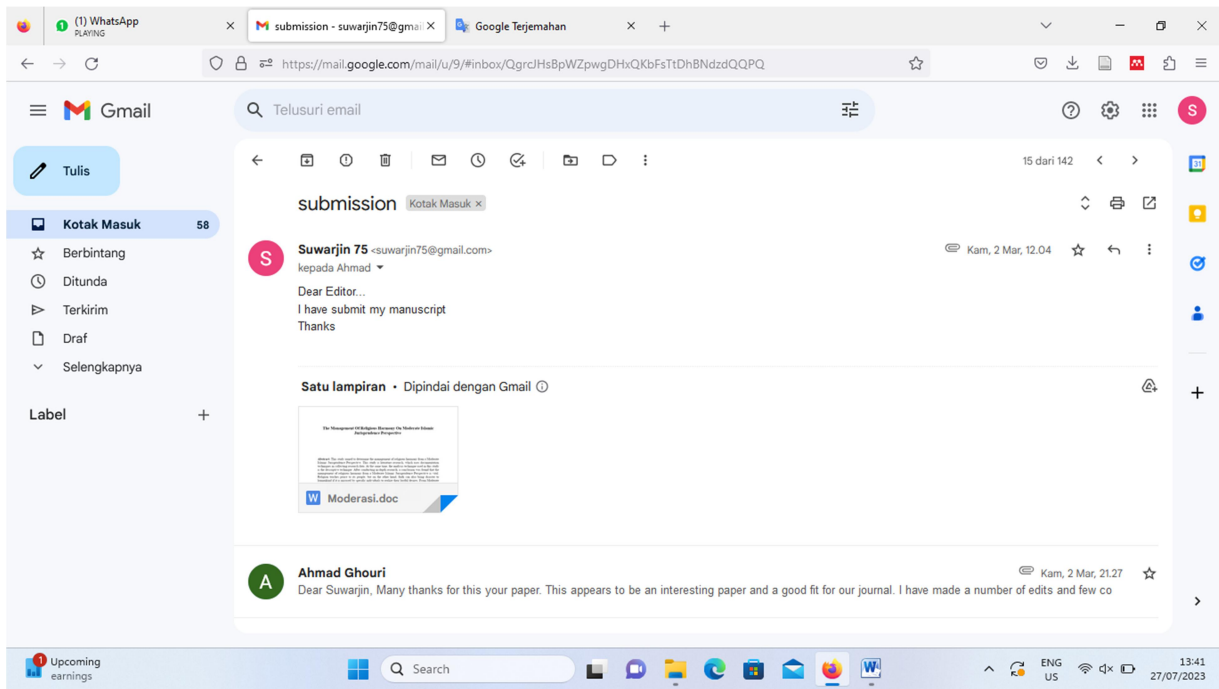


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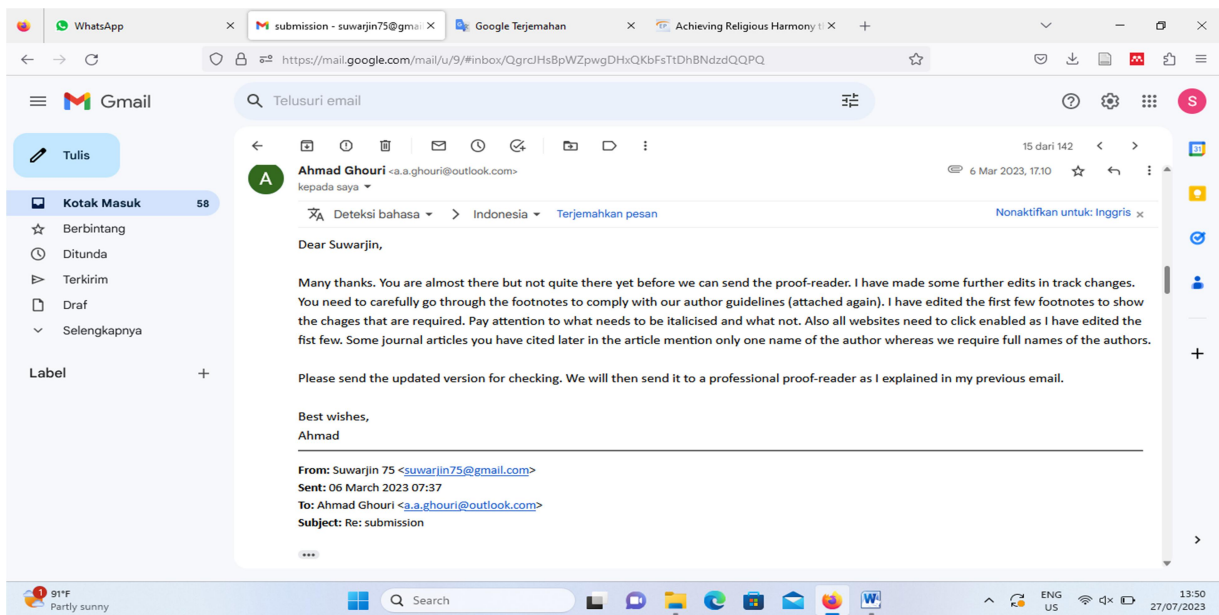
Achieving Religious Harmony through Fiqh Wasatiyah

By Suwarjin

Tahap Awal Summit Naskah (2 Maret 2023)



Tahap Kedua Revisi Naskah



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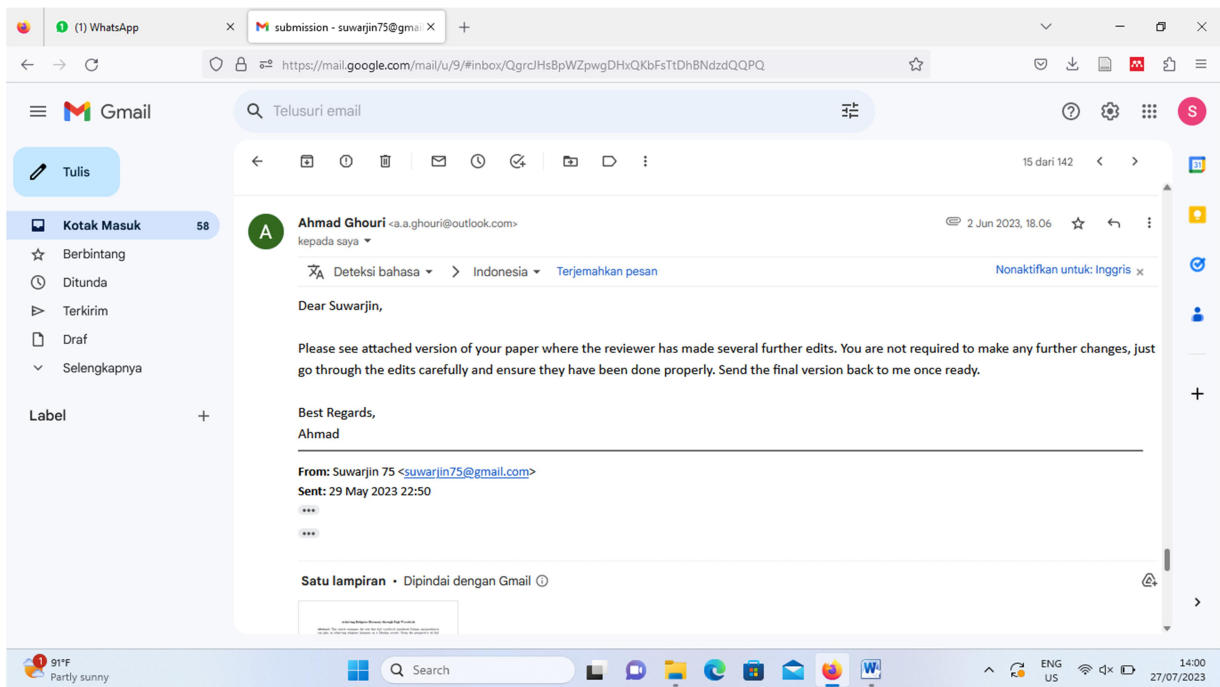
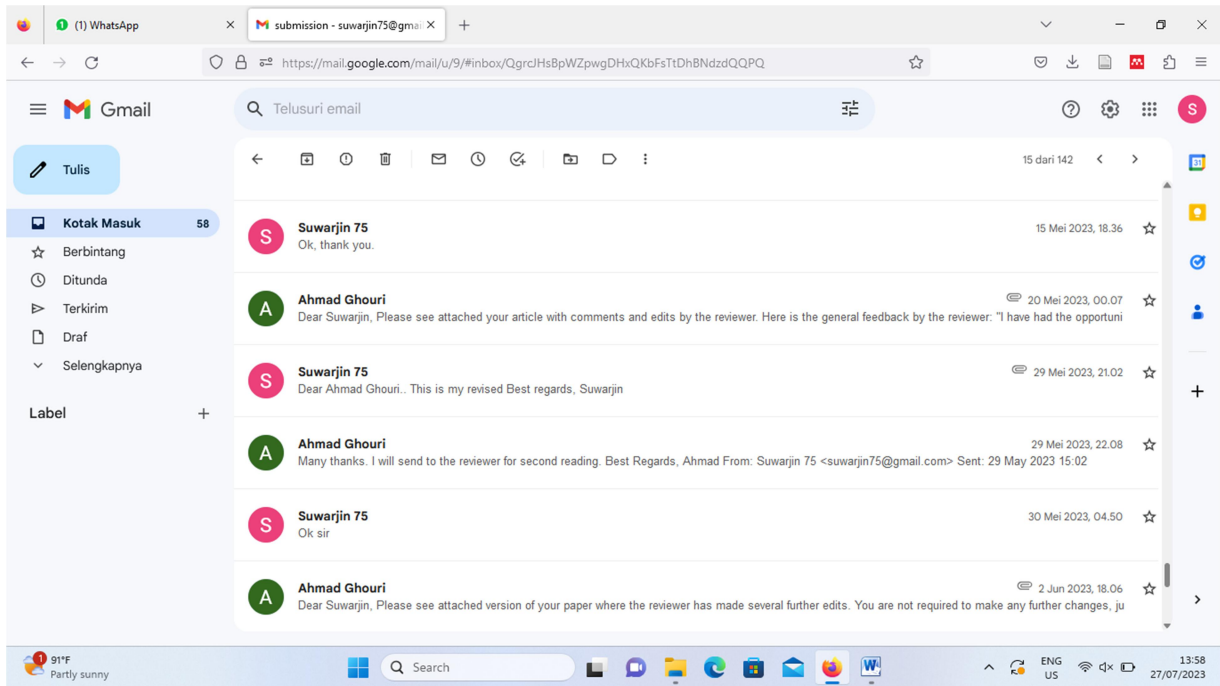
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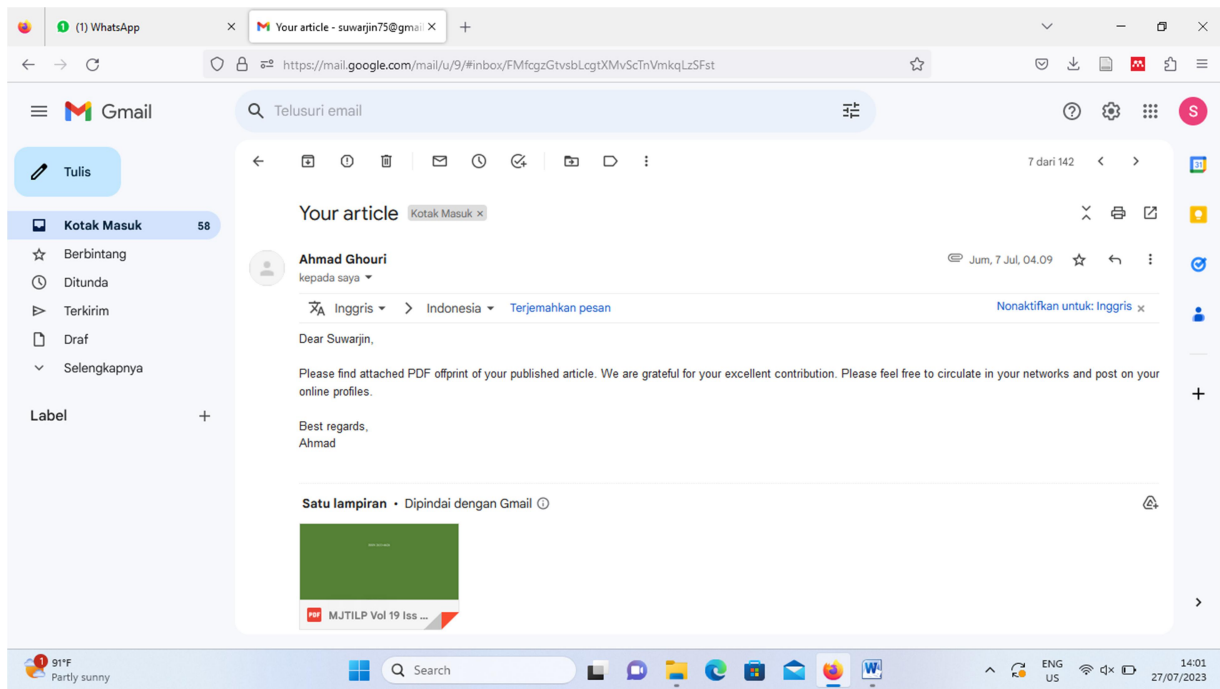
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Dear Suwarjin,

I am very pleased to inform that your article “The Management of Religious Harmony With Fiqh Wasāṭiyah” has been accepted for publication in Volume 19, Issue 1 (2023) of the Manchester Journal of Transnational Islamic Law & Practice (MJTILP), which will be published in June/July 2023. This acceptance is subject to your satisfactory revisions of the article as required by the editor and reviewers.

On behalf of the Editorial Board, I would like to thank you for this very timely and important contribution.

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Achieving Religious Harmony through Fiqh Wasatiyah

Suwarjin*

Abstract: This article examines the role that *fiqh wasāṭiyah* (moderate Islamic jurisprudence) can play in achieving religious harmony in a Muslim society. From the perspective of *fiqh wasāṭiyah*, religious harmony can be achieved by instilling the values of *ta'āruf* (mutual recognition), *tawāsuṭ* (moderation), *tasāmuh* (tolerance), *ī'tidal* (uprightness), and *tawāzun* (balance) in society. These values are in addition to the overarching principles of kindness promoted by Islam in the form of *ukhuwāh Islāmīyah* (Muslim brotherhood)¹ and *ukhuwāh insānīyah* (brotherhood of humanity). If implemented in the interactions of religious life, these five values of *fiqh wasāṭiyah* coupled with the principles of kindness may bring religious harmony and, indeed, peace and tranquillity to the entire society. The instillation of these values and principles in the religious life may lead to indiscriminate establishment of places of worship and reduce the causes of the destruction of religious harmony, including differences in the doctrine of truth (or truth claims), cultural differences, and mutual suspicion between religious adherents.

Keywords: Islamic Jurisprudence; *Fiqh Wasāṭiyah*; Moderate Islamic Jurisprudence; Religious Harmony

I. INTRODUCTION

Indonesia is a very diverse country. The plurality of Indonesian society is visible in every aspect of social life including religion, ethnicity, race, culture, and customs.² Islam is the predominant religion in Indonesia.³ However, just as other aspects of the Indonesian society, religious life of Indonesian Muslims is also quite diverse and they follow different schools of

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¹ In this regard, this article confronts the views of Vedi R. Hadiz in his book titled *Islamic Populism in Indonesia and the Middle East* (Cambridge University Press 2015), where he examines the rise of Islamic populism in Indonesia and the Middle East claiming that it has contributed to sectarian conflicts and political polarisation. Hadiz discusses the ways in which Islamist movements have mobilised around issues of identity, religion, and social justice, and the challenges this poses to democratic governance and social stability arguing that Muslim brotherhood as a movement were part of the problem not the solution to sectarian conflicts. However, taking a value based approach to Islamic law, this article argues that the concept of *ukhuwāh Islāmīyah* (Muslim brotherhood) adds a useful value to appreciate the existing differences of opinion among Muslims as such differences are usually based on interpretive preferences of scholars of Islamic law. In this way the concept of Muslim brotherhood provides a means to accommodate differences and avoid enmity.

