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FOREWORD

International Student Conference on Humanity Issues (ISCOHI) is a academic forum that conducted by Magister of International Relation Program, University Muhammadiyah Yogyakarta. By presenting the speakers from domestic and international level, this international conference is focus on the college students. The program invites students to get used to being a speaker in international conference. Considering that the students are the main spear to create an academic atmosphere in university environment. We want the passion, potency, and thought of the students can be realized in the forms of writing which later will described and presented in the conference. Therefore, by following this international conference, students are expected to get used to join and participate in the same event, but in a bigger scope.

We hope this international conference on humanity issues (ISCOHI) may be a forum for the students to share academic experience and be more productive in the scientific publication. Furthermore, Magister of Intenational Relations University Muhammadiyah Yogyakarta also invite the students to keep working innovatively for making a better future. Thus, the feeling of proud in having a good process while young will appear after graduated or in the future.

All the scripts in this proceeding are the works result of the students which consisted of several sub theme-clusters, and have been through a mild editing stage by reviewer team. We congratulate the students who have given their best works for this conference. In the future, hopefully there will be much more attainments which the students can created. Also, a lot of

gratitudes go to all of participants who already join and be a part of this ISCOHI event.

Besides, a deep gratitude also goes to the majors and the publisher for a great cooperation until the publication which collect the student writings in the form of proceeding can be published. Last but not least, great gratitude dedicated to the readers for accepting this publication as the first international students conference on humanity issues which conducted by Magister of International Relation Program, University of Muhammadiyah Yogyakarta. Hopefully, this publication will give a lot of benefits and lessons. Then for any shortcoming and weaknesses in this proceeding, we would like to apologize.

Yogyakarta, May 21, 2015

Steering Committee

List of Content

Cover	i
Foreword	ii
List of Content	iv
HEALTH AND ENVIRONMENT	1
The Analysis of Tempe Water Bath Potency by Yusuf Susanto	2
EU Policy on Sustainable by Satrio Peringgo Sejati & Della Nurlaila	18
Global Governance to Overcome Environment Issue by Iman Sumarlan	31
HUMAN AND SECURITY	50
SPNFZT of Rarotonga by Hardi Alunaza SD	51
Fiqh of Harmony Inter Religious by Anjar Nugroho	66
Refugees in Crimea and Syiria by Bambang Widiyanto Akbar	83
The Separatist Movement in Southern Border by Lutfi & Aryati Layod	100
Children Soldier Phenomenon in Myanmar by Tsalsa & Sandra Zenita	121
SOCIOLOGY AND COMMUNICATIONS	139
Worldwide Degradation of Humanity by Arlita Widyastuti	140
Freedom of Speech as Democratic Media by Annisa Hutami	161
Television Broadcasting and Public Toilet Content by Damar Sari Wulan	174
The Public Diplomacy of International Communication by Aldi & Rahadin	198
Facing the Challenges of Media Convergence Issue by Zafirah	212

SOCIAL AND INTERNATIONAL RELATIONS	225
The Failure of Negotiation Process	226
by Naim & Aiddaris Budiah	
The Failure of R2P in Libya	247
by Restu Purnomo & Burhan Hakim	
Humanitarian Intervention in Syiria	262
by Ibnu Zulian & Seno Anggoro	
Conflict Resolution of Rohingya	282
by Muhammad Deddy Yanuar	
WOMEN AND HUMAN RIGHT	300
The Rules of Abdi Asih Foundations	301
by Wirda & Laras Putri	
Reconciliation Process in Rwanda	315
by Didas	
ECONOMIC BUSINESS AND TOURISM	326
Business for Peace	327
by Agfajrina & Yolanda	
Thai Government's Strategy	346
by Musreefudeen & Assazaly	
Gun Trafficking and Asean Security	362
by Laode Muh Fathun	

**Fiqh of Harmony Inter Religious:
Building A Life Without Conflict**
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ABSTRACT

The focus of this paper is to develop Islamic jurisprudence (Fiqh) thought to offer a values system in developing inter-religious life of peace without conflict. The purpose of fiqh of harmony is look at the ways to think that diversity is part of sunnatullah (Allah's law), and seeks to build a harmonious life among different people. Religion is one of the plurality phenomenon to be realized every persons, a long history of human life has spawned a culture of creativity in various forms including spiritual creativity. With their spiritual creativity show that the man is a spiritual creature. But have all people having this consciousness? Whereas many cases of conflict among and inter-religious are sticking out as the part of lack of tolerance among and inter-religious. In this context, Fiqh of Harmony finds a point of urgency. Fiqh of Harmony explores normative values in the Holy Qur'an to find the goodness aspects deeply. Goodness values are universal as the essential nature of syari'ah/ fiqh who want to realize peace and prosperity of mankind.

