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## **Al Mawardi's Thoughts on the Welfare State in the 1998-2019 Reform Era in Indonesia**

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### **Abstract**

The concept of a Welfare State is a country that discusses the principle of the balance of world morality and religious morality in every people. This study uses a normative, historical, and sociological approach, because it is closely related to Al-Mawardi's thoughts about the welfare state with the reform era in Indonesia in 1998-2018 as follows: First, the Religion aspect, Al-Mawardi makes religion a state ideology, while The Indonesian state uses an ideology known as Pancasila. Second, aspects of Good Governance. Al Mawardi's ideas and what is implemented in Indonesia are in principle the same, Indonesia applies the need for a professional government system, in terms of efforts to meet the needs of citizens; Third, the aspect of Justice, Al Mawardi highly upholds the existence of justice in a country, Indonesia also does the same. The State of Indonesia is a state of law (*rechtsstaat*), according to Article 1 paragraph (3) of the 1945 Constitution. All citizens are treated equally before the law (equality before the law); Fourth, the aspect of National Security, related to this, Al Mawardi hopes that state security can provide inner peace to the people, and ultimately encourage people to take the initiative and be creative in building the country. Indonesia also has a desire to build a nation. The Indonesian people always strive for state security which also creates a sense of security for citizens; Fifth, the aspect of Economic Prosperity. Al Mawardi views that prosperity can arouse human enthusiasm to improve work ethic, form various social associations between social classes, reduce levels of social tension, prevent conflict and hostility, create progress in all fields, and build harmony and social cooperation. In Indonesia, the trend of poverty since the 1998-2018 reform era has decreased, this proves that the State of Indonesia is also very concerned about the economy of its people. Sixth, The Nation's Vision. Al-Mawardi emphasized the importance of the entrepreneurial spirit and achievement motivation in the economy for future progress. Currently, Indonesia is very aggressively strengthening MSMEs and entrepreneurship. This is in line with Al-Mawardi's ideas regarding The Nation's Vision.

**Keywords:** Thoughts of Al-Mawardi, Welfare State, Reformation Era 1998-2018, Indonesia.

### **Introduction**

The welfare state emphasizes its main and most basic function, namely the welfare of the people. Because the welfare of the people is one of the human rights that has been inherent since birth and is placed in the highest position in the Islamic constitution, so that religious leaders, as well as the state make every effort and thought to realize human rights that can be implemented in the context of equity and fulfillment of needs. society to achieve prosperity, to fulfill this the leader in issuing public policies, trying to achieve a change. The change in question is the welfare of the people he leads. Humans as social beings, cannot live alone, to achieve prosperity in their lives, of course they need the help of other parties. Humans want to get attention from each other and their groups, to get that it is necessary to have a relationship with each other through the media of communication, social interaction, and other media.

The Republic of Indonesia, in 1998, began the reformation era, making every effort to improve the welfare of the people. Although hard efforts have been made by the government, in reality the Republic of Indonesia cannot be said to be successful in realizing prosperity for its people, this can be seen from the reality of social, political, cultural, economic, and legal life, which is far from people's expectations. The Unitary State of the Republic of Indonesia (NKRI) as a government institution, has been mandated by the 1945 Constitution to become a welfare state. So that what is stated in the Constitution is the basis that one of the tasks of the Indonesian government is to advance the welfare of the people in general. The problem of people's welfare in the Republic of Indonesia needs to get a more in-depth study, because the reform era is expected to bring people more prosperous than the New Order era.

The welfare state has become the noble ideals of the Indonesian nation, this is contained in paragraph IV of the Preamble to the 1945 Constitution, which relates to the welfare of the community which has been described in the articles of the 1945 Constitution, including Article 27 (2), Article 33 and Article 34. Then, UU no. 6 of 1974 concerning the Basic Provisions of Social Welfare. Especially in relation to the welfare state which is the object of this dissertation research, which is then embodied in Law no. 40 of 2004 concerning the National Social Security System which was followed up by Law no. 24 of 2011 concerning the Social Security Administering Body (BPJS). However, these two arrangements have actually created new problems: the government has created a monopoly in the insurance business, and there is a double burden for citizens to pay taxes as an obligation to pay insurance premiums to get insurance contributions from social security.

The welfare state paradigm places citizens or individuals as legal subjects, who must be protected and prospered in all aspects of life, also places citizens as subjects, and no longer places citizens as objects. The state has an obligation, to enter into the life of its people, in the context of carrying out its functions, serving and seeking welfare (*bestuurszorg*). The conception of the welfare state which became the idea of the Indonesian nation state dreamed of the creation of a just and prosperous society. This is reinforced by the philosophy of the Indonesian state in the fifth precept which emphasizes the view of realizing justice for all Indonesian people. Social justice in terms of the dimension of distributive justice means welfare for all people. In this conception of a welfare/prosperity state, the constitution of Indonesia tends to be socialistic, so that it is required to expand its responsibilities to socio-economic problems faced by the people at large. The main objectives of the Indonesian state have been stated in the constitution, the welfare state is considered appropriate, but the state's efforts to implement it are still very small. Various social protection schemes have been implemented since the reformation era in 1998, but in their development these forms of social protection are considered fragmented and do not cover the whole. The scheme does not pay attention to the principle of sustainability, therefore in 2004 Law no. 40 of 2004 concerning the Social Security System with the aim of reforming the social security system and realizing a welfare state. The change of government caused the implementation of the State Social Security System Law to be in the hands of the next government, both the Susilo Bambang Yudhoyono - Jusuf Kalla administration and continued

with the Susilo Bambang Yudhoyono - Boediono government, and in the era of the Susilo Bambang Yudhoyono administration the implementation of the National Social Security System Law has not been implemented but replaced by new models of social protection schemes.

The government of the reform era, along with fundamental changes in the state administration, put the social security program back as a constitutional right. Citizens and the state are responsible for its implementation. The right to social security is included in the third and fourth amendments of the 1945 Constitution of the Republic of Indonesia (1999) and its implementation is regulated in the 2004 National Social Security System Law. The implementation of social security must transform from being administered by a private body to a public body, from profit orientation to the fulfillment of human rights. .

A prosperous country is desired by every community in a region/country and every leader expects prosperity for its people, both in the form of spiritual welfare and material welfare. The efforts of a leader in meeting the needs of the people's lives are carried out by trying to work hard, think creatively (creatively). thinking), and do whatever it takes to fulfill the needs of the people he leads and fulfill the basic needs of the community and provide legal certainty for the people and free the culture that threatens the integrity of the country, security disturbances and the dangers of ideology that is contrary to the Shari'a.

The main key in the welfare state is the issue of guaranteeing the welfare of the people by the state. namely; bear the risk of unemployment, poverty, ignorance, accidents, disease, old age, and death, as well as the breadwinner must be largely borne through the provisions of the state welfare, in a committed, consistent, and continuous discipline from the previous government to the next government. However, the reality is that every regime change is also a change in policy, so that between the governments before and after it is not in harmony with implementing the law which is the basis for decision making.

Under these conditions, the Indonesian government is trying to implement and realize a welfare state based on the 1945 Constitution, through: (i). Take the risk of unemployment. In this condition, one of the welfare state programs is to be responsible for unemployment that occurs in the country, through development based on productive economic resources, thus, human resource development through educational institutions is one concept that can elevate human dignity which is expected to create a welfare state. in developing economic strength through government and private institutions (ii). Poverty. This condition is the state's obligation to ensure social welfare which must be given the rights of the people who are still below the poverty line. Meanwhile, welfare, which is the hope of the community so that their lives are guaranteed needs such as clothing, food and health are the government's main priority in running the country. (iii). Disease. In this condition, the state makes a social security policy for all Indonesian people, because not all people can afford to pay BPJS for this, the government's management of public diseases and guarantees the health of the people through various government programs to ease the burden on the people by providing health service facilities and public service facilities. worthy. (iv). Old age, this condition is stated in Law Number 13 of 1998 concerning the Welfare of the Elderly (State Gazette of the Republic of Indonesia of 1998 Number 190, Supplement to the State Gazette of the

Republic of Indonesia Number 3796); that the government will guarantee the welfare of the elderly based on the law. and (v). The death of the breadwinner. The most certain risk is death. This risk can arise due to illness, accident, natural disaster, or other unforeseen events. The work accident insurance program was born when the Government enacted Law no. 33 of 1947 concerning Accidents (Accident Law 1947) on October 18, 1947. This law has been enforced throughout Indonesia since 1951 with Law no. 2 of 1951 concerning the enactment of Law No. 33 of 1947 from the Republic of Indonesia for the whole of Indonesia. The 1947 Accident Law was the first social law enacted after the proclamation of independence, and even more so during the emergency government period after the second Dutch war of aggression.

