

## Religion and the Country in the Perspective of Pancasila

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### Abstract

*This article discusses religion and the country from the perspective of Pancasila. Religion and state law are often contested in the public sphere. Through a qualitative approach, using the normative juridical method accompanied by a descriptive analysis will formulate the relationship between religion and the country from the perspective of Pancasila. The results of the study found that the country, in the name of the constitution, manages the relationship between religion and belief in presenting legal pluralism in living a harmonious political life.*

### Keywords

Religion; country; law; pancasila



### I. Introduction

The UUD 1945 Constitution does not separate the relationship between religion and the State and this can be seen in the first precepts of Pancasila and Chapter XI of the UUD 1945 Constitution which is entitled religion. The relationship between state and religion as described above often becomes “complicated”. Religion is often used to contradict the government or the government is often used as a force to suppress religion. The relationship between religion and the country according to the Pancasila perspective cannot be separated from the ideas of the founding fathers of the Indonesian nation. Broadly speaking, Pancasila has been present in the relationship between religion and the State and always brings comfort to the nation and state can be understood in the first precept which reads “Ketuhanan yang maha esa” or “God is one and only God” therefore the relationship between Religion and the State in Indonesia has been clarified in several articles. in the UUD Constitution, namely: Pasal 28E UUD : “Setiap orang bebas memeluk agama dan beribadat menurut agamanya ” or “Everyone is free to embrace religion and worship according to his religion” and Pasal 29 ayat (1) UUD bahwa “Negara berdasar atas Ketuhanan Yang Maha Esa” dan Pasal 29 ayat (2) UUD bahwa “Negara menjamin kemerdekaan tiap-tiap penduduk untuk memeluk agamanya masing-masing dan untuk beribadat menurut agamanya dan kepercayaannya itu” Or “The state guarantees the freedom of every resident to embrace his own religion and to worship according to his religion and belief.”

Often there is tension and conflict in the relationship between religion and the state when there is no symbiotic-mutualistic relationship (checks and balances). Often in practice, the values of Pancasila are not implemented in the life of society or the state. Harmony between religious communities is disturbed because of differences in the basic principles of several existing religions. In such a relationship, for example, when the state does not give freedom to its citizens to worship according to their respective religions, or vice versa religion considers the state to be closed to religious values so that the state order runs contrary to religious values. Under the pretext of religious teachings, there is a tendency for religion to try to influence state instruments without paying attention to the principles of democracy or the state to repress its citizens without paying attention to

religious teachings related to justice and equality before God. The emergence of issues regarding the majority and minorities, regional autonomy and regions that apply religious law in regional regulations or PERDA causes imbalance and injustice for some parties who do not adhere to the religion as part of the Regional Regulation. Organization must have a goal to be achieved by the organizational members (Niati et al., 2021). The success of leadership is partly determined by the ability of leaders to develop their organizational culture. (Arif, 2019).

This paper explains the relationship between religion and the state so that it will no longer experience friction, conflict and tension both in terms of subjects and objects of the organizers of religion and the state, because the founding father himself in establishing this great nation always cooperates with both religious and nationalist groups so as to strengthen Indonesia's position as a safe and prosperous country. Basically, the State has provided a middle way in the formation of national law today so that there is no need for religious conflicts that can disrupt national integrity, this can be seen from the State itself providing a middle way in determining the existing law in Indonesia. We can see from the provinces that apply Islamic law widely, Aceh, Gorontalo, Tangerang and so on. If you look at the existing regional regulations, they do not conflict with the constitution and have a private legal area. All of that took place and should be able to accommodate the private needs of every citizen without violating the constitution in force in Indonesia.

## **II. Research Method**

The method of this study uses Martin Heidegger's hermeneutic approach which has an interpretation theory that links the interpreter with his existence, so that understanding is a dialectical process of expressing the meaning of language.

