

特別寄稿

Secularism, Islam and Pancasila: Political Debates on the Basis of the State in Indonesia*

Moch Nur Ichwan

Sunan Kalijaga State Islamic University, Yogyakarta

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.

B. J. Boland (1982: 112).

Debates on secularization are modern phenomena.¹ In the West, they came after the Enlightenment, and in the Muslim world, they came along with the wave of colonization. In most Muslim countries, debates on Islam and secularism end with the victory of one over another, 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), which is actually "secular" in the sense

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¹ On secularization theory and debates about it, see Taylor 1998; Bruce 1992; 2002; Martin 1978; Norris and Inglehart 2004; Casanova 1994; and Asad 2003.

that it is not a religion-based ideology. However, most mainstream Indonesian Muslims do not consider Pancasila as “secular,” simply because it contains the pillar of “Belief in One Almighty God,” and that the other four pillars are not in contradiction with Islam. As a compromising, synthetic 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 conflict between secularization and religionization forces in the parliament, in the government, and in society.

State formation and ideological struggle are important aspects of history which should be taken into account in understanding secularism(s) in both Western and non-Western societies (Esposito n.d.; 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 *jihād* and nationalism were aired side by side, and in some cases even fused to each other. The secular nationalist leaders, Western-educated elites like Soekarno and Mohammad Hatta were even considered 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-nationalism rhetoric voiced by certain conservative Muslim leaders and organizations both before and after independence.² 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

² There were polemics between Soekarno (nationalist) and Ahmad Hassan and Mohammad Natsir (anti-nationalism Muslim leaders of Persatuan Islam [Persis]) on secularism, or to be precise on the state and religion, at the end of the 1930s and the beginning of 1940s. On this debate, see Yatim 1985; Thalib and Fajar (1985); Natsir 1968. I have discussed these polemics elsewhere (Ichwan 2006: 35-40) and will not discuss these polemics here, as the scope of my discussion is limited to official political debates.

post-colonial Muslim countries have been governed according to the Western secular paradigm (Esposito n.d.), 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.³ Official political debates were an important media by 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. By political debate I mean debate as part of political process, which is mostly facilitated by the state and involves political societies, as opposed to civil societies. I will argue that Pancasila—or Pancasila secularism—constitutes, as Abdurrahman Wahid (2001) has rightly put it, a “mild secularism.” 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, which 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.⁴ This study will contribute to the knowledge of how secularism has been indigenized creatively as part of Indonesian political

³ Hefner (1998) and Kolig (2001) have made excellent observations on secularism in Indonesia, in its relations with modernization and democratization on the one hand and re-Islamization on the other hand. Hashemi (2009) compared Indonesian Muslim intellectuals' views on secularism and democracy with those in Turkey and Iran. However, all of these scholars failed to mention, or mentioned only in passing, official political debates on secularism (basis of the state and state-religion relations).

⁴ This does not mean that they did not discuss secularism in the sense of privatization and differentiation outside official political stages.

culture. This study will also show that secularism and Islam could mix in their milder sense in order to endorse a more democratic politics of Muslim society.

To explore this subject, I will focus on the political debates during the end of 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 latter's soul; 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.

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

The first official debates on the basis of the state or the position of religion in the state were facilitated by the Japanese military administration (Gunseikanbu). The debates during this period are important to understand the relations between state and religion in post-colonial Indonesia, because they reflect the process of early state formation (Esposito n.d.), in which secular nationalist and Islamic groups were actively engaged in the political negotiations and compromises.⁵ The Japanese promised to grant independence to Indonesia, and before that would happen the Gunseikanbu expected that Indonesian leaders discuss the problem of the state basis. They believed that Indonesia would be confronted with this problem if it gets its independence. There were two forums in which this issue was debated: first, the *San'yo Kaigi Jimushitsu* (Supreme Advisors Council), which first met on 16 December 1944, and the *Dokuritsu Junbi Chōsakai* (Commission of Inquiry into Preparatory Measures

⁵ For general overviews on Islam during the Japanese occupation, see Benda (1958); Kobayashi (1997; 2010); and Kurasawa (1993: 273-340).

for Indonesian Independence——BPUPKI), established on 29 April 1945.

