



## Article

# Formulating the Fiqh of Diversity as a Basis for Peace Education: A Case Study of Islamic Religious Education at Universitas Brawijaya

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## Abstract

*This study aims to investigate and identify the construction of the fiqh of diversity (fikih kebhinnekaan) in Islamic Religious Education (PAI) learning at Universitas Brawijaya. Furthermore, it seeks to examine and analyze the formulation of fiqh of diversity within PAI learning in fostering attitude of harmony amidst the diverse school of jurisprudence (madhhab) backgrounds among students. Using a case study approach, data were collected through participant observation, in-depth interviews, and documentation. The findings indicate two key points: First, in the construction of PAI lecturers, fiqh diversity is viewed as a universal necessity that must be met with tolerance, thereby enabling the effective implementation of peace education through PAI courses. Second, the formulation of fiqh of diversity education through PAI learning at Universitas Brawijaya*



*is reflected in a curriculum design that avoids any discriminatory elements (SARA). This curriculum design is grounded in the universal values of Islamic teachings, including the spirits of justice, freedom, humanity, egalitarianism, peace, brotherhood, and compassion. Through the formulation of these values, peace education is successfully cultivated at Universitas Brawijaya. Beyond curriculum design, this formulation is also expressed through the learning materials in the PAI textbook (Buku Daras PAI) and the learning evaluation framework, which avoids sectarian bias. The PAI learning evaluation is oriented toward transcending the primordial boundaries of Islamic mass organizations and extra-campus student organizations.*

### **Keyword**

*Fiqh of diversity, Islamic Religious Education, peace education, sectarian diversity, higher education*

### **Abstrak**

Penelitian ini bertujuan untuk mengetahui dan mengidentifikasi konstruksi fikih kebhinnekaan pada pembelajaran PAI di Universitas Brawijaya. Selain itu, penelitian ini juga bertujuan untuk mengidentifikasi dan menganalisis formulasi fikih kebhinnekaan pada pembelajaran PAI dalam menumbuhkan sikap harmoni di tengah varian madzhab fikih mahasiswa. Pendekatan yang digunakan dalam penelitian ini adalah pendekatan studi kasus dengan menjadikan observasi partisipan, wawancara mendalam, dan dokumentasi sebagai basis teknik pengumpulan datanya. Temuan penelitian ini adalah: Pertama, Dalam konstruksi Dosen PAI, kebhinnekaan fikih merupakan keniscayaan universal yang harus disikapi secara toleran, sehingga pendidikan damai melalui mata kuliah PAI dapat terimplementasi dengan baik. Kedua, formulasi pendidikan fikih kebhinnekaan melalui pembelajaran PAI di Universitas Brawijaya terlihat pada desain kurikulum yang tidak memuat unsur SARA di dalamnya. Desain kurikulum fikih kebhinnekaan didasarkan pada nilai-nilai universalitas ajaran Islam seperti spirit keadilan, kebebasan, kemanusiaan, egalitarianisme, perdamaian, persaudaraan, dan kasih-sayang. Melalui formulasi nilai-nilai tersebut, pendidikan damai di Universitas Brawijaya dapat tersemai dengan baik. Selain desain kurikulum, formulasi pendidikan fikih kebhinnekaan juga diekspresikan dalam bentuk materi-materi yang ada dalam buku Daras PAI. Formulasi fikih kebhinnekaan juga terekspresi dalam bentuk evaluasi pembelajaran PAI di Universitas Brawijaya yang tidak mengedepankan ego sektarian. Evaluasi pembelajaran PAI tersebut diorientasikan untuk melampaui sekat-sekat primordialitas ormas dan organisasi ekstra kampus.

### **Kata Kunci**

*Fikih kebhinnekaan, Pendidikan Agama Islam, pendidikan damai, keragaman mazhab, perguruan tinggi umum*

## **INTRODUCTION**

If Frithjof Schuon proposed that the meeting point of religions lies at the esoteric rather than the exoteric level (Schuon, 1984), then the convergence of jurisprudence (*fiqh*) diversity in Islam should serve as a new proposition within the context of Indonesian pluralism (*kebhinnekaan*). As a nation based on Pancasila, Indonesia is not only characterized by its ethnic, religious, cultural, and linguistic diversity, but also by the varied jurisprudential perspectives held by its Muslim majority. This issue is far from a mere theoretical debate. Empirical studies indicate that jurisprudential (*madhhab*) diversity among young Indonesian

Muslims has the potential to foster fanatical and intolerant attitudes if not managed through appropriate education. A survey released by the Research and Development Bureau (*Balitbang*) of the Ministry of Religious Affairs, for instance, revealed that over half of student respondents held intolerant views toward religious minority groups such as Ahmadiyya and Shia, with nearly 60% exhibiting radical religious tendencies.

Such *madhhab* fanaticism is not merely a normative-theological concern, but has also become a subject of field research. This is evidenced by studies on NU and Muhammadiyah *madhhab* fanaticism in Makassar (Ayma et al., 2023) and research on sectarian fanaticism within Islamic boarding schools (*pesantren*) that leads to intra-faith disharmony (Nasution, 2022). At the higher education level, research at the Faculty of Sharia, UIN Maulana Malik Ibrahim Malang, confirms that variations in student tolerance toward *fiqh* differences are influenced by their prior educational background (Fahmi, 2012). These findings demonstrate that *fiqh* diversity among Indonesian Muslim students is a concrete issue requiring educational intervention, rather than an abstract concept.

Diversity can serve as a blessing or a threat of conflict depending on how effectively it is managed, including the jurisprudential diversity configured across community organizations (*ormas*). The *fiqh* of diversity (*fikih kebhinnekaan*) emerges as a timely formulation to respond to Indonesia's religious, cultural, racial, and ideological pluralism (Abdillah, Alamudi, & Sa'dah, 2023). However, this narrative requires education as a medium for dissemination. As Jean Piaget asserted, education is a crucial vehicle for social change (Piaget, 1971). Echoing this sentiment, Paulo Freire stated that "education changes the people and the people change the world" (Freire, 2000). Thus, education plays a vital role as the locomotive for a transformative jurisprudential perspective.

