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Constitutional Contestation of the Islamic State Concept in the Indonesian Parliament 1956-1959

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Abstract:

Among the most historic events that today's young generation of Muslims may largely forget is the unanimous agreement of various Islamic factions in the struggle to establish Islam as the basis of the state and Islamic law (Sharia) as the country's constitution in the forum of the Indonesian Constituent Assembly. This study examines the substance and urgency of that contestation, particularly regarding the concept of an Islamic State and the proposed framework of Islamic law. Utilising a qualitative methodology that combines historical and normative approaches. The data sources for this research consist of documents from the Constituent Assembly, political speech archives, and other relevant records, which are validated through source triangulation to ensure their reliability. The findings indicate that all Islamic factions were united in their desire to establish a state based on Islamic principles, specifically an egalitarian state with pluralism as its foundation, a state that guarantees the enforcement of Islamic law, a state that adheres to theistic democracy, and a state that adopts an Islamic economic system. This contestation influenced the outcomes of constitutional discussions and acted as a catalyst in shaping the character of political Islam in Indonesia, both in its accommodating forms and its oppositional stance towards the state. This research offers an important historical perspective for the study of contemporary Indonesian governance, particularly in integrating inclusive democratic Islamic values into the framework of the state and in alleviating the theological tensions experienced by some Indonesian Muslims as both religious community (Islamic umma) and state citizens—tensions that have often been a major trigger for conflicts between Islam and the state in Indonesia, both past and present.

Keywords: Constituent Assembly, Basic of the State, Islamic State, Sharia.

Introduction

As a religion, Islam encompasses a broad scope, including dimensions of belief, social structure, and politics, which are comprehensively studied and developed by

Muslim scholars within the framework of *fiqh siyasah*.¹ Islam is not merely viewed as a faith but as a holistic system capable of governing various aspects of human life, both spiritual and worldly.² This framework of *fiqh siyasah* emphasises that Islamic teachings do not recognize boundaries between the sacred and the profane,³ thus encompassing regulations for all facets of life, including social and political orders.⁴ In this context, the relationship between Islam and the state has become a significant topic of debate in Indonesia, particularly during the early years of independence when the concepts of state and national ideology were being formulated.

In the 1950s, as Indonesia endeavored to redefine its national ideology, the debate intensified between Islamic groups advocating for Islam as the foundation of the state and secular groups supporting Pancasila as the state ideology during the sessions of the Constituent Assembly. The Islamic factions, represented by organisations such as Masyumi (Majlis Syura Muslimin Indonesia), NU (Nahdlatul Ulama), PSII (Partai Syarikat Islam Indonesia), and Perti (Pergerakan Tarbiyah Islamiyah), were committed to establishing Islam as the basis of state and Islamic law (Sharia) as the constitutional framework.⁵ In contrast, the secular factions such as PNI (Partai Nasional Indonesia), PKI (Partai Komunis Indonesia), Parkindo (Partai Kristen Indonesia), and PSI (Partai Sosialis Indonesia), emphasised their dedication to upholding Pancasila as the basis of the state. Notably, the PKI advocated for Pancasila while proposing modifications to the first principle to better reflect freedom of religion.

¹ Muhammad Iqbal and M. Saeed Sheikh, *The Reconstruction of Religious Thought in Islam*, reprint, Encountering Traditions (Stanford, California: Stanford University Press, 2013); Zainuddin Zainuddin et al., "Siyāsah Shar'iyah and the Politicization of Religion in the 2019 Indonesian Presidential Election," *AHKAM: Jurnal Ilmu Syariah* 22, no. 2 (December 31, 2022), <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/28165>; Mohammad Hasan, "Al-Wasaṭiyah al-Intiqāiyah al-Taqlīdiyah: Dirāsāt Haula Harakāti Wa Afkâri Kiâi Hâjî Hâsyim Asy'arî Fî Fiqh al-Siyāsah al-Ijtimâ'iyah Bi Indûnîsiâ," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 2 (December 31, 2021): 595–623, <https://doi.org/10.19105/al-lhkam.v16i2.5309>; Abdul Syatar et al., "Examining Call for the Dissolution of Indonesian Ulema Council: Siyāsah Syar'iyah Perspective," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 5, 2023): 199–211, <https://doi.org/10.31958/juris.v22i2.6678>.

² M. Natsir, *Islam Sebagai Dasar Negara*, Cet. 1 (Jakarta: Dewan Da'wah Islamiyah Indonesia, 2000).

³ Muhammad Ḍiya Ad-Dīn Ar-Raīs, *An-Nazariyyah As-Siyāsīyah Al-Islāmiyyah*, (Kairo: Maktabah Al-Anglo Al-Miṣriyyah, 1960); H. A. R. Gibb, *Whither Islam? A Survey of Modern Movements in the Moslem World* ([New York: AMS Press, 1973); Nur Jannani, Noer Yasin, and Musataklima Musataklima, "The Impact of the Liquidation of the Quasi-Judicial Institution of the Consumer Dispute Resolution Body on Consumers' Access to Justice and Its Reorganisation Efforts from the Perspective of Siyāsah Syar'iyah," *Jurisdictie: Jurnal Hukum Dan Syariah* 15, no. 1 (July 9, 2024): 117–48, <https://doi.org/10.18860/j.v15i1.26564>; Muhammad Mutawalli Mukhlis et al., "Regional Autonomy System: Delegation of Authority and Power of Regional Government in Indonesia in the Study of Fiqh Siyasah," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (September 30, 2024): 505–26, <https://doi.org/10.29240/jhi.v9i2.9709>; Angraini binti Ramli and Radwan Jamal Elatrash, "Woman Participation in Politics: Toward an Ideal Model in the Perspective of Siyasa al-Shar'iyya," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 1 (June 30, 2021): 1–11, <https://doi.org/10.30631/alrisalah.v21i1.564>.

⁴ Z. Zubaedi, "Membangun Fikih Yang Berorientasi Sosial: Dialektika Fikih Dengan Realitas Empirik Masyarakat," *Al-Jami'ah: Journal of Islamic Studies* 44, no. 2 (December 30, 2006): 430–52, <https://doi.org/10.14421/ajis.2006.442.429-452>.

⁵ Douglas E. Ramage, "Indonesia at 50: Islam, Nationalism (and Democracy?)," *Southeast Asian Affairs*, 1996, 147–65.



Literature notes that while redefining the national ideology, Pancasila was regarded as a middle ground capable of accommodating Indonesia's religious and cultural diversity. Pancasila was designed to reflect substantive values aligned with Islamic teachings, such as belief in one God and social justice while maintaining the pluralistic nature of the state.⁶ Although some Islamic groups supported Islam as the national ideology, the secular groups' viewpoint underscored the necessity for a nation-state model that could accommodate a diverse population and beliefs, which was deemed more suitable for Indonesia's pluralistic social conditions.⁷ The resulting compromise acknowledged the shared values between Islamic teachings and Pancasila, such as the principles of divinity and social justice, reflecting national interests and moderate religious aspirations.

Moreover, the study of this ideological debate highlights the substantial responsibility of the Constituent Assembly in forging a consensus regarding the national ideology.⁸ The intense debates among these ideological factions illustrated political disputes and social-religious tensions concerning national identity and the role of religion in governance.⁹ Within the Constituent Assembly, Islamic groups insisted that Islam is a comprehensive system capable of holistically regulating social life, while secular groups contended that a state recognising religious pluralism would be more conducive to national unity. Ultimately, after prolonged discussions, a compromise was reached with the acceptance of Pancasila as the national ideology, capable of substantively accommodating religious values without establishing a religious state.¹⁰

⁶ Nursapia Harahap et al., "Islam And State Ideology: Masyumi's Experience In Indonesian Politics," *Journal of Law and Sustainable Development* 12, no. 2 (February 20, 2024): e3111, <https://doi.org/10.55908/sdgs.v12i2.3111>; Lufaei Lufaei, "Celebrating Sharia Indonesia: Islamic Harmony And Pancasila In The Vision Of Indonesian Nationality," *Jurnal Ilmiah Al-Syir'ah* 17, no. 2 (December 31, 2019): 106, <https://doi.org/10.30984/jis.v17i2.951>.

⁷ Faisal Ismail, "Religion, State, And Ideology In Indonesia: A Historical Account Of The Acceptance Of Pancasila As The Basis Of Indonesian State," *Indonesian Journal of Interdisciplinary Islamic Studies* 1, no. 2 (March 2018): 19–58, <https://doi.org/10.20885/ijis.vol1.iss2.art2>; Rijal Mumazziq Zionis, "Relasi Agama dan Negara Perspektif KH. A. Wahid Hasyim dan Relevansinya dengan Kondisi Sekarang," *al-Daulah: Jurnal Hukum dan Perundangan Islam* 5, no. 2 (October 1, 2015): 333–59, <https://doi.org/10.15642/ad.2015.5.2.333-359>.

⁸ La ode Dedihasriadi, Ju-Lan Hsieh, and Wahyudi Umar, "Same-Sex Marriage as a Human Rights Freedom in Indonesia: The Perspective of Pancasila and the Marriage Law," *Jambura Law Review* 4, no. 2 (July 30, 2022): 214–26, <https://doi.org/10.33756/jlr.v4i2.14067>; Asmah Asmah et al., "Pancasila's Economic Existence in Business Development: The Efforts to Realize Justice in Business Law," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 2 (August 26, 2023): 265–80, <https://doi.org/10.29303/ius.v11i2.1224>.

⁹ Ismail, "Religion, State, And Ideology In Indonesia"; Moch Nur Ichwan, "The Making of a Pancasila State: Political Debates on Secularism, Islam and the State in Indonesia," in *SOIAS Research Paper Series* (Tokyo: Sophia Organization for Islamic Area Studies Institute of Asian Cultures, 2012).

¹⁰ Misran Ramli et al., "State, Custom, and Islamic Law in Aceh: Minor Dispute Resolution in the Perspective of Legal Pluralism," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (May 21, 2024): 872, <https://doi.org/10.22373/sjhk.v8i2.15924>; Didik Hariyanto and Athoillah Islamy, "Religious Moderation in Islamic Groups in the History of the Basic Consensus of the Indonesian State," *Al-Adalah: Jurnal Hukum Dan Politik Islam* 1, no. 1 (January 31, 2023): 15–28, <https://doi.org/10.30863/ajmpi.v1i1.3282>.



Previous studies, such as those conducted by Ahmad Syafii Maarif and Adnan Buyung Nasution, provide insight into the transformation of Islamic groups' thoughts regarding the proposal of a religious-based foundation for the state. Maarif argues that the effort to establish an Islamic State in Indonesia is premature and unrealistic due to the lack of a strong intellectual foundation in religious thought.¹¹ While he acknowledges Islam's universal and comprehensive nature, he argues that the Indonesian Muslim community lacks the depth of religious understanding required to justify and sustain an Islamic State framework. He further suggests that, although Indonesia is deeply rooted in Islamic beliefs, it has not yet developed the intellectual and philosophical resources necessary to integrate these principles into a modern state model that accommodates Indonesia's pluralistic society and its aspirations for unity and justice.¹² Meanwhile, Nasution views the debates in the Constituent Assembly as a manifestation of the struggle toward constitutional democracy in Indonesia, where political freedom and public participation reflect the foundations of democracy.¹³ This perspective emphasises that the Constituent Assembly, despite ultimately failing to reach a final decision on the state foundation, served as an important forum that accommodated diverse political aspirations and provided a space for discussion between Islamic and secular-nationalist groups.¹⁴

The discourse surrounding the resurgence of political Islam and the implementation of Islamic law (Sharia) in Indonesia underscores the need for a deeper exploration of how the concepts of an Islamic State and Sharia are understood and promoted by groups advocating for Islam as the national ideology.¹⁵ The Islamic factions within the Constituent Assembly sought to establish Islam as the foundation for governance, nationhood, and religion in Indonesia. They believed that a state based on Islam would be a perfect Islamic State, arguing that Islam is a complete and universal religion that regulates all aspects of human life, both in this world and the hereafter, including social, economic, and political dimensions related to governance, social living, and national identity, alongside the regulation of individual rituals.

However, the concept of an Islamic State discussed in the debates and viewpoints of the Islamic groups in the Constituent Assembly remains at a global conceptual level, lacking detailed explanations. Evidently, their struggle has not yet reached a detailed discussion of constitutionalism in modern governance; rather, it has remained at the level of discourse, presentation, and argumentation regarding the viability of Islam as the foundation of the Indonesian state.

