

Deradicalization Through Religious Moderation in the Pancasila Legal State Concept Based on *Maqasid Sharia*

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DOI: 10.23917/jtl.v7i1.8723

Submission Track:

Received:

15 February 2025

Available online:

14 August 2025

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ABSTRACT

Indonesia is a pluralistic state with various ethnic groups and religions. Even so, it cannot be denied that Muslims have a great role in claiming Indonesian independence. Thus, it is no wonder that part of the Muslim community wishes Indonesia to become an Islamic state, even though it is based on Pancasila, which accommodates the interests of all religions. This condition certainly becomes a threat to the unity of the Indonesian nation. The Pancasila legal state concept based on *maqasid sharia* is hoped to dampen the desire to establish an Islamic state. This research aims to: (1) analyze the Pancasila legal state concept based on *maqasid sharia*, and (2) analyze religious moderation in the Pancasila legal state concept, based on *maqasid sharia*. This was library research which employed the qualitative approach. The research method used in this study was the content analysis, which was a study which combines various original, systematic, and planned studies. Research results showed that religious moderation in Indonesian diversity is crucial. One of the reasons is that Indonesia is a plural country both in terms of ethnic groups and religions. A religious understanding that is exclusive may be directed to religious moderation. A radical religious thought regards Pancasila as violating Islamic teachings. This paper shows that the Pancasila legal state concept is according to *maqasid sharia* as it accommodates the protection of religion, the protection of lives, the protection of offspring, the protection of the mind, and the protection of wealth.

Keywords: Religious moderation, religious radicalization, legal state, Pancasila, *maqasid sharia*.

INTRODUCTION

Indonesia is a developing country that is known for its diversity, such as its diverse religions, languages, ethnic groups, cultures, etc. Due to this diversity, Indonesia and its people become a unity that highly upholds the value of tolerance. Moreover, the slogan of this nation, namely “*Bhineka Tunggal Ika*”, which means “Unity in Diversity”, reflects its plurality. Indonesia is ranked first as the country with the largest Muslim population in the world, and this is an example of Islamic moderation that is worth noting. The basic principle of Islam is moderation. Moderate Islam is a good religion, and its good application will reflect tolerance towards different customs, cultures, ethnic groups, and nations. This religious understanding is crucial for various aspects of diversity (Syamsuriah & Ardi, 2022).

The condition where heterogeneity, plurality, and diversity exist hand-in-hand is crucial as it is a characteristic that is a manifestation of *sunnatullah* (the absolute and eternal rule that God has prescribed for Himself to deal with His creatures). Allah creates this world based on the various *sunnah* (the traditions and practices of the Prophet Muhammad [peace be upon him]) in a cohesive framework (Aziz & Sholikah, 2023). In the context of the humanity of the human race, one can understand how Allah creates various ethnic groups. Allah creates various ethnic groups and national unities within the boundaries of nations. Then, Allah also created various dialects in the framework of one language. Due to various *ijtihad* (independent reasoning by an expert in Islamic law), Allah creates various schools of thought (*mazhab*) in the framework of the sharia’s oneness. Apart from that, Allah also created several beliefs in the framework of *ummatan wahidah* or the unity of the Islamic community. Because religious diversity is *sunnatullah*, its existence cannot be ignored (Junaedi, 2022).

In Indonesia, the majority of the population embraces various religious attitudes, opinions, and practices that are deemed in line with religious moderation. In the framework of Pancasila (“The Five Principles” that make Indonesia’s state ideals), the attitudes, beliefs, and behavior that are accepted and practiced by religious communities towards one another may be deemed religious moderation. The aim of this religious moderation is to maintain the unity of *Bhinneka Tunggal Ika* by generating a sense of tolerance, empathy, and harmony between one another while still acknowledging and respecting each other’s different perspectives. In facing various pressures and tensions, religious attitudes can be developed through religious moderation, which may be achieved through the practice of religious values in daily life (Islamy, 2022). The Indonesian nation is a plural nation. One of the main characteristics of

Indonesia as a plural nation is the existence of a strong belief in religion and a sense of trust that its society shows (Santoso et al., 2023). Another term for what is carried out and practiced in Indonesia is faith and trust which are various rather than singular. There are religions with large numbers of their adherents, such as Islam, Buddhism, Hinduism, Christianity, Catholicism, and Confucianism. According to the understanding of Indonesia's founding fathers, the diverse social reality includes embracing religions that are the right of every citizen, and this right must be guaranteed by the state (Lestari, 2020).

