



THE CONCEPT OF CIVILIZED INDONESIAN LAW: STRENGTHENING ISLAMIC SPIRITUAL VALUES IN LAW

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Abstract: This article aims to explain the concept of civility, legal problems in Indonesia that reflect uncivilization, and the idea of civilized law based on Islamic spiritual values. A secular understanding that separates law from good religious and spiritual values is an exciting background for research. This research uses a literature study method with a legal philosophy approach. Research data comes from literature and scientific works related to the research theme. The research results show that civility is related to good moral ethics by religious values. Research shows that legal problems originate from legal actors' wrong actions or moral ethics. Apart from that, the research results also explain the concept of civilized law with the principles of Islamic spiritual values, which are relevant to forming legal, moral ethics. So, it can be concluded that the concept of civilized law for Indonesia is to the current legal situation, which requires changes in the behavioral attitudes of legal actors by strengthening Islamic spiritual values. This research contributes as a behavioral guideline for policymakers and law implementers to present a more moral and ethical law based on morals and ethics (*adab*) based on spiritual values. This includes the formulation of professional ethics based on spiritual values. To present civilized legal behavior in Indonesia.

Keywords: law in Indonesia; civilized; Islamic values.

Abstrak: Artikel ini bertujuan untuk menjelaskan konsep keadaban, permasalahan hukum di Indonesia yang mencerminkan ketidakberadaban, dan konsep hukum yang beradab berdasarkan nilai-nilai spiritual Islam. Pemahaman sekuler yang memisahkan hukum dengan nilai-nilai spiritual keagamaan yang baik menjadi latar belakang yang menarik untuk diteliti. Penelitian ini menggunakan metode studi literatur dengan pendekatan filsafat hukum. Data penelitian bersumber dari literatur dan karya-karya ilmiah yang berkaitan dengan tema penelitian. Hasil penelitian menunjukkan bahwa konsep keadaban berkaitan dengan etika moral yang baik sesuai dengan nilai-nilai agama. Penelitian menunjukkan bahwa terdapat permasalahan hukum yang bersumber dari tindakan atau etika moral yang buruk

dari pelaku hukum. Selain itu, hasil penelitian juga menjelaskan konsep hukum yang beradab dengan prinsip-prinsip nilai spiritual Islam yang relevan dengan pembentukan etika moral hukum. Sehingga dapat disimpulkan bahwa konsep hukum yang berkeadaban untuk Indonesia sesuai dengan situasi hukum saat ini yang membutuhkan perubahan sikap perilaku para pelaku hukum dengan memperkuat nilai-nilai spiritual Islam. Penelitian ini memiliki kontribusi sebagai pedoman perilaku para pemangku kebijakan dan pelaksana hukum untuk menghadirkan hukum yang lebih berlandaskan moral dan etika (adab) berbasis nilai-nilai spiritual. Termasuk dalam membuat rumus etika profesi yang berlandaskan nilai-nilai spiritual. Sehingga menghadirkan perilaku hukum yang beradab di Indonesia.

Kata kunci: hukum di Indonesia; beradab; nilai-nilai Islam.



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INTRODUCTION

In today's modern life, one of the things that dominates and is the most essential element in life is the role of rational logic. Humans with the knowledge produced by reason are forced to be able to fulfill various kinds of life demands. In all areas of life, it is based on the ability to think logically and rationally,¹ Including, in this case, the science of law. This can be felt from the structured and formal way the law works and the legal aim of achieving certainty. Law in such circumstances is a political product with certain conditions and objectives used as guidelines in determining the authorities' policies. Law enforcement officers tend to work based on laws written in statutory regulations, so the law is only a tool to achieve specific goals that are legalized by positive state law.

Law and spiritual life are separated by the strong influence of the interests of life in the materialistic world. The secular ideology adopted by greedy humans has eliminated human nature as creatures created by God who are full of compassion. Humans often replace God's role with their logical reasoning ability in determining things. It is as if the truth produced by logical reasoning is correct and must be the primary benchmark.² By secularists, humans are said to be the most intelligent creatures and can determine what is suitable for themselves. So, it is not surprising that the law in practice is also made in such a way as to fulfill its interests, which are considered logically correct. Various ideas are considered valid and must be upheld. This creates a gap between the law that is practiced and the law that is perceived.

¹ Thomas B. Nachbar, "The Rationality of Rational Basis Review," *Virginia Law Review*, 102 no. 7 (2016): 1627.

² Lukman Santoso, "Towards Religiosity-Based Legal Science: Critical-Constructive Prophetic Law on Positivism Paradigm," *Prophetic Law Review* 2, no. 2 (December 31, 2020): 221-42, <https://doi.org/10.20885/PLR.vol2.iss2.art6>.