² See, for example, Joseph Liow, *Religion and Conflict in Modern South East Asia* (Cambridge University Press 2016); Michel Picard and Remy Madinier (eds), *The Politics of Religion in Indonesia: Syncretism, Orthodoxy, and Religious Contention in Java and Bali* (1st ed, Routledge 2011); Tim Lindsey, *Indonesia: Law and Society* (Federation Press 2008).

³ Indonesia is the largest Muslim country in the world by population, with over 200 million (88.2% of total population) people who identify themselves as Muslim. See Hasan Basri M. Nur, Syed Sultan Bee Packer Mohamed, and Nor Azlah Sham Rambely, 'Hubungan Sosial Mayoritas Islam Dengan Minoritas Agama-Agama Lain Di Kota Banda Aceh-Indonesia' (In Indonesian) ['Social Relationships of The Majority of Islam With Minorities of Other Religions In The City of Banda Aceh-Indonesia'] (2021) 7 *Jurnal Al-Ijtima'iyah* 213, 225.

thought.⁴ Indonesian Muslims can be categorised broadly into two main groups: “modernists,” who adhere to orthodox Islam while accepting modern advances and education, and “traditionalists,” who are more apt to follow local religious leaders.⁵ Most Indonesian Muslims are Sunni, although there is a small minority of Shia Muslims.⁶ There are also Sufi Muslims in Indonesia, but many Sunni and Shia Muslims do not consider the Sufi to be true Muslims because they use mysticism and believe that they can have a direct relationship with God.⁷ Ahmadiyya make up another Muslim sect in Indonesia, but again Indonesian Muslim religious leaders do not recognise Ahmadiyya as true Muslims but as a cult although there are several organised Ahmadiyya groups in Indonesia.⁸ In addition to various schools and sects of Islam, a minority of Indonesians follow Christianity, Hinduism, Buddhism, Confucianism, Judaism, Zoroastrianism, Shinto, and Taoism.⁹

We should be grateful for this plurality as a nation as it provides individuals with alternative ways to live. However, this plurality contains vulnerabilities that can lead to potential conflicts of interest between these different groups, especially religious conflicts. Therefore, what needs to be considered is how people live side by side without jealousy and violence.¹⁰ Indeed, religious intolerance is a major problem that Indonesia must tackle in this modern era. Intolerance itself may occur because of misunderstandings between various segments of the society, and the most disadvantaged in the face of intolerance are minority groups.¹¹

Indonesia has a terrible history of religious conflicts. A bloody Muslim-Christian conflict began in Poso, a mountainous regency of Central Sulawesi province, on the night before Christmas in 1998, when a drunk Christian youth stabbed a Muslim man.¹² That year’s Ramadan, the Islamic month of fasting, coincided with the Christmas holiday and religious spirits were running high – and so did tempers. The stabbing spurred a violent confrontation between Christian and Muslim gangs. That led to an all-out conflict between the two communities in Poso. More than 1,000 people were killed between 1998 and 2001. The religious conflict in Poso started with an isolated incident that quickly spread to become a wider

⁴ Yusi Tasika and Giyarsi, ‘The Effectiveness of the Discussion Method to Increase Students’ Understanding and Activeness in Islamic Religious Education Subjects’ (2022) 1 (1) *Nusantara Education* 81, 84.

⁵ Faiz Zainuddin and Imam Syafi’i, ‘Environmental Jurisprudence; Environmental Preservation Efforts In Islam’ (2023) 2 (1) *NUSANTARA: Journal of Law Studies* 23, 27.

⁶ Zulkifli, ‘Education, Identity, and Recognition: E Shi’i Islamic Education in Indonesia’ (2014) 21 (1) *Studia Islamika* 77, 82.

⁷ Eyal Zisser, ‘The Sunni-Shi’i Struggle over Lebanon: A New Chapter in the History of Lebanon’ in O. Bengio and M. Litvak (eds), *The Sunna and Shi’a in History: Division and Ecumenism in the Muslim Middle East* (New York: Palgrave Macmillan 2011) 145, 152.

⁸ Aan Suryana, ‘State Officials’ Entanglement with Vigilante Groups in Violence against Ahmadiyah and Shi’a Communities in Indonesia’ (2019) 43 (3) *Asian Studies Review* 475, 479.

⁹ Jessica Soedirgo, ‘Informal Networks and Religious Intolerance: How Clientelism Incentivizes the Discrimination of the Ahmadiyah in Indonesia’ (2018) 22 (2) *Citizenship Studies* 191, 198.

¹⁰ Zuly Qodir, ‘Kaum Muda, Intoleransi, dan Radikalisme Agama’ (in Indonesian) [‘Youth, Intolerance, and Religious Radicalism’] (2018) 5 (1) *Jurnal Studi Pemuda* 429, 442.

¹¹ Muhyidin Abdillah and Nila Izzamillati, ‘Menyelesaikan Masalah Intoleransi: Analisis Peran Dan Bentuk Komukasi (Studi Kontroversi Pondok Pesantren Waria Al-Fatah Yogyakarta)’ (in Indonesian) [‘Solving Intolerance Problems: Analysis of Roles and Forms of Communication (Study of the Controversy of Waria Al-Fatah Islamic Boarding School, Yogyakarta)’] (2021) 9 (1) *Jurnal Ilmiah Komunikasi Makna* 21, 22.

¹² See, for example, Keisyah Aprilia, ‘How a Christian-Muslim Conflict in Eastern Indonesia Birtthed the MIT Militant Group’ *Benar News* (03 December 2020) <<https://www.benarnews.org/english/news/special-reports/id-mit-terrorism-pt2-12032020134008.html>> accessed 25 March 2023.

religious conflict due to the intolerant and fanatic behaviour on both sides of the religious groups.¹³

The real Poso conflict is realistic conflict i.e., power struggle politics among local political elites in Poso then the masses are involved with identity religion and ethnicity with the aim of mobilize the masses in obtaining power. When conflict touches the realm Religion turns conflict into conflict non-realistic SARA nuances and make the conflict last longer. It is easy for the masses to be mobilized in conflict communities in Poso, also influenced by historical problems used by local political elites through issues such as jealousy socio-economic and social-politics between the native population i.e. ethnicity Pamona, Mori and Lore (the majority are religious Christian) who feel marginalized against the presence of ethnic Javanese, Bugis and Makassar (the majority are Muslim). Great peace effort affect the outcome in stopping the Poso conflict was after he intervened central government through Coordinating Minister for People's Welfare Jusuf Kalla was appointed as the leader mediator in peace efforts in Poso.¹⁴

Similar religious conflicts have occurred between Sunni (*ahlusunah wal jama'ah*) and Shia Muslims. In 2012, the East Java chapter of the Indonesian Ulama Council (MUI) issued a *fatwa* (ruling) calling Shia a deviant sect in Islam.¹⁵ In the same year Shias in Sampang were driven out of their hometown – their leader Tajul Muluk was charged for blasphemy and sentenced to two years in prison. In the same year, a mob of Sunni Muslims (*ahlusunah wal jama'ah*) clashed with a group of Shias in the village of Madura, in East Java.¹⁶ Two years later, hardliner Muslim groups established the National Anti-Shia Alliance (ANNAS) and the West Java's Bogor Mayor Bima Arya banned the celebration of Shi'ite religious festival, Ashura.¹⁷ The Shias have been branded a deviant sect by the Islamic authorities in the area and their houses were burned down, with one person killed.¹⁸ The Shia-Sunni conflicts erupted throughout the archipelago, and the aftermath of this intimidation by Sunni Muslims created a tremendous impact on the lives of the Shiites.¹⁹ So here also *takfir* (excommunication from Islam of one Muslim by another, i.e. accusing another Muslim to be an apostate) is another fiqhi issues beside blasphemy that the author can look at much deeper level to create harmony and propose the change and the reform of classical laws.

There have been frequent incidents of burning of churches and different types of violence against Ahmadiyah and Shia communities. The Human Rights Watch, which have considered the violence against religious minorities in Indonesia as a problem of intolerance, has found that Indonesia has failed to respond to increased violence against religious minorities and asked the government to take concrete steps to resolve the conflict.²⁰

¹³ Firdaus M. Yunus, 'Konflik Agama di Indonesia Problem dan Solusi Pemecahannya' (in Indonesian) ['Religious Conflict in Indonesia Problem and It's Solution'] (2014) 16 (2) Substantia: Jurnal Ilmu-Ilmu Ushuluddin 217, 222.

¹⁴ Igneus Alganih, 'Konflik Poso (Kajian Historis Tahun 1998-2001) (indonesian)' [Poso Conflict (Historical Study of 1998-2001)] (2016) 5 (2) Criksetra: Jurnal Pendidikan Sejarah 166, 175.

¹⁵ Wulan Kusuma Wardhani, 'Muslim and Minority: Shias' Struggle in Indonesia' *Megdaline* (27 June 2016) <<https://magdalene.co/story/muslim-and-minority-shias-struggle-in-indonesia>> accessed 25 March 2023.

¹⁶ Karishma Vaswani, 'Shia Muslims: Indonesian villages burned down' *BBC* (26 December 2012) <<https://www.bbc.co.uk/news/av/world-asia-20843259>> accessed 25 March 2022.

¹⁷ Wardhani (n 15).

¹⁸ Vaswani (n 16).

¹⁹ Resta Tri Widyadara, 'Konflik Sunni-Syiah DI Indonesia' (in Indonesian) ['Sunni-Shia conflict in Indonesia'] (2015) 11 (2) *Religi: Jurnal Studi Agama-Agama* 109, 120.

²⁰ Febby Febriyandi.YS, 'Agama, Ritual, Dan Konflik: Suatu Upaya Memahami Konflik Internal Umat Beragama Di Indonesia' (in Indonesian) ['Religion, Rituals, and Conflict: An Effort to Understand the Internal Conflict of Religions in Indonesia'] (2019) 2 (2) *Handep: Jurnal Sejarah dan Budaya* 123, 125.

This article argues that the prevalent these practices of intolerance against religious minorities in Indonesia is no in accordance with Shariah principles. Indeed, tolerance and religious harmony are required by Shariah. Prophet Mohammad taught tolerance both to fellow Muslims and non-Muslims when interacting with the plural community of Medina. Therefore, the attitude of religious tolerance is a manifestation of the vision of the Islamic faith, and the values of tolerance in religion must be implemented in religious life to create religious harmony.²¹

Based on the importance of religious harmony, this article examines the role that *fiqh wasāṭīyah* (moderate Islamic jurisprudence) can play in achieving interfaith harmony in a Muslim society. From the perspective of *fiqh wasāṭīyah*, religious harmony can be achieved by instilling the values of *ta'āruf* (knowing each other), *tawāsuṭ* (moderation), *tasāmuh* (tolerance), *ī'tidal* (justice and fairness), and *tawāzun* (balanced attitude). If implemented in the interactions of religious life, these five values of *fiqh wasāṭīyah* will bring interfaith harmony and indeed peace and tranquillity to the entire society. The instillation of these values of *fiqh wasāṭīyah* in the religious life will lead to indiscriminate establishment of places of worship and eliminate the causes of the destruction of religious harmony, including differences in the doctrine of truth (or truth claims), cultural differences, and mutual suspicion between religious adherents.

It should be noted that the methodology of *fiqh* (Islamic jurisprudence) and the guiding values such as justice and equality are two distinct aspects of Islamic scholarship. The methodology of *fiqh* refers to the principles, methods, and techniques that Islamic jurists use to derive rulings on various matters based on the sources of Islamic law whether it is literalists approach, or *maqasid* (objectives of law) based approach, which are mainstream approaches in Islamic legal theory and involve a rigorous process of interpretation and analysis of primary sources of Islamic law guided by the principles and tools of Islamic legal theory. On the other hand, the guiding values of justice and equality are overarching principles that underpin Islamic law and serve as the ultimate goals of *fiqh*. They are considered essential values that must be upheld in the interpretation and application of Islamic law. These values are derived from the Quran and the Hadith, which emphasise the importance of justice and fairness in all aspects of human life. However, these values are primarily subjective, and led by fanatic views on social fairness and harmony.

The following discussions in this article are structured as follows: Part II examines the main causes of destruction of religious harmony in Indonesia; Part III provides the conceptualisation of religious harmony in Shariah; and Part IV gives a roadmap for the achievement of religious harmony with the use of *fiqh wasāṭīyah*. The article concludes that understanding Shariah from the perspectives of *fiqh wasāṭīyah* requires implementation of five principles of namely, *ta'āruf* (knowing each other), *tawāsuṭ* (moderation), *tasāmuh* (tolerance), *ī'tidal* (justice and fairness), and *tawāzun* (balanced in attitude) to ensure peace and tranquillity in the interactions of religious life.

A real example of tolerance between religious communities is that each religious community allows or allows and maintains a conducive, safe and peaceful atmosphere for people of other religions to carry out their religious worship and teachings without being hindered by anyone. Muslims are not disturbed when carrying out the five daily prayers and other religious events, nor are followers of other religions disturbed when carrying out their religious activities.

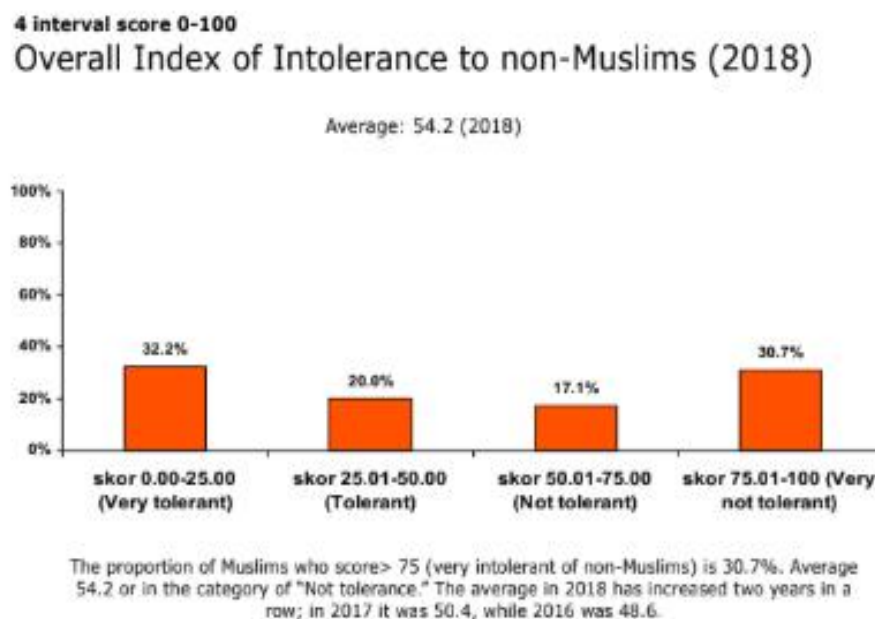
²¹ Ahmad Atabik, 'Harmonisasi Kerukunan Antar Etnis dan Penganut Agama di Lasem' (in Indonesian) ['Harmonization of Inter-Ethnic and Religious Harmony in Lasem'] (2016) 4 (1) Fikrah 36, 37.

Existence of inter-religious tolerance is one of the main pillars for the realisation of inter-religious harmony and coexistence, mutual respect and respect for followers of other religions is one form of manifestation of a sense of tolerance. True tolerance is not to confuse the worship of a religion with another religion.²²

II. CAUSES OF DESTRUCTION OF RELIGIOUS HARMONY

Indonesia is a multicultural country with various religions, cultures, tribes, ethnicities, races, and languages. Indeed, Indonesia is known for its “mega cultural diversity”, making Indonesia one of the countries that are highly vulnerable to various types of conflicts.²³ The most apparent vulnerability to conflict in society is a religious conflict. The index of religious intolerance in Indonesia is high, which can be seen in the figure below.