Therefore, this research aims to investigate what kind of concepts of an Islamic State and Islamic law are articulated and advocated by groups that adopt Islam as the foundation and ideology of the state. This exploration is closely tied not only to

¹¹ Ahmad Syafii Maarif, *Islam Dan Masalah Kenegaraan; Studi Tentang Percaturan Dalam Konstituante* (Jakarta: LP3ES, 1996).

¹² Ahmad Syafii Maarif and George A. Fowler, *Islam, Humanity, and the Indonesian Identity: Reflections on History, Debates on Islam and Society* (Leiden: Leiden University Press, 2018), 100-103.

¹³ Adnan Buyung Nasution, *Aspirasi Pemerintahan Konstitusional Di Indonesia: Studi Sosio-Legal Atas Konstituante 1956-1959* (Jakarta: Pustaka Utama Grafiti, 2001).

¹⁴ Maarif, *Islam Dan Masalah Kenegaraan; Studi Tentang Percaturan Dalam Konstituante*, 9.

¹⁵ Fahlesa Munabari et al., "Islamic Revivalism in Indonesia: The Caliphate, Sharia, NKRI, Democracy, and the Nation-State," *Jurnal Politik* 5, no. 2 (April 10, 2020): 281, <https://doi.org/10.7454/jp.v5i2.263>.



the struggle for political power but also to the theological interpretations regarding nationalism understood and developed by its supporters. This study intends to fill the gaps left by previous research by examining in greater depth the concepts of an Islamic State and Islamic law as promoted and championed by those advocating for Islam as the national foundation and ideology. This research not only provides a new perspective on understanding the concept of an Islamic State in Indonesia but also helps explain how the dynamics of the relationship between Islam and the state continue to evolve within a pluralistic and democratic nation-state context. Furthermore, this study is expected to make a significant contribution to the literature on political Islam in Indonesia, particularly concerning the integration of Islamic values in building national character in Indonesia.

This research also provides a comprehensive and in-depth understanding of the long-term impact of the debates in the Constituent Assembly on the development of Indonesian politics and national identity, particularly regarding how Islam's position is sometimes accommodated while at other times it confronts the state.¹⁶ The accommodation and confrontation between Islam and the state are still felt today and exhibit a unique relationship, influencing the dynamics between Islam and the state within the broader context of the nation-state, both conceptually and practically in governance. This uniqueness arises from a compliance quandary between adherence to religion and loyalty to the state within a single nation-state framework, necessitating an ideology and constitution that impose obligations at the practical level of governance.¹⁷ This compliance dilemma becomes more pronounced when the state is organised around an ideology that all members of society must embrace. In this context, ideology requires adherence and a belief system, as the essence of belief is the prerogative of religion.¹⁸ Consequently, a tension emerges between loyalty to religion as members of a religious community and loyalty to the state as citizens. This ideological tug-of-war presents complex challenges and dilemmas that are often difficult to reconcile.¹⁹

Despite historical failures to establish an Islamic State, the influence of Islamic values persists and adapts within the framework of modern Indonesian governance.²⁰ This adaptation is evidenced by the emergence of Sharia law regulations and the Islamisation of values that reflect a compromise between Islamic principles and a secular state model.²¹ On the other hand, history also records attempts to establish an Islamic State through

¹⁶ Harahap et al., "Islam And State Ideology"; Hasanuddin Yusuf Adan et al., "Islam and the Foundation of the State in Indonesia: The Role of the Masyumi Party in the Constituent Assembly the Perspective of Fiqh al-Siyāsah," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (March 31, 2023): 377, <https://doi.org/10.22373/sjhk.v7i1.16650>.

¹⁷ Azyumardi Azra, *Pergolakan Politik Islam; Dari Fundamentalisme, Modernisme Hingga Post-Modernisme* (Jakarta: Paramadina, 1996), 10-12.

¹⁸ Franz Magnis Suseno, *Kuasa Dan Moral* (Jakarta: Gramedia, 1995), 97.

¹⁹ Andy Omara, "Why Not Indonesia an Islamic State? Constitutional Debate Concerning Religion-State Relation in A Muslim Majority Country," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (April 27, 2024): 421, <https://doi.org/10.22373/sjhk.v8i1.15889>.

²⁰ Bani Syarif Maula, "Post-Islamism and the Rise of Sharia Laws in Contemporary Indonesia: Aspirations of Implementing Islamic Laws in a Democratic Era," *International Journal of Social Science and Religion (IJSSR)*, June 8, 2023, 163–84, <https://doi.org/10.53639/ijssr.v4i2.137>.

²¹ Maula; Fikri Hadi et al., "Constitutionalism in Indonesia: An Islamic Governance Legal Perspective," *Jurnal Mengkaji Indonesia* 2, no. 2 (December 10, 2023): 390–406, <https://doi.org/10.59066/jmi.v2i2.558>.



unconstitutional means, such as the Indonesian Islamic State (1949–1962), which illustrates the ideological contradictions and the role of political Islam in the confrontation between Islam and the state.²² However, in subsequent developments, Indonesia has managed to maintain a proportional relationship with Islam, integrating Islamic principles without becoming a theocratic state.²³ This balance is crucial in a predominantly Muslim country like Indonesia, where the relationship between Islam and the state continues to evolve dynamically.²⁴

Method

This research employs a qualitative approach with historical and normative perspectives.²⁵ This approach to uncover the ideological contestation surrounding the foundation of the state during the Indonesian Constituent Assembly sessions from 1956 to 1959, particularly in relation to the concept of an Islamic State and the implementation of Islamic law (Sharia) from the perspective of *Fiqh Siyasah* (Islamic political jurisprudence). The primary data sources include official documents from the Constituent Assembly, speech transcripts, and relevant archives related to the debates among factions concerning the state foundation. Data collection involved a thorough examination of archival documents and relevant literature, which were subsequently analyzed to understand the political, social, and theological factors underlying the demands of Islamic groups. The validity of the data was ensured through source triangulation and verification of both primary and secondary sources, including analyses of previous studies relevant to this context.

A normative approach was utilised to explore the theological dimensions that shape the arguments of Islamic groups in advocating for an Islamic State foundation, referencing principles within *Fiqh Siyasah* as the legal framework that underpins their struggle. This interpretation aims to clarify the theological reasons behind the aspiration to establish Islam as the foundation of the state and Sharia as the

²² Kyrchanoff Maxim Valeryevich, “The Islamic State of Indonesia (1949–1962) as a Parallel and Alternative Form of Indone-Sian Statehood Development,” *Islamovedenie* 13, no. 4 (December 2022): 30–42, <https://doi.org/10.21779/2077-8155-2022-13-4-30-42>.

²³ Hadi et al., “Constitutionalism in Indonesia.”

²⁴ Muhamad Afrizal Sholichuddin, Nicky Estu Putu Muchtar, and Rizky Dwi Ratna, “The Relationship of Islam and The State in Contemporary Islamic Political Discourse in Indonesia,” *Dirasah International Journal of Islamic Studies* 1, no. 2 (October 29, 2023): 78–88, <https://doi.org/10.59373/drs.v1i2.11>; Hamsah Hasan et al., “Navigating Family Relationships to Political Choice: The Role of the Head of Muslim Household as Agency,” *Al-Ahkam* 34, no. 2 (October 31, 2024): 317–40, <https://doi.org/10.21580/ahkam.2024.34.2.21478>; Ali Akhbar Abaib Mas Rabbani Lubis, “Open Promotion of the Regional Secretary of Sambas Regency: Perspectives on Siyasah Jurisprudence and Legislation in Indonesia,” *Journal of Islamic Law* 1, no. 2 (August 1, 2020): 158–81, <https://doi.org/10.24260/jil.v1i2.56>.

²⁵ Mansur Mansur et al., “The Return of Doi Menre’ Ba’da Duhul in Bugis Marriage Law, South Konawe: Islamic Education and Sociology of Islamic Law Perspective,” *El-Usrah: Jurnal Hukum Keluarga* 7, no. 2 (October 10, 2024): 480–500, <https://doi.org/10.22373/ujhk.v7i2.25574>; Aditya Prastian Supriyadi et al., “Green Sukuk in Indonesia: Unraveling Legal Frameworks for Sustainable Islamic Bonds,” *El-Mashlahah* 13, no. 2 (December 31, 2023): 151–80, <https://doi.org/10.23971/el-mashlahah.v13i2.7372>; Muchimah et al., “Legal Culture and the Dynamics of Religious Interaction in Ritual Practices among Interfaith Marriage,” *Al-Manahij: Jurnal Kajian Hukum Islam*, November 7, 2024, 333–48, <https://doi.org/10.24090/mnh.v18i2.11659>; Abdul Hakim, “Reasons for Polygamy and Its Impact on Muslim Family Life: Experiences of Polygamous Perpetrators in Babat, Lamongan, Indonesia,” *Journal of Islamic Law* 3, no. 1 (January 31, 2022): 34–53, <https://doi.org/10.24260/jil.v3i1.529>.



constitutional framework while also revealing the relevance of Islamic values in national character development. Thus, this research not only addresses political aspects but also delves into the theological foundations that bolster the arguments of Islamic groups within the Constituent Assembly as constitutional demands for upholding Islamic principles in state life.²⁶

To analyse the concepts of an Islamic State and Islamic law within the context of *Fiqh Siyasaḥ*, this article adopts Al-Jurjani's theory of definitions (*Al-Ta'rifāt*), specifically the concepts of *Jāmi'* (comprehensive), *Māni'* (exclusionary), and *Sabab* (causal). *Jāmi'-Māni'* serves to ensure that the proposed definitions of an Islamic State and Islamic law not only encompass essential aspects (*Jāmi'*) but also exclude irrelevant elements (*Māni'*) that could lead to misunderstandings regarding their application in the nation-state context. Following this logic, we also consider the element of *Sabab*, or a strong foundation, to reinforce the theological arguments underpinning the aspirations for and rejections of Islam as the state foundation and Sharia as the constitutional framework.²⁷ Operationally, Al-Jurjani's theory of definitions utilises *Jāmi'-Māni'* to elucidate the discussion regarding why an Islamic State foundation is necessary and what kind of Islamic State is being advocated. Meanwhile, *Sabab* is employed to validate assertions about the advantages of an Islamic State foundation and the reasons for the rejection of the basis of Islam and Islamic law (Sharia) as the ideology and constitution of the state.

Results and Discussion

Islamic groups, comprising various parties with Islamic ideologies in the Indonesian Parliament 1956-1959 (Constituent Assembly), sought to establish Islam as the foundation of the state to support the governance, national identity, and religious life in Indonesia. They argued that a state grounded in Islam could be referred to as a comprehensive Islamic State, particularly considering that the majority of the population is Muslim. This reflects the ideal vision held by representatives of the Islamic factions in their emphasise for the establishment of an Islamic State in Indonesia, as evidenced in the sessions of the Constituent Assembly.²⁸

The endeavour to establish an Islamic State, as presented in the Constituent Assembly, remained at the stage of political negotiation among various factions and groups advocating for their respective ideologies. As previously mentioned, the Islamic factions in the Assembly unanimously agreed to champion Islam as the

²⁶ Komaruddin Hidayat, *Memahami Bahasa Agama: Sebuah Kajian Hermeneutika* (Bandung: Mizan, 2011), 21–22.

²⁷ Ali ibn Mohammed Al-Jurjani, *Al Ta'rifāt (The Definitions)* (Beirut: Dar Al-Kotob Al-Ilmiyah, 1983); Margaret Larkin, *The Theology of Meaning: 'Abd al-Qāhir al-Jurjānī's Theory of Discourse* (New Haven, Connecticut: American Oriental Society, 1995); Margaret Larkin et al., "Al-Jurjani's Theory of Discourse / من دلائل الإعجاز: عبد القاهر الجرجاني," *Alif: Journal of Comparative Poetics*, no. 2 (1982): 76–86, <https://doi.org/10.2307/521739>.

²⁸ Ahmad Yani Anshori, *Tafsir Negara Islam Dalam Dialog Kebangsaan Di Indonesia* (Yogyakarta: Siyasat Press, 2008); Mukrimin Mukrimin, "Islamic Parties And The Politics Of Constitutionalism In Indonesia," *Journal of Indonesian Islam* 6, no. 2 (December 1, 2012): 367, <https://doi.org/10.15642/JIIS.2012.6.2.367-390>.



foundation of the state, believing that Islam is a comprehensive and universal religion governing all aspects of human life, both in this world and the hereafter. Islamic teachings encompass social, economic, and political domains related to state governance, community life, and national identity, in addition to addressing aspects of ritual worship.

