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Moch Nur Ichwan

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Sophia Organization for Islamic Area Studies
Institute of Asian Cultures, Sophia University
7-1 Kioi-cho, Chiyoda-ku, Tokyo 102-8554, Japan
TEL & FAX: +81-3-3238-4074
e-mail: ias-site@sophia.ac.jp
Website: www.info.sophia.ac.jp/SOIAS/

共同利用・共同研究拠点 イスラーム地域研究拠点
上智大学アジア文化研究所 イスラーム地域研究機構
〒102-8554 東京都千代田区紀尾井町7-1

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*The Making of a Pancasila State: Political Debates on Secularism,
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Moch Nur Ichwan
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The Making of a Pancasila State:

Political Debates on Secularism, Islam and the State in Indonesia^{*}

Moch Nur Ichwan

Sunan Kalijaga State Islamic University, Yogyakarta

Writing in the early 1970s, B.J. Boland said: “As a ‘Pancasila State with a Ministry of Religion’, Indonesia chose a middle way between ‘the way of Turkey’ and the founding of an ‘Islamic State’. A ‘secular State’ would perhaps not suit the Indonesian situation; an ‘Islamic State,’ as attempted elsewhere, would indeed tend ‘to create rather than to solve problems.’ For this reason, the Indonesian experiment deserves positive evaluation.” (Boland 1982 [1971]: 112) Studying Islam in modern Indonesia, Boland concluded that both the secular state and the “way of Turkey” and Islamic states are not suitable for Indonesia. He viewed the Indonesian concept of a “Pancasila State with a Ministry of Religion” proposed by the founding fathers of Indonesia as a solution to this problem. He also suggested that Indonesian experience is a model that deserves consideration and positive evaluation. As a Western scholar, I suppose, he idealized secular states, yet he did not view these as the best model for Indonesia. Boland knew how secularism and Islam have long been debated in the country with no concrete result except for the middle way, or the third model, of neither a secular nor Islamic state. This is referred to as a Pancasila State, in which religion is administered and managed by a special Ministry of Religious Affairs.¹

^{*} This is an enlarged version of my article previously published in the *Bulletin of the Nanzan Center for Asia-Pacific Studies* 6 (June 2011). New data and sub-chapters have been added or modified. It was previously a paper presented at the Section for Islamic Area Studies, Institute of Asian Cultures, Sophia University, on 25 February 2011, and at the Center for Asia-Pacific Studies, Nanzan University, on 27 February 2011. I would like to thank these two Japanese institutions for making my lecture possible, as well as Prof. Yasuko Kobayashi, Associate Prof. Gen Kasuya, and the participants in both forums for their critical remarks and comments. However, I myself am responsible for the whole content of the article.

¹ In general I use the term “Ministry of Religious Affairs” (MORA), as it is officially used in Indonesia, except when I refer to other term used by other scholar, such as Ministry of Religion when I refer to Boland (1982 [1971]).

Debates on secularism and secularization in Indonesia, as elsewhere, are modern phenomena.² In the West, they came after the Enlightenment, and in the Muslim world, they came along with the wave of colonization.³ In most Muslim countries, debates on Islam and secularism end with the victory of one over the other, either with the victory of Islam, such as in Pakistan, Iran, Saudi Arabia, and Malaysia; or the victory of secularism, such as in Egypt, Turkey and Tunisia. In Indonesia, the debates led to the formulation of a compromising ideology, as most Indonesians believe it to be, called “Pancasila” (lit., five pillars). Most mainstream Indonesian Muslims do not consider Pancasila as “secular,” simply because it contains the pillar of “Belief in One Almighty God,” and because the other four pillars are not in contradiction with Islam. As a compromising, synthetic

² On secularization theory and debates about it, see Taylor 1998; Bruce 1992; 2002; Martin 1978; Norris and Inglehart 2004; Casanova 1994; and Asad 2003.

³ However, I do not say that secularism and secularization as political and discursive practices did not occur in the Muslim world during the classical period. Lapidus (1996), Engineer (2006), Sardar (2004) and An-Naim (2008) have shown that secularism was not only present in Islamic history but also played an integral part in shaping classical Islamic thought, although not as a clear and distinct a concept of the separation of religion and the state. Ira Lapidus said there was a notable differentiation of state and religious institutions in Islamic societies, and that there was no single Islamic model for state and religious institutions, but rather several competing models. In addition, there are ambiguities in each of the models regarding the distribution of authority, functions and relations among institutions (Lapidus 1996: 4). Lapidus also said that the Umayyad caliphate was institutionalized as a royal dynasty, which is merely an adaptation of the secular Sassanian and Byzantine models of monarchical rule (Lapidus 1996: 58–66). The Umayyad and Abbasid empires (661–1258) were generally based on personal and authoritarian rule. Engineer (2006) called it “Islamic only in name” and “symbolic”, and said that they are in fact “semi-secular states”. There were also rationalist thinkers of Mu‘tazilite who opposed strict, legalistic belief based merely on Divine revelation, and promoted the transformation of Islam to become more humanistic. They believed that reason alone was capable of distinguishing bad and good, and therefore of acting morally, and held that there was no necessary relation between religion and statecraft. In the ninth century al-Kindi developed the ideal state governed by a philosopher (Sardar 2004). The problem was that such “Islamic proto-secularism” was replaced by dominant development of Ash‘arite theology in Sunnism and the belief of the infallible leadership (imamate) of the House of the Prophet in Shi‘ism, both of which believed in the inseparability of religion and state. In modern times, this idea has been developed further by Islamist movements. However, debates on secularism in its current sense, which contains differentiation, decline of religion and privatization (Casanova 1994: 3–6), are modern phenomena.

ideology, Pancasila has been officially described as “neither a secular nor a religious ideology” and it has been claimed that Indonesia is “neither a secular nor a religious state.” However, as a matter of fact, there has been a process of both secularization and religionization (especially Islamization) in the name of Pancasila, depending on the forces of secularization and religionization forces in parliament, government and society.

State formation and ideological struggles are important aspects of history that should be taken into account when understanding secularism(s) in both Western and non-Western societies (Esposito 2009; Kuru 2007). While in many parts of the Muslim world, Muslim independence movements were dominant, in Indonesia Muslim and secular nationalist movements equally contributed to the struggle for independence. The slogan of *jihad* and nationalism were aired side by side, and in some cases even fused to each other. The secular nationalist leaders, Western-educated members of the elite like Soekarno and Mohammad Hatta, were even considered to be unifying leaders, or to use Feith’s (1962) term, “solidarity makers,” who attracted both nationalist and Islamic groups. There was an association between secularism and nationalist groups, the members of which were mostly Muslims, as the latter idealised a non-religious, secular nation-state, while there was anti-nationalist rhetoric voiced by certain conservative Muslim leaders and organizations both before and after independence.⁴ However, most of the founding fathers representing Muslim groups in the sessions before and soon after independence on 17 August 1945 supported nationalism. Indeed, most post-colonial Muslim countries have been governed according to the Western secular paradigm (Esposito 2009), but do not conduct official political debates on religion and state, although intellectual debates do sometimes occur. This was the case in Egypt, Turkey (Göle 1996; Navaro-Yashin 2002; Kuru 2009), Tunisia (Moore 1965), and several other secular Muslim countries. Indonesia is one of the rare cases in which the state encouraged official political debates on the relations of religion and state between different parties many times—and not just once at the beginning.⁵

⁴ There were polemics between Soekarno (nationalist) and Ahmad Hassan and Mohammad Natsir (Muslim leaders of Persatuan Islam [Persis]) on secularism, or to be precise on the state and religion, at the end of the 1930s and beginning of the 1940s. I have discussed these polemics elsewhere (Ichwan 2006: 35-40) and will not discuss them here, as the scope of my discussion is limited to official political debates.

⁵ Hefner (1998) and Kolig (2001) have made observations on secularism in Indonesia, in its relations with modernization and democratization on the one hand and re-Islamization on the other hand on

Official political debates were an important medium through which secular and Islamic parties articulated and communicated their ideological views.

The present article shall deal with the political debates about secularism, Islam and Pancasila in Indonesian history. I use the term “political society discourse” to refer political debates, polemics and controversies that involves political societies, as opposed to civil societies. I use the term “political society” here to refer to the realm in which competition for political power takes place. It includes political parties, legislatures, president, and elections as well as rules of political competition (Linz and Stepan 1996). I will argue that Pancasila—or Pancasila secularism—constitutes, as Abdurrahman Wahid (2001) has rightly put it, a “mild secularism,” in which relative (not absolute) separation between state and religion is maintained, but allows at the same time the former’s moderate administering of some of the latter’s public affairs, on the one hand, and the latter’s moderate values and norms to inspire the former, on the other hand.⁶ If secularism contains three basic theses (Casanova 1994: 3-6), viz., separation of state and religion, privatization of religion and differentiation between religious and non-religious spheres, they are not fully and strongly implemented, because there has always been some degree of religiousness present, and this could not easily be abandoned. As for the official political debates, they were mostly related to the separation thesis, rather than to privatization and differentiation, but there has also been an association of secularism (also in the sense of separation) with nationalist groups and of anti-secularism with Islamic groups.⁷ This study will contribute to the knowledge of how secularism has been indigenized creatively as part of Indonesian political culture. This study will also show that secularism and Islam could

the level of civil society discourse. Hashemi (2009) compared Indonesian Muslim intellectuals’ views on secularism and democracy with those in Turkey and Iran. However, these scholars mentioned political debates on secularism or state-religion relations on the level of political society discourse only in passing.

⁶This is close to Modood’s (2010) concept of “moderate secularism” which is characterized by relative separation and moderate public “religionism”. However, in the context of real politics of Indonesia, “Pancasila mild secularism” provides the state with constitutional and legal basis for administering some aspects of public religious affairs.

⁷This does not mean that they did not discuss secularism in the sense of privatization and differentiation outside official political stages.

mix in their milder sense in order to endorse a more democratic form of politics for Muslim society.

To explore this subject, I will focus on political debates during the end of the Japanese occupation period, in which the concept of Pancasila was first proposed, and soon after independence on 17 August 1945, in which the Jakarta Charter was dismissed and the Ministry of Religious Affairs was established; during the Constituent Assembly (between 1956 and 1959), in which the basis of the state was debated again and the Presidential Decree was issued to return to Pancasila and the 1945 Constitution, with the Jakarta Charter as the foundation of the latter; during the New Order, especially in the 1968 and 1983 MPRS sessions in which it was decided that Pancasila would be sole basis of the state, and the 2000 and 2002 MPR sessions in which Amendment of Article 29 on religion was debated. Without neglecting its importance, I will not discuss non-official debates during the Dutch colonial and post-colonial periods, except in passing, because they are beyond the scope of my study.⁸

Islamic State or Religiously Neutral State? Debates during the Japanese Occupation Period

Debates on secularization date back to the colonial era and were held between Soekarno, one of the most important young nationalist leaders, and Ahmad Hassan and Mohammad Natsir, two important Islamist leaders of Persatuan Islam. Educated in Dutch-managed secular schools and university, and inspired by secular Muslim scholars Ali Abd al-Raziq, Mustafa Kemal Atatürk and other Turkish scholars, Soekarno tried to promote the idea of secularism that separates the state from religion. Separating the state from religion, he argued, is for the betterment of religion itself, in order that religion grows well in society and is distanced from dirty politicization. This argument was challenged by Ahmad Hassan and Muhammad Natsir (whose pseudonym was “Muchlish”), who argued that Soekarno’s idea contradicted the Islamic idea of the unification of state and religion, and that secularism would diminish religion. For these Islamist leaders, secularism is *la diniyyah*, which is translated as not simply “non-religious ideology” but “anti-religion

⁸ I discussed this point in my original paper presented at Sophia and Nanzan universities, and I will develop it in my other work.

ideology”.⁹ This debate or polemic was facilitated by the magazines *Panji Islam* and *al-Manar* (not to be confused with Rashid Rida’s *al-Manar* of Egypt). However, since this was non-formal political debate, it could not contribute directly on the status of the state, which was under Dutch colonial administration.

