

Completion Dynamics Conflict Political Constitution in Indonesia Through Values Approach Religiousness Jurisprudence Maqashidus Syariah

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Submission date: 16-Aug-2024 09:23AM (UTC+0700)

Submission ID: 2432732617

File name: VOL.1_APRIL_HAL_185-201.docx (64.47K)

Word count: 7901

Character count: 40044

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Abstract: Negative ambition, thirst for power, which gives birth to fraud in constitutional politics, greed will tend to give birth to authoritarian government, which also facilitates uncontrolled corrupt behavior in all levels of the government system, the result is that corruption becomes a system that is difficult to judge effectively. right in front of the judiciary. The state's ideals which are the legal basis in the Proclamation are only historical, the State's goals as stated in Paragraph IV appear to be subject to multiple interpretations with negative ambitions and a monopoly in the control of natural resources by certain groups. The Constitutional Court has become a bone of contention, because it is considered the last bull of the constitution. The various systems and regulations as the basic foundation in the 1945 Constitution are the reason that it is no longer appropriate to the situation and must be repeatedly amended. The recruitment of State Rulers through the ELECTION system once every five years continues to be changed in a direction that is increasingly widening and even eliminating the true meaning of the goals of a State which is based on the Blessing of God. Almighty. Our constitutional history, which is quite long since the birth of the 1945 Constitution, will continue to be corrected for reasons of adjusting interests. In fact, the state is a tool to achieve the goals of the nation that agreed to form the state with the aim of protecting and ensuring the welfare of the people of that nation. The principles and foundations of the State have been established as the foundation in a state order, but our constitutional problems can only be resolved by changing the law and very minimally changing the concept of human thinking in that Pancasila has become the philosophy and goal of national life. The next question will be whether the Amendment to the 1945 Constitution will continue, carried out to adjust the circumstances of the desires or interests of the State authorities. Conflicts of interest in our state structure must return to the order of religious values in religion which in Islamic psychology is known as Maqashidus syari'ah jurisprudence.

Keywords ; Controlling Negative Ambition, Religious Values in Pancasila, National Dreams, Maqashidus Syariah Jurisprudence.

1. INTRODUCTION

Indonesia's constitutional history is not regardless from proclamation independence 17 August 1945, birth of the 1945 Constitution, birth of the 1949 RIS Constitution , Presidential Decree 5 July 1959 Supersemar 1966 return to the 1945 Constitution, the inclusion of Dwi ABRI's function in system Political Indonesian Statehood and the 1998 Reformation which gave birth Amendment to UUD 45 2002 and 2004. Nevertheless System constitutional Republic of Indonesia according to the 1945 Constitution, no adhere to a system in any country , however is a typical system according to personality Indonesian nation , however such is the constitutional system The Republic of Indonesia does not let go from teachings Triassic Politics Montesquieu. Personality typical contained Indonesian nation in Pancasila has own distinctive traits and special characteristics . The five values If seen structurally then he will produce tolerance on the contrary If seen in a way centrifugal he produce value that is not inseparable One The same other (Irwansyah Cape , 2022)

Received: Maret 30, 2024; Revised: April 14, 2024; Accepted: April 28, 2024; Online Available: April 30, 2024;

Distinctive characteristics and special characteristics that is reflected in Pancasila are Spirit inherent nationality before the formation of Indonesia as A organization big what is called as Country. Value the basis contained in a way the fundamentals formed by relationships God /Religion- Man -and State are mutual relate between Rights and obligations as creatures of Allah SWT , Almighty God Power. Indonesian humans have a physical body and a spiritual mind as voice truth, inner capacity, voice of the heart from God , that must be taken care of by Almighty God One through Religion (principle 1), then please second (2) in Pancasila, a just and civilized humanity can be realized in life public Indonesia. So please to three (3) " Indonesian Unity " which is multiculturalism Can done, So Zahir and Batin No OK contradictory in look after lots of humans this is what was collected in A Country. That's how it is see The role of religion and the state is always taught especially Islam. Therefore That The presence of the 1945 Constitution and Pancasila as well as the Qur'an and Sunnah according to Islam, two two his aligned, no can abandoned One with others. Government or Umara ' Taking care of the Zahir area with the principles of the 45th Constitution and Pancasila while the ulama (Ulama'Warasatul Anbiya ') Differentiate with The MUI Ulema Council (*Waryani Fajar, 2019*) on the other hand takes care of it inside with two Heirloom Abadi: The Qur'an and its Sunnah . So, Government or Umara'it managing the Zahir Region with the principles of UUD 45 and Pancasila where two principle This according to Mas'ud there are five foundations philosophy for field development of religion (1) Religion as source of spiritual, moral, ethical values for life nation , (2) Respect and Protection on rights and freedoms religious as part right azation citizens , (3), Harmony People and governance life religion , (4) development character and identity self Nation , and (5) Provision facilities and services for people religious based on governance principles good governance (*Abdurahman Mas'ud 2011*). So a The decision in the Republic of Indonesia is in your hands people, because voice people voice God, with notes voice That born from voice conscience comes out from in deep deepest heart voice truth No voice heart heartstrings that are piggybacked on by the air lust and intrigues. And can We look at the precepts to four (4) which reads " A democracy led by Wisdom in deliberation / Representation “ for People's Interests .” with so come true please to (5) Social justice for all over Indonesian people ” So in essence government only carry out will people, decisions not in hand government, but in hand people. Only Only those who sit as representatives of the people (DPR, DPD and MPR) are the right people Correct understand will His leadership (*Aswin.R Yusuf-2017*).

