Social Conflict in Indonesia: Safeguarding a Nation as a New Approach for Resolving National Disintegration

Iffatin Nur[1] & Susanto[2]

Abstract

The phenomenon of disintegration in Indonesia has been occurring since the political reforms that started in 1998 through the advent of radicalism and terrorism, eroding the national sense of identity and unity. This paper explores the national safeguarding concepts by emphasizing two research questions: (1) How do the social conflicts in Indonesia rooted in the religious perceptions threat the safety national buildings?, and (2) How are insights of national safeguarding nation approach from Haramain al-Juwayni's View of *Maqāṣid Sharī'ah* offer the way to resolve the national disintegration? This study takes the form of library research employing the content analysis from which various texts on Islamic nation buildings were examined. As a qualitative approach, this study focused on the analysis of themes of the purstanding Islamic influencers on *Usul Fiqih*. Thematic analysis regarding misleading perceptions on Islamic rules on the nation buildings and approach to resolve nation disintegration were presented. Through this study, we discovered that Islam offers a concept for safeguarding the sovereignty and unity of a nation, one that has not yet been extensively explored by previous scholars, namely *maqāṣid sharī'ah* in the form of *ḥifẓ al-dawlah* (safeguarding a nation). There will hopefully be other comprehensive studies in future to bring forth other leading concepts for preserving national unity and integrity.

Keywords: ḥifẓ al-dawlah; maqāṣid sharī'ah; national disintegration; radicalism; terrorism

Introduction

The post-reform era has been marked by the onset of the democratization process, and it has become a fertile ground for groups that advocate conflict to grow (Fealy & Hooker, 2006). Such groups use every mechanism they can to spread radicalism among people, including radicalism for religious issues. The phenomenon of radicalism among religious people is often based on a fanatical understanding of religious scripture, although it may originate for various reasons, such as in reaction to economic, political, or social issues, among others. For instance, as stated by Muis and Immerzel (2017; cf. Mudde, 2007), nativists assert that a region should be exclusively inhabited by members of the indigenous population and that non-native elements of the population threaten the homogeneity of their nation. This situation provides the inspiration for

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[1]*Dr. The State Islamic Institute (IAIN) of Tulungagung, East Java, Indonesia; Email: ifatinury@gmail.com*
[2]*Dr. The State Islamic Institute (IAIN) of Tulungagung, East Java, Indonesia; Email: damarsusanto53@yahoo.co.id*

radical political parties.

The phenomenon of diversity is characterized by a large number of ethnic groups within a single state. In addition to diverse races, the different languages and culture of Indonesia positions it is as a country with a plural society. Furnivall (1939, 2010) supplies an understanding of a plural society as one with two or more elements or social orders that live side by side but do not mingle within one political unit. Rydgren (2017) views political parties as asserting national identity and national security through the "negative" lens of immigration, multiculturalism, and Islamist threats, one where people struggle to maintain culture when political threats endanger the ideal image of a country. The potential for radicalism does not emerge only from the exclusivity of an Islamist state identity. According to Visser et al. (2014), it also derives from the attitudes of young people and unemployment, with those on lower incomes being more likely to support radical ideologies. Smith (1965), meanwhile, sees a plural society as being characterized by the presence of two or more different cultural traditions. Due to its structural configuration, a plural society faces a fundamental and chronic challenge in developing social integration between the various groups (Beckett & Kobayashi, 2020; Calderon Berumen, 2019; Darolia, 2020; Krynski, 2019).

A plural society is often considered fragile, and it may experience conflict and disintegration (Budiharso, & Tarman, 2020). Primordialism or tribal fanaticism, is one issue that is commonly identified as a cause of conflict. In its history, Indonesia has experienced various conflicts, both with other countries and within its own people, and such domestic conflicts certainly open up the possibility of disintegration (Ferris, 2019). For example, East Timor's separation from Indonesia was preceded by conflict between pro-Indonesian and pro-independence factions.

Jones (1997) states that in 1969,a research team found 160 disputes in Indonesia that were expected to lead to a major conflict within fifteen years. This shocking finding broadly classified conflicts into three types. First, there were nationalism conflicts, which include disputes between ethnicities, races, religious followers, and same-language groups who proclaimed themselves as a nation. Second, there were class conflicts, such as disputes based on economic exploitation. Third, there were other conflicts in which the main drivers did not fit into the first two categories.

Nationalism and ethnic conflicts comprised around 70% of the cases, with class-based conflicts and other conflicts making up the remainder. It turns out that nationalism is indeed the primary

factor leading to wars breaking out and causing bloodshed (Jones, 1997). One solution to overcome the problems causing the ongoing national disintegration in Indonesia is to look for better character-building systems. The question here is whether Islam, as a religion that is embraced by most Indonesian people, has something to offer for resolving this problem. In relation to this question, the researchers sought to probe what Islam can offer in the effort to preserve the unity, sovereignty, and integrity of the Indonesian nation.

Research Questions

To guide the research procedures in this study, the following two research questions were sought.

1) How do the social conflicts in Indonesia rooted in the religious perceptions threat the safety national buildings?

2) How are insights of national safeguarding nation approach from Haramain al-Juwayni's View of *Maqāṣid Sharī'ah* offer the way to resolve the national disintegration?

