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THE IMPLEMENTATION OF VALUES IN THE FIVE PRINCIPLES (PANCASILA) IN LOCAL REGULATION OF SOUTH SULAWESI PROVINCE NO. 4 OF 2006 ON QURANIC EDUCATION

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ABSTRACT

This article makes a valuable contribution to the scholarly field of international law by examining the regulation of Quranic Education in the Local Regulation of South Sulawesi Province No. 4 of 2006 from two distinct angles. Firstly, it addresses the inclusion of local regulation within the context of implementing local autonomy, shedding light on the interplay between regional regulations and broader governance structures. Secondly, it explores the implementation of the values enshrined in the Five Principles (Pancasila) within the contents of the local regulation on Quranic Education, offering insights into the harmonization of religious education with national principles. By employing a juridical-normative study approach and qualitative analysis, this article provides a comprehensive analysis of the topic. The findings reveal the significance of Quranic Education in the local regulation, highlighting the region's commitment to educational governance. Furthermore, the study demonstrates the successful integration of Pancasila's principles within the local regulation, emphasizing the region's dedication to maintaining national values. Overall, this research adds to the existing literature on international law and contributes to a better understanding of the relationship between regional regulations, educational governance, and the preservation of national values.

Keywords: Pancasila, Local Regulation, Quranic Education, and South Sulawesi

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Introduction

The 1945 Constitution of the State of the Republic of Indonesia officially enacted on August 18, 1945 consists of three sections, namely: the Preamble, the Body or Provisions and the Elucidation. In the Preamble of the 1945 Constitution, the 'Five Principles' (*Pancasila*) is declared as a philosophical foundation of the State of the Republic of Indonesia proclaimed by Soekarno and Mohammad Hatta on August 17, 1945, a day before the 1945 Constitution was enacted.

Pancasila as the philosophical foundation of the State of the Republic of Indonesia consists of five principles as formulated in a series of sentences in the fourth paragraph of the Preamble of the 1945 Constitution as follows:

"... in order to form a Government of the State of Indonesia that shall protect the whole people of Indonesia and the entire homeland of Indonesia..., Indonesia's National independence shall be laid down in a Constitution of the State of Indonesia, which is established as the State of the Republic of Indonesia with sovereignty of the people and based on the belief in the Almighty God, just and civilized humanity, the unity of Indonesia, and democratic rule that is guided by wisdom resulting from deliberation/representation, so as to realize of a social justice for all the people of Indonesia."

The 'Five Principles' (*Pancasila*) in the Preamble of the 1945 Constitution has a very important position in the life of Nation and State. Apart from being the foundation of the State, *Pancasila* is also an ideal foundation for the development of social, cultural, economic, political and legal life in Indonesia. It is also used as a moral and ethical basis of behaviors in the midst of social interaction among societies (Sunoto, 1983). It even becomes a source of legal order or commonly referred to as the source of all legal sources of the State.

In constitutional practices so far, the position of *Pancasila* as the source of all legal sources of the State is outlined in legislation, especially in forms of the Decrees of the People's Consultative Assembly and Law issued by the People's Representative Council. However, governmental systems have changed from the Old Order period (the government under President Ir. Soekarno), the New Order period (the government under President Soeharto), to the Reformation period (after the amendment of the 1945 Constitution), causing implications for the position of the People's Consultative Assembly, legal status of the Decrees of the People's Consultative Assembly in the legal order of legislation, the revocation of several Decrees of the People's Consultative Assembly, and the position of *Pancasila* as the source of all legal sources of the State. During the New Order era, *Pancasila* was included in Decrees of the People's Consultative Assembly, then shifted and included in Laws as legal products issued by the People's Representative Council (Susanto, 2021).

After the fourth amendment of the 1945 Constitution, the legislators (the People's Representative Council and President) issued Law No. 10 of 2004 on the Formation of Legislation. Article 2 of this law states that *Pancasila* is the source of all legal sources of the State. However, the law was then revoked and declared invalid by the new one, i.e. Law No. 12 of 2011 (Article 102). In fact, the latter was amended (the first amendment) by Law No. 15 of 2019.