In Islamic doctrine, these elements form an inseparable bond, all culminating in a sincere intention to worship Allah. This belief serves as a spiritual impetus for representatives of the Islamic factions in their advocacy for Islam as the foundation of the Republic of Indonesia, complemented by the sociopolitical reality that the majority of the Indonesian archipelago's population are Muslims. Moreover, Islam has historically been a unifying force in th' struggle against colonialism, with a legacy of Muslim rulers having once held power in the region. For example, the Java War, also known as the Diponegoro War (1825–1830), was a significant five-year rebellion led by Prince Diponegoro against Dutch colonial forces. Similarly, the Minangkabau War, or the Padri War (1803–1837), was fought in West Sumatra, where Islamic leaders opposed Dutch control and local elites. Another obvious conflict was the Aceh War, sometimes referred to as the Kafir War (1873–1904), in which the Aceh Sultanate waged a prolonged battle against the Dutch. These wars illustrate the role of Islam as a rallying point for resistance, symbolising unity and resilience among Indonesians in the face of colonial oppression.²⁹ With this conviction and context, the Islamic groups in the Constituent Assembly generally aspired to create an Islamic State in Indonesia that reflects the nation's distinctive character. They envisioned a state that accommodates local customs, culture, and the social-political demands of the Indonesian populace as part of the national character-building process, leveraging the advantage of a Muslim majority that aligns with these values.³⁰

In the Constituent Assembly, the struggle of these Islamic groups reached a strategic level, focused on establishing the foundational principles deemed essential for the creation of a state. Consequently, they pursued and advocated for their political agenda with utmost seriousness, striving to position Islam as the foundation of the state and Sharia as the constitutional framework to realise a modern Republic of Indonesia.

Why an Islamic State Foundation?

The Islamic State foundation became a unanimous agreement among Islamic political parties to be fought for in the Constituent Assembly. Their struggle was rooted in the belief that Islam is a universal religion that governs everything, including the governance of the state and society. For them, the aspiration to establish an Islamic State in the Nusantara (Indonesian Archipelago) was the mandate of Islamic heroes in their fight against colonialism, as well as the reality of Islam being the majority religion in Indonesia.³¹ Therefore, the struggle to make

²⁹ Reynaldo Iletto, "Religion and Anti-Colonial Movements," in *The Cambridge History of Southeast Asia*, ed. Nicholas Tarling, 1st ed. (Cambridge University Press, 1993), 197–248, <https://doi.org/10.1017/CHOL9780521355063.005>.

³⁰ Ahmad Yani Anshori, *Untuk Negara Islam Indonesia (Yogyakarta: , 2008)* (Yogyakarta: Siyasat Press, 2008); Cees Van Dijck, "Islam and Socio-Political Conflicts in Indonesian History," *Social Compass* 31, no. 1 (February 1984): 5–25, <https://doi.org/10.1177/003776868403100101>.

³¹ According to the information provided by Asnawi Hadisiswojo from Masyumi, the population census in the 1950s showed that Indonesia's population totaled 83,100,000 people. This number



Islam the foundation of the state and to move towards an Islamic State was seen as a theological obligation that must be realised, and the Constituent Assembly was the proper constitutional political platform to achieve this goal peacefully and democratically.³²

The representative from the Nahdlatul Ulama (NU) faction, R.M. Ali Mansur, argued that his faction chose an Islamic State foundation and sought to have the country governed according to Islamic Sharia (Islamic law) due to historical factors. This choice has been the commitment of the Islamic community's struggle from the past to the present. The struggles of Pangeran Diponegoro, Teuku Umar, and Imam Bonjol were not only aimed at liberating the homeland but also at establishing Islamic Sharia in the Nusantara. Similarly, the Islamic community's participation in political parties and organisations was intended to establish Allah's law by implementing Islamic Sharia as a living and developing law within the Indonesian nation. The constitution must be based on Islam, as only an Islamic State foundation could serve as a worldview, especially for the Indonesian people.³³

According to Ali Mansur, Islam views the state involves both worldly and spiritual affairs, unlike the West, which is influenced by Protestant teachings that see religion as only concerned with the afterlife and the state as merely a worldly matter. In this sense, Islamic teachings on the state also differ from communism, as communism views everything only from a materialist perspective. While Western ideologies still acknowledge the existence of God with religion as a personal choice, communism denies the existence of God. In communism, God is considered a mere human illusion.³⁴

Ali Mansur strongly opposed communist ideology, which claimed that the state must be detached from religion and divinity. According to communists, society and the state cannot be governed by religion and divinity.³⁵ The communists only refer to the teachings of Lenin and Stalin. From the communist perspective, the Qur'an, Sunnah, Bible, and Gospels are considered lies. Based on this, Ali Mansur expressed antipathy towards communists who, in the Constituent Assembly, pretended to support Pancasila while their true doctrine opposed belief in God and the divinity expressed in Pancasila.³⁶ The Indonesian Communist Party (PKI), as represented by

consisted of 2,188,224 adherents of primitive animism, 1,387,349 adherents of Hinduism, including Balinese Hinduism, 729,408 adherents of Buddhism, including Hud Kawu, Khong Kawu, and Bud Kawu, 921,938 Catholics, 3,286,265 Protestants, 73,128,000 Muslims, and 1,458,816 adherents of other religions. Asnawi Hadisiswojo, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 2 (Perundingan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 47.

³² Ilham Yuli Isdiyanto, Fauzan Muhammadi, and Umair Fahmiddin, "Tracing the Roots of Muhammadiyah Thought on the Concepts of Dār Al-'Ahdī Wa Al-Syahādah," *Legality: Jurnal Ilmiah Hukum* 30, no. 1 (April 27, 2022): 147–65, <https://doi.org/10.22219/ljih.v30i1.20661>.

³³ Raden Mas Ali Mansur, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 2 (Perundingan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 111-118.

³⁴ Mansur.

³⁵ This opinion was expressed by Njoto from the Indonesian Communist Party (PKI) faction. Nyoto, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 3 (Perundingan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 98-99.

³⁶ Nyoto, 89.



the views of Sakirman and Njoto, supported Pancasila by suggesting a revision of the first principle, changing “Belief in One Almighty God” to “Freedom of Religion and Life Conviction”.³⁷ This communist view directly contradicted Islamic principles. According to Islamic teachings, the exercise of state power is a sacred duty that must be carried out by the people as a mandate from God. The fulfilment of this mandate must be conducted within the legal boundaries established in the Qur’an, the Sunnah, *al-Ijmā’*, and *al-Qiyās*.³⁸

Ali Mansur’s views were reinforced by his fellow faction member, Zainul Arifin, 287mpphasizes287 that the NU faction’s choice of Islam as the foundation of the state should not be seen as an attack on other foundations, as this choice was based on theological beliefs and a sincere intention to seek the truth, despite receiving various criticisms and counterproductive responses during the Constituent Assembly sessions. He added that if all Islamic factions explained the role of Islam in the state, it would likely still be insufficiently argumentative in front of the factions opposing it, even though religion holds a very broad and sacred meaning as a teaching sourced from God.³⁹ Islam, religion and the state are inextricable. Islam provides guidance not only to regulate human relations with God (*‘ubūdiyyah*) but also governs *mu‘āmalah*—the regulations that cover private law in the broadest sense, including social and economic matters, human relationships, relations between groups, relations between nations, and other aspects that can be adapted to situations, conditions, time, and era. This also applies to criminal law (*jināyah*), which includes both criminal and civil aspects, marriage law (*munākahāt*), and family law (*al-aḥwāl al-syakhsīyyah*).⁴⁰

According to Zainul Arifin, divinity cannot be achieved by ideals alone. In addition to being part of human nature (*fiṭrah*), divinity must also be attained through conviction, which, as President Sukarno stated, must be reached through *yaqīn*, *ḥaqq al-yaqīn*, and *‘ayn al-yaqīn*. If humans strive for divinity solely through ideals, they will eventually no longer live according to their nature. Their mouth may deny God, but deep inside, their heart seeks to know their Creator.⁴¹ Kasman Singodimejo, one of the representatives from Masyumi, also elaborated on several aspects of Islamic teachings that form the basis of why Islam must be fought for as the foundation and ideology of the Republic of Indonesia. Among his explanations, first, Islam is a universal teaching and mercy for all beings (*raḥmat li al-‘ālamīn*) originating from Allah SWT, yet Islam highly values intellectual reasoning and intelligence. Second, Islam mandates democracy based on deliberation (*musyawarah*), which calls for the ultimate truth but also requires that the people’s leaders, the state’s leaders, and government leaders be accountable to both the people and God. Third, Islam upholds both external and internal independence, rejects colonialism, oppression, or the

³⁷ Nyoto; Ir. Sakirman, “Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante),” vol. 1 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 19.

³⁸ Nyoto, “Tentang Dasar Negara Republik Indonesia dalam Konstituante.”

³⁹ Zainul Arifin, “Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante),” vol. 2 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 166 - 174.

⁴⁰ Arifin.

⁴¹ Arifin.



exploitation of humans by humans in any form, and in its actualisation, Islam eradicates poverty while simultaneously creating material and spiritual welfare and prosperity based on coexistence among different groups and classes. Fourth, Islam, in its legal provisions, requires the fulfilment of *farḍ kifāyah* (collective obligations) in addition to *farḍ 'ayn* (individual obligations). As a consequence, egoism and individualism cannot exist. Personal wealth is inseparable from its social function, ensuring that sustenance is distributed fairly. Fifth, Islam grants equal value to both men and women without diminishing the reality that differences in nature and talents between men and women result in a division of duties and fields of work for each gender, male and female.⁴²

Muhammad Thaha bin Moh. Nur, a representative from PSII (Partai Syarikat Islam Indonesia), believed that those who are against Islam are betraying God and ignoring the mandate of the Indonesian people's struggle. He emphasizes that there are three positions among the members of the Constituent Assembly regarding Islam: Those who are anti-Islam because they do not follow it; those who support Islam but oppose an Islamic State, a stance primarily represented by members of the PNI (Partai Nasional Indonesia) faction; and those who support both Islam and an Islamic State as a democratic state based on Islam, as represented by PSII, Masyumi, NU, Perti (Pergerakan Tarbiyah Islamiyah), AKUI (Angkatan Kemenangan Umat Islam), Gerpis (Gerakan Pilihan Islam Sunda), and PPTI (Partai Politik Thariqat Islam). In this context, the Qur'an clearly explains that those who oppose Islam and neglect God's laws are disbelievers, oppressors, and wrongdoers. Thus, the main reason for advocating an Islamic State foundation is a purely theological one— to uphold God's laws on earth in order to avoid falling into the category of disbelievers, oppressors, and wrongdoers (Qur'an, 5:44, 45, 47).⁴³

In response to accusations from some parties in the Constituent Assembly who blamed Islam for causing national division, Thaha rhetorically asserted that Islam was not the cause of the nation's fragmentation. On the contrary, Islam was the glue that held the nation together, as demonstrated in the nation's history through the formation of the Syarikat Islam (SI), which was quickly accepted by the Indigenous population on a national scale. Anti-Islam groups opposing the establishment of Islamic Sharia in Nusantara are responsible for the division of this nation. Similar to other factions, such as Partai Komunis Indonesia (PKI), Partai Nasional Indonesia (PNI), and Partai Solidaritas Indonesia (PSI), these groups opposed the establishment of Islam as the foundation of the state and the adoption of Islamic law (Sharia) as the national constitution.⁴⁴ Abdul Kahar Muzakkir, from Masyumi and one of the signatories of the Jakarta Charter, in his efforts to advocate for an Islamic State foundation in the Constituent Assembly, provided testimony regarding the Jakarta Charter and which party had betrayed it. Kahar Muzakkir's testimony was given because, during the Constituent Assembly sessions, the Islamic faction seemed

⁴² Kasman Singodimejo, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 1 (Perundingan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 166-189.

⁴³ Thaha bin Muhammad Nur, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 2 (Perundingan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 55-62.

⁴⁴ Nur.



to be cornered and portrayed as the betrayers of the Proclamation of August 17, 1945. However, according to Muzakkir, the opposite was true— it was the nationalist faction that betrayed it by unilaterally removing the noble agreement of the Jakarta Charter.⁴⁵

What Kind of Islamic State?

