



RESEARCH ARTICLE

ACTUALISATION OF ISLAMIC SYARIAH VALUES UNDER THE LAW AS A TOOL OF MODERNIZATION OF INDONESIAN LAW

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Manuscript Info

Manuscript History:

Received: 10 January 2014
 Final Accepted: 22 February 2014
 Published Online: March 2014

Key words:

Islamic Syariah Values,
 Modernization, Indonesian Law

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Abstract

This research is purposed to analysis the actualization of Islamic values whether under the principles of regulation in Indonesia, or under the substances of law making treaty. This research also intent to analysis the correlation of actualization of Islamic Syariah values under the law of social and humanity in Indonesia so order to obtain a juridical description, theoretic and philosophy and the correlation of Islamic syariah values in order to created the modernization or Indonesian Law reform. This research is legal normative with descriptive-analysis by using the technical analysis in qualitative to the primer of law material and secondary law material. This research would describe the Islamic syariah values under the law that related to the modernization of Law in Indonesia by using the law, theological, concept and compararizon. The result of this research has shown that the correlation of Islamic syariah values actualization under the modernization of national Law in different field of law, specifically under the criminal law in Indonesia, the actualization of Islamic values have been carry on by two approach like trough the principles of material that contain the law which have function to validity or examined the existence of the regulation which have against with the Islamic Syariah value and actualization trough the substances of law that have function as instrument of restriction in Human Rights and education field, also as reform in Law, like the law reform in Indonesia that connection to alcohol. However, the implementation of Islamic Syariah values under the principle and substances of Law specifically in social and humanity field seemed just formality which have un clear, overlap and distortion

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Introduction

Since the second (2nd) amendment of The Constitution Republic Indonesia 1945, the making Law have changed significant, one of them, like recognising the belief value as consideration in order to develop the education and technology also to restrict human rights. Recognition of state to the belief values included the Islamic Syariah values. With expressed verbs, mentioned under the Indonesian Constitution, article 28J (2), article 31 (3), and article 31 (5), second (2nd) Amendment of Indonesian Constitution of 1945. Article 1 28J point (2) Constitution: "In exercising his/her rights and freedoms, every person shall have the duty to accept the restrictions established by law for the sole purposes of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society. Article 31 Point (3) Republic of Indonesia Constitution: The government shall advance science and technology with the highest respect for religious values and national unity for the advancement of civilization and prosperity of humankind. Provision of article clearly mentioned that religion values become a measurement in order to limited the human rights. Also to advance the science and technology, the state is upholding the religious values and instruct to government to establish and conduct the one system of national education that increased the

faith also good attitude in order to educated the nation. The making treaty rule of law, posited the religious values as moral and spiritual based in conduct the state which is influenced to the drafting regulation in Indonesia that must be consider the religious values. According to Hamdan Zoelva that to conduct the state govern, legal establishment, executive also basic justice. Based on God and the religious values is become the measuring instrument to determined the better and worst law, which is constitutional or un constitutional. (Hamdan, 2009).

Based on Constitutional , the religious value under the Republic of Indonesia Constitution 1945 that have consider in drafted vision of Indonesia 2020 like to create the people who are faith, good, unity, democratise, fair, welfare, advance, independent also good and clean in conduct the state. National development plan system trough the law number 17 year 2007 of the long plan of national development of 2005-2025. Generally, mentioned that to create the vision of national development shall trough 8 (eight) the national development mission, like to create the people of good character, morality, ethical, cultured, and civilized based on philosophy of Pancasila.

Based on law (*das sollen*) mentioned above, clearly stated that to create the good people, morality, ethical, cultured and civilized by used the religious and cultural value as source of ethical for life, nation and state based on philosophy of Pancasila that due to constitution command to conduct the living of state, included the making law order. Apart from the juridical based, as the statement in conference, whether national or international like the result of conference on national development VIII year 2003 in Kuta Bali also mentioned clearly : to make the belief scholar as motivation source, inspiration source and evaluation source that creative in develop the good human, so need to develop in the regulation. (Bardan Nawawi Arief, 2008:301-302).

