



Al-Maslahah

JURNAL ILMU SYARIAH

Volume 21, Nomor 1, (2025)

ISSN: 1907-0233; E-ISSN: 2502-8367

<http://jurnaliainpontianak.or.id/index.php/Almaslahah>

ISLAMIC LAW AND SOCIAL UNITY IN A PLURAL SOCIETY: An Integrative Approach Based on Maqāṣid

Ridwan Malik

Universitas Islam Negeri Alauddin Makassar

Email: 80100324011@uin-alauddin.ac.id

Kurniati

Universitas Islam Negeri Alauddin Makassar

Email: kurniati@uin-alauddin.ac.id

Bidiarti

Universitas Islam Negeri Alauddin Makassar

Email: budiartirahman@uin-alauddin.ac.id

Abstract

In a pluralistic Muslim society like Indonesia, Islamic law often faces challenges in fulfilling its integrative role amid religious, cultural, and ethnic diversity. This study aims to explore the potential of Islamic law as an integrative instrument in achieving social unity through the *maqāṣid al-sharī'ah* approach. The method employed is qualitative research based on library study, with a focus on content analysis of classical and contemporary texts, as well as legal documents and public policy. The findings reveal that *maqāṣid al-sharī'ah* provides a conceptual framework that enables Islamic law to function not only as a normative system but also as a contextual and inclusive public ethic. This approach promotes legal interpretations oriented toward public benefit (*maṣlaḥah*), substantive justice, and the protection of vulnerable groups. Moreover, the concepts of *fiqh al-waqi'* and *fiqh al-ta'āyush* have proven effective in bridging religious norms with social dynamics, particularly through forums such as FKUB and the active roles of religious and traditional leaders. The findings also show that education based on *fiqh al-akhlāq al-ijtimā'iyah* and public policies applying the principle of *al-maṣlaḥah al-āmmah* can sustainably strengthen social cohesion. This study concludes that an integrative approach based on *maqāṣid* is a viable alternative solution for building social unity without sacrificing diversity.

Keywords: Islamic law, *Maqāṣid Al-Sharī'ah*, Plural Society, *Fiqh Al-Waqi'*.

Abstrak

Dalam masyarakat muslim yang majemuk seperti Indonesia, hukum Islam sering kali menghadapi tantangan dalam peran integratifnya di tengah keberagaman agama, budaya, dan etnis. Penelitian ini bertujuan untuk mengeksplorasi potensi hukum Islam sebagai instrumen integratif dalam mewujudkan kesatuan sosial melalui pendekatan *maqāṣid al-sharī'ah*. Metode yang digunakan adalah penelitian kualitatif berbasis studi pustaka, dengan fokus pada analisis isi teks-teks klasik dan kontemporer, serta dokumen hukum dan kebijakan publik. Hasil penelitian menunjukkan bahwa *maqāṣid al-sharī'ah* menyediakan kerangka konseptual yang memungkinkan hukum Islam berfungsi tidak hanya sebagai sistem normatif, tetapi juga sebagai etika publik yang kontekstual dan inklusif. Pendekatan ini mendorong interpretasi hukum yang berorientasi pada kemaslahatan, keadilan substantif, dan perlindungan terhadap kelompok rentan. Selain itu, konsep *fiqh al-waqi'* dan *fiqh al-ta'āyush* terbukti efektif dalam menjembatani norma keagamaan dengan dinamika sosial, melalui forum seperti FKUB dan peran aktif tokoh agama dan adat. Temuan ini juga memperlihatkan bahwa pendidikan berbasis *fiqh al-akhlāq al-ijtimā'iyah* dan kebijakan publik yang menerapkan prinsip *al-maṣlahah al-'āmmah* dapat memperkuat kohesi sosial secara berkelanjutan. Penelitian ini menyimpulkan bahwa pendekatan integratif berbasis *maqāṣid* merupakan alternatif solutif dalam membangun kesatuan sosial tanpa mengorbankan keberagaman.

Kata Kunci: Hukum Islam, *Maqāṣid Al-Sharī'ah*, Masyarakat Majemuk, *Fiqh Al-Waqi'*.

A. Introduction

The diversity of religion, culture, and ethnicity is an inevitable reality in modern society, especially in Muslim-majority countries like Indonesia. This country consists of more than 17,000 islands with hundreds of ethnic groups and beliefs, creating a highly complex social dynamic¹. In such situations, cross-identity interactions often lead to friction that can threaten stability and hinder national development². One of the factors that frequently becomes a crucial point in social discourse is the role of Islamic law (*sharia*). In various contexts, Sharia is viewed by some as a unifying source of values that upholds

¹ Lathifah Azzahra dkk., "Toleransi Keanekaragaman Suku Dan Budaya Bangsa" 5, No. 1 (2024).

² Adam Basirun dan Kurniati, "Konflik dan ketegangan Antara Kesatuan dan keragaman masyarakat Perspektif Hukum Islam," *Al-Mizan: Jurnal kajian Hukum dan Ekonomi* 08, no. 2 (2022): 117–28.

public morality³. However, others perceive it as an exclusive legal system with the potential to incite conflict, especially when applied literally within a pluralistic society⁴.

