



The Reconstruction of Islamic Civil Law within the Framework of Fiqh Siyasah: Toward Food Sovereignty in Indonesia's Vision 2045

INFO PENULIS

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Abstrak

Hukum perdata Islam di Indonesia terus mengalami dinamika seiring dengan perkembangan sosial, ekonomi, dan politik. Salah satu tantangan utama yang dihadapi adalah bagaimana hukum perdata Islam dapat berkontribusi dalam mencapai kemandirian pangan sebagai bagian dari visi Indonesia Emas 2045. Studi ini mengkaji rekonstruksi hukum perdata Islam dalam bingkai Fiqh Siyasah, dengan fokus pada peran hukum Islam dalam mendukung kebijakan ketahanan pangan berbasis Maqashid Syari'ah. Penelitian ini menggunakan pendekatan yuridis-normatif dengan analisis konseptual terhadap Fiqh Siyasah, Istihsan, dan Istishab sebagai metode ijtihad dalam merespons dinamika hukum perdata Islam, khususnya dalam aspek agraria, wakaf produktif, dan transaksi bisnis halal. Selain itu, studi ini juga menelaah kebijakan hukum yang selaras dengan Sustainable Development Goals (SDG's), terutama pada aspek pengentasan kemiskinan (SDG 1), ketahanan pangan (SDG 2), dan kesetaraan gender (SDG 5) dalam akses terhadap sumber daya agraria. Hasil penelitian menunjukkan bahwa rekonstruksi hukum perdata Islam melalui pendekatan Fiqh Siyasah dapat memperkuat regulasi terkait pemanfaatan tanah pertanian, wakaf produktif, dan distribusi hasil pertanian berbasis keadilan sosial dan kesejahteraan umat. Implikasi dari kajian ini diharapkan dapat memberikan rekomendasi kebijakan hukum bagi pemerintah dan lembaga Islam dalam mengoptimalkan peran hukum Islam dalam mewujudkan kemandirian pangan yang berkeadilan dan berkelanjutan di Indonesia.

Kata Kunci: Hukum Perdata Islam, Fiqh Siyasah, Kemandirian Pangan, Maqashid Syari'ah, SDG's, Indonesia Emas 2045

Abstract

Islamic civil law in Indonesia continues to evolve in response to social, economic, and political developments. One of the main challenges is how Islamic civil law can contribute to achieving food sovereignty as part of the Golden Indonesia 2045 vision. This study examines the reconstruction of Islamic civil law within the framework of Fiqh Siyasah, focusing on the role of Islamic law in supporting food security policies based on Maqashid Syari’ah. This research employs a juridical-normative approach with a conceptual analysis of Fiqh Siyasah, Istihsan, and Istishab as methods of ijtihad in addressing the dynamics of Islamic civil law, particularly in agrarian affairs, productive waqf, and halal business transactions. Furthermore, the study explores legal policies aligned with the Sustainable Development Goals (SDGs), particularly in the areas of poverty alleviation (SDG 1), food security (SDG 2), and gender equality (SDG 5) in access to agrarian resources. The findings indicate that reconstructing Islamic civil law through the Fiqh Siyasah approach can strengthen regulations related to land use for agriculture, productive waqf, and the equitable distribution of agricultural products based on social justice and community welfare. The implications of this study are expected to provide legal policy recommendations for the government and Islamic institutions to optimize the role of Islamic law in achieving equitable and sustainable food sovereignty in Indonesia.

Key Words: Islamic Civil Law, Fiqh Siyasah, Food Sovereignty, Maqashid Syari’ah, SDGs, Golden Indonesia 2045

A. Introduction

Indonesia, as a country with a Muslim-majority population, has a legal system that accommodates Islamic legal principles in various aspects, including Islamic civil law. Over time, Islamic civil law in Indonesia has faced increasingly complex challenges, particularly in addressing social, economic, and political dynamics. One of the key challenges is how Islamic civil law can contribute to food sovereignty, which is a crucial element in Indonesia’s Vision 2045. Food sovereignty is a strategic issue that is not only related to economic resilience but also to social justice and public welfare. From the perspective of Fiqh Siyasah, the state plays a vital role in formulating policies that are not only based on modern regulations but also uphold the values of Maqashid Syari’ah. The principles of hifz al-nafs (protection of life) and hifz al-mal (protection of wealth) are fundamental in shaping legal policies that promote social welfare through a fair agrarian system.