Methods

Discourse analysis was used as the research method for this study. This is the study of social life as understood through an analysis of language in its widest sense, including face-to-face conversation, non-verbal interaction, symbols, images, and documents (Shaw & Bailey, 2008; cf. Potter, 1987). It is used to analyze messages and manage them, thus acting as a tool for analyzing behavior. It makes use of various qualitative methods to increase our understanding of the human experience (Shanthi, Lee & Lajium, 2015). It also offers a means to investigate meanings, whether in conversation or in patterns of signification and representation that denote a culture (Wetherell, Taylor & Yates, 2001). Such studies apply a wide range of theories, topics, and analytic approaches to explain how language is used. The analysis involves looking beyond the literal meaning of language, understanding the context in which social interaction takes place, and then exploring what was said, when, and why (Shaw &Bailey, 2008).

Considering the theme of this study, we observed how the problems affecting Indonesia were very closely related to various moral messages, discourses, and images that can cause disunity. The disintegration of the nation is the most severe impact of the various conflicts and disunities that have arisen. We therefore chose this analysis method because it was necessary to more deeply read and analyze the implied messages in the various events and phenomena that are

triggering the disintegration of Indonesia.

This research first looked at the previous thoughts of Islamic scholars about *maqāṣid.* In his book, al-Raishuni (1995) explains how previous Islamic scholars brought forward the concept of *maqāṣid*, with the most prominent figures being al-Juwayni, al-Shaṭibi, and Ibn 'Ashur. Their ideas regarding *maqāṣid* will be discussed briefly later. In addition, contemporary scholars who have discussed the concept of *maqāṣid* include Abdul Wahhab Khallaf, Yusuf al-Qaradawi, and Jasser Auda, and their views are elaborated on as comparison to those above. After discussing the works of these two groups, a conclusion was drawn.

Data of this study were analyzed using the qualitative process of data analysis as suggested by Cresswell (2012). A systematic analysis of qualitative data were defined in four steps, namely: coding the data, making the themes into groups, displaying the data in terms of statements, tables or diagrams, making interpretation of this findings that have been displayed, and verifying the results (Cresswell, 2012).   Drawing this study is a content analysis, the researchers applied document analysis from Krippendorff (2004). The first step in this particular analysis was begun by the first-pass document review to find specific meaningful and relevant texts that contain proper data for the analysis. Secondly, the researchers did a thorough reading to examine the themes on disintegration concepts, issues and trends that were rooted on Islamic insights, inferred the message of the documents to which *massaqid* views were presented (Krippendorff, 2004).

Results

Social Conflict in Indonesia

Conflict and disintegration result from the human intuition to defend oneself and one's people, and this has also occurred in Indonesia. For example, the conflict that began in Sampit, Central Borneo in February 2001 lasted throughout the year, causing more than 500 deaths and forcing over 100,000 Madurese to abandon their homes (BBC Editor, 2001). Some stated that the conflict initially started because of jealousy on the part of the ethnic Dayak people, who felt that they had less economic access than the Madurese migrants. The Dayaks were said to be frustrated by the increased competition from the more aggressive Madurese. This was resulted from implementation of new laws that permitted the Madurese to take control of many commercial industries in the province, including logging, mining, and the building of plantations (BBC Editor 2004). Such social jealousy triggered the instinct of aggression, leading people to

commit violent acts. Conflicts can occur due to internal factors, such as the human instincts of aggression and self-defense, but these instincts arise because of external factors, such as a dissatisfaction with unfair economic access. Indeed, economic inequality and wide gaps in prosperity can certainly trigger social jealousy, leading to conflicts and disintegration. The behaviors of these groups, as mentioned in a paper by Carter (2018), show certain political styles and strategies, and their platform for elections can be characterized as radical. Radicalism appears, according to Elgenyus and Rydgren (2018), to embody a nostalgia for the past based on ethnic homogeneity, and through this, it gathers the spirit to strengthen itself.

Nevertheless, other external factors, such as foreign intervention, need to be monitored, because they also have the potential to cause disintegration. Foreign interventions usually occur whenever domestic disputes affect another nation's economic interests in some way. For example, the American intervention in Vietnam was considered not just based on ideological and geopolitical motives but also economic and neo-imperialistic ones. In 1960, the United States was determined to stem the growing influence of the Soviet Union and China over third-world countries, many of which were rich in minerals and raw materials that were in demand in the American economy, which was shifting from an industrial age to a technological one (Jones, 1997). The proposition that external warfare is an effort to foster domestic cohesiveness (i.e., within a country in the case of a nation state) is still difficult to prove, but the notion that a civil war often spills over into international war is supported by considerable evidence.

Addressing the relatively recent situation in Indonesia in the post-reform era, it is clear that many unstable conditions have emerged in almost all of Indonesia's regions as a result of direct general elections being implemented. This conflict seems to threaten the sense of brotherhood among people. The dissatisfaction of the losing side combined with the arrogance of the winning side becomes a trigger for disintegration that can lead to ongoing conflict. Missbach (2009) assumes that a certain degree of instability is congenital in democratizing countries during their transition to democracy, so they often prove to be weaker than authoritarian governments in terms of maintaining sovereignty over disputed territory.

In Indonesia, violence has been perpetrated in the name of religion for a long time, but such violence sharply escalated after the 1998 political reforms, accompanied by a strengthening of radical Islamic movements (Hamdi, 2012). Only three months after Soeharto stepped down, the Islamic Defenders Front (FPI) was born. This radical Islamic group is known to often persecute

anyone they consider as not being in accordance with Islamic law. In August 2000, thousands of people came to Yogyakarta to attend the first congress of the Indonesian Mujahedeen Council (MMI). One of its recommendations was to bring Indonesia more into accordance with Islamic law (Awwas, 2001). The MMI is a known radical Islamic organization in Indonesia, and it is suspected of having links with international terrorism.

