



ROLE PEOPLE ISLAM TO ENFORCEMENT LAW IN INDONESIAN STATE SYSTEM: PERSPECTIVE OF ISLAMIC LEGAL PHILOSOPHY

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DOI: <https://doi.org/10.62567/micjo.v2i2.525>

Article info:

Submitted: 18/01/25

Accepted: 15/04/25

Published: 30/04/25

Abstract

Enforcement law is component important in guard stability system state administration Indonesia Which compound. Muslims, as majority resident Indonesia, own not quite enough answer big in support enforcement law Which fair and ethical. Through the perspective of Islamic legal philosophy, this study explores how Islamic legal principles such as justice ('adalah), welfare (masalah), and obedience to the law (ta'zim al-qanun) can strengthen the Indonesian legal system. This journal uses a descriptive qualitative research method with a literature review approach to understand the role of Muslims in the context of law enforcement in Indonesia. The findings show that Muslims have a significant role in fighting for the values of justice and maintaining the integrity of the legal system based on Islamic spiritual, moral, and ethical foundations.

Keywords : People Islam, Enforcement Law, State Administration Indonesia, Philosophy Law Islam, Justice

1. BACKGROUND

The Indonesian constitutional system is a system that upholds the supremacy of law as the basis of national and state life. As a country with a Muslim majority, the role of Muslims in law enforcement is crucial in maintaining legal stability and realizing social justice. Islamic legal philosophy has an important contribution in building an ethical and moral foundation that supports the legal system.

In Islamic legal philosophy, law (sharia) aims to achieve the welfare of the people or goodness for all humans, both Muslims and non-Muslims. Therefore, the contribution of Muslims in law enforcement in Indonesia is not only normative but also plays a role in ensuring that the implementation of the law is carried out fairly and wisely in accordance with the moral and ethical values in Islam.

This study is important because the Indonesian constitutional system recognizes



religious freedom and legal plurality, where Islamic law can play a role as a source of values and norms in the legislative and enforcement process. law. However, role people Islam in context This Also must seen in perspective constitutional law that respects diversity and equality among all citizens. Thus, this discussion is expected to provide an overview of how Muslims can play an active and constructive role in enforcing law in Indonesia through approach philosophy law Islam Which emphasize justice, equality and welfare of the people.

2. RESEARCH METHOD

a. Method Qualitative Descriptive

Study qualitative descriptive focused on Exposure phenomenon or draft in a way deep And details without manipulation of observed variables. In this context, the study does not aim to test hypotheses or find causal relationships, but rather to describe and interpret the views of Islamic legal philosophy on law enforcement in Indonesia comprehensively. Through this approach, the study will focus on understanding the meaning, norms, values, and principles of Islamic law that can influence the legal system in Indonesia.

b. Approach Study Library

Literature review as the main method in this research is useful for reviewing and analyzing various source literature Which relevant, like book, journal, article scientific, document law, and literature on the philosophy of Islamic law and the Indonesian constitution. Through this approach, researchers collect secondary data related to the research topic, which is then processed and analyzed critically to obtain a deep theoretical understanding. The literature review also used by researchers to develop arguments supported by various expert views and theories in the fields of Islamic legal philosophy and constitutional law.

3. RESULTS AND DISCUSSION

a. Draft Philosophy Law Islam in Enforcement Law

The philosophy of Islamic law is a branch of science that studies the principles and objectives of Islamic law (sharia) as a guideline in the lives of individuals and society. The philosophy of Islamic law emphasizes on draft justice, welfare, And morality Which sourced from Al-Qur'an And Hadith, and ijtihad (interpretation of scholars). In the context of law enforcement in Indonesia, Islamic legal philosophy provides a framework of values that can be integrated into the national legal system to create justice and prosperity for all people, both Muslims and non-Muslims. The following are the main concepts in Islamic legal philosophy that play a role in law enforcement in Indonesia:

1) Justice (Al -'Adl)

Justice is a fundamental principle in Islamic law, meaning putting everything in its proper place and giving each individual the appropriate rights. In the context of law



enforcement, justice serves as a basis for determining impartial decisions and respecting the rights of every person without discrimination. In the Indonesian legal system, this principle of justice is pursued through fair laws and legal policies that reflect equality.