In this context, Bagir Manan said that Article 33 of the 1945 Constitution is one of the characteristics of the constitutional and state system that is to be realized in the Indonesian state. The basic concept of the welfare state (Welfare State) in practice has not been as expected. This happens because the government's policies in national development which are passed in five-year stages always focus on economic growth followed by political stability and security, but are more growth-oriented and more liberal in nature, not welfare that can be enjoyed by all people. Indonesia as mandated by the 1945 Constitution. The results of development, especially in the economic sector, are more enjoyed by those who have the ability and access to policy implementers, even the family economic system mandated by the 1945 Constitution has turned into a family economic system. So that the law regulates the poor, and the rich regulates the law, this is contrary to Islamic law as the religion and belief of the majority in Indonesia.

Along with that, Jimly Assiddiqie said that despite all these things, hopes for reform, democratization, and liberalization, the conception of the welfare state in the 1945 Constitution, are still fundamental problems that need to be reviewed. the prosperity of the people in this country is not getting better. Pay close attention to the ballad of the suffering of the people in this country, the number of poor, abandoned and homeless people never moves, unemployment does not want to be outnumbered, health facilities and costs are increasingly inadequate and prices are increasing, the infant mortality rate due to malnutrition is the same. With the large number of births, infrastructure and education costs are increasingly inadequate and can only be enjoyed by a few people.

Since national development was realized during the reform era in 1998, the poverty rate in Indonesia has tended to decline in the last 21 years. In 1998 the poverty rate reached 24.2% and continued to fall to only single digits in 2019, the percentage of poor people in September 2019 was 9.22%. This figure decreased by 0.19% against March 2019 and 0.44% against September 2018. Meanwhile, in urban areas, it is larger at 12.6% and 6.56%, respectively. The number of poor people in September 2019 reached 24.79 million people, this figure decreased compared to March 2019 which was 358.9 thousand and September 2018 of 888.7 thousand. Meanwhile, the number of poor people in urban areas is 9.86 million, while the rural population is 14.93 million.

Poverty in Indonesia from year to year always declines to the lowest rank in the world ranking of poverty, data from the Central Statistics Agency (BPS) released the poverty rate of the Indonesian population as of March 2018 of 9.82 or reaching 25.95 million people. This figure has

decreased by 633.2 thousand poor people when compared to the conditions in September 2017 which amounted to 26.58 million people or 10.12%. Meanwhile, in 2018 Indonesia's poverty decreased by around 630 thousand people to 25.95 million people in March 2018 from the previous 26.58 million people in September 2017. However, the decline in the period from March 2017 to September 2017 was higher than March 2018, which reached 1,2 million people.

To measure poverty, the Central Statistics Agency uses the concept of the ability to meet basic needs (basic needs approach). With this approach, poverty is seen as an economic inability to meet basic food and non-food needs as measured from the expenditure side. So the poor are people who have an average monthly per capita expenditure below the poverty line.

Poverty is a multidimensional problem because it is related to the inability to access economically, socio-culturally, politically and participation in society. The forms of poverty that exist in Indonesia and the various factors that cause it, of course greatly affect the formulation of policies made. Various existing policies and programs are still considered to be ineffective in efforts to reduce the number of people living below the poverty line, this is evidenced by the tendency to increase the number of poor people from time to time. Of course, the formulation of policies and programs needs to be addressed and the formulation of policies in accordance with the stages, in formulating these policies must be considered and understood the characteristics of poverty in each region.

Meanwhile, according to the World Bank (World Bank 2000/2001), in its publication, *Attacking Poverty*, defines poverty as a condition in which a decent standard of living is not achieved. The World Bank uses the inadequacy of clothing, food, and housing; inability to access health care; and low access to education as an indicator to mark someone categorized as poor or not. Meanwhile, the United Nations (UN) in its publication, *The World Situation Report 1997*, describes poverty as a condition related to the inability to meet basic needs. Like the World Bank, the United Nations has also proposed several technical indicators that can be used as a marker of whether or not a person is poor, such as malnutrition, illiteracy, poor health, inadequate clothing and housing, and powerlessness. While in terms of economic independence, the Indonesian state was initially independent in economic development, the term populist economy was born, as a mutual cooperation economy, but in the course of the reform era from 1998 to 2018, the Indonesian state experienced a fairly large increase in foreign debt. The reformation era is not an era that can automatically change or create a better socio-economic life of the people.

In the reformation era, we are faced with the accumulation of past economic problems, the impact of which is quite terrible for the life of the nation and state. This debt problem puts pressure on the social life of the community, especially for the middle and lower classes, the forest crisis experienced by the Indonesian people has systematically weakened the resilience of the national economy. It is not only the business world that has stagnated, but the individual community is also experiencing economic difficulties. As a result of the 1998 economic crisis and continuing with various problems, Indonesia has been categorized as a poor country, not a welfare state.

Talking about the Indonesian welfare state, of course talking about the economy that is embraced, namely the Pancasila economy. The Pancasila Economic System (SEP) is an economic

system that is explored and built from the values adopted in Indonesian society. Some of the basic principles contained in the SEP, among others, relate to the principles of humanity, economic nationalism, economic democracy embodied in a people's economy, and justice. Pancasila economics is a science of institutional economics (instructional economics) which upholds Pancasila as the state ideology with its five precepts. Whole or individually, the reference of every Indonesian. Pancasila contains 5 principles, then all the substance of the Pancasila precepts is (1) ethics, (2) humanity (3) nationalism, (4) populist? democracy and (5) social justice, which must be balanced in the compiled economic model. If the first and second precepts are the basis, while the third and fourth precepts are the way, then the fifth principle of Pancasila is the goal of Pancasila economics. Pancasila economy which is an economic concept that is based on the spirit of Pancasila values. This concept view can be traced from the ideas of Bung Hatta, one of the proclaimers of the Republic of Indonesia. In line with article 33 of the 1945 Constitution and based on the socio-religious cultural values of the Indonesian people. According to Emil Salim<sup>14</sup>, the people's economy has never been officially implemented nationally. However, the struggles of thought and differences in concepts occur side by side with the applied economic concepts. The idea of Pancasila economy in general is an economic system based on five precepts. However, the concept of Pancasila economy in question is not yet clear. According to him, in essence, Pancasila economy is a concept of economic policy that reaches a point of equilibrium so that it eventually follows the rules of the market. Meanwhile, according to Mubyarto, the Pancasila Economic Concept is Soekarno's thought, which has five characteristics, namely. 1). The existence of economic stimulation; moral and social. 2). The strong will of the entire community towards social equality in accordance with the principles of humanity. 3). The priority of economic policy is the creation of a strong national economy and nationalism. 4). Cooperatives are the pillars of a strong national economy and nationalism. 5). There is a clear and firm balance between planning at the national level and decentralization in the implementation of economic activities to ensure economic and social justice.

Criticism of the Pancasila economic system? The question that arises whenever discussing the Indonesian economic system is: What economic system is currently taking place in Indonesia? capitalism or socialism, while the sharia economy was only enacted in 1992, as a middle economy. So the three economic systems mentioned above, which economic system will side with the interests of the people in general, namely providing welfare to the Indonesian people. Indonesia as a state of law functions to realize equitable justice as the noble national ideals of Indonesia which have been formulated at the opening of the 1945 Constitution, namely the main goal of the Indonesian nation in the context of protecting all Indonesian bloodlines, promoting general welfare, educating the nation's life, and participating in carrying out order. world based on eternal peace and social justice. The rule of law serves as a means to realize and achieve the four goals of the Indonesian state mentioned above. Thus, the development of the Indonesian welfare state will not be trapped as just rule driven, but still mission driven, but mission driven which is still based on legal propriety as the highest decision of the Indonesian state.