Also the recommendation to examined the living law in the international conference of criminal law in some countries , generally unfair and old fashioned, neither unreal because not based on cultural values also not responsive with the demanding of social live these days. This condition by the UN Congress on VI about “ *The Prevention of Crime and the Treatment of Offenders*” stated as factor that contributed the increase of crime. (under reported of Congress VI, page 38: “ *it was a contributing factor to the increase of crime* ”). Even mentioned on page 42.: “ *....development was not criminogenic per se, but could become such if it was...disregarded cultural and moral values* ”; “ *... the importation of foreign culture patterns which did not harmonize with the indigenous culture had a criminogenic effect* ” (Bardan Nawawi Arief, 2008: 318-319).

The Indonesian Constitution that make a God value as parameter of law development, nation and state also national and international demanding must be reflected in the implementation of Indonesian Law system, specifically under the making law order of national law both in national or in region.

The new paradigms bring consequent to the set of regulation in education and human rights field that must consider the Islamic values as part of religious value and become a consideration and restriction value in order to making the law in Indonesia. While the fact (*das sein*) in Indonesia have intend to the inconsistent on describe the religious value under the law in the last decade. It is due to demoralisation of national positive law in Indonesia . the impact is the revitalisation of religious value in Indonesia under the legal regulation is still far away from the expectation and continues to be the argumentation and problem matter in the constitutional system of Indonesia, law and moral shall unity but more to separate, the relation of religion and state that should be posited in one circle concentric that must be mutual support but in fact often to crash each other due to the slow movement of national law in solve the classical problem in this country, like alcohol, free sex, prostitution, pornography, that often ignore by the law, the positive law often un able to solve those kind of social problem.

Problem of Question

Based on the background mentioned above, so the questioned problem that will be need to analysed like the following :

1. How to conduct the actualisation of Islamic Syariah value in order to making the law of regulation in Indonesia ?
2. How far the correlation of actualisation from Islamic Syariah value under the substances of law in field of social humanity in Indonesia that able to prevent the demoralisation of national law?

Research Method

1. Type of Research

This research is a normative-law research that describe and analysis a social phenomena by using the qualitative approach. This research will describe the Islamic syariah value that have connected with the modernization law in Indonesia with 3 types approached, like :

- Statute approach to the legislation that contain the Islamic law and the implementation in concrete ;
- Conceptual approach to the theory of law, opinion of law and concept of Alqur'an and hadist that related to the Islamic Law ;
- Comparative approach to the Islamic law and Constitutional Law and the implementation under the Law, local law in Indonesia.

2. Type and Source of Data

- Primary law material that directly get from Alqur'an and sunnah Rasul and from other regulation under law product , covered by documentation of Republic of Indonesia Constitution, law, Act of Malaysia and local Law ;.
- Secondary Law material that collected from the theories, opinion of scholars , literature, internet and newspaper.

3. Collecting data

- Literature law study that related to this topic.
- Examined the legislation, like law, president regulation, ministry regulation and local law.

4. Data Analysis

Data analysis done by componential analysis, which is qualitative analysis by collected all data . some of them through editing process and chose by the part of analysis. Then described through narrative text and correlated with the concept and relevant theory to get the conclusion.

Result and Discussion

1. Implementation of the Actualisation of Islamic Syariah Values under the Making of Regulation of Indonesian Law

The implementation of actualisation Islamic Syariah values under the substances of Indonesian Law have covered the actualisation under the principle of substances of the legislation. It is determined by the consistent of the description of Islamic syariah value under the principle and legislation. Whether the religious value have described concrete as basic law and restriction to the Constitution Republic of Indonesia 1945.