In the context of the Sustainable Development Goals (SDGs), food sovereignty is also part of the global targets that must be achieved, particularly in eradicating poverty (SDG 1), ensuring food security (SDG 2), and promoting gender equality (SDG 5). Disparities in access to agrarian resources and land ownership remain major issues that hinder the realization of food sovereignty. Therefore, the reconstruction of Islamic civil law based on Fiqh Siyasah serves as a strategic approach to ensuring that Islamic law remains relevant in addressing food sovereignty challenges. One of the crucial aspects of reconstructing Islamic civil law is the utilization of agricultural land and productive waqf. The concept of productive waqf has been proven to make a significant contribution to improving community welfare in various Muslim countries. However, in Indonesia, the optimization of productive waqf in the agricultural sector still faces several obstacles, including issues related to regulations, management, and public involvement. Therefore, a more adaptive and innovative legal approach is needed, utilizing Istihsan and Istishab methods to respond to contemporary developments.

Fiqh Siyasah, as a branch of Islamic law that discusses public policy and Islamic governance, has strong relevance in supporting legal policies oriented toward social welfare and fair resource distribution. In this regard, Islamic civil law is not merely a set of rules governing individual

transactions but also plays a crucial role in establishing a sustainable sharia-based economic system. This aligns with the principles of social justice and economic balance, which are the fundamental pillars in the development of Indonesia's Vision 2045. Furthermore, the role of women in the agrarian and agricultural system is a crucial issue in reconstructing Islamic civil law. Gender equality in land ownership and management remains a significant challenge in Indonesia. Although Islamic law grants women inheritance and land ownership rights, field practices still reveal disparities in access to agrarian resources. Therefore, reconstructing Islamic civil law must accommodate gender justice principles while maintaining the essence of Islamic legal teachings.

In terms of regulation, the role of the state in formulating policies that support food sovereignty based on Islamic law is also a key factor. Policies on land redistribution, productive waqf utilization, and incentives for small farmers need further examination to ensure they align with Maqashid Syari'ah principles and the needs of society. Thus, this study will explore how Fiqh Siyasah can serve as a normative foundation in formulating a more adaptive and responsive Islamic civil law policy for food security issues. The methods of Istihsan and Istishab also play a crucial role in renewing Islamic civil law in the agrarian sector. Istihsan allows for a more flexible legal approach in dealing with social realities, while Istishab ensures that the applied laws uphold justice and sustainability. Through this approach, Islamic law can remain relevant in addressing modern challenges without compromising its fundamental principles.

This study aims to analyze the reconstruction of Islamic civil law within the framework of Fiqh Siyasah, with a focus on legal policies that support food sovereignty. Additionally, it will explore how Maqashid Syari'ah, SDGs, and modern ijthad methods can serve as the foundation for designing more just and sustainable legal policies. Through this research, it is expected that a model of Islamic civil law can be developed to strengthen food security policies, thereby making a tangible contribution to Islamic economic development in Indonesia. The findings of this study are also anticipated to serve as a reference for policymakers, academics, and Islamic law practitioners in designing regulations that support food sovereignty as part of Indonesia's Vision 2045.

Thus, the reconstruction of Islamic civil law will not only benefit social justice and economic welfare but also enhance the role of Islamic law in addressing global and national challenges related to food security and sustainable development. Therefore, this study is crucial in strengthening the integration of Islamic law, Fiqh Siyasah, and public policy in the development of Indonesia's national legal system.

B. Methodology

This study employs a juridical-normative approach with a conceptual analysis method to examine the reconstruction of Islamic civil law within the framework of Fiqh Siyasah in support of food sovereignty as part of Indonesia's Vision 2045. This approach involves analyzing Islamic legal principles, Maqashid Syari'ah, Istihsan, and Istishab, as well as their relevance to public policy and agrarian law in Indonesia.

1. Research Design

This research adopts a juridical-normative approach with a conceptual analysis method to examine the reconstruction of Islamic civil law within the framework of Fiqh Siyasah in supporting food sovereignty as part of Indonesia's Vision 2045. This approach is used to analyze Islamic legal principles, Maqashid Syari'ah, Istihsan, and Istishab and their relevance to public policy and agrarian law in Indonesia. Additionally, a comparative legal analysis is conducted to assess how other countries implement similar principles in food security policies.

2. Participants (Population and Sample)

Since this study is qualitative and based on a juridical-normative approach, there are no direct participants or respondents. Instead, the research focuses on legal texts, policies, and regulations as the primary sources. The population includes:

- ① Primary sources: Classical and contemporary Fiqh books, Indonesian legal documents (such as the Marriage Law, Agrarian Law, and Wakaf Law), and international frameworks related to Sustainable Development Goals (SDGs).
- ① Secondary sources: Journals, books, and previous research discussing Islamic civil law, Fiqh Siyasah, Maqashid Syari'ah, and food sovereignty policies.
- ① Tertiary sources: Encyclopedias, legal dictionaries, and academic reports supporting the theoretical framework.