Debate in the San'yo Kaigi Jimushitsu

Prior to the *San'yo Kaigi Jimushitsu* (Supreme Advisors Council) sessions, 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. However, the Gunseikanbu determined that this subject should be discussed before independence. Therefore, the *San'yo Kaigi Jimushitsu* held preliminary sessions on the issue of state and religion from late January to April 1945. The discussion anticipated the open debate in the *Dokuritsu Junbi Chōsakai* (BPUPKI), which was to be organized a couple of months later.

The members of the *San'yo Kaigi* were actually unequal, because most of them were secular nationalist leaders (although they were also Muslims), except Abikusno Tjokrosujoso, a representation of Sarekat Islam.⁶ 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 (*Chiho Hoin*); 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 members who supported a “religiously neutral state”——and not called explicitly a “secular state.” This unequal representation of Islamic and secular groups resulted in secular-inclined recommendations, issued

⁶ 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).

on 14 April 1945. The *San'yo Kaigi* recommended the separation between state affairs and religious affairs, as well as reduction of administrative involvement in Islamic affairs above mentioned, 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, are composed of indigenous people, Chinese and so forth... . Therefore, the Sanyo Kaigi thinks that the 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.
- 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 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)

The *Dokuritsu Junbi Chōsakai* (Commission of Inquiry into Preparatory Measures for Indonesian Independence—BPUPKI), established on 29 April 1945, was a committee in which the basis of the future independent Indonesian state was discussed.⁷ The Islamic group was represented by some prominent

⁷ Later on 12 August 1945, a new institution, called Panitia Persiapan Kemerdekaan Indonesia (PPKI—Committee for the Preparation of Indonesian Independence), replaced the BPUPKI. Therefore, the final version of Pancasila, which was changed on 18 August 1945, was discussed informally in the PPKI.

figures, such as Abikusno Tjokrosujoso, Ki Bagus Hadikusumo, KH Abdul Wahid Hasyim, Kahar Muzakkir, H. Agus Salim, and KH Ahmad Sanusi. The nationalist group was represented by such figures as Soekarno, Mohammad Hatta, Soepomo, Muhammad Yamin. It should be noted, that most nationalist leaders were Muslims too.

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 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 be in conformity with 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 the religious ones. 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 by linking itself to the largest group, the Islamic group, would trigger the problem of religious minorities. These smaller groups will 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 *philosofische grondslag* (philosophical basis) or *weltanschauung* which underlies its existence. In this context, he proposed Pancasila (li. 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*).⁸ Islamic aspiration was 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 show a positive reaction.

To resolve the deadlock, the sub-committee “Committee of Nine” was established on 10 July 1945 to discuss the 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’a for its believers*; 2) Just and civilized humanity; 3) The unity of Indonesia; 4) Democracy guided by inner wisdom in

⁸ On the development of Pancasila as a state ideology, see Abdulgani 1998.

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’a 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 the relations between 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 state should be neutral and not take sides with any religion so that it could do justice to all existing religions in the country. Yet, they felt that this was the political process which should be followed.

The situation moved fast. Due to the surrender of the Japanese to the Allied Forces, and because of 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) (Hatta 1982: 60). Therefore, the third concept of Pancasila included in the 1945 Constitution, which has been

maintained until today, is as follows:⁹

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 which was 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.” (Anshari 1985: 221). Moreover, Wahid Hasyim also said, “the most important question is not what ultimately shall be the place of Islam [in the state], (but rather,) by what means shall we assure the place of [our] religion in Free 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 it.

⁹ 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 attitudes towards Pancasila. During his presidency, Soekarno simplified Pancasila into three pillars (Trisila): 1) Socio-nationalism; 2) Socio-democracy; and 3) belief in God. Not only that, he even reduced it into one pillar (Ekasila), that is, *Gotong-royong* (mutual assistance). There were also the Pancasila of 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.

