



# Pluralism in the Context of Legal Doctrine

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**Abstract.** Pluralism should be a common ground between communities and religious adherents to dialogue, to talk to each other, and to listen to each other. The dialogue that is developed is not only a theological dialogue, but also a dialogue of life and dialogue of social activities. The ability to understand and interpret legal language both normatively and empirically is one of the important points, if we all agree that plurality is a necessity. Pluralism does not give birth to conflicting reasoning, but puts forward dialogical reasoning as an effort to harmonize the diversity of legal systems in one unit, namely sharia principles or the constitution. Pluralism as part and concept in shaping the mindset of legal awareness of society and government to realize the concept of civil society.

**Keywords:** Plurality · Legal Doctrine · Diversity

## 1 Introduction

The definition of pluralism in the study of society, religion and religion was initially considered vague, resulting in its misinterpretations. This become the background behind the birth of the MUI fatwa which forbids pluralism. However, the fatwa later received a lot of criticism and was considered wrong by many parties. Viewed from the history of its birth, pluralism was born as a solution to the excessive exclusivity in religion that emerged in the West. Which then the exclusive attitude to limit the space for the development of knowledge. Therefore, the religious ideological revolution in the West is seen as a necessity in responding to globalization. The emphasis on religious reform at that time was more emphasized on the equality of religious concepts. All religions are seen as equal, so that it implies that religious pluralism is identical with the eclectic religious model, which takes certain parts of a religion and discards some of them to then take other parts in other religions and discards irrelevant parts from other religions.

Then, pluralism in Indonesia began to appear and develop since the opportunity to gain knowledge in the West was opened to generations of Indonesian Muslims. The concept of pluralism that developed in the West at that time was then brought back to Indonesia along with the opening of the faucet of liberalism in Indonesia. The Muslim students then changed the concept of religion in an eclectic manner into a form of religious tolerance as a solution to various problems of chaos that occurred in Indonesia against the backdrop of plurality. So that pluralism in Indonesia is promoted as a medium for dialogue between religious communities to give birth to religious tolerance. The

purpose of presenting the concept of religious tolerance is to reduce disputes due to plurality in Indonesia.

The issue of plurality nowadays become the scapegoat for the occurrence of various riots in many areas in Indonesia. Basically, whatever the cause behind the riots, the trigger is always linked to religious conflicts. The belief that he is the most correct in the eyes of every religion has gave birth to the doctrine of salvation where heaven is the right of a particular religion, so that adherents of other religions will be harmed. That is why the issue of plurality has become the main factor that creates a climate of tension and conflict between religions. Of the many incidents of conflict, disputes, and the extermination of certain races due to religious factors, it is a sign that the awareness of religious plurality has not yet reached the deepest side of each religion's adherents, so that the expressions that say that religion loves peace, religion is non-violence, and the like only end up as meaningless slogans and become mere nonsense.

## **2 Discussion**

### **2.1 Definition, History and Development of Pluralism**

Pluralism in the Big Indonesian Dictionary is defined as a number indicating more than one. While the term pluralism, which simply refers to the meaning of diversity, has not yet been able to be interpreted specifically, even today there are still many groups and communities who try to argue for pluralism with certain methods, but the substance of pluralism has not been revealed until now. So that throughout history, pluralism has been considered a mystery full of mystery [4]. It is because referring to the view of pluralism from various perspectives, pluralism in fact is different in meaning from the word plurality even though the two words have roots that are close to each other. Pluralism is basically an understanding/theory which assumes that reality consists of multiple cores, principles, and contents. Meanwhile, plurality as an indicator of plurality does not need to be debated anymore. So indeed, pluralism departs from the context of plurality, but actually pluralism is different from plurality [4].

Departing from the root word plural, the context of pluralism as well as plurality can be used as an object of observation that is used in various fields. When pluralism is used to look at religious phenomena, the view is born that the truth recognized by each sect has the same value [4]. When the understanding of the term pluralism as mentioned is then juxtaposed with the word religion, then in Islamic teachings it is stated that religious pluralism is understood as a reality that must be responded positively through dialogue and cooperation to find universal truth [4].

Actually, the idea of religious pluralism emerged during the so-called European Enlightenment (18th century AD), which was the peak period of the birth of the modern thought movement. Namely, a period marked by a new discourse of upheaval in human thought that is oriented towards the superiority of reason and the liberation of reason from the confines of religion. At this time in mainland Europe there was a turmoil between real life outside the church and the confines and domination of church power, so that liberalism was born. And this understanding then gave birth to the understanding of pluralism. When entering the 20th century, the idea of religious pluralism has become increasingly solid in the discourse of western philosophy and theology. The figure listed

as the initiator of religious pluralism is a Liberal Christian Theologian named Ernst Troeltsch. Through his paper entitled *The Place of Christianity Among the World Religions* (1923), he stated the argumentative idea about pluralism that all religions always contain elements of truth and no religion has absolute truth, so the concept of God on earth is diverse and not just one [2].