Introduction

The regime in Indonesia has several times changed, but the conflict between religious communities not being reduced. Some cases that arise, both between and intra-religious, such as the expulsion of the Shiite community in Sampang, East Java and the Ahmadiyah community in West Nusa Tenggara, rampant accusations of "blasphemy" or "cult", the disputed building houses of worship and also the problem of discrimination due to restrictions on religious definitions and many similar cases, if allowed to pass over time. There is no long-term handling, even if there is a settlement, only just touching the surface aspect of the settlement minus dive deep and long-term, such as the removal (relocation) for minorities. Relocation necessarily solves the problem, but the source of the problem, such as mental attitude hostile to the other will not ever go out with their relocation.

What factors are causing a series of problems such religious kept sticking in Indonesia, is the question unanswered. The Government preferred to deal with something are more likely image effect than have to think hardly to formulate a plan of handling more cases have wider coverage and long-term.

Diversity that should be the source of value for knitting sociological relations between religious communities and between the wider society more promising to live peacefully and side by side like brothers, actually in some cases is a major source of the emergence of cases. *Bhinneka* which means it is otherness or diversity has not been conceived as part of a

faulty historical reality and humanity. Different is the most fertile ground for growing hatred to the other (the other). Different from the others gave rise to ego who thinks that the other is wrong and what is done to justify themselves to one another, without regard to the noble values of religion, namely salvation and blessing for the universe (*rahmatan lil'alamin*).

Plurality or plurality are necessity. The diversity of the nature and responses and and content of human reflection on the environment gave birth to the diversity of cultures, civilizations and even religions. Awareness to recognize the reality of plural becomes a necessity. This meant that each human being can live free to be himself, according to the search and choice, and can appreciate and respect the selfhood of others. Awareness about plurality, including religious plurality will bring other people easily understand the freedom of choice that is taken by others. Religion is one of a plurality of phenomena to realize every persons, a long history of human life has spawned a culture of creativity in various forms including spiritual creativity. From their spiritual creativity shows that man is a spiritual creature (*homo religious*) (Amstrong, 1993:xix).

If everyone is aware of it, then the faith-based sociological issues that led to violence or conflict can be resolved. The problem are, when awareness of the differences have not been embedded in each person, then in this context it is necessary to fundamentally awareness regarding the way of thinking of looking at the reality of diversity. One way to measure it is to offer thought-imaginative explorative excavated from religious values, in this case is Islam. Therefore this paper offers a

diversity of jurisprudence as an alternative to building a way of thinking that sees otherness as part of the laws, and strive to build a harmonious life among peoples of different.

The Purpose of Fiqh

Before elaborating more deeply about the *fiqh* of harmony, the authors will describe about the understanding of *fiqh* in general and probe deeper into the purpose or philosophical foundation for jurisprudence. *fiqh* means knowledge of the laws of *Syari'ah* concerning human actions, the knowledge is drawn from the proposition that is *tafshiliyyah* (Khalaf, 1978: 15). In principle, *fiqh* requires two basic components so that the building can stand, namely the proposition (the texts of the *Qur'an* and *Hadith*), the *istinbath* method (processes and procedures retrieval legal decisions/specific value within a/some texts).

On top of *fiqh* forming components, are the bedrock of *fiqh* which became the starting point of the whole process and results (product idea) *fiqh*. *Fiqh* basically is referring to human benefit. As has been expressed by scholars of *Usul Fiqh*, every law (*fiqh*) that contained benefits for the servant of God (man), that benefit both worldly and hereafter. Therefore every mujtahid in concluding the law of the case at hand, should be guided by the objectives of the Islamic fundamental values (*Syari'ah*) in formulating the law, so the law which will be determined in accordance with the benefit of mankind.

Mashlahât terminology is something useful, either to draw something or produce something, such as

generating benefits and happiness or by refusing, as distanced from the danger and disease (al-Rahman, w.y.: 12-13).

Mashlahât, according to Abdullah Abd al-Muhsin az-Zaki, is a provision in the law to formulate attractive benefits and reject *mafsadât* of humans (az-Zaki, 1980: 513). While al-Khwarizmi defines *mashlahât* is maintaining *Maqasid ash-shari'ah* by refusing *mafsadât* of people (al-Syaukani, w.y.: 242). Al-Buti looked *mashlahât* is a benefit that is desired by the *syari'ah* for His servants to maintain religion, life, intellect, lineage and property (al-Buti, 1977: 23). Ash-Syatibi define *mashlahât* something that refer or be returned to the enforcement of human life (Ash-Syatibi, w.y. 29).

