THE RECONSTRUCTION OF RELIGIOUS EDUCATION INTO COMMUNITY'S LEGAL LIFE

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Abstract

The aim of this study was to elaborate how the religious education can be implemented to the community life as the reference and norm of behavior in their life. Religious education developed in legal order remained to be needed inexplicitly. There is a tendency that the community wanted to organize their life corresponding to the religion. For making the religion to be alive, the state's leadership and participation is needed to regulate it. The constructed religion value in community behavior manifested in legislation will ensure the presence of both law certainty and law enforcement. Thus, religion and law containing regulations and prohibitions will bind to everyone, either ordinary people or ruler. The religion becoming the universal foundation of life. So, there should be an identification and verification of shared religion values before they are constructed to be law in the plural community life.

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Tujuan penelitian ini adalah untuk menguraikan bagaimana pendidikan agama dapat diterapkan untuk kehidupan masyarakat sebagai referensi dan norma-norma perilaku dalam kehidupan mereka. Pendidikan agama dikembangkan di tengah masyarakat hukum secara tidak eksplisit. Ada kecenderungan bahwa masyarakat ingin mengatur hidup mereka sesuai dengan agama. Akan tetapi peran serta negara tetap diperlukan untuk mengatur itu. Nilai-nilai agama diwujudkan dalam undang-undang, sehingga dapat dipastikan adanya kehadiran hukum agama dan hukum positif untuk tegaknya suatu tatanan hukum. Hal ini karena agama dan hukum mengandung peraturan dan larangan akan mengikat semua orang, baik orang biasa atau penguasa. Agama juga menjadi tumpuan hidup yang bersifat universal. Oleh karenanya, diperlukan identifikasi dan verifikasi terhadap nilai-nilai agama yang universal sebelum menjadi hukum yang disepakati di dalam masyarakat plural.

A. Preface

Not all religions are ready to face the urging modernization, but hard to argue that religion as well as a subject and an object in the current transformation of the community. As an object we can see, many religion is helpless to face pressure from various energy religious. The ability of religion for reform is not comparable with the demands of the development community.[1] A wave of modernism has penetrated all of life, including religious life which resulted in increasingly waning role of religion in its life. Like that in the legal field is no longer built and elaborated on the spiritual value system, but shifted to the understanding of the values that are anthropocentric, where the human is so important in setting the basic provisions law.

Actually religion can be a subject that being able and functioning as a movement that expresses unhealthy conditions, dissatisfaction of life circumstances that exists. From these circumstances should religion should care and help people to overcome. This accordance with the conclusions of the symposium held by The Hague Institute of Social Studies on 18 to 20 March 1985 recommending religion as a source to inspire the struggle and as a tool for legitimation of concentration and maintenance of power.[2]

Universal religious values and acceptable to all sections of society, and then be used as material for the law to serve as guidelines and action in the community became a principal study of this paper. If this idea can materialize into something new is a social life/community/based religious. It is not easy to realize this idea, but at least there is a new discourse to reconstruct the universal religious values into the law applicable in community. What about value of religious education can be implemented in the law of social life in society and the values of religious education like what can be used as the reconstruction of social law in society is the focus of this paper.

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[1] Sheldon, "Pattern of Religions Reformations", in *Comparative Studies in Society and History,* Vol. 15 No. 2, 1993, p. 57.

[2] Hasan Ashari, "Religion and Development: Search for Conceptual Charity and New Methodology the Special Case of Islam", in *The Islamic Quarterly,* Vol. XXX No. 2, 1986, p. 12.

B. Religious Education and Law in the Community

1. Religious Education

Structuring of religious life and belief in God Almighty harmonious, its which is reflected in the increasing faith and devotion to God Almighty, a growing harmony of religious life and adherents of belief in God Almighty, the increasing participation of people in development in society. The harmony religious life is a dynamic process that takes place in line with the growth of the community itself.

Climate religious' life in Indonesia today is quite well established. The harmony among religious communities was established quite good, need to be maintained, nurtured and enhanced. Which guide the religious harmony in addition to the religious teachings of each of its adherents, as well as laws and regulations in force in the life of society, nation and state.