The author views that there are normative legal problems and government policies since the

1998-2018 reform era, regarding the welfare state in Indonesia. Academic anxiety arises in the following questions:

1. The welfare state which is designed to only increase poverty and increase unemployment, does not function to improve the welfare of the people. How is the country designed/organized?
2. When poverty and unemployment are not included in the welfare state and are replaced by socialism, marxism and capitalism states, according to Al-Mawardi, the welfare state can still be implemented in Indonesia.
3. The welfare state according to Al-Mawardi is a state that prioritizes religious morality according to the principles of Islamic law, namely prohibiting the concept of a state of socialism, marxism and capitalism which always benefits some people, not prioritizing the welfare of the people in general, such as the concept of a welfare state according to Al-Mawardi. .
4. The technical concept of the welfare state according to Al-Mawardi is in accordance with the concept of Islamic law, which should be implemented in the Muslim-majority country of Indonesia?

Judging from the description above, the welfare state according to Al-Mawardi is referring to the success of a leader in a country it will be seen, if the people are prosperous, building a welfare state prioritizes faith as the basic foundation which is the main indicator for a leader, because it is very decisive or the weakness of a welfare state, more than that will determine the integrity and progress a country. The patterns and/or boundaries of the state system should be properly integrated by the head of state, in order to enable the formation of an ideal welfare state.

Al-Mawardi views that the welfare state will be built and formed, if it fulfills spiritual and material needs, the welfare state is not an ideal without sacrifice, but requires struggle, commitment, consistency and discipline made by the head of state. Because the government needs, and requires cooperation in order to maintain the essence and existence of humans as social beings, it requires a welfare state that binds obligations for humans, because without a welfare state, human existence and essence will not be good, so every welfare state must have a leader to support it. regulate and/or implement a collective agreement (ijtihad), this is referred to as state sovereignty.

The idea of a welfare state has been talked about as long as it exists. As long as humans are still alive, the essence and existence of the welfare state will continue to be debated with various reasons put forward by various humans as the main actors in the existence of the welfare state. especially in this era of the development of science and technology, the welfare state is increasingly aggressive in language, in various educational institutions through seminars, symposiums and studies related to the welfare state model, so that the welfare state becomes the power of God as Ibn Khaldun calls him al-Muhit, "The welfare state does little to reduce the worse accesses of capitalism. They say that the welfare state is not a socialist state. This is because building a welfare state requires an economic system that can be controlled by private interests. Thus, according to Al-Mawardi, a welfare state is very different from a socialist, capitalist, or democratic state. These concepts have been partially implemented in the Indonesian welfare state, even though the

Indonesian welfare state is predominantly Muslim, why not implement an Islamic economic system.

The differences in the concept of the country are as follows: (i). The concept of the state according to Al-Mawardi is a means that provides solutions for the benefits that exist in society, so that difficulties such as economic instability, meeting material and spiritual needs both individually and in society in general can be overcome. Food and economic security is one of the concepts of the welfare state as an indicator that can defend the welfare state from moral decadence that is increasingly undermining religion. If religion is used as a tool to achieve the goals of the welfare state without regard to morality then it is a source of decline for a country.

Al Mawardi said that the Welfare State must be in accordance with Islamic values. According to him, an authoritative leader in a country can realize the strength and peace of the country. Leaders who practice religion consistently, are committed and disciplined to the laws, will be strong. To achieve the goals of the welfare state, the rulers must protect religion, protect the honor of citizens, protect state assets and protect the whole body and soul of their citizens. (ii). The concept of a socialist state or socialist republic refers to a state constitutionally dedicated to socialism in the Western world's use of "communist state," this country has a single-party holding of marxism-Leninism where the process of building socialism does not refer to them as communism, because a number of countries describe the orientation as socialist state in the constitution of a socialist state.<sup>22</sup> The socialist state is different from the multi-democratic liberal state a party ruled by a socialist party, where the country is not constitutionally based on a socialist constitution. In this case the political system and the machinery of government are not specifically structured for the development of a socialist state. (iii). The Marxist Concept of the State; Marxism is an ideology based on the philosophy of dialectical and historical materialism. According to philosophical Marxism, matter is a mode of production in society. The dialectical concept of Marxism is different from that of Hegelianism. Hegel's dialectic is based on an idea or spirit, while the dialectic of Marxism is based on dialectical driving. In every process there are contradictions. Communist society is the end of historical dialectical society, it will also exist in reality after eliminating the state, because the state according to philosophical Marxism is a manifestation of class antagonism. (iv). The concept of State Capitalism in economics is usually described as an economic system in which commercial economic activity is controlled by the state, in order to make a profit. While the means of production are managed and organized by state-owned companies such as labor wages, capital accumulation processes, and centralized management at the center, public companies are mostly state-owned shares. Welfare state (welfare state). Because the welfare state emphasizes the most basic function of the state is the welfare of its people. This is because welfare has become part of the most important indicator of the existence and progress of a country. The purpose of establishing and forming a state is to realize the welfare of the people through various rules and/or policies that have been decided by leaders in a country to achieve these goals. While (v). Democratic State Concept; has an important meaning for the people who use it because with democracy the right of the people to determine the course of the state organization will be guaranteed. Therefore, almost all the meanings given



to the term democracy always give an important position to the people even though the operational implications in various countries are not always the same. As a political system, democracy can be seen around five centuries BC. At that time the Greeks formed a polis (City State) by implementing how a political system should be organized so that it could meet the interests and welfare of the people. The importance of democracy was also stated by Samuel P. Huntington who wrote in his book,

"The Third Wave Democratization in The Late Twentieth Century" which said that democracy has become a key word in world political discourse and movements. And, there is no doubt about it. And the process of democratization or the struggle to uphold democracy today has existed and is ongoing in various parts of the world. So, almost all the terms democracy always give importance to society.

The concept of the welfare state according to Al-Marawdi can be applied to the Indonesian welfare state. Because the concept of a welfare state, according to him, there are three main indicators, namely; First, religion is the basis of the state to determine the direction of policies taken, the policy in question is public policy, as the main foundation of a country, so that it can implement policies based on the benefit of the ummah. Second, good governance; is a system that is needed by a country to maintain religion and the benefit of the country, so that a prosperous country is achieved. Third, economic independence; is a form of state responsibility in order to meet the basic needs of the community, as well as the existence of economic stability and equitable distribution of justice.

From the three concepts above, the Indonesian welfare state has carried out its function as a welfare state according to Al-Mawardi, it can be seen from these three points, so that Al-Mawardi's thoughts and implementation in Indonesia have been carried out well, although there are still shortcomings, but it is not an obstacle. The main goal in the welfare of the people, the Indonesian welfare state is a democratic state based on Pancasila and the 1945 Constitution, as the legal basis of the state, although it is not a state based on Shari'a, but as Al-Mawardi's thought has been implemented in Indonesia. The problem that arises from the background of the problem above is how the concepts of the welfare state of socialism, marxism, and capitalism can be avoided, because a number of prohibitions on the concept of the welfare state according to Al-Mawardi have not all been implemented in Indonesia since the reformation era in 1998-2018. Religious morality has not been formulated in a committed, consistent and disciplined manner as the basis of a welfare state in Indonesia. On the other hand, there is freedom to implement a capitalist welfare state which is very dominant today which does not promote the general welfare which has been regulated in Article 33 of the 1945 Law. Therefore, this dissertation will lead to a normative analysis of the welfare state according to Al-Mawardi. How strong is the welfare state, the normative and morality of religion in the welfare state and how much does the welfare state accommodate the needs of the people in general, who as long as they cannot feel welfare directly.