As the provision of Article 2 of Law No. 10 of 2004, Law No. 12 of 2011 still emphasizes the position of *Pancasila* as the source of all legal sources of the State (Article 2). Thus, values in *Pancasila* shall also underly norms formulated in the contents of each legislation, including the 1945 Constitution of the State of the Republic of Indonesia as the basic law in all legislations (Article 3 paragraph 1 of Law No. 10 of 2004).



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Pancasila is a crystallization of various values that live in diverse societies of the Indonesian country (H.A.S Natabaya, n.d.). The values contained in *Pancasila*, such as nurturing, humanity, nationality, kinship, as well as acknowledging and accepting diversity (unity in diversity), are reflected in the personality of the Indonesian nation. These values grew, were preserved, and developed in the life of the Indonesian people long before the State of the Republic of Indonesia was proclaimed. They are then required to be reflected in the content of all types and hierarchies of legislation (Nurhardianto, 2015).

Local regulations at provincial and regency/municipal level are parts of the types and hierarchies of legislation (Article 7 paragraph (1) letter f and letter g) as the legal products of local government (Article 3 letter a of the Regulation of the Ministry of Domestic Affairs No. 80 of 2015 on the Legal Products of Local Government). In the implementation of local government from the era of Law No. 32 of 2004 to Law No. 23 of 2014 on Local Government, some provincial and regency/municipal governments enacted local regulation with the spirit of Islamic sharia values. However, the Islamic sharia values-based local regulations caused controversies (pros and cons).

In 2006, members of the People's Representative Council from different factions of political parties were ever divided due to difference in political views related to the issuance of local regulations with the spirit of Islamic sharia values. Fifty-six members of the People's Representative Council from the factions of the Prosperous Peace Party (*Partai Damai Sejahtera*—PDS) and the Indonesian Democratic Party of Struggle (*Partai Demokrasi Indonesia Perjuangan*—PDIP) considered that the local regulations with the spirit of Islamic sharia values were contradictory to the 1945 Constitution and *Pancasila*. Meanwhile, 134 members of the People's Representative Council from the factions of PPP (42), PKS (30), PAN (30), BPD (30), PG (6), PBR (8), and PKB (3) were critical against the views expressed by members of the People's Representative Council from the factions of PDS and PDIP (Alim, 2010).

In the same year, the Minister of Domestic Affairs, i.e. Tjahjo Kumolo, announced the revocation of 3.143 local regulations deemed problematic. The revoked local regulations included those with the spirit of Islamic sharia values, such as those on Obligation to Read the *Quranic* for Bridal Partners, Obligation to Conclude the Reading of the *Quranic* for Students in Elementary and High-School Education, and Obligation to Read the *Quranic* for Civil Servants for Promotion (Asmar, 2019). The revocation of local regulations with the spirit of Islamic sharia values invited Dadang Rusdiana as a member of the People's Representative Council from the Commission X) to criticize that the revocation of local regulations must be done carefully and transparently, especially with regard to education and religion (Hanum, 2019).

The revocation of Islamic sharia-nuanced local regulations caused pros-and-cons from various parties. The critical parties argued that Islamic sharia-based local regulations had no right to regulate Muslim privacy in worship, contradict with laws at higher hierarchy and Indonesia is a plural, not Islamic, State, while the pros argued that Islamic sharia-based local regulations were part of the aspirations of local communities, so that each region has the right to make local regulations that are specific to the region (Chandra, 2018).

Closely related to the controversial issues of the Islamic sharia-based local regulations, it is interesting to re-analyze the contents of the Local Regulation of South Sulawesi Province No. 4 of 2006 on *Quranic* Education. This analysis relies on two questions on whether or not the regulation of *Quranic* Education in the Local Regulation of South Sulawesi Province No. 4 of 2006 included the contents of local regulations in terms of implementing the local autonomy, and whether or not the content of the Local Regulation of South Sulawesi Province No. 4 of 2006 on *Quranic* Education implemented the values of *Pancasila* as the source of all legal sources of the State?