The concept of an Islamic State, as discussed and envisioned by the Islamic groups in the Constituent Assembly, remained at the level of a global concept and had not yet reached a detailed explanation. It was understood that their struggle had not yet provided a detailed account of constitutionalism in the modern governance of a state (such as legal limits on power and political accountability of rulers to the people). Their discussions, presentations, and arguments were focused on the feasibility of Islam as the foundation of the Indonesian state. However, even at this stage, a broad concept of the substance of the desired Islamic State had emerged, which included the following principles: first, an egalitarian state with pluralism as the foundation of the state's establishment; second, a state that ensures the enforcement of Islamic Sharia; third, a state that adheres to theistic democracy; and fourth, a state that adopts an Islamic economic system.⁴⁶

An Egalitarian State with Pluralism as the Foundation

Zainal Abidin Ahmad, a representative from Masyumi in the Constituent Assembly, argued that the Islamic State of Indonesia should be built on the foundations of pluralism, egalitarianism, and freedom, as exemplified by the Prophet Muhammad when he established a socio-political contract to create the State of Medina. When the Prophet Muhammad first established the state in Medina, he preserved pluralism, both in political interests and in religious beliefs. When the Prophet migrated to Medina, the first groups to support the establishment of the State of Medina were the Muhajirin, the Ansar, the Jews, and other groups. The formation of the state was marked by the agreement of the *Shahīfah Madīnah* (the Charter of Medina).

In the socio-political reality, pluralism was the first choice of the Prophet as the foundation of the state's governance. Pluralism in governance was first implemented by the Prophet after the migration when he made a social-political contract with the diverse elements of Medina's society.⁴⁷ This *Shahīfah Madīnah* was based on the principles of *al-ta'addudīyyah* (pluralism), *al-musāwah* (egalitarianism in the acquisition of rights and fulfillment of civic duties), and *al-ḥurriyyah* (freedom).⁴⁸ Essentially, the *ṣahīfah* (charter) does not establish Islam as the state religion, national identity, or constitutional framework, indicating that pluralism and egalitarianism were foundational principles in the establishment of the Medinan

⁴⁵ Abdul Kahar Muzakkir, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 3 (Perundingan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 34-49.

⁴⁶ Anshori, *Tafsir Negara Islam Dalam Dialog Kebangsaan Di Indonesia*, 69.

⁴⁷ Abdulaziz Sachedina, "Advancing Religious Pluralism in Islam," *Religion Compass* 4, no. 4 (April 2010): 221-33, <https://doi.org/10.1111/j.1749-8171.2010.00207.x>.

⁴⁸ Ibnu Kaṣīr, *Al-Bidāyah Wa An-Nihāyah*, vol. 3 (Beirut: Maktabah Al-Ma'ārif, n.d.), 224-226.



State, as reflected in the terms of the *ṣaḥīfah* of Madinah.⁴⁹ Consequently, this *ṣaḥīfah* does not contain symbols that suggest the formalisation of Islam, such as those commonly found in classical, medieval, and modern Islamic political discourse, including terms like *Daulah Islāmiyyah* (Islamic State), *Khilāfah Islāmiyyah* (Islamic caliphate), *Syariat Islam* (Islamic law), *Negara Islam* (Islamic State), *Partai Islam* (Islamic party), and so forth.

The essence of the agreement in the *Ṣaḥīfah Madīnah* highlights that Muhammad, representing the Muslim *Muhajirin* and *Ansar*, entered into a cooperation agreement with the Jewish tribes and other groups in Medina to jointly promote religious tolerance, obtain equal rights, obligations, and freedoms, and collectively maintain the stability and security of Medina from external threats.⁵⁰ However, as Islam developed further under the leadership of the Prophet Muhammad, Islam in Medina took shape as a religious-political system, upholding God's laws (the Qur'an and the sunnah of His Prophet) as the foundation for both religion and governance. This represents the meaning of Islam as a religious-political system, which Islamic factions in the Constituent Assembly used as the legitimisation of their struggle to promote the term "Islamic State foundation," believing that *al-Islām huwa al-dīn wa al-dawlah* (Islam is both religion and state). Therefore, the struggle toward an Islamic State was seen as a theological obligation.⁵¹

Speaking about the *Ṣaḥīfah Madīnah*, Zainal Abidin Ahmad emphasised that after the Prophet Muhammad migrated to Medina, he was determined to establish a homeland for both the Arabs and the Jews, uniting them into one community without being divided by religious differences. Thus, all conflicts and hostilities between them were replaced by a spirit of brotherhood. The Arabs would only remember their homeland, forgetting that they were Arabs. The Jews, similarly, would only remember their homeland, burying the memory that they were Jews.⁵² Islam was the first to establish this principle: religion for God and the homeland for humanity. Zainal Abidin Ahmad believed that this principle formed the foundation for a state administration that would make Islam the foundation of the state. By making Islam the foundation of the Indonesian state, the homeland would belong to the people of Indonesia, and religious matters would belong to God. Just as when the Prophet Muhammad established the State of Medina, where its citizens included the *Muhajirin*, *Ansar*, Jews, Christians, and Magians, all of whom had equal rights within the state, so too in modern Indonesia. Regardless of ethnicity or religion, all

⁴⁹ Saïd Amir Arjomand, "The Constitution of Medina: A Sociolegal Interpretation of Muhammad's Acts of Foundation of the Umma," *International Journal of Middle East Studies* 41, no. 4 (November 2009): 555–75, <https://doi.org/10.1017/S0020743809990067>.

⁵⁰ R. B. Serjeant, "The Sunnah Jāmi'ah, Pacts with the Yathrib Jews, and the Tahrim of Ya Th Rib: Analysis and Translation of the Documents Comprised in the so-Called 'Constitution of Medina,'" *Bulletin of the School of Oriental and African Studies* 41, no. 1 (February 1978): 1–42, <https://doi.org/10.1017/S0041977X00057761>.

⁵¹ Islam as the foundation of the state, viewed as a theological demand, is further discussed in the debates between Islam and politics by Mohamed-Cherif Ferjani, "Islam and Politics: The Terms of the Debate," *History and Anthropology* 16, no. 1 (March 2005): 75–83, <https://doi.org/10.1080/02757200500103343>.

⁵² Zainal Abidin, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 1 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 353-375.



Indonesian citizens are brothers and sisters, sharing the same rights and obligations in the life of the society, the nation, and the state. They share the responsibility to uphold and advance the State of Indonesia as a shared and collective responsibility.⁵³

A State that Ensures the Enforcement of Islamic Sharia

Isa Anshari, a representative from Masyumi, explained that Islam serves as a comprehensive guide for its followers in both worldly and spiritual matters. This guide obliges all Muslims to uphold the laws of Allah and His Messenger, known as Islamic Sharia, in both family life (*al-ahwāl al-shakhṣiyyah*) and societal and state life (*al-ijtimā'iyah*). The Islamic Sharia, sourced from the Qur'an and Sunnah, is a perfect, complete, and universal guide. Islam does not separate religion from the state, just as it does not separate the essence of God from His divine elements, as highlighted in the doctrine of *Tawhīd* (the oneness of God). Islam cannot overlook its theological doctrines regarding heaven and hell, reward and sin, and thus, it mandates the observance of prayers, fasting, and the cultivation of noble character (*al-akhlāq al-karīmah*). Likewise, Islam legislates rules on buying and selling, leasing, pawning, inheritance law, warfare, marriage, divorce, and other matters. Similarly, the Prophet Muhammad (SAW), as both the Head of Religion and the Head of State, interpreted the Qur'an, issued religious rulings (*fatwā*), led prayers as an Imam, commanded the army, made peace treaties, appointed regional leaders, and sent troops to the battlefield. Islam is thus complete and comprehensive, capable of supporting the establishment of a state that guarantees the implementation of Islamic Sharia, also known as Islamic law.⁵⁴

According to Isa Anshari, the teachings of Islam, which originate from the Qur'an and Sunnah, are complete and capable of providing guidance and education to its followers. Islamic Sharia is a comprehensive system of law and legislation that encompasses all aspects of human life, both worldly and spiritual, in matters of worship (*'ibādah*) and social dealings (*mu'āmalah*), as well as individual, family, societal, and state affairs. Therefore, the establishment of an Islamic State is a necessity, and the ideology and foundation of an Islamic State must be fought for.⁵⁵ In Isa Anshari's view, a society whose laws and ideology are not based on the Qur'an (*Kitāb Allāh*) and the Sunnah of the Prophet is considered to be governed by disbelief (*kufir*), injustice (*ẓulm*), and immorality (*fīsq*). A person is deemed *kāfir* if they believe that the laws of Allah (the Qur'an and Sunnah) are unfit or unsuitable to be used as the legal foundation and state constitution. A person also becomes *kāfir* if they believe that there are laws and regulations better than those of Allah and His Messenger. Furthermore, a person becomes *kāfir* if they think that if Indonesia were to implement Islamic law (Islamic Sharia) and establish an Islamic State foundation, the Republic of Indonesia would break apart. Isa Anshari further added that *ẓulm* means placing something in the wrong context. Thus, a person is *ẓālim* if they govern using laws and foundations other than those of Allah and His Messenger, whether out of ignorance or lack of knowledge. Finally, a person becomes *fāsiq* if they are aware of

⁵³ Abidin.

⁵⁴ KH. Muhammad Isa Anshari, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 2 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 175-296.

⁵⁵ Anshari.



Allah's laws and those of His Messenger but refuse to implement them because they believe such laws might hinder their political interests or personal desires.⁵⁶

Isa Anshari also reminded Muslim members of the Constituent Assembly, regardless of their party affiliation, not to seek any "isms" or ideologies other than the ideology of Islam. He urged them not to follow or adhere to laws and beliefs other than those derived from Islamic Sharia. Additionally, they should not support or advocate for any ideology other than Islam if they do not wish to be classified as *fāsiq* (immoral). According to Isa Anshari, laws and regulations that deviate from or contradict the provisions of Islamic Sharia are regarded as laws of *Jāhiliyyah* (ignorance). Thus, one's willingness, submission, and acceptance of Allah's laws, along with His divine decree (*qadā' wa qadar*), are the true measures of one's faith and standing before Allah.⁵⁷

In Isa Anshari's view, the choice of secularism or the separation of religion from politics, whether entirely or partially, is a misguided colonial legacy that contradicts Islamic teachings. A Muslim must practice Islam in its entirety (*kāffah*), and it is forbidden to believe in some parts of the religion while rejecting others. For the Muslim community, nationalism and patriotism hold a broader meaning, which encompasses the achievement of the goal for Muslims to manage life in this world and the hereafter, both individually and collectively.⁵⁸ Isa Anshari emphasised that rulers who prevent the implementation of Islamic Sharia in governance, as exemplified by Soekarno with his rhetoric in defending Pancasila, and those who oppose or hinder the application of Islamic Sharia for Muslims, are *zālim* (unjust) and even *kāfir* (disbeliever).⁵⁹

Achmad Zaini, a representative from NU (Nadhlatul Ulama), aspired to and fought for the establishment of a government in Indonesia based on Islam, with the implementation of Islamic Sharia as the realisation of the Proclamation of August 17, 1945, which originated from the Jakarta Charter. According to Achmad Zaini, this program represents the fulfillment and realisation of the struggle of the Indonesian people, which has been ongoing for many decades. This spirit of struggle was culturally motivated by the dynamic understanding and practice of Islamic teachings alongside the burning spirit of nationalism and patriotism.⁶⁰

Muslims have ignited their struggle to uphold the truth and the laws of Allah through Islamic Sharia. For Achmad Zaini, truth is singular, and it comes only from Allah. Based on this singular truth, the Islamic group in the Constituent Assembly agreed to establish a path towards their shared goal: an Islamic State that upholds Islamic Sharia and gains the approval of Allah. Whoever does not accept this singular truth will undoubtedly suffer loss or even be considered a *kāfir* (disbeliever).⁶¹ The Islamic group's fight for an Islamic State is not motivated by blind fanaticism or

⁵⁶ Anshari.

⁵⁷ Anshari.

⁵⁸ Anshari.

⁵⁹ Anshari.

⁶⁰ Robin Bush and Institute of Southeast Asian Studies, *Nadhlatul Ulama and the Struggle for Power within Islam and Politics in Indonesia* (S.I.: Institute of Southeast Asian Studies, 2009).

