

Islamic Nationalism in Pesantren (Study on Pesantren in Pantura Region of Central Java)

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Abstract

The very idea of 'Islamic Nationalism' in Indonesia grounded from educational values and character building in maintain a spirit of unity and brotherhood, participate in realizing security, love for the motherland, and accommodating the nation's culture. In Indonesian pesantren tradition, we found a 'basic-belief' grounded from historical facts about ulama's struggle to maintain harmony but asserting the religious spirit for nationalism. This study covering Islamic boarding schools in Central Java: Raudlatul Ulum, Darul Falah, and Futuhiyyah. Using non-structural interviews, we collect several motivations, teachings, and another jargon implemented in sense of pseudo-pedagogical and political education. We analyze interpretively focusing the 'basic-belief' of their '*hubb al-wathan*' as basis of our coined 'islamic nationalism' in daily life. This study show that these boarding schools have a commitment jargon with several activities supported 'islamic nationalism' as well as students training on responsibility, discipline, independence, mutual cooperation integrity using several platform as follows: commemoration of Islamic holidays, traditions of deliberations, *babsul masail forums*, participation in general elections, social service activities, raising aid for social solidarity, commemorating the Republic of Indonesia's independence day, Hari Pahlawan, hari Pancasila, Hari Santri and

another activities. The involvement of students in educational activities can train the readiness of students to take part in caring for national commitment, the spirit of diversity, tolerance, and accommodation for the nation's culture and create harmony.

Keywords: *Hubb al-Wathan, Islamic Nationalism, Islamic Boarding School, Pesantren Indonesia*

Abstrak

Nasionalisme Islam di Indonesia memiliki landasan nilai dan pembentukan karakter dalam memelihara semangat persatuan dan persaudaraan, turut serta mewujudkan keamanan, sikap cinta tanah air dan akomodatif terhadap budaya bangsa. Jenis penelitian ini adalah penelitian lapangan (*field research*). Lokasi penelitian ini pada pesantren di Jawa Tengah, diantaranya Raudlatul Ulum, Darul Falah dan Futuhiyyah. Sumber data primer diperoleh melalui wawancara pada narasumber, yakni pengasuh dan pengelola pondok pesantren, guru, alumni, dan santri, serta data sekunder diperoleh dari dokumentasi dan administrasi pesantren. Teknik pengumpulan diperoleh melalui metode wawancara, observasi dan dokumentasi. Uji keabsahan data menggunakan triangulasi sumber, teknik dan waktu. Penyajian data menggunakan analisis deskriptif. Hasil penelitian menunjukkan bahwa Pondok pesantren memiliki komitmen pada pendidikan kebangsaan yang telah mengakar dan dibangun sejak awal pendirian pesantren. Peran pesantren dalam memperkuat nilai-nilai persatuan, kesatuan, dan persaudaraan di antaranya pelatihan santri terkait nasionalisme, tanggung jawab, disiplin, mandiri, integritas gotong royong serta berbagai kegiatan keagamaan, serta sosial kemasyarakatan. Keterlibatan santri dalam aktivitas pendidikan dapat melatih kesiapan santri turut andil dalam merawat komitmen kebangsaan, semangat kebhinekaan, toleransi serta akomodatif terhadap budaya bangsa. Sikap dan perilaku yang dibiasakan berprinsip pada kemaslahatan dan mewujudkan kerukunan. Tradisi dan pembiasaan di lingkungan pesantren juga dapat menumbuhkan sikap nasionalisme kebangsaan, yakni kajian keagamaan, peringatan hari besar Islam, tradisi musyawarah, forum *bahtsul masail*, partisipasi dalam pemilihan umum, kegiatan bakti sosial, penggalangan bantuan untuk solidaritas sosial, memperingati hari kemerdekaan RI, peringatan hari pahlawan, peringatan hari pancasila, peringatan hari santri dan kegiatan lain yang terintegrasi dengan kurikulum pesantren.

Kata Kunci: *Paradigma, Khazanah, Pesantren, Pendidikan, Kebangsaan*

Introduction

Despite the serious attempts to reduce radical ideology or disagreeing with 'Islamic radicalism' developed in Indonesian various media: both print, electronic and social media; several research conducted in order to reveal Indonesian vulnerability to the development of radical movements with two indicators: *First*, the Indonesian people have a high tolerance for religious freedom. This provides an opportunity for the emergence of radical religious movements; *Second*, many Indonesian people – even it had well (secularly) educated – pertain to have no wide Islamic perspective on nationalism rest on religious teachings, but have the enthusiasm to do more for religion, so that they have the potential to become radical.¹ It seems that the ideology of radicalism is a threat to the existence of a number of acts of violence in the name of religion. This group also frequently attacks Islamic mass organizations and educational institutions that disagree with them, including in this case Islamic boarding schools. And recently, Islamic boarding schools have often been targeted and criticized as well as accused to flourish the Islamic radicalism.²

Questions that are pertinent to the research are the following: how therefore it seem conclude that between Islamic boarding schools and radical groups are intersects – referring the using of 'jihad' narratively to deliberate the muslim community from western domination of knowledge, education, economy, and cultural system?³ Hence in the other hand, almost of Islamic boarding school provide the seeking for knowledge and (western) science grounded from English language implemented curriculum beside Arabic; following Lukens-Bull statement about 'fardhu ain and kifayah tradition'?⁴ Why the proper deliberation and the later 'integrated curriculum' can increase the cultural spirit of Islamic brotherhood to be further developed as what we coined as 'Islamic nationalism'?⁵

¹ Greg Fealy, "Islamic Radicalism in Indonesia: The Faltering Revival?," *Southeast Asian Affairs* 2004, no. 1 (2004): 104–21.

² Ronald Lukens-Bull, "The Traditions of Pluralism, Accommodation, and Anti-Radicalism in the Pesantren Community," *Journal of Indonesian Islam* 2, no. 1 (2008): 1–15.

³ Idi Warsah, "Jihad and Radicalism: Epistemology of Islamic Education at Pesantren Al-Furqan in Musi Rawas District," *Jurnal Ilmiah Islam Futura* 21, no. 2 (2021): 152–69.

⁴ Muhammad Taqiyuddin, "Tradisi Intelektual Fardhu Ain Dan Fardhu Kifayah Pesantren Dalam Menanggulangi Terorisme," *Jurnal Penelitian Pendidikan Islam* 9 (n.d.): 1–18.

⁵ Syamsul Ma'arif, "Reinventing Pesantren's Moderation Culture to Build a

We argue, that several researches and studies concerning 'islamic radicalism' was not conclude that Indonesian muslim society alleged with it. 'Islamic radicalism' was strange and ambigüe term were arosed after some of ubiquitous accident alleged with 9/11⁶ and another tiny militant exponent (identified as *Jemaah Islamiyah - JI*) bombed tragedy in Bali (2002, 2005)⁷, Jakarta – Marriott (2003), Australian Embassy (2004), and another regions. A very question of this phenomena: why these 'radicalism' only attached with the practice of Islamic teachings? If they were at least 27.000 pesantrens in Indonesia as the seed of Islamic radicalism, why does the accidents only hosted by a non-percentage of muslim studied in pesantren?⁸ Rely on these arguments, we will basically show that alleged the 'islamic radicalism' with Islamic boarding school (henceforth we call pesantren) was a vague assumption rest on media framing – remember Neil Renwick's WOTD (War on Terror Discourse) – as an ambiguity term⁹; especially in the matter of the western concept of nationality as the counterpart of 'islamic radicalism'.¹⁰

The incompatible issue about accusing pesantren as 'radicalism' dissemination could be (most) partially attributed to the Western setting rest on several works are following: "Is Religion Killing Us?", "Satanic Verse", and Charlie Hedbo's Cartoon, Greet Wilder's Fitna, and another exponent.¹¹ These works echoing the centiment of 'islamic radicalism' in Indonesian sense grounded from the spirit of religious rigidity and strong piety. But further readings, we trace another exponent which propose – after that centiment – a 'moderation' side

Democratic Society in the Post-Reform Republic of Indonesia.," *Pertanika Journal of Social Sciences & Humanities* 27, no. 2 (2019): 1739–51.

⁶ Hatem Bazian, "Islamophobia, 'Clash of Civilizations', and Forging a Post-Cold War Order!," *Religions* 9, no. 9 (2018), <https://doi.org/10.3390/rel9090282>.

⁷ V Arianti, "Jemaah Islamiyah After the 2002 Bali Bombings," *Counter Terrorist Trends and Analyses* 14, no. 5 (2022): 17–28.

⁸ Siti Nur Hidayah, "Pesantren For Middle-Class Muslims in Indonesia (Between Religious Commodification and Pious Neoliberalisme)," *Qudus Internasional of Islamic Stuiets (QIJS)* 9 (2021): 209–44.

⁹ Neil Renwick, "Southeast Asia and the Global 'War on Terror' Discourse," *Cambridge Review of International Affairs* 20, no. 2 (2007): 249–65.

¹⁰ Ismail Fahmi Arrauf Nasution and Syafieh Syafieh, "Menolak Stigmatisasi (Upaya Deradikalisasi Di Pondok Pesantren Modern Islam [PPMI] Assalaam Surakarta, Indonesia)," *TSAQFAH* 17, no. 1 (2021): 39–62.

¹¹ Jonathan Judaken, "Introduction: Judeophobia and Islamophobia in France Before and After Charlie Hebdo and Hyper Cacher," *Jewish History* 32, no. 1 (2018): 1–17; Abubakar A Bakar, "The Political Economy of Hate Industry: Islamophobia in the Western Public Sphere," *Islamophobia Studies Journal* 5, no. 2 (2020): 152–74.

of Islam based on liberal perspective. This idea, further developed as social movement promoting 'soft side of Islam' by accepting western culture of democracation vis a vis syuro, science education vis a vis religious education, and public reason of human rights vis a vis sharia implementation of Islamic teaching; as 'islamic nationalism' in modern era. That exponent seems to have no cover boothside of previous Islamic religious leaders promoting 'islamic nationalism' rest on pesantren tradition¹² referring to '*hubb al-wathan*' grounded from pesantren education since its beginning.

We highlight how and why the Islamic boarding school – with a major of pesantren form consist on the importance of instilling nationality in adolescents and the younger generation in order to prevent and fortify themselves, so that they have strong control not to get involved in acts of radicalism.¹³ We declare, that 'nationalism' implemented through citizenship education as educational values and characters to maintain the unity, sovereignty and leadership of the country in order to protect and love the nation. The main goal of national education is to spread compassion for every Muslim in carrying out his shari'a, as well as protecting non-Muslims in closing ranks for state sovereignty.¹⁴

Globalization and advances in information technology have made all information from wherever it comes easily accessible anytime and anywhere. One of the effects, or even a part, of globalization is the ideology of religious radicalism. The appearance of religious radicalism in society is a threat to the unity and integrity of the Indonesian nation. One of the government's efforts to counteract radical ideology through the Ministry of Religion of the Republic of Indonesia is to mainstream religious moderation. Religious moderation, in its discourse, has four main indicators are following: tolerance, non-violence, national commitment, and accommodating to local culture.¹⁵

¹² Lukens-Bull, "The Traditions of Pluralism, Accommodation, and Anti-Radicalism in the Pesantren Community."

¹³ Imam Bahroni, "Integrated Islamic Education: An Analytical Study on The Concept and Practice of Gontor System in East Java Indonesia," *TSAQAFAH* 6, no. 1 (2010): 83–114; Okta Hadi Nurcahyono and Dwi Astutik, "Anti-Radicalism Education at Faith-Based Schools in the Era of Strengthening the Theo-Democracy Movement," in *2nd Annual Civic Education Conference (ACEC 2019)* (Atlantis Press, 2020), 233–37.

¹⁴ Syamsul Arifin, "Islamic Religious Education and Radicalism in Indonesia: Strategy of de-Radicalization through Strengthening the Living Values Education," *Indonesian Journal of Islam and Muslim Societies* 6, no. 1 (2016): 93–126.

¹⁵ Benny Afwadzi and Miski Miski, "Religious Moderation in Indonesian Higher

Inline with the increasing awareness and public interest in Islamic boarding schools, in the opinion of researchers, it is important to analyze the paradigm and actualization of national education in Islamic boarding schools. Under the leadership and example of a kiai who has moral integrity, the cooperation of all components of the pesantren can be improved so that any difficulties can be overcome together, including in the integration of the pesantren curriculum and national education. A kiai is not limited to being a facilitator, but also setting a good example for the students, both inside and outside the pesantren environment. On the other hand, pesantren education is expected to be able to build a spirit of nationalism or nationalism based on good religious understanding. So this research was carried out with the intention of explaining about national education and how it is actualized in pesantren internal education. Therefore, the role of kiai and pesantren internal education is very important in preventing radicalism and influencing the mindset of the santri.¹⁶

Understanding the 'Islamic nationalism' would refer to very practical aspect of education implemented inside and outclass of Islamic boarding school curriculum. From this point of view, in this case the researcher is interested in conducting research that involves elements in Islamic boarding schools in several efforts to instill national education in students and is trained and accustomed to having an attitude of tolerance, respect, appreciation, and cooperation in the educational process. It is hoped that the results of this research will provide examples, models and innovation offers from national education in Islamic boarding schools.

Literature Review

The need for rules and principles in citizenship education, including: *First*, strengthening unity, as well as brotherhood; *Second*, strengthen security; *Third*, apply a number of basic principles of religious benefit; *Fourth*, instill a sense of love for the motherland.¹⁷ Islamic boarding schools are required to be able to create a good

Educations: Literature Review," *Ulul Albab: Jurnal Studi Islam* 22, no. 2 (2021): 203–31.

