



## The Urgency of Strengthening Islamic Diversity and Legal Morality in Building Civil Society in the Era of Digital Transformation

Resza Andreas

Salut Wijaya Kusuma Terbuka University, Kudus

\*Correspondence Author: [reszaandreas@gmail.com](mailto:reszaandreas@gmail.com)

### ABSTRACT

*The idea of civil society was first put forward by the philosopher Cicero. Civil society is portrayed as a society that puts forward existing and morals. The discussion of civil society cannot be separated from the era of digital transformation characterized by the use of technology in daily life. The focus of this article is to analyze the strengthening of Islamic diversity and legal morality in building civil society in the era of digital transformation. The method used to find results and discussion is a conceptual approach, which provides a point of view of problem solving analysis seen from aspects of legal concepts behind it, or from the values contained in the discussion. The results showed that to build a civil society is necessary to strengthen the value of Islamic religious values, which also contains the moral values necessary to build a law that is advanced, realize the principles of democracy, and guide the behavior of society in the era of digital transformation to achieve civil society that is already in sight.*

**Keywords:** Islamic Diversity; Legal Morality; Civil Society; Digital Transformation

### ABSTRAK

Gagasan tentang masyarakat madani pertama kali dikemukakan oleh filsuf Cicero. Masyarakat madani digambarkan sebagai masyarakat yang mengedepankan eksistensi dan moral. Pembahasan mengenai masyarakat madani tidak dapat dilepaskan dari era transformasi digital yang ditandai dengan penggunaan teknologi dalam kehidupan sehari-hari. Fokus artikel ini adalah menganalisis penguatan keberagaman Islam dan moralitas hukum dalam membangun masyarakat madani di era transformasi digital. Metode yang digunakan untuk menemukan hasil dan pembahasan adalah pendekatan konseptual, yang memberikan sudut pandang analisis pemecahan masalah dilihat dari aspek konsep-konsep hukum yang melatarbelakanginya, atau dari nilai-nilai yang terkandung di dalam pembahasan. Hasil penelitian menunjukkan bahwa untuk membangun masyarakat madani diperlukan penguatan nilai-nilai agama Islam, yang juga mengandung nilai-nilai moral yang diperlukan untuk membangun hukum yang berkembang, mewujudkan prinsip-prinsip demokrasi, dan menuntun perilaku masyarakat di era transformasi digital untuk mencapai masyarakat madani yang sudah di depan mata

**Kata Kunci:** Keragaman Islam; Moralitas Hukum; Masyarakat Sipil; Transformasi Digital

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### INTRODUCTION

One of the biggest challenges in facing rapid change in today's digital transformation era characterized by advances in science and technology is moral issues. (N. Madjid 2003) Although it must be recognized technological and information advances with a variety of one-sided positive implications for human life both in the field of education, economics, law, socio-culture and so on. (M. Djakfar n.d.). On the other hand, advances in technology and information allow one to access whatever is needed related to transactions, information, and many other things so that the moral problems here become very important and should get serious attention from all elements of the nation, because it is a joint for a nation in the face of trials and changes. (Puspitasari 2018)

The dark side of technological advances that negatively impact modern society today is characterized for example attitudes or behaviors that are contrary to the values of religious teachings and legal norms are still often occurring ranging from the news of hoaxes on social media, fraud in online buying and selling, corruption, bank break-ins, even lately there has been hacking of BPJS data and still many others, is a portrait of behavior that is far from the values of goodness and departs from the characteristics of civil society that is civilized society.

Civil society as described by Nurcholis Madjid is a society characterized by noble character, virtuous, equality, social justice, respect for a person based on achievement, tolerance, and sticking to the rule of law. (N. Madjid 1990). Civil society in the context of Indonesia is basically inseparable from the spirit of community diversity reflected in legal education, justice, tolerance, religion, democracy as a source of morality of modern society. This means that indirectly the values of religious teachings can strengthen the quality of one's attitude and personality. (Hamali 2011)

The attitude and personality of civil society in the context of Islam itself is based on two (2) things, namely first, the Islamic community bases all activities on faith in Allah SWT based on the Qur'an and Hadith. Second, it is rational (ijtihad) related to the social situation of society and the environment that aims to understand the text of the Qur'an and Hadith related to societal problems in realizing civilized society (*tamadhun*) among others has a moral height and social awareness (law) as a form of religious



attitude in Islam in accordance with current conditions. (Hamali 2021) Thus, in order to build and realize the character of civil society as aspired to the context of public, national, and state life, it is necessary to strengthen in Islamic religion and legal morality through various elements of the nation, including college institutions.

