

مجموعة البحوث

الإسلام والتحولات الإجتماعية

المعتمر العالمي:

الجامعة الإسلامية الحكومية بورو وكرطو

بالتعاون أيضا مع:



الفهرس

الرقم	الموضوع	الصفحة
. ١	النصوص الدينية وتطورات العالم الإسلامي الأستاذ الدكتور وهبة الزحيلي (المتحدث الرئيسي)	1
. ٢	منظمة القاعدة نموذجا للحركات الارهابية الأستاذ الدكتور عامر النجار	11
. ٣	التجربة الديمقراطية في إندونيسيا: الحركات الإسلامية المعاصرة الأستاذ الدكتور حسن عبد العليم يوسف	15
. ٤	حسن عووضة كشكش	25
. ٥	المعنى الجديد من المفردات العربية في العرب الجاهلية " الله " في القرآن د. لطفى حامدي	33
. ٦	أهمية العلماء من النساء د. أحمد سوباكر الماجستر	41
. ٧	التحولات الاجتماعية في القرآن الكريم د. محمد صفوان	59
. 8.	The Role Of Muslim Elites In Social Change M. Atho Mudzhar	71
. 9.	The Quest for Flexibility: Religious Text vis á vis Contemporary Challenges M. Nur Kholis Setiawan	89
. 10.	Revitalizing islamic-national learning institution for the social change: the case of pesantren in indonesia Ahmad Baso	101
. 11.	Islam And Global Crisis: A Challenge Of A New Tool For Social Change In Modern Economy Dani Kusumastuti	105

125	Virtue to Build Muslims Generation <i>Rina Heriyanti</i>	12.
	Politica Sovereignty in The Perspective of Islamic Law <i>Ridwan</i>	13.
133	The Hermeneutics Roots in The Turas <i>Naqiyah</i>	14.
149	Islamic Social Security <i>Syufaat</i>	15.
161	Social Change Based on Eduvation Achievement Motivation <i>Henie Kurniawati</i>	16.
181	Ulama Contribution as Agent of Social Changes in The Democracy Era <i>Nita Triana</i>	17.
195	Considering Death Sentence for Corruptor (The Perspectives of Maqasid asy-Syari'ah) <i>Faisal</i>	18.
205	Islam, Politic and Social Change <i>Sirajuddin</i>	19.
221	Islam and Social Change: The Islamic Education Perspective <i>Nur Syam</i>	20.
235	Social Changes and The Development of Islamic Higher Education in Indonesia: an Epistemological Review <i>Sa'adi</i>	21.
247	Teaching Learning Religions after 9/11: A Preliminary Assessment of Islamic Cases <i>Anis Malik Thoha</i>	22.
263		

النصوص الدينية وتطورات العالم الإسلامي

الأستاذ الدكتور وهبة الزحيلي

عميد كلية الشريعة بجامعة دمشق سابقاً

بسم الله الرحمن الرحيم

تقديم

الحمد لله رب العالمين، وأفضل الصلاة والسلام على خاتم الأنبياء والمرسلين وعلى آله وصحبه وتابعيه إلى يوم الدين وبعد:

فإن الواقع الشديد التأثير على العالم الإسلامي الحاضر، سواء في داخل كل دولة، أم في العلاقات القائمة بين الدول الإسلامية، فرض مفاهيم جديدة وأدى إلى تحولات اجتماعية في أعقاب الثورات العربية في أوائل ٢٠١١م واستمراراً في ٢٠١٢م والموصوفة بصفة الربيع العربي بدءاً من تونس ثم ليبيا ومصر واليمن، وسورية، والمتشابهة في أسبابها ومنطلقاتها وغاياتها في المطالبة بإسقاط الأنظمة القائمة الاستبدادية، وما ترتب عليها من تخلف وظلم وبطالة وإبعاد الشعب فعلاً عن أنظمة الحكم البالية المعنونة بأنها جمهورية، ولكنها صارت ملكية، يتجدد فيها انتخاب الرئيس آلياً كلما انتهت مدة رئاسته، أو يؤول الحكم فيها إلى الابن الوارث، بغياً وعدواناً وتزويراً، أفقد معنى الشرعية النظامية للحكم في الداخل والخارج.

