

THE CONCEPT OF LEGAL INTENSITY: HARMONIZING GOD'S RULE WITHIN CONSTITUTIONAL LAW

Arlis^{1*}

¹Universitas Islam Negeri Imam Bonjol, Padang, Indonesia

Citation (ASA): Arlis, Arlis. 2023. "The Concept of Legal Intensity: Harmonizing God's Rule within Constitutional Law." *Walisongo Law Review (Walrev)* 5(2):245-74. doi: <https://doi.org/10.21580/walrev.2023.5.2.14123>.

Copyright © 2023 Walisongo Law Review (Walrev)

Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution-ShareAlike 4.0 International License.



Abstract: The study aims to discover the idea of legal intensity in the context of the harmonization of God's rule into Constitutional Law. The method used is qualitative. The results showed that the idea of legal intensity in the context of harmonising God's rule into Constitutional Law is necessary. The harmonization is in line with the theory of the purpose of the law for the benefit of servants in the world and the hereafter. Constitutional law during the Prophet Muhammad SAW is the best example. The legal intensity regulates how to achieve a better life, specifically constitutionality. When the country's laws are of superior quality, then Allah Swt will prosper the country. The provisions in Article 29 Paragraph 1 of the Constitution of the Republic of Indonesia of 1945 state that the state based on the One True God in substance contains the principle of tawhid by God's rules. Students' views on harmonising God's rule into Indonesian Constitutional Law generally agree with the idea of legal intensity. The idea of legal intensity among them has universal criteria: the path of God Almighty's rule, sincerity, gratitude, bound by promises to God, with God, *fitrah*, quality of law, scientific responsibility, *Adat basandi syara' syara' basandi*

* Corresponding Author: Arlis (arlisshi@uinib.ac.id), Universitas Islam Negeri Imam Bonjol, Padang, Indonesia

kitabullah syara' mangato adat mamakai. Students agreed because the idea of legal intensity was very good and influential in realizing the state's goals.

Artikel bertujuan untuk menemukan gagasan intensitas hukum dalam konteks harmonisasi aturan Tuhan ke dalam Hukum Tata Negara. Metode yang digunakan adalah kualitatif. Hasil penelitian menunjukkan bahwa gagasan intensitas hukum dalam konteks harmonisasi aturan Tuhan ke dalam Hukum Tata Negara sangat diperlukan. Harmonisasi tersebut sejalan dengan teori tujuan hukum untuk kesejahteraan hamba di dunia dan akhirat. Hukum tata negara pada masa Rasulullah SAW merupakan contoh terbaik. Intensitas hukum mengatur cara mencapai kehidupan yang lebih baik, khususnya tentang konstitusionalitas. Ketika hukum negara berkualitas unggul, maka Allah Swt akan memberkahi negara tersebut. Ketentuan dalam Pasal 29 Ayat 1 Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 menyebutkan bahwa negara berdasarkan Ketuhanan Yang Maha Esa secara substansi mengandung prinsip tauhid oleh aturan Tuhan. Pandangan mahasiswa tentang harmonisasi aturan Tuhan ke dalam Hukum Tata Negara Indonesia umumnya setuju dengan gagasan intensitas hukum. Gagasan intensitas hukum di antara mereka memiliki kriteria universal: jalur aturan Tuhan Yang Maha Esa, ikhlas, syukur, terikat oleh janji kepada Tuhan, bersama Tuhan, fitrah, mutu hukum, tanggung jawab ilmiah, Adat basandi syara' syara' basandi kitabullah syara' mangato adat mamakai. Mahasiswa setuju karena gagasan intensitas hukum sangat bagus dan berpengaruh dalam mewujudkan tujuan negara.

Keywords: Legal Intensity; Harmonization; God's rule; Constitutional law.

INTRODUCTION

There is a gap between the ideal conditions of law and the fact of the enactment of law during human civilization. Ideally, man is one of God's creatures bound by His law from the beginning of creation (Ritonga 2018). The law of Allah derives its primary source from the will of God as revealed to the Prophet Muhammad. This divine law is intended to form a community of believers. The Law of Allah in the Qur'an (Suleman 2016) as the Divine constitution governs the legal, household, social, economic, political, liberty and basic human rights systems (Ali 2013). The law is an integral part of aqidah. Faith in a God who creates, governs, maintains, and maintains the universe. God's Law encompasses all beings (Ernawati 2016). The implementing regulation of the divine constitution is the constitution of the prophet (sunnah). Allah declares to obey the Qur'an and the Sunnah (Lajnah 2019:118). In the context of the country's constitution, Medina's constitution is the world's first most famous constitution that provides a practical example of how harmonious God's rule is in Constitutional Law. Conclusive and definitive evidence of the validity of Islamic law has come to govern contemporary society. The Islamic State has issued several laws derived from Islamic law such as Jordan, Yemen, Sudan, and Pakistan. Thus it is not true the argument that says that Islamic law does not apply to governing contemporary society (Qathirji 2010). The main generation is the generation that has faith and piety in God Almighty. That generation lived God's commandments and abandoned their prohibitions (Rizal 2020).

Factually, Muslims are scattered in different parts of the world and not all in the form of an Islamic state. This poses a big problem, because

Islamic rules cannot be implemented without state institutions (Maswir 2019). The application of Islamic law in modern times seems strange among Muslims (Hayani 2018). *The Clash Between Islamic Criminal Law and Civil Rights in a Human Rights Perspective* (Soeharno 2012). The journey of institutionalizing Islamic law in Indonesia has experienced many obstacles and obstacles. The failure of Islamic nationalist groups to carry out Islamic ideology (Zein 2018). There is a dilemma (Dalmeri 2012) and intervention by human rights activist groups who believe that Islamic sharia law implemented in Aceh violates human rights (Mardhiah 2017). The depiction of Islamic criminal law is understood by some to be cruel and inhumane (Massadi 2019). The challenge in implementing Islamic law in Indonesia is political pressure and others (Safriani 2018).

Indications of disharmony between the ideal state of God's rule and factual conditions make the study of the harmonization of god's rules into constitutional law very important. The position of Constitutional Law in development affects other areas of law (Asshiddiqie 1995). Indonesian Constitutional Law with its own national identity. Indonesia's constitutional existence increasingly found its identity when amendments to the 1945 Constitution were implemented in 1999–2002. With the constitutional amendment, a constitutional building has been laid with equal state institutions and mutual control, the existence of the rule of law and justice, and protecting human rights. Such conditions embody the principles of democracy and the state of law (Tutik 2017:ix).

