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Fiqh Peradaban and the Actualization of Religious and State Life in the Modern Society

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Abstrak

Tulisan ini membahas tentang *fiqh peradaban* sebagai sebuah konsep yang menekankan pentingnya penyelesaian konflik dan mengedepankan etika fundamental sebagai salah satu aspek moralitas guna menciptakan kedamaian dalam menjalani kehidupan beragama dan bernegara. Secara lebih khusus, tulisan ini menyoroti pentingnya *fiqh peradaban* dalam menjaga kohesi sosial dan persatuan bangsa dalam kerangka ke-bhinneka-an. Dalam hal ini, *fiqh peradaban* berfungsi sebagai kerangka untuk membangun persatuan dan keharmonisan di tengah keberagaman. Penelitian ini merupakan penelitian kepustakaan; ia mengulas sumber-sumber pustaka yang berkaitan dengan konsep *fiqh peradaban*. Penelitian ini menggunakan pendekatan kualitatif dan menyajikan data secara deskriptif. Data yang dikumpulkan dalam penelitian ini meliputi titik temu antara Piagam PBB dan hukum Islam; hubungan antara Islam, negara, dan demokrasi; peran Islam dalam masyarakat dan negara modern; dan konsep *fiqh peradaban* sebagai kontrol yang seimbang antara negara dan agama. Secara umum, hasil penelitian ini menunjukkan bahwa *fiqh peradaban* mempunyai peranan penting dalam mengatasi konflik dan permasalahan yang muncul dalam kehidupan beragama dan bernegara. Konflik dan permasalahan tersebut harus diselesaikan oleh negara karena mereka dapat mengancam kerukunan umat beragama dan persatuan bangsa. Namun

demikian, keterlibatan negara dalam urusan agama dan spiritual dapat menimbulkan permasalahan tersendiri. Di sinilah *fiqh peradaban* hadir sebagai solusi karena ia menawarkan landasan etika bagi masyarakat modern.

Katakunci: *Fiqh Peradaban*, Agama dan Negara, Modernitas

Abstract

This paper discusses *fiqh peradaban* (Islamic jurisprudence for civilization) as a concept that emphasizes the importance of resolving conflicts and prioritizes fundamental ethics as an aspect of morality in order to create peace in living religious and state life. More specifically, it highlights the importance of *fiqh peradaban* in maintaining social cohesion and national unity in a bhinneka-nuanced society. In this sense, *fiqh peradaban* functions as a framework for building unity and harmony amidst diversity. This research is library research; it reviews library resources related to the concept of *fiqh peradaban*. This research uses a qualitative approach and presents data descriptively. The data collected in this research includes the intersection between the UN Charter and Islamic law; the relationship between Islam, the state, and democracy; the role of Islam in modern society and state; and the concept of *fiqh peradaban* as a balanced control between the state and religion. In general, the results of this study show that *fiqh peradaban* has a crucial role in overcoming conflicts and problems that arise in religious and state life. These conflicts and problems must be resolved by the state because they can threaten religious harmony and national unity. However, the state's involvement in religious and spiritual affairs may create its own problems. It is here that *fiqh peradaban* is present as a solution because it offers foundational ethics for modern society.

Keywords: *Fiqh Peradaban*, Religion and State, Modernity

Introduction

The march of time and the advent of modernity have brought about substantial transformations in both society and the state, impacting aspects of religion and governance. Contemporary societies and nations are confronting a myriad of challenges, including globalization, technological progress, and the complexities of societal diversity and competition. Currently, human existence contends with a noticeable erosion of moral values and humanity, a consequence of the pervasive influence of modernization affecting nearly every nation worldwide. In addressing these pressing issues, the concept of *fiqh peradaban* (Islamic jurisprudence for global civilization) assumes pivotal importance. It serves as a crucial framework for comprehending the Islamic value system and its relevance in modern life. The notion of *fiqh peradaban* was formulated as a harmonious and moderate approach to effectively translating Islamic values into the realms of social and political existence.

During the modern era, society and the state encounter a wide array of intricate and varied challenges. To address these challenges, *fiqh peradaban* emerges as a solution for comprehending Islamic values and their relevance in contemporary life. This concept aims to seamlessly incorporate Islamic values into local culture and civilization, drawing inspiration from sources like the al-Quran, Hadith, *ijma'*, and *qiyas*. *Fiqh peradaban* regards culture and civilization as inseparable from religion, with religion forming the foundation of culture and civilization.

Within *fiqh peradaban*, knowledge, character, and virtuous ethics should be integrated into diverse facets of both societal and governmental life. In the modern era, society and the state grapple with intricate and diverse challenges. The concept of *fiqh peradaban* gains significance in facilitating effective reconciliation among societal groups and nations, while simultaneously establishing the moral and ethical bedrock crucial for the advancement of society and the nation as a whole.

Fiqh peradaban remains pertinent in addressing the evolving circumstances and contemporary challenges. Consequently, Islamic scholars and jurists need to continue to study and develop *fiqh peradaban* to ensure their capacity to offer suitable and effective solutions to present-day issues. In essence, *fiqh peradaban* represents a Sharia-based policy that aligns with the prevailing conditions and the progress of civilization, enabling it to furnish appropriate answers to the challenges confronting human existence today. There are at least six transformations in global civilization significantly impacting the global order: alterations in the world's political structure linked to political boundaries and religious identity, shifts in demographics, modifications in accepted norms, the influence of globalization, the stability of a nation's economic interests, and the pressing issue of global climate crises.