⁶¹ Achmad Zaini, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 1 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 271-290.



merely because the majority of the Indonesian population is Muslim. Rather, it is driven by a sense of responsibility to uphold the truth of Allah's laws through Islamic Sharia, which will surely lead the people of Indonesia to both physical and spiritual happiness in this world and the hereafter and guide the country towards just prosperity, welfare, and the pleasure of Allah.⁶²

Abdul Malik Ahmad of Masyumi further added that the Islam being fought for as the foundation of the state is based on the teachings of the Qur'an and the Sunnah. Muslims constitute a community that upholds the Qur'an and Sunnah as their guide in life. Broadly speaking, the Qur'an contains two main objectives: to advance rational thought and to reform society holistically, both in terms of its faith and its well-being. These two objectives direct their application to areas of *aqidah* (belief), religious rituals, moral ethics, and comprehensive societal rights and obligations.⁶³

Sjamsijah Abbas, a representative from Perti (Pergerakan Tarbiyah Islamiyah), emphasised that their faction's advocacy for Islam as the foundation and ideology of the state is based on the following reasons: first, the majority of Indonesians are Muslim, with more than 90% of the population identifying as followers of Islam, even though some are affiliated with nationalist, socialist, or communist parties. This, however, does not diminish their Islamic character, as they continue to follow the provisions of Islamic Sharia. Second, Islam, as practised by the Indonesian people, is not limited to rituals; it also governs societal matters. In this regard, Islam is *aqidah wa shari'ah* (belief and law). Therefore, to ensure the enforcement of Islamic Sharia in this country, the state must be based on Islam. If someone claims to be a Muslim but does not submit to the laws of Allah in Islamic Sharia, they have become a *kāfir* (disbeliever), *zālim* (unjust), and *fāsiq* (immoral). Third, Islam in Indonesia is not only a religion but also a deeply rooted part of daily cultural practices. The custom of deliberation in Indonesian society represents an Islamic tradition, and so is the custom of religious tolerance.⁶⁴ Based on these reasons, according to Sjamsijah Abbas, an Indonesian state based on Islam, which guarantees the enforcement of Islamic Sharia, will become a uniquely Indonesian Islamic State—*baladun tayyibatun wa rabbun ghafūr* (a good land with a forgiving Lord).⁶⁵

Sjamsijah Abbas' views were complemented by those of his fellow faction member, Mansur Dt. Nagari Basa. He asserted that the struggle to realise the ideal of an Islamic State that ensures the enforcement of Islamic Sharia is indeed a theological obligation for every Muslim, but this ideal must be achieved peacefully through dialogue and compromise. He strongly opposed the use of violence in the struggle to establish an Islamic State, as was done by Kartosuwiryo with the DI/TII (Darul Islam/Tentara Islam Indonesia) movement.⁶⁶ The struggle to make Islam the

⁶² Zaini.

⁶³ H. Abdul Malik Ahmad, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 2 (Perundingan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 435-443.

⁶⁴ Nj. Sjamsijah Abbas, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 1 (Perundingan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 234-243.

⁶⁵ Abbas.

⁶⁶ KH. Mansur Dt. Nagari Basa, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 2 (Perundingan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 452-462.



foundation and ideology of the state must be constitutionally carried out through Parliament. Islam is not a religion of violence; therefore, its mission and struggle should be conducted with compassion and a spirit of brotherhood.⁶⁷

A State Adhering to Theistic Democracy

Mohammad Natsir, a representative from Masyumi in the Constituent Assembly, viewed the relationship between the state and society as similar to the relationship between form (*'arad*) and matter (*jawhar*), where one cannot exist without the other. For Natsir, democracy based on Pancasila is paradoxical. Pancasila belongs to only one group and does not serve as a common ground for all groups. Every ideology is not merely a set of thoughts or ideas; it is also a blend of thought (*fikrah*) and feeling (attitude), interwoven with other currents. Even ordinary opinions consist of these two elements—thought and feeling, which in Islamic terminology are referred to as intellectual elements (*al-fikrah*) and spiritual elements in the form of a belief (*al-'aqidah*).⁶⁸

According to Natsir, the reason the Islamic group proposed Islam as the foundation of the state was not solely because Muslims constitute the majority of the Indonesian population. Rather, Islam was championed as the foundation of the state because of the belief that Islam has a complete system of governance and societal teachings, alongside, of course, its teachings on religious rituals.⁶⁹ Natsir explained that Indonesia must choose between two systems for the state: the first, a system without religion or secularism (*lā dīniyyah*), and the second, a religious system (*dīniyyah*). Secularism is a way of life that contains ideas, goals, and attitudes limited to worldly life without acknowledging the afterlife. For Natsir, Pancasila, with its five principles, is secular.⁷⁰

In terms of governance, Natsir pointed out that one of the consequences of the secular system (*lā dīniyyah*) can be seen in the rise and spread of Nazism. Some people believe that Nazism was solely the result of Adolf Hitler and the conditions in Germany at that time. However, Natsir argued that Nazism was not caused by Adolf Hitler alone but also by certain factors present in Western culture in general, such as the disregard for ethical and moral values and the marginalisation of religious teachings. In Nazism, respecting moral teachings was seen as a weakness, as such teachings were regarded merely as human constructs. The situation in Germany cannot be separated from the conditions in Western Europe during the 19th century. According to Natsir, this cultural imbalance in Europe as a whole, not just in Germany, led to the emergence of Nazism, which was rooted in secularism.⁷¹

⁶⁷ Basa.

⁶⁸ Mohammad Natsir, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 1 (Perundingan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 109-141.

⁶⁹ Natsir; Natsir, *Islam Sebagai Dasar Negara*; Yusril Ihza Mahendra, "Combining Activism and Intellectualism: The Biography of Mohammad Natsir (1908-1993)," *Studia Islamika* 2, no. 1 (January 1, 1970), <https://doi.org/10.15408/sdi.v2i1.844>.

⁷⁰ Natsir, "Tentang Dasar Negara Republik Indonesia dalam Konstituante."

⁷¹ See Natsir; Mahendra, "Combining Activism and Intellectualism"; To explain Natsir's perspective on the connection between European secularism, cultural imbalance, and the rise of Nazism, it is important to understand the social and ideological shifts in 19th-century Europe. As secularism spread throughout Western Europe, traditional religious influences waned, leading to what Natsir viewed as



According to Natsir, religion is a belief system and a way of life that encompasses various factors, including belief in the existence of God as the source of law and life's values, belief in God's revelation and His Messenger, belief in the relationship between God and humans, a belief that this relationship can influence daily life, a belief that the soul's existence does not end with death, belief in worship as a means of establishing a connection between humans and God, a belief that God is the source of all norms and values, and belief that seeking God's pleasure is the purpose of life in this world.⁷² One of the advantages of religious understanding over secularism is that religion offers greater opportunities for its adherents to seek knowledge and truth. Secular philosophy recognises only three foundations of thought: empiricism (*mazhab al-tajribī*), rationalism (*mazhab al-'aqlī*), and intuitionism (*mazhab al-ilhāmī*).⁷³ Secularism does not acknowledge divine revelation (*al-wahyū*) as a basis. Religion goes beyond this by recognising all of these and providing clear and proportional guidelines. Therefore, religion is broader and deeper than secularism, as it encompasses all aspects of human life, including governance, in addition to religious life.⁷⁴ Natsir's statement critiques secularism's limited epistemological foundations—empiricism, rationalism, and intuitionism—arguing that these approaches restrict the pursuit of knowledge to observable or logically deduced facts, lacking the broader metaphysical insight provided by religious frameworks. He suggests that religious understanding offers a richer epistemology, allowing adherents to seek knowledge and truth beyond material evidence or human reasoning alone. For Natsir, religion supports an integration of divine guidance into human knowledge, fostering a more holistic worldview that secular methods cannot fully encompass.⁷⁵

a "cultural imbalance." This shift involved a decline in moral and religious values that had previously provided societal cohesion. In Germany, like other parts of Europe, industrialisation and secular ideologies reshaped society, often alienating individuals from their cultural and religious roots. Natsir argues that this disconnection fostered a fertile ground for ideologies like Nazism, which, despite its anti-religious stance, filled a void left by secularism by promoting extreme nationalism and authoritarian control. The weakening of moral structures through secularism, according to Natsir, created conditions where movements like Nazism could thrive, as they offered a sense of purpose and order amid social and moral fragmentation in Europe at that time.

Gerard Delanty, "Dilemmas of Secularism: Europe, Religion and the Problem of Pluralism," in *Identity, Belonging and Migration*, ed. Gerard Delanty, Ruth Wodak, and Paul Jones, 1st ed. (Liverpool University Press, 2011), 78–97, <https://doi.org/10.5949/UPO9781846314537.005>; STEPHEN W. ELDRIDGE, "IDEOLOGICAL INCOMPATIBILITY: THE FORCED FUSION OF NAZISM AND PROTESTANT THEOLOGY AND ITS IMPACT ON ANTI-SEMITISM IN THE THIRD REICH," *International Social Science Review* 81, no. 3/4 (2006): 151–65.

⁷² Natsir, "Tentang Dasar Negara Republik Indonesia dalam Konstituante."

⁷³ Ahmad Yani Anshori, *Menuju Khilafah Islamiyah: Perjuangan Ikhwanul Muslimin* (Yogyakarta: Siyasat Press, 2008), 45; Audrey R. Kahin, *Islam, Nationalism, and Democracy: A Political Biography of Mohammad Natsir* (Singapore: NUS Press, 2012); K. W. Fogg, "Islam, Nationalism and Democracy: A Political Biography of Mohammad Natsir By AUDREY R. KAHIN * Islam in the Making of the Nation: Kartosuwiryo and Political Islam in 20th Century Indonesia By CHIARA FORMICHI," *Journal of Islamic Studies* 25, no. 1 (January 1, 2014): 90–93, <https://doi.org/10.1093/jis/ett029>.

⁷⁴ Natsir, "Tentang Dasar Negara Republik Indonesia dalam Konstituante."

⁷⁵ Kahin, *Islam, Nationalism, and Democracy*; Rodliyah Khuza'i, Asep Ahmad Shiddiq, and Rian Nugraha, "Study of Muhammad Natsir Thoughts About Dakwah Harakah," in *Proceedings of the 2nd Social and Humaniora Research Symposium (SoRes 2019)* (2nd Social and Humaniora Research



In addition to rejecting secularism, Natsir also rejected the concept of a theocratic state. Theocracy, according to Natsir, is a system in which governance is controlled by a priestly hierarchy that claims its authority as representatives of God on earth. Islam, in Natsir's view, does not agree with such a system. A state based on Islam is not a theocratic state but rather a state of theistic democracy, a form of democracy rooted in belief in God.⁷⁶ Islam has always been oriented toward moral force, as the Prophet Muhammad was sent by Allah to perfect noble character (*akhlāq al-karīmah*). The morals taught by the Prophet Muhammad were essentially the same as those taught by the previous prophets. Therefore, when determining the foundation of the state, Natsir emphasised that the nation should preserve the good values inherent in its people in accordance with the provisions of God's law (Islamic Sharia).⁷⁷

Natsir also opposed secular nationalism.⁷⁸ For him, nationalism should be based on divinity, seeking Allah's pleasure in national life and governance. By nature, love for one's homeland is part of human nature. Secular nationalism, according to Natsir, leads to negative consequences such as chauvinism, racism, and xenophobia. Islam provides a complete, egalitarian, tolerant, and democratic guide to nationhood.⁷⁹ Theistic democracy in Islam places piety to Allah as the highest priority in both national and state affairs. In agreement with Natsir, Achmad Zaini, a representative from NU (Nahdlatul Ulama), emphasised that democracy in an Islamic State adheres to a theistic democracy, positioning God as the source of authority. Democracy, according to Islam, is a unique system, distinct from conventional democracy. After World War II, two systems of governance became widely recognised: the democratic system championed by the Western world and the dictatorial system led by the Soviet Union. Islamic democracy, in this context, stands in the middle, free from the imbalances of both Western democracy and Soviet dictatorship.⁸⁰

Islamic democracy is a system of governance and state administration that refers to the laws of God as the source of sovereign authority, which is actualised by humanity according to the provisions of Islamic Sharia. This is what is meant by theistic democracy. Islamic Sharia regulates all aspects of life, including the manner in which democracy is practised. In this sense, the theistic democracy in Islam is oriented toward humane governance—a system of power that allows every citizen to choose and organise their government in accordance with Islamic Sharia, rather than a system of power that is a mere manipulation (*hīlah*) for maintaining the status quo or for co-opting the people for the benefit of the ruling class.⁸¹ Within these boundaries, Islamic democracy is based on four principles: individual accountability, equal access to rights based on egalitarian principles, the obligation of consultation (*shūrā*) for those in power, and the orientation of power as a trust (*amānah*)

Symposium (SoRes 2019), Bandung, Indonesia: Atlantis Press, 2020), <https://doi.org/10.2991/assehr.k.200225.121>.

⁷⁶ Natsir, "Tentang Dasar Negara Republik Indonesia dalam Konstituante."

⁷⁷ Natsir.

⁷⁸ Natsir, *Islam Sebagai Dasar Negara*; Mahendra, "Combining Activism and Intellectualism."

⁷⁹ Natsir, "Tentang Dasar Negara Republik Indonesia dalam Konstituante."

