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## **Indonesia's Constitutional Identity: A Comparative Study of Islamic Constitutionalism**

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### **Abstract:**

Constitutionalism in Muslim-majority countries faces the challenge of balancing the application of Islamic principles with modern values in the context of the nation-state. This research aims to analyse how Indonesia's constitutional identity, based on the pluralistic Pancasila, differs from other Muslim-majority countries such as Egypt, Pakistan, and Iran, emphasising Sharia as the foundation of law. Using statutory, historical, and comparative approaches, this research finds that the Indonesian model creates a unique harmony between religious pluralism and Islamic values, different from the dominant theocratic. The novelty of this article is its comparative analysis of constitutional identities in Muslim-majority countries, particularly emphasising Indonesia's unique pluralistic model. In contrast to Egypt, Pakistan, and Iran, which incorporate Islamic principles to varying extents, Indonesia adopts a Pancasila-based approach that integrates religious values within an inclusive, pluralistic framework. This model illustrates how religious values coexist with democratic principles and human rights. The study positions Indonesia as a potential model for balancing nationalism, religious diversity, and modern legal frameworks, providing valuable lessons for other Muslim-majority countries facing similar challenges.

**Keywords:** constitutional identity; pancasila; pluralism.

## Introduction

Constitutionalism in Muslim-majority countries is at a challenging crossroads between the application of religious principles and modern values within the framework of the nation-state.<sup>1</sup> In many Muslim-majority countries, constitutions serve as supreme legal documents and reflections of national identities that integrate religious values and domestic socio-political dynamics.<sup>2</sup> Indonesia stands out as a unique case, where its constitution is based on Pancasila, a national ideology and constitutional identity<sup>3</sup> that accommodates religious plurality without making Islam the sole source of state law. In other Islamic countries, such as Egypt, Iran, and Pakistan, the constitutions more explicitly place Sharia as the foundation of law, revealing stark differences in the formulation of constitutional identity.<sup>4</sup> Through a comparative study, this research aims to unravel how the constitutions of these countries accommodate Islamic values and nationalism within a unique framework. As such, constitutions are not only legal instruments but also a means of reflecting the vision of the state and its relationship with Islam. In this regard, the Indonesian approach offers an alternative model for integrating religion and pluralism into one constitution.

The issue of constitutional identity in Muslim-majority countries often involves a complex process influenced by the interaction between secular and religious elements.<sup>5</sup> On the one hand, several countries explicitly make Sharia the main foundation of the constitution, such as Iran, which promotes a theocratic model.<sup>6</sup> On the other hand, Indonesia has taken a different approach by positioning Pancasila as the foundation of the state that is inclusive of various religions, including Islam, without establishing Sharia as the main source of law.<sup>7</sup> This non-uniformity of approach raises a fundamental question: how and why does Indonesia have a different constitutional identity from other Islamic countries, what factors shape this difference, and what impact does it have on political stability and citizens' loyalty to the constitution? For this reason, the main issues raised in this study are the extent to

<sup>1</sup> Shaheen Sardar Ali, Arjumand Bano Kazmi, and Ashraf Kunnummal, "Do Adjectives Matter? Exploring the 'Islamic' in Constitutions and Constitutionalism(s)," *Arab Law Quarterly* 38, no. 4 (April 8, 2024): 466–501, <https://doi.org/10.1163/15730255-bja10160>.

<sup>2</sup> Dawood Ahmed and Muhammad Zubair Abbasi, *Democracy Under God: Constitutions, Islam and Human Rights in the Muslim World*, 1st ed. (Cambridge University Press, 2023), <https://doi.org/10.1017/9781316662618>.

<sup>3</sup> Novendri Nggilu et al., "Judicial Review of Constitutional Amendments: Comparison Between India, Germany, Colombia, and the Relevancy with Indonesia," *Lex Scientia Law Review* 8, no. 1 (September 22, 2024), <https://doi.org/10.15294/lslr.v8i1.1901>.

<sup>4</sup> Ali, Kazmi, and Kunnummal, "Do Adjectives Matter?"; Moamen Gouda and Jerg Gutmann, "Islamic Constitutions and Religious Minorities," *Public Choice* 186, no. 3–4 (March 2021): 243–65, <https://doi.org/10.1007/s11127-019-00748-7>.

<sup>5</sup> Jaelyn L. Neo, "Constitutional Identity as Discourse: Mis-Identity and Dis-Identity," in *Deciphering the Genome of Constitutionalism*, ed. Ran Hirschl and Yaniv Roznai, 1st ed. (Cambridge University Press, 2024), 44–55, <https://doi.org/10.1017/9781009473194.006>.