Islam and the Muslim community are currently faced with at least two challenges. First, there is the tendency among certain Muslim communities to interpret religious holy books using extreme and evil methods and then try to apply this technique to the Muslim culture. Even, they may use violence. Second, there is a second tendency of extremism, namely acting softly towards religion while accepting harmful actions and ideas that originate from different civilizations (Sholikhah & Muvid, 2022). As a thought basis and framework, in this effort, they utilize religious holy books (the Qur'an and Hadith) and the writings of Islamic scholars from the past (*turats*). However, they read and interpret them in a textual manner outside of their historical backgrounds. Considering that they grew up in a modern society that still embraces the beliefs of previous generations, it is clear that they are a generation that was born late (Nurhuda & Setyaningtyas, 2021).

In Indonesia, the idea of religious moderation is crucial to maintain the state's unity and wholeness. The two main threats in the context of the nation and the state are extremism and liberalism. Religious moderation may navigate these two threats by reflecting a commitment that highly upholds diversity, tolerance, and acceptance as well as investment towards the cultural and traditional richness that exists in society. On the contrary, it includes the rejection of all forms of violence under the name of religion (Fahri & Zainuri, 2019).

Extremism is defined as an absolute, highly fanatic, and exclusive perspective that judges others (*takfir-ism*). This characteristic often leads to confrontations between ideologies and sects. On the other hand, liberalism brings negative impacts towards many aspects of society's life (Ramadhan & Islam, 2022). Apart from that, the formation of a caliphate state in Indonesia also becomes a threat towards religious moderation in this country.

Before the Indonesian Reformation in 1998, there were several Islamic movements that weakened the caliphate restoration concept (Setia, 2021). *Hizbut Tahrir Indonesia* (HTI) was a group that specially supported the goal of the caliphate. HTI consistently criticized nationalism,

capitalism, democracy, and communism. It also analyzed current issues in the social, political, and economic sectors as well as provided guidelines as answers towards various issues in Indonesia (Wibowo, 2020).

This research focuses on religious moderation in Indonesia based on the principles of Pancasila. Pancasila has accommodated the interests of all religions, where all religions that are acknowledged in Indonesia self-proclaim to be the most correct. Therefore, Pancasila emerges to unite and provide principles based on the values therein. Apart from that, the authors also aim to form a Pancasila legal state concept based on *maqasid sharia* to dampen the desire to establish an Islamic state.

RESEARCH METHOD

This research employed the library study method, where the authors collected various information on radicalization from various journals as well as opinions from academicians who conducted research in several countries in the world. Apart from that, the authors also drew conclusions on the societal behaviors which were previously observed. From the results of library studies and analysis, the authors drew a conclusion to obtain recommendations on the issue of the need for religious moderation and how to overcome radicalism in Indonesia.

RESULTS & DISCUSSION

Religious Moderation Versus Religious Radicalization

In general, religious teachings teach their adherents to love peace and love one another. This compassion must be practiced both between human beings and between human beings and other living creatures. This is because the nature of religions is that they teach virtues and become guidelines for their adherents' safety in the world and in the hereafter. Concerning this, the Islamic religion is no exception. Islam is one of the religions that contains a concept of safety and is a *rahmatan lil 'alamin* (mercy for the whole universe) religion. Not a single religion encourages violent actions, as in essence, violence will only lead to harm and losses to all the involved parties' aspects of life (Nur, 2023).