If viewed from the concept of the welfare state of Al-Mawardi above, the concept of the welfare state in Indonesia is very relevant or there is a significant relationship with the Indonesian welfare state, because the Indonesian state has the largest Muslim population, so that Islam is also

accommodated in Pancasila, namely the first principle; "Belief in the one and only God". Because of these ideals, the author is interested in conducting a research entitled Al-Mawardi's Thoughts on the Welfare State and Its Relevance in the Reformation Era in Indonesia. This topic is not only interesting theoretically and academically, it is also very necessary for research to be carried out on the grounds that there is still a scarcity of literature that examines the legal relationship, both substantively and institutionally, with the welfare state issue, since the reform era began. Whenever available, it may still be surface or not deep.

This can be seen in the National Economic System and Social Welfare as regulated in Article 27 paragraph (2), Article 33, and Article 34 of the 1945 Constitution after the amendments have not been implemented properly. One of the reasons is the varied interpretations of the normative texts contained in the 1945 Constitution. Furthermore, the high rates of unemployment, poverty, and ignorance, especially in the community since the 1998 reform era. It is important and needs to be seen in terms of the relationship between the effectiveness of the law and efforts to eradicate unemployment, poverty and people's ignorance.

From the source of the Central Statistics Agency, about poverty since the reform era in 1998-2018, in Indonesia it has decreased, while poverty in 1999-2015 is data in February. While 1998 is data for December, and in 2006-2018 is data for March. The percentage of poor people in March 2018 was at its lowest in history. The poor population is recorded at 25.95 million people or 9.82 percent, this is the first time the percentage of poor people is in single digits.

## **Literature Review**

Research written by Syafruddin Syam. with the title of his research "Imam Al Mawardi's Islamic Political Thought and Its Relevance in Indonesia. This study resulted in the findings that: Al-Mawardi's Islamic political concept of the need for the establishment of a state is not only based on the argument of reason but also based on syara' law gives rise to a new and valuable understanding. His concepts of state administration, how a leader should be elected, the requirements to become a leader, agreements and agreements between the elected and the elect, are part of his brilliant mind. But as a thought of course there will be some weaknesses or shortcomings that must be solved together and find a solution. Al-Mawardi shows how accepted Sunni religious rules and theories of the caliphate can be reinterpreted and developed in such a way as to ignore existing power relations. His theory made the (local) rulers technically dependent on the approval of the Caliph for their legitimacy. He laid the intellectual foundations for the revival of the Abbasid Caliphate, which was likely to be much wider, except for the Mongols. But in fact, most of these theories survive as theoretical discourse, these theories have never been tested in reality. In many ways, especially in the context of democracy and modern politics, it is difficult to fully apply Al-Mawardi's concepts and thoughts. Perhaps, only a few parts, such as in matters of qualification and appointment of a priest, as well as the problem of division of power under him. However, Al Mawardi's discourse is very valuable when placed as the antithesis of the failure of democratic theory, and a valuable contribution to the development of modern Islamic politics. (Syafruddin Syam. "Imam Al Mawardi's Islamic Political Thought and Its Relevance in

Indonesia" *Al-Hadi Scientific Journal*, Volume II No. 02 January-June Edition (2017). pp. 485-498).

Erwin Ndakularak, 1 Nyoman Djinar Setiawina and I Ketut Djayastra, with the title *Analysis of Factors Affecting Community Welfare in Regency/City in Bali Province*. This study resulted in the findings that; The welfare of the community is not only seen from the level of education but also from the level of health. A person who is highly educated will not be useful if he is not healthy, and vice versa someone who is healthy is not necessarily prosperous if he is not educated. The quality or not of a person's health is very dependent on a person's ability to reach health services. To reach health services required sufficient costs. The size of the cost is very dependent on the amount of expenditure. The greater the amount of expenditure for health, the better the degree of a person's health so that it has an impact on welfare. The smaller the amount of expenditure on health, the lower the degree of a person's health which will have an impact on decreasing welfare. Therefore, household expenditure on health is positively related to public welfare" (Erwin Ndakularak, "Analysis of Factors Affecting District/City Community Welfare in Bali Province" *E-Jurnal of Economics and Business*, Udayana University, S.l., February. (2014) ).

The research was written by Ariza Fuadi Purbayu Budi, with the title of the research being *Islamic Economics and the Welfare State*. This study resulted in the findings that: "Etymologically, the term welfare state is derived from two words, namely welfare and state. Prosperity means prosperity or safety. The state is defined as an institution of society that has the power to control one's relations and generate power in society. The welfare state was implemented for the first time in Europe and the United States. This program has been carried out to improve the economic system of capitalism that is more innovative and protects the economically weak society as a result of the evils of "capitalism. However, over time, the welfare state program that has been carried out by capitalism has not worked to create prosperity for the people. Poverty and injustice This is still happening today. This has happened since the mistake of capitalism that only focused on increasing economic development that leads to the existence of the state to create social welfare in society. This is different from the Islamic welfare state which provides a complete concept. Apart from material development, the Islamic welfare state also focuses on material aspects that promote spiritual upliftment which capitalism does not focus on. The act that links this system consists of the role of the state and religion as control aspects for human well-being. with a diagram a a research script that describes what has been carried out and will be done during the proposed time, accompanied by a research schedule. The flow chart format can be in the form of a JPG/PNG file. The research chart must be made in its entirety with clear stages, starting from the beginning how the process and outputs are, and the targeted achievement indicators. This section must also fill in the duties of each member of the proposer according to the stages of the proposed research. (Ariza Fuadi Purbayu Budi, "Islamic Economics and the Welfare State" *Journal of Economic and Business Dynamics* Vol. 12 N0.I.,(2015). pp. 5-12.)

Research written by Moh. Sholehuddin "The Concept of State in Al-Mawardi's Thought. This study resulted in the findings that: Al-Mawardi's political theory in al-Ahkam al-Sultaniyah

wa al-Walayah al-Diniyah is a realistic political theory, not utopian like al-Farabi's political theory in Ara" Ahl al-Madinah al-Fadilah. The origin of the establishment of a country is derived from the wishes of individuals who have goals and expertise.

In this context, his thoughts on the relationship between ahl al-'aqd wa al-hall with the caliph and the ummah are interesting things to explore. The focus is on how the relationship between the leader and the people should be. The results of this study indicate that the relationship between the caliph and the ummah is a social contract, namely a mutual agreement to carry out duties and obligations based on a reciprocal relationship. Therefore, the people must obey their caliph and at the same time a caliph has the duty to protect his people and be responsible for them as their leader. Al-Mawardi's social contract theory written in the 11th century AD has inspired the political theories of a number of Western thinkers such as Hubert Languet (1519-1581 AD), Thomas Hobbes (1588-1679 AD), and John Locke (1632-1604 AD). (Moh. Sholehuddin, "The Concept of State in Al-Mawardi's Political Thought". *Journal of Political Review*. Volume 04, Number 01, (2014). pp. 103-118.)

The research written by Djauhari with the title *Political Law of the Welfare State, Studies on Regulatory Policies and Institutionalization of Social Welfare Ideas for Fishermen in Central Java*. This study resulted in the findings that; The theory and practice of the welfare state in this study was found to be the cause of the ineffectiveness of government laws and policies as a means of community change related to improving the socio-economic welfare of the fishing community in Central Java. First; legal instrument that regulates social welfare for fishing communities in some conditions is recognized as having run effectively. Second; government policy is a legal instrument not a product of legislation has been felt to be effective in the welfare of the community, especially in reducing the number of poverty. Third; the implications of the form of legal regulations and government policies, both central and regional specifically for the welfare of the community, especially fishing communities in Central Java are not quite successful, because there are no integrated policies between institutions at the central and regional levels, there are no sustainable poverty alleviation programs, the emergence of contradictions between institutions mandated by Law No. 6 of 1974 and the lack of the role of the Ministry of Social Affairs, the ineffectiveness of the supervisory function carried out by the TPI service and institutions, KUD etc., and the fishing community of Pandega tend to be difficult to participate in the policy-making process as well as factors that influence this failure. (Djauhari, "Politics of the Law of the Welfare State The Study of Regulatory Policies and Institutionalization of Social Welfare Ideas for Fishermen in Central Java." *Dissertation from the Islamic University of Indonesia*." (UII *Dissertation Yogyakarta*, 2007).pp. 46-59)

