PROCEEDING

10TH METRO INTERNATIONAL CONFERENCE ON ISLAMIC STUDIES (MICIS):
FOSTERING SUSTAINABLE ENVIRONMENT FOR EDUCATION, LAW, ECONOMIC SYSTEM, ART AND HUMANITIES IN THE SOCIETY ERA 5.0
POST GRADUATE IAIN METRO 17 NOVEMBER 2021

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The Sub-Themes of the Program

1. Fostering Law for Sustainable Development in the Society Era 5.0
2. Empowering Circular Economics in the Society Era 5.0
3. The Role Environmental Transformation in Learning and Education for Sustainability
4. Sustainable Environment for Islamic Social Humanities Studies in the Society Era 5.0
5. Environment Curriculum for Islamic University in the Society Era 5.0

POSTGRADUATE OF IAIN METRO

2021

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PREFACE

Assalamu'alaikum Wr. Wb.

Our gratitude goes to Divine Rabbi for giving His grace, taufik and guidance so that the preparation of the IAIN Metro Postgraduate International Seminar Proceedings, theme: "FOSTERING SUSTAINABLE ENVIRONMENT FOR EDUCATION, LAW, ECONOMIC SYSTEMS, ART AND HUMANITIES IN THE SOCIETY ERA 5.0"

Environmental sustainability is the responsibility to conserve natural resources and protect global ecosystems to support health and wellbeing, now and in the future. Because so many decisions that impact the environment are not felt immediately, a key element of environmental sustainability is its forward-looking nature.

Standards for environmental sustainability vary greatly, based on local education, law, economic system, art and humanities environmental conditions. We now know unrestricted consumption takes a significant toll on human welfare. As GDP climbs, so too does our energy use, leading to more polluted environments and depleted natural resources. But, that doesn't mean businesses can't be successful and sustainable. Some growth works in step with sustainability. Renewable energy companies represent a source of new jobs. Using less energy and plastic in production represents an opportunity to grow profit margins. This mindset requires a long-term outlook and a regard for environmental impacts in corporate cost-benefit analyses, but achieving this alignment is an investment in a future education, law, economy, art and humanities where businesses can thrive.

Furthermore, if we say about the era 5.0 that was proposed in the 5th Science and Technology Basic Plan as a future society. It follows the hunting society (Society 1.0), agricultural society (Society 2.0), industrial society (Society 3.0), and information society (Society 4.0).

In the information society (Society 4.0), cross-sectional sharing of knowledge and information was not enough, and cooperation was difficult. Because there is a limit to what people can do, the task of finding the necessary information from overflowing information and analyzing it was a burden, and the labor and scope of action were restricted due to age and varying degrees of ability. Also, due to various restrictions on issues such as a decreasing birthrate and aging population and local depopulation, it was difficult to respond adequately.

Social reform (innovation) in Society 5.0 will achieve a forward-looking society that breaks down the existing sense of stagnation, a society whose members have mutual respect for each other, transcending the generations, and a society in which each and every person can lead an active and enjoyable life.

Society 5.0 achieves a high degree of convergence between cyberspace (virtual space) and physical space (real space). In the past information society (Society 4.0), people would access a cloud service (databases) in cyberspace via the Internet and search for, retrieve, and analyze information or data. In Society 5.0, a huge amount of information from sensors in physical space is accumulated in cyberspace. In cyberspace, this big data is analyzed by artificial intelligence (AI), and the analysis results are fed back to humans in physical space in various forms.

In the past information society, the common practice was to collect information via the network and have it analyzed by humans. In Society 5.0, however, people, things, and systems are all connected in cyberspace and optimal results obtained by AI exceeding the capabilities of humans are fed back to physical space. This process brings new value to industry and society in ways not previously possible.

Wassalamu'alaikum Wr. Wb.

Director

Dr. Mukhtar Hadi, M.Si

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Fostering Sustainable Environment for Education, Law, Economic Systems, Art and Humanities in The Society Era 5.0

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Abstract
Environmental sustainability is the responsibility to manage natural resources and protect global ecosystems to support health and well-being, now and in the future. This study aims to analyze environmental sustainability for education, law, economic system, arts and humanities in society 5.0 era. This is library research. The results of this study show that exponential population growth has led to increased agriculture, leading to greater greenhouse gas emissions and deforestation. of global warming on ecosystems and communities resulting in the need for environmentally friendly and socially responsible investments, such as being clean and paying a living wage, and using a viable future energy for education, law, economy, arts and humanity in the age of society 5.0.
Keywords: Environmental sustainability; education; law; economy, art; humanities.

A. Introduction

Environmental sustainability is the responsibility to conserve natural resources and protect global ecosystems to support health and wellbeing, now and in the future. Because so many decisions that impact the environment are not felt immediately, a key element of environmental sustainability is its forward-looking nature.

Standards for environmental sustainability vary greatly, based on local education, law, economic system, art and humanities environmental conditions. We now know unrestricted consumption takes a significant toll on human welfare. As GDP climbs, so too does our energy use, leading to more polluted environments and depleted natural resources. But, that doesn't mean businesses can't be successful and sustainable. Some growth works in step with sustainability. Renewable energy companies represent a source of new jobs. Using less energy and plastic in production represents an opportunity to grow profit margins. This mindset requires a long-term outlook and a regard for environmental impacts in corporate cost-benefit analyses, but achieving this alignment is an investment in a future education, law, economy, art and humanities where businesses can thrive.

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In the past information society, the common practice was to collect information via the network and have it analyzed by humans. In Society 5.0, however, people, things, and systems are all connected in cyberspace and optimal results obtained by AI exceeding the capabilities of humans are fed back to physical space. This process brings new value to industry and society in ways not previously possible.

B. Environment Sustainability for Education, Law, Economic Systems, Art and Humanities

The definition of "sustainability" is the study of how natural systems function, remain diverse and produce everything it needs for the ecology to remain in balance. It also acknowledges that human civilisation takes resources to sustain our modern way of life.[1] There are countless examples throughout human history where a civilisation has damaged its own environment and seriously affected its own survival chances (some of which Jared Diamond explores in his book *Collapse*: *How Complex Societies Choose to Fail or Survive*. Sustainability takes into account how we might live in harmony with the natural world around us, protecting it from damage and destruction.

We now live in a modern, consumerist and largely urban existence throughout the developed world and we consume a lot of natural resources every day. In our urban centres, we consume more power than those who live in rural settings[2] and urban centres use a lot more power than average, keeping our streets and civic buildings lit, to power our appliances, our heating and other public and household power requirements. That's not to say that sustainable living should only focus on people who live in urban centres though, there are improvements to be made everywhere - it is estimated that we use about 40% more resources every year than we can put back and that needs to change.[3] Sustainability and sustainable development focuses on balancing that fine line between competing needs - our need to move forward technologically and economically, and the needs to protect the environments in which we and others live. Sustainability is not just about the environment,[4] it's also about our health as a society in ensuring that no people or areas of life suffer as a result of environmental legislation, and it's also about examining the longer term effects of the actions humanity takes and asking questions about how it may be improved.

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[1] http://www.epa.gov/sustainability/basicinfo.htm

[2] https://www.academia.edu/9294719/Urban_Sustainability_in_Theory_and_Practice_ Circles_of_Sustainability_2015.

[3] http://degrowth.org/wp-content/uploads/2011/05/Lorek_Sustainable-consumption. pdf

[4] http://www.sd-commission.org.uk/pages/what-is-sustainable-development.html

1. Environmental Education Sustainability in Indonesia

The main problems of Indonesia were the enormous environmental destruction occurring in the country and the low level of environmental awareness among the Indonesian populace. Many researchers wanted to do something about the first problem by addressing the second. They wanted to investigate how to foster environmental consciousness and pro-environment action in Indonesia. Indonesia's environmental problems are many and dire. The rubbish in the streets and rivers and the poor quality of the air in the cities are such that even the most casual visitor will remark on them. Internationally, Indonesia has 'talked the talk' of environmental responsibility: it hosted the UN Conference on Climate Change in 2007, participated in the UN Decade for Education for Sustainable Development (2005–2014), and signed up to a REDD+ Treaty (reducing emissions from deforestation and forest degradation) with Norway in 2011. However, many see Indonesia's environmentalism on the international stage as a 'NATO' approach (No Action, Talk Only). Indonesia is the world's number three emitter of greenhouse gases (World Bank Group 2016) and the world's 'second largest contributor to marine plastic pollution after China'.

Deforestation rates are high, and, despite a series of law sand regulations, such as a moratorium on new permits to clear primary forests (Presidential Instruction no. 10/2011), continue apace (REDD 2016). Deforestation through burning and logging causes massive greenhouse gas emissions, soil erosion, air pollution from smoke and haze, loss of biodiversity, and a host of associated problems (see Nilan this issue). Deforestation has been driven predominantly by agricultural expansion, especially the rapid extension of oil palm plantations.

The seas, rivers, coral beds and mangrove fringes of Indonesia's archipelago are also polluted.Indonesia has the dubious distinction of having 4 of the world's 20 most polluted rivers. Many marine areas are overfished, with some devoid of fish and other marine species; in some places local people still fish by blowing up coral reefs (with explosives), reducing them to rubble, for short term gain. It seems that every year there are international news stories about the massive amounts of rubbish, especially plastic waste, that are washed up on Bali's tourist beaches. In March 2018, the BBC reported that government officials had declared a 'garbage emergency' along some 6 kilometres of coastline, deploying 700 cleaners and 35 trucks. The concern was with the image problem it created for the tourist industry. In classic NATO style, the Governor of Bali had declared back in December 2014, that the island would be 'plastic bag free by 2018'. One report on Australian television news in March 2018 explained that this was a seasonal event, due to the particular ocean currents that flow around Bali at this time. With innocent but appalling ignorance, one of the cleaners, standing in front of a plastic-strewn beach, ended his apologetic interview with a shrug and the words, 'That's nature.'

His misguided conclusion is symptomatic of the general lack of awareness and knowledge of the natural environment and of the impact of human son the natural world among the Indonesian population. Even the World Bank (2014) has noticed it: 'Environmental values are not deeply embedded in society, leading to undervaluation of natural resources and environmental services.' General ignorance about human-environment interactions, in combination with decentralised government, which has opened opportunities for self-interest and corruption to all levels of government, and lack of capacity and environmental understanding among government officials, mean that the many laws that are meant to protect Indonesia's rich and wonderful natural environment are rarely enforced.

At the same time, Indonesia is developing rapidly, meaning that demand for consumer products, infrastructure (roads, transport, communications) and energy are growing rapidly, inturn creating more environmental destruction. Arapidlygrowing,andconsuming, middle class, and urbanisation, are two salient points of Indonesia's demography, and both contribute to ecological loss and damage. There is an urgent need for the development of a mass environmental consciousness in Indonesia. In the Global North, this developed among the educated middle classes. It remains to be seen if the same phenomenon can happen in Indonesia.

The processes of creating new environmental subjectivities and practice en masse, and thus a new groundswell of support for environmental sustainability, are complex, but all point to the value of education, whether formal or informal. We aimed to identify how various types of education can contribute to creating environmentally aware citizens in Indonesia. Our researchers studied a range of different educational projects in different contexts: schools and universities, among rice farmers, young urban activists, and in and around national parks. [5]

2.   Environmental law Sustainability in Indonesia

Among recent actions taken by Indonesian President Joko Widodo to strengthen regulatory and enforcement functions in the environmental sector was the integration of two previously separate but interlinked departments to become the Ministry of Environment and Forestry ("MOEF"), through the issuance of Presidential Regulation No. 16 of 2015 regarding the Ministry of Environment and Forestry ("PR 16/2015").

Another action was the issuance of Presidential Instruction No. 8 of 2015 ("PI 8/2015"), which effectuated a moratorium on the issuance of new licenses in primary natural forest areas (*hutan alam primer*) and peatland (*lahan gambut*) located in conservation forests, protected forests, production forests, and other utilization areas, as stated in the Indicative Map of Suspension of New Licenses. This moratorium, however, does not apply to (i) applications that have received principle approval from the MOEF, (ii) vital national development in the fields of geothermal, oil and gas, electricity, and land for rice and sugar cane, (iii) the extension of existing forest utilization licenses and/or the use of the forest area licenses of companies whose main businesses licenses are still valid, and (iv) ecosystem restoration.

Possible Future Developments to face the Society Era 5.0

a. **Environmental Management and Protection Plans:** To support systematic and integrated management and protection of the environment, the Government of Indonesia ("GOI") is considering the enactment of a regulation regarding environmental management and protection plans, as mandated by Article 11 of Law No. 32 of 2009 regarding Environmental Management and Protection (the "Environmental Law"). The MOEF, the Governor, and/or the regent or mayor, in accordance with their respective authority, would be responsible for the formulation of an environmental management and protection plan, which would consist of plans on the utilization and/or reservation of natural resources, preservation and protection of environmental quality and/or functions, control and supervision of natural resources, and adaptation and mitigation of climate change.

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[5]For the sake of simplicity, in this special issue, we mainly use the term' environmental education' rather than synonyms like 'education for sustainable development' and the more desirable 'education for sustainability'.

b. **Indonesia's Haze Issue:** Increasing public awareness of environmental sustainability and improving legal foundations have caused law enforcement to be more aggressive to ensure that business operations and activities in Indonesia do not adversely impact the environment and to take actions against those that do. For example, in the last trimester of 2015, the MOEF, among others, was under scrutiny and pressure in light of the massive Sumatra forest fires that created unhealthy haze in and beyond the Indonesian archipelago. In addition to imposing administrative sanctions on the perpetrators, the MOEF indicated it would represent the community in bringing claims for compensation against the perpetrators on the basis of Article 90 of the Environmental Law, which allows the GOI standing to make environmental claims for compensation. The President also indicated that entities responsible for slash-and-burn practices would lose their concessions.

c. **Global Commitments:** The GOI has committed to contribute to reducing global emissions up to 26 percent below the Business As Usual ("BAU") standard by 2020 in the Intended Nationally Determined Contribution ("INDC"). Based on www.climateactiontracker.org, Indonesia's deforestation and peatland destruction "at present account for the largest source of the country's emissions, an average of 60% of total emissions over the last ten years (based on national data)." PI 8/2015 is one of the GOI's responses to this issue.[6]

3. Environmental Economy Sustainability in Indonesia

Five sectors were prioritised in the Indonesia analysis based on their potential to create economic benefits from a circular approach in Society Era 5.0. Adopting a circular economy approach could drive growth and employment across these five sectors, reduce household costs, and create significant benefits for the environment. By creating new job and growth opportunities, and increasing the resilience of supply chains, a circular economy could also play an important role in Indonesia's economic recovery from the COVID-19 pandemic.

The five sectors prioritised to better understand the promise of a circular economy in Indonesia: food & beverage, textile, construction, wholesale and retail trade, and electrical and electronic equipment. Five sectors were chosen to provide focus to circular economy efforts going forward. Existing studies on the circular economy also typically prioritise three to five economic sectors. For example, the case study on Denmark published by the Ellen MacArthur Foundation focused on five sectors: food & beverage, construction & real estate, machinery, plastic packaging, and hospitals. Elsewhere, a report evaluating the potential for a circular economy in India focused on three focus areas: cities and construction, food and agriculture, and mobility and vehicle manufacturing. Similarly, a report estimating the economic pay-off of adopting a circular economy in Australia focused on three sectors: food, transport, and built environment.[7]

To arrive at these five sectors, three criteria were used: i) the economic potential of the sector, ii) the circularity potential, and iii) the level of stakeholder support, both private and public, in advancing circularity within the sector. To assess the economic potential of the sectors, the gross value added and employment statistics of the sectors were examined. To understand the circularity potential of the sectors, the

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[6]http://www.gbgindonesia.com/en/main/legal_updates/environmental_law_in_indonesia_recent_and_possible_future_changes.php

[7] The Economic, Social and Environmerntal Benefits of A Circular Economy in Indonesia

material intensity, waste volumes, share of waste unrecovered, and the circularity potential (defined by the Ellen MacArthur Foundation) were assessed for each sector. This assessment was complemented by international case studies and expert interviews. Finally, to evaluate the level of stakeholder support, indepth, qualitative desktop research (e.g., the number of private-sector partnerships and initiatives associated with circular economy adoption in each sector, relevant government strategies) and several interviews with Indonesian policymakers, private sector leaders, and circular economy experts were conducted.

4. Environmental Art and Humanities Sustainability in Indonesia

The increasingly real impact of climate change has moved the hearts of art and humanities workers who have hundreds of thousands to millions of followers on social media. Through campaigns and invitations from short videos, they give their influence to invite the wider community to be more concerned about environmental issues and the sustainability of the earth.[8]

The COVID-19 pandemic has shifted our view of the world and significantly impacted the art and humanities world. With the consideration of cleanliness and public safety which is now a priority towards the New Normal era. Even though the boundaries are increasing, there is no better time than now to make art that is broadly accessible and inclusive.[9]

C. Conclution

Exponential population growth has led to increased farming, which leads to greater greenhouse gas emissions and deforestation. Industrial and technological growth means we need more power than ever. Yet our planet is reaching a breaking point. We are beginning to see the consequences of global warming on ecosystems and communities. That's why now more than ever businesses need to invest in environmentally sustainable and socially responsible practices, like using clean energy and paying living wages, to secure a livable future for education, law, economy, art and humanities in the Society Era 5.0.

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[9] https://www.bengkuluinteraktif.com/kala-seni-merespons-spektrum-berkelanjutan-dari-dunia-nyata-ke-dunia-maya

Environmental Education Strategy In Islamic Education Institutions

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Abstract

In recent decades, environmental issues have become one of the important agendas in the development process. Not only at the national or regional level but has become a global issue. Issues regarding massive natural destruction, global warming, the Greenhouse Effect, issues of exhaust gas emissions, garbage, deforestation and so on have become development issues in several world leaders' meetings and have become the subject of discussion among academics and non-governmental organizations that work together. concentrate on environmental issues. Although environmental issues have become part of the development agenda, in reality the rate of environmental damage and global climate change is still happening and its intensity is increasing. The Forum for the Environment (WALHI), a non-governmental organization concerned with environmental issues, recently submitted the latest data on environmental issues. Quoting the statement of the UN Secretary General Antonio Gutteres, WALHI stated that the UN Secretary General gave a **code red** warning to mankind due to the continued increase in carbon dioxide emissions. If we continue to carry out activities as usual and do not reduce the use of fossil fuels, then in the next 20 years, disasters due to climate change cannot be controlled. Meanwhile, the earth's temperature is currently increasing by 1.1 degrees Celsius. From the analysis that has been carried out, it turns out that as many as 14 thousand studies related to climate change show that the cause of the increase in temperature is Earth's 1.1 degrees Celsius is the result of fossil fuels. One of them is the power generation industry, the majority of which still uses coal as fuel.

Keyword : environmental, Education

A. Introduction

The National Medium-Term Development Plan (RPJM) for 2020-2024 sets out efforts to build the environment, increase disaster resilience and climate change. Therefore, the preservation of renewable natural resources such as forests, water and biodiversity is a challenge in sustainable development. The National Statistics Agency (BPS, 2020) stated that in addition to the diminishing availability of natural resources, environmental problems in development issues are the limited carrying capacity of natural resources and the capacity of the environment. The carrying capacity of natural resources and the carrying capacity of the environment must be considered in every development planning process because will determine the sustainability of development. Several parameters of the carrying capacity of natural resources and environmental carrying capacity mentioned in the RPJM include (a) Primary forest cover, (b) Forest cover on peatlands (c) Habitat of key species, (d) Size of settlements in coastal areas affected by climate change, (e) Disaster-prone areas, (f) Availability of water, and (g) Availability of Energy.

According to Greenpeace Indonesia (www.greepeace.org) there are several environmental issues that will still be a problem and require the handling and participation of all parties. These problems include the problem of forest damage that occurs either due to deforestation (*deforestation*) or due to land burning. From a greenpeace analysis, there were 3,403,000 hectares of land burned between 2015 and 2018. Based on an analysis by Greenpeace International, it is revealed that several

world-renowned companies are behind forest fires and have triggered climate change. The next problem is the damage to coral reefs caused by many things and one of them is fishing using bombs. Currently the condition of coral reefs in Indonesia is quite worrying because 35.15% of Indonesia's coral reefs are in the bad category. In fact, coral reefs can help reduce global warming because they are able to absorb existing carbon dioxide. Loss and destruction of coral reefs is fatal because it will cause damage to marine ecosystems which will then have an impact on drastically decreasing the number of marine animals.

Environmental issues that also still need to be addressed are the handling of plastic waste. Based on the data, 60% of the plastic in the world is single-use plastic which will be immediately thrown away, after that I don't know where the plastic goes. Of course, where else if not to water areas, such as rivers, lakes, and the sea. The last part in greepeace's notes on environmental issues is the investment in coal mines used for industrial purposes, especially those used for power generation. In fact , globally, the power generation sector is the largest contributor of greenhouse gases causing the climate crisis. Even in Jakarta, 20-30% of the existing air pollution is the result of contributions from emissions from coal-fired power plants.

In political economy, environmental issues are the impact of the economic policies of neo-liberalism as an economic system adopted by most countries in the world. The economic system of neo-liberalism which gives the widest freedom to corporations with a policy of economic privatization has resulted in massive exploitation of nature. Exploitation of nature on a large scale that results in damage to nature and has an extraordinary environmental impact. An environmental activist and critical social scientist, Vandhana Shiva (2002, 24) states that neo-liberalism as a new form of colonialism has succeeded in becoming the dominant hegemony, has resulted in the struggle for biodiversity. Currently , environmental destruction in the form of theft of biodiversity is carried out through the patent regime, privatization, and the commodification of water and social services.

Recently, in Glasgow, Scotland, from October 31 to November 12, 2021, a conference of world leaders was held to discuss the issue of climate change caused by human activities and how countries in the world save the earth. This conference is called the United Nations Climate Change Conference 2021 or the *United Nations Climate Change Conference* (UNCCC) or also called the Conference Parties (*Conference of the Parties* / COP). The parties referred to in this event are countries that signed an agreement in 1992 to tackle climate change. The number of countries that adopted this agreement continues to grow and has now reached 197 countries. COP Glasgow is the 26th with the first COP in Berlin in 1995. (Kompas, 8/11/2021).

There are four main focus issues in the discussion of COP-26, namely the importance of shifting to electric vehicles, ending deforestation with financial assistance, drafting rules for global carbon markets, mobilizing funds for developing countries. The expected outcomes of COP-26 are: first, funding from developed countries to combat and mitigate climate change; second, compensation from developed countries for the impact that will befall them: third, money from developed countries to help them implement a more environmentally friendly economy; fourth, ensuring the commitment of each country to achieve the 2050 target, namely zero emissions and progressive carbon reduction by 2030. (Tempo, 4/11/2021).

Although environmental issues and climate change have become the development agenda and have become an agreement for many countries to be resolved immediately, in reality international conferences on climate change are often just *lip service* and have not been realized with full commitment. Kompas daily (15/11/2021)

even stated that the results of the conference of the parties or COP 26, which was formulated in the Glasgow Climate Pact , were disappointing. The pact is not sufficient enough to contain the current rate of global warming and climate change.

Therefore, Vandhana Shiva (2002) states that one of the works that should be an inseparable part of the environmental movement is to raise people's critical awareness of the implications of neo-liberalism policies on the rights of people's sources of life . It is not only critical awareness about neo-loberalism policies that cause environmental damage that must be raised, but what is more important is the emergence of public awareness of the importance of environmental conservation and the impact of this environmental problem on human life in the present and in the future.

Where does building public awareness about the environment begin? Of course it can be done from anywhere, especially in the family, community and school. Education is an important means to build environmental awareness because through education values can be transmitted and internalized effectively and efficiently. Environmental education through schools, from elementary to tertiary levels can take on this role by making environmental issues and climate change a part of the education curriculum.

B. Islamic Ecotheology Perspective

There have been many writings and researches discussing the role of religion in providing guidelines in environmental issues. The religious guidelines are shown by God by explaining the purpose of the creation of the universe, how to treat nature, and how to preserve it nature and environment. In relation to the relationship between religion and environmental issues, the concept of *ecotheology is* developed , namely an effort to build environmental awareness based on religious values. (Pudjiastuti, Iriansyah, and Yuliwati 2021); (Kholis and Karimah 2017); (Muhaimin 2020).

Islam views that preserving, preserving and not destroying nature is a human task. Nature with all its contents is provided by Allah SWT so that it can be used to meet human needs, however humans are prohibited from destroying nature which can result in the occurrence of natural disasters. Allah has created this universe with all its contents and the perfection of its creation. The task of humans is to process and use them properly while maintaining them so they don't get damaged.

Everything created by God on this earth has a purpose and is not for nothing. Only people who are kufr think that this world was created in vain. With rhetorical language, Allah states that it is inappropriate to compare those who believe and do good with those who do mischief on earth. In other languages it is stated that those who do harm to nature are unbelievers. "*And We created the heavens and the earth and what is between them in vain. That is the opinion of the disbelievers, so woe to the disbelievers because they will go to hell. Shall We treat those who believe and do good, the same as people?*

people who do mischief on earth? Or should We regard those who are pious with evil people?" (Surah Sad: 27-28)

Therefore, Allah SWT forbids the attitude of destroying nature and recommends protecting it. People who take care of nature are declared by Allah as people who will get mercy because of the good they do. Allah says: "*And do not do mischief on the earth after (created) well. Pray to Him with fear and hope. Verily, the mercy of Allah is near to those who do good .*" (Surat al-A'raf: 56)

Allah SWT also emphasized that the damage to nature, both on land and in the sea, is the result of human actions that exploit nature excessively without wanting to maintain and protect it. "*It has been seen that corruption on land and at sea is caused by the deeds*

of human hands; Allah wants them to feel some of the (results of) their actions, so that they return to the right path ." (Surat Ar-Rum: 41). In Surah Al-Baqarah verse 205 Allah also forbids destroying nature by cutting down plants, destroying trees in the forest which also results in the extinction of animal habitats as He says: " *And when he turns away (from you), he trying to do mischief in the earth, and destroying crops and livestock, while Allah does not like corruption"* (Surah Al-Baqarah: 205).

Prophet Muhammad SAW in several of his hadiths forbids his followers to take actions that can pollute the environment. The command was shown by the Prophet by his prohibition against people who litter and pollute water. In a hadith narrated by Muslim from Abu Hurairah Rasulullah SAW said: " *Stay away from the two actions that bring curses!, the friends asked, "What are the two actions that bring curses?" The Prophet replied, "people who defecate in public roads or in human shelters* " (HR.Muslim). In another hadith Rasulullah SAW said: " *Stay away from you urinating in calm water that does not flow and then bathe in it* ." (Narrated by Bukhari and Muslim).

The two hadiths above, if we expand our understanding, contain a message of prohibition from the Prophet SAW to humans not to take actions that can pollute the environment. Environmental pollution can be done by humans by littering, disposing of waste improperly and destroying the comfort of public facilities. The Prophet also forbade humans to pollute water, because water is a source of human life that must be maintained so that it can continue to be used for human survival. The attitude of not taking care of the environment, polluting water by throwing dirt and garbage, throwing household and industrial waste into water sources was declared by the Prophet as an accursed behavior.

On the other hand, attitudes that protect the environment by living clean, healthy, and caring for the environment are given a great reward and are recorded as goodness in Islam. People who always preserve nature by planting trees or plants that can provide benefits to humans are considered equal to alms. The Prophet SAW said: " *There is no Muslim who grows plants or cultivates crops, then the fruit is eaten by birds or livestock, except that what he eats will be worth charity for him* " (HR. Bukhari).

The behavior of protecting and preserving nature as the example of the Prophet, is also a behavior that is practiced by the Companions. One example is what was done by a friend of Abu Bakr. On one occasion when Caliph Abu Bakr gave a message to the Muslim troops to be sent to Syria, he said: " *And do not cut down date palm trees and burn them. Do not cut livestock or cut down trees that bear fruit. Do not destroy the place of worship. Do not kill children, old people and women* " (HR. Ahmad).

The teachings and values of Islam regarding the importance of protecting the environment and preserving the universe as above show us that environmental problems are not only human issues but also the commandments of Allah SWT and the Messenger of Allah to mankind to be implemented in utilizing and managing nature. When humans carry out the commands of Islamic law regarding the environment and its preservation, then by itself he has performed worship and devotion to the Creator. This perspective is called e- *cotheology* , namely religious teachings or demands about how humans treat nature. There are two main things that become important discussions in *ecotheology*, namely the formulation and efforts to introduce what is called Islamic perennial wisdom about the natural order, religious significance, and its close relationship with every phase of human life and develop ecological awareness with a theological perspective.

C. Environmental Education in Islamic Educational Institutions

Education has an important task in overcoming environmental problems because in education there is a process of knowledge transfer, inculcation of values and the formation of attitudes and skills needed to live a meaningful life for students. The problem of good use of nature, prevention of natural damage and its conservation efforts will run effectively if the community has good knowledge and understanding of nature. Likewise, how to behave towards nature so that it remains sustainable and does not cause damage can only be done by building and developing an affectionate attitude towards nature in a good and appropriate way. All of this can be done through a continuous education process.

For Islamic educational institutions, the role mentioned above can even be carried out in two ways, namely the role of disseminator of religious messages by building public awareness about environmental issues with a religious approach (*ecotheology*) and the role of forming knowledge, attitudes and skills through education itself. Therefore, for Islamic educational institutions, both from the Ibtidaiyah madrasa level to Islamic religious colleges, including Islamic boarding schools, they can take on the role and carry out their duties.

This task is in the learning process it manages. In some Islamic educational institutions this role has actually begun to be carried out, (Pudjiastuti et al. 2021), but the scale is still sporadic and has not become an integral part of the implementation of learning in all Islamic educational institutions.

At the real policy level, education which aims to build environmental awareness has been a government program through Environmental Education and environmental-based school programs. However, in its development, these programs are less sustainable and receive less serious attention from all parties, both by the government itself and education *stakeholders*. Whereas understanding of global environmental issues and the internalization of values in building environmental awareness must always be instilled, and the process of building environmental awareness can once again be done through education. (Karmini, Wiana, and Sukarma 2019). To realize this, the government in Indonesia has included environmental education in school management policies, from elementary school to tertiary level with the Adiwiyata school program. (Anon 2014)

The purpose of the Adiwiyata Program is to create good conditions for schools to become places of learning and awareness for school residents (teachers, students and other workers), so that in the future the school community can take responsibility for efforts to save the environment and sustainable development. The Adiwiyata program is developed based on norms in the nature of life which include: togetherness, openness, equality, honesty, justice, and the preservation of the function of the environment and natural resources.

According to Yossa Istiadi (2015) there are four aspects that schools must pay attention to to be managed carefully and correctly when developing the Adiwiyata Program, namely; Policies, Curriculum, Activities, and Infrastructure. So that in a planned manner the management of these aspects must be directed at the indicators that have been set in the Adiwiyata program. by   The details of these four aspects are as follows:

1) School Policy Concerned and Cultured Environment,
2) Environment Based Curriculum,
3) Participatory Based Activities, and
4) Environmentally Friendly Supporting Facilities and Infrastructure.

Thus environmental education programs in schools can be carried out not only by including environmental education curricula in learning subjects but also by creating

school programs that allow the development of understanding and the formation of an attitude of caring for the environment. This includes the creation of an atmosphere, open space planning and the use of environmentally friendly infrastructure. Everything becomes a single unit and is integrated in the overall school-based management. All of this is done so that the objectives of environmental education can run well and the formation of attitudes and awareness about the importance of the environment can be easily internalized within the students themselves and personally .

The objectives of environmental education can be broken down into six groups, namely:

1) Awareness, namely giving encouragement to each individual to gain awareness and sensitivity to the environment and its problems.
2) Knowledge, which helps each individual to gain various experiences and basic understanding of the environment and its problems.
3) Attitude, which is helping each individual to acquire a set of values and the ability to make the right choice, as well as developing a feeling of being sensitive to the environment and providing motivation to participate actively in environmental improvement and protection.
4) Skills, namely helping each individual to acquire skills in identifying and solving environmental problems.
5) Participation, namely providing motivation to each individual to participate actively in solving environmental problems.
6) Evaluation, which is to encourage each individual to have the ability to evaluate environmental knowledge in terms of ecological, social, economic, political, and educational factors. (Yossa Istiadi, 2015).

To achieve the objectives of environmental education as mentioned above, prerequisites and conditions are required that must be met. Schools that implement environmental education must try to meet all the prerequisites and conditions. There are several important aspects that must be met in order to realize a school that has a cultured environment, namely:

1) School location easily accessible, safe, not too close to the center of the crowd, j alanraya, and landfills. The school stands on stable land and has a large area of land.

2) The school has enough space as a school green belt, enough places to study, exercise, play, and rest.

3) Sufficient classrooms and other school support rooms. These spaces are endeavored to have good air circulation and are "healthy" for school activities .

4) Schools have hygiene and health facilities that are proportional to the number of school residents, both students, teachers, and all school staff. 5) Have a good drainage system and safe disposal of liquid and solid waste

6) There are plants and hard plants around the school environment, so that it looks beautiful and supports the health of the entire school complex. (Yossa Istiadi, 2015).

Taking into account the objectives and prerequisites of environmental education as above, the authors recommend that environmental education can be carried out with at least three strategies. Each of these strategies in implementation can be carried out in an integrated manner , but can also be carried out separately. However, an integrated system will be better and more optimal in order to achieve the goals of environmental education. The three strategies are:

1. Making environmental education as one of the subjects or subjects taught and becoming part of the educational curriculum that must be followed and taken

by students. By making environmental education a stand-alone subject, the scope of material and time provided will be wider and deeper. With a broader and deeper material, it is hoped that the process of building awareness about the importance of the environment, understanding of environmental problems and efforts to preserve the environment can be implemented properly by students in everyday life .

2. Implementation of environmental education by integrating materials on environmental issues in all subjects or courses. This method is done by inserting environmental issues in the learning materials or at least linking the existing materials with environmental issues. For example, when a teacher teaches English subjects, he or she can choose environmental themes as reading texts so that students learn English as well as gain knowledge about environmental issues. When the teacher teaches religious subjects, the teacher can raise themes about social piety, among which social piety is preserving nature and protecting it from damage. Thus the content of environmental education can be done by integrating religious values in learning to build environmental awareness. This is as has been done in several studies that take the topic of Ecotheological concepts. (Kholis and Karimah 2017).

3. The third strategy is to create a school atmosphere that reflects the charm of a beautiful, green and environmentally friendly environment. Not only the beautiful physical environment but also creating a green living culture or environmentally friendly lifestyle, for example , energy efficient building layout , saving water and electrical energy use , using tools made from natural materials so that they are environmentally friendly, and so on. . Several studies and research have been conducted to see the implementation and effectiveness of this strategy, including those carried out by Sumarni (Sumarmi 2008), also by Mulyana, (Mulyana 2009) and research conducted by Indahri (Indahri 2020).

D. **Conclution**

Those are some strategies that can be done in environmental education, of course there are many other ways and strategies that can be done in the education process. What is no less important than all of this is the *political will* from policy makers in the field of education to make environmental problems not only a development issue but also an education issue. Without strong *political will* from policy makers, all recommendations for ways and strategies in environmental education will be meaningless.

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بِسْمِ اللَّهِ الرَّحْمَزِ الرَّحِيمِ

المنافع على الدين وأحكامها (الدين المتغير)

المبحث الأول : الدين والقرض المفهوم والمشروعية .

الحمد لله رب العالمين والصلاة والسلام على أشرف المرسلين ، سيدنا محمد وعلى آله وصحبه أجمعين

أما بعد

فقد عُنِيَ الإسلام في كتابه وسنته بالمجتمع الإنساني، وعلاج مشكلاته وأدوائه، وذلك لأنه دين إنساني، جاء بتكريم الإنسان، وتحرير الإنسان، ففيه تتعانق المعاني الروحية والمعاني الإنسانية، وتسيران جنبًا إلى جنب.

والإسلام لا يتصور الإنسان فردًا منقطعًا في فلاة، أو منعزلاً في كهف أو دير، بل يتصوره دائمًا في مجتمع، يتأثر به ويؤثر فيه . ويعطيه كما يأخذ منه، ولهذا خاطب الله بالتكاليف الجماعة المؤمنة لا الفرد المؤمن: (يا أيها الذين آمنوا)،

ولقد كان من روائع الإسلام، بل من معجزاته الدالة على أنه دين الله حقًا، أنه سبق الزمن، وتخطى القرون، فعنى ـ منذ أربعة عشر قرنًا مضت ـ بعلاج مشاكل المال بيعا وشراء وقرضا وهبة ، وذلك لأن الأموال تلعب دورا مهما في حياة الشعوب والأمم في نهضتها وحضارتها وتعد المؤشر الأساسي لقياس استقرار الشعوب ورفاهيتها ، وكما أن لها دورا أساسيا في اقتصاد الدول .

ولذا فقد جاءت هذه الورقة البحثية متناولة لقضية معاصرة ونازلة مستجدة وهي تغير قيمة النقود وأثره في الحقوق ، عند وجود التضخم المالي في اقتصاد الدول ، كما هي كذلك أجابت على سؤال مهم وهو هل يرد الدين بأصله . وللإجابة علي هذا التساؤل فقد تناولت هذه الورقة المنافع على الدين وأحكامه .

وجاءت هذه الورقة في مبحثين ، المبحث الأول عن الدين والقرض المفهوم والمشروعية كما تناولت في المبحث الثاني منافع القرض وأحكامه وصوره وضوابطه .

وأسال الله أن يتقبل هذا الجهد وأن يبارك فيه إنه سميع مجيب

المطلب الأول : مفهوم الدين والقرض

أولا : مفهوم الدين .

الدين لغة : قال أبو عبيد: الدين: واحد الديون. تقول: دنت الرجل أقرضته، فهو مدين ومديون. وكلُّ شيء غير حاضر دَيْنٌ والجمع أدْيُن مثل أَعْيُن و دُيونٌ ودان فلان يدين دينا: استقرض وصار عليه دين، فهو دائن. وأنشد الاحمر:

ندين ويقضى الله عنا ×××وقد نرى مصارع قوم لا يدينون ضيعا

ورجل مديون: كثر ما عليه من الدين. ومديون ومديان، إذا كان عادته أن يأخذ بالدين ويستقرض. وتداينوا: تبايعوا بالدين. واستدانوا: استقرضوا. وداينت فلانا، إذا عاملته فأعطيت دينا وأخذت بدين. وتداينا، كما تقول قاتلته وتقاتلنا.
والدين بالكسر: العادة والشأن. قال:

تقول إذا درأت لها وضيني ××× أهذا دينه أبدا وديني . ¹

ودانه دينا، أي أذله واستعبده. يقال: دنته فدان. وفي الحديث: " الكيس من دان نفسه وعمل لما بعد الموت ". والدين: الجزاء والمكافأة. يقال: دانه دينا، أي جازاه. يقال: " كما تدين تدان "، أي كما تجازى تجازى، أي تجازى بفعلك وبحسب ما عملت. وقوله تعالى: (أعنا لمدينون) أي مجزيون محاسبون. ومنه الديان في صفة الله تعالى.
والمدين: العبد. والمدينة: الامة، كأنهما أذلهما العمل. والدين: الطاعة. ودان له، أي أطاعه، قال عمرو بن كلثوم:

*وأيام لنا ولهم طوال ××× عصينا الملك فيها أن ندينا

ومنه الدين، والجمع الاديان. يقال: دان بكذا ديانة وتدين به، فهو دين ومتدين. ودينت الرجل تديينا، إذا وكلته إلى دينه. وعلى هذا فالدين إشتمل على عدد من المعاني منها الجزاء والمكافأة والطاعة والذل والعادة والشأن ويأتي ايضا بمعنى القرض.²
ثانيا : مفهوم القرض .

القَرْضُ لغة : القَطْعُ قَرَضه يَقْرِضُه بالكسر قَرْضاً وقرَّضَه قطَعه ، والقَرْضُ والقِرْضُ ما يَتَجازَى به الناسُ بينهم ويَتَقاضَوْنَه وجمعه قُروضٌ وهو ما أسْلَفَه من إحسانٍ ومن إساءة ، قال تعالى وأقْرِضُوا الله قَرْضاً حَسَناً .³

فالقرض في معناه العام يشبه البيع؛ لأنه تمليك مال بمال وهو أيضاً نوع من السلف . قال جماعة من العلماء: القرض نفس البيع، لكن ذكر القرافي ثلاثة فروق بين القرض والبيع، فالقرض خولفت فيه ثلاث قواعد شرعية:

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¹ / لسان العرب ، ابن منظور الإفريقي ، دار صادر ، (13 / ١٦٤) وما بعدها .
² / الصحاح للجوهري ، باب دين ، (٥/ ٢١١٧) .
³ / لسان العرب ، لابن منظور (٧ / ٢١٦) .

١ ـ قاعدة الربا: إن كان القرض في الأموال الربوية وهي المكيلات والموزونات عند الحنفية والحنابلة في الأصح، والنقدان أو الاقتيات عند المالكية والنقدية أو الطعم عند الشافعية.

٢ ـ وقاعدة المزابنة: وهي بيع المعلوم بالمجهول من جنسه، إن كان القرض في غير المثليات كالحيوان ونحوه.

٣ ـ وقاعدة بيع ما ليس عند الإنسان، إن كان القرض في المثليات.[4]

والسبب في هذه المخالفات: هو مراعاة مصالح الناس والتيسير عليهم في القيام بصنائع المعروف، ولذا يحرم القرض إن لم يكن القصد منه عمل المعروف كتحقيق منفعة للمقرض مثلاً .

والكلام عن القرض يظهر في بيان تعريفه ومشروعيته ، وما يصح فيه وحكمه وحكم القرض الذي يجر منفعة.

قال النووي رحمه الله : فالقرض القطع والقرض في المكان العدول عنه، ومنه قوله " وإذا غربت تقرضهم ذات الشمال، وقرضت الوادي جزته، وقرض فلان مات، وقرضت الشعر نظمته. ولانه قطع له من ماله قطعة .[5]

والقرض ما تعطيه غيرك من المال لتقضاه، والجمع قروض، واستقرض طلب القرض واقترض أخذه.[6]

واصطلاحاً عند الحنفية: هو ما تعطيه من مال مثلي لتتقضاه. أو بعبارة أخرى: هو عقد مخصوص يرد على دفع مال مثلي لآخر ليرد مثله. وعرفه بقية المذاهب بأنه: إعطاء شخص مالاً لآخر في نظير عوض يثبت له في ذمته، مماثل للمال المأخوذ، بقصد نفع المعطى له فقط[7]

4/ أنوار البروق في أنواع الفروق ، لشهاب الدين القرافي ، الفرق بين قاعدة القرض وقاعدة البيع ، (٦ / ٤٣٠) .

5/ أنظر المجموع للنووي (١٣ / ١٦١) باب القرض .

6/ الفقه الإسلامي وأدلته ، وهبة الزحيلي ، (٤٣٧/٥) ومابعدها .

7 / بدائع الصنائع في ترتيب الشرائع ، أبو بكر بن مسعود الكاساني ، (٧ / ٣٩٤) .

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المطلب الثاني : مشروعية الدين وشروطه.

اولا : مشروعيته : الدين جائزبالكتاب و السنة والإجماع:

فمن الكتاب :

قوله تعالي : (يا أيها الذين آمنوا إذا تداينتم بدين ..) [8]

أما السنة ـ فما روى ابن مسعود أن النبي صلّى الله عليه وسلم قال: «ما من مسلم يقرض مسلماً قرضاً مرتين، إلا كان كصدقة مرة» [9] وعن أنس قال: قال رسول الله صلّى الله عليه وسلم : «رأيت ليلة أسري بي على باب الجنة مكتوباً: الصدقة بعشر أمثالها، والقرض بثمانية عشر ، فقلت: يا جبريل، ما بال ا لقرض أفضل من الصدقة؟ قال: لأن السائل يسأل وعنده، والمستقرض لا يستقرض إلا من حاجة» [10]

وأجمع المسلمون على جواز القرض

وهو مندوب إليه في حق المقرض، مباح للمقترض، للأحاديث السابقة، ولما روى أبو هريرة رضي الله عنه أن النبي صلّى الله عليه وسلم قال: «من نفّس عن مسلم كربة من كرب الدنيا، نفس الله عنه كربة من كرب يوم القيامة، ومن يسر على معسر يسر الله عليه في الدنيا والآخرة، والله في عون العبد ما كان العبد في عون أخيه» [11] ، وعن أبي الدرداء رضي الله عنه أنه قال: «لأن أقرض دينارين ثم يردا، ثم أقرضهما أحب إلي من أن أتصدق بهما» وعن ابن مسعود وابن عباس رضي الله عنهما قالا: «قرض مرتين خير من صدقة مرة» وقال الحنابلة: الصدقة أفضل من القرض ولا إثم على من سئل فلم يقرض [12] .

ولا يجوز عند جمهور الفقهاء اشتراط الأجل في القرض، فإن أجل القرض إلى أجل مسمى معلوم، لم يتأجل وكان حالا، لأنه في معنى بيع الدرهم بالدرهم، فلا يجوز التأجيل منعاً من الوقوع في ربا النسيئة، وباعتبار أن القرض محض تبرع، فيحق للمقرض المطالبة ببدله في الحال، لأنه عقد يوجب رد المثل في المثليات، فأوجب رد بدله حالاً كالإتلاف. وهكذا كل دين حل أجله لم يصر مؤجلاً بتأجيله. هذا بخلاف البدل في البيع وفي الإجارة، إذا أجل إلى أجل مسمى معلوم، فإنه لا يحق له المطالبة به، قبل حلول الأجل .

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[8] / سورة البقرة ، آية رقم (٢٨٢) .

[9] / رواه ابن ماجه وابن حبان والبيهقي مرفوعاً وموقوفاً عن عبد الله بن مسعود. نيل الأوطار (٥/ ٢٢٩) .

[10] / رواه ابن ماجه والبيهقي عن أنس بن مالك ، انظر مجمع الزوائد: ٤ ص ١٢٦

[11] / رواه مسلم وأبو داود والترمذي وحسنه والنسائي ، انظر الترغيب والترهيب: ٢ ص ٤٤

[12] / غاية المنتهى: ٢ ص ٨٣ .و الفقه الإسلامي وأدلته ، (٥/ ٤٣٨) ومابعدها .

والخلاصة: يصح تأجيل القرض عند الحنفية مع كونه غير لازم، ويلزم الأجل في هذه الحالات.

وقال الإمام مالك: يتأجل القرض بالتأجيل، لقول النبي صلّى الله عليه وسلم : «المسلمون عند شروطهم» ، ولأن المتعاقدين يملكان التصرف في هذا العقد بالإقالة والإمضاء، فملكا الزيادة فيه . وهذا الرأي هو المعقول الموافق لمقتضى الواقع.

ما يصح فيه القرض: اختلف العلماء فيما يصح فيه القرض:

فقال الحنفية: يصح القرض في المثلي: (وهو ما لا تتفاوت آحاده تفاوتاً تختلف به القيمة) كالمكيل والموزون، والمعدود المتقارب كالجوز والبيض، والورق من مقياس واحد، والذرعي كالقماش، وجاز قرض الخبز وزناً وعدداً، على ما هو المفتى به من رأي الإمام محمد لحاجة الناس المتعينة إليه، وهو رأي بقية المذاهب الأخرى، ولا يجوز القرض في غير المثلي من القيميات كالحيوان والحطب والعقار، والعددي المتفاوت، لتعذر رد المثل (٣) .

وقال المالكية والشافعية والحنابلة: يجوز قرض كل مال يصح فيه السلم، أي في كل مال قابل للثبوت في الذمة، سواء أكان مكيلاً أم موزوناً، كالذهب والفضة [13]

ثانيا : شروط القرض :

يشترط لصحة القرض أربعة شروط:

١ ـ أن يتم القرض بالصيغة وهي الإيجاب والقبول أو ما يحل محلهما عند الجمهور من المعاطاة، ولا تكفي المعاطاة عند الشافعية كغيره من العقود.

٢ ـ أهلية التعاقد: بأن يكون العاقد مقرضاً أو مقترضاً بالغاً عاقلاً راشداً مختاراً أهلاً للتبرع؛ لأن القرض عقد تبرع، فلا يصح من الصبي والمجنون والسفيه المحجور عليه، والمكره، ولا من الولي لغير ضرورة أو حاجة، لأن هؤلاء ليسوا من أهل التبرع.

٣ ـ أن يكون مال القرض مثلياً عند الحنفية، ويصح عند الجمهور أي مال قابل للثبوت في الذمة من النقود والحبوب والقيميات من حيوانات وعقارات وغيرها.

٤ ـ أن يكون مال القرض معلوم القدر كيلاً أو وزناً أو عدداً أو ذرعاً ليتمكن من رده، وأن يكون جنساً لم يختلط بغيره كقمح مخلوط بشعير ، لأنه يتعذر رد بدله.

ما يجب رده على المقترض :

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[13] / الفقه الإسلامي وأدلته (٤٣٨/٥) .

يجب على المقترض أن يرد مثل المال الذي اقترضه إن كان المال مثلياً بالاتفاق، ويرد مثله صورة عند غير الحنفية إذا كان محل القرض مالاً قيمياً، كرد شاة تشبه الشاة التي اقترضها في أوصافها.

ووقت رد بدل القرض عند غير المالكية في أي وقت شاء المقرض بعد قبض المستقرض مال القرض؛ لأنه عقد لا يثبت فيه الأجل. وذهب المالكية إلى أن وقت رد بدل القرض عند حلول أجل وفاء القرض؛ لأن القرض يتأجل عندهم بالتأجيل.[14]

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14 / نفس المرجع

المبحث الثاني : منافع القرض وأحكامه وصوره وضوابطه

المطلب الأول : أنواع منافع القرض أوالدين .

تعريف المنفعة: المنفعة هي قابلية الشيء على إشباع رغبة بشرية. فالمنافع في القرض نوعان:

النوع الأول: المنافع المشروطة :

أولاً: الزيادة في بدل الدين: الواجب في الدين أو القرض رد البدل المساوي في الصفة والقدر. فقد اتفق العلماء على تحريم اشتراط الزيادة في بدل القرض للمقرض، وأن هذه الزيادة ربا، وسواء كانت الزيادة في الصفة (كأن يشترط على المقترض رد أجود مما أخذ)، أم عيناً (كأن يقترض مالاً ويشترط عليه رده مع هديه من مال آخر) أم منفعة (كأن يقترض مالاً ويشترط عليه رده مع عمل المقترض عند المقرض مده).

ولم يفرقوا في الحكم بين اشتراط الزيادة في بداية العقد أو عند تأجيل الوفاء.

وتسمى الزيادة المشروطة في القرض: ربا القرض، وهي من ربا الجاهلية.

وقد نقل الإجماع على تحريم الزيادة في بدل القرض، للأدلة الآتية:

النصوص التي دلت على تحريم الربا، ومنها:

قوله تعالى: (يا أيها الذين آمنوا اتقوا الله وذروا ما بقي من الربا إن كنتم مؤمنين) [15] .

و قول النبي ﷺ في حجة الوداع: "وربا الجاهلية موضوع وأول ربا أضع ربانا، ربا عباس بن عبد المطلب فإنه موضوع كله". وفي لفظ: "ألا إن كل ربا من ربا الجاهلية موضوع، لكم رؤوس أموالكم لا تظلمون ولا تُظلمون) [16]

وقول النبي ﷺ : "لا ربا إلا في النسيئة. وقوله ﷺ : "الذهب بالذهب والفضة بالفضة والشعير بالشعير والتمر بالتمر والملح بالملح مثلاً بمثل، سواء بسواء، يداً بيد، فإذا اختلفت هذه الأصناف فبيعوا كيف شئتم إذا كان يداً بيد" [17] .

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[15] / سورة البقرة آية رقم (٢٧٨) .

[16] / رواه الإمام مسلم ، باب حجة النبي ﷺ ، (٢/ ٨٨٦) .

[17] / رواه الإمام مسلم ، باب الصرف وبيع بالذهب ، (٣/ ١٢٠٩) .

ووجه الاستدلال منها: أن صورة القرض في الحقيقة هي صورة ربا النسيئة، لكن لما كان مبنى القرض التبرع ومبنى البيع المعاوضة غاير الشارع بينهما في الحكم، فإذا اشترطت الزيادة في القرض خرج عن موضوعه وهو التبرع والإرفاق إلى المعاوضة فجرى فيه ما يجري فيها، فيشمله النهي في تلك النصوص وتتقيد بما يتقيد به البيع فيها وهو أن يكون "مثلاً بمثل، ويداً بيد"

ثانياً: اشتراط الوفاء في غير بلد القرض.

محل الخلاف في مسألة اشتراط الوفاء في غير بلد القرض هو في المنفعة الإضافية إذا كان الاشتراط لمنفعة المقترض والمقرض معاً، والراجح الجواز، سواء انتفع المقرض أو لا ما دام القصد الإرفاق بالمقترض.وذلك لما يأتي:

١ـ أن ذلك هو المنقول عن الصحابة رضي الله عنهم.

٢ـ أن اشتراط الوفاء في غير بلد القرض مصلحة للمقرض والمقترض جميعاً من غير ضرر بواحد منهما، والشرع لا يرد بتحريم المصالح التي لا مضرة فيها، وإنما ينهى عما يضرهم، وهذه المنفعة مشتركة بينهما وهما متعاونان عليها فهي من جنس التعاون والمشاركة.

٣ـ أن الأصل في المعاملات الإباحة، واشتراط الوفاء في غير بلد القرض ليس بمنصوص على تحريمه، ولا في معنى المنصوص على تحريمه حتى يقاس عليه، فوجب إبقاؤه على الإباحة.

ثالثاً: اشتراط الأجل في القرض.

اتفق العلماء على جواز التأخير في وفاء القرض من غير شرط، واختلفوا في حكم الأجل المشروط في القرض، وذلك حينما يتفق المقرض والمقترض عند الاقتراض على موعد لوفاء القرض، هل يلزم هذا الأجل، بحيث يلزم المقرض به فلا يطالب المقترض بالبدل قبل مضي الأجل المشروط أم لا؟ على قولين:

والراجح أنّ اشتراط الأجل في القرض جائز، ويتأجل القرض بالتأجيل. فليس للمقرض المطالبة بالقرض قبل الأجل، بل يلزمه الانتظار حتى يحين الوقت الذي اتفق على تسليم القرض فيه؛وذلك للأدلة على مشروعية الأجل، ووجوب الوفاء بالشروط والعقود،ولتحقيق المقصود من القرض،ولدفع الضرر.

رابعاً: اشتراط الجعل على الاقتراض بالجاه.

من صورة هذه المسألة

أن يقترض شخص مالاً لغيره لا لنفسه، فلا يخلو:

١ ـ أن لا يشترط المقترض أخذ جعل ثمناً لجاهه، وأن لا يلتزم بذلك المستفيد من القرض، فهذا جائز، بل مندوب إليه؛ لما فيه من الإعانة لأخيه، وتفريج كربته.

٢ ـ أن يشترط المقترض الجعل، بأن يقول: يا فلان اقترض لي مائة ولك عليّ عشرة، أو يلتزم به المستفيد بدون شرط، ففيه خلاف على ثلاثة أقوال: الأول: يجوز، والثاني: يحرم، والثالث: التفصيل: بأنه إن كان الأخذ لمجرد بذل الجاه والشفاعة حرم، وإن كان الأخذ لما يتكبده ذو الجاه من سفر ونفقة لتحصيل القرض جاز، لكن يشترط أن يكون الأخذ بقدر ما بذله من النفقة.

والقول الثالث هو الراجح لحديث أبي أمامة ـرضي الله عنهـ عن النبي ﷺ قال: "من شفع لأخيه بشفاعة، فأهدى له هدية عليها فقبلها فقد أتى باباً عظيماً من أبواب الربا"(٩). فإذا كان قبول الهدية غير المشروطة رباً فكيف إذا اشترط الجعل!.

وبالتأمل يتبين أن التحريم لا علاقة له بعقد القرض، وإنما حصل لمعنى خارج عن عقد القرض، وهو أخذ الجعل على الشفاعة والجاه.[18]

النوع الثاني: المنافع غير المشروطة وهي قسمان:

القسم الأول: المنافع المادية:

أـ المنافع المادية غير المشروطة عند الوفاء:

اتفق العلماء على تحريم الزيادة ـ في القدر أو الصفة ـ المشروطة في بدل القرض للمقرض، واختلفوا في حكمها إذا لم تكن مشروطة على أقوال، الراجح منها الجواز إذا كانت الزيادة على سبيل البر والمعروف، بل يستحب للمقترض ذلك، وهذا قول جماهير أهل العلم، سواء أعرف المقترض عند الناس بحسن القضاء أم لا، لجملة من الأدلة منها

ما جاء عن أبي رافع ـ رضي الله عنه ـ أن رسول الله ﷺ استسلف من رجل بكراً، فقدمت عليه إبل من إبل الصدقة، فأمر أبا رافع أن يقضي الرجل بكره، فرجع إليه أبو رافع فقال لم أجد فيها إلا خياراً رباعياً، فقال: ﴿أعطه إياه إنّ خيار الناس أحسنهم قضاءً﴾ [19].

وما روي عن أبي هريرة ـ رضي الله عنه ـ قال: استقرض رسول الله ﷺ سناً فأعطى سناً فوقه وقال: ﴿خياركم محاسنكم قضاءً﴾

[18] / انظر المنفعة في القرض ، محمد بن عبد الله العمراني ، ص ٩.
[19] / رواه الترمذي ، باب ما جاء في استقراض البعير (٢٨٥/٥)

وما جاء عن جابر بن عبد الله ـ رضي الله عنهما ـ قال: «كان لي على النبي ﷺ دين فقضاني وزادني، ودخلت عليه المسجد فقال لي صل ركعتين» [20]

ومنها ما روي عن أبي هريرة ـ رضي الله عنه ـ قال: «أتى رجل رسول الله صلى الله عليه وسلم يسأله، فاستسلف له رسول الله ﷺ شطر وسق فأعطاه إياه. فجاء الرجل يتقاضاه فأعطاه وسقاً، وقال نصف لك قضاء، ونصف لك نائل من عندي».

وقد كان النبي معروفاً بحسن القضاء ومع ذلك لم يكن إقراضه محرماً ولا مكروهاً.

ب ـ المنافع المادية غير المشروطة قبل الوفاء.

إذا بذل المقترض للمقرض منفعة غير مشروطة أثناء مدة القرض ـ قبل الوفاء ـ، مثل: الهدية للمقرض ـ وهي أكثر ما يمثل به الفقهاء ـ، ومثل الاستضافة، وركوب الدابة، والمساعدة على عمل من الأعمال، ونحو ذلك من المنافع التي قد يبذلها المقترض قبل الوفاء، فقد اختلف الفقهاء في حكمها إذا كانت من غير شرط، على قولين ، والراجح المنع إن كانت تلك المنافع من أجل القرض أو في مقابله، أي من أجل أن يؤخر المقرض استيفاء القرض، أو يقرضه مرة ثانية ونحو ذلك، أو كانت عوضاً عن الانتفاع بالقرض؛ لئلا تتخذ ذريعة إلى تأخير السداد من أجل هذه المنافع فتكون ربا، حيث يعود للمقرض ماله وزيادة هذا النفع الذي حصل عليه بسبب القرض.

أما إن كانت تلك المنافع ليست من أجل القرض، مثل ما إذا كانت العادة جارية بينهما بذلك قبل القرض، أو حدث سبب موجب لهذه المنافع بعد القرض كالجوار و نحوه فإنه يجوز. ويدل على ذلك:

حديث أنس بن مالك ـ رضي الله عنه ـ قال: قال رسول الله ﷺ: «إذا أقرض أحدكم قرضاً فأهدى إليه أو حمله على الدابة فلا يركبها ولا يقبله، إلا أن يكون جرى بينه وبينه قبل ذلك »، كما أنه المنقول عن الصحابة رضي الله عنهم.

القسم الثاني: المنافع المعنوية غير المشروطة في القرض

أ ـ شكر المقترض للمقرض ودعاؤه له.

هذه المنفعة التي تحصل للمقرض جائزة، بل يندب إليها في حق المقترض؛ لأنه من باب مقابلة المعروف بالمعروف، ومن باب مقابلة الإحسان بالإحسان. فيشكره المقترض ويدعو له، ويدل على ذلك ما يأتي:

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[20] / رواه مسلم باب استحباب تحية المسجد بركعتين (٤٨٩/٤) .

الدليل الأول: عن عبدالله بن أبي ربيعة ـ رضي الله عنه ـ قال: استقرض مني النبي ﷺ أربعين ألفاً، فجاءه مال فدفعه إليّ وقال: «بارك الله لك في أهلك ومالك إنما جزاء السلف الحمد والأداء ».

الدليل الثاني: عن عبدالله بن عمر ـ رضي الله عنهماـ أن النبي ﷺ قال: «من استعاذ بالله فأعيذوه، ومن سأل بالله فأعطوه، ومن دعاكم فأجيبوه، ومن صنع إليكم معروفاً فكافئوه، فإن لم تجدوا ما تكافئونه فادعوا له حتى تروا أنكم قد كافأتموه».

ب ـ انتفاع المقرض بضمان ماله عند المقترض وحفظه حتى يسدده:

هذه منفعة أصلية في القرض لا إضافية، وهي من مقتضى عقد القرض وطبيعته لا تنفك عنه، فهي جائزة باتفاق؛ لأنه لا يمكن القول بمنعها وجواز القرض ، وإلى هذا المعنى أشار ابن حزم حيث قال: «ليس في العالم سلف إلا وهو يجر منفعة، وذلك انتفاع المسلف بتضمين ماله، فيكون مضموناً تلف أو لم يتلف ...».

جـ ـ انتفاع المقرض بشفاعة المقترض وجاهه.

فإذا أقرض الشخص لا لابتغاء الأجر والثواب والإرفاق بالمقترض، وإنما لتكون له يد عليه بحيث ينتفع من جاهه ومنصبه، أو من جاه ومنصب أقاربه، بشفاعة أو تيسير بعض أمور الدنيا فإن حكم الدين حكم الرشوة؛ لأن القرض بهذا القصد غيرتها، وعلى هذا فالقرض حرام، إلا أن يكون للمقرض حق لا يستطيع أخذه إلا بالقرض، أو ظلم لا يمكن دفعه إلا به جاز للمقرض وحرم على المقترض؛ لأنها بمثابة الرشوة للحصول على غرض ما. [21]

ضوابط المنفعة في القرض.

بعد ما تقدم من بيان لأحكام المنفعة في القرض فإنه يمكن وضع ضابط للمنفعة المحرمة في القرض، وللمنفعة الجائزة، على النحو الآتي:

ضابط المنفعة المحرمة:

«كل قرض جر منفعةً زائدة متمحضة مشروطة للمقرض على

المقترض أو في حكم المشروطة فإن هذه المنفعة ربا»

وعلى هذا فالمحرم من المنافع نوعان:

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[21] / المنفعة في القرض ، ص ١٥ ما بعدها .

١ ـ المنفعة الزائدة المتمحضة المشروطة للمقرض على المقترض، أو ما كان في حكم المشروطة.

٢ ـ المنفعة غير المشروطة التي يبذلها المقترض للمقرض من أجل القرض.

وأما ضابط المنفعة الجائزة فهو:

«وكل منفعة في القرض متمحضة للمقترض، وكل منفعة مشتركة بين المقترض والمقرض إذا كانت منفعة المقترض أقوى، أو مساوية».

والخلاصة أن القرض جائز بشرطين :

١ ـ ألا يجر نفعاً، فإن كانت المنفعة للدافع، منع اتفاقاً للنهي عنه، وخروجه عن باب المعروف، وإن كانت للقابض جاز، وإن كانت بينهما لم يجز لغير ضرورة. واختلف في الضرورة وهي حالة السفاتج ،[22] فيجوز السلف في حال عموم الخوف على المال في الطرق، كأن يسلفه لشخص يعلم أنه يَسْلم معه، كما يجوز إن قام دليل على نفع المقترض فقط كمجاعة، أو كان بيع الحب المسوس الآن أحظ للمقترض لغلائه ورخص الجديد في إبّانه.[23]

٢ ـ ألا ينضم إلى السلف عقد آخر كالبيع وغيره، لما أخرجه الخمسة عن عبد الله بن عمرو: «لا يحل سلف وبيع» [24] .

المطلب الثاني : الودائع التجارية وأحكام تغير النقود.

أولا : الودائع التجارية .

هي الودائع التي تُكَوِّن الحساب الجاري، بحيث يتملك المصرف المبالغ المودعة، ويمكن لصاحبها سحبها في أي وقت يشاء.

ومن الواضح أن عدم وجود قيود على السحب من هذه الودائع يعني تقييداً لحرية البنك في استخدامها بالمقارنة مع غيرها من الودائع.

حقيقة الودائع الجارية وتكييفها الفقهي:

اختلف الباحثون المعاصرون في حقيقة الودائع الجارية على أقوال أبرزها قولان. الأول: أنها ودائع، والثاني: أنها قروض، وهو الراجح، حيث ذكر أصحاب هذا القول أن

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٢٢ / السُفْتَجة هي معاملة مالية يقرض فيها إنسان قرضاً لآخر في بلد ليوفيه المقترض أو نائبه أو مدينه إلى المقرض نفسه أو نائبه أو دائنه في بلد آخر معين [22]

٢٣ / الفقه الإسلامي أدلته (٥/ ٤٤٨) .

٢٤ / رواه ابو داؤد في السنن ، باب في الرجل يبيع ما ليس عنده ، (١٠/ ٣٤١) .

العبرة في العقود بالحقائق والمعاني لا بالألفاظ والمباني، والمتأمل للعلاقة بين المصرف والمودع يظهر له أن العلاقة بينهما إنما هي قرض لا وديعة ويدل لذلك ما يأتي:

الدليل الأول: أن المصرف يمتلك الودائع الحالة ويكون له الحق في التصرف فيها، ويلتزم برد مبلغ مماثل عند الطلب، وهذا معنى القرض الذي هو دفع مال لمن ينتفع به ـ أي يستخدمه ويستهلكه في أغراضه ـ ويرد بدله، وهذا بخلاف الوديعة في الاصطلاح الفقهي التي هي المال الذي يوضع عند إنسان لأجل الحفظ، بحيث لا يستخدمها ويردها بعينها إلى صاحبها.

الدليل الثاني: أن المصرف يلتزم برد مبلغ مماثل عند طلب الوديعة الجارية، ويكون ضامناً لها إذا تلفت سواء أكان بتفريط منه أو تعد أم لا وهذا مقتضى عقد القرض، بخلاف الوديعة في الاصطلاح الفقهي حيث تكون الوديعة أمانة عند المودع، فإن تلفت بتعدٍ منه أو تفريطٍ ضمن، وإلا لم يضمن.

ثانيا : أقوال العلماء في تغير قيمة النقود .

