

# Transcendental Dimension of National Legal Thought: Implementation of Spiritual Intelligence

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**Abstract**— Developing the ideals of national law during globalization that discusses issues of power, ethics, morals, and justice becomes the mainstream in Indonesian law. The transcendental dimension of thought has recently attracted the initiators of scientific thought because it is an alternative thinking offer in the future amid the positivistic dialectic of rationalist understanding and is no longer able to overcome life's problems to achieve justice. Based on this, the focus of the discussion in this paper is to provide an idea for the implementation of the value of spiritual intelligence in developing a transcendental dimension of legal ideals. The implementation of these values in developing a transcendental dimension of national legal ideals is contained in the Q.S. Al-Maidah [5]: 8) which reads "Be just! That is closer to righteousness". The meaning of justice here comes from the value of spiritual intelligence. The implementation of these values in creating a transcendental dimension of legal ideals in Indonesia is inseparable from the basic principles of the state ideology, namely Pancasila.

**Keywords**— Legal thought, transcendental law, spiritual intelligence value.

## INTRODUCTION

The development of legal thought in Indonesia is heavily influenced by the development of Western laws. Through the normalization of human behavior today, the law explores almost all aspects of life. The increasingly complex legal intervention in the aspects of people's lives has led to an intensification of its relationship with social problems. The legal corridor appears as the implication of an essence that offers a solution to the complex problems in people's lives.

In legal thought, we find a pattern of thinking that is translated into a modern form as analytical law, namely reviewing law as an arrangement of coherent and logical regulations (Rahardjo, 1980). Furthermore, people used to study justice and consider what action it demanded, namely, how to behave under the principles of justice and the influence of the concepts of justice on regulation by the law. Legal thought that develops today is related to issues of power, ethics, morals, and justice which become the mainstream in Indonesian law.

The transcendental dimension of thought has recently attracted the initiators of scientific thought because it is an alternative thinking offer in the future amid the positivistic dialectic of rationalist understanding and is no longer able to overcome life's problems to achieve justice.

Immanuel Kant uses the term transcendental as a concept that transcends the boundaries of experience. According to the scholastics, transcendental is supercategorical and includes broader domains than the traditional categories, namely form, potential, and action. Transcendental can reveal the universal and supernatural characteristics of the existing that are captured through intuition that transcends any experience. Transcendental shows existence through the accumulation of thinking activities, awareness, and the world. It also shows universal concepts beyond categories or cannot be classified into just one category (Bagus, 1996).

Transcendental or transcendence, according to Roger Garaudy, is interpreted in three perspectives. The first is recognizing the dependence of humans on their creators. The attitude of being self-sufficient by viewing humans as the center and measure of all things is contrary to transcendence. Transcendence transcends human instincts, such as greed and lust for power. Second, transcendence means acknowledging the continuity and common size between God and humans, meaning that transcendence relates all power, wealth, and knowledge. Third, transcendence means acknowledging absolute norms beyond human reason (Fahmi, 2005).

Transcendental thinking can be seen in religious, spiritual, ethical, and moral values which are full of dynamics and struggles of thought that arise in a long history. Modern science, which has been in the corridor of modernist-positivistic hegemony with empirical, objectivist, and rational doctrines, has begun to be sued by transcendental thinkers who put forward the value and the meaning beyond so that the building of science is more open and complete in responding to the problems of life. In this case, transcendental thinking begins to raise irrational and metaphysical matters (emotions, feelings, intuitions, values, personal experiences, speculations, morals, and spirituals) as part of the integration in understanding science (Absori, 2017).

The dialog of values in the field of law is carried out by discussing it again intensely and deeply to the conceptual level of types of law, namely the law of divine character, revealed law, natural law, the law of human nature and behavior, and moral law. Such activities can prove that tension between belief in God and science is unnecessary. The common task that we need to bear is to show that belief in God will support scientific products and is the answer to the basic questions that scientists ask but remain unanswered.

