

Research Article

The Construction of Islamic State Law in the 5.0 Era from the Perspective of Maqasid al-Shariah

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Abstract.

The discourse on Islamic constitutional law is consistently captivating and remains relevant for discussion. Islam, as a religion of mercy for all creation, takes the Quran and Hadith as its primary guidance without providing a specific *qath'i* (*definite*) pattern for formulating a state. Nonetheless, Islam has presented several general principles that can serve as the foundation and align with the objectives of Sharia in shaping a system of governance. This includes principles of justice (*al-adalah*), equality before the law (*musawah*), democratic consultation (*as-syura*), and the upholding of human rights and freedoms (*al-hurriyah*). This research aims to describe the principles of Islamic constitutional law while examining the characteristics of laws that can be implemented for Islamic societies as per the developments toward the era 5.0. Utilizing a qualitative research approach based on both digital and classical literature sources rooted in Islamic teachings (*turats*), this study formulates that the ideal Islamic constitutional law in the era 5.0, after adhering to its principles, should be dynamic, humanistic, and substantial. This assertion is substantiated by several laws that have been implemented, particularly in Indonesia, significantly contributing to the creation of harmony and tranquillity among its diverse population.

Keywords: era 5.0, Islamic constitutional law, Maqasid Sharia.

1. Introduction

Islam, as stated by Allah SWT in Surah Al-Anbiya' verse 107, is a religion of compassion for all creation. This means that Islam not only governs the relationship between creatures and their Creator but also regulates the interactions among individuals. The core teachings of Islam can be categorized into two types: the unchanging (*tsawabit*) and the changing (*mutaghayirat*).^[1] The unchanging teachings of Islam (*tsawabit*) are those related to beliefs, faith, and the oneness of Allah SWT, as definitively outlined in the science of theology (*Tauhid*). They also include the immutable laws (shari'ah) established through clear and decisive evidence from the Quran or Hadith, such as the

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obligation of prayer, giving of alms (*zakat*), fasting, and others. On the other hand, the changing teachings of Islam (*mutaghayirat*) refer to the shari'ah derived from matters of jurisprudence (*ijtihad*). These are issues subject to scholarly interpretation and are determined according to the different approaches adopted by the jurist scholars (*imam mujtahid*) in the field of Islamic jurisprudence (*fiqh*).[2] According to *Sheikh Tajudin As-Subki in Jam'al Jawami'*, *fiqh* is defined as follows:

مَعْرِفَةُ الْأَحْكَامِ الشَّرْعِيَّةِ الْعَمَلِيَّةِ الْمَكْتَسَبُ مِنْ أَدْلَتِهَا التَّفْصِيلِيَّةِ

“Understanding the practical legal rulings (*ahkam syari'ah*) derived and derived from detailed sources of evidence (*Al-Qur'an and Hadith*).”[3]

The discussion of *fiqh* in classical books compiled by scholars can be broadly categorized into four major sections: 1) *Fiqh Ibadah* (ritual worship) 2) *Fiqh Muamalah* (transactions and contracts) 3) *Fiqh Munakahah* (family law) 4) *Fiqh Jinayah* (criminal law).

Fiqh is derived from detailed sources of evidence (*Al-Qur'an and Hadith*) through the methodology of *usul al-fiqh* (principles of Islamic jurisprudence). The process of deriving *fiqh* from detailed evidence is done by considering the *maqasid al-shari'ah* (objectives or intents of Islamic law) in its application. The position of *fiqh* in the field of Islamic legal studies serves as an authoritative reference in formulating positive laws applied in a country, especially in Indonesia.[4]

The constitutional law falls under the study of *muamalah* within the sub-theme of *fiqh siyasah*. In classical *fiqh* studies, as found in the books of the Shafi'i school of thought, extensively studied in several Islamic boarding schools (*pondok pesantren*) in Indonesia, the discussion of *fiqh siyasah* is not explicitly or concretely elaborated. It only touches on certain main topics such as *jinayah* (criminal law) and criminal procedural law discussed in chapters concerning *al-qadha* (judiciary) and *fashl fi al bayyinat wa syahadat* (evidence and testimony).[5] However, there is also a classical book that comprehensively addresses *fiqh siyasah* in comparison to other *fiqh* texts, as discussed by Imam Al-Mawardi in his book “*Ahkam al-Sultaniyah*.”

