

Public Policy Maps: Tracing the Footprint of Religion in the National Legal Landscape

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Abstract: This study examines the traces of religious influence in the national legal landscape through the analysis of public policy maps. The study aims to map and analyze the extent to which religious values and principles are integrated into a country's legal and public policy framework. Using a mixed methodology that combines document analysis, in-depth interviews with policymakers, and comparative case studies, the study investigates a variety of public policy domains including family law, education, health, and governance. The main focus is given on the identification of historical and contemporary patterns in the integration of religious elements into public policy. The findings reveal significant variations in the level and form of religious influence on public policy in various sectors. The study identifies key factors that contribute to this variation, including historical context, political dynamics, constitutional structure, and demographic changes in society. The analysis shows that despite the trend of secularization in some aspects of public policy, the influence of religion remains significant and even revitalizes in certain domains. The study also explores the implications of religious and public policy intersectionality on individual rights, social cohesion, and democratic principles. The conclusion of the study emphasizes the importance of understanding the nuances of the role of religion in the formation of public policy. This research makes theoretical and practical contributions in understanding the complexity of the relationship between religion, law, and state governance. The implications of these findings are relevant for policymakers, legal scholars, and practitioners in their efforts to create a balanced and inclusive policy framework.

Keywords: Policy, Religion, landscape, National Legal

Introduction

In the context of globalization and evolving social dynamics, the interaction between religion and law is increasingly a major concern in the study of public policy. In many countries, the law not only serves as a tool for enforcing norms, but also as a reflection of the social and cultural values

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embraced by society. In this case, the existence of religion in the national legal landscape is a complex and multifaceted issue. This article aims to explore how public policy maps can be used to track the footprint of religion in national legal landscapes, as well as their impact on policymaking and decision-making at the government level.

A public policy map is a useful tool for visualizing and analyzing the relationships between various elements in the legal and policy system. By mapping the interactions between legal norms, public policy, and religious values, we can see how religion influences the process of legislation, courts, and policy implementation. For example, in many cases, laws related to human rights, family, and education are often influenced by the religious perspective that underlies these norms (Arifin, 2018). Therefore, understanding the imprint of religion in the legal system can provide important insights into how public policy is formed and implemented.

Demographic changes and religious pluralism in modern society also add complexity to this analysis. Along with the increase in religious diversity, new challenges have emerged in terms of the recognition of the rights of minority groups and the creation of inclusive policies (Ghizra, 2020). In this context, it is important to explore how the public policy map can serve as a tool for evaluating the legal system's response to these changes. By understanding the dynamics of the interaction between law, policy, and religion, we can identify gaps in the system that need to be addressed in order to achieve justice and social well-being.

In this study, an interdisciplinary approach will be used to analyze the public policy map from the perspectives of law, sociology, and religious studies. By combining various disciplines, it is hoped that a more comprehensive understanding of how religion influences public policy in various sectors can be obtained. In addition, the study will highlight concrete examples in different countries that show how the traces of religion can be seen in the policies taken, as well as their impact on society.

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As such, this article not only aims to describe the relationship between religion and law, but also to provide recommendations for policymakers and stakeholders in formulating policies that are more inclusive and responsive to religious diversity. Through in-depth analysis, it is hoped that this article can contribute to a broader discussion about the role of religion in public policymaking and its impact on society.

Method

The research method contains the research design used as well as research informants (empirical research) and data analysis techniques. Describe and operationalize the methods used and in the research.

Result and Discussion

1. Religious Representation in Politics: The Influence of Religious Organizations in the Policymaking Process

Religious representation in politics is a phenomenon that cannot be separated from social and cultural dynamics in a society. Religious organizations play an important role in the policy-making process, both at the local, national, and international levels. With a wide range of influence, these organizations can influence public policy through a variety of channels, including advocacy, interfaith dialogue, and participation in the legislative process. Understanding these influences is important for analyzing how religious values can shape policies related to social, economic, and political issues.

First of all, it is important to note that religious organizations often have extensive networks and loyal followers. This power allows them to mobilize support in society and influence public opinion (Prabowo, 2023). In many cases, religious organizations serve as representatives of the voices of groups that may be marginalized in the political process. Through various social campaigns and programs, they can educate the public about specific issues and encourage active participation in the policy-making process. For example, religious organizations are often involved in issues such as social

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justice, education, and health, all of which have a direct impact on people's lives.