The novelty of this paper lies in its assertion that by implementing *fiqh peradaban*, especially among Muslims, society can actively contribute to shaping the interplay between religion and state in a country. This has broader implications for global social interactions and relationships in the modern era, offering solutions that promote a moderate perspective on the progression and development of civilization, all while respecting the boundaries and historical context of Muslims in a more inclusive manner. The realization of *fiqh peradaban* in both religious and state affairs does not alter the core values of religion; instead, it represents an effort to nurture people's

attitudes and character in addressing issues that encompass global life. This study is qualitative and library-based, focusing on *fiqh peradaban* ideology. It employs a conceptual, philosophical, and forward-looking approach. Data gathering involves a comprehensive literature review and is presented descriptively and prescriptively. Data consists of materials related to *fiqh peradaban* and Islam's evolution in the modern era, centered on the concept of *fiqh peradaban*, emphasizing moral aspects as fundamental ethics.

From the description above, the authors seek to address key issues in implementing civilizational *fiqh* in contemporary religious and state affairs, including: (1) exploring the connection between moral and ethical principles in the UN Charter and Islamic law; (2) investigating the relationship between Islam, statehood, and democracy; (3) analyzing the role of Islam in modern society and state; and (4) defining the concept of *fiqh peradaban* as a means of balanced control between the state and religion.

Humanity operates within a transformed world paradigm, necessitating reforms capable of addressing contemporary challenges, distinct from the past. Presently, jurisprudence extends beyond mere permissibility and delves into the profound implications of actions and decisions on future generations. Civilizational jurisprudence's framework reinforces the Islamic legal foundation, particularly concerning the future of civilization. This approach seeks to establish a solid basis for global peace and harmony, fostering a more serene global atmosphere. It prioritizes a sense of collective concern among humanity that transcends religious, ethnic, cultural, and national boundaries, embracing a global community ethos.

The United Nations Charter and Its Relevance in Islamic Law

The United Nations (UN) Charter, adopted on June 26, 1945, stands as a pivotal document in international relations, dedicated to upholding global peace and security. Formulated following World War II, its primary objective was to establish an international body capable of averting worldwide conflicts that posed threats to national sovereignty. While essentially a political text, the UN Charter also encapsulates moral and ethical principles aligning with Islamic law. Comprising 111 articles, it serves to regulate interactions among UN member states. The charter encompasses four key goals: upholding international peace and security, fostering global collaboration in addressing social, economic, and humanitarian challenges, promoting human rights, and reinforcing international legal norms. A noteworthy provision within the UN

charter is Article 2, paragraph 4, which mandates that “all members in their international relations must peacefully resolve their international disputes and may not threaten or use violence against the territorial integrity or political independence of a country or in any other way.”

The UN Charter empowers the Security Council to address global conflicts and uphold international order, while the General Assembly serves as a platform for member states to deliberate and establish policies on diverse global matters. Furthermore, the charter governs human rights, freedom of speech, environmental conservation, and the alleviation of poverty. It encompasses a minimum of four principles, which can be summarized as follows (United Nations, 2016): *First*, Independence and equality of member states. That is, each nation possesses the authority to shape its foreign policy and exercise sovereignty over its land. Nevertheless, the United Nations underscores the significance of global collaboration in addressing worldwide issues like climate change, free trade, and poverty reduction.

Second, Maintaining international peace and security. This responsibility falls on the UN Security Council, which is endowed with both the authority and the duty to take actions aimed at resolving international conflicts and upholding global order. *Third*, developing friendly relations between countries based on the principles of equality and mutual respect for sovereignty and territorial integrity of countries. As outlined in the UN charter, member nations are obligated to uphold the principles of territorial integrity, which means they must resist any efforts to either divide or unite with other countries. *Fourth*, International cooperation in solving social, economic, and humanitarian problems. In this regard, the United Nations hosts various specialized agencies, including the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), and the Food and Agriculture Organization (FAO).

Upholding the inalienable human rights and fundamental freedoms of all individuals, without discrimination, is a crucial principle. It encompasses essential human rights such as freedom of speech, education, a just legal process, and freedom of religion. The UN Charter holds immense significance in international relations, prioritizing global peace and security. This resonates with Islamic principles that prioritize peace and security. In Islam, these values hold significant importance in human existence. The Quran explicitly underscores the significance of peace and security in human interactions. For example, in Surah al-Baqarah verse 208 Allah SWT says:

"O you who believe, enter into Islam with your whole (soul) and do not follow the steps of satan; verily satan is a real enemy to you. If you turn away (from the way that Allah has commanded), verily Allah is Rich (does not need you), and Allah is not pleased with disbelief in His servants, and if you are grateful, He will surely be pleased with you. And let no one's soul be heavy to bear, but upon himself. And no tempter is hard to bear, but We recorded it for him. And if you bring something good, surely it is better for you, and if you do evil, then indeed We do not mention the crimes (to you) except after We wrote them down. And when you pray, and when you pay zakat and when you believe in the Books (Allah) and My Messengers, We will surely give you a great reward."

In that verse, Allah commands mankind to embrace Islam as a whole, which includes a commitment to uphold peace and security in society and the world.

