

UNDERSTANDING PANCASILA IN THE MAQASHID-BASED  
FRAMEWORK AND ITS RELEVANCE TO INDONESIAN RELIGIOUS  
HARMONY: A DIALOGUE APPROACH

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**Abstract:** Studies on *maqashid al-sharia* or the aims of Islamic law often seek to understand the philosophical meaning of public interest (*maslahah*), such as objective to preserve faith, life, reason, offspring, and wealth. This article develops the idea of the *maqashid*-based frame work for contextualization of Pancasila, especially in religious life.

This article used the dialogue approach by Martin Buber (w. 1965), which are the theory of I-It, I-Thou, and I of The I-it and the idea of totality initiated by Emanuel Lévinas (w. 1995). The purpose of this article provides a new way of interpreting to the three pillars of *maslahah*; enhancements (*tahsiniyat*), desirable (*hajiyyat*), and essential (*daruriyat*).

I argue that mutual respect is the central idea of the dialogue approach in the realization of *maslahah*. Furthermore, the nexus that needs to be developed between *maslahah* and Pancasila is intersubjective model. On this basis, the mutual respect is relevant to reinforce and be integrated with Pancasila values for strengthening the religious harmony in Indonesia.

**Keywords:** *Maqashid al-Sharia, Maslahah, Dialogue, Common Word and Pancasila.*

## A. Introduction

The potential conflict between religious communities in Indonesia is still relatively large. The Wahid Institute released a report in 2017 on freedom of religion or belief (KBB) that listed a series of KBB conflicts that were still not resolved. For instance, the Indonesian Ahmadiyah Community (JAI) in Mataram and West Nusa Tenggara, the removal of the Syi'ah community from Sampang, Madura, the conflict

over the construction plan of Indonesian Christianity Church (GKI) Taman Yasmin in Bogor, and refusal to build the mosque of al-Khairiyah in Manado.<sup>1</sup>

Convey Indonesia also released a similar reports in 2018 regarding the religious understanding of the millennials generation. The results are 88.65% agreed that the government prohibited teachings or beliefs that considered deviated from Islam. Then 49% disagreed with the government protecting the Syi'ah community, and 53.7% agreed that Jews were the enemy of Islam.<sup>2</sup>

The description of these cases indicates: (1) the acceptance of differences is still a fundamental problem in determining the boundaries of the objectivity of truth. (2) the changes of context not anticipated by changing approaches to maintain religious harmony. (3) the truth claims become a weapon to repress other views, thus, to ignore the nature of the plurality which theoretically cannot be replaced by other people's truth narratives.

With regard to the the previous cases, it is essential to revise the understanding of religious doctrine and the public sphere in Indonesia. A globe where every solidarity, various interpretations, and all citizens' roles live and develop openly and rationally. It emphasized the importance of a new epistemology in studying Islam. So, there has been a failure of tradition in explaining religious and social behavior that existed in the pre-modern century, but still works and influences to respond the Western modernity.<sup>3</sup> A few people assume that the study of law and interpretation of the text in the eighth and twelfth centuries is still sufficient to explain the Islamic civilization normatively without being affected by changes.<sup>4</sup>

Maqashid *al-sharia*, or Islamic law's objectives, is a prominent entity of Islamic law epistemology of practical reasoning. The aim is to resist damage (*dar'u al-mafasid*) and realize an advantage (*jalb al-mashalih*). Muslim scholars call it the public interest (*maslahah*). Protecting the public good is the core of Islamic teachings, which contains specific and universal aspects of religious values, usually classified into three types, which are enhancements (*tahsiniyat*), desirable (*hajiyyat*) and essential (*daruriyat*).

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1 <http://wahidfoundation.org/index.php/publication/detail/Laporan-Tahunan-Kemerdekaan-BeragamaBerkeyakinan-KBB-di-Indonesia-2017>. Accessed on September 20, 2020.

2 <https://conveyindonesia.com/publication/convey-report/>. Accessed on July 10, 2020.

3 Kristine Kalanges, *Religious Liberty in Western and Islamic Law: Toward a World Legal Tradition* (New York: Oxford University Press, 2012), p. 6-7.

4 Bernard G. Weiss, et. al, *Studies in Islamic Legal Theories* (Boston: Brill, 2002), h. xviii.

Today, in the beginning of the twenty-first century, the objective framework of Islamic law serves to consider global issues.<sup>5</sup> In functional areas, such as al-Tufi used the public interest to counter the secular reform discourse about the backwardness of Islamic law and its incompatibility with rational science and modern society.<sup>6</sup> Muhammad Taha was inspired by Shatibi's *maqashid sharia* framework to emphasize his views of a social order based on the principles of equality, socialism, and democracy.<sup>7</sup> Rashid al-Ghannushi, a Tunisian political activist in the 1980s, used *maslahah* and *maqashid sharia* to achieve freedom, justice, and human rights in forming an Islamic state.<sup>8</sup>

For instance, in the theoretical field, Mohammad Hashim Kamali added the protection of fundamental rights and freedoms, the crucial research and development in technology and science, and the peaceful coexistence of government policies to the public interest structure. Meanwhile, Yusuf al-Qaradawi extended the aspects of *maqashid*, which include social welfare assistance (*al-takaful*), human dignity, freedom of speech, and brotherhood, viewed as a higher sharia goal. The Egyptian scholar 'Abd al-Wahhab Khallaf and the Syrian scholar Muhammad Sa'id Ramadan al-Buti used the *maslahah* and *maqashid sharia* models to expand Islamic role law in modern countries, which tend to narrow.<sup>9</sup> Furthermore, Jamal al-Din 'Atiyah expanded the scope of *maqashid* and identified twenty-four items of protection and classified them into four major themes, which are individual, family, people, and humanity.<sup>10</sup> And Jasser Audah tries to develop the *maqashid* through system approach in context Islamic Index Human Development (IIHD).<sup>11</sup> In a specific context, studies on the relationship between Pancasila and *maqashid sharia* as conducted by Ahmad

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5 Musfir bin Ali al-Qahtani, *Understanding Maqashid al-Sharia: A Contemporary Perspective*, (London: International Institute of Islamic Thought, 2015), p. 70-73. Also see Musolli, "Maqasid al-Syariah: Kajian Teoritis dan Aplikatif pada Isu-isu Kontemporer", in *At-Turas*, vol. V, 1, (2018), p. 61-82. Rukiah, et. al, "Islamic Human Development Index di Indonesia (Suatu Pendekatan Maqhasid Syariah)", in *Istinbâth Jurnal Hukum dan Ekonomi Islam*, vol. 18, No. 2, (2019), p. 307.