However, classical *fiqh* texts do not comprehensively address the concept of constitutional law with definitive and explicit guidelines. Even the Quran and Hadith do not delve into this particular subject. Therefore, the discourse on *fiqh siyasah*, when applied to Islamic constitutional law, becomes a subject of varying opinions and interpretations (*mukhtalaf bih*).[6]

The issue arising from this problem is that many Islamic scholars, especially those in Islamic boarding schools, tend to regard *fiqh jinayah*, which is a part of *fiqh siyasah* found in the classical *turats* (classical Islamic texts), as a final and absolute concept.

Consequently, when confronted with facts and realities in Indonesia, classical siyasah is deemed conflicting, and the prevailing constitutional law is considered non-compliant with Sharia, even viewed as idolatrous and based on pre-Islamic laws (jahiliyah).[6]

This challenge prompts a discussion and exploration of the common thread between classical fiqh siyasah and the present-day laws, aiming to formulate a framework for Islamic constitutional law that is relevant to the current era, particularly the digital age of 5.0 that we are facing today. Several formulations have been considered in this research, including identifying the principles of modern Islamic constitutional law 5.0, examining the characteristics of modern Islamic constitutional law, and determining the form and interpretation of modern Islamic constitutional law.[7]

2. Methods

As a study, this paper adopts a qualitative approach with a descriptive method. The research design is based on a literature review, involving various stages such as collecting primary and secondary literary sources, data classification, data processing, analysis, and drawing conclusions. The literary sources referred to include materials on fiqh siyasah and constitutional law, encompassing books, journals, research papers, and classical Islamic texts, particularly for legal studies. Regarding data analysis technique, both ongoing data collection and complete data sets are subjected to analysis. The approach involves data reduction, data presentation, analysis, and conclusion drawing. This systematic process facilitates the mapping and discussion of the research focus effectively.

3. Results and Discussion

3.1. Constitutional Law

Constitutional law is an integral part of the broader legal framework that forms the foundation of a state. Every nation inevitably possesses its own constitutional law, albeit with varying emphasis, depending on the culture, customs, and beliefs unique to each country.[8] The significance of constitutional law lies in establishing the principles of governance, the governmental system, authorities of the government, criminal and civil regulations, as well as international relations. In the Indonesian language, the term “*hukum tata negara*” is derived from the Dutch term “*staatrecht*” the French term “*droit constitutionnel*,” and the English term “*constitution law*.”[9]

According to the book “Over the Theory van een Stelling Staatrecht” written by Logemann, constitutional law is defined as the law that governs the organization of a state.[4] Similarly, in their book “Pengantar Hukum Tata Negara Indonesia,” Muh. Kusnardi and Harmaily Ibrahim state that constitutional law can be codified into a series of legal regulations that govern the state’s organization, the vertical and horizontal relationships between state authorities, as well as the position of citizens and human rights.[10]

3.2. Forms of State Law in Classical Fiqh Siyasa

In various classical fiqh literature, scholars discuss state law only within certain specific sub-topics. For instance, in his work “Fathul Wahab,” Abu Yahya Zakaria Al-Anshari addresses state law mainly in the areas of criminal law (*jinayat*), criminal and civil procedure, as well as matters related to state defense, such as jihad and ceasefire.[8] Similarly, in other classical fiqh books following the Shafi’i madhhab, Imam Al-Mawardi’s “Ahkamu Shulthoniyah” provides a more comprehensive discussion on state law. Al-Mawardi’s elaboration encompasses 20 main topics, covering aspects such as the system for appointing the head of state and its apparatus, law enforcement, state revenue, and state assets.[11] Concerning the system for appointing the head of state, Al-Mawardi formulates two methods: 1) appointment by *Ahlul Hilli Wal Aqdi* (experts in religious law and legal judgments) and 2) direct appointment by the outgoing head of state.[12]

Ahlul Hilli Wal Aqdi is a group of individuals with authoritative power to appoint and depose the head of state. However, regarding the exact number of members that are considered legitimate within *Ahlul Hilli Wal Aqdi* for the purpose of appointing the head of state, there is no definitive consensus among scholars.