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Literature Review

Pancasila as the basis of State philosophy or State ideology contained in the Preamble of the 1945 Constitution of the Republic of Indonesia (Weatherbee, 1985). The formulation of Pancasila can also be referred to as the basic formulation of the ideals of the State (Staatsidee) and at the same time the basis of the legal ideals (Rechtsidee) of the Republic of Indonesia. As the ideals of the State, it is formulated based on the ideals that live in society (Volksgeemenschapsidee) that have existed before the State was held. The values of Pancasila contained in the preamble of the 1945 Constitution of the Republic of Indonesia are the efforts of the formulators of the State foundation (Staatsidee) and the basis of the legal ideals (Rechtsidee) which are extracted from the personality of the Indonesian nation itself. We all know that before the Republic of Indonesia was established, its society had existed for centuries (Sjafruddin, 2013). The formation of a society generally occurs naturally. The society then develops its own mind, which contains ideals, hopes, desires, norms, and the ideal form of society to which it aspires. The State's ideals are formulated based on the ideals that live in the society as a result of philosophical reflection. Meanwhile, in contrast to a society that is formed naturally, the State is formed through a conscious act planned by humans based on certain considerations. From the point of view of legal philosophy, the basic formulation of State philosophy contained in the Preamble of the 1945 Constitution, although it is outside the legal system, plays a normative role as a leitsern or as a star that will guide the formulation of legal norms that are below it (Morfit, 1981).

Pancasila as a reflection of the legal ideals of the Indonesian nation which is the basic norm in the organization of the state and becomes the source and all sources of law as well as legal ideals (recht-idea) both written and unwritten in Indonesia. This legal ideal is what leads to the common ideals of the Indonesian nation, this is a commonality-a reflection of the common interests among the nation. At the First Session of the Independence Preparation Efforts Investigation Board (BPUPK) on June 1, 1945 for the first time Soekarno introduced the basis of the future independent Indonesian state called Pancasila. Soekarno called it the philosophishe gronslag or the view of life of the Indonesian nation. Therefore, Pancasila has two interests, namely: First, Pancasila is expected to always be a guideline and guidance in living the daily life of Indonesian people both in family, society and nation. Second, Pancasila is expected as the basis of the state so that it is an obligation that in all state arrangements whether in law, politics, economics or social society must be based on and aim at Pancasila. When examined, Pancasila is actually not the result of a new construction of Soekarno's thinking but the reality of the life of the Indonesian people and nation which has long been Godly, civilized, family-based, deliberating for consensus and justice. For this reason, it is not surprising that Soekarno emphasized that he was not the inventor of Pancasila but only as one of the diggers of Pancasila.

Methodology

To answer the two questions above, the authors used a normative juridical approach to explore all legal materials that are relevant to the problem discussed. The legal materials were obtained from primary legal ones, such as legislations, and secondary legal ones in the form of books and articles in various journals that contain the opinions of experts, theories and/or doctrines related to the position of



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Pancasila as a fundamental norm of the State (*grundnorm*). All the legal materials were critically examined and qualitatively analyzed by the logic of legal thinking.

Discussion

The Oretical Basis of Legal Norm Validity

Hans Kelsen is an Austrian jurist well-known with doctrine on hierarchical structure of law (*stufenbau des rechts* or commonly also called *stufenbau theorie*). According to him, all norms have the basis of validity for basic norms that form a legal system. Basic norms as the main source bind all different norms that form a legal system. Every norm in a particular legal system can be examined only by confirming that the norm obtains validity from the basic norms that form the legal system (Ali, 2017). For him, the legal system consists of norms arranged in a hierarchical structure. The validity of norms in a lower position is based on or bound to norms in the upper position, so is the norm at the next level up to a highest level of norm (basic norm)(Kelsen, 1973).