While al-Ghazali defines:

Which together mean by *mashlahât* is maintaining the goal of Personality'. And the purpose of Personality 'to the creature there are five, namely maintaining religion, life, intellect, lineage, and their property. Thus, all of which include the maintenance of the five basics that are beneficiaries and all that does not cover these basics is *mafsadah* and refused *mafsadât* is a benefit al-Ghazali, w.y. : 251).

In this sense, al-Ghazali did not make sense *mashlahât* as 'urfi. He meant to benefit or reject difficulty according *Maqasid as-syar'iyyah*, not expediency and the difficulty itself. In this case sometimes people looking at something useful, while the view is damaging (*mafsadât*) or vice versa thus, there is no certainty between *mashlahât* and *mafsadât* according

to 'urf humans and 'urf *syar'i*. In other words, in view of al-Ghazali, beneficiaries is maintaining the goal of *syari'ah*, though contrary to the purpose of man. Because the purpose of man, when in opposition with the aim of *syari'ah* in a certain benefit is not a benefit, but the passions that have penetrated into the psyche (Hasan, 1971: 6). Therefore *mashlahât* not only seen from a human angle, but should look at what has been mentioned in the passage (Zaid, 1954: 20).

Strengthen the opinion of al-Ghazali, Wahbah az-Zuhaili *mashlahât* view that every effort be returned to maintain the goal of Personality 'that is based on the Qur'an, *Sunnah* and *ijma'*. If *mashlahât* understood like that, then there is no difference of opinion to make it as evidence (az-Zuhaili, 1986: 765). Az-Zuhaili then explain more clearly as quoted as follows,

Because humans differ in determining the benefit in accordance with the realization of expediency *zati* (real) and not reject the benefit that has been agreed upon, then the enforcement of the law there should be a balance between human justice in determining beneficiaries and benefits. From this it becomes clear the need to determine the beneficiaries under the provisions of Personality', with should not be charged to a specific individual. Thus it can be understood that in accordance with the law of human nature (az-Zuhaili, 1986: 750).

Hasan Hanafi in this case has developed paradigm Maliki Fiqh and Usul Fiqh, for the benefit approach (*mashlahât mursalah*) as well as defending the interests of Muslims. This paradigm Malikiyah corroborated by Abdullah Ibn Mas'ud tradition

developed from Umar Ibn al-Khattab. Hanafi found *al-Malikiyah* closer to reality to take a legal decision based on the public good (Ridwan, 1998: 35-36).

Hasan Hanafi Islam left critically examined the entire tradition of legislation (*tasyri'*) by accepting what is contained in the Qur'an and *Sunnah* are valid, because shari'ah basically standing on the runway *mashlahah*. *Mashlahah* the principle study of Al-Quran 'an and *sunnah*, *ijma* and *ijtihad* (Ridwan, 1998: 36).

Thus, it becomes clear that the fundamentals of building thought Islamic law (*fiqh*) is benefit. Universal human benefit or in more operational expression, social justice. Because from the beginning, Islamic law does not have a base (purpose) other than human benefit. Standard expression that proclaimed Islamic fundamental values (*syari'ah*) sake of human happiness, inner and outer, worldly, and hereafter they reflect the principle of benefit.

See description of *fiqh* and *mashlahat* above, can be attributed to the phenomenon of diversity / diversity that occurred in Indonesia and around the world, that is, when the purpose of religious life is harmonious life without discrimination between one party to the other party, then this goal line with the aim of *fiqh* which makes *mashlahat* as a base. Departing from this point, and can be built epistemology of *fiqh* thinking that leads to life harmonization between/intra-religious.

Fiqh of Harmony

Nurcholish Madjid (1999), a leading Indonesian Muslim scholar offers an alternative theology he calls pluralistic theology. In fundamental definition, pluralistic theology is believed that all other religious beliefs also exist in our religion (all religions are the same different parths leading to some goal). Basically all religions are the same (and single), though has a different path to the same destination and one. In al-Qur'an, for example illustrated that all the Prophets were Moslem (those who surrender to Allah). All religions of the Prophets and Apostles it is Islam (surrender totally to God). While Islam par Excellence is an institutionalized form of the same religion, so that all religions it is actually the one and the same. The only difference is in the form of sharia. In religious language is called "the road". All religion is "the way" to God. In the Qur'an term path is expressed in so many words, according to the meaning that is plural, the many roads that used the Koran, such as *Shirat, sabil, syari'ah, tariqah, minhaj, mansak* (in plural is *manasik*) and *maslak* (in plural is *suluk*) (Madjid, 2000: 67).

