

# THE DEVELOPMENT OF ISLAM AND DEMOCRACY IN INDONESIA

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## Abstract

Islam and democracy are two inseparable parts of social and political life in Indonesia. Textually, democracy itself does not exist in the Islamic Holy Qur'an or the Hadith (Prophet Muhammad's words and actions). However, implicitly and substantially, the basics of democracy are in the teachings of Islam, both in the Qur'an and the Hadith. The principles of Islamic teachings, such as equality, deliberation, cooperation (*ta'awun*), and good habits (*taghyir*), are compatible with democratic values. In addition, many idioms that form the basis of ethics and morals in society are generally derived from the experience of the Prophet Muhammad, correlating with the basic principles of modern democracy. In the context of Indonesia, it is undeniable that Islam has contributed to the climate of democratization. This further confirms that Islam is not against democracy. Both support each other.

**Keywords:** Development of Democracy, Indonesia, Islam.

## I. INTRODUCTION

Today, the discussion of religion and democracy in the Muslim world takes place in a dynamic global context. In various parts of the world, people are calling for the revival of religion and democratization, so that both become

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the most important themes in combatting the world's problems. This is due to the strengthening of communal identity and demands for people's political participation that arise in such a complex world environment, where technology is increasingly strengthening global relations, while at the same time, local, national, and cultural identities are still very strong.<sup>1</sup>

In line with this, the discussion about Islam and democracy is increasingly gaining a significant place in modern Islamic politics. Islamic political thinkers, both from among Muslims themselves and from Western intellectuals, seek to bring together the concepts of Islam and democracy, even though both depart from different historical roots. As Ibn Khaldun<sup>2</sup> said, Islam is God's teaching, which is full of prophetic values, while democracy is the result of human *ijtihad* (struggle), which is full of positivism and value-free. Islam comes from God, who has absolute truth, while democracy comes from a mutual agreement (social contract) that gives full power to the people.

In Indonesia, the portrait of Islam and democracy is a political phenomenon that is always interesting to observe. In fact, democracy in Indonesia has in general been accepted and progressed well, even though 85% of the population are Muslim. That is why Indonesia is categorized as the world's third largest democracy after India and the United States of America. This fact shows that Islam basically goes in hand with democracy. However, a few cases in Indonesia have indicated that democracy faces obstacles due to religious (Islamic) factors, especially in terms of freedom of religion and freedom of speech in relation to the country's Blasphemy Law. As concluded by Bowo Sugiarto, democracy has not brought any substantive changes to the condition of religious freedom in Indonesia.<sup>3</sup> Conversely, Daniel Peterson notes that Indonesia's Constitutional Court, in a landmark 2010 decision, ruled that public order in Indonesia is

<sup>1</sup> M. Syafi'i Anwar, *Pemikiran dan Aksi Islam [Islamic Thought and Action]* (Jakarta: Paramadina, 1995), 223.

<sup>2</sup> Ibn Khaldun, *Muqaddimah* (Jakarta: Pustaka Firdaus, 1986), 149.

<sup>3</sup> Bowo Sugiarto, "Demokrasi, Agama, dan Negara di Indonesia Pasca-Soeharto [*Democracy, Religion, and the State in Post-Suharto Indonesia*]" in *Demokrasi Tanpa Demos, Refleksi 100 Ilmuan Sosial Politik Tentang Kemunduran Demokrasi di Indonesia [Democracy without Demos, Reflections of 100 Socio-Political Scientists about the Decline of Democracy in Indonesia]*, eds. A. Wijayanto, A.P. Budiarti, and H.P. Wiratraman (Jakarta: LP3ES, 2021), 12.

maintained by prioritizing the protection of the religious sensibilities of the Muslim majority over the fundamental rights of the country's religious minorities.<sup>4</sup>

If viewed from the normative perspective of democracy as majority rule, democracy should be a means to realize Islamic values at the state level, but the democracy which is applied in the Western world is accepted with caution by many Islamic scholars (*ulama*) in Indonesia.<sup>5</sup> According to them, liberal democracy, where any political decisions are based on democratic principles, can be contrary to Islamic teachings. In the opinion of M. Natsir, Islam does not depend on all of its inseparable regulations for the type of democracy that uses all "*cratie*" (power or rule), as practiced by Kemal Pasha, who as the founding president of Turkey, separated state and religion without abandoning Islam. Islam is an understanding, a principle of its own, which has its own nature. Islam is not 100% democracy.<sup>6</sup> Therefore, democracy is accepted on the condition that it respects religious values.<sup>7</sup>

This means that those who play the main role in democracy are the people, or in the language of the Indonesian Constitution: "Sovereignty is in the hands of the people and is implemented through the Constitution." For Muslims in Indonesia, the issue of democracy remains an important political agenda and thought, because this system of government is expected to be able to fight for the Islamic political cause, so that Islamic interests in a broad sense – socially, economically, and politically – will be better protected. Especially in the context of today's political life, more and more people find it an interesting fact that in Indonesia at the normative level, the majority of Islamic intellectuals argue that there is no substantial contradiction between Islam and democracy; even at the philosophical level the two are believed to animate each other.<sup>8</sup> This short

<sup>4</sup> Daniel Peterson, "Penodaan Agama dan Ketertiban Umum di Indonesia Kontemporer [*Blasphemy of Religion and Public Order in Contemporary Indonesia*]" in *Demokrasi Tanpa Demos, Refleksi 100 Ilmuwan Sosial Politik Tentang Kemunduran Demokrasi di Indonesia* [*Democracy without Demos, Reflections of 100 Socio-Political Scientists about the Decline of Democracy in Indonesia*], eds. A. Wijayanto, A.P. Budiarti, and H.P. Wiratraman (Jakarta: LP3ES, 2021), 18.