Like the expression, the law is beautiful in writing but wrong in reality. Bad legal conditions reflect the bad legal morals of the implementers. The problem of poor legal morals still occurs frequently in law enforcement in Indonesia.³

The law tends to legalize interests to achieve specific goals, such as issues in the Corruption Eradication Commission Law and the Job Creation Law, which have generated public controversy because they are considered capable of causing societal injustice. In Indonesia, many problematic laws are based on specific bad interests. Unwise laws like this result from conflicts often occurring when the influence of interests forces their way in by any means. So that the law has been regulated and controlled by interests using systemized logic in formal procedural rules, logic in all its ways will regulate the law according to what is desired, as if the law is a tool to satisfy the desires of people who want it. When the law is only used as a tool, it can be used however the parties wish to achieve their goals.

Law understood as statutory regulations, does not question whether the substance is fair or not, good or bad, contrary to morals, ethics, or religion. Such an understanding makes the law see the problem only in black and white as in the text of the law, even though the issues in society are too big to be included in the articles of legislation.

Sample case: The Public Prosecutor accused Tukirin (62 years) Nganjuk farmer of stealing PT BISI's corn seed patent. Tukirin was charged with stealing the mother's seed, but since it was conclusively explained that the seeds were purchased from a shop, the question turned to how to grow corn. At trial in court, the judge stated that imitating the planting method was not legally permissible. Ultimately, Tukirin was found guilty, sentenced to 1 year probation not to plant corn, and fined Rp. 200,000. If he commits a violation within that time, he can be imprisoned for 6 months.⁴

Legal deviations systematized in Indonesian legal practice must be addressed immediately. It's time we get this law back on track. Legal deviations systematized in Indonesian legal practice must be addressed immediately. A solid legal character that touches the essence of the law is the choice of a new paradigm in perfecting the law. It is not just a political product full of formal requirements; the law must be the basis for guiding life to achieve safety and prosperity by God's will. The law must have the courage to let go of all the interests that burden it. Law is understood not only for the interests of the world but also for the interests of the afterlife or religion. If the law is like that, then it can be said to contribute to providing balance. This is important to see from the role of law in strengthening the character and values of human life.

³ Ria Anggraeni Utami, "Hukum Dan Moral Dalam Kasus-Kasus Hukum Di Indonesia," *Al-Imarah: Jurnal Pemerintahan dan Politik Islam*, 7 no.2(2022): 199.

⁴ Yogi Prasetyo, "The Urgency Of Sociolegal Analysis Studies To See The AuthenticityOf Law In Indonesia," *Justicia Islamica Jurnal Kajian Hukum dan Sosial* 16 no.2 (2019): 291.

Returning the law to its proper path is the paradigm of legal civilization because the current law has deviated from the actual route. Understand the law entirely and in balance for material and immaterial interests, the interests of the world, and the hereafter in a balanced manner. It all depends on humans to determine the direction. Incorporating the divine dimension into law is a noble and high value so that the good of the world and the good of the afterlife are obtained. Civilized law has been purified from elements of evil human interests. Civilized law relativizes all perceptions of laws made by humans. Civilized law is one in which all parties accept religious and spiritual values.

The spiritual values of Islam as a civilization for achieving a good life have become part of Indonesian society's socio-cultural and religious life. These Islamic values have become a civilized attitude for every Muslim, so civility is a fundamental principle unique to Islam. It contains rules or legal norms that regulate how humans must behave and act in life to receive goodness from God. Civilized law is in line with Islamic values as a way of controlling human life, and it is used as a guideline in carrying out activities in all fields. This shows good civilization. Islamic values are essential for building civilized law to achieve its goals by God's ways, not the interests of a particular person or group. Civilized law is a strengthening of law that contains Islamic values to regulate human life better, and it is a basic need to implement it because all humanity can accept the universal goodness contained in it.

Perhaps there has been a lot of research on legal issues in Indonesia written by legal observers. However, most of the existing legal research is more in the field of applicable positive law or national law. Indeed, the law that is used and generally recognized nationally in Indonesia is national law. Many critical studies and analyses may be aimed at the positive legal system from a linear point of view, such as weak legislative regulations, poor law enforcement, and the many practices of the legal mafia, which manipulate the law for their interests. From a different perspective, this legal article study emphasizes the relationship between law and religion in all aspects that integrate law with religious values. This research uses elements of Islamic values to analyze and explain various problems and solutions regarding existing positive law. Legal experts have not widely researched the spiritual dimension in national law, so this research precisely differentiates it from research on legal issues in general. The essence of the theme of civilized law in this article is a law that has the dimensions of Islamic values. The law not only understands the law in a secular way but also the law related to the position of humans as God's creatures with a high degree of nobility who can lead humans to goodness in this world and the hereafter.