Figure 3. The overall index of intolerance to non-Muslims in Indonesia (2018).²⁴



The survey data above suggest that Indonesia must immediately make quick efforts to improve and the religious tolerance. Naturally, the first step would be to identify the causes of religious disharmony. Indeed, as explained by Priyono,²⁵ several factors destroy religious harmony. However, these factors can be studied from the following two broader perspectives:

²² Shofiah Fitriani, ‘Keberagaman dan Toleransi Antar Umat Beragama’ (In Indonesian) [Diversity and Tolerance Between Religions] (2020) 20 (2) Analisis: Jurnal Studi Keislaman 179, 186.

²³ Ricky Santoso Muharam, ‘Membangun Toleransi Umat Beragama di Indonesia Berdasarkan Konsep Deklarasi Kairo’ (in Indonesian) [‘Building Religious Tolerance in Indonesia Based on the Concept of the Cairo Declaration’] (2020) 11 (2) Jurnal HAM 269, 269.

²⁴ Sekar Joewono, ‘Contentious Belonging: the Place of Minorities in Indonesia’ *fkipindonesia.org* (Jakarta: 31 Juli 2019) <<https://www.fkipindonesia.org/summary-report/indonesia-update-book-launch-2019-contentious-belonging-the-place-of-minorities-in-indonesia>> accessed 23 November 2022.

²⁵ Priyono Priyono, ‘Pluralisme Agama dan Konflik’ (in Indonesian) [‘Religious Pluralism and Conflict’] (2008) 15 (02) Analisa: Journal of Social Science and Religion 129, 130.

A. Truth Claims

Religious people naturally defend teachings of their religion although they may not have full understanding of the underlying values on which their religion is constructed. The turbulent spirit to defend their religion sometimes lead to demeaning others who disagree with them despite belonging to the same religion. The firm belief of truth in their version of religion lead to imposition on others with different beliefs and understandings with the aim to salvation of religion. This leads to calls for salvation in religious teachings or doctrines accompanied by the obligation to invite others to that salvation. In Islam, this activity is commonly referred to as “*da’wah*”. In essence, *da’wah* is an effort to socialise (invite, appeal) religious teachings to others with the invitation to follow those teachings. However, *da’wah* activities create friction because each religion or sect within a religion will confirm that religion is the truest. For example, in September 2006, during a theological lecture at the University of Regensburg in Bavaria, Pope Benedict XVI bizarrely quoted Byzantine Emperor Manuel II Palaiologos, who has allegedly said that Mohammed brought nothing new to the world and brought only evil and inhuman command to spread Islam by the sword.²⁶ Preaching to people of the same religion to become more active and obedient to the teachings of their religion is not prohibited. However, *da’wah* cannot be done by insulting other religions. If insulting to other religions, *da’wah* will give rise to religious sentiments and can destroy the religious harmony giving birth to religious conflict.²⁷

B. Cultural Differences

Religion as part of the culture of a society should be a unifier of existing cultures. However, sometimes cultural differences can lead to religious conflicts. Cultural differences in a community often ignite religious sentiments. If not addressed wisely, cultural differences between religious communities can trigger conflicts. For example, Islam adheres to Eastern culture in matters of clothing and requires covering the body’s *āurat* (intimate parts). Christianity on the other hand, mixed with European culture (or Western culture), does not address the question of dressing. The question of *āurat* has also created issues within Islam itself as women in some Eastern cultures have traditionally covered, along with their body as required by Qur’an, their face as well although not specifically required by Qur’an.²⁸ Interpretation of Qur’an in that cultural context, as its done by some Muslim groups, making face covering as a mandatory requirement would amount to unnecessary extension to the meaning of Qur’an. Another example is the permission in Islam to consume beef, which pans against the Hindu belief that regards cows as sacred animals that must be respected and should not be consumed. Importantly, the consumption of beef is “permitted” and not “required” in Islam, but cultural insensitivity of Muslims in the consumption of beef by Muslims in India has caused Hindu-Muslim conflicts.²⁹

²⁶ Dr M. A. Syukri, ‘Upaya Penyelesaian Konflik Politik Di Indonesia’ [‘Political Conflict Resolution Efforts in Indonesia’] (2019) 2 (2) Jurnal Al-Harakah 33, 36.

²⁷ Firdaus M. Yunus, ‘Konflik Agama di Indonesia Problem dan Solusi Pemecahannya’ (in Indonesian) [‘Religious Conflict in Indonesia Problem and It’s Solution’] (2014) 16 (2) Substantia: Jurnal Ilmu-Ilmu Ushuluddin 217, 220.

²⁸ The Qur’an Surah 24 verse 31 says Allah wants you to lower your gaze and guard your modesty; while Surah 33 verse 59 states, “O Prophet, tell your wives and your daughters and the women of the believers to bring down over themselves [part] of their outer garments. That is more suitable that they will be known and not be abused. And ever is Allah Forgiving and Merciful.”

²⁹ See, for example, ‘Violent Cow Protection in India - Vigilante Groups Attack Minorities’ *Human Rights Watch* (18 February 2019) <<https://www.hrw.org/report/2019/02/18/violent-cow-protection-india/vigilante-groups-attack-minorities>> accessed 25 March 2022.

Cultural differences in community groups with different religions in one place can be a driving factors contributing to conflicts.³⁰ This is exacerbated when religious teachings are insensitive of the presence of the local cultural realities. Of course, it will cause religious sentiments and rejection from the residents. Wahhabism, for example, rejects the presence of local culture in the practice of Islamic teachings, and Wahhabi movement's primary strategy in Indonesia has been to eliminate the forms of Islamic practices that are tolerant to and accept local culture in the practice of Islam.³¹

C. Suspicion

The existence of religious differences creates feeling of suspicion between community members adherent to different religions or belonging to different groups within a religion. Indeed, one of the primary causes of the destruction of religious harmony is excessive suspicion. Suspicion is caused by a deterministic feeling that only one's religion or group is right and other groups are bad and wrong.³² Such feeling of suspicion gives rise to prejudice towards other groups, ingrain negative stereotypes, and generate social inequality.

D. Place of Worship as Expression of Power

The proliferation and sometimes mere existence of sperate places of worship can also be a factor in the emergence of religious conflicts. In Indonesia, for example, in Marelán, North Sumatra, the misuse of construction permit by Buddhist house of worship (Pekong) led to conflicts between Muslims and Buddhists.³³ Likewise, when Christians build a church in predominantly Muslim areas, some Muslims become angry and try to destroy it. Muslims, especially those belonging to vulnerable economic backgrounds, also consider grandeur of buildings of non-Muslim religious groups as an expressions of power. Such considerations build social jealousy between Muslims and non-Muslims, and inter-religious unrest always accompanies it. Establishing a place of religious worship is not a problem if approved by the authorities but the places of worship should not create social imbalances. There must be a deep understanding of what the church means for the diversity in the community and why Muslims should be accommodating of it.³⁴ There are many other examples of establishing houses of worship as a factor in the emergence of conflict in Indonesia.

³⁰ Stev Koresy Rumagit, 'Kekerasan Dan Diskriminasi Antar Umat Beragama Di Indonesia' (in Indonesian) ['Violence and Discrimination Between Religions in Indonesia'] (in Indonesian) (2013) 1 (2) *Lex Administratum* 56, 59.

³¹ Trini Diyani, 'Implementasi Paradigma Islam Wasathiyah; Strategi Menjaga Masa Depan Keindonesiaan' (in Indonesian) ['Implementation of Wasathiyah Islamic Paradigm; Strategy for Safeguarding the Future of Indonesianness'] (2019) 6 (3) *SALAM: Jurnal Sosial dan Budaya Syar-i* 303, 312.

³² Pdt Retnowati, 'Agama, Konflik Dan Integrasi Sosial Refleksi Kehidupan Beragama Di Indonesia: Belajar Dari Komunitas Situbondo Membangun Integrasi Pasca Konflik' (in Indonesian) ['Religion, Conflict and Social Integration Reflections on Religious Life in Indonesia: Learning from the Situbondo Community Building Post-Conflict Integration'] (2018) 1 (10) *SANGKÉP: Jurnal Kajian Sosial Keagamaan* 1, 7.

³³ Syukri, 'Upaya Penyelesaian Konflik Politik Di Indonesia' (in Indonesian) ['Political Conflict Resolution Efforts in Indonesia'] (in Indonesian) (2019) 2 (2) *Jurnal Al-Harakah* 33, 36.

³⁴ Zuly Qodir, 'Kaum Muda, Intoleransi, dan Radikalisme Agama' (in Indonesian) ['Youth, Intolerance, and Religious Radicalism'] (2018) 5 (1) *Jurnal Studi Pemuda* 429, 442.

III. THE CONCEPT OF RELIGIOUS HARMONY

Harmony is a term filled with the meaning of “good” and “peace”. In essence, living together in a society with "unity of heart" and "mutual accommodation" does not create social disputes and quarrels. If this meaning is used as a guide, then "harmony" is an ideal coveted by every human society.³⁵

As social beings, humans need relationships and cooperation with other people in fulfilling their life needs - both material and spiritual. Islamic teachings encourage humans to work together and help (*ta'āwun*) with fellow humans in terms of goodness and Muslims can relate to anyone without race, nation, or religious restrictions in social life.³⁶

In everyday life, humans are always faced with the phenomenon of plurality. The plurality of skin colour (white, yellow, black, and brown), the ethnic plurality (Aceh, Chinese, Arabic, Javanese, Sundanese, and Banjar), the religious plurality (Islam, Christian-Catholic, Protestant Christianity, Hinduism, Buddhism, Confucianism, and Taoism), the language plurality (Arabic, English, French, German, and Indonesian) are prevalent example of plurality in Indonesia. Indeed, the diversity is created by the Allah's will or *sunnatullāh*,³⁷ which is a blessing from Allah Almighty if it can be managed properly. However, misunderstanding on this grace from Allah can create a disaster, hence require awareness and careful management.

In the religious context in a Muslim society, harmony can be divided into internal harmony between Muslims *inter se* and inter-religious harmony. Internal harmony of Muslims must be based on the spirit of *ukhuwah Islamiyah* (unity of Muslim brotherhood), based on The Holy Qur'an, Surah Al Hujarat (The Rooms), verse 10:

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ

“Believers are brothers. Therefore make peace (improve the relationship) between your two brothers and fear Allah so that you may receive mercy.”

The existence of differences of opinion among Muslims is a blessing as they are usually based on interpretive preferences of scholars of Islamic law.³⁸ These differences should not lead to division and enmity.

Inter-religious harmony, the harmony of Muslims with adherents of other religions, is required based on the word of Allah Surah Al-Kāfirūn (The Disbelievers) verse 6:³⁹

لَكُمْ دِينُكُمْ وَلِيَ دِينِ

“For you is your religion and for me is my religion.”

³⁵ Resta Tri Widyadara, ‘Sunni-Shia Conflict In Indonesia’ (2015) 11 (2) Religion: Journal of Religious Studies 1, 3.

³⁶ Tota Suryana, ‘Concepts and Actualization of Inter-religious Harmony’ (2011) 9 (2) Journal of Islamic Religious Education -Ta'lim 110, 128.

³⁷ Imtaz Yusuf, ‘Islamic Theology of Religious Pluralism: Building Islam-Buddhism Understanding’ (2021) 16 (1) Philosophy and Politics - Critical Explorations 201, 210.

³⁸ Dwi Astuti Wahyu Nurhayati and Novi Tri Oktavia, ‘Relevance of Al Mawardi’s Reflection in The Development of Islamic Economic Activities’ (2022) 1 (1) Journal of Nusantara Economy 48, 52.

³⁹ Mawardi Mawardi, ‘Reactualization of Harmony Between Religious People in Social Diversity’ (2015) 17 (1) Substantia: Journal of Ushuluddin Sciences 55, 58–59.

The implementation of this verse requires Muslims the develop of a culture of tolerance between religious communities in social life. Furthermore, the teachings of Islam forbid its followers from influencing anyone to convert to Islam, especially in the form of social and political pressures. Once Umar bin Khaṭāb preached his non-Muslim serf named Astiq to accept Islam. However, when the serf refused, Umar stated say *lā ikrāha fī al-dīn* (there is no compulsion in Islam).⁴⁰

Islam teaches every Muslim to be tolerant, do good, and be fair to those outside of Islam as long as they do not fight Muslims. It is even more clearly explained in The Holy Qur’ān, Surah Al-Mumtaḥanah (She that is to be examined) verse 8:

لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

“Allah does not forbid you to do good and do justice to those who do not fight you because of your religion and do not expel you from your homeland. Verily, Allah loves those who act justly.”

This verse shows that it is permissible to do good to each other between Muslims, and also to non-Muslims who are not hostile to and fight against Muslims.⁴¹

IV. THE CONCEPT OF MODERATE ISLAMIC JURISPRUDENCE

The word moderate comes from the Arabic word *wasāṭiyah*, which is no longer a foreign word in Indonesian language. Linguistically, *wasāṭiyah* comes from the word *wasāṭ*, which means moderate or medium. *Al-Wasāṭiyah* (moderate) means balance between two equal sides; left and right, literal and liberal, stingy and extravagant. That is, the word *wasāṭ* can be interpreted as something in the middle. According to Ibn Jarir al-Tabari, *al-wāṣṭ* means between the two sides or a justice.⁴² Technically, the emphasis of *fiqh wasāṭiyah* is that Islam mediates in *aqīdah*, *ibadah* (worship), or *muāmalah* between humans and the laws in a society’s life. This point of view shows that *fiqh wasāṭiyah* has started since Islam’s emergence and is not a new idea in the current contemporary era.⁴³

According to Yusuf Qordhawi, the characteristics of a *fiqh wasāṭiyah* or moderate Islamic jurisprudence include:⁴⁴

- a. Believing that there is wisdom behind the *Shari’ah* and its contents for the benefit of creatures.
- b. Always interconnect one text/law with other texts/laws in order to have a comprehensive understanding of Islamic law.
- c. Act moderately in all matters of religion and the world.
- d. Always correlate religious texts with concrete and contemporary realities.

⁴⁰ I. Kadek Yudiana, Miskawi Miskawi, and I. Wayan Pardi, ‘Analysis of Harmony Between Religious People in a Multicultural Community at The East End of Java Island (Case Study In Patoman Village, Blimbingsari, Banyuwangi)’ (2017) 6 (2) Journal East Java) 140, 150.

⁴¹ Umar Umar and M. Arif Hakim, ‘Relationship between Religious Harmony and the Formation of Social Behavior of Residents of PT Djarum Singocandi Kudus Housing’ (2019) 13 (1) Journal of Research 70, 74.

⁴² Ath-Thabari, Abu Ja’far Muhammad bin Jarir, *Jami’ Al- Bayan an Ta’wil Ayi Al-Qur’an* (In Arabic) [Explanation of all verses of the Qur’an] (Bairut: Darul Fikr 2008) 1, 132.

⁴³ Nurlaila Radiani and Ris’an Rusli, ‘Moderate Concepts in Islam Nusantara: An Overview of QS. Al-Baqarah [2]: 143’ (2021) 1 (2) Journal of Semiotics-Q: The Study of the Science of the Qur’an and Tafsir 115, 121–22.

⁴⁴ Yusuf Al Qardhawi, *Dirasah Fi Fiqh Maqasid Asy-Shari’ah* (Cairo: Dar ash-Syuruq, 2006), 147–52.

- e. Always seek ease from the religion and prefer the easiest over the onerous outcome of interpretations.
- f. Promote openness (inclusivism) and tolerance (*tasāmuh*) with different groups of opinion.

