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Secular State, NKRI Bersyariah, and NU's Civilization Fiqh: Navigating the Dynamics of Sharia-State Relations and the Role of Political Parties in Indonesia

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Abstract

The debate over Sharia implementation in democratic countries remains a persistent issue, driven by political, economic, and social challenges that fuel the demand for alternative governance systems. This study examines the discourse through the perspectives of Abdullahi Ahmed An-Na'im, the concept of NKRI Bersyariah (Sharia-based Indonesia), and the Nahdlatul Ulama (NU) Civilization Fiqh. Using a library research method, primary and secondary sources were analyzed comparatively to identify key themes and concepts. An-Na'im advocates for a secular state that upholds pluralism and individual freedom, arguing that Sharia should not automatically serve as the basis for state

law but must evolve within diverse social and political contexts. In contrast, NKRI Bersyariah is justified through arguments of alignment between Sharia and Pancasila, Indonesia's Muslim majority, its utility in reducing crime and state expenses, and its role in safeguarding against extreme ideologies. NU's Civilization Fiqh integrates Sharia with human rights, emphasizing contextually relevant Islamic laws while rejecting the formalization of Sharia as state law to maintain Indonesia's pluralistic identity. Islamic political parties, including PKB, PKS, and PAN, adopt different approaches to the implementation of Islamic Sharia through legislation, prioritizing electoral gains while navigating Indonesia's democratic principles, reflecting the complexities of reconciling religious values with a pluralistic and democratic society.

Keyword: *NKRI Bersyariah, NU Civilization Fiqh, Abdullahi Ahmed An-Na'im*

A. Introduction

In recent years, more and more Muslim-majority countries have tended to re-implement sharia through laws. However, for Western countries, sharia had a dark history in the Middle Ages because it was used as an authoritarian government instrument to justify repressive actions against opposition and reform movements. This development has led to a growing number of Muslim scholars and political activists emphasizing the historicity of traditional interpretations of sharia. They state that sharia is an interpretation of the Quran and the Sunnah of the Prophet, bound to certain conditions and times. Therefore, the current reinterpretation of sharia must be adapted to the needs of Muslims living in a 21st-century liberal society.

In the case of Indonesia, the interpretation of sharia developed by Muslim scholars seeks to support reconciliation between

traditional and religious values [12]. All efforts to contrast customary law with religious values are seen as having political motives and not respecting Pancasila, the nation's ideology, and philosophy. However, the role of political parties in formulating sharia, which is currently contained in several sharia regional regulations, cannot be ignored. Political parties realize that Indonesian Muslims are a huge constituency, and in terms of history, they want Islamic values to become the dominant colour in state laws [3].

In 1998 when the New Order regime fell, the controversy about the Jakarta Charter and the role of sharia in the state resurfaced. Indonesia is coloured by an intense debate between two opposing major currents, namely groups that want sharia to be actively stipulated by the state and groups that defend Pancasila as a vessel for diversity, including religious plurality. The first group is supported by several Islamic community organizations such as the Dewan Dakwah Islam Indonesia (DDII), Majelis Mujahidin Indonesia (MMI), Front Pembela Islam (FPI), Hizbut Tahrir Indonesia (HTI), and others. At the same time, the narrative of the second group was built by Nahdlatul Ulama (NU), Muhammadiyah, including the Jaringan Islam Liberal (JIL) [4].

The regional autonomy policy, which became a post-reform structural change, added to the complexity of the problem of the relationship between the state and religion in Indonesia. This change is a breath of fresh air for the emergence of regional sharia regulations. Concerns about the Jakarta charter's re-actualisation

[1] Fahlesa Munabari, "Reconciling Sharia with 'Negara Kesatuan Republik Indonesia': The Ideology and Framing Strategies of the Indonesian Forum of Islamic Society (FUI)," *International Area Studies Review* 20, no. 3 (2017): 242–63.

[2] Robert W Hefner, "Sharia Law and Muslim Ethical Imaginaries in Modern Indonesia," *Sharia Dynamics: Islamic Law and Sociopolitical Processes*, 2017, 91–115.

[3] Marcus Mietzner, *Money, Power, and Ideology: Political Parties in Post-Authoritarian Indonesia* (NUS press, 2013); Edward Aspinall, Sebastian Dettman, and Eve Warburton, "When Religion Trumps Ethnicity: A Regional Election Case Study from Indonesia," *South East Asia Research* 19, no. 1 (2011): 27–58.

[4] Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Sharia* (Harvard University Press, 2008).

and the seven-word clause's re-enactment, which states that the state must have an obligation to implement sharia for its adherents, have surfaced again. Habib Rizieq Syihab, High Leader of the FPI, 2013 published the book Wawasan Kebangsaan Menuju NKRI Bersyariah. Regarding religious affiliation, Habib Rizieq Syihab does not differ much from the most significant Islamic community organisation in Indonesia, NU. He declared ahlussunnah wal jamaah and adhered to the Asy'ariyah maturidiyah mazhab of aqeedah and the Syafi'iyah mazhab of jurisprudence. However, the nationalism he popularized and the da'wah strategy he built differed from NU.

The survey results show that there are three main reasons why the concept of the NKRI Bersyariah gets a stage in public thinking, namely high economic inequality with all its derivative consequences, the spread of alternative understandings that are promised as comprehensive and radical solutions to all problems of the nation and state, and the lack of socialization of values. Pancasila in society, primarily through the profile of state elites. These three reasons are factors causing the decline in the percentage of pro-Pancasila publics in recent years. The decline in the percentage of the public that is pro-Pancasila can be traced back to 2005 when the figure reached 85.2%. In 2010, this figure had fallen to 81.7%. Five years later, the pro-Pancasila public figure fell again to 79.4%, drastically dropping to 75. 3% in 2018. In 13 years, the decline in the percentage of the pro-Pancasila public has reached 10%. On the other hand, the public that supports the concept of the NKRI Bersyariah is increasing up to 9% in 2015 and reaching 13.2% in 2018 [5]. However, efforts to implement sharia nationally and adopt it as law have always been deadlocked. This fact has forced sharia support groups to pursue a new strategy by enacting regional sharia regulations. However, not a few of these sharia regulations have

[5] JA Denny, *Rumah Bersama Kita Bernama Indonesia* (Fahd Pahdepie Book, 2021).

been proposed by political parties, both Islamist and nationalist, to gain constituent support [6].

The turbulent relationship between state and religion in Indonesia, especially in the case of the glorification of the NKRI Bersyariah is fascinating to examine through the perspective of Abdullahi Ahmed An-Na'im's thoughts and the concept of civilization Fiqh that was discussed when commemorating the 1st century of NU. Abdullahi Ahmed an-Na'im is one of the human rights activists who has the loudest voice against the implementation of sharia by the state. He is a professor at Emory University School of Law and a prominent Muslim scholar known for his contributions to the relationship between Islam and the state, democracy and human rights, and issues of multiculturalism and pluralism. Through his book, Islam and the Secular State; Negotiating the Future of Shari'a, An-Na'im wrote a special chapter on the realities of diversity in Indonesia and Prospects of Pluralism.

