no. 2 (August 31, 2021): 315, https://doi.org/10.14421/ajish.v55i2.1004.

[31] Ali Mudlofir, Hisbullah Huda, and Achmad Sultoni, "Nationalism and Pancasila Education within Indonesian Islamic and National Universities: Mapping Students' Responses to the Integration of Spiritual and Emotional Intelligence-Based Education," *JOURNAL OF INDONESIAN ISLAM* 15, no. 2 (December 1, 2021): 387, https://doi.org/10.15642/JIIS.2021.15.2.387-408.

systems may change, but the objectives of justice and mercy remain constant.

Furthermore, this rationality integrates national identity into religious responsibility. Love of the homeland is not treated as an extraneous sentiment but as part of preserving communal order and collective welfare. In maqāṣid terms, national stability contributes directly to the protection of society and humanity. Thus, nationalism becomes ethically grounded rather than ideologically imposed.

By grounding civic responsibility in maslahah, Muzadi transforms political participation into a religiously meaningful act. Voting, public service, education, and social engagement become expressions of ethical stewardship. The boundaries between sacred and civic action are not erased, but harmonized through purposive reasoning.

This framework also fosters resilience against radical narratives that detach Islam from local context.[32] Transnational movements often universalize specific historical interpretations and impose them across diverse societies. Muzadi's rationality resists this homogenization by affirming contextual adaptation as a legitimate expression of Islamic jurisprudence.

Importantly, maqāṣid-oriented reasoning requires intellectual responsibility. It demands critical reflection, historical awareness, and ethical discernment. Muzadi's approach therefore elevates ijtihād from mechanical derivation to moral evaluation. The jurist's task becomes not merely to cite precedent, but to assess how Islamic objectives can best be realized in contemporary society.[33]

The shift from formal implementation to substantive realization does not imply dilution of religious principles. On the contrary, it intensifies their ethical demand. Justice must be actualized, dignity protected, and social peace maintained. Sharī'ah is thus measured not by the visibility of its symbols, but by the presence of its values.[34]

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[32] Syafieh Syafieh and M. Anzhaikan, "Moderate Islam And Its Influence on Religious Diversity in Indonesia," *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin* 23, no. 2 (March 1, 2023), https://doi.org/10.14421/esensia.v23i2.3262.

[33] Tutik Nurul Janah and Umdah El Baroroh, "Pluralism in the Fiqh Sosial's Perspective," *Santri: Journal of Pesantren and Fiqh Sosial* 2, no. 1 (June 30, 2021): 17–34, https://doi.org/10.35878/santri.v2i1.277.

[34] Nor Hasan et al., "Tradition, Social Values, and Fiqh of Civilization: Examining the Nyadran Ritual in Nganjuk, East Java, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (November 16, 2023): 1778, https://doi.org/10.22373/sjhk.v7i3.20578.

Within plural democracy, this orientation provides a constructive role for religion. It avoids sectarian domination while preventing moral relativism. Islam contributes normative clarity without demanding exclusivist supremacy. In this sense, constitutional religiosity becomes a mediating paradigm capable of sustaining both faithfulness and pluralism.

Ultimately, Islamic–Indonesian rationality as articulated by Muzadi demonstrates that fidelity to sharī'ah does not require rigid formalization. Through maqāṣid-based reasoning grounded in maslahah, Islam can function as a transformative ethical force within a democratic nation-state. The realization of justice, unity, and human dignity becomes the true measure of religious authenticity, shifting the focus from symbolic legalism to substantive moral achievement.[35]

Maqāṣid Al-Sharī'Ah of Jamal Al-Din 'Atiyyah As Analytical Framework

The maqāṣid al-sharī'ah framework of Jamal al-Din 'Atiyyah provides a comprehensive analytical lens for understanding the structure and depth of Muzadi's fikih kebangsaan. By expanding classical maqāṣid theory into a tripartite hierarchy ḥifẓ al-fard (protection of the individual), ḥifẓ al-ummah (protection of the community), and ḥifẓ al-insāniyyah (protection of humanity) 'Atiyyah offers a multidimensional model capable of engaging modern nation-state realities.[36] When applied to Muzadi's thought, this structure reveals that his national jurisprudence is not merely political discourse but a systematically grounded maqāṣid-oriented project.[37]

At the first level, ḥifẓ al-fard emphasizes the safeguarding of individual existence, belief, intellect, dignity, and moral agency. Within the Indonesian constitutional framework[38], Muzadi interprets religious freedom under Pancasila as a concrete manifestation of this objective. The state's guarantee of worship and belief becomes not a secular

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[35] Ahmad Ali Nurdin, "Revisiting Discourse on Islam and State Relation in Indonesia: The View of Soekarno, Natsir and Nurcholish Madjid," *Indonesian Journal of Islam and Muslim Societies* 6, no. 1 (June 1, 2016): 63, https://doi.org/10.18326/ijims.v6i1.63-92.