Concerns about the exclusivist nature of Islamic law are reinforced by empirical data on rising intolerance and violations of freedom of religion/belief in various regions of Indonesia, as reported by the Setara Institute and the Wahid Foundation⁵. Although constitutionally the motto *Bhinneka Tunggal Ika* serves as the nation's unifying principle, in practice, interfaith relations are still often marked by tension and conflict⁶. The global phenomenon of religious radicalism further exacerbates this situation by creating tensions between exclusivist groups and those advocating inclusivity in religious life⁷. Thus, the need to evaluate and develop a more inclusive and contextual approach to Islamic law is becoming increasingly urgent.

Academic debate on the position of Islamic law in plural societies shows the existence of two poles of thought. On one side, thinkers such as Abdullahi Ahmed An-Na'im highlight discriminatory elements in classical Islamic legal texts, especially concerning the status of non-Muslims, inheritance law, and interfaith marriage. From this perspective, Sharia is considered difficult to harmonize with principles of human rights and equality in modern society⁸. Even when Sharia is formalized as state policy in several

³ Hussain Ali Anosh, "The Role of Legal Pluralism in Ensuring Order and Social Justice in Afghanistan," 18 Februari 2025, <https://doi.org/10.5281/ZENODO.14889340>.

⁴ Bryan S. Turner dan James T. Richardson, "Shari'a, Legal Pluralism, and Muslim Arbitration Tribunals in the West," *Oxford Research Encyclopedia of Religion*, 2023,

⁵ Mohamad Anas dkk., "Acceptance of 'the Others' in religious tolerance: Policies and implementation strategies in the inclusive city of Salatiga Indonesia," *Heliyon* 11, no. 2 (30 Januari 2025): e41826, <https://doi.org/10.1016/j.heliyon.2025.e41826>.

⁶ Budiarti Budiarti, "Konstitusionalitas Beragama Perspektif Negara Hukum Pancasila" (OSF, 9 Oktober 2023), <https://doi.org/10.31219/osf.io/xh236>.

⁷ Slamet Pamuji dan Novan Ardy Wiyani, "Religious Tolerance in Pluralistic Societies: Challenges, Strategies and Social Impacts," *Asian Journal of Education and Social Studies* 51, no. 5 (26 April 2025): 227–35, <https://doi.org/10.9734/ajess/2025/v51i51913>.

⁸ Anver M. Emon, "Conceiving Islamic Law in a Pluralist Society: History, Politics and Multicultural Jurisprudence," *Singapore Journal of Legal Studies*, 2006, 331–55.

Indonesian provinces, issues of discrimination against minority groups or those with differing religious views often arise⁹.

Conversely, there is a more optimistic and contextual approach in contemporary Islamic legal discourse. Thinkers like Khaled Abou El Fadl and Mohammad Hashim Kamali argue that Sharia is not a static legal system, but rather a tradition of *ijtihad* that continuously evolves and can adapt to social realities¹⁰. The concept of *maqāṣid al-sharī‘ah*, which emphasizes the protection of religion, life, intellect, progeny, wealth, dignity, and the environment, serves as a normative foundation for ethical approaches in interpreting Islamic law¹¹. Abou El Fadl even stresses the importance of discursive ethics and treatment of "the Other" as the foundation for building a pluralistic Islamic society¹². By emphasizing *maqāṣid* and universal ethics, Islamic law becomes not only relevant to democratic and pluralistic values but also a source of public ethical inspiration in diverse societies¹³.

The concept of *fiqh al-aqalliyāt*, originally developed for Muslim minority communities in the West, has become an important reference in efforts to develop a more inclusive Islamic legal framework. Principles of this jurisprudence such as tolerance, public interest (*maṣlaḥah*), and protection of minorities are highly relevant in a pluralistic Muslim-majority society like Indonesia¹⁴. Meanwhile, the use of *fiqh al-waqi’*, which considers socio-political realities in legal interpretation, can bridge religious norms with the concrete needs of contemporary society. Within this framework, Islamic law

⁹ Ahmad Muhammad Mustain Nasoha dkk., "Dakwah Digital dan Tantangan Hukum Islam : Studi terhadap Narasi Keislaman di Platform Media Sosial," *Al-Tarbiyah : Jurnal Ilmu Pendidikan Islam* 3, no. 2 (24 April 2025): 122–32, <https://doi.org/10.59059/al-tarbiyah.v3i2.2230>.

¹⁰ Ahmad Kusjairi Suhail dkk., "Azyurmardi Azra dan Moderasi Beragama di Indonesia," *Al Qalam: Jurnal Ilmiah Keagamaan dan Kemasyarakatan* 19, no. 2 (18 Maret 2025): 737, <https://doi.org/10.35931/aq.v19i2.4179>.

¹¹ Ecep Ishak Fariduddin, "Kontekstualisasi Hukum Islam dalam Realitas Sosial-Budaya Perspektif Wael B. Hallaq" 3, no. 1 (2022).

¹² Anas dkk., "Acceptance of 'the Others' in religious tolerance."

