

THE STUDY OF STATE ADMINISTRATION BUILDS THE PERSONALITY OF A PRESIDENT WITH NOBLE MORALS THROUGH ISLAMIC TEACHING INSTRUMENTS IN INDONESIA

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ABSTRACT

This constitution study is about creating a good character president through Islamic law in Indonesia. According to Islamic law, customs law, and Indonesian culture, the fulfillment of promises is one of the great attitudes. The fulfillment of the promise; for a president is a solution in an attitude crisis situation as happened today. This study used Islamic law methodology on the practical law to be obeyed by all of Moslem. Based on the existing theory, Islamic law is integrated in UUD 1945 or Indonesian constitution showing strong bound in one unit and have Relation each other (concentric). The Islamic law authority in the constitution will tie up the president. Hence, obeyed the constitution is a good character. This normative law research was performed using the conceptual approach; constitution approach and comparative approach; and constitution history approach, by collecting the data from libraries. The results showed how to create a good character president through obedience to pledge in every act or behave as UUD 1945 and Islamic law, giving constitutional assurance for a president in making any decision and policy as well as justice to Indonesian Moslem, and beneficial to realize customs value and Indonesian cultures.

Keywords: Constitution, A Good Character President, Islamic Law

INTRODUCTION

Constitutional studies related to efforts to raise someone who has noble and noble character as a philosopher is very important to do. Because, it has become a big idea of thinkers and scientists, since the time of Plato and Aristotle until now (Abdul & Pemakzulan, n.d.) that a leader must be a wise person, wise and be a role model for his people. In Islamic teachings, the figure of a wise and noble state leader is contained in the Qur'an and has been exemplified through the leadership of the Prophet Muhammad (Abdullah, 1994).

Abu al-Hasan al-Amri and al-Farabi as quoted by Black explained that a very good combination of political functions and Islamic teachings could only be done by Muhammad SAW, so that he became a noble leader. Muhammad SAW was able to determine and apply moral standards, then manifest it in his behavior, and make laws for his people so that a unified legal system was built (Abdul, 2004).

Rousseau shared the same opinion. He said that Prophet Muhammad SAW had the concept of a healthy state, by building the political system of his country well, his government permanent and intact (Ahmad, 1993). The draft government is also contained in the constitution (Saldi Isra, 2019). The leadership profile displayed by the Prophet Muhammad SAW is a form of wise leadership that is built on the moral foundation of a leader.

The practice of noble moral values exemplified by the Prophet Muhammad SAW in his leadership is one of the moral standards of leaders that can be applied today. A leader with a

noble character profile, effective and, as well as protecting all citizens, meets the requirements in his leadership, which is the standard of a leader dreamed of in Islamic teachings. In Indonesia, one of the moral standards of a president is determined by the requirement that a presidential candidate must be a person who has never committed a disgraceful act. However, the study of the standard of conduct of a President discusses more about the impeachment of the President, while the moral aspect is reviewed in general terms (Ahmad, 1984).

There are no research results that specifically discuss how to build the personality of the President who has noble character from the study of the constitution, as well as from the point of view of being a religious person, especially the teachings of Islamic law (Alaidin, 2014). For Indonesia, even though it has a Muslim majority population, it is not easy to find a candidate for a leader with moral standards that are close to the morals of the Prophet Muhammad, or the standards described by Plato and Aristotle.

Furthermore, Fajri and Abidin explained that Indonesia is a country that comes from various ethnic groups, languages, cultural customs, and even religions. It also shows the richness of values owned by the Indonesian people, so that it also has advantages that can be used as legal materials to build the figure of a President who has noble character, (Ghazali, 2008) mainly through Islamic law. This is because the majority and the culture and even the constitution of the State of Indonesia are influenced by Islamic law (Mustofa, 2020).

A similar opinion was conveyed by Marzuki who explained that law as a norm is a product of a culture of a society which is influenced by the values of religious teachings (including Islam), which then produces certain behavior patterns. Thus, all members of the community will not fascinate their leaders, and must act or behave in accordance with the values of Islamic teachings (Syarifuddin & Fiqh, 2011).

