INTRODUCTION: CUL-DE-SAC OF NATIONAL INDENTITY DISCOURSE

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The discourse is one of the terms that commonly use to express the flexibility in term of presentation and analysis of particular circumstances. It’s focusing on the way of communication, used of media and political interference on the daily basis. Meanwhile, it has commonly been assumed that the topic of nationality gained more wider attention from scholars and public. This attention must be approached with some caution, because it refers to the culture and social phycological aspect that shape the prime values of particular nation. From this point of view, identity is a narrow term to elaborate the explanatory logically term of relational. It signalled one of the possible implications of this is that relationship between related entities in a manner of emphasizing a good message and equality.

As was pointed, the preference of meaning of national identity as the orientations in term of cultural and social psychology of nation would be one of the most debated terms. Several studies have revealed that this cultural and social shapes could not being one of the prime values that sustain the nation. Area where significant impact against the former explanation has been found in numerous cases, such as the Kingdom of Prussia. The economic disruptions, political change and cultural issues have been major aspect that ruined the three centuries long kingdom in the Europe. The huge number of diversity and racial clashes among the people had contributed to several downfall of nations such as Astro-Hungarian kingdom, Czechoslovakia, The Ottoman empire, and many more.

With regard to the idea of national identity, the concept that able to accommodate vibrant racial diversity is the national ideology. The national ideology holds the significant role in securing nation’s interest. It must be constructed on solid idea of pluralism. Such ideology derived from a value that came from the local wisdom and people’s best practice since a long time. Such value is being respected by all people and nation member.

National identity and ideology are the two significance aspects of the nation. Ideology is conferred as peripheral form of the national identity, which leads to the insurance of nation’s formulation and theory. However, such ideology must be preserved to sustain the nation. Particularly in a country that comprises multiracial and cultural background one solid ideology has to serve the common interest. As this concept very clearly demonstrates, it is important that the country like Yugoslavia to have one significant impact of an ideology, rather than leave the country run by particular group of ethnic. Latter on, the country suffered and collapse as their leader passed away. Civil war outbreak, economic disruption, identity and ideology crisis as the drawbacks that leads the country into disintegration.

The discussion about the national identity and ideology has been widely known. The Indonesian ideology of Pancasila (Five Principles) has embedded the country and become the supreme value among the society. This ideology derived from the concept of unity in diversity (Bhinneka Tunggal Ika), where all 1.300 distinct native ethnic
groups unite under the same ideology, one motto, one language and identity, Indonesia. Pancasila has been introduced by the Indonesian first president, Soekarno in United State congress in 1956 and received massive applause from the member of the congress.

Throughout the time, the values of national identity and ideology seem to be disappearing. Culture disruption and deprivation of nation's knowledge awareness among the young people is gradually decreased. Anang Dony Irawan in his part “Nationalism in a state Based on Pancasila” suggested that the nation should emphasise on the reviving the noble values of the Pancasila to erode the racial issues, separatist movement, acts of terror and disadvantages due to the differences in political views. Also, to strengthen the life of the nation and state to preserve common interest and national security and prosperity.

Another significant aspect in nationalism and national identity discourse is about the preservation of colonial legacy in Indonesia. The legacy that historically embedded Indonesian law is about land property rights. The code that has been brought by the Netherlands East Indies (NEI) government from European law system has erased the indigenous law application in Indonesian Archipelago. Chairul Fahmi in his part “The Dutch Colonial Economic’s Policy on Natives Land Property of Indonesia” described such evidences. Particularly, when civil law’s Agrarian act (agrarisch wet) has been applied by the colonial government, it impacts severely the rights of native people toward their lands that has been passed by throughout the ages by their ancestor.

The practice of colonialism somehow affected the shape of the country in term of policy making and law interpretation. Indonesian colonialism where previously governed by European civil law experiences several differences comparing to the neighbour Malaysia, where affected by European common law. This can be seen in the case of halal certification for pharmaceutical products by Malaysian and Indonesian authorities. In his part, Johari Ab Latiff through his article “Halal Certification Procedure in Malaysia and Indonesia” explained the concept of halal certification procedure by both countries. From his finding, the certification itself is strongly based on the Islamic law resources as well as regulations applied in both countries. Such regulations have been shaped by the principle of maslahah, ihtiyat, and istihalah tammah.

Just as importantly, the main ideology of Pancasila consist in the first principle from is believe in God. It contains the meaning of the freedom to express and exercise the right in religious practice among the people. As stated in the Indonesian constitution, there are two provinces that hold the autonomous rights, Aceh and Papua. Aceh in particular, is allowed to implement the Sharia law and proceed all the lawbreaker to be dealt with shariah consequences. Yasrul Huda in his part “Islamic Sharia in Aceh and Its Implications in Other Regions in Indonesia” stated that the impact from such implementation for West Sumatra province where it derived from political interest rather than wider community. Such political aspect comprised political party and political leadership that ruled the region at the moment. As a result, the emergence of the topic always being related to the certain event within community, rather than serious implementation through legislation.

As was pointed out above, there are certain obstacles that faced by the implementation of Sharia Law. One of these obstacles are the sharia court and district court in Acehnese autonomous province. As has been stated by Rosmawardani Muhammad in her part “Analysis of Absolute Competence of District Courts and Syariah Courts”, she explained the evidence about the overlapping case between both institutions in child sexual abuse cases. She explored the solutions about this dualism
and ended up with the suggestion that the authority of this matter need to be delegated to the shariah courts, by holding a mutual understanding or a direct policy from the supreme court.

Sharia law implementation comprises many implications. Such implication should adhere the norm of national identity and ideology of Pancasila. Therefore, the codification of Islamic law through the legislation procedure viewed as the best practice to actualise the implementation of Islamic law in Indonesia. This has been discussed by Nawir Yuslem through his part “Sharia Contextualisation to Establish the Indonesian Fiqh” described the role of authority to provide supportive atmosphere to such us budget provision, facilities and educational need to support the environment of ijtihad. The outcome of such environment is to ensure the objective result and able to determine the regulation and legislation making. He suggested that the collective of ijtihad that could lead to the law-making process, should be done by the more effective and more responsive institution rather than the organisational institutions.

The application of the national identity and implementation of ideology, as mandated by the constitution is to have the constitutional court. It is a prerequisite for the inclusive democracy practice toward the people. Rahayu Prasetsianingsih in her part “Judicial Activism in Indonesia: Constitutional Culture by the Constitutional Court” explained that the commitment to constitutionalism is a distinctive constitutional culture that will also develop the constitution. She argued that presence of the Constitutional Court is expected to complement the government system of Indonesia, in line with its function to encourage the performance of other state institutions.

Thus far, the introduction has argued that the national identity and the ideology should derived from and implement throughout the Pancasila and inline the constitution. The discourses toward such value perhaps could be one of the guidance to lead the nation’s objective. This to keep government stay on justice and preserve the people’s interest.

On behalf editorial board, we strongly believe that national identity and ideology are the indiscernible terms in numerous discussions that each of its values embedded one to another. All articles published in this issue have been thoroughly selected and appraised by the reviewer and experts.

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