The method used in this research article is a literature study.⁵ Legal philosophy is a research approach that supports a deeper understanding of the problems studied.⁶ By studying literacy and philosophy, you will obtain a deeper and more comprehensive understanding of the law. Library materials are the primary material used in the formation of research consisting of scientific works related to the central research theme. Descriptive analysis was carried out in this research to explain the problems being studied.⁷

CONCEPT OF CIVILIZATION

Civilization in Indonesia is almost the same as in Arabic, namely a high level of intelligence, inner and outer intelligence, and goodness of human character. The term civilized was first used in the second principle of Pancasila, which historically comes from the Islamic language. This can be traced to the founders of the nation who formulated Pancasila, who at that time were predominantly Muslim. Several terms also refer to the meaning of civilized in Arabic, such as *hadarah*, *tsaqafah*, *umran*, and so on. Still, the primary civilized term by Islamic law is *tamaddun*, which, if traced, comes from the word *din*, which means Islam. Therefore, what is civilized is Islam itself because Islam is a religion of law, namely a religion whose contents regulate all human life so that it is safe and receives goodness from Allah.⁸

Civilized means inner and outer intelligence following Imam al-Ghazali's thoughts about the knowledge that exists in humans, which is divided into two, namely: External knowledge is the knowledge that involves the human body (including the five senses and mind), and inner knowledge is the knowledge that is invisible and related to the human heart.⁹ Being civilized also means recognition and recognition of the essence that knowledge and existence are hierarchically arranged according to various levels, degrees, and places of a person about that essence, as well as to a person's physical, intellectual, and spiritual potential capacities. Civilized means related to inner and outer intelligence, which is reflected in Allah's command to humans to use all the potential of their reasoning abilities well, as mentioned in the Al-Quran, Surah An-Nahl verse 78, which means "Allah brought you out of your mother's womb in an unhealthy condition. know anything He has made for you hearing, sight, and conscience so that you may be thankful." This

⁵ Soetandyo Wignjosoebroto, *Hukum: Paradigma, Metode dan Masalah* (Jakarta: ELSAM & HUMA, 2002): 27

⁶ Busyro Muqoddas, *Nilai dan Berbagai Aspek dalam Hukum Suatu Pengantar Studi Filsafat Hukum* (Jakarta: Bhratara Niaga Media, 2000): 47

⁷ Yogi Prasetyo, "Legal Truth (Menakar Kebenaran Hukum)," *Jurnal Legal Standing*, 1 (1) (2017): 58

⁸ Hamid Fahmy, "Tamaddun Sebagai Konsep Peradaban Islam." *Jurnal Tsaqofah* 11(1) (2015): 2.

⁹ Imam Al-Ghazali, *Ihya' Ulumiddin*. Diterjemahkan oleh Moh. Zuhri. (Semarang: Asy Syifa, 2003).

means that God gives humans reason, sight, reason, and conscience to be used as a guide in understanding a better life. Adab has many meanings, all based on the goodness of humans according to God's ways.¹⁰

Allah created humans in a civilized state with the best of nature's creation since the beginning of creation, as explained in the Al-Qur'an Surah Ar-Rum verse 30 and the Al-Quran Surah At-Tin verse 4. Do good, good, proper, and avoid what is wrong, ugly, and inappropriate.¹¹ So, the term civilized in Islam can also be understood as a form of law used as a guide to life. The culmination is that humans become creatures of God capable of building significant civilizations. Civilization in Islam is a combination of worshipping Allah and living in a society in a system of life regulated by positive state law, which is integrated into a trilogy (faith, science, and charity). As mentioned above, a knowledgeable human will always have faith in himself, so faith will guide humans to do good deeds in all aspects of life and have a life system that can develop themselves. In this perspective, human obedience is a form of internal law enforcement.¹²

If placed in civilized terminology, civilized law is an inseparable unity because Islam has brought a concept of civilized life that is essentially integrated within humans since its presence. Civilization, according to Islam, is based on religion, which originates from Allah's revelation, meaning that Islam and civilization are a complete and comprehensive unity that humans carry out in life. Civilization in Islam brings a system that protects the happiness of individuals and society, so it is not surprising that all humankind can accept civilized principles. Thus, civilization in Islam becomes apparent in its meaning, concept, characteristics, and contribution to human development. Civilized is a term used to describe the goodness of human life. In Islam, civilized means to denote an era of glory so that the order of life and progress achieved by its people becomes the center of world attention. One of the characteristics of a civilized human is a person who obeys the law because rules must be obeyed in all dimensions of human life.¹³

Civilized understanding must think ahead in all activities by building on the principles of life, both *habluminallah* (relationship with God) and *habluminannas*

¹⁰ Ro'fat Hizmatul Himmah, "Adab Sebagai Aktualisasi Ilmu Dalam Perspektif Islam," *Jurnal Darussalam; Jurnal Pendidikan, Komunikasi dan Pemikiran Hukum Islam*, 16 no.2 (2023): 60.