This study used library research to examine the notion of NKRI Bersyariah, as viewed through the lens of Abdullahi Ahmed an-Na'im and NU civilization fiqh. The first phase of data gathering consisted of a thorough examination of the existing literature to locate pertinent sources on the incorporation of NKRI Bersyariah from many viewpoints. This procedure also assessed the possible influence of different viewpoints on the incorporation of sharia principles into state legislation. The researchers performed an extensive search across multiple academic databases and digital libraries to locate pertinent and substantial sources that would aid in accomplishing the research objectives. After identifying pertinent sources, literature that aligned with the research topic was meticulously chosen. This procedure entailed perusing concise synopses, evaluating the dependability of the sources, and cherry-

[6] Aulia Nastiti and Sari Ratri, "Emotive Politics: Islamic Organizations and Religious Mobilization in Indonesia," *Contemporary Southeast Asia* 40, no. 2 (2018): 196–221.

picking the most enlightening and pertinent academic publications within the research framework. Subsequently, the researchers acquired pertinent material from the extant literature.

The main sources utilised in this research include the book "Wawasan kebangsaan menuju NKRI bersyariah" authored by Habib Rizieq Shihab, Abdullahi Ahmed An-Na'im's works such as "Islam and the secular state: Negotiating the future of Sharia," "Islam and secularism," "Shari'a and Islamic family law: Transition and transformation," "The interdependence of religion, secularism, and human rights," "Human Rights, Universality and Sovereignty: The Irrelevance and Relevance of Sharia," as well as various scholarly articles. Additionally, the Scientific Speech for the Awarding of Honorary Doctorate Degree of PBNU chairman 2022-2027 Yahya Cholil Staquf about NU civilization fiqh. Due to the limited availability of scientific literature on the NU civilization fiqh, the authors conducted a review of the NU civilization fiqh Halaqah broadcast on YouTube and other scholarly works related to this topic.

The data analysis technique entailed classifying the data according to fundamental themes and concepts established from preexisting literature. The researcher performed a comparative investigation of the viewpoints of Abdullahi Ahmed an-Na'im and NU civilization fiqh regarding the incorporation of NKRI Bersyariah. The researcher conducted a comparative analysis of different perspectives, with a particular focus on the fundamental epistemological principles, viewpoints of the development of state laws or regulations, and the role of sharia within them. The researcher evaluated the data to ascertain the similarities, differences, and implications of these perspectives for the integration of NKRI Bersyariah. Ultimately, the researcher performed a thorough comparison of the findings from this study with the existing body of literature to assess the degree to which this research has successfully enhanced the comprehension of the issue being investigated

B. Discussion

1. NKRI Bersyariah: A New Transformation in the Integration of Sharia within the State

The politicization of Sharia law has been notably influenced by figures such as Sayyid Qutb, Abu A'la Maududi, and Muhammad ibn Abd al-Wahhab, whose interpretations prioritize a strict, monolithic vision of Islam that aligns religious law with state control. Qutb's concept of a state governed solely by Sharia, exemplified in his work Milestones, portrays secular systems as morally corrupt and advocates for the implementation of rigid criminal laws such as hudud. Maududi's theo-democracy, which merges democratic elements with divine law, also centralizes power in religious leaders, limiting the space for dissent or pluralistic governance. Similarly, Ibn Abd al-Wahhab's Wahhabism, linked to the Saudi state, promotes a literalist interpretation of Islam that serves to consolidate political power under the guise of religious purity, often at the expense of individual freedoms and minority rights.

In Demant's work [7], a thorough framework is presented that encompasses nine principles commonly held by Islamists. These principles serve to outline their core beliefs and aspirations. First and foremost, it is believed that humans are not independent beings, but rather, they are indebted to the Creator and are expected to show loyalty and obedience. This divine guidance is received through prophets, with Muhammad being recognised as the last prophet. At the core of their ideology is the promotion of an ideal Islamic state, even though there may be differences in opinions on how it should be governed and its extent. In order to achieve this ideal state, it is crucial to have a governance system that is guided by an Islamic authority, upholding Islamic principles and promoting adherence to Islamic regulations. Islamists highlight

[7] Peter R Demant, *Islam vs. Islamism: The Dilemma of the Muslim World* (Bloomsbury Publishing USA, 2006).

a clear differentiation between the public and private spheres, assigning specific gender roles within these areas. Their goal is to encourage a dedicated religious way of life for all Muslims, with the government providing support for Islamic rituals, communal prayers, and religious education.

The institutionalization of Sharia in governance risks transforming it from a dynamic, spiritual ethical system into a tool for authoritarian control. As seen in the examples of Qutb, Maududi, and Ibn Abd al-Wahhab, the alignment of religious authority with political power often results in the suppression of alternative viewpoints and the exploitation of religion for political legitimacy. In Indonesia, the implementation of Sharia in Aceh provides a concrete example of how state-enforced religious laws can lead to controversial practices such as public punishment for moral offenses, which have sparked domestic and international criticism for violating human rights [8]. Critics argue that these practices are discriminatory and disproportionately target vulnerable groups, raising concerns about the compatibility of such measures with Indonesia's constitutional commitment to human rights and civil liberties.

In the Indonesian context, the struggle for implementing Islamic Sharia has a thicker colour as a political commodity [9]. This struggle extends beyond matters of faith and serves as a calculated instrument within the realm of politics, enabling factions and individuals to amass backing, shape public sentiment, and establish unique personas. The adoption of Sharia is closely tied to larger political agendas, attracting specific voter bases who prioritise Islamic values. Its application goes beyond religious practise; it strategically moulds narratives, policies, and alliances, influencing

[8] Lauren Zong et al., "International Regulation of Sexual Orientation, Gender Identity, and Sexual Anatomy," *Geo. J. Gender & L.* 25 (2023): 627.

[9] Ahmad Anfasul Marom and Bayu Mitra Adhyatma Kusuma, "The Comparative Dialectic of Islam, Politics, and Government in Indonesia and Thailand," *Islamic Insights Journal* 1, no. 2 (2019): 123–35.

political discourse and decisions [10]. The concept of NKRI Bersyariah, as championed by Habib Rizieq Shihab through his book National Insight Towards NKRI with Syariah and his speeches, represents a new transformation in the application of Sharia law in a pluralistic state like Indonesia. This proposal aims to integrate Islamic principles into the national framework, focusing on strengthening Indonesian unity and nationalism while ensuring that the country's governance aligns with Islamic values [11] .