One of the provisions that mention the term God in the Indonesian constitution is the provisions of Article 29 Paragraph 1 Constitution of the

Republic of Indonesia of 1945 which mentions that the state is based on the One True Godhead. The intensity of the provisions of this article is very interesting, because this provision has not been changed even though the constitution has been amended four times. It becomes important to know its intensity and the extent to which it conforms to God's rules. Furthermore, it is very important to know the understanding of students as part of the nation's generation. It is understood that students are positioned as agents of change. With this status, students play a role in behavior change in knowledge, attitudes, and skills (Jannah and Sulianti 2021). The character of students mentioned in Law Number 20 of 2003 concerning the National Education System is noble, healthy, knowledgeable, capable, creative, independent, and democratic, as well as being responsible citizens.

Based on the gap between the legal ideal and the factual conditions as outlined earlier, the research problem is about how the idea of legal intensity in the context of harmonizing God's rule into Constitutional Law. Studies are carried out normatively and empirically. It is normatively discussed using literature data. Meanwhile, empirically, UMMY students' understanding of it is expressed. Students as academic and scientific people have a variety of foundations and concepts to underline their views. This is because access and understanding of various concepts is very open. Therefore, for the sake of ease of discussion the chosen solution is the theory of legal purpose (Muhyidin 2019). The theory of the purpose of law (*maqashid alshari'ah*) proposed by Al-Syatibi has its own prerogatives and uniqueness that distinguishes it from its predecessors. On the one hand, Shatibi saw the integration and unity of God's will in the creation of the

universe. This idea leads to the view of sharia unity which means that all laws come from a single source and are therefore indistinguishable. This consideration implies that there is a very important relationship between sharia law and the state of humanity. This relationship in turn gave birth to a variety of different legal regulations (Muhyidin 2019). The choice of the maqashid al-sharia theory is inseparable from its substance which states that the purpose of sharia is for the benefit of man in the world and the Hereafter.

The method used is normative and empirical legal research with a science integration approach Decree of the Director General of Islamic Education Number 2498 of 2019 concerning Guidelines for the Implementation of Science Integration in Islamic Religious Universities). Data are collected by documentation and questionnaire methods analyzed by content and qualitative analysis. The expected result is an understanding of the harmonization of God's rule with Constitutional Law within the framework of the idea of legal intensity.

RESULT AND DISCUSSION

The Idea of Legal Intensity

The idea of legal intensity is composed of three words, namely: idea, intensity, and law. Meaningful ideas are the result of thought (Nasional 2008:425). Intensity means the state, degree, and measure of the intense (Nasional 2008). The law is intended as: first, regulations made by the ruler (government) or customs that apply to all people in a society (state); secondly, laws, regulations, and so on to regulate the association of life in society; third, the benchmark (rules, provisions) regarding a certain event (nature and so on); fourth, decisions (considerations) established by the judge (in court);

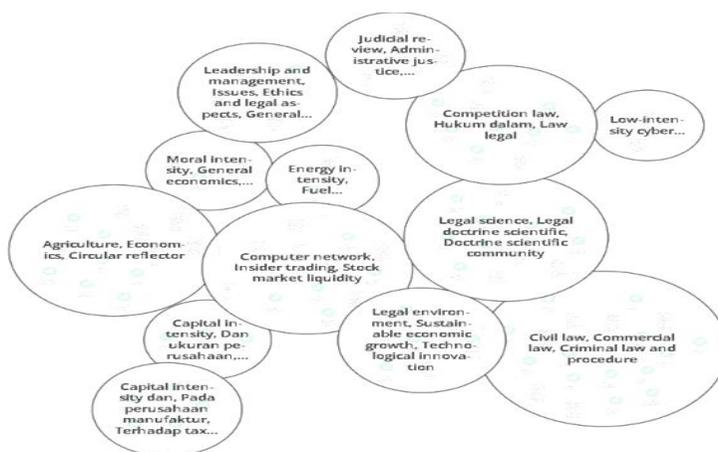
verdict (Nasional 2008). Based on the meaning of each of these words, the idea of legal intensity among them means the idea of the circumstances, levels, and measures of the intensesness of rules, decisions, and laws and regulations.

The intensity of the law according to the divine constitution, among which can be traced through the keywords of the law. Based on the search in the Qur'an and its Translation it is known that the term meaning law is *hudud Allah* (Al-Baqarah [2]: 230; Ath-Thalaq [65]: 1), *ayat Allah* (Al-Baqarah [2]: 231), *tuakhizna* (Al-Baqarah [2]: 286), *Al-Iqab* (Ali Imran [3]: 11), *al-hukm* (Ali Imran [3]: 79), *azu* (An-Nisa' [4]: 19), *hakamtum, tahkumu* (An-Nisa' [4]: 58), *tahkum* (An-Nisa' [4]: 105), *yahkum* (Al-Maidah [5]: 1), *yuhakkimunaka, hukm Allah* (Al-Maidah [5]: 43), *hukm al-Jahiliyyah, hukma* (Al-Maidah [5]: 50), *yu'akhzikum Allah, ayatih* (Al-Maidah [5]: 89), *yu'azzibkum* (At-Taubah [9]: 39), *hudud Allah* (At-Taubah [9]: 112), *qudhiya* (Hud [11]: 110), *jaza-uh* (Yusuf [12]: 74), *ya'khuz, din al-malik* (Yusuf [12]: 74), *hukman arabiyyan* (Ar-Ra'd [13]: 37), *tu'azzib* (Al-Kahfi [18]: 86), *din Allah* (An-Nur [24]: 2), *al-'Azab* (An-Nur [24]: 8), *hukma* (Asy-Syuara [26]: 21, 83), *fa akhaznahu* (Al-Qashash [28]: 40), *qudhiya* (Fushshilat [41]: 45), *intaqamna* (Az-Zukhruf [43]: 55), *al-hukm* (Al-Jatsiyah [45]: 16), *hukm Allah* (Al-Mumtahanah [60]: 10) (Lajnah 2019).