Indeed, the mapping of moderate Islamic jurisprudence in Islam actually cannot be separated from the mapping of Islamic thought in general, which is strongly influenced by the political map in the Islamic world in the global era.⁴⁵ This is because the moderate Islamic jurisprudence in essence is a view or attitude that tries to take a middle position between opposing and excessive understanding of Islamic jurisprudence that has been practised by Muslim scholars from the beginning. The characteristics of moderation provides the basic formula for overcoming practical problems at an individual and social level, especially in regard to intolerance, radicalism, and extremism, even liberalism. In the terminology of *fiqh wasāṭiyah*, *wasāṭan* refers to the community that finds the way between two things or parties opposing or opposing camps. It prohibits exclusivity, intolerance, and rigidity in legal interpretations; and prevents the spread to dislike, hostility or violence against those who have a difference of opinion and viewpoint. In this sense, moderate Islamic jurisprudence is better known as the opposite of fundamentalist Islam, because, as opposed to fundamentalism, moderates are groups that tend to be permissive and liberal.⁴⁶

In essence, therefore, the moderate Islamic jurisprudence is an Islamic teaching that directs people to be fair, balanced, benevolent, and proportionate, often referred to as “moderate” in all dimensions of life.⁴⁷ It allows one to be not too extreme in understanding the arguments of Islamic teachings, or to be too rigid and challenging. Prophet Muhammad has said:

خَيْرُ الْأُمُورِ أَوْسَطُهَا

“The best business is in the middle.”⁴⁸

In this Hadith, Prophet Muhammad prohibited excessive action or behaviour in all things and matters.

However, moderation here does not mean being too liberal in understanding the Islamic law that departs from the rules of the *Shari’ah*. It means that one should be neither too extreme nor too liberal in understanding the propositions by looking at the context of each rule and principle of Islamic law. The most appropriate is to understand the *Shari’ah* propositions by paying attention to the benefits that occur in the reality of life. The most apparent example of the application of moderate Islamic jurisprudence occurred during the rule of the Caliph Umar bin Khattab when he suspended the punishment for theft during the famine, and only required the offender to compensate for the loss of the stolen goods.⁴⁹ Umar bin Khattab did not punish the

⁴⁵ Muh Nashiruddin, ‘Modar Fikh and Sharia Science Vision in The Global Era’ (2016) 14 (1) Diktum: Journal of Sharia and Law 28, 35.

⁴⁶ Ahmad Faqihuddin, ‘Moderate Islam In Indonesia’ (2021) 12 (1) Al-Risalah: Journal of Religious Studies and Islamic Thought 100, 110.

⁴⁷ Khairan M. Arif, ‘Moderasi Islam (Wasathiyah Islam) Perspektif Al-Qur’an, As-Sunnah Serta Pandangan Para Ulama Dan Fuqaha’ (in Indonesian) [‘Islamic Moderation (Wasathiyah Islam) The Perspective of the Qur’an, As-Sunnah and the Views of the Ulama and Fuqaha’] (2020) 11 (1) Al-Risalah : Jurnal Studi Agama Dan Pemikiran Islam 1, 23.

⁴⁸ Abi Bakr Ahmad ibn al-Husain ibn Ali Al-Baihaqi, *Sunan al-Kubra* (In Arabic) [*The Major Book of Sunnah*], (Bairut: Dar al-Kutub al-‘Ilmiyah 2015) 1, 387.

⁴⁹ Ibn Qoyyim, *I’lam al-Muwaqqi’in* (In Arabic) [*People who convey the Shari’at*], vol III (Mesir: Idarah Tilaba’ah Misriyyah 2024) 8.

camel thief, who slaughtered it for food on the pretext of starvation, and simply ordered them to pay compensation to the camel owners twice the price of the camels. He suspended the punishment of amputation of hands against them because theft occurred during the famine.⁵⁰

A. Value of Moderate Islamic Jurisprudence in Creating Harmony Between Religions

Moderate Islamic jurisprudence has several noble values to create inter-religious harmony. These noble values will reduce the potential for conflict in any diverse and multi-religious society. These values should continue to be echoed and implemented to form religious moderation, to bring the *ummah* (Muslim world) to peace and not to elbow left and right, not fighting on religious understandings and interpretations, and not tilting to extreme left and extreme right. These values promote *ukhuwwāh* (brotherhood) through the following mediums:

First is the value of *Ta'āruf* (Mutual recognition). *Ta'āruf* literally means to know. Technically, it refers to the first step is to get to know people of different religions to realise religious harmony. If you know different religions, you will have the possibility to understand what could hurt the feelings of people of different religions. Good *ta'āruf* will give birth to mutual respect. *Ta'āruf* is necessary because Allah Almighty created humans in conditions of various ethnicities and religions. However, this diversity is not a reason to cause a dispute or division, but this diversity is deliberately created by Allah so that humans can know each other. Allah says in Qur'an, Surah Al Hujārat (The Rooms) verse 13:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا

“O humankind, indeed, We created you from a male and a female and made you into nations and tribes that you may know one another.”

According to Ahmad Mustafa Al-Maragi, Allah made human beings into tribes so that they know each other, not deny, mock, ridicule, and gossip each other because it will only create a split.⁵¹

The second is the value of *Tawāsuth* (moderation). The value of *tawāsuth* is a moderate attitude, which is not extreme left or extreme right, in the understanding teachings of Islam.⁵² *Tawāsuth* value is taken from the words of Allah SWT in Qur'an, Surah al-Baqārah (The Cow) verse 143:

وَكَذَٰلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا لِتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ وَيَكُونَ الرَّسُولُ عَلَيْكُمْ شَهِيدًا

⁵⁰ Syefriyeni Syefriyeni, 'Relativisme Etika Keyakinan Moral: Sebuah Ijtihad Etik Umar Bin Khattab' (in Indonesian) ['Ethical Relativism of Moral Beliefs: An Ethical Ijtihad of Umar Bin Khattab'] (2019) 24 (2) Intizar 100, 110.

⁵¹ As cited by Junaidi and Tarmizi Ninoersy, 'Nilai-Nilai Ukhuwwah Dan Islam Wasathiyah Jalan Moderasi Beragama Di Indonesia' (in Indonesian) ['Ukhuwwah and Wasathiyah Islamic Values the Way of Religious Moderation in Indonesia'] (2021) 1 (1) Jurnal Riset Dan Pengabdian Masyarakat 80, 95.

⁵² Fitrotun Nikmah, 'Implementasi Konsep At Tawasuth Ahlus- Sunnah Wal Jama'ah Dalam Membangun Karakter Anak Di Tingkat Sekolah Dasar (Studi Analisis Khittah Nahdlatul Ulama)' (in Indonesian) ['Implementation of the At Tawasuth Ahlus-Sunnah Wal Jama'ah Concept in Building Children's Character at the Elementary School Level (Analytic Study of Khittah Nahdlatul Ulama)'] (2018) 15 (1) Tarbawi: Jurnal Pendidikan Islam 76, 82.

“And thus we have made you a just [or moderate] community that you will be witnesses over the people and the Messenger will be a witness over you.”

The third is the value of *Tawāzun* (balanced). The value of *tawāzun* is a balanced attitude in all things, whether using evidence from the rational mind or evidence from The Holy Qur'an and Hadith.⁵³ The value of *tawāzun* is taken from the Word of Allah in Qur'an, Surah al-Hadid (The Iron) verse 25:

لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيُقِومَ النَّاسُ بِالْقِسْطِ

“We have already sent Our messengers with clear evidences and sent down with them the Scripture and the balance that the people may maintain [their affairs] in justice.”

According to the above verse, justice needs to be served on the bases of *al-Kitab* (which is Qur'an) and *al-Mizan* (which is the balanced attitude). The Holy Qur'an, along with Hadith, are the foundation for carrying out justice in this world and the meaning of *al-Mizan* is a balanced mind. Following this verse, the first recourse is to *al-Kitab* and then one can use *al-Mizan*, i.e., the use of this proposition should not be reversed.

Fourth is the value of *I'tidal* (Uprightness). The value of *I'tidal* is a good attitude, not favouring one of the parties in a particular matter. *I'tidal* makes a person consistent in enforcing the rules, not looking at elements of hatred, liking, race, or specific groups. This *I'tidal* attitude is taken from the Word of Allah in Qur'an, Surah al-Ma'idah (The Table Spread) verse 8:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَا نُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ

“O you who have believed, be persistently standing firm for Allah, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah ; indeed, Allah is Acquainted with what you do.”

This verse explains that justice can be realised if a person is upright, not taking sides with conflicting parties. The element of hatred against a specific person or group must be removed if justice is to be realised. The hatred against particular groups is not eliminated, it will only give birth to injustice in society. The attitude of *i'tidal* is a part of applying justice and ethics in every Muslim's life.⁵⁴

Fifth is the value of *Tasāmuḥ* (tolerance). *Tasāmuḥ* means respecting differences of opinion and respect for people with different principles and values in life. The *Tasāmuḥ* value will give birth to an open-minded attitude in dealing with existing differences.⁵⁵ Tolerance in religion is

⁵³ Muhammad Sirojuddin Cholili, 'Toleransi Beragama (Studi Konsep Tawasut, I'tidal, Tawazun, Dan Tasammuh) Sebagai Upaya Resolusi Konflik Pada Masyarakat Perumahan Giri Pekukuhan Asri Mojosari' (in Indonesian) ['Religious Tolerance (Concept Study of Tawasut, I'tidal, Tawazun, and Tasammuh) as an Effort of Conflict Resolution in the Giri Pekukuhan Asri Mojosari Residential Community'] (2016) 4 (2) At-Taḥdzib: Jurnal Studi Islam Dan Muamalah 1, 6.

⁵⁴ M. Si Irawan, 'Al-Tawassut Waal-I'tidal: Menjawab Tantangan Liberalisme Dan Konservatisme Islam' (in Indonesian) ['Al-Tawassut Waal-I'tidal: Responding to the Challenges of Liberalism and Islamic Conservatism'] (2018) 14 (1) Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies 30, 56.

⁵⁵ Bustanul Arifin, 'Implikasi Prinsip Tasamuh (Toleransi) Dalam Interaksi Antar Umat Beragama' (in Indonesian) ['Implications of the Principle of Tasamuh (Tolerance) in Interfaith Interactions'] (2016) 1 (2) Fikri : Jurnal Kajian Agama, Sosial Dan Budaya 378, 397.

carried out not without limits namely not recognising or justifying other religious beliefs, however, tolerance must remain central to ensure justice by respecting and not interfering with what is believed by other religions. The value of *Tasāmuḥ* is taken from the Word of Allah in Qur'an, Surah Tahā (Taa Haa) verse 44:

فَقُولْ لَهُ قَوْلًا لَيِّنًا لَعَلَّهُ يَتَذَكَّرُ أَوْ يَخْشَى

“And speak to him with gentle speech that perhaps he may be reminded or fear [Allah].”

In this verse, Allah ordered Moses and Aaron to speak to Pharaoh with gentle words when conveying Allah's message to him. The verse explains that the ethics of communication with people of different religions requiring that the communication must be done gently. Gentleness here is a manifestation of tolerance, but does not mean agreeing to the beliefs of people of different religions.

When communicating with people of other religious beliefs, the required etiquette is not to insult their religion. Likewise, respecting the beliefs of other religions is required to expect mutual respect in return, so that they will insult Allah Almighty in response.⁵⁶ The Holy Qur'an, in Surah al-An'ām (The Cattle) verse 108, has enjoined this ethics of dialogue with people of other religions:

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ

“And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge.”

Insulting another religion for any reason is not justified by Islamic law, let alone insulting their God. If insulting people of different religions is prohibited, then insulting people of the same religion who have different opinion over something is also prohibited. Insulting fellow Muslims is unlawful, and it is forbidden to criticise a Muslim who may have a different understanding or interpretation of Islamic law or Shariah.

B. The Need for Moderate Islamic Jurisprudence in Managing Religious Harmony

Maintaining religious harmony is very important. The existence of conflict and disharmony between religious adherents is detrimental to the nation and state, including the religion themselves. Disharmony, let alone conflict, will impact all aspects of life. Political stability, economic growth, and social and cultural development will be disrupted. While the community is in an atmosphere of uncertainty, fear and mutual distrust will arise. Religion, especially Islam, encourages its people to carry out the teachings as a whole and integrally in the form of a harmonious relationship with fellow human beings, the natural environment, and Allah the Creator.⁵⁷

In Indonesia, religion is seen and practised solely as a ceremonial and legal instrument. The issue of religious harmony is a national issue in Indonesia that must be addressed as a priority.

⁵⁶ Suryan A. Jamrah, 'Toleransi Antarumat Beragama: Perspektif Islam' (in Indonesian) ['Interfaith Tolerance: An Islamic Perspective'] (2017) 3 (1) Jurnal Ushuluddin 180, 189.

⁵⁷ Tota Suryana, 'Concepts and Actualization of Inter-religious Harmony' (2011) 9 (2) Journal of Islamic Religious Education -Ta'lim 110, 128.

Regulation is needed to create both types of religious harmony, namely, internal religious harmony and inter-religious harmony.⁵⁸ The following table gives an illustration on how moderate Islamic jurisprudence can help manage religious harmony:

Table 1. Managing Religious Harmony with Moderate Islamic Jurisprudence.

1. <i>Ta'āruf</i> (Mutual recognition)	<i>Ta'āruf</i> is very important to avoid miscommunication. Miscommunication between religious adherents can lead to conflict even though they engage in an activity unintentionally which is offensive to other religions. For example, a Muslim who lives in Bali slaughters a cow for the purposes of consumption of meat as it is lawful in Islam. On the other hand, Hindus regard cows as sacred creatures of worship. The slaughter of cow will obviously make Hindus in Bali feel harassed, even though the Muslim slaughtering the cow did not mean to cause abuse or harassment. Although consumption of cow meat is indeed <i>halal</i> (permissible) for Muslims, they should be aware of and respectful to the religious beliefs of other co-citizens who follow different religious beliefs.
2. <i>Tawāsuth</i> (moderation)	<i>Tawāsuth</i> requires a person not to become an extremist who feels most self-righteous and blames others with different opinions in understanding particular religious teaching. The attitude of <i>tawāsuth</i> will give birth to mutual respect and respect for differences between religious communities. Differences within a religion must not be used as a cause for conflict; instead, existing differences are sometimes considered a necessity, to serve the needs of different time and space, and must be adequately appreciated.
3. <i>Tawāzun</i> (balanced)	<i>Tawāzun</i> requires a balanced attitude in all respects, both in the use of <i>naqli</i> (transmitted) and <i>aqli</i> (rational) arguments. This attitude of <i>tawāzun</i> is essential to realise religious harmony because the laws that will be made based on <i>tawāzun</i> will consider the circumstances of the surrounding environment. For example, a Muslim living in a Hindu community sacrifices a buffalo instead of a cow on Eid ul-Adha (Festival of Sacrifice). Although it is legal to slaughter a cow for sacrifice, but it is not permissible to hurt other people's feelings. So the best solution is to slaughtered other permissible animals instead of a cow. The purpose of replacing the sacrificial animal is not to offend the feelings of Hindus, and Muslims can still carry out their sacrificial worship.
4. <i>Ītidal</i> (Uprightness)	<i>Ītidal</i> makes an extraordinary contribution to maintaining religious harmony. <i>Ītidal</i> ensures consistency in carrying

⁵⁸ Ni Wayan Eka Sumartini and Edelweisia Cristiana, 'Pluralisme Dan Kerukunan Umat Beragama Perspektif Hukum' (in Indonesian) ['Pluralism and Religious Harmony Legal Perspective'] (2021) 1 (2) Prosiding Seminar Nasional IAHN-TP Palangka Raya 110, 120.

out the rules, regardless of religion. Anyone belonging to any religion or follower of any belief when found guilty before the law will be punished according to the applicable rules. *I'tidal* gives birth to the rule of law in society. The emergence of religious conflicts often begins with criminal cases that are sometimes not handled quickly by law enforcement officials, so it seems that a case is left unattended. This is against *I'tidal* and will compel people to take law in their own hands. If conflicts are not resolved quickly, they will also trigger escalation and social unrest especially when the issue is related to specific religious harassment.