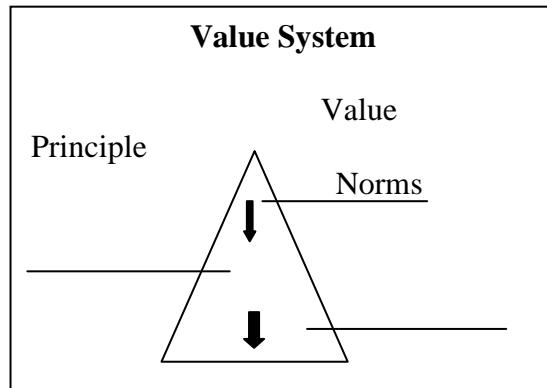
The important of principle Law in the regulation of law can not be underestimated, the existence of it is very strategic both to bridges the legal value or as a tool to examined for the court to determined the decision of constitutional state officer whether have against with the principle or not. So the principle of religious is not directly examine the law product , also will determined whether the regulation constitutional or unconstitutional.

The description of value to the principle, according to A.M. Saefuddin as a device beliefs, feeling which have given a special pattern to the pattern of thoughts from the individual, community or even nation if posited as a belief system, identity that have general strategic, so the description must be into a form pattern, while the law and policy known as norms. In context of norms is a description from value. It relevant with the meaning above, that of course come out from the Islamic value as a source of inspiration which possible came from 2 sources, which are ilahiyah value that sourced from Al Quran and Sunnah and wordly values that source from *ra'yu* (sense),custom, and sunnatullah (natural belief). (Arfin Hamid, 2011: 28).

When take a correlation to the actualisation of value to the legal norms, like the value of Islamic syariah into the principle of law, so will relevant with the theory of making law based on ilahiyah value that develop by Arfin Hamid (2011: 62), that in Islamic Law system, ilahiyah value have transcendental characteristic is posited in highest position that delivered the derivation which is implementative characteristic . All of those will establish from the value so deliver the whole system that systematic and comprehensive.

Ilahiyah value as a highest value under Islamic Law, applicative break down by a number of principles then placed into the law and operational norms.

The pattern of making law, hierarchy is important not only in context of civil law, common law system, and legal socialism law, but more to the Islamic Law . While in the highest position, ilahiyyah as source of making to derivative down, so will be together that deliver the effective regulation. Due to the principle that there is no possibility for contradictive vision ketauhidan and mission humanity. Like the pattern below (Arfin Hamid, 2011: 62).



Generally, theory above if connected with the law product in Indonesia under last of ten years, specially in social field will shown by the quality and affectivity in one product beside the existence of Islamic Syariah value as a guidelines to examine the legality of the rule of law that will determined the affectivities of the used of norms in order to build the attitude and character in society. The belief values as consideration of value under the Republic of Indonesia constitution 1945 based on article 28 J point (2) and article 31point (5), the contained of Islamic legal value will examine which is the law of knowledge and technology also human rights have uphold the Islamic Syariah values or not. Article 31 and article 28 of Republic of Indonesia constitution 1945 that covered about religious value is become legal consideration to the making of law, especially in field of education and human rights. So the existence of Islamic law principle is become important in a legislation specifically in field of social not just to complete but have deepest meaning to ensure a legislation have a religious side that meet up with the ethical value. So able to live and develop from time to time. Based on this research, the used of principle under the legislation in Indonesia, specifically in social field started to blur, the description of the principle is over lapping in the each of its articles.

Along together with the regulation that have connected with the religious faith is seemed just formality and symbolic, because of the norms that contain under the article not describe concrete from the religious value, like some can be found under the legislation of technology, attitude, alcohol, zakat, tourism, etc. The inconsistent of the implementation article 28 J point (2) and article 31 point (5) Republic of Indonesia Constitution 1945 under legislation in the field of Human Rights and the development of Science and technology can be analysis as the following below:

First, the Law number 11 year 2008 of Information and Informatics transaction, the actualisation of religious value under the substance of it have not recognised clearly, it can be seen on the content of the principle and purposes of the law that have not described clearly the principle of religious value, specially Islamic value. This can be defined under the article 3 of that law : the used of technology and information and electronic transaction (ITE) conduct based on the law enforcement, benefit of law, carefully, good faith, and freedom of choosing the technology or neutral technology. Moreover, in the consider ant of consideration point F of the ITE law, managed that government shall support the development of information of technology trough the legal infrastructure and its regulation so the used of information technology conduct safely in order to prevent the misused by putting the religious values and social culture in the communities.