⁸⁰ Zaini, "Tentang Dasar Negara Republik Indonesia dalam Konstituante.", 271-290

⁸¹ Zaini.



emphasising brotherhood (*ukhuwwah*) and mutual assistance (*ta'āwun*) for all citizens.⁸² Therefore, democracy in Islam distinguishes between the quantity of voices and the correctness of those voices. Consultation in Islam involves gathering opinions and thoughts from various parties, with correctness being measured by the Qur'an and the Sunnah, not by majority rule.⁸³

In Islamic teachings, consultation (*syūrā*) is considered part of faith, but it is not boundless. It is constrained by the provisions of the scriptural texts (*naṣ*) and the spirit of Islamic Sharia. If a matter has already been determined by a scriptural text, then that text is the final and decisive authority, free from human interference or manipulation, and there is no need for further consultation unless it is intended to discuss the details of its implementation, provided it does not deviate from the meaning and spirit of the scriptural text. This is the understanding of consultation in Islam. In an Islamic State, the highest sovereignty rests with God's authority, but this does not mean that the people have no sovereignty. The sovereignty of the people is a sacred right that must be exercised properly within human capacity. It is also important to note that most Islamic teachings are subjects for consultation when determining their details, even though their fundamental principles (*uṣūl*) and basic guidelines have already been established.⁸⁴

Although the United States is known as a champion of human rights and as a leader of democracy, the reality is that racial discrimination between Black and White people still occurs in that country. Black people are still considered inferior and treated as second-class citizens. In contrast, according to Islam, all humans are equal in the eyes of God, and what differentiates them is the quality of their *taqwā* (piety).⁸⁵ A state based on Islam is also not a theocracy like the theocracies practised during the Middle Ages. Theocracy, as understood in the Catholic tradition, is a system where absolute power is held by the Pope, and the people are not permitted to adhere to any religion other than Catholicism. This led to the rise of Protestantism, which demanded the separation of religious power from the state.⁸⁶

According to Protestant thought, religion and the state must be separated, with the state governed by the King and religion governed by the Church. In Islam, however, it is different. Islam teaches *al-siyāsah juz'un min al-dīn* (politics as part of religion). Islam does not concern only acts of worship but encompasses all aspects of life, including matters of the economy, politics, military, defence, and security.⁸⁷ In a state based on Islam, all people are treated equally and with egalitarian principles. No one is forced to adhere to a single ideology, even if the majority are Muslims. Other religions are also granted the freedom to exist, to be practised, and to be embraced by their adherents. Followers of other religions receive the same protection as that given to Muslims.⁸⁸

A State that Adopts an Islamic Economic System

⁸² Zaini.

⁸³ Zaini.

⁸⁴ Zaini.

⁸⁵ Mansur, "Tentang Dasar Negara Republik Indonesia dalam Konstituante.", 111-118.

⁸⁶ Mansur., 111-118.

⁸⁷ Mansur., 111-118.

⁸⁸ Mansur., 111-118.



The economic system implemented in a state based on Islam cannot be separated from the aspect of divinity. If economic matters are not accompanied or balanced by divine values, they will become lopsided and ultimately lead to destruction. Religious and worldly affairs are like the right and left legs—whoever walks with only one of them will limp. This is the ideal depiction of the economic system proposed by the Islamic group in the Constituent Assembly in their agenda to advocate for Islam as the foundation of the Indonesian state.⁸⁹

Ahjak Sosrosugondo, a representative from Nahdlatul Ulama (NU) in the Constituent Assembly, explained that economic issues are an essential part of Islamic teachings. The perfection of an individual's worship, whether *fard al-'ayn* or *fard al-kifāyah*, depends on the perfection of their economic status. The ability of Muslims to perform religious obligations such as Hajj and Zakat depends on their economic capacity. Therefore, Islam takes great care in determining the economic system. In Islam, wealth is seen as a trust from Allah, for which one will be held accountable in the hereafter. As such, its distribution must balance worldly and spiritual aspects aimed at creating a just and prosperous society.⁹⁰

The economic system followed by a state based on Islam is a theocentric economic system. In this regard, Islam has laid out at least the following economic principles: first, every wealthy individual is required to donate 2.5% of their wealth, depending on the type and nature of their assets each year. This obligation must be fulfilled annually and distributed to the poor, the destitute, and the weak. Second, every person with a surplus of staple food—whether rice, corn, or other staples—is required to pay *zakat al-fitr* on the night before *Īd al-Fitr*. Third, for those able to do so, Muslims are required to pay taxes, such as *kharāj* or others, to benefit the community within the limits set by Islamic governance. Fourth, all Muslims are encouraged to give *infāq* (charitable donations), *ṣadaqah* (voluntary charity), or other forms of aid, in any form, to the poor and those in need. Therefore, Muslims and others must help one another in good deeds and avoid anything that leads to harm or wrongdoing. Fifth, Muslims are required to fast during the month of Ramadan to engage in self-reflection and to experience the hardship faced by the poor and destitute, who suffer from hunger and deprivation every day.⁹¹

The economic system in Islam adheres to the principles of justice and collective welfare in accordance with the provisions of Islamic Sharia as found in the Qur'an and Sunnah.⁹² The Islamic economic system aims to implement principles of justice and collective welfare through practical mechanisms that align with Sharia. Key implementations include *zakat* (mandatory almsgiving) and *waqf* (endowments), both of which redistribute wealth to support those in need, thus reducing inequality. Additionally, the prohibition of *ribā* (usury) prevents exploitative practices, fostering

⁸⁹ Ahjak Sosrosugondo, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 1 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 26-33.

⁹⁰ Sosrosugondo.

⁹¹ Sosrosugondo.

⁹² Ahmad Yani Anshori, *On the Gate of Ijtihad* (Yogyakarta: Siyasat Press, 2008); Hasanudin, Kamsi, and Ahmad Yani Anshori, "The Contestation of Legal Foundations in the Resolution of Islamic Economic Disputes in Religious Courts," *Al-Manahij: Jurnal Kajian Hukum Islam*, September 19, 2024, 271–88, <https://doi.org/10.24090/mnh.v18i2.11934>.



ethical trade and investment. This framework balances individual financial obligations with communal welfare, creating an economic structure that integrates social justice and aligns individual actions with community well-being.⁹³

This system differs from both socialism-communism and capitalism,⁹⁴ both of which are lopsided as they are based solely on materialist philosophy. These two systems are worldly deceptions that contradict Islamic teachings.⁹⁵ Therefore, to anticipate the dangers of materialism, Indonesia's economy must be based on the philosophy of divinity, as Mohamad Syafii Wirakusumah, a representative from PSII in the Constituent Assembly, also emphasised that Islam is a universal religion, which governs not only ritual worship but also social, political, and economic matters. From the perspective of modern economics, Islam opposes both socialist-communist and capitalist economic practices, as both of these systems are forms of materialism that are strongly condemned by the Qur'an. Both socialist-communist and capitalist economic systems involve elements of *ribā* (usury), which in modern terms can be defined as the exploitation of human professionalism, as it is not appropriately and fairly valued.⁹⁶ Islam represents perfection, and if Indonesia adopts Islam as the foundation of the state and consistently applies Islamic law in its political, economic, military, and other state policies, then Indonesia will gradually become a perfect state.⁹⁷

The Advantages of the Islamic Foundation Compared to Pancasila

Masykur, a representative from NU in the Constituent Assembly, argued that, outwardly, the foundations of an Islamic State, Pancasila, and the social-economic system share many commonalities. The difference lies only in the underlying philosophy. The three ideologies advocated by their respective supporters in the Constituent Assembly—primarily between Pancasila and Islam—have the following points of convergence: first, both Islam and Pancasila desire a prosperous and happy state. In this regard, Islam has its teachings; second, both Islam and Pancasila advocate for a democratic government. In this regard, Islam has its teachings; third, both Islam and Pancasila oppose capitalism and imperialism. In this regard, Islam has its teachings; fourth, both Islam and Pancasila aim for the world's economic life to be structured in a familial manner. In this regard, Islam has its teachings; fifth, both Islam and Pancasila aspire for the domestic life of the Indonesian people to be happy and imbued with noble morals. In this regard, Islam has its teachings.⁹⁸

However, despite these common points, Pancasila and Islam are ideologically different. Islam, through the application of its laws, is capable of encompassing the

⁹³ Timur Kuran, "The Economic System in Contemporary Islamic Thought: Interpretation and Assessment," *International Journal of Middle East Studies* 18, no. 2 (May 1986): 135–64, <https://doi.org/10.1017/S0020743800029767>.

⁹⁴ Sosrosugondo, "Tentang Dasar Negara Republik Indonesia dalam Konstituante."

⁹⁵ Sosrosugondo.

⁹⁶ Mohamad Syafii Wirakusumah, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 1 (Perundingan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 61.

⁹⁷ Wirakusumah.

⁹⁸ KH. Masykur, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 3 (Perundingan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 40-48.



ideas and content of Pancasila, but what about the sources and teachings of Pancasila? How does Pancasila address civil law, criminal law, marriage law, the laws of war and peace, and other laws? According to Masykur, these questions cannot be answered by Pancasila as a foundation and ideology for the state. Although there are external points of convergence between Islam and Pancasila, the underlying philosophies are, of course, different. Masykur provided an example: "Three people each give money to a beggar. The act of 'giving' is the same, but their 'intentions' may differ. Perhaps one intends to be seen as a philanthropist. Another simply wants to quickly rid themselves of the beggar's presence, while the third gives out of a sincere intention and compassion for a fellow human being who is weak and in need."⁹⁹ Thus, the difference between Pancasila and Islam becomes clear. Islam has a clear philosophy based on divine revelation, while Pancasila lacks a clear philosophy of life. Therefore, the Islamic group is determined to advocate for Islam as the foundation of the Republic of Indonesia, seeing it as a necessity and an absolute duty that should not be politicised. It is also a theological obligation for every Muslim.¹⁰⁰

In response to the stipulation that a President must be Muslim, Masykur argued that this is a logical consequence, as a President or Head of State is also an Imam, a reflection, and a symbol of the ideology that forms the foundation of the state. Those who view this requirement as discriminatory are overreacting, as they are essentially anti-Islam and fearful of accepting Islam as the state's foundation. This is similar to the argument that "if Islam becomes the state foundation, then hand-cutting, qishās (retributive justice), stoning, and other punishments will be enforced," when in fact, according to the substance of Islamic teachings, it is not easy to impose such punishments without fulfilling specific prerequisites and considering the sociological conditions of society. In response to such statements, Masykur employed rhetorical logic, saying, "If the world today recognises capital punishment by shooting, hanging, electrocution, or sentencing someone to life imprisonment with hard labour, should we then conclude that humanity must flee from this world to another planet to avoid such brutal punishments that seem intended to wipe out mankind in a cruel manner?"¹⁰¹

Masykur affirmed that Islam is a more suitable foundation for the Republic of Indonesia than Pancasila, citing several compelling reasons. He argued that the teachings of Islam have profoundly influenced the majority of Indonesian society, shaping the nation's character and identity. In his view, Pancasila remains an empty formula lacking clear direction or purpose. He emphasised that Islamic teachings provide a comprehensive framework for governing human life in both this world and the hereafter, making them a fitting guide for Indonesia's future governance.¹⁰²

Zainul Abidin Syuaib from Masyumi echoed this sentiment, asserting that when comparing Pancasila and Islam, the latter is the more appropriate choice. While both may seem to share some common ground, he contended that their underlying philosophies and realities are fundamentally different. Islam is a universal religion revealed by God, whereas Pancasila is a human construct that is local and temporary. Furthermore, Islam is a global faith practised by millions, including the

⁹⁹ KH. Masykur.

¹⁰⁰ KH. Masykur.

¹⁰¹ KH. Masykur.