¹³ Muhaki Muhaki dan Husein Aziz, "Maqashid Al-Syari‘ah Sebagai Instrumen Pembaruan Fiqh Sosial Kontemporer," *Al-Ibrah : Jurnal Pendidikan dan Keilmuan Islam* 9, no. 2 (30 Desember 2024): 125–52, <https://doi.org/10.61815/alibrah.v9i2.476>.

¹⁴ Amir Sahidin, "Telaah Atas Fiqh Al-Aqalliyat Syekh Yusuf Al-Qardhawi," *An-natiq Jurnal Kajian Islam Interdisipliner* 2, no. 2 (21 Mei 2022): 121, <https://doi.org/10.33474/an-natiq.v2i2.15774>.

has the potential to serve as a bridge that reconciles principles of justice with social integration in a diverse society.

Recent studies also affirm the importance of contextualizing Islamic law in building social unity. For example, Dianto's (2022) research shows that integrating local wisdom into community-based approaches can strengthen social cohesion¹⁵. However, there are still major challenges, particularly in the form of religious politicization and inconsistency in the enforcement of inclusive law¹⁶. Global perceptions of Islamic law are also varied. On one hand, there is hope for its potential in creating a just social order; on the other, concerns arise about its exclusivist tendencies if not balanced with a moderate approach¹⁷.

As an example of implementation, countries like Malaysia apply legal pluralism by integrating Sharia into civil and customary law. Although this approach faces various challenges, it still opens space for legal compromises that are more responsive to social diversity¹⁸. In Indonesia, the application of Sharia in Aceh presents its own complexity. Although legally recognized within the national framework, its implementation does not always align with principles of inclusivity and protection of minority rights¹⁹. These examples demonstrate that normative approaches alone are insufficient without the support of adaptive and participatory interpretative frameworks.

¹⁵ Icol Dianto, "Hambatan Sosio-Politik Pembanguan Desa Religius Di Kabupaten Mandailing Natal," *Misykat Al-Anwar Jurnal Kajian Islam dan Masyarakat* 5, no. 2 (2022): 291, <https://doi.org/10.24853/ma.5.2.291-314>.

¹⁶ Kristoforus Kopong, "Menalar Hubungan Agama, Pancasila Dan Negara Dalam Membangun Moderasi Beragama di Era Disrupsi Digital," *Atma Reksa Jurnal Pastoral Dan Kateketik* 6, no. 1 (2021): 23, <https://doi.org/10.53949/ar.v6i1.123>.

¹⁷ Ahmad Akhil Adib, "Perlindungan Hukum Bagi Perempuan Dalam Praktek Perkawinan Siri di Kepulauan Kangean," *EGALITA* 18, no. 2 (2023), <https://doi.org/10.18860/egalita.v18i2.24176>.

¹⁸ Rosdalina Bukido dkk., "Harmonization of Customary and Islamic Law in the Gama Tradition of the Muslim Mongondow Community of North Sulawesi," *Ijtihad Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (2022): 239–54, <https://doi.org/10.18326/ijtihad.v22i2.239-254>.

¹⁹ Sehat I. Shadiqin dan Eka Srimulyani, "The Contested Authorities: Institution and Agency in the Enforcement of Sharia Law in Aceh, Indonesia," *Journal of Contemporary Islam and Muslim Societies* 5, no. 2 (2022): 198, <https://doi.org/10.30821/jcims.v5i2.10601>.

Nevertheless, gaps remain in the literature. Many studies on the relationship between Sharia and the state focus more on political and constitutional aspects, with limited discussion on law as an integrative value system. Additionally, studies on *fiqh al-aqalliyāt* and *maqāṣid al-sharī‘ah* are often limited to diaspora contexts or micro-level issues. These studies have yet to comprehensively address structural dimensions and public policy in plural societies. The absence of an operational methodological framework to guide the interpretation of Islamic law in supporting social cohesion is a significant gap that needs to be filled. On this basis, an integrative approach based on *maqāṣid al-sharī‘ah* emerges as a crucial alternative to bridge religious norms with the dynamics of contemporary societal pluralism.

This study aims to critically analyze the potential of Islamic law as an integrative instrument in building social unity in plural societies, with a focus on the Indonesian context. The novelty of this research lies in the proposed integrative approach that combines the principles of *maqāṣid al-sharī‘ah*, contextualization of jurisprudence (*fiqh al-waqi’*), and intergroup dialogue as an alternative paradigm in the interpretation and application of Islamic law. This study not only seeks to expand the academic discourse on Islamic law and pluralism but also to provide practical contributions in the formulation of inclusive policies, religious education, and conflict resolution strategies based on Islamic values.

With a scope that encompasses both theoretical and applicative dimensions, this research is expected to provide a conceptual foundation and strategic recommendations for policymakers, religious leaders, and civil society communities, in order to strengthen national unity and social harmony amid the cultural and religious diversity in Indonesia. The findings of this study are expected to serve as a conceptual basis and strategic recommendations for policymakers, religious figures, and civil society to enhance national unity and social peace without compromising existing cultural and religious diversity.

B. Method

This study adopts a descriptive-analytical approach to examine the potential of Islamic law as an integrative instrument for fostering social unity in a pluralistic society. The primary method is library research, utilizing both primary sources such as the Qur'an, Hadith, classical jurisprudence, fatwas, and contemporary legal documents (*qanun*) and secondary sources including scholarly journals and academic books on Islamic legal studies.

