

# Fiqh Nusantara: Exploring the discourse and complexity of Indonesian Islamic jurisprudence



Nispul Khoiri<sup>a</sup>  | Muniruddin<sup>a</sup>  | Ahmad Muhajir<sup>b</sup>   | Mohd Roslan Bin Rosnon<sup>c</sup> 

<sup>a</sup>Universitas Islam Negeri Sumatera Utara, Medan, North Sumatra, Indonesia.

<sup>b</sup>Universitas Andalas, Padang, West Sumatra, Indonesia.

<sup>c</sup>Universiti Putra Malaysia, Selangor, Malaysia.

**Abstract** This article aims to explain the development and debates surrounding the discourse of Fiqh Nusantara, to trace its origins and characteristics as one of the parts of contemporary Islamic jurisprudence in Indonesia. Additionally, it profiles the practical and empirical experiences of the relationship between *fiqh* and *'urf* by Muslim communities from the Javanese, Sundanese, Balinese, Malay, Mandailing, and Minangkabau ethnic groups. This research employs an analytical-qualitative method that combines field and literature research. Primary data was collected through in-depth interviews with authoritative Muslim scholars, while secondary data was gathered from written sources. Both normative and empirical approaches were employed to obtain a comprehensive understanding of the research object. The interactive analysis model was used to analyze the data into four components: data collection, reduction, display, and conclusion drawing and verification. This research found that Fiqh Nusantara is essential as it connects Islam with the sociocultural context of Nusantara. Fiqh Nusantara is the result of the integration between Islamic sharia and local culture, making it capable of resolving local issues and providing solutions that align with the characteristics of Nusantara society. Fiqh Nusantara represents a unique and dynamic form of Islamic jurisprudence that reflects the rich cultural and religious diversity of Indonesia. Fiqh Nusantara still represents another form of the Shafi'i *Mazhab* that, in the context of Indonesian society, is often pitted against other *mazhab* such as the Hanbali, Maliki, and Hanafi. The debates on Fiqh Nusantara inherit the bias of the Islam Nusantara debates up until today.

**Keywords:** Fiqh Nusantara, Indonesian Islamic jurisprudence, *'Urf* and Fiqh, Muslim communities

## 1. Introduction

The term "Fiqh Nusantara" has gained significant attention in contemporary discourse, particularly for its contextualization of Islamic law within Indonesia's rich cultural landscape. While its conceptual roots lie within the broader framework of Islam Nusantara, the unique synthesis of Islamic jurisprudence (*fiqh*) and local traditions (*'urf*) represents a novel area of exploration. Despite considerable academic and public interest, there remains a lack of systematic analysis detailing how Fiqh Nusantara addresses the dynamic interplay between local traditions and Islamic legal principles in a pluralistic society (Bashori, 2021).

The term "Islam Nusantara" encompasses the religious and cultural confluence of Islamic teachings and local traditions in Southeast Asia. Central to this discussion is Abdurrahman Wahid's seminal concept of "Pribumisasi Islam" (Islamic Indigenization), which underscores the adaptive potential of Islamic law within diverse cultural settings (Wahid, 2001). However, existing studies often generalize this concept without examining its operationalization within specific contexts, particularly in addressing legal challenges posed by Indonesia's ethnic and cultural plurality. It is essentially a form of cultural acculturation whereby external elements are accepted by local elements or vice versa (Harisudin, 2016; Masbukin, 2018). Building on Azyumardi Azra's insights, Islam Nusantara is identified as "Southeast Asian Islam," reflecting a regional adaptation of Islamic thought and practice. Precolonial literature, which refers to this region as "Negeri Bawah Angin" (Lands Under the Wind), provides a historical framework, but there is a research gap in connecting these historical underpinnings with the contemporary formulation of Fiqh Nusantara as a dynamic legal paradigm. In Arab literature, this region has been known as "Bilad al-Jawi" (Jawi Muslim country) since the 16<sup>th</sup> century in Southeast Asia. The island-based Islamic community is generally referred to as "Ashab al-Jawiyyin" or "Jama'ah al-Jawiyyin" (Azra, 2002, 2015). Ahmad Syafii Maarif defines Islam Nusantara as an imagination of diversity, difference, and pluralism. Archipelagos represent a diversity that does not recognize a single identity (Maarif, 2009). Ahmad Baso defines Islam Nusantara as a method of thought that is based on the *qauli* (method of reasoning and individual opinions of scholars toward Islamic law) and *manhaji* (method of understanding sources of Islamic law, especially the Quran and Hadith) in the process of deriving legal conclusions or *fatwa* about Islam from its evidence adapted to the territory, region, natural conditions, and its practice. In other words, Islam Nusantara is a method of thinking



performed by Nusantara scholars in practicing and translating Islam into Nusantara languages to provide a normative religious interpretation of the teachings or evidence of Islam itself (Baso, 2015). Moreover, according to Syafiq Hasyim, Islam Nusantara is not about changing Islam but rather the manifestation of changing Islamic religious life (Hasyim, 2018).

The geographical and environmental interpretations of Nusantara introduce a new dimension to the study of Islamic law, particularly in *fiqh*. Fiqh Nusantara encompasses various customs, cultures, and local wisdom in Nusantara. Moreover, this provides legitimacy for Islamic jurists in *ushul fiqh* through the concept of *al-'urf* (tradition) (Harisudin, 2016; Mujieb, 1994; Mukri et al., 2019). The presence of local culture and wisdom (*'urf*) is crucial in the development of Islamic law in the context of *fiqh*. Al-Zuhayli stated that *'urfing* is a common practice rooted in the community (Al-Zuhail, 1986).

The term Fiqh Nusantara refers to the jurisprudence of Indonesia, a term coined by Prof. Dr. Teungku Muhammad Hasbi Ash-Shiddieqy in the 1940s. Ash-Shiddieqy was an Indonesian scholar who specialized in *fiqh*, Quranic exegesis, hadith, and academia. The term was later popularized in 1961 and was well received by Islamic scholars in Indonesia (Shiddiqi, 1997). The use of Islam by Nusantara and Fiqh Nusantara gained popularity and became a prominent narrative advocated by Nahdlatul Ulama (NU) during the 33<sup>rd</sup> congress in Jombang on August 1st, 2015. The main purpose of the congress was to conceptualize the idea of Islam, Nusantara. However, the issue of Fiqh Nusantara was not comprehensively discussed because of the dominance of politics during the congress, which sidelined the topic. The topic of Islam, Nusantara, was reintroduced during the Musyawarah Nasional Alim Ulama dan Konferensi Besar NU (National Deliberation of Islamic Scholars and the Grand Conference of NU) held in 2019 at Pesantren Citangkolo, Kota Banjar, West Java (Kamil, 2022).

