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Internalization of Islamic Values in Indonesian Legislation and Their Implementation in The Life of The Nation and State

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Abstract

Indonesia is one of those states where religious values have been used as raw ingredients of enactment of the national law. It was felt that the internalization of the Islamic values in legislations would make adherence to religion stronger. This study aimed to understand the extent to which the Islamic values were embedded in the creation and enactment of the Indonesian laws. A juridical normative methodology was utilized to analyze the primary and secondary data collected from the published works, legal documents, archives, and various acts, and laws with a statutory approach. The findings revealed that Islamic values were being utilized for the making of the laws since the kingdom period and which continued even during the Dutch colonial era. The process of internalization faced various obstacles and barriers, but ultimately laws and regulations were prepared in the form of a synergistic pattern, blending the Islamic values, beliefs and principles with the Islamic law. The results also revealed a respectively historical purview of the internalization process that involved both individuals and groups who contributed to the framework, on which was based the Pancasila of the Jakarta charter, and later the constitution of Indonesia. The study would have a wider implication in both theoretical and practical aspects as the results contribute in enriching the knowledge of the academia and the guidelines for the policy makers.

Keywords: internalization, Islamic values, legislation, Indonesia, colonialism

Introduction

The Indonesian legislation based on the Islamic values is as old as the arrival of Islam in Indonesia. Since a majority of Indonesians are Muslims, Islamic law is deeply embedded in the Indonesian administrative machinery and the judicial system, although maintaining a secular approach to other religions besides Islam. Over the centuries, the Islamic law also grew with social changes and legal developments in Indonesia. The process of internalization of Islamic values in the Indonesian law has led to development of a creed or a sect. This creed comprises of values that draws all

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individuals towards Islam. These followers of Islam are willing to bear the consequences as they carry out the Islamic law. This principle of internalizing Islamic values to form the national laws also helped in the process of spreading Islam. This type of Islamization with legal framework was encouraged by merchants who travelled globally to Muslim and non-Muslim countries to establish Islamic kingdoms. Thus politics played a greater role to pioneer the influence of Islamization in various parts of the world (Nasution, 2020).

While taking a closer look at the Internalization of religious values to frame national laws, it becomes evident that such legislations that take birth with the blending of the religious values make adherence of religious values stronger. Such laws that have the religious values as the basis are obeyed more positively and often termed as the religious laws. The Indonesian state was, therefore, not an exception when religious values or the Islamic principles became raw ingredients of the Indonesian national law, which no law or religion can separate (Azizy, 2004). On the other hand, if such an internalization is viewed politically, it reaffirms the strong Islamic influence in Indonesia and its contribution to accomplishing it. The Islamic kingdoms in various regions of Indonesia prior to the colonial era is an example of the internalization of the Islamic values in the contemporary judiciary. This trend continued throughout the colonial period and after the independence as well. For instance, the Religious Judicature Act of 1989 provided for the existence of different types of courts based on Islamic values known as first instance courts, or *peradilan agama* and *kabupaten* in every district and *kotamadya*, in every municipality. There were also Islamic appeals courts, called *peradilan tinggi agama* in every province. Each type of court was the custodian of the Islamic values and provided protection to them as and when anyone approached to them with cases of violation. These types of courts also suggest how the Indonesian legal system exists as a system, which consists of elements or parts that are interrelated and connected to achieve goals based on the 1945 Constitution and inspired by the philosophy of Pancasila.

There is a dearth of studies on the internalization of Islamic values to form legislations in the context of Indonesia. It is due to a narrative of conflict between a prolonged stagnation of the Indonesian legal system owing to democratization and secularization, on one hand, and resistance of those who demanded framing of the national law based on the Islamic values, norms and principles. This study takes up the debate that has surfaced about embedded religious values as reference values in the making of legislations, rules and regulations. This study takes the context of the state of Indonesia where religious values are referred to as norms governing the land or possibly the basis for the enactment of laws. Indonesia is a large country with the highest number of Muslim populations in the world. Hence, the Islamic values have the divinity score attached to them which are transmitted to the laws that are based on those principles of divinity. This type of internalization of the religious values or norms is contrary to the a secular state where there is a separation between *state* and *religion* (Armia, 2009).

