

# Reassessing the Idea of Non-Egalitarian Islam in Indonesia: A Debate on Constitutional History

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**Abstract**—This paper was aimed to reassess the idea of non-egalitarian Islam in Indonesia in the lens of a constitutional history and the extent to which it has been contested and negotiated to the face of Indonesia's current political landscape. This study was a doctrinal research by collecting relevant articles on state-religion debates within Indonesia's constitutional history. The data were compiled to examine the rise of non-egalitarian Islam driven by the Muslim's struggle over the state in the constitutional design. It reveals though Pancasila is regarded as a final document to represent Indonesia's identity and philosophy, it is inevitable to be part of a long contentious history since the idea to establish independence whether it was pluralistic society or a society with a dominant rule based on Sharia. The idea of a pluralistic society was initially reflected by the introduction of a semi-secular principle as it was proposed in some drafts of Pancasila, but later it was radically negotiated in Jakarta Charter which aimed to impose Sharia. The development of Indonesian politics in post-independence affirmed that identity politics was also sharply shaped and it culminated in *Konstituante* (parliament) dominant supports to establish an Islamic rule based in Indonesia. This evidently shows that Indonesian history, among Asia's current politics reluctant to secularism, was colored by complex and most often pervasive philosophical debates on the constitutional design in a divided society. Currently, such an idea has developed in which Islam plays an important role in the political arena to define Indonesia's national identity and philosophy. However, it is now contested to transnational Islam which takes such previous debates to renegotiate Islamism over pluralism.

**Keywords**— *Islam in Indonesia, Philosophical Debates, Constitutional History*

## I. INTRODUCTIONS

Historically, the theme of state and religion has become a critical debate in Indonesia. While the current situation arguably highlighted Basuki Tjahja Purnama or Ahok, the former Governor of Jakarta in 2014-2017, faced political and social barriers associated with religious and racial grounds [1]. It has been an essential part of a long debate since the idea of Indonesia's independence. Subsequently, the triumph of Anies Baswedan as the Governor of Jakarta, replacing Ahok, clearly asserted that religious and racial issues remain playing an important role to political mobilization and campaign, which

though it resulted in diametral cleavages in Indonesia's multicultural and multireligious society.

Such incident implies the need to reassess episodes debated state-religion relations which have emerged since the idea of Indonesia's independence. The debate in the Investigatory Committee for the Preparation of Independence or *Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia (BPUPKI)* showed it ended up with an arduous choice between a pluralistic society and a society with a dominant rule based on Sharia [2]. Currently, it has been re-emerged by the major Islamic parties to consider a pluralist philosophy that implies to rethink Islamic teaching into the Indonesian legal system [3]. As Indonesian politics developed, the history showed that it relentlessly lasted with a challenging argument for Indonesia's current philosophy in *Konstituante* (parliament) 1956-1959. It culminated with a dominant support to establish an Islamic rule based in Indonesia which lasted with deadlocks [4]. The idea was reaffirmed in the constitutional revision of the post-Suharto order from 1999 to 2002 proposed by some Islamic parties, though it did not gain any significant supports [5].

This article is not aimed at providing a comprehensive account of state-religion relations in Indonesia nor is it outlined Indonesia's constitutional history. Rather, it is to reassess the idea of non-egalitarian Islam in Indonesia from the lens of constitutional history to the extent state-religion relations had been contested and negotiated to encapsulate the face of Indonesia's current political landscape. As Indonesian history shows the intertwined relations between state and religion, it also considers Asia's current politics reluctant to secularism toward Indonesia's political history coloured by complex and most often pervasive philosophical debates on the constitutional design in a divided society [6].

The background reflects how this article is organized. It is to reassess the emergence of Indonesia's non-egalitarian Islam by referencing the constitutional design in a divided society in the lens of Indonesia's constitutional history. In addition, it examines the series of contestation and negotiation of Indonesia's current political landscape as it is virtually struggled by some parties and Islamic hardliners as the result of the democratic populism attached to post-reformation Indonesia.

## II. METHODS

This article used a doctrinal research by collecting relevant articles on state-religion debates within Indonesia's constitutional history. The data were compiled to examine the rise of non-egalitarian Islam which was driven by the Muslim's struggle over the state in the constitutional design to the extent it affected current political landscape resulted in the renegotiation of Islamism over pluralism.

## III. FINDINGS AND DISCUSSIONS

### A. The Emergence of Non-egalitarian Islam in Indonesia

Modern Indonesia was officially proclaimed on 17<sup>th</sup> August 1945, just some days after the defeat of Japan to the United States [7]. This may be as a result of the fact that there was a little discussion of Indonesia's constitutional design so that it was premature to apply it in the subsequent day in Indonesia's divided society. The history showed that society in modern Indonesia was complex and divided under ideological, religious, ethnic and linguistic grounds. These grounds escalated into conflicts as the result of the *divide et impera* policy imposed by colonial rulers resulted in social antagonism, so that the struggle against colonialism was rarely united [8]. As the social antagonism was pervasively ramified, identity was subsequently prominent to distinct with other communities under such grounds. Therefore, it was arduous tasks to formulate a singular thought in order to struggle against colonialization and having an idea to gain independence.

The idea of modern Indonesia's independence just started in the early 20<sup>th</sup> century as the result of Dutch's ethical policy. This policy primarily focused on education provided for *bumiputera* (indigenous citizens) from *priyayi* (Javanese elite) and it bridged many of them successfully studied in the Netherlands [9]. From education, they were awake to struggle over the independence of modern Indonesia through a number of organizations and movements, such as *Budi Utomo*, *Indische Partij*, Indonesian National Party and so forth [10].