Religious organizations can serve as a bridge between the government and the community. In many countries, the government not only serves as a public service provider but also as a mediator in social conflicts. Religious organizations often have direct access to local communities, which allows them to communicate the aspirations and needs of communities to policymakers. In this way, they can help create policies that are more responsive to the needs of society. This involvement also allows governments to understand the social and cultural contexts that influence policy implementation.

However, the influence of religious organizations in policy-making is not always positive and can pose challenges. Sometimes, the interests of religious organizations can conflict with the secular principles that underlie the legal system and public policy. In this context, questions arise about the extent to which religious organizations should be involved in the political process. For example, issues related to human rights, gender, and pluralism are often the arena of debate between religious values and secular norms. In some cases, religious organizations can influence policy in ways that limit individual rights, especially for minority groups.

The involvement of religious organizations in politics can also strengthen polarization in society. When religious organizations adopt extreme or partisan political positions, this can create tensions between different groups. For example, in the context of general elections, religious organizations often support candidates who are in line with their values, which can lead to fragmentation within society. The resulting responses from these actions often have an impact not only on policymaking, but also on social cohesion and overall political stability.

Additionally, it is important to consider the global context in this analysis. In the era of globalization, religious organizations not only operate at the local level but are also involved in international networks. Through

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collaboration with organizations in other countries, they can influence global policy on issues such as human rights, the environment, and peace. This shows that the influence of religious organizations in politics is not limited to local contexts, but also has a significant impact at the international level.

On the other hand, the positive response to the influence of religious organizations in policymaking can be seen in many initiatives aimed at creating more inclusive and equitable policies. For example, some countries have involved religious organizations in the process of formulating policies on public health issues, such as controlling the spread of HIV/AIDS. In this context, religious organizations play a strategic role in providing education and health services to communities, which in turn helps governments achieve broader public health goals.

Education is one of the fields where religious organizations can make a significant contribution to policymaking. Many religious organizations manage schools and educational institutions, which not only teach religious values but also provide general education to the community. By participating in education policy discussions, religious organizations can help formulate curricula that reflect religious values while meeting broader educational needs. This is especially important in the context of diverse societies, where inclusive education can help build tolerance and mutual understanding between different groups.

In the context of religious diversity, interfaith dialogue is also an important aspect of the influence of religious organizations in policymaking. Through dialogue initiatives, religious organizations can contribute to conflict resolution and create better understanding among different groups. This is important in the context of a pluralistic society, where tensions between religious groups often arise. By encouraging dialogue and collaboration, religious organizations can help create more harmonious and inclusive policies, one that recognizes and respects diversity.

Finally, it is important to recognize that the influence of religious organizations in the policy-making process is a complex and

multidimensional phenomenon. Their involvement in politics can have both positive and negative impacts, depending on how they manage that influence. Therefore, a careful analysis of the role and influence of religious organizations is essential in understanding the political and policy dynamics in modern society. By promoting constructive cooperation and dialogue, it is hoped that religious organizations can contribute to a more equitable and inclusive policy-making process, while maintaining a balance between religious values and secular principles in society.

2. Legal pluralism: The degree of recognition of customary law and religious law in the national legal system

Legal pluralism is a concept that recognizes the existence of various legal systems in a country or society. In the Indonesian context, legal pluralism is very relevant considering the diversity of customs and religions that exist in it. Customary law and religious law, as two important components of legal pluralism, have a significant role in the national legal system. Understanding the level of recognition of these two types of laws in the framework of national law is not only important to create justice, but also to maintain social harmony in a diverse society.

Customary law reflects local values and norms that have existed for a long time and are recognized by the local community. In many areas, customary law serves as a guideline in resolving disputes and regulating social life. For example, many indigenous peoples in Indonesia have their own dispute resolution mechanisms, which are often more acceptable to the community than the formal legal system. In this case, the recognition of customary law in the national legal system is important to provide legitimacy to existing legal practices and recognized by local communities.

