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THE INNOVATIVE ELEMENTS IN NON-FORMAL EDUCATION OF INDONESIA: PERFECTIVE OF LEARNING OF ISLAMIC MANAGEMENT

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Abstract

To observe the development in the power of cognitive knowledge as learning of Islamic management for embodying Corruption free and excellence human resource for Indonesia. The article is reviewed about theoretical literature and research on cognitive knowledge to enhance the understanding of strategies for Islamic management that establish active roles for students, and conclude with consideration of the practical implications for embodying Corruption free and excellence human resource especially the student's generation for Indonesia in 2045.

Keywords: learning; development; cognitive knowledge

INTRODUCTION

In the context of national development, the aspect of legal development gets a sizable portion. This is because the existence of the law has become one of the most important instruments in the structuring of the community, nation and state. Therefore, it is no exaggeration to say that law is a means of manifesting the stability of society in the articulation of the nation and state. This means that the stability of a society, nation and state is very much determined by the extent to which the rule of law is upheld. Thus, the existence of a law requires the existence of a set which is a *conditio sine quanon* with the substantial legal existence in a country.

From the standpoint of sociology, law is a reflection of the values that are believed by the community as a stylist in social life. That

means that legal content should accommodate and accommodate the aspirations of a growing and developing society. In this case it is not only limited to current issues, but also as a reference in anticipating future social, economic and political developments. This paradigm shows that law is not merely a static norm that prioritizes certainty and order. However, they are also norms which must be able to dynamize thought and manipulate people's behavior in realizing their ideals. Meanwhile, law has a centralistic place in a centralized place in the social system perspective. In this case law is seen as a sub-system of the whole social system. At this level it can be said that the social system has a large enough share in maintaining harmony and reducing conflict to a minimum level.

In the effort to develop the basic framework of national law, the postulate needs to be understood and lived. This is intended so that every effort to reconstruct and form laws and regulations should not deviate from the spirit of values that grow and develop in the midst of society. In this case, everything that surrounds where the law was formed, including religious values (Islam). Through this paradigm, every idea, view and thought of human, custom, cultural heritage and experience In this context, Islamic law in building a legal order, the social system of society that surrounds it becomes one of the institutions that influence it. Islamic Jurisprudence as a form of thought of Islamic law that is systematic and detailed, in the process of *istimbath* (stipulation) the law is always associated with existing social phenomena. Broadly speaking, *fiqh* covers four fields, namely; the worship field, the *munakahat* field, the *muamalah* field and the *jinayat* field. Jurisprudence in its subsequent development experienced an expansion and deepening of meaning. This is because in its development it is always associated with social institutions of society. Therefore, the more diverse the needs of human life the more religious the social institutions, the more developed the thought of Jurisprudence, in turn Islamic law also develops. It shows that there must be a correlation between the development of social institutions with the development of Islamic legal thinking. Conversely it can also mean that in legal socialization.

The main objective of this study is to investigate the components of cognitional; namely the cognitive knowledge, cognitive monitoring, and cognitive control. On the other hand, cognitive monitoring and general intelligence are significantly correlated, [96]. Cognitive knowledge does not contribute to the performance of students' text learning while cognitive monitoring and cognitive control, along with general intelligence, are found to be significant predictors in explaining.

METHOD OF THE RESEARCH

The method used in this study is included in the category of library research (Library Research). Because in this study, both direct and indirect data

sources come from written material that is published in the form of books or books, magazines, newspapers, papers and other scientific writings that are considered representative and relevant.

Data found and collected from these sources, will be divided into two, namely:

1. Main source (primary data). The main sources (primary data) in this study are the Jurisprudence books, books on Islamic law and law as well as the history of Islamic law in Indonesia, Compilation of Islamic Law, and others.
2. Secondary sources (secondary data). Data or secondary sources include books on sociology, Indonesian history and other books that are considered representative and relevant to this research.

Furthermore, because this research is a library research, this research is approached and analyzed descriptively. Therefore, this research is qualitative. In addition, this study also uses the context of analysis, namely analyzing data and linking with one another, thus forming a sequence of thought and contextualization understanding. Whereas in the presentation of research results used inductive and deductive approaches.

From the data that has been found and collected analyzed using a historical approach, so that it will find a match between the law and the development of society that is constantly changing from time to time. Besides that, a philosophical approach is also used, because this research cannot be separated from thoughts, especially in searching and discovering the values and concepts of Islamic law that will be actualized and formulated in Indonesian national law. In addition, this study also uses a juridical approach, given that the object of this study is oriented towards Islamic law.

RESULT AND DISCUSSION

Celestial religion before the arrival of Islam brought by the Prophet Muhammad. is temporary in the presence of the prophet afterwards. Thus the teachings (read; laws) of religion before Islam also have a limited capacity of time and place. It is different with Islam with a short amount of its teachings sourced from the revelation of God, believed to be the last religion and is universal, is limited to time and space. The Qur'an has stated that the scope of the application of Islamic law (Islamic teachings) is for all human beings wherever they are. That is what causes so that the teachings of Islam (Islamic law) are always righteous li kulli wa wa eating. Islam can be accepted by every human being on this earth, without having to have a conflict with the conditions in which it is located. Islam will be confronted with modern society as it has been faced with modest (traditional) society.