The UN Charter incorporates Islamic principles of peace and security in the context of peace negotiations and resolving disputes among member states. The charter permits measures, including the use of military force, by UN member states to address conflicts and sanctions violations, aiming to preserve global peace and stability. Conversely, Islamic law does not condone such actions unless there's a direct threat to the Islamic State, and it mandates prior peaceful conflict resolution efforts (Mahmassani, 1977).

Justice stands as a crucial concept in both the UN Charter and Islamic Sharia. The UN Charter embodies justice in human rights, employment rights, and other universally protected rights under international law. Similarly, Islamic law places great emphasis on justice within its legal framework (Malik, 1979). Islamic teachings affirm equal rights for all individuals in terms of protection and equality under the law, aligning with the principles of the UN Charter.

However, conflicts can arise between the UN Charter and Islamic law concerning the safeguarding of individual rights. This tension may arise when individual rights clash with Islamic values, potentially leading to conflicts between human rights and Sharia directives. Therefore, it is crucial for UN member states to harmonize international law and Islamic law in pursuit of their objectives.

Conflict between UN Charter and Islamic Law

Numerous contentious matters arise concerning conflicts between the UN Charter and Islamic law, with at least three key issues causing discord between the two: *First, human rights*; one potential source of conflict between the UN Charter and Islamic law pertains to human rights. The UN Charter guarantees various human rights, encompassing freedom of expression, education, and healthcare, among others (Stone & Schauer, 2021). However, discrepancies may arise in relation to Islamic law on human rights, particularly concerning contentious issues such as abortion, same-sex marriage, and religious freedom (Khan, 1968). In this respect, Islamic perspectives do not consistently align with the global human rights standards upheld by the European Union, which served as an inspiration for the UN Charter. Ann Elizabeth Mayer explained that "the UN charter recognizes freedom of religion and praises the preservation of diversity," but views freedom of religion as a universal right that must be fought for. Ann Elizabeth Mayer (2003) warned that the value system adopted by Middle Eastern people is very different from the Western value system which is the basis of international human rights. She emphasized the contrasting perspectives on sensitive topics like women's rights. Mayer argued that Islam establishes rights and duties rooted in the concept of the Creator rather than human volition. Nevertheless, this perspective has also motivated many Muslims to advocate for individual rights and freedoms endorsed by international human rights. Such actions exemplify the challenges in reconciling different aspects of UN principles with Islamic norms.

Second, military actions; another conflict between the UN Charter and Islamic law pertains to military intervention. The UN Charter permits member states to employ military force in endeavors to uphold global peace and security, whereas Islamic law sanctions military action solely in the presence of a direct threat to an Islamic state (Robinson, 2016). For example, military interventions led by Western nations aimed at combating terrorism or toppling authoritarian regimes in Middle Eastern countries can contradict Islamic law. Despite such military endeavors seeking to establish stability and democracy in the region, they can be perceived as intrusions into a state's internal affairs, contravening the Islamic law principle of state sovereignty (El-Sayed Selim, 2003). Various provisions in the UN Charter govern the use of military force as an option for resolving international disputes, notably Article 2, paragraph 4, which condemns the use of military force in

international relations. Conversely, Islamic law opposes military force except in emergencies, such as safeguarding the Prophet or Muslims from external threats (Hossain, 2017).

Third, state sovereignty; another potential conflict between the UN Charter and Islamic law pertains to the concept of state sovereignty. While the UN Charter underscores the significance of upholding state sovereignty and territorial integrity, Islamic law prioritizes Islamic unity above all else (Arjomand, 2008:179-200). According to Khaled Abou El-Fadl (2005), sovereignty in Islam does not negate nationality; instead, it underscores the need to fortify Islamic unity. Nevertheless, some nations have detached Islam from their sovereignty, segregating it from overall power and decision-making. This perspective contradicts the UN Charter's emphasis on preserving state sovereignty (Cohen et al., 2004).

Addressing conflicts that may arise between the UN Charter and Islamic law necessitates a case-by-case examination of each conflict. For instance, discrepancies in human rights can be mitigated through dialogue and concessions between UN member states and Islamic nations, offering an avenue for sharia authorities and jurists to exert influence on international law. Resolving military disputes and state sovereignty issues can be achieved through diplomatic negotiations. In instances where the UN contemplates military action, member states must ensure the well-being and security of non-combatant citizens. Additionally, employing negotiators well-versed in the Islamic legal system can aid in shaping international law to deter state interference.

The conflict between the UN Charter and Islamic law also manifests in the context of employing violence to address societal disputes. The UN Charter denounces the use of force in settling conflicts among member states. Conversely, Islamic law permits and, in some instances, mandates the use of violence for self-defense or the pursuit of justice. The Quranic verse states, "And fight in the way of Allah those who fight you, (but) do not transgress limits, for indeed Allah does not like those who transgress" (Al-Baqarah: 190). Hence, a conflict arises between the UN Charter and Islamic law concerning the utilization of violence in conflict resolution.

The conflict between the UN charter and Islamic law is also related to the recognition of the state of Israel. The UN Charter recognized Israel as an independent state in 1948. However, in Islamic law, Israel's recognition as a

state is not accepted because the state was established on Palestinian land which is considered sacred by Muslims. In the Quran, Allah SWT says, "Verily Allah has given you land, so you should not fight with each other because you will lose money" (Al-Anfal: 73). Therefore, there is a conflict between the UN charter and Islamic law regarding the recognition of the state of Israel. The third conflict between the UN charter and Islamic law is related to human rights.