¹¹ Flavius Andries Florris, "Identitas Jamaah Ahmadiyah Indonesia Dalam Konteks Multikultur," *Jurnal Humaniora UGM* 26 no.2 (2014): 124.

¹² Gustia Tahir, "Sinergitas Ilmu dan Adab Dalam Perspektif Islam," *Jurnal Adabiyah*, 15 no.1 (2015): 18-19.

¹³ Leddy Humaira Sakova, "Adab dan Ilmu dalam Pandangan Islam: Studi Takhrij dan Syarah Hadis," *Gunung Djati Conference Series*, 8 (2022): 567.

(relationship with humans), in harmony, as stated in the al-Qur'an al-Imran verse 112, especially in efforts to achieve life goals. Building a faithful human civilization must always be at the forefront. You must have the courage to side with goodness and eliminate things that can damage legal justice. Civilized humans must simultaneously have superior abilities, be Islamic, have faith, and be devout, knowledgeable, and charitable to achieve their life goals. Like understanding civilized life, the Islamic perspective must be willing to change one's destiny, as stated in the Al-Quran Surah Ar-Ra'd verse 11, and pay attention to a better future, as stated in the Al-Quran Surah Al-Hashr verse 18 because all guidelines relating to the order of human life have essentially been explained in full in the Qur'an, including ideas about civilized life.¹⁴

The definition of civilized, if taken from other terms, can also be understood as the knowledge of beautiful things that prevent humans from making mistakes. The word civilized goodness has a comprehensive meaning and can be applied in all areas of life because this word can show humans as humans. In this sense, all human actions are always oriented towards good things and avoiding bad things or at least not making mistakes in life. Civilization is every effort humans make to improve their living conditions, both in material and immaterial form. Effort is a process in human life to achieve the desired goals so that in civility in this context, we will always move forward, leaving behind all the bad things that have been done. They understand life integrally from a broad perspective as a prototype of a civilized human being because the ongoing development of the times requires wise human abilities to follow them but still have value principles that are the leading guide. By being civilized, humans will become noble before humans and their God.¹⁵

Certain understandings that require a unique perspective on a problem are no longer appropriate to developments in increasingly complex times, as stated by Mark Chinen.¹⁶ Science relating to humans and their lives has a relatively high level of development, so the complexity that arises will undoubtedly be increasingly varied. Therefore, it is necessary to play the role of all existing knowledge bases together to act wisely in understanding all problems that arise, including the law. This is like the development of science, which is thought to show a desire towards

¹⁴ Nur Hidayatun, "Penerapan Adab-Adab Akhlak Pada Zaman Rasulullah," *Journal of Creative Student Research (JCSR)*, 1 no.2 (2023): 37-38.

¹⁵ Hanafi, "Urgensi Pendidikan Adab Dalam Islam," *Saintifika Islamica: Jurnal Kajian Keislaman*, 104 no.1 (2017): 62

¹⁶ Chinen Mark, "Complexity Theory and the Horizontal and Vertical Dimensions of State Responsibility," *The European Journal of International Law* 25 no.3 (2014): 703.

postmodernism, which places greater emphasis on strengthening the transcendent dimension and spirituality as a form of rejection of modern science based on rationality.¹⁷ The erroneous view of modernists, which emphasizes the nature of specialization, can reduce and narrow the value of truth, making it prone to conflict.¹⁸ Civilized law must respond wisely to the direction of scientific development, considering all existing considerations to produce comprehensive law.

The ultimate truth, as the highest form of truth achieved through civilized human understanding, is the highest intelligence of the inner and outer human being as stated in the explanation of the Al-Qur'an, Surah Al-An'am verse 155; "And this is the Al-Quran that We have sent down full of blessings. Follow and fear Allah so that you may receive mercy." The Al-Qur'an contains God's instructions for humans to always live a good and correct life, especially in this case. It includes a command for humans to use all the potential resources they have in developing epistemology to explore and obtain actual knowledge to discover God's truth. Humans with the highest attainment of epistemological reasoning efforts to get the ultimate truth that originates from God will receive protection and a place that originates from God, as explained in the Al-Qur'an surah Al-An'am verse 127; "For them (provided) a place of peace (heaven) next to their Lord. And He is their protector because of the good deeds they do." Good manners will be the cause of someone getting a high degree.¹⁹

CIVILIZED AS LEGAL THOUGHT FROM AN ISLAMIC PERSPECTIVE

Since reform began, legal developments in Indonesia have experienced significant changes. Law in Indonesia is indirectly influenced by the nature of democracy, which is misunderstood as excessive freedom. The nuances of democratic life in Indonesia have various impacts. At the beginning of the reform, there was complete confidence that the reform could improve, but the results were not significantly different. It's like this nation is walking in place, meaning there is movement, but it doesn't have a significant or destructive impact. The democratic transition period is a classic reason to excuse bad conditions. The spirit of change that was previously voiced loudly has now become history. The damage during this

¹⁷ Brennan Patrick Mckinley, "The Liberty Of The Church: Source, Scope And Scandal," *Journal Contemp Legal Issues* 21 (2013): 189.