The framework of NKRI Bersyariah is a complex and intricate conceptualization. It highlights the religious identity of the state, promoting belief in a singular deity, Allah SWT, and adherence to Islamic law. Furthermore, it advocates for democratic principles that are in line with Islamic values, highlighting the importance of unity, justice, civility, and representative discussions within a democratic framework. Furthermore, it strongly rejects both socialist and capitalist neoliberalism, aiming for social justice and equitable distribution of resources. This concept upholds the principles of religious freedom, recognising the rights of various religious communities to freely practise their faiths and abide by Sharia. Additionally, it promotes the importance of good governance through its support for trustworthy and accountable officials, with a focus on upholding moral conduct in the public sector. Ensuring compliance with Islamic law, the principle of halal products provides a safeguard for Muslim consumers. Furthermore, it emphasises the importance of honouring Islamic scholars and students, while strongly denouncing any form of intimidation or criminalization of religious figures.

Understanding the importance of empowering native Indonesians is crucial in addressing concerns related to foreign

[10] David M Bourchier, "Two Decades of Ideological Contestation in Indonesia: From Democratic Cosmopolitanism to Religious Nationalism," *Journal of Contemporary Asia* 49, no. 5 (2019): 713–33.

[11] Habib Rizieq Syihab, "Wawasan Kebangsaan Menuju NKRI Bersyariah," *Jakarta: Suara Islam*, 2013.

influence. This concept supports the acknowledgment and safeguarding of Islamic educational institutions, fostering inclusivity. Furthermore, it embraces a wide range of social and moral principles, denouncing practises such as corruption, alcohol consumption, drug use, gambling, pornography, prostitution, acts against LGBT rights, terrorism, separatism, slander, moral decline, and oppressive rule. Just as an Islamic theologian would argue, the constitutional foundation of Indonesia, deeply rooted in Pancasila and the 1945 Constitution incorporating the Jakarta Charter, recognises the significant role of Islam within the nation's framework.

Indonesia has Pancasila as the basis of the state, a joint agreement in a democratic state order, to be a suitable vessel for the inclusive religiosity of all citizens [12]. Pancasila guarantees and respects the freedom of religious institutions and activities to self-actualize and develop. Pancasila is different from the principles of secularism, which places religion in the private sphere alone. The public religion concept of Pancasila respects and provides vast space for religion to influence and become a spirit in the social and political life of the state.

Social movements have always been a significant vehicle for voicing Islamic constitutionalism. In the era of democracy, where the state guarantees freedom of speech, the Islamic constitutionalism movement mobilized the masses in the current of populism. The narrative of Islamic constitutionalism is different from the narrative of Islamizing the constitution. The formalists who support Islamic constitutionalism strive for Islam to become the state's basis and its values to be embodied in laws. Meanwhile, traditionalists consider the Constitution Islamic because it accommodates many Islamic values [13].

[12] Agus Supratikno, "Reinforcing Indonesian National Identity Based on Inclusiveness of Pancasila as a Way to Deal with the Identity Politics in Indonesia," *International Journal of Multicultural and Multireligious Understanding* 9, no. 6 (2022): 407–17.

[13] Muzayyin Ahyar and Ni'matul Huda, "Islamic Constitutionalism: Social Movement and the Framework of the Indonesian Constitution," *Const. Rev.* 7 (2021): 326.

Efforts to formalize Islamic Sharia in the Indonesian state constitution have never materialized due to three main factors. First, the Indonesian Muslim community realizes that this country is based on pluralism, and maintaining pluralism is an effort to prevent disintegration. Second, Indonesia's leading Islamic social organizations, NU and Muhammadiyah, understand the relationship between religion and the state in a moderate way. Third, Pancasila is seen as an ideal ideology providing a middle ground in the fierce debate between a secular and Islamic states [14].

2. Sharia in a Secular State; Abdullahi an-Na'im's Perspective

Abdullahi an-Na'im's perspective, as outlined in his influential book "Islam and the Secular State," presents a detailed strategy for updating Sharia law and promoting peaceful coexistence between Islam and the secular state [15]. An-Na'im advocates for a thorough reassessment and redefinition of Sharia, proposing its modification to permit individual legal interpretations grounded in rationality [16]. Essential components consist of the integration of 'ijtihad,' which allows for individual reasoning in legal affairs, and 'ijma,' or consensus, as the basis for public discussion [17]. An-Na'im's main argument emphasizes the importance of differentiating between Islam and the state, with each entity having an independent existence. He claims that democracy, human rights, and religious freedom are compatible with Islam and can be universally implemented, even in societies with a Muslim majority [18]. This would lead to a society

[14] Ahyar and Huda.

[15] An-Na'im, *Islam and the Secular State: Negotiating the Future of Sharia*.

[16] Abdullahi An-Na'im, *Islam and Human Rights: Selected Essays of Abdullahi An-Na'im* (Routledge, 2017).

[17] Abdullahi Ahmed An-Na'im, "Complementary, Not Competing, Claims of Law and Religion: An Islamic Perspective," *Pepperdine Law Review* 39, no. 5 (2013).

[18] Abdullahi Ahmed An-Na'im, *Muslims and Global Justice* (University of Pennsylvania Press, 2011).

that embraces diversity and personal freedoms while adhering to a reformed and adaptable interpretation of Sharia.

An-Na'im emphasizes attention on fostering open and respectful dialogues and achieving majority consensus in the observance of religious beliefs. He advocates for the incorporation of religious doctrines into state laws through logical discussion and consensus among the majority [19]. According to his perspective, the state is not an autonomous entity but rather a construct that operates through its citizens, who establish its laws based on Islamic principles by their own viewpoints and values. Political parties or organizations implement policies or legislative proposals that align with the perspectives of the individuals representing them [20].

In addition, An-Na'im asserts that a secular state is crucial for genuine belief and freedom of choice, envisioning a government that maintains impartiality towards religious doctrine and abstains from enforcing Sharia as an all-encompassing legal framework. Within this framework, individuals voluntarily abiding by Islamic Sharia in a secular state cultivate a society where Islam retains its visibility in public affairs. Crucially, An-Na'im advocates for the division between the government and religious doctrines, granting individuals the freedom to exercise their faith within the context of a secular system of rule [21].

An-Na'im differentiates between Sharia's fundamental principles and state law implementation [22]. He believes that adapting Sharia to different contexts and time periods is misguided, and that state enforcement of Sharia is paradoxical. He stresses

[19] An-Na'im, "Complementary, Not Competing, Claims of Law and Religion: An Islamic Perspective"; Abdullahi Ahmed An Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (Syracuse University Press, 1996).

[20] Abdullahi Ahmed An-Na'im, "Religion, the State, and Constitutionalism in Islamic and Comparative Perspectives," *Drake L. Rev.* 57 (2008): 829.

[21] Abdullahi Ahmed An-Na'im, "Globalization and Jurisprudence: An Isalmic Law Perspective," *Emory LJ* 54 (2005): 25.