God's law is a law that has a high intensity and is strong is universal in its various aspects (Arlis 2017). The Prophet Shallallahu 'Alaihi wa Sallam gave assurance that man who clings (*tamassak, i'tisham*) to the Qur'an and the Al-Sunnah will not go astray forever (Abdullah et al. 2014). The light of truth emanating from the content of the Qur'an and the Al-Sunnah contains the noble principles of civilization building as basic guidelines that must be

followed by all human beings. The Quran and the Al-Sunnah call on the whole society to return to rational and pragmatic thinking and reject ideas related to animism, paganism and syncretism. The Qur'an, the most complete book of God's creation is the torch of truth that illuminates the twists and turns of life. Likewise, the Al-Sunnah delivered by the Muhammad SAW through Divine guidance, became a guide for humans to regulate their living systems. History has proven that the teachings contained in the Quran and the Al-Sunnah have a positive impact on culture (Abdullah et al. 2014). The mapping of the study of legal intensity is known based on the following map:

Image 01 - Knowledge of Legal Intensity



Source: Open Knowledge Source

Based on image 01 the above map is known a variety of studies of legal intensity. The standard of legal intensity in studies that have been carried out generally focuses on man-made rules and regulations without looking at their coherence with the rules of God Almighty. Among the

studies are: first, Li's study of the Legal Intensity of Financial Statements, Corporate Governance, and Quality of Financial Reporting (Li 2020). Second, The Study of the Legal Regulation of Energy Efficiency and Energy Saving Policies in the Republic of Kazakhstan (Kozhukhova, Amanzholova, and Zhiyenbayev 2019). Third, the study of the Juridical Foundations of the Ratification of the Mutual Legal Assistance Agreement between the Republic of Indonesia and the Swiss Confederation (Miarsa and Hazir 2021). Fourth, research on uncertainty, administrative decision-making and judicial review: a court perspective (Cafaggi and Iamiceli 2021). Fifth, Ismail's study of the Enforcement of the Rule of Law in the Qur'an (Ismail 2011).

Among the principles of legal intensity according to the divine constitution is universal (Al-Baqarah: 21; An-Nisa': 170; Al-Anbiya': 107; Saba': 28). The path of God Almighty's rule (Al-Fatihah: 6-7; Al-Maidah: 50; Hud [11]: 112), Ikhlas (Al-A'raf: 29; Az-Zumar: 2-3 dan 11-14; Ghafir: 14 dan 65; Al-Insan: 8-12; Al-Lail: 14-21). Gratitude (Al-Baqarah: 152; An-Nahl: 18; Ibrahim: 7; Al-Jasiah: 12; Luqman: 12; Ad-Dhuha: 11). Bound by a promise to God (Al-Maidah: 1; Al-Fath: 10), With God (Al-Hadid [57]: 4; Thaha [20]: 46; At-Taubah [9]: 40), Nature (Ar-Rum: 30; Al-A'raf: 172), Quality of Law (Al-Baqarah [2]: 168; Al-Kahfi [18]: 30; Al-Isra' [17]: 7, 36; Asy-Syuara' [26]: 182; An-Naml [27]: 88; Ash-Shaf [61]: 2-3; Al-Muthaffifin [83]: 1-3), Scientific responsibility (Al-An'am [6]: 164; Al-Baqarah [2]; 134, 139, Ali Imran [3]: 30, 195). ABS SBK SMAM (Al-Baqarah [2]: 29; Al-A'raf [7]: 199 (Lajnah 2019).

Harmonization of God's Rules with Man's Rules

Harmonization means harmony; efforts to seek harmony. Legal harmonization is an attempt or process to overcome differences, contradictions, and internal deviations. Efforts or processes for the implementation of harmony, uniformity, conformity, applicability, balance in legal provisions as a legal system (Budoyo 2014). Historically, from the very beginning of human existence in the world divine rules were integrated with the law in all its aspects. God has commanded men to obey His rules since the time of the Prophet Adam AS (5872 BC) and continues until the end of time (Al-Maghlus 2005:50). The Qur'an has thousands of verses, many of which discuss the definition, meaning, purpose and form of the state. Through this essence it becomes clear that the Qur'an also considers the importance of the existence of the state for man. Moreover, this fact also shows that those who believe in the Qur'an must pay attention and take responsibility for the development of the nation. According to the Qur'an, the term 'nation' is commonly used in connection with Al-Balad, Baldah, Al-Qaryah, Al-Qura, Ad-Dar and Ad-Diyar (Mukhtarom and Susilo 2019).

The main purpose or goal of the state is also written and discussed in some surahs and verses from the Quranic point of view. It is also mentioned in verse 41 of Surah al-Hajj, which states that a state is a structure, a mechanism, or a guide to attainment, being a human being living in this world and the day after tomorrow. The verse states that the primary aim and purpose of the state is to create public welfare. On the other hand, these two things of his about the form and system of the state are not directly mentioned in the Qur'an. However, the Qur'an only talks about values that

can be the basic way of life as a common civilization of society. For example, the value of liberty is discussed in Surah al-Baqara verse 256. This verse speaks to the importance of unity as human beings. Verse 10 of Surah al-Hujarat speaks of establishing human relationships in society, and the value of justice is also mentioned in his verse 58 of Surah Annisah. Furthermore, equality is also discussed in his 13th verse of his Sura al-Hujarat. These values were applied when the Prophet Muhammad at Medina as a province with different characteristics and mindsets than at the time, and in the end he did very well in running the country (Mukhtarom and Susilo 2019).

Shafii mentions the existence of 25 Prophets and apostles in discussing the state and religion. Law and state. In addition to mentioning the existence of the state to the prophets Abraham, Moses, Isa, David, and Solomon. Prophet Muhammad SAW founded the state and taught how to good governance and the right way of government in clean government, balancing democratization with nationalism (Syafii 2013:135). The Messenger of Allah set the best example in the practice of harmonizing God's rule into Constitutional Law. The ordeal of the Prophet Muhammad SAW came out the bai'at al-Aqabah treaty which included the recognition and surrender of Islam as a religion, the result of which was the creation of a Muslim society ruled by the rule of the Messenger of Allah. This is how the first Muslim community was born simple activities in the city of Medina (urban) and in the state. The system used by the Prophet Muhammad SAW. in the implementation of his policy is sharia prioritizes deliberative politics that emphasizes equality and equality in creating cooperation between

communities who as ambassadors have the power to solve various problems that are born (Sutriani 2016).

The holy book of the Qur'an contains all aspects of human life including politics. Therefore, political activities that should be in line with the shari'a of Allah Almighty as stipulated in the book of life guidelines of all mankind. But in fact, the continuity of the current political mechanism has moved away from the values that have been written in the Qur'an and that have been applied in a community in the past Islamic moral civilization, namely the Medina community built by the Prophet Muhammad SAW (Akbar 2013). The source of constitutional law is the source of al-ashliyah, the source of al-tab'iyah, and the rules of the constitution. The sources of ashliyah are the Qur'an and the Sunnah. The source of al-tab'iyah is ijma'. Qiyas, maslahah mursalah, urf, istihsan, and ijtihad (Al-Nikmah 2009).