Questions that arise is why the Principles and Legal Basis of the Unitary State Republic of Indonesia which has been formulated like that beautiful and complete appearance but still just must it be regulated and amended ? But Conflict interest Individuals, groups and groups in dynamics Political Indonesian state administration continues continues as if exercise No There is limit end the solution. On System is as tool For reach objective matter Invite Invite only Arrange but religion can do it too finish, p this is what the author says want to convey in A study scientific this, with see in a way Progressive and Prophetic Where Dimensions Man as object organizer Country. Approach in a way Confrehenship this is the author call as approach to Religious Values and Jurisprudence Maqashidus Asy Sharia (Ushul figh). Based on considerations above , then knowledge about theory *maqashid al- syari'ah* in the study of Islamic law is a inevitability . Writing This will try put forward in a way simple about position *maqashid al- syari'ah* as a systems and approaches in the finish dynamics conflict Political state administration in Indonesia which originates from from in self Indonesian people himself left role Lord the . Points considered important in problem This covers understanding *maqashid al- syari'ah* as a system Alternatives , Relations God / Religion- Man and State. The relationship between religion and State according to Islam . From exposure background back on top , then researcher formulate problem with two matter ; Why Happen Dynamics complex state administration in Indonesia from time to time? and How finish dynamics conflict constitutional the ?

2. RESEARCH METHODS

Study This is type research library (library research). What is called with research literature or also often mentioned studies library , that is series related activities with method library data collection , reading and taking notes as well as process material study . Educational Research is conducted with read books or magazines and other data sources For collect data from various literature , okay library or in places other .

From the explanation above can understood that study literature No only activity read and record the data that has been obtained collected . But more from that , researcher must capable processing the data that has been collected with stages study bibliography .

3. RESULTS AND DISCUSSION

Maqashidus Asy Syariah As One System Alternative .

Terms maqashid' is plural form or plural from terms maqsid which means principal purpose (*Syam ad-Din ibn Qayyim, I, Iam al- Muwaqqa''in (Beirut: Dar al-jil, 1973.) III:3 terms maqashid means a purpose objective, principle, intent, goad, and end. While that in various language, terms Magshid means telos (Greek), finality (French) and zweck (German). Jasser Auda, Maqsid Ashy shari'ah as philosophy of Islamic Law A Systems Approach (London: III 2008). thing 2*

Temporarily that at- Tufi and al Qarafi , memasukan its in discussion about maslahah (interest). With thus then there is close relationship between concept maslahah and maqashid (*Najm ad-Din at- Tufi, at - Ta'yin fi syarh al-Arba'in, Beirut: ar Rayyam, 1419 H) and Shihab ad-Din al- Qarafi, az Zakirah (Beirut: Dar al-Arab 1994) V 478. Al quran own using terms qasd and qasidan, for show meaning purpose or street, as written down in two verse the following :*

And rights for Allah (explains) the straight path , and between street there is a crooked road . And if He want, of course He lead you all (Qs; an- Nahl (16) verse 9 and If yours exclaim to them that easy profit earned and travel that is not how much far, sure them follow you, but destination that very away felt by them. They will swear with (the name of) Allah" If we are willing Of course we left with you ." They are destroy self them himself and God knows that indeed them true true are those who lie . (qs surah at- Taubah (9) verse 42 (Waryani) dawn Riyanto, the truth Pancasila' perspective Wisdom, philosophy system, and Maqashid ash sharia, 2019). page 287. Terms of Maqashid then coupled with terms Shari'ah. until become purpose Ashy shari'ah. Maqashid is desired purpose reached in carry out something. In context this the intended purpose is purpose or objectives set by syar'dalam legislate law. then in term popular term often used is purpose ash-syria'ah, maqasid ash-shari'ah (Allah) and maqasi syara ' or in Arabic is purpose ash-shari'ah, maqasid ash-syari' and al maqasid ash-syar'iiyah (Ahmad ar-Raisuni, Nazariyyat al- Maqasid ' Inda al Imam asy Syatibi (Beirut: al- Ma'had al- Alami li al- Fikri al Islami ,1992) page 13 was published repeat by : Waryani dawn Riyanto, the truth Pancasila' perspective Wisdom, philosophy system, and Maqashid ash sharia, 2019). page 289.