Previous literature has extensively addressed the *fiqh* of diversity, primarily at the macro level. Examples include the *fiqh* of diversity initiative by the Ma'arif Institute (Wahid, Darraz, & Fuad, 2015), Nurcholish Madjid's Inter-Faith Fiqh (*Fiqih Lintas Agama*) (Madjid, 2004), and Abdurrahman Wahid's framework of Pluralism (Wahid, 2006). However, studies examining diversity at the micro level—specifically intra-faith diversity within religious communities—remain scarce. This study aims to fill this gap in the literature, which has hitherto focused predominantly on macro-level analysis. Habituation to a multi-*madhhab fiqh* education generates a moderate jurisprudential worldview, whereas a mono-*madhhab* approach tends to foster fanatical tendencies.

These theoretical premises present distinct challenges within the landscape of Islamic Religious Education (PAI) at Universitas Brawijaya. Universitas Brawijaya was selected as the research site because, as a non-sectarian public university, its Muslim student body originates from highly heterogeneous educational and organizational backgrounds—unlike Islamic higher education institutions, which typically possess a more homogeneous religious environment. This heterogeneity is reflected in the presence of various Islamic student organizations operating side by side, such as PMII (affiliated with the NU tradition), IMM and the Brawijaya Muhammadiyah Family (KBMB), as well as HMI, each bringing diverse religious preferences and worldviews (Sofanudin, 2019). This background makes Universitas Brawijaya a highly relevant locus for investigating the dynamics of *fiqh* diversity at the micro level in public higher education.

In this context, the PAI course—as a mandatory personality development course (MPK)—holds a strategic position. It serves not only to build students' religious understanding, but also to cultivate an attitude capable of constructively navigating jurisprudential differences. Ideally, PAI learning should serve as an integrative instrument to achieve genuine Islamic brotherhood (*ukhuwah islamiyyah*). This becomes increasingly imperative as the cognitive and affective aspects of *ukhuwah islamiyyah* risk being degraded when *fiqh* differences are approached with excessive *madhhab* fanaticism. Such fanaticism fosters a tendency to segregate outside groups, turning *fiqh* differences into rigid identity boundaries rather than recognizing them as part of Islamic intellectual diversity.

This dynamic reinforces Charles Kimball's thesis regarding "absolute truth claims" and "blind obedience" as primary drivers of violence committed in the name of religion (Kimball, 2003). In reality, religious conflicts are frequently socio-political disputes disguised under religious rhetoric. This aligns with the perspectives of Karen Armstrong and William Cavanaugh, who argue that religious violence is a myth constructed by modern secular societies that view religion pejoratively. Such violence is, in essence, an expression of majoritarianism aimed at subordinating minority groups (Armstrong, 2014; Cavanaugh, 2000).

Regrettably, the reality of *madhhab* and *ormas* diversity in higher education is often detached from its roots or alienated by instructional models lacking a pluralistic perspective. PAI lecturers frequently impose their own *madhhab* backgrounds onto a diverse student body, often presenting their individual *fiqh* views as the sole standard for evaluating jurisprudential issues (PAI Learning Observation, Universitas Brawijaya Malang, 2019). Ideally, a PAI lecturer should present diverse *fiqh* perspectives to address various issues within an inclusive learning environment.

This pedagogical concept aligns with the educational philosophies of John Dewey and Abraham Maslow, who asserted that the ultimate purpose of education is humanization (Dewey, 2004). The spirit of education must provide a conceptual framework that guarantees human rights and values beyond religious boundaries. Within this framework, this study seeks to reassert the *fiqh* of diversity in higher education, specifically at Universitas Brawijaya. This research aims to contribute to fulfilling the ideals of Pancasila and the 1945 Constitution, as mandated in Article 29. Based on these empirical and theoretical gaps, this study offers a framework and role model for implementing *fiqh* of diversity education through PAI courses in higher education.

## METHOD

This study employs a qualitative approach with a single-case study design (Yin, 2018), aiming to gain an in-depth understanding of how the *fiqh* of diversity (*fikih kebhinnekaan*) is formulated and practiced within Islamic Religious Education (PAI) courses at Universitas Brawijaya. Data were collected through three primary techniques. First, participant observation was conducted over a four-year period by the researcher in their capacity as an instructor for PAI courses at Universitas Brawijaya. This included direct observation of classroom dynamics, faculty-student interactions regarding controversial jurisprudential issues (*khilafiyah*), and hidden curriculum practices embedded within the instruction. Second, in-depth interviews were conducted with two groups of informants: (a) PAI faculty

members representing diverse Islamic organizational backgrounds, including Subky Hasby, In'amul Wafi, Ahmad Muhajir Ansori, and M. Mukhlis Fakhruddin (NU background); Arif Mustofa, Fadholi, and Sugeng Santoso (Muhammadiyah background); as well as Kholid Rahman, Syamsul Arifin, and Moh. Anas Kholish (NU background); and (b) students enrolled in PAI courses who represented a range of Islamic organizational affiliations, spanning mainstream groups (NU, Muhammadiyah) and non-mainstream groups (Persis, Al-Irsyad, Al-Khairat, LDII, and Shia), as well as diverse extra-campus student organizations (HMI, PMII, KAMMI, IPNU, and IMM). Third, documentary analysis was conducted on the Universitas Brawijaya PAI textbook (*Buku Daras PAI*), the personality development course (*MPK*) curriculum framework, and learning evaluation instruments (oral and written exam prompts).

The researcher acted as an insider within the research setting, having served as a PAI course instructor at Universitas Brawijaya for the past four years. This positioning offered distinct methodological advantages, including deep access to classroom dynamics, established trust with informants (both faculty colleagues and students), and contextual insights into hidden curriculum elements that might be difficult for an outsider to access. Nevertheless, this insider status presents potential subjective biases, particularly due to the researcher's relational closeness with fellow PAI instructors who served as key informants, as well as the risk of overgeneralizing personal teaching experiences to the overall construction of the *fiqh* of diversity at Universitas Brawijaya.