6 Felicitas Opwis, "Maslaha in Contemporary Islamic Legal Theory", in *Islamic Law and Society* 12 (2), (2005), p. 198.

7 David L. Johnston, "Maqasid al-Sharia: Epistemology and Hermeneutics of Muslim Theologies of Human Rights", in *Die Welt des Islams* 47(2), (2007), p. 201-208.

8 David L. Johnston, "Maqasid al-Shari'ah"..., p. 171-176.

9 Felicitas Opwis, "Maslaha in Contemporary Islamic Legal Theory"..., p. 208-210.

10 Jamal al-Din 'Atiyah, *Towards Realization of the Higher Intent of Islamic Law: Maqashid al-sharia A Fuctional Approach* (London: International Institute of Islamic Thought, 2007), p. 192-193.

11 Jasser Auda, *Maqasid al-Shari'ah as Philosophy of Islamic Law: A System Approach* (London: The International Institute of Islamic Thought, 2008)

Fahri Yahya Ainuri,<sup>12</sup> Muhlil Musolin,<sup>13</sup> and Imam Wahyuddin<sup>14</sup> focus on affirming that the two are interconnected. Unfortunately, they do not explain it how to link the two in detail.

Based on the prior literature, some Muslim scholars try to point out the importance of this field in specific areas.<sup>15</sup> As Salman Syed Ali asserts the *maqashid* framework and its implications for Islamic financial institutions. He tries to apply in detail the concept of the *maslahah* as a pyramid in responding to the changes in Islamic economic activity. He states that the *maslahah* pyramid does not stand separately or exclusively, but it is interrelated to another.<sup>16</sup> However, how to contextualize of *maslahah* and Pancasila in the *maqashid*-based framework is still up to date.

This paper seeks to understand and offer a new meaning of *maslahah* through the dialogical approach initiated by Martin Buber and Emanuel Lévinas. The aim is to realize the objective of Islamic law for improving the harmony among religious communities in Indonesia. The questions are how to explain the philosophical relationship between Islamic law and Pancasila in the frame of the dialogue approach? What is the relevance to strengthening the religious harmony in Indonesia?

This article argues that mutual understanding is the central concept of dialogism in the realization of *maslahah*. Furthermore, its application is not independent. This mutual understanding is relevant to religious values to strengthen and be integrated with Pancasila values to increase religious harmony in Indonesia.

The article's structure will explain the dynamics of the concept of the objective of Islamic law, public interest and dialogism approach, and Pancasila as a collective agreement (*kalimah al-sawa'*). Based on these structures, I am convincing that the dialogical approach would be driving in new interpreting Pancasila both as the basis for a nation-state and a religious life.

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12 Ahmad Fahri Yahya Ainuri, "Maqashid Syari'ah sebagai Epistemologi Pendidikan Pancasila", dalam *Progress*, Vol. 8, No. 1, (2020), p. 76-100. DOI: <http://dx.doi.org/10.31942/pgrs.v8i1.3446>. Diakses tanggal 8 Januari 2021.

13 Muhlil Musolin, "The Virtue of Maqasid al-Syari'ah in Pancasila as the State Philosophical Basis of the Indonesian Republic" dalam *Dialog*, Vol. 43, No. 1, (2020), p. 59-74. DOI: <https://doi.org/10.47655/dialog.v43i1.346>. Diakses tanggal 4 Januari 2021.

14 Imam Wahyuddin, "Perspektif Maqashid Syariah untuk Pancasila: Membingkai Relasi Ideal Agama dan Negara", dalam *Tasamuh: Jurnal Studi Islam*, Vol. 12, No. 2, (2020), p. 253-431. DOI: <https://doi.org/10.47945/tasamuh.v12i2.248>. Diakses Tanggal 26 Pebruari 2021.

15 Abdul Qayum, "Maqashid Ash-Shariah Framework and the Development of Islamic Finance Products: The Case of Indonesia", in *Tazkia Islamic Finance and Business Review*, Vol. 12 (2), (2018), p. 169-188.

16 Salman Syed Ali (Ed.), *Towards a Maqashid al-Sharia Index of Socio-Economic Development: Theory and Application* (Switzerland: Palgrav Macmilan, 2019), p. 1-5.

## 1. The Dynamics of the Concept of the Objective of Islamic Law

At the beginning of the development and formation of Islamic law, - at least three centuries after the early years of Islam -, *maqashid* was less attention as a methodology of Islamic law (*Usul al-fiqh*) even when compared to the analogy (*qiyas*) method. However, the *maqashid* approach is more open and dynamic than the analogy.