As for the qualifications required for one to be eligible as a member of *Ahlul Hilli Wal Aqdi*, they are as follows:

3.2.1 Being just and fair in character.

3.2.2 Possessing detailed knowledge of the criteria for someone to become the head of state.

3.2.3 Having profound knowledge of public welfare and general interests.[12]

Moreover, Al-Mawardi outlines the eligibility criteria for a person to become the head of state as follows:[12]

- 3.2.1 Meeting the requirement of being just and fair.
- 3.2.2 Having deep knowledge and expertise in formulating laws and policies.
- 3.2.3 Being physically fit with intact faculties of hearing, sight, and speech to facilitate effective communication.
- 3.2.4 Not having any physical disabilities that hinder movement and mobility.
- 3.2.5 Possessing strong opinions and analytical skills in devising policies related to the welfare of the people.
- 3.2.6 Demonstrating strength and capability in devising territorial defense strategies and combatting enemies.
- 3.2.7 Belonging to the Quraysh tribe.

Regarding matters of criminal law, classical fiqh formulates judgments as follows: *qisas* (retaliation) for intentional murder and for those who cause injury to others, amputation of the hand for thieves, flogging and stoning for adulterers, flogging for drunkenness, diyat (blood money) for unintentional killing, and various other forms of punishment.[13] These fiqh norms are also known as *nushus as-syari'ah*. [1]

In the application of *nushus as-syari'ah*, As-Syatibi in his work "*Al-Muwafaqat*" emphasizes that they embody the intentions and objectives known as *maqasid as-syari'ah*. Moreover, they contain wisdom and benefits, as explained by Al-Jurjani in his book "*Hikmatu Tasyri Wa Falsafatuha*." This perspective aligns with the views expressed by Abu Yahya Zakaria Al-Anshari in "*Ghayatul Wushul*," which emphasizes that every law must be endowed with wisdom and benefit from its divine legislation.[3]

The classical concept of fiqh siyasah during the time of the Prophet Muhammad (SAW) essentially laid the foundation for the principles of constitutional law, encompassing three aspects:

- 3.2.1 *Sultah Tashriyah* (legislative function), which existed because the Prophet Muhammad (SAW) was the Messenger of Allah, receiving divine revelation (commandments) that he implemented.
- 3.2.2 *Sultah Tanfidziyah* (executive function), evidenced by the Prophet Muhammad (SAW) carrying out his duties as the head of the Islamic state, governing during his era.
- 3.2.3 *Sultah Qadlaihah* (judicial function), as he also fulfilled his role as a dispenser of justice, safeguarding the rights of the community and providing solutions to conflicts and disputes that arose during his time.[14]

The concept of constitutional law within the framework of Fiqh Siyasa during the rule of the Khulafaur Rasyidin also includes the following aspects:

Firstly, during the time of Abu Bakr, several state institutions were established in various fields of governance, namely:[15]

- 3.2.1 The executive branch, exemplified by the delegation of international affairs to Ali bin Abi Thalib.
- 3.2.2 The defense and security department, led by Khalid bin Walid.
- 3.2.3 The judicial body, responsible for its implementation under Umar Bin Khattab.
- 3.2.4 The social-economic institution, specifically related to Baitul al-Mal (the public treasury)

Secondly, during the time of Umar bin Khattab, the concept of fiqh siyasah emphasized the spirit of democracy within the administration of the caliphate. Khalifah Umar bin Khattab complemented his government with various executive bodies, including:

- 3.2.1 The Executive Council, consisting of Dewan Al-Kharraj (Taxation Council), Dewan Al-Addats (Police Council), Nazar al Nafiat (Public Works Council), Dewan Al-Jund (Military Council), and Bai'at Al-Mal (Treasury Council).
- 3.2.2 The Judicial Body, which applied principles of procedural law in its adjudication. According to M. Fauzan, the governance of Khalifah Umar bin Khattab emphasized principles such as recognizing the position of the judiciary institution, understanding new case issues before making decisions, listening to both sides, the obligation of compensation, the establishment of a conciliation body, postponement of trials, truth and justice, the duty to seek live law through logical reasoning, ensuring justice for all Muslims, and refraining from making judgments while experiencing emotional agitation.[16]

The concept of constitutional law within the framework of fiqh siyasah during the era of Uthman bin Affan witnessed significant differences from the time of Umar's caliphate. In this period, the highest authority resided in the caliph as the executive body, aided by the State Secretary named Marwan bin Hakam. Additionally, the legislative body was held by the Advisory Council or *Majelis Syura*, while the judicial body comprised a collective consultation between the Advisory Council and the final decision rested with the caliph.[8]

3.3. Maqasid Al-Shariah

The term “*Maqasid Al-Shariah*” is derived from two words: “maqasid,” which is the plural form of “maqсад,” meaning the intended objective, whether in a physical or non-physical sense.[17] “Maqсад” is the ism makan (a noun indicating place) derived from the verb “qashada,” which signifies bringing about a matter, as stated by Ibn Mandzur in his book “*Lisan Al-Arab*.” “*Qashad*” also denotes intention, desire, or the act of endeavoring to do something, whether justly or unjustly, according to Ibn Jinny.[18]

On the other hand, “*shariah*” in its literal sense refers to the path leading to the source of water or the origin of life. It is also interpreted as the path leading to the source of the essential principles of life.

In conclusion, Maqasid Al-Shariah refers to the intended objectives for which rules and regulations are established and implemented to achieve the fundamental principles of life.[19] As-Syatibi stated in “*Al-Muwafaqat*”:

أَنَّ وَضَعَ الشَّرَائِعِ إِنَّمَا هُوَ لِمَصَالِحِ الْعِبَادِ فِي الْعَاجِلِ وَالْآجِلِ مَعًا

“*The establishment of Shariah aims to attain the well-being of humans in both the worldly life and the hereafter simultaneously.*”[17]

Imam As-Syatibi divides Maqasid (objectives) into two main categories: Qashdu Syari (divine objectives) and Qashdu al-Mukallaf (objectives of the accountable). He further subdivides Qashdu Syari into four parts[15] :

Firstly, Qashdu al-Syari fi Wadhi al-Syari’ah, which pertains to Allah’s intention in setting forth the Shariah (divine law).

Secondly, Qashdu al-Syari fi Wadhi al-Syari’ah li al-Ifham, which concerns Allah’s intention in establishing the Shariah to provide understanding.

Thirdly, Qashdu al-Syari fi Wadhi al-Syari’ah li al-Taklif bi Muqtadhaha, which addresses Allah’s intention in prescribing the Shariah to guide obligatory matters.

Fourthly, Qashdu al-Syari fi Dukhuli al-Mukallaf Tahta Ahkami al-Syari’ah, which delves into Allah’s intention in placing the accountable (humans) under the governance of the Shariah rules.[17]

The purpose behind the enactment of Shariah for the accountable individuals, according to As-Syatibi, is to achieve Maslahah (public interest or welfare). Maslahah is categorized into three types: dharuriyat (necessities), haajiyat (needs), and tahsiniyat (complimentary or embellishments). Dharuriyat refers to the utmost importance of ensuring the existence and fulfillment of benefits that lead to the well-being of both religion and worldly affairs. Failure to meet these necessities can result in corruption, discord, loss

of life, and the absence of safety and blessings in the afterlife, leading to significant losses in the hereafter.[8]