Islam specifically prohibits the use of violence as the main method in conducting certain actions. Symbolically, these violent actions illustrate a person's lack of morality. This is because violence contains the element of coercion where a person always emphasizes his/her interests and coerces other people to follow him/her. However, the reality that occurs amidst the lives of

people who embrace and practice a religion is actually the opposite. Religion is deemed to be vulnerable to triggering violent conflicts (Roibin, 2020).

In the end, the effect that the Muslim community experiences is the existence of an accusation towards Islam as a religion that teaches actions of violence in resolving an issue. People or groups of people always carry out such violent actions, known as radical Islamic groups.

In reality, Islam is still Islam. It does not acknowledge such terms. However, these terms seem to occur as Islam has actually opened a rather wide opportunity for the existence of various interpretations towards Al-Qur'an and Hadith that lead to variations in such interpretations. Thus, Muslim communities' Islamic practice becomes varied according to each of their cultural backgrounds. Radical Islam is a new phenomenon that gives an emphasis on a pattern of understanding and experience of Islam that is different from the rest. Radical Islam has special characteristics that were obtained from certain situations and conditions that form it.

Religious radicalism is a strict understanding or branch of a certain religious teaching. According to this branch, every problem/issue must be faced in a strict and hard manner. One cannot be half-hearted or doubtful in acting for the sake of enforcing that religion's teachings. However, sometimes, this branch acts overtly, exceeding the existing regulations and even carrying out any action to reach its goals (Kholik, 2017).

Radicalism is a political process that threatens the world (including Islam and those other than Islam) as a religious political movement. The phenomenon of radicalization does not only happen to Islam. However, it is a global phenomenon that occurs in the whole world, which is not in line with its original idea. This is the idea of an "ideal world" in the past by carrying out their actions that are now deemed violating the teachings in the holy books; thus, such ideas must be fixed (Hukom, 2019).

One of the characteristics of the Islamic radical movement is the unwillingness to communicate with other parties regarding their ideas through dialogs but to enforce their opinions on other parties through any means to have their opinions accepted. Therefore, when their opinions are different from those of other parties and these parties are unwilling to accept them, the radical groups will enforce their opinions on them. Even worse, they often use highly misleading terms such as *takfir*, meaning that the other parties who have different opinions are *kafir* (disbelievers) who must be fought against until the last drop of blood. This is the realest form of threats from radical Islam as well as radical groups from other religions (Kholik, 2017).

This is different from religious moderation that is based on the principles of *tawasuth* (moderation), *tasamuh* (tolerance), *tawazun* (balance), and *itidal* (justice). Moderation is an attitude that prioritizes *tasamuh* when facing differences and diversity. These differences do not cause the elimination of the values of cooperation, togetherness, and humanity. Moderation is an attitude that steps away from two extreme sides and tries to find the balance between the two. Moderation opposes the act of absolutely prioritizing oneself while absolutely neglecting others to obtain profits and pleasure. Moderation can be detected from the act of becoming balanced and choosing the middle path (Mulyadi, Ilyas, & Putra, 2019).

Religious moderation is an attitude that needs to be understood as a balance between individual religious practices and respecting the religious practices of other people with different beliefs. This can be defined as avoiding the acts of extremism, fanaticism, and revolution in practicing religion. Religious moderation is a solution to overcome the two extreme poles in religion, namely the extreme right, which is ultraconservative and the extreme left, which is liberal. With religious moderation, tolerance and harmony can be created in the global, national, and local scopes. Choosing moderation while rejecting liberalism and extremism in religion is the key to creating peace, preserving civilization, and maintaining balance (The Republic of Indonesia's Ministry of Religion, 2019).

One of the basic principles of religious moderation is maintaining harmony in various aspects, such as maintaining the balance between reasoning and the holy books; between the physical aspect and the spiritual aspect; between rights and responsibilities; between individual and collective interests; between forced and voluntary; between religious texts and interpretation; and between reality and ideality, as well as maintaining the balance between human beings both in the past and the future.