5. *Tasāmuh* (tolerance)

Tasāmuh is significant in realising religious harmony. Tolerance between religious communities is the key to creating a sense of security and peace. Differences in each religious teaching are common phenomena and must be understood and tolerated. Religious tolerance here means accommodation of other religious beliefs that one does not agree to, it is not allowed to admit or justify the beliefs of other religions. An attitude of tolerance is sufficiently realised by respecting and not disturbing the beliefs of other religions.

C. Moderate Islamic Jurisprudence and the Principles of Kindness

As social beings, humans need relationships and cooperation with other people to fulfil their life needs, both material and spiritual. Islamic teachings encourage humans to work together and help (*ta'āwun*) with fellow humans in terms of goodness. Muslims can relate to anyone in social life without race, nation, or religious restrictions.⁵⁹ Good communication with other parties will lead to the benefit of humans themselves. However, it is natural that sometimes there are differences of opinion in communities. It needs to be realised that differences of opinion are natural and must not need to be used to cause disputes.

In addition to the specific values of *ta'āwuf* (Mutual recognition), *tawāsuth* (moderation), *tasāmuh* (tolerance), *ī'tidal* (Uprightness), and *tawāzun* (balance) implemented by *fiqh wasāṭiyah*, Islam generally promotes tolerance and respect for the differences of opinion based on *ukhuwāh Islāmīyah* (Muslim brotherhood) and *ukhuwāh insānīyah* (brotherhood of humanity).⁶⁰ *Ukhuwāh Islāmīyah* and *ukhuwāh insānīyah* are suggested in the Holy Qur'an in Surah al-Hujurāt (The Rooms) verse 11:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرُ قَوْمٌ مِّن قَوْمٍ عَسَىٰ أَن يَكُونُوا خَيْرًا مِّنْهُمْ وَلَا نِسَاءٌ مِّن نِّسَاءٍ عَسَىٰ أَن يَكُنَّ خَيْرًا مِّنْهُنَّ وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا تَنَابَرُوا بِاللِّقَابِ بِنَسِ الْأَسْمِ الْفُسُوقِ بَعْدَ الْإِيمَانِ وَمَنْ لَّمْ يَتُبْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

“O you who have believed, let not a people ridicule [another] people; perhaps they may be better than them; nor let women ridicule [other] women; perhaps they may be better than them. And do not insult one another and do not call each other by [offensive]

⁵⁹ Tota Suryana, ‘Concepts and Actualization of Inter-religious Harmony’ (2011) 9 (2) Journal of Islamic Religious Education -Ta’lim 110, 128.

⁶⁰ Sirajuddin Zar, ‘Kerukunan Hidup Umat Beragama Dalam Perspektif Islam’ (in Indonesian) [‘Religious Harmony in Islamic Perspective’] (2013) 5 (2) Toleransi: Media Ilmiah Komunikasi Umat Beragama 60, 73.

nicknames. Wretched is the name of disobedience after [one's] faith. And whoever does not repent - then it is those who are the wrongdoers.”

This verse explains the ethics of interacting and communicating with religious people; it is forbidden to criticise others for the sake of mere critique. The essence of this verse is that acts that hurt other people's feelings are unlawful. Islam views all human beings, regardless of their religion and background, as bound in the brotherhood of humanity (*ukhuwāh insānīyah*). Therefore, it requires them to protect each other's rights, spread love, offer help, do justice, and not oppress others.

Many Hadith of the Prophet have also emphasised for his people to maintain their attitudes and behaviour to avoid violating the boundaries of humanity, despite differing beliefs. The agreement between Prophet Muhammad and Christians at Mount Sinai is one of the great examples of tolerance and recognition of religious diversity in a society.⁶¹ This attitude is taught in The Holy Qur'an, Surah A-Mumtāhanah (She that is to be examined) verse 8:

لَا يَنْهَىٰكُمْ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِّن دِيَارِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

“Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes - from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly.”

This verse explains the Islamic etiquettes of interactions with people of different religions. Interacting with people of different religions must be done correctly and fairly. Therefore, according to the verse, religious differences cannot be used as an excuse to misbehave, be hostile, and fight against followers of other religions. Likewise, there was once the case of a non-Muslim friend of Prophet Muhammad, who the Prophet used to give help but intended to stop the assistance to make him embrace Islam. The Prophet was reproached by Allah as stated in the Holy Qur'an, Surah al-Baqārah (The Cow) verse 272, which reprimanded the Prophet that it was “Not upon you, [O Muhammad], is [responsibility for] their guidance, but Allah guides whom He wills.”

Therefore, interactions built with people of other religions must be done sincerely. There should be no condition for people of other religions to convert to Islam who a Muslim interacts with. Islam prohibits acts like that, and indeed this prohibition aims to create religious harmony. Islamic teachings ask its people not to discriminate between humans based on race, ethnicity, and skin colour but depending on the level of quality of their personality (*taqwa*). This principle is based on The Holy Qur'an, Surah al-Hujārat (The Rooms) verse 13:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِّن ذَكَرٍ وَأُنثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ

“O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.”

This verse teaches all human beings that all humans are the same, and they should not be discriminated against because of race, ethnicity, or colour. The difference between humans is

⁶¹ Adeng Muchtar Ghazali, ‘Teologi Kerukunan Beragama Dalam Islam (Studi Kasus Kerukunan Beragama Di Indonesia)’ (in Indonesian) [‘Theology of Religious Harmony in Islam (Case Study of Religious Harmony in Indonesia)’] (2013) 13 (2) Analisis: Jurnal Studi Keislaman 280, 285.

in the quality of their personality (*taqwa*). The better the personality (*taqwa*) of the person, the higher the degree of that person compared to others. This verse eliminates blind fanaticism, the main trigger for religious and social conflicts.

V. CONCLUSION

The management of religious harmony is vital for a peaceful society. Islam teaches peace to its people, however, biased and self-interested interpretation of the teachings of Islam can also bring disaster to humankind. The main causes of the destruction of religious harmony are differences in the doctrine of truth (truth claims), cultural differences, mutual suspicion between religious adherents, and the establishment of houses of worship as a symbol of power rather than peace. In the perspective of moderate Islamic jurisprudence, the management of religious harmony can be done by instilling the values of *ta'āruf* (Mutual recognition), *tawāsuṭh* (moderation), *tasāmuḥ* (tolerance), *ī'tidal* (Uprightness), and *tawāzun* (balanced). If implemented in the interaction of religious life, these five principles will give birth to peace and tranquillity.

Kindness is one of the overarching principles of Islam. Interacting with people of different religions must be done correctly and fairly. Moderate Islamic jurisprudence teaches about the ethics of interacting and communicating between religious communities. Acts that hurt the feelings of other people are unlawful as Islam views all human beings, whatever their religion and background, as bound in the human brotherhood (*ukhuwāh insānīyah*). Therefore, Islam requires its people to protect the rights of other people regardless of their religious beliefs, and spread love, offer help, and do justice to people of all religious beliefs. All human beings should not be discriminated against because of race, ethnicity, or colour of their skin. The difference between humans is in the quality of their personality (*taqwa*). The better personality (*taqwa*) of the person, the higher is the rank of that person compared to others in the eyes of Allah.

Achieving Religious Harmony through Fiqh Wasatiyah

Abstract: ~~Maintaining religious harmony is very important to develop a peaceful and prosperous society. Islam teaches peace to its people, but ill-intended interpretations of Islamic texts and principles leads to disharmony in the application of Islamic law and promotion of intolerance and extremism.~~ This article examines the role that *fiqh wasāṭiyah* (moderate Islamic jurisprudence) can play in achieving religious harmony in a Muslim society. From the perspective of *fiqh wasāṭiyah*, religious harmony can be achieved by instilling the values of *ta'aruf* (knowing), *tawāsuth* (moderation), *tasāmuh* (tolerance), *ī'tidal* (unbiased), and *tawāzun* (balance) in society. These values are in addition to the overarching principles of kindness promoted by Islam in the form of *ukhuwāh Islāmīyah* (Muslim brotherhood) and *ukhuwāh insānīyah* (brotherhood of humanity). If implemented in the interactions of religious life, these five values of *fiqh wasāṭiyah* coupled with the principles of kindness will bring religious harmony and, indeed, peace and tranquillity to the entire society. The instillation of these values and principles in the religious life will lead to indiscriminate establishment of places of worship and eliminate the causes of the destruction of religious harmony, including differences in the doctrine of truth (or truth claims), cultural differences, and mutual suspicion between religious adherents.

Keywords: Islamic Jurisprudence; *Fiqh Wasāṭiyah*; Moderate Islamic Jurisprudence; Religious Harmony

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I. INTRODUCTION

Indonesia is a very diverse country. The plurality of Indonesian society is visible in every aspect of social life including religion, ethnicity, race, culture, and customs. Islam is the predominant religion in Indonesia.¹ However, just as other aspects of the Indonesian society, religious life of Indonesian Muslims is also quite diverse and they follow different schools of thought.² Indonesian Muslims can be categorised broadly into two main groups: “modernists,” who adhere to orthodox Islam while accepting modern advances and education, and “traditionalists,” who are more apt to follow local religious leaders.³ Most Indonesian Muslims are Sunni, although there is a small minority of Shia Muslims.⁴ There are also Sufi Muslims in Indonesia, but many Sunni and Shia Muslims do not consider the Sufi to be true Muslims because they use mysticism and believe that they can have a direct relationship with God.⁵ Ahmadiyya make up another Muslim sect in Indonesia, but again Indonesian Muslim religious leaders do not recognise Ahmadiyya as true Muslims but as a cult although there are several organised Ahmadiyya groups in Indonesia.⁶ In addition

¹ Indonesia is the largest Muslim country in the world by population, with over 200 million (88.2% of total population) people who identify themselves as Muslim. See Hasan Basri M. Nur, Syed Sultan Bee Packer Mohamed, and Nor Azlah Sham Rambely, ‘Hubungan Sosial Mayoritas Islam Dengan Minoritas Agama-Agama Lain Di Kota Banda Aceh-Indonesia’ (In Indonesian) [‘Social Relationships of The Majority of Islam With Minorities of Other Religions In The City of Banda Aceh-Indonesia’] (2021) 7 Jurnal Al-Ijtimaayah 213, 225.

² Yusi Tasika and Giyarsi, ‘The Effectiveness of the Discussion Method to Increase Students’ Understanding and Activeness in Islamic Religious Education Subjects’ (2022) 1 (1) Nusantara Education 81, 84.

³ Faiz Zainuddin and Imam Syafi’i, ‘Environmental Jurisprudence; Environmental Preservation Efforts In Islam’ (2023) 2 (1) NUSANTARA: Journal of Law Studies 23, 27.

⁴ Zulkifli, ‘Education, Identity, and Recognition: E Shi’i Islamic Education in Indonesia’ (2014) 21 (1) Studia Islamika 77, 82.

⁵ Eyal Zisser, ‘The Sunni-Shi’i Struggle over Lebanon: A New Chapter in the History of Lebanon’ in O. Bengio and M. Litvak (eds), *The Sunna and Shi’a in History: Division and Ecumenism in the Muslim Middle East* (New York: Palgrave Macmillan 2011) 145, 152.

⁶ Aan Suryana, ‘State Officials’ Entanglement with Vigilante Groups in Violence against Ahmadiyah and Shi’a Communities in Indonesia’ (2019) 43 (3) Asian Studies Review 475, 479.

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1. Religion and Conflict in Modern South East Asia" edited by Joseph Liow
2. The Politics of Religion in Indonesia: Syncretism, Orthodoxy, and Religious Contention in Java and Bali" by Michel Picard and Remy Madinier
3. "Indonesia: Law and Society" by Tim Lindsey

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to various schools and sects of Islam, a minority of Indonesians follow Christianity, Hinduism, Buddhism, Confucianism, Judaism, Zoroastrianism, Shinto, and Taoism.⁷

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We should be grateful for this plurality as a nation as it provides individuals with alternative ways to live. However, this plurality contains vulnerabilities that can lead to potential conflicts of interest between these different groups, especially religious conflicts. Therefore, what needs to be considered is how people live side by side without jealousy and violence.⁸ Indeed, religious intolerance is a major problem that Indonesia must tackle in this modern era. Intolerance itself may occur because of misunderstandings between various segments of the society, and the most disadvantaged in the face of intolerance are minority groups.⁹

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Indonesia has a terrible history of religious conflicts. A bloody Muslim-Christian conflict began in Poso,¹⁰ a mountainous regency of Central Sulawesi province, on the night before Christmas in 1998, when a drunk Christian youth stabbed a Muslim man. That year's Ramadan, the Islamic month of fasting, coincided with the Christmas holiday and religious spirits were running high – and so did tempers. The stabbing spurred a violent confrontation between Christian and Muslim

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⁷ Jessica Soedirgo, 'Informal Networks and Religious Intolerance: How Clientelism Incentivizes the Discrimination of the Ahmadiyah in Indonesia' (2018) 22 (2) Citizenship Studies 191, 198.

⁸ Zuly Qodir, 'Kaum Muda, Intoleransi, dan Radikalisme Agama' (in Indonesian) ['Youth, Intolerance, and Religious Radicalism'] (2018) 5 (1) Jurnal Studi Pemuda 429, 442.

⁹ Muhyidin Abdillah and Nila Izzamillati, 'Menyelesaikan Masalah Intoleransi: Analisis Peran Dan Bentuk Komukasi (Studi Kontroversi Pondok Pesantren Waria Al-Fatah Yogyakarta)' (in Indonesian) ['Solving Intolerance Problems: Analysis of Roles and Forms of Communication (Study of the Controversy of Waria Al-Fatah Islamic Boarding School, Yogyakarta)'] (2021) 9 (1) Jurnal Ilmiah Komunikasi Makna 21, 22.

¹⁰ See, for example, Keisyah Aprilia, 'How a Christian-Muslim Conflict in Eastern Indonesia Birtthed the MIT Militant Group' *Benar News* (03 December 2020) <<https://www.benarnews.org/english/news/special-reports/id-mit-terrorism-pt2-12032020134008.html>> accessed 25 March 2023.

gangs. That led to an all-out conflict between the two communities in Poso. More than 1,000 people were killed between 1998 and 2001. The religious conflict in Poso started with an isolated incident that quickly spread to become a wider religious conflict due to the intolerant and fanatic behaviour on both sides of the religious groups.¹¹

Similar religious conflicts have occurred between Sunni and Shia Muslims. In 2012, the East Java chapter of the Indonesian Ulama Council (MUI) issued a *fatwa* (ruling) calling Shia a deviant sect in Islam.¹² In the same year Shias in Sampang were driven out of their hometown – their leader Tajul Muluk was charged for blasphemy and sentenced to two years in prison. In the same year, a mob of Sunni Muslims clashed with a group of Shias in the village of Madura, in East Java.¹³ Two years later, hardliner Muslim groups established the National Anti-Shia Alliance (ANNAS) and the West Java's Bogor Mayor Bima Arya banned the celebration of Shi'ite religious festival, Ashura.¹⁴ The Shias have been branded a deviant sect by the Islamic authorities in the area and their houses were burned down, with one person killed.¹⁵ The Shia-Sunni conflicts erupted throughout the archipelago, and the aftermath of this intimidation by Sunni Muslims created a tremendous impact on the lives of the Shiites.¹⁶

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Comment [A16]: The author should identify the key players in fueling the religious sentiments on both side and explore their narratives that used on both side.

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Comment [A17]: So can we argue here that blasphemy law are the root of the conflicts?

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Comment [A18]: What was the motives and which type of sunnism they were and what was the outcome of the conflict.