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

At the end of *Dokuritsu Junbi Chōsakai* sessions there was a proposal for establishing a special Ministry of Religious Affairs (MORA), but this proposal was not approved. Religious affairs were at that time managed by the Ministry of Education and Instruction—a practice inherited from the Dutch colonial government. However, after independence, on 26 November 1945, the idea for establishing MORA was proposed again in a meeting of the Badan Pekerja Komite Nasional Indonesia Pusat (BPKNIP—the Acting Body of the Central Indonesian National Committee) headed by the Prime Minister Sjahrir. The proposal was advanced by KH Abudardiri, KH Saleh Su'aidy and M. Sukoso Wirjosaputro, all members of the Komite Nasional Indonesia (KNI—Indonesian National Committee) in the residency of Banyumas. KH 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.” (Aboebakar 1957: 598).

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 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 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 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 that relationship could not be abandoned. However, it should be recognized also 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 "Pancasila state with the Ministry of Religious Affairs," 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, it has been through this ministry too that secularization of religious affairs, on the one hand, and religionization of state affairs, on the other hand, has happened.

Islamic State or National State?

Debate between Soekarno and Islamic Parties Leaders

On 27 January 1953, Soekarno delivered a speech in Amuntai, South Kalimantan, a region with strong Islamic community. Probably it was not coincidence that there was a banner “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).

This speech triggered severe debate in 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 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 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 of having gone too far, taking sides with certain groups in society which opposed Islamic ideology,

while 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).

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.”¹⁰ The leaders of the Partai Komunis Indonesia (PKI—Indonesian Communist Party) also used this opportunity to associate Masjumi with the Darul Islam. Seeing that the debate would not be productive, Natsir and Sukiman gave statements which reduced the importance of the issue, and said 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 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 charged Soekarno with being *munafiq* (hypocrite), and one of PNI leaders accused Anshary of being a “double-dealer in religion.” The issue now became a commodity for political campaigning 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 Soekarno era was

¹⁰ Darul Islam was a rebellious Islamic movement, led by Marijan Kartosuwiryo, which was banned by Soekarno. On the Darul Islam, see Dijk (1981).

conducted in the Constituent Assembly (*Sidang Konstituante*), held between 1956 and 1959.¹¹ 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, Buruh and Murba parties proposed the “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 there were three alternatives of the state bases, the debates were concentrated on Pancasila and Islam. The relative unimportance of the “Social Economy” was due to the fact it was endorsed only by two small parties, Buruh and Murba.

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. They 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 which is free from relativism (Konstituante RI 1958a: 116-24). He also criticised the Indonesian Communist Party (PKI) by saying that like a tree (of secularism), historical materialism, communism, and atheism are branches of secularism (Samsuri

¹¹ For a detailed study on the debate, see Maarif 1983, 1985, 1988; Nasution 1992; Anshari 1985: 221-8.

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, KH Ahmad Dasuki Siradj, a Muslim scholar 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 Muzakkir’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-third of the votes, discussion 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.

Pancasila as 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 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 which 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 and in the 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) from 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, but proposed also 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'a, and not intended to establish an Islamic state. This proposal was challenged by other parties which had secular and nationalist orientation, arguing that the current preamble of the constitution was also part of the agreement of the founding fathers. The discussions in Commission I and II could not reach an agreement, 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 percent, making it the largest state ministry. In this period, the Ministry of Religious Affairs—in coordination with the Ministries of Education and of 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 enforced 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, who had clear vision of the way to mobilize religion 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).¹² The appointment of Mukti Ali marked also the end of, to use Abdullah's term (1998: xxvii), the 'quasi-identification' (*identifikasi semu*) of NU and the Ministry of Religious Affairs.

