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Editorial

A Few Preliminary Reflections on Religious Studies and Covid-19

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Abstract

The pandemic of COVID-19 has had a significant impact on religious studies. Numerous religious studies courses have transitioned to online learning, necessitating instructors to modify their instructional strategies and materials. Virtual worship services have become prevalent, allowing religious communities to adhere to social distancing guidelines while continuing to practice their religion. Religious studies scholars have examined the impact of the pandemic on religious beliefs and practices, including the significance of interfaith cooperation and the crisis's ethical implications. The pandemic has presented scholars, instructors, and practitioners in religious studies with both challenges and opportunities to adapt and respond to changing circumstances.

Keywords: *Covid-19; Pandemic; Religious Studies; Religious Community*

The transition of religious studies courses to online learning has presented both challenges and opportunities. On the one hand, instructors have had to adapt their teaching methods and materials to an online format, which can be challenging for subjects like group discussions and debates that rely heavily on face-to-face interactions. On the other hand, the transition to online learning has increased the flexibility of course schedules and enabled students and instructors to communicate across geographic boundaries. It has also created new

opportunities for remote learning and collaboration, such as online research projects and virtual guest lectures.

In addition to the modifications made to religious studies courses, the pandemic has also had a substantial impact on religious communities. The transition to virtual worship services has allowed individuals to continue participating in religious rituals and services while adhering to social distancing guidelines, but it has also emphasized the significance of community and social interaction in religious practice. In the absence of in-person gatherings, the pandemic has forced religious communities to adapt and find new methods to maintain their sense of community and connection. However, the pandemic has also presented opportunities for religious communities to collaborate and support one another across denominational and faith lines during this difficult time.

The influence of the Covid-19 pandemic on religious communities has been a primary focus of religious studies scholars. The pandemic has posed unprecedented challenges to traditional religious practices and beliefs, requiring many communities to adopt new forms of worship and community. Scholars have investigated how the pandemic has affected religious beliefs and practices and how various communities have responded to the crisis. As religious communities have collaborated to respond to the pandemic, the pandemic has also highlighted the significance of interfaith communication and cooperation. The pandemic has raised ethical concerns regarding healthcare and social justice, and religious studies scholars have investigated the role of religion in addressing these issues. Thus, the pandemic has prompted scholars to reconsider their approaches to the study of religion, with a renewed emphasis on the ethical and practical aspects of religious belief and practice.

The pandemic has also had a substantial effect on religious education and instruction. Teachers and students have had to adopt

new modalities of instruction and learning as a result of the online migration of numerous religious studies courses. Numerous institutions have invested in online learning platforms and tools to facilitate virtual instruction as a result of the pandemic, highlighting the significance of technology in religious education. In addition, the pandemic has prompted academicians to reevaluate the content and methods of religious education, placing a greater emphasis on practical skills and social engagement. Thus, the pandemic has presented both challenges and opportunities for the field of religious studies, highlighting the need for scholars, educators, and practitioners to be adaptable and responsive to shifting conditions. As the pandemic continues to spread, religious studies will continue to play a crucial role in comprehending the effects of the crisis on religious communities and devising strategies to address these challenges.

This Issue

This issue features ten articles, all of which are in English. This makes it special as it is the first edition to have all of its content in English. The use of English in this edition is part of the editorial team's efforts for Millah: Jurnal Studi Agama to achieve internationalization targets. This edition also includes two articles from abroad, specifically from Turkey and Malaysia. The first article discusses how the postponement of Umrah and Hajj by Saudi Arabia as a result of the Covid-19 pandemic has impacted Indonesia's bilateral relations with Saudi Arabia and a variety of Indonesian sectors. Analyzing the impact of the postponement on the Indonesian government, Hajj and Umrah travel agents, and Indonesian pilgrims, this study employs descriptive and library research techniques and concepts from Islamic jurisprudence (fiqh), foreign policy theory, and foreign policy impact theory.

The second article examines the efficacy of Yogyakarta City Government Regional Regulation No. 1 of 2014 in dealing with homeless and human rights beggars from maqasid of sharia and human rights perspective. The study concludes that while the regulation satisfies procedural requirements, it has not been completely implemented conceptually, and from a human rights standpoint, it has ensured the fulfillment of rights but requires improved implementation. The third article examines the impact of technological advancements on employee salary payments and how this has resulted in a shift in customer satisfaction levels in Sharia banks. The study sought to determine the difference in satisfaction levels between voluntary and forced customers, and discovered a significant difference between the two groups, as well as between voluntary customers who know the contract and those who don't, but no significant difference between forced customers who know the contract and those who don't.

The fourth article examines the legal impact and significance of the adoption of found children on the development of Islamic law. The maqasid of sharia approach demonstrates that found children must be safeguarded, including their rights to lineage, religion, and inheritance. In the absence of a lineage guardian, adopted children have the right to be protected by their adoptive parents. The fifth article examines the influence of Muhammad Abduh's ideas and Tafsir Al-Manar in Indonesia, specifically in Hamka's Tafsir Al-Azhar, using a descriptive-historical approach. The authors identify similarities in methodology and distinctions and similarities in interpretation, which have implications for comprehending the diverse Islamic community in Indonesia and the evolution of modern interpretation. The sixth article investigates the impact and difficulties of *fiqh al-muwatanah* in Indonesia, a new sociopolitical concept developed by Nahdhatul Ulama (NU) in response to the

strengthening of *takfiri* in Indonesia. The article discusses the advantages and disadvantages of the concept and its values, which include justice, harmony, and equality, and how it contributes to the formation of a tolerant society. This concept demonstrates NU's dedication to protecting the Unitary State of the Republic of Indonesia.

The seventh article identifies a lack of religious comprehension as a significant contributor to social problems such as violence, religious disunity, and tension. Focus Group Discussions were used to collect feedback from mosque committee members on the religious education curriculum of mosques in the Gombak district of Malaysia, and thematic analysis was used to analyze the findings. The study reveals that mosque committee members highlighted a number of issues, including mosque religious education structure, education resource, curriculum content, teaching and learning approaches, and anticipated outcomes, which could be used to create a more effective Mosque Religious Education Curriculum. The eighth article discusses how customary law was more applicable than Islamic law in matters of inheritance during the Dutch colonial period in the Dutch East Indies. The author examines the historical practice and concludes that customary law dominated people's lives, resulting in Dutch legal regulations that diminished the duties of the Religious Courts in resolving family and inheritance issues. As a result, based on the advice of Hurgronje, the inheritance jurisdiction of the Religious Court was transferred to the District Court, as inheritance fell under state jurisdiction and was not completely accepted by customary law.

The ninth article examines the identity and mission of Jesus in Mark 8:31-38 and how it is manifested in the lives of God's people today. The author employs Mark's narrative theology to argue that the kingdom of God is the only kingdom where everyone has access to peace and justice. Jesus' identity and mission require God's people to be willing to suffer, be rejected, and even be slain for the Father's work

and be resurrected after death, concludes the study. In order to manage the country's diverse population and prevent problems like racism and radicalism, the tenth article seeks to foster multicultural attitudes among Catholic instructors in Indonesia. The study discovered through library research that Catholic teachers are expected to be professionally and spiritually developed, and to serve as pastoral agents, educators, apostles, and catechists. Prospective Catholic teachers should study interreligious dialogue, comparative philosophy of religion, the local wisdom of Pancasila, and contextual theological studies in order to be prepared to lead in multicultural education.

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Andriansyah

The Impact of Covid-19 on Indonesian Muslim Pilgrimage

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Abstract

This article describes the impact of postponement of Umrah and Hajj towards Indonesia during Covid-19 pandemic. The bilateral relations between Saudi Arabia and Indonesia have been going on for a long time. Hajj and Umrah visits are one way to establish bilateral cooperation between Indonesia and Saudi Arabia. During pandemic, Saudi Arabia make a foreign policy to postponement Umrah and Hajj, this policy make Indonesian Muslim unable to pilgrimage Umrah and Hajj. This postponement will impact Indonesia in many sectors. The research method used in this study is a descriptive study and library research aims to understand the reasons for a state to make a foreign policy and understand the impact of these policies towards Indonesia. Islamic Jurisprudence (Fiqh) concept, Foreign Policy theory, and Foreign Policy Impact Theory are used to analyze the impact of postponement Hajj and Umrah. The findings confirm that the actors that felt the impact were the government, Hajj and Umrah travel agents, and also the Hajj and Umrah pilgrims from Indonesia.

Keywords: *Covid-19, Hajj, Umrah, Islamic Jurisprudence, Foreign Policy Theory*

Dampak Covid-19 terhadap Jamaah Haji dan Umrah Indonesia

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Abstrak

Artikel ini menjelaskan dampak penundaan umrah dan Hajji terhadap Indonesia selama pandemi Covid-19. Hubungan bilateral Arab Saudi dan Indonesia telah berlangsung sejak lama. Kunjungan Hajji dan umrah merupakan salah satu cara menjalin kerjasama bilateral antara Indonesia dan Arab Saudi. Saat terjadi pandemi, Arab Saudi membuat kebijakan luar negeri dengan menunda umrah dan Hajji, kebijakan ini membuat Muslim Indonesia tidak bisa menunaikan ibadah umrah dan Hajji. Penundaan ini akan berdampak pada Indonesia di banyak sektor. Metode penelitian yang digunakan dalam penelitian ini adalah penelitian deskriptif dan studi pustaka ini bertujuan untuk memahami alasan suatu negara membuat kebijakan luar negeri dan memahami dampak kebijakan tersebut terhadap Indonesia. Konsep Fiqih, Teori Kebijakan Luar Negeri, dan Teori Dampak Kebijakan Luar Negeri digunakan untuk menganalisis dampak penundaan Hajji dan umrah. Temuan tersebut menegaskan, aktor yang merasakan dampak adalah pemerintah, biro perjalanan Hajji dan umrah, serta jemaah Hajji dan umrah asal Indonesia.

Kata Kunci: *Covid-19, Haji, Umrah, Konsep Fiqh, Teori Kebijakan Luar Negeri*

INTRODUCTION

At the beginning of 2020, all countries in the world were shocked by the outbreak of disease caused by the Covid-19 coronavirus. Starting from a local case that occurred in Wuhan, China, to the rapid

spread that occurred around the world. WHO (World Health Organization) in March 2020, made this outbreak a global pandemic, and asked countries around the world to take immediate action to prevent and overcome the spread of Covid-19 virus.[1] Actions taken by several countries in the world are lockdown measures. Based on the definition from Cambridge, lockdown can be interpreted as a situation where people are not allowed to enter or leave an area freely because outside was in emergency.[2]

In Italy, initially the government urged residents to stay indoors, and most nightclubs, restaurants, schools, campuses, and cinemas stopped working. However, because cases in Italy continued to increase, the government finally put on a lockdown with tighter supervision and locked several cities. Likewise for Spain, the central government has ordered its citizens to work from home, and business and educational facilities such as schools and colleges have also been closed.[3] The lockdown policy was also enforced by Saudi Arabia by closing the Riyadh, Makkah, and Medina areas since early March 2020. Prevention measures taken by Saudi Arabia include social distancing, the obligation to wear masks in public places, and work from home.[4]

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1 World Health Organization, "WHO Director-General's Opening Remarks at the Media Briefing on COVID-19 - 11 March 2020," March 11, 2020, https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020.

2 Posma Sariguna Johnson Kennedy et al., "Analisis Strategi Lockdown atau Pembatasan Sosial dalam Menghambat Penyebaran Covid-19: Sebuah Tinjauan Teoritis," IMAGE : Jurnal Riset Manajemen 9, no. 1 (June 22, 2020): 48–64, https://doi.org/10.17509/image.v9i1.24189.

3 Debora Sanur, "Wacana Kebijakan Lockdown Dalam Menghadapi Covid-19 Di Indonesia," Info Singkat: Kajian Singkat Terhadap Isu Aktual Dan Strategis 12, no. 6 (March 2020): 25–30.

4 Heba M. Adly et al., "Correlation of COVID-19 Pandemic with Healthcare System Response and Prevention Measures in Saudi Arabia," International Journal of Environmental Research and Public Health 17, no. 18 (September 2020): 6666, https://doi.org/10.3390/ijerph17186666.

Apart from these three cities, restrictions on travel and access in and out were also implemented in 13 other areas in Saudi Arabia. Lockdown was also implemented in two holy places for Muslims, namely the Grand Mosque and the Prophet's Mosque. Until April 2020, the Saudi government took action to continue to close the Grand Mosque and the Prophet's Mosque during Ramadan 1441 AH, making Muslims in various countries and the people of Saudi Arabia unable to pilgrimage Umrah and Hajj. There is a limitation on the number of pilgrims to only 1000 pilgrims from the usual 3.5 million from international and domestic.[5] This coronavirus pandemic has resulted in people in Saudi Arabia celebrating Eid al-Fitr in a state of lockdown.[6] Also, this policy makes Indonesian Muslim unable to pilgrimage Umrah and Hajj this year.

During the pandemic, Indonesian Muslims are unable to perform Umrah and Hajj. This postponement will certainly have an impact on various sectors in Indonesia. This study aims to determine the impact that occurs on society and the government in Indonesia, both in the economic field and the psychological impact felt by Indonesian Muslim who are unable to pilgrimage Umrah and Hajj this year. In addition, the author also wants to analyse the reasons Saudi Arabia postponed the Hajj and Umrah and bilateral relations between two countries regarding Hajj and Umrah during a pandemic. This lockdown policy prevents many Muslim countries from carrying out the Hajj and Umrah pilgrimages. This evokes the question, how did the postponement of Hajj and Umrah impact Indonesia?

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5 Shahul H. Ebrahim et al., "The Hajj Pilgrimage during the COVID-19 Pandemic in 2020: Event Hosting without the Mass Gathering," Journal of Travel Medicine 28, no. 2 (March 2021): taaa194, https://doi.org/10.1093/jtm/taaa194.

6 Rosmha Widiyani, "Sejumlah Kebijakan Arab Saudi Hingga Akhirnya Izinkan Haji 2020 Terbatas," detiknews, June 23, 2020, https://news.detik.com/berita/d-5064978/sejumlah-kebijakan-arab-saudi-hingga-akhirnya-izinkan-haji-2020-terbatas.

METHOD

In this study, the authors used a qualitative analysis and the interview method, in which the authors tried to explain the issues discussed. While the type of data used is secondary data, the author uses data derived from documents, books, journals, articles, and news from the Internet, and other sources, which are considered relevant to the problems in this study. The data study technique used in this research is library research, namely by collecting data and information from the literature related to the issues discussed.

RESULTS

Saudi Arabia Foreign Policy towards Hajj and Umrah

There are three factors that influence Saudi Arabia to make foreign policy, the first factor is we can see on the Saudi Arabia's domestic politics. The condition that is happening in Saudi Arabia, there are increased positive cases of Covid-19. This is because the lockdown was relaxed in May 2020. Saudi Arabia experienced an increase in the number of daily infections and deaths.[7] As of November 29, 2020, the number of Covid-19 cases in Saudi Arabia has reached 357,126.[8] This domestic political factor makes Saudi Arabia postpone Hajj and Umrah.

The second factor that influences Saudi Arabia for making the foreign policy is the international context. Currently, the problem that countries and international actors are trying to solve is the Covid-19

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7 Ahmad Naufal Dzulfaroh, "Arab Saudi Pertimbangkan Pembatalan Haji, Pertama dalam Sejarah Modern," KOMPAS.com, June 13, 2020, https://www.kompas.com/tren/read/2020/06/13/143100165/arab-saudi-pertimbangkan-pembatalan-haji-pertama-dalam-sejarah-modern.

8 Laith N. Al-Eitan et al., "Bat-Borne Coronaviruses in Jordan and Saudi Arabia: A Threat to Public Health?," Viruses-Basel 12, no. 12 (December 2020): 1413, https://doi.org/10.3390/v12121413.

pandemic problem. In addition, the policy to postpone the Hajj and Umrah pilgrimage is influenced by the WHO organization. WHO Regional Head for the East Mediterranean, Dr Dalia Samhouri, said that decisions regarding annual religious activities in the world should be made under WHO supervision, and advised Saudi Arabia to postpone such activities.[9]

And the last factor is the economic condition in Saudi Arabia. Saudi Arabia is a country that has the largest economy in the Arab world and the Middle East. Saudi Arabia's source of income comes from petroleum and is the world's largest oil exporter. In addition, other sources come from the tourism sector. Even though during the pandemic Saudi Arabia experienced a decline in income in the petroleum and tourism sectors, the economy of Saudi Arabia continued to survive well. This was supported by the Saudi Vision 2030 program, the program created to reduce dependence on petroleum.

In addition, Saudi Arabia also launched the National Transformation Program to create a private sector-driven economy and job opportunities for the Saudi Arabian workforce. The program allows foreign investors and multinational companies to easily enter the Saudi Arabian market.[10] These factors make Saudi Arabia make a policy of postponement of Umrah and Hajj activity for all pilgrims.

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9 CNN Indonesia, "WHO Minta Arab Saudi Tunda Pelaksanaan Haji Akibat Covid-19," June 12, 2020, https://www.cnnindonesia.com/internasional/20200612085157-120-512499/who-minta-arab-saudi-tunda-pelaksanaan-haji-akibat-covid-19.

10 Brendan Mitchell and Abdulrahman Alfuraih, "The Kingdom of Saudi Arabia: Achieving the Aspirations of the National Transformation Program 2020 and Saudi Vision 2030 Through Education," Journal of Education and Development 2, no. 3 (September 20, 2018): 36, https://doi.org/10.20849/jed.v2i3.526; Abdullah Addas, "Enhanced Public Open Spaces Planning in Saudi Arabia to Meet National Transformation Program Goals," Current Urban Studies 08, no. 02 (April 29, 2020): 184, https://doi.org/10.4236/cus.2020.82010; Muhammad Babar Khan and Sadia Iqbal,

The Impact of Postponement Towards Indonesia

The foreign policy made by Saudi Arabia by postponement of Hajj and umrah will certainly impact many actors in Indonesia. The policies made by Saudi Arabia had an impact on Indonesia, both positive and negative impact. The actors that felt the impact were the government, Hajj and Umrah travel agents, and the Hajj and Umrah pilgrims from Indonesia. The impacts felt by those actors such as economic impact and the psychological impact.

Government of Indonesia

The Indonesian government as an actor who plays a role in making it easier for Indonesian Muslims to carry out the Hajj and Umrah pilgrimage. So that the Indonesian government has a very important role on the implementation of the Hajj and Umrah pilgrimages can be carried out. The Indonesian government gets quite a lot of profit from the implementation of Hajj and Umrah. The umrah industry had the potential to generate state revenue of up to Rp 7.2 trillion per year, even two to three times as much.

The increase in National GDP is based on three components, namely worship guide, manasik Umrah, and travel profits. The total state revenue if per person, pays for the three components, it is Rp 2.275 million. If this is multiplied by the 636 thousand pilgrims each year, the profit the state get is around Rp1.4 trillion.[11] The government can find it difficult to get income and income tax (PPh) and value added tax (PPn) from the Umrah and Hajj industry in Indonesia. So

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"Vision 2030 and the National Transformation Program," in Research, Innovation and Entrepreneurship in Saudi Arabia (Routledge, 2020), 146–66.

11 Aqwam Fiazmi Hanifan, "Komersialisasi Umrah, Ketika Ibadah Bernilai Bisnis," tirto.id, August 31, 2016, https://tirto.id/komersialisasi-umrah-ketika-ibadah-bernilai-bisnis-Dl.

that the postponement of the Hajj and Umrah pilgrimages due to the Covid-19 pandemic will have an impact on Indonesian economy.

Hajj and Umrah Travel Agents

Other actors affected by the postponement of the Hajj and Umrah pilgrimages are the Umrah and Hajj travel agencies. The Hajj and Umrah Travel Agency is a travel agency that arranges and dispatches Hajj and Umrah pilgrims from Indonesia. The travel companies will lose potential revenue of around Rp 22.5 trillion in 2020 if there are 1 million Umrah pilgrims and 17,500 pilgrims.

The postponement of the Hajj and Umrah pilgrimage has resulted in travel agencies not earning income, but they still must pay rent, electricity, internet, taxes, and employee salaries. This makes travel agencies go bankrupt because they only survive on the savings they have. Currently, several travel companies have even started to carry out employee housing and layoffs. Losses were also experienced by one of the Hajj and Umrah finance companies, AMITRA, a subsidiary of Astra International. AMITRA is a company that collaborates with 300 Hajj and Umrah Travel Agencies in Indonesia. Now, they must stop operating, even their employees must be laid off, because for the past three months there has been no activity and no income to the company.[12]

The Umrah and Hajj travel agencies will also suffer losses if pilgrims who have arrived in Saudi Arabia are positive for Covid-19. This is because pilgrims affected by the Covid-19 virus must carry out isolation until they recover, and the funds used for this isolation use

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[12] Bisnis News, "Penundaan Pengiriman Haji dan Umrah Serta Dampaknya Ke Sektor Usaha Terkait," BISNISNEWS.id, June 3, 2020, https://bisnisnews.id/detail/berita/penundaan-pengiriman-haji-dan-umrah-serta-dampaknya-ke-sektor-usaha-terkait.

health insurance.[13] Even though the pilgrims have already paid for the health insurance, if the pilgrims are still not healed, the costs will be borne by the Hajj and Umrah travel agents.

Indonesia Muslim Pilgrims

Indonesia Hajj and Umrah pilgrims are the most disadvantaged actors in this postponement of Hajj and Umrah. This is because pilgrims from Indonesia have paid for various facilities, such as plane tickets, visas, hotels, and other facilities. If the Hajj and Umrah pilgrims want to make a refund, then only get a refund of up to 90 percent of the Umrah fee.[14] In addition, Hajj and Umrah pilgrims who will depart during this pandemic will experience increases in travel costs, lodging, transportation, swab test fees, and guide fees.[15] This is a disadvantage for the pilgrims and Umrah pilgrims because they have been waiting a long time for departure, and have to pay additional money when leaving.

The psychological impact felt by the Hajj and Umrah pilgrims because of postponement of the Hajj and Umrah pilgrimages, they felt sad and disappointed because they have already made preparations for departure, have made payments and so on.[16] Apart from that, the

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13 Nicholas Ryan Aditya, "Biaya Karantina Jemaah Umrah Yang Terpapar Covid-19 Ditanggung Asuransi," KOMPAS.com, November 6, 2020, https://nasional.kompas.com/read/2020/11/06/22581321/biaya-karantina-jemaah-umrah-yang-terpapar-covid-19-ditanggung-asuransi.

14 Bangun Santoso and Achmad Fauzi, "Diminta Jadwal Ulang, Refund Jemaah Umrah Tak Dapat Dana 100 Persen," suara.com, March 8, 2020, https://www.suara.com/news/2020/03/08/120312/diminta-jadwal-ulang-refund-jemaah-umrah-tak-dapat-dana-100-persen.

15 Nabilla Ramadhian, "Biaya Umrah Saat Pandemi Naik, Harga Terendah Rp 26 Juta," KOMPAS.com, November 5, 2020, https://travel.kompas.com/read/2020/11/05/191900427/biaya-umrah-saat-pandemi-naik-harga-terendah-rp-26-juta.

16 Datuk Haris Molana, "Jemaah Sumut Kecewa Saudi Setop Umrah, Ada yang Sudah Ditepungtawari," detiknews, February 27, 2020,

pilgrims also felt disappointment, this was because many Indonesian pilgrims who had waited for more than five years to be able to carry out the pilgrimage had to be delayed and had to wait until next year. With the postponement of the Hajj and Umrah pilgrimages, the queues for Hajj will be even longer, due to the Saudi Arabia policy regarding limiting the age of prospective pilgrims and the tightening of health procedures and requirements for the departure of Hajj and Umrah pilgrims.

Indonesia not only felt the negative impact of the Saudi Arabian policy but in fact, there is a positive impact that can be obtained. The positive impact of postponing Umrah and Hajj is that it can reduce the spread of positive cases that have occurred in Indonesia and supports the efforts of WHO to immediately end this Covid-19 pandemic by not sending pilgrims to carry out Umrah and Hajj. The Indonesian government can focus more on monitoring the covid-19 virus in all parts of Indonesia, such as by optimizing regional restrictions and vaccination for the community. By continuing to send pilgrims for Umrah and Hajj, it is feared that the pilgrims will be exposed to the virus on the way, and later it will have an impact on causing a new Covid-19 cluster.

Recent Development on Saudi Arabia Policy towards Umrah

The bilateral relations carried out by Saudi Arabia and Indonesia, especially on Hajj and Umrah activities, are based on the Islamic jurisprudence concept. This is because these two countries are the Dar al-Islam and the Darus-Suluh countries, so that cooperation between the two countries is prioritized. On November 1, 2020, Saudi Arabia issued a policy to reopen Umrah for the international community. In this case, it is due to the very close relationship

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https://news.detik.com/berita/d-4917022/jemaah-sumut-kecewa-saudi-setop-umrah-ada-yang-sudah-ditepungtawari.

between Saudi Arabia and Indonesia, besides this Hajj and Umrah activities are very beneficial for both countries, so that Saudi Arabia allows Indonesia to send Umrah pilgrims.

Saudi Arabia makes policy by limiting the age of prospective pilgrims who will carry out the Umrah pilgrimage as well as tightening health procedures and requirements for the departure of Umrah pilgrims. Pilgrims who are allowed to carry out the Umrah pilgrimage are those aged 18 to 50 years. Another requirement is that the pilgrims must not have comorbid diseases and before departure must take a PCR or swab test.[17] Umrah pilgrims also need to be quarantined for three days at the hotel where they are staying and are prohibited from leaving the hotel. Apart from that, Saudi Arabia has also made a policy on limiting the Umrah quota.[18]

On November 16, 2020, the government of Saudi Arabia do postponement again the Umrah pilgrimages for Indonesian Muslim. This was done because of the Umrah pilgrims from Indonesia infected with the Covid-19 virus[19] and positive cases of Covid-19 in Indonesia continue to experience a significant increase. By making a policy of postponement against Umrah activity for Indonesian pilgrims, Saudi Arabia wants to protect the people of Saudi Arabia so that there would be no increase in positive cases of Covid-19.

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17 Hashim Talib Hashim et al., "The Hajj and COVID-19: How the Pandemic Shaped the World's Largest Religious Gathering," American Journal of Tropical Medicine and Hygiene 104, no. 3 (March 2021): 797–99, https://doi.org/10.4269/ajtmh.20-1563.

18 Abdul Malik, "Ini Ketentuan Kemenag Soal 9 Pedoman Penyelenggaran Umroh di Masa Pandemi," Bareksa.com, November 3, 2020, https://www.bareksa.com/berita/umroh/2020-11-03/ini-ketentuan-kemenag-soal-9-pedoman-penyelenggaran-umroh-di-masa-pandemi.

19 Dezy Rosalia Piri, "Saudi Arabia Temporarily Suspends Umrah Visas on Indonesian Pilgrims Due to Covid-19 Cases," KOMPAS.com, November 16, 2020, https://go.kompas.com/read/2020/11/16/195101074/saudi-arabia-temporarily-suspends-umrah-visas-on-indonesian-pilgrims-due-to-covid.

Pilgrims Before and during the Covid-19 Pandemic

There are differences in policies carried out by Saudi Arabia on the implementation of Hajj and Umrah for Muslim pilgrims which were carried out before and during the Covid-19 pandemic. The new policy was made by Saudi Arabia to overcome and stop the spread of the Covid-19 virus. Before this pandemic, Hajj and Umrah were allowed to be carried out by all Muslims in the world without any restrictions on the age or number of the pilgrims. Muslim pilgrims also don't need to do quarantine, PCR tests, and any complicated medical tests. In addition, the costs that should be paid by the pilgrims are not too expensive for regular Umrah costs around IDR 23 million to IDR 30 million. Before the pandemic, Indonesia can send Umrah pilgrims around 900 million to 1.5 million and Hajj pilgrims around 2.4 million.

The Saudi Arabia government's policy regarding Umrah, and Hajj has changed during this pandemic. Currently, pilgrims who will do the Umrah and Hajj are limited only for those who are 18 to 50 years old. Before departure, pilgrims are obliged to take a PCR test three times, and when they arrive in Saudi Arabia, pilgrims must quarantine for three days at the hotel. Umrah activities are only carried out once with a maximum time of three hours, prayer activities carried out individually, and there are only guides who come from Saudi Arabia. Another change is that pilgrims who want to carry out Hajj and Umrah must pay more than normal fees for PCR tests and other accommodations during the quarantine activity. This makes Indonesia only send 216.560 pilgrims for Umrah activities and there has been no departure of Hajj pilgrims since the 2020 and 2021 pandemics

The following table shows comparisons of procedures and the number of pilgrims for Hajj and umrah, before and during Covid-19 pandemic.

Table 1. Comparison of procedures and the number of pilgrims

NO	Before the Covid-19 Pandemic	During the Covid-19 Pandemic
1	Pilgrims are not limited by age	The age of the pilgrims are limited (18-50 years)
2	There are no PCR test	Pilgrims must do the PCR test three times
3	Pilgrims do not need to do any complicated medical tests	Pilgrims are obliged to fill out two documents regarding the health statement and health protocol
4	There is no spraying of disinfectant	The pilgrims luggage were sprayed with disinfectant
5	Bus can accommodate 48-50 pilgrims	Bus only accommodate 20-22 pilgrims
6	There is no quarantine policy	Pilgrims must do quarantine at the hotel for three days
7	There is no time limit for Umrah activities	Umrah activities are only carried out once with a maximum time of three hours
8	Prayer activities are carried out together	Prayer activities carried out individually
9	Guides come from various countries	There are only guides from Saudi Arabia
10	Regular Umrah costs around IDR 23 million to IDR 30 million	Umrah costs have increased, around IDR 32 million to IDR 35 million
11	The number of Umrah pilgrims from Indonesia are around 900 million to 1.5 million	Indonesia sent 529 groups with total 216.560 pilgrims for Umrah activities

12	Hajj activities have no restrictions on pilgrims	Hajj activities are only carried out by 1.000 pilgrims who have been strictly selected
13	In 2019, Indonesia Hajj pilgrims are around 2.4 million	No departure of Haj pilgrims since the 2020 and 2021 pandemics

In 2021, the Indonesian government cancelled the delivery of hajj, it was due to the policies of the Saudi Arabian government and the Indonesian government. The government of Saudi Arabia makes that policy because of the health, safety, and security of the pilgrims who are threatened due to the COVID-19 pandemic that has hit the world. So that the Saudi Arabian government only carries out Hajj with a limited quota, especially for Saudi Arabian countries and expatriates living in Saudi Arabia. It resulted in the Indonesian government not being able to send pilgrims to Saudi Arabia.[20] The General Directorate of Hajj and Umrah Organization in Indonesia said that for the implementation of Umrah activities, there was opening and closing of the Saudi Arabian airport and the implementation of health protocols during the flight. Until then, there was a spike in Covid-19 globally, so for safety and security, Saudi Arabia then imposed a lockdown. In addition, there are no departures for Hajj activities for Indonesian pilgrims during the COVID-19 pandemic. For regular flights to Saudi Arabia, such as business trips, tourism activities, or other interests, Indonesia has not yet received a permit to carry out these flights.[21]

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20 Gempita Surya, "Fakta Pembatalan Haji 2021, Dari Alasan Hingga Prioritas Keberangkatan Tahun 2022," KOMPAS.com, June 6, 2021, https://www.kompas.tv/article/180931/fakta-pembatalan-haji-2021-dari-alasan-hingga-prioritas-keberangkatan-tahun-2022.

21 Adhyasta Dirgantara, "Dubes Saudi: 11 Negara Diizinkan Masuk Tak Terkait Haji dan Umroh," detiknews, June 3, 2021, https://news.detik.com/berita/d-5592610/dubes-saudi-11-negara-diizinkan-masuk-tak-terkait-haji-dan-umroh.

DISCUSSION

This study shows that Saudi Arabia's policy to postpone Hajj and Umrah activities for all Muslims in the world, including Indonesia, certainly has an impact on actors that contribute with these activities. There are positive and negative impacts because of this policy. The Indonesian government, Hajj and umrah travel agents, and Indonesian pilgrims, are the actors who get the impact from this policy. The negative impact felt by these actors is economic and psychological. The economic impact, such as decreased income for the state, then for Hajj and Umrah travel agents, this postponement resulted in them being unable to pay employee salaries and other necessities so that most of them went bankrupt. For the pilgrims, they experience economic losses because they are required to add additional costs if they want to carry out Hajj and Umrah. Apart from the economy, the pilgrims also feel psychological impacts such as feeling disappointed because they must experience delays in departures.

The impact felt from the postponement of Hajj and Umrah is not only negative but also the positive impact that can be taken by Indonesia. With this postponement, the Indonesian government can focus more on overcoming the problem of the spread of the Covid-19 virus in the country. In addition, it is feared that if Indonesia continues to send Umrah and Hajj pilgrims to Saudi Arabia, it will increase the opportunity for a new covid-19 cluster in Indonesia, because pilgrims may catch the virus on their way. With this postponement, it is hoped that it will immediately end the Covid-19 virus pandemic worldwide. Even so, Saudi Arabia also continues to open Hajj and Umrah with very strict requirements, this is done to overcome the spread of the Covid-19 virus in Saudi Arabia. These requirements include an increase in the costs of Umrah and Hajj, restrictions on the age of

pilgrims and strict health requirements, such as quarantine and swab tests.[22]

This study is different from previous studies on the same topic, namely Pilgrimage and Covid-19. In previous studies, many researchers only explained in general about the covid-19 and did not mention specifically the country that was researched. In addition, there is also research that only explains in general terms the impact of Covid-19 on travel to religious destinations. Other research also explains the Islamic laws related to the cancellation of the Hajj during this pandemic. So that in this study there is a renewal which lies in the focus of this research, namely on the impact of the Saudi Arabian government policy regarding the postponement in carrying out Hajj and Umrah during the pandemic. This study focuses on the positive and negative impacts felt by actors in Indonesia who are involved in the implementation of Hajj and Umrah.

CONCLUSION

The policy of postponement of Hajj and Umrah that Saudi Arabia made were influenced by several factors, domestic politics, international context, and economic conditions. The postponement of the Hajj and Umrah pilgrimages certainly has an impact on both countries. For Indonesia, the impact is felt not only by one actor, but there are several actors who also feel the impact of this policy, namely the Indonesian government, Hajj and Umrah travel agents, and the Hajj and Umrah pilgrims from Indonesia. The Indonesian government and Hajj and Umrah travel agents received the impact of the economic loss, while the Hajj and Umrah pilgrims from Indonesia felt the impact on the economy and psychological impact. While the positive impact

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22 Anas Khan et al., "Estimating the COVID-19 Risk during the Hajj Pilgrimage," Journal of Travel Medicine 27, no. 8 (December 2020): taaa157, https://doi.org/10.1093/jtm/taaa157.

of this policy, Indonesia is not worried about a new covid-19 cluster in the country and is one of the efforts to be able to immediately end this Covid-19 pandemic.

Postponing Umrah and Hajj activities during the Covid-19 pandemic is the right decision. Although the impact of this policy felt by many actors that relate with these activities and also the impact obtained not only on one sector, but the policies also carried out by the Saudi Arabian government are actions that need to be supported by all actors. That is because with this postponement the spread of the Covid-19 virus can be avoided and can save the lives of many people. It is hoped that the Indonesian government will not be too imposing to continue carrying out Hajj and Umrah activities during this pandemic, it would be better if the government and the Indonesian people could focus more on overcoming the spread of this virus domestically.

The case of the Covid-19 pandemic is an aspect that supports the process in this research. The author hopes that with this research, readers can find out the positive and negative impacts that Indonesia has on the Saudi Arabian government policy to postpone the Hajj and Umrah pilgrimage activities. This policy does not only have an impact on one actor but there are also several actors related to this activity who are also affected. In addition, because the topic of pilgrimage in the Covid-19 pandemic is still very rarely discussed, the author wants readers to know the latest information regarding the state of Hajj and Umrah activities during the Covid-19 pandemic. Although in practice the policy regarding pilgrimage during the Covid-19 pandemic has been implemented, the authors hope that the study that discusses this topic must be improved again.

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Maharani Alifah Dhiya Rahmadhanitya & Sidik Jatmika

Local Regulation on Homelessness and Beggars in Yogyakarta: Human Rights and Maqasid of Sharia Perspectives

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Abstract

The existence of vagrants and beggars as a sub-culture of poverty is a separate problem for the government and the people of Yogyakarta in general. This research was conducted to examine and analyze the effectiveness of the Yogyakarta City Government Regional Regulation No. 1 of 2014 concerning the handling of homeless and human rights beggars in the review of maqasid shari'ah and seeks to find the crucial factors that influence the effectiveness of the DIY city government regulation based on a human rights perspective. humans in the view of maqasid syarī'ah. The facts in the field were collected using qualitative methods with a sociological normative juridical approach and technical analysis using analytical descriptions. The results of this study are the Role and Functions of the Social Service in tackling Homeless and Beggars in the Special Region of Yogyakarta which has been procedurally fulfilled based on the Yogyakarta Regional Regulation No. 1 of 2014, but conceptually has not been fully implemented in the DIY City Regional Regulation No. 1 of 2014. In the perspective of human rights, in terms of quantity, the regional regulation has guaranteed the fulfillment of the rights of the homeless and beggars, the implementation is in accordance with standard operational procedures in the field. According to the Maqāsid syarī'ah perspective, the government's program to overcome sprawl has realized the maqāsid Syar'ah, namely the maintenance of religion (ḥifẓ dn), reason (ḥifẓ al-aql) maintenance of the soul (ḥifẓ al-Nafs) maintenance of offspring (ḥifẓ al-Nasl) maintenance of property (hifzu al-mal)

Keywords: Local Regulation, Human Rights, Maqasid Syariah

Ahmad Syafii Rahman & Amir Mu'allim

Abstrak

Keberadaan Gelandangan dan Pengemis sebagai salah satu sub-kultur kemiskinan menjadi persoalan tersendiri bagi pemerintah dan masyarakat Yogyakarta pada umumnya. Penelitian ini dilakukan untuk mengkaji dan menganalisis efektivitas Perda Pemerintahan Kota Yogyakarta No.1 tahun 2014 tentang penanganan gelandangan dan pengemis hak asasi manusia dalam tinjauan maqasid syari'ah dan berupaya menemukan faktor-faktor krusial yang mempengaruhi jalannya efektivitas perda pemerintahan kota DIY berdasarkan perspektif hak asasi manusia dalam tinjauan maqāsid syarī'ah. Fakta-fakta dilapangan dikumpulkan dengan metode kualitatif dengan pendekatan yuridis normative sosiologis dan tektin analisisnya menggunakan deskrprif analitis. Hasil penelitian dari penelitian ini adalah Peran dan Fungsi Dinas Sosial dalam menanggulangi Gelandangan dan Pengemis di Daerah Istimewa Yogyakarta secara prosedural telah terpenuhi berdasarkan Peraturan Daerah Yogyakarta No 1 Tahun 2014, Namun secara Konseptual belum sepenuhnya terimplementasi di dalam Peraturan Daerah Kota DIY No 1 Tahun 2014. Dalam Perspektif Hak Asasi Manusia, secara kuantitas, Perda telah menjamin pemenuhan hak-hak gelandangan dan pengemis, secara implementasi telah sesuai dengan standar prosedur operasional dilapangan. Menurut Perspektif Maqāsid syarī'ah program pemerintah penanggulangan Gepeng telah merealisasikan maqāsid Syarī'ah yaitu pemeliharaan agama (ḥifẓ dīn), akal (ḥifẓ al-aql) pemeliharaan jiwa (ḥifẓ al-Nafs) pemeliharaan keturunan (ḥifẓ al-Nasl) pemeliharaan harta (hifzu al-māl)

Kata Kunci: Peraturan Daerah, Hak Asasi Manusia, Maqasid Syariah

INTRODUCTION

Like other provinces in Indonesia, Yogyakarta Special Province or Yogyakarta also faces the problem of poverty. There are many factors that influence poverty in Yogyakarta: education, health, productivity, minimum wages, inflation, and others.[1] Several policies have been implemented but have not been able to significantly reduce the poverty rate.[2] The policy that empirically has a significant

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[1] Khurri Niswati, 'Faktor-Faktor Yang Mempengaruhi Kemiskinan Di Daerah Istimewa Yogyakarta Tahun 2003-2011 [Factors Affecting Poverty in the Special Region of Yogyakarta in 2003-2011]', *Eko-Regional: Jurnal Pembangunan Ekonomi Wilayah* 9, no. 1 (2014): 82–89, https://doi.org/10.20884/1.erjpe.2014.9.1.480.

[2] Juli Panglima Saragih, 'Faktor Penyebab Dan Kebijakan Pemerintah Provinsi Daerah Istimewa Yogyakarta Menghapus Kemiskinan [Causes of Poverty and

impact on poverty in Yogyakarta is government spending on education and health. Thus, improving the quality of human resources is an important part of efforts to alleviate poverty in Yogyakarta.[3] Poverty is an unresolved problem for the government, the world, as well as Indonesia, which has fairly high levels as a developing country. This problem is often the focus of the government during development by providing various community programs, especially in urban areas.

Complex social problems require serious cooperation between the central and local governments, including provinces and regencies or cities. It is realization of general and social welfare as the government's obligation and the nation's goals as stated in the 1945 Indonesian Constitution. The constitution mandated the state to respect, protect, fulfill, and educate its citizens.[4] However, improper poverty handling can lead to increasingly complex social welfare problems, as indicated by the number of people with social welfare problems. The homeless and beggars are some critical social welfare problems with negative impacts, leading to the introduction of various alleviation policies by the local governments.[5]

Yogyakarta Government Policy for Eradicating Poverty]', *Jurnal Ekonomi Dan Studi Pembangunan* 6, no. 2 (2014): 139–55.

[3] Novita Ika Sari, 'Determinan Tingkat Kemiskinan Di Daerah Istimewa Yogyakarta Tahun 2007 - 2014 [Determinants of Poverty Levels in the Special Region of Yogyakarta in 2007 - 2014]', *Economics Development Analysis Journal* 7, no. 2 (2018): 128–36, https://doi.org/10.15294/edaj.v8i2.23411.

[4] Mia Kusuma Fitriana, 'Peranan Politik Hukum Dalam Pembentukan Peraturan Perundang-Undangan Di Indonesia Sebagai Sarana Mewujudkan Tujuan Negara (Role of Politics in Creation of Laws and Regulations in Indonesia as the Means of Realizing the Country's Goal)', *Jurnal Legislasi Indonesia* 12, no. 2 (2015): 1–27; Johannes Suhardjana, 'Supremasi Konstitusi Adalah Tujuan Negara [The Supremacy of the Constitution Is the Goal of the State]', *Jurnal Dinamika Hukum* 10, no. 3 (2010): 253–64, https://doi.org/10.20884/1.jdh.2010.10.3.96.

[5] Siti Raudah, 'Implementasi Peraturan Daerah Nomor 17 Tahun 2015 Tentang Penanggulangan Masalah Gelandangan Dan Pengemis (Gepeng) (Ttudy Kasus Di Kecamatan Amuntai Tengah Kabupaten Hulu Sungai Utara) [Implementation of

Yogyakarta City was centre for many bussiness, culture, art, and education activities in Yogyakarta Special Province. Its status as city of education and city of culture implies fast growing of urbanization which lead to a more severe problem in homelessness and poverty.[6] The Government of Yogyakarta has also made several specific regulations to address the problem of homeless people and beggars. One of them was the Province Regulation of Yogyakarta Special Province No. 1 2014 on Countermeasures of the Homeless and Beggars or *Perda No. 1 2014*.[7] The countermeasures of the homeless people and beggars regulated in Perda No. 1 2014 includes various processes related to this issue. These countermeasures are through (a) preventive, (b) coercive, (c) rehabilitative, and (d) social reintegration efforts.

Several researchers have analyzed Perda No. 1 2014 from various aspects with the results as described below. This regional regulation has a coercive strategy, in the form of criminalizing homeless people and beggars, as well as a preventive strategy that costs a lot of budget.[8] From the aspect of criminal law, the procedure

Regional Regulation Number 17 Year 2015 on Efforts to Overcome Problems of Homeless and Beggars (Case Study in Amuntai Tengah Sub-District Hulu Sungai Utara)]', *Jurnal PubBis* 3, no. 1 (2019): 10–19; M. Zain Yaumil Akbar and Sulistyowati, 'Peran Pemerintah Kabupaten Brebes Dalam Menanggulangi Penyandang Masalah Kesejahteraan Sosial (PMKS) Pada Gelandangan Dan Pengemis (Studi Kasus Desa Grinting) [The Role of the Brebes Regency Government in Overcoming People with Social Welfare Problems on Homeless and Beggars (Case Study of Grinting Village)]', *Journal of Politic and Government Studies* 8, no. 03 (2019): 201–10.

[6] Hendy Setiawan, 'Fenomena Gelandangan Pengemis Sebagai Dampak Disparitas Pembangunan Kawasan Urban dan Rural di Daerah Istimewa Yogyakarta [The Phenomenon of Homeless Beggars as the Impact of Disparity in Urban and Rural Development in Yogyakarta Special Province]', *Moderat: Jurnal Ilmiah Ilmu Pemerintahan* 6, no. 2 (2020): 361–75, https://doi.org/10.25157/moderat.v6i2.3218.

[7] Gubernur Daerah Istimewa Yogyakarta, 'Peraturan Daerah Daerah Istimewa Yogyakarta Nomor 1 Tahun 2014 Tentang Penanganan Gelandangan Dan Pengemis' (2014).

[8] Jayyidan Falakhi Mawaza and Zaenuddin, 'Dilema Kebijakan Penanganan Gelandangan dan Pengemis di Yogyakarta (Studi Kasus Perda DIY No. 1 Tahun 2014)

of handling homeless people and beggars is carried out as part of a broader, integralistic, and integrated policy.[9] Coercive efforts through policing involving the Satpol PP in the last three years have not shown significant changes to the homeless and beggars.[10] In general, the Rehabilitation and Preventive Strategies have been running well despite facing problems in the form of lack of human resources and lack of program innovation. In addition, community support is also lacking for the prohibition of giving money to beggars.[11] Other researchers have also analyzed the implementation of the rehabilitation strategy[12] and the importance of government-private synergy[13] in overcoming social problems in Yogyakarta.

[Policy Dilemma for Handling Homeless People and Beggers in Yogyakarta (Case Study of Perda No. 1 Year 2014)]', *Spirit Publik: Jurnal Administrasi Publik* 15, no. 2 (2020): 131–45, https://doi.org/10.20961/sp.v15i2.39754.

[9] Mufti Khakim and Egi Purnomo Aji, 'Penegakkan Hukum Peraturan Daerah Nomor 01 Tahun 2014 Tentang Penanganan Gelandangan Dan Pengemis Daerah Istimewa Yogyakarta [Law Enforcement of Regional Regulations Number 01 of 2014 Concerning the Handling of Homeless and Beggars in the Special Region of Yogyakarta]', *Jurnal Citizenship: Media Publikasi Pendidikan Pancasila Dan Kewarganegaraan* 4, no. 1 (2021): 26–37, https://doi.org/10.12928/citizenship.v4i1.19906.

[10] Mutiaratih Larasati Jannati and Johannes Sutoyo, 'Hasil Dan Dampak Upaya Koersif Dalam Penegakan Peraturan Daerah Daerah Istimewa Yogyakarta Nomor 1 Tahun 2014 Tentang Penanganan Gelandangan Dan Pengemis [Results and Impact of Coercive Efforts in Enforcement of Yogyakarta Special Region Regulation Number 1 of 2014 Concerning Handling Homeless and Beggars]', *Jurnal Kriminologi Indonesia* 13, no. 1 (2018), http://journal.ui.ac.id/index.php/jki/article/view/9042.

[11] Tiara Khairunnisa, Eko Priyo Purnomo, and Lubna Salsabila, 'Smart Urban Service: Upaya Rehabilitasi dan Preventif Pengemis dan Gelandangan Kota Yogyakarta [Smart Urban Service: Rehabilitation and Preventive Efforts for Beggars and Homeless in Yogyakarta City]', *Moderat: Jurnal Ilmiah Ilmu Pemerintahan* 6, no. 1 (2020): 29–42, https://doi.org/10.25157/moderat.v6i1.3156.

[12] Novie Purnia Putri and Munifatuz Zahro', 'Pemberdayaan Gelandangan Dan Pengemis Melalui Bimbingan Vokasi Di Balai Rehabilitasi Unit Bina Karya Yogyakarta [Empowerment of Homeless Households and Beggers Through Vocational Guidance at the Rehabilitation Center of the Bina Karya Unit, Yogyakarta]', *EMPATI: Jurnal Ilmu Kesejahteraan Sosial* 9, no. 1 (2020): 48–58, https://doi.org/10.15408/empati.v9i1.16481.

[13] Zainal Fadri, 'Upaya Penanggulangan Gelandangan Dan Pengemis (Gepeng) Sebagai Penyandang Masalah Kesejahteraan Sosial (PMKS) Di Yogyakarta [Efforts to

Previous review indicates limitation of analysis of Perda 1 2014 on human rights and Islamic law perspectives. This current research was aimed to fill this gap by providing analysis based on human rights and maqasid of sharia perspectives.

METHOD

In general, this research does not use numbers and calculations so that it is included in the qualitative category.[14] Furthermore, this research is included in the qualitative category because it is carried out by looking at real conditions in the field to observe phenomena and draw meaning from them.[15] Data was collected using in-depth interviews and analysis of documents. Civil servants in the Yogyakarta City Government obliged to handle the implementation of Perda 1 2014 were main informants for this research. They were interviewed to explore various sides of information in the program process for the countermeasures of homeless people and beggars through the issuance of the government regulation.

RESULTS AND DISCUSSION

Characteristics of Perda 1 2014 on Homeless People and Beggars

Perda 1 2014 mandates some efforts to overcome the phenomenon of homeless people and beggars in Yogyakarta. These efforts along with its mechanism are explained below. Preventive

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Manage Homeless Peopel and Beggars as Social Welfare Problems in Yogyakarta]', *Komunitas* 10, no. 1 (2019): 1–19, https://doi.org/10.20414/komunitas.v10i1.1070.

[14] Ian Dobinson and Francis Johns, 'Qualitative Legal Research', in *Research Methods for Law*, ed. Mike McConville and Wing Hong Chui (Edinburgh: Edinburgh University Press, 2007), 16–45.

[15] Lisa Webley, 'Qualitative Approaches to Empirical Legal Research', in *The Oxford Handbook of Empirical Legal Research*, ed. Peter Cane and Herbert M. Kritzer (Oxford: Oxford University Press, 2010), 927–51, https://doi.org/10.1093/oxfordhb/9780199542475.013.0039.

efforts included providing facilities, improving health quality, housing amenities, education, community counseling, supplying information through billboards in public places, social guidance, and assistance.[16] Coercive efforts included activities such as a) order, a proactive effort to regulate and enforce the rule of law to create order, b) outreach, proactive efforts to reach zones that are often used as homes for the homeless and beggars; c) mental development in social protection house or RPS (Rumah Perlindungan Sosial); and d) handing homeless people and beggars to court for further law process.[17]   Rehabilitation efforts included activities such as a) motivation and psychosocial diagnosis, b) healthcare, c) vocational training and entrepreneurship development, d) spiritual mental guidance, e) physical guidance, f) social guidance and psychosocial counseling, g) accessibility services, h) social assistance, and i) guidance on resocialization.[18]Social reintegration efforts included activities such as a) coordination with the local government of origin, b) family tracing, c) submission, and d) resocialization guidance.[19]

The Civil Service Police Unit or Satuan Polisi Pamong Praja (abbreviated Satpol PP) was authorized to take enforcement actions. Enforcement was conducted every two months through raids at crowded points or in the city center where the homeless and beggars were easily located. Enforcement was also conducted after reports of disturbing homeless persons and beggars from supervisors or the community. In 2016, there were 171 homeless people, higher than the 150 beggars estimated. A significant increase was observed in 2017,

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[16] Gubernur Daerah Istimewa Yogyakarta, Peraturan Daerah Daerah Istimewa Yogyakarta Nomor 1 Tahun 2014 Tentang Penanganan Gelandangan dan Pengemis Article 8.

[17] Gubernur Daerah Istimewa Yogyakarta Article 9.

[18] Gubernur Daerah Istimewa Yogyakarta Article 10.

[19] Gubernur Daerah Istimewa Yogyakarta Article 13.

as 235 homeless and 170 beggars were recorded, while 2020 documented a decrease to 197 and 147, respectively.[20]

Countermeasure Procedures

An essential step in implementing this policy was following an appropriate procedure to achieve the expected goals. Office of Social Services cannot employ arbitrary policies that conflict with its field or procedure. Hence, the section must adhere to the procedures outlined in the government's regulation, which include 1) controlling, raiding, or outreaching to the homeless and beggars, synergized with supervisions by agencies or community elements. 2) Implementing social and mental rehabilitation by experts or practitioners that are members of guidance, social-mental, religious, citizenship, as well as physical and vocational health teams. 3) Conducting orientation and technical guidance to Assessment Camp officers. 4) Performing mental, social, and vocational rehabilitation continuously through a team of experts/practitioners, as well as 5) tracing and returning homeless persons and/or beggars outside Yogyakarta, 6) making referrals, and 7) repatriating such people to their areas of origin.[21]

The procedure for the countermeasures of the homeless and beggars, involving the initial stage, control, shelter at the Assessment Camp, and identification. Homeless and beggar children are separated and placed in appropriate camps for children, while non-psychotic groups, street communities (e.g., punk children), and psychotic groups are referred to mental hospitals (RSJ). After receiving initial rehabilitation, further social rehabilitative and capacity-building processes are administered. The guidance flow is

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[20] Baried, Interview with Chief of Section of Social Rehabilitation for Socially Impaired and Drug Victims, 12 February 2020.