To mitigate these potential biases, several reflexivity and data validation strategies were implemented. First, participant observation was conducted collaboratively by two co-researchers who both teach PAI courses, allowing field findings to be cross-examined and corrected to reduce individual bias. Second, source and method triangulation was applied by cross-referencing participant observation data, in-depth interviews with ten PAI lecturers from different organizational backgrounds, and documentary analysis (the textbook and curriculum design) to ensure consistency across data sources (Patton, 2015). Third, the study intentionally selected lecturer informants across a broad spectrum of organizational affiliations (NU, Muhammadiyah, PMII, and HMI) to ensure that the documented construction of the *fiqh* of diversity did not reflect a single organizational perspective or the researcher's personal viewpoint. Fourth, member checking was conducted by reconfirming data interpretations with key lecturer informants to ensure accurate representation prior to final reporting. The collected data were analyzed using an interactive analysis model consisting of data condensation, data display, and drawing/verifying conclusions in an iterative manner (Miles, Huberman, & Saldana, 2014).

## RESULTS AND DISCUSSION

### *The Epistemological Foundations of the Fiqh of Diversity in Realizing Peace Education*

In Islamic literature, the term “*fiqh*” refers to “understanding” or “deep understanding” and is associated with the outcome of human understanding among Muslims concerning Islamic Sharia or Islamic teachings. In its narrower sense, *fiqh* refers to Islamic jurisprudence formulated by scholars specializing in Islamic law, known as *faqīh* (plural: *fuqahā*). Unlike the broader and more sacred scope of the term “Sharia,” *fiqh* represents the views or opinions of Islamic scholars that are subsequently followed and practiced by those

who accept such opinions (Ahmad Syaripudin et al., 2021). Consequently, throughout Islamic social and intellectual history, numerous jurists have emerged, each characterized by distinctive legal opinions. Within the Sunni tradition, four major schools of fiqh are widely recognized: Hanafi, Shafi'i, Maliki, and Hanbali. Meanwhile, one of the most prominent schools of fiqh within the Shi'a tradition is the Ja'fari school.

The term "kebhinnekaan," meanwhile, denotes diversity and difference. Recognizing the reality of cultural, ethnic, linguistic, and religious diversity in Indonesia, the founding fathers of the Indonesian nation adopted *Bhinneka Tunggal Ika*, an expression derived from Old Javanese, as the national motto attached to the state symbol of the Garuda Pancasila (Winataputra, 2008).

When the term "fiqh" is combined with "kebhinnekaan," thereby forming the central concept of this study, it refers to a perspective on diversity or a formulation of how Muslims should respond to differences. It should be emphasized that the purpose of the Fiqh of Diversity is not to impose uniformity, nor is it intended to establish a commonality of views among Muslims whose understandings differ. Rather, the spirit of the *Fiqh of Diversity* emphasizes unity and brotherhood, peace, and the upholding of the principles of justice and humanity, grounded in Islamic teachings as articulated in the Qur'an, Hadith, and the outcomes of *ijtihad*. This conception is consistent with developments in contemporary fiqh thought that create space for contextual approaches and take social realities into consideration when formulating Islamic legal responses to plural societies (Sodiqin & Umroh, 2023).

The Fiqh of Diversity constitutes a progressive *ijtihādī* endeavor situated within the framework of Indonesian identity and humanity. Through the Fiqh of Diversity, it becomes possible to affirm that beneath the reality of diversity lies the potential to realize national unity and cohesion in concrete terms within Indonesia. The term Fiqh of Diversity itself connotes a distinctly Indonesian form of fiqh. This fiqh incorporates local wisdom, cultural systems, and the values embraced by Indonesian society across diverse ethnic, religious, and racial communities. Its scope extends across the entire Indonesian archipelago, from Sabang to Merauke. Its primary mission is to articulate and strengthen the fundamental principle of national unity and cohesion among all components of this diverse nation. Therefore, formulating the Fiqh of Diversity constitutes a significant and noble task. Such an approach is relevant to Islamic thought on pluralism in Indonesia, which regards social, cultural, ethnic, and religious diversity as a reality that needs to be addressed through the development of an inclusive understanding of Islam (Syarif, 2015).

The epistemological foundation of the Fiqh of Diversity is built upon the concept of *maṣlaḥah*, commonly referred to as *maṣlaḥah mursalah*. This concept was employed by Imam al-Shāṭibī in developing the concept of *maqāṣid al-sharī'ah*, which serves as a foundation for the formulation of Islamic law. According to al-Shāṭibī, the purpose of the implementation of Sharia is to realize and preserve five fundamental elements, known in the discipline of *uṣūl al-fiqh* as the *Kulliyāt Khamsah*: the preservation of religion, life, progeny, intellect, and property. Thus, *maṣlaḥah* constitutes a basis or foundation for *ijtihād* in addressing the needs of modern society (Rifqi, n.d. 2020). Although the formulation above does not explicitly identify the Fiqh of Diversity—or what may be referred to as *ḥifẓ al-ummah* (the protection

of the Muslim community)—as part of *maqāṣid al-sharīʿah*, several Qurʾanic verses and Prophetic traditions emphasize the importance of preserving diversity. Therefore, *ḥifẓ al-ummah* may be conceptualized as a variable contributing to the realization of the *al-Kulliyāt al-Khamsah*. Although there remains debate as to whether *ḥifẓ al-ummah* can be incorporated into *maqāṣid al-sharīʿah* and thereby constitute a sixth essential objective (*al-Kulliyāt al-Sittah*), one point is certain: the *al-Kulliyāt al-Khamsah* cannot be effectively realized if *ḥifẓ al-ummah*—for example, in the form of protecting religious communities—is neglected. It can also be affirmed that *maṣlaḥah* is fundamentally oriented toward the public interest.