The first official political debates on the basis of the state or the position of religion in the state were facilitated by the Japanese military administration (Gunseikanbu).¹⁰ The debates during this period are important in understanding the relations between state and religion in post-colonial Indonesia, because they reflect the process of early state formation (Esposito 2009), in which secular nationalist and Islamic groups were actively engaged in political negotiations and compromises.¹¹ The Japanese promised to grant independence to Indonesia, and before that would happen the Gunseikanbu expected Indonesian leaders to discuss the problem of the state basis. They believed that Indonesia would be confronted with this problem when gaining independence. There were three forums in which this issue was debated: the *San’yo Kaigi Jimushitsu* (Supreme Advisors Council), the *Dokuritsu Junbi Chōsakai* (Commission of Inquiry into Preparatory Measures for Indonesian Independence—BPUPKI), and Panitia Persiapan Kemerdekaan Indonesia (Committee for the Preparation of Indonesian Independence—PPKI). The third forum was actually the continuation of the second one.

Debate in the San’yo Kaigi Jimushitsu

In June 1944, Supomo, a nationalist leader and legal expert, submitted a recommendation that the discussion on the position of religion in the state be postponed until Indonesia became an independent state. The Gunseikanbu disagreed with it and determined that this subject should be discussed before independence (Lev 1972: 37-8). To facilitate the discussion, the Gunseikanbu established *San’yo Kaigi Jimushitsu* (Supreme Advisors Council), which first met on 16 December 1944, to hold preliminary sessions on the issue

⁹ On this debate, see Natsir 1968; Yatim 1985; Thalib and Fajar (1985).

¹⁰ Most of the data on the debates during the Japanese occupation and shortly after independence are taken from my dissertation (Ichwan 2006).

¹¹ For general overviews on Islam during the Japanese occupation, see Benda (1958); Kobayashi (1997; 2010); and Kurasawa (1993: 273-340).

of state and religion from late January to April 1945. The discussion anticipated the open debate in the *Dokuritsu Junbi Chōsakai* (BPUPKI), which was organized a couple of months later. Without Gunseikanbu's insistence, one cannot really predict the relations of the state and religion in the post-colonial Indonesia.

The members of the *San'yo Kaigi* were actually unequal, since most of them were secular nationalist leaders (although they were also Muslims), except Abikusno Tjokrosujoso, a representation of Sarekat Islam.¹² The early sessions in the *San'yo Kaigi* discussed such issues as: 1) the chief of the mosque (*kepala masjid*) administration; 2) Islamic religious advisors for *bupati* (regent); 3) Islamic advisors in the regional higher civil courts (*Chihō Hōin*); 4) Islamic judges in addition to secular courts; 5) what powers Islamic courts should have. Most of the members, except Abikusno, agreed on reducing Islamic presence in the state administration (Lev 1972: 37-40).

The real ideological debate happened on 17 February 1945, when the Gunseikanbu asked about the views of the *San'yo Kaigi* on the principles of relationship between the state and religion in independent Indonesia. As predicted, they were divided into two groups: Abikusno, who supported an Islamic state, and the rest of the members, who supported a "religiously neutral state"—and not explicitly referred to as a "secular state." This unequal representation of Islamic and secular groups resulted in secular-inclined recommendations, issued on 14 April 1945. The *San'yo Kaigi* recommended the separation of state affairs and religious affairs, as well as reduction of administrative involvement in Islamic affairs as mentioned above, based on the consideration that:

- a) The Indonesian state should be based on humanism (*kemanusiaan*) and nationalism (*kebangsaan*), and would become part of the Greater East Asia states. It is widely known that Indonesian people consist of various groups, such as the Islamic group and the Christian group, and is composed of indigenous people, Chinese and so forth. ... Therefore, the Sanyo Kaigi thinks that unity [between these groups] will be achieved only if state affairs are not based on religion, and [thus that] state law should be separated from religion.

¹² The members of the *San'yo Kaigi* included Abikusno Tjokrosujoso, Buntaran Martoatmodjo, Ki Hadjar Dewantara, Moh. Hatta, Rasjid, Samsi, R.M. Sartono, Singgih, Soekardjo, Soewandi, Supomo, and Woerjaningrat (Lev 1972: 37-8).

b) Because of the state basis that separates state affairs from religious affairs, the state will guarantee the freedom of every citizen to embrace any religion. The religion of a citizen will not affect his/her citizenship status.

c) On this basis, there would not be a problem concerning religious minorities, and there would not be any stratification of citizens based on their religion, which would be a great challenge in uniting whole Indonesian nation (Noeh and Adnan 1983: 45-8).

The considerations reflect a clearly secular vision. However, this was not the end of the debate, because the next debate was to be conducted in the BPUPKI, which included a much wider spectrum of participants.

Debate in the Dokuritsu Junbi Chōsakai (BPUPKI) and the PPKI

The *Dokuritsu Junbi Chōsakai* (Commission of Inquiry into Preparatory Measures for Indonesian Independence—BPUPKI), established on 29 April 1945, was a committee where the basis of the future independent Indonesian state was discussed. Later, this forum was replaced by the Panitia Persiapan Kemerdekaan Indonesia (PPKI—Committee for the Preparation of Indonesian Independence) on 12 August 1945. The Islamic group was represented by some prominent figures, such as Abikusno Tjokrosujoso, Ki Bagus Hadikusumo, K.H. Abdul Wahid Hasyim, Kahar Muzakkir, Haji Agus Salim, and K.H. Ahmad Sanusi.¹³ The nationalist group was represented by such figures as Soekarno, Mohammad Hatta, Soepomo, Muhammad Yamin. It should be noted that most nationalist leaders were also Muslims.

In the *Dokuritsu Junbi Chōsakai*, the issue of the basis of the state or the position of religion in the state was debated again. Most representatives of the Islamic group believed that Islam as the basis of the state should be achieved by national consensus through a deliberative process. Ki Bagus Hadikusumo, a leader of Muhammadiyah, argued that Islam provides the concepts of a just and wise government based on noble

¹³ K.H. is abbreviation of “Kiyai Haji”, a honorary title of traditional Muslim leaders and scholars.

moral conduct, democratic deliberations and tolerance without any compulsion in religion (Hadikusumo [n.d.]: 13). He also used the logic of representativeness. To create a strong and stable state, he said, Indonesia should be based on Islam, because this will conform to the fundamental aspirations of the majority of people (Hadikusumo [n.d.]: 21-2). It seems that Hadikusumo disregarded the fact that, despite their majority position, Indonesian Muslims were divided over the issue of Islam-state relations, as was well represented in the committee itself.

Nationalist leaders supported the religiously neutral state—again no “secular state” was used. Soekarno believed that Islam should be separated from the state, and that Islamic affairs should be managed by Muslims themselves without the help of the state. He also said that any effort to strive for Islamic interests should be managed through a consensus (*mufakat*) and deliberation (*permusyawaratan*) process in the parliament (Yamin 1959: 74). His view was also confirmed by another nationalist, Mohammad Hatta, who said that in the unitary state of Indonesia, state affairs should be divorced from religious affairs – in other words, it should not be an Islamic state (Yamin 1959: 115). Supomo argued that creating an Islamic state would mean that Indonesia is not a unitary state (*negara persatuan*), and that linking itself to the largest group, the Islamic group, would trigger problems with religious minorities. These smaller groups would certainly not be able to feel involved in the state (Boland 1982: 20).

In order to find a solution, on 1 June 1945, Soekarno proposed that a nation should have a *filosofische grondslag* (philosophical basis) or *weltanschauung* underlying its existence. In this context, he proposed Pancasila (lit., five pillars), which comprised of: 1) Indonesian nationalism (*kebangsaan Indonesia*); 2) Internationalism or humanitarianism (*internasionalisme atau perikemanusiaan*); 3) Deliberation or democracy (*konsensus atau demokrasi*); 4) Social welfare (*kesejahteraan sosial*); 5) Belief in God (*ketuhanan*). This can be called the first conceptualization of Pancasila. Soekarno said that Pancasila consists of Indonesian values living for centuries in the region (but if observed closely, the pillars are inspired by international values of humanism, democracy, and religion). He advanced the idea that Indonesia should be based on “neither secular nor religious ideology,” but rather Pancasila; and that the ideal type of state is “neither a secular nor a religious state,” but a “Pancasila state” (*negara Pancasila*).¹⁴ Islamic aspiration was

¹⁴ On the development of Pancasila as a state ideology, see Abdulgani 1998.

adopted in the fifth pillar, while the rest reflected the aspirations of the secular nationalists and were not in contradiction with Islam either. Despite this compromising concept, the Islamic group did not react positively.

To resolve the deadlock, the sub-committee “Committee of Nine” was established on 10 July 1945 to discuss relations between Islam and the state. In this committee the secular nationalist group was represented by Soekarno, Mohammad Hatta, Achmad Subardjo, Muhammad Yamin and A.A. Maramis (the latter was the only Christian on the committee); whereas the Islamic group was represented by Abikusno Tjokrosujoso, Kahar Muzakkir, Agus Salim and Wahid Hasjim. After an intense debate, which was in fact almost a repetition of the previous debates, there was an attempt to reach a compromise. Soekarno’s initial concept of Pancasila was modified by the Committee of Nine to satisfy both secular nationalist and Islamic groups. The second formulation of Pancasila reads as follows: 1) *Belief in God with the obligation to carry out the Islamic shari’ah for its believers*; 2) Just and civilized humanity; 3) The unity of Indonesia; 4) Democracy guided by inner wisdom in unanimity arising from deliberation amongst representatives; 5) Social justice for all of the people of Indonesia (Yamin 1959: 154). The document produced by the Committee of Nine was known as the Jakarta Charter, which was supposed to be the preamble of the new Constitution. Later the phrase “with the obligation to carry out the Islamic *shari’ah* for its believers” (*dengan kewajiban menjalankan syariat Islam bagi pemeluk-pemeluknya*) became known as the “seven words” of the Jakarta Charter, and has emerged again and again in Indonesian political history when relations between the state and religion are discussed or problematized.

Despite the fact that some secular nationalists were unsatisfied, the Jakarta Charter was approved by the Committee. The most problematic aspect of this version of Pancasila was the first pillar, which contain the “seven words” clause, which singles out Muslims, and excludes believers in other religions. This became the concern of secular nationalist leaders, because in their view the state should be neutral and not take sides with any particular religion, so that it could do justice to all existing religions in the country. Yet, they felt that this was the political process that should be followed.

The situation moved fast. Due to the surrender of the Japanese to the Allied Forces, and because of the demands of the people, especially the younger nationalist leaders, Soekarno and Hatta declared Indonesian independence on 17 August 1945—without waiting any longer for the Japanese granting of independence. Because of this

quick change, the Constitution needed to be issued as soon as possible. It was in such a context that Hatta received a report from some certain Christian circles living in eastern Indonesia who protested that if the “seven words” were preserved, they would not join the Republic. On 18 August, some hours before the 1945 Constitution was established, Hatta discussed this problem with the Muslim representatives—Bagus Hadikusumo, Wahid Hasjim, Kasman Singodimedjo, and Teuku Muhammad Hassan—in order to ensure that the new nation was not divided. The Muslim representatives agreed to remove the Seven Words and replaced them with “Ketuhanan Yang Maha Esa” (Belief in One Almighty God), because it is in line with Islamic principle of *tawhid* (monotheism) (Hatta 1982: 60). Therefore, the third concept of Pancasila included in the 1945 Constitution, which has been maintained until today, is as follows:¹⁵

1. *Belief in One Almighty God.*
2. Just and civilized humanity.
3. The unity of Indonesia.
4. Democracy guided by inner wisdom in unanimity arising from deliberation amongst representatives.
5. Social justice for all of the people of Indonesia.

By this agreement, these Muslim representatives actually negated the existence of the Jakarta Charter and adopted a more inclusive stance. Moreover, the preamble of the Constitution issued on that date (18 August 1945) was not the Jakarta Charter either. Concerning this, Kasman Singodimedjo said that “in view of the Japanese defeat and landing of the Allied Forces, [it] was inappropriate for deep discussion of the matter.”

¹⁵ Many believe that Pancasila is, as Alfian (1980: 88) put it, Soekarno’s “greatest contribution to his nation.” However, it should be noted that the last version of Pancasila was created by the Committee of Nine, and revised by Hatta and Muslim leaders. It seems that Soekarno was not satisfied with this version of Pancasila. This was shown in his own attitude towards Pancasila. During his presidency, Soekarno simplified Pancasila into three pillars (Trisila): 1) socio-nationalism; 2) socio-democracy; and 3) belief in God. In addition, he even reduced it into one pillar (Ekasila), namely *Gotong-royong* (mutual assistance). There were also the Pancasila of the United Republic of Indonesia (RIS) (14 December 1949-15 August 1950) and of the Provisional Constitution (UUDS) (15 August 1950-5 July 1959). Both the RIS and UUDS versions of Pancasila read: 1) belief in One Supreme God; 2) humanism; 3) nationalism; 4) people’s sovereignty; 5) social justice.