The study of *maqashid al-sharia* become an important topic as reviewed by Abu Bakr al-Syasyi (d. 365 H) in his book on the beauties of sharia (*mahasin al-sharia*). Al-Syasyi tried to explain the topic of wisdom and the purpose of each commandment which was specifically meant to be achieved by the sharia. He stated that sharia rules encompass many aspects of human life that are entirely rational.<sup>17</sup> Then, it was developed by his student Abu al-Hasan al-'Amiri (d. 381) with the assertion that one of the fundamental characteristics of Islam is the character of its teachings, which includes comprehensiveness and moderation by human nature.<sup>18</sup> Furthermore, the discourse of the objective of Islamic law was developed by al-Juwayni (d. 478/1085), who attempted to systematically articulate provisions systematically at the first level. This category becomes a universal need and exists throughout society. Because without it, according to al-Juwayni, humanity would not live. Second, the type of general requirements without its presence, people life will be difficult undoubtedly. Third, the category of recommendations for the improvement of human life.<sup>19</sup>

Furthermore, it was established by Abu Hamid al-Ghazali (d. 1111), who defined *maqashid* through the protection of five basic principles of human life, namely: faith (*din*), life (*nafs*), intellect (*'aql*), offspring (*nasl*), as well as protection of property (*mal*).<sup>20</sup> Then, it was further developed by al-Syatibi, (d.1388) through inductive meaning analysis (*istiqrā'i al-ma'nawi*) or frequency of meaning (*tawatur al-ma'nawi*) analysis.<sup>21</sup> Now, *maqashid* has an essential position in broad-spectrum, especially in the renewal of Islamic methodology principles (*Ushul al-fiqh*).

Indeed, some Muslim scholars avoid the *maqashid* framework because its nature is likely to involve elements of projection and prognostication. Even further, it could fall into speculation. The *maqashid* framework is more philosophical and

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17 Yusuf Hamid al-Alim, *Al-Maqashid al-'Ammah li al-Sharia al-Islamiyyah* (Virginia: International Institute of Islamic Thought, 1993), 105-107.

18 Abu al-Hasan Muhammad ibn Yusuf al-'Amiri, *Al-I'lam bi al-Manaqib al-Islam* (Beirut: Dar al-Kutub al-'Ilmiyah, 2006), p. 36-88.

19 Abu al-Ma'ali 'Abd al-Malik ibn 'Abd Allah al-Juwayni, *al-Burhan fi Usul al-Fiqh* (Cairo: Maktabat al-Kulliyat al-Az-Hariyyat, 1992), p. 601-605

20 Muhammad al-Tahrir ibn Ashur, *Maqashid al-Sharia al-Islamiyyah* (Tunis: Al-Sharikah al-Tunisiyyah li al-Nashr, 1978), p. 18-23.

21 Ahmad al-Raysuni, *Nazariyyat al-Maqashid 'Inda al-Imam al-Shatibi* (Virginia: International Institute of Islamic Thought, 1991), p. 3-5.

achieves the law's primary objectives rather than the specific formulation of text as contained in *Ushul al-Fiqh*. For some traditionalists, determining the splendid aims and objectives of the Lawmaker must be by grasping the Scriptures, which clearly expressed.<sup>22</sup>

## B. Public Interest (*maslahah*) and Dialogism Approach

Before further analyzing the three pillars of the *maslahah* concept, I will explain the dialogism approach first. The identification of dialogism approach includes: (1) for itself, (2) for the person specifically designated, (3) the projection, which was the commitment to be formed. Emanuel Lévinas address it as the theory of totality.<sup>23</sup> On the other hand, Martin Buber called it the model of I-It, I-Thou, and The I of the I-It.<sup>24</sup>

The first model is the I-It relation. Humans always interact with their surrounding environment. Because of the I-It model, I qualify and conceptualize things and others in a mental representation. Other people are not assumed as a free person and as a friend. Other people are material objects. Thus, the I-it model was defined as object-subject intercourse, a monologue relationship, and utilizing this relationship to fulfill oneself interests.<sup>25</sup>

Emanuel Lévinas called I-It as a totality, a philosophy of subjects that examines the reality from the ego. In doing so, he also called total egology -a narcissistic philosophy that emphasizes self-excellence (Self, Same, Subject, or Being). Referring to the Western philosophical tradition, I usually always focus on my own existence.<sup>26</sup> The implication is that I try to reduce the others in the same category. According to Emanuel Lévinas, the ontology conception of totality or egology was inadequate for the inter-subjectivity relations since these concepts acknowledged the absence of other existences. So, the totality must be perfect with the idea of infinity. The concept of infinity was the opposite of wholeness. Infinity was a morality that always maintains the separation between the other and the same.<sup>27</sup>

For these reason, the concept of I-It and Totality, it could be a category within the enhancements pillar. The existence of enhancements tends to be for the individual interest. In addition, using it excessively will tend to the material-

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22 Ibid., 12-13

23 An Verlinden, *Reconciling Global Duties with Special Responsibilities* (London: Springer, 2010), p. 89-91.

24 Martin Buber, *I and Thou* (Edinburgh: T & T Clark, n.d), p. 2-7.

25 Ibid., p. 8.

26 Tamra Wright, et al., *The Provocation of Levinas: Re-thinking the Other* (New York: Routledge and Kegan Paul, 1988), p. 171-176.

27 Ibid.,



hedonistic view or fall into selfishness.<sup>28</sup> Such as building a house of worship is not an essential thing (*daruri*) in performing religiosity, but it tends to be a supporting instrument. However, these conflicts, as mentioned in the background, stem from the implementation of enhancements (*tahsiniyat*). In doing so, some people tried to interpret that building a worship house of worship was part of an attempt to destroy a certain religion, even though there was a hidden infiltration.

Another example is the polemic of religious teachings between Sunni and Shi'a groups. These two groups claim the perfection of each other, so they decide that the other group should be perfect according to the understanding of the particular group. The enhancement (*tahsiniyat*) is very totality and egological. Those who make it mainstream will fall into the destruction of interreligious dialogue. In the *tahsiniyat* pillar, other religious members are conceptualized based on their ego and totality. Thus, they did not see the other members as independent subjects. This is the beginning of forced interpretation based on truth claims.

However, *tahsiniyat* provides lessons about the diversity and uniqueness of various religious acts. *Tahsiniyat* also affirmed that other people exist as self-righteousness in religion, but other people limit it. Therefore, *tahsiniyat* is a way of understanding certain self-righteousness and believing in other righteousness. Each of these righteousness is not separate but complementary. The existence of enhancement could be manifested in the presence of other people or groups. In my opinion, the concept of *tahsiniyat* represents the level of an individual agreement.