[21] Ismi, Interview with Office of Social Services, 13 February 2020.

the process or stage of performing duties based on the procedures contained in Government Regulation Number 36 of 2017 concerning SOPs for Countermeasures of the Homeless and Beggars.[22]

The implementation of field realization comprises stages and procedures that correspond with the avoidance of unexpected technical errors. Rehabilitation is the initial stage performed at the assessment camp before repatriation and has entailed non-psychotic homeless and beggars as participants. About 136 homeless and beggars have received coaching, and 186 were referred to a mental hospital. The initial rehabilitation for coaching at the assessment camp involves 1) the development of interest in talent by psychologists, 2) hypnotherapy by a psychologist, 3) healthcare for psychotics by medical personnel, 4) physical training by practitioners, and 5) mental-based coaching by psychologists.[23]

Socialization

An important aspect at this stage is determining the policy to be implemented. Socialization determines the ability to increase the program's success, according to the goals and objectives. The countermeasures of the homeless and beggars in Yogyakarta are inseparable from the performance of local government agencies in performing their duties. The Office of Social Service uses various methods, such as electronic, print, and social media, as well as making signs at several busy intersections. Also, direct socialization is performed by informing the public of the importance of the policies established through Perda 1 2014 regarding the homeless and beggars. One of such important points is the refusal to give them

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[22] Ismi.
[23] Ismi.

money and the prohibition of homelessness and begging as professions.[24]

Fulfillment of the Rights

The government is responsible for performing its political and democratic duties transparently and in a participatory manner. Consequently, three priority tasks must be fulfilled by the government in making policies, namely 1) ensuring individual and community security, 2) managing effective work programs that can satisfy public needs, and 3) fulfilling the goals of macroeconomic and social needs, according to the community's expectations. Generally, the government is built from various concepts based on responsibility, sense of worth, full participation, transparency (openness), effectiveness, and human rights. From a concept, it works at the micro (national), medium (regional), and macro (international) levels, involving a dialogical relationship through which specific principles are developed and implemented.[25]

The laws that suit social needs should be approached and analyzed as a social phenomenon, necessitating the study and placement of legal phenomena according to sociological analysis in its social context.[26] Hence, the ideal concept for forming Regional Regulation Number 1 of 2014, which can fulfill the basic rights of homeless people and beggars, is seen from the philosophical, juridical, and sociological aspects. Therefore, the strategic efforts implemented to alleviate poverty can at least become the full power

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[24] Baried, Interview with Chief of Section of Social Rehabilitation for Socially Impaired and Drug Victims.

[25] Baried.

[26] Khudzaifah Dimyati and Kelik Wardiono, 'Dinamika Pemikiran Hukum: Orientasi Dan Karateristik Pemikiran Expertise Hukum Indonesia [The Dynamics of Legal Thought: Orientation and Characteristics of Indonesian Legal Expertise Thought]', *Jurnal Ilmu Hukum* 8, no. 2 (September 2005): 133–51.

of the executive institution or regional government in implementing the next regulation. However, these efforts were not implemented properly due to several challenges and obstacles in the program.

Analysis of Perda 1 2014 Effectiveness

Two important factors in *Maqāṣid ash-Syarī'ah* (achieving benefit) are used as the basic framework to measure the effectiveness of the Yogyakarta City Government Regional Regulation Number 1 of 2014 regarding the homeless and beggars. The first considered as positive side is implemented by maintaining activities that support the achievement of benefits. Conversely, the second acknowledged as negative aspect is performed by rejecting and avoiding all *mafsadah* (damage, destruction, or bad consequences that befall a person/group due to acts of law violations). *Maqāsid ash-Syarī'ah* is used as a guide or analysis of the effectiveness of this regulation, which should be one of the programs and efforts to focus on the basic needs of the homeless and beggars. Therefore, analyzing the *Maqāṣid ash-Syarī'ah* approach aims to determine the effectiveness of the policy in the counter measuring the homeless and beggars in terms of human rights and according to their basic needs.

The Yogyakarta City Government Regional Regulation Number 1 of 2014 concerning Countermeasures of Homeless and Beggars was formed by considering that a) tackling the homeless and beggars is necessary to ensure they uphold the values of justice, order, and benefit, according to Pancasila and the 1945 Indonesian Constitution, and become dignified Yogyakarta citizens. b) Homeless people and beggars are social phenomena that endanger themselves, others, and public order, allowing them to become targets of exploitation and violence. c) The homeless and beggars are citizens that possess the same rights and obligations and deserve similar attention, hence comprehensive, integrated, directed, and sustainable

countermeasures are necessary by involving various government and non-government elements to ensure they obtain decent lives.

Policies, laws, and regulations in counter measuring the homeless and beggars are contained in Articles 504 and 505 of the Criminal Code concerning Acts of Violation of Public Order. They are also present in Government Regulation Number 31 of 1980, strengthened by the Yogyakarta City Government Regional Regulation concerning Countermeasures of the Homeless and Beggars as part of a more operational policy that constitutes the legal basis for protection, social rehabilitation, and empowerment.

Several principles are used to countermeasure the homeless and beggars, namely a) Respect for dignity, self-respect, and self-esteem by avoiding arbitrary actions that degrade human dignity. b) Non-discrimination by providing equal treatment based on gender, age, physical and mental condition, regional origin, ethnicity, religion, race, sexual, and political orientation. c) Non-violence by conducting these efforts humanely, promoting dialogue, motivation, and persuasion, and avoiding the use of violent means that endanger the safety of the homeless, beggars, other community members, and officials. d) Providing protection and shelter to these vulnerable groups. e) Realizing their welfare through the fulfillment of basic needs and other social services, and g) Empowerment by emphasizing efforts to develop their potentials, strengths, families, and environment, as well as advocacy actions to obtain their rights as citizens.[27]

Human Rights Overview of Perda 1 2014

Table 1 described implementation of human rights concepts on Perda 1 2014. The data in the table showed that Perda 1 2014 has met

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[27] Gubernur Daerah Istimewa Yogyakarta, *Peraturan Daerah Daerah Istimewa Yogyakarta Nomor 1 Tahun 2014 Tentang Penanganan Gelandangan dan Pengemis.*

20, or 83%, of the 24 human rights parameters. Some points that were still unregulated such as social welfare insurance for the poor, community involvement in supervising the activities of social welfare providers, increasing institutional capacity and human resources in social welfare, and preserving the values of heroism, pioneering, and solidarity.

Table 1 Implementation of the Human Rights Concept in Yogyakarta City Regional Regulation Number 1 of 2014 concerning Countermeasures of the Homeless and Beggars

Human Rights Concept	*Integrating Human Rights Values in Regional Legal Products in the social sector/containing policies on:*	*Perda 1 2014*
A. Availability Everyone has the right to social security,	Provision of social security, rehabilitation, empowerment, and protection programs.	Article 7, Article 10
including insurance. The government is obliged to provide facilities and	Provision of social institutions, rehabilitation, education, training, and welfare centers, as well as shelter and social protection houses.	Article 8
infrastructure to fulfill these social rights	The provision of poverty reduction programs, including a) self-potential development, b) food and clothing assistance, c) housing services, d) health services, e) educational services, f) access to employment and business opportunities, g) legal aid, and/or h) social services.	Article 8
	Provision of government units/agencies that handle social assistance and	Article 8 Paragraph (2) to Paragraph (6), Article 9 Paragraph

	security.	(3), Article 10 Paragraph (5), Article 12 Paragraph (2), Article 16, Article 18 Paragraph (3)
	Provision of quality human resources in the social welfare field, including social welfare and professional workers, social volunteers, and social instructors.	Article 8, Article 10
	Budget allocation for the implementation of social welfare.	Article 20
B. Accessibility 1) Economic Access Fulfillment of economically affordable social rights for low-income people	Distribution of aid to the poor, abandoned children, and other vulnerable groups.	Article 10 paragraph (1)
	Assisting the businesses of the poor, including the ease of licensing.	Article 8 paragraph (2)
2). Physical Access Provision of access for the fulfilling the rights of vulnerable groups	Social welfare insurance for the underprivileged.	-
	Poverty reduction program.	Article 10
	Social security program for vulnerable groups.	Article 10
	Provision of empowerment and skill improvement programs for vulnerable groups/people with social problems.	Article 8 paragraph (10)
3). Access to information and public participation Everyone has the right to seek, obtain, own, store, process, and convey	Provision of opportunities for the community to play a role in implementing social welfare.	Article 18
	Provision of community roles in organizing and supervising the handling of	Article 18

information by using all available means to fulfill their social rights	persons with social welfare.	
	Participation of the community (including vulnerable groups) in the formulation, implementation, and supervision of policies related to social issues.	Article 15, Article 18
	Participation of the community in supervising the activities of actors in implementing social welfare.	-
C. Obligation to Respect The government allows the community to fulfill their social rights independently by respecting religious, cultural, and customary values	Allowing the community to organize social welfare, including the formation of associations.	Article 18 paragraph (2)
	Provision of encouragement and facilities for the community and business world to implement social responsibility.	Article 19
	Increasing institutional capacity and human resources in the social welfare field.	-
	Preserving heroism, pioneering, and solidarity values.	-
	Allowing the community to provide financial support for social welfare.	Article 18 paragraph (1) letter c
D. Obligation to Protect The government is obliged to protect the community in the fulfillment of social welfare rights	Preventing and handling social impacts on society.	Article 1 number 1
	Social rehabilitation for people who experience social dysfunction.	Article 10
	Provision of social protection for vulnerable people, such as assistance, advocates, and legal aid.	Article 10

Problems in regional legal products, especially regulations that are suspected of containing human rights violations, should be dealt with using a more serious mechanism as well. Since regional autonomy was implemented, problematic regional regulations have grown worse than ever before. As a result, services were not excellent, illegal levies (extortion) occur, and corruption was commonplace. Other problems also involved regional income during autonomy era.[28] Therefore, the central government took the initiative to solve this problem by canceling problematic regional regulations throughout Indonesia.[29] This initiative was considered important to maintain supremacy of law[30] and central government function to control local goverments.[31]

Generally, concepts, theories, and international conventions show that upholding the human rights of abandoned people, including the homeless and beggars, is the government's responsibility. Therefore, this problem is normatively charged to the government as the holder of the state's constitution mandate. The state has always been the stronger party because it possesses

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[28] Maria Rosarie Harni Triastuti, 'Optimalisasi Pendapatan Daerah Di Era Otonomi Dan Munculnya Perda-Perda Bermasalah [Optimizing Regional Revenue in the Era of Autonomy and the Emergence of Troubled Regional Regulations]', *Jurnal Administrasi Publik* 5, no. 2 (2008), https://journal.unpar.ac.id/index.php/JAP/article/view/1565.

[29] Leo Agustino, 'Pembatalan 3.143 Peraturan Daerah: Satu Analisis Singkat [Cancellation of 3,143 Regional Regulations: One Brief Analysis]', *CosmoGov: Jurnal Ilmu Pemerintahan* 3, no. 1 (29 April 2017): 14–35, https://doi.org/10.24198/cosmogov.v3i1.12405.

[30] Aristo Evandy A. Barlian, 'Konsistensi Pembentukan Peraturan Daerah Berdasarkan Hierarki Perundang-Undangan Dalam Prespektif Politik Hukum [Consistency of the Formation of Regional Regulations Based on the Hierarchy of Legislation in the Perspective of Political Law]', *Fiat Justisia: Jurnal Ilmu Hukum* 10, no. 4 (2016): 605–22, https://doi.org/10.25041/fiatjustisia.v10no4.801.

[31] Ni'matul Huda, 'Pengawasan Pusat Terhadap Daerah (Kajian Terhadap Peraturan Daerah "Bermasalah") [Central Supervision of the Regions (Study of "Problematic" Regional Regulations)]', *Jurnal Hukum IUS QUIA IUSTUM* 10, no. 23 (2003): 28–45, https://doi.org/10.20885/iustum.vol10.iss23.art2.

authority and power, while the community is in a weaker position. This inherent authority and power in the state result in its placement as a holder of obligations.[32]

In the modern democratic concept approach, public policies should contain sparks of thoughts or opinions from state officials that represent the people, alongside equally reflect public opinions.[33] Hence, every public policy must be oriented towards the people's interests. The formulation of government obligations was part of the effort to enforce economic and social rights, as well as emphasize the enforcement of civil and economic rights.[34] This mean that everyone, including the homeless and beggars, was entitled to obtain and fulfill their basic human rights. Therefore, every policy and regulation in Perda 1 2014 should be fostered as part of the respect for universal human rights.

Maqasid Syari'ah Perspective of Perda 1 2014

The effectiveness of the Yogyakarta City Government Regional Regulation Number 1 of 2014 in overcoming the homeless and beggars was analyzed based on the *Maqāṣid ash-Syarī'ah* measurement. This sub-discussion describes the implementation of the regulation according to this concept:

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[32] Virgayani Fattah, 'Hak Asasi Manusia Sebagai Jus Cogens Dan Kaitannya Dengan Hak Atas Pendidikan [Human Rights as Juice Cogens and Its Relation to the Right to Education]', *Yuridika* 32, no. 2 (5 May 2017): 355–78, https://doi.org/10.20473/ydk.v32i2.4775.

[33] Andrea Louise Campbell, 'Policy Makes Mass Politics', *Annual Review of Political Science* 15 (8 March 2012): 333–51, https://doi.org/10.1146/annurev-polisci-012610-135202; Matthew A. Baum and Philip B.K. Potter, 'The Relationships Between Mass Media, Public Opinion, and Foreign Policy: Toward a Theoretical Synthesis', *Annual Review of Political Science* 11 (7 November 2007): 39–65, https://doi.org/10.1146/annurev.polisci.11.060406.214132.

[34] Ifdhal Kasim and Johanes da Masenus Arus, *Hak Ekonomi, Sosial, Budaya: Esai-Esai Pilihan: Buku 2 [Economic, Social, Cultural Rights: Selected Essays: Book 2]* (Jakarta: Institute for Community Studies and Advocacy, 2001), 213–14.

The Implementation of *Maqāṣid ash-Syarī'ah* in the Preventive Dimension

Table of the research results of the Maqāṣid ash-Syarī'ah implementation in Regional Regulation Number 1 of 2014 concerning Countermeasures of the Homeless and Beggars based on Preventive Dimensions by the Yogyakarta Social Service

Maqāṣid ash-Syarī'ah Capacity and Measurement	Implementation of Regional Regulation Number 1 of 2014	Result
Religious Guard (*ḥifẓ dīn*)	The implementation of social service programs at Assessment Camps, such as studies (preaching) and joint tadarus (recitation of the Al-Quran in a group). Also, equal rights to receive training, availability of prayer rooms, and praying in rehabilitation homes to prevent their return to their homeless and begging professions.	The implementation of regional regulations in Assessment Camps and rehabilitation homes has complied with the procedures mandated by the Homeless and Beggars Regional Regulation.
Soul Guard (*ḥifẓ al nafs*)	The implementation of the regional regulation by the Social Service involves providing social assistance to the homeless and beggars. This includes basic needs such as staple food, clothing, temporary shelter, health care, and medicines. Health guidance from the Public Health Center is conducted once a week to impart	The implementation of regional regulations based on the results above shows that some of the obstacles encountered during the preventive efforts have been

	knowledge about the importance of maintaining cleanliness and health.	performed according to procedures.
Mind guard (*ḥifẓ al 'aql*)	The program to maintain common sense is realized by administering activities to homeless people and beggars that enable them to think creatively and have useful skills for their future provisions.	The implementation corresponds with the procedures set by the regulation.
Descendants Guard (*ḥifẓ al nasl*)	The regulation program is to conduct outreach activities for the homeless and beggars by providing new insights to motivate them to leave their profession.	The implementation is consistent with the procedures set by the regulation.
Property Guard (*ḥifẓ al māl*)	The homeless and beggars caught in raids will be accommodated at Panti Karya Assessment Camp, Yogyakarta. They will receive housing facilities during the rehabilitation period, including a room, three meals a day, and two isolation rooms. The isolation room is specially meant for inmates in emotionally unfavorable conditions to ensure they are unable to hurt other inmates.	The Social Service program has been implemented according to the procedures established by the Regional Regulation on Countermeasures of the Homeless and Beggars.
Preventive Efforts Research Results: The results above show some obstacles encountered in implementing the preventive efforts for the homeless and beggars, and their lack of enthusiasm requires innovations.		

The Implementation of Maqāṣid ash-Syarī'ah in the Coercive Dimension

Table of the research results of the Maqāṣid ash-Syarī'ah implementation in Regional Regulation Number 1 of 2014 concerning Countermeasures of the Homeless and Beggars based on the Coercive Dimension by the Yogyakarta Social Service

Maqāṣid ash-Syarī'ah Capacity and Measurement	Implementation of Regional Regulation Number 1 of 2014	Result
Religious Guard *(ḥifẓ dīn)*	The implementation of the regional regulations by the Yogyakarta Social Service with the Civil Service Police Unit involves enforcement. This is to enforce the law and regulate the homeless and beggars to create order.	The program is less than optimal in raiding homeless people and beggars, resulting in frequent leaks.
Soul Guard *(ḥifẓ al nafs)*	Officers take proactive action in outreach to areas where the homeless and beggars live and operate. Outreach is an initial contact and a process of building trust with them. It also protects them from unfavorable situations and conditions and ensures their safety.	The implementation is consistent with the procedures set by the regulation.
Mind guard *(ḥifẓ al 'aql)*	This activity provides psychological and mental guidance to change mindsets, attitudes, and pro-social actions, based on the standards of legal and social norms that apply in society. It is the most important part of elevating their confidence and high spirits.	The implementation is according to the procedures set by the regulation.
Descendants Guard *(ḥifẓ al*	It incorporates targets into the community to allow them to have	The implementation

nasl)	reasonable and worthy positions and roles as citizens.	follows the procedures set by the regulation.
Property Guard *(ḥifẓ al māl)*	This activity educates the homeless and beggars with work knowledge and skills and forms the necessary attitudes for target adjustment.	The implementation is in accordance with the procedures set by the regulation.

The Implementation of *Maqāṣid ash-Syarī'ah* in Social Rehabilitation Dimension

Table of research results from the Maqāṣid asy-Syarī'ah implementation in Regional Regulation Number 1 of 2014 concerning Countermeasures of the Homeless and Beggars based on the Social Rehabilitation dimension by the Yogyakarta Social Service

Maqāṣid ash-Syarī'ah Capacity and Measurement	Implementation of Regional Regulation Number 1 of 2014	Result
Religious Guard *(ḥifẓ dīn)*	There are numerous homeless people and beggars in the Social Service. Meanwhile, these activities include mental and spiritual guidance, such as performing the Maghrib prayer in congregations at mosques and reading the Qur'an under the guidance of a companion officer.	The implementation follows the procedures set by the regulation.
Soul Guard *(ḥifẓ al nafs)*	Care and treatment for the homeless and beggars are provided at the Assessment Camp to guard, protect, and encourage them to perform their social functions. Generally, the	The Assessment Camp stated difficulties due to the lack of understanding

	homeless and beggars come in sick, hence the Empowerment Team's new task is caring for them. The homeless and beggars below five years old also receive care and treatment as long as their parents attend training.	of the conditions by psychological experts.
Mind guard (*ḥifẓ al 'aql*)	The implementation involves vocational training to provide skills to homeless people and beggars and enable them to live independently or productively.	The implementation is in accordance with the procedures set by the regulation.
Descendants Guard (*ḥifẓ al nasl*)	The accessibility and social assistance services are referred to entail providing facilities for homeless people and beggars to realize equal rights and opportunities in all aspects of life. Also, those who experience social shocks and vulnerabilities are aided.	The implementation is consistent with the procedures set by the regulation.
Property Guard (*ḥifẓ al māl*)	Follow-up guidance is an activity to strengthen the independence of homeless people and beggars after receiving social rehabilitation services. Those who feel able to return to their origin are given further guidance training to determine their abilities and skills and are sent home.	Sweeping and monitoring were performed in several places by the Social Service, consisting of rehabilitation staff and social workers, and the Civil Service Police Unit. After being accommodated

		and identified by age, the productive homeless persons and beggars are rehabilitated and given free non-formal education and facilities to restore proper social standing and decent work.

Based on the targets, social rehabilitation of the homeless and beggars is expected to help the healing process at various sites. This is because humans comprise a single component consisting of mental, physical, environmental, social, cultural aspects, and various other elements. Therefore, social rehabilitation is performed to restore damaged souls with certain targets according to the patient's physical and mental state.

The Implementation of *Maqāṣid ash-Syarī'ah* in the Social Reintegration Dimension

Social reintegration is a process of readjustment of several different elements into one unit. It is a process of re-establishing new norms and values for adapting to homeless people and beggars in social environments. This effort includes various guidance.

Table of research results of the Maqāṣid ash-Syarī'ah implementation in Regional Regulation Number 1 of 2014 concerning

Countermeasures of the homeless and beggars based on the dimensions of social reintegration by the Yogyakarta Social Service

Maqāṣid ash-Syarī'ah Capacity and Measurement	Implementation of Regional Regulation Number 1 of 2014	Result
Religious Guard (*ḥifẓ dīn*)	The Social Service performs resocialization guidance to prepare the homeless and beggars to guard and practice their religion in peace.	The implementation of the Social Service Program is in accordance with the procedures set by the regulation
Soul Guard (*ḥifẓ al nafs*)	This guidance aims to enable homeless people and beggars to protect themselves from risks on the streets and develop their economy, as guaranteed by the government.	The implementation is in accordance with the procedures set by the regulation.
Mind guard (*ḥifẓ al 'aql*)	The program aims to prepare the homeless and beggars to develop quality in the education field for themselves and their future generations.	The implementation is consistent with the procedures set by the regulation.
Descendants Guard (*ḥifẓ al nasl*)	The guidance aims to prepare homeless people and beggars that are willing and able to socialize and adapt to their families and social environments to ensure they can perform their social functions.	The implementation is in accordance with the procedures set by the regulation.
Property Guard (*ḥifẓ al*	The Social Service aims to ensure the homeless and beggars are	The implementation

māl)	willing and able to work properly and correctly.		is consistent with the procedures set by the regulation.

The implementation of *Maqāṣid ash-Syarī'ah* in a more specific scope, as an indicator of the effectiveness of the Yogyakarta Social Service regional regulations in achieving the associated goals and objectives, are according to Islamic principles. Therefore, each *Maqāṣid ash-Syarī'ah* indicator, as the basis for assessing the implementation of the Social Service program, shows that the preventive, coercive, rehabilitation and social reintegration efforts agree with the principles of human benefit.

The objectives of Islamic law (*Maqāṣid ash-Syarī'ah*) regarding the effectiveness of the Yogyakarta Regional Regulation Number 1 of 2014 implementation ae described below:

Table of System Approach on the Implementation of Articles of Regional Regulations

No	*Maqāṣid ash-Syarī'ah* Classification	Articles in Regional Regulation Number 1 of 2014	*Maqāṣid asy-Syarī'ah*	Features of the Maqāṣid ash-Syarī'ah System
1	Religious Guard (*ḥifẓ dīn)*	Spiritual mental guidance (Article 10).	*maqāsid al 'āmmah*	Nature Cognitive Purposefulness
2	Soul Guard (*ḥifẓ al nafs)*	a) improvement in health status (article 8 letter b), in cases of mental disorders, psychiatric	*maqāsid al 'āmmah*	Openness Purposefulness

		rehabilitation is performed, and c) care and treatment (article 10).		
3	Mind Guard *(ḥifẓ al 'aql)*	a) mental-spiritual guidance (Article 10 letter d), and b) education improvement (article 8 letter d).	*Maqāṣid asy-Syarī'ah 'Ammah*	Interrelated Purposefulness
4	Descendants Guard *(hifẓ al nasl)*	a) returning the homeless and beggars to a life of dignity (article 3), and b) public outreach and education (article 8 letter f).	*Maqāṣid asy-Syarī'ah 'āmmah*	Interrelated Purposefulness
5	Property Guard *(hifẓ al māl)*	Providing forms of social assistance (article 8).	*Maqāṣid asy-Syarī'ah 'āmmah*	Nature Cognitive Interrelated Wholeness Purposefulness

In performing ijtihad (a genuine effort) to manage various situations, the benefit must be made a top priority, as it is the main goal of the Shari'a (*Maqāṣid ash-syarī'ah)*.[35] It is one of the main strategies of the Shari'a general principles (*Maqāsid ammah*) in various cases and conditions. Shari'a also has a concept of a level of flexibility that details the Qur'an in each of its explanations, provisions, and material. Therefore, it has a role in benefiting society, as other norms and values will not be fulfilled, supposing some parts are missing.

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[35] Amir Mu'allim and Yusdani, *Konfigurasi Pemikiran Hukum Islam* (Yogyakarta: UII Press, 2001), 134.

CONCLUSION

The role and function of the Social Service in countermeasures of the homeless and beggars in Yogyakarta have been procedurally fulfilled based on the Regional Regulation Number 1 of 2014. However, most of the regulations on the Regional Government initiative listed in the Proledga are not accompanied by an inventory list of problems, the academic texts, and public participation, especially from NGO groups. These regional regulations are still like previous laws or regulations that were used as references or those in other places. Although the regulations that guarantee the fulfillment of these rights are consistent with standard operating procedures, the Regional Regulation Number 1 of 2014 concerning Countermeasures of the Homeless and Beggars does not fully reflect the principles of human rights. The implementation in the field uses a preventive, coercive, rehabilitation, and social reintegration approach.

Furthermore, the implementation and implications of government programs for homeless and beggars have realized *Maqāsid Syarī'ah*. This includes the maintenance of religion (ḥifẓ ad-Dīn) through support for religious activities and development at Assessment Camps, alongside reason (ḥifẓ al-' Aql) through access to education and changes in mental and economic patterns. Also, it has realized the maintenance of the soul (ḥifẓ an-Nās) through continuous access to health, alongside offspring (ḥifẓ an-Nasl) by safeguarding health and safety through access to mental education, which affects their children, and the maintenance of property (ḥifẓ al-Māl) through social assistance and security.

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Customer Saving Satisfaction Viewed from the Customer's Perspective: A Study on Islamic Banks in the Special Region of Yogyakarta

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Abstract

Technological developments already change the behavior of employee salary payments. This is done to reduce the risk of carrying large amounts of cash, speeding up the payment process and reduce the working time of the finance department. Sometimes a spesific bank appointment does not make employees feel satisfied for several reasons, such as: already a customer from another bank, forced to open a new account, short of bank facilities (ATMs), ATM the location is far from his or her the house. The purpose of the research is to find out the difference in customer satisfaction levels of saving customers reviewed from the beginning of bank account opening, termed 'Voluntary Customer' or 'Forced Customer'. This research is a field study with the population of Saving Customers in Sharia Bank operating in the Special Region of Yogyakarta. Samples are taken by snowball sampling method. The number of samples that met the requirements was 394 consist of 'Voluntary Customer' as many as 247 respondents and 'Forced Customer' as many as 147 respondents. The questionnaire was set in five points Likert scales. Validity Test using Product Moment Correlation and

Reliability Test using Chronbah Alpha. The results of the study are as follows: 1). Customer satisfaction of Sharia Bank is still very low. 2). There is a significant difference between the satisfaction of 'Voluntary Customer' and 'Forced Customer'. 3) There is a significant difference between the satisfaction of 'Voluntary Customers who know the contract' and 'Forced Customers who do not know the contract'. 4). There is no significant difference between the satisfaction of 'Voluntary Customer who knows the contract' and 'Voluntary Customer who does not know the contract'. 5). There is no significant difference between the satisfaction of 'Forced Customer who knows the contract' and 'Forced Customer who does not know the contract'. 6). There is no significant difference between the satisfaction of 'Voluntary Customers who do not know the contract' and the 'Forced Customer who knows the contract'.

Keywords: Corporate Cooperation, 'Savings Customer, 'Voluntary Customer' and 'Forced Customer'

Abstrak

Perkembangan teknologi telah mampu mengubah perilaku pembayaran gaji karyawan. Hal ini dilakukan guna mengurangi risiko membawa uang tunai dalam jumlah besar, kepraktisan dan mempercepat proses pembayaran kepada karyawan dan mengurangi waktu kerja bagian keuangan. Ternyata penunjukan bank oleh korporasi tidak membuat karyawan merasa puas karena beberapa alasan, antara lain: sudah menjadi nasabah dari bank lain, terpaksa membuka rekening baru, fasilitas bank (ATM) kurang, tidak menyebar dan jauh dari lokasi rumah. Tujuan penelitian adalah untuk mengetahui perbedaan tingkat kepuasan nasabah penabung ditinjau dari awal pembukaan rekening bank, diistilahkan dengan 'Nasabah Sukarela' dengan 'Nasabah Terpaksa'. Penelitian ini merupakan penelitian lapangan dengan populasi Nasabah Penabung di Bank Syariah yang beroperasi di Daerah Istimewa Yogyakarta. Sampel diambil dengan metode snowball sampling. Jumlah sampel yang memenuhi persyaratan untuk diolah sebanyak 394 yang terdiri dari 'Nasabah Sukarela' sebanyak 247 responden dan 'Nasabah Terpaksa' sebanyak 147 responden. Alternatif jawaban

kuesioner menggunakan skala Likert dengan skala satu sampai dengan lima. Uji Validitas menggunakan Korelasi Product Moment dan Uji Reliabilitas menggunakan Chronbah Alpha. Hasil penelitian adalah sebagai berikut: 1). Kepuasan nasabah Bank Syariah masih sangat rendah. 2). Terdapat perbedaan secara signifikan antara kepuasan 'Nasabah Sukarela' dengan 'Nasabah Terpaksa'. 3)Terdapat perbedaan secara signifikan antara kepuasan 'Nasabah Sukarela yang tahu akad' dengan 'Nasabah Terpaksa yang tidak tahu akad'. 4). Tidak terdapat perbedaan yang signifikan antara kepuasan 'Nasabah Sukarela yang tahu akad' dengan 'Nasabah Sukarela yang tidak tahu akad'. 5). Tidak terdapat perbedaan yang signifikan antara kepuasan 'Nasabah Terpaksa yang tahu akad' dengan 'Nasabah Terpaksa yang tidak tahu akad'. 6). Tidak terdapat perbedaan yang signifikan antara kepuasan 'Nasabah Sukarela yang tidak tahu akad' dengan 'Nasabah Terpaksa yang tahu akad'.

Kata Kunci: Kerjasama Korporasi, 'Nasabah Penabung', 'Nasabah Sukarela' dan 'Nasabah Terpaksa'

INTRODUCTION

Technological developments have caused positive and negative changes in human behavior, including in business and non-business institutions. For instance, it is used by corporations in fields, such as paying employee salaries through banks. The salary is paid through collaboration between corporations and certain banks to reduce risk and practicality. Furthermore, the benefits for the Institution include reducing the risk of saving and taking money and accelerating monthly salary payments. Similarly, banks benefit through an increased number of customers within a short period and take advantage of the saved or settled funds from the Institution's employees' salaries. Not all monthly employee salaries are taken directly, but some are saved to be taken when needed.

This good cooperation does not always receive a positive response from the employees of the Institutions involved. Problems arise when most employees are against the Bank appointed by the Institution due to many reasons. For instance, employees of other banks may be dissatisfied with the work pattern. Therefore, it becomes a separate problem with the obligation to become a bank customer for salary transfers exclusive of the employee's preferred Bank.

Becoming a bank's customer is subject to administrative fees, and it is not a problem when the employee is only a customer. Problems arise when they become customers of several banks, increasing administrative costs, especially for employees with lower-middle social class. However, there are no administration fees when checking accounts (for conventional) or *wadiah* contracts (for Islamic banks). The same applies when the monthly income is small, but one must be a customer of several banks.

This collaboration leads some employees to open a new account at the designated Bank, creating a sense of being 'forced' to open a savings account. The condition applies to both conventional and Islamic banks. Moreover, the leaders' selections that their employees are unhappy with reduce satisfaction levels and result in negative word of mouth. This should be overcome with the right strategy by the management, whose main goal is to maintain and increase membership through customer satisfaction. Another problem is when the leadership chooses an Islamic Bank not liked by employees for various reasons. These reasons include facilities with limited ATMs, some of which cannot be used for transactions in all retail stores or located far from home. Also, employees may be unsure whether Islamic banks are *syar'i* or there is no difference between profit sharing and interest. Therefore, this research shows the difference in satisfaction between Forced and Voluntary Customers at Islamic banks.

Research on customer satisfaction of Islamic Banks does not differentiate between financing and saving customers.[1] The determinants and level of satisfaction in financing customers differ from funding. Financed customers are satisfied when the proposed funding is fully approved and received immediately. A poor image is created when services are provided late, or Islamic bank officers

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[1] Examples of research included in this group include: Sarwani, Andry Herawati and Liling Listyawati, *Analisis Perbandingan Kepuasan Nasabah Bank Syariah Dengan Bank Umum Konvensional di Surabaya*, http://repository.unitomo.ac.id/744/, 2017.; Yudi Siyamto, *Preferensi Kepuasan Nasabah Bank Umum Syariah dan Bank Umum Konvensional Dalam Perspektif Fuzzy Carter Dan Fuzzy Servqual di Surakarta,* 2015, *Thesis IAIN Surakarta*; Abdel Fattah Mahmoud Al-Azzam, *The Impact of Service Quality Dimesions on Customer Satisfaction: A Field Study of Arab Bank in Irbid City*, *European Journal of Business and Management vol 7,* 2015; Jafar Hashemi dan Fatemeh Abbasi, The Impact of E-Service Quality On Customer Satisfaction, *Kuwait Chapter of the Arabian Journal of Business and Management Review* Volume: 3, Issue: 6A, 2014, 86-94.

disappear immediately after hearing the financing approval. In contrast, saving customers are concerned about service issues. In this case, a bad image due to poor service does not disappear after successfully withdrawing their savings. Subsequently, the results that mix funding and financing customers are biased, meaning that these two groups should be analyzed separately. Research by separating funding and financing include SiewPeng Lee and Sedigheh Moghavvemi.[2]

This research separates funding and financing customers. Also, it separates funding customers based on their reasons because voluntary and forced customers have different characteristics. Furthermore, Voluntary Customers have a higher tolerance than Forced Customers.[3]

THEORETICAL FRAMEWORK

Consumer Behavior

Consumer behavior has a broad meaning because consumers may have several goals in carrying out one action. For instance, being a customer of an Islamic Bank is seen in function and many purposes, such as showing prestige, image, obeying religious orders, or a mandatory need. According to Schiffman, Kanuk, and Wisenblit in Fandi Tjiptono, consumer behavior is shown by their searching for, buying, using, evaluating, and shunning products and services

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[2] SiewPeng Lee and Sedigheh Moghavvemi, The Dimension of Service Quality and Its Impact on Customer Satisfaction, Trust and Loyalty: A Case of Malaysian Banks, *Asian Jurnal of Busines and Accounting, 8(2), 2015, 91-101.*

[3] Widyarini, Pengaruh Langsung Trust, Religiusitas dan Mediasi Perceived Value Terhadap Kepuasan Nasabah Pemabung, *Disertasi. Program Pasca Sarjana UIN Sunan Kalijaga,* Yogyakarta, 2020, pg 193.

that satisfy their needs.[4] This understanding shows that behavior is strongly affected by many factors in obtaining satisfaction.

Ajzen and Fishbein in Ujang Sumarman developed the Theory of Reasoned Action or Theory of Behavioral Intention (Theory of Reasoned Attitude). The theory emphasized the attitude towards an object and not strongly related to its behavior. This model integrated cognitive, affective, and konactive components. Cognitive is the description and perception of the object of attitude, while affective describes a person's feelings and emotions towards a product or brand. Furthermore, konactive shows real behavior of expressing the desire to purchase (intention to buy). Therefore, buying a product is determined by a strong desire or tendency to act because of trust.[5]

Consumption behavior is dynamic, though the basic principle as a reference remains the same. Therefore, a person's behavior adapts to the times, including changes in technology, religion, culture, and the environment. Similarly, customers in Indonesia could choose conventional or Islamic banks or both.

Differences in Customer Characteristics

Qualitative and quantitative research on behavior needs support from the respondent's profile. Each group could have different characteristics. The more detailed the data about the profile, the easier it is for bank management to take strategies to provide satisfaction to their customers.

Bank customers are divided into depositors (savers) and borrowers (financing) with very different characteristics. In this regard, financing customers need funds for various urgent purposes.

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[4] Fandi Tjiptono, *Pemasaran Jasa, Prinsip, Penerapan, Penelitian,* (Yogyakarta: Penerbit Andi, 2014), 50.

[5] Ujang Sumarman, *Perilaku Konsumen, Teori dan Penerapannya dalam Pemasaran*, (Bogor: Penerbit Ghalia Indonesia, 2011), pg . 177

However, the unfavorable treatment received during the administration does not prevent canceling the intention, meaning the customers must remain patient. The various requirements taken motivate customers to accept any outcome for the service. However, the conditions are different from customers that initiate demand, savings, and time deposits. Sensitivity to services received from Customer Service (CS) and tellers affects attitudes, making them switch to other banks. A detailed examination shows that savings, as well as demand and time deposits, have different characters. Current account customers aim to facilitate their business transactions by focusing on transfer speed, ease of deposit, and clearing facilities. Conversely, savings customers prioritize the convenience of cash withdrawals by focusing on the quality of teller services and the number of easily accessible ATMs. Furthermore, deposit customers own idle funds (not immediately used) and focus on the funds' safety and profit-sharing.

Savings customers are divided into two groups based on the desire to open an account. In this research, 'Voluntary Customer' is less sensitive to the decline in service quality. This is because service quality is considered good at the beginning of being a customer.

One banking service that is the corporation's choice is payroll services, which help corporate customers distribute salaries to employees. This policy demands that all employees of corporate customers should have a savings account at the Bank. However, some employees do not have a savings account at the designated Bank and need to open a new account. This group is referred to as 'Forced Customers' because they disagree with the decision and are usually apathetic and easily dissatisfied. Consequently, their dissatisfaction is usually addressed by taking all salaries and transferring to their account or not actively transacting. Alternatively, in extreme cases, money is taken and kept at home.

This difference is the basis for sorting savings customers into two groups due to differences in satisfaction factors.

The purpose of saving is to anticipate ignorance in the future. Shaykh Muhammad bin Salih al Utsaimin stated that saving for future calamities is not reprehensible, provided the obligation of property, whether zakat or otherwise, has been properly fulfilled"[6]. Furthermore, Al-Imam al-Hasan al-Basri rahimahullah once reminded: "*May Allah have mercy on a person that seeks lawful wealth to spend it sufficiently and sets aside the excess for their poor days and when need it.*"[7]

Customer Satisfaction

Customer satisfaction is essential for bank management because customer retention is cheaper than new member acquisition. When customers are satisfied, they survive (not switch to others) and remain loyal, building a positive image and word of mouth.

Kotler and Keller defined satisfaction as pleasure or disappointment arising from comparing the perceived performance of a product or result against their expectations".[8] In this case, when customers are satisfied when their expectations match the results obtained. Similarly, they are satisfied when the results exceed expectations and vice versa. Therefore, the research hypothesis is: There is a difference in satisfaction between 'Forced Customers' and 'Voluntary Customers.'

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[6] Syaikh Muhammad bin Shalih al Utsaimin, Tafsir Juz Amma pg 320, in https://pengusahamuslim.com/3345-menabung-dalam-timbangan-1775.html. Accessed on 14 July 2019.

[7] Al-Imam al-Hasan al-Bashri, riwayat Ath-Thabari dalam https://pengusahamuslim.com/3345-menabung-dalam-timbangan-1775.html. Accessed on 14 July 2019.

[8] Kotler, Philip and Kevin Lane Keller, *Manajemen Pemasaran*, Terj. Bob Sabran, Volume 1 Jakarta: Penerbit Erlangga, 2009, pg 139.

RESULTS AND DISCUSSION

Population and Sampling

The research population comprised the customers of Islamic Banks in the Special Region of Yogyakarta, including Bank Syariah Mandiri, BNI Syariah, BRI Syariah, BPD Syariah, Bank Muamalat, Bank BTN Syariah, CIMB Syariah, Danamon Syariah and Bukopin Syariah.

Snowball sampling was used to select samples using the Slovin formula[9] by assuming an infinite population and the error rate of 10% because it is the social behavior research that does not require high accuracy. The minimum number of samples required is 100. Based on the rate of return, 500 copies of the questionnaire were physically distributed. The answers of Islamic Bank customers that fulfilled the processing requirements were only 394 copies. Some answers to the questionnaire could not be processed because they were incomplete. Another reason is that all questions were answered with agreed answers without addressing the main questionnaire. The questionnaire was also distributed via the google drive link besides the physical delivery to Islamic Bank customers. The data obtained were tested and explained descriptively analytically.

Table 1 shows the composition of the questionnaire distribution:

Table 1. Questionnaire Distribution

Description	Total	Percentage
Questionnaire distributed	500	
Questionnaire that does not return	108	21.60
Returning Questionnaire	392	78.40
Questionnaire with incomplete answers	47	9.40

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[9] Syamsul Hadi dan Widyarini, *Metodologi Penelitian Untuk Manajemen dan Akuntansi*, Yogyakarta: Penerbit Ekonisia, 2009, pg 61.

Good physical questionnaire	345	69.00
Questionnaire via google drive	49	9.80
Questionnaire analyzed	394	78.80

Source: Data processed, 2020.

Table 2 shows the names of Islamic banks and details of the customer samples:

Table 2. Name of Islamic Bank Chosen by Respondents

Bank Name	Total (people)	Composition (%)
Bank Syariah Mandiri (BSM)	130	32.99
Bank Muamalat	94	23.86
Bank BNI Syariah	85	21.57
Bank BRI Syariah	42	10.66
Bank BPD Syariah	28	7.11
Bank BTN Syariah	7	1.78
Bank Bukopin Syariah	5	1.27
Others	3	0.76
Total	394	100.00

Source: Data processed, 2020.

Table 2. shows the order of Islamic Bank customers, starting from the largest to fourth, including *BSM, Bank Muamalat, BNI Syariah*, and *BRI Syariah.* The respondents' composition is close to the scale of Islamic banks in Indonesia. It shows that the largest Islamic banks are *Mandiri Syariah Bank, Muamalat Bank, BRI Syariah Bank* and followed by *BNI Syariah Bank*[10]. Table 3 shows the respondents' composition of Islamic banks in Indonesia.

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[10] Financial Services Authority (OJK), *Statistik Perbankan Syariah,* 2018, 5.

Table 3. Desire to Save at Islamic Bank

(*BSM, Muamalat, BRI Syariah* and *BNI Syariah*)

Desire to Saving	BSM		Muamalat		BNI Syariah		BRI Syariah	
	People	%	People	%	People	%	People	%
Want to save	94	72.31	31	32.98	62	72.94	30	71.43
Forced	33	25.38	59	62.77	18	21.18	4	9.52
Installment	3	2.31	4	4.26	5	5.88	8	19.05
Total	130	100	94	100	85	100	42	100

Source: Data processed, 2020.

Table 3 shows that more than 70% of customers save at Islamic banks out of their own volition. In comparison, 62.77% of customers at *Bank Muamalat* open a savings account after being compelled by the workplace for salary receipts. These data show that the collaboration between *Bank Muamalat* and various agencies in Yogyakarta has successfully gathered many customers. Therefore, *Bank Muamalat* management should ensure the customers do not switch to other banks when the collaboration is complete. About 19.05% of *BRI Syariah Bank* customers save because of the installment factor. This shows that *BRI Syariah Bank* has the highest financing customers compared to other Islamic banks. Furthermore, it positions itself as a funding bank, while other banks are fund-raising areas in Yogyakarta.

The samples of Islamic Bank customers comprises 190 males (48.22%) and 204 females (51.78%). The relatively small (3.55%) difference indicates a balanced composition of male and female respondents. This means that the research results are not gender-biased. Furthermore, a review based on age shows that 315 respondents (79.94%) are under 45 years and considered productive. These young people enjoy adding knowledge by studying religion in a scientific context, and their curiosity is greater than older people. In contrast, older people are more religious, solemn (*khusnudzon*), and easily accept information from various sources.

Ignorance about the contract or *akad*, especially for young people as customers of Islamic (Muslim) banks, is unusual. Data on 21 to 24 years old show that almost 30% of customers do not know their savings contract. Therefore, the older a person is, the less likely they focus on the savings contract, as seen from the contract ignorance of 40%. This indicates there is something wrong, meaning that the community needs intense education to reduce the ignorance about the contract. Education is necessary to eliminate the wrong perception because the contract is the beginning of buying and selling activities or debts agreed upon by both parties. Furthermore, knowing the contract makes Islamic Bank customers determine the possible outcomes (additional funds) from savings in a certain period.

Most customers with no knowledge about the contract are in *the Bank Muamalat* by 62.77% as 'Forced Customers.' This shows that the cooperation between the Bank and certain institutions does not consider education for employees or prospective customers. On the contrary, the Bank only focuses on increasing customers without considering the rights and obligations. This needs to be followed up because the difference in the contract causes disparities in the rights and obligations of the customer and the Bank's management.

Of all the respondents, 324 (82.23%) have an undergraduate and doctoral education, while the rest are high school graduates. Respondents with higher education levels are expected to conduct everything more structurally, measurably, and logically, making the data valid. However, this education does not directly impact customer knowledge of savings contracts.

The eight respondents (32%) with Doctoral Program education level did not know about the savings contract, and the reason was not sought further in this research. Therefore, more in-depth research is needed to uncover the reasons for this ignorance. This is

interesting because of the limited knowledge on voluntarily opening a savings account at an Islamic Bank. Furthermore, 36 respondents (24.66%) with a Master Program education level did not know the savings contract, of which 24 stated that they were forced. The details include 15 people saving at *Bank Muamalat* (due to agency collaboration), while 9 become customers due to the consequences of taking financing.

The facts on education level, ignorance of contracts, and reasons for opening savings show that savers are 'forced' not to care about the contract for their savings. This means that knowledge about savings contracts is still low, though it is a prerequisite for economic transaction in an agreement. Respondents' answers about the contracts chosen by customers include 211 (53.55%) for *Mudharabah*, 57 (14.47%) for *Wadiah,* while 126 (31.98%) do not know the contract. This shows that almost one-third of customers do not know the contract, which should not logically happen. The two types of contracts carried out by Islamic banks are *mudharabah* and *wadiah*. Therefore, the prospective customer should choose the contract because it is their right and becomes an arbitrary action when determined by the Bank.

Savings is the surrender of customer funds to the Bank within a certain period and being taken back at some point. Based on this concept, savings are grouped into *Mudharabah* and *Wadiah*. The *Mudharabah* relationship is the handing over of funds to the Bank for management to bring outcomes. In contrast, *Wadiah* is kept with no outcomes, and the owner cares for the funds deposited.

The customer's ignorance of the chosen contract when opening a savings account damages the transaction. This is because *Akad* or contract is a pillar to be fulfilled in a transaction. According to

Achmad Warson Munawwir, the contract [11] concludes or binds[12]. Terminologically, it is an agreement between two or more parties regarding certain legal acts.[13] Therefore, transactions without a contract mean the bond between the saver and the Bank does not exist, making it null and void.

According to the agreement, savings transactions are debt from the Bank because it should return the funds to the customer in due time. The Qur'an Surah Al Baqarah verse 282 teaches how to write transactions and impose people in debt. The writing should be known by at least two male witnesses or one male and two females: *And let the one upon whom is the truthful duty of payment (the debtor) dictate, and let him be pious to Allah his Lord.* (QS. Al-Baqarah: 282). Based on the verse, Tafsir Ibn Kathir explained that the person in debt dictates what must be written without reducing its value.[14].

When they save into an Islamic Bank, it becomes the debtor and should record the debt to the customer. This requirement has been fulfilled by the Bank in the savings book. However, the basic contract or agreement used as a reference for placing the savings signed jointly between the Islamic Bank and the customer has not been executed. Moreover, there is no contract signature during the opening of a savings account. When this is carried out, the rights and obligations of the customer and the Bank become visible, allowing the customer to know the contract.

The management of Islamic Banks has never considered the obligation to be witnessed in a contract. Formally, Islamic banks complete with witnesses only show contracts on financing but no

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[11] Achmad Warson Munawwir, *Kamus Al-Munawwir* (Yogyakarta: Pesantren Krapyak, t.t.), 1023.

[12] Achmad Warson Munawwir, *Kamus Al-Munawwir* (Yogyakarta: Pesantren Krapyak, t.t.), 1023.

[13] Compilation of Sharia Economic Law Article 20 paragraph (1)

[14] Ibnu Katsir, *Tafsir Ibnu Katsir,* t.t., 191

information on savings or deposit contracts. The deposit slips state that the profit-sharing ratio is without any witnesses.

There is a need to fulfill the contract requirements as desired by QS. Al Baqarah 282. This requires the Indonesian Ulema Council to issue a fatwa requiring Islamic banks to follow the Qur'an instructions, not only to fulfill the law. The applicable conventional and Islamic banking laws do not regulate contract witnesses in funding cases. Respondents become 'Forced Customer' when their salaries are transferred to the account at Islamic Banks. Therefore, this term is used for customers that open Bank accounts a**t the request of the Institution**. Table 4 shows information about the contracts used by Islamic Banks customers.

Table 4. 'Forced Customer' Contract

Forced Customer' Contract	Total (people)	Composition (%)
Mudharabah	78	53.06
Wadiah	11	7.48
Do not know	58	39.46
Total	147	100.00

Source: Data processed, 2020.

Table 4. shows that 60.54% of 'Forced Customers' know the contract when opening a savings account. This shows that they try to understand more about their savings products. Furthermore, the customer opens a savings account and learns the consequences related to future compensation. However, 39.46% of customers did not know the savings contract due to ignorance. Alternatively, it could be assumed that the operational activities of saving at an Islamic and Conventional Bank are the same.

As many as 31.98% (126 people) of customers did not know the contract when opening a savings account. In comparison, 50.79% or 64 respondents stated they wanted to save out of their own volition. Furthermore, 44.44% (56 respondents) stated they saved because they

were forced, while 4.76% saved to pay in installments. Therefore, it is interesting to review the data about customers that do not know the savings contract. It is illogical when they become customers to save at an Islamic Bank without knowing the contract. They desire to save without understanding the contract, though it is a determinant of rights and obligations. However, this research does not ask why the respondent does not know the contract. Therefore, further research is needed to uncover the motivation in this group. The 'Forced Customer' group should pay loan installments, which is tolerable because they aim to facilitate transactions.

Customers conducting transactions once a month accounts for 23.60%, while those accessing bank services once or twice a month are 21.83%. This indicates that the transaction involves taking consumption funds or transferring them to another bank. Moreover, 86.29% of customers indicated they did not use Islamic bank savings as their main account. As many as 27.16% of customers often transact using Islamic bank savings, while 2.54% were unwilling to answer questions. The amount of savings in millions of rupiah supports data analysis, where 102 customers (25.89%) have never made savings transactions independently. Additionally, 145 customers (36.80%) transacted once a month, while 27.16% made between one and five transactions. Similarly, 7.11% (28 people) had more than five transactions, while the 12 were unwilling to answer.

The data showed that 287 customers (62.69%) never or only save a little, using savings to receive salaries.

Table 5. Reasons for Opening a Savings Account

Reasons for Opening a Savings Account	Total (people)	Composition (%)
Want to save	247	62.69
Forced	124	31.47
Installment	23	5.84
Total	394	100.00

Source: Data processed, 2020

Of all the respondents, 37.56% stated that they opened a savings account only to receive a salary, while 36.04% wanted to save. This is in line with the respondent's compulsion to open a savings account. Furthermore, 37.31% of customers stated they were forced to open a savings account, while the rest expressed a desire to save.

As many as 62.69% of respondents open a savings account because they want to save. Saving money in the Bank reduces a person's consumption, and they save for various purposes. Similarly, the 'Forced Customers' open an account due to a request from the Institution that reaps the positive benefits. Customers take savings through ATMs because they hope part of their salary money would remain in their savings accounts. In contrast, customers must open a savings account in installments. This is because the bank management easily takes regular installments from the savings to facilitate administration and minimize the risk of debt default. Therefore, they are motivated to fill their savings accounts, especially in preparation for installment payments. This means that forced savings or installment payments have greater benefits.

It is interesting to observe further the opinions regarding customer concerns for Islamic Banks.

Table 6. Sharia Concern for Islamic Banks

Concern about Sharia	Total (people)	Composition (%)
Khusnudzon	176	44.67
Believe in Sharia	83	21.07
Consequences of Muslims	46	11.68
Does not matter	37	9.39
There is no other choice	31	7.87
Do not answer	21	5.33
Total	394	100.00

Source: Data processed, 2020

As many as 83 respondents (21.07%) believe that the operational activities of Islamic banks are in line with sharia, implying low public confidence in Islamic banking. Therefore, the management should convince customers or the public, especially Muslims. Moreover, the answers of 176 respondents (44.67%) were only devoted to sharia, indicating that they did not know the real conditions. As many as 11.68% chose Islamic Banks due to consequences as Muslims, without demanding more concrete evidence. This means that they use Islamic banks due to force. Also, some respondents do not care about the Sharia of Islamic Banks because they perceive no operational difference between them and Conventional Banks.

This community conclusion is not excessive because Islamic Banks replace interest with profit-sharing without sufficient support for using the term. Consequently, the public lacks information that profit sharing is different from interest. Savings with a sharia bank *mudharabah* contract provide monthly profit sharing according to a predetermined ratio. The distribution was based on the estimated monthly profit. However, no adjustment was made to the actual profit after the audit at the end of the year. Additionally, no Islamic Bank has re-calculated the profit-sharing based on actual profits or results. A correct end-year profit or loss calculation adjusts the savings taken before the end of the current year by increasing profit sharing or vice versa. This calculation is a difference between interest and profit-sharing. However, since this has not been carried out, some people still perceive no difference.

Table 7. Reasons for Choosing Islamic Banks for Savings

Reason	Total (people)	Composition (%)
Own Will	202	51.27
Friend's suggestion	32	8.12
Advertisement	13	3.30

Requested	135	34.26
Others	12	3.05
Total	394	100,00

Source: Data processed, 2020.

The choice of customers saving at an Islamic Bank out of their own volition reached 51.27%, indicating their high awareness as Muslims. Furthermore, policy on Cooperation between Institutions and Islamic Banks is mutually beneficial. For the Institution, the policy practically reduces the risk of taking large amounts of money and employees working in the finance department to pay salaries. This increases the number of customers and funds. The strategy regarding customers opening accounts for salary transfers (34.26%) is a development effort of Islamic banks. Cooperation between Institutions is carried out for personal selling activities. The success of the Islamic Bank leadership to convince other institutions to cooperate is based on trust, with both parties benefiting from each other. Also, the reason for suggestions from friends (8.12%) means that they open accounts at certain Islamic banks because of positive word of mouth from loyal customers. Therefore, although the value is still low, the satisfaction level is necessary because only satisfied customers carry out the positive word of mouth. The low percentage means that the Bank should find out the reasons for the management to make changes to their strategy, ensuring customer improvement.

Effective advertising activities impact the interest in becoming a customer, though it only motivates by 3.30%. This shows that the management does not effectively communicate the Islamic Bank's operational activities to motivate others to save. Therefore, the management should review its promotion strategy to overcome the weaknesses and increase the Muslims' interest in saving. Data regarding promotional activities from Islamic Banks is accessible through the web, brochures, or leaflets.

The Islamic Bank's Web regarding the message content needs improvement. Also, a detailed explanation is needed to clarify the differences in operational activities between conventional and Islamic banks. This information transparency is expected to attract new potential customers as *khusnudzon* and believe that the Islamic Bank is *syar'i*.

