

Pancasila in Islamic Law Studies: Construction of Indonesian Social Jurisprudence

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Abstract

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I This study shows how the practice of Pancasila in Indonesian society can be used to carry out the pattern of developing fiqh in that country. Making an attempt to live up to the values found in Pancasila is the first thing that needs to be done. Forming *maqasid asy-syari'ah* in Pancasila is the next step. According to this study, the core principles of Islamic teachings align with the admirable ideals of Pancasila. The first rule is consistent with upholding religion. Next, upholding moral and ethical standards is mentioned in the second premise. In the meantime, the ideals of harmony and collaboration are mentioned in the third principle. The fourth principle talks about discussion and consideration. After that, the values of fairness and social balance are discussed in the fifth principle. This research employs an ushul fiqh approach to perform *istinbat h~ukm* and analyze Pancasila in the study of Islamic law in order to understand the pattern of formation of Indonesian fiqh. The following conclusions are drawn from this investigation. Initially, the process of investigating Indonesian social jurisprudence involves examining and appreciating Pancasila. Secondly, the principles found in Pancasila align with the core principles of Islamic social teachings. Third, Pancasila characterizes social sector conformance with *maqasid asy-syari'ah*.

I. Introduction

Islamic law must always be contrasted with the nation's admirable ideals in national and state life. Because of this, in Indonesia, forming fiqh with an Indonesian flavor requires adjusting the ideas of Islam and the state.(Ramadhan et al., n.d.) Because Indonesian society is pluralistic, Islamic law must be applied with consideration for the customs, wisdom, and culture of the local populace. Formulating Indonesian fiqh using the 'urf technique, or looking for an Islamization process in every tradition and culture that does not contradict with the tenets of Islamic law, is one of the practical procedures.(Yasir & Bendadeh, 2021).

Ideally, Pancasila practices should mirror the social behaviors of Indonesian society.(Dairani, 2021). This is so because Pancasila serves as both the foundation of the state and a type of pattern and perspective on Indonesian culture. Pancasila is the source of all sources of law in Indonesian contexts. Keeping this in mind, Islamic law needs to be balanced with the creation of Pancasila values in order to be applied in Indonesian culture. The practice of Pancasila in Indonesian society has evolved into a standard by which the country's social jurisprudence is measured.

The *istinbat al-hukm* approach, which determines 'urf based on ingrained societal patterns, can be used in Islam itself to produce rules that are connected to tradition, culture, and local wisdom.(Hanief, 2018). Put differently, the field of 'urf Indonesia incorporates the practice of Pancasila values, taking into account the following factors. Firstly, the Indonesian people have made the practice of Pancasila a habit. Second, Pancasila ideals are always deserving of preservation and relevant in the social context of Indonesian society. Third, as the foundation for the nation's lofty ideals and the state, the Indonesian people concur that Pancasila is definitive. Fourth, Pancasila is consistent with *maqasid asy-syari'ah* and does not contradict the

writings of the Shari'a; rather, it is the core principle of the Shari'a.(Fathorrahman, 2021).

In an attempt to integrate Islamic and Indonesian social law, this study develops the Pancasila sharia. Starting from the foundation of the five principles which are the formulation of Indonesian-style *maqasid asy-syari'ah*, then numerous noble qualities are evaluated that can be implemented in the social life of Indonesian society. An outline of how religious concerns are formulated, such as tolerance and respect for one another among religious believers, is given in the Principles of Belief in the Almighty God. In order to put the teachings of *habl min an-na'as* into practice, the Principles of Just and Civilized Humanity establish an Indonesian social pattern that protects moral and human values. In order to ensure the continued creation of social integrity, the Principles of Indonesian Unity are a formulation of the national unity and togetherness mindset of the Indonesian social community. A popular perspective is taken into consideration when formulating issues pertaining to democracy and sovereignty through conversation and discourse, as demonstrated by populist ideals that are guided by wisdom in deliberation and representation. In the meantime, justice is embodied in the principle of Social Justice for All Indonesian People in legal, political, social, and other domains.