(Anshari 1985: 221). Moreover, Wahid Hasyim also said, “the most important question is not what ... shall be the place of Islam [in the state], but rather, by what means shall we assure the place of all religions in independent Indonesia? What we need most of all at this time is the indissoluble unity of the nation.” (Benda 1958: 189). Kasman’s and Hasyim’s statements reflect the emergency that needed to be swiftly resolved, and that further discussion of Pancasila would be continued later when the situation allowed.

State and Religion in the 1945 Constitution

Apart from Pancasila, the BPUPKI and PPKI (Panitia Persiapan Kemerdekaan Indonesia (PPKI—Committee for the Preparation of Indonesian Independence), which replaced the former on 12 August 1945, also formulated the Constitution, called officially the “1945 Constitution”, and enacted this on 18 August 1945.¹⁶ This was a result of a long discussion and debate from June (although its draft was first officially discussed on 10 July 1945) to August of the same year. One of the important aspects relevant for our discussion is covered in Articles 1 and 29 on Religion. Chapter I on Form of Government and Sovereignty of the State, Article 1, says that the Indonesian state is a “unitary state, in the form of republic”, in which the “sovereignty is vested in the people” and fully exercised by them through the People Consultative Assembly. This means that the Indonesian state is a democratic republic state because the “sovereignty is vested in the hands of the people” and not in the hand of God. The term “unitary state”, which refers to a non-federal state, means also a “nation state”, and not a part of the global governance of *ummah*, as stipulated in the classical Islamic concept of *khilafah*.

Although Chapter I reflects a democratic republic (secular) state, which is not based on and managed according to one particular religion, the first point of Article 29 (Chapter XI) on Religion reads: “The state is based on the belief in One Almighty God.” This point has its own history. This point previously said: “The state is based on the belief in God *with the obligation to carry out the Islamic shari‘ah for its believers*.” Yet, like the Pancasila of the Jakarta Charter, the clause “*with the obligation to carry out the Islamic shari‘ah for its believers*” was deleted and the word “God” is replaced with “One Almighty God”.

¹⁶ The constitution was later amended in 1999, 2000, 2001, and 2002. Our discussion is based on the original document of the 1945 Constitution.

Without relating it to Chapter I, one can infer that the state is based on monotheism, but not on Islam. However, monotheism refers usually to Abrahamic religions. If understood in this way, it should be understood that the state is based on Judaism, Christianity and Islam. Yet this is not the case. In his English translation of the constitution, Muhammad Yamin offers the term “all-embracing God”. Although it is not the literal translation of the Indonesian “Ketuhanan yang Maha Esa”, the accepted official and popular interpretation of this point follows Yamin’s substantive interpretation, because Indonesia recognizes five (later six) religions, including both monotheist religions (Islam, Protestantism, Roman Catholicism) and non-monotheist religions (Hinduism, Buddhism; later in 1965, the government also recognized Confucianism, but this was withdrawn by Soeharto in 1967. Abdurrahman Wahid recognized it again in 2000). Popular religions are recognized not as religions but as “cultural beliefs”. However, this mainstream interpretation has always been challenged by some Muslim circles, who interpret the point in the framework of *tauhid* or of the original version of the point that includes the “seven word” clause.

The second point of Article 29 states: “The state guarantees each and every citizen the freedom of religion and of worship in accordance with his/her religion and belief.” In this respect, the Indonesian state is in line with other secular democratic states that embrace democracy, and one of its values is respect for basic human rights to freedom of religion and belief. There has been no controversy on this point; most Muslim representatives agreed with it.

The Birth of the Ministry of Religious Affairs: Debate in the PPKI and BPKNIP

The idea of establishing a special ministry for Islamic religious affairs emerged during the late Dutch colonial period. When the colonial government allowed Indonesians to stand for the Netherlands Indies parliament in April 1941, the Majelis Islam A’laa Indonesia (MIAI)—represented by K.H. Abdul Wahid Hasjim, K.H. Mas Mansur, Wondoamiseno, Dr Sukiman, and Umar Hubeis—proposed, through the Gabungan Politik Indonesia (GAPI, United Indonesian Politics), the creation of the Kementerian Urusan Islam Khusus (Special Ministry for Islamic Affairs) (Departemen Agama 1987: 10). This idea was proposed to the Visman Commission (Commissie-Visman). However, as predicted, the proposal was not approved.

At the meeting of the PPKI on 19 August 1945, two days after the Declaration of Independence, the ‘small committee’, consisting of Subardjo, Sutardjo, and Kasman Singodimejo, proposed thirteen ministries, including a Ministry of Religious Affairs (Kementeriaan Urusan Agama), although *zakat fitrah* (alms-giving) would fall under the aegis of the Ministry of Prosperity, while *waqf* was part of the Ministry of Justice (Yamin 1959: 438-455). The proposal to establish a Ministry of Religious Affairs was challenged by Latuharhary, the Protestant representative in the committee, who said:

I would like to suggest one thing, that is, concerning the Ministry of Religious Affairs. I believe that if we establish this ministry it will cause offence and engender feelings of dislike. For example, if the minister were a Christian, of course Muslims would take exception to this, and vice versa. We can do without arousing feelings that would injure our nation. Therefore, I suggest that religious affairs be included in educational affairs. This would obviate any split (*perpecahan*) and it would reduce the cost (*onkosten-vermindering*) (Yamin 1959: 457).

Supporting Latuharhary, Iwa Kusumasumantri rejected any effort to empower state involvement in religious affairs, and he believed that this policy would not disappoint people. Likewise, Abd. Abbas also suggested that “all matters related to religion should not be included in a special department.” He suggested that all religious matters, including *zakat* and *waqf*, should be included in the Department of Instruction, Education and Religion. Ki Hajar Dewantara agreed with the idea of including religious affairs in other departments, but not into the Ministry of Instruction. Instead, he suggested that religious affairs should be included in the Ministry of Home Affairs (Yamin 1959: 457-8). However, in the final vote most—twenty-one out of twenty-seven—of the members of BPUPKI disagreed with the establishment of the MORA. Religious affairs were then to be included in the Ministry of Instruction, Education, and Culture.

However, the idea of establishing the MORA was proposed again at a meeting of the Badan Pekerja Komite Nasional Indonesia Pusat (BPKNIP—the Acting Body of the Central Indonesian National Committee) headed by Prime Minister Sjahrir, on 26 November 1945. The proposal was advanced by K.H. Abudardiri, Saleh Su‘aidy and M. Sukoso Wirjosaputro, all members of the Komite Nasional Indonesia (KNI—Indonesian National Committee) in the residency of Banyumas. Saleh Su‘aidy, as their spokesperson,

said: “[We] do hope that in this independent state, religious affairs will not be inconsequentially implanted in the Ministry of Education and Instruction, but they should be the responsibility of a specific Ministry of Religious Affairs.” (Benda 1983: 289-90, n. 86).

Their idea rested on three points. First, since Article 29 of the Constitution reads “The State is based on the belief in One Supreme God”, it is arguable that a good case can be made that religious affairs must take pride of place, and that these should be under the auspices of a separate ministry and not be included in another ministry. Second, most of the Indonesian fighters who had given their lives for their country had been inspired in their struggle by religious teachings. Third, the government should not have diplomatic relations only with the great powers, such as America, China and Russia, but also with other Islamic countries, and in the latter case the MORA would be of great help.

The idea was supported by Mohammad Natsir, Dr. Mawardi, Dr. Marzuki Mahdi, M. Kartosudharmo and some other members of BPKNIP. Knowing this demand, President Soekarno, without voting, had given a positive signal to the Vice-President, Mohammad Hatta, who then stood up and said: “The government would pay attention to the idea of establishing the Ministry of Religious Affairs (Kementerian Agama).” (Abudardiri 1987: 142). Prime Minister Sjahrir, a nationalist leader, also approved of the idea. On the following day, 27 November 1945, BPKNIP suggested the inclusion of religious education in the future MORA. On 3 January 1946, President Soekarno announced the establishment of the Ministry of Religious Affairs with H.M. Rasjidi as its first minister.

In the spirit of decolonization, Soekarno asserted that the MORA was not related to the Dutch *Kantoor voor Inlandsche Zaken* and the Japanese *Shumubu*:

Therefore, if examined carefully, the Ministry of Religious Affairs is a new ministry that has nothing to do with the colonial past, because it was born in tandem with the Proclamation of Indonesian People against colonialism.... If, at a mere glance, it seems that the Ministry of Religious Affairs and the *Kantoor v/d Adviseur voor Inlandsche en Mohammedaansche Zaken* shared some of the same tasks, their nature and goals were completely different. The latter was the servant of colonialism and imperialism, and the former functions as guide for and guarantor of the freedom

of religion in carrying out its duty for the sake of the Independent and Sovereign People of Indonesia. (Departemen Penerangan 1965: 360-1; Azra 1998: 7-8)

Despite Soekarno's negation of the relations between the Ministry of Religious Affairs and the Dutch *Kantoor/Adviseur voor Inlandsche en Mohammedaansche Zaken*, which was officially called *Kantoor voor Inlandsche Zaken* (Office of Native Affairs) and of the Japanese *Shumubu*, an institution under the Gunseikanbu, and *Shumuka* under the aegis of the resident, in fact the relationship could not be abandoned. However, it should also be recognized that the Ministry of Religious Affairs was now in the spirit of nationalism and "decolonization," which could also be interpreted as "de-secularization" (Ichwan 2006: 65-7). This is the beginning of a "Pancasila state with the Ministry of Religion," which was, according to Boland (1982: 112) "a middle way between 'the way of Turkey' and the founding of an 'Islamic State.'" Moreover, because of this existence, the government now argues that Indonesia is neither a secular state nor a religious (Islamic) state, because it is through this Ministry that the state guarantees the freedom of religion. However, as we have seen, this Ministry has also facilitated the secularization of religious affairs on the one hand, and the religionization of state affairs on the other hand.

National State: Debate between Soekarno and Islamic Parties Leaders

On 27 January 1953, Soekarno delivered a speech in Amuntai, South Kalimantan, a region with a strong Islamic community. Probably it was not coincidence that there was a banner reading "Indonesia a National State or an Islamic State?" Commenting on this banner, Soekarno said:

The state we want is a *national state* consisting of all Indonesia. If we establish a state based on Islam, many areas whose population is not Islamic, such as the Moluccas, Bali, Flores, Timor, the Kai Islands, and Sulawesi, will secede. And West Irian, which has not yet become part of the territory of Indonesia, will not want to be part of the Republic. (*Antara*, 29 January 1953; quoted in Feith 1962:281; emphasis added).

This speech, especially concerning a “national state”, triggered severe debate in the Indonesian political arena, since it touched on the sensitive issue debated in the BPUPKI. Isa Anshary, a Masjumi leader, protested against Soekarno’s speech and demanded that Soekarno withdraw his statement. He sent a note to the government saying that the President’s speech was undemocratic, unconstitutional, and in conflict with Islamic ideology, which was believed by the majority of Indonesian citizens. Other Islamic organizations, such as Nahdlatul Ulama (NU), Gerakan Pemuda Islam Indonesia (GPII—Indonesian Islamic Youth Movement; Masjumi’s youth organization), the Front Muballigh Islam (Muslim Preachers’ Front) of North Sumatra, and Perti (Persatuan Tarbiyah Islamiyah) also protested against the statement. The NU opposed the idea implied in Soekarno’s statement that an Islamic government was incapable of protecting national unity. The GPII charged the President with having gone too far, taking sides with certain groups in society which opposed Islamic ideology, even though he was the head of state and should be neutral. His statement also implied that the groups that struggled for Islamic ideology were separatists. The Front Muballigh Islam argued that although Pancasila was not in contradiction with Islam, it did not contain all the requirements of the Islamic teachings (Feith 1962:281-2). This again became a serious issue when Soekarno visited Aceh, a Muslim majority region, on 12-13 March 1953. As told by Sajoeti, who also accompanied Soekarno, the Acehnese people did not welcome Soekarno’s visit and even suspected that he had a secularizing agenda. For instance, there were some posters which read: “We regret the President’s speech in Amuntai”; “We love the President, but we love the country more. We love the country, but we love religion more. ISLAM IS SACRED”; “Loving religion means loving the country. But it does not mean: loving the country is loving religion”; and “Those who reject Islamic laws are not defenders of Islam” (Sajoeti 1953: 33-8). All of these posters reflect well the criticism of the Acehnese people against Soekarno’s speech in Amuntai and his view of the national state.