The brochure contains general information about product offerings and information deemed by management as required by customers. However, it is only placed in the office space of the Islamic Bank, meaning that customers interested would take the brochure. This method is ineffective because it should be distributed actively to potential customers. For instance, it should be distributed at recitation events and in-house social gatherings with many Muslim members. Furthermore, when possible, the brochure should be distributed by explaining the Islamic banking operational activities. Therefore, the brochure contents should be synchronized with information about the differences between the operational activities of conventional and Islamic banks.

This research uses a different test between 'Forced Customer' and 'Voluntary Customer' to determine the significance of the difference. A significant difference means that a different service model should be carried out. Moreover, the difference is only in the service because the applicable rules apply are similar. However, services could be different, especially in communicating. This is because 'Voluntary Customer' already has a positive image initially, while 'Forced Customer' has a different image because it begins with compulsion. Therefore, a different approach is needed for the 'Forced Customer' to feel satisfied and happy as a customer of an Islamic Bank.

Validity Test

This test determines the validity of the questionnaire, whether it has asked the right questions. The validity of each statement was tested with a construct (Construct Validity) and a statistical approach. The construct approach uses theoretical elaboration, while statistical validity uses item tests.[15]

Table 8. Validity Test Results

Statement	r^2	t	sig t
Satisfaction1	0.74433	22.0678	9.9E-71
Satisfaction2	0.67715	18.2196	3.6E-54
Satisfaction3	0.78259	24.8892	1.1E-82
Satisfaction4	0.78334	24.9513	5.8E-83
Satisfaction5	0.75932	23.1037	3.7E-75
Satisfaction6	0.34152	7.19422	3.2E-12

Source: Data processed, 2020.

Table 8 shows that all statements have a significance value of t below 1%, meaning they are statistically valid.[16].

Reliability

The reliability test was performed using Chronbach Alpha. The satisfaction test obtained a CA value = 0.8345, indicating that the measurement of variables is reliable.

Customer Satisfaction

Consumer satisfaction is obtained by Islamic Bank customers for the services received. Table 9 shows the level of consumer satisfaction of the respondents:

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[15] Syamsul Hadi, *Membuat Kuesioner*, (Yogyakarta: PT Ekonisia, 2018), 80

[16] *Ibid*.

Table 9. Descriptive Statistics on Satisfaction

Average	3.195652174
Varian	0.845565069
Total Data	394
Maximum	5
Minimum	0

Source: Data processed, 2020.

Table 9 shows that the average satisfaction is only 3.19 out of 5, with a variance of 0.85. This means that the data obtained is homogeneous, supported by the variance value of only 25.6% of the average. Additionally, the value of 3.19 indicates that Islamic Bank customers feel low satisfaction. This is because it only increases by 0.19 from neutral and is felt by all customers due to the data's homogeneity.

Table 10. Distribution of Customer Satisfaction Value

Option	Total	%
Very Dissatisfied	51	12.9
Not satisfied	77	19.5
Neutral	167	42.4
Satisfied	98	24.9
Very satisfied	1	0.3
Total	394	100

Source: Data processed, 2020.

Table 10 shows that only one respondent is very satisfied with the services of Islamic Banks. Also, 42.4% of respondents have a neutral opinion, while 32.4% firmly stated not satisfied or very dissatisfied. The problem with high satisfaction is homework for the management of Islamic Banks. The management should take action to enjoy their satisfaction to the fullest. Furthermore, it should improve service to make customers satisfied.

Satisfaction Difference Test

An Islamic Bank customer has voluntary and forced reasons or causes. Several reasons support the desire to become a customer voluntarily. These include the consequences of being a Muslim, wanting to avoid usury, and believing in the *syar'i* of the Bank. In contrast, the reasons supporting forced customers include simplifying the installment process for financing products. Also, there could be a collaboration between the Islamic Bank and the office, making salaries sent through the Bank. These two reasons have different meanings of 'voluntary' and 'forced,' resulting in different customer satisfaction levels with the Islamic Bank.

'Voluntary Customers' are insensitive to factors supporting their satisfaction due to their desires. In contrast, 'Forced Customers' are more sensitive to factors supporting their satisfaction. This is due to the compulsion by the Institution to open an account at the Islamic Bank. As a result, the customer feels a small management error, and the assessment is less objective. Therefore, a two-average difference test was conducted using the Microsoft Excel program to determine the difference.

The hypothesis statements are:

H_0: There is no difference between 'Voluntary Customers' and 'Forced Customers' satisfaction.

Table 11.

Calculation Results of Two Average Difference Test

t-Test: Two-Sample Assuming Unequal Variances		
	Voluntary	Forced
Mean	3.277328	2.993197
Variance	0.77429	1.117153
Observations	247	147
Hypothesized Mean Difference	0	

Df	265	
t Stat	2.742383	
P(T<=t) *one-tail*	0.003258	
t Critical one-tail	1.650624	
P(T<=t) *two-tail*	0.006515	***
t Critical two-tail	1.968956	

Source: Data processed, 2020.

***) Significant below 1%

This research uses a 5-point Likert scale, where the average value of satisfaction around 3 means they are satisfied. The 'Forced Customers' satisfaction level of 2.993197 was lower than 'Voluntary Customers,' which had 3.277328. This is natural because 'Forced Customers' hope for good service. Therefore, a slight deficiency in service decreases satisfaction. However, this is different from 'Voluntary Customers' because they are more satisfied and accept the services. The different tests show a *two-tail P(T<=t)* of 0.006515, meaning it is significant. Therefore, there is a strong difference between the satisfaction of 'Forced Customers' and 'Voluntary Customers.'

Table 12.

Descriptive Statistics on Voluntary and Forced Group Satisfaction

	Voluntary	Forced
Mean	3.277328	2.993197
Standard Deviation	0.879937	1.056954
Sample Variance	0.77429	1.117153
Minimum	0	0
Maximum	4.833333	5
Count	247	147

Source: Data processed, 2020.

The satisfaction of the two groups has fairly high variability. The lowest value for both groups is 0 (zero), meaning they show no

satisfaction as Islamic Bank customers. Therefore, the low value indicates that customers are very dissatisfied with what they have received. The highest scores for the 'Voluntary Customer' and 'Forced Customer' groups were 4.833 and 5.0, respectively. This is supported by the difference in variance between the voluntary group with 0.77429 and the forced group with 1.11715. Moreover, the high difference in variance indicates that 'Voluntary Customers' have a more homogeneous satisfaction.

Table 13.

Satisfaction Frequency Distribution

Satisfaction	Voluntary		Forced	
	Frequency	Percentage (%)	*Frequency*	Percentage (%)
0 to 1	4	1,62	7	4,76
1,001 to 2	26	10,53	27	18,37
2,001 to 3	51	20,65	31	21,09
3,001 to 4	140	56,68	69	46,94
4,001 to 5	26	10,53	13	8,84
Total	247	100,00	147	100,00

Source: Data processed, 2020.

Table 13 shows very low satisfaction of one or lower in the 'Voluntary Customer' group by 1.62%, and is considered outlier data and ignored. In the 'Forced Customer' group, 4.76% felt very dissatisfied, and the value cannot be ignored because it is close to 5%.

Table 13 also shows respondents with high satisfaction of three and more on are 'Voluntary Customers' with 67.21%, while 'Forced Customers' have 55.78%. This shows that the components of satisfaction between the two groups are different. Therefore, they should be separated to determine the factors driving customer satisfaction. Also, the compulsion to become a customer should only be included in the model as an independent variable. When this is not carried out, it would only produce the significance level,

meaning that this variable affects customer satisfaction or vice versa. Additionally, the research would not show what variables determine each group's satisfaction.

No research has examined bank customer satisfaction by distinguishing between volunteer and forced customers. The only research found examined the difference in satisfaction between customers of Islamic and Commercial Banks.[17,18] Therefore, the results cannot be used as a reference or comparison with this research. Furthermore, research on customer satisfaction does not separate saving customers from financing, though the two groups have different behavior patterns. The saving customer owns the funds and easily transfers their funds to another bank when not satisfied. On the contrary, financing customers are dependent on financial assistance, resulting in the acceptance of all treatment from employees. Unpleasant service from employees is taken for granted, and switching to another bank due to unsatisfactory treatment is difficult, especially for people with poor credit standing. The difference in these characteristics affects the model for forming customer satisfaction.

Further research is suggested to separate between saving and financing customers. Also, it is necessary to separate saving customers into forced and voluntary to obtain comparable results. However, there is no need to separate financing customers because

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[17] Sarwani, Andry Herawati dan Liling Listyawati, *Analisis Perbandingan Kepuasan Nasabah Bank Syariah Dengan Bank Umum Konvensional Di Surabaya*, Univ. Dr Soetomo Surabaya, http://repository.unitomo.ac.id/744/, 2017, accessed on February 16, 2019.

[18] Yudi Siyamto, *Preferensi Kepuasan Nasabah Bank Umum Syariah Dan Bank Umum Konvensional Dalam Perspektif Fuzzy Carter Dan Fuzzy Servqual Di Surakarta Tahun 2015,* IAIN Surakarta, *eprints.iain-surakarta.ac.id/25/1 /2015TS0015.pdf.,* 2015, accessed on February 16, 2019.

people in debt are forced to fulfill their needs and avoid debt when it is sufficient.

A sensitivity analysis with the variable 'Know the Contract' as a proxy for the customer's knowledge of Islamic Bank operations result in four groups of respondents. These include the Voluntary Customers that Know and Do Not Know the Contract and the Forced Customers that Know and Do Not Know the Contract. Their knowledge about the contract and Islamic Banks' operations impact their expectations and satisfaction. Customers that know the differences have high expectations for the operationalization of Islamic banks. Therefore, their satisfaction is affected when they receive different facts.

The Sensitivity Analysis performed with Microsoft Excel is shown as follows:

Table 14. Customer Satisfaction Level

Know the contract and forced	Do not know the contract and forced	Know the contract and voluntary	Do not know the contract and voluntary
3.166666667	2.954022989	3.280260708	3.075980392

Source: Data processed, 2020.

Table 15. t-Test Significance

	Do not know and forced	*Know and voluntary*	*Do not know and voluntary*
Know and forced	0.225390016	0.357816227	0.563215432
Do not know and forced		0.022971246	0.480080907
Know and voluntary			0.113953495

Source: Data processed, 2020.

Tables 14 and 15 show that customer satisfaction in each quadrant is not different because it has a significance value greater than 10%. The difference in satisfaction between customers that **did not know the contract and forced**, and those that **know the contract**

and voluntary has a significant value of 2.2%. Therefore, it is included in the moderately significant group. This difference is very logical because these two customers are extreme groups.

The Islamic Bank customers are forced by the Institution and do not know the contract used to open a savings account. Ignorance of the contract shows that this group does not care about its operations. Also, it does not consider the difference between *Wadiah* and *Mudharabah* contracts in savings. The main difference between the two contracts is the profit-sharing on the balance of funds deposited in the savings book. Therefore, this group is indifferent to Islamic Bank products and treats savings as a medium to earn a salary, resulting in low satisfaction levels.

Voluntary customers that know the contract understand Islamic Bank products, and their satisfaction increases with an increase in service quality. Although there are differences in satisfaction, the overall satisfaction is still very low. The highest satisfaction is 3.2 out of 5, which is still very low. Therefore, Islamic bank management should increase customer satisfaction to make them more comfortable. When the corrective policy is not implemented, customers would treat their savings account only as a means of receiving salaries and transfer money at the first opportunity. Banks only benefit from many customers but not from depositing funds from 'Forced Customers.'

CONCLUSION

The conclusion of this research is Islamic Bank customer satisfaction is still very low. There is a significant difference between the satisfaction of 'Voluntary Customers' and 'Forced Customers.' There is a significant difference between the satisfaction of 'Voluntary Customers that know the contract' and 'Forced Customers that do not know the contract.' There is no significant difference

between the satisfaction of 'Voluntary Customers that know the contract' and 'Voluntary Customers that do not know the contract.' There is no significant difference between the satisfaction of 'Forced Customer that knows the contract' and 'Forced Customer that does not know the contract.' There is no significant difference between the satisfaction of 'Voluntary Customers that do not know the contract' and the 'Forced Customer that knows the contract.' Customer understanding of the operational concept of Islamic banks is still low. Suggestions given are Islamic banks management should increase customer satisfaction to benefit from saving customers. The management should explain the contract during account opening to prospective customers due to cooperation. Management of Islamic Banks should increase socialization about the differences between Islamic and Conventional Bank operations. The Financial Services Authority (OJK) and the Islamic Economic Community should educate the public on the operational literacy of Islamic banks.

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The Adoption of Found Child According to Islamic Law and Law No. 3 of 2006 on Religious Courts in the Perspective of *Maqasid Al-Shari'ah*

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Abstract

Islam is a religion that regulates everything in the life of Muslims. No exception in the case of adoption, the jurisdiction of the court up to the adoption of a minor. in the case of child adoption. Today, Islam applies limitations in some matters, such as the prohibition of lineage, the establishment of non-mahram relationships to the issue of inheritance and guardianship. In addition to that field, there is the authority of the judge in the Religious Court to be ijtihad to determine the best decision for the child of the findings as the extent of its authority is based on Law No. 3 of 2006 on Religious Justice. The purpose of this study is to analyze how the legal impact on the adoption status of the findings based on the rationale maqasidus syar'i and its relevance to the development of Islamic law. Research methods use the study of literature through its sources of reference through primary law, both derived from religious sources and from positive legal sources that apply in Indonesia. In addition, the researcher used jurisprudence from the relevant judicial decisions used.The results of this research are (1) through the approach of maqasid al shari'ah doruriyah that

children (including children of discovery) must be protected their rights, both their right to life (an nafs) and their intellect (al aql), the right of lineage, religion, as well as paying attention to his rights, including his right to obtain the obligatory will/right of inheritance from the parents who raised him (al maal), (2) The legal impact is, the child is found as a person, he is an orphan so the religious treatment is the same as an orphan. While the adopted child then the legal status can be assessed through recognition by the adoptive parents such as the child of guardianship, then the adopted child has the right to be guarded by his adoptive parents due to the absence of a lineage guardian. (3) While the relevance to the development of Islamic law is that in maintenance (other than the issue of lineage and inheritance), then the child has the same protection and education status of both adoptive parents. There is a need for efforts from various related parties to prioritize the benefits to protect from unwanted things and save the lives of children.

Keywords: Adopted Child, *Laqit*, Guardian, Maqasid al Syari'ah

Abstrak

Islam merupakan agama yang mengatur segala hal dalam kehidupan ummat Islam. Tidak terkecuali dalam hal pengangkatan anak, wewenang pengadilan sampai pada pengangkatan anak laqit. dalam hal pengangkatan anak. Pada dewasa ini Islam menerapkan batasan-batasan di beberapa hal, seperti pelarangan pengaitan nasab, penetapan hubungan bukan mahram sampai pada masalah warisan dan perwalian. Selain bidang itu, maka terdapat wewenang hakim pada Pengadilan Agama untuk berijtihad menetapkan putusan yang terbaik bagi anak temuan sebagaimana keluasan wewenangnya berdasarkan pada Undang-undang Nomor 3 Tahun 2006 Tentang Peradilan Agama. Tujuan penelitian ini adalah untuk menganalisis bagaimana dampak hukum terhadap status pengangkatan anak temuan berdasarkan nalar maqasidus syar'i serta relevansinya terhadap pengembangan hukum Islam. Metode penelitian menggunakan studi literatur melalui sumber rujukannya lewat hukum primer, baik yang diasalkan dari sumber agama maupun dari sumber hukum positif yang berlaku di Indonesia. Selain itu peneliti menggunakan yurisprudensi dari putusan-putusan hakim

yang relevan digunakan. Hasil penelitian ini adalah (1) melalui pendekatan maqasid al syari'ah doruriyah bahwa anak-anak (termasuk anak temuan) harus dilindungi hak-haknya, baik hak kehidupannya (an nafs) maupun akal pikiran nya (al aql), hak nasab, agama, serta memperhatikan hak-haknya termasuk dalam hak nya memperoleh wasiat wajibah/hak waris dari orangtua yang mengangkatnya (al maal), (2) Dampak hukumnya adalah, anak temuan sebagai person, ia adalah anak yatim sehingga perlakuan secara agama sama seperti anak yatim. Sedangkan anak temuan yang diangkat maka status hukumnya dapat dinasabkan melalui pengakuan oleh orang tua angkatnya seperti anak hal perwalian, maka anak angkat berhak diwalikan oleh orangtua angkatnya karena ketiadaan wali nasab. (3) Sedangkan relevansinya terhadap pengembangan hukum Islam adalah bahwa dalam pemeliharaan (selain masalah nasab dan pewarisan), maka anak mempunyai status pengayoman dan pendidikan yang sama dari kedua orangtua angkatnya. Perlu adanya upaya dari berbagai pihak yang terkait untuk mengutamakan kemaslahatan untuk melindungi dari hal-hal yang tidak diinginkan dan menyelamatkan kehidupan anak temuan.

Kata kunci: Anak Angkat, *Laqit*, Wali, Maqasid al Syari'ah

INTRODUCTION

Child adoption is a very important discourse to academicians and needs to be studied comprehensively. As legal objects, children are highly vulnerable parties after obtaining legal certainty from the adoption determination. Adopted children may face various vulnerabilities, including welfare and psychological health insurance, and human trafficking.

The number of neglected Indonesian children is fast-growing, which may cause social insecurities. In 2015, data from the Ministry of Social Affairs showed that 5,900, 3,600, 1.2 million, and 34,000 children are objects of human trafficking, involved in legal problems, neglected, and live on the streets, respectively.[1]

According to Article 49, Law No. 3 of 2006 replaces Law No. 7 of 1989 on the Religious Courts and provides legal certainty for Indonesian child adoption. The Law No. 3 of 2006 states that:

"*The Religious Court has the Duty and Authority to examine, decide, and settle cases at the first level between people who are Muslim in the field of a. marriage. Explanation of Letter 'a' in Article 49 states that "what is meant by marriage are matters regulated in or based on the applicable marriage law, carried out according to sharia, such as Determination of Origin and Determination of Child Adoption based on Islamic law."*

The enactment of the law results from legal changes meant to fulfill the needs of the community. The Religious Courts have complete authority from the Indonesian legislators to handle child adoption under Islamic Law. However, field practice faces various problems, including the different adoptions recommended in Islam

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[1] Priyambodo, "Mensos: Masih Banyak Kasus Anak Terlantar," News, Antara News, 2015, https://www.antaranews.com/berita/496359/mensos-masih-banyak-kasus-anak-terlantar.

and their legal impacts on the child, father, mother, and adoptive brother, among other related matters.[2]

As legal objects, children are highly vulnerable parties. In protection efforts of parenting and legal rights, the Government Regulation No. 44 of 2017 focuses on maintaining their legal protection. However, the discussion about parents adopting a child from an Islamic perspective faces complex problems. The Encyclopedia of Islamic Law defines 'a child' as 'a boy or girl born from a mother's womb as a result of a relationship between two genders.' Etymologically in Arabic, the term 'child' originates from the word 'walād' whose plural form is 'awlād,' meaning 'a boy or girl, big or small, and born from both parents.' Still, another opinion defines a 'child' as 'a human who is still small and immature.' Maturity in boys and girls is marked by wet dreams and menstruation, respectively.[3]

Various rights related to children include nasab (lineage), breastfeeding (radla), maintenance (*hadhonah*), and living support and guardianship regarding protection (walayah).[4] When parents abandon their children, these rights are interfered with. Adoption becomes the appropriate instrument to protect their rights, including *daruriyah* or *dharuri* issues. According to Islamic Law, *maqasid al shari'ah* explains the purpose for the existence of the law to benefit humanity in its entirety. Therefore, the concept of *maqasid al shari'ah*, whose substance is a benefit, helps establish law and develop Islamic

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[2] Rifyal Ka'bah, "'Pengangkatan Anak Dalam UU No. 3 Tahun 2006 Tentang Perubahan Atas UU No. 7 Tahun 1989 Tentang Peradilan Agama Dan Akibat Hukumnya' Makalah Dikembangkan Dari Diskusi Berkala III Di Bidang Pencatatan Sipil Antara Para Ahli Hukum Islam Dan Hukum Sekuler," 2006.

[3] Dahlan Abdul Azis, *Ensiklopedi Islam* (Jakarta: PT Ichtiar Baru Van Hoeve, 1980), 177.

[4] Ahmad al-Ghandûr, *Al-Akhwâl al-Syakhshiyah Fi al-Tasyri al-Islâmî* (Beirut: Maktabah al-Falah, 2006), 596–637.

Law to answer contemporary problems, especially those not controlled by the Qur'an and as-sunnah.

Wahbah Zuhaili stated that *'maqasid al shari'ah* is an order of values and objectives of *syara'* contained in all or the majority of its laws.' For every legal provision, the order of values and objectives is considered as the targets and secrets of sharia determined by *al-syari'* in every legal provision.[5] Furthermore, Yusuf *Al-Qardhawi* stated that 'the target of the existence of texts and particular laws to be realized in human life is *maqasid al-shari'ah.*' These laws come in various forms, including orders, prohibitions, and permissibility for individuals, families, groups, and people.[6]

To develop the Islamic legal thought in its entirety and solve contemporary problems, *Maqasid shari'ah* is critical for *mujtahids*. This applies especially to problems the Qur'an and Sunnah, which are the main sources of Islam, do not regulate. There is a need to appreciate the application of a legal provision. When changes occur in social conditions, a certain law can be invalidated.[7] Since its construction took place in the early days during the Middle Ages, the study of *maqâshidal-syari̦'ah* by experts in Islamic Law has always shown development. The urgency of *maqāsid shari'ah* in *ijtihad* makes a person have at least two criteria, including a complete understanding of *maqāsid shari'ah* and the ability to reveal the weight of law based on knowledge and comprehension of *maqāsid shari'ah*, Arabic, Qur'an, and the hadith.

Since every problem human face focuses on a certain legal basis, knowing and understanding *maqasid shari'ah* is critical in

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[5] Wahbah Zuhaili, *Ushul Fiqh Islamy*, 2 (Damaskus: Dar al Fikr, 1986), 748.

[6] Yusuf Qardhawi, *Fikih Maqasid Syari'ah* (Jakarta: Pustaka Al-Kautsar, 2007), 12.

[7] Moh. Mukri, *Paradigma Maslahah Dalam Pemikiran Al Gahzali Sebuah Studi Aplikasi Dan Implikasi Terhadap Hukum Islam Kontemporer* (Yogyakarta: Pesantren Nawasea Press, 2009), 91.

conducting *ijtihād*. Such a foundation is the key to the success of a *mujtahid* in conducting *ijtihad*. It is not about seeing the problem as a new thing and literally not regulated in the texts, nor finding out whether a legal provision can be applied to a particular case or not when values shift due to social change. Rather, the essence of the *maqasid shari'ah* concept is a benefit. According to *Qayyim al-Jauziyah*, '*maqâshid al-sharị'ah* preventts chaos in the world and creates benefit for mankind, controls the world with virtue, justice and goodness, and clarifies the signs of the path the human mind should take.'[8]

Adopting a found child and its legal consequences has been studied frequently, and it has been discussed in religious texts. However, this does not mean that the study has stopped considering that the dynamics of social life are developing very rapidly. Regarding Islamic Law and its consequences, Ibrahim Hosen stated that 'several principal things need to be considered, especially[9] *qath'i* law created from *qath'i* texts.' Since this law should deny a legal provision based on *mutawatir* and all kinds of ikhtimal (probability) forms to make a text *qath'I,* it has limits, and it can be counted in numbers. For example, the text lacks *ihtimal majaz, kinayah, idhmar, takhsis, taqdim, ta'khir, naskh*, or *ta'arud al aqli*. Therefore, even though there are claims that when something is *lafadz nash,* it contains *ihtimal*, it is still considered *dzanny*. Furthermore, the text has been made into *qath'i*, the *qath'i fi jami' al ahwal,* or *fi ba'd al ahwal*. In case it is *fi jami 'al ahwal*, the rule of "*laa ijtihada fi muqabalat al nash*" applies. However, suppose the *qath'i* is *fi ba'd al ahwal*; it can be *fiqhkan*. Thus, based on this opinion, Ibrahim Hosen explained that 'there are two categories in Islamic law, the original one (*azimah*) and the other that violates the first one due to a change in the atmosphere (*rukhsah*).'

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[8] Ibn al-Qayyim al-Jauziyah, *I'lām al- Muwaqqi'in*, 3 (Kairo: Daarul Al-Kutub Al-Hadis, 1969), 177.

[9] Juhaya S. Praja, *Teori Hukum Dan Aplikasinya* (Bandung: Pustaka Setia, 1994), 87.

Several journals have discussed the concept of a found child (*laqith*) and the mandatory wills, which serve as solutions to the problem of inheriting him outside a marriage. According to Abdul Rokhim, in Islamic Law, 'a found child can be assigned to whoever finds him through recognition.' With this, he becomes legitimate and biological. Besides, whoever finds and recognizes the found child can also be a guardian in marriage when the child is ready for it. According to Mahmud Shaltut, 'adopting a child is asking other people's child for care and education, pouring love with all heart, treating her as his own, and without giving the status of a biological child. Still, according to another version, adopting a child is 'asking or taking another person's child and giving him the status of a biological child. This means that he has the right to belong to his adoptive parents and have inheritance and other rights as the relationship between a child and the parents.[10]

The Islamic Law has given careful consideration to adoption institutions, especially to the found child called '*laqith*.' This is the same as the Muslim Family Law in the Middle East Islamic State, which requires Muslims to support and provide protection for the found child as they are all obliged. When a Muslim pledges his recognition and the found child becomes valid as his own, and his lineage becomes valid with whoever recognizes her, he can be called a biological parent. According to Imam Malik, 'unless he can prove and have justified reasons based on the Islamic Law, the validity of the lineage is not based on the recognition of whoever found the child.[11]

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[10] Abdul Rokhim, "Status Anak Laqit (Anak Temuan) Menurut Hukum Islam," *Jurnal Ilmu Hukum Dalam Reflesi Hukum* 18, no. 1 (2014), https://ejournal.uksw.edu/refleksihukum/article/view/454.

[11] Ahmad Husni, *Ahkam Syari'yah Fi Ahwalisy Syahsiyyah Ala Mazahibil Imam Abu Haniffah,* (Kairo: Darul Qutub, 1960).

Adoption affects guardianship and inheritance cases. The new parents become guardians of the child suppose the court determines so. Except for adopted daughters who are Muslims, the only person who has the right to be the marriage guardian is the biological parents or blood relatives. However, in the Compilation of Islamic Law (KHI),[12] Adopting a child does not impact marital guardianship or the law on cognation. It only affects transferring the maintenance of power alone.

Previous research and this dissertation differ in that the former is still normative, while the latter focuses on narrative and sociological, philosophical, and juridical aspects to study the data. The academic problem is the status of the found child from the viewpoint of *maqasid al shari'ah*. Besides, to appreciate the authority of the Religious Courts according to Law number 3 of 2006 in the field of child adoption (*laqith*), *maqasid al shari'ah* is used as the theoretical framework.

Based on the findings, the difference between previous research and this dissertation lies in adopting a child after creating Law Number 3 of 2006 on Religious Courts. Therefore, all decisions on adopting a found child should harmonize with Law Number 3 of 2006 and the related regulations. Several decisions that have been in line with *maqasid sharia* have considered the benefits, and they and are based on the interests and rights of the children for their welfare.

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[12] "KHI is a summary of various legal opinions taken from various books of fiqh, to be processed, developed, and compiled in a single association used by judges as applied law (material law) in the religious court, in the form of Presidential Instruction No. 1 of 1991," 1991, http://www.percaindonesia.com/wp-content/uploads/2013/12/KOMPILASI_HUKUM_ISLAM.pdf.

RESEARCH METHODS

This normative legal study[13] examines the Islamic Law related to adopting a child and the legal implications from the perspective of Law Number 3 of 2006. Meanwhile, the approach used to examine the problem is normative juridical. [14] This is conducted by organizing data set for review and examination for the norms implicit in the statutory literature and decision documents about the legal provisions and consequences of adopting a found child.

The data are sourced and collected from literature studies from primary references in binding legal materials, especially laws and regulations on Indonesian child adoption and the legal implications based on Islamic and National Law. These include the Qur'an and Hadith, Law No. 7 of 1989 on Religious Courts, Law No. 3 of 2006 on amendments to Law No. 7 of 1989 on Religious Courts, which was last amended by Law No. 50 of 2009, several laws on child welfare, government regulations on the implementation of child adoption, and presidential instruction No. 1 of 1991 on the Compilation of Islamic Law. Secondary references relate to primary legal materials through books, journals, papers, textbooks, and expert opinions for Islamic Law courses.

The data collection technique used in this study is a literature review by reading, studying, taking notes, summarizing, and reviewing library materials related to the adoption of the findings. Furthermore, legal materials are organized through inventory and procedural identification of laws and regulations. Classification and systematization are then conducted so that the law harmonizes with the research problem. Still, normative legal research data study is run qualitatively and descriptively, which is a method academicians

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[13] Abdul Kadir Muhammad, *Hukum Dan Penelitian Hukum* (Bandung: Citra Aditya Bakti, 2004), 52.

[14] Muhammad, 112.

employ to reveal the knowledge or theory used in a study at a certain time.

In normative legal research, the processing of collected data is by systematizing written materials. Systematization is meant to classify written legal materials to facilitate the analysis and construction.[15] The collected legal materials are discussed, examined, and grouped into certain sections to be transformed into data in the form of information. The analysis results of the materials are then interpreted using the method of (a) systematic, (b) grammatical, and (c) teleological interpretation.[16]

DISCUSSION

Analysis of *Maqashid Shari'ah* on Found Child

The Compilation of Islamic Law (KHI)[17] in Chapter 1 concerning the general provisions of letter 'h' states that 'an adopted child is a one whose responsibility for the daily care, education costs, and others shift from the biological to the adoptive parents based on court decisions.' Therefore, the process should go through a court decision procedure. The fundamental problem of a found child adopted by someone is the urgency associated with lineage, guardianship, and inheritance.

Considering the many abandoned children, nurturing, taking, and caring for *laqith* children is necessary. Furthermore, the Qur'an

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[15] Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif : Suatu Tinjauan Singkat* (Jakarta: Rajawali, 2001), 251–52.

[16] Jimly Asshiddiqie, *Teori & Aliran Penafsiran Hukum Tata Negara,* (Jakarta: Ind.Hill.Co, 1997), 17–18.

[17] "KHI is a summary of various legal opinions taken from various books of fiqh, to be processed, developed, and compiled in a single association used by judges as applied law (material law) in the religious court, in the form of Presidential Instruction No. 1 of 1991."

Surah Al-Maidah 32[18] states that 'whoever kills humans for no reason kills or causes damage to the earth's surface and also seems to kill all humans, and whoever preserves the lives of other humans maintains human life as a whole. The elements that should be maintained and realized are religion, soul, mind, lineage, property, and human rights (dignity) in *maqasid al shari'ah*. The benefits are realized when it maintains the main six tenets.

To establish the law based on the purpose of Islamic Law and attract benefits and reject harm, determination happens through *maqasid al shari'ah*. There are three levels of *maslahah*.[19] First, *maslahah daruriah* is a benefit that makes life chaotic and eradicates it in case it is not fulfilled. Second, *maslahah hajiat*, that impacts damage. Third, *maslahah tahsiniyat*, which provides more value, maximizes goodness, and does not exert impact, suppose it is not fulfilled.

The theory of benefit in Maqasid has opened a perspective to the position of a found child whose parents and origin are unknown. Therefore, raising, nurturing, and educating her to give meaning to survival becomes a wise goal in the form of benefit.

The application of benefits in *maqashid sharia* while adopting daughters uses *maqasid dauriyah.* It includes six objectives, namely,[20] *1) Hifz Din* to protect the child's religion. This is because religion is fundamental for the future of a found child and humans. 2) *Hifz Nafs* is to protect lives and their rights, and the abuse for a found child. Islamic Law values a person's life. It protects a found child whose condition requires being saved from the danger of death or extinction in case no rescue efforts are made. 3) *Hifz "Aqli* is to maintain mind, including the right to education, think, and receive

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[18] Depag Islam, *Al-Qur'an Dan Terjemahnya* (Depag RI, 2012).

[19] Abu Ishaq Al-Syatibi, *Al-Muwafaqat Fi Ushuli al-Syariah* (Beirut: Al-Kotob Al-Ilmiyah, 2004).

[20] Ahmad Sarwat, *Maqashid Syariah* (Jakarta: Rumah Fiqih Publishing, 2019), 25.

guidance to form a good mind for the found child. Therefore, she will have an intelligent mind in the future and become the next generation that is able to and perfectly thinks. The mind is also protected from any evil that can wreak havoc. Besides, *Hifz "Aqli* is to provide education to the found child. 4) *Hifz Nasl* is to maintain lineage. The basis of adopting a found child (*laqith*) is to protect her from unwanted things, besides maintaining and educating her for the future, although the parents are unknown. 5) *Hifz Maal* is to maintain the property rights of the found child. Her property is the responsibility of whoever finds or maintains her and can be used only for thebenefit. 6) *Hifz al-Ard* is the protection of honor in the form of dignity and/human rights. The core problem in human rights is to protect a person from threats and obstacles from other parties and to protect human existence from their damage.

According to academicians, the three forms of benefits are equivalent to primary, secondary, and tertiary needs. The basic human rights in Islam for adults and children guarantee living, reproducing, and getting education and a decent life. In Islamic history, Baitul Maal is one of the oldest institutions that guarantee the lives of the citizens of Medina from starvation. Since the beginning, Zakat and sadaqah institutions have existed, and the distribution o is managed by 'amil. This implies the wisdom that the task should be handled professionally. Besides individual zakat, there is also baitul maal. The poor get help here in case they are neglected by their relatives (dzul qurba).

The Prophet's Mosque is another institution. In ancient times, this mosque was a place of worship and also had a social function. In it, there are *ahlus shufah* or people who live in mosques because they

do not have another place. [21]. Therefore, since the beginning of Islamic history, the guarantee for basic needs has been felt.

Adopting a *laqith* child should comply with the provisions contained in Law No. 3 of 2006 in amending Law No. 7 of 1989 on Religious Courts on the basis and purpose of the child. This abolishes the previous regulation on adopting a child to benefit the adoptive parents. Therefore, the problem of adopting a child while prioritizing the value of *maqasid al shari'ah* looks at human benefits in a personal and worldly manner and also pays full attention to social and *ukhrowi* (afterlife) challenges that provide solutions to human rights, including those who have children's rights that need protection. This harmonizes with the word of God in Surah Al-Isra' verse 70 as follows ;[22]

$$\text{وَلَقَدْ كَرَّمْنَا بَنِي ءَادَمَ وَحَمَلْنَاهُمْ فِي ٱلْبَرِّ وَٱلْبَحْرِ وَرَزَقْنَاهُم مِّنَ ٱلطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَىٰ كَثِيرٍ ۞ مِّمَّنْ خَلَقْنَا تَفْضِيلًا}$$

'And We have honored the Children of Adam. We carried them in the land and the sea, and We have given them as sustenance of the permissible things, and We have made them excel by an appropriate excellence over most of those whom We have created.'

From the verse, Allah elevates humans and purifies them. Therefore, human rights essentially protect a person from interference, obstacles, and challenges from outside parties and the damage they cause.

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[21] Muhammad Utsman Al-Khasyt, "Ahlus Shufah Artinya Penghuni Serambi, Atau Orang Yang Tidur Di Serambi Masjid Nabawi Dalam Jumlah Yang Sangat Banyak Waktu Era Rasulullah.," in *Fikih Wanita Empat Madzhab: Ijtihad Fikih Kontemporer, Terj. Abu Nafis* (Bandung: Ahsan Publishing, 2010), 76–78.

[22] Islam, *Al-Qur'an Dan Terjemahnya*.

The Authority of the Religious Courts in *Laqith* and Adopted Children

Based on Law No. 3 of 2006 Article 44 letter a, number 20, the religious court has the authority to determine the origin and adoption of a child based on Islamic Law (Lex specialist). This, in turn, is authorized to settle special cases, including adopting a child between Muslims.[23]

There are no texts from the Qur'an or hadith that can be used as references in the guardianship of marriage by *multaqit*'s adoptive father. Neither is there any from the product of state regulations that dictate found child marriage guardianship. However, the jurisprudence states several judges' decisions that can be consulted to determine how valid the adoptive parents are for the marriage guardianship status for the *laqith* child.

The judge has the right to determine whether the marriage guardian conducted by the adoptive father for the marriage of his *laqith* daughter is valid. When the guardianship was conducted by the adoptive father, the application for the validity of the marriage was found most of the time. This study supports Abu Qudamah, who states that 'the guardianship of *laqith* child can be conducted by the adoptive father.[24] Furthermore, this research did not find cases or disputes in marriage concerning the guardianship of laqit child. However, it found several guardianships of adopted children legalized or not legalized by the Religious Court with different considerations.

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[23] Mukti Arto, "Asas Personalitas Islam Adalah Hukum Dasar Mengenai Keseluruhan Pribadi Seseorang Yang Berkaita Dengan Agama Islam , Berdasarkan Asumsi Bahwa Orang Islam Adalah Subyek Dari Hukum Islam.," in *Penemuan Hukum Islam Demi Mewujudkan Keadilan*, 2nd ed. (Yogyakarta: Pustaka Pelajar, 2018), 279.

[24] Abu Qudamah, *Al-Mughni Wa al-Syarh al-Kabir, Dar al-Kutub al-'Arabi.*, juz VI. (Darul Qutub, n.d.), 386.

A specific case concerning the adoptive father's marriage guardianship of a *laqith* child has not been found. Suppose such occurs, it takes the "courage" of the panel of judges to determine the validity. However, in some cases, the judges decide on the stipulation of marriage *itsbat* against a woman guarded by the adoptive father because the parents and relatives (the lineage guardian) are not Muslim. According to academicians, this can be a jurisprudence to validate a marriage guardian by an adoptive father against his *laqith* child. This is because a convert and *laqith* child are similar when they do not have a lineage guardian for the marriage contract.

Adopted children from the *laqith* and orphans differ from children with biological parents. Orphans have kinship relatives and mutual inheritance relationships between them. For example, between orphans and their father's biological grandfather, although their adoptive parents care for them in their daily life. Meanwhile, female orphans can obtain guardianship from their lineage guardians (their father's grandfather or brother). However, the *laqith* adopted children do not own such a relationship, although based on KHI, they are entitled to a will (obligatory). Therefore, in determining inheritance issues on the *laqith* child, the legal case should also be similar to other adopted children first. This is because they have the same inheritance law despite being different.

No positive law relates to mandatory wills as regulated in the history of Indonesian legislation, except the Compilation of Islamic Law Article 209, which states that 'adopted children are entitled to a share of 1/3 of the total inheritance from their adoptive parents.' The panel of judges at the Religious Courts is the most authorized party in resolving civil issues between Muslims, including inheritance law. In adopted child rights, the judges also have the right to determine

the amount of the mandatory will to the child and determine how many shares the heirs will obtain.

Based on the Jurisprudence of the Supreme Court's Decisions 368K/AG/1995 and 51/AG/1999, judges of the High Court have the right to ensure that non-Muslim biological children get a share of the inheritance from their parents. As a comparison to the mandatory will which should also be given to *laqith* adopted children, the following are the decisions of the Religious Court for non-Muslim adopted children.

A judge grants a mandatory will to a child based on the following considerations; 1) the child in question is actually the adopted child of the testator according to evidence or witnesses. 2) the granting of a mandatory will does not exceed 1/3 of the assets the testator inherits. 3) The amount of the mandatory will should consider the rights of other heirs.

The Religious Court is an autonomous institution that examines and adjudicates civil cases among Muslims. The Religious Court stands next to the District Court. It does not violate the philosophy of Pancasila with the precept of the One Supreme Godhead, which suggests the existence of religion as the basis for understanding the next precepts.[25]

The Religious Court is also authorized to decide cases related to the status of a found child with the same rights as orphans since they are entitled to get guardianship of their property. A question arises, how can a *laqith* child get wealth? Wasn't she found in the middle of the road, with nothing but attached clothes?

A *laqith* child only gets a lot of wealth in case she gets an inheritance (or through a mandatory will scheme) from the adoptive parents or through other means, including finding items of great

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[25] Gunawan Ahmad and Muammar Ramadhan, *Menggagas Hukum Progressif Indonesia* (Yogyakarta: Pustaka Pelajar, 2006), 259.

value. The most common cases have an orphan get a large amount of inheritance. The mother or uncle becomes the guardian of the property.

Based on the applicable regulations, an adopted, a *laqith,* and a child whose parents can abandon, are entitled to a mandatory will. Suppose the adoptive parents of a *laqith* child left when young. She will not return to the original family or one related by blood unless she gets property from parents' inheritance, and then it is passed on to one of the relatives.

Like the adoptive father's marriage guardian, the specific case of a *laqith* child who gets a mandatory inheritance is not found in several guardianship cases tried in the Religious Court. Although the Religious Court is the most authorized institution in dealing with civil matters involving Muslims, similar cases can be compared, including appointing guardianship over the property of an orphan.

Apart from guardianship in property matters, there is the 'right of custody' in positive law granted to a person related to the care of a minor child. The *syar'i* term is *hadhonah,* or the right to care for orphans. In terms of positive law, *hadhonah* (maintenance) rights differ from nurturing and guardianship. A child (Fulan) can be adopted by A but still has several adoptive parents helping daily, such as B. Furthermore, if she has property, the right of guardianship does not necessarily fall on to A or B. Still, it can go to C, who is more capable of taking legal action. The application for guardianship rights is usually made by the biological mother of the child to make transactions on the late husband's inheritance in cases submitted to the religious court. For this, she can play a dual role as the party with the right of maintenance and still becomes the guardian of the property of the biological child. In terms of *fiqh*, she is *waliy an nafs* and *waliy al maal*.

Regarding the guardianship of a *laqith* child, it is a matter of justice for adoptive parents to raise a child of unknown origin. The above are considerations for reference for judges in deciding cases, including the marriage for a *laqith* daughter. Since the Law No. 1 of 1974 was issued, Muslim couples marry at the Religious Affairs Office (KUA), and non-Muslims use the Civil Registry Office (KCS)[26]. This distinction follows the provisions of Muslim marriages that differ from other religions, including terms and pillars that cannot be equated. In Islamic marriages, conditions are that the bride and groom be of the same religion, have permission from a guardian, and others. Furthermore, pillars of the contract and the dowry should be spoken orally before the guardian accompanied by the witnesses. In they are fulfilled, the marriage is validated. This does not apply to other religions. Moreover, being that Islam is the Indonesian majority religion, it is important to authorize the Ministry of Religion to decide marriages under Islamic Law on *munakahat.* Therefore, according to Indonesian Law, marriage is only valid in case it is conducted according to the laws of each religion and belief. [27]

Reviewing the Decision on the Adoption of Found Child (*laqith*) in the Religious Court after Law No. 3 of 2006 on the Religious Court

This case applies for Marriage *Isbat* at the Pematang Siantar Religious Court in 2013, after Law Number 3 of 2006 on Amendments to Law Number 7 of 1989 concerning Religious Court on March 20, 2006, was enacted.

The applicant was married in 1997, and has 3 children. Still, the marriage was not registered at the Religious Affairs Office because it

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[26] M. Amin Suma, *Kawin Beda Agama Di Indonesia: Telaah Syariah Dan Qanuniah* (Tangerang: Lentera, 2015), 27.

[27] Warkum Sumitro, *Legislasi Hukum Islam Transformatif* (Malang: Setara Press, 2015), 60.

was conducted by the village head. At the Religious Court trials, the applicant presented two witnesses who stated that his marriage happened with a dowry of a set of prayer tools and with the guardian of the adoptive father of the bride since a lineage guardian who is Muslim was lacking as the bride is a convert.

The panel of judges at the Pematang Siantar Religious Court basically granted the applicant's request by stipulating that his marriage carried out in 1997 with the adoptive father as guardian was declared valid. This is because all lineage guardians of the female are not Muslims, the origin of the female convert is equated with laqith, and the lineage guardian with the right to marry is unknown.

Based on this decision that granted the application for marriage *itsbat* with the guardian of the adoptive father, it is understood that the recognition of a *laqith* child as his own child is acceptable in Islamic Law because the guardian in the marriage isbat is a lineage guardian. In case it is not understood as a lineage guardian, the marriage guardian cannot or does not marry off his adopted daughter (*laqith*). Since the Pematang Siantar's decision applies considerations supported by *Maqasid sharia* reasoning, the *laqith* children have a place in Islamic Law.

This case originates from the Lubuk Linggau religious court in the inheritance case. It contains the following: a husband has no children for years then adopts a child. Furthermore, his wife died and left a lot of property which he and his adopted child managed. The late wife has three siblings entitled to the inheritance. For this case, the Lubuk Linggau Religious Court decided that the heirs were the husband, sister (1 person), brothers (2 people), and adopted daughter of the late wife. The number of shares for heirs is determined as follows: husband, first brother, sister, second brother,

and adopted child have 5/12, 2/12, 1/12, 2/12, and 2/12, respectively.

Based on this, the *laqith* adopted child of the testator has the right to receive an inheritance from the determination rights, and the division has met a sense of justice. Furthermore, the decision has considered the juridical, sociological, and philosophical sides that harmonize with *Maqasid sharia*. Hence the adopted child becomes the heir and gets the inheritance share.

CONCLUSION

Child adoption cases are under the authority of the Religious Court after the creation of Law no. 3 of 2006. Therefore, all decisions should harmonize with the provisions in Law Number 3 of 2006 and related regulations. The adoption of a found child (*laqith*) aims to protect, maintain, and prevent harm to enhance survival and benefit welfare. The main basis for adoption is to save one from unwanted things, apart from maintenance and education for the future. Therefore, the lineage can be given to adoptive parents through recognition by *iqrar nasab* and *maqasid al sharia dharuriyah* reasoning with the aim of benefit to protect and maintain religion, soul, mind, texts, descendants, and assets. Furthermore, because being already a *nashab* child, the adoptive parents have guardianship and inheritance rights.

Adopting a *laqith* child by the Religious Court after Law no. 3 of 2006 was enacted to develop the Indonesian Islamic Law is relevant. It ensures that all matters relating to the adoption harmonize with the existing provisions in Law no. 3 of 2006 on Amendments to Law no. 7 of 1989 about the Religious Court. Applying the law to settle cases about the adoption of a found child needs to consider the understanding of the law scientifically, which is built on the principles, rules, and norms. It should also consider the legal rules

through juridical, sociological, and philosophical logic structured through a *maqasid al sharia* approach as the basis for its reasoning in the decision and enriches the repertoire of the Indonesian legal jurisprudence. Therefore, as a product of the Religious Court, the decision realizes the law in everyday life in society, especially that adopting a found child has a place in developing the Indonesian Islamic Law.

Since academicians can interact directly with the subject and feel the real-life between adoptive parents and the found child on the theme of *laqith* child, studies on child adoption are very good in case they are conducted using field study methods. In the future, studies can be conducted with various methodologies to obtain in-depth results because they are based on interviews, observations, and the sampling of subjects.

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The Relevance of Muhammad Abduh's Thought in Indonesian Tafsir; Analysis of Tafsir Al-Azhar

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Abstract

In this study, the author uses the descriptive-historical approach to explain the influence of Muhammad Abduh's thoughts and Tafsir Al-Manar's coming to Indonesia. Especially in the Tafsir Al-Azhar by Hamka, who was born in the 20th century. This interpretation emerged when Indonesia was experiencing a state of transition from colonialism to independence. At the same time, modern Islamic thought became strong in Indonesia. The modern approach of Tafsir al-Manar has inspired Hamka's model of interpretation in Tafsir Al-Azhar. Here the authors find similarities in terms of methodology, namely social-community (Adab ijtima'i). Apart from that, there are some similarities and differences between the Tafsir Al-Manar with Tafsir Al-Azhar. For example, the view of the verses of "Ahl Kitab, muhkam-mutasyabih, and Israiliyat." Then the implications for the understanding of the heterogeneous Indonesian Islamic community from various religions. Besides this, the interpretation had a significant influence on the development of modern interpretation in Indonesia. It is easy to read and understand the general public to academics in Indonesia, Malaysia, and other Southeast Asian countries.

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Keywords; Hamka, Tafsir, Methodology, Al-Manar, Contemporary Abstrak

Abstrack

Dalam penelitian ini, penulis menggunakan pendekatan deskriptif-historis untuk menjelaskan pengaruh pemikiran Muhammad Abduh dan Tafsir Al-Manar ke Indonesia. Terkhusus pada Tafsir Al-Azhar karya Hamka yang lahir pada kisaran abad ke-20. Tafsir ini muncul ketika Indonesia sedang mengalami transisi dari kolonialisme menuju kemerdekaan. Pada saat yang sama, pemikiran Islam modern menjadi kuat di Indonesia. Pendekatan modern Tafsir al-Manar telah menginspirasi model tafsir Hamka dalam Tafsir Al-Azhar. Disini penulis menemukan persamaan dari segi metodologi yaitu sosial-kemasyarakatan (Adab ijtima'i). Selain itu, ada beberapa persamaan dan perbedaan antara Tafsir Al-Manar dengan Tafsir Al-Azhar. Misalnya pandangan ayat-ayat "Ahli Kitab, muhkam-mutasyabih, dan Israiliyat". Kemudian implikasinya bagi pemahaman masyarakat Islam Indonesia yang heterogen dari berbagai agama. Selain itu tafsir memiliki pengaruh yang signifikan terhadap perkembangan tafsir modern di Indonesia. Artinya mudah dibaca dan dipahami masyarakat umum oleh kalangan akademisi di Indonesia, Malaysia, dan negara-negara Asia Tenggara lainnya.

Kata Kunci: Hamka, Tafsir, Metodologi, Al-Manar, Kontemporer

INTRODUCTION

The study of the Qur'an has never stopped since it was revealed until now. Al-Qur'an proves that it is the holy word of Allah.[1] Therefore, the Qur'an is the core source of Islamic teachings and is also an inspiration for Muslims in their lives.[2] To understand the sacredness of the verses of the Qur'an, everyone has diverse knowledge and insights. This is evident from the fact that the Qur'an has been studied by various methods and taught in various ways.[3] The attention of Muslim scholars in the field of al-Qur'an Tafsir is directed by making interpretations which the times.[4] The process of Muslim comprehension of the Qur'an and becoming a product of understanding which of course cannot be separated from friction each meeting of space and time when someone reading, understanding, and actualizing the verses of the Qur'an in one's social life at the intellectual level of the community. Then, in the end, it displays various forms of interpretation that are various and colorful. This is in line with the history of interpretive studies in Indonesia before and after independence. Following its socio-historical conditions, Indonesia also has its development about the process of understanding and interpreting the al-Qur'an, which is different from the other Muslim-populated countries. However, some interpretations in Indonesia have similarities and are affected by the style of Middle Eastern interpretation. In this paper, one of them is Tafsir Al-Azhar by Abdul Malik Karim Amrullah (Hamka).

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[1] al-Waqi'ah (56): 77-79

[2] Abdullah Saeed, Ed., *Approaches to the Qur'an in Contemporary Indonesa* (London: Oxford Univeristy Press, 2005), 1.

[3] Ayatullah Sayyid Kamal Faghih Imani, *Nur al-Qur'an: An Enlightening Commentary Into The Ligh Of The Holy Qur'an* (Iran: Imam Ali Public Library, 1998), 16.

[4] Abdullah Saeed, *The Qur'an: An Introduction* (New York: Routledge, 2008), 209.

The Islamic reform movement, especially the interpretation (Tafsir) that occurred in Egypt, significantly influenced Muslims worldwide and Indonesia. In tafsir's field, the renewal was started by Muhammad Abduh and Rashid Rida in the Tafsir al-Manar. The movement for the renewal of Islamic thought demands interpreting the Qur'an contextually according to social changes.[5] It means that modern Islamic society can easily understand and apply an understanding of the al-Qur'an or a more functional interpretation. Muhammad Abduh-Rashid Rida prioritized this vision and mission, namely al-Qur'an, as the guidebook in the world and the hereafter.[6] After being traced, the idea of modernism brought by Muhamad Abduh and including Rashid Rida, if traced, has conformity either modernism or contemporary ideas; this is characteristic of the modern Islamic movement. This initial reform movement was championed by Sheikh Ahmad Sirhindi 1563-1624 AD, Muhammad ibn Abd Wahhab 1703-1792 AD, and Shah Waliullah Dehlawi 1703-1762 it is further drawn, it can reach the figure of Ibn Taymiyyah 1263-1328 AD.[7] Under what Goldziher revealed, he stated that al-Ghazali, Ibn Taymiyyah, and Ibn al-Qayyim for Muhammad Abduh - Rashid Rida influenced his thinking.[8] At least Al-Ghazali inspired them, as did Rashid Rida. He was deeply influenced by the book *Ihya 'Ulum ad-Din* by Al-Ghazali. *Kitab Ihya Ulum ad-Din* shaped his mindset and outlook. Muslims must consciously live their faith, be at

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[5] Farid Esack, *Qur'an Pluralism and Liberation* (Oxford: One World, 1997), 50.

[6] Abdülkadir Muhammaed Salih, *At-Tafsîr Wa Mufessirûn fi'l-'Asri'l-Hadîs* (Beirut: Der Marife, 2003), 306. Az-Zahabi, *At-Tefsîr Wa Mufassirûn*, II, (Cairo: Mektebe Wahbah, nd.), 401. Rashid Rida, *Tafsir al-Kur'an al-Hakim,* I (Cairo: Dar El-Menar, 1947), 31.

[7] Abuddin Nata, *Metodologi Studi Islam* (Jakarta: Raja Grafindo, 2000), 340.

[8] Ignaz Goldziher, *Mazahib al-Tafsir*, trans. Abdul Halim (Cairo: Maktabah el-Hanaci, 1995), 367.

the stage of obedience, and always be aware of their actions of moral effects.[9]

The reforms carried out by Jamal al-Din al-Afghani, Muhammad Abduh, and Rashid Rida flourished and were successful. The Islamic movement developed in the Middle East (19-20 century) spread Islam with the approaches and principles taught by Muhammad Abduh; as time went on, they arrived in Indonesia. At that time, the spirit of new nationalism was growing (new independence). The influence of renewal was received directly (studied in Mecca and Egypt) and indirectly (through the interpretation of al-Manar and other renewal books). Therefore, the first at this research is that the writer tries to explain the historical interpretation, methodology, and the author of Tafsir Al-Azhar. Second, tracing historically how this idea of Islamic renewal came to Indonesia influenced Al-Azhar's interpretation. Third, the implications for the development of interpretation in Indonesia.

RESEARCH METHODS

This research is library research. The sources of this research are primary sources from books related to the theme of this research in the form of Tafsir al-Azhar and Tafsir al-Manar. Then also added with secondary sources, namely in books, encyclopedias, journals, magazines, etc. This research uses descriptive-history methods, which lead to exploration, extracting, and deepening of data from various sources to trace the genealogy of influence, compare the linearity of thought ideas, and finally analyze them. So that is expected to provide a complete picture of Abduh and Hamka's position in the development of interpretation studies.