2) Benefit (Al- Maslahah)

The philosophy of Islamic law also emphasizes the importance of maslahah, namely the purpose of law to bring benefits and prevent harm (loss) to society. Islamic law encourages the achievement of maslahah through rule Which guard religion, soul, reason, descendants, And treasure. In context law enforcement in Indonesia, the principle of public interest encourages the application of laws that are oriented towards the interests of the general public, for example in legal policies related to social welfare and security.

3) Purpose Sharia (Maqasid) (al- Shariah)

Maqasid al-Shariah is the main objective of Islamic law which aims to protect five basic needs. man: religion, soul, reason, descendants, And treasure. Draft This ensure that law Which enforced accordingly with principle guard sustainability live and honor man. In enforcement law In Indonesia, maqasid al-shariah contributes to legal policies that protect the fundamental rights of citizens and maintain social stability and harmony.

4) Balance And Equality (Tawazun wow Tanasub)

Islamic legal philosophy emphasizes the balance between rights and obligations, as well as equality in treating individuals. in in front law. Principle This teach that enforcement law must apply fairly and evenly, without discrimination. In Indonesia, this value is reflected in the state's efforts to enforce the law which applies equally for all the people Indonesia, without regardless of religious background, ethnicity, or social status.

5) Values Moral And Ethics Islam

Islamic moral and ethical values emphasize integrity, honesty, and a responsible attitude in law enforcement. In the context of law, integrity refers to the sincerity and good intentions of law enforcers to carry out their duties for the sake of truth and justice. These values become the moral foundation in a pluralistic legal system, including in Indonesia, to create a society based on the principles of universal goodness.

6) Ijtihad in Enforcement Law

In philosophy law Islam, ijtihad is effort interpretation And innovation law Which done by scholars to respond to the challenges of the times and dynamic situations. Ijtihad enables law enforcement that flexible And adaptive to development need public, without leave basic principles of sharia. In Indonesia, the role of ijtihad seen in preparation regulations Which sourced from sharia, such as marriage and inheritance regulations regulated in the Compilation of Islamic Law (KHI).

b. Role People Islam in Realize Justice Law

In the context of Islamic legal philosophy, the role of Muslims in realizing legal justice in Indonesia is very important and can be a guide for Indonesian society in finding solutions to various problems. problem law. Philosophy law Islam, Which emphasize values justice, wisdom, and balance, can be a reference in efforts to renew the legal system in Indonesia.



Here are some that describe the role of Muslims in the context of Islamic legal philosophy:

1) Practice Values Sharia in Law Positive

Muslims have a responsibility to promote the implementation of sharia principles within the national legal framework. These principles include justice, welfare, and balance. In Indonesia, which has a Muslim majority, these values can be integrated with positive law. in a way harmonious And in accordance with ideology Pancasila And constitution Indonesia. Principle justice in sharia emphasizes the importance of putting everything in its place (العدل) and not being partial or discriminatory. By implementing these values, Muslims contribute to the establishment of a more just legal system.

2) Concern to Enforcement Law Which Fair

Islamic legal philosophy emphasizes the importance of supervision of fair and transparent law enforcement. In the Indonesian context, Muslims can play a role as social supervisors of policies. government And practice law Which not enough fair. For example, public Muslim can provide input or criticism of regulations that are not in accordance with the principles of justice or are discriminatory. Muslims are also expected to prioritize morality in participating in legal activities. This includes avoiding corruption and bribery in the legal process, as well as supporting transparency at all levels of law.

3) Education Law Based on Values Islam

One of the roles of Muslims in realizing legal justice is by providing education. law Which based on values Islam. Education This aiming For produce judge, prosecutor, lawyer, And official law Which own understanding deep about ethics law Islam and values humanity in law. With understand philosophy law Islam, for practitioner law Muslims are expected to be wiser and fairer in carrying out their duties, and to be able to build a legal system that is more humane and supports the public interest.