[22] An-Na'im, "Religion, the State, and Constitutionalism in Islamic and Comparative Perspectives."

that Sharia is interpreted, not the texts, in modern society [23]. He prefers a state that does not strictly enforce Sharia law, allowing Muslims to practice their religion and follow Islamic principles based on conviction rather than government coercion. His vision is for a secular state that respects religious freedom and is impartial to religious teachings, ensuring that religious beliefs are a matter of choice rather than state obligation [24].

Sharia and its normative methodology are distinct in An-Na'im's philosophy. Sharia is Islamic religious law based on human interpretations of the Quran and the Prophet. Sharia's final formulation depends on the context. An-Na'im stresses that Muslims' interpretations of Sharia, which are human-made, can change its meaning. He calls this ongoing process "negotiating the future of Sharia." Furthermore, this negotiation process is in accordance with An-Na'im's endorsement of independent investigation and individual accountability in the moral and religious choices of Muslims [25]. He argues that Muslims have a moral obligation to adhere to Sharia law, regardless of whether they are a minority or majority in society. An-Na'im asserts that the state's impartial position towards all religious doctrines and its refusal to enforce Sharia as a religious duty is the most efficacious strategy. Religious principles should not be imposed as state policies or statutory regulations within this framework. This is because individuals cannot truly practice their faith if the government enforces interpretations of Sharia on a diverse population. An-Na'im ultimately advocates for the establishment of democratic states in which laws and public policies are aligned with the varied beliefs and values of citizens,

[23] Abdullahi Ahmed An-Nacim, "The Compatibility Dialectic: Mediating the Legitimate Coexistence of Islamic Law and State Law," *The Modern Law Review* 73, no. 1 (2010): 1–29; Anna C Korteweg and Jennifer A Selby, *Debating Sharia: Islam, Gender Politics, and Family Law Arbitration* (University of Toronto Press, 2012); Abdullah Saeed, *Human Rights and Islam: An Introduction to Key Debates between Islamic Law and International Human Rights Law* (Edward Elgar Publishing, 2018).

[24] An-Na'im, *Islam and the Secular State: Negotiating the Future of Sharia*.

[25] An-Na'im, *Muslims and Global Justice*.

including religious values, without any form of state imposition [26].

Abdullahi an-Na'im believes state institutions should avoid bias and not judge religious beliefs. This concept is often called "state neutrality in relation to religion." An-Na'im believes that this neutrality protects individuals' personal autonomy in their societies, allowing them to freely choose, reject, or change their religious beliefs without government interference [27]. Abdullahi an-Na'im advocates for the separation of religion and state and Islam's internal reform [28]. He believes Muslim leaders must transform their understanding and application of Islamic law to reconcile it with democracy and human rights. An-Na'im encourages Muslim leaders to view Islamic law as a moral guide rather than a rigid set of legal rules [29]. Muslims rely on the Quran and Sunnah to shape their social, political, and legal systems. These sources form Sharia, a framework for life, when examined and applied. In contemporary Islamic discourse, Sharia is often used interchangeably with Islam, but An-Na'im emphasizes that it is not [30]. Sharia allows Muslims to practice Islam's monotheism. Sharia principles come from human interpretations of the Quran and Sunnah. Interpretations change over time and in specific historical contexts. Understanding and applying Sharia is a gradual, self-reflective process based on human

[26] An-Na'im, "Religion, the State, and Constitutionalism in Islamic and Comparative Perspectives"; Lily Zubaidah Rahim, "Introduction: The Spirit of Wasatiyyah Democracy," in *Muslim Secular Democracy: Voices from Within* (Springer, 2013), 1–27.

[27] Abdullahi Ahmed An-Na'im, "An Inclusive Approach to the Mediation of Competing Human Rights Claims," *Constellations* 20, no. 1 (2013): 7–17; Cato Fossum, "In a State of Being Religious: Notions of Religiosity Underlying Abdullahi an-Na'im's Model for a Secular State," 2010.

[28] An-Na'im, *Islam and Human Rights: Selected Essays of Abdullahi An-Na'im*.

[29] Abdullahi Ahmed An-Na'im, "Human Rights, Universality and Sovereignty: The Irrelevance and Relevance of Sharia," *Global Policy* 4, no. 4 (2013): 401–8; Abdullahi A An-Na'im, "Human Rights in the Arab World: A Regional Perspective," *Hum. Rts. Q.* 23 (2001): 701.

[30] An-Na'im, "Complementary, Not Competing, Claims of Law and Religion: An Islamic Perspective"; Abdullahi Ahmed An-Na'im, "Human Rights in the Muslim World: Socio-Political Conditions and Scriptural Imperatives-A Preliminary Inquiry," *Harv. Hum. Rts. J.* 3 (1990): 13.

understanding and deep thought that evolves over time through established methods [31].

An-Na'im believes that Sharia's primary sources are crucial and enduring, especially in its historical interpretations and ongoing reform and advancement. He claimed that the Quran was passed down from generation to generation. Most Muslims trust the Sunnah as a record of the Prophet's words and deeds. The fact that Muslims disagree on the Sunnah texts' authenticity shows that they lack consensus [32]. Usul al-fiqh, which uses a methodical approach to deduce legal rulings from the Quran and Sunnah, is important to distinguish. Since Prophet Muhammad is the last Prophet and the Quran is the final divine revelation, the Quran and Sunnah are unchangeable. However, a new agreement on innovative Quran and Sunnah interpretations that could become essential to Sharia is possible [33]. An-Na'im's belief in adapting Islamic law to modern values, human rights, and democratic principles while maintaining its religious and moral guidance for society is clear [34].

Human rights must be prioritized to protect Muslims' freedom and security [35]. They can then actively develop new approaches and understandings of the Quran and Sunnah. However, these discussions must be widely accepted by the Muslim community for any new method of interpreting Sharia or fundamental principles to be considered essential elements of Sharia. Ensure the freedom to propose and debate these ideas to help Muslims organically reach a consensus on the proposed changes, which will be integrated into Sharia.

[31] An-Na'im, "Globalization and Jurisprudence: An Isalmic Law Perspective."
[32] Muhammad Imran Khan, "Islam and the Secular State: Negotiating the Future of Shari'a," 2012.
[33] An-Na'im, "Religion, the State, and Constitutionalism in Islamic and Comparative Perspectives."
[34] An-Na'im, *Muslims and Global Justice*.
[35] An-Na'im, "Human Rights in the Muslim World: Socio-Political Conditions and Scriptural Imperatives-A Preliminary Inquiry."