<sup>5</sup> Rahman Yasin, *Gagasan Islam tentang Demokrasi* [*Islamic Ideas about Democracy*] (Yogyakarta: AK Group, 2006), xvii.

<sup>6</sup> M. Natsir, *Agama dan Negara, Dalam Perspektif Islam* [*Religion and State in Islamic Perspective*] (Jakarta: Media Dakwah, 2001), 89.

<sup>7</sup> See the 1945 Constitution of Indonesia, Article 28J.

<sup>8</sup> The 1945 Constitution of Indonesia, Article 1 paragraph (3), Third Amendment, State Gazette Number 13.

article will discuss the compatibility of Islam and democracy, especially in its implementation in Indonesia.

## II. DISCUSSION

### 2.1. UNDERSTANDING THE IDEA OF DEMOCRACY

Democracy has become an important issue of modern society today. There is almost no country in the world that does not respond to this idea, even those led by corrupt and tyrannical governments. This has given rise to the use of terms such as Liberal Democracy, Guided Democracy, Pancasila Democracy, People's Democracy, Socialist Democracy and so on, characterizing particular regimes and their aspirations.<sup>9</sup>

Etymologically, democracy stems from two Greek words, *demos* (the people) and *kratos* (power or rule), meaning rule of the people. This means democracy can be interpreted as government by the people, where the highest power is in the hands of the people and is carried out directly by the people or their elected representatives under a free electoral system.<sup>10</sup> In this case, as a system, democracy places its citizens as free to make decisions through majority rule.<sup>11</sup> This emphasis is focused on citizens or the people, so a democratic government always pays attention to its citizens. The implication of such a perspective is that the pillars of democracy always prioritize the interests of the citizens. According to Diane Ravitch, the pillars of democracy include: (1) people's sovereignty, (2) government based on the consent of the governed, (3) majority rule, (4) minority rights, (5) guarantees of basic human rights, (6) free and fair elections, (7) equality before the law, (8) due process of law, (9) constitutional limits on government, (10) social, economic and political pluralism, and (11) values of tolerance, pragmatism, cooperation and compromise.<sup>12</sup>

Furthermore, Robert A. Dahl has identified the following indicators of democracy: (1) Control over governmental decisions on policy is constitutionally

<sup>9</sup> See *The Encyclopedia Americana*, Vol. 8 (Danbury, Connecticut: Grolier Incorporated, 1984), 684.

<sup>10</sup> Diane Ravitch, *What is Democracy*, translated by Budi Pyaritno (United States Information Agency, 1991), 4.

<sup>11</sup> *Ibid.*, 5.

<sup>12</sup> *Ibid.*, 6.

vested in elected officials; (2) Elected officials are chosen and peacefully removed in relatively frequent, fair and free elections in which coercion is quite limited; (3) Practically all adults have the right to vote in these elections; (4) Most adults also have the right to run for the public office as candidates in these elections; (5) Citizens have an effectively enforced right to freedom of expression, particularly political expression, including criticism of officials, the conduct of the government, the prevailing political, economic and social system, and the dominant ideology; (6) Citizens also have access to alternative sources of information that are not monopolized by the government or any other single group; (7) Finally, citizens have an effectively enforced right to form and join autonomous associations, such as political parties and interest groups, that attempt to influence the government by competing in elections and by other peaceful means.<sup>13</sup>

From the principles mentioned above, it can be seen that democracy offers political equality and balance. This means that every element of society has a relatively balanced opportunity and ability to fight for its political interests. However, the harmony of these principles can only be realized in social practice if the meaning of democracy is expanded. This means that the principles of democracy must be accompanied by ethical and normative values so that democracy does not conflict with the norms that develop in a society.<sup>14</sup> Democracy does not only mean government by majority as understood, but must pay attention and respect to minority rights.

## 2.2. INTERPREATING THE RULES OF DEMOCRACY IN ISLAM

As a religion, Islam is believed and understood to be a set of provisions and rules (*aqidah wa al-syaria'ah*) sourced from God (*Allah*). In all aspects of its teachings, Islam is intended to be a guide for humans. Because it is a guide for human life, it means that Islam is the basis for all or all human behavior, which includes social, economic and political areas. That is why, according to Husen Alatas,<sup>15</sup> Islam is an order that contains the main points of human life.

<sup>13</sup> Robert A. Dahl, *Democracy and Its Critics* (New Haven & London: Yale University Press, 1989), 233.

<sup>14</sup> See Carol C. Gould, *Demokrasi Ditinjau Kembali [Democracy Revisited]*, translated by Samodera Wibawa (Yogyakarta: Tria Wacana, 1993), 23.

<sup>15</sup> Husen Alatas, *The Democracy of Islam* (Bandung and The Hague: W. van Hoeve, 1956), 38.

In the opinion of Tahir Azhary, Islam is a totality that is comprehensive and flexible. As religion (*ad-dien*) covers all aspects of human life, including legal and state aspects, the Qur'an does not recognize the doctrine of the separation between religion and social life.<sup>16</sup>

Basically, Islamic teachings are codified in the Qur'an and then elaborated in more detail in the Sunnah (Prophet Muhammad's words and actions), which is the reference for human behavior. In this context, it can be said that the one who has absolute control over humans is God (*Allah*). That is, God as creator (*al khaliq*) determines all the provisions and rules for each of His creations, including humans. Thus, humans must submit and obey all the provisions and rules of God. This is what Al Maududi<sup>17</sup> calls the basis of the foothold of God's sovereignty.