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

¹² The Golkarization of the Ministry of Religious Affairs did not succeed until Alamsjah Ratu Perwiranegara's tenure as minister (Parikesit and Sampurnadaja 1995: 76).

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.
2. The Jakarta Charter should be made 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 NU held a strong position in the bureaucracy, especially the Ministry of Religious Affairs, before they were 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 charged that the proposal of the Jakarta Charter become the preamble in the MPRS session of 1968 was “religious terror” 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 of life of the Indonesian People, Nation and State, which is *reinstated on 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—known as “P4”). Different interpretations would be regarded as deviant. Interpretation from different religious points of view was allowed as far as they did not contradict the P4. The P4 was taught from kindergarten and elementary school to university levels. All public servants were also required to pass the 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).

To ease the above steps, Soeharto consolidated political parties into three parties in 1973: 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) fused; and Golkar (professional group), which was strangely not considered a “political party” but a professional group which was allowed to take part in the general election. The simplification of political parties was important strategy to minimize the potential conflicts on 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 the Islamic party PPP vigorously challenged this proposal.¹³ The NU faction’s rejection of P4 was not because it contradicted its beliefs, but because it was worried that that 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,

¹³ 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).

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”, and 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 is 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 votes. The P4 was included in the GBHN. 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 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 formulating Pancasila, as most of the formulators were Muslim leaders, and 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* from his Ministry to the Ministry of Education and Culture to ensure Muslims that the government did not treat the *Aliran Kepercayaan* as religions, a fear of Muslim groups.

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 moment, 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 legitimated 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 MORA and 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's legitimacy of 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: "Responding positively to the efforts of government, especially Ministry of Religious Affairs, which has published a book *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*; 2) to formulate a concept for the implementation of Pancasila/P4, the 1945 Constitution and the *Garis-garis Besar Haluan Negara* as such so that it would 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 things, to insert the Pancasila as sole basis in the next GBHN. Anticipating the possible resistance to this goal, in his speech, on 16 Agustus 1982, Soeharto called on all social and political forces to "secure themselves to Pancasila as the basis." He also said: "All social and political forces, especially political parties which are using basis other than Pancasila, should declare Pancasila as their sole basis." Moreover, he also charged that the walkout in the discussion of P4 in the 1978 MPR session indicated "there was some doubt about Pancasila." (Tempo, 1983b). The last statement referred clearly 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).

It seemed that Soeharto's speech was effective. Unlike the previous sessions, the 1983 MPR sessions were smooth. *Tempo* satirically wrote in its report about the sessions, entitled "Dari Sebuah Sidang yang Sangat Lancar" (From the Very Smooth Sessions): "One of the indication [of the smoothness of the MPR sessions] was the shouts 'Agree' 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.

Nevertheless, it was not easy for religious organizations to change their ideology to Pancasila. In December 1983, leaders of the representative religious organizations—MUI, MAWI, DGI, Parisadha Hindu Dharma Pusat, and Walubi—made a joint statement given to the Minister of Religious Affairs, Munawir Sjadzali, which 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. (*Tempo* 1983b).

The Minister of Religious Affairs, Munawir Sjadzali was important in convincing Muslim organizations about the sole basis in the 1980s. He prioritised "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 implement their religious teachings and government's policies should not contradict any religious teachings" (Sjadzali 1985: 8).¹⁴ He also insisted that the existence of a Ministry of

¹⁴ Undoubtedly, 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.

Religious Affairs guarantees that Indonesian state was not secular.

As previous Ministers of Religious Affairs, he said that as 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) the state adopts an official religion; (2) the legal source is the scripture of the official religion; and (3) the 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 Muslim leaders who challenged openly 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 1983.¹⁵ 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).