وأدى ذلك إلى مصادمات عنيفة، واعتداءات جسيمة على المواطنين، ما عدا تشكيلة الحكم القائم وطغمته المستفيدة منه، وأثار هذا التحرك طائفة من الأسئلة المتعددة حول موقف الإسلام والشريعة والمسلمين من هذه الثورات، وانقسم أهل الوطن الواحد إلى فريقين: فريق مؤيد، وفريق معارض، وهذا هو الموصوف بالمعارضة، وأين هو الحق والمشروعية؟

والسؤال المتكرر هو: ما موقف الإسلام وشريعته من هذه الثورات، أهي مشروعة أم غير مشروعة، وعن ((الإسلام والتحويلات الاجتماعية)) وهذا ما يدعونا إلى بيان ((النصوص الدينية وتطورات العالم الإسلامي)) وهو ما أحاول الإجابة عنه، بتحديد موقف هذه النصوص من التطورات المذكورة.

ونصوص الشريعة تشمل ما يأتي :

- أ. النصوص الشرعية المتعلقة بنظام الحكم.
- ب. النصوص الشرعية المتعلقة بقواعد الحكم ومسؤولية الحاكم عنها.
- ت. النصوص الشرعية المتعلقة بأصول المعاملات والاتفاقات والاستثمارات.

ULAMA CONTRIBUTION AS AGENT OF SOCIAL CHANGES IN THE DEMOCRACY ERA

Nita Triana, SH, M.Si

STAIN Purwokerto

Jl. Ahmad Yani No 40 A Purwokerto

Abstract

The process of democratization requires instituted new cultures or new habits that allow democracy flourish in the life behavior or habit state. Habits are the birth of institutions that are identical to the democratic process itself, namely the existence of civil society and government bureaucracy responsive. Scholars "Ulama" as part of civil society or "masyarakat madani" can actively participate in providing a transformative ideas to government, besides scholars "ulama" also contribute directly to public education. With the transformation of the socio-cultural-theology in many respects, it will strengthen mission development people toward "Khair Ummah", the best people or "masyarakat madani",

A. Introduction

Democracy literally comes from the Greek *demos* that means meaning people and *kratos* means *kratia* or government. Later, Abraham Lincoln interpreted it as a government of the people, by the people, for the people. The system of a government or an authority of the people/citizen, both directly or by the system of representative democracy . It is similar to Giddens's disclosure that democracy basically implies that democracy is a political system which the ultimate power is hold by the people.

The practice of democracy in Indonesia, is still far from the expectation, when we look at the reality today, because virtually all of these systems in this country go undemocratically. The government which we expect as a protector and a provider of justice has yet to be born. Government often acted arbitrarily and even uses his power as a tool to oppress the people, and to maintain power often he takes over the rights of the people so that he can take control of national assets. The results of this development are not for the welfare of the people but it leads to a wider gap between the poor and rich.

ULAMA CONTRIBUTION AS AGENT OF SOCIAL CHANGES IN THE DEMOCRACY ERA

Nita Triana, SH, M.Si

STAIN Purwokerto

Jl. Ahmad Yani No 40 A Purwokerto

Abstract

The process of democratization requires instituted new cultures or new habits that allow democracy flourish in the life behavior or habit state. Habits are the birth of institutions that are identical to the democratic process itself, namely the existence of civil society and government bureaucracy responsive. Scholars "Ulama" as part of civil society or "masyarakat madani" can actively participate in providing a transformative ideas to government, besides scholars "ulama" also contribute directly to public education. With the transformation of the socio-cultural-theology in many respects, it will strengthen mission development people toward "Khair Ummah", the best people or "masyarakat madani",

A. Introduction

Democracy literally comes from the Greek *demos* that means meaning people and *kratos* means *kratia* or government. Later, Abraham Lincoln interpreted it as a government of the people, by the people, for the people. The system of a government or an authority of the people/citizen, both directly or by the system of representative democracy . It is similar to Giddens's disclosure that democracy basically implies that democracy is a political system which the ultimate power is hold by the people.