Recognizing the disparities between Islamic perspectives and Western ideologies, it is imperative to acknowledge that Islamic law differs in numerous aspects from the Western world's standpoint. Consequently, conflicts may emerge between Islamic law and international law. Nevertheless, these divergences need not always obstruct progress. By engaging in dialogue, diplomacy, and concessions, UN member states and Islamic nations can attain resolutions grounded in core values of peace, security, and justice. Through collaboration and comprehension, conflicts that may arise between the UN Charter and Islamic law can be amicably and effectively resolved.

The Relevance of the UN Charter in an Islamic Perspective

Islamic viewpoints on international relations possess distinct attributes. According to Islam, international relations must encompass ethical, moral, and just facets to foster global peace and prosperity. Islamic perspectives on international politics encompass principles like justice, solidarity, tolerance, cooperation, and mutual respect. These principles find resonance in the UN Charter, which articulates resolutions regarding human rights, justice, peace, and democracy. Hence, from an Islamic perspective, the UN Charter holds significant relevance as a cornerstone of international law safeguarding human rights and dignity. It can be perceived as the bedrock of international law that incorporates Islamic values, including justice, equality, freedom, tolerance, and global cooperation.

In this context, Hedley Bull, Muhammad Munir, and Ali Muhammad put forth an Islamic perspective concerning the recognition of human rights and justice in international relations. This underscores the close connection between the Islamic stance on human rights, justice, and international law. Hedley Bull contends that the concept of justice forms the foundation for international mentalities and the establishment of norms and institutions in international relations. The concept of justice, as enshrined in the UN Charter,

serves to safeguard human rights and foster international peace and security (Rollwagen, 2015). This viewpoint aligns with the values embodied in Islamic principles like justice, tolerance, solidarity, and international cooperation. Correspondingly, Muhammad Munir and Ali Muhammad assert that Islam emphasizes the imperative of safeguarding and respecting human rights without discrimination. The UN Charter echoes the same imperative in its mission to protect human rights and human dignity (Munir & Muhammad, 2004). In addition, the Islamic perspective advocates that justice must be attained through international peace, dialogue, negotiation, and collective endeavors to resolve conflicts.

Harry B. Price and Cornelis H. M. Haselho assert that the UN Charter holds substantial relevance in addressing global security concerns due to its incorporation of Islamic perspectives regarding justice, peace, and tolerance (Alam, 2019). At the same time, Islam encourages nations to proactively engage in resolving global security issues. This Islamic standpoint shares similarities with the objectives of the UN Charter, which advocate for peace through the avoidance of armed conflicts, the resolution of disputes through diplomatic means, and the abstention from actions that may disrupt international relations. Islamic Sharia and the United Nations Charter share numerous common principles, including justice, equality, and peace. Islamic Sharia underscores the significance of social justice for all citizens, without exceptions, focusing on human rights, property rights, and freedom of expression. This same principle finds affirmation in the UN Charter, where human rights hold paramount importance, with no discrimination based on gender, race, religion, or social status. In addition, the UN Charter underscores the significance of amicable inter-state relations founded upon principles such as equality, mutual respect for sovereignty, and the territorial integrity of nations. This principle closely aligns with Islamic teachings that stress the importance of fostering positive relations among countries and promoting international collaboration. The Quran and Hadith also emphasize the value of friendship and tolerance in inter-national and inter-religious relations. This is evident in the context of global peace as well. Islamic Sharia promotes the concept of peaceful jihad and underscores the crucial role of preserving global peace, assigning Muslims and others a vital role in advancing world peace and esteeming peace as the highest value. Likewise, the UN Charter highlights the importance of upholding international peace and security through international cooperation and inter-country dialogue.

This is very relevant to Islamic teachings which emphasize the importance of peace and justice. In the Al-Quran, Allah SWT says, "And when you walk on the earth, you do not make damage to it and do not (also) you do evil" (Al-Baqarah: 60). Islam also teaches that peace must be achieved through peaceful means and not by violence. In addition, the UN charter also promotes human rights. This is very important in Islam because this religion emphasizes the importance of respecting human dignity. In the Al-Quran, Allah SWT says, "And verily We have exalted the children of Adam" (Al-Isra: 70). Therefore, Islam also demands respect for human rights. In addition, the UN charter also regulates international cooperation in overcoming social, economic and humanitarian problems. Islam also emphasizes the importance of helping fellow human beings and providing assistance to those in need. In the Al-Quran, Allah SWT says, "And give the rights of the poor to those who ask for it and to people who have nothing to eat among you" (Al-Baqarah: 273).

Therefore, the UN Charter holds significant relevance from an Islamic perspective and can serve as a legal foundation for addressing international issues in a just and dignified manner. This Islamic perspective resonates with the principles embraced in the UN Charter, encompassing justice, equality, peace, freedom, and tolerance. Consequently, to attain the objectives outlined in the UN Charter, nations must take tangible measures to put these values into practice and foster peace and justice among global nations. In this regard, it can be asserted that the UN Charter bears substantial significance in relation to Islamic law, encompassing concepts of social justice, global peace, harmonious international relations, and the protection of human rights.

Numerous principles find consensus between the two systems, including the preservation of international power equilibrium and resolving disputes through dialogues and international forums. Nevertheless, disparities exist, particularly concerning the use of armed force and the interpretation of human rights, which may not invariably align with Islamic law. Nevertheless, nations should employ the UN Charter as a foundation for international collaboration in pursuit of shared objectives: the attainment of justice, peace, and prosperity for all individuals.

