

The Application of Islamic Law to Improve *Cultivating Humanity* in Indonesia in Terms of Multicultural Fiqh

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Abstract

The creation of this paper aims to find out how the efforts of Islamic law in improving the cultivation of humanity of society in Indonesia in terms of multicultural fiqh. To be able to achieve this goal, this article is written using the library research method, this article has three problems that will be discussed later, namely, what is meant by cultivating humanity, understanding multicultural fiqh, and how Islamic law efforts in increasing cultivate humanity Indonesian society according to the perspective of multicultural fiqh. In general, many researchers emphasize observations on general problems, while the problems written in this article have not been raised as objects of research before. So, this article is considered necessary to be made as a first step in reviewing the above problems. The topic of this problem is interesting to discuss because there are not many journal articles that discuss cultivating humanity in the scope of multiculturalism and multicultural fiqh, most previous researchers discussed general discussions and only focused on conflict management and education. This article provides new ideas on efforts to increase cultivating humanity in Indonesian society which highly upholds cultural heritage values but is associated with multicultural fiqh in solving issues that occur amid society.

Keywords: *Cultivate Humanity, Multiculturalism, Multicultural Fiqh*



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INTRODUCTION

This article would like to discuss the role of Islamic law in enhancing *the cultivation of humanity*. Borrowing Martha C Nusbaum's term, Cultivate Humanity means bringing out humanity. This article seeks to explore the role of Islamic law in fostering the humanity of Indonesian society through multicultural fiqh. Multicultural Fiqh is considered important to be an instrument in analyzing this topic because several indicators can be used as a benchmark for the problem studied. The topic of multiculturalism became known in Indonesia around 2002 when the topic of politics and culture emerged and developed rapidly after the reform in Indonesia in 1998. Multiculturalism is the notion that cultural differences can coexist in an environment and are mutually beneficial. (Syaifuddin et al., 2006) (Mubit, 2016)

The idea of multiculturalism is an idea that emphasizes intercultural relations. It can be explained that the existence of one culture must consider other cultures, so that ideas arise about equality, mutual respect, tolerance, etc. Creating a multiculturalism society is tantamount to creating an ideology that emphasizes equality in diversity at a central position. (Basri, 2015)

As a pluralist Indonesian state entity, it is important to provide multiculturalism to fortify national integration even today there are still many attitudes of ethnocentrism and primordialism amid its society. As a heterogeneous society, Indonesia must make extra efforts to be able to create a harmonious society. For this reason, understanding the importance of multiculturalism is needed to reduce socio-cultural inequalities in society. (Budiono, 2021)

The motto *Bhineka Tunggal Ika* applied by the Indonesian state emphasizes that even though it has many differences, Indonesia remains a unity that must be maintained. Multicultural is closely related to national cultural heritage. This can be seen from the Indonesian people who have always upheld the traditions and customs handed down by their ancestors.

Indonesia's diversity not only consists of many different flora and fauna but also differences in race, ethnicity, religion, language, culture, and customs of its people. This heterogeneity is what sometimes reaps polemics among the public. Customs that have long been ingrained in society sometimes cause selfishness in one group towards other groups that do not have similar customs or habits. (Budiono, 2021)

Following articles 1 and 2 of the UUD 1945, the state guarantees the Indonesian people to embrace and worship according to the beliefs held by everyone. It is undeniable that religion has an important role in social life. This happened because religion had come long before Indonesia became independent. The state also requires members of its society to adhere to a religion that everyone believes in.

Three definitions of religion are interrelated with each other, namely religion, understanding of religion, and attitudes about diversity. For every individual who implements religious teachings into his daily life, then the individual has understood religion, from this understanding sometimes some problems about religion can be related to attitudes between religious believers. (Nugroho, 2016)

When Islam first appeared in Indonesia, it sought to adapt to the local culture so as not to conflict with the existing culture. So, Islam in Indonesia is very well accepted by its people. As time goes by, the adherence to Islam in Indonesia is increasing. Islam is used as a legal system that applies in Indonesia. (Aditya, 2019)

Islam entered Indonesia in different ways. One of them is through trade channels. Traders from all over the world came to the archipelago with the aim of trading and even settling down. The entry of these Muslim traders into the archipelago resulted in cultural penetration. Thus, the culture of the local community has gradually begun to change.