4) Improvement Awareness Law Public

People Islam own role in increase awareness law in circles public through preaching And education religious. With method This, people Islam can spread understanding regarding the importance of law and justice in accordance with Islamic teachings. High legal awareness in society will support system law Which effective And push public For honor law. In From an Islamic perspective, this legal awareness also includes awareness of rights and obligations as individuals and as members of society.

5) Work Same with Party Authorized For Repair Law

Muslims are also expected to work together with the government and judicial institutions to encourage Updates law Which in accordance with principles justice. Matter This can done through discussions, seminars, and advocacy related to legal reform. Through Islamic organizations, Muslims can be involved in studies or research on legal justice and provide recommendations regarding regulations that are more in favor of the wider community.

c. Implementation Values Law Islam in System State Administration Indonesia

The implementation of Islamic legal values in the Indonesian constitutional system is complex and gradual. This is due to various factors, including the plurality of religions in Indonesia, the principles of Pancasila, and the constitution that positions Indonesia as a state of law that is not based on religion. However, Islamic values can be integrated into the Indonesian constitutional system through an approach that is in line with the spirit of Pancasila and the 1945 Constitution. Examples of the implementation of Islamic legal



values in the Indonesian constitutional system are:

1) Pancasila And Integration Values Islam

Pancasila as the foundation of the state has many values that are in line with Islamic teachings, such as justice, unity, And humanity. As example, please First "Deity Which Maha One" recognize the role of religion in national and state life. The value of justice in Islam is also reflected in the second and fifth principles Pancasila, which emphasizing on just and civilized humanity and social justice for all Indonesian people. Islamic values that promote prosperity, peace, and unity can be applied through the Pancasila values approach.

2) Law Marriage and Heir

In Indonesia, several aspects of family law are regulated based on Islamic legal principles. Examples include Law No. 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI) which became guide in settings marriage, divorce and inheritance laws for the people Islam. In case inheritance, although No all inhabitant country bound by KHI, people Islam can choose to resolve inheritance issues in accordance with sharia provisions regulated in the Compilation of Islamic Law.

3) Role Court Sharia in Aceh

Aceh is a province that has special autonomy and implements Islamic law in various aspects of life, including the judiciary. The government gives Aceh the authority to regulate Islamic criminal law through Qanun. The Sharia Court in Aceh is a form of implementation of Islamic law. Islam in system justice Which acknowledged by country. Institution This handle matters relating to criminal, civil and family law for Muslims in Aceh, taking into account sharia principles.

4) Banking Sharia

The Islamic banking system is a real example of the implementation of Islamic legal values in system economy Indonesia. Principle banking sharia, like prohibition usury, for results (mudharabah), and buying and selling (murabahah), are applied in Islamic financial institutions in Indonesia. With the existence of Law No. 21 of 2008 concerning Islamic Banking, the government has provided a legal basis for the operation of Islamic banks. This is evidence that Islamic economic values can be applied in the Indonesian state system without having to replace the pluralistic national economic system.

5) Zakat as Instrument Welfare Social

Zakat in law Islam is obligation Which must fulfilled by every Muslim Which able and become instrument welfare social Which very important. In Indonesia, government legalize management of zakat through the National Zakat Agency (BAZNAS) which is regulated in Law No. 23 of 2011 concerning Zakat Management. This zakat management aims to reduce poverty and improve the social welfare of the community, which is in accordance with the spirit of the fifth principle of Pancasila, namely social justice for all Indonesian people.