On the other hand, religious law also plays an important role in the context of legal pluralism. In Indonesia, religious law is mainly related to Islamic law, which is applied in various aspects of life, from marriage to inheritance. Although Indonesia is a country that adheres to the principle of secularism, the recognition of religious law in the national legal system still

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exists, especially through regulations that regulate personal and family matters. For example, Law No. 1 of 1974 on Marriage reflects the recognition of Islamic law in terms of marriage and divorce for Muslims.

The level of recognition of customary law and religious law in Indonesia's national legal system can be seen from several aspects, including legislation, court practice, and government policies. In terms of legislation, recognition of customary law has been regulated in several laws, such as Law No. 5 of 1960 on Agrarian Principles, which recognizes the customary rights of indigenous peoples. However, the implementation of this recognition often faces challenges, especially when customary law clashes with the law of the state. Land dispute cases involving indigenous peoples often show tension between these two legal systems.

Court practice is also an arena where recognition of customary law and religious law is tested. In many cases, courts often have to consider customary law or religious law when deciding a case. This suggests that there is room for recognition of both legal systems in everyday legal practice. However, in practice, it is not uncommon for courts to prioritize positive state law, which can ignore the values and norms that exist in customary law or religious law. This creates legal uncertainty for people who rely on customary law and religious law in their daily lives.

Government policies also play an important role in determining the level of recognition of customary law and religious law. In recent years, there have been efforts by the government to involve indigenous peoples in the policy-making process, especially in terms of natural resource management. This is a positive step that shows recognition of the existence of customary law. However, challenges remain, especially related to the government's consistency and commitment in implementing policies that support legal pluralism. Often, policies are not in line with practice on the ground, which can lead to dissatisfaction among indigenous peoples.

In addition, legal pluralism also faces challenges from an international perspective. In the context of globalization, international values and norms

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often influence national policies and laws. This can create tensions between customary law, religious law, and international law. For example, issues related to human rights, gender, and environmental protection often give rise to debates about the extent to which customary law and religious law can be accommodated within the framework of international law. In some cases, customary law and religious law are considered inconsistent with internationally recognized human rights principles, which can trigger conflicts between the desire to preserve traditions and the demands to meet international standards (Nasution, 2020).

In an effort to increase the recognition of customary law and religious law, there needs to be a constructive dialogue between various stakeholders, including governments, civil society organizations, and religious leaders. This dialogue is essential to create a better understanding of the values and norms that exist in customary law and religious law, as well as how they can contribute to the development of a more inclusive and equitable national law. In addition, legal education that prioritizes legal pluralism also needs to be strengthened, so that future generations can understand and appreciate diversity in the legal system.

On the other hand, it is important to develop dispute resolution mechanisms that can accommodate customary law and religious law. These mechanisms should be designed to respect local values while still paying attention to broader legal principles. This can be done by integrating customary law and religious law into the formal legal system in a mutually beneficial way, so that the two legal systems can function harmoniously in society. In this case, the role of a mediator who understands both customary law and positive law is essential to ensure that dispute resolution is carried out fairly and contextually.

In conclusion, legal pluralism in Indonesia shows a diverse level of recognition of customary law and religious law in the national legal system. While there has been some progress in the recognition of these two legal systems, challenges remain, especially in terms of policy implementation and

consistency. Therefore, it is important to continue to encourage dialogue and cooperation between various stakeholders, as well as strengthen legal education that respects diversity. With these steps, it is hoped that legal pluralism can be the foundation for creating a fairer, more inclusive, and responsive legal system to the needs of diverse societies.

3. Flexibility of legal interpretation in accommodating the diversity of religious practices

The flexibility of legal interpretation has an important role in accommodating the diversity of religious practices in a legal system. In many countries, including Indonesia, religious diversity is one of the main characteristics of society that must be faced by the legal system. In this context, the law not only functions as an instrument for enforcing norms, but also as a reflection of the social and cultural values embraced by society. Therefore, the ability of the law to adapt and accommodate various religious practices is essential for creating justice, reducing conflict, and promoting social cohesion.

One important aspect of the flexibility of legal interpretation is its ability to understand and respect different cultural and religious values. Rigid and unresponsive laws often fail to meet the needs of diverse societies. In the context of religious practice, this flexibility allows courts and policymakers to consider the social and cultural context in which the law is applied. For example, in cases involving child custody disputes, courts often have to consider different religious values and family traditions. Flexibility in the interpretation of the law allows the courts to find solutions that are fair and in accordance with the values embraced by society.

