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Issue: Law, Democracy and Crime: How Society Responds the Imbalance?

Research Article

The Islamic Taste in Laws and Regulations Establishment: Case of Gorontalo Province, Indonesia

Zamroni Abdussamad¹, Nuvazria Achir² ^{1, 2} Faculty of Law, Universitas Negeri Gorontalo, Indonesia ulfa@ung.ac.id

Abstract: The presence of a local regulation containing religious teachings has recently been challenged in the form of criticism, which considers that the existence of this regulation product is a form of discrimination and is not effectively implemented. The results of the study, Gorontalo Province, dubbed "Serambi Madinah", the majority of the population is Muslim, putting religion as the main thing in the affairs of life. The urgency of the teachings of Islam in the formation of legal products in Gorontalo is based on several things, in addition to being considered a local wisdom, the law instead presents justice, prosperity and prosperity for its people and serves as a benchmark for how to live a national life based on Pancasila without violating the value of tolerance towards other people. Local regulations based on religious teachings also contain solutions to overcoming the problems of poverty, economic, social and cultural areas that originate from the Qur'an where the teachings are for the salvation of humanity from moral damage. Therefore, it is important to present regulations containing the content of Islamic teachings are considered important to be the substance, in addition to supporting parents to provide assistance to children's activities, it also supports the government in carrying out its duties and responsibilities in social affairs.

Keywords: Urgency, Content Material, Islamic Teachings, Islamic Values, Regional Regulations

Introduction

The phenomenon of the birth of various legislative products often creates problems concerning harmonization (the relationship between legal provisions with one another), the problem of hierarchy and the extent of its benefits and implementation in society. The important thing that the government must pay attention to is improving the quality of responsive laws and regulations so that the resulting law can be useful and answer a variety of issues, particularly regarding social problems (Arifin, 2017; Arifin 2020).

The reality shows a variety of laws and regulations both central and regional in its application, there are still obstacles, especially in efforts to provide justice and certainty, especially the legal needs of the community, as evidenced by the existence of various legislations that were canceled including Regional Regulations (Niravita, 2020). Meanwhile, the central government in the concept of regional autonomy has handed over most of the regional interests to be managed independently, including in terms of the formation of regulations (legal products). The essence of regional autonomy, according to Syafrudin (1985), is to regulate and manage the household in accordance with applicable laws and regulations, meaning that the existences of local regulations cannot be separated from the applicable national and comprehensive laws and regulations.

At present, serious attention needs to be paid to the preparation of local regulations, whether they accommodate the needs of the community and local wisdom. Manan (1995) said that the making of regional level legislation is not just looking at the limits of formal competence or the interests of the region concerned, but it must also be seen the possibility of its impact on other regions or national interests as a whole and its preparation cannot be separated from the National legislation system. Therefore, in the formulation and formulation of content material an understanding of the regulation of the regulation is required as well as understanding the target (direction) that will be realized, the scope of the regulation, especially its effectiveness in society.

Content of Laws and Regulations is material contained in Laws and Regulations in accordance with the type, function, and hierarchy of Laws and Regulations (article 1 number 13 of Law No. 12 of 2011). Based on these provisions, the material contained in the legislation must be adjusted to the type and level of regulations that are formed. Simply put, the material contained in a product of the legislation cannot conflict with the material contained in the above laws and regulations as emphasized and explained by Syamsudin (2013).

1. The contents of the Act contain:

- a. Further arrangements regarding the provisions of the 1945 Constitution of the Republic of Indonesia
- b. An order of the Act to be regulated by the Act.
- c. Ratification of certain international agreements.
- d. Follow up on the Court's decision.
- e. Meeting the legal needs of the community (article 10 Paragraph (1).
- 2. The contents of PERPU are the same as those contained in Law (article 11).
- 3. The contents of PP contain material to carry out the law, as appropriate (article 12).
- 4. The content of the PerPres contains material that is ordered by law, material to implement PPs, or material to carry out the administration of government power (article 13).
- 5. The contents of the Regional Regulation (at the Provincial, Regency and City level) contain content in the context of the implementation of regional autonomy and assistance tasks as well

as accommodating the special conditions of the region and/or further elaboration of legislation (article 14).

