INTRODUCTION: LAW IN CRITICAL DEBATE

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As a tool of social engineering, law is also a material to criticise as a critical debate. Thus, Organisation’s values shaped by the influence of its people. It has been a kind of support system since a long time. The theory about the mutual objective, leader-follower change, social interaction embedded throughout the time. Organization is the place to elaborate the emotional need of its member in facing their daily activities. Employees need the better healing approaches to manage the work pressure and stress level. In light with this idea, the organizational support approaches were initiated to maintain the positivity and create the value that needed by the members. The reward system in example, is part of the support to manage the emotion for reaching the goals of organization and break the expectation of the member. This will provide positive influence on productivity of the organization. Thus, the values that embedded in the organization could boost the happiness of its member and appreciated the hard work they provide to the organization.

The goals and values were set to become the organizational behaviour. Series of theory could lead the goals and explain how the certain framework able to determine the behaviour. In the relationship between organization and employee, self-determination and commitment are strong indicators to become a successful behaviour setting. Another aspect to increase the commitment is the motivation. It ascertains the implementation and shaping the intentions. Although such intention is dynamic, due to personal capabilities and measurement, the goals which were set before need to be realistic and achievable. To manage the intention, it needs something that could attract, select and off course controllable. On top of that, the perspective provides the measurement how to implement the intentions. It like a technique to emphasise on the outcome of the people’s behaviour, where it able to preserving the original values with the one that want to be embedded within the organization. Thus, the significance outcome expectantly gives the impact towards the organization member.

The culture is one of the biggest influences in the organization. A culture allows people to seek motivation and match it personal values. The organization’s shared values are genuinely derived from these personal values. The shared values stimulate the achievement and outcome of organizations’ member. Teamworking skills, adaptive behaviour, desire for learning, empowerment are the outcomes that expected to be culture advantageous. Culture is also the unique form of the organization’s characteristic that unable to be imitated by competitors. Employee’s productivity is one of the managers’ aim and objectives. The cultural influence manages to do so.

The achievement of organizational goals influenced explicitly by resources. The collective goals and achievement concentrated to maximize the organization’s value, effectiveness, productivity, efficiency and profitability. Hence, the organization needs to develop basic cultural design, outstanding cooperative atmosphere, and good characteristic to make the employee feel they belong to organization. From such values and goals could be translated and transformed into the regulations. The implementation of this regulations is part of forming a distinctive value of organizational behaviour.

However, this process cannot be done in short term process. It will need a series amount of time and mature experience to make a successful movement. Paying attention to small and usual thing could be a good start to create the big values of behaviour. Thus, the change within the organization could be projected and done in a proper way.

Nowadays, trading is not only in economic perspective, but also in discussion. Ozy Diva Ersya in Legal Perpsective On The Trade Facilitation Agreement (Tfa): Indonesia Case Studies has stated on how trading becomes relating closely to law. The application of trade facilitation needs
further analyses in the context of Indonesian’s law. So far Indonesia does not yet ratify the trade facilitation agreement. In one hand the trade facilitation is a compulsory requirement that must be fulfilled by a state, in other hands the state does not provide a legal instrument. The consequence is legal uncertainty to those parties who want to invest their money in Indonesia. The trade facilitation will also in line with ASEAN programs. Those programs have same purposes to fasten the movement of goods and services by providing legal certainty on trade facilitation foundations. The WTO TFA can be used as ‘soft-law’ for Indonesian legal framework to apply trade facilitation enhancement, although it is not yet ratified by Indonesia. The WTO TFA will easily appropriate and have legal force if the implementation of the WTO TFA into Indonesian national legal structure is also noticeable.

Regarding law as a critical debate, Muchamad Ali Safa’at and Milda Istiqomah have made their claim in Critical Legal Studies (CLS): An Alternative For Critical Legal Thinking In Indonesia. This article discusses Critical Legal Studies (CLS) as the critical study of the law that opposes the doctrine of legal formalism. As a form of critical study, CLS not only accommodates Marxist legal ideas, but also liberalist-radical and postmodernist ones. This article has the objective to identify briefly the ideas contained within CLS from various legal experts, its advantages and disadvantages, as well as its context with the legal development in Indonesia. The utilized research method was the normative method for the investigation and analysis of the existence of legal doctrines. This article concludes with a critique of the law in Indonesia at present and how the ideas of CLS may be utilized as another radical alternative in solving legal problems in Indonesia.