Ijtihad, a more comprehensive concept that requires human reasoning and contemplation to understand the Quran and the Prophet's Sunnah, is essential to understanding Sharia. Students limited ijtihad in the second and third centuries of Islam as Sharia evolved. Ijtihad was only allowed in matters not explicitly regulated by the Quran and Sunnah. The constraint implies that previous agreements are permanent. Academics have also set criteria for mujtahids and outlined ijtihad procedures. Instead, An-Na'im criticizes these definitions and qualifications as human rationality and evaluation that can change over time [36]. Prior censorship of such activities contradicts the Quran and Sunnah's foundation of Sharia. As decision-making relies on human rationality and contemplation, An-Na'im believes ijtihad should not be ignored. Restricting ijtihad to a specific group of Muslims with predetermined characteristics is problematic because it relies on subjective criteria and individual decisions [37].

An-Na'im warns that political or other motives may be exploited when institutions or groups, regardless of their official status, decide mujtahid and ijtihad qualifications. Since every Muslim must understand and uphold Sharia, no one should have exclusive authority over this responsibility[38]. According to their religious beliefs and obligations, Muslims can decide whether to engage in ijtihad and how to do it. An-Na'im advocates secularizing the state and dismantling Sharia to protect constitutionalism, human rights, and equal citizenship. Foundational reasoning underpins this argument.

[36] An-Na'im, "Globalization and Jurisprudence: An Isalmic Law Perspective"; An-Na'im, *Muslims and Global Justice*; An-Na'im, "An Inclusive Approach to the Mediation of Competing Human Rights Claims."

[37] An-Na'im, "Human Rights, Universality and Sovereignty: The Irrelevance and Relevance of Sharia."

[38] Abdallahi An-Na'im and H Moghissi, "The Dichotomy between Religious and Secular Discourse in Islamic Societies," *Women and Islam: Images and Realities*, 2005, 411–22.

3. Nahdlatul Ulama's Approach: Balancing Sharia, Democracy, and National Unity in Indonesia

The discourse surrounding the implementation of Sharia law in Indonesia, particularly the notion of "NKRI Bersyariah" (Sharia-based Unitary State of the Republic of Indonesia), raises significant questions about the intersection of religion, democracy, and civil liberties [39]. The growing desire among Islamist factions to establish Sharia law as a foundational principle for the Indonesian state has sparked a debate regarding the compatibility of such an agenda with the country's democratic ideals and constitutional framework. Advocates of Sharia as the basis for governance often prioritize Islamic law over the constitution, which could potentially undermine democratic principles and civil rights. The question arises whether the application of Sharia law in a political system could limit the freedoms and pluralism essential for democratic governance [40].

The response from Indonesia's largest Islamic organization, Nahdlatul Ulama (NU), offers a more nuanced approach. NU's scholars advocate for a vision of Sharia that is grounded in Islamic values but reconciled with contemporary democratic principles. Fiqh Al-Siyāsah, as articulated by NU, focuses on the role of political authority in ensuring societal welfare and spiritual growth, rather than enforcing Sharia as the state's foundation. This approach highlights the importance of balancing Islamic principles with democratic values and the protection of human rights, ensuring that religious governance does not compromise pluralism or social justice.

[39] David Herbert, *Religion and Civil Society: Rethinking Public Religion in the Contemporary World* (Routledge, 2017); Nanang Hasan Susanto, "Politicization of Religion and the Future of Democracy in Indonesia in Populism Theory," *Journal for the Study of Religions and Ideologies* 18, no. 54 (2019): 139–58.

[40] Greg Barton, Ihsan Yilmaz, and Nicholas Morieson, "Religious and Pro-Violence Populism in Indonesia: The Rise and Fall of a Far-Right Islamist Civilisationist Movement," *Religions* 12, no. 6 (2021): 397.

Nahdlatul Ulama (NU) believes that Pancasila has provided space for the role of religion in formulating laws and forming national character. However, NU pays special attention to the dynamics of cases in the reform era, which are labelled as the relationship between religion and the state, such as the issue of the proposed Jakarta Charter and Sharia regional regulations. NU clerics put forward different views regarding the urgency of re-actualizing the Jakarta charter and establishing regional sharia regulations. Kyai NU, who adheres to a formalist symbiotic understanding, views the institutionalization of sharia as one way to realize a modern, civilized Muslim society. The Jakarta Charter and regional sharia regulations are the commitment of Muslims to implement their sharia, not to interfere with diversity. These clerics argue that problems of economic inequality and political and social opportunities are more likely to lead to the nation's disintegration than the formalization of sharia. Other NU Kyai who adhere to a substantial symbiotic view prefers the intrinsic existence of Islamic teachings to be manifested by Indonesian Muslims through culturalization. They argue that Islamic Sharia does not need to be institutionalized through regional regulations, and the Jakarta Charter's re-actualization is no longer in accordance with space and time as well as current political, social and state legal issues. The spirit of carrying out Islamic values by its adherents is more critical than applying Islamic law textually by borrowing the hand of the state. However, both currents of the kyai's view of the Jakarta charter and the formalization of sharia accept Pancasila as the state ideology. They agree that the Unitary State of the Republic of Indonesia is the final form [41].

NU realizes that in a democratic country, decisions are made based on a majority of votes. However, this does not mean that all decisions taken by a majority of votes can be used as an

[41] Sahid HM Sahid HM, "Formalisasi Syariat Islam Dalam Pandangan Kiai NU Struktural," *Jurnal Penelitian Keislaman* 7, no. 2 (2011): 395–320.

excuse to override human rights [42]. Human rights are inherent in every human being without exception, so they must be respected and protected by the state. Adopting sharia values in a democratic country must consider human rights and existing democratic principles. If the proposed sharia law conflicts with existing human rights or democratic principles, then this cannot be used to override human rights. However, amid the rejection of sharia as a state law, NU opposes statements that identify sharia as a concept contrary to human rights and even accuses it of being the trigger for various human rights violations, which is an irrational view. Various factors, such as armed conflict, violence against women and children, racial discrimination, political oppression, and economic and social rights violations can cause human rights violations.

When commemorating the 1st century of NU, the chairman of PBNU, KH Yahya Cholil Staquf, stated that PBB could be used as a legal consideration [43]. As Indonesia's most prominent Islamic organization, Nahdlatul Ulama (NU) has a solid commitment to human rights principles. The United Nations (UN) and its charter are imperfect and must be admitted that they still have problems today. However, the UN charter was intended to end the profoundly destructive wars and barbaric practices that have characterized international relations throughout human history. Therefore, the UN Charter and the UN itself can be the most solid and available basis for developing a new jurisprudence to uphold the future of human civilization that is peaceful, harmonious, and conscionable.

Instead of dreaming and trying to unify all Muslims in a single world state, namely the caliphate state, NU chose another path, inviting Muslims to pursue a new vision, developing a new discourse on fiqh, namely NU civilization Fiqh. NU's Fiqh Al-Ḥaḍārah

[42] Jeremy Menchik, "Moderate Muslims and Democratic Breakdown in Indonesia," *Asian Studies Review* 43, no. 3 (2019): 415–33.