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[9] Ibrahim Ahmad al-'Adawi, *Rashid Rida al-Imam al-Mujahid* (Cairo: Muassasa Misriya Amma, nd.), 36.

RESULTS AND DISCUSSION

Biography of Hamka

Hamka's Family

Haji Abdul Karim Amrullah was widely known as "Hamka" and was born on February 19 in 1908 in Maninjau, West Sumatra. He was born to a couple of husband and wife, Shafiyah binti Bagindo Nan Batuah and Dr. Syekh Abdulkarim Amrullah. His father was a part of a Muslim reformer known as the "young faction (*kaum muda*)", which made an effort to free Minangkabau from Dutch colonialism and the old-fashion thoughts of the tradition of Minangkabau; the movement started in 1906 after he came back from Makkah.[10] His father was also a descendant of Abdul Arif (Tuanku Pauh Pariaman Nan Tuo). He was a hero of the Padri War and a follower of "*Tarikah Naqshabandy*". Thus, Hamka came from an honorable and religious family.

Hamka, in his life, did not enjoy and reveal his adolescence because of the early-age marriage when he was 22 with Siti Raham binti Endah Sutan, aged 15. The marriage took place on April 29, 1929. [11] However, his wife passed away on January 1, 1972 aged 58. Hamka was blessed with 10 children, 2 more children that passed away, and 2 miscarriages from that marriage. His children that lived were Zaki, Rusydi, Fakhri, Azizah, Irfan, Aliyah, Fathiyah, Hilmi, Afif, and Syakib.[12] Then Hamka remarried a woman from Cirebon, West Java, almost the same age as the late Siti Raham, named Hajjah

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[10] Solihin Salam, *Kenang-kenangan 70 Tahun Buya Hamka* (Jakarta: Yayasan Nurul Islam, 1978), 283.

[11] Hamka, *Tafsir al-Azhar,* I (Jakarta: Gema Insani, 2015), xii.

[12] Hamka Rusydi, *Pribadi dan Martabat* (Jakarta: Pustaka Panji Mas, 1981), 19.

Siti Khadijah.[13] This marriage was not destined to be long because Hamka passed away on July 24, 1981.

Education and Social Activities

Hamka's education started at home with his parents. Then in 1914 when he was 6 or 7 years old, he was schooled in Padang Panjang, and when he was 8 years in 1916, he was sent to Diniyyah Padang Panjang, a school that Zainuddin Labay El-Yunusi founded. Hamka often spent his time in a library belonging to Zainuddin Labay El-Yunusi_ and Bagindo Sinaro, an education expert at those times in Minangkabau. While he was busy reading a *silat* book, his father came and said: "*Speeches alone are useless, fill them first with knowledge, then they will be meaningful and beneficial*".[14] After that, Hamka was sent to Sumatera Thawalib Padang Panjang, which his own father founded.

The poor condition of Hamka's family, which originated from the divorce of his parents, made Hamka unable to concentrate on his study, which made him read a lot and self-taught. In 1924, he once more visited Java. His visit to Java gave him a chance to learn more about the world of Islam. He met with Ki Bagus Hadikusumo, and from him, Hamka got knowledge about *tafsir al-Quran*, which was "Tafsir Baidawi". He also met with H.O.S Cokroaminoto and attended his lecture about "*Islam and Socialism*". He also met with other important figures such as H. Fachruddin and Syamsul Ridjal, who were members of *Jong Islamieten Bond (JIB)*, and shared some of his thoughts. From here, finally, he was exposed and knew how to compare the Islamic movement, "Islamic Union (Syarikat Islam)", East Indies, and the social movement of Muhammadiyah. Then he

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[13] Rusydi, *Dan Martabat*, 34.

[14] Yunan Yusuf, *Corak Pemikiran Kalam Tafsir Al-Azhar: Sebuah Telaah Atas Pemikiran Hamka dalam Teologi Islam* (Jakarta: Penerbit Penamadai, 2003), 41-42.

went to Pekalongan to meet his in-law Sutan Mansur and also to study religion from him.[15]

In 1925 when he was 17 years old, Hamka went back to his village. He founded speech courses for the young at his father's *surau*, and even those speeches were made into a book titled "*Khatibul Ummah*".[16] When he was busy doing all of those activities, he also got challenges from people who despised him, even from his father that said that it was "useless" for one to just make a speech without enough knowledge,[17] thus he felt motivated and left his village in search of knowledge and experiences. In 1927 when he was 19 years old, he visited Makkah to perform hajj without his father's knowledge. When in Makkah, he read important books and attended lectures from sheikhs there. He stayed in Makkah for 6 months, and when he came back, he didn't go to his father, rather he went and settled down in Medan.

On December 18, 1949, Hamka went to Jakarta to start his career. In Jakarta, he worked at the Department of Religious Affairs. He taught in some Universities as a lecturer, and finally, he was inaugurated as a rector in "Perguruan Tinggi Islam Jakarta" and as a professor in Universitas Moestopo Jakarta.[18] He was also installed as a civil servant from 1951-1960. Another occupation of Hamka was to write in various newspapers and magazines. Hamka was also often invited to give sermons and lectures explaining Islam in various countries such as the USA, Iraq, Pakistan, Saudi Arabia, Egypt, Malaysia, etc. From the University of Al-Azhar, he was given the honor of *Doctor Honoris Causa* in 1958. From the National University of Malaysia in 1974, he gave a lecture about Malay and its relation

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[15] Rusydi, *Dan Martabat,* 2.

[16] Hamka, *Kenang-Kenangan Hidup* (Jakarta: Bulan Bintang, 1974), 105.

[17] Hamka, *Kenangan Hidup*, 106-107.

[18] Badiatul Razikin, *101 Jejak Tokoh Islam* (Yogyakarta: e-Nusantara, 2009), 191.

with Islam.[19] At the final stage of his life, Hamka becomes the grand imam of Al-Azhar mosque in Kebayoran Baru, Jakarta, where he delivered tafsir al-Quran. Hamka passed away on July 24, 1981, and produced works in various fields such as religion, philosophy, and literature.

History of Tafsir Al-Azhar and Methodology

History of Tafsir Al-Azhar

This tafsir is written to provide a good understanding to the Indonesian Islamic communities whose are different from cultures and religions. The "Al-Azhar" name is taken from the mosque's name where the tafsir lectures were delivered by Hamka himself, namely the Al-Azhar mosque, Kebayoran Baru. Al-Azhar mosque itself is a gift from Sheikh Mahmoud Shaltut, the chancellor (Grand Sheikh) of Al-Azhar University who came to Indonesia in December 1960. With this name, Sheikh Mahmoud Shaltut hopes that in Indonesia, there will be Al-Azhar like Al-Azhar in Cairo-Egypt. The name Tafsir al-Azhar expresses Hamka's gratitude to Al-Azhar University for awarding him the Honoris Causa Doctor. This tafsir was originally a recitation of the dawn interpretation carried out routinely by Hamka at the Great Mosque of Al-Azhar since 1959.[20] This activity was carried out to convey Islamic teachings to the Indonesian people, especially the people around his residence. Hamka's interpretation started from Surah al-Mukminun / al-Kahfi, Juz XV. Because Hamka thought it was possible that he did not have the chance to accomplish a complete commentary on this tafsir during his lifetime. Until January 1964, he had not yet managed to complete the entire Qur'an. Likewise, Hamka has tried to write

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[19] Razikin, *Tokoh Islam*, 190.
[20] Yusuf, *Teologi Islam*, 3.

successively in *Gema Islam* magazine from January 1962 to January 1964, but only 1 and a half juz from chapters 18 and 19 can be published.[21]

At that time, Indonesia's political conditions were not right, and Hamka was slandered until he went to jail for three years (1954-1966). While in prison, he continued to write Tafsir Al-Azhar.[22] Hamka specifically wrote this tafsir in the Indonesian (Melayu) language. Because Indonesian language experts formulated the Indonesian state language problem at the "Indonesian Language Congress" in 1954, it resulted in an agreement between linguists and Indonesians that the Indonesian language originates and is based on the Malay language.[23] Historically, Malay is the language commonly used by Indonesians, even in Malaysia, Singapore, Brunei Darussalam, and the southern part of Thailand since the 7th century.

Hamka begins his tafsir with an introduction (*muqaddimah)* that is quite long, 47 pages thick with 9 chapters of discussion. In the introduction to this book, Hamka mentions people who are very influential in shaping his personality, namely by paying respect to 4 important people, Haji Abdul Karim, Ahmad Rashid, Sutan Mansur, Siti Raham, and Safiah. In the Introductory Chapter, Hamka explains the importance of interpreting the Qur'an in Malay on the condition that it meets the basic requirements of interpretation as determined by the scholars. In the next Chapter, Hamka extensively discusses various issues related to the Qur'an and tafsir, namely in the Chapter "Al-Quran", Chapter "I'jaz Al-Quran", Chapter "Contents of Al-Quran Miracles", Chapter "Al-Quran Lafaz and Meanings" and Chapter "Interpreting Al-Quran". The most important chapter is the

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[21] Hamka, *Tafsir Al-Azhar*, I, 47.

[22] Hamka, *Tafsir Al-Azhar*, I, 50.

[23] Hamka, *Tafsir Al-Azhar*, 1, 3.

"Direction of Tafsir", because, in this chapter, Hamka explains the method of writing al-Azhar's tafsir.

Hamka's aim in writing this commentary consisted of 4 factors;

1. Translating and interpreting the al-Qur'an verses into Indonesian or Malay is a continuation of previous ancestors' efforts, such as Sheikh Abdurrauf ibn Ali Fansuri in 17th century Aceh.

2. Hamka's desire to give enthusiasm and faith to the younger generation of Indonesian Muslims, especially those who have deficiencies in Arabic but want to understand and learn the al-Qur'an. It also makes it easier for Indonesian Muslims from various circles who want to study religion and know the al-Qur'an's miracles.

3. Facilitate the to an understanding of preachers and preachers.

4. Hamka wants to leave a legacy that is beneficial to the Indonesian nation and Muslims.

The first publication of Tafsir Al-Azhar was carried out by the *Pembimbing Masa* Publisher in 1966, led by Haji Mahmud. The first printing by the *Pembimbing Masa* completed the publication of juz 1 to juz 4 in 1968. Then juz 30 and juz 15 to juz 29 were also published by *Pustaka Islam Surabaya* in 1973. Moreover, finally, juz 5 to juz 14 were published by *Nurul Islam Foundation* Jakarta in 1975[24] and finished publishing in its entirety 30 juz at the first time when he was 73 years old. Finally, the Tafsir al-Azhar was collected to be more compact into nine volumes; Gema Insani published 30 juz large, this interpretation of Al-Azhar in August 2015 in Jakarta. While the writing itself took about 16 years (starting from 1962-1978). Even though his commentary had been published, Hamka still made corrections and revisions until 1979.

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[24] Hamka, *Tafsir Al-Azhar*, 45-46

Tafsir Al-Azhar Methodology

The development of the tafsir of the Qur'an from the past until now can be broadly categorized into four methods, namely *ijmali* (global), *tahlili* (analysis), *muqarin* (comparison), and *maudu'i* (thematic). Hamka in the Howard M. Federspiel categorization includes the third generation of commentaries, namely the commentary book that is present to comprehend the contents of the Qur'an comprehensively. Therefore it contains material about text and methodology in analyzing tafsir. In terms of method, Tafsir al-Azhar can be categorized as tafsir *tahlili*,[25] namely the tafsir that explains the verses of the Qur'an by examining their aspects in detail and detailed and revealing all their meanings starting from the description of the meaning of the vocabulary, the meaning of the sentence, the meaning of each expression, the relation between the dividers (*munasabah*) to the side of the interconnection between the separators (*wajh al-munasabah*) with the help of *asbab al-nuzul*, narrations from the Prophet, the companions (*shahabah*) and companions of the companions (*tabi'in*). The procedure for the *tahlili* method is carried out by following the arrangement of the *mushaf*, ayat (verse) by ayat (verses), and chapter (*surah*) by chapter (*surah*) from beginning till the end.

The main characteristics of Tafsir Al-Azhar by using the *tahlili* method include:

    a. Discusses everything related to the verse from all sides.
    b. Explaining the *asbab al-nuzul* of the interpreted verse.

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[25] Milhan Yusuf, "Hamka's Method Of Interpretıng The Legal Ayats Of The Qur'an: A Study Of His Tafsıral-Azhar" (Master Thesis, Canada: McGill University, 1995), 20. Howard M Federspiel *Deepening Faith and Strengthening Behaviour: Indonesian Studies of Qur'an and Hadith,* (Jakarta: Privately Published, 1987), 99.

   c. Interpreting verses sequentially and discussing the relationship between verses and other verses to explain the interpretation.

   d. *Tafsir tahlili* or, in other words, *tafsir bi al-ma'thur*, when the focus is on the hadith, *sahabah* opinion, or the opinions of muslim scholars, which are then confirmed by the ratio (*al-ra'yi*). Conversely, it can also take the form of tafsir bi al-ra'yi if the pressure point of interpretation is based on ratio. At the same time, history is positioned only as a logic of interpretation.

In writing his commentary, Hamka took the following steps:

1. Write the verse and its translation.
2. Explaining the meaning of the *surah*, sometimes explaining the place and time of the verse.
3. Explaining *asbabun-nuzul*.
4. Mention the interpretation of the al-Qur'an, hadith, and the opinion of *sahabah* and *tabi'in*.
5. Explain the history (*sirah*)of the Prophet, *sahabah*.
6. Explaining the different views of the commentators.
7. Correlate the content of the verse with the context of the commentator.
8. Explaining the personal life story of the commentator or other people if it has something to do with interpretation.
9. Mention ancient prose or poetry.
10. Ending the interpretation with conclusions, lessons, and invitations to think about it.

Tafsir Al-Azhar has a style of interpretation of *Al-Adab Al-Ijtima'i* (social society). This style emphasizes the explanation of the ayats of the Qur'an in terms of their editorial accuracy, then arranges their contents in a beautiful editorial by highlighting the aspects of the al-Quran's instructions for life and connecting the meaning of

these ayats with natural laws that apply in society and the development of the world without using of disciplinary terms except within the limits that are really needed.

According to Abd al-Hayy Al-Farmawi, the style of *Al Adab Wa Al-Ijtima'i* is one method of analysis of the culture and social problems which focuses on the explanation of al-Qur'an ayats in terms of their editorial accuracy, then arranges their contents in a beautiful editorial with highlight the aspects of the Qur'anic guidance for life.[26] In agreement with this, Az-Zahabi said that this interpretation seeks to analyze and criticize the Qur'anic texts by showing their editorial accuracy, and packaging them into beautiful language, then synergizing the *ayats* of the Qur'an with community problems that flourished at that time.[27] However, in this modern era, a new paradigm has emerged among the commentators. They pay more attention to the beauty of the composition of the Qur'an (*balaghah*) and the social conditions as well as the thoughts and schools of thought that developed at that time.[28]

From the above definitions, it can be concluded that Tafsir al-Azhar which *Al-Adabi Al-Ijtima'i* characterizes is a method of interpretation which emphasizes:

a. The majesty and precious of the composition of the language of the al-Qur'an.

b. Analyzing social problems and providing religious solutions.

c. This interpretation emphasizes the preciousness of the style of the Al-Quran language and the accuracy of its editorial.

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[26] Abd al-Hayy Al-Farmawi, *Al-Bidayah fi Al-Tafsir Al-Maudhu'i* (Cairo: Al-Hadarah Al-'Arabiyah, nd), 23-24.

[27] Muhammad Husein Az-Zahabi, *Al-Tafsir wa Al-Mufassirun* (Cairo: Maktabah Wahbah, 2005), 424-425.

[28] Manna' al-Qathan, *Mabahis fi 'Ulum Al-*Qur'an (Cairo: Maktabah Wahbah, 2000), 360-361.

It contains wisdom that can provide a touch of faith and intellectual stimulation.

d. The meaning covered by the verses of the al-Qur'an is related to the universal order (*sunnatullah*) and the function of reason in explaining the al-Qur'an verses.

e. This interpretation explains the law of Allah that applied to the previous ummah to encourage more "down to earth of the al-Qur'an" in society based on moral values derived from the Qur'an.

f. This interpretation model also uses *riwayah* (*atsar*) and history so that it can be said that this interpretation combines the approaches of reason, atsar, and history.

Thus, it can also be said that the Tafsir al-Azhar uses the Salafi style of interpretation. In the sense that the writer adheres to the mazhab of the Prophet and his companions and scholars who follow in his footsteps. This is as Hamka admits in the course of his interpretation (*Tafsir*): "*The school followed by this Interpreter (mazahib tafsir) is the Salaf school, namely the school of the Prophet and his companions and the scholars who followed in his footsteps. In terms of faith and worship, solely taslim, means giving up without asking too many questions. But it is not merely an imitation of human opinion, but rather observes which one is closer to the truth to be followed and leaves what is far distorted. Although the distortion that far is not due to some bad intention from the issuer of that opinion*".[29] A concrete example to show the Salafi of Tafsir al-Azhar is when discussing the opening of a chapter (*fawatih al-suwar*). In this case, the interpreter of the Tafsir Al-Azhar chooses to leave his understanding solely to Allah because it is judged to be safer and also not in direct contact to deepen and study the Qur'an.

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[29] Haluan Tafsir in *Mukaddimah in Tafsir Al-Azhar*, 38.

Influence and Tafsir Al-Azhar References

In terms of choosing a source of reference for *Tafsir Al-Azhar*, Hamka is not fanatical about one interpretation work and is not fixated on a single school of thought. Hamka quoted from various commentaries, books of hadith, philosophy, history, etc. However, several commentary books greatly influence their interpretation, both in terms of their thoughts and styles. Among them is Tafsir Al-Manar, Hamka stated in his Tafsir that he admired Muhammad Abduh and Rashid Rida's model and interpretation of al-Manar, meaning that Tafsir al-Manar heavily influenced Hamka's interpretation. In the introduction to Tafsir Al-Azhar, Hamka wrote the following, "*The interpretation which is very attractive to the interpreter to be used as an example is the Tafsir Al-Manar by Rashid Rida, based on the teachings of his teacher Sheikh Muhammad Abduh. His interpretation, apart from describing science with respect to religion, regarding hadith, fiqh and history and others, also adapts these ayats to the political and social developments that occur in accordance with the era at which the interpretation was written*",[30] especially in terms of linking interpretation by paying attention to history and contemporary events.[31]

In his tafsir, Hamka mentioned that while studying in Sumatra Thawalib Padang Panjang in 1922, Muhammad Abduh's "*Tafsir al-'Asr*", which was published regularly by Muhammad Rashid Rida, was one of the books taught at the educational institution. That interpretation and Muhammad Abduh's translation of *Tafsir Juz 'Amma* into Indonesian language is also used in this madrasah. The use of Muhammad Abduh's works began in 1924 and continues until today.

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[30] Hamka, *Mukaddimah Tafsir Al-Azhar*, I, 38.
[31] Howard M Federsipel, *Kajian-Kajian Al-Qur'an di Indonesia* (Bandung: Mizan, 1996), 142.

In addition to being oriented towards the Tafsir al-Manar, Hamka, in writing his interpretation, also followed the flow of the tafsir Fi Zilal al-Quran by Sayyid Qutb's. This can be seen by the approach used by Hamka, which is a literary approach, namely the explanation and understanding of *ayats* or *lafadz* using literary expressions. One of them is the domination of *munasabah* (correlation) between the passages of the ayats. The use of *munasabah* marks the similarity of the Tafsir al-Azhar to the Tafsir Fi Zilal al-Quran, which also proves the truth of Hamka's admission that the interpretation that influences him is the interpretation of Tafsir Fi Zilal al-Quran and Tafsir al-Manar. Apart from that, also from the Tafsir al-Qasimi and Tafsir al-Maraghi. These 4 interpretations influenced Hamka the most in his interpretations. However, other classical interpretations, Orientalist books, and the Old Testament have also become Hamka's references in interpreting the Qur'an. This is proven by the end of Hamka's volume presenting all the references he took in the process of interpreting the Qur'an. What Hamka did became a special characteristic of the more scientific tafsir in Indonesia between the existing and previous interpretations.

The Relationship Between the Tafsir al-Azhar and Tafsir al-Manar

The History of The Influences of Abduh's Thought on Indonesia

Hamka said the spread of Islam was brought by the Arab community who migrated to trade and settled in Indonesia since the early 19th century. They are regular subscribers of the magazine *al-'Urwat al-Wutsqa* (published in France in 1884), which contains ideas for the renewal of Jamal al-Din al-Afghani updates in interpretations by Muhammad Abduh. After the Dutch colonialists banned the magazine from circulating in Indonesia, these loyal customers could still obtain it by smuggling through a small port in the Tuban area,

East Java, even as the name changed from "Urwatul Wusqa" to "al-Manar" magazine, which contained a commentary by Muhammad Abduh.[32]

Hamka mentions that Muhammad 'Abduh in Indonesia (Nusantara) was pioneered by Sheikh Tahir Jalaluddin, a loyal customer magazine al-Manar, from the beginning to the end of the publication. He continued his education at al-Azhar University in Egypt around the year 1310/1892. While in Egypt, he was much influenced by Muhammad Abduh because he was friendly with Rashid Rida, and it is thought that he studied with Muhammad Abduh himself.[33]

Another well-known figure in Indonesia (Nusantara) from Kelantan (Malaysia) was named Tok Kenali. He contributed to the development of recitation and commentary (tafsir) writing. Jamal al-Din al-Afghani and Muhammad Abduh's influence was enormous in their religious thinking. In his Tafsir, Hamka mentioned that while studying in Sumatra Thawalib Padang Panjang in 1922, the "Tafsir of surah al-'Asr" and the "Tafsir Juz' Amma" by Muhammad Abduh was the books he studied. Even the interpretation of Juz' Amma was translated into Indonesian at that time. The use of Muhammad Abduh's books began in 1924 and continues today.

Finally, the influence of Muhammad Abduh and Rashid Rida in Indonesia was brought by Indonesian scholars who studied in the Middle East (Egypt and Mecca) in the 19th century. Furthermore,

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[32] Fadzilah Din, "The Contribution of Tafsir Al-Manar and Tafsir Al-Azhar Toward Understanding The Concept of Ta'ah And Its Observance: A Theological Enquiry", (Doctoral Thesis, University of Edinburgh, 2001), 11. Abdul Manan Syafi'i, *Pengaruh Tafsir al-Manar terhadap Tafsir Al-Azhar*, *Miqor Dergisi*, vol 38, 2, UIN Sumut, 2014, 266. Hamka, *Pengaruh Muhammad 'Abduh di Indonesia* (Jakarta: Tintamas, 1961), 30-31.

[33] Kevin W. Fog, "Hamka's Doctoral Adress, at Al-Azhar; The Influence of Muhammad Abduh in Indonesia", *Indonesian Interdisciplinary Journal of Islamic Studies*, 11, 2, (2015): 132.

this has inspired ideas for reform in Indonesia through schools, Islamic organizations in Indonesia, and many Islamic Movement magazines such as al-Munir. The magazine was led by Haji Abdullah Ahmad, Haji Muhammad Thayeb, and Dr. Haji Abdul Karim Amrullah (Haji Rasul) in 1911 in Padang Panjang, West Sumatra (Indonesia).

Similarities Between Tafsir al-Azhar and Tafsir al-Manar

Among the interpretations that Hamka refers to most in his tafsir is the Tafsir al-Manar by Muhammad Abduh and Rashid Rida. Among them are;

Among the interpretations Hamka referred to most were Muhammad Abduh and Rashid Rida's Tafsir al-Manar. Among others are. As an example of interpreting the problem of "*Ahl-Kitab*" verses. Among the verses are Surah al-Fatihah; 7. In this verse, the writer briefly states that "the angry people with God are Christians and are deceived by Allah. Because the Jews denied all instructions given by the Apostle, and they acknowledged it. Christians go astray because they are too purifying, love Jesus, and admit Allah's son. "Then Hamka quoted Muhammad Abduh's entire opinion in al-Manar's interpretation.[34] Then in the Surah al-Baqarah; 120, Ali-Imran; 118, Al-Anfal; 72, Mumtahanah 8-9.

From several examples of these verses regarding the relationship between Muslims and non-Muslims, Hamka and Abduh-Rida do not differ. From the form of their interpretation, both seem loose and consider the Muslim community's conditions at that time. Muhammad Abduh-Rashid Rida saw and emphasized the relationship between Muslims and non-Muslims in Egypt, especially in Europe. Meanwhile, Hamka explained the condition of Muslim-non-Muslim relations in Indonesia. Because in Indonesia, the existing

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[34] Hamka, *Tafsir Al-Azhar,* I, 79, Rida, *Tafsir Ḳurʾâniʾl-Ḥakîm,* I, 69-71.

religions were Christian, Hinduism, and Buddhism, while there were not so many Jews at that time. The conclusion is that what the author sees allows work, political, and social relations with non-Muslims, but with terms and conditions agreed upon between Muslims and non-Muslims according to the rules of Islamic law. Also, it prohibits contact in matters related to religion. Interpretation like this shows the social-social interpretation approach model *(Adab ijtima'i)*, adjusting the verse's interpretation with the living conditions of the mufassir.

In explaining Surah Al-Fil: 4. Hamka introduced differences in opinion of the commentators regarding the "stone of torture" above, but Hamka did not seem to reveal it more broadly and deeply. Despite these differences, Hamka seems to emphasize his position in support of Muhammad Abduh's opinion, namely interpreting it as "smallpox." By citing information from Ikrimah, smallpox's existence had only existed since the expansion of Abrahah al-Asyram al-Habasyi in destroying the Kaaba.[35]

Then another example is (Surah Ali-Imran (3): 104). After explaining the importance of Islamic da'wah in human life. Hamka explained that the modern model of preaching is far different from the past. There are several conditions for a preacher in modern times. He wrote: Sixty years ago, meaning the beginning of the 20th century. Muhammad Abduh has explained what the conditions must be in mind and the heart of a preacher. Although this condition was long ago, 60 years had passed. According to the notes written by Rashid Rida in Tafsir al-Manar, namely:

1. Have sufficient knowledge of the Qur'an, Sunnah, the history of the struggle of the Companions and previous people (*salaf al-shâlihîn*), and problems related to the laws.

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[35] Hamka, *Tafsir AL-Azhar*, IX, 668. Muhammad Abduh, *Juz 'Amma,* (Cairo: Syirkah Musahamah Misriyyah, 1341/1922), 157-158.

2. Knowing the educational background, placement, culture, origins of the community, and the morals of the people who are the da'wah object.
3. Having knowledge of history in general.
4. Knowing geography.
5. Know psychology.
6. Mastering and possessing moral knowledge.
7. Know sociology.
8. Knowing about the political system and developments in the country where da'wah is.
9. Knowing about the language of the people being preached.
10. Knowing a little about the arts and skills that dominate the local people's lives gives a straightforward explanation of Islam.
11. Knowing about the points of teachings in various religions and schools of thought and their differences makes it easier for people to understand the preaching.

After finishing explaining these matters and also giving an example in the context of the society in Indonesia (*Nusantara*), Hamka wrote again: "Thus, in a nutshell, we explain 11 knowledge requirements of da'wah according to Muhammad Abduh which are essential to be prepared by a preacher.[36]

Then in the case of Hamka, it is the same as Muhammad Abduh in seeing "(*taqlid*; taking religious opinions without knowing the exact arguments)." Mumhammad Abduh also called on the interpreters to free themselves from the confines of *taqlîd*, to think creatively by using the potential of reason to reveal the meaning of the Qur'an. Avoid the interpretation of Isra'ilîyât stories, and give a large portion of understanding the al-Qur'an. However, regarding the verses that are "*mubhâm*," he tends to be silent and does not

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[36] Hamka, *Tafsir Al-Azhar*, II, 28-33.

discuss the meaning and nature of the verse in detail. He prefers to take the straight path and leave it as it is.[37]

Another example is the case of passages Israiliyat, Muhammad Abduh in Tafsir Al-Manar mentions repeatedly warned to be wary of liability stories, stories of the prophets of Bani Israel, described by the commentators in the books of tafsir. However, it is possible to use Israiliyat in explaining the verses of the Qur'an if it is under the verses and narration of the hadith. Muhammad Abduh did not criticize if the story's source came from the Torah, the Bible, and others as long as the contents do not conflict with shari'ah and reason.[38]

For Hamka Israiliyat are many stories from the Jews; the most famous are Ka'bul Ahbar and Wahab ibn Munabbih.[39] Therefore in tafsir al-Azhar and tafsir al-Manar, many quotations from the Old and New Testaments clarify the Torah, the Gospel, and the books held by the People of the Book from the very contradictory meaning of "Israiliyat." Like the example of Hamka and Muhammad Abduh in interpreting the verse an-Nisa 1, they reject the israiliyat hadith about women created from the ribs of Adam. Thus, Muhammad Abduh and Rashid Rida have the same view of the Torah. They both take from the Torah in its interpretation and allow it when it does not contradict the Qur'an and hadith. Then tafsir al-Baqarah: 37-38. The hadiths about the descent of Adam from Heaven to Earth are partly Israiliyat.[40]

In another example, regarding the verses of *Muhkam-Mutasyabih*, Hamka, and Muhammad Abduh in almost the same

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[37] Muhammad b. Lutfî al-Sabbâgh, *Lamahât fî-'Ulûm Kur'ân* (Beirut: Maktabah al-Islâmî, 1990), 314.

[38] Muhammad Husein Az-Zahabi, *İsrailiyat fî-Tafsir wa Hadis* (Cairo: Majalat al-Azhar, 1968), 191-192. Rida, *Ḳurʾâni'l-Ḥakîm*, 10.

[39] Hamka, *Tafsir Al-Azhar*, I, 29.

[40] Hamka, *Tafsir Al-Azhar*, II, 167. Rida, *Tafsir Ḳurʾâni'l-Ḥakîm*, 284.

idea. For Muhammad Abduh *mutasyabihât* is a verse with several meanings, and it is difficult to determine an exact meaning for the verse. According to Muhammad Abduh, these verses of *muhkamât* are used as a reference to other verses in interpreting the Qur'an and are verses recommended by Allah as reference material.[41] Example of Surah al-Imran: 7. In understanding this verse, Muhammad Abduh tends to argue that the verses of mutasyabihat can be known by (الرَّاسِخُونَ فِي الْعِلْمِ) "people who are in his knowledge." This means that Muhammad Abduh agrees with the person who said that the letter "(و) waw" that exists before the sentence الرَّاسِخُونَ فِي الْعِلْمِ is as a connecting letter, and not as a letter "*al-isti'naf*" or the beginning of a new sentence. Muhammad Abduh believed that not a single verse of the al-Qur'an was revealed by Allah, the meaning of which was unknown to the Messenger of Allah, and also those who had extensive, in-depth knowledge. Muhammad Abduh argued that many verses had to be ta'wil (interpreted), and humans could understand them.

The Qur'an is all understood (understandable). According to some scholars, if a verse is considered a problem/doubt (*mutasyabihat*), then the verse will be known and can be understood by other scholars. Allah cannot send down a kalam (revelation) with no meaning or send a revelation, but the Prophet and the people cannot understand its meaning. Even the Salaf scholars only handed over the interpretation (*ta'wil*) of the mutasyabihat verses to Allah. Then some try to interpret it (ta'wil) versus mutasyabihat. Like Imam Mujahid ibn Jabr, al-Rabi ibn Ja'far ibn Zuber. Then about ta'wil, Abduh also elaborated on the breadth and detail of ta'wil in the Qur'an, and he chose the opinion of the school of scholars who think that those in his knowledge (الراسخون) can know ta'wil verse

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[41] Muhammed İmârah, *el-Emâl Kemile*, I (Cairo: Der al-Surûk, 2009), 9.

mutasyabihat. However, in this presentation, Abduh did not explain in detail and clearly how his concept of ta'wil.

Differences in interpretation of Tafsir al-Azhar and Tafsir al-Manar

In the Tafsir Al-Azhar, the writer found that Hamka was not much different from Tafsir al-Manar in interpreting the verses of the Qur'an. Although there are differences, Hamka only explains a little, which only adds to the variety of opinions of the commentators in al-Azhar's interpretation. Among the things that the authors find the differences are; When interpreting the Surah al-Baqarah: 269.[42] In explaining the word "*Hikmah*". Hamka explained that wisdom is broader than knowledge; even the results of the knowledge sought are the beginning of wisdom. Wisdom knows what is implied, real, exists rather than what is express, unseen, invisible. The wisdom expert can deeply feel God. Therefore, wisdom is also called wise, and experts of wisdom in Arabic are called "*al-Hakim*", which is one of Allah's names. Then Hamka explained the wisdom according to Muhammad Abduh. Wisdom is true and accountable knowledge, influencing people, determining good work, and benefiting oneself and others. Allah gives wisdom to whom He wills. Through the intellect and heart of man. The mind and heart are tools for man to decide his will (desire) from doubt.[43]

In another example, when interpreting the Surah of Ali-Imran: 55. Hamka interprets the word "*mutawaffika*" is as "killing." Killing means to die. Because in the Qur'an, the words "*mutawafa*" are dead / dying like "*tawaffa-tawaffahumul-malaikatu,*" which means dead. So this verse explains that Allah killed Jesus and was raised to the side of God, and then Jesus himself was cleansed from the interference of

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[42] *"He granteth wisdom to whom He pleaseth; and he to whom wisdom is granted receiveth indeed a benefit overflowing; but none will grasp the Message but men of understanding."*

[43] Hamka, *Tafsir Al-Azhar*, I, 539. Rida, *Tafsir Ḳurʾâni'l-Ḥakîm*, III, 75.

the unbelievers. However, Hamka further explained that these commentators have different interpretations. In Tafsir al-Manar, it is explained that there are two opinions. First, Allah raised the Prophet Jesus's body in a state of life and will come down again at the end of time to explain the religious law to humankind. The second is the meaning of "*tawaffa*" which is dead and "*rafa'a*" raised. This means that his spirit was raised after the Prophet Jesus died. Then Rashid Rida explained that there is no apparent reason and proposition; it is evident in the Qur'an that the Prophet Jesus was taken up to heaven with his body and will later be sent down from heaven. Such an understanding is only the creed of Christians. Moreover, this tafsir al-Manar's conclusion is the problem of *khilafiyah* (differences) among the scholars. According to the authors, Hamka and Muhammad Abduh-Rashid Rida's interpretations are different in explaining them in detail because this is in many differences of opinion of Islamic scholars (ulama).[44]

Another example is when Hamka and Muhammad Abduh-Rashid Rida interpreted Surah Sajadah: 4 and al-Qaf: 38 about Allah creating the heavens and the earth in 6 days. Hamka interprets six days with the alternation of days that we experience, starting from Sunday-Friday. It can also be interpreted as day, night, evening, and morning for six days, six nights. Allah created all of the heavens and the earth and created what is between the heavens and the earth. Many classical commentators have interpreted this kind of interpretation. However, with the advancement of science, interpretation may change. As Muhammad Abduh-Rashid Rida interpreted, six days could be six seasons, six ages, and one era can be interpreted as years. So what is certain is that the interpretation is according to Allah's knowledge. Here lies a slight difference between Hamka and Muhammad Abduh-Rashid Rida's understanding of the

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[44] Hamka, *Tafsir Al-Azhar*, I, 637-639. Rida, , *Tafsir Ḳurʾâni'l-Ḥakîm,* III, 316-317.

6-day verse. However, Hamka, at the end of his interpretation, did not leave or deny al-Manar's interpretation.[45]

Then another example is the Surah al-Zalzalah: 7-8. Hamka interprets the word "*zarrah*" as dust. However, he explained again, the meaning of the word "*zarrah*" is more subtle than dust. So with the development of technology that is finer than dust is the "atom." Arabic physicists define zarrah as "*al-Jauharul-Fard*," a very subtle thing that can no longer be divided. So this verse can be interpreted as "And whoever does well as much as the size of God will see it." It means that nothing can be hidden from God and will get the same reward. While Muhammad Abduh explained this verse, all good deeds, evil, big, and small, will be judged and rewarded by God. Either those who do it are infidels or Muslims. Even the deeds of infidels are rewarded by Allah and still get punishment from Allah for their disbelief.[46]

The last example is the Surah al-'Asr; 1. Hamka interprets '*Asar*, with Asr time, in the afternoon, when the shadows are getting longer than the body until it is the time for Asar prayer. Hamka also explained another meaning of the times we pass in life, era after era, the period after era; this is also known as Asar. That's why when the Dutch colonized Indonesia, it was also known as "*Asru Isti'maril Holandy*" (Dutch colonial period). Allah took an oath with "Times/Asr" to remind humans not to waste time.

Meanwhile, Muhammad Abduh-Rashid Rida explained the customs/customs of the Arab community, who, in the afternoon, have a habit of sitting around relaxing, talking about life, and others. Moreover, often talk about things that are not important, even to fighting enemies. So some curse time 'Asr. However, Muhammad Abduh explained that it was not the time 'Asar is wrong, but the

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[45] Hamka, *Tafsir Al-Azhar*, VII, 120. and VIII, 465.
[46] Hamka, *Tafsir Al-Azhar*, IX, 642. Muhammad Abduh, *Juz 'Amma,* 141.

humans who use the time are wrong; it is useless, causing adverse effects.[47]

DISCUSSION

The geology, methodology, and way of interpreting Hamka in the interpretation of al-Azhar have similarities with Muhammad Abduh-Rashid Rida (Tafsir al-Manar). Moreover, suppose it is traced or traced. In that case, it will arrive at this initial renewal movement championed by Ahmad Sirhindi (d. 1624), Muhammad bin Abdul Wahhab (d. 1792), Shah Waliyullah Dahlawi (1762) to Ibn Taymiyyah (d. 1328). In general, having conformity with the ideas of renewal, modernism, and contemporary is the hallmark of the modern Islamic movement.

Therefore, in general, the relevance of Muhammad Abduh-Rashid Rida's thought (tafsir al-Manar) to Hamka's thought (tafsir al-Azhar) is that sometimes Hamka's interpretation when quoting al-Manar's interpretation only quotes Muhammad Abduh's opinion, sometimes it only quotes Rashid Rida's opinion. And also often quoted the opinion of both. The total number of quotations from al-Fatihah to An-Nas is approximately 68 quotations in 9 volumes of Tafsir al-Manar. Then, sometimes displaying Tafsir al-Manar as it is, and sometimes summarizing it, taking the gist from Muhammad Abduh-Rashid Rida's interpretation. Hamka, in quoting only selects tafsir from Tafsir al-Manar or other interpreters (*mufassir*), criticizing and adding what is necessary. He explained a verse by describing the meaning of his words from Arabic to Indonesian, without including differences of opinion of scholars on the language. He did not force Muhammad Abduh-Rashid Rida or other commentators. Instead, it gives readers complete freedom to use their common sense in understanding and appreciating the content of the Qur'an after

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[47] Hamka, *Tafsir Al-Azhar*, IX, 654. Muhammad Abduh, *Juz 'Amma*, 152.

knowing its true meaning in general. He explains from Tafsir al-Manar to strengthen his interpretation so that Hamka's interpretation of a verse is broader and more profound. After comparing the Tafsir of al-Azhar with Tafsir al-Manar, the author's point is that sometimes it differs in the interpretation of words, but the meaning and purpose are the same.

As an example, in explaining An-Nisa: 3, which is often interpreted as a verse about the permissibility of polygamy. Muhammad Abduh considered that permitting polygamy in Islamic teachings was an act that was limited by stringent conditions. Thus, the existence of this requirement shows that the practice of polygamy is an emergency measure that can only be done by people who need it.[48] In this matter, Hamka explained that this verse is closely related to the previous verse, namely paying attention to orphans, not cheating on orphans. However, psychologically and sociologically, polygamy can be an option in overcoming various psychological problems (sex appeal), the sociology of human marriage relations. However, humans have reason to choose right, not burdensome. Marriage is a matter of responsibility, livelihood, and heredity, so a

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[48] Muhammad Abduh considered that permitting polygamy in Islamic teachings was an act that was limited by stringent conditions. Thus, the existence of this requirement shows that the practice of polygamy is an emergency measure that can only be done by people who need it, not for everyone. Not every muslim, Muhammad Abduh and Rashid Rida interpreted it with an emphasis on the treatment of orphans. Male guardian, who is responsible for managing the wealth of the female orphan. However, if the guardian cannot do justice to the woman orphan's property, then a solution is given by possibly marrying the orphan. Muhammad Abduh and Rashid Rida stated that the verse explains the number of wives in the discussion of orphans and the prohibition of consuming their property. If you are worried about eating their property when you marry them, then God allows marriage to other women up to four, but if you cannot be fair, then only one. The condition limits the permission given in the verse on polygamy; that is, if the husband has good morals and economics, he can provide for two or more wives relatively in every condition and avoid abusive behavior split between the two wives. Rida, , *Tafsir Ḳurʾâniʾl-Ḥakîm*, IV, 339-378.

Muslim must think carefully about adding a wife. Because polygamy takes precedence is justice.

Hamka, however, does not advocate a total ban on polygamy. There are instances when polygamy can be allowed, such as the inability of a wife to bear children. When a wife is barren, he asserts that there is no alternative for the husband but to marry again. He argues that it is the instinct of every man to want children of his own blood. Therefore, it is clear that Hamka does not forbid polygamy when there is a valid reason for it. However, when polygamy is meant to fulfill lust, it becomes entirely forbidden.

Besides, when viewed in the birth of Tafsir al-Azhar and Tafsir al-Manar, there are similarities, namely that both were born from lectures in front of the congregation, which were then compiled in written form. Therefore, this interpretation seems communicative and close to the atmosphere and problems faced by society. Although the setting is different, Tafsir al-Manar was born from an Egyptian society's background in the early 19th century. In contrast, Tafsir al-Azhar was born from the background of Indonesian society in the late 91st and early 20th centuries, when the Dutch colonized Indonesia. Muhammad Abduh's lectures were composed of his student Rashid Rida. Meanwhile, Hamka was presented by his students at his dawn recitation, but Hamka wrote the complete list and sent it to a magazine or newspaper. This is the difference in the pattern of scientific transmission of Muhammad Abduh and Hamka so that their oral products become written products (tafsir).

This explanation raises two critical implications, namely, methodological implications and historical implications. The methodological implication means that the development of thoughts on the interpretation of the Qur'an in Indonesia at least includes the continuity of the past but also changes, develops, and produces something new (original). In development, there may be adopting

the previous thought or adjustment to the local context. Thus the contemporary interpretation model becomes a necessity. The existence of "*tajdid*" (renewal) attempts to adapt religious teachings to contemporary life and ideal society, interpreting according to the development of science and the social conditions of society.[49]

Finally, there has been the emergence of books of interpretation of the Qur'an with various interpretations from each generation, with the social conditions they experience, and the characteristics of their interpretation of the Qur'an.[50] Tafsir al-Manar can be seen as a platform for Muhammad Abduh and Rashid Rida to advocate for new approaches to interpreting the Qur'an within the framework of reformist ideas, particularly in Egypt. Likewise, al-Azhar's interpretation emerged at the beginning of Indonesian independence and Islamic reform ideas into Indonesia.

As an example of ad-Dukhan's interpretation: 16, he interprets it by relating the events that occurred at that time, namely the bombing tragedy in Hiroshima and Nagasaki, Japan, politic, and others. It is also essential that Hamka also displays rhymes and poetry in his interpretation. So it is not surprising that this interpretation is called the tafsir with the "*Adab Ijtima'i*" approach by the community's conditions. The meaning again is that Tafsir al-Azhar is suitable; the interpretation can be applied. The Malay-speaking Southeast Asian community can accept it because it is more touching in the people's minds and hearts and is less suitable to be applied by people who read interpretations from outside the

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[49] Necmettin Gokkir, *Dialectic Relationship Between the Qur'an and Society in islamic Hermeneutical Traditions*, Vol 20, (Journal of Süleyman Demirel Üniversitesi İlahiyat Fakültesi, 2008), 3.

[50] Farid Esack, *Qur'an Pluralism and Liberation* (Oxford: One World, Oxford, 1997), 50. And, J.J. G. Jansen, *The Interpretation of The Koran in Modern Egypt* (Leiden: E.J.Brill, 1980), 18-19.

Southeast Asian region. Because of the "feel / *zouq*" words, sentences, the interpreters use different languages.

Hamka became the forerunner for the development of interpretation in the contemporary period in Indonesia. Contemporary interpretation models using a new approach have started to appear in the early 1990s until now. The interpretation of Al-Azhar is still being used and researched, and then religious ideas in its interpretation are approved by the Indonesian Muslim community.

Then the historical implication is that Hamka's Tafsir also seems to have inspired a small group of Muslim communities who want to return to state rule in Islam. Such as the Jakarta Charter (Piagam Jakarta) now appears in Sharia-based Regional Regulations (Perda)[51], such as Aceh, several regions in South Sulawesi, Riau, South Kalimantan, etc., which have the most Muslims in that area.

In addition, during this interpretation period, and after Hamka's death, some of them in the form of post-constituent Islamic political parties, both parties or socio-religious groups, have proclaimed themselves as parties or groups with a vision towards an Islamic state or the enactment of an Islamic state. Islamic teachings as the basis of its movement. This is part of the small implications of Hamka's interpretation in his al-Azhar interpretation based on the spirit of renewal of Muhammad Abduh-Rashid Rida in Indonesia.

CONCLUSION

The development of early modern Islamic thought in the Middle East had a significant influence on Indonesia. In the field of Tafsir, it begins with the Tafsir Al-Manar by Muhammad Abduh-Rashid Rida. These thoughts and Tafsir's have had a significant

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[51] Haedar Nashir, *Gerakan Islam Syariat: Reproduksi Salafiyah Ideologis di Indonesia* (Jakarta: Psap, 2007), 282-385.

influence on interpretation in Indonesia, especially Tafsir Al-Azhar. The author of this Tafsir lived during the Dutch colonial era and the Indonesian independence era. His thoughts appeared on Indonesia's condition experiencing transition, both in socio-culture, education, and thoughts of Indonesian Muslims. This Tafsir is written to explain the Indonesian Islamic community diverse from culture and religion. Hamka himself admits this in his Tafsir. Besides, Tafsir Al-Azhar's model, style, and methodology are similar to Tafsir al-Manar, especially in explaining al-Qur'an verses' interpretation in a comfortable, understandable way, and straightforward manner the tafsir reader. Of the nine volumes of Al-Azhar's exegesis, the writer found approximately 68 quotes from Tafsir al-Manar. Sometimes describing al-Manar's interpretation as it is, and sometimes summarizing it, taking the essence of Muhammad Abduh-Rida's interpretation. For example, the problem of Israiliyat, muhkam-mutasyabih, and others.

Besides, when viewed in the birth of Tafsir Al-Azhar and Tafsir Al-Manar, there are similarities, namely that both were born from lectures in front of the congregation, which were then compiled in written form. Therefore, this interpretation seems communicative and close to the atmosphere and problems faced by society. Although the setting is different, Tafsir al-Manar was born from Egyptian society's early 19th-century background. In comparison, Tafsir al-Azhar was born from Indonesian society's background in the late 19th and early 20th centuries, when the Dutch colonized Indonesia. Muhammad Abduh's lectures were composed by his student Rashid Rida. Meanwhile, Hamka was presented by his students at his dawn recitation, but Hamka wrote the complete list and sent it to a magazine or newspaper.

Hamka's enthusiasm in writing Tafsir Al-Azhar greatly influenced the emergence of subsequent interpretations. This means

that the interpretation can be applied and accepted by the people of Southeast Asia who speak Malay because it is more touching in the minds and hearts of the people and is less suitable for application by people who read interpretations outside the Southeast Asian region. Due to the "feel / *zouq*" words, sentences, the interpreters use different languages.

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Fiqh Al-Muwāṭanah: Nahdlatul Ulama's Interpretation About Citizenship

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Abstract

This article examines the influence and challenges of fiqh al-muwāṭanah in Indonesia. The discussion of this article focuses on a description of the pros and cons of the al-muwāṭinūn concept offered by Nahdlatul Ulama (NU) and the challenges faced in implementing it. The method used is a literature study with a historical and comparative approach, then analyzed using content analysis. The research findings show that al-muwāṭinūn as a socio-political concept is a new term that will not be found in the treasures of classical Islamic thought. Al-muwāṭinūn is a product of NU ulama's ijtihad as a response to the strengthening of takfiri in Indonesia. Al-muwāṭinūn contains values and teachings about equality, justice, and equality is a continuation of the mission brought by al-muwāṭinūn to form a tolerant and peaceful society by eliminating the mention of infidels non-Muslims. All Indonesian people have the same status, whether Muslim or non-Muslim, and there is no majority or minority. Al-muwāṭinūn is a form of fiqh typical of the archipelago. This idea has been started by previous Muslim thinkers who tried to contextualize Islamic law in Indonesia. On the other hand, the al-muwāṭinūn concept shows NU's consistency in guarding the Unitary State of the Republic of Indonesia (NKRI).

Keyword: *Fiqh al-Muwāṭanah*; **Nahdlatul Ulama; Citizen**

Muh. Sholihuddin

Abstrak

Artikel ini mengkaji tentang pengaruh dan tantangan fiqh al-muwāṭanah di Indonesia. Diskusi artikel ini terfokus pada uraian tentang pro kontra tentang konsep al-muwāṭinūn yang ditawarkan oleh Nahdlatul Ulama (NU) dan tantangan yang dihadapi dalam pengimplementasiannya. Metode yang digunakan adalah studi pustaka dengan pendekatan historis dan komparatif, kemudian dianalisis dengan menggunakan analisis isi. Temuan penelitian menunjukkan bahwa al-muwāṭinūn sebagai sebagai sebuah konsep social politik merupakan istilah baru yang tidak akan ditemukan dalam khazanah pemikiran Islam klasik. Al-muwāṭinūn adalah produk ijtihad ulama NU sebagai respons paham takfiri yang menguat di Indonesia. Al-muwāṭinūn berisi nilai dan ajaran tentang kesataraan, keadilan, dan persamaan merupakan kelanjutan dari Misi yang dibawa oleh al-muwāṭinūn ini adalah terbentuknya sebuah masyarakat toleran dan damai dengan menghilangkan penyebutan kafir kepada non-muslim. Semua masyarakat Indonesia statusnya sama, baik muslim atau non-muslim, dan tidak ada mayoritas dan minoritas. Al-muwāṭinūn merupakan dari dari fikih khas nusantara. Gagasan ini telah dimulai oleh para pemikir Muslim sebelumnya yang mencoba mengontekstualisasikan hukum Islam di Indonesia. Di sisi lain, konsep al-muwāṭinūn ini menunjukkan konsistensi NU dalam mengawal Negara Kesatuan Republik Indonesia (NKRI).

Kata Kunci: *Fiqh al-Muwāṭanah;* **Nadlatul Ulama; Warga Negara**

INTRODUCTION

Coinciding with Eid al-Adha, Tuesday, July 20, 2021, Darsi's resident died in Wedoro Waru Sidoarjo. Most residents believe Darsi is a Christian even though the Identity Card *(KTP)* status is Islam. To the knowledge of the residents in the village, Darsi often attends "worship" carried out by Christian congregations. Hence, the residents refuse to have Darsi buried in the cemetery in the village. There was a debate between residents and their families, who are all Muslim. The family wanted Darsi to be buried in the village cemetery because his ID card status was Muslim. At the same time, the residents refused because, according to the "creed," a non-Muslim cannot be buried in a Muslim cemetery.[1]

Then several other cases, such as the religious conflict in Poso in 1992, the Sunni-Shia conflict in East Java in 2006, and the religious conflict in Bogor due to the construction of the Yasmin GKI 2000.[2] In Pasuruan, three places of worship were destroyed by Hindus who live on the slopes of Mount Bromo carried out by unknown people. One of the places of worship is the holy place of Pinanditan Widodaren which is located in Tosari District, Pasuruan Regency, East Java. In Depok, in February 2020, the City Government banned Valentine's Day activities for school principals because it was against religious, social, and cultural norms. In 2019 in Surakarta, there was a rejection by residents of the plan to build a Child Development Center (PPA) for the Indonesian Christian Church. In 2020, there was

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[1] The author witnessed firsthand the events of the debate between families, village officials, and residents.

[2] Ricky Santoso Muharam, "Membangun Toleransi Umat Beragama Di Indonesia Berdasarkan Konsep Deklarasi Kairo (*Creating Religion Tolerance in Indonesia Based on the Declaration of Cairo Concept*)", *Jurnal HAM*, Volume 11, Nomor 2, Agustus 2020: 270. http://dx.doi.org/10.30641/ham.2020.11.269-283

a ban on wearing the hijab by several hotels and restaurants in the Province of the Bangka Belitung Islands towards vocational school students and their employees.[3]

This phenomenon is an example of the many cases of intolerance and violence that occur in society. People often reject something that is considered different because it is not a class. At the same time, a citizen in the context of the state should be equal before the law, socially, politically, and culturally. If left unchecked, there is the potential for dangerous social conflict. It is essential to reformulate the most appropriate formula so that potential conflicts occur in closed societies so that synergy and social harmony are realized.

Indonesia is a big country. Based on data from the Central Statistics Agency (BPS) in 2010, the population reached 236,728,379 people, 1300 more ethnic groups, 652 regional languages, and six different religions.[4] This plurality certainly has a high potential to clash if not appropriately managed. Therefore social interaction in a pluralistic society requires a bridge that can bring together differences to avoid conflicts.[5]

It is interesting to study the Alim Ulama National Conference (Munas) results and the Nahdlatul Ulama Grand Conference (Konbes) on February 27 - March 1, 2019, at the *Miftahul Huda Al-Azhar* Islamic Boarding School, Banjar City, West Java, through the Bahtsul Masail Diniyah Maudluiyah Commission. Non-Muslim Indonesians cannot be called infidels but *al-muwāṭinūn*, namely

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[3] Subhi Azhari dan Halili, *Indeks Kota Toleran (IKT) Tahun 2020* (Jakarta: Pustaka Masyarakat Setara, 2020), 45-49.

[4] Badan Pusat Statistik (BPS), *Kewarganegaraan, Suku Bangsa, Agama, dan Bahasa Sehari-hari Penduduk Indonesia Hasil Sensus Penduduk 2010* (Jakarta: Badan Pusat statistic, 2010), 7-11.