The second model, Buber calls the I-Thou relationship. It is a direct or immediate relationship between two selves, without being bound and mediated by any external elements or reference frame. The encounter between two selves is authentic and unique so that it does not appear as the other.<sup>29</sup> Buber explains the I-Thou relationship in the form of encounters, meetings, dialogues, and exchanges. The effect of this relationship forms a new entity called interpersonal and provides a function. As a source of value, the I-Thou relationship emphasizes that its meaning lies in the experience of collective action and moral norms. Experiences and moral values are interpersonal matters because they require a sense of others. According to Lévinas, ethics begins with the existence of other people.<sup>30</sup>

Lévinas states that a shared sense of human existence is linked to the conception of I or *conatus essendi*. Unfortunately, people often have a tendency towards totality in the form of scruples or objections that arise through encounters with other

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28 John Llewelyn, *Emmanuel Levinas: The Genealogy of Ethics* (London and New York: Routledge, 1995), p. 13-15.

29 Martin Buber, *I and Thou...*, p. 9-10

30 John Llewelyn, *Emmanuel Levinas...*, p. 47-49

people. This objection was raised in *conatus*, namely, through meeting with other people like a heavy openness to explain the I exist. This objection appears as a feeling of annoyance and discomfort. I tempted by the transparency of the Other and at the same time realizing that what could or could not be. I discovered and did not want totality. But I can decide without following my natural interests. Faced with a confrontation with the Other, I realized that I did not only exist (Being) and apart from being (Otherwise than Being) - I can overcome beyond myself to decide for good, not to be selfish. This is the importance of ethics in dealing with others; difference from others embodies a moral obligation. Moral responsibility manifested materially in openness and acceptance. This is the essence of the concept of infinity. The I-Thou mode requires mutual awareness and accountability to others.

Meanwhile, the I-Thou position seems to provide a very intimate experience of moral character. Martin Buber states that meaning always exists in the general order. It is proved in the specificity of his existence and life. Neither Buber nor Lévinas premises agree to just one particular claim. Morality as fundamental is a relational or social phenomenon, characterized by the recognition of incompatibility with others. Hence, Lévinas strongly emphasize the radical distinction of the Other -, and Buber emphasizes the encounter itself over the mutuality of the I-Thou relationship in a symmetrical connection, where I can be real or otherwise. Buber believes that it is the only way to gain reciprocity and relatedness as a manifestation of goodness and empathy.<sup>31</sup>

However, it is completely unreasonable to declare that the I-Thou relationship only grows in a particular or private realm. So, personal feelings are a closet that is accessed by others as well as within We as a society. He calls it the Essential We, which occurs when free and responsive all individuals want to listen to one another, coming together with indirect reciprocity with one another. By the crucial We, everyone can discharge the anonymous, impersonal and be part of a new community characterized by a spirit of togetherness and reciprocity. According to Buber, the I-Thou relationship does not designate to personal but also the structure of society.<sup>32</sup>

Lévinas rejects any reciprocity or mutuality, as it has the potential to undermine differences. On the other hand, Lévinas maintains the reality of I and Thou's relationship by not emphasizing the relationship itself but being oriented towards the other. Therefore, Lévinas understands that dialogue is not a symmetrical I-Thou, but a radically asymmetric Thou-Me relationship. According to him, in radical

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31 Ibid., 50

32 Martin Buber, *I and Thou...*, p. 6-9.



asymmetry, We are not allowed to make claims of solidarity outside of him/her self.

Furthermore, this asymmetry emerges the concept of Illeity as a necessary third world that is needed to move beyond personal relationships to communal life in society. The Third world is the world of the subject invention in a social destination. The third world is an imprint of the Divine expressed in intimate and profound expressions and does not only stem from the deep respect and concern for others as Buber understands it.

The explanation of I-Thou (Buber) and the Thou-me relationship (Lévinas) is understood from the pillar of desire (*hajiyat*) in the concept of public interest. The desirable becomes the intermediary that connects the essential and enhancements. *Hajiyat* is a way of looking at others because he/she no longer deal with him/herself, but understands others as part of him/herself. The absence of *hajiyat* is a difficulty in realizing the essential interests and has an impact on strengthening the ego and the totality of the individual.

*Hajiyat* can be expressed through agreements, laws, or conventions that have existed between people. However, the agreement did not necessarily backfire for the other party. The existence of an agreement must be established from awareness in the frame of dialogue, meetings, involvement, responsiveness, and intersubjectivity. Even further, *hajiyat* is a source of the norm for honest dialogue between the interests of many people. The encounter of I-Thou (Buber) and Thou-me (Lévinas) requires a spirit of togetherness and reciprocity as part of the collective learning process.

Traditions that are lived and established in a diverse or single community are stable. However, these living traditions can become a social norm that directs and maintains social harmony. Living traditions are expressions of needs in the form of behaviors and perspectives resulting from the recognition of the existence of others. Thus, the manifestation of *hajiyat* comes from the presence of *tahsiniyat*. In my opinion, the concept of *hajiyat* represents the level of social or community agreement.

Furthermore, Lévinas moves towards the Third world and Buber's concept of Essential We, as it allows us to access the problem of harmony. So, the idea of Third world and Essential We, I exist and are founded in a society to have a reciprocal relationship with other people. This creates the need for ethical construction because it forces us to move from individual relations to societal morals. Ethical responsibility

cannot be limited by near and dear but extends to all human relationships regardless of geographic or psychological distance.<sup>33</sup>

The description of Essential We (Buber) and the Third (Lévinas) get their arguments about the essential in the concept of public interest. The essential has traditionally been understood as an existence in which its absence results in the absence of society. *Daruriyat* is a divine (*ilahiyyah*) commitment.<sup>34</sup> This commitment is ethical, not just juridical, transcending the boundaries of sociological, political, and anthropological identity. Responsibility is a common word that becomes a shared awareness and is an inner dimension of faith that is not entirely represented individually.<sup>35</sup> Ignorance of this dimension impacts a deficit of truth or irretrievable loss.