Theoretical Framework of The Study

There are several theories that support the internalization of Islamic values in the Indonesian social and legal mechanism, among which structuralist and culturalist

theories of thought are very prominent. The structuralist approach advocates the transformation of social and political order to appear like Islamic while the cultural approach requires social behavior to transform in accordance with the Islamic values. The legal experts find a synergistic relationship between the two approaches. While the structural approach talks about setting up socio-political systems as per Islamic values and principles, it indirectly influences the social behavior that results out of the interaction with those systems. Likewise, social behavior also influences the transformation of social and political institutions to act more Islamic. Individually, each of these approaches has distinct activities and impact. When the structural approach expands to political arena, it talks about policies and socialization of Islamic ideas, and dissemination of Islamic values through *da'wah* activities. By using the political or administrative machinery, the structural approach thus requires all political, economic, social, cultural, scientific and legal activities to work towards realizing Islamic values. Owing to this approach, Indonesia adopted an Islamic state system based on Pancasila prepared the 1945 Constitution accordingly.

On the other hand, the culturalist theory is evident in socialization and internalization of Islamic *sharia*, with little or no support from political or state authorities. This shows that Islam is the source of morals, values, principles, and ethics and morals; it can inspire the whole nation to establish its social structure based on its principles and values. However, experts believe that not all Islamic values can be legislated by the state. Many state laws are purely a product of moral guidance and community participation, though a socially ethical system cannot grow without the support of the state. This leads the moralists to think of another perspective, that of a formalistic-legalistic system. A formalistic-legalistic theory is applied to Islamic law at two levels: first at the level of state institutions, which protect the Islamic values by practicing in their daily and routine activities; second, at the constitutional level, which helps to maintain *sharia* principles in a more legal form.

Based on these theories, the current study aimed to examine the process of internalization of Islamic values in the Indonesian eco-system, and not only in its social and legal mechanism. The problem formulated based on these theoretical approaches are as follows:

1. How did Islamic teachings develop in Indonesia?
2. What efforts were made by the Muslims to internalize the Islamic values into the legislations of Indonesia?
3. What obstacles were faced in the application of Islamic values system to internalize in the legislation of Indonesia?
4. How was a synergistic pattern built between Islamic values and the legislations of Indonesia?

Research Method

The study adopted a juridical normative methodology to analyze the journey of stipulating the Islamic laws based on the values, beliefs and principles. This method is particularly useful to study the characteristic perspective of any research for getting solution to problems (Soekanto, 1986). In the current study, the problem stated was to find out the extent to which Islamic values were internalized to enact legislations in Indonesia and implemented in the life and activities of the citizens of

the nation and the state. The study also aimed to examine the inner strife of the Muslims as their values and beliefs get utilized for the enactment of the legislations. This type of study required a statute approach where all types of legislation, acts and regulations are examined in the light of the problem identified (Marzuki, 2009). The data retrieved from the archives and previous research studies was analyzed using a descriptive and analytical approach and to study the facts at the individual, group and state levels. The data analysis also determined the frequency with which events happened and the facts were obtained. The research study also enabled the researchers to characterize the deductive to inductive approach of describing and deciphering data about the participation of the Islamic values in the formation of rules, regulations and legislations and their implementation in the life of citizens in the nation and the state (Hartono, 1994).

Literature Review

- *The genesis of Islamic law in Indonesia*

In early times, during the kingdom era, the Islamic law in Indonesia was increasingly affected by different ideologies including Shia, Sunni, and Hanafi schools of thought. These ideologies provided an impetus to the Islamic law and accelerated its development in Indonesia (Safri Gunawan, 2018). The Islamic clergy were supported by the kingdom to spread religion over the whole of archipelago, which led to a quick spread of Islam (Prasetyo, 2022). Hence, prior to the advent of the Dutch, Islamic teachings had massively spread all over the kingdoms, which was largely accepted and continued by the Dutch occupants. When the Dutch entered the Indonesian territory, under the governor general, the understanding of the Islamic law was classified under two schools of thought. The first was pioneered by Lodewijk Willem Christian van den Berg (1845-1927), who was a Dutch scholar known for his religious ideas and views on the Arab Indonesians. He believed that every member of the society must be allowed to worship their respective religions. He particularly advocated the religion of Islam and the Islamic law because he himself had embraced Islam. The second theory which grew prominent during the VOC era (*De Vereenigde Oost Indische Compagnie*) was pioneered by Christian Snouck Hurgronje alias Cornelis van Volenhoven (1857-1936), another Dutch scholar on oriental cultures and languages and advisor to the colonial government in Indonesia. According to him, laws and regulations must be strictly complied with by the natives living in the VOC jurisdiction. Since the native people during that period held Islamic teachings and Islamic law, it came in sharp contrast with the Dutch ideologies (Zaelani, 2019).