The description of the ability of Islamic law to answer all the challenges of modernity can be known by presenting some principles of Islamic law regarding the order of life vertically and horizontally. The majority of

jurisprudents stipulate that the law of origin of all things and material fields and relationships between human beings is permissible, unless there is an argument which shows its incompetence. Another case with the rule of law in worship that emphasizes that worship can not be done unless there is an argument that shows that it was ordered. The rule of law in terms of worship is based on a belief that the worship service requires the Prophet's instructions. Furthermore al-Syatibi tried to develop these principles, by differentiating Islamic legal material into two parts. Philosophically it is formulated in a ushul rule which says that "the principle in the matter of worship for the mukallaf is ta'abbud, while the principle in adat matters (muamalah) is to look at values or wisdom.

It is understood from the above principle, that modernization which includes all forms of muamalah is permitted by Islamic sharia, as long as it is not counter-productive to the soul and spirit of Islamic sharia itself. This shows the responsibility of Islamic shari'ah (Islamic law) to the dynamics of life and human needs that are always evolving and changing. Islamic Shari'ah in the field of muamalah only regulates and establishes its main principles in general. While the details are left to humans to think about, provided they continue to depart from the basic principles desired by Islamic sharia itself. In this case it can be said that the soul and principles of Islamic law are constant, permanent, stable, technical and its branches, can undergo changes in accordance with the demands of the times. In the sense that the flexibility of Islamic law lies in matters that do not concern the basic principles and spirit of Islamic sharia. With the persistence of the soul and the basic principles of Islamic law coupled with the wide open development and change of its branches, the guarantee of modernization and advancement of science is guaranteed while still being based on strict and strong legal norms.

The principles of Islamic law in question are;

1. Breaking short-sightedness and not burdensome. It means that God wants ease and does not want hardship for his servant. God will not force and command his servants to do something beyond his means. Therefore, in setting His laws that apply to humans always provide convenience and avoid difficulties. That is why in Islamic law there is a term known as rukshsah.

2. Reduce the burden. In connection with this principle, when the Qur'an was revealed, Muslims were forbidden to ask many questions about something that if answered would actually incriminate themselves (Qur'an: 5: 101).

The classification of Islamic law in these two categories is basically based on the existence of legal arguments that are qath'i and legal arguments that are dzanni. Therefore, Islamic law is divided into two namely; first, Islamic law which is determined directly and firmly by Allah through the qath'iy proposition and does not need interpretation anymore.

Such laws are not numerous and in their development are referred to as shari'ah. Second, the law is determined by the main points, in this case the law is determined through the arguments dzanni. Laws like this are numerous and that is the field (read; require) ijtihad. Then in its development that is called the term fiqh.

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B. Institutionalization about corruption of Islamic Law in Indonesia

National development that began since the Indonesian nation's independence included various aspects of national and state life, including development in the field of law. During the New Order (PJP II), legal development was only one sector in the fields of politics, defense and security, law, information, and the state apparatus. However, in the next stage (PJP II) legal development is developing (read; increasing), because legal development has become a separate field of development in line with other fields of development

Talking about the institutionalization of Islamic law in Indonesia means talking about the Religious Courts as Islamic legal institutions in Indonesia. Therefore, in providing a description of Islamic legal institutions (Religious Courts) in Indonesia, it is closely related to the historical development of the Religious Courts themselves. The history of religious institutions, especially the Religious Courts in Indonesia, revealed a series of history that could not be separated from the struggle between politics and Islamic legal institutions. Socio-political consignations that develop in the fabric of Indonesian society, sometimes take sides and favor the survival of Islamic legal institutions (Religious Courts) and sometimes are detrimental.

The wave of Islamic legal institutions in Indonesia has occurred along with the ups and downs of the political role of Muslims in Indonesia. Islamic legal institutions experienced an encouraging condition during the Islamic kingdoms in the archipelago, then stagnated when colonialism was rampant and encroached on all regions in the Indonesian archipelago. At the beginning of Indonesia's independence, parliamentary democracy and the New Order, it could be said that it rose again along with the political role of Muslims, although in the end it stagnated again, except in the last place when the Islamic legal position was politically in an accommodative relationship. However, in general the historical sequence of Islamic legal institutions in Indonesia is more negative (negative) than its counterpart.

In the historical chapter of the Religious Courts in Indonesia the term developed, in line with the development of legal politics at that time. In the course of its history, besides the term Religious Court itself there are other terms that are often used, among them are; Islamic Courts, Religious Courts bodies, Islamic Religious Courts, Shariah courts and the density of Qadhi. During the Dutch

colonial period there were also a number of terms such as priessterred, penghoeloe, gerecht, godsdientige rechtspaak, religious raad and sooryo hooin during the Japanese occupation.