Gorontalo Province is one area that seeks not to separate religious values in the regulation of people's lives. Since its inception, Gorontalo has a majority Muslim population its socio-culture is thick with Islamic culture, so the value of religion has become an influential factor in the preparation of regional regulations. Many Syari'ah regional regulations in this area, for example Zakat Management (Bone Bolango Regency), Control and Supervision of Alcoholic Beverages (Gorontalo City), Provincial Regulations on Obligatory Reading of the Qur'an and Regional Maksat Regulations, all of which contain material the content of Islamic teachings.

However, the presence of a local regulation containing certain religious teachings or what is called the Shari'ah Regional Regulation has recently been challenged in the form of criticism from politicians and even academics, who consider that the existence of this regulation product is a form of discrimination and a waste of time. Even though each region has needs, especially for some regions it is very concentrated on religious teachings, such as Aceh which is thick with Islamic teachings. The existence of regional autonomy should open up opportunities to voice aspirations, including a shared desire regarding the need for religious life (for the function of order) to be formally regulated by the regional government. Even though it raises pros and cons, inevitably we have to accept the reality and the reality of the uniqueness of this country.

Meanwhile, regarding the aspirations of the public regarding the need for regulations concerning religious life, of course, it must be studied systematically and deeply to the extent to which the substance of the regional regulation provides an influence on the survival of religious communities. In addition, the content of the Regional Regulation should have the linkage of noble values in life that has accumulated in the principles of Pancasila, which is the main benchmark in the formation of laws and regulations. If not, of course the community will reject even harm the integrity of the nation.

Conversely, a number of observers revealed that religion is a private domain and the government (state) must not regulate it. That is, it is an individual matter with his God. Another reason is that religion is governed by the central government and not the regional government, as stated in Law No. 23 of 2014 concerning Regional Government. Article 10 (Paragraph 1) of this Law states, absolute government affairs (fully the authority of the Central Government) include: (*a*). foreign policy; (*b*) defense; (*c*) security; (*d*). justice; (*e*) national monetary and fiscal; and (*f*). religion. The government in the regions is limited to taking care of economic, employment, education, health and so forth outside of religion.

In addition, some parties considered that the presence of a local regulation with a religious background gave rise to various problems, including becoming a political commodity, and eliminating public confidence. Besides that, many people expressed that the adoption of Perda based on religion is often discriminatory towards women and minority religious groups which sometimes assumes women as subjects and perpetrators (such as adultery) and can certainly disrupt the community's life system (Bhaskara, 2018; Dwiastono, 2019; Hafizhah & Nashrullah, 2018; Al Ayyubi, 2013).

However, Gorontalo as the Serambi Madinah region that upholds customs and religion has the desire to put all its life activities on a legal norm that is considered not only to have a clear purpose (certainty), but also in terms of benefits. By him the researchers considered that the drafting of the Gorontalo Province Regulation was oriented to the goal of realizing all forms of life that uphold religious values and decency as stated in the Basic Principles (Pancasila) especially the First Principle.

In this regard, based on the above background the researcher is interested in studying the Urgency of the Content of Islamic Teaching Material in the Formation of Regional Regulations in Gorontalo Province.

From the background that has been described above, the problems that can be researched and discussed can be formulated namely: What is the urgency of establishing Local Regulations in Gorontalo Province?

Method

This type of research is empirical. This type of empirical legal research or commonly referred to as Sociological Legal Research is research conducted with an approach to the reality of law in society. This research is based on the presence of symptoms in the form of a gap between expectations (*Das Solen*) and reality (*Das Sain*) in the field of law (Nawi, 2013). In this connection, the research orientation is Law in Action and is carried out with several approaches namely Historical Approach and Case Approach (Soekanto, 2007; Arifin, Waspiah & Latifiani, 2018; Arifin, Alkadri, Sari, Resthiningsih & Holish, 2019).