During the last two decades of the 20th century, the idea of religious pluralism has reached a phase of maturity which has finally become a separate discourse of thought on the plains of modern theology. At this time, modern theological thinkers have matured a conception that can be accepted by the community, the theoretical foundations of pluralism have been reconstructed in such a way that it becomes a standard and popular theory that is very thick and attached to its name. What needs to be underlined here is that the idea of religious pluralism is not only the result of the domination of Western thinkers, but also has strong roots in Eastern religious thought, especially from India. This is because, the forerunner of pluralism has also emerged in India (15th century AD) but has not been able to break through Western-cultural fences so that it is only popular in the Indian subcontinent [2].

Meanwhile, in the discourse of Islamic thought, religious pluralism is still a new thing and does not have strong ideological or even theological roots. The idea of religious pluralism that emerged is more of a new perspective brought about by the penetration process of Modern Western culture in the Islamic world. The idea of religious pluralism penetrates into the discourse of Islamic thought through the works of Muslim Western mystical thinkers. A Shiite Muslim figure named Nasr tried to put his thesis on pluralism in the packaging of eternal truth or better known as *Sophia Perennis*, which is a discourse on reviving the metaphysical unity hidden behind the teachings and religious traditions that have been known to mankind since ancient times. Prophet Adam a.s until now. According to him, embracing and believing in one religion and practicing it correctly means embracing all religions because in fact all religions axis on the same axis [2].

### **3 The Conditions and Challenges of Pluralism in Indonesia**

Indonesian society is a plural society, ranging from ethnicity, race, culture, ethnicity, to religion. The emergence of every religion is born from a pluralistic environment and forms itself in response to this plurality. Therefore, if plurality is not properly understood by each religion, it will lead to conflicts between religious communities, social groups, and even national divisions. The word *plural* means plural and diverse. Plurality is a condition where all kinds of patterns and colors are collected with all the differences that exist. The condition of the existing differences is not meant to be merged into a new variety, but instead is allowed to enrich the dynamics of the existing variety. In religious life, pluralism is the belief that the truth is found in various religions. There is no single truth. The adherents of this understanding recognize and appreciate the differences that exist and jointly seek to establish cooperation.

As previously required by Alwi Shihab that in pluralism the important attitude to apply is not only to point to the fact of the existence of pluralism but also to be actively involved in that pluralism. This involvement is shown through a positive interactive attitude in a pluralistic environment, not claiming sole ownership of a truth, and an open attitude towards existing differences [1].

In Indonesia, the issue of pluralism and inter-religious dialogue was initially brought up by Nurcholis Madjid, Mukti Ali, Djohan Effendi, then continued by Budhy Munawar Rahman with his Paramadina, Ulil Abshar et al. with his JIL. Among religious people in Indonesia, both Islam and Christianity have different meanings of religious pluralism. There are pros and cons in it. For radical groups such as MMI, HTI, FPI, they firmly reject pluralism. For them, pluralism is something absurd, pluralism is just an understanding adapted from the West which is contrary to the teachings of the Qur'an as stated in the verse Q.S Ali Imron: 85: "Whoever seeks a religion other than Islam, it will never be accepted, and in the hereafter, including the losers". In Christianity itself, this kind of teaching has existed since the first century with his famous expression "There is no salvation outside the Church". Meanwhile, MUI through its fatwa also forbids pluralism. According to the MUI, the implications of understanding pluralism will change the standard aspects of a religious teaching by following the teachings of other religions [6].

However, inclusive and pluralist theology was developed to support interfaith dialogue efforts. In Islamic circles, inclusive theology was developed by figures such as M. Abduh, Rashid Rida, Tabataba'i, and Jawad Mughniyah. Meanwhile, Fithjof Schuon, Nasr, and Fazzlurrahman are considered as figures who represent plural views. Meanwhile, in Indonesia, the inclusive Muslim intellectuals are Mukti Ali, Alwi Shihab, and Abdurrahman Wachid. Meanwhile, those belonging to pluralists such as Djohan Effendi and Nurcholis Madjid. In fact, the context of religious plurality and inter-religious relations still leaves problems as well as challenges for clergy. About how they interpret pluralism itself, how to respond, and what patterns should be built in the context of inter-religious relations.