Harmonization of God's Rules into Indonesian Constitutional Law

God's rules as exemplified by the Messenger of Allah SAW are very comprehensive. God's rule is included in the field of Constitutional Law. When God commands to convert to Islam as a whole, then it should be as a servant who obeys God's commands while carrying them out. There are 20 verses in the 18 epistles of the Divine Constitution that mention God/God Almighty. The verses are found in the epistle: (1) Al-Baqarah (2): 133; (2) An-Nisa' (4): 171; (3) Al-Maidah (5): 173; (4) Al-An'am (6): 176; (5) At-Taubah (9): 263; (6) Yusuf (12): 39; (7) Ar-Ra'd (13): 16; (8) Ibrahim (14): 48, 52; (9) An-Nahl (16): 22, 51; (10) Al-Kahfi (18): 110; (11) Al-Anbiya' (21): 108; (12) Al-Hajj (22): 34; (13) Ash-Shaffat (37): 4; (14) Shad (38): 65; (15) Az-Zumar

(39): 4; (16) Ghafir (40): 16; (17) Fussilat (41): 6; (18) Al-Ikhlās (112): 1 (Lajnah 2019).

About the concept of leadership developed by the Quran and the Constitution of 1945 have the same ideas and concepts, although there are differences in terminology and pronunciation, such as: Caliph, Ulil Amri, Imamah, President etc. In terms of content, the concept fulfills several principles, namely the principle of faith and devotion to God, the principle of wisdom, the principle of justice, the principle of reliability (faith) and the principle of excellence. This proves that the concept of leadership developed through the basic standards of the Unitary State of the Republic of Indonesia called the Constitution is indeed full of qur'anic values (Al Habib and Ar Razak 2020). According to al-Maududi, the features of Islamic rule are: first, the authority of divine law; second, justice between people; third, the equality of fellow Muslims; fourth, the responsibility of the ruler; fifth, Shura; sixth, strictness in goodness; seventh, it is forbidden to ask for office; eighth, the purpose of the existence of the state; ninth, amar ma'ruf Nahi munkar (Al-Maududi 1978:37-47).

To ensure Pancasila, the Indonesian people who recognize Allah as God and Muhammad as an Apostle jointly revive Islam in society (Amrullah 1952:38). The Almighty Godhead is the principle of a belief in the Unity of God, in His Godhead, in His deeds and in His dominion (Amrullah 1952). The precepts of the Almighty Godhead are interpreted as a reflection of tawhid (Arif 2020). The precepts of the One True Godhead, just and civilized humanity, the Unity of Indonesia, a people led by wisdom in consultative/representative, and social justice for all Indonesians, are

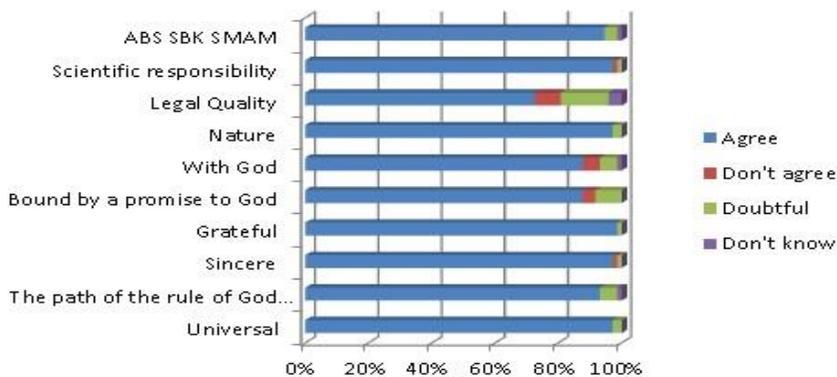
essentially in line with the values of Islamic teachings (Zamani and Hamidah 2021). Pancasila is substantively the values of Islamic teachings (Toharudin 2018). It can be affirmed that all the values of Pancasila are not contrary to Islam, as Divinity, Humanity, Unity, Peoplehood, and Justice is the crystallization of the Islamic spirit. So it is unwarranted to clash between Islam and Pancasila (Ruslan 2013).

The idea of the Almighty Godhead cannot possibly contradict the tawhid that is QS. Al-Ikhlâs verse 1, Likewise, just and civilized humanity and social justice cannot possibly contradict the concept of justice contained in QS. An-Nisaa verse 58, it is also impossible for the sovereignty of the people to contradict the principle of deliberation contained in the QS. Al-Imran verse 159. and the unity of Indonesia, in which different ethnicities, languages and cultures are contrary to QS. Al-Hujurat verse 13 (Nuridin 2020). The precepts in Pancasila do not in the least contradict Islam, instead the precepts contained in Pancasila are the embodiment of the vision of Islam as a religion of rahmatan lil alamin, to realize the land that Allah promised *baldatun thayyibatun wa rabbun ghafur* (Rifai and Sobri 2021). The foundation of the Pancasila state is a joint work of the founding figures of the Indonesian nation – especially Islamic nationalist figures, who have been marginalized from historical narratives (Ilyas 2020). The constitution, with the source of Islamic teachings, namely the Quran, has the same spirit substantially, fights for humanity and upholds justice (Mantu 2018). Islamic law is an inseparable element according to a unified system of national rules (Lihawa 2018).

Students' Views on the Harminization God's Rules to Constitutional Law

All students who joined the WhatsApp group (73 people) The students consisted of 24 men (32.9%) and 49 women (67.1%). Based on the student's answer, it is known that students who agree with the idea of legal intensity are seen in the following chart.

Image 02 - Student Opinions on the Idea of Legal Intensity



Source: Processed from student answers, 2021.

Based on image 2 above, students' opinions are categorized into agreeing, disagreeing, hesitating, and not knowing. The students who agreed were as follows: 70 students agreed that universal is one of the criteria for legal intensity (95.9%). The path of God Almighty's rule was chosen by 68 students (93.2%). Ikhlas was chosen by 71 students (97.3%). Gratitude was chosen by 72 students (98.6%). Bound by a promise to God was chosen by 64 students (87.7%). With God was chosen by 64 students (87.7%). Fitrah was chosen by 70 students (95.9%). Legal quality was chosen by 53 students (72.6%). Scientific responsibility was chosen by 71 (97.3%). ABS SBK SMAM was selected by 69 students (94.5%). Overall, the percentage of students who agreed with the idea of legal intensity averaged 92.1%. This

group of students who agreed was coherent with maqashid sharia. Allah, as the Lawgiver, and His Messenger, in establishing his laws, aim to benefit all mankind, that is, maintain survival and thrive in material and spiritual quality and quantity. Since its origins in the early days Islamic jurists have worked to develop this concept further. Ijtihad is sometimes performed in certain ways to increase the intensity and to practice maqashid sharia (Sabir and Muher 2021).