Basically before Islam came to Indonesia, two forms of justice were found in this country, namely the Pradata and Padu Courts. The Pradata court takes care of matters or cases which are under the authority of the king. Whereas Padu's Court takes care of matters that are not under the authority of the king. The Pradata court, when viewed in terms of legal material, is sourced from Hindu law contained in Papakem or the law book, so it becomes written law. Whereas the Unified Courts of legal material are sourced from unwritten original Indonesian law.

In the historical perspective of the Religious Courts in Indonesia, it can at least be divided into three periods, namely first, the period before colonialism namely the Islamic imperial period (1602-1800). At this time the implementation of the Religious Court was still very simple in the form of the tradition of tahkim. At that time, if the parties involved in a dispute case, voluntarily submit their case to the person considered by the litigant can be made an enforcer in the dispute, provided that the parties to the litigation will be subject to whatever decision is given. According to the usual cases decided by the institution of this law are only civil matters or are not included in the criminal scope. This tradition of tahkim is the embryo of the Religious Courts in Indonesia. Along with the development of the community the pattern of tahkim further developed into the delegation of authority to ahl al-halli wa al-aqdi. Then this system developed into a thauliyah of the Imam or delegation of authority. In this *Tauliyah* system, the judge is appointed by the ruler or king. In this case, the ruler or king called *waliy al-amri* has the right to delegate authority to the state or person to someone who meets certain conditions.

The form of Religious Courts in the Islamic kingdoms in the archipelago is very varied between the existing Islamic kingdoms. For example the Religious Courts in the Islamic kingdom of Mataram (1613-1645) when under the rule of Sultan Agung. Under the reign of Sultan Agung, changes were made in the Religious Courts system by incorporating Islamic (Islamic) legal (Islamic) elements into the Pradata Judiciary. In further developments, the Pradata Court was changed to the Surambi Court and this institution was not directly under the king, but was led by scholars from the pesantren environment as members of the assembly. The decision of the Surambi Court serves as advice for the Sultan in making a decision.

In connection with this, the application of Islamic law in Indonesia can be done through several channels, namely as follows;

1. Through the path of faith and piety. Through this pathway the adherents of Islam and the Republic of Indonesia state

institutions that are based on the Pancasila and the 1945 Constitution can implement Islamic law which is part and is derived from the teachings of Islam itself.

2. Through the legislation. In various laws and regulations, marriage law, inheritance and representation have been determined as laws that apply to Muslims. In contrast to the law of worship which is carried out through the path of faith and piety whose sanctions are given by the community, while the implementation of the law through this path the sanctions are given by the state administrators through the Religious Courts.
3. Through legal choice. By carrying out certain actions and transactions at Bank Muamalat, the Sharia People's Credit Board, and Takaful Insurance, it means that having Islamic law controls the actions or transactions, because all acts or transactions carried out at these institutions are regulated according to Islamic law. That means they have implemented or implemented Islamic law by their own choice.
4. Through the Muamalat Indonesian Arbitration Board. Through an arbitration body formed by a social organization (MUI Center), entrepreneurs, traders and industrialists on mutual agreement can choose Islamic law to settle their disputes peacefully outside the court.
5. Implement in the sense of implementing Islamic law through the Institute for Drug / Cosmetics and Food Research Center (LPPOM). This institution determines whether a medicinal, cosmetic, food and beverage product is permitted by Islamic law or not. For example, based on the findings of this institution for a food product declared haram, and on that basis the people do not consume it, then that means he has implemented Islamic law through this path.
6. Through the guidance or development of national law. Through the development of national law the principles and norms of Islamic law will be implemented or implemented, not only by Muslims but all citizens in the totality of Indonesian nationality

The prospect of applying Islamic law in Indonesia is supported by two factors, namely external factors and internal factors. The external factor in the application of Islamic law in Indonesia is the state constitution which provides an opportunity for the implementation of Islamic law for Indonesian Muslims, as reflected in the Pancasila and the 1945 Constitution.

Meanwhile, for Muslims, a belief is established that Islamic law is the best alternative in managing life whenever and wherever it is.

CONCLUSION

The form of constitutionalisation of Islamic law in national law can be seen in several forms, namely Islamic law "exists" in the sense that it is an integral part of Indonesian national law, Islamic law "exists" in the sense of being an independent law that is recognized for its strength and authority by national law and given status as national law, Islamic law "exists" in national law in terms of Islamic legal norms functioning as a filter (filter) of Indonesian national legal materials and Islamic law "exists" in national law as the main ingredient and main element of Indonesian national law.

The challenges of constitutionalising Islamic law can be identified into challenges namely; internal and external. Internal challenges include; 1) Lack of understanding of Islamic law in society, 2) Jurisprudence in society is dominated by classical Jurisprudence, 3) Limited Islamic legal experts in policy-making institutions, 4) Limited sources of funds and power to conduct Islamic legal studies, 5) Not yet religious leaders are ready to accept the renewal of Islamic law, 6) Conflict between schools is not yet finished in the lower layers. While external challenges include; 1) The vastness of the region and the diversity of community culture, 2) The validity of various Dutch legal products, 3) Weak legal orientation in society, 4) There is still a negative image of Islamic law, especially from non-Muslim citizens, 5) The lack of political will (political

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