[5] Wawan Gunawan Abdul Wahid, dkk., *Fikih Kebhinekaan* (Bandung: Mizan Pustaka, 2015), 15.

citizens. The mention of *al-muwāṭinūn* is to avoid discriminatory theological attributions to citizens of other countries. *Al-muwāṭinūn*, this means that Muslims and non-Muslims are equal because they are both citizens.[6]

The concept of *al-muwāṭinūn* offered by *Nahdlatul Ulama (NU)* is a very progressive decision. The concept of *al-muwāṭinūn* has become an alternative perspective amid the strengthening of Islamic fundamentalist groups. This group often uses the term infidel to accuse other groups who reject the formalization of Islam. The term infidel, which then not infrequently causes social offenses that have the potential for conflict in society.

This study aims to examine the influence and challenges of fiqh *al-muwāṭanah* in Indonesia. This study focuses on the pros and cons of the *al-muwāṭinūn* concept offered by *NU* and the challenges faced in implementing it. Many studies on the relationship between Islam and Indonesia have been carried out. For example, Hasbi ash-Shiddiy with "Indonesian fiqh," Hazairin with "National School," Munawir Sjadzali with "Reactualization of Islamic law," Abdurrahman Wahid (Gus Dur) "Indigenization of Islam," and Masdar F. Mas'udi "Zakat as Tax." Then "Fiqh of Diversity," which reviews the thoughts of Ahmad Syafi'i Maarif. However, *fiqh al-muwāṭanah* is different because it was born while strengthening conditions for intolerant groups.

RESEARCH METHODS

The method used in this article is a literature study. Therefore, the data used are obtained from various readings, books, journals,

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[6] Kompas News, "NU Usul Non-Muslim di Indonesia Tak Disebut Kafir", *kompas.com,* Published 01 Maret 2019, https://regional.kompas.com/read/2019/03/01/12404031/nu-usul-non-muslim-di-indonesia-tak-disebut-kafir?page=all, diakses 01 Nopember 2020.

and other library sources. Moreover, in data collection, used documentation method. With this method, researchers try to collect the necessary data, either through primary or secondary.

Furthermore, the approach used is historical and comparative. [7] The historical approach explores the relationship between *al-muwāṭanah* offered by NU and previous studies on the concept of NU's nationality. Meanwhile, a comparative approach is used to compare *al-muwāṭanah* with other concepts about Islam and Indonesianness, which were previously the discussion themes by Indonesian Islamic thinkers.

Furthermore, the approach used is historical and comparative. A historical approach describes the relationship between emerging concepts or ideas with previous concepts or ideas. This study was conducted using a historical and comparative approach. The historical approach is used to trace the relationship between *al-muwāṭanah* offered by *NU* and previous studies on the concept of NU's nationality. Meanwhile, a comparative approach is used to compare *al-muwāṭanah* with other concepts about Islam and Indonesianness, which have previously been the theme of discussion by Indonesian Islamic thinkers.

The data obtained were then analyzed using content analysis and hermeneutics. Content analysis is used to analyze written data in the form of communication content.[8] The contents of communication referred to in this study are concepts, opinions, theories, and principles contained in books, journals, research works, or other writings published in various media. At the same time, hermeneutics

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[7] Sri Haryanto, "Pendekatan Historis dalam Studi Islam", *Manurul Qur'an: Jurnal Ilmiah Studi Islam*, VOL 17 NO 1 (2017), 131, https://doi.org/10.32699/mq.v17i1.927

[8] Jalaluddin Rakhmad, *Metode Penelitian Komunikasi* (Bandung: Remaja Rosda Karya, 1989), 122.

is used to view history as a living dialogue between the past, present, and future.[9]

RESULTS AND DISCUSSION

al-Muwāṭinūn: Debate and Controversy

Al-muwāṭinūn, which means citizen,[10] is often contrasted with infidel in the context of the state. *Kāfir* in question is different in faith from Muslims. Said Hawa gives an understanding that infidels are people who deny the truth of Islam.[11] Moreover, this term was first used to designate some residents of Mecca who insulted the Prophet, and then in Medina, it was also shown to the *Ahl al-Kitāb*.[12] The point is that unbelief is an act that leads to a lie or denial of Allah and His Messenger, especially to the Prophet Muhammad with the teachings he brought.[13]

The history of disbelief (*takfīr*) that occurred first appeared during the *taḥkīm* event carried out by the Khawarij as a form of cursing someone for not believing (*kāfir*) or condemning someone as a *kāfir*.[14] Since that time, the culture of infidel infidelity has been known in the Muslim community. Then this was followed by Ali's followers, known as Shi'ah, who punished the disbelievers against

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[9] Abdullah A. Talib, *Filsafat Hermeneutika dan Semiotika* (Palu: LPP-Mitra Edukasi, 2018), 44.

[10] Fitriani dan Siti Aisyah, "Konsep Kafir dalam Pandangan Nahdlatul Ulama (NU) dan Forum Umat Islam (FUI) Sumatera Utara", *Studia Sosia Religia*, Volume 2 Nomor 2, Juli-Desember 2019, 37. http://dx.doi.org/10.51900/ssr.v2i2.6485

[11] Said Hawa, *Al-Islam*, Terj. Abdul Hayyi al-Kattani dkk, (Jakarta: Gema Insani Press, 2004), 288-289.

[12] Farid Esack, *Membebaskan Yang Tertindas: Alquran, Liberalisme, Pluralism,* Terj. Watung A. Budiman (Bandung: Mizan, 2000), 180.

[13] Abdul Aziz Dahlan (et.al), *Ensiklopedi Hukum Islam,* Jilid 3 (Jakarta: Ichtiar van Hoeve, 1996), 856.

[14] Toshihiko Izutsu, *Konsep Kepercayaan dalam Teologi Islam* (Yogyakarta: Tiara Wacana Yogya, 1994), 6.

those not from their group.[15] The Khawarij, with the motto *lā ḥukma illā lillāh* (no law but Allah's law), punishes anyone who does not adhere to the Qur'an as a *kāfir*.[16] Assuming an infidel in Arabic terms is called *takfīr*—the *maṣdar* (noun) form of the verb *kaffara-yukaffiru-takfīran*—is *kufr*, accusing *kufr*, or infidel (considering/looking at infidel). [17]

The consequences of understanding the term *kāfir* like this will impact the state's life because it has severe implications in the pattern of relations between citizens. Calling *kāfir* to non-Muslims seems negative and not good in a nation-state like Indonesia because basically all citizens are the same. It is not uncommon for accusations of *kāfir* to be made against fellow Muslims. Allegations of *kāfir* like this are part of human rights crimes.[18]

Before choosing the nation-state as a form of state, national leaders first debated the relationship between Islam and nationalism. Natsir believes that the struggle for independence is so that Islamic rules and structures can be applied for the safety and dignity of Muslims. Therefore, Indonesia must become an Islamic State. Soekarno rejected this view of Natsir. According to Soekarno, such an assumption will only create a sense of discrimination, especially among non-Muslims. Soekarno initiated nationalism in the form of a democratic state.[19] In a democratic country, the highest sovereignty is in the hands of the people, and the people have the same rights,

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[15] Ibnu Sulaiman, *Anda Muslim atau Kafir?, cet. 2* (Jakarta: Arista,1994), 12.

[16] Philip K. Hitti, *History of the Arabs* (London: The MacMillan Press, 1974), 181-183.

[17] Mahmud Yunus, *Kamus Arab Indonesia* (Jakarta: Yayasan Penyelenggara Penterjemah Pentafsir al-Qur'an, 1973), 378.

[18] Mohammed Yunis, *Politik Pengkafiran dan Petaka Kaum Beriman*, Terj. Dahyal Afkar (Yogyakarta: Nuansa Aksara, 2006), xxii.

[19] Arskal Salim, *Challenging The Secular State: The Islamization of Law in Modern Indonesia* (Hawa'i: University of Hawai'i Press, 2008), 74.

opportunities, and voices in regulating government policies.[20] A. Hassan condemned Soekarno's view. He called nationalism *jāhiliyyah* or *'aṣābiyyah* (ethnicity), contrary to Islamic teachings because there is a tendency to deify the nation. This model of nationalism must be able to lead to acts of shirk.[21]

Against this background, the concept of *al-muwāṭinūn* offered by NU found its momentum. Against this background, the concept of *al-muwāṭinūn* offered by NU found its momentum. Deputy Chairperson of the Bahtsul Masail Institute for the Nahdlatul Ulama (PBNU) Executive Board, Abdul Moqsith Ghazali, explained the importance of using the term infidel. The term kafir is often used by groups or individuals to refer to other groups or individuals different from their religious beliefs. Even the term infidel is also often used to designate other fellow Muslims.[22] Said Aqil Siraj, General Chairperson of PBNU, explained that the state of Indonesia. With *al-muwāṭanah* system (nation-state) is not known as an infidel. All citizens are equal in the view of the constitution. The term infidel only occurs when the Prophet SAW. was in Mecca, while in Medina the Prophet. Use non-Muslim terms.[23] Non-Muslims in the Unitary State of the Republic of Indonesia (NKRI) do not meet the requirements of the term kafir mentioned in the books of fiqh. Indonesia is not an Islamic State, so these terms are inappropriate when referring to non-Muslims in Indonesia.[24] In this case, al-

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[20] Rapung Samuddin, *Fiqih Demokrasi* (Jakarta: Gozian Press, 2013), 164.

[21] Ahmad Hassan, *Islam dan Kebangsaan, dalam Tiar Anwar Bachtiar (ed.), Risalah Politik A. Hassa*n (Jakarta: Pembela Islam Media, 2013), 114.

[22] Kompas News, NU Usul Non Muslim di Indonesia Tak Disebut Kafir", Published 01 Maret 2019, https://regional.kompas.com/read/2019/03/01/12404031/nu-usul-non-muslim-di-indonesia-tak-disebut-kafir?page=all, diakses 01 Nopember 2020.

[23] Fitriani dan Siti Aisyah, "Konsep Kafir dalam Pandangan Nahdlatul Ulama…, 38.

[24] Ibid., 37.

Ghazali stated that to disbelieve in someone is not easy and cannot be connected in all things. Even infidel results in the opening of several legal doors in *shara'*, causing his property to be confiscated, and his blood is lawful and will also be eternal in hell.[25]

The emergence of *al-muwāṭinūn* later became a reasonably exciting debate. Responses, both individual and organizational, emerged to the public in response to the concept of NU's *al-muwāṭinūn*. If mapped, there are two categories, namely; first, supporters (pros). The General Chairman of Muhammadiyah Youth, Sunanto, agrees with NU which prohibits infidel behavior to other groups. He argues that it is not permissible to corner people who already have their own beliefs. They need to understand the difference. There is no need to justify that they are infidels, let alone say it in public.[26] According to Jusuf Kalla, according to *aqīdah*, adherents of religions outside Islam are indeed called infidels. However, in the life of Indonesian society, there must be a softer word.

Moreover, the term non-Muslim was chosen because it is gentler than *kāfir*. [27] Guntur Romli, a politician from the Indonesian Solidarity Party (PSI), stated that calling non-Muslims unbelievers is hate speech, even though the term infidel is from the Qur'an; *second,* cons. Fahri Hamzah, Deputy Speaker of the Indonesian House of Representatives, stated that infidel is a term in the holy book.

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[25] M. Taib Thahor Abdul Mu'in, *Ilmu Kalam* (Jakarta: Widjaya, 1997), 80.

[26] Tirto News, "Kata Pemuda Muhammadiyah Soal Usul NU Tak Sebut Kafir ke Non-Islam", *Tirto.id,* Release 1 Maret 2019, https://tirto.id/kata-pemuda-muhammadiyah-soal-usul-nu-tak-sebut-kafir-ke-non-islam-didc, diakses 02 Agustus 2021.

[27] Medcom News, "JK: Nonmuslim Sebutan Lembut Kafir, Medcom.id, Release 12 Maret 2019, https://www.medcom.id/nasional/peristiwa/Obzqy4dN-jk-nonmuslim-sebutan-lembut-kafir, diakses 02 Agutus 2021.

Therefore it cannot be amended.[28] Eggy Sujana, a Muslim activist, disapproves of replacing the term infidel with non-Muslim. The reason is that the Qur'an itself mentions people who do not believe as unbelievers, for example, in the letter *al-kāfirūn*. In *Sūrah al-Taḥrīm*, verse 9 ordered the Prophet SAW. to be rigid on the disbelievers and hypocrites. Substitution of the expression infidel to non-Muslim is not a teaching of Islam. Wawan Hari Purwanto explained that constitutionally the replacement was no problem, to respect the public sphere. The reason is to strengthen the spirit of togetherness in building the nation.[29] Then the Islamic Community Forum (FUI) stated that it did not agree with NU. FUI considers this to be against religion and even accuses the concept of *al-muwāṭinūn* of being politically charged.[30]

Observing the debate between those who support and those against the concept of *al-muwāṭinūn*, the majority are not supported by a comprehensive academic narrative, except for Din Syamsuddin, the former chairman of PP Muhammadiyah. He wrote eleven points in response to the concept of *al-muwāṭinūn*. Among the most important is that the concept of *al-muwāṭanah* is a concept that has long been implemented in Indonesia. So far, the stability and harmony in Indonesia are the fruit of mutual agreement, which is based on co-existence, tolerance, and cooperation among the nation's

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[28] Suara News, "Pro Kontra Penghapusan Panggilan Kafir untuk Non Muslim", *Suara.com*, Release 07 Maret 2019, https://www.suara.com/news/2019/03/07/073000/pro-kontra-penghapusan-panggilan-kafir-untuk-non-muslim?page=all, diakses 02 Agustus 2021.

[29] PTIQ News, "Polemik Kafir Atau Non Muslim Terjawab Dalam Seminar Nasional di Institut PTIQ Jakarta", *ptiq.ac.id*, Received 14 Maret 2019, https://ptiq.ac.id/2019/03/15/polemik-kafir-atau-non-muslim-terjawab-dalam-seminar-nasional-di-institut-ptiq-jakarta/, diakses 02 Agustus 2021.

[30] CNN Indonesia News, "Berasal dari Alquran, Kata 'Kafir' Bukan Bentuk Penghinaan pada Non-Muslim, *cnnindonesia.com*, Realease 2 Maret 2019, https://www.cnnindonesia.com/nasional/20190302165124-32-374019/fui-sebut-fatwa-nu-non-muslim-bukan-kafir-bermotif-politis, diakses 02 Agustus 2021.

children. Therefore, clashing the term *muwāṭin* with *kāfir* is inappropriate because the contexts of the two are different. Kafir is in the theological-ethical category, while *muwāṭin* is in the socio-political category.[31]

Din Syamsuddin's view above aligns with the motive behind the birth of the *al-muwāṭinūn* concept. The use of *muwāṭinūn* does not revise the concept of faith but only applies in the public sphere (*mu'āmalah waṭaniyah*).[32] *Mentioning non-Muslims in the public sphere is only an inappropriate form of theological violence. The concept of al-muwāṭinūn means providing equal space for all citizens, both ethnicity, ethnicity, and religion.*[33]

M. Khalid Syeirazi said that the emergence of the terminology of *al-muwāṭinūn* departs from whether it is appropriate to call non-Muslims infidels. At the same time, Indonesia is not an Islamic State? The *mushāwirīn*, which consisted of NU scholars and intellectuals at the Bahtsul Masail Forum,[34] still used the term infidel to refer to non-Muslims because the reference books used as a guide used the term infidel. After a reasonably complicated debate, the term *musalimin*

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[31] Karna News, "M. Din Syamsuddin: Seputar Polemik Tentang Kafir", *karna.id*, Release 7 Maret 2019, https://karna.id/m-din-syamsuddin-seputar-polemik-tentang-kafir/, diakses 02 Agustus 2021

[32] M. Kholid Syeirazi, "Tentang Non-Muslim Bukan Kafir", *nu.co.id,* Release, 02 Maret 2019, https://www.nu.or.id/post/read/103224/tentang-non-muslim-bukan-kafir, diakses 02 Agustus 2021.

[33] Republika News, "Said Aqil Jelaskan Perbedaan Kafir dan Non-Muslim, *republika.or.id,* Release, 01 Maret 2019, https://www.republika.co.id/berita/pnogps409/said-aqil-jelaskan-perbedaan-kafir-dan-nonmuslim, diakses 02 Agustus 2021.

[34] The Bahtsul Masail Forum is the highest forum for the organization whose decisions can be implemented by NU residents. This forum is managed and coordinated by the NU Bahtsul Masail Institute (LBM) by involving many scholars and intellectuals with different scientific backgrounds. The purpose of this forum is that *ijtihad jama'i* (collectively) can be carried out properly. Muh. Sholihuddin, "Kontruksi Fikih Kebangsaan Nahdlatul Ulama (Kajian terhadap Peran NU dalam Perspektif Fiqh Siyasah)", *Al-Qanun: Jurnal Pemikiran dan Pembaharuan Hukum Islam,* Vol. 24, No. 1, Juni 2021, 117. DOI: https://doi.org/10.15642/alqanun.2021.24.1.85-121

emerged, an effort from all parties to build a commitment to care for and protect each other. However, when the results were presented in front of the Plenary Session of the Bahtsul Masail Diniyah Maudluiyah Commission, Said Aqil Siraj suggested that *musālimīn* be replaced with *muwāṭinūn*, which means citizens. *Muwāṭinūn* is a derivation of the word *al-waṭan* which means nation. This concept requires that all citizens are the same without differences. There is no majority or minority. What applies is the principle of equality before the law.[35]

Regardless of agreeing or not with the concept of *al-muwāṭinūn*, NU's offer further emphasizes its national role towards the Unitary State of the Republic of Indonesia (NKRI), where Pancasila is the basis of the state the 1945 Constitution (UUD) as the constitution. Historically, the role of nationality can be traced through the contribution of NU since before and after independence. In 1936, through the NU Congress in Banjarmasin, Indonesia, under Dutch rule, established the archipelago as *dār al-Islām*.[36] The term *dār al-Islām* is used not for political purposes but socio-religious interests. This term is NU's response to the status of an unidentified corpse, whether a Muslim or a non-Muslim. With *dār al-Islām*, the body was judged to be a Muslim. In addition, *dār al-Islām* refers to the obligation of Muslims to maintain order together.[37] On August 18, 1945, NU, through Wahid Hasyim, who was directly involved in the Indonesian Independence Determination Committee Meeting (PPKI), unanimously accepted the abolition of the seven words in the Jakarta

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[35] M. Kholid Syeirazi, "Tentang Non-Muslim Bukan Kafir", *nu.co.id,* Release, 02 Maret 2019, https://www.nu.or.id/post/read/103224/tentang-non-muslim-bukan-kafir, diakses 02 Agustus 2021.

[36] M. Ali Haidar, *Nahdatul Ulama dan Islam di Indonesia, Pendekatan Fiqih dalam Politik* (Jakarta: Gramedia, 1998), 4.

[37] Muh. Sholihuddin, "Kontruksi Fikih Kebangsaan Nahdlatul Ulama…, 106.

charter "*with the obligation to carry out Islamic law for its adherents.*"[38] In 1945, NU issued a *jihād* resolution (October 22, 1945) which contained the mandatory law for Muslims to fight to defend the Republic of Indonesia. That struggle was part of *jihād fī sabīlillāh*.[39] In 1983 in Situbondo through the National Alim Ulama National Conference, NU accepted Pancasila as the basis of the state, and Islam was maintained as the faith.[40] One year later, in 1984, NU included the results of this National Conference in its Articles of Association (AD/ART).[41] At the 30th Congress in 1999 in Kediri, it was decided that non-Muslims in an emergency could be elected as leaders.[42]

This explanation illustrates how NU, as a religious organization from the beginning, has become an inseparable part of forming the Republic of Indonesia. The decisions made are in solid synergy with the nation-state concept where religion is not an obstacle to uniting a pluralistic nation like Indonesia. Religion has become the basis for uniting ethnic, tribal, and religious differences. Moreover, *al-muwāṭinūn* as a social, political, and legal concept, historically, is not surprising. Religion must also be able to play a role in building just and tolerant humanity.[43] This fact shows the consistency of NU in guarding the Unitary State of the Republic of Indonesia.

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[38] Ibid., 93-94.

[39] Ibid., 110.

[40] Martin Van Bruinessen, *NU Tradisi Relasi-Relasi Kuasa Pencarian Wacana Baru* (Yogyakarta: Elkis,1994), 76.

[41] Muh. Sholihuddin, "Kontruksi Fikih Kebangsaan Nahdlatul Ulama…, 109.

[42] Salah Mahfud, *Solusi Hukum Islam: Keputusan Muktamar, Munas dan Konbes NU 1926-2004, Cet. III* (Kudus: Khalista, 2007), 211.

[43] Abd. Rohim Ghazali, "Kerukunan Antarumat dan Peran Ulama" dalam Andito (ed.), *Atas Nama Agama: Wacana Agama dalam Dialog "Bebas" Konflik,* (Bandung: Pustaka Hidayah,1998), 329.

Archipelago Fiqh: *Fiqh al-muwāṭanah* **and Fiqh of Diversity**

The discourse on the relationship between Muslims and non-Muslims is closely related to religion and the state. There are three views on this matter, namely, the *First,* integralists. Religion and the state (*al-Islām dīn wa daulah*) are unified and cannot be separated.[44] Islam is not just a creed but also sharia, religion *(al-dīn)* and state *(daulah)*, truth *(al-ḥaq)* and strength *(al-quwwah)*, worship *('ubūdiyyah)* and leadership *(imāmah)*, manuscripts *(muṣḥaf),* and war *(al-jihādah);*[45] *second,* secular. Religion and state are different entities. Muhammad was only a prophet sent for religious purposes, not a political leader, and was not sent to form a state. The formation of the state adapts to the times;[46] and *third,* symbiosis. Religion and the State need each other. Religion needs the state to develop and vice versa. *Naṣṣ* alone does not determine the state's form, but in *naṣṣ* commonly found on ethical-moral teachings related to the pattern of human relationships, such as freedom, equality, and fraternity *(brotherhood).*[47]

The difference is because the texts (Qur'an and hadith) do not explain in detail the form of the state (government), only provide basic principles in managing the state such as the principles of deliberation *(shurā)* and justice *(al-'adl)*,[48] so that in Islamic history, the form of the state has varied with the times. After the Prophet or the period of *al-Khulafā 'al-Rashidūn*, the *Ṣaḥabat* made *ijtihād* form a State so that the election process of Abu Bakr, Umar, Uthman, and

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[44] Arskal Salim, *Challenging The Secular State…*, 17.

[45] Yusuf al-Qardawi, *Pedoman Bernegara Dalam Perspektif Islam*, Terj. Kathur Suhadi (Jakarta: Pustaka Al Kautsar, 1999), 35.

[46] Ibid., 29.

[47] Musda Mulia, "Negara Islam – Pemikiran Politik Hosen Haikal", (Disertasi-- IAIN Syarif Hidayatullah, Jakarta 1997), 289-290.

[48] Bahtiar Effendy, *Re-Politisasi Islam: Pernahkah Islam Berhenti Berpolitik?* (Bandung: Mizan, 2000), 76.

Ali different and adjusted according to their respective eras. After the era of al-Khulafa 'al-Rashidun, a very different country from the friend's era emerged. After the *al-Khulafā' al-Rashidūn*, a very different state emerged like the Umayyads, the Abbasids, the Ottoman Empire. During this period, the leadership transition process is carried out in an inherited way. Then enter the modern era where the leadership transition process no longer uses inheritance but a democratic way, namely choosing based on the individual abilities of future leaders.

This change shows that the issue of state and leadership is purely *ijtihādiyah*, where conditions and circumstances significantly affect its form and lead to differences of opinion among scholars, as explained above. In this context, Indonesian Muslim thinkers, such as Abdurrahman Wahid (Gus Dur), Nurcholis Madjid, Syafi'i Ma'arif, and others, came up with their ideas about the relationship between religion and the state. Gus Dur believes that practicing religion does not have to be formalized and ideologically Islamic. Islamic progress will be achieved if Islam develops culturally.[49] Abdurrahman stated that he had felt in vain in his search for an Islamic state all his life. Gus Dur concluded that Islam does not exist how the state should be created and maintained.[50] Likewise with Nurcholis Madjid considers religion and the state not essential. The emergence of the desire to establish an Islamic State is nothing more than an apologetic attitude in responding to Western ideologies such as democracy, socialism, communism, and other ideologies.[51] In his view, Islam should be treated as moral teaching capable of giving

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[49] Abdurrahman Wahid, *Islamku, Islam Anda, Islam Kita,* (Jakarta: Wahid Institute, 2006), xv.

[50] Ibid., 81.

[51] Nurcholis Madjid, "Menyegarkan Paham Keagamaan di Kalangan Umat Islam Indonesia," dalam *Islam, Kemoderenan dan Keindonesiaan* (Bandung: Mizan, 1987), 253.

meaning to the ever-evolving process of socio-political change.[52] Syafi'i Ma'arif considered that an Islamic State was no longer needed. The most important thing to strive for is the purpose of the state being formed, namely justice and prosperity.[53] Afifuddin Muhajir, as quoted by Ghazali Said, that substantially, whatever system adopted by the state, if it can realize *amr ma'rūf nahy munkar* in the form of building equality, justice, deliberation, freedom, and supervision of the people, the country can be called an Islamic State.[54]

The critical point of the view of the Muslim thinker is that Islam as a religion must be placed as a spirit, values, and ethics in building the state. The formalization of Islam will distort the mission of Islam itself as the religion of *raḥmah li al-'ālamīn*. In this way, Islam becomes a religion that unites humanity, fights for justice and human rights regardless of human background. Islam is a co-existence across borders, religions, and ethnicities. Pre-existence is about the projection of a life that goes hand in hand with manners, peace, and mutual understanding.[55] Said Aqil Siraj (Chairman of PBNU) stated that pluralism is a sunatullāh which, even though it occurs, is just as the heavens and the earth are. Denial of pluralism also means disobedience to God's will. [56]

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[52] Dedy Djamaluddin Malik dan Idi Subandy Ibrahim, *Zaman Baru Islam Indonesia; Pemikiran dan Aksi Politik Abdurrahman Wahid, M. Amien Rais, Nurcholis Madjid, Jalaluddin Rakhmat,* Cet. I (Bandung: Zaman Wacana Mulia, 1998), 168.

[53] Ahmad Syafii Maarif, *Islam dan Pancasila sebagai sebagai Dasar Negara, Studi tentang Perdebatan dalam Konstituante* (Jakarta: Pustaka LP3ES, 2006), 18.

[54] Imam Ghazali Said, "Intelektualitas KH Afifuddin Muhajir", dalam *KH. Afifuddin Muhajir: Faqih Ushuli dari Timur,* Abdul Moqsith Ghazali (Penyinting) (Malang: Inteligensia Media, 2021), 9.

[55] Muhammad Makmun Rasyid, "Islam Rahmatan Lil Alamin Perspektif KH. Hasyim Muzadi", *Episteme*, Vol. 11, No. 1, Juni 2016, 107, https://doi.org/10.21274/epis.2016.11.1.93-116

[56] Said Aqil Siradj, *Islam Kebangsaan; Fiqh Demokratik Kaum Santri* (Jakarta: Pustaka Ciganjur, 1999), cet. 1, hal. 203.

The idea of the concept of *al-muwāṭinūn* is another form of the idea of archipelago Islam. Afifuddin Muhajir (*Rais Syuriah PBNU*) stated that it is a religion that grows, develops, and lives in the archipelago due to the dialectic between the texts of Islamic teachings (Quran and hadith) with local realities and culture.[57] Mustofa Bisri (*Rais Syuriah PBNU*) said that archipelago Islam is a form of Islam that is *raḥmah li al-'ālamīn*. Archipelago Islam is a terminology born from the womb of Islam and developed with friendliness, peace, and shade.[58] So Islam in the archipelago is an Islamic teaching that is friendly with local practices.[59] On the other hand, according to Burhanuddin Muhtadi, the idea of archipelago Islam is a form of resistance to Islamic fundamentalist groups, such as the Islamic Defenders Front (*Front Pembela Islam*, or FPI) and *Hizbut Tahrir Indonesia* (HTI). [60]

The concept of *al-muwāṭinūn,* often called the *fiqh* of nationality (*fiqh al-muwāṭanah*), is in line with the fiqh of diversity. The difference is, *fiqh al-muwāṭanah* comes from NU, while fiqh on diversity comes from Muhammadiyah. However, both have a way of viewing the same in view Islam. The emergence of these two fiqh models is a response to strengthening the takfiri ideology that has begun to manifest in Indonesia. Both provide responsibility for critical issues,

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[57] KH. Afifudin Muhajir, "Meneguhkan Islam Nusantara untuk Peradaban Indonesia dan Dunia", makalah disampaikan pada Seminar Pra Muktamar NUke-33 di Asrama Haji Makassar, 22 April 2015.

[58] Ahmad Sahal, *Islam Nusantara, dari Ushul Fiqh hingga Paham Kebangsaan* (Bandung: Mizan, 2015), 15.

[59] Faried F. Saenong, "Nahdlatul Ulama (NU): A Grassroots Movement Advocating Moderate Islam", in *Handbook of Islamic Sects and Movements*, Ed. Muhammad Afzal Upal and Carole M. Cusack (Published by Brill, 2021), 145.

[60] Marcus Mietzner and Burhanuddin Muhtadi, "The Myth of Pluralism: Nahdlatul Ulama and the Politics of Religious Tolerance in Indonesia", *Contemporary Southeast Asia: A Journal of International and Strategic Affairs,* Vol. 42, No. 1 (April 2020), 64-65. DOI: 10.1355/cs42-1c

such as citizenship, social relations between diverse groups, and political leadership.

In 2015, a book with the title "*Fiqh* of Diversity" was published. In his statement in the book, it was written that the book "*Fiqh* of Diversity" is a series of publications to celebrate the 80 years of Ahmad Syafi'i Maarif (ASM) published by Mizan Media Utama Bandung. According to Fajar Riza, Director of the Maarif Institute, stated:[61]

"The *fiqh* of diversity opens a new interpretation of issues imbued with inclusive national awareness that is following the goals of the state according to the Qur'an and Hadith. The Jurisprudence of Diversity is also the antithesis of the growing threat of intolerance and sectarianism in recent years. Violence and sectarian conflicts in the Middle East that have not yet receded must be a mirror for Indonesia to not fall into the same hole. Cultivating an open and non-discriminatory religious understanding, especially in education and the younger generation, will stem the increasingly worrying symptom of misdirection (*takfirism*)".

Long before the emergence of *fiqh al-muwāṭanah* and fiqh of diversity, several Islamic thinkers in Indonesia had begun to look for a uniquely Indonesian fiqh formula, such as Hasbi ash-Shiddiy in the 1940s who initiated "Indonesian fiqh,"[62] and Hazairin in the 1950s with the concept of "National School."[63] In the 1980s, some Islamic thinkers reform Islamic law in Indonesia, such as Munawir Sjadzali with the concept of "Re-actualizing Islamic law,"[64]

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[61] Fajar Riza Ul Haq, "Sambutan Maarif Institut", *Fikih Kebinekaan* (Bandung: Mizan Media Utama, 2015), 9.

[62] Hasbi Ash Shiddieqy, *Syari'at Islam Menjawab Tantangan Zaman* (Yogyakarta: IAIN Sunan Kalijaga, 1961), 24.

[63] Hazairin, *Hukum Kewarganegaraan Nasional*, Edisi ke-3 (Jakarta: Tintamas, 1982), 6.

[64] Munawir Sjadzali, "Reaktualisasi Ajaran Islam", dalam *Polemik Reaktualisasi Ajaran Islam*, ed., Iqbal Abdurrauf Sainima (Jakarta: Pustaka Panjimas, 1980), 1.

Abdurrahman Wahid (Gus Dur), with the concept of "indigenization of Islam," and Masdar F. Mas'udi carry the theme "Zakat as a Tax."[65]

The description above provides a clear picture that the efforts of Islamic thinkers in Indonesia to make Islamic law follow the conditions in Indonesia continue to be carried out because Islamic law is flexible according to the context of its era. Following the rules of *fiqhiyyah*, changing a law should adjust to the situation, condition, time, and place (*taghayyuru al-aḥkām bi taghayyuri al-azmināti wa al-amkināti*).[66] So fiqh *al-muwāṭanah*, fiqh of diversity, fiqh of Indonesia, and others are just different terms. However, substantially all of them lead to the need for fiqh suitable for Indonesian society, namely fiqh of the archipelago.

The Challenge of *Fiqh al-Muwatanah*

The idea of not referring to non-Muslim citizens as infidel and replacing it with *al-muwāṭinūn* is exciting because, at the same time, there is a strengthening of cases of intolerance in society. Based on data released by the Setara Institute, in 2020, there were 422 violations of religious freedom violations that occurred in Indonesia. Of these, 238 cases were committed by state actors, and 184 cases were committed by non-state actors, such as citizen groups, individuals, and community organizations.[67]

The Regional Government and the Police are the highest offenders in the state actor category with 42 cases each. Meanwhile, the highest non-state actors were citizens with 67 cases and religious organizations with 42 cases. Most non-state actors committed

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[65] Masdar F. Mas'udi, *Agama Keadilan: Risalah Zakat (pajak) dalam Islam,* Edisi ke-3 (Jakarta : P3M, 1993).

[66] Mukhish Usman, *Kaidah-kaidah Ushuliyyah dan Fiqhiyyah* (Jakarta: Gema Insani Press, 2000), 14.

[67] SETARA Institute, *Siaran Pers Launching Laporan Kondisi Kebebasan Beragama/Berkeyakinan Di Indonesia Tahun 2020* (Jakarta, 6 April 2021).

violations of religious freedom in the form of intolerance, namely 62 cases, 32 cases of blasphemy of religion, 17 cases of refusing the establishment of places of worship, 8 cases of prohibiting religious activities, 6 cases of destroying places of worship, and 5 cases of violence and rejection of other activities. While the group of victims of KBB violations in 2020 consists of residents (56 incidents), individuals (47), Local Religion/Believers (23), Students (19), Christians (16), Christians (6), State Civil Apparatus (4), Confucians (3), Catholics (3), Muslims (3), Hindus (3), Buddhists (2), and religious organizations (2).[68]

Then, based on the results of research conducted in 2014-2019, the Setara Institute ranked violations of freedom of religion and belief in regions in Indonesia. West Java was the top with 162 cases, DKI Jakarta 113 cases, East Java 98 cases, Central Java 66 cases, Aceh 65 cases, Yogyakarta 37 cases, Banten 36 cases, North Sumatra 28 cases, South Sulawesi 27 cases, and West Sumatra 23 cases.[69] In 2020, the Setara Institute also created an index of the most tolerant cities in Indonesia. From the index, it is known that the 10 cities with the lowest scores are Pasuruan, Depok, Padang, Pangka Pinang, Surakarta, Banda Aceh, Bandung, Medan, Makassar, and DKI Jakarta. More details can be seen through the following table:[70]

Ranking	City	Skore
85	Pasuruan	4,00
86	Depok	2,00
87	Padang	2,00
88	Pangka Pinang	1,00

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[68] Ibid.

[69] JPPN News, "Daftar Provinsi Intoleran berdasar Hasil Riset SETARA Institute", jppn.com, release 24 Nopember 2019, https://www.jpnn.com/news/daftar-provinsi-intoleran-berdasar-hasil-riset-setara-institute, diakses 03 Agustus 2021.

[70] Subhi Azhari dan Halili, *Indeks Kota Toleran (IKT) Tahun 2020…*, 45.

89	Surakarta	1,00
90	Banda Aceh	1,00
91	Bandung	1,00
92	Medan	1,00
93	Makassar	1,00
94	DKI Jakarta	1,00

Furthermore, the Indonesian Survey Institute (LSI) released the results of a survey conducted on September 8-17, 2019, to 1,550 Muslim respondents. The release stated that 59.1 percent of Muslim respondents objected to being led by parties of different faiths. Meanwhile, 31.3 percent of Muslim respondents have no problem if non-Muslims lead them. The survey results also stated that 53 percent of Muslims objected to those with different beliefs building a house of worship, and 36.8 percent said they did not mind.[71]

Based on this data, there are still many cases of violations and intolerance in Indonesia. Of course, this is a separate agenda that must be resolved. The factors that cause the emergence of intolerance are,[72] *first,* social and economic factors. The poverty factor that afflicts specific individuals or groups is assessed as the primary variable that makes a significant contribution to violence and intolerance. Prolonged social conflict also contributes to intolerance and violence; *second*, government performance factors, such as poor governance or poor governance; rampant corruption, the development of a culture of impunity for violations of the law by the state and its apparatus as well as a repressive attitude under the pretext of national stability, limitation of space for public participation, closure of access to power, and others; *third*, mental-psychological factors, such as an

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[71] JPPN News, "Survei LSI: Mayoritas Muslim Indonesia Intoleran dalam Urusan Politik", *jppn.com,* release 03 Nopember 2019, https://www.jpnn.com/news/survei-lsi-mayoritas-muslim-indonesia-intoleran-dalam-urusan-politik, diakses 03 Agustus 2021.

[72] Didin Syafruddin dan Ismatu Ropi (Ed.), *Gen Z: Kegalauan Identitas Keagamaan* (Jakarta: PPIM-UIN Jakarta, 2018), 24.

impulsive attitude, thrill-seeking behavior or the desire for revenge, and responses to insults; fourth, radical religious understanding. The religious ideology, which contains many values that tend to be intolerant and contain violence, will direct its adherents to take any action or action which is an expression of the values it contains.[73]

By looking at the facts above, it is necessary to think of solutions to overcome the growing violence and intolerance. Frost, in Democracy and Toleration, as quoted by Zaini argues, there are two perspectives on tolerance, namely a conception based on state authority (permission concept) and a conception based on culture and a willingness to understand and respect each other (respect concept).[74] The first, permission conception, is that the state gives tolerance or permission to minorities to live according to their beliefs as long as it does not question the domination of the ruler (or majority).[75] The primary weakness of Frost's opinion is that the terminology of majority and minority is still emerging. In contrast, tolerance is built if all are on the same principle, namely equality and justice. Here, the state can make rules that close the space for their violent and intolerant attitudes by implementing the rule of law fairly and equally. The second, *respect conception, is* that tolerance must build mutual understanding and respect in ethnic, religious, racial, and linguistic diversity. Here religious leaders (teachers, kyai, priests, and others) have an essential role in educating the public

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[73] Zuli Qodir, "Kaum Muda, Intoleransi, dan Radikalisme Agama", *Jurnal Studi Pemuda*, Vol. 5, No. 1, Mei 2016, 432, https://doi.org/10.22146/studipemudaugm.37127

[74] Zaini, "Penguatan Pendidikan Toleransi Sejak Usia Dini (Menanamkan Nilai-Nilai Toleransi Dalam Pluralisme Beragama Pada Pendidikan Anak Usia Dini (Paud) di Kabupaten tulungagung Tahun 2010)", *Toleransi: Media Komunikasi Ilmiah Umat Beragama*, Vol 2, No 1 (2010), 20, http://dx.doi.org/10.24014/trs.v2i1.423

[75] Muhammad Nur Prabowo Setyabudi, "Konsep dan Matra Konsepsi Toleransi dalam Pemikiran Rainer Forst", *Jurnal Filsafat Indonesia,* Vol 3 No 3 Tahun 2020, 89, http://dx.doi.org/10.23887/jfi.v3i3.24895

about the importance of togetherness, peace, respect for other groups by utilizing existing media, such as the internet, social media, or others. Radicals use the internet and social media for agitation and propaganda. A study conducted by Jennifer Yang Hui shows that the *website* is the most widely used medium by radical groups.[76] Not only through the *website* but the propaganda of this radical group also utilizes social media.[77] This phenomenon must be balanced by increasing content on the internet and social media about religious tolerance and non-violence, as did Gus Baha'. Gus Baha' can be a balancer and even an alternative that offers a tolerant, easy, and uncomplicated Islam.[78]

In more detail, Zuli Qodir explained that four things could be done to prevent violence and intolerance from happening;[79] *first, psychological preparation*, especially for the young group. The younger generation is the group most susceptible to intolerance or radicalism. Marc Sageman, as quoted by Didin Syafruddin and Ismatu Ropi (Ed.), through his profiling of 172 global jihadists who had been involved in these activities from the 1990s to the early 2000s, showed that the average age of the youth group was 26 at the time. Started to get involved, as many as 115 (70%) joined and were involved in terrorist movements in other countries (not their place of birth), as many as 14 (8%) were second-generation immigrants in

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[76] Jennifer Yang Hui, "The Internet in Indonesia: Development and Impact of Radical Websites," *Studies in Conflict & Terrorism* 33, no. 2 (January 21, 2010), 16, https://doi.org/10.1080/10576100903400605

[77] Asep M. Iqbal, "Internet, Identity and Islamic Movements: The Case of Salafism in Indonesia," *Islamika Indonesiana* 1, no. 1 (June 7, 2014), 81–105, https://doi.org/10.15575/isin.v1i1.42

[78] Saifuddin Zuhri Qudsy dan Althaf Husein Muzakky, "Dinamika Ngaji Online Dalam Tagar Gus Baha (#Gusbaha): Studi Living Qur'an di Media Sosial", *Poros Onim*, Volume 2, Nomor 1, Juni 2021, 13-15, https://doi.org/10.53491/porosonim.v2i1.48

[79] Zuli Qodir, "Kaum Muda, Intoleransi, dan Radikalisme Agama…, 436-437.

England, France, and America;[80] *second, opening up political access space.* Not a few of the emergence of radicalism due to the lack of access for the community. Studies have shown that a country increasingly provides opportunities and access to the same politically for the people and the products of available policies. There is a slight possibility of fighting radically;[81] *third, addressing economic inequality.* Weak economic conditions can lead to perceptions of being mistreated by the State/government. These conditions can become targets for recruiting radical groups by taking advantage of disappointment and anger because of unfair treatment. Overcoming economic inequality can be done by creating jobs, capital, and others.[82] The research results in Europe show that people involved in radical groups from an economic point of view are at the lower class level 52 people and middle class 36 people out of a total of 93 radical people. In terms of employment, 30% of the 126 people arrested are arrested are unemployed;[83] *fourth, providing religious understanding that is tolerant and non-violent.* The role of religious leaders becomes essential in providing understanding and encouraging the emergence of tolerance, and reinterpreting texts that can be misunderstood is a must so that religion can be felt like mercy (tenderness, compassion, and gentleness)[84] for humans. Religion is one of the values that can encourage its adherents to be good. As a value, religion becomes the glue of beliefs or feelings that give a pattern to its adherents' thoughts, feelings, and behavior.[85] In this context, education is an essential means of creating tolerant beliefs,

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[80] Didin Syafruddin dan Ismatu Ropi (Ed.), *Gen Z: Kegalauan Identitas Keagamaan…*, 32-34.

[81] Ibid., 29.

[82] Ibid., 26.

[83] Ibid., 34.

[84] Abi Husain Ahmad Ibn Faris Ibn Zakariya, *Mu'jam Maqayisu al-Lughati li tahqiq Abd al-Salam Muhammad Harun,* Vol. 2 (Beirut: Dar al-Fikr, 1979), 498.

[85] Zakiah Darajat, *Dasar-Dasar Agama Islam* (Jakarta: Bulan BIntang 1980), 260.

attitudes, and behaviors in life.[86] Mukti Ali mentioned the need to *agree in disagreement*, which believes that religion is best, and invite others to believe that religion is a religion that embraced the most good. It is believed that between one religion and another, apart from differences, there are also similarities.[87]

Thus, the challenges of *fiqh al-muwāṭanah* are indeed weighty, long, and winding. Requires the commitment and cooperation of all elements of the nation to continuously "campaign" tolerance, equality, and justice in the life of the nation and state. By prioritizing the pattern of da'wah that is characteristic of NU, as explained by Ahmad Shiddiq, namely *tawassut* (moderate), *i'tidāl* (upright), *tasammuh* (tolerant), and *tawāzun* (balanced),[88] makes NU has a characteristic and a different face from other organizations.[89] NU is an organization with high flexibility to continue to build the nation with the government. Although not infrequently, NU can also take a tough stance against the government when tolerance, equality, and justice are ignored.[90] As the most significant religious organization in Indonesia, NU can play a massive cultural role in society. With institutional potential from the center to remote corners of the country, it is easier for NU to empower the community. Coupled with many NU scholars and intellectuals, this is the most potent ammunition in building tolerance in Indonesia.

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[86] Mahfud Junaedi, *Ilmu Pendidikan Islam Filsafat Dan Pengembangan* (Semarang: Rasail, 2010), 182.

[87] Febri Handayani, "Toleransi Beragama dalam Perspektif HAM di Indonesia", *Toleransi: Media Komunikasi Ilmiah Umat Beragama*, Vol 2, No 1 (2010), 71, http://dx.doi.org/10.24014/trs.v2i1.426

[88] Ahmad Najib Burhani, "*Al-Tawassuṭ wa-l I'tidāl*: The NU and Moderatism in Indonesian Islam", *Asian Journal of Social Science*, 40 (2012), 570. DOI: 10.1163/15685314-12341262

[89] Muhammad Makmun Rasyid, "Islam Rahmatan Lil Alamin…, 105.

[90] Saiful Mujani and R. William Liddle, "Muslim Indonesia's Secular Democracy", *Survei Asia,* Vol. 49, Edisi 4, 2009, 587. DOI: AS.2009.49.4.575

CONCLUSION

Fiqh al-muwāṭanah offered by NU is a perspective that forms the basis for all citizens that humans are the same without differences; there is no majority or minority. What applies is the principle of equality before the law. The concept of *Fiqh al-muwāṭanah* becomes a balancer and even alternative in strengthening radical groups or takfirism in Indonesia, which often commit acts of violence and intolerance towards other groups.

Historically, the emergence of *fiqh al-muwāṭanah* shows the consistency of NU in guarding the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution. The challenge ahead in implementing *fiqh al-muwāṭanah* is the still radical solid group that demands the formalization of religion in the state. However, this is not impossible with NU's strengths, such as the organizational structure from the center to the regions, plus the number of ulama and intellectuals.

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Exploring the Views of Mosque Committee Members on Mosque Religious Education Programs in Gombak

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Abstract

There is a multitude of social problems characterized by the growth of crime rate of violence, religious disintegration, hatred, religious disunity, and tension. Such problems have raised serious attention from various parties as they lead to social disintegration and eventually harm social security. The phenomena could be attributed to, inter alia, the lack of religious understanding; a critical factor in constructing the moral behavior of human beings. A study has been conducted to obtain feedback from mosque committee members in Malaysia on the nature of the mosque religious education curriculum. Focus Group Discussions had been conducted by engaging relevant stakeholders of mosques to identify the views of mosque committee members on the mosque religious education curriculum in the district of Gombak, a district in the state of Selangor, Malaysia. The findings have been analyzed using thematic analysis. The findings show that mosque committee members highlighted several issues which concern mosque religious education structure, education resources, participants' content of curriculum, teaching

and learning approaches, and their expected outcomes. The findings increase the understanding of the roles of mosque as strategic center for community members to acquire knowledge, important for the community sustainable development. The information can be used as basis for the development of the Mosque Religious Education Curriculum.

Keywords: Committee Members, Mosque Religious Education Curriculum, Education Program, and Social Issues.

Abstrak

Banyaknya masalah sosial yang ditandai dengan meningkatnya angka kriminalitas kekerasan, disintegrasi agama, kebencian, perpecahan dan ketegangan agama. Permasalahan tersebut telah mendapat perhatian serius dari berbagai pihak karena dapat menimbulkan disintegrasi sosial dan pada akhirnya akan merugikan jaminan sosial secara keseluruhan. Fenomena tersebut dapat dikaitkan dengan, antara lain, kurangnya pemahaman agama; faktor penting dalam membangun perilaku moral manusia. Sebuah studi telah dilakukan untuk mendapatkan umpan balik dari anggota komite masjid di Malaysia tentang sifat kurikulum pendidikan agama masjid. Diskusi Kelompok Terfokus telah dilakukan dengan melibatkan pemangku kepentingan masjid yang relevan untuk mengidentifikasi pandangan anggota komite masjid tentang kurikulum pendidikan agama masjid di distrik Gombak, sebuah distrik di negara bagian Selangor, Malaysia. Hasil temuan dianalisis menggunakan analisis tematik. Temuan menunjukkan bahwa anggota komite masjid menyoroti beberapa masalah yang menyangkut struktur pendidikan agama masjid, sumber daya pendidikan, isi kurikulum peserta, pendekatan belajar-mengajar dan hasil yang diharapkan. Temuan ini meningkatkan pemahaman tentang peran masjid sebagai pusat strategis untuk memperoleh pengetahuan untuk pembangunan berkelanjutan. Informasi tersebut dapat digunakan sebagai dasar pengembangan Kurikulum Pendidikan Agama Masjid.

Kata kunci: Anggota Panitia, Kurikulum Pendidikan Agama Masjid, Program Pendidikan, dan Masalah Sosial.

INTRODUCTION

In the current world, individuals are confronted by a multitude of social problems, from the growth of crime rate and violence to religious disintegration and hatred. A study conducted by Ipsos in 2018 shows that crime and violence are the third most mentioned worry in Malaysia and moral decline ranks at the fourth. Meanwhile, Selangor Islamic Religious Department revealed that over 350 followers of deviant teachings were arrested from the year 2015 to 2017 in Selangor. In the District of Gombak, there exists an active community of deviant teaching followers, although it has been ruled as a deviant group in 1989. This shows an upsurge of religious issues which has raised serious concern and attention from various parties for they lead to various psychosocial issues such as social disintegration which will eventually harm the national security.

Many have attributed the above scenario to the lack of religious understanding. The Pew Research Center's Survey in 2014 revealed that 89 percent of Malaysians agree that faith and morality are interrelated.[1] As religions play a significant role in constructing the moral behavior of human beings, unclarity and lack of understanding of them would lead to moral decline and cause many social problems.[2] Good religious understanding helps Muslims to see beyond cultural, racial, and political lines, essential in the efforts to mitigate social problems.

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[1] The Pew Research Center, "Worldwide, Many See Belief in God as Essential to Morality" (Washington, DC: The Pew Research Center, March 13, 2014), https://www.pewresearch.org/global/2014/03/13/worldwide-many-see-belief-in-god-as-essential-to-morality/.

[2] Hazizan Md. Noon et al., "Religiosity and Social Problems in Malaysia," *Intellectual Discourse* 11, no. 1 (June 30, 2003): 77–87; Abe W. Ata, "Perception of Muslims and Islam in Australian Schools: A National Survey," in *Religion and Social Problems*, ed. Titus Hjelm, 1st Edition (London, UK: Routledge, 2010); Yasemin El-Menouar and Melanie Becker, "Islam and Integration in German Media Discourse," in *Religion and Social Problems*, ed. Titus Hjelm, 1st Edition (London, UK: Routledge, 2010).

As far as Muslims are concerned, much has been addressed on their development of religious understanding, especially that pertains to the roles of the mosque in shaping Muslims' characteristics. The roles of the mosque as a uniting and harmonizing agent particularly for Muslim individuals in a community, and between Muslim and Non-Muslim members of the society have been historically proven.[3] In the present Malaysian context, the significant roles of the mosque could be revived with the development of a much more structured religious study curriculum for mosque education programs, hence serving to meet the spiritual and intellectual needs of various groups in the society.

Prominent Islamic scholars believed that Islamic teaching is *sine qua non* in the process to nurture sound moral characteristics and shape desirable behaviors among people. Religious teaching would provide fundamentals that drive individuals to continuously pursue excellence in all aspects of life. Religious knowledge and principles should be able to substantiate individuals' way of living and motivate them to have excellence in this world and in the hereafter. Religious education is essential as it leads people to learn, relearn and undertake religious practices which would promote the well-being of individuals, families, and the community, evident in findings of various mental health research.[4] Various social science studies found that 81 percent of the 99 studies reviewed found "some positive association between religious involvement and greater happiness, life satisfaction, morale, positive affect or some other

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[3] Cemil Oruç, "The Impacts of Religious Education on Individual and Social Life," *Dinbilimleri Akademik Araştırma Dergisi* 10, no. 3 (June 1, 2010): 195–211.

[4] Patrick Fagan, "Why Religion Matters Even More: The Impact of Religious Practice on Social Stability," Backgrounder (Washington, DC: The Heritage Foundation, December 18, 2006), 200, https://www.heritage.org/civil-society/report/why-religion-matters-even-more-the-impact-religious-practice-social-stability.

measure of well-being". This is because religious education gives greater hope and a greater sense of purpose in life.[5]

These findings on the benefit of religious education emphasize the importance of providing Muslims with effective religious education either via the formal or informal system. Regarding the latter, religious education provided at mosques is viewed as a good mechanism in promoting and providing religious education to the population. It is, hence, essential to avail a proper structure of mosque religious education curriculum which would provide Muslims with comprehensive religious knowledge which would empower them to adopt a good way of living and in turn attain a high quality of life in the physical, emotional, intellectual, spiritual, and social aspects.

In attaining this aspiration, there is a need to have a good mosque education curriculum. The curriculum must be based on the needs of a mosque's community, meriting the essentiality to consider the uniqueness and particularity of each locality in terms of the social, economic, and cultural expectations. It is with this understanding that this research has been conducted to identify the views of mosque committee members pertaining to existing mosque religious education programs, its content, implementation, or effectiveness, as the committee members have traditionally been instrumental in deciding the religious education programs for the mosque community. The push for a formal or at least a structured

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[5] Mahyuddin Barni and Diny Mahdany, "Al Ghazāli's Thoughts on Islamic Education Curriculum," *Dinamika Ilmu: Jurnal Pendidikan*, December 31, 2017, 251–60, https://doi.org/10.21093/di.v17i2.921; Byron R. Johnson, Ralph Brett Tompkins, and Derek Webb, "Objective Hope: Assessing the Effectiveness of Faith-Based Organizations: A Review of the Literature" (New York, NY: Center for Research on Religion and Urban Civil Society, Manhattan Institute, January 2, 2002), https://media4.manhattan-institute.org/pdf/crrucs_objective_hope.pdf.

education program is not new,[6] but it has yet to materialize. The findings of the study will serve as a set of bases to develop a structured mosque religious education curriculum that contains comprehensive content and an effective mode of teaching and learning methods. The information is also useful to inform the development of other interventions that could be developed to optimize the functions of mosques in community development.

LITERATURE REVIEW

The functions of the mosque as a central spine for community development have been historically proven. The mosque institution played significant functions in changing the society during and after the Prophet's time, being the center to educate community members, develop their capacity to become good individuals in the society and change their socio-economic condition to be of a better state.[7] Mosque institution has been playing the role of a uniting and harmonizing agent for many people, including between Muslims and people of other faiths.

Mosques provide religious education, helping the community members to meet their religious and spiritual needs, being aware of the essentiality of religious teaching and values in nurturing positive behaviors.[8] They also serve as community places for marriage

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[6] Nizaita Omar et al., "Framework of Empowering Mosque Institution in Malaysia," *International Journal of Academic Research in Business and Social Sciences* 9, no. 9 (September 25, 2019): 753–62.