The Islamic perspective on the concept of “difference” is inherently open to multiple interpretations. This means that Muslims’ understandings of social, economic, and political issues may vary considerably, particularly because the texts upon which they rely are diverse and themselves open to multiple interpretations. Accordingly, the reading of Islamic texts articulated through the *Fiqh of Diversity* is strongly characterized by a contextual approach, accompanied by a commitment to prioritizing justice and reflecting the open and inclusive character of Islam. It should also be emphasized that the concept of the *Fiqh of Diversity* is not merely a theological perspective, although it cannot be denied that differences in fiqh formulations are, in many respects, also attributable to differences in the understanding of theological dimensions. Nevertheless, differences in perception or perspective among Indonesian Muslims regarding the concept of the *Fiqh of Diversity* are both natural and understandable. This is because the purpose of the *Fiqh of Diversity* is to offer an alternative framework for understanding diversity, particularly within the Indonesian context.

Building upon the epistemological foundation outlined above, this study operationalizes the *Fiqh of Diversity* into three indicators that serve as analytical lenses for interpreting the data: (1) recognition of *ijtihādī* diversity, namely the acceptance of differences in fiqh as a legitimate epistemological necessity, in accordance with the legal maxim *al-ijtihād lā yunqaḍu bi al-ijtihād*; (2) active *tasāmuḥ*, namely a willingness to understand the arguments of other schools of thought through dialogue, rather than merely extending passive tolerance; and (3) an orientation toward collective *maṣlaḥah* (*ḥifẓ al-ummah*), namely placing the outcomes of *ijtihād* within the framework of the collective welfare of the Muslim community, transcending particular group interests. This concept should be distinguished from passive-defensive tolerance, which does not require substantive understanding of those who hold different views (Setyabudi, 2020); from religious moderation (*wasatiyyah*), which constitutes a top-down, state-driven, and interreligious policy framework rather than one specifically concerned with the internal dynamics of fiqh schools of thought (Rohmadi et al., 2022); from multicultural education, which broadly focuses on cultural and ethnic identities without being grounded in the epistemology of *uṣūl al-fiqh* (Mo’tasim et al., 2022); and from peace education, which is generally oriented toward conflict resolution rather than specifically addressing internal diversity within religious communities (David et al., 2024).

The distinctive feature of the *Fiqh of Diversity* lies in its operation at the level of internal Muslim diversity and its grounding in the epistemology of *maṣlaḥah* and *maqāṣid al-sharīʿah*, as elaborated above. These three indicators constitute the analytical framework of this study: namely, how the epistemological foundation of *maṣlaḥah* is manifested in three principles—recognition of *ijtihādī* diversity, active *tasāmuḥ*, and an orientation toward

collective *maṣlaḥah*—how these three principles are practiced through Islamic Religious Education (IRE) at Universitas Brawijaya, and how such practices contribute to the realization of peace education on campus.

### ***Weaving Fiqh Diversity through the Theology of Kalimatun Sawa'***

From the perspective of Islam, religious life is part of a divine trust that must be preserved through compassion and love, with difference understood as *raḥmatan lil-‘ālamīn*, as elaborated in the preceding discussion. Islam calls upon all human beings to cultivate brotherhood among one another (*unity of humankind*). Differences between one human being and another should not constitute an obstacle to the integrity and unity of shared human aspirations. On the contrary, such differences can be woven together through mutual understanding, appreciation, and respect, thereby creating harmony characterized by coherence, balance, and unity.

Harmony among human beings entails dismantling the barriers created by sentimentality, egoism, and egocentrism based on race, ethnicity, culture, and religion. There is no concept of *the chosen one*—whether an individual, group, or nation—that is granted exclusive privilege by God and consequently claims to be the sole possessor of truth. The Qur'an explicitly states in Surah Āl 'Imrān (3:64), which Zakīyuddin Baidhawī contextualizes and applies to multicultural life as follows: "*Say: O adherents of all religions (and cultures)! Let us hasten toward dialogue and multicultural encounter (kalimatun sawa') between us and you.*"

Within the concept of humanity, dialogue is not limited to verbal conversation or physical encounters. It also entails openness, honesty, sincerity, sympathy, and even empathy in bridging differences so as to foster *mutual understanding*. Dialogue among human beings is expected to eliminate discriminatory practices, indifference, prejudice, stereotypes, and attitudes that tend toward sectarianism. In this context, dialogue serves as a medium through which human beings can attain greater maturity in their religious, social, and cultural lives.

Meanwhile, *kalimatun sawa'* represents a human dimension of interreligious encounter and of "extending greetings" to adherents of different religions. In this process, people experience the enrichment of *intercultural experiences*, which not only acknowledges the plurality of human life but also constitutes a form of affirmation that *plurality* and *diversity* are fundamental principles of human existence. Both reinforce the position of multicultural communities whose equality and dignity must be upheld and defended. The concept of *kalimatun sawa'* is also closely associated with the dimensions of spirituality, rationality, morality, and politics within society.

In practical terms, the value of *tasāmuḥ* (tolerance) embedded in the principle of dialogue can serve as a foundation for responding to *tanawwu'īyyah* (difference and diversity). Tolerance requires setting aside prejudice and prioritizing sympathy when responding to differences, while encouraging dialectical and dynamic dialogue. Furthermore, a tolerant attitude can help overcome intellectual stagnation and fanaticism. Tolerance within plural and multicultural societies also requires collective awareness of equality. This may be manifested, for example, through the equitable distribution of roles according to each individual's capacity and ability in carrying out social responsibilities. The principle of equality fundamentally constitutes a basis for communal life, mutual respect, *gotong royong* (mutual cooperation), and mutual assistance. Thus, a tolerant and egalitarian society

represents an integration of *civility* and *rahmatan lil-‘ālamīn* that can counter the currents of primordialism, fanaticism, and radicalism (Rachman, 2001).