Efforts to safeguard these interests are carried out through two means. First, by establishing the fundamental principles of Shariah and enacting its regulations. Second, by rejecting any defects or potential defects in the Shariah. The legislation of acts of worship, such as prayer, zakat, and hajj, is intended to protect the integrity of religion, while customs based on Shariah, such as regulations, rules, food, drink, clothing, and housing, are aimed at safeguarding one's soul and intellect. The enactment of mu'amalat (transactions) in accordance with Shariah aims to preserve lineage, wealth, life, and intellect. Additionally, the enactment of jinayat (penal laws), which includes commanding good and forbidding evil, and the laws of governance, are intended to protect all aspects of life, namely religion, life, lineage, wealth, and intellect.[20]

In conclusion, the Maslahah dharuriyat comprises five fundamental elements: *hifdzu ad-din* (protection of religion), *hifdzu an-nafs* (protection of life), *hifdzu an-nasl* (protection of lineage), *hifdzu al-mal* (protection of wealth), and *hifdzu al-aqli* (protection of intellect).[17]

3.4. Construction of Islamic State Law in the Era 5.0

Various experts hold different opinions about the concept of Islamic state law. For instance, Paul Scholten defines it as “*het recht dat regelt de statsorganisatie*,” which means the law that regulates the state organization. In terms of its construction, determining Islamic state law involves four methods: (1) analogy or the “*argumentum per analogium*” method, which seeks to find the common essence of legal events in legislation; (2) the “*Argumentum a Contrario*” method, which involves interpreting the law by examining legal events governed by specific legislation; (3) the method of narrowing the law, which considers acts that are against the law; and (4) legal fiction.(4)

Furthermore, the modern concept of constructing state law is based on the idea that the state is essentially a human creation, relating to the horizontal relations between individuals and the vertical relationship between individuals and the state itself. In Indonesia, the fundamental rules governing the construction of state law begin with the pillars of the state, including Pancasila and the 1945 Constitution, followed by the Decrees of the People's Consultative Assembly (MPR), laws, Government Regulations in Lieu of Law, Government Regulations, Presidential Decisions, and Regional Regulations. All these elements contribute to the recognition of a state organization as a politically organized body and society.

The construction of Islamic state law originates from classical fiqh siyasah formulated by the scholars and practiced during the time of the Prophet Muhammad (SAW) and the Khulafaurrasyidin (Rightly Guided Caliphs). However, with the changing times, Islamic state law has undergone certain adjustments in specific aspects to adapt to the prevailing circumstances. This is because state law is not absolute (qath'i) but rather a result of ijtihadi (juridical) interpretations, allowing for re-ijtihad when it does not align with the current conditions.[3] The reconstruction of state law is based on principles established by expert scholars of usul al-fiqh, such as:

لَا يَنْكَرُ تَغْيِيرَ الْأَحْكَامِ بِتَغْيِيرِ الْأَزْمَانِ وَالْأَمْكَانَاتِ وَالْأَحْوَالِ.

"It is undeniable that changes in certain laws are based on the changing times, places, and conditions."[21]

In Islamic perspective, the presence of the state is not an ultimate goal (ghayah), but rather a means to achieve the ultimate goal (wasilah). The purpose of the state is to realize the well-being of individuals, both externally and internally, in this world and the hereafter. In other words, the state must establish justice and spirituality, ensuring prosperity and welfare with equity and devotion. As the state is considered a medium and instrument, it is logical that the explicit and detailed forms of the state and governance are not found in the texts of revelation. The texts of revelation only address governance in a macro and universal context. This is reflected in the general principles concerning asy-syura (consultation), al-'adalah (justice), al-musawah (equality), and al-hurriyah (freedom). The technical implementation of the state is left to the authority of the people, while adhering to the universal teachings of religion and the principles of maqasid as-syari'ah. As a result, the theological basis for the organization of the state revolves around the moral call to appreciate the well-being and interests of society. From this perspective, the phrase "al-islam din wa ad-daulah" (Islam is both religion and state) emerges. In the Islamic viewpoint, the head of the state continues the essential duty of service, acting as hirasat ad-din (guardian of religion) and siyasah ad-dunya (manager of worldly affairs).[22]