Reports published by several institutions indicate a high rate of religious violence in post-reform Indonesia. The Moderate Muslim Society's 2010 report noted that 81 cases of religious violence broke out in Indonesia. Of course, this report does not paint a perfectly accurate picture of the real situation because not all of Indonesia's regions were within its scope (Bagir et al., 2011; the Compilation Team, 2010). Even in the areas that were monitored, not all cases of religious violence were reported. For instance, the report cites only four cases of religious violence being reported in East Java, whereas another report published by the SETARA Institute found 28 cases in East Java alone in 2010, as well as218 cases in the country as a whole that could be classed as violations of religious freedom (Hasani & Naipospos, 2010).

Broadly speaking, the 2010 picture of religious life that appeared in a report from the Centre for Religious & Cross-cultural Studies (CRCS) at Yogyakarta's University of Gadjah Mada (UGM) did not differ significantly from that of the previous few years. This certainly does not reflect good news, and it rather suggests that there has been no encouraging progress in several respects over recent years (Bagir et al., 2011). Viewed from any perspective, such conditions are certainly very detrimental to humanity in general, but this is particularly true for the country and people of Indonesia, which is in a very precarious condition for addressing the problem wisely, so it needs to creatively, systematically and thoroughly find solutions (A'la, 2007).

Mubarak (2002) mentions that the radical Islamic movement in Indonesia can be traced back to the emergence of political opposition under the Darul Islam (DI) group led by Karto Suwiryo. This operated in several places in West Java in the early 1950s, but it was still committing acts of terror in the 1970s under the name of Komando Jihad, which was led by former leaders of the Indonesian Islamic State (NII). The thoughts of leading movement figures, such as Hasan al-Bana and Sayyid Qutub from Egypt with their Muslim Brotherhood and Abul A'la al-Maududi from Pakistan, have also influenced and inspired the emergence of extreme thinking among some radical Islamic activists in Indonesia, as seen in their writings that circulate in Indonesia.

From the post-independence era to the New Order era, the agenda of Islamic radical movements

could not be pursued, mainly due to the policies set by Soeharto's New Order government not being conducive to them. The Soeharto regime did not allow the slightest compromise, tolerance, or space for radical groups. Mubarak (2002) explain show the current of the democratization movement that followed Suharto's resignation has had implications for the country's political policies. In the post-Suharto era, spaces for freedom have opened up widely, including freedom of religious expression, the establishment of large organizations and associations, and the emergence of political parties. In this situation, various Islamic movements are increasingly free to openly advance their aspirations, many of which were considered subversive during Suharto's era. For instance, the enforcement of Islamic law was promoted by several militant religious organizations, such as the Indonesian Hezbut Tahrer (HTI). Some of the radical religious movements that stood out during the transition and reform periods include the FPI and the Laskar Jihad Ahlus Sunnah wa al-Jamaah (the Sunny Army of Jihad). This is the picture of conflict, radicalism, and terrorism in Indonesia, which may well lead to the nation disintegrating. Through our literature study, we found that according to al-Raishuni (1995), perhaps the earliest person to use the word *maqāṣid* (purposefulness) was al-Hakim al-Tirmidzi (d. H 320/AD932) in his book titled *al-Ṣalātu wa Maqāṣiduhā* (Prayers and Their Purposefulness). However, when we traced some essays that also contained the term *maqāṣid sharī'ah* (Purposefulness of Islamic law), we found it being used long before al-Tirmidzi. For instance, Imam Malik (d. H 179/AD 795) wrote in his book *Muwaṭṭa'* (The Approved) a hadith that points to the case of using *maqāṣid* at the time of the Prophet's companions.

Al-Raishuni (1995) further explains that Malik's first step was followed by Imam Shafi'i (d. H 204/AD 819) in his very popular book al-Risālah (The Message), where he mentions a discussion about *ta'lil al-aḥkām* (legal reasoning), as well as some specific *maqāṣid* like *ḥifẓ al-nafs* (protection of one's life) and *ḥifẓ al-māl* (protection of wealth), which became the pioneers of sciences with *maqāṣid* themes. These were then followed by Abu Bakr Muhammad al-Qaffal al-Kabir (d. H 365/AD 976) with his book *Maḥāsinu al-Sharī'ah* (The Beauties of Islamic Law), in which he tried to discuss legal reasoning and wisdom so that the law could be more easily understood and accepted by people.

Following al-Kabir, al-Raishuni (1995) notes that then came Abu Bakr al-Abray (d. H 375/AD 985) with his book '*Ilalu al-Sharā-i' wa al-Aḥkām* (Reasoning of Laws and Regulations), which collected narrations about *ta'lilu al-aḥkām* (legal reasoning) from *Shiite* scholars. Next, there was

Abu Hasan al-Amiri (d. H 381/AD 991) with his book *Al-I'lām bi al-Manāqib al-Islam* (Information on the Prospect of Islam). Although this book comparatively discusses religions, he alludes to *ḍaruriyyāt al-khams*, which are five primary matters that are protected in Islam, namely one's religion, soul, mind, offspring, and wealth. These afterwards became the main themes of the science of *maqāṣid sharī'ah*. Later on, other Muslim scholars used the theme of *maqāṣid sharī'ahbut* within a more complete discussion, and these included al-Juwayni, al-Shaṭibi, and Ibn 'Ashur, to name but a few.