### ***Constructing the Fiqh of Diversity through Islamic Religious Education at Universitas Brawijaya***

Based on observations conducted over four years of teaching Islamic Religious Education (IRE) at Universitas Brawijaya, the researcher observed that the students' construction of the Fiqh of Diversity is reflected in the diverse backgrounds of their Islamic mass organizations (*ormas*), ranging from students affiliated with *mainstream* organizations such as Nahdlatul Ulama (NU) and Muhammadiyah to those affiliated with *non-mainstream* organizations such as Persis, Al-Irsyad, Al-Khairat, LDII, and even Shi'a communities. These diverse organizational backgrounds converge at a common ground through the IRE course, where students engage with Islam from a variety of perspectives (S. Rohmah & N. Chanifah, observation, 2020).

Based on the researcher's observations, the students' fiqh diversity is not configured solely through their affiliations with Islamic mass organizations, but is also reflected in their participation in student organizations such as HMI, PMII, KAMMI, IPNU, and IMM. This diversity of extracurricular student organizations also presents a challenge for IRE lecturers, as the lecturers' own backgrounds in Islamic mass organizations and student organizations constitute an important consideration that must be positioned proportionally. For example, Subky Hasby, In'amul Wafi, and Ansori, despite their NU backgrounds, never sought to impose their NU identity or orientation upon their students (S. Hasby et al., 2020). Similarly, Arif Mustofa, Fadholi, and Sugeng Santoso, despite their Muhammadiyah backgrounds, never compelled their students to adopt the views or practices that they themselves held (A. Mustapa et al., interview, 2020). Likewise, Kholid Rahman and Syamsul Arifin, with their NU and PMII backgrounds, did not seek to displace or undermine the students' fiqh identities when these differed from their own convictions (K. Rahman & S. Arifin, interview, 2020).

This teaching landscape is consistent with the ideas of Bhikhu Parekh as articulated in his work *Rethinking Multiculturalism*. According to Parekh, identities that develop within society, including cultural identities in which religion is embedded, constitute an existing social reality that should be approached with tolerance. Diversity of identities must be properly managed because, if left unaddressed, such diversity may become a "ticking time bomb" that can erupt into horizontal conflict at any time and in any place. The imposition of a uniform identity, as exemplified by practices that occurred during the colonial era, represents a form of cultural authoritarianism. Therefore, such approaches need to be reconsidered and reorganized or, in Parekh's terminology, subjected to *rethinking multiculturalism* (Parekh, 2008).

On the other hand, however, it must also be acknowledged that the IRE course contains the potential to strip away the diversity of students' identities and reduce them to a single perspective if the teaching of the Fiqh of Diversity is not properly managed. This condition is also affirmed by Moh. Anas Kholish, who explains that the diversity of fiqh schools at Universitas Brawijaya is shaped by students' affiliations with Islamic mass organizations (*ormas*) and extracurricular Islamic student organizations. According to him, the IRE course plays a significant role in organizing and managing the diversity of students'

organizational affiliations. If the IRE course fails to function as a cohesive instrument for maintaining fiqh diversity among students, the primary educational objective of humanizing human beings would be considered to have failed (M. A. Kholish, interview, 2020).

This effort is consistent with John Dewey's thesis that the purpose of education is to foster the growth and development of an awareness aimed at humanizing human beings, rather than turning human beings into machines (Dewey, 1950). This thesis is further affirmed by Paulo Freire, who argues that education must serve as a vital instrument for cultivating a spirit of humanism within every learner. Otherwise, the role and function of education would be reduced to that of a tool or machine that mechanically produces learners equipped merely with mechanical forms of knowledge (Freire, 1984).

It is within this context that Santoso and Fadholi, as IRE lecturers with Muhammadiyah backgrounds, propose an IRE learning model that is inclusive and accommodating of all Islamic mass organizations at Universitas Brawijaya. No group should exercise the supremacy of the majority to subordinate minority groups, because Universitas Brawijaya is not a foundation-based university such as Universitas Muhammadiyah Malang (UMM) or Universitas Islam Malang (UNISMA), each of which has a particular organizational orientation toward Muhammadiyah and NU, respectively (Santoso & Fadholi, interview, 2020). Santoso and Fadholi's view is further reinforced by Khaled Abou El Fadl, who argues that power exercised in the name of the majority frequently assumes an authoritarian posture toward minorities. Minority groups are not infrequently victimized by the ideological aggressiveness of *mainstream* groups seeking to impose uniformity in their ways of thinking and perspectives upon *non-mainstream* groups.

It is at this juncture that education becomes an important instrument of social change. This is consistent with Paulo Freire's view that "education changes the people and the people change the world." For Freire, education has the capacity to transform human beings from worse to better conditions. Likewise, through education, human beings are expected to become a driving force for transforming the world (Freire, 2016).

Fadholi, Arifin, Mustapa, Hasby, Ansori, Fakhruddin, Wafi, Kholish, Rozikin, and Rahman, for example, regard fiqh diversity as a theological necessity that must be approached wisely. They agree that God possesses both the authority and capacity to make all fiqh schools that have developed in Indonesia and throughout the world into a single school of fiqh. Yet, as a theological reality, God has not exercised such a theological prerogative to unify the fiqh perspectives of Muslims throughout the world into a single madhhab (Fadholi et al., interview, 2020). This is reflected in the Qur'an, Surah al-Mā'idah (5:48), which states: Hal itu sebagaimana yang diungkapkan dalam A-Qur'an Surat Al-Maidah ayat 48 yang artinya:

*"...Had Allah willed, He could have made you one community, but He intended to test you through what He has given you. So compete with one another in doing good. To Allah you will all return, and then He will inform you concerning the matters over which you differed..." (Qur'an, al-Mā'idah 5:48).*

At the same time, all IRE lecturers at Universitas Brawijaya share the view that students' fiqh diversity constitutes a sociological necessity that should be approached with tolerance and *teposeliro*—a Javanese ethical principle emphasizing mutual consideration, sensitivity, and respect for others. Such an attitude should be actualized through affective

conduct rather than remaining merely an abstract cognitive awareness (Fadholi et al., interview, 2020). This approach is consistent with Syafi'i Ma'arif's conception of the Fiqh of Diversity. According to him, the Fiqh of Diversity constitutes a perspective that can serve as an analytical lens for understanding and responding to diversity, both at the macro level—such as religious, cultural, racial, and ethnic diversity—and at the micro level, such as the diversity of movements and schools of thought within individual religious traditions (Azyumardi Azra, 2015).