Most moderate Muslim organizations, such as Nahdlatul Ulama (NU) and Muhammadiyah, adopted Pancasila as their ideological basis, but still

¹⁵ On Sjafruddin Prawiranegara, see Rosidi (1986).

mentioned that Islam is their “aqidah” (faith). NU was among the earliest Muslim organizations which officially accepted Pancasila. It decided in the national deliberation of 1983 in Situbondo East Java, that the Indonesian state, which is based on Pancasila, is the final form of state struggled for by Indonesian Muslims (Sitompul 1996: 163-87). Achmad Shiddiq, leader of NU, 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 by mankind. Therefore, religion should not be Pancasilaized. That is our principle in accepting the “sole basis”... Pancasila. However, if there is someone who attempts to make Pancasila a national religion, we would stand against her (Feillard 1999: 245).

In its session in 1985, almost without debate, the parliament (Dewan Perwakilan Rakyat—House of Representatives) finally approved 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 the intense debates 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. 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 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 Pancasila (Tapol 1987).¹⁶ This attack was important to warn or, rather, to

¹⁶ 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.

threaten other Islamic organizations to accept Pancasila. Following this event, most Muslim organizations have accepted Pancasila and even supported it.

Unlike NU which accepted the sole basis in 1993, Muhammadiyah waited until the Law on Mass Organization was officially issued. It finally officially accepted Pancasila in its Mukhtamar (national congress) of 1985, an event which 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. To convince Muhammadiyah members, AR Fakhruddin, then the head of Muhammadiyah, used a metaphor of a Muslim wearing of a helmet when he/she wants to go by motorcycle to a mosque for Jum'ah prayer. The 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).

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 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 the 1990s, Soeharto said: "If Pancasila is threatened, we will wake up as patriots" (*Tempo* 1993).

The (Failed) Amendment to Article 29 on Religion: Debate in Post-New Order Indonesia

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 momentous political decision, 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, there were also those which 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 either 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. In fact, during the Soekarno period, the preamble of the Constitution was changed twice (Mahfud MD 2001/2002: 17).

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

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'a in the Constitution. In 2000, two Islamic parties, PBB and PPP, proposed to amend Article 29.¹⁷ However, by proposing this, they did not mean that they proposed an Islamic state, but rather simply advocated the implementation of Islamic law for Muslims. However, amending the Constitution was not easy task, since both were small factions with only 71 combined seats, out of 500 total seats.¹⁸ Muslim-based nationalist factions also proposed the amendment of Article 29, but they had different formulation.¹⁹ Both kinds of factions did not always go together in endorsing Islamic agenda.

Although the effort to making the Jakarta Charter legal source in the MPR sessions of 1968 failed, they could refer to Soekarno's Presidential Decree of 1959 which stipulates that the Jakarta Charter was "the soul" of the Constitution. The Presidential Decree is considered as the source of the legal order (*sumber tertib hukum*) in Indonesia. Inspired by the wordings of the Decree, most of Islamic parties used the metaphor of "body" (*badan*) and soul

¹⁷ 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).

¹⁸ 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). If the votes of last four non-Islamic parties were taken together, they totaled 76 percent of the vote (Mujani and Little 2004, 112).

¹⁹ 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]).

(*jiwa*) for the 1945 Constitution and the Jakarta Charter respectively. PBB even associated the “soul” directly to the Shari’ah rather than to 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 is “beliefs” 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.²⁰

Concerning Article 29 (1), the PPP and PBB proposed alternative 2; while the PKB, PAN and PK parties proposed alternative 3 (Hosen 2005: 432). Related to Article 29 (2), the Reformasi faction proposed Alternative 2 while the PPP and PBB factions proposed Alternative 4. Most factions did not agree to 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). It seemed that they did this on purpose, so that they could 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 29.²¹ As

²⁰ The above alternatives were attached to the appendix of the MPR Decision IX/MPR/2000.

²¹ I have discussed the debate in the 2002 MPR session elsewhere (Ichwan 2003).

mentioned earlier, in the 2000 sessions, they had supported different alternatives on the amendment 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 they should avoid deadlock in the upcoming annual session as far as possible. 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 Bangsa dan Keselamatan Indonesia (KKB). PKB which proposed alternative 4 joined the other nationalist parties in supporting the original version of the article.²² The second alternative was supported by Islamic parties, whereas the third alternative was supported by 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

²² 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, encouraging 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).