One of the peculiarities of the idea of legal intensity can be used by anyone who has a personal awareness of the principles contained in it. In a more specific sense, a person who does not belong to the mujtahid category still has legal roles and responsibilities according to their respective fields and levels. Even ordinary groups of people still have responsibilities according to their capacities/*kullukum ra'in wa kullukum mas-ulun an ra'iyatih* (Al-Bukhari 2002:216-17). In addition to the agreeing views, it is known that there are other views that disagree, hesitate, and do not know. Percentage of students who disagree with ideas: sincerity 1 person (1.4%), bound by a promise to God 3 (4.1%), with God 4 (5.5%), Legal Quality 6 (8.2%), Scientific responsibility 1 student (1.4%). Based on the answers of students who disagreed, the total amounted to 2.1%. Students who answered doubts about the categories of legal intensity were as follows: universal as many as 2 students (2.8%), God Almighty rule path 4 (5.5%), Sincerity 1 student (1.4%), Gratitude 1 (1.4%), Bound by a promise to God 6 (8.2%), With God 4 (5.5%), Fitrah 2, (2.8%), Legal Quality 11 (15.1%), Scientific responsibility 1 student (1.4%), ABS 3 (4.1%). So, the percentage of students who give undecided answers is 4.8% (Student answers, 2021).

Students who gave answers did not know about each of the legal intensity criteria were as follows: the path of God Almighty's rule 1 (1.4%), With God 1 (1.4%), Quality of Law 3 (4.1%), ABS 1 (1.4%). Therefore, the total number of students giving answers not knowing is 0.8%. Based on the concept of legal intensity used by Li, based on the number and percentage of the legal intensity measure can be grouped based on the term, namely first, lower legal intensity; second, high legal intensity; third, the increase in legal intensity; fourth, a significant variation in the legal intensity; fifth, common legal intensity and specific legal intensity; sixth, types of legal intensity; seventh, comprehensive legal intensity; Eighth, Legal Intensity Variable (Li 2020). The issue of enforcing the rule of law is becoming increasingly popular and interesting these days. The increasing intensity of this debate makes it clear that enforcement of the rule of law feels more urgent today than ever before. In particular, the push to fight for the enforcement of the rule of law arises because: first, violations of the rule of law are now rampant. Second, legal discrimination is particularly worrisome. There are at least three things that are the focus to uphold the rule of law, namely: first, what principles exist and must be included in the legal content. Second, the structure and culture of law that contains the values of justice. Third, the principle of mandate (Ismail 2011).

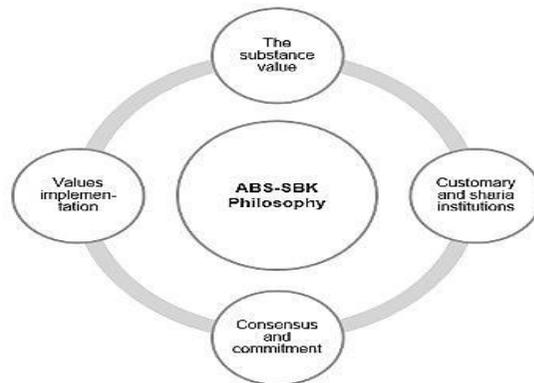
The state always needs legal regulations that not only regulate, restrict, and protect human rights, but also ensure the continuity of the balance of relations between members of society. The will and beliefs of the individual must belong to the citizen. The back and forth of a state can be measured by the degree to which its citizens obey the law. The development

of applicable law includes laws based on religious norms. Religion has always influenced the state and is closely related to the state. Islamic law is universal and has various provisions based on *maqashid al-shari'ah* namely *hifzhu al-din*, *al-nafs*, *al-aqli*, *al-nasl*, *al-amal*. Islamic law prioritizes the principles of truth, justice, equality, and responsibility that are urgently needed in the modern system of government. Prosperity, happiness, security, order, justice, etc. are achieved by people who are willing to practice and follow Islamic law (Syafei 2000).

In the context of resolving cases in court, the judge's commitment to investigating, adjudicating, and deciding an issue is not enough merely to be legalistic or merely a mouthpiece of the law. In the event of obscurity and impasse then the judge must dare to interpret, create, shape, and find laws that are the solution to realize justice based on the One True Godhead. Because all judges' decisions within the Religious Court begin with the sentence *Bismillahirrahmanirrahim*. The next sentence is “*Demi Keadilan Berdasarkan Ketuhanan Yang Maha Esa*”.

Regarding *urf*, the West Sumatra regional government in practicing and implementing the traditional philosophy of the *Basandi Syara' Syara' Basandi Kitabullah*. Custom in the West Sumatra Regional Medium-Term Development Plan 2016. The year is 2021. It is intended to compile programs and activities (Asrinaldi and Yoserizal 2020).

Image 03 - Student Opinions on the Idea of Legal Intensity



Source: Asrinaldi and Yoserizal 2020

Based on the picture above, the philosophy of ABS is the essence of the value of content, the value of implementation, customary institutions and syara', as well as commitment and consensus during the life of nagari children. A very important part of the philosophy that is less sidelined is Syara' Mangato Adat Mamakai. Even though SMAM is an integral part of the ABS philosophy. With the best passion and understanding, various dilemmas can be expressed in the application of ABS SBK, none other than because the SMAM philosophy has not been applied perfectly. With the opposite expression, when the SMAM philosophy is applied as it should be, the ABS SBK will also be carried out.

Among the students gave short answers by stating that the idea of legal intensity is easy to understand, amazing, very good, strongly agrees, and must be obeyed. There are also some students who give explanations with rather long sentences, such as the answer: first, the intensity of the law must be based on the one true godhead and must be in accordance with Islamic law. Second, the idea of legal intensity made me understand more about the law in the country. Thirdly, the intensity of the law is very influential in human life, so it is a very good idea of the intensity of the law. Fourth, the

intensity of the law is well carried out by the Indonesian state because it determines the relationship between man and man, man with God and others. *Fifth*, the intensity of the law is about the rules that must be implemented and obeyed after a reasonable person/baligh. *Sixth*, the intensity of the law governs how to achieve a better life for the world and the hereafter. Students also give quite long explanations, such as the answer: *first*, the intensity of the law is very influential on a country, but a country must have a legal intensity that is in accordance with what has been ordained by God, do not occasionally turn away from the God-ordained because everything that is not in accordance with God's provisions will be bad for its people, therefore let's together increase devotion to Allah, increase the charity of worship to God, begin to forsake what is forbidden by God and do what is commanded by Allah. Second, this idea of legal intensity I approve of it all, if the state can actually implement all of it. Allah Almighty will prosper the country. When viewed from the example of a natural disaster it is a sign of rebuke from Allah Almighty. because it has not been implemented in accordance with the regulations that have been made and the applicable law still violates (Student answers, 2021).