Research written by Aris Setianto, and Syamsuri; *The Concept of Welfare State Al-Mawardi in the Book of Adab Al-Dunya wa Al-Din A study of the concept of critical analysis*. This study resulted in the findings that: trying to examine the concept of the welfare state according to capitalism in al-Mawardi's view. The data collection process was carried out by studying books, articles discussing the concept of welfare, especially the book *al Adab Dunya wa al-Din*, the phenomenal work of Imam Al-Mawardi. explained that al-Mawardi's concept of a

welfare state with a welfare state according to capitalism is the opposite. One of the most important examples of al-Mawardi's view in the welfare state is that religion is the basis of the state. So that basic policies always think about the benefit of the people, not at the will of a particular group or group. In contrast to the concept of capitalism, the existence of the welfare state is to cover the failure of the applied economic system. This study is very useful to find out how the concept of the welfare state according to capitalism and according to Al-Mawardi, as well as to be used as reference material in subsequent writings (Aris Stianto, Syamsuri "The Concept of Welfare State al-Mawardi in the Book of Adab Al Dunya wa Al- Din" Journal of Islamic Economics Volume 10, N0, 2. (2019), pp. 199-203)

### **Research Methods**

The explanation that was put forward was based on the question of how the founding fathers and others thought about the welfare state in the 1945 Constitution, is there any relevance to Al-Mawardi's thinking, then the implementation of the Welfare State in the Reformation era, the next discussion is the welfare state according to al-Mawardi. Qur'an and Sunnah. Then discuss the welfare state according to the time of the Prophet and the Companions. Next is the welfare state according to the scholars, and finally the welfare state, from the pillars of Islam

As previously stated, the concept of a welfare state established in the 1945 Constitution is different from the constitutional model of Western countries. In this context, the Welfare State can be seen from the provisions of the 1945 Constitution related to Article 27 paragraph (2), Article 33 and Article 34. This means that there is a significant relationship between the Indonesian welfare state and the Al-Mawardi welfare state, when viewed from the three articles. Then the explanation in Law No. 17 of 2007 concerning the National Long-Term Development Plan for 2005-2025, the vision of national development set by Indonesia is one that is independent, advanced, just and prosperous. To realize this vision, eight development missions have been pursued. one of which is to create a welfare state based on law.

The vision of an independent, advanced and just and prosperous Indonesia is an idea and commitment, consistent and disciplined by state administrators in realizing Indonesia as a sovereign, strong, independent, modern, just and dignified welfare state and creating prosperity for all Indonesian people. This vision is the basic framework and strategy in outlining the main objectives of the Indonesian welfare state in the reform era. Because in the reformation era many changes and amendments were made to the 1945 Constitution, so that hope became the main priority for state administrators and the public. This commitment, consistency and discipline has been normatively stated in the 1945 Constitution in article 33, so that it is constitutionally the basis and reference in setting policy directions in the field of sustainable development and can be referred to as the constitution of the Indonesian economy.

In the explanation (before the amendment) it was emphasized that Article 33 of the 1945 Constitution, the Indonesian welfare state is a form of social democracy, which includes political democracy, economic democracy, and social justice. , and also the people. While article 34 of the 1945 Constitution, welfare includes the role of the state to be responsible for the fate of the people

who are economically, neglected and poor as well as unemployed. The consequence is that the state juridically the problem of poverty is the state's obligation to seek welfare for all.

The welfare state of Indonesia, which has a population of approximately 260 million people, thousands of islands, and 82% of the population is Muslim, already has responsibilities towards the poor, unemployed and neglected children, as well as the challenges it faces, namely; First; An effective and efficient way to overcome poverty is to eradicate unemployment, namely; open employment opportunities and provide empowerment, by providing working capital and then being monitored on a scale until they are truly independent, which is basically from *mustahik* to *muzakki* (management of Zakat Funds). Second; The people get socio-economic and socio-cultural benefits at the same time, namely gaining added value economically (increasing people's productivity), and the dignity of the people.

Meanwhile, Article 27 paragraph (2) states that the social rights of the people, not social compassion with cash assistance or the provision of basic necessities are consumptive, but these are basic rights of the people, which are one of the human rights of the Indonesian people that must be fulfilled by the people. welfare state. and providing employment as a goal to reduce unemployment, in order to achieve substantive prosperity and general welfare, as the main goal, not placing it in a residual or marginal position. If the government sets employment as the main target, the economic growth target will increase. As stated by Mahbub UI Haq 25 years later after the birth of Article 27 paragraph (2) of the 1945 Constitution.<sup>33</sup>

Aspects that are often used as indicators to measure people's welfare are income, health, education, employment, consumption, housing, and socio-culture. But why do some people who already have luxury homes, vehicles? deposits and various other forms of wealth actually feel restless, uneasy, afraid, and some even end their lives by committing suicide. Based on the facts above, it seems there is something lacking in measuring people's welfare.

In Islamic economics, the happiness of life is actually given by Allah SWT. to anyone (male and female) who wants to do good deeds accompanied by faith in Allah SWT. As mentioned by Allah SWT. In Surah An-Nahl verse 97, while the three indicators to measure welfare and happiness are mental formation (*tawhid*), consumption, and the disappearance of fear and all forms of anxiety, as mentioned by Allah SWT in Surah an-Nahl verse 97.

Seeing the reality of the lack of social welfare of the Indonesian people today, a concept that can prosper the community in the economic, social, cultural, religious and various other fields is urgently needed. To achieve this, a new paradigm of thoughts and studies of the concept of a public welfare state is needed in the Unitary State of the Republic of Indonesia as a developing country towards a developed country in 2045, as described in the RI Strategy for Transforming into a Developed Country by the former Vice President of the Republic of Indonesia. Drs. Jusuf Kalla, at the SDGs Summit entitled "The 2020-2030 Vision" in his presentation at the 74th General Assembly of the United Nations at the United Nations Headquarters, New York.

## **Results and Discussion**

As previously stated, the concept of a welfare state established in the 1945 Constitution is

different from the constitutional model of Western countries. In this context, the Welfare State can be seen from the provisions of the 1945 Constitution related to Article 27 paragraph (2), Article 33 and Article 34. This means that there is a significant relationship between the Indonesian welfare state and the Al-Mawardi welfare state, when viewed from the three articles. Then the explanation in Law No. 17 of 2007 concerning the National Long-Term Development Plan for 2005- 2025, the vision of national development set by Indonesia is one that is independent, advanced, just and prosperous. To realize this vision, eight national development missions have been pursued, one of which is to create a welfare state based on law.

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In the explanation (before the amendment) it was emphasized that Article 33 of the 1945 Constitution states that the Indonesian welfare state is a form of social democracy, which includes political democracy, economic democracy, and social justice as the main objectives. Meanwhile, the sovereignty of the Indonesian people cannot be separated from its inherent goal, namely justice for all Indonesian people. In addition to the above, there is also a guarantee of a welfare state based on an economic system that adopts the role of as well as the state, the private sector, and the people.

### **1. Welfare State Development Orientation in the Reformation Era**

- a. The Basic Foundation for the Development of a Welfare State in the Reformation Era With the launch of Law no. 22/1999 and Law no. 25/1999 by the Reform Cabinet together with other related arrangements, in the country there has been a dramatic change in the balance of responsibilities between various levels (levels) in the government system. With regard to reforms and commitments made by the Central Government and several Regional Governments and DPRD to be able to provide evidence and encourage transparency, participation, and a resource management system that involves the interests of the community in a balanced way, there are still obstacles due to the activity of maintaining surplus profits (rent seeking) activities, especially from central and regional bureaucratic officials after the decentralization process in accordance with regional autonomy policies. With the process of change spearheaded by the spirit of reform in subsequent developments, there have been major changes in the life of the state with the making of a number of amendments to the articles of the 1945 Constitution, which has now reached the 4th amendment. One of the important points in the 4th amendment of the 1945 Constitution is

that the President and Vice President are directly elected by the people. This has had considerable consequences for changes in development planning policies in Indonesia.

b. Policy and Control of Social Welfare Issues (Law No. 11 of 2009 was born)

Social Welfare in Law 11 of 2009 concerning Social Welfare is a condition of meeting the material, spiritual, and social needs of citizens in order to live properly and be able to develop themselves, so that they can carry out their social functions. Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia mandates the state's obligation to care for the poor and neglected children. For the poor and neglected children as referred to in the 1945 Constitution of the Republic of Indonesia, the Government and local governments provide social rehabilitation, social security, social empowerment, and social protection as a manifestation of the implementation of state obligations in ensuring the fulfillment of the rights to basic needs of citizens. poor and underprivileged countries.

c. The Role of Government and Private In Social Welfare

Referring to various definitions of the welfare state proposed by various experts and based on the concept of *maqashid ash sharia* initiated by Al Ghazali. So the idea of the role of the welfare state in realizing the welfare of the people can be derived into three institutional roles as follows. First, the role of worship. This means that the welfare state must be able to meet the needs of the community in terms of their worship, so that when people are comfortable in carrying out their Shari'a. Second, the political role. That is, the welfare state plays a role in regulating order which is achieved through the power to enforce laws or regulations that are coercive, so that the community gets real justice. Third, the role of the economy. This means that the welfare state plays an important role in ensuring that the pace of the economy is in a balanced condition, so that people will feel an even distribution of goods and services.