The Islamic law thus owe its heritage to the Dutch rulers, who despite their colonial aspirations remained neutral in religious matters. Their main concern was to maintain peace and order amidst the Islamic revolts against the Dutch colonial administration as was witnessed during the riots and wars like the Padri War (1821–1837) and Aceh War (1873–1914) in Sumatra. After the war and riots were curbed down, the colonial administration set up Islamic courts under local religious scholars. These Islamic tribunals comprised a single judge (qadi), and three to eight member judges. these Islamic courts follow the Islamic values and principles embedded in their laws, acts and statutes, which after the independence, were enforced as a matter of policy and later enacted as various acts like the Religious Judicature Act, which gave

full autonomy to the Islamic courts. Though the Basic Act on Judicial Power, 1970 gave the Supreme Court the power to hear appeals from decisions by Islamic courts, it did not exercise those powers until 1977. A few Islamic court judges though opposed to the intervention of the Supreme Court in the administration of Islamic law, but later they understood the benefits of the Islamic court integration with the secular judiciary. The Religious Judicature Act also accepted the process of standardization and expansion of Islamic courts, as it protected Islamic values and principles.

During the occupation of Japan, the contemporary Islamic law did experience a change because Japan wished to change a number of regulations that reminded of the Dutch colonialism (Hafizd, 2021) Japan, however, recognized Islam as a unifying factor that kept people united in their fight for independence. Islam was seen as a potential anti - colonial force, under which all groups of people had gathered. Several political and intellectual Muslim associations were formed, comprising ordinary people to clergymen, who were organized under one umbrella, and which later paved the seed of the Muslim politics in Indonesia (van Bruinessen, 2018). Post the collapse of the colonial period, Islamic law resumed its important position. One of the organizations, Business Research Agency Preparation Indonesian Independence (BPUPKI), produced several plans and gave suggestions for the Jakarta Constitution and the Jakarta Charter. There was an emphasis on the Islamic value where divinity was dominant. The purpose was to enact such Islamic laws that adhered to the Islamic values. As a result, Pancasila principles were designed by the Committee for Preparation Kemerdekaan Indonesia (PPKI) (Ma'u, 2018).

- *Islamic Religious Values*

At the individual level, values are often defined as “.... what is desirable, good or bad, beautiful or ugly ” (Macionis, 1970); a value is “a general idea that people share about what is good or bad, desirable or undesirable. Value transcends any one particular situationValue people hold tend to color their overall way of life” (Light, Keller, & Calhoun, 1989). These definitions show value as what common people consider good or bad, expected or not expected to bring some meaning in their life (Hakim, 2012). However, at the social level, values are not just a reference to how individuals act, behave and perform tasks in society, but also used as a monitoring factor to manage social conflict within the society. A value system adopted by a society must be therefore acceptable to all and non-compliance to this value system could be a cause of conflict (Hakim, 2012). Accordingly, Islamic religious values fall under the social level, where the whole society or the followers of Islam must accept and follow these values as rules and regulations of personal and group self-governance and self-discipline. These values connect man with God, and guides man how to behave in his relationships with other men and with God and nature as a whole (Suryana et al., 1997). A man will experience discomfort, disharmony, unrest, and problem in his life, but by following these values ordained by God will deliver him out of all discomfort and problems.