As explained above, Ibn Assyria for example , define maqasid as “ Everything possible understanding seen in the laws prescribed by the law or part big (*Muhaamad at-Tahir al- Misawi, Ibn Assyria wa Kitabuhu maqasid asy -Syariah al- Islamiyyah (Kuala Lumpur :al Basya'ir li al – Intaj al-Ilmi, 1998), p . 171*

Necessary known that Allah SWT as *shari* ' (which stipulates shari'at) no create laws and regulations so just However laws and regulations that was created with purpose and meaning certain . Ibnu Qayyim al- Jauziyah , stated that purpose Sharia law is benefits servant in this world and in the hereafter . Shariat everything fair , all contains grace , and all contains wisdom. Each deviant problem from justice , mercy , maslahat , and wisdom for sure not provisions Sharia law .

Temporary that is , changes social problems faced Muslims in the modern era have give rise to a number problem Serious related with Islamic law . On the other hand , the methods developed by reformers in answer problem the seen Not yet satisfying . In study about update law in the Islamic world, concluded that general method developed by Islamic reformers in handle issues law Still relies on a disaggregated approach with exploit principle *superstitious* and *talfiq* .

Maqashid al Syariah is an alternative and there are many glanced at Because Enough significant become methodology law (Ushul Figh) . Objective determination law or frequently known with term *Maqashid al- Shari'ah* is one draft important in study Islamic law . Because so importance *maqashid al- syari'ah* these , experts theory law make *maqashid al- syari'ah* as something that must be understood by the mujtahid who performs ijtihad. As for the essence of theory *maqashid al- syari'ah* is For realize kindness at a time avoid vice , or interesting benefits and rejects madharat . Equivalent terms with the essence of *maqashid al- syari'ah* the is benefit , because determination law in Islam it is a must ends to benefit .

More from That objective law must known in frame know , whether a case Still can implemented based on provision law , because exists change structure social , legal the No can implemented . (Ismail Muhammad Syah , 1992). With Thus , Islamic law will still dynamic in answer various phenomenon always social change and develop . (Fathurrahman Djamil , 1997).

Relationship God /Religion- Man - and State

Various study nor theory about humans and humanity has Lots delivered by experts nor researcher . Even there are those who believe that man originate from apes (theory Darwinian Evolution) . How Naive If We until believe This is the case , especially for Muslims. Such thing Darwin said because not enough or limited study study or expert information first If linked with sourced explanation from the holy book especially the Qur'an and Al Hadith . Psychologists generally look that code body , quality psychology and situation environment is Main determinant of behavior and style personality man .

These tri-dimensional organobiological , psycho-educational , and socio-cultural (bio-psycho - socio) determinants can said embraced by all expert in the world of psychology and psychiatry . In matter this , element spiritual The same very No enter count (bio- psycho – socio-spiritual) because considered including dimensions psychological and constitute appreciation subjective simply (*Achmad Ushuluddin*)

By general , yes four flow big in research psychology behavior humans , namely : Psychoanalysis , Psychology Behavior , Psychology Humanistics , and Psychology *Transpersonal*. Bastaman say as following . "Tri- determinants of body (organo- biology) , psychology (psychological education) , and environment (socio-cultural) as decider pattern similar personality This embraced widespread among psychology and psychiatry contemporary it turns out equipped by Islam with another element : spirit . Man completely with so own dimensions physical , psychological , environmental , and spiritual , so man is bio-psycho - social -spiritual unity . Psychology Humanistic , esp Logotherapy , indeed has show unity similar that , but the spirit in question No in religious meaning . Whereas gifted spirit Lord to man it's not any spirit , but rather holy and very spirit sublime , " My Spirit " , *Ruh Divine*. Different things is view about Good or not essence man . Islam views human nature That holy and faithful , while in the stream psychology some think that essence man That bad (Psychoanalysis) , neutral (Psychology Behavior) , good (Psychology Humanistic) , and Potential (*Transpersonal Psychology*).