The Indonesian people will always discover their identity in how Pancasila is understood, lived, and applied in their daily lives. This is what Nur Syam means when she says that Pancasila, a national ideology, has its roots in sociology, law, and culture and has always been important for the growth of national and state life. It is also a philosophy of life. In actuality, Nur Syam claims that Pancasila has succeeded in uniting the Indonesian people.(Syam & Yusuf, 2020). As'ad Ali Said formerly used the fiqh technique with the following steps to perform a study on the harmony between Islam and Pancasila.(Ali, 2009a). First, placing Pancasila inside the field of law rather

than faith means that fiqh, not theology, is used to examine Pancasila. He claims that Pancasila's perspective is in the field of legal philosophy (*usul fiqh*), from which legal rules (*qowa'id fihiyyah*) can be derived. Second, the Pancasila dispute falls within the category of *ijtihadi law (ahkam ijtihadiah)*, which is apart from the definitive law group (*ahkam qat'iyyah*) and belongs to the practical law group (*ahkam 'amaliyyah*).

Masdar Farid Mas'udi also stressed that Islam is supposed to provide positive and fruitful cultural contributions, particularly in completing Indonesian principles within the confines of Pancasila and the 1945 Constitution. (Mas'udi, 2010). In the meantime, Ahmad Syafii Maarif considers critically how the Pancasila philosophy has evolved in order for it to be applicable to the circumstances and difficulties of the day and to actually become a state ideology that serves as a guide for social, national, and state affairs. (Dairani, 2021). Additionally, Anggit Rizkianto clarified that religion has traditionally played a significant role in Pancasila's establishment and that Pancasila is constantly animated by universal religious principles. (Rizkianto, 2021). Furthermore, Syaiful Arif said that the relationship between Islam, Pancasila, nationality, democracy, Human Rights (HAM), and other contemporary ideals became inextricably linked to one another in the life of the nation and state thanks to the Nahdlatul Ulama personalities. (Mustatho, 2020).

In contrast to other research, this study aims to provide an understanding of how the idea of *ushul fiqh*—particularly in this instance, *'urf*—forms the basis for the study of Pancasila sharia. However, this study also implements the idea of *maqasid ash-shariah* in Pancasila. Put another way, this study demonstrates that the nation's founding fathers' definition of Pancasila essentially takes into consideration the universal ideals of Islam. The principles of Pancasila, or the values that have guided Indonesians in their social interactions, must ultimately guide the idea of Indonesian

social jurisprudence. Because of this, the research was developed using the following formulation. First, how is Islamic law formulated in Indonesian style using *istinbat* Pancasila law? Second, where does Pancasila fit into the idea of *maqasid asy-syari'ah*? The third is how Indonesian Islamic law was formulated using Pancasila.

2. Research Method

Two methodologies are used in this research: the first is the *ushul fiqh* approach. Through the principles of *'urf* and *maslahah*, Indonesian social jurisprudence is formulated in line with the social life of Indonesian society. This approach is tied to the study of the Pancasila legal *istinbat* technique. The legal sociology approach comes in second. This method is applied as an analytical instrument to trace the background of the Pancasila law's creation as a mirror of social life in society.

This study's data came from library research. The data was derived from a theoretical analysis of library materials since the theory employed is connected to legal *istinbat* theory, specifically a sociological theory of law. The foundation is derived from two main sources: first, primary sources such as books of *ushul fiqh* and *fiqh* rules, which contain various concepts of legal *istinbat* and Pancasila. These primary sources are particularly relevant to research that focuses on Pancasila and the construction of *fiqh*. The two secondary sources, or supporting sources, for this study came from a variety of books, studies, books, and journals.

The following are the procedures that researchers used to gather research data. Initially, the writer looks for and gathers a number of ideas related to legal *istinbat*. Second, in order to formulate Pancasila and its principles, the author looks for and gathers a variety of sociological viewpoints pertaining to the value side of social life in Indonesian society. Data will be analyzed using the descriptive-analytical method,

which is divided into the first phase of content analysis of the collected data and which is thought to have a relationship with the theme and research object, after the necessary data has been collected and management has been completed. The second step involves interpreting the substance of the gathered and provided data to give specific solutions to the identified problem formulation.