Based on the article 3 of ITE Law, clear description or derivation the religious value under the consideration point F ITE law as based on the law making order. Further more, under article 27 ITE Law, mentioned: everyone with purposed or without right to distribute and/or transmission and/or make the access of electronically information and /or document electronic that contain the against morality. And everyone who have purposes and without rights to make the access of electronically information and/or document electronic that containing the gamble substance. Since there is no principles or Islamic syariah values so under the substances of law have no contain the regulation that along together with the religious values , included the rule of conduct have no mentioned at all so in the implementation level is not effective while people is easily to access to the pornography and porn action , even more

cases in the internet shop that intended to be a place of illegal prostitution for the user. It is caused of lack of controlling from the owner, while the room is made with the closed concept. The same things has happened in the entertainment places, like cafe, discotique, karaoke place which are very free from the controlling so such that places become the strategic area to do the un moral habit whether in teenager or other people. In addition , there is no local law enforcement from the local government, especially in the night.

Second, the Law number 40 year 2008 of the elimination of discrimination and ethnic. It regulation about that principle mentioned under article 2 point (1) and (2) the Law of PDE, by mentioned: The elimination of racial and ethnic elimination conduct based on the equal principle, fair and universal humanity values. (2) The equality principle, freedom, justice and universal humanity values as mentioned on point (1) conduct by attend to the religious values, social, culture and existing law in Indonesia. The article 2 mentioned above is only make the religious value as consideration under the implementation of the equal principle, freedom, justice and universal humanity values under the law of elimination of discrimination of racial and ethnic in Indonesia. However the principle and Islamic syariah value was not containing as a basic principle to the law.

So the PDE law have empty principle so the norms in the articles have not fitted with the basic values that intended to enforced due to the un correct norms. Third, The Law Number. 10 year 1999 of Tourism, under article 2 mentioned: the tourism conduct based on principles of benefit, family, justice and equality, balanced, independently, participative, democratise and unity.

The articles above have no mentioned clearly of religious law, like Islamic Law, although as basic principle of tourism is to put the religious value ahead so need to have the principle in praying, attitude principle and ethical under the Law of tourism. In fact, the activity of tourism have caused the fretful in society due to the freedom of the tourist in expressed themselves and against the religious value, like the used of hotel facility to have sex, the use of cafe and restaurant to alcohol party and pornography due to have no religious value in the law of tourism so there is not regulation to prevent. The substances of prevent like, forbidden to accept the couple that have legally married neither forbidden to have access on consumed the alcohol for Moslem in the hotel, cafe and restaurant, shall be stacked to the each of bottle about this rule. The proved is can be done by showing the identity self about the belief and marriage status in identity card or marriage act.

2. The Function of Actualization of the Islamic Syariah Value under the Substances of Rule of Law in The Field of Social Humanity in Indonesia

The affectivity of the existing legal value under the legal principle will be depending of the implementation of the values and principles in the substances of regulation, whether the legal principle have arranged into the legal product able to described under substances that mentioned in the articles of law. If the rule of law have disorientation of value that will be enforced in the law.

The actualization of Islamic syariah values as a tool of modernization on national law in Indonesia in this context of the research purposed to effort the legal reform under the law and local law to be back to the Constitution Republic of Indonesia 1945. The syariah values itself is from the principles or Islamic scholar that sources from al-qur'an dan al-hadits, while the position is connect each other in the whole system. The Islamic values of are: ilahiyah value, khalifah value, balance value, justice value.