The concept of popularizing the idea of Islam, Nusantara and Fiqh Nusantara, is not intended to change Islamic doctrine but rather intended to find ways in which Islam can be applied in the context of a heterogeneous society's culture. This effort is limited to citing the theory of *ushul fiqh*, which is called the theory of the application of law (*ijtihad tatbiiqi*) (Bashori, 2021). Therefore, in an academic context, the portrait of Fiqh Nusantara is a continuation of the ideas of the pioneers. For example, in the 18<sup>th</sup> century, Muhammad Arsyad al-Banjari (1710--1820) from Banjar, Kalimantan, wrote a famous *fiqh* book titled *Sabil al-Muhtadin li at-Tafaqquh fi Amr ad-Din* (The Path for Those Who Receive Guidance to Become a Fakhir Alim in Religious Affairs) in Malay, and it is one of the main works in Fiqh Nusantara. Later, Muhammad Salih bin Umar (Mbah Shaleh Darat) from Semarang, Central Java, wrote *Majmuat asy Syariat al-Kifayah li al-Awam* in Javanese via Arabic Pegon script, which included the wisdom of Javanese customs such as *sesajen*, *sedekah bumi*, *nyusur tanah*, and others (Bashori, 2021). Modern scholars then emerged as continuors, such as the concept of *Fiqh Keindonesiaan* (Indonesian Fiqh) by Hasbi ash-Shiddiqi; *Fiqh Mazhab Nasional* (National Mazhab Fiqh) by Hazairin; *Reaktualisasi Hukum Islam* (Reactualization of Islamic Law) by Munawir Sjadzali; *Fiqh Sosial* (Social Fiqh) by Sahal Mahfudz; *Pribumisasi Hukum Islam* (Indigenization of Islam) by Abdurrahman Wahid; *Reformasi Bermazhab* (Mazhab Reform) by Qodri Azizi; *Kontekstualisasi dan Modernisasi Ajaran Islam* (Contextualization and Modernization of Islamic Teachings) by Nurcholish Madjid; and *Objektivikasi Islam* (Objectivization of Islam) by Kuntowijoyo (Bashori, 2021; Masbukin, 2018).

The contemporary formulation of Fiqh Nusantara is defined in various ways by Islamic scholars but shares the same substance. According to Said Aqil Siraj, Fiqh Nusantara is the result of the struggle between Islamic schools of thought and Indonesia's cultural context, making it well integrated into the Indonesian context (Siraj, 2014). Meanwhile, according to Akmal Bashori, Fiqh Nusantara is the embodiment of Islamic sharia conceptualized from the intellectual tradition of Islam (schools of thought) and expressed dialogically with tradition (*'urf*) in society for the benefit of this world and the hereafter (Bashori, 2021). The term "Nusantara" is a unique feature of formal culture, much like "Indonesia," a term created by indigenous culture that has endured in society. This concept originated from cultural circles rather than the government, making it a cultural movement that appropriately uses terms embedded in culture. Nusantara serves as a symbol of diversity, differences, and pluralism. It represents diversity without confining individuals to any identity (Al-Amidi, 1967).

The relationship between cultural reality and *fiqh* in the sense of the interaction between *fiqh* and the long-standing tradition in Nusantara is not assimilation but rather the culturalisation of Islam. The cultural (traditional) relationship with *fiqh* emphasizes the balanced and interconnected area between *fiqh* and tradition (Bashori, 2021). Despite this, there are pros and cons regarding the relationship between religion and culture. The first perspective regards religion and culture as a unified whole that cannot be separated. This understanding shows that culture is integrated with religious values and should be understood as a degraded or even lost religion because it has merged with religion. The second perspective considers culture a threat to religion. Religion provides boundaries, whereas culture is accommodated as a source of material that must comply with the sharia. The selection process is determined by the text (*nash*) with an indicator of the benefit of the people, so if culture provides benefits, it will be accommodated as part of the substance of religion. The third perspective is to harmonize religion and culture, even though they are different. Both must synergize well and strengthen each other while providing a balanced position to form a distinct characteristic. A strong formulation of *fiqh* is one that is based on culture. Therefore, Fiqh Nusantara is seen as a strong formulation of *fiqh* because it is rooted in culture.

This article aims to explain the results of a literature review on the development and debates surrounding the discourse of Fiqh Nusantara to trace its origins and characteristics as one of the parts of contemporary Islamic jurisprudence in Indonesia. This study addresses the identified gap by exploring how Fiqh Nusantara serves as a pragmatic framework that harmonizes Islamic jurisprudence with Indonesia's diverse sociocultural contexts, contributing to legal pluralism and sociocultural harmony.

As a scientific novelty, this article also elaborates on the results of field research, which profiles practical and empirical experiences of the relationship between *fiqh* and *'urf* by Muslim communities from the Javanese, Sundanese, Balinese, Malay, Mandailing, and Minangkabau ethnic groups, representing the current formulation of Fiqh Nusantara.

Mukri et al. conducted a study on Fiqh Nusantara in the epistemology of Islamic law in Indonesia via the Istiṣlaḥii model. They combined textual analysis with logical perspectives and then communicated the text with tradition (context). The integration of these two elements was carried out to ensure that the benefits obtained were in accordance with the sharia and only used logical considerations and social reality. The integration of text and logical perspectives was performed to prevent *ijtihad* from becoming a textual dogma without considering realistic and practical benefits (Mukri et al., 2019).

Abdurrohman Kasdi's research successfully analyzed the reconstruction of Fiqh Nusantara by developing the methodology of *ijtihad*, a rational legal reasoning process based on the Quran and Sunnah, to formulate Islamic law that is suitable for Indonesian society. The reconstruction of Fiqh Nusantara was achieved by reinterpreting the sharia theorem in traditional *fiqh* while considering the community's conditions to achieve the objectives of Islamic law. This was done by referring to *mazhab* and *ijtihad* as an effort to solve problems that occur in Indonesia while considering local wisdom, traditions, and customs (Kasdi, 2019).

Harisudin conducted research on the unique features of Fiqh Nusantara, which inevitably includes the element of *'urf* as the primary consideration in the formation of Islamic law (Harisudin, 2016, 2017, 2018). Another study on how Fiqh Nusantara was formed and formulated concluded that it was created through collaboration in the form of *fiqh*, which is open to various opinions in Indonesia. Its uniqueness lies in its locus and time, which is Indonesia. However, Fiqh Nusantara, an Islamic law in Indonesia, has not been applied in the *mahdlah* domain (established law). For Fiqh Nusantara activists, the rules apply only to the *mutaghayirat* domain (changing *fiqh*). Nevertheless, Fiqh Nusantara has the potential to continue evolving in dynamic Indonesia. For example, issues such as marriage, inheritance law, politics, and social interactions continue to develop and change in response to global changes. Therefore, further research is recommended on Fiqh Nusantara and its relationship with other social aspects in Islam, considering that this law is dynamic (Harisudin, 2021).