Students' diverse views on the idea of legal intensity can be elaborated and analyzed with a variety of relevant legal concepts. Among them, the principle of the One True Godhead," is the basis of tawhid in Islam. It is man's instinct to have a godhead latently in the form of thoughts and memories, to carry out his mission as caliph of Fil Ardh. To transcend the sometimes-unspoken belief that is the power of the Almighty. The essence of tawhid in the Qur'an is very clearly illustrated in Al-Ikhlās verses

1-4 (Khotimah 2020). This epistle covers the most important foundations of the Prophet's treatise. That is, to worship and purify God. Divine Oneness includes three things: the unity of essence, the unity of attributes, and the unity of action. Mahaesa in its substance means that its substance is not composed of many substances or parts. Unity in his nature means that no other being equals him, and unity in his deeds means that he only does all deeds according to His word. In Islam, mankind must acknowledge the existence of God Almighty and have faith and worship Him. Pancasila is similar, stating that there is one God despite different religions. God does not force his servant to worship Him (Khotimah 2020).

Maqashid al-Sharia's review of students' answers to the idea of legal intensity from the aspect of tolerance in Islam in relation to God is Lakum Dinukum Waliadin, which does not force others to convert to Islam. There is an element in this commandment that concerns the relationship between man and God, which Islam calls *Habl Min Allah*. Before God, Muslims take the position of servants, so they show obedience and love in devotion. So, there is an entanglement of the results of the conviction. This obligation is also reflected in the statement that every Muslim makes when making a pronouncing: "*Inna shalati wa nusuki wa mahyaya wa mamati lillahi rabbil alamin*". The main and first principle that must be understood in sharia law is tawhid. The implementation of this principle has a very broad scope, namely the aspects of akidah, sharia and akhlak (Khotimah 2020). In conjunction with maqashid in the context of the state, the government is committed to it, maintaining a national education system that advances

faith, piety, and noble morals within the framework of an enlightened and legally regulated community life (Ghofur 2019) (Rokhmad 2021).

Maqashid in the context of the existence of Islam as a product of God Almighty is a religious moral system used by Muslims as a tool to judge or measure the good or bad of an act (Hafid, Pikahtulan, and Hasim 2020). Understanding asrar al-ahkam is very important, one of which is related to legal secrets in the public sphere. The study of asrar ahkam reviews the law from the aspect of wisdom and illat law. There are at least three formulations of stages regarding the study of asrar al-ahkam in the public sphere, namely: understanding generally accepted principles, understanding the virtues of law, and understanding of legal wisdom (Fikri 2015). In the context of maqashid, the wisdom of the law is for maslahat. Maslahat is something that is called good by reason because it brings good and avoids harm or damage, which is in line with the purpose of Sharia in deciding the law (Rusdi 2017). The coherence of students' answers with the content of Islamic law in the sense that God Almighty regulates all aspects of human life in the world and the Hereafter (Asasriwarni and Jandra 2018).

Based on the verses of God's law in Surah An-Nisa' verse 59, it can be understood that the faithful are obliged to obey God. Obedience to God with a historical approach means obeying His teachings contained in His suhuf-suhuf and His books (Torah, Zabur, Gospels, and Qur'an). In the context after the descent of the Qur'an, obedience to Allah means obedience to the Qur'an because the Qur'an is Kalamullah (Allah's revelation). The Qur'an is the main source of law. Based on the verse, after the command to obey, God is commanded to obey the Apostle. This has historically meant

something for all the Apostles of Allah and especially after the Qur'an came down in obedience to the Muhammad SAW. To obey the apostle is to obey the Al-Sunnah. Al-Sunnah became the second source of Islamic law. Another understanding that can be known through the previous verse is the command to obey ulil amr if ulil amr is obedient to God and the Messenger. There is also an order to return everything in dispute to Allah and the Messenger (Qur'an and Al-Sunnah). This last command is interpreted by the ijihad process. Thus ijihad is intended as a method of discovery of Islamic law (Asasriwarni and Jandra 2018).

CONCLUSION

The idea of legal intensity in the context of the harmonization of God's rule into Constitutional Law is a necessity. The harmonization is in line with the theory of the purpose of the law for the benefit of servants in the world and the hereafter. The harmonization of God's rule into Constitutional law in the time of the Muhammad SAW is the best example of example. The intensity of the law regulates how to achieve a better life, specifically constitutionality. When the laws of the country are of superior quality, then Allah Swt will prosper the country. The provisions in Article 29 Paragraph 1 of the 1945 Constitution which states that the state based on the One True God in substance contain the principle of tawhid in accordance with God's rules. Students' views on the harmonization of God's rule into Indonesian Constitutional Law generally agree with the idea of legal intensity. The idea of legal intensity among them has universal criteria, the path of God Almighty's rule, sincerity, gratitude, bound by promises to God, with God,

fitrah, quality of law, scientific responsibility, *Adat basandi syara' syara' basandi kitabullah syara' mangato adat mamakai*. The reason students agree is because the idea of legal intensity is very good. It is very influential for the creation of a country. Based on the conclusions it is recommended that the study of the idea of legal intensity in the context of the harmonization of God's rule into Indonesian Constitutional Law. Specific studies can be conducted on constitutional content, such as state of law, human rights, and others. Socialization and study of the idea of legal intensity is carried out on an ongoing basis in all areas of law. [W]

REFERENCES

- Abdullah, Shuhairimi, Nur Salimah Alias, Huzili Hussin, and Noor Salwani Hussin. 2014. "Pemeraksanaan Al-Quran Dan Al-Sunnah Penyumbang Kepada Kecemerlangan Tamadun Melayu : Satu Analisis." *Journal of Human Development and Communication (JoHDEC)* 3(Special):131-40.
- Akbar, Ali. 2013. "Konsep Politik Dalam Al-Qur'an." *ANALYTICA ISLAMICA : Jurnal Ilmu-Ilmu Keislaman* 2(1):141-56.
- Al-Bukhari, Abi Abdullah Muhammad bin Ismail. 2002. *Shahih Al-Bukhari*. Beirut: Dar Ibnu Katsir.
- Al-Maghlus, Sami Bin Abdullah. 2005. *Athlas Tarikh Al-Anbiya' Wa Al-Rusul*. Riyadh: Maktabah al-Ubaikan.
- Al-Maududi, Abu al-A'la. 1978. *Al-Khilafah Wa Al-Mulk*. Kuwait: Dar al-Qalam.
- Al-Nikmah, Ibrahim. 2009. *Ushul Al-Tasyri' Al-Dusturi Fi Al-Islam*. Baghdad: Markaz al-Buhust wa al-Dirasat al-Islamiyyah.
- Ali, Mahmood Hussein. 2013. "Mabadi' Al-Dustur Al-Islamiy Al-Asasiyyah."