اتفق الفقهاء على أن النقود أثمان بالاصطلاح والعرف ، ولا تتعلق بذواتها أحكام محددة ، واختلف الفقهاء بعد ذلك اختلافا كبيرا ، والذي يترجح أن النقود ليس لها طبيعة خاصة بها ، وإنما طبيعتها إعتبارية ، لانها مستمدة من طبيعة النقدين وحقيقتها في بعض الصور من طبيعة القروض في بعض الحالات ، وعلى ذلك اختلفت أراء الفقهاء وأقوالهم في ذلك فقد انحصرت حالات التغير في النقود في ثلاث حالات :

١/ حالة الكساد أو تغير العملة .   ٢/ حالة الإنقطاع .

٣/حالة الرخص والغلاء (التضخم) .

الحالة ألاولى : الكساد أو تغير العملة

فقد اختلف العلماء في سداد الدين في حالة الكساد على ثلاثة أقوال :

المذهب الأول : ذهب المالكية في المشهور والشافعية والليث بن سعد إلى أنه إذا كسدت السكة لم يكن على المدين غير السكة التي قبضها يوم العقد سواء كان الدين قرضا أو ثمن مبيع أو غيره

وحكي عن الشافعي قول آخر : وهو أن البائع يتخير بين إجازة البيع بالنقد القديم أو فسخه [25]

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[25] / انظر تغير قيمة النقود وأثره في سداد الدين ، صالح رضا حسن ، ص ٦٤وما بعدها .

المذهب الثاني : ذهب الإمام أبو حنيفة إلى أنه إذا كسدت الفلوس بأن بطل تداولها في البلاد أو انقطعت فالبيع فاسد يجب فسخه ، فكساد الثمن عند الحنفية: إذا اشترى شخص بفلوس رائجة، ثم كسدت قبل القبض بضرب فلوس جديدة، انفسخ العقد عند أبي حنيفة، وعلى المشتري رد المبيع إن كان قائماً، وقيمته أو مثله إن كان هالكاً؛ لأن الفلوس بالكساد خرجت عن كونها ثمناً، ولا بيع بلا ثمن، فينفسخ البيع ضرورة، فهو قد اعتبر الكساد كالهلاك.

المذهب الثالث : قال الصاحبان والحنابلة والمالكية في قول وهو الراجح : لا ينفسخ البيع، ولكن يخير البائع: إن شاء فسخ البيع، وإن شاء أخذ قيمة الفلوس؛ لأن الفلوس ثابتة في الذمة، وما يثبت في الذمة لايحتمل الهلاك، فلا يكون الكساد هلاكاً، بل يكون عيباً فيها، فيوجب الخيار للبائع، كما إذا كان الثمن رطباً، فانقطع قبل القبض، فهما اعتبرا الكساد كالعيب.

واتفقوا على أنه لو لم تكسد الفلوس، ولكنها رخصت قيمتها، أو غلت، لاينفسخ البيع؛ لأن الرخص أو الغلاء لا يوجب بطلان الثمنية.

ثم اختلف أبو يوسف ومحمد فيما بينهما في وقت اعتبار قيمة الفلوس: فقال أبو يوسف: تعتبر قيمتها وقت العقد؛ لأن الثمن يجب عند العقد، فيضمن قيمته حينئذ.

وقال محمد: تعتبر قيمتها وقت الكساد، وهو آخر يوم ترك الناس التعامل بها؛ لأنه وقت العجز عن التسليم

الحالة الثانية : إنقطاع النقد

وهو أن يفقد النقد من أيدي الناس ولا يتوفر في الاسواق لمن يريده وفسر ابن عابدين الانقطاع فقال : و حد الانقطاع أن لا يوجد في السوق، وإن وجد في يد الصيارفة والبيوت، هكذا في الهداية، والانقطاع كالكساد كما في كثير من الكتب، لكن قال في المضمرات: فإن انقطع ذلك فعليه من الذهب

والفضة قيمته في آخر يوم انقطع، وهو المختار .

وفي هذه الحالة لو اشترى شخص سلعة بنقد معين ثم انقطع النقد قبل أن يؤدي المشتري الثمن فقد اختلف الفقهاء في ذلك على أربعة أقوال :

القول الأول : للحنابلة ومحمد بن الحسن الشيباني وهو قول الأحناف وهو أن على المشتري أداء ما يساوي في القيمة في آخر يوم قبل الإنقطاع ، لتعذر تسليم مثل النقد قبل إنقطاعه . فيصار إلى بدله وهو القيمة .

القول الثاني : ذهب أبو يوسف من الحنفية إلى أنه يجب على المدين أداء ما يساويه في القيمة يوم التعامل لأنه وقت الوجوب في الذمة .

القول الثالث : ذهب الإمام أبو حنيفة إلي أن الإنقطاع كالكساد ، يوجب فساد البيع ويجب رد المبيع على البائع وفي القرض يجب رد مثل الفلوس التي استقرضها وإن انقطعت . 26

القول الرابع : ذهب المالكية والشافعية إنه إن أمكن الحصول على ذلك النقد مع فقدانه وإنقطاعه فيجب الوفاء به وإلا تجب قيمته . 27

والراجح من هذه الأقوال هو قول الجمهور من المالكية والشافعية والحنابلة والصاحبين من الحنفية أن الإنقطاع يوجب القيمة ، وتعتبر القيمة يوم الإنقطاع .

الحالة الثالث : الرخص والغلاء

معنى الرخص والغلاء أن الفلوس قد تهبط قمتها وقد ترتفع تبعا للقوة الشرائية لها ، فإن ضعفت قوتها الشرائية رخصت ، وإن قويت قوتها الشرائية غلت وارتفعت ، وحالة الرخص والغلاء تكلم عنها فقهاءنا الأجلاء بالنسبة للفلوس التي كانت سائدة في زمانهم ، وهو ما يمكن أن نسميه التضخم في زماننا المعاصر ، وهي الحالة التي عليها الأوراق النقدية اليوم ، والتي يغلب عليها الرخص أو الهبوط نظرا لضعف قوتها الشرائية ، فقد تهبط قيمة الفلوس بالنسبة للذهب والفضة وقد ترتفع قيمتها ، وقد يحدث ذلك بعد أن ثبت في ذمة المدين قيمة قرض أو ثمن مبيع بالأجل أو غير ذلك . ويحل الأجل ، فهل يؤدي ما التزم به باعتبار الرخص والغلاء أو لا اعتبار لهما .فقد اختلف الفقاء قديما في ذلك على ثلاثة أقوال :

القول الأول : ذهب جمهور الفقهاء من المالكية والشافعية والحنابلة وهو قول أبي حنيفة ، إلى أن الواجب في الرخص والغلاء أداء ذات النقد الثابت في ذمة المدين دون اعتبار للرخص والغلاء ، وليس للدائن سواه . 28

القول الثاني : ذهب الإمام أبو يوسف إلى أنه يجب على المدين أن يؤدي قيمة النقد الذي طرأ عليه الرخص والغلاء يوم ثبوته في الذمة من نقد رائج . ففي البيع تجب القيمة يوم العقد ، وفي القرض تجب القيمة يوم القبض . 29

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26 / انظر حاشية ابن عابدين ،(4/533) وما بعدها .

27 / نهاية المحتاج ، للرملي (13/ 345)

28 / انظر المغني لابن قدامة المقدسي ، (9/ 114) والمدونة الكبرى ، مالك بن أنس ، باب فيمن أسلف فلوسا فأخذ بها رهنا (4/ 153) .

29 / انظر حاشية ابن عابدين ، باب في أحكام النقود إذا كسدت ، (4/ 534) .

وعليه فرأي أبي يوسف هو رد القيمة في حالة الكساد والإنقطاع والرخص والغلاء ، وتعتبر القيمة يوم العقد عنده .

القول الثالث : ذهب الرهوني من المالكية أن التغير إذا كان فاحشا تجب القيمة في النقد الذي طرأ عليه الرخص والغلاء ، أما إذا لم يكن فاحشا فالمثل . [30]

وبعد النظر في أقوال العلماء ، يترجح عندي ما ذهب إليه الإمام أبو يوسف وهو المعتمد عند الأحناف وهو ما رجحه مجمع الفقه الإسلامي بجدة في دورته الخامسة ، [31]

إلى أنه يجب على المدين أن يؤدي قيمة النقد الذي طرأ عليه الرخص والغلاء يوم ثبوته في الذمة من نقد رائج . ففي البيع تجب القيمة يوم العقد ، وفي القرض تجب القيمة يوم القبض .

وأن لا يكون ذلك ذريعة لاشتراط القروض التي تجر نفعا فهي ربا ، ولكن يعمل بقاعدة لا ضرر ولا ضرار عند حالات بعينها وقع لها بسبب التضخم هلكا للأموال ، من غير اشتراط النفع قبل القرض .

والله أعلم

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[30] / انظر تغير قيمة النقود ، ص ٧٧.
[31] / انظر مجلة مجمع الفقه الإسلامي بجدة ، الدورة الخامسة ، أثر تغير قيمة النقود في الحقوق ، (٥/ ١٣١٩) .

Culture in Islam: Meaning and Nature

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Abstract

Islam as a religion that puts reason in a very respectable position, so that Islam encourages its people to always use their minds. With reason, humans have diversification from other God's creatures. By reason, humans have also reached a high culture and civilization. Therefore humans are referred as civilized and civilized beings. Thus, it is true that Islam is a religion that upholds culture and civilization. Therefore it is not surprising that Muslims have reached the golden age by being in the top position in civilization and culture. Even the classical era been a historical witness of the existence of Muslims as the most advanced people in the field of culture and civilization on earth.

Keywords: Islam, Culture, and Islamic Culture

A. Introduction

Allah has created man by giving him a gift that has never been given to any other creature. Therefore, humans are creatures of Allah, created in the world as caliphs. Humans are born, live and develop in the world, so they are also called worldly beings. As worldly beings, of course, we struggle and wrestle with the world, against all aspects, problems and challenges, by using their mind and power and using all their abilities, both creative, taste and intention. This shows that human relations with the world are not always manifested in a passive attitude, surrender and adapting to the demands of their environment. However, it must be manifested in an active attitude, utilizing the environment for the benefit of life and living. From this active relationship grows culture. It is through this culture that the existence of an entity, society or nation can be recognized.

B. Culture and Islam

1. Culture

In [1] anthropological literature, there are three terms that can be meaningful with culture. The term culture comes from Latin, namely from the word culture (verb cob, colere). The meaning of culture is to maintain, work, or manage. Then, culture is defined as the power and human activities to manage and change nature. The second term is civilization. Civilization comes from the Latin word, namely civitas which means citizens (civitas = city-state or citizenship). explains that civilization is associated with a more progressive and more refined urban life. In Indonesian, civilization is considered commensurate with the word culture.[2] Related to culture, the meaning and review of the meanings contained in the term culture are widely studied by experts. The definition of culture according to Koentjaraningrat is the whole of the behavior and results of human behavior that is ordered by a code of conduct that must be obtained

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[1]Tadjab, et al., *Dimensions of Islamic Studies,* (Surabaya: Karya Aditama, 1999), p. 306.

[23]Ibid,*Dimensions of Islamic Studies,...* p. 306, and Dedi Supriyadi, *History of Islamic Civilization*. (Bandung: Faithful Library. 2008). h. 16.

by learning and all of which are structured in people's lives.[3] Related to culture, the meaning and review of the meanings contained in the term culture are widely studied by experts. The definition of culture according to Koentjaraningrat is the whole of the behavior and results of human behavior that is ordered by a code of conduct that must be obtained by learning and all of which are structured in people's lives.[4] Meanwhile, S. Takdir Alisjahbana argues that culture is "a manifestation of a way of thinking.

A broader understanding was put forward by Ki Sarmidi Mangunkaro, who stated that culture is everything that is the result of the work of the human soul in the broadest sense. It is said to be broader, because the work of the human soul includes inspection work (thoughts, creativity), taste (feeling), intention (will), intuition, imagination and other human spiritual faculties. It's just that in this definition more emphasis is placed on the work of the human soul, and the function of the human body (physical) has not been confirmed in the context of creating this culture. Whereas the totality of human beings includes both physical and spiritual (soul), or material substance and spiritual substance in a balanced way, and each has a role in the creation of culture. Meanwhile, in the Oxford Advanced Learner's Dictionary of Current English, it is explained that the word culture means culture which has various meanings.[5]

Based on some of the definitions of culture above, it can be understood that culture is development based on human strength, both the development of the soul, mind, and spirit through practice and experience; tangible evidence of intellectual development, such as art and knowledge; or intellectual development among people's cultures; that culture is all arts, beliefs of social institutions, such as the characteristics of society, ethnicity, and so on; cultivate agriculture to the level of bacterial biology technology. In the writings of Jaih Mubarok, the definition of culture among the best as made by EB Taylor that culture is a complex whole which includes knowledge, belief, art, morals, law, customs, and other capabilities and habits acquired by humans as part of society (that complex whole which includes knowledge, belief, art, morals, laws, custom and any other capabilities and habits acquired by man as a member of society). Briefly and simply, as is generally understood, culture is "all the works, tastes, and creations of the community. Community works produce technology and material culture (material culture) needed by humans to control the natural surroundings, so that their strengths and results can be used for the needs of the community. A feeling that includes the human soul, embodies all social norms and values that are necessary to regulate social problems in a broad sense Religion, ideology, mysticism, and the arts which are the result of the exile of the human soul who lives as a member of society, including Based on the description above, Muhaimin, et al explained that there are several things that should be underlined from these definitions, namely:

a) Culture is manmade or human creations;
b) The material for culture is nature, both natural materials that exist in humans and natural materials that exist outside of humans;
c) What is used as a tool for creating culture is the human body and soul. Included in the soul are: check (thought, creativity), taste (feeling), intention (will), intuition, imagination and part of the mind.
d) other human spiritual parts;

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[3]Tadjab, et al., *Dimensions of Islamic Studies...* p.306
[4] Parsudi Suparlan, *Foreword in Roland Robertson, Religion in Sociological Analysis and Interpretation*, (Jakarta: Rajawali Press, 1988).
[5] AS. Hornby, *Oxford Advanced Learner's Dictionary of Current English.* Oxford University Press, Great Britain, 1974., p., 80

e) The scope of culture includes; all aspects of human life (spiritual life) and livelihood (physical life);

f) Broadly speaking, culture can be distinguished into immaterial culture and material culture;

g) The purpose of culture is for the perfection and welfare of human beings, both as individuals and society, or individuals and society at the same time.

h) Culture is the answer to the challenges, demands and impulses within the human self and from the extra human self; and h. Culture can be inherited and inherited through the process of education and culture.

The culture of every nation or society consists of large elements and small elements which are part of a need that cannot be separated. The elements of culture in Malinowski's view as quoted by Koko Abdul Kodir are:

a. Norm system;
b. Economic organization;
c. Educational tools and institutions or officers; and
d. Power organization.[6]

Furthermore, Koko Abdul Kodir explained that these cultural elements can be further elaborated into smaller elements. Ralph Linton mentions it as a cultural activity. For example, cultural universal search for economic life, including agricultural activities, livestock, production systems, and distribution systems. Agricultural cultural activities can be reduced to a smaller element called the trait complex, as in agriculture, for example, which includes elements of irrigation, a land management system using plows and a land ownership system.

Culture is the result of the work, methods, and ideals of society that have elements of level and use. In principle, culture functions as long as members of society accept it as a guide to appropriate behavior. In protecting himself, humans create rules which are essentially instructions on how to act and apply in social life. Humans always create habits for themselves.

These habits are made into regular habits by someone, then used as the basis for relationships between certain people so that these behaviors or actions can be regulated and give rise to norms or rules. The rules that arise from the community according to their needs at a time are called customs. Customs that have legal consequences are called customary law. In this regard, Koentjaraningrat suggests that there are three (3) forms of culture, namely: a. The form of culture as a complex; b. The form of culture as a complex of patterned behavior activities of humans in society; and c. The form of culture as objects made by humans.[7]

In another explanation, Koentjaraningrat also mentions three forms of culture, namely:

a) ideal form, namely the form of culture as a complex of ideas, ideas, values, norms, rules, and so on.

b) form of behavior, namely the form of culture as a complex of patterned behavior activities of humans in society, and

c) the form of objects, namely the form of culture as objects of work.[8]

Regarding the content or scope of culture, it is very broad, covering all aspects

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[6] Koko Abdul Kodir. *Methodology of Islamic Studies,...* p. 81

[7] Tadjab et al, *Dimensions of Islamic Studies,...*p.,307

[8] Dedi Supriyadi, *History of Islamic Civilization...* p. 18

of human life (spiritual life) and human life (physical life). It's just that there are experts who include religion as one of the contents of culture. This is of course a separate issue that needs to be discussed.[9]

In this context, culture and civilization are often considered the same thing, but they are different. If culture is a form of expression about the deep spirit of a society, the manifestations of its mechanical and technological progress are more related to civilization. If culture is more reflected in art, literature, religion (religion), and morals, then civilization is more reflected in politics, economics, and technology.[10]

2. Islam

Understanding Islam in the opinion of Rosihan Anwar, et al can be dissected from two aspects, namely the linguistic aspect and the terminology aspect. In terms of language, Islam comes from Arabic, namely from the word salima which means safe, peaceful and peaceful. From the word salima then it is changed to the form aslama which means surrender to enter peace. Therefore, people who surrender, obey, and obey Allah SWT. called Muslims.

From this description, it can be concluded that the word Islam in terms of language implies obedience, submission, obedience, and submission to Allah SWT. in an effort to find safety and happiness in life in this world and the hereafter. This is done by self-awareness and volition, not coercion or pretending, but as a call from his nature as a creature who from the womb has declared obedience and submission to Allah.[11]

As for the meaning of Islam in terms of terms, many experts define it. Harun Nasution said that Islam according to the term (Islam as a religion) is a religion whose teachings were revealed by God to human society through the Prophet Muhammad SAW. As an Islamic Apostle, in essence, he brings teachings that are not only familiar with one aspect, but also recognize various aspects of human life.[12]

Meanwhile, Maulana Muhammad Ali said that Islam is a religion of peace and its two main teachings, namely the oneness of Allah and the unity or brotherhood of mankind, are clear evidence that Islam is in harmony with its name. Islam is not only said to be the religion of all the Prophets of Allah, as stated in the Qur'an, but also to everything that is unconsciously fully subject to Allah's laws.

If we examine the sources of Islamic literature written by scholars or scholars, we will find that the teachings of Islam have distinctive characteristics, which are different from the teachings of other religions. Ali Anwar Yusuf mentioned that the characteristics of Islamic teachings.[13]

a) Comprehensive
   Even though Muslims are of different nationalities and ethnic groups, in the face of general principles, Muslims unite to practice these principles.
b) Moderate
   Islam fills the middle way, the path that balanced, not heavy to the right to emphasize the mental (spiritual) and not heavy to the left to emphasize the material (physical). This is what is termed the wasathiyah theory, which is to harmonize between reality and facts with ideals and ideals.
c) Dynamic

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[9]Tadjab, et al., *Dimensions of Islamic Studies...* p. 308
[10]Dedi Supriyadi, *History of Islamic Civilization...* p. 18
[11]Rosihon Anwar, et al., *Introduction to Islamic Studies*., Bandung: Faithful Library., 2014., p13
[12]Harun Nasution, *Islam Seen from Various Aspects*, UI Press, Jakarta, 1985, p.24
[13]Rosihon Anwar, et al, Rosihon Anwar, et al., *Introduction to Islamic Studies*....P. 145-146

Islamic teachings have the ability to move and develop. have the power of life, can shape themselves in accordance with the development and progress of Islamic teachings scattered from external and internal sources, namely Islam which provides a number of positive laws that can be used for all times and places.

d) Universal
The teachings of Islam are not addressed to a particular group or nation, but as rahmatan lil 'alamin, in accordance with the mission carried out by the Prophet Muhammad. The teachings of Islam were revealed to be used as a guide for all human life to achieve happiness in this world and in the hereafter. Therefore. Islamic law is universal, for all mankind on earth and can be enforced in every nation and country.

e) Elastic and flexible
Islamic teachings contain disciplines that are imposed on each individual. Discipline must be fulfilled and people who violate it will sin. Even though the path is already stretched. in certain circumstances there is leniency (rukhshah). This leniency shows that Islamic teachings are elastic, flexible, and humane. Likewise, the existence of qiyas, ijtihad, istihsan, and maslahah mursalah, is one way out of the narrowness.

f) Not burdensome
The teachings of Islam never burden a person to the extent of his ability because Islam has a mission as a mercy for humans. Islam came to liberate man from everything that burdens him.

g) Graduation (gradually)
Islamic teachings are given to humans psychologically according to their own nature. If these teachings are revealed all at once, it is very difficult for humans to implement them. Therefore, Allah revealed the teachings of Islam gradually, so that humans carry it out as well as possible. In accordance with human nature Islamic teachings are in accordance with human nature, in the sense that it is in accordance with the essential and original character possessed by humans. Therefore. Islamic teachings that are in accordance with human nature provide definite information about the original and essential beliefs that exist in humans. That is, the initial conditions of human creation have the potential to always know and tend to the truth, which in the Qur'an is called hanif.

h) Philosophical arguments
Islamic teachings are argumentative teachings; it is not enough to determine matters by relying on straightforward doctrine and strict instructions. As well as. it is not enough to just have a dialogue with the heart and feelings and rely on them to be the basis for guidance. However, they must be able to follow and master all issues accompanied by strong reasons and accurate arguments.[14]

C. Islamic culture

Islamic culture in the opinion of Sidi Gazalba is "a way of thinking and a way of feeling taqwa that expresses itself in all aspects of the life of a group of people who make up society", or can be interpreted as "a way of living taqwa". The way of life of taqwa is to follow the path of the Shari'a, carry out orders and stop prohibitions. Shari'a binds/attributes Muslims to certain principles outlined by the Qur'an and as

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[14]Ali Anwar Yusuf, *Islamic Studies for Higher Education*, Bandung: Setia Pustaka, 2003.p, 36-38

sunnah/hadith (naqal). Therefore reason in its activities of regulating life refers to naqal, in other words the movement or cultural activity is indeed from the mind, but the principle of that movement or the principle held by reason in its activities is from naqal. From the principles determined and outlined by the naqal then it is to determine how to implement it. Therefore, what is human work in Islamic culture is a dynamic way of implementation, while the principles are from Allah and are permanent.[15]

The basic values (root values) of those principles are outlined by the Shari'a, there are good values (mandatory); half good value (sunnat); neutral values, namely neither good nor bad (jaiz/mubah); there is a half bad score (makruh); and there is also a bad value (haram). The way of implementing these principles is thought out by ijtihad (its instrumental value) and done by hand, while the will to do it is emitted by taqwa. However, we must be able to position them proportionally, which ones are root values and which ones are instrumental values. Because sometimes there is something that seems to be a way of implementation, but which is actually a basic value. Endang Saifuddin Ansari categorizes Muslim culture into two parts, namely:

1. Islamic Muslim culture, namely the culture of Muslim cultural works committed to Islam; and

2. Muslim culture that is not Islamic, namely Muslim culture that is not committed to Islam. Muslims who are committed to al-Islam are Muslims who believe (live), learn, practice, and preach Islam, and are patient in Islam.

However, Endang Saifuddin Ansari also questioned about. "Is it possible to create a culture that is one hundred percent Islamic in this world"? In this case he has explained that culture is the work of humans, whereas in this world no one (except the Apostle) is perfect. Because it is impossible to expect something perfect from something that is not one hundred percent perfect. Achieving perfection is an ideal human goal, but not a human task. The task of man is not to reach perfection, but to move, strive and try his best to achieve it. Therefore, the value of Muslim culture is not absolute, bound by space and time, open to revision, correction and reevaluation. Every Muslim has the right to improvise (do something) in cultivating nature and in Islamizing culture according to the demands of nature and his era, each of which can be different from the other. If Muslim culture has been standardized, whose absolute value is equated with al-Islam, there will be cultural stagnation which in turn will become useless antiques, and creativity will stop.[16]

By paying attention to the opinion of Endang Saifuddin Ansari, namely that there is an Islamic Muslim culture (committed to al-Islam), and there is an un-Islamic Muslim culture (not committed to al-Islam), this results in forcing us to re-select the work (culture) of Muslims in its golden age. If the fruit/product comes from a Muslim who is not committed to al-Islam, then it must be removed from Islamic culture and civilization. Furthermore, Clemmer stated that there is a revitalization in culture, which aims to construct a culture that is more able to satisfy the actors of that culture. The revitalization occurred because of the resistance between efforts to maintain a culture that had been considered established and efforts to adopt cultural change. So, it can be said that the construction of Islamic culture implies the existence of cultural products produced by the thoughts and actions of its adherents in the process of producing religious culture. In a state of strong influence on the value system system that exists in the culture of the community concerned (Muslims), the value systems of their culture are manifested in sacred symbols whose meaning comes from the teachings of the

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[15] Tadjab, et al., *Dimensions of Islamic Studies...* p.312
[16] Tadjab, et al., *Dimensions of Islamic Studies...* p. 31

Islamic religion which is the frame of reference.

Structurally-functionally, religion serves human needs to seek truth, overcome, and neutralize various bad things in their lives. By referring to Islam as a cultural system, it is clear that the Islamic cultural system was created in relation to the process of social reproduction. From here, the study of Islam as a cultural system has the assumption that Islamic symbols – as materials of Islamic culture in their capacity as a religion – are influenced by reality, through appropriate human actions in shaping reality. Thus, Islam can also be the core of the value system system that exists in the culture of the community concerned as a driver, driver, and controller for the actions of members of the community to continue to run in accordance with the cultural values included in the teachings of Islam.

Islamic culture has 3 (three) components, namely: its value system; knowledge system; and symbol system. And we don't need to talk about whether Islamic culture is Islamic or not, because this is no longer a question of culture. In the sense that culture is Islamic or not, is outside the authority or outside the culture itself, because it means we return to things that are normative.[17]

The characteristics of Islamic culture (Muslim) according to Nourouzzaman Shiddiqi's opinion are: a. Breathing monotheism, because God is the main teaching of Islam; b. The fruit of thought and processing is intended to improve the welfare and happiness of mankind. Because Islam was revealed and the Prophet SAW was sent is to bring mercy to the universe. In addition, humans are made as vicegerents of Allah on earth with the task of maintaining the beauty of Allah's creation. Because that's a cultural product that leads to disaster and destruction, clearly does not include a culture that is characterized by Islam.

After putting forward some of the views of experts or the characteristics of Islamic (Muslim) culture, in the view of Muhaimin et al., there is one thing that they agree on, namely that the development of culture - according to the view of Islam is not value free, but rather value-bound (bound by value). The attachment to these values is not only limited to the area of human values, but also penetrates the divine value as the center of value, namely faith in God, and this faith will color all aspects of life or affect other values.

D. Islam Encourages Culture

In the previous description, it has been explained that the revealed religion is not a culture, because it is not a human product, but from God Almighty (Allah) who has sent revelations to His messengers, to be spread to mankind. Islam is a divine religion (religion of revelation), so it does not include culture. However, Islam has encouraged its adherents to create a culture with various aspects. This encouragement can be studied from its basic teachings as follows:

a) Islam respects human reason, puts human mind in an honorable place and commands humans to use their minds to examine and think about the state of nature, in addition to dhikr to Allah the Creator. This can be understood from His word in Q.S. Ali Imran verses 190-191.

b) Islam obliges each of its adherents, both male and female, to seek and seek knowledge, as can be understood from the word of Allah Q.S. Al-Mujadilah verse 11. And the hadith of the Prophet SAW. "Seeking knowledge is obligatory for every Muslim", as well as the hadith of the Prophet SAW.: "Seek knowledge even in China".

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[17] Tadjab, et al., *Dimensions of Islamic Studies...* p. 310

c) Islam forbids blind taqlid people, to accept something without being examined first, even from parents and ancestors. As Allah says in Q.S. al-isra' verse 36.

d) Islam also encourages and encourages its adherents to always explore new things or procure things that do not yet exist, pioneering unexplored paths and making initiatives in worldly matters that benefit society. This can be understood from the envy of Allah in Q.S. Alam Nasyrah verses 7-8, and the hadith of the Prophet SAW.: "Whoever takes the initiative (starts a worldly way) is good, then for him the reward is as much as the reward for the person who immediately implements it until the Day of Resurrection.

e) Islam also commands its adherents to seek Allah's pleasure in all the blessings it has received and orders them to exercise their rights over the world in religious leadership and regulations. As Allah says in Q.S. al-Qashash verse 77.

f) Islam also encourages its adherents to leave their hometowns, travel to other regions/countries to establish friendship (communication) with other nations or groups, exchange ideas, knowledge and views. As can be understood from the word of Allah in Q.S. Al-Hajj: verse 46.

g) Islam also commands its adherents to check and accept the truth from where and whoever it comes from, with a note that they must go through a selection process, so that they can find ideas, ideas, theories or views that are in accordance with His instructions. As can be understood from His word in Q.S. al Zumar verses 17-18.

Actually, there are still many teachings of Allah and His messengers that talk about this issue, but from the seven points it can be understood that the teachings of Islam really encourage its adherents and or instruct them to create culture in various aspects.

E. Conclusion

Islam, with its teachings that place the human mind in an honorable place, has proven how human when using their minds properly and correctly, humans are able to achieve progress, be it progress in the field of civilization or progress in the field of culture. Likewise, by using their minds, humans have been able to create high science and technology that can make humans into truly advanced creatures. And able to rule the world and even be able to set foot on the Moon.

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Strengthening Child-Friendly Education As An Effort To Fulfill Rights and Prevent Violence Toward Children

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Abstract

This study aims to describe the efforts made by teachers in fulfilling the rights and prevention of Violence toward children through child-friendly education in Madrasah Ibtidaiyah. This research is qualitative descriptive research, and the research subjects are teachers/heads of Madrasah Ibtidaiyah located in Lampung Province (Metro, East Lampung, Pringsewu, and Tanggamus). The data collection methods used, namely interviews, observations and documentation, and literature studies. Based on the results of research efforts made by teachers in fulfilling the rights and prevention of Violence toward children through child-friendly education, among others 1) providing protection, non-discrimination, without Violence, selection of teaching materials and child-friendly infrastructure, child-friendly reading garden, getting used to Islamic discipline and behavior, 2) providing consultation rooms, counseling guidance to parents and students, tutoring (online and offline), 3) doing fun activities, compassionate, creating a conducive, safe and comfortable environment, 4) providing facilities that ensure the safety of learners, attention, and a comfortable environment to learners, 5) socializing, opening communication spaces, educating the dangers of Violence toward children, 6) providing good example and prohibiting learners from

doing things that are bad, 7) supervision, mentoring, Closely monitor learners while in the madrassa, 8) create regulations that guarantee the rights and safety of learners both physical and psychological, 9) attach posters about child-friendly education so that it can be read by teachers, parents, learners and the community, and 10) Give a admonition to teachers who commit acts of Violence toward students. The implementation of child-friendly learning in madrasas during the covid-19 pandemic has been carried out well online, offline, and a home visit.

Keywords: Child-Friendly Schools, *Madrasah, Rights, and Violence*

A. Introduction

As one of the educational institutions, the school/Madrasah is a second home for learners to learn and interact with their friends. To be able to grow and develop themselves well. Another speaking reality, based on the results of research from Lokadata (2020), shows KPAI data, there are 17 cases of Violence in schools with the number of victims reaching 89 children, 55 girls, and 34 boys. Based on the 17 cases, the perpetrators were teachers 88% and 22% were principals. Furthermore, 64.7% of sexual assault cases occurred at the elementary/MI level, 23.53% at the junior level, and 11.77% at the high school level (Apriadi, 2020). If we reflect on this research, the number of Violence occurring in elementary / Madrasah Ibtidaiyah children is still very high. The implementation of child-friendly education at the elementary education level cannot delay anymore so that children's rights can fulfill and Violence toward them minimized.

If some of the cases above are left, The result from various violent issues toward children, including decreased academic achievement, causing suspicion and fear of those around him, antisocial, causing resentment, misguided association, and giving rise to various other negative attitudes. Therefore, there must be defensive efforts through cooperation between parents, teachers/principals, communities to protect children from Violence by organizing child-friendly education. Previous research results show that child-friendly education makes learning activities more meaningful while also forming quality individuals (growing integrated with the values that have been learned). Furthermore, the atmosphere in the classroom becomes open, the absence of prejudice to children, seeing the characteristics of students, and giving freedom to choose various activities/games as they wish. The results of kristanto (2012) and Senowarsito, et al., the results of research kristanto (2012) that from an early age, children need to be given the opportunity to students to be active, express their opinions, many, during learning activities in and out of the classroom to form their personality (Kristanto et al., 2012), ((Senowarsito & Ulumuddin, 2012). In addition, according to psychologists, children must not only learn to remember but also do more high-level thinking to form awareness of both self and the environment (Desmita, 2010). Child-friendly learning must be directed, developed, and able to become a medium for the child's development as a whole according to the age level of both attitude, skills, and intelligence.

This research explores the implementation of Child-Friendly Schools in Madrasah Ibtidaiyah, located in Lampung Province, because some Madrasah teachers/heads do not understand Child-Friendly Schools (CFS). The results of interviews with several Madrasah Ibtidaiyah teachers in Lampung Province indicate that some of them do not understand Child-Friendly Schools. However, some already understand but still have difficulty in implementing it, such as the tendency of students who are less active and still low creativity of teachers, so they have to ask for the help of

tutors from outside Madrasah (Candra Arliyoga, Agus, 2021), (Dwi Haryadi, Riduan, 2021).

In addition, more intensive prevention efforts are needed through families, schools, and communities. Every area in Lampung Province, both Regency, and City, must increase its status to Regency / Child-Friendly City (CFC). Based on data obtained by researchers from 15 new regencies/cities, seven of which have received CFC predict, namely, Bandar Lampung City, East Lampung Regency, South Lampung Regency, Metro City, Way Kanan, Central Lampung, and Pringsewu. According to Chusnia, one of the anticipations of Violence toward children is to increase public space. The absence of public space, causing potential Violence toward children, will continue to arise and show an increase (Yasland, 2020). So far, the socialization provided by the social services department to the community through seminars, symposiums, and other activities has not been proven effective in suppressing violence toward children. The implementation of child-friendly education is intended to fulfill the rights and protect students by creating a conducive environment (safe, comfortable, non-discrimination), clean and healthy by maintaining the environment. So, The children can develop their interests, talents, and abilities to be responsible, tolerant, respectful, cooperative, and peaceful.

B. DISCUSSION

1. Child-Friendly Schools

Child-friendly education is defined as "non-violence education to make children strong and non-violent individuals and make parents have the sensitivity and need to submit and realize child-friendly education starting from the smallest unit in society. Indicators of child-friendly education include security, welfare, freedom, and identity (Fitriani & Gelang, 2020). The Convention on the Rights of Child-Friendly Education is formulated into 3P (Provision, Protection, and Participation) described as follows in figure 1 below:

Figure 1. Child-Friendly Education Formulation (Widodo, 2014)
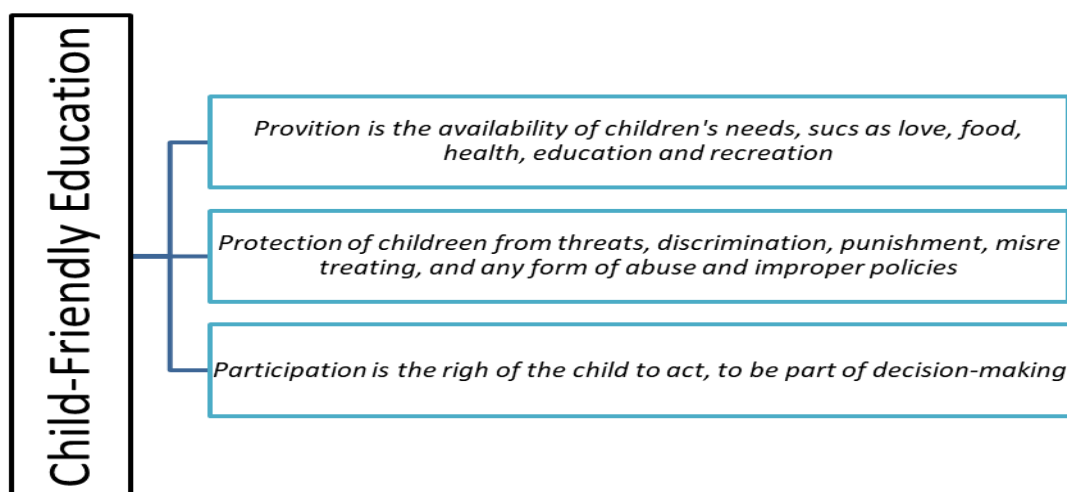
The concept of child-friendly education refers to "Minister of Women Empowerment and Child Protection Regulation No. 12 of 2011 on Child-Friendly City (CFC) indicators that every child gets access to quality education and training without

discrimination". Referring to the minister's regulations indicates what can obtain access to children's education in Madrasah and home. Home as the basis of civilization plays a significant role in the environment's child-friendly learning process (Fitriani & Gelang, 2020). Furthermore, child-friendly education can also be defined as education that prioritizes humanistic learning activities, creating a comfortable and meaningful learning situation/condition by focusing on learners' interests, talents, and growth and development (Fitriani & Gelang, 2020).

2.   Child-Friendly Education In Schools / Child-Friendly Schools (CFS)

Child-friendly education is a plan implemented to realize a safe, clean, healthy, caring, and cultured environment that ensures the fulfillment of rights and protects children from acts of violence, discrimination, and improper treatment while children are in Madrasah. It supports good participation in planning, making policies, learning and monitoring. In addition, child-friendly Madrasah as a place to learn science and technology that is done consciously provide guarantees and fulfill the rights of children in every element of life in a scheduled and conscious manner (M. N. P. RI, 2014) (Utami, 2017) (Tusriyanto & Yuliwulandana, 2020). Child-friendly schools are also defined as formal, non-formal, and informal education units that can provide special rights for children, including complaint mechanisms for handling cases in the education unit (Azis, 2017).

Habituation of learning wherever possible becomes the "Adventure of a lifetime" or "Journey of endless exploration," the hope is that learners' personality is integrated with the values which implanted. Thus, "Learning" has meaning, and forming a qualified person understands child-friendly education. Child-friendly education is an open school, trying to apply learning that pays attention to psychological and psychological development through habituation of learning according to psychic and psychological conditions. (Kristanto et al., 2012). Dewey states that all children learn from their experiences gained in their environment (Maiaweng, 2009). The implementation should be based on the environment where the child lives as an instrument in performing actions to become a medium of growth and development.

Implementation of Child-Friendly Schools (CFS) requires several components, including the program implementation team and organizational structure/manager coordinating every implementation of child-friendly school programs. Educators can carry out child-friendly education based on the principle of 3P (Provision, Protection, and Participation) during learning (Artadianti, Kiki & Subowo, 2019) (Prasetiawan, 2016). Teams with competence and high commitment are needed to implement CFS by implementing a 3P approach to increase student participation, such as expressing, questioning, answering, arguing, and even interrupting. CFS can be strengthening children's character by changing the way of thinking from teaching to guiding parents and friends of children and exemplifying good things.

Designing and developing child-friendly education should refer to several principles, as follows: non-discrimination; the child's best interests of the child; survival, survival, and development; respect for the views of children, sound management (K. P. RI, 2015). The principles of CFS formation and development are described in figure 2 below:

Figure 2 Principles of Shaping and Winning PRA

Principles of Shaping and Winning Child-Friendly Education

- non-discrimination
- the best interest of the child
- survival and childdevelopment
- respect for the child's views
- good management
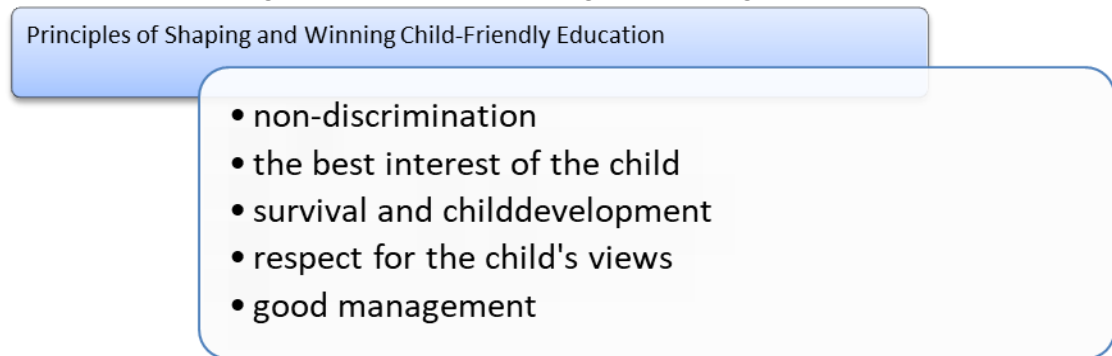
Figure 3.2 are some principles that should be used as a benchmark in forming and developing Child-Friendly Schools (CFS). The focus of education in Islam prioritizes togetherness rather than disunity (Hasibuan & Rahmawati, 2019). Forms of child-friendly education implementation, among others, through activities, get used to doing good deeds, give a good example, respect others' opinions, and continually motivate learners to keep learning. Furthermore, in making child-friendly education that can be done at Madrasah Ibtidaiyah, several things that can be done, among others shown in figure 3 below:

Figure 3 Creating Child-Friendly Education at MI (Sukma et al., 2019)

Creating Child-Friendly Education

- policies against violence as well as preventive and punitive measures for those who commit violence
- supervision of curriculum implemenntation
- training to teachers and education personal
- prepare child-friendly facilities and infrastructure
- cooperatin between schools, teachers, parents communities and goverment
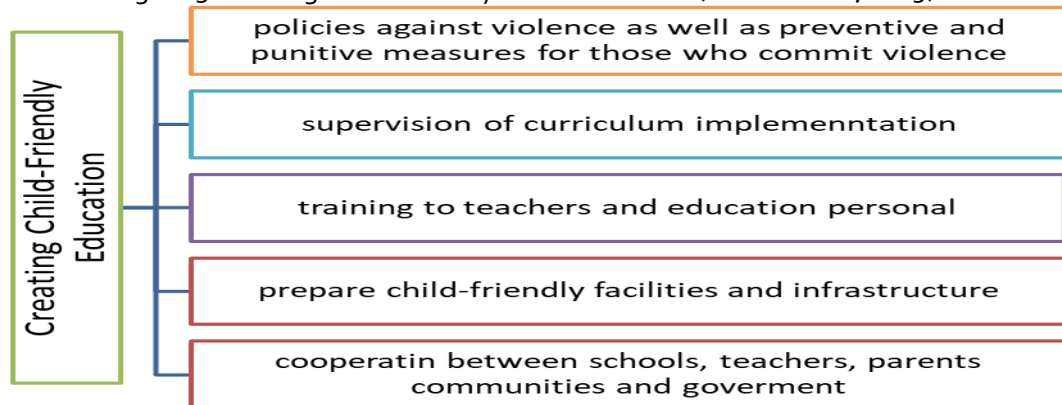
If all of them are carried out, learners will be able to learn more effectively in a safe, comfortable atmosphere full of rewards and do not make them bored it makes them challenged to accomplish more achievement.

3. **Fulfillment of Rights and Prevention of Violence Toward Children**

Children's rights are all basic needs that must be respected, protected, and fulfilled so that the welfare and soul of the children are guaranteed and protected by law. The rights of children as contained in the KHA can be classified as follows the right of life, get protection, and do participation (Mahbub, 2020), (Fitriani & Gelang, 2020) (Mudhafar Anzari, 2021).

Child abuse is all an act that inflicts misery or suffering physically, mentally, sexually, psychologically, including neglect and poor treatment that threatens the body's integrity and degrades the child's dignity (Permenag PP & PA Number 2 of 2010 on RAN PPKTA). Violence toward children can be divided into 3, physical, psychic, and sexual (Mahbub, 2020). Mufidah (2013), Sugiyokanto (2014) methods of child abuse are divided into physical, psychic, economic, sexual, occupational exploitation and forms of child abuse, child commercial sexual exploitation, and trafficking. Terry E. Lawson in Jalu and Harianti and Siregar (2014) violence toward children can be grouped into 4,

namely emotional abuse, verbal abuse, physical abuse, sexual abuse (Fitriani & Gelang, 2020).

The adverse effects of child abuse can lead to the following behaviors:

a. The child will assume that hitting, pinching, or hurting others is the right thing to do when angry.
b. Hitting can hurt a child's body.
c. Violence does not teach children how to change their bad behavior but makes children feel afraid of parents, humiliated, and confused.
d. For children who seek attention by doing bad things, physical Violence committed by parents will be the form of attention they desire.
e. Violence can cause children to become aggressive, grumpy, and disobedient (Mahbub, 2019).

To prevent all forms of violence toward children, parents can fulfill their children's rights, such as the right to life/survival, growth and development, protection, and the right to participate. Various ways can be done, such as providing enough play space, limiting children's activities to overdo it, and providing child-friendly education in the family.

4. Learning in the Covid 19 Pandemic

The covid 19 pandemic, various policies have been delivered by the government of the Republic of Indonesia, including the enforcement of social distancing, physical distancing, to the implementation of PSBB (Large Scale Social Restrictions). The new policy of education has changed the learning activities previously carried out in schools/classes to learning at home only and learning activities that were initially done online learning (Herliandry et al., 2020) (Ratu et al., 2020) (Purwakarta, 2021). Although, in the beginning, this policy was hard to implement by the community, over time, they began to get used to living it even though the results felt less than optimal.

Online learning is the best solution today to prevent and reduce the spread of the covid 19 virus, especially in Indonesia. However, it causes various problems for teachers, parents, students, and educational institutions. According to Bilfaqih, et al (2015), online learning is done interactively using the internet and Learning Management System (LMS). Learning through networking has potentials, such as learning to mean ease of access to learning resources and improved learning outcomes (Asmuni, 2020) (Ratu et al., 2020.

An educator is an essential part of the learning process professionally must adjust to various circumstances in line with the development of science and technology and industry 4.0 today. Various media can support online learning effectively, such as video, audio, images, text communication (catting) using various software (Herliandry et al., 2020). In addition, some applications can be used in online learning, including WA, Telegram, Instagram, GC, GM, zoom meeting, and others, by creating a learning activity group (Atsani, 2020). Related to the implementation of learning conducted online, one of the most important things is the readiness of educators and learners.

In Indonesia, the problem faced in online learning is that not all regions are touched by internet services and slow internet network services (Herliandry et al., 2020). Asmuni's result research (2020) there are problems experienced by parents, teachers, and learners during the implementation of online learning, weak mastery of technology, limited Supervision of learners, low learning activities, weak internet connection, parents have little time in accompanied their children to learn (Asmuni, 2020).

However, things that are prepared to overcome these problems, among others, provide tutorials with various applications used in online learning, provide longer

assignment time with short time owned by parents, and provide tasks with a more extended time. In addition, the tasks given by educators to learners must be measured by learning goals. Some showed a positive trend of learning conducted online, including Darmalaksana et al (2020) concluded that online learning with participatory approaches due to covid-19 proved more effective to be a challenge for college leaders in the 21st century (Darmalaksana et al., 2020). at the current research, most people are comfortable, so it takes the creativity of educators to develop various supporting facilities that facilitate it, for example, by making e-modules every learning material and others.

This research is qualitative. Qualitative research is research conducted to understand phenomena about subject's experience, such as behavior, perceptions, actions, and problems about humans or institutions that are studied holistically and by describing in the form of words and language, in a particular context that is natural and by utilizing natural methods (Moeleong, 2012). This research was conducted at Madrasah Ibtidaiyah on July-December 2021. in data collection, used observations, interviews, and documentation. Data validity tests are conducted through observations, increased research persistence, triangulation, discussions with peers, and negative case analysis. Data analysis techniques include data reduction, display, inference, verification, and data triangulation (Moeleong, 2012).

The final results of this study are efforts to fulfill the rights and protection of Violence toward children in Madrasah Ibtidaiyah carried out through various ways, including providing protection, non-discrimination, without Violence, selection of teaching materials and child-friendly infrastructure facilities, child-friendly reading garden, getting used to Islamic discipline and behavior (27.9%), providing consultation rooms, counseling guidance to parents and students, tutoring (online and offline) (34.9%), doing fun and loving activities, a conducive, safe and comfortable environment (7%), providing facilities that ensure the safety of learners, attention, and a comfortable environment to learners (7%), socializing, opening communication spaces, educating the dangers of Violence toward children (7%), providing good deeds and prohibiting learners from doing bad things (2.3%), Supervision, mentoring, closely monitoring learners while in Madrasah (7%), making regulations that guarantee the rights and safety of learners both physical and psychological (2.3%), putting up posters about child-friendly education to be read by teachers, parents, learners and the community (2.3%), and giving warning to teachers who commit acts of Violence toward students (2.3%).

The implementation of child-friendly education in schools/Madrasah is a breakthrough in education to facilitate learners to get fundamental rights, the right to live as human beings, get an education, treat the right on the level of their development so they can solve various problems. Through the implementation of education, it is expected that issues related to Violence toward children can be minimized through the cooperation of parents, Schools/Madrasah, learners, communities, and related as policymakers, in this case, the local government (Regency / City / Province).

C. CONCLUSION

Some of the obstacles experienced by some madrasas in learning during the pandemic, including old mobile phones, weak signals, or limited internet access, and educators, parents, and learners should have the ability to use online learning applications. However, these problems are overcome slowly through home visits and face-to-face activities on a limited.

Most teachers have made various efforts in creating child-friendly education, such as creating a comfortable environment, providing the best facilities, active and fun learning, providing intensive guidance, and other things needed immediately. Madrasah Ibtidaiyah teachers apply various learning models in creating child-friendly, tireless, never give up, and unyielding as a commitment to improving the quality of education for the next generation.

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Community Economic Development in Kota Metro Through Empowerment of UMKM in the Society era 5.0

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Abstract

The government has taken various ways to improve the community's economy, one of which is the empowerment of Micro, Small and Medium Enterprises (UMKM). This sector has been proven to increase income and as an access to employment. This literature study seeks to examine the role of Kota Metro UMKM in the Society 5.0 era in improving people's welfare. In the era of Society 5.0, UMKM actors in metro cities are required to be able to adapt quickly and increase competitiveness. The government through the Department of Cooperatives, UMKM and Industry has 7 policy directions for empowering and increasing the competitiveness of UMKM, one of which is increasing access to capital through the distribution of revolving funds. The results of the study show that low mastery of technology and limited knowledge about competitive strategies are two important problems faced by UMKM actors in Kota Metro.
Keywords : UMKM, Empowering UMKM in the era of Society 5.0

Abstrak

Pemerintah telah melakukan berbagai cara untuk meningkatkan perekonomian masyarakat salah satunya melalui pemberdayaan Usaha Mikro Kecil dan Menengah (UMKM). Sektor ini telah terbukti dalam meningkatkan pendapatan dan sebagai akses penyerapan tenaga kerja. Penelitian dengan studi literature ini berusaha untuk mengkaji peran UMKM Kota Metro di era Society 5.0 dalam meningkatkan kesejahteraan masyarakat. Di era Society 5.0 pelaku UMKM kota metro di tuntut untuk untuk mampu beradaptasi dengan cepat dan meningkatkan daya saing. Pemerintah melalui Dinas Koperasi, UMKM dan Perindustrian mempunyai 7 Arah Kebijakan pemberdayaan dan peningkatan daya saing UMKM salah satunya Peningkatan akses permodalan melalui penyaluran dana bergulir. Hasil penelitian menunjukan rendahnya penguasaan teknologi dan keterbatasan pengetahuan tentang strategi bersaing menjadi dua masalah penting yang dihadapi pelaku UMKM di kota Metro.
Keywords: UMKM, Empowerment of UMKM of Society 5.0 era

A. Introduction

The economy becomes the main aspect in the survival of a country. The Indonesian government of course always creates various ways that it can increase the country's economy (Sugiri, 2020) But the fact that the world economy is no exception Indonesia is nowexperiencing a fairly drastic decline due to various factors, one of which is the Covid-19 Pandemic (Sedyastuti, 2018). The recovery of Indonesia's economic

fundamentals encourages the government to continue to empower the community economy through Micro Small and Medium Enterprises (UMKM). Small and medium-sized micro enterprises have a strategic role insustaining national economic growth (Putro & Noordiana, 2021). Based on the Indonesian Small and Medium Enterprises Association, the contribution of UMKM to Indonesia's Gross Domestic Product (GDP) is around 60% and 64 million UMKM units contribute 97% to the total workforce.

UMKM sendenvy regulated in Undang-Undang Republic of Indonesia No. 20 of 2008 Article 1 which states that micro-businesses are productive businesses owned by individuals and or business entities individuals who have micro-business criteria as stipulated in the Law. The criteria of UMKM further mentioned in article 6 are (Putro & Noordiana, 2021):

1. Micro Enterprises are Units that have a net worth of more than 50,000,000 Rupiah excluding land and buildings or have annual sales proceeds of at most 300,000,000
2. Small businesses with a wealth value of more than 50,000,000 to 500,000,000 excluding land and buildings, have annual sales proceeds of more than 300,000,000 to 2.5 Billions. .
3. While a medium-sizedenterprise, is a stand-alone productive economic venture, and has a net worth of 500,000,000 to 10 billion excluding land andbuildings, or has a net worth of 500,000,000 to 10 billion people excluding land and buildings, or has results. Annual sales of more than 2.5 billion to 50 billion. (Source: Ministry of Cooperatives kecl and mediumenterprises, 2012)

In the rusteristic here there are four reasons that explain the strategic position of UMKM in Indonesia. First, UMKM do not require large capital as large companies so the formation of this business is not as difficult as large businesses. Second, the required workforce does not demand a specific formal education. Third, most are located in the countryside and do not require infrastructure like large corporations. Fourth, UMKM proved to have strong resilience when Indonesia was hit by an economic crisis (Sarfiah, Sudati et al., 2019)

Based on the development also, the criteria of UMKM regardless of the above law, from different points of view grouping Micro Small and Medium Enterprises as follows (Rahmana, 2008):

1. *Livelihood*Activities, which is a small and medium-sized business in the informal sector, or what we often know as street vendors.
2. *Micro*Enterprise, is a small and medium-sized business that does not yet have an entrepreneurial spirit but has a craftsman spirit.
3. *Small Synamic*Enterprise, which is a small and medium-sized business that already has an entrepreneurial spirit and has the ability to run subcontracting and exporting businesses
4. *Fast Moving*Enterprise, which is a small and medium-sized business that also has the same entrepreneurial spirit which will develop into a large business.

UMKM as the driving wheels of the national economy became one of the sectors that were very heavily affected by this outbreak. Almost all business people become victims not even a few who to close their business. This makes the government worried that it will have a big impact on the economy. The magnitude of the role of UMKM gets more attention from the government and becomes a consideration to then be given a special stimulus for UMKM actors. To encourage this tor can continue to run, the government budgeted Rp. 120.6 trillion of stimulus in the national economic recovery program (PEN) (Putro & Noordiana, 2021). Of course, this fund becomes a breath of

fresh air for UMKM actors, although this should not be used as a dependency by the government, UMKM actors must Quickly adapt to conditions like this. One of the efforts to survive is with digital transformation. The Industrial Revolution 4.0 began to bergeser into the era of society 5.0. Digital transformation in the business world requires UMKM to run their operational systems based on technology with various human innovations.

Era *society* 5.0 or *super smart society* was first introduced by the Japanese government in 2019 which was created as a solution and response to the industrial revolution 4.0 and is considered to cause human degradation. The concept of industrial resolution 4.0 does not have a significant difference with the era *of society* 5.0, it's just that this concept focuses more on humans as its main compo, While 4.0 doubles AI or technology as its main component. The concept of *Society* 5.0 is a refinement of previously existing concepts (Miftahul et al., 2021).

Digitalization of UMKM has become a demand in this era. It will be tough for UMKM when they do not try to keep up with the times. In Society 5.0, humans are required to more quickly produce solutions to meet their needs. This has an impact on humans to continue to dig for information, as well as create new innovations to support their survival. Thus, it can be concluded that humans in this era think forward and must follow the pattern of developmentof the times (Diah Ayu, 2020).

On the other hand, UMKM also face many problems and challenges. For example, limited working capital, low human resources and still lack of knowledge and technology (Sedyastuti, 2018). From several studies that have been done in finding out the factors that affect digital transformation in UMKM, the entire study results state that the main reason for the slow rate of digital transformation in UMKM, hampir all the results of the study stated that the main reason for the slow rate of Digital penetration in UMKM is a lack of knowledge of the advantages and use of digital instruments in business (Putro & Noordiana, 2021). This phenomenon is increasingly felt for UMKM in Kota Metro, Lampung.

UMKM actors there are many efforts in offline, online or combining these two ways to continue to survive, but again the lack of knowledge and digital readiness index of the perpetrators This effort shows that UMKM are not fully ready to immediately switch to digital. Therefore, there needs to be cooperation between local governments and business people and communities in order to digitalize UMKM(Teten,M 2021).

Lampung is one of the provinces whose micro-business sector is growing quite rapidly. This is evidenced by data recorded by the Central Agency of Statistics Lampung that the number of medium and large companies in Lampung only survived 0.74% while the number of small and medium-sized businesses reached 99.26%. UMKM in Lampung are experiencing a fairly volatile development. Can be seen in the following table (Cooperative*And Small and Medium Enterprises Office of Lampung Province,*n.d.)

Table 1
Number of Micro Small and Medium Enterprises of Lampung Province 2015-2019

Type of Business	2015	2016	2017	2018	2019
Micro	48.320	52.650	57.897	71.413	63.309
Macro	7.450	7.665	8.007	5.107	4.288

Source: Cooperative Service and UMKM Prov. Lampung

One of the factors that became the largest contributing sector to gross domestic product (GDP) was the food and beverage industry sector with a percentage of 31.20%. One of the cities in Lampung province whose UMKM are growing rapidly is

the city of Metro. This city is called the city of education, therefore many immigrants who want to just to study in this city. This is an opportunity for UMKM actors in running their business. As we know UMKM can support the country's economy, because through this sector will form employment and can increase state foreign exchange through business entity taxes. (Revelation, W 2021).

Kota Metro government is aware of the development of digital transformation in the industry era Society 5.0 for that Kota Metro government always encourages the development of small and medium micro enterprises. One of the government's development efforts is the proud metro app to buy MB2. According to the Head of The Ministry of Communication and Information, Subehi is considered to be able to facilitate the marketing of UMKM products through online media. The hope is that this program can help UMKM actors to be able to improve their welfare in this era (Bambang Pamungkas, 2021).

Empowerment of UMKM in the midst of globalization and high competition makes UMKM must be able to face global challenges, such as increasing product and serviceinnovation, human resource development and technology, as well as the expansion of the marketing area. This needs to be done to increase the selling value of UMKM themselves, especially in order to be able to with foreign products that increasingly flood the industrial and manufacturing centers in Indonesia, considering that UMKM are the largest economic sector in Indonesia (Sudaryanto et al., 2012)

Literature Review

The study of the development and empowerment of Micro Small and Medium Enterprises (UMKM) has been studied by researchers from various points of view because it is a major sector in helping the Indonesian economy. The studies were then compiled by the authors including the following:

Research conducted by (Taufiqurrahman et al., 2021) related to community economic empowerment showed quite interesting results in era 4.0. Research with qualitative models through observation methods and interviews on UMKM actors makes a perspective that the community or UMKM actors are interested in using digital Marketing and using social media. But the obstacle here is the lack of ability to use technology to digitally market its products. Most UMKM assume that it is complicated enough to do and moreover supported by fear to transact online.

Research conducted by (Saputra, 2021) indicates that the use of social media as a system in the development of Micro Small and Medium Enterprises in Metro cities, especially Metro North is still very lacking and There needs to be literacy about the importance of social media as a means of promotion and communication so that the relationship between UMKM and consumers can be well established, especially in circumstances. Pandemic situations like this.

Then another study was akukan by (Sugiri, 2020) which from the results of his research showed that to maintain economic stability through the role of UMKM is the government in formulating rescue policies. UMKM from the impact of the pandemic need to be supported by short-term strategies and long-term strategies to maintain the sustainability of UMKM as one of indonesia's economic actors.

Research conducted by (Sarfiah et al., 2019) on the important role of UMKM as pillars ofIndonesia's economic development. Research shows that UMKM have a strategic role in reducing unemployment and poverty, because it is proven that this sector is one that is able to survive in times of crisis. an economy that can absorb labor and is able to increase people's income. For this reason, the government needs to support UMKM through strengthening in order to run optimally.

Research conducted by (Rahmini, 2017) in his research revealed that the weaknesses faced by UMKM in improving business capabilities are very complex. The main indicators in this sector lie in the lack of capital both in number and source and lack of managerial ability and operational skills in organizing and limited marketing. . This can be resolved with the ease of access to the banking industry because it is related to capital and the impact on the management of the resulting products will be more competitive.

Research conducted by OleH (Sholhuddin, 2013) stated that the role of banking, especially Islamic banking in the development of its service products to help the development of UMKM is needed. The role of Islamic banking in increasing UMKM business, especially in the aspect of funding and supporting in technical and non-technical assistance issues. Quantitatively banking syariah has done various strategies but qualitatively it turns out that the role of Islamic banking against UMKM is still not satisfactory.

Research conducted by (Putra, Gede Surya Prtama., 2014) looked at programs run by the Kab government. Tabanan through Jamkrida institution which provides credit guarantees for UMKM actors in an effort to help finance for business continuity and development in the future. The results showed that the implementation of the program was very effective because it had a positive impact on the income and employment of UMKM workers there.

Research Methods

This research uses a descriptive exploratory approach by analyzing the empowerment of UMKM and increasing competitiveness in facing the market. This scientific work is also developed using the approach of literature studies or literature studies. The theoretical or concept approach is done by referring to several sources such as books, scientific journals, and reliable sources. All descriptions of existing ideas are combined in one frame of mind. (Sedyastuti, 2018)

Results and Discussions

UMKM

Micro Small and Medium Enterprises or commonly referred to as UMKM have a different understanding in each literature even from the perspective of related agencies and institutions and even laws. As well as the above information that according to Law number 20 of 2008 related to small and medium-sized micro enterprises (UMKM) are as follows (Sarfiah et al., 2019):

1. Micro-businesses are productive businesses and belong to individual funds and individual business entities that meet the criteria as in the introduction above as stipulated in this Law.
2. Small business is a stand-alone productive economic business conducted by individuals or business entities that are not subsidiaries or are not branches of companies owned, controlled, or become part of either directly or indirectly from Medium Enterprises or Large Businesses that meet the criteria of Small Businesses as referred to in this Law.
3. Medium Enterprises is a stand-alone productive economic venture, conducted by individuals or business entities that are not subsidiaries or branches of companies owned, controlled, or become part either directly or indirectly with Small Businesses or Large Businesses with the amount of net worth or annual sales proceeds as stipulated in this Law.

Empowerment of UMKM in Kota Metro

Based on the latest literature accessed by the author, there are many UMKM inmetro cities. UMKM are engaged in various fields, including some engaged in

culinary/food, then art design, fashion and in the automotive field and masih many more (Ferliadi, 2020).

Table 1.2 Number of UMKM in Kota Metro

No.	UMKM field	Sum
1	Field of Trade	5.000
2	Industrial Field	1.250
3	Service Field	1.961
Total	**8.211**	

Source: Cooperative Service and UMKM of Kota Metro

Based on the table above it is known that in the city of Metro there are 8,211 UMKM scattered in various corners of the city with details: 5,000 UMKM engaged in trade, 1,250 engaged in industry and 1,961 engaged in services.

In the Field of Small and Medium Micro Enterprises, the Kota Metro government formulated a work program for the construction and development of UMKM including: The **UMKM Business Development Section** has a basic task, doing micro, small and medium construction. **The Assessment and Service Section of UMKM** has the task of collecting, processing, and preparing technical policy formulation materials in the field of assessment and supervision and carrying out UKMM assessment activities and supervision of the implementation of UMKM activities. **The Facilitation and Financing Section of UMKM** has the task of collecting, processing and preparing technical policy formulation materials in the field of UMKM financing, information on capital opportunities and facilitation of access to financing for UMKM *(Cooperative, UMKM and Industry – Kota Metro,*2021).

The economic development of the community through the role of UMKM by the local government in this case the Cooperative, UMKM and Industry Office is to have 7 Policy Directions of empowerment andincrease in the competitiveness of UMKM, namely:

1. Improving the quality of institutional governance through assistance for rat implementation, cooperative establishment assistance and improving the quality of cooperative data
2. Improving the competitiveness of cooperative businesses through improving the quality and facilities of cooperative businesses, business protection and improving the quality of their SDM
3. Increased cooperative compliance in carrying out its business activities through supervision, business inspection and assessment of cooperative health
4. Improving the quality of cooperative human resources through training and competency certification
5. Increased access to business development for new entrepreneurs both in terms of capital, product marketing, and business network development
6. Increased access to capital through the distribution of revolving funds
7. Expansion of market access through digitalization (online-based marketing)

The covid-19 pandemic has hit almost all levels of society, not least for cooperative actors and UMKM. In an effort to deal with the covid-19 pandemic, especially in the *new normal* era and economic recovery for cooperative actors and UMKM, the Lampung Provincial Government through the Cooperative and SME Office Provinsi Lampung has 7 Priority Activities to help cooperative actors and UMKM to survive in the face of the covid-19 pandemic, namely:

1. Expansion of Market Access / Digitization, in order to make it easier for marketing services both consumers and market traders

2. Capacity Building of Cooperatives and UMKM, both management and skills aspects (vocasonali) and their competence
3. More intensive supervision of cooperatives to make cooperatives healthier, stronger and independent with the use of technology
4. Facilitation of UMKM and Cooperative Financing through KUR and LPDB to facilitate capital access.
5. Coaching, mentoring UMKM and expanding IT-based business networks and collaborating / partnerships with various parties / institutions / associations
6. The development of entrepreneurship through the growth of Beginner Entrepreneurs as well as the provision of business assistance for UMKM.
7. Promotion of UMKM Products through exhibitions and bazaars.

As we already know together where UMKM have a very important role and contribution to the regional economy or bahkan Indonesia (Setiawan, 2020). Literature studies show that although UMKM have a large contribution but in reality UMKM in metro cities are still classified as having low competitiveness, so it requires more support from local governments to encourage increased competitiveness.

Based on the points of empowerment policy and increase in competitiveness above shows the main problem faced by UMKM is located in the problems of capital and management. The limitations of capital and managerial capabilities owned by UMKM result in the ability to create a strong logistics system is very low so that UMKM productivity becomes low, and of course will havea negative impact on the competitiveness of UMKM in metro cities. Another issue that is no less important related to the readiness of UMKM intheface of the Industrial Revolution 4.0andSociety 5.0 (Anatan, 2020)

The role of UMKM in the era of **Society 5.0**

The Japanese government in early 2019 introduced a new concept known as Society 5.0. This concept emphasizes an era where technology becomes part of people's lifestyles. This means that the internet not only has a role as a source of information, but also part of human life. (Anatan, 2020) suggests that the concept of Society 5.0 refers to six main pillars that include infrastructure, technological innovation, finance, healthcare, logistics, and artificial intelligence (AI). Technology and innovation are two things that are very important to be implemented to support and even replace manu's role in everyday life.