Akmal Bashori examined Fiqh Nusantara in the construction of the basic philosophy of science and concluded that it has a clear and solid formal and material object. Fiqh Nusantara applies the method of Islamic law (*ushul fiqh*) in *ijtihad* by adopting new perspectives to address new issues while still adhering to the principles used by past scholars (*illat fatwa*). This makes Fiqh Nusantara moderate and not too liberal or textual, as it is not separated from the roots of past scholars' thinking (Bashori, 2021). This method of *ijtihad* is also known as a new *ijtihad* (Karim, 1994; Lohlker, 2021).

## 2. Materials and methods

This research employs an analytical-qualitative method, designed to provide a comprehensive and systematic understanding of the phenomenon under investigation. The approach integrates both fieldwork and literature studies to identify significant patterns and insights, ensuring the findings are robust and contextually relevant (Denzin & Lincoln, 1995). This study combines both field and literature research. Primary data collection was conducted during field research (April–July 2022) through in-depth, semi-structured interviews with authoritative Muslim scholars and intellectuals. Participants included representatives from the Majelis Ulama Indonesia (Indonesian Council of Ulama), Nahdlatul Ulama (NU), and traditional councils/institutions in North Sumatra, West Sumatra, Bali, East Java, West Java, and Yogyakarta. Participant selection was based on purposive sampling to ensure representation of diverse perspectives, particularly from the Javanese, Sundanese, Balinese, Malay, Mandailing, and Minangkabau ethnic groups. Each participant's expertise in Islamic jurisprudence and local customs was a primary criterion for inclusion. Prior to conducting the interviews, participants received a comprehensive briefing on the study's objectives, potential risks, and benefits, as well as assurances of privacy and confidentiality. An informed consent process was implemented, whereby participants reviewed and signed consent forms that detailed their rights and the voluntary nature of their participation. All signed forms were securely stored, and participants retained the right to withdraw at any stage without consequence.

Moreover, secondary sources of data were collected from written sources such as books, articles, scientific journals, and other documents. This study employs both normative and empirical approaches to provide a holistic analysis of the research object. The normative approach involves examining legal texts, including laws, regulations, and court decisions, to understand the theoretical underpinnings of Fiqh Nusantara. The empirical approach focuses on observing legal practices in diverse sociocultural contexts, analyzing behaviors and attitudes toward Islamic law across different ethnic communities. In this research, both approaches were used to obtain a holistic understanding of the research object. The interactive analysis model, as proposed by Miles and Huberman, was utilized to ensure rigorous data analysis. This model comprises four interconnected components: data collection, reduction, display, and conclusion verification. Data triangulation was applied by cross-referencing findings from interviews, observations, and documentary analysis to enhance reliability and validity (Miles & Huberman, 1994). Triangulation involved integrating multiple data sources—field observations, interviews, and literature reviews—to validate findings and minimize biases. This method ensured a comprehensive understanding of the interaction between Fiqh Nusantara and local traditions.

### 3. Results and Discussion

#### 3.1. The intersection of 'urf (tradition) and fiqh in a historical context

To understand Islam universally, relevant *fiqh* in the sociocultural context of Nusantara is necessary. Akmal Basori proposed the existence of Fiqh Nusantara, which is the result of the dialectic between revelation and culture. This idea is a conceptualization of Islamic Sharia from the Islamic intellectual tradition (*mazhab*) and is expressed dialogically with tradition ('*urf*') in society, with the aim of achieving worldly and heavenly benefits (Bashori, 2021). Fiqh Nusantara can face local problems that require ethical and new thinking. Moreover, it has a sense of locality that considers its historical foundation. The existence of Fiqh Nusantara is crucial because the Nusantara community is composed of diverse ethnicities, cultures, and languages, thus requiring a *fiqh* approach that is appropriate for its characteristics (Bashori, 2021).

The historical context of Islamic law formation during the Prophet Muhammad's era demonstrates a profound interaction between Islam and local Arabian culture. This adaptive approach to customary law laid the groundwork for the evolution of Islamic jurisprudence in diverse sociocultural contexts, such as Fiqh Nusantara. Comparing this to the legal frameworks of the Maliki and Hanafi schools, which similarly integrate '*urf*', highlights Fiqh Nusantara's unique synthesis of Islamic principles and Indonesian cultural pluralism. This demonstrates that Islam is not a form of legal revolution that directly contradicts existing customs. Although Prophet Muhammad taught society on the basis of divine values, the essence of the reform was not contrary to the model of tribal Arab community life. Therefore, Islam does not demand a completely new and unique legal system and is not interested in eliminating the pre-Islamic customary legal system (Lukito, 1998).

The Hanafi, Maliki, Shafi'i, and Hanbali *mazhabs* incorporated '*urf*' within their legal reasoning framework. Hanafi and Maliki considered custom as one of their *ushul fiqh* (fundamentals of jurisprudence), whereas Shafi'i *mazhab* did not explicitly include custom as *ushul fiqh* but considered the existing local conditions. Hanbali *Mazhab* also included '*urfing*' in its legal reasoning framework. In practice, changes in the *fatwa* (legal opinion) of Imam Shafi'i, such as the old (*qadim*) and new (*jadid*) fat was influenced by the effectiveness of the local customs and traditions in which they existed (As-Sayis, 1953, 1970; Ismail, 1985; Thalib, 1990).

The concept of '*urf*' is integral to Islamic jurisprudence, providing a mechanism for integrating local customs into Islamic law. Fiqh Nusantara builds on these principles, accommodating diverse Indonesian traditions while adhering to Islamic legal requirements. This approach parallels the Hanafi school, which explicitly considers '*urf*' in legal reasoning, offering a comparative lens to understand Fiqh Nusantara's methodology. '*Urf*' in this form can be accepted in Islam, but further adaptation and adjustment are necessary. Third, the old '*urf*' contains harmful elements in both principle and practice. This '*urf*' is destructive and does not have any benefits, or it has benefits, but the harmful elements are greater. Finally, '*urf*' has been established for a long time and is accepted by many people because it does not contain harmful elements and does not conflict with later evidence of sharia, but it has not been clearly incorporated into the shariah directly or indirectly (Syarifuddin, 2009).

The process of accepting '*urf*' in deriving Islamic law (the process of establishing new Islamic law from the Quran and Hadith for new issues that have not been explained) requires several conditions set by scholars. First, '*urf*' must be beneficial and acceptable by common sense. *Second*, '*urfing*' must be widely applicable and uniformly accepted among the people within the customary environment or among most of its inhabitants. *Third*, a '*urf*' that was used as a basis for the application of law must have already existed (in practice) at that time and not an '*urf*' that appeared later. Finally, the custom must not contradict the existing Quranic and Hadith evidence or contradict established principles (Syarifuddin, 2009).