Classified as normative legal research, this study focuses on doctrinal analysis of Islamic legal sources. It emphasizes key values such as *ukhuwah* (brotherhood), *tasamuh* (tolerance), and *al-'adl* (justice) within Indonesia's diverse socio-cultural context. Data are analyzed using qualitative content analysis to interpret the meanings embedded in legal and religious texts. This method considers linguistic, historical, and socio-cultural dimensions, offering a holistic understanding of Islamic law.

An integrative approach underpins the methodology, combining classical and contemporary Islamic sources with interdisciplinary insights from sociology, anthropology, and policy studies. It encourages inter-madhhab dialogue and embraces the plurality of legal thought in Islam. This allows for the reconstruction of Islamic law that is not only Sharia-compliant but also contextually relevant and ethically inclusive.

The study also draws on the principles of *maqāsid al-sharī'ah* and *fiqh al-aqalliyyāt*, adapting them into a framework of *fiqh al-ta'āyush* (jurisprudence of coexistence) suitable for a Muslim-majority society in a plural context. Ultimately, this methodology seeks to formulate an Islamic legal framework that is inclusive, just, and applicable to the realities of modern social life.

C. Result and Discussion

1. Conceptual Review: Islamic Law, Plural Society, and Maqāṣid al-Sharī‘ah

As an integral legal system, Islam does not only regulate the vertical relationship between humans and God, but also establishes a structure of social ethics in interpersonal relationships. Islamic law (*al-sharī‘ah*) is understood not merely as a set of legal-formal rules, but also as a value system aimed at realizing justice, public interest (*maṣlaḥah*), and social balance. Within this framework, *maqāṣid al-sharī‘ah* becomes an important approach as it directs the interpretation of Islamic law toward higher objectives (*al-ghāyāt*), such as the protection of fundamental human rights and the achievement of collective welfare. Al-Juwainī, al-Ghazālī, and al-Shāṭibī were classical thinkers who played a role in formulating the foundations of *maqāṣid*, which were later systematically developed by contemporary figures such as Auda (2010) and Kamali (2008).

In this context, Islamic law possesses significant potential for social transformation when interpreted contextually and ethically. Sharia, as a way of life (*al-dīn*), encompasses spiritual, moral, and social dimensions comprehensively. The fundamental principles contained in Islamic law, such as justice (*‘adālah*), public interest (*maṣlaḥah*), and balance (*‘adl*), can shape governance systems that uphold equality and inclusivity—especially in plural societies characterized by diversity²⁰.

Such diversity presents a tangible challenge in the Indonesian context. As a country with the largest Muslim population in the world and a high level of cultural, religious, and ethnic diversity, social harmony becomes a crucial issue. Challenges arise when religious identity is used as a tool of exclusivism in the public sphere, potentially triggering friction between groups²¹.

²⁰ Auda, Jasser, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (Herndon: The International Institute of Islamic Thought, 2010); Mohammad Hashim Kamali, *Maqasid al-Shariah Made Simple* (Herndon, Virginia, USA: The International Institute of Islamic Thought (IIIT), 2008).

²¹ Basirun dan Kurniati, “Konflik dan ketegangan Antara Kesatuan dan Keragaman Masyarakat Perspektif Hukum Islam.”

Therefore, the understanding of pluralism is not only relevant from a sociological aspect but also highly significant in Islamic legal discourse.

To address these challenges, *maqāṣid al-sharī'ah* emerges as a dynamic methodological framework. Traditionally, *maqāṣid* includes five core principles: the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*'aql*), progeny (*nasl*), and property (*māl*). As social needs evolve, two additional principles honor (*'irdh*) and the environment (*bi'ah*) have also been incorporated to respond to the complexities of the modern era²². In the context of a plural society, *maqāṣid* provides a value bridge between Islamic norms and modern human rights principles, including equality, freedom of religion, and substantive justice²³.

Thus, the *maqāṣid* approach allows for the reinterpretation of Islamic legal provisions that have traditionally been viewed as exclusive. This approach opens up opportunities for interpretations that are more accommodating of diversity and difference. In the practice of public policy, the principle of *maṣlaḥah* becomes key in designing regulations that are inclusive, just, and aligned with the multicultural context of society. This is evident in several regional legal products that accommodate the needs of minority groups and women while still being grounded in the universal values of Islam²⁴.

2. Integrative Approach: Islamic Law in Social and Cultural Dialogue

Contextual Islamic law cannot be separated from an integrative approach that combines religious norms with social dynamics. In this context, *fiqh al-waḥi'* (jurisprudence of reality) becomes important as a method that considers the actual conditions of society. This approach enables Islamic law to respond to the challenges of pluralism without abandoning its normative

²² Fariduddin, "Kontekstualisasi Hukum Islam dalam Realitas Sosial-Budaya Perspektif Wael B. Hallaq"; Auda, Jasser, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*.

²³ Abdullahi Ahmed An-Naim, *Islam and the Secular State: Negotiating the Future of Shari'a* (Harvard University Press, 2009), <https://www.hup.harvard.edu/books/9780674033764>; Emon, "Conceiving Islamic Law in a Pluralist Society."