Linkage of Islam, State, and Democracy

For example, Islam comprehensively governs various facets of human existence, encompassing political and governmental domains. Concepts like statehood and democracy also bear significance within Islam. Nevertheless, within Muslim scholarly circles and society, there remains an ongoing discourse regarding the intersection of Islam, the state, and democracy.

Islam and the State

In Islam, the state is regarded as a pivotal establishment responsible for preserving justice and upholding societal harmony. It is also seen as the embodiment of Muslims in enforcing Islamic laws. In the Qur'an, Allah SWT says, "And do not side with the wrongdoers, because they will lead you to hell, while you have no helper" (Ali Imran: 56). Consequently, the state is viewed as an instrument for justice enforcement and the prevention of unjust acts.

However, within Muslim scholarly circles and society, a contentious discourse ensues regarding the nexus between Islam and the state. Some Muslim clerics and the populace contend that the state should be founded upon Islamic jurisprudence and helmed by a devout Muslim leader, asserting that a state devoid of Islamic law lacks legitimacy. Nonetheless, this perspective also engenders disputes concerning the modalities of implementing Islamic law in governance. Conversely, an opposing standpoint posits that the state should adopt a secular stance, devoid of religious affiliation. In this outlook, the state should equitably treat all faiths without exhibiting preference for any single religion. Nevertheless, this perspective has also triggered discussions regarding how the state can ensure the protection of religious minorities' rights in predominantly Muslim societies.

The intricate connection between Islam and the state holds great significance within the global community. Islam, as a religion encompassing political aspects, offers directives concerning statehood and governance. Nevertheless, comprehending the intricacies of the relationship between Islam and the state demands a nuanced understanding. It is crucial to acknowledge that Islam transcends matters of spirituality, extending its purview to encompass political considerations. Throughout history, Islamic teachings and practices have encompassed not only the structuring of states and governments but also the management of inter-state relations.

Within Islam, the state and government are viewed as instruments for providing societal benefits. Thus, the state is entrusted with fundamental roles in realizing these advantages. Imam Al-Mawardi (1996), explained that the functions of the state consist of at least four things. Firstly, it must ensure the security and public order for all citizens. Secondly, it should administer justice by upholding the law, thereby fostering a sense of justice among the populace. Thirdly, it is tasked with managing communication and transportation systems for the collective benefit of the people. Lastly, it must undertake developmental initiatives to enhance the general welfare. All of these responsibilities are integral to the state's duty in fulfilling its obligations to the people. Furthermore, M. Quraish Shihab (2013), stated that Islam places great emphasis on the importance of the state and government to maintain justice and public welfare. According to him, in the Islamic system, the government has the main function of carrying out the mandate from Allah SWT in carrying out the obligation to maintain human dignity. In the view of Islam, the government must lead its people towards goodness and prevent them from doing evil.

However, the concept of the role of an Islamic state in modern life is still a complex debate. Hussin Mutalib & Tajul Ariffin Masron (2009), argued that in the context of modern life, an Islamic state must adapt to the increasingly complex needs of its people. In a modern democratic political system, the role of the state in people's lives must be carried out with ethics and integrity and must pay attention to social, religious and cultural diversity.

In addition, the link between Islam and the state is also a complex historical issue. Nurcholish Madjid (2000), believes that the concept of an Islamic state is often interpreted differently by various groups. However, it can be concluded that the ideal Islamic state must be based on the principles of justice and freedom, and must provide equal rights for all people regardless of religion or ethnicity. Ali Riaz (2004) said that in a modern democratic system, the state must pay attention to universal rights, including the right to elect and choose leaders who are considered good. For Muslim leaders, Islam must be seen as a source of inspiration in carrying out the duties of the state to fulfil obligations towards the people.

The connection between Islam and the state necessitates a judicious approach to policymaking. Zainab Hussain contends that when implementing public policies concerning social matters like education, health, and security, the state must take into account the welfare of the entire populace.

Furthermore, the state should recognize the moral guidance provided by Islam when formulating policies aimed at safeguarding the universal rights of all individuals (Hosseini-Chavoshi, 2009).

Islam and Democracy

Democracy is a governmental system wherein citizens have the right to select their leaders through a general electoral process. In Islam, democracy is viewed as a favorable means of electing leaders. The Quran emphasizes the importance of choosing just and devout leaders, stating, "And they (the believers) answered, 'O our Lord, do not make our hearts inclined towards the unjust, and give us mercy from You, for indeed You are the Most Giver'" (Al-A'raf: 23). Nonetheless, there exists a debate among Islamic scholars and communities regarding the compatibility of implementing democracy in governance within the framework of Islamic law. Some scholars and communities believe that democracy can be integrated as long as it aligns with Islamic principles.

The Position of Islam in Modern Society and the State

In the modern era, Islam maintains a significant role in both society and the state, exerting a considerable influence on various aspects of life, including politics and governance. This paper aims to examine Islam's position in contemporary society and the state.

Islam in the Era of Modern Society

In modern society, Islam continues to exert a significant influence, serving as a guiding force for moral and spiritual aspects of human life. The Quran emphasizes Islam as the favored religion of Allah (Ali Imran: 19), reinforcing its role in shaping individual morals and character within modern society. Furthermore, Islam plays a vital role in advocating social justice and addressing prevalent societal issues. Social justice is a central value in Islam, with the Quran urging believers to uphold justice as witnesses for Allah, even when it concerns themselves, their parents, or relatives (An-Nisa: 135). Consequently, Islam's importance extends to addressing contemporary social challenges, including poverty, unemployment, and social inequality.

