

Penerapan nilai-nilai Maqashid As-syari'ah dalam Undang-Undang Dasar Negara Republik Indonesia tahun 1945 sebagai representasi hubungan agama dan negara: sebuah analisis yuridis dan konseptual = Application of Maqashid As-syari'ah values in the Constitution of Republik Indonesia year 1945 as a representation of relation of religion and state : a juridical and conceptual analysis

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Abstrak

Relasi agama-negara dalam lanskap Indonesia sangat menarik dikaji. Isu dasar negara terutama Piagam Jakarta selalu penuh kontroversi. Proses akomodasi Islamisme dan nasionalisme sesungguhnya belum berakhir apalagi kita belum berhasil menciptakan sistem hukum yang sepenuhnya produk sendiri. Skripsi ini berbasis kajian kepustakaan yang memadukan sumber klasik dan kontemporer dalam upaya mencari benang merah maqashid as-syari'ah dengan konstitusi. Kajian maqashid syariah adalah bagian dari kajian tentang keislaman dan ketatanegaraan, dengan analisis teori As-Syatibi dan ar-Raysuni, penulis mencoba mengidentifikasi nilai-nilai filosofis tujuan hukum Islam yang terkandung dalam Undang-Undang Dasar RI Tahun 1945. Dapat disimpulkan Secara intrinsik UUD 1945 memenuhi kriteria maqashid as-syari'ah.

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The relation of Religion and state in Indonesia is a highly urgent and interesting matter to be analyzed. Some basic issues of our country, especially the Jakarta Charter, were always subject to controversies. The Process of accommodation among Islamism and nationalism is still ongoing. Especially we have not succeeded in creating a single legal system that is fully produced by our legislative power. This thesis is based on review of literature that blends classic and contemporary sources in an effort to find a relation between the maqashid Shari'ah (objectives of Islamic law), with the constitution. Maqashid study is part of islamic studies and constitutional law. I used As-Syatibi and ar-Raysuni theory. I try to figure out the philosophical values and objectives of Islamic law embodied in the Constitution of the Republic of Indonesia Year 1945. It can be intrinsically inferred that the Constitution of Republic of Indonesia fulfill the criteria of maqashid as-shari'ah.