¹⁰² KH. Masykur.



vast majority of Indonesians, while Pancasila is adhered to by only a segment of the population. Additionally, Islam boasts a rich history that spans centuries, marked by significant achievements, whereas Pancasila is a relatively recent concept with unclear guidance. Moreover, Islam is supported by the sacred scripture of the Qur'an, which contains thousands of verses as its primary source, along with the Sunnah as its secondary source, providing a robust foundation for its teachings.¹⁰³

Saefuddin Zuhri of NU also emphasised that Pancasila lacks a philosophical foundation in terms of its teachings and its legal framework, whereas Islam is complete in all aspects. He noted that if one examines the teachings of Islam as interpreted by the jurists (*fuqahā'*), Islamic law (Islamic Sharia) is based on five foundational principles known as *maqāṣid al-sharī'ah* (the objectives of Islamic law) (1) Protecting and preserving religion (*ḥifẓ al-dīn*), which is the core and most important aspect concerning belief, worship, and morality; (2) Protecting and preserving life (*ḥifẓ al-nafs*), such as the prohibition against harming others physically or mentally; (3) Protecting and preserving intellect (*ḥifẓ al-'aql*), such as the prohibition against alcohol and intoxicants; (4) Protecting and preserving lineage (*ḥifẓ al-nasl*), such as marriage laws designed to build happy, peaceful families (*sakinah, mawaddah wa raḥmah*) and prohibitions against adultery; (5) Protecting and preserving wealth (*ḥifẓ al-māl*), such as laws that require the purification of wealth through zakat and ensure that everyone can lawfully own and protect their property.¹⁰⁴

Zainal Abidin Ahmad, a representative from Masyumi, criticised Pancasila in a somewhat harsh tone. Ahmad believes that Pancasila originates from Buddhist philosophy. The five moral principles are derived from the Pali language, as follows: first, *Panātipata veramani sikkhapadam samādiyami* (do not take the life of any living being, or do not kill); second, *Adinnadana veramani sikkhapadam samādiyami* (do not take anything that is not given, or do not steal); third, *Kameshu micchacara veramani sikkhapadam samādiyami* (do not engage in sexual misconduct, or do not commit adultery); fourth, *Musawada veramani sikkhapadam samādiyami* (do not speak falsehoods, or do not deceive); fifth, *Sura meraya majja pamadatthana veramani sikkhapadam samādiyami* (do not consume intoxicating drinks, or avoid alcohol).¹⁰⁵ These five principles of Buddhism were translated into Javanese and became popular as "*molimo*," which refers to *mateni* (murder), *main* (gambling), *madon* (adultery), *maling* (theft), and *mabuk* (drunkenness). Therefore, from its historical roots, Pancasila does not align with the core teachings of Islam, which are based on the doctrine of *Tawḥīd* (the oneness of God).¹⁰⁶

Responding to the relationship between Islam and the nationalist spirit of the Indonesian people, Abd. Malik Karim Amrullah (Hamka) from Masyumi emphasised that the spirit of nationalism, which fueled the Revolution of August 17,

¹⁰³ Zainul Abidin Syaib, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 2 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956).

¹⁰⁴ Syaifuddin Zuhri, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 3 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956).

¹⁰⁵ Abidin, "Tentang Dasar Negara Republik Indonesia dalam Konstituante.," 361.

¹⁰⁶ Abidin.



1945, was not the empty and meaningless spirit of Pancasila, but rather the spirit of Islam—Allāhu Akbar—which was the rallying cry in the fight for and defence of independence.¹⁰⁷ According to Hamka, since our nationalist spirit is Islam, the Indonesian state must be founded on the ideology and principles of Islam. History has recorded legendary Muslim fighters such as Prince Diponegoro, Kyai Mojo, Imam Bonjol, Teuku Umar, Teuku Cik Ditiro, Prince Antasari, Sultan Hasanuddin, and many others, including H.O.S. Cokroaminoto, who were all Muslim fighters wanting to establish Indonesia on the foundation of Islam. Therefore, advocating for Pancasila as the foundation of the state is a betrayal of the ideals of those heroes' struggles. Furthermore, if the country is based on Islam, Islamic law, being universal, will automatically guarantee religious tolerance, equal rights, and freedom of expression in a just and democratic manner.¹⁰⁸

In line with Hamka's statement that Pancasila is the result of betrayal, Osman Raliby, Masyumi's fellow faction member, argued that Pancasila, with its five principles is an incomplete and narrow formulation, unlike Islam, which is comprehensive in its principles. According to Osman Raliby, if Islamic teachings were distilled into principles (*sila*), they could be simplified into approximately 69 principles. Twenty-five of these principles relate to internal actions, with six concerning *iman* (credo)—belief in Allah, Angels, the Books, the Messengers, Predestination, and the Day of Judgment—and 19 concerning *akhlaq* (code of morals), including love for Allah, love and hatred for the sake of Allah, obedience to the Prophet, sincerity, repentance and remorse (*nadam*), fear of Allah, hope (*rajā'*), gratitude (*syukr*), keeping promises, patience, contentment, trust in Allah, humility (not being arrogant), compassion, modesty (*tawādu'*), forgiveness, absence of envy, calmness (not easily angered), and trustworthiness. Meanwhile, the 44 remaining principles concern outward actions, divided into four parts. The first part comprises six principles related to Islamic speech: reciting the two testimonies of faith (*syahada*), reciting the Qur'an, seeking and teaching knowledge, remembrance (*zikr*), sending blessings and peace upon the Prophet (*salawāt* and *taslīm*), praising Allah (*tahmīd*), seeking forgiveness (*istighfar*), and making supplications (*du'ā'*), and avoiding idle talk.

The second part consists of 16 principles related to personal conduct, including cleanliness, covering one's *'awrah*, performing prayer (*ṣalāh*), paying *zakāt*, giving *ṣadaqah* and *infāq* (charitable donations), feeding the poor, widows, and orphans, honouring guests, fasting, performing the Hajj, fulfilling vows, emigrating from disbelief, honouring oaths, Attending to the deceased (*janāzah*), paying debts and expiations, honesty in dealings, acting as a trustworthy witness, and emancipating slaves. The third part consists of six principles related to family law: marriage, honouring parents, providing sustenance to the family, educating children and family, maintaining family ties (*silaturrahim*), and showing kindness to workers and servants. The fourth part consists of 16 principles related to society and the state,

¹⁰⁷ Rémy Madinier, *Islam and Politics in Indonesia: The Masyumi Party between Democracy and Integralism*, trans. Jeremy Desmond (NUS Press Pte Ltd, 2017), <https://doi.org/10.2307/j.ctv1ntfxk>.

¹⁰⁸ H. Abdul Malik Karim Amrullah (Hamka), "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 3 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956).



including just governance and judiciary, obedience to *ūlul amr* (those in authority) or *ahl al-halli wa al-'aqdi* (those with decision-making authority), Islamic consultation (*syūrā*) or Islamic democracy, obedience to the government, making peace between conflicting parties, cooperation in goodness and piety, enjoining good and forbidding evil (*amar ma'rūf nahī munkar*), implementation of criminal justice (*jināyah*), striving in the way of Allah (*jihād fi sabīlillāh*), trustworthiness in leadership, respect for neighbouring countries, harmony, economy, restraining from wrongful litigation, avoiding idle behaviour, and securing human traffic and movement.¹⁰⁹ According to Osman Raliby, if these principles of Islam were compared with the five principles of Pancasila, Pancasila would appear narrow and incomplete.¹¹⁰

Muhammad Syafii Wirakusumah from PSII argued that the Islamic State foundation contains a transcendent element,¹¹¹ whereas other foundations, such as Pancasila and socio-economic ideologies, are devoid of substance.¹¹² To demonstrate the superiority of the Islamic State foundation, Syafii Wirakusumah explained that Islam regulates laws concerning both *al-aḥwal al-syakhsiyyah* (personal matters) and *al-ijtimā'iyah* (societal matters), such as marriage law, inheritance, education, trade or economics, social issues, foreign and domestic politics, regulations for non-Islamic religions, and matters related to both worldly and spiritual affairs. Islam opposes the capitalist economic system, which is based on *ribā* (usury). Islam cannot be separated from issues of worship, politics, and governance. The Islamic State foundation has a perfect historical and philosophical basis in the Qur'an. The Qur'an is a holy book that teaches statecraft, brotherhood, economics, judiciary, and laws. It contains complete teachings, from worship and *tawḥīd* (the oneness of God) to daily affairs, both internal and external, physical and spiritual. The Qur'an has established a universal and detailed legal system. The Qur'an is the source of state law, and therefore, Islam is a complete state foundation. Consequently, Indonesia would be more morally and spiritually secure if it were based on Islamic ideology by upholding Islamic Sharia.¹¹³

Muhammad Tahir Abu Bakar from PSII emphasized that Islam embraces socio-economic ideals based on the Qur'an and Sunnah, not the Pancasila socio-economy or a godless socio-economy as advocated by the Murba and Labour factions. The Qur'an contains verses that provide foundational guidance on socio-economic principles, though it may not include highly specific regulations for all

¹⁰⁹ Osman Raliby, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 3 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 168-189.

¹¹⁰ Raliby.

¹¹¹ In this context, Muhammad Syafii Wirakusumah's reference to a "transcendent element" in the Islamic State foundation suggests an aspect of governance rooted in divine or spiritual authority, as opposed to purely secular or temporal foundations. This "transcendent element" implies that the principles guiding the state are derived from higher, sacred sources—such as Islamic teachings found in the Qur'an and Sunnah—which provide moral and ethical guidance. Such a foundation is meant to align the state's laws and policies with values believed to be divinely inspired, transcending human-made systems by integrating spirituality and divine accountability into governance. Daniela Kalkandjieva, "Religion and the State: A Comparative Sociology," *Politics, Religion & Ideology* 13, no. 3 (September 2012): 422–24, <https://doi.org/10.1080/21567689.2012.704300>.

¹¹² Wirakusumah, "Tentang Dasar Negara Republik Indonesia dalam Konstituante.," 54-62.

¹¹³ Wirakusumah.



economic matters. For example, Qur'anic verses like Surah Al-Baqarah (2:275-280) prohibit *riba* (usury) and advocate fair financial practices, while Surah Al-Hashr (59:7) supports equitable wealth distribution, emphasising that wealth should not concentrate solely among the wealthy. Other verses, like Surah Al-Ma'un (107:1-7), stress caring for the poor and fulfilling social responsibilities, encouraging collective welfare and justice as socio-economic ideals. These verses are supplemented by teachings in the Sunnah, which offer further practical guidance on ethical economic conduct.¹¹⁴ He opposed Soekarno's Pancasila concept, which was distilled into *Trisila* (triple principles) and further reduced into *Ekasila* (single principle), considering it a secular concept devoid of divinity. Only its defenders from the Muslim community tried to interpret Pancasila as non-secular by acknowledging divinity. However, the concept of divinity in Soekarno's Pancasila is not the source of its principles, as the real source is *Ekasila*, or mutual cooperation. Islam already encompasses the principles contained in Pancasila, as it clearly teaches divinity (*tawhīd*), humanitarianism, non-chauvinistic nationalism, popular sovereignty (democracy), and social justice. Therefore, logically and with clear thinking, the Islamic State foundation should be accepted by members of the Constituent Assembly, whether they support the Pancasila ideology or the socio-economic ideology.¹¹⁵

Although the Islamic group was very enthusiastic in advocating for Islam as the state foundation in the Constituent Assembly, it seems they were prepared to accept the potential failure of their efforts as a natural and normal part of the democratic process. They exercised their rights and fulfilled their duties as trustworthy representatives of the people and as true democrats. They even offered a compromise: if Islam were not accepted as the state foundation, then the state foundation of Indonesia should consist of just one principle, "*Taqwa* to God Almighty" (Piety to God Almighty).¹¹⁶

Rejection of the Basis of Islam and Islamic Law (Sharia)

Firmansyah, a representative from IPKI (Ikatan Pendukung Kemerdekaan Indonesia), expressed respect for the idea of Islam as the state foundation. He acknowledged that, as a Muslim, he would be very proud if Islam were established as the state foundation. However, he feared that implementing Islam as the state foundation in Indonesia could lead to dangerous sectarian egoism that would threaten the future of Indonesia, which adheres to the concept of a pluralistic state.¹¹⁷ Similarly, Suwiryo, a representative from PNI, also recognised that the Islamic State foundation is perfect without flaws. However, he argued that, in the local context of Indonesia, the Islamic foundation does not meet the criteria to be used as the state

¹¹⁴ Hasanudin, Kamsi, and Anshori, "The Contestation of Legal Foundations in the Resolution of Islamic Economic Disputes in Religious Courts."

¹¹⁵ M. Thahir Abu Bakar, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 2 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956).

¹¹⁶ H. Zainal, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 1 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956).