According to Muslim A. Kadir, religion basically refers to a series of actions, behaviors, and activities of believers in implementing religious teachings that are believed in concrete life. (M. A. Kadir 2003) In line with this opinion, Irwan Abdullah said that Religion is a person's response to revelation expressed in thoughts and deeds in daily life. (I. Abdullah 2008) Thus, the religious attitude of Islam is an attitude that reflects the personality of a believer in accordance with the guidance of religion based on the Qur'an and Hadith.

Studies on civil society have basically been widely done both in the form of literature and empirical research, including Syaiful Hamali (Hamali 2021) the results of his research studies show that "attitudes are seen as the interaction of complex components of human psychology to the environment, and the nature of civil society is formed on the basis of religious ethos and motivation." (Hamali 2021) Aldri Frinaldi and Muhamad AliEmbi (W et al. 2020) in their research showed that "changes in work for civil servants towards the development of civil society of local government organizations can be done if with a combination of work culture etn\ik positive and work culture based onreligious teachings by putting forward democratic aspects".

Some of these research studies can at least be used as a basis in the study of this literature research with a conceptual approach that is conceptually scriptive. If in previous studies more discuss civil society is limited to the context of behavior, then in this study is more focused on the study of how to realize civil society discourse in the era of digital transformation in line with the advancement of technology and information through the approach of strengthening Islamic religion and legal morality, so it can be said that this research is complementary from previous research. Furthermore, this study aims to explain the portrait of community behavior in the era of digital transformation, Islamic religious relations and legal morality in building civil society, strengthening Islamic religion and legal morality in building civil society in the era of digital transformation

## METHOD

Building a civil society in the era of digital transformation is the main object in this research. This research is analyzed based on the strengthening of Islamic religion and legal morality in accordance withthe fokus of theirrespective studies.

In using conceptual approaches, this research is supported by primary data and secondary data. The primary data used includes legislation related to digitalization or digital transformation, other rules on Islamic religion. Namely Law No. 19 of 2016 on Amendments to Law No. 11 of 2008 on Information and Electronic Transactions, as well as Islamic Religion contained in the Qur'an. The secondary data used include books, as well as journals of research results that have previously discussed and related to this research topic, especially in terms of building civil society.

This study is literature so that the data collected is analyzed interpretively and hermeneutik. Clarity of interpretation will serve as a reconstruction of the idea hidden behind the rule of law. This teaching of interpretation uses hermenetic methods so that what is produced in this study will be able to contribute to the development of the law. Hasil research is presented descriptively to answer what are the main problems and themes of this study.

## RESULTS AND DISCUSSION

### Portrait of Community Behavior in the Era of Digital Information

It must be recognized that the advancement of science and technology today has exerted considerable influence in various aspects of human life, technology not only helps humans in the field of work but has also become an important part in the development of human civilization. (Z. Hidayat 2015)The impact of the adoption of technological advances has made people believe that people are experiencing social change including thinking, acting, behaving, behaving among individuals in families, communities and has even provided new values that can reinforce or eliminate long-standing values in society. (Hidayat 2015)

At the same time, the existence of technology is also seen as able to provide significant productivity, especially regarding information productivity which in turn shows everyone that information becomes one of the constituent elements for society. This has consequences in which people begin to have to open up to the development and dynamics of new media and global communication. The importance of the role of information technology occurs when the results of technology can change information patterns that are not limited to space and time. (Baihaki 2020) The world is made as if there are no restrictions and no secrecy can be covered. The description of the condition according to Mulawarman and Nur Fitri as quoted by Egi Sukma Baihaki that "the advancement of information technology seems to make one can easily know the activities of others through social media when the person does not know each other and meet before". (Baihaki 2020)