The Implementation of Maqasid Sharia of the Pancasila Legal State

For the Muslim community, it is crucial to understand *maqasid sharia* in the concept of the Pancasila legal state, considering that Islam is the majority religion that has provided a contribution towards the establishment of this republic. The understanding of the Pancasila state concept with the *maqasid sharia* approach is aimed at ensuring that religious practices are not trapped in an exclusive manner that neglects the national insight. Even though in Indonesia, Islam is the majority religion, it does not use Islam as the foundation of this state. However, Pancasila accommodates the goals of sharia (*maqasid sharia*).

Therefore, developing religious moderation by understanding *maqasid sharia* in the Pancasila legal state is crucial to prevent religious radicalization among the Muslim community. Religious moderation can be carried out by understanding the characteristics of the Pancasila legal state that are in line with Islamic values, as well as the implementation of the *maqasid sharia* in the Pancasila legal state. The Pancasila legal state has characteristics that are in line with Islamic values, namely:

1. It is a country with familial characteristics, namely a state that acknowledges individual rights (including ownership rights), and human rights, by still prioritizing national interests (collective interests) above these individual interests.
2. It is a legal state with certainty and justice, which combines the concepts of *Rechtsstaat* and the Rule of Law, i.e., combining the principle of legal certainty and the principle of justice as well as other legal concepts and systems, such as customary legal systems and religious legal systems that exist in this archipelago.
3. It is a religious national state, namely a state concept based on divine values and belief in God. The belief in God, in this case, means that the national and state life in Indonesia is based on the Belief in God Almighty.
4. It combines the law as a facility of societal change and the law as a reflection of the societal culture. By combining these two concepts, the Pancasila legal state tries to maintain and reflect the values that live in society (living law) as well as carry out positivization towards these living laws to encourage and direct society to development and advancement that are according to Pancasila principles.
5. The foundation for the creation and formation of the national law must be based on the legal principles with neutral and universal characteristics. Pancasila acts as a unifier and uniter based on values that may be accepted by all interests while refraining from prioritizing certain groups.

The above characteristics of the Pancasila legal state can be understood through the implementation of the *maqasid sharia*. According to Imam Al-Shatibi, *maqasid sharia* contains five things that a state must protect to be protected from damage. The implementation of the *maqasid sharia* in the Pancasila legal state concept can be seen as follows:

1. Protecting the religion (*hifdzu din*). Understanding the protection of religion in the Pancasila legal state concept is directed to how no governmental policy can violate religious teachings. Apart from that, the state, or in this case, the government, must be

able to protect the freedom of religion and be tolerant by enforcing the law against religious blasphemy as regulated in Article 156 letter a of the Criminal Code.

2. Protecting lives (*hifdzu nafs*). In the Islamic religion, human life is highly valuable and must be maintained and protected. A Muslim is prohibited from killing others or committing suicide. The Holy Qur'an, Chapter *al-Isra* (The Night Journey/17) verse 33 is translated as follows: "Do not take a 'human' life—made sacred by Allah—except with 'legal' right" (Quran Foundation, 2025b). In the Pancasila legal state concept, protecting lives means that the state must be able to protect the lives of its citizens as regulated in Articles 338, 339, and 430 of the Criminal Code. Apart from that, it should not create policies that are only oriented towards the economy but may threaten the lives of citizens.
3. Protecting the mind (*hifdzu aql*). It is crucial to protect and maintain the mind. Islam recommends its followers to find knowledge from any part of the world. Meanwhile, it prohibits its followers from carrying out things that may damage the healthy mind, such as consuming alcohol. The understanding of the protection of the mind in the Pancasila legal state concept means that the state must be able to protect the minds of its citizens. Not only should it prohibit every product that may damage the mind, such as alcoholic drinks and pornography but must also be able to educate the minds of its citizens by guaranteeing decent education as regulated in Law No. 20 of 2003 on the National Education System.
4. Protecting the offspring (*hifdz nasl*). This also encompasses protecting the line of descendants and the family (*al-Ird*) by conducting marriages that are valid according to the religion and the state. In understanding the family in the Pancasila legal state concept, the state must be able to decrease the phenomenon of fornication by enforcing Article 284 of the Criminal Code. Apart from that, to protect families from committing adultery, the government provides ease to citizens who wish to marry. Not only that, in the modern *maqasid sharia*, protecting the family can be carried out by providing welfare to each family to strengthen family resilience.
5. Protecting the wealth (*hifdzul mal*). Wealth is important and highly valuable. Even so, Islam prohibits its adherents from obtaining wealth through illegal means, such as by taking other people's wealth through theft and corruption. The Holy Qur'an, Chapter *al-Baqarah* (The She-Cow) 2 verse 188 is translated, "Do not consume one another's