[43] KH Yahya Cholil Staquf, Sudibyo Markus, and Cardinal Miguel Angel Ayuso Guixot, "Kumpulan Pidato Ilmiah Penganugerahan Gelar Doktor Kehormatan (Doctor Honoris Causa," 2023.

(Civilization Fiqh) seeks to bridge the relationship between sharia and state, offering a modern framework that emphasizes justice, peace, and harmony in a pluralistic world. Unlike the traditional aspiration of unifying all Muslims under a single caliphate, which has often led to divisions and violence in the name of religion, NU advocates for a new vision that promotes coexistence and mutual respect. The Civilization Fiqh encourages Muslims to engage with the realities of contemporary global society, where diversity in culture, religion, and governance is the norm. This new discourse also addresses some of the pressing global issues today, particularly the humanitarian crises caused by conflict, persecution, and injustice. In the context of violent extremism, Fiqh Al-Ḥaḍārah offers a framework that seeks to prevent the misuse of religion as a justification for violence and intolerance [44].

Nahdlatul Ulama (NU) positions the concept of Rahmatan Lil ʻAlamīn (mercy to all creation) as a cornerstone of Islamic law and governance. This principle underscores the importance of equal welfare and justice for all people, regardless of their religious affiliations. It advocates coexistence and mutual benefit between Muslims and non-Muslims [45]. This principle is operationalized through the concept of Fiqh Al-Siyāsah (Islamic political jurisprudence), which serves as a wasilah (intermediary) for managing social harmony and ensuring the sustainability of global communities. This framework emphasizes citizens' adherence to legitimate political authority as part of a mutual consensus to achieve justice, welfare, and stability. In modern contexts, NU and contemporary Islamic scholars strive to reinterpret Fiqh Al-Siyāsah

[44] Firmanda Taufiq and Ahalla Tsauro, "Nahdlatul Ulama (NU) and the Fiqh of Civilization (Fikih Peradaban): Strategies, Contributions, and Challenges in Overcoming the Humanitarian Crisis," *International Journal Ihya''Ulum al-Din* 26, no. 1 (2024): 173–83.

[45] Choirur Rois et al., "Recontextualization of Fiqh Al-Siyāsah from the Perspective of Fiqh Al-Ḥaḍarah in Realizing World Peace," *Journal of Islamic Thought and Civilization* 14, no. 1 (2024): 335–51.

to address contemporary challenges, as exemplified by their initiatives in the International Conference on Civilization Fiqh [46].

One of the conference's key recommendations is the recognition that traditional concepts like the caliphate, which aim to unify the Muslim ummah under a single rule, are impractical in the current socio-political reality and may provoke divisions. As an alternative, the concept of ukhuwah basyariyyah (humanitarian brotherhood) was proposed, emphasizing solidarity and collective welfare across religious boundaries. The United Nations Charter was also cited as a universal foundation compatible with Islamic principles for maintaining peace and upholding human rights. NU's Civilization Fiqh framework also establishes a dynamic relationship between sharia and state by advocating reinterpretation (ijtihad) to address contemporary realities. This approach seeks to balance the normative foundations of sharia with the practicalities of modern governance, broad the understanding of Islamic jurisprudence beyond the Muslim community scale, encompassing inter-civilizational interactions [47]. By aligning the principles of Fiqh Al-Siyāsah with international instruments like the United Nations Charter, NU bridges the gap between Islamic jurisprudence and global diplomatic norms, offering a model for integrating sharia into pluralistic governance systems.

Nahdlatul Ulama's (NU) moderate stance effectively combats the rise of radical Islamist movements by promoting religious tolerance, pluralism, and a contextual interpretation of Islam. NU emphasizes peaceful coexistence, advocating for inclusive dialogue between different religious and cultural groups, which counters the exclusivist views of extremists [48]. The religious moderation

[46] Rois *et al.*

[47] Fathorrahman Fathorrahman, Anis Masduqi, and Arif Sugitanata, "The Scholarly Transformation of Nahdlatul Ulama: Fiqh of Civilization as a Step Towards Embracing the Future," *Al-Tahrir: Jurnal Pemikiran Islam* 24, no. 1 (2024): 1–14.

[48] Serafettin Pektas, "A Comparative Analysis of Three Sunni Muslim Organizations

program initiated by the Ministry of Religious Affairs is heavily influenced by NU's approach, which prioritizes peaceful, inclusive Islamic understanding, and avoids violence or radicalization [49].

4. Reconciling Sharia with Democracy and Secularism: Case Studies in Muslim-Majority States and the Role of Islamic Political Parties

An exploration of how other Muslim-majority countries navigate the reconciliation of Sharia with democracy and secularism provides critical comparative insights for understanding Indonesia's approach. Tunisia, for example, represents a model where secularism is preserved while Islamic values continue to influence public life [50]. Despite being a predominantly Muslim country, Tunisia's 2014 constitution enshrines civil liberties, gender equality, and religious freedom, while Islam is recognized as the state religion. Political Islam in Tunisia, especially through the Ennahda Party, advocates for an Islam-compatible democracy rather than a state-enforced implementation of Sharia.

The Ennahda party, founded in Tunisia in 1981, is a party that can be categorized as Islamist with certain characteristics, but it has also undergone a transformation towards a more democratic stance in recent years. Initially, Ennahda focused on integrating Islamic values with politics and advocating for the implementation of Islamic law (sharia) in Tunisia. In the early post-revolution period of 2011, the party was largely viewed as a representation of more conservative political Islam [51]. The post-revolutionary Tunisia case

on 'Moderate'and 'Radical'Islam in Egypt, Morocco and Indonesia," *Religion* 51, no. 2 (2021): 190–213.

[49] Yaqut Cholil Qoumas, Rosila Bee Binti Mohd Hussain, and Rahimin Affandi Bin Abdul Rahim, "The Dissemination of Religious Moderation Through the Policy of the Indonesian Ministry of Religious Affairs," 2024.

[50] Malika Zeghal, "The Implicit Sharia: Established Religion and Varietie of Secularism in Tunisia," in *Varieties of Religious Establishment* (Routledge, 2016), 107–30.

[51] Laura Guazzone, "Ennahda Islamists and the Test of Government in Tunisia," *The International Spectator* 48, no. 4 (2013): 30–50.

highlights Ennahda's shift towards a more pragmatic and moderate stance, as reflected in its 2016 declaration to abandon the pursuit of an Islamic state (khilafah) in favor of a democratic system based on pluralism and social consensus, while still upholding Islamic values in personal and social life. This transformation is mirrored in three key trajectories of Islamic activists in charitable associations: the first involves a professionalization process where associations sought autonomy from politics, the second shows complementarity with Ennahda as they continued to uphold Islamic values on behalf of the party, and the third reflects a critical stance from former members who distanced themselves from Ennahda's pragmatic turn, aligning with Salafi groups outside party politics. These trajectories demonstrate the shifting dynamics of Islamic activism in Tunisia as activists navigate between social service, political engagement, and ideological dissent [52].

