



## Legal Justice from the Perspective of Multicultural and Islamic Education

<sup>1</sup> **Fadhlurrahman**

Email : <sup>1</sup> [fadhlurrahman@pai.uad.ac.id](mailto:fadhlurrahman@pai.uad.ac.id)  
Universitas Ahmad Dahlan, Yogyakarta, Indonesia

### ARTICLE INFO

### ABSTRACT

#### Article history

Received 2021/5/17  
Revised 2021/6/04  
Accepted 2021/6/10

#### Keywords

Multicultural Education Concept  
Justice  
Al-Qur'an and Hadith  
Islam

Some of the problems of law enforcement in Indonesia seem selective, this chaos and various resources. This is the stage where Indonesian law is intertwined with "customary law" or the crystallization of colonial adat. Islam and national law as a source of reason and argument. On another scale, Bowen shows the way. Indonesia and anthropology accelerate multicultural liberalism by demonstrating its culturally connected nature and asking questions about this perspective. This research uses descriptive analysis method and normative juridical approach. Justice is applied as a basic concept. This paper is expected to have an academic impact in the form of conceptual exploration of theories and principles of justice based on the Qur'an and hadith as well as multicultural education. According to James Banks, multicultural education has five dimensions related to teachers implementing different programs for different students: (1) Dimensions of Integration or Teacher Content. (2) Dimensions of Knowledge Construction (3) Measures to reduce prejudice (4) Dimensions of Equal or Fair Education (5) Dimensions of Strengthening School Culture and Social Structure. Justice in the Qur'an is detailed in several aspects: a. The order in general must be fair in all things listed in the QS. Surah an-Nahl verse 90, al-A'raf verse 29, and an-Nisa" verse 135 b. Fairness in the scales is found in QS. Ar-Rahman verses 7-9 and al-An'am verses 152 c. Be fair to the wife (household room) as stated in the QS. An-Nisa' third verse. Deciding things (law) is somewhat available in QS. an-Nisa" verse 58, al-Maidah verse 42, and Syaad verse 26. Multicultural education is to help these diverse students understand, accept and evaluate other people of different ethnicities, cultures, and values. Developing individual and group attitudes will lead students to individual maturation through multicultural methods and techniques, teaching, and learning. In comparison, the general principle of justice is contained in the Qur'an An-Nisa" verse 58, al-Maidah, verse 42, and Saad, verse 26.

This is an open access article under the [CC-BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license.



### Introduction

Several problems of law enforcement in Indonesia seem selective, this chaos and various resources. This is the stage where Indonesian law is intertwined with "customary law" or the crystallization of colonial adat. Islam and national law as a source of reason and argument (Habibi, 2021). On another scale, Bowen shows the way. Indonesia and anthropology (Maurer, 2004)

accelerate multicultural liberalism not only by demonstrating its culturally connected nature, but also by asking questions of this perspective. Multiculturalism (Khairiah, 2018) is closely related to the formation of a society based on *Bhinneka Tunggal Ika* and the realization of a unifying national culture for the Indonesian nation. By looking at this, there are various reasons for the formation of multiculturalism in practice. This multiculturalism may appear in Indonesia because of Indonesia's geographical location, mixed marriages and clippings. Islam is actually a religion based on simple teachings. His teachings take into account people's needs, difficulties, limitations, obligations. People have been given rights instead of being killed, he is cursed to survive and end evil. You can share and be creative instead of creating obstacles and difficulties, but you still can't do justice (Saifullah et al., 2020) to everyone.

The purpose of punishment in Islamic law (Berry, 2003) is not to give maximum punishment to humans. Instead, it aims to eliminate all possibilities so that everyone does not violate and be punished. The target of Hudd's execution was not punishment, the popular reform of the Teachings of the Prophet (pbuh) also clearly expressed its aim. Islam should find no reason to punish people except with solid data and facts (Afzal & Khubaib, 2021). The thought and wisdom of this teaching clearly shows what people like. Sorry, you can cover up your crime instead of going to court. Instead of hating people for crimes, they were ordered to reform by punishment or restraint. In this case mercy must prevail, especially if you have doubts about revealing facts and data. If that happens, it becomes an act of forgiveness rather than punishment. There must be legal sanctions based on strong and convincing evidence. Therefore, justice can be realized through the cultivation of multicultural education along with the concept of justice according to Islam (Ahmad, 2018).