wealth unjustly” (Quran Foundation, 2025a). To protect the wealth in the Pancasila legal state concept, it can be understood that the state must be present in the criminal action of theft by enforcing Article 362 of the Criminal Code in a firm and proportionate manner. Meanwhile, in the modern *maqasid sharia* concept, protecting the wealth can be carried out by providing welfare to citizens by opening job opportunities for its citizens (Gumanti, 2018).

The understanding of the Pancasila legal state concept using the *maqasid sharia* approach is aimed at protecting religious teachings so that they are not trapped in an exclusive manner that neglects national insight. Even though Islam is the majority religion that has provided significant contributions to the Indonesian state, the Islamic law does not automatically become the foundation of the state; the Pancasila legal state concept has accommodated the *maqasid sharia* (the objectives of the sharia). Even, *maqasid sharia* has been accommodated in the law.

Pancasila accommodates the goals of the sharia. Then, the Indonesian government also facilitates the interests of all religions without exception. For instance, this can be seen from the reality that Indonesia is a country that provides various national holidays based on the holidays of all religions. Then, concerning society’s cultural rites, the government has also preserved various traditions, customs, cultures, and local wisdom to maintain social harmony.

CONCLUSION

Religious moderation in Indonesia’s diversity is crucial as this is a plural country, both in terms of ethnic groups and religion. Apart from plurality, an exclusive understanding of religion may have the tendency to be directed towards religious radicalism. This condition is highly concerning. One of the religious thoughts that has a characteristic of radicalism is deeming that Pancasila is not according to Islamic teachings.

Pancasila is the foundation of the Indonesian legal state. Even though it was not extracted from Islamic teachings, Pancasila has accommodated *maqasid sharia*, which is the goal for the creation of the Islamic sharia. The sharia’s goals that have been accommodated in the Pancasila legal state include protecting the religion (*hifdzu din*), protecting lives (*hifdzu nafs*), protecting the offspring (*hifdz nasl*), protecting the mind (*hifdzu aql*), and protecting the wealth (*hifdzul mal*).

The protection of religion has been accommodated in Article 29 of the 1945 Constitution and Article 156 of the Criminal Code, while the protection of the mind has been accommodated in Articles 338, 339, 340, 341, 342, and 343. The state protects the mind by prohibiting alcoholic drinks and by providing tuition-free public schools. Then, the state protects the offspring and descendants by prohibiting fornication as regulated in Law No. 1 of 2023 and Law No. 1 of 1974 on Marriage. Lastly, the government accommodates the protection of wealth by making efforts to provide job opportunities and prohibiting theft, as regulated in Article 356 of the Criminal Code. Based on the explanation above, there is no reason to say that the Pancasila state is a *thagut* state as it has accommodated the goals of sharia.