Islam in Indonesia also has diverse differences. Examples such as Nu, Muhammadiyah, Sunni Islam, Shia Islam, etc. Although they follow different madhabs, they still carry out worship following Islamic law. The number of Muslims in Indonesia which almost reaches 90%, certainly makes people indirectly coexist with Islamic culture. (Tahir, 2017)

The controversy regarding *fiqh* in Indonesia is still closely related to the very thick cultural heritage of Indonesia. Indonesian society which tends to be heterogeneous causes the birth of various legal understandings to be understood by the layers of society. Not a few Indonesians try to put customs into Islamic law. *Fiqh* is no longer about the question of haram anymore but has developed into issues that need to be answered in Islamic law. An example is this Multicultural *Fiqh*.

The existence of multicultural fiqh ijtiḥad that is carried out is none other for the benefit and progress of all. Tolerance and mutual respect have been exemplified by the Prophet and his companions when on the mission of spreading Islam. Of course, the religion was not immediately accepted by all Arabs at the time. Islam also never imposes its will even in Qs. Al-kafirun has been mentioned to apply tolerance in religion.

Ijtiḥad is done by adapting the verses of the Qur'an and Sunnah while considering the common good. For the discourse of multiculturalism, multicultural fiqh ijtiḥad can be done by comparing current phenomena with phenomena that occurred during the prophet's life. This fiqh is more inclined to the cultural interests of the community, as well as the answer of Islam in addressing every difference in the archipelago.

Research that discusses multiculturalism and multicultural fiqh is very common, some of these studies mostly emphasize the paradigm of jurisprudence in addressing multicultural in Indonesia in terms of education and conflict management. However, discussions about Islamic law and its function in improving the attitude of *cultivate humanity* in Indonesian society have not been found much or even found. Therefore, this research is important. The author found an article discussing *cultivating humanity* written by Felix Baghi (2015) in a journal entitled "Multicultural Education and Globalization: For Profit or Cultivating Humanity?".

In which he described *cultivating humanity* in terms of education. Until now, the author has not found a journal article in Indonesian that discusses the implications of multicultural fiqh with *cultivating humanity*. So, through this paper, the article will analyze the application of Islamic law to improve *cultivating humanity* from the perspective of multicultural fiqh.

One of the causes of social friction in society is sometimes caused by a lack of humanization such as a lack of sympathy, empathy, and a sense of responsibility between community members, even though Islamic law has been taught about the principles of society to create a tolerant and harmonious society. Therefore, to minimize the existence of these gaps, increasing *cultivating humanity* based on multicultural jurisprudence is one alternative to minimizing social inequalities that arise in society. Multicultural fiqh exists to help realize the harmony and welfare of Indonesian society based on Islamic law by harmonizing customs, habits, and growing problems.

This article argues that Indonesia, which is known as a heterogeneous and plural entity, must have different characteristics in understanding religious doctrines so that the role of Islamic law as a legal system in Indonesia in cultivating human values can be examined through multicultural fiqh. The offer given in this article is how multicultural fiqh is one alternative to answer the need for answers to problems that occur in pluralistic societies such as Indonesia.

RESEARCH METHODS

The type of research used is qualitative research by seeking understanding and discussion of phenomena that occur in social institutions in society (Yusuf, 2014). This article uses types and sources in data search, namely library *research methods*/literature in data collection by utilizing secondary reading material sources in the form of books, journals, scientific papers, magazines, and other data sources (Zed, 2014) that specifically discuss multicultural fiqh and plural society in Indonesia. As for research methods, this article uses normative legal research by examining using searches on legal materials as a basis for making legal conclusions about

legal *issues* that occur in society and using historical methods and analytical methods in collecting data (Efendi, 2016).

RESULTS AND DISCUSSION

1. Cultivate Humanity

The idea of *cultivating humanity* is still connected to the Greek idea of *paideia*. *Paideia* is a Greek learning system and training that is believed to bring humans to their original form (Biesta, 2013). An example is wayang art where puppeteers stage puppet shows to provide learning and education about Indonesian history to know themselves through art media.