Approaches to Resolve the National Disintegration of *Maqasid Shari'ah*

a. Imam Haramain al-Juwayni's View of *Maqāṣid Sharī'ah*

Imam al-Juwayni can be said to be a scholar of *uṣūl fiqh* (the principles of Islamic jurisprudence) who first laid the foundations for studying *maqāṣid sharī'a*. One of the directions of his discussion concerns the enforcement of justice values and the suppression of arbitrariness through *imāmah* (leadership). This can also be seen in the title of his book *Ghiyāth al-Umam fi Iltiyāth al-Ẓulm* (Helping People in Shackling Tyranny). According to al-Juwayni (2006), *imāmah* is a plenary leadership that concerns certain general responsibilities for serving worldly and religious interests. These include securing the state, promoting welfare for its people, and implementing Islamic propagation in a firm but good way.

Al-Juwayni (2006) also said that *uṣūl fiqh*, which serves to produce the jurisprudence introduced by previous scholars, was considered empty of *maqāṣid* values. To him, *ijtihād* (intellectual exercise), *ijmā'* (scholars' consensus), *qiyās* (legal analogy), *qaṭ'i* (certainties), and *ẓanni* (ambiguities), the concept of obedience, orders, prohibitions, and so on must be reviewed with a touch that favors the social context. In addition, those themes must be seen through the lens of *maqāṣid*. The first thing he did was to emphasize the importance of understanding the *maqāṣid sharī'ah* in establishing Islamic law. He explicitly said that one cannot be deemed capable of establishing a law in Islam before fully understanding the purpose of God in issuing His commands and prohibitions.

Al-Juwayni (1980) elaborated on the *maqāṣid sharī'ah* in relation to *illāt* (legal causes). He divided the purpose of *tashrī'* (law enactment) into three types, namely 1) *ḍaruriyyāt* (necessities), 2) *ḥajiyyāt* (needs), and 3) *makramāt/taḥsiniyyāt* (luxuries). He also explained the *istinbāṭ* (legal reasoning) of the law by matching it with the reality that happened and rather than

only looking for the conformity to *uṣūl* (principles) with *furu'* (branches) as previous scholars did. To him, if something is supported by reason and a proposition, then it is *al-aṣl* (principle).

b. Abu Ishaq al-Shaṭibi's Viewof Maqāṣid Sharī'ah

Maqāṣid *sharī'ah* is discussed from chapter 2 to the end of al-Shaṭibi's book *Al-Muwāfaqāt*. According to al-Shaṭibi (1997), God decrees the *sharī'ah*to humanity for nothing other than to gain benefit and avoid harm (*jalbul maṣāliḥ wa dar'ul mafāsid*) or, in other words, the legal rules set by God are purely for the benefit of humanity. He then divides *maṣlaḥāt* (benefits) into three important areas, namely *ḍaruriyyāt* (necessities), *ḥajiyyāt* (needs), and *taḥsiniyyāt* (luxuries).

Maṣlaḥāt or *maqāṣidḍaruriyyāt* (primary purposefulness) is something that must exist in order to realize worldly and religious benefits. If this does not exist, it will cause damage to, and even the loss of, one's life and other things related to it, such as eating, drinking, praying, fasting, and other ritual services. Five things are included in this *maqāṣid ḍaruriyyāt,* namely *al-dīn* (religion), *al-nafs* (soul), *an-nasl* (offspring), *al-māl* (wealth), and *al-'aql* (mind). Preserving them can be achieved in two ways: 1) In terms of its existence (*min nahiyyati al-wujūd*), protecting and maintaining things can perpetuate its existence. 2) In terms of its non-existence (*min nahiyyati al-'adam*), this is avoided by preventing things that can cause its extinction (al-Shaṭibi 1997).

c. Muhammad al-Tahir Ibn 'Ashur'sViewof Maqāṣid Sharī'ah

The original contribution of Ibn 'Ashur was that the development of *maqāṣid* can be divided into three categories, namely 1) the legality of *maqāṣid*, 2) the urgency of its application in formulating laws, and 3) the categorization of *maqāṣid* into *al-maqāṣid al-'āmmah* (general purposefulness)and *al-maqāṣid al-khaṣṣah* (particular purposefulness).According to Ibn 'Ashur (2001), the legality of *maqāṣid* is mentioned in the Quran, and it is impossible for God the Almighty as *al-Shāri'* (the Legislator) to impose any law on people without accompanying it with purposefulness and wisdom.

Ibn 'Ashur (2001) mentioned that there are three ways to find out about *maqāṣid sharī'ah*. First,*istiqra'* (an inductive method) is a way to examine the *sharī'ah* from all aspects based on particular verses. Second, *maqāṣid* can be found directly from the Quranic theorems, which are *ṣarīḥ* (very clear) and less likely to deviate from their *ẓahir* (visible) meaning. Third, *maqāṣid*

can be found directly in the theorems of *Sunnah/Hadith*, which are *mutawātir* (narrated by a group of trusted persons), both in terms of *mutawātir ma'nawi* (a practice of a group of companions who witnessed the Prophet's actions) and *mutawātir 'amali*(a practice of just one companion) (al-Tahhan, 1979). Ibn 'Ashur (2001) also asserts that one of the concepts of *maqāṣidsharī'ah*is that of *taysir* (easiness).