REFERENCES

- Aziz, M., & Sholikah, S. (2023). Islam dan Pluralitas Sosial di Era Madinah. *Al Hikmah: Jurnal Studi Keislaman*, 13(1), 130–142.
- Fahri, M., & Zainuri, A. (2019). Moderasi Beragama di Indonesia. *Intizar*, 25(2), 95–100.
- Gumanti, R. (2018). Maqasid Al-Syariah Menurut Jasser Auda (Pendekatan Sistem dalam Hukum Islam). *Jurnal Al-Himayah*, 2(1).
- Hukom, D. A. (2019). Negara Islam Sebagai Sebuah Idealisme yang Harus Berhadapan dengan Realitas Kehidupan di Bumi Nusantara. *Jurnal Islam Nusantara*, 3(2). <https://doi.org/10.33852/jurnalin.v3i2.143>
- Islamy, A. (2022). Pendidikan Islam Multikultural Dalam Indikator. *Jurnal Analisa Pemikiran Insan Cendekia (APIC)*, 5(1), 48–61.
- Junaedi, E. (2022). Moderasi beragama dalam tinjauan kritis kebebasan beragama. *Jurnal Harmoni*, 21(2), 330–339. <https://doi.org/10.32488/harmoni.v21i2.641>
- Kholik, A. (2017). Pendidikan Islam dan Fenomena Radikalisme Agama. *Jurnal Kependidikan*, 5(1).
- Lestari, J. (2020). Pluralisme Agama Di Indonesia (Tantangan dan Peluang Bagi Keutuhan Bangsa). *Al-Adyan: Journal of Religious Studies*, 1(1), 29–38. <https://doi.org/10.21580/wa.v6i1.4913>
- Mulyadi, M., Ilyas, M. A., & Putra, I. (2019). *Pembinaan Moderasi Beragama Melalui TPBIS (Transformasi Perpustakaan Berbasis Inklusi Sosial Di Desa Agro-Wisata)*. Bengkulu: CV Zigie Utama.
- Nur, A. (2023). Fundamentalisme, Radikalisme dan Gerakan Islam di Indonesia: Kajian Kritis Pemikiran Islam. *Alubudiyah Jurnal Pendidikan Dan Studi Islam*, 2(3).
- Nurhuda, A., & Setyaningtyas, N. A. (2021). Bergandengan di Tengah Keberagaman (Moderasi Beragama di Indonesia). *Jurnal Sudut Pandang*, 2(9), 24–27. <https://doi.org/10.55314/jsp.v2i9.196>
- Quran Foundation. (2025a). The Holy Qur'an, Chapter Al Baqarah.
- Quran Foundation. (2025b). The Holy Qur'an, Chapter Al Isra. Retrieved from Quran website: <https://quran.com/17>
- Ramadhan, M. R., & Islam, Z. (2022). Peran Pancasila sebagai Pedoman dalam Moderasi

- Beragama di Indonesia. *Civics Education*, 4(2), 106–118. <https://doi.org/10.32585/cessj.v4i2.2924>
- Roibin. (2020). *Meleraikan Konflik dan Kekerasan Atas Nama Agama*. Malang: UIN Maliki Press.
- Santoso, G., Aulia, A. N., Indah, B. S. N., Lestari, D. P., Ramadhani, F. F., Alifa, H., & Mahya, A. F. P. (2023). Bhinneka Tunggal Ika Sebagai Pemersatu Bangsa Indonesia Dari Dahulu Sampai Sekarang. *Jurnal Pendidikan Transformatif (Jupetra)*, 2(2), 183–194. <https://doi.org/10.9000/jpt.v2i2.331>
- Setia, P. (2021). Membumikan Khilafah di Indonesia: Strategi Mobilisasi Opini Publik oleh Hizbut Tahrir Indonesia (HTI) di Media Sosial. *Journal of Society and Development*, 1, 33–45. <https://doi.org/10.57032/jsd.v1i2.40>
- Sholikhah, Z., & Muvid, M. B. M. (2022). Konsep Islam Moderat Sebagai Alternatif Dalam Proses Penanggulangan Paham Radikal Di Indonesia. *Al-Afkar, Journal For Islamic Studies*, 5(4), 115–128. <https://doi.org/10.31943/afkarjournal.v5i4.324>
- Syamsuriah, S., & Ardi, A. (2022). Urgensi pemahaman moderasi beragama di Indonesia. *Jurnal Ilmiah Islamic Resources*, 19(2), 192–199.
- The Republic of Indonesia's Ministry of Religion. (2019). *Moderasi Beragama*. Jakarta: Badan Litbang dan Diklat Kementerian Agama RI.
- Wibowo, P. (2020). Sekuritisasi Wacana Khilafah Di Indonesia. *Sekuritisasi Wacana Khilafah Di Indonesia*, 5, 25–49. <https://doi.org/10.5281/zenodo.4052347>