Among the verses of the Qur'an that Al Maududi refers to as the basis for the concept of God's sovereignty is one in Surah (Chapter) Yusuf, the translation of which reads: "...The decision is only God's decision. He has commanded that you worship none but Him. That is the straight religion, but most people do not know." In addition, in Surah al Maidah (5):45 the translation reads: "...Whoever does not decide a case according to what Allah has revealed, then they are the wrongdoers." However, in understanding the context of God's sovereignty above, Maududi<sup>18</sup> also includes the concept of caliphate (*khalifah*). In the concept of caliphate, humans are representatives of God who carry out the power delegated to them by God. This means that no single individual or group can be the representative of God, because the power of the caliphate is basically given to the whole community.

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<sup>16</sup> Muhammad Tahir Azhary, *Negara Hukum, Suatu Studi tentang Prinsip-prinsipnya dilihat dari Segi Hukum Islam, Implementasinya pada Periode Negara Madinah dan Masa Kini* [The Rule of Law, a Study of its Principles in terms of Islamic Law, its Implementation in the Medina State Period and the Present] (Prenada Nedia, 2003), 261.

<sup>17</sup> Abul A'la Maududi, *Hukum dan Konstitusi Sistem Politik Islam* [Law and Constitution of the Islamic Political System] (Bandung: Mizan, 1998), 188-189.

<sup>18</sup> Three concepts in the Islamic political system are monotheism, the message, and the caliph. The concept of monotheism includes the concept of divine sovereignty. See Abul A'la Maududi, *Human Rights in Islam*, translated by Bambang Iriana Djajaatmadja, 4 (Jakarta: Bumi Aksara, 2008), 2-3.

Like Maududi, Abdullah Ahmed An-Na'im<sup>19</sup> also emphasized that the representative of God's sovereignty is the *ummah*, the totality of the people of the Islamic state, not limited to an individual or group. If the people are collective representatives of God's sovereignty, then they have the right to appoint their representatives to carry out government obligations and be accountable to the people as agents of the original sovereignty of God. According to An-Na'im, from such an idea an operational mechanism for implementing the concept of a responsible representative government can be derived, although Islam does not show clear mechanisms and procedures for the election of the Caliph (the leader of the Muslim state) by the people, the mechanism for accountability in holding office, or succession on a regular and peaceful basis.<sup>20</sup>

By paying attention to the two opinions above, it can be said that the starting point of democracy in Islam lies in the principle of caliphate. However, to discuss further the relationship between Islam and democracy, according to Turan,<sup>21</sup> it is not only seen from the point of view of the political system, as constructed by Al Maududi or An-Na'im above, but must be viewed in terms of certain political or social foundations, for example the principles of equality, freedom of thought, and social justice.

The term democracy is not well known in the political vocabulary of Islam and this may be one of the sources of people's misconceptions about Islam and democracy. However, when we talk about democracy, it is known that some of the principles contained in the Qur'an and the practices of the Prophet Muhammad, for example, the use of the rule of *syura* (deliberation) as a foundation in political life. This rule is based on Surah Asy-Syura (42): 38 and Surah Ali-Imran (3): 145. The principle of deliberation is to respect the majority vote, as experienced by the Prophet Muhammad himself when he was about to decide whether the

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<sup>19</sup> Abdullah Ahmed An-Naim, *Dekonstruksi Syariah: Wacana Kebebasan Sipil, Hak Asasi Manusia dan Hubungan Internasional dalam Islam [Deconstruction of Sharia: Discourse on Civil Liberties, Human Rights and International Relations in Islam]* (LKIS bekerjasama dengan Pustaka Pelajar [LKIS in collaboration with Pustaka Pelajar], 1994), 161-162.

<sup>20</sup> Ibid.

<sup>21</sup> See Ilter Turan, "Religion and Political Culture in Turkey" in R.L Trapper (ed.), *Islam in Modern Turkey: Religion, Politics and Literature in a Secular State* (London: I.B Tauris, 1991).

Muslims stayed in the city of Medina or came to greet the enemy outside the city before the battle of Uhud. Although the Prophet Muhammad himself was more inclined to defend in the city of Medina, he followed the opinion of the majority, who wanted to attack the enemy outside the city.<sup>22</sup> This means the decision and majority vote was applied by the Prophet Muhammad.

In essence, the deliberation contained a number of elements that we will naturally find related to political process, namely participation, freedom of expression and equality.<sup>23</sup> Compared to modern democracy, *syura* is a deliberative democracy, so that any citizen must have the right to freely and fairly participate and discuss any decision produced by a government.

Furthermore, the rules of *ta'aruf* or the attitude of knowing each other. This rule is based on Surah al-Hujurat (4): 13, which essentially emphasizes two things: first, the theocentric principle that God made humans into tribes or nations; and second, the theocentric objectivism principle that humans are objectively ethnic or tribal. nations. The plurality of nationalities must ultimately be returned to the original principle with the rules of *ta'aruf* contained in the letter of Surah al-Hujurat. This rule will obviously work well if there is a similarity or history (*al-musawah*), freedom, and dialogical communication.<sup>24</sup>

In Islam, there are also similarities to democracy in the known rules of *ta'awun* or cooperation, based on Surah al-Maidah (5): 2. In principle, Islam wants a broader understanding of political democracy, which means that there are no obstacles from power to achieving economic and social democracy. Economic and social democracy is a collaboration between citizens to eliminate economies based on monopolies, oligopolies and capitalism, and to build a government free from corruption and collusion.<sup>25</sup>

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<sup>22</sup> Al Qur'an dan Tafsirnya, Jilid II [The Qur'an and its Tafsir Volume II], (Yogyakarta: Universitas Islam Indonesia, 1991), 58.