## **III. Result and Discussion**

Friedrich Schleiermacher asserted that religion cannot be traced from rational knowledge or moral action, but religion stems from a feeling of absolute dependence on the infinite (Feeling of absolute dependence), consisting of various ethnic groups, customs, regional languages, and others, various religions. The next discussion is about Pancasila. Pancasila as the basis of the state and the national ideology of the Indonesian state has a logical consequence to accept and make the values of Pancasila the main reference for the regulation of state administration. Therefore, Pancasila becomes a kind of ethical behavior of state administrators and the Indonesian people to be in line with the normative values of Pancasila itself.

Another challenge is that secularism is the next term which becomes another view of how the terms secular, secularism and secular state will be discussed in the relationship between religion and the state in the perspective of Pancasila. Secularism is an understanding that wants to separate or neutralize all areas of life such as politics and the state, economics, and law. The next term is secular; Secular are adjectives that indicate a situation that separates worldly life from the influence of religion or supernatural things so that there is a dichotomy between profane life and sacred life. [4] This happens in western countries that separate religion from the state. The last one is a secular state: a secular state is a state that does not give religion a role in the life of the state.[4] This is very contrary to the personality of the Indonesian nation, especially in a secular country that does not teach

religious lessons in schools as one of its characteristics. In addition, this understanding is not the understanding held by our country which is based on Pancasila which is following the values that exist in Indonesian society.

The Reformation Period tried to rebuild a democratic life, including:

- a) The issuance of MPR RI Decree No. X/MPR/1998 concerning the main points of Reformation.
- b) Decree No. VII/MPR/1998 regarding the revocation of the MPR tap on the Referendum.
- c) Decree of MPR RI No. XI/MPR/1998 concerning the administration of a State that is free from KKN.
- d) Decree of MPR RI No. XIII/MPR/1998 concerning the limitation of the term of office of the President and Vice President of the Republic of Indonesia.
- e) Amendments to the 1945 Constitution have reached amendments I, II, III, and IV (Supriadi, 2016).

"State based on the Supreme Deity" [Article 29 paragraph (1) of the Constitution of the Republic of Indonesia in 1945] and the placement of "Supreme Deity" as the first precept in Pancasila has several meanings, namely: First, Pancasila was born in a mystical atmosphere to fight against colonialism and imperialism, so that unity and brotherhood are needed among the components of the nation. The first prayer in the Pancasila "The Supreme Deity" is an important factor to strengthen unity and brotherhood, because the history of the Indonesian nation is full of respect for the values of the "Supreme Deity."

Committee Nine finally managed to agree on the Preamble of the Constitution known as the Jakarta Charter. This agreement is called a sublime agreement (*modus vivendi*) because it is a mutual agreement of all groups that previously had different views, as well as a form of compromise. The willingness of Islamic figures to remove the phrase "with the obligation to carry out Islamic law for its adherents" after "the Supreme Deity" at the time of the ratification of the Constitution, August 18, 1945, is inseparable from the ideal that Pancasila must be able to maintain and maintaining unity and brotherhood among all components of the nation. This means that the Islamic figures who became the founding fathers of the Indonesian nation have made unity and brotherhood among the components of the nation the main goal that must be above other primordial interests. In the political life of Indonesia, Abdurrahman Wahid alias Gus Dur assesses that the Wahhabi movement or the Muslim Brotherhood has made efforts to revitalize Islamic culture with foreign cultures that do not necessarily come from Islamic religious norms. Gus Dur said, for example, that the Wahhabi movement or the Muslim Brotherhood that developed in Indonesia, has tried to eliminate the culture of the Indonesian nation by trying to replace the foreign culture that has Wahhabi nuances but is claimed as Islamic culture. The movement of religious formalization in the form of the establishment of a religious state (Islam) in the life of the state also appeared at the beginning of the Independence of the Republic of Indonesia. The movement for the establishment of a religious state was not completed after the agreement of the Pancasila ideology with the mercy of the Almighty God between Mohammad Hatta and KH Abdul Wahid Hasyim et al, but the movement continues to emerge in recent days like the movement for the establishment of an Islamic state in West Java pioneered by Sekarmadji Maridjan Kartosuwirjo, Kahar Muzakkar in Sulawesi, and Daud Beureueh in Aceh.