Morocco's legal system is a distinctive fusion of Islamic principles and secular laws, shaped by its colonial past and subsequent modernization efforts. This blend reflects the country's attempt to maintain Islamic heritage while adapting to contemporary legal frameworks, thus serving as a model for balancing tradition and legal modernization. Morocco's legal reforms aim to preserve Islamic values while ensuring compatibility with the demands of modern governance and international legal standards [53]. While the Moroccan constitution guarantees Islam as the state religion, the legal system is based on a mix of French civil law and Islamic jurisprudence, primarily for personal status laws like marriage and inheritance.

[52] Ester Sigillò, "Islamism and the Rise of Islamic Charities in Post-Revolutionary Tunisia: Claiming Political Islam through Other Means?," *British Journal of Middle Eastern Studies* 49, no. 5 (2022): 811–29.

[53] Souad Ezzerouali, Mohamed Cheikh Banane, and Brahim Hamdaoui, "Sharia in Moroccan Law: A Perpetual Source and Guiding Reference," *Legality: Jurnal Ilmiah Hukum* 33, no. 1 (2025): 44–68.

In Morocco, the relationship between the monarchy, religion, and law is deeply intertwined and unique, with the monarchy playing a dual role as both the head of state and the spiritual leader. The King of Morocco is known as Amir al-Mu'minin (Commander of the Faithful), a title that not only positions him as the political leader but also as responsible for the religious aspects of Islam in the country. This role grants the king significant authority over religious matters, such as appointing religious leaders, overseeing religious practices, and interpreting Islamic law in a manner that aligns with state interests [54]. Meanwhile, Morocco's legal system is a blend of religious (Sharia) and secular laws, which allows the king to serve as both the guardian of Islamic tradition and an implementer of legal reforms to meet the demands of modernity. The issue of freedom of belief in Muslim countries in general, and in Morocco specifically, lies within the realm of family law, where law and religion cannot be separated. The key issue in the relationship between law and religion is the fact that religion (or religious adherents) and law (or the judiciary) constitute two distinct types of norms. From a historical perspective, religious norms can be seen as the matrix from which legal norms emerged before becoming autonomous. This transformation involves a shift from a norm based on the authority of the supernatural, a divine transcendental entity, or sanctified traditions, to a positive norm based on the unilateral or deliberate will of political authority to define a certain social order. This can be understood as a transition from heteronomy to autonomy. However, in Muslim countries, where religious and legal norms are often combined, this results in ambivalence in the socio-political order [55].

[54] Ahmed Al Khamlichi, "The Relationship between Religion and the State: The Institution of 'Commandment of the Faithful'in Morocco," in *State and Religion in the Arab World* (Routledge, 2017), 199–226.

[55] Mohammed Mouaqit, "Religious Pluralism and Freedom of Conscience in a Muslim Context: The Case of Morocco," in *Religions and Constitutional Transitions in the Muslim Mediterranean* (Routledge, 2016), 151–64.

In Indonesia, the three perspectives—Abdullahi an-Na'im's secular interpretation, NU's Civilization Fiqh, and the NKRI Bersyariah viewpoint—represent competing frameworks in shaping the relationship between the state and Sharia in Indonesia. Each perspective seeks to influence public discourse, legal frameworks, and societal norms, reflecting diverse approaches to integrating Islamic values within the context of Indonesia's pluralistic society.

Table 1. Competing Perspectives on State-Sharia Relations in Indonesia

Aspect of Analysis	Abdullahi an-Na'im's Perspective	NU Civilization Fiqh	NKRI Bersyariah Perspective
Sharia as the State's Foundation	Supports a secular state where Sharia is not enforced as the state's foundation.	Allows for the possibility of Sharia values becoming the basis of state law.	Advocates for Sharia as the foundation of state governance, implemented gradually and adapted to Indonesia's context while preserving national unity and diversity.
Democracy and Human Rights	Advocates for the compatibility of democracy, human rights, and religious freedom with Islam.	Promotes the importance of respecting human rights and democratic principles when implementing Sharia.	Supports democracy but emphasizes that it must align with Islamic values, ensuring laws and policies reflect Sharia while considering social justice and national harmony.

Public Policy and Legislation	Emphasizes a state that abstains from enforcing Sharia law and grants individuals the freedom to practice their faith based on personal choice.	Considers the role of religious values in shaping public policies and laws but does not necessarily enforce Sharia textually.	Prioritizes the integration of Sharia-based values into public policy, especially in laws that impact morality and societal welfare, while accommodating national plurality.
Negotiating the Future of Sharia	Believes that the substance of Sharia can be altered through different methods of interpretation and individual accountability.	Focuses on allowing Muslims to carry out Islamic values by culturalization rather than strict institutionalization through regional regulations.	Advocates for the contextualization of Sharia in line with national culture and gradual application, ensuring social cohesion and avoiding societal polarization.
State Neutrality in Religion	Advocates for state neutrality in relation to religion to protect individual autonomy and freedom of choice regarding religious beliefs.	Acknowledges the importance of a democratic state that respects human rights and does not impose a particular interpretation of Sharia on a diverse population.	Encourages the state to uphold Islamic principles in governance but ensures respect for other religions, fostering harmony and avoiding coercive practices in religious adherence.

However, Indonesia faces significant pressure to incorporate Sharia into its governance. The country's diverse political and social landscape, shaped by Pancasila as a unifying ideology, allows for a pluralistic approach to governance. However, regional implementations of Sharia, such as in Aceh, highlight the complexity of balancing Islamic identity with democratic principles. The growing calls for a national Sharia law raise concerns about the potential erosion of democratic values and civil liberties. Indonesia's experience underscores the challenge of preserving pluralism and democracy in a context where Islamic identity plays a central role in public life. Increasing demands for the implementation of sharia

in the country, one of which is the impact of campaigns carried out by Islamism, in addition to other triggering factors such as political dissatisfaction, economic and social inequality [56]. The concept entails the establishment of a caliphate, an extremist transnational state governed by religious legislation [57].

An area of significant disagreement is the fact that approximately 72% of the Muslim population in Indonesia advocates for the implementation of Sharia as the official legal system of the country. 45% of Indonesian Muslims believe that Islamic Sharia is perceived to have a singular interpretation. Rigid adherence to a specific interpretation poses challenges to the principle of diversity and the national ideology of Pancasila [58]. Even though a recent survey shows an increase in support for the implementation of sharia, society still accommodates democracy as Indonesia's government system. Approximately 84.8% of Indonesians hold the belief that democracy is the most superior form of government when compared to other alternatives. Many Muslims (86.5%) hold the belief that Pancasila, a set of five principles encompassing faith in God, humanity, unity, democracy, and social justice, along with the 1945 Constitution, are the optimal options for Indonesia [59].