Thus, the essence of *paideia* can be described as a framework for thinking. Everyone has freedom of thought which can contribute to increasing *the cultivation of humanity* in everyone. In this case, Biesta explained that freedom here is meant by freedom of opinion which is a person's free art of thinking which can involve *cultivating humanity*. To cultivate *humanity* means to invest, add, or exalt all that is in human beings.

The term *cultivate humanity* was first coined by Seneca, a Greek writer who wrote many theories about morality. However, the term was later popularized by Martha Craven Nussbaum in her book entitled "*Cultivating Humanity: A Classical Defense of Reform in Liberal Education*". Martha Craven Nussbaum is a philosopher born in 1947 who is also a law professor at the University of Chicago.

What is meant by "humanity" here refers to the quality of everyone in humanizing humans. Having humanity means being human, by combining kindness, compassion, sympathy, and empathy which are the main elements in cultivating caring. The word human, when associated with humans, will cause an attitude of appreciation toward other humans (Keeling, 2020).

The term cultivate humanity is taken from English. Broadly speaking, cultivating humanity can be concluded as how to cultivate humanity in everyone. Nussbaum realizes that if you want to respect someone, you also need to respect the culture that makes up that identity. To understand this, it is necessary to do a philosophical exploration to be able to better understand the cultural differences in each entity (Culp, 2021).

There are contradictions in some versions regarding *cultivating humanity* and human neglect in other countries. In some interpretations, the focus is on the achievements of individuals who want more, and on ensuring the fulfillment of fundamental human needs which in this case include the need for human connectedness (Gasper & George, 2010).

The existence of *cultivating humanity* according to Seneca aims to produce a society that has sensitivity and vigilance as global citizens (Gasper & George, 2010). Three capacities can be done to improve *cultivating humanity*, according to him. What is critical thinking about oneself and the culture of others, sensitivity to oneself, and narrative imagination or positioning oneself as another person (Lee & Cha, 2018).

Education is also an important role in *cultivating humanity*, education that emphasizes too much on scientific and technical studies causes education as if it were a medium for the country's economic growth only, so that human resources do not increase in terms of quality. Education must be able to play an active role in improving the quality of human resources to adapt well to social institutions. (Baghi, 2015)

John Wise, a political leader in Massachusetts, said that the goal of righteous government is *cultivating humanity, the happiness of all, good in all the rights, all his life, all his liberty, all his honor* (giving honor) without interference from any party (J. H. Kennedy, 1888).

From the statements of John Wise and Martha C Nussbaum above, it can be concluded that government and education play an important role in realizing the ideals of the nation following the UUD 1945 and Pancasila. A good government is a government that can oversee the running of the government and can improve the quality of its people.

Increasing *cultivating humanity* is a challenge not only in terms of society and education. In all aspects of life, improving *and cultivating humanity* is necessary to apply utilitarian theory well in society. Increasing the *cultivation of humanity* in everyone can be a benchmark for one's quality in humanizing humans.

Improving and cultivating humanity is not only important in the scope of education, but in carrying out all social aspects, efforts to improve *and cultivate humanity* need to be applied. In political issues, for example, humanizing attitudes must also be developed in upholding the value of justice and sportsmanship, or in the world of work, it is also necessary to increase *cultivating humanity* if you want to create a pleasant work atmosphere and by the working code of ethics.

Thus, to prevent ongoing conflicts regarding diversity, *cultivating humanity* is necessary. These qualities are to increase tolerance, humanize people, sympathy, empathy, critical thinking, and foster sensitivity to the surrounding environment. (Culp, 2021).

2. Multicultural Fiqh

The discipline of fiqh plays an important role in a multicultural society like Indonesia. Two factors why fiqh is very important, namely because Islamic teachings demand all human behavior and worship procedures and fiqh has become of special interest to scholars and umara in guiding Muslims in social politics. The formulation of fiqh is based on a response to the social reality faced by ulama (Supena, 2019).

Thus, the thinking of fiqh scholars is adapted to the social reality that occurs around them. For example, madhhab imams who come from different countries must have different thoughts depending on the environment in which they live. One of the reasons for the formulation of fiqh in the classical era was due to the tolerant attitude of fiqh scholars in responding to differences in thought and opinion circulating in society (Supena, 2019).