## **Method**

This research uses descriptive analysis (Surahmad, 2004) method and normative juridical approach. Explain in detail how the principles of justice in the Qur'an and Hadith are applied, and the general principles of justice in multicultural education. Primary and secondary data. sources are traced through library research and focused discussions (Sutrisno Hadi, 1995). Justice is applied as a basic concept. This paper is expected to have an academic impact in the form of a conceptual exploration of the theory and principles of justice based on the Qur'an and hadith as well as multicultural education.

## **Discussion**

### **Legal Justice in the Multicultural Education**

Multicultural education is closely related to people's lives. Because many people in Indonesia consist of various ethnic groups, races and even different religions in one place. Indirectly, multiculturalism has been applied in Indonesia for a long time. This is a sign that Indonesia can

already implement multicultural education. Education and multicultural (Arif Rahman, 2019, pp. 131–132) it is a solution to a very diverse culture as a process of appreciating all potentials from various sources by respecting the plurality and heterogeneity of cultural diversity, including ethnic groups, customs, and even religions. Various cultural tribes will be very vulnerable to differences in mindset, behavior, and personal character as a tradition in a particular community or area. Many cultures provide the potential for conflict if there is no mutual understanding and respect for one another. The process to minimize conflicts requires extensive educational efforts with multicultural insight in the context of empowering people with a heterogeneous basis to understand and respect each other and be open to differences. The development of the modern world continues to experience changes towards convenience in life. The emergence of new technology that accelerates movement and helps smooth human activities is also a challenge for people who have different patterns of customs and other habits.

The word multiculturalism has a cultural meaning. The understanding of culture, according to experts, is very much. Nevertheless, in this case, culture is seen from its function as a guide for human life in general. This cultural perspective finally gives the meaning of multiculturalism, an ideology that can be a tool to increase the degree of humans and their humanity. Multiculturalism recognizes and glorifies differences inequality both individually and culturally. Multiculturalism has the concept that society (Powers, 2011) has a generally accepted culture in that society whose style is like a mosaic. In music includes all the cultures and societies that form the realization of a larger society and have a culture such as Mosaic. Multiculturalism is closely related to the term multicultural. If we examine its origins, it began to be known since the 1960s after the civil rights movement as a correction to the policy of assimilation of minority groups to the melting pot that has been running for a long time about the dominant culture. Alo liliweri explained that many cultures live in border areas between countries, between tribes, between ethnicities, between races, and between geographies. This is where the situation and condition of the people who have cultural diversity emerge from one another. The term metaphor describes mixed cultures. Several terms use metaphors. First, the melting pot is a society that still maintains its cultural uniqueness to distinguish its descendants from others. In this concept, each ethnic group with its culture is aware of the differences between each other. However, with that difference, they can build a good and healthy life together. It can be understood that the melting pot has the power to synthesize the culture of each group.

Dimensions of multicultural education according to James Banks (Khairah, 2020); Multicultural education has five dimensions related to teachers implementing different programs for different students: (1) Dimensions of Integration or Content; The teacher uses this measurement to provide information about the points of study of various materials. The teacher combines the content of

teaching materials with a general approach. The design and learning sections remain unchanged, but the teacher adds special topics related to multicultural materials; (2) Dimensions of Knowledge Construction; Incorporating students' understanding of changing knowledge development, teachers help students understand different perspectives and draw conclusions influenced by their knowledge; (3) Measures to reduce prejudice; So far, teachers have tried to help students develop positive attitudes towards group differences because multicultural education can help students develop more positive intergroup behavior when they have negative attitudes towards school or misunderstandings about racial differences; (4) Equal or Fair Education Dimensions; This measurement focuses on changing learning to make it easier for several students from different groups to achieve learning outcomes. Learning strategies and activities can be used to treat students fairly, not competitively. Multicultural education is designed to transform the school environment into more group types, including gender-based ethnic groups, and students with special needs have equal opportunities for educational experiences and academic success; (5) Dimensions of Strengthening School Culture and Social Structure; Cultural reinforcement of students from different cultural groups can build a school's social structure by using the cultural potential of different students as a feature of the school structure. Group experience, extracurricular attendance, and employee rewards in responding to school differences.

The function of Multicultural Education is to help these diverse students understand, accept and evaluate others of different ethnicities, cultures, and values (Sunarto, 2016). The teacher teaches his students to look at the values of other cultures so that they can have a deeper understanding and tolerate each other. Developing individual and group attitudes will lead students to individual maturation through multicultural methods and techniques, teaching, and learning. Including evidence of the realization of multiculturalism is that students can work hard (Harto, 2014), are socially sensitive, form an empathetic attitude towards others, feel equal in social relationships and oppose discrimination.