¹¹⁷ Firmansyah, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 1 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956).



foundation because it is not in line with the personality of the Indonesian people in general, nor is it inspired by the spirit of the Revolution of August 17, 1945. The struggle for Indonesia's independence was not only carried out by Muslims but also by people of other religions and beliefs. Therefore, the administration of the newly independent Indonesian state should not be monopolised by Muslims by placing Islam as the state foundation.¹¹⁸ For similar reasons, Sakirman, a representative from PKI, concluded that the Islamic State foundation, which the Islamic group claims to be universal, objective, practical, and logical, is, in fact, neither objective nor logical. Thus, it is inappropriate for Islam to be used as the state foundation. Moreover, not all Muslim members of the Constituent Assembly desired Islam as the state foundation. The PKI continued to advocate for Pancasila as the state foundation, with a modification to the first principle, replacing “Belief in One Supreme God” with “Freedom of Religion and Belief.”¹¹⁹

Atmodarminto, a representative from Grinda (Partai Grinda), fully understood the practical and philosophical reasons put forward by the Islamic parties in support of Islam as the state foundation. These reasons included that Islam supports theistic democracy, adheres to pluralism, opposes capitalism, and has a perfect legal structure and infrastructure based on justice. However, he objected to Islam becoming the state foundation of Indonesia for several reasons: first, the majority of Indonesians have not yet fully embraced Islam, or at least not in the same way as the Islamic parties in the Constituent Assembly, a concept known in Javanese as “Islam Mutihan.” The ritual practices of many Indonesian Muslims remain syncretic, blending with the old indigenous beliefs of the archipelago, such as Animism, Hinduism, and Buddhism, commonly referred to as “Islam Abangan.” Second, while Islamic kingdoms once existed in the archipelago, with rulers holding titles such as Sultan, Shah, or Caliph, the spread of Islam had not fully reached the lower levels of society. Consequently, the majority of the lower class, although nominally Muslim, practised a form of syncretic Islam (Islam Abangan). Therefore, Islam was never truly the identity of the majority of the Indonesian people, nor did it ever become a genuine theological demand. Islam remained an elitist religion practised by rulers or sultans primarily for political purposes. Third, the Islamic State foundation proposed by the Islamic group in the Constituent Assembly was still speculative, meaning it had never been tested in Indonesia’s modern governance. This raised concerns that the rights of other religions or beliefs might not be guaranteed.¹²⁰

Atmodarminto's views were criticised by Asnawi Hadisiswojo from Masyumi, who stated that Atmodarminto is ignorant of the history of Javanese Islam. He believed that Atmodarminto is an *abâ ‘an* (*Abangan*)—being rebellious against Islamic law (Islamic Sharia), in contrast to *muthî ‘an* (*Mutihan* or *Putihan*)—being obedient to Islamic law. In Javanese history, the *abangan* (syncretic Muslims) have always

¹¹⁸ Suwiryo, “Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante),” vol. 1 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956).

¹¹⁹ Ir. Sakirman, “Tentang Dasar Negara Republik Indonesia dalam Konstituante.”, 23.

¹²⁰ Atmodarminto, “Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante),” vol. 1 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956).



opposed the *mutihan* (orthodox Muslims) even though they both identify as Muslims.¹²¹

Rd. Abdulrochman Wangsadikarta, a representative from PTI (Partai Tani Indonesia), emphasised that the principles that serve as the foundation of the state must reflect the religious nature of the Indonesian people. The people of Indonesia are generally religious, and it is unnecessary to worry that the foundations of Indonesian life would not be based on religiosity, especially Islamic religiosity, which is embraced by the majority of the population. However, it is wrong for the Islamic group to use the majority Muslim population as a reason to push for Islam as the state foundation based on democratic principles. The democratic climate of Indonesia, as proven by the results of the 1955 elections, shows that the majority Muslim population is not only affiliated with Islamic parties but also spread across other parties, including PNI, PKI, and others. Therefore, it is naïve for Islamic parties to impose Islam as the state foundation based on the fact that 90% of Indonesians are Muslim. This goes against the reality of constitutional democracy, as demonstrated by the results of the 1955 elections. Abdulrochman added that Allah knows best what is planned for the future of Indonesia's governance. Whatever ideology is decided in the Constituent Assembly, if it is not pleasing to Allah, it will surely collapse. Islam is a universal religion (*rahmat li al-'ālamīn*), but its universality should not be politicised or forced for one-sided interests, as this would harm others, which is also contrary to the democratic principles reflected in the Constituent Assembly. PTI's choice of Pancasila as the state foundation is solely for the unity and cohesion of Indonesia.¹²²

Karkono Partokusumo, a representative from PNI, rejected Islam as the foundation of the state not because he opposed the universal substance of Islam. He acknowledged the universality of Islam as a mercy for all the world (*rahmatan li al-'ālamīn*). His rejection was based on the local aspects of Islam that shape the national character of Indonesia, which had not yet reached the implementation of Sharia which truly relies on the Qur'an and Sunnah. This is evidenced by the significant affiliation and participation of Muslims within non-Islamic parties such as PNI and PKI, alongside differing understandings of Sharia among those identified as *Islam Abangan* and *Islam Putih*. This reasoning suggests that the Indonesian nation is not yet ready to adopt an Islamic State foundation, but it also does not imply the establishment of a secular state. Therefore, the proposal by representatives of the PKI to replace the first principle of Pancasila, "Belief in One God" (Ketuhanan Yang Maha Esa), with "Freedom of Religion and Belief" (Kemerdekaan Beragama dan Berkeyakinan Hidup) was automatically rejected, as it did not align with the religious character of the Indonesian nation, where the majority recognise monotheistic beliefs, specifically the concept of *tauhîd* in Islam, which is reflected in the first principle of Pancasila.¹²³ Asmara Hadi from the GPPS (Great Islamic Party of

¹²¹ Hadisiswojo, "Tentang Dasar Negara Republik Indonesia dalam Konstituante.", 47.

¹²² Rd. Abdulrochman Wangsadikarta, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 1 (Perundingan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956).

¹²³ Karkono Partokusumo, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 1 (Perundingan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 98-103.



Indonesia) conveyed a similar sentiment, stating that the rejection of an Islamic State foundation was not due to a denial of Islam's universality but rather out of sincere love for the purity of Islam, ensuring that it is not easily manipulated or politicised.¹²⁴

Nur Sutan Iskandar, a representative from PNI, rejected the concept of an Islamic State foundation by deconstructing the historical understanding of governance in Islam. He explained that governance in Islam according to divine revelation was only practised by Prophet Muhammad in his capacity as the Messenger of Allah. However, after his death, Islamic rule, to varying degrees, deviated from the original teachings. Although the Caliphs of *al-Khulafā' al-Rāshidūn* (the Rightly Guided Caliphs: Abu Bakr, Umar ibn al-Khattab, Uthman ibn Affan, and Ali ibn Abi Talib) were well-versed in religious teachings and closely followed the example set by the Prophet, they were not free from mistakes—whether in the practice of religion or in governance. Except for Abu Bakr, all of the *Rāshidūn* caliphs were assassinated.¹²⁵

During the Umayyad Caliphate, the transfer of power shifted to an absolute monarchy, which had no basis in the Qur'an and was never practised by either the Prophet or the *Rāshidūn* Caliphs. The Abbasid Caliphate strayed even further from the Qur'anic guidelines, practising monarchy and governing in a non-egalitarian way by promoting Arab Quraysh nationalism and discriminating based on the religious-political divide of *dār al-Islām* (the land of Islam) and *dār al-ḥarb* (the land of war). They even persecuted the Shia sect of Islam. The last caliphate, the Ottoman Caliphate, was dissolved by Kemal Atatürk in 1924. Throughout centuries of Islamic governance, no regime has managed to rule in strict accordance with the Qur'an and the Sunnah, as exemplified by the Prophet.¹²⁶

Therefore, Nur Sutan Iskandar concluded that the concept of a state with an Islamic foundation, as advocated by the Islamic groups in the Constituent Assembly, lacks an ideal historical reference and is, in essence, an untested utopian concept. Religious laws related to God's rights (*'ibādah mahdah*), such as prayer and fasting during Ramadan, are fixed and unchangeable. However, matters concerning worldly affairs, such as agriculture, politics, and governance, are entirely left to humans. The issue of the state foundation falls under the realm of worldly affairs. He argued that if Islam were forced as the foundation of Indonesia, it could lead to *mafsadah* (corruption or harm) and cause the disintegration of the Republic of Indonesia. Those who are not Muslim or oppose the Islamic State foundation would likely make efforts to fragment the beloved nation.¹²⁷

KH. Achmad Dasuki Siradj, a representative from PKI, rejected Islam as the state foundation, not because of a rejection of the universal substance of Islam. He was a scholar who adhered firmly to the teachings of the Qur'an and Sunnah despite

¹²⁴ Asmara Hadi, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 1 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 258.

¹²⁵ Nur Sutan Iskandar, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 1 (Perundangan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 158.

¹²⁶ Iskandar.

¹²⁷ Iskandar.



his political affiliation with the PKI since its inception in 1920.¹²⁸ His rejection of Islam as the state foundation stemmed from his view that the leaders of the Islamic parties were arrogant and regarded themselves as the sole true representatives of Islam in responding to the discourse on Indonesian nationalism, even going so far as to declare members and supporters of the PKI as *kafir* (infidels). This arrogance, he argued, obstructed the purity and universalism of Islam.¹²⁹

In addition, the leaders of the Islamic parties were not firm in condemning the DI/TII (Darul Islam/Tentara Islam Indonesia) rebels led by Kartosuwiryo, Kahar Muzakkar, Ibnu Hajar, and Daud Beureueh. Instead, they advocated for mass amnesty. Yet, the atrocities committed by the DI/TII rebels, such as robbery, murder, and the destruction of *pesantren* (Islamic boarding schools), mosques, churches, and other places of worship, had deeply unsettled and frightened the people of Indonesia. These atrocities clearly contradict the teachings of the Qur'an, specifically in Surah 22:39 and Surah 4:75. These verses provide legitimacy for Muslims who understand the Qur'an in its contemporary context to eradicate rebels like DI/TII who use Islam as a façade. However, the leaders of the Islamic parties did not regard these verses as universal and relevant teachings, choosing instead to downplay the DI/TII atrocities and using them as a threat to other parties in the Constituent Assembly. They concluded that if the Constituent Assembly accepted Islam as the state foundation, the DI/TII issue would resolve itself. However, the logical reasoning should be the opposite: "If Islam is not yet the state foundation and such cruelty has already occurred, bringing harm (*mafsadah*) and disaster (*madarrah*) to the nation, what will happen if it becomes the state foundation? DI/TII will become even more uncontrollable."¹³⁰ Islam should not serve as the foundation of a state, but if it is forced upon the nation, the purity and sanctity of Islam as a universal religion and a mercy to all the world (*rahmat li al-'ālamīn*) will be tarnished and torn apart by its own followers. Advocating for Islam does not necessarily have to be through Islamic parties or by making Islam the state foundation. Instead, it can be done by demonstrating Islamic ethics and morality in national and societal life, even through the Indonesian Communist Party (PKI).¹³¹

Conclusion

In conclusion, the debates in the 1950s Indonesian Constituent Assembly regarding Islam as the state foundation and Sharia as the constitutional framework created a legally recognised forum for discussing ideological identity. Islamic factions advocated for these changes, arguing that Islam's comprehensive and universal principles were ideally suited to govern not only religious rituals but all aspects of life, including state governance, and that establishing a state based on Islam reflected Indonesia's predominantly Muslim character. This stance was also driven by a

¹²⁸ Justus M. Van Der Kroef, "Communism and Islam in Indonesia: A Western View," *India Quarterly: A Journal of International Affairs* 10, no. 4 (October 1954): 314–52, <https://doi.org/10.1177/097492845401000402>.

¹²⁹ KH. Achmad Dasuki Siradj, "Tentang Dasar Negara Republik Indonesia dalam Konstituante (Kumpulan Catatan Pidato tentang Dasar Negara di Majelis Konstituante)," vol. 2 (Perundingan Dasar Negara dalam Konstituante, Jakarta: Arsip Nasional, 1956), 335.

¹³⁰ Siradj.

¹³¹ Siradj.



theological conviction that implementing Sharia was a moral obligation essential for building Indonesia's national character. The proponents envisioned an egalitarian, pluralistic, and democratic state rooted in Islamic values while respecting Indonesia's cultural diversity. They aimed for a socio-political system that included regulations across social, economic, and political spheres centred on justice, prosperity, and the common good. However, opposition arose within the Assembly, with other factions arguing that as a pluralistic nation, Indonesia should not adhere to any single ideology. They expressed concerns that establishing an Islamic State foundation could marginalise non-Muslims and heighten inter-group tensions. Opponents supported Pancasila as a unifying, inclusive ideology better suited to Indonesia's diverse population. This article has limitations, notably in providing only a theoretical exploration of Islamic State principles without detailing practical applications within modern governance. Additionally, it predominantly reflects the views of supporters and opponents of an Islamic foundation but lacks perspectives from minority groups or alternative viewpoints. Future research should expand the analysis to minority perspectives and explore how Islamic governance concepts could be practically integrated within a democratic framework. Comparative studies with other Muslim-majority nations experiencing similar debates could further enrich the understanding of Islam-state relations in a modern governance context.

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