This has indirectly illustrated that fiqh scholars have followed multiculturalism. The development of multiculturalism fiqh is increasingly rapid, this can be seen from the learning about the importance of multicultural education in schools (Kurniawan et al., 2020). In addition, the demand for "Indonesian Unity" contained in the third precept of Pancasila is motivated by various interests and diversity of Indonesia's multicultural society.

The growing era causes the emergence of new problems that are also increasingly diverse. Even during the Prophet's lifetime, these problems were unprecedented. The solution to these conflicts is to perform *ijtihad fiqh* by interpreting the laws already in the Qur'an and the Sunnah.

The interpretation of the law is carried out by scholars while still guided by the Qur'an and Sunnah. *Ijtihad fiqh* which is carried out, seeks to find answers to new problems by adapting the laws that have been established by the Prophet and associated with today's problems. The

ijtihad still follows the rules set by Islamic sharia based on the sources of Islamic law agreed upon by the jumhur ulama, namely the Qur'an, hadiths, ijma, and qiyas (Has, 2013).

In Islam itself, as explained in Qs. Al-Hujurat verse 13 it has been explained that Allah Almighty, created all human beings with various diversity solely to respect and understand each other.

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

Meaning: "O people! Indeed, we created you from a male and a female, and then We have made you nations and tribes that you may know one another. Indeed, the noblest of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted" (Kemenag, n.d.)

Asbabun nuzul Qs. Al-Hujarat verse 13 deals with two important phenomena that occurred during the time of the Messenger of Allah. The first phenomenon is based on a hadith narrated by Ibn Abu Hatim when the Prophet made the conquest of Mecca and ordered Bilal bin Rabah to chant the adhan and then some people commented on Bilal's skin color (Tihul, 2021).

The second phenomenon is from the hadith of Ibn Asakir in the book of Mubhamat which tells about the Prophet's command to Bani Bayyadah to marry a girl from his circle to a slave named Abu Hindun, but they questioned Abu Hindun's position as a slave. From these two incidents, Allah commanded the angel Gabriel to give a revelation to the Messenger of Allah with the understanding that all human beings are equal in the eyes of Allah, and what distinguishes them is faith and piety. (AM, 2015).

The hadith narrated which contains about doing good to others who also aim to fear Allah SWT, is narrated by Sunan At-Tirmidhi, namely:

سنن الترمذي ١٩١٠: حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ حَدَّثَنَا سُفْيَانُ عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ عَنْ مَيْمُونِ بْنِ أَبِي شَيْبٍ عَنْ أَبِي ذَرٍّ قَالَ قَالَ لِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ اتَّقِ اللَّهَ حَيْثُمَا كُنْتَ وَأَتَّبِعِ السَّبِيلَةَ الْحَسَنَةَ تَمَحُّهَا وَخَالِقِ النَّاسَ بِخُلُقٍ حَسَنٍ

Meaning: "Sunan Tirmidhi 1910: Has told us Muhammad bin Basysyar, has told us Abdurrahman bin Mahdi, has told us Sufyan from Habib bin Abu Thabit from Maimun bin Abu Shabib from Abu Dharr he said: The Prophet sallallahu 'alaihi wa sallam once said to me: "Fear Allah wherever you are and follow every bad with good that can eliminate it, and associate men with good morals." (HaditsSoft, n.d.)

The hadith mentioned above is a hasan hadith which means that the hadith has a degree below the sahih hadith and can still be used for argument in taking messengers. The hadith explains man's relationship with Allah as well as his fellow human relationships. Thus, Islam has long regulated societal norms and behavioral norms. The hadith is also still related to Qs. Al-Hujurat verse 13 where Allah SWT, creates diversity with one goal, namely that humans always have good morals solely to fear Allah SWT.

The forerunner of the birth of multicultural fiqh was then formed from the ijtihad of the Prophet and the companions of the Prophet when resolving conflicts between Muslims and non-Muslims through the Medina Charter (Dahlan, 2012) which contains stipulations for freedom

of religion, freedom of opinion, freedom of life, and prohibition of reprehensible acts. While one example of events carried out by Prophet friends in implementing multiculturalism is the preservation of converts, the distribution of spoils of war, and respect for non-Muslims (Mohtarom, 2017).