²⁴ Koko Komaruddin dkk., "Public Understanding of the Implementation of Islamic Law in the Context of Modern Life in Indonesia," *Sanskara Hukum dan HAM* 2, no. 03 (2024): 153–60, <https://doi.org/10.58812/shh.v2i03.378>.

principles²⁵. When law is interpreted with awareness of the political, historical, and local cultural context, the result is more inclusive and adaptive.

The strengthening of this approach is evident in the development of *fiqh al-ta'āyush*, a jurisprudence of coexistence that emphasizes the value of peaceful living in a plural society. This *fiqh* is an adaptation of *fiqh al-aqalliyāt*, which was originally developed for Muslim minority communities in the West. In Muslim-majority societies such as Indonesia, *fiqh al-ta'āyush* is relevant for strengthening tolerance, interfaith solidarity, and social collaboration²⁶. The emphasis on mutual respect makes this jurisprudence a coherent foundation in addressing differences in belief.

One tangible implementation of this integrative approach can be found in the work of the Forum for Religious Harmony (FKUB) in various regions. FKUB plays an important role in maintaining social stability through facilitating interfaith dialogue, strengthening inter-community networks, and resolving religion-based conflicts. In conflict-prone areas, FKUB's role becomes crucial as a neutral mediator accepted by all parties. However, the effectiveness of FKUB heavily depends on civil society support and the active involvement of religious and customary leaders²⁷.

Furthermore, local actors such as religious and traditional leaders play a strategic role in building social harmony. They not only serve as guardians of moral and spiritual values, but also act as peace agents in various conflict

²⁵ Muhammad Kharrazi dkk., “Legal Analysis of MUI’s Authority in Providing Halal Label Guarantees After the Issuance of Law Number 33 of 2014 Concerning Guarantees for Halal Products,” *Revista De Gestão Social E Ambiental* 18, no. 9 (2024): e5761, <https://doi.org/10.24857/rgsa.v18n9-057>.

²⁶ Iskandar Iskandar, Anas A. Rahman, dan Qadir Gassing, “Peran Organisasi Massa Di Indonesia Dalam Pengembangan dan Penegakan Hukum Islam,” *Peshum* 3, no. 4 (2024): 589–601, <https://doi.org/10.56799/peshum.v3i4.3994>; Imam Mawardi, *Fiqh Minoritas: Fiqh Al Aqalliyat dan Evolusi Maqashid Al Syariah Dari Konsep ke Pendekatan* (Yogyakarta: LKiS, 2010), <http://repository.uinsa.ac.id/id/eprint/1161/>.

²⁷ Muhamad I. Afrelian, Chamdini Putri, dan Khufyah Robe'nur, “Analisis Kontrak Syariah Dalam E-Commerce: Studi Terhadap Akad Murabahah Dan Salam Di Era Digital,” *Al-Urban Jurnal Ekonomi Syariah dan Filantropi Islam* 8, no. 2 (2024): 204–12, https://doi.org/10.22236/alurban_vol8.i2/18107; Muhammad S. Harun, Abdul K. Ali, dan Aminun N. A. Syahir, “The Influence of the Shafie School on Fatwa Methodologies in Malaysia: Toward the Unity of Ummah’s Objective,” *Mazahib* 23, no. 1 (2024): 351–90, <https://doi.org/10.21093/mj.v23i1.7620>.

mediation processes. The success of Islam-based social mediation is largely determined by their capacity to translate *maqāṣid* values into local narratives that are widely accepted by the community²⁸. The involvement of these figures bridges the formality of law with everyday social realities.

To strengthen public acceptance of this approach, *maqāṣid-based* religious education must also be developed. A curriculum that integrates *fiqh al-akhlāq al-ijtimā'iyah* can serve as a means of character formation for students through the internalization of values such as tolerance, social justice, and human solidarity. Project-based learning models and participatory discussions are effective strategies for building early social awareness²⁹. Thus, education becomes a medium for social transformation that aligns with the objectives of *maqāṣid al-sharī'ah*.

3. Islamic Legal Solutions for Realizing Social Unity

To achieve social unity in a plural society, Islamic law must be transformed into a system that is not only normative but also applicative through the principles of *maqāṣid al-sharī'ah*. The *maqāṣidi* approach provides a foundation for the formulation of just public policies, emphasizing the principles of *ḥifẓ al-nafs* (protection of life), *ḥifẓ al-'aql* (protection of intellect), and *al-'adālah* (justice) as ethical bases. These principles have been adopted in several regional regulations, such as the Qanun in Aceh, which are aimed at protecting marginalized groups and accommodating the needs of vulnerable communities³⁰.

In the context of resolving social conflict, the *maqāṣidi* approach is translated into the practice of *sulh* (peaceful reconciliation), which has proven effective in alleviating tensions in various regions such as Ambon and Tolikara. This model not only emphasizes non-violent resolution but also prioritizes

²⁸ Galih Orlando dkk., "Pelaksanaan Pembelajaran Pendidikan Islam Sebagai Sarana Penanaman Nilai Hukum Islam di MAS YPI Batang Kuis," *Alacrity Journal of Education*, 2025, 383–91, <https://doi.org/10.52121/alacrity.v5i1.657>.