Tolerance is often identified in harmony with religious harmony. The point is that should the followers of their respective religions to maintain harmony, mutual respect and appreciate. Should be avoided hostility and antagonism between the adherents of the religion. Humans have rights in determining the choice that is free to choose a religion. Therefore, one who has chosen a particular religion, not to be influenced or forced to convert to another religion, albeit subtly coercive persuasion and example, with the pretext of helping.

The formation of religious harmony as to which of the above, because of there is tolerance inter-religious. Tolerance includes the areas of confidence and social relations in social life. Sometimes there is a mistake in practicing the teachings of this tolerance. The presence of the assumption that tolerance is admit the truth of all religions. Any religion alike, and equally true equally well. Therefore, it should choose where love, for the same. This assumption is clearly wrong and dangerous. It is permissible and is free to choose a religion. But the principle is the same may choose. For free pick here with the principle of equally true. The fact that it is impossible undeniable that the religious teachings that there is a contradiction. Is it two conflicting things at right, impossible. Legal logic "*prinsipum contradiktoris*" states that two things are contradictory, must correct one. Everything cannot be true. But it is also impossible all right.

According to Bragdon religion "conventional" existence is threatened by the emergence of Spiritual. If diversity "formal" first driven more by external factors, the emergence of this Spiritual more is the internal process that involves the perception of individual feelings and emotional life, and affect change in thinking and behavior externally. Although this new flow can be classified into religion, but in fact it stands alone in its presence outside of formal religion, so it can be used as learning materials in reviewing the national education system.[3]

Indeed, there may be similarities in the teachings of religion prophetic. Judaism, Christianity and Islam. For both derived from the same source. But there has been a big difference that according to Muslim belief, the difference was the change due to human intervention. The equation of Islam with the teachings of non-prophetic/natural religion, may occur in some cases. For example, in moral values, love between people, honest, good manners, respect for parents and so forth. Because the human mind can produce values that compatible with revelation. However, if you trace back to its principle will be apparent difference, that the teachings of Islam derived revelation while non-prophetic religious teachings based on human abilities.

Based on the research results of Utomo et.al., getting awarded grants in a research competition under the title of Social Distance and Tolerance of Religious Life at the Sebelas Maret University with 650 students taking the data scattered in Program Study UNS, applying the method of analyses of percentage (%) and Mode as well as correlation analysis and coefficient determination, it was obtained the following results:

a. Religious tolerance life of Students College is high, social distance is short and strong social integration proved to be true. So more than 50% of students receive their tolerance. Short social distance as evidenced by their 89. 43% or 550 students often and very often hold social relationships or social interactions. While strong integration is evidenced by the 82. 92% or 510 students require the existence of a common identity to unity. Because for more than 50% frequent and very often hold.

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[3]Emma Bragdon, *The Call of Spiritual Emergency* (San Francisco, New York: Harper and Raw Publisher, 1990), p. 83.

b. Factor of identification or choose what is good and not as the factor that most underlying the relationship between religions with each other, attested by the presence of 64.55% or 397 students chose the factors identified as factors that become the reason for a relationship social. So the mode (Mo) factor identification.

c. The pattern of relationship or interaction between religion largely interactional patterns, attested by the presence of 67.15% or 413 students chose interactional patterns. So the mode (Mo) interactional patterns.

d. There is a significant influence of religious tolerance towards social distance. Based on these data obtained Rxy = 0.323, or 32.3%. So the effect of social distance tolerance is 32.3%.

e. There is a significant effect of social distance towards social integration, proven true. So the effect of social distance towards social integration is 34.1%.

f. There is a significant effect of tolerance and social distance towards social integration proved to be true. This data was obtained from Rxy. z = 0.391 or 39.1%

2. Law in The Community

Our national development is development in all areas, that one of which is the development in law. Development in the field of law is one of the areas related to human behavior in society. Thus, efforts are promoting the development of the legal framework in order to enforce the legal basis is necessary to be realized. Because, the presence of a strong foundation framework is expected to tangible a National strong system of Law. So that such conflict of interest does not need to happen and change in values and social institutions in society.[4]

The development of law itself basically is to establish the rule of law as a system, including application means and decisiveness. Development of this law can also be seen as an attempt to establish a system of various systems available.[5] Development of law has a more thorough understanding and basic, compared to similar terms used such as legal reform and legal training. Legal reform implies

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[4]Ovy Ndouk, "Memperkokoh Persatuan dan Kesatuan", in *Analisa*, Jakarta, CICS, 1985. p. 945.