Kelsen's theory of *stufenbau des rechts* was eventually developed by his student, i.e. Hans Nawiasky. However, there still seems to be a similarity between Kelsen's theory and the theory developed by Nawiasky, i.e. both theories equally study the problem of norm or legal hierarchy in a country. Meanwhile, differences between the two theories are as follows. Kelsen divided two types of norms into several levels. First, the highest level of norms and nothing exceeds the height, namely *Grundnorm*. Second, the lower levels of norms arranged in layers to the lowest level, and all the levels of norms in the second category are called norms. Whereas Nawiasky divided the levels of norms into a top-down order as follows: (1) Fundamental norms of the State (*Staatfundamental-norm*), (2) Basic rules of the State (*Staatsgrundgesetz*), (3) Laws (*Formele gesetz*), and (4) Implementing regulations and autonomous regulations (*Verordnung* and *Autonome Satzung*) (Jazim Hamidi, 2006).

Kelsen's theory of *stufenbau des rechts* and the development of the theory by Nawiasky seem to inspire many Indonesian jurists who pursue legal theory and science. Maria Farida Indrati Soeprapto is an expert in the theory and science of legislation. According to her, in a legal norm system of the State of the Republic of Indonesia, *Pancasila* as the fundamental norm of the State is the highest legal norm, followed by the Body of the 1945 Constitution, the Decrees of the People's Consultative Assembly, and the unwritten basic law (constitutional convention) as the basic rule of the State (*Staats-grundgesetz*), Laws (*Formele-gesetz*) as well as Implementing and Autonomous Regulations (*Verordnung & Autonome-satzung*) from Government Regulations, Presidential Decrees, Ministerial Regulations and implementing regulations and other autonomous regulations (Maria Farida Indrati, 2007). Basic norms are references for the lower levels of norms, so that a basic norm can be said to be presupposed (Asshiddiqie, 2006). Basic norms (*Grundnorm*) are legal principles that are abstract and general or hypothetical in nature (Shidarta, 2017).

It can be concluded that *Pancasila* contained in the Preamble of the 1945 Constitution of the State of the Republic of Indonesia is a basic norm of the State (*Grundnorm*), being even positioned as a source of the legal order of legislations. Notonagoro explained scientifically on a relationship of the Preamble to the 1945 Constitution and the concept of legal order. For him, *Pancasila* in the fourth paragraph of the Preamble of the 1945 Constitution contains four things required to be a legal rule. The first requirement of a legal order is the existence of unitary subject (ruler) who is authorized to establish the legal rules. This requirement was fulfilled because government of the State of the Republic of Indonesia was formed. The second requirement for a legal order is the existence of a spiritual principle



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as a basis of legislation. The second requirement was fulfilled because the Preamble of the 1945 Constitution contains the precepts of *Pancasila*. The third requirement of a legal order is the existence of a unitary territory where the legislation applies. The requirement was also fulfilled with the mention of “the entire homeland of Indonesia” as a unitary territory where legislation applies. The fourth requirement for the existence of a legal order is the existence of a unitary time for the validity of legislation. This last requirement was also fulfilled with the mention of “the Indonesia’s national independence was proclaimed” in a form of the Republic of Indonesia. The phrase shows a new era that has continued, being apart from the past (before the Republic of Indonesia was established) (Jimly Asshiddiqie, 2015).

As a source for the legal order of legislation, the values in *Pancasila* shall be reflected in every product of legislation. Law No. 12 of 2011 requires that the legislation formulated shall simultaneously have philosophical, sociological, and juridical foundations. According to Jimly Asshiddiqie, *Pancasila* can actually be a philosophical foundation of all legal products (Jimly Asshiddiqie, 2020). Thus, a philosophical foundation of the local regulations as one of the legal products in local government shall be sourced from *Pancasila* and the Preamble of the 1945 Constitution of the State of the Republic of Indonesia (Abdul Kadir, 2015). According to Sudikno Mertokusumo, law can have the power to be effective philosophically if the legal principle is in accordance with the legal ideal (*Rechtsidee*) as the highest positive value (*uberpositiven werte*: in *Pancasila*, just and prosperous society) (Mertokusumo, 2006).