¹⁶ Arif Mulyadi and Lativa Novidasari, "Peran Guru Pendidikan Agama Islam Dalam Mencegah Radikalisme Islam Di SMA Sejahtera Depok," *SAFINA: Jurnal Pendidikan Agama Islam* 2, no. 1 (2017): 49–84.

¹⁷ Mustafa Köylü, "Religion and Citizenship Education: The Case of Turkey," in *Islam and Citizenship Education* (Springer, 2015), 189.

“diversity” and “religious” climate so as to be able to prevent students from radical understanding. One of the efforts that can be made is with national education about the importance of nationalism and love for the motherland, *tasamuh*, *tawasuth* and *tawazun* which are packaged in activity programs in Islamic boarding schools.¹⁸ This national education is useful for reductive efforts towards the practice of deradicalization of Islamic education through the integration of character education values in the educational process in Islamic boarding schools.

Efforts to strengthen the paradigm of nationalism in Islamic boarding schools will result in a stronger and more complete education system. The development of a pesantren-based national education model is actually a form of effort in combining the excellence of the implementation of the education system and the noble values of pesantren. With national education, it is hoped that the character of the nation’s children will be formed as aspired to. While the character traits of children that are expected to be achieved through character education in formal schools include: responsibility, self-confidence, healthy lifestyle, hard work, independence, curiosity, entrepreneurial spirit, competent thinking (logical, critical, creative, and innovative), love of knowledge, aware of rights and obligations, obey social rules, respect the work of others, be polite, democratic, love the environment, nationalist, respect diversity, and others.¹⁹ As a result, the students who study at Islamic boarding schools are expected to have strong religious character, be able to practice religious values well, be obedient to people who deserve respect, have morals in accordance with Islamic teachings, and be able to interpret life based on the Qur’an and Hadith.

In order to make Indonesia a developed and sovereign country, several principles and principles in national education were needed. First, strengthening unity, oneness, and brotherhood. Second, strengthening security. Third, applying the basic principles of religious benefit. Fourth, instill a sense of love for the motherland. The broad explanation can be understood as follows:

¹⁸ AM Wibowo et al., “The Regeneration of Ulama Moderate and Tolerant Through Education Dinyiah Formal in Salafiyah Pesantren,” in *Proceedings of the First International Conference on Religion and Education 2019, INCRE, October 8–10, 2019, Bintaro, Indonesia, 2020*.

¹⁹ Fatma Ünal and Hüseyin Kaygın, “Citizenship Education for Adults for Sustainable Democratic Societies,” *Sustainability* 12, no. 1 (2019): 56.

1. Strengthening Association, Union, and Brotherhood

The meaning of association and brotherhood is a reflection of the value of *brotherhood* taught in Islam. Society and brotherhood is not only limited to fellow Muslims, but also brotherhood among human beings and fellow countrymen. Various areas of life also require unity and brotherhood, for example in social, economic and educational aspects.²⁰

2. Strengthening Security

National security needs to be strengthened, among other things, by anticipating thoughts that can divide and challenge the unity of the nation. Such as an understanding that often disbelieves in others, considers other groups to be wrong, as well as movements that often misbehave and act radical.²¹ The more important the deradicalization of Islamic thought through education, it is appropriate if the national commitment shown by boarding schools is paid off by the government with adequate attention. This can be done by embracing pesantren boarding schools in the community empowerment program that the government is currently doing. There are two sides at once that can be achieved through this step, namely reducing the social, economic, and political impact through a more compromising path because it involves Islamic educational institutions.²² also reduce the perception bias towards the bureaucracy which is generally considered corrupt in the implementation of government programs.

3. Applying the basic principles of religious benefit

A number of provisions in Islam that are burdened on humans, the benefits are for humans themselves, that is the realization of benefits (goodness) in their lives and lives. According to Al-Syat-ibi, human welfare can be realized when the five basic elements of human life can be established and can be preserved, namely religion, soul, intellect, lineage, and property. In this framework, he divided *maqhasid* into three levels, namely *dharuriyat*, *hajjiyat*,

²⁰ Ahmad Khoirul Fata and M Ainun Najib, "Kontekstualisasi Pemikiran KH. Hasyim Asy'ari Tentang Persatuan Umat Islam," *MIQOT: Jurnal Ilmu-Ilmu Keislaman* 38, no. 2 (2014); Abdulkarim Sen, "Three Evils of Citizenship Education in Turkey: Ethno-Religious Nationalism, Statism and Neoliberalism," *Critical Studies in Education* 63, no. 3 (2022): 307–22.

²¹ Fata and Najib, "Kontekstualisasi Pemikiran KH. Hasyim Asy'ari Tentang Persatuan Umat Islam."

²² Ahmad Darmadji, "Pondok Pesantren Dan Deradikalisasi Islam Di Indonesia," *Millah: Jurnal Studi Agama*, 2011, 235–52.

and *tahsiniyat*.²³

Yusuf Al-Qardhawi explained several solutions to overcome the problem of radicalism, including;²⁴

1). Respect the aspirations of radical Islamists through dialogical and democratic means; 2). Treat them humanely and brotherly; 3). Not against them in an attitude that is both extreme and radical. This means that extreme radicals and extreme secularists must be pulled into a moderate position so that various interests can be compromised; 4). It takes a society that gives freedom of thought to all groups so that a healthy dialogue and constructive mutual criticism and empathy will be realized between schools of thought.

4. Love for the Motherland (*hubb al-wathan*)

It is natural for each individual among humans, namely to love their nation and their homeland, Love for the motherland can have a positive impact on the progress of the nation, which is adjusted to the level of faith.²⁵ The faith of a strong individual will have a great influence on the love of the motherland. In a phrase, "Love for the motherland is part of faith," because it has a major impact on the development of religion, unity, defense, economy, politics, security, military, and all aspects related to the welfare of the people from all walks of life. In order for love for the motherland to have an impact on the progress of the nation, its application must be adapted to the conditions and position of an individual in society.²⁶ For example, the progress of students or students for the nation is adjusted to their abilities, namely being serious about studying knowledge so that they become wise, intelligent, professional people. One form of love for the motherland is by practicing and utilizing their knowledge to build civilization in society.²⁷

²³ Kamel Essabane, Paul Vermeer, and Carl Sterkens, "Islamic Religious Education and Citizenship Education: Their Relationship According to Practitioners of Primary Islamic Religious Education in The Netherlands," *Religions* 13, no. 9 (2022): 826.

²⁴ Nils A Butenschøn and Roel Meijer, *The Middle East in Transition: The Centrality of Citizenship* (Edward Elgar Publishing, 2018), 195–97.

²⁵ Agata S Nalborczyk, "To Raise Good Muslims and Good Citizens: The Goals of Religious and Cultural Education for Polish Tatars in the 20th Century," in *Islam and Citizenship Education* (Springer, 2015), 245.

²⁶ Muallimul Huda, "Peran Guru Pendidikan Agama Islam Dalam Mengembangkan Pendidikan Multikultural," *Jurnal Kajian Pendidikan Islam*, 2022, 70–90.

²⁷ Alfisyah Alfisyah, Sapriya Sapriya, and Lumban Arofah, "Civic Education Di

Discussion

1. Islamic Nationalism

Inline with 'islamic nationalism' aims in Indonesian context, Islamic education able to produce students with local wisdom, or produce students with inclusive views, is important to realize. More than most other countries, Indonesia is a country that is not only multi-ethnic, ethnic and religious, but also multi-cultural. On the one hand, this heterogeneity is social strength and diversity which is beautiful if one synergizes and works together to build the nation. However, on the other hand, if this heterogeneity is not properly and well managed and nurtured, it will only become a trigger and trigger for conflict and violence that can undermine the foundations of national life. For example, the Ambon and Poso incidents are examples of horizontal violence and conflict which have drained energy and harmed not only lives and material but also sacrificed harmony among fellow Indonesian people.²⁸

We had traced several vague terms concerning the frame of 'Radical Islam' and 'Moderate Islam' categorization. The so called 'inclusive islam', promoted by Nurcholish Madjid, also the terms coincide with western framework of sociological methods in order to understand Islamic community. Another narration posited head-to-head with several narratives mentioned above: 'radical islam' vs 'moderate islam'; 'inclusive islam' vs 'exclusive islam'; 'radical' vs 'tolerant'; and so on. In broad implementation, these terms was disturb the right perspective about Islam as what we know – as Yusuf al-Qaradawi's celebrated '*Islam kama nu'minu bihi*'. But, there was several phenomena, that several terms above, repected by Indonesian scholars – but in taken for granted narratives, without its substantive aspects. There, we also trace the using of 'western terms' concerning vague categorization about islam and muslim societies as well as follows:

Inclusive Islam is a religious understanding based on the perspective that other religions in this world contain the truth and can provide benefits and safety for their adherents. In addition, he does not merely show the reality of the existence of heterogeneity, except for active involvement in the reality of heterogeneity. Conversely,

Pesantren Sebagai Basis Pembentukan Kesadaran Kebangsaan," *Edukatif: Jurnal Ilmu Pendidikan* 3, no. 4 (2021): 1534–42.

²⁸ Ali Muhammad and Eric Hiariej, "Deradicalization Program in Indonesia Radicalizing the Radicals," *Cogent Social Sciences* 7, no. 1 (2021): 1905219.

exclusivity is an attitude that views one's own beliefs, views, thoughts, and principles as the most correct, while the beliefs, views, thoughts, and principles held by others are wrong, misguided, and must be shunned.²⁹

Islamic boarding schools are drawn into the realm of inclusive Islam so that they have alignments with the truth on various sides and respect the views that apply to others. Islamic boarding schools have produced great national figures because in Islamic boarding schools, there are two major jihads, namely: *First*, scientific jihad which is carried out in the form of educating and teaching students with various kinds of knowledge: religious knowledge with its various variants, applied social science, leadership science and management, national political science, cultural science, and others. The thoughts and behavior of the kiai become a source of knowledge and values agreed upon by the santri. The santri absorbed the knowledge imparted by the kiai and with all their strength physically and mentally learned the wisdom of life from the kiai's behavior in their daily lives.³⁰

Second, national jihad. This national jihad is carried out within the scope of Islamic boarding schools through community empowerment activities. The kiai directly and actively teach religious knowledge and educate good morals to the community. The kiai become a reference for the community in various issues related to individual and social and religious life. Kiai can properly guide, "ngemong," and explain the right path in accordance with the Islamic treatise brought by the Prophet Muhammad. Furthermore, the pesantren national jihad is carried out with concrete efforts to empower the economy of the surrounding community and participate in the struggle with all components of the nation in expelling invaders from the archipelago. Post-independence, pesantren have again actively participated in nation-building, both in the cultural and structural segments. Kyai and santri are egalitarian in the field of struggle because all individuals are fighting in order to uphold justice and prosperity which are the substance of Islamic teachings.³¹

²⁹ Dhikrul Hakim, "Inclusivism and Exclusivism as Well as Their Effect on Islamic Education Based Multicultural," *International Journal of Islamic Education, Research and Multiculturalism (IJIERM)* 1, no. 1 (2019): 18–29.

³⁰ Mirzon Daheri, "Religious Moderation, Inclusive, and Global Citizenship as New Directions for Islamic Religious Education in Madrasah," *Nazhruna: Jurnal Pendidikan Islam* 5, no. 1 (2022): 64–77.

³¹ Ma'arif, "Reinventing Pesantren's Moderation Culture to Build a Democratic

Tolerance education, in the Indonesian context, education that is able to produce students with local wisdom, or produce students with inclusive views, is important to realize. More than most other countries, Indonesia is a country that is not only multi-ethnic, ethnic and religious, but also multi-cultural. On the one hand, this heterogeneity is social strength and diversity which is beautiful if one synergizes and works together to build the nation. However, on the other hand, if this heterogeneity is not properly and well managed and nurtured, it will only become a trigger and trigger for conflict and violence that can undermine the foundations of national life. For example, the Ambon and Poso incidents are examples of horizontal violence and conflict which have drained energy and harmed not only lives and material but also sacrificed harmony among fellow Indonesian people.³²

It was very vague ubiquitous understanding about several philosophical terms above received by Indonesian scholars. But, substantially, they remain to understand that 'inclusive islam' are deals with positive aspects of Indonesian pesantren in broader sense. Since the major followers of this terms – as we had interviewed almost of pesantren manager also santri – was not understand the very mean and consequences about the use of these such western terms. Then, we must – at least – deal that 'islamic nationalism' in Indonesian pesantren were the major paradigm to understand the use of these terms above.

2. Internalization of National Education Values at the Raudlatul Ulum

Most of the educational institutions of Islamic boarding schools still receive attention in the hearts of the Indonesian Muslim community, especially those who become charismatic kiai figures, are able to maintain the quality of their knowledge, concentrate fully on the scientific development of the students, and continue to *istiqomah* build good communication with the social community and the government.³³ There are two terms used by Indonesian Muslims to refer to people who are experts in religious knowledge, the two terms are ulama and kiai. Even so, there are differences in the use of the two words, especially in East Java and Central Java.³⁴ Ulama is a word that is used

Society in the Post-Reform Republic of Indonesia."

³² Muhammad and Hiariej, "Deradicalization Program in Indonesia Radicalizing the Radicals."

³³ Ma'arif, "Reinventing Pesantren's Moderation Culture to Build a Democratic Society in the Post-Reform Republic of Indonesia."