¹⁸ C. Lund Christopher, "Religion Is Special Enough," *Virginia Law Review* 103 (2017): 523.

¹⁹ Syarifah Habibah, "Akhlaq Dan Etika Dalam Islam," *Jurnal Pesona Dasar*, 1 no.4 (2015): 77.

regime was more comprehensive and systematic, reaching all levels of society. Democracy is defined as the freedom to achieve interests that are legalized by legal instruments. Law in Indonesia seems to be used by interested parties to fulfill specific interests. So, it is said that Indonesia's legal system is the worst in the world.²⁰

The emergence of various state policies, which are felt to deviate from the proper nature of law, proves that law in Indonesia is used as a tool to legalize interests. Legislation, which is a form of formal law in Indonesia, is nothing other than the political product of people's representatives. However, they are not sensitive to people's aspirations because they prioritize purely power-political interests. So, the result is a law deemed unable to provide justice and prosperity for many people. Various legal violations due to inadequate laws and regulations occur everywhere. It can be said that the law in Indonesia no longer looks at the good or bad of a case at hand; it has been distorted by only looking at the right or wrong of a case. Understanding of the law can vary according to existing interests. In conditions like this, conflict cannot be avoided. Each party will stand according to the interests surrounding it. Legal conflicts often occur in people's lives due to the influence of particular interests. So, it can be said that law enforcement in Indonesia is still far from what the public expects.²¹

Professionals who are the main demands of work and modern life have succeeded in establishing rational logic as the basis of epistemology. This is also included in the legal field so that the resulting legal truth will be accurate or false, meaning it is true if it is by statutory regulations and false if it conflicts with them.²² The modern law enforcement system carried out by judicial institutions so far can be said to be more complicated, giving rise to legal uncertainty. This is due to the many elements outside the law that enter and influence a legal decision. Therefore, a more straightforward and complex assessment method is needed so that the law does not lose its legitimacy when making decisions.²³ If so, mechanical engineering or computer systems can even automatically assess the rightness or wrongness of legal issues presented to them because the way of reasoning designed in a

²⁰ John Kenedi, "Kritik Terhadap Politik Penguasa Dalam Kebijakan Penegakan Hukum Pidana," *Jurnal Manhaj*, 4 no.1 (2016): 14.

²¹ Nindya Putri Edytya, "Kenyataan Penegakan Hukum di Indonesia dalam Perspektif Hukum dan Pembangunan: Hukum Harus Ditaati atau Ditakuti?," *Jurnal Lex Scientia Law Review*, 3 no.2 (2019): 184.

²² Islamiyati, "Kritik Filsafat Hukum Positivisme Sebagai Upaya Mewujudkan Hukum Yang Berkeadilan," *Law & Justice Journal*, 1 no.1 (1018): 84.

²³ J. Casey Anthony, "A Simple Theory Of Complex Valuation.," *Michigan Law Review* 113 (2015): 1175.

positivistic logic system can be applied to machines that have been designed and programmed.

There is something ironic about Indonesia as a country in the Eastern Hemisphere where people's lives are synonymous with culture and religion. Still, life in the legal sector lacks local wisdom, values, and spirituality. The law only looks beautiful in theory and wishful thinking, but in practice, it has not been able to overcome the injustice felt by society properly. The law can only achieve formal justice in statutory regulations but has not been able to achieve actual substantive justice.²⁴ A secular perspective that separates law from other areas of life is a severe problem in law enforcement in Indonesia. This legal situation is further exacerbated by the fact that what makes the law worse in Indonesia are people who have higher educational backgrounds and hold positions in state institutions. This means that the person who should know the law is the person who breaks it. Unclear legal dialectics due to conflicts of interest can pull the law here and there so that it drifts in the sea of interests of the parties who use it. This cannot be separated from the influence of democratic freedom, which is misunderstood by many parties interested in playing the law. All means to manipulate the law are carried out to achieve specific goals.