Speaking ofthe important roleof UMKM in the economy,the main problems are the powerfaced by UMKM and the emergence of new opportunities and challenges for UMKM in responding to changes related to the Industrial Revolution 4.0 and Society 5.0. Facing the development of a dynamic business environment and not easy to predict, UMKM are required to be able to adapt quickly and increase competitiveness. With increasing competitiveness, IT is expected that UMKM can survive and win business competition in conditions of changes,especially in the era of the Industrial Revolution 4.0 and Society 5.0. To be able to increase the competitiveness of UMKM the main thing that must be done is to adapt through business transformation and improve the ability to master technology for business. Without business transformation and mastery of technology, these opportunities can be a challenge and a threat to UMKM in maintaining their survival.

Peluang and challenges for UMKM discuss the great opportunities owned by UMKM if they are able to do business transformation by implementing digitalization. Through the understanding and utilization of digitalization, UMKM are expected to increase competitiveness and be able to compete effectively and efficiently. Utilizing opportunities through the utilization of digitalization for UMKM can be done simply for

example by actively utilizing social media such as twitter, facebook, Instagram as business accounts to support the company's promotional activities. Another way can be done by utilizing the marketplace, namely online buying and selling sites such as Tokopedia, Lazada, or Shopee and by creating a blog to introduce businesses in cyberspace, such as the use of weblogs that can be used without pay. If business people are not able to transform their business by utilizing digital platforms as one of the business strategies, of course, these opportunities will turn into threats and challenges faced in the business world will be more severe.

This is reflected in UMKM in metro cities in the face of the Era of Society 5.0. Based on the data collected there are still many UMKM who are still caught up in the problems described above such as limited technological knowledge and lack of competitiveness. This is evidenced by literature studies by taking samples of the area in the Kota Metro, namely the northern metro. Which in 2021 recorded 113 active UMKM actors where there are only 45 participants who can use digitalization as advice in marketing their products or services. It can be concluded that low mastery of technology and limited knowledge about competing strategies are two important issues faced by UMKM in metro cities.

Conclusion

Based on the above discussion can be concluded that UMKM are companies with micro, small, and medium scale that are productive. In Kota Metro, the majority of UMKM belong to the group of entrepreneurs with micro-skla. The empowerment of UMKM in the midst of globalization and high competition makes UMKM must be able to face global challenges, such as increasing product and service innovation, human resource and technology development, and the expansion of marketing areas. Kota Metro government is aware of the development of digital transformation in the industry era Society 5.0 for that Kota Metro government always encourages the development of small and medium micro enterprises. One of the government's development efforts is the metro application proud to buy MB2.

But in implementing it UMKM actors are still not fully ready to compete in the market to improve their products through digital marketing. Limited technological knowledge and lack of competitiveness are two important problems faced by UMKM in metro cities. For this reason, it is expected that the Government in this case the Cooperative Office and UMKM of Kota Metro to pay special attention to UMKM actors and the need for assistance to improve the welfare of the community.

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Establishing The Literature Method Of Boarding Boards In The Modern Age

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Abstract

The sophistication of digital technology in the era of the industrial revolution 4.0 is very significant in changing the world. This digital technology even affects fields such as history, socio-culture, politics, economy, religion, state security, but it is undeniable that every use has challenges. digital technology. The progress of the country is determined by how much the community uses technology. Easy access to information technology, it is also easy to misuse the technology, therefore education about the use and utilization of technology is very important in terms of fields, especially in religious knowledge, because if one adopts knowledge information it can mislead people, will often blame people who do not in line with his thoughts so as to cause the division of the nation. This can now be proven by many unscrupulous groups using digital technology for the benefit of individuals without seeing the harm. Therefore, the role of santri in mastering digital technology and in addition to being equipped with knowledge of Islamic teachings is needed to counter fundamentalist groups that provide propaganda information to the public. In the era of the industrial revolution, the role of students among millennials should be able to participate, and even master digital technology which aims to re-ground Islamic boarding school values without leaving the advancement of information technology. Flashback from the 19th century to the 20th century, pesantren is one of the pillars of Indonesia's independence, from the womb of the pesantren it gave birth to many declarator figures who became the driving force of the nation.

Keywords : *Santri and Pesantren, Digital Literacy, Fundamentalis*

A. Introduction

The development of technology is currently growing rapidly in social life, it has even become hegemony. Information technology needs are basic daily needs, ranging from household needs, education, entertainment and others. Technological developments are now causing serious New Problems for   certain groups, because there are people who enjoy technology and people who don't enjoy technology, causing a digital divide. The digital divide is a form of inequality in the use of access from the general public to the pesantren community, especially among the pesantren community, especially the salaf pesantren. Salaf Islamic boarding schools have the principle to maintain the learning of classical books. In the pesantren environment, the kyai has a role, namely as a caregiver as well as the owner of the boarding school. Kyai is a central figure in the world of Islamic boarding school education and more than that is a determining factor for the success of students in seeking knowledge.

Today technological advances are used as tools by groups, Fundamentalists. The

term fundamentalist The term fundamentalist appeared for the first time in the Christian religious circles, especially in the United States, it was proven that there was a form of orthodox Protestantism, now literally interpreting modernists.[2] However, the term has now become a separate icon for groups Islamic groups are conservative and are characterized by degrading things. They are considered a group that carries out acts of violence such as terrorizing, intimidating, and even killing in achieving its goals with the argument in the name of religion. Therefore, many Muslims do not agree with the fundamentalist nature. This is not in line with the teachings of Islam which was revealed to the Prophet Muhammad SAW to bring the mission of peace, safety and mercy to all mankind.

In the modern era, fundamentalist movements are very massive, information technology is used as a tool to make propaganda, spread hoax issues and others. Therefore, in modern times pesantren do not refuse muklat but need a strategy.[4] Kyai and santri can contribute to cyber defense of Islamic teachings that are in line with pesantren values and local wisdom of the community. The role that can be taken is to promote digital literacy with a tone of amar ma'ruf nahi munkar bi al-rahmah wa al-harishi (calling on goodness and leaving badness with love and tenderness).

B. Modernization of Islamic Boarding Schools

Pesantren in words is from the word santri which is given the prefix pe and at the end is added the word an which means the residence of the students. Pesantren is also a place for students to stop to gain knowledge. Pesantren is a non-formal education, pesantren itself is a religious educational institution in order to try to teach, spread and preserve the Islamic religion for its students to be independent when they are in the community.

Pesantren is often interpreted, according to the Big Indonesian Dictionary, KKBI is a place for students to study the Koran and explore religious sciences[7]. Based on the pesantren learning system, it is divided into two models, namely traditional boarding schools and modern boarding schools. Both are the face of non-formal education. The modern pesantren model is still relatively new, because it emerged in the 20th century and is different from traditional pesantren.

The emergence of Islamic boarding school education in Indonesia dates back to the 16th century AD. The first Islamic boarding school appeared in Indonesia, which was located in Ampel under the care of Sunan Ampel, one of the members of Wali Sembilan (Walisongo). At that time, he carried out cadre for the students who would later be distributed throughout the archipelago to remote corners of the country. This cadre process gave birth to the figures of great scholars and even became the figure of the nation's warriors.[8]The peak in the 19th century was the figure of Shaykh Kholil Bangkalan, he is a great scholar who is famous throughout the world, at this time the teachings of Ahl al-Sunnah Wa al-Jama'ah and monotheism or vertically his preaching can be accepted by the community and practiced in daily life.

Syaekh Kholil Bangkalan at that time had students who were karomah namely KH. Hasyim Asyari and Ahmad Dahlan. He is the founder of the largest organizations in Indonesia, namely Nahdatul Ulama and Muhammadiyah. This organization is often referred to by the community as a milestone for independence and a group to spread the teachings of Ahl al Sunnah Wa al-Jama'ah. This means that pesantren education is focused on educating the Indonesian people and maintaining the nation's Wisdom from western cultures. People do not necessarily reject other cultures from entering, but rather heed and sort according to the teachings contained in the rules of Fiqh Al-bil jadad al-ashalah which means preserving new, better values.

Islamic boarding school is the oldest education in Indonesia, meaning that the fast-growing culture has been grounded among the general public. The pesantren tradition is not

only taught to read the Qur'an, the Yellow book, listen and even take notes and is equipped with knowledge to practice their knowledge and be responsible. Reading the Qur'an is usually carried out at sunset so that at night time the students can recite the books that have been prepared in the Islamic boarding school curriculum. The students learn to read The challenge of pesantren today is that they are faced with modernization and the formal education system in Indonesia. It must be admitted that the modernization of education at this time did not start from the Muslims only, but now the education system in Indonesia has adopted the education brought by the colonials instead of traditional education. In the modern or millennial era of Islamic boarding schools being hit by globalization, the results of observations in a journal written by Yeni Aprillia Mantyastuti entitled Digital Divide among Salaf Islamic Boarding School students use the van disk methodology which describes the condition of the digital divide, which consists of motivation, physical and material access, skills, and use of information technology. The theory is the basis for thinking in analyzing the use of information technology for students in the pesantren environment, which only provides cellphones to communicate with parents when they are sick or there is an urgent need. The cellphones brought by students must be entrusted to the management, aiming to carry out the rules made by the Islamic boarding school. This rule was made not to immediately deprive students of the rights of students who live in dormitories, convinced that it was for the good of the students to focus on studying Islam. While the picture is different when an interview with one of the students is conducted, it is known that when outside the boarding school environment, students are more free in using information technology, usually when they have long holidays and are in their respective homes. the development of technology is more flexible, so that students can still access information from outside, but there are certain limitations in such as not being allowed to play online games.

Modernization that occurs is not to be avoided but more flexible in responding and using it so that the information technology gap does not get further or become gapted students, it should be the initial gate to work in modernist circles to become santri to build a technology literate country. Because pesantren is one of the pillars in the field of cultural education which is the pillar of Indonesia's independence, from the womb of pesantren, many declaratory figures have become the driving force of the nation.

Islamic boarding schools in facing modernization have shown an interesting attitude, namely refusing and following which means that pesantren must maintain traditional education, but gradually (little by little) pesantren conduct social interactions to find the right pattern without sacrificing the essence and existence of pesantren. The attitude displayed by the pesantren if analyzed in depth is wiser, smarter, because when there is modernization, it has its own strategy without changing the tradition of the pesantren.

C. Digital literacy library

The Industrial Revolution 4.0 is now not taboo to be heard by the public, it has even become a phenomenon of disruption. The phenomenon of disruption was initially known in the industrial field that combines automation   technology with cyber technology. This sophistication is clearly seen that many people's jobs depend on technology. The industrial revolution had a significant impact, especially in the field of education, namely many libraries based on information technology or often called Lebary Digital Literacy. In Law No. 43 of 2007 it is stated that the Library is an institution that manages the collection of written works, printed works, and/or recorded works in a professional manner with a standard system to meet the educational, research, preservation, information and recreation needs of the users. This means that Law no. The library is an information service of science from all fields, in the fields of religion, culture, social, history, politics, economics, and others which will later be accessible to all circles of society. in the world of education, especially in higher education,

has consequences in the form of learning design by utilizing digital media as a means to increase student knowledge. Digital media can present learning materials contextually, audio and visually in an interesting and interactive way.

Technology, nowadays provides convenience and new tactics in human activities, in the last decade, many people have enjoyed the benefits of using new technological innovations. Countries can be said to be advanced if their mastery of technology is very high, while countries that are unable to adapt to technology can be said to have failed, because mastery of technology is an indicator of the progress of the country. But whether the existence of technology can affect the lives of students in pesantren. The development of technology is like a currency that has positive and negative effects on society. Digital literacy in the modern era and in the era to come cannot be avoided and the demands of this era will later give birth to the idea of the importance of literacy for all circles of society, including in the life of Islamic boarding schools.

Digital literacy is part of the transformation of Islamic boarding schools and becomes a new model when there is internet access in Indonesia. Pesantren can find out wider information in terms of history, politics, social, culture, etc., it becomes new knowledge to be analyzed, because pesantren education is already attached to the general public, and is considered capable of solving community problems. A study developed by Nadirsyah Hosen, for example, states that the need for religious instructions (fatwa) in modern society is mostly done virtually where this interaction reduces religious relations.[14] This means that in the modernization era, students can also participate in digital social movements to preach the Islamic teachings of Ahl al-Sunnah Wa al Jama'ah obtained from Islamic boarding schools. The current of globalization has many provocateurs that can divide the nation by elements of radicalism, because the role of students in accessing digital literacy is very much needed in countering issues of teachings that are not in line with the nation's ideology. Santri can provide education to the public, for example indicting Islamic teachings through written media which will later be accessed by digital media and existing website media.

Quoting from the news written by Fatoni on the https://www.nu.or.id/post page the role of santri According to KH Ma'ruf Amin, future students are expected to provide solutions to current conditions and problems. The challenges faced by students today are very heavy. Santri are required to master digital, including learning economic tactics. He further explained that independence in the global era can be achieved among others by mastering technology and strengthening economic fields, especially community empowerment.Comprehensive As human beings who focus on literacy and religious scholarship, santri must study and understand in depth about the sciences so that they can be practiced and conveyed to the public. Santri also have to convey in their da'wah about obligatory practices, sunnah to night that occurs khilafiyah (differences).[16] This is to provide understanding to the community so that it is not easy to blame and even mislead if there are other people who have differences in practicing their worship. As a forum for Islamic education, pesantren is a milestone to instill values of faith, piety to Allah SWT and noble character to society. With the provision of mastery of information technology and the provision of religious knowledge, students can solve problems in society. Thus the movement to ground the digital literacy of students is able to provide knowledge about the teachings of Islam rahmatan lil Alamin to people who range in doctrine from fundamentalist groups.

D. Positive and Negative Impacts of Modernization

In this digital era, many have influenced or brought positive and negative impacts on the lives of students. Among the positive impacts brought about by digitalization are: the development of science and the expansion of information and communication networks. Make it easier for people to do activities, communicate, and encourage people to think more

modern.[17] Digitization does make it easy for someone to carry out their daily activities. With the condition that they can master and control them properly and correctly so that they can benefit. Based on this, it is necessary for students to be taught about the importance and how to use digital technology properly and correctly in order to bring benefits to themselves and the surrounding community.

In addition to having a positive impact, digitalization also has a negative impact on the students. Which today we often encounter among the students in the form of behavior. The behavior of the students of the past and the students of today looks different. The reason is that the behavior of students is now vulnerable to change because it is influenced by an unsupportive and unfavorable environment. The cause of the transformation of the behavior of students who were originally you Bashor and now looks moral decadence is due to the negative impact of digitalization which is difficult to contain.

The rise of the influence of digitalization today has a major impact on society. For students, this influence needs to be given direction and guidance from the kyai so that students do not experience moral decadence. Among the negative impacts of digitalization are: First, cultural imitation introduced by Miller and Dollard is an important way of social learning process, in which a person learns his role and the role of others in social life. In this imitation process, a person will learn to adjust his behavior according to the social role he has learned.[19] Today, cultural imitation is done not out of necessity, but because of the desire to imitate the culture. Which usually has a lot of negative impacts on students because without the direction and guidance of the kyai, to suit their needs. Not based on desire alone.

Second, the lack of ability to read the yellow book is something that is fundamental for a santri, in the past the santri who were fluent in reading the yellow book and its meanings were natural and had become the characteristics of a santri. But now this is becoming rare due to the bad environment and the lack of consistency of the students themselves to continue learning so that they are able to read the yellow book and even read the Qur'an fluently. Whereas the yellow book is one of the absolute elements of the teaching and learning process in Islamic boarding schools. The yellow book is very important in shaping intellectual intelligence and piety morality (religious quality) in santri.[20] In addition, the main purpose of teaching the yellow book is to educate future generations of scholars. Whereas in reality, currently they don't understand and can't even read the yellow book, and prefer other skills. Third, breaking the rules. Santri in the past were very afraid when they committed violations at the pesantren, such as not praying in congregation at the mosque, stealing, or skipping school. Santri think that committing a violation is the same as making themselves useless in studying at the pesantren because the knowledge gained will not be useful. In contrast to the current students who underestimate the rules and scheduled activities of the pesantren so that they do not comply with the rules of the pesantren.fourth, the religious transformation of students. Individuals who have intellectual abilities in the field of religion, such as students, can hold the status of religious authorities, which are required to get recognition from other parties or the community. Like the santri in the past, they had full authority in the religious field because of the knowledge gained during their time at the pesantren and was recognized by the surrounding community. Many anti millennial students currently do not use the yellow book as the only reference in the field of science, even though the yellow book is the basic reference for all Islamic religious scholarship that explores what is in the Qur'an and al Hadith. Meanwhile, current students have also made the internet a source of reference for religious scholarship because it is very easy to access anywhere and anytime. This makes students less understanding of the yellow book and will have an impact on the authoritativeness of students in answering   community questions about religion. The existence of the santri will not be considered moreover as someone who understands religion, even though since the first santri are figures of pious people who are very adept at

reading books and really understand the contents of the books and even memorize them. Therefore, it is natural for people to think that santri are authoritative people in religious matters. sixth, changing the primary source of student learning. Islamic boarding schools used to have made the yellow book as the primary source of santri, but now this primary source has turned into a secondary source due to the internet.

E. Conclusion

The internet has indeed become one of the main markers of the emergence of the millennial generation, not least among students today. Its rapid development has made anyone unable to refuse its presence and therefore   many changes have occurred as experienced by students as in their learning resources.[22] The thing that makes the change of learning resources for students from the yellow book to the internet is that it is easy to access the internet   anywhere and anytime without being limited by space and time, also with various kinds of Islamic studies offered by the internet that can meet the problems and needs of the community around religion even though the   references are not it is clear from which book or scholar.

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The Awakening of Moderation in Instilling the Value of Pulralism in Islamic Boarding Schools

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Abstract

For Muslims, those who are trapped in an understanding of reductionistic pluralism do not have a strong place in the Islamic system and belief. They only interpret a few verses of the Qur'an without any substantive understanding, then mix it with the claims and ideas of figures who are also still confused with pluralism itself. Facing today's reality, it is impossible to take an anti-pluralism attitude. Pesantren, which can be regarded as the center of Islamic religious education in Indonesia, is expected to be a moderator of diversity in Indonesia. The students who are in the pesantren have many different backgrounds. Departing from the regulations that seem to be forced in the pesantren, the students are required to implement them. Education in pesantren, whether we realize it or not, actually instills the values of diversity. There needs to be a representation of the values of diversity that exist in Islamic boarding schools for students. Generating moderation in Islamic boarding schools with the values of pluralism in accordance with Islamic teachings. That pluralism is a tolerant attitude in the form of thinking that can avoid prejudice to fellow human beings, respect the opinions of others, avoid justification for the truth, and increase understanding of hablum minannas. As a tolerant attitude in the form of actions that can respect each other, help each other, forgive each other for existing mistakes, maintain ties of friendship, and maintain mutual harmony in diversity. Awakening the values of patriotism, diversity, and ukhuwah in Indonesia.

Keywords: *Moderation, pluralism, diversity, and tolerance.*

Introduction

Talking about Indonesia can never be separated from diversity. Starting from the nation or tribe, culture, to religion has various forms. It can be said that diversity has become a special feature for Indonesia. Many ideologies and dogmatics try to embrace diversity in their teachings. Starting with the religions that exist in Indonesia such as Islam, Christianity, Hinduism, Buddhism, and so on. To ideologies such as secularism, liberalism, to pluralism.

The current era of globalization and digitalization has more or less changed our views and understanding of patterns of thought, politics, economy, culture, ethnicity, religion, including the dimensions of security and strategy (Bustamam, 2017). Therefore the encounter with diversity is unavoidable. Of course, this is a real challenge in dealing with diversity, both in values, culture, and religion.

To deal with the diversity that exists in Indonesia, there are many ways and forms that try to synthesize it. One of them is a boarding school. Pesantren is a traditional form of education or coaching in which students live under the same roof in a dormitory and study under the guidance and guidance of a teacher who is better known as a kiai. The figure of the kiai is a central role for the sustainability of the operation of the pesantren, both in terms of teaching and the economics of students(Syafe'i, 2017). Worship activities, study/recitation, and other religious activities are usually carried out in mosques within Islamic boarding schools. From pesantren, scholars have been born in Indonesia.

Initially, the pesantren was a center for the development and development of values and broadcasting in the teachings of Islam. However, in its development, it is not only involved in the spiritual field, but also extends to the social, cultural, political, and economic development aspects of the community. As the formation of the Hijaz Committee in 1924 in Surabaya, which specifically fought for the interpretations and practices of Islamic religion that were contextual, inclusive, pluralistic and in accordance with their natural will, which was threatened with annihilation by Wahhabism which prioritized and prioritized values. the values of pan Islamism, uniformity, and within certain limits are similar and inclined to globalization (Effendi, 2005).

Syiar Islam in Indonesia always prioritizes the nature of diversity as a material consideration in it. So that Islam can become a religion that is tolerant of others. Then it will really become a religion that is rahmatan lil 'alamin. Indonesia is a plural country. When an ideology is contrary to diversity, then that ideology will not be accepted in Indonesia. Because it will eliminate the identity of the state as a pluralistic country.

Method

This study uses a library research method, using a number of research literature and the works of figures in the field of character education as sources. In addition, this study also uses the researcher's self-reflection method, so that the knowledge, insight, and experience of the researcher become one of the important sources in the study of the exemplary method in character development (Munawwaroh, 2019).

Pluralism in Religion

Diversity in Indonesia many who claim the truth based on the basic character of the missionaries of every religion. This makes religious people vulnerable to conflicts that tend to be sacred because in the name of religion. Thus giving birth
to an ideology to solve problems that are contrary to diversity. One of them is pluralism.

The principles of pluralism outwardly certainly contradict the teachings of religions in Indonesia. Every religion has different rituals. It is a form of blasphemy against religion itself when sacred religious rituals are combined with other religious rituals, even though both are claimed to be sacred. Which then produces the pros and cons of the notion of pluralism (Saihu & Aziz, 2020).

However, in socio-historical diversity always contains religious pluralism, that is, there are various religions. This is the reality, because of this, we are required to adapt by recognizing and agreeing on the existence of religious pluralism in Indonesian society.

In language, pluralism can be interpreted as understanding or various understandings. There are many variations in the definition of pluralism, so that it confuses most people in understanding pluralism. Whereas in reality we need religious tolerance for harmonious coexistence between various religious communities (Dzakie, 2014).

According to Abdurrahman Wahid (Gus Dur), pluralism that must be emphasized is the paradigm of openness in finding the truth anywhere and anytime. The point is pluralism in the form of acting and thinking. This is what gives birth to tolerance. Tolerance does not only depend on high formal education or scientific intelligence and intelligence, but rather on matters of heart and taste, which lead to behavior (Barton, 1999).

Awakening of Moderation

Today, there are many issues regarding religion which no longer reflect a tolerant attitude towards fellow citizens of different faiths. Give birth to internal conflicts in Indonesia. If it continues, it is feared that it will bring division in Indonesia. Responding to this case requires moderation among the Indonesian people, especially religious people.

According to the Big Indonesian Dictionary, moderation is the reduction of violence or the avoidance of violence. Moderation is an urgent matter in dealing with the diversity that exists in Indonesia. Diversity, which has substantially become the identity of the Indonesian nation, has begun to distort meaning (Arieska & Gunawan, 2011). So, there is a need for a revival of moderation in the face of diversity which is currently experiencing degradation.

The moderation of diversity in Indonesia has many components. However, the basis for cultivating moderation is character or behavior development. Because someone's character is a reflection of tolerance for diversity. This is in line with
Islamic teachings which prioritize the values of unity and unity of the people in building civilization and humanity (Yusuf, 2018).

Restoring Islamic teachings that are applied in a peaceful, non-coercive manner, and respecting local cultural values (local wisdom). It is hoped that this will play a role in developing a social, cultural and religious harmony, in the development of Islamic civilization and humanity in Indonesia. By instilling the characteristic values of Islam that are in accordance with the diversity of Indonesia (Sutrisno, 2019). These characteristics are: first, conceptual, namely understanding Islam as a teaching that can adapt to situations and conditions. Second, tolerance, Islam respects all forms of culture that exist in Indonesia without bias between one another. Third, respecting tradition, Islam in Indonesia is the result of acculturation between local culture and the teachings of Islam. Fourth, progressive, which is a thought that considers the progress of the times as a good thing to develop the teachings of Islam. Fifth, liberate,

Islamic teachings are expected to be able to answer various problems in people's lives (Mubarok, 2018).

Armed with the characteristics of Islam above, it is hoped that it will be able to build moderate Islamic teachings (Fauzi, 2018). Namely, Islamic teachings are more concerned with peace and harmony, as well as religious tolerance without losing the Islamic values in it. Which will later become the identity of Islam in Indonesia, as a moderate Islam. Islam in Indonesia is an Islam that loves peace, is safe, and brings prosperity.

Pluralism Values in Islamic Boarding Schools

Education in Islamic boarding schools, prioritizes character building (character formation) that has an Islamic spirit. With the hope that later the students can become human beings with Islamic character. When the behavior of students has an Islamic breath, it will give birth to an attitude of tolerance for the diversity that exists in Indonesia. So that later it will transmit the values of diversity to the people of Indonesia. Without boundaries of ethnicity, culture, and religion, but emphasizing the paradigm of openness to find the truth anywhere. As emphasized by Gus Dur (Wahid, 1981).

Sociologically, religious people have differences, it needs to be accompanied by agreement on theological meeting points among religious people. Religious diversity and human diversity are different. Understanding religion and diversity must be understood proportionally. Religion has absolute or definite value. However, when religion is understood by humans, the truth of religion cannot be fully grasped and reached by human understanding, because humans are relative (Armayanto, 2014). Thus, the religious truth conveyed by humans is relative, the absolute truth is only religious truth, while the absolute truth belongs only to God.

Nurcholis Madjid (Cak Nur) agrees in his disagreement with absolutism. According to him: "Another concrete indication for maintaining ukhuwah is that it is not permissible for a group of believers to despise or undervalue other groups, because who knows those who are looked down upon are better off than those who look down on them. This teaches us how to interact with fellow human beings, especially among those who believe in God, because the act of doing absolutism is the root of all hostility" (Choirun Ulum & Haramain, 2017).

The existence of religious differences does not mean that there is no common ground. The meeting point can be a unity in social, theological, and ethical (moral) relationships. The meeting point does not only mean in the exoteric (outward) area of religions, but also in the esoteric (inner) region as well. Dialectics between religions is not something that is forbidden. The problem of dialectics in religion, the Qur'an offers a theology of inclusiveness, and rejects the existence of exclusivism (Nur, 2019). That is, no human being can claim that his religion is the truest religion. Because the God we worship, and the one who created religions, is the same God.

The verse can be interpreted that diversity is a sunnatullah. Socio-historically, pluralism is a reality that cannot be avoided, because it is a necessity. Therefore, the plurality of human beings is a reality that has become

God's will. It has become   sunnatullah, that everything in this world is deliberately created with full diversity.

In addition, in the Qur'an Surah Al-Maidah verse 48 which emphasizes that diversity in views and ways of life should not need to be debated, and should be used as a base for competing towards goodness (Waskito & Rohman, 2018).

The quotes of these verses are the core and the basis of pluralism in the view of Islam. The concept of human diversity is very basic in Islam. To borrow Gus Dur's term, "pluralism in acting and thinking", pluralism as a form of true meeting   of the diversity of different civilizations, as a form of thinking and acting.

For Muslims, keep istiqomah believing in the truth of Islam, and there is no other truth besides that, don't feel doubt and doubt anymore. Because, for those who are trapped in an understanding of reductionistic pluralism, they do not have a strong place in Islamic belief systems and beliefs. They only interpret a few verses of the Qur'an without any substantive understanding, then mix it with the claims and ideas of figures who are also still confused with pluralism itself.

Facing today's reality, it is impossible to take an anti-pluralism attitude. Cak Nur emphasized that pluralism has a strong basis of religion in the scriptures. When   translating pluralism according to various theories of the figures, it is very clear that there has been a process of castration and reduction of the very deep meaning of   religion (Jamrah, 2017). In fact, it is this reductionistic understanding, which is the source of very acute and complex modern socio-theological problems, which are impossible to solve and find solutions for. Except, returning religion itself to its original ecology, to its true and comprehensive understanding, not reductionistic.

Pesantren, which can be regarded as the center of Islamic religious education in Indonesia, is expected to be a moderator of diversity in Indonesia. The kiai teach their students to always maintain harmony or balance between individual piety and social piety (Arifin, 1970). Maintaining a balance between humans and God (hablum minallah) and human relations with each other (hablum minannas), even relationships with nature and other creatures.

The students who are in the pesantren have many different backgrounds. Both in terms of culture, ethnicity, behavior, and so on. Some are ordinary people who want to increase their knowledge of religion to former criminals who want to repent. From the diversity of life backgrounds of the santri in the pesantren, they are required to live side by side, work hand in hand, understand each other, and be able to tolerate each student with their diversity.

Departing from the regulations that seem to be forced in the pesantren, the   students are required to implement them. Even though at first many students were forced to carry out the rules in the pesantren, without realizing it, the rules seemed to have fused with their flesh and blood. Gradually, it seems to have merged with

his body and soul so as to produce spontaneity in life (Teuku, 2020). It can be seen   in a case that the solution is different from something that has been

taught in the pesantren, the majority of students will reject it. Education in pesantren, whether we realize it or not, actually instills the values of diversity. These values are formed and applied to the personality of the santri, which produces a personality that has Islamic breath. Although many do not stand out in society. However, not all students who have completed their education in Islamic boarding schools are able to apply the values of diversity in their daily lives. This is due to a lack of understanding of the values of diversity that exist in education in Islamic boarding schools.

There needs to be a representation of the values of diversity that exist in Islamic boarding schools for students. So that it can form the character of students who have Islamic breath in accordance with the diversity in Indonesia. For this reason, there is a need for moderation in responding to this anxiety. Re-awakening moderation on the values of diversity in Islamic boarding schools (Nilan, 2009). Returning the teachings of Islam that love peace, do not coerce, and respect local culture (local wisdom).

According to Gus Dur, in dealing with the complexity of diversity in Indonesia, he agrees with the theory of pluralism. But according to him, what needs to be emphasized in pluralism is to seek the truth wherever and whenever (Muiz, 2015). That is, pluralism as a form of acting and thinking, which is in dhikr, thought,   and good deeds is able to walk side by side, complement each other, and do not burden one another with one another. Giving birth to the absolute in the hablum minannas, with it can produce a tolerant attitude anywhere and anytime. In line with Cak Nur's thought that absoluteness is the root of the problem in hablum minannas (Wazis, 2018).

Generating moderation in pesantren with the values of pluralism in accordance with Islamic teachings. That pluralism is a tolerant attitude in the form of thinking that can avoid prejudice to fellow human beings, respect the opinions of others, avoid justification for the truth, and increase understanding of hablum minannas. As a tolerant attitude in the form of actions that can respect each other, help each other, forgive each other for existing mistakes, maintain ties of friendship,   and maintain mutual harmony in diversity. Awakening the values of patriotism, diversity, and ukhuwah in Indonesia.

These values of pluralism need to be instilled and cultivated in students. To give birth to inclusive students who are moderate with an Islamic breath. So that Islamic values that are peaceful, not coercive, and respecting local culture can be preserved in Indonesia. Bringing progress to civilization and humanity. Able to be a mecca for tolerance for diversity around the world.

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Modernity of The Concept Jihad by Syeikh Abd as-Samad al-Falimbaniy

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ABSTRAK

This study aims to explore, analyze, interpret, find and explain the jihad concept by Syeikh Abd Samad al-Palembaniy in the book of Advice al-Muslimin wa Tadzkira al-Mukminin fi Fadha'il al-Jihad fi Sabil Allah, so that it can be applied in the modern era as it is today. This type of research in this dissertation is qualitative descriptive research, this study involves Syech Abd as-Samad and his work in responding to the issue of jihad according to the social situation of society in the modern era. The method used is a library research method. It is because the results of the study are more related to the search of library data and the interpretation of data that is found in the source of reference, verification and interpretation. After the book is reviewed then it is analyzed. So, it gets the jihad concept that contained in the jihad book from Syeikh Abd as-Samad al-Falembaniy. Then, the study and analysis of the reading from book contents that related to the evidence that strengthens the meaning of the conception itself. The result of this writing is expected to show: (a) How is the view of Jihad Syeikh Abd as-Samad al-Falimbaniy; (b) What factors are against the concept of Jihad in the Book of Advice al-Muslimin wa Tadzkira al-Mukminin fi Fadha'il al-Jihad fi Sabil Allah; (c) How is the Concept of Jihad of Sheikh Abd as-Samad al-Falimbaniy in Modern times.
Keywords: The Concept of Jihad, Syeikh Abd as-Samad al-Falimbaniy.

A. Introduction

Acts of violence in the name of jihad are often used as a shield to achieve a specific goal, such as war, bloodshed, acts of terrorism and so on, the sequence of events then obscure the meaning of the actual jihad. As the jihad practice that is done by radical groups on behalf of religions such as ISIS (Assad, 2014, HM, 2014), (Al Qurtuby, 2010), etc. It have provided a very frightening frame for

jihad itself, the jihad concept itself is not a new discussion, the jihad has been going on for so long since the jihad order itself was revealed (Ritonga, 2016), But Rohimin (2006) states the meaning and the understanding of Jihad has so many perceptions about the jihad concept. Therefore, it is really needed to have an explanation of the concept of jihad that can be adapted to the realities of the modern era.

The study that related to jihad tend to place groups on behalf of jihad often caused by several factors of social reality and existing interests (Rusli, 2014, Fajarudin, 2002), jihad is also part of the resistance born of injustice (Chirzin, 1997, Soyinka, 1989). The religion became the basis of legitimacy of jihad movement, always having a good impact in terms of economy, politics, and culture. So it's rare for jihad to be seen from a broader perspective. It is because jihad, it is always identical with war, violence, rebellion and resistance that carried out by a group of people in the name of religion (Pramono, 2015, Rahman, 2017). Either the jihadist group itself or individuals often make jihad positions as a means of doctrine and negotiation (Qardhawi, 2010). Syeikh Yusuf Qardhawi mentions that jihad is different from war, where the war always relates to world affairs, while jihad always orients itself to the teachings of religion (Qardhawi, 2010) thus both on behalf of individuals and groups who often carry out jihad that is not in line with the teachings of religion, but is more aimed at the concept of hidden jihad.

One of Nusantara scholars in the 18th century who contributed to the concept of jihad is Syeikh Abd as-Samad al-Falimbaniy. In addition to having a wide range of knowledge in the field of Tawhid, Fiqh, and Sufism, Syeikh Abd as-Samad al-Falimbaniy also wrote the book Nasiha al-Muslimin wa Tadzkira al-Mukminin fi Fadha'il al-Jihad fi Sabil Allah (Al-Palimbani, 1772). In fact, He was not only jihad through da'wah and knowledge, but he also participated in jihad to take up arms in Thailand (M. A. Abdullah, 2018). The purpose of this paper is to complement previous studies that related to the discussion of the concept of jihad, where jihad is often a means of legitimizing violence on the basis of religion, which then it always impacts fanaticism, radicalism and terrorism. The concept of jihad actually has the value of glory but it can turn into a catastrophe. Therefore, three questions can be asked in this paper, including: (a) How jihad is in the view of Syeikh Abd as-Samad al-Falimbaniy; (b) What factors are behind the concept of Jihad Syiekh Abd as-Samad al-Falimbaniy; (c) How the Concept of Jihad Sheikh Abd as-Samad al-Falimbaniy in Modern Times. These three questions are expected to be a way for explaining how the jihad concept in modern times, so the spirit of implementing the concept of jihad can be in line with religious goals.

This paper is written based on the argument, that jihad has given legitimacy to any act of violence that harms the perpetrators, the victims and also the religion. This possibility is due to an error in understanding the concept of jihad, where jihad is always identified with war and resistance to certain symbols, so that the legality of the concept of jihad does not necessarily mean acts of violence and response, but jihad practices that are in line with religious desires. and current

social realities that can make a major contribution to cultural religious appropriateness in life

B. Literature Review

Jihad is a part of spiritual emphasis in the Islamic movement, which is often tarnished with the labels of war and terrorism. Misunderstanding in the articulation of jihad increasingly portrays Islam as a religious expansion. It is often for no apparent reason (van der Krogt, 2010). The radical fundamentalist interpretation of Islam as an ideological jurisprudence gave birth to jihadist and takfiri movements. So, it is needed the potential explanation to the basic concept of jihad ideological (Rogan, 2010, Nakamura, 2019). Bashir (2015) explains that Islam has a mission of peace for the whole world. Jihad with all its connotations can be an alternative to achieve this goal. In addition, explaining the effects of modern jihad theory on the Muslim world, the criticism of modern jihad theory objectively builds survival in Islamic teachings, the jihad relevantion in the 21st century and misconceptions about the jihad that have been created by jihad phobia in the minds of non-Muslims (Abdul-Raheem, 2015).

The jihad problems, then attracted the interest of Muslim scholars to examine the different points of view in the understanding of jihad. Sayyid Qutb said that jihad is a movement to free people from worshiping other than Allah SWT, Quraish Shibab also argues that jihad is not just taking up arms. Jihad covers all human activities universally (Mudrika, 2017). The subtantial factors of misconceptions over jihad in addition to misreading the history of jihadi practice, also because it understands the textuality of Qur'an and Hadith. In fact, jihad is something that dynamic, as in the context of what jihad is interpreted as a spiritual, ethical and moral struggle (jihad akbar/great jihad), and in the condition of how jihad is practiced as a physical struggle or war (jihad asghar)(Darajat, 2016). The readings on the concept of jihad can be through the books of interpretation with various methods of interpretation both from the time of companions to the modern era. In addition, jihad can be understood in the book of fiqh, that is as the views of Imam Hanafi, Imam Malik, Imam Shafi'i, and Imam Ahmad explain jihad with extensive knowledge (Madchaini &Jihad, 2019).

Jihad must be interpreted in a macro and holistic manner in actualizing *amar makruf nahi mungkar* as the actualization of jihad in modern life, it is because the context of war in jihad must be placed with sociocultural reality and its time (Saoki, 2013). So contextualization is also very much needed as Holisticity, the meaning of jihad so that jihad becomes a *powerful symbol* for perseverance, hard work and success in Islamic history. It because the main objective of jihad is *human welfare* and not *warfare*. Thus, the contextualization of jihad can be done out in three ways, including; First, eco-political jihad; is a hard effort to carry out reforestation, conservation of endangered animals, anti-pollution movement and the development of environmental politics. Second, the humanist jihad, it leads to movements against tyranny, oppression and human rights violations. Third, jihad against international terrorism; in addition, to effort eliminating

terrorism, it also related to deal with violence and ethnic cleansing, and it is endemic globally (Ridwan, 2006).

C.   Method

In the modern era like now, jihad is often misunderstood so that it has an impact on all aspects of life. Resistance and violence in the name of religion comes as a degradation of jihad meaning understanding. Misinterpretation of jihad in recent times requires significant attention to the reinterpretation of the concept of jihad. Therefore, this article focuses on the concept of jihad put forward by Syeikh Abd as-Samad al-Falimbaniy in the book of *Nasiha al-Muslimin wa Tadzkira al-Mukiminin fi Fadhail al-Jihad fi Sabil Allah* , which is relevant to be applied in the modern era.

This research is qualitative, with a library research and collecting related documents. This study aims to find data from the library and the interpretation of data contained in reference sources, and also related to the analysis of various supporting sources about the concept of jihad, this is complemented by biographical studies and works of Syeikh Abd as-Samad al-Falimbaniy with an indirect approach. This research information is obtained from various data sources related to the three domains those become the focus of research, they are historical, ideological, and social reality.

This research typology is the object of study to the work of Sheikh Abd as-Samad al-Falimbaniy in the book *nasiha al-Muslimin wa Tadzkira al-Mukiminin fi Fadhail al-Jihad fi Sabil Allah* is a collection Kemas Andi Haji Syarifuddin (KHAS) written in Arabic. In addition, the data is either physical such as books, or in the form of files. As well as the results of other researches that have examined the jihad theme and the thinking of scholars. It also become an instrument that will complement this research.

This research focuses on how the concept of jihad that has been synonymous with war can be applied in modern life. So the understanding of the jihad concept can contribute to progress and it is not as a catastrophe among humans. Data documents collected in the form of books, articles and other scientific information in accordance with the topic of this research. Then collects the books that related to jihad. After that the data was finally developed by combining explanations from other sources of writing. After the completion of collecting the existing data source, the results of the data collection, it is then analyzed intensively. both from the book on jihad and the results of past research to be used as a foothold in the validity of research so as to help lead to the right conclusions

D. Results
D.1. Knowing Syeikh Abd as-Samad al-Falimbaniy

There are very few scripture records from the biography of Syeikh Abd as-Samad al-Palimbaniy. Based on the note in *Tarikh' Salsilah Negeri Kedah* book. It is mentioned if Syeikh Abd as-Samad al-Falimbaniy was borned in Palembang in 116 H/1704 M (Chatib, 1984). It also Azyumardi Azra that argued if it is nothing

the authentic data to explain the born and the pass away of Syeikh Abd as-Samad al-Palimbaniy, in addition from the *Silsilah Negeri Kedah* book(Azra, 2013:315). Meanwhile, Mal'an stated that Syeikh Abd as-Samad al-Palimbaniy was born in 1126 H / 1714M (Abdullah, 2018: 21-22). Then in '*Faydh al-Ihsan'i* book, it is mentioned if Syeikh Abd as-Samad al-Jawi al-Falimbaniy was born in 1150H/1727M, then his father name is Syeikh Abd al-Rahman (Abdullah, 2018:115-116) , Syiekh Abd al-Jalil bin Abd al-Wahab bin Ahmad al-Mahdali was the grandfather of Syeikh Abd as-Samad, when Syeikh Abd as-Samad bin Abd al-Rahman bin Abd al-Jalil bin Abd al-Wahab bin Ahmad al-Mahdali al-Jawi al-Falimbani was approximately 84 years old (Al-Palimbani, 1779:267). Al-Falimbaniy is embedded as a love of the home. when traveling in search of science.

The education of Syeikh Abd as-Samad al-Falimbaniy came from home and society where is when Sultan Mahmud I came to power in 1712-1756 AD Palembang became the center of knowledge and the development of Islam (M. A. Abdullah, 2015). Furthermore, Sheikh Abd as-Samad continued his journey in search of knowledge to the Hijaz. As for his teachers while studying in the Hijaz, among them are Muhammad Sa'id bin Muhammad Sunbul al-Syafi "i al-Makki, Abd al-Gani bin Muhammad al-Hilal, Abu al-Fawz Ibrahim bin Muhammad bin Ra'is, al Zamzami al-Makki, Muhammad ibn Sulaiman al-Kurdi al-Syafi'i, Umar ibn Mansur Ujaili (Sheikh Jamal al-Din), Athallah ibn Ahmad al-Azhari al-Mishari al-Makki (Al-Palimbani, nd-a) , Ahmad ibn Abd al-Mu'min al-Maliki al-Damanhuri (Al-Palimbani, 1765), Muhammad ibn Abdul Karim al-Samman al-Qurasyi al-Madani he was even appointed the caliph of *al-Sammaniyah* sect in Makkah (Al- Palimbani, nd-a). during the scientific rihlah Sheikh Abd as-Samad al-Falimbaniy was also active in teaching and writing works that until now some of them can still be studied as a treasure trove of knowledge

The authentic path to know Syeikh Abd as-Samad al-Falimbaniy can be traced from the works written during his life, among them are: Faydh al-Ihsani (Al-Palimbani, n.d.-a), *Suwathi' al-Anwar, Irsyad Afdhal al-Jihad*, dan *Risalah fi al-Awrad wa al-Adzkar, Wahda al-Wujud , al- Risalah fi Bayan Hukm al-Syar'I* (Al-Palimbani, 1787), *Fadhail al-Ihya' li al-Ghazali, al-Urwat al-Wutsqa* (Al-Palimbani, 1784), *Kitab al-Bay'I, Tuhfat al-Raghibin* (Al-Palimbani, 1774), *Zuhra Al-Murid fi Bayan Kalimah al-Tauhid* (1178 H/1764 M) (Al-Palimbani, 1765), *Risalah Mi'raj* selesai ditulis pada Jum'at 11 Rajab 1181H, *Tuhfa al-Raghibin fi Bayan Haqiqah Iman al-Mu'minin wa ma Yufsiduh fi Riddah al-Murtadin* (1188 H/1774 M), *Al-Rasalah fi Kayyiyat al-Ratib Laylat al-Jumu'ah, Hidayah Al-Salikin fi Suluk Maslak Al-Muttaqin* (1192 H/1778 M) (Al-Palimbani, 1778), *Bidayah Al-Hidayah , Syar Al-Salikin ila Rabb Al-Alamin* (1203 H/1788 M) (Al-Palimbani, 1779), *Ratib Abd Al-Samad al-Falimbani* (Al-Palimbani, n.d.), *Mulhaq fi Bayan al-Fawa'id al-Nafi'ah fi Jihad fi Sabilillah, Anis al-Muttaqin,* it is also the book of *Nasihat li al-Muslimin wa Tadzkirat li al-Mu'minin fi Fadhl al- Mjtahidin fi Sabilillah wa Ahkam al-Jihad fi Sabilillah Rabb al- 'Alamin* that was written on Monday, it is 7 Rabi'ul Awal (1226H/1811M) (Al-Palimbani, 1772).

D.2.   The Book of *Nasiha al-Muslimin wa Tadzkira al-Mukminin fi Fadha'il Jihad*

In July 1819 - 1821 Dutch troops attacked the Darr al-Salam Sultanate of Palembang, they arrested and exiled Sultan Mahmud Badar al-Din II to Ternate, while they were exiled Prabu Anom to Banda. Furthermore, the Dutch abolished and took over the Palembang Sultanate in 1823 AD (Wargadalem, 2017). In addition to that subject, Syeikh al-Samman also asked Syeikh Abd as-Samad al-Falimbaniy to return to Makkah, for thirty years in Makkah and five years in Madinah, he channeled his knowledge by studying, teaching and writing fatu. Syeikh Abd al-Samad always received news from the development of Nusantara from the Jawi community in the Hijaz country. Azra said that Syeikh Abd as-Samad al-Falimbaniy had an important role, beside he is being a cleric, he also participated in jihad against colonialism that had spread in Malayu and the archipelago (Azra, 1995). The emphatic attitude of Syeikh Abd as-Samad al-Falimbaniy who was anti-colonial, it made him write a book that became a reference for Muslims in jihad.

The book of *Nasiha al-Muslimin wa Tadzkira al-Mukminin fi Fadha'il al-Jihad fi Sabilillah* become the reference for the spirit of jihad struggle of Muslims from colonialism, especially the resistance in Palembang (Azra, 2006). This book is an adaptation of Advice al-Muslimin Melayu (Jawi) written by Syeikh 'Abd as-Samad al-Jawi al-Falimbaniy. This manuscript is in the Malaysian State Library Number MSS 3770, and it is also in the manuscript collection of KHAS (Kemas Haji Andi Syarifuddin) (Al-Palimbani, 1764). As Mansur Noor said of Syeikh Abd as-Samad al-Falimbaniy "the doctrine of jihad in Southeast Asia starts from the Makkah people who was born in Palembang 'Abd al-Samad al-Falimbaniy". Even Syeikh Abd as-Samad al-Palimbani also sent a letter to the Sultan of Mataram to revive the spirit of jihad. This is as A. Mansur Noor explains as follows: :

> *"Although al-Palimbani is not particularly known for his writing on Islamic law (fiqh) as he immerses in Sufi exposition, his initiative of popular jihâdism obviously reflects the traditional approach to legal issues among jurists (fuqahâ'). Undoubtedly his in-depth research on Sufism introduced him to many facets of spirituality and freedom of thought, including political freedom and justice among Muslims. More specifically, his understanding of correct belief and pristine Islam as had been developed in Southeast Asia by al-Raniri encouraged him to be very critical against moral and religious laxity... Moreover, al-Palimbani was not satisfied with discursive exercise through his writings. As shown in at least two letters he sent to the rulers of "Mataram" in Java, al-Palimbani actively propagated jihâdism among potential Muslim... Events in Arabia and especially the socio-religious milieu, including the increasing voice of Wahhabism, in the two holy cities seem to have inspired such figures as al-Palimbani to take action through contacting his countrymen. If previous holy wars had been purely actions, al-Palimbani clearly took advantage of discursive patterns*

and an intellectual approach. Religious reference continues to be vital in his exposition... The name and fame of al-Palimbani in jihad discourse are apparent in various version and styles of jihâd literary-cum-agitation collections written around the Aceh wars against the Dutch after the 1860s. His masterpiece on jihâd , Nasîhat al-Muslimîn wa Tadhkirat al-Mu 'minîn fî Fadâ 'il al-Jihâd fî Sabil Allâh wa-Karamat al¬Mujâhidîn fî Sabîl Allâh, sets a standard for literature on jihâd for his contemporaries and others after him who address the holy war in Malay" (Mansurnoor, 2005)

In his book entitled *Nasiha al-Muslimin wa Tadzkira al-Mukminin*, Syeikh Abd as-Samad al-Falimbaniy explains the concept of jihad, preparation, strategy and practice in jihad, in addition he also explains the context of jihad, both in the form of war and in the form of other.

D.3.   *The Concept of Jihad Syeikh Abd as-Samad al-Falimbaniy*

The manuscript consists of seven chapters and one concluding section, they are: (1) The First Article about *Fadl al-Jihâd fî Sabîl Allâh wa al-hassu 'alahi* (The priorities and the orders of Jihad in the Way of Allah, where the law of jihad falls into the category of *fardhu 'ain* and *fardhu kifayah*. While the virtue of jihad itself, in addition to getting grace, it will also get forgiveness from Allah SWT (Al-Palimbani, 1772:1). In the first article, Syeikh Abd as-Samad al-Falimbaniy wrote 28 verses of the Quran on the priorities of jihad, while discussing about the priorities of jihad in the way of Allah SWT there are 13 verses.(Al-Palimbani, 1764). Then the meaning of patience, Syeikh Abd as-Samad al-Falimbaniy explained that patience is not only during jihad but patience applies at all times, especially patience to resist lust (Al-Palimbani, 1186). (2) Second, the article is about *Bayân al-hadîs all-Wâridah   fî Fadl al-Jihâd fî Sabîl Allâh* (Hadiths on the Virtue of Jihad in the Way of Allah); Syeikh Abd as-Samad al-Falimbaniy strengthened *fadhilah* the virtue of jihad by explaining 15 hadiths taken from Imam Baihaqi, Imam Muslim, Imam Nasai, Imam Abu Daud, Imam Tarmizi, Imam Dailami, and Imam Abu Hasan al-Saiqali (Al-Palimbani, n.d :2.). Syeikh Abd as-Samad al-Falimbaniy's view regarding jihad is backed up to the Al-Quran, hadith and Qaul of the scholars, it is also about the rulings of jihad and jihad.

The third article is about *Bayân Fadl al-Ribt fî Sabîl Allâh wa Al-harsu 'alahi* (The Virtues of Jihad Preparation Camps in the Way of Allah). Here, Syeikh Abd as-Samad al-Falimbaniy wrote 14 hadiths about the virtues of vigilance and preparation in jihad. Among them is quoted from Imam Bukhori as follows *"that a person who guards in war is better than the contents of the world and what is in it"* (Al-Bukhori, 2012). The fourth article about *Bayân al-Ahâdîs al-Wâridah f3 Fadl al-Infâq fî Sabî l Allâh wa Tajhîz al¬Guzât fihî* (Hadiths about the Virtue of Infaq in the Way of Allah and Preparation for War); there are 7 hadiths that reinforced by arguments from Imam Ibn Hajar al-Atsqalani in the book *Fathul al-Barri* that mentions "That the person who prepares supplies for war is the same

as he goes to war, or he prepares supplies and bears the person left behind is the same as he goes to war"(Al- Astqolani, 2004). The fifth article is about *Fadl Isti'dâd âlah alJihâd fî Sabîl Allâh wa al-hassu 'alâ al-Ramyi wa Ta'allumihi* (The Virtue of Preparing Jihad Equipment in the Way of Allah and the Commandment of Archery Training), here, Syeikh Abd as-Samad al-Falimbaniy explained the means from Al Quran verses al-Anfal verses 60 with interpretive approach *al-Anwar al-Tanzil wa Asraru al-Tanwil*, the work of Imam al-Baidhowi (Al-Baidhawiy, 1998), Syeikh Abd as-Samad al-Falimbaniy took 16 hadiths based on the quotation from the *Kasfu al-Ghumma* book.

The sixth article is about *Fadl al-Syahadah fi Sabîl Allâh* (The Priority of Martyrdom in The way of Allah SWT). Syeikh Abd as-Samad al-Falimbaniy explained Imam Suyuti's views on the superiority of martyrdom in jihad in accordance with his book entitled *Khasyiah al-Sunan*, which is also reinforced by 32 hadiths. The article is about Bayan *Ahkam al-Jihad fi Sabil Allah* (some virtues of Jihad in the way of Allah SWT) , it discuss the law of jihad and jihad, among the books that are referred to the book of Tuffah by Imam Ibn Hajar al-Astqalani, kitab *Minhaj al-Thalibin* (Al-Qalyubi, 1956) and *Raudatul al-Thalibin* from Imam Nawawi (An-Nawawi, 1991), it's also the book *Tuhfatul Muhtaj Syarh Minhaj* from Imam Ibnu Hajar al-Haitami (Haitami, 1996). Syeikh Abd as-Samad al-Falimbaniy quotes the Al Quran interpretation of al-Anfal verses 50 from the interpretation *Jalalain* as the article closing (Al-Palimbani, 1764). The last article is a closing (*Khatimah*). This discussion is related to *Al Auqât allatî Yustahabbu fîhi al-Jihîd wa al-Nuhŭ ilâ al-Qitâl* (The Right Time for Jihad and War). Syeikh Abd as-Samad al-Falimbaniy seems to want to convey to the Muslims and mukminin a piece of advice (nasîah) and also the warning (*tazkirah*) about the important of jihad in the way of Allah SWT. This concept can not only be understood by looking at the conditions of the Muslim community at that time, where they were still facing western colonialism in the 18th century AD, but this concept can also be applied in the current era. This is because, jihad is not only defined as violence, resistance and war.

E. Discussion
Syeikh Abd as-Samad al-Falimbaniy's Conception of Jihad in the Modern Era
Sheikh Abd al-Samad al-Palimbani revealed his anti-colonial attitude in a book that discusses the concept of jihad, based on the opinion of some scholars, there are several factors related to the writing of the book *Nasiha al-Muslimin wa Tadzkira al-Mukminin fi Fadha'il al-Jihad fi Sabil Allah* (Al-Palimbani, 1772), it includes psychological pressure factors and requests from several scholars who want to bring a new color in understanding jihad. (Hamka, 1965:36). Jihad is very urgent to be carried out with a sociosemantic approach in an effort to understand the meaning of jihad, the study of the Qur'an using a sociosemantic approach is very necessary so that it does not only see Arabic as the language of the Qur'an, but it also sees the socio-cultural background of the Arab community so that understanding of jihad will be more integral, comprehensive

and contextual (Sarwono, 2012). Thus the concept contained in the work of Syeikh Abd as-Samad al-Falimbaniy is also still very relevant to the life in modern era.

In modern society, jihad is not only defined historically as religious, but it also related to violence, fundamentalism, radicalism and extraordinary crimes (Zakiyudin Baidhawi, 2012). Syeikh Abd as-Samad al-Falimbaniy explained that the concept of jihad is not always identically with war and terrorism. In fact, jihad can be applied to the realities of everyday life. At the beginning of the book of Sheikh Abd asl-Samad al-Falimbaniy, it discusses the treatise on the implementation of jihad (Al-Palimbani, 1772), while the last part of the book discusses several things, including: jihad without self-interest, martyrdom as a blessing from Allah SWT , jihad without coercion, adab in jihad, sincerity and patience when jihad, and jihad as a test (Al-Palimbani, 1186). Therefore, it is very interesting to see the actualization of Syeikh Abd as-Samad al-Falimbaniy's concept of jihad in the book *Nasiha al-Muslimin wa Tadzkira al-Mukminin fi Fadha'il al-Jihad fi Sabil Allah,* as a relevant concept of jihad in the modern era. So, jihad is not a frightening specter, but jihad can bring benefits both from economy, education, politics and others, as the message of Islam for *rahmatan lil alamin.*

Economic Jihad
Jihad cannot be done without certainty in the economic field. Among the concepts of jihad of Syeikh Abd as-Samad al-Falimbaniy that can be actualized in modern times today is jihad in the economic field. (Al-Palimbani, 1772). In modern era, there is a great need for economic jihad. The forms of economic jihad include zakat, infaq, shadaqah, waqf, and forms of strengthening the people's economy that can alleviate poverty. (Amalia, 2015). As when the Prophet Muhammad SAW was asked what is the ultimate charity of worship, he mentioned, "the man who strives in the way of Allah with his wealth and soul"(Hanbal, 1995: 11411). A.Wahid argued defending the rights, dignity and honor of The Islamic ummah with property and soul is a way of jihad, because it has done business with Allah SWT (Wahid & Akbar, 2020). Sri Aliyah added if it is not all jihad by war, jihad also can be done by fighting in economic side, because, in the fact jihad is not for searching some wins, but jihad has purpose to maintain aqidah, state and da'wah without intimidation (Aliyah, 2014). Thus, economic jihad is expected to sustain the actualization of other jihad.

It is no less important, the reality of economic jihad is urgently needed as a result of advances in technology and information. Consequently, the jihad view on the economy must be strengthened by the realization that economic jihad is unavoidably linked to modernity (Nasution, 2017). Several scholars have studied the relationship between modernity and economics, they are Abd al-Basid (2016), A. Wahid & N. Akbar (2020), and Taufik Abdullah (T. Abdullah, 1979). The focus of jihad on economic development in the modern era is centered on the economic empowerment of the ummah. Ideally, economic jihad should

grow the attitude and the habit for charity, infaq, shadaqah, waqf, and grants. Furthermore, it is optimized for the benefit of the ummah and the nation so that it can have a positive effect related to education and politics.

Education Jihad

The application of the economic jihad concept in the modern era will certainly have an impact on educational jihad, as Imam Baidhowi mentioned that jihad is a hard work and full of seriousness (Al-Baidhawiy, 1998) Syeikh Abd as-Samad strengthens by interpreting the word jihad with hard work as in surah al-Maidah verse 35 (Al-Palimbani, 1772). Educational Jihad does not only instill spiritual and moral values in the world of education, but the concept of educational jihad is the obligation of every parent and educator (Dahlan, 2018). Among the principles that cannot be separated in educational jihad are: *Muʿāhadah*, it means pledge. *Mujāhadah*, it means seriousness; *Istiqāmah* or strong determination or consistency(Abdullah bin Nuh, 1955). *Amānah* can be believed (Yunus., 1991). *Murāqabah* means controlling,(Effendy, 2004). *Muʿāqabah* means penalty and punishment. Muhāsabah means evaluation.(Ali, Atabik dan Muhdlor, 1998) in their practice. Thus, the actualization of the concept of educational jihad in which there is sincerity and seriousness, it will produce output that is in line with expectations.

In addition to getting closer to Allah SWT, educational jihad ideally produces attitudes and habits to promote peace, education, love, so that jihad in education should not only develop the cognitive side but also the affective and psychomotor side (Jubba, H., & Pabbajah, 2018).   Several experts have conducted research on the correlation of jihad and education in this modern era, they include Mustaqim Pabbajah et al(2020), Abdul Fattah (2016), and Azyumardi Azra (2012). As it was Syiekh Abd as-Samad al-Falimbaniy's contribution on the 18th century in the intellectual aspect. Ideally, education can be aligned to the concepts of faith, science, and charity. Therefore, the responsibility on the concept of educational jihad becomes simpler.

Politic Jihad

Political jihad is a common practice, although it cannot be freed from the claim of truth, which is considered a divine dimension, it even has ideological implications (Roy, 1992), jihad which is identically with war, is slowly being reduced to acts of terrorism (Azra, 1996). Ibn Taymiyyah (1262-1328) also practiced politics as an alternative way of jihad, where he presented his thoughts in accordance with the concept of jihad in Islamic politics. It is because political jihad cannot be separated from social life. In line with that, Syeikh Abd as-Samad al-Falimbani in addition to writing a book *Nasiha al-Muslimin wa Tadzkira al-Mukminin*, it also send three letters to Mataran Sultan as the politic application in jihad (Mansurnoor, 2005), where the path can determine the policy entirely with political power (Azra, 1996). The context of war in jihad, of course, has limits and conditions that have been set, so that the context is not

relevant to be practiced in the modern era. So that jihad can be done by other methods such as economic, educational and political jihad. However, the jihad implementation method must be adjusted to the rules set out in religion.

There is no verse in the Qur'an clearly explaining the jihad in a political context, jihad is always based on the right objectives, especially in economics, education and politics (Qardhawi, 2010). This method is used to achieve prosperity and as a driving force in the legitimacy of the path of power (Al-Madani, 2010). This is a strategy to unite all stakeholders so that they can help each other's components. Among the methods of the political jihad concept can be traversed in various fields, it is including the political party route and from the path of government structures such as villages, district heads, regents, governors, ministers, presidents, and so on (Maliki, 2017). So it is needed an in-depth education about the political jihad concept. It must be done, because if in the modern era is no one struggles with the political path. Thus, there will be oligarch policies in politics, education, economics, even socio-culture, for political party financiers.

F.   Conclusion

Sheikh Abd as-Samad al-Falimbaniy was a charismatic cleric of the Archipelago in the 18th century AD, because he was famous for his toughness and knowledge both in the fields of Tawheed, Fiqh, and Sufism, besides that he also contributed a lot to the knowledge of jihad. Then, the request from the ruler at that time also inspired the writing of the Book of jihad *Nasiha al-Muslimin wa Tadzkira al-Mukminin fi Fadha'il al-Jihad fi Sabil Allah* the work from Syaikh Abd al-Samad al-Palimbaniy. It is to re-digest the term about the conception of jihad, so that jihad, which has always been identified with war, terrorism and violence, can be actualized in the modern era like now. Thus, the spirit of jihad, both *aqli* and *naqli* can be realized in harmony with the obligations of jihad in Islam, in order to achieve peace for the universe. In his written Syeikh Abd as-Samad al-Falimbaniy is at least using 26 verses of the Qur'an and 67 Hadith concerning the conception of jihad.

All verses, hadith written in the manuscript of the book, support the theme of jihad, both inflict and explicit. The classification of the concept of jihad in the manuscript of Syeikh Abd as-Samad al-Falimbaniy emphasizes jihad in the context in accordance with social reality rather than jihad in the sense of war, violence and terrorism. The written book method *Nasiha al-Muslimin wa Tadzkira al-Mukminin fi Fadha'il al-Jihad fi Sabil Allah*, consist of articles and then is continued the discussion about (*mabahits*), *Mathlab* and *far'u*. Syaikh Abd as-Samad al-Falimbaniy indirectly applied his jihadi abilities, such as the Thariqah road that he taught how the purpose of a person to jihad is only to achieve the pleasure of Allah SWT. Then through his works and finally he took up arms until he died on the battlefield martyrdom in a jihad state.

The jihad conception in the book *Nasiha al-Muslimin wa Tadzkira al-Mukminin fi Fadha'il al-Jihad fi Sabil Allah,* it also can be realized in the modern era as it is now, they are economic jihad, education and politic jihad. Where economic jihad

is important for welfare and keeps Muslims from being deprived of wealth and poverty, in line with economic prosperity, educational jihad can develop both in terms of cognitive, affective, psychomotor, as well as faith, Islam and Ikhsan. When economic jihad and educational jihad are carried out, it will open the door to political jihad, this the government has issued through a policy of economic, education, health, law, military political jihad. Thus, the concept of jihad Syeikh Abd as-Samad al-Falimbaniy in the modern era, can disappear the stigma against violence, war and terrorism in the name of jihad, as well as Islamphobia. *Waullahu a'lam bis showab*

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The Contribution of Tourism Objects to Public's Incomes in Kabupaten Tulang Bawang Barat in Era of Society 5.0

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Abstract

Today the tourism sector is a boost for economic growth in a country. The tourism industry becomes an opportunity to improve the welfare of the surrounding community. According to the Travel and Tourism Competitiveness Index (TTCI) rankings published by the World Economic Forum (WEF), Indonesia was ranked 40th (out of 140 countries) in 2019 with an increasing trend. This indicates that the amount of potential that exists in Indonesia. Lampung is also known as a tourist destination, one of the relatively new regencies with some interesting tourist destinations, namely in The West Onion Bone Regency. Some of its tourist attractions are Islamic Center, Taman Sehati, Taman Faiz, Taman Umbul Kapoek, Water Park, Taman Agrowisata Pulung Kencana, etc. This research aims to find out the contribution of tourist attractions to people's income in Tulang Bawang Barat in the Era of Society 5.0. Era Society 5.0 is a digital era where the basic component is humans utilizing technology. Tourist attractions greatly contribute to the income of the surrounding community, especially the people of Tulang Bawang Barat.
Keywords: *Tourism, Era Society 5.0, Tulang Bawang Barat*

Abstrak

Dewasa ini sektor pariwisata menjadi pendongkrak bagi pertumbuhan ekonomi di suatu negara. Industri pariwisata menjadi peluang guna untuk meningkatkan kesejahteraan masyarakat sekitar. Menurut peringkat Travel and Tourism Competitiveness Index (TTCI) yang diterbitkan oleh World Economic Forum (WEF), Indonesia berada di peringkat 40 (dari 140 negara) pada tahun 2019 dengan tren yang meningkat. Hal ini mengindikasikan bahwa besarnya potensi yang ada di Indonesia. Lampung juga dikenal dengan destinasi wisata, salah satu Kabupaten yang tergolong baru dengan beberapa tempat destinasi wisata yang menarik yaitu di Kabupaten Tulang Bawang Barat. Beberapa tempat wisatanya ialah Islamic Center, Taman Sehati, Taman Faiz, Taman Umbul Kapoek, Water Park, Taman Agrowisata Pulung Kencana, dll. Penelitian ini bertujuan untuk mengetahui kontribusi objek wisata terhadap

pendapatan masyarakat di Tulang Bawang Barat di Era Society 5.0. Era Society 5.0 merupakan era digital yang mana yang menjadi komponen dasarnya ialah manusia memanfaatkan teknologi. Objek wisata sangat berkontribusi bagi pendapatan masyarakat sekitar khususnya masyarakat Kabupaten Tulang Bawang Barat.
Keywords: Pariwisata, Era 5.0, Tulang Bawang Barat

Introduction

Economic growth is associated with an increase in output, namely an increase in aggregate national income within a certain period of time. Economic growth is also related to rising incomes (Kuznets 1955). Tourism is a supporting indicator for people's income in each region. The tourism sector is one of the potential to improve welfare that will boost development in the area.