<sup>23</sup> Affan Gaffar, "Islam dan Demokrasi: Pengalaman Empirik yang Terbatas [Islam and Democracy: Limited Empirical Experience]," in Munawir Sadjali, *Kontekstualitas Ajaran Islam [Contextuality of Islamic Teachings]* (Jakarta: Ikatan Persaudaraan Haji Indonesia dan Yayasan Wakaf Paramadina [Indonesian Hajj Brotherhood Association and Paramadina Waqf Foundation], 1995), 348-349.

<sup>24</sup> See Kuntowijoyo, *Identitas Politik Islam [Islamic Political Identity]* (Bandung: Mizan, 1997).

<sup>25</sup> Ibid.



Another rule that is often found in the Qur'an is *mashlahah* (pious), which means to be good according to religion. The good that is meant here is the good for all, not just for a group of people or only for the elite class. This is a common nuance of democracy, namely the greatest happiness for the greatest number.

Besides that, Islam also requires justice or fairness, as outlined in several verses of the Qur'an, including Surah An-Nisa (4): 58, and Surah al-An'am (6): 152. In this case, the justice in question includes distributive justice and productive justice. Distributive justice presupposes that there is justice for the results of work, while productive justice presupposes collective ownership of production assets within a certain period of time and is regulated democratically.<sup>26</sup>

The last democratic rule is *taghyir* or change, based on Surah ar-Ra'd (13): 11. In this rule, it is emphasized that humans are historical subjects who are very decisive when it comes to change. However, changes made by humans must be carried out gradually. This means that the democratic process must be planned through several stages.<sup>27</sup> One of the basic principles of democracy is equality between people. Islam emphasizes the importance of the equality of mankind, which originates from the teachings of monotheism. In the sermon of Haj Wada (last Haj of the Prophet Muhammad), the Prophet said,

“O people, your Lord is One, and your Father is truly One: all of you are from Adam, and Adam was from the ground. The noblest of you in Allah's sight is the most godfearing: know that there is no superiority for an Arab over a non-Arab, a non-Arab over an Arab, a white-skinned person over a black-skinned person, and a black-skinned person over a white-skinned person, except by piety.”<sup>28</sup>

Haekal, as concluded by Musda Mulia, views that the guidance of the Qur'an regarding state life does not refer to a certain model, but only outlines the basic principles of managing the state, namely brotherhood, equality between people, and human freedom. These three principles are derived from the monotheism (*tauhid*) principle, the principle of equality, and the principle of *sunnatullah* (divine law). Haekal, as a historian, bases his views on the early Islamic government

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<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Hadith from Imam Ahmad and Abu Nadrah (al-Munzir ibn Malik).

practices since the time of Prophet Muhammad and the Rashidun Caliphs, who have applied these principles consistently<sup>29</sup> The third principle that Haekal put forward seems to be the same as the ideas of the French Revolution (1789-1799), namely, *liberte, egalite* and *fraternite*. (freedom, equality and brotherhood), which became the basis for the development of Western democracy.

Fazlur Rahman notes that the structure of Muslim society must be egalitarian, open and not elitist. This stems from the command of the Qur'an to conduct their affairs by consultation (Surah 42:38), as well as the command to be good and desist from evil deeds (*amar ma'ruf nahil munkar*), which is addressed to the *ummah* and not specifically to a group of people (Surah Ali-Imran: 103), and also the command to help each other (Surah 58: 8). Thus, Fazlur Rahman views that Islamic teachings are in line with democratic principles and criticizes the *syura* (literally 'mutual consultation', historically, a 'council of elders') that was practiced in the history of the Islamic caliphate as it represented only elite groups by appointing people who shared the views of the Caliph.<sup>30</sup>

Based on the description above, it can be concluded that even although Islam does not recognize the term democracy, Islamic teachings contain complete meanings and instructions regarding democratic values that are carried out in state life and are very democratic.

In understanding how Islam and democracy developed in Indonesia, it is necessary to review academic opinions on the relationship between the state and religion. According to Alfred Stepan, as quoted by Bowo Sugiarto, there are four main models of the relationship between religion and state, namely: "separatist", "established religion", "positive accommodation", and "respect all". In the "separatist" model, religion and the state are completely separated. Religion should not interfere in state affairs and vice versa. In the "established religion" model, there is an official state religion, while still recognizing other religions. This model is adopted by Finland, Sweden, and England. In the "positive

<sup>29</sup> Musda Mulia, "Negara Islam, Pemikiran Politik Haikal" [Islamic State, Political Thought Husain Haikal] (PhD diss., Graduate Program of IAIN Syarif Hidayatullah Jakarta, 1977), 290-291.

<sup>30</sup> Mumtaz Ahmad, *Masalah-Masalah Teori Politik Islam [The Problems of Islamic Political Theory]* (Bandung: Penerbit Mizan [Mizan Publisher], 1994), 117-126.

accommodation” model, there is no separation between religion and state, and there is no official state religion, but the state is neutral and supports all religions. This model is adopted by Germany, Belgium, and The Netherlands. The “respect all” model has three characteristics: respecting the religion of the majority and minorities in the public sphere, the state provides assistance for religious activities, and the state treats all religions equally. This model is adopted by India, Senegal, and Indonesia.<sup>31</sup> Jonathan Fox<sup>32</sup> looks at the relationship between religion and the state from the aspect of state policy toward religion. According to Fox, there are fifteen categories of government involvement in religion, which can be classified into two main groups, namely states with policies for an official religion and states without policies for an official religion. One of the important variants among the latter is the so-called “Multi-Tiered Preferences 1” model. In this model, there is no official state religion but a hierarchy of religions in state policies, based on their ranking. One particular religion will receive the most benefits from the state because of it ranks highest. Indonesia is one of the countries which has adopted this model.