According to the fundamental principles of Islam (fiqh siyasah), the characteristics of an Islamic state encompass several mandatory principles that must be realized: (1) The principle of tauhid (monotheism), whereby the state must have a religion as its foundational basis; (2) The principle of justice (comprehensive fairness), wherein the state must be just towards its people; (3) The principle of popular sovereignty, requiring the state to be self-reliant and sovereign; (4) The principle of consultation (musyawarah), mandating the state to prioritize resolving issues through mutual consultation for the welfare of the nation and its people; (5) The principle of equality before the law, wherein

everyone in the state must be treated equally without any distinction between the wealthy and the less fortunate, the powerful and the powerless; (6) The principle of freedom for the people, ensuring that the citizens of the state have the freedom to choose their leaders and to engage in family and economic activities; (7) The principle of unity, advocating for the state to be united and sovereign; (8) The principle of brotherhood, encouraging strong bonds of kinship and fraternity; (9) The principle of entrusted authority, emphasizing that power is a trust from Allah SWT; (10) The principle of obedience of the people, obligating the citizens to submit to the prevailing laws; (11) The principle of peace, requiring the state to be just, peaceful, and prosperous; (12) The principle of prosperity, ensuring economic equality throughout the state.[6]

In situations where a person who meets the qualifications to become a leader according to classical fiqh siyasah cannot be found, the law of state governance provides an alternative by allowing the appointment of a leader who does not fulfill the necessary requirements, known as “*qadhi darurat*” or “*wali al-amri ad-daruri bi asy-syaukah*,” as exemplified by the title bestowed upon President Soekarno.[23]

Regarding criminal law and other legal matters, Islamic state governance applicable in the digital era 5.0, after meeting the aforementioned principles and criteria based on the study of maqasidus syari’ah, must possess the following characteristics: Firstly, it should be dynamic and flexible, tailored to the prevailing circumstances and contemporary context. This is due to the fact that Islamic state governance falls under the khilafiyah (divergent) branch of fiqh. This dynamism aligns with the principle of *ushul la yunkaru taghayyur al-ahkami bi taghayyuri al-azminati wa al-amkinati wa al-ahwali*. The implementation of this principle can be observed in the norms of criminal law in force in Indonesia. According to classical fiqh siyasah, a person guilty of theft should be punished with amputation of the hand. This represents the textual meaning implied in the verse of Surah Al-Ma’idah, Ayah 38, which states:

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءً بِمَا كَسَبَا نَكَالًا مِنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ

“In both male and female thieves, cut off their hands as a recompense for their deeds and as a punishment from Allah. Allah is Almighty, Most Wise.” (Q.S. Al-Ma’idah: 38)

Through hermeneutics, the term “*al-yad/aidiyahuma*” (hands) falls under the category of *badi’ tauriyah*, a phrase with dual meanings: one indicating proximity (*qarib*) and the other indicating power or authority (*ba’id*).[24] The term “*aidiyahuma/alyad*” signifies the proximity as both hands and the authority as the ability to act. In contemporary Indonesia, thieves are not subjected to the punishment of amputation; instead, their power to commit theft or corruption is removed, and they are confined to imprisonment. The

underlying goal of the Sharia's punishment of hand amputation, which is to safeguard wealth (hifdzu al-mal), is achieved even without physical amputation.

This approach holds several characteristics: firstly, it is humanistic, prioritizing the principles of presumption of innocence and humanity. Secondly, it is substantive, avoiding the emphasis on specific religious symbols, including Islam. For instance, the practice of criminal defamation, as stipulated in Article 310, Paragraph 1 of the Criminal Code (KUHP), aligns with the Quranic principle expressed in Surah Al-Hujurat, Ayah 12, by Allah SWT:

يَا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ وَلَا تَجَسَّسُوا وَلَا يَغْتَب بَّعْضُكُم بَعْضًا أَيُحِبُّ
أَحَدُكُمْ أَنْ يَأْكُلَ لَحْمَ أَخِيهِ مَيْتًا فَكَرِهْتُمُوهُ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ تَوَّابٌ رَّحِيمٌ