³⁴ Ahmad Zaenurrosyid, Abdullah Cholil, and Hidayatus Sholihah, "Social

generally to designate individuals in various circles who master Islamic religious knowledge, while kyai refers to individuals who master Islamic religious sciences and become leaders of an Islamic religious educational institution called a pesantren. Now, there is a change in the use of the word kiai, because there are also scholars who are called kiai even though he does not own or lead a pesantren. Besides ulemas and kiai; also the 'ustadza' ass another term used to refer to those who are well versed in Islamic teachings.³⁵

At the Raudlatul Ulum Islamic Boarding School, the inculcation of Islamic nationalism includes consistent efforts in providing teaching on subjects of nationalism, such as Citizenship Education (PKn) and History. This is intended to appreciate the services of the heroes and understand very well about nationalism. The inculcation of national values at the Raudlatul Ulum Islamic Boarding School is also in accordance with the slogan "*Hubbul Wathon Minal Iman*" which means loving the motherland is part of an individual's faith. This understanding is clearly imprinted in the minds of Raudlatul Ulum students in the form of being diligent in studying and earnestly to achieve success in the future for the sake of the prosperity of the nation.³⁶

The Raudlatul Ulum Islamic Boarding School is here to educate the nation's life through religious and general education where the curriculum is comprehensive, a combination of the curriculum of the Ministry of Religion, Ministry of Education and Culture, also by incorporating local content of the yellow book from the pesantren. The output then is to produce generational cadres who are solid in their religious education to fight for the benefit of the people, so that they become human beings who are *khairunnas anfauhum linnas*. This is *value* contained in the Raudlatul Ulum Islamic Boarding School, namely educating the life of the nation in accordance with the goals and ideals of the Indonesian nation as contained in the fourth paragraph of the

Transformative Movement of Ulama and Pesantren in the Northern Coastal Java: Study of the Struggle of the Kyai to Promote Tradition, Economy, and Moderation of Islam," in *Proceedings of the The 2nd ICS Universitas Mataram International Conference: Countering Radicalism & Terrorism in the Digital Era-Reshaping a Global Peace Community*, 2020.

³⁵ Agus Ahmad Safei, "Promoting Moderate Islam in a Global Community through the 'English for Ulama' Programme," *HTS Teologiese Studies/Theological Studies* 77, no. 4 (2021).

³⁶ Muhammad Syukron and others, "DERADICALIZATION OF QUR'AN EXEGESIS IN ISLAMIC BOARDING SCHOOLS IN CENTRAL JAVA," *JURNAL PENELITIAN* 15, no. 2 (2022): 369-94.

1945 Constitution. (*interview*)

According to seeking knowledge, during 6 years at the Raudlatul Ulum Islamic Boarding School that the paradigm of the Islamic boarding school was in accordance with the vision of the Raudlatul Ulum Education Foundation (YPRU), which is one step further in science and science charity, is simple but meaningful and weighty. The visionary paradigm is how an individual santri is processed step by step, enjoyed, but continuously with certainty, it will produce results. This process is based on practical knowledge and scientific charity, namely learning to seek a lot of knowledge, expanding intellect and actualizing this knowledge in real life. This paradigm at the Raudlatul Ulum Islamic Boarding School is appropriate, so that *output* the is humans who fight for the benefit of the people so that they become the best human beings and the most beneficial for others, of course.³⁷

In another perspective, it is stated that the Raudlatul Ulum Islamic Boarding School has embodied national values, namely by applying Pancasila values or implementing them in Islamic boarding school life. In the Pancasila precepts it is implemented by the Raudlatul Ulum Islamic Boarding School in the culture of students who are diligent in studying, studying religion as a realization of the precept "Belief in the One and Only God." Then the application of the second precept, the students learn the science of morality, which is taught how to respect teachers, parents and caretakers of Islamic boarding schools. In the practice of the third precept, in the Raudlatul Ulum Islamic Boarding School the students are very heterogeneous. They come from various parts of Indonesia, but they are united without any commotion in it. They are competing with each other in seeking knowledge and upholding the name of their alma mater. Furthermore, on the practice of the precepts of "Social Justice" where the Raudlatul Ulum Islamic Boarding School in upholding its rules (the supremacy of the legal order) does not discriminate. If there are students who are really wrong, they are still punished, even if they are officials' children, kyai's children, or others. So, the Raudlatul Ulum Islamic Boarding School enforces the same laws and rules that apply to everyone. In terms of santri, "sitting equally, standing equally tall." The national values contained in Pancasila and Bhinneka Tunggal Ika have been used as a foundation in life.³⁸

³⁷ Syukron and others.

³⁸ Syukron and others; Fatah Syukur, "Pesantren-Based Madrasah Management,"

Raudlatul Ulum Guyangan Pati Islamic Boarding School shows good faith in building national education. This was conveyed directly by KH Najib Suyuthi, himself in an exclusive interview, "If we follow this Islamic boarding school, from Abah Suyuthi it will reach KH Hasyim Asy'ari. The uniqueness of this pesantren is similar to that sung in the lyrics of *Ya Lal Wathan*. A pesantren full of Islamic nationalism values."³⁹



Picture 2. Islamic nationalism inculcation in Boarding Schools

Furthermore, in another language, the national values that are present and exist at the Raudlatul Ulum Islamic Boarding School include respecting the services of teachers as heroes of this country who have educated and equipped us with knowledge and certain manners will be very useful for the future. The Raudlatul Ulum Islamic Boarding School in terms of national education prioritizes defending the homeland, as a form of self-appreciation for those who have inhabited and live on the archipelago. The embodiment of national education is more visible in the daily activities of Islamic boarding schools which continuously carry out recitation of the yellow book as a form of practicing Pancasila, the first precept, Belief in One Almighty God.

AL ALBAB-Borneo Journal of Religious Studies (BJRS) 1, no. 1 (2012): 109–29.

³⁹ Abdur Rosid, "Relasi Nasionalisme Dan Islam Dalam Lirik Syair Ya Lal Wathan," *Jurnal Indonesia Sosial Teknologi* 3, no. 08 (2022): 949–60.

3. Internalization of national education values in pesantren based education and learning

System that is run by the Amtsilati Islamic Boarding School in which there is *Madrasah Diniyyah* education and Formal Education Institutions is proof of the integration of knowledge, practice and da'wah. The problems of this nation are very complex and complicated, both in economic, moral, scientific, political and cultural aspects, all of which require the presence of a young generation who are strong and have character resulting from charity, high knowledge produced in targeted quality, therefore all contribute greatly to the social dimension of the da'wah program in a pluralistic society.

Even though the Amtsilati Islamic Boarding School is quite thick with the salaf learning system, even though this pesantren is not completely salaf. This can be seen through the education system used, namely the traditional model in the form of Islamic boarding schools or madrasah and the modern model in the form of formal madrasahs. The dimensions of the salaf of the Amtsilati Islamic Boarding School can be observed from the pesantren education system and the applied curriculum. Like pesantren in general, the learning system used still utilizes a non-classical system. The use of this system in learning the yellow book is studied with caregivers and with a graduation system that is determined by rote standardization.⁴⁰

Character education is education that instills superior values such as religion, good *morals*, optimism, discipline, respect for seniors, love for juniors, nationalism and what is interesting, explicitly, teaches anti-radicalism education that can pose a threat to the peaceful life of humanity. . This role model is the basis of moderate Islamic education where the majority of Islamic boarding schools teach these values. On average, Islamic boarding schools teach this education implicitly, but the Amtsilati Islamic Boarding School has taught this standard learning curriculum material in the form of a book that has been prepared by Kiai Taufiq. Preparing good values in book form has an urgency for preserving teachings and in order to maintain their existence, which will continue for generations to come.⁴¹

⁴⁰ Muhammad Naufal and Muhammad Hilal, "Telaah Pemikiran KH Taufiqul Hakim Tentang Karakter Guru Dalam Kitab Irsyad Al-Mu'allimin," *Jurnal Tinta: Jurnal Ilmu Keguruan Dan Pendidikan* 3, no. 2 (2021).

⁴¹ Farhan Maksudi, "PANDANGAN KH TAUFIQUL HAKIM TENTANG RADIKALISME DALAM KITAB SYIFA AL-UMMAH," *MUTSAQQAFIN: Jurnal Pendidikan*

Advanced education, Amtsilati Islamic Boarding School, is quality-based education, and continuously competing in improving quality – from time to time – which will give birth to tremendous quality acceleration. a culture will build a *fastabiqul khairat*. Every Sunday and Friday night there is a recitation deposit. Each student who is able to memorize a lot and have good morals will automatically go up a level. Meanwhile, students who are unable to memorize and do not have good *morals* will be stagnant in their studies or slow in their studies. From time to time, such a culture will produce productive quality acceleration. As an expectation that the best students will be born and from the best students the best generation will be born. Through this natural selection, the spirit of students will be pumped up in seeking and developing lifelong knowledge.⁴²

It is a pattern used in moderate education at the Amtsilati Islamic Boarding School, namely the bandongan method. Bandongan is a method that is often applied to learning in Islamic boarding schools. In this method, a group of santri listens to the Kiai reading, translating and explaining the book. Each santri pays attention to the book he is studying and makes notes, both the meaning and the explanation from the Kiai. At the practical level, this method is applied in learning, including the book of *Syifaul Ummah* which is empirical evidence of the book being taught in order to ward off radicalism. The contents of this book contain several basic explanations about deradicalization, including:

a) Moderate Islamic Da'wah.

Amtsilati Islamic Boarding School emphasizes good manners and morals, because morality is one of the main criteria for the character of a santri. Such practice becomes the basis of moderate education which is usually implemented in every Islamic boarding school within the scope of the *hidden curriculum*. Likewise, at the Amtsilati Islamic Boarding School, the lessons and values of Sufism or morals are the basic paradigm for the formation of the character of students at all levels of education within them. The books studied included *Akhlak lil Banin*, *Adabun Nabi*, *Hidayatul Muta'allim*, and *Makarimul Akhlak*.⁴³

Islam Dan Bahasa Arab 2, no. 01 (2019): 73–93.

⁴² Naufal and Hilal, "Telaah Pemikiran KH Taufiqul Hakim Tentang Karakter Guru Dalam Kitab Irsyad Al-Mu'allimin."

⁴³ Azzah Nor Laila and Fathur Rohman, "Pesantren Amtsilati Sebagai Role Model

b) Islam Prohibits Intolerant and Radical Actions.

This is proven by what is explained in the *Syifa'ul Ummah* with the prohibition against harming animals, let alone torturing humans. "The Amtsilati Islamic Boarding School is known for its very strict rules and discipline, so students are trained and trained to comply with existing regulations, but regulations are made based on Islamic values that are far from violence, and in the context of students' education, for example students are given a warning when you break the rules, if you still break the rules, you will be given a warning, told to read the Koran, *clock squad*, *push ups*, told to memorize *verses*, until the level cannot be controlled, administrators can contact parents, even students are expelled. This means that in the concept of security regulations that remain humane and far from violence, such as Islamic values that are friendly and avoid violence, especially acts of terror."⁴⁴ The narrative above gives an indication that the Amtsilati Islamic Boarding School has been able to create a life that is far from radicalism and intolerance in Islamic boarding schools.

c) Way Changing *bil Ma'ruf*

Evil in the *Syifa'ul Ummah* that changing evil by hand does not have to be done by destroying or killing the perpetrators of evil, because doing so does not solve the problem, but instead invites a dangerous reaction, that can lead to bad evil. bigger.⁴⁵ Changing evil must still show a wise attitude (*bil wisdom*), and fiqh rules such as:

درء المفساد مقدم على جلب المصالح

"Rejecting damage takes precedence over attracting good."

d) National Commitment

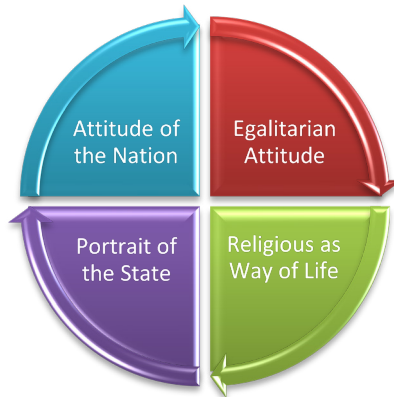
One of the practices of the form of national commitment by the students of the Darul Falah Amtsilati Islamic Boarding School is the festive atmosphere of the anniversary of the proclamation of

Pendidikan Berbasis Anti Radikalisme Di Jepara," *Al-Fikri: Jurnal Studi Dan Penelitian Pendidikan Islam* 1, no. 2 (2018): 22–30.

⁴⁴ Laila and Rohman.

⁴⁵ Mokhammad Miptakhul Ulum, "Rekonseptualisasi Makna Jihad Melalui Kurikulum Di Pondok Pesantren Salaf Kabupaten Tegal," *An-Nawa: Jurnal Studi Islam* 3, no. 2 (2021): 42–53.

independence of the Unitary State of the Republic of Indonesia as a form of gratitude for being given the gift of a great, independent and sovereign nation. Upholding the pillars of nationality, including Pancasila, Unity in Diversity, the Republic of Indonesia and the 1945 Constitution.



The Figure 3. Treasures Of National Education At Pesantren

Citizenship education at Islamic boarding schools indicates a strong commitment to building the character of students who are aware of their origins and the area where students are raised and fight for values that lead to an egalitarian attitude, uphold religious ways of life. , nation and state who always respect the founding fathers who fought for the upholding of the Unitary State of the Republic of Indonesia (NKRI).