It should be borne in mind that what is the essential is a commitment of individuals and communities that are encapsulated in Indonesian society's traditions. This commitment becomes the basis for the state to make various regulations or laws, such as the commitment to divinity, humanity, unity, deliberation, and justice. These five responsibilities can summarize the structure of Pancasila, which brings together various dialogues of interest between individuals. *Daruriyat* is the pinnacle of all righteousness in the form of the importance of ethics. The destruction of society will occur if this commitment is lost or eliminated because of the individual's attitude where ego and totality will be the reference for absolute truth, agreement between individuals will also never exist.

*Daruriyat* is a pillar that supports the maintenance of *tahsin* interests at the level of an individual agreement. As the needs of *haji* at the level of community agreement. *Daruriyat* is essential because all levels expect to strengthen religious harmony in an established and certainly. The established means ensuring the sustainability of the spiritual practice of each individual and society. Meanwhile, certainty means that every action is guaranteed no interference and obstacles from other parties. In my opinion, the concept of *daruriyat* represents the level of agreement in the state.

In doing so, both insist that the crucial of distinct voices are essential. An impartial concern for religious harmony must be suppressed and supported by the uniqueness of the individual. Religious harmony is justified in general principles that

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33 An Verlinden, *Reconciling Global...*, p. 98-99.

34 Qs. Al-'Araf: 172.

35 Qs. Ali 'Imran: 64.

apply fairly to everyone. This is a specific priority for whom everyone is responsible. Thus, it will create intersubjectivity.<sup>36</sup>

### C. **Pancasila and *Maslahah* as Common Word (*Kalimah al-Sawa'*)**

*Kalimah al-Sawa'* is a collective commitment that is built consciously on mental impulses. This commitment is a cooperation agreement whose elements are derived from shared values and life in society. Therefore, the common word is the meeting point between the intersection of various existing worldviews.<sup>37</sup>

There are five basic concepts of Pancasila (the principles of Indonesian ideology): (1) Belief in One supreme God (2) Just and civilized humanity (3) Indonesian nationalism (4) Democracy guided by the inner wisdom of consultation of the representatives (5) Social justice for all citizenship.

#### 1. **Belief in the One Supreme God**

Belief in the One Supreme God is an element rooted in the local wisdom or local genius of Indonesian society. Belief in the one supreme God explains the agreement between religion and the state as the ethical foundation for the development of Indonesian people's life. Even though Pancasila does not define God, state policies are encouraged, always referring to religious values. This fact is in the preamble of the third paragraph of the 1945 Constitution.

The relationship between God and humans is direct, as is the relationship between people and the state. But the relationship between God and government can only be bridged by humans. Thus, the protection of the state for humans to deal directly with God makes the state uphold religious values in carrying out the state system. This does not mean that Pancasila directs the state system into a religious state by implementing religious values. The principle of belief in the one supreme God does not dictate the ritual techniques of religious teaching or impose specific ideas. In this case, the state only uses religious values as a philosophical, juridical, and political foundation. It recognizes that the life of the nation and the state's success cannot be separated from God's grace and goodness. Therefore, through all its systems and laws, the government must serve and protect human needs under their nature as God's creatures.

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36 Marianne Moyaert and Joris Geldhof (ed.), *Ritual Participation and Interreligious Dialogue: Boundaries, Transgressions and Innovations* (New York: Bloomsbury Academic, 2015), p. 1-3.

37 Nathan Jones, "Rediscovering Pancasila: Religion in Indonesia's Public Square", in *The Brandywine Review of Faith & International Affairs*, 3:1, (2005), p. 23-30.

The belief in the one supreme God means that every individual is guaranteed to explore the spiritual values of religion and belief. The state protection is in the context of the precepts of one and only God. First, guarantee protection in practicing religion. Second, guarantee in thinking according to their religion. The belief in the one supreme God is not a principle of faith but a guideline for living together in a state consisting of various ethnicities, religions, and races. It is what is called an incorporate eclectic. Pancasila never discusses God Almighty. Pancasila only explains that every Indonesian citizen is guaranteed to be godly through his/her religion and belief.<sup>38</sup>

According to Hatta (vice president of Soekarno), the essence of belief in the one supreme God is the ideal model to guide the state and government administration system to achieve people’s happiness and public safety, world peace the brotherhood of the nations. Furthermore, Hatta said that through this principle, belief in the one supreme God, state politics would have a strong moral foundation for the common good.<sup>39</sup>

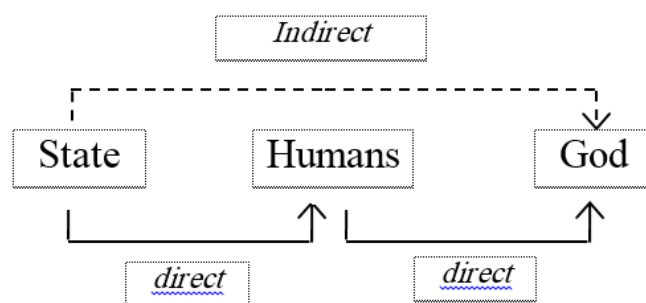


Figure 1: The relation of God, The State, and Human

Eventually, it is interesting to refer to the opinion of Mohammad Roem - a Masjumi figure – regarding this principle that the most basic human life is he/her belief in the one supreme God. On the one hand, the state cannot intervene, but on the other hand, this belief forms the basis for establishing a government.<sup>40</sup>

## 2. Just and Civilized Humanity

The second principle of Pancasila, namely a just and civilized humanity, explains the importance of human values for the philosophy of national life, including the protection of human dignity, human rights, and human freedom. Humanity is the

38 Hazairin, *Demokrasi Pancasila* (Jakarta: Tintamas, 1973), p. 58.

39 M. Roem dan Agus Salim, *Ketuhanan Yang Maha Esa dan Lahirnya Pancasila* (Jakarta: Bulan Bintang, 1977), p. 114-117.

40 Hazairin, *Demokrasi Pancasila...*, p. 59.

primary basis of nationalism and internationalism. So that the state must realize and maintain these values in national and international relations. This principle firmly upholds human life, which bases on humane traits based on justice and civility. According to Soekarno, nationalism and internationalism are correlative. So, internationalism cannot flourish without having nationalist roots. Likewise, nationalism cannot develop if not supported by internationalism.