Result and Discussion

Islam is a celestial religion which has very perfect teachings. All problems are regulated in Islam so that there is not a single problem that has no provisions in Islam. The perfection of Islam is supported by the three sources of teachings namely Al-Qur'an as the main basis in Islamic law, Assunnah and ijtihad/ijma 'as supplementary sources. Islam is developing very rapidly throughout the world at an amazing speed, which is very interesting and needs to be known that the Dinul Islam brought by the prophet Muhammad SAW is a religion that is at once a view or a way of life. The sources that come from Islam are the proven teaching sources, which are aimed at the benefit of mankind, overcoming various problems such as faith, social, economic, scientific, technological, and so on (Mustofa, 2017).

According to Amir Syarifuddin, what is meant by Al-Qur'an is Arabic lafadz that was revealed to the Prophet Muhammad, which is quoted mutawatir (Syaifudiin, 2000). The laws contained in the Qur'an there are 3 types, namely: first, the laws of I'tiqadiyah namely behavior related to people who believe to believe in Allah, his angels, His apostles, and days later. Second, the laws of morality, namely laws relating to worship such as prayer, fasting, zakat, pilgrimage, and these laws were created with the aim of regulating humans with their gods. Third, amaliyah laws namely laws relating to words, deeds, agreements in muamalah fellow human beings such as buying and selling, trade transactions, the law of objects, junayat and uqubat (Manan, 2006). Because of the position of the Our'an as the main source in establishing the law, then if someone wants to find a law for a problem then the first action is to find the answer in the Qur'an. As long as the law can be resolved in accordance with the provisions set out in the Qur'an, it is not permissible to look for answers elsewhere.

Meanwhile, Gorontalo Province which has the nickname 'Bumi Serambi Madinah' upholds customs and religion so that all forms of life activities are not only based on customary norms, but also legal norms based on religious teachings. Adati's motto of Hula-hula to syaraa, syaraa hulato-hulai, which means Adat with Syara based, Syara with based on Kitabullah makes it clear that Gorontalo society is thick with adat based on religious teachings based on Islamic scriptures (Kitabullah), so that it can be understood that Shari is based on Shariah 'at Islam is useful to encourage and strengthen the Gorontalo community to fulfill their obligations as servants of God.

The many regulations that contain the teachings of Islam as mentioned earlier certainly have goals and benefits for the people. By him the researchers in this article will describe some of the background and importance of a local legal product (Perda) that contains religious teachings based on interviews with the leaders.

According to Gorontalo Province DPRD Member Adhan Dambea, since its inception Indonesia has been imbued with religious values both listed in the First Pancasila precepts, as well as the Constitution or the 1945 Constitution of the Republic of Indonesia. Similar to state organizations, the Gorontalo region also places religion as an important part of life and community order which is considered as a local wisdom that applies in this area. According to him, in the life of the nation and state, there are rules that refer to shari'ah such as the marriage law even to the problem of the management of the pilgrimage. The content of religious teachings is applied in the Perda as a form of local government love for the community to have obedience to religion and Allah SWT. The local regulation containing religious teachings actually becomes a benchmark of how to carry out national life based on Pancasila and there is no substance that violates the value of tolerance towards other people.

Adhan argues that on the contrary, minority groups are still protected from the presence of Sharia Regulations. Mutual respect and freedom for other religions in worship is maintained. Therefore, it becomes something that is questionable if there is a problem about this, where the Regional Regulation actually brings justice, prosperity and prosperity for its people. The reality that can be seen is the presence of the Regional Regulation in Gorontalo Province on the Eradication of Alcoholic and Immoral Beverages. The impact is not only felt by the Muslim community but also for other people. The reason is very clear that humans will not be able to escape all forms of disobedience and ugliness if this is not given a limit. As stated in Article 9 of Gorontalo Province Regional Regulation Number 10 of 2003 concerning Prevention of Immorality, that it is an obligation for every Muslim child to avoid illicit drinks as a form of obedience to Allah SWT. Gorontalo Provincial Government realizes that the circulation of liquor in the field cannot be dammed due to the rise of factories and places for the manufacture of alcoholic beverages, by implementing the Local Regulation of At least the Government participates in protecting the community by reminding them of a legal product that must be obeyed and protecting themselves from negative things.

Based on the description, the researcher considers that the formulation of the Local Regulation on the Immunity of Gorontalo does not impose the community's right to carry out activities, but rather gives positive direction including helping with national legal issues by emphasizing the social interests of the local community, because the substance of the Local Act of Maksat does not contain dangerous things but aims to save the generation as nation's assets.