3. Results and Discussion

Results

The relationship between Pancasila, a fundamental idea in the implementation of Islamic law in Indonesia, and the universality of Islam is highlighted in this study. After that, the parallels between the two are taken into account when formulating similar objectives to develop public policy interests that can result in reciprocal benefits.(Ridwan, 2018). The relationship between Pancasila, a fundamental idea in the implementation of Islamic law in Indonesia, and the universality of Islam is highlighted in this study. After that, the parallels between the two are taken into account when formulating similar objectives to develop public policy interests that can result in reciprocal benefits.

Maqasid asy-syari'ah and Pancasila are similar in that they aim to achieve a beneficial and decent order of existence for Indonesian society. This is due to the fact that *maqasid asy-syari'ah* and Pancasila values fall within the category of universal values. Fourth, a pattern of rules *for jalb al-mas'alah* and *dar'u al-mafasid* is built by *maqasid asy-syari'ah*. According to As'ad Said Ali, there is a tie between religion and the state in the relationship between Islam and Pancasila.(Ali, 2009b) Pancasila is the bedrock of society's government, whereas Islam is the cornerstone of society as a whole. Stated differently, Pancasila serves as the defender of religious principles that permeate society. Such a connection notion can eliminate and reconcile the dichotomous thinking between Islam and Pancasila. Moreover, the universal values

of Islam and Pancasila are utilized in the same role and function in the endeavor to construct Indonesian social jurisprudence.(Junaedi, 2016). The idea of *tasarrufima manu tun bi al-maslahah* in fiqh aims to connect Pancasila's objectives as a state formula for the good of the populace.(Hanief, 2018).

The study of Pancasila belongs to the field of *ijtihad tatbiqi* in the framework of fiqh proposals. Stated differently, the concepts of utility, goodness in society, and growing traditions must undoubtedly be considered when applying sharia.(Bachtiar & Baidhaw, 2022). Some fiqh rules, such "where there is benefit there is sharia, and where there is sharia there is benefit" (*haisuma ka nat al-maslahah fasamma syar'u Allah, wa haisuma ka na syar'u Allah fasamma al-maslahah*), can serve as a basic reference. The next is the principle that "customs can be the basis of law" (*al-'adah muhkamah*). This ought to demonstrate that the advantages and traditions that emerge inside a community must serve as the foundation for putting the law into effect. Pancasila is one kind of benefit, kindness, and national custom of the Indonesian state; so, sharia can be applied using the benefit principles found in Pancasila.

The principles of Islamic universality, such as equality (*al-musawah*), justice (*al-'ilah*), deliberation (*al-syura*), freedom (*al-hurriyyah*), and public oversight (*riqabah al-ummah*), are then examined in order to connect Pancasila to Islamic law. Whereas the Pancasila philosophy is formulated with all these concepts realized.(Ramadhan et al., n.d.).

According to Yudian Wahyudi, the figures applied the following fiqh concepts in order to find solutions for the national life.(Lahaji & Faisal, 2023). First, *dar'ul mafa' sid muqaddam 'ala jalbil masalih*. For this reason, a number of changes were implemented in an attempt to prevent divisiveness in Indonesia. Islamic authorities stress avoiding conflict within this nation over pursuing virtue, specifically affirming

the responsibility to establish Islamic sharia inside the state's foundations. Second, the rules of jurisprudence *ma' la yudraku kulluhu la yudraku kulluhu*. It is not necessary to fight for the establishment of an Islamic state from Sabang to Merauke, as Islamic leaders will sooner create harm than good. Despite not being a religious nation, Indonesia is a divine nation rather than a secular one.