Indeed, since 1938 there has been a conflict between M. Natsir and Ir Soekarno regarding the separation of religion and state. But all of that has been resolved. Soekarno, based on an analysis of historical developments, concluded that religion and the state cannot be united, the two must be separated. Meanwhile, Natsir believes that religion and

the state can and must be united, because Islam, unlike other religions, is a comprehensive religion. State issues are part of and regulated by Islam.

The 1st Pancasila Seminar in 1959 in Yogyakarta concluded that the precepts "Belief in the One Supreme God" are the first cause or *causa prima* and the precepts "People led by wisdom in deliberation/representation" are the people's power in the life of the nation and state to carry out the mandated state of the people, state for the people, and state by the people. This means, "God Almighty" must be the basis for carrying out the management of the state by the people, the state for the people, and the state by the people. The precepts of "Belief in the One Supreme God" must be read with other precepts in Pancasila as a whole. "The state is based on the One Supreme Godhead" must also be interpreted that the state prohibits teachings or ideas that openly reject the One Supreme Godhead, such as communism and atheism.

Theoretically, the state is an integrated society because it has legitimate coercive authority, superior to groups or individuals who are part of that society. There is a common will to form a government. Therefore, the nation-state can be understood as a group of citizens who share the same aspirations to build a system of government by complying with the laws and regulations in force, including building a relationship between the state and the religion adhered to by its citizens in an area. about religion and the state; Din Syamsudin divides it as follows: First, those who think that the relationship between religion and the state is integral. Second, some groups argue that the relationship between religion and the state is symbiotic and dynamic-dialectical, not directly related so that the two regions still have distance and respective control so that religion and the state go hand in hand. Third, is the group that believes that religion and the state are two different domains and have no relationship at all.

Historically-factually, the acceptance of the ulama to the existence of Pancasila as the state ideology is based on the fact that Indonesian citizens are plural, so unity in diversity is a necessity. Pancasila which consists of five precepts can be found at meeting points with religious norms, not only under Islamic religious norms but also under other religious norms. The first precept, Belief in the One Supreme God, describes that God is the One Essence. Next Prof. Moh Mahfud MD, in the context of an academic, views that the relationship between religion and the State cannot be separated from the politics of law in this country wherein his book explains that law is a tool to achieve the so-called ideals of the nation and the goals of the State.[6] So that is running a country always pay attention to legal politics and reactions to the law so that the relationship between religion and the state becomes more harmonious and can coexist. The main ideas of Pancasila are then elaborated in the 1945 Constitution which is expected to be a foothold in making the order of life and policies in the life of the nation and state.[7] Pancasila is the basis of the state and the way of life of the Indonesian people. As the basis of the State, Pancasila is used as the basis for building the Unitary State of the Republic of Indonesia. The polemics of religion and the state often arise in political contestations, which show efforts to politicize. If this polemic continues to be maintained only for practical sectoral political interests, there may be prolonged polarization in society, which will lead to the disintegration of the nation.

## IV. Conclusion

The state must actively and dynamically support every citizen so that religious harmony can be created and the ideal relationship expected by the founders of this country and the fighters who have struggled to maintain independence because if there is a sense of security, peace, and peace and the spirit of Unity in Diversity is attached. in the soul of Indonesian society. Nowadays, it is defined as not a secular or religious state, so Indonesia is firmly defined as a state of god. The state of God is to dedicate God Almighty as the foundation in the life of the nation and state. philosophically and on a state basis, Indonesia recognizes and makes religion a part of the principles of being a nation and state. This polemic between religion and the state has implications for the birth of a noble agreement in the form of Pancasila as the basis of the state. The concept of Pancasila is a synthesis of opposing ideologies regarding the relationship between religion and the state. In addition, in the content or body of the Constitution, this polemic has further implications for state recognition of the existence of certain religions; equal treatment of all recognized religions; granting guarantees for the freedom of the population to embrace and practice religious teachings; recognition and respect for human rights taking into account religious values, and the development of national education based on and oriented to the improvement of religious spiritual aspects.

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