Humans, as the basis of discussion in this second principle, apply the God nature mono-dualist code. Thus, a human exists in two natures; individual beings and social beings. However, if it is related to the first precept of the belief in the one supreme God, then human nature is a creature of God. So, the social position includes three realms; with himself on I-it, with other human beings on I-Thou, and with his God on Essentials We.

It is interesting to look at Soekarno's statement regarding the explanation of the just and civilized humanity principle by saying that the existence of other nations also supports the presence of the Indonesian government. Therefore, nationality means a nationality that leads to world unity and world brotherhood.

### **3. Unity of Indonesia**

The principle of unity of Indonesia implies that the diversity of society must regulate under state sovereignty. Indonesian unity is the primary key to the establishment of a country and respect for its authority. Without an agreement, Indonesia is just a collection of islands and the diverse identity of the separated people.

Unity of Indonesia includes three concerns. Firstly, the agreement is initiated based on feelings of shared destiny and unified will. This situation could be felt in the early days of the Republic of Indonesia, mainly reflected in the struggle against the colonialists, which were not separated. Secondly, the concept of unity is based on geography. The Follow-up of the joint fight against the colonialists then shifted to the importance of territorial and political unity. Modern organization and administration were considered essential for the continuation of a struggle for independence. So the presence of the state at this moment finds its primary foundation. Third, unity based on human values. This concept frequently appears by strengthening the will to unite various countries to fight for social values even though ignoring geographical boundaries.

The decision made the third principle is the unity of Indonesia, an agreement between the first and second principles. The unity of Indonesia means that the state must overcome all groups and individuals' understandings to dominate others. The

main interest is to create and maintain parts of the entire Indonesian nation. Thus, society is a collection of interdependent and interrelated interactions of various individuals who consciously organize themselves in a country. Therefore, the state can side with one particular individual or group because the existing state is the result of a cross-interaction of all individuals and groups.<sup>41</sup>

#### **4. Democracy Guided By The Inner Wisdom of Consultation of The Representatives**

To maintain the values of Indonesian unity, the founding founders used democracy as a government system based on mutual agreement. As a result, all state power must be within the people's sovereignty framework by making decisions based on deliberation and consensus.

Consultation and consensus are essential reflections to prevent the domination of one individual or group over another. Consultation has become the Indonesian people's agreement to make decisions that must be oriented towards social justice and public interest. Prerequisites for the principle of popular democracy must be supported by equality among the people, respect for the rights of minorities based on the spirit of kinship. It is interesting to live up to Hatta's opinion as quoted by Yudi Latif:

*The state must be in the form of a Republic based on the sovereignty of the people. However, the people sovereignty is propagated and understood in the national movement is different from Rousseau's conception of liberalism and individualism. The sovereignty of the people created by Indonesia must be rooted in the collectivism style of society itself.*<sup>42</sup>

#### **5. Social Justice for all Citizenship**

At the beginning of its formulation, the basic philosophy of the state, social justice has become the central and essential theme to support the realization of other principles. No matter how appropriate and rational the democratic system adopted, it will be useless if it does not realize social justice. The goal of social justice is the establishment of a balanced and orderly society. Everyone has the same opportunity to participate in the realization of the ideals of the state. Therefore, according to Kaelan, there are two important things about social justice; social justice as an obligation of citizens and social justice as an obligation of the state.<sup>43</sup>

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41 Yudi Latif, *Negara Paripurna: Historisitas, Rasionalitas dan Aktualitas Pancasila* (Jakarta: Gramedia, 2011), p. 283, 369, and 389.

42 Ibid., p. 413.

43 Ibid., p. 584-588.



Social justice as a citizen’s obligation is social justice that regulates the relationship between citizens and the state. Social justice requires every citizen to give to the government what is the state’s right to be responsible for the common welfare. The state must be aware that in using its assets, it has to focus on social functions. Thus, to realize social justice as a citizen’s obligation, the state must guarantee a community structure that is imbued with social justice. All citizens have the same opportunity to participate in realizing public welfare.

Pancasila is the basic ideological foundation of the state, while *Maslahah* is the ideological basis for realizing Islamic teachings in everyday life through the *maqashid sharia* framework. In the principles of Pancasila, it is very clear the values that must be maintained by the state; namely belief, humanity, unity, democracy, and social justice. While the concept of *Maslahah* is also very firm to be oriented to maintaining the values of faith, life, offspring, reason, and property. Therefore, both Pancasila and *Maslahah* have a symmetrical relationship in realizing goodness and avoiding damage to these values at the individual, social and state levels.

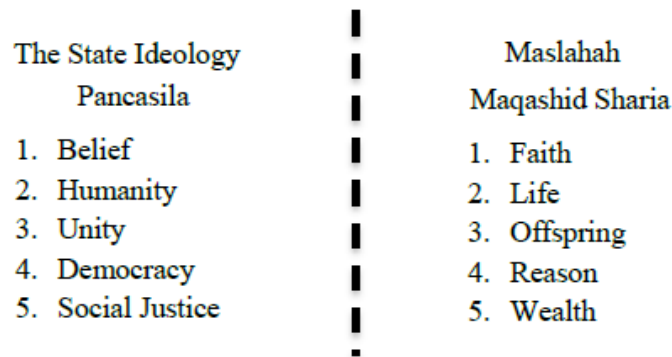


Figure 2: The relationship values between Pancasila and Maslahat

The encounter between the values of Pancasila and Maslaha will engender new values in the realm of a harmonious state policy. This is what Buber calls the Third World. At the same time, it becomes a shared ethical commitment, which Lévinas referred to as The Essential We. Harmony is agreement not coercion. Agreement must be obtained through reciprocal dialogue. Ethical responsibility is no longer how to maintain the identity of certain ethnic groups, religions and groups, but is the obligation of each person individually.