The education of the Fiqh of Diversity itself is grounded in the understanding that fiqh constitutes a profane, humanly constructed domain that should not be approached *vis-à-vis* competing claims of absolute truth. If fiqh matters were sacralized, this would potentially threaten the integrity of *ukhuwah bayna al-muslimin* (brotherhood among Muslims). Moreover, if the IRE course were used as an instrument for imposing uniformity in fiqh interpretations, such an approach would be difficult to justify. In the context of Fiqh of Diversity education at Universitas Brawijaya, fiqh is positioned as a product of *ijtihad* and therefore as a human and profane construct. Fiqh diversity consequently provides students with an educational space in which to cultivate tolerance. This is illustrated by Subky Hasby, who describes his experience of responding to fiqh diversity in the classroom. According to him, the IRE course provides UB students with a space to express their diverse fiqh perspectives based on their respective organizational backgrounds. In this context, the IRE course can function as an instrument for enriching and broadening the intellectual heritage of Islamic fiqh. He also consistently reminds his students that whenever an issue falls within the domain of *ijtihad*, there is a principle of *uṣūl al-fiqh* stating, *al-ijtihad lā yunqaḍu bi al-ijtihad* ("one *ijtihad* cannot be invalidated by another *ijtihad*") (Hasby, interview, 2020).

Consistent with Hasby's account, Syamsul Arifin explains that when students hold fiqh opinions that differ from those of the lecturer, such differences should not automatically be regarded as erroneous. As long as these divergent views are grounded in sound textual evidence and valid argumentation, they should be recognized as legitimate differences of opinion (Arifin, interview, 2020).

Based on in-depth interviews with all IRE lecturers and students enrolled in the IRE course, the IRE course at Universitas Brawijaya has indeed functioned as an important catalyst for the Fiqh of Diversity. This effort resonates with the concept proposed by KH. Sahal Mahfudz, who argues that fiqh, as a product of classical scholars and jurists, should not be understood solely through a textual approach. Differences in the ways classical scholars approached a particular issue constitute a blessing for subsequent generations. Accordingly, the boundaries between fiqh schools manifested in fanaticism and *absolute truth claims* must be dismantled so that their primordial character does not become a source of division.

Exemplars of fiqh diversity can already be found in the practices of the Prophet Muhammad (peace be upon him), his Companions, the *tābi'ūn*, and the *tābi' al-tābi'in*. One well-known example concerns the disagreement among the Companions regarding the command to pray at Banū Qurayzah. The Prophet Muhammad (peace be upon him) wisely accepted both the textual interpretation and the contextual interpretation adopted by the Companions. Similar patterns of disagreement also occurred during the periods of the Companions and the *tābi'ūn*.

### ***Formulating the Fiqh of Diversity through Islamic Religious Education at Universitas Brawijaya***

The diversity of fiqh schools, on the one hand, constitutes a rich intellectual heritage of the Muslim community; on the other hand, however, it may also pose a threat to the integrity of *ukhuwah bayna al-muslimin* (brotherhood among Muslims). In Indonesia, fiqh diversity has become fragmented by the increasingly pronounced boundaries separating Islamic mass organizations (*ormas*). Yet, these boundaries concern matters of *furū'iyah*, which belong to the profane and interpretive domain of fiqh. Horizontal conflicts among Muslims frequently emerge merely because of *absolute truth claims* made on behalf of particular groups, while those outside the group are identified through pejorative and pathologizing labels such as *kāfir* (unbeliever), *bid'ah* (religious innovation), deviant, radical, fundamentalist, or puritanical.

Identity politics based on the primordial affiliations of Islamic mass organizations is frequently employed to segregate groups that do not share the same religious orientation. The narrative of *minnā wa minhum*, or what is commonly articulated in postcolonial studies as the “*we and the other*” narrative, also frequently permeates the consciousness of certain actors within Islamic mass organizations (Bhabha, 1998). Majoritarian authoritarianism often threatens minority groups. Conversely, minority groups are sometimes subjected to excessive suspicion on the assumption that they seek to displace or dominate the majority (Burhani, n.d., 2019). This is the landscape that frequently emerges in higher education institutions amid the dynamics and complexities of campus politics. In this context, Islamic Religious Education (IRE), offered as one of the Personality Development Courses (*Mata Kuliah Pengembangan Kepribadian*—MPK), can serve as an instrument for cultivating harmony amid the diversity of fiqh schools and Islamic organizational affiliations among students and lecturers at Universitas Brawijaya. In the same vein, the formulation of the Fiqh of Diversity within the IRE course is expected to reduce prejudice and dismantle the boundaries of fiqh-based fanaticism expressed through Islamic mass organizations and extracurricular student organizations.

The driving force of IRE lecturers is essential for serving as agents in cultivating peace within the Muslim community on the campus of Universitas Brawijaya. As one of the largest universities in Malang and even in Indonesia, Universitas Brawijaya inevitably encompasses considerable potential for complex diversity in fiqh schools. As a public higher education institution administered by the state, Universitas Brawijaya should be able to maintain neutrality amid this diversity of fiqh schools. At the same time, Universitas Brawijaya should also be able to serve as both an *early warning* and a model of a peace-oriented educational landscape for Islamic higher education institutions, where primordial affiliations may generate particularly pronounced friction.