Local regulation at provincial level is one of the types and hierarchies of legislation as well as one of the legal products in local government. The formation of local regulation must contain any materials related to the implementation of local autonomy and co-administration tasks and accomodate specific conditions of regions and/or further elaboration of the higher legislation (Article 14 of Law on the Formation of Legislation, Article 236 of Law on Local Government, Article 4 paragraphs (2) and (3) of the Regulation of the Minister of Domestic Affairs No. 80 of 2015). The education sector is one of the affairs of local government in terms of implementing the local autonomy. Education affairs are one of the mandatory government ones related to the basic services (Article 12 paragraph (1) letter a of Law on Local Government). In the appendix of Law on Local Government, the limits of the authority of central, provincial, and regency/ municipal governments was determined. Specifially for provincial government, one of the authorities in the education sector is to establish a curriculum for local content in secondary education and local content in special education.

Quranic Education from Pancasila Perspective

Local Regulation of South Sulawesi Province No. 4 of 2006 on *Quranic Education* applies in regions with predominantly Muslim population. Referring to data on the population of South Sulawesi Province in 2015, the total population of Muslims was 7.416.488 people or 88% of the total population of South Sulawesi Province (8.376.806 people), while Protestants were 681.002 (8%), Catholics 188.513 (2%), Hindus 85.361 (1,01%), Buddhists 21.106 (0,26%) and Confucians 3.336 (0,4%) . The non-Islamic population is spread across all of 24 regencies/ municipalities in South Sulawesi Province. Based on data from the Central Bureau of Statistics (2015), two regencies were predominantly populated by non-Muslim residents: North Toraja Regency (177.097) and Tana Toraja Regency (154.545), while non-Muslim residents in Makassar were 109.423, Luwu Regency 42.264, North Luwu Regency 39.594, and East Luwu Regency 39.567.



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From the data, it can be concluded that the majority of population in South Sulawesi Province are Muslim, but the composition of total population still shows diversity in view of religious and ethnic backgrounds. It is no exaggeration to say that South Sulawesi Province reflects a miniature of the State of the Republic of Indonesia, which is based on *Pancasila*. All people have religion and belief in the Almighty God. The fact of diversity has been preserved for a long period of time since long before the national independence of Indonesia.

Local Regulation of South Sulawesi Province No. 4 of 2006 on *Quranic* Education enacted on April 18, 2006, consists of 11 chapters and 17 articles. Of the ten Chapters in the Local Regulation, materials that are interesting to be examined are the contents in Chapters II and III. Are the values of *Pancasila* reflected in the two chapters? In Chapter II on Purposes, Goals, and Targets of *Quranic* Education, it is stated:

Article 2:

Quranic Education is intended as the strategic effort to build and shape the character and civilization of a dignified nation in terms of educating the life of the nation.

Article 3:

Quranic Education aims to develop the potential of students so that they can be human beings who have belief and devotion to the Almighty God and a good character as well as understand and practice the content of the *Quranic*.

Article 4:

The targets of *Quranic* Education are Muslim students in all lines and levels of education.

Furthermore, in Chapter III on the Implementation of *Quranic* Education, it is stated:

Article 5:

- (1) Local Government and community can organize *Quranic* Education.
- (2) *Quranic* Education organized by local government and community is implemented at all lines and levels of education.
- (3) The implementation of *Quranic* Education at all levels of formal education is part of the national education curriculum.

Article 6:

- (1) Materials of *Quranic* Education at all levels of formal education are the content of local curriculum.
- (2) Materials contained in *Quranic* Education are regulated further by a Governor Regulation.

Article 7:

- (1) The implementation of *Quranic* Education in the lines of non-formal and formal education is equated with the implementation of *Quranic* Education in the line of formal education.
- (2) Procedures for the implementation of *Quranic* Education in the lines of non-formal and informal education are regulated by a Governor Regulation.