Information Technology can be interpreted as a form of tool that serves as a process of sending information in electronic form. (JDIH 2016) While the provisions of Article 1 number 3 of Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 on Information and Electronic Transactions, say that information technology is "a technique to collect, prepare, store,



process, announce, analyze, and/or disseminate information". (Rozi 2019) Indonesia is arguably one of the countries with the largest internet users in the world deserves to keep a close eye on any information that develops. (Priatna 2018)

It is important to understand that there is basically nothing wrong with the advancement of information technology with various forms such as social media facebook, instagram, twitter and so on. What was done directly (conventionally) in interacting and communicating is now shifting digitally. However, in its use, it is not uncommon for people to exhibit a variety of behaviors that are deviant and contrary to the values of teachings (Islamic peace) and law. Empirically such deviant behavior include hoaxes (fake news), posts containing hate speech, fraud in online buying and selling as reported by CNN Indonesia on January 23, 2020, In 2019, online fraud cases were reported as many as 2,300 reports. Social engineering mode is used for various forms of online fraud, usually used to drain saldo accounts, credit cards and also digital wallet balances.

As quoted in the daily kompas in February 2021, in the title titled "Netizen Indonesia Most Disrespectful In Southeast Asia" explained, that in the latest research report *Digital Civility Index* (DCI) shows that the level of kesopnanan netizen Indonesia worsened eight points to the number 76 with a record of higher numbers means the level of modesty is getting worse. This is contradictory to the stigma of Indonesian society which is famously polite and friendly.

Various deviant behaviors are certainly a serious challenge in realizing civil society (*tamadhun*). If we understand that in the context of Indonesia, the birth of the Information and Electronic Transactions Act philosophically aims to regulate the association or legal relations of people in cyberspace. But this is by some modern society in its implementation seems to tend to ignore or do not have legal awareness in obeying it. And unfortunately, it is not uncommon for those who behave unappreciatively is someone who has influence in society.

The phenomenon of behavior illustrates that our society has not been fully able to utilize the presence of information technology appropriately in daily life. Of course, this condition can not be taken for granted, because if left unchecked it will be very dangerous for the survival of the community and the next generation of the nation. The deviant behavior as described above basically does not reflect the characteristics of modern humans in the digital transformation era as it is today.

### **Relationship of Islamic Religion and Legal Morality in Building Civil Society**

Islam as a religion, as a teaching of morality, and as a rahmatan lil alamin, a gift to all mankind. A comprehensive and holistic guide to people who believe their faith both with God (*hablun min Allah*) and with people / society (*hablun min nas*). The command of the Qur'an and Prophethood (Hadith) abounds in advice for Muslims to interact continuity with fellow human beings and society in order to uphold Islamic religion and will bring morality values and bring benefits to all people.

Islamic religion in the sense of *Ummatan Wasatan* which is contained in the Qur'an surah al-Baqarah verse 143. Explaining Muslims as special people who act as good and just witnesses to the actions of people who fall into the values of truth. The term Islamic religion became the terminology (Subiharta 2015) new to the study of Islamic discussions based on the Qur'an that follows manusia identity and the views of the Muslim community in Indonesia in particular to produce moral values, in order to help create social harmonization and equivalence in individual life, family, and society and wider human legal relations. (Rozi 2019)

Indonesian culture that seems to provide *guidance* on religious relations and morality and legal ethics, directly or indirectly. religion as if it is designed natural law to accommodate the problems and continuity of life of religious diversity in relation to nationality and ethical state and morality both in the past and for legal needs in the era of digital transformation, arguably accommodating the values of society 5.0 which in fact

The three legal objectives put forward by Gustav Radbruch, who continued Herman Kantorwich's mindset of legal benefits in society should be to be in a state of morality and justice. Hans Kelsen, a positivistic figure, also argues that justice is a happiness in society- and also argues that the law is an integral part of morality.