The tourism sector is a very instrumental and contributes in opening jobs. When the number of tourists who come to an area will open opportunities for the community to open a business so that the opportunity will provide opportunities for local people to work so that the income of the surrounding community increases (Projogo 2000).
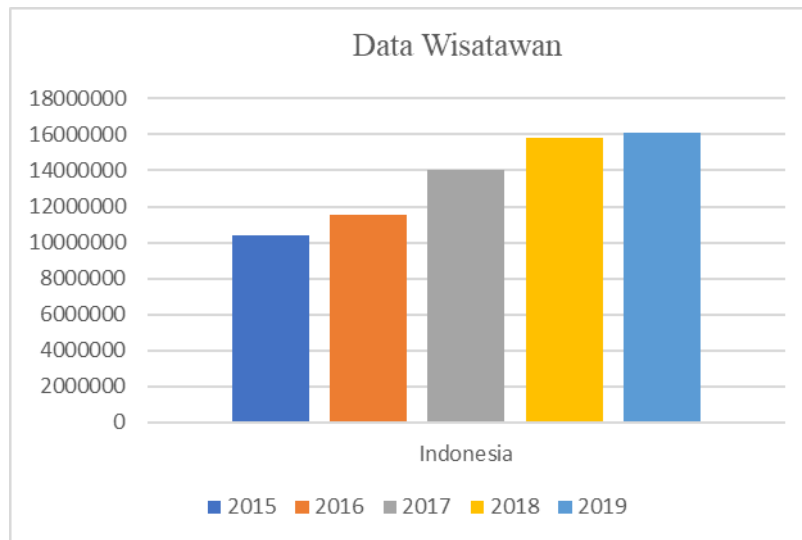
Source of data: *World Bank*

Data from the World *Bank* shows that the number of international tourists visiting Indonesia every year is increasing. Trends from 2015-2019 indicate an increase in each year. This is good news for Indonesia to continue to develop the potential of existing natural resources so that it is able to attract as many local and international tourists.

Tourism is a very strategic sector that must be utilized for development. When tourism in an area is developed and in demand, it will open jobs that will later improve the welfare of the community. In addition, the role of this sector in the overall improvement of human development through income and job creation, tourism contributes significantly in many countries to the balance of payments, poverty alleviation, foreign exchange creation, market creation for native commodities, promotion of the hospitality industry, and stimulation of transportation sector development (Gisore R 2015).

According to the *Travel and Tourism Competitiveness Index* (TTCI) ranking published by the *World Economic Forum* (WEF), Indonesia was ranked 40th (out of 140

countries) in 2019 with an increasing trend. The competitiveness position has increased ten levels from 50th place (out of 140 countries) in 2015. TTCI is an index that reflects the overall quality, future potential, and long-term sustainability of the tourism sector in each country assessed. It consists of four subindexes and 14 indicators in its measurements (Haryana 2020).

Indonesia is known for its tourist beauty. No less interesting Lampung is also known for its tourist destinations. Tulang Bawang Barat Regency is a regency located in Lampung Province. In 2009 this regency inaugurated the results of the expansion of the Onion Bone. Although it is a new district, but the development is very rapid. Some of the tourist destinations are Islamic Center, Taman Agrowisata Pulung Kencana, Taman Sehati, Taman Faiz, Taman Umbul Kapoek etc.

Islamic Center is the mascot of Kabupaten Tulang Bawang Barat. Tourists are not only from the West Onion Bone area but from several districts and cities in Lampung. One of the most important things in the world of tourism is marketing. Islamic center became an *icon* of the city of Tulang Bawang Barat. Islamic center has its own peculiarities because it is different from mosques in general. Islamic center becomes a means of worship as well as a means of tourists.

People in general livelihood as farmers, rubber plantation farmers, laborers and market traders. The existence of the tourism sector, of course, the community is slightly helped by the economy. The surrounding community opens culinary businesses, food stalls, drinks etc. So it is expected that with the existence of several tourist destinations in Tulang Bawang Barat Regency can help the economy of the surrounding community.

The growth of the tourism sector is expected to continue and thus will increase government income (through taxation and foreign exchange) as well as increase household income (through increased employment income: salaries, wages, etc. (Kyara, Rahman, and Khanam 2021). Therefore, when the tourism sector in a developing area, the income of the people in the area will increase this because tourism opens business opportunities for society.

Sokhanvar A,(2018) said with his research that tourism development has the potential to increase the price of local goods and services that are not traded, thereby increasing labor absorption and resource use, leading to improved community welfare. Society 5.0 is the development of society 4.0 which in this era of human resources plays a role in existing technology. In other words, society 5.0 is the basic component of humans. The Internet is not just about sharing information, it's about exploring life. The era of the digital economy is expected that the tourism sector is able to face industrial resolution.

Industry tourism is an industry with foreign exchange contributors in Indonesia. Not only that the strategy carried out by the government related to product marketing is also very instrumental. Tourism is like any other industry, where the relationship between producers and consumers is often based on commercial relationships. The government through the Ministry of Tourism designed a marketing strategy that is divided into marketing / marketing strategy, media strategy, promotional strategy, and promotional time. Therefore, the government program after Indonesia's independence until now, continues to strive to improve industrial development with various policies, especially the tourism industry which is the mainstay today (Heliany 2019).

One of the most important things in the world of tourism is marketing. Friel (1999) found that much tourism and became stagnant in profits due to lack of careful marketing planning, poor promotion methods, pricing methods, and market share

research. The importance of the tourism sector in economic growth has inspired many researchers to assess the correlation between tourism and income relations. This research aims to find out the contribution of tourist attractions to people's income in Tulang Bawang Barat in Era Society 5.0

Research Methods

Researcher an this is literature research, literature research that seeks information from various sources. The information obtained is quite diverse including: books, and literacy and history (Mardalis 2010). Kaelan reveals that, historically and descriptively are the characteristics of literature research (Kaelan 2010). Imam al-Ghazali defines research referred to as histories because of research like this has element   historical dimensions, Literature research covers research from various religious figures. As has been stated that for that the first step in analyzing is to look for literature related to the topic to be discussed.

Results and Discussions
1.   Literature Review

Research related to tourism research is research from Sigit Priswanto (2020) which shows the results of several aspects that need to be developed in the Tulang Bawang area, namely the introduction of culture and preservation of local culture to immigrants.

Then the next research Reddy(2017) facilities and infrastructure are still inadequate in Pulung Kencana Agrotourism Park so that the facilities intended by visitors are still very lacking, in addition to the need for The role of the government to promote tourism is very important so that the pulung agrotourism park can be known by the wider community.

Research from Ipnuwati (2018) the rise of internet use has an impact on tourism. This research is in the form of the development of the application of the E-tourism recommendation system of the Islamic Center Tulang Bawang Barat based on the web to make it easier   to reach the community. Through *the E-tourism* application people are   easier to access and more interested in visiting   Islamic centers.

Further research was conducted   by Hiariey (2013) the forms of business around natsepa beach tourism rujak business, buoy business, hawker business and drink and young coconut business. . Most use the beach area as a business location.

Furthermore, research related to researchers is research conducted   by Sukatmi Wardana (2021) one of the prima donnas of religious-based tourism   in Tulang Bawang Barat, namely Islamic Center, In addition to other unique mosques, the uniqueness of the great heretical house. However, the existence of newspapers and paedes is not enough to inform tourism widely to local and foreign tourists.

Research from Anggariani (2021) digital tourism efforts to increase productivity and innovation in the field of tourism and add insights related to digital transformation to facilitate activities in the future pandemic.

Furthermore, research from Heliany (2019) shows the results of the utilization of digital marketing in the era of the digital economy industry, very instrumental in increasing tourism promotion. Digital marketing is a must because this generation is often used both realized and not. Digital marketing applications that will be used include websites, social media, online advertising, web forums, mobile applications.

Digital marketing in the future there is an application that makes it easier for tourists to travel with automatic stem and multi-lingual

This study wanted to see the extent of the contribution of Tourist Attractions to Community Income in The West Onion Bone Regency in the Era of Society 5.0.

2. Tourist Destinations

In the era of decentralization the region is also required to increase regional economic growth (Holik, 2016). Tourism is considered one of the priority sectors in national development. This sector is considered to have a large enough economic linkage so that it can make a significant contribution to the national economy (Haryana, 2020).

Tourist destinations are a combination of products, services, natural resources, artificial elements that aim to attract tourists (Amesa S, 2008). Tourism is a facility created to serve the needs to improve the economy. (Gunn Clare, 1994). According to Danamik (2006) a tourist attraction either natural, cultural or artificial requires handling in order to be an opportunity to attract tourists.

There are two characteristics of destinations that are first, destinations that require branding. For this reason, this destination requires attraction to attract tourists. Second, the destination is constructed by the community. This kind of destination is a destination that is created because of certain attractions in that destination (Burhan Bungin, 2018).

Tourism in the area is still lacking, especially in The West Onion Bone Regency so there is still a lack of public knowledge of the tourist attraction. Information to know the tourist location is still very lacking and has not been presented through brochures so that tourists who come from outside the area do not know the location (Sukatmi, 2021).

3. Income

Development greatly affects the growth of both a country, both political, social, economic, and social. Therefore, development must be considered by a government and government so that the progress and prosperity of a region and state can be achieved. Village development can not be separated from the characteristics of the community and its readiness in the face of the demographic leap of the population (Cristina, 2020).

Revenue is the result of efforts that have been made (Ministry of Education and Culture, 1998). Income is money received by someone in the form of salary, wages etc. (BN. Marbun, 2003). Revenue is also interpreted as the amount of revenue generated in a certain period of time (Reksoprayitno, 2004).

People's income is the result of salaries or wages both individuals and groups. When people's incomes increase, health in the area is relatively high (Mahyu Danil, 2013).

While according to Boediono a person's income is influenced by various factors, including (Boediono, 2002):

    a) Factors of production derived from savings
    b) Price per unit
    c) The result of side business activities

The factors that affect the volume of revenue in the company are as follows (Mulyadi, 2010):

    a) Sales conditions and capabilities
    b) Market conditions
    c) Capital

d) The company's operational conditions
4. **Era Society 5.0**

The change of phase to phase gives an articulate difference on the side of its usefulness. The first phase (1.0) is based on the invention of a stressing machine. The second phase (2.0) has moved on to the stage of mass production integrated with quality control and standardization. Phase three (3.0) enters a mass uniformity phase that relies on computerized integration. The fourth phase (4.0) has brought digitization and automation of the fusion of the internet with manufacturing (Heliany, 2019).

The Japanese government has launched a vision of what it calls a "super smart society", or "Society 5.0"It is defined as a new society in the fifth stage that follows the previous four stages: hunter society, agrarian society, industrial society, and information society. It aims to create a human-centered society where products and services will be available to meet a wide range of potential needs as well as to reduce economic and social inequality (Fukuda, 2020).

The fifth phase is (5.0) which in this era humans play a role in technology. Through internet network access be it electronic maps, etc. are easier to reach. In addition, the use of cyberspace is very helpful to facilitate information for the community.

Discussion

Indonesia is a place where it has diversity, Indonesia has its own uniqueness, one of which is tourism. Destinaisi is a destination that invites local and outside tourists who can later enjoy the tour. The era of society or the digital era, which in this era is technology can be maximized. One of them is an electronic map so that tourist destinations in fact in the village can be passed by local people and outside the area. Tulang Bawang Barat regency is a expansion regency which is still fairly new, but the tourist destinations are quite diverse. The diversity of tourist destinations must certainly be accompanied by the use of advanced technology, in order to facilitate tourist travel to reach their destinations with travel flow conditions that may be said to be difficult.

Era society 5.0 in the field of tourism is improving facilities to support the comfort of tourists. For example at the existing tourist park in Tulang Bawang Barat Regency facilities for tourists such as cottages, lodging etc. are further improved. In addition, agrotourism parks are further enhanced related to the creative economy so that the results of the surrounding community can be traded as souvenirs.

The implementation of society 5.0 will be of great benefit to all circles. In addition, digital use is very important in today's era. Not only maintaining its beauty and beauty, the facilities available must also pamper local and foreign tourists. Like the existence of an electronic map that makes it easier for tourists to reach their destination. With the information on the web and other electronic media makes it easy for tourists to travel without misplaced or lost.

E-tourism is a new idea as one of the uses of technology to improve and attract tourists to visit. Various information presented becomes an attraction as well as a marketing material for tourism. In the future in Tulang Bawang Barat Regency is expected to maximize *E-tourism* for tourist attractions so that later when many tourists of course the income of the community also increases. To that end, the role of the internet reflects an e-tourism system in terms of tourism distribution which leads more to the transformation of the development of the tourism industry towards the internet which is usually in the form of websites.

Various tourist destinations in Tulang Bawang Barat Regency certainly have an impact on the income of the surrounding community. Of course, this is a business opportunity for people who are located close to tourist destinations to sell or people who are in tourist parks can also Improving the creative economy by making crafts or food that can be used as souvenirs by tourists.

People who initially eyed the search as rubber farmers, workers became motivated to open side businesses such as culinary, food and beverage businesses that later resulted from the business. get turnover that can improve the economy of the surrounding community. Therefore, the contribution of tourist attractions is very large for the community, because the existence of tourist attractions will open new jobs.

Conclusion

Based on research, it can be concluded that with the existence of tourist attractions contribute a considerable contribution to the increase in people's income. In addition, the people around the area make tourist attractions as business opportunities. However, there are some things that need to be improved, related to the need to improve the creative economy in terms of making crafts or packaged foods. So that tourists who come can buy as souvenirs both in Islamic centers, agrotourism parks and attractions in Kabupaten Lampung Tengah.

In addition, the existence of *E-tourism* provides information related to tourist attractions that want to be visited in order to facilitate tourists and attract tourists to visit. With the existence of *E-tourism* is expected to increase tourists who can later increase people's income.

The role of the government is certainly very important to spearhead tourism, for that there needs to be movement from both the government and related agencies. It is also supported by the community to promote so that people outside the area can visit tourist attractions.

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Moderate Attitude in Asking "When to Get Married?"
(Juridical, Psychological and Sociological Studies)
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Abstract

Marriage is an event that must be prepared very well. Because marriage has implications in almost all aspects of life. Thus, one should get married because of awareness of real readiness and willingness. So, asking when someone gets married cannot be separated from the discussion about marriage. This research is descriptive-analytical in nature regarding the question of when someone gets married. This study uses Islamic law, psychology and social theory in analyzing the question of when someone gets married. The law of questioning when a person gets married is certainly based on the goals and responses of the question. Thus, the law questions when a person can get married if it is permissible, prohibited, or even recommended in certain conditions based on psychological and sociological conditions. This is proof that moderation must be contained in various aspects of life, including the study of marriage.

Keywords: *Asking when a person gets married, Readiness, Ability*

INTRODUCTION

Marriage is something sacred. Events that cannot be separated from everyday life . Marriage is basically a bond or relationship between individuals, which is then related to religious, social, economic, cultural, legal and various other aspects. Marriage is considered as the only legal institution in accommodating human pairing.

The process towards marriage is certainly not easy to go through. Various efforts are certainly made for someone who wants to get married. Because, basically everyone who has the awareness would want to get married. Although not all journeys to marriage are the same for everyone. Thus, knowledge related to the family with its various approaches is needed to realize the purpose of marriage. Because, critical thinking is needed related to knowledge, especially in the field of family law.

Humans will definitely intersect with marriage. The marriage was driven by internal and external factors. When hanging out, showing existence in the social sphere, various discussions and questions related to couples and marriage will not be separated. At this moment can be found the question of when to get married. This paper was compiled to find out how the views of Islamic law, psychology, and social in questioning when someone will get married.

This research is descriptive-analytical research. The point is that this research was conducted to describe and explain certain conditions critically. Thus, this research will describe in detail the question of when someone gets married. The description of this problem will then be studied with the approach of Islamic law, psychology, and sociology.

THEORETICAL BASIS
1. Islamic Law and Marriage Law in Islam

The heart of Islamic law is *maqā S id al-shari'ah. Al-maqā S id* can be considered as a number of goals (considered) the Divine and the concept of morality that underlies the *al-tasyri 'al-Islami* (drafting laws based on Islamic law), such as the principles of

justice, human dignity, freedom of will, purity, simplicity, loyalty, and so on. With this, the presence of Islamic law in line with the nature of human life.

One method of extracting Islamic law is *maslahah* . Maslahah is the study of the aims and objectives of Islamic law. [4] *Maslahah is* used to give a law for certain events. Including to explore the law to question when someone gets married. What is the impact of questioning when married it supports *maqā S id al shari'ah,* or even contrary to the good and away from *maqā S id al-shari'ah.*

The law is certainly made to regulate the order of life for the better by prioritizing the values of justice and certainty. Islamic law exists as such, as a way or means for Muslims to live their daily lives. In the study of Islamic law, there is a discussion of Islamic family law. The discussion of Islamic family law is a discussion of law in Islam that continues to grow. One of the discussions in Islamic family law is about marriage law.

The law of marriage in Islam is an elastic law. This means that the legal provisions of marriage are divided into obligatory, sunnah, permissible, makruh and haram. [5] Marriage is mandatory for those who are ready and able to marry, so that if they do not marry, they will fall into adultery. Marriage is a sunnah for those whose lust is passionate but is still able to protect themselves from adultery. Marriage becomes haram for people who are not ready to marry or have bad intentions in marriage. The law of marriage becomes makruh when someone wants to get married but has not been able to fulfill household rights and obligations .

2. Psychology

Psychosomatic is a physical disorder caused by emotional and psychological pressures or physical disturbances that occur due to excessive psychological activity in reacting to emotional symptoms. [7] Under certain conditions, the mind is able to influence the body that triggers disease or exacerbates a disease. For this reason, it should be suspected that someone who always thinks about the issue of when to get married and is not able to handle it properly can cause various health problems, both physical and psychological.

3. Sociology

Humans in interacting with each other will result in two conditions, namely the form of associative and dissociative interactions. Associative interactions are interactions that lead to unification, namely cooperation, accommodation, assimilation, and acculturation. Meanwhile, dissociative interactions are interactions that lead to forms of separation, such as competition, contravention, and conflict. [9] So, in interacting with each other, humans who are discussing marriage, including asking when someone gets married, will not be separated from these two forms of interaction.

DISCUSSION
1. The Question of When to Get Married

Humans are social creatures. This means that in carrying out his life, a person must relate to other people in an effort to meet various needs. So, the interaction between humans becomes an influential thing in the quality of life. This association can occur in various fields, such as relationships in the family environment , educational environment , work, or even the community environment.

In this socializing phase, humans communicate with each other, relate to each other. At this time, dialogue can also be established in various discussions, including marriage. Because, the discussion about marriage is an endless discussion. One of the discussions that usually occurs is about the time of marriage. The question of when to get married usually occurs or is asked when attending a ceremony or wedding

reception. This can be considered reasonable, because they are in the same moment.

Not infrequently, the question of when to get married is asked when meeting an old friend. This question certainly does not immediately become the initial question when someone meets another person. Usually the question of when to get married is preceded by an initial question, such as asking how are you, or who are you currently in a relationship with. Or, it could be that the question of when to get married was uttered on the basis of stale stalemate, a sincere intention to provide assistance so that the person asked gets married immediately. The background of asking when someone gets married can have different purposes. This will also cause various differences regarding the response and answer to the question of when to get married. So, it can be understood that these various questions may become common things encountered in society as a phenomenon of human interaction.

What is noteworthy is the impact of the question. One should ask someone else when he got married, have considered well whether what he did was a good thing. Instead of hurting the feelings that were asked, it even caused a rift in relationships and even hostility. Of course this kind of thing should be avoided. On the other hand, this means that maturity is needed in relationships between people, which includes asking when someone will get married.

For some people, the question of when he got married is a very sensitive matter . If the person is "baper" it could be that the question can make him uncomfortable. How not, for example, someone who does not have a partner is asked when to get married. Or, someone who already has a partner but does not yet have the readiness and ability to get married is asked when to get married, of course he will feel that this is a pressure that can cause his mental condition to be shaken.

In fact, it is possible that the question of when to get married will cause trauma to those who are asked. From this trauma, a defensive attitude will be born when asked questions that he himself may not know the answers to. In fact, this may even cause psychosomatic. Someone who feels uncomfortable with the question of when to get married, in his small heart will avoid various events that are used to be a place to ask when to get married. For example, weddings, family gatherings, *hanging out* with friends who are not too close, in the office environment, or the neighborhood where you live.

The response to asking when someone will get married will certainly be different. This is due to differences in who is asking, time, and place as well as the psychological condition of the person being asked. Usually, those who ask when someone will get married are friends, family, spouse or even the prospective partner's family. Each of these things will give birth to a different response, including the response of each person who is asked. Of course, the response to the question of when someone will get married is influenced by various factors, such as religion, maturity level, education, and also social status. So, asking when someone to get married is something that must be considered. The question should have a good value when asked for both parties. On the other hand, maintaining relationships with family, friends or co-workers, even with anyone who questions when to get married is one way to achieve happiness.

In essence, the question of when someone gets married is not a matter of who is being asked or who is asking. Rather how one defines the meaning of marriage itself. Ask yourself what marriage is, what goals do you want to achieve from marriage, how to live married life and various questions like that that form the substance of married life. That way, it is hoped that marriage is truly considered something sacred

and is pursued with good readiness and ability. Furthermore, please pray for a wise answer when asked when you will get married.

2. Ideal Age to Marry

The ideal age for marriage is between 20-25 for women and 25-30 for men. In general, the age of women is below the age of men. [13] The age difference of men who exceeds the age of women is expected that the man who will become the head of the family can be mature and full of responsibility towards his family. Likewise, from the woman's point of view, the wife will feel able to be protected, educated and cared for by a husband who is more mature. The ideal age for marriage is basically different if it is adjusted to the conditions of each prospective partner.

In essence, the ideal age of marriage must exceed the minimum age of marriage stipulated in the Marriage Law, namely at the age of 19 for both potential partners. The ideal age of marriage can also be considered as a parameter of one's maturity. Because, maturity is very important in living married life. On that basis, age and maturity are important factors in the success of a marriage.

3. Readiness Before Marriage

a. Physical Readiness

Marriage is a legal act that has no time limit. For that, various preparations are needed that are qualified to navigate the ark of marriage. One of the most basic readiness is physical readiness. The purpose of physical readiness here is the condition of a person's physical health and also the readiness of his reproductive organs. This is important because one of the purposes of marriage is to produce offspring. When physical readiness has not materialized and the marriage continues, perhaps this will cause problems in domestic life. For this reason, it is necessary to have a physical health examination for someone who is getting married. This physical health examination can be carried out at the stage of a simple examination to a thorough examination to find out various potential health symptoms in each potential partner. Physical readiness is also related to the ability to have sex with a partner.

b. Psychic Readiness or Maturity

Marriage can be considered as a phase towards maturity for a person. So, someone who is immature in judging various things is declared to be still unfit for marriage. Maturity is one of the key factors in fostering a household. Maturity is closely related to mental health. Because mental health is very important in determining the quality of life. [14] For that, it would be nice when going to get married, the prospective bride and groom checked the power of his soul. This is done to give the prospective partner an idea of a person's personality before marriage. This is because each part has an actual or potential relationship with other parts.

c. Financial Readiness

Financial readiness is indeed an important thing in living family life. The source of family finances, of course, comes from income from one's job, especially the husband or father as the head of the family. So, when someone already has a job, he or she is considered to have financial readiness to start a family. Indeed, having a job is sometimes judged not to have financial security. For this reason, good financial planning is needed between husband and wife in managing family needs .

d. Marriage and Parenting Counseling

Family counseling is the process of delivering theories, concepts and principles and principles of guidance and counseling as well as the application and development in marriage and family to establish a family sakinah.Konseling marriage (*marriage Counseling*) carried out by the professional to partner to develop the potential and are

able to solve the problem faced through ways of mutual respect, tolerance and communication so as to achieve the motivation of a happy family life. Marriage counseling can be considered as initial capital in living married life.

e. Understanding Religion

A belief system which means that a person's faith is the source of his happiness. Someone who wants to get married, of course, also wants a happy family life. Religion has a role for someone in interpreting marriage, including being single before marriage. [19]So, whoever is going to get married should have instilled and practiced religious values and teachings in their daily lives. Marriage is a means of worship in religion. Thus, an understanding of religion itself must be put forward in living household life. This religious understanding must be equipped with valid, not exclusive and extreme knowledge. Understanding of religion must be understanding that gives goodness. Not based on ego and interests alone. This religious understanding must of course be obtained from a trusted educational institution, which is able to give birth to a moderate and love-based religious understanding.

Marriage is a spiritual journey, the union of feminine and masculine elements creates spiritual synergy, all of which lead to the goal of human perfection. When it comes to spirituality, in the philosophical dimension it is immeasurable. However, spirituality is then translated into law or shari'ah in some ways and then becomes something measurable and normative. [20]That is why, various activities in the household which later become rights and obligations are included in the realm of worship. Harmonious family life due to the fulfillment of the rights and obligations of each member will lead to the goal of marriage, which is to create an eternal and happy family.

4. Pre-marital dynamics

a. Pre-wedding Culture

A person's educational background, work, household life can be assessed as his position in social life. Changes in patterns, meanings, norms, and discourses around marriage are forms of social change. [22]In modern times like today, the marriage system has developed. Marriage is not only seen from the point of view of religion, but also the culture and customs of the people. The customs and culture inherent in marriage can be seen from the various wedding processions.

People who still uphold various prevailing values and norms, of course view marriage as a sacred institution; a stage in life that would be better if done. Society like this will certainly encourage everyone to get married. With the encouragement and habits of the community, of course it can be assumed that marriage in this community continues to be sustainable and is considered something sacred.

It's different with people's habits before marriage. This is of course based on factors of social and economic level, location of the region, cultural acculturation, and also religious experience. Pre-wedding habits in urban areas will certainly be different from pre-wedding habits in rural areas. Likewise, the marriage customs of one indigenous people will be different from other indigenous peoples. Nowadays, there are various pre-wedding moments that are actually not very urgent in marriage. for example, a *bridal shower*, giving clothes to friends [24]that will make a beautiful fence and a nice fence. This of course can be done if it remains within the applicable corridor.

Various types of pre-wedding activities or cultures continue to develop. Not infrequently this can be a scourge because it requires a lot of capital, energy and drains the mind. The pre-marital culture that is then required to be carried out can create pressure that can change one's view of marriage. In fact, marriage is actually something that is not complicated. Marriage can take place when the pillars and conditions have

been met. Not a variety of things that become knick-knacks in marriage. Because the most important thing is in the phase of living the household life. So, it would be wiser when the wedding time is getting closer, someone is more prepared to prepare the various preparations needed. In fact, it would be better to hold recitation and prayer together before the wedding process.

b. Environmental Situations and Conditions

A person's personality is influenced by the social and cultural environment in which the person concerned develops or grew up. Family, work environment and friendships are like a life tripod that sustains a person's life. Someone who is not able to adjust to the situation (environment), will be overwhelmed with feelings of unhappiness. [27]For this reason, it is impossible for a person to be free from various situations and conditions in his environment.

For people who hold fast to certain customs, of course in the marriage process they will do marriages based on the customs of these customs. This is certainly a manifestation of the nation's cultural wealth that must be grateful for and preserved. The implementation of marriage based on certain customs should be done because of ability, not based on selfish attitudes and burdensome cultural fanaticism. In fact, not infrequently marriage is considered as a place to show social status, both personal social status and family social status.

Indeed, the environment can affect a person. However, if the person has been fortified with good knowledge, of course he will be fine living in various situations and conditions in his environment. Including the relation to marriage. If the situation and environmental conditions do not support the process towards marriage, the person should be able to be wise with the knowledge they have. The person is expected to be able to solve various problems and problems faced related to marriage in various situations and environmental conditions well.

c. Options: Married, Work or Continue Study

Someone who has completed studies at the Strata-1 (S-1) level will be faced with various life choices. In general, a graduate who has just graduated will look for a job. This kind of thing has become a habit almost everywhere. If someone has worked, in general he will also focus on his work. This is also a natural thing in life. There is also a scholar who continues his education at the Strata-2 (S-2) level, which has also become a natural thing in everyday life.

A person may be stuck in the choice to work, get married, or go to college. Usually this can be found in someone who has entered the ideal age for marriage. These various choices if not addressed properly, will certainly be felt as a pressure. For example, a female scholar who never gets a job may choose to marry or continue her studies. And vice versa, a worker will prioritize his career path rather than getting married in certain situations. Or, there are also those who focus on completing their education first, continuing to work and getting married as an option. After all, a person stuck in various options must choose the best option . Including if someone runs his choice at the same time. For example work and get married, get married and go to college, or just focus on marriage. These various choices should make life run better in various aspects, not the other way around.

A person who wants to get married must equip himself with various knowledge. Because, in essence knowledge will help humans to live better. So it is in domestic life. Everyone who plays a role in a family is required to have knowledge according to his status in the household and also adapted to his personal conditions. This knowledge is of course a variety of knowledge related to domestic life, such as religious education, character education, economics, psychology,

communication science, sociology, culinary science for cooking food, carpentry for caring for the house, and various knowledge needed in life. household.

SOLUTION

1. Prepare yourself

When someone—whether single or who already has a potential partner—is asked when to get married, he must be prepared to respond to that question. Responses and answers to these questions will certainly vary. This is because a person's attitude in various ways—including the response to the question of getting married—is influenced by various things. A person's attitude will be influenced by: personal experience, the influence of other people who are considered important, culture, mass media, religious and educational institutions, as well as one's emotional factors .

Support from family and friends is needed in accepting the fact that life is still single. This condition is a form of initial awareness that will encourage a person to prepare himself for the gate of marriage properly and wisely. Someone who is good and wise will certainly not be careless and without careful consideration when entering a discussion about marriage. how not, marriage is a matter that on the one hand as a civil activity and on the other hand as an activity that has the value of worship. Thus, self-preparation is the initial capital for a person to enter a discussion about marriage which will make it smooth on the road to the ideal marriage gate .

2. Looking for a Potential Partner

Prospective partners are the pillars of marriage. If someone wants to get married but does not have a potential partner, then the marriage cannot take place. This means that the presence of a potential partner is the main thing in marriage. This includes getting to know the potential partner well so that in carrying out domestic life it will run harmoniously because they understand each other well.

Someone who wants to get married and is ready to prepare for marriage, he can certainly find the ideal mate that he hopes for. The process of finding a partner can be done by looking for a partner who is in their environment, such as work environment, friendship, education environment, place to live, and not to forget the family environment . Of course, there is nothing wrong with the process of finding a partner in that environment. That is actually a good thing. Because, someone is looking for a potential partner that he wants, so he will feel more satisfied in terms of finding and choosing a partner.

3. Matchmaking or Finding a Potential Partner

If a person's efforts in finding a partner have not yielded results, there is nothing wrong if he asks for help to find a potential partner. This is a common occurrence in society and is known as matchmaking. The basis of efforts to find potential partners for those who are still single or girls.

Regarding this matchmaking, there are several things that must be considered. In an arranged marriage, there should be no coercion from any party. Parents should not force their will to match their child with someone who has been chosen. Because, after all , it will be the child, not the parents , who will live the household life . Parents should be wise in this matter. The role of parents is only limited to assessing and blessing their child's potential partner. In this matchmaking, there should not be anything that is kept secret by the person who wants to be matched. The openness of one's nature and smooth, effective and efficient communication greatly affect the harmony of a relationship.

This matchmaking effort can only be limited to introducing someone to their potential partner. This matchmaking bias is also escorted to the level of marriage. The

important thing to remember is that in this matchmaking effort, it must continue to be based on the awareness of each. Awareness of matchmaking as an effort towards marriage. The realization that no human is perfect. And the awareness that the meaning of pairing is to complement and complete each other . Perhaps, someone who expects the perfect partner may miss out on the best.

4. Protect Yourself or Avoid Adultery

Premarital sexual behavior is certainly not justified in the norms that apply in Indonesia, such as religious norms, decency, kesulisaan, and legal norms. [30]Reproductive education that is tailored to the circumstances and needs is important in preventing pre-marital sexual problems. [31]The low understanding of reproductive education which is considered taboo will have implications for the risk of pre-marital sexual activity. [32]In addition, unhealthy dating relationships can also have an impact on pre-marital sex activities. [3]

Weak people are people who always follow their passions and desires, but expect salvation from Allah SWT. [34]To that end, each person should be able to manage the passions well to be able to keep themselves from actions that are not being rectified within the norms prevailing in society. This includes pre-marital sex or adultery. This pre-marital sex can be done due to various factors, including weak faith, association, or even self-motivation that is unable to contain sexual desire due to addiction to watching pornographic videos.

This pre-marital sexual behavior can be done by those who claim to be in a special relationship. Young people often call it the term courtship. Even so, in essence adultery can be committed by anyone who is not stuck in a romantic relationship , whether it is pre-marital or post-marriage. Pre-marital sex is all behavior that is driven by sexual desire towards the opposite sex or same sex that is carried out outside the marriage relationship, from *necking* , *petting* to *intercourse* . [35]So, to avoid the bad effects of premarital sexual behavior, pre-marital couples should not be alone in a quiet location. Because, it can cause weak self-control and various thoughts that are not good.

Sexual maturation naturally creates an impetus for activities that lead to reproductive activities. If this is not channeled through marriage, it can certainly plunge people into the valley of humiliation.

5. Match will definitely meet

A believer is someone who fully believes. Believing in Allah is believing with all your heart that there is no god but Allah who has created all things. In addition, believing in Allah's book, namely the Qur'an as His word, must also be engraved in the heart of every believer. So, for everyone who believes, wants to believe in Allah and what has been conveyed in the Qur'an. This includes pairing. There are so many verses that explain this pairing.

A person who is a believer and does not yet have a partner, he should remain firm in what Allah has promised in His book regarding this partnership. Do not be a believer who does not have a partner to be discouraged, sad, or even away from Allah, the owner of creatures.

6. Married at the Right Time

Marriage is a muamalah activity which also has worship value. With such, matters regarding marriage is an individual affair. Getting married at that time is a very good thing. In a sense, by getting married at the right time, the person concerned is considered sufficient in preparing for marriage and fostering domestic life. In addition,

getting married at the right time is also considered a form of awareness and readiness of someone who wants to get married.

Marriage which means individual affairs, of course, must be judged by each individual. Marriage should not be seen as something of equal value between individuals. Because, there are no experts in the field of marriage and family. This is because each individual is a unique being, which of course will be different in responding to various things, including the process of marriage and living a family life.

It should be emphasized that marriage is not about who is the fastest in doing it. A person does not need to feel inferior if he is not married when he finds out that his playmates, co-workers, neighbors, or even his family are married. Indeed, people who are married will have a greater chance of achieving happiness than people who are still single. Nanum, marriage is also not an easy matter. Deciding to get married and have a household requires commitment and responsibility to achieve an ideal family life.

Socrates says that: anyway, get married. If you get a good partner, you will achieve happiness. If you get a bad partner, you become a philosopher. This means marriage is indeed a good thing.

CONCLUSION

Someone who questions: "*When will other people get married*", can be seen from different legal perspectives. *First, it is considered* permissible if this question is just mere pleasantries. However, with a note that the question does not hurt the sense of comfort in the person being asked and can trigger a rift between the two. *Second, it is* unlawful to ask the question "*When will someone get married*" based on the element of ridicule (insulting) and comparing with someone who is married, in this case the prohibited law applies. *Third, it is* obligatory to ask the question: "*When will someone get married*" based on good faith, for example, trying to find a partner to the person being asked if the person being asked does not have a potential partner to marry and will help him to get married immediately. Therefore, if examined further, actually asking when someone will marry is the right of each person (a personal matter). From this it can be interpreted that the assessment of when someone will marry can certainly be placed in a moderate attitude. The meaning of moderate in this context is to put forward a fair attitude as the concept of moderation has been echoed so far.

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Legal Position of Adapted Children According To The Compilation Of Islamic Law In Inheritance

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INTRODUCTION

The family has an important role in human life as a social being and is the smallest community group, consisting of a father, mother and child. In reality, these three elements are not always fulfilled, so sometimes there are families who do not have children. Thus, seen from the existence of the family as a group of community life, it causes no shortage of those who want children, for emotional reasons, so that. There is a transfer of children from one family group into another family group.

The purpose of a person adopting a child, among others, is to continue the offspring, when in a marriage there is no offspring. This is a justifiable motivation and one of the ways out as a positive and human alternative to the instinct of a child's presence in the arms of a family, many years without having a child.

One of the legal consequences of the adoption of a child is regarding the status of the adopted child as the heir of his adoptive parents, this status often causes problems in the family. The problems that often arise in litigation events are usually whether or not the adoption of the child is legal, as well as the position of the adopted child as the heir of the adoptive parents.[1]

According to Islamic law, adopted children cannot be recognized to be the basis and cause of inheritance, because the main principle in Islamic inheritance is blood / lineage / descent. In other words, the adoption of a child according to Islamic heritage law does not have a legal effect on the status of an adopted child, that is, if it is not a child itself, it cannot inherit from the person who after adopting the child.[2]

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[1] Kamil, Ahmad., *Hukum Perlindungan dan Pengangkatan Anak di Indonesia*, Raja Grafindo Persada, Jakarta, 2008. hlm. 53

[2] Nasution, Amin Husein., *Hukum Kewarisan, Suatu Analisis Komparatif Pemikiran Mujtahid dan Kompilasi Hukum Islam*, PT. RajaGrafino Persada, Jakarta, 2012.hlm 21

This, of course, will cause problems in the future if the inheritance is not understood by the adopted child, because according to Islamic law, the adopted child is not entitled to the distribution of inheritance from his adoptive parents, so the solution according to the Compilation of Islamic Law is by giving "Mutual Will" is a maximum of 1/3 (one third) of the inheritance of the adoptive parents. As has been regulated in Article 209 paragraph (2) of the Compilation of Islamic Law which reads: "For adopted children who do not receive a will, they are given a mandatory will as much as 1/3 of the inheritance of their adoptive parents".[3]

According to the general provisions in Article 171 of the compilation of Islamic Law that an adopted child is a child who in terms of maintenance for his daily life, education costs and so on, his responsibilities shift from his original parents to his adoptive parents based on a court decision.[4] Based on this understanding, it is clear that what is prohibited under Islamic law is the adoption of children as biological children in all respects. From this it can be seen that there is a crossing point according to the provisions of customary law, which eliminates or decides the position of an adopted child with his own biological parents. This is a principle in the Adoption institution because there are provisions that eliminate the rights of the biological father and can overhaul the provisions regarding inheritance.

According to Yusuf Qardawi, in the matter of inheritance, adopted children are not entitled to inherit the inheritance of their adoptive parents because adopted children do not have real blood relations, marital relations and kinship relations. This kind of thing by the Qur'an is not seen as a cause for receiving inheritance. And in marriage, Allah has said in Surah An-Nisa' Verse (23) "that among women who are forbidden to marry are widows of biological children, not widows of adopted children.[5]

23. Forbidden to you (marry) your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, the daughters of your brothers , the daughters of your sisters, your mothers who nursed you, your sisters by breast milk, the mothers of your wife (in-law), the daughters of your wife (stepchildren) who are in your care from the wife who has you interfere, but if you have not mixed with your wife (and you have divorced), then it is not a sin for you (marrying her), (and forbidden to you) the wives of your biological child (son-in-law), and (forbidden) collecting (in marriage) two sisters, except for what has happened in the past. Indeed, Allah is Forgiving, Most Merciful.

LEGAL POSITION OF ADOPTED CHILDREN AGAINST INHERITANCE RIGHTS IN ISLAMIC LAW
a. Adopted Children in Islamic Law

Prior to the adoption of the Child Welfare Law, namely Law Number 4 of 1979, concerning Child Welfare which was ratified and promulgated on 27 July 1979 (State Gazette of the Republic of Indonesia of 1979 number 32), there had been serious discussions from various factions, especially in relation to the problem with the existence of Islamic Law when highlighting the issue of adoption in the draft Law. So that in the end the issue of adoption in the Child Welfare Act was abolished. This is motivated by the concept of adoption in the draft Law, which is adoption in its original meaning, namely adopting a child so that the blood relationship between the child and

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[3] Kompilasi Hukum Islam
[4] Kompilasi Hukum Islam
[5] Yusuf Qardawi, Ahli Bahasa Huamal Hamidi, *Halal Haram dalam Islam,* Jilid I dan II Surabaya, BinaIlmu, 1982, hlm. 303

the parents who gave birth to him is completely cut off. This is clearly in principle contrary to what is stated in the Al Qur'an Surah A1 Ahzab verses 4 and 5 which reads:
" *Allah did not make a man have two hearts in his chest, nor did he make your wife whom you divorced by zihar to be your mother and your adopted son your son. That is just what you say in your mouth. And Allah tells the truth and He shows the right path."*
"Call them (the adopted children) by the names of their fathers; that is more just in the sight of Allah and if you do not know their fathers then (call them) as your brothers and sisters in your religion and your mother-in-law, And there is no sin on you in what you err on the part of, but what (there is a sin) what your heart intended. And Allah is Forgiving, Most Merciful."
Surah Al-Ahzab (33:4-5) in outline can be formulated as follows:
1) Allah did not put two hearts in human breasts.
2) Your adopted child is not your biological child.
3) Call your adopted son by his father's name.

The provisions above are clear, that what is prohibited is the adoption of children as biological children in all cases. From this it can be seen that there is a crossing point of customary law provisions in several regions in Indonesia, which eliminates or decides the position of an adopted child with his or her own biological parents. This is a principle in the adoption institution, because of the provisions that eliminate the rights of the biological father and can overhaul the provisions regarding inheritance. Islam encourages a Muslim to take care of other people's children who are incapable, poor, neglected, and others. But it is not permissible to sever the relationship and rights with his biological parents. Maintenance must be based on sponsorship solely, in accordance with the advice of Allah SWT

According to terms in Islamic teachings, this adoption is called 'tabanni'. In the Jahiliyah era before Islam came, the problem of tabanni (adoption) was widely found among Arabs. Some time after Muhammad was sent as an Apostle, then came the revelation that confirmed the problem of tabanni (adoption). The revelation that stipulates the rules of inheritance that is determined only to people who are related by blood, descent and marriage. Thus, what is contrary to Islamic teachings is to adopt children by giving them the same status as their own biological children.

The prohibition of adoption in the sense of actually being made a biological child based on the word of Allah SWT in Surah Al-Ahzab (33) verses 4-5 which means:
"... *He did not make your adopted children as your biological children (alone), that is just what you say in your mouth. And Allah tells the truth and He shows the (right) way. Call them (adopted children) by (using) the names of their fathers that is more just in the sight of Allah, and if you do not know their fathers, then (call them as) your brothers and sisters of the same religion and maula-maula- you ..."*
Islamic law stipulates that the legal relationship between adoptive parents and adopted children is limited as the relationship between foster parents and foster children is expanded, and does not create a nasab relationship at all. The juridical consequence of adopting a child in Islam is only the creation of a relationship of love and affection and a relationship of responsibility as fellow human beings. Because there is no nasab relationship, another juridical consequence is that the adoptive parents and adopted children must maintain a mahram, and because there is no kinship relationship, both of them can carry out the marriage. Prophet Muhammad SAW. ordered to marry the widow of Zaid Bin Harithah, his adopted son, this shows that between the Prophet Muhammad and Zaid Bin Harithah there is no nasab relationship, except only the affectionate relationship as adoptive parents with his adopted child.

Adoption of children in the context of Islam is more accurately called extended foster children. Rifyal Kaaba calls it the extended term Hahlanah. Extended foster children, because in adopting children, must go through a process of determining the Religious Courts, while child care does not require a court decision process. and the curse of Allah SWT, as stated by the Messenger of Allah in the Hadith narrated by Bukhari: "Whoever calls (accuses) himself as the son of someone who is not his father, then the curse of Allah, the angels and all humans is inflicted on him. On the Day of Resurrection Allah will not accept from him his deeds and his testimony." (HR Muslim). According to Islamic law, adoption can only be justified if it fulfills the following conditions:

1) Do not break the blood relationship between the adopted child and his biological parents and family.

2) The adopted child is not domiciled as the heir of the adoptive parents, but remains as the heir of his biological parents, as well as the adoptive parents are not domiciled as the heir of his adopted child.

3) Adopted children may not use the names of their adoptive parents directly except as an address ID.

4) Adoptive parents cannot act as guardians in marriage to their adopted children.

The above provisions can be seen that the principle of adoption according to Islamic law is child care with the aim that a child does not become neglected or suffer in his growth and development.

b. Inheritance of Adopted Children in the Compilation of Islamic Law (KHI)

The Compilation of Islamic Law is the result of reasoning from 38 fiqh books that have been around and studied by scholars and Islamic education, but there are also those who oppose its presence in Indonesia, indeed there is a possibility that they object to the mixing of schools and sects as if the election was light-hearted. light that is contained in the Compilation of Islamic Law. The presence of mandatory wills in Indonesian Muslim society today is a feeling of community legal justice.

The existence of mandatory wills in Indonesian Muslim society today is a strange thing. This is due to the existence of a will, even though the deceased did not have a will. In this case, of course, the heirs do not want it. As can be seen in the jurisprudence of the Supreme Court of the Republic of Indonesia dated January 8, 1962 No. 291/K/SIP/1962, stipulates according to the custom of giving which is detrimental to the heirs concerned. Besides that, there is also no reason between the adopted child and the adoptive parents or vice versa. In Islam it is regulated that anyone is prohibited from marrying each other. The prohibition on marriage in this verse applies to blood relations or one family from a straight line up and down and sideways, including in-laws, daughter-in-law, and stepchildren whose mother has been abused by their stepfather. The adopted child is not in any of the above restrictions, because he is outside the kinship of his adoptive parents. Because reciprocally between himself and the family of his adoptive parents, he is not entitled to become his marriage guardian, unless it is represented to him by his biological father. The law is determined by fiqh scholars based on understanding mukhalafah. After that, there was also a revelation that stipulates the provisions for the distribution of inheritance, which has been outlined that only people who are related by blood, lineage, and marriage can be included in the group of heirs.

Instead, the Compilation of Islamic Law provides mandatory wills for adopted children as stated in Article 209 paragraph (2), namely that adopted children who do

not receive a will are given a mandatory will as much as 1/3 of the inheritance of their adoptive parents. Adopted children in the Compilation of Islamic Law are not giving up lineage as in the sense of civil law. The definition of an adopted child is only limited to taking over the responsibility for the welfare of the child. In this case, it does not include lineage termination. The lineage of the child remains with his biological parents. Adopted children do not inherit from their adoptive parents and vice versa. Adopted children get a mandatory will from their adoptive parents and vice versa in accordance with Article 209 of the Compilation of Islamic Law. Mandatory wills are obtained based on the decision of the Religious Court. The large part of the mandatory will is not more than 1/3 part. Meanwhile, in an ordinary will, there must be 2 male witnesses who have met the requirements to be witnesses. Or in written form which is kept by the Notary as the authorized official for that matter and must be read to the heirs if the testator has died. This inheritance is considered non-existent if there are no witnesses or it is not written. Adoption of children according to the Compilation of Islamic Law is the absolute authority of the Religious Courts.

CONCLUSION

According to the Compilation of Islamic Law, it is stated that adopted children do not become heirs of their adoptive parents, but only get a will. In the event that the inheritance of adopted children in the Compilation of Islamic Law is not releasing nasab (relatives) from their biological parents, then the adopted child does not inherit from his adoptive parents and vice versa, but the adopted child gets a mandatory will, namely a will whose implementation is not influenced or does not depend on the will or the will of the deceased. The amount should not be more than 1/3 part of the inheritance of the adoptive parents in accordance with Article 209 paragraph (2) of the Compilation of Islamic Law (KHI).

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-------------, *Kamus Hukum*, Pradnya Paramita, Jakarta, 1989.

مشاركة المجتمع في حماية البيئة وإدارتها من أجل التنمية القانونية المستدامة

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ملخّص البحث

حاليًا ، لدى الباحثين هدف لتحديد مشاركة المجتمع في حماية البيئة وإدارتها في التنمية القانونية المستدامة. منهج البحث المستخدم في هذا البحث هو بحث قانوني تجريبي يستخدم منهجًا مفاهيميًا. يوضح هذا البحث أن حماية البيئة وإدارتها هي في الأساس مسؤولية مشتركة بين الحكومة (الدولة) والقطاع الخاص والمجتمع. غرفة المراقبة هي أحد أدوار المجتمع في الأنشطة البيئية. تتجسد مشاركة المجتمع في إطار حماية الحق في بيئة جيدة وصحية في مختلف الصكوك البيئية. من الناحية التجريبية ، فإن مشاركة المجتمع في الإدارة البيئية قد نظرت فقط إلى المجتمع على أنه ناقل للمعلومات أو يقتصر فقط على الاستشارة بحيث يمكن تشغيل النشاط المتعلق بالبيئة دون عقبات. في المستقبل ، من الضروري

تحسين مشاركة المجتمع في أنشطة حماية البيئة وإدارتها ، والتي تحتاج إلى مزيد من التحسين من خلال فتح مساحة أوسع للمشاركة.

مفتاحية ﺑ *المشاركة المجتمعية ، البيئة. التنمية القانونية المستدامة*

أ. مقدمة

من حيث المبدأ ، التنمية الوطنية المستدامة هي مفهوم تنموي يهدف إلى تلبية احتياجات الجيل الحالي دون الحاجة إلى التضحية بحقوق تلبية احتياجات الأجيال القادمة. لذلك من الضروري إدارة وحماية البيئة التي تضمن التنمية المستدامة لتلبية احتياجات الأجيال القادمة. إن مسؤولية حماية البيئة وإدارتها اليوم ليست مسؤولية الحكومة أو الدولة فقط. إن مشاركة المجتمع أو مشاركته ضرورية للغاية في الحفاظ على البيئة والإشراف عليها حتى تكون أفضل وأكثر صحة.

من الناحية القانونية ، تعد المشاركة المجتمعية مهمة للغاية واستراتيجية كأداة للرقابة في حماية البيئة وإدارتها ، بما في ذلك الإشراف على إنفاذ القانون للإجراءات التي يمكن أن تضر وتلوث وتقلل من مستوى (جودة) البيئة. إن تكامل المشاركة المجتمعية أو المشاركة في شكل تطلعات أمر ضروري للغاية لتجنب ضعف إنفاذ القانون نتيجة لنقص الإشراف من المجتمع. إن أنشطة الإدارة البيئية والحماية دون تضمين مشاركة تطلعات المجتمع سيكون لها تأثير على أن إصدار التصاريح البيئية في ظل هذه الظروف هو مسؤولية الحكومة وحدها ، إداريًا ومدنيًا وجنائيًا..

تعتبر الأحكام الخاصة بدمج المشاركة المجتمعية في شكل تطلعات المجتمع كما هو مذكور في المادة 26 من قانون استراتيجية للغاية ولها دور مهم لاستخدامها في دعم المرافقة الحكومية أو الإشراف من المسؤولين عديمي الضمير الذين سيصدرون قرارات في قطاع البيئة والتي لا تتفق مع الشروط والأحكام الواردة في القانون أو القوانين واللوائح الأخرى. سيؤدي مفهوم المشاركة المجتمعية إلى تسهيل الإشراف في حالة حدوث انتهاكات بيئية وسيكون من الأسهل تطبيق العقوبات وفقًا لمستوى الخطأ.

في مرحلة تنفيذ أحكام المادة 26 من قانون من خلال توفير أحكام بشأن مشاركة المجتمع والاستجابة لخطة عمل و / أو نشاط ، بحيث يكون تطبيق أحكام المادة أكثر فعالية. من الصعب للغاية حل يقين تطبيق القانون البيئي نظرًا لنقاط الضعف في التطبيع في قانون ، لذلك في محاولة لتعظيم حماية البيئة وإدارتها بالإضافة إلى إنفاذ القانون ، يجب دعمها من خلال المشاركة المجتمعية النشطة والقصوى. تلتزم الحكومة (الولاية) بتوفير مساحة للمجتمع للمشاركة في الإدارة البيئية لتحقيق التنمية الوطنية المستدامة.

بناءً على هذا الوصف ، تأخذ هذه الورقة عنوان "مشاركة المجتمع في حماية البيئة وإدارتها من أجل التنمية القانونية المستدامة" ، مع نقطة البداية للدراسة التي تناقش مشاركة المجتمع في حماية البيئة وإدارتها من جانب الإشراف ؛ معنى وأهمية مشاركة المجتمع في حماية البيئة وإدارتها لتحقيق التنمية القانونية المستدامة.

ب. التحليل و مناقشة البحث

معنى وملاءمة مشاركة المجتمع في حماية البيئة
وإدارتها لتحقيق التنمية القانونية المستدامة.

بناءً على المادة 2 حرف ك من قانون ، تم التأكيد على
أن حماية البيئة وإدارتها تتم على أساس المبادئ التشاركية.
يمكن أن تؤثر عوامل مختلفة على مشاركة المجتمع في
حماية البيئة وإدارتها. يمكن أن تأتي هذه العوامل من
مصادر داخلية ، بما في ذلك: رغبة أو رغبة المجتمع
والقدرة على المشاركة في حماية البيئة وإدارتها ؛
بالإضافة إلى العوامل الخارجية ، بما في ذلك: المساحة
التي يوفرها القانون ، ودور المؤسسات الرسمية وغير
الرسمية التي تساعد المجتمع على المشاركة في أنشطة
حماية البيئة وإدارتها..

لقد تطلب معنى مشاركة المجتمع في الإدارة البيئية ،
بما في ذلك أنشطة منع ومكافحة الضرر والتلوث واستعادة
الجودة البيئية ، تطوير العديد من مصائد السياسات
والبرامج وكذلك الأنشطة التي تدعمها أنظمة دعم الإدارة
البيئية الأخرى. مشاركة المجتمع هي في الأساس عملية
تشمل عامة الناس أو عملية اتصال ثنائية الاتجاه تحدث
باستمرار لزيادة فهم المجتمع الكامل والشامل لعملية
الأنشطة المتعلقة بالمشكلات والاحتياجات البيئية.

إن فهم وفهم مشاركة المجتمع في حماية البيئة
وإدارتها واسع للغاية ، مما يؤدي إلى تفسيرات أو
تفسيرات مختلفة غالبًا ما تقلل من مشاركة المجتمع. من
الناحية التجريبية ، فإن إشراك المجتمع في الإدارة البيئية

قد رأى فقط المجتمع على أنه ناقل للمعلومات (معلومات عامة) أو يقتصر فقط على تقديم المشورة بحيث يمكن تشغيل النشاط المتعلق بالبيئة دون عقبات. هذا المفهوم لا يرى سوى المشاركة المجتمعية كوسيلة أو أداة لتحقيق هدف. في الواقع ، من الناحية القانونية ، فإن مشاركة المجتمع في أنشطة حماية البيئة وإدارتها ليست مجرد وسيلة لتحقيق الأهداف ، ولكنها تستخدم أيضًا كغاية.[1]

يطور قانون مفهوم المشاركة المجتمعية بنمط علاقة استشارية ونمط علاقة شراكة. يركز نمط العلاقات الاستشارية على مجموعات المجتمع التي لها الحق في سماع تطلعاتها وإبلاغ صانع القرار بها ، على الرغم من أن القرار النهائي يبقى في يد صانع القرار. تعني مشاركة المجتمع في سياق الشراكة وفقًا لقانون أن صانعي القرار وأعضاء المجتمع هم شركاء متساوون في المناصب. يناقش الطرفان المشاكل معًا ويبحثان عن حلول بديلة للمشكلات ويناقشان القرارات. سيضع هذان النمطان من العلاقة تطلعات المجتمع كمعلومات قيمة لصانعي القرار وسيقللان من احتمال رفض المجتمع لقبول القرار. يعتبر توفير الوصول أو المعلومات حول الإدارة البيئية جزءًا لا يتجزأ من جانب مشاركة المجتمع في أنشطة الإدارة البيئية

تعد المشاركة المجتمعية فعالة للغاية في منع الأضرار البيئية ، بحيث إذا كانت هناك مشاكل ، فيمكن بذل الجهود لإصلاح ومنع الضرر البيئي الأكثر خطورة. هناك العديد

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[1] Sudharto P.Hadi, Op.cit., hlm.67.

من العقبات التي تنشأ عن الشعب الإندونيسي فيما يتعلق بمشاركة المجتمع في البيئة[2] من بين أمور أخرى:

1. المجتمع الأخلاقي. يعتقد معظم الناس أن الموارد الطبيعية قد خلقها الله للبشر ، لذلك يحق للبشر استغلالها.

2. ثقافة المجتمع. الطابع الثقافي للشعب الإندونيسي الذي يميل إلى تجنب الصراع والاتفاق حيث لا تحدث أبدًا تعبيرات مباشرة عن الخلاف ، خاصة مع أفكار أو خطط الأحزاب العليا. هناك افتراض محظور عندما ينتقد الناس مباشرة الأحزاب العليا.

3. التربية المجتمعية. لا يزال مستوى التعليم منخفضًا مما يؤدي إلى أن فهم وفهم البيئة لا يزال منخفضًا.

4. المستوى الاقتصادي للمجتمع. إندونيسيا دولة نامية ذات دخل منخفض ، لذا فإن استغلال الناس للبيئة قدر الإمكان هو تلبية احتياجاتهم.

5. مستوى إتقان التكنولوجيا. لا يزال هناك إتقان محدود للتكنولوجيا من قبل المجتمع للإدارة البيئية ، فضلاً عن التكنولوجيا باهظة الثمن للإدارة البيئية.

البيئة الجيدة والعظيمة والمستدامة تخلق تفاعلًا متناغمًا ومتوازنًا بين مكونات البيئة. تؤثر جهود الإنسان على استقرار التوازن والتفاعل المتناغم بين مكونات البيئة. هذا لأن البشر هم العنصر الأكثر سيطرة في البيئة في التأثير على البيئة. تحتوي المادة 14 من قانون على 13

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[2] Rachmadi Usman, 2003, Pembaharuan Hukum Lingkungan Nasional, PT Citra Aditya Bakti, Bandung, hlm. 113.

أداة لمنع التلوث و / أو الأضرار البيئية التي تشكل أساس مشاركة المجتمع في الإدارة البيئية. تلتزم الحكومة (الدولة) بضمان تكامل مبدأ التنمية المستدامة في تنمية المنطقة ، على النحو المنصوص عليه في المادة 15 فقرة (1) من قانون..

إذا كان من الممكن تنفيذ تحسين المشاركة المجتمعية في حماية البيئة وإدارتها بشكل صحيح من قبل الحكومة ، فسيتم تحقيق التنمية القانونية المستدامة بلا شك (التنمية الوطنية المستدامة) ، من أجل الوفاء بالحقوق الخاصة باحتياجات الأجيال القادمة.

ت. الخلاصة و الإقتراحات

بناءً على وصف المناقشة في الفصل السابق ، يمكن نقل عدة استنتاجات ، وهي: أولاً ، حماية البيئة وإدارتها هي في الأساس مسؤولية مشتركة بين الحكومة (الدولة) والقطاع الخاص والمجتمع. غرفة المراقبة هي أحد أدوار المجتمع في الأنشطة البيئية. تتجسد مشاركة المجتمع في إطار حماية الحق في بيئة جيدة وصحية في العديد من الصكوك البيئية ، كما ينظمها قانون .تؤكد بشدة على الحاجة إلى مشاركة المجتمع في حماية البيئة وإدارتها ، بحيث تلتزم الحكومة (الولاية) بزيادة الوعي العام في المجال البيئي..

فيما يتعلق بالمناقشة وصياغة الاستنتاجات التي تم وصفها ، هناك العديد من الاقتراحات أو التوصيات ذات الصلة التي يتعين تحقيقها من قبل الحكومة والمؤسسات

ذات الصلة والمجتمع كمشاركين في أنشطة حماية البيئة وإدارتها ، بما في ذلك: 1. تحسين المشاركة المجتمعية في حماية البيئة وأنشطة الإدارة بحاجة إلى مزيد من التحسين من خلال فتح مساحة أكبر لمثل هذه المشاركة. 2. يجب إطاعة مساحة تطلعات المجتمع من قبل الجهات الفاعلة أو الأطراف التي ستنفذ أنشطة تتقاطع مع البيئة. 3. يمكن للحكومة والمؤسسات التشريعية وضع أدوات قانونية خاصة تتعلق بمشاركة المجتمع ونقل التطلعات المتعلقة بالإدارة البيئية.

Implementation Of Circular Economy Wasted Management Study Case Metro City

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A. INTRODUCTION

The increase in population is also followed by an increase in the volume of waste generated. The waste problem almost occurs in all cities in Indonesia. Garbage is an ongoing issue that needs attention from all circles, from academics, business visionaries, related agencies (government) and even the surrounding community.

Assuming the current population of Indonesia is 260 million people, the waste that will be generated is 650 tons of waste in a day. Imagine how much trash will continue to be sent over the next month, year, or few years if it's not matched by a truly climate-focused sense of wasting executives.

Progress with considering the ecological quality component will expand government assistance comprehensively to local areas and climates. To control the amount of natural waste tends to start from the family level by using a circular economy approach. This circular economy is one of the executions of green economy ideas to achieve reasonable progress with a focus on the synergy of monetary development and ecological security.

Circular economy is mainly based on the idea of 3R (Reduce, Reuse Recycle) with an ideal creation rate in normal use of assets by limiting common misuse, limiting contamination of nature, reducing disposal and waste rate by executing sensible ideas. The circular economy model is the preferred model over the direct financial model (creation - utilization - elimination) which is entirely aimed at streamlining and enhancing the capabilities of each material and has the option of recovering materials that have reached their last age without harm to the ecosystem of mechanical progress.

The idea of a circular economy can limit the level of waste created by planning new, harmless ecosystem items with careful cycles in each industry in the near-circle framework strategy. In the long term, the creation of assets from waste disposal can reduce emissions by 70%, increase the number of workers by up to 4%, and can reduce

waste by an impressive amount. The implementation of a circular economy can increase the versatility of nature, local government social assistance, reduce ecological damage, increase setting the added value of new items while expanding the development of green finance in accordance with the goal of sustainable improvement

Monetary development based on ecological versatility can add to the speculative angle and dynamism that is expected to send and encourage new advances, which is the reason for monitoring the development of resources and their uses. Utilization of the circular economy idea in various ways to deal with city waste per capita, city waste reuse rate, bundling waste reuse rate by bundling type, natural waste reuse rate, and e-waste reuse rate can improve the quality that can be managed. monetary development and gross domestic product development in general. comprehensively while reducing the utilization of regular assets and guaranteeing more important ecological guarantees.

B. Definition Of Circular Economy

According to Winans, circular economy became popular around the 1990s to answer the challenges of economic development and reduce excessive use of natural resources. The main point for a circular economy is to take advantage of the use of manufactured goods and to balance economic growth with environmental and natural resource development.

According to Kircherr in his research circular economy is an economic system with the end of the product life cycle with the main concept of reducing, reusing, and improving materials in the production/distribution and consumption processes. This activity can be carried out at the micro level (company, consumer), meso level (ecoindustrial area), and macro level (city, region, country) with the aim of achieving a sustainable economy, creating good environmental quality, economic prosperity and social justice. A circular economy can be made possible by creating new business models and responsible consumer behavior.[1]

In other literature it is explained that the Circular Economy 3R (Reduce-Reused-Recycle) Concept is a concept of sustainable waste management by reusing it into productive goods that are processed into new forms with the basic principle of reducing non-biodegradable materials - reusing - recycling. based on community empowerment.[2]

The model of a circular economy where in this model goods that have been consumed can be reprocessed (Reduce, Reuse, Recycle, Replace, Repair). The waste is reproduced so as to reduce the impact of waste that is harmful to the environment and can be reused as new products or as raw materials for other products.[3]

From the explanation above, it can be concluded that the circular economy is a system which reduces the use of natural resources or reuses goods that have been used or reduces, reuses, and improves materials in the production/distribution and

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[1] Indah Purwanti, Konsep Dan Implementasi Ekonomi Sirkular Dalam Program Bank Sampah (Studi Kasus: Keberlanjutan Bank Sampah Tanjung), *"Jurnal Manajemen Dan Ekonomi"*, Vol. 4 No. 1,2021 ,Hal:92

[2] Aloysius Hari Kristianto, Implementasi Circular Economy 3R Model dan Literasi Keuangan Metode Participatory Learning Action Daerah 3T, CARADDE: "Jurnal Pengabdian Kepada Masyarakat", Volume 3.Nomor 2, Desember 2020,hal:175

[3] Indah Purwanti, Konsep Dan Implementasi Ekonomi Sirkular Dalam Program Bank Sampah (Studi Kasus: Keberlanjutan Bank Sampah Tanjung), *"Jurnal Manajemen Dan Ekonomi"*, Vol. 4 No. 1,2021 ,Hal:90

consumption processes. Or it can be called recycling unused goods or waste to reduce environmental pollution and pollution due to excessive waste. And the secular economy itself has the principle of reducing waste and maximizing existing resources.

The Circular Economy concept is guided by the principle of reducing waste and maximizing existing resources. This circular economy approach is different from the traditional linear economy which uses a take-use-dispose model. In a circular economy system, resource use, waste, emissions and wasted energy are minimized by closing the production-consumption cycle by extending product life, design innovation, maintenance, reuse, remanufacturing, recycling to the original product (recycling), and recycling into other products (upcycling). In the context of the sustainability of plastic products, the circular economy concept can be applied in several ways, for example: recycling plastics, upcycling plastics as a mixture of asphalt, converting plastics of low economic value into fuel or energy, and so on.[4]

The concept of the secular economy itself is to extend the life of an item and then reuse or recycle unused goods into the original product or by changing it into other goods by developing an innovation that is owned. So that by reusing goods that are not used will reduce environmental pollution and of course can minimize expenses and if you are able to manage it into a craft it will increase an income.

C. Concepts and Goals of a Circular Economy

1. Circular Economy Concept

The Circular Economy concept is guided by the principle of reducing waste and maximizing existing resources. This circular economy approach is different from the traditional linear economy which uses a take-use-dispose model. In a circular economy system, resource use, waste, emissions and wasted energy are minimized by closing the production-consumption cycle by extending product life, design innovation, maintenance, reuse, remanufacturing, recycling to the original product (recycling), and recycling into other products (upcycling). In the context of the sustainability of plastic products, the circular economy concept can be applied in several ways, for example: recycling plastics, upcycling plastics as a mixture of asphalt, converting plastics of low economic value into fuel or energy, and so on.[5]

The concept of the secular economy itself is to extend the life of an item and then reuse or recycle unused goods into the original product or by changing it into other goods by developing an innovation that is owned. So that by reusing goods that are not used will reduce environmental pollution and of course can minimize expenses and if you are able to manage it into a craft it will increase an income.