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From the provisions, it can be understood that *Quranic* Education applies to all the lines and levels of formal education (Article 5 paragraphs (2) and (3) and Article 6 paragraph (1) as well as of non-formal education (Article 7). However, materials in *Quranic* are only targeted specifically to Muslim students (Article 4). It is a moral violation or even a violation of the law that educators in schools impose *Quranic* Education on non-Muslim students. Ideally, from the title of the Local Regulation (a phrase of '*Quranic* Education'), the public can certainly understand without reading all the contents that the Local Regulation on *Quranic* Education only applies for Muslim students (Article 4).

Based on *Pancasila*, the State of the Republic of Indonesia shall realize a life order in which each citizen has moral and ethical values as well as has faith, a noble character, and devotion to the Almighty God. This expectation is not only sufficient to be realized by each family or household, but also must be realized by parties in all types and levels of formal and non-formal educational institutions. Therefore, *Quranic* Education provided to the predominantly Muslim students in South Sulawesi Province basically aims to increase faith and devotion as well as a noble character of Muslim students so that they will in the future have a spiritual capital to give contributions in building the nation-state based on the belief in the Almighty God.

One of the legal bases underlying the formation of the Local Regulation of South Sulawesi Province No. 4 of 2006 on *Quranic* Education was Law No. 20 of 2003 on the National Education System. In the section of 'Considering', the law refers to Article 31 of the 1945 Constitution of the Republic of Indonesia as its constitutional basis. Article 31 Paragraph (3) of the 1945 Constitution states: *The government organizes and implements a national education system, which aims at enhancing faith and devotion as well as noble character in terms of educating the life of the nation, which is regulated by law.*

The formation of the Law on the National Education System does not only emphasize on increasing the intelligence of students, but also enhancing faith and devotion to the Almighty God. This can be seen in the provision of Article 3 of the Law on the National Education System as follows:

"The National Education functions to develop the capability, character, and civilization of the nation with dignity in terms of educating the life of the nation with a goal of developing the potential of students to be human beings who have faith and devotion to the Almighty God with a noble character, healthy, knowledgeable, competent, creative, independent, and become democratic and responsible citizens".

The function and goal of national education stated in Article 31 paragraph (3) of the 1945 Constitution of the State of the Republic of Indonesia and Article 3 of Law on the National Education System was basically elaborated in Article 3 of the Local Regulation of South Sulawesi Province No. 4 of 2006 on *Quranic* Education, *"developing the potential of students to be human beings who have faith and devotion to the Almighty God, good character, as well as understand and practice the content of the Quranic"*.

Article 5 of the Law on the Formulation of Legislation stipulates several principles in the formation of good legislation, one of which is the principle of clarity of purpose (Article 5). In the expository section of Article 5, it is stated that "the principle of clarity of purpose" indicate that each formation of legislation shall have clarity in purpose to be achieved. This principle actually becomes the foundation in formation of the Law on *Quranic* Education as mentioned in Article 3 above.

Formal educational institutions in South Sulawesi Province, from the level of Elementary School or equivalent to that of Senior High School or equivalent, are not all built by Central Government or Local Government and categorized as the "State" schools. Some educational institutions in South Sulawesi are "private" in status, built by private legal entities or foundations both established by Muslim communities and those established by Protestant, Catholic, Hindu, and Buddhist communities.



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From the facts observed in regions such as Bandung, Palu and other regencies/municipalities with predominantly Muslim population, the educational institutions (elementary school as well as junior and senior high schools) under the auspices of Christian or Buddhist foundation generally have Christian students (Catholic and Protestant). These educational institutions also teach the education of Christian religion. The goal is not different from that of the national education, which is oriented to the efforts of *developing the potential of students to be human beings who have faith and devotion to the Almighty God* (Khilmi, 2018).

As the State that is based on the philosophy of *Pancasila*, the Republic of Indonesia recognizes and respects values, such as: humanity, nationality, kinship, nationalism, diversity or plurality (ethnicity, religion, race), and justice. Law No. 12 of 2011 on the Formation of Legislation emphasized these values as principles to be reflected in the materials contained in all legislations (Article 6).