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 to support Islamic *shari'ah*.

Commission A, which discussed the amendment of this article, did not reach 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 in to 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 because it would lead a particular religion (Islam) to dominate the constitution and state. Most liberal-progressive thinkers, such as Nurcholish Madjid, argued that the inclusion of Jakarta Charter would allow the state to intervene in 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.

The 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 the discrimination-based religion. This was a great success for moderate and liberal-progressive Muslims.

The Pancasila 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 is related 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 coloured 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.

In the normal situation, however, Pancasila is more an “either religious or secular ideology,” or “both religious and secular ideology,” rather than “neither religious nor secular ideology.” As a matter of fact, from the Soekarno to the Soeharto period (at least until 1990), Pancasila was more of a secular ideology with limited degree of religionization, 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.²³

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*

²³ This was also the case with the colonial politics of religion. During the Dutch colonial period, 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 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.

(nationalism), *Agama* (religion), and *Komunisme* (communism). By using the word *agama* (religion) Soekarno intended that this sphere should not be dominated by the Islam, but shared between existing religions. However, in fact, as Islam is the religion of the majority, and 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 Istiqlal mosque in Jakarta in 1961 as a symbol of government concern with Islam. He also promoted what he called “Api Islam” (the Flame of Islam), a reformed understanding of Islam relevant to his revolutionary agenda.

Soeharto also treated Pancasila more as 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 religionisation” (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 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 moderate degree of religionisation (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, 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 post-New Order era period of secularism with substantial religionisation, 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 which are highly inspired by Islamic teachings, such as Laws on Banking which allow a Shari'a banking system (Law No. 7/1992; corroborated by Law No. 10/1998); on *Zakat* (tithe) (Law No. 38/1999), on the *Hajj* (pilgrimage to Mecca) Service (Law No. 17/1999); on Shari'a 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'a Banking (Law No. 21/2008); on Aceh Governance (Law No. 11/2006), or on pornography (Law No. 44/2008). Some provinces and districts also introduced Shari'a-inspired bylaws. More than thirty 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 usually use the first pillar of Pancasila (Belief in One Almighty God) 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 during the Reformasi era.

This wave of wide religionization is line with the emergence of radical Islamist movements which challenge openly 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, the government can no longer arrest individuals or ban organizations which spread ideas opposing the state ideology, due to democratization. We could not assume the influence of these radical movements on law-making, yet, what is certain is that there has been a parallel between the religionization development 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, with respect to the Islam-inspired laws, they had undergone a political process and had been debated by Islamic and secular nationalist legislators in the 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 allied with Islamic parties. The very existence of laws which regulate 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 which declared itself “Kota Halal” (*halal* city), and which forbids, among other things, the pork slaughtering and alcoholic beverages. 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, Pancasila is basically secular too, but 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; “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,” because the state could also endorse certain religious-inspired laws (such as Islamic family laws) and religious-inspired economic institutions (such as Islamic banks and finance system).

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 that development, the interpretation of Pancasila in the policies of the government has moved from “secularism with limited religionization” (1945-1990) and “secularism with moderate religionization” (1990-1998) to a “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, because there is now more than 60 years of Pancasila.

Nevertheless, in more than a decade since the Soeharto era, Pancasila has undergone a democratic process of reception and rejection. While during Soeharto era, Pancasila was forced by the state on all citizens and organizations, in the Reformasi era such compulsion is no longer possible. The reception of Pancasila has taken place the other way around, through a bottom-up process. It seems that the current interreligious 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 democratization transition and the bottom-up process of reception, the state could no longer forbid rejection of Pancasila, or ban the organizations which 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 might which could lead to either the empowerment or deconstruction of Pancasila. Further political debates could emerge again and again, depending on the political processes between the supporters and opponents of Pancasila in the next decades. History will be the witness to the end of this process.

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