- *Turning religious values into Law*

In Indonesia, this has been the practice to internalize norms and values to enact laws and regulations. Besides the Islamic law, there are a number of other laws, that

are believed to be enacted based on values, beliefs and principles followed by the people. These laws include the Law Number 12 of 2011 concerning Formation of Legislation; Law Number 15 of 2019; Law Number 13 of 2022 as contained in the Article 7 paragraph (1), and the like. Islamic values are reflected and taken into account in the making of Indonesian national laws from the religious values. It seems like the life itself is reflected in legislations as the law makes people aware of the life in society (Irawan, 2021). Islamic law based on the religious values in a broad sense can be seen in four categories: First, field worship, which regulates how man interact with Allah SWT. Second field, *munakakah* or configuration, speaks of connection or shaping the relationship of man with the environment and his family. Third field, *muamalah* or settings, also speaks of day-to-day routine connection of man in social life. Fourth field, *jinayah* or security, speaks of something structured association that guarantees safety and serenity in public life. The Islamic Law is thus an example of merging faith or beliefs with human life. It is such an embedded system that no one can separate religion or man's life from this internalization (Vikør, 2016). Since the internalization is so logical when formed into National Law in Indonesia that while it accommodates the aspirations of all Muslims, it also respects the religious sentiments of the non-Muslims or people outside of Islam, who need not fear or put any suspicion over the national law of Indonesia (Muhlizar, 2019).

Any regulation or law in a democratic country must aim to resolve problems and challenges being faced by people from all religions. This is a responsibility of the political parties and politicians as well as the representatives of different institutions (Surya & Nasaruddin, 2022). Any regulation or law is also considered an objective thing because it is the result of a process and compliance of technically arranged values and principles helped by the people. For this reason, a law is defined as a regulation based on a norm or a value being followed commonly by people of a country and is established as a set of regulations (Fitryantica, 2019). The Islamic law is also a product of a similar process that contains such values and principles that were given the shape of regulations contained in the Islamic law. Since all these values were followed by people, no regulations were found to be contrary to any religion. Each regulation that became the part of the Islamic law was customized as per the needs of each region. For this reason, the Islamic Law is recognized and enforced in Indonesia as containing highly relevant universal values that are useful for the development of the society in Indonesia (Lisma, 2019). This also shows that Islamic religious values were essential elements required in the development of the national law (Iskandar & Budiaman, 2022).

The Indonesian law is the evidence of a law which is a result of something that is believed by society at large and which is applicable to all corresponding needs of the masses. The law represents the *spirit* and values of the Islamic law, the *sharia*. Therefore, each aspect of the Indonesian law is seen internalized in the minds of the people that they seek all meaning and directions for their life from this religion. The *Sharia* or the Islamic law includes rules that are codified by the experts and so was the Islamic law as the national law of Indonesia (Feener, 2013). Each principle of *Sharia* is based on verses in the Qur'an (*Ma Anzalallah*) and As-Sunnah (*sharia*). *Sharia*, which *literally* means, "going to street to water a place"), hence, the law represents a behavior on road prescribed by the God. All Muslims in the world believe

in *sharia* regulations and the goals set by the God (Coulson & El Shamsy, 2022). According to Al Ghazali, a famous scholar in the 19th century, the eleventh goal in *sharia* deals with the advancement and well-being of the people, which deals with guarding the faith as men live (Qoyum et al., 2022). Moreover, Islam is a religion of mercy, which becomes the guideline to operate in everyday life (Mulyati, 2019) and which is revealed by the God in His revelations (Pranata, 2022).

Results

- *Internalization process of the Islamic values*

The study delved deeper into finding how the Islamic law internalized to the extent developing the Indonesian National Law. It was evident that historically the Islamic values provided legal guidance to legislators and law enforcers; administrative guidance to the executive, even during the colonial administration. These values helped in planning comprehensively post-independence the development of the Indonesian national law. Moreover, the Islamic values also contributed in several other ways, namely to fill the legal void where there were no regulations in the national laws and to provide moral education for law enforcers and society. However, the internalization process of the Islamic values in the development of the Indonesian Law underwent a very difficult legislative process. For instance, some Islamic practices were difficult to enforce by the law, such as the obligation to pray and fast, which were primarily individual rituals and had no correlation with the 'public interest'. The Indonesian Law could enforce only such values that were in the public interest. Moreover, it was not possible for the state to monitor for 24 hours whether or not its citizens were praying and fasting or not?