The question is: "Does the Local Regulation on *Quranic* Education reflect the principles of 'humanity' (Article 6 paragraph (1) letter b of the Law on the Formation of Legislation) and of 'justice' (Article 6 paragraph (1) letter g of the Law on the Formation of Legislation)? In the explanatory section of Article 6 paragraph (1) letter b of the Law on the Formation of Legislation, it is stated that "the principle of humanity" indicate that every material contained in legislation shall reflect protection and respect for human rights and dignity of each citizen as population of Indonesia *proportionally*. Furthermore, in the explanatory section of Article 6 paragraph (1) letter g of the Law on the Formation of Legislation, it is stated that "*principle of justice*" shows that every material contained in legislation shall reflect justice *proportionately* for each citizen (Budiman, 2021).

Based on the explanation above, according to authors' opinion, the Local Regulation No. 4 of 2016 on *Quranic* Education did not contradict the provision of Article 6 (paragraph (1) letter b of the Law on the Formation of Legislation. The Law on *Quranic* Education precisely reflects the principle of humanity for the following reasons:

- a. One of the philosophical considerations that underlies the formation of the Local Regulation of South Sulawesi Province No. 4 of 2006 on *Quranic* Education is that the *Quranic* Education is part of human rights, i.e. every human being has the right over protection to develop personality, obtain education, educate himself, and improve his quality of life to be human beings who have faith and devotion to the Almighty God, responsibility, a noble character, happiness and prosperity (consideration of "*Considering*" in letter a).
- b. Muslims in South Sulawesi Province represent the majority of population, approximately 7,416,488 people or 88 percent of the total population of South Sulawesi Province (8,376,806 people), while the total non-Muslim population only represents 12 percent. In view of proportional composition of population based on religion, the Local Regulation of South Sulawesi Province No. 4 of 2006 on the *Quranic* Education not only reflects the principle of 'humanity' in accordance with the explanation of Article 6 paragraph (1) letter b of the Law on the Formation of Legislation, but also reflects the principle of 'justice' in accordance with the explanation of Article 6 paragraph (1) letter g of the Law on the Formation of Legislation, even reflects the principle of 'unity in diversity' in accordance with the explanation of Article 6 paragraph (1) letter f of the Law on the Formation of Legislation. All of these principles are in accordance with the values in *Pancasila*.



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The National Symposium with the theme “*Institutionalization of Pancasila in the Formation and Evaluation of Legislation*” held by the House of Expertise of the People’s Representative Council of the Republic of Indonesia from 30 July to 1 August 2018 in Jakarta led to conclusions on which recommendations can be proposed concerning a number of parameters to assess whether or not the material contained in the legislation reflects the values in each principle of *Pancasila*. Each principle of *Pancasila* has its own parameters as reference for assessment. Thus, legislation can be considered to reflect the principles of *Pancasila* if the following parameters are met:

1. The legislation formed reflects the Belief in the Almighty God if:
 - a. It provides protection and respect for everyone to have faith and devotion to the Almighty God in accordance with their respective religions and beliefs in a civilized manner.
 - b. It protects everyone to respect religious choices and beliefs each other as well as freedom to practice worship in accordance with their respective religions and beliefs.
 - c. It can foster a divine spirit of compassion and tolerance in both intra and interfaith life without violence and the imposition of religious beliefs on others.
 - d. It can foster and develop relationships and cooperation among adherents of different religions and beliefs so as to foster harmony in life.
 - e. It can create and promote religious morality as the foundation of public ethics by preserving integrity in cleanliness of mind, words and deeds.
2. The legislation formed reflects the Just and Civilized of Humanity if:
 - a. It recognizes the equality of status, rights, and obligation among human beings.
 - b. It upholds the values of humanity by respecting the basic human rights as individuals, citizens, and part of collectiveness.
 - c. It can develop a sense of humanity and humanist behavior towards fellow human beings and other creatures, and habit to do humanitarian activities.
 - d. It provides protection for everyone in struggling for truth and justice for the sake of human dignity.
 - e. It enhances awareness that the Indonesian nation is a part of the whole of humanity, encouraging the development of honorable attitude to respect and cooperate with other nations.
3. The legislation formed reflects the Unity of Indonesia if:
 - a. It can create everyone’s sense of having and loving the country and being willing to protect the entire nation and State of Indonesia.
 - b. It prioritizes the unity, interests and safety of the nation and State above personal and group interests.
 - c. It is able to encourage everyone to be willing to sacrifice for the sake of the nation and State.
 - d. It is able to create and foster pride as the Indonesian nation by exploring the potentials and the results of work.
 - e. It advances the spirit of mutual cooperation and cross-cultural relationship for the unity of the nation with Unity in Diversity.