The concept of a circular economy can create better businesses and economic activities that are beneficial for the environmental and social aspects of society. The application of this concept requires a large investment and a long time in changing the concept of a linear economy to a circular economy, but the concept of a circular economy for the future can provide benefits in achieving sustainable development. Circular economy is a concept that is applied to create sustainable waste management by utilizing waste sources into

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[4] Chandra Asri, Circular Economy Our Way to Promote Waste Management, Chandra Asri Petrochemical,hal:2

[5] Chandra Asri,Circular Economy Our Way to Promote Waste Management,Chandra Asri Petrochemical,hal:2

useful and economic value products. This concept can also provide recycling-based business opportunities which in turn can increase employment opportunities, investment, economic growth, reduce poverty and increase regional income.[6]

The concept of circular economy, which is guided by the principle of reducing waste and maximizing existing resources. The use of resources, waste, emissions and wasted energy are minimized by closing the production-consumption cycle by extending product life, innovation, design, maintenance, reuse, remanufacturing, recycling to original products (recycling) and recycling into other products (upcycling).[7]

The circular economy system emphasizes waste productivity and recovery methods. Waste management requires significant changes in the structure of the waste management system which can cause new problems, one of which is the increase in the cost of externalities for the community. It is necessary to understand the community's waste cycle before taking a policy, this is because waste management facilities are built using public funds to provide public services to the community. Recovery of waste resources in the long term generates high income because it can increase investment in the waste management industry.[8]

2. The Purpose of a Circular Economy

The circular economy aims to achieve a sustainable economy, create a good quality of environment, economic prosperity and social justice. A circular economy can be made possible by creating new business models and responsible consumer behavior. In addition, the circular economy aims to generate economic growth by maintaining the value of products, materials and resources in the economy for as long as possible, thereby minimizing social and environmental damage caused by the old linear economic approach.[9]

The circular economy model is a better model than the linear economic model (production – consumption – disposal) with the aim of optimizing and maximizing the potential of each material and can recover materials that have reached their final age with environmentally friendly technological innovations.[10]

3. Circular Approach (5R)

The circular approach consists of 5 R's, namely

   a. Reduce (Reducing the use of raw materials from nature), as follows:
- Eliminate waste in production and supply chains (such as 3D printing)
- Virtualization of products and services (such as e-books)
- Reducing energy use (such as improving energy efficiency)

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[6] Aloyius Hari Kristianto dan Jones Parlindungan Nadapdap, Dinamika Sistem Ekonomi Sirkular Berbasis Masyarakat Metode Causal Loop Doagam Kota Bengkayang, dalam *Subatik*, Vol. 21, No. 1 Juni 2021, hal. 60.

[7] Chandra Asri, Op Cit, hal. 13.

[8] Tomić, T. and Schneider, D. R. (2020) „Circular economy in waste management – Socioeconomic effect of changes in waste management system structure", Journal of Environmental Management, 267(December 2019). doi: 10.1016/j.jenvman.2020.110564

[9] Indah Purwanti, Op Cit, hal. 90

[10] Aloyius Hari Kristianto dan Jones Parlindungan Nadapdap, Op Cit, hal. 60.

         &ofmark; Redesign the product to use fewer inputs (such as the use of strong steel in construction).

  b. Reuse (Optimize the use of reusable materials)
   - &ofmark; Share existing assets (such as houses, cars, and other equipment)
   - &ofmark; Use of used goods that are suitable for use.
   - &ofmark; Improve asset use by offering products as services.

  c. Recycle (Use of materials from the recycling process)
   - &ofmark; Reuse existing materials
   - &ofmark; Anaerobic digestion and biochemical extraction for organic waste

  d. Refurbish (Recovery)
   - &ofmark; Remanufacturing of products or components.
   - &ofmark; Longer life cycle with product maintenance.

  e. Renew (Repair)
   - &ofmark; namely by Prioritizing renewable energy and materials (such as replacing plastic packaging with paper-based ones).[11]

D. Implementation of the Waste Bank, as the Implementation of a Circular Economy

In Metro City each resident produces about 0.7 kilograms of waste per day, if in Metro there are less than one hundred and seventy thousand residents. Every day they produce fifty eighty tons of waste. That's not a small number, considering that Metro is a Municipality which covers only 68.74 km. Government through Law. Number 18 of 2008 concerning, and PP Number 81 of 2012. Management is trying seriously to parse, anticipate and reduce the waste problem. So, through this law, waste management must pay attention to the principles of responsibility, sustainability, benefits, justice, awareness, togetherness, security and the principle of economic value, the management of which involves the participation of the community. Metro city orders continue to strive, encouraging the birth of a productive and innovative waste bank. The one village (kelurahan) one product movement echoed by the Metro government must be supported, and its achievements continue to be pursued. A waste bank is a place for selecting and collecting waste, which can be recycled or reused by considering its economic value (Sarwenda: 2014).

The waste bank is a collective dry waste management system that encourages the community to participate actively in it. This system accommodates, sorts and distributes waste with economic value to the market, so that the community gets economic benefits from saving waste (Eka Utami: 2013). The current waste bank must continue to strive to promote healthy living, and educate the public on the importance of waste management. The 3R concept is (1) reduce, encouraging us to reduce the use of goods that produce waste as much as possible, (2) re-use, reusing items that are usually thrown away by avoiding disposable items. This can extend the time the goods are used before they become waste and the third is recycle, namely recycling.

Disposed waste must be segregated, so that each part can be composted or recycled optimally, rather than being dumped into the current mixed waste disposal system. Industries must redesign their products to facilitate the process of recycling these products (Bambang, Hifni, Dharma: 2015). The application of circular economy

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[11] Kementrian PPN/Bappenas, Embassy Of Denmark dan UNPD, Ringkasan Bagi Pembuat Kebijakan, Maanfaat Ekonomi, Sosial dan Lingkungan Dari Ekonomi Sirkular di Indonesia (Jakarta:_, 2021), hal:7

theory to the implementation of the waste bank is not just an effort to solve the waste problem. But as a means of educating the public, protecting and preserving the environment. Build public awareness in utilizing waste, so that it has economic value and most importantly does not pollute the environment. The more waste banks there are, of course, it will absorb jobs, especially in the surrounding community. All processes must be monitored, and continuously evaluated. The activities must be well packaged, supported by many parties, and involve existing stakeholders. It is run with the principle of social entrepreneurship which is not only oriented towards personal gain. However, the social entrepreneurship movement has a voluntary and philanthropic empowerment mission, so that it can be sustainable and sustainable.

E. Conclusion

Circular economy is a system that reduces the use of natural resources or reuses goods that have been used or reduces, reuses, and improves materials in the production/distribution and consumption processes. Or it can be called recycling unused goods or waste to reduce environmental pollution and pollution due to excessive waste. And the secular economy itself has the principle of reducing waste and maximizing existing resources. The concept of the secular economy itself is to extend the life of an item and then reuse or recycle unused goods into the original product or by changing it into other goods by developing an innovation that is owned. So that by reusing goods that are not used will reduce environmental pollution and of course can minimize expenses and if you are able to manage it into a craft it will increase an income. The circular economy aims to achieve a sustainable economy, create a good quality of environment, economic prosperity and social justice. The waste bank is one example of the implementation of a circular economy. The waste bank is a collective dry waste management system that encourages the community to participate actively in it. This system accommodates, sorts and distributes waste with economic value to the market, so that the community gets economic benefits from saving waste. It is hoped that the waste bank itself can reduce environmental pollution and the community can reuse unused items so that it will generate income or reduce expenses by utilizing unused items.

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Social Responsibility of Entrepreneurial Islamic Boarding School in Metro City

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Abstract

Entrepreneurial boarding schools are growing rapidly in Indonesia. However, entrepreneurial boarding school activities receive a negative stigma from the community. Whereas entrepreneurial boarding schools can play a role in the surrounding community (externally) through the form of social responsibility. This article attempts to examine social responsibility based on entrepreneurial pesantren. In this study, a survey was conducted on entrepreneurial pesantren, including Ma'arif Nahdlatul Ulama Islamic Boarding School; Aisyiyah Imadul Bilad; Roudhotut Tholibin Islamic Boarding School; Al-Abror Islamic Boarding School; Pesantren Abdullah bin Mubarak Litahfidzil Qur'an; and the Roudlotul Qur'an Islamic Boarding School. Of the six entrepreneurial boarding schools studied, there is a scale of social responsibility that is carried out. *First*, two entrepreneurial boarding schools focus on social responsibility carried out on the internal community of Islamic boarding schools. *Second*, social responsibility carried out by four entrepreneurial Islamic boarding schools has prioritized the internal and external community of Islamic boarding schools. This study also shows that the type and size of the business have a relationship with social responsibility. For further research, it is recommended to use a quantitative approach with a larger number of samples so that a comprehensive understanding can be drawn.

Keywords: *Entrepreneurial Islamic Boarding School; Social Responsibility*

Introduction

The economy, which is based in Islamic boarding schools, is now starting to become a concern. The concentration of students' development is prepared not only to have general and religious knowledge but also to be equipped with entrepreneurial skills through entrepreneurial boarding schools. However, in Ngawi, the benefits from the economic activities of entrepreneurial pesantren are only channeled to the internals of the Islamic boarding school while the general public around it is not (Noviyanti, 2017). Meanwhile, in Sukoharjo, entrepreneurial activities carried out by entrepreneurial boarding schools received bad comments from the surrounding community because

they were considered to be exploiting children (Nafiza et al., 2021). The strategic position of entrepreneurial boarding schools can be used as a means of building entrepreneurship that takes into account the surrounding social conditions. In line with this, Fathoni & Rohim (2019) said that through pesantren entrepreneurship poverty in the community can be eliminated.

So far, the literature on entrepreneurship pesantren tends to focus on three things. First, a study of the factors that support success in instilling an entrepreneurial spirit, such as curriculum, mentors, and cultural influences (Afandi, 2019; Ahsan et al., 2016; Anam, 2016; Siswanto, 2018). Second, the study of entrepreneurial practices in Islamic boarding schools is based on the values contained in the Qur'an and hadith (Setiawan et al., 2021; Soegiri & Muhammad, 2019). Third, studies related to entrepreneurial boarding school innovations, such as the use of the internet, technology, and incubators (Ahwarumi & Sawarjuwono, 2017; Arifin & Setiawan, 2019; Maftuchach et al., 2021). Of the three trends of the study, there is very little discussion of social responsibility. The development of entrepreneurial boarding schools should not only train students' skills and share profits with the management of Islamic boarding schools. An analysis of the response of entrepreneurial boarding schools to social phenomena is needed.

This paper attempts to complement studies that generally see social responsibility in entrepreneurial boarding schools as not important. From this, researchers focus on aspects of the social responsibility of entrepreneurial boarding schools to the surrounding community. To arrive at this aspect, three questions were formulated, namely: 1. How are entrepreneurial boarding schools in Metro City?; 2. How is the cash flow management of entrepreneurial boarding schools in Metro City?; and 3. What is the social responsibility of entrepreneurial boarding schools in Metro City towards the surrounding community? The answers to these three questions will provide an overview of the contribution of entrepreneurial boarding schools in the community.

This paper departs from the assumption: the role of entrepreneurial boarding schools in the responsibility of the surrounding community will not be realized without good financial management of entrepreneurial boarding schools.

Literature Review
Pesantren-based Entrepreneurs

Entrepreneurship is defined as an independent act in understanding and implementing a business system (L. P. Dana, 2021). The managerial aspect of translating thoughts into work actions is the essence of entrepreneurship. This allows entrepreneurs to seek opportunities and take risks in the midst of an uncertain business climate. Therefore, the key to entrepreneurship lies in the ability to assess risk and potential (Hisrich et al., 2017). Watt & Abrams (2019) see that a breakthrough in entrepreneurship is needed, but the orientation to continue to move (operate) to run a business cannot be ruled out. This is because such a work ethic can have a direct effect on entrepreneurial organizations.

he entrepreneurial climate in Japan was introduced from the school level. This method is used to foster an entrepreneurial spirit among students. Nevertheless, Andersson & Nakahashi (2017) see that it takes a lot of improvement in Japanese business schools to manage entrepreneurship to move towards growth and sustainability. Nakano (2021) explained, to advance the entrepreneurial ecosystem in Japan, collaboration in the form of entrepreneurship-academics is needed in the process of transferring knowledge and developing human resources. Of course, this form of collaboration is expected to enrich the repertoire of students. So that entrepreneurship is not understood as a theoretical scope but can be implemented.

While the entrepreneurial model in Malaysia is more focused on the younger generation. The Malaysian government had set a target of 1000 social enterprises to reach young people in 2018. To achieve this target, entrepreneurship was introduced to youth through inspiring story sessions shared by successful entrepreneurs (Nawi et al., 2018). Youth passion to become entrepreneurs is motivated by extrinsic motives such as profit. Study Al-Jubari & Mosbah (2021) explained that entrepreneurship is still an alternative choice in a career. This is based on the fear of failure in entrepreneurship and failure to adapt to business.

Exploring the potential to grow entrepreneurship also occurs in Indonesia. Where the trend of pesantren-based entrepreneurship is now growing. Pesantren is an educational institution (both traditional and modern) that is thick with learning activities regarding Islamic religious knowledge. There are several elements to embed an institution by mentioning a boarding school, these elements include Pondok (dormitory), kyai (a title for people with high religious knowledge), students, and a mosque which is a center for learning, education, and worship for students.

Study Hakim et al. (2019) explained that entrepreneurship activities in Islamic boarding schools can build students' personalities to be more independent, as well as become a medium in developing creativity and expanding relationships. The independence of the students depends on the pattern of teaching and assistance in the entrepreneurship process. According to Sudiyono, the application of knowledge from entrepreneurship training is influenced by facilities, infrastructure, and the availability of human resources in management (Sudiyono, 2017). This means that the implications of the quality of entrepreneurial management resources supported by adequate equipment are directly related to the development of entrepreneurial management in a better direction. Mardyanto evealed that the management pattern in a professional entrepreneurial boarding school can produce quality entrepreneurial products (Mardyanto, 2016). On the other hand, immature management can lead to failure and cause fatal problems for the entrepreneurial boarding school itself (Irawan, 2019).

Cash-Flow and Entrepreneurship

The aspect of financial management is one of the important things in entrepreneurship. Financial management in a business is concerned with recording, planning, and managing finances related to assets and resources owned. According to U'rfillah and Muflikhati (2017) entrepreneurship and business development are

influenced by financial governance. This relates to business operations and development. Where cash flow that is well managed by entrepreneurs can create decision-making opportunities in making effective and efficient innovations in their business (Ananda & Rafida, 2016). This shows that cash flow planning is very important, even though many entrepreneurs have not implemented cash flow management in their business. Finding Uwonda & Okello (2015) in his research stated that cash flow management has not been implemented because business people do not realize the importance of cash flow management and there is still a lack of skilled management resources in this field. Whereas cash flow management can present the performance of a business. Cash flow management is directly related to business continuity in facing risks and business innovation plans (Kroes & Manikas, 2014).

Seeing the importance of cash flow in an entrepreneur, good control is needed. Monitoring, use of computers, and automation tools in cash flow control according to Plaskova et al. (2020) can improve the quality of financial management. In addition to the use of supporting facilities, cash flow management must be based on actual financial data, this is related to the accuracy of cash flows in the business (Sulla et al., 2021). Such inaccuracies can result in financial instability in the business which can result in more or less cash. Unstable cash flow raises the possibility: if there is an excess, it means that more working capital will settle, while if there is a cash shortage, there will be a failure in business operations and an impact on the image. Furthermore, stable cash flow can assist managers in directing their business fields in the future.

Social Responsibility and Entrepreneurship

Social responsibility from business activities began to be implemented around the 1800s although the idea was only recognized in the business locus in the 1950s. The concept of social responsibility places business people as a component of social balance. Where social responsibility is understood as a form of concern from business to the community and surrounding residents for the impacts arising from business activities. Mosca & Civera (2017) mentions that social responsibility must be integrated with the social dynamics that occur in creating opportunities for economic, social, and environmental values. While the research conducted Jamali et al. (2017) said that the tendency to practice social responsibility in developing countries is more focused on humanity than on environmental issues and social conditions. Humanitarian issues are important issues because they relate to the welfare of the community, the practice of underage workers, and the education sector. Nevertheless, the form of responsibility from business activities to the community and the surrounding environment is an effort to build an environmentally friendly business (Shahzad et al., 2020).

The practice of social responsibility is a regulatory mandate and an indicator of business morality. In Indonesia, social responsibility is regulated by law for the company's business activities and is coercive in nature. Russo & Perrini, (2010) revealed that social responsibility is a form of strategy in fostering a responsible business climate, the practice is not only on the scale of the size of the business. Although there are many differences—for example in capital structure, managerial, and organizational

structure—between companies and small businesses, the concept of social responsibility positions its practice as the ethical behavior of business activities. Furthermore Lubis (2021) states that a business can see its benefits if it is able and manage social responsibility well and prepares reliable management resources. Thus, socially responsible practices are not merely fulfilling obligations, but as an effort to develop the surrounding community and environmentally friendly business.

Method

The survey was conducted on six entrepreneurial boarding schools in Metro City, including Ma'arif Nahdlatul Ulama Islamic Boarding School; Aisyiyah Imadul Bilad; Roudhotut Tholibin Islamic Boarding School; Al-Abror Islamic Boarding School; Pesantren Abdullah bin Mubarak Litahfidzil Qur'an; and the Roudlotul Qur'an Islamic Boarding School. All of this entrepreneurial pesantren are affiliated with Islamic boarding schools, meaning that the boarding schools are officially established and developed. The decision is intended to seek comparisons so that studies relating to social responses are more comprehensive. The method of data collection in this study used interviews with the managers of entrepreneurial boarding schools. The time period used for interviews is between 02-12 November 2021. Where the time is adjusted to the ability of the resource person. Then, sorting the data obtained to fit the theme in this paper. In the data analysis using textual analysis of the transcript. Furthermore, the pattern grouping of the results of the interpretation of the text is carried out so that it is more structured.

Result

The Landscape of an Entrepreneurial Islamic Boarding School in Metro City

Islamic boarding schools in Metro City have a business unit as a medium of entrepreneurial practice for their students. The developed business units vary according to the internal and external needs of each Islamic boarding school. The types of businesses that are run the range from finance, health products, laundry services, agriculture, culinary, and also health. As a vehicle for entrepreneurship enrichment, the management of business units is carried out by involving students, while pesantren administrators form their involvement as mentors. This is because the board of the pesantren is considered to have more expertise in managing the business unit. However, business units in the form of cooperatives—both that focus on selling the needs of students and those that run a savings and loan system—and a special canteen for students still only serve the internal market within the Islamic boarding school. he summary can be seen in table 1.

Tabel 1. Business Units by Islamic Boarding Schools in Metro City

Name	Unit usaha yang dijalankan	Target Pasar
Ma'arif Nahdlatul Ulama	1. Mineral water depot 2. Student canteen	Students and the surrounding community
Aisyiyah Imadul Bilad	1. Koperasi	Internal pesantren

Roudhotut Tholibin	1. Koperasi	Internal pesantren
Al-Abror	1. BUMPP (Badan Usaha Milik Pondok Pesantren) 2. Managing the fields 3. anage donated funds from donors and infaq 4. Organic fertilizer production	General
Abdullah bin Mubarak Litahfidzil Qur'an	1. Koperasi 2. Jasa Laundry 3. Madu Ruqyah ABM 4. Perikanan (Ikan Lele dan Koi)	General
Roudlotul Qur'an	1. BMT 2. RQ-Mart 3. Toyibah Restaurant 4. Khadijah Bakery 5. Mineral water depot 6. Puskestren (Puskesmas Pondok Pesantren)	General

Sumber: interview

Cash Flow Management at Islamic Boarding Schools Entrepreneurship

There are 2 (two) financial management schemes for entrepreneurial boarding schools in Metro City. First, the finances of entrepreneurial boarding schools are managed directly by the management of Islamic boarding schools. And, secondly, the finances of the entrepreneurial boarding school are managed by a business unit where the management of the Islamic boarding school is the supervisor. Cash flow management from entrepreneurial boarding schools in Metro City is used to develop the business units that are being run. In addition to being oriented to the operations and development of business units, the finances of entrepreneurial boarding schools are generally used to finance the development of Islamic boarding schools. A summary of the financial management of entrepreneurial boarding schools in Metro City can be seen in table 2.

Tabel 2. Financial Management of Entrepreneurial Islamic Boarding Schools in Metro City

Name	Manager	Information
Ma'arif Nahdlatul Ulama	Islamic boarding school management	The leader of the Islamic boarding school is in charge.
Aisyiyah Imadul Bilad	Koperasi	Business units belonging to entrepreneurial boarding schools.
Roudhotut Tholibin	Koperasi	A business unit belonging to an entrepreneurial boarding school, where the caretaker of the boarding school supervises.
Al-Abror	Treasurer of the boarding school	Each business unit makes a financial report every month
Abdullah bin Mubarak Litahfidzil Qur'an	Treasurer of the boarding school	Business unit managers report their finances to the management of Islamic boarding schools.

| Roudlotul Qur'an | Baitul Maal Wat Tamwil | Business units belonging to entrepreneurial boarding schools. |

Sumber: interview

Social Responsibility Islamic Boarding School Entrepreneur

Entrepreneurial boarding schools in Metro City generally have been practicing responsibility to the surrounding community. Meanwhile, in two of the six entrepreneurial Islamic boarding schools that are the sample, the form of social responsibility is still prioritized in the Islamic boarding school environment. A summary of the social responsibility of entrepreneurial boarding schools in Metro City can be seen in table 3.

Tabel 3. Social Responsibility Entrepreneurial Islamic Boarding School in Metro City

Name	Forms
Ma'arif Nahdlatul Ulama	"Keuntungan (dari unit usaha) ada untuk kegiatan gotong royong masyarakat dan ronda."
Aisyiyah Imadul Bilad	"Belum ada untuk sistem seperti itu (tanggung jawab sosial ke luar), lebih digunakan untuk pondok pesantren."
Roudhotut Tholibin	"Ke pondok, kalau untuk di luar pondok belum ada."
Al-Abror	"BUMP menjadi jembatan untuk bekerjasama dengan lingkungan. Seragam, dipan, almari, dan lain-lain memanfaatkan tenaga sekitar lingkungan. Kita juga jadi pemasok kebutuhan dapur masyarakat sekitar. Untuk tim pengelola infak dan donasi juga melibatkan anggota masyarakat sekitar. Pembangunan ponpes memberdayakan masyarakat sekitar."
Abdullah bin Mubarak Litahfidzil Qur'an	"Iya ada, sebagian hasil usaha disedekahkan ke Griya Sedekah ABM untuk disalurkan ke masyarakat yang kurang mampu di sekitar."
Roudlotul Qur'an	"Untuk keuntungan, biasanya melakukan bakti sosial dengan masyarakat."

Sumber: interview

The social responsibility carried out by entrepreneurial boarding schools in Metro City reflects a business activity that cares about the surrounding community. Humanitarian issues are central to social responsibility because business activities should have an impact on the surrounding community, especially opportunities for employment that will be linked to prosperity. According to responsibility is motivated by the extent to which the subject is aware of the damage caused. Furthermore, abilities and situations affect sensitivity in taking on these responsibilities. In the context of entrepreneurship, ability represents the ability of a business to take on social responsibility. Meanwhile, 'situation' is more about values related to business activities and social dynamics.

The model of social responsibility carried out by the pesantren business unit shows an alternative to the concept of social responsibility from entrepreneurial pesantren. Social responsibility, which is understood as the business side solely towards stakeholders and ignoring the social dynamics of internal and external communities, has begun to shift. Local community groups (external) and business managers (internal)

should now be a priority. This means that it is not only oriented to the image of the business but instead uses 'social responsibility as a medium of promotion. This is in line with the study of Meseguer-Sánchez et al. in analyzing the bibliometrics of 870 articles obtained from the Scopus database. Meseguer-Sánchez et al. (2020) mentioned that the world's attention is now focused on social responsibility that takes into account the economic impact of the community and the surrounding environment.

Discussion

Assumption: The role of entrepreneurial boarding schools for the responsibility of the surrounding community will not be realized without good financial management of entrepreneurial boarding schools.

Professionalism in financial management in reporting the cash flow of business units run by entrepreneurial boarding schools helps managers to make effective and efficient decisions. As statement Mungal & Garbharran (2014) that proper and accurate cash flow reporting can benefit the business in terms of profit as well as its development. The cash flow statement represents business activities and is a key success factor for developing small businesses. Therefore, professional resources are needed so that the cash flow position is reported as the responsibility of the business unit and as a reference in making decisions.

Furthermore, the management of cash flow at entrepreneurial boarding schools in Metro City has been handed over to human resources who have knowledge in the field of finance. Social responsibility is practiced, although there are two entrepreneurial Islamic boarding schools whose focus on social responsibility is limited to the internal community of Islamic boarding schools. Both pesantren have small business sizes and the same type of business. The size of the business here is seen through the business units owned by the entrepreneurial boarding school. This research also shows that the type and size of the business simultaneously have a relationship with the practice of social responsibility. As expressed Salim et al. (2021) simultaneously the type of business and the size of the business have a significant effect on social responsibility.

Conclusion

It turns out that the assumption that only companies are capable of carrying out social responsibility is unwarranted. This study found that entrepreneurial pesantren can be a model for managing social responsibility. Nevertheless, entrepreneurial boarding schools or even Islamic boarding schools as central management pay attention to managerial and business unit development prospects. This is intended to be able to expand the scale of its business, create job opportunities as a social responsibility to the community, and on the occasion, it can have an impact on the creation of a prosperous society.

The use of the concept of social responsibility is a way out for development in building entrepreneurial boarding schools. Especially in responding to negative issues that come from the community. Through this concept, entrepreneurial boarding

schools can be seen as organizations that can act ethically and build a responsible business climate.

The limitation of this study lies in the small sample. This study only looks at one issue, so there are limitations to a comprehensive understanding. For this reason, it is recommended that there be further studies with a quantitative research approach.

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Financial Literacy Towards E-wallet in Facing the Era of Society 5.0

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Abstract

Industrial era 4.0 presents the development of digitalization that continues to grow, such as digitizing payment transactions, namely e-wallet. However, there are shortcomings that can be corrected to face society 5.0 in Indonesia and also the balance between financial literacy and e-wallet users who are growing so that there is no consumptive society and fraud. The purpose of this paper is to provide suggestions or recommendations for the government and stakeholders to carry out policies to increase the level of financial literacy in Indonesia, this research method is library research by collecting related information and data from various valid sources. The results of this paper provide suggestions for the government to actively campaign for financial literacy in various public media, provide a mandatory policy to provide education to financial service providers, and as university academics or educators provide a curriculum on financial literacy. So that when Indonesia enters the era of society 5.0, it is ready in terms of digitizing payment transactions and literacy.

Keywords: Financial Literacy, E-wallet, and Society 5.0

Introduction

The development of technology is so fast, the era of the industrial revolution 4.0 and society 5.0 provides challenges and opportunities for the world community [1]. In 2016, the Japanese Cabinet presented the vision to create a "Super Intelligent Society" (SIS) in its fifth Basic Science and Technology Plan. SIS is positioned as the fifth stage of the development of human society. After the hunting/gathering community, the agricultural community, the industrial society, and the information society. SIS

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[1] Lena Ellitan, "Competing in the Era of Industrial Revolution 4.0 and Society 5.0," *Jurnal Maksipreneur: Manajemen, Koperasi, dan Entrepreneurship* 10, no. 1 (2020): 1-12

represents a sustainable society connected with digital technology, presenting the various needs of society in detail[2]. SIS provides the necessary goods or services to those in need in the required quantities, so that citizens regardless of age, gender, region, language, *etc*., can lead active and comfortable lives through high-quality services[3]. But keep in mind that digitalization is only a means, and humans are still the main actors [4].

Empirically, there have been many studies examining society 5.0, the opportunities and challenges of technology, business, and government[5]. As research by Fukuda[6] examines the exploration of science, technology, and innovation activities in Society 5.0 from an ecosystem perspective. Research by Decky[7] about E-commerce in the era of 4.0 and society 5.0, research results society 5.0 technology is a continuation of 4.0, there is harmony between e-commerce in the 4.0 and 5.0 era. Era 4.0 has an effective impact on the progress and development of e-commerce. And there are many other studies such as research by Zengin *et al*[8], Prasetyo & Arman[9] , and Holyord[10].

Innovation and digitalization in the era of society 5.0 include digitizing business, finance, government, and society from all angles that fill empty spaces and create changes for the better than the 4.0 era[11]. Like digital finance, it has been implemented today with the emergence of various types of cashless and cardless payments[12]. In Indonesia, the development of payment digitization users is increasing, peaking in two years during the Covid-19 pandemic[13]. People prefer to digitize payments using cashless such as e-wallet. The following is data on the development of e-wallet users in Indonesia from 2015-2020.

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[7] Decky Hendarsyah, "E-Commerce Di Era Industri 4.0 Dan Society 5.0," *IQTISHADUNA: Jurnal Ilmiah Ekonomi Kita* 8, no. 2 (2019): 171–184.

[8] Yunus Zengin et al., "An Investigation upon Industry 4.0 and Society 5.0 within the Context of Sustainable Development Goals," *Sustainability* 13, no. 5 (2021): 2682.

[9] Yuli Adam Prasetyo and Arry Akhmad Arman, "Group Management System Design for Supporting Society 5.0 in Smart Society Platform," in *2017 International Conference on Information Technology Systems and Innovation (ICITSI)* (IEEE, 2017), 398–404.

[10] Carin Holroyd, "Technological Innovation and Building a 'Super Smart'Society: Japan's Vision of Society 5.0," *Journal of Asian Public Policy* (2020): 1–14.

[11] Bruno Salgues, *Society 5.0: Industry of the Future, Technologies, Methods and Tools* (USA: John Wiley & Sons, 2018). p 27

[12] Lerong Lu, "Decoding Alipay: Mobile Payments, a Cashless Society and Regulatory Challenges," *Butterworths Journal of International Banking and Financial Law* (2018): 40–43.

[13] Rudi Santoso, "Review of Digital Marketing & Business Sustainability of E-Commerce During Pandemic Covid19 In Indonesia," *Jurnal Ilmu Ekonomi Terapan* 5, no. 2 (2020): 36–48.

Figure 1 E-wallet user development

Periode	2015	2016	2017	2018	2019	2020
number of users	34.314.795	51.204.580	90.003.848	167.205.578	292.299.320	432.281.380

Source: Bank Indonesia[14], www.bi.go.id

The increase in e-wallet users among the public is a concern for the government, on the one hand, this is a positive effect to increase company investment and riil national output[15]. But on the other hand, this can be a negative effect, the majority of e-wallet users are young people (millennials, and Gen Z)[16] who are still vulnerable to fraud, psychologically they are still carried away by environmental influences[17]. The following is data on e-wallet users in Indonesia, the majority of whom are millennials and gen Z.

Figure 2 e-wallet data users in Indonesia
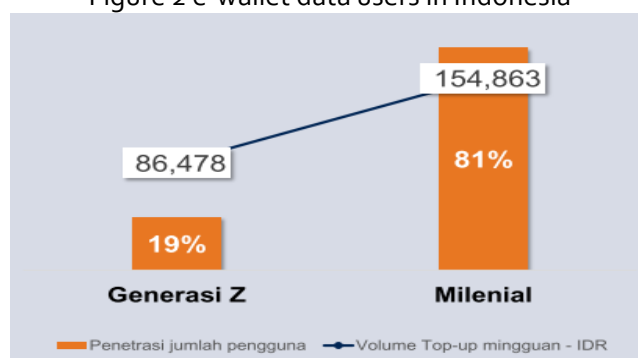
Source: data based on ipsos,2020[18]

In fact, that Indonesia is still in a low financial literacy index, although every year it has increased but is still in the category of low literacy[19]. Low financial literacy will have an impact on a higher level of consumption[20], the low saving ratio[21], low level of

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[14] Bank Indonesia, "Jumlah Dompet Elektrik Beredar Tahun 2020," *Bi.Go.Id*, no. April 2009 (2020): 2020.

[15] Rahel Octora, "Regulation on Electronic System Security for E-Wallet in Order to Protect Consumers from Financial Loss Due to Cyber Fraud Based on Indonesian Law," *International Journal of Social Science And Human Research* 04, no. 09 (2021): 2272–2279.

[16] Wijayanthi Isnawatie Mahwadha, "Behavioral Intention of Young Consumers towards E-Wallet Adoption: An Empirical Study among Indonesian Users," *Russian Journal of Agricultural and Socio-Economic Sciences* 85, no. 1 (2019).

[17] Muhartini Salim et al., "Indonesian Millenials Online Shopping Behavior," *International Review of Management and Marketing* 9, no. 3 (2019): 41.

[18] Ipsos, "The Evolution of The Digital Wallet: Driving The Next Wave of Growth," *The Evolution of The Digital Wallet: Driving The Next Wave of Growth* (2020): 1–8, https://www.ipsos.com/en-id/ipsos-media-conference-strategi-menang-tanpa-bakar-uang.

[19] OJK, "Survei Nasional Literasi Dan Inklusi Keuangan 2019," *Survey Report* (2019): 1–26, www.ojk.go.id.

[20] Rika Wahyuni et al., "Pengaruh Gaya Hidup Dan Literasi Keuangan Terhadap Perilaku Konsumtif Berbelanja Online Pada Ibu Rumah Tangga Di Kecamatan Lubuk Begalung Kota Padang," *Jurnal Benefita* 4, no. 3 (2019): 548–559.

[21] Lisa J Servon and Robert Kaestner, "Consumer Financial Literacy and the Impact of Online Banking on the Financial Behavior of Lower-income Bank Customers," *Journal of consumer affairs* 42, no. 2 (2008): 271–305.

investment, people are prone to fraud, and high levels of corruption[22]. Of course, this must be overcome to welcome the era of society 5.0 in Indonesia, e-wallet users who are increasingly developing must be aligned with an adequate level of literacy among the Indonesian people. Based on the explanation above, the research question is, How to fix the problem of low financial literacy towards e-wallet in facing society 5.0 in Indonesia?. Surely this paper can be used as a suggestion, at least for two. Namely for the government and also stakeholders, in order to work together to improve financial literacy towards a literate society

Literature Review

1.1 Society 5.0

The era of society 5.0 is defined by the Japanese government as a balance between economic progress and the resolution of social problems using a system that integrates virtual and physical worlds, with a focus on humans[23]. Fukuyama argues that the Japanese Government has clearly drawn up the fifth Science and Technology Basic Plan by the Science, Technology, and Innovation Council, which was approved by a Cabinet decision in 2016[24].

Fukuyama explains the stages of society (society) according to human history. Society 1.0 is defined as a group of people who gather and hunt, then coexist in harmony using nature, starting with the creation of humans. Society 2.0 creates groups based on agricultural cultivation, organizational improvement, and nation-building, starting from 13,000 BC. Society 3.0 is a citizen who promotes industrialization through the industrial revolution 1.0, starting from the end of the 18th century. Society 4.0 is an information society that is aware of increasing added value by connecting intangible assets as an information network, starting from the middle of the 20th century. At this stage, society 5.0 is an "information society" built on society 4.0, which aims to create a more prosperous society[25].

In digital transformation, several countries use different terms, such as in Europe using the term industry 4.0, North America using the term industrial internet, parts of Asia using the term smart city.[26], then China uses the term made in China 2025[27] and Japan uses society 5.0. With digital transformation using IoT, artificial intelligence, robotics, big data, and blockchain[28].

The history of the industrial revolution and the stages of society in the world was born through continuous industrial stages in society[29]. The industrial era 4.0 and

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[22] Jacqueline M Drew and Cassandra Cross, "Fraud and Its PREY: Conceptualising Social Engineering Tactics and Its Impact on Financial Literacy Outcomes," in *Financial Literacy and the Limits of Financial Decision-Making* (Springer, 2016), 325–340.

[23] Deguchi et al., "What Is Society 5.0."

[24] Fukuyama. Mayumi, "Society 5.0: Aiming for a New Human-Centered Society."

[25] Ibid.

[26] Ercan Oztemel and Samet Gursev, "Literature Review of Industry 4.0 and Related Technologies," *Journal of Intelligent Manufacturing* 31, no. 1 (2020): 127–182.

[27] Ling Li, "China's Manufacturing Locus in 2025: With a Comparison of 'Made-in-China 2025' and 'Industry 4.0,'" *Technological Forecasting and Social Change* 135 (2018): 66–74.

[28] Hiroaki Nakanishi and Hiroaki Kitano, "Society 5.0 Co-Creating The Future," *Policy Proposals Industrial Technology, Keidanren (Japan Business Federation)* (2018).

[29] Klaus Schwab, *The Fourth Industrial Revolution* (Currency, 2017).

society 5.0 came together in which industry 4.0 appeared first and was more focused on industry, especially in the manufacturing sector, such as; textile, automotive, food and beverage, electronics, biochemistry, and so on[30]. Meanwhile, the era of society 5.0 came after the era of 4.0, where the era of society 5.0 was still in the form of a vision and focus on humans. To be clear, the comparison of the time of the start of the stages of society and the industrial revolution can be seen in table 1. And for a comparison in terms of technology utilization, see table 2.

Tabel 1 stages of society and the industrial revolution

Time	stage of society	Industrial Revolution
The beginning of human life	Society 1.0 Hunting	--
13,000 BC	Society 2.0 Farming	--
18th century	Society 3.0 Industry	Industry 1.0 1800's
19th century	Society 3.0 Industry	Industry 2.0 1900's
20th century	Society 4.0 Informative and Creative	Industry 3.0 1960s
21th century	Society 5.0 super smart (visi)	Industry 4.0 Year 2011

Source: D, Herdiansyah, 2019[31]

Tabel 2 Comparison of Industrial Technology 4.0 and Society 5.0

Technology	Industry 4.0	Society 5.0
Big Data	There is	There is
Internet of Thing	There is	There is
Artificial Inteligent	There is	There is
Robot	There is	There is
Drone	There is	There is
Sensor	There is	There is
3D Print	There is	There is
Public Key Infrastructure (PKI) / Cyber Security'	There is	There is
Sharing	There is	There is
On Demand	There is	There is
Mobile	There is	There is
Edge	There is	There is
Cloud	There is	There is
5G	There is not any	There is
Virtual Reality (VR)	There is	There is
Augmented Reality (AR)	There is	There is
Mixed Reality (MR)	There is	There is

Source by Decky, Herdiansyah. 2019[32]

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[30] Patarapong Intarakumnerd and Meng-Chun Liu, "Industrial Technology Upgrading and Innovation Policies: A Comparison of Taiwan and Thailand," in *Emerging States at Crossroads* (Springer, Singapore, 2019), 119–143.
[31] Hendarsyah, "E-Commerce Di Era Industri 4.0 Dan Society 5.0."

1.2 E-wallet

An E-wallet is software that can be used to make e-commerce payments by storing their credit card data. Transactions using e-wallet are claimed to be an effective method at this time because using an e-wallet reduces the use of physical money and can be done more easily, practically, and has good protection flexibility[33]. Meanwhile, according to Dac-Nhuonge-wallet is a type of electronic payment that is used through a smartphone application or the web.[34] In recent years, the use of e-wallet has increased, seeing the efficiency and effectiveness in conducting business transactions, making e-wallet a reliable feature today. Users only need to enter information once and can make transactions anywhere.[35]

E-wallet is also known for its innovations such as customization and instant communication[36] therefore e-wallet is experiencing an increase in users and expanding its reach by entering the food delivery and bill payment sector. the benefits of using an e-wallet not only provide convenience for buyers but the benefits are also obtained from traders in terms of convenience and efficiency so that there is no need to do cash management anymore[37] transactions like this generally use a QR code by using a smartphone device to confirm payment[38] other than that another method uses NFC (Near Field Communication) provided by the store to make payments easier[39], e-wallet provides the same function as a wallet in general which is then packaged in digital form which eliminates several card functions so that it is more efficient. E-wallet also provides good security features so that users can make transactions quickly and safely.[40] Based on this information, it can be interpreted that an e-wallet is a software that is used to make it easier for someone to make payment transactions that are efficient and safe.

1.3 Financial Literacy

Financial literacy is an individual's ability to make decisions in terms of personal financial arrangements[41]. According to Margaretha & Pambudhi, financial literacy is

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[32] Ibid.

[33] Mohammad Salah Uddin and Afroza Yesmin Akhi, "E-Wallet System for Bangladesh an Electronic Payment System," *International Journal of Modeling and Optimization* 4, no. 3 (2014): 216–219.

[34] Dac-Nhuong Le dkk (eds.). 2019. Cyber Security in Parallel and Distributed Computing. Scrivener Publishing LLC:Vietnam. Hal. 245–262.

[35] Schueffel, P. (2017). The concise fintech compendium. *Fribourg, Switzerland*. H. 10

[36] Christian Nedu Osakwe and Titus Chukwuemezie Okeke, "Facilitating MCommerce Growth in Nigeria through MMoney Usage: A Preliminary Analysis," *Interdisciplinary Journal of Information, Knowledge, and Management* 11 (2016): 115–139.

[37] Fumiko Hayashi and Terri Bradford, "Mobile Payments: Merchants' Perspectives," *Economic Review* 99 (2014): 5–30.

[38] Dr Lerong Lu, "Decoding Alipay: Mobile Payments, a Cashless Society and Regulatory Challenges," j*ournal of International Banking and Financial Law, 2018* 33, no. 1 (2018): 40–43, https://www.researchgate.net/publication/323870898.

[39] Emmeline Taylor, " Mobile Payment Technologies in Retail: A Review of Potential Benefits and Risks," *International Journal of Retail & Distribution Management* 44, no. 2 (2016): 159–177.

[40] Uddin, M. S., & Akhi, A. Y. (2014). E-wallet system for Bangladesh an electronic payment system. " *International Journal of Modeling and Optimization* ", *4*(3), 216.

[41] Baiq Fitri Arianti and Khoirunnisa Azzahra, "Faktor-Faktor Yang Mempengaruhi Literasi Keuangan: Studi Kasus UMKM Kota Tangerang Selatan," *Jurnal Manajemen dan Keuangan* 9, no. 2 (2020): 156–171.

closely related to the welfare of an individual[42]. Financial literacy is needed for individuals in managing finances. Financial literacy can inform decision-making activities about current and future uses in money management[43]. hat includes the ability to understand financial choices, plan for the future, spend wisely, and manage challenges associated with life events such as losing a job, saving for retirement, or paying for a child's education[44].

According to Giriani[45], Johan[46] Financial literacy is a person's financial ability to solve problems obtained from wages or pocket money in an economic situation, a person's financial literacy can influence product selection in making decisions to purchase certain products. Meanwhile, according to Nirmala[47] that financial literacy is a person's ability to read, analyze, manage and make decisions regarding a person's financial condition that affects his level of well-being.

The level of financial literacy is divided into several categories, according to Chen & Volpe, namely, high literacy (> 80%) is a condition of knowing and understanding financial planning and management well. Medium literacy (60% - 80%) condition that is sufficient to know, understand, and have the ability to plan and manage finances. Low literacy (<60%) is a condition that does not know, understands, and does not have the ability to plan and manage finances[48].

Research Metodologi

The research approach uses a qualitative descriptive approach with the library research method[49]. Secondary data collection techniques[50] by exploring theories, scientific journals, textbooks, dictionaries, documents, the internet, and issues related to the theme. Analysis of research data focused on the meaning of financial literacy, e-wallet in facing society 5.0 to get more comprehensive results. The following is the flow of the research method:

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[42] Farah Margaretha and Reza Arief Pambudhi, "Tingkat Literasi Keuangan Pada Mahasiswa S-1 Fakultas Ekonomi," *Jurnal Manajemen dan Kewirausahaan (Journal of Management and Entrepreneurship)* 17, no. 1 (2015): 76–85.

[43] Wida Purwidianti and Naelati Tubastuvi, "The Effect of Financial Literacy and Financial Experience on SME Financial Behavior in Indonesia," *Jurnal Dinamika Manajemen* 10, no. 1 (2019): 40–45.

[44] Monic Cohen and Candace Nelson, "Financial Literacy: A Step for Clients towards Financial Inclusion," *Global Microcredit Summit. Commissioned Workshop Paper* (2011).

[45] Aulia Puspa Giriani and Susanti, "Pengaruh Literasi Keuangan, Fitur Layanan, Dan Kemudahan Penggunaan Terhadap Penggunaan e-Money," *JAE: Jurnal Akuntansi dan Ekonomi* 6, no. 2 (2021): 27–37.

[46] Suwinto Johan, "Users' Acceptance of Financial Technology in an Emerging Market (An Empirical Study in Indonesia)," *Jurnal Ekonomi dan Bisnis* 23, no. 1 (2020): 173–188.

[47] Miftah. M Nirmala and Murtatik, "Analisis Gaya Hidup Dan Literasi Keuangan Terhadap Perilaku Mahasiswa Dalam Cashless Society," *Cybrarians Journal* 645, no. 37 (2015): 1–31.

[48] R. P Chen, H., & Volpe, "An Analysis of Financial Literacy among College Students," *Financial Services Review* 7, no. 1 (1998): 107–128.

[49] Barbara M Wildemuth, *Applications of Social Research Methods to Questions in Information and Library Science* (ABC-CLIO, 2016).

[50] Gumilar Rusliwa Somantri, "Metode Kualitatif," *MAKARA* 9, no. 5 (2004): 26.

Figure 3 research method flow
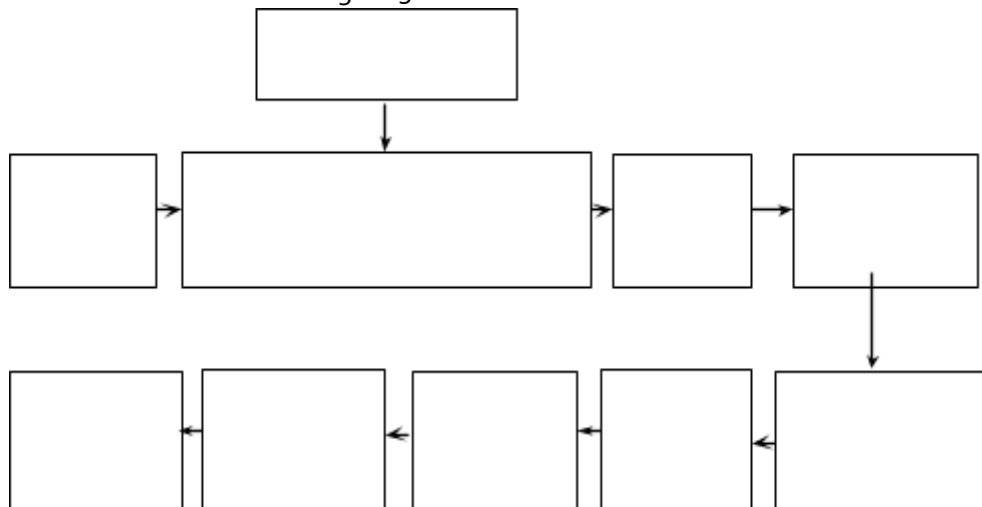
Result and Discussion
1.1 E-wallet in Indonesia

The industrial era 4.0 in Indonesia brought major changes to payment transactions, with the shift to digital methods[51]. Previously, people used to make transactions using debit cards or ATMs and cash, now people are being offered electronic payment methods that are increasingly varied and varied. Includes e-wallet, Mobile or internet banking, QR Code, and other payment channels that can be used as online payments[52], either through a growing marketplace or an offline store.

The beginning of e-wallet in Indonesia stems from the increasing popularity of e-money among the wider community, many startup companies are starting to build businesses in the financial sector (fintech)[53]. So, the e-wallet product came out. E-wallet was first recognized as a method for saving money in digital form[54], but later became popular because it was suitable for providing a convenient way for internet users to store and use online shopping information.[55]. In accordance with Bank Indonesia regulations, e-wallet is a digital service for storing payment instrument data, including payment instruments using cards and/or e-money, which can also

[51] I Gede Ega Riantama, N Suardhika, and Anik Yuesti, "Financial Technology Application Success in the 4.0 Era," *International Journal of Psychosocial Rehabilitation* 24, no. 9 (2020): 2948–2962.

[52] Aprilda Rosita Pardede, "Legalitas Pembayaran Menggunakan Uang Elektronik Asingwechat Pay Di Indonesia," *JISIP (Jurnal Ilmu Sosial dan Pendidikan)* 3, no. 3 (2019).

[53] A A Hendriadi and A Primajaya, "Optimization of Financial Technology (Fintech) with Lean UX Development Methods in Helping Technical Vocational Education and Training Financial Management," in *IOP Conference Series: Materials Science and Engineering*, vol. 830 (IOP Publishing, 2020), 22088.

[54] Yakob Utama Chandra, "Bank vs Telecommunication E-Wallet: System Analysis, Purchase, and Payment Method of GO-Mobile CIMB Niaga and T-Cash Telkomsel," in *2017 International Conference on Information Management and Technology (ICIMTech)* (IEEE, 2017), 165–170.

[55] Kasthuri Subaramaniam et al., "The Impact of E-Wallets for Current Generation," *J. Adv. Res. Dyn. Control Syst* 12 (2020): 751–759.

accommodate funds, and make payments[56]. The development of e-wallet in Indonesia is increasing, every year it is increasing. This happened at the beginning of the Covid-19 pandemic, the development of e-wallet was growing rapidly[57], because at that time in Indonesia imposed large-scale Social Restrictions or PSBB (social distancing) which had an impact on the community to limit activities outside the home[58]. The following is data on e-wallet users during the covid-19 pandemic.

Fugure 4 e-wallet users during the covid-19 pandemic

Tahun	Bulan	Jumlah pengguna e-wallet
2020	September	393,904,001
	Oktober	410,656,671
	November	420,412,942
	Desember	432,281,380
2021	Januari	442,612,567
	Febuari	456,736,475
	Maret	470,811,351
	April	483,354,024
	Mei	498,202,416
	Juni	511,254,525
	Juli	495,280,424
	Agustus	513,968,693
	September	530,664,510

Source: Bank Indonesia, www.bi.go.id

The development of e-wallet in Indonesia cannot be separated from the use of e-wallet which the majority of e-wallet users are young people, namely; millennials and gen Z, the majority of users are 25-29 years old and 35-40 years old[59] (see figure 5). The first time users know e-wallet for digital payment transactions is through the information of friends, co-workers, relatives[60]. E-wallet users choose to use e-wallet due to various factors; the dominating factor is the convenience factor, then the promo factor, and the safety factor (can be seen in the graph in Figure 6).

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[56] BI, "Peraturan Bank Indonesia Nomor 22/23/PBI/2020 Tentang Sistem Pembayaran," accessed November 8, 2021, https://www.bi.go.id/id/publikasi/peraturan/Pages/PBI_222320.aspx.

[57] Erwin Halim et al., "Predicting the Determinants of Continuance Intention to Use E-Wallet in Indonesia Post-COVID-19 Pandemic," in *2021 International Conference on Information Management and Technology (ICIMTech)*, vol. 1 (IEEE, 2021), 545–550.

[58] Hermi Monica Rantung, Alfa J F A Tumbuan, and Emilia M Gunawan, "The Determinants Influencing Behaviorial Intention To Use E-Wallet During Covid-19 Pandemic," *Jurnal EMBA: Jurnal Riset Ekonomi, Manajemen, Bisnis dan Akuntansi* 8, no. 4 (2020).
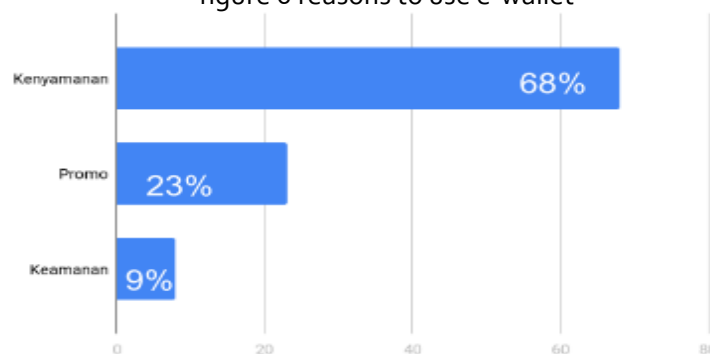
[59] Ipsos, "Evol. Digit. Wallet Driv. Next Wave Growth."

[60] Ibid.

Figure 5 e-wallet users by age

Source: Ipsos, 2020[61]

figure 6 reasons to use e-wallet

Source: Ipsos, 2020[62]

Discussion. In Figure 6, it can be seen that users are more comfortable with e-wallet. Convenience has a percentage of 68% (larger than others), this is because e-wallet is very practical and easy to process payments. In line with the opinion of Nizam *et al*[63], and Teoh Teng *et al*[64] that e-wallet make efficient and have a positive impact on digital transaction processes. It is agreed by Karim *et al*, that e-wallet has a growing interest because there are three factors, namely; usability, convenience, and privacy that have a positive impact on e-wallet users[65]. However, based on Ipsos data, 2020 security on e-wallet currently has a low percentage of 9%, of course, this is a small gap in the 4.0 era so that in the future when Indonesia enters society 5.0 this will be even better, there must be improvements to improve

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[61] Ibid.

[62] Ibid.

[63] Faisal Nizam, Ha Jin Hwang, and Naser Valaei, "Measuring the Effectiveness of E-Wallet in Malaysia," *Springer International Publishing* 786 (2018): 492–497, http://dx.doi.org/10.1007/978-3-319-96803-2_5.

[64] Melissa Teoh Teng Tenk, Hoo Chin Yew, and Lee Teck Heang, "E-Wallet Adoption: A Case in Malaysia," *International Journal of Research In Commerce and Management Studies (ISSN: 2582-2292)* 2, no. 2 (2020): 216–233.

[65] Md wasiul Karim et al., "Factors Influencing the Use of E-Wallet as a Payment Method among Malaysian Young Adults," *Journal of International Business and Management* 3, no. 2 (2020): 1–11.

security for e-wallet users. According to Tracey[66], Vaz *et al*[67], the level of e-wallet security that is lacking will have an impact on cybercrime, misuse of cellphone numbers (there is an e-wallet that is accessed with a cellphone number). Maybe technically the use can be overcome with a few tips, such as; create a secure password, keeping the OTP (One Time Password) secret, monitoring balances regularly, checking transaction history regularly, using anti-virus or malware features on smartphones, and choosing a secure e-wallet. However, for the security system, this is a future challenge that must be improved to be more adequate to welcome the era of society 5.0 where digitalization is a means to simplify human life.

1.2 Financial Literacy in Indonesia

Financial literacy is a basic need for everyone to avoid financial problems[68]. Financial literacy is defined as financial knowledge that has the aim of achieving prosperity[69]. Financial literacy is an important task for governments and people in developing countries. According to Karakulum *et al*, that developing countries have low levels of education will have an impact on low literacy, and low welfare[70]. In line with the opinion of Kafela *et al*[71] that in developing countries with low literacy rates, developing countries need to create community-based organizations, schools, or universities to expand the process and increase literacy levels. Indonesia is a developing country, and according to the "OCBC NISP Financial fitness index" Indonesia is known to have a literacy level of 37.72 out of a total score of 100. This is still far from Singapore, which is at level 61[72]. Based on the OJK survey conducted every three years, it is known that the results of financial literacy are as follows:

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[66] Tracey Caldwell, "Locking down the E-Wallet," *Computer Fraud & Security* 2012, no. 4 (2012): 5–8.

[67] Anthony Vaz et al., "Individual Awareness of E-Wallet and Bank Staff Related Fraud in Malaysia, in the Face of Widespread Global Digitalization," *Available at SSRN 3811143* (2021).

[68] Anis Dwiastanti, "Financial Literacy as the Foundation for Individual Financial Behavior.," *Journal of Education and Practice* 6, no. 33 (2015): 99–105.

[69] Sylviana Maya Damayanti, Isrochmani Murtaqi, and Harry Anugerah Pradana, "The Importance of Financial Literacy in a Global Economic Era," *The Business & Management Review* 9, no. 3 (2018): 435–441.

[70] Kamer Karakurum-Ozdemir, Melike Kokkizil, and Gokce Uysal, "Financial Literacy in Developing Countries," *Social Indicators Research* 143, no. 1 (2019): 325–353.

[71] Ghirmai Kefela, "Implications of Financial Literacy in Developing Countries," *African Journal of Business Management* 5, no. 9 (2011): 3699–3705.

[72] Oktiani Endarwati, "OCBC NISP: Literasi Keuangan Generasi Muda RI Rendah," *IDX Channel*, last modified 2021, https://www.idxchannel.com/banking/ocbc-nisp-literasi-keuangan-generasi-muda-ri-rendah.

Figure 7 financial literacy survey in Indonesia
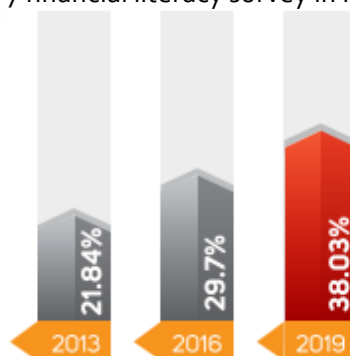
Source: OJK, 2019[73]

Based on the results of the survey, in 2013 financial literacy was in the percentage of 21.84%, and increased in 2016 with a percentage of 29.7% then the survey in 2019 reached 38.03%. When referring to the category of financial literacy level according to Chen & Volpe[74], Indonesia is still in the low literacy category, because it is still lacking in the percentage of <60%. Of course, this is the joint task of the government, stakeholders, and the community to be aware of the importance of literacy.

Discussion. From the survey data, it is clear that the percentage level of financial literacy in Indonesia is still in the low category, but there is an increase every third of the year. This is a hope for Indonesia, based on data from e-wallet users, the most users are millennials and gen Z, meaning that from the positive side in the future, Indonesia with the majority of millennials and gen Z can increase literacy by playing an active role in educating family, friends and the surrounding environment regarding digital financial products. However, it should be realized that the millennial generation and Gen Z can also have a bad influence on the environment if the millennial generation and gen Z are not equipped with the impact of low financial literacy. Based on the Ipsos[75] survey, 2020 that the majority of e-wallet users (millennials and gen Z) can get information from friends and co-workers. So it is important to study further in the future, providing an understanding of the importance of financial literacy for people's financial knowledge.

Conclusion

Based on the results of the survey described above, that in the industrial era 4.0, digitalization has been used for daily purposes such as digitizing transactions, namely the use of e-wallet. However, this is a note for improvements in the inadequate e-wallet security system, to welcome society 5.0 in Indonesia, this is a challenge so that the e-wallet security system is improved to be better and more accurate. Then, the growing number of e-wallet users, the majority of which are millennials and gen Z, it is important to provide an understanding of literacy so that it does not have a negative impact on the environment such as friends, co-workers, family, and relatives.

This paper suggests a policy for the government and stakeholders to synergize to harmonize the high number of e-wallet users and the low financial literacy to create a financially literate society and good at utilizing digitization in the future era of society 5.0 in Indonesia. The government can carry out a campaign in the public media that highlights the "importance of financial literacy". This type of campaign can highlight the

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[73] OJK, "Survei Nasional Literasi Dan Inklusi Keuangan 2019."

[74] Chen, H., & Volpe, "An Analysis of Financial Literacy among College Students."

[75] Ipsos, "Evol. Digit. Wallet Driv. Next Wave Growth."

benefits as well as the ability to manage finances. This is one of the basic efforts to improve literacy in developing countries. Then make a policy requiring financial service providers to provide education related to financial literacy. For stakeholders in this case, for university / school academics or educators to understand financial literacy for future prosperity.

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احكام الإرث في الإسلام عند إمام الشافعي

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<u>المقدمة</u>

إن الحمد لله نحمده ونستعينه ونستغفره ونعوذ بالله تعالى من شرور أنفسنا ومن سيئات أعمالنا من يهد الله فلا مضل له ومن يضلل فلا هادي له, أشهد أن لا إله إلا الله وحده لا شريك له جل عن الشبيه والمثيل والنظير وأشهد أن محمدا عبده ورسوله وصفيه وخليله وخيرته من خلقه وأمينه على وحيه أرسله ربه رحمة للعالمين وحجة على العباد أجمعين فهدى الله به من الضلالة وبصر به من الجهالة وأكثر به بعد القلة وأغنى به بعد العيلة وصلوات الله وسلامه عليه وعلى آله الطيبين الطاهرين وأصحابه الغر الميامين وسلم تسليما كثيرا, أما بعد :

وإن مما تفضل الله تعالى به على عباده أن جعل التشريع في الإرث هو احد من كثرة كرامة الدين الإسلام . لأن هذا الدين ينظم جميع جوانب الحياة حتى في الأشياء تعقيدًا . وفي هذا البحث يعرض الباحثين آراء إمام الشافعي في باب الإرث

<u>مشكلة البحث:</u>

تتلخص مشكلة هذا البحث في الآتي:

1. سيرة شخصية لإمام الشافعي

2 ما هوالإرث؟
.

3. ما حكم الإرث؟

4. ما دليل على الإرث في الإسلام؟

5. كيف توزيع الإرث عند الشافعي؟

أهمية البحث:

1. يتعلق هذا البحث ببيان أحكام الإرث عند الشافعي

2. يعتني هذا البحث بذكر الأدلة من الآيات القرآنية في أحكام الإرث في الإسلام

3. يقوم هذا البحث بمحاولة الترجيح في مسائل الفقه في الإرث عند الشافعي

أهداف البحث:

1. بيان أحكام الإرث عند أمام الشافعي

2. التعرف على سيرة الشخصية لإمام الشافعي

3. التعرف على الأدلة التي استدل بها إمام الشافعي و بيان توزيع الإرث في الإسلام

فصل الأول

مبحث الأول: تعريف الإرث في الإسلام , و اركانه, و اسبابه

الإرث/الميراث

تعريف

الإرث في الإسلام (أو الميراث في الإسلام) هو أحد فروع الفقه في الإسلام الذي يعنى بتوزيع الميراث بعد وفاة الموروث على الورثة المستحقين لها. وله قوانين وتوجيهات مذكورة في القرآن الكريم، التي تحدد أصول تطبيق الميراث. فلقد أعطى الإسلام الميراث اهتماما كبيرا، وعمل على تحديد فروض الإرث والورثة بشكل واضح ليبطل بذلك ما كان يفعله بعض العرب في الجاهلية قبل الإسلام من توريث الرجال دون النساء، والكبار دون الصغار[1]

يستند توزيع الميراث في الدول الإسلامية على نصوص القرآن الكريم والتي يعتبرها الفقهاء نصوص محكمة لا تقبل التأويل والجدال والإجتهاد وتحقق أقصى درجات العدالة والإنصاف بين الوارثين. وقد ختمت الآيات التي تتحدث عن الميراث بالآية

{تِلْكَ حُدُودُ اللَّهِ وَمَن يُطِعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِن تَحْتِهَا الأَنْهَارُ خَالِدِينَ فِيهَا وَذَلِكَ الْفَوْزُ الْعَظِيمُ . وَمَن يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُهِينٌ}

أركان الإرث وأسبابه

للإرث في الإسلام ثلاثة أركان:

الموروث: وهو الشخص المتوفى أو المفقود الذي يحكم القاضي بوفاته

الوارث: هوالشخص الحي الذي يحق له الحصول على الميراث

التركة وهي: الحق الموروث[2]

أما أسباب الإرث التي اتفق عليها الفقهاء (أي الحالات الموجبة للميراث) فهي ثلاث حالات كما يلي:

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[1] معاملات إسلامية نسخة محفوظة 7 سبتمبر 2017 على موقع واي باك مشين.

[2] أركان الإرث وشروطه نسخة محفوظة 27 مارس 2012 على موقع واي باك مشين.

النِّكاح: حيث قررت الشريعة الاسلامية اعتبار عقد النكاح الصحيح (أي الذي تتوافر فيه شروط الانعقاد والصحة) سبباً من أسباب الإرث بين الزوج والزوجة يرث كل منهما الآخر. حتى ولو لم يكن هناك دخول أو خلوة. يقول الله في سورة النساء

﴿وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِن لَّمْ يَكُن لَّهُنَّ وَلَدٌ فَإِن كَانَ لَهُنَّ وَلَدٌ فَلَكُمُ الرُّبُعُ مِمَّا تَرَكْنَ مِن بَعْدِ وَصِيَّةٍ يُوصِينَ بِهَا أَوْ دَيْنٍ وَلَهُنَّ الرُّبُعُ مِمَّا تَرَكْتُمْ إِن لَّمْ يَكُن لَّكُمْ وَلَدٌ فَإِن كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُم مِّن بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ وَإِن كَانَ رَجُلٌ يُورَثُ كَلَالَةً أَوِ امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِن كَانُوا أَكْثَرَ مِن ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ مِن بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دَيْنٍ غَيْرَ مُضَارٍّ وَصِيَّةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ﴾ [3]

النَّسب: ويراد بها القرابة الحقيقية، وهي كل صلة سببها الولادة، وتشمل فروع الميت وأصوله وفروع أصوله أي البنوة، الأبوة، الأخوة أو العمومة وغيرهم

الوَلاء لمن أعتق: هو قرابة حكمية أنشأها الشارع من العتق فولاء العتق هو العصوبة السببية، أو هو صلة بين السيد وبين من أعتقه، وتجعل للسيد أو عصبته حق الإرث ممن أعتقه

مبحث الثاني: سيرة الشخصية لإمام الشافعي

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[3] "الدرر السنية – الموسوعة الحديثية". dorar.net. 2020 سبتمبر 02 بتاريخ عليه اطلع. 2020 سبتمبر 2 في الأصل من مؤرشف.

محمد بن إدريس الشافعي

أبو عبد الله محمد بن إدريس الشافعيّ المطَّلِبيّ القرشيّ (150-204هـ / 767-820م) هو ثالث الأئمة الأربعة عند أهل السنة والجماعة، وصاحب المذهب الشافعي في الفقه الإسلامي، ومؤسس علم أصول الفقه، وهو أيضاً إمام في علم التفسير وعلم الحديث، وقد عمل قاضياً فعُرف بالعدل والذكاء. وإضافةً إلى العلوم الدينية، كان الشافعي فصيحاً شاعراً، ورامياً ماهراً، ورحّالاً مسافراً. أكثَرَ العلماءُ من الثناء عليه، حتى قال فيه الإمام أحمد: «كان الشافعي كالشمس للدنيا، وكالعافية للناس»، وقيل: إنه هو إمامُ قريش الذي ذكره النبي محمد بقوله: «عالم قريش يملأ الأرض علماً»[4].