Indeed, as pointed out by Mohammad Ibnu Sajoeti (also known as Sajoeti Melik), who was also among those who followed the President in Amuntai, Soekarno had received both oral and written statements that if the state were to be called an “Islamic state” or based on Islam, most regions mentioned in Soekarno’s speech—Moluccas, Bali, Flores, Timor, the Kai Islands, and Sulawesi (as well as North Tapanuli), which are non-Muslim regions—would leave the Republic (Sajoeti 1953: 22-23). As the head of state, he had to base himself on the Constitution, which was at that moment the Temporary

Constitution (Undang-undang Dasar Sementara—UUDS), which stated that Indonesia was a unitary republic and law state based on Pancasila. This was what Soekarno meant by “national state”.

It seemed that Soekarno’s term “national state” was misunderstood as “nationalist state”, a state based on secular nationalism principles, or that Muslims were worried that the concept of a “national state” was merely a disguise to hide Soekarno’s intention of secularizing Indonesia. This was indicated by Muslims’ reaction to this idea by contrasting it with an Islamic state, Islamic ideology and Islamic law (*shari’ah*). This reaction was natural since the issue of the form and basis of the state was sensitive at that moment. The problem of the basis of the state was not yet finished, or at least this was considered to be the case by Muslim leaders. In this context, Soekarno’s statement could be regarded as an effort to encourage secular nationalists to promote their views on the form and basis of the state, anticipating the 1955 general election and the debate on the basis of the state in the parliament or Constituent Assembly.

The severe criticisms of the leaders of Islamic parties and organizations provoked the other nationalist leaders of Partai Nasional Indonesia (PNI—Indonesian National Party) to defend Soekarno. They argued that it was natural that as President, Soekarno should show his concern for all Indonesian citizens. These leaders pointed out the fear of Christian communities about the possible establishment of an Islamic state and expressed their worries about oppression by the majority. They accused Isa Anshary of being “a fanatic,” an “unscrupulous agitator,” and a “new friend of the Darul Islam.”¹⁷ The leaders of the Partai Komunis Indonesia (PKI—Indonesian Communist Party) also used this opportunity to associate Masjumi with the Darul Islam, who wanted to establish an Islamic state.

Seeing that the debate would not be productive, Natsir and Sukiman gave statements that reduced the importance of the issue, saying that the disagreement was caused by a confusion of terms (Feith 1962: 282). They also insisted that the issue was actually an internal problem of the Muslim community, which should not be discussed outside this context. However, this controversy could not be resolved easily, especially after the issuance of the election bill, and the debate became more personal. Isa Anshary

¹⁷ Darul Islam was a rebellious Islamic movement, led by Marijan Kartosuwiryo, which was banned by Soekarno. On the Darul Islam, see Dijk (1981).

charged Soekarno with being *munaḡiq* (hypocritical), and one of the PNI leaders accused Anshary of being a “double-dealer in religion.” The issue now became a commodity for political campaigning between secular nationalist and Muslim political leaders in the upcoming general election in 1955.

Islam, Pancasila and Social Economy: Debate in the Constituent Assembly

The other debate on the basis of the state during the Soekarno era was conducted in the Constituent Assembly (*Sidang Konstituante*), held between 1956 and 1959.¹⁸ The influence of the debates of 1953 was strong in this forum. Through four major Islamic parties, Masjumi, Nahdlatul Ulama (NU), Partai Syarikat Islam Indonesia (PSII) and Partai Tarbiyah Islamiyah (Perti), as well as four other small political parties (with a total of 230 representatives), Muslim leaders again proposed adoption of Islam as the basis of the state. The Partai Nasional Indonesia (PNI), Partai Komunis Indonesia (PKI) including the *Republik Proklamasi* faction, Partai Kristen Indonesia (Parkindo), Partai Katolik, Partai Sosialis Indonesia (PSI), Ikatan Pendukung Kemerdekaan Indonesia (IPKI) and many other small parties, with a total of 273 representatives, supported Pancasila as the basis for the state. Meanwhile, the Buruh (Labour) and Murba (socialist) parties proposed “Social Economy” (Simorangkir and Say 1958: 169-73; Anshari 1985: 223-4). What should be emphasised again here is that most of the leaders, both of Islamic and nationalist secular parties, were Muslims. Apart from what was voiced by non-Muslim leaders, most of the debates in this forum were aired between Muslims themselves.

Despite the fact that there were three alternatives for the basis of the state, the debates concentrated on Pancasila and Islam. The relative unimportance of “Social Economy” was due to the fact it was endorsed only by two small parties, Buruh and Murba. Moreover, “Social Economy” was not an ideology; rather, it was a political agenda. It was surprising that they did not offer “socialism”, despite the fact that they subscribed to it, as an alternative ideology. Although it was difficult for them to challenge supporters of both Pancasila and Islam, they offered equal ideology, and not just a political programme.

¹⁸ For a detailed study on the debate, see Ma‘arif 1983, 1985, 1988; Nasution 1992; Anshari 1985: 221-8.

Representing the Islamic party Masjumi, Natsir said that the debate on the basis of the state involved two sets of perspectives: (1) secularism without religion, and (2) religion. Secularism, according to Natsir, is incapable of giving the final word to the conflicting thoughts and concepts on society, perfect life, and so forth. These matters could not be solved by secularism, which makes all ways of life relative. Secularism in Indonesia, as Natsir put it, had fertilized atheism. Unlike secularism, religion provides a basis of the state that is free from relativism (Konstituante RI 1958a: 116-24). Natsir also criticized the Indonesian Communist Party (PKI) by saying that like a tree (of secularism), historical materialism, communism, and atheism are branches of secularism (Samsuri 2004: 88).

Mohammad Natsir believed that the state should be based on Islam. However, he and his party did not propose a pure “Islamic state,” but rather an “Islam-based democratic state.” (Konstituante RI 1958a: 113). In this sense, Natsir and Masjumi agreed with the democratic arrangement of *trias politica*, general elections, and other democratic mechanisms, as long as Islam was made the basis of the state.

Like the PNI, the PKI proposed using Pancasila as the basis of the state, but they demanded that the first pillar “belief in One Almighty God” should be replaced with “freedom of religion and belief.” One of the communist leaders, Njoto, argued that freedom of religion and belief is wiser than the old formulation, because polytheism existed before monotheism, and that monotheism is not the only religious orientation. Njoto rejected Natsir’s criticism by insisting that atheism existed not only in the PKI, but also in other parties, and even in Islamic parties. Related to the PKI’s rejection of Islam as the basis of the state, K.H. Ahmad Dasuki Siradj, a Muslim leader in the PKI, said that this is not because PKI is anti-religion, but because many practices of the supporters of Islam had negative impacts on the state and people (Konstituante RI 1958b: 331-2).

The debate led to a political deadlock. Although they agreed upon a process to produce a compromise formulation of the basis of the state, namely by forming the Panitia Perumus tentang Dasar Negara (Committee for Formulating the Basis of the State), comprised of 18 members representing all groups in the Assembly, the real problem was not solved. Muslim leaders felt that the committee conducted, in Kahar Muzakir’s words, “only 90% of its task” and that was, according to Kusaini Sabil, “the easy and light” part. The vote showed that those who supported Pancasila got 273 votes; Islam 230 votes; and Social Economy 9 votes. As no faction could obtain the necessary two-thirds of the vote, discussions could not proceed.

As a result of this deadlock, Soekarno issued a Presidential Decree on 5 July 1959 dissolving the parliament and calling for a temporary parliament, the reestablishment of Pancasila and the 1945 Constitution, in which the Jakarta Charter would substitute for the Constitution as the *spirit of and inseparable part* of the Constitution. By this decree, according to Abdullah (2009: 287), Soekarno negated the consensus made between Hatta and Muslim leaders on 18 August 1945 to omit the “seven words” of the Jakarta Charter and replaced them with “Belief in One Supreme God.” However, by this Decree the discussion on Pancasila and Islam was also officially closed. By this time, Soekarno had established the so-called *Demokrasi Terpimpin* (Guided Democracy), which he continued until the tragic end of his presidency in 1965-7.

Making Pancasila the “Sole Basis”: Debates during Soeharto’s New Order Era

Learning from the Constituent Assembly and Soekarno’s Presidential Decree, Soeharto did not allow debate on the basis of the state. His position was that debate was unnecessary and that what should be done was to establish Pancasila, which had been approved by the founding fathers before Independence, as the sole basis of the state. He even sacralized Pancasila by saying that “Pancasila has become a matter of life and death for our nation” (Ismail 1995: 143) and that “any group that would change Pancasila will meet with destruction.” (Krissantono 1976: 25). There was no real official debate on the basis of the state during the New Order, including in the Provisional People’s Consultative Assembly in 1968 and in parliament during discussion of the Draft Law on Mass Organization in 1985, because everything had been planned by the authoritarian Soeharto regime.

The debate in the sessions of the Provisional People’s Consultative Assembly (MPRS) in 1968 was about the legalization of “the Jakarta Charter of 22 June 1945.” The Muslim representatives referred to Soekarno’s Presidential Decree, which positioned the Jakarta Charter as “soul” of the 1945 Constitution. However, unlike in the Constituent Assembly, the representatives of Islamic parties supported Pancasila as the state philosophy while also proposing the legalization of the Jakarta Charter as the preamble of the 1945 Constitution. They argued that the Jakarta Charter was actually formulated for the preamble of the new constitution, but was then changed shortly before the issuance of the 1945 Constitution (Samson 1968: 1012). They also argued that legalization of the Jakarta Charter was only for Muslim citizens to exercise their freedom to implement *shari’ah*, and

not intended to establish an Islamic state. This proposal was challenged by other parties of secular and nationalist orientations with the argument that the current preamble of the constitution was also part of the agreement of the founding fathers. No agreement was reached in the discussions in Commission I and II, and the Muslims' proposal did not succeed.

Despite this defeat, between 1967 and 1971, the Ministry of Religious Affairs expanded its staff by an astounding 60 per cent, making it the largest state Ministry. In this period, the Ministry of Religious Affairs—in coordination with the Ministries of Education and of the Interior—was also actively engaged in developing programmes of religious indoctrination against communism. While the latter was in line with Soeharto's programme, some local offices of the Ministry in West Java, southern Sulawesi and a few other areas went even further, introducing the Jakarta Charter into their regulations, and enforcing particular Islamic laws through the state, even on nominal Muslims who did not want them (Hefner 2000: 80). What made Soeharto worried was that the Ministry was dominated by the NU party, which threatened the interests of Soeharto's newly established party, Golkar (Golongan Karya—professional group). Because of this, Soeharto replaced Mohammad Dachlan with Abdul Mukti Ali, a member of the modernist Muhammadiyah but educated in an NU *pesantren* (Islamic boarding school) of Termas, who had a clear vision of the way to mobilize religion in order to support the New Order's developmental programmes as well as to minimize NU influence in the Ministry and transform it into a Golkar—and Muhammadiyah—camp (Porter 2002: 54; Ichwan 2006: 89).¹⁹ The appointment of Mukti Ali also marked the end of, to use Abdullah's term (1998: xxvii), the "quasi-identification" (*identifikasi semu*) of NU and the Ministry of Religious Affairs.

According to Samson (1978: 221-2), there were three perspectives on the Jakarta Charter at the beginning of the New Order:

1. The statement that the Jakarta Charter "inspires" the 1945 Constitution could be accepted without attempting to further define or modify it. With this, the issue would be deliberately downplayed, possibly avoiding a renewal of acrimonious debate. Symbolic satisfaction would thus be provided for some but not for all.

¹⁹ The Golkarization of the Ministry of Religious Affairs did not succeed until Alamsjah Ratu Perwiranegara's tenure as minister (Parikesit and Sampurnadajaja 1995: 76).

2. The Jakarta Charter should be established as the preamble to the 1945 Constitution (which would essentially mean reinserting the deleted phrase into the text of the document). This would signify a symbolic victory for Islam in that *shari'ah* would officially be recognized by the state.
3. The Jakarta Charter should be made a part of legislation in Article 29 of the constitution, thereby giving *shari'ah* legal force and designating the state as responsible for its implementation.

The first perspective was adopted by the NU, which held a strong position in the bureaucracy, especially the Ministry of Religious Affairs, before being removed from this ministry. They did not want to provoke ideological confrontation. The ex-Masyumi and Parmusi leaders preferred the second or the third perspective, which implied state recognition and even enforcement of *shari'ah*, at least before the Parmusi moved towards accommodation with Soeharto's regime (Abdillah 1997: 50).