So , Transpersonal Psychology is a “ bridge ” for leads to introduction man in law in a way holistic with an organo- psycho - social -spiritual pattern . Organo- biological dimensions study his body human (bodily-physical) , dimensions psycho-social study characteristic man in body humans (insani / nafsani) , and the spiritual dimension examines what perfects incident human (spiritual / conscience) . In perspective philosophy humans , according to Michel Henry, exist three “ body ” type , ie body objective (which can be observed from outside) , body organic (inhabiting body objective) , and the “ original ” body (which he considers as soul or “ I ”). Third body That compile a common “ being , ” and body objective too interiority and subjectivity .

In study this , Refer from what H. Achmad explained Ushuluddin in his book RUHIOLOGY “ Health education Holistic perspective Role Spiritual in Islamic Psychology , researcher only study two type typology course , that is incident man generation first (Adam) and human generation second (descendants of Adam). Although in fact , if refers to the Word *Lord* , creation man That Can differentiated become three types , namely : (1) creation man first (Adam), min nafsini wahidah ; (2) creation man second (Eve) , wa khalaqa minha z au j

aha > , as partner or isteri Adam; And (3) creation man child descendants both , wabassaminhuma > rija > lankasi > rawanisa > 'a .

Lord create body man first (Adam's institution) . from four ana>-sir. By Jala > luddi >n as- sayuti concluded as following .

"God created humans from four element ; element wind , water element , element soil , and elements fire When more a lot element wind :

humans to be a person liar When more water content many : humans to be a person memorizer Al-Qur'an , a scholar, a person jurist and philanthropist . When a lot element land : human to be spiller blood , evil , and failure in this world and in the afterlife . When more a lot element fire : human to be a person tyrannical and oppressive ." From the explanation above writer want to explain that on each each self humans that there is nature carried from born with a nature Prophethood that's it inner > Prophetic > nature true (siddik, Amanah, Tabligh and Fathonah / wise). and there is Negative traits in language what is called Islamic psychology Fhuzurahah /negative (Hawa-Nafsu that gives birth Amazed will a person self, sedition and slander as well no ever feel satisfied and enough as well as arrogance. And This is it the role of religion for educate his mind to be able to to be a Trustworthy and wise person and not Greedy and provocative for do cheating

Connection Dynamics state administration according to Teachings Islam

In context modern statecraft , *Muhlil Musolin* , lecturer at STAI An Nawawi Purworejo , explained importance use perspective *theory maqashidus Sharia* in study state ideology such as Pancasila. According to him , Islam and Pancasila no each other contradictory , in fact with implement one's Pancasila can considered practice religious teachings . More Continue , Muhlil Musolin No agree with idea transnational Islamic circles who clash Pancasila with Islam. Because , effort like This besides can threaten Pancasila ideology as sharpener nations , are also contradictory principle *maqashidus Sharia* in Islam. Pancasila basically is implementation from values *maqashidus Sharia* is the core teachings of Islam.

In the era of democracy and openness like Now This perspective knowledge *maqashidus Sharia* need Work maximum order to the provisions resulting law No shifted from objective basic it was formed a country and government . Objective the none other than that implemented it benefit in the middle life religion , nation and state . Emerging trend countries nation (*nation states*) with segment a multi- ethnic , multi-racial , multi- cultural and even multi-religious population necessitates emergence device analysis sophisticated religion . If No so will give rise to the mess that can be threaten unity and oneness nation . In context here it is

perspective *maqashidus Sharia* find its relevance study problem value - oriented state administration mark religiousness ., incl Pancasila issue as the foundation and ideology of the Unitary State Republic of Indonesia (NKRI).

From the corner implementation , science *maqashidus Sharia* actually more find momentum in the technological era information and communication like We watch Now . In the digital era like Now This approach knowledge *maqashidus Sharia* considered important For respond miscellaneous incident the law is not yet Once happened in ancient times . In respond knowledge such a constitution developing , for example , science *maqashidus Sharia* need used as perspective law For study problem nationality and statehood in a way more contextual

Problem the relationship between religion and the state has been appear surface in series polemics and debates throughout the decades First century This . Debate This apparently started with happen revolution race young Turkey below led by Mustafa Kemal Pasha 20 's. The culminating one with deleted *khilafat* in Turkey , the release of Islam as the official state religion , and its abolition sharia as source law highest within the country. Türkiye born as A republic secular ones with firm separate affairs religious with *affairs statehood*