In essence, what happens in legal matters in Indonesia is the fault of humans themselves. Law is an inanimate object that cannot move without human effort to move it. Laws are often bent for specific purposes. For example, the Constitutional Court's decision regarding the minimum age limit for presidential and vice presidential candidates is considered to be correct in formal law but wrong if the legal substance of the decision is assessed because it was made by a judge who clearly stated that he had committed a serious ethical violation. The ethical violations committed by the chief judge of the Constitutional Court, Anwar Usman, were proven, and he was sanctioned with dismissal as chairman of the Constitutional Court, showing the wrong law in this country. The impact of this legal error will last a long time and become a lousy history that adds to legal problems in this country.

Moreover, this attitude is carried out by the ruling elite for its interests. They use the law as a tool to achieve their goals. Weaknesses in the legal system in force in this country are exploited to seek evil methods that do not demonstrate a civilized life.

²⁴ Asep Bambang Hermanto, "Ajaran Positivisme Hukum Di Indonesia: Kritik dan Alternatif Solusinya," *Jurnal Selisik*, 2 no.4 (2016): 108.

Suppose this is seen from the perspective of legal critical thinking as put forward by Paul Scholten. In that case, legal positivism in the form of statutory regulations should not be understood rigidly or formally. According to Scholten, the law must consider other aspects that can influence it.²⁵

The dark side that makes law in Indonesia far from the principles of civility is the dichotomy of law as a mere device that regulates world affairs and separates itself from affairs of the afterlife. In law, it is only a matter that occurs in the real world, so the spiritual dimension is considered unrelated and can be separated from the law. This can be seen from the goal, which is limited to providing physical punishment in imprisonment. The most essential thing about law is that it cannot conflict with religion. Each has a universal relationship that is recognized and generally accepted. As a simple example, it can be seen that no religion teaches its followers to do evil. The spiritual aspect of religion in formal legal conditions is only used as a procedural requirement. In essence, it does not reflect religious values in a person's life, even though Indonesia is known as a spiritual country.

CIVILIZED INDONESIAN LAW

From the explanation above, civilized law means reconstructing a more meaningful social, national, and state life order towards a better Indonesia by transforming the religious values integrated into Indonesian people's lives. So that law can function as the primary source of values that inspire, motivate, and create humanization, emancipation, liberation, and transcendence in building a national civilization that gives birth to main personality traits. Civilized law contains the meaning of a process and, simultaneously, an ideal goal to achieve a superior state for the nation's society, to be at the forefront in all areas of material and spiritual life, physical and mental, physical and mental. Civilization means survival and continuous progress as a constant effort to make changes in a better direction. This is not without reason because the legal situation needs serious handling. Apart from the aim of law to achieve justice, it can also build a civilized order of life in a more extensive scope.²⁶

Law from a civilized perspective has the main objective, namely trying to solve the problem of which legal regulations should be used as law in life. So, the law in other contexts can also be understood as government policy that prioritizes the

²⁵ E. Fernando M. Manullang, "Kritik Terhadap Struktur Ilmu Hukum Menurut Paul Scholten," *Jurnal Hukum & Pembangunan* 49 no. 1 (2019): 45.

²⁶ Melisa, "Kedudukan Hukum Dalam Mewujudkan Keadilan dan Kesejahteraan di Indonesia," *Al-Manhaj: Jurnal Hukum dan Pranata Sosial Islam*, 5 no.1 (2023): 234.

common interests of society. In this case, law includes law formation, law enforcement, and law enforcement. The word policy above relates to the existence of a systematic, detailed, and basic legal strategy. In formulating and enacting laws that have been and will be implemented, legal politics transfers legislative authority to the authorities while still having to pay attention to the values that apply in people's lives, all of which are directed at achieving the desired goals. The legal principles in question are, of course, contained in the values of socio-cultural and religious life. This is a principle of the actual values of legal philosophy in Indonesia.²⁷ Moreover, Indonesian people are used to acculturating cultural life and Islam. So basically, the spiritual dimension of Islam has become an essential part of the lives of Indonesian people.

This principle of civilized law is inspired by the understanding that humans are directed to become the best by following the path determined by God so that they do not go astray in taking the path of goodness. So, for this reason, humans must rely on everything only on Allah as the absolute owner. The term *nazariyat* is a view of life that starts from the concept of God's oneness, which has implications for all human activities. The shahada in Islam is considered a theological statement with spiritual and moral implications that encourage people who proclaim it to have integrity. The role of morals in civilized law is vital because it emphasizes the good qualities of human behavior.²⁸ The Islamic worldview is the main factor in humans, the driving force and foundation for all activities of human life, including law. With this basis, humans have a solid foundation in every business activity to achieve their goals. Law without a spiritual, moral dimension will feel dry and less meaningful, so the law cannot achieve high civility. Thomas Aquinas pioneered the religious and spiritual dimension in law.²⁹

In a broader context, the law is a fundamental policy in the field of regulations that will, is, and has been in force, and it originates from the values that apply in people's lives to achieve the desired state goals. This is because legal experts interpret law as an activity of choosing the methods that will be used to achieve a social goal and also as a particular project in society. So, that law is the basis for policy that determines the direction, form, and content of laws that will be formed

²⁷ Syahrul Kirom dan Akhmad Nadirin, "Penerapan Keadilan Hukum di Indonesia Dalam Perspektif Filsafat Hukum," *Mahkamah: Jurnal Kajian Hukum Islam*, 8 no.2 (2023): 180.