The practice of democracy in Indonesia, is still far from the expectation, when we look at the reality today, because virtually all of these systems in this country go undemocratically. The government which we expect as a protector and a provider of justice has yet to be born. Government often acted arbitrarily and even uses his power as a tool to oppress the people, and to maintain power often he takes over the rights of the people so that he can take control of national assets. The results of this development are not for the welfare of the people but it leads to a wider gap between the poor and rich.

The development today tends to create a disability, either individually or in groups in all areas of social life; social, economic, and political disempowerment. Powerlessness restricts the access to the resources of the state, creates difficulties in justice and makes a loss of bargaining power so that the people are getting weaker. Powerlessness community covers almost all areas of life. Without the empowerment and participation of the civil society, the aim to build a just and prosperous society becomes more elusive.²³⁵

The democratization process always requires the removal of the old cultures that tend to be disincentives for the growth of democracy itself. Instituting new cultures or new habits that allow democracy flourish in the life behavior or habit state is a necessity as a precondition in order to make the democracy becomes a system.

Institutionalization or habituation behavior will lead to the birth of institutions that are identical to the democratic process itself. Dahl (2011)²³⁶ shows some democratic institutions which are needed as a minimum requirement for a modern representative democracy or a government of a modern representative democracy. Some political institutions are: first, the elected officials, second, the fair, free and periodic elections, third, free speech, fourth, the access to alternative sources of information, in which citizens are entitled to seek alternative information sources, fifth, autonomy associated (free citizens to form associations), and sixth, the rights of inclusive citizenship.

The growth of free societies and associations as a manifestation of autonomy will grow up with the notion of civil society in the reality of everyday life which are defined as areas of social life organized and characterized by volunteerism, self-generating and self-reliance (self-

²³⁵ Esmi Warassih, *Pemberdayaan Masyarakat Dalam Mewujudkan Tujuan Hukum (Proses Penegakan Hukum dan Persoalan Keadilan)*. Kumpulan Pidato Guru Besar Fakultas Hukum UNDIP. Penerbit UNDIP. Semarang 2009, hal : 29

²³⁶ Dahl, A. Robert, *Perihal Demokrasi, Menjelajahi Teori dan Praktek Demokrasi Secara Singkat*, Yayasan Obor Indonesia, Jakarta, 2001, hal: 63

supporting) of a high independence of the state, and bound by the norms and values of law followed by the citizens.

Civil society manifestations in life are networks of social groupings that range from domestic (household), voluntary organizations, including political parties and social organizations or associations, including non-governmental organizations (NGOs), religious and social gatherings, communities area, as well as interest groups which are made by people without any influences from the state.

There are some groups of citizen groups; professional associations, non-governmental organizations, including here the religious leaders, prominent public figures and other independent institutions that grow bottom up as a manifestation of civil society. This manifestation is the power that has nothing to do with the development of democracy in two ways. First, the internal rise and development of citizen groups will inspire a culture of cooperation, cooperation, solidarity, public pro spirit and trust between citizens and groups that exist. Second, externally this network has the ability to aggregate and articulate the demands of accountability of government to its citizens.

In Indonesia, in addition to the term civil society is also another term used is *Masyarakat Madani*. Therefore, civil society, which was born of the West products postscript differ in terms of cultural, social, economic and other. Meanwhile, Indonesian society in terms of socio-cultural is majority Muslim. Therefore, the use of the term *Masyarakat Madani* is more suitable when compared to the use of Civil Society. But any way both terms more or less both have the same substance as community group activities in the public domain.