²⁹ Vivin Anggreini, "Peran Guru Agama Dalam Menanamkan Nilai-Nilai Pendidikan Multikultural di SMP Setia Budi Sungailiat," *Lenternal Learning and Teaching Journal* 2, no. 1 (2021): 56–65, <https://doi.org/10.32923/lenternal.v2i1.2134>.

³⁰ Komaruddin dkk., "Public Understanding of the Implementation of Islamic Law in the Context of Modern Life in Indonesia."

collective welfare and active community involvement. The values of *ukhuwah* (brotherhood) and *hifz al-māl* (protection of property) serve as the foundation for building mutually agreed-upon solutions, avoiding unilateral domination in the mediation process³¹.

The role of local actors in such reconciliation efforts is crucial. Religious leaders and traditional figures possess strong moral and social authority within their communities. They function as bridges between grassroots communities and state authorities. To enhance the effectiveness of this role, training in *maqāsid* literacy and the strengthening of social ethical capacity are needed so these figures can perform mediative and educative functions sustainably³². *Maqāsid*-based social transformation will not succeed without the support of local actors with high social legitimacy.

In line with this, the education sector plays a strategic role in building collective awareness of the importance of inclusive values. The curriculum of *fiqh al-akhlāq al-ijtimā'iyah* can be implemented in educational institutions as a means to internalize social ethics in students' daily lives. Through participatory approaches such as interfaith discussions and community social projects, students are encouraged to understand and appreciate diversity, and to be motivated to become agents of peace in their respective environments³³.

This effort will be more meaningful if supported by public policies that prioritize public welfare. For instance, child protection programs from early marriage, prevention of domestic violence, and social services for vulnerable groups have been implemented through collaborative approaches between the government, community leaders, and educational institutions. These initiatives reflect the implementation of the principle of *al-maṣlahah al-āmmah* in the

³¹ Hasby Maulana, "Transformasi Maqosidus Syari'ah; Revitalisasi Qowaidul Fiqhiyah," *Japi* 4, no. 2 (2024): 1–13, <https://doi.org/10.61624/japi.v4i2.145>.

³² Orlando dkk., "Pelaksanaan Pembelajaran Pendidikan Islam Sebagai Sarana Penanaman Nilai Hukum Islam di MAS YPI Batang Kuis."

³³ Neng Julia, Mumu Z. Mutaqin, dan Deden Inayatullah, "Peran Guru Pendidikan Agama Islam Dalam Pencegahan dan Penanggulangan Pelecehan Seksual Siswa Di Sman 11 Pandeglang," *Jurnal Kajian Islam Modern* 11, no. 2 (2024): 34–50, <https://doi.org/10.56406/jkim.v11i2.544>.

form of policies that are responsive to social realities, while also being firmly rooted in Islamic ethics³⁴.

D. Conclusion

This study affirms that Islamic law, when interpreted through the approach of *maqāṣid al-sharī'ah*, holds significant potential as an integrative instrument within a pluralistic society. The *maqāṣidi* approach is capable of shifting the orientation of law from a rigid normative system to an adaptive and inclusive public ethical framework. Principles such as the protection of life, intellect, property, religion, honor, and the environment serve as foundational bases in designing policies that respond to the concrete needs of multicultural communities.

The integrative approach through *fiqh al-waqi'* and *fiqh al-ta'āyush* has proven effective in bridging Islamic legal norms with social dynamics. In practice, forums such as FKUB, the roles of religious and traditional leaders, as well as *sulh* mechanisms in conflict resolution, demonstrate that the transformation of Islamic law is not only possible but also realistic. Religious education based on *fiqh al-akhlāq al-ijtimā'iyah* further strengthens the social foundation by instilling values of tolerance and solidarity from an early age.

These findings indicate that Islamic law, when understood contextually, can serve as a solution to the challenges of pluralism without negating religious identity. Therefore, the integrative approach based on *maqāṣid al-sharī'ah* deserves to be developed as a foundation for social reconciliation and the strengthening of national unity within the framework of diversity.

³⁴ Fajar Nessa, Asni Asni, dan Zulhasari Mustafa, "Peran Kantor Urusan Agama (Kua) Dan Tokoh Masyarakat Dalam Mencegah Pernikahan Dini Di Kecamatan Libureng Kabupaten Bone Tahun 2020-2021," *Qadauna* 4, no. 3 (2023): 704–16, <https://doi.org/10.24252/qadauna.v4i3.30401>; Ahmad Farihin dan Fitria Fitria, "Pembinaan Kesejahteraan Berkelanjutan Bagi Masyarakat Lansia Melalui Peran Tokoh Agama Di Kabupaten Subang," *Jurnal Ekonomi Utama* 3, no. 3 (2024): 289–303, <https://doi.org/10.55903/juria.v3i3.184>.