It is important to note that the process of achieving a Third World level or ethical commitment, a level of agreement is required. Starting from the individual level; where values are believed to individually and apply to themselves. If the values of each individual are recognized by society, then these values can turn into an agreement at the second level, namely the social level. At this level, individual values

have become social norms that bind society. Furthermore, if these social values are recognized by the state, then these social norms turn into agreements at the third level, namely the state. At this level, social norms become the agreement of all citizens through the legitimacy of state power. Basically, the values recognized by the state are a reflection of the social values recognized by the community. This is what I mean by common word (*kalimah al-sawa'*).

From the above discussion, I will suggest two aspects of *maqashid al-sharia* in the frame of a dialogue approach; micro and macro. The microelement is towards applying the five principles of Pancasila in social relationships. This is implementable, technical, and procedural, such as applying the God Almighty Principle into Islam, Christianity, Buddhism, Hinduism, Confucianism, and so on, followed by carrying out religious obligations under the order of their respective religions. Meanwhile, the macro aspect is the exploration and appreciation of the values that make up Pancasila's five principles, namely local, national, and global interests. In other words, the macro approach is philosophical-rational as well as inter-subjective testability. The acceptance of the macro values has crossed the boundaries of identity but has imagined it as a single entity. As a common word in dialogue, Pancasila is the right way to implement God's law in the context of the nation-state in Indonesia. Pancasila is *maqashid sharia* in the state context.<sup>44</sup>

However, the dialogue approach has a critical note. For example, there is an assumption that acceptance of each other at the individual, community, and state levels appears to be equal in many aspects. In fact, in several social or kinship structures in Indonesia, striking stratifications are existed. So, adopting the dialogue approach rigidly is a utopia

Last but not least, *Daruriyat*, *hajiyat*, and *tahsiniyat* are thus interrelated lines. The maintenance, which is commitment (*daruriyat*) is most important, but it should not negate the pillars of dialogue (*hajiyat*) and monologue (*tahsiniyat*). Likewise, monologue (*tahsiniyat*) is a peculiarity and concrete evidence of the manifestation of harmony. However, it must still refer to the combination of the dialog process (*hajiyat*) and the transcendence of ethical commitment (*daruriyat*).

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44 This statement tends to understand the religion in positive impact, as referred to idea of Pancasila for public religion. Benyamin Fleming Intan, "Public Religion" and the Pancasila-Based State of Indonesia (New York: Peter Lang, 2006), p. 2-3.

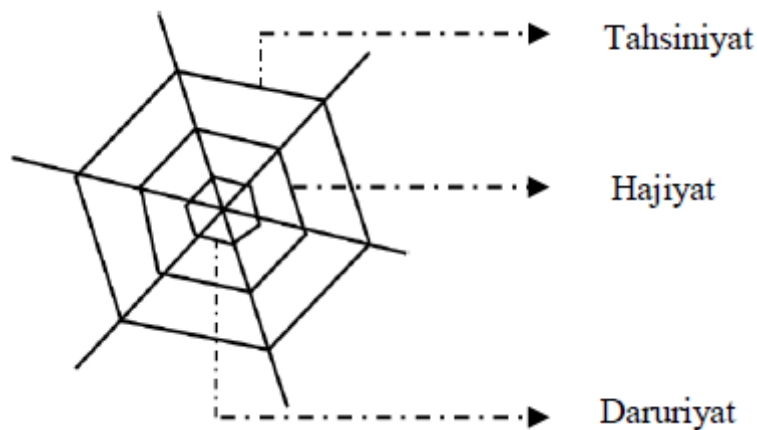


Figure 3: Networks of *daruriyat*, *hajiyyat* and *tahsiniyat*

#### D. Concluding Remarks

The dialogue approach used in the realization of *tahsiniyat*, *hajiyyat*, and *daruriyat* is an effort to emphasize the importance of re-understanding the existence of the self, social, and state commitment in upholding religious harmony in Indonesia. Dialogism here becomes a means to primacy ethics to prevent every individual from hiding behind any unfair rules or universal codes and absolutism. Therefore, dialogism must be institutionalized and stand over all identities. This way will decisively determine the future of Indonesia.

It bears noting that many disharmony cases in the name of religion also happened in other countries, both countries with Islamic systems or democratic systems. For example, the expulsion of Rohingya Muslims in Myanmar, ethnic Uighurs in China and, Islamophobia in Europe and America. There are various barriers to dialogue at the individual, social, to state levels.

In the introduction, I already said that some tensions among religious communities are evidence of the importance of serious work to strengthen the relationship between the three pillars of *maslahah* in the context of diversity. The existence of expulsion, vandalism, even murder is unpreparedness for dialogue or dealing with others. Lieven Boeve emphasized that the encounter with the narrative by others does not require abandoning the self-narrative. On the contrary, it shows a deficit if it treats its own-narrative with compensation.