Confirmation of the Koran on the formulation of the plurality of beliefs Nurcholish as described above can be referenced in the following verses:

And each has mecca that he faced him; please race then you (the act) virtue. Wherever you are surely God will gather you all (on the day). Allah hath power over all things. (al-Baqarah (2): 148).

And we have lowered the Koran to you with the truth, confirming and become the touchstone of the reactor books existed before; then decide their cases

according to what Allah and do thou follow their desires to leave the truth that has come to you. For each kind of you, we give the rules and the way the light. Had Allah willed maketh ye one race (course), but Allah wanted to test you for giving him to you, so Race in doing good. A step that only God ye return, and He will tell you what you used to differ (al-Maidah (5): 48).

The beginning of the first verse fragment *li huwa kullin wijhatun muwalliha* literally translation is "And each has mecca to which it is facing". Authorities classical age interpretation generally stated that what is meant by the word "individual" (*kullin*) in the verse fragments is each religious community or their respective religious communities (*ahl al-adyân, ahl al-milla*). Therefore the Ministry of Religious Affairs in the Qur'an and Terjemahnya translate a fragment of verse by "And for every nation there is their qibla (himself) that he faced him" (Thabari, 1995: 208).

All though a term that describes the way in religion seemed not one, but many, and very dependent on each individual has their own idiom of how religion. But in fact the road is one, but the track a lot. This is the principle that describes the unity in diversity.

Etymologically the word *wijhah* in the verses above need delaborasi further. The word lexical meaning hand, direction, destination, place before, Qibla and the like. Al-Azhari (370/980) said *wijhah* means mecca. Ibn Faris (d. 395/1004) said *wijhah* means any place that is in front of you. According to Ibn Mandhur (d. 711/1311) *wijhah* means wherever you go, it also means Qiblah. Al-Wahidi (d. 468/1076) and Al-Baghawi (d. 516/1122) defines *wijhah* as the name for everything that we are

facing him. *Wijhah* words have the same root even in some of its meaning is synonymous with the word *wajh* (face to face). *Wajh* word refers to understanding everything that is in front (in the front), protruding elements that represent the essence of something, the heart, purpose, direction, side, street and truth. Overall conceptual network contained in said *wijhah* and various derivatives refer to understanding the direction, goals, orientation, views, and religious practices (al-Qurthubi, w.y.: 223).

With the statement of the Qur'an that every religious community has the qibla orientation symbolize each would be seen for recognition in the Qur'an to religious pluralism. Such appreciation is a reflection of Islam's response to religious pluralism as a phenomenon of society and is a part of the conception of religion which is reflected in this holy book. The Qur'an teaches that the message of Muhammad is not a new and unique in the history of revelation. He is just one of a long chain of the apostles of God who was sent previously by alternating with the same basic mission.

In the midst of religious plurality at the time of the prophethood of Muhammad, not hinder him to develop attitudes toleration between followers of different religions or beliefs. In fact, Muhammad never gave a very inspiring role models in front of his followers. History records that the Prophet never ostracized and even expelled from spilled blood (Mecca). He was forced to migrate to Madina for some time and then returned to Mecca. The event is known in Islam by freedom of Mecca (*Fathul Makkah*). In the event that a full victory, the Prophet did not took this

step revenge to anyone who has previously drove from his native land. "You guys are *Tulaqâ* (ye-free)", soon sayings of the Prophet to them (Abdullah, 1996: 61-65).

The event was very inspiring and gave deep impression to the adherents of Islam wherever they are. Prophet has given concrete examples and also examples of understanding and appreciation of religious pluralism very real presence of his people. Without first polemic philosophical-theological struggle, the Prophet did not require "truth claims" on behalf of himself and on behalf of their religion. He took a stance agree in disagreement (*al-Takatsur*: 1-8), he did not impose his religion to be accepted by others (*al-Kafirun*: 1-6).