Almost year simultaneously with revolution in Turkey that , a judge at the Sharia Court in Egypt , Sheikh Ali Abd al- Raziq write book with title , *al-Islam wa Usul al- hukmi* (Muhammad, 1985: 54) (Islam and the Principles Government) which is not just give rise to commotion among al-Azhar scholars , however echo the debate also heard in Indonesia (M Sewang and Samsudduha , 2011: 62). Final conclusion from Abd's study . Al- Raziq in his book that , it says in chapter last with explain as following : The actual reality is that the Islamic religion does not know institution *kekhilafaan* (statehood) as during This known by the people Muslims . Institution of error The same very No There is involved otherwise with religious teachings . Likewise with problem government and functions statehood . All That is related problems with politics , and the same very No There is connection with religion. Religion doesn't know institution similar that , but also not reject its existence , no commands , and does not forbid . Everything Up to you to We For We consider with sense we , with experiences and rules existing politics around We

Conception about the state and government has give rise to discussion long among thinkers Muslims and gave rise to difference opinion as well as quite a view long , which is not only stop at the level theoretical conceptual , but also enters the political realm practical , so often bring conflict and division among Muslims

Difference view besides caused socio-historical and socio Cultural , also caused by factors of a nature theological ie No exists information firm (*clear cut explanation*) about the

state and government in Islamic sources (*Quran and Sunnah*). Of course there is a number of frequent terms connected with the concept of state, such as *khalīfah* , *dawlah* and *hukūmah* , however term the is at in category verses *zanniyah* who makes it possible interpretation . Al-Qur'an No bring clear explanation about state form , conception about power , sovereignty , and ideas about constitution

In thinking Islamic politics , talks about the state and government by political scholars leads to two objective . First find Islamic ideals about the state or government (emphasis aspect theoretical and formal), ie try answer What kind of question is that form of state according to Islam?. Second , do it idealization from Islamic perspective on the process of state administration or government (emphasis aspect praxis and substance), namely try answer question How fill in the country by *Islam*?

If approach First leaving from presumption that Islam has draft certain about the state and government , then approach second leaving from presumption that Islam does not bring draft certain about the state and government , but only bring principles base form mark ethics and morals

Islam, according to Hamka , it is not just a religion, but also a ideology and a the encompassing *weltanschauung* sky earth , things life , and the afterlife . When just the teachings of Islam studied with seriously and accompanied love , isn't it with hatred , it's real that Islamic teachings do not recognize same once what is called separation of religion and state

Even if religion and country should be put together , however Hamka repeatedly asserted that consolidation that it's not bring implications standing a theocratic state , a another term used by groups nationalist secular in against the idea of an Islamic state in Indonesia. Hamka explained , "Islam is belongs to every believer . In Islam no there is department religious head Nope there is Mr. Domine who has to to be intermediate between humans with God The so -called scholars are not given rights for dominate religion. And no there is one a mere caste only take care of religion, so many people should wait decision he If a religion is dominated by someone , even though him no get beslit (letter results) from God do organize that , then other people have the right seize the religion from his hand and democratize it come back One understand from a Muslim scholar, can rejected by other scholars. True meaning from the word scholar is a person of knowledge . Only tradition artificial it is man who narrows it down that area (region of understanding).

Understand the unification of religion and the country it adheres to Hamka , bring implications obligation for race Muslim For form a country based on consideration sense or reasoning rational human and not based on on Nas strict sharia good inside Al-Qur'an nor

hadith of the Prophet. The state complied Hamka required man Because considerations practical , but that country it's not institution religious That Alone in a way direct . The state complied The Islamic view , said Hamka , is nothing other than tool For carry out law truth and justice for its people . Next , Hamka said , truth and justice yang yang absolute is from Allah. Some say that al-Din wa al- Daulah (Islam is a religion and a state). Formulation this is not enough right , right namely Islam is the state. Temporary that is , changes social problems faced Muslims in the modern era have give rise to a number problem Serious related with Islamic law . On the other hand , the methods developed by reformers in answer problem the seen Not yet satisfying . In study about update law in the Islamic world, concluded that general method developed by Islamic reformers in handle issues law Still relies on a disaggregated approach with exploit principle *superstitious* and *talfiq* .

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The relationship between religion and the state according to Islam

In Islam, religious relations become enough debate warm and continuous until now among the experts . In fact according to Azzumardi Azra , debate that has been takes place since almost one century , and continues until adult this . Tension debate about relationship

(religion and state are inspired by a relatively awkward between Islam as a religion (din) and the state (dawlah). In other languages, relationships between religions with politics (siyasah) among Muslims, especially among many sunnis organized by Indonesian society, basically nature ambiguous or ambivalent. Such a thing that because Sunni scholars often said that basically in Islam no there is separation between religion and state. Temporarily there is also tension on the stage conceptual as well as stage practical in politics, reason like that is seen there is tension and pull reach out in religious and political relations.