The development of Fiqh Nusantara is deeply rooted in Indonesia's cultural milieu, drawing extensively from local customs. For instance, in Java, the Walisongo, such as Sunan Kalijaga, embraced Javanese traditions to contextualize Islamic teachings. This contrasts with the more textual approach of the Hanbali school, illustrating Fiqh Nusantara's pragmatic strategy of cultural accommodation to foster societal harmony. As a bridge between these two civilizations, Sunan Kalijaga is known as a figure who embraces Javanese culture and develops Islamic teachings on the island. However, Islam remains the main determinant in the development of Islam in the archipelago. Previous customs were accommodated if they did not conflict with fundamental Islamic values. Similar formulations also occurred outside of Java, such as in Bali and Sumatra (Kamil, 2022).

In this context, Fiqh Nusantara is essential, as it connects Islam with the sociocultural context of Nusantara. Fiqh Nusantara is the result of the integration of Islamic sharia and local culture, making it capable of resolving local issues and providing solutions that align with the characteristics of Nusantara society. Therefore, Fiqh Nusantara is crucial for comprehending Islam in Indonesia.

Fiqh Nusantara contributes significantly to the global discourse on Islamic jurisprudence by demonstrating how Islamic law can adapt to and coexist with diverse cultural traditions. Its methodology offers a blueprint for addressing the challenges of legal pluralism in multicultural societies. For example, the integration of '*urf*' within a sharia-compliant framework serves as a model for other regions grappling with the reconciliation of traditional practices and modern legal norms. By drawing parallels with frameworks like the African Maliki tradition or South Asian Hanafi applications, Fiqh Nusantara underscores the universal adaptability of Islamic law.

### 3.2. Experience, practice, and contextualization in the discourse of Fiqh Nusantara

In commerce, Fiqh Nusantara integrates customary practices that align with Islamic principles. For example, informal transactions, such as exchanging goods and money without formal verbal agreements (*ijab qabul*), are accepted among various ethnic groups. This adaptability echoes the Maliki school's emphasis on local practices, showcasing how Fiqh Nusantara aligns Islamic law with Indonesia's pluralistic traditions. Therefore, the legal authority of such practices is regarded as a good tradition and allowed as a *fiqh* material.

Fiqh Nusantara exemplifies jurisprudential pluralism by harmonizing Islamic principles with Indonesia's sociocultural diversity. When compared to other frameworks, such as the African Maliki tradition's integration of communal customs or the South Asian Hanafi tradition's adoption of local practices, Fiqh Nusantara underscores the elasticity of Islamic law. This comparative perspective enhances our understanding of how Islamic jurisprudence evolves across different cultural landscapes, reinforcing its universal applicability.

The life experiences of Muslim communities in various regions of Indonesia, upon closer examination, contribute to the richness of the formation of Nusantara *fiqh*. A practical example can be found in minority Muslim regions such as Bali, where the Hindu community reveres cows as sacred entities. In this context, the Muslim population replaces cows with other animals, such as buffalo, for various purposes (as mentioned in an interview with Syahrial, a leader of the Regional Board of the Nahdlatul Ulama Scholars Association or ISNU, Bali). Conversely, in other places, such as Central Java, specifically in the Kudus Regency, they prohibit (forbid) the slaughter of sacrificial cows, and this has even become a tradition. To this day, buffalo is the animal of choice for daily consumption and for sacrificial purposes during the Eid al-Adha festival (as mentioned in an interview with Abdur Rozakin, Javanese Muslim scholar based at Universitas Islam Negeri Sunan Sunan Kalijaga, Yogyakarta).

In the regulation of the inheritance of joint property, it is apparent that Islamic Jurists and preachers did not entirely abolish the existing inheritance laws in Nusantara society. For example, in the case of property distribution after divorce, the husband receives half and the wife receives half, or the husband receives two-thirds, and the wife receives one-third. The Javanese, Sundanese, Balinese, Malay, Mandailing, and Minangkabau ethnic groups have different terms for the distribution of joint property, even though their substance is the same. The formulation of inheritance laws in Minangkabau customs emphasizes flexibility and tends to involve a kind of negotiation between customary practices and *fiqh*, despite the strong presence of Islamic teachings in the region. According to a prominent figure in both customary and religious matters, Mark Yunan Sirhan, in Minangkabau, the formulation of Islamic *fiqh* is intertwined with the local culture, encapsulated in the philosophy of the Minangkabau people: "*Adat basandi sarak, Sarak Basandi Kitabullah*," which translates to "Custom is based on tradition, tradition is based on the Book of Allah." Fiqh dynamically adapts when customary practices are encountered, and vice versa (as mentioned in an interview with Mark Yunan Sirhan, Minangkabau Muslim scholar, Padang). In other cultures, such as the Mandailing ethnic group, a similar dynamic is observed, where cultural aspects within the structure of social relations remain robust. However, when engaging with *fiqh* principles, there is often a 'dialog' within the negotiation space between *fiqh* and culture, resulting in accommodations that frequently consider both aspects (as mentioned in an interview with Maratua Simanjuntak, Mandailing Muslim scholar, Padangsidimpuan). In this context, through acculturation, customary practices are accepted because their substance is the same, and only the distribution measures are adjusted to Islamic law (Syah, 2009).

In the context of inheritance law in Indonesia, adopted children are recognized as heirs of their adoptive father's estate and are considered natural children if the adoption process has created a valid family relationship. However, in customary practice, adopted children are not considered strangers and are given the right to inheritance as natural children (Ter Haar, 1981). Nonetheless, in Islamic law, this practice is considered unjust and not allowed because it can reduce/eliminate the share of natural children. Therefore, adopted children are no longer recognized as heirs in Islamic law but are only allowed to receive bequests, gifts, *zakat*, *infaq*, and *shadaqah*. In contrast, natural children have the right to inherit their father's estate. Nevertheless, the principles of customary law in the Nusantara by the Javanese, Sundanese, Balinese, Malay, Mandailing, and Minangkabau ethnic groups regarding the inheritance of adopted children are still respected but must be adjusted to the principles of Islamic law (Syah, 2009). This is done to create a fair and balanced legal system for all parties involved.

Marriage customs in Indonesia became the subject of *fiqh* material after it was subjected to strict selection by customary law as a legal methodology. Each ethnic group in Indonesia has different wedding traditions and processes. For example, the Javanese tradition includes *siraman pengantin*, selling *dodol dawet* to guests, cutting *tumpeng*, *malam midodareni*, and wearing traditional Javanese white clothing as a symbol of purity. Such practices within the Javanese tradition are not always in conflict with *fiqh*; if they do not clash with theological aspects, cultural elements can be accepted by *fiqh*. Moreover, a sense of justification based on *fiqh* principles is often found in many aspects of the encounter between Javanese culture and Islamic teachings. The concept of "*al muhafadzah ala qadim al-shalih wa al-akhazu bi al-jadid al-ashlah*" (preserving the old that is good and adopting the new that is better) is often used as a justification for customary practices as part of a tradition that does not contradict *fiqh* (as mentioned in an interview with several leaders of Majelis Ulama Indonesia, Yogyakarta).