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4. The legislation formed reflects the principle of Democracy that is Guided by Wisdom Resulting from Consultation/Representation if:
 - a. It can encourage and pay respect to aspirations and interests of the people in politics by continuously improving democratic systems and practices.
 - b. It guarantees everyone to respect difference in views by not imposing the will on others.
 - c. It gives space and priority for deliberation in making decisions concerning a collective life guided by wisdom and common sense in accordance with a noble conscience.
 - d. It respects good intention and a sense of responsibility in accepting and implementing the results of deliberation.
 - e. It creates a public role in a responsible manner.
5. The legislation formed reflects the Social Justice for All Indonesian People if:
 - a. It encourages business development with the spirit of mutual help.
 - b. It can create a mutually helping attitude and avoid extortion on others.
 - c. It creates economic independence and increases equitable welfare.
 - d. It prohibits economic activities which waste resources and harm public welfare.
 - e. It is able to encourage everyone to work hard and appreciate the work of others.

The Local Regulation of South Sulawesi Province No. 4 of 2006 on *Quranic* Education as one of the types and hierarchies of legislation (Article 7 paragraph (1) letter f of the Law on the Formation of Legislation and Article 236 paragraph (1) of the Law on Local Government) and as one of the legal products in local government (Article 2 letter a jo Article 3 letter a of the Regulation of the Minister of Domestic Affairs No. 80 of 2015) can also be examined on the basis of parameters generated from the recommendations of the National Symposium from 30 July to 1 August 2018. Thus, it can be ascertained that the Local Regulation on *Quranic* Education reflected the values in *Pancasila* in accordance with the parameters of each principle of *Pancasila* (Umar, 2014).

In the authors' opinion, the Local Regulation of South Sulawesi Province No. 4 of 2006 on *Quranic* Education is more concerned with the principles of the *Belief in the Almighty God* and of the *Just and Civilized Humanity*. Referring to the parameters of the first and second principles as references for examination, the content of the Local Regulation of South Sulawesi Province No. 4 of 2006 on *Quranic* Education do not deviate from the parameters of the first and second principles of *Pancasila*. In other words, the parameters in the first and second principles are actually reflected in the content of the Local Regulation of South Sulawesi Province No. 4 of 2006 on *Quranic* Education.

Conclusion

The Local Regulation of South Sulawesi Province No. 4 of 2006 on *Quranic* Education do not contradict the higher legislation, such as Law No. 12 of 2011 on the Formation of Legislation, Law No. 23 of 2014 on Local Government, Law No. 20 of 2003 on the National Education System, and the Regulation of the Minister of Domestic Affairs No. 80 of 2015 on the Legal Products of Local Government and not contradict the values in *Pancasila*, especially the principles of the *Belief in the Almighty God* and of the *Just and Civilized Humanity*. The goal of *Quranic* Education in the Local Regulation No. 4 of 2006 to



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develop the potential of students so that they can be human beings with faith and devotion to the God Almighty and good character actually reflects the values of the *Belief in Almighty God* and the *Just and Civilized Humanity*.

The goal of *Quranic Education* in the Local Regulation No. 4 of 2006 to develop the potential of students so that they can be human beings with faith and devotion to the Almighty God and noble character can lead to capital of human resources that can be expected to contribute to the development of the nation and State. The goal is seen as more valuable compared to the goal of legislation that eliminates bureaucratic obstacles in order to provide business actors, especially foreign capital owners, with opportunities to exploit natural resources.

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