Islamic Law and Pancasila Democracy: Value Integration for the Political System in Indonesia

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Abstract

The phenomenon of political identity in Indonesia in the political system influences the sustainability of democracy. Islamic law, which has universal characteristics, is used to integrate values that can hold Indonesian society together. The idea of Islamic law and Pancasila democracy are new alternatives to provide space for political parties to win the people's conscience. This research is a qualitative descriptive study with literature studies to describe and express ideas, ideas or concepts about Islamic law and Pancasila democracy. The findings show that Islamic law and Pancasila democracy are inseparable units because they complement each other to fill the void of democratic values in the political system in Indonesia.

Keywords: Islamic Law, Pancasila Democracy, Political Identity.

A.   INTRODUCTION

Epistemologically, Islamic law is a scientific, systematic, accountable, and radical thought related to Islamic law (Nasution, 2014). Islamic law has a general basis of formation and the principles of its construction are to shape and realize human benefit to uphold justice between humans, nature and the system (Tamrin, 2007). Shomad (2017) provides another view regarding Islamic law, some

things are primary human needs that can influence each other or in Arabic (*Maqashid al-Dharuriyat)*. In contrast, immediate human needs (*Maqashid al-Hajiyat)* are interpreted as a legal form of mutual exchange/agreement and benefited one another.

Islamic law has characteristics that differentiate it from other laws so that in its application it is more perfect, elastic, dynamic, universal, systematic and characteristic *ta'abudi* and ta'quli (Suny, 2017). Islamic law has a relationship with common sense, conscience and belief in Allah, therefore the nature and purpose of Islamic law is bound by religious ethics (Ansar, 2019). The purpose of Islamic law is to realize the benefit of the world and the hereafter, law has the meaning of justice, mercy and wisdom (Nasution, 2019).

Thought about the State is based on law Islam was born around the 5th century which gave the idea that a public opinion, with personal freedom and the existence of close written ties in the community (Sardjono, 2004). The idea of a State is an essence that has power in the rule of law so that the State uses law as a tool to regulate society (Asshiddiqie, 2011). Law in the conception of Islam is all the rules and guidelines made by Allah to regulate interactions between humans and the environment (Huda, e et.all, 2020).

Changes and developments require the State to compile between State law and Islamic law, this is based on opinion Brague (2020) *Al-Nusus Mutanāhiyah wa Al-Waqā 'i' Gayr Mutanāhiyah* (Islamic structures must be carried out to find legal constructs of emerging realities). In the Islamic world, the pattern of Islamic thought with a renewal style certainly has implications for aspects of Islamic law, both methodologically and discourse, based on the method of reforming Islamic law which means a method that is independent of renewal of thought (Padela, 2020).

The previous explanation explains that Islamic law is the greeting of the Khitab of Allah. The position of humans can only look for and find it (Hasanah, 2013). This then led to the development of methods of discovery of Islamic law. In history, there are many methods of legal discovery (Manan, 2017).

Islamic law has relevance to constitutional law, it also regulates how Islamic political integration in Indonesia and democratic values, in line with the civic culture tradition and democratic behavior are understood as the values of a democratic system based on Islamic law (Iftitah, 2014). Religion has a role in influencing democratic values, the nature of faith forms a "symbol system" which is defined as mood, motivation and formulates a conception of life and political systems (Bukay,

2007). On the other hand, excessive value integration will cause harmful efforts for the Islamic political system, Islamic politics and law will provide meaning as a political identity so that it helps people to seize power by utilizing this pure Islamic value (Norris, 2002).

Islamic political experts make simple generalizations regarding the uniqueness of Islam and its relationship with Pancasila democracy, Pancasila democracy is defined as a predicate of democracy identical to modern connotations, a democracy that has the values of Pancasila (Tjarsono, 2013), which is based on the fourth principle: Democracy led by wisdom in deliberations/representatives, which is inspired by the Indonesian Unity, which is imbued with a just and civilized humanity and which is imbued with the One and Only Godhead and which animates social justice for all Indonesian people. Consequently, every Pancasila precept is animated by the precepts above and animates the precepts below. It is obvious that Pancasila democracy is very different from the democracy that developed in the West,