Law as morality, law not only as a written or unwritten regulation, but can guarantee the benefit in society. Legal certainty to meet the needs of the rules in society often occurs in Indonesia that adheres to codification. This is inseparable from the dynamics of modern law that is formal, rational, autonomous and applies equally to every citizen. Thus, between law and morality must be mutually designed to provide legal protection to the public, similarly, the law must see morality in the frame of religion both in terms of theory and practices. (Subiharta 2015)

The development of the basis and consideration of judges should not leave legal certainty that mentions the law as the *prima donna* in decision making, not infrequently judges need to look at the values of Islamic religion in the frame of morality with each other in creating legal science that prioritizes justice and morality as the main source in its basis and consideration. Throughout the history of Islam in Indonesia, in general the organization of Islam has essentially helped the less fortunate, to alleviate their suffering, and to give charity to the needy, the Developing Country not only because they are religiously inspired, but also because the larger society is able to preserve as a strong and civilized support system (civil society) for their growth.

The legal dynamics of Globalization have its own implications for the life of the people in Indonesia. Advances in the world of communication technology have implications for the boundaries that isolate people's lives. Therefore, the so-called civil society was born where there is free social interaction in the world of digital information, the involvement of human activities, social, trade, and all other forms of global life that can have a positive impact in order to unite humanity from various corners of the



world, thus, When not coupled with the values of goodness, morality and respect in the frame of diversity will cause divisions between groups society.

The principles of civil society in Islam refers to the writings of Wawan Mas'udi there are 3 (three) main principles that form civil society in Indonesia. *First*, Egalitarianism the importance of the principle of equality between human sesame, the alignment of positions before god, the realization that mankind comes from the same ancestors namely adam.is the foundation of the formation of egalitarian attitudes in public relations.

*Second*, pluralism and tolerance, a society will not stand without respect for its diversity of members, embodied in the form of tolerance, thus these two terminology can not be separated and will form by itself in a society.

*Third*, Deliberation. Deliberation is the next important pillar to build a civil society. This principle relates to the active involvement of all members in deciding an issue that concerns the interests of its members, deliberation can be conducted when the attitude of appreciation to differences, respect for others, and recognition of the similarity of positions present in the heart of a society. (Mas'udi 1999)

Madani society originated from the crystallization of the history of Western society. the use of the term *Societas Civilis* in interpreting its political philosophy, Cicero defines a moral and civilized political community, and includes modern society that has its own legal character. Civil society is a concept that leads to a society that once developed and lived in the city of Medina at the time of the Prophet Muhammad SAW, namely a society that puts forward the values of the common good, called *Al-Khair*. (N. Mitsuo, S. Siddique 2001). Nakamura Mitsuo in the book *Islam and Civil Society in Southeast Asia* wrote with colleagues Sharon Siddique and Omar Farouk Bajuni formulating only two terms in the civil society's use of the term, namely: fair union justice and morality (civility). (Mitsuo, Siddique, and Bajunid 2001)

Nakamura Mitsuo It seems appropriate to state what is meant by "Civil Society" in his writing Although, various chapters have not tried to define the term explicitly. They seem to be more or less in formulating using the term only referring to the public sphere between the State and the individual that actually brings a general understanding of morality/civility within the international community. In contrast, Syaikhu Rozi who cites hasan Hanafi's opinion that details more deeply and defines civil society as a society that has advanced civilized, and built based on the values of tawhid and godliness that contain the value of morality, namely the form of society that has three principles, namely: the liberation of human consciousness, equality and social solidarity.

Looking at what Hasan Hanafi stated that details the 3 principles of the meaning of civil society, at least in law enforcement in Indonesia in addition to promoting integrity and justice, and also putting the principle of equality / human equality before the law, which often neglects the meaning that should exist in law enforcement is not only interpretation that has no basis and strong theory in decision making. In addition to law enforcement (*Law Enforcement*) has adequate competence of legal science, as well as professional education and before carrying out the Mandate that becomes the main task has been sworn in accordance with their respective religions and beliefs. Therefore, in conducting law enforcement, law enforcement must have integrity and morals. And also in the rules of law, moral values and civility are also needed in order to become humanist and beneficial laws in society.

Guobin Yang, writing in the journal *International Journal Of Communication*, referred to susan Herbst's opinion, that given the elusive ethical and moral nature of the norm, it is more meaningful as a strategic tool in the communication process, rather than as a norm of decency. In the case of China, Civility is interpreted as a strategic tool to regulate the Internet in China in the sense that its use is equally harmonious, harmonious, and balanced with the ideology of civilization / decency. The theory of civilization is articulated by Chinese leaders and academics, as an elaboration, and the implementation of theories that appear in the form of concrete policies To limit infighting in cyberspace, the Chinese government has established complex internet censorship, institution, and governance systems. But for a long time, this system did not effectively restore online activity. (Yang 2018) Awareness of religious values and morality must exist and be central in interpreting every activity in the digital information world.