[5]Padmo Wahyono, *Masalah Ketatanegaraan Indonesia Dewasa Ini* (Jakarta: Ghalia Indonesia, 1989), p. 1.

constructing a legal system to adapt to changes in society, while fostering more law refers to the efficiency, in the sense of improving the efficiency of the law. Legal development is a dynamic process, which is a constantly moving and changing, and even is a process that will not be completed, not only focused on the rules and legal, institutional structure or laws but also cultural law. Thus in determining the development of the necessary legal sustainable measures, in the absence of sustainable measures the development of the law is only a law of development "patchwork" that weighs pragmatic.

Based on the demands of society and "*Propenas*" it, the process and methods of education (science) the law must also be required to not only emphasize on the quality of knowledge of the norms of substantive law and the quality of skill/proficiency law alone, but must also emphasize the quality of the attitudes and values of psychiatric/conscience or moral value of law. In other words, education "jurisprudence" should contain a balance between "science of the norm" and "the science of value. Aspect is the norm outside the musty apparent from materialized in the formulation of legislation while the value aspect is an aspect in or musty inner/psychiatric behind or behind the norm. Due to the norms and values is one of unity, the educational process of law should include both. The process of legal education that focuses solely on science about norms and regardless of the science of values is a process of partial legal education, lame and can even be dangerous.[6]

From the above, it seems clear that in the framework of the implementation of development as practice of Pancasila, the development of the field of law is very important and evens an absolute necessity. In order to be practiced in all areas of social life and the state, the five principles that should be enshrined in the rules and legislation governing these areas.

Direction of movement of the ideals of law must be based on the ideals embodied in the outlook of the nation. So in this sense, Pancasila as the outlook of the nation Indonesia become a source of inspiration and as a guide into the direction that will be addressed by national laws. Therefore, national law let contains essentially: a) The attitude of high that support the religion, morals

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[6]Barda Nawawi Arief, "Beberapa Aspek Pengembangan Ilmu Hukum Pidana", *paper*, Semarang, 1994, p. 92.

and ethics; b) Attitude that support the high human dignity; c) Reflects the spirit and sense of justice for human and community; d) Prepared by referring to the view of life and personality as well as living and developments in society.[7]

C   Reconstruction of Religious Education into The Law Society

Abrahamic Religion traditions aim to liberating human beings from all forms of oppression, injustice, love prosperity, educate people be honest, respect and tolerance to each other, looked at all people equal. The ethics of such a life is material to be reconstructed into a community social law in the legal system serve social. However, an interesting fact of the situation is also controversy about the role of religion appeared, so the sociology of religion is rich with nuances that almost comparable to the experiences affected community's modernization.[8]

Once related to the research conducted by Utomo et al, the earlier tradition of Religion of Ibrahim tolerated values that need to be used as a reference for building a social law in community. In this point, it has been constructed in the Constitution of 1945, namely article 29 which basically stated the State based on belief in God Almighty, and the State guarantees the freedom of each citizen to profess his own religion and to worship according to their religion or belief was. Then religion can live and grow with the protection of the state: 1) State provide encouragement and assistance to religion to advance their own religion; and 2) In the Republic of Indonesia should not happen or apply something that is contrary to the rules of religion. Such an attitude is indeed innate (inherent) the teachings of their respective religions. Any religion that teaches its followers to respect each other, trust each other, love each other. All religions teach love, humanity, wisdom, love of truth and justice.