The Sundanese wedding tradition includes *neundeun omong*, *narosan-nyereuh*, *nyandakeun*, and other traditional practices. Meanwhile, Balinese wedding customs involve determining auspicious days, the *Ngekeb* ceremony, welcoming the

groom, *mungkah lawang*, and other traditional practices. The Malay wedding tradition involves determining whether the marriage is *sekufu* (compatible/equal to marriage), and Islamic law has reformed customary practices to conform with Islamic teachings. The Mandailing ethnic group has *mangaririt boru*, *padamos hata*, and other traditional practices. The Minangkabau wedding tradition involves *marasek*, *maminang* and *babimbang tando*, *mahanta sirih*, and other traditional practices. However, these traditional practices are acceptable only if they do not conflict with Islamic teachings. Islamic law does not consider compatible/equals marriage as a fundamental condition for the validity of marriage, but the principle of compatible/equals marriage is still essential for creating balance and harmony between the husband and wife. In conclusion, Nusantara's wedding customary and traditional practices can be accepted after undergoing a customary selection process that is tailored to the principles and values of Islamic teachings. The following statement by Ulfiah regarding the Muslim community in Sunda is noteworthy for its implications for the encounter, interaction, and formulation of Fiqh Nusantara:

"The construction represents the concept and practice of Fiqh Nusantara resulting from the adoption of Sundanese customs. The role of Sundanese customs enriches the framework of Fiqh Nusantara. Through the interaction (Sundanese customs - Islam), the construction of Fiqh Nusantara is built upon the understanding and Islamic perspective in the archipelago because of interaction, contextualization, vernacularization, interpretation, and indigenization of universal Islamic teachings and values in accordance with the sociocultural realities of Indonesia." (as mentioned in an interview with Ulfiah, Sundanese Muslim Scholar, Bandung).

Cultural practices in the daily lives of communities that have endured this day in many Indonesian cultures are the result of the interaction of Islamic teachings, particularly *fiqh*, with various traditions, including aspects of marriage, social relations, and even the relationship between humans and the environment. The field of customary rituals is an essential part of Indonesian culture. Every ethnic group in Indonesia, including Javanese, Sundanese, Balinese, Malay, Mandailing and Minangkabau, has various customary rituals that serve as a medium for communicating human requests to God. Since Islam entered Indonesia, the practice of Nusantara's customary rituals has undergone a natural selection process (acculturation), whereby harmful customs are eliminated and beneficial customs are preserved. For example, the *Jamu Laut* ritual, although having different names in each ethnic group, has the same substance. It is an offering to the ruler or guardian of the sea to request a bountiful sea harvest for fishermen and protection from the dangers of the sea. After Islam entered Nusantara, the ritual was rectified and innovated to become a request to Allah, accompanied by prayers, recitation, and charity. Another example is the *Sekaten* tradition, a ritual intended to seek protection from disasters such as prolonged droughts, diseases, epidemics, and death. After Islam came to Nusantara, the objective of the practice was changed to asking only Allah for protection, accompanied by prayers, recitation, and charity. To ensure that customary practices are not considered shirk, the practices were then altered according to Islamic teachings. As a result, customary practices in Indonesia have been integrated with Islamic teachings, thus no longer deviating from the religious beliefs of most Indonesian societies. The statement by Tengku Ahmad Syafii Gelar Pangeran Nara Kelana underscores the reasons behind the occurrence of cultural innovation:

"Look, in most regions of Indonesia, if someone is a religious figure, they are also a cultural figure, or if they are a community leader, they are usually a cultural and religious figure at the same time. Only individuals with both aspects in their minds can bridge the gap between culture and Islamic teachings. This is why the culture remains but its orientation can change. If it is just a religious figure alone, they may not understand the culture, and if it is just a cultural figure, they may not comprehend religion; it is impossible to bring them together." (as mentioned in an interview with Tengku Ahmad Syafii Gelar Pangeran Nara Kelana, Sultan of Bedagai, North Sumatra).

The field of traditional arts has undergone development through *fiqh*, which also has regulations. Each ethnic group in Indonesia has its own unique traditional arts. One of these is the art of *wayang* (traditional puppets), which has been innovated into an Islamic-themed art (*tarekat*). Initially, this art portrayed Hindu-Buddhist symbols such as Mahabharata and Ramayana, but it has now evolved to convey Islamic messages, such as the characters of Prophet Muhammad and his companions. Additionally, the *debus* game is also a product of Islamic acculturation with cultural aspects of the arts found in the Banten and Minangkabau regions.

The *fiqh* material also encompasses language adoption. One example is the use of the Javanese style (*langgam*) in reading the Quran to bring the Quran closer to the people through cultural approaches. Another example is the Burdah art form known in the village of Pegayaman Bali, where performers beat the tambourine and sing Arabic verses. In the field of naming, we can find it in Bali where Muslims still name their children with traditional names such as Wayan, Ketut, and Nyoman. The above argument is based on the life experiences of Muslims in various places, as articulated by a key informant in Bali, as follows:

"Indonesian people are like electronic devices such as smartphones; their external appearance remains Indonesian, but the 'software' can vary. Some use iOS, some use Android, and the interface is adjusted to their locality. In Bali, to preserve Balinese identity, one should not adopt excessive Arabization but instead use Balinese names. Even though Bali is synonymous with Hinduism, one can combine Balinese names with Arabic names, which is currently quite common. The names can have an Arabic component while maintaining their local language." (as mentioned in an interview with Komang Sri Marheni, Head of the Regional Office of the Ministry of Religious Affairs of Bali Province, Bali).

Architecture and Tombs are parts of cultural expressions in Fiqh Nusantara. In addition to regulating the field of art, *fiqh* enriches the adoption of architectural art with traditional Islamic and Nusantara culture. Mosques, minarets, tombs, offices, and other buildings in Indonesia reflect Islam's acculturation to historical and new design cultures. For example, the Kudus Mosque in Central Java, built by Sunan Kudus, demonstrates the acculturation of Islam with culture. This mosque has a Middle Eastern architectural style but also displays pre-Islamic Javanese, Hindu, and Buddhist cultural motifs on its minarets and gates. In Yogyakarta, the Gedhe Kauman Mosque, built by Sultan Hamengkubuwono (1773 CE), has the Tajung Lajuk building form, Lambang Teplok, and a three-layered roof. This building reflects Javanese philosophy with Islamic values such as reality, gnosis, and Sharia. Similarly, in tombs, cultural-Islamic acculturation is also visible. The tomb of Waliyullah Habib Ali bin Abu Bakar Umar Al-Hamid in Kusamba Klungkung and the tomb of Raden Ayu Pemecutan alias Hj. Raden Ayu Siti Khotijah in Bali reflects Balinese nuances. The oldest Islamic-styled tomb in Indonesia is the tomb of Fatimah binti Maimun in Leran, Gresik (1082 CE). This tomb has a dome wall decorated with horizontal frames that are similar to temple ornaments. According to *Fengg*, architectural art and tombs in Indonesia reflect not only the adoption of Islamic culture but also the adoption of pre-Islamic local culture. Thus, artistic architecture and tombs in Indonesia demonstrate the harmonization and integration of Islamic culture with rich local culture.