The next idea, Pancasila, can accommodate the needs of every Indonesian social group. This is so that Indonesian society can profit from each precept's description of its role and function. The first principle, Belief in the One and Only God, (Mu'ti & Burhani, 2019), includes all theological concepts of Indonesian religions, including beliefs, rather than referring to a specific religious theological notion. Because of Pancasila's divinity, all religious communities are treated equally before the law. (Azzahrah & Dewi, 2021). The Indonesian nation is described as having a function as universal humanity in the second Pancasila principle, which elevates human values. (Arifin & Lestari, 2019). The third Pancasila principle promotes the need to establish a framework of solidarity and national unity in all spheres of life. (Lintang & Najicha, 2022). In the meantime, the fourth Pancasila principle explains how social and political structures that convey the idea of kinship through consensus-building and deliberative democracy take the people's area into account. (Samosir et al., 2023). In addition, Pancasila's fifth pillar defends the goal of wealth and justice for all Indonesians. (Hutabarat et al., 2022).

Muslim scholars ought to endeavor to construe Pancasila in the context of the intellectual formulation of Islamic law, in order to reestablish the faith of Muslims in this body of work. (Fawaid, 2021). It is well known that the ulama developed a number of methodological principles for Islamic legal products, particularly in the social context of society, in an attempt to apply the real teachings of Islam *li kulli zama'n wa maka'n*. (Muhammadun, 2017). Pancasila is a national ideology with philosophical

underpinnings that serve as a unifying force for the country and are always relevant to the advancement of national and state life from a sociological, legal, and cultural standpoint.(Siallagan & Syuhada, 2023).

It is probable that this will be integrated because this is how the idea of Islamic law is developed, which is dynamic and always considers local wisdom. To serve as a methodological and philosophical growth of Islamic law in Indonesia, the first step is to encourage Islamic intellectuals to appear in a productive and constructive manner, particularly in completing the Indonesian ideals found in Pancasila. Naturally, this effort is conducted by identifying areas in which Islamic principles and the local knowledge and regulations enumerated in Pancasila are similar.(Rizkianto, 2024).

Conversely, Islamic law's conceptual foundation promotes the development of legal products that are always aimed at *maqasid asy-syari'ah*, which is a practical application.(Adzkiya, 2020). When applied to national and state life, the idea of *maqasid asy-syari'ah* can be realized in regional interests, soul unity, unity of the next generation, and presenting divinity as something that is unquestionably present in the concept of the state.(Musolin, 2020).

Regarding the fundamental philosophical theory of the state, the author of Pancasila draws on the opinions of three people. The first is Mohammad Yamin, who articulated the fundamental ideas of his state as follows: belief in a single, all-powerful god; unity of the Indonesian nationality; a just and civilized sense of humanity; a people who lead by wisdom in deliberation and representation; and social justice for all Indonesians. Secondly, Soepomo, who proposed concepts such as Union, the State-Religion Relationship, the Deliberative Body System, State Socialization, and Relations among Nations with a Greater East Asian Essence. Thirdly, Soekarno is credited with originating the concepts of Indonesian nationality, divinity, consensus

or democracy, internationalism or humanity, and cultural social welfare. (Fawaid, 2021).

The author includes Notonagoro's perspective, which contends that Pancasila values have the power to transform Indonesians into ethically-religious.(Widaninggar, 2022). According to Natonagoro, Pancasila and the Indonesian country have a cause-and-effect relationship, with Pancasila acting as the cause and the Indonesian nation acting as the outcome.(PARDOSI, 2020). Notonagoro defined Pancasila's structure as its pyramidal hierarchical pattern, which is as follows.(Widaninggar, 2022) Inspired by the first, second, second, and fourth commandments, comes the fifth. Next, in addition to enlivening the fifth precept, the fourth precept draws inspiration from the first, second, and third precepts. As for the other three, well as the fourth and fifth principles, they all serve as inspiration for the third. First, third, fourth, and fifth commandments all serve as models for the second precept. Moreover, the first precept animates the fourth, fifth, third, and second commandments.