References

- Adib, Ahmad Akhil. "Perlindungan Hukum Bagi Perempuan Dalam Praktek Perkawinan Siri di Kepulauan Kangean." *EGALITA* 18, no. 2 (2023). <https://doi.org/10.18860/egalita.v18i2.24176>.
- Afrelian, Muhamad I., Chamdini Putri, dan Khufyah Robe'nur. "Analisis Kontrak Syariah Dalam E-Commerce: Studi Terhadap Akad Murabahah Dan Salam Di Era Digital." *Al-Urban Jurnal Ekonomi Syariah Dan Filantropi Islam* 8, no. 2 (2024): 204–12. https://doi.org/10.22236/alurban_vol8.i2/18107.
- Ahmad Muhammad Mustain Nasoha, Ashfiya Nur Atqiya, Nabila Nurul Heptarina, Zulfa Rahma Putri Junovi, dan Jamiatun Niswah Nayli Muhammada. "Dakwah Digital dan Tantangan Hukum Islam : Studi terhadap Narasi Keislaman di Platform Media Sosial." *Al-Tarbiyah: Jurnal Ilmu Pendidikan Islam* 3, no. 2 (24 April 2025): 122–32. <https://doi.org/10.59059/al-tarbiyah.v3i2.2230>.
- Anas, Mohamad, Destriana Saraswati, M. Alifudin Ikhsan, dan Noveria Anggraeni Fiaji. "Acceptance of 'the Others' in religious tolerance: Policies and implementation strategies in the inclusive city of Salatiga Indonesia." *Heliyon* 11, no. 2 (30 Januari 2025): e41826. <https://doi.org/10.1016/j.heliyon.2025.e41826>.
- Anggreini, Vivin. "Peran Guru Agama Dalam Menanamkan Nilai-Nilai Pendidikan Multikultural di SMP Setia Budi Sungailiat." *Lenternal Learning and Teaching Journal* 2, no. 1 (2021): 56–65. <https://doi.org/10.32923/lenternal.v2i1.2134>.
- An-Naim, Abdullahi Ahmed. *Islam and the Secular State: Negotiating the Future of Shari'a*. Harvard University Press, 2009. <https://www.hup.harvard.edu/books/9780674033764>.
- Anosh, Hussain Ali. "The Role of Legal Pluralism in Ensuring Order and Social Justice in Afghanistan," 18 Februari 2025. <https://doi.org/10.5281/ZENODO.14889340>.
- Auda, Jasser. *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. Herndon: The International Institute of Islamic Thought, 2010.
- Azzahra, Lathifah, Rendy Ardiansyah, Lili Kurniasih, Badrun Nafiza, dan Azizatul Habibah. "Toleransi Keanekaragaman Suku Dan Budaya Bangsa" 5, no. 1 (2024).

- Basirun, Adam dan Kurniati. “Konflik dan ketegangan Antara Kesatuan dan keragaman masyarakat Perspektif Hukum Islam.” *Al-Mizan: Jurnal kajian Hukum dan Ekonomi* 08, no. 2 (2022): 117–28.
- Budiarti, Budiarti. “Konstitusionalitas Beragama Perspektif Negara Hukum Pancasila.” OSF, 9 Oktober 2023. <https://doi.org/10.31219/osf.io/xh236>.
- Bukido, Rosdalina, Nurlaila Harun, Edi Gunawan, dan Rahman Mantu. “Harmonization of Customary and Islamic Law in the Gama Tradition of the Muslim Mongondow Community of North Sulawesi.” *Ijtihad Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (2022): 239–54. <https://doi.org/10.18326/ijtihad.v22i2.239-254>.
- Dianto, Icol. “Hambatan Sosio-Politik Pembangunan Desa Religius Di Kabupaten Mandailing Natal.” *Misykat Al-Anwar Jurnal Kajian Islam Dan Masyarakat* 5, no. 2 (2022): 291. <https://doi.org/10.24853/ma.5.2.291-314>.
- Emon, Anver M. “Conceiving Islamic Law in a Pluralist Society: History, Politics and Multicultural Jurisprudence.” *Singapore Journal of Legal Studies*, 2006, 331–55.
- Fariduddin, Ecep Ishak. “Kontekstualisasi Hukum Islam dalam Realitas Sosial-Budaya Perspektif Wael B. Hallaq” 3, no. 1 (2022).
- Farihin, Ahmad, dan Fitria Fitria. “Pembinaan Kesejahteraan Berkelanjutan Bagi Masyarakat Lansia Melalui Peran Tokoh Agama di Kabupaten Subang.” *Jurnal Ekonomi Utama* 3, no. 3 (2024): 289–303. <https://doi.org/10.55903/juria.v3i3.184>.
- Harun, Muhammad S., Abdul K. Ali, dan Aminun N. A. Syahir. “The Influence of the Shafie School on Fatwa Methodologies in Malaysia: Toward the Unity of Ummah’s Objective.” *Mazahib* 23, no. 1 (2024): 351–90. <https://doi.org/10.21093/mj.v23i1.7620>.
- Iskandar, Iskandar, Anas A. Rahman, dan Qadir Gassing. “Peran Organisasi Massa di Indonesia Dalam Pengembangan dan Penegakan Hukum Islam.” *Peshum* 3, no. 4 (2024): 589–601. <https://doi.org/10.56799/peshum.v3i4.3994>.
- Julia, Neng, Mumu Z. Mutaqin, dan Deden Inayatullah. “Peran Guru Pendidikan Agama Islam Dalam Pencegahan Dan Penanggulangan Pelecehan Seksual Siswa di SMAN 11 Pandeglang.” *Jurnal Kajian Islam Modern* 11, no. 2 (2024): 34–50. <https://doi.org/10.56406/jkim.v11i2.544>.
- Kamali, Mohammad Hashim. *Maqasid al-Shariah Made Simple*. Herndon, Virginia, USA: The International Institute of Islamic Thought (IIIT), 2008.
- Kharrazi, Muhammad, Idzam Fautanu, Atma Suganda, dan Maryano. “Legal Analysis of MUI’s Authority in Providing Halal Label Guarantees After the