## DAFTAR PUSTAKA

- ‘Atiyah, Jamal al-Din, *Towards Realization of the Higher Intents of Islamic Law: Maqashid al-Sharia A Functional Approach*, London: International Institute of Islamic Thought, 2007.
- Ainuri, Ahmad Fahri Yahya, “Maqashid Syari’ah sebagai Epistemologi Pendidikan Pancasila”, dalam *Progress*, Vol. 8, No. 1, (2020), p. 76-100. DOI: <http://dx.doi.org/10.31942/pgrs.v8i1.3446>. Diakses tanggal 8 Januari 2021.
- Auda, Jasser, *Maqasid al-Shari’ah as Philosophy of Islamic Law: A System Approach*, London: The International Institute of Islamic Thought, 2008.
- al-‘Amiri, Abu al-Hasan Muhammad ibn Yusuf, *Al-I’lam bi al-Manaqib al-Islam*, Beirut: Dar al-Kutub al-‘Ilmiyah, 2006.
- al-‘Amiri, Abu al-Hasan Muhammad ibn Yusuf, *Al-I’lam bi al-Manaqib al-Islam*, Beirut: Dar al-Kutub al-‘Ilmiyah, 2006.
- al-Alim, Yusuf Hamid, *Al-Maqashid al-‘Ammah li al-Sharia al-Islamiyyah*, Virginia: International Institute of Islamic Thought, 1993.
- al-Juwayni: Abu al-Ma’ali ‘Abd al-Malik ibn ‘Abd Allah, *al-Burhan fi Usul al-Fiqh*, Cairo: Maktabat al-Kulliyat al-Az-Hariyyat, 1992.
- al-Juwayni, Abu al-Ma’ali, *Al-Burhan fi Usul al-Fiqh*, vol. 2, Egypt: Dar al-Wafa’, 1992.
- al-Qahtani, Musfir bin Ali, *Understanding Maqashid al-Sharia: A Contemporary Perspective*, London: International Institute of Islamic Thought, 2015.
- al-Raysuni, Ahmad, *Nazariyyat al-Maqashid ‘Inda al-Imam al-Shatibi*, Virginia: International Institute of Islamic Thought, 1991.
- al-Shashi, Abu Bakar, *Mahasin al-Sharia*, Beirut: Dar al-Kutub al-‘Ilmiyah, 2007.
- Ali, Salman Syed (Ed.), *Towards a Maqashid al-Sharia Index of Socio-Economic Development: Theory and Application*, Switzerland: Palgrav Macmillan, 2019.
- Buber, Martin, *I and Thou*, Edinburgh: T & T Clark, n.d.
- Hatta M., *Memoir Mohammad Hatta*, Jakarta: Tintamas, 1982.
- Hazairin, *Demokrasi Pancasila*, Jakarta: Tintamas, 1973.
- <http://wahidfoundation.org/index.php/publication/detail/Laporan-Tahunan-Kemerdekaan-BeragamaBerkeyakinan-KBB-di-Indonesia-2017>. Accessed on September 20, 2020.

- <https://conveyindonesia.com/publication/convey-report/>. Accessed on July 10, 2020.
- Ibn Ashur, Muhammad al-Tahrir, *Maqashid al-Sharia al-Islamiyah*, Tunis: Al-Sharikah al-Tunisiyah li al-Nashr, 1978.
- Intan, Benyamin Fleming, “Public Religion” and the Pancasila-Based State of Indonesia, New York: Peter Lang, 2006.
- Johnston, David L., “Maqashid al-Sharia: Epistemology and Hermeneutics of Muslim Theologies of Human Rights”, in *Die Welt des Islams* 47, 2, 2007.
- Kalanges, Kristine, *Religious Liberty in Western and Islamic Law: Toward a World Legal Tradition*, New York: Oxford University Press, 2012.
- Latif, Yudi, *Negara Paripurna: Historisitas, Rasionalitas dan Aktualitas Pancasila*, Jakarta: Gramedia, 2011.
- Llewelyn, John, *Emmanuel Levinas: The Genealogy of Ethics*, London and New York: Routledge, 1995.
- Moore, Donald J., *Martin Buber: Prophet of Religious Secularism*, New York: Fordham University Press, 1996.
- Moyaert, Marianne and Geldhof, Joris (ed.), *Ritual Participation and Interreligious Dialogue: Boundaries, Transgressions and Innovations*, New York: Bloomsbury Academic, 2015.
- Musolin, Muhlil, “The Virtue of Maqasid al-Syari’ah in Pancasila as the State Philosophical Basis of the Indonesian Republic” dalam *Dialog*, Vol. 43, No. 1, (2020), p. 59-74. DOI: <https://doi.org/10.47655/dialog.v43i1.346> . Diakses tanggal 4 Januari 2021.
- Musolli, “Maqasid al-Syariah: Kajian Teoritis dan Aplikatif pada Isu-isu Kontemporer”, in *At-Turas*, vol. V, 1, 2018.
- Nathan Jones, “Rediscovering Pancasila: Religion in Indonesia’s Public Square”, in *The Brandywine Review of Faith & International Affairs*, 3:1, 2005.
- Opwis, Felicitas, “Maslaha in Contemporary Islamic Legal Theory”, in *Islamic Law and Society* 12 2, 2005.
- Otto, Jan M. (ed.), *Sharia Incorporate: A Comparative Overview of the Legal System of Twelve Muslim Countries in Past and Present*, Leiden: Leiden University Press, 2010.

- Qayum, Abdul, “Maqashid Ash-Shariah Framework and the Development of Islamic Finance Products: The Case of Indonesia”, in *Tazkia Islamic Finance and Business Review*, Vol. 12, 2, 2018.
- Roem, Mohammad dan Salim, Agus, *Ketuhanan Yang Maha Esa dan Lahirnya Pancasila*, Jakarta: Bulan Bintang, 1977.
- Rukiah, et. al, “Islamic Human Development Index di Indonesia (Suatu Pendekatan Maqhasid Syariah)”, in *Istinbáth Jurnal Hukum dan Ekonomi Islam*, vol. 18, No. 2. 2019.
- Verlinden, An, *Reconciling Global Duties with Special Responsibilities: Towards a Dialogical Ethics*, London: Springer, 2010.
- Wahyuddin, Imam Wahyuddin, “Perspektif Maqashid Syariah untuk Pancasila: Membingkai Relasi Ideal Agama dan Negara”, dalam *Tasamuh: Jurnal Studi Islam*, Vol. 12, No. 2, (2020), p. 253-431. DOI: <https://doi.org/10.47945/tasamuh.v12i2.248>. Diakses Tanggal 26 Pebruari 2021.
- Weiss, Bernard G., et. al, *Studies in Islamic Legal Theories*, Boston: Brill, 2002.
- Wright, Tamra, et al., *The Provocation of Levinas: Re-thinking the Other*, New York: Routledge and Kegan Paul, 1988.