From the Medina Charter, lessons can be learned that solving a problem, it should be done together to produce a consensus regardless of race and certain groups. So, *ijtihad fiqh* is carried out not only to establish laws based on *Nash* but also for the benefit of the people (Dahlan, 2012).

The cultural diversity that occurs amid social institutions cause the paradigm of *ushul fiqh* to also experience renewal, namely the paradigm of multicultural *fiqh* which makes the rules of jurisprudence commensurate with the culture of society and the paradigm of *ushul fiqh* monocultural which explains that culture does not have a fundamental role in formulating the rules of *fiqh* (Mohtarom, 2017).

Both *fiqhs* have a position in dealing with heterogeneous societies in Indonesia. On the one hand, multicultural *fiqh* adapts to the cultural interests of society so that what is considered good by humans will also be considered good by Allah Almighty, but on the other hand, monocultural *fiqh* still adheres to the Qur'an and *hadith* in solving new problems and argues that reason and reason cannot interpret the obvious *nash-nash* (Mohtarom, 2017).

However, despite this, in the face of multicultural challenges, multicultural *fiqh* still uses the Qur'an and *hadith* as reinforcement, multicultural *fiqh* also adapts and practices the contents of the Medina charter while still respecting cultural diversity and customs. So, there will be no rejection of Islam regarding multicultural statements.

Of the two differences regarding the views of *fiqh* by the scholars above, it can be used as an example of differences in each person's understanding. This difference will later provide new insights and perspectives in dealing with every increasingly complex problem. The *fiqh* of multiculturalism answers the phenomena of diversity that occur in Indonesia by providing an understanding and approach that can be well accepted by the community.

In addition, the existence of multicultural *fiqh* has answered that *fiqh* can be in line with the concept of multiculturalism. *Fiqh* itself is a law that regulates all aspects of life based on Islamic law. *Fiqh* scholars often carry out contemporary interpretations in formulating and solving growing problems.

The contemporary interpretation referred to here is by interpreting the verses of the Qur'an but adapted to current circumstances, this understanding coexists with the term *tajdid*, which is an attempt to harmonize Islamic sharia with current conditions by interpreting or conquering following increasingly sophisticated social and scientific conditions (Zulaiha, 2017).

It should be emphasized that contemporary *tafsir* is not interpreting existing Qur'anic verses by replacing them with new meanings, but by reconstructing the determination of classical exegesis that is no longer related to the times, it is still related to the renewal of contemporary scholars in addressing new problems (Zulaiha, 2017). Of course, if it is not against the Shari'a, it is legitimate to do so for the sake of mutual benefit.

3. Islamic Law Efforts in Improving Cultivating Humanity

Islamic law in this case is defined as a legal system that runs side by side with the customary law system and the national legal system. This legal system harmonizes local culture and the

laws that apply to it or what we call *shalil likulli makan wal azminah*. Based on the Qur'an and hadith, Islamic law is one of the references in making legal decisions in Indonesia. These teachings are well received, but not infrequently some phenomena are not explained in the Nash-Nash.

The existence of *ijtihad* in Islamic law greatly helps minimize and mitigate increasingly complex conflicts by sticking to Islamic law. Islamic law is very tolerant of socio-cultural diversity, so it is in line with the UUD 1945 and Pancasila, besides that Islamic law is also one of the important manifestations in building the nation.

Everything in this world, whether living or dead, has been described in detail in the Qur'an and made clear again by the hadith. Just like the multicultural that exists in this world does not escape discussion in the Qur'an and hadith.

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

Meaning: "And We have not sent you, [O Muhammad], except as a mercy to the worlds." (Kemenag, n.d.)

Qs. AL-Anbiya verse 107 above, affirms that the descent of the Messenger of Allah on earth was to create peace. Peace referred to here can be interpreted as human values, democracy, cultural values, equal rights, ethnicity, human rights, freedom of opinion, and equality (Mashuri, 2016). If the above verse is associated with Qs. Al-Furqan verse 56 reads:

وَمَا أَرْسَلْنَاكَ إِلَّا مُبَشِّرًا وَنَذِيرًا

Meaning: "And We have not sent you, [O Muhammad], except as a bringer of good tidings and a warner." (Kemenag, n.d.)