According to Tiar Anwar Bachtiar,<sup>33</sup> there are three opinions regarding the Islamic view of democracy. First, liberal opinions tend to be secular thought. This opinion is generalizing (*gebyar uyah*) that democracy is compatible with Islam. Second, opinions that expressly reject democracy because democracy is completely incompatible with Islam. In this opinion, democracy teachings are *kufur* (unbelief) and false (*bathil*) because they place the sovereignty of God under the sovereignty of humans. Third, democracy is not completely compatible with Islam and not completely contradictory. This opinion holds that there are certain aspects of democracy that cannot be accepted in Islam. For example, the philosophy of democracy that places humans as the holder of the highest sovereignty so that all decisions in the life of state can be decided through agreement between people. Such a philosophy is deemed to be against the

<sup>31</sup> Bowo Sugiarto, "Demokrasi, Agama, dan Negara", 5.

<sup>32</sup> Ibid., 6-7.

<sup>33</sup> Tiar Anwar Bachtiar, *Politik Islam di Indonesia, Wacana tentang Khilafah, Demokrasi dan Dinamikanya dalam Sejarah Indonesia [Islamic Politics in Indonesia, Discourse on Khilafah, Islamic Shari'ah, Democracy and its Dynamics in Indonesian History]* (Bandung: PERSIS Press, 2002), 103.

sovereignty of God. But according to Bachtiar, in the implementation of decision-making, democracy is actually in accordance with Islamic teachings, for example, the teaching of *syura*, which teaches how to make decisions by deliberation and mutual agreement, except for strict Islamic teachings (*qath'i*), which cannot be discussed. Democracy is accepted if it doesn't change the law that has been determined by God.

Democracy in Indonesia can be accepted by Muslims because it is not a democracy that is fully based on the teachings of liberalism. The implementation of Indonesian democracy must not conflict with the Constitution, as Indonesia adheres to constitutional democracy. The Indonesian Constitution places religious teachings in a very high position because the state ideology, Pancasila, as the basis of the philosophy of the Indonesian nation, places the principle "Belief in the one and only God" as its first principle. The formulation cannot be interpreted correctly without understanding the process of the birth of the formulation. The formulation "Belief in the one and only God" was originally agreed upon on June 22, 1945, in what is known as the Jakarta Charter (*Piagam Jakarta*), with the formulation, "Divinity, with the obligation to carry out Islamic law [*Syariat Islam*] for its adherents." The formulation was later changed on August 18, 1945, to its current version. However, it should be borne in mind that the Presidential Decree of 5 July 1959 states the Jakarta Charter inspired and is an inseparable part of the Indonesian Constitution. Therefore, the influence of the strategic position of Jakarta Charter on the Indonesian Constitution cannot be ignored. By understanding the process and history of the birth of the formulation of the first precepts, the position of Islam and the Islamic *ummah* in the Indonesian state becomes a special position. With this understanding, it can be seen why Islam occupies the main hierarchy in state policy, in line with the "Multi-Tiered Preferences 1" model devised by Jonathan Fox. Based on the above description, it can be concluded that democracy applied in Indonesia, based on the Pancasila philosophy and 1945 Constitution, is "Pancasila Democracy", where Pancasila cannot be separated from the influence of Islam.

### 2.3. IMPLEMENTATION OF ISLAM AND DEMOCRACY IN INDONESIA

Islam and democracy are two inseparable parts of social and political life in Indonesia. It is so said because both have a long tradition in the country's history. This is clearly recorded in the journey of Indonesian democracy, which shows that Islamic groups have always encouraged the democratization process and rejected authoritarianism and totalitarianism. The historical evidence can be found during the implementation of modern Indonesia's government, where Islamic groups played prominent roles, namely in the periods of Parliamentary Democracy, Guided Democracy (*Demokrasi Terpimpin*), Pancasila Democracy, and Democracy during the Reformation period.<sup>34</sup> There are many Islamic terms and influences in the terminology of Indonesia's political institutions. For example, "*Majelis Permusyawaratan Rakyat*" (the People's Consultative Assembly), which consist of words "*majelis*" (assembly), "*musyawarah*" (consultative/deliberation), and "*rakyat*" (people), all adopted from Arabic. Likewise, "*Dewan Perwakilan Rakyat*" (the House of Representatives), wherein "*diwan*" and "*wakil*" are also from Arabic.

The role and progress of Islamic groups in implementing democracy and the national state began long before the independence of Indonesia. Indonesian nationalism and practices of democratization were started by Islamic groups and organizations. For example, the Syarikat Islam (originally named Syarikat Dagang Islam) socio-political organization, founded in 1911 during the Dutch colonial era, is one of the sources of Indonesian nationalism. By using Islam as its basis and motivation, Syarikat Islam grew and developed rapidly, from 400,000 registered members in 1914 to 2.5 million members in 1919.<sup>35</sup> One of the central figures of Syarikat Islam, H.O.S. Cokroaminoto was a teacher and mentor to many of the cadres and students who went on to lead Indonesia to independence, among them Soekarno, Semaun, Kartosuwiryo, and Muso. In 1916 at its First National

<sup>34</sup> This division is based on the point of view of the development of democracy in Indonesia's history according to Miriam Budiarjo, *Dasar-Dasar Ilmu Politik, Edisi Revisi [Fundamentals of Political Science, Revised Edition]* (Jakarta: PT Gramedia Pustaka Utama, 2010), 127.