Soeharto asserted that the proposal of the Jakarta Charter become the preamble in the MPRS session of 1968 was "religious terrorism" and conveyed a strong message that he would take action against those who exploit religion for political purposes (Roeder 1976: 359). This case convinced Soeharto to establish Pancasila as the sole basis. This did not happen overnight. There were at least three steps in this process. First was the "purification" of the implementation of Pancasila. This is seen in the definition of the "New Order" introduced by Soeharto: "The whole body of order, arrangement, system and outlook on life of the Indonesian People, Nation and State, which is *reinstated in the pure implementation of the Pancasila and the 1945 Constitution*" (Department of Information 1967: 4). Second was formulation of the official interpretation of Pancasila, called the Guide for the Understanding and Practicing Pancasila (Pedoman Penghayatan dan Pengamalan Pancasila—also known as "P4"). Different interpretations would be regarded as deviant. Interpretation from different religious points of view was allowed as far as these interpretations did not contradict the P4. The P4 was taught from kindergarten and elementary school through to university level. All public servants were also required to pass P4 training. The third step was establishment of Pancasila as the sole basis of all organizations, which was not officially enforced until 1985, when the government launched the Law on Mass Organization (Ichwan 2006: 93ff).

It is worthwhile here to relate this political situation to the development of Islamic thought at that time. The most important development was Nurcholish Madjid's historical speech on "The Necessity of Renewing Islamic Thought and the Problem of the Integration of the Umma", on 3 January 1970.²⁰ In this speech, Madjid called for "renewal" of Islam liberalizing Muslims' outlook towards the present teachings of Islam. The speech became controversial because it also suggested "secularization"—besides intellectual freedom and the idea of progress and open attitudes—as a strategy for the liberalization or renewal of Islam. In line with this view, when many Muslims were struggling through Islamic parties, Madjid launched the slogan: "Islam Yes, Islamic Party No!" He tried to convince Muslims, who were divided into several Islamic parties, which were also in conflict with each other, that the most important thing was to build a religious Muslim community, rather than building Islamic parties, or even an Islamic state (Madjid 1987: 204).

Madjid's call for the depoliticization of Islam was in line with Soeharto's political interest. In a way, it can be said that Madjid helped to ease Soeharto's performance of his political agenda. In 1973, Soeharto consolidated political parties into three parties: the Partai Demokrasi Indonesia (PDI—Indonesian Democracy Party), in which the former socialist, nationalist and non-Islamic parties were fused; Partai Persatuan Pembangunan (PPP—United Development Party), in which Islamic parties (PSII, Perti, Nahdlatul Ulama [NU], and Parmusi) were fused; and Golkar (professional group), which was strangely not considered a "political party" but a "professional group" that was allowed to take part in the general election. The simplification of political parties was an important strategy in minimizing potential conflicts in Pancasila, which was to be established as the sole basis. As pointed out by Hefner (2000: 81), the period from 1973 to 1985 was "a low point in Muslim-government relations." This could be seen not only in the simplification of political parties, but also in the MPR sessions of 1978 and 1982 and the issuance of the Law on Mass Organization of 1985, as we shall see below.

The inclusion of the official Pancasila interpretation (P4) in the National Policy Guidelines (GBHN) during the 1978 MPR sessions was controversial. The NU faction in

²⁰ The speech is included in Madjid 1987: 204-20; and its translation is included in Kurzman 1998: 284-9. On Nurcholish Madjid's thought in 1970s, see Hassan 1980.

the Islamic party PPP vigorously challenged this proposal.²¹ The NU faction's rejection of P4 was not because it contradicted its beliefs, but because it was worried that the P4 would replace religion and become the basis of all religious activities. For example, Muslims would practice daily prayers not because of their religious belief, but because they obey Pancasila. Therefore, they argued, Islamic identity would fuse with an official doctrine of Pancasila. They were also worried that the P4 would be used as the foundation for the spread of *Aliran Kepercayaan* (streams of belief). The inclusion of the *Aliran Kepercayaan* in the GNBH was another controversial issue during these sessions, with the PPP arguing that the *aliran* are not religions and could not be treated as religions. For the PPP, the *aliran* were “*kafir* (non-believers), *shirk* (polytheists) and had no clear religions.” The PPP suggested that the followers of the *aliran* return to their respective religions (Radi 1984:146; Feillard 1999: 201-2).

The PPP finally suggested that it could accept the P4 only if it was not included in the MPR Decision, whose position is higher than a DPR Decision, and as far as it was in line with the spirit of the 1945 Constitution (Radi 1984: 148; Feillard 1999: 202). Golkar did not agree on this suggestion, and proposed instead a vote. Golkar knew that the PPP would be defeated in a vote because the latter had a minority of seats in the MPR. Knowing this, the PPP, led by the NU faction, preferred to walk out. Despite this, the MPR voted on 18 March 1978, and reached the necessary two-thirds of the vote. The P4 was included in the GBHN (Garis-Garis Besar Haluan Negara—General Outlines on the Direction of the State). One day later, a vote was also conducted on the *Aliran Kepercayaan*, for which the PPP also walked out.

Soeharto replaced Minister Abdul Mukti Ali with Alamsjah Ratu Perwiranegara, who had a military background. Alamsjah played an important role in convincing Muslims that “*Pancasila is a sacrifice and an invaluable gift of Islamic Umma to the nation.*” Rejecting Pancasila means that Muslims would disregard their own role in formulating Pancasila, as most of the formulators were Muslim leaders, as well as disregarding their sacrifice in the omission of the “seven words” of the Jakarta Charter (Khalid 1995: 156-9). Alamsyah also removed responsibility for the *Aliran Kepercayaan*

²¹ The division of PPP seats in the Parliament (DPR) was 25 seats for Parmusi, 10 for PSII, 2 Perti, and 28 for NU. NU was not satisfied with the share and felt they should get more because they had received more votes in the previous elections (Feillard 1999: 187).

from his Ministry to the Ministry of Education and Culture in order to ensure Muslims that the government did not treat the *Aliran Kepercayaan* as religions, as Muslims groups feared.

In disseminating P4 within religious communities, especially Muslim communities, the role of the Ministry of Religious Affairs and Indonesian Council of Ulama (MUI), which was established in 1975, could not be neglected. At that point, both of these government and semi-official institutions respectively were dominated by Modernist Muslims. The Ministry published a booklet entitled *P-4 dan Ajaran Islam* (Guide for Living and Practicing Pancasila and Islamic Teachings) in 1978, which legitimized each pillar of Pancasila with Qur'anic verses and the Prophetic Traditions (hadith). This booklet is also used as the guide for civil servants in the MORA and is distributed to Islamic preachers (*da'i*, *muballigh* and *penyuluh agama*) throughout Indonesia. The preface of the booklet was written by the head of MUI, Prof. Hamka. Despite the latter's careful statement that Pancasila is coincidentally in line with Islam, the preface could be seen as MUI legitimizing the P4.

MUI's support of Pancasila was also important. In its Working Conference III, held from 15-18 October 1978, it issued a statement saying: "Responding positively to the efforts of the government, especially the Ministry of Religious Affairs, which has published a book entitled *P4 dan Ajaran Islam ...* Majelis Ulama Indonesia will attempt: 1) to disseminate Pancasila/P4 and the General Guidelines for the Direction of the State (Garis-garis Besar Haluan Negara) to the [Islamic] *umma*; and 2) to formulate a concept for the implementation of Pancasila/P4, the 1945 Constitution and the Garis-garis Besar Haluan Negara in such a way that it will be easily understood and lived up to by the Islamic *umma*" (Ichwan 2006: 99).

Another important forum in which the basis of the state was discussed was the 1-11 March 1983 MPR sessions. The sessions were planned, among other reasons, to insert the Pancasila as the sole basis in the next GBHN. Anticipating the possible resistance to this goal, Soeharto called, in his presidential speech at previous MPR sessions, on 16 Agustus 1982,²² for all social and political forces to "secure themselves to Pancasila as the basis." He also said: "All social and political forces, especially political parties that are using

²² Every 16 August, the President gives a presidential speech at the MPR sessions, reporting on all aspects of national development, such as economy, politics, culture and religion.

bases other than Pancasila, should declare Pancasila as their sole basis.” Moreover, he also asserted that the walkout in the discussion of P4 in the 1978 MPR session indicated “there was some doubt about Pancasila” (Tempo 1983d). The last statement clearly referred to the NU faction in the PPP. On the occasion of the “Nuzulul Qur’an” commemoration on Monday 27 June 1983, Soeharto said that the Pancasila is not a religion and cannot ever replace religion, and that religious organizations would continue to enjoy “rights and respectable place in the Pancasila-based state” (Prawiranegara 1984: 79). This was obviously intended to convince some Muslim circles who suspected that Pancasila would be positioned by the government as a new official religion, which would replace the existing religions, or at least that Pancasila would be treated like a religious dogma enforced on people.

Soeharto’s speech was apparently effective. Unlike the previous sessions, the 1983 MPR sessions were smooth. *Tempo* magazine satirically wrote in its report about the sessions, entitled “Dari Sebuah Sidang yang Sangat Lancar” (From the Very Smooth Sessions): “One of the indications [of the smoothness of the MPR sessions] was the shouts of ‘Agreed’ heard frequently in commission meetings, approving the Draft Decision being discussed” (Tempo 1983a). The discussion of the sole basis of Pancasila, which was expected to be controversial, was also smooth. All Commission A members who were charged with discussing the Pancasila proposal accepted it. H.M. Yunus Umar, the spokesperson of the PPP in Commission A, even said: “With Pancasila as the sole basis, we no longer problematize ideology, because our ideology is the national ideology” (Tempo 1983a). Pancasila as the sole basis was included in MPR Decision No. 11/1983 on the GBHN.

Soeharto’s Presidential Speech and Sukowati’s Idea of Pancasila State as Secular State

Like in previous MPR sessions, in his presidential speech, on 16 August 1983, Soeharto again touched upon Pancasila as the sole basis. In his speech, Soeharto strongly emphasized that Pancasila is a “common decision” and “national consensus” (Tempo 1983b). He said that Pancasila is not the mixture of various world ideologies, but that it is rooted in Indonesian land and from the Indonesian people’s own character. Pancasila is a national ideology that belongs to Indonesian people. Soeharto also warned that if each group had its own ideology, this would be like the “time of NASAKOM” (nationalism,

religion and communism), Soekarno's time in which nationalist, religious and communist groups were allowed to hold their own ideologies. Soeharto pictured this time as being a time full of (social, political and economic) "disasters" (*malapetaka*). Such a situation was, according to Soeharto, a time bomb that would eventually explode.

In his speech, Soeharto did not discuss the obligation of all social and political organizations to adopt Pancasila as the sole basis, as stipulated in the GBHN, which had just been approved by the MPR in March that year, but rather he emphasized that all organizations should enhance their contribution to national development in their own ways. For this purpose a special law would be set up to guarantee the existence of Pancasila, national stability and development as part of the implementation of Pancasila. Soeharto also restated his previous statement: "Pancasila is not a religion. Pancasila will not and cannot replace religions. Pancasila will not be religionized, and religions cannot be Pancasilaized." He continued to say that there is no contradiction between all pillars of Pancasila and any religious teaching, and that there is no religion signifying prohibition for implementation of the pillars of Pancasila. Although the function and role of Pancasila and religions are different, according to Soeharto, in the Pancasila state one could be a devout adherent of religion as well as a good adherent of Pancasila (Tempo 1983b).

It seems that Soeharto's arguments on Pancasila in his speech were addressed specifically to Muslim groups, as if these were present in front of him. Soeharto knew very well that some Muslim circles, as reflected in Indonesian history, were loyal challengers of Pancasila. Some Muslims, such as those involved in the Darul Islam or Negara Islam Indonesia (NII—Islamic State of Indonesia) as well as the Komando Jihad movements, even considered Pancasila as a *kufur* (unbelieving) ideology not to be followed. Other nationalist groups associated with the Golkar and PDI parties had no ideological problem with Pancasila. They had shown their loyal support for Pancasila.