وُلد الشافعيُّ بغزة عام 150 هـ، وانتقلت به أمُّه إلى مكة وعمره سنتان، فحفظ القرآن الكريم وهو ابن سبع سنين، وحفظ الموطأ وهو ابن عشر سنين، ثم أخذ يطلب العلم في مكة حتى أُذن له بالفتيا وهو فتىً دون عشرين سنة. هاجر الشافعي إلى المدينة المنورة طلباً للعلم عند الإمام مالك بن أنس، ثم ارتحل إلى اليمن وعمل فيها، ثم ارتحل إلى بغداد سنة 184 هـ، فطلب العلم فيها عند القاضي محمد بن الحسن الشيباني، وأخذ يدرس المذهب الحنفي، وبذلك اجتمع له فقه الحجاز (المذهب المالكي) وفقه العراق (المذهب الحنفي). عاد الشافعي إلى مكة وأقام فيها تسع سنوات تقريباً، وأخذ يُلقي دروسه في الحرم المكي، ثم سافر إلى بغداد للمرة الثانية، فقدِمها سنة 195 هـ، وقام بتأليف كتاب الرسالة الذي وضع به الأساسَ لعلم أصول الفقه، ثم سافر إلى مصر سنة 199 هـ. وفي مصر، أعاد الشافعي تصنيف كتاب الرسالة الذي كتبه للمرة الأولى في بغداد، كما أخذ ينشر مذهبه الجديد، ويجادل مخالفيه، ويعلِّم طلابَ العلم، حتى توفي في مصر سنة 204 هـ

نسبه

هو «أبو عبد الله، محمد بن إدريس بن العباس بن عثمان بن شافع بن السائب بن عبيد بن عبد يزيد بن هاشم بن المطلب بن عبد مناف بن قصي بن كلاب بن مرة بن كعب بن

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[4] طبقات الشافعية الكبرى، تاج الدين السبكي، ج1 ص198 نسخة محفوظة 12 على موقع واي باك مشين أكتوبر 2021.

لؤي بن غالب بن فهر بن مالك بن النضر وهو قريش بن كنانة بن خزيمة بن مدركة بن إلياس بن مضر بن نزار بن معد بن عدنان الشافعيّ المطَّلِبيّ القرشيّ».

يجتمع مع الرسولِ محمدٍ في عبد مناف بن قصي، وقيل: «وهو ابن عم النبي محمد، وهو ممن تحرم عليه الصدقةُ من ذوي القربى الذين لهم سهم مفروض في الخُمس، وهم بنو هاشم وبنو المطلب»[5]

أما نسبه من جهة أمه ففيه قولان:

الأول: أنها أزدية يمنية، واسمها فاطمة بنت عبد الله الأزدية،[6] وهو القول الصحيح المشهور الذي انعقد عليه الإجماع، وكل الروايات التي رُويت عن الشافعي في نسبه تذكر على لسانه أن أمَّه من الأزد.[7]

الثاني: أنها قرشية علوية، أي من نسل علي بن أبي طالب، وهذه الرواية شاذةٌ تخالف الإجماع، وقد قال فخر الدين الرازي في هذا المقام: «وأما نسب الشافعي من جهة أمه ففيه قولان: الأول وهو شاذ رواه الحاكم أبو عبد الله الحافظ، وهو أن أم الشافعي رضيَ الله تعالى عنه هي فاطمة بنت عبد الله بن الحسين بن علي بن أبي طالب كرم الله وجهه، والثاني المشهور أنها من الأزد»[8]

مولده ونشأته

مولده

ولد الشافعي بغزة في بلاد الشام سنة 150 هـ، وعلى ذلك اتفق رأي الجمهرة الكبرى من مؤرخي الفقهاء وكاتبي طبقاتهم، ولكن وُجد بجوار هذه الرواية من يقول: إنه وُلد بعسقلان بالقرب من غزة، بل وُجد من يتجاوز الشام إلى اليمن، فيقول: إنه وُلد باليمن[109]

[5] طبقات الشافعيين، باب: ترجمة الشافعي رحمه الله، وهذا القول للربيع بن سليمان

[6] المفصل في فقه الدعوة إلى الله تعالى، علي بن نايف الشحود، الجزء 4 الصفحة 23

[7] منازل الأئمة الأربعة، ص201

[8] الشافعي، محمد أبو زهرة، ص16

[9] الشافعي، محمد أبو زهرة، ص14

[10] منازل الأئمة الأربعة، ص201

أنه وُلد بغزة، فعن محمد بن عبد الله بن عبد الحكم أنه قال: قال لي محمد بن إدريس الشافعي رضي الله عنه: «ولدت بغزة سنة خمسين (يعني: خمسين ومائة)، وحُملت إلى مكة وأنا ابن سنتين»

أنه وُلد بعسقلان، فعن عمرو بن سواد أنه قال: قال لي الشافعي رضيَ الله عنه: «ولدت بعسقلان، فلما أتى علي سنتان حملتني أمي إلى مكة، وكانت نهمتي في شيئين، في الرمي وطلب العلم، فنلت من الرمي حتى كنت أصيب من العشرة عشرة»، وسكتَ عن العلم، فقلت له: «أنت والله في العلم أكثر منك في الرمي»[11]

أنه وُلد باليمن، فعن عبد الرحمن بن أبي حاتم أنه قال: سمعت محمداً بن إدريس يقول: ولدت باليمن، فخافت أمي علي الضيعة، وقالت: «ألحِقْ بأهلك فتكون مثلهم، فإني أخاف أن يُغلب على نسبك»، فجهزتني إلى مكة، فقدِمتها وأنا ابن عشر أو شبِهها، فصرت إلى نسيب لي، وجعلت أطلب العلم، فيقول لي: «لا تعجل بهذا وأقبل على ما ينفعك»، فجعلت لذتي في هذا العلم وطلبه حتى رزق الله منه ما رزق.[12] قال الإمام الذهبي: «قوله: "باليمن" غلط، إلا أن يريد به القبيلة، وهذا محتملٌ لكن خلافُ الظاهر[13]

وقد حاول العلماء الجمع بين هذه الروايات، قال ابن كثير: «فهذه ثلاث روايات في بلد مولده، والمشهور أنه ولد بغزة، ويُحتمل أنها بعسقلان التي هي قريب من غزة، ثم حُمل إلى مكة صغيراً، ثم انتقلت به أمه إلى اليمن، فلما ترعرع وقرأ القرآن بعثت به إلى بلد قبيلته مكة فطلب بها الفقه، والله أعلم». وقال الحافظ ابن حجر في الجمع بين الروايات السابقة: «والذي يجمع بين الأقوال: أنه ولد بغزة عسقلان، لأن عسقلان هي الأصل في قديم الزمان، وهي وغزة متقاربتان، وعسقلان هي المدينة. ولما بلغ سنتين حوَّلته أمُّه إلى الحجاز ودخلت به إلى قومها، وهم من أهل اليمن لأنها كانت أزدية، فنزلت عندهم، فلما بلغ عشراً خافت على نسبه الشريف أن يُنسى ويضيعَ فحوَّلته إلى مكة[14]

وأما زمان مولده: فقد اتفقت الروايات على أنه ولد سنة 150 هـ، وهو العام الذي توفي فيه الإمام أبو حنيفة، وقيل: «ولد في اليوم الذي توفي فيه أبو حنيفة»، إلا أن ابن كثير قال: «ولا يكاد يصح هذا ويتعسر ثبوته جداً

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[11] طبقات الشافعيين، فصل: ذكر مولده ومنشئه وهمته العلية في حال صغره وصباه
[12] آداب الشافعي ومناقبه، ص18
[13] طبقات الشافعيين، فصل: ذكر مولده ومنشئه وهمته العلية في حال صغره وصباه
[14] توالي التأسيس، ص51-52

نشأته

نشأ الشافعي في أسرة فقيرة كانت تعيش في فلسطين، وكانت مقيمة بالأحياء اليمنية منها، وقد مات أبوه وهو صغير، فانتقلت أمُّه به إلى مكة خشية أن يضيع نسبه الشريف، وقد كان عمرُه سنتين عندما انتقلت به أمه إلى مكة، وذلك ليقيمَ بين ذويه، ويتثقفَ بثقافتهم، ويعيشَ بينهم، ويكونَ منهم[15].

عاش الشافعي في مكة عيشة اليتامى الفقراء، مع أن نسبه كان رفيعاً شريفاً، بل هو أشرف الأنساب عند المسلمين، ولكنه عاش عيشة الفقراء إلى أن استقام عودُه، وقد كان لذلك أثرٌ عظيمٌ في حياته وأخلاقه[16].

لقد حفظ الشافعي القرآن الكريم وهو في السابعة من عمره، مما يدل على ذكائه وقوة حفظه، ثم اتجه إلى حفظ الحديث النبوي، فحفظ موطأ الإمام مالك، قال الشافعي: «حفظت القرآن وأنا ابن سبع سنين، وحفظت الموطأ وأنا ابن عشر سنين[17]

وكان الشافعي يستمع إلى المحدِّثين، فيحفظ الحديث بالسمع، ثم يكتبه على الخزف أو الجلود، وكان يذهب إلى الديوان يستوعب الظهور ليكتب عليها، والظهور هي الأوراق التي كُتب في باطنها وتُرك ظهرها أبيض، وذلك يدل على أنه أحب العلم منذ نعومة أظفاره. قال الشافعي: «لم يكن لي مال، فكنت أطلب العلم في الحداثة، أذهب إلى الديوان أستوهب منهم الظهور وأكتب فيها»، وقال: «طلبت هذا الأمر عن خفة ذات اليد، كنت أجالس الناس وأتحفظ، ثم اشتهيت أن أدون، وكان منزلنا بمكة بقرب شِعب الخَيْف، فكنت آخذ العظام والأكتاف فأكتب فيها، حتى امتلأ في دارنا من ذلك حبان[18]

وروي عنه أيضاً أنه قال: «كنت يتيماً في حجر أمي، ولم يكن معها ما تعطي المعلم، وكان المعلم قد رضي من أمي أن أخلفه إذا قام، فلما ختمت القرآن دخلت المسجد، وكنت أجالس العلماء، فأحفظ الحديث أو المسألة، وكان منزلنا بمكة في شِعب الخَيْف، فكنت أنظر إلى العظم فأكتب فيه الحديث أو المسألة، وكانت لنا جرة عظيمة، إذا امتلأ العظم طرحته في الجرة[19]

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[15] الشافعي، محمد أبو زهرة، ص16-17
[16] الشافعي، محمد أبو زهرة، ص17
[17] منازل الأئمة الأربعة، ص205
[18] آداب الشافعي ومناقبه، ص21
[19] آداب الشافعي ومناقبه، ص20

أخلاقه وصفاته

الذكاء وغزارة العلم

لقد شغل الشافعيُّ الناسَ بعلمه وعقله، شغلهم في بغداد وقد نازل أهل الرأي، وشغلهم في مكة وقد ابتدأ يَخرج عليهم بفقه جديد يتجه إلى الكليات بدل الجزئيات، والأصول بدل الفروع، وشغلهم في بغداد وقد أخذ يدرس خلافات الفقهاء وخلافات بعض الصحابة على أصوله التي اهتدى إليها[20]

قد أوتي الشافعي علم اللغة العربية، وأوتي علم الكتاب، فَفَقِهَ معانيه، وطبَّ أسراره ومراميه، وقد ألقى شيئاً من ذلك في دروسه، قال بعض تلاميذه: «كان الشافعي إذا أخذ في التفسير كأنه شاهد التنزيل»، وأوتي علم الحديث، فحفظ موطأ مالك، وضبط قواعد السُّنَّة، وفهم مراميها والاستشهاد بها، ومعرفة الناسخ والمنسوخ منها، وأوتي فقه الرأي والقياس، ووضع ضوابط القياس والموازين، لمعرفة صحيحه وسقيمه، وكان يدعو إلى طلب العلوم، فقد كان يقول: «من تعلم القرآن عظمت قيمته، ومن كتب الحديث قويت حجته، ومن نظر في الفقه نبل قدره، ومن نظر في اللغة رق طبعه، ومن نظر في الحساب جزل رأيه، ومن لم يصن نفسه لم ينفعه علمه[21]

وكان مجلسه للعلم جامعاً للنظر في عدد من العلوم، قال الربيع بن سليمان: كان الشافعي رحمَه الله يجلس في حلقته إذا صلى الصبح، فيجيئه أهل القرآن، فإذا طلعت الشمس قاموا وجاء أهل الحديث، فيسألونه تفسيره ومعانيه، فإذا ارتفعت الشمس قاموا فاستوت الحلقة للمذاكرة والنظر، فإذا ارتفع الضحى تفرقوا وجاء أهل العربية والعروض والنحو والشعر، فلا يزالون إلى قرب انتصاف النهار[22]

ومما روي عن ذكائه أنه كان ذاتَ مرةٍ جالساً مع الحميدي ومحمد بن حسن يتفرسون الناس، فمر رجل فقال محمد بن الحسن: «يا أبا عبد الله انظر في هذا»، فنظر إليه وأطال،

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[20] الشافعي، محمد أبو زهرة، ص33
[21] منازل الأئمة الأربعة، ص215
[22] منازل الأئمة الأربعة، ص215

فقال ابن الحسن: «أعياك أمره؟»، قال: «أعياني أمره، لا أدري خياط أو نجار»، قال الحميدي: فقمت إليه فقلت له: «ما صناعة الرجل؟»، قال: «كنت نجاراً وأنا اليوم خياط»[23]

شيوخه

تلقى الشافعي الفقه والحديث على شيوخ قد تباعدت أماكنهم، وتخالفت مناهجهم، حتى لقد كان بعضهم معتزلياً ممن كانوا يشتغلون بعلم الكلام الذي كان الشافعي ينهى عنه، ولقد نال منهم ما رآه خيراً، فأخذ ما يراه واجبَ الأخذ، وترك ما يراه واجبَ الرد. لقد أخذ الشافعي عن شيوخ بمكة وشيوخ بالمدينة وشيوخ باليمن وشيوخ بالعراق، ومشايخُه الذين روى عنهم كثيرون، أما المشهورون منهم والذين كانوا من أهل الفقه والفتوى فهم عشرون، خمسة مكية، وستة مدنية، وأربعة يمانية، وخمسة عراقية[24].

أما الذين من أهل مكة فهم:

سفيان بن عيينة بن أبي عمران الهلالي.

مسلم بن خالد بن فروة الزنجي.

سعيد بن سالم القداح.

داود بن عبد الرحمن العطار.

عبد المجيد بن عبد العزيز بن أبي رواد

وأما الذين من أهل المدينة فهم:

مالك بن أنس بن مالك الأصبحي المدني.

إبراهيم بن سعد بن إبراهيم الزهري.

عبد العزيز بن محمد بن عبيد بن أبي عبيد الدراوردي.

إبراهيم بن محمد بن أبي يحيى الأسلمي.

محمد بن أبي سعيد بن أبي فُدَيْك.

عبد الله بن نافع الصائغ.

وأما الذين من أهل اليمن فهم:

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[23] منازل الأئمة الأربعة، ص212

[24] الشافعي، محمد أبو زهرة، ص41

.مُطَرَّف بن مازن الصنعاني

.هشام بن يوسف الصنعاني قاضي صنعاء

.عمرو بن أبي سلمة التنيسي، وهو صاحب الأوزاعي

.يحيى بن حسان بن حيان التنيسي البكري، وهو صاحب الليث بن سعد

وأما الذين من أهل العراق فهم:

.محمد بن الحسن بن فرقد الشيباني الحنفي

.وكيع بن الجراح بن مليح الرؤاسي الكوفي

.حماد بن أسامة بن زيد، أبو أسامة الكوفي

.إسماعيل بن إبراهيم بن مقسم البصري

عبد الوهّاب بن عبد المجيد بن الصلت الثقفي البصري

ومن هذا السياق يُستفاد أن الشافعي قد تلقى العلم على عدد من الشيوخ أصحابِ المذاهب والنزعات المختلفة، وبذلك يكون قد تلقى فقهَ أكثرِ المذاهب التي قامت في عصره، فتلقى فقه الإمام مالك عليه، وكان هو الأستاذ في شيوخه، وتلقى فقه الأوزاعي عن صاحبه عمرو بن أبي سلمة، وتلقى فقه الليث بن سعد فقيه مصر عن صاحبه يحيى بن حسان، ثم تلقى فقه أبي حنيفة وأصحابه على محمد بن الحسن الشيباني. وهكذا اجتمع له فقه مكة والمدينة والشام ومصر والعراق، ولم يجد حرجاً في أن يطلب الفقه عند من اشتهر بالاعتزال وعُرف أنه لا يَسلُكُ في طلب أصول الاعتقاد مسلك أهل الحديث والفقه [25]، وإن رحلاتِه العلميةَ جعلته لا يقتصر في دراسته على فقهاء أهل السنة والجماعة الذين دخلوا في طاعة الخلفاء، بل كان يدرس آراء الشيعة وغيرِهم، ويظهر أثر ذلك في ثنائه على بعض علمائهم، فقد روي عنه أنه قال: «من أراد الفقه فهو عيال على أبي حنيفة، ومن أراد السِّيَرَ فهو عيال على محمد بن إسحاق، ومن أراد الحديث فهو عيال على مالك، ومن أراد التفسير فهو عيال على مقاتل بن سليمان»، ومقاتل بن سليمان هذا الذي جعله الشافعي إمام التفسير شيعي زيدي [26].

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[25] الشافعي، محمد أبو زهرة، ص42
[26] الشافعي، محمد أبو زهرة، ص48

مصنفاته

للشافعي الكثير من المصنفات في أصول الفقه وفروعه، أما الكتب التي تجمع أصول الفقه وتدل على الفروع فهي[27]

كتاب الرسالة القديمة (كتبه في بغداد)

كتاب الرسالة الجديدة (كتبه في مصر)

كتاب اختلاف الحديث

كتاب جمَّاع العلم

كتاب إبطال الاستحسان

كتاب أحكام القرآن

كتاب بيان فرض الله عز وجل

كتاب صفة الأمر والنهي

كتاب اختلاف مالك والشافعي

كتاب اختلاف العراقيين

كتاب الرد على محمد بن الحسن

كتاب علي وعبد الله

كتاب فضائل قريش

وهناك كتب مصنفة في الفروع، وقد جمعت كلها في كتاب واحد اسمه كتاب الأم. وله كتاب في الطهارة، وكتاب في الصلاة، وكتاب في الزكاة، وكتاب في الحج، وكتاب في النكاح وما في معناه، وكتاب في الطلاق وما في معناه، وفي الإيلاء والظهار واللعان والنفقات، أملاها على أصحابه، ورواها عنه الربيع بن سليمان المرادي[28]

وفاته

ومات الشافعي، في آخر ليلة من رجب سنة 204 هـ، وقد بلغ من العمر أربعة وخمسين عاماً، قال محمد بن عبد الله بن عبد الحكم المصري: «وُلد الشافعي سنة خمسين ومائة، ومات في آخر يوم من رجب، سنة أربع ومائتين، عاش أربعاً وخمسين سنة»، وقال الربيع بن

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[27] مناقب الشافعي، ج1 ص246-247

[28] مناقب الشافعي، ج1 ص247-254

سليمان: «توفي الشافعي ليلة الجمعة، بعد العشاء الآخرة بعدما صلى المغرب آخر يوم من رجب، ودفناه يوم الجمعة، فانصرفنا، فرأينا هلال شعبان، سنة أربع ومائتين[29]

فصل الثاني

مبحث الأول: بيان احكام الإرث عند إمام الشافعي

احكام الإرث عند الشافعي
انواع الإرث باعتبار توزيعه عند الشافعي

ذو الفرائض

الفروض التي ذكرت في القرآن الكريم هي ستة فروض فقط وهي كالتي: النصف, الربع, الثمن, الثلثان, الثلث, السدس.

النصف

فرض خمسة من الورثة:

آداب الشافعي ومناقبه، ص56[29]

1. الزوج

2. البنت

3. بنت الإبن

4. الأخت الشقيقة

5. الأخت الأب

الربوع

الربوع فرض اثنين من الورثة وهما:

اولاً: الزوج

ثانياً: الزوجة

1.فالزوج يأخذ الربع إذا كان للزوجة ولد أو ولد إبن و إن نز، سواء كان الولد منها أو من غيره لقوله تعالى {فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلَكُمُ الرُّبُعُ مِمَّا تَرَكْنَ}

2. الزوجة تأخذ الربع إذا لم يكن للزوج الولد أو ولد إبن و إن نزل، سواء كان الولد منها أو من غيرها {وَلَهُنَّ الرُّبُعُ مِمَّا تَرَكْتُمْ اِنْ لَّمْ يَكُنْ لَّكُمْ وَلَدٌ}

من هم المسحقون للثمن

الثمن فرض صنف واحد من الورثة الزوجة (أو الزوجات)

فازوجة واحدة أو أكثر ترث الثمن، إذا كانت للميت ولد أو ولد إبن، سواء كان الولد منها أو من غيرها، لقوله تعالى {فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ مِّنْ بَعْدِ وَصِيَّةٍ تُوصُوْنَ بِهَآ أَوْ دَيْنٍ}

من هم المسحقون للثلثين

الثلثان فرض أربعة من الورثة، وهم جميعاً من الإناث على الشكل الآتي:

1. البنتان الصلبيّتان فأكثر

2.بنتان الإبن أو بنتان الإبن فأكثر

3.الأختان الشقيقة فأكثر

من هم المسحقون للثلث

الثلث فرض اثنين من الورثة فقط وهما:

1.الأم بالشروط

2.الإخوة والأخوات لأم (اثنين فاكثر)

<u>المستحقون للسدس</u>

المستحقون السدس من الورثة هم سبعة أفراد :

1.الأب

2.الجد الصحيح

3.الأم

4.بنت الإبن

5.الأخت الأب

6.الجدة

7.ولد الأم أي (الأخ أو الأخت لأم)

<u>العصابات</u>

العصابات وأنواعه

<u>تعريف العصبة</u>

اللغة: قرابة الرجل لأبيه, سموا بالعصبة لأنهم عصبوا به أي أحاطو به. وأصل الكلمة مأخوذ من قولهم: عصب القول بالرجل

واصطلاحاً: هو كل وارث ليس له سهم مقدر صريح في الكتاب والسنة, وذلك مثل الإبن, وإبن الإبن, والأخ شقيق, والأخ الأب, والعم الشقيق. وقرابة هؤلاء وأمثالهم قوية, لأنهم يدلون بواسطة الأب دون الأم, لأن الإدلاء بها يضعف القرابة (كالأخ من الأم) فقد أدلى برحم أنثى وفي الغالب يكون الأقارب, الذين يدلون بواسطة الأم من قبيلة الأخرى [30]

<u>الديل على توريث العصبة</u>

الدليل على توريث العصابات مستمد من الكتاب و السنة.

أما الكتاب فقوله تعلى {وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ اِنْ كَانَ لَهُ وَلَدٌ ۚ فَاِنْ لَّمْ يَكُنْ لَّهُ وَلَدٌ وَّوَرِثَهُ اَبَوٰهُ فَلِاُمِّهِ الثُّلُثُ}[31]

فقد نصت الآية الكريمة على نصيب كل من الأبوين عند الوجود أولاد للميت و هو السدس, و أما إذا لم يكن للميت الأولاد فإن المال يكن للوالدين. و قد ذكرت الآية الكريمة نصيب الأم وهو (الثلث) و لم تذكر نصيب الأب. ففهمنا أن الباقي (الثلثان) هو نصيب الأب فيكون إرثه بالتعصيب

وأما الدليل من السنة فقوله: ((ألحِقوا الفَرا ئِضَ بِأهلها, فَماَ بَقِياَ فلِاِولَى رَجُلٍ ذَكَرٍ)) رواه البخاري

و معنى الحديث الشريف: اي اعطوا كل ذي فرض فرضه, وما بقي بعد ذلك من الميراث فادفعوه لإقرب العصبة من الذكور

أقسام العصبة

تقسيم العصبة إلى قسمين: عصبة نسبية, و عصبة سببية. فانسبية هي التي تكون بسبب النسب, و أما السببية فهي التي تكون بسبب (العتق) فإن سيد (المعتق) يرث عتيقة (عبد المملوك) الذي أعتقه إذا لم يكن له وارث من النسب, فعند ذلك يرثه السيد المعتق جزاء إحسان و معروفه[32]

أنواع العصبة النسبية

والعصبة النسبية هي الأصل في الإرث, تنقسم إلى ثلاثة أقسام:

أولاً: عصبة بالنفس

ثانياً: عصبة بالغير

ثالثاً: عصبة مع الغير

و إذا أطلق كلمة (العصبة) بدون قيد, فإنه لاأ يراد منها إلا القسم الأول أي (العصبة بالنفس), وإذا أريد الثاني أو الثالث فإنه يذكر مقيدًا

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[31] سزرة النساء الاية 176

[32] الشيخ محمد علي الصبوني, الموارث في الشريعة الإسلامية في ضوء الكتاب و السنة ص61

ذوي الأرحام

تعريف

ذوو الأرحام بالمعنى اللغوي: ذوو القرابة، بمعنى: كل ذي قرابة مطلقا. قال ابن الأثير: ذوو الرحم هم الأقارب، ويقع على كل من يجمع بينك وبينه نسب. والأرحام جمع رحم، مشتق من الرحمة بمعنى: الرقة والتعطف، والرحم بمعنى: رحم الأنثى، وكلمة: رحم مؤنثة، قال ابن بري: شاهد تأنيث الرحم قولهم: "رحم معقومة" أي: لا تلد. قال ابن سيده: الرحم والرحم بيت منبت الولد ووعاؤه في البطن. قال ابن منظور: "والجمع أرحام، لا يكسر على غير ذلك". والرحم في اللغة أيضا بمعنى: أسباب القرابة، وأصلها الرحم التي هي منبت الولد، وهي الرحم. قال الجوهري: الرحم القرابة، والرحم بالكسر مثله قال الأعشى

وذو الرحم بالمعنى الاصطلاحي هو: "كل قريب ليس بذي سهم ولا عصبة". قال في كنز الدقائق «وذو الرحم، وهو قريب ليس بذي سهم ولا عصبة.» فذو القرابة إما أن يكون من أصحاب الفروض، أو من العصبات، وإما أن يكون من غير هذين النوعين وهو: ذوو الرحم، فهو نوع ثالث من أنواع القرابة، والقول بتوريثه إنما يكون عند عدم وجود النوعين السابقين[33]. قال النووي: «كل قريب ليس بذي فرض ولا عصبة، وهم: أبو الأم وكل جد وجدة ساقطين، وأولاد البنات، وبنات الإخوة، وأولاد الأخوات، وبنو الإخوة لأم، والعم لأم، وبنات الأعمام، والعمات، والأخوال، والخالات[34].» وعدهم بعض العلماء عشرة، ومنهم من يفصل الجد عن الجدة، ومنهم من يزيد على ذلك، والمقصود لا يختلف. قال النووي: «وهؤلاء لا يرثون بالرحم شيئا على الصحيح». قال ابن قدامة المقدسي: «وهم الأقارب الذين لا فرض لهم ولا تعصيب، وهم أحد عشر حيزا: ولد البنات، وولد الأخوات، وبنات الإخوة، وولد الإخوة من الأم، والعمات من جميع الجهات، والعم من الأم، والأخوال،

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[33] زين الدين إبراهيم ابن نجيم. كتاب: البحر الرائق شرح كنز الدقائق، الجزء الثامن، كتاب الفرائض، باب ميراث ذوي الأرحام (الطبعة رقم الطبعة: ط.2. د.ت). دار الكتاب الإسلامي. صفحة 578

[34] روضة الطالبين وعمدة المفتين للنووي، الجزء السادس، كتاب الفرائض، الباب الأول في بيان أسباب التوريث والورثة وقدر استحقاقهم، فصل في ذوي الأرحام، ص: (6)، (7)، (8). موقع المكتبة الإسلامية. مؤرشف من الأصل في 14 ديسمبر 2019. اطلع عليه بتاريخ 3/ رجب/ 1437 هـ

والخالات، وبنات الأعمام، والجد أبو الأم، وكل جدة أدلت بأب بين أمين، أو بأب أعلى من الجد. فهؤلاء ومن أدلى بهم يسمون ذوي الأرحام».[35]

أصناف ذوي الأرحام

الصنف الأول: فرع الميت المدلي إليه بواسطة الأنثى، وهم نوعان:

النوع الأول: أولاد البنات، وإن نزلوا، ذكورا كانوا أو إناثا، والأولاد جمع ولد، والمقصود به ما يشمل الأبناء والبنات.

والنوع الثاني: أولاد بنات الابن وإن نزلوا، ذكورا

الصنف الثاني: أصل الميت المدلي بأنثى، وهو نوعان:

النوع الأول: الأجداد الرحميون، وهم: كل جد غير صحيح وإن علا، مثل أب الأم، أوأب أب الأم. *والنوع الثاني*: الجدات الرحميات، وهن كل جدة غير صحيحة وإن علت، مثل أم أب الأم، وأم أب أم الأم.

الصنف الثالث: فرع أبوي الميت، وهو ثلاثة أنواع:

النوع الأول: أولاد الأخوات مطلقا، وإن نزلوا. والمقصود بالأولاد: الأبناء والبنات، مطلقا أي: من جهة الأبوين أو أحدهما، فيشمل: أبناء الأخوات لأبوين، أو لأب أو لأم، وبنات الأخوات لأبوين أو لأب أو لأم. مثل: ابن الأخت، وبنت الأخت، وابن بنت الأخت، وبنت ابن الأخت وإن نزلوا.

النوع الثاني: بنات الإخوة مطلقا، وإن نزلوا، أي: بنات الأخ الشقيق، وبنات الأخ لأب، وأيضا: أبناء بنات الأخ الشقيق، أو لأب وإن نزلوا.

النوع الثالث: أولاد الإخوة لأم وإن نزلوا، أي: أبناء الأخ لأم، وبنات الأخ لأم، وأيضا: بنات ابن الأخ لأم، وأبناء بنات الأخ لأم وإن نزلوا.

الصنف الرابع: فروع أحد أجداد الميت أو جداته، ويشمل: الأعمام لأم، والعمات مطلقا، والأخوال والخالات مطلقا، وأولاد من سبق وإن نزلوا، وبنات أعمام الميت، وبنات أبناء الأعمام وإن نزلوا، وأعمام أب الميت لأم، وأعمامه، وأخواله، وخالاته جميعا، وهؤلاء من جهة الأب. وأعمام أم الميت وعماتها وأخوالها وخالاتها جميعا، وهؤلاء من جهة الأم، وأولاد

[35] ابن قدامة المقدسي (1405 1985 م). المغني لابن قدامة كتاب الفرائض، باب ذوي الأرحام، الجزء السادس، (الطبعة الأولى). صفحة (205)، (206). مؤرشف من الأصل في 14 ديسمبر 2019. اطلع عليه بتاريخ 3/ رجب/ 1437 هـ.

من ذكروا في السابق وإن نزلوا.، وأعمام أب الميت لأم وعماته، وأخواله وخالاته، وأعمام أم أب الميت وعماتها وأخوالها وخالاتها، أولاد هؤلاء وإن نزلوا. وذكر في كتاب الدر المختار

الأدلة

واستدل القائلون بتوريث ذوي الأرحام بقول الله تعالى: "وأولو الأرحام بعضهم أولى ببعض في كتاب الله". وأولوية الاستحقاق بالوصف العام، وأولوية الاستحقاق بالوصف الخاص هم: ذوو الفروض والعصبات، فيقدم ذوو الاستحقاق بالوصف الخاص، فإن لم يوجدوا؛ انتقلت الأولوية لذوي الاستحقاق بالوصف العام، وثبوت ذلك لا يعارض نصوص الشرع. ففي حق من ينعدم فيه الوصف الخاص يثبت الاستحقاق بالوصف العام فلا يكون ذلك زيادة على كتاب الله وفي الحديث: "قال النبي صلى الله عليه وسلم: "الله ورسوله مولى من لا مولى له، والخال وارث من لا وارث له". وفي رواية: "الخال وارث من لا وارث له يرثه ويعقل عنه" ولما مات ثابت بن الدحداح رضي الله عنه قال رسول الله صلى الله عليه وسلم لقيس بن عاصم المنقري: هل تعرفون له فيكم شيئا؟ فقال: إنه كان فينا ميتا فلا نعرف له فينا إلا ابن أخت، فجعل رسول الله صلى الله عليه وسلم ميراثه لابن أخته أي: لخاله ابن عبد الله المنذر. وفسروا ما ورد من الأحاديث الدالة على عدم توريث العمة والخال بأنه محمول على ما إذا وجد صاحب فرض أو عصبة[36] «عن سهل بن حنيف أن رجلا رمى رجلا بسهم فقتله، ولم يترك إلا خالا، فكتب فيه أبو عبيدة إلى عمر، فكتب إليه عمر: إني سمعت رسول الله صلى الله عليه وسلم يقول: الخال وارث من لا وارث له.» رواه الإمام أحمد بسنده، قال الترمذي: هذا حديث حسن[37] روى المقداد: «عن النبي صلى الله عليه وسلم أنه قال: الخال وارث من لا وارث له، يعقل عنه، ويرثه.» أخرجه أبو داود. وفي لفظ: «مولى من لا مولى له، يعقل عنه، ويفك عانيه»

ميراث الجد مع الإخوة و الأخوات

[36] قالب:سنة=1409 1989 م
[37] ابن قدامة المقدسي (1405 1985 م). المغني لابن قدامة كتاب الفرائض، باب ذوي الأرحام، الجزء السادس، (الطبعة الأولى). صفحة (205)، (206). مؤرشف من الأصل في 14 ديسمبر 2019. اطلع عليه بتاريخ 3/ رجب/ 1437 هـ

<u>الجد الصحيح</u>

الجد الصحيح, و هو الجد الذي ليس في نسبته إلى الميت انثى, مثل (أب الأب) و إن علا, فإن دخل في نسبته إلى الميت الأنثى فهو الجد الفاسد. مثاله: (أب الأم) فإنه جد الفاسد, لأنه من ذوي الأرحام, و كذلك(أب أم الأب) فإنه جاد فاسد.

و حجتهم في ذلك: أن الجد و الإخوة في درجة واحدة من حيث الإدلاء إلى الميت, فالجد يدلي بواسطة الأب, و الإخوة كذلك يدلون بالأب, الجد الأصل الأب, و الإخوة فرع الأب. وقد استوت الدرجة بانسبة الفريقين فلا معنى لأن نورث أحد الجهتين دون آخر, لأنه يكون تقديماً بدون مبرر, كما إذا أعطينا بعض الإخوة الأشقاء و حرمنا بعضهم, مع أنهم جميعاً إخوته, ويدلون بدرجة قرابة واحدة.

إن حاجة الإخوة إلى المال أظهر من حاجة الجد إليه, لأن الجد في الغالب يكون في مرحلة الهرم والشيخوخةز بخلاف الإخوةز فإذا ورث الجد الجميع المال ثم مات انتقل الميراث إلى أولاده وهم أعمام الإخوة و عماتهم, عليه يصبح الأعمام الوارثين. و الإخوة و الأخوات لا ينالهم من أخيهم شيء, إلا البكاء و التفجع, البكاء على الأخيه المتوفى, و التفجع على المال المفقود.[38]

<u>مراجع</u>

معاملات إسلامية نسخة محفوظة 7 سبتمبر 2017 على موقع واي باك مشين

الشيخ محمد علي الصبوني, الموارث في الشريعة الإسلامية في ضوء الكتاب و السنة

زين الدين إبراهيم ابن نجيم. كتاب: البحر الرائق شرح كنز الدقائق، الجزء الثامن، كتاب الفرائض، باب ميراث ذوي الأرحام (الطبعة رقم الطبعة: ط.2. د.ت). دار الكتاب الإسلامي..

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الشيخ محمد علي الصبوني, الموارث في الشريعة الإسلامية في ضوء الكتاب و 89 السنة ص

Marriage In Islam

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Abstract
Islam is prescribed only to provide benefit to all human beings and to prevent them from harm. One of Allah's indications in Islamic law is that he is commanded to marry and that adultery is forbidden. The marriage order is one of the implementations of the five maqashid sharia, namely hifzhul nasl (keeping offspring). However, for those who want to get married, in order to maintain its validity, they should understand the religious and state guidelines in order to arrive at the essence of marriage.

A. INTRODUCTION

Islam views that marriage is something noble and sacred, meaning worship to Allah, following the Sunnah of the Prophet and carried out on the basis of sincerity, responsibility, and following legal provisions that must be heeded. In Law Number 1 of 1974 concerning Marriage, Chapter I Article 1, marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Godhead.

The purpose of marriage, as stated by Allah s.w.t. In Surah Ar-Rum verse 21 "And among the signs of His power is that He created for you a life partner of your own kind, so that you tend to and feel at ease with him and He made between you affection (mawaddah warahmah). Verily in that are signs of His greatness for those who think." Mawaddah warahmah is a gift from God that is given to humans, when humans marry.

Marriage is a sunnah of the Prophet Muhammad. Sunnah in the sense of imitating the behavior of the Prophet Muhammad. Marriage is signaled so that humans have legitimate offspring and families towards a happy life in this world and the hereafter, under the auspices of the love and pleasure of Allah SWT, and this has been hinted at from time immemorial, and has been explained a lot in the Qur'an:

And marry those who are alone among you, and those who are worthy (to marry) from your male slaves and your female slaves. if they are poor Allah will enable them with His gifts. and Allah is Extensive (His gift) and All-Knowing. (Surat al-Nur/24: 32)

B. DISCUSSION

1. Understanding and Legal Basis of Marriage

The term marriage comes from Arabic, namely (الالكذح), some say marriage according to the term fiqh used the words marriage and the words zawaj2. Meanwhile, according to Indonesian terms, it is marriage. Today it is often distinguished between marriage and marriage, but in principle marriage and marriage differ only in drawing the root of the word.3 Marriage is; An expression of a very clear contract and summarized the pillars and conditions. The fiqh scholars who follow the four schools of thought (Shafi'i, Hanafi, Maliki, and Hanbali) generally define marriage as:

A contract that carries the permissibility (for a man to have sex with a woman) with (beginning in the contract) lafazh marriage or marriage, or a meaning similar to the two words.

In the compilation of Islamic law it is explained that marriage is marriage, which is a strong contract or mitsaqan ghalizhan to obey Allah's commands and carry it out is worship. From some of the terminology that has been put forward, it is clear that marriage is a divine nature. This is described in God's Word:

And among the signs of His power is that He has created for you wives of your own kind, so that you may tend to and find peace in them, and He has created between you love and compassion. Verily in that are signs for a people who think. (Surah Ar-Rum verse 21)

2. Pillars of Marriage a. Guardian

Based on the words of the Prophet sallallaahu 'alaihi wasallam:
"Any woman who marries without her guardian's permission, her marriage is void... void... void." (Narrated by Abu Dawud, At-Tirmidhi and Ibn Majah)

b. Witness

The Prophet sallallahu `alayhi wasallam said:
"There is no marriage except with a guardian and two fair witnesses." (HR Al-Baihaqi and Ad-Daaruquthni. Ash-Syaukani in Nailul Athaar said: "Hadith is strengthened by other hadiths.")

c. Marriage contract

The marriage contract is an agreement that takes place between two parties who get married in the form of consent and qabul. Ijab is submission from the first party, while qabul is acceptance from the second party. Ijab from the guardian of the woman with her words, for example: "I marry my son named A to you with a dowry of a book of Riyadhus Shalihin."

Qabul is acceptance from the husband with his words, for example: "I accept the marriage of your son named A with a dowry of a book of Riyadhus Shalihin."

In the marriage contract there are several conditions and obligations that must be met:
1) The existence of likes and dislikes of the two prospective brides.
2) The existence of Ijab Qabul.
3) There is a dowry.
4) There is a guardian.
5) The presence of witnesses.

For the occurrence of an aqad that has legal consequences for husband and wife, the following conditions must be met:
a) Both parties are already tamyiz. b) The consent qobul is in one majlis, namely when pronouncing the qobul consent cannot be interspersed with other words, or according to custom it is considered that there is an interlude that hinders the qobul consent event.

In the ijab qobul, words that are understood by each party who performs the marriage contract must be used to express the will that arises from both parties to marry, and may not use words that harsh words. And according to the sunnah, before the marriage contract, a sermon is held first, which is called the Nikah Khutbatun or Khutbatul Hajat.

Sheikh Abu Bakr Jabir Al-Jazaairi said in his book Minhaajul Muslim. "The words during the marriage contract are like: The groom: "Marry me to your daughter named Fulaanah." Guardian woman: "I marry you to my daughter named Fulaanah." Groom: "I accept your daughter's marriage."

d. Dowry (Dowry)
The dowry is a sign of the sincerity of a man to marry a woman. The dowry is also a gift from a man to the woman he marries, which in turn will become the full property of the wife. We are free to determine the form and amount of dowry we want because there is no dowry limit in Islamic law, but what is sunnah is that the dowry is adjusted to the ability of the prospective husband. However, Islam recommends reducing the dowry. Rasulullah saw. said: "The best dowry is the easiest (lightest) dowry." (H.R. Al-Hakim: 2692)

3. Sermon
A man who has made up his mind to marry a woman, should propose to her to his guardian. If a man knows that the woman he wants to propose has already been proposed to by another man and the proposal is accepted, then it is forbidden for him to propose to the woman. Because the Prophet sallallaahu 'alaihi wa sallam once said:

"It is not permissible for a person to propose to a woman who has been asked by his brother until his brother marries the woman or leaves her (cancel his proposal)." (Narrated by Al-Bukhari no. 5144)

Among the things that the guardian needs to pay attention to when the woman's guardian is visited by a man who wants to propose to the woman or he wants to marry a woman under his guardianship, he should pay attention to the following matters:

a. Choose a pious and pious husband. If such a man comes to him and the woman under his guardianship also agrees, then he should marry her because the Messenger of Allah (sallallahu 'alayhi wa sallam) said:
"When there comes to you (the guardians) someone whom you are pleased with in religion and morals (to propose to your woman) then you should marry that person to your woman. If you don't do this, there will be fitnah on the earth and great destruction."
(Narrated by At-Tirmidhi no. 1084, quoted by Al-Imam Al-Albani rahimahullahu in
Al-Irwa` no. 1868, Ash-Shahihah no. 1022)

b. Asking for the opinion of his daughter/woman who is under his guardianship and should not force him. A girl's approval is silence because she is usually shy.

4. Marriage Law

As for the law of marriage, in marriage there are five taklifi laws, namely:
a. It is obligatory for people who are able to get married, while their lust has urged them to have intercourse which they fear will fall into the practice of adultery.
b. It is forbidden for a person who is unable to fulfill the needs of physical and spiritual support for his future wife, while his lust is not urgent.
c. Sunnah for the person whose lust has urged and has the ability to marry, but he can still refrain from doing haram.
d. Makruh for people who are weak in spirit and cannot afford to buy their future wife.
e. It is permissible for people not to be pressured by reasons that require immediate marriage or reasons that prohibit marriage.

5. Marriage Recommendation

Islam has recommended to humans to get married. And there is a lot of wisdom behind this suggestion. Such as :
First, the Sunnah of the Prophets and Messengers

And verily We sent messengers before you and We gave them wives and offspring. And there is no right for an Apostle to bring forth a verse except with Allah's permission. For every age there is a Book. (Surat Ar-Ra'd: 38).

And the hadith of the Prophet:

From Abi Ayyub ra that the Messenger of Allah said, "Four things are the sunnah of the apostles: [1] Hinna ', [2] perfumed, [3] siwak and [4] marriage. (HR. At-Tirmizi 1080)

Second, marriage is part of the sign of God's power
And among the signs of His power is that He has created for you wives of your own kind, so that you may tend to and find peace in them, and He has created between you love and compassion. Verily in that there are indeed signs for a people who think. (Surah Al-Ruum/29: 21)
Third, one way to get rich

And marry those who are alone among you, and those who are worthy of your male slaves and your female slaves. If they are poor Allah will enable them with His grace. And Allah is All-Wise, All-Knowing. (Surah Al-Nur/24: 32)
Fourth, marriage is worship and half of religion
From Anas ra that the Messenger of Allah said, "The person who is given sustenance by Allah SWT a shalihah wife means that Allah SWT has helped half of his religion. So he just needs to complete the remaining half. (HR. Thabarani and Al-Hakim 2/161).

Fifth, there is no celibacy in Islam
Islam is of the opinion that there is no relinquishment of control over the sexual gharizah to be released indefinitely and without ties. For this reason, adultery is forbidden and all that lead to adultery. But behind that Islam also opposes any feelings that contradict this gharizah. For this reason, it is recommended to marry and forbid celibacy and castration. It is not lawful for a Muslim to oppose marriage with the assumption that celibacy is for the sake of worshiping Allah, even though he is able to marry; or with the reason that he can one hundred percent devote his life to worship and cut off his relationship with the world.

Abu Qilabah said "Some of the companions of the Prophet intended to abstain from the world and leave women (not married and not having sex with them) and will live celibate. So the Messenger of Allah said, in an angry tone and then he said: 'Indeed, those before you were destroyed because of outrageous, they tighten themselves against themselves, therefore Allah tightens also, they will live in churches and temples. Worship Allah and do not associate partners with Him, make the pilgrimage, perform Umrah and act uprightly, and Allah will set the record straight for you. .

Then the verse came down:
Hi ye who believe! Do not forbid the good of what Allah has made lawful for you and do not cross the line, because Allah does not like those who cross the line. (Surah Al Maidah/5:87)

Sixth, marriage is a characteristic of living things

In addition, philosophically, marriage or in pairs is a characteristic of living creatures. Allah SWT has confirmed that His creatures were created in pairs with each other.

And We created everything in pairs so that you may remember the greatness of Allah (Surah Az-Zariyat: 49)

6. Purpose of Marriage
People who get married should not only aim to fulfill their lust, as is the goal of most people today. But he should marry for the following purposes: First, carry out the advice of the Prophet sallallaahu 'alaihi wa sallam in his saying:

"Hi young men! Whoever among you is able to get married, he should marry..."
Second, multiply the descendants of this ummah, because the Prophet sallallaahu 'alaihi wa sallam said:

"Marry you women who are merciful and fertile, because (on the Day of Resurrection) I will boast of your large number in front of other peoples."

Third, guarding his privates and his wife's genitals, lowering his gaze and his wife's gaze from what is haram. Because Allah Subhanahu wa Ta'ala commands:

"Say (Hi Muhammad) to the believing men: 'Let them hold back part of their gaze and guard their private parts, that is purer for them. Verily Allah knows best what they do.' And say to the women

those who believe: 'Let them hold back part of their gaze and guard their private parts...'." (An- Nur: 30-31)

7. Marriage Cancellation
RI Law on Marriage No. 1 of 1974 was promulgated on January 2, 1974 and was enforced simultaneously with the issuance of implementing regulations, namely Government Regulation no. 9 of 1975 concerning the Implementation of Law no. 1 of 1974 concerning Marriage.

According to the Marriage Law, marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Godhead (Article 1 of the Marriage Law).
Regarding the validity of marriages and registration of marriages, it is contained in Article 2 of the Marriage Law, which reads:

(1) Marriage is legal if it is carried out according to the law of each religion and belief; (2) Each marriage is recorded according to the prevailing laws and regulations.

This continues to happen because marriages according to their religion and beliefs are considered valid, many married couples do not register their marriages. The most common reasons are high costs and complicated procedures. Another reason is deliberately to eliminate traces and be free from lawsuits and administrative penalties from superiors, especially for second marriages and so on (for civil servants and ABRI). This unregistered marriage is known as underhand marriage or sirri marriage.

Broadly speaking, marriages that are not registered in the Indonesian state are tantamount to allowing cohabitation with an unstable legal status, and this is very detrimental to the parties involved (especially women), especially if there are already children born. Those who are born to parents who live together without having their marriage registered, have legal consequences by making the status of the child the same as that of a child born from an out-of-wedlock marriage, so that the child only has a legal relationship with his mother, in the sense of not having a legal relationship with his father. In other words, legally it does not have a father.

Actually, there is no compulsion for the community to register marriages. In a sense, if we do not register a marriage, it does not mean that we have committed a crime. However, it is also clear that this has certain legal impacts or consequences that are especially detrimental to women and children. Then, when one cannot prove the marriage took place with a marriage certificate, you can submit an application for itsbat marriage (stipulation or ratification of marriage) to the religious court.
 C. CLOSING
To maintain the benefits of marriage, the person concerned must pay attention to and obey state and religious regulations, in this case fiqh and statutory

regulations. In registering marriages, there are benefits or benefits, great goodness in people's lives. On the other hand, if the marriage is not clearly regulated through laws and regulations and is not registered, it will be used by the parties to the marriage only for personal interests and to the detriment of other parties.

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مشكلة الوقف في إندونيسيا وحلّها

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مقدمة

في الأساس ، الزيادة في عدد الأشخاص الذين يعيشون تحت خط الفقر ليس بسبب مشكلة الثروة الطبيعية التي لا تتناسب مع السكان ، ولكن بسبب مشكلة توزيع الدخل والوصول الاقتصادي غير العادل بسبب سوء النظام الاجتماعي و ضعف الإحساس بالتضامن بين أفراد المجتمع أو النظام.إدارة وتمكين الأصول الإسلامية غير الشفافة والخاضعة للمساءلة والموجهة جيدًا ، مما يؤدي إلى عدم المساواة الاجتماعية بين الأمم والأمة.

أحد البدائل التي يمكن القيام بها كمحاولة للتخفيف من حدة الفقر هو المشاركة النشطة للأطراف غير الحكومية ، في هذه الحالة المجتمع. إذا كان من الممكن تنسيق وإدارة إمكانات المجتمع (الغني) بشكل صحيح ، فيمكن أن يوفر ذلك مساهمة بديلة للحلول الإيجابية لمشكلة الفقر. البديل الذي يمكن أن يؤخذ هو من خلال تمكين الوقف المنتج. الوقف هي إحدى المؤسسات المالية الإسلامية بالإضافة إلى الزكاة والإنفاق والصداقة الراسخة في إندونيسيا. يؤكد الإسلام كرسالة دينية بقوة على تضامن إخواننا من البشر ، والأخوة ، وتشابه القدر بخلائق الله ، والهدف المشترك في عبادته. أحد مظاهره هو من خلال المؤسسات المالية والاقتصادية بهدف مساعدة إخواننا من البشر وإخوانهم المؤمنين.

ينظر المجتمع الإندونيسي إلى الوقف على أنه يقتصر على العطاء في شكل ممتلكات غير منقولة ، مثل الأراضي والمباني المخصصة لدور العبادة والمقابر والمدارس الداخلية الإسلامية ودور الأيتام والتعليم. لا يزال استخدام أغراض الوقف يدور حول الأشياء المادية ، لذلك ليس لها تأثير اقتصادي كبير على رفاهية المجتمع. لم يتمكن عدد أصول الوقف في المجتمع الإندونيسي من التغلب على مشكلة الفقر.

لتحقيق الرفاهية الاقتصادية للمجتمع من خلال تمكين الوقف المنتج ، يجب بذل جهود إستراتيجية ومبتكرة مختلفة مع الأخذ في الاعتبار أن المشاكل المختلفة لا تزال عقبات. أحدها هو عدم فهم الجمهور لموضوع الوقف وإدارته. عامل آخر هو عامل التفاوت الاقتصادي الذي لا يزال موجودًا على نطاق واسع في المجتمع.

إذا كانت هناك مشكلة فجوة في جانب الرفاهية ، ففي الوقف نفسه لا تزال هناك عدة عقبات في جانب إدارة الأوقاف المنتجة في جانب إدارة الوقف والتي تشمل جمع وإدارة وتوزيع نتائج الوقف ، جانب النظير كمدير ، وجانب الواقف. هذا بالتأكيد له تأثير على مفهوم تمكين الوقف المنتج كمحاولة لتحقيق الرفاه الاقتصادي للمجتمع

أ.أنظمة الوقف في إندونيسيا

في إندونيسيا ، كانت القوانين واللوائح الخاصة بالوقف موجودة قبل فترة طويلة من استقلال إندونيسيا. ومع ذلك ، فإن اللوائح القائمة في ذلك الوقت لم تكن كافية من حيث محتوى اللوائح وأنواع اللوائح. أي أن الترتيبات الحالية في هذه اللوائح لا تزال بسيطة للغاية ولا تغطي العديد من جوانب الوقف نفسه. ثم من ناحية الشرعية ، لم تكن الأنظمة المتعلقة بالوقف في الماضي على مستوى القانون.

بعد أن دارت حقبة الإصلاح ، كان هناك العديد من القوانين واللوائح الجديدة التي تم وضعها. أحدها هو القانون رقم ١٤ لسنة ٤٠٠٢ بشأن الوقف. يعد وجود قانون الوقف هذا علامة فارقة في تاريخ الوقف في إندونيسيا. هذه هي المرة الأولى التي يوجد فيها قانون ينظم مسائل الوقف على وجه التحديد. في السابق ، منذ استقلال إندونيسيا ، انتشرت أنظمة الوقف على العديد من اللوائح الأخرى ، مثل اللوائح في قطاع الأراضي.

تستند قوانين ولوائح الوقف في إندونيسيا إلى الشريعة الإسلامية. وينعكس ذلك في المادة ٢ من القانون رقم ١٤ لسنة ٤٠٠٢ بشأن الوقف والتي تنص على أن "الوقف صحيح إذا تم وفق الشريعة". بعض اللوائح التي تحكم الوقف في إندونيسيا هي كما يلي:
وعلى القانون رقم ١٤ لسنة ٤٠٠٢ بشأن الوقف.
اللائحة الحكومية رقم ٢٤ لسنة ٦٠٠٢ بشأن الوقف ؛

أ.   نظام وزير الأديان رقم ٤ لسنة ٩٠٠٢ بشأن إدارة تسجيل الوقف النقدي ؛

ب.   نظام وزير الدين رقم ٣٧ لسنة ٣١٠٢ بشأن إجراءات وقف الأشياء غير المنقولة والأشياء المنقولة غير النقود

ت.   MUI(مجلس العلماء الإندونيسي) فتوى بشأن الوقف النقدي ؛ إلخ.

من خلال لوائح الوقف الحالية في إندونيسيا ، من المأمول أن يتم تعظيم الفهم العام فيما يتعلق بالوقف والإدارة والإدارة وتطوير الوقف حتى يتمكن من المساهمة في مساعدة اقتصاد المجتمع .في تطبيقه ، لا يزال الوقف غير مطبق بالكامل وفقًا للوائح القائمة في إندونيسيا. كما لوحظ على موقع الويب siwak.kemenag.go.id، لا يزال هناك العديد من أراضي الوقف التي لم يتم تسجيلها. كانت بيانات أرض الوقف التي تم إدخالها وتسجيلها ٨٥.٧٦٪ فقط ، تمثل ٩١٨.٣٤٢ ، أما النسبة المتبقية 41.24٪ أو ما مجموعه 171،148 فكانت وقفاً أرضياً لم يتم تسجيله.

وفقًا لبيانات التوقعات الاقتصادية للشريعة الإندونيسية لعام ٨١٠٢ والتي نُشرت في ديسمبر ٧١٠٢ ، فقد ذكر أن هناك حوالي ٦٣٤ ألف هكتار من أراضي الوقف منتشرة في جميع أنحاء إندونيسيا. كما يوضح تصنيف الوقف أن وقف المساجد / المشعل أو دور العبادة لا يزال يهيمن على حوالي ٥٧٪ ، ثم ٤١٪ للتعليم ، و ٥٪ للجنازات ، و ٦٪ للأغراض الأخرى ، ولا يزال هناك العديد من الأصول الوقفية التي لم يتم تنفيذها بعد. مسجل أو معتمد رسميًا. وهذا يدل على أنه في الواقع لا يزال هناك العديد من أصول الوقف التي لم تتم إدارتها على النحو الأمثل بحيث لا تزال مساهمتها غير محسوسة ككل.

قضية الوقف مشكلة لم تتم مناقشتها بشكل مكثف حتى الآن. وذلك لأن المسلمين كادوا نسوا الأنشطة التي تأتي من مؤسسات الأوقاف. يُعتقد أن مشاكل سوء الإدارة والفساد هي الأسباب الرئيسية ، لذا فإن أنشطة مؤسسات الوقف هذه أقل استحسانًا أو حتى تخلى عنها المسلمون أنفسهم.

ب. الوقف المنتج كمجهود لتحسين الاقتصاد الشعبي

للوقف دور مهم كأداة في تمكين الاقتصاد الشعبي. تاريخيًا ، لعب الوقف دورًا مهمًا في التنمية الاجتماعية والاقافية للمجتمع. أكثر الأشياء التي تبرز من مؤسسات الوقف هي دورها في تمويل التعليم والصحة الإسلامية المختلفة. أصبحت استدامة فوائد نتائج الوقف ممكنة من خلال سن الوقف المنتج الذي تم إنشاؤه لدعم الأنشطة الاجتماعية والدينية المختلفة. الوقف الإنتاجي هو بشكل عام على شكل أراضٍ زراعية أو مزارع أو مبانٍ تجارية تدار بطريقة تجلب الأرباح ، وبعض العائدات تستخدم لتمويل هذه الأنشطة المختلفة. بحيث تصبح ممتلكات الوقف حقًا مصدر تمويل من المجتمع للمجتمع.

يواجه الشعب الإندونيسي حاليًا تحديين رئيسيين في تنفيذ عجلة التنمية. اتساع الفجوة بين الأغنياء والفقراء من جهة ، والميل إلى زيادة اعتماد الفقراء على أصحاب رؤوس الأموال ، واعتماد إندونيسيا على الدول المتقدمة من جهة أخرى. وأضاف آدي ساسونو أن هناك على الأقل أربع مشاكل أساسية لحركة الدعوة الإسلامية. أولاً ، مشكلة الفقر من حيث الاقتصاد والمرافق المحدودة والاحتياجات المادية التي بدورها تولد ثقافة الفقر. ثانياً ، نتيجة لدورة الفقر ، فإنها تشجع على ظهور أعراض التخلف. ثالثًا ، ظهور موقف حصري ومتكيف. وأخيراً ضعف المؤسسات لاستيعاب المشاركة وضعف آليات التعاون لإطلاق نضال منهجي.

الوقف المنتج هو أحد الجهود المبذولة لاستخدام أصول الوقف الأبدية والأبدية والمستدامة حتى عندما يموت المالك ، وإذا كان الأصل لا يزال قيد الاستخدام ، فسيكون ذلك بمثابة مكافأة مستمرة لمالك الأصل. الوقف المنتج كنموذج جديد للوقف الذي تطور مؤخرًا لا يزال يحظى باهتمام مختلف الأطراف ويستمر في الابتكار من خلال شراء البرامج التي تنفذها مختلف الأوقاف.

يعد وجود مجلس الوقف الإندونيسي ومؤسسات الوقف الأخرى المنتشرة في جميع أنحاء إندونيسيا جزءًا من اهتمام الناس بأحوال الناس وإحدى الخطوات الإستراتيجية في توزيع أصول الوقف الحالية . إن الجهد المبذول لتمكين الوقف الإنتاجي هو محاولة لتمكين المجتمع المستهدف من خلال نتائج الوقف الإنتاجي مثل وقف الأرض أو الوقف النقدي أو الوقف النقدي. لا تعتمد هذه الجهود على أصول الوقف نفسها فحسب ، بل تعتمد أيضًا على قدرة وجودة وقف النظير في إدارة أصول الوقف أو إنتاجها أو تطويرها وكذلك على برامج توزيع عائدات الوقف. وفقا لمفهوم التمكين والمشاركة والمؤسسات والجماعات هي جوانب مهمة يجب تنفيذها. هناك عدة طرق يمكن اعتبارها جهدًا لإدارة الوقف بشكل منتج ، من بين أمور أخرى:

I. تحسين النظير الدور

النظير هو أحد أركان الوقف التي تقع على عاتقها مسؤولية وواجب الحفاظ على الوقف وصيانته وتطويره وتوزيع نتائج وفوائد الوقف على هدف الوقف. غالبًا ما تتم إدارة أصول الوقف من قبل نظير الذين لا يمتلكون القدرات الكافية ، بحيث لا تتم إدارة أصول الوقف على النحو الأمثل ولا توفر فوائد لهدف الوقف. وفق الفقه ،

من مقتضيات النظير غير الإسلام والمكلف ، القدرة على إدارة الوقف (المهني) ، والتحلي بالثقة ، والصدق ، والنزاهة.

عندما تتم إدارة أصول الوقف على النحو الأمثل ويكون لدى النظير كمدير للأوقاف قدرات كافية ، فمن الضروري الحصول على دعم سياسي من الحكومة في تمكينها. الإمكانات الكبيرة للوقف كأحد المتغيرات المهمة في تمكين الوقف حتى يعمل بشكل منتج. هذا الوضع سيفتح الفرص لتمكين الوقف المنتج كجهد لتحسين رفاهية المجتمع.

مجلس الوقف الإندونيسي ، والمشار إليه فيما بعد باسم BWI ، هو مؤسسة مستقلة تأسست بهدف تطوير وتطوير الوقف في إندونيسيا. تهدف مؤسسة الوقف هذه لاحقًا إلى أن استخدام وظيفة الوقف يمكن أن يدرك الفوائد الاقتصادية المحتملة لأشياء الوقف لصالح العبادة وتعزيز الصالح العام. تم اتخاذ عدة خطوات استراتيجية لبناء نظير مؤهل ومهني ، من بين أمور أخرى:

تشكيل مدارس النظير بشكل رسمي وغير رسمي وغير رسمي كمحاولة لزيادة معرفة القراءة والكتابة بالإضافة إلى منتدى للتدريب والتدريب لتحسين مهارات النظير. سيحصل هؤلاء الناظرون في وقت لاحق على شهادة كدليل على الإنجازات التي تم الحصول عليها حتى يصبح الناتج مؤهلًا ومهنيًا. يمكن تشكيل مدارس النظير هذه لاحقًا على تآزر المؤسسات ذات الصلة مثل BWI ووزارة الدين ومؤسسات الوقف الأخرى. يلعب نظير المحترف أيضًا دورًا كبيرًا في تثقيف الجمهور. إن زيادة التعليم ومحو الأمية المتعلقة بالوقف هو أحد الأمور الرئيسية التي يجب إصلاحها وتنفيذها على الفور في جميع الخطوط أو المؤسسات ذات الصلة بالوقف ؛

جعل النظير المهنة الرئيسية وليس جانبًا. مشكلة مهنة النظير التي ما زالت ليست أولوية قصوى أو وظيفة رئيسية هي واحدة من المشاكل التي تحتاج إلى حل. هناك العديد من الأشياء التي يمكن القيام بها للتغلب على هذه المشاكل من خلال زيادة الحوافز أو توفير بدلات المعيشة أو غيرها من التسهيلات التي تعمل على تحسين رفاهية النظير

التعزيز التنظيمي. يتم ذلك من خلال مراجعة القوانين الحالية المتعلقة بالوقف وتطوير أصول الوقف والمسائل الأخرى ذات الصلة. في هذه الحالة ، يجب أن يكون هناك تعاون من جهات مثل الاتحاد الدولي للبناء والأخشاب أو وزارة الدين ومؤسسات الوقف القائمة. إن تعزيز هذه اللوائح هو الخطوة الأولى في تحسين السياسات المتعلقة بالوقف بحيث يمكن في المستقبل تنفيذ الأمور المتعلقة بالوقف بشكل صحيح ؛

التعزيز المؤسسي لنظير سيكون له تأثير على أصول الوقف المدارة. بحيث يمكن توجيه الغرض من الوقف في ممتلكات أو أصول الوقف. هذا يدل على أن تحسين جودة النظير هو شيء يجب أن يكون التركيز الرئيسي. سيكون لنوعية النظير الجيدة تأثير على جمع التبرعات لصناديق الوقف ، بالإضافة إلى زيادة الثقة للواقف.

II. تحسين التمكين الوقفي المنتج

يتم الاستغلال الأمثل للتمكين الوقفي المنتج من خلال جانبين ، وهما جوانب إدارة الوقف وجوانب توزيع أو الاستفادة من نتائج الوقف. في مجموعات المجتمع ، يمكن تكييف جهود التمكين مع احتياجات وإمكانات

الموارد الموجودة في المجتمع وتكون قادرة على جذب اهتماماتهم. يمكن تقسيم بعض نماذج التمكين للوقف إلى قسمين ، وهما الأشياء غير المنقولة (الأرض ، المباني / الشقق / المحلات التجارية) والأشياء المنقولة (الوقف النقدي).

في جانب التوزيع ، تشمل الخطوات التي يمكن اتخاذها تحديد الموقف أو المستفيد من الوقف بطريقة ناضجة ومفاهيمية ، وإعداد المواقع والأهداف التي ستصبح برنامج تمكين على الهدف ، وإعداد آلية لتمكين برامج الوقف الموجودة في بما يتوافق مع الغايات والأهداف وقدرة وقف النظير ومراقبة البرامج وتقييمها بشكل منتظم.

التآزر مع مختلف المؤسسات ذات الصلة يرتبط التمكين في الوقف ارتباطًا وثيقًا بالجهود المبذولة لتحقيق العدالة الاجتماعية والرفاهية. إن الرفاهية في الإسلام تعلم التوازن بين منجزات الدنيا (المادية) والأمل في الآخرة. عند تطبيق هذا المفهوم ، من الضروري إجراء دراسة متعمقة للفئات المستهدفة التي ستتلقى أموال الوقف. هذا مرتبط بإمكانيات وحالة المجتمع بحيث يكون صحيحًا على الهدف.

يهدف تمكين المجتمع كنموذج تنموي إلى تطوير القدرات والاستقلالية ، بحيث يتمكن الناس تدريجياً من بناء أنفسهم وبيئتهم بشكل مستقل. تعتبر المشاركة من المؤسسات ذات الصلة مهمة فيما يتعلق بالتدريب والتطوير الذي يتم تنفيذه للمجتمع. يعتبر مفهوم التمكين الاقتصادي في المجتمع أكثر فاعلية إذا تم تنفيذه على مجموعة من الناس ، سواء تم تشكيل مجتمع أو مجموعة من الناس فقط. في تنفيذه ، هناك ثلاثة جوانب يجب دراستها ، وهي الأولى ، تمكين أو تطوير الإمكانات الحالية. ثانياً ، تمكين أو تعزيز الإمكانات القائمة. ثالثا: حماية أو حماية مصالح الضعفاء.

لتحقيق ذلك ، فإن التآزر بين المؤسسات ذات الصلة أمر مهم لا ينبغي تجاهله. تشمل هذه المؤسسات المشتركة مجلس الوقف الإندونيسي كمؤسسة تنظم الوقف في إندونيسيا ، ووزارة الدين كمؤسسة تنظم احتياجات إدارة الوقف ، والحكومة بصفتها الجهة المنظمة ، ونذير الوقف كمحصل ومدير وموزع للوقف. في المجتمع ، والمؤسسات الرسمية ذات الصلة كمؤسسات شريكة لمختلف البرامج والتمكين الحالي ومختلف الأطراف الأخرى المشاركة.

يمكن بذل جهود التآزر في الجانب التنظيمي ، في جانب الوصول إلى المساعدة الرأسمالية ، بالإضافة إلى مساعدات الوصول الأخرى التي تسهل تشغيل برنامج تمكين الوقف. على الرغم من أن التآزر الحالي لم يتم الشعور به على النحو الأمثل حتى الآن ، مع الأخذ في الاعتبار أنه لا تزال هناك أنواع مختلفة من المصالح التي تعيق الغرض من الوقف. ومع ذلك ، فإن التحسن الحالي في الوقف يمكن أن يمثل إمكانية كبيرة لهذه الأطراف المختلفة لمواصلة التآزر بطريقة إيجابية.