## **2. Politics of the Welfare State in the Reformation Era**

The 1945 Constitution is the constitution of the Unitary State of the Republic of Indonesia which was ratified by the Preparatory Committee for Indonesian Independence (PPKI). August 18, 1945, and was enforced from August 18, 1945 to December 27, 1949. After undergoing four amendments in 1999, 2000, 2001, and 2002, it was judged not to be based on the moral values of Pancasila. The reason is that inconsistencies, incommitments and indiscipline can be found as well as contradictions and inconsistencies between the articles and paragraphs in the Law. As a result, the state is trapped in legal politics that is oriented towards practical power and oligarchy, the administration is more oriented towards democracy and law, but ignores the development of the people's welfare state as the main goal of reform.

The amendment to article 33 paragraph 4 which regulates the Indonesian economy contradicts the previous three paragraphs. The point is to mention economic democracy and in practice a liberal economy is applied. This article is not coherent with the preamble to the 1945 Constitution, Pancasila and Article 1 of the 1945 Constitution.

### **The Position of the 1945 Constitution, Before and After the Amendment**

#### **1) The Position of the 1945 Constitution Before the Amendment**

The 1945 Constitution establishes a constitutional structure that rests on the highest power in



the hands of the MPR which fully implements the sovereignty of the people. This results in the absence of checks and balances in state administrative institutions.

The 1945 Constitution gives enormous powers to the holder of executive power (the President). The system adopted by the 1945 Constitution is executive heavy, namely the dominant power is in the hands of the President equipped with various constitutional rights commonly called prerogatives (among others: granting clemency, amnesty, abolition and rehabilitation) and legislative power because it has the power to form laws.

2) AD HOC Committee Agreement on Amendment to the 1945 Constitution

- a) Not changing the Preamble to the 1945 Constitution, its systematics, historical aspects and originality.
- b) Continue to maintain the Unitary State of the Republic of Indonesia (NKRI).
- c) Strengthening the Presidential Government System.
- d) The explanation of the 1945 Constitution is omitted and normative matters in the explanation are included in articles.
- e) Changes are made by way of "addendum".

3) RI's State Administration Structure "After" the Amendment

The Constitution is the highest law where sovereignty is in the hands of the people and is carried out fully according to the Constitution. The Constitution provides for the division of power (separation of power) to 6 state institutions with equal and equal positions, namely the President, the People's Consultative Assembly (MPR), the People's Representative Council (DPR), the Regional Representatives Council (DPD), the Supreme Audit Agency (BPK), the Supreme Court (MA), and the Constitutional Court (MK).

4) Changes After Amendment

- a) Reinforcing the principle of the state based on law (Article 1 paragraph 3) by placing judicial power as an independent power, respect for human rights and power exercised on the principle of due process of law.
- b) Regulating the mechanism for the appointment and dismissal of state officials, such as judges.
- c) A constitutional system based on checks and balances, that is, each power is limited by law based on their respective functions.

Every state institution has equal position under the 1945 Constitution.

- a) Reorganizing existing state institutions and establishing several new state institutions to conform to the constitutional system and state principles based on law.
- b) Improvements in the position and authority of each state institution are adjusted to the development of a modern democratic state.
- c) Position of MPR
- d) Position of DPR
- e) Position of DPD
- f) Position of BPK
- g) Position of President and Vice President

- h) Position of the Supreme Court
- i) Position of the Constitutional Court

**a. Operational Policy in Building a Welfare State**

The mandate of the Constitution is the 1945 Constitution, in the Preamble there is a phrase that reads "promoting public welfare and educating the nation's life based on the principle of social justice for all Indonesian people". The objectives contained in the preamble are continued in the body of the 1945 Constitution as stated in articles 27 paragraphs (2), 31, 32, 33, and 34. Article 27 paragraph (2) stipulates that every citizen has the right to work and decent living for humanity, article 31 stipulates that every citizen has the right to receive education. Meanwhile, article 32 determines the government's duty to promote national culture and article 34 stipulates that the poor and neglected children are cared for by the state. Meanwhile, Article 33 regulates economic matters, which adheres to a family system, and stipulates that the production branches which are important for the people and the earth and water, and the natural resources above them are controlled by the state.

**b. Eradication of Unemployment, Poverty and Ignorance**

1) Unemployment Concept

Unemployment is one of the social problems in development. In this case, employment becomes a vehicle to place humans in the central position of development. Employment is also a source of income. Thus Sumodinigrat said. Humans are a part of production, so when unemployment arises in a society, it means that the allocation of resources and the production of national production is relatively less than optimal. The causes of unemployment occur, among others, namely; (1). Because the number of available jobs is smaller than the number of job seekers. (2). Competition for job seekers does not match the job market. (3). Less effective job market information for job seekers. In addition, unemployment is also caused by layoffs, due to economic or security crises that are not conducive, and regulations that impede investment, or barriers to imports and exports, and others.

2) Poverty Concept

Poverty, in fact, is more visible than mere economic prostration. Limit poverty is a condition where people do not have property or do not have income below a certain nominal limit. The poverty rate is assessed or measured based on materials such as; physical condition of the building or residential environment. Poverty is a condition of depreciation of the sources of meeting basic needs in the form of clothing, food, housing and basic education. This opinion is in line with Koncoro's mention of the concept of poverty as an estimate of the level of income and needs. Meanwhile, according to BPS, poverty is a condition of a person who only gets to meet their food needs of less than 2100 calories per capita per day. Poverty can also be interpreted as a condition where the level of achievement of a decent life with an income of US \$ 1 per day (World Bank). According to the perspective of Islamic Economics, the problem of poverty is described as the inability to achieve a certain level of living that is fairly decent based on the situation and conditions, as well as work and individual responsibilities. Meanwhile, according to Al-Ghazali said that the poor are those who earn

an income that is not sufficient for their daily needs.

1) The Concept of Foolishness

Ignorance is a state and situation when there is a lack of knowledge of something subjective in nature. This is not the same as a low level of intelligence, such as the intellectual quality and level of education that a person has. Given that ignorance is the most important obstacle in achieving success in life in this world and the hereafter, efforts to eradicate it must be made the most urgent priority and effort. Experience during the economic crisis shows that countries such as Korea, Japan, Thailand, Singapore, Malaysia, including Indonesia. However, due to differences in the quality of its human resources, Indonesia is experiencing a more severe crisis than other countries. This is strongly influenced by their human resources factor which is on average higher than Indonesia. (human Development index). Here it is clear that directly or indirectly, the quality of human resources has the most important and very decisive role in the economic development of a welfare state.

2) Strengths and Weaknesses of the 1945 Constitution of the Reformation Era

Since the first amendment/amendment to the 1945 Constitution implied that the contents of the constitution were only regulated in the 1945 Constitution, then the amendment until the fourth amendment, the complete process of amending the articles referred to can be seen in the appendix. In this reform era, Pancasila is still maintained as the basis of the state and Pancasila as the national ideology which is the ideals of the state's goals. In further development that Pancasila as a paradigm is a mindset or frame of mind, here it shows that the opening of the 1945 Constitution has an important role which becomes an integral part of the 1945 Constitution. Concerning the changes/amendments to the 1945 Constitution, it is intended to deal with developments that occur so rapidly. in this world.