The appreciation of the relationship between customary law and Fiqh Nusantara is evident in the awareness of the traditional community led by Islamic jurists and preachers, who adopt customs as a source of material and methodology for *fiqh* on the basis of the sociocultural basis of the various ethnic groups in Indonesia. An example of local wisdom is *petitih-adat*, which has a highly philosophical meaning and is used as a symbol of the strong relationship between customs and Islam. For example, in Javanese culture, the expression "*Arab digarap, Jowo di gowo*" means that Islam, which originated in Arabia, should be practiced while maintaining Javanese traditions that share the same spirit as Islam. Meanwhile, in Minangkabau culture, there is an expression "*Adat basandi syara', syara' basandi kitabullah*", which means that customary law is based on Islamic Sharia law and that Islamic Sharia law is based on the Quran. Furthermore, the expression "*Adat dan syara' sanda menyanda, syara' mangato adat mamakai*" means that the relationship between customary law and *fiqh* is very close because customary law is *fiqh* itself. Another example is the classic philosophy of the Acehnese people, which states "*Hukum ngon adat hantom, lagee zat ngon sifeut*", which means that *fiqh* and *adat* cannot be separated, such as the law of substance and nature in an object. All of this reflects the philosophy of customs of all ethnic groups, which show respect for the collaboration between the customary law system and the Islamic legal system, in which both systems strengthen each other (Syah, 2009).

The process of adopting tradition (*'urf*) must consider the requirements set by Islamic scholars (*ulama*) and cannot be done arbitrarily. In formulating the principles of Fiqh Nusantara from the customs of all ethnic groups, there are several adjustments to the theory of accepting customs that need to be considered, namely, (1) tradition must have a value of benefit and be acceptable by common sense; (2) tradition must be applicable generally and evenly in the customary environment or among the majority of its inhabitants; and (3) tradition used as a reference in applying the law must have existed at that time and not taken into account if it arises later. This principle is in line with the rule that the *'urf* that applies to a particular phrase (legal provision) is only what was present together to precede it, not what came later; (4) Customs cannot contradict the evidence of Sharia or established principles (Harisudin, 2016). Therefore, the process of transforming Nusantara customs must consider the requirements and principles of Fiqh Nusantara to ensure its success.

The practices of tradition by indigenous people, including the Javanese, Sundanese, Balinese, Malay, Mandailing, and Minangkabau ethnic groups, represent a form of moderate (*wasathiyah*) *fiqh* development concerning their way of thinking, perspective, and attitude toward religious understanding. This *fiqh* is not trapped in rigid or conflicting thoughts with the agreed-upon texts (*nash*); rather, it can respond to the dynamics of *fiqh* that continuously evolve on the basis of changing sociocultural contexts. According to Yusuf Qaradawi, a moderate attitude includes a belief in the wisdom of sharia and its benefits for living beings, linking one text or law to another, maintaining a moderate approach toward all religious and worldly matters, connecting texts with contemporary reality in a concrete way, prioritizing what is easy, and being inclusive and tolerant toward groups with different opinions (Qaradawi, 2006).

The characteristics and basic principles have been established and applied in *fiqh*, where an open and tolerant view of culture has been adopted as part of the development and implementation of *fiqh*. The application of *fiqh* as a development of *fiqh* in Nusantara, especially through customary and traditional practices, is an asset that has been elevated, selected, and formulated to enrich legal provisions and facilitate the understanding of its concepts and philosophy, as well as to facilitate its implementation in religious, social, and political life. Therefore, *FDI* should not be regarded as a negative propaganda effort that could undermine the unity of society.

### 3.3. Correlation of Nusantara customs in the formulation of Fiqh Nusantara

The correlation between Nusantara customs and *fiqh* formulation results in two significant perspectives. First, Nusantara customs establish themselves as a source of *fiqh* material. Second, through this correlation, Nusantara customs position themselves as a legal methodology that will analyze, select, and decipher *fiqh* that is oriented toward the common good. The statement by a religious and cultural figure from Java underscores the process of interaction between Islamic teachings and Javanese culture:

"The legendary *Wali Songo* understood that if they wanted the concepts of Islamic teachings to be accepted, they had to understand the Javanese way of thinking. Javanese people cannot detach themselves from their Javanese identity, which is why Sunan Kalijaga wore a traditional Javanese headdress and engaged with *wayang* (shadow puppetry) because they understood that the Javanese community cannot separate from its Javanese identity." (as mentioned in an interview with leader of Majelis Ulama Indonesia, Yogyakarta).

A practical example of both perspectives can be found in the practice of Sunan Kalijaga (born name: Raden Mas Syahid), one of the *Walisongo*. When he preached Islam, Sunan Kalijaga chose to wear traditional Nusantara clothing, such as *blangkon* (headwear), instead of wearing the typical attire of preachers such as the turban and robe, as most other *Walisongo* did. When explaining his attention choices, Sunan Kalijaga answered the question of the other *Walisongo* by saying that he did so to get closer to the people and not create distance from them. In other words, in the context of custom as a legal basis, Sunan Kalijaga explained that the way of dressing (clothing) is not important in Islam, but the most important thing is to wear decent clothes and cover one's aura, especially for women. In the analysis of *ushul fiqh*, the way of dressing in the Javanese style and wearing the *blangkon* can be used as a basis for allowing such clothing choices (Bashori, 2021).

In another aspect, *fiqh* accommodates local architectural art and even Hindu-Buddhist elements in mosque building ornaments, such as the inclusion of tower-like gateways and wudhu fountains that symbolize the eight paths of Buddha. All of these are manifestations of *fiqh* based on tolerance that accommodates cultural or traditional values while still preserving Islamic values (Bashori, 2021). Through this strategy, Islam can quickly transcend geographical and cultural boundaries and be remarkably accepted during established and permanent local teachings. Therefore, in a relatively short period of time, Islam became a religion embraced by indigenous people (Bashori, 2021). The presence of *fiqh* is not intended to change Islamic doctrine or dilute the Islamic faith; rather, it aims only to find a way for Islam to blend with the diverse cultural and traditional contexts of society. In *usul fiqh*, this approach is called *ijtihad tathbiqi*, which is *appropriate* for the application of law (Bashori, 2021).

