



Pancasila reviewed from an Islamic law perspective

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ABSTRACT

Pancasila reviewed from Islamic law perspective, has become the agreement of Indonesia with all deliberations including geographical location, demography, also the various cultures of Nusantara. This has been mentioned as "final". Pancasila is believed as a fundamental that is capable of uniting the nation with the various tribes, races, and cultures that Pancasila is believed to be able to manifest tolerance among the believers of different religions. To collect the research materials needed it was used the literature research method by observing the books, journals, and other sources. The analysis showed how the application of Pancasila in Islamic values, whether the Pancasila is in accordance with Islamic doctrine, and how the relationship between Pancasila and religion, that the Pancasila and religion also have the correlation in divinity principle that is listed in the first principle (sila). Religion teaches the believers the obedience to the God.

Keywords: Pancasila; religion; Islamic law

1. INTRODUCTION

Pancasila has become an agreement of Indonesia with deliberations including geographical location, demography, also the various cultures of Nusantara. This is mentioned as the final or "The Great Oughts". Pancasila is believed as a fundamental that is capable of uniting the nation with the various tribes, races, and cultures that Pancasila is believed to be able to manifest tolerance among the believers of different religions.

Pancasila is a national philosophy and the fundamental of Indonesia which has to be the framework of basic norms of the dignified patriotic and social life. The situation and condition of the state is now worrying. It reflects that Pancasila is not being implemented and practiced yet in daily life. The discordances and conflicts that occur are not reflect the real identity of Indonesia. The political situation tends to raise the racism, and cultural, religion, ethnic, and class issues. This is surely harmful for the entire Indonesia territory.

Recently, the opinion of Sharia enforcement is rising up. This exclamation is accompanied by the efforts of spreading out the ideology of Islamic caliphate as the national fundamental as the substitution of Pancasila and UUD 1945. To them, Pancasila and Garuda are kind of polytheism and even reasonable to be called as thagut (exaggerate). This thought is obviously nominalism, only focused on the name, not the spirit that contained in the name itself. That the application of Pancasila in the society is synergized with the religion thoughts in school and high school institution for the students and the generations to sustain the national integrity, independence, sovereignty, and the cultural civilization of Indonesia. Basically, there is no religion that teaches bad attitude for all human being. Hence, Indonesia as the biggest Muslim population country ought to be the reflection of other countries to do the activities in any fields that reinforce the noble values, good characters which are implied in Islam and is led in Al Quran.

2. METHODS

In research, the analysed data and evidence are necessary to convey the information from no exist to exist or to create the better comprehension about a topic or theme issue. This surely needs the method of how to create strategy, process, or technique used by the researcher. The type of this research is empirical with phenomenology qualitative approach, and the technique used to collect the data is literature observation and interviews.

3. RESULTS AND DISCUSSION

Pancasila has become an agreement of Indonesia with deliberations including geographical location, demography, also the various cultures of Nusantara. This is mentioned as final or "The Great Oughts". Pancasila is believed as a fundamental that is capable to unite the nation with the various tribes, races, and cultures that Pancasila is believed to be able to manifest the tolerance among the believers of different religions. Without unifier, there will be no national power as an American politician, John Gardner, once said "no nation can achieve greatness unless it believes in something and unless that something has the moral dimensions to sustain a great civilization."

Pancasila is a national philosophy and the fundamental of Indonesia which has to be the framework of basic norm of the dignified patriotic and social life. The situation and condition of the state is now worrying. It reflects that Pancasila is not being implemented and practiced yet in daily life.

According to Muhammad Hafidz Ramadhan, the research of Pancasila should have been done in Islam because the values of Pancasila are in accordance with Islamic teachings. It is even stated that Pancasila is the core of Islamic thoughts. Hafidz stated that "there are many arguments which are in accordance with the value of Pancasila, hence, never consider that Pancasila is on the contrary to Islamic idea."

It is also stated that the diversity is a *sunnatullah* (law of nature) or God's decision that human is not allowed to enforce the uniformity, otherwise the society should maintain and manage the diversity wisely.