The author uses the theory of the merger of Islamic science and general science as the foundation for the idea presented in this study. Ahmad Muttaqin's research tested this notion and concluded that Pancasila must be incorporated in an interpretation that is grounded in Indonesian.(Muttaqin, 2022). Packaging the Qur'anic universal ideals inside the specific Indonesian context is what it means to include Pancasila into the foundation of an interpretive paradigm. In the meantime, Amin Abdullah introduced the integrative-interconnective theory, which connects general science and Islamic science.(Masyitoh, 2020). According to Amin, in order for science to advance and enable individuals to view issues from a variety of angles, it needs collaboration, reciprocity, reciprocal assessment, correction, and interconnection. Furthermore, in terms of integration, Kuntowijoyo likewise

objectified Islam in order to satisfy prevailing social mores. In order to dispel any doubts about the origins of this or the nature of the argument, he presents the idea of Islamic objectification as it is applied to laws and public policies in Indonesia. (DAINORI, 2022). According to Kuntowijoyo, an ideal nation is one that promotes total conceptual cooperation rather than being Islamic and secular. Because of this, the five tenets of Pancasila provide an impartial idea that the Indonesian people can use as a foundation without favoring any one party.

Discussion

Formulation of the Concept of Indonesian Social Jurisprudence in the First Principles

Indonesian social jurisprudence was formed in the first principle with the spirit of monotheistic, emphasizing that Indonesian society is a society that believes in One Almighty God. Because of this, it cannot be justified if certain Indonesians (atheists) reject religion and belief. Subsequently, the first principle's definition of Pancasila sharia as Indonesian social jurisprudence is implemented in the following manner.

Principle	Syarah Pancasila (Formulation of Indonesian Social Jurisprudence)
Belief in the one God	Have faith and loyalty for the Almighty God.
	Respect and honor God Almighty in line with their individual faiths and convictions, which form the cornerstone of a just and civilized human race.
	Mutual respect and collaboration between believers in other religions and those who follow God Almighty.
	Peace between neighboring religious groups and faith in the Almighty God.
	The link between the human individual and the Almighty God is a topic covered by religion and belief in the Almighty God.
	Honor each other's right to worship as they see fit within the framework of their own religions.

Do not impose your religion or your believe in God Almighty on others.

Formation of Indonesian Social Jurisprudence Through the Second Principle

Indonesian social law was developed with a humanitarian mindset, emphasizing that, after divinity, humanity is the most important thing in life. Any policy pattern must therefore be based on honorable human ideals. This is true because, in social life, humanity is the ultimate value that need defense. The following rules are then applied to sharah based on the second principle.

Principle	Syarah Pancasila (Formulation of Indonesian Social Jurisprudence)
Just and civilized humanity	Humans are treated with honor and dignity, befitting creations of the Almighty God. equality, including the equal rights and obligations of every human being, without regard to factors such as race, nationality, gender, sexual orientation, religion, or skin tone. As fellow beings, love one another. Respect and tolerance for one another. Be kind to others at all times. Upholding moral principles. enjoys working in the humanitarian field. Dare to stand up for justice and truth. Consider yourself a member of the human race. Be mindful of and cooperative with other countries.

Formation of Indonesian social jurisprudence through the third principle

The third Pancasila concept, Indonesian Unity, served as the foundation for the development of the third body of social law in Indonesia. This formulation was created in the spirit of unity to highlight the importance of integrity in the development of unity and

the necessity of unity as the primary value in the life of the state and nation. Any policy plan must therefore consider national unity and unity. After that, the third sharia principle was examined using the following guidelines.

Principle	Syarah Pancasila (Formulation of Indonesian Social Jurisprudence)
The unity of Indonesia	Unity, interests and safety of the nation and state as a common interest above personal and group interests.
	Willing to sacrifice for the interests of the state and nation
	A feeling of love for the homeland and nation.
	A sense of national pride and Indonesian homeland.
	Maintaining world order based on freedom, eternal peace and social justice
	development of Indonesian unity on the basis of Bhinneka Tunggal Ika
	Maintaining relationships for the sake of national unity and integrity.

Formation of Indonesian Social Jurisprudence Through the Fourth Principle

The formation of the fourth Indonesian social jurisprudence was formulated through the fourth principle of Pancasila, namely Democracy Led by Wisdom in Deliberation/Representation. In the spirit of deliberation, this rule was built in order to emphasize that deliberation is the main value in life, by eliminating the attitude of imposing one's will on others. For this reason, any policy pattern must rely on the principle of deliberation to reach consensus. Next, an analysis of the provisions of Pancasila sharia is carried out as follows.