In the context of the relationship between the customs of Nusantara (Javanese, Sundanese, Balinese, Acehnese, Malay, Mandailing, and Minangkabau) and *fiqh*, there is a mutually reinforcing relationship through the formation of acculturation, where elements from both sides are merged but the characteristics of each element are maintained. Initially, the spread of Islam in Nusantara, such as by *Walisongo*, recognized the importance of cultural adoption in the process of Islamization and *fiqh* development. Therefore, *fiqh* (also known as Islam Nusantara) originated from the pattern of Islam developed by the spreaders of Islam in Nusantara. The source of raw materials for the formation of *FDI* is the social and cultural conditions of the society itself. The influence of the development of the basic culture of Nusantara became the source of raw materials for the formation of *fiqh*. This occurred because of the internal influence of diverse ethnic or ethnic groups in Indonesia that can be identified through similarities in terms of lineage, race, language, religion, culture, behavior, and biological characteristics. In addition, foreign cultural influences have also played an important role in shaping *FDI*, which originated from various countries since prehistoric times. Nusantara has a maritime culture that allows for the exchange of culture through coastal areas, population movements, and similarities in beliefs, religion, literature, and customs, indicating that Nusantara is a Southeast Asian family.

The focus of this research is on major ethnic groups in Indonesia, such as Javanese, Sundanese, Balinese, Malay, Mandailing Batak, and Minangkabau, whose roles have been crucial in contributing to the development of Fiqh Nusantara. The formulation of Fiqh Nusantara is built upon the understanding and Islamic perspective in the Nusantara region, which is the result of interaction, contextualization, vernacular-sation, interpretation, and indigenization of universal Islamic teachings and values in accordance with the sociocultural reality of Indonesia, to create benefits. The process of its implementation has been ongoing since Islam first arrived in Nusantara and has progressed naturally.

When *fiqh* encounters Nusantara customs in the context of *muamalah* (transactions or dealings between people), it no longer merely refers to the Arab religious understanding as the origin of shariah but rather melds into Fiqh Nusantara. As a form of sacred teaching, Islam provides flexibility that enables the development and adoption of local culture, including Nusantara customs. The existence of Fiqh Nusantara as part of Islamic law affirms that the nature and characteristics of Islamic law are elastic and flexible. This is consistent with the theory that Islamic law does not have rigid, harsh, or coercive dogmas.

The process of acculturation between Islam and the culture and customs of the Nusantara has contributed to the development of Fiqh Nusantara, demonstrating that Islam does not have a rigid, strict, and coercive doctrine. In this process, customs have become part of the principles that strengthen Fiqh Nusantara, which must be encouraged to be active, productive, and evolving (Djamil, 1997). Therefore, Fiqh Nusantara is not only a result of the acculturation process between Islam and customs but also asserts the effectiveness of customs in exhibiting the flexibility of Islam and Islamic law itself.

The development of Fiqh Nusantara is a result of the integration of all aspects of Indonesian society's life, which occurred naturally through selective acculturation. Fiqh Nusantara is formed on the basis of the Indonesian cultural reality, considering the social environment, traditions, and timing. Therefore, the flexibility and adaptability of Islamic law are implemented in Fiqh Nusantara after passing through normative (divine) authority and sociocultural authority, which is always considered in its formation and development. Fiqh Nusantara is a legal system that results from the dialectic between divine revelation and Nusantara culture, as stated by Akmal Bashori (Bashori, 2021, 2022). This *fiqh* is an embodiment of Islamic law conceptualized

from the Islamic intellectual tradition (*mazhab*) and expressed dialogically with *'urf* (tradition) in the community's life for the benefit of this world and the hereafter.

The formulation of Fiqh Nusantara is not limited to the concept but also to its practice as a part of strengthening the structure itself. As a law of Allah, Fiqh Nusantara already exists within the Nusantara region and considers sociocultural factors in the material and source of *fiqh*. *Fiqh* is not a law that is separate from the reality of society and is not a creation of emptiness. History records that the formation of Islamic law began with Prophet Muhammad, his companions, and the *ulama* of the *mazhab* and others, all of whom lived in a local context at that time. The application of Fiqh Nusantara involves *fiqh* materials in the field of regulation, such as *muamalah* (trade, *zakat*, *waqaf*, inheritance, and others), marriage (engagement, divorce, reconciliation, and others), worship rituals, language, arts, architecture, naming, philanthropy, and the unique tradition in Indonesia, such as the *mudik* in Eid al-Fitr (Djamil, 1997).

According to the research conducted by M. Noor Harisudin, there are six formulations of Fiqh Nusantara in Indonesia. First, Fiqh Nusantara can be defined as a product of efforts beyond the *Mahdhah* worship (an activity or deed that has specified conditions and pillars). Second, the *ulama* believed that Islamic law would strengthen, not weaken, the Republic of Indonesia and Pancasila. Third, the *ulama* of Nusantara understands the importance of reconceptualizing laws in accordance with changes in time, place, and conditions. Fourth, Fiqh Nusantara is generally produced through collective efforts by *mujtahids*, who are competent in religious studies. This is done collectively by a group of *mujtahids* (experts) who have differing potential knowledge. Fifth, Fiqh Nusantara's product does not solely come from one Islamic school of thought, although some *ulama* have differing opinions on the use of the *talfiq* method (combining several opinions in Islamic practice). Etymologically, *talfiq* means folding something into one or combining several things. Sixth, Fiqh Nusantara is the result of a dialogical process between various groups and opinions within civil society (Harisudin, 2021).

#### 3.4. Debates in the contemporary discourse on Fiqh Nusantara

In the process of formulating Islam Nusantara, including Fiqh Nusantara, there are two important paradigms that must be considered. The first is the contextualization paradigm, which aims to formulate *fiqh* as part of Islamic teachings related to the dimensions of time, place, circumstances, motivation, and tradition. This reality shows a chain of events between *fiqh* and the development of society, as the text does not arise in a vacuum. In contrast, *fiqh* always emerges in line with the context of the cultural reality of society, which continues to evolve, in accordance with the *fiqh* rule, which states "Law changes in accordance with changes in time, place, circumstances, motivation, and tradition". The second is the adaptability paradigm, which aims to ensure that *fiqh* does not have antipathy toward customs but instead respects local traditions. History shows that Islam cannot be separated from the pre-Islamic traditions of society. The procedure for the formation of Islam during the time of the Prophet Muhammad, the companions, and thereafter adopted local traditions that developed in Arab society, as did the Islamisation process in indigenous society (Djamil, 1997). Thus, Islam positions itself in a dialogical space, not in the position of an object to be conquered. The dialogical aspect here is intended as the culturalisation of Islam, namely, a dialog between culture and texts that can maintain the authenticity of customs.

This debate, in fact, is not only from the outside but also from within Nahdlatul Ulama. In 2015, at the Nahdlatul Ulama Congress in Jombang, East Java, the debate was polarized into two main groups: the traditional *ulama* and the liberal *ulama* of Nahdlatul Ulama. The NU liberal group, as represented by K.H. Said Aqil Siraj, the PBNU Chairperson for two terms (2010-2015 and 2015-2020), is considered the group that advocates Islam Nusantara, whereas K.H. Hasyim Muzadi, the PBNU Chairperson (1999-2004 and 2004-2010), is considered the representation of the traditional group who rejects Islam Nusantara. In essence, the debate is not only about the substance of Islam Nusantara but also about the power relations of NU elites to identify with others to gain "power symbols" that are very important in the Nahdlatul Ulama community (Harisudin, 2017).