LITERATURE REVIEW

According to van Doorn as quoted by Satjipto Raharjo, legal products that are made based on certain community cultures are laws that can improve or improve human behavior. This of course also regulates the behavior of the leaders of the people themselves (read: president). Therefore, a good legal product to produce a President who has a noble character is law that comes from the culture and main values of the Indonesian people which are determined by religious teachings or laws, especially Islam (Black, 2001).

Furthermore, if the norms of state law are related to Islamic law, then in a certain part the two norms cannot be separated. For example, the norms are prohibited from breaking oaths/promises, prohibited from killing, prohibited from stealing, not cheating/lying. These prohibitions are also in line and constitute something that is categorized as despicable morals in Islamic law. Legal norms originating from religious norms are expected to be able to create a better situation, because basically the people (including the President) of Indonesia have long known religious/moral teachings (Manan, 2011).

With that, Hart argues that the law in all modern countries is always influenced by socially accepted moral values and in line with the ideals of society (Saebani, 2008). As a state of law, the constitution is owned not only as a basic law to regulate the arrangement of state institutions, but also as the main reference for all people (including the President) in behaving and making decisions. Therefore, the constitution, whose preparation is also based on religious norms, is considered appropriate as an instrument to build the personality of the President who has noble character. This is because the limitations specified in the constitution which affirm that, if the moral norms in the constitution are violated/not obeyed, then constitutional sanctions can be imposed (Manan, 2011).

Zanuddin Ali assessed that the existence of Islamic values which are integrated in the 1945 Constitution as a constitution has a close relationship in one unit, and is related to one another (concentric), the authority of Islamic law which then binds the President, thus making

humans with noble character (Saebani, 2008). Alaidin Koto added that Islamic law that is *amaliah* is a law that Muslims must follow in life (Saebani, 2009).

METHOD

In this normative legal research, the approaches used were as follows: first, a conceptual approach based on theories, principles, views, and doctors in the textual formation of constitutional norms; second, an approach to the norms listed in the UUD 1945 and a comparative approach to Islamic law; third, the historical approach to the formation of the norms of the 1945 Constitution. These three approaches were used to trace and find constitutional norms in Indonesia and Islamic legal norms on forming presidents with noble character in Indonesia.

Therefore, the results of a constitution study using the values of Islamic law to create the President as a human being with noble character is expected to be an alternative solution in the current leadership crisis. Islamic legal values adopted into the UUD 1945 are a good and effective way of forming a president who has noble character in Indonesia.

RESULTS AND DISCUSSION

Islamic Law and the Forming of Noble Morals

There are basically two sources of Islamic law, namely: first, the Al-Qur`an & the Sunnah of the Prophet Muhammad (written sources); second, unwritten sources (*ghair al-nushuhl*), such as *as' urf* which basically still relies on the Al-Qur`an and Sunnah. Then, these good morals became known and recognized by many people, in the Al-Qur`an the word *'urf* is also called *ma'ruf*, which means to do good.

Furthermore, disgraceful morals in the concept of Islamic law are (Fajri, 2020) all forms of actions that contradict the Al-Qur'an and sunnah or are contrary to praiseworthy deeds (*akhlaktul karimah*). In essence, disgraceful morals are behavior that can destroy faith and personality and undermine human dignities such as treason, lying, perjury, and the like.

In Surah Azd-Dzaariyaat Verse (40), the word "disgraceful" is interpreted as a leader who is despicable, disbelieving, disobedient (breaking the oath), arrogant and disobedient, (Hamka, 2015) as well as a leader who oppresses the people. Al-Ghazali added that the love of the world is a despicable character and is the origin of all sins.

Thus, in essence, disgraceful morals are all forms of morals or actions that are contrary to praiseworthy morals. Disgraceful morals are bad behavior, so they can destroy faith. Disgraceful morals can relate to Allah, Rasulullah, self, family, society, and the environment.

Other examples of disgraceful morals are committing injustice, breaking oaths or promises, adultery, drunkenness, and the like. According to Imam Abu Sulaiman Al-Khathabi as quoted by Fachruddin, disgraceful morals can destroy humans or any species.

In the Al-Qur`an, disgraceful morals are also exemplified by Allah as the bad deeds of the Children of Israel (the Jews), such as (1) Lack of integrity (incompatible between words and deeds or false oaths); (2) Materialists or humans who really love the life of the world; (3) Break the promise or fail to fulfill the oath; (4) the killers of the Prophets, where the Jews were cruel people, while the Prophet could have killed them, let alone ordinary people; (5) Racist, the Jews believe that the Children of Israel are a superior race in the world and the hereafter, only they are the rulers of the world and in the hereafter are guaranteed to be residents of heaven; (6) Envy other nations.