Issuance of Law Number 33 of 2014 Concerning Guarantees for Halal Products.” *Revista De Gestão Social E Ambiental* 18, no. 9 (2024): e5761. <https://doi.org/10.24857/rgsa.v18n9-057>.

Komaruddin, Koko, Suprijati Sarib, Sabil Mokodenseho, Nurcahyani Mokodompit, dan Tindra Manangin. “Public Understanding of the Implementation of Islamic Law in the Context of Modern Life in Indonesia.” *Sanskara Hukum Dan Ham* 2, no. 03 (2024): 153–60. <https://doi.org/10.58812/shh.v2i03.378>.

Kopong, Kristoforus. “Menalar Hubungan Agama, Pancasila Dan Negara Dalam Membangun Moderasi Beragama di Era Disrupsi Digital.” *Atma Rekha Jurnal Pastoral dan Kateketik* 6, no. 1 (2021): 23. <https://doi.org/10.53949/ar.v6i1.123>.

Maulana, Hasby. “Transformasi Maqosidus Syari’ah; Revitalisasi Qowaidul Fiqhiyah.” *Japi* 4, no. 2 (2024): 1–13. <https://doi.org/10.61624/japi.v4i2.145>.

Mawardi, Imam. *Fiqh Minoritas: Fiqh Al Aqalliyat Dan Evolusi Maqashid Al Syariah Dari Konsep Ke Pendekatan*. Yogyakarta: LKiS, 2010. <http://repository.uinsa.ac.id/id/eprint/1161/>.

Muhaki, Muhaki, dan Husein Aziz. “Maqashid Al-Syari’Ah Sebagai Instrumen Pembaruan Fiqh Sosial Kontemporer.” *Al-Ibrah : Jurnal Pendidikan dan Keilmuan Islam* 9, no. 2 (30 Desember 2024): 125–52. <https://doi.org/10.61815/alibrah.v9i2.476>.

Nessa, Fajar, Asni Asni, dan Zulhasari Mustafa. “Peran Kantor Urusan Agama (Kua) dan Tokoh Masyarakat Dalam Mencegah Pernikahan Dini Di Kecamatan Libureng Kabupaten Bone Tahun 2020-2021.” *Qadauna* 4, no. 3 (2023): 704–16. <https://doi.org/10.24252/qadauna.v4i3.30401>.

Orlando, Galih, Mulkan Darajat, Budi Febriani, Monica M. Batubara, dan Leli H. Lubis. “Pelaksanaan Pembelajaran Pendidikan Islam Sebagai Sarana Penanaman Nilai Hukum Islam di MAS YPI Batang Kuis.” *Alacrity Journal of Education*, 2025, 383–91. <https://doi.org/10.52121/alacrity.v5i1.657>.

Pamuji, Slamet, dan Novan Ardy Wiyani. “Religious Tolerance in Pluralistic Societies: Challenges, Strategies and Social Impacts.” *Asian Journal of Education and Social Studies* 51, no. 5 (26 April 2025): 227–35. <https://doi.org/10.9734/ajess/2025/v51i51913>.

Sahidin, Amir. “Telaah Atas Fiqh Al-Aqalliyat Syekh Yusuf Al-Qardhawi.” *An-natiq Jurnal Kajian Islam Interdisipliner* 2, no. 2 (21 Mei 2022): 121. <https://doi.org/10.33474/an-natiq.v2i2.15774>.

- Shadiqin, Sehat I., dan Eka Srimulyani. "The Contested Authorities: Institution and Agency in the Enforcement of Sharia Law in Aceh, Indonesia." *Journal of Contemporary Islam and Muslim Societies* 5, no. 2 (2022): 198. <https://doi.org/10.30821/jcims.v5i2.10601>.
- Suhail, Ahmad Kusjairi, Daud Lintang, Ade Pahrudin, dan Willy Oktaviano. "Azyurmardi Azra dan Moderasi Beragama di Indonesia." *Al Qalam: Jurnal Ilmiah Keagamaan dan Kemasyarakatan* 19, no. 2 (18 Maret 2025): 737. <https://doi.org/10.35931/aq.v19i2.4179>.
- Turner, Bryan S., dan James T. Richardson. "Shari'a, Legal Pluralism, and Muslim Arbitration Tribunals in the West." *Oxford Research Encyclopedia of Religion*, 2023.
- Imdadun Rahman, *Arus Baru Islam Radikal, Transmisi Revivalisme Islam Timur Tengah ke Indonesia* (Jakarta: Erlangga, 2006), 24.