<sup>6</sup> Said Amir Arjomand, "Constitution-Making in Islamic Iran: The Impact of Theocracy on the Legal Order of a Nation-State," in *History and Power in the Study of Law*, ed. June Starr and Jane F. Collier (Cornell University Press, 2018), 113–28, <https://doi.org/10.7591/9781501723322-007>.

<sup>7</sup> Agustinus Samosir, Khalisah Hayatuddin, and Azizah Azizah, "Pancasila Values in Indonesian Legal System," *International Journal of Social Science and Human Research* 7, no. 07 (July 27, 2024), <https://doi.org/10.47191/ijsshr/v7-i07-105>.



which Indonesia's constitutional identity can be compared with other Islamic countries and the historical, social, and political factors that cause these differences.

This research aims to provide a comprehensive comparative analysis of the differences and similarities in the constitutional identities of Indonesia and other Muslim-majority countries. One of the specific objectives of this research is to identify the characteristics of Indonesia's constitution, which accommodates the principle of pluralism through Pancasila, in contrast to the constitutions of Islamic countries that explicitly set Sharia as a cornerstone. In addition, this research also seeks to understand the sociopolitical and historical factors that shape these different constitutional identities. As such, this research is expected to provide greater insight into Indonesia's approach to accommodating the principles of religion and nationalism within a single constitutional framework, as well as to contribute to understanding the challenges and opportunities that Indonesia's constitutional model presents for democracy and social integration in a Muslim-majority country.

While there has been some research on constitutionalism in Muslim-majority countries, in-depth comparative studies between the constitutional identities of Indonesia and other Islamic countries are limited. Most studies tend to focus on countries with strict Sharia implementation<sup>8</sup> or, conversely, on secular countries with Muslim minorities,<sup>9</sup> with little discussion of how constitutions can integrate Islamic principles within a pluralistic nation-state framework. For example, some previous studies have discussed the legal systems in Egypt,<sup>10</sup> Pakistan,<sup>11</sup> and Iran<sup>12</sup> but have not exhaustively compared them with Indonesia, which has a different constitutional approach. Furthermore, the existing literature rarely touches on the historical aspects and domestic political dynamics that shaped Indonesia's constitutional identity as a unique case study. This research seeks to fill this gap by offering a comparative analysis that links historical and sociopolitical factors and how they have influenced the formulation of constitutional identity in Muslim-majority countries.

The main novelty of this research lies in the comparative approach between the constitutional identity of Indonesia, which adopts the principles of Pancasila, and Muslim-majority countries with a strong Sharia foundation. This research makes an important contribution to the study of constitutionalism in Muslim countries by

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<sup>8</sup> Tobi Angel Kolawole and Helen Ting M. H., "Sharia Politics in Nigeria and Malaysia: Governance, Islamization and Human Rights," *Journal of Politics and Law* 15, no. 3 (June 15, 2022): 25, <https://doi.org/10.5539/jpl.v15n3p25>.

<sup>9</sup> Ishak Makram Ghatas, "Muslim Minorities in Europe: A Case of Adaptations with Life with Neighbours in Brussels," *International Journal of Asian Christianity* 5, no. 2 (August 30, 2022): 257–73, <https://doi.org/10.1163/25424246-05020008>; László Koppány Csáji, "Secularism and Ethnic Minorities: Comparative Case Studies on Ethnic, Religious, and Political Cognitions in Pakistani-Controlled Kashmir, Central Russia, Romania, and Northern Scandinavia," *Religions* 14, no. 1 (January 13, 2023): 117, <https://doi.org/10.3390/rel14010117>.

<sup>10</sup> Muhammed Karakuş and Mehmet Akif Koç, "Social and Political Foundations of Constitutionalism in the Middle East: The First Constitutional Movements in Tunisia, Ottoman Turkey, Egypt, and Iran," *International Journal of Kurdish Studies* 8, no. 2 (August 25, 2022): 150–74, <https://doi.org/10.21600/ijoks.1103307>.

<sup>11</sup> Anita Wilson, Samina Saeed, and Aziz Ur Rahman, "Constitutional Rights of Religious Minorities in Pakistan," *Global Political Review* V, no. I (March 30, 2020): 316–25, [https://doi.org/10.31703/gpr.2020\(V-I\).34](https://doi.org/10.31703/gpr.2020(V-I).34); Csáji, "Secularism and Ethnic Minorities."