Fiqh Nusantara is more adaptable to the local wisdom of the Nusantara and is in accordance with the benefits of the Indonesian Muslim community. However, referring to the *mazhab* and *ijtihad* is an effort to solve problems that occur in Nusantara by considering local wisdom, traditions, or customs. The methodology used is the *fiqh* methodology of the four *Mazhabs* (Hanafi, Maliki, Shafi'i, and Hanbali), which is sociologically very adaptive to cultural elements as one of the local legal considerations (Kasdi, 2019).

The debate surrounding the discourse of Fiqh Nusantara emerged alongside the debate about Islam Nusantara itself. Fiqh Nusantara is a continuation of the broader concept of Islam Nusantara. In the movement's horizon, the strongest response, or at least the criticism that emerged in the discourse debate, came from outside the Nahdlatul Ulama community. The notion that Islam Nusantara and its descent are Javanese-centric products is often analogized with centralist political policies. This is similar to how Papua, Aceh, and regions outside of Java, including Jakarta, are viewed from Jakarta's perspective. This perspective is also evident in discussions about Islam as a discourse and movement. There is an impression that the diversity of Islam in various regions of Indonesia will be claimed as Islam Nusantara, which is terminologically and movementwise affiliated with religious organization movements.

One of the responses to this debate was the emergence of the idea of Islam Kepulauan (Susanto, 2015). It is considered by many as a counternarrative to the hegemony of the Islam Nusantara discourse in Indonesia. One of those who critically examine this hegemony is Ismail Fajri Alatas, who describes that binary polarization, such as global Islam versus local Islam,

scriptural versus vernacular, central versus peripheral, Arab versus Archipelagic, and so on, would arise. Alatas's argument stresses that there will be a "pure" form of Islam and an Islam that has been assimilated with local culture. He believes that this is highly Shariah-oriented (Alatas, 2021).

Meanwhile, the debate surrounding Fiqh Nusantara revolves around the confrontational interplay between positive law and Islamic law (Rahman, 2016). Moreover, the issue of formulating methodology is not monolithic and highly diverse, despite the dominance of the Shafi'i *Mazhab* of thought in the context of discussing *fiqh* in Indonesia. The pinnacle of the debate about Fiqh Nusantara still lies in the realm of contextualizing *fiqh*, which is an old debate referred to by Masbukin as the classical debate on the interaction between *fiqh* and local culture that did not have a historical anchor when *fiqh* was first formulated (Masbukin, 2018). The term Fiqh Nusantara is merely a new form of promoting ideas about the relationship between Islamic law (*fiqh*) and ever-changing social transformations that differ from one place to another.

The methodology of Fiqh Nusantara involves long-standing methodological debates that have yet to find a compromise. In contemporary discourse, the space for debate tends to be more thematic, formal, and normative rather than methodological and historical. Since the period of *fiqh* was formulated in the form of *mazhabs*, *fiqh* has tended to be rigid and inflexible in the understanding of the Muslim community, often detached from sociological and anthropological debates. Hallaq refers to this as "detached from social, cultural, political, and economic developments" (Hallaq, 1994). Despite many debates, they have not yet converged on common ground. Fiqh Nusantara still represents another form of the Shafi'i *Mazhab* that, in the context of Indonesian society, is often pitted against other *mazhab*, such as the Hanbali, Maliki, and Hanafi. The debates on Fiqh Nusantara inherit the bias of the Islam Nusantara debates up until today.

## 5. Conclusions

Indonesian Islamic jurisprudence, known as Fiqh Nusantara, represents a localized understanding and application of Islamic law, shaped through centuries of interaction between Islam and Indonesia's diverse cultural and societal landscapes. This synthesis reflects the adaptive capacity of Islamic jurisprudence to engage with local traditions (*'urf*) while maintaining its core theological principles. A defining characteristic of Fiqh Nusantara is its emphasis on *maslahah* (public benefit), which ensures that Islamic law remains dynamic and responsive to societal changes. This principle allows Fiqh Nusantara to address contemporary legal and cultural challenges, exemplifying the flexibility and relevance of Islamic jurisprudence in pluralistic contexts. As such, Fiqh Nusantara is characterized by a flexible and pragmatic approach to Islamic law, with a focus on achieving the greatest benefit for the community. Fiqh Nusantara underscores the integration of local customs and traditions, provided they align with the fundamental principles of Islamic law. This approach not only enriches the jurisprudential landscape but also fosters legal pluralism, enabling Fiqh Nusantara to serve as a bridge between universal Islamic values and Indonesia's cultural diversity. Overall, Fiqh Nusantara represents a unique and dynamic form of Islamic jurisprudence that reflects the rich cultural and religious diversity of Indonesia. Its emphasis on the public interest and incorporation of local customs and traditions make it a vital component of Indonesian society and culture and an important contribution to broader Islamic legal tradition. The findings of this study provide practical implications for policymakers, religious authorities, and educators. By utilizing the principles of Fiqh Nusantara, policymakers can craft inclusive legal frameworks that respect both Islamic values and local traditions. For instance, Fiqh Nusantara can inform regulations on marriage, inheritance, and social welfare, ensuring they align with cultural sensitivities while upholding sharia principles. Additionally, religious institutions can use Fiqh Nusantara to promote harmony in multicultural settings by emphasizing shared values and mutual respect between diverse communities. Fiqh Nusantara also holds potential for addressing pressing global challenges, such as environmental ethics and gender equity. For instance, its emphasis on *maslahah* (public benefit) can guide sustainable practices rooted in local wisdom while aligning with global environmental goals. Furthermore, its capacity to reinterpret traditional norms offers a platform for advancing gender-inclusive policies within Islamic contexts, ensuring equity without compromising theological principles.

The findings of this study have practical implications for fostering legal pluralism and sociocultural harmony in Indonesia. Policymakers and religious authorities can leverage Fiqh Nusantara to develop inclusive legal frameworks that respect both Islamic principles and local traditions. Future research should explore the comparative application of Fiqh Nusantara in addressing contemporary issues, such as environmental ethics, gender equity, and global legal harmonization. Additionally, further investigation into how Fiqh Nusantara can contribute to interfaith dialogues and conflict resolution in multicultural societies is recommended.

## Ethical considerations

This study adhered to ethical research principles to ensure the protection and respect of all participants involved. Before data collection, participants were provided with comprehensive information about the study's objectives, potential risks, and benefits, as well as assurances of confidentiality and anonymity. Participation was entirely voluntary, with the option to withdraw at any stage without repercussions.

## Conflict of interest

The authors declare that they have no conflicts of interest.

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