Democracy is defined as sovereignty in the hands of the people (Demos and Kratos), as a concept, democracy is general and universal (Harefa, et.all, 2020). Democracy is a means (tool) for realizing the welfare of society, therefore, the effectiveness and productivity of the tool will be influenced by its suitability with the objective conditions of society where the tool is used and who uses the tool as a power holder. In other words, an effective and productive democracy requires preconditions, both from education, economy and culture (respect for rights and obligations). Democracy is very close to human rights, therefore democracy will not be worth anything without being imbued with human rights. The concept of man himself very much influences the orientation of human rights,

Democracy has several ideas, firstly Communist Democracy (Marxism-Leninism) severely limits religion to its people, with this principle they think that religion is an addiction that makes people dream and limits its people from rational and real thinking (Zuhdan, 2019). Second, Western Democracy (Liberal-Capitalist) which places the legislative body higher than the executive body. Liberal democracy emphasizes the recognition of the rights of citizens both individually and collectively (Kymlicka, 2010). Third, Pancasila Democracy, a new direction of thought in looking at power, Pancasila democracy is very relevant to the principle of justice which thinks about the common good without bringing down each other (Mulyono, 2020).

Democracy as the basis for identity awareness is the embryo of the birth of civilization. In contrast, if we look at the base of awareness of the identity of the Western nation, the difference is clear, Western countries: individualist, humanist, secular, while Indonesian society: individual-social,

humanist-religious, religious. So it is very natural that at the level of implementation democracy in Indonesia is different from the democracy that develops in the West, because indeed the basis of awareness of the identity of the two is very different. As a basis for awareness of the identity of a nation (individualist-socialist, humanist religious, religious), it is still in character. Still, its understanding and implementation must always be dynamic, from which primitive and modern connotations will emerge. The terms primitive and contemporary in no way indicate good and evil, or progress behind,

Therefore, Islamic law and pencasila democracy are mutually reinforcing units to instill values in the political system in Indonesia. This study aims to describe all the latest thoughts related to Islamic Law and Pancasila Democracy and the impact on the political system in Indonesia.

B.   METHOD

The specification of this research is descriptive research. Descriptive research is intended to provide data that is as accurate as possible about an effort, symptoms, events and events that occur at the moment, and is deductive based on a general theory that is applied to explain a set of data, the relationship of a data set with other data sets 2016). So in this study the writer tries to describe and express about ideas, ideas or concepts. Where in the case what is meant is an idea of Islamic Law and Pancasila Democracy.

Based on the formulation of the problem, in this study the approach method used is normative juridical approaches (Qamar, et.all, 2017). The activities carried out were an inventory of Islamic legal materials, identification of Islamic legal materials, classification of island and democracy legal materials, systematization of legal materials, as well as the interpretation and scientific construction of Islamic law and Pancasila democracy. The research approach taken is analytical, conceptual approach, and historical approach (Rahayu, 2020). So in this research the activities carried out are studying the materials of primary Islamic law, secondary Islamic law and contemporary law which will be used as guidelines in discussing and analyzing the problems of Islamic law and Pancasila democracy (Benuf, 2020).

The data obtained from this research is by conducting literature studies, namely collecting data from various legal materials and concepts of Islamic law and Pancasila democracy by studying the constitution, literature, and documents that support the object of research. The legal materials

obtained were analyzed qualitatively. Qualitative analysis is used to analyze the meaning of data that appears on the surface, meaning that qualitative analysis is used not to explain a fact but only to understand that fact (Jonaedi, 2018).

C.   RESULT AND DISCUSSION

The Relationship between Islamic Law and the Indonesian Political System

Indonesia has passed debates related to the application of Islamic law as the basis of the State, this debate has ended so that Indonesia already has a State Basic, namely Pancasila, in terms of the political system, Islamic law is defined as an ideological domain for several parties based on Islam without ruling out the Pancasila ideology. This is in line with the opinion (Munir, 2014) The political ideals of the nation's founders in the preamble (Rule of Law), the preamble of the 1945 Constitution states that the legal position is integral to a constitution, whereas according to (Munir, 2018) the political agenda of law in Indonesia has certain objectives (1) Political objectives based on national law, (2) Basic policies must include concepts and locations, (3) Basic concepts of state administration, (4) Legal materials include the national political system.

In Indonesia's legal political system, the five elements above are the basic agenda for all forms and processes of formulating and developing laws in the country which are fundamental and give color to the political system in Indonesia based on Islamic law. According to (Islamy, 2019), it is stated that Islam does not actually have a definitive concept of government. The proof is that in a government system the most basic (as stated in the above statement) is power succession (change of leadership), it turns out that Islam does not have a fixed pattern. Sometimes it uses the concept of istikhlaf (the case of Abu Bakr to Umar), sometimes it uses the system *Bai'at* (the people take allegiance to Abu Bakr), and sometimes they also use the system *ahlu alhallwa al-aqdi* (formature system). Whereas the matter of succession is a fairly urgent issue in state matters. The three models of this system occurred within thirteen years, whereas if Islam had a concept, this would not have happened, especially since the companions were people who were obedient, obedient, and afraid of the Prophet.

Thus, Islam does not regulate the concept of statehood, (the political system) that exists is only a "religious community" (*Khaira ummatin ukhrijat flower linnas*). *Khaira Ummatin*, no *khaira dawlatin*

or *khaira jumhuriyyatin*, more over *khaira mamlakatin* So the most important thing for him is that Islamic law applies in society and influences the political system.

Furthermore Fahmi (2017) said that Islam is fully functional in the life of a nation through the development of its basic values as the ethics of the community concerned. Islam functions as a part of social life that will guide the course of life as a state and society by the noble dignity and dignity of human beings. Because in the last analysis it is man who becomes the object of the welfare effort, not the state form used, and not any other form of society, this is simply because it is more effective in achieving this goal.

Moreover, about the state, he said (Zawawi, 2015), Islam has a main view. First, there is a view to establishing a specifically Islamic state. Second, the view that Islam is the official state religion, but the country itself is not an Islamic state, as in developing countries. Third, religion and state are not constitutionally linked, but the right to implement religious syari'ah is justified by the state, as in Indonesia. For him these three views are the logical consequences of historical growth, and it is not right to blame each other. There are, however, objective measures that can be used to assess the usefulness of each; is it true that Islamic teachings are carried out in it, to what extent are these teachings implemented; who guarantees its implementation; and so on (Andriyan, 2016).

So that the thinking above tries to neutralize the relationship between religion and state, by offering; first, making Islam a social ethic in state life, and second, the indigenization of Islam. According to him, to see the relationship between the universal Islamic insight and the national insight of a nation is to take the point of view between the two, namely Islam must be seen from its function as a view of life that emphasizes the welfare of society, whatever the form of civilization. And for the task of interest, humans are created in perfect completeness as human beings so that they can build a personality and through personality development is born a pattern of relationships between humans called societal interaction, social interaction or public communication.

Pancasila Democratic Relations and the Indonesian Political System

The Indonesian nation is already familiar with the ideology of democracy in its political system. Democracy in a political system is defined as a form of the growth of a democratic process and the birth of political parties to voice the people's rights. Political parties are "children of egalitarianism"

(Carpenter, 2013). Therefore, the pillars of democracy are political parties and must exist in the political system without exception.

Democracy has a specific meaning for some circles, democracy emerges from human thought, democracy proliferates in the world political system and even Indonesia, the correct term is the direct democracy system, democracy can develop rapidly because it has basic principles, according to Sadek (2003). Human beings, whatever forms of human discrimination, whether based on race, gender, religion, social status, will definitely conflict with democracy, because the principle is freedom.

Democracy is the equality of all citizens, and according to him this is absolutely impossible in Islam. In a democracy, extraordinary differences that are inevitable are bound to occur. For example; between believers and unbelievers, between rich and poor, between *faqih* (legal experts) and adherents. Not only that, it also rejects legislation by humans. According to him, Islam has no shortcomings that require perfection and in Islam no one is allowed to regulate the law. Therefore, he emphasized that democracy is very opposed to Islam (Iriany, 2018).

While Pancasila democracy emphasizes thoughts and approaches to three main points, namely constitutional, substantive and procedural, Pancasila democracy thought was born after the new order (1996), Pancasila democracy was born due to a critical reaction to guided democracy, the concept of Guided Democracy was strongly rejected, so that in 1999 1968, the MPRS again issued Decree No. XXXVII/MPRS/1968, concerning the Revocation of MPRS Decree No. VIII/MPRS/1965 and on Guidelines for Community Implementation Led by Wisdom Wisdom in Requirements/Representations or in accordance with the dictum on Pancasila Democracy (Sudrajat, 2016).

The formulation of Pancasila Democracy as regulated in MPRS Decree No. XXXVII/MPRS/1968, was revoked again by Decree No. V/MPR/1973. But more than just a technical procedural matter, many attempts have been made to provide an understanding of Pancasila Democracy. In his state speech on August 16, 1967, President Suharto stated that Pancasila Democracy means democracy of the people's sovereignty that is imbued with and integrated with other principles. This means that in exercising democratic rights it must always be accompanied by a sense of responsibility to God Almighty.

Therefore, the idea of Pancasila democracy gives color to the political system in Indonesia, in which the government runs its political wheels based on the ideology of the State, namely Pancasila.

Integration of Islamic Law Values and Pancasila Democracy for the Political System in Indonesia

In terms of the form of the relationship between religion and state in Indonesia, it is unique that Indonesia is not a secular or religious state, even though the majority of the population is Muslim. But socio-political Indonesia does not adhere to an Islamic theocracy (Yumitro, 2013). Indonesia is also not a communist, organized by secularism that does not pay attention to the religious interests of its citizens. Indonesia is a democracy based on the Pancasila principle. In such a framework, the concept of the relationship between religion and Indonesian social problems is in line with theories which do not place the relationship between the two regions on a mechanistic-formalistic plane, but are structured in more dimensions. Moral ethics of the nation's culture. From this then emerged the main trend as a current debate on the main ideas of Islamic politics in Indonesia,

The formalistic view tends to try to apply Islamic teachings in the practice of the nation and state. It requires a formal link between Islam in the form of an Islamic State, Islam as the state religion and a state based on Islamic teachings. This paradigm in the Indonesian context is better known as political Islam (Rosyad, 2020). Meanwhile, the substantive view is how Islamic values become a paradigm or wisdom in the nation's practice and state, and oppose the relationship between Islam and the state in any form (Marijan, 2019). In the Indonesian context, this view is known as cultural Islamic integration. Tracing these two views, it tends to be a substantive style of thought, which means that it is also anti-formalistic to the pattern of relations between Islam and the state.

Bachtiar (2014) agrees that there is no term Islamic state, in the al-Qur'an and al-Sunnah literature. In view of the tendency of Muslims to establish an Islamic state, this is an apologetic and utopian act and discourse. Because according to (Akbar, 2016), in Islam, a state is a law and has no state form. What is or is essential to Islam, add social and community ethics. The reason is; Islam does not recognize a definitive concept of government.

In the most basic issue, namely the succession of power, it turns out that Islam is inconsistent. Sometimes wearing *istikhlaf, bai'at,* or *ahlu al-halli wa al-aqdi* (formatur system). In fact, the issue is very urgent in terms of statehood. If Islam does have a concept, of course it will not be like that,

thus Islamic law is not like what is understood in the discipline of law, where the law must be formal.

Islamic law is a source of values, morals and ethics in the association of social life, nation and state. The position of Islamic law in a country is a source of inspiration for the formal laws of a country. Therefore Islamic law can be public and private, it can be formal, but if there is a group of people who want Islamic law to be formalized, Islamic law can be made private law such as Islamic marriage law as stipulated in the KHI.

The rise of Islamic parties and parties based on Islamic support is a reflection of the plurality of Muslims and the diversity of interests of Islamic groups. Islamic political pluralism is a reflection of the pluralism of Islamic society (Arifin, 2019). Meanwhile, the pluralism of the Islamic community itself is a logical consequence of Islamization in an archipelagic country, which varies in intensity from one place to another. These different cultural dimensions make it difficult for them to unite in political life. Therefore, the development of Islamic parties, the interests of Islamic groups into one single forum.

D.   CONCLUSION

Islamic law and Pancasila democracy are inseparable units because they complement each other to fill the void of democratic values in the political system in Indonesia, Islamic law can be private for certain things and can be public/open to the public according to mutual agreement, and Pancasila democracy based on human values and justice. The relation of Islamic law to the political system in Indonesia can be seen how Islamic law never justifies establishing an Islamic State but complements to make the country sovereign jointly, while Pancasila democracy has the same values as Islamic law, therefore the integration of Islamic legal values and Pancasila democracy for the political system in Indonesia is to apply substantialism values about the State and religion.

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