While there were internal Muslim discussions and debates on Pancasila, Sunawar Sukowati, a legislator from the Development Democracy Faction, which belonged to the PDI, triggered latent controversy by telling his colleagues in the faction that the Pancasila state, as mentioned in Soeharto's speech, is a secular state. He argued that this view was inferred from the fact that Indonesia is not a religious state, and that religious authority is separated from state authority (Wahid 1983; 1999: 93). His opinion was not accepted by his own colleagues. Soeharto also rejected the opinion and emphasized that the Pancasila state is neither a secular nor a religious state. Responding to Sukowati's view,

Abdurrahman Wahid, at the time a member of Islamic political party PPP (United Development Party), proposed an explicit and implicit approach to understand the status of the Indonesian state.²³ He argued that if one reads only “the explicit”, he/she would find that Indonesia is not based on any religion, but on Pancasila. But if one read the implicit, he/she would discover that the Indonesian state “recognizes the legitimacy of the role of religions in societal life, and if necessary through the government.” The Indonesian state, in fact, “supports a government that endorses religious life.” Wahid also argued that “secular state” does not mean subscribing to secular political philosophy (Wahid 1983; 1999: 94-5). Wahid’s argument reflected his own view, rather than that of the PPP, because Wahid was also a prolific writer who wrote articles for *Tempo*.

Responding to the MPR Decree on GBHN, to Soeharto’s speech, and I believe also to Sukowati’s statement, leaders of the representative religious organizations—MUI, MAWI, DGI, Parisadha Hindu Dharma Pusat, and Walubi—made a joint statement in December 1983. The statement was given to the Minister of Religious Affairs, Munawir Sjadzali, who replaced Alamsjah Ratu Perwiranegara on 19 March 1983, eight days after the MPR sessions discussion on the GBHN (Tempo 1983c). The statement states, among other things, that religious organizations would remain based on their respective religion and belief, but that they all recognized that Pancasila was the sole basis of national life.

Muslim Organizations’ Response to Pancasila as the Sole Basis: Before and After the 1985 Law on Mass Organizations

The Minister of Religious Affairs, Munawir Sjadzali was an important figure in convincing Muslim organizations about the sole basis. He prioritized “efforts to convince religious communities about the harmonious relation between the state ideology Pancasila and religious teachings” (Sjadzali 1985:9). On many occasions, Sjadzali emphasised that Pancasila does not contradict any religion. On the contrary, Pancasila encourages prosperous religious life. He said that in a Pancasila state “the rights of religious communities to grow and develop are guaranteed. Religious communities are allowed to

²³ Abdurrahman Wahid was a regular writer in *Tempo* magazine. His writing represents his own opinion, rather than that of his party, PPP. Later he withdrew from the PPP and, when he was elected as the head of Nahdlatul Ulama, he distanced the latter from the PPP.

implement their religious teachings, and the government's policies should not contradict any religious teachings" (Sjadzali 1985: 8).²⁴ He also insisted that the existence of a Ministry of Religious Affairs guaranteed that the Indonesian state was not secular.

Like previous Ministers of Religious Affairs, Sjadzali also said that as a *Pancasila* state, Indonesia is neither a secular nor religious state. The difference was that he gave a detailed explanation of a secular state and a religious state. A *Pancasila* state is not a secular state, because a secular state does not allow state interference in people's religious affairs or involvement of religious leaders and institutions in the state or politics. It is not a religious state either, because a religious state requires: (1) that the state adopts an official religion; (2) that the legal source is the scripture of the official religion; and (3) that authority is held by religious leaders. These three elements are absent in the *Pancasila* state. In Indonesia, the *Pancasila* state could intervene through the Ministry of Religious Affairs in people's religious life and ensure religious tolerance among the people (Sjadzali 1993: 80-5; Abdillah 1997: 61).

The strong resistance to the idea of *Pancasila* as the sole basis of political parties and mass organizations came mostly from Muslim leaders, parties and organizations. One of the Muslim leaders who openly challenged the adoption by religious organizations of *Pancasila* as their sole basis was Sjafruddin Prawiranegara SH, who wrote an open letter to President Soeharto, dated 17 July 1983²⁵ in which he argued that "replacing an Islamic foundation with a *Pancasila* foundation conflicts with the Constitution, which is based upon the *Pancasila*, and thus is in contradiction with *Pancasila* itself." He also said that making it the sole basis would contravene the freedom of religion and worship guaranteed by Article 29, paragraph (2) of the Constitution. He said: "Making *Pancasila* the sole foundation for all social organizations may at first glance appear to be the way to bring about national unity and social improvement. But believe me: you will only achieve the opposite. I hope that you, Mr. President, are aware of the dangers threatening our country and people, if the Sole Foundation plan should be implemented" (Prawiranegara 1984: 80, 82).

²⁴ There is no doubt that ministers of religion of the New Order regime were actively engaged in promoting *Pancasila*. For biographies of the ministers of Religious Affairs, see Azra and Umam 1998.

²⁵ On Sjafruddin Prawiranegara, see Rosidi (1986).

Nahdlatul Ulama (NU) was among the earliest Islamic organizations that adopted Pancasila as their ideological basis, while also mentioning that Islam is their “*aqidah*” (belief). Between June and October 1983, a special committee of the NU, comprising Wahid and other progressive leaders, discussed NU’s position on Pancasila. After a long debate and *ijtihad* (religious interpretation) within the organization, NU decided to accept Pancasila as the sole basis in October 1983, a decision discussed in its National Deliberation (Musyawarah Nasional) in December 1983 in Situbondo East Java. The official position was declared at the NU national Congress in Situbondo in 1984. The NU statute places Pancasila as the “basis”, but it also says that as an Islamic religious organization, Nahdlatul Ulama subscribes to Islam as its “*aqidah*” (belief), “according to *Ahl al-Sunnah wa al-Jama’ah* and following one of four schools [of Islamic law]: Hanafi, Maliki, Shafi’i and Hanbali” (Art. 3). However, NU also said that the Indonesian state, which is based on Pancasila, is the final form of state struggled for by Indonesian Muslims (Sitompul 1996: 163-87; Feillard 1999:233-61). Achmad Shiddiq, the important leader of NU who was behind the acceptance of Pancasila, apart from Abdurrahman Wahid, argued that:

Pancasila is an ideology, and as an ideology it is not a religion. Pancasila is not allowed to become a religion. Islam is a religion, and not an ideology; religion is created by God, whereas ideology is made by mankind. Therefore, religion should not be Pancasilaized. That is our principle in accepting the “sole basis”... Pancasila. However, we will stand against anyone who attempts to make Pancasila a national religion (Feillard 1999: 245).

In its session in 1985, almost without debate, the parliament (Dewan Perwakilan Rakyat—House of Representatives) finally approved the Law on Mass Organizations proposed by the government, which stipulates that all mass and political organizations should adopt Pancasila as their “sole basis.” This smooth process was understandable because of the intense debates that had happened between 1982, when the idea was first made public by Soeharto, and 1985. A smooth discussion had even occurred in the 1983 MPR sessions. In order to convince Muslims and Muslim organizations, the government guaranteed that the sole basis did not mean the introduction of a secular state. The state

would even encourage religions to play a role in national development. Apart from discursive aspects, the government had taken visible, uncompromising action against those who disagreed with the sole basis of Pancasila. In the so-called Tanjung Priuk tragedy, military forces even attacked a Tanjung Priuk mosque in 1984, alleging that it was being used to mobilize Muslims against the sole basis of Pancasila (Tapol 1987).²⁶ This attack was important to warn or, rather, to threaten other Islamic organizations to accept Pancasila. Following this event, most Muslim organizations have accepted Pancasila and even supported it.

Many Islamic organizations waited for the MUI response to the idea of Pancasila as the sole basis. After a long negotiation, the MUI did not problematize Pancasila as the sole basis, on the grounds that “religion is guaranteed” by the state (Tempo 1984). In its National Deliberation, held in July 1985, Majelis Ulama Indonesia (MUI) discussed the Law on Mass Organization and the obligation of all organizations to adopt Pancasila. It was at this event that the MUI officially accepted Pancasila as its sole basis. The MUI also revised its statute (Pedoman Dasar) in line with this law—and, of course, with Soeharto’s demand—on 23 July 1985. The statute says in Article 1 that MUI embraces Islamic belief (*beraqidah Islamiyah*), and in Article 2 that the MUI is based on Pancasila (Majelis Ulama Indonesia 1995: 37, 63). It seems that the MUI’s formulation follows that of the NU, except for the phrase “according to *Ahl al-Sunnah wa al-Jama’ah* and following one of four schools [of Islamic law]: Hanafi, Maliki, Shafi’i and Hanbali.” This formulation was followed by some other Islamic organizations, including Muhammadiyah.

Unlike NU, which accepted the sole basis in 1983, Muhammadiyah waited until the Law on Mass Organization was officially issued. It finally officially accepted Pancasila at its National Congress in December 1985, an event that should actually have been conducted in 1981. The delay was caused first by the 1982 general elections, but then also by the problem of the sole basis. In order to convince Muhammadiyah members, AR Fakhruddin, then the head of Muhammadiyah, used a metaphor of a Muslim wearing a helmet when he/she wants to go by motorcycle to a mosque for Jum’ah prayer. The

²⁶ Some Muslim organizations, such as Pelajar Islam Indonesia (PII—Indonesian Islamic Student), Himpunan Mahasiswa Islam MPO (HMI-MPO—Muslim Student Association of Council for Securing the Organization) and “Komando Jihad” (Jihad Command—which was allegedly created by an Intelligence service) resisted adoption of Pancasila as their sole basis. Soeharto banned these organizations.

government requires everyone who rides a motorcycle to wear a helmet. He compared the helmet with Pancasila: “The helmet would not change my Islam.” He also said: “Muhammadiyah still holds *tawhid*, because without *tawhid* everything is useless” (Fakhruddin 1993: 51-4; see also Tempo 1985).²⁷ By the end of the 1980s, most Islamic organizations accepted Pancasila as their basis, except some radical movements, such as HMI MPO (Muslim Student Association), PPI (Pelajar Islam Indonesia—Indonesian Islamic Student), and Komando Jihad.

Unlike the previous debates, which associated Pancasila with secularism, in the official debates or discussions during the Soeharto era such association was, at least in the official debates, not present—although it did exist in societal discourse of Pancasila. It is undeniable that during the Soeharto era, Pancasila was strongly supported and used to defend his regime. Soeharto often accused his political rivals of being “anti-Pancasila” and by this act of labelling he could have them jailed under the Subversion Act. Speaking in the 1990s, Soeharto said: “If Pancasila is threatened, we will wake up as patriots” (Tempo 1993).

Reformation Era and the Withdrawal of Pancasila Indoctrination

When the Soeharto regime collapsed, and the political structure changed, Pancasila as the “sole basis” was questioned. The People’s Consultative Assembly (MPR), headed by Amien Rais, the President of Partai Amanat Nasional (PAN, National Mandate Party) and former head of Muhammadiyah, issued Decree No. VII/MPR/1998 to repeal the previous MPR Decision No. II/MPR/1987 on the Guide for Living and Practicing Pancasila (P4). Based on this Decision, the Government announced on 29 April 1999 that Pancasila indoctrination (P4) courses were to be discontinued and the BP-7 (agency responsible for administering the Pancasila courses) was abolished. Although Law No. 8/1985 on Mass Organization, which stipulates that Pancasila must be the sole basis of political and mass organizations, was not officially abrogated, Islamic parties and Muslim organizations adopted Islam as their ideological or organizational basis.

Nonetheless, the MPR did not abandon Pancasila as the ideological foundation of the State, as it was considered a “national consensus.” Despite this, it was indeed a

²⁷ For a detailed discussion of Muhammadiyah’s acceptance of Pancasila, see Harun 1986.

momentous political decision, and one which changed the political landscape of the post-New Order era. Whether or not to adopt Pancasila was now a matter of choice for mass and political organizations. They were now free to choose their own ideological foundation, with the exception of communism. The regulations concerning communism have yet to be rescinded. Interestingly, Muslims did not form a united front on the issue of Pancasila as the foundation of mass organizations. Not unexpectedly, most Islamic organizations returned to Islam as their ideological foundation. However, some decided to adopt both Islam and Pancasila. This plurality has been reflected in the emergence of Islamic and Muslim-based nationalist political parties, which have adopted Islam, or Islam and Pancasila, or simply Pancasila as their ideological foundation (Ichwan 2006: 221-2).

The New Order regime sacralized the 1945 Constitution by insisting that amending it and changing its preamble would mean destroying the Indonesian state as a whole, because it was established along with independence on 17 August 1945. However, in the context of Reformasi, changing the preamble or amending the Constitution does not mean destroying the Indonesian state, because the Constitution itself opens the possibility of amendment. Chapter XVI is the special chapter for amendment, a chapter which was closed by the New Order. In fact, during the Soekarno period, the preamble of the Constitution was changed twice (Mahfud MD 2002: 17).