According to the statement from Ahmad Syaifullah that Pancasila indeed confirmed as Islamic thoughts. To him, Pancasila is not contradictory to Sharia of Islam in the terms of Pancasila as the fundamental of Indonesia which is composed of five principles that complement each other i.e., Believe in the one and only God, Justice and civilized humanity, The unity of Indonesia, Democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives, Social justice for the whole of the people of Indonesia. Pancasila reflects Indonesian values involved religion aspect, humanity, unity, democracy, and social equity. Meanwhile, Islam is the religion of most Indonesian population. Islam has the principles that arranged in Al Quran and Hadith, also the interpretations from the Ulama or intellectual of Islam. Pancasila and Islam possess several values that are in accordance, such as justice and civilized humanity in Pancasila is in accordance with justice and equity in Islam. In addition, the unity principle in Pancasila supports the unity and solidarity idea of Indonesian Islamic believers.

According to Ahmad Syahruq Faliq, the research of Pancasila has been well performed, because Islamic Sharia is the part of Religion to uphold the peace and equal rights also the implementation of religion in the context of the state. It suggests that the implementation of Pancasila can also be meant as the implementation of religion values. The principles of Pancasila which are embraced by Islam can be identified in Islamic thoughts. Within the first principle of Pancasila "Believe in the one and only God", it can be recognized in the word of Allah SWT, "Say, O Prophet, "He is Allah, one and indivisible"". It suggests the accordance between Islam and the first principle of Pancasila. Second principle "Justice and civilized humanity", is in accordance with Allah word in Al Quran surah Ar-Rahman ayah 8, "so that you do not defraud the scales". The third principle, "The unity of Indonesia", has the correlation with surah Ali Imran: 103, "And hold firmly together to the rope of Allah and do not be divided." Likewise, the two following principles which have the correlation with Al Quran surah An Nahl:125 and hadith from Prophet Muhammad SAW. Hopefully, leading the life under Pancasila will not make us deviate from religion. The content of Pancasila is loaded with Islamic Sharia that must be upheld by the believers.

A. The Implementation of Pancasila in the Islamic Values Framework

As everybody knows of why Pancasila is applied as the national ideology is for the sake of unity, the unity of the entire Indonesian society. Without abandoning the Muslims at that era, Pancasila is essential for religion. However, the thing that is prominent for Muslims to be aware of, according to Munawir Syadzali, of why Pancasila is elected to be ideology instead of Islam is not only purposed to maintain the harmony between religions, it is because Al-Quran and Hadith are not explicitly ordered the believers to establish Islamic country. Hence, Pancasila is not a secular idea, it unites the religion with

the society life. Even every principle of Pancasila corresponds to Islamic values, or that Pancasila is a manifestation of those Islamic values.

The explanations of the equity between Pancasila and Islamic values are as follows:

a. Ketuhanan yang Maha Esa (Believe in the One and Only God): Tawhid/Monotheism & Hablum Min Allah (1st Principle)

The first principle of Pancasila is mentioned in Al Quran "Your God is 'only' One God. There is no God 'worthy of worship' except Him—the Most Compassionate, Most Merciful (Al Baqarah: 163).

The first principle which is "Ketuhanan yang Maha Esa" is the principle of tawhid in Islam. It has been the natural tendency and instinctive of human who have potency to believe in God in a way of thinking and dhikr to carry the mission as *khalifah fil-ardhi*; also the faith that sometimes cannot be conveyed, that is the power of Greatness in everything, a power above mortal materialism. The essence of tawhid in Al Quran is clearly stated in surah Al Ikhlas (1-4):

Say, O Prophet, "He is Allah—One and Indivisible;

Allah—the Sustainer needed by all.

He has never had offspring, nor was He born.

And there is none comparable to Him."

b. Kemanusiaan yang Adil dan Beradab (Justice and Civilized Humanity): Hablum Min An-Nas

The second principle of Pancasila is mentioned in a holy Quran "Indeed, Allah commands justice, grace, as well as generosity to close relatives. He forbids indecency, wickedness, and aggression. He instructs you so perhaps you will be mindful" (An-Nahl: 90).