بالإضافة إلى ذلك ، فإن مفهوم تمكين المجتمع على أساس مفهوم سياسة الرفاهية العادلة سيخلق اقتصادًا إندونيسيًا أقوى ، لا سيما في توزيع الثروة. يجب أن يكون هذا أيضًا وعيًا للمسلمين حتى يمكن الاستمرار في تشجيع الوقف المنتج. لذلك يجب الاستمرار في تحسين التعليم ومحو الأمية العامة.

يمكن لنجاح تمكين الوقف المنتج أن يولد نموذجًا جديدًا في الوقف ، يولد سياسات لها تأثير على الحياة الاقتصادية والاجتماعية للمجتمع. إن تحسين الرفاهية الاقتصادية للمجتمع يظهر بالتأكيد أن الفقر كأحد أسباب

المشاكل الاجتماعية والاقتصادية المختلفة يمكن التغلب عليه تمامًا بما يتماشى مع مساهمات الصدقات الإلزامية والسنة الأخرى مثل الزكاة والصناديق الاجتماعية الأخرى الوقف المنتج كمجهود لتحسين الاقتصاد الشعبي

للوقف دور مهم كأداة في تمكين الاقتصاد الشعبي. تاريخيًا ، لعب الوقف دورًا مهمًا في التنمية الاجتماعية والاقتصادية والثقافية للمجتمع. أكثر الأشياء التي تبرز من مؤسسات الوقف هي دورها في تمويل التعليم والصحة الإسلامية المختلفة. أصبحت استدامة فوائد نتائج الوقف ممكنة من خلال سن الوقف المنتج الذي تم إنشاؤه لدعم الأنشطة الاجتماعية والدينية المختلفة. الوقف الإنتاجي هو بشكل عام على شكل أراضٍ زراعية أو مزارع أو مبانٍ تجارية تدار بطريقة تجلب الأرباح ، وبعض العائدات تستخدم لتمويل هذه الأنشطة المختلفة. بحيث تصبح ممتلكات الوقف حقًا مصدر تمويل من المجتمع للمجتمع.

يواجه الشعب الإندونيسي حاليًا تحديين رئيسيين في تنفيذ عجلة التنمية. اتساع الفجوة بين الأغنياء والفقراء من جهة ، والميل إلى زيادة اعتماد الفقراء على أصحاب رؤوس الأموال ، واعتماد إندونيسيا على الدول المتقدمة من جهة أخرى. وأضاف آدي ساسونو أن هناك على الأقل أربع مشاكل أساسية لحركة الدعوة الإسلامية. أولاً ، مشكلة الفقر من حيث الاقتصاد والمرافق المحدودة والاحتياجات المادية التي بدورها تولد ثقافة الفقر. ثانياً ، نتيجة لدورة الفقر ، فإنها تشجع على ظهور أعراض التخلف. ثالثًا ، ظهور موقف حصري ومتكيف. وأخيراً ضعف المؤسسات لاستيعاب المشاركة وضعف آليات التعاون لإطلاق نضال منهجي.

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يعد وجود مجلس الوقف الإندونيسي ومؤسسات الوقف الأخرى المنتشرة في جميع أنحاء إندونيسيا جزءًا من اهتمام الناس بأحوال الناس وإحدى الخطوات الإستراتيجية في توزيع أصول الوقف الحالية.

إن الجهد المبذول لتمكين الوقف الإنتاجي هو محاولة لتمكين المجتمع المستهدف من خلال نتائج الوقف الإنتاجي مثل وقف الأرض أو الوقف النقدي أو الوقف النقدي. لا تعتمد هذه الجهود على أصول الوقف نفسها فحسب ، بل تعتمد أيضًا على قدرة وجودة وقف النظير في إدارة أصول الوقف أو إنتاجها أو تطويرها وكذلك على برامج توزيع عائدات الوقف. وفقا لمفهوم التمكين والمشاركة والمؤسسات والجماعات هي جوانب مهمة يجب تنفيذها.

هناك عدة طرق يمكن اعتبارها جهدًا لإدارة الوقف بشكل منتج ، من بين أمور أخرى:

III. تحسين النظير الدور

النظير هو أحد أركان الوقف التي تقع على عاتقها مسؤولية وواجب الحفاظ على الوقف وصيانته وتطويره وتوزيع نتائج وفوائد الوقف على هدف الوقف. غالبًا ما تتم إدارة أصول الوقف من قبل نظير الذين لا يمتلكون القدرات الكافية ، بحيث لا تتم إدارة أصول الوقف على النحو الأمثل ولا توفر فوائد لهدف الوقف. وفق الفقه ،

من مقتضيات النظير غير الإسلام والمكلف ، القدرة على إدارة الوقف (المهني) ، والتحلي بالثقة ، والصدق ، والنزاهة.

عندما تتم إدارة أصول الوقف على النحو الأمثل ويكون لدى النظير كمدير للأوقاف قدرات كافية ، فمن الضروري الحصول على دعم سياسي من الحكومة في تمكينها. الإمكانات الكبيرة للوقف كأحد المتغيرات المهمة في تمكين الوقف حتى يعمل بشكل منتج. هذا الوضع سيفتح الفرص لتمكين الوقف المنتج كجهد لتحسين رفاهية المجتمع.

مجلس الوقف الإندونيسي ، والمشار إليه فيما بعد باسم BWI ، هو مؤسسة مستقلة تأسست بهدف تطوير وتطوير الوقف في إندونيسيا. تهدف مؤسسة الوقف هذه لاحقًا إلى أن استخدام وظيفة الوقف يمكن أن يدرك الفوائد الاقتصادية المحتملة لأشياء الوقف لصالح العبادة وتعزيز الصالح العام. تم اتخاذ عدة خطوات استراتيجية لبناء نظير مؤهل ومهني ، من بين أمور أخرى:

تشكيل مدارس النظير بشكل رسمي وغير رسمي وغير رسمي كمحاولة لزيادة معرفة القراءة والكتابة بالإضافة إلى منتدى للتدريب والتدريب لتحسين مهارات النظير. سيحصل هؤلاء الناظرون في وقت لاحق على شهادة كدليل على الإنجازات التي تم الحصول عليها حتى يصبح الناتج مؤهلًا ومهنيًا. يمكن تشكيل مدارس النظير هذه لاحقًا على تآزر المؤسسات ذات الصلة مثل BWI ووزارة الدين ومؤسسات الوقف الأخرى. يلعب نظير المحترف أيضًا دورًا كبيرًا في تثقيف الجمهور. إن زيادة التعليم ومحو الأمية المتعلقة بالوقف هو أحد الأمور الرئيسية التي يجب إصلاحها وتنفيذها على الفور في جميع الخطوط أو المؤسسات ذات الصلة بالوقف ؛

جعل النظير المهنة الرئيسية وليس جانبًا. مشكلة مهنة النظير التي ما زالت ليست أولوية قصوى أو وظيفة رئيسية هي واحدة من المشاكل التي تحتاج إلى حل. هناك العديد من الأشياء التي يمكن القيام بها للتغلب على هذه المشاكل من خلال زيادة الحوافز أو توفير بدلات المعيشة أو غيرها من التسهيلات التي تعمل على تحسين رفاهية النظير ؛

التعزيز التنظيمي. يتم ذلك من خلال مراجعة القوانين الحالية المتعلقة بالوقف وتطوير أصول الوقف والمسائل الأخرى ذات الصلة. في هذه الحالة ، يجب أن يكون هناك تعاون من جهات مثل الاتحاد الدولي للبناء والأخشاب أو وزارة الدين ومؤسسات الوقف القائمة. إن تعزيز هذه اللوائح هو الخطوة الأولى في تحسين السياسات المتعلقة بالوقف بحيث يمكن في المستقبل تنفيذ الأمور المتعلقة بالوقف بشكل صحيح ؛

التعزيز المؤسسي لنظير سيكون له تأثير على أصول الوقف المدارة. بحيث يمكن توجيه الغرض من الوقف في ممتلكات أو أصول الوقف. هذا يدل على أن تحسين جودة النظير هو شيء يجب أن يكون التركيز الرئيسي. سيكون لنوعية النظير الجيدة تأثير على جمع التبرعات لصناديق الوقف ، بالإضافة إلى زيادة الثقة للواقف.

IV. تحسين التمكين الوقفي المنتج

يتم الاستغلال الأمثل للتمكين الوقفي المنتج من خلال جانبين ، وهما جوانب إدارة الوقف وجوانب توزيع أو الاستفادة من نتائج الوقف. في مجموعات المجتمع ، يمكن تكييف جهود التمكين مع احتياجات وإمكانات

الموارد الموجودة في المجتمع وتكون قادرة على جذب اهتماماتهم. يمكن تقسيم بعض نماذج التمكين للوقف إلى قسمين ، وهما الأشياء غير المنقولة (الأرض ، المباني / الشقق / المحلات التجارية) والأشياء المنقولة (الوقف النقدي).

في جانب التوزيع ، تشمل الخطوات التي يمكن اتخاذها تحديد الموقوف أو المستفيد من الوقف بطريقة ناضجة ومفاهيمية ، وإعداد المواقع والأهداف التي ستصبح برنامج تمكين على الهدف ، وإعداد آلية لتمكين برامج الوقف الموجودة في بما يتوافق مع الغايات والأهداف وقدرة وقف النظير ومراقبة البرامج وتقييمها بشكل منتظم.

V. التآزر مع مختلف المؤسسات ذات الصلة

يرتبط التمكين في الوقف ارتباطًا وثيقًا بالجهود المبذولة لتحقيق العدالة الاجتماعية والرفاهية. إن الرفاهية في الإسلام تعلم التوازن بين منجزات الدنيا (المادية) والأمل في الآخرة. عند تطبيق هذا المفهوم ، من الضروري إجراء دراسة متعمقة للفئات المستهدفة التي ستتلقى أموال الوقف. هذا مرتبط بإمكانيات وحالة المجتمع بحيث يكون صحيحًا على الهدف.

يهدف تمكين المجتمع كنموذج تنموي إلى تطوير القدرات والاستقلالية ، بحيث يتمكن الناس تدريجياً من بناء أنفسهم وبيئتهم بشكل مستقل. تعتبر المشاركة من المؤسسات ذات الصلة مهمة فيما يتعلق بالتدريب والتطوير الذي يتم تنفيذه للمجتمع. يعتبر مفهوم التمكين الاقتصادي في المجتمع أكثر فاعلية إذا تم تنفيذه على مجموعة من الناس ، سواء تم تشكيل مجتمع أو مجموعة من الناس فقط. في تنفيذه ، هناك ثلاثة جوانب يجب دراستها ، وهي الأولى ، تمكين أو تطوير الإمكانات الحالية. ثانياً ، تمكين أو تعزيز الإمكانات القائمة. ثالثا: حماية أو حماية مصالح الضعفاء.

لتحقيق ذلك ، فإن التآزر بين المؤسسات ذات الصلة أمر مهم لا ينبغي تجاهله. تشمل هذه المؤسسات المشتركة مجلس الوقف الإندونيسي كمؤسسة تنظم الوقف في إندونيسيا ، ووزارة الدين كمؤسسة تنظم احتياجات إدارة الوقف ، والحكومة بصفتها الجهة المنظمة ، ونذير الوقف كمحصل ومدير وموزع للوقف. في المجتمع ، والمؤسسات الرسمية ذات الصلة كمؤسسات شريكة لمختلف البرامج والتمكين الحالي ومختلف الأطراف الأخرى المشاركة.

يمكن بذل جهود التآزر في الجانب التنظيمي، بالإضافة إلى المساعدة إلى المساعدة الوصول إلى المساعدة الرأسمالية، بالإضافة إلى مساعدات الوصول الأخرى التي تسهل تشغيل برنامج تمكين الوقف. على الرغم من أن التآزر الحالي لم يتم الشعور به على النحو الأمثل حتى الآن ، مع الأخذ في الاعتبار أنه لا تزال هناك أنواع مختلفة من المصالح التي تعيق الغرض من الوقف. ومع ذلك ، فإن التحسن الحالي في الوقف يمكن أن يمثل إمكانية كبيرة لهذه الأطراف المختلفة لمواصلة التآزر بطريقة إيجابية.

بالإضافة إلى ذلك ، فإن مفهوم تمكين المجتمع على أساس مفهوم سياسة الرفاهية العادلة سيخلق اقتصادًا إندونيسيًا أقوى ، لا سيما في توزيع الثروة. يجب أن يكون هذا أيضًا وعيًا للمسلمين حتى يمكن الاستمرار في تشجيع الوقف المنتج. لذلك يجب الاستمرار في تحسين التعليم ومحو الأمية العامة.

يمكن لنجاح تمكين الوقف المنتج أن يولد نموذجًا جديدًا في الوقف ، يولد سياسات لها تأثير على الحياة الاقتصادية والاجتماعية للمجتمع. إن تحسين الرفاهية الاقتصادية للمجتمع يظهر بالتأكيد أن الفقر كأحد أسباب

المشاكل الاجتماعية والاقتصادية المختلفة يمكن التغلب عليه تمامًا بما يتماشى مع مساهمات الصدقات الإلزامية والسنة الأخرى مثل الزكاة والصناديق الاجتماعية الأخرى

استنتاج

الوقف هو أحد الموارد الاقتصادية التي ثبت أنها تلعب دورًا رئيسيًا في الاقتصاد. إندونيسيا لديها غالبية سكانها من المسلمين. وبالتالي، بطبيعة الحال، فإن مسألة إدارة الوقف مشكلة ملحة للغاية وهشة.

توجد لوائح الوقف في إندونيسيا بالفعل، لذلك من المأمول أن يتم تعظيم الفهم العام فيما يتعلق بالوقف والإدارة والإدارة وتطوير الوقف بحيث يمكن أن يساهم في مساعدة اقتصاد المجتمع.

في الواقع، لا يزال هناك العديد من حالات الوقف الموجودة في المجتمع، سواء من حيث الإدارة، أو الإدارة، أو التنمية، وحتى فهم عامة الناس للوقف لم يتم تعظيمه، لذلك لم يكن قادرًا على المساهمة كثيرًا في تحسين رفاهية المجتمع. في الواقع، إذا تمت إدارة الوقف بشكل صحيح، فيمكن أن يكون بديلاً لرفاهية المجتمع عندما تكون الحكومة غير قادرة على تحسين رفاهية المجتمع. ما يجب القيام به أولاً هو تغيير فهم الناس أن الوقف يقتصر فقط على الأشياء غير المنقولة التي لا يمكن إدارتها بشكل منتج.

إدارة الأوقاف المنتجة من خلال تطوير أصول الوقف التي سيكون تأثيرها محسوسًا ومستدامًا. واحد منهم من خلال جهود التمكين. يعد تحسين الوقف المنتج من خلال مفهوم التمكين خطوة استراتيجية لتحقيق الازدهار الاقتصادي الذي يعد جزءًا من جهود التنمية الاقتصادية وتحسين رفاهية المجتمع. وتشارك هذه الجهود المجتمع في مختلف جوانب تنفيذ الأنشطة، ووجود الناس الذين يعيشون في رخاء سيساهم في الحد من المشاكل الاقتصادية القائمة

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Inheritance Law In The Islamic World

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INTRODUCTION

Definition of Inheritance Inheritance law is the law that regulates the transfer of ownership rights to the inheritance (tirkah) of the heirs, determining who is entitled to become heirs and how much of each. The word inheritance or inheritance is very popular in Indonesian. This word is taken from the Arabic word اثرا- - which means to inherit. It can also be interpreted by replacing the position. Inheritance is the legacy of a person who has died according to Sharia law and has the right and lawful transfer to his heirs. While in some literature, several terms are found to name Islamic Inheritance Law. Such as Faraidh Science, Mawaris Fiqh, and Inheritance law. Faraidh plural of the word faridhah (فريضة) which is taken from the word alfaradh, which means the provisions (نيقدة) of Allah SWT periodically (مانردنضتم) namely Allah has determined your parts (ay qadartum). The science of Faraidh, also known as the science of al-mirats (المیراث) The word al-mirats has two meanings. The first means eternal eternal (albaqa), like the name given to Allah SWT. Namely al-warits (الوارث) meaning al-baqi (the eternal).

Second, al-mirats is defined by the transfer of something from one person to another, whether something transferred is immaterial or material such as the transfer of property from a person (the deceased) to the heirs, as well as meaningful forms such as the transfer of knowledge, honor, morals, and others. The Faraidh in the Big Indonesian Dictionary is the division of inheritance, the rules for the division of inheritance. Meanwhile, an heir is a person who is entitled to receive inheritance from a person who has died.

In the Qur'an, inheritance is also indicated by the expression altirkah, al-tirkah in Arabic is the mashdar form of the single word taraka, which is rooted in the words ta, ra, and ka. And recorded 28 times in the Qur'an. Therefore, the

word contains several meanings, namely letting, being, extending the tongue, leaving religion and inheritance. Then the word tirkah is often interpreted as an inheritance prepared by the heir to his heirs. The definition of faraidh science is as follows: Prof. Hasby ash-Shiddieqy defines it as "the study of people who inherit and do not inherit, the amount received by each heir and the ways of distribution.

From the definition presented above, the authors conclude that inheritance or faraidh is a law that discusses the distribution of inheritance owned by the deceased. These assets can be in the form of movable or immovable objects. Whereas in the Compilation of Islamic Law (KHI) it is stated in article 171 that:

"Inheritance law is the law that regulates the transfer of ownership rights to the

inheritance (tirkah) of the heirs, determines who is entitled to become heirs, and how much each share.

A. Legal Basis of Inheritance

The main source of inheritance law consists of texts contained in the Qur'an and the Sunnah of the Prophet SAW. his verse explains that Islam uses the principle of justice in inheritance. In principle, it can be said that the factor of gender differences does not determine inheritance rights. This means that men have the same inheritance rights as women.

This verse explains that there is an inheritance relationship caused by a kinship relationship. The word walad shows the cause of the transfer of property which is influenced by the blood relationship between mother and father and child. Then the provisions to give the rights of each male or female heir who get certain rights from the inheritance of the parents and relatives are regulated by Allah. The use of the word testicles in the verse above is not meant to emphasize that age is not a barrier to the acceptance of inheritance. Determination that men receive greater rights than women because men's obligations are heavier than women, such as the obligation to pay dowries and provide maintenance.[10] The verse above also explains about the share of each heir, according to al-Maraghi the part that has been assigned to the heirs must take it a little or a lot according to the part that has been determined by Allah. This verse explains in general that people who have blood relations are the cause of inheritance relationships in Islam.

Islamic Shari'ah has laid down inheritance rules and laws regarding property in the best and fairest way. Islam establishes a person's property rights over property, whether male or female through the syara' way. such as the transfer of property rights of men and women while they are still alive or the transfer of property to their heirs after he dies.

The Qur'an explains and details in detail the laws relating to inheritance rights without ignoring anyone's rights. The parts that must be received are all explained according to the position of the lineage to the heir, whether he is a

child, father, wife, husband, grandfather, mother, uncle, grandson, or even just a brother or sister.

However, as the times progressed, the issue of inheritance was developed in a complex manner by the fuqoha. In this inheritance they grouped the parties in terms of inheritance as follows: Dzawil furudh, Ashabah and Dzawil Arham dzawil. Among the three groups that attracted attention was Dzawil Arham, who had many disputes regarding the distribution of his inheritance rights. In this article, the discussion will focus on exploring the distribution of Dzawul Arham's inheritance rights according to the scholars and the Compilation of Islamic Law in Indonesia. let's just go straight into the discussion.

B. Pillars and Conditions of Inheritance

1. Pillars of Inheritance There are several pillars that must be fulfilled in the distribution of inheritance. There are three pillars of inheritance distribution, namely:
   a. Al-Muwarrits, namely the person who inherits his inheritance or the person who inherits his property.
   b. Al-Warits or heirs, namely people who are declared to have kinship relations either because of blood relations, relationships before marriage (semenda), or because of the result of freeing slaves..
   c. Al-Mauruts or al-Mirats, namely the inheritance of the dead after deducting the cost of treating the corpse, paying off debts, and carrying out the will.
2. Conditions of inheritance In Islamic law there are three conditions so that inheritance is declared to exist, so that it can give a person or heir the right to receive an inheritance, namely:
   a. The person who inherits (Muwarrits) is truly dead and it can be legally proven that he has died. Did he die essentially, legally or by destiny.
   b. The person who inherits (the heir) actually lives when the person who inherits dies and can be legally proven.
   c. It is clear that the line of kinship between the heir and the heir is clearly known.

C. Mindset of Sunni and Shia Ulama and KHI regarding Dzawil Arham and Dzawil Arham's Inheritance Distribution

Dzawil Arham consists of two words, namely dzawil and arham, linguistically Dzawil is a person who has absolute kinship. Arham is the plural of the womb, the womb means the place of the child in the mother's belly. According to the term dzawil arham has the meaning of a group of relatives who do not belong to the ashabul furud and ashobah groups.

According to Hanafi and Syafi'i, dzawil arham are relatives who have blood relations with the dead but are not relatives of dzawil furudh and are not relatives of 'Asabah, namely all family members on the maternal line, male

or female and all female family members on the father's line except four women whose share is determined in the Qur'an as daughters, daughters of sons, biological sisters, and sisters of the same father.

According to Sunni scholars, the dzawil arham group are all people who have kinship with the heir but do not receive the inheritance because they are veiled by the heirs of dzawil furudh and ashabah. That is:

1. Grandchildren from daughters and so on down (male and female).
2. Children from granddaughters from sons and so on down (male and female).
3. Children of biological sisters, father, mother, both male and female.
4. Daughter of a sibling, father, mother, and so on down.
5. The son of a brother of the same mother, and so on down.

D. Dzawil Arham's inheritance rights distribution according to the ulama

The distribution of Dzawil Arham's inheritance rights, there are differences of opinion among scholars, some say that Dzawil Arham cannot inherit and some can inherit. The opinion that states that dzawil arham can inherit the method of distribution is that the heirs of dzawil arham are by positioning them as heirs who bring them closer to the corpse. For example, a daughter's granddaughter occupies a daughter's position.

1. Dzawil Arham's share of inheritance according to scholars

According to the Shafi'i and Maliki schools as well as Zaid bin Thabit and Abdullah bin Abbas argue that dzawil arham does not inherit at all, so if someone dies not leaving dzawil furud and ashobah, his inheritance is handed over to the baitul mal and not given to dzawil arham. The arguments on which they are based are the traditions of the Prophet Muhammad; "That the Messenger of Allah. Wearing a robe to pray to Allah swt about the inheritance of 'Ammad and khalah. Then Allah gives instructions that there is no inheritance for both of them" (HR Sa'ad al Musanadat). This opinion is also followed by the Sunni scholars. According to Imam Hanafi, Imam Ahmad bin Hanbal and a number of scholars quoted from the opinions of Ali bin Abi Talib and Umar bin Khatab argue that dzawil arham can inherit inheritance if there is no dzawil furud and ashobah because dzawil arham is prioritized over baitul mal. This opinion is followed by some Shiites.

2. Distribution of Dzawil Arham's inheritance rights in Indonesia

In Indonesia, since the implementation of the Compilation of Islamic Law, the classical theory of the division of inheritance for the Dzawil Arham group has been replaced by the term substitute inheritance. The issue of substitute inheritance has been applied to Islamic inheritance by judges of the Religious Courts and the Supreme Court of the Republic of Indonesia. The Compilation of Islamic Law was issued during the New Order government which was an instruction from the president of the Republic of Indonesia Number: 1 of 1991 dated June 10, 1991. In article 185 paragraph (1) and paragraph (2) the Compilation of Islamic Law is regulated as follows:

(1) An heir who dies earlier than the heir, his position can be replaced by his child, except those mentioned in Article 173.

(2) The share of the substitute heirs may not exceed the share of the heirs who are equal to the heirs being replaced.

From the provisions of paragraphs (1) and (2) above, it shows that the Compilation of Islamic Law provides a very large opportunity for a grandson who when his grandfather or grandmother dies he gets a share of the inheritance from the rights of his parents who died earlier than his grandfather. even though the grandson is a girl and inherits with the son.

The provisions of the Compilation of Islamic Law by itself have shifted the classical theory in two respects. First: the right of replacement can be granted to any heir regardless of gender and distance from the testator. Second: the portion of the successor heirs cannot be greater than that of other heirs who are equal to the heirs being replaced. This provision of the Compilation of Islamic Law is a breakthrough in renewing Islamic inheritance law by creating a new interpretation that is different from the fuqoha thought contained in classical fiqh books.

Conclusion

From the discussion above, I conclude as follows:

1. Dzawil arham has the meaning of a relative group that does not belong to the Ashabul furud and ashobah groups. According to Sunni scholars, the dzawil arham group are all people who have kinship with the heir but do not receive the inheritance because they are veiled by the heirs of dzawil furudh and ashabah.

2. The distribution of inheritance rights according to the scholars is different, some say they are entitled to receive it, some state that according to the Shafi'i and Maliki schools and Zaid bin Thabit and Abdullah bin Abbas argue that Dzawil Arham does not inherit at all. And the opinion of Imam Hanafi, Imam Ahmad bin Hanbal and the number of scholars quoted from the opinion of Ali bin Abi Talib and Umar bin Khatab argued that Dzawil Arham could inherit the inheritance.

3. The distribution of the inheritance of the Dzawil Arham group in Indonesia is unknown, since the implementation of the Compilation of Islamic Law on the instructions of the President of the Republic of Indonesia, the Dzawil Arham group has been replaced with the term Substitute Inheritance. And the existence of this inheritance group is regulated in CHAPTER II KHI Article 185 Paragraphs 1 and 2.

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Will of Obligation In The Perspective Compilation Of Islamic Law

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A. Introduced

The will is something that cannot be separated from the inheritance law. The meaning of a will is a statement of will by a person about what is done to his property after death. Inheritance law is the law that governs the transfer of property left by a person who dies and its consequences for his heirs. Basically, only the rights and obligations in the field of property law can be inherited.

In Indonesian, the will is the last message conveyed by the deceased person (usually with regard to wealth and so on); A will under the hand, a self-made will not in the face of a notary to an heir to inherit some or all of the inheritance; A will of law, a will made in the face of a notary and announced after the maker dies; A secret will, a will placed in a cover and kept by notaries (strengthened in the form of a deed with the witness of four people). So, it can be material (property) and can also be in the sense of immateri of a person who will be carried out after he dies.

A person who finds the causes and signs of death while he has a great wealth, must be in charge of his property for his father's mother and his relatives. According to Imam al-Shaukani there is a difference of opinion of scholars regarding the size of the lot of property. Some argue the size is more than seven hundred dinars. There are also those who think a thousand dinars. There are even those who say more than five hundred dinars Must have two fair witnesses when the authorities if he is on the way (traveler). If no Muslim is a witness, it can be replaced with a non-Muslim (Q.S. 5:106). Witnesses must not change and hide their testimony with any particular intent. Witnesses who do this are threatened with sin.

Talk about wills, will not let go of talking about treasure. In Islamic law in principle property belongs to Allah The Almighty. Man is empowered by God to enjoy it, to manage it, to develop it, and to distribute it to the right. The transfer of ownership from one person to another exists in the form of buying and selling transactions, and there is also in the form of social charity, namely in the form of zakat, bread, almsgiving, waqaf, grants, inheritance, and wills. The latter can be grouped into two types, namely wills in the general sense and compulsory wills.

B.   Discussion

The provisions of the law governing wills in accordance with the Compilation of Islamic Law affirm that the person is a person who is entitled to others or institutions with the terms and procedures as regulated by the Compilation of Islamic Law. The provisions applicable in the Compilation of Islamic Law indicate the existence of legal certainty, justice and expediency for the pewasiat as well as the person or institution who received the will.

The division of inheritance based on wills is the first rule in the Islamic legal system, but there are differences of opinion among scholars regarding the law. Some argue that the act is not obligatory, only circumcision. While others argue the law is mandatory, but it has been done with verses about inherition.

Legal Provisions Regarding Wills According to the Compilation of Islamic Law.The compilation of Islamic Law in Indonesia (KHI) defines wills more specifically with regard to the material. In Book II chapter I chapter 171 letter f KHI affirms, a will is the gift of something from the heir to another person or institution that will take effect after the heir dies. Compilation of Islamic Law Article 171 letter (f): A will is the gift of an object from the heir to another person or institution that will take effect after the heir dies. In accordance with these provisions it can be understood that Article 171 letter (f) has elements:

1) Heirs
2) Items given by the heir
3) Another person or institution as a recipient of a will
4) Valid after the heir dies

To fulfill the implementation of the will of the four elements must exist and be carried out in accordance with the terms and procedures as stipulated in the provisions of the Compilation of Islamic Law.

Arrangements regarding wills in the Compilation of Islamic Law in Articles 194 to Article 209 under Chapter V of the Will. In the articles of the Compilation of Islamic Law is regulated both regarding the person who is entitled to action (the subject of the will), the form of the will and other matters with regard to the will. Compilation of Indonesian Islamic Law, in accordance with presidential instruction of the Republic of Indonesia Number 1 of 1991 dated June 10, 1991 and decree of the Minister of Religious Affairs of the Republic of Indonesia Number 154 of 1991 concerning the Implementation of Presidential Instruction No. 1 of 1991, stated in Article 194 paragraph:

1) A person who is at least 21 years old, intelligent and without compulsion can distribute some of his property to others or institutions.
2) The property that is donated must be the right of the revelatorate
3) Ownership of property as referred to in paragraph (1) of this article can only be carried out after the revelatory died

In accordance with the provisions of Article 194, the property that is mandated the right of revelatory that can be proven in accordance with applicable law so as not to cause legal problems if it has been entrusted to others or institutions.

The cancellation of the will according to the Compilation of Islamic Law is carried out in accordance with the applicable terms and procedures. These provisions indicate that the person receiving the will must have good faith and not commit unlawful acts against the self-revelator. The revocation of the will may occur because the prospective recipient of the will withdraws his approval to receive the will, or does not know of the will until the prospective recipient of the will dies before the death of the will or the recipient of the will is aware of the will, but he refuses to accept it or

know of the will, but never declares accepting or rejecting until the prospective recipient of the will dies before the death of the heir.

B. Compulsory Will in the Islamic legal system in Indonesia

The term will must be said to be one of the contemporary terms in the . In the classical books so far only found the term will, there is no term of will obligatory. But the substance in general has been discussed by previous scholars. Today the term will of will is already popular in various parts of the Islamic world, it has even become a positive law in Islamic countries, not least in Indonesia.

In the Encyclopaedia of Islamic Law mentioned the notion of a will of obligation is a will intended for heirs or relatives who do not get inheritance from the deceased, because of an obstacle syara'. Meanwhile, Suparman defines a compulsory will as a will whose implementation is not influenced or does not depend on the will or will of the deceased.

If you look at these two definitions in terms of substance, there seems to be a slight difference. The first definition refers more to the notion of compulsory wills that apply in the Islamic world in general. While the second denifinisi refers more to the compulsory will that applies in Indonesia.

Basically the giving of the will is an act of effort, which is an action carried out on the encouragement of his own will under any circumstances. Thus, basically a person is free, whether he makes or does not make a will. This is based on the opinion of jumhur ulama (madzhab) who said that the will to relatives was circumcised. However, some scholars argue that the freedom to make a will or not only applies to people who are not close relatives.

However, if observed the provisions of compulsory wills in the legislation apply not only in the category of ikhtiariyah, but can also be in the form of a policy of judges who are coercive. In this context Muhibuddin stated, The will of the constitution is a policy carried out by the ruler or judge as a law enforcement officer to force or make mandatory wills for people who have died, which is given to certain people in certain circumstances.

Furthermore, Muhibuddin explained, a will is called a will of obligation because of two things, namely: First, the loss of the element of effort for the will giver and the emergence of elements of obligation through a law or decree without depending on the willingness of the person of the will and the consent of the will recipient. Second, there is a similarity to the provision of the division of inheritance in terms of the acceptance of men (two) divisions of women.

The provisions regarding the will of the obligation are regulated in the Compilation of Islamic Law article 209. In verse 1 it is affirmed that, the inheritance of adopted children is divided under articles 176 to 193 mentioned above, while against adoptive parents who do not receive wills are given a will as much as one-third of the inheritance of their adopted children.

Based on the provisions of this verse it is understood that the property of adopted children is divided into two categories, first divided in accordance with the provisions of inheritance in accordance with articles 176 to 193 KHI, and second given to their adoptive parents as much as one-third of their wealth, as a will of obligation. This means that his adoptive parents get a maximum of one-third of the property of his adopted child, whether there is a will or no will from his adopted child.

From the above information it is seen that adoptive parents can receive an inheritance from their adopted child in the provisions of the mandatory will if the adopted child dies first from his adoptive parents. Likewise, if the opposite happens,

adopted children are given a maximum of one-third of the property of their adoptive parents, in accordance with the provisions of paragraph 2 of article 209 KHI, Against adopted children who do not receive a will are given a will as much as one-third of the inheritance of their adoptive parents.

Thus KHI gives each other a share of inheritance in the form of compulsory wills between adopted children and adoptive parents, and vice versa, whether there is a will or no will from each adopted child and adoptive parents. So this happens automatically. So the meaning of the will is obligatory, someone according to the law has received a real will. The assumption of the law is born from the principle when in a case the law has established the obligation to act. So if there is a will or not made a will, then the will is considered to exist by itself.

C. Conclusion

The provisions of the law governing wills in accordance with the Compilation of Islamic Law affirm that the person is a person who is entitled to others or institutions with the terms and procedures as regulated by the Compilation of Islamic Law. The provisions applicable in the Compilation of Islamic Law indicate the existence of legal certainty, justice and expediency for the pewasiat as well as the person or institution who received the will. In Indonesia has imposed mandatory wills in its legislation. This applies not to those belonging to the heirs, but occurs between the adopted child and his adoptive parents, or vice versa. This means that some of the inheritance is given through the institution of compulsory will from others to others who have nothing to do with it. If a person is concerned with some property, as long as it is not more than a third, for others who have no connection, there is certainly no problem. Even this is in accordance with the word of the Prophet (peace be upon him), La washiyyata li warits. But what is unusual is to give some of the property through the judge's ruling of the adoptive parent against the adopted child or vice versa, without any will from the concerned.

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The Cash (Money) Waqf Of Opportunities And A Challenges

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Abstract
In this study, the researcher used descriptive qualitative research in presenting the results of the data, this data collection was done by distributing questionnaires to the respondents at random. where these respondents were obtained from the surrounding environment, here the researchers took 4 respondents randomly. and from the results of this study the researcher can conclude that there are still many people who do not understand about waqf. Both the meaning of waqf itself and the types of waqf in Islam are permissible. Therefore, researchers need to review and provide related suggestions to scholars in providing a clear understanding of waqf.
Keyword : *Waqf, Cash of Waqf, Islam*

Introduction

In the midst of the social problems of the Indonesian people and the demands of economic welfare lately, the existence of waqf institutions has become very strategic. Besides being an aspect of Islamic teachings with a spiritual dimension, waqf is also a teaching that emphasizes the importance of economic welfare (social dimension). Therefore, the redefinition of waqf so that it has a meaning that is more relevant to the real conditions of welfare issues is very important.

Waqf law which is one of the studies in the science of law, in its development is always accompanied by the development of the social structure of society. The law always follows changes and human behavior, because the law is for humans. The law is always open and responds to changes in society, so that the law can enforce justice for the community and the law can be effective as a problem solving legal problem in society.

Cash waqf is an act of wakif to give some of his assets in the form of money, to be interpreted in social life in accordance with Islamic law. Cash waqf assets must be retained and must not be lost or spent, but must be managed and empowered by nadzir in accordance with the purpose of waqf so that it continues to be useful in society, usually waqf money is realized in objects that have eternal benefits, such as; bought land to build schools, hospitals, conference halls, places of worship and others.

The legality of cash waqf in Indonesia is contained in the fatwa of the Indonesian Ulema Council (MUI) on May 11, 2002 and is confirmed by Law no. 41/2004 Article 16 concerning property that may be waqf, which is divided into two, namely immovable property and movable property. Movable assets as referred to in that article are assets that cannot be exhausted due to consumption, including: money, precious metals, securities, vehicles, intellectual property rights, rental rights, and other movable objects in accordance with sharia provisions and legislation. So money is a movable property that can be donated. Thus the rules for cash waqf are contained in fiqh (Islamic law), Fatwa Ulama (MUI) on May 11, 2002, Article 16, namely the Waqf Law no. 41 of 2004, and Article 15 PP No. 42/2006.

Etymologically, waqf comes from the Arabic word "waqafa" which means to stop or hold back. According to the Shafi'i musnad, waqf is the same as tahbiis and tasbiil which means to hold back: it says waqaftu kadzaa meaning I hold it, but it doesn't say except according to the Tamim dialect. remain intact. In the terminology of Islamic law, the word waqf (plural: awqaf) is defined as an act of detention from the use and delivery of assets where someone can utilize or use the proceeds for charitable purposes, as long as the goods are still there. Waqf also means handing over durable ownership rights (substance) to someone or a nadzir (waqf custodian), either in the form of an individual or a management body, provided that the proceeds or benefits are used for things that are in accordance with Islamic law. While the assets that have been waqf have been out of the property rights of the waqf, and are not the property of nadzir, but become the property of Allah SWT (in the sense of property rights of the general public).

Waqf can also be interpreted as assets that are donated for various humanitarian purposes, once in a lifetime, or the surrender of fixed assets by someone as a form of manifestation of obedience to religion. Another definition can be found in Law Number 41 of 2004, that waqf means a wakif legal act to separate and/or surrender part of his property to be used forever or for a certain period of time in accordance with his interests for the purposes of worship and/or general welfare according to sharia.

Qahaf (2007:58) defines waqf with activities to move assets from consumptive efforts to reproduction and investment in the form of production capital that can produce and produce something that can be consumed in the future, both by individuals and groups.

From the explanation above researchers formulate the problem and research objectives as follows:

a. Formulation of the problem
In this study the authors formulate the problem as follows:
1. What is the concept of cash waqf?
2. What are the Opportunities and Challenges of Cash Waqf?

b. Research purposes
From the formulation of the problem above, the authors make the following research objectives.
1. To know the concept of cash waqf.
2. To know the opportunities and challenges of cash waqf.

Method
In this study, researchers used descriptive qualitative research. Where the purpose of this research is to reveal events or facts, circumstances, phenomena, variables and circumstances that occurred during the research by presenting what actually happened. This study interprets and describes data related to the current situation, attitudes and views that occur in a society, the conflict between two or more

circumstances, the relationship between variables that arise, the differences between existing facts and their influence on a condition, and so on.

According to Sugiyono (2005) states that the descriptive method is a method used to describe or analyze a research result but is not used to make broader conclusions. According to Arikunto (2019), descriptive research is research that is intended to investigate the circumstances, conditions or other things that have been mentioned, the results of which are presented in the form of a research report. According to Sukmadinata (2017) Descriptive research is a form of research aimed at describing existing phenomena, both natural phenomena and man-made phenomena which can include activities, characteristics, changes, relationships, similarities, and differences between one phenomenon and another.

From the statement above, it can be concluded that descriptive qualitative research is research by analyzing research results that have a relationship or similarity or difference from one phenomenon to another.

Discussion and Finding

From the explanation above, the researcher made 6 questions which were then given randomly to different respondents at random. Where this question consists of: what is meant by waqf, do you know the type of waqf, opinions about waqf, advantages of cash waqf over other waqf, procedures for cash waqf process, can cash waqf or cash waqf be used as an alternative for economic problems.

This research was conducted by researchers to find out about cash waqf. this research is presented through descriptive qualitative research, where descriptive qualitative research the data taken will be presented in a row.

From the results of each respondent, the author gives the term "respondent" with "R1-R4". which the researcher will describe below:

1. What do you think is meant by waqf?
   R1: Giving our property to someone or an institution to be used public interest.
   R2 : Land given or property given.
   R3 : Land or property given to other people for the needs of the people.
   R4 : Transferring property to another person or legal entity to be managed and used by the general public.

Based on the four correspondents above, it can be concluded that waqf is a property or land that is given to an institution or person to be used by many people.

2. Do you know the types of waqf?
   R1: Yes, waqf can be in the form of goods or land, and it can also be in the form of money.
   R2 : As far as I know land and buildings.
   R3 : Not so familiar
   R4 : Land waqf, cash waqf

From the respondents above, it can be concluded that the type of waqf can be in the form of cash waqf, land waqf, or goods.

3. What do you think about cash waqf?
   R1: Cash waqf is still rare in Indonesia.
   R2: Have you ever heard of cash waqf?
   R3 : The concept is good but it must be handled professionally
   R4: More Practical

From the respondents above, it can be concluded that cash waqf is rare in Indonesia and they still do not understand what cash waqf is.

4. In your opinion, what are the advantages of cash waqf over other types of waqf?
   R1 : Cash waqf can be done by two people without having to wait to be rich.
   R2: It should be easier to do, because you don't have to wait for a lot of treasure.
   R3: Obviously because it can be felt directly by UMKM.
   R4 : Very good, especially for those of us who do not have land, but want to be waqf.

Based on the respondents above, it can be concluded that the advantage of cash waqf is that it can be done immediately if we have more fortune, without having to wait for our assets to overflow.

5. Do you know the procedure for cash waqf?
   R1: Don't know yet
   R2: Don't understand
   R3: Don't understand
   R4: Don't know yet.

Here it can be concluded from the four respondents that they do not understand the procedure for cash waqf.

6. Do you think that cash/money waqf can be an alternative for the problem of "the economy of the people"?
   R1: Yes, as long as it is managed by a professional body or individual.
   R2 : Yes, because money can help UMKM
   R3: Yes, with professional management of course cash waqf will be very good help lift the post-pandemic economy.
   R4 : Yes, if managed by a trustworthy person.

From the respondents above, it can be concluded that cash waqf is an alternative and can help the post-pandemic economy.

From the results above, it can be concluded that the Indonesian people do not understand what waqf is, especially cash waqf. So here the role of religious leaders is very important in providing understanding and education to the public regarding what waqf is. And the need for socialization either directly or through electronic media such as lectures on social media to k educate the public what is waqf, what are the types of waqf that Muslim communities can apply in their daily life.

Where waqf is a source of goodness that can be given directly to all levels of society. For example, by providing land waqf which is given to an institution that can manage it well, it can be used or built into a place of worship or a place of education that has many functions for the surrounding community.

And there is a good debate between one clergy and other scholars whether the law is cash waqf for the community, so here it can be concluded that understanding the community is very necessary and important, where if the community experiences misunderstandings regarding this waqf then what was originally a good intention and practice will be reduced.

Then it is explained what are the opportunities and challenges for those around, because cash waqf certainly has good opportunities and very real challenges ahead. which is then explained by the researcher as follows.

Cash waqf in the form of money is still an idle asset because it has not been explored much by its owners, especially among the rich (aghniya) so that it cannot be used for the benefit of the people, especially for economic development. It can this occurs because the discussion about cash waqf has only surfaced recently along with

the development of the economic system and development that produces new innovations.

In line with the dynamics of the times, waqf continues to receive serious attention and is implemented in various Islamic countries, without exception in Indonesia. This is evident, that the waqf institution has long been accepted as the customary law of the Indonesian nation itself. So that in Indonesia there are many treasures scattered in various areas which are mostly Muslim. In the future, the seriousness of exploring and developing the potential of waqf will be even stronger with the issuance of Law of the Republic of Indonesia Number 41 of 2004 concerning Waqf which can guarantee legal certainty regarding the implementation of waqf.

Indeed, when compared to the problem of zakat, hearing about the issue of waqf, it seems that people are still a bit foreign, let alone doing it. Moreover, those related to cash waqf will be less understood because so far what they have heard is that waqf is limited to those directly related to the affairs of mosques, madrasas and cemeteries. In other words, it seems that so far the impression that has emerged among the Muslim community is that waqf is always synonymous with Islamic charity which is neglected, unmanaged, runs independently, and lacks bona fide. In fact, in other countries, waqf management has been so advanced and professional (Nasution, 2001: 10).

Opportunities to raise funds through cash waqf do not only come from individuals. However, institutionally wakif – although it has not been explained at length in fiqh books – such as from Small and Medium Enterprises and Cooperatives (UKMK), which according to Adi Sasono, if the UKMK is empowered will be able to increase revenue from taxes by Rp. 400 trillion. Furthermore, if the 2.5% is transferred in the form of cash waqf, it will collect funds of Rp. 10 trillion, (see Mahmudi, in the Directorate of Zakat and Waqf Development, Director General of Islamic Community Guidance and Hajj Organization, 2004: 26).

By seeing how big the potential of cash waqf is, it is time to realize the empowerment of waqf institutions which are one of the financial instruments in the Islamic economic system. And the collected waqf funds should be used for productive activities so that the benefits can be felt by all levels of society. And in the end will give birth to physical and spiritual well-being (compare with Qardhawi, 1397 H).

The Mamluk dynasty also developed waqf rapidly. Anything can be donated on condition that it can be taken advantage of. However, most of the waqf at that time was agricultural land and buildings, such as office buildings, inns and places of study. Also, during the Mamluk dynasty there were slaves who were donated to care for religious institutions. For example, donating slaves.

To maintain mosques and madrasas. This was done for the first time by the ruler of the Ottoman dynasty when he conquered Egypt, Sulaiman Basya who donated his slaves to take care of the mosque. Waqf that is used to further brighten the symbols of Islam is waqf for facilities in Haramain, Mecca and Medina such as the Ka'bah cloth (kiswatul Ka'bah). King Saleh bin al-Nasir, for example, bought the village of Bisus and then donated it to pay for the kiswah of the Ka'bah every year and replace the cloth of the Prophet's grave and pulpit every five years.

The waqf funds collected are an enduring fund that must remain and will continue to benefit the community and the waqif until the end of time. However, to be able to realize the idea of course requires a systemic and organized program supported by professional human resources in order to be able to overcome the challenges that require solutions.

The emergence of the idea of cash waqf clearly raises a question mark because it is contrary to the perception of Muslims that has been formed for years. The accommodation of cash waqf in the concept of waqf is actually the result of a radical interpretation (ijtihad) which tries to change the definition of waqf in accordance with the development of economic theories in this century. It seems that, in response to this change, the Indonesian Ulema Council (MUI) is trying to formulate a new definition of waqf as previously stated. Due to the results of this new ijtihad, many challenges will be encountered in its implementation. Among other things, the most important thing is how to change the mindset so that the wider community, especially the middle and upper classes, are able to understand the strategic role of cash waqf which has the value of worship in the economic development of the community, especially Muslims.

To develop cash waqf funds is to open a network (networking) and waqf cooperation, both in the institutional and expert fields. Both on a national and international scale. This needs to be done in order to improve conceptual studies as well as waqf management and development techniques. From this collaboration, it is hoped that there will be experience sharing and input from various experts according to their respective scientific disciplines, all of which are still in the frame to support the progress of cash waqf management in the future. And from here, it is hoped that new innovations will emerge in empowering the economic potential of waqf in a more prosperous manner.

In addition, to overcome some of the problems faced by various waqf institutions in Indonesia, namely around the lack of information about sources, cooperation and general waqf development techniques, it is necessary to form an information and communication network. Technically, this can be done by Muslim net providers which are now growing rapidly. As has been done in several Islamic countries, including Egypt, Oman, Qatar, Syria and Kuwait. These countries have developed accessible Web sites.

Another thing that is no less crucial in the effort to socialize the cash waqf development project, now is the time to establish print and multi-media media that specifically develop information about cash waqf. Media can be in the form of journals or magazines about waqf so that the information in it can be accessed by academics and practitioners (nadzir) so that they will be richer in imagination, creations and new innovations that can be developed in the future in their respective places.

Efforts to socialize and the availability of human resources that are still considered inadequate are aspects that need attention. In addition to other aspects that have not been mapped much for the sake of improvement of the waqf management system which in turn is what is expected from the cash waqf concept will really help a lot for economic development in Indonesia.

The religious approach is intended so that the candidate for wakif feels touched that cash waqf is part of worship that functions as a charity for anyone who fulfills it. Therefore, by looking at the real conditions of most of the Muslim community in Indonesia who still live below the poverty line, it means that participating in paying cash waqf is a very commendable charity opportunity, as well as a challenge to participate in solving their socio-economic problems. Isn't it that those who are able to have a social responsibility to eradicate the lives of their underprivileged brothers and sisters.

Conclusion

The theory or philosophy of law scholars still often debate what is the ruling on waqf cash. Some allow it and some do not allow waqf with cash. This is because the method commonly used by the community in developing waqf assets revolves around only leasing waqf assets, such as land, buildings, houses and the like. Therefore, it is

important to understand the importance of returning to the surrounding community regarding what waqf is, and how to manage it.

However, along with these opportunities, there are still a number of challenges that must be faced which if not responded wisely will reduce the value of the opportunities that can be done. Since the regulation on waqf that has been in question has been officially promulgated, the first and main challenge that needs to be promoted is the process of socializing the concept with its target object to the candidates for waqif and waqf nadzir.

Then it needs to be followed by a future development strategy, among others by building a representative waqf institution in accordance with sharia principles. In addition, there needs to be a thought on how to manage the funds that have been collected so that they are kept safe and the results can be utilized. Of course, the development strategy will be stronger if it is supported by external parties in the form of networks and waqf cooperation. Without neglecting the main role of the government to always be consistent in the development of cash waqf in Indonesia by facilitating all the necessary instruments.

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التنوع الثقافي والتعايش السلمي في الاسلام

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ملخص

أردت في هذا البحث أن أبين منهج الإسلام في قضية التنوع الثقافي والتعايش السلمي في المجتمعات وأثره في ذلك، موضحاً النظرة الصحيحة للإسلام وغايته التي تؤكد على التآلف والتعايش السلمي بوجود التنوع الثقافي، ومن أهم نتائج البحث أن الإسلام يؤمن بالتنوع والتعددية الثقافية كونها إرادة ربانية جاءت لحكمة بالغة الأثر لا يعرف كنهها إلا الله جل جلاله، وأن الإسلام يدعو إلى ترسيخ مبدأ كرامة الإنسان أياً كان دينه، أو جنسه، أو عرقه، أو لونه، أو معتقده. وقد قسمت هذا البحث المختصر إلى مبحثين ، في المبحث الأول تكلمت عن مفهوم التنوع الثقافي ورعاية الشريعة الإسلامية مع أمثلة تطبيقية، وفي المبحث الثاني مفهوم التعايش السلمي وتطبيقاته، وطريقة البحث التي استخدمتها هي طريقة البحث المكتبي .

الكلمات المفتاحية: التنوع– التنوع الثقافي – التعايش السلمي

Abstract

In this research, I wanted to explain the approach of Islam in the issue of cultural diversity and peaceful coexistence in societies and its impact on that, explaining the correct view of Islam and its goal that emphasizes harmony and peaceful coexistence in the presence of cultural diversity. One of the most important results of the research is that Islam believes in diversity and cultural pluralism, being a divine will that came for a very effective purpose that's only known by Allah the Almighty, and that Islam calls for the consolidation of the principle of human dignity, whatever his or her religion, gender, race, color, or belief. I divided this brief research into two topics. In the first topic, I talked about the concept of cultural diversity and the care of Islamic legislation with practical examples, and in the second topic the concept of peaceful coexistence and its applications, and the research approach that I used is the approach of desk research.

Keywords: cultural diversity - Peaceful coexistence – Diversity

مقدمة

الحمد لله الأكرم، الذي علم بالقلم، علم الإنسان ما لم يعلم، الذي خلق الناس جميعاً من نفس واحدة قال تعالى: {يَا أَيُّهَا النَّاسُ اتَّقُواْ رَبَّكُمُ الَّذِي خَلَقَكُم مِّن نَّفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالاً كَثِيرًا وَنِسَاء وَاتَّقُواْ اللّهَ الَّذِي تَسَاءلُونَ بِهِ وَالأَرْحَامَ إِنَّ اللّهَ كَانَ عَلَيْكُمْ رَقِيبًا} [سورة النساء، رقم الآية: 1]

لقد جاء الإسلام حاملاً مبادئ وقيم وأخلاق وغايات وأهداف عُدَّت من أهم مرتكزات التنوع

الثقافي فضلاً عن دعوته الرئيسة التي تقوم على التعايش السلمي وحفظ الحقوق للمسلم وغيره. إن التعايش والتعارف مع عدم إنكار الآخر وحقوقه السبيل الأوحد للحق والبشرية، وفي رعاية هذا المبدأ مصلحة الإنسان ومصالح الدنيا، وإن ذلك هو الجو الخصيب لنشر الفكر السليم والصحيح. وفي هذا البحث المختصر بيان مقاصد الإسلام في تأكيد النوع الثقافي القائم على التوادّ والتآلف وسبل التعايش السلمي بوجود التنوع الثقافي .

ويعد التنوع الثقافي من الإشكاليات التي تواجه الدول في أي مكان ، لكن الاختلاف هو في كيفية إدارة هذا التنوع على مبادئ العدالة الاجتماعية ، وأسس الإدارة العلمية التي تنظمها اللوائح و القوانين في إطار ثقافة الإنجاز بدلا من ثقافة الولاء الفرعي للقبلية والعشائرية بمرجعياتها الثقافية المتباينة والتي قد تعيق من بناء دولة المؤسسات في أي مجتمع، والإسلام أول من قرر المبادئ الخاصة بحقوق الإنسان في أكمل صورة ، وإن آخر ما أملته الإنسانية من قواعد وضمانات لكرامة الجنس البشري كان من أبجديات الإسلام .

وتهدف هذا البحث إلى ثلاثة أهداف : توضيح رعاية الشريعة الاسلامية للتنوع الثقافي وأثره في المجتمع. وبيان أثر الإسلام في حفظ حقوق الإنسان من خلال التسامح الديني والتعايش السلمي بين مختلف الثقافات ، واحترامه لحقوق الإنسان. وبيان شمولية الإسلام لجميع جوانب الحياة ، فكل قيمة إيجابية قد دعا إليها الإسلام وأمر بها.

وتكمن أهمية البحث في أن المجتمعات متعددة الثقافات تتميز بوجود أشخاص من مختلف الأديان، و القوميات، والأعراق والجنسيات، والذين يعيشون مع بعضهم البعض في نفس المجتمع، وإن التغيرات الاجتماعية والتحولات الثقافية والسياسية التي تشهدها المجتمعات واختلاف الأديان، و القوميات، والأعراق والجنسيات، والذين يعيشون مع بعضهم البعض في نفس المجتمع في الوقت الحاضر، وخاصة التحولات في مجال الديمقراطية ، والحرية ، وكرامة الإنسان ، وحقوق الإنسان بشكل عام، تقتضي من الباحثين التربويين والاجتماعيين الكشف عن أثر الإسلام في الحفاظ على حقوق الإنسان وأن الإسلام أول من قرر المبادئ الخاصة بحقوق الإنسان في أكمل صورة وحرص على التسامح الديني والتعايش السلمي بين مختلف الثقافات.

الدراسات السابقة

لقد كُتب في موضوع التسامح الديني والتعايش السلمي في الإسلام ونظرة الإسلام إلى التعددية وموقفه من ذلك رسائل ومقالات وذلك لما لهذا الموضوع من أهمية وخاصة مع الحاجة الماسة لنشر روح الإسلام وسماحته في ظل الحملات التي تشوه الإسلام ومعاملاته، فجاءت هذه الأبحاث لتبين الفهم الصيح في هذا الجانب، ومن تلك الدراسات:

1- أثر الإسلام في التنوع الثقافي والتعايش السلمي، حيدر صاحب شاكر، وهي عبارة عم مقالة في أعمال المؤتمر الدولي الثامن: التنوع الثقافي / في طرابلس 21-23، مايو 2015 م.

وجاءت هذه المقالة في مبحثين وتمهيد وخاتمة البحث ، أما التمهيد فجاء بعنوان : (رعاية الشريعة الاسلامية للتنوع الثقافي) ، أما المبحث الأول فكان معنوناً بـ(أهداف التعايش السلمي ودور التنوع الثقافي فيه ومزاياه وفوائده) ، و المبحث الثاني (أسس التعايش السلمي) ، وقد أفاد الباحث منه .

2- مفهوم التعايش وضروراته ومبادئه بين المسلمين وغيرهم ، محمد الحسن البغا ، عميد كلية جامعة دمشق، وهي عبارة عن تمهيد ومبحثين، وفي التمهيد تكلم عن : مفهوم التعايش وأهل الذمة ، وتكلم في المبحث الأول عن : ضرورات التعايش، وفي المبحث الثاني ذكر مبادئ التعايش.

3- نظرات حول الوحدة والتعدد، في الفكر الإسلامي المعاصر، محمد محفوظ (الصفحات ٩٣ – ١١٨)، مقالة في مجلة ثقافتنا للدراسات والبحوث، العدد السادس والعشرين1432هـ– 2011م ، هذه الدراسة تتناول بعض عناوين التعدد والتنوع المتوفرة في الساحة العربية والإسلامية، وتبين أن مفهوم الوحدة الإسلامية، لا يقصي هذه الحقائق ولا يحاربها في وجودها وآفاقها الطبيعية وإنما هو يثريها بمضامين حضارية وآفاق عالمية.

4- معالم الرحمة بين الإسلام والتعددية الثقافية، عبدالكريم عثمان علي، جامعة وادي النيل –السودان– الناشر: المؤتمر الدولي عن الرحمة في الاسلام، قسم الدراسات الإسلامية كلية التربية ، وقد قسم البحث إلى مقدمة وثلاثة مباحث وخاتمة، وتكلم في المبحث الأول: حول مفهوم التعددية الثقافية ونشأتها وتطورها، وتكلم في المبحث الثاني عن التنوع الثقافي في الإسلام ، وتكلم في المبحث الثالث عن معالم الرحمة بين الإسلام والتعددية الثقافية.

وقد جاءت هذه المقالة لتبين أن التعايش والتنوع الثقافي والتعارف مع عدم إنكار الآخر وحقوقه السبيل الأوحد للحق والبشرية و في رعايته مصلحة الإنسان ومصالح الدنيا, وإن ذلك هو الجو الخصيب لنشر الفكر السليم والصحيح.

منهج البحث

اتبع الباحث المنهج الوصفي التحليلي.

و قد جعلت المقال في مبحثين :

المبحث الأول: مفهوم التنوع الثقافي ورعاية الشريعة الإسلامية له، وفيه:

– مفهوم التنوع الثقافي

– التنوع الثقافي في الإسلام.

- أمثلة تطبيقية للتنوع الثقافي في الإسلام

- رعاية الشريعة الإسلامية للتنوع الثقافي

- الإسلام وحقوق الآخر .

المبحث الثاني: التعايش السلمي، وفيه:

- مفهوم التعايش السلمي

- أهداف التعايش السلمي

- ثمرات التعايش .

- أسس التعايش السلمي.

- أمثلة تطبيقية للتعايش في القرآن والسنة النبوية .

المبحث الأول (مفهوم التنوع الثقافي ورعاية الشريعة الإسلامية له) مفهوم التنوع الثقافي:

التنوع في الحياة الإنسانية هو سر بقائها وسبب استمرارها، والتنوع مفردات كثيرة، وتعتبر التعددية الثقافية تجل وانعكاس ومظهر لهذا التنوع. التعددية الثقافية مصطلح شامل يغطي مساحات واسعة من السياسات التي تستهدف توفير مستوى معين من الاعتراف العام، ومساندة المجموعات العرقية الثقافية غير المسيطرة، سواء كانت هذه الجماعات أقليات جديدة كالمهاجرين واللاجئين، أو أقليات قديمة كالأقليات المستقرة تاريخياً والسكان الأصليين، وهذا يغطي أنواعاً مختلفة من السياسات لأنواع مختلفة من الأقليات[1] . التنوع الثقافي هو التراث المشترك للإنسانية، وينبغي الاعتراف به والتأكيد عليه لصالح أجيال الحاضر والمستقبل.

والثقافة تضم العناصر الأساسية الثلاثة : العنصر الإدراكي: ويضم مجموعة القيم والأفكار والمبادئ التي تساعدنا في الإدراك الموضوعي للعالم المحيط بنا وما يتضمن من مكونات. والعنصر العفوي: وهو الذي يضم مجموعة القيم والأفكار التي تساعدنا في التفضيل بين الأشياء. والعنصر الوجداني: وهو الذي يساعدنا في تشكيل الاتجاهات السلبية أو الإيجابية نحو العالم المحيط بنا أو مكوناته.

لهذا فالثقافة في المحصلة النهائية، تشكل نظرية متكاملة في المعرفة والسلوك، لأنها التي تقوم بإحياء الهوية الجماعية وتعبئتها وإعادة تنشيط وتوحيد عناصرها ورموزها، وتحديث مقومات الشخصية الوطنية وفق منظومات ونظم تنسجم وحاضر المجتمع وراهنه. لهذا فإن الثقافة هي التي تعبر عن المجتمع،

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[1] - عبدالكريم عثمان علي ، معالم الرحمة بين الإسلام والتعددية الثقافية، جامعة وادي النيل –السودان- الناشر: المؤتمر الدولي عن الرحمة في الاسلام ص154.

تطلعاته، قوانينه، نماذجه، مسلماته، وبديهياته[2].

التنوع الثقافي في الإسلام

{يَا أَيُّهَا النَّاسُ اتَّقُواْ رَبَّكُمُ الَّذِي خَلَقَكُم مِّن نَّفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالاً كَثِيرًا وَنِسَاء وَاتَّقُواْ اللّهَ الَّذِي تَسَاءلُونَ بِهِ وَالأَرْحَامَ إِنَّ اللّهَ كَانَ عَلَيْكُمْ رَقِيبًا} [سورة النساء: رقم الآية 1]

هذه الآية العظيمة الكريمة التي ابتدأت بها سورة النساء ترد الناس إلى رب واحد وخالق واحد وأسرة واحدة وتجعل وحدة الإنسانية هي النفس، ووحدة المجتمع هي الأسرة، وتستجيش في النفس تقوى الرب وصلة الرحم، لتقيم على هذا الأصل الكبير كل تكاليف التكافل والتراحم في الأسرة الواحدة ثم في الإنسانية الواحدة[3] ، ويتفرع من هذا استواء الناس أمام القانون، وفي الكرامة الإنسانية، التي قال الله فيها {وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ } [سورة الإسراء: رقم الآية 70]، قال أبو السعود: قاطبةً تكريماً شاملاً لبَرِّهم وفاجرِهم أي كرمناهم بالصورة والقامةِ المعتدلةِ والتسلط على ما في الأرض والتمنُّع به والتمكُّنِ من الصناعات وغير ذلك مما لا يكاد يُحيط به نطاقُ العبارة[4]، فالإنسان في التصور الإسلامي محفوظ في الدين والنفس والمال والعقل والنسل، حتى ولو كان مخالفاً في العقيدة أو الفكرة، إلا إذا تخطى حدود السلم الاجتماعي وصار مهدداً لغيره أو لوحدة المجتمع . إن الإسلام دين يعترف بالتنوع، ويضع له أهمية باعتباره قانونًا عمرانيًّا، وبالتالي فالشريعة تكرِّسُه في مختلف الاتجاهات التطبيقية، السياسية والاجتماعية والاقتصادية والثقافية .

أمثلة تطبيقية للتنوع الثقافي في الإسلام

لقد عبَّر القرآن الكريم والسُّنَّة النبوية الشريفة، في أكثر من موضع عن اعتراف واضح بأهمية التنوع الثقافي، وبأنه حقيقةٌ واقعة في حياتنا. وعندما نتكلم عن الثقافة، فإننا نتكلم عن الهوية، وبالتالي نعني منظومة من الأشياء والأمور، مثل اللغة، ومثل القومية، التي تعني الشعوب، والأعراق المختلفة الألوان واللغات. من القرآن الكريم، نختار فقط آيتَيْن:

الأولى– في سُورة "الروم"، إذ يقول تعالى: {وَمِنْ آيَاتِهِ خَلْقُ السَّمَاوَاتِ وَالأَرْضِ وَاخْتِلَافُ أَلْسِنَتِكُمْ وَأَلْوَانِكُمْ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّلْعَالِمِينَ} [سورة الروم: رقم الآية22].

والثانية– في سُورة "الحُجُرات"، ويقول فيها سبحانه: {يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُم مِّن ذَكَرٍ

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[2] - محمد محفوظ ، ثقافتنا حول الوحدة والتعدد في الفكر الإسلامي المعاصر، الناشر مجلة ثقافتنا للدراسات والبحوث العدد 26، 2011م.

[3] ـ عبدالعزيز عبدالرحمن قارة، الإسلام والعنصرية: دار البشير: جدة: ط 2،1995،م: ص17.

[4] – أبو السعود العمادي محمد بن محمد بن مصطفى (المتوفى : 982هـ) إرشاد العقل السليم إلى مزايا الكتاب (4/ 214، بترقيم الشاملة آليا).

وَأُنثَى وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِندَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ﴾ [سورة الحجرات: رقم الآية 13].

ففي الآية الثانية نجد أن التنوع الذي يعترف به الإسلام، يبدأ من مستوى النوع، الذكر والأنثى، وصولاً إلى تنوع الشعوب، بثقافتها وألسنتها وألوانها، كما تقول الآية الأولى، في تكامل رائع يقول بأحادية مصدر القرآن الكريم، واتساقه.

نقف أمام "خطبة الوداع" التي تلا فيها الرسول الكريم صلَّى اللهُ عليه وسلَّم، قول الله تعالى: ﴿ الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتْمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيتُ لَكُمُ الإِسْلاَمَ دِينًا﴾ [سورة المائدة– رقم الآية 3]، وفي ذلك دلالة على أن هذه الخطبة فيها جماع الدين، ومركزيتها في تحديد رؤية وبوصلة الأمة إلى يوم يُبعثون.

ففيها قال الرسول عليه الصلاة والسلام: ((كلكم لآدم وآدم من تراب))[5]، وفيها قال مخاطبًا الناس أجمعين؛ لأنه عليه الصلاة والسلام كان يعلم أن الله تعالى شاء أن تبقى هذه الكلمات حية لتقيم الحُجَّة على بني آدم كلهم أجمعين: ((يَا أَيُّهَا النَّاسُ ، أَلاَ إِنَّ رَبَّكُمْ وَاحِدٌ ، وَإِنَّ أَبَاكُمْ وَاحِدٌ ، أَلاَ لاَ فَضْلَ لِعَرَبِيٍّ عَلَى عَجَمِيٍّ ، وَلاَ لِعَجَمِيٍّ عَلَى عَرَبِيٍّ ، وَلاَ أَحْمَرَ عَلَى أَسْوَدَ ، وَلاَ أَسْوَدَ عَلَى أَحْمَرَ ، إِلاَّ بِالتَّقْوَى)) [6].