²⁸ Iin Ratna Sumirat, "Penegakan Hukum Dan Keadilan Dalam Bingkai Moralitas," *Al-Qisthas*, 11 (2) (2020): 85.

²⁹ Bahder Johan Nasution, "Kajian Filosofis Tentang Konsep Keadilan Dari Pemikiran Klasik Sampai Pemikiran Modern," *Jurnal Yustisia*, 3 no.2 (2014): 122.

by the values of a good life, which are indirectly written in existing religious teachings. This integral principle in life can guide the formulation of civilized laws for the Indonesian nation. Civilized law is a form of legal perspective that emphasizes the position of humans as creatures who have the highest degree before God. So, it is a form of appreciation for the laws humans use to regulate their lives, namely by forming good laws that uphold human existence as subjects whose lives must be protected. Civilized law is a law in which there are religious values and always pays attention to the existence of God in every implementation.³⁰

Civilized law must be able to combine the norms that exist in society with the values of religious teachings. This community believes that Indonesia can achieve the goals of a developed, just, prosperous, dignified, and sovereign country, as stated in Pancasila and the 1945 Constitution. The founding figures of this nation have believed in Indonesia's progress with civilized legal principles, as noted by several member figures. BPUPKI; Ki Bagus Hadi Kusumo, Soekarno, Hatta, M. Natsir, Soepomo and others. They prioritize developing civilized character to become superior because being civilized is superior in all aspects of physical and spiritual development, forming a complete human being to be used as a basis for building a nation. Civilization is also a state of humans with superior intelligence and physical and mental abilities to maximize humans' potential to improve. Civilized law must be supported by good moral and ethical attitudes from the law's perpetrators because humans determine the law's direction and purpose.³¹

Achieving civilized law requires enthusiasm, thinking, behavior, future orientation, material and spiritual balance, and excellence in various fields. From a civilized legal perspective, the principle of life embodies benefit and grace supported by intelligent humans with noble morals. With participation, creativity, and innovation based on religious morals and the nation's noble culture. This can be done by upholding the norms that exist in society, which prioritize good attitudes originating from religious norms, decency, manners, and law. Civilized laws such as Islam build major civilizations by perfecting morality. Islam has advanced and superior civilized religion for five or six centuries. By progressing, Muslims can become a *khayra ummah*, as stated in the Al-Quran Surah Ali-Imran verse 110, and become an *ummatan wasatha* and *martyr ala-nas*, as stated in the al-Quran Surah al-Baqarah verse 143 so that the *ummah* has civilized qualities . to achieve *rahmatan*

³⁰ Nurlaila Harun, Keadilan Dalam Perspektif Hukum Islam, *I'tisham: Journal of Islamic Law and Economics*, 1 no.2 (2021): 160.

³¹ Aturkian Laia dan Purwanto, "Kebenaran Dan Keadilan Hukum," *Jurnal Panah Keadilan*, 2 no.1 (2018): 4.

lil-alamin. To achieve their life goals, humans must have the main characteristics and characteristics, namely excellence in thinking, good morals, spiritual balance, knowledge, skills, wah, and role models, or can be abbreviated as civilized humans. These humans are knowledgeable and technological, social, cultural, and religious.³² Civilized law is the same as law that prioritizes good morals in its implementation. And good morals will be possessed by someone who always remembers God.³³

In several alternative thinking options in the legal field, a civilized legal understanding is needed to build a better understanding of the law. The principle of a unified system of legal knowledge in legal practice is almost the same as Milson C. Yu's view regarding the concept of a holistic approach to overcoming problems in the field of financial law.³⁴ A comprehensive perspective by paying attention to all existing aspects is the same understanding as civilized law in integrating all existing interests while maintaining the priority of benefit by religious values. The ability to accommodate all existing elements is indeed a tough challenge in the legal field. However, all differences must be packaged in a dynamic container to obtain complete results, just like civilized law, which also pays attention to various aspects, not only for the good of this world but also for the good of the afterlife.