<sup>12</sup> Arjomand, "4. Constitution-Making in Islamic Iran"; Saïd Amir Arjomand, "The 1906-07 Iranian Constitution and the Constitutional Debate on Islam," *Journal of Persianate Studies* 5, no. 2 (2012): 152–74, <https://doi.org/10.1163/18747167-12341242>.



highlighting the Indonesian constitutional model as a unique approach to integrating religious plurality without excluding the role of Islam. While much constitutional literature focuses on models of theocracy or extreme secularism,<sup>13</sup> this research offers an alternative model that maintains Islamic values while respecting religious diversity. The contribution of this research can be seen from both academic and practical perspectives, as the results are expected to provide guidance for Islamic countries aiming to build stable democracies while maintaining religious and national identities. Through careful analysis, the research justifies that Indonesia's approach to the constitution can inspire other Muslim countries seeking to harmonise the relationship between religion and state within an inclusive legal framework.

## Method

The research utilises a combination of statutory, historical, and comparative approaches<sup>14</sup> to investigate constitutional identity in Indonesia and other Muslim-majority countries. The statutory approach focuses on identifying and analysing the Indonesian constitution's provisions reflecting its distinct identity. The historical approach examines the evolution of Indonesia's constitutional identity, considering how pivotal historical events, such as colonialism and independence, shaped its foundation and influenced its pluralistic principles. The comparative approach analyses constitutional identities in Egypt, Pakistan, and Iran, emphasising the similarities and differences in how Islamic values are integrated into their constitutional frameworks. This research draws on both primary and secondary legal materials. Primary materials include the constitutions of Indonesia, Egypt, Pakistan, and Iran, along with relevant statutory regulations. Secondary materials, such as books, journal articles, and expert analyses, provide contextual and interpretative insights into the constitutional provisions and their practical implications. These materials undergo qualitative analysis and are presented prescriptively<sup>15</sup> to offer normative recommendations and a comprehensive understanding of the subject matter.

<sup>13</sup> Fatih Varol, "Theocratic Democracy: The Social Construction of Religious and Secular Extremism," *Türkiye Ortadoğu Çalışmaları Dergisi* 4, no. 2 (December 29, 2017): 188–91, <https://doi.org/10.26513/tocd.355486>; Azim Zahir, "Beyond Fixed Political Models of Religion–State Relations," *Religions* 14, no. 3 (March 13, 2023): 384, <https://doi.org/10.3390/rel14030384>; Arjomand, "4. Constitution-Making in Islamic Iran."

<sup>14</sup> Irwansyah Irwansyah, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel* (Yogyakarta: Mirra Buana Media, 2020); Ummi Maskanah, Mohd Zakhiri Md Nor, and Aji Mulyana, "Application of the Principle of Justice in Non-Adjudicative Settlement of Banking Disputes from the Perspective of Islamic Law," *Jurisdiction: Jurnal Hukum Dan Syariah* 15, no. 1 (July 9, 2024): 207–44, <https://doi.org/10.18860/j.v15i1.25411>; Muhammad Rinaldy Bima and John Tumba Jacob, "The Age Threshold for Presidential Nominations in the Perspective of Dignified Justice Theory: Why Is There a Mahkamah Keluarga Issue?," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 3 (December 26, 2023): 403–22, <https://doi.org/10.29303/ius.v11i3.1301>; 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>.

<sup>15</sup> Nurul Qamar Farah Syah Rezah, *Metode Penelitian Hukum Doktrinal Dan Non-Doktrinal* (Makassar: Social Politik Genius, 2020).





## Results and Discussion

### Characteristics of Indonesia's Constitutional Identity

The Preamble of the Constitution is considered a fundamental part that reflects the basic values of a country.<sup>16</sup> Venter states that the Preamble of the Constitution is the key to understanding a nation's main principles and values.<sup>17</sup> This notion is supported by the research of Justin O. Frosini, confirming that this section determines the values of a country's political unity.<sup>18</sup> If drawn in the context of Indonesian history in the formation of the constitution, Pancasila, as a state ideology, was born from the deep reflection of the founding fathers who sought to explore the basic values to establish the State of Indonesia.<sup>19</sup> In the BPUPKI (Investigating Committee for Preparatory Work for Independence) session that took place from May 29 to June 1, 1945, figures such as Muhammad Yamin, Supomo, and Soekarno presented their ideas about the basis of the state. Yamin proposed five basic principles: divinity, nationality, humanity, democracy, and social justice. Supomo introduced the concept of an integralist, while Soekarno introduced Pancasila as the philosophical basis of the state that included the principles of nationality, internationalism, deliberation, welfare, and divinity.<sup>20</sup>

After the first session, BPUPKI formed a small committee to formulate a draft preamble to the basic law. This preamble included the declaration of independence, the vision of an independent state, and the basis of the state, mentioning the obligation to implement Islamic Sharia for its adherents. However, this proposal received objections from Protestant and Catholic minority groups, who considered the sentence to reflect discrimination. This highlighted the ongoing debate and tension between national and Islamic groups.<sup>21</sup> Ultimately, on August 18, 1945, the PPKI agreed to amend the formulation to 'God Almighty,' which was subsequently

<sup>16</sup> Rahayu Prasetyaningih, "Prinsip-Prinsip Konstitusional yang Menentukan Nilai Konstitusi Indonesia. In Susi Dwi Harjanti, *Interaksi Konstitusi Dan Politik: Kontekstualisasi Pemikiran Sri Soemantri* (Bandung: Pusat Studi Kebijakan Negara, 2016), 198.