6) Policy Anti-Corruption And Ethics in Government

Islam teaches the values of anti-corruption and integrity in every aspect of life, including in government. Principle trust (trust) And not quite enough answer in law Islam in line with the Indonesian government's efforts to combat corruption. Institutions such as the Corruption Eradication Commission (KPK) work with the same spirit, namely to create a clean and trustworthy government. The implementation of these values not only prioritizes the aspect of punishment, but also the formation of the



character of state officials with integrity in accordance with Islamic ethics.

d. Challenge in Implementing Principles Law Islam For Enforcement Law

Implementation principles law Islam in enforcement law in Indonesia faced with on a number of challenges that arise from various factors, both structural, political, and social. As a country based on Pancasila and not a religious state, Indonesia implements a pluralist legal system, which covers law customs, law Islam, And law West. As for a number of challenge main Which faced in the implementation of Islamic legal principles in law enforcement are as follows:

1) Plurality System Law in Indonesia

Indonesia adheres to a pluralistic legal system, which includes customary law, Islamic law, and customary law. West. Plurality This often time cause difference view And approach in law enforcement. Integration law Islam to in system law national often time cause debate related to the priority or scale of its application, especially if it relates to more complex criminal or civil law. System law national Which plural demand adjustment And compromise so that implementation Islamic law does not conflict with the universal principles of justice and the Indonesian constitution.

2) Difference Understanding And Interpretation Law Islam

In Islam itself, there are various schools of thought and different views on fiqh, so that there are differences. difference interpretation about How principles law Islam should applied. Matter This creates challenges in unifying perceptions among Muslims and judicial institutions regarding the application of Islamic law. In addition, there are different views on how Islamic law applied in context country modern. For example, There is debate about implementation law Islamic criminal law in the context of a non-religious state, such as Indonesia.

3) Constitution And Principle Country Law Which Based on Pancasila

As country based on Pancasila, Indonesia principled on justice social, welfare, and divinity without dominating one religion in the national legal system. This causes the implementation of Islamic law to remain in accordance with the values of Pancasila and the 1945 Constitution which recognizes religious plurality. The enforcement of Islamic law often clashes with the constitution and laws that prioritize general legal principles that apply to the entire community, so that Islamic legal values that are specific to Muslims must be adjusted in the national legal system.

4) Limitations Understanding And Education Law Islam

The lack of in-depth understanding of the principles of Islamic law among legal practitioners, state officials, and the general public is also a challenge. Many of them do not fully understand the goals or values upheld in Islamic law. Educational curriculum law in Indonesia still more Lots emphasize law positive than law Islam. Things This has resulted in a shortage of legal practitioners who are able to implement Islamic legal principles well in the Indonesian constitutional system.

5) Criticism To Implementation Sharia Islam in Law Criminal

One of the biggest challenges is the implementation of sharia Islam in the aspect of criminal law, especially punishment physique like punishment Which difficult applied in system law Indonesia Which put forward rights man (HAM). Although law criminal Islam can applied in Aceh as part from special autonomy, this practice often receives criticism from various groups who consider it contrary to human rights principles. This criticism arises both from within the country and internationally and often gives rise to



long debates between the implementation of Islamic law and the fulfillment of human rights in the context of a democratic state.

6) Pressure Social And Political

The implementation of Islamic legal principles is also often hampered by political dynamics and pressure. from various group interest. Sometimes, implementation law Islam made into issue political which hinders genuine law enforcement efforts. On the other hand, there is fear among minority communities that implementation law Islam can leading on discrimination. Matter This create challenge for government in balancing need people Islam And guard harmony as well as justice for all elements of society.

7) Lack of Institutional Which Support Implementation Law Islam

The implementation of Islamic legal principles requires supporting institutions that are able to oversee the implementation of the law. Currently, the limitations of such institutions cause the implementation of Islamic law to be less than optimal, except in several regions such as Aceh. Efforts to develop institutions such as the National Zakat Agency (BAZNAS) for zakat management or the Sharia Court in Aceh are positive steps, but need to be strengthened with support from the center so that the implementation of Islamic legal principles runs according to the provisions.

4. CONCLUSION

Muslims have an important role in supporting fair and moral law enforcement in Indonesia. The principles of Islamic legal philosophy such as justice and welfare can be applied in the national legal system to achieve legal stability and public welfare. Collaboration between the Islamic community and the government can strengthen national laws that are in accordance with moral and ethical values, so that a just social order is created.

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