The correlation of transcendental legal thought adopts spiritual intelligence over the critique of the failure of western science and civilization. Danah Zohar and Ian Marshall (2000) in "Spirit Intelligence, The Ultimate Intelligence" introduce spiritual thinking. Ary Ginanjar Agustian combines intellectual, emotional, and spiritual abilities called Emotional Spiritual Quotient (ESQ) in answering the problems of human life. ESQ is a universal concept that can give self-satisfaction to someone and others. ESQ can also hinder everything that is counter-productive to the progress of mankind. All three must be integrated with no separation between the world and the hereafter. The two can proportionally synergize to produce a balanced body and soul strength (Agustian, 2009).

Spiritual quotient is a tool for humans to build new perspectives in life, find broad horizons in a narrow world, and feel God's presence without meeting (Absori, 2017). In the field of law, legal science no longer places itself in an intellectually isolated position dealing with the times. If the law is in a larger context and map of order, the substance and alternative order outside of positive law will always exist (Rahardjo, 2000).

Thoughts based on spiritual intelligence are very interesting for legal studies to place the law in essence and make people happy with the law. Spiritual quotient is needed because, in western society, there has been a crisis in interpreting the meaning of life in the modern world (the crisis of meaning). Spiritual quotient is a tool for humans to build new perspectives in life, find broad horizons in a narrow world, and feel God's presence without meeting (Zohar & Marshall, 2002).

Aristotle says that in all actions there is always a will to pursue something good. Therefore, the word good is something to be pursued or aimed at. Looking at everything that humans aim at in their actions, there are two kinds of value, namely the value that is pursued because of the value itself; for example, people do not go after money for money but its use, buying and selling. People do not look for enjoyment for entertainment but to be able to work again afterward. The second value is the value that is pursued as a goal. This value is a special drive for humans as virtuous beings, so the purpose of this value is the perfection of the human personality (Erwin, 2016).

Thus, value can be interpreted as the nature or quality of something beneficial to human life, both physically and mentally. Max Scheler (1874–1928) groups values into four kinds, namely the value of enjoyment (taste good, delicious, and happy), the value of life (health, freshness, and physical), psychological value (truth and beauty), and spiritual value (holiness) (Darmodiharjo & Shidarta, 1995). Seeing from this perspective, the value of spiritual intelligence is closely related to the activity of weighing psychological values and spiritual values. The meaning that emerges from the value of spiritual intelligence is a set of the essence of community norms internalized into consciousness (mindset) that serve as a guide that connects legal regulations at the theoretical level and concrete actions at the practical level as expected by the community. Based on the description above, the focus of the discussion in this article is about an offer of ideas on the implementation of the value of spiritual intelligence in national legal thought with a transcendental dimension in the perspective of spiritual intelligence.

## RESEARCH METHOD

The goal and significance of writing this article are to describe and implement the meaning of the value of spiritual intelligence in the context of legal thought that has developed relating to the issues of power, ethics, morals, and justice that have become mainstream in Indonesian law.

## DISCUSSION

Humans and nature are essentially mortal creatures while God is the ruler over nature and its contents (robbul alamin) which is immortal. The greatest happiness of a Muslim is when he/she can surrender completely to obey the commands of Allah's natural laws (sunnatullah), both in general and in detail, as a

consequence of his/her acknowledgment that Allah is One, the ruler of all, and all creatures depend on Allah (Hanafi et al., 2020).

The presence of humans in the world is ordained in togetherness with each other, but each human being has a unique personality that distinguishes one another. This is where unity in diversity exists. Besides, togetherness or unity shows the nature of a different and unique personality which means that there are differences in unity. The nature of these differences cannot be denied without involving a level of humanity, which can be realized in life in society (Sidharta, 1996).