Due to the withdrawal of the Pancasila indoctrination, Pancasila was no longer the “master signifier” defining almost all aspects of Indonesian life. It is no longer an obligatory subject in education from the kindergarten to university level. Pancasila is even no longer a priority subject in civil servant training. During the New Order, students who did not pass Pancasila examinations were to take the course again the following year. Civil servants who failed to show a deep understanding of Pancasila could be suspected of being a communist or radical Muslim who rejects the Pancasila. Such a policy has been omitted in educational institutions and in government offices. Pancasila is now only a part of the wider subject of “Civic Education”, which teaches instead democratic and civic values.

Amendment of the Constitution: The Third Debate on Article 29 on Religion

In 2000, the Majelis Permusyawaratan Rakyat (People’s Consultative Council—MPR) agreed to amend the 1945 Constitution to satisfy current changes during the *Reformasi*. However, despite the possibility of changing the preamble, the MPR agreed to keep the

original preamble. The issue of the preamble was sensitive because it related to the Jakarta Charter, which was initially formulated for the preamble of the 1945 Constitution, but changed in the last hours before the issuance of the Constitution. There was suspicion that opening the possibility of changing the preamble would lead to reuse of the Jakarta Charter as the preamble, which would trigger old debate.

Nonetheless, the Jakarta Charter remained the single most important historical document for endorsement of the *shari'ah* in the Constitution. In 2000, two Islamic parties, PBB and PPP, proposed amendment of Article 29.²⁸ However, this proposal did not imply an Islamic state, but rather simply advocated the implementation of Islamic law for Muslims. However, amending the Constitution was not an easy task, since both of these parties were small factions with only 71 combined seats, out of 500 total seats.²⁹ Muslim-based nationalist factions also proposed the amendment of Article 29, albeit with different formulation.³⁰ Both of these kinds of factions did not always cooperate in endorsing Islamic agenda.

Although efforts to make the Jakarta Charter a legal source in the MPR sessions of 1968 failed, they could refer to Soekarno's Presidential Decree of 1959, which stipulated that the Jakarta Charter was "the soul" of the Constitution. The Presidential Decree is considered to be the source of the legal order (*sumber tertib hukum*) in Indonesia. Inspired by the wording of the Decree, most Islamic parties used the metaphor of "body" (*badan*) and "soul" (*jiwa*) for the 1945 Constitution and the Jakarta Charter respectively. PBB even

²⁸ Islamic factions in the MPR were factions of Partai Persatuan Pembangunan (PPP—United Development Party), of Partai Bulan Bintang (PBB—Crescent Star Party), and of *Daulatul Ummah* (which consisted of Partai Nahdlatul Ummah [PNU—Awakening of Ummah Party] and other small Islamic parties).

²⁹ In the 1999 general elections, seven parties won significant percentages of the vote. Three parties are based on Islam: PPP (with 11 percent); PBB (2 percent); and PK (1 percent). Two parties are Muslim-based nationalist parties: PKB (13 percent); and PAN (7 percent). Two other parties are nationalist parties: PDI-P (34 percent) and Golkar (22 percent). The votes of the last four non-Islamic parties together totaled 76 percent of the vote (Mujani and Little 2004, 112).

³⁰ Muslim-based nationalist factions in the MPR were Fraksi Reformasi (Reformation Faction), which consisted of Partai Amanat Nasional (PAN—National Mandate Party) and Partai Keadilan [PK—Justice Party], and the faction of Partai Kebangkitan Bangsa [PKB—National Awakening Party]).

associated the “soul” directly with the *shari‘ah* rather than with the Jakarta Charter (Platzdasch 2009:114-5).

In these MPR sessions in 2000, several alternatives emerged (Sekretariat Jendral MPR RI 2000: 125-6):

Concerning Article 29 (1), there were four alternatives:

- Alternative 1 : “The state is based on the One Almighty God.” (Original text)
- Alternative 2 : “The state is based on the One Almighty God with the obligation to implement Islamic *shari‘ah* for the adherents of the religion.”
- Alternative 3 : “The state is based on the One Almighty God with the obligation to implement religious teachings for the adherents of each religion.”
- Alternative 4 : “The state is based on the One Almighty God, just and civilized humanity, the unity of Indonesia, democracy guided by inner wisdom in unanimity arising from deliberation amongst representatives, and social justice for all of the people of Indonesia.”

Concerning Article 29 (2), there were also four alternatives:

- Alternative 1 : “The state guarantees the freedom of each citizen to adhere to their own religion and to worship according to their religion and beliefs.” (Original text).
- Alternative 2 : “The state guarantees the freedom of each citizen to adhere to their own religion and to worship according to their religion.” (The word “beliefs” is omitted.)
- Alternative 3 : “The state guarantees the freedom of each citizen to adhere to their own religion and to worship according to their religion and beliefs, and to build their houses of worship.”

Alternative 4 : “The state guarantees the freedom of each citizen to adhere to their own religion, to practice their religious teachings, and to worship according to their religious beliefs.”

In addition, there were also polemics about whether there should be additional points or paragraphs (*ayat*) added to Article 29. There were two alternatives:

Alternative 1 : No additional point is needed.

Alternative 2 : There are some additional points:

- a) The state protects people from the spread of beliefs contradicting belief in the One Almighty God.
- b) State governance should not contradict religious values, norms and laws.
- c) The state respects ethical norms and human morality taught by every religion.³¹

Concerning Article 29 (1), the PPP and PBB proposed Alternative 2; while the PKB, PAN and PK parties proposed Alternative 3 (Hosen 2005: 432). For Article 29 (2), the Reformasi faction proposed Alternative 2 while the PPP and PBB factions proposed Alternative 4. Most factions did not agree to the inclusion of additional points or phrases, except for some Islamic parties.

The amendment of Article 29 was postponed until the 2001 MPR session because of practical problems; that is, the discussion of other articles was so time-consuming that Article 29 could not be discussed (Wahid 2001/2: 96-7). This seemed to be deliberate with the intention to avoid touching this sensitive Article. The MPR agreed to postpone the discussion of this Article until the next MPR session in 2002.

Prior to the annual MPR session in 2002, Islamic factions (PPP, PBB, and Daulatul Ummah) and Muslim-based nationalist factions (Reformasi and PKB) organized meetings to discuss some “crucial Articles,” including Article 29.³² As mentioned earlier, in the 2000 sessions these factions had supported different alternatives on the amendment

³¹ The above alternatives were attached to the appendix of the MPR Decision IX/MPR/2000.

³² I have discussed the debate in the 2002 MPR session elsewhere (Ichwan 2003).

of Article 29. The Islamic parties insisted on the insertion of the “seven words” of the Jakarta Charter, while the Muslim-based nationalist parties proposed their own versions.

As the plenary sessions approached, the meetings were not limited to Islamic and Muslim-based nationalist parties, but also included the nationalist parties PDIP and Golkar. However, they could not produce an agreement on Article 29, except that to the extent possible they ought to avoid deadlock in the upcoming annual session. Before the annual session was held, several alternatives for the amendment of Article 29 were formulated by Islamic parties, Muslim-based nationalist parties, and secular nationalist parties. Concerning Article 29 (1), there were three alternatives: the aforementioned Alternatives 1, 2, and 3. The fourth alternative was dropped. The first alternative was supported by PDIP, other small nationalist factions and a Christian faction, Kesatuan Kebangsaan Indonesia (KKI). PKB, which proposed Alternative 4, joined the other nationalist parties in supporting the original version of the Article.³³ The second alternative was supported by Islamic parties, whereas the third alternative was supported by the Reformation faction.

Concerning Article 29 (2), there were two alternatives: Alternative 1 (the original text) and Alternative 2 (as mentioned earlier). Participants agreed to drop the third and fourth alternatives. Moreover, they also agreed that the proposal to have additional points or paragraphs was not critical. Most nationalist, Christian and Muslim-based nationalist parties supported the first alternative on Article 29 (2), whereas the Islamic parties supported the omission of the term “belief” or “beliefs” (second alternative). For Islamic parties, “belief” had been interpreted as “*aliran kepercayaan*” (indigenous beliefs) which, for them, was deviant from and could destroy Islam. Since the Justice Party joined the Reformation faction, it supported the latter’s idea, which was more moderate. However, in a number of cases, the Partai Keadilan spoke of their own position of support for the Islamic *shari’ah*.

³³ In order to harmonize the relationship between the “traditional” Muslims (NU-PKB) and the nationalists (PDIP), because of the latter’s involvement in Abdurrahman Wahid’s impeachment, Taufik Kiemas (husband of the head of PDIP, Megawati) visited Wahid, the head of the consultative body of the PKB, to encourage the harmony of “nationalism and Islam.” Perhaps because of this lobby, the PKB turned to defend the original text, which was in line with the PDIP (Ichwan 2003: 24).

Commission A, which discussed the amendment of this Article, did not reach an agreement on whether or not the Religion Article should be amended. The problem was then brought into the plenary session, held on 10 August 2002. The result was that most of the factions were in favour of maintaining the original version of the Religion Article. Only two Islamic factions—the Crescent Star Party and *Daulatul Ummah* factions—rejected the agreement. The final position of the PPP was ambiguous, but it agreed to the MPR decision, saying that it would struggle at another time (Ichwan 2003: 24).

Outside the MPR building, conservative Muslim protesters demanded the insertion of the “seven words” of the Jakarta Charter into Article 29. At the same time, moderate and liberal Muslims, as well as the nationalists and the adherents of other religions, opposed the inclusion of the “seven words.” They argued that Article 29 is a national consensus that should not be amended as it would lead a particular religion (Islam) to dominate the constitution and state. Most liberal-progressive thinkers, such as Nurcholish Madjid, argued that inclusion of the Jakarta Charter would allow the state to intervene in a religious space. The two biggest Muslim organizations, Nahdlatul Ulama and Muhammadiyah, also demanded that Article 29 should not be amended for the same reason as Madjid.

Attempts to include the Jakarta Charter in the Constitution have always been problematic and controversial, not only among adherents of other religions and secular nationalists, but also for the Indonesian Muslims themselves. The maintenance of the original version of Article 29 (both point 1 and 2) indicated that most Muslims, who were also the majority in nationalist parties, rejected discrimination-based politics and religious understanding. This was a great success for moderate and liberal-progressive Muslims.

The Pancasila State Dilemma: Caught between Secularization and Religionization

In the context of this discussion, one critical question remains: Is the statement “Pancasila is *neither a secular nor a religious* ideology” an accurate claim? Its validity relates to the political process and contestations between religious groups and secular nationalist groups in the government, parliament and society. It is an ideological statement rather than a factual description. This ideological statement usually emerges in times of crisis and conflict between religious groups, or between religious groups and secular-nationalist

groups. The context of the emergence of Pancasila itself was colored by conflict between secular nationalist and Muslim leaders in the *Dokuritsu Junbi Chōsakai*. In the last decade, when interreligious conflicts and religious radicalism and terrorism began to appear in some regions, the government and some elements of civil society perceived a need to empower Pancasila.

Under normal circumstances, however, Pancasila is more “either a religious or secular ideology,” or “both a religious and secular ideology” than it is “neither a secular nor a religious ideology”, as the official discourse has insistently suggested. As a matter of fact, from the Soekarno to the Soeharto period (at least until 1990), Pancasila was more of a secular ideology with a limited degree of religionization, while in the period from 1990-1998 it was a secular ideology with a moderate degree of religionization, and in the period from 1998 until today it has been a secular ideology with a liberal degree of religionization.³⁴

Although Soekarno treated Pancasila more as a secular ideology, he compromised with the demand to establish the Ministry of Religious Affairs as early as 1946. During Guided Democracy, Soekarno tried to limit the interpretation of Pancasila based on Nasakom, the acronym of *Nasionalisme* (nationalism), *Agama* (religion), and *Komunisme* (communism). By using the word *agama* (religion) Soekarno intended that this sphere should not be dominated by Islam, but shared between existing religions. However, in fact, as Islam is the religion of the majority, most programmes of the Ministry of Religious Affairs were related to Islam. Soekarno also used Pancasila as the ideology of “character and national building” (Chalid 1965; Federspiel 1976). He built the Istiqlal mosque in Jakarta in 1961 as a symbol of a government concerned with Islam. He also promoted what he called “Api Islam” (the Flame of Islam), a reformed understanding of Islam relevant to his revolutionary agenda.