As the movements were intense, it brought out an idea of self-determination through *Sumpah Pemuda* (the Pledge of Youth) from intellectuals intended to represent all indigenous youths in the Dutch Indies. With the following the defeat of Dutch over Japan, they negotiated with Japan to grant the independence for Indonesia. It began with the establishment of BPUPKI as the forum to prepare for the independence. In this forum, it resulted in some critical debates on the future of modern Indonesia, particularly it sharpened on state-religion relations under the justification of Muslims majority having a significant contribution to the struggle over the independence.

State-religion relations were the essential debate and it might be the determinant factor that would drive the translation of the national identity and philosophy of modern Indonesia. It emerged after Sukarno through the proposals of so-called Pancasila from Soepomo, Yamin and himself as it was discussed from 29 May to 1 June 1945 dominated by the nationalist group so that it was lack of legitimate [11]. In contrast, the Muslims group as Ricklefs said could proffer the societal bridge between

urban leaders and rural society [11]. Therefore, the second round was held by inviting Islamic representation such as Abikusno, Agus Salim, Abdul Kahar Mudzakkir, and Wahid Hasjim. In this second round, however, the idea of adopting Islam as the official religion of the state following the recognition of Sharia into Indonesia's legal system was tightened [11]. As narrated by Boland, the nationalist and Islamic groups were among the dominant powers having a long rivalry in the Japanese period. In particular, this non-egalitarian was the result of Japan's ideological penetration to Islam to get the significant influence from the grassroots by introducing the office of religious affairs, establishing *Masyumi* and forming *Hizbullah* [7]. Therefore, the Islamic group's manoeuvre in BPUPKI could be justified as the result of Islam granted important places by Japan.

As the history showed the escalation of ideological conflicts between national and Islamic groups, it was essential to refer to what Lijphart said as the constitutional design of new states with divided societies. It clarified whether the appropriate constitutional design to be accommodated by states whose societies were diverse and divided. Indeed, such divisions presented greater barriers to the democratization process in major countries [6]. Choudry added an emphasize that states with divided societies were often challenged by the contention over languages and political representation under the ground of ethnicity and religion which arguably lasted with competing demands for asymmetric regimes of regional autonomy [12]. As associated with the Indonesian context, by considering the balance powers between national and Islamic groups, while the state-religion relations were arduous it might result in sensitive problems on the political the representation affecting political stability. Otherwise, it lasted with the demand to establish a status of autonomy under a religious ground that may disintegrate the national unity.

### B. Islamic Contestation and Negotiation in Indonesia's Current Politics

In contemporary Indonesia, the contestation and negotiation on state-religion relations have warmed up. Particularly, it deals with the democratic process in two decades after Indonesia's reformation resulted in the acknowledgment of the Islamic parties to adopt Sharia in the national legal system [3]. In the context, amidst political pragmatism, the two blocks of governments and opposition are greatly divided into nationalist and puritan Islamic blocks. The nationalist block is represented by *Partai Demokrasi Indonesia Perjuangan* (PDI-P) and its alliances. Though the opposition block is driven by *Partai Gerakan Indonesia Raya* (Partai Gerindra), the alliances are puritan Islamic blocks such as *Partai Keadilan Sejahtera* (PKS) and *Partai Amanat Nasional* (PAN). In addition, it also deals with Ahok in his position as the Governor of Jakarta with the following provincial head elections provoked with racial and religious issues. As a Christian and a Chinese, he was disadvantaged the label of the double minority.

Initially, Ahok was the Deputy Governor of Jakarta. He took over the position as the Governor due to the Governor Joko Widodo was nominated as the President for the 2014 election.

With his new position, there were some radical changes made by Ahok in a series of policy. Indeed, he realized that the corruption was rampant not only in provincial but also in lower levels in Jakarta so that he was often outspoken to criticize it. As a result, such outspoken attitude made angry the opposition and of them are mostly to radical and hardliner groups advocating a predominant Islam governance over a Christian ruler of Jakarta, such as *Front Pembela Islam (FPI)*, *Forum Ulama Indonesia (FUI)*, and *Hizbut Tahrir Indonesia (HTI)* [13]. It lasted with the blasphemy case provoked through a video uploaded on YouTube by the opposition member [14].

There were a series of refusal against Ahok an attempt to avoid Ahok win the 2017 provincial elections. It was begun with the 212 movement which successfully provoked 2.000.000 protesters to arrest Ahok due to the blasphemy case [15]. The ethnic and religious grounds, however, were used as tools to protest in which the hardliner groups demanded Jakarta should be governed by Muslim, and in a lesser extent with an Islam governance. As it is indicated that FPI, FUI, and HTI played an important role not only dealing with the 212 movements but also with an end to struggle over Indonesia with the idea of non-egalitarian Islam. It is evidenced by, for instance, asking Ahok to resign from his position with the following the propagation of HTI ideology to adopt Sharia in Indonesia [16]. Therefore, the political division under the religious ground is sensitive. It also asserts that the struggle over non-egalitarian Islam with the following Sharia goes on Indonesia's current politics engineered by hardliner groups in which they are benefited from the post-Suharto's liberal democracy under the freedom of expression and association.

#### IV. CONCLUSIONS

The existing non-egalitarian Islam in Indonesia can be deliberated from which Indonesia would be established. However, as it was outlined in the discussion, the demand of establishing Shari'a law in BPUPK was the result of the rivalry between nationalist and Islamic leadership, so that the semi-secular principle was challenged to clearly acknowledge Shari'a with the result of the fact Islam was the majority. By considering the constitutional design for divided societies, a pluralistic society as it is proposed in Pancasila is currently renegotiated

the Islamic parties. In addition, it is also provoked by hardliner groups that justify Islam majority over Indonesia.

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