The second principle "Kemanusiaan yang adil dan beradab" reflects the relationship between human beings (Hablum Min An-Nas). In Hablum Min Allah, human occupied as a servant, however in hablum min an-nas, the relationship between human beings, they occupied as *khalifah fil ardhi* (leader of the earth). There is a correlation between this principle and Sharia, it is including social worship, involved sociological scope (as-siyasah), which in Islam is based on respect to each other. In surah Al-Baqarah:177, Allah has explained thoroughly about doing goodness, from ritual worship to social worship. Righteousness is not in turning your faces towards the east or the west. Rather, the righteous are those who believe in Allah, the Last Day, the angels, the Books, and the prophets; who give charity out of their cherished wealth to relatives, orphans, the poor, 'needy' travellers, beggars, and for freeing captives; who establish prayer, pay alms-tax,

and keep the pledges they make; and who are patient in times of suffering, adversity, and in 'the heat of' battle. It is they who are true 'in faith', and it is they who are mindful 'of Allah'.

Furthermore, in Al Quran, Allah does not forbid His servant to do good to other people with different religion. It indicates that respectful manner must be applied to all people, corresponds to the principle "*rahmatan lil 'alamin*." Basically, *Kemanusiaan yang adil dan beradab* in Pancasila confirmed that Indonesia nation is the part of universal humanity which is enforced to improve the world brotherhood based on the values of justice and civilized humanity. *Kemanusiaan yang adil dan beradab* is awareness of manner and behaviour based on the potency of common sense and conscience, that is good character which reflected in the manner and behaviour that suitable with the nature, essence, and dignity of human being.

c. Persatuan Indonesia (The Unity of Indonesia): Ukhuwah/Brotherhood

The third principle in Al Quran is mentioned "Humanity was once nothing but a single community of believers, but then they differed.¹ Had it not been for a prior decree from your Lord,² their differences would have been settled 'at once'." (Yunus: 19). The third principle as mentioned "Persatuan Indonesia" reflects the *ukhuwah insaniyah* (brotherhood of human being) idea and *ukhuwah Islamiyah* (Islamic brotherhood) for all Muslims. Allah decreed in Al Quran surah Ali Imran: 103 and 105.

"And hold firmly together to the rope of Allah¹ and do not be divided. Remember Allah's favour upon you when you were enemies, then He united your hearts, so you—by His grace—became brothers. And you were at the brink of a fiery pit and He saved you from it. This is how Allah makes His revelations clear to you, so that you may be 'rightly' guided." (QS. Al-Imran:103).

"And do not be like those who split 'into sects' and differed after clear proofs had come to them. It is they who will suffer a tremendous punishment." (QS. Al-Imran:105).

The unity will be realized if the tolerance, appreciation, and respectful behaviour is reinforced among the people. Besides that, in unity, the people have to focus on the similarity and equality, not the difference which would provoke discord and conflict. The unity that has to be underlined is the same as plurality. In this case the plurality is based on the demand of the society's benefit in order to be achieved the unity in the purpose and objective. The prominent purpose is that people stand for in a line in front of the enemies.

d. Mudzakah (Difference of Opinion) and Syura (Discussion)

The fourth principle "*Kerakyatan yang dipimpin oleh hikmat kebijaksanaan dalam permusyawaratan perwakilan*" corresponds to Islamic principle, that is *Mudzakah* and *Syura*. *Syura* is the foundation of Islamic country (the characteristic of Islamic country).

Uniquely, this principle is contained in Pancasila. It proves that the formulation of Pancasila was taken from the conference to gain agreement. In Al Quran surah Ali Imran: 159:

"It is out of Allah's mercy that you 'O Prophet' have been lenient with them. Had you been cruel or hard-hearted, they would have certainly abandoned you. So pardon them, ask Allah's forgiveness for them, and consult with them in conducting matters. Once you make a decision, put your trust in Allah. Surely Allah loves those who trust in Him."

It corresponds to Q.S Asy-Shuraa: 38

"who respond to their Lord, establish prayer, conduct their affairs by mutual consultation, and donate from what We have provided for them."