Principle	Syarah Pancasila (Formulation of Indonesian Social Jurisprudence)
Wisdom in Deliberation and Representation Leads Democracy	Every Indonesian has the same standing, responsibilities, and rights.
	Other individuals cannot be made to submit to your will.
	Put thoughtfulness first while making judgments that will benefit everyone.
	A sense of family permeates the discussions to arrive at a consensus.

Honor and adhere to each decision that has been made after careful consideration.

a sense of accountability to acknowledge and carry out the judgments made after careful consideration

Common interests are given precedence over individual and group interests during deliberation.

In keeping with a high moral standard and common reason, decisions are made.

Decisions must respect human honor and dignity, the principles of justice and truth, and unity and solidarity for the benefit of everyone. They must also be ethically accountable to God Almighty.

Have faith in those tasked with representing you in discussions

Formation of Indonesian Social Jurisprudence Based on the Fifth Principle

The fifth Pancasila principle, Social Justice for All Indonesian People, served as the foundation for the development of the fifth body of social law in Indonesia. This concept, which prioritizes treating others fairly, was created in the spirit of social justice to highlight that social justice is the primary priority in life. Any policy framework must therefore be based on the ideas of social fairness. Following it, the following formula for *syarah* was created.

Principle	Syarah Pancasila (Formulation of Indonesian Social Jurisprudence)
Social justice for all the people of Indonesia	fostering heroic deeds that embody a family- and mutually-supportive mindset and atmosphere.
	Treat people fairly.
	harmony between duties and rights.
	Observe the rights of others.
	Offer assistance to others.
	Not an opulent way of life
	does not conflict with the general interest
	Put in a lot of work.

Recognize the contributions made by others, as this promotes wealth and advancement for everybody.
Engage in actions that promote social justice and equitable advancement.

The idea of Pancasila highlights the dignity of the Indonesian people in each of its tenets. It will have an impact by serving as a manual for national and state affairs. This suggests that sociological research on Pancasila will never come to an end because of changing circumstances.(Tarisya & Nursyam, n.d.). Like the study of jurisprudence, it will never be finished because it is always driven by changes in times and situations, giving rise to reinterpretations of jurisprudence products. The social life of Indonesian society can be stated as a broad field of Indonesian jurisprudence problems, so that the position of Pancasila and its points are the rules of jurisprudence that are in accordance with the social life of Indonesian society.(Syam & Yusuf, 2020).

Islamic law's fusion with culture gives its legal products a unique hue. As is well known, Islamic legal products with regional styles have emerged, such as Misri and Hijazi fiqh. In Indonesia, Hasbi Ash Shiddieqy proposed the idea that an Indonesian fiqh formula was necessary, and Ibrahim Hosen and Hazairin supported him. The Compilation of Islamic Law (KHI) is even recognized as Indonesian fiqh based on its composition.(Aini, 2021). Nonetheless, when it comes to societal issues, Indonesian jurisprudential formulations have fallen short of providing a comprehensive solution. This makes it essential to develop an approach to Indonesian social jurisprudence that is centered on the demands of the country's social structure.

Additionally, in order to build Indonesian social jurisprudence, *istinbat hukm* activities are required as a foundation for sharia in line with the suggested jurisprudential approach. As is well known, the Koran and Hadith are the primary sources of law employed in the study of Islamic jurisprudence. This leads one to formulate the field of extracting these arguments as follows.

Principle	Legal Proposition
Belief in the one God	- Q.S. Al-Ikhlaṣ: 1 - QS. Al-Baqarah: 256 - QS. Al-Kaḥf: 6 - QS. Asy-Syura: 11 - QS. Saba: 1 - QS. Al-Haṣṣr: 22-24 - QS. Al-Ma'idah: 73.
Just and civilized humanity	- QS. An-Nisa: 135, - QS. At-Tin: 4, - QS. Al-Isra: 70, - QS. Al-Haḥj: 11), - QS. Al-Ma'idah: 2, - QS. Al-Insha: 8-9.
the unity of Indonesia	- QS. Al-Haḥj: 9 - QS. An-Nisa: 59
Democracy Led by Wisdom in Representative Deliberations	- QS. Asy-Syura: 38, - QS. Al-Mujadilah: 11, - Q.S Al-Mujadilah: 9
Social justice for all the people of Indonesia	- QS. An-Nahl: 90, - QS. An-Nahl: 71, - QS. Ali 'Imran: 180, - QS. Al-Furqa: 67, - QS. Al-Haḍid: 11, - QS. Az-Zalzalah: 19, - QS. Al-Ma'un: 1-3.