Collage of Islamic Sciences Magazine 7(14):742-77.

- Amrullah, Abdul Karim Malik. 1952. *Urat Tunggang Pancasila*. Jakarta: Pustaka Keluarga.
- Anon. n.d. *Keputusan Direktur Jenderal Pendidikan Islam Nomor 2498 Tahun 2019 Tentang Pedoman Implementasi Integrasi Ilmu Di Perguruan Tinggi Keagamaan Islam*.
- Anon. n.d. *Undang-Undang Nomor 20 Tahun 2003 Tentang Sistem Pendidikan Nasional*.
- Arif, Syaiful. 2020. "Islam Dan Pancasila Pasca Reformasi." *Tashwirul Afkar*. doi: 10.51716/ta.v38i02.30.
- Arlis, Arlis. 2017. "Intensitas Syariah Dalam Negara Berdasar Atas Ketuhanan Yang Maha Esa." *JURIS (Jurnal Ilmiah Syariah)* 15(1):33. doi: 10.31958/juris.v15i1.486.
- Asasriwarni, Asasriwarni, and M. Jandra. 2018. "Comparison of Legal System: Islamic Law System, Civil Law, and Common Law." *UMRAN - International Journal of Islamic and Civilizational Studies* 5(2-1):1-11. doi: 10.11113/umran2018.5n2-1.304.
- Asrinaldi, Asrinaldi, and Yoserizal Yoserizal. 2020. "Problems with the Implementation of Adat Basandi Syarak Syarak Basandi Kitabullah Philosophy." *Masyarakat, Kebudayaan Dan Politik* 33(2):162-17. doi: 10.20473/mkp.v33i22020.162-173.
- Asshiddiqie, Jimly. 1995. "Kedudukan Dan Peranan Hukum Tata Negara Dalam Pembangunan." *Jurnal Hukum & Pembangunan*. doi: 10.21143/jhp.vol25.no2.474.
- Budoyo, Supto. 2014. "Konsep Langkah Sistemik Harmonisasi Hukum Dalam Pembentukan Peraturan Perundang-Undangan." *Civis*. doi: <https://doi.org/10.26877/civis.v4i2/Juli.613>.
- Cafaggi, Fabrizio, and Paola Iamiceli. 2021. "Uncertainty, Administrative Decision-Making and Judicial Review: The Courts' Perspectives." *European Journal of Risk Regulation* 12(4):792-824. doi:

10.1017/err.2021.47.

- Dalmeri. 2012. "Prospek Demokrasi: Dilema Antara Penerapan Syariat Islam Dan Penegakan Hak Asasi Manusia Di Indonesia." *Salam Jurnal Studi Masyarakat Islam*.
- Ernawati. 2016. "Wawasan Al-Qur 'an Tentang Hukum." *Lex Jurnalica* 13(2):139-46.
- Fikri. 2015. "Pemikiran Rahasia Hukum Islam Dalam Ruang Publik (Huquq Allah)." *Jurnal Hukum DIktum* 13(1):13-29.
- Ghofur, Abdul. 2019. "Pendidikan Berbasis Adab Untuk Keberhasilan Pendidikan Bermisi Konstitusi." *Jurnal Tabawi Jurnal Pemikiran Dan Pendidikan Islam* 1:43-56.
- Al Habib, Aris Darmawan, and Aris Nur Qadar Ar Razak. 2020. "Al-Qur'an Dan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (Harmonisasi Konsep Kepemimpinan)." *Al'Adl* 13(2):185-201. doi: 10.31332/aladl.v13i2.2027.
- Hafid, Abdul, Rustam Magun Pikhulan, and Hasanuddin Hasim. 2020. "Etika Hukum Dalam Politik Kebangsaan Perspektif Islam: Moralitas Politik Pancasila." *DIKTUM: Jurnal Syariah Dan Hukum* 18(1):70-89. doi: 10.35905/diktum.v18i1.1202.
- Hayani, Aida. 2018. "Social Problems of Modern Society in Applying Islamic Law in Aceh: Tracing The Past Culture Society Aceh in The Manuscript." *Justicia Islamica*. doi: 10.21154/justicia.v15i2.1457.
- Ilyas, Ilyas. 2020. "Islam Dan Kebangsaan: Pergumulan Dalam BPUPKI, PPKI, Dan Piagam Jakarta." *Buletin Al-Turas*. doi: 10.15408/bat.v26i1.13921.
- Ismail, Zaky. 2011. "Penegakan Supremasi Hukum Dalam Al-Qur'an." *Al-Risalah: Forum Kajian Hukum Islam Dan Sosial Kemasyarakatan* 11(01):43-64. doi: 10.30631/alrisalah.v11i01.474.
- Jannah, Faridahtul, and Ani Sulianti. 2021. "Perspektif Mahasiswa Sebagai Agen Of Change Melalui Pendidikan Kewarganegaraan." *ASANKA:*

Journal of Social Science And Education 2(2):181-93. doi: 10.21154/asanka.v2i2.3193.

Khotimah, Husnul. 2020. "Penerapan Pancasila Perspektif Islam." *Tahdzib AlAkhlaq: Jurnal Pendidikan Islam* 6(2):81-101. doi: 10.34005/tahdzib.v3i2.1037.

Kozhukhova, Madina, Botagoz Amanzholova, and Miras Zhiyenbayev. 2019. "The Legal Regulation of Energy Efficiency and Energy Saving Policies in the Republic of Kazakhstan." *International Journal of Energy Economics and Policy* 9(4):54-62. doi: 10.32479/ijeep.7550.

Lajnah. 2019. *Al-Qur'an Dan Terjemahannya*. Kementerian Agama Republik Indonesia.

Li, Mengtian. 2020. "Legal Intensity of Financial Reports, Corporate Governance, and Financial Reporting Quality." the Temple University Graduate Board.

Lihawa, Yasinta Meilinda. 2018. "Penemuan Hukum Islam Dalam Mewujudkan Keadilan Berdasarkan Ketuhanan Yang Maha Esa." *Lex Privatum* VI(6):5-11.