However, there exists a contentious discussion among religious leaders and the Muslim populace regarding Islam's compatibility with contemporary society. Certain scholars and Muslim groups argue for a conservative

application of Islam, advocating for the preservation of traditional Islamic values. However, this perspective also sparks discussions concerning Islam's ability to acclimate to the technological and scientific advancements of the modern era.

Islam in the Modern State

In a modern state, Islam still has an important role in politics and government. Islam is considered an important source of law in the modern state. In some Muslim countries, Islamic law is implemented as part of national law. In the Quran, Allah SWT says, "Indeed Allah commands you to hand over the trust to those who are entitled to receive it and when you determine the law among people, you should determine it fairly" (An-Nisa: 58). Therefore, Islam also has an important role in upholding justice and law in a modern state. However, there exists an ongoing debate among Muslim scholars and the general populace concerning the practical implementation of Islam in modern governance. Certain religious leaders and communities advocate for the establishment of states grounded in Islamic principles, led by devout Muslim leaders.

Fiqh Peradaban as a Balanced Control between the State and Religion

Fiqh peradaban (Islamic jurisprudence for global civilization) is a concept that emphasizes the importance of using Islamic law in building civilization and solving social problems in society. This concept also emphasizes the importance of maintaining a balance between state and religion in building civilization. The purpose of this paper is to discuss the concept of *fiqh peradaban* as proportional control between the state and religion. This concept emphasizes the importance of using Islamic law in building civilization and solving social problems in society. In *fiqh peradaban*, Islamic law is seen as an important source of teachings to shape the morals and character of individuals in society. In the Quran, Allah SWT says, "Surely the religion that pleases Allah is Islam" (Ali Imran: 19). Therefore, Islam is seen as an important source of teachings to build a good civilization in society.

In addition, within *fiqh peradaban*, Islamic law is regarded as a crucial legal foundation within a modern state. Some Muslim nations incorporate Islamic law into their national legal frameworks. The Quran reinforces this idea, stating, "Indeed Allah commands you to hand over the trust to those who are entitled to receive it and when you determine the law among people,

you should determine it fairly" (An-Nisa: 58). Consequently, Islam assumes a pivotal role in upholding justice and legality in a modern state. The concept of *fiqh peradaban* underscores the significance of maintaining a balance between the state and religion when constructing a civilization. Excessive religious influence in governance can lead to conflicts and disrupt national stability. Conversely, excessive state interference in religious matters can result in injustices and human rights violations.

Hence, it is imperative to establish a balanced control mechanism between the state and religion when constructing a civilization. Within the framework of civilizational *fiqh*, the state is obliged to consider religious perspectives when formulating public policies but must not contravene fundamental state principles and human rights. In the Quran, Allah SWT admonishes, "And do not side with the wrongdoers, for they will lead you to hell, while you have no helper" (Ali Imran: 56). Consequently, the state is equally bound to prioritize justice and uphold human rights when shaping public policies.

Fiqh Peradaban as Religious Reform in the Context of Modernity

The concept of *fiqh peradaban* is regarded as a religious reform due to its emphasis on the significance of reverting to the core teachings of Islam in the process of constructing a civilization and resolving societal issues. Within civilizational *fiqh*, Islamic law holds a pivotal role as a primary source of guidance for molding the ethics and character of individuals within society. As stated in the Al-Quran, "Surely the religion that pleases Allah is Islam" (Ali Imran: 19). Thus, Islam is recognized as a crucial wellspring of teachings for the establishment of a virtuous civilization in society.

Achieving a balanced control between the state and religion is imperative in the process of constructing civilization. According to the perspective of *fiqh peradaban*, the state should consider religious perspectives when formulating public policies, while concurrently upholding fundamental principles of the state and human rights. As articulated in the Quran, "And do not side with the wrongdoers, because they will lead you to hell, while you have no helper" (Ali Imran: 56). Consequently, the state is obliged to prioritize justice and the safeguarding of human rights while shaping public policies.

Fiqh peradaban also emphasizes the importance of maintaining a balance between the state and religion in building civilization. Excessive

religious involvement in governance may instigate conflicts and undermine national stability, while an overbearing state influence in religious matters can result in injustices and human rights violations. Consequently, a balanced and proportional approach between state and religion is essential in the pursuit of civilizational development.

Within the context of modernity, *fiqh peradaban* is viewed as a religious reform. Despite the enduring significance of Islam in contemporary society and state affairs, there exists a contentious discourse among Muslim scholars and society concerning the compatibility of Islam with modernity. While some scholars and Muslim communities advocate for a conservative application of Islam without altering its core values, this perspective has engendered discussions on how Islam can harmonize with the technological and scientific advancements prevalent in modern society.

In the modern era, the concept of *fiqh peradaban* holds significant importance in the realm of developing and revitalizing Islamic law. This perspective reinterprets fiqh within the context of evolving civilizations and the contemporary circumstances faced by Muslims (Khudori, 2018:4-5). It seeks to reshape Muslims' understanding of Islamic law by considering the progression of civilization and the specific historical context in which Muslims find themselves. The application of *fiqh peradaban* also takes into consideration the social, economic, and political dimensions of society in order to formulate laws that align with Islamic values while addressing the real challenges present in today's modern society. Hence, *fiqh peradaban* is not solely concerned with preserving traditional religious values but also with devising pragmatic solutions to contemporary issues.