The 'urf theory is used to Indonesian society in order to conduct legal istinbat operations by examining its culture and social structure. 'urf, the study of Islamic law,

examines how circumstances and circumstances change over time. Certain Islamic beliefs are, in a sense, eternal (as}-s{awa>bit), while others vary depending on the circumstances (*mutaghayyira>t*). The idea of "urf" is included in the *mutaghayyira>t*. (Harisudin, 2021). The notion of *mutaghayyira>t* in law must take into consideration local wisdom due to the social conditions of Indonesian society. As a result, it is possible to say that Pancasila and a number of its legal formulations are the outcome of Indonesia's 'urf formulation of Islamic law.(Wahyuni & Harisah, 2023).

Moreover, it is necessary to supplement the notion of 'urf with the theory of *mas{lah{ah*. Since it is shown in multiple research that "urf cannot stand alone without problems,".(Yasir & Bendadeh, 2021). The *mas{lah{ah* hypothesis is employed to formulate fiqh that aligns with the social values prevalent in Indonesian society. (Cholili, 2013). Research pertaining to *mas{lah{ah* seeks to uphold sharia objectives by profiting from and avoiding harm. The establishment of the benefits of life in this world and the hereafter is the criterion for *mas{lah{ah*, which is the aim of the Shari'ah. The idea of needs, which consists of three complimentary elements, and the concept of benefit constantly coexist in the analysis of fiqh proposals. (Sucipto, 2015). The first need is *d{aru>riyya>t* (ضروريات), namely benefits that must be realized for the continuation of human life. no life will be damaged. Third, *tah{si>niyya>t* (تحسينيات) namely things that are needed only as a complement that will not cause damage. Its existence will enhance the achievement of *daruriyat*'s goals.(Aryanti, 2017).

Benefits to Indonesia's national and state life must be achieved in the shape of an Islamic legal system based on the Pancasila school of thought. The Pancasila five principles are the best way to formulate Indonesian social jurisprudence. Ultimately, by guaranteeing that Pancasila sharia contains the objectives of Islamic sharia concerning identity and statehood, the development of Islamic studies in Indonesia

can be achieved through Pancasila sharia. Following that, Indonesian social jurisprudence was formed for each of the precepts' topics.

4. Conclusion

The author draws a number of conclusions from the previously provided explanation. First, the following is the research's conclusion. Initially, the goal of this research is to *istinbat* *hukum* toward Pancasila and its points expressed as *sharah*. Finding *syar'i* arguments in support of Pancasila and its points is the procedure. The *'urf* theory is employed as an attempt to investigate the applicability of the appreciation of Pancasila and its principles in society, in order to supplement the legal *istinbat* approach.

In order to determine the *maqasid ash-syari'ah* side of the formulation of Pancasila and its points, it was then further enhanced with the *maslahah* theory. Second, the Pancasila formulation and points can be considered a legal product of Indonesian social jurisprudence, as a universal formula and combining Islam and Pancasila, once legal *istinbat* is carried out. Third, a variety of sociological ideas that are drawn from the value side of Indonesian society's social life have been incorporated into the formation of Pancasila jurisprudence.

Based on the conducted study, it can be inferred that the five tenets of Pancasila are fundamentally consistent with Islam and serve as the foundation for Islamic law. However, the Pancasila formulation serves as the foundation for the idea of *maqasid ash-syari'ah*. *Maqasid ash-syari'ah* is, of course, in accordance with Indonesia's implementation of Islamic law. It is so believed that this formulation can serve as a means of resolving the conflict between Pancasila and Islam.

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