<sup>35</sup> Safrizal Rambe, *Sarekat Islam Pelopor Bangkitnya Nasionalisme Indonesia 1905-1942 [Sarekat Islam Pioneers of the Rise of Indonesian Nationalism 1905-1942]* (Jakarta: Yayasan Kebangkitan Insan Cendekia, 2010), 65.

Congress in Bandung, Syarikat Islam urged that Indonesia must be self-governing or independent. Similarly, other Islamic organizations that were founded later, such as Muhammadiyah (1912), Matla'ul Anwar (1916), Persatuan Islam (1923), and Nahdlatul Ulama (1926), became the movers of independent Indonesia, so that Islam, nationalism, and democracy moved to strengthen each other. For example, the ideals of democracy that developed in Syarikat Islam as contained in the interpretation of the Principles and Support Program (*Program Azas dan Program Tandhim*) of Syarikat Islam, written by Cokroaminoto in 1931, emphasized the nature of the state and government must be undertaken by the principles of democracy.<sup>36</sup> Syarikat Islam fought for Indonesian independence (*national vrijheid*) in order to form a democratic government with equality of rights and dignity.<sup>37</sup> Cokroaminoto wrote that a country should not be called a true government if each citizen does not have the right to express a written and oral opinion, as each voice and opinion must be heard and considered.<sup>38</sup> He further wrote, the members of Syarikat Islam reject differences in social classes and reject differences in treatment before the law. The members Syarikat Islam also espoused equality between men and women.<sup>39</sup>

When Indonesia's founders met to debate the formulation of the nation's constitution in meetings of the Preparatory Body for Indonesian Independence (BPUPK), there were two main views regarding the basis for an independent Indonesia, namely Indonesia based on Islam and Indonesia based on secular nationalism. This dichotomy had emerged long before Indonesia's independence, where secular nationalist figures were members of the Jawa Hokokai, while the Islamic camp comprised many Islamic groups and organizations (i.e., Syarikat Islam, Muhammadiyah Nahdlatul Ulama, etc.). Even so, according to A.B. Kusuma, this division is not entirely correct because some of the figures included in the nationalist camp also wanted the implementation of sharia, including Soekarno,

<sup>36</sup> H.O.S. Tjokroaminoto, *Tafsir Program Azas dan Program Tandhim Syarikat Islam [Interpretation of the Basic Program and the Tandhim Syarikat Islam Program]* 13th Edition. (Jakarta: Mima Pipa House Publishing, 2011), 18-20.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*, 22.

<sup>39</sup> *Ibid.*, 34.

who strongly defended the sentence “...with the obligation to carry out sharia for its adherents,” in the Jakarta Charter.<sup>40</sup>

At beginning of the BPUPK debates, Islamic leaders, such as Ki Bagus Hadikusumo wanted a state based on Islam because, according to Hadikusumo, Islam is perfect and sufficient to become the foundation of state life. On the other hand, figures who demanded a state based on nationalism included Soekarno, Hatta, Yamin, A.A. Maramis and others, because they felt the state must be separated from religion.<sup>41</sup>

The two main groups then reached a compromise through the Jakarta Charter, which later became the Preamble to the 1945 Constitution, by eliminating the words “...with the obligation to carry out sharia for its adherents”. The Preamble of the Constitution is considered at the least to be compromised, which was strengthened by the Presidential Decree of 5 July 1959, which in essence stated Indonesia is a country based on the belief on God, which is imbued by the Jakarta Charter, so that sharia becomes an important factor and cannot be ignored in the Indonesian government.

The 1945 Constitution is strongly colored and influenced by Islamic teachings. Even in the draft prepared by the BPUPK, the first basis is God, with the obligation to carry out sharia for its adherents and the president of Indonesia must be Muslim. However, this was changed by the Preparatory Committee for Indonesian Independence (PPKI) on 18 August 1945 when it ratified as the Constitution for the newly independent Indonesia. Even so, Islamic values still give influence and color to the 1945 Constitution because the Jakarta Charter inspired the 1945 Constitution. In addition, the Islamic term *syura* (deliberation) is the core of Indonesian democracy, as stated in the fourth principle of Pancasila, namely democracy led by the wisdom of deliberations among representatives.

Understanding this history, especially the relationship between religion (Islam) and the state, is important for understanding Indonesian democracy, which grew in the later constitutional traditions.

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<sup>40</sup> RM A.B. Kusuma, *Lahirnya Undang-Undang Dasar 1945 [The Birth of the 1945 Constitution]* (Jakarta: Badan Penerbit Universitas Indonesia [University of Indonesia Publishing Agency], 2004), 19-20.

<sup>41</sup> *Ibid.*

### 2.3.1 Islam and Parliamentary Democracy (1949-1959)

Indonesia's political history entered a new phase with the implementation of the parliamentary democratic system under the 1949 Constitution of the Republic of Indonesia, which was soon replaced by the 1950 Constitution.<sup>42</sup> In fact, parliamentary democracy had been substantially implemented since November 1945. In this system, the executive body consists of the president as the constitutional head of state, assisted in political responsibilities by a cabinet of ministers.<sup>43</sup>

During this period, a free national general election was held in 1955, contested by more than 40 political parties and independent candidates. The election resulted in the formation of a coalition cabinet between the Indonesian National Party (PNI), the Islam-based Masyumi Party and Nahdlatul Ulama, as the three parties that won the most votes. However, the cabinet was hampered by inter-party feuding and bargaining, and was subjected to reshuffles, before being replaced when Soekarno introduced his Guided Democracy concept in 1959.