### **Legal Justice in the view of the Qur'an**

The principle of justice in Islamic education has existed for a long time. After the Arab Spring, some called for a return to "tradition". Thus, regardless of women's active participation (Giunchi, 2014), they will be excluded from the public sphere. Even previous administrations debated gender equality and complementarity. The mix was nothing new, but they managed to gain new credibility. In the context of the deconstruction of the old politics which was filled with emotion, the system and then the transition to a new government. Arguments expressed in terms of liberal human rights or Islamic traditions. breed and Equality in Muslim family law (Muhaki, 2020) is a valuable contribution to the debate about apparent contradictions. It was discovered how gender equality was shaped by modern human ideas in a workshop organized by the Oslo Coalition for Freedom of

Religion and Belief. This is in line with the Islamic legal (Eva Aryani, 2017) tradition of the pre-modern concept of justice. Justice in the Qur'an (Asy-Syafrowi, 2012) detailed in several aspects; (1) The order, in general, must be fair in all matters listed in the QS. Surah an-Nahl verse 90, al-A'raf verse 29, and an-Nisa 'verse 135; (2) Fair in scales is found on QS. Ar-Rahman verses 7-9 and al-An'am verse 152; (3) Be fair to the wife (household space) enshrined in the QS. An-Nisa 'verse 3; (4) Deciding matters (law) somewhat is available on QS. an-Nisa 'verse 58, al-Maidah verse 42, and Shaad verse 26; (5) Witnesses must be fair, explained in QS. Al-Maidah verse 8; (6) Allah loves those who act justly found in the QS. Mumtahanah verse 8; (7) The prophets were also commanded to give an example of fairness found in the QS. Al-Maidah verses 44, 47, 48 and an-Nisa 'verse 105.

The findings of the above paragraph explain that the justice (Katzir, 2018) applied to the law is only a tiny part of the attitude of justice that must be applied. Muara being fair in all areas is that God loves His servants. From Buraidah RA, the Prophet SAW said that: "The judges are three, two judges are in hell and the other is in heaven. One who knows the truth and he decides with it, then he is in heaven; one who knows the truth, but he does not decide with it, then he is in hell; and one who does not know the truth and he decides for society with ignorance, then he is in hell." Narration of Four Imam. Sahih hadith according to the Hakim. From Abu Hurairah RA, the Prophet SAW said that: "Whoever is appointed as a judge, he has been slaughtered with a knife." Narrated by Ahmad and Four Imam. Authentic hadith according to Ibn Khuzaimah and Ibn Hibban. "Abu Bakr RA said: I heard the Prophet SAW say: "Do not let anyone judge between two people in a state of anger." Muttafaq Alaihi. From Ali RA that the Prophet SAW said: "If two people ask you for a decision of the law, then, do not decide for the first person before you hear the testimony of the second person, so that you know how to decide the law." Ali said: After that, I have always been a good judge." Narrated by Ahmad, Abu Dawud and Tirmidhi (Al-Hafidh Imam Ibnu Hajar Al-Asqalany, 2008). Figure 1 is the principle of justice in multicultural education.

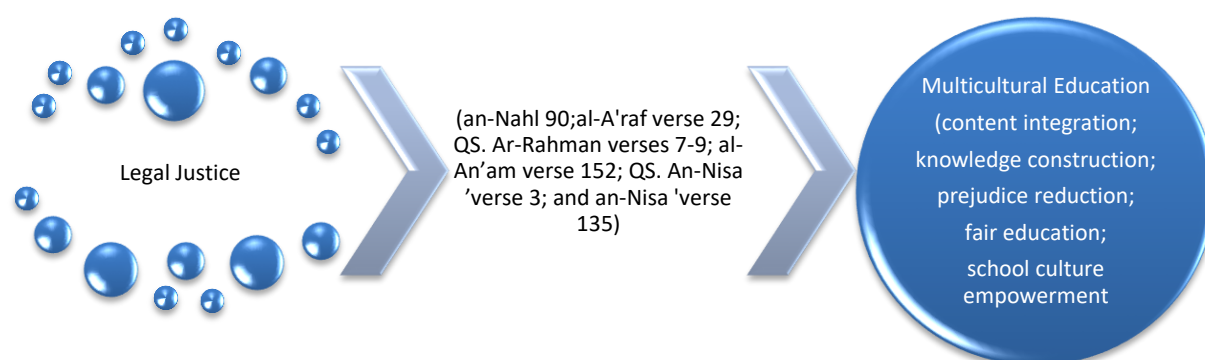


Figure 1. The principle of justice in multicultural education.