Based on the Al-Qur`an and the Sunnah of the Prophet Muhammad as well as the various opinions of the experts that have been expressed, there is one universal disgraceful moral, such as breaking an oath. According to Ibnu Bajjah as quoted by Sirajuddin, disgraceful morals are animal acts based on the impulse of lust.

The basis for the prohibition for the president not to violate the oath (violating Article 9 of the 1945 Constitution) in the concept of Islamic law is that such disgraceful morals are prohibited by Allah (Apeldoorn, 2013) and the Messenger of Allah. These morals can also destroy the customs and traditions of the Indonesian people or belief (religion), and harm lives, both objects, as well as their good name and feelings, including the interests of the community which must be respected and maintained by the President through the UUD 1945.

Therefore, based on the amendment of Article 7A of the 1945 Constitution, a President or Vice President can be impeached, if commits a disgraceful act (has disgraceful character).

Not keeping oaths/promises is a disgraceful morality in the view of Islamic law, because the Prophet Muhammad as a role model for Muslims is a human being who has moral dignity by always fulfilling his oaths or promises, the character of the Prophet Muhammad while keeping this promise is also a customary belief or the culture of the Arab community.

Therefore, before carrying out the mandate of office, a President must be sworn “*I solemnly pledge to fulfill the obligations of the President of the Republic of Indonesia (the Vice President of the Republic of Indonesia) to the best of my ability and as justly as possible, to strictly hold the Constitution and to enforce all the laws and regulations there under consistently and devote myself to the Country and the Nation.*”

The Advantage of Islamic Law in Forming a Good Character President in Indonesia

According to Mursyid Djawas, the excellence of Islamic law in forming a good character president is the ability of Islamic law to survive and adapt to the times and customs of plural culture in Indonesia. According to Djawas, this is also supported by the flexibility of Islamic law and the objectives of Islamic law, (Naskah, 2010) one of which is to create human beings with noble character. According to Saebani in the philosophy of Islamic law, the law is the rules regarding human actions and behavior in life.

In Islamic teachings, measuring the good and bad of action is not only based on good intentions, but also on how to do the action, a person has good intentions, but if it is performed in the wrong way, then the act is considered despicable. For example, someone gives charity but is performed in a way that hurts the recipient, then the act is disgraceful (Otong, 2018).

In the concept of Islamic law, a disgraceful act is not considered a crime, unless it has been stipulated by shari'a law, thus all disgraceful acts are definitely against Islamic law.

Actions to violate or betray an agreement morally or legally and have been mutually agreed upon (the Medina constitution, for example) are disgraceful morals, as well as violating Islamic law. Musil and Watt as quoted by Beni added that by explaining that there is nothing more reprehensible for a leader (President) in an Arab ethnic group, other than defamation for failing or being unable to protect and fulfill the (constitutional) rights of the people who are under power.

Thus, according to al-Baqillani in the concept of Islamic constitutional law as quoted by Rahman, a head of state or caliph, who behaves dishonestly or breaks promises, the caliph can be dismissed from office. This is the same opinion as Mujar Ibn Syarif and Khamami Zada. Rahman then related it with disgraceful acts as contained in Article 7A of the UUD 1945.

Sanusi in a meeting of the Investigating Committee for Preparatory Work for Independence (BPUPKI) on discussing the UUD 1945 stated that according to Al-Qur`an, the main requirement to become president must be a very holy person with noble morals. Yamin explained that the President of Indonesia is a head of state who is elected according to Indonesian culture and by all Indonesian people based on knowledge and common sense (Fatonah), (Peter, 2009) Therefore, Yamin added that the figure of the head of state and government must be a true leader and a guide to the truth towards the noble ideals of independence (Siddiq).

Supomo stated that the president must have and practice the moral values contained in religious law, customary law, customs, and the like, which live in Indonesian society, and if the

president acts anti-social, it means that the president violates the basic principles of government. this must be corrected by the people's representatives.

Therefore, the President or Vice President is sworn in according to Islamic law to fulfill obligations in the best possible and fairest way, uphold the Constitution and carry out all laws and regulations in accordance with it, and serve the Nation.