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Comment [A19]: So here also takfir is another fiqhi issues beside blasphemy that the author can look at much deeper level to create harmony and propose the change and the reform of classical laws .

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¹¹ Firdaus M. Yunus, 'Konflik Agama di Indonesia Problem dan Solusi Pemecahannya' (in Indonesian) ['Religious Conflict in Indonesia Problem and It's Solution'] (2014) 16 (2) Substantia: Jurnal Ilmu-Ilmu Ushuluddin 217, 222.

¹² Wulan Kusuma Wardhani, 'Muslim and Minority: Shias' Struggle in Indonesia' *Megdaline* (27 June 2016) <<https://magdalene.co/story/muslim-and-minority-shias-struggle-in-indonesia>> accessed 25 March 2023.

¹³ Karishma Vaswani, 'Shia Muslims: Indonesian villages burned down' *BBC* (26 December 2012) <<https://www.bbc.co.uk/news/av/world-asia-20843259>> accessed 25 March 2022.

¹⁴ Wardhani (n 12+4).

¹⁵ Vaswani (n 13+5).

¹⁶ Resta Tri Widyadara, 'Konflik Sunni-Syiah DI Indonesia' (in Indonesian) ['Sunni-Shia conflict in Indonesia'] (2015) 11 (2) *Religi: Jurnal Studi Agama-Agama* 109, 120.

There have been frequent incidents of burning of churches and different types of violence against Ahmadiyah and Shia communities. The Human Rights Watch, which have considered the violence against religious minorities in Indonesia as a problem of intolerance, has found that Indonesia has failed to respond to increased violence against religious minorities and asked the government to take concrete steps to resolve the conflict.¹⁷

This article argues that the prevalent **attitude** of intolerance against religious minorities in Indonesia is no in accordance with Shariah principles. Indeed, tolerance and religious harmony are required by Shariah. Prophet Mohammad taught tolerance both to fellow Muslims and non-Muslims when interacting with the plural community of **Medina**. Therefore, the attitude of religious tolerance is a manifestation of the vision of the Islamic faith, and the values of tolerance in religion must be implemented in religious life to create religious harmony.¹⁸

Based on the importance of religious harmony, this article examines the role that *fiqh wasāṭiyah* (moderate Islamic jurisprudence) can play in achieving interfaith harmony in a Muslim society. From the perspective of *fiqh wasāṭiyah*, religious harmony can be achieved by instilling the values of *ta'āraf* (knowing each other), *tawāsuṭ* (moderation), *tasāmuh* (tolerance), *ī'tidal* (justice and fairness), and *tawāzun* (balanced attitude). If implemented in the interactions of religious life,

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Comment [A20]: These practices, or these classia interpretation of issues that you are should address.

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Comment [A21]: The fatwas used to declare the shia kafir and its grounding must have rested on texts from the Qur'an and hadith and the author of those fatwas thinks that his fatwas are in harmony with the Islamic law. So the author should suggest another way of interpretation.

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Comment [A22]: Inform the reader of how this this will be achieved. For instance, if the conflict being discussed is inspired by classical jurisprudence, the author may begin by providing a general explanation of what classical jurisprudence is and how it relates to the conflict. Then, he could delve into specific examples of how classical jurisprudence has influenced the conflict and what specific legal principles or concepts are at play.

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¹⁷ Febby Febriyandi.YS, 'Agama, Ritual, Dan Konflik: Suatu Upaya Memahami Konflik Internal Umat Beragama Di Indonesia' (in Indonesian) ['Religion, Rituals, and Conflict: An Effort to Understand the Internal Conflict of Religions in Indonesia'] (2019) 2 (2) Handep: Jurnal Sejarah dan Budaya 123, 125.

¹⁸ Ahmad Atabik, 'Harmonisasi Kerukunan Antar Etnis dan Penganut Agama di Lasem' (in Indonesian) ['Harmonization of Inter-Ethnic and Religious Harmony in Lasem'] (2016) 4 (1) Fikrah 36, 37.

these five values of *fiqh wasāṭiyah* will bring interfaith harmony and indeed peace and tranquillity to the entire society. The instillation of these values of *fiqh wasāṭiyah* in the religious life will lead to indiscriminate establishment of places of worship and eliminate the causes of the destruction of religious harmony, including differences in the doctrine of truth (or truth claims), cultural differences, and mutual suspicion between religious adherents.

The following discussions in this article are structured as follows: Part II examines the main causes of destruction of religious harmony in Indonesia; Part III provides the conceptualisation of religious harmony in Shariah; and Part IV gives a roadmap for the achievement of religious harmony with the use of *fiqh wasāṭiyah*. The article concludes that understanding Shariah from the perspectives of *fiqh wasāṭiyah* requires implementation of five principles of namely, *ta'āruf* (knowing each other), *tawāsuṭ* (moderation), *tasāmuh* (tolerance), *ī'tidal* (justice and fairness), and *tawāzun* (balanced in attitude) to ensure peace and tranquillity in the interactions of religious life.

II. CAUSES OF DESTRUCTION OF RELIGIOUS HARMONY

Indonesia is a multicultural country with various religions, cultures, tribes, ethnicities, races, and languages. Indeed, Indonesia is known for its “mega cultural diversity”, making Indonesia one of the countries that are highly vulnerable to

Comment [A23]: AgainstThe author need to pick one particular example in fiqh and studies in such depth showing how these underlying principles would help in bring religious harmony.

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various types of conflicts.¹⁹ The most apparent vulnerability to conflict in society is a religious conflict. According to Priyono,²⁰ religious conflicts are the more likely to arise because:

1. Each religion involves the task of *da'wah* (mission), which trigger inter-religious interaction;
2. Lack of understanding of religious adherents of comparative religion;
3. Attitude of holding fast to religious beliefs promoting intolerance towards other religions;
4. The suspicion of each religious group regarding the other group's honesty. This can be internally among different groups within a religion, between different religions, and between religious people and the government;
5. The existence of social, economic, and educational differences between different religious groups;
6. Lack of communication between leaders of different religions; and
7. Excessive fanaticism encourages the emergence of a lack of respect and even looks down on other religions.

The index of religious intolerance in Indonesia is high, which can be seen in the figure below.

Figure 3. The overall index of intolerance to non-Muslims in Indonesia (2018).²¹

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Comment [A24]: The reviewer thinks that this is not a good reason and not enough ground to trigger conflict. There are various religiously diverse countries and also maintain social cohesion and harmony, can the auoother engage with this.

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Comment [A25]: That is natural but doesnot necessarily leads to conflict, I think.

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Comment [A26]: Religious competition is normal between rival and groups and sub groups.

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Comment [A27]: Very similar to number 3,, the author needs to review this also. Also he should consider other non-ideological motives to religious conflicts. Can politics play a role here also?

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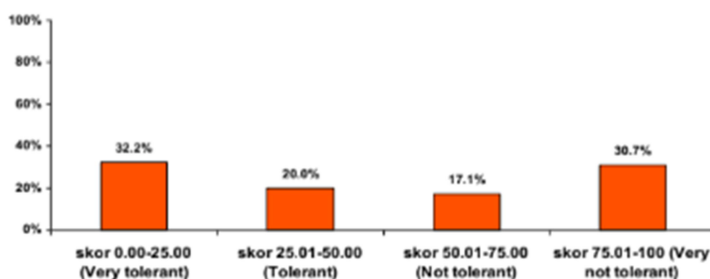
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¹⁹ Ricky Santoso Muharam, 'Membangun Toleransi Umat Beragama di Indonesia Berdasarkan Konsep Deklarasi Kairo' (in Indonesian) ['Building Religious Tolerance in Indonesia Based on the Concept of the Cairo Declaration'] (2020) 11 (2) Jurnal HAM 269, 269.

²⁰ Priyono Priyono, 'Pluralisme Agama dan Konflik' (in Indonesian) ['Religious Pluralism and Conflict'] (2008) 15 (02) Analisa: Journal of Social Science and Religion 129, 130.

4 interval score 0-100
Overall Index of Intolerance to non-Muslims (2018)

Average: 54.2 (2018)



The proportion of Muslims who score > 75 (very intolerant of non-Muslims) is 30.7%. Average 54.2 or in the category of "Not tolerance." The average in 2018 has increased two years in a row; in 2017 it was 50.4, while 2016 was 48.6.

The survey data above suggest that Indonesia must immediately make quick efforts to improve and the religious tolerance. Naturally, the first step would be to identify the causes of religious disharmony. Indeed, as explained by Priyono above,²² several factors destroy religious harmony. However, these factors can be studied from the following two broader perspectives:

A. Truth Claims

Religious people naturally defend teachings of their religion although they may not have full understanding of the underlying values on which their religion is constructed. The turbulent spirit

²¹ Sekar Joewono, 'Contentious Belonging: the Place of Minorities in Indonesia' *fkpindonesia.org* (Jakarta: 31 Juli 2019) <<https://www.fkpindonesia.org/summary-report/indonesia-update-book-launch-2019-contentious-belonging-the-place-of-minorities-in-indonesia>> accessed 23 November 2022.

²² Priyono (n 2022)

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to defend their religion sometimes lead to demeaning others who disagree with them despite belonging to the same religion. The firm belief of truth in their version of religion lead to imposition on others with different beliefs and understandings with the aim to salvation of religion. This leads to calls for salvation in religious teachings or doctrines accompanied by the obligation to invite others to that salvation. In Islam, this activity is commonly referred to as “*da’wah*”. In essence, *da’wah* is an effort to socialise (invite, appeal) religious teachings to others with the invitation to follow those teachings. However, *da’wah* activities create friction because each religion or sect within a religion will confirm that religion is the truest. For example, in September 2006, during a theological lecture at the University of Regensburg in Bavaria, Pope Benedict XVI bizarrely quoted Byzantine Emperor Manuel II Palaiologos, who has allegedly said that Mohammed brought nothing new to the world and brought only evil and inhuman command to spread Islam by the sword.²³ Unsurprisingly, the *da’wah* carried out by Pope Bedouin XVI caused conflict with Muslims.²⁴ Preaching to people of the same religion to become more active and obedient to the teachings of their religion is not prohibited. However, *da’wah* cannot be done by insulting other religions. If insulting to other religions, *da’wah* will give rise to religious sentiments and can destroy the religious harmony giving birth to religious conflict.²⁵

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Comment [A29]: The reviewer think this highly controvertial claims. The author appears to the author as accusing the Pope of blasphemy, other thinks that he is merely expressing his right to freedom of expression.

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²³ Dr M. A. Syukri, ‘Upaya Penyelesaian Konflik Politik Di Indonesia’ [‘Political Conflict Resolution Efforts in Indonesia’] (2019) 2 (2) Jurnal Al-Harakah 33, 36.

²⁴ See, for example, Bishop Arthur J. Serratelli, ‘Pope Benedict XVI and Muslims: A Speech to Remember’ (21 September 2006) <<https://bishopserratelli.org/news/pope-benedict-xvi-muslims>> accessed 25 March 2023.

²⁵ Firdaus M. Yunus, ‘Konflik Agama di Indonesia Problem dan Solusi Pemecahannya’ (in Indonesian) [‘Religious Conflict in Indonesia Problem and It’s Solution’] (2014) 16 (2) Substantia: Jurnal Ilmu-Ilmu Ushuluddin 217, 220.

B. Cultural Differences

Religion as part of the culture of a society should be a unifier of existing cultures. However, sometimes cultural differences can lead to religious conflicts. Cultural differences in a community often ignite religious sentiments. If not addressed wisely, cultural differences between religious communities can trigger conflicts. For example, Islam adheres to Eastern culture in matters of clothing and requires covering the body's *āurat* (intimate parts). Christianity on the other hand, mixed with European culture (or Western culture), does not address the question of dressing. The question of *āurat* has also created issues within Islam itself as women in some Eastern cultures have traditionally covered, along with their body as required by Qur'an, their face as well although not specifically required by Qur'an.²⁶ Interpretation of Qur'an in that cultural context, as its done by some Muslim groups, making face covering as a mandatory requirement would amount to unnecessary extension to the meaning of Qur'an. Another example is the permission in Islam to consume beef, which pans against the Hindu belief that regards cows as sacred animals that must be respected and should not be consumed. Importantly, the consumption of beef is "permitted" and not "required" in Islam, but cultural insensitivity of Muslims in the consumption of beef by Muslims in India has caused Hindu-Muslim conflicts.²⁷

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²⁶ The Qur'an Surah 24 verse 31 says Allah wants you to lower your gaze and guard your modesty; while Surah 33 verse 59 states, "O Prophet, tell your wives and your daughters and the women of the believers to bring down over themselves [part] of their outer garments. That is more suitable that they will be known and not be abused. And ever is Allah Forgiving and Merciful."

²⁷ See, for example, 'Violent Cow Protection in India - Vigilante Groups Attack Minorities' *Human Rights Watch* (18 February 2019) <<https://www.hrw.org/report/2019/02/18/violent-cow-protection-india/vigilante-groups-attack-minorities>> accessed 25 March 2022.

Cultural differences in community groups with different religions in one place can be a driving factors contributing to conflicts.²⁸ This is exacerbated when religious teachings are insensitive of the presence of the local cultural realities. Of course, it will cause religious sentiments and rejection from the residents. Wahhabism, for example, rejects the presence of local culture in the practice of Islamic teachings, and Wahhabi movement's primary strategy in Indonesia has been to eliminate the forms of Islamic practices that are tolerant to and accept local culture in the practice of Islam.²⁹

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C.Suspicion

The existence of religious differences creates feeling of suspicion between community members adherent to different religions or belonging to different groups within a religion. Indeed, one of the primary causes of the destruction of religious harmony is excessive suspicion. Suspicion is caused by a deterministic feeling that only one's religion or group is right and other groups are bad and wrong.³⁰ Such feeling of suspicion gives rise to prejudice towards other groups, ingrain negative stereotypes, and generate social inequality.

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D.Place of Worship as Expression of Power

²⁸ Stev Koresy Rumagit, 'Kekerasan Dan Diskriminasi Antar Umat Beragama Di Indonesia' (in Indonesian) ['Violence and Discrimination Between Religions in Indonesia'] (in Indonesian) (2013) 1 (2) Lex Administratum 56, 59.

²⁹ Trini Diyani, 'Implementasi Paradigma Islam Wasathiyah; Strategi Menjaga Masa Depan Keindonesiaan' (in Indonesian) ['Implementation of Wasathiyah Islamic Paradigm; Strategy for Safeguarding the Future of Indonesianness'] (2019) 6 (3) SALAM: Jurnal Sosial dan Budaya Syar-i 303, 312.

³⁰ Pdt Retnowati, 'Agama, Konflik Dan Integrasi Sosial Refleksi Kehidupan Beragama Di Indonesia: Belajar Dari Komunitas Situbondo Membangun Integrasi Pasca Konflik' (in Indonesian) ['Religion, Conflict and Social Integration Reflections on Religious Life in Indonesia: Learning from the Situbondo Community Building Post-Conflict Integration'] (2018) 1 (10) SANGKÉP: Jurnal Kajian Sosial Keagamaan 1, 7.

The proliferation and sometimes mere existence of separate places of worship can also be a factor in the emergence of religious conflicts. In Indonesia, for example, in Marelan, North Sumatra, the misuse of construction permit by Buddhist house of worship (Pekong) led to conflicts between Muslims and Buddhists.³¹ Likewise, when Christians build a church in predominantly Muslim areas, some Muslims become angry and try to destroy it. Muslims, especially those belonging to vulnerable economic backgrounds, also consider grandeur of buildings of non-Muslim religious groups as an expressions of power. Such considerations build social jealousy between Muslims and non-Muslims, and inter-religious unrest always accompanies it. Establishing a place of religious worship is not a problem if approved by the authorities but the places of worship should not create social imbalances. There must be a deep understanding of what the church means for the diversity in the community and why Muslims should be accommodating of it.³² There are many other examples of establishing houses of worship as a factor in the emergence of conflict in Indonesia.