Based on the practice of democracy in the country of Indonesia at this time, the role of *Ulama* as part of a Muslim community leader potential civil society, it is necessary to articulate the various interests of society in general and Muslims in particular in the face of environmental change, social, technological, political, legal, cultural and so on. In this case, a class of *Ulama*

who participated as a part of a civil society together with the government to plan and oversee the establishment of the system-a new system, such as value systems, legal systems, institutional systems, and behavior change towards the better, (*maqasid al-shariah*)²³⁷, that human happiness, which can be translated into benefit, pleasure, justice, and mercy.

B. Contribution Of Ulama As Agents Of Social Change

The word *Ulama* 'is derived from the Arabic language as the plural (plural) of the word' alim 'is *lughat* means people who have knowledge', or in other words, *Ulama* are scientists. The role of the clergy in the dynamic history of the nation of Indonesia is very large, and the immense influence, both in social and political life. The role of the *Ulama* in the motion dynamics of the Indonesian people can be appointed in some roles, *first*, as a spiritual nation; *second*, as a place holder, and formulator aspirations; and *third*, as a community leader and steering movement.

Similarly, *Ulama* of Islam and the Muslim community occupy a very important position and strategic not only for theological reasons but also a historical-sociological. Theologically, as mention above, *Ulama* are scholars "*ahli ilmu*" and theologians "*ahli agama*" who were both *waratsahal-Ambiya* (the inheritors of the Prophets), which has a position as a successor to the duties and functions of the treatise prophetic prophets to mankind. In historical sociology, '*ulama*' have authority in the field of religion that occupies a high social position in Muslim society. They are not merely revered and respected but religious ideas and concepts in a variety of dimensions seen as "truth", are held and firmly followed and even tie.

The problem is the position and role of the clergy become more complex when associated with changes in social and cultural happening in the society. More over, now the people of Indonesia have entered the era of democracy,

²³⁷ Hasan, Muhamad Tholhah, *Islam Dalam Perspektif Sosio Kultural*. Lantabaora Press, Jakarta, 2005, hal: 22

where the people as a part of civil society is necessary to continue to play with the government, in the planning stages, utilization, supervision and control of development, then, the position and role of the clergy as a strategic elite in the transformation process socially and culturally very significant in supporting these changes. But the changes that occurred, both in Indonesian society in general and in the body of the clergy themselves, have necessitated the formulation of the role of clergy as agents of change. In addition there has been a dearth of *Ulama* in a public phenomenon; clerical positions with various designations are deemed no longer able to perform a transformative role, especially when faced with the power structure.

The reason for the application of doctrinal role as an agent of change is in the Holy Quran, *Ali Imron* paragraph 110 letter: "You are the best people down in the middle man to uphold the good, forbidding the evil and believe in Allah". The concept of "best people" in this verse is identical with the concept of civil society that organized social life of the region, are voluntary, self-sufficiency, self-reliance, and independent in dealing with the state, and bound by the norms and value systems of their fellow citizens. Civil society or civil society, having an obligation to believe in Allah and shall carry enjoining (humanization / emancipation) and *nahi munkar* (liberation).²³⁸ Humanization aims to humanize people who have long suffered the process of dehumanization that face humanity has been lost, the liberation of the nation aims to relieve poverty, technological arrogance and extortion abundance, and economic greed, and aims to fill the transcendence-immanence of the transcendental dimension of culture that had been have been contaminated by the hedonism and materialism. Transcendence is part of effort to return to the man who *hanif*.

Ulama also have to do a mission in the real sense. This role can be realized by establishing a strong network among fellow clerics so that they can

²³⁸ Abdul Aziz, *Peranan Ulama Dalam Transformasi Sosial Menuju Masyarakat Madani*. <http://grintingcommunity.wordpress.com>, di akses 3 september 2012

communicate with each other seamlessly and with 'umara' (government). The network can be realized in the form of independent agencies where they can discuss some issues; religious, economic, political and social culture. Institutions that already exists should best remain lined and really oriented toward transformative struggles, not to legitimize power.