Another significance aspect of law in critical debate has shown from Zul Karnaini’s article, titling Concept And Application Of Good Governance In Umar Bin Abdul Aziz’s Reign. The term Good Governance (an-Nizam al-Siyasah) is an Islamic concept in implementing good governance based on the Qur’an and Hadith. UNDP re-emerged this concept in 1990. It was implemented by Umar bin Abdul Aziz during the Umayyad dynasty, balancing a synergistic and constructive relationship between the state, the private sector and society. Umar bin Abdul Aziz applied the principles of good governance consisting of 1. Tawhid (oneness), 2. Trust, 3. Deliberation, 4. Justice and Law Enforcement, 5. Equality, 6. Brotherhood, 7. Human Rights, 8. Effective and Efficient, 9. Social Supervision. These principles of good governance are in line with Islamic values, such as Allah as the highest caliph, trustworthiness, deliberation, justice, equality, brotherhood, human rights, and commanding good and evil. In contrast, the Good Governance of UNDP and LAN have the following principles: participation, law enforcement, transparency, equality, responsiveness, effectiveness, professionalism, supervision. The principles of good governance by Umar bin Abdul Aziz are associated with maqasid sharia, which are the principle of tawhid according to maqasid sharia in muhafazah ad-din (maintaining religion), the principle of trustworthiness and effectiveness and efficiency, including in muhafazah al-mal (protection of property). The application of deliberation, including in muhafazah al-aql (preservation of reason), and brotherhood is in muhafazah al-nasl (maintaining offspring). Human Rights are in muhafazah al-nafs (protecting the soul), in line with the maqasid shari’ah al-Syatibi. If tawhid is connected with Imam Malik’s istislahi theory, then this principle is in daruriyyah (principle), while justice and law enforcement, deliberation, trust, equality, brotherhood are included in the hajjyyah category. Effective, efficient social supervision is included in the category of taksiniyah. This study discusses how Umar bin Abdul Aziz’s good governance is implemented and how it is related to the UNDP good governance. The study contributes to the body of knowledge related to the state.

Furthermore, Badri Hasan Sulaiman has opened debate on the Shia sect claiming as the law maker in The Role Of The Shia Sect In Islamic Law: Does It Make Sense?. Shia sect was born due to political factors that later developed into Fiqh (Islamic Jurisprudence). The different perspectives on the Caliph of Ali ibn Abi Talib’s position have led to several sectarianisms in Shia, from ordinary to extreme views, claiming that angel Gabriel sent wrong revelations to Muhammad instead of Ali ibn Abi Talib. Thus, not all of the Sects of Shia are misleading. The Shia’s teachings are contrary to the Aqeedah (creed) and thus should be watched to avoid the
negative consequences. This article explores the Islamic law thought from the perception of Shia sects to get a clear point of view and prevent the misunderstanding of Shia sects in the Islamic society.

Lastly, there is an interesting topic on discussion of ASEAN constitutionalism, claimed by Muhammad Siddiq Armia, titled "Constitutional Practice of ASEAN'S Countries: Questioning Judicial Review, Religions And Minority Issues." ASEAN countries have culture and ethnic varieties affecting the way of having a state. Those countries in this region have had an energetic constitution moved on adjusting the time. In respecting the spirit of democracy and also part of constitutional practice, those countries have frequently amended their constitution. ASEAN countries have had the numerous models of constitutional practice adopted from the post-colonial era. It has now, nevertheless, been doing a consistent renewal, in particular, activated and greatly animated by the need to re-examine and re-evaluate existing rules to make them relevant to common and indigenous models and value systems. Looking the system ASEAN countries implementing their constitution, it can be reviewed that there are three models of constitutional practice have been taking place in ASEAN; firstly, is the Westminster Model, Socialist Model, and Mixed Model.

Thus far, the introduction has argued that the cultural value that shape the organization and behaviour should be based on social value. It should be a tool to ascertain the individual rights and justice. This to keep government stay on justice and preserve the people’s interest.

On behalf editorial board, we strongly believe that law in critical debate should be based on faith-driven values. All articles published in this volume have been thoroughly selected and appraised by the reviewer and experts.

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