The same thing was expressed by Tahir Badu, Legislative Member of Bone Bolango Regency who said that there were regulations relating to the teachings of Islam in his area, namely Regional Regulation Number 11 of 2012 concerning Management of Zakat. According to him, although this regulation was made and in it contained religious teachings, but the aim was merely to improve the welfare of the community. Potential funds obtained from zakat are considered a solution that can be utilized for efforts to reduce poverty in the surrounding area. According to him, the amount of Zakat in the community is indeed quite large, this if not managed properly will be a detrimental thing. This regulation is based on the results of deliberations with local government elements, the National Amil Zakat Agency (Baznal), the Office the Ministry of Religion, as well as representatives of adat holders and shar'i employees in the Bonebolango Regency. Tahir Badu explained that zakat itself has long been prescribed and developed since the time of the Prophet Muhammad, and is the main joint of the realization of one's faith, as well as prayer because it is a part of the pillars of Islam.

The values of Islamic teachings included in the Regional Regulation in Bone Bolango, especially Regional Regulation No. 11 of 2012 is only intended and required for Muslims, but the objectives to be achieved by this regulation are so great, besides how Muslims can fulfill obligations as guided by religion, but also improve the function of religious institutions services in an effort to realize the welfare and justice of the community. So that it would not hurt at all if the teachings of Islam specifically become the substance of the regulation of regional legal products.

The same thing is also acknowledged by the religious figure Syaifudin Mateka, that Islamic values or Islamic sharia in positive legal products actually reinforce what we will practice in everyday life based on the teachings of the Islamic religion. An example is the obligation for Muslims to read the holy book, the presence of the Perda Baca Write Al-Qur'an gives benefits because in it there is a form of affirmation that was built by the local government through the Perda. Syarifuddin revealed that with the establishment of the Perda on Al-Qur'an Reading Obligations, schools were helped by the requirement to have Al-Qur'an's literacy certificates, making it easier for Religious Teachers and supporting other religious activities. With the support of a clear legal umbrella, the implementation of people's lives, especially in carrying out their obligations as Muslims, becomes more maximal. Similarly, the substance of the Prevention of Immorality contained in the Perda has the power to be obeyed and obeyed by the community. So that Islamic values (teachings) become an important substance not only in shaping public morals and order in general, but also in how society can carry out its obligations as God's people. According to Syarifuddin, the Holy Qur'an has stated firmly about something that is halal and haram, but because there are still many violations against it, it is necessary to make human law in obtaining its rights, including how to live in a comfortable and free from crime.

Islamic teachings have a direction and purpose to instill a social life which will be useful now and in the future. In addition, Islam teaches solutions to obstacles both in society and in individuals. Syarifuddin said, in Islamic teachings it contains a lot of education that helps the community so that if it is formed through government legal products, then of course it can have a wider impact and help overcome various bad situations and conditions in the future. Syafruddin (1985) also emphasized that, Islam teaches not to despair and to deal with something seriously in order to form a more resilient young generation and have the spirit to rise again in maintaining the vision and mission of the country. The drafting of a binding regulation encourages a person to prioritize common sense especially considering the legal sanctions given by the state. Therefore, the government needs to make a strategy through drafting regulations that have a deterrent effect that is reinforced by religious teachings that have absolute truth and originate from the Creator.

Based on what the speaker explained, that the application of the teachings of Islam through regulations in this case the Regional Regulation has great benefits not only for Muslims but for adherents of other religions, such as today too many died because of being killed, too many people gave birth outside of marriage, many people collide on the road because of an accident, the cause is there are people drunk on the street who can no longer preach halal haram. Not infrequently the source of crime from the influence of liquor, which needs to be eradicated and if necessary there is a special law on it, not only contained in the Regional Regulation to give a deterrent effect to the perpetrators of crimes, he said.