Source from awkward relationship above, related with statement that inside understanding limited to the relevant matters with fields ilahiyah, which is nature sacred and holy. Meanwhile politics statehood (siyasah) in general is field prephone or mundane.

Besides the things mentioned above, holy scriptures Koran and hadith also seems to be inspiration that can be give rise to different understanding. Scripture Alone mention dunya which means world and din which means religion. This also raises impression dichotomous between affairs of the world and the hereafter, or religion and state that can debated by experts

About connection between religion and state in Islam, according to Munawir Sjadzali, yes three the flow that responds to it. First, the flow that considers that Islam is a complete religion that includes everything, including state problems. Therefore that, religion doesn't can separated of the state, and state affairs are religious matters as well on the contrary

Flow secondly, saying that Islam does not There is relationship with the state, because Islam does not arrange life state or government. According to flow The Prophet Muhammad saw had no mission For founded the country. Flow third opinion that Islam does not covers everything, but covers set principles and values ethics about Flow secondly, saying that Islam does not There is relationship with the state, because Islam does not arrange life state or government. According to flow The Prophet Muhammad saw had no mission For founded the country. Flow third opinion that Islam does not covers everything, but covers set principles and values ethics about

Connection integralistic can interpreted as connection totality, where religion and state have relationship which is a unity that is not can separated. Second is two unified (integral) institution. It also delivers understanding that the country is a institution political and at the same time religious institutions. Draft This confirm return in Islam that No know separation of religion, politics or country. Draft like This The same with draft theocracy.

Relationship model second is connection symbiotic-mutualistic. This model of the relationship between religion and the state, according to Hussein Muhammad, confirms that There is a relationship between religion and state mutual relationship need. According to view

This , religion must executed with good and orderly . This matter only accomplished when There is an institution called the state. Temporary That , neither does the country can left walk Alone without religion. Because without religion, will happen chaos and immorality within state

Pancasila Ideology Perspective Maqashidus Sharia

Early Pancasila at first dug based on values sublime culture Indonesian society .
Pancasila then become the basis and ideology of the state as fruit ideas that have been contributed by the Founders republic This is for safeguarding wholeness and unity nation to front . They has very meritorious formulate proven foundation of the state can unite nation and create peace during dozens year . No can denied that sometimes happen tensions and differences in interpretation of substance of Pancasila during journey republic This . But matter That No lead to possible divisions tear down existence of the Unitary State *Republic of Indonesia (NKRI)*.

We must studied in the past that single interpretation towards Pancasila in stretch history Old Order and Order New often ignite tension . Even though Pancasila as ideology open agreed become state basis for protect all over component nation from split . No matter how Pancasila is explored from culture nation and roots tradition the people of this country , however fact exists contract social and agreement between Lots group For formulating Pancasila is not can refuted . A agreement naturally based on existence debate previously . Hence , fruit agreement This need We take care For Keep going knitting unity and oneness nation in the republic This .

In Islamic terminology , agreement or agreement the known with the term al- wafa ' bi al-' ahd , ie fulfillment a must promise implemented by every Muslim. In QS al- Isra ' verse 34 it says that fulfillment promise or agreement That must done Because He must be held accountable.²⁰ In a Hadith narrated by Imam al-Bukhari is also mentioned that attitude the Muslim people depending on the agreement except agreement make lawful what is haram or forbid what is halal.

Muslims of this country accept the principle of Pancasila is not it just Because step compromise , but rather There is argument syar'i form postulates ordinary jurisprudence made foundation and footing . In Islamic treasures , there are Lots use formulas existing argument very tradition . In tradition thoughts that develop in the cottage Islamic boarding schools , for example , exist a number of theory law or rule fiqh and ushul al- fiqh that can made tool analysis to problem statehood , incl problem the principle of Pancasila. Various theory law built For

analyze every issues that have arisen with use perspective maqashidus Sharia in Islamic jurisprudence , namely objective Sharia derived from none other than For spread benefit and deter happen damage .

Basics philosophy relationship between state and religion already Once discussed in a way Enough elaborative ten century ago by al- Ghazali (d 505 H). In A release intellectual , thinker with title this hujjah al-Islam Once state that religion and state are not change it two you twin . Deep religion cotext al-Ghazali likened this foundation , while the state as guard or the manager . Of course just without foundation A building will collapsed , as in foundation just without means his supporters will in vain.³² With substance the same and level intensity rather different , Caliph Uthman bin Affan I have too make illustration that Lord delegate the state to things that are direct and explicit No can covered by *the Koran* .