فقد ردَّ الرسول عليه الصلاة والسلام في هذه العبارات الإنسانية إلى أصلها آدم عليه السلام، واعترف بالتنوع العرقي فيها، وقال إن هذا التنوع لا فضل لأحدٍ فيه على أحد، إلا بالتقوى. فهذه العبارات إذًا، تقول بأن الإسلام وضع نقطة التنوع الثقافي والاجتماعي قيد الاعتراف، بل جعله – كما يقول مفكرون عرب عن المفهوم الغربي للتنوع الثقافي والاجتماعي– قضيةً إنسانيةً وأخلاقية، حيث منع أي تفوق لأي عنصر لمجرد أنه ينتمي إلى هذا الشعب، العرقية، اللون أو اللسان، إلى آخر صور التنوع البشري، ووضع معيار التقوى لفضل الناس على بعضها البعض.

رعاية الشريعة الإسلامية للتنوع الثقافي

إن الإسلام يرمي إلى حماية التنوع الثقافي والحفاظ على التعددية الحضارية في إطار سياسة تعاون دولي مبنية على أسس الحوار والسلم ونبذ منطق الهيمنة والقوة ويتضمن في الوقت ذاته إدانة العنف والإرهاب بشتى أشكاله ومصادره.

إن المنظور الإسلامي في حماية التنوع الثقافي والحفاظ على الخصوصيات الثقافية ينطلق من

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[5] ـ أبو بكر البيهقي ، شعب الإيمان ، تحقيق: الدكتور عبد العلي عبد الحميد حامد، الناشر : مكتبة الرشد للنشر والتوزيع بالرياض بالتعاون مع الدار السلفية ببومباي بالهند الطبعة: الأولى، 1423 هـ - 2003 م، ج7،ص131.
[6] ـ أبو عبد الله أحمد بن حنبل، المسند، المحقق : السيد أبو المعاطي النوري، الناشر : عالم الكتب – بيروت الطبعة : الأولى، 1419هـ - 1998 م، ج5، ص 411.

رؤى ثابتة تقضي بتحقيق أسس التفاهم والتحاور بين الدول والشعوب، إذ لا حوار إذا لم يكن هناك احترام للخصوصيات الثقافية التي تسمح بإيجاد تنوع ثقافي خصب تتلاقح من خلاله التصورات الثقافية لكل حضارة من الحضارات، ويمكن تقديم بعض هذه الرؤى من خلال ما يلي:

أ– إن التنوع الثقافي ثروة ينبغي ألا تكون مصدرًا للنزاع ونبذ الآخر بل سبيلا إلى توسيع الأرضية المشتركة التي يشترط تحققها الاعتراف بالآخر وتفهم مشكلاته ومقاصده وإدراكه على قدم المساواة وعدم استهدافه بالتمييز أو التحقير أو الإلغاء.

ب– إن حماية التنوع الثقافي تقتضي من جميع الأطراف الاقتناع بكون القيم والقواعد المشتركة أساسًا للحوار وسبيلا للتلاقي والتعاون بدل المجابهة، والانفتاح بدل الانغلاق، والتفاهم بدل التجاهل، وإذا كان لابد من الاعتراف بأنه لا تزال توجد غربة فكرية للمسلمين عن الحضارة الغربية وغربة فكرية أعمق للغربيين عن الإسلام، فإن هذه العوائق يمكن أن تتبدد كلما كثرت اللقاءات الحضارية والثقافية بين الجانبين.

ت– ينبغي الاستناد إلى القيم الأخلاقية في الثقافات المختلفة في إعداد وصياغة منظومة عالمية للأخلاق والاعتراف بالمصادر المتنوعة للمعرفة، وبالتنوع الثقافي بوصفها سمات رئيسة للمجتمع الإنساني كرصيد لا غنى عنه لتقدم الإنسانية.

ث– إن صيانة وحماية قيم التعدد الثقافي لا تشكل ذريعة لإقصاء الآخر واستبعاده، فالتعارف الحضاري الذي هو مبدأ سام ونبيل دعا إليه القرآن الكريم يرمي إلى التواصل والتعارف بين الأمم والشعوب انطلاقًا من الخصوصيات الثقافية والتعددية الثقافية.

ج– لابد من احترام الشعائر الدينية والكتب المقدسة عند أهل كل دين باعتبار كل ذلك أصولا ومرتكزات للديانات التي تؤمن بها مختلف الأمم والشعوب، ولاشك أن احترام التنوع الثقافي والإقرار به يقتضيان عدم تشويه صورة الآخر وتمييع حقائق دينه والمس برموزه ومقدساته.

ح– إن حماية التنوع الثقافي للشعوب غير المتقدمة وإعادة الاعتبار لتراثها الثقافي وخصوصياتها الحضارية مدخل لتعزيز ثقافة السلام وإرساء سبل التكافل الثقافي الكفيلة بإظهار روح التعاون والتضامن اللذين هما عنوان الإقرار والاعتراف بالتنوع الثقافي وحقوق الآخرين.

خ– إنه لا وجود من حيث المبدأ لثقافة التربص أو المؤامرة عكسًا لما قد تفضي إليه الأحكام المسبقة ضد الثقافات والحضارات والصور النمطية للشعوب والأمم مع مواصلة الدعوة إلى الإفادة من مزايا العولمة وتلافي سلبياتها ومفاجآتها المحتملة.

د– إن التنوع الثقافي ثروة ينبغي ألا تكون مصدرًا للنزاع والتوتر ونبذ الآخر بل سبيلا إلى توسيع الأرضية المشتركة ودعم فرص التوافق والتلاقي وتقليل الفوارق وحل النزاع بالطرق السلمية، وبالمنهج

القائم على الحوار المؤدي إلى زيادة الوعي بالقيم المشتركة بين الشعوب جميعًا.

ذ– إن حصيلة التراث الثقافي المادي وغير المادي الذي يراعي التعدد الثقافي في جميع أبعاده هو الذي يشكل الإرث المشترك للإنسانية جمعاء والذي تستلهم منه ما يقوي أسباب التفاهم الدولي ويوفر فرص الحفاظ على الأمن العالمي [7].

الإسلام وحقوق الآخر

تقوم العقيدة الإسلامية على مبدأ وحدة الجنس البشري، وأن الاختلاف بين البشر سواء في الأرزاق أو مصادر الدخل أو الأعمار أو الألوان أو الأعراق إنما يهدف إلى إعمار الكون في إطار من التعايش والتعاون والتكامل. ولقد أعطى الإسلام المسلمين حقوقهم كاملة، ولم يقف عند هذا الحد بل أعطى غير المسلمين حقوقهم كاملة وكان يوصي بهم خيرا، ولم يجبرهم على دخول الإسلام واعتناقه بل جاء في ذلك نهي عن اتخاذ أي أمر يكون سببه إهانة الإنسان وحمله على ما لا يطيق، بل إن الإسلام أعطى كامل الحرية في ذلك ومنه ما جاء في قوله تعالى {لَآ إِكْرَاهَ فِي الدِّينِ قَد تَّبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ ..} [سورة البقرة :رقم الآية 256]

إن في الإسلام تسامح وقبول للآخر وإبقاءه كتنوع ثقافي داخل بيت الإسلام وتلك عظمة الإسلام وعالميته. وتتجلى عظمة الإسلام ورحمته في الأمر بالحفاظ على ممتلكات الآخر، ويتجسّد هذا الأمر في إقامة التنوع الثقافي وقبوله ، قال تعالى {لَّا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُم مِّن دِيَارِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ} [سورة الممتحنة: رقم الآية 8] ، فقد دعا إلى احترام الآخر ورعايته وحفظ أمنه وماله وعدم المساس به .

والتصالح مع الآخر أولى مبادئ الإسلام وأهدافه من أجل إقامة مجتمع سوي يرفل بالسلم والأمن والسلام؛ فهذه مرامي الإسلام التي دعا إليها الكتاب العزيز . وجاءت سنة المصطفى صلى الله عليه وسلم مكملة لذلك مما جاء من سيرته العطرة وخلقه الرفيع وسماحته مع خصومه مؤكدا منهج الإسلام وتعاليمه السمحة وأنه أعدل الأديان وأرحم الناس بالناس [8].

المبحث الثاني: التعايش السلمي

التعايش في اللغة جاءت من لفظة العيش ومعناه: الحياة وما تكون به الحياة من المطعم والمشرب والدخل والخبز [9]، وتأتي لفظة (تعايشوا) بمعنى عاشوا على الألفة والمودة ومنه التعايش

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[7] - د.حسن عزوزي حماية التنوع الثقافي في الإسلام ، :
http://alwaeialshababy.com/ar/index.php/our-religion/5014-2014-11-16-06-57-05

[8] - حيدر صاحب شاكر، أثر الإسلام في التنوع الثقافي والتعايش السلمي ، أعمال المؤتمر الدولي الثامن: التنوع الثقافي / طرابلس 21-23، مايو 2015 م.

[9] - إبراهيم مصطفى وآخرون، المعجم الوسيط، تحقيق/ مجمع اللغة العربية، دار النشر: دار الدعوة (ج2/ ص 640) .

السلمي [10].

معنى التعايش اصطلاحاً: هو الاحترام والقبول والتقدير للتنوع الثقافي ولأشكال التعبير، والصفات الإنسانية المختلفة . التعايش السلمي لغة: تعبير مركب واضح المعنى، إذ التعايش يعني الاشتراك في العيش وبهذا يكون التعايش السلمي بمعنى العيش المشترك بين شخصين فأكثر على اساس الود والحب والوئام، وسيراً على المعنى اللغوي تكون كلمة السلمي وصفاً مؤكداً لطبيعة التعايش. أما اصطلاحا: فهو نبذ الحرب كوسيلة لتسوية الخلافات الدولية واعتماد المفاوضات والتفاهم المتبادل واحترام السيادة للدول الأخرى والإقرار بالتكافؤ والمنفعة المتبادلة كأساس في العلاقات الدولية.

إن مصطلح التعايش السلمي من المصطلحات الحديثة، التي ظهرت بعد الحرب العالمية الثانية، وهو مصطلح يراد به حالة السلم التي تعيش فيها دول ذات أنظمة اجتماعية، وعقائد سياسية متباينة و لا سيما كتلة الدول الرأسمالية الغربية، و كتلة الدول الاشتراكية دون نشوب الحرب بينها. وينصب معنى التعايش السلمي على التفاهم، وليس على التعايش بين الطبقات، ومؤداه في الواقع قبول الوضع الراهن في العلاقات بين الدول، وإزالة حدة التوتر في العلاقات الدولية[11].

أهداف التعايش السلمي

إن تحقيق صلاح الدنيا وصلاح الإنسان وتحقيق الأمن الاجتماعي بكل معانيه لا يتم ذلك إلا من خلال التعايش السلمي بالقضاء على كل أسباب التطرف عبر الحجة والبرهان والكلمة, لا عبر فوهات البنادق والسلاح، وليشعر الجميع بكرامته وفعالية حقوقه الإنسانية واحترام ذاته, ومن خلال المساواة والعدالة والكرامة والحرية وتكافؤ الفرص بكل معانيها, وبهذا تزداد المعارف السلمية والصداقات النافعة, لتراكم الثروات والغنى للشعوب والأفراد, لتكون الحياة أفضل بكل مستوياتها وصعدها, ويزداد الازدهار العلمي والتقدم التقني من خلال إسهام الجميع بكل طاقاته في إفادة الآخرين لإثراء الحياة والمجتمع والاقتصاد لوفور الأمن الاجتماعي والإحساس بالنصف والكرامة المحفزين لبذل أقصى الجهود لبلوغ أعلى غايات الجودة وأقصاها في كل المجالات والمعايير و المؤشرات .

وفي هذه الأجواء الرائعة تنشط العقول وتبرق بوارق الحق, ولا ينفع الحق ويجليه ويوضحه كما يوضحه التعايش بكل مبادئه ليكون ناصعاً واضحاً لا يعكر صفوه غشاوة؛ ليظهر معدن الإنسان الروحي في كل معاني الصفاء والنقاء بعد إحساسه بتحقق المعاني المادية فيكتمل الأمران الروح والمادة, ليطير طائر الإنسانية بهذين الجناحين [12] .

10 - المصدر السابق (2/ 639).

11. - المرتضى الزين أحمد ، التعايش بين المسلمين و غير المسلمين في إفريقيا من منظور شرعي.

12. - محمد الحسن البغا ، مفهوم التعايش وضروراته ومبادئه بين المسلمين وغيرهم ، عميد كلية جامعة دمشق10ص

للتعايش بين أفراد المجتمع فوائد عديدة سياسية، واجتماعية، واقتصادية، وثقافية ومن أبرز فوائده ما يأتي:

1. أنه سبب لتحقيق المصالح المشتركة لجميع أفراد المجتمع، على اختلاف أديانهم وأعراقهم.

2. أنه سبب لتحقيق الأمن والاستقرار في المجتمع.

3. أنه سبب لتنمية المجتمعات وتطويرها سياسيا واجتماعيا واقتصاديا.

4.أنه سبب لنشر الدعوة بين أفراد المجتمع بسبب اختلاط غير المسلمين بالمسلمين، وتفهمهم لطبيعة الإسلام السمحة، ومعرفتهم بمبادئه العظيمة التي تظهر بوضوح في حرص المسلم على حسن التعامل، واحترام الجيران، ومساعدة الآخرين، والتسامح مع جميع أفراد المجتمع.

5. أنه يعرف اغير المسلمين بالوجه الحضاري للإسلام، ويصحح صورة الإسلام التي حاول الأعداء تشويهها في أذهانهم، وينفي عن الإسلام تهم التطرف، والإرهاب التي يحاول خصوم الإسلام وأعداؤه رمي الإسلام بها.

6. أنه سبب لتمكين الأقليات المسلمة الموجودة في بعض الدول من ممارسة شعائرهم الدينية، وتحقيق ذواتهم الإسلامية، وتأمين مصالحهم الدنيوية [13].

ولأسس التعايش السلمي أربعة أشياء:

1. حفظ كرامة الإنسان.

تُعد حفظ كرامة الإنسان أولى اهتمامات الإسلام، فقد أكدها في غير موضع من الكتاب العزيز، بيد أنه دين تسامح وعدالة ومساواة. وحفظ كرامة الإنسان أساساً من أُسس التعايش السلمي بين الشعوب، وقد جاء الإنسان في الكتاب العزيز في مواضع كثيرة منها قوله تعالى : {وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِّنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِّمَّنْ خَلَقْنَا تَفْضِيلا} [سورة الإسراء: رقم الآية 70] وقد جاء تكريم الله للإنسان تكريما عاما، وذلك التكريم يحفظ كرامة الإنسان ويمنحه المكانة التي تليق به بين أبناء جنسه، وفي ذلك مراعاة لأسس التعايش السلمي بين الشعوب وإقامة حدوده ومن هنا ينبغي أن يكرم أبناء الإنسانية بعضهم بعضا.

2. العفو

حرص الإسلام على وحدة الصف ووحدة الكلمة واستقطاب الناس جميعا، ونزع كل ما يعكر صفو الجمع الإسلامي ونزع الحقد وإزالة الضغائن؛ لأن ذلك يعزز مكانة الأخوة وتزداد المحبة بينهم .

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[13] ـ المرتضى الزين أحمد ، التعايش بين المسلمين و غير المسلمين في إفريقيا من منظور شرعي.

3 . العدل والمساواة

من الأسس التي جاء بها الإسلام تحقيق العدالة وإيجاد المساواة، مع الأصدقاء والأعداء قال تعالى:{يَا أَيُّهَا الَّذِينَ آمَنُواْ كُونُواْ قَوَّامِينَ لِلّهِ شُهَدَاء بِالْقِسْطِ وَلاَ يَجْرِمَنَّكُمْ شَنَآنُ قَوْمٍ عَلَى أَلاَّ تَعْدِلُواْ اعْدِلُواْ هُوَ أَقْرَبُ لِلتَّقْوَى وَاتَّقُواْ اللّهَ إِنَّ اللّهَ خَبِيرٌ بِمَا تَعْمَلُونَ} [سورة المائدة: رقم الآية 8] حتى في ميدان المعركة {وَقَاتِلُواْ فِي سَبِيلِ اللّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلاَ تَعْتَدُواْ إِنَّ اللّهَ لاَ يُحِبِّ الْمُعْتَدِينَ} [سورة البقرة: رقم الآية 190] ولم يعمم الإسلام الحكم، فلم ينظر إلى الآخر نظرة واحدة، أو يضع الجميع في سلة واحدة {لَيْسُواْ سَوَاء مِّنْ أَهْلِ الْكِتَابِ أُمَّةٌ قَآئِمَةٌ يَتْلُونَ آيَاتِ اللّهِ آنَاء اللَّيْلِ وَهُمْ يَسْجُدُونَ} . [سورة آل عمران : رقم الآية 113] .

4. حرية العقيدة

تقتضي حرية العقيدة منح حق العيش للجميع دون تمييز بسبب دين أو لون أو عرق، وقد نَعِم غير المسلمين في ظل الدولة الإسلامية بالأمن، ومنحوا الأمان على أنفسهم وأموالهم وذرياتهم، وسمح لهم ممارسة الطقوس وإقامة الشعائر، وقد حدث هذا منذ اللحظة التي أُعلن فيها قيام دولة الإسلام في المدينة المنورة واستمر إلى يومنا هذا، فرسول الله صلى الله عليه وسلم بعد أن وطأت قدماه المدينة قام بثلاثة أعمال نظم فيها سير الحياة للدولة الناشئة، وهي: تأسيس المسجد النبوي؛ ليكون داراً للحكومة، ومعهداً للتعليم، والمؤاخاة بين المهاجرين والأنصار؛ لصهر الفريقين في بوتقة الإيمان، ووثيقة المدينة؛ لتقنين العلاقة بين رعايا الدولة من مسلمين ويهود، وهم جميعاً يشكلون أمة واحدة، في ظل قوانين عادلة[14].

أمثلة تطبيقية للتعايش في القرآن والسنة النبوية

إن القاعدة الاسلامية العامة للعلاقة مع الآخر قاعدة أن أصل العلاقة مع الآخر هو السلم ودعوة الند للند إلى الإسلام أي تقتصر الدعوة إلى الاسلام على أسلوب الإقناع والتفاهم دون إكراه أو غصب حيث يقول تعالى في كتابه الكريم: {لآَ إِكْرَاهَ فِي الدِّينِ قَد تَّبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ} [سورة البقرة: رقم الآية 256] ، التعايش بين المسلمين وغير المسلمين المسالمين مشروع، والنصوص التي تدل على مشروعيته كثيرة، ومن أبرز نصوص القرآن الكريم الدالة على التعايش ما يأتي:-
1_ {لاَ يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُم مِّن دِيَارِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ}[سورة الممتحنة: رقم الآية 8].

الآية فيها الحث على الإحسان والبر بغير المسلمين، الذين لم يقاتلوا المسلمين، أو يتآمروا

على قتلهم، والإحسان المذكور في هذه الآية يكون بالرفق بضعيفهم، وسد خلة فقيرهم، واطعام جائعهم، وكساء عاريهم، ولين القول لهم، واحتمال أذيتهم في الجوار لطفا منا بهم، لا خوفا و تعظيماً، والدعاء لهم بالهداية، وأن يجعلوا من أهل السعادة، ونصيحتهم في جميع أمورهم في دينهم ودنياهم، وحفظ غيبتهم إذا تعرض أحد لأذيتهم، وصون أموالهم، وعيالهم، وأعراضهم، وجميع حقوقهم ومصالحهم، وأن يعانوا على دفع الظلم عنهم.

2_ {يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُم مِّن ذَكَرٍ وَأُنثَى وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِندَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ}[سورة الحجرات: رقم الآية13].

والآية فيها الدعوة للتعارف و هو يستلزم التعايش بين جميع الناس بعيداً عن العصبية للجنس، أو اللون، أو العرق، و أنه لا فضل لأحد على أحد إلا بالتقوى.

3_ قال تعالى: { وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حِلٌّ لَّكُمْ وَطَعَامُكُمْ حِلٌّ لَّهُمْ } [سورة المائدة: رقم الآية 5]

والآية أحلت طعام أهل الكتاب ونساءهم، وهما أمران يستلزمان التعايش والتساكن، ويفهم من ذلك أن روابط العلاقات الاجتماعية مع الآخر مؤكدة وينبغي أداؤها طاعة لله ورضاً بما أمر [15] . وأما النصوص التي تدل على مشروعية التعايش مع غير المسلمين المسالمين، والتي جاءت مضامينها في السنة النبوية فمن أبرزها ما يأتي:-

1_ لما قدم وفد نجران على رسول الله صلى الله عليه و آله وسلم دخلوا عليه مسجده بعد العصر، فحانت صلاتهم، فقاموا يصلون في مسجده صلى الله عليه و آله وسلم فأراد الناس منعهم، فقال رسول الله صلى الله عليه و آله وسلم : ((دعوهم)) فاستقبلوا بيت المقدس فصلوا صلاتهم في المسجد النبوي[16] .

2_ ما جاء في النهي عن ظلم المعاهدين والذميين، حيث ثبت أنه صلى الله عليه وسلم ((ألا من ظلم معاهدا، أو كلفه فوق طاقته، أو أخذ منه شيئا بغير طيب نفس منه، فأنا حجيجه يوم القيامة))[17] .

3_ عقد النبي صلى الله عليه و آله وسلم اتفاقية الصلح مع يهود المدينة لما قدم النبي رسول الله – صلى الله عليه و آله وسلم– المدينة وادع اليهود وعاهدهم وأقرهم على دينهم وأموالهم وشرط لهم واشترط عليهم .

يمكن للمسلمين التعايش مع مخالفيهم دون نفاق أو تزلّف أو تنازل عن المعتقدات، وأساس ذلك:

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15 - حيدر صاحب شاكر، أثر الإسلام في التنوع الثقافي والتعايش السلمي، أعمال المؤتمر الدولي الثامن: التنوع الثقافي.
16 البيهقي- دلائل النبوة ـ الناشر : دار الكتب العلمية ـ ودار الريان للتراث الطبعة : الأولى 1408 هـ / 1988 م (ج/5 ص382).
17 - أبو داود السِّجِسْتاني، سنن أبي داود المحقق : محمد محيي الدين عبد الحميد، الناشر : دار الفكر. (3/ 170) .

- الكرامة الإنسانية: {وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُم مِّنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِّمَّنْ خَلَقْنَا تَفْضِيلا} [سورة الإسراء: رقم الآية 70] فقد مرت جنازة فوقف لها رسول الله صلى الله عليه وسلم وقال.« أليست نفساً »

- الحرية والاختيار للدين: { فَمَن شَاء فَلْيُؤْمِن وَمَن شَاء فَلْيَكْفُرْ } [سورة الكهف: رقم الآية 29]، {وَلَوْ شَاء رَبُّكَ لَجَعَلَ النَّاسَ أُمَّةً وَاحِدَةً وَلاَ يَزَالُونَ مُخْتَلِفِينَ} [سورة هود: رقم الآية 118].

- الحساب من الله تعالى: {وَإِن جَادَلُوكَ فَقُلِ اللَّهُ أَعْلَمُ بِمَا تَعْمَلُون * اللَّهُ يَحْكُمُ بَيْنَكُمْ يَوْمَ الْقِيَامَةِ فِيمَا كُنتُمْ فِيهِ تَخْتَلِفُون } [سورة الحج: رقم الآية68، 69].

الخاتمة

__ يؤمن الإسلام بالتنوع والتعددية الثقافية كونها إرادة ربانية جاءت لحكمة بالغة الأثر لا يعرف كنهها إلا الله جل جلاله.

__ احترام التنوع الثقافي واللغوي والمعرفي وإقامة مبدأ التعارف والحوار وتبادل الخبرات وترك الصراع والتنازع.

__ دين الإسلام يحث جميع المخلوقات المكلفة من الإنس والجن على التعاون لتحقيق السلام في الدنيا والآخرة، والسلام كما هو معروف لدينا معناه إتاحة الفرصة لكل فرد راشد ليعمل على إسعاد نفسه من دون تدخل من الآخرين إلا أن يحاولوا مساعدته من دون إكراه للوصول الى السعادة التي ينشدها أو التي هي أفضل منها.

– إن العدالة الاسلامية في بعدها الثقافي، تقتضي تكوين العلاقات وفتح الجسور وتحقيق مفهوم التعارف مع الثقافات الإنسانية المختلفة.

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ملخص

إن لكل من العلم والدين قضايا حول الطبيعة، يدعي علماء العلوم الطبيعية أن اكتشاف ومعرفة قوانين الطبيعة يقع على عاتق العلم، بينما يدافع علماء الدين عن حقانية القضايا الدينية التي لا نزاع فيها حول الطبيعة، وقد أدى هذا الأمر إلى طرح مسألة النزاع بين العلم والدين وكان للمسألة أصداء بين المفكرين وعلماء الدين، وسعى كل من له رأي في المسألة لتقديم جواب مناسب، وكان من ضمن أولئك الفلاسفة (إيان باربور وجون ف.هوت) وأردنا في هذه المقالة بيان آراؤهما في العلاقة بين العلم والدين، وتهدف هذه المقالة إلى بيان العلاقة بين العلم والدين ومنشأ الخلاف بينهما، وكان من أهم نتائج هذا البحث أن العلم لا يقابل الدين مقابلة تناقض، ولا مقابلة تمايز، ولا مقابلة تباين، وإنما مقابلة تداخل، إذ يكون العلم جزءًا واحدا من أجزاء الدين كما يكون الإيمان جزءًا ثانيا والعمل جزءاً ثالثا من هذه الأجزاء، فالدين والعلم متكاملان ومتعانقان وليس بينهما صراع أو صدام، فالدين علم والعلم دين، وكثيرا ما تعاون العلم والدين في نشأت الحضارات وحل ما أشكل من معضلات الحياة، وإن التعارض الذي شوهد من قبل، وحتى الذي نشاهده في الوقت الحاضر بينهما، ناجم عن اغفال النظر الي حدود العلوم التجريبية من جانب القائمين عليها، وعن تدخل رجال الدين في أمور ليست لديهم الصلاحية لذلك .

الكلمات المفتاحية: مفهوم العلم — مفهوم الدين — التعارض – التكامل

مقدمة

كانت العلاقة بين الدين والعلوم موضوعاً للدراسة منذ العصور القديمة الكلاسيكية، حيث اهتم بها وفسرها الفلاسفة واللاهوتيون والعلماء وغيرهم، ووجهات النظر تختلف وفقاً للمناطق الجغرافية، والثقافات والحقبة التاريخية، فالبعض يصف العلاقة باعتبارها نوع من الصراع، والبعض الآخر يصفها بالانسجام، والبعض الآخر يري القليل من التفاعل فقط بين الدين والعلم، صحيح أن العلم والدين يختلفان عن بعضهما من حيث الموضوع والمنهج والغاية ، إلا أن التعاون والتكامل بين العلم والدين يمكن أن يقدم توضيحاً وتفسيراً للكون باعتباره كلاً جامعاً، بعبارة أخرى يتمكن العلم طبق هذه الرؤية من توسيع أفق الإيمان الديني، كما بإمكان الإيمان الديني أن يعمق معرفتنا بالعالم، وقد جاءت هذه المقالة لبيان العلاقة بين العلم والدين لدى (إيان بربور وجون هوت) مبينا رأي الباحث في العلاقة بينهما.

يعتبر موضوع العلاقة بين العلم والدين، من المواضيع الهامّة في تاريخ الفكر الإنساني لاعتبارات كثيرة منها أنّ : الدين والعلم من الظواهر الاجتماعية التي تساهم بشكل أو بآخر في بناء الحضارات أو سقوطها، تقدمها أو تخلفها، ولقد تأرجحت هذه العلاقة بين التنافر والتجاذب، بين الصراع والتوافق، فكانت بمثابة علاقة جدلية، انتهت بانقسام المفكّرين إلى فريقين، وقد جاءت هذه المقالة لتبيين وجهات النظر حول العلاقة بين العلم والدين .

ولهذا البحث أربعة أسئلة: ما هو الدين وما هو العلم . وما هو رأي (إيان بربور، وجون هوت) حول العلاقة بين العلم والدين. وما سبب الخلاف بين العلم والدين، وهل العلاقة بين العلم والدين علاقة تكامل أم علاقة تصادم .

ولهذا البحث أربعة أهداف: بيان ماهية العلم والدين . وبيان آراء (إيان بربور، وجون هوت) في العلاقة بين العلم والدين . وتوضيح منشأ الخلاف بين العلم والدين .ومعرفة التكامل بين العلم والدين واتبعت في كتابة هذا المبحث المنهج الوصفي التحليلي، متبعاً طريقة البحث المكتبي في جمع المعلومات والبيانات.

الدراسات السابقة

نظرا لكثرة الجدال والصراع حول قضية العلاقة بين العلم والدين فقد كانت موضوعا للدراسة لدى كثير من العلماء والفلاسفة، فهناك أبحاث ومقالات كثيرة تناولت هذا الموضوع بالبحث والنقد منها:

_ اللاهوت المعاصر (دراسات نقدية يعنى بتحليل ونقد اللاهوت الغربي وتأثيره في العالم الإسلامي) الموضوع : العلم والدين ، مجموعة من المؤلفين ، الطبعة الأولى — بيروت لبنان، المركز الاسلامي للدراسات الاستراتيجية، 1440هـ – 2019م .

هذا الكتاب يتضمن مجموعة من النظريات والعديد من الآثار الفكرية المتنوعة في شتى مجالات التنظير والفكر والتي تهدف في الواقع إلى وضع حل لمسألة التعارض بين العلم والدين، والمركز الإسلامي للدراسات الاستراتيجية يتبع أصول الأمانة العلمية، فقد جمع المقالات التي وقع الاختيار عليها ضمن هذه السلسلة كي تكون بين يدي القراء الكرام دون أي تصرف.

وهذا الجزء، تم تخصيصه لبيان «العلاقة بين العلم والدين» وقد ارتكز البحث فيه على تفنيد الرأي القائل بوجود تعارض بينهما، وكما هو معلوم فهذا الرأي عادة ما يطرح ويروج على ضوء أصول ونزعات إلحادية، لذلك تم تسليط الضوء على آراء علماء اللاهوت وسائر العلماء الذين ينتهجون فكراً دينياً سواء أكانوا مسلمين أم مسيحيين.

ـــ عمر بن بوذينة جامعة حسيبة بن بوعلي ـــالشلف، جدلية العلاقة بين العلم والدين والتباساتها في الفكر الإسلامي المعاصر ، الأكاديمية للدراسات الاجتماعية والإنسانية ج/ قسم العلوم الاجتماعية العدد 20 .

وقد تناول فيه أهم السجالات التي تناولت بالدرس موضوعات يلتقي حولها العلم والدين، هذه العلاقة بين العلم والدين والتي توصف بأنها علاقة توافقية إلى أبعد الحدود، بل ربما نجد الأمر في كثير من الأحيان يقف على العكس من ذلك، حيث اضطر مجموعة غير قليلة من المفكرين الإسلاميين إلى التدخل في المناهج المعرفية الدينية بالتأويل تارة وبالإنكار تارة أخرى حتى تنسجم المعتقدات مع مقررات العلم.

وفي المقابل دفعت مجموعة أخرى من علماء الدين دفعا إلى إنكار حقائق العلم تارة أو اتهام المنهجية العلمية تارة في سبيل إثبات صحة الخطاب الديني الذي تتبناه. فالكاتب يرى بأن العلم أدخل الخطاب الديني في أزمة منهجية ومعرفية، لم يتمكن الكثير من علماء الدين التعامل الجيد والجدي معها، وهذا النقد الذاتي حري بأن يجعلنا نعيد النظر في المقررات الجاهزة والأحكام الناجزة التي تنتشر المرة بعد المرة في أدبيات الخطاب الإسلامي.

ـــ الدين والعلم ، موسوعة ستانفورد للفلسفة ، ترجمة شادي عبد الحافظ ، الناشر مجلة الحكمة 2018م

ويجيب عن هذا البحث عن الأسئلة التالية: إلى أي مدى يمكن القول أن هناك توافق بين الدين والعلم ؟ وهل تؤدي المعتقدات الدينية في بعض الأحيان إلى العلم، أم أنها تشكل حتمًا عقبات أمام البحث العلمي؟ ويهدف الحقل الذي يبحث تلك العلاقة بين العلم والدين، ويطلق عليه أيضًا ''اللاهوت والعلم''، إلى الإجابة عن هذه الأسئلة وغيرها. ويدرس التفاعلات التاريخية والمعاصرة بين هذه المجالات، ويقدم تحليلات فلسفية لكيفية ارتباطها.

ويقدم هذا المدخل نظرة عامة على الموضوعات والمناقشات الدائرة في هذا المجال، ويوضح القسم الأول نطاق عمل كلا الحقلين وكيفية ارتباطهما، أما القسم الثاني فيتناول العلاقة بين العلم والدين في ثلاثة ديانات: المسيحية والإسلام والهندوسية، ويناقش القسم الثالث موضوعات البحث العلمي المعاصرة التي يتقاطع فيها كل من العلم والدين، مع التركيز على قضايا الخلق، والفعل الإلهي، وأصل البشر، ثم في النهاية يختتم القسم الرابع هذا المدخل بالنظر في بعض التوجهات المستقبلية التي تهدف لدراسة العلاقة بين العلم والدين.

ـــ قصة صراع العلم والدين: أين يكمن النزاع حقًّا؟ الناشر: مجلة النقطة الزرقاء 3 أكتوبر، 2019.

ونتائج هذه المقالة ترى بأن مقولة التعارض بين العلم والدين، هي مقولة متهافتة منطقيا،

وتعتريها الكثير من المغالطات، إذ الحقيقة أن الفهم الديني هو الذي تعارض مع الفكر العلمي في فترة من فترات تاريخ الفكر الإنساني، بسبب قصور الفهم الديني التقليدي ربما، أو بسبب تضمين قضايا العلم بعدا أيديولوجيا، بينما حقيقة العلم أنه حيادي ويقتصر عمله على استقراء معطيات الطبيعة وطريقة اشتغالها، وليس بإمكانه–لوحده– إثبات وجود الإله أو نفيه.

كما أنه من الجدير التنويه إلى أن محاولات البعض تفسير الدين من منطلق علمي، أو البحث عن مبررات لحقانية الدين، من خلال تفسيرات تلفيقية تلوي عنق الآيات لتتوافق وحقائق الدين، تعد ممارسة سطحية، قد تظلم الدين والقرآن أكثر مما تنتصر له، باعتبار القرآن أو الدين ليس من غايتهما مد الإنسان بمعطيات العلوم من بيولوجيا وفلك وفيزياء...إلخ، بل هو نص عقائدي تعبدي، ومحاولة مقاربته مقاربة علمية تؤدي إلى نسف حقيقته وصورته.

كما أنه لا بأس من الاستئناس بالدين للدخول في حوار مع العلم، بل هو مفيد ومثمر في رأينا، غير أن المدخل لهذا الحوار ينبغي أن ينطلق من زاوية ترى أن البحث العلمي مسؤولية تقع على عاتق الإنسان وليست إلهية و ليس من وظيفة الدين إمدادنا بنظريات في نشأة الحياة، بقدر ما يكمن دوره في إسباغ المعنى على حياتنا، وعلى ضوء النظر في العلم وحقائقه المثبتة، نتخذ من نتائج هذه العلوم إطارا مرجعيا لتأويل(أي فهم) النص، وليس القيام بعمل عكسي من خلال تفكيك النص ومحاولة استنطاقه للوصول إلى حقائق علمية، وهو لم يدعي الاضطلاع بهذه الوظيفة، ولا سعى إليها، وهذا لا يضيره من قريب ولا من بعيد، بحكم أنه نص عقدي تعبدي لا نص علمي.

وقد جاءت مقالتنا هذه كذلك لتتناول قضية العلاقة بين العلم والدين لدى (إيان بربور وجون هوت) وإبداء رأي الباحث حول العلاقة التكاملية بين العلم والدين .

تاريخٌ موجَز عن ميدانيّ العلم والدِّين:

منذ الستينيات درس العلماء، من نطاقات اللاهوت والفلسفة والتاريخ والعلوم، العلاقة بين العلم والدين، وهذا النطاق هو مجال دراسي معترف به وله دوريات مخصصة (على سبيل المثال، زايغون: مجلة العلم والدين)، وكراسي الأكاديمية (على سبيل المثال: كرسي الأستاذ اندرياس إدريوس للعلم والدين في جامعة أكسفورد) وغيرها . مُعظم المفكِّرين في هذا الحقل هم إمّا علماءٌ في اللاهوت (مثل: جون هاوت وسارة كوكلي)، أو فلاسفةٌ مهتمّون بالعلم (مثل: نانسي مورفي)، أو علماءٌ (سابقون) قديمو الاهتمام بالدين وبعضهم علماء دينٍ رسميين (مثل: الفيزيائي جون بولكينغهوم، الاختصاصي في الكيمياء الحيويّة أرثور بيكوك، والعالِم الفيزيولوجي في مجال الجزئيات أليستر ماكغراث).

وكانت الدراسة المنهجية لحقل ((العلم والدين)) قد بدأت في ستينيات القرن الفائت مع مؤلفين، مثل إيان باربور (Ian Barbour 1966) وتوماس تورانس (1969م) ، تحدوا الرأي السائد بأن العلم والدين إما في حالة حرب أو غير مبالين ببعضهما البعض. وحددت القضايا التي ناقشها باربور في حقل العلوم والدين ضمن كتابه (قضايا في حقل العلم والدين) عدة مواضيع أساسية مستمرة إلى الآن في هذا المجال، مثل المقارنة بين المنهج والنظرية في كلا المجالين. في العام 1966 كذلك، تمّ تأسيس (زايغون) وهي الدوريّة الأولى المتخصِّصة بالعلم والدين، بينما ركّزتْ الدراسةُ المبكِّرة للعلم والدين على القضايا المنهجية، قام المفكِّرون منذ أواخر الثمانينيات إلى سنوات الألفيّة الجديدة بتطوير مقارباتٍ سياقيّة بالإضافة إلى أبحاثٍ تاريخيّةٍ مُفصَّلةٍ عن العلاقة بين العلم والدين.

أما في المجال العام المعاصر، فإن التفاعل الأبرز بين العلم والدين يتعلق بالنظرية التطورية والخلقية (التصميم الذكي)، وتشير المعارك القانونية (مثل محاكمة كيتسميلر ضد دوفر في عام 2005) والضغط الذي يحيط بتدريس نظرية التطور والخلق في المدارس الأمريكية، إلى أن الدين والعلم يتعارضان، لكن على الرغم من ذلك، وحتى لو كان التركيز الحالي على كيفية تناول نظرية التطور ضمن هذا النطاق، فإن العلاقة بين الدين والعلم أكثر تعقيدًا من ذلك، على سبيل المثال: في المملكة المتحدة، سعى العلماء ورجال الدين والكتّاب الشعبيون إلى التوفيق بين العلم والدين خلال القرن التاسع عشر وأوائل القرن العشرين، لكن من جهة أخرى شهدت الولايات المتحدة ظهور معارضة أصولية للفكر التطوري، جسدتها محاكمة سكوبس في عام 1925.

خلال السنوات الخمسين الماضية، تمثّل العلم والدينُ فعلياً بالعلم الغربي والدين المسيحي، أي إلى أيّ حدٍّ يُمكِنُ مواءمة العقائد المسيحيّة مع نتاج العلم الغربي؟، منذ فترةٍ قريبةٍ فقط، اتّجه حقْلُ العلم والدين نحو بحث التعاليم غير المسيحيّة كاليهودية، والهندوسية، والبوذية، والإسلامية مّا وفّر صورةً أثرى من التفاعل[1].

ما هو العلم وما هو الدين

المقصود بالعلم في هذا البحث هو ما يطلق عليه بالانجليزية لفظة science ، وهو مجموعة المعلومات المنظمة المكتسبة بالملاحظة واختبار حقائق عالم الطبيعة وقوانينه والمجتمع ، أي العلوم الطبيعية والعلوم الفيزيائية والعلوم الاجتماعية ، بهذا المفهوم يرى كثير من العلماء أن العلم عيني وعالمي، ومعقول، وقائم علي شواهد من الملاحظة الدقيقة ، و في إزاء ذلك، يرون الدين أمرا ذهنيا وقائما

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[1] *هيلين دي كروز ، تاريخ العلاقة بين العلم والدين من التأسيس حتى الفترة المعاصرة ،ترجمة: هبة ناصر.* *المصدر: موسوعة ستانفورد للفلسفة – طبعة ربيع 2017 – إدوارد. ن زلتا، ص207.* https://plato.stanford.edu/archives/spr2017/entries/religion-science.

علي المشاعر والتقاليد[2] . فالعلم: هو الارتباط الكشفي للحقائق بواسطة المشاهدة والتجربة والإدراكات الداخلية التي يمكن تسمية أنواعها بالشهود والحدس وما إلى ذلك. والدين: مجموعة من العقائد والتكاليف والأخلاقيات التي لا يكون للحياة من دونها أي مفهوم ومعنى سوى حب الذات والأنا، وهي الأنا التي جعلت مسيرة الإنسان عبر التاريخ غير قابلة للتبرير والتفسير بسبب عجزه المخجل عن تعديلها، إن الدين يعني معادلة راقية في الحياة ومعرفتها والحركة فيها على أساس التبعية إلى الكمال المطلق والتعرض لجاذبيتها والعمل على طبق هذا الإدراك، وعلى حد تعبير إقبال اللاهوري: (إن الدين هو النهوض من التراب، كي تدرك الروح الطاهرة حقيقتها)[3] .

إن العلم والدين، صخرتان نقف عليهما في عصرنا الحالي، العلم الذي يستمد كيانه من الكون المادي بصخوره وخباياه، والدين كصخرة ثابتة على مر العصور، هذا ما بينه البيولوجي الشهير ستيفن جاي جولد (Stephen jay Gould) في كتابه "صخور/صخرتي الزمان (Rocks Of Ages). قبل القرن التاسع عشر، نادراً ما كان يُستَخْدَم مصطلح " الدين " وكان يعني هذا المصطلح بالنسبة لمؤلِّفي القرون الوسطى كتوماس الأكويني التقوى أو العبادة ولا يمتدُّ إلى المنظومات " الدينية " ، التي اعتبرها خارجَ العقيدة الصحيحة بنظره. أمّا مصطلح العلم كما هو مُستَخْدمٌ في يومنا الحالي فقد شاع أيضاً في القرن التاسع عشر، وقبل ذلك كان يُشارُ إلى العلم على أنّه فلسفةٌ تجريبيّة أو فلسفةٌ طبيعيّة وحّد (ويليام ويويل) – 1834م – مصطلحَ (العالِم) ليُشيرَ إلى مُزاولي الفلسفات الطبيعيّة المتنوّعة، وحاول فلاسفةُ العلم أن يفصلوا العلم عن المساعي الأخرى لاكتساب المعرفة وخصوصاً الدين.

نماذج التفاعل بين العلم والدين

وفقاً لإيان باربور، وتوماس كون فإن العلم يتكون من نماذج تنشأ عن التقاليد الثقافية، التي تشبه المنظور العلماني في الدين، مايكل بولاني قال أنه مجرد التزام عالمي التي تحمي من الذاتية وليس له أي علاقة على الإطلاق بالانفصال والانعزال كما وجد في العديد من المفاهيم الطريقة العلمية.

هناك عدّة تصنيفاتٍ تميّزُ عملية التفاعل بين العلم والدين، على سبيل المثال، يُفرّقُ ميكائيل ستِنمارك (2004) بين ثلاثة آراء: الاستقلاليّة التامة (حيث لا تداخُل بين العلم والدين)، الاتّصال (حيث يوجد بعض التداخُل بين الحقول)، والاتّحاد بين ميدانيّ العلم والدين. ما زال أكثر نموذجٍ مؤثِّرٍ

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(2). عمر بن بوزنية جامعة حسيبة بن بوعلي –الشلف جدلية العلاقة بين العلم والدين والتباساتها في الفكر الإسلامي المعاصر ، الأكاديمية للدراسات الاجتماعية والإنسانية ج/قسم العلوم الاجتماعية العدد 20، ص152.

(3) محمد تقي الجعفري، مفهوم العلم وعلاقته بالدين والفلسفة ، من كتاب اللاهوت المعاصر (دراسات نقدية يعنى بتحليل ونقد اللاهوت الغربي وتأثيره في العالم الإسلامي) الموضوع : العلم والدين ، المركز الاسلامي للدراسات الاستراتيجية ص11.

من العلاقات بين العلم والدين هو ذاك الذي وضعه بربور (2000) ويتمثّل ب: التعارض، الاستقلال، الحوار، والدْمج.

العلاقة بين العلوم والدين لدى (إيان باربورو)

إيان بربور (Ian Barbour) (1923 – 2013 م) هو فيزيائي، وأستاذ جامعي من الولايات المتحدة الأمريكية، ولد في بكين، توفي في مينيابوليس (مينيسوتا)، باحث في العلاقة بين العلم والدين كان له الفضل في خلق المجال المعاصر للعلم والدين، لا يوجد معاصر قدم مساهمة أصيلة وعميقة ودائمة تجاه التكامل المطلوب للمعرفة والقيم العلمية والدينية أكثر من إيان باربور، فيما يتعلق باتساع الموضوعات والمجالات التي تم تضمينها في هذا التكامل. يرى إيان بربور أن مواقف العلماء اتجاه العلائق بين العلم والدين، تنحصر في أربع مقولات : التعارض، والاستقلال، والتعامل، والوحدة .

1. التعارض

هناك فريقان يقولان بالتعارض بين العلم والدين: الماديون والمتعصبون للنصوص تعصبا مفرطا، وكلا الفريقين يرون أن هناك تعارضا جادا بين العلم والمقاصد الدينية، وهم يبحثون عن علم قائم على قواعد مكينة . ففريق يعتمد على المنطق وما تعطيه التجارب، ويستند الفريق الآخر على ظاهر الكتاب المقدس الذي لا يخطئ، و كلا الفريقين يتغاضيان عن حدود العلم .

يبدأ الماديون من العلم ليصلوا إلى الأحكام الفلسفية لعالم الشمول، ويبدأ «الكتابيون» من الكتب الدينية ثم يصدرون أحكاما في المواضيع العلمية . يرى الماديون أن الأسلوب العلمي هو وحده السبيل الموثوق به في اكتساب المعرفة، ويعتقدون أن العلم بمفرده قادر على توضيح كل شيء، وبناء على ذلك فلا يبقى مكان للدين، كما يقول واينبرگ: أعتقد أن من أهم الاكتشافات هو قدرتنا على التقدم كثيرا في تفسير العالم، من دون تدخل الله، في علم الحياة والعلوم الطبيعية .

وفقا لجيليرمو باز مينو وأفيلينا إسبينوسا، فإن الصراع التاريخي بين التطور والدين هو صراع جوهري نتيجة لعدم التوافق بين العقلانية التجريبية والإيمان بالسببية الخارقة للطبيعة . ووفقا لنيل ديجراس تايسون، فإن الفرق المركزي بين طبيعة العلم والدين هو أن مطالبات العلم تعتمد على التحقق التجريبي، في حين أن ادعاءات الأديان تعتمد على الإيمان، وهذه هي مناهج لا يمكن التوفيق بينها(4).

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(4) *العلاقة بين الدين والعلم*
https://ar.wikipedia.org/wiki/

2. الاستقلال

يعتقد بعضهم أن العلم والدين يعملان مستقلين في ميدانين مختلفين، وأن لكل منهما حقله، وأسلوبه، وهدفه، و – كما يقولون – لغته الخاصة به . موضوع الدين هو الله، وموضوع العلم هو الطبيعة ، يعرف الله عن طريق الوحي، وتعرف الطبيعة بالحواس والعقل ، هدف الدين التقرب الي الله، وهدف العلم ادراك كيفية الخلق . لغة العلم لغة التنبؤ والسيطرة، ولغة الدين لغة الدعاء والعبادة، إذن، ما دام العلم والدين مختلفين من حيث الموضوع، أو الهدف، أو الأسلوب، أو اللغة، أو فيها كلها، فلا مكان للتعارض بينهما .

3. التعامل (الحوار)

يري هؤلاء أن بين العلم والدين أرضية مشتركة للحوار وأنهما يمكن أن يتبادلا التجارب لمصلحتهم، فالعلم يطرح، مثلا بعض الأسئلة عن بدء العالم ونهايته، دون أن يستطيع هو نفسه الإجابة عنها، هنا يمكن للإلهيات أن تقدم العون . يستطيع العلم أن يجنب الدين الخطأ والانحراف، ويستطيع الدين أن يحذر العلم من عبادة الاصنام والتصورات المطلقة الباطلة، وكل منهما يستطيع أن يجتذب الآخر إلى عالم أوسع، عالم يتيح للطرفين المزيد من الازدهار . ولكن هذا الفريق يري أن العلم والدين، في محاوراتهما، يجب أن يحافظ كل منهما على مبادئه وأساليبه. إن التعامل بين هذين الاثنين يحررها من الإفراط والتفريط، فالمؤمنون بالدين يحذرون التعامل السطحي مع النصوص الدينية، والعلماء التجريبيون يتحررون من إصدار الأحكام المطلقة ومن عبادة الأصنام.

4. الوحدة

يعتقد أصحاب وحدة العلم والدين أنهما يتبينان نظرية المعرفة و علم الوجود فيما يتعلق بحقائق ما وراء عالم الإنسان، إذا شئنا أن نصوغ تعبيرا واحدا مناسبا عن تجاربنا بأجمعها علينا أن نبحث عن وجهة نظر موحدة عن العالم ، إننا لا نجرب الحياة بصورة أجزاء مستقلة، بل نجربها ككل ، إن العلم والدين (او بعبارة ادق: العلم والالهيات) كليهما في مقام بيان عالم واحد، وذلك لان: هدف العلم هو كشف النظام في الطبيعة، وهذا النظام هو ما نعبر عنه بالقوانين العلمية ، وهدف الدين هو فهم معنى العالم وغايته وما موضعنا فيه . إن الدين في الواقع يعتبر للعلم أرضية مما وراء الطبيعة، وهو يسوغ الرأي القائل بأن العلم نتاج قابل لكي يعتمده العقل، كما يقول هنري مارغنو (الفيزيائي والفيلسوف) : العلم بحاجة الي الدين لكي يسوغ منشأه وانجازاته.

العلم والالهيات يسعيان سعيا حثيثا لفهم عالمنا وانفسنا، ولكل منهما منظوره الخاص، إلا أن وجوه الاشتراك بينهما أكثر مما يبدو للعيان لأول وهلة، وأحد هذه الوجوه هو سعة الأهداف. العلم

محاولة لفهم نظام العالم، والدين سعي لفهم المعنى في العالم، وكلاهما يبحثان عن العلاقة بين أجزاء العالم المختلفة، فاذا نجحا في ذلك فلابد من توحدهما في النهاية .

ويُحِدِّدُ بربور ثلاثة أشكالٍ من الدمج: الأول هو اللاهوت الطبيعي الذي يقومُ بصياغة الأدلّة على وجود الله وصفاته، ويستخدمُ نتائجَ العلوم الطبيعيّة كمبانٍ في أدلّته. أمّا الشكل الثاني، وهو اللاهوت الطبيعي، فإنّه لا يبدأ من العلم بل من الإطار الديني، ويفحصُ كيف يُمكنُ لهذا الإطار أن يُثري الاكتشافات العلميّة أو حتّى أن يُنقّحها. ثالثاً، اعتقد بربور بأنّ فلسفة الصيرورة التابعة لوايتهيد هي طريقةٌ واعدةٌ لدمْج العلم والدين معاً، فالتوليف المنهجي هو تكامل أكثر منهجية يمكن القيام به إذا قدم العلم والدين اتجاهًا جديدًا لعالم أكثر تماسكًا يتم دمجه في إطار ميتافيزيقي أكثر شمولاً.

العلاقة بين العلوم والدين لدى (جون هوت)

جون ف. هاوت عالم لاهوت أمريكي، وهو أستاذ أبحاث متميز في جامعة جورج تاون، متخصص في الرومانية الكاثوليكية اللاهوت النظامي ، مع اهتمام خاص في القضايا المتعلقة بعلم الكون الفيزيائي ، البيولوجيا التطورية ، والجيولوجيا ، و المسيحية .

يرى هوت أن العلاقة بين العلم والدين تنقسم إلى أربعة مناهج:

1. نهج الصراع

أطروحة الصراع التي تؤكد أن الدين والعلوم كانت في صراع مستمر على مر التاريخ ولا يمكن الجمع بين العلم والدين، فالعديد من المفكرين العلميين يرون أنه لا يمكن التوفيق بين الدين والعلم. فكل منها في موقع مختلف ، فالعلم يختبر كل الفرضيات وجميع النظريات على أساس التجربة، بينما الدين على أساس المعتقد، غالبًا ما يقول المشككون العلميون أن الدين يقوم على افتراضات مسبقة أو "معتقدات" ، في حين أن العلم لا يريد أن يأخذ كل شيء على أنه أمر مفروغ منه، وفقًا للعلماء تعتمد مشاهدة الدين كثيرًا على الخيال الجامح ، بينما يعتمد العلم على حقائق يمكن ملاحظتها، الدين عاطفي وذاتي ، بينما يحاول العلم أن يكون محايدًا وأقل شغفًا وموضوعية؛ لذا ، فإن الربط بين الاثنين ليس بالأمر السهل.

فهناك اختلافات جوهرية بينهما ، لذا فإن الجهود المبذولة لوضع الاثنين في "مربع" واحد ستثير بالتأكيد العديد من المشاكل ، خاصة تلك المتعلقة بالصراعات المفاهيمية والمنهجية والأنطولوجية بين "العلم" و "الدين".

2. نهج التباين

عدم وجود تناقض حقيقي بين العلم والدين، فبينهما تمايزا لا تناقضا؛ فليس أحدهما يَثْبُت حيث ينتفي الثاني، لأن الدين والعلم يستجيبان لمشاكل مختلفة للغاية، لا يجد العديد من العلماء ورجال الدين أي تناقض بين الدين والعلم ، فما يشتغل به العلم لا يشتغل به الدين، وما يشتغل به الدين لا يشتغل به العلم؛ فالعلم عند أفراد هذه الفرقة الثانية موضوعه المعرفة والحقيقة، بينما الدين موضوعه الشعور والحدس، وضوابط المعرفة والحقيقة لا تنطبق على مجال الشعور والحدس، وقواعد الشعور والحدس لا تنطبق على مجال المعرفة والحقيقة، وعلى هذا فلا النقد العلمي بمقدوره أن ينال من الدين، ولا السلطة الدينية بمقدورها أن تنال من العلم، فإن "الدين" و "العلم" مختلفان تمامًا لدرجة أنه من الناحية المنطقية لا يوجد صراع محتمل بينهما، الدين والعلم كلاهما صالح (صحيح) ، لا يجب أن نحكم على الدين بمعايير العلم ، والعكس صحيح ، لذلك يجب فصل الاثنين عن بعضهما البعض، ولهما بالفعل مهام مختلفة ويحافظان على العلم والدين ضمن نطاق اختصاص كل منهما.

3. نهج الاتصال

نهج يسعى إلى الحوار والتفاعل وإمكانية "التعديلات" بين العلم والدين ، ويستكشف بشكل خاص الطرق التي يؤثر بها العلم على الفهم الديني واللاهوتي، يوافق هذا النهج على أن العلم والدين يختلفان بشكل واضح منطقيًا ولغويًا ، لكن في العالم الحقيقي لا يمكن فصلهما تمامًا، قال هوت: مع ذلك في الغرب ، شكّل الدين تاريخ العلم ، وقد أثر علم الكونيات العلمي بدوره على علم اللاهوت. يقترح نهج الاتصال أن المعرفة العلمية يمكن أن توسع "أفق المعتقد الديني" وأن منظور المعتقدات الدينية يمكن أن يعمق فهمنا للكون، في الواقع لا يحاول العلم إثبات حقيقة الله استنادًا إلى العلم ، ولكنه يكتفي بتفسير الاكتشافات العلمية في إطار المعنى الديني، وبالمثل لا يحاول الدين دعم التعاليم الدينية بالإشارة إلى المفاهيم العلمية التي قد تشير في الظاهر مباشرة إلى المصمم الإلهي؛ لهذا السبب يجب أن يتشارك الدين والعلم بشكل متبادل في انفتاح نقدي على ما هو حقيقي، وعلى هذا سيكون الأساس لوجود "اتصال" حقيقي بين العلم والدين.

4. نهج التأكيد

يعني أن الدين يمكن أن يلعب دورًا في تطوير العلم ويجعله أكثر وضوحا، وبالمثل يمكن للنتائج العلمية أن تثري وتحدد الفهم اللاهوتي وهكذا ، فإن موقف "الدين يقوي الزخم الذي يمكن أن يولد العلم، إن الدين بشكل عميق للغاية يدعم جميع مساعي النشاط العلمي؛ لذلك يمكن القول إن "نهج التأكيد هو" تعزيز "أو" دعم "، وهكذا يمكن للدين أن يدعم بشكل كامل الجهود العلمية لإعطاء

معنى للكون ، بل وحتى أساسها.

رؤية هوت

تركز محاضرات جون هوت وأعماله على رؤية للواقع توفر مساحة لكل من البحث العلمي والفهم الكتابي لله، من منظور هوت، يجب أن يكون كل شيء مفتوحًا للدراسة العلمية، بما في ذلك الذكاء البشري والطموح الأخلاقي والدين، يفترض هوت أن العلم هو أحد السبل العديدة لتوفير فهم مثمر للطبيعة نظرًا لوجود مستويات متميزة وغير تنافسية لشرح جميع الظواهر الطبيعية.

يجادل هوت في محاضراته وكتاباته المختلفة أن "مهمة لاهوت الطبيعة دمجهم في رؤية تركيبية حيث لا تفعل الاختلافات تتلاشى ولكن بدلاً من ذلك تساهم بطرق متميزة في البحث البشري الأكبر والأطول عن المعنى والحقيقة . يؤكد هوت على أن علم اللاهوت يبحث عن مستويات المعنى والحقيقة التي لا يمكن للمنهج العلمي تلقيها، "اللاهوت له أفق البحث الخاص به، وهو يرتكز على مجموعة متميزة من الأسئلة نوعياً عن تلك التي يطرحها علماء الأخلاق تتضمن البيانات التي تثير أسئلة لاهوتية مميزة مجموعة يسهل التعرف عليها من المعتقدات والالتزامات الأخلاقية التي لا تظهر في أفق البحث العلمي، ولكن يجب على كل عالم أن يتبناها من أجل القيام بالعلم على الإطلاق(5).

سبب الخلاف بين العلم والدين

الخلاف بين العلم والدين هو نتيجة للخلاف بين رجال الدين ورجال العلم حول ملكية السلطة في المعرفة والتوجيه. تتجلى المشاكل حين يسعى رجال الدين إلى توظيف منتجات العلم في تعضيد الإيمان بالنص الديني فيلجؤون إلى التفسير العلمي للقرآن، متجاهلين أنّ القرآن الكريم نص ثابت في حين أنّ العلم نشاط متغير ونظرياته متطورة في حركة الزمن، وبالتالي فإنّ توظيف المنتج العلمي لخدمة مسألة تعضيد الإيمان، قد يؤدي إلى الشك في النص ذاته؛ لأن العلم متغير ولا يثبت على حال فترات طويلة.

كما أنّ رجال الدين يضعون أنفسهم قيمين على تقييم النظريات العلمية من منظور الحلال والحرام، والأخلاقي واللاأخلاقي، وقد يوظفون الدين في اضطهاد بعض رجال العلم، وذلك لأنّهم يعتقدون أنّ سلطتهم الكبيرة على أرواح الناس تتيح لهم حق تقييد حركة العلماء في جانب، ومن جانب آخر فإنّ بعض العلماء والعديد من النخب المثقفة علمياً قد تتجه إلى محاكمة الدين بمعتقداته الغيبية، والفكر الديني القائم عليه من خلال الأفق العلمي القائم على الدليل والتجريب، وقد يؤدي

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(5) جون ف https://ar.esc.wiki/wiki/John_Haught

هذا إلى التشكيك في معتقدات الدين الراسخة في المجالات التي يرون أنّما تخالف رؤيتهم الدينية في قلوب الجماهير؛ لأن أصول الاعتقاد الغيبي مجالها القلب والعاطفة، ولا يمكن إخضاعها بالكلية للعقل والتجريب، وقد يكون العلم بمحاكماته العقلية والتجريبية سبباً رئيسياً في مروق العديد من المؤمنين إلى طريق الإلحاد[6].

العلاقة بين الدين والعلم علاقة تكامل

العلاقة بين الدين والعلم هي علاقة وطيدة وعلاقة تكامل وتعاون وتعاضد، رغم اختلاف ميدان كل منهما، واختلاف طبيعتهما، ومع ذلك كلاهما يكمل الأخر ويتعاون من أجل الوصول للحقيقة، بل إن الأديان تدعو للعلم وتشجع عليه وتحث الناس علي استخدام عقولهم واستنباط الحقيقة من الكون.

إن العلم في علاقته بالدين لا نجد لهما أي تناقض، وإنما طبيعة العلاقة بينهما تتجلى في كونها علاقة تكامل، إذ أن الدين يدعو للقيم والأخلاق، وفي الوقت نفسه فالعلم لا يمثل بمختلف مكوناته إلا الأخلاق والاكتشافات التي دلنا عليها دين الإسلام الحنيف، والتي بدأ بذلك في أول كلمة نزلت ''اقرأ''، والقراءة لا تعني محاربة الأمية فقط، وإنما تعني كذلك التعمق في الاستكشاف والمعرفة.

ويؤكد الفكر الإسلامي على حقيقة لا مراء فيها وهي أن الإيمان بدون علم رجعية، والعلم بدون إيمان عماء، فالإسلام يجمع بين الدين والعلم ويوفق بينهما، وليس هناك صراع بين الدين والعلم بل تكامل وتعاون، فالعلم لا يستطيع أن يحل جميع مشكلات الحياة بل يحتاج للدين، والتجربة العلمية لا يمكن أن تأتي بكل الإجابات، فكل الأسئلة من أصل الحياة وهدفها وأخلاقيات التجارب المختلفة لا يمكن حلها إلا بالتعاون والتكامل بين العلم والدين، هذا التعاون يكمن في تعرف علماء اللاهوت على الحقائق العلمية وتقبلها، وكذلك تعرف رجال الدين على أسس الإيمان وتقبلها، وهذا التكامل واضح وظاهر بصورة كبيرة في الدين الإسلامي، حيث لا تعارض بين الدين والحقائق العلمية[7].

إن العلوم التي تكون جزءًا من الدين لا تقتصر على ما اختص باسم "علوم الدين"، وإنما تشمل أيضا ما اختص باسم "علوم الدنيا"، سواء كانت علوم رياضة أو علوم طبيعة أو علوم حياة أو علوم إنسان؛ فكل علم منضبطٍ بالمبدأين: "مبدأ مراتب العقل" و"مبدأ استكمال العلم" يصح أن يُتعبد ويُتقرَّب به، أي يُتديَّن به؛ فالمبدأ الأول يقضي بأن تتنوع العلوم بتنوع رتب العقل، أعلاها ما تعلق

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[6] الدين والعلم.. علاقة اتصال أم انفصال، أحمد سالم
http://www.hafryat.com/ar/blog

[7] عماد الدين ابراهيم عبد الرزاق ، الدين والعلم من إمكانية الصراع إلى حقيقة التكامل ، اللاهوت المعاصر (دراسات نقدية يعنى بتحليل ونقد اللاهوت الغربي وتأثيره في العالم الإسلامي) الموضوع ، العلم والدين ، المركز الاسلامي للدراسات الاستراتيجية ص505.

بما فوق الطبيعة؛ و المبدأ الثاني يقضي بأن يكون كل علم موصولا بما فوقه، حتى يتمكن من صرف النقص الذي يلحقه.

إن أساس بناء الحضارة الإسلامية هو الدين والعلم، فالدين باعتباره مصدر الإمداد الرباني والضابط للعمل البشري، والعلم باعتباره محرك العقل وأداته في انكشاف الوحي المنظور المتكامل مع حقائق الوحي المسطور، فالتكامل بين الدين بوصفه نصا والعقل بوصفه مستنبطا للعلم من النص.

الخلاصة

_ إن جدلية العلاقة بين الدين والعلم ليست وليدة العصر الحاضر، إنما هي قديمة قدم الدين والعلم.

_ إن العلم لا يقابل الدين مقابلة تناقض، ولا مقابلة تمايز، ولا مقابلة تباين، وإنما مقابلة تداخل، إذ يكون العلم جزءًا واحدا من أجزاء الدين كما يكون الإيمان جزءًا ثانيا والعمل جزءًا ثالثا من هذه الأجزاء.

_ يؤيد بربور الدمج بين الدين والعلم ويحدد ثلاثة أنواع من الدمج، الأول هو اللاهوت الطبيعي الذي يقومُ بصياغة الأدلّة على وجود الله وصفاته، ويستخدمُ نتائجَ العلوم الطبيعيّة كمبانٍ في أدلّته، والثاني، وهو اللاهوت الطبيعي، فإنّه لا يبدأ من العلم بل من الإطار الديني، ويفحصُ كيف يُكنُ لهذا الإطار أن يُثري الاكتشافات العلميّة أو حتّى أن يُنقّحها. والثالث هو التوليف المنهجي ، وهو تكامل أكثر منهجية يمكن القيام به إذا كان العلم والدين يساهمان في رؤية عالمية أكثر تماسكًا يتم تطويرها في إطار ميتافيزيقي أكثر شمولاً.

_ يؤكد جون هوت على أن العلم واللاهوت يمثلان أفقين متميزين للنظر في قصة الحياة والكون ، ويجادل في محاضراته وكتاباته المختلفة أن "مهمة لاهوت الطبيعة دمجهم في رؤية تركيبية حيث لا تفعل الاختلافات تتلاشى ولكن بدلاً من ذلك تساهم بطرق متميزة في البحث البشري الأكبر والأطول عن المعنى والحقيقة.

_ رأينا في العلاقة بين العلم والدين هو أن الإسلام لا يري العلم في عرض الدين بل هو على امتداده، بعبارة أخرى نجد في النصوص الدينية الدعوة إلى التفكر والبحث والتجربة والاختبار والسير في الطبيعة، لذلك فلا تعارض بينهما في المنظور الاسلامي .

الدين والعلم متكاملان ومتعانقان وليس بينهما صراع أو صدام، بل يتفقان ولا يختلفان، فالدين علم والعلم دين، ولهذا لم يقم صراع بينهما، وكثيراً ما تعاون العلم والدين في نشأت الحضارات وحل ما أشكل من معضلات الحياة.

_ إن التعارض الذي شوهد من قبل، وحتى الذي نشاهده في الوقت الحاضر، ناجم عن اغفال النظر

الي حدود العلوم التجريبية من جانب القائمين عليها، وعن تدخل رجال الدين في أمور ليست لديهم الصلاحية لذلك .

ــ في الغرب أيضا يحمل عدد من الباحثين هذه النظرة نفسها عن العلاقة بين العلم والدين، مثلا چالز تاونز، مثلا، وهو فيزيائي حاصل علي جائزة نوبل يقول: أنا شخصيا لا أرى العلم والدين منفصلان، بل أعتقد أن البحث العلمي في العالم جانب من التجربة الدينية .

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