The author argues between religion and morality are incompatible, humanist laws are laws that contain morality. Islamic religion is essentially a law in a practical state, in paying attention to various dimensions of certainty, justice, goodness, and benefit. So in understanding islamic religion must be comprehensive and holistik and synergize with the aspects of morality in the law. Legal morality is not only from the aspect of the law but also in the aspect of law enforcement. Therefore, the multicultural understanding of law enforcement towards living and developing laws in society is paramount. So in interpreting building a civil society that is moral in the frame of the era of digital transformation. The legal system must first put forward the value of public benefit and happiness as well as improvements made by the Indonesian government authority with regard to activities that require through cyber / virtual, therefore the World Health Organization (WHO) declared a pandemic, no longer only using coercive methods to block and filter content or things that identify defamation of a person to the category of harassment, but the author provides analysis in the form of proactive and preventive methods of early detection or inhibit users / actors who want to have the intention of attacking through online activities such as attacking someone's honor, prohibited content to cause noise in cyberspace.



## Challenges in Building Civil Society in the Era of Digital Transformation

Indonesian society has a strong religious character, a high tolerance attitude and apply moral sanctions for violators. This feature is a color in the sense of civil society Indonesian context. The atmosphere of Indonesian civil society above has been realized since the colonial era with various elements that include religious practice or legal ethics in society. The news shows the same challenges over time. The hand that every generation will encounter in real terms. (Nursalim 2016) This fact then fostered an attitude to think how important religious and moral practices of the law were to continue to achieve digital society in the era of transformation.

Social reality as a cultural picture that is classified as religious and moralist becomes a stepping stone to the civil society. It is then inseparable with the rapid development of information and communication technology. (V. S. Febrianti, I. Khuroydi, and A. Setiawan 2020) One thing that cannot be avoided is the neglect of religious practice in society and the patterns of legal morality that become new dynamics to achieve civil society. (Rakhmawati 2017) Achievements towards civil society that are entered into the digital transformation trend need to be reviewed to fit the mission well.

The challenges of civil society in Indonesia can be seen from the rise of scientists with an orientation to power. In addition, the rapidity of informatics technology runs in tandem with the rapid crime cases caused. The low confidence of the younger generation to compete healthily in the era of digital transformation leads to a variety of ways to achieve goals. (Nugroho and Fidali 2019) It was a common concern for how civil society could present a new atmosphere in a country with a high level of religiosity. The development of civil society requires the best way to shape the character in accordance with the ideals of the nation's reform. This cannot be achieved in a quick and simple process. The stages of the process must be passed systemically through various sides of people's lives.

The era of digital transformation shows the rapid dissemination of information around the world. The digital era of sendiri is a discourse with a new trend with the marked advancement of information technology that leads to the shift of the legal culture of the nation's children. The digital age often associated with modernization brings new horizons about society and the world. Related to this, civil society and the era of digital transformation into one instrument that should not be separated from each other. The reason is the development of the nation's generation with religious and strong legal ethics must continue to be campaigned to achieve the character of civil society in the era of rapid information and communication technology.

## CONCLUSION

From the analysis above shows that the existence of information technology becomes one of the constituent elements for society and must be accompanied by a tolerant attitude and high legal awareness so that the presence of information technology can be appropriate in accordance with its functions. Islamic religion is essentially a law in a practical state, in paying attention to various dimensions of certainty, justice, goodness, and benefit. So that religion and morality are in harmony in guiding humanist laws so that in understanding Islamic religion must be comprehensive and holistic and synergize with aspects of morality in the law. The challenge that must be faced by Indonesian society in the future in order to build civil society in the era of digital transformation is to be tolerant between peoples by upholding democratic values. The limitations in writing in this paper lie in limited methodology. The hope for further research is expected to be carried out in other methodology by paying attention to the characteristics of living customs that can be explored and used as a contribution of thought to the development of national law.

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