Of course just totally and universally no Possible There is provision the law is not covered by the Koran and Hadith. But in a way technical and operational , still Lots verses The Koran and Hadith texts are of a nature mujamal , dhanni and express problem in a way line big . Segment this is what Caliph Uthman bin Affan meant ra need state presence for mediate content text revelation in one parties and reality life continuing society move dynamic on the part other . System government , incl the state principles of Pancasila are included in it in a specific area mujmal and dhanni earlier so that very possible at this level its operations happen difference form from time to time in accordance level change . Most importantly , whatever form of state is chosen and whatever basis of state is agreed upon must refers to principles justice and benefit like explained in knowledge maqashidus Sharia .

Al- Mawardi , one expert madzhab statecraft science Syafi'iyah also expressed this importance presence state instrument for bring up benefit in the middle life nation and state . In his work , alAhkam al- Sulthaniyyah , he even consider state leadership as heir institution prophetic in effort preserve religious teachings for the sake of upholding them justice and benefit in the middle public . Therefore , still according to al- Mawardi , establishing government with capable leadership in it is must the law for Muslims .

From the views of experts the above law can explained that existence the principle of Pancasila as the foundation and ideology of the Unitary State The Republic of Indonesia (NKRI) can justified in a way syar'i . Cause , determination principle Pancasila the is part from endeavor straighten up pole buffer country for its sake harmony , justice and benefit in the middle life public . Problem statehood , incl formulation about the foundations and ideology of the state, enter in category law muamalah in Islam. Theorem the law No form nash (text revelation) which is qath'i , rather disclosure revelation in a way line big form moral messages

about justice , deliberation , principles equations and so on. Maqashidus Sharia Then become perspective theory For straighten up values benefit in determine base law Pancasila as state and unifying ideology nation .

Role Theory Maqashidus Sharia Responding Dynamics Constitution

Dynamization form government and system constitutional supported by facts history in Islam. During the time of the Prophet saw . Still life , discourse about system government Not yet surfaced Because he handle it yourself problem ins and outs the ins and outs of the country through guidance revelation . The Makkah phase lived Rasulullah saw . during three twelve year Not yet Lots peeling state problems due to this period focus Religious teachings are directed at consolidation field aqidah and basics other religious teachings . Only in the Medina phase of the discourse relations between religion and state began appear to surface , esp when during ten years in the city This Islamic community often tangent with community others , like Jews and Christians. Discourse even this capable completed by the Prophet saw . so that No Lots give rise to debate among Muslims .

After death Rasulullah saw ., discourse knowledge constitutional start rolling For respond diverse problem nation and state with still referring to the text partial revelation Still has multiple interpretations. Before corpse Rasulullah saw . buried happen debate politics in the hall Thaqifah Bani Sa'idah concerning who has the right become caliph replacement him . Dispute This Then inked monumental decision concerns principle shura (deliberation) in history Islamic statehood . This matter marked with election of Abu Bakar as- Siddiq ra as Caliph First . Abu Bakr was carried stronghold Friend Muhajirin defeat other candidates from stronghold Friends of Ansar after through debate *Enough tough* .

Atmosphere democracy the more dim , or even disappeared The same once , in the post era caliphate . System the kingdom (mamlakah) came later become choice Muslims today That . The Umayyad Empire ruled during almost One century (approx over 90 years) start apply system government monarchiheriditis or kingdom down hereditary . Likewise in dynasties next , the Abbasids , rotation leadership done in a way down hereditary . Power dynasty Abbasid This taking place quite a long time in range time around five centuries (750 AD – 1258 AD). In the following times system kingdom Still still coloring Islamic government until century to the 19th AD marked with fall Turkish Islamic kingdom Ottoman .

Responding dynamics the We need build theory and tools sophisticated and adequate analysis in formulate draft administering a state that is mashlahah and just in accordance context of the times. Knowledge *maqashidus Sharia* in later Islamic jurisprudence own its

relevance made perspective theory respond miscellaneous developments and changes that occur . Role maqashidus Sharia in formulate instrument state administration in the millennial era This very it's important to be diverse provision the law in it No shifted from point its orbit , that is For spread benefit and deter happen facial damage earth

It happened dynamics system government like pictured above actually is something certain . Because , system government in Islam entered in category *beware* (means), no *ghayah* (goal). Whereas what 's coming in in category ghayah is enforced it joints justice and benefit in the middle people in a way evenly so that they Can life prosperous and peaceful in accordance principle maqashidus Sharia in Islamic Jurisprudence . Organizing and mobilizing the country wheel government become must For manage life people daily . In knowledge maqashidus Sharia problem This enter at the level of mashlahah ' ammah (benefit general) and mashlahah dlaruriyyah (benefit principal) which has implications for necessity protect life people religion , body and soul, reason mind , offspring and wealth object .