“O you who have believed, avoid excessive suspicion, for indeed, some suspicion is sin. And do not spy or backbite each other. Would one of you like to eat the flesh of his brother when dead? You would detest it. And fear Allah; indeed, Allah is Accepting of Repentance and Merciful.” (Q.S. Al-Hujurat: 12)

3.5. Implementation of Modern Siyasah Fiqh 5.0

The concepts of state law and siyasah fiqh share similarities, and in the context of Indonesia, the implementation of Pancasila is tailored to conform to the principles outlined in siyasah fiqh's core foundation. This includes upholding the sovereignty of the people, as evident in the nation's basic principle of democracy, which draws inspiration from the words of Abraham Lincoln, “government of the people, by the people, for the people.” This concept is reflected in Indonesia's presidential elections, where the highest authority is chosen through public voting, and down to the local level, such as the village head, through general elections (pemilu) with democratic principles[25]

Moreover, Indonesia has also ventured into international relations, which encompass activities involving regional and international aspects conducted by the central and regional governments, institutions, state agencies, political organizations, civil society organizations, or Indonesian citizens. This involvement in international relations is achieved through legal international agreements between Indonesia and other countries or international organizations, establishing lawful international partnerships. Overall, Indonesia's implementation of modern siyasah fiqh in the 5.0 era takes into account democratic principles in its governance and international relations, fostering cooperation and legal ties with other nations and organizations to uphold the sovereignty and welfare of the Indonesian people.

The fundamental objective of establishing foreign relations, known to the public through extradition agreements, is for countries to engage with each other to enhance their living standards and economic strength. Staying confined within the boundaries of a single nation will not transform Indonesia into an advanced nation; it will perpetually remain a developing country. Therefore, becoming a country that forms agreements with other nations, such as Indonesia's role as Secretary-General of ASEAN in the current era under the leadership of President, is one of the efforts by the Central Government to improve the welfare of its citizens by fostering good relations with neighboring countries through alliances in Asia.

The significance of these international agreements lies in the fact that, from the perspective of *siyasah fiqh*, Indonesia has comprehensively implemented *siyasah fiqh* both in its internal affairs and external relations with other nations (international relations). By doing so, Indonesia is actively striving to develop into an advanced nation in the coming years, starting from the present era. This aligns with Indonesia's concept of *siyasah fiqh*, which involves delegations between nations, and Indonesia firmly believes in cultivating good relationships with other countries.

The establishment of a strong and cooperative relationship between nations, both in terms of sovereignty and economic collaboration, to achieve Economic 5.0, which Indonesia aims to achieve the rise of an Advanced Indonesia by the year 2045, is a tangible effort taken by the Indonesian government to lead the nation towards the gateway of independence and sovereignty. Indonesia seeks to uphold the principle of social justice for all its citizens and promote prosperity among its people by fostering positive relations with other countries. Through these interactions, Indonesian citizens can compete and coexist with citizens of other nations, thereby achieving advanced economic development in the current era of economic modernization, ultimately leading to an Advanced Indonesia by the year 2045.

4. Closing

It can be concluded that Indonesia, as a nation, has adopted a democratic form of government which aligns with the principles of Islam. This alignment is rooted in the recognition of Islamic principles, including the belief in one God, the value of human life, the importance of sovereignty, the promotion of equality, the emphasis on social justice, and the preservation of freedom. This recognition is reflected in the country's legal framework and its national ideology, Pancasila, which shares similarities with Islamic principles.

While there are conceptual differences between classical Islamic jurisprudence (fiqh) and the modern concept of statehood, it is essential to consider the practical application of maqasid al-shariah (the objectives of Islamic law). From the time of the Prophet Muhammad's leadership to the era of Uthman bin Affan, the concepts of Islamic jurisprudence in state governance have evolved, and there are similarities between classical and modern fiqh siyasah that have been effectively applied in Indonesia's governance. While not all aspects may be fully implemented, the fundamental ideology of Pancasila serves as the foundational principle of Indonesia's sovereign state, which shares common ground with Islamic shariah principles. Thus, in essence, Indonesia has indeed incorporated the principles of Islamic shariah into its state governance through its legal and constitutional framework.

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