³⁴ This was also the case with the colonial politics of religion. During the Dutch colonial period the secularization policy dominated, but there was some degree of religionization, such as the existence of *Priesterraad* (Religious Courts), the institution of *Penghulu*, and management of a mosque charity (Hisyam 2001). When the Japanese occupational government implemented secularization, there was also a wide degree of religionization (Islamization), in the sense of using or abusing Muslims and their resources to support Japanese wars in the Far East (Benda 1958; Kobayashi 1997; 2010). However, Muslims also used the Japanese to empower themselves and achieve their independence.

Soeharto also treated Pancasila more as a secular ideology. However, he could not neglect Islam as a whole either, although he could marginalize political and radical Islam. During the period of “secularism with limited religionization” (1966-1989), some degree of Islamization occurred with the establishment of the state-supported Pusat Dakwah Islam Indonesia (PDII—Indonesian Islamic Da‘wah Centre) in 1969, the Majelis Ulama Indonesia (MUI—Indonesian Council of Ulama) in 1975, and the Yayasan Amal Bhakti Muslim Pancasila (YAMP—Pancasilaist Muslim Foundation) in 1982. When Soeharto made Pancasila the sole basis for all mass and political organizations, he encouraged developmental Islam to play a role in New Order development projects. He was also involved in endorsing such types of Islam, either through the Ministry of Religious Affairs, or through his own foundation, Yayasan Amal Bhakti Muslim Pancasila (YAMP), which collected the *infaq* (tithes) from civil servants and military and police officials to fund various projects of “Pancasila Islam.” In 1989, the Law on Religious Courts (Law No. 7/1998) was issued to regulate Islamic courts.

In the period of secularism with a moderate degree of religionization (1990-1998), Soeharto supported various kinds of Islamization policies. In 1990, he supported the establishment of Ikatan Cendekiawan Muslim se-Indonesia (ICMI—All-Indonesian Muslim Intellectual Association), and in 1991 he supported the first Islamic bank, Bank Muamalat Indonesia (Hefner 1993, 2000). Soeharto also issued a Presidential Instruction on the Compilation of Islamic Laws, containing Islamic family laws to be used by judges in Religious Courts (Nurlailawati 2007). This means that despite his strong inclination towards Pancasila and secularism, he could not avoid the presence of religion (Islam) in the state (Bruinessen 1996).

In the post-New Order era period of secularism with substantial religionization, the MPR dissolved the previous MPR Decree on Pancasila as the sole basis of mass organizations, but did not eliminate the Law on Mass Organizations. Most Islamic organizations and parties adopted Islam as their ideological basis, but did not reject Pancasila, at least explicitly, as the foundation of the state. There are laws that are highly inspired by Islamic teachings, such as Laws on Banking, allowing a *shari‘ah* banking system (Law No. 7/1992; corroborated by Law No. 10/1998); on *Zakat* (tithes) (Law No. 38/1999); on *Hajj* (pilgrimage to Mecca) Service (Law No. 17/1999); on Shari‘ah Implementation in Aceh (Law No. 44/1999); on Income Tax (Law No. 17/2000; corroborated by Law No. 23/2008), which accommodates *zakat* as a tax deduction; on the

National Education System (Law No. 20/2003); on Shari'ah Banking (Law No. 21/2008); on Aceh Governance (Law No. 11/2006); and on pornography (Law No. 44/2008). Some provinces and districts also introduced shari'ah-inspired bylaws. More than thirty Islam-inspired bylaws have been issued, and this number will probably increase, especially in areas where Islamic sentiments can easily be aroused and used for political ends (Buehler 2008; Bush 2008). The regions promoting these regulations usually are those with a long record of Islamist rebellions (e.g. Aceh, West Java, Banten, and South Sulawesi). Other places are known for religiosity—in both puritan and non-puritan form (e.g. West Sumatra, South Sumatra; East Java, including Madura). These laws and bylaws tend to use the first pillar of Pancasila (Belief in One Almighty God) and Article 29 of the 1945 Constitution as justification for the Islamization process. Although the “seven words” of the Jakarta Charter are not on paper, they are applicable in practice, which is especially clear, surprisingly, during the Reformasi era.

This wave of wide religionization is in line with the emergence of radical Islamist movements openly challenging Pancasila. Abubakar Baasyir and his former organization, Majelis Mujahidin Indonesia (MMI), and current organization, Jamaah Anshorut Tauhid (JAT), call Pancasila a “*kufur*” (unbelief) ideology, which should be rejected and replaced by Islam. Despite this open challenge to the state ideology, democratization means that the government can no longer arrest individuals or ban organizations that spread ideas opposing the state ideology. The influence of these radical movements on law-making cannot be assumed; yet, what is certain is that there has been a parallel between the development of religionization in society and that in parliament and the government administration. Van Bruinessen (2011) has called this post-New Order phenomenon a “conservative turn” in Indonesian Islam, and also in Indonesian politics.

What is at stake is religious pluralism and tolerance. However, Islam-inspired laws had undergone a political process and had been debated by Islamic and secular nationalist legislators in parliament. The parliament has been dominated by Muslim-based nationalist parties and secular nationalist parties, yet in a number of cases—as reflected in the approval of Islam-inspired laws and bylaws—Muslim legislators in Muslim-based nationalist parties and secular nationalist parties could individually or collectively ally with Islamic parties. The very existence of laws regulating only certain groups of citizens (Muslims) means discrimination against other religious communities. This has happened not only in laws and bylaws, but also in government policies, such as that on Ahmadiyah,

al-Qiyadah al-Islamiyah and other religious groups judged to be deviant by the religious authority, that is, by the non-governmental Majelis Ulama Indonesia (MUI—Indonesian Council of Ulama). There was even a municipality, Bogor, that declared itself “Kota Halal” (*halal* city) in 2009, which forbids, among other things, the slaughtering of pigs for meat and the consumption of alcoholic beverages. Another town, Depok, followed this step in 2011. This policy undoubtedly discriminates against other religious communities in that city. What is striking is that the mayor is not affiliated to an Islamic party, but rather to a secular nationalist party. In this case, and in other cases in other regions, religious issues have been used as parts of political games, which help establish that their secular nationalist parties are religious too.

Concluding Remarks

The political debates on the basis of the state, or on relations between state and religion, have contributed to the more permanent establishment of Pancasila as the basis of the state, rather than Islam or *laïcité* secularism. They have shown that opposing parties (secular nationalist and Muslim groups) should negotiate their views and interests officially through democratic (political) mechanisms. This does not account for popular and intellectual debates, which deserve separate studies. While Islam was not accommodated as the basis of the state, *laïcité* secularism was rejected also. However, although Pancasila is basically secular too, it does not subscribe to strong secularism; it is—to use Abdurrahman Wahid’s (2001) term—a “mild secularism.” Pancasila suggests a “mild separation of state and religion,” because religious *values* could inspire the state, and “mild privatization,” because the state could publicize certain religious values (along with indigenous and secular values) to support *national* interests such as “national and character building” during the Soekarno era, “development” during the Soeharto regime, and democratic “reformation” during the post-Soeharto era. The state could also promote “mild differentiation,” since it could endorse certain religious-inspired laws (such as Islamic family laws) and religious-inspired economic institutions (such as Islamic banks and financial systems).

The debates have moved from searching for a viable basis of the state and establishing Pancasila as the basis of the state (1945), to questioning Pancasila as the basis of the state (1956-1959), to attempting to legalize the Jakarta Charter (1968), to creating an official interpretation of Pancasila (P4) (1978), to establishing Pancasila as the sole basis

(1983-1985), and to attempting the insertion of the “seven words” of the Jakarta Charter in Article 29 of the 1945 Constitution. Along with these developments, the interpretation of Pancasila in government policies has moved from “secularism with limited religionization” (1945-1990) and “secularism with moderate religionization” (1990-1998) to “secularism with broad religionization” (1998 until today). In other words, the Pancasila state has been caught between secularization and religionization, and will remain so unless it is replaced by either secular or religious ideology. Yet, it seems that the latter will not be chosen by Indonesians, since there has now been more than 60 years of Pancasila, and it continues to gain more support from the people. The post-Soeharto era has also shown that purely Islamic parties have never won the general elections. Instead, “Muslim-based nationalist parties”, such as National Awakening Party (PKB) and National Mandate Party (PAN), and “religious nationalist parties,” such as Susilo Bambang Yudhoyono’s Democrat Party, gained more votes. However, the secular nationalist Indonesian Democratic Party of Struggle (PDIP) also adopted a limited symbolic approach to Islam, such as by establishing Baitul Muslimin (Muslim House), which is in charge of attracting Muslims by organizing public religious gatherings (*pengajian*) or public remembrances of God (*zikr akbar*). Therefore, it cannot be totally secular.

Nevertheless, in more than a decade since the Soeharto era, Pancasila has undergone a democratic process of both reception and rejection. While during the Soeharto era, Pancasila was forced by the state on all citizens and organizations, such compulsion is no longer possible in the Reformasi era. The reception of Pancasila has taken place the other way around, through a bottom-up process. It seems that the current interreligious, ethnic and sectarian conflicts have made people re-think the common denominator or common language through which they maintain peaceful coexistence. Most of them think that Pancasila is closer to their life than other ideologies, since it has long served as the state ideology. However, for the sake of transition to democracy and the bottom-up process of reception, the state can no longer forbid rejection of Pancasila or ban the organizations that reject it, although the Law of Mass Organization, which dictates that Pancasila is the sole basis, has not been officially withdrawn. Therefore, despite the democratization process, Pancasila is actually in a transitional crisis, a crisis that could lead to either the empowerment or deconstruction of its existence. However, looking at current developments in the post-Soeharto era, it seems that Pancasila will gain stronger support even from the Muslim communities. Mainstream Muslim organizations, such as

Nahdlatul Ulama and Muhammadiyah, have explicitly expressed their views that the Indonesian state with Pancasila as its national philosophy and ideology is the final form of the state that Muslims have struggled for. Considering the history of the political debates, and the current democratic reception of Pancasila, it seems that there will be no significant debate on Pancasila in the following decades. While the development of Islamist movements challenging Pancasila would be impossible to simply neglect, such movements could not challenge the majority who need the alternative, uniting ideology. Nevertheless, it should be underlined that the Pancasila state is still in the making.

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Short Biography

Dr. Moch Nur Ichwan is a lecturer of the Sunan Kalijaga State Islamic University, Yogyakarta, Indonesia. He received his PhD in Religious Studies from Tilburg University, The Netherlands, in November 2006, with dissertation entitled "Official Reform of Islam: State Islam and the Ministry of Religious Affairs in Contemporary Indonesia, 1966-2004". He was a postdoc fellow of KNAW (Royal Netherlands Academy of Science and Arts) (2007-2009) on *Ulama and Re-islamisation of the Public Sphere: The Indonesian Council of Ulama and Global Challenges in the Post-Soeharto Era*; and a senior researcher of Islam Research Programme of Leiden University (2010-2012) on *Critical Responses to Shari'atism in Aceh*. Some of his current publications include "Secularism, Islam and Pancasila: Political Debates on the Basis of the State in Indonesia," *Bulletin of the Nanzan Center for Asia and Pacific Studies*, 6 (June 2011); "Official Ulema and Politics of Re-Islamisation: The Majelis Permusyawaratan Ulama, Shari'atisation and Contested Religious Authority in Post-New Order's Aceh," *Journal of Islamic Studies* 22:2 (April 2011); "The End of Jawi Islamic Scholarship? *Kitab Jawi*, Quranic Exegesis and Politics in Indonesia," in *Rainbows of Malay Literature and Beyond: Festschrift in Honour of Professor Md. Salleh Yaapar*, ed. Lalita Sinha, Pulau Penang: Penerbit Universiti Sains Malaysia, 2011; "Governing Hajj: Politics of Islamic Pilgrimage Services in Indonesia Prior to Reformasi Era," *Al-Jamiah, Journal of Islamic Studies* 46:2 (2008); "The Politics of Shari'atisation: Central Governmental and Regional Discourses of Shari'a Implementation in Aceh," Michael Feener and Mark Cammack (eds.), *Islamic Law in Modern Indonesia*, Harvard: Islamic Legal Studies Program, 2007; "Ulama', State and Politics: the Council of Indonesian Ulama' After Suharto," *Islamic Law and Society*, 12: 1 (2005). He can be reached at: ichwanmoe@yahoo.com.

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