The advantages and disadvantages of the reform period are:

a) Strengths during the Reformation Era

- (1) The emergence of public awareness of the importance of reform for the Indonesian nation.
- (2) Freedom of expression is re-established.
- (3) Reducing the problem of ABRI's dual function in government.
- (4) Carry out legal and regulatory reforms in Indonesia.
- (5) There is a guarantee of Human Rights.
- (6) Indonesia's socio-political sector becomes open.

b). General election before the reform era

- (1) Elections that previously could only be participated by 3 political parties can now be participated by 48 political parties through selection.
- (2) The legal rigidity of the New Order era became fragmented or began to disappear.
- (3) The government considers the social problems experienced by the community by realizing a program to create job opportunities for the unemployed.
- (4) The style of literary works became more colorful and of many types according to the socio-political conditions at that time.
- (5) Publication of literary works becomes easier and more helpful because of the existence of

communication media.

c). Weaknesses in the Reformation Era

- (1) There is a division of perception between students and community groups regarding the appointment of B.J Habibie as President.
- (2) There is no provision of subsidies to the community.
- (3) The required economic reform decisions are not in accordance with what the community wants.
- (4) Overburdened by the IMF's structural adjustment program.
- (5) The military position does not have a good enough place in the hearts of the people.
- (6) The handling of economic and social problems is not optimal due to internal political conflicts in the country.
- (7) The existence of a multidimensional crisis faced by Indonesia.
- (8) The government is only focused on improving the economy.
- (9) The readers' lack of interest in the literary works of the reform force.

The purpose of the Amendment to the 1945 Constitution is to perfect the basic rules such as state order, people's sovereignty, human rights, power building, the existence of a democratic state and law.

**a. Welfare State Law Policy**

The concept of the rule of law in Indonesia, has led to a welfare state both in state administration and government policies that fight for the rights of the unemployed, poverty and ignorance people who exist in the community, the attitude of the authorities in eradicating these things has been implemented, but it is still lacking in general terms. sustainable, so that it is not completely solved. The legal politics of the reform era as a configuration of autonomous responsive legal products, was identified based on the process of legal development, the provision of legal functions and the authority to interpret the law conceptually in several typologies. The national legal politics of the reform era was built in synergy, in line with the needs and aspirations of the community so that it could form a law whose substance, structure and legal culture were in accordance with the legal awareness of the Indonesian nation without the shadow of scientific engineering of Dutch legal politics. The legal politics of the reform era has great opportunities in the context of the development of Pancasila democracy through a scientific academic approach. According to Moh. Mahfud MD, that legal politics is a Legal Policy that will be or has been implemented nationally by the Indonesian government which includes; First; development of law with the core of making and updating legal materials so that they are in accordance with the needs. Second; implementation of existing legal provisions, including affirmation of functions and guidance of law enforcers. Welfare State Law Justice. In the concept of Pancasila law is that the law is a manifestation of a sense of community justice and at the same time aims to create justice itself. Pancasila law as a unique system because Pancasila law reflects the characteristics of the Indonesian nation which is religious and full of a sense of kinship and mutual cooperation which is therefore different from other

laws.

#### **b. Welfare State Economic Law**

In the economic development of a country, the position and role of the law can certainly be considered very important. Even Jean Jacques Rousseau in 1755, in his book *A Discourse on Political Economy*, has described the relationship between law and economics. The word economy itself comes from 'oikos' which means household, and 'nomos' which means law. Therefore, according to Rousseau, "Only the wise and legitimate government of the house for the common good of the whole family. The meaning of the term was then extended to the government of that great family, the State." Even further, Per Krussel and Jose Victor Rios Rull stated, there is a close relationship between economic growth and democratic and constitutional processes.

### **3. The Practice of Welfare State (Welfare State) Reform Era 1998-2018 in Indonesia**

If the western scientists' concept of the Welfare State finds its place in two contradictory views, then it is very important to look at the Welfare State from Islamic scholarly thinkers. Islam introduced the Welfare State in al-Mawardi's time, because the state must be based on the religion of Islam, and reason as a complement to Islamic laws through *ijtihad fiqhiyah*, because that is why Islam recognizes reason, but does not rely on reason alone, and does not abandon the basis of sharia law, namely al-Mawardi. Qur'an and Hadith, as the main basis for the life of Muslims. The Indonesian state which is predominantly Muslim and has also been described in Article 29 of the 1945 Constitution provides protection from someone in carrying out the sharia that they believe in, therefore the concept of the Welfare State of Muslim scientists is important to be used as a basic foundation in providing a pattern of the Indonesian welfare state in the reform era and the future. Welfare in Islam has a different meaning, Al-Syatibi uses the term *maslahah* to refer to welfare. Judging from the concept of *Maqashid al-Shariah*, it is clear that sharia wants every individual to pay attention to their welfare. In other words, humans are always required to seek benefit. Economic activities of production, consumption, and exchange that include benefits as defined by the shari'ah must be followed as a religious obligation to obtain good in this world and the hereafter.

### **4. Relevance of Imam Al-Mawardi's Thoughts on the Welfare State with the Reformation Era in Indonesia in 1998-2018**

Al-Mawardi formulates an ideal life that is prioritizing morality (religion), which is the main indicator in dealing with developing situations such as; Law, politics, economics, epidemics, injustice and others. Thus the process of the welfare state according to Al-Mawardi is as follows:

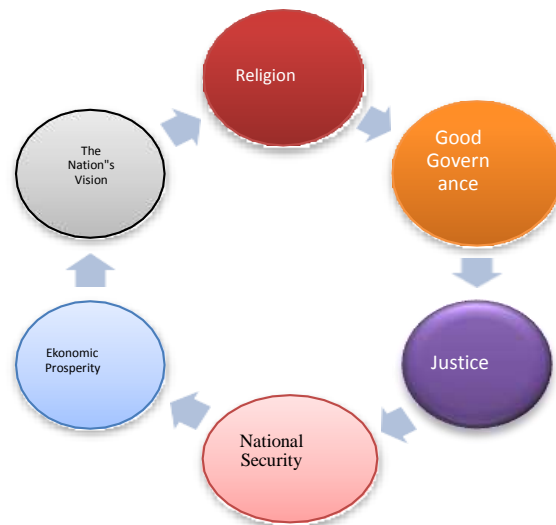


Figure 4 The Al-Mawardi Welfare State System

From the picture above, Al-Mawardi explains that the welfare state has six requirements for government in objective welfare, so that the measure of welfare is closely related to basic needs, basic needs are closely related to poverty and ignorance.

According to Al-Mawardi, the welfare of the community will be realized if it fulfills two main requirements: (1) this welfare will be created if the community is consistent in the ideal middle position with an integrative and orderly socio-economic system, namely religion adhered to by its adherents, the government is well organized. , justice is upheld for everyone, controlled national security, equitable social welfare, and the vision of the community to build the future;

(2) Every member of society has a system of behavior that contains norms, rules, and orders of action, which include actualizing the soul towards the truth and curbing its potential for evil, social solidarity that motivates the tendency of the heart to realize the benefit and reject any harm, and fulfillment necessities of life that can reassure the soul and be straight towards obligations in achieving the most important priority needs. The important points of the Relevance of Imam Al-Mawardi's Thoughts on the Welfare State with the Reformation Era in Indonesia in 1998-2018 are as follows:

*First*, in the aspect of Religion (religion), Al-Mawardi makes religion a state ideology, while the Indonesian state uses an ideology known as with Pancasila. Although the naming seems different between what was initiated by Al-Mawardi and also adopted by Indonesia, but basically the values contained in the points of Pancasila are reflected in the teachings of Islam (at least nothing contradicts the teachings of Islam). Islamic teachings). At the level of formation of laws and regulations that are applied in Indonesia, one of them is based on religion (including the dominant one is Islam), because the majority of Indonesians adhere to Islam. The legal basis used by Indonesia which has legal nuances as we know it is the Compilation of Islamic Law, and also the Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage (Marriage Law).