Tolerance as "imperative in the individual rooms and public spaces since one of the goals is to build a peaceful life tolerance (*peaceful coexsistance*) among different groups of people and a wide range of differences in background history, culture and identity". In the opinion expressed tolerance

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[7] AW. Wijaya, *Beberapa Aspek Pengembangan Ilmu Hukum Pidana* (Jakarta: Eraswasta, 1985), p. 23.
[8] Barbara Ingham, "The Meaning of Development Interaction between New and Old Ideas", in *Word Development*, Vol. 21, No. 11, November, 1993, p. 21.

purpose, namely to build a peaceful life in the community although there are differences in the community, so it can be concluded that tolerance is one important factor in social life.

Tolerance in the context of a democracy should be able to build mutual understanding and respect in the diversity of ethnicity, religion, race, and language. Tolerance and pluralism vision of society is measured in two dimensions, namely "The social dimension of religious and socio-political dimensions". Indicator measured in the socio-religious dimension is how people's willingness to live next door to different peoples (the other) well and religion and ethnicity. Special about religious tolerance, are asked for their willingness to allow different parties believes to implement and develop of worship place. In addition, also measured the degree of *social trust* in society. Being measured in the socio-political dimensions are: the public's view of other people, other groups, attitudes toward rights struggle by other groups, and the view of the western culture.

Prospects in realizing the unity of the nation Indonesia on the future can be realized, if at each faith held a good relationship will thus materialize integration in society. The tight integration reflects that religious believers have the perception that the unity will materialize if in every human being realizes the necessity of the instrument as a tool of unifier. Instrument question is a religion values that same. The achievement of social integration through evolutionary stages: stage isolation (separation) minorities and social life to the highest stage, the stage of mixing of minority groups into the social life or social relations.

Religious adherents in organizing social relations certainly have a good standard of moral choice, in the sense that they want to deal with inter-religious if what was done well and do not lead to things that worst. It is procedure of means a religion of learning norms social to be done and where the act has to be abandoned.

Interactional patterns of religion are not determined by a predetermined shape, so they are non-field areas of what should be done in accordance with their context. So they are not bound to the patterns of this model that has been assigned. In this model the interactional relationships as a system. Each system has a structural nature, integrative. All systems are composed of sub-systems are interdependent and act together as a single unit. The factors that foster

interpersonal in this case three things: trust, supportive attitude and an open attitude.

As the description already author discussed above that tolerant is one of the factors that affect the close relationship between religions away, the higher the person's tolerance towards others, then the closer they get social. And vice versa the lower the tolerance of a person with others, the more distant the relationship. However, not only affecting the near absence of their relationship. Many factors affect, among others, the perception of trust against someone. Effect on the perception of social distance due to the more positive they are to someone the closer social distance. As well as the greater trust one person to another, the closer the social distance.

Social law will be established in the community of this order to more effectively influence the behavior and attitudes should consider several things including legal community that will be created gets legitimacy from the people, in accordance with the values of universal religion, behaviors which are closely regulated and become behavior in everyday situations, the validity must have socialized, a balance between sanctions and rewards as well as their fair protection for violators. To maintain or create a situation that is orderly, peaceful continuously. For that we need: 1) a set of rules; 2) dissemination and 3) social control.

D. Conclusion

The shared value of religious education in the meaning of all religious value can be used as material to be stated as social law in society, as a guidance and behavior order in the relationship between religion. The shared value of all religions that may become the material to reconstruct the social law is tolerance. The value of tolerance makes inter-religious relations to be close, and easy-going integration of inter-religious will be more possible.

In order to reconstruct religious value in social life of law, there must be some methods that may be suggested to several parties, to promote the value of tolerance in social life. This is not an individual project so there are many parties that must be involved in this project, and they may be from individual, family, community, religious community, and also government level. In the

individual level, the value of tolerance may be induced by the processes of formal, informal, and non-formal education. Parent also must took part in the education of their children. Religious leaders also may take an important point in this case, for example by formulating the concept, principles and guidelines for tolerance. The government in this cases the ministry of religious affairs may state the rules governing religious tolerance, that later will become the Code of Conduct of religious life in the community.[w]

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