[7] Spahic Omer, "Some Lessons from Prophet Muhammad (SAW) in Architecture: The Prophet's Mosque in Madīnah," *Intellectual Discourse* 18, no. 1 (June 29, 2010): 115–40; Spahic Omer, "The Form and Function of the Prophet's Mosque during the Time of the Prophet," *Muslim Heritage* (blog), August 4, 2020, https://muslimheritage.com/function-of-the-prophet-mosque/; Mustafa Yiğitoğlu and Mustafa Göregen, "Economic and Commercial Relations of the Prophet Muhammad with the Jews," *Afro Eurasian Studies* 7, no. 2 (December 31, 2018): 236–53, https://doi.org/10.33722/afes.475785.

[8] Dhini Dewiyanti and Hanson E. Kusuma, "Spaces for Muslims Spiritual Meanings," *Procedia - Social and Behavioral Sciences*, AcE-Bs 2012 Bangkok, Sukosol Hotel, Bangkok,

solemnization ceremonies, religious education for children, and other communal events. In addition to the congregational prayers, mosques provide a platform for the mass to improve on their understandings of the teachings of Islam through its continuous series of informal classes.

The educational function continues to be seen even during the pandemic. Many mosques provide a religious lesson for mosque-goers and the public in a physical setting or over radio or other platforms of live streaming. In Singapore, mosques officials develop various programs on videos to be broadcast or shared with the community. In Australia, mosques provide live streaming supplication and lectures, while in Malaysia, mosques conduct live streaming *tadarrus* (group recitation of Quran), as well as religious talks and supplication on YouTube. Like teachers in schools or academics in universities, officials and teachers at mosques have also adopted new modes of conducting religious classes or guidance sessions, many of them have adapted the digital skills to take up new approaches in educating the community.

During the restricted mode of the pandemic, religious classes instructors (*ustaz* and *ustazah*) adopt new mode of conducting religious classes or guidance session and have quickly acquired digital skills to take up the new approach of educating the community. Many mosques become forefront centers in dealing with the community members.[9] They come forward to provide

Thailand, 16-18 July, 2012, 50 (January 1, 2012): 969–78, https://doi.org/10.1016/j.sbspro.2012.08.098; Intan Salwani Mohamed et al., "Mosque Fund Management: Issues on Accountability and Internal Controls," *Procedia - Social and Behavioral Sciences* 145 (August 25, 2014): 189–94, https://doi.org/10.1016/j.sbspro.2014.06.026.

[9] Maryam Alfaraidy and Raffaello Furlan, "Sense of Community in Al-Wakrah City: Strategies for the Development of Sustainable Communities in Qatar," *Saudi Journal of Engineering and Technology* 2, no. 11 (2017): 390–402, https://doi.org/10.21276/sjeat.2017.2.11.1; Alean Al-Krenawi, "The Role of the Mosque

psychological, spiritual, and social inputs to help ease the society in dealing with the impact of movement restriction; or minimize psychological issues. They provide psychosocial education amongst mosque-goers, conduct workshops to develop capacity related to spiritual, socio-economic, cultural, medical, and psychological aspects of the community members.[10] Many other approaches have been used by mosque administrative from the west to the east, indicative of how mosques can in fact become an integral part within societal development.[11]

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and Its Relevance to Social Work," *International Social Work* 59, no. 3 (May 1, 2016): 359–67, https://doi.org/10.1177/0020872815626997; Harbi Hayette, "The Role of the Mosques in Promoting Cohesion in the American Community," *Revue Académique Des Études Humaines et Sociales* 19 (2018): 75–80; Choirul Mahfud, "Chinese Muslim Community Development in Contemporary Indonesia: Experiences of PITI in East Java," *Studia Islamika* 25, no. 3 (December 4, 2018): 471–502, https://doi.org/10.15408/sdi.v25i3.6755; Earle H. Waugh, *Al Rashid Mosque: Building Canadian Muslim Communities* (Edmonton, Alberta, Canada: University of Alberta Press, 2018).

[10] Amaney Jamal, "The Political Participation and Engagement of Muslim Americans: Mosque Involvement and Group Consciousness," *American Politics Research* 33, no. 4 (July 1, 2005): 521–44, https://doi.org/10.1177/1532673X04271385; Sukron Kamil and Zakiya Darojat, "Mosques and Muslim Social Integration: Study of External Integration of the Muslims," *Insaniyat : Journal of Islam and Humanities* 4, no. 1 (November 29, 2019): 37–48, https://doi.org/10.15408/insaniyat.v4i1.12119.

[11] Zain Ul Abideen and Farrukh Abbas, "Believers, Islamic Brotherhood and Mosque-Based Emotional and Informal Social Support System among Muslims in Pakistan," *Journal of Religion, Spirituality & Aging* 33, no. 1 (January 2, 2021): 54–85, https://doi.org/10.1080/15528030.2020.1827480; Muhammad Imran Ibrahim, Mohd Nizam Sahad, and Suhaila Abdullah, "Pembangunan Remaja Masjid Masa Kini: Satu Tinjauan Di Masjid Daerah Kinta, Perak [Current Development of Mosque Youth: A Study at Daerah Kinta, Perak]," *BITARA International Journal of Civilizational Studies and Human Sciences (e-ISSN: 2600-9080)* 3, no. 3 (September 5, 2020): 168–83; Ummu Kultsum Nur Isnaini et al., "Revitalizing the Mosques Function as a Means of Forming Muslim Scholars and Students in Indonesia," *Khalifa: Journal of Islamic Education* 3, no. 2 (August 10, 2019): 142–53, https://doi.org/10.24036/kjie.v3i2.29; Faraaz Mahomed et al., "Establishing Good Practice for Human Rights-Based Approaches to Mental Health Care and Psychosocial Support in Kenya," *Health and Human Rights Journal* 22, no. 2 (October 19, 2020): 139–54; Yassar Mustafa et al., "The Role of Imams and Mosques in Health Promotion in Western Societies—a Systematic Review Protocol," *Systematic Reviews* 6, no. 1 (February 2, 2017): 25, https://doi.org/10.1186/s13643-016-0404-4; Ann W. Nguyen, "Mosque-Based Social

It is worth noting that research has found a positive significant relationship between religious involvement and greater happiness, life satisfaction, morale, and other types of positive experiences.[12] In this regard, many have reported that being in the mosques is not only spiritually rewarding but also socially satisfying. This promotes the well-being of the individuals, and in turn, their families, as well as the community.[13] Research has also included the potential of religion being a vital part of combating issues that have existed and persisted through the pandemic such as health and well-being for all levels of society.[14] In fact, this is a solution to help people who are psychologically affected by either the pandemic or the movement control order. Hence, with proper planning and full caution over the safety of the people against the virus, mosque activities should continue to take place for the benefit of the community.

The role of the mosque committee to ensure that the mosque can effectively and efficiently fulfill its own roles and responsibilities to serve the community is therefore crucial, even in places where there is a strong central agency (be in the state- or national-level) control such as Malaysia. Administrative incompetence will lead to erosion of trust from the public, making it difficult for mosques to

Support and Collective and Personal Self-Esteem Among Young Muslim American Adults," *Race and Social Problems* 9, no. 2 (June 1, 2017): 95–101, https://doi.org/10.1007/s12552-017-9196-y.

[12] Jamal-e-Din MahdiNejad, Hamidreza Azemati, and Ali Sadeghi Habibabad, "Religion and Spirituality: Mental Health Arbitrage in the Body of Mosques Architecture," *Journal of Religion and Health* 59, no. 3 (June 1, 2020): 1635–51, https://doi.org/10.1007/s10943-019-00949-w; Eleonora Papaleontiou - Louca, "Effects of Religion and Faith on Mental Health," *New Ideas in Psychology* 60 (January 1, 2021): 100833, https://doi.org/10.1016/j.newideapsych.2020.100833.

[13] Fagan, "Why Religion Matters Even More."

[14] Simon Dein, "Against the Stream: Religion and Mental Health – the Case for the Inclusion of Religion and Spirituality into Psychiatric Care," *BJPsych Bulletin* 42, no. 3 (June 2018): 127–29, https://doi.org/10.1192/bjb.2017.13; Simon Dein et al., "COVID-19, Mental Health and Religion: An Agenda for Future Research," *Mental Health, Religion & Culture* 23, no. 1 (January 2, 2020): 1–9, https://doi.org/10.1080/13674676.2020.1768725.

fulfill their role to provide viable and relevant programs, enabling mosques to become the "citadel" of knowledge they are supposed to be.[15]

Mosques are popular recipients of public funds. These funds are usually managed by the committee members, and in addition to covering the maintenance outlays, these funds may also be used to organize public courses, discourses, or other events. Hence, the need to ensure there is adequate internal control regarding the receipt and disbursement of these funds, and this is solely the purview of the mosque committee.[16]

In Malaysia, the appointment, and the terms of reference of the mosque committee members are regulated by the different states. Although they may vary slightly according to states, in general, all states have a provision in their religious state laws on the establishment of the mosque committee for each mosque in the state (e.g., Trengganu Administration of Islamic Religious Affairs (Administration of Mosques) Rules 1987.

This contrasts with the mosques in the United States where there is no one recognized governing body. However, even within this loose structure, in a study involving 331 mosques, 97% of the mosques have established an executive committee to investigate the operational matters of the mosques.[17]

In Indonesia, the structure of mosque management differs according to the type of mosque. A recent study to address the concerns that mosques may be the breeding ground of extremism

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[15] Tajudeen Yusuf and Lukman AbdurRaheem, *The Masjid (Mosque) Basics & Management*, Second Edition (Dhaka, Bangladesh: District Global Concept, 2013).

[16] Maliah Sulaiman, "The Internal Control Procedures of Mosques in Malaysia," *Revista Universo Contábil* 3, no. 2 (2007): 101–15, https://doi.org/10.4270/ruc.20073.

[17] Ihsan A. Bagby, "Governance Issues in American Mosques: Exploring the Present and Making Recommendations for the Future," *Journal of Islamic Faith and Practice* 1, no. 1 (March 9, 2018): 40–54.

highlighted the role that mosque committee plays in this aspect vis-a-vis their management of religious education programs. And this works both ways, these religious education programs may be a source of dissemination of the societal-building ethos.[18] If the mosque's management is comprised of individuals who have a good and tolerant Indonesian mindset, then the program that emerges from the mosque will be of the same mindset as well.[19]

Yet, whatever the structure and the specific make-up of the community, and whether the mosque is in a Muslim-majority country like Malaysia and Indonesia or a Muslim-minority country like the United Kingdom or Germany, the central role of the mosque committee in ensuring that the mosque, in turn, can fulfill the objectives of its existence cannot be denied. As such, understanding how these committee members view their roles and conduct themselves is important to make any major initiative a success.

METHODOLOGY

This research adopts a qualitative research design to identify issues pertaining to the structure, and implementation of mosque education programs. The approach would enable the researchers to have unrestricted information which would lead to rich information about the existing condition of mosque education programs. For this study, the Focus Group Discussion (FGD) approach is used.

This study is a part of a larger study to understand the conduct, impact, and views on existing mosque education programs with

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[18] Nining Islamiyah, Siti Siraj, and Ahmad Osman, "Internal Control Practices of Mosques in Java, Indonesia," *Jurnal Akuntansi Dan Keuangan Indonesia* 17, no. 1 (June 30, 2020): 84–101, https://doi.org/10.21002/jaki.2020.05; Rosita Tandos, Abd. Muid N, and Nasaruddin Umar, "Indonesian Mosques: Current Issues, Management, and Institutions in Indonesia and the United States," *Journal of Islamic Studies and Culture* 8, no. 2 (2020): 1–12, https://doi.org/10.15640/jisc.v8n2a1.

[19] Tandos, Muid N, and Umar, "Indonesian Mosques."

various segments of the community, including the mosque committee. Several FGDs have been conducted to gather the views of mosque committee members about the religious classes conducted at their mosques. The FGDs were conducted face-to-face within a one-month period. Depending on the size of the actual committee member of the mosque, the number of participants per FGD ranged from seven to eleven. As per the composition of the mosque committee, they were mostly all men with one and at most 2 women who headed the *muslimat* committee.

Representatives of committee members of mosques in Gombak have participated in the study. This study was conducted in Gombak, a Muslim-dominated district given its central location in Peninsular Malaysia. Given the size of the district, the study was able to capture views from the more urban areas and the suburban areas, as gazette by the State Religious Administrative Council.

The participants of the FGDs in this study comprised committee members of two urban area mosques and two suburban area mosques. The researchers, with the supporting document from the District Religious Department, contacted the management of the identified mosques informing the plan to conduct research on mosque education programs. Upon agreement of the management, a date to conduct the FGD was set with a request for the invitation to be extended to the entire committee. During the FGD, the committee members were briefed on the objective of the research, the research expected outcomes and the ways the FGD would be conducted. The FGD was facilitated by a facilitator, assisted by one rapporteur in each group. The FGD was conducted in the mosque itself, and for all four mosques, it was arranged to be done in the meeting room of the mosque.

Prior to conducting the FGD, the research team developed the major questions to be asked. This is to ensure that the necessary

elements were covered, and the conduct of the FGD was relatively uniform across the different mosques while bearing in mind that the actual conduct would differ based on the responses of the participants. During the FGD itself, the moderator posted several questions to the groups to facilitate the discussion, probed with follow-up questions throughout the session. All the sessions were recorded and were later transcribed prior to the analysis.

RESULT AND DISCUSSION

The transcription from the FGD was then subjected to a content analysis according to the pre-identified themes based on the objectives of the study.

The findings of the study are presented in several pre-identified themes, namely the education activities, the resource person, the program participants, the education content, the teaching and learning approaches, the expected outcomes, and impact, plus other aspects that came up during the FGD that did not fall into any of the said themes.

The Mosque Education Activities

The mosques in this study were active in conducting educational programs at their respective places, in that there was almost always one program each day. The following table shows an example of the programs that have been conducted at one of the mosques and how frequent they were conducted:

Table 1. Mosque Programs

Maghrib Lecture	Conducted daily except on Thursday, as it is reserved for Yasin Recitation
Fajr Lecture	Conducted every Saturday, Sunday, and public holidays

Dhuha Lecture	Conducted four times per week,
Asr Lecture	Conducted four times per week
Special Lecture	Conducted monthly, by invited speakers
Forum	Conducted once in every three months
Jumaat Lecture	Conducted before Jumu'ah time
Special programs	Janazah Management Program, Umrah and Hajj Courses, etc.

The type of activities and frequency of conduct was similar across all the mosques, with variations in the specific days or actual frequency of the conduct. This is a piece of important information as the knowledge of the frequency of activities at the mosques may serve as a guide for module developers to develop the curriculum. More importantly, it also indicated that the mosque committee were very keen to organize religious education classes for the masses.

The Resource Person

The interviewees highlighted the issue with the resource people whom the mosque needed to identify in conducting the educational activities at the mosque. This, as stated by the interviewees, should be someone who was to be selected properly based on their ability to conduct the programs appropriately, attract the audience and deliver effective teaching.

It was found that there was somehow a lacuna of suitable teachers/speakers to teach young children, especially the boys. According to the interview participants, there have been cases when teachers were appointed based on convenience, in that anybody could be appointed to teach without checking their suitability. They

have also mentioned that the existing programs at the mosques were to be conducted by *Ustaz* and *Ustazah* who have received permission from the State Religious Department who all subscribe to the *Ahlus sunnah wal jamaah* school of ethics, fiqh, and creed. At times, notable influencers among experts, scholars, and celebrities were also invited as they would attract huge crowd participation.

Hence, as much as the mosque committee attempted to adhere to the requirements of the State Religious Department, there were occasions when they had to make do with who was available. More significantly though, a permit to teach in mosques given by the State Religious Department was only an assurance of the speaker's acceptable *manhaj*, not of the speaker's ability to deliver the content effectively.

The Program Participants

Interviewees were also asked about the volume of participants in these education programs. According to them, the number of participants depended on the type of classes which would generally vary from time to time. Interviewees said that the post-Maghrib lecture would be attended by about 25 to 100 participants while an Arabic class held during the day would be attended by 5 participants only. A Premier talk or *Ceramah Perdana* on the other hand would be attended by a huge crowd, as per the goal of the program.

The target groups for the programs organized at the mosque varied, which may also include young children. Given the average number of individuals who attended the five daily congregational prayers was 100, this would be a considerable number of potential audiences to the programs connected to the prayer times. It was also found that community members prefer *musolla* nearer their houses to the mosque to perform their congregational prayers or religious

classes, hence the small number of people going to the mosque itself relative to the number of Muslims in the community.

This meant that each mosque may draw more crowds if it was geographically convenient for the surrounding residents, hence should be regarded as key to the proposed curriculum. Additionally, the nature of the program influences the volume of participants, indicative of the need for curriculum developers to pay attention to the type of module or activities to ensure the curriculum is effectively delivered to a bigger number of people in society.

The Education Content

The content of the religious class was also asked in the interview. The FGD participants were informed that the actual content was determined by the appointed teachers instead of the mosque committee. A *nazir* once informed the committee of one of the mosques in this study that priorities were to be given to text-based classes (*Kitab*-based which refers to classical text or contemporary texts) in the mosque he managed. Moreover, the subject matter was usually one which was more easily understood by the masses as opposed to a heavy subject matter such as philosophy.

It was found that the content of these classes was heavily monitored by the State Religious Department, and the mosque committee was entrusted to ensure compliance with the allowed content. This would need to be given due attention in developing a mosque religious education curriculum. Whether this would continue to be a viable approach for a mosque in the 21st century remained to be seen.

The Teaching and Learning Approaches

The issue of the pedagogical approach of these classes was also discussed in the FGD. The participants indicated that a class should

completely cover the chosen text (*kitab*) so as to bring about benefits to participants in their daily life. A series of classes may then take a long time (i.e., years) to completely cover the chosen text when the class was held once a week. In some cases, once the text was covered it was repeated anew.

According to the FGD participants, there was no education programs that were conducted via the *daurah* approach. *Daurah* refers to an intensive text-based class in which the content is structured by the teacher. The monitoring of the conduct of the classes by the mosque committee was more focused on the content instead of the pedagogical approach and hence, there was not much information to be gathered.

The Expected Outcomes

The significance and importance of mosque education programs were also laid out by the FGD participants. Firstly, to enhance the right understanding of Islam among Muslims, which was important to guide them to function in family and society. Misleading information to the public especially about society may lead them to the wrong path from what has been taught in the Quran and the Sunnah. Next was to educate moral conduct and nurture good behaviors among adolescents. This signified the need to prepare the next generation of Muslims and non-Muslims on good morals and behavior that point towards a society laden with *Sejahtera* values.

Table 2. Significance/Importance of Mosque Education Programs

1. To enhance the right understanding of Islam among Muslims, important for them to guide them to function in family and society
2. To educate moral conducts and nurture good behaviors among adolescents
3. To obtain blessings and mercy from Allah onto the locality in general. A committee member said '*Mengundang rahmat Allah SWT kepada seluruh anak kariah*'
4. To reduce the divide or animosity among members in the society
5. To address social issues and collectively provide solutions to the issues.

The FGD participants felt that the significance of the programs was to obtain blessings and mercy from Allah onto the locality in general. A committee member said 'Mengundang rahmat Allah SWT kepada seluruh anak kariah", which means inviting the blessing of Allah SWT towards all the members of the society. This is also what was taught to Muslims in the Islamic teaching which coincides with the point of *fardhu kifayah* which supports the society not exclusively to Muslims but the society as a whole.[20] Another significance is to reduce the divide or animosity among members of society. This was also an important takeaway to note from the discussions with the FGD participants. As the Quranic and prophetic teachings talk about being merciful to all people, the issue of friction and division in the society of all backgrounds may also be put in focus within this curriculum.

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[20] Barni and Mahdany, "Al Ghazāli's Thoughts on Islamic Education Curriculum."

Lastly was to address social issues and collectively provide solutions to the issues. This was certainly a point that was well taken from the discussion with the FGD participants. This idea must be pushed to be materialized to the best possible effect so that all levels and backgrounds of society can benefit from the intended curriculum.

The Impact

There was no evaluation on the effectiveness of the religious classes or satisfaction of the participants on the education programs being conducted at the mosques. The non-existence of an evaluation system may have been the cause for the difficulties to find a proper teacher and maintain a good level of quality teaching for the class-goers. Hence, this meant that there was no avenue for a systematic continual quality improvement to be implemented about these programs, which is a concern given the potential impact of these programs.

Other Issues and Challenges in Mosque Education Programs

Other issues and challenges in mosque education programs were also procured during the FGD: attitudes of participants towards religious class, participation, quality of the class, and teachers' competencies.

Table 3. Issues and challenges in Mosque Education Programs

1. Negative Attitudes of participants towards religious class
2. Little response from the society to attend the programs
3. The focus is on the frequency rather than the quality of class

> 4. Lack of suitable teachers/speakers to teach young male children

On attitudes of participants towards religious classes, the FGD participants said that many mosque-goers did not give serious attention to the religious classes conducted in the mosques. In other words, they took the classes for granted that many did not remember the content being taught by the speakers or teachers. This may be due to a lack of interest or even a lack of incentives for them to be interested in the class discussion, to begin with. It may be born out of the lack of awareness from the public of the importance or the beauty of Islam that was delivered through its teachings via various fields of knowledge within Islamic teaching.

On participation of the mosque-goers, it was found that despite the availability of many mosque education programs, there has been little response from the surrounding community to attend the programs. A committee member said "*masjid aktif mengadakan kuliah namun tiada sambutan dari masyarakat*" or that the mosque frequently organized religious classes but there was little participation from the community. Developers of the module must get to the bottom of this as to why the society did not feel engaged with the organizers in their many events. It may be down to various reasons; unattractive programs, programs that do not meet the needs of the people, the way these programs were delivered, or more.

On the quality of the classes, interviewees said that many mosques gave priority to making sure that there were religious classes being regularly conducted instead of on ensuring the selection of suitable teachers. The lack of attention to the person delivering the contents of the classes has perhaps paved the way to the lack of quality of the classes. Moreover, interview participants have also been informed that there has been a lack of improvement on the level of class quality, most of the content being repeated due

to the change of teachers appointed by the mosque. This points to the low control of quality from the class organizers in exchange for the need to constantly have class every other day. This may have caused mosque-goers to be less interested in repetitive content that does not add to their existing knowledge. Moreover, this may cause an issue in the teacher-student relationship. As more teachers were replaced, mosque-goers may have to adapt to more teachers over time. This overtime may make them feel less connected and attached to the people of the mosque because teachers will be replaced anyway. This may also present the new incoming teachers with an obstacle to connecting with the students, which then impedes the quality of the class however able the teachers are.

Suggested Approaches to be Taken by Mosques in Promoting Religious Education Programs

Below are the suggested approaches for the mosques in promoting religious education programs. The approaches are thematised into the following themes:

Table 4. Suggested Approaches

	SUGGESTIONS
Mosque Management	a. Mosque Management to emulate mosque management in other countries with effective education programs (e.g. Singapore)
	b. The existing coverage of content in Text-based Class should continue for they are important to re-educate people including those who recently participate in the religious class programs.
	c. Loud speaker should be allowed in order to allow people to follow talk/lecturers from the mosques without having to enter mosques,

	especially among women.
Content of classes	a. In-depth study classes on a series of selected text, from lower to advanced level, must be conducted to accommodate participants who have been spending longer time in the program b. Class on a specific topic should be organized periodically c. Arabic class should be organized if there is request for it

Engagement with various types of community	a. Participants should be invited to join the class by using gentle and appropriate approaches
	b. Participants and mosques are dealt with in polite ways, avoiding approaches that would make them shun away from the mosque.
	c. Mosque committee members should adopt and allow leisure manner while in the mosque, instead of applying unnecessary strict rules for mosque-goers. The latter might make people feel unwelcome to the mosques
	d. Mosques should be open to the surrounding community. Mosques should set 'WhatsApp Group (WAG)', managed by Mosque Committee in order to manage, promote and coordinate religious classes in the mosque
	e. Recognize the participation of community members by giving them certificates of attendance or achievement for their involvement in class activities.

Resource People	a. Resources for volunteers should be made available so that they can provide educational programs, other than religious classes, to the community. Volunteers may be engaged from higher education institutions or any relevant agencies.
	
	b. Speakers among young people are to be included as resource people/teachers, enabling them to acquire experience of teaching in mosques
	
	c. Set salient specifications of speakers in the criteria of selection for teachers, namely
	
	    i. skills to attract the audience, new participants.
	
	    ii. abilities to conduct classes in a less formal manner, to accommodate audiences with diverse backgrounds.
	
	    iii. ability to provide experiential learning or *daurah* type of approach

Diversify Mosque Activities	a. Free food or food-bank programs. b. Community development programs for children, youth, and women c. Counseling services to the community

The first suggestion is on the management of the mosque. It is encouraged that the mosque management emulate mosque

management in Singapore who have seen success in engaging the society in their area. Their approach revolves around open and strategic management to a point where social and religious harmony is possible. Still, considering the comparison that exists between Malaysia and Singapore in terms of their demographic, political, and historical background, there are indeed many positives that can be drawn from the module that the Singaporeans have been using so successfully thus far.

The second suggestion is on the content of classes. A committee should be established to ensure that the quality of the classes continues to improve. In-depth study classes on a series of selected texts, from lower to advanced levels, must be conducted to accommodate participants who have been spending longer time in the program. This is to also establish a sense of accomplishment to long-time mosque-goers who have been following the classes for a long time. This is also to encourage new mosque-goers, or anyone interested to learn the knowledge to complete the series as they are not too long that it bores them, and it comes in levels. Hence, classes on specific topics should be organized periodically and Arabic classes which were found to attract the least participants should be organized upon request. The existing coverage of content in text-based classes should continue for they are important to re-educate people including those who recently participate in the religious class programs. Loudspeakers should be allowed to allow people to follow talk/lecturers from the mosques without having to enter mosques, especially among women.

The third suggestion is engagement with various types of community. This approach to diversify the engagement between the community is to attract new participants to the class by using gentle and appropriate approaches. Moreover, this approach will instill an idea to the mosque management to deal with participants and

mosques in polite ways, avoiding approaches that would make them shun away from the mosque. Mosque committee members should adopt and allow leisure manner while in the mosque, instead of applying unnecessary strict rules for mosque-goers. The latter might make people feel unwelcome to the mosques. Furthermore, mosques should be open to the surrounding community. This would allow a sense of openness and welcome to anyone surrounding the mosque. Mosques should also set WhatsApp group, managed by Mosque Committee to manage, promote and coordinate religious classes in the mosque. This is to ensure that there is coordination in any event organized by the mosque and that it allows a medium for the mosque to share news relevant to the community. Then is to recognize the participation of community members by giving them the certificate of attendance or achievement for their involvement in class activities.

The fourth suggestion is on the resource people. To avail resources for volunteers to provide educational programs, other than religious classes, to the community. Volunteers may be engaged from higher education institutions or any relevant agencies. This not only benefits the mosque but also the volunteers from varsities as they may consider these programs as part of their experience through flagship programs or corporate social responsibility events. Next is to appoint speakers among young people, enabling them to acquire experience of teaching in mosques. This will also present the mosque as an entity that welcomes young people to share their talents and lead society in some capacity. This not only engages the mosque management with the youth, but it also ensures that the management will continue to be sustainable for years to come as more youth will come into responsibility for the mosque in their area. To do so, a certain specification of speakers in events as well as teachers must be included in the criteria of selection. Among the

specifications are: skills to attract the audience that includes new participants, abilities to conduct classes in a less formal manner to accommodate audiences with diverse backgrounds and ability to provide experiential learning or daurah type of approach.

The last suggestion is on diversifying the mosque activities. Mosques should hold charity events for their locals in the form of donations, Ramadhan feast, or even free food or food-bank programs. In addition, the mosque should open its doors to the locals to hold various events that are not just religious classes within the mosque compound or vicinity such as health and exercise programs, public speaking and debate competitions, or even formal lectures such as lectures for Aids awareness by the Health Ministry or awareness on crimes by the Malaysian Royal Police. Mosques could organize monthly invitations for the society to beautify the mosque in gotong-royong. They should invite all levels of society including the ladies and the children to do activities at the mosques, not just the males which were always the usual. This could be incorporated in Islamic mural competitions at a section of the mosque, gardening competitions, or even an installation of a playground for the children.

The main idea of the last suggestion is to ensure that the mosque is always connected with the people around the mosque and does not always or only focus on things that may disconnect them from the people such as very long classes etc. This is so that everyone feels connected to the mosque and that the mosque is somewhere they could go to spend time. Charity events could also benefit people who are non-Muslims who live in the area. The challenge of this suggestion may come from the question of financial, as to how the mosque will be able to finance certain events such as competitions or feasts. This may also become an opportunity for the mosque to get to know and engage with key people in their society better. This allows

for more opportunities to cooperate with people who might have the necessary resources be it network or connections, materials, or even money. This will further strengthen the bond of the mosque and the people not only through fun and beneficial programs designed specifically for the people but also through strong relationships and a sense of trust between the mosque and the community.

CONCLUSION

The findings of the study reinforced the initial concerns that as much as the mosque committee understood their roles in providing religious education programs for the public, many of them were more particular on the regulation and compliance to the authorities than the quality and the impact of the programs.

The FGDs also allowed the researchers to appreciate the commitment these committee members had. They were volunteers who were un-paid and did not expect to be paid, as they held full-time jobs elsewhere. That they were able to maintain the level of activities these mosques were offering to the public was a significant detail to be taken note of. Many of these committee members were working professionals or were retirees who held management jobs before their retirement. It would be good if they were to systematically apply some of the quality assurance principles of their regular jobs to the religious education classes too.

Although the study was done within one district in Malaysia, the suggestions listed above may be applicable to mosques globally, as the functions of the mosques across the world should be in the spirit of the mosques during the times of the Prophet and the earlier periods of Islam. Mosques should continue to be the knowledge centers, or the "citadel of learning," in the pursuit of *rahmatan lil 'alamin*. To this point, the mosque committee should be constantly reflecting on their own roles and the potential good they may affect

in carrying out their duties, hence why studies like this should continue to be done around the world. Understanding the views of the mosque committee members will enable a better perspective in developing any initiative from an external party (be it the government), as the implementors of these initiatives will be these committee members. Instead of treading on each other's feet, engagement and collaboration should be the way to go to ensure that mosques become centers of excellence.

Funding

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The Superiority of Customary Law over Islamic Law in the Settlement of Inheritance: Reflections on Snouck Hurgronje's Reception Theory

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Abstract

In colonial history in the Dutch East Indies, customary law was superior to Islamic law. By utilizing the historical approach of social thought, this article aims at exploring how and why customary inheritance law was more applicable than Islamic inheritance law. After observing the practice in several areas, including in Surambi Masjid, Snouck Hurgronje found that customary law dominated people's lives. In turn, this idea was implemented in Dutch legal regulations that weakened the roles of penghulu of the Religious Courts in resolving family and inheritance issues that required approval from the District Court judges. In addition, the penghulu's decision was not valid if it was not in line with customary law. Based on Hurgronje's advice, the competence of the Religious Court at inheritance was transferred to the District Court. He considered that inheritance was under the state's authority, and at the same time, it had not been fully accepted by customary law.

Keywords: *Snouck Hurgronje, Reception Theory, Religious Courts, Inheritance Settlement*

Superioritas Hukum Adat atas Hukum Islam terhadap Eksistensi Waris: Refleksi Teori Resepsi Snouck Hurgronje

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Abstrak

Dalam sejarah kolonial di Hindia Belanda, Hukum Adat pernah menjadi superior dari Hukum Islam di mana ini merupakan hasil pemikiran Snouck Hurgronje yang terkenal dengan Teori Resepsinya. Pendekatan sejarah pemikiran sosial digunakan untuk menyelidiki mengapa dan bagaimana konsep tersebut terjadi. Tulisan ini menyimpulkan bahwa sebelum hadirnya Hurgronje, pemberlakuan hukum bagi masyarakat mengikuti hukum agamanya masing-masing, termasuk penyelesaian waris di Pengadilan Agama. Seiring berjalannya waktu kolonial mulai intervensi masalah pembagian harta bahwa meskipun kewarisan bagi muslim diselesaikan di Pengadilan Agama dengan hukum Islam, namun putusannya harus dikukuhkan oleh Pengadilan Negeri. Kedatangan Hurgronje membawa perubahan setelah memperdalam pengetahuan Islam dan Adat, di mana adat lebih mendominasi dalam pergumulan masyarakat, sehingga ia mencetuskan bahwa hukum Islam baru bisa diimplementasikan ketika diresepsi oleh hukum adat. pada gilirannya gagasan tersebut dilanjutkan penerusnya dengan dialihkannya bidang kewarisan Peradilan Agama ke Pengadilan Negeri. Baginya, waris merupakan bidang sosial kemasyarakatan yang merupakan kewenangan negara, sekaligus belum diterima secara penuh oleh hukum adat. Pemikiran Hurgronje adalah buah karyanya sebagai penasehat pertama di Indlandsche Zaken yang tidak bisa terlepas dari luasnya pengetahuan Islam dan lokalnya serta beberapa pengalamannya dalam menyelesaikan persoalan Haji di Mekkah dan perang Aceh.

Kata Kunci: *Pemikiran Snouck Hurgronje, Pengadilan Agama, Kewarisan*

INTRODUCTION

A legal norm, such as a law or the like, will not be understood if one only reads its articles, without studying how the articles were produced, its explanations, and the soul and spirit when the manuscript or article was written.[1] Likewise, in its formulation, legal norms are also influenced by demands, needs, conditions, and situations where and to whom the law will be applied. In the development of the legal system in Indonesia, during the Dutch colonial rule, they still recognized the old legal systems, both Islamic law, and customary law. This was confirmed by Carel Frederik Winter (1799-1859), Salomon Keyzer (1823-1868), L.W.C. van den Berg (1815-1927) that the law applied to Muslims was Islamic law. Not only recognizing the legal systems practiced in Indonesia, but the Dutch also recognized the existence of Religious Courts which existed long before the Portuguese and Dutch handled marital, inheritance, and waqf disputes.[2]

The existence of Religious Courts run in society, but over time the Dutch interfered with Religious Courts, especially those related to administration. For example, it determined the delegation of authority in resolving certain civil cases to the ulama and penghulu.[3] In the Batavia Statute of 1642, it was stated that Islamic law must be used for the inheritance of indigenous people who were Muslim. This was recognized and enforced by the Resolutie der Indiesche Regeering on May 25, 1670, which was Islamic marriage and inheritance laws. Due to this development, the Dutch tried to

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[1] Zaini Ahmad Noeh, *Sejarah Singkat Pengadilan Agama Islam Di Indonesia [A Brief History of Islamic Religious Courts in Indonesia]* (Surabaya: PT. Bina Ilmu, 1983), 13.

[2] Deliar Noer, *Administrasi Islam Di Indonesia [Islamic Administration in Indonesia]* (Jakarta: CV. Rajawali, 1983), 66.

[3] R. Tresna, *Peradilan Di Indonesia Dari Abad Ke Abad [Courts in Indonesia from Century to Century]* (Jakarta: Pradnya Paramita, 1978), 101.

compile a compilation as a guide for court judges to be applied in areas where the majority was Muslim, such as Cirebon, Semarang and Makassar.[4] In 1760, Governor-General Jacob Mossel (1750-1761) compiled the Compendium Freijer on marriage, divorce and inheritance for landraad (city council) in Semarang. This collection was extracted from the Book of Mugharar (Compendium der Voornaamste Javaansche Wetten nauwkeurig getrokken uit het Mohammedaansche Wetboek Mogharaer). Likewise, to meet the needs of the Court in Cirebon (West Java) the Cirbonsche Rechtboek (Papakem Cirebon) was arranged in 1768. For Bone and Goa (South Sulawesi), the Governor of Sulawesi (1725-1755) issued the Compendium Indiansche Wetten bij de Hoven van Bone en Goa.[5]

The VOC's neutrality towards Islamic law ended in 1798 because the Dutch government dissolved the VOC due to corruption so that the wheels of power in the trading area were carried out entirely by the Dutch East Indies Government. In fact, the Dutch intervention in Islam had not been seen at that time because the Dutch's knowledge or understanding of Islam was still weak, even they were worried and afraid that rebellions would repeat.[6] In 1808, Islamic law began to be interfered with by the colonial authorities. Governor-General Daendaels (1808-1811) made an ordinance specifically for the northern coast of Java that the head of the mosque (penghulu) must act as an advisor in the general court when the

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[4] Alaiddin Koto et al., *Sejarah Peradilan Islam [History of Islamic Courts]* (Jakarta: PT. Rajagrafindo Persada, 2011), 215.

[5] M. Atho Mudzhar, *Fatwa-Fatwa Majelis Ulama Indonesia: Sebuah Studi Tentang Pemikiran Hukum Islam Di Indonesia [Fatwas of the Indonesian Ulema Council: A Study of Islamic Legal Thought in Indonesia]* (Jakarta: INIS, 1993), 33.

[6] Aqib Suminto, *Politik Islam Hindia Belanda [Dutch East Indies Islamic Politics]* (Jakarta: LP3ES, 1996), 9.

parties in dispute were Muslims.[7] In 1820, through the Regent's Instruction (Regenten Instructie), Staatsblad 1820 No. 22 article 13 states that "the Regent must ensure that the priest (ulama) can carry out his duties in terms of marriage, distribution of property, and the like following the habits and customs of the Javanese people".[8] But then, in 1824, the exclusion of residents in many cities and the function of the penghulu as the translator of Islamic law were officially abolished.[9]

Because there had been a different opinion on function of penghulu in 1834, in 1835 the Governor-General issued Staatsblad No. 56 which was a revision of the provisions of the 1820 instruction, that "..in a dispute among the Javanese regarding marriage, distribution of property, and similar disputes, the penghulu must decide the disputes according to Islamic law, while the payment arising from the decision must be brought to the General Court". With the birth of 1835 Staatsblad above, even though the decision used Islamic law, the decision of the religious court only had binding power when the district court had confirmed in the form of executoire verklaring.[10]

The 1855 Staatsblad concerning Reglement op het Beleid der Regering van Nederlandsch Indië (RR) articles 75 and 78 RR read: "Indigenous judges must enact religious laws (godsdienstige wetten) and indigenous peoples' customs (adat)." This article was an official

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[7] Daniel S. Lev, *Peradilan Agama Islam Di Indonesia: Suatu Studi Landasan Politik Lembaga-Lembaga Hukum [Islamic Courts in Indonesia: A Study in the Political Bases of Legal Institutions]*, trans. Zaini Ahmad Noeh (Jakarta: PT. Intermasa, 1986), 24.

[8] Noeh, *Sejarah Singkat Pengadilan Agama Islam Di Indonesia [A Brief History of Islamic Religious Courts in Indonesia]*, 30–31.

[9] Ratno Lukito, *Pergumulan Antara Hukum Islam Dan Adat Di Indonesia [The Struggle Between Islamic and Customary Law in Indonesia]* (Jakarta: INIS, 1998), 31.

[10] Oyo Sunaryo Mukhlas, *Perkembangan Peradilan Islam: Dari Kahin Di Jazirah Arab Ke Peradilan Agama Di Indonesia [The Development of Islamic Courts: From Kahin in the Arabian Peninsula to Religious Courts in Indonesia]* (Bogor: Ghalia Indonesia, 2011), 136.

description of the colonial government's recognition, as well as introducing the existence of Islamic law and customs that had been practised in the lives of the natives. Meanwhile, article 78 paragraph (2) of the RR reads: "When a civil case occurs between Indonesian fellows or those who are equated with them, then they are subject to the decision of the religious judge or the head of their community according to the religious law or their older stipulations." This ordinance describes explicitly that Islamic law had a strong power to be implemented by indigenous people, although customary provisions also applied.

On January 19, 1882, based on the suggestion of L.W.C van den Berg, King William III issued Decree No. 24 in the 1882 Staatsblad No. 152 concerning the establishment of religious courts in Java and Madura, in Dutch it reads: Bepaling betreffende de priesterraden op Java en Madoera, while for areas outside Java and Madura cases were left to customary regulations and swapraja (autonomous area). The decision was made to administer Islamic law through the Religious Court.[11] The 1882 Staatsblad No. 152 was the brainchild of L.W.C. van den Berg which is popular with "the theory of receptio in complexu", where the law for Indonesians was to follow their religions, those who were Hindus followed Hindu law, those who were Muslims followed Islamic law and Christians did so.[12] Thus, the presence of Islamic courts gradually received more attention from the colonial government, while at the same time placing judges to be more free and flexible in handling Muslim family laws.[13]

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[11] Lukito, *Pergumulan Antara Hukum Islam Dan Adat Di Indonesia [The Struggle Between Islamic and Customary Law in Indonesia]*, 32.

[12] Noeh, *Sejarah Singkat Pengadilan Agama Islam Di Indonesia [A Brief History of Islamic Religious Courts in Indonesia]*, 34.

[13] Mukhlas, *Perkembangan Peradilan Islam: Dari Kahin Di Jazirah Arab Ke Peradilan Agama Di Indonesia [The Development of Islamic Courts: From Kahin in the Arabian Peninsula to Religious Courts in Indonesia]*, 134.

In its development, Snouck Hurgronje arrived in Indonesia in 1889[14] after studying Indology and Islamology in Mecca for seven months (February-August 1885). Disguising as a Muslim named Abdul Gaffar[15], he mingled with the Indonesian Muslim community in Mecca by learning many aspects about Islam. From his research, he concluded that the pilgrims were not enemies to be fought because they were nothing but performing rituals. Therefore, Hurgronje suggested the government free Muslims from carrying out religious teachings without any interference. But those who carried out propaganda against the Dutch colonial government had to be taken seriously. In other words, the opponent of colonialism was not Islam as a religion, but Islam as a political doctrine.

Emphasizing the above statement, Islam as religion and Islam as politics, Hurgronje detailed his advice into three groups.[16] First, in matters relating to religious rituals, the people must be given the freedom to perform them as long as it did not cause trouble for the Dutch government. Second, fields of *muamalah*, such as the existence of the institution of marriage, divorce, inheritance, *waqf* and so on, must be maintained. However, considering these social institutions were backward, the natives were hoped to take Western institutions with the hope that they could gradually experience the process of modernization. Third, in the field of Islamic politics, the slightest tolerance would not be given in activities that could spread pan-

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[14] B.J. Boland, *Pergumulan Islam Di Indonesia 1945-1970 [The Struggle of Islam in Modern Indonesia]*, ed. Djohan Effendi, trans. Syafrudin Bahar (Jakarta: Grafiti Pers, 1985), 16.

[15] Bernard H.M. Vlekke, *Nusantara: A History of Indonesia* (Leiden: W. Van Hoeve, 1965), 324.

[16] Suminto, *Politik Islam Hindia Belanda [Dutch East Indies Islamic Politics]*, 12–14.

Islamism or things that could cause resistance and rebellion against the Dutch government.[17]

Regarding Hurgronje's second view, he stated confidently that the role of Islam would not able to bring Indonesia towards modernization so that the influence of Islam in society could be gradually paralyzed by introducing a Western cultural system.[18] To implement his thought, he introduced the *receptie* theory as opposed to van den Berg's theory of *receptie* in complex. The theory illustrates that Islamic law applies as law if it has been accepted by customary law. He supposed that Islamic law had not been crystallized in society yet. Conversely, customary law was more grounded and could be easily accepted by the community. To formulate more deeply about the politics of the indigenous people, the Dutch established the Office of Indigenous Affairs *(Kantoor voor Indlandsche Zaken)*.

The implementation of Hurgonje's theory spread to several articles of legislation of the Dutch East Indies government, such as the amendment to article 134 IS 1925 (article 7B RR) which reads: "If there is a dispute between Muslim fellows or residents who are equated with them, the head of religion or their customary head will take decide the dispute according to the law of his religion or original custom", was revised and became the 1929 Staatsblad No. 221 which reads "a civil case between Muslim fellows will be resolved by a religious judge if the situation has been accepted by their customary law as long as it is not determined otherwise by the

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[17] Alfian, *Muhammadiyah: The Political Behaviour of a Muslim Modernist Organisation under Dutch Colonialism* (Yogyakarta: Gadjah Mada University Press, 1989), 22–25.

[18] Harry J. Benda, *Bulan Sabit Dan Matahari Terbit: Islam Indonesia Pada Masa Pendudukan Jepang [The Crescent and the Rising Sun : Indonesian Islam under the Japanese Occupation 1942-1945]*, ed. Alfian, trans. Daniel Dhakidae, Cet. 1 (Jakarta, Indonesia: Pustaka Jaya, 1980), 47.

ordinance."[19] Thus, the most recent change was to withdraw Islamic law from the environment of the Dutch East Indies legal system so that Islamic law no longer legally applied in Indonesia, unless customary law was accepted.[20] Islamic law no longer had an independent position because Islamic law was only considered valid as law if the conditions had been fulfilled that the norms of Islamic law must first be accepted by customary law, and did not conflict with the statutory provisions of the Dutch East Indies government.[21]

On January 31, 1931, in the 1931 *Staatsblad* No. 53 the Dutch reduced the authority of the Religious Courts by transferring inheritance rules to the District Courts. But the 1931 *Staatsblad* No. 53 had not been implemented yet because the Dutch colonial government did not have an adequate budget and there was a violent protest from Indonesian Muslims.[22] For example, the

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[19] Mukhlas, *Perkembangan Peradilan Islam: Dari Kahin Di Jazirah Arab Ke Peradilan Agama Di Indonesia [The Development of Islamic Courts: From Kahin in the Arabian Peninsula to Religious Courts in Indonesia]*, 131–35.

[20] Khoirun Niam, "The Discourse of Muslim Intellectuals and `ulama in Indonesia: A Historical Overview," *Journal of Indonesian Islam* 4, no. 2 (2010): 287–316, https://doi.org/10.15642/JIIS.2010.4.2.287-316; Lina Kushidayati, "The Development of Islamic Law in Indonesia," *QIJIS (Qudus International Journal of Islamic Studies)* 1, no. 2 (2014): 163–80, https://doi.org/10.21043/qijis.v1i2.185.

[21] Harry J. Benda, "Christiaan Snouck Hurgronje and the Foundations of Dutch Islamic Policy in Indonesia," *The Journal of Modern History* 30, no. 4 (1958): 338–47, https://doi.org/10.1086/238264; Harry J. Benda, "The Pattern of Administrative Reforms in the Closing Years of Dutch Rule in Indonesia," *The Journal of Asian Studies* 25, no. 4 (1966): 589–605, https://doi.org/10.2307/2051493; Samuel Bazzi, Gabriel Koehler-Derrick, and Benjamin Marx, "The Institutional Foundations of Religious Politics: Evidence from Indonesia," *The Quarterly Journal of Economics* 135, no. 2 (2020): 845–911, https://doi.org/10.1093/qje/qjz038.

[22] Taufiq Hamami, *Mengenal Lebih Dekat: Kedudukan Dan Eksistensi Peradilan Agama Dalam Sistem Tata Hukum Di Indonesia [Get to Know More Closely: The Position and Existence of Religious Courts in the Legal System in Indonesia]* (Bandung, Indonesia: Alumni, 2003), 20; Abdul Ghofur Anshori, *Peradilan Agama Di Indonesia Pasca UU No. 3 Tahun 2006: Sejarah, Kedudukan, Dan Kewenangan [Religious Courts in Indonesia After Law No. 3 of 2006: History, Position and Authority]* (Yogyakarta, Indonesia: UII Press, 2007), 15; Sumadi Matrais, "Kemandirian Peradilan Agama Dalam Perspektif Undang-Undang Peradilan Agama [Independence of the Religious Courts in the

Indonesian Islamic Syarikat Party (PSII) at its congress in Bandung in July 1937 emphasized that all matters relating to Islam should be left to Islam itself, and the Conference of Islamic World Branch of Dutch East Indies (*Muktamar Alam Islamy Far'ul Hindias Syarqiyah/* MAIFHS) in its congress in Pekalongan in 1937 even proposed an open question to the government: on what legal basis did the colonial government interfere the affairs of the Islamic religion where in the past it had declared itself neutral towards religion. Finally, the proposal was implemented when the Dutch Colonial issued a new ordinance in the 1937 *Staatsblad* No. 116 which came into force on April 1, 1937, in the case of the reduction of authority of the Religious Courts regarding inheritance competence under article 2a paragraph (1) the 1937 *Staatsblad* No. 116. Efforts to reduce the validity of inheritance law through the transfer of the authority of the Religious Court (the 1937 *Staatsblad* No. 116) to the District Court because the Western view regarding marriage and inheritance was under the state's authority, not religion. In addition. inheritance law had not been fully accepted by customary law.[23]

Perspective of the Law on Religious Courts]," *Jurnal Hukum IUS QUIA IUSTUM* 15, no. 1 (2008): 121–44, https://doi.org/10.20885/iustum.vol15.iss1.art6.

[23] A. Basiq Djalil, *Peradilan Agama di Indonesia [Religious Courts in Indonesia]* (Jakarta, Indonesia: Prenada Media, 2010), 57–59; Abdullah Tri Wahyudi, "Kewenangan Absolut Peradilan Agama Di Indonesia Pada Masa Kolonial Belanda Hingga Masa Pasca Reformasi [The Absolute Authority of the Religious Courts in Indonesia from the Dutch Colonial Period to the Post-Reformation Period]," *YUDISIA : Jurnal Pemikiran Hukum Dan Hukum Islam* 7, no. 2 (2016): 285–304, https://doi.org/10.21043/yudisia.v7i2.2156; Andi Intan Cahyani, "Peradilan Agama Sebagai Penegak Hukum Islam Di Indonesia [Religious Courts as Enforcer of Islamic Law in Indonesia]," *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 6, no. 1 (2019): 119–32, https://doi.org/10.24252/al-qadau.v6i1.9483.

RESEARCH METHOD

Using a social history approach, this paper examines how the process of inheritance was transferred from the Religious Courts to the District Courts. This article is library research, where the collection of data comes from various books, journals and discussions that are relevant to this research. After the data was collected, data reduction and data presentation were carried out to sort out the data. After being analyzed with an inductive pattern, the data was presented. This means that the problems presented in the introduction are then presented systematically in the discussion to conclude. This article, which examines the history of Snouck Hurgronje's social thought, not only examines his personal scientific and career developments in solving the problems faced in the Dutch East Indies but also describes the creation of the Reception Theory which was then implemented in the articles of various regulation.

RESULTS AND DISCUSSION

Snouck Hurgronje's Contribution After His Study in Mecca and Aceh

Christian Snouck Hurgronje (1857-1936) obtained his doctorate in Oriental Cultures and Languages at a young age. His legacy on Islamic studies in Indonesia cannot be forgotten. Born on February 8, 1857, in Oosterhout, the Netherlands, he was the son of a Calvinist priest who started his academic career in theology. After completing his theological examination, he turned to semantic philology in 1878. During his studies, he also received intensive lessons from the Arabic expert de Goeje (1836-1909), then studied historical criticism from Kuenen (1828-1891), and jurisprudence from the phenomenal German orientalist Theodor Noeldeke (1836-1930). Apart from these experts, a book which influenced Hurgonje was *Handleiding tot de*

kennis van de Mohammedaansche wet volgens de leer der sjafi'itische school of Theodorus Willem Juynboll (1866-1948).[24]

For six months, from August 1884 to February 1885, Hurgronje spent his time in Mecca before an official order recalled him, shortly before the pilgrimage began in September. In Mecca, Hurgronje presented himself as a Muslim student named Abd. Ghafur and joined the circle of students of Sheikh Ahmad Zayni Dahlan (1817-1886) who was a great scholar of the time in Mecca. Later, he published his *Het Mekaansche Fest* on the history and social realities of Mecca based on his observations and written and oral sources taught by Sheikh Dahlan. The second chapter of the book deals with the living conditions of Indonesians in Mecca, especially about a small colony of Aceh, which can be seen as a starting point for his further studies of Aceh.[25]

In the Holy Land, Hurgonje investigated the circumstances and attitudes of Indonesian pilgrims and settlers to keep them away from having unwanted relationships and activities, especially regarding freedom in politics and religion.[26] In other words, the suspicion of the Dutch government by sending Snouck to Mecca was because Mecca was not only a place to perform the pilgrimage but also a place to exchange ideas and socialize with other pilgrims from around the world. Through the pilgrimage, the horizons or

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[24] G.F. Pijper, *Beberapa Studi Tentang Sejarah Islam Di Indonesia 1900-1950 [Studien over de Geschiedenis van de Islam in Indonesia 1900-1950]*, trans. Tudjimah and Jessy Augusdin (Jakarta, Indonesia: UI Press, 1984), 7–8.

[25] Dietrich Jung, "'Islam as a Problem': Dutch Religious Politics in the East Indies," *Review of Religious Research* 51, no. 3 (2010): 288–301; Auliya Ridwan, "Colonial Politics of Power and Cultural Identity Development of Islamic Education Vis-À-Vis European Education in The Netherlands East Indies Periods," *Marâji': Jurnal Studi Keislaman* 2, no. 2 (2016): 227–47; Muchamad Ali Safa'at, "Islam and the State in Indonesia from a Legal Perspective," Multiple Secularities, 2019, https://www.multiple-secularities.de/publications/companion/islam-and-the-state-in-indonesia-from-a-legal-perspective/.

[26] Noer, *Administrasi Islam Di Indonesia [Islamic Administration in Indonesia]*, 11.

knowledge of Indonesian Muslims could at least develop and from which could lead to rebellion. Hence, the Dutch government had a strong reason to monopolize the hajj management.[27] In fact, behind Hurgonje's success in studying Islam in the Hijaz was also inseparable from the role of colonial bureaucratic informants, such as Aboe Bakar (1854-1914), Hasan Moestapa from Garut (1852-1940) and Sayyid Uthman from Batavia (1822-1914)[28], in communicating their local knowledge through letters they sent to. Due to the furore caused by the French Consul, Hurgonje stayed only for seven months in Mecca and had to leave the city before his research was completed. His *Het Mekaansche Fest,* consisting of two volumes, describes the life of slavery, kinship, and religious teachings.

Long before Hurgronje's research in Mecca, in 1859, the colonial government once limited and strictly controlled the number of pilgrims who were considered fanatical because the Dutch were worried about the possibility of the rebellion caused by the people who just returned from the pilgrimage.[29] Before that year, the Dutch did not limit the number of pilgrims to Mecca. The strict control imposed by the colonial regime required the pilgrims to purchase departure documents which were priced too high as a deterrent to

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[27] Noer, 120–22.