In principle, pluralism in Indonesia frees everyone to determine the truth through its path or method, if pluralism is considered as a way to treat differences, then pluralism plays a role in maintaining equality. So that pluralism cannot be considered the same as an eclectic religious model that takes certain parts of one religion and discards some of them to then take up other parts in other religions and discards irrelevant parts from other religions.

## 4 Pancasila as a Unity Ideology

Etymologically ideology comes from two words, namely *idea* and *logos*. *Idea* has the meaning of ideas, ideals, perspectives, thoughts. While *logos* in Greek means science. So it can be concluded that ideology can be interpreted as the science of ideas or ideals. According to terminology, ideology can be interpreted in a broad and narrow sense. In a broad sense, ideology can be interpreted as knowledge of the ideals of the State, while the ideals of the State are the basis for the theory and practice of state administration [8]. Simply put, if it is associated with humans, the relationship between humans and ideals is what is meant by ideology. So when the ideology contains several values, then the values in the ideology are what motivate people to act/work in order to achieve their goals.

Pancasila as a national ideology is stated in MPR Decree No. XVIII/MPR/1998. As a national ideology, it means that the values contained in Pancasila should be the ideals of living as a state. The five values in Pancasila which are summarized into the

precepts of divinity, humanity, unity, democracy, and social justice are the principles in establishing unity in the midst of the plurality of tribes, religions, races and groups in Indonesia. Because the ideology of the Indonesian nation has agreed on Pancasila as an ideology, every action of Indonesian citizens should be in harmony with the values of Pancasila. Of the five precepts it must be understood that:

- Indonesia is a country that has a belief in God, meaning that Indonesian believes Almighty which is not focused on one religion but gives freedom for all its citizens to embrace religion according to their beliefs. This is where as true citizens we should not impose our religion on others. Religious tolerance is built on a plurality of nations that must be respected.
- Recognizing equality, equal rights and obligations between fellow human beings. Good citizens should not behave arbitrarily towards others. He must have an attitude of upholding human values so as to create tolerance, help each other, and love each other without any element of discrimination.
- Recognizing diversity so as to be able to take advantage of diversity as a unifying tool, not as a medium to discriminate between one another. By realizing diversity, good citizens are able to accept pluralism as wealth to strengthen national unity.
- Diversity is not only in the realm of ethnicity, religion, race and class, but also on ideas or ideas in opinion in a forum. Awareness that in every deliberation will give birth to these various ideas, Indonesia adheres to a deliberation system to reach consensus in a spirit of kinship. Each citizen is not justified in forcing his will and opinion to be accepted by others. In deliberation, one must have a wise attitude to accept the diversity of thoughts until a consensus is reached.
- Upholding the principle of justice means that discriminatory attitudes are not justified. All ethnic groups, religions, races and groups have the same rights and obligations as part of a pluralistic Indonesian society.

Based on the explanation above, it can be concluded that Pancasila as an ideology has a central role as a unifying nation. Among the precepts in Pancasila, there is respect for the rights of each individual in religion and this is protected by law. Therefore, in line with the concept of pluralism in Indonesia, everyone should be free to determine the truth through its path or method, there is no need to debate whether it is right or wrong, and dialogue between religious communities should be the key to understanding the way of truth that is believed by each individual.

With the acceptance of Pancasila values as shared social values, holding on to the consensus on these values, the community must be willing and able to unite in diversity. So this is where the function of Pancasila is seen as an integrative value or ideology of unity.

## **5 Plurality in the Doctrine of Islamic Law**

Plurality according to the Qur'an is seen as a necessity. This means that after all, it has become *sunnatullah* that plurality must exist and with that humans will be tested by God to see the extent of their obedience and compete in realizing virtue. One of the verses that can describe His will for plurality is:

- In Q.S An-Nahl verse 93 which means:

“And if Allah willed, He would have made you one people (only), but Allah misleads whom He wills and guides whom He wills. And verily you will be asked about what you did”.

- Islam calls for peace, as explained in Q.S Ali Imron verse 64, which means:

“O People of the Book, let’s (hold) to a sentence (stipulation) with which there is no dispute between us and you, that we worship none except Allah and we do not associate Him with anything and not (also) some of us take others as gods. Other than Allah.” If they turn away then say to them: “Be witness, that we are the ones who surrender (to Allah)”.

- Islam prohibits the element of coercion, as explained in Q.S Al-Baqarah verse 256, which means:

“There is no compulsion to (enter) the religion (Islam); Indeed, the right path is clear from the wrong path. Therefore, whoever disbelieves in Taghut and believes in Allah, then he has indeed held on to a very strong rope that will not break. And Allah is All-Hearing and All-Knowing”.