So, the purpose of the Qur'an was to give mercy to all beings, the presence of the Messenger of Allah on earth was as an intermediary of Allah SWT, spreading Islam on earth. Idea رَحْمَةً لِّلْعَالَمِينَ has improved the relationship between humans and humans, namely diversity, tolerant, dialogical, and humanist attitudes, and human relations with nature, namely maintaining and preserving nature (Sholihuddin, 2019).

Tasamuh attitude in social life also needs to be applied to increase the cultivation of Indonesian society. *Tasamuh* attitude is a form of willingness to accept various views and stances that are different even if they are not by oneself. The interrelation of *tasamuh* in socio-culture is still in line with multiculturalism in Indonesia such as freedom of opinion, freedom of religion, freedom of nation, etc. (Karim, 2019).

The cultural acculturation experienced by Islam in Indonesia makes Islamic law in line with society. By adapting and integrating with its society, Islamic law can easily apply laws that in this case are multicultural following the foundation of the Islamic state and religion. The tolerant attitude taught by Islam has had a very good impact on socializing. The tolerant attitude here is also enough to influence the attitude and character of the Indonesian people in making decisions.

This proves that Islam as *a salihun li kulli zaman wa makan* explains that Islamic law follows the conditions and developments of the times, with another meaning that Islam is not an authoritarian religion. If a law is irrelevant to the current situation if it is not a matter of worship and does not contradict the Qur'an and hadith, then Islamic law can still undergo development or change.

Islam has strong dimensions in enhancing the *cultivation of humanity*, there are 6 privileges of Islam and Islamic law in the approach to social aspects of society (Mudassir & Gunawan, 2017). First, the principle of *al-rabbaniyah* which describes religiosity (Qs. Ali-Imran verse 79), can be interpreted that Islamic law adheres to the law established by Allah in every decision-making that applies both in the world and in the Hereafter. By maintaining worship and getting closer to Allah Almighty, you will get a guarantee of happiness not only in the world but also in the hereafter.

The second is the principle of *al-Shumuliah* which means universality. From the time of the Prophet until now, Islamic law has always evolved. These developments always follow the times so that Islamic law can apply throughout the ages (Qs. Al-Anbiya verse 25). The universality in question is that Islamic law regulates all aspects of human life ranging from the most trivial matters to matters of jurisprudence and Shari'a. This principle illustrates that Islamic law is flexible in addressing all the problems of life. But even though matters concerning creed and worship cannot be changed, Islamic law is still changing to be able to adapt to increasingly diverse challenges of course based on the Qur'an and al-Hadith.

The third is the principle of *al-insaniyah* which can be interpreted as humanism. Islam has taught about how to humanize humans as in the Qur'an and al-hadith (Qs. Ali-Imran verse 103). This principle teaches one to improve one's standard of living by socializing. *Hablum minannas* is one reflection that humans are social creatures who need each other. In other words, this principle describes the recommendation to do good between human beings based on Islamic law.

The fourth is the principle of *al-waqi'iyah* which means contextual. It is a principle related to reality which focuses on the nature of Islam which understands and understands natural conditions by actual conditions. This principle believes that all beings are creations of Allah Almighty, and this principle teaches how humans can understand and understand things realistically (Qs. An-Nisa verse 28). The conceptual of this principle is that *al-waqi'iyah* understands human nature as a finite being, in another sense this principle provides flexibility and convenience for humans both in worship and life (Arif, 2021).

The fifth is the principle of *al-wasathiyah* which means harmony. This principle has similarities with *al-tawazun* which means balance. In addressing a problem, Islamic law is always in the middle and impartial. The religion of Islam frees its people to develop. If it does not contradict the Shari'a, Muslims are free to do things at will. Moderation given this principle harmonizes between facts and life that occurs, it is intended that life can be in line with what is taught by Islam (Qs. Ar-Rahman verses 7-8).