Rasulullah SAW instructed to conduct the discussion was not because he needed their opinions, it was because he wanted them to think and formulate the best opinion from their perspective.

e. Justice (Al-'adalah): Social Justice for the Whole of the People of Indonesia

The fifth principle, *"Keadilan bagi seluruh rakyat Indonesia"*, corresponds to the equity principle in Islam. More specifically, pointed equity is about equitable in sustenance in form of zakat, infaq, and shadaqah. Social equity is tightly related to maqasidh al-syar'ah (the targets of sharia).

The fifth principle of Pancasila reinforces the equity, the spirit that always echoed in Al Quran in any ayah. In Al Quran, to maintain the equity is a form of deed that close to the obedience. The ayah of Al Quran that conveyed the equity are able to be found in QS. An-Nisa: 58, Al-An'am: 152-153, Al-A'raf: 29, Hud: 84-86. The fifth principle of Pancasila is also mentioned in the Quran:

"O believers! Stand firm for Allah and bear true testimony. Do not let the hatred of a people lead you to injustice. Be just! That is closer to righteousness. And be mindful of Allah. Surely Allah is All-Aware of what you do."

B. Islamic View of Pancasila

As a "rahmatan lil 'alamin" religion, Rahmat (affection) for the nature, Islam is very relevant and flexible in every side of life. Islam regulates its believers in every way, whether individual or social. The profundity of the philosophy of Pancasila which is the manifestation of Islamic values must strengthen our position as the religious country. The civilized religion by respecting every believer, as Bung Karno ever expected. Hence, we as Indonesia and religious society always conduct, maintain, and apply the values of Pancasila in national, patriotic, social, and religious life.

Pancasila has become the philosophy of the nation and the sources of the values in constitution, actually is the *ijtihad* (effort) of the Muslim figures in the past. Even, many of figures and intellectuals who stated that Pancasila is the greatest gift for Muslims and the figures of this Republic.

From the perspective of Muhammadiyah, Pancasila is *daruk ahdi wa syahalalah* (country of consensus and witness). While NU conceived Pancasila as *mu'ahadah wathaniyah* (Nationality agreement). The confirmation of decision of Muhammadiyah and NU regarding to Pancasila also become a critics and opposition of some people to replace and change Pancasila as the national ideology.

It can be concluded that Pancasila, NKRI, and nationalism is not contradictory with Islam as in *ushul fiqh* known as *maqasid asy-syari'ah* to maintain the principles of life (*al-umur al-daruriyah*).

C. The Correlation Between Pancasila and Religion

Religion needs Pancasila to accomplish its limitation, especially to unite religions to avoid the conflict. In the sociological dimension, religion frequently has the function as separator (out group). This "invalidation" in religion can only be facilitated by consensus, that is Pancasila. Otherwise, Pancasila needs the religion to trust the profundity of the meaning of life.

Pancasila and religion also have the correlation regarding to divinity principle. Pancasila has the principle to accentuate the divinity principle through the first principle. Religion taught its believers to obey the God. Indonesia is one of religious countries, it means that every citizen has to trust the existence of God, that the divinity principle be included in Pancasila as the fundamental and ideology of Indonesia. There are five approved religions in Indonesia, so that the first principle of Pancasila is conveyed in common and general speech to keep the harmony of society. Every citizen is independence to determine the religion they choose and do the worship that appropriate with their religion's order.

Pancasila contained the principles of patriotism and obedience of God at once. Religion also taught its believers to obey to God and love the homeland. Both of them are supporting each other to achieve Indonesia's goals.

CONCLUSION

The values or principles of Pancasila are in accordance with any of legal religions in Indonesia, such as give some respect and appreciate amongst believers, tolerance between religions. In general, Pancasila contains Divinity, humanity, unity, democracy, and equity, which are the noble universal values. The spirit of the principles of Pancasila correspond to Islamic values. Even the entire principles that Pancasila carried are becoming Islamic vision in its message. Islam and Pancasila are unity referred to the

values they carried. This gives the understanding that the formulation of Pancasila idea is inspired by the concept of Islam.

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