3. Technique of Data Collection

The research employs library research (study of legal documents and academic literature) as the main data collection technique. The key methods used include:

- 🔍 Document analysis of laws, regulations, and government policies related to Islamic civil law, agrarian law, and food security.
- 🔍 Review of scholarly articles and books discussing Fiqh Siyasah, Maqashid Syari'ah, and food sovereignty in Indonesia and other Muslim-majority countries.

- ⦿ Comparative analysis of Islamic legal frameworks and their application in food security policies in different contexts.

4. Instruments

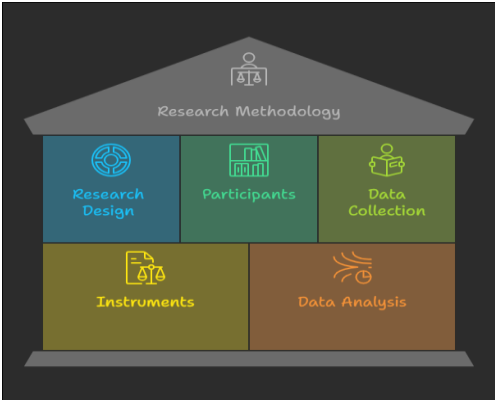
The primary research instrument in this study is document analysis, which involves systematically reviewing legal texts, regulations, fatwas, and scholarly literature. The study applies thematic analysis to identify key legal principles and policies relevant to the reconstruction of Islamic civil law in food sovereignty. The following instruments are used:

- § Legal interpretation tools, including classical and contemporary Fiqh methodologies.
- § Textual analysis software and indexing tools to organize and compare legal concepts.
- § Policy evaluation frameworks, particularly those related to agrarian law, SDGs, and economic justice from an Islamic legal perspective.

5. Technique of Data Analysis

The data is analyzed using a descriptive-analytical approach, which systematically presents the findings and examines their implications. The analysis techniques include:

- Normative legal analysis to explore the foundations of Islamic civil law and Fiqh Siyasah concerning food sovereignty.
- Comparative analysis to evaluate similar policies in different countries.
- Maqashid Syari’ah analysis to assess whether the reconstructed legal framework aligns with the objectives of Islamic law, particularly in ensuring economic justice and food security.
- Inductive reasoning to derive conclusions from the integration of Islamic legal principles with contemporary policy frameworks.



C. Finding and Discussion

The findings of this study indicate that the current framework of Islamic civil law in Indonesia has not yet been fully integrated with the principles of Fiqh Siyasah to support food sovereignty and economic independence. While Islamic civil law primarily governs areas such as marriage, inheritance, and contracts, its role in agrarian law and food security policies remains limited and underdeveloped. This legal gap demonstrates the need for a comprehensive reconstruction of Islamic civil law that aligns with Indonesia’s vision of economic sustainability in 2045.

One of the key findings highlights the absence of Maqashid Syari’ah-oriented policies in the implementation of food security laws. The principles of justice, welfare, and sustainability, which are fundamental to Maqashid Syari’ah, have not been fully realized in the country’s current legal framework. Islamic financial instruments, such as zakat, waqf, and sharia-compliant agricultural financing, have not been maximized to support small farmers or enhance national food production. This results in a missed opportunity for Islamic law to contribute to economic resilience and sustainable agriculture.

Furthermore, the study finds that gender disparities persist in agrarian ownership and food production. Despite Islamic teachings promoting equal economic rights for men and women, legal and socio-cultural barriers still limit women’s access to land ownership, agricultural financing, and participation in food security initiatives. This contradicts the Sustainable Development Goals (SDGs), particularly SDG 5, which emphasizes gender equality. Addressing this issue through legal reform and inclusive policies is essential for achieving long-term food sovereignty.

Additionally, the principles of Istihsan (juridical preference) and Istishab (presumption of continuity) can provide flexibility in legal interpretation to address modern food security challenges. Istihsan allows adaptive reasoning in developing agrarian policies that support sustainable land use and fair distribution. Meanwhile, Istishab can be applied to protect the land ownership rights of small farmers, preventing the unjust acquisition of agricultural land by large corporations. Incorporating these principles into national agrarian law would ensure a more just and balanced approach to land and resource management.

A comparative analysis with Malaysia and Turkey shows that integrating Islamic finance, agrarian waqf, and cooperative farming models has significantly strengthened food sovereignty. These countries have successfully implemented sharia-compliant agricultural financing, which has

led to increased productivity and economic stability for small farmers. Indonesia can learn from these models by incorporating similar policies into its legal system, ensuring a sustainable and resilient food sector.