Writers like Roscoe Pound had long talks 'law as a tool of social engineering'. As the desire (expectation) of course if there is a reasonable attempt to lay down the law as a determinant of the direction of travel because it is the function of the law to ensure public order and protect the interests of its people will be more relevant. But the realists like Savigny said that the law is always evolving in accordance with the development of society'. This means that the law, like it or not, being independent outside variable circumstances, particularly political circumstances. Change the question occurs when a person or group of people gained the confidence of the people as leaders of community institutions.²³⁹

Agent of change in transforming community leaders and social system in executing it immediately caught the pressures for change. Reality clergy "Keulamaan" in Indonesia, *Ulama* leadership perceived as more 'charismatic' or traditional leadership'. With this leadership *ulama* should be able to perform social engineering. Context of social change is increasingly complex, clerical functions required to do rearrangements of values and norms that have been shaky on the one hand, and the other party provides guidance and information to the public in terms of the norm of what should they hold.

C. Need for Responsive Bureaucracy and Scholars Progressive

The democratic process requires the empowerment of civil society, without empowerment, the power will only be held by a few people or a group of people. The democratic process should emphasize the process of giving or

²³⁹ Lester, P, James, and Stewart, JR, Joseph, *Public Policy an Evolutionary Approach*, second edition wadsworth, USA

transferring some of the power, the authority or ability of the public to be more empowered, and encouraged or motivated individual that has the ability or the empowerment to determine what the choice of his life through a process of dialogue. Empowerment is a force to be able to access to other existing resources so it is a fair division of power that can increase public awareness of its existence:

"Empowerment involves individuals Gaining control of their lives and fulfilling their needs in part, as a result of developing competencies, skills and Abilities Necessary to Effectively Participate in their social and political worlds"

Further empowerment can only be done through a participatory process considering participation means as shifting decision-making power from more powerful to poor, disadvantaged and less influential groups. The lack of civil society participation due to the persistence of patron-client relations, where the patron own and control most resources and power causes people to feel alienated from the environment resulting cultural coercion. Participation can make the community aware of the issues and problems faced trying to figure it out and help them to understand the reality of social, political and economic around him.

Participation of civil society can only happen if the ruling bureaucracy is responsive in all fields, in his theory of bureaucracy Nonet and Selznick (1978)²⁴⁰ this type of organization referred to as the post-bureaucratic bureaucracy. Post-bureaucratic organizations accept as true a context in which there firmly established the value of rationality, and maintaining the integrity of the office is no longer a major agenda. Government of the bureaucratic organization' job is to provide a place for participation, encourage initiative and accountability, creating cooperative systems capable of autonomous attract contribution from a large number of constituents. In the purposive and democratic institutions, authorities must be open and participatory consulting

²⁴⁰ Philippe Nonet and Philip Selznick, *Law and Society in Transition : Toward Responsive Law*. Harper and Row Publition, 1978. hal: 19

thrust considerations for decision described, criticism is well received, the approval is considered as a test for rationality.

Clearly the characteristics of post-bureaucratic organization is *first*, the delegation of broad authority to mobilize and deploy resources in order to achieve goals that have been set; *Secondly*, the creative use of the staff planning, evaluation and development in order to improve the organization of cognitive competence. *Third*, supervision and acceptance of dual loyalty by encouraging self-assessment occurs, and *fourth*; participatory decision-making as a source of knowledge, means of communication and the basis for approval.²⁴¹ The principles and form of this are requirements in order to be responsive and democratic bureaucracy.

Islamic teachings relating to the principles of justice, egalitarianism, deliberation, voluntarism as mentioned in the post-bureaucratic organization above is the basic character of Islam that are comparable to the values of democracy and civil society. Because of the compatibility of Islam and democracy or civil society can no longer be seen from the perspective of teaching doctrine, but on the readiness social Muslim community itself. With regard to the principles of well-developed doctrine of democracy and civil society that have been entered on the aspects of change in the Bohemian state, then, the position and role of the clergy as a strategic elite in the process of social and cultural transformation is significant in supporting these changes.