The sixth is the principle of *al-musawah* which means equality. *Al-musawah* is proved in Qs. Al-hujurat verse 13. The principle of *al-musawah* is the principle that Islam is an impartial religion and considers all human beings to be equal. Some scholars understand that the concept of *al-musawah* is the result of the concepts of *al-shura* (clear decision-making) and *al-adalah* (justice) (Iryani, 2017).

Al-musawah in multiculturalism can be interpreted as equal rights, equal obligations, and equality of nation and state. The effort of the Islamic legal system in improving the *cultivation of humanity* is to adhere to the nash-nash of the Qur'an and be reinforced by the teachings of the Prophet of Allah. Especially in Qs. Al-Hujarat verse 13 which has been explained in detail

that Allah created various kinds of differences solely so that humans could interact with each other.

By being guided by the principle of *al-musawah* and applying an attitude of *tasamuh* in society, it is also expected to increase piety to Allah so that the *cultivation of humanity* that originally existed in everyone can increase along with the increase in one's piety. Individuals who can apply *tasamuh* attitudes in the surrounding environment will be easily accepted by society.

From the 6 principles mentioned above, it can be concluded that Islam is a religion that is not rigid and can develop following the changing times, Islam is a religion that teaches love to all creations of Allah SWT. By piety and worship following Islamic law, it has indirectly fostered an attitude of *cultivating humanity* or the attitude of humanizing man in the individual. The need to have a religious understanding of them is to suppress the bad qualities found in every human heart.

The above-mentioned principles have been established by Islamic law long before Islam came to Indonesia. Indonesia as a country adhering to one of the legal systems, namely the Islamic legal system, can apply these principles in minimizing social problems in Indonesia. Some cases such as differences of opinion between one group and another in religious, cultural, and political matters can be overcome by increasing *the cultivation of humanity* through comprehensive understandings of Islamic law.

In addition, the effort of Islamic law in increasing *the cultivation of humanity* for Indonesia's multicultural society is to revive Islamic values into the fabric of society following the Qur'an and Sunnah. An example is by practicing behavior and mutual respect as exemplified by the Prophet of Allah, speaking politely, and helping each other, believing that all behavior must have a reward so that if you want to do a despicable act you will think twice about doing it.

With the explanation above, the purpose of *fiqh* also means that it can be shaped by society and form society, the element of cultural content in *fiqh* is so strong that it can create a harmonious life. The perception of *fiqh* in Islam is a law that is always dynamic and evolving, including local conflicts that always raise new issues and are full of answers.

From the explanation above, the multicultural *fiqh* referred to in this article is considered important because the heterogeneity of Indonesian society consisting of various groups, tribes, religions, and cultures often causes friction between its people. Such group classification requires the provision of *fiqh* that is tolerant and respectful of such diversity. Therefore, this concept of *fiqh* can be developed based on the cultural diversity that exists in society. Thus, the principles of multicultural *fiqh* help answer the differences and diversity of Indonesian society to create a prosperous and harmonious environment based on Islamic law.

CONCLUSION

Indonesian people who tend to be heterogeneous have an ingrained cultural heritage and vary from region to region. These differences make Indonesia a multicultural country both in terms of flora, fauna, religion, culture, race, tribe, and language. The diversity that occurs sometimes triggers conflicts between community groups. Polarization, ethnocentrism, primordialism, and egoism threaten national disintegration.

Islamic law as one of Indonesia's legal systems also plays an important role in national development and improving the quality of life of its people. In responding to the diversity that exists in Indonesia, multicultural fiqh ijihad is an alternative to resolving conflicts amid the diversity of Indonesian society. As for improving *cultivating humanity*, Islam has used 6 principles for a social approach to the community, namely *al-rabbaniyah*, *al-insaniyah*, *al-syumuliyah*, *al-waqi'iyah*, *al-washathiyah*, and *al-musawah*.

As an intellectual reflection on this article, increasing *the cultivation of humanity* in a multicultural society such as Indonesia that adheres to the Islamic legal system is to increase piety to Allah Almighty, by Islamic law. The application of the Islamic legal system causes involvement in guiding and processing Indonesian society following applicable laws. By following the six principles of Islam and understanding multicultural fiqh, the Indonesian people will be able to better understand and be able to increase the *cultivation of humanity* in life so that it is realized.

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