With these arguments, the President in Indonesia has a legal obligation to implement (opino necessitatis) and has morals in accordance with the UUD 1945 with the Pancasila values, as a form of responsibility to the people for an oath, as stipulated in Article 9 Paragraph (1) of the UUD 1945. Violation or unwillingness to keep, fulfill, and materialize an oath is a disgraceful act so that the President can be impeached in accordance with Article 7A of the UUD 1945.

Islamic Law as the Soul of UUD 1945

The source of Islamic law is the Qur'an and the traditions of the Prophet Muhammad. (Sakdiah, 2016) In the concept of Islamic law, the UUD 1945 (constitution) is a collective and legally binding agreement for all Muslims as a holy agreement (al-`ahd or al-mitsaq). Therefore, betrayal or disobedience to sacred oaths or promises is utterly reprehensible.

According to Masdar quoted by Irham, the UUD 1945 was born from the values and teachings of Islamic law. The values and basic rules of the UUD 1945 are in line with the substance of Islamic values, and if examined from the preamble to the last article, the UUD 1945 is a teaching of Islamic law.

Hamka added that, in fact, the teachings of Islam, which are embraced by the majority of Indonesians, are deeply rooted in the culture and customs of Indonesian society, which are integrated into Pancasila. Therefore, Pancasila as an Indonesian philosophy continues to thrive and can be guaranteed its continuity along with the teachings of Islamic law, which become the views and affect the entire morals of the president and the people of Indonesia.

This is based on: first, Pancasila is guaranteed by the unity of the teachings of Islamic law itself; second, the largest Muslim adherent in Indonesia; third, Pancasila, which is rooted in Belief in the Almighty God, has long been owned by the Indonesian people, namely since Islam arrived in Indonesia and was accepted by the Indonesian people.

Thus, Islamic values that are integrated with Pancasila have become the soul of the 1945 Constitution and qualify as deeds or morals for the President, which contribute to the legal system and so become customary law by the state.

Soekarno and Yamin, as quoted by Rohidin, emphasized that the essence of Pancasila lies in the first principle, namely: Belief in the Almighty God, which is based on Islamic teachings. Hazairin as quoted by Rohidin stated that the "Belief in the Almighty God" principle was created by a wise mind and faith Indonesian Muslim.

Hermann Heller as quoted by Jimly explained that Pancasila contained in the 1945 Constitution is a living legal norm as well as a reflection of the socio-political life in society and the highest law in Indonesia so that the enactment or manifestation of norms is contained in the 1945 Constitution which can be enforced and must apply in reality, therefore, every violation of the obligations towards the 1945 Constitution must be given sanctions or penalties (Shidarta, 2007).

Jimly affirmed that the 1945 Constitution contains both constitutional law and constitutional ethics. Thus, Pancasila in addition to the source of law is also a source of ethics in the behavior of the nation, especially for the President as the head of state and government in Indonesia.

The UUD 1945 is a morality that has become law, because: first, the material for the UUD 1945 is obtained from customs which are influenced by Islamic law as a system that lives in Indonesian society; second, formally, the UUD 1945 is a document of the agreement of the Indonesian people (pacta sevanda sunt).

In line with this, Sudikno Mertokusumo as quoted by Shidarta proposed three requirements for morals to become practical law, namely: first, the existence of habits or behavior over a long period of time (*longa et inveterata consuetudo*); second, the belief that the act is a legal obligation (*opino neessitatis*); third, there are legal consequences if the habit is violated. Of course, the 1945 Constitution has met these requirements as well.

CONCLUSION

Forming a president who has morals starting from an oath to act and/or behave in accordance with the UUD 1945 through a the constitution study approach is in accordance with Islamic law so that it can provide legal certainty for the President to behave and/or take action in making decisions and policies for the administration of the state and government for the sake of Indonesian people. This can also provide justice for Muslims as the majority society in Indonesia, as well as be useful for realizing the values of customs and culture of the Indonesian people.

In the midst of the current moral crisis of state administrators and government, in the future, more in-depth research is needed on the certainty of the meaning of disgraceful acts contained in Article 7A of the UUD 1945, so that they are not ambiguous and have multiple interpretations so that legal norms can be effective and have legal certainty.

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