From an Islamic perspective, civilized law is an understanding of religious values. Existing legal instruments are used to unify Islamic social ethics.³⁵ Muslims worldwide can unite based on the values contained in the Al-Quran. There is also a diversity of understanding of Islamic law among Muslims, so there is increasing tolerance towards differences in legal knowledge and practice due to existing differences. However, the values that are the main principles forming legal ethics remain the same. Muslims obey Allah, His Messenger, and uphold the ulama, which developed Islam because of the same ethical values, not because of their existing differences. Ethics, as a form of a person's good or bad values, are reflected in their attitudes and behavior and are moral. And good morals are essential to form good laws.³⁶ Civilized law will only be possible with good morals from the perpetrators.

Good legal development in Indonesia can be achieved with civilized legal thinking through transforming religious values into positive law that can be applied,

³² Yogi Prasetyo, "Religion-Based Integral Education (Effort in Solving Misunderstanding In Law-Governed Country).," *International Conference on Education Muhammadiyah Ponorogo University*, 2016, 106.

³³ Siti Lailatul Qodariyah, "Ahlak Dalam Perspektif Alquran," *Jurnal al-Fath*, 11 no.2 (2017): 151-152.

³⁴ C. Yu Milson, "Libor Integrity and Holistic Domestic Enforcement," *Cornell Law Review* 98 (2013): 1316.

³⁵ Hadi Abdul, "Pengaruh Hukum Islam Dalam Pengembangan Hukum Di Indonesia." *Jurnal Nurani* 15 no.2 (2015): 89.

³⁶ Renaldi Faturachman, "Dimensi Moralitas Terhadap Hukum," *IBLAM Law Review*, 2 no.3 (2022): 1.

as explained in the al-Qur'an regarding God's command to humans always to use their potential wisely to reach the highest level, highest-born intelligence. Civilized law can only be realized with good morals because morals are a combination of the abilities of sensory reasoning, logical reasoning, and conscience reasoning to achieve good knowledge so that the unity of knowledge shows human perfection, which in the next and most crucial stage can be used to gain God's ultimate truth. Therefore, to build a spiritual life in humans, having a good relationship with God, who is free without interference, is essential as a human right.³⁷ This connection between religion and law cannot be felt at this time. Meanwhile, the spiritual dimension cannot be left behind in the development of law to regulate human life better.

An understanding of civilized law, if we look further into the future, is part of a form of reform in the legal field as an effort to overcome current legal problems. This aligns with Robert W. Gordon's opinion on understanding law radically, and several leaps are needed to carry out abstraction, definition, theorization, and legal methodology to achieve the future.³⁸ The limitations of systems and perspectives that often prevent legal experts from making legal breakthroughs should be overthrown with comprehensive thoughts while still adhering to the values of a good, noble life as determined by God. The ongoing dynamics of human life must be understood as a process that must be traversed by building a better legal system from time to time. Good laws must follow the times so that the law can protect human life in various situations and conditions.

Reform in the legal sector in the form of a civilized understanding of the law is a form of legal innovation needed to support the realization of an excellent legal life amidst existing diversity. This understanding of law, as stated by Andrew Tutt, is about law, which is expected to be able to adapt to developments in the era where problems are increasingly complex.³⁹ Civilized legal thinking is also based on what Hanoch Dagan stated regarding the nature of legal theory.⁴⁰ According to him, legal theory functions as a source of criticism, a bridge between opposing legal positions, and the most challenging task of legal theory is to adequately accommodate the insights of legal analysis as the result of thought, which becomes a theoretical framework that can be applied to solve problems. Legal problems can be solved by

³⁷ Cecile, "Dworkin's Freedom Of Religion Without God," *Boston University Law Review* 94 (2014): 1262.

³⁸ Robert W. Gordon, "Some Final Observations on Legal Intellectual History," *Buffalo Law Review* 64 (2016): 215.

³⁹ Tutt Andrew, "A Fragment on Legal Innovation.," *Buffalo Law Review* 62 (2014): 1001.

⁴⁰ Dagan Hanoch, "The Character of Legal Theory," *Cornell Law Review* 96 (2011): 671.

relying on an understanding of legal reasoning that is strong enough to solve the issues faced.

CONCLUSION

Civilized law is an essential solution to current legal problems. The legal situation can be said to be less than good because the evil actions of legal actors result in a substantial loss of the sense of justice. Secular laws are dry of religious values and only oriented towards world interests. Therefore, the law must be returned to a good condition with a civilized legal concept. Civilized law is based on good religious values that serve as guidelines and strongly influence people's lives. Civilized law is more about transforming religious and spiritual values in implementing law so that the religious dimension becomes an integral part of the law. Civilized law builds better moral and ethical character attitudes of law actors so that the law can improve, too. Because law is greatly influenced by the quality of legal actors

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