Those value is become ground norm that have a philosophy characteristic and transcendental character that will create into system of norms from a product of legislation in Indonesia. The actualization in the Indonesian context have function the Syariah value as a tool of reform and national law reform. As relevant to the theory from Roscoe Pound (Pound: 1972) while mentioned: "Legal function as a tool of social engineering an as agent of modernization. (Abrar Saleng: 2013: 229).

a. Legal Restriction

Legal restriction is one of category in the rule of actualization of religious value to the substances of rule of law in Indonesia, which is means that the religious value is become the restriction to the conduct of the law making. An act or rule of law must be obey to the restriction of the law to fullfil the justice as religious value consideration.

The restriction in this context of religious value constitution restrict to the rule of law that related to the education, science and technology and human rights, as mentioned under article 28J point (2) and article 31 point (5) Constitution Republic of Indonesia 1945 as have mentioned in previous page.

Related to it, in the context of Islamic law values as part of religious value in Indonesia and become one part in order to restrict or examined also consideration some of substances on the rule of law under the Constitution 1945 specially related to the law and human rights and education that against with the religious value. As one of the restriction function of the religious value can be seen under article 23 point (2) of Human Rights Law "Everyone

are free to have, deliver and spread out the opinion according their heart trough oral and or written trough the media whether newspaper or electronic by pay attention to the religious value, morality, belief, public interest and the united of whole nation".

So the human rights law is more syariah because of the freedom of thought have restriction by the religious values. So there is no one allowed to insult any religion, ask people to move to other belief, including not to obey the religious. The recognition of the religious value also mentioned under article 50 of Human Rights Law "Mature woman and or have married have right to conduct the legal act by herself, except determined by other law of her belief. Based on this article, the religious value have restricted the freedom to the woman that have bind to the marriage or have not binded yet but have mature in conduct any action of law, like in heritage right.

Apart from that, the function of religious value as a legal consideration can be seen under the article 31 point (3) of the Constitution Republic of Indonesia 1945 stated : the government have effort and conduct a system of national education to increase the faith and good character in order to educated nation, which is arranged by the law. Furthermore, article 31 point (5) Republic of Indonesia Constitution as basic law in order to making rule of law mentioned clearly : the government in order to increase the science and technology uphold the religious values and united nation for the improvement of nation purposes and human welfare".

Based on the constitutional, the function of religious value as the considerate of legal norms have described under the law number 14 year 2005 of teacher and lecturer, under article 7 stated that the profession of teacher and lecturer is conduct on based principle like have a commitment to increase the quality of education, faith and belief, good attitude. The empowerment of teacher and lecturer conduct trough self development with democratise, justice, no discriminative and continuously by upholding the human rights value, religious value, multi cultural value and ethical profession. The same as article 20 point d the law of teacher and lecturer have mentioned that in order to conduct the duty, teacher have obligation to hold up the rule of law, ethical code of teacher also the religious value. While article 60 point have mentioned that in order to conduct the duty, lecturer have obliged to up hold the rule of law and the ethical code of teacher also the religious value.

b. The Function of Law reform

Actualization of Islamic Law values have restricted and consideration function to the rule of law also have a modernization or reform law to the national law system. Law reform is one of dimension from three dimension which is need under the development of national law. According to Ismail Saleh, there are three (3) dimension of national development law, they are, the keeping law, law reform and creating law itself. The create of law is one of demanding and logic consequent to be able to do the law reform and making the new law. (Bardan Nawawi Arief, 2008: 318). Modernization of legal system in Indonesia is a process of reform process. The demanding to the national system to always fitted in the development of society and the living value in the middle of community. Apart from that, the modernization also counted as law purification trough law reform of national law that have against to the Constitution Republic of Indonesia 1945.

Living of Islamic syariah in the corridor of Indonesian context should be have maximum function due to the inner morality that have live and develop in the middle of community. The contribution of Islamic Syariah in the positive law have a big contribution as evidence that Islamic syariah have formulation for balancing to the legal conflict solution in this country.(Saifullah, 2007:79).