[28] Georg Stauth, "Slave Trade, Multiculturalism and Islam in Colonial Singapore: A Sociological Note on Christian Snouck Hurgronje's 1891 Article1 on Slave Trade in Singapore," *Southeast Asian Journal of Social Science* 20, no. 1 (1992): 67–79; Michael F. Laffan, "Writing from the Colonial Margin: The Letters of Aboe Bakar Djajadiningrat to Christiaan Snouck Hurgronje," *Indonesia and the Malay World* 31, no. 91 (2003): 356–80, https://doi.org/10.1080/1363981042000188646; Jajat Burhanudin, "Islam Dan Kolonialisme: Sayyid Usman Dan Islam Di Indonesia Masa Penjajahan [Islam and Colonialism: Sayyid Usman and Islam in Colonial Indonesia]," *Studia Islamika* 22, no. 1 (2015): 185–208, https://doi.org/10.15408/sdi.v1i1.1391; Jajang A. Rohmana, "Persahabatan Penjajah Dan Bangsa Jajahan Di Hindia Belanda: C. Snouck Hurgronje Dan Haji Hasan Mustapa [Friendship of Colonizers and Colonies in the Dutch East Indies: C. Snouck Hurgronje and Haji Hasan Mustapa]," *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies* 12, no. 2 (2016): 144–68, https://doi.org/10.18196/afkaruna.v12i2.2788.

[29] Suminto, *Politik Islam Hindia Belanda [Dutch East Indies Islamic Politics]*, 10.

make it difficult for them to go to Mecca. Even violators who did not have the permit, but were still able to do hajj, were required to pay double upon their arrival from Mecca.[30] Hurgonje suggested the Dutch government end this policy, not to interfere with Indonesians' religious affairs which were against individual rights which were guaranteed by the Dutch constitution.[31]

With this background, Snouck Hurgronje was appointed to become advisor in the newly formed Office for Arab and Indigenous Affairs in Batavia. He held this position from 1889 to 1906. Besides having in-depth knowledge of Indonesian Islam which he gained from when he settled in Mecca, Hurgonje steered Dutch policies on Islam to a path that can be said to be successful. This was evidenced when the government sent Hurgronje to Aceh to study the role of Islam in the ongoing war there, which in turn could be used to conquer Aceh.[32] The implementation of this task was in line with the war that cost a lot of money and killed many people for sixteen years. However, historians such as Leuser emphasize that it proves

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[30] Alwi Shihab, *Membendung Arus: Respons Gerakan Muhammadiyah Terhadap Penetrasi Misi Kristen Di Indonesia [Damping the Tide: The Response of the Muhammadiyah Movement to the Penetration of Christian Missions in Indonesia]* (Bandung, Indonesia: Mizan, 1998), 68.

[31] Montgomery McFate, "A Military Anthropologist Looks at Islamic Insurgency in Aceh," *Orbis* 62, no. 4 (2018): 632–54, https://doi.org/10.1016/j.orbis.2018.08.007; Montgomery McFate, "Useful Knowledge: Snouck Hurgronje and Islamic Insurgency in Aceh," *Orbis* 63, no. 3 (2019): 416–39, https://doi.org/10.1016/j.orbis.2019.05.005; Ajid Thohir et al., "The Struggle of Freemasonry and Islamic Ideology in the Twentieth Century during Colonialization in Indonesia," *Heliyon* 7, no. 10 (2021): e08237, https://doi.org/10.1016/j.heliyon.2021.e08237.

[32] Benda, "Christiaan Snouck Hurgronje and the Foundations of Dutch Islamic Policy in Indonesia"; Jajang A. Rohmana, "Colonial Informants and the Acehnese-Dutch War: Haji Hasan Mustapa's Response to Teuku Umar's Collaboration with the Dutch Authorities in the East Indies," *Indonesia and the Malay World* 49, no. 143 (2021): 63–81, https://doi.org/10.1080/13639811.2021.1855022.

that the Dutch-Aceh War did not actually end in 1913, as many historians suggest, but continued throughout the colonial period.[33]

As in Mecca, he became an indigenous citizen and remained there from July 1891 to February 1892 in Aceh by observing the lives of the Acehnese. During his stay there, he collected material related to Aceh's culture, religion, language, politics, and economic relations, which his investigations were published in two books. Hurgonje's arrival resulted in ending the Aceh War in a relatively short time, as well as producing his second book *De Atjehers* which formulated the politics of separation between *adat* represented by *ulebalangs* and religion represented by *ulama*, so that they could be manipulated as a strategy of conquest.[34] Among Hurgronje's advice to the Dutch government after visiting Mecca was that Islam as a religion did not harm the state, but Islam as a political ideology was dangerous. To that end, the Dutch had to consolidate political control, provide economic reconstruction, improve education and assimilate the local population into Dutch society by referring to *De Atjehers*.[35]

In the introduction to De *Atjehers*, Hurgronje strongly criticized the previous colonial policies that led to many rebellions, so he who understood the context of Aceh could bring it into a civilized

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[33] Matthew Minarchek, "Creating Environmental Subjects: Conservation as Counter-Insurgency in Aceh, Indonesia, 1925–1940," *Political Geography* 81 (2020): 102189, https://doi.org/10.1016/j.polgeo.2020.102189; Petra Groen, "Colonial Warfare and Military Ethics in the Netherlands East Indies, 1816–1941," *Journal of Genocide Research* 14, no. 3–4 (2012): 277–96, https://doi.org/10.1080/14623528.2012.719365.

[34] Christiaan Snouck Hurgronje, *Islam Di Hindia Belanda [Islam in Nederlands-Indie]*, trans. S. Gunawan (Jakarta, Indonesia: Bhratara Karya Aksara, 1983), 3–4; Edwin Wieringa, "The Dream of the King and the Holy War against the Dutch: The 'Kôteubah' of the Acehnese Epic, 'Hikayat Prang Gômpeuni,'" *Bulletin of the School of Oriental and African Studies, University of London* 61, no. 2 (1998): 298–308.

[35] McFate, "Useful Knowledge"; Arnout H. C. van der Meer, "Rituals and Power: Cross-Cultural Exchange and the Contestation of Colonial Hegemony in Indonesia," in *Cross-Cultural Exchange and the Colonial Imaginary*, ed. H. Hazel Hahn, Global Encounters via Southeast Asia (NUS Press, 2019), 75–104, https://doi.org/10.2307/j.ctv136c5w0.8.

community. He began to reform all forms of resistance mobilized by local *ulama* by leading them into an advanced society, whose first step was to win the war in Aceh. Hurgronje adjusted his policy recommendations in accordance with social and political facts on the ground, by which the Dutch were able to reduce violence and end the Aceh war. His political strategy was essentially built on the intrinsically secular assumption of modernity. Through the lens of a linear modernization process, Hurgronje conceptualized the relationship between religion and modernity as the more modern a society becomes, the less religious it is. Based on this assumption, his suggestion to separate religious and political spaces was an important step in modernizing the colony. After being relegated to a non-political space and competing with the secular knowledge propagated by the new education system, Islam was increasingly losing its social relevance.[36]

De Atjehers, like *Het Mekaansche Fest*, was the result of Hurgonje's project to know Islam within the framework of the colonial agenda. In *De Atjehers* Hurgronje provides an extensive discussion on various topics related to the Acehnese. The first volume is dedicated to describing the socio-political and cultural life of the Acehnese. He outlines, for example, the structure of society, forms of government and administration of the court, and the nature of their social life in which *adat* played a regulatory function. In the second volume, he focuses on intellectual traditions and religious life, Islamic learning and science, literature, and Acehnese religious beliefs and practices.[37]

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[36] Jung, "Islam as a Problem"; Fachrizal A. Halim, "Contestation of the Oath Procedure in Colonial Indonesia's Islamic Court," *Indonesia and the Malay World* 41, no. 119 (2013): 14–28, https://doi.org/10.1080/13639811.2012.750098.

[37] Elsbeth Locher-Scholten, "Dutch Expansion in the Indonesian Archipelago around 1900 and the Imperialism Debate," *Journal of Southeast Asian Studies* 25, no. 1 (1994): 91–111; Jajat Burhanudin, "The Dutch Colonial Policy on Islam: Reading the

As in Java, Hurgronje again observed how little Islamic doctrine the Acehnese sought in Mecca influenced their daily life. This point led Hurgronje to what has been noted as the supremacy of *adat* over sharia. In Aceh, a region where the doctrine of *jihad* had taken root more deeply over the centuries, Islam had little influence on the governance of Acehnese social and political affairs. For him, although the *ulama* educated in *adat* doctrine (customary law) and Islamic law they should take their place side by side in a good state, where the majority of people's life was governed by *adat*. Therefore, Islam would not be able to influence their life.[38]

From that fact, Hurgronje firmly believed that *adat* and Islam were two distinct and separate domains, in terms of cultural, social and political fields. *Adat*-Islamic relations showed tension and conflict, as evidenced in the social and political relations prevailing at the time between *uleebalang* and ulama, holders of *adat* and sharia, respectively. This difference, which later became the legacy of orientalist studies of Islam in Southeast Asia, had strong political consequences. The Islamic colonial project, led by Hurgronje, was based on the assumption of the existence of these two separate entities in the East Indies. Hurgronje then recommended to the colonial government to side with the *uleebalang,* respecting them so that they accepted the Dutch authority. Hurgronje's recommendation received broad support. The Dutch military expedition under the

Intellectual Journey of Snouck Hurgronje," *Al-Jami'ah: Journal of Islamic Studies* 52, no. 1 (2014): 25–58, https://doi.org/10.14421/ajis.2014.521.25-58; David Kloos, "A Crazy State: Violence, Psychiatry, and Colonialism in Aceh, Indonesia, ca. 1910-1942," *Bijdragen Tot de Taal-, Land- En Volkenkunde* 170, no. 1 (2014): 25–65.

[38] G. W. J. Drewes, "Snouck Hurgronje and the Study of Islam," *Bijdragen Tot de Taal-, Land- En Volkenkunde* 113, no. 1 (1957): 1–15; Rahmad Alamsyah, Imadah Thoyyibah, and Tri Novianti, "Pengaruh Teori Receptie Dalam Politik Hukum Kolonial Belanda Terhadap Hukum Islam Dan Hukum Adat Dalam Sejarah Hukum Indonesia [The Influence of Receptie Theory in Dutch Colonial Legal Politics on Islamic Law and Customary Law in the History of Indonesian Law]," *PETITA* 3, no. 2 (2021): 343–62, https://doi.org/10.33373/pta.v3i2.3875.

command of van Heutsz was successful. The *uleebalang* signed a short declaration *(korte verklaring)*, drafted by Snouck Hurgronje, pledging that they would submit to the Dutch East Indies and would comply with all of its instructions.[39]

Snouck Hurgronje's Islamic Politics in the *Kantoor voor Indlandsche Zaken*

Kantoor voor Inlandsche Zaken was tasked to advise the colonial government against indigenous issues, and since most of the natives were Muslim, Islamic issues naturally became the office's main area of concern. The success of Islamic politics was a key factor to ensure the position of the colonial government because it was understandable that the *Kantoor voor Inlandsche Zaken* was not only seen as the main organization that regulated Islamic political issues but was even the core of the administration of the Dutch East Indies government to determine its policies.[40] Concerning the organization of the Religious Courts, this office provided its considerations regarding the relationship between Islamic law and customary law. When a marriage was carried out in the Islamic way, the inheritance was usually divided according to Islamic law and the management authority was in the hands of the Religious Courts. Likewise, when marriage was carried out according to customary law, the inheritance was also based on it.

When a conflict occurred between the Dutch and the local population, the Netherlands decided to change its focus by trying to establish close relations with kyai, ulama and other Islamic religious leaders. So, on January 11, 1899, *Kantoor voor Inlandsche Zaken* was

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[39] Burhanudin, "The Dutch Colonial Policy on Islam"; Humar Sidik, "Christiaan Snouck Hurgronje Dalam Dinamika Islam Di Aceh Pada Masa Kolonial Belanda [christiaan Snouck Hurgronje in the Dynamics of Islam in Aceh in the Dutch Colony Time]," *Jurnal Artefak* 7, no. 1 (2020): 31–42, https://doi.org/10.25157/ja.v7i1.3282.

[40] Suminto, *Politik Islam Hindia Belanda [Dutch East Indies Islamic Politics]*, 110.

changed to *Adviseur voor Inlandsche en Arabische Zaken*. In 1918, *Kantoor voor Inlandsche Zaken* was again renamed *Bureau van den Regeerigscommisaris voor Inlandsche en Arabische Zaken*. In 1920, two additional advisors, Dr. Hoesein Djajadiningrat (1920-1925) and Dr. B.J.O Schrieke (1920-1924) were appointed to support the advisors. Their appointment was probably due to tensions between the Islamic and nationalist movements at the time. In 1922, the name of the office was changed again to *Het Bureau Van Den Wd. Adviseur Voor Inlandsche Zaken*. It remained so until 1929. In 1929 Ch. O. Van der Plas (1929-1931), the most famous additional advisor of the *Kantoor voor Inlandsche Zaken*, was appointed. There were tensions about placing the *Kantoor voor Inlandsche Zaken* under the control of colonial officials, but in the end, the plan was not implemented and the office remained independent. From 1930, the name changed again to *Het Kantoor voor Inlandsche Zaken*.[41] The name was applied until 1942 until the Japanese army entered from which the name was changed to the *Shumubu* Office led by KH. Hasyim Asy'ari. After the establishment of the government of the Republic of Indonesia in 1945, the Department of Religion was formed where the employees were workers who during the colonial era received education and experience in the *Kantoor voor Inlandse Zaken*.[42] Overall, the name change from first established in 1899 to 1942 did not change its duties and functions.

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[41] Rini Rusyeni, "Fragmented Voices: The Personal Archives of the Advisors of Inlandsche Zaken, 1899-1942" (Master thesis, Leiden, The Netherlands, Leiden University, 2017), https://hdl.handle.net/1887/49426.

[42] Pijper, *Beberapa Studi Tentang Sejarah Islam Di Indonesia 1900-1950 [Studien over de Geschiedenis van de Islam in Indonesia 1900-1950]*, 9; Yüksel Sezgin and Mirjam Künkler, "Regulation of 'Religion' and the 'Religious': The Politics of Judicialization and Bureaucratization in India and Indonesia," *Comparative Studies in Society and History* 56, no. 2 (2014): 448–78; Martin Van Bruinessen, "Comparing the Governance of Islam in Turkey and Indonesia," The RSIS Working Paper Series (S. Rajaratnam School of International Studies, 2018), JSTOR, http://www.jstor.org/stable/resrep19924.

In this regard, the role played by Snouck Hurgronje was very important. He was a prominent Dutch scholar who dedicated his intellectual capacity to the colonial rule, providing insights to the Dutch government in the formulation of Dutch colonial policies on Islam.[43] To handle this task, he was assisted by Indonesians such as Raden Aboe Bakar[44] and Hasan Moestapa[45] who assisted him in Mecca, the Acehnese Teungkoe Noerdin[46], and the Sundanese Atma Djoemena as the keys for Hurgronje to gain local knowledge about Islam. They played the role of genuine informants who gave Hurgronje certain facilities to have access to the inner side of Islam and Muslim's life in the Dutch East Indies.[47] Hurgronje did more than to influence the Islamic policies of the colonial government. In a true sense, he created them and his successors implemented them.[48]

Snouck Hurgronje was the first and most influential adviser to the *Kantoor voor Inlandsche Zaken*. He established the basis of Islamic policy for the Office. He was also the figure who chose the adviser of the *Kantoor voor Inlandsche Zaken* in the period 1906-1937. The second adviser who was also influential was Godard Arend Hazeu (1907-1913 and 1917-1920) who experienced many conflicts with other

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[43] Burhanudin, "The Dutch Colonial Policy on Islam"; Robert Van Niel, "Christiaan Snouck Hurgronje: In Memory of the Centennial of His Birth," *The Journal of Asian Studies* 16, no. 4 (1957): 591–94, https://doi.org/10.2307/2941641; Pieter Sjoerd van Koningsveld, "Conversion of European Intellectuals to Islam: The Case of Christiaan Snouck Hurgronje Alias ʿAbd al-Ghaffār," in *Muslims in Interwar Europe*, ed. Bekim Agai, Umar Ryad, and Mehdi Sajid, A Transcultural Historical Perspective (Brill, 2016), 88–104, http://www.jstor.org/stable/10.1163/j.ctt1w8h1hd.8.

[44] Michael Laffan, "Raden Aboe Bakar An Introductory Note Concerning Snouck Hurgronje's Informant in Jeddah (1884-1912)," *Bijdragen Tot de Taal-, Land- En Volkenkunde* 155, no. 4 (1999): 517–42.

[45] Hadji Hasan Moestapa and R.A. Kern, *Over de Gewoonten En Gebruiken Der Soendaneezen*, vol. 5 (Leiden, The Netherlands: Brill, 1946), http://www.jstor.org/stable/10.1163/j.ctvbnm4jv.

[46] James T. Siegel, "Si Meuseukin's Wedding," *Indonesia*, no. 22 (1976): 1–8, https://doi.org/10.2307/3350974.

[47] Burhanudin, "The Dutch Colonial Policy on Islam."

[48] McFate, "Useful Knowledge."

colonial officials. The third adviser Dr. D.A. Rinkes (1913-1916) also followed his predecessors in running Islamic affairs for the *Kantoor voor Inlandsche Zaken*. He is best known for his advice on the rise of Sarekat Islam in 1912. R.A. Kern was appointed the fourth adviser after Hazeu's resignation (1921-1926), except for 1923. He was an advisor from the *Binnenlandsch Bestuur Department*. E. Gobee (1923 and 1927-1937) was appointed the fifth adviser who was also from the *Binnenlandsch Bestuur Department*. The final advisor was G.F. Pijper (1937-1942) who had a specialization in the translation of native languages.[49]

With Hurgronje in the government as the first adviser to the *Kantoor voor Inlandsche Zaken*, a new path between colonial rule and Islam was configured. Having more knowledge about Islam based on his experience in Mecca, he used Islam to control Muslims in the colony. He adopted the politics of association to link Muslims and the government. One of his recommendations was to separate religion and politics. He urged the government to monitor *kyai*, ulama and Islamic organizations involved in politics and to be friendly to those who were not involved in Islamic politics. Hurgronje tried to distinguish clearly between the ideals and values of Islam and Islam as a political basis. He also suggested that the government should use *adat* institutions to control the indigenous population. Through them, these natives were able to form the traditionally strongest barrier against Islam. Finally, he advised the government to be involved in educating the indigenous population, starting from the nation's upper classes by orienting the western system. Hurgronje argued that Western education was the most convincing way to reduce and ultimately defeat the influence of Islam in Indonesia. These three pieces of advice became the basic

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[49] Rusyeni, "Fragmented Voices."

foundation for the *Kantoor voor Inlandsche Zaken* officials in carrying out their duties.[50]

For Hurgronje, the enemy of colonialism was not Islam as a religion, but Islam as a political doctrine. He did not turn a blind eye to the fact that Islam often posed a danger to the Dutch rule. Facing such a field, Hurgronje distinguished Islam in the sense of "worship" with Islam as a "social and political force". In this case, he divided the problem of Islam into three categories, namely: first, the field of pure religion or worship; second, the social sector[51]; and third, the political field; where each field demanded a different alternative solution. This recipe came to be known as Political Islam *(Islam politiek)*, or the colonial government's policy in dealing with Islamic issues in Indonesia. Furthermore, in his lecture in the NIBA *(Nederlandsch-Indische Bestuursacademie)* in 1911, Snouck Hurgronje gave several explanations regarding his Islamic politics: (1) regarding religious dogma and the commandments of pure religious law, the government should be neutral; (2) the issue of marriage and inheritance in Islam should be respected; (3) no form of pan-Islamism should be accepted by European powers.[52]

From this policy, in mid-1937, the colonial government announced the idea of transferring the authority to regulate inheritance from the Religious Courts to the District Courts. This

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[50] Rusyeni.

[51] This politics of separation is called by Kernkamp as Splitsingstheorie. For him, the issue of marriage and inheritance according to Western understanding belongs to the second category, but because Muslims view this part as so important, in practice it is considered to be in the first part. Pradjarta Dirdjosanjoto, *Memelihara Umat: Kiai Pesantren-Kiai Langgar Di Jawa [Caring for the People: Kiai in Pesantren and Langgar in Java]* (Yogyakarta, Indonesia: LKiS, 1999), 47; Justus M. van der Kroef, "The Role of Islam in Indonesian Nationalism and Politics," *The Western Political Quarterly* 11, no. 1 (1958): 33–54, https://doi.org/10.2307/443571; W. J. Kernkamp, "Regeering En Islam," in *Daar Werd Wat Groots Verricht. Nederlandsch-Indiei in de XXste Eeuw* (Amsterdam, the Netherlands: Elsevier, 1941), 192–93.

[52] Suminto, *Politik Islam Hindia Belanda [Dutch East Indies Islamic Politics]*, 11–13.

news aroused anger among Muslims. Reaction to the transfer of inheritance arrangements also came from the *penghulu*, with the establishment of the *penghulu* association in Solo on May 16, 1937, in which this organization expressed objections to the transfer of inheritance issues from the Religious Courts to the District Courts, arguing that Islamic matters could not be decided by the changing customary law.[53] In addition to the *penghulu* organization, the decision of the PSII congress in Bandung in July 1937 also emphasized that all matters relating to Islam should be left to Islam itself. Moreover, this decision explained that if the government still considered it necessary to intervene, it had to appoint members of the Religious Courts from people who were truly experts in Islam. If not, the inheritance law which was transferred from the Religious Courts to the District Courts must be returned.[54] On the contrary, for the Dutch, the reduction of authority of the religious courts was not a serious problem.[55]

Behind the Implementation of Customary Law on Waris on Hukum Islam

Starting from Hugronje's Reception theory: that in a civil case between Muslim fellows, the case will be resolved by a religious judge if the situation has been accepted by their customary law and as long as it is not determined by another ordinance. In its implementation, the inheritance competence of Religious Courts was transferred to the District Courts. This policy did not come by itself but through an in-depth study conducted by Hugronje by collecting

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[53] Suminto, 31.

[54] Suminto, 32.

[55] Christiaan Snouck Hurgronje, *Kumpulan Karangan Snouck Hurgronje VIII : Tulisan-Tulisan Tentang Islam Di Hindia Belanda (Jajaran Pertama) [Verspreide Geschriften (Gesammelte Schriften)]*, trans. Soedarsono Soekarno (Jakarta, Indonesia: INIS, 1993), 42.

materials, compiling and codifying customs carefully from various ethnic groups in the archipelago, and immersing himself in society.[56] So, Islamic wisdom offered by Hurgronje was born logically from his immersion in Indonesian society where customary law was more dominant than Islamic law.

Minangkabau and Aceh showed that the life of matrilineal customs was more developed than the patrilineal or mixed. For example, women were prohibited to move to another house after they married, houses were inherited to women, and husbands were required to live in their wives' houses and so on. For Hurgronje, both the matrilineal and the patrilineal customs must be protected as long as they could adapt to the development of society. The matrilineal inheritance law was already in effect before Islamic law was enacted in the area. Likewise, most prohibitions in marriage, especially in Aceh, came from customary laws and a few were from Islamic law. For this reason, it was not recommended to follow the wishes of the ulama (religious representatives) to abolish or leave customs because they were stronger than Islam. Afterwards, the Dutch organized customary law by referring its definition and usage to Dutch law.[57]

Moreover, property in the distribution of inheritance in Minangkau was divided into two categories: from the ancestors and their works. Ancestral property, usually land, houses, etc., should not be inherited by anyone outside the mother's family. This semi-sacred property could not be sold or pledged except in extreme emergencies, such as for the marriage of unmarried/virgin girls, paying funerals, redeeming debts, repairing traditional houses. All of

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[56] Benda, *Bulan Sabit Dan Matahari Terbit: Islam Indonesia Pada Masa Pendudukan Jepang [The Crescent and the Rising Sun : Indonesian Islam under the Japanese Occupation 1942-1945]*, 93.

[57] Christiaan Snouck Hurgronje, *Kumpulan Karangan Snouck Hurgronje VIII : Tulisan-Tulisan Tentang Islam Di Hindia Belanda (Jajaran Pertama) [Verspreide Geschriften (Gesammelte Schriften)]*, 17.

these could only be done by consensus of all adult family members and in consultation with the *penghulu*. The heir had the right to use it but did not have the right to inherit it or be passed on to his children. The real problem as far as inheritance was concerned was the issue of self-acquired property, usually called low inheritance. The question is whether one needed to make a grant to pass the property on to one's children. According to *adat*, if he did not make a grant, then his mother's family had legal rights to the property. But according to *sharia*, the priority should be given to the child himself, and thus grants were not necessary or prohibited from inheriting a property that was not following religious law. So, the division of self-owned property was completely dependent on the will of the owner, even without a will from the deceased, the children of the sister or other members of the mother's family did not have the right to claim the property.[58]

Ethics and law are a unit to determine the meaning of religious teachings and their implementation. For example, Islamic inheritance law which is regulated in detail should be implemented in an Islamic society, but some areas carry out inheritance laws according to local conditions and old habits. Similarly, the Muslims in Malabar also enforce the law of inheritance in a matriarchal manner, although they also know the basic rules and other religious rituals from their sources.[59] This is different from the case of marriage and inheritance which are submitted to the Islamic Emirate, the council of scholars. Regarding the position of customary law, it is still considered important because its influence is stronger than Islamic law itself.[60]

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[58] Taufik Abdullah, "Adat and Islam: An Examination of Conflict in Minangkabau," *Indonesia*, no. 2 (1966): 1–24, https://doi.org/10.2307/3350753.

[59] Christiaan Snouck Hurgronje, *Kumpulan Karangan Snouck Hurgronje VIII : Tulisan-Tulisan Tentang Islam Di Hindia Belanda (Jajaran Pertama) [Verspreide Geschriften (Gesammelte Schriften)]*, 16.

[60] Christiaan Snouck Hurgronje, 17–18.

In other words, the *qadi* and its staff carry out justice according to Islamic law, but in practice, the decision is limited to legal powers that are not dared to be exceeded because it will touch on family and inheritance issues that have been going on, so customs and a sense of justice are the basis for their decisions.[61]

By realistically assessing Indonesian society, Hurgronje went on to show that Indonesians, like other Muslims, were not solely loyal to their religion. He recognized the importance of *adat*, or *adat* law and the limits imposed on the influence of Islam on the social and legal life of its adherents in Indonesia. In this case, Indonesian Muslims, as he puts it, were only in rank and not in the type of Muslim fellows in the Middle East. Wherever and whenever, Islamic law must conform itself with the customs and habits, as well as the political realities, which govern the lives of its adherents. Thus, no matter how much power is exercised by independent Islamic judges or religious teachers, in worldly and political matters the Indonesian people remain subject to the guidance of their *adat* and remain obedient to traditional political authorities.[62] The dualism between *adat* and religious law within traditional boundaries was rarely given a precise formulation, before the enactment of the 1929 *Staatsblad* No. 221 and the 1937 *Staatsblad* No. 116. The regulation weakened the *penghulu* of the religious court who was deemed competent to decide matters of family and inheritance law requiring the approval of state judges in the indigenous courts. In addition, the decision to use Islamic law had no effect if it was not following customary law.[63]

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[61] Christiaan Snouck Hurgronje, 81.

[62] Benda, *Bulan Sabit Dan Matahari Terbit: Islam Indonesia Pada Masa Pendudukan Jepang [The Crescent and the Rising Sun: Indonesian Islam under the Japanese Occupation 1942-1945]*, 42.

[63] Benda, 113.

CONCLUSION

The enactment of the law in the Dutch East Indies had long referred to their respective religions, Hindus followed Hindu teachings, Muslims used Islamic law, Christians used Christian law, and so on. However, after Hurgronje arrived in the Dutch East Indies as a colonial adviser, he observed the supremacy of *adat* over sharia. In Aceh and Minangkabau communities, for example, although *uleebalang* and ulama lived side by side with their communities, the majority of their lives were governed predominantly by customary law rather than Islamic law. For example, matrilineal inheritance had indeed been applied in that place, where most of the people applied traditional inheritance procedures, while the minority was guided by Islamic law. Some areas carried out their inheritance laws according to local conditions and old customs even though they were Muslim. Muslims in Malabar, for example, also applied matriarchal inheritance. Even on the issue of inheritance handed over to Surambi Masjid, the decision was based on customary law and a sense of justice so as not to offend existing customs. So, customary law was more down to earth and was often accepted by the community. Islamic law could be applied when it had been approved by customary law. Over time, the implementation of this concept was legislated in the 1929 *Staatsblad* No. 221, which in 1937 transferred the inheritance competence of the Religious Court to the District Court. Besides, inheritance was not part of the authority of religion, it was also not fully accepted by customary law.

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Muhammad Jazil Rifqi

The Meaning of Jesus' Identity and Mission in Mark 8:31-38: A Reflection for God's People

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Abstract

This article aims to find the meaning of Jesus' identity and mission in Mark 8:31-38, which is reflected in the lives of God's people today. The method used is through the reading of Mark's narrative theology. According to Mark, the kingdom of God is the only domain where peace and justice are abundantly available to all because the identity and work of Jesus are the true Son of God, and not Caesar. Becoming part of this kingdom requires imposing the identity and mission of Jesus into the readers of Mark's text. Thus, it is reflected and applied to God's people today. This study shows that the identity and mission of Jesus is the duty and responsibility of God's people to suffer from doing the work of the Father and be resurrected after death.

Keywords: *Identity, Mission, Jesus, God's People, Mark*

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Abstrak

Artikel ini bertujuan menemukan makna identitas dan misi Yesus dalam Markus 8:31-38 yang direfleksikan pada kehidupan umat Tuhan masa sekarang. Metode yang digunakan melalui pembacaan teologi naratif Markus. Menurut Markus, kerajaan Allah adalah satu-satunya kerajaan di mana perdamaian dan keadilan tersedia berlimpah bagi semua karena identitas dan karya Yesus adalah Anak Allah yang sejati, dan bukan Kaisar. Menjadi bagian dari kerajaan ini membutuhkan pengenaan apa yang menjadi identitas dan misi Yesus ke dalam pembaca teks Markus. Hal ini direflesikan dan diaplikasikan kepada umat Tuhan pada masa kini. Hasil dari studi ini menunjukan bahwa identitas dan misi Yesus yang menjadi tugas dan tanggung jawab umat Tuhan adalah sebagai anak manusia untuk berani menanggung penderitaan, ditolak, dan dibunuh, karena melakukan pekerjaan Bapa, serta dibangkitkan setelah kematian.

Kata Kunci: *Identitas, Misi, Yesus, Umat Tuhan, Markus*

INTRODUCTION

The identity and mission of Jesus determine the purpose of identity and mission for those who follow Him. If a man regards Jesus primarily as a good teacher, he may seek to learn all that one can learn from Him, but that is how far people will go with Him. If a man regards Jesus primarily as a healer or restorer who made people feel positive, good things about that person, then man can spend time with Him, but only if it makes him feel good. Even if God's people think of Jesus primarily as Savior, God's people may go a step further by being grateful that God's people do not have to suffer the

punishment of hell. However, God's people can still try to live as comfortably as possible in the here and now.[1]

The above is also related to the emergence of the Prosperity Gospel Movement (voiced by EW Kenyon, Oral Robert, and Kenneth Haggin) that taught that the identity of Jesus and following Him in the kingdom of God are the prosperity of His people. This movement influenced the teachings of later preachers and pastors, such as TL Osborn, Benny Hinn, Joel Osteen, and others.[2] In this context, the identity of Jesus is to promise material blessings to His people. Besides, Jesus taught God's people to live a life of suffering without prosperity. As Ajith Fernando explains, it begins with the presupposition that persecution, suffering, and poverty produce deeper faith.[3]

Several discussions about Mark 8 have been carried out. For example, John Q. Doe in his *Peter's Confession at Caesarea Philippi* and Gareth Lee Cockerill in his *The Invitation-Structure and Discipleship in the Gospel of Mark*. Doe emphasises the identity of the suffered Jesus as the Son of God,[4] while Cockerill explains Mark 8 as discipleship

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[1] Ernest van Eck, "Mission, Identity and Ethics in Mark: Jesus, the Patron for Outsiders," *HTS Teologiese Studies / Theological Studies* 69, no. 1 (2013): Art. #2003, https://doi.org/10.4102/ hts.v69i1.2003.

[2] Jude J. Ongong'a and Stephen I. Akaranga, "Prosperity Gospel in Kenyan Urban Centres: Come, See, Pay and Receive Your Miracles and Healing," *Research on Humanities and Social Sciences* 5, no. 10 (2015): 199–208, https://www.iiste.org/Journals/index.php/RHSS/article/view/22896; Constantine Mwikamba and Stephen Akaranga Ifedha, "Blessed Are the Rich and Prosperous For Theirs Is the Kingdom of the World: The Kenyan Challenge," *Research on Humanities and Social Sciences* 5, no. 14 (2015): 138–42, https://www.iiste.org/Journals/index.php/RHSS/article/view/24555; David Edwin Harrell Jr., *All Things Are Possible: The Healing and Charismatic Revivals in Modern America* (Bloomington: Indiana University Press, 2016), https://muse.jhu.edu/book/45766.

[3] Thomas Schirrmacher, "Suffering and Prosperity: Equal Challenges to Faith," Lausanne Movement, August 2, 2010, https://lausanne.org/content/suffering-and-prosperity-equal-challenges-to-faith.

[4] John Q. Doe, "Peter's Confession at Caesarea Philippi: An Exegesis of Mark 8:27–38" (Hattiesburg, Mississippi, US, University of Southern Mississippi, 2016), https://drkoine.com/pdf/home/NOBTSPapersT8.pdf.

where Jesus as Christ becomes an example for His followers.[5] This article synthesizes the two studies above by exposing Jesus to His identity and mission.

Mark 8:31-38 explains that Jesus called His followers to identify and mission Himself from their various perspectives. If He is the Son of Man and the Son of God, then His followers are also adopted as sons of God, and they have experience with Him. If He was a servant who suffered, was rejected, died, and rose again, then we must embrace suffering, rejection, and death in this life, knowing that we will be resurrected at the end of time in the same way He did.[6]

When God's people see and understand Jesus, the same thing happened when the disciples saw and understood Jesus in Mark 8:31-38. There are various answers that Jesus asked, 'who am I?' Thus, the identity and mission of Jesus become essential and influential in everyone's life. As Fee and Stuart say that an interpretation has two tasks, namely exegesis (hermeneutics) and application,[7] the study of Mark 8:31-39 seeks to discover the meaning of Jesus' identity and mission, as well as to reflect on Jesus' identity and mission in the lives of the people at present.

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[5] Gareth L. Cockerill, "The Invitation-Structure and Discipleship in the Gospel of Mark," *The Journal of Inductive Biblical Studies* 3, no. 1 (2016): 28–43, https://place.asburyseminary.edu/jibs/vol3/iss1/4.

[6] Sharyn Echols Dowd, *Reading Mark: A Literary and Theological Commentary on the Second Gospel* (Macon, Georgia: Smyth & Helwys Publishing, Inc., 2000), 83; Brad East, "An Undefensive Presence: The Mission and Identity of the Church in Kathryn Tanner and John Howard Yoder," *Scottish Journal of Theology* 68, no. 3 (2015): 327–44, https://doi.org/10.1017/S0036930615000137.

[7] Gordon D. Fee and Douglas K. Stuart, *How to Read the Bible for All Its Worth*, Fourth edition (Grand Rapids, Michigan: Zondervan, 2014).

RESEARCH METHOD

The method of writing this article is by reading Mark's narrative imagination theology.[8] The point is to analyze Mark 8:31-38 through the narrative lens with the interpreter's imagination. What is meant by narrative imagination theology is the reflective imagination of religious claims embedded in stories and considers this significant theological approach as an alternative to theology.[9] Narrative imagination theology grew out of the deep belief that the interpreter describes the text in a temporal narrative on the substance of personal human identity. Thus, it aims at interpreting the story of human life. This introductory narrative condition of what it means to be human can also be described as an ontological condition for human stories of any kind: without them, there would be no literature, no history, no philosophy, and of course, no religion.[10]

[8] Gabriel Fackre, "Narrative Theology: An Overview," *Interpretation* 37, no. 4 (1983): 340–52, https://doi.org/10.1177/002096438303700402; Gary L. Comstock, "Two Types of Narrative Theology," *Journal of the American Academy of Religion* LV, no. 4 (1987): 687–717, https://doi.org/10.1093/jaarel/LV.4.687; David R. Johnson, "The Mark of the Beast, Reception History, and Early Pentecostal Literature," *Journal of Pentecostal Theology* 25, no. 2 (2016): 184–202, https://doi.org/10.1163/17455251-02502003; Wentzel van Huyssteen, "Narrative Theology: An Adequate Paradigm for Theological Reflection?," *HTS Teologiese Studies / Theological Studies* 45, no. 4 (1989): 767–77, https://doi.org/10.4102/hts.v45i4.2327; Paul Ricœur, *Figuring the Sacred: Religion, Narrative, and Imagination* (Minneapolis: Fortress Press, 1995), 144–66.

[9] Ricœur, *Figuring the Sacred*, 144–66; van Huyssteen, "Narrative Theology"; Comstock, "Two Types of Narrative Theology."

[10] Paul Ricoeur questions the apparent difference between the dynamic and immeasurable realm of imagination and the closed system of biblical texts. However, as in all of his works, Ricoeur does not intend to state the relationships he wants or thinks about only for the sake of established theological thought. The goal is more to engage in a dialogue that questions the presuppositions of the two poles. When discussing polar relations, Ricoeur clarified that he wanted "not to see [the poles] disappear into a simple identity, or allow [the two poles] to harden into an unconnected antinomy." He thus begins his discussion of the imagination and the Bible by identifying the presuppositions (imagination) that promote polarity, but are processed through the course of the essay, to advance the notion of structured imagination and freedom of interpretation. Ricœur, *Figuring the Sacred*, 144–66; Comstock, "Two Types of Narrative Theology"; Annette Thornburg, "Narrative's Revelatory Power: Toward an Understanding of Narrative Theology," *Denison Journal of Religion* 5, no. 1 (2017): Article 3, https://digitalcommons.denison.edu/religion/vol5/iss1/3; van Huyssteen, "Narrative Theology."

Narrative theology takes this basic narrative seriously to consider the nature of religious knowledge.

In the following section, the author describes an analysis of the context of events from the text of Mark 8. This explanation tries to understand the events behind the text and its purpose. Then, the writer analyses the text of Mark 8:31-38 by basing the narrative on Mark's thoughts from the previous paragraph, 8:27-30. This narrative analysis of the subtexts of Mark 8:31-38, namely verses 31-32, 33-34, and 35-38, then ends with a synthesis of the entire text. From several analyses of this narrative theology, the author also provides several intertextual comparisons to emphasize the strengthening of the theological meaning. Then from the analysis results, the writer reflects on the importance of the text of Mark 8:31-38 for God's people.

RESULTS AND DISCUSSION

The Meaning and Purpose of Mark 8:31-38

Event Context Analysis

The fall of Jerusalem in 70 AD caused many groups within Judaism to compete for authority.[11] Mark uses rhetoric to create portrayals of Jewish leaders to undermine the authority of competing Jewish leaders.[12] Although Mark is not anti-Jewish or anti-Semitic, the author's rhetoric of Mark's Gospel contributes to these things. In the Gospels, simple analogies between Jewish leaders and

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[11] William den Hollander, "Jesus, Josephus, and the Fall of Jerusalem: On Doing History with Scripture," *HTS Teologiese Studies / Theological Studies* 71, no. 1 (2015): a2942, https://doi.org/10.4102/hts.v71i1.2942.

[12] The issue of the authorship of Mark's Gospel, while connected with the early church tradition centered on Rome and the Apostle Peter, is not the focus for this article. Thus, the subsequent use of the term "Mark" would refer to the Gospels themselves, not to the tradition of authorship by a disciple of Peter in Rome named Mark. The term "evangelist" will be used to refer to the writer of the Gospel of Mark.

contemporary history reinforce anti-Judaism and anti-Semitism. A better strategy uncovers the effects of Mark's rhetoric and examines how readers continue to do what Mark did, namely portray other people, while offering the possibility to repent and move toward a more world-like way of relating to others.[13]

The three synoptic gospels (Matthew 16:13-27, Luke 9:18-27, and Mark 8:27-38) record Peter's statement that Jesus is the Messiah. In Mark and Matthew, Peter protests Jesus' prophecy, and Jesus rebukes him, while Luke removes Peter's rebuke. In addition, Matthew adds details about Peter receiving the key and becoming the Rock. Mark adds the fact that Jesus "said this very openly" (Mark 8:32). Then he continued with Jesus' warning not to spread the news of his messiahship, prophecies of his death, and future resurrection, as well as offering teachings about carrying the cross.[14]

Narrative Theological Analysis

Mark 8:31-38 is in the middle of the narrative of Mark 8:22-10:52. In the previous section 8:27-30, Jesus asked His disciples what the crowd thought of Him and, more importantly, who they thought He was. When Peter answered that Jesus was the Christ, He confirmed his response but firmly ordered them not to spread the word. The reason is that Peter did not understand what the word meant. In the same way, Jesus would correct Peter's understanding of who He was. He would also correct their understanding of what it

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[13] Dowd, *Reading Mark*, 87; Francis J. Moloney, "'Constructing Jesus' and the Son of Man," *The Catholic Biblical Quarterly* 75, no. 4 (2013): 719–38, https://www.jstor.org/stable/43728295.

[14] John Q. Doe, "Peter's Confession at Caesarea Philippi: An Exegesis of Mark 8:27–38"; Francis J. Moloney, *The Gospel of Mark: A Commentary* (Peabody, Mass: Hendrickson Publishers, 2002), 174–75; van Eck, "Mission, Identity and Ethics in Mark."

means to follow Him (*akoloutheo*).[15] Meanwhile, Mark 9:1-10:52 states the change of Jesus' divine form, accompanied by the revelation of Jesus as the beloved Son, followed by the miraculous healing event.

Mark 8:31-32 is the first of three prophecies of Jesus that He will bear in the Gospel of Mark (See also 9:31-32 and 10:32-34). A misunderstanding follows every prophecy in Mark by the disciples, including Peter (8:32-33), the disciples (9:33-34); and James and John (10:35-40). Jesus rebuked Peter by calling him the Devil in Mark 1:12-13.[16] In this case, Jesus' teachings had just taken a new direction and disturbed the disciples. Beavis points out that "Messiah's meaning is characteristic in first-century Judaism, but does not include the one who suffers, dies, and rises." In this passage, too, Mark reminds his readers directly that following Jesus includes the way (*hodos*) of the cross."[17]

After placing Peter (the Devil) in his place, Jesus begins paradoxical teaching that is vital to his identity and mission toward those who will become His disciples. "For those who wish to save their lives will lose it, and those who lose their lives for my sake, and the sake of the gospel will save it" (Mark 8:35; Matt. 16:25; Luke 17:33).[18] The severity of Peter's rebuke is appropriate given the importance of the teaching that followed. To try to prevent Jesus from surrendering his life entirely to God, regardless of the risk or

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[15] Dowd, *Reading Mark*, 85; Marcus J Borg, *Meeting Jesus in Mark: Conversations with Scripture* (London: Society for Promoting Christian Knowledge Publishing, 2011), 73–74; John Q. Doe, "Peter's Confession at Caesarea Philippi: An Exegesis of Mark 8:27–38."

[16] Cockerill, "The Invitation-Structure and Discipleship in the Gospel of Mark."

[17] Mary Ann Beavis, *Mark*, Paideia : Commentaries on the New Testament (Grand Rapids, Michigan: Baker Academic, 2011), 13–134; Daniel L Akin, David Platt, and Tony Merida, *Exalting Jesus in Mark* (Nashville, Tennessee: Holman Reference, 2014), 173–74.

[18] Quoted in all three synoptic gospels, a version of that also appears in John 12:25. Ben Witherington, *The Gospel of Mark: A Socio-Rhetorical Commentary* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 2001), 245; The big theme of Mark 8:27-9:29 is the way (hodos) of Christian discipleship. Mary Healy and Peter S. Williamson, *The Gospel of Mark*, Catholic Commentary on Sacred Scripture (Grand Rapids, Michigan: Baker Academic, 2008), 168–69.

sacrifice, is to align himself with the forces that oppose him.[19] For Cockerill, Mark 8:31-38 shows the disciples' inability to understand the new riddle Jesus put before them—the necessity of His suffering as the Christ and its implications for His disciples.[20]

The word "life" (Greek: *psyche*) appears four times in three verses (Mark 8:35-38), which means life is the soul itself. The term "life" in Hebrew means *nephesh,* as is found in the following sentence: "God formed man from the dust of the ground and breathed into his nostrils the breath of life, and he became a living being *(nephesh)*" (Genesis 2:7). People's lives are gifts that arise because people are shaped in God's image, each unique expression from that picture.[21]

To lose one's life does not mean to be 'lost' to others, and it also does not mean to seek martyrdom or become a sacrifice to please God. What is missing from the people is the notion that the people's lives are their own, while at the same time, their lives are a gift from God. While it may mean experiencing discomfort, risk, and sacrifice along the path of discipleship, it does not mean giving up the present and unique identity of the people. Instead, such a defeat is a way to find them.[22]

Commenting on John's version of the Gospel on this subject, Lincoln says, "To save, find, or save a life is to try to live life as if it has it, and this is a doomed endeavor because life is a gift from God. On the other hand, to lose one's life is to give up efforts to save lives

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[19] Hans F. Bayer, *A Theology of Mark: The Dynamic between Christology and Authentic Discipleship*, Explorations in Biblical Theology (Phillipsburg, New Jersey: P&R Publishing, 2012), 89–98; Moloney, *The Gospel of Mark*, 174–75; van Eck, "Mission, Identity and Ethics in Mark."

[20] Cockerill, "The Invitation-Structure and Discipleship in the Gospel of Mark."

[21] Dowd, *Reading Mark*, 88; Healy and Williamson, *The Gospel of Mark*, 169–70; David J. Lull, "Reading the Gospel of Mark within Three Horizons," *Currents in Theology and Mission* 44, no. 4 (2017): 4–6, https://currentsjournal.org/index.php/currents/article/view/83.

[22] Moloney, *The Gospel of Mark*, 175–77; The big theme of Mark 8:27-9:29 is the way (hodos) of Christian discipleship. See Healy and Williamson, *The Gospel of Mark*, 159.

for themselves and, conversely, spend them serving God and others. Those who lose their lives in this way find that they receive life back from God."[23] Resurrection of life is living in the presence of the "living God."[24]

The resurrection comes after death. The teachings of Jesus in the stories of today's people tease with the Resurrection of Jesus (Easter) but also remind that the way to Easter is through the cross." When Jesus commanded the disciples to take up their crosses, he said that the way to a new life was through the cross.[25]

Several resolutions appear amid the narrative about the motives of the misunderstanding (Mark 8:27-30). As soon as Peter confesses to Jesus as the Messiah, Mark dramatically returns to the motive of conflict. In Mark 8:32–33, Jesus told His disciples that the opposition to Him had reached such a height that it would end in His death. Mark answered questions his listeners might have asked by giving voice to his implied readers through Peter's words and, in effect, rebuking Jesus. Readers know that Jesus is the Son of God; how, then, could he be killed? Peter questioned the same thing and asked Jesus.[26]

Jesus' response further shows how central the motives of loyalty, conflict, and misunderstanding were to Mark. Jesus rebuked Peter and sternly said, "get away 'from before me' Devil."[27] For Peter does not set your mind on the things of God, but on the things of

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[23] Andrew T. Lincoln, *The Gospel According to Saint John*, Black's New Testament Commentary (Grand Rapids, Michigan: Baker Academic, 2013), 350.

[24] Dowd, *Reading Mark*, 88; East, "An Undefensive Presence."

[25] Moloney, "'Constructing Jesus' and the Son of Man"; Cockerill, "The Invitation-Structure and Discipleship in the Gospel of Mark."

[26] Deven K. MacDonald and Ernest van Eck, "Witnesses to the Truth: Mark's Point of View," *HTS Teologiese Studies / Theological Studies* 72, no. 1 (2016): a3350, https://doi.org/10.4102/hts.v72i1.3350; Healy and Williamson, *The Gospel of Mark*, 164–66.

[27] Ben Witherington adds the translation meaning "stand behind me" which means that the student's faithfulness and obedience follow behind his teacher. See Witherington, *The Gospel of Mark*, 243; Susan R. Garrett, *The Temptations of Jesus in Mark's Gospel* (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1998), 76–82.

men (Mark 8:33). Here, Mark, through the words of Jesus, makes it clear that the question of faithfulness is more complex than one might think. In Jesus' prophecy, it seems that there is something still unclear about his Resurrection (Mark 8:31). It suggests that the good news is not tied to avoiding the protagonist's death. In his rebuke of Peter, Jesus went a step further and explained, to continue the metaphor, that being on 'the Lord's side' or acting out of faithfulness may look different than initially thought.[28]

Peter's desire to protect or stop the murder of Jesus was against God's plan and placed him on the side of the enemy, Satan. The theme of fidelity, then, is not to be found in thinking along the lines of 'human things' but in 'things of God' working in a way that does not yet have character, and likely, the reader cannot comprehend it. To be infidelity to Jesus means to properly understand Jesus' impending death from God's point of view.

After prophesying his death, Jesus taught about the nature of discipleship and the need to 'deny himself' (Mark 8:34-38). Jesus argued that faithfulness means opposing the 'faithless and sinful generation. In fact, 'to gain the world' means to stand against Jesus or, more accurately, to make Jesus stand against them ('the Son of Man will be ashamed'; Mk 8:28).[29]

There is an interesting parallel between Mark 8:35-37 and Psalm 49:7-9. The psalmist speaks of how incapable humanity is of paying the ransom for their own lives. In the same way, Jesus emphasized that humankind cannot save itself through any material gain or even

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[28] MacDonald and van Eck, "Witnesses to the Truth"; Bayer, *A Theology of Mark*, 100–104.

[29] Akin, Platt, and Merida, *Exalting Jesus in Mark*, 175–77; Gert Breed, "Diakonia: In Conversation with John N. Collins," *Ecclesiology* 13, no. 3 (2017): 349–68, https://doi.org/10.1163/17455316-01303005.

the sacrifice of another sinner. Humanity could only be redeemed through the blood of the perfect sacrifice, Jesus.[30]

Mark's narrative emphasizes an oral tradition about Jesus that the other two Gospels undermine or ignore. Mark's focus is on the identity and mission of Jesus. Using the theme of messianic secrets, Mark paints a negative portrait of the disciples. Not only did Jesus' enemies misunderstand Him, but his disciples also misunderstood Him. Concerning Jesus' true identity and mission, then, Mark explains that Jesus' confession as the Messiah became a problem for Jesus during his ministry. Why? What is constituted by an adequate acknowledgment of Jesus as the "Son of God"? More importantly, Jesus' true identity and mission for true discipleship imply for those who profess to follow Jesus, the "Son of God"? Furthermore, what is meant by true discipleship in the face of persecution?[31]

Such questions are essential in the historical setting of the Roman fires in AD 64 and the aftermath of Nero's persecution of Christians.[32] If this fire was Mark's setting, then Peter's confession at Caesarea Philippi recorded in Mark 8:27–38 immediately became a problem for the early readers of the Gospels. This passage will also prove to be a narrative fulcrum that changes Mark's plot dramatically towards the conclusion of Jesus' ministry, which resulted in his suffering and death. In other words, the key to Jesus' identity and mission is this suffering, death, and resurrection.[33]

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[30] Ronald J. Allen, "Seventeenth Sunday after Pentecost: Mark 8:27-38," *Currents in Theology and Mission* 44, no. 4 (2017): 31–36, https://currentsjournal.org/index.php/currents/article/view/88.

[31] John Q. Doe, "Peter's Confession at Caesarea Philippi: An Exegesis of Mark 8:27–38," 12–15; Lull, "Reading the Gospel of Mark within Three Horizons."

[32] For History and the city of Jerusalem apart from the writings of Josephus Plavus, it can also be compared with the writings of Simon Sebag Montefiore, *Jerusalem: The Biography* (New York: Random House Publishing Group, 2012), https://archive.org/details/isbn_9780307280503.

[33] Garrett, *The Temptations of Jesus in Mark's Gospel*, 74; Witherington, *The Gospel of Mark*, 245; Lull, "Reading the Gospel of Mark within Three Horizons."

The theme of the Son of Man (Aramaic: *bar enasy* or *bar anasya*)[34] whose divine mission is suffering, atoning death, and resurrection to save those who believe in him and follow him, is at the heart of Mark's story. This prophecy leads to the crucifixion of Jesus as a revelation of his identity as the Son of God. It was also the epicenter of the disaster in Jerusalem for the disciples who utterly failed in their attempts to follow Jesus. The nadir of the passion narrative is 2:50 pm referring to Jesus' disciples at a time of crisis: "all fled."[35]

Peter's denial (14:66–72) personalizes this failure even for the one who seems destined to lead the group after Jesus. At the same time, the centurion's confession (15:39) verbally points to the irony of Peter's confession failure. The disciples' failure resulted from a misunderstanding of the messianic nature of Jesus, which in contemporary terms, the disciples "did not understand". Failure is a possibility after Resurrection in Mark's storyline. The women who came to the empty tomb failed to heed the Lord's command to go and tell (16:7). On the other hand, "they said nothing to anyone because they were afraid" (16:8), and there Mark's story ends abruptly.

It could be possible, which is where Mark wants to leave his readers in Rome, for he guesses that they are. Faced with the desperate actions of a despicable ruler, what is the response of true discipleship, and what are the consequences? Even after the Resurrection, recognizing who Jesus was had to play out in contemporary discipleship. So Jesus' question to Peter at Caesarea Philippi resonates with readers of Mark's Gospel: "But who do you think I am?" and Jesus' call to "take up your cross and follow me"

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[34]Specifically means just me and no one else.

[35] John Q. Doe, "Peter's Confession at Caesarea Philippi: An Exegesis of Mark 8:27–38"; Garrett, *The Temptations of Jesus in Mark's Gospel*, 82; Witherington, *The Gospel of Mark*, 241–42.

brings home an essential point for persecuted believers.[36] The identity and mission of Jesus were an example and stated that he experienced suffering, death, and Resurrection as Christ.

Reflection on Jesus' Identity and Mission

Mark's Gospel is excellent news for all humankind, especially God's people, if God's people respond appropriately. If God's people respond with unbelief or ordinary "belief" that does not manifest in their actions, then the Gospel of Jesus' Resurrection, reign, and return are bad news. There is no such thing as an "ordinary follower" of Jesus. If God's people give their lives to follow Jesus, the results would be no different from God's people than for Him who had suffering, rejection, death before resurrection, and glory. The correct response, then, is to accept the grief and denial in this world for the sake of Jesus, and by doing so, God's people will reap eternal grace.[37] Peter's erroneous thinking about the Messiah may have its roots in the Old Testament, but if so, he only saw part of the story. In Daniel 7, the Son of Man is presented in glory with an eternal kingdom. It will indeed happen, but only after Jesus has fulfilled His duty as faithful Israel, the Suffering Servant of God (Isa. 52:13-53:12).[38]

Theologically, discipleship is rooted in the fellowship of God's people with Jesus. God's people must follow Jesus' pattern of life if they follow Him, but God's people must follow His pattern because God's people have been united with Him (Romans 6). So Jesus took up His cross for the salvation of the world, God's people did the

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[36] Dowd, *Reading Mark*, 83; Witherington, *The Gospel of Mark*, 245; Allen, "Seventeenth Sunday after Pentecost."