<sup>17</sup> Francois Venter, "Utilizing Constitutional Values in Constitutional Comparison," *Potchefstroom Electronic Law Journal* 4, no. 1 (July 10, 2017): 19–41, <https://doi.org/10.17159/1727-3781/2001/v4i1a2878>.

<sup>18</sup> Justin Orlando Frosini, *Constitutional Preambles at a Crossroads Between Politics and Law*, Università 70 (Santarcangelo di Romagna: Maggioli, 2012); "Hanna Lerner, David Landau -- Andrew Arato -- Heinz Klug -- Cheryl Saunders -- Joel Colon-Rios -- Richard Albert -- Zach," n.d.

<sup>19</sup> Surajiyo Surajiyo, "Tinjauan Epistemologi Terhadap Pancasila Sebagai Dasar Negara Republik Indonesia," *Ikra-ITH Humaniora: Jurnal Sosial Dan Humaniora* 5, no. 3 (2021): 54–62; Abdul Kahar Maranjaya, "A Mechanism For Filling Regional Heads Positions In A Democratic Manner According To Pancasila Democracy's Principle After The 1945 Constitution Amendments," *Syariah: Jurnal Hukum Dan Pemikiran* 21, no. 2 (2021): 227–49, <https://doi.org/10.18592/sjhp.v21i2.4870>.

<sup>20</sup> Sekretariat Negara Republik Indonesia, *Himpunan Risalah Sidang-Sidang Dari Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia (PPKI) Tanggal 29 Mei 1945 – 16 Juli 1945, Dan Panitia Persiapan Kemerdekaan Indonesia (PPKI) Tanggal 18-19 Agustus 1945 Yang Berhubungan Dengan Penyusunan Undang-Undang Dasar 1945* (Jakarta: Sekretariat Negara Republik Indonesia, 1959).

<sup>21</sup> Badrun Badrun et al., "Pancasila, Islam, and Harmonising Socio-Cultural Conflict in Indonesia," *Al-Jami'ah: Journal of Islamic Studies* 61, no. 1 (November 19, 2023): 137–56, <https://doi.org/10.14421/ajis.2023.611.137-156>; A. J. Nolte, "The Indonesian Difference: Nationalism, Islam, and Pancasila Pluralism from State Formation to the Present," in *The Palgrave Handbook of Religion and State Volume II*, ed. Shannon Holzer (Cham: Springer International Publishing, 2023), 323–46, [https://doi.org/10.1007/978-3-031-35609-4\\_15](https://doi.org/10.1007/978-3-031-35609-4_15).



ratified as part of the Constitution.<sup>22</sup> The change reflected a compromise that maintained national unity amidst diverse religions and beliefs. Pancasila, as authorised in the Preamble of the 1945 Constitution, became the philosophical and ideological foundation of the Indonesian nation.<sup>23</sup> By integrating religious, humanitarian, and national values, Pancasila becomes a fundamental identity that can accommodate plurality without sacrificing national unity.

Pancasila—a unique ideology not owned by other countries—is a plenary basic value, as illustrated by Jimly Asshiddiqie through a comparison made between Pancasila, French, and American basic values. If France has basic values including liberty, equality, and fraternity, while the basic values of the American Revolution include liberty, equality, and prosperity, Pancasila reflects the values of liberty, equality, fraternity, prosperity, and the value of God Almighty as five basic values that live as the spirit, soul, and constitutional identity in the life of the nation.<sup>24</sup>

The amendment of the 1945 Constitution in 1999-2002 emphasised that the Preamble of the 1945 Constitution was exempted from amendment, reflecting respect for the essential values contained therein.<sup>25</sup> The factions in the People's Consultative Assembly (MPR) agreed that the Preamble, which contains the Proclamation of Independence, the form of the Unitary State of the Republic of Indonesia, and Pancasila, is a fundamental statement that is once and for all.<sup>26</sup> Pancasila, although not listed in the body, remains the “guiding star” that influences the formation of constitutional norms.<sup>27</sup> The decision to make the Preamble the object of limitation for constitutