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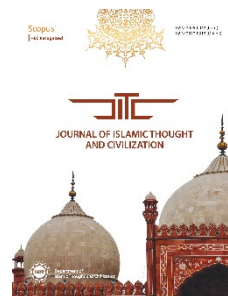
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Title: **Recontextualization of *Fiqh Al-Siyāsah* from the Perspective of *Fiqh Al-Ḥaḍarah* in Realizing World Peace**

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Recontextualization of *Fiqh Al-Siyāsah* from the Perspective of *Fiqh Al-Ḥaḍarah* in Realizing World Peace

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Abstract

The objective of this research article is to investigate Nahdlatul Ulama's perspectives on the discourse of *Fiqh Al-Ḥaḍarah*, also known as "Fiqh of Civilization," within the context of contextualizing Islamic political thought toward the concept of global peace. Sociological disparities in national and state dynamics, keeping in view the intensity of conflict at the global level, demand the attention of the leaders from all across the world. *Fiqh Al-Ḥaḍarah* through the discourse of *Fiqh Al-Siyāsah*, advocates that the idea of peace contained in the UN charter has a strong basis in Islamic *Sharī'a*. All Muslims must campaign peace as a form of adherence to the *Sharī'a*. Therefore, the notions in classical *Fiqh Al-Siyāsah* must be interpreted and recontextualized as they aim to straighten the view that politics in Islam is an intermediary for realizing prosperity through peace. This study used an annotated bibliography and descriptive qualitative method, while data was collected by using the desk research method. The approaches used included the textual-contextual approach, sociological approach to Islamic law, and critical theory. The results showed that *Fiqh Al-Ḥaḍarah* can be used to recontextualize *Fiqh Al-Siyāsah* in an ideal direction according to the needs and demands of the contemporary times. Similarly, *Fiqh Al-Ḥaḍarah* can present Islamic thought as a solution to establish peace and allow the emergence of a better civilization in the future.

Keywords: *Fiqh Al-Ḥaḍarah*, *Fiqh Al-Siyāsah*, *Nahdlatul Ulama*, *recontextualization*, *world peace*

Introduction

The current crisis of global order is portrayed through the conditions of power conflicts in the Middle East related to the intervention and hegemony of Western ideology over the East.¹ The countries in the Middle East with various power conflicts are Afghanistan, Syria, Iraq, Egypt, and

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¹Ruairidh Wood, "Promoting Democracy or Pursuing Hegemony? An Analysis of US Involvement in the Middle East," *Journal of Global Faultlines*, 2019, <https://doi.org/10.2307/j50018794>.

Libya.² Meanwhile, western political ideology, especially the United States, which upholds the concepts of human rights, liberalism, and democracy, could not handle and overcome the conflicts that occur in the Middle East. In this case, according to John Ikenberry's statement, it can be considered that the international world order through American influence is in crisis.³ Cunliffe also believes that the central indicator of conflict and the failure of the Middle East to become a sovereign and prosperous country, is the imposition of Western ideology on the country's political system.⁴ For the sake of the welfare of Middle Eastern people, it is better to stop the intervention of Western ideological doctrines.

On the other hand, conflict in Islamic political practice also occurs due to failure to interpret the doctrines of Islamic politics (*Fiqh Al-Siyāsah*) which should uphold the value of peace. Several conflicts and wars occurred in the name of Islamic commands which ultimately gave birth to radical, extremist, and fundamentalist movements.⁵ Even within the Muslim community itself, the Shia and Sunni conflict can also be seen as a phenomenon that occurs due to differences in the interpretation of the political thought.⁶

According to Kuru, the treasures of Islamic political thought have not been able to present ideal solutions that are relevant to the demands of reality and today's challenges.⁷ The author's research shows that at least two basic reasons contribute to this reality. First, sociological disparities are not accommodated in the discourse of Islamic political thought.⁸ Second, textual interpretations often lead to extremist movements under the banner of religion, aiming to purify Islam and establish an Islamic state. These two factors are clearly visible in the political thinking of the ISIS group, *Hizbut Tahrir Indonesia* (HTI), and some other radical organizations that are trying to confront the citizenship status of Muslims and non-Muslims⁹ and utilizing the sayings of Qur'an and Hadith to legitimize the terror movements with jihadist narratives.¹⁰ One indisputable evidence behind the

²Michael Rustin, and Doreen Massey, "Rethinking the Neoliberal World Order," *Soundings* 58, no. 58 (2015): 110–29, <https://doi.org/10.3898/136266215814379709>.

³Mario Del Pero, "G. John Ikenberry, Liberal Leviathan: The Origins, Crisis, and Transformation of the American World Order," *Journal of American Studies* 46, no. 4 (2012): 1111–13, <https://doi.org/10.1017/S0021875812001922>.

⁴Philip Cunliffe, "Cosmopolitan Dystopia: International Intervention and the Failure of the West," in *Cosmopolitan Dystopia* (Manchester: Manchester University Press, 2020), <http://digital.casalini.it/9781526151452>.

⁵Jocelyne Cesari, "Political Islam: More than Islamism," *Religions* 12, no. 5 (2021): 299–10, <https://doi.org/10.3390/rel12050299>.

⁶Dino Krause, Isak Svensson, and Göran Larsson, "Why Is There So Little Shia–Sunni Dialogue? Understanding the Deficit of Intra-Muslim Dialogue and Interreligious Peacemaking," *Religions* 10, no. 10 (2019): 567–17, <https://doi.org/10.3390/rel10100567>.

⁷Ahmet Kuru, *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison* (Cambridge: International Institute of Islamic Thought, 2022), 81.

⁸Choirur Rois, Farhan Masrury, and Arfad Zikri, "Fiqh Al-Hadārah from a Geopolitical Perspective: The Idea of NU's Peace Diplomacy Through the Recontextualization of Political Jurisprudence," *An-Nida'* 47, no. 1 (2023): 55–72, <https://doi.org/10.24014/an-nida.v47i1.25330>.

⁹Kirsten E Schulze, and Joseph Chinyong Liow, "Making Jihadis, Waging Jihad: Transnational and Local Dimensions of the ISIS Phenomenon in Indonesia and Malaysia," *Asian Security* 15, no. 2 (2019): 122–39, <https://doi.org/10.1080/14799855.2018.1424710>.

¹⁰Erkan Toguslu, "Caliphate, Hijrah and Martyrdom as Performative Narrative in ISIS Dabiq Magazine," *Politics, Religion and Ideology* 20, no. 1 (2019): 94–120, <https://doi.org/10.1080/21567689.2018.1554480>.

sociological disparity in radical Islamic political thought is the interpretation of the caliphate state system as the final leadership system in Islam, thus making its followers anti-national and anti-democratic.¹¹

Several existing research results conclude that finding a peaceful solution based only on the existence of the United Nations peace charter and the institution itself is difficult for solving conflicts and wars that occur in the Middle East and Islamic countries as happened in Libya and Syria.¹² These findings strengthen the Thérèse Pettersson's conclusion that the involvement of outside parties tends to make conflicts more difficult to resolve.¹³ The Charter of the United Nations (UN) upholds the world peace and human rights and also mediates global conflicts under the beliefs of democracy. However, all of them are inversely proportional to reality. Antar Zidane and Fikram Rettob state that there are so many UN deviations that undermined the charter they made themselves. It is UN which sells the idea of democracy and campaigns for global peace, yet commits many diversions from democracy or the "undemocratic UN."¹⁴ Based on the research results conducted by scholars in Indonesia, the UN peace council failed to execute the peace mandate in the UN charter. Shary Charlotte Henriette Pattipeilhy concludes that the UN Security Council has failed to diagnose the Syrian conflict. "The Syrian conflict is filled with elements oriented towards achieving purely negative peace."¹⁵ US national security apparatus also scrutinizes America's failed approach in the Middle East outlined in the report titled "America's Failed Strategy in the Middle East: Losing Iraq and the Gulf."¹⁶

From the explanation above, this research aims to explore the *Fiqh Al-Haḍarah*¹⁷ perspective

¹¹Fahlesa Munabari, Nadia Utami Larasati, and Rizky Ihsan, "Islamic Revivalism in Indonesia: The Caliphate, Sharia, NKRI, Democracy, and the Nation-State," *Jurnal Politik* 5, no. 2 (2020): 1-32, <https://doi.org/10.7454/jp.v5i2.1016>.

¹²Laurie Nathan, "The International Peacemaking Dilemma: Ousting or Including the Villains?," *Swiss Political Science Review* 26, no. 4 (2020): 468-86, <https://doi.org/10.1111/spsr.12412>.

¹³Thérèse Pettersson, Stina Högladh, and Magnus Öberg, "Organized Violence, 1989-2018 and Peace Agreements," *Journal of Peace Research* 56, no. 4 (2019): 589-603, <https://doi.org/10.1177/0022343319856046>.

¹⁴Antar Zidane, and Fikram Rettob, "The Undemocratic Nature of the United Nations as an Organization That Promotes Democratic Ideas," *Proceeding UMY Grace* 1, no. 1 (2020): 876-83.

¹⁵Shary Charlotte Henriette Pattipeilhy, "Negative Peace in the Failure of UN Security Council Resolutions in the Syrian Conflict 2011-2019," *Jurnal Hubungan Internasional Unair* 2 (2021): 2011-19.

¹⁶Anthony H Cordesman, "America's Failed Strategy in the Middle East: Losing Iraq and the Gulf," Csis, Center For Strategic A International Studies, Burke Chair In Strategy, 2020.

¹⁷*Fiqh Al-Haḍarah* or in Indonesian is understood as fiqh of civilization is a new discourse initiated by the *Nahdlatul ulama* by involving pesantren actors and scholars in recontextualizing classical fiqh studies in a direction that is more relevant and can accommodate the impact of sociological disparities caused by the dynamics of globalization. On this basis, *fiqh Al-Haḍarah* is focused as a new way of understanding the concept of classical fiqh al-siyāsah in discussing the concept of the nation state, the position of the United Nations and the UN peace treaty in Islam, the position and status of Muslims and non-Muslims (minorities and majorities) in the nation state system from a fiqh perspective, the position of Muslims in interpreting socio-political realities at the local to global levels, and other strategic issues. See Choirur Rois, *The Discourse of Fiqh Al-Haḍarah in the Discourse of Global Civilization: Tracking the Concept of Civilization Jurisprudence Through an Interdisciplinary Islamic Studies Approach* (Yogyakarta: Madani Berkah Abadi, 2023), 25-40.

initiated by *Nahdlatul Ulama* (NU) in recontextualizing Islamic political thought of *Fiqh Al-Siyāsah* as a basic foundation in presenting Islamic thought as a solution to realizing the peace. This research gap is pointed out by the history of the origin of *Fiqh Al-Ḥaḍarah* concept. As, the discourse on *fiqh* in Islamic boarding schools only stops at the textual understanding originating from *turats* (classical books) references from the thoughts of previous scholars.¹⁸ On the one hand, the discourse on *Fiqh Al-Ḥaḍarah* seeks to provide a new legal foundation based on the religious arguments to build world peace through the *Fiqh Al-Siyāsah* approach. On the other hand, *Fiqh Al-Ḥaḍarah* seeks to answer the critical and political questions regarding the position of the United Nations Charter as the basis for the international world peace order.

Fiqh Al-Ḥaḍarah and the idea of world peace diplomacy are crucial to be studied. Presently, this foundation's existence is questionable and is even unreachable by the classical *fiqh* discourses. Current's references to global civilization discourse refer to the conception of the United Nations Charter, which is still the world's vision and cannot yet become the reality of world peace. The various conflicts in the Asia-Pacific region are the reason why the United Nations failed to solve the world problem,¹⁹ particularly of Ukraine and Russia,²⁰ Israel and Palestine, and the Middle East. The role of the United Nations dominates in its resolution. However, according to I Nyoman Sudira, until now, the views of the world community lack trust in the capabilities of the United Nations.²¹

There are three approaches to conducting this research. Textual to contextual approach is the first approach. This approach is used to analyze data sourced from *Fiqh Al-Siyāsah*.²² Furthermore, in seeing the perspective of *Fiqh Al-Ḥaḍarah* in the dimension of *Fiqh Al-Siyāsah*, the sociological approach to Islamic law is the second approach.²³ While the third uses critical theory to see the perspective of *Fiqh Al-Ḥaḍarah*. Based on these three approaches, this research is expected to provide a conceptual paradigm of *Fiqh Al-Ḥaḍarah*. The paradigm is an alternative to serve religious understanding that can be used as a solution with the help of *Fiqh Al-Siyāsah*.

2. Epistemological Basis of *Fiqh Al-Ḥaḍarah*

Fiqh Al-Ḥaḍarah as ideas and conceptions of thought is not born from a vacuum.²⁴ The epistemological basis of *Fiqh Al-Ḥaḍarah* leads to the basic understanding of *fiqh* and all its supporting dimensions, such as *fiqh* principles, *uhsul fiqh* (principles of interpreting Islamic jurisprudence) methodology, and *Maqāshid Al-Sharī'ah* theory as the axiological sources.²⁵ *Fiqh Al-*

¹⁸KH Husein Muhammad, *Traditional Islam on the Move* (Yogyakarta: IRCiSoD, 2019), 99.

¹⁹Sukawarsini Djelantik, *Asia-Pacific: Conflict, Cooperation, and Interregional Relations* (Jakarta: Yayasan Pustaka Obor Indonesia, 2015), 51.

²⁰Paul D'Anieri, *Ukraine and Russia- From Civilized Divorce to Uncivil War* (Cambridge University Press, 2023), 11.

²¹I Nyoman Sudira, "New Shades of the UN's Role in Peacekeeping after the Cold War: A Conflict Resolution Perspective," *Jurnal Ilmiah Hubungan Internasional* 11, no. 1 (2015): 21-34, <https://doi.org/10.26593/jihi.v11i1.1445.%25p>.

²²Laode Ismail Ahmad, and Syamsidar Syamsidar, "Reconstruction of Qath'i Legal Texts and Zhanni Legal Texts (Paving the Way Toward a Textual-Contextual Approach)," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 49, no. 2 (2015): 230-50, <https://doi.org/10.14421/ajish.v49i2.140>.

²³Maulana Ira, "The Urgency of Sociological Approach in Islamic Studies," *Journal of Legal and Cultural Analytics* 1, no. 2 (2022): 89-98, <https://doi.org/10.55927/jlca.v1i2.916>.

²⁴Muhammad Taufiq, "Fiqh of Civilization: The Consistency of Nahdlatul Ulama's Political Fatwa Toward A Century," *Annual Conference on Islam, Education, And Humanities* 2, (2023): 33-44, <https://proceedings.uinkhas.ac.id/index.php/proceedings/article/view/85>.

²⁵Mukti Tabrani, "Maqāshid Revitalization in Global Era: Istidlāl Study from Text to Context,"

Ḥaḍarah, from the sociological aspect, appears as an answer to the global social dynamics of the 21st Century, especially the international political arena which is increasingly showing signs of recurring crisis. This concept resonates with Amin Abdullah's view of the importance of integrative-interconnectedness between the normativity of textual ideas and social reality. For him, these are the alternative solutions to academicism in developing Islamic discourse that is relevant to the demands of the period.²⁶ It has the intent and purpose of being able to continue the sustainable projection of Islamic treasures, not stopping halfway as is the reality today.

The goal offered by Amin Abdullah above leads to an assumption that it is also necessary to include ideas of 'Abed al-Jabiri in order to develop the concept of Islamic thought. Al-Jabiri invites Muslim scholars to be able to think critically. This proposed idea can be realized by involving new theories in developing and studying the construction of classical Islamic thought. This consideration must also include an approach that addresses the historicity of text ideas, the objectivity of exploring the substance of the text, and the continuity of the text's orientation to the reality of its context.²⁷ Al-Jabiri's ideology is visible in the epistemological style of Bayani, Burhani, and Irfani.

The views offered by these two figures lead to the epistemological foundation of *Fiqh Al-Ḥaḍarah*. It is said that the epistemological reasoning of 'Abed al-Jabiri's version certainly refers to the construction of the *naqli* (scripture referring to al-Qur'ān and Ḥadīth) proposition and the infrastructure of science related to both.²⁸ However, when viewed from the Burhani's epistemology, the position of *Fiqh Al-Ḥaḍarah* is within the scope of *fiqh wa qawaiduhu* (principles of Islamic jurisprudence) and the work process of the *ushul fiqh waqaiduhu* (principles of interpreting Islamic jurisprudence) methodology.²⁹ *Maqāṣid Al-Sharī'a*, as a source of axiology, refers to the dimension of Irfani's epistemological reasoning. It is under the characteristics of *Maqāṣid Al-Sharī'a* which focuses on uncovering the purpose behind the *Sharī'a* and the *maslahah* that is its target and not only relying on the textual legal *illat* (reasoning).³⁰

The epistemology of *Fiqh Al-Ḥaḍarah*, from a historical aspect, is since the era of the Prophet Muhammad. He laid the foundation of Islamic law as fundamental in building the concept of universal benefit without exception.³¹ It is evident in the historical records that the Prophet succeeded in concocting the normativity of the ideas of "revelation" texts and the social reality of Medinan

Al-Ihkam: Jurnal Hukum and Pranata Sosial 13, no. 2 (2018): 310-33, <https://doi.org/10.19105/al-lhkam.v13i2.1814>.

²⁶Ahmad and Syamsidar, "Reconstruction of Qath'i Legal Texts and Zhanni Legal Texts (Paving the Way Toward a Textual-Contextual Approach)."

²⁷Nurfitriani Hayati, "Abed Al-Jabiri's Epistemology of Islamic Thought and Its Implications for Islamic Thought," *Islam Realitas: Journal of Islamic and Social Studies* 3, no. 1 (2017): 68-81, http://dx.doi.org/10.30983/islam_realitas.v3i1.211.

²⁸Ahmad Idrus, "Epistimology of Bayani, Irfani and Burhani," *An-Nidhom: Jurnal Manajemen Pendidikan Islam* 4, no. 1 (2019): 30-44, <https://doi.org/10.32678/annidhom.v7i1>.

²⁹Laila Ngindana Zulfa, and Ulya Himawati, "Stagnant of Epistemological Aspect In Islamic Education Studies: Critical Studies In Bayani, Burhani, And Irfani" (3rd Annual International Seminar and Conference on Global Issues (ISCoGI 2017), Atlantis Press, 2019), 133-39, <http://creativecommons.org/licenses/by-nc/4.0/>.

³⁰Amir Tajrid, "Tracing the Genealogy of Maqāṣid Al-Sharī'ah Concept: A Historical Approach," *Al-Ahkam* 31, no. 1 (2021): 69-90, <https://doi.org/10.21580/ahkam.2021.31.1.6696>.

³¹Kariem Zahlaf Jaza' Khalil ad-Dalimi, "Islamic Jurisprudence and Its Civilizational Role in Addressing Civil Society Issues," *Researcher Journal For Islamic Sciences* 1, no. 1 (2021), <https://islamic-uofallajah.foxytech.net/index.php/new/article/view/181>.

society.³² *Fiqh Al-Ḥaḍarah* is an alternative solution to build a political consensus, the "Medina Charter," to revive the Yathrib civilization and make it become Medina, which succeeded in changing the notion of tribal primordialism at that time under one command of the Prophet.³³

The undeniable historical foundation of civilization introduced by Prophet Muhammad through Islamic *Sharī'a* forms the basis for *Fiqh Al-Ḥaḍarah*. Islamic *Sharī'a*'s emergence as the epistemological foundation paved the way for its translation into various branches of knowledge in subsequent eras, including the discourse on *aqidah*, commonly associated with *kalām science*—the discipline focused on firmly establishing religious beliefs by presenting evidence and dispelling doubts.³⁴ Islamic law is known as the science of *fiqh* and *tariqah* (sufi path) which later became *tasawuf* (sufism).³⁵ According to Hanif Aidhil Alwana, the emergence of the non-theological *fiqh* discipline began with the death of the Prophet Muhammad and was motivated by political dynamics at that time.³⁶

The epistemology of *Fiqh Al-Ḥaḍarah* refers to the Verse 122 of the Chapter At-Taubah.³⁷ The context of the verse confirms that deepening the knowledge of Islamic law has a commensurate value with going to a war.³⁸ From contemplating this Verse, Umar Bahauddin al-Amiri argues that a comprehensive understanding of Islamic law or "*tafaqquh fi ad-din*" is essentially the *Fiqh Al-Ḥaḍarah*. According to him, it is a new term as an appropriate methodology in the fields of research, knowledge, and understanding. It can provide sufficient analytical material to know the essence of Islamic law. Its application is a solution for managing the governance of modern society.³⁹

3. Construction of *Fiqh Al-Siyāsah* in the Discourse of *Fiqh Al-Ḥaḍarah*

Ibn 'Aqil al-Hambali has given a representative definition that explicitly gives an understanding of the politics in Islamic literature, known as "*Fiqh Al-Siyāsah*." According to him in Ibn Taimiyah's quote, politics is an activity or a policy for which humans are close to benefit and far from damage, even though there is no stipulation from the Prophet and it was not based on the revelation in its determination.⁴⁰ Imam al-Shafi'i himself is of the view that "there is no (justifiable) political practice unless it complies with the provisions of the *Sharī'a*."⁴¹

³²Ghulam Shabbir, and Muhammad Ibrahim, "Islam's Normative Discourse On Monotheism And Socio-Economic Justice," *Journal of Positive School Psychology* (2023): 615-44.

³³Yetkin Yildirim, "Peace and Conflict Resolution in the Medina Charter," *Peace Review: A Journal of Social Justice* 18, no. 1 (2006): 109-17, <https://doi.org/10.1080/10402650500510750>.

³⁴H Abuddin Nata, Kalam, *Philosophy, and Sufism* (Jakarta: Amzah, 2021), 31.

³⁵Taukhid Mubarak, *History of Islamic Education* (Sumatera Barat: Insan Cendekia Mandiri, 2022), 33.

³⁶Hanif Aidhil Alwana, "The School of Ushul Fiqh Thought and Its Influence on the Approach to Islamic Law," *JURIS (Jurnal Ilmiah Syariah)* 19, no. 2 (2020): 147-62, <https://doi.org/10.31958/juris.v19i2.2375>.

³⁷At-Taubah 9:122.

³⁸Muhammad Mutawalli Al-Sya'rawi, *Tafsir Al-Sya'rawi* (Kairo, Majma' Al-Buhus Al-Ilmiyah, 1991), 432.

³⁹Al-Amiri Umar Bahauddin, *The Moderateness of Islam and Its Ummah in the Frame of the Jurisprudence of Civilization* (Kuwait: International Moderation Center, 2012), 27.

⁴⁰Ibn Taimiyah, *Al-Siyasah al-Syar'iyah Fi Ishlah al-Ra'i Wa al-Ra'iyah* (Mesir: Dar al-Kitab al-'Arabi, 1969), 77.

⁴¹Syaikhul Islam Ali and Lc M Sosio, *Political Jurisprudence: The Movement of Ulama's National Political Thought* (Tangerang Selatan: Harakah Book, 2018), 61.

Fiqh Al-Siyāsah is synonymous with *siyasah Islamiyah* (Islamic political system). It is a political study with *maslahah* nuances that emphasizes upon a comprehensive understanding based on the Qur'ān and hadīth as the object of its study.⁴² Therefore, in Islamic politics, the public interest is above the interests of individuals or groups that are missionary in nature.⁴³ It is under the logic of *fiqh* rules which emphasize that universal *maslahah* (objectives) should be prioritized over the individual *maslahah* (objectives).⁴⁴ Therefore, it is not justified by the religion that for every policy, a leader as a political actor makes a policy that does not consider the objectivity of universal benefit. The statement refers to the rule of *Fiqh Al-Siyāsah Tasharruf Al-Imam 'Ala Al-Ra'iyah Manuthun bi Al-Maslahah* (the leader's policy must be based on the benefits or objectives of the people).⁴⁵

The construction of *Fiqh Al-Siyāsah* reasoning refers to the Verse 59 of the Chapter An-Nisa.⁴⁶ The verse implies that the political authority must lead to a government that increases the value of spirituality and welfare of a society. What is meant by *Ulul Amr* (political authority), according to the majority of commentators, is defined as the government whose role is to take care of the benefit of society, in terms of both *muamalat* (civil acts) and *ubudiyah* (ritual worship acts). Ulama or Islamic scholars as religious authorities on this regard who also play their role.⁴⁷ Obedience to political authority in the Qur'ān, is in line with the extent to which a leader can distribute benefits to citizens. Therefore, even though people are only the followers, the Prophet obligates them to obey and not undermine their government.⁴⁸

, In Islamic law, as a rule of life, *Rahmatan Lil Alamīn* (providing grace to all mankind and the environment) wants equal welfare for both Muslims and non-Muslims. The facts from Islamic history are based on how the Prophet Muhammad initiated the Medina Charter as the first institution of human rights. It was crafted to resolve the conflicts and unite Muslims and non-Muslims (Jews), the tribes of 'Aus and *Khozraj*, and to form the relation of equality between the companions of *Ansār* and *Muhajirīn*. It aimed to make them live peacefully in Medina as an element of civil society under the Medina Charter.⁴⁹ If the Medina Charter could not accommodate the public interest, especially human rights protection, many parties would have rejected it.⁵⁰

The description above makes it clear that *Fiqh Al-Siyāsah*, as a basis for the political

⁴²Muhammad Taufiq, "Moderation in Jihad from the Siyasah Jurisprudence Perspective," *As-Shahifah: Journal of Constitutional Law and Governance* 2, no. 1 (2022): 1-14, <https://doi.org/10.19105/as-Shahifah>.

⁴³David S Lucas, and U David Park, "The Nature and Origins of Social Venture Mission: An Exploratory Study of Political Ideology and Moral Foundations," *Journal of Business Venturing* 38, no. 2 (2023): 106271, <https://doi.org/10.1016/j.jbusvent.2022.106271>.

⁴⁴Ahmad Tahani Yusuf al-'Audha, *Fiqh Rule: Public Interests Take Priority Above Personal Interests and Its Application in Worship and Transactions* (Sudan: University of Gezira, 2021), 117.

⁴⁵Hamadah Muhammad Jad Ali, "Fiqh Rule: The Imam's Behavior over the Subjects Depends on the Interest and Its Contemporary Applications," *Faculty of Shari'a and Law, Al-Azhar University in Assiut* 32, no. 3 (2020): 119-99, <https://doi.org/10.21608/JFSU.2020.111258>.

⁴⁶An-Nisa 4:59.

⁴⁷Al-Sya'rawi, *Tafsir Al-Sya'rawi*, 321.

⁴⁸Sébastien Garnier, "Ibn Al-Šammā', al-Adilla," in *Histoires Hafsidés* (Brill, 2022), 361-642.

⁴⁹Abdul Malik Ghozali, "The Concept of Conflict Management in the Medina Charter." (1st Raden Intan *International Conference on Muslim Societies and Social Sciences* (RIICMuSSS 2019), Atlantis Press, 2020), 258-63.

⁵⁰Aisha Sadaf, "Protection Of State's Honor And Peace: In The Light Of Islamic Teachings," *Webology (ISSN: 1735-188X)* 19, no. 1 (2022): 7895-7906.

understanding, aims to be a "*wasilah*" (intermediary) in managing and sustaining the survival of the world community.⁵¹ Therefore, citizens' compliance with legitimate political (government) authority is obligatory as a form of mutual consensus in achieving this goal. The aim of *Fiqh Al-Siyāṣah* is being actualized again as a narrative of world peace diplomacy by *Nahdlatul Ulama's* (NU) prominent figures and scholars through the International Conference on Civilization *Fiqh*.⁵² Following are the recommendations, suggested during the conference.⁵³

1. The concept of the caliphate, which wants the unification of the ummah under one command, positioning Muslims vis-a-vis non-Muslims should not be an aspiration.
2. Attempts to establish a caliphate that includes protecting religion, family, property, soul, and mind may conflict with the latest existing concepts. It can trigger conflict between groups.
3. In realizing the benefits of the Muslim world 'al-ummah al-islamiyyah', humanitarian brotherhood or the concept of 'Ukhuwah basyariyyah' can be used as a solution. It is done by strengthening the welfare of humanity for both Muslims and non-Muslims.
4. One of the foundations that can be used to uphold peace and harmonization in the future of human civilization is the United Nations Charter.
5. The concept of fiqh can also be used in shaping a harmonious and tolerant world order. Things that can be addressed include respecting differences, supporting solidarity, and preventing all kinds of exploitation of identity.

Therefore, *Fiqh Al-Haḍarah* believes that establishing a caliphate state order is not the suitable option in today's socio-political reality. The most important thing is how Islamic values can fill functional spaces in the state and understanding of religion can lead people to a better life.⁵⁴ It is in line with Yusuf al-Qaradawi's view that it is interesting to see how the objectives of Islamic law can be achieved through state governance, such as protecting people, upholding justice, and strengthening the practice of religious values for humanity.⁵⁵

According to this research analysis, the recommendations above are compatible with the central objective of *Fiqh Al-Siyāṣah* which places the benefits of humanity above all. For this reason, political *ijtihad* in *Fiqh Al-Siyāṣah* must not be based solely on textual understanding but also consider the objectives of *Shi'a fiqh* itself (universal benefit). In this context, according to Ibrahim al-Zanqiri, there must be an adjustment between the understanding of Islamic *Shari'a* and the social

⁵¹Mustofa Hasan, "The Application of Islamic Political Theory Perspective of Jurisprudence Principles," *Madania: Jurnal Kajian Keislaman* 18, no. 1 (2014): 97-108.

⁵²Muhammad Syakir NF, "Fiqh of Civilization Geopolitical Perspective Reviewed at UIN Sunan Kalijaga," NU Online, April 4, 2023, <https://www.nu.or.id/nasional/fiqih-peradaban-perspektif-geopolitik-dikaji-di-uin-sunan-kalijaga-GK10W>.

⁵³Muhammad Aziz Luthfi, "Recommendations of the First International Congress on the Fiqh of Civilizations: Rejecting the Caliphate, Supporting the UN," *NU Online*, April 7, 2023, <https://www.nu.or.id>.

⁵⁴Hamsah Hasan, "The Relationship between Islam and the State: Responding to Contemporary Islamic Political Discourse in Indonesia," *Al-Ahkam* 1, no. 25 (2015): 19-42, <https://doi.org/10.21580/ahkam.2015.1.25.192>.

⁵⁵David H Warren, and Christine Gilmore, "One Nation under God? Yusuf al-Qaradawi's Changing Fiqh of Citizenship in the Light of the Islamic Legal Tradition," *Contemporary Islam* 8 (2014): 217-37.

reality faced in constructing *Fiqh Al-Siyāṣah*.⁵⁶

Fiqh Al-Ḥaḍarah tries to reinterpret and re-actualize the classical understanding of *Fiqh Al-Siyāṣah* in order to reach the changing reality of today's new world order without losing its substance.⁵⁷ It becomes urgent to integrate the normativity of the text with the context of reality. Sahal Mahfudz states that *fiqh* as a text to answer the solution for a problem is not enough. It should also aim to answer social issues.⁵⁸ On the other hand, the concepts of reinterpretation and re-actualization are significant in realizing the spirit of *al-muhafadzatu bi qadimi al-shaleh wal akhdzu bi Jadidil aslah* (preserving the old that is still good and taking the new that is better).

4. *Fiqh Siyāṣah* Conciliation as an Ideal Solution

The Islamic adage *Sholihun fi Qulli Zaman wa Makan* (relevant for all times and places) will then only become jargon or mere ideal if Islamic law cannot overcome the existing problems.⁵⁹ Islamic countries such as Iran, Iraq, Afghanistan, Syria, and others currently contribute to the negative index and decline of Islamic political thought. Sometimes, Islamic thought is used as a subject of antagonistic suspicion in international politics. Thus, the concepts of *Fiqh Al-Siyāṣah* have not shown their authority.⁶⁰ According to some experts, this is motivated by the failure to rightly interpret the *Fiqh Al-Siyāṣah* translation. Therefore, the resulting interpretation is contrary to the reality of Islam as the religion of peace. However, there is indeed intervention and attempts by the superpower state hegemony behind it.⁶¹

The challenges of globalization provide facilities for humans to continue to develop rapidly. This challenge can also create various kinds of conflicts, such as economic disparities and social interests based on global competition.⁶² In this section, the existence of Islamic law as a conciliation narrative in presenting a win-win solution is essential. The conflicts in the Middle East, as the case studies are portrayed with various representations, construct Islamic conflicts with a sectarian emphasis on Islam and an ethnic face as a function of authoritarian politics.⁶³ The concept of

⁵⁶Farhad Ibrahim al-Zaniqri, "Political Ijtihad in the Jurisprudence of Sharia Politics: Significance and Impact," *Faculty of Sharia Sciences, Masalata, Asmarya Islamic University* 4, no. 1 (2017): 97-153, <https://journals.asmarya.edu.ly/jshs/index.php/jshs/article/view/45>.

⁵⁷Reza Fauzi Nazar, and Mohammad Fahmi Abdul Hamid, "Tracking the Genealogical Reasoning Reconstruction of Nahdlatul Ulama (NU) Fiqh: From 'Social Fiqh' to 'Civilization Fiqh,'" *Tashwirul Afkar* 41, no. 2 (2022): 137-62, <https://doi.org/10.51716/ta.v41i2.74>.

⁵⁸Ahmad Faiz Muhammad Noer, "KH Ma Sahal Mahfudz's Social Fiqh Thought Towards the Formalization of Islamic Law," (Undergraduate Thesis, Universitas Islam Indonesia, 2018), <http://hdl.handle.net/123456789/7159>.

⁵⁹Abu Yasid, *The New Paradigm of Pesantren* (Yogyakarta: IRCiSoD, 2018), 77.

⁶⁰Siyaves Azeri, "Islam, Political Islam, and the Islamic Republic: The Political Economy of Allah," *Critique* 48, no. 4 (2020): 505-27, <https://doi.org/10.1080/03017605.2020.1850771>.

⁶¹Lars Berger, "'Just Another Story That Was Prepared in Advance'-Political Distrust, Islamism, and Conspiratorial Thinking in Arab Public Opinion on the Islamic State," *British Journal of Middle Eastern Studies* (2022): 1-20, <https://doi.org/10.1080/13530194.2022.2079114>.

⁶²Wai-Ming To, "A Bibliometric Analysis of World Issues—Social, Political, Economic, and Environmental Dimensions," *World* 3, no. 3 (2022): 619-38, <https://doi.org/10.3390/world3030034>.

⁶³Nader Hashemi and Danny Postel, "Sectarianization: Mapping the New Politics of the Middle East," *The Review of Faith & International Affairs* 15, no. 3 (2017): 1-13, <https://doi.org/10.1080/15570274.2017.1354462>.

Islamism, which substance fails to understand and lacks adaptation, is the reason of the problem. It is a contradiction between the Islamic position of *rahmatan lil alamīn* (providing grace to all mankind and the environment) and the Islamic conflict. Substantial ideas from Muslims are needed to address this reality. Thus, Islamic values can be maintained as a solution to the challenges.⁶⁴

The United Nations (UN), as an international organization for more than 75 years, shaped the world that exists today. The UN is consistently expected to respond to global issues, including conflicts between countries. To do so, the UN uses the legality of the United Nations (UN) Charter. The United Nations has a central role in bridging multilateral diplomacy. According to a report, 193 countries in 2020 joined the UN.⁶⁵ This eminent UN position makes the UN Charter as the highest international norm.⁶⁶

The spirit of peace upheld by the UN also relates to Islamic law in individual and social conflicts. For example, the conflict between husband and wife, as the micro conflict, is mentioned in the Qur'an Surah An-Nisa' verse 128. The verse explains that making peace is better (*al-sulhu khair*)⁶⁷. Furthermore, verse 35 in the same Surah advocates to create peace in the family. For specific conflicts between husband and wife, such as divorce,⁶⁸ Islamic law offers a solution to send a reconciling "judge" from both parties.⁶⁹ Hence, the question arises here is that what should be done during the conflict between two countries?

These two verses, from the perspective of *Fiqh Al-Siyāsah* with the theory of *qiyas aulawi* (qiyas of higher order), of course, will make the orientation of the interpretation more comprehensive.⁷⁰ In the case of a minor conflict where an impact is experienced by a husband and wife, the Qur'an orders carrying out of peace conciliation. Then, based on the logic of *qiyas* (analogical reasoning) towards major disputes between countries, there is more urgency to carry out peace conciliation.

In essence, *Fiqh Al-Siyāsah* has an essential role in the political culture of Islam.⁷¹ *Fiqh Al-Siyāsah* is not just a system of belief and worship but exists as a system to manage society and the state towards the prosperity and progress. There is not a single suggestion or command in the Islamic *Shari'a* that wants people to be in conflict, decline, and destruction. Therefore, the views that speak in the name of Islam but bring about problems should strongly be assumed as a misunderstanding in the interpretation of Islamic teachings.

According to the perspective of *Fiqh Al-Siyāsah* viewed from the *Fiqh Al-Hādārah*, the position

⁶⁴Leonid Grinin et al., "Islamism and Its Role in Modern Islamic Societies," *Islamism, Arab Spring, and the Future of Democracy: World System and World Values Perspectives* (Springer, 2019), 59–124.

⁶⁵Karen A Mingst, Margaret P Karns, and Alynna J Lyon, *The United Nations in the 21st Century* (Routledge, 2022), 17.

⁶⁶Ellen J Ravndal, "A Guardian of the UN Charter: The UN Secretary-General at Seventy-Five," *Ethics and International Affairs* 34, no. 3 (2020): 297–304, <https://doi.org/10.1017/S0892679420000490>.

⁶⁷An-Nisa' 4:128.

⁶⁸An-Nisa' 4:35.

⁶⁹Maulana Muhammad Ali, *Qur'an Translation and Tafsir* (Jakarta: Darul Kutubil Islamiyah, 2015), 87.

⁷⁰Wahbah Zuhaili, *Summary of Principles of Interpreting Islamic Jurisprudence* (Dimaskus: Dar al-Fikri, 1999), 83.

⁷¹Ahmad Bostani, *Rethinking Political Theology in the Islamic Context* (Lanham: Lexington Books An imprint of The Rowman & Littlefield Publishing Group, 2021), 135.

of peace discourse contained in the UN Charter has a strong foundation based on the Qur'ān and the Hadīth of the Prophet. The *sahih* hadīth stated that, "Peace is recommended among Muslims except for peace that forbids what is lawful or justifies what is unlawful. And Muslims may determine conditions except for conditions that forbid what is lawful or justify what is unlawful."⁷² Abdul Muhsin Ibn Abdullah commented that the hadīth is the basis of *shar'i* (Islamic law). According to scholars, the obligation is to accept peace treaty agreements between Muslim and non-Muslim entities or communities.⁷³

Based on the *naqli* or *'aqli* (scripture or reason/knowledge), the argument is a strong legitimacy basis for making the UN Charter a bridge to spread the world peace. The perspective of *Fiqh Al-Ḥaḍarah* today wants the participation of every Muslim in the world in carrying out the obligatory world peace. This obligatory law through the rules of *fiqh* states "*lil wāsāil hukmul maqāsid*" which means the intermediary has the same law as the intention. Therefore, if a prolonged conflict is the cause of the destruction of citizens' lives, the solution to avoid this destruction is peace. Under such circumstances, choosing peace is legally obligatory. If peace between countries can come from the UN authority, then the participation of Muslims in conveying the idea of peace diplomacy at the UN is also an obligation.

The role of Muslims in the UN is limited. The strategic position of UN members is a result of Western domination which includes the United States, Britain, and their allies.⁷⁴ Hence, the idea of world peace is constructed according to their vision. Today's Muslims are only spectators and must accept the already decided policies. Human rights is an instrument of global political policy that is often politicized and only benefits countries that are in control of the United Nations.⁷⁵

Muslims are expected to be able to provide solutions and projections to existing problems based on *Fiqh Al-Ḥaḍarah*. The discourse can be used as a strong perspective to face global dynamics and challenges in the 21st Century. The discourse on *Fiqh Al-Ḥaḍarah* should rethink the concept of *fiqh* that addresses the needs of Muslims today. It is a high time to elevate the *fiqh* talks from just being a term to discuss ritual matters. Although the problems and terrain may be different, future *fiqh* perspectives should be able to strengthen the Islamic Shari'a in the truest sense.⁷⁶

5. Conclusion

The Islamic state, with the Khilafah system in the past, should not be understood rigidly based on textual analysis but must also be applied to social conditions. In this case, *Fiqh Al-Siyāsah*, from the perspective of *Fiqh Al-Ḥaḍarah*, as a thought about the benefit of the people, must be actualized and re-contextualized in the current reality. It can create benefits between the people and the state and even between the state and other countries. It means that the discourse on *Fiqh Al-Siyāsah* that

⁷²Muhammad Abdurrahman Al-Mubarahfuri, *Tuhfatu Al-Ahwardi Bisyarhi Jami'at-Tirmidzi* (Beirut: Dar al-Kutub al-Ilmiyah, 1990), 487.

⁷³Abdul Muhsin Ibn Abdullah, *Explanation of The Rules of Imam Al-Sya'bi's Fiqh* (Riyadh: Dar Atlas Hadra', 2001), 168.

⁷⁴Turan Kayaoglu, "Giving an Inch Only to Lose a Mile: Muslim States, Liberalism, and Human Rights in the United Nations," *Human Rights Quarterly The Johns Hopkins University Press* 36, no. 1 (2014): 61–89, <https://doi.org/10.1353/hrq.2014.0004>.

⁷⁵Michael Zürn, "The Politicization of World Politics and Its Effects: Eight Propositions," *European Political Science Review* 6, no. 1 (2014): 47–71, <https://doi.org/10.1017/S1755773912000276>.

⁷⁶Masykuri Abdillah, "Sharia and Politics in the Context of Globalization and Society 5.0," *Ahkam: Jurnal Ilmu Syariah* Vol. 22, no. 1 (2022): 263–86, <https://doi.org/10.15408/ajis.v22i2.28959>.

existed in the past must be represented in an ideal and well-established form so that Islamic *Sharī'a* and *rahmatan lil alamīn* (providing grace to all mankind and the environment) can exist. If it is not implemented, the logical consequence is that the today's Muslims have failed to apply Islamic teachings which are relevant to all situations and conditions or "*shalihun fi kulli Zaman wa makan*."⁷⁷

The findings in this research indicate that the actualization and recontextualization of Al-Siyāsah Fiqh in a direction that is more relevant to the context of today's reality can lead the world's Muslim community to make the religion Islam a solution for peace. Therefore, the discourse on *Fiqh Al-Siyāsah* today must be orbited and actualized into a comprehensive idea in campaigning for a world peace revolution. Efforts to present solutions to several worrying realities of conflict, such as those in the Middle East, cannot be resolved by relying only on UN peacekeeping efforts. The United Nations peace charter requires strong Islamic *Sharī'a* legitimacy to convince the world's Muslims that peace is an order and obligation for every Muslim and non-muslim. The idea of *Fiqh Al-Haḍarah* which was enlivened by Nahdlatul Ulama at the International *Fiqh* Conference, leads the civilization to the conception and thought of *Fiqh Al-Siyāsah* that can be developed and projected as a general necessity. The implications of this study recommend that the recontextualization of *Fiqh Al-Siyāsah* is essential to carry out. It also needs to receive joint attention from all the global Muslim intellectual circles. For this reason, it is appropriate that the notion of civilizational *fiqh* "*Fiqh Al-Haḍarah*" must be followed up and developed for further research as an effort and joint endeavor to present Islamic *Sharī'a* as a diplomatic solution for the world peace.

Conflict of Interest

The authors of the manuscript have no financial or non-financial conflict of interest in the subject matter or materials discussed in this manuscript.

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⁷⁷Yusur Al-Qaradhawi, *Islamic Teachings Are Relevant in All Situations and Conditions* (Cairo: Dar Al-Shofwah, 1993), 11–17.

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