[36] Ahmad Al-Raysuni, *Muhadarat Fi Maqasid Al-Shariah* (Dar al-Kalimah, 2015).

[37] Nofialdi Nofialdi, "Ijtihad Ibn Qayyim Al-Jawziyyah Dan Al-Maqasid Al-Juz'iyyah: Refleksi Penyelesaian Kasus Hukum Islam," *Al-Manahij: Jurnal Kajian Hukum Islam* 12, no. 1 (2018): 71–86.

[38] Ahmad Al-Raisuni, "Madkhal 'ila Maqasid Shari 'Ah," *Kaherah: Dar Al-Salam*, 2010.

concession, but a juridically legitimate protection of faith consistent with sharī'ah's higher aims.

Protection of the individual also extends to intellectual freedom. By supporting educational institutions, particularly pesantren, Muzadi situates moral and intellectual cultivation at the center of national life. Pesantren are not only religious schools; they are spaces where ethical reasoning, spiritual discipline, and civic awareness are nurtured simultaneously. This integration ensures that ḥifẓ al-'aql (protection of intellect) operates within both religious and national spheres.[39]

Furthermore, Muzadi's rejection of coercive Islamization directly reflects ḥifẓ al-fard. Compulsion in matters of belief undermines human dignity and violates the ethical essence of da'wah. By advocating persuasion (bi al-ḥikmah) over force, he affirms that authentic faith must emerge from conscious conviction rather than structural imposition. In this sense, personal autonomy becomes integral to Islamic legal reasoning.

The second dimension, ḥifẓ al-ummah, shifts attention from the individual to the collective body. For Muzadi, national unity (NKRI) is not merely a political arrangement but a moral necessity. Fragmentation, sectarian conflict, and ideological polarization threaten communal survival and thus contradict maqāṣid principles. Preserving unity becomes a religiously meaningful obligation grounded in maslahah.[40]

Constitutional commitment serves as another expression of ḥifẓ al-ummah. Loyalty to the constitutional order is framed not as blind nationalism but as responsible stewardship of collective stability. When institutions function to secure justice and order, supporting them becomes part of safeguarding communal welfare. Social chaos (fitnah) is rejected because it undermines both religion and society.

Civic education further strengthens this communal protection. By encouraging active participation in democratic processes, Muzadi embeds Islamic ethics within public responsibility. Citizens are formed not only as believers but as contributors to institutional resilience. The cultivation of civic virtue thus becomes a maqāṣid-driven strategy for sustaining national cohesion.

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[39] Fathorrahman et al., "Dynamics of Thought in the Fiqh of Civilization Halaqah at Pesantren Affiliated with Nahdlatul Ulama (NU) in Yogyakarta," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 1 (July 23, 2024): 71–95, https://doi.org/10.18326/ijtihad.v24i1.71-95.

[40] Abu Ishaq Al-Syatibi, "Al-Muwafaqat Fi Ushul Al-Syari'ah," *Vol. II (Beirut: Dar Al Kutub Al Ilmiyah, Tt)* 1 (2003): 290.

Aswaja-based nationalism reinforces ḥifẓ al-ummah through theological moderation. The principles of tawāzun (balance), tasāmuḥ (tolerance), and i'tidāl (justice) operate as safeguards against extremism. By grounding nationalism in this theological tradition, Muzadi ensures that collective identity remains inclusive rather than exclusionary, thereby protecting both institutional stability and communal harmony.

The third dimension, ḥifẓ al-insāniyyah, expands the maqāṣid horizon beyond national boundaries toward universal humanity. Here, Muzadi's emphasis on interreligious harmony becomes central. Plurality is not tolerated reluctantly; it is embraced as a divine reality requiring ethical coexistence. Safeguarding peaceful relations among religious communities reflects protection of humanity at large.

Justice occupies a pivotal place within this humanitarian objective. A society that marginalizes minorities or legitimizes discrimination fails to realize sharī'ah's universal purposes. Muzadi's thought therefore situates social justice as a criterion for evaluating public policy, ensuring that national jurisprudence does not become inward-looking or sectarian.

The concept of Islam as raḥmatan lil-'ālamīn (mercy to all creation) encapsulates ḥifẓ al-insāniyyah in theological terms. Islam's mission transcends communal boundaries and aspires toward global peace and human dignity. By articulating fikih kebangsaan within this universal frame, Muzadi prevents nationalism from devolving into parochialism.