Fiqh peradaban, as a form of religious renewal, presents Islamic law as a dynamic and adaptable system, rather than a static or rigid one. It recognizes that Islamic jurisprudence remains relevant and responsive to evolving societal changes. Muhammad Khudori (2018:28) emphasizes the significance of *fiqh peradaban* in this context. He contends that this concept offers a more comprehensive understanding of Islamic law by embracing the historical, social, and cultural realities of Muslim society. This inclusive approach paves the way for religious revitalization, acknowledging that Islamic law must evolve and adapt to meet the evolving needs of humanity. Thus, *fiqh peradaban* enables the modernization and rejuvenation of Islamic traditions to align with contemporary societal requirements.

Furthermore, Naila Hasan's view (2018) also underscores the importance of updating the interpretation of Islamic law to align with the shifting social, economic, and political landscape of the modern world. *Fiqh* considers civilization to be an important form of Islamic law reform in the context of social, economic and political change. *Fiqh peradaban* in religious renewal in the era of modernity has several tasks as follows: *First*, applying a more inclusive perspective in understanding Islamic law. *Fiqh peradaban* necessitates a more comprehensive understanding of Islamic law, considering the historical, cultural, and social dynamics within Muslim societies. This concept harmonizes traditional *fiqh* with the contextual framework of historical and societal transformations within Muslim communities. It perceives Islamic jurisprudence as a dynamic discipline that evolves alongside the changing times (Moeis, 2005:98). Therefore, *fiqh peradaban* calls for the expansion of Islamic law to address contemporary issues prevalent in modern society.

Second, Requesting a social study. *Fiqh peradaban* must engage in social research and account for cultural advancements within society. This branch of *fiqh* holds a crucial responsibility in identifying the requisites of a rapidly progressing contemporary society (Al-Mashni, 2015). Therefore, there is a necessity for a comprehensive exploration of Islamic jurisprudence concerning conduct that aligns with the social milieu and civilization of Muslim communities. *Thirds*, Introducing the principles of law reform according to the demands of the times. *Fiqh peradaban* also advocates the principles of rejuvenating Islamic law in response to contemporary requirements. In line with Yaser Al-Khudari (2018), *fiqh peradaban* promotes an evolutionary process by embracing the principle of legal revitalization that considers the genuine necessities of an advancing society. Hence, this principle of Islamic law's revitalization encompasses novel elements, encompassing technology, enlightenment, and a multitude of other modern advancements.

The concept of *fiqh peradaban* places an imperative on advancing an interpretation of Islamic law that not only preserves customary religious principles but also discovers pragmatic resolutions for contemporary societal challenges (Vogel, 1993). In this context, the duties entailed by civilizational *fiqh* engender possibilities for its progression, which encompass the subsequent aspects:

First, contribution in dealing with actual social and political issues. *Fiqh peradaban* has bright prospects in dealing with actual social and political issues. By updating the understanding of Islamic law to suit social, economic and political changes in the modern world, *fiqh peradaban* becomes an effective method of dealing with global issues such as migration policy, human rights and the role of women in society. It allows us to renew and update Islamic traditions, to keep them in line with the needs of modern society (Khudori, 2018:28). Second, self-development. *Fiqh peradaban* also promotes self-development and fosters individual confidence to make their own law-based decisions. This concept requires Muslims to see Islamic law as the only solution to modern problems, but still within Islamic rules (Latif et al., 2023). Thus *fiqh peradaban* encourages one to consider the social and cultural context when they make their own law-based decisions.

Thirds, Active involvement in society. Another prospect of *fiqh peradaban* in the modern era is active involvement in society. The concept of *fiqh peradaban* facilitates the active involvement of the community in developing Islamic law. Hopefully, this concept can help Muslims maintain Islamic values in a complex modern context (Fadel, 2020).

Fiqh Peradaban as the Reconciliation of the Nation and the State

The state represents a sociopolitical entity comprising individuals with divergent characteristics in culture, religion, and social backgrounds. These distinctions can give rise to conflicts that imperil national unity and cohesion. In this light, *fiqh peradaban* arises as a concept capable of harmonizing diverse interests and reinforcing the nation and state's underpinnings. *Fiqh peradaban* is viewed as a means of national reconciliation, given its emphasis on conflict resolution and the promotion of peace within society. Within this framework, Islamic law assumes a vital role in shaping the morals and character of individuals. As stated in the Quran, "Indeed, the religion acceptable to Allah is Islam," (Ali Imran: 19) highlighting Islam's significance as a guiding force for constructing a virtuous society.

In addition, *fiqh peradaban* also emphasizes the importance of overcoming conflict and promoting peace in society. In Islam, peace and justice are very important values. In the Al-Quran, Allah SWT says, "And when you walk on the earth, you do not make damage to it and do not (also) you do evil" (Al-Baqarah: 60). Therefore, Islam also demands respect for human rights and overcoming conflicts in society.

Fiqh peradaban is perceived as a form of state reconciliation as it underscores the significance of striking a balance between state and religion in the process of societal development. Excessive religious influence in governance can potentially result in conflicts and jeopardize national stability. Conversely, an excessive intrusion of the state in religious matters can lead to injustice and the infringement of human rights. Thus, maintaining a proportional relationship between the state and religion is imperative in the endeavor to construct a civilized society.