Naturally state and government administration No walk effective without state instruments and systems appropriate state administration with context development . In text revelation , form of state and system ideal government does not mentioned in a way explicit and detailed . Instead , text revelation in question This Lots verbalized in a way line big and universal so people Can create a system appropriate government with challenges faced and varied Name what happened .

Because explicit concept about ins and outs outs and outs politics and systems government No found in sheet text revelation , then formulation instrument state administration becomes not quite enough answered the Islamic Jurists with still refers to universal postulates in the holy scriptures . Principle ethics and morals ¹ in religious teachings can become reference for jurists in formulate system constitutional in accordance context development . Islamically conceptual No confess happen separation between religion and state like draft secular state thinking . With character inherent holistic to him , Islam considers that state administration in essence is integral part or expansion from Islam Alone . Out of sight like This Then appear ¹³ adage , al -islam din wa dawlah (Islam is both a religion and a state)

Illustration above No describe that practice running a dry country from argumentation religious or even No have proposition in holy book pages . Koran and Hadith as ¹ primary sources of teachings believed Already perfect contain diverse problem . But second source teachings the seldom disclose problem in a way detailed (juz'i) and detailed (tafshili) ¹ concerning the ideal format of the state and system government . Instead , text revelation Lots disclose state and system issues government globally (ijmal) and lines large (kull) .

Postulates only coolies give rule globally can reflected , for example , in moral messages about importance enforcement justice and human rights, principles equality in advance law , democratization , etc.

In essence , with diverse the moral appeal How spirit Islamic law is none other than maqashidus Sharia Keep going to “ organism.” live ” in wheel government For ensure implemented it benefit and peace . Choice instrument Then become it is important that every state administration is not shifted from values universality of Islam for protect right -

right religiousness someone , right undergo life and so on . Protection rights every individual the in knowledge maqashidus Sharia called maslahah dlaruriyyah , i.e benefit a must essential enforced by the organizer country for goodness sake people . Argument religious about it's a problem This poured in A rule fiqh : “ tasharruf al-imam 'ala alra'iyah manuth bi al- mashlahah ”. That means everything commandment ruler to its people must relate with benefit .

4. CONCLUSION

Negative Ambition , thirst will power , which gives birth fraud in Political constitutionalism , greed will inclined give birth to Authoritarian government with that also makes it smooth For act become corrupt or not controlled at all line system governance , results corruption become A difficult system For tried in a way right up front judiciary . will Keep going happen If Indonesian people No understand characteristic bearing each each one triggers it For do negative.

Completion Dynamics conflict Political Indonesian constitution only can be completed through Pancasila through Maqashidus system approach asy -Sharia with understand the essence of Pancasila perspective Wisdom, philosophy of the maqasidus system sharia and the principles of Pancasila as the foundation and ideology of the Unitary State The Republic of Indonesia (NKRI) has proven can unite nation as well as create harmony in the middle diversity and pluralism resident . The existence of Pancasila is not just Because step compromise but based on arguments syar'i form postulates fiqh and ushul al- fiqh (Islamic jurisprudence). In Islamic jurisprudence , perspective theory that could built For study problems law constitutional for example the principles of Pancasila are maqashidus shari'ah , that is intended target Sharia form implementation benefit in life nation and state .

Islamic thought about the relationship between religion and state related between One with others , esp in aspect constitution , democracy and: rights basic human , with conclusion as following Relation between religion and the state within Islamic thought , namely , Islam 1.

giving principles formation a country with exists draft khalifah , dawlah , or law . With principles this , then there is three paradigm about views of Islam and the state, namely ; paradigm integrative , paradigm symbiotic , and paradigm secularistic Relation between religion and democracy , in matter Islam emphasizes 2. values democracy That himself , that is truth and justice . With democracy this anyway, then rule game good politics can materialized . Because of that draft democracy like this , really in accordance with Islam, because Islam is always a religion put forward values truth and justice and relations between religion and human rights in Islamic thought , then Islam 3. has set that right basics brought man since born is right independence religious . Therefore , Islam is essential emphasized importance right basic man For enforced in a country. Because of rights basic man That is rights that don't OK harassed and confiscated . from the person who owns it right the .

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