Islamic political parties in Indonesia, such as PKB, PKS, and PAN, have navigated the evolving relationship between Islam and politics in unique ways. Their strategies reveal attempts to balance ideological aspirations with the realities of Indonesia's democratizing and urbanizing society. However, their relative decline in electoral support highlights challenges stemming from

[56] Azyumardi Azra, *Indonesia, Islam, and Democracy: Dynamics in a Global Context* (Equinox Publishing, 2006).

[57] Bernhard Platzdasch, *Islamism in Indonesia: Politics in the Emerging Democracy* (Institute of Southeast Asian Studies, 2009).

[58] Luis Lugo et al., "The World's Muslims: Religion, Politics and Society," *World*, 2013.

[59] Lembaga Survei Indonesia, "Tren Persepsi Publik Tentang Demokrasi, Korupsi, Dan Intoleransi," August 2018.

shifting voter preferences, blurred ideological distinctions, and the commercialization of Islamic identity [60].

PKB's foundation in Nahdlatul Ulama (NU), a traditionalist Islamic organization, underscores its initial strength in mobilizing rural constituencies, particularly in Java. However, internal conflicts, such as those between Abdurrahman Wahid and other party elites, have undermined its cohesion and electoral performance. This fragmentation became evident when prominent kyai in East Java supported rival parties like PPP or formed splinter factions like PKNU, diluting PKB's voter base. PKB's reluctance to aggressively endorse perda syariah reflects its commitment to pluralism but has left it vulnerable in regions where conservative interpretations of Sharia resonate more strongly. Despite its focus on social justice and rural welfare policies, PKB has struggled to sustain a clear ideological identity. For instance, during debates over local Sharia-based regulations, PKB often opposed initiatives seen as divisive or incompatible with pluralistic values, but its pragmatic approach has not always translated into electoral gains [61].

PKS has faced the dual challenge of maintaining its Islamist ideological base while appealing to a broader electorate. Initially emerging from tarbiyah networks with a strong Islamist agenda [62], PKS expanded its appeal by adopting nationalist rhetoric and emphasizing professional governance in campaigns, such as the "Bersih, Peduli, Profesional" (Clean, Caring, Professional) slogan during the 2009 election. This shift was partly in response to the growing commoditization of Islamic symbols in urban Indonesia, where Islamic identity is often expressed through personal

[60] Ken Miichi, "Democratization and 'Failure'of Islamic Parties in Indonesia," in *Southeast Asian Muslims in the Era of Globalization* (Springer, 2015), 127–44.

[61] Greg Fealy, T Dibley, and M Ford, "Reformasi and the Decline of Liberal Islam," *Activists in Transition: Progressive Politics in Democratic Indonesia* 1 (2019): 17–134.

[62] Dirk Tomsa, "Islamism and Party Politics in Indonesia," in *Oxford Research Encyclopedia of Politics*, 2019.

consumption rather than collective political action [63]. However, PKS's approach to perda syariah and Islamic legislation reveals ideological tensions. While supporting anti-pornography laws and other morality-based regulations [64], PKS has moderated its Islamist rhetoric, focusing instead on good governance and ethical leadership [65]. This strategy has helped it retain a core base but has not been sufficient to counter the appeal of nationalist parties like PD or PDI-P, which have adopted Islamic symbols and narratives without the ideological baggage of Sharia enforcement.

PAN, rooted in Muhammadiyah's modernist Islamic tradition, has pursued a pragmatic and inclusive approach to politics [66]. PAN is not officially a religious party [67]. Unlike PKS, which explicitly supported Sharia-aligned regulations, PAN has positioned itself as a centrist party that integrates Islamic values into broader national objectives. This strategy aligns with its reliance on an urban, middle-class electorate, many of whom value Islamic ethics but are wary of overt Islamization. For example, PAN supported the Zakat Management Law as a measure to institutionalize Islamic charitable practices but avoided endorsing perda syariah. Its focus on modern governance and national unity reflects an attempt to balance religious identity with Indonesia's pluralistic ethos. However, PAN's inclusivity has sometimes diluted its ideological clarity, making it

[63] Miichi, "Democratization and 'Failure'of Islamic Parties in Indonesia."

[64] Afifur Rochman Sya'rani, "Muslim Women Against Feminism: The Family Love Alliance (Aliansi Cinta Keluarga) and Its Impact on Women's and Sexual Rights in Contemporary Indonesia," *TRaNS: Trans-Regional and-National Studies of Southeast Asia*, 2023, 1–17.

[65] Ahmad Nur Fuad, Hammis Syafaq, and Rofhani Rofhani, "The Identity of Political Islam in a Democratic Regime: The Ideology of the Prosperious Justice Party (PKS), Indonesia and the Justice and Development Party (AKP), Turkey," *Islamica: Jurnal Studi Keislaman* 18, no. 2 (2024): 167–94.

[66] Greg Barton, "Islam and Politics in the New Indonesia," in *Islam in Asia* (Routledge, 2017), 1–90.

[67] Mark Woodward, "Indonesia's Religious Political Parties: Democratic Consolidation and Security in Post-New Order Indonesia," *Asian Security* 4, no. 1 (2008): 41–60.

vulnerable to competition from nationalist parties that also project Islamic imagery.

Indonesia's democratic system is widely supported by the majority of its population, indicating their belief that there is no necessity to forsake it in favor of implementing Sharia. The challenges encountered by Indonesian Muslims revolve around the task of reconciling Sharia law with democratic principles. Indonesia, being the largest Islamic democracy with a predominantly Muslim population, must establish studies and strategies that harmonize with the features and principles of democracy while upholding the fundamental values and goals of Sharia [68].

C. Conclusion

The similarity of views between Nahdlatul Ulama (NU) and Abdullahi Ahmed An-Na'im regarding the relationship between sharia and the state and human rights is that both view that sharia must be applied in a way that respects human rights and the value of individual freedom. Both agree that sharia must be interpreted in an inclusive modern context that accommodates social, cultural, and political changes.

However, there are different views between NU and Abdullahi Ahmed An-Na'im regarding the interpretation and implementation of sharia. NU believes that Islamic Sharia can be implemented in harmony with the democratic system and individual freedom and can enrich the modern worldview. NU emphasizes the importance of the context of diversity and respects diversity in interpreting sharia. Meanwhile, An-Na'im views that sharia must be separated from the state and considered a personal religious practice that may not be imposed on individuals or society by force. An-Na'im proposed that secular law and democracy should be adopted as

[68] Arskal Salim, *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism* (Edinburgh University Press, 2015).

the framework that regulates the relationship between individuals, society, and the state. He emphasized the importance of legal pluralism and recognized human rights as a universal principle.

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