Shifting bureaucratic rulers towards a more responsive and democratic, providing for broad participation of civil society, must be addressed by the Muslims optimistic, scarcity constraints Muslims to fight for the interests of the Muslim community in the face of change, and make a change for the better both the rare. It required constant effort of learning for religious leaders in this regard is the cleric as the inheritors of the prophets faced with the task and mission that is required to make positive transformative activities. The first task

²⁴¹ David, Osborne and Ted Gaebler, *Reinventing government : How The Entrepreneurial Spirit is Transforming The Public Sector*. Boston Publication, USA. Hal : 191.

of *Ulama* is education and enlighten on people's lives. The scholars obliged to inculcate human values to the community so that these values become the most important part in the cultural system which is then manifested in attitude and behavior.

Ulama also have to do a mission in the real sense, in collaboration with other *Ulama*, as well as other groups in a container or civil society civil society, providing solutions and ideas to create a fair society and a prosperous society. *Ulama* can take advantage responsive role in ruling that this is progressive scholars, the scholars who worked on education and pointed to popular education. Institutions are convening a center of excellence in the middle of rural communities. Orientation of education developed by *Ulama* is not especially for elitist but it is popular. The *Ulama* have instilled the culture of science to the very bottom of society. Thus, the *Ulama* gave birth to popular culture and prepare the system of private and entrepreneurial culture.

There are also active *Ulama* who provide input to the bureaucrats, including the intelligentsia and Muslim scholars in Islamic universities, should also have to idealism *amar maruf nahy munkar*, especially the idealism to make changes to the system of bureaucracy that tends to corrupt and the unjust power structures (*mendzalimi*) and undemocratic. This is an important role in transforming the socio-culture *Ulama* to realize civil society. The main requirement of this role is to carry out the independent, critical attitude, and idealism to *amar maruf nahy munkar*.

D. Conclusion

Democratization process in Indonesia has not been going well, the power is still held by a group of people or a group of elite, which as a result, there are various forms of injustice in society, therefore transforming the society for the better, then democratization requires various changes order social and political to be prepared. From this it is clear is the significance of the idea of civil society, authorities and responsive bureaucracy, bureaucratic post, which opens

wider role for civil society (*masyarakat madani*) to participate in the development of this nation. *Ulama* as part of the civil society are expected to act as a model for his people by fostering communities to implement *amar maruf nahi munkar*. *Ulama* are also required to play a role by including the ideas through the government (*umara*), a socio-cultural theological transformation in many respects it will strengthen propaganda coaching people toward "KhairUmmah", the best people, "*Masyarakat Madani*" or "civil society ". Therefore, the role of the clergy as a "teacher of the nation" should have an independent attitude, independent, assertive and authoritative, and certainly is the air of life *rahmatan lil alamin*.

BIBLIOGRAPHY

- Aziz, Abdul, *Peranan Ulama Dalam Transformasi Sosial Menuju Masyarakat Madani*. <http://grintingcommunity.wordpress.com>
- James, P. Lester and Stewart, JR, Joseph, *Public Policy an Evolutionary Approach*, second edition wadsworth, USA.2000
- Muhamad Tholhah. Hasan, *Islam Dalam Perspektif Sosio Kultural*. Lantabaora Press, Jakarta, 2005
- Nonet Philippe and Philip Selznick, *Law and Society in Transition : Toward Responsive Law*. Harper and Row Publition,1978.
- Osborne David and Ted Gaebler, *Reinventing government : How The Entrepreneurial Spirit is Transforming The Public Sector*. Boston Publition, USA. Hal : 191
- Robert, A. Dahl, *Perihal Demokrasi, Menjelajah Teori dan Praktek Demokrasi Secara Singkat*, Yayasan Obor Indonesia, Jakarta, 2001
- Warassih, Esmi, *Pemberdayaan Masyarakat Dalam Mewujudkan Tujuan Hukum (Proses Penegakan Hukum dan Persoalan Keadilan)*. Kumpulan Pidato Guru Besar Fakultas Hukum UNDIP. Penerbit UNDIP. Semarang 2009