Islamic ethics, as has been called for by George F. Hourani (1985), is the nature of "Ethical Voluntarism", actually contains the dimensions of historicity exemplary (*al-uswah al-hasanah*) emanating from the behavior of the Prophet Muhammad. Ethics siding against fundamental humanitarian values very highly regarded by the adherents of Islam. Favor of the fundamental values, rules, means to pull off all sorts of theological barriers that have crystallized and formed by life's journey in the history of humanity itself perspeksif Islam, the conception of religious ethics, especially regarding inter-religious relations, is to be very open and dialogic. Call to find common ground (*kalimatun Sawa'*) between the various adherents scribes call model is typical of the Koran (Abdullah, 1996: 61-65).

Normative teachings of al-Qur'an as a reference so that Muslims can build a good mutual understanding with people of other faiths, as can be understood from the statement of the verse, "*And do not curse gods whom*

they worshiped besides Allah, lest they be cursed God exceeded the limit without knowledge. (al-An'am: 108), and "Do not argue with the People of the Book but in a good way" (al-Ankabut: 46). Fostering mutual understanding that both can be done by increasing the frequency of constructive dialogue to clarify their respective positions and understand the position of the other party. This dialogue also serves to avoid disharmony between religious communities.

Dr. Verkuil was distinguished inter-religious dialogue in three forms. First, the dialogue in order to create mutual understanding among the people. With dialogue, religious communities are able to learn the teachings of different religions. Secondly, the dialogue is used as a way to create a partnership to tackle together in the community. Third, the dialogue in the framework of the spread of the gospel and other Scriptural (Jonge, 1987: 182).

In paragraph Q.S. *al-An'am* paragraph 108 forbids Muslims to do insult, have ruction and use words that offend people of other religions, but according to *al-Ankabut: 42*, may well discuss and exchange views on their respective religious experience. The issue of religion is actually a very sensitive issue. Love and loyalty of a person to his religion, as confirmed by Abu Hayyan, can encourage people to act exceeded the limits of reasonableness and contrary to common sense and a clear mind when religion is scorned or accept humiliation (Madjid, 1999: 77). Each of these religious people thought they were doing good deeds in their religion, so that if there were chided will soon rise to excessive anger.

Create ideal conditions for achieving inter-religious meeting point is in the interest of all parties and shared responsibility. That burden cannot be borne entirely by Muslims or Protestants or by the parties Catholics and others unilaterally. It so happened in the history of the Prophet's life, especially those directly related to the declaration of "Constitution of Medina" is by Robert N. Bellah (1965) referred to as a declaration of "modern" which appeared before the human civilization is really modern was arised (Bellah, 1965: 78).

In the Islamic perspective, the basics to live together in a religiously pluralistic society, from the beginning, it has been built on a foundation of normative and historically as well (Abdullah, 1996: 43-45). If there are obstacles or anomalies here and there, the main cause is not due to the heart of Islam itself that is intolerant or exclusive, but more determined and conditioned by historical circumstances-economic-political encircling Muslim communities in various places. Competition for control of economic resources, hegemony, much more coloring non-dovey relationship between religious believers and not by the content of the ethical teachings of the religion.

For that contribute ideas that need to be submitted to the relevant religious community with a pluralistic reality that often lead to inter-religious conflict very acute is how to make fiqh of harmony as a new perspective that the truth claims can be erased in a religious perspective. And no less important is how all parties can do much to overcome religious conflicts that have ripped the nation's unity and fraternity.

Conclusion

After seeing the description of fiqh diversity at the top, at least, there are two steps that can be done within the framework of conflict prevention and resolution and inter religion. First, changing the way people toward religion from the personal image into impersonal image. symbolic of something into something substantive. Because, indeed, the most essential of the existence of a religion is not the organization of the rites and ceremonies of other religious praxis; but how the values of nobility, justice, humanity, mercy and peace are the principal message of religion itself-downs can be applied in everyday life of its adherents.

Religion is not a set of doctrines dead, static, symbolic, or utopian. Religion should really be understood as a union of values mentioned above are very personal and realistic. That is why a good appreciation of the religious can be seen from the deeds, morality, and social life of each community practice.

Second, develop inter-religious dialogue. So far, the discourse of dialogue between religions tend to be among the elite religious consumption only. While at the grass root level people, this discourse is relatively unfamiliar. In fact, the potential for conflict between religious communities has strengthened at the grassroots level. It would require the development of inter-religious dialogue discourse with more intense involve grass roots people.

In the early stages, the dialogue could be a study of each community to the teachings of his religion of brotherhood, humanity, the interaction between religious

communities and so on. Because anyway in every religion there are universal values that can unite the perception of every people of different religions would healthy social relationships and reasonable. And at a later stage, people of different religions could begin to talk about the problems they face together, in the format of "we" all the talk about "us". Is no longer in the format of "us" talk about "you".

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