III. THE CONCEPT OF RELIGIOUS HARMONY

Harmony is a term filled with the meaning of "good" and "peace". In essence, living together in a society with "unity of heart" and "mutual accommodation" does not create social

³¹ Syukri, 'Upaya Penyelesaian Konflik Politik Di Indonesia' (in Indonesian) ['Political Conflict Resolution Efforts in Indonesia'] (in Indonesian) (2019) 2 (2) Jurnal Al-Harakah 33, 36.

³² Zuly Qodir, 'Kaum Muda, Intoleransi, dan Radikalisme Agama' (in Indonesian) ['Youth, Intolerance, and Religious Radicalism'] (2018) 5 (1) Jurnal Studi Pemuda 429, 442.

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Comment [A30]: The autor can refer to hardliner jurists such as Ahkam ahl al-dhimma and similar works which endorses those practices resting on hadith references and explore this in much more depth.

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Comment [A31]: The reviewer thinks this entire section and following ones up to the conclusion should be rewriting focusing on precise fiqhi discussion on the issues of blasphemy for instance or any other issues that the author can find out and classify as a main reason for the conflict and Islamic position on that and how to address that from from Islamic perspective. these principles are too generic and are not fiqhi discussion. They are also very subjective, each group can claim that their interpretation is moderate and meant to achieve the best interest of Islam. So more concrete and focused discussion can be better option.

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disputes and quarrels. If this meaning is used as a guide, then "harmony" is an ideal coveted by every human society.³³

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As social beings, humans need relationships and cooperation with other people in fulfilling their life needs - both material and spiritual. Islamic teachings encourage humans to work together and help (*ta'āwun*) with fellow humans in terms of goodness and Muslims can relate to anyone without race, nation, or religious restrictions in social life.³⁴

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In everyday life, humans are always faced with the phenomenon of plurality. The plurality of skin colour (white, yellow, black, and brown), the ethnic plurality (Aceh, Chinese, Arabic, Javanese, Sundanese, and Banjar), the religious plurality (Islam, Christian-Catholic, Protestant Christianity, Hinduism, Buddhism, Confucianism, and Taoism), the language plurality (Arabic, English, French, German, and Indonesian) are prevalent example of plurality in Indonesia. Indeed, the diversity is created by the Allah's will or *sunnatullāh*,³⁵ which is a blessing from Allah Almighty if it can be managed properly. However, misunderstanding on this grace from Allah can create a disaster, hence require awareness and careful management.

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In the religious context in a Muslim society, harmony can be divided into internal harmony between Muslims *inter se* and inter-religious harmony. Internal harmony of Muslims must be based on the spirit of *ukhuwah Islamiyah* (unity of Muslim

³³ Resta Tri Widyadara, 'Sunni-Shia Conflict In Indonesia' (2015) 11 (2) Religion: Journal of Religious Studies 1, 3.

³⁴ Tota Suryana, 'Concepts and Actualization of Inter-religious Harmony' (2011) 9 (2) Journal of Islamic Religious Education -Ta'lim 110, 128.

³⁵ Imtaz Yusuf, 'Islamic Theology of Religious Pluralism: Building Islam-Buddhism Understanding' (2021) 16 (1) Philosophy and Politics - Critical Explorations 201, 210.

brotherhood), based on The Holy Qur'an, Surah Al Hujarat (The Rooms), verse 10:

إِنَّمَا الْمُؤْمِنُونَ إِخْوَةٌ فَأَصْلِحُوا بَيْنَ أَخَوَيْكُمْ وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُرْحَمُونَ

“Believers are brothers. Therefore make peace (improve the relationship) between your two brothers and fear Allah so that you may receive mercy.”

The existence of differences of opinion among Muslims is a blessing as they are usually based on interpretive preferences of scholars of Islamic law.³⁶ These differences should not lead to division and enmity.

Inter-religious harmony, the harmony of Muslims with adherents of other religions, is required based on the word of Allah Surat Al-Kāfirūn (The Disbelievers) verse 6:³⁷

لَكُمْ دِينُكُمْ وَلِيَ دِينِ

“For you is your religion and for me is my religion”.

The implementation of this verse requires Muslims the develop of a culture of tolerance between religious communities in social life. Furthermore, the teachings of Islam forbid its followers from influencing anyone to convert to Islam, especially in the form of social and political pressures. Once Umar bin Khaṭāb preached his non-Muslim serf named Astiq to accept Islam.

³⁶ Dwi Astuti Wahyu Nurhayati and Novi Tri Oktavia, ‘Relevance of Al Mawardi’s Reflection in The Development of Islamic Economic Activities’ (2022) 1 (1) Journal of Nusantara Economy 48, 52.

³⁷ Mawardi Mawardi, ‘Reactualization of Harmony Between Religious People in Social Diversity’ (2015) 17 (1) Substantia: Journal of Ushuluddin Sciences 55, 58–59.

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However, when the serf refused, Umar stated say *lā ikrāha fī al-dīn* (there is no compulsion in Islam).³⁸

Islam teaches every Muslim to be tolerant, do good, and be fair to those outside of Islam as long as they do not fight Muslims. It is even more clearly explained in The Holy Qur'ān, Surah Al-Mumtaḥanah (She that is to be examined) verse 8:

لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

“Allah does not forbid you to do good and do justice to those who do not fight you because of your religion and do not expel you from your homeland. Verily, Allah loves those who act justly”.

This verse shows that it is permissible to do good to each other between Muslims, and also to non-Muslims who are not hostile to and fight against Muslims.³⁹

IV. THE CONCEPT OF MODERATE ISLAMIC JURISPRUDENCE

The word moderate comes from the Arabic word *wasāṭiyah*, which is no longer a foreign word in Indonesian language. Linguistically, *wasāṭiyah* comes from the word *wasāṭ*, which means moderate or medium. *Al-Wasāṭiyah* (moderate) means

³⁸ I. Kadek Yudiana, Miskawi Miskawi, and I. Wayan Pardi, 'Analysis of Harmony Between Religious People in a Multicultural Community at The East End of Java Island (Case Study In Patoman Village, Blimbingsari, Banyuwangi)' (2017) 6 (2) Journal East Java) 140, 150.

³⁹ Umar Umar and M. Arif Hakim, 'Relationship between Religious Harmony and the Formation of Social Behavior of Residents of PT Djarum Singocandi Kudus Housing' (2019) 13 (1) Journal of Research 70, 74.

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balance between two equal sides; left and right, literal and liberal, stingy and extravagant. That is, the word *wasāṭ* can be interpreted as something in the middle. According to Ibn Jarir al-Tabari, *al-wāṣṭ* means between the two sides or a justice.⁴⁰ Technically, the emphasis of *fiqh wasāṭiyah* is that Islam mediates in *aqīdah*, *ibadah* (worship), or *muāmalah* between humans and the laws in a society's life. This point of view shows that *fiqh wasāṭiyah* has started since Islam's emergence and is not a new idea in the current contemporary era.⁴¹

According to Yusuf Qordhawi, the characteristics of a *fiqh wasāṭiyah* or moderate Islamic jurisprudence include:⁴²

- a. Believing that there is wisdom behind the *Shari'ah* and its contents for the benefit of creatures.
- b. Always interconnect one text/law with other texts/laws in order to have a comprehensive understanding of Islamic law.
- c. Act moderately in all matters of religion and the world.
- d. Always correlate religious texts with concrete and contemporary realities.
- e. Always seek ease from the religion and prefer the easiest over the onerous outcome of interpretations.
- f. Promote openness (inclusivism) and tolerance (*tasāmuh*) with different groups of opinion.

⁴⁰ Ath-Thabari, Abu Ja'far Muhammad bin Jarir, *Jami' Al-Bayan an Ta'wil Ayi Al-Qur'an* (In Arabic) [Explanation of all verses of the *Qur'an*] (Bairut: Darul Fikr 2008) 1, 132.

⁴¹ Nurlaila Radiani and Ris'an Rusli, 'Moderate Concepts in Islam Nusantara: An Overview of QS. Al-Baqarah [2: 143]' (2021) 1 (2) Journal of Semiotics-Q: The Study of the Science of the Qur'an and Tafsir 115, 121–22.

⁴² Yusuf Al Qardhawi, *Dirasah Fi Fiqh Maqasid Asy-Shari'ah* (Cairo: Dar ash-Syuruq, 2006), 147–52.

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Indeed, the mapping of moderate Islamic jurisprudence in Islam actually cannot be separated from the mapping of Islamic thought in general, which is strongly influenced by the political map in the Islamic world in the global era.⁴³ This is because the moderate Islamic jurisprudence in essence is a view or attitude that tries to take a middle position between opposing and excessive understanding of Islamic jurisprudence that has been practised by Muslim scholars from the beginning. The characteristics of moderation provides the basic formula for overcoming practical problems at an individual and social level, especially in regard to intolerance, radicalism, and extremism, even liberalism. In the terminology of *fiqh wasāṭiyah*, *wasāṭan* refers to the community that finds the way between two things or parties opposing or opposing camps. It prohibits exclusivity, intolerance, and rigidity in legal interpretations; and prevents the spread to dislike, hostility or violence against those who have a difference of opinion and viewpoint. In this sense, moderate Islamic jurisprudence is better known as the opposite of fundamentalist Islam, because, as opposed to fundamentalism, moderates are groups that tend to be permissive and liberal.⁴⁴

In essence, therefore, the moderate Islamic jurisprudence is an Islamic teaching that directs people to be fair, balanced, benevolent, and proportionate, often referred to as “moderate” in all dimensions of life.⁴⁵ It allows one to be not too extreme in

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⁴³ Muh Nashiruddin, 'Modar Fikh and Sharia Science Vision in The Global Era' (2016) 14 (1) Diktum: Journal of Sharia and Law 28, 35.

⁴⁴ Ahmad Faqihuddin, 'Moderate Islam In Indonesia' (2021) 12 (1) Al-Risalah: Journal of Religious Studies and Islamic Thought 100, 110.

⁴⁵ Khairan M. Arif, 'Moderasi Islam (Wasathiyah Islam) Perspektif Al-Qur'an, As-Sunnah Serta Pandangan Para Ulama Dan Fuqaha' (in Indonesian) ['Islamic Moderation (Wasathiyah Islam) The Perspective of the Qur'an, As-Sunnah and the Views of the Ulama and Fuqaha'] (2020) 11 (1) Al-Risalah: Jurnal Studi Agama Dan Pemikiran Islam 1, 23.

understanding the arguments of Islamic teachings, or to be too rigid and challenging. Prophet Muhammad has said:

خَيْرُ الْأُمُورِ أَوْسَطُهَا

“The best business is in the middle”⁴⁶

In this Hadith, Prophet Muhammad prohibited excessive action or behaviour in all things and matters.

However, moderation here does not mean being too liberal in understanding the Islamic law that departs from the rules of the *Shari'ah*. It means that one should be neither too extreme nor too liberal in understanding the propositions by looking at the context of each rule and principle of Islamic law. The most appropriate is to understand the *Shari'ah* propositions by paying attention to the benefits that occur in the reality of life. The most apparent example of the application of moderate Islamic jurisprudence occurred during the rule of the Caliph Umar bin Khattab when he suspended the punishment for theft during the famine, and only required the offender to compensate for the loss of the stolen goods.⁴⁷ Umar bin Khattab did not punish the camel thief, who slaughtered it for food on the pretext of starvation, and simply ordered them to pay compensation to the camel owners twice the price of the camels. He suspended the punishment of amputation of hands against them because theft occurred during the famine.⁴⁸

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⁴⁶ Abi Bakr Ahmad ibn al-Husain ibn Ali Al-Baihaqi, *Sunan al-Kubra* (In Arabic) [*The Major Book of Sunnah*], (Bairut: Dar al-Kutub al-'Ilmiyah 2015) 1, 387.

⁴⁷ Ibn Qoyyim, *I'lam al-Muwaqqi'in* (In Arabic) [*People who convey the Shari'at*], vol III (Mesir: Idarah Tilaba'ah Misriyyah 2024) 8.

⁴⁸ Syefriyeni Syefriyeni, 'Relativisme Etika Keyakinan Moral: Sebuah Ijtihad Etik Umar Bin Khattab' (in Indonesian) [*Ethical Relativism of Moral Beliefs: An Ethical Ijtihad of Umar Bin Khattab*] (2019) 24 (2) Intizar 100, 110.

A. Value of Moderate Islamic Jurisprudence in Creating Harmony Between Religions

Moderate Islamic jurisprudence has several noble values to create inter-religious harmony. These noble values will reduce the potential for conflict in any diverse and multi-religious society. These values should continue to be echoed and implemented to form religious moderation, to bring the *ummah* (Muslim world) to peace and not to elbow left and right, not fighting on religious understandings and interpretations, and not tilting to extreme left and extreme right. These values promote *ukhuwwāh* (brotherhood) through the following mediums:

First is the value of *Ta'āruf* (knowing). *Ta'āruf* literally means to know. Technically, it refers to the first step is to get to know people of different religions to realise religious harmony. If you know different religions, you will have the possibility to understand what could hurt the feelings of people of different religions. Good *ta'āruf* will give birth to mutual respect. *Ta'āruf* is necessary because Allah Almighty created humans in conditions of various ethnicities and religions. However, this diversity is not a reason to cause a dispute or division, but this diversity is deliberately created by Allah so that humans can know each other. Allah says in Qur'an, Surah Al Hujārat (The Rooms) verse 13:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا

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“O humankind, indeed, We created you from a male and a female and made you into nations and tribes that you may know one another.”

According to Ahmad Mustafa Al-Maragi, Allah made human beings into tribes so that they know each other, not deny, mock, ridicule, and gossip each other because it will only create a split.⁴⁹

The second is the value of *Tawāsuth* (moderation). The value of *tawāsuth* is a moderate attitude, which is not extreme left or extreme right, in the understanding teachings of Islam.⁵⁰ *Tawāsuth* value is taken from the words of Allah SWT in Qur’an, Surah al-Baqārah (The Cow) verse 143:

وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا لِتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ وَيَكُونَ الرَّسُولُ عَلَيْكُمْ شَهِيدًا

“ And thus we have made you a just [or moderate] community that you will be witnesses over the people and the Messenger will be a witness over you”.

The third is the value of *Tawāzun* (balanced). The value of *tawāzun* is a balanced attitude in all things, whether using evidence from the rational mind or evidence from The Holy

⁴⁹ As cited by Junaidi and Tarmizi Ninoersy, ‘Nilai-Nilai Ukhuwwah Dan Islam Wasathiyah Jalan Moderasi Beragama Di Indonesia’ (in Indonesian) [‘Ukhuwwah and Wasathiyah Islamic Values the Way of Religious Moderation in Indonesia’] (2021) 1 (1) Jurnal Riset Dan Pengabdian Masyarakat 80, 95.

⁵⁰ Fitrotun Nikmah, ‘Implementasi Konsep At Tawasuth Ahlus- Sunnah Wal Jama’ah Dalam Membangun Karakter Anak Di Tingkat Sekolah Dasar (Studi Analisis Khittah Nahdlatul Ulama)’ (in Indonesian) [‘Implementation of the At Tawasuth Ahlus-Sunnah Wal Jama’ah Concept in Building Children’s Character at the Elementary School Level (Analytic Study of Khittah Nahdlatul Ulama)’] (2018) 15 (1) Tarbawi : Jurnal Pendidikan Islam 76, 82.

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Qur'an and Hadith.⁵¹ The value of *tawāzun* is taken from the Word of Allah in Qur'an, Surat al-Hadid (The Iron) verse 25:

لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ

“We have already sent Our messengers with clear evidences and sent down with them the Scripture and the balance that the people may maintain [their affairs] in justice”.