4. Internalization of national education values in pesantren

Pesantren makes the modern education system a driving force in the world of Islamic boarding schools. When some Islamic boarding schools chose to be consistent in education that refers to the *salafiyah* which is in line with the study of the yellow book and also learning with the *sorogan*, *bandongan* and *wetonan*. The Futuhiyyah Islamic Boarding School has made several changes, including having participated in the education program of the Indonesian Ministry of Religion, by opening madrasas; also participated in the education program of the Ministry of National Education of the Republic of Indonesia by opening schools. The Pesantren Futuhiyyah education system used is formal and non-formal. Both formal and non-formal education that exist and

are pursued by the pesantren provide an opportunity for the students to revive the spirit of *alabul 'ilmi* and inflame the spirit that becomes the discipline of the pesantren. For the Futuhiyyah Islamic Boarding School, formal or non-formal education can be used as an educational acceleration that opens up spiritual and intellectual reasoning that strengthens all components of the pesantren in realizing humanity and life in the midst of national and state life. The scientific transformation system at the pesantren a synergistic strengthening of the concepts of faith, Islam, and *ihsan* in each santri (*interview*). These three concepts are realized in a number of subtle devices that provide stimulants as well as motivation for moral transformation. All of these subtle devices are: discipline enforcement, moral habituation, and cultivation national values.

a) Enforcement of Discipline

The Futuhiyyah Islamic Boarding School has discipline listed in its own design, each student must obey and adhere to the rules that are made. It is the existing discipline that is tried to be instilled in every santri. The Futuhiyyah Islamic Boarding School's discipline enforcement system will work with the support of all parties living in the pesantren environment. Between teachers, administrators, and students must understand each other's position. The senior students set an example for the juniors, and the administrators learn from the teachers, and the teachers learn from caregivers or kiai.⁴⁶

b) Habituation of *Akhlakul Karimah* The

Daily morals of santri can be mentioned, among others, namely a). Santri who always greet, spread greetings, and smile to teachers and peers; b). Santri who always respect and love their teachers and friends; c). Santri who have good knowledge about the manners of eating, ethical manners in the mosque, ethical dress, and various things in Islamic boarding school life; d). Santri who respect and pay attention to the teacher when explaining the subject matter presented in teaching and learning activities (KBM); e). Santri who always maintain the morals of behavior in the daily life of the boarding house; f). Santri who always maintain good speech in speaking verbally towards their peers and teachers, (*interview and observation*). Scientific transmission

⁴⁶ Suparjo Suparjo and others, "Relasi Kiai-Santri Di Pesantren Futuhiyyah, Demak," *IBDA: Jurnal Kajian Islam Dan Budaya* 15, no. 2 (2017): 192-214.

is used as a vehicle that contributes to translating the conception of education both physical, spiritual, intellectual and moral. Every activity, opportunity, and what is in the pesantren contains education. In Islamic boarding schools, every movement and behavior of students has an orientation towards educational norms and values of Islamic boarding schools which are the focus of the pesantren leadership.

c) Inculcation of National Values and social care

Among the national values developed by Islamic Boarding Schools, namely social values, religious values, tolerance values, mutual cooperation, independence, solidarity and others. Social values are actualized in the form of community relations, communication with santri guardians, government, stakeholders and others. Islamic boarding schools build positive relations with the surrounding community as evidence of their concern and vice versa.⁴⁷ There are several activities initiated by Islamic boarding schools for a social interest, as well as Islamic boarding schools need the community to be able to realize the vision and mission of the Islamic boarding school. Next is the cultivation of religious values. As an *Ahlus Sunnah wal Jama'ah*, we are trying our best to disseminate the ASWAJA understanding. Through the vehicle for taklim assemblies and learning held by Islamic boarding schools, the internalization of religious values can be carried out. This religious value shows the seriousness of the pesantren in building and realizing the construction of thoughts among the people in terms of religion, nation and state.⁴⁸

d) Value of Tolerance

Tolerance allows for the awareness of each individual to appreciate and respect the opinions or ideas and activities carried out by different groups of people. If tolerance results in the existence of "delicious" procedures between different groups, then this result must be understood as "wisdom" or "benefit" from practicing the true teachings. Pluralism, according to Nurcholis Madjid, is a true affinity of diversity in the bonds of civility. Pluralism is a must for the safety of mankind, among others, through a

⁴⁷ Fitria Ulfa Hidayatul Rahmi, "Kekuasaan, Kesantunan, Dan Solidaritas Dalam Unggah-Ungguh Di Kalangan Santri Oleh Ikatan Alumni Futuhiyyah Mranggen Demak," *Thaqafiyat: Jurnal Bahasa, Peradaban Dan Informasi Islam* 19, no. 2 (2018): 112–30.

⁴⁸ Wildani Hefni, "Pemikiran Hukum Nasional A. Qodri Azizy: Eklektisisme Hukum Islam Dan Hukum Umum," *Undang: Jurnal Hukum* 5, no. 2 (2022): 481–511.

mechanism of monitoring and balancing. Nurcholis further said that an understanding attitude towards others is needed in a pluralistic society.⁴⁹



Figure 4. Islamic Moderation Values in the social aspect

Some of the main points of the social aspect of the pesantren model include: a. *Tawazun* (maintain balance and harmonization); b. *Tawasuth* (moderation); c. *Tasamuh* (Tolerance); d. *I'tidal* (fair); e. *Shura* (deliberation), then the attitude of students in terms of other religions in a real form, namely by doing good to other religions. While Islam itself is a religion that carries the prophetic mission of *rahmatan lil 'alamin*. Therefore, many Islamic teachings take the form of tolerant or considerate attitudes and practices that encourage freedom of thought and encourage brotherhood, mutual help, assistance, and mutual concern for each other's interests and always embody an attitude of mutual love for fellow human beings.⁵⁰

⁴⁹ Lukens-Bull, "The Traditions of Pluralism, Accommodation, and Anti-Radicalism in the Pesantren Community."

⁵⁰ Suparjo and others, "Relasi Kiai-Santri Di Pesantren Futuhiyyah, Demak"; Hefni, "Pemikiran Hukum Nasional A. Qodri Azizy: Eklektisisme Hukum Islam Dan Hukum Umum."



Figure 5. Scheme of National Education in Pesantren

5. Internalization of the values of national education through training and habituation.

There are several program activities that can be carried out and improved, including training for students related to responsibility, forming student discipline, participating in social activities, commemorating Indonesian independence day, commemorating Islamic holidays, commemorating santri day, Islamic Boarding School Anniversary, social service and solidarity activities and other activities that can be adapted to pesantren traditions.

a) Santri Training regarding Responsibilities

Every santri has the same opportunity to become a member of the santri organization during one period in the pesantren. Each student is responsible, both as a member and administrator. These responsibilities are in accordance with the section and status of the santri in the pesantren; who takes care of carrying out the main tasks and functions according to the mandated part; the members are tasked and obliged to follow the rules and regulations that apply in each pesantren. The existence of responsibilities in each pesantren gives a mandate for each administrator to carry out the work plan of the organization during the solemn active period. As administrators in Islamic boarding schools there is a responsibility to become a vehicle for training students in reviving the power of *sharpening*, *loving* and caring for fellow students; hone sensitivity to responsibilities as administrators; turn on affection as a real form of responsibility; and

taking care of other students in the area of caring for students mandated by the pesantren. The mechanism for selecting administrators has been determined by each pesantren. A number of names of students who meet the qualifications will be selected, appointed, and other procedures that must be followed. (*interview and observation*)

b) Formation of Santri Discipline

The distinctive feature of the pesantren is embodied in the upheld discipline. The existence of discipline in the pesantren environment becomes a "driving engine" for every santri in various kinds of pesantren activities; Santri can, with compulsion and awareness, carry out activities in the pesantren properly, actively and wholeheartedly. Of the three Islamic boarding schools, it has implemented sufficient discipline for students. Several disciplines are applied in the three Islamic boarding schools, namely discipline in studying, character, language of the book, religious practice and interaction with the surrounding environment. It is not the main task for an individual santri in a pesantren, but to study seriously and with the right intentions. In Islamic boarding schools, a santri fulfills the task of seeking knowledge, learning manners and manners. Therefore, mastering knowledge and manners reflects noble wealth which is the capital to struggle in society. Adab and manners are images of the morals of a noble human being. Morals are the personality traits of the santri, and the santri in a disciplined manner continue to live them up in personal and social interactions which will make the life of the santri more beautiful and perfect. (*interview and observation*)

Learning the language of the book is also part of the duties of students who are in Islamic boarding schools. The three Islamic boarding schools include those that require the language of the book as the language that must be mastered by the students so that it is easy to study Islamic boarding school books. The existence of language discipline carried out by a santri will be directly proportional to his ability to understand the substance of Islamic boarding school lessons and increase achievement. In terms of the practice of worship, the discipline of the students that is applied is also quite good. During the hours of carrying out religious practices, not a single santri is in the dormitory, because through this discipline in the practice of worship, a

santri can strive for self-improvement and quality. (*interview and observation*)

c) Participation in Social Activities

Even though students are in the pesantren environment, they are never separated from community activities. The involvement of students, in accordance with the tasks instructed, in activities in the community trains the readiness of students and participates in learning in society. It should be remembered that santri are part of the community which will later return to the community. Such social activity is very important and has an influence on the lives of students in creating, contributing, and in the context of concrete efforts to prove themselves as human beings who have the potential to help and serve people's lives, which in the end the principle of "anfa'uhum linnas" is not just a slogan or jargon only.⁵¹ Santri participation in social activities is a concrete form of training for students to be able to animate and find ways to socialize, interact and collaborate with the community.

d) Commemorating the independence day and national day

One of the important activities at the Islamic boarding school is the flag ceremony every August 17th. The enthusiasm of the students to enjoy the independence celebrations can be used as a momentum to increase understanding, feeling, and national spirit. It also fosters a sense of love for students for their nation and country. Indonesia. On that day, all Islamic boarding schools closed classical learning activities. All students are required to take part in Islamic boarding school activities in the framework of the Independence Day of the Republic of Indonesia. Each pesantren makes independence activities a pesantren momentum which must be carried out once a year. This is none other than proof of the gratitude of the pesantren residents, more specifically the Muslim community, who love their homeland, for the gift from Allah SWT in the form of independence.

Conclusion

In defense of Islamic nationalism idea, we trace interpretively that pesantren have implemented values of unity, oneness, and brotherhood and brotherhood include training of students related

⁵¹ Rosid, "Relasi Nasionalisme Dan Islam Dalam Lirik Syair Ya Lal Wathan."

to nationalism, responsibility, discipline, independence, integrity, mutual cooperation as well as various religious and social activities. The involvement of the santri, in accordance with the task instructed, in activities in the community trains the readiness of the santri and participates in learning in society and takes part in maintaining national commitment, the spirit of diversity, tolerance and being accommodating to the nation's culture. In addition, it is carried out through understanding the attitudes and behavior of the kyai and santri in applying the basic principles of benefiting religion, including maintaining religion (*hifdz al-din*), protecting the soul (*hifdz al-nafs*), maintaining the mind (*hifdz al-'aql*), maintaining property (*hifdz al-mal*), and maintaining offspring (*hifz al-nasl*). Love for the motherland is a spirit that continues to be strengthened through various education, teaching, socialization, habituation of attitudes and traditions within Islamic boarding schools. Internalizing the values of nationalism and nationality, including through civic education and studying history. Through this teaching, it is hoped that students will be able to apply the values of Pancasila or implement them in life within the Islamic boarding school and society. Attitudes and habits that exist in Islamic boarding schools to foster an attitude of nationalism include through religious studies, commemoration of Islamic holidays, traditions of deliberations, *bahtsul masail forums*, participation in general elections, social service activities, raising aid for solidarity, commemorating and participating in birthday ceremonies. Republic of Indonesia's independence day, heroes' day commemoration, Pancasila day commemoration, santri day commemoration and other activities that are integrated with the Islamic boarding school curriculum.

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The Role and Impact of Local Sharia Regulations in Indonesia's Constitutional Law (a Study of Characteristics Sharia Local Regulations)

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Abstract

Indonesia's constitutional law embodies the ideals of Islamic law, guaranteeing the right to religion and worship in Article 29 of the 1945 Constitution. Local Sharia regulations, known as Sharia Perda, are one manifestation of this ideal. However, Sharia Perda is not without problems, such as discrimination and exclusivity towards non-Muslims and limitations on women's freedom. This research aims to identify the main characteristics of Sharia Perda and discuss its compatibility with constitutional law. The research employs a normative juridical approach, analyzing relevant laws and regulations, and using the legal hermeneutic method to interpret their meaning and philosophy. Sharia Perda has two main characteristics: Sharia compliance and local specificity. However, its implementation has resulted in controversies and conflicts, such as the prohibition of alcohol and criminalization of pre-marital sex. These controversies arise from the tension between Islamic law principles and constitutional law, particularly regarding individual rights and freedoms. This study contributes to the discussion of the compatibility of Islamic law and constitutional law, highlighting the need to address the problems of Sharia Perda, particularly the limitations on women's freedom and discrimination towards non-Muslims.