To be able to know the contribution of Syariah value in the law making in Indonesia, certainly is need a huge analysis. So why this research is only try to analysis teh correlation of law reform in social especially the insulted belief, freedom of sex, prostitution, homosexual, pornography, alcohol drink, place of entertaining and human rights.

The research to the problems above are very strategic, due to the rule of law nowadays have not able to answers those problems . Which is affected to the social problems and break the living values in the middle of community. That why it is important the values of belief as a tool in law reform or modernization of national law to offer the alternative solution. According to the result of research, have found the correlation of Islamic value in the law reform in many field of law under the rule of law that according to the researcher opinion have against with belief values., while need to modernization by contain the values of belief which also the offer of alternative solution from Syariah Islam Perspective. National law reform that must be conduct by actualised the Islamic value is the alcohol drink, Under the criminal law, alcohol drink is an act to get drunk is anything that cause person to get drunk or lost their mind like alcohol drink. (Jimly Ashiddiqie, 1996: 95).

In Indonesia, the national law system is still legalised the alcohol drink based on the president regulation number 3 year 1997 of the controlling and handling the alcohol drink and the ministry of trade regulation number 15/M-DAG/PER/3/2006 of controlling and handling the import, distribute and seller and permit of alcohol drink,

including the president regulation related the alcohol drink on year 2013 which is still legalised the alcohol drink in Indonesia.

While in sanction, the user of alcohol drink mentioned under the criminal law book, as arrange in some articles, like following below :

1. The actor has drunk and disturb the public space, will detained sanction of jail for as long as three months (article 536)
2. People who prepare or sell the alcohol drink detained three weeks (article 537).

Khamar under Islam is kind of drink that forbidden according to firman Allah Swt. Under Q.S. al-Maidah (5) point 90:

يَتَأَبَّلُهَا الَّذِينَ عَاهَدُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَرْزَالُمُ رِجْسٌ مِّنْ

عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ

Translated :

O ye who believe, in fact liquor, gambling (sacrificing to) idols, and cast lots with arrows fate, is indecency and include Satanic. So shun (deeds) that ye were lucky.

According to mentioned above, so it's clear that the regulation that legalised the alcohol is need to law reform by forbidden because against with Islamic value. While the purpose of Islamic value is given the safe to people so for those good safe need to appreciated. As mentioned from The Moslem Association Indonesia trough Muzakarah Nasional of the alcohol and product , while even less or more, is still forbidden, also any activity that related to the alcohol, like production, enjoy, get benefit of it, etc would be the same. (MUI Fatwa Association, Department of Religion, 2003: 151).

The regulation above have against with the vision and mission of national development 2005-2025 which is called in order to create the vision of national development have done trough 8 (eight) mission of national development, like to create the people with good attitude, faith, have morality, cultured and educated according to the Philosophy of Pancasila. The reform of penal code with the Islamic syariah value can be conduct by containing the regulation that have correlated with the use of alcohol drink, because of the sanction for the drunk is meet to the *hudud*. As mentioned in the Prophet Muhammad Saw "anyone drink khamar (alcohol) then get jilidah". While there is hadits that allowed to jilid for 40 times, but no less than 40 times, which is hadits Anas: "Then the consumer of khamar would be dijilid by two pair of sandal, about 40 times. (Arfin Hamid, 2011: 249).