According to Ahimsa (2009), in every human action including scientific activity, there are several criteria, benchmarks, and conditions to judge that an act or scientific activity is good or bad, right or wrong, useful or not. These benchmarks are commonly referred to as values or paradigm ethos. Paradigm ethos, according to Heddy Shri Ahimsa Putra, the values of the prophetic paradigm include (a) appreciation or involvement of thoughts and feelings in what is believed in (as the basis of all ethos/values), (b) devotion, (c) scientific work ethic, and (d) humanitarian work ethic, which consists of honesty, thoroughness/accuracy, criticality, and appreciation. Paradigm ethos underlies every scientific activity, either implicitly or explicitly.

Values cannot be separated in every branch of science even though the formulation, emphasis, and explicitness vary or depend on the branch of science. There is a branch of science whose value is more emphasized on the benefits of knowledge but is more implicit while, in other branches, this value is made very explicit. The values emphasized by a scientific community or organization can vary. This is strongly influenced by the cultural values of the community where these scientists carry out their scientific activities. American biologists, for example, may emphasize certain values that are of less importance to biologists in other countries. Despite these extensive values, very few are explicitly stated in everyday life. This is perhaps what makes scientists often do not know that what they have done is not in line with the existing scientific values.

From the Islamic perspective, law and justice are inseparable. Allah is the holder of sovereignty, ruler, and, at the same time, the maker of the law through his revelations in the form of the Qur'an and the Hadith of the Prophet. God's justice is contained in God's revelation and the Hadith of the Prophet as the primary sources in building public order and meeting the needs and expectations of a growing society. All laws set by God must be recognized as justice because they are ideal, perfect, cannot be contested, are made for all time, and apply to all humans. Being just is even an order from Allah to be just to be closer to righteousness (Q.S. Al-Maidah (5):8).

The implementation of the value of spiritual intelligence in building legal ideals with a transcendental dimension is contained in the verse of the Qur'an Surah Al-Maidah (5): 8). The meaning of the value of justice in Islam can be used as a basis for increasing the piety of every human being who applies it. Humans



as creatures of Allah are very aware of being able to feel the revelations in the Qur'an and Hadith used as primary sources of law in living their lives.

Building a legal ideal with a transcendental dimension in the Indonesian context cannot be separated from the foundation of the state's ideological principles, namely Pancasila. Pancasila consists of five principles in the form of divinity, humanity, unity, democracy, and justice. According to the founding father of the nation, Ir. Soekarno, the essence of Pancasila is mutual cooperation. In the legal field, the manifestation of Pancasila ideology is embodied in the ideals of Pancasila law which functions as the foundation and direction of the building and development of national law. The ideals of Pancasila law are interpreted as rules of community behavior that are rooted in the ideas, feelings, intentions, creativity, and thoughts of the people themselves. In this case, there are three elements, namely justice, usability, and legal certainty (Sidharta, 1996). The embodiment of the implementation of the value of spiritual intelligence in building legal ideals with a transcendental dimension can also be understood in the spirit of the historico-political gentleman agreement of Pancasila.

If this spirit is not implemented, the practice of the divine principle, for example, can lead people to incomparable religious egoism with fatal consequences for humanity and Indonesia. The other principles, when understood and separated from the spirit above, can also trigger various contradictory possibilities (Tanya, 2015).

In short, the spirit of historico-political gentleman agreement attached to Pancasila must be the foundation of Indonesia's legal mission. Indonesian law bears the duty of the nation to care for Bhineka Tunggal Ika as best as possible and wisely so that Indonesia becomes a home for all those who build it and want to live in peace in it.

## CONCLUSION

From the discussion above, the implementation of the value of spiritual intelligence in national legal thought with a transcendental dimension is contained in Q.S. Al-Maidah [5]: 8) which reads "Be just! That is closer to righteousness". The meaning of justice here is born from the value of spiritual intelligence. Humans as creatures created by the Creator are very aware that they can feel the revelations in the Qur'an and the Hadith of the Prophet as a source of primary law. The implementation of the value of spiritual intelligence in building legal ideals with a transcendental dimension in Indonesia is inseparable from the foundation of the state's ideological principles, namely Pancasila consisting of five principles of divinity, humanity, unity, democracy, and justice.

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