Furthermore, Ibn 'Ashur (2001) also formulates twelve categories or dimensions when understanding the conduct of the Prophet in relation to enacting Islamic law. This categorization is very useful for knowing *maqāṣid* from a particular hadith. It comprises 1) *al-tashrī'* (law enactment); 2) *al-fatwā* (religious opinion); 3) *al-qaḍa'* (judiciary); 4) *al-imārah* (leadership); 5*) al-hudā wa al-irsyād* (guidance); 6) *al-ṣulḥ* (benefit); 7) *al-ishārat* (signs); 8) *al-nasīhah* (advice); 9) *al-takmīl al-nufus* (self-perfection); 10) *al-ta'līm al-ḥaqīqah* (teaching of essence); 11) *al-ta'dīb* (discipline); and 12) *al-tajarrud wa al-irsyād* (common practice). Considering all these dimensions, he concludes that there is a singular destination for Islamic law, but the paths to reach it are numerous and varied. Therefore, it is unwise to debate *wasāil* (the means) while ignoring the main principle behind the selection of the *wasāil*, namely to benefit humanity.

Ibn 'Ashur (2001) adds that the validity of the concept of *maqāṣid* as a tool for legal formulation relies on the science of *maqāṣid's* closeness to the predicate of *qaṭ'ī (certain)*. On this basis, the *maqāṣid sharī'ah*he offers stands upright, and he dares to make a valuable breakthrough and contribution to the next generation by studying and formulating the format of *maqāṣid sharī'ah*.

At the end of his discussion on the legality of *maqāṣid*, Ibn 'Ashur (2001) emphasizes the importance of following some requirements before establishing a *maqāṣid*: 1) knowing comprehensively the purpose of a *naṣṣ* (legal text) and the background to its revelation, 2) conducting methodological examinations of texts that seem to contain a paradox, 3) analyzing a text that allegedly has a double meaning by analogizing it with other texts that clearly show the law, and 4) methodologically compromising by putting *maqāṣid sharī'ah* in line with religious texts and then annotating it with the current reality. This is for the sake of creating a concept of *fiqh*, which is living and humanistic and accommodates benefit for all.

Ibn 'Ashur (2001) defines *al-maqāṣid al-'ammah* as the wisdom, the secret, and the purposefulness of the *sharī'ah's* enactment in general without specifying one particular field. The spiritual characteristics of *sharī'ah* and its general purposefulness are included in the category of *al-maqāṣid al-'ammah*. This also includes meanings that are not embodied in all

types of law but implicitly embodied in many other forms of law.

Ibn 'Ashur (2001) asserts that *maqāṣid sharī'ah* must be in the form of *al-maṣlaḥah* (benefit to many), because God the legislator has the prerogative right to determine the types of *al-maṣlaḥah*, its limits, and its purposefulness, so that they act asa guide to follow. Departing from this point, he then divides *al-maṣlaḥah* into three categories: 1) its influence on the affairs of people; 2) its relationship with the generality of the *ummah* (people), both collectively and individually; and 3) the existence of a human need to achieve it. For the first category, *al-maṣlaḥah* is divided into three hierarchical levels, namely *ḍaruriyyāt, ḥajiyyāt*, and *taḥsiniyyāt*. The second category divides *al-maṣlaḥah* into two fields, namely *kulliyyah* (collective benefit) and *juz'iyyah* (individual benefit). The third category divides *al-maṣlaḥah* into three areas, namely *qaṭ'iyyah* (certainties), *ẓanniyyah* (judgmental), and *wahmiyyah* (something that seems useful but turns out to contain harm).

Discussing *al-maqāṣid al-khassah*, Ibn 'Ashur (2001) defines it as a mean simplicitly intended by God the legislator to realize the purpose of His servants, as well as to ensure their benefit from certain activities and interactions. Included in this category are all the attentions of *sharī'ah* to wisdom, which is used as a barometer for which activities are decreed. For example, *al-rahn* (collateral) is decreed so that there will be trust between two individuals engaged in a loan activity, while divorce is decreed in order to prevent disharmony in a household for a long period (al-Khatib, 2008).

Discussion

The basic principle that becomes the purposefulness of *sharī'ah* is to conduct good deeds and avoid wicked ones. This is formulated in the *al-kulliyyāt al-khamsah* (five basic benefits) that uphold human life, namely *ḥifẓ al-din* (safeguarding one's religion), *ḥifẓ al-nafs* (safeguarding one's soul), *ḥifẓ al-nasl* (safeguarding one's offspring), *ḥifẓ al-'aql* (safeguarding one's mind), and *ḥifẓ al-māl* (safeguarding one's wealth). These five things are necessary to ensure benefit in the world, so if they are not respected, worldly benefits can never be attained.

In the context of the actualization of *maqāṣidsharī'a,* Ibn Taymiyyah (1986) argues that the most authentic essence of *maṣlaḥah* lies in its empirical reality rather than its logical representation. The scholars of *uṣūl fiqh* state that the actualization of awareness of environmental conservation and restoration as a manifestation of *maṣlaḥah* is a practical awareness of a process of *ijtihād* as

"the fruit" of the *ijtihād* process itself.

In the epistemology of Hanafi's interpretation of formulating the concept of *maṣlaḥah,* there are at least three stages of hermeneutical work: 1) strengthening the historical awareness after testing the authenticity of the *naṣṣ,* 2) strengthening the eidetic awareness in a form that validates the hermeneutical understanding and interpretation, and 3) finally gaining a practical awareness to make use of legal provisions, understand the significance of orders and prohibitions, and transform revelations from normative ideas to practical historical movements (Hanafi 2000).

The most famous sources of Islamic law fall into three types, namely the Quran, the Sunnah/Hadith, and *ra'yu* (scholars' thought). This is where the thoughts of various *fiqh* were developed, including *fiqh al-bī'ah* (jurisprudence about the environment). Unfortunately, its roots are very limited because they only reach the principles of legal formats. It is the principle of *maṣlaḥah* in the frame of *maqāṣidsharī'ah* that is then to be developed in order to overcome contemporary environmental problems. The simultaneous stipulation and development of legal products absolutely requires a method for breaking down the dogmatic legitimacy of a sacred corpus into an order of historical reality.

The main purpose of establishing Islamic law is to bring human welfare into a reality that will continually change and develop as times progress. In such conditions, many new problems will inevitably emerge. It is very possible that the law regarding them has not yet been asserted in the Quran and Hadith. If a solution to these new problems is searched for solely by employing the *qiyās* method, many of them will not be solvable through Islamic law, thus presenting a serious problem.

Even though the Quran and Sunnah/Hadith contain legal rules, their number is very low compared to the number of social problems that require legal provision. Therefore, a renewed interpretation is needed, yet it must still refer to the main Islamic sources of law (i.e., the Quran and the Sunnah). However, an understanding of the two sources is not achieved solely based on literal meanings but rather on the non-literal, or contextual, meaning that is revealed according to the essential purposes of Islamic law. The basic purposefulness of *sharī'ah* is clearly implemented in the values of *al-`adl* (just)*, al-maṣlaḥah* (benefit), *al-ḥikmah* (wisdom), *al-musawwah* (equality)*, al-raḥmah* (compassion)*, al-ta'addudiyyah* (plurality), and *al-huqūq al-insāniyyah* (human rights).

Al-Ghazali (2018) classifies the values contained in the *maqāṣid sharī'ah* into five basic principles of human rights that the call s*al-huqūq al-khamsah* (five basic rights). These are the right to life, freedom of opinion and expression, freedom of religion, the right to property, and the right to reproduction. The concept of *al-huqūq al-khamsah* then leads to the importance of viewing humans as legal objects, in addition to subjects, in Islamic law. Al-Jawziyah (1973), a *fiqh* expert from the Hanbali school of thought, formulates the following: Islamic *sharī'ah* is actually built for human interest and universal humanitarian purposes, such as benefit, justice, blessing, and wisdom. These principles must be referenced when stipulating a law, and they must inspire every legislator. Deviation from these principles is to violate the ideals of Islamic law itself. A no-less-assertive statement was expressed by Rushd (1985) when he said that *maṣlaḥah* is the root of the various *sharī'ah* determined by God. Furthermore, al-Salam (1998) came to the conclusion that all religious provisions are actually solely intended to bring benefit to humanity.

Departing from the theories of *maqāṣid sharī'ah*, Muqaffa (1960) classifies the verses of the Quran into two categories: *uṣūliyyah* verses, which are universal because they explain the main values of Islam, and *furu'iyyah* verses, which are particular because they explain specific things. Examples of the first category include verses that talk about justice, while the second category includes those that review *'uqūbāt* (forms of punishment) and *hudūd* (forms of sanctions), as well as verses that contain provisions for marriage, inheritance, and social transactions.

Maqāṣid sharī'ah, as discussed above, indicates that *maṣlaḥah* needs to be given attention when *mafsadah* also needs to be monitored in an effort to make a decision based on *sharī'a*. This can be summarized by placing emphasis on the administration of a state. Al-Juwayni (1980), for example, explained that the greatest purposefulness of the institution of *imāmah* is to compromise various views, regulate various human needs in one's rule, and shape life with a system. This then avoids chaos and disadvantage in community life. Al-Salam (1998) also asserts that *al-wilāyah* (power), *al-qaḍā'* (judiciary), and *al-shahādah* (information) are needed to conform with the principle of attaining benefit and rejecting wickedness.

In fact, other methods serve as a basis for consideration in the name of *siyāsah shar'iyyah* (Islamic politics), which also emphasizes the need to take into account the aspect of *maṣlaḥah*. This includes using sources of Islamic law that may not be agreed upon by all, such as *istihsān* (choosing the better)*, sadh al-dharā'i* (shutting the way to immorality)*, istiṣlāh* (attaining

benefits)*, 'urf* (tradition), and others in *ijtihād siyāsi* (political *ijtihād*). In addition, the *qawā'id fiqhiyyah* (theorems of Islamic jurisprudence) also indicate the need for *maṣlaḥah* (Hassan, 2008).

The close relationship between *maqāṣid sharī'ah* in a state administration also colors most definitions of *siyāsah shar'iyyah*. For example, Taj (1994) defines this as laws or regulations governing ways to manage a state and its people. Such laws should concur with the spirit of *sharī'ah*, be in harmony with *uṣūl kulliyyah* (universal principles), and achieve social purposefulness, even though those laws are not mentioned directly in the Quran and Sunnah.

Likewise, Khallaf (1998) explains that *siyāsah shar'iyyah* is about administrating an Islamic state based on something that guarantees goodness and avoids wickedness in a way that it is not outside the limits of *sharī'ah* and its general principles, although it may not conform with the proponents of every school of thought. Furthermore, he affirms that *maṣlaḥah* is an important element for *siyāsah shar'iyyah*, anda spotlight on the journey of the Companions generation proves the existence of this. In his view, the Companions acted solely according to *maṣlaḥah*, being guided by instructions born from their *fitrah salīmah* (sinless nature) and *naẓr ṣaḥīḥ* (true view). However, the subsequent generation reformulated the methods of *ijtihād* so much so that even in certain circumstances, they were forced to create an approach called *istiḥsan* (approbation). This was done to avoid the impression that applying ordinary methods would only cause difficulties. In line with this, he also stresses that in administering general issues, the use of principles or methods that concur with the principles of *sharī'ah* may be called *siyāsah*.

The pioneers of the study of *siyāsah shar'iyyah* clearly relate it with the essence of *maqāṣid sharī'ah*. This was also supported by al-Qaradawi (1998), who proposed a model called *fiqh al-nuṣuṣ fi ḍaw-i al-maqāṣid* (jurisprudence of texts in the light of *maqāṣid*) as one way to create law based on *siyāsah shar'iyyah*. This analysis model revolves around the understanding that partial *sharī'ah* texts must be harmonized with aspects of the comprehensive purposefulness of *sharī'ah*, so the partial texts follow the cycle of the general ones. This implies that to achieve an understanding of Islamic law, the texts must not be studied separately from the general purposefulness of *sharī'ah*. In this case, the general purposefulness of *sharī'ah* plays a role in interpreting the partial texts in a way that does not exclude the spirit of *sharī'ah*.

The most recent Muslim scholar to discuss the concept of *maqāṣid sharī'ah* is Jasser Auda. Maulidi (2015) explains that Auda offered changes in the study of Islamic law in two dimensions

at once: the approach of *ijtihād* and its methodology and the *maqāṣid* paradigm as a basis for Islamic legal philosophy. He explained the importance of differentiating between *sharī'ah* (Islamic law), *fiqh* (Islamic jurisprudence)*, fatwā* (opinions), *qānūn* (written law), and *'urf* (tradition). In terms of approaching a study of Islamic law, he also stressed the urgency of combining Islamic legal study with other disciplines to answer contemporary *fiqh* problems. Furthermore, Maulidi (2015) states that Auda's contribution to the evolution of *maqāṣid* lies in his position as a philosopher of Islamic law with a systematic approach. According to him, Islamic law must be oriented toward *maqāṣid sharī'ah,* which is human benefit. Any legal reasoning cannot be justified if *maqāṣid sharī'ah,* as the legal purposefulness, is neglected, even though it may have originated from a relatively correct interpretation. This was confirmed by Auda (2008) when quoting al-Qayyim's statement:

> *Sharī'ah is based on wisdom and achieving people's welfare in this life and the afterlife. Sharī'ah is all about justice, mercy, wisdom, and good. Thus, any ruling that replaces justice with injustice, mercy with its opposite, common good with mischief, or wisdom with nonsense is a rule that does not belong to the sharī'ah even if it accords to the same interpretation.*

Meanwhile, according to Rauf (2015), a *maqāṣid* approach to *fiqh* is a holistic one, meaning that it does not restrict itself to one narrative or partial ruling but rather refers to general principles and common ground. Therefore, accomplishing the higher purposefulness of unity and reconciliation of Muslims is more important than accomplishing the details of *fiqh*. Haqan (2018) explained that in Auda's concept of *maqāṣid*, the values and principles of humanity become the main points. He also tried to reconstruct the concept of *maqāṣid* and came to the conclusion that the classical ones have the nature of "protection and preservation" whereas the contemporary ones relate to "development and rights." From this explanation, Jasser Auda (2008), as explained by Abdullah (2012), presents a paradigm shift in understanding *maqāṣid sharī'ah*, one going from classical theories to the contemporary versions, which can be summed up as shown in Table 1.

Table 1:
The paradigm shift from classical *maqāṣid* to contemporary ones (Source: Abdullah, 2008)

No.	Classical *maqāṣid*	Contemporary *maqāṣid*
1	Safeguarding one's religion *(ḥifẓ al-dīn)*	Maintaining, protecting and respecting one's freedom of religion and belief.
2	Safeguarding one's soul	Maintaining and protecting human dignity; safeguarding and

	(*ḥifẓ al-nafs*)	protecting human rights.
3	Safeguarding one's offspring (*ḥifẓ al-nasl*)	Orientating toward family protection and focusing more on family institutions.
4	Safeguarding one's mind (*ḥifẓ al-'aql*)	Developing one's mindset and scientific research; prioritizing efforts to seek knowledge; suppressing a mindset that prioritizes crimes; not underestimating one's mental efforts.
5	Safeguarding one's wealth (*ḥifẓ al-māl*)	Prioritizing social care; paying attention to economic development; encouraging human wellbeing; eliminating the gap between the rich and poor.

So far, however, no one has explicitly presented a specific discussion about safeguarding a nation or state with a plural society. The ideas presented by previous Muslim scholars, both classical and contemporary ones, for the purpose of *tashrī'* with its categorization of *ḍaruriyyāt, ḥajiyyāt,* and *makramāt/ taḥsiniyyāt*, as well as their further elaboration in the form of five primary needs or rights and such like, have not yet explicitly discussed the safeguarding of a state. The five primary needs or rights introduced thus far are often narrowly understood as preserving individual rights, especially those of Muslims. Such a comprehension needs to be revisited, because it does not reflect the true purposefulness of Islam as a blessing to the entire universe, including all people, whether they are Muslims or not. It is in this matter, researchers propose *ḥifẓ al-dawlah* (safeguarding a nation) as an addition to the five primary needs already mentioned. This is actually not a new thing in Islam, because the Quran and Hadith often explicitly or implicitly talk about the need to preserve and safeguard one's homeland from harm. God says in the Holy Quran Surah al-Nisa (4): 59, "*O ye who believe! Obey Allah, and obey the Messenger and those charged with authority among you*" (Ali, 2008). Included in the obedience to *ulil amr* (government) is the duty to protect the state and defend against those who are hostile to it and seek to take over its lands. Furthermore, when commenting on part of the verse that says *"awikhrujū min diyārikum"* (or to leave their homes) in Surah al-Nisa (4):66, al-Zuhaily (1997) states that in those words, there is a symbol of love for the homeland and the people's attachment to it, and God makes leaving a homeland comparable to suicide, making it difficult to migrate. Therefore, loving and safeguarding a homeland is indeed regarded as noble by God.