It is within this context that Universitas Brawijaya, through its IRE course, offers several transformative formulations of the Fiqh of Diversity. The formulation of the Fiqh of Diversity at Universitas Brawijaya is developed in accordance with the pedagogical creativity of its lecturers. The diverse organizational backgrounds of the lecturers require the MPK Center, as the institution responsible for overseeing the Personality Development Courses (MPK), to maintain and manage fiqh diversity appropriately. As Muhammad Anas explains, all MPK courses, including IRE, Civic Education, Pancasila, and Indonesian Language, should

function as both instruments and media for peace education. According to him, MPK courses are designed to shape students' personalities so that they become more inclusive and tolerant (M. Anas, interview, 2020). This view is further affirmed by Subky Hasby, M. Mukhlis Fakhruddin, and Ahmad Muhajir Ansori, who state that IRE learning should not contain any discrimination based on fiqh schools (S. Hasby et al., interview, 2020). Accordingly, the curriculum design of MPK courses should be free from elements of ethnicity, religion, race, and intergroup relations (SARA), particularly in IRE, which has the potential to reproduce such distinctions.

Beyond curriculum design, the role of lecturers also has a significant influence on shaping students' personalities into those of graduates who are respectful and tolerant. In the context of IRE, this idea and effort are consistent with the views expressed by IRE lecturers at Universitas Brawijaya, who explain that, at the curricular level, the spirit of fiqh diversity and peacebuilding is formulated throughout the learning materials contained in the Universitas Brawijaya IRE textbook (*Buku Daras PAI*) (Fadholi et al., interview, 2020). Themes of *tawhīd*, Islam, *īmān*, and *ihsān* constitute foundational principles as well as common ground for fiqh diversity at both the macro and micro levels. The mainstreaming of universal values—including justice, humanity, egalitarianism, peace, brotherhood, and compassion—must be continuously and repeatedly cultivated so that these universal values become common ground for the Fiqh of Diversity at both the macro and micro levels.

The internalization of these values is consistent with the ideas of *Islamic and Peace Education* advanced by Abou-Nimer. From his perspective, the central teachings of Islam are closely related to values of humanity, justice, compassion, and brotherhood. These teachings constitute theological resources for cultivating peace as well as a practical manifestation of the divine message, "*Wa mā arsalnāka illā raḥmatan lil-‘ālamīn*," which signifies extending and radiating *rahmah* not merely to Muslims *an sich*, but to the entire universe (Naser, 2017). Hans Küng likewise proposes that world peace should be built through religious peace grounded in the spirit of compassion. According to him, there can be no world peace without peace among religions; therefore, religious harmony and peace represent a noble aspiration for world peace (Kung, 2000). Although articulated through a different conceptual framework, William Cavanaugh and Karen Armstrong argue that conflict committed in the name of religion is a myth. This means that religion is not the sole variable responsible for the emergence of such conflicts. Where religion is invoked in such conflicts, it may instead function as a shield or scapegoat for underlying social, political, and other interests.

In addition to theological and faith-related materials, the IRE curriculum also addresses Islamic law, including discussions of the sources of Islamic law, the *tārīkh al-tashrī‘* (history of Islamic legislation), and its scope. According to Hasby, Rozikin, and others, this area of the curriculum requires the creativity of IRE lecturers to promote the values of tolerance and peace amid the diversity of interpretations and fiqh perspectives. Through these materials, students are encouraged to explore the dimensions of fiqh diversity as reflected in the *tārīkh al-tashrī‘*. The expectation is that students will become accustomed to the diversity of thought among the *a‘immat al-madhāhib* and understand the historical and intellectual factors that gave rise to their respective positions (Hasby et al., interview, 2020).

The formulation of the Fiqh of Diversity can also be developed through materials on *akhlāq* (Islamic ethics) (Fadholi et al., interview, 2020). Prioritizing *akhlāq* over fiqh diversity constitutes an important principle in Islamic teachings, because the historical expansion of Islam did not primarily occur through the sword, but through the dissemination of noble character as exemplified by the Prophet Muhammad (peace be upon him). This conception is consistent with the thought of Husain Mu'nis. According to him, the Prophet Muhammad's exemplary leadership constituted an important and highly influential variable in the historical development of Islamic civilization. Mu'nis further argues that, when the spread of Islam through *futūḥāt* (conquests) is compared with its spread through moral example, the latter proved more dominant and enduring in a number of regions than expansion achieved through *futūḥāt* (Mu'nis, 2018).

Mu'nis's argument was also expressed in a more accessible form by Jalaluddin Rakhmat in his work *Islam Aktual*. He argues that the supremacy of *akhlāq* should take precedence over the supremacy of fiqh. Upholding fiqh supremacy without *akhlāq*, he maintains, may produce a perspective characterized by *blind obedience* or blind fanaticism (Rakhmat, 1994). In this context, according to Kholish, the themes of *akhlāq* that constituted part of the prophetic mission of Muhammad (peace be upon him) should continuously be reinforced within the consciousness of Universitas Brawijaya students enrolled in the IRE course. Cultivating *akhlāq* as the foundation for developing tolerance and peace constitutes one of the central teachings of Islam alongside *tawḥīd*. Through *akhlāq*-based learning, students are expected to develop the emotional intelligence necessary to respond constructively to the complex landscape of fiqh diversity in Indonesia (M. Anas, interview, 2020).

The formulation of the Fiqh of Diversity is also expressed by IRE lecturers through materials on *Masyarakat Madani* (civil society) and interreligious harmony (Arifin et al., interview, 2020). Through these materials, students' awareness and appreciation of diversity are cultivated in a mature and substantive manner. The materials thus provide cognitive, affective, and psychomotor foundations for the development of the Fiqh of Diversity within students. At the same time, narratives of intra- and interreligious harmony can be internalized into students' consciousness and personalities. This awareness is grounded in the example of the Prophet Muhammad (peace be upon him) in establishing the heterogeneous society of Medina, where diverse communities were able to live together peacefully and tolerantly. Attempts at homogenization, which are sometimes presented by particular groups as an illusory pathway to peace and social stability, have not characterized the educational environment at Universitas Brawijaya. Fadholi and Kholish emphasize that, through the theme of civil society, students' awareness of democratic approaches to fiqh and humanism is continuously encouraged and cultivated (Fadholi & Kholish, interview, 2020).