Mantu, Rahman. 2018. "Islam Dan Konstitusi: Analisis-Komparatif Antara Teks Al-Quran Dengan Pasal 29 UUD 1945." *Jurnal Ilmiah Al-Syir'ah*. doi: 10.30984/jis.v16i1.644.

Mardhiah, Nellis. 2017. "Problematika Kebijakan Syariat Islam Di Aceh Berdasarkan Peraturan Bupati Nomor 5 Tahun 2010." *Pandecta: Research Law Journal*. doi: 10.15294/pandecta.v11i2.7859.

Massadi, Massadi. 2019. "Peluang Dan Tantangan Pelaksanaan Pidana Islam Di Indonesia." *Al-Bayyinah*. doi: 10.35673/al-bayyinah.v3i2.473.

Maswir, Maswir. 2019. "Implementasi Hukum Islam Di Indonesia Dalam Perspektif Siyash Syar'iyah." *Hukum Islam*. doi: 10.24014/hi.v19i1.7249.

Miarsa, Fajar Rachmad Dwi, and Cholilla Adhaningrum Hazir. 2021. "Landasan Yuridis Tentang Pengesahan Perjanjian Mutual Legal

- Assistance Antara Republik Indonesia Dengan Konfederasi Swiss.” *KAMBOTI: Jurnal Sosial Dan Humaniora* 1(2):96-105. doi: 10.51135/kambotivol1iss2pp96-105.
- Muhyidin, Muhyidin. 2019. “Maqashid Al-Syari’ah (Tujuan-Tujuan Hukum Islam) Sebagai Pondasi Dasar Pengembangan Hukum.” *Gema Keadilan* 6(1):13-32. doi: 10.14710/gk.2019.4948.
- Mukhtarom, Asrori, and Priyo Susilo. 2019. “Negara Dalam Tinjauan Al-Qur’an.” *Tadarus Tarbawy* 1(1):1-19.
- Nasional, Pusat Bahasa Departemen Pendidikan. 2008. *Kamus Bahasa Indonesia*. Jakarta: Pusat Bahasa.
- Nurdin, Yan Yan. 2020. “Menimbang Kesesuaian Pancasila Dengan Al-Quran.” *Khazanah Pendidikan Islam*. doi: 10.15575/kp.v2i1.8129.
- Pemerintah Republik Indonesia. n.d. “Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.”
- Qathirji, Al-Anisah Syadin. 2010. “Kamal Al-Syariah Al-Islamiyyah Wa Shalahiyyatuha Li Kulli Zaman Wa Makan.” *Rafidain of Law Journal* 12(44):243-77.
- Rifai, Ahmad, and Hayun Sobri. 2021. “Pancasila Sebagai Idiologi Bangsa Dalam Perspektif Islam.” *Jurnal RASI*. doi: 10.52496/rasi.v1i1.24.
- Ritonga, Muhammad Soleh. 2018. “Penciptaan Manusia.” *FITRAH: Jurnal Kajian Ilmu-Ilmu Keislaman* 4(1):1-27. doi: 10.24952/fitrah.v4i1.873.
- Rizal, Said. 2020. “Persepsi Dan Respon Mahasiswa Universitas Prima Indonesia Mengenai Pernikahan Wanita Hamil Luar Nikah Di Era Millenials.” *DIKTUM: Jurnal Syari’ah Dan Hukum* 18(1):90-101.
- Rokhmad, Abu. 2021. “Institutions and Contributions to Islamic Law in Indonesia’s Legal System.” *Walisono Law Review (Walrev)* 3(1):21-44.
- Rusdi, Muhammad Ali. 2017. “Maslahat Sebagai Metode Ijtihad Dan Tujuan Utama Hukum Islam.” *Jurnal Syari’ah Dan Hukum Diktum* 15(2):151-68.

- Ruslan, Idrus. 2013. "Membangun Harmoni Kehidupan Berbangsa Dan Bernegara Dengan Nilai Islam Dalam Pancasila." *Jurnal Tapis: Jurnal Teropong Aspirasi Politik Islam*.
- Sabir, Muhammad, and Abdul Muher. 2021. "Maqasid Syariah Dan Metode Penetapan Hukum Dalam Konteks Kekinian (Memahami Korelasi Antara Keduanya)." *Tahkim* 17(1):49-61.
- Safriani, Andi. 2018. "Positivisasi Syariat Islam Di Indonesia." *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam*. doi: 10.24252/al-qadau.v4i2.5705.
- Soeharno. 2012. "Benturan Antara Hukum Pidana Islam Dengan Hak-Hak Sipil Dalam Perspektif Hak Asasi Manusia." *Lex Crimen*.
- Suleman, Frangky. 2016. "Penetapan Syari'at Untuk Kemaslahatan Hamba Di Dunia & Akhirat." *Jurnal Ilmiah Al-Syir'ah*. doi: 10.30984/as.v7i2.40.
- Sutriani, Sutriani. 2016. "Muhammad Sebagai Pemimpin Agama Dan Kepala Negara." *Sulesena Jurnal Wawasan Keislaman* 6(2):149-55. doi: <https://doi.org/10.24252/.v6i2.1413>.
- Syafei, H. Rachmat. 2000. "Hukum Islam Sebagai Dasar Hukum Universal Dalam Sistem Pemerintahan Modern." *Mimbar Jurnal Sosial Dan Pembangunan* 16(4):289-304.
- Syafiie, Inu Kencana. 2013. *Negara Dan Agama*. Bandung: Pustaka Reka Cipta.
- Toharudin, Toharudin. 2018. "Nilai-Nilai Keislaman Dan Keindonesiaan Dalam Membentuk Karakteristik Peradaban Melayu Di Indonesia (Studi Pemikiran Munawir Sjadzali)." *Jurnal Intelektualita: Keislaman, Sosial Dan Sains*. doi: 10.19109/intelektualita.v7i1.2340.
- Tutik, Titik Triwulan. 2017. *Restorasi Hukum Tata Negara Indonesia Berdasarkan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*. Pertama. Depok: Prenadamedia Grup.
- Zamani, Dzaki Aflah, and Tutik Hamidah. 2021. "Islam Dan Pancasila Dalam Perdebatan Ormas-Ormas Islam." *Risalah, Jurnal Pendidikan Dan*

Studi Islam. doi: 10.31943/jurnal_risalah.v7i1.166.

Zein, Fitriyani. 2018. "Diferensiasi Legislasi Hukum Islam Di Indonesia."
Mizan: Journal of Islamic Law. doi: 10.32507/mizan.v4i1.171.