To achieve food sovereignty through Islamic civil law, the reconstruction of legal policies must align with *Fiqh Siyasah*. This means expanding Islamic legal principles beyond personal and family matters to encompass agrarian and economic policies. *Fiqh Siyasah* provides a flexible and pragmatic approach for developing legal frameworks that promote food security while maintaining sharia principles. Through *Ijma'* (consensus) and *Maslahah* (public interest), the government can formulate policies that prioritize sustainable food production and equitable resource distribution.

The application of *Maqashid Syari'ah* is also crucial in ensuring that legal reforms meet Islamic objectives of justice and welfare. Policies should focus on preserving life (*Hifz al-Nafs*) by ensuring food accessibility, protecting property (*Hifz al-Mal*) through fair land distribution and agricultural financing, and promoting justice (*Al-'Adl*) in agrarian and trade policies. A *Maqashid*-based approach would not only strengthen Islamic civil law but also support the government's long-term vision of food sovereignty and economic sustainability.

Gender inclusion must also be a central component of legal reform in food security. Women play a significant role in agricultural production, trade, and family nutrition, yet they face legal barriers that limit their economic participation. By revising Islamic civil law and agrarian policies, Indonesia can ensure that women have equal access to land, financial support, and food production opportunities. This aligns with both Islamic teachings and global gender equality standards, ensuring a more inclusive and prosperous food economy.

Based on these findings, several legal and policy recommendations emerge. First, existing laws should be revised to incorporate Islamic legal principles in agrarian and food security policies. Second, Islamic financial institutions should be strengthened to support agricultural investment through *zakat*, *waqf*, and *sukuk*-based funding. Third, the government should implement policies that align with *Fiqh Siyasah*, ensuring that food sovereignty becomes a national legal priority. Lastly, gender-sensitive policies should be introduced to empower women in the agricultural sector and promote inclusive economic growth.

By integrating Islamic civil law with *Fiqh Siyasah*, *Maqashid Syari'ah*, and sustainable legal principles, Indonesia can achieve its vision of food sovereignty and economic independence by 2045. This reconstruction is essential for ensuring that Islamic law remains dynamic, relevant, and beneficial in addressing contemporary challenges while upholding justice, welfare, and sustainability in the national legal system.

D. Conclusion

The reconstruction of Islamic civil law within the framework of *Fiqh Siyasah* is essential for achieving Indonesia's food sovereignty and economic independence by 2045. This study highlights the legal gaps in the current framework, particularly in the lack of integration between Islamic legal principles and agrarian policies. While Islamic civil law has been traditionally focused on personal matters such as marriage and inheritance, its potential role in economic sustainability and food security remains underutilized. By incorporating *Fiqh Siyasah*, *Maqashid Syari'ah*, *Istihsan*, and *Istishab*, Indonesia can develop a more comprehensive and just legal system that supports food sovereignty.

One of the key findings emphasizes the need to align food security policies with *Maqashid Syari'ah*, ensuring that justice, welfare, and sustainability become the foundation of Indonesia's legal and economic strategies. The current lack of sharia-based financial instruments in agriculture has hindered the development of a self-sufficient food economy. Integrating *zakat*, *waqf*, and Islamic agricultural financing can empower small farmers, promote sustainable food production, and reduce economic disparities. These reforms are essential in fulfilling Indonesia's commitment to achieving the Sustainable Development Goals (SDGs), particularly SDG 2 (Zero Hunger) and SDG 12 (Responsible Consumption and Production).

Additionally, the study highlights the significant gender disparities in Islamic civil law and food security policies. Women play a crucial role in agriculture, food production, and economic development, yet legal and socio-cultural barriers limit their access to land, financing, and business opportunities. By ensuring gender-inclusive policies, Indonesia can enhance economic participation, reduce inequality, and strengthen food security. This approach aligns with both Islamic teachings on economic justice and global gender equality initiatives.

The application of *Fiqh Siyasah* through *Istihsan* and *Istishab* offers a flexible legal framework that can adapt to modern challenges in food security and economic sustainability. *Istihsan* allows for juridical preference in formulating policies that prioritize public welfare and sustainable agricultural practices, while *Istishab* ensures legal continuity in land ownership and food production rights. By incorporating these principles, Indonesia can develop a resilient, adaptive, and just legal system that upholds Islamic values and national economic interests.

In conclusion, the reconstruction of Islamic civil law through *Fiqh Siyasah* is a necessary step toward achieving Indonesia's vision for 2045. By integrating *Maqashid Syari'ah*, strengthening Islamic financial instruments, ensuring gender equality, and applying dynamic legal principles,

Indonesia can establish a legal foundation that supports food sovereignty and economic sustainability. These reforms will not only align Islamic civil law with contemporary challenges but also position Indonesia as a global leader in sharia-based legal and economic development.

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