The formulation of the Fiqh of Diversity is further reinforced by IRE lecturers through the theme of Islam as *raḥmatan lil-ʿālamīn*. According to Arifin, Fadholi, Kholish, Santoso, and Hasby, Islam was revealed to extend compassion to all creation (Arifin et al., interview, 2020), rather than merely to one's own group or community. Thus far, the spirit of *raḥmah* has often been monopolized for the benefit of particular groups. In Islamic teachings, however, the command to extend compassion is directed toward all beings on earth, as reflected in the Prophetic tradition, "*Irḥamū man fī al-arḍi jamī'an...*" In this context, students are shaped to

become agents who spread *rahmah* without constructing boundaries based on religion, culture, ideology, race, ethnicity, or group affiliation. Through this material, students are encouraged to explore the universal dimensions of Islamic teachings as a cosmopolitan tradition that is compatible with different social and historical contexts, including values of democracy and humanism.

Beyond the formal curriculum, there is also a hidden curriculum that can function as a powerful mechanism for cultivating students' cognitive and affective dispositions toward tolerance in responding to fiqh diversity at Universitas Brawijaya. Based on participant observation conducted collaboratively by the two researchers during their teaching at Universitas Brawijaya, the hidden curriculum developed by IRE lecturers contains several formulations of the Fiqh of Diversity, including classroom question-and-answer sessions and student discussions concerning various *khilāfiyyah* issues in society (Rohmah & Chanifah, observation, 2020).

These issues are addressed by IRE lecturers through the presentation of diverse perspectives from the *a'immat al-madhāhib*. In this way, the fiqh diversity represented by students' respective organizational affiliations can be accommodated and represented within the learning process. Despite their respective organizational backgrounds, none of the IRE lecturers imposes a single perspective through *blind obedience*. Moreover, throughout the learning process, no IRE lecturer attempts to homogenize students' fiqh perspectives by imposing either an NU-oriented or Muhammadiyah-oriented interpretation. The IRE learning process is therefore conducted proportionally and professionally. The lecturers' respective fiqh orientations, as expressed through the hidden curriculum, remain neutral toward students' fiqh diversity.

A hidden curriculum informed by fiqh diversity is further affirmed by Rahman and Kholish through the presentation of reports and textual evidence concerning variations in prayer recitations, particularly the recitations of *iftitāh* and *basmalah*, which have become subjects of *khilāfiyyah* among Islamic mass organizations. By presenting diverse reports and textual arguments concerning these recitations, students at Universitas Brawijaya are encouraged to develop more open perspectives. In addition to other *khilāfiyyah* issues that frequently become subjects of discussion among Islamic mass organizations, Rahman and Kholish regard variations in prayer recitations as an important space for cultivating tolerance toward fiqh diversity within Islam. If Muslims remain preoccupied with such *khilāfiyyah* issues, the concern articulated by Muhammad Shakib Arslan may become increasingly validated (Arslan, 2013).

The formulation of the Fiqh of Diversity is also expressed through an IRE assessment system that accommodates adherents of different fiqh schools. Students are given the freedom to answer questions in both oral and written examinations from their respective fiqh perspectives. Their answers, however, are expected to be supported by appropriate fiqh-based arguments. This approach to IRE learning is consistent with the thought of Hasan al-Turabi in his work on democratic fiqh. According to him, channeling thought through authoritarian mechanisms that impose uniformity is inconsistent with democratic values (Al-Turabi, 2003). Tariq Ramadan likewise argues that Islam and democracy are not inherently opposing or dichotomous entities. This challenges Samuel Huntington's argument in *The*

*Clash of Civilizations*, in which he contends that Islam is incompatible with Western civilization and identifies its alleged incompatibility with human rights, democracy, and liberalism as one of its defining indicators (Huntington, 1996).

While Western civilization has advanced to the point of reaching the Moon, Muslims remain preoccupied with debates over *qunūt* in the dawn prayer, the number of *tarāwīḥ* prayer cycles, *tahlīlan*, *dibā'an*, and other similar matters. In this context, students at Universitas Brawijaya, through the IRE course, are expected to contribute to breaking the cycle of civilizational stagnation represented by such preoccupations.

## CONCLUSION

This study finds that the Fiqh of Diversity at Universitas Brawijaya is shaped by the diverse fiqh backgrounds and broad organizational affiliations of its students, ranging from Nahdlatul Ulama (NU), Muhammadiyah, Persis, LDII, Al-Khairat, and Shi'a communities to extracurricular student organizations such as HMI, PMII, IPNU, IMM, and KAMMI. This diversity is addressed by IRE lecturers through theological and sociological constructions that regard differences among fiqh schools as an inevitable reality that should be approached with tolerance rather than subjected to homogenization. The principal academic contribution of this study lies in its finding that the Fiqh of Diversity within IRE learning in higher education is constructed not only through the formal curriculum—including materials on theology, Islamic law, *akhlāq*, civil society, and Islam as *rahmatan lil-‘ālamīn* presented in the IRE textbook—but also through lecturers' pedagogical practices in the form of a hidden curriculum. These practices include open discussions of *khilāfiyyah* issues without directing students toward a particular fiqh school, as well as an inclusive assessment system that allows students to respond to fiqh-related questions from the perspective of their respective schools of thought, provided that their answers are supported by valid arguments. These findings enrich existing scholarship on the Fiqh of Diversity, which has largely remained at the macro level of interreligious diversity, by presenting a micro-level account of internal diversity within the Muslim community in the classroom of a public university. Nevertheless, the limitations of this study should be explicitly acknowledged. The findings demonstrate how fiqh diversity is taught and managed within IRE learning, rather than providing evidence that such learning has produced measurable changes in students' attitudes, such as increased acceptance of differences, enhanced capacity for inter-madhab dialogue, or reduced sectarian attitudes. Therefore, the formulation of the Fiqh of Diversity through the IRE course at Universitas Brawijaya is more appropriately understood as a foundation or initial resource with the potential to foster peace education, rather than as evidence that peace education has been fully implemented. Further research that directly measures learning outcomes—for example, by examining changes in students' attitudes over time or employing longitudinal research designs—is needed to determine the extent to which this potential is actually realized in practice.

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