Basically the teachings of Islam have a deterrent effect for others, for example cutting off hands for thieves, stoning for those who commit adultery and the value of Islamic sharia when in Perdakan the aim is to support a more organized society, because, if God's law is upheld the one who feels safe is not God but His servants who legalize God's law, Syarifuddin continued. In addition, if something does not have a negative effect, then of course there is no need for punishment. He added, if there is a formation of shari'a regional regulations, it should include mudharat or consequences it is useful to determine what type of punishment will be obtained later. Even in the future, it is necessary to form and strengthen regulations that contain Islamic teachings especially for adolescent children, to conduct more intense socialization especially to parents about the importance of obeying the law and sanctions that can be violated, so that the implementation of regulations does not experience obstacles such as a rejection (Syaifudiin, 2000; Syafruddin, 1985).

Meanwhile, Gorontalo community leader Arifin Tahir said, Islam is a religion full of peace and purity. This means that all forms of teachings in it for human safety primarily from moral damage. Islamic teachings derived from the Qur'an are human guidelines for shaping personality and are often used as a source of law, especially in controlling human behavior. One example is found in several regulations that contain the substance of religious teachings (Islam), for example related to eradication of immorality. Many religious values have become a reference for local governments to change people's behavior from previously negative to more positive. Arifin explained, in the era of Gorontalo Mayor Adhan Dambea's leadership who was so enthusiastic in eradicating the circulation of liquor even though there were still some obstacles. At least this is one of the roles of the teachings of the Islamic Religion which becomes a reference and is used as a basis and basis for changing human personality through clear regulations. The teaching of Islam in addition to being used to form order in life, but also to organize one's faith, and increase piety to Allah if this is firmly sounded in the article of regulation.

In addition, many incidents and problems related to the development of future generations such as Free Sex, LGBT, Radicalism and Intolerance need to be done early as a form of preventive action that needs to be presented through the concept of regulation containing content of Islamic teachings, as well as supporting parents to be able to provide assistance to children's activities, for example when he is required to master the reading and writing of the Qur'an before entering and registering for school (Masyhar, Arifin & Fuad, 2018; Masyhar, Rasdi, & Harmoko, 2019; Harmaji, 2018; Harahap, 2016; Kosciw, Bartkiewicz, & Greytak, 2012; Prasetiyo & Perwiraningtyas, 2017). According to Arifin, religious education alone is not enough if it is not pushed by regulations which are forced to be followed. The government realizes that the magnitude of the responsibility to educate children today is more difficult than ever before. Therefore, in carrying out the principle of regularity we must encourage the government to carry out its duties and responsibilities, especially regarding community affairs.

Obstacles in life certainly vary over time, many religious education including Islam have not reached the peak of the real goals in every activity of children, many deviant behavior due to technology that is increasingly advanced and form a generation of lazy and no longer sensitive to the circumstances, even lack of motivation and ignore the bad consequences that will occur. Therefore, this burden is no longer surrendered to parents and schools, but an important role of the government is needed in developing a clear legal product in order to minimize the impact going forward.

Conclusion

Gorontalo Province, as Bumi Serambi Madinah has a majority Muslim population, placing religion as the main thing in the affairs of life as outlined in the form of regional regulations (Perda) that contain Islamic teachings. The aim is to protect future generations and give direction to human development. The importance (urgency) of Islamic teachings in the formation of legal products in the regions (Perda) is based on several reasons namely, in addition to being considered a local wisdom, the Regional Regulation actually presents justice, prosperity and welfare for its people as well as being a benchmark of how to live a national life based on Pancasila without violate the value of tolerance towards other people. Local regulations compiled based on Islamic teachings also contain solutions to overcoming problems such as poverty, economy, social and culture in the regions. Islamic teachings derived from the Qur'an also contain peace and purity and forms of teachings for the sake of human salvation from moral damage, as a guideline for humans to form personalities and not infrequently used as a source of law, especially in controlling human behavior such as free sex, LGBT, Radicalism and Intolerance.

Furthermore, it is need to do early treatment of all forms of crime and deviant behavior as a form of preventive action by presenting regulations containing material content of Islamic teachings. The content of Islamic teachings is important to be the substance in the law, in addition to supporting parents to provide assistance to children's activities, also supporting the government in carrying out its duties and responsibilities, especially regarding social affairs, and the presence of Islamic values in positive legal products is needed to strengthen what will be practiced in everyday life and contains solutions to obstacles both in society and to one's individual.

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