- Islam teaches the concept of Islamic brotherhood in Q.S Al-Hujurat verse 12, which means:

“O you who believe, stay away from most preconceptions (suspicions), because some preconceptions are sins. And don’t find fault with people and don’t gossip about each other. Is there one of you who likes to eat the flesh of his dead brother? Then of course you feel disgusted with him. And fear God. Indeed, Allah is Accepting Repentance and Most Merciful”.

Based on the verses above, it can be seen that pluralism is a sunatullah that is highly valued by the Qur’an. With such diversity and differences, it is necessary to emphasize so that each is able to do good. Thus, it means that the Qur’an is also democratic towards the existence of religious pluralism. Religious pluralism is considered a phenomenon and does not require inter-religious conflict.

According to Sahiron Syamsuddin [7] in studying the typology of reading the Qur’an in contemporary times, it will be clearer to see how the main source of Islamic law is positioned in solving the problem of the meaning of the holy book. First, the traditionalist quasi-objectivist view. Namely a view that the teachings of the Qur’an must be understood, interpreted and applied in the present, as it is understood, interpreted and applied to the situation, where the Qur’an was revealed to the Prophet Muhammad, and passed on to generations of Muslims. Beginning. Legal stipulations as well as other provisions which are explicitly stated in the Qur’an are seen as the essence of God’s message, which must be applied by Muslims wherever and whenever. This leads to a fact, that the main objectives or reasons behind the determination of the law (*maqashid al-shar’iyah*) are not shown in principle. The scholars who hold to this view do explain

some of the legal objectives that may be the basis of the legal provisions of the Qur'an, however, their explanations are not intended to emphasize the goals of legal determination itself, but aim to show that the provisions in the Qur'an are rational and should or should be applied in the lives of Muslims throughout the ages. In short, what is meant by the Qur'anic motto *shalih li kulli Zaman wa Makan* is the literal meaning of what is clearly stated in the Qur'an.

According to Sahrur, no one interpretation has absolute truth. On this basis, the interpretation of the Qur'an in the early days of Islam was only an initial effort, not the only authoritative interpretation, so that the truth was relative, in the sense that it was only in accordance with the needs of the time. For example, Shahrur in interpreting the distribution of inheritance 1:2 is the minimum limit (*al-hadd al-adnā*) for girls and the maximum limit (*al-hadd al-a'lā*) [7].

According to the author, the ability to understand and interpret legal language both normatively and empirically becomes one of the important points, if we all agree that plurality is a necessity. In Islam, the ability to understand and interpret the law is called *ijtihad*, while the perpetrator is called a *mujtahid*. *Ijtihad* is considered correct and acceptable, if it is in accordance with objective reality (life). In other words, if the 'reader' of the text understands the objective reality at the time of 'historical interpretation'. Understanding and conformity (with objective reality) is a measure that can determine whether an interpretation is right or wrong.

Quoting the statement of M. Amin Abdullah [5], the general characteristic that becomes the basic structure of the theological approach is the tendency to prioritize very strong loyalty to one's own group, personal involvement and deep appreciation. And concentrated on theological teachings that are believed to be true, as well as the expression of feelings and thoughts using the language of actors, and not the language of an observer. This approach is deemed inappropriate in religious learning in Indonesian education because according to him it will have an impact on the creation of an exclusive, emotional, rigid theological community and always prioritize truth claims over argumentative dialogue.

The conclusion is, pluralism does not give birth to conflict reasoning, but puts forward dialogical reasoning as an effort to harmonize the diversity of legal systems in one unit, namely sharia principles or the constitution. So, pluralism must be a willingness between communities, religious and religious adherents to dialogue, talk to each other, and listen to each other. The dialogue that is developed is not only a theological dialogue, but also a dialogue of life and dialogue of social activities.

## 6 Conclusion

Pluralism in Islamic studies is seen as a principle that liberates or allows everyone to determine the truth through his path or method. This means, when approached from the perspective of pluralism, Islam becomes open or inclusive. The purpose of this pluralism approach is to bridge the problem of exclusiveness that triggers the birth of disputes. With pluralism, dialogue is open to show the truth through their respective ways, and this open dialogue creates tolerance among others.

By studying and understanding the concept of pluralism both normatively and empirically, it is hoped that the Indonesian people will become individuals who are open (inclusive) and tolerant in responding to differences. So that this understanding of pluralism does not deviate, it is necessary to use an approach to understanding and interpreting religious texts and state laws. The approach in responding to plurality can be done with a multicultural approach or a pluralism approach. The difference lies in how to treat the difference. If the multicultural approach is more about caring for equality, then the pluralism approach is more about caring for differences.

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