Importantly, these three layers individual, communal, and humanitarian are not isolated compartments but interdependent spheres. Protection of the individual strengthens the community; preservation of the community enables humanitarian engagement. 'Atiyyah's tripartite model thus illuminates the structural coherence of Muzadi's reasoning.

Through this mapping, fikih kebangsaan appears as a calibrated ijtihād responsive to modern constitutional life. Rather than negotiating Islam's place defensively, Muzadi constructs a proactive jurisprudence that integrates personal freedom, national stability, and universal ethics within a unified maqāṣid architecture.[41]

This analytical approach also clarifies that Muzadi's project is neither secular accommodation nor ideological Islamism. It is a purposive reinterpretation of sharī'ah that measures authenticity by its

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[41] Muhammad Taufiq et al., "Tengka, Identity Politics, and the Fiqh of Civilization: The Authority of Madura's Kiai in the Post-Truth Era," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 1 (July 26, 2024): 139–65, https://doi.org/10.18326/ijtihad.v24i1.139-165.

capacity to secure dignity, unity, and justice simultaneously. Each maqāṣid tier serves as a normative checkpoint against excess or imbalance.[42]

Ultimately, employing 'Atiyyah's framework demonstrates that Muzadi's fikih kebangsaan operates as a comprehensive maqāṣid-based paradigm. By safeguarding the individual (ḥifẓ al-fard), fortifying the nation (ḥifẓ al-ummah), and advancing universal humanity (ḥifẓ al-insāniyyah), his thought articulates an integrated vision in which Islam functions as an ethical force within, beyond, and for the nation-state.[43]

CONLUSION

This article concludes that the fikih kebangsaan of Ahmad Hasyim Muzadi represents a substantive reinterpretation of Islamic jurisprudence within the framework of the modern Indonesian nation-state. Rather than advocating the formalization of sharī'ah, Muzadi articulates an Islamic Indonesian rationality that positions Islam as an ethical value-system strengthening constitutional democracy. Theoretically, this study demonstrates that fikih kebangsaan is not merely a political accommodation but a structured maqāṣid-oriented ijtihād. Through the analytical lens of Jamal al-Din 'Aṭiyyah, particularly his tripartite expansion of ḥifẓ al-fard, ḥifẓ al-ummah, and ḥifẓ al-insāniyyah, Muzadi's thought can be systematically mapped across personal, communal, and humanitarian domains. This constitutes the article's primary theoretical contribution: redefining national jurisprudence as a purposive realization of sharī'ah's higher objectives within a plural constitutional order.

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[42] Marluwi, "Maqāṣid Al-Sharī'ah as a Governance Framework: Institutionalizing Child Protection in Pontianak," *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 (2025): 305, https://doi.org/https://doi.org/10.52496/mjhki.v3i2.34.

[43] Jasser Auda, "Al-Ijtihād Al-Maqāṣidī: Min Al-Taṣawwur Al-Uṣūlī Ilā Al-Tanzīl Al-'Amalī," *Beirut: Al-Shabakah Al-'Arabiyyah Li Al-Abḥāth Wa Al-Nashr*, 2013; Jasser Auda, "A Maqāṣidī Approach to Contemporary Application of the Sharī 'Ah," *Intellectual Discourse* 19, no. 2 (2011), https://doi.org/https://doi.org/10.31436/id.v19i2.231; Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought (IIIT), 2008); Jasser Auda, "How Do We Realise Maqasid Al-Shariah in the Shariah," *Retrieved June* 30 (2022); Jasser Auda, *Maqasid Al-Shariah: A Beginner's Guide*, vol. 14 (International Institute of Islamic Thought (IIIT), 2008); Jasser Auda, "Fiqh Al-Maqāṣid Inātat Al-Aḥkām Al-Shar'iyyah Bi Maqāṣidihā," 2006; Jasser Auda, *Re-Envisioning Islamic Scholarship: Maqasid Methodology as a New Approach* (Claritas Books, 2022).

Methodologically, the study contributes by applying 'Aṭiyyah's maqāṣid framework as an interpretive tool for contemporary Islamic political thought, thereby bridging classical legal theory and modern civic realities. Practically, the findings underline the continued relevance of Muzadi's paradigm for strengthening religious moderation, constitutional loyalty, and social cohesion in Indonesia. His conception of Islam Indonesia as harmonious Islam, Pancasila as a constitutional covenant, and nationalism as a religiously meaningful commitment offers a viable framework for countering both secular exclusion and transnational textualism. Future research should further explore comparative applications of maqāṣid-based national jurisprudence in other Muslim-majority democracies and examine its policy implications for contemporary programs of religious moderation and civic education.

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