According to the above verse, justice needs to be served on the bases of *al-Kitab* (which is Qur'an) and *al-Mizan* (which is the balanced attitude). The Holy Qur'an, along with Hadith, are the foundation for carrying out justice in this world and the meaning of *al-Mizan* is a balanced mind. Following this verse, the first recourse is to *al-Kitab* and then one can use *al-Mizan*, i.e., the use of this proposition should not be reversed.

Fourth is the value of *Ī'tidal* (unbiased). The value of *Ī'tidal* is a good attitude, not favoring one of the parties in a particular matter. *Ī'tidal* makes a person consistent in enforcing the rules, not looking at elements of hatred, liking, race, or specific groups. This *Ī'tidal* attitude is taken from the Word of Allah in Qur'an, Surat al-Mā'idah (The Table Spread) verse 8:

⁵¹ Muhammad Sirojuddin Cholili, 'Toleransi Beragama (Studi Konsep Tawasut, Ī'tidal, Tawazun, Dan Tasammuh) Sebagai Upaya Resolusi Konflik Pada Masyarakat Perumahan Giri Pekukuhan Asri Mojosari' (in Indonesian) ['Religious Tolerance (Concept Study of Tawasut, Ī'tidal, Tawazun, and Tasammuh) as an Effort of Conflict Resolution in the Giri Pekukuhan Asri Mojosari Residential Community'] (2016) 4 (2) At-Tahdzib: Jurnal Studi Islam Dan Muamalah 1, 6.

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يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ
قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌ بِمَا
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“O you who have believed, be persistently standing firm for Allah, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah ; indeed, Allah is Acquainted with what you do”.

This verse explains that justice can be realised if a person is upright, not taking sides with conflicting parties. The element of hatred against a specific person or group must be removed if justice is to be realised. The hatred against particular groups is not eliminated, it will only give birth to injustice in society. The attitude of *ī'tidal* is a part of applying justice and ethics in every Muslim's life.⁵²

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Fifth is the value of *Tasāmuh* (tolerance). *Tasāmuh* means respecting differences of opinion and respect for people with different principles and values in life. The *Tasāmuh* value will give birth to an open-minded attitude in dealing with existing differences.⁵³ Tolerance in religion is carried out not without limits namely not recognising or justifying other religious beliefs, however, tolerance must remain central to ensure justice by respecting and not interfering with what is believed by other

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⁵² M. Si Irawan, 'Al-Tawassut Waal-I'tidal: Menjawab Tantangan Liberalisme Dan Konservatisme Islam' (in Indonesian) ['Al-Tawassut Waal-I'tidal: Responding to the Challenges of Liberalism and Islamic Conservatism'] (2018) 14 (1) Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies 30, 56.

⁵³ Bustanul Arifin, 'Implikasi Prinsip Tasamuh (Toleransi) Dalam Interaksi Antar Umat Beragama' (in Indonesian) ['Implications of the Principle of Tasamuh (Tolerance) in Interfaith Interactions'] (2016) 1 (2) Fikri : Jurnal Kajian Agama, Sosial Dan Budaya 378, 397.

religions. The value of *Tasāmuh* is taken from the Word of Allah in Qur'an, Surat Tahā (Taa Haa) verse 44:

فَقُولَا لَهُ قَوْلًا لَّيِّنًا لَعَلَّهُ يَتَذَكَّرُ أَوْ يَخْشَى

“And speak to him with gentle speech that perhaps he may be reminded or fear [Allah]”.

In this verse, Allah ordered Moses and Aaron to speak to Pharaoh with gentle words when conveying Allah's message to him. The verse explains that the ethics of communication with people of different religions requiring that the communication must be done gently. Gentleness here is a manifestation of tolerance, but does not mean agreeing to the beliefs of people of different religions.

When communicating with people of other religious beliefs, the required etiquette is not to insult their religion. Likewise, respecting the beliefs of other religions is required to expect mutual respect in return, so that they will insult Allah Almighty in response.⁵⁴ The Holy Qur'an, in Surah al-An'am (The Cattle) verse 108, has enjoined this ethics of dialogue with people of other religions:

وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ

“And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge”.

⁵⁴ Suryan A. Jamrah, 'Toleransi Antarumat Beragama: Perspektif Islam' (in Indonesian) ['Interfaith Tolerance: An Islamic Perspective'] (2017) 3 (1) Jurnal Ushuluddin 180, 189.

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Insulting another religion for any reason is not justified by Islamic law, let alone insulting their God. If insulting people of different religions is prohibited, then insulting people of the same religion who have different opinion over something is also prohibited. Insulting fellow Muslims is unlawful, and it is forbidden to criticise a Muslim who may have a different understanding or interpretation of Islamic law or Shariah.

B. The Need for Moderate Islamic Jurisprudence in Managing Religious Harmony

Maintaining religious harmony is very important. The existence of conflict and disharmony between religious adherents is detrimental to the nation and state, including the religion themselves. Disharmony, let alone conflict, will impact all aspects of life. Political stability, economic growth, and social and cultural development will be disrupted. While the community is in an atmosphere of uncertainty, fear and mutual distrust will arise. Religion, especially Islam, encourages its people to carry out the teachings as a whole and integrally in the form of a harmonious relationship with fellow human beings, the natural environment, and Allah the Creator.⁵⁵

In Indonesia, religion is seen and practised solely as a ceremonial and legal instrument. The issue of religious harmony is a national issue in Indonesia that must be addressed as a priority. Regulation is needed to create both types of religious harmony, namely, internal religious harmony and inter-religious

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⁵⁵ Tota Suryana, 'Concepts and Actualization of Inter-religious Harmony' (2011) 9 (2) Journal of Islamic Religious Education -Ta'lim 110, 128.

harmony.⁵⁶ The following table gives an illustration on how moderate Islamic jurisprudence can help manage religious harmony:

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Table 1. Managing Religious Harmony with Moderate Islamic Jurisprudence.

1 <i>Ta'āruf</i> (knowing)	<p><i>Ta'āruf</i> is very important to avoid miscommunication. Miscommunication between religious adherents can lead to conflict even though they engage in an activity unintentionally which is offensive to other religions. For example, a Muslim who lives in Bali slaughters a cow for the purposes of consumption of meat as it is lawful in Islam. On the other hand, Hindus regard cows as sacred creatures of worship. The slaughter of cow will obviously make Hindus in Bali feel harassed, even though the Muslim slaughtering the cow did not mean to cause abuse or harassment. Although consumption of cow meat is indeed <i>halal</i> (permissible) for Muslims, they should be aware of and respectful to the religious beliefs of other co-</p>
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⁵⁶ Ni Wayan Eka Sumartini and Edelweisia Cristiana, 'Pluralisme Dan Kerukunan Umat Beragama Perspektif Hukum' (in Indonesian) ['Pluralism and Religious Harmony Legal Perspective'] (2021) 1 (2) Prosiding Seminar Nasional IAHN-TP Palangka Raya 110, 120.

	citizens who follow different religious beliefs.
2 <i>Tawāsuṭh</i> (moderation)	<i>Tawāsuṭh</i> requires a person not to become an extremist who feels most self-righteous and blames others with different opinions in understanding particular religious teaching. The attitude of <i>tawāsuṭh</i> will give birth to mutual respect and respect for differences between religious communities. Differences within a religion must not be used as a cause for conflict; instead, existing differences are sometimes considered a necessity, to serve the needs of different time and space, and must be adequately appreciated.
3 <i>Tawāzun</i> (balanced)	<i>Tawāzun</i> requires a balanced attitude in all respects, both in the use of <i>naqli</i> (transmitted) and <i>aqli</i> (rational) arguments. This attitude of <i>tawāzun</i> is essential to realise religious harmony because the laws that will be made based on <i>tawāzun</i> will consider the circumstances of the surrounding environment. For example, a Muslim living in a Hindu community sacrifices a buffalo instead of a cow on Eid ul-Adha (Festival of Sacrifice). Although it is legal to slaughter a cow for sacrifice, but it is not permissible

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to hurt other people's feelings. So the best solution is to slaughtered other permissible animals instead of a cow. The purpose of replacing the sacrificial animal is not to offend the feelings of Hindus, and Muslims can still carry out their sacrificial worship.

4 *Ī'tidal* (unbiased)

Ī'tidal makes an extraordinary contribution to maintaining religious harmony. *Ī'tidal* ensures consistency in carrying out the rules, regardless of religion. Anyone belonging to any religion or follower of any belief when found guilty before the law will be punished according to the applicable rules. *Ī'tidal* gives birth to the rule of law in society. The emergence of religious conflicts often begins with criminal cases that are sometimes not handled quickly by law enforcement officials, so it seems that a case is left unattended. This is against *Ī'tidal* and will compel people to take law in their own hands. If conflicts are not resolved quickly, they will also trigger escalation and social unrest especially when the issue is related to specific religious harassment.

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5 *Tasāmuḥ* (tolerance)

Tasāmuḥ is significant in realising religious harmony. Tolerance between

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religious communities is the key to creating a sense of security and peace. Differences in each religious teaching are common phenomena and must be understood and tolerated. Religious tolerance here means accommodation of other religious beliefs that one does not agree to, it is not allowed to admit or justify the beliefs of other religions. An attitude of tolerance is sufficiently realised by respecting and not disturbing the beliefs of other religions.

C.Moderate Islamic Jurisprudence and the Principles of Kindness

As social beings, humans need relationships and cooperation with other people to fulfil their life needs, both material and spiritual. Islamic teachings encourage humans to work together and help (*ta'āwun*) with fellow humans in terms of goodness. Muslims can relate to anyone in social life without race, nation, or religious restrictions.⁵⁷ Good communication with other parties will lead to the benefit of humans themselves. However, it is natural that sometimes there are differences of opinion in communities. It needs to be realised that differences of opinion are natural and must not need to be used to cause disputes.

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⁵⁷ Tota Suryana, 'Concepts and Actualization of Inter-religious Harmony' (2011) 9 (2) Journal of Islamic Religious Education -Ta'lim 110, 128.

In addition to the specific values of *ta'aruf* (knowing), *tawāsuth* (moderation), *tasāmuh* (tolerance), *ī'tidal* (unbiased), and *tawāzun* (balance) implemented by *fiqh wasāṭiyah*, Islam generally promotes tolerance and respect for the differences of opinion based on *ukhuwāh Islāmīyah* (Muslim brotherhood) and *ukhuwāh insānīyah* (brotherhood of humanity).⁵⁸ *Ukhuwāh Islāmīyah* and *ukhuwāh insānīyah* are suggested in the Holy Qur'an in Surah al-Hujurāt (The Rooms) verse 11:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرُ قَوْمٌ مِّن قَوْمٍ عَسَىٰ أَن يَكُونُوا خَيْرًا مِّنْهُمْ وَلَا نِسَاءٌ مِّن نِّسَاءٍ عَسَىٰ أَن يَكُنَّ خَيْرًا مِّنْهُنَّ وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا تَنَابَرُوا بِالْألقَابِ بِئْسَ الإِسْمُ الفُسُوقُ بَعْدَ الإِيمَانِ وَمَن لَّمْ يَتُبْ فَأُولَئِكَ هُم الظَّالِمُونَ

“O you who have believed, let not a people ridicule [another] people; perhaps they may be better than them; nor let women ridicule [other] women; perhaps they may be better than them. And do not insult one another and do not call each other by [offensive] nicknames. Wretched is the name of disobedience after [one’s] faith. And whoever does not repent - then it is those who are the wrongdoers”.

This verse explains the ethics of interacting and communicating with religious people; it is forbidden to criticise others for the sake of mere critique. The essence of this verse is that acts that hurt other people’s feelings are unlawful. Islam views all human beings, regardless of their religion and background, as bound in the brotherhood of humanity (*ukhuwāh insānīyah*). Therefore, it requires them to protect each other’s rights, spread love, offer help, do justice, and not oppress others.

⁵⁸ Sirajuddin Zar, ‘Kerukunan Hidup Umat Beragama Dalam Perspektif Islam’ (in Indonesian) [‘Religious Harmony in Islamic Perspective’] (2013) 5 (2) Toleransi: Media Ilmiah Komunikasi Umat Beragama 60, 73.

Many Hadith of the Prophet have also emphasised for his people to maintain their attitudes and behaviour to avoid violating the boundaries of humanity, despite differing beliefs. The agreement between Prophet Muhammad and Christians at Mount Sinai is one of the great examples of tolerance and recognition of religious diversity in a society.⁵⁹ This attitude is taught in The Holy Qur'an, Surah A-Mumtāhanah (She that is to be examined) verse 8:

لَا يَنْهَىٰكُمْ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِّن دِيَارِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

“Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes - from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly”.

This verse explains the Islamic etiquettes of interactions with people of different religions. Interacting with people of different religions must be done correctly and fairly. Therefore, according to the verse, religious differences cannot be used as an excuse to misbehave, be hostile, and fight against followers of other religions. Likewise, there was once the case of a non-Muslim friend of Prophet Muhammad, who the Prophet used to give help but intended to stop the assistance to make him embrace Islam. The Prophet was reproached by Allah as stated in the Holy Qur'an, Surah al-Baqārah (The Cow) verse 272, which

⁵⁹ Adeng Muchtar Ghazali, 'Teologi Kerukunan Beragama Dalam Islam (Studi Kasus Kerukunan Beragama Di Indonesia)' (in Indonesian) ['Theology of Religious Harmony in Islam (Case Study of Religious Harmony in Indonesia)'] (2013) 13 (2) Analisis: Jurnal Studi Keislaman 280, 285.

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reprimanded the Prophet that it was ‘‘Not upon you, [O Muhammad], is [responsibility for] their guidance, but Allah guides whom He wills.’’

Therefore, interactions built with people of other religions must be done sincerely. There should be no condition for people of other religions to convert to Islam who a Muslim interacts with. Islam prohibits acts like that, and indeed this prohibition aims to create religious harmony. Islamic teachings ask its people not to discriminate between humans based on race, ethnicity, and skin colour but depending on the level of quality of their personality (*taqwa*). This principle is based on The Holy Qur’an, Surah al-Hujarat (The Rooms) verse 13:

بِأَيِّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ
عِنْدَ اللَّهِ أَتْقَىٰكُمْ

‘‘O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted’’.

This verse teaches all human beings that all humans are the same, and they should not be discriminated against because of race, ethnicity, or colour. The difference between humans is in the quality of their personality (*taqwa*). The better the personality (*taqwa*) of the person, the higher the degree of that person compared to others. This verse eliminates blind fanaticism, the main trigger for religious and social conflicts.

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V. CONCLUSION

The management of religious harmony is vital for a peaceful society. Islam teaches peace to its people, however, biased and self-interested interpretation of the teachings of Islam can also bring disaster to humankind. The main causes of the destruction of religious harmony are differences in the doctrine of truth (truth claims), cultural differences, mutual suspicion between religious adherents, and the establishment of houses of worship as a symbol of power rather than peace. In the perspective of moderate Islamic jurisprudence, the management of religious harmony can be done by instilling the values of *ta'āruf* (knowing), *tawāsuth* (moderation), *tasāmuh* (tolerance), *ī'tidal* (unbiased), and *tawāzun* (balanced). If implemented in the interaction of religious life, these five principles will give birth to peace and tranquillity.

Kindness is one of the overarching principles of Islam. Interacting with people of different religions must be done correctly and fairly. Moderate Islamic jurisprudence teaches about the ethics of interacting and communicating between religious communities. Acts that hurt the feelings of other people are unlawful as Islam views all human beings, whatever their religion and background, as bound in the human brotherhood (*ukhuwāh insānīyah*). Therefore, Islam requires its people to protect the rights of other people regardless of their religious beliefs, and spread love, offer help, and do justice to people of all religious beliefs. All human beings should not be discriminated against because of race, ethnicity, or colour of their skin. The difference between humans is in the quality of their personality (*taqwa*). The better personality (*taqwa*) of the

person, the higher is the rank of that person compared to others in the eyes of Allah.