*Second*, in the aspect of good governance. Al Mawardi's ideas and what is applied in Indonesia regarding Good Governance are in principle the same, namely in Indonesia also applying the need for a professional government system, in terms of efforts to meet the needs of citizens in the social, political and economic fields, as well as law. This idea is the main goal of establishing a welfare state, both what Al Mawardi wants and what is implemented in Indonesia. Because the existence of the welfare state is a means to eradicate unemployment, poverty and ignorance that arise in the community, the government has made various efforts to raise the dignity of the people. Its people, as well as human rights, because this is a consequence of the government in eradicating unemployment, poverty, and ignorance, which is solely to achieve the main goal, namely the welfare of its people. Al-Mawardi, emphasized that to achieve a welfare state, a government that has personality and political ethics is committed, consistent, and disciplined, in carrying out legislation as a form of law that must be obeyed and obeyed by all citizens. If the government and society obey the laws and regulations, especially legal and political ethics, it will result in a sovereign, dignified and respecting society and state for human rights.

*Third*, in the aspect of Justice, Al Mawardi highly upholds the existence of justice in a country, as well as that which is embraced by Indonesia. We all know that the Republic of Indonesia is a state of law. This is stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD 1945) which reads "The State of Indonesia is a state of law (rechtsstaat). All citizens are treated equally before the law (equality before the law), not to mention the poor or rich, high ranking or without any position. Whether we realize it or not, in Indonesia we are familiar with the legal terms sharp down and blunt up, but we also cannot deny that many law enforcement processes are carried out according to the procedures stipulated in the applicable laws and regulations. At least, the state's goal to achieve justice has prepared the means to achieve it, the institution is known as the judiciary. The judiciary is a state institution that is given the main task of being a guard, supervisor, and monitoring the process of running the applicable laws and regulations. Judicial institutions such as the Supreme Court (MA), the Constitutional Court (MK), and the Judicial Commission (KY). Substantively, the function of law is as a tool for public order and order, in the context of realizing inner and outer social justice, or as a means of driving the development of a country. Not all regulations or legislation until government policies are proven can apply effectively in an effort to increase the level of social and economic welfare of the community. The ineffectiveness of legal regulations and government policies can be caused by several factors. The concept of the Welfare State in the Reformation era *de facto* and *de jure* showed conformity through a number of laws as a derivation of the provisions of the 1945 Constitution. The state's obligation to fulfill basic needs includes clothing, clothing, food, food, shelter, housing, education, health and employment Opportunity.

*Fourth*, in the aspect of National Security, in relation to this, Al Mawardi hopes that state security can provide inner peace to the people, and ultimately encourage people to take the initiative and be creative in building the country. The hope that was initiated by Al Mawardi is actually

the goal of almost all countries, as well as the desire of the Indonesian people. The Indonesian people always strive for state security which also creates a sense of security for Indonesian citizens, citizens from Sabang to Merauke, different islands, different languages, and different religions, united in a beautiful concept known as Pancasila. Even though they differ in ethnicity, race, religion, belief, class, all Indonesian people have one goal, namely to unite and organize themselves into the Unitary State of the Republic of Indonesia (NKRI). With the security felt by the Indonesian people, now its citizens can freely express themselves well, and are free to work to build the nation and state. Fifth, in the aspect of Economic Welfare (Economic Prosperity). Economic welfare is one of the important factors in a welfare state. Al Mawardi stated that this prosperity will raise the human spirit to improve work ethic, form various social associations between social classes, reduce levels of social tension, prevent conflict and hostility, create progress in all fields, and build harmony and social cooperation. Various forms of the consequences of this prosperity will be the driving force for the realization of general welfare and a good social management system because the causes of prosperity and material wealth lead to an attitude of trust and generosity. That is, the prosperity of everyone will create prosperity for the level of economic growth achieved by the government. On the other hand, prosperity actually creates an economic surplus that must be followed by an attitude of trustworthiness and generosity. However, the facts show that various forms of corruption are carried out by those who are economically more valuable (Jacob Viner, 1978). In Indonesia, the trend of poverty since the 1998-2018 reform era has been decreasing, this proves that the State of Indonesia is also very concerned about the economy of its people. In line with the idea of Al-Mawardi who wants the need for political and economic national stability. During the current Indonesian government, one of the efforts made in terms of regulation is the existence of the Omnibus Law to boost economic development, because with the Omnibus Law, one of them is to cut convoluted rules.

*Sixth*, the Nation's Vision. Al-Mawardi in his view of the future vision of the nation is emphasizing the importance of the entrepreneurial spirit and achievement motivation in the economy for future progress. However, in contrast to the approaches of modernization theory and development theory, Al-Mawardi connects the term with moral rules (morals) in the process and in its achievement.

## **Conclusion**

Based on the explanation in the chapters above, it can be concluded that the Relevance of Imam Al-Mawardi's Thoughts on the Welfare State to the Reformation Era in Indonesia in 1998-2018 are as follows: First, the aspect of Religion, Al-Mawardi makes religion a state ideology, while the Indonesian state using an ideology known as Pancasila. Basically the values contained in the points of Pancasila are reflected in the teachings of Islam; Second, aspects of Good Governance. Al Mawardi's ideas and what is applied in Indonesia are in principle the same, Indonesia applies the need for a professional government system, in terms of efforts to meet the



needs of citizens both in the social, political and economic fields, as well as law; Third, the aspect of Justice, Al Mawardi highly upholds the existence of justice in a country, Indonesia also does the same. The state of Indonesia is a state of law (*rechtsstaat*), as stated in Article 1 paragraph (3) of the 1945 Constitution.

All citizens are treated equally before the law (equality before the law), including the poor or rich, high ranking or without any position. Indonesia is familiar with the legal terms sharp down and blunt up. On the other hand, law enforcement is also carried out in accordance with the procedures regulated in the applicable laws and regulations. One of them is the existence of a judicial institution; Fourth, the aspect of National Security, related to this, Al Mawardi hopes that state security can provide inner peace to the people, and ultimately encourage people to take the initiative and be creative in building the country. Indonesia also has a desire to build a nation. The Indonesian people always strive for state security which also creates a sense of security for citizens, from Sabang to Merauke, different islands, different languages, different religions, sheltered in the concept of Pancasila; Fifth, the aspect of Economic Prosperity.

Al Mawardi views that prosperity can arouse human enthusiasm to improve work ethic, form various social associations between social classes, reduce levels of social tension, prevent conflict and hostility, create progress in all fields, and build harmony and social cooperation. In Indonesia, the trend of poverty since the 1998-2018 reform era has decreased, this proves that the State of Indonesia is also very concerned about the economy of its people. Sixth, The Nation's Vision. Al-Mawardi emphasized the importance of the entrepreneurial spirit and achievement motivation in the economy for future progress. Currently, Indonesia is very aggressively strengthening MSMEs and entrepreneurship. This is in line with Al-Mawardi's ideas regarding The Nation's Vision.

Of the six aspects mentioned above, according to the author, the most concerning is the aspect of Justice. In the current era of reform, economic independence, legal justice, political ethics, balanced distribution of goods and services, mutual respect for one another are very important in achieving the goal of a welfare state that guarantees people's welfare, as everyone hopes, namely a country that *Baldatun Thoyyibatun Wa Rabbun Ghafur*".

### **Recommendation**

1. The politics of al-Marawdi has been implemented in the Reformation Era in Indonesia, but it is still not fully implemented, for that al-Mawardi as a pioneer of Islamic politics, should in Indonesia be obliged to implement the politics of al-Mawardi because it is in accordance with the Islamic culture of the majority of Indonesian people Muslim
2. Al-Mawardi as the first Islamic figure who laid the basic political foundations at that time, should be an example for countries with a majority Muslim population.
3. The method of selecting and recruiting the nation's successor cadres must be free from corruption, collusion and nepotism (KKN)
4. Indonesia will become a developed country if state officials stay away from misappropriation

of state assets, namely violating Article 33 paragraph 3 of the Law, because natural resources are only intended for the people.

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