Regarding state reconciliation, *fiqh peradaban* underscores the significance of considering the social and cultural milieu when applying Islamic law within society. The Quran emphasizes that Islam is a source of mercy for all beings in the universe. In various social and cultural settings, the implementation of Islamic law must be adapted proportionally to cater to the societal requirements.

In *fiqh peradaban*, Islamic law is seen as an important source of teachings to shape the morals and character of individuals in society. In the Quran, Allah SWT says, "Surely the religion that pleases Allah is Islam" (Ali Imran: 19). Therefore, Islam is seen as an important source of teachings to build a good civilization in society. In addition, in *fiqh peradaban*, Islamic law is also seen as an important source of law in a modern state. In some Muslim countries, Islamic law is implemented as part of national law. In the Quran, Allah SWT says, "Indeed Allah commands you to hand over the trust to those who are entitled to receive it and when you determine the law among people, you should determine it fairly" (An-Nisa: 58). Therefore, Islam also has an important role in upholding justice and law in society.

Moreover, within the framework of *fiqh peradaban*, Islamic law is similarly regarded as a pivotal legal source within contemporary states. In several Muslim nations, Islamic law is integrated into their legal systems, aligning with the Quranic directive that emphasizes Allah's command to entrust rights to their rightful claimants and to impartially adjudicate laws among the people (An-Nisa: 58). Consequently, Islam assumes a critical role in preserving justice and the rule of law within society.

The concept of *fiqh peradaban* holds significant potential as a tool for fostering reconciliation between the nation and the state. By harmonizing religious principles and Islamic law with the progression of human civilization, *fiqh peradaban* can fortify a sense of cohesion, reverence for

diversity, and prevent conflicts within society. It also effectively addresses contemporary challenges marked by rapid technological and cultural advancements. The application of *fiqh peradaban* offers a means for Indonesians to reach consensus in managing ethnic, religious, and cultural diversity. This concept provides a firm foundation for advancing the values of justice, democracy, and liberty, ultimately facilitating national reconciliation (Siddiqi, 1961). Fiqh of civilization acts as a strong foundation for building harmony and maintaining unity within the framework of diversity.

Fiqh peradaban encompasses not only the implementation of Islamic laws and regulations but also embraces ethical and moral principles rooted in Islamic values (Tharaphi, 2019). This concept lays the ethical and moral cornerstones upon which the construction of a cultured society and nation is built (Ma'mur et al., 2018). The application of *fiqh peradaban* in fostering reconciliation among nations and states must adopt a comprehensive approach (Kumar, 2021). Several elements that can serve as a framework for reconciling diverse societal groups and fostering international peace include the following:

First, education: *fiqh peradaban* can be used as a reference in the development of an education system and learning methods that are oriented towards Islamic values. Various programs should be implemented to give recognition to minority groups. *Second*, legal system: *fiqh peradaban* promotes the creation of an Islamic legal system that integrates the needs of modern society. The legal system must be involved in administering justice for all groups in society. Respect for human rights and guaranteeing the rights of minorities must be the main principles.

Third, Political stability: *fiqh peradaban* can be used as a basis for making public policies oriented towards Islamic values and promoting inter-ethnic and religious peace. *Fourth*, Dialogue: let's open dialogue courses or open discussions between different groups in society and with other countries. Without dialogue, differences will never be resolved. *Fifth*, diversity: appreciating diversity in culture and religion with respect for minority groups. *Sexth*, awareness: building awareness in society about the importance of peace and tolerance plays an important role in reconciliation between groups in society. *Eighth*, state defense: *fiqh peradaban* can also assist in developing a national defence system that achieves optimal national security.

Conclusion

In summary, *fiqh peradaban* (Islamic jurisprudence for civilization) has an important role in overcoming conflicts and problems in a pluralistic society. These conflicts and problems must be resolved because they can threaten religious harmony and national unity. Even though the state is responsible for resolving this problem, its involvement in religious and spiritual affairs can create its own problems, which are often challenging to resolve. *Fiqh peradaban* is present as a solution because it offers foundational ethics in religious and state life. Thus, *fiqh peradaban* becomes a framework that helps achieve harmony in a diverse society. It stands as an indispensable tool for reconciling the complexities of modern society.

Moral values, which underpin the sustainability of the concept of *fiqh peradaban*, serve as the foundation for sound governance and the formulation of societal awareness. They facilitate the establishment of common ground in addressing various issues, including those related to religion, ethnicity, culture, poverty, peace, discrimination, justice, the impact of globalization, and the use of technology in the modern globalized world. By actualizing *fiqh peradaban*, especially among Muslim communities, society becomes an active participant in fostering a virtuous cycle of religious and state life within a nation. This has implications for global social interactions and relations in the contemporary era, offering moderate solutions for the advancement and evolution of civilization without challenging the historical context and boundaries of Muslim societies, fostering inclusivity. The actualization of *fiqh peradaban* in both religious and state affairs doesn't alter the core values of religion. Instead, it represents an endeavor to shape individuals' attitudes and character in addressing the multifaceted challenges of global life.

To develop the concept of *fiqh peradaban* in the future, it is imperative to conduct further research that delves into the mechanisms and methodologies for its practical implementation. This research should specifically focus on the technical application of *fiqh peradaban* across diverse fields and aspects of life. Presently, *fiqh peradaban* remains primarily an abstract concept lacking a well-defined framework and method for effective integration into people's lives, encompassing both religious and state realms, as well as on a global scale.

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