## Conclusion

Multicultural education is designed to transform the school environment into a wider variety of groups, including gender-based ethnic groups, and students with special needs have equal opportunities for educational experiences and academic success. The function of Multicultural Education is to help these diverse students understand, accept and evaluate others of different ethnicities, cultures and values. Developing individual and group attitudes will lead students to individual maturation through multicultural methods and techniques, teaching, and learning, while the general principle of justice is in the Qur'an; An-Nisa' verse 58, al-Maidah verse 42, and Syaad verse 26.

## References

- Afzal, M., & Khubaib, M. (2021). Flexibility in the implementation of islamic criminal law in modern islamic society in the light of qur'ān and Sunnah. *Journal of Islamic Thought and Civilization*, 11(1). <https://doi.org/10.32350/JITC.111.21>
- Ahmad, M. R. (2018). Penegakan Hukum Atas Keadilan Dalam Pandangan Islam. *Mizan: Journal of Islamic Law*, 1(2). <https://doi.org/10.32507/mizan.v1i2.122>
- Al-Hafidh Imam Ibnu Hajar Al-Asqalany. (2008). *Bulughul Maram Min Adillatil Ahkam*. Pustaka Al-Hidayah.
- Arif Rahman, D. (2019). *Pendidikan Islam di Era Revolusi Industri 4.0* (pertama). Komojo Press.
- Asy-Syafrowi, M. (2012). *Indeks Lengkap Ayat-Ayat al-Qur'an; Cara Praktis Dan Mudah Menemukan Ayat-ayat al-Qur'an Yang Sesuai Tema*. Mutiara Media.
- Berry, D. L. (2003). Islam and modernity through the writings of Islamic modernist Fazlur Rahman. In *Islamic studies*.
- Eva Aryani. (2017). Hukum Islam, Demokrasi Dan Hak Asasi Manusia. *Jurnal Ilmiah Universitas Batanghari Jambi*, 17(2).
- Giunchi, E. A. (2014). Gender and Equality in Muslim Family Law, Justice, and Ethics in the Islamic Legal Tradition. *American Journal of Islam and Society*, 31(4). <https://doi.org/10.35632/ajis.v31i4.1073>
- Habibi, M. (2021). Legalitas Hukum Islam dalam Sistem Peradilan Indonesia. *Media Syari'ah: Wahana Kajian Hukum Islam Dan Pranata Sosial*, 22(2).
- Harto, K. (2014). Model pengembangan pendidikan agama islam berbasis multikultural. *Al-Tahrir: Jurnal Pemikiran Islam*. <https://doi.org/10.21154/al-tahrir.v14i2.122>
- Katzir, B. (2018). Paths of Virtue: Legal Rhetorics in Judaism and Islam. *Rhetoric Society Quarterly*, 48(1). <https://doi.org/10.1080/02773945.2017.1320727>

- Khairah. (2020). *Multikultural Dalam Pendidikan Islam*.
- Khairiah. (2018). *Kesempatan Mendapatkan Pendidikan Dalam Kajian Tingkat Pendidikan dan Pendapatan Keluarga*. Pustaka Pelajar.
- Maurer, B. (2004). Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning. *American Anthropologist*, 106(4). <https://doi.org/10.1525/aa.2004.106.4.750>
- Muhaki. (2020). Penerapan Rule of Law Di Indonesia Perspektif Paradigma Syari ' At Islam. *Pancawahana: Jurnal Studi Islam*, 15(1).
- Powers, J. (2011). Contesting Justice: Women, Islam, Law and Society. *Religion*, 41(3). <https://doi.org/10.1080/0048721x.2011.569688>
- Saifullah, S., Azis, A., & Lutfi, M. (2020). Transformasi Nilai-nilai Hukum Islam dalam Yurisprudensi Putusan Mahkamah Konstitusi Perspektif Teori Hukum Integratif. *Journal de Jure*, 12(1). <https://doi.org/10.18860/j-fsh.v12i1.8579>
- Sunarto. (2016). Sistem Pembelajaran PAI Berwawasan Multikultural. *Al-Tadzkiyyah: Jurnal Pendidikan Islam*.
- Surahmad, W. (2004). *Dasar dan Teknik Research*. Tarsito.
- Sutrisno Hadi. (1995). *Metodologi Research*. Andi Offset.