Indonesia's parliamentary democracy period can be considered as period of liberal democracy with a parliamentary system. During this period, the parties competed for influence, which meant that no cabinet could prevail for a long time. This period was also marked by sharp debates between Islamic and nationalist groups over the basis of the state in the Constituent Assembly (*Konstituante*), which had been elected in 1955 with the task of drawing up a permanent constitution for Indonesia.<sup>44</sup> This period was also marked by the ideological struggle of Muslims in the Constituent Assembly. In the Assembly, Islamic political parties held 230 seats while other parties had 286 seats. There was a debate and tug of war between national-Islamic and nationalist-secular groups in determining the basis of state that Indonesia would embrace.<sup>45</sup>

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<sup>42</sup> Abdul Azis Thaba, *Islam dan Negara dalam Politik Orde Baru [Islam and the State in New Order Politics]* (Jakarta: Gemani Press, 1996), 166.

<sup>43</sup> Budiarjo, *Dasar-Dasar Ilmu Politik*, 128.

<sup>44</sup> *Konstituante* was a state organ established by Article 134 of the Provisional Constitution of 1950. It was tasked to form a permanent Indonesian Constitution.

<sup>45</sup> Ahmad Syafi'i Maarif, *Islam dan Masalah Kenegaraan Studi tentang Percaturan Politik dalam Konstituante [Islam and State Issues: the Study of Political Competition in the Constituent Assembly]* (Jakarta: LP3ES, 1985), 124.



Under Article 134 of the Provisional Constitution of 1950, the Constituent Assembly was given the authority to form a permanent Indonesian constitution. The debates in the Assembly from November 1956 to 1959 could not decide on the basis of state as the Islamic and nationalist groups could not reach a joint decision. Under such a condition, with the excuse of saving the country, President Soekarno dissolved the Constituent Assembly and reimposed the 1945 Constitution by declaring that the Jakarta Charter inspired the Constitution. At the same time, Soekarno officially introduced Guided Democracy. According to Adnan Buyung Nasution the Presidential Decree used to make this change was unconstitutional. The Constituent Assembly had completed many of its tasks in drafting a new constitution, only the basis of state was yet to be decided.

### 2.3.2 Islam and Guided Democracy (1959-1965)

Established in July 1959, Guided Democracy was against multi-party democracy. According to President Soekarno, multi-party democracy is incompatible with the culture of Indonesian society because it only creates a free struggle for liberalism and the ensuing liberal democracy obstructs the development of the country in all fields.<sup>46</sup> Furthermore, according to Soekarno, Guided Democracy is an implementation policy or a working democracy for the implementation of the ideals of the Indonesia nation, especially in the social fields to achieve a prosperous and just society.<sup>47</sup> The birth of Guided Democracy, according to Adnan Buyung Nasution, was the birth of totalitarianism.<sup>48</sup> Masyumi, as one of the biggest parties in the parliament, was strongly against Guided Democracy because it would give absolute power to the president. Because of this opposition, the Masyumi Party was dissolved by Soekarno in 1960.

In general, the characteristics of democracy in this period were domination by the president, a limited role of political parties, the growing influence of the communists, and the expanding role of the Indonesian Armed Forces (ABRI)

<sup>46</sup> Koentjoro Poerbopranoto, *Sistem Pemerintah Demokrasi [Democratic Government System]* (Bandung: Eresco, 1978), 128.

<sup>47</sup> *Ibid.*, 129.

<sup>48</sup> Adnan Buyung Nasution, *Arus Pemikiran Konstitusionalisme: Tata Negara [Current Thought of Constitutionalism: State Administration]* (Jakarta: Kata Hasta Pustaka, 2007), 18.

as a socio-political element.<sup>49</sup> In practice, Soekarno acted as a dictator, in the sense that almost all the powers of the state, namely the executive, legislative, and judicial branches, were in his hands.<sup>50</sup>

This period also saw the emergence of Soekarno's Nasakom (Nationalist-Religious-Communist) concept, which aimed to build a democratic framework from those three sources of national strength. Soekarno's passionate enthusiasm to fight neo-colonialism and neo-imperialism seems to have been exploited by the Indonesian Communist Party (PKI) to dominate the government. Proximity to the PKI eventually resulted in a deep conflict between the various components of the nation. The political behavior of the PKI, which had a Marxist orientation, was certainly not left unchecked by the Islamic political parties and the military. Finally, Soekarno's Guided Democracy came to an end after an abortive coup attempt by the September 30 Movement of 1965, resulting in the ascension of Soeharto as Indonesian president and ushering in the New Order era, which would last for over three decades.

### 2.3.3 Islam and Pancasila Democracy (1965-1998)

The formal foundations of this period were Pancasila, the 1945 Constitution, and Decrees of the Provisional People's Consultative Assembly (MPRS). In an effort to realign the implementation of the Constitution that had occurred during the Guided Democracy period, a number of corrective actions were taken.<sup>51</sup> Pancasila Democracy in general offers three components of democracy. First, democracy in the political field essentially reverts to the principles of the rule of law and legal certainty. Second, democracy in the economic field is essentially a decent life for all citizens. Third, democracy in the legal field is essentially a guarantee of the recognition and protection of human rights, and an independent and impartial judiciary. However, in reality the Pancasila Democracy implemented by Soeharto actually continued the concept of Guided Democracy implemented by Soekarno.<sup>52</sup>

<sup>49</sup> Miriam Budiarmo, *Dasar-Dasar Ilmu Politik*, 129.

<sup>50</sup> Abdul Aziz Thaba, *Islam dan Negara*, 177-178.

<sup>51</sup> Miriam Budiarmo, *Dasar-Dasar Ilmu Politik*, 130-131.

<sup>52</sup> Adnan Buyung Nasution, *Arus Pemikiran Konstitusionalisme*, 20.

The main characteristics of the New Order were the dominant role of the military, bureaucratic and centralized political decision-making, emasculation of the roles and functions of political parties, government interference in various political parties and public affairs, the restriction of mass-based politics, monopolization of the state ideology, and control over the incorporation of non-governmental institutions. At this time, the New Order rulers placed Pancasila at the top of the system, so that all social and political institutions were required to adopt Pancasila as their sole principle, thereby overriding other principles, including Islamic principles. In fact, all political organizations and social organizations were required to adopt Pancasila as the “single principle”. Muslims viewed this as a dangerous obligation, thus creating resistance to the formalization of Pancasila as the single principle.

#### **2.3.4 Islam and Democracy in the Reformation Period**

The fall of the New Order in 1998 opened opportunities for political reforms through democratization in Indonesia. In this era, the main breakthrough in the democratization process was a series of amendments to the 1945 Constitution, carried out by the People’s Consultative Assembly (MPR) in four stages over 1999, 2000, 2001, and 2002. Several important changes were made to the 1945 Constitution to enable it to produce a democratic government. The role of the House of Representatives as a legislative body was strengthened and all of its members elected directly, supervision of the president was tightened, and human rights better guaranteed. The constitutional amendments also introduced direct general elections for the president and vice president.

Many people have misinterpreted the constitutional amendments and the inclusion of human rights to mean that Indonesia now adheres to a Western-style liberal democracy. In fact, the amendments still maintain the basis and principles of the 1945 Constitution as ratified on 18 August 1945, namely maintaining the Preamble as the philosophical basis of the Constitution. For example, on the matter of the economic system, Article 33 of the 1945 Constitution must reflect the Preamble of the 1945 Constitution, namely remaining as a welfare state that

promotes public welfare. Likewise, in addition to human rights, human obligations are also emphasized in Article 28J of the amended Constitution, namely that everyone is obliged to respect the human rights of others in the orderly life of society, nation, and state. In exercising their rights and freedoms, everyone is obliged to adhere to the limitations stipulated by law, for the sole purpose of guaranteeing the recognition and respect for the rights and freedoms of others, and to fulfill fair demands in accordance with consideration of morals, religious values, security, and public order in a democratic society.<sup>53</sup>

The limitation of human rights is due to the reason that religious values become of vital importance because they are a distinctive value in the life of the Indonesian state based on the teachings of the belief in God and Indonesian traditions and cultures. In this regard, the implementation of human rights must pay attention to and must not conflict with religious teachings. In this context, it can be understood why in Indonesia the issue of religion must become an important constitutional issue. In the event of a contradiction between the right and freedom of speech, and the right and freedom of religion, it is impossible to ignore issues of public order, because Indonesia is plural in terms of religion and belief. As found in many court decisions in Indonesia, in responding to these problems, decisions are made using constitutional criteria and positive laws, which appear to protect religion, while protecting religious rights and freedom by paying attention to public order in a democratic society as criteria determined by the Constitution. With this understanding, the attitude of the courts in Indonesia toward blasphemy must be seen from the legal point of view and the criteria of the Indonesia constitution. It can therefore be understood why the Constitutional Court has upheld Law No. 1/PNPS/1965 on the Prevention of Abuse and/or Blasphemy of Religion.

In the context of the relationship between Islam and democracy in the reform era, changes in the political system have encouraged the emergence of new political parties. Islam-based parties also ascended to the national political stage. Of course, these changes are not only interpreted as challenges, but also

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<sup>53</sup> The 1945 Constitution of the Republic of Indonesia, Article 28J.

as how Islamic parties are able to influence and make important contributions to the building of democracy in Indonesia. From that, it can be said that after the New Order, Islam and democracy experienced a better relationship. Muslims see democracy as a gradual process leading to the rise of Islamic politics. Despite that, the share of votes acquired by Islamic political parties is decreasing, along with the number of seats of Islamic political parties in parliament. However, in this reformation period, many Islamic laws were formed, for example the Haj Law, Zakat Law, Syariah Banking Law, Waqf Law, amendments to the Religious Courts Law, which expanded the authority of the Religious Court in the Sharia business sector, as well as various laws related to sharia-based business practices.

### III. CONCLUSION

Islam and democracy are two inseparable parts of social and political life in Indonesia. Textually, democracy itself does not exist in the Islamic Holy Qur'an or the Hadith (Prophet Muhammad's words and actions). However, implicitly and substantially, the basics of democracy are in the teachings of Islam, both within the Qur'an and the Hadith. The principles of Islamic teachings that are compatible with democratic values, such as equality, deliberation (*syura*), cooperation (*ta'awun*), good habits (*taghyir*). In addition, many idioms that form the basis of ethics and morals in society are generally derived from the experience of the Prophet Muhammad, which correlates with the basic principles of modern democracy. The said values and teachings of Islam strongly characterize the Indonesian Constitution, especially in relation to the principles of democracy and belief in God as the first principle of Pancasila, as well as in various laws.

Islam and its teachings occupy a prominent position in Indonesian government policies, including in the form of various laws and regulations made through a democratic process. It can be said that Islam obtained a priority in policy, having the most important hierarchy, without reducing the interests and services of other religions. This is reasonable because not only does Indonesia have a Muslim majority population, but also the history of the birth of Indonesian independence and the initial formulation of the Indonesian Constitution are

closely related to the interests of the Islamic *ummah*. Indonesia's Constitution is strongly influenced and colored by Islamic values. This is achieved through the awareness and involvement of Indonesian Muslims in the democratic process.

In the context of Indonesia, it is undeniable that Islam has contributed to the process of democratization and further confirms that Islam is not against democracy. Both support each other. Avoiding conflict between Islamic teachings and state policies is a smooth path for Indonesia's democracy.

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