Keywords: *Islamic Law, Constitution, and Sharia Principles*

Introduction

The constitution is always related to constitutionalism in that the basic foundation is a general agreement or consensus among most people regarding the idealized building of the state. The state organization is needed by citizens of the political community so that their common interests can be protected or promoted through the establishment and use of a mechanism called the state.¹ As a country born in the middle of the XX century (to be precise) on August 17, 1945, Indonesia inherited various state concepts from several countries that had already built a country and its independence.²

The 1945 Constitution contains the basic principles of the Pancasila State, and an Islamic perspective has the following meanings: First, Belief in One God as a spiritual foundation reflected in the 1945 Constitution and line with Islamic values. Second, humanity, as the moral and ethical foundation of the nation, which is reflected in Human Rights, views humans as creatures that Allah SWT glorifies. Third, unity is the social foundation of the nation with the spirit of kinship to share and cooperate in goodness and piety to achieve noble goals. Fourth, democracy as a reference for the nation's politics and deliberation to reach consensus as a basic principle in the decision-making process among interested parties and are morally accountable to Allah SWT. Fifth, justice is a common goal in the state that includes all aspects, such as legal and economic justice, and is followed by the goal of people's welfare.³

The legal provisions and procedures in M. Natsir's view are interpreted as an understanding that "in a country based on Islam, people from other religions have broad religious freedom; and they will not object if the country applies Islamic law on social matters. The law does not conflict with their religion, because in their religion there is no such regulation".⁴

The Local Regulation must be based on the uniqueness and characteristics of each region, as stated in Article 14 of Law Number 12

¹ Cecep Supriadi, 'Relasi Islam Dan Negara: Wacana Keislaman Dan Keindonesiaan', *Jurnal Kalimah*, 13.1 (2015) <<http://dx.doi.org/10.21111/klm.v13i2.285>>. p. 7

² Rusli Kustiaman Iskandar, 'Pemilihan Umum Sebagai Implementasi Kedaulatan Rakyat Di Indonesia' (Universitas Islam Indonesia, 2016). p.327

³ MPR RI, *Empat Pilar Kehidupan Berbangsa Dan Bernegara* (Jakarta: Sekretariat Jendral MPR RI). p.6

⁴ Masdar Farid Mas'udi, *Syarah UUD 1945 Perspektif Islam* (Jakarta: PT Pustaka Alvabert, 3rd Edition, 2013). p.5

of 2011 concerning the Formation of Legislation, which states that the content of Provincial Regulations and Regency/City Local Regulations contains material in the context of implementing local autonomy and co-administration tasks as well as accommodating special local conditions or further elaboration of higher legislation. The principle of local specificity is an important factor in the preparation of local regulations because various special circumstances in each region determine real or real autonomy to realize the ideals of democratic and prosperous local community autonomy.⁵

Based on that, from the historical perspective, the existence of regulations based on religion has been recognized and existed since the entry of Islam in Indonesia until the formation of several Islamic kingdoms, which were fully legal based on Islamic law. However, after entering the 20th century and reform, there were many pros and cons in implementing sharia-based regulations.⁶

This phenomenon inevitably raises pros and cons, including in Islamic society itself. The pro group said it was natural for Islamic law to be the legal basis for the life of the nation and state because Muslims are the majority of Indonesia's population. They called on Muslims to return to the Qur'an and al-Sunnah so that the various socio-political problems afflicting the Indonesian nation could be overcome. However, not all Muslim communities agree with the pro groups. However, there are contra groups who certainly do not disagree with Islamic law but only reject the religious understanding of the first group. According to them, what the first group understood as Islamic law was none other than the fiqh developed by early Islamic scholars. The problem is with the variety of fiqh viewpoints in this country. Which group opinion will be used as a reference? Not just forcing the view of one version of Islamic law, it is contrary to the spirit of Islam itself. After all, hasn't Islamic law been internalized into the social system of Indonesian society? According to the contra group, whether or not there are rules with the nuances of Islamic law, the community is already living by

⁵ Bagir Manan, *Menyongsong Fajar Otonomi Daerah* (Yogyakarta: Pusat Studi Hukum (PSH) Fakultas Hukum UII, 2002). p.13

⁶ Understanding the content of a sharia-based regional regulation can be seen in its proper form (text) and requires a special study of the political and sociological elements that gave birth to the sharia-based regulation. Therefore, sharia-based regulations as legal products produced through the political constellation of various parties cannot be separated from the interests that accompany them

the guidance of the Shari'a.⁷

Data from 34 provinces shows that 443 Sharia Local Regulations were adopted between 1998 and 2013 in several districts in relatively small provinces. In other words, 67.7 per cent (300/443) of Sharia Local Regulations are only concentrated in six provinces. Provinces with the highest number of Sharia Local Regulations are West Java (103), West Sumatra (54), South Sulawesi (47), South Kalimantan (38), East Java (32) and Aceh (25).⁸ According to the Women's National Commission (*Komnas Perempuan*), in 2016, there were 421 government policies through circular regulations that discriminated against minority groups and women. Meanwhile, 151 sharia regulations contain discriminatory elements.⁹

In its development, 154 local regulations that discriminate against women were issued. Nineteen were issued at the provincial level, while at the district/city level, 134 regulations and one local regulation at the village level. These local regulations were issued in 69 districts/cities in 21 provinces, and more than half of the discriminatory local policies (80 policies) were issued almost simultaneously, namely between 2003 and 2005. West Java, West Sumatra, South Kalimantan, South Sulawesi, Nusa Tenggara West and East Java are the six provinces whose districts most favour issuing discriminatory local policies. From *Komnas Perempuan's* analysis, 64 of the 154 local policies directly discriminate against women through restrictions on the right to freedom of expression such as how to dress, reducing the right to protection and legal certainty for criminalizing women, and ignoring the right to a decent living and work for humanity. The regulation is considered contrary to the constitution and violates human rights.¹⁰

Based on this, it can be seen that the problems with sharia regulations are mostly found in regions that do not have special/special

⁷ Nur Rohim Yunus, 'Penerapan Syariat Islam Terhadap Peraturan Daerah Dalam Sistem Hukum Nasional Indonesia', *Jurnal Fakultas Syariah Dan Hukum UIN Syarif Hidayatullah Jakarta*, 12.2 <<https://doi.org/10.24239/jsi.v12i2.394.253-279>>. p.4

⁸ Michael Buehler, *The Politics Of Shari'a Law: Islamist Activist And The State In Democratizing Indonesia* (Cambridge, United Kingdom: Cambridge University Press, 2016). 174

⁹ Ign. L. Adhi Bhaskara, 'Kontroversi Perda Syariah: Dinilai Diskriminatif Dan Dipolitisir', *Tirto.Id*, 1 <<https://tirto.id/kontroversi-perda-syariah-dinilai-diskriminatif-dan-dipolitisir-dalS>> [accessed 20 April 2022].

¹⁰ Arman Dhani, 'Perda Yang Menindas Perempuan', *Tirto.Id*, 2016, 1 <<https://tirto.id/perda-yang-menindas-perempuan-bx7s>> [accessed 20 April 2022].

autonomy.¹¹ Therefore, it is important to understand the characteristics of the application of sharia regulations in autonomous regions in general and regions that have special autonomy. This is solely to avoid disaffection both horizontally and vertically. This study will focus on two main aspects of the problem, namely: How is the concept of sharia regulations in the ideals of Islamic law in the Indonesian constitution, and how is the implementation of the characteristics of sharia regulations in special autonomous regions and autonomous regions, in general.

in supporting the originality of writing. The author outlines the differences between this paper and 2 similar articles. Namely, Muhammad Alim's article argues that Sharia Regional should be in line with the holy Quran and the 1945 Constitution. Cholida Hanum's article discusses the application of Sharia Regional from the perspective of State Administration and *Siyasah Dusturiyyah* and emphasizes the importance of regulations that guarantee the benefits of society. The third article by author's writing examines the characteristics of Sharia Regional and its compatibility with constitutional law, highlighting the tensions between Islamic law principles and individual rights and freedoms.

All three articles acknowledge the presence of Sharia Regional in Indonesia's legal system and discuss its impact on constitutional law. However, they differ in their approach and focus. Muhammad Alim's article emphasizes the importance of aligning Sharia Regional with Islamic principles and constitutional law. Cholida Hanum's article discusses the significance of Sharia Regional in the context of decentralization and highlights the need for regulations that guarantee the benefits of society. The third article provides a more critical perspective on Sharia Regional and examines its compatibility with constitutional law, focusing on its potential negative impact on individual rights and freedoms.

In summary, the three articles contributed to the ongoing discussion of the role and impact of local Sharia regulations in Indonesia's constitutional law. While they differ in their approach and focus, they all highlight the need for regulations that align with Islamic principles, guarantee the benefits of society, and respect individual rights and freedoms.

¹¹ The constitutional basis for the formation of this special and special region itself, namely Article 18B paragraph 1, reads, "The state recognizes and respects regional government units that are special or special in nature, which is regulated by law."

This research is categorized into the type of research is a normative legal it is based on the issues and themes raised as a topic of research. The research approach used is a philosophical and analytics, the research focuses on the view of the rational, analytical, critical and philosophical, and ended with the conclusion that aims to generate new findings as answers from subject matter that has been set. As well as will be analyzed with descriptive analytical method, namely by describing the laws and regulations that apply to the legal theory and practices of law enforcement positively related to the problem.¹²

Content/ Discussion

A. The Concept of Sharia-Based Local Regulations in the Constitution of Indonesian Islamic Law

Indonesia is known as a country with the characteristics of a religious society. His religious beliefs are very strong and even greatly affect its adherents' norms, values, culture, and daily behaviour. Our constitution expressly recognizes the thickness of this religiosity. Article 29, paragraph (1), states that the state is based on the one and only God, and paragraph (2) states that the state guarantees the independence of every citizen to embrace their religion and to worship according to their religion and beliefs.

Philosophically Article 29 paragraph (1) is in line with the first verse of Surah Al-Ikhlâs, which means "Say (Muhammad), 'He is Allah, the One and Only One. This letter contains the content of tolerance in faith and worship. Allah SWT said,

"Say: 'O disbelievers, I will not worship what you worship. And you are not worshipers of the God I worship. And I have never been a worshiper of what you worship, and you have never (also) been a worshiper of the Lord I worship. For you is your religion, and for me is my religion.'" (Surah Al-Kafirun).¹³ Based on this, it can be said that the 1945 Constitution has high Islamic values related to aqidah (belief) in the life of the nation and state in Indonesia. The Indonesian constitution, which has high historical characteristics and values, implicitly makes religion and the state inseparable.

¹² Peter Mahmud Marzuki, *Penelitian Hukum*, Kencana Prenada Media Group, Jakarta, 2011, 22

¹³ Departemen Agama RI, *Al-Quran Terjemahan* (Bandung: CV Darus Sunnah: Departemen Agama RI, 2015) <<https://quran.com/66>>.

Yusril Ihza explained that about Article 29 of the 1945 Constitution, from the point of view of religious theology, freedom to embrace religion is transcendent (sourced from God), which gives humans the freedom to embrace religions freely without coercion from anyone, in addition to Article 29 strictly regulates freedom to embrace religion, not freedom not to adhere to religion. Ismail Suny stated the relationship between 2 (two) paragraphs in Article 29, namely that "...religions and beliefs that may be granted the right to live in the Republic of Indonesia are religions and beliefs that do not conflict or endanger the state basis of the One Godhead. While understanding atheism explicitly endangers the precepts of the One Godhead, because the notion of not believing in God aims to eliminate belief in God."¹⁴

The provisions of Article 29 of the 1945 Constitution, which states that the state is based on God Almighty, imply that the state is obliged to make laws and regulations or carry out policies to implement a sense of faith in God Almighty. In addition, as a limitation, an acknowledgement that Islamic law is included as a sub-system of the national law of the Republic of Indonesia. In addition, the state must make laws and regulations prohibiting anyone from harassing religious teachings. The word "hug" according to each religion can also be interpreted in a broader understanding not only as a declaration of religion adopted by a religious adherent in Indonesia but can also be interpreted as being able to carry out the implementation of the law adopted by every religion that exists and is recognized in Indonesia. . With this logic, the provisions of Article 29 paragraph (2) may be one of the entrances for Muslims in an area in Indonesia to be able to apply Islamic law for adherents and adherents of the Islamic religion.

The power of God Almighty is operationally implemented in the concept of popular sovereignty and the rule of law as it should be. With absolute belief in God's omnipotence, every human being is seen as equal. Thus, the people are sovereign in-state activities, not the rulers. The omnipotence of God Almighty is also embodied in the legal principles based on the 1945 Constitution, as the constitution is the highest source of law. Thus, some constellations are closely related to each other, namely the principle of God's Omnipotence, People's Sovereignty or democracy, and the idea of a rule of law or the principle

¹⁴ Fatmawati, 'Perlindungan Hak Atas Kebebasan Beragama Dan Beribadah Dalam Negara Hukum Indonesia', *Jurnal Konstitusi*, 8.4 <<https://doi.org/https://doi.org/10.31078/jk%25x>>. 500

of a constitutional state that views law as the determinant in all states activities. Such an understanding is clearly in line with and with the notions that have developed in the theory and practice of the Islamic political tradition as described above.

The provisions in carrying out their respective religions and beliefs contained in the 1945 Constitution refer to the recognition of the existence of one God. Therefore, Indonesian citizens are free to determine their way of living their relationship with God according to their religion or belief while maintaining a balance to create tolerance between adherents of that religion and adherents of that belief.