Since Indonesia is not Islamic Country, so that regulation existed as *lex specialis* or special only for Moslem. Like in Malaysia only bind for Moslem, while the others have their civil law. Moreover, the rule of criminal law about immorality and guilty that connected to Islam, mentioned under act 559 which is the act of wrongful of Jenayah Syariah (Wilayah-Wilayah Persekutuan) 1997 on section 19 mentioned:

- a. Everywhere people, everywhere else shop or place layman, nothing to drink intoxicating drinks is doing something wrong and if sickle be fined not exceeding three thousand ringgit or imprisonment for the entire period not exceeding two years or both.
- b. Everywhere people who make, sell, offer or display for sale, store or buy anything intoxicating drinks is doing something wrong and if sickle be fined not exceeding five

While in Indonesia have ratified the Qanun Aceh Jinayat which is contain the forbidden of khamar, Qanun Aceh about the law of Jinayat legalised on 14 September 2009 under chapter IV Jarimah and 'Uqubat on firt Part, Khamar article 13 have mentioned:

- a. Everyone with purpose to drink alcohol will get 'uqubat hudud for 40 (forty times) hits.
- b. The user of jarimah as mentioned on point (1) can be also get punishment 'uqubat ta'zir hits as mucg as 40 (forty times or jail punishment for 40 (forty) months.
- c. The detained period of the user jarimah as mentioned on point (1) will get arrest in the investigation process, demanding and court process, counted as 'uqubat ta'zir.

While for the user who sell the alcohol, will be detained article 14 like:

- a. Everyone who are with purpose to produce, keep, promote, bring into whether legal or illegal, imported alcohol from overseas whether legal or illegal, will be detained by 'uqbathit as much as 80 (eighty) times and fined as much as 800 (eight hundred) gram gold or jail as much as 80 (eighty) months.
- b. Everyone who are, with purpose give alcohol as a gift will be punish with 'uqbat hits as much as 20 (twenty) times and fined as much as 200 (two hundreds) grams gold or jail as much as 20 (twenty) months.

While the user from a cooperation will defined article 15. Under the jarimahas mentioned under the article 14 that conduct to its member. The regulation of Qanun only existed for Moslem as mentioned under article 4 that Qanun only existed for everyone whom :

- a. Moslem and conduct jarimah in Aceh;
- b. While the not Moslem that conduct jarimah in Aceh together with Moslem also choose to be faith without any force on the law of jinayat; and
- c. While for not Moslem that conduct jarimah in Aceh but no regulation under penal code or the regulation outside of the penal code .

The regulation of criminal act in Malaysia Saudi Arabia also Qanun Aceh can be a positive comparison in order to reform the criminal law in Indonesia. So the definition of Moslem who are drink alcohol will detained by the jail as much as 40 times or 80 times and or by the jail sanction no more than 3 years. While the Islamic norm have give the contribution in modernization the national criminal law to become much better.

Conclusion

- a. The conduct of actualization of Islamic Syariah values under the principles of law in Indonesia specifically in social field have bluer and overlapping under the definitions of its articles. Along with the regulation that correlated to the religious which is seem to be just formality and symbolic, due to the norms on the articles have no description the religious value concrete it. Also apart from it, the value system that willing to develop to facilitate the norms and value is the legal principle it self, like on the law in education, information and technology, human rights and tourism field.
- b. The correlation of actualization of Islamic values under the national law reform in many field of law specifically in criminal law of Indonesia. It conduct trough two ways, like trough the principle of substances that contain under the regulation of law, while it has function to validity or examine the existing rule of law that against the Islamic value, and actualization trough the substance of regulation which is the Islamic value have function as restriction instrument in human rights and education, also function as reform law, like reform law in for alcohol drink.

Suggestions/Recommendations

- a. It is about time that Islamic value that contain the principle and norm system get a huge position in order to reformate and restoration the legal system in Indonesia that nowadays is seemed have demoralisation of law, secularisation, socialist and liberation that went out far away from the constitution and fair justice of Indonesian people, which is implicate from the value that come from outside that not along with the morality value of Indonesian under the national law.
- b. It is necessary need to harmonised law under its regulation, specially the law number 12 year 2011 about the establishment of Rule of law. By develop the hierarchy pattern of norms system of law, while the religious value, principle, legal norms and attitude of law have synergetic each other . the religious values shall be enforce into the regulation, by describe clearly and systematic under the articles.

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