Among the hadiths that may be understood as addressing the safeguarding of a nation is one narrated by Muslim (2009), specifically no. 1852 from Arfajah. He said that he heard the messenger of God say, "*If anyone comes to you when you have taken oath to one person (as a leader), and he wants to break your unity or your congregation, then fight him!*" Muslim (2009)

also narrates hadith no. 141 from Sa'id bin Zaid, where he says that he heard the messenger of God say, "*Whomever is killed when defending his property, he is martyred. Whomever is killed when defending his religion, he is martyred. Whomever is killed when defending his soul, he is martyred. Whomever is killed when defending his family, he is martyred.*" The first hadith instructs people to fight anyone who would seek to defy a legitimate and good government or disrupt people's unity, whereas the second teaches us to defend our property, religion, soul, and family. Thus, it may be concluded that safeguarding a nation and preventing it from disintegrating is deemed a noble endeavor. These hadiths, among many others, become the basis for protecting a state and its government from any action that may weaken it.

Regarding the ongoing social conflict in Indonesia, throughout Islamic history, there have been many examples of Muslims living in harmony with various other religious groups. This can be seen in the Medina Charter, which dates back to 622 CE, almost six centuries before the English Magna Carta. This acted as a basis for a city state in the medieval city of Medina, where the Prophet and his Companions lived alongside the Jews. The Prophet himself was a competent arbitrator, and he resolved conflicts on several occasions in Mecca with a leadership quality that was missing in that area. The Charter was therefore the first written constitution in Islam and the first documented instance of constitutional law. It was arguably the first constitutional law in human society, and it acts as a historical example of how conflict resolution took place in the early years of Islam (Rahman, Sami & Memon 2008; Yildirim, 2009).

Khashogi (2012) explains that the Medina Charter is a social construction that was established in the early history of Islam under the direction of the Prophet Muhammad. This valuable written document is concrete proof of the egalitarian nature of Islamic political practices, because it respected every human's ethnicity, race, and religion and allowed people to live together in a society with principles of common responsibility and trust. Patmawati (2016) adds that the Charter was a consensus for managing various interests in a multi-ethnic, multi-racial, and multi-religious society. Research in both previous and contemporary studies positions the Charter as indeed being a breakthrough achievement by the Prophet. Although it was written long ago, it is still applicable today, and it may be used as an inspirational source for establishing a plural community in which anyone may live peacefully. By employing the Charter, the Prophet successfully organized all the different ethnic and religious groups in Medina, uniting them as

brothers and placing upon them the same obligation to defend the city of Medina from any attack, whether from the outside or inside.

The Charter comprised many points that regulated the order of people's lives in Medina. Applying this to what has been happening in Indonesia, a state with the largest Muslim population in the world, it would seem that some of these points would be appropriate for addressing the current situation. These are 1) fair and equal treatment for anyone without neglecting their unique identities, 2) promoting brotherhood among Muslims and solidarity with non-Muslims, 3) imposing a collective responsibility to safeguard society, and 4) recognizing and respecting the rights of non-Muslims by a) ensuring security for all groups of people, b) protecting the political and cultural rights of non-Muslims as much as those of Muslims, c) allowing autonomy and freedom of religion, d) assuring no treachery between Muslims and non-Moslems, and e) excusing non-Muslims from participating the in religious fight of the Muslims.

Thus, the Medina Charter presents a good source for addressing the questions that arise in this modern age of science and technology, such as how to live in peace and harmony and prevent and deal with conflicts and disputes between various groups of people that must live together in one state while comfortably practicing their diverse cultures and beliefs. It sets a superb example that is direly needed, and it should be emphasized, discussed, and referred to in the current conflicts plaguing many places, including Indonesia. In summary, the Charter represent the best model for upholding dialogues in a plural society and building and maintaining political and social interaction among diverse groups of people.

The context of *ḍaruriyyāt*, *ḥifẓ al-dawlah* (safeguarding the nation) is very appropriate for inclusion, because Islam requires Muslims to have a state that rules them with God's revealed law, one that propagates Islamic messages to humans. In other words, such a state deals with Islamic affairs, and people believe in it as part of their faith and system of life. According to al-Qaradawi, an Islamic state is "a state based on faith and thought." He states four objectives for an Islamic government: 1) It does not aim to control people but rather preserve and protect them. 2) It fulfills sits owners' trust. 3) It upholds justice for all of humanity. 4) It strengthens religion on Earth as the most important objective by establishing creed and Islamic law and implementing the law and its messages (Abdullah, 2017). Indeed, Islam has guaranteed this right, so it has asserted that establishing an Islamic state is a *farḍu kifāyah* (collective obligation), and it is one of the biggest and greatest obligations among those indicated in the *sharī'ah* texts.

Conclusion

Radicalism, terrorism, and conflicts have occurred throughout Indonesia's history, especially since political reform. The high number of incidents is causing the disintegration of Indonesia, and its people need to search for and apply concepts to avoid further declines in national integrity. This study reveals that one solution offered by Islam is that of preserving the state according to Islamic rules. An Islamic state that adopts the universal values embodied in the Medina Charter, as well as other Islamic values, and is governed under the principle of employing *maqāṣid sharī'ah* should encourage the safeguarding of the nation from further disintegration. This concept could be applied when the country is already in an emergency situation. However, further studies probing new concepts for safeguarding a nation's unity, sovereignty, and integrity are very much needed and encouraged.

Acknowledgment

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