Though many obstacles were faced in making efforts to internalize Islamic values in the Indonesia law, various non-legislative channels were also explored to foster and develop Islamic values with the Indonesian fabric. For instance, political support was sought to recognize Islamic values and their integration in the Islamic law; orientation programs were conducted to disseminate the Islamic values amidst masses, to spread the message of peace and happiness in the life of individuals and communities; internationally, world peace was made the slogan which gave birth to the Pancasila principles. All these efforts developed an awareness of the Islamic values and Islamic teaching in the Indonesian society. The enactment of these values into the national law was then not very difficult. There is enough evidence that education of Islamic teachings or values have been a historical process ever since the time of the Dutch colonialists (Safri Gunawan, 2018).

The deployment of Islamic teachings with the purpose to legislate, had started in the 13th (thirteenth) century (Hendra Gunawan, 2018). It was felt that Indonesia was strategically and geographically located as the epicenter that united the western and eastern continents, which made this archipelago a home for people from various parts of the world such as Arabia, Persia, India, and even China (Maulia & Ichsan, 2022). A set of critics believe that Indonesia first existed as a trading location, while others are of the view that Islam entered to the territory not through the traders but was developed regardless of any trading or commercial activity (Illiyin & Maulidia, 2021). When the traders entered Indonesia, Islam already existed in Indonesia and its values were transmitted among the foreign traders through channels like politics,

marriage, education, art, and *tasawuf* (Pulungan, 2019). However, it was true that the Arab merchants, who travelled to Indonesia to sell and buy goods merchandise, also preached the teaching of Islam though without any force or violence, in a manner to be gradually accepted by the Indonesian society (Hendra Gunawan, 2018). These merchants spread the message that the Islamic teachings were actually values and principles that would bring people together, show them how to live like human beings with peace and tranquility, without any differences of race, caste or religion (Pulungan, 2019).

- *Islamic values embedded into Indonesian legislation*

Indonesia is a country with largest Muslim population in the world, according to *The Royal Islamic Strategic Studies Centre* (RISSC). The population data reports that the Muslim population in Indonesia as in 2022 is estimated to 237.56 million (Rizaty, 2022). The largest number of Muslim population is also perhaps the fundamental reason for Islamic values to have delved so deep into the society, and in the law and governance (Anwar, 2018). Another reason for internalization of the Islamic values into the Islamic society and becoming eligible for their conversion into legislation is their authenticity and theological significance. (Kato, 2021). These social-political factors have made the Islamic values as the fundamental source of the Indonesian national law, which is rarely seen in Muslim countries (Nasir, 2016). This internalization of the Islamic values was also evident at the time of the formulation of the Pancasila principles and the enactment of the Jakarta charter. This shows Islamic values are significant to its adherents, who consider adhering to these values as core to establish a just and civilized humanity. It is also a necessity for the Indonesian unity, and its democracy led by wisdom, which is found only in the Indonesian values (Hsb, 2021).

The Jakarta Charter called Indonesia a unitary state with sovereignty inherent in the people and not in the state. This sovereignty was granted by the five principles contained in the Pancasila. These principles were based on the Islamic values which later became the basis of an Islamic state (Hoesein, 2012). No effort was made at any stage to separate religion from the state, at any level, nor ever the state interfered into the internal affairs of the religion. With the internalization of the Islamic values, one benefit was that the government agreed to serve to the religious needs of people corresponding with the Pancasila principles (Setiawan, 2021). Internalization of the Islamic values also appear real in a number of statutory regulations (Arfana, 2021), namely Law Number 1 of 1974 concerning Marriage *juncto*; Law Number 16 of 2019 concerning Change on Constitution Number 1 of 1974 concerning Marriage; Act Number 23 of 2011 concerning Zakat Management (formerly Law Number 38 of 1999); Act Number 41 of 2004 concerning Waqf; Act Number 33 of 2014 concerning Guarantee Halal Products; Act Number 34 of 2014 concerning Management Hajj Finance; Act Number 8 of 2019 concerning Organizing the Hajj and Umrah Pilgrimage (earlier Law No Constitution Number 34 of 2009 and Law Number 13 of 2008) this is the evidence of the spread of the Islamic values to a wide spectrum of socio-economic and religious affairs of the general public, that allowed an easy path of the Islamic values into the enactment of these laws and regulations.

The role of the Islamic socio-political groups cannot be denied in the process of internalization. This shows the interdependence of religion with politics. Islam thus

grew politically in the sense that it governed all political affairs of the people and contributed to their governance (Zainullah, 2018). The Islamic perspective was present in the enactment of every law or arrangement of every affair in the society (Sumitro, Kumkelo, & Kholis, 2014). This is however true of most Muslim countries and societies where Islam and Islamic law have played a significant role in socio-cultural, political, and legal affairs (Powell, 2015). The Islamic law has also achieved the position of the source law in Indonesia, or the Law of reference, in understanding the Indonesian customs and laws (Utama, 2018). Although integrated in the national law of Indonesia, Islamic law still exists as an independent law and recognized as a symbol of power and authority (Ichtijanto, 1990). Regions with history involvement Islamic politics that will create regulation more *sharia* big on the side request, however no must be on the side offer (Pisani & Buehler, 2017).

- *Obstacles in the application of Islamic values*

Indonesian is a very large nation and, despite that Islam is rooted in its history, it has faced challenges in both enactment and implementation of the Islamic law. A few inhibitors have been identified in the implementation of the Islamic law (Aris, 2015):

- 1) Socio-cultural inhibitors while interacting with the non-Muslim population, within the secular framework of the state;
- 2) Obstacles in implementing *fikrah* (thought) effectively due to the resistance shown by negative people who are less convinced with its principles;
- 3) Philosophical and human factors that accuse the Islamic law to be unfair, cruel, barbaric and out of date as well as unfit to become a national law;
- 4) Such jurisprudence whose provisions did not exist in the Islamic law also resisted the Islamic law;
- 5) Arguments are being faced against the application and consolidation of the Islamic values in certain circles;
- 6) Inability to enforce the Islamic values in academia, in school campuses, as there is absence of books and study material on Islamic crime;
- 7) Lack of a systematic effort to formulate criminal law corresponding to Islamic law in line with global criminal laws;
- 8) Lack of a structure that could support the application of the Islamic law;
- 9) Absence of scientific literature to review the Islamic criminal law;
- 10) There is not enough political strength or political affiliation to enforce the Islamic law.

Despite these obstacles, Islamic values have been ingrained in the Indonesian national law very deeply due to their historical, and socio-cultural factors. If reviewed from the historical factors, the Islamic values have been making an impact on the legal mechanism since the days of the kingdom and also during the colonial period. From the socio-cultural angle, a lot of support has been received from the social and political groups in internalizing the Islamic values in the national law of Indonesia (Makmun & Sultan, 2022).

Discussion

The aforesaid account of the internalization of Islamic values in the Indonesian national law is evidence of the synergistic pattern between Islam and the legislation

in Indonesia. The Islamic law in Indonesia got the recognition and support of the constitution mainly for three reasons: first, a large majority of Muslims in Indonesia followed the Islamic teachings in their daily life in the form of Pancasila; second, sociologically and culturally the Islamic value had been continuously updated showing the adherence of the society to these values; third, the Islamic law had been granted the Juridical privileges to its stipulation in Articles 24, 25 and 29 of the 1945 Constitution of the Republic of Indonesia, which ensured its smooth enforceability in juridical sense. There are three main reasons for the Islamic values to be internalized in the national law of Indonesia. First, the Islamic law is both formal and flexible and it is easy to adapt to any style and approach to suit the national law; second, Islamic law is the result of a process called *taqwin* which means transformation, thus there is a principle of dynamism behind the creation of Islamic laws and regulations; third, Islamic law has been transformed and given the shape in accordance with social, cultural, political and legal regulations and institutional setups.

It is rightly believed that a law is the product of politics. Any idea, notion or principle can become a law or ordinance if it gets a political mileage or receive a political support from government or any other political organizations. Such laws formed through a political process or support remains positive before the law as long as they fulfil the needs of the society. It does not matter on what principles those laws were based upon at the time of their stipulation or what led to their legislation (Marzuki, 2006). Such laws are always associated with the public policy and therefore affects the public governance. This is true of the Islamic values and principles that were the basis for the formation of the political laws of the country, including keeping the House of Representatives unanimously agreeing to Islamic principles like Pancasila. Article 5 paragraph 1 of the 1945 Constitution of the Republic of Indonesia states that the President holds the sovereign power with the approval of the House of Representatives. Hence, indirectly, the Islamic Law affects even the sovereignty of the President of the Republic of Indonesia. Similarly, Article 20 paragraph 1 of the 1945 Constitution of the Republic of Indonesia, clearly states that the constitution has the right to reject or refuse to any Draft Act if it is contrary to the Islamic values.