[37] Joshua E. Leim, "In the Glory of His Father: Intertextuality and the Apocalyptic Son of Man in the Gospel of Mark," *Journal of Theological Interpretation* 7, no. 2 (2013): 213–32, https://www.jstor.org/stable/26421567.

[38] Leim.

same, not that God's people's "cross" can effectively atone for human sins, but God's people's "cross" is what makes the spread of the Gospel possible among all people.[39]

Self-denial or death shows God's people a helpful way to understand Jesus' words in this article. God's people can also remember Paul's words when he wrote that "for our struggle is not against flesh and blood, but against governments, against powers, against the rulers of this dark world, against the evil spirits of the air."[40] God's people will not imitate and carry out His commands if they do not live in the Spirit He sent.[41]

From a contemplative point of view, these rulers or cosmic forces of darkness are demons lurking within God's people, working hard to convince people that people are separate from God, other people, and ourselves. This spiritual battle seems simple because even though it depends on making one choice, making the right choice can seem very difficult.

It is a battle fought within each of God's people and in every moment, fought between the heart's beats, in the space between thoughts, in the pauses between breaths. It is a struggle to choose between submitting to God's will or relying on one's own will. It is the mission of God's people in their lives.[42] Ultimately, choosing

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[39] Akin, Platt, and Merida, *Exalting Jesus in Mark*, 175–77; Breed, "Diakonia."

[40] Breed, "Diakonia."

[41] Disobeying and refusing guidance to the Holy Spirit has the meaning of rejecting the example and command of Jesus, in which the Holy Spirit was sent by Jesus to guide and guide God's people according to God's will. Sri Wahyuni and Susanti Embong Bulan, "Membaca Lukas 12:10 Dan Makna Teologi Menghujat Roh Kudus (Reading Luke 12:10 and the Theology Meaning of Blasphemes Against the Holy Spirit)," *Quaerens: Journal of Theology and Christianity Studies* 2, no. 1 (2020): 1–18, https://doi.org/10.46362/quaerens.v2i1.1; Bobby Kurnia Putrawan, "Pengantar Teologi Pentakosta (Introduction to Pentecostal Theology)," *Quaerens: Journal of Theology and Christianity Studies* 1, no. 1 (2019): 1–7, https://doi.org/10.46362/quaerens.v1i1.2.

[42] Hyunwoo Koo, "Missionaries and Colonialism: The Nineteenth Century British and Contemporary Korean Missionaries in Zambia," *Mahabbah: Journal of Religion and Education* 1, no. 2 (2020): 1–19, https://doi.org/10.47135/mahabbah.v1i1.2.

surrender brings every person to rest in God's Kingdom's eternal life. Still, it also requires a radical rejection of all worldly attachments, including attachment to the worldly identity that is created and maintained.

To avoid this self-denial, each of God's people often succumbs to the many distractions this world has to offer, including the stories that play inside their heads. The human ego will do anything, even subvert the very nature of battle itself, to avoid being dissolved in union with God's infinite love. Moreover, the human ego dislikes losing, especially in a human culture where winning is everything. Therefore it seems impossible to wage wars where the only way to win is to lose.[43]

Jesus talked about how to take up the cross and follow Him. Many of God's people do this symbolically during Lent. This symbolism represents something more significant and much more beyond our control; Peter discovered himself in Jesus' teachings and ultimately in Jesus' death - again, Peter could not choose what died. And the people are not a church either. The Church cannot determine what dies in any cultural change that creates these painful times as humanity enters the 21st century together - moments that make people cry and wonder about the faith of their children and children from generations to come.[44]

What about us as God's people? God's people cannot choose, but what else can we learn from the meaning of this text? Firmly, Jesus rebuked Peter, saying, "Get behind you, Devil! Because we are setting his mind not on divine things but on human things. Why was Jesus so strong in His language? What about Peter's rebuke that got him placed behind? We think it might have something to do with

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[43] Leim, "In the Glory of His Father."

[44] van Eck, "Mission, Identity and Ethics in Mark."

feeling that Peter's rebuke refuted Jesus' *hot-off-the-press teaching* that "after three days (the Son of Man will) rise again."[45]

This act of deep self-denial, especially early in our journey, is almost always excruciating. Making the right choices in our spiritual battles can indeed cause us great suffering. Without the gift of courage, we may, like Peter, reject the necessity of a painful death to ourselves before we rise with Christ in the resurrection. It gives hope that the becoming of God's people will not end in vain but will be raised from the dead, like what happened to Jesus.

CONCLUSION

Mark does not invite God's people to speculate about the identity of Jesus or the nature of following him. The question posed by the Bible is not the abstract question "Who is Jesus?" The question asked by Jesus was, "Who do you say I am?" (8:29). Mark's Gospel brings people face to face with the person of Jesus by enabling us to identify with the disciples he first called and thereby confronting us with Jesus' invitation to follow Him.

The Identity and Mission of Jesus in Mark 8:31-38 leave a strong meaning that this is a strong picture for the people to look in the mirror by wearing the identity and mission of Jesus to God's people today. This imposition teaches that people have the duty and responsibility to share in the suffering and dying in faithfulness as disciples of Jesus who are behind Him. Does this stop here? God answers that people will get their lives by Resurrection in and with Jesus.

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[45] Breed, "Diakonia"; compare with Maik Arnold, "Missionary Self-Perception and Meaning-Making in Cross-Cultural Mission: A Cultural Psychological Analysis of the Narrative Identity of German Protestants," *Transformation* 32, no. 4 (2015): 240–55, https://doi.org/10.1177/0265378814558446.

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The Spirituality of Catholic Teachers in Implementing Multicultural Education in Indonesia

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Abstract

The spirituality of Catholic teachers is critical, considering that the Indonesian nation is rich in cultural, religious, ethnic, and racial diversity. If not managed, the diversity can lead to problems such as racism, radicalism, and others. This study aims to implement multicultural understanding among Catholic teachers by developing multicultural attitudes. This study uses library research by analysing previous works on Catholic teachers and multicultural education in Indonesia. The results show that many efforts have been implemented to enhance multicultural education in Indonesia. Furthermore, Catholic teachers are required to be professional in teaching and have a spirituality that was derived from the Catholic faith. This spirituality should always be developed and maintained by realizing Catholic teachers' status as pastoral agents, educators, apostles, and catechists. The formation of the multicultural character of Catholic teachers starts from inculcating multicultural values and fostering the Catholic faith for prospective Catholic teachers. Prospective Catholic teachers should be prepared to live and become the frontrunner in multicultural education by providing them with proper capacity in interreligious dialogue, comparative philosophy of religion, the study of local wisdom of Pancasila, and contextual theological studies. Prospective Catholic teachers are expected to encourage their future students' national characters to create an inclusive Indonesian society.
Keywords: *multicultural education, students, and the spirituality of Catholic religious education teachers.*

Spritualitas Guru Agama Katolik dalam Mewujudkan Pendidikan Multikultural di Indonesia

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Abstrak

Spiritualitas guru Katolik sangat penting, mengingat bangsa Indonesia kaya akan keragaman budaya, agama, suku, dan ras. Jika tidak dikelola, keragaman dapat menimbulkan masalah seperti rasisme, radikalisme, dan lain-lain. Penelitian ini bertujuan untuk mengimplementasikan pemahaman multikultural di kalangan guru Katolik dengan mengembangkan sikap multikultural. Penelitian ini menggunakan studi kepustakaan dengan menganalisis karya-karya sebelumnya tentang guru Katolik dan pendidikan multikultural di Indonesia. Hasil penelitian menunjukkan bahwa banyak upaya telah dilakukan untuk meningkatkan pendidikan multikultural di Indonesia. Selanjutnya, guru Katolik dituntut untuk profesional dalam mengajar dan memiliki spiritualitas yang bersumber dari iman Katolik. Spiritualitas ini harus selalu dikembangkan dan dipelihara dengan mewujudkan status guru Katolik sebagai agen pastoral, pendidik, rasul, dan katekis. Pembentukan karakter multikultural guru Katolik dimulai dari penanaman nilai-nilai multikultural dan pembinaan iman Katolik bagi calon guru Katolik. Calon guru Katolik harus dipersiapkan untuk hidup dan menjadi garda terdepan dalam pendidikan multikultural dengan membekali mereka dengan kapasitas yang memadai dalam dialog antaragama, filsafat perbandingan agama, kajian kearifan lokal Pancasila, dan kajian teologi kontekstual. Calon guru Katolik diharapkan dapat mendorong karakter kebangsaan siswa mereka untuk menciptakan masyarakat Indonesia yang inklusif.

Kata kunci: *pendidikan multikultural, murid dan spiritualitas guru pendidikan agama Katolik.*

INTRODUCTION

As a large nation, Indonesia has a rich cultural diversity that appears not only in elite cultures but also in the skills of Indonesian people. This wisdom is essentially a nation's asset that has lived and been lived for centuries by Indonesians. However, this rich diversity is often considered a threat to the country's integrity. The emergence of cultural fragmentation and differentiation that has occurred recently is usually because the response to diversity has become the arena for the dominance of the majority culture so that it is trapped in cultural monoculturalism. This is due to the lack of a comprehensive multicultural understanding. As a result, attitudes and behaviors that arise are often unsympathetic, so they are contrary to Pancasila values such as togetherness, courtesy, and cooperation.[1]

Facing this situation, the Indonesian Catholic Church is required to implement multicultural education in the country. It has indeed responded to this problem by providing content about diversity in its Senior High Schools.[2] However, the Catholic religious concept of multiculturalism often only stops at the knowledge that has not become part of the students' understanding and views. Therefore, a solid synergy is needed starting from the curriculum,

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[1] Eli Karliani, "Pembinaan Masyarakat Multikultural Dalam Meningkatkan Integrasi Bangsa [Multicultural Community Development in Improving National Integration]," *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan* 24, no. 2 (2011): 80–92, https://doi.org/10.17977/jppkn.v24i2.5488; Muhamad Arif, "Analisis Faktor Integrasi Sosio-Kultural-Historis pada Masyarakat Multikultural [Analysis of Socio-Cultural-Historical Integration Factors in Multicultural Societies]," *Sosio-Didaktika: Social Science Education Journal* 3, no. 2 (2016): 126–34, https://doi.org/10.15408/sd.v3i2.4374.

[2] Albert I. Ketut Deni Wijaya and Antonius Virdei Eresto Gaudiawan, "Dampak Pembelajaran Reflektif Bagi Calon Guru Agama Katolik Terhadap Panggilan Keguruan [the Impact of Reflective Learning for Prospective Catholic Religion Teachers on Teacher Calls]," *JPAK: Jurnal Pendidikan Agama Katolik* 20, no. 1 (2020): 101–12, https://doi.org/10.34150/jpak.v20i1.259.

teaching materials to extracurricular activities to emphasize the unity and integrity of the nation. People expect teachers to have professionalism in educating and sensitivity to national issues. It means that teachers are required not only to have skills in teaching but also to be creative in cultivating students' spirit of multiculturalism.

As educators, teachers play a significant role in carrying out multicultural education. Therefore, Catholic teachers need to be professional and skilled in transferring a collection of knowledge to students. Besides, they also make the Gospel of Christ the basis and source in developing students' character to become human beings who have a complete and responsible personalities.[3] Catholic teachers must have a Christian spirituality from Christ, the true Master who served and taught all people indiscriminately to achieve this incredible goal.[4] In this spirit, a Catholic teacher will be more flexible, open to cultural pluralism, and has a broad horizon of the Indonesian nation. Therefore, prospective Catholic religious teachers need to be carefully educated about and prepared for the proper and correct teachings of the Catholic faith to educate young people creatively in accordance with the authentic Indonesian context.

Previous studies on the role of Catholic teachers focus on many aspects. Some studies explain the relationship between Catholic teachers and the young Catholic generation, including students, in

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[3] Dede Rosyada, "Pendidikan Multikultural Di Indonesia Sebuah Pandangan Konsepsional [Multicultural Education in Indonesia a Conceptive View]," *Sosio-Didaktika: Social Science Education Journal* 1, no. 1 (2014): 1–12, https://doi.org/10.15408/sd.v1i1.1200.

[4] Temiks Merpati, Apeles Lexi Lonto, and Julien Biringan, "Kreativitas Guru dalam Meningkatkan Hasil Belajar Siswa di SMP Katolik Santa Rosa Siau Timur Kabupaten Sitaro [Teacher Creativity in Improving Student Learning Outcomes at Santa Rosa Catholic Middle School, Siau Timur, Sitaro Regency]," *Jurnal Civic Education: Media Kajian Pancasila dan Kewarganegaraan* 2, no. 2 (2018): 55–61, https://doi.org/10.36412/ce.v2i2.772.

terms of perception and faith.[5] Other studies focus on Catholic teachers' competency in teaching relevant content to the young generation as well as their motivation to serve.[6] Recent studies focus more on transforming the education of catechists and Catholic teachers in the digital era.[7] This research contributes to the critical role of the spirituality of Catholic religious education teachers in implementing multicultural education in Indonesia to answer the problem of a nation that is experiencing the degradation of tolerance.

This paper first describes how multicultural education is implemented in Indonesia. Second, how the spirituality of Catholic religious education teachers is in teaching the Catholic faith amid Indonesia's cultural diversity. In this case, prospective Catholic

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[5] Jacobus Nurhadi Pujoko, "Guru Agama Katolik Dan Pembinaan Iman Remaja Katolik [Catholic Religion Teacher and Catholic Teacher Faith]," *JPAK: Jurnal Pendidikan Agama Katolik* 6, no. 3 (2011): 87–100, https://doi.org/10.34150/jpak.v6i3.152; Jantje Rasuh, "Persepsi Generasi Muda Katolik Terhadap Katekis dan Guru Agama Katolik [Catholic Youth Perception of Catholic Catechists and Teachers]," *Jurnal Masalah Pastoral* 1, no. 1 (2012): 1–12, https://ojs.stkyakobus.ac.id/index.php/JUMPA/article/view/8.

[6] Antonius Tse, "Pembelajaran Agama Katolik Yang Inspiratif [Inspiring Catholic Religious Learning]," *JPAK: Jurnal Pendidikan Agama Katolik* 3, no. 2 (2010): 59–73, https://ejournal.widyayuwana.ac.id/index.php/jpak/article/view/91; Ady Bintoro, "Menggali Motivasi Guru Agama Katolik di Sekolah Tinggi Pastoral Kateketik (Stpk) Santo Benediktus Sorong [Exploring the Motivation of Catholic Religion Teachers at the St. Benedict's Pastoral College (Stpk) Sorong]," *Jurnal Teologi (Journal of Theology)* 4, no. 2 (2015): 187–202, https://doi.org/10.24071/jt.v4i2.487.

[7] Alexius Dwi Widiatna, "Transformasi Pendidikan Calon Katekis Dan Guru Agama Katolik Di Era Digital [Educational Transformation of Prospective Catechists and Catholic Religion Teachers in the Digital Age]," *JPAK: Jurnal Pendidikan Agama Katolik* 20, no. 2 (2020): 66–82, https://doi.org/10.34150/jpak.v20i2.280; Suko and Suyitno Muslim, "Tranformasi Digital Sebagai Epistemologis Model Pendidikan Calon Guru Agama Katolik Di Era 4.0 [Digital Transformation as an Epistemological Model for Prospective Catholic Religion Teacher Education in Era 4.0]," *Vocat: Jurnal Pendidikan Katolik* 1, no. 2 (2021): 105–12, https://ejournal.stakatnpontianak.ac.id/index.php/vocat/article/view/36; Carolina Etnasari Anjaya and Yonatan Alex Arifianto, "Awarenesss Triangle: Konsep Pengembangan Pendidikan Kristen bagi Generasi Tekno di Era Virtual," *Jurnal Teologi Gracia Deo* 4, no. 1 (2021): 140–53, https://doi.org/10.46929/graciadeo.v4i1.109.

religious education teachers are prepared carefully, not only with knowledge of the teachings of the Catholic faith but also the Catholic Church's perspective on cultural diversity. The following section will describe how Catholic religious education teachers cultivate Christian spirituality and live it up in their mission as disciples of Christ, who the Church mandates to teach and proclaim the Catholic faith. In this regard, Catholic religious education teachers as pastoral agents have a vast space to create multicultural education.

RESEARCH METHOD

This research is library research to obtain a research thesis on the spirituality of Catholic teachers in implementing multicultural education in Indonesia. Research sources consist of two parts, namely primary sources and secondary sources. Primary sources come from books and scientific journals that discuss the importance of multicultural education amid the plurality of the Indonesian nation and the importance of the role of Catholic teachers, particularly Catholic religious education teachers, in implementing multicultural education in Indonesia. These sources were analyzed in-depth to find the spirituality of Catholic teachers in realizing multicultural education in Indonesia. Secondary sources were taken from *online news* and magazines containing the Indonesian people's political situation, often colored by religious, cultural, and racial sentiments. The two sources of this research were combined and studied in-depth to overcome various forms of religious radicalism that have targeted schools that are a vehicle for creating a spirit of tolerance, the role of teachers is needed in instilling students' multicultural characters. Therefore, Catholic teachers, especially Catholic religious education teachers, must be proficient in teaching and have a spirituality that comes from actual knowledge and faith in Christ, the true teacher.

RESULTS AND DISCUSSION

Application of Multicultural Education in Indonesia

One of the social realities that cannot be denied in living together in Indonesia is the diversity of cultures, religions, and ethnic groups. This condition creates a pluralistic society. In Indonesia, multicultural awareness has been realized since the beginning of the formation of the State.[8] So developing multicultural education is a must for the Indonesian people. Multicultural education was originally a movement of educational reform in the United States full of racial, ethnic, cultural, and gender discrimination that even remains today.[9] Prudence Crandall (1890), who developed multicultural education in the US, first emphasized the importance of understanding the background to the emergence of cultural, ethnic, and religious differences in the US.[10] The multicultural education movement in the States was a movement to reform educational institutions to provide equal opportunities to everyone, regardless of ethnic origin, culture, and gender. These opportunities acquire knowledge, skills, and attitudes needed to function

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[8] Abd Halim and Abdul Mujib Adnan, "Problematika Hukum Dan Ideologi Islam Radikal [Studi Bom Bunuh Diri Surabaya] [Legal Problems and Radical Islamic Ideology [Surabaya Suicide Bombing Study]]," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 2, no. 1 (2018): 31–61, https://doi.org/10.30659/jua.v2i1.3572.

[9] Rahmat Wijayanto J and Marzuki, "Pendidikan Bela Negara Sebagai Tonggak Peradaban Jiwa Patriotisme Generasi Muda [National Defense Education as a Milestone of the Patriotism Spirit of the Young Generation]," *Jurnal Ilmiah Pendidikan Pancasila dan Kewarganegaraan* 3, no. 2 (2018): 186–91, https://doi.org/10.17977/um019v3i2p186-191.

[10] Ola Rongan Wilhelmus, "Pendidikan Multikultural Di Indonesia: Arah Dan Manfaatnya [Multicultural Education in Indonesia: Directions and Benefits]," *JPAK: Jurnal Pendidikan Agama Katolik* 19, no. 10 (2018): 13–26, https://doi.org/10.34150/jpak.v19i10.34.

effectively in ethnically and culturally diverse nation-states and world societies.[11]

Implementing multicultural education in Indonesia requires an in-depth study based on such a thought.[12] There are general principles that can be applied from the multicultural education movement in the US, but some do not fit the reality of the Indonesian nation.[13] Religious issues in Indonesia are more sensitive than multicultural issues in the United State. Therefore, multicultural education in Indonesia is more appropriate to be implemented after the wisdom of various ethnic groups and religious values is explored and understood. In other words, the main focus of multicultural education is understanding the existence of racial, religious, and cultural differences and paying attention to introducing different cultures and religions.

Furthermore, the issue of diversity needs to be addressed positively, as a unique identity of the Indonesian nation, not as a threat. Therefore, multicultural education is expected to provide new insights to create students' multicultural characters. In this way, students can tolerate all the differences in society.[14] Therefore,

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[11] Rosita Endang Kusmaryani, "Pendidikan Multikultural Sebagai Alternatif Penanaman Nilai Moral Dalam Keberagaman [Multicultural Education as an Alternative for Inculcating Moral Values in Diversity]," *Paradigma* 1, no. 2 (2006): 49–56, https://journal.uny.ac.id/index.php/paradigma/article/view/5943.

[12] Atin Supriatin and Aida Rahmi Nasution, "Implementasi Pendidikan Multikultural Dalam Praktik Pendidikan Di Indonesia [Implementation of Multicultural Education in Educational Practices in Indonesia]," *Elementary : Jurnal Ilmiah Pendidikan Dasar* 3, no. 1 (2017): 1–13, https://e-journal.metrouniv.ac.id/index.php/elementary/article/view/785.

[13] Tatang M. Amirin, "Implementasi Pendekatan Pendidikan Multikultural Kontekstual Berbasis Kearifan Lokal Di Indonesia [Implementation of a Contextual Multicultural Education Approach Based on Local Wisdom in Indonesia]," *Jurnal Pembangunan Pendidikan: Fondasi Dan Aplikasi* 1, no. 1 (2012): 1–16, https://doi.org/10.21831/jppfa.v1i1.1047.

[14] Natalis Sukma Permana, "Membangun Sistem Pendidikan Multikultural Di Indonesia [Building a Multicultural Education System in Indonesia]," *JPAK: Jurnal*

education or educational activities are integral to teaching cultural values. This presupposes that educators (teachers) must carry out creative and fun learning in educational activities, which requires various skills. And teaching skills are competencies that every teacher must have,[15] as will be discussed in the following section.

Spirituality and Professionalism of Catholic Teachers

Multicultural education and learning in Indonesia are primarily directed at inculcating values and ways of living to be honest, tolerant, accepting, and respecting differences. They are needed as a breath of fresh air amid the swift currents of religious radicalism that have created tremendous fear in the life of the Indonesian people. The phenomenon of the 411 and 212 demonstrations in Jakarta in 2016 confirms that Indonesia can no longer be an example of tolerance to be shown off to the world. This situation makes multicultural education urgent to save the nation's problem that is experiencing degradation. This task must start from the leading social institution, the school, as the first vehicle for creating and realizing multicultural characters.

Therefore, teachers play an essential role in raising the multicultural spirit of students. Law No. 20 on National Education System states that teachers, lecturers, counselors, and tutors are qualified personnel tasked with educating, teaching, and or fully training students to have noble characters and the spirit of love for the homeland.[16] This main task will be realized if teachers have

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Pendidikan Agama Katolik 19, no. 10 (2018): 3–12, https://doi.org/10.34150/jpak.v19i10.35.

[15] Andreas Kosasih, "Creative and Joyful Learning Sebagai Bentuk Evangelisasi Baru [Creative and Joyful Learning as a New Form of Evangelization]," in *12 Bentuk Evangelisasi: Menebar Garam Di Atas Pelangi*, ed. Hipolitus K. Kewuel and Gabriel Sunyoto (Madiun, Indonesia: Wina Press, 2010).

[16] Asep Priatna, "Pengaruh Profesionalitas Guru Terhadap Kualitas Pembelajaran pada SMA di Kota Bandung [The Influence of Teacher Professionalism

professionalism according to their competence and are loyal to their code of ethics. According to Law Number 14 of 2005, teachers must possess pedagogy, personality, social and professional competencies. The four competencies in practice are a unified whole.

As the name suggests, teachers are admired *(digugu)* and imitated *(ditiru)*. Teacher *(guru)* is a metaphor for the transition from darkness *(gu)* to light *(ru)*. Likewise, in multicultural education, students are made aware of an exclusive way of thinking about themselves, groups, and religion to an inclusive perspective open to other cultures.[17] Therefore, the main task of a teacher is to help students become whole human beings and bring humans out of darkness to light. A teacher must consequently have confidence and professionalism in attitude and behavior. In other words, the view of teachers as a profession solely to make money is wrong because teachers have a central role in realizing public civility.

It must be admitted that being a teacher who serves wholeheartedly in this day and age is certainly not as easy as imagined by some people who do not know the ups and downs of the teaching profession. Every teacher must be ready to face and live various challenges because a teacher is like serving all levels of society indiscriminately in everyday life. They teach with words and attitudes, behaviour, and daily actions that respect the uniqueness and diversity of students. Another important aspect a teacher must pay attention to is to treat each student fairly. Professionalism will be

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on the Quality of Learning in High Schools in the City of Bandung]," *Jurnal Administrasi Pendidikan* 14, no. 2 (2011), https://doi.org/10.17509/jap.v14i2.6415.

[17] Hairus Salikin, "Profesionalitas Guru Dan Pembelajaran Kontekstual [Teacher Professionalism and Contextual Learning]," *Jurnal Pengembangan Pendidikan* 8, no. 1 (2011): 257–71, https://jurnal.unej.ac.id/index.php/JP2/article/view/860.

integrated into the teacher's self if he/she lives his spirituality as a teacher.[18]

Teacher's Spirituality

Spirituality comes from the Latin word *"spiritus"* which means spirit, soul, and *atma,* while "spiritual" means mental and moral.[19] Spirituality can be possessed by all groups struggling to achieve their goals or ideals.[20] Thus, the spirituality of a teacher is understood in his appreciation of the profession. Law Number 14 of 2005 states that the professions of teachers and lecturers are fields of work in which there are duties and responsibilities (towards God and human beings).[21] Such duties and responsibilities are carried out based on

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[18] I. Wayan Setioka and Pardjono Pardjono, "Kompetensi Pedagogik Guru Agama Katolik Sekolah Dasar Di Kabupaten Bantul [Pedagogic Competence of Primary School Catholic Religion Teachers in Bantul Regency]," *Jurnal Akuntabilitas Manajemen Pendidikan* 4, no. 2 (2016): 222–36, https://doi.org/10.21831/amp.v4i2.10809.

[19] P. T. Raju, "The Concept of the Spiritual in Indian Thought," *Philosophy East and West* 4, no. 3 (1954): 195–213, https://doi.org/10.2307/1397554; Fred J. Hanna and Alan Green, "Asian Shades of Spirituality: Implications for Multicultural School Counseling," *Professional School Counseling* 7, no. 5 (2004): 326–33, http://www.jstor.org/stable/42732601.

[20] Peter D. Neumann, "Spirituality," in *Handbook of Pentecostal Christianity*, ed. Adam Stewart (Ithaca, NY: Cornell University Press, 2012), 195–201, http://www.jstor.org/stable/10.7591/j.ctv177t9v5.48; Marie Fahy, "Spirituality," *The Furrow* 64, no. 11 (2013): 599–603, http://www.jstor.org/stable/24635642; Victor Copan, "Spirituality: What It Is and What It Isn't," in *Changing Your Mind*, 1st ed., The Bible, the Brain, and Spiritual Growth (The Lutterworth Press, 2016), 1–12, http://www.jstor.org/stable/j.ctt1p5f2gz.7; Dirk G. Lange, "Spirituality," in *Today Everything Is Different*, vol. 9, An Adventure in Prayer and Action (1517 Media, 2021), 11–41, https://doi.org/10.2307/j.ctv17vf4x9.5.

[21] Sri Mujiarti Ulfah, "Mencermati Arah Pendidikan Indonesia [Observing the Direction of Indonesian Education]," *Journal Ilmu Sosial, Politik Dan Pemerintahan* 1, no. 2 (2012): 1–9, https://doi.org/10.37304/jispar.v1i2.346; Sumarto Pohan, "Manajemen Sekolah: Wujudkan Guru Profesional [School Management: Realizing Professional Teachers]," *Tarbawi : Jurnal Ilmu Pendidikan* 14, no. 2 (2018): 51–62, https://doi.org/10.32939/tarbawi.v14i2.265; Aan Yusuf Khunaifi and Matlani Matlani, "Analisis Kritis Undang-Undang Sisdiknas Nomor 20 Tahun 2003 [Critical Analysis of

expertise in the fields of work as a teacher and educator who can develop scientific work and can pursue the profession throughout their lives. Professionalism consists of three things that are closely related, namely a) expertise, b) commitment and c) skills.[22] The profession itself requires special skills so not everyone can do it. Considering that teaching is a profession that requires special skills, they must be professional.[23]

With this professionalism, teachers have to cultivate students' skills in dealing with problems in a pluralistic life. It presupposes that they have professional abilities to create quality learning.[24] Teachers who are skilled in education have some characteristics: *first*, having dedication and commitment to teaching, loyalty to work processes and results, and an attitude toward continuous

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the National Education System Law Number 20 of 2003]," *Jurnal Ilmiah Iqra'* 13, no. 2 (2019): 81–102, https://doi.org/10.30984/jii.v13i2.972.

    [22] Salikin, "Profesionalitas Guru Dan Pembelajaran Kontekstual [Teacher Professionalism and Contextual Learning]"; Bert Creemers, Leonidas Kyriakides, and Panayiotis Antoniou, "Towards the Development of a Dynamic Approach to Teacher Professional Development," in *Teacher Professional Development for Improving Quality of Teaching*, ed. Bert Creemers, Leonidas Kyriakides, and Panayiotis Antoniou (Dordrecht: Springer Netherlands, 2013), 3–11, https://doi.org/10.1007/978-94-007-5207-8_1; Jan D. Vermunt, "Teacher Learning and Professional Development," in *Teachers' Professional Development: Assessment, Training, and Learning*, ed. Sabine Krolak-Schwerdt, Sabine Glock, and Matthias Böhmer, The Future of Education Research (Rotterdam: SensePublishers, 2014), 79–95, https://doi.org/10.1007/978-94-6209-536-6_6.

    [23] Abdul Rahman, "Restrictive versus Facilitative Teacher Professional Development: A Case from Three Public Schools in Indonesia," *Asia Pacific Education Review* 20, no. 4 (2019): 673–86, https://doi.org/10.1007/s12564-019-09585-1; Jepri Ali Saiful, "Mobile Teacher Professional Development (MTPD): Delving into English Teachers' Beliefs in Indonesia," *The International Review of Research in Open and Distributed Learning* 21, no. 4 (2020): 143–60, https://doi.org/10.19173/irrodl.v21i4.4754; Wijaya and Gaudiawan, "Dampak Pembelajaran Reflektif Bagi Calon Guru Agama Katolik Terhadap Panggilan Keguruan [the Impact of Reflective Learning for Prospective Catholic Religion Teachers on Teacher Calls]."

    [24] Asep Priatna, "Pengaruh Profesionalitas Guru Terhadap Kualitas Pembelajaran Pada SMA Di Kota Bandung," *Jurnal Pendidikan Indonesia* 14, no. 2 (2011), https://doi.org/10.17509/jap.v14i2.6415.

improvement. *Second,* mastering the knowledge, having the ability to develop it, and to be able to explain its function in real life. It means that a teacher does not only explain the theoretical dimensions of science but also its praxis, or not only transfers knowledge but also internalizes and implements it in everyday life.

Third, preparing students to be creative and able to organize and maintain their creations to not cause havoc for themselves, society, and their nature. *Fourth*, becoming role models or central self-identification of their students. *Fifth*, having intellectual and informational sensitivity and updating their knowledge and expertise on an ongoing basis following the demands of the times. *Sixth*, moving and providing endurance and strength to students to carry out their duties according to their respective responsibilities.[25] With this professional spirituality, every teacher finally realizes that they are a person who is called to accompany students in the learning process. So that he continuously develops his knowledge about how students should learn. If the students fail, the teacher is to find the cause and solutions, not be silent or even blame the students.[26]

Catholic Teachers' Spirituality

Catholic teachers face many challenges as a consequence of recent development in information and communication technology.

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[25] Wilhelmus, "Pendidikan Multikultural Di Indonesia."

[26] Peter Armbruster et al., "Active Learning and Student-Centered Pedagogy Improve Student Attitudes and Performance in Introductory Biology," *CBE – Life Sciences Education* 8, no. 3 (2009): 203–13, https://doi.org/10.1187/cbe.09-03-0025; Muh Ismail and Retno Winarni, "Development of Theater Education Textbook with Character Education and Local Wisdom Through Active Learning to Improve the Students' Script Writing Ability," *VNU Journal of Science: Education Research* 35, no. 3 (2019), https://doi.org/10.25073/2588-1159/vnuer.4205; Badeni and Sri Saparahayuningsih, "Towards a Model of Attitude and Character Learning through Training Needed by Teachers," *International Journal of Education and Practice* 9, no. 3 (2021): 487–96, https://doi.org/10.18488/journal.61.2021.93.487.496.

Like many other religious teachers, they have to face changes in students' behavior and attitudes as well as their characters. Facing this trend, Catholic teachers should be at the forefront of students' changing characteristics that make their task of teaching religious education not easy. Religious teachers including Catholic teachers must have to be professional and have a spirit of faith. In this regard, Catholic teachers need to explore spirituality to see the teaching profession as a call to serve the Church, schools, and students to create a peaceful and harmonious society. Christian spirituality becomes a spirit that animates, moves, and gives endurance and strength to every religious teacher to educate their students amid national pluralism. Therefore, the spirituality of Catholic religious education teachers must be rooted in the ultimate catechist, namely Jesus Christ.[27]

The Catholic teacher manifests this awareness in the vocation as a teacher rests on the Word of God and in loyalty to the tradition of the Church so that they can educate students properly. In carrying out their duties, a Catholic teacher has a dual role: an educator and a bearer of good news. Educator is an adult responsible for children's development and well-being. A bearer of good news means a

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[27] J. de Klerk-Luttig, "The Spirituality of Student Teachers: A Blind Spot?," *Koers* 73, no. 3 (2008): 509–25, http://www.scielo.org.za/scielo.php?script=sci_abstract&pid=S2304-85572008000300006&lng=en&nrm=iso&tlng=es; Anne C. Jacobs, "South African Teachers' Views on the Inclusion of Spirituality Education in the Subject Life Orientation," *International Journal of Children's Spirituality* 17, no. 3 (August 1, 2012): 235–53, https://doi.org/10.1080/1364436X.2012.741061; Gini Shimabukuro, "Toward a Pedagogy Grounded in Christian Spirituality," *Journal of Catholic Education* 11, no. 4 (2008): 505–21, https://doi.org/10.15365/joce.1104082013; Francesco Chirico et al., "Spirituality and Prayer on Teacher Stress and Burnout in an Italian Cohort: A Pilot, Before-After Controlled Study," *Frontiers in Psychology* 10 (2020), https://www.frontiersin.org/article/10.3389/fpsyg.2019.02933.

religious teacher who carries out the message of Jesus.[28] In addition, the values taught must be expressed concretely in their daily life. In carrying out their duties as educators, Catholic teachers should work together, especially with parents and the community, to awaken students' ability to act independently. More specifically, after the students graduate, Catholic teachers still accompany them with excellent and helpful advice. That is the spirituality and calling of a Catholic reli gious education teacher. The call can be summarized as follows:

1. Pastoral Agent

In the tradition of the Catholic Church, especially in *Lumen Gentium*, teachers are people who are called and sent by God himself; the people who through baptism unite with Christ, and the people of God or members of the Church who take part in the *Tri Munera Christi*: priests, prophets and kings (LG 31). In addition, Catholic religious education teachers are agents who are actively involved in the proclamation of the faith: role models, givers of coolness and keepers of the secrets of the faith; witnesses to Christian values, and those who are actively involved in evangelization so that the Church becomes more missionary. In short, a Catholic religious education

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[28] Richard Shields, "Nurturing Spirituality and Vocation: A Catholic Approach to New Teacher Induction," *Catholic Education: A Journal of Inquiry and Practice* 12, no. 2 (December 1, 2008), https://ejournals.bc.edu/index.php/cej/article/view/841; Lusius Sinurat, "Ajakan Gereja Kepada Guru Agama Katolik [The Church's Invitation to Catholic Religion Teachers]," *Lusius Sinurat* (blog), September 13, 2016, http://www.lusius-sinurat.com/2016/09/ajakan-gereja-kepada-guru-agama-katolik.html; Rina Madden, "Spirituality and Religious Education: Reflecting on Teacher Practice," *Pacifica* 30, no. 3 (October 1, 2017): 268–83, https://doi.org/10.1177/1030570X17739651; Lusius Sinurat, "Spiritualitas Guru Beragama Katolik [Catholic Religious Teacher Spirituality]," *Pena Sinergi* (blog), November 29, 2019, https://penasinergi.wordpress.com/2019/11/29/spiritualitas-guru-beragama-katolik/.

teacher is a person who has good qualities of the Catholic faith.[29] Based on this noble calling, a Catholic religious education teacher is a missionary who performs his mission in school and lives together in the community. The involvement of Catholic religious education teachers in education and society makes them one of the leading pastoral agents of the Church. Their presence becomes a blessing for the Church and the world because they bring the renewal of life to society.

As pastoral agents in schools, Catholic religious teachers have a significant role in forming students' faith. Therefore, Catholic religious teachers, especially Catholic religious education teachers, should always make the Bible the foundation for implementing multicultural education. The Bible records that one of the main points of the Lord Jesus' teachings regarding tolerance is to love one's neighbour as oneself. The Lord Jesus, in His teaching, places humans as neighbours who must be viewed and treated as objects of love.[30] His treatment knows no religion, ethnicity, or race boundaries but love.[31] As a school pastoral agent, the tasks carried out by Catholic religious education teachers are as follows: disseminating knowledge and understanding of human diversity as children of God, inspiring, motivating, and maintaining the spirit of love as taught by Christ, as well as working towards the implementation of multicultural education.

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[29] Sinurat, "Spiritualitas Guru Beragama Katolik [Catholic Religious Teacher Spirituality]."

[30] Permana, "Membangun Sistem Pendidikan Multikultural Di Indonesia [Building a Multicultural Education System in Indonesia]."

[31] Yonatan Alex Arifianto and Kalis Stevanus, "Membangun Kerukunan Antarumat Beragama Dan Implikasinya Bagi Misi Kristen [Building Interfaith Harmony and Its Implications for Christian Mission]," *Huperetes: Jurnal Teologi Dan Pendidikan Kristen* 2, no. 1 (2020): 39–51, https://doi.org/10.46817/huperetes.v2i1.44.

2. Educator and Apostle[32]

A call to teach is a call to set an example that starts with oneself. Therefore, every Catholic teacher and predominantly Catholic religious education teacher needs to realize that the call to be a teacher is wisdom from God. Teachers serve students because of the mission mandated to them as wisdom from God. So their way of life must be good because it becomes a measure for students. So teachers must be aware that sometimes students learn not because they are interested in the lessons but because of the teacher's example. So they must be a role model.

As an apostle, a Catholic religious education teacher first knows Jesus (Mk 8:27-29). Jesus' question "Who am I?" is a question that Catholic religious education teachers must answer. The ability to answer this question presupposes that a Catholic teacher has a sufficient and comprehensive understanding of the Catholic faith and teachings, both regarding the teachings of the Church's Magisterium and the heritage of the universal Church Tradition, and most importantly knowing, the Word, vision, and mission of Jesus. An excellent Catholic religious education teacher can explain the teachings of the Catholic faith in a straightforward manner. Being an apostle also means trying to be like Him. It means recognizing the concerns of Jesus. However, this happens when Catholic religious education teachers build a life modeled on Jesus, who dared to fight for justice and peace. In connection with teachers' call in the pluralist Indonesian nation, Catholic religious education teachers follow the

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[32] Neil Dougall, "'Not Simply Pastor-Teacher, but Also Apostle, Prophet and Evangelist': The Changing Role of the Church of Scotland Parish Minister," *Theology in Scotland* 22, no. 2 (2015): 39–58, https://ojs.st-andrews.ac.uk/index.php/TIS/article/view/1447; Joseph Blenkinsopp, "Jesus the Teacher," in *Luke's Jesus: Between Incarnation and Crucifixion*, Between Incarnation and Crucifixion (1517 Media, Fortress Press, 2021), 51–64, https://doi.org/10.2307/j.ctv1khdnw7.11.

apostles' example who dared to proclaim and live the Gospel in the various places they visited.

3. Catechist[33]

The vocation to be a catechist is the vocation of all the faithful Christians who have been baptized. Thanks to baptism, all of Christ's disciples are called and sent by God to become preachers of the Word. The task of proclaiming the Word of God is a consequence of his calling as disciples of Christ. Jesus commanded this to His disciples: "Go and make disciples of all nations and baptize them in the name of the Father and of the Son and the Holy Spirit, and teach them to do everything I have commanded for you" (Matt. 28, 19). In carrying out this preaching task, the parish priest is his parish's primary catechist (catechist of the catechists) who teaches Christian religion and morals to the people entrusted to him.

However, a pastor is often busy and lacks time for development, so the catechist teaches the faithful. Catechists are lay people who have gone through courses and live according to the Gospel. In short, a catechist has been sent by the Church, according to local needs, who bring people to know, love, and follow Jesus better. That is why a teacher who teaches the Catholic faith is a catechist. Apart from having a deep and comprehensive knowledge of the Catholic faith, a Catholic religious education teacher is someone who has passed his catholic qualities.

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[33] Leonard Franchi, "Catechesis and Religious Education: A Case Study From Scotland," *Religious Education* 108, no. 5 (2013): 467–81, https://doi.org/10.1080/00344087.2013.835640; Józef Stala, "The Action-Related Competence of RE Teacher and Catechist. Toward the Development of Pedagogical and Catechetical Skills," *The Person and the Challenges. The Journal of Theology, Education, Canon Law and Social Studies Inspired by Pope John Paul II* 4, no. 1 (2014), https://doi.org/10.15633/pch.51; Vasile Timiş, "The Catechist / Religion Teacher-Targeted Abilities and Competences," *Studia Universitatis Babes-Bolyai - Psychologia-Paedagogia* 59, no. 2 (2014): 93–103, https://www.ceeol.com/search/article-detail?id=108102.

A Catholic religious education teacher provides catechesis for parents, children, and grandparents. Therefore, the faith that has grown since baptism will develop into adulthood. The goal is that the faithful will be strengthened, enriched, renewed so that they can become witnesses to the truth of the Gospel. The purpose of catechesis is to provide knowledge about the Catholic faith's teachings, information, and ideas and give actual testimony through his way of life, which the Gospel inspires. So, through this moment of catechesis, it is hoped that every person will truly experience faith development in a more mature direction. With catechesis, the faithful are expected to become more united with Christ, become more congregated, and be more assertive in realizing the task of the local Church in strengthening the universal Church so that they can bear witness to Christ amid the world.

About the plurality of the Indonesian nation, the task of a catechist should follow Jesus who respected others' beliefs. The primary source of the problem of pluralism is the attitude of assuming that one's religion and faith are the best, correct and perfect. As a result, they look down on the teachings, religions, and beliefs. Jesus respected the Law, which became the basis and foundation of the Jewish people's life. The Lord Jesus clearly stated His coming was not to abolish the Old Testament or the books of the prophets but to fulfill them (Matthew 5:17). The Lord Jesus explained that He would not remove even one dot from the Old Testament before all contained in it happened (Matthew 5:17-18). He further says that whoever abolishes even the most minor commandment of the Old Testament will occupy the lowest place in the kingdom of heaven, but whoever does and teaches all the commandments of the Law will have a high position in the kingdom of heaven (Matthew 5:19).

Nurturing the Spirituality of Catholic Teachers

As described in the previous section, the call of Catholic religious education teachers in educating is not only limited to distributing as much information as possible from teachers to students but they are also required to equip and shape the faith and spirituality of their students. These faith and spirituality include theoretical religious teaching and the formation of the character and morality of students so that they can adapt to a pluralistic society. Through the spirituality transmitted by the teacher, students' actions and behavioral patterns can be in harmony with the demands of living together amid national pluralism. So living Catholic spirituality is vital for every Catholic religious education teacher.

Every teacher can make changes in the world of education. Likewise, Catholic teachers are present in the classes and wholeheartedly touch the students' lives. Without an excellent Catholic spirituality, a Catholic religious education teacher cannot materialize the vision of the coming of the kingdom of God in the world. The spirituality of the Catholic faith that exists within the Catholic teacher is the fruit of the work of the Holy Spirit. Therefore, Catholic teachers are responsible for maintaining and developing the spirituality that God has given to them (Matt. 25:14-30). To keep this spirituality, Catholic teachers always set their sights on Jesus Christ, the Great Teacher, through:

1. Prayer

Prayer is an essential element of the vocation of a Catholic religious education teacher. His specialty as an educator lies in appreciating his spiritual life because his knowledge is not an ordinary science but matters concerning the faith. Prayer may seem simple but has a significant impact on the spirituality of Catholic religious teachers. This is important because Catholic teachers must

establish relationships and communicate with God. One of the ways is through prayer. So to get to know the Great Teacher, Catholic religious education teachers must be diligent in participating in the celebration of the Eucharist. In his teaching and preaching, Jesus put prayer first (cf. Mk 1:36, 6:46, 9:29 etc.).

2. *Lectio Divina (Meditation and Contemplation) of God's Word*

The spirituality of Catholic education teachers comes first from Jesus Christ, the great Shepherd who taught ideally both in Word and deed, as expressed by a Catholic religious education teacher through his loyalty to the Word of God. Therefore, every Catholic religious education teacher needs to regularly plan and do Lectio Divina (meditation and contemplation). With *Lectio Divina* Catholic religious teachers can process, realize and feel the involvement of the Word of God, which is the main point of his teaching. They can meditate and contemplate individually or with students 5-10 minutes before the lesson starts. Without processing and imbibing the Word of God, Catholic teachers will lose direction and strength.

3. *Sensitivity to Social Concerns*

The Word of God that is genuinely contemplated individually or in groups will open one's heart to the social concerns around him. "The word is like rain and snow which fall from heaven and return no more, but waters the earth, makes it fertile and brings forth vegetation, gives seed to the sower and bread to those who want to eat" (cf. Isa 55:10). Therefore, the results of the *Lectio Divina* must be realized in real action in the form of caring or social involvement. The Word of God will only become a source of spirituality if it becomes an inspiration for every social activity.

4. Sharing the Bible

Sharing the Bible in groups is an essential element of cultivating Christian spirituality. The goal is to strengthen and inspire each other. What is no less important is to support each other, especially when facing crises, both in personal and collective life. Through sharing experiences, Catholic teachers provide solutions to others' challenges in life. Such sharing can be done between fellow teachers and students or within the family.

5. Sharpening Service Visions

In addition to reading and meditating on God's Word, Catholic teachers need to sharpen their ministry vision by reading books, attending discussions/ seminars, and forming a community inspired by the Apostles' spirit. Such efforts need to be taken because sometimes loneliness in struggle often causes people to be easily discouraged.

Improving Multicultural Understanding Among Prospective Catholic Teachers

As the spearhead of multicultural education, teachers must be guided and educated to formulate concepts and behavioral guidelines through curriculum, regulations, and student learning methods. This means that every subject must prioritize the issue of diversity which is the core of multicultural education. The point of diversity in the Indonesian context should receive a more significant portion of religious education. In its implementation, religious education should emphasize moral cultivation rather than bureaucratic education patterns that are more oriented to the intelligence of the mind.

The same applies to Catholic religious studies, which require creativity and sensitivity regarding the issue of national diversity.

This sensitivity is built according to the teachings and example of Jesus. His teaching about tolerance must be the subject of Catholic religious lessons in schools. Therefore, the education and curriculum of Catholic religious education must be designed to fulfill this purpose. An excellent Catholic religious education teacher has extensive knowledge of Catholicism and social sensitivity regarding the issue of diversity, which is an essential issue for the nation today.

In connection with the above demands, prospective Catholic religious education teachers should also receive multicultural learning. Through this learning, future teachers are more sensitive to the diversity of the Indonesian nation so that their presence is very contextual. They can learn multiculturalism through several courses such as interreligious dialogue, comparative religion philosophy, local wisdom of Pancasila, and contextual theology. It must be admitted that some of these courses have been taught in various universities, both public and private, but often only limited to the cognitive element, not yet to animate and shape the students' mindset. As a result, when a teacher guides students, the teacher's confidence level does not appear. Students who are mentored also lose their spirit about diversity. It is not surprising if radicalism and intolerance flourish among middle school students.

Answering these problems, in this section, we will discuss how courses with multicultural nuances should be taught at universities, where the discussion method is based not only on relevant lecture materials but also on how to integrate these courses into the lives of prospective Catholics religious education teachers.

1. Interreligious Dialogue

In the Interreligious Dialogue lecture, students for prospective Catholic religious education teachers are equipped with knowledge about interreligious dialogue. Besides, the students also learn to

understand the spirit of interfaith dialogue. The basic spirit of the discussion must be returned to God's way of dialogue, which is evident in Jesus' dialogue. When students hold this basic spirit, it will make it easier for them to be creative without fixating on old methodologies and methods that are sometimes outdated. Here, students are given the broadest possible space to find a dialogue that is appropriate and in accordance with the social context of the community in which they come from. To sharpen students' understanding, the students must conduct dialogue research. The research should not only be based on literature or comparative studies but also the actual involvement of students in their encounters with other cultures and religious people. In this way, students have theoretical knowledge about dialogue and other beliefs and practical ways to dialogue and behave with people from different religious backgrounds.

2. *Comparative Philosophy of Religion*

The philosophy of comparative religion is not interested in comparing religions or beliefs with one another. It provides a broad field in which everyone is free to examine every religion without tending to judge, let alone vilify the religion or sect of a belief system. Instead, students are given the widest possible space to approach religion or a belief system with a philosophical approach so that they can explore as deeply as possible the wisdom contained in each religion or belief system. Students can research religions and beliefs in the archipelago through various approaches and methods.

Comparative philosophy aims to form an attitude of respect and understanding of other religions and beliefs because they already know and understand the context of the teachings of the religion they study. Thus, it can reduce the feeling of superiority towards certain religions and beliefs. Students can carry out real

actions in the form of a live-in activity at, for example, Islamic boarding schools. At the end of the training, students can reflect on beautiful things and the pearls of wisdom from the community they live in. Thus, the students can form a moderate attitude.

3. *The Study of Local Wisdom of Pancasila*

The study of Pancasila's wisdom is urgent to do, because of the pluralism of the Indonesian nation. Indonesia is rich in cultural diversity as represented by fascinating local wisdom. By exploring the wisdom of the local culture, students will have a new mindset that the nation's cultural diversity is an invaluable wealth. Hence, they will respect their own culture and the culture of other countries. Moreover, students must study local culture from philosophical perspectives and discuss its results in scientific *cangkrukan* activities. Such research and study can be held by the campus regularly.[34]

4. *Contextual Theological Studies*

Good theology is a theology that answers the problems of people's lives. Theology in its development is never separated from its context. Therefore, the theological approach is always coloured by current social issues. For example, liberation theology was born from the poverty context of Latin American society. Likewise, the context of the multicultural Indonesian society would have a certain kind of theology.

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[34] Fredik Melkias Boiliu et al., "Model Pendidikan Agama Kristen Berwawasan Majemuk dalam Membina Sikap Toleransi Beragama di Indonesia [Christian Religious Education Model with Multiple Insights in Fostering Religious Tolerance in Indonesia]," *Kharismata: Jurnal Teologi Pantekosta* 4, no. 1 (2021): 84–97, https://doi.org/10.47167/kharis.v4i1.82; Albert I. Ketut Deni Wijaya and Natalis Sukma Permana, "Pendidikan Karakter Melalui Meditasi Metode Kitab Suci Metode Ignatius Loyola Dan Metode Teresia Avila Bagi Calon Guru Agama Katolik [Character Education through Meditation, the Biblical Method, the Ignatius Loyola Method and the Teresia Avila Method for Prospective Catholic Religion Teachers]," *Sebatik* 25, no. 2 (2021): 500–507, https://doi.org/10.46984/sebatik.v25i2.1644.

Moreover, a good theologian is a theologian who is sensitive to the social situation of his people. A Catholic teacher is also a theologian because he teaches the Catholic faith and gives accurate and direct witness in the community. Therefore, the theology taught to prospective Catholic religious education teachers must be contextual so that they can read the social context of the community in which they will work.[35] It also means that a student who is a candidate for a Catholic religious education teacher must constantly update his information and knowledge by reading newspapers and magazines and listening to the news on television. In addition, to sharpen their knowledge, prospective Catholic religious education teachers must always read books and attend seminars and training whether organized by the campus or the Catholic Community Service.

CONCLUSION

The Indonesian nation is a multicultural nation. The plurality of the nation has brought tremendous pride to the Indonesian people because of its beauty throughout the archipelago. This diversity has the potential for national disintegration. Currently, Indonesia is dealing with religious radicalism which is getting stronger day by day. The wave of radicalism has hit educational institutions that are an important vehicle for creating social cohesiveness and inclusion. Facing this situation, the teacher becomes the spearhead of students' change. The presence of a teacher is essential because he is nurtured

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[35] Jim and Therese D'Orsa, "Mission and Catholic Education," in *A Century of Catholic Mission: Roman Catholic Missiology 1910 to the Present*, ed. Stephen B. Bevans, vol. 15, Regnum Edinburgh Centenary Series (Minneapolis: 1517 Media, Fortress Press, 2013), 239–46, https://doi.org/10.2307/j.ctv1ddcmxp.26; Po Ho Huang, "Revisiting the Methodology of Contextual Theology in the Era of Globalization," in *Wrestling with God in Context: Revisiting the Theology and Social Vision of Shoki Coe*, ed. Po Ho Huang, M. P. Joseph, and Victor Hsu (Minneapolis: 1517 Media, Fortress Press, 2018), 21–34, https://doi.org/10.2307/j.ctv550db2.6.

and imitated. They are professionals who can lead young people out of darkness into light. Therefore, a teacher is required to be professional in teaching and have spirituality simultaneously.

Furthermore, a Catholic religious education teacher is a teacher and a pastoral agent, lay apostle, and witness to the Church's faith whose task is to enlighten young people. On the shoulders of a Catholic religious education teacher, the extraordinary mission of the Church is laid down, namely to proclaim, educate and testify at the same time. In connection with this great and sacred task, a Catholic teacher must rely on Jesus Christ, the Great Teacher, who taught with power. This task is the teacher's profession and the embodiment of his faith. Therefore, teachers of Catholic religious education must always maintain their spirituality by always praying and pondering on the Scriptures either individually or together with other people. In addition, Catholic teachers should learn to behave and think openly about different cultures through various studies, including comparative studies of religion. This is in accordance with the Declaration on the Relation of the Church to Non-Christian Religions (*Nostra Aetate*) Proclaimed by His Holiness Pope Paul VI on October 28, 1965. The *Nostra Aetate* states that the Catholic Church recognizes that other religions and beliefs have various ways of life, rules of life, and teachings that often reflect the light of the truth that illuminates all people.

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