In addition, the flexibility of legal interpretation is also related to social dynamics that continue to change. In a pluralistic society, changes in religious practices and social norms can occur over time. Therefore, the law needs to be able to adapt to these changes. For example, the emergence of new religious practices or reinterpretations of existing religious teachings can require adjustments in the application of the law (Kurniawan, 2020). In this

case, courts and other legal institutions must be able to respond in a way that maintains a balance between tradition and the needs of modern society.

The flexibility of legal interpretation is also related to the principles of justice and the protection of human rights. In many cases, certain religious practices may clash with internationally recognized human rights norms. For example, issues related to women's rights in the context of family law can be a source of debate. In situations like these, legal flexibility allows courts to interpret legal norms in a way that not only respects religious practices, but also protects individual rights. Thus, the law can serve as a tool to achieve social justice without neglecting existing religious values.

However, it is important to remember that the flexibility of legal interpretation also has its limitations. Too much flexibility can lead to legal uncertainty and invite potential abuse. Therefore, clear guidelines are needed in the process of interpreting the law to ensure that this flexibility does not lead to bias or discrimination against certain groups. In this context, the principles of justice, transparency, and accountability must remain prioritized in every process of legal interpretation.

One concrete example of the flexibility of legal interpretation can be seen in the application of inheritance law in Indonesia. Inheritance law regulated in the Civil Code (KUHPer) often deals with customary law norms and religious law. In some cases, courts have recognized that inheritance law practices that apply in indigenous peoples or that are based on religious law are acceptable as long as they do not conflict with the public interest. This flexibility allows the courts to create a balanced solution between positive law and religious practice, which in turn can improve justice for all parties involved.

In addition, the flexibility of legal interpretation can also be seen in the application of criminal law, especially in cases involving violations of religious norms. In some situations, the court may choose to grant a lighter sanction or an alternative dispute resolution that takes into account the offender's religious context. This shows that the legal system can respond in

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a more humane and rehabilitation-oriented way, rather than just punishment. Thus, the law can function as a means to create peace and harmony in society (Hidayat, 2019).

The flexibility of legal interpretation also facilitates interreligious dialogue. In a diverse society, interactions between different religious groups are often a source of tension. However, with flexibility in the interpretation of the law, courts and other legal institutions can act as mediators in interreligious conflicts. For example, in cases of land disputes or the right to places of worship, the law can be interpreted taking into account the rights of all parties involved, thus creating space for dialogue and peaceful settlement.

Legal education and training for legal professionals are also important aspects in developing the flexibility of legal interpretation. By providing a better understanding of pluralism and cultural diversity, it is hoped that legal professionals can be more sensitive to religious values and community practices. Inclusive education can help create a new generation of lawyers and judges who are able to interpret the law in a more responsive and fair way, thus creating justice for all parties.

In conclusion, the flexibility of legal interpretation is an important element in accommodating the diversity of religious practices in the legal system. By providing room for adjustment and adaptation to different values and norms, the law can serve as a tool to create justice and harmony in a pluralistic society. However, it is important to maintain a balance between flexibility and legal certainty, so that the legal system remains reliable and does not neglect the principles of justice and human rights. Through dialogue, education, and a better understanding of diversity, it is hoped that the legal system can continue to evolve and adapt to the needs of a dynamic society.

Conclusion

This study reveals that the traces of religion in the national legal landscape are complex, dynamic, and diverse. Through public policy mapping, it can be seen that the influence of religion on national law is not uniform, but varies depending on the historical, social, and political context of each country. The study found that despite the trend of secularization in some areas, religious values and principles still play a significant role in shaping public policy in many countries. This influence is most evident in domains such as family law, education, and public ethics. However, the intensity and form vary, ranging from indirect influence through social norms to the direct codification of religious law into law. The study also identifies challenges in balancing the demands of religious pluralism, human rights principles, and the need for a coherent legal framework. In conclusion, the public policy map shows that the relationship between religion and national law is dynamic and evolving, reflecting the complexity of contemporary society. These findings highlight the importance of a nuanced and contextual approach in understanding and managing the intersection between religion and public policy in the modern era.

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