It is often argued that Islamic law has 3 (three) characters which are provisions that never change, namely: (i) *Takamulthat* which means perfect and complete. This implies that Islamic law represents the perfect and complete unity of the Muslim ummah, though they may belong to different ethnic groups, but they stay united; (ii) *Wasathiyyah* (means harmony and being moderate), represents that Islamic law takes a middle way, a balanced path that is neither too heavy on the man's psyche nor is too materialistic; it harmonizes life with the ideals of law; and (iii) *Harakah* (dynamic), which implies that the Islamic law has the ability to move and develop; it has the life force and can shape itself in accordance with development and progress. These three characteristics make Islamic law able to adapt to any world law, including the Indonesian national legal order. The flexibility of Islamic law can resolve any kind of current problems and fill the legal void that is not regulated in Indonesian legislation.

Indonesia is a state of law (*rechtstaats*) not a state of power (*machtstaats*). Owing to this fact, the state administration is always based on laws and regulations. The Indonesian state is also not a state of theocracy that adheres to any religious ideology.

Rather, it has a secular state wing that takes care of all other religions. The relationship between religion and state in Indonesia represents a strong synergy as well as a distinct dichotomy. While there exists the Islamic legitimacy in the jurisdiction of the Unitary State Republic of Indonesia (NKRI), there is also the freedom to perform worship of any respective religion and follow any belief that has been recognized under the Indonesian constitution (Rosyadi, 2006). This is also in accordance with the Article 29 of the 1945 Constitution of the Republic of Indonesia, which guarantees freedom to every citizen to follow a religion of their choice and worship according to their beliefs. This is a perfect example of a state that follows secular ways, despite that its regulations and laws are based on values and teachings of the majority of its population, who are Muslims. This is also reflection of simple living and believing in human values as summarized in Pancasila, which is also another strong source of the 1945 Constitution of the Republic of Indonesia. The values contained in the Pancasila are also the ones that have been used to establish the Indonesian nation. The Pancasila is an example of the fact that Indonesia is a land of various backgrounds expressed in its religions, ethnicity, races, and classes, however all merged together in a single state (Ridlwan, 2011).

Conclusion

The study concludes that internalization of the Islamic values had been made in a number of statutory regulations of the Islamic law as well as the national laws of Indonesia. This kind of internalization or embedding the socio-cultural and religious values had been in practice since the early days in Indonesia, which even continued during the period of the Dutch colonialism. Even after independence, the formulation of Pancasila is an example of the internalization of deep Islamic values into the legislations of the country. It shows how the whole nation stood up to make the historical effort to establish Islamic groups and apply their values to formulate Pancasila within the Jakarta charter. This represents the synergistic pattern between Islamic values and the legislation in Indonesia, united to develop laws to make a quantitative influence over socio-cultural, political and legal fabric of the country.

This internalization also contributed politically by presenting a demonstrable model of Islamic development of values as laws of the state according to the needs of the modern society. This development redefined the politics of Indonesia beyond the mythologizing of an "Islamic political state" or just Islamic state ". It cannot be implied that the internalization was a political effort or a political activity to draft the laws. Rather, it was a most natural and smooth transition of values into the making of the Indonesian laws which represented the social order, culture, politics and life in society. Each law was a genuine picture of the qualitative internalization of the values into rules and regulations, legislated by the government and the state. This process was also known as concretization or transformation (*taqin*) of the Islamic law into legislation.

The process witnessed several obstacles while Islamic values were making a transition into legislations. These obstacles were constraints reflected in the cultural, sociological, *fikrah* (thinking), philosophical, juridical, academic, structural, scientific, and political events of the country. However, the synergy between Islamic values and the legislative bodies helped overcome these obstacles.

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