The philosophy of God Almighty contained in this article can be understood to be identical to monotheism, which is the core of Islamic teachings, with the understanding that Islamic teachings provide tolerance for freedom and the widest opportunity for adherents of other religions to practice the teachings of their respective religions. In addition, the philosophy of monotheism, formulated as the one and only God, was able to cover all legal issues in the humanities, society, and the state. The freedom to embrace a religion or belief will be meaningless if it is not accompanied by the freedom to worship according to the religion or belief held. Syafii Maarif asserted that the attribute “the one and only one shows that the concept of divinity in the 1945 Constitution reflects the teachings of monotheism. This can be strengthened by the assumption that if the majority of the Indonesian people are not Muslims, our country’s basis will certainly not recognize the principle of divinity.”¹⁵

Integrating the divine spirit and other human values is essential for us to live a human life in this post-modern century. On the one hand, let us say that in the West, the nation’s society that places too much emphasis on the Anthropocentric dimension only considers human values and life by denying the divine dimension; On the other hand, the people of the nation, say, in the Islamic world, which is too theocentric, only wants to consider the divinity dimension by insulting human values and life. The future history and understanding of humankind require a comprehensive and balanced understanding and practice between the two groups of divinity and humanity. Our

¹⁵ Rahman Mantu, ‘Islam Dan Konstitusi: Analisis-Komparatif Antara Teks Al-Quran Dengan Pasal 29 UUD 1945’, *Jurnal Ilmiah Al-Syir’ah*, 16.1 (2018) <<http://dx.doi.org/10.30984/jis.v16i1.644>>..3-4

constitution has articulated it precisely.¹⁶

The state's founders have conceptualized that the Republic of Indonesia is a state based on law.¹⁷ A democratic state (sovereignty of the people) based on the One Godhead and social justice. Part of the Unitary State of the Republic of Indonesia. The state's founding fathers have conceptualized that the Republic of Indonesia is a state based on law, a democratic state (sovereignty of the people), based on the One Godhead, and social justice. The embodiment of Article 29, paragraphs (1) and (2) itself is implemented through sharia regulations.

The authority to form local regulations has, in principle, been regulated by Law no. 12 of 2011 concerning the formation of legislation.¹⁸ The existence of local regulation is part of legal certainty and the elaboration of policies and laws and regulations that are at the mid-level or higher laws. With local regulations, the principle of administering local government is by the spirit of the law, which conceptualizes as a state of law.

From a socio-cultural perspective, Indonesia has a very wide cultural diversity. Indonesia has a diversity of ethnic groups, cultures and religions that gives rise to the motto *Bhinneka Tunggal Ika* that even though we have different ethnic groups, cultures and religions, we are still one as a nation of Indonesia. Diversity of culture, ethnicity and religion certainly affects the region's administration in the principle of local autonomy. In addition, Indonesia is one of the countries with a Muslim majority spread in every region in Indonesia. With the principle of local autonomy, each region has the opportunity to regulate the implementation of local government according to the wishes and beliefs of the community. One of the things that are being debated is related to legal products that contain or contain religious beliefs or values.

¹⁶ Mantu. Op Cit. 4

¹⁷ As a state, Indonesia asserts itself as a state of law (Article 1 paragraph (3) of the 1945 Constitution). In every country that adheres to the rule of law, there must be three basic principles, namely the supremacy of law, equality before the law, and law enforcement in a way that does not conflict with the law (due process of law). See, Majelis Permusyawaratan Rakyat Republik Indonesia, *Panduan Pemasyarakatan Undang-undang Dasar Negara Republik Indonesia Tahun 1945: Sesuai dengan Urutan Bab, Pasal, dan Ayat*, Jakarta: Sekretariat Jenderal MPR RI, 2006, 46-48

¹⁸ See Law No. 12 of 2011 concerning the Establishment of Legislation. Chapter III Article 7 Paragraph (1).

They could create a local regulation that limits the use of plastic bags by retailers and encourages the use of reusable bags by customers. This regulation would be adapted to local content and the needs of the community in the region. Before the regulation is created, the community could provide input regarding the provisions in the regulation. For example, they could suggest that the regulation include penalties for retailers who do not comply or incentives for customers who bring their own bags.

However, it's important to note that this local regulation cannot conflict with higher legislation, such as national laws or regulations set by the provincial government. The local government would need to ensure that their regulation is in line with these higher laws and regulations.

B. Implementing the Characteristics of Sharia Local Regulations in Special/Autonomous Regions in General.

Some of the contents of Islamic law in a local regulation can be grouped into 5 (five) categories. Among others, firstly related to *al-ahwâl ash-syakhshiyah*, which regulates family law, and secondly, economic and financial affairs. The third regulates matters of morality and religious (ritual) practices, the fourth regulate Islamic criminal law (*hudûd, qadzaf and qishâsh*), and the fifth applies Islamic ideology.¹⁹ The author argues that this doctrine can be used as a reference in setting criteria or indicators in preparing sharia-based regulations, which are actualized through Law No. 23 of 2014. With higher laws. This is a logical consequence so that the resulting sharia regulations will remain within the corridors of the Indonesian legal system and minimize conflicts with sharia regulations.

The birth of a local regulation containing Islamic law²⁰ It is part of the principles of constitutional democracy adopted by the

¹⁹ Ahmad Mudhar Libbi and et all, 'Analisis Peraturan Daerah Perspektif Syariah Islam Di Indonesia Ditinjau Dari Konsep Hak Asasi Manusia', *Artikel Ilmiah Hasil Penelitian Mahasiswa Fakultas Hukum Universitas Jember*, 1.1 p.3 (2013).

²⁰ As a logical consequence of the nation-state, where Islam is not the basis of the state, but Islam is equal to other religions and has a proper place in the constitution that the Unitary State of the Republic of Indonesia is neither a secular state nor a religious state, Islamic law cannot be legally enforceable. Formally/directly become the sole authoritative source for national law. However, in its contestation with Western and customary law, Islamic law can be a material and persuasive source for national law. See, Muchith A Karim, *Pelaksanaan Hukum Waris Di Kalangan Umat Islam Indonesia*, p.59 (Jakarta: Badan Litbang Kemenag, 2010).

Indonesian state. The constitution and democratic principles in the concept of *rechtsstaat* and the rule of law guarantee and recognize the implementation of local regulations whose material content is derived from religious values or Islamic law. In practice, everyone is obliged to respect the rights of the community and local government in the context of orderly life in society, nation and state.

One thing that is a phenomenon in nature, the excessive spirit of local autonomy has had an impact on several regions based on strong Islam starting to demand the implementation of Islamic sharia in an operational manner, such as the Special Region of Aceh, South Sulawesi, Gorontalo, Riau, Cianjur Regency, and Tasikmalaya Regency. The embodiment of sharia-based legislation that has developed in Indonesia is not only in the form of laws and regulations described in Article 7 of Law Number 12 of 2011 concerning the Establishment of Legislations related to types and hierarchies. The laws and regulations also have the types of regulations in which the authority of state institutions is stated in the law. The laws and regulations established by state institutions, such as the Regulation of the Supreme Court of the Republic of Indonesia Number 2 of 2008 concerning the Compilation of Sharia Economic Law. So it can be said that the beginning of the formation of sharia-based legislation in Indonesia was first in 1974.²¹

The embodiment of sharia-based legislation is not only the influence of the entry of Islam, considering that the formation of laws and regulations is also an encouragement for participation from the community. Based on Article 96 paragraph (1) of Law Number 12 of 2011 concerning the Establishment of Legislations, "the public has the right to provide input orally and/or in writing in the formation of laws and regulations".

The embodiment of sharia-based legislation is one of the implementations of the nation's ideals contained in Pancasila, which recognizes the value of Islamic sharia in the first precepts providing the constitutionality basis for the implementation of sharia-based legislation. Considering the concept of constitutionality described in the previous explanation, the measurement of the formation of sharia-based legislation can be judged from the suitability of the formation of laws and regulations with the 1945 Constitution of the Republic of Indonesia.

²¹ Itang, 'Kebijakan Pemerintah Tentang Lembaga Keuangan Syariah Era Reformasi', *Jurnal Hukum Islam*, XIV.2 <10.15408/ajis.v14i2.1280>.

The content material in sharia-based legislation is all content material in the context of meeting the needs of Muslims or implementing Islamic sharia values.²² The content of sharia-based laws and regulations has similarities with national laws and regulations, which in their content must meet the principles of good laws and regulations and have a clear foundation. By taking into account higher laws and regulations or laws and regulations that have been formed so that there is no overlap between laws and regulations.

Based on the explanation above, not all statutory regulations are based on the same as sharia laws or sharia-based regulations, the content of which contains criminal provisions. One of the sharia-based laws and regulations, such sharia regulations, in which there are criminal provisions, for example, regulations related to the *jinayat* law in Aceh.²³ Adoption of the formation of the content of sharia-based local regulations derived from Islamic religious law sourced from the Qur'an. This is because the formation of sharia-based legislation in Indonesia is mostly contained in the form of sharia-based regulations. Therefore, the formation of sharia-based regulations mostly regulates issues related to the Islamic religion or prohibitions against actions prohibited in Islam.

Indeed, it still takes time to assess whether or not the local regulations are effective in providing positive effects and solutions for people's lives. Some researchers found interesting facts. There are social and political determinants behind the development of local sharia regulations at the local level in Indonesia. Most studies show that Islamic groups are the main supporters of the implementation of sharia in the public arena through laws or other forms of regulation. In addition, supporters of sharia local regulations in certain areas come from a cultural movement expressing local religious identity.

From this perspective, Islamic groups have influenced local political leaders, legislatures and various other political actors to implement sharia in their area as a way to recognize their cultural identity. Some researchers see that the political elite has played an important role in adopting sharia as the basis for local regulations.

²² See, Article 14 of Law Number 12 of 2011 concerning the Establishment of Legislation

²³ Nur Chanifah Saraswati and Encik Muhammad Fauzan, 'Konstitusionalitas Peraturan Perundang-Undangan Berbasis Syariah Di Indonesia', *Simposium Hukum Indonesia*, 1.1 (2019) , p.12 <<https://journal.trunojoyo.ac.id/shi/article/view/6360>>.

In each case, elites have manipulated religious sentiment to serve their political interests. This helps explain the recent stagnation in introducing new sharia local regulations. In many cases, politicians who initially supported the introduction of sharia lost interest as soon as politics began to wane.²⁴

Similarly, other researchers found that, first, the presence of local regulations was generally motivated by elite interests. Secondly, the implementation of sharia tends to be a means of imaging historical romanticism that wants to be returned to the present. Third, regulations related to sharia are more designed to regulate the people, not the leaders. Fourth, non-Muslims, women, and certain ethnicities are the most vulnerable parties as victims of the implementation of the Sharia regulation.²⁵ However, this fact reflects that the dynamics of Islamic law in Indonesia in the future will continue and will still be coloured by demands and resistance between various elements of this country's society.

For this reason, the actual material content of sharia-based regulations developed in Indonesia is about the relationship between humans and God, explaining how humans as God's creatures can obey the commands and prohibitions explained through Islamic law sources.²⁶ The measurement of positive law in Indonesia that is nationally recognized by the state, namely the establishment of sharia-based laws and regulations contained in state and local news sheets,

²⁴ Jamhari Makruf and Iim Halimatusa'diyah, 'Shari'a and Regional Governance in Indonesia: A Study of Four Provinces', *Australian Journal of Asian Law*, XV.1 (2014) p.6 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2459826>.

²⁵ Wasisto Raharjo Jati, 'Permasalahan Implementasi Perda Syariah Dalam Otonomi Daerah', *Manahij*, VII.2, p.7 <<https://doi.org/10.24090/mnh.v7i2.571>>.

²⁶ The revision of the old view that seeks to isolate religion from the political discussion is now being challenged by many postmodernists. It is interesting to observe the current revival of religion which is also followed in parallel with the spread of post-modern ideas that criticize the old views of modernity which are very anti-religious. The idea of revising the views of Marx, Hegel, Engel, Nietzsche, or other purportedly anti-religious philosophers. Now it is happening on a large scale. The postmodernist generation, previously Marxist, is now the sharpest critic of anti-religious misinterpretations. Among Muslims themselves, until now, there are three schools of thought regarding the relationship between Islam and the state administration. First, Islam is a complete religion. In it, there is a constitutional or political system. Secondly, an Islamic state or political system that must be imitated is the system implemented by the Prophet Muhammad and the four Al Khalifa al Rashidin. Third, in Islam, there is no constitutional system. There is a set of ethical values for country life. See Munawir Sjadzali, *Islam Dan Tata Negara: Ajaran, Sejarah Dan Pemikiran*, p.1-2 (Jakarta: UI Press, 5th Edition, 1993).

should regulate human-human relations.²⁷

Contemporary developments in the emergence of sharia-based laws and regulations, both at the central and local levels in Indonesia, have the potential to create political, social and legal problems. Politically, the rise of laws and regulations that contain sharia in Indonesia, it is feared that it will repeat the tension of the past relationship between religion and the state, namely the failure to include Islamic law in the national constitution, which in the end will threaten the integrity of the Unitary State of the Republic of Indonesia with the ideology of Pancasila.²⁸ Suppose it is concluded that the problems related to the implementation of sharia-based laws and regulations in Indonesia, in this case, it can be said that there are more likely to be sharia-based conflicts. The content of sharia-based local regulations is not by the standards for applying Indonesian national law or cannot be in line with the designation of positive law.

As an illustration, Arskal Salim and Azyumardi Azra noted that there were at least three forms of response to the formalization of sharia regulations in Indonesia: first, from within the government, which allowed the integration of Islamic law into the national legal system, but only in a limited area; secondly, the rejection of non-Muslims and a small number of Muslims towards the implementation of shari'a (Islamic law) in any legal matter because it would undermine the principle of equality of law; third, from certain Muslim groups who are trying harder to distribute more elements of Islamic law to be legalized in the national legal system.²⁹

²⁷ Hayatun Naimah, 'Sinkronisasi Muatan Peraturan Daerah Berbasis Syariah', *Jurnal Hukum*, 1.1 (2019), p.508 <file:///C:/Users/User/Downloads/6360-15283-1-SM.pdf>.

²⁸ Abdul Hadi, 'Study Analisis Keabsahan Perda Syariah Dalam Perspektif Teori Hirarki Norma Hukum', *Jurnal Ummul Qura*, IV.2 (2014), p.5 <<http://ejournal.kopertais4.or.id/pantura/index.php/qura/article/view/2033>>.

²⁹ Arskal Salim and Azyumardi Azra, 'The State and Shari'a in the Persective of Indonesian Legal Politics, Singapore: ISEAS', *Shari'a and Politics in Modern Indonesia*, 1.1 (2003), 33.

In this regard, based on the principle of autonomy³⁰ internal right self-determination, namely the right of the region to decide its destiny and to manage the affairs internally in its region, the region has the authority to regulate its household affairs, including the authority to form its local regulations. Moreover, Article 18B of the Constitution, which guarantees the recognition of local specialities, becomes the constitutional basis for implementing special autonomy.

Looking at the essence of the meaning of the first precepts of Pancasila stems from the belief that the universe and everything in it, as a harmoniously interwoven whole, was created by God Almighty, including humans by God. A man comes from God, and the ultimate goal of life is to return to his source. Therefore, being pious and serving God is a human obligation. Humans are obliged to carry out every command of God Almighty. In the view of Islam, the obligation of a citizen as a Muslim is his responsibility to obey Islamic law, as well as non-Muslims who are obliged to respect it. Therefore, he must obey the rights and obligations of each individually, and the government is obliged to enforce these rules so that Islamic law, which is the desire of all people, can run as expected.

A difficult condition for the codification of the law adopted by the Indonesian legal system. However, the aspiration to integrate Islamic law into national law is still faced with several problems, both in theory and practice. In the first area, among others, Muslims still understand and interpret Islamic law in various ways. While in the second area, there are still pros and cons among the internal community and externally with adherents of other religions. Apart from these two areas, some parties view that the legislative steps of Islamic law are full of political content, only narrowing the space and benefits of Islamic law itself and leading to the goldenization of Islamic law. Some

³⁰ The context of self-government in the discussion of local autonomy is necessarily placed in the correct corridor. This is due to the implementation of policies. Local autonomy is closely related to the paradigm of the government system adopted country. Is the state system in the form of a unitary state? (unitary state) or federal state (federal state). The choice of country system form greatly affects the implementation of regional autonomy policies. Besides concerning the state government system, another crucial aspect that is important to be discussed in discussing the true meaning of the notion of regional autonomy is that regional autonomy to go to self-government cannot be interpreted as absolute independence or freedom in exercising their rights and functions of autonomy according to their own will without considering the national interest as a whole, it will disintegrate the nation and the destruction of the state. See, I Wayan Arthanaya, 'Otonomi Dalam Penyelenggaraan Pemerintahan Daerah', *Kertha Wicaksana*, 17.2 (2011), 2.

consider that state intervention in religious law is an effort of power, based on its interests, to determine the nature and content of Islamic law to be enforced.³¹

Apart from several problems above, it can be said that Indonesian Muslims are quite free to carry out the teachings of Islamic law in the civil field without being obliged by the state. Meanwhile, in the field of public law, it is subject to national laws that are unified (apply equally to all citizens even though they have different religions). In the realm of public law, such as constitutional law, administrative law, criminal law, environmental law, and others, certain religious laws do not apply. Such an inclusive view is a consequence of Indonesia's choice regarding the relationship between state and religion, woven into what we call the Pancasila state. The Pancasila state is neither a religious state nor a secular state. The Pancasila legal system ensures a foundation for legal services to the Indonesian people, destined to live in pluralism from the start.

The most important goal of the dimension of social piety in Islam is that people organizationally try to uphold and implement what is right and prevent and destroy evil (*al amr bi al-ma'rf wa al-nahy 'an al-munkar*). From this point of view, the application of Islamic law can be said to be a concretization of the first precepts of Pancasila, namely, carrying out God's commands with full obedience.³² Implementing the first precepts of Pancasila while still paying attention to other principles in Pancasila, such as the spirit of harmony, the principle of propriety, and the principle of harmony.

Application of sharia regulations, Thus, it is necessary to maintain the harmony of the national legal system based on Pancasila and the 1945 Constitution.³³ This means that the implementation of Islamic

³¹ Mahsun Fuad, *Hukum Islam Indonesia: Dari Nalar Partisipatoris Hingga Emansipatoris*, p.4 (Yogyakarta: LKiS, 2005).

³² Efrinaldi, 'Perda Syariah Dalam Perspektif Politik Islam Dan Religiusitas Umat Di Indonesia', *Jurnal Madania*, XVIII.2 (2014), p.7 <<http://dx.doi.org/10.29300/madania.v18i2.14>>.

³³ Islamic law is a law that applies and is integrated with reality, even though the law has not yet become an official formal settlement (government is like the current positive law. However, the de facto reality of the application of Islamic law is parallel to the awareness of Muslims in everyday life in solving problems). Various social conflicts exist. This process can also be done through transformation. Namely, a dynamic process that leads to the formation of new characters and appearances on a problem thought transformation is the emergence of a new form of an idea due to the dynamics of time and society. See Umar Syihab, *Hukum Islam Dan Transformasi Pemikiran*, p.45 (Semarang: Dina

law in Aceh and local regulations with sharia nuances in other regions must be within the framework of the Unitary State of the Republic of Indonesia. The formation of sharia regulations, both materially and formally, still refers to national laws and regulations. Thus, the sharia regulation has a position in the national legal system. In forming the sharia regulations, national legislation must always be considered. Applying the principles in Islamic law can be applied eclectically, in the sense that values must be sorted out that do not conflict with the 1945 Constitution and other laws. Applying sharia regulations should not cause irregularities in the national legal system, which is far from the objectives of national law, so it impacts the disintegration of the Republic of Indonesia.

Sharia local regulations must also be in accordance with justice, where the purpose of making laws is to advance people's happiness. All actions which tend to produce and maintain the happiness of society are just. One of the people's happiness here is public peace, public order, and inter-community harmony.

Article 7 paragraph (1) of Law no. 12 of 2011 concerning the Formation of Legislations explained the types and hierarchies of laws and regulations consisting of 1945 Constitution of the Republic of Indonesia, Decree of the People's Consultative Assembly, Laws/Government, Regulations in Lieu of Laws, Government Regulations, Presidential Decree, Provincial Regulations, and Regency/City Local Regulations.

The acceptability of state laws and regulations to the existence of sharia law requires a certain format or legal form that is mutually agreed upon. Local regulations are regulations to implement the above legal rules and accommodate the special conditions of the region concerned. Referring to the principle of *lex superior derogat lex infiriore*, hierarchically, laws and regulations at a lower level must not conflict with regulations at a higher level.³⁴

C. Characteristics of Sharia Local Regulations in Special Autonomous Regions

As a unitary state with various local colours, it also gives rise to the right to special autonomy for certain regions. Special autonomy means that part of the state's territory is given the authority to regulate

Utama, 1st Edition, 2014).

³⁴ Ija Suntana, *Politik Hukum Islam*, p.68 (Bandung: CV Pustaka Setia, 2014).

its affairs in several respects through laws without being followed by the formation of a new state building. In line with this view, special autonomy can be interpreted as the autonomy obtained by a self-governing region that is different from other regions in a country as an acknowledgement of partial independence from the influence of the central government, which is determined through the level of autonomy in an entity in the political decision-making process.³⁵

Recognition of special and special regions implies that there are special and special regions in certain respects compared to other regions. The specifics and privileges of certain regions are based on history and origin rights according to the 1945 Constitution of the Republic of Indonesia with authority to regulate and administer special and special powers,³⁶ such as Papua³⁷, Aceh³⁸, Special Region of Yogyakarta.³⁹

One example of a special autonomous region that implements sharia regulations is the Province of Nanggroe Aceh Darussalam, which has special autonomy with the enactment of Law no. 18 of 2001 concerning Special Autonomy for the Province of Nanggroe Aceh Darussalam (NAD). This special autonomy complements Law no. 44 of 1999 concerning the Privileges of the NAD Province, which lists four main features for Aceh; (1) privileges in carrying out religious life in the form of implementing Islamic law for its adherents; (2) privileges in providing education; (3) privileges in carrying out traditional life; and (4) the privilege of placing the role of the ulama in determining policy. Based on the two main laws concerning Aceh, the Aceh legislative authority has drawn up various qanuns as their derivative rules.⁴⁰ UU no. 11 of 2006 concerning the Government of Aceh shows that the

³⁵ Lukman Hakim, *Filosofi Kewenangan Organ Lembaga Daerah: Perspektif Teori Otonomi & Penyelenggaraan Pemerintah Negara Hukum Dan Kesatuan*, p.78 (Malang: Setara Press, 2012).

³⁶ Baharudin, 'Desain Daerah Khusus/ Istimewa Dalam Sistem Negara Kesatuan Republik Indonesia Menurut Konstitusi', *Masalah - Masalah Hukum*, 45.2, p.68 (2016) <10.14710/mmh.45.2.2016.85-92>.

³⁷ Pemerintah RI, *UU Nomor 35 Tahun 2008 Tanggal 25 Juli 2008, Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 Tahun 2008 Tentang Perubahan Atas Undang-Undang Nomor 21 Tahun 2001 Tentang Otonomi Khusus Bagi Provinsi Papua* (Indonesia, 2008).

³⁸ Pemerintah RI, *UU No. 11 Tahun 2006 Tentang Pemerintahan Aceh* (Indonesia, 2006).

³⁹ Pemerintah RI, *Undang-Undang Nomor 13 Tahun 2012 Tentang Daerah Istimewa Yogyakarta (DIY)* (Indonesia, 2012).

⁴⁰ Ali Geno Berutu, 'Penerapan Syariat Islam Aceh Dalam Lintas Sejarah', *Jurnal Hukum*, 13.2 (2016), p.182 <<https://e-journal.metrouniv.ac.id/index.php/istinbath/article/view/290>>.

authority of the Aceh government is increasing in running the wheels of government, especially in realizing Indonesian laws that were not realized before. The field of sharia can be seen in Chapter XVII Articles 128-137, which gives the Aceh Government the authority to implement sharia in various aspects (including *jinayat*).⁴¹

The implementation of sharia regulations in Aceh itself is rooted in the culture of the Acehnese, which can be seen from the factors that influence the culture itself. The teachings of Islam have influenced Acehnese culture for hundreds of years. This influence has entered into all aspects of the life of the Acehnese people, ranging from war tactics, art, community relations, education and teaching to other social lives.⁴²

The provincial government of Aceh has several instruments to codify Islamic Shari'a regulations formally. These legal instruments consist of *qanuns* that address specific issues surrounding implementing Islamic law.⁴³ By the mandate of Law no. 18/2001, the Aceh government can make Aceh *qanuns* that are *lex specialis* (laws that apply specifically) in the context of implementing special autonomy rights.

The constitutional enforcement of Islamic law in the field of *jinayah* was officially enforced in Aceh in 2002, with the issuance of *Qanun* No. 10/2002 on Islamic Sharia Courts, *Qanun* No. 12 of 2003 concerning the Prohibition of Alcoholic Drinks and the like, *Qanun* No. 13 of 2003 concerning *Maisir* (immorality), and *Qanun* No. 14 of 2003 concerning Seclusion, *Qanun* No. 7/2004 concerning *Zakat* Management, *Qanun* No. 10/2007 concerning *Baitul Mal*.⁴⁴ As a product of local legislation following the enactment of Aceh's Special Autonomy, these *qanuns* are protected by law, namely Law Number 44 of 1999 concerning the Implementation of the Privileges of Aceh

⁴¹ The word *jināyat* is the plural form of the word *jināyat*: action) which means sin, wrongdoing or evil. The word *jināyat* is the root word, and the verb is *Jana* which means to sin/do evil. The person who commits a crime is called *Jani* if the perpetrator is a man, while for women, it is called *Jāniyah*. In general, contemporary *Jinayat* is known as Islamic criminal law. See, Fachri Fachrudin, 'Prinsip-Prinsip Syari'at Pada Bidang Jināyat', *AL Mashlahah: Jurnal Hukum Dan Pranata Sosial Islam*, 6.2 (2018), p.134 <<https://doi.org/http://dx.doi.org/10.30868/am.v6i02.304>>.

⁴² Compare, Rusdi Sufi and Agus Budi Wibowo, *Budaya Masyarakat Aceh*, p.38-39 (Banda Aceh: Badan Perpustakaan Provinsi Nanggroe Aceh Darussalam, 2004).

⁴³ Dede Hendra MR and Topo Santoso, 'The Existence of Application of Lashing Sentences to the Violators of Qanun Islamic Shari'a in Aceh Province', 54 (Universitas Indonesia, 2012) <<https://lib.ui.ac.id/detail.jsp?id=20298610>>.

⁴⁴ Chairul Fahmi, 'Revitalisasi Penerapan Hukum Syariat Di Aceh (Kajian Terhadap UU No.11 Tahun 2006)', *Jurnal TSAQAFAH*, 8.2 (2012), p.298 <10.21111/tsaqafah.v8i2.27>.

Articles 3 and 4, Law Number 18 of 2001 concerning Special Autonomy for Aceh and Law Number 11 2006 concerning Governance of Aceh chapters 17-18. In Law no. 44/1999, Article 12 explains that laws and regulations contrary to and not by the law are declared invalid.

Even though it is aligned with or categorized as local regulation, *qanuns* in Aceh have their place because they are directly based on Law no. 11/2006. Article 269 paragraph (2) of Law no. 11/2006 states, "Legislations under laws that are directly related to special autonomy for the Aceh Province and districts/cities, are adapted to this Law." This means that all regulations under the law, such as Government Regulations, Presidential Decree, and ministerial regulations (*permen*), must first be adjusted to Law 11/2006. Suppose there are Government Regulations, Presidential Regulations, or Regulations that conflict with the *qanun*. In that case, the *qanun* can not immediately be cancelled. However, first must be seen the suitability of the Government Regulations, Presidential Decree, or Regulation with Law no. 11/2006, which became the mother of the *qanun*.

If it is seen in the explanation above that in special autonomous regions with all the specificities of authority to place sharia regulations, they are in such a strong position. Even laws and all regulations issued by the government that have implications for the Aceh region cannot immediately abolish Aceh's sharia regulations or cancel these regulations. The characteristics of sharia regulations in Aceh have their peculiarities, based on Law no. 11/2006, which applies *lex specialist*. It can be seen that the criminal law applied in Aceh is based on Islamic law. For example, caning, stoning, etc. Based on this, it can be said that the implementation of sharia regulations in the special autonomous region of Aceh has stronger legitimacy.

D. Characteristics of Sharia Local Regulations in Autonomous Regions in General

Like local regulations for special autonomy, the tendency of non-special autonomous regions also has the authority to make sharia-based local regulations. This is explained earlier that many non-special autonomous regions have made sharia regulations, such as Gorontalo, Bulukumba, Tangerang, South Sumatra, Tasikmalaya and several other areas.

Tangerang is one of the regions that implement sharia regulations through the Tangerang City Regulation Number 8 Series E of 2005

concerning the Prohibition of Prostitution. In principle, this Sharia regulation prohibits all forms of prostitution in the city of Tangerang. The provisions of article 4 paragraph (1) stipulate that:

“Anyone whose attitude or behavior is suspicious, giving rise to an assumption that he/she is a prostitute is prohibited from being on public roads, in the fields, in inns, hotels, dormitories, resident/rented houses, coffee shops, places of entertainment, buildings or spectacles, on street corners, or in street alleys, or in other places in the Region”.

In connection with the above provisions, it can be seen that any act or attitude that meets the above elements can be indicated as an act of prostitution as a violation of the law. Tangerang City Regulation No. 8 Series E of 2005 concerning the Prohibition of Prostitution, there are criminal provisions as a form of sanctions for violations of this Local Regulation. The criminal provisions are contained in Article 9 paragraph (1) as follows: “Threatened with imprisonment for a maximum of 3 (three) months or a maximum fine of 15,000,000, - (fifteen million rupiah)”. In addition to criminal provisions, in this Local Regulation, there are also provisions, such as those contained in Article 3 and Articles (1) and (2) of this regulation on the Prohibition of Prostitution. Provisions for anyone who violates Article 3 and Article 4 paragraphs (1) and (2), the Tangerang City Government will take action and control as regulated in Article 5 paragraphs (1) and (2) and Article 6. Tangerang City Regulation No. 8 Series E of 2005 concerning the Prohibition of Prostitution is binding on all persons residing in Tangerang, whether residents of Tangerang or not, and whether carried out individually or together.

Furthermore, there is the Bulukumba local regulation which issued several sharia regulations, including Local Regulation Number 2 of 2003 concerning Management of Professional *Zakat, Infaq and Shadaqah*, Local Regulation Number 3 of 2002 concerning the Prohibition, Supervision, Control and Sales of Alcoholic Beverages, Local Regulation Number 5 of 2003, concerning Dress Muslim and Muslimah.

Various aspects influence the establishment of a sharia regulation in Bulukumba. First, the historical aspect that was influenced by the emergence of the spread of Islam in Bulukumba. Islamization in Bulukumba, carried out by *Dato Sri Tiro*, made Bulukumba an area of Islamic symbols, so that religious philosophy gave the nuances of morality to the government system. Second, the local political aspect

relates to the struggle for power. A politician who wants to nominate as local head or an incumbent who wants to be re-elected in the next period. Implementing religious regulations has become a bidding tool to attract public sympathy. Third, the socio-religious movement, emergence of this movement aims to enforce Islamic law in South Sulawesi, especially Bulukumba district. Understanding the existence of religious regulations in Bulukumba is influenced by the alliance of mass organizations and political organizations in South Sulawesi. The Islamic organizations that triggered the religious regulations were the initiation of the Nahdatul Ulama (NU) and Muhammadiyah groups. As well as the political struggle of the Islamic Shari'ah Enforcement Committee (KPPSI).⁴⁵

According to Andi Patabai Pabokori, this regulation aims to implement Islamic teachings to Muslims and not to apply sharia, establish an Islamic state, or create a sharia-based constitution. In the early 1990s, Bulukumba was considered unsafe because of crimes such as drinking, gambling, drugs, and theft. Deviant behaviour between groups of citizens, such as acts of violence that often take victims, is very common.⁴⁶

Based on the explanation above, the characteristics of sharia regulations in autonomous regions are generally different from those in special autonomous regions. The resulting sharia regulations only regulate aspects of morality such as prostitution, alcohol, etc. In addition, although sharia regulations in autonomous regions contain sanctions, their implementation will not be more effective because they will still be related to higher laws, such as criminal law. Meregions, there is an independent crime in special autonomous regional law, namely Islamic criminal law.

As explained earlier, the content of Islamic law in a local regulation can be grouped into 5 (five) categories, including those related to *al-ahwâl ash-syakhshiyah*, which regulates family law. Secondly regulates economic and financial affairs, and third regulates matters of morality and practice. rituals) The fourth regulate Islamic criminal law (*hudûd, qadzaf and qishâsh*), and the fifth applies Islamic

⁴⁵Dewi Setyarini, 'Perda Syariat Islam Dan Kepentingan Yang Terbengkalai', *Jurnal Perempuan*, 3.6 (2008), p.163 <https://catalogue.paramadina.ac.id/index.php?p=show_detail&id=8640&keywords=>.

⁴⁶Kamil and Bamualim, *Shari'a and Human Rights: The Impacts of Local Regulations to the Civil Freedom, the Rights of Women and Non-Muslim*, p.283 (Jakarta: CSRC, 2007).

ideology.⁴⁷

Departing from the above argument, the author argues that it is necessary to accommodate the standardization of sharia regulations in Law No. 23 of 2014. This is intended so that the making of sharia regulations remains within the legal corridor and minimizes interference with higher laws. However, this standardization must be applied in two categories: regions with special autonomy and autonomous regions. Special autonomous regions can apply the intended five categories. This is a consequence that special autonomous regions have a special main law to accommodate sharia regulations where sharia regulations are produced from Islamic law in terms of prohibitions and sanctions. As for autonomous regions, the author argues that only two categories can be applied, namely *al-ahwâl ash-syakhshiyah*, which regulates family law and matters of morality and religious (ritual) practice. The author argues that these two things are a logical consequence because every local regulation on an autonomous region has a parent, namely Law 23 of 2014, which is clear about the division of affairs and authorities of the central and local governments.

This argument is based on several things. Namely, the Autonomous Region does not regulate sharia regulations on economic and financial affairs. What is meant in this argument is that regions cannot issue sharia regulations relating to finance, for example, zakat. The reason is that the regulation of zakat has been explicitly regulated by Law Number 23 of 2011 concerning *Zakat Management (Zakat Law)*. The author argues that the management of zakat, which is centralized, will cause legal ambiguity both from the norm and its implementation because, regarding zakat, the regulation and management of zakat must be unified to the central government.

Autonomous Regions Do not Regulate Islamic Criminal Law. This is a logical consequence that criminal law has been regulated in the Criminal Code (KUHP). Therefore, the existence of sharia local regulations that apply Islamic criminal law does not only cause conflict with the Criminal Code⁴⁸, but it creates ambiguity in the application

⁴⁷ Libbi and et all. *Loc. cit*, p. 3

⁴⁸ Special autonomous regions can only carry out Islamic criminal law. This is because the application of Islamic law has been accompanied by changes in law enforcement apparatus to adjust the application of Islamic law. For example, *Qanun* No. 7 of 2013 concerning the *Jinayat* Procedural Law clearly stated in Articles 6-9 that "The National Police are authorized together with Civil Servant Investigators (*PPNS*) to carry out investigative actions and investigations against everyone who lives in Aceh (Muslims and non-Muslims)

of the law by law enforcers. Third, it is clear that our ideological agreement is Pancasila. This is a logical consequence of religious tolerance in Indonesia. Although in some of the explanations above, there is an inseparable relationship between the 1945 Constitution and Islam, the Autonomous Region, in the ideological aspect, is still based on Pancasila. This is to avoid national disintegration and conflict both horizontally and vertically

Conclusion

The research aims to identify the main characteristics of Sharia Perda and discuss its compatibility with constitutional law in Indonesia. The study finds that Sharia Perda embodies Sharia compliance and local specificity, but its implementation has resulted in controversies and conflicts. The tension arises from the limitations on individual rights and freedoms, particularly for women, and discrimination towards non-Muslims. The research concludes that addressing these problems is crucial in ensuring the compatibility of Islamic law and constitutional law in Indonesia.

Meanwhile, for autonomous regions in general, the sharia regulations produced are not purely sourced from Islamic law because they still use positive law in the application of sanctions (*KUHP*). Therefore, sharia regulations in Indonesia must follow the laws and regulations in Indonesia, meaning that every sharia regulation implemented in Indonesia cannot conflict with higher regulations or overlap with other regulations. In addition, the formation of sharia regulations must be regulated in Law No. 23 of 2014 concerning Local Government by applying categories that can be regulated by sharia regulations, especially for autonomous regions in general.

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who indicated to have violated sharia qanuns in Aceh. In addition to receiving reports from the public regarding the presence of fingers, police investigators are also authorized to make arrests, prohibitions from leaving places, searches and confiscations

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AUTHOR GUIDELINES

Submitted article must be in line with:

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3. May include a results of research, surveys, and a review of the book.
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Tsaqafah uses footnote as a style of citation. It written at the bottom of article. Here is the way to write footnote;

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A. Book:

- Ibnu Qayyim al-Jauziyyah, *Miftâh Dâr al-Sa'âdah*, (Mesir: Dâr al-Kutub al-'Ilmiyyah, Cet. IV, 2001), Vol. 2, 204.
- Ibnu Qayyim al-Jauziyyah, *Miftâh...*, Vol. 2, 210.

B. Chapter in a book or journal:

- Fara Dieva Huwaida, "Misteri Gender antara Idealisme dan Pragmatisme, Menelusuri Utopia Musdah Mulia", dalam *Tsaqafah*, Vol. 4, No. 2, (Gontor: Institut Studi Islam Darussalam, 2006), 123.
- Fara Dieva Huwaida, "Misteri Gender...", 10.
- Anne Carr and Douglas J. Schuurman, "Religion and Feminism: A Reformist Christian Analysis", in *Religion, Feminism, and the Family*, ed. by Anne Carr and Mary Stewart Van Leeuwen, (Louisville: Westminster John Knox Press, 1996), 14.
- Anne Carr and Douglas J. Schuurman, 'Religion and Feminism...', 26.

C. Book with multi-authors:

- Noritah Omar, et al., *Critical Perspectives on Literature and Culture in the New World Order*, (Cambridge: Cambridge Scholars Publishing, 2010), 9.
- Noritah Omar, et al., *Critical Perspectives...*, 12.

D. Translated book:

- Roger Scruton, *Sejarah Singkat Filsafat Modern dari Descartes sampai Wittgenstein*, Terj. Zainal Arifin Tandjung, (Jakarta: PT. Pantja Simpati, 1986), 23.
- Roger Scruton, *Sejarah Singkat...*, 33.

E. Master's thesis or doctoral dissertation:

- Yunus Abu Bakar, "Konsep Pemikiran Pendidikan K.H. Imam Zarkasyi dan Implementasinya pada Pondok Pesantren Alumni", *Disertasi Doktorat*, (Yogyakarta: Universitas Islam Negeri (UIN) Sunan Kalijaga, 2007), 56–97.
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F. Daily newspaper:

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Transliteration Guidelines Arabic Romanization in Tsaqafah refers to the transliteration system of Library of Congress (LC) combined with the model of Department of Religious Affairs of Indonesia which based on Joint Decree Letter between Ministry of Religious Affairs and Ministry of Education and Cultural.

TRANSLITERATION GUIDELINES

NO	ARABIC	LATIN
1	ا	a
2	ب	b
3	ت	t
4	ث	ts
5	ج	j
6	ح	ḥ
7	خ	kh
8	د	d
9	ذ	dz
10	ر	r
11	ز	z
12	س	s
13	ش	sy
14	ص	sh
15	ض	dh

NO	ARABIC	LATIN
16	ط	th
17	ظ	zh
18	ع	'
19	غ	gh
20	ف	f
21	ق	q
22	ك	k
23	ل	l
24	م	m
25	ن	n
26	و	w
27	هـ	h
28	ء	`
29	ي	y

The transliteration model of Library of Congress (LC) and Department of Religious Affairs of Indonesia for *madd* and diphthongs:

Diphthong

اَ = a, كَاتِبٌ

اِ = i, كِتَابٌ

اُ = u, كُتُبٌ

Madd

a madd = â, كَاتِبٌ

i madd = î, دِينٌ

u madd = û, كُتُبٌ

Examples:

- a) The person's name written with no transliteration.
Example: al-Syahrastani, not as-Syahrastâni. Written as usual and not italic.
- b) Unoriginal term should be written in italic. Example: *al-qawâid al-fiqhiyyah; isyrâqiyyah; 'urwah al-wutsqâ.*
- c) Popular term should be written with no transliteration.
Example: al-Qur'an, not al-Qur'ân; objektif, not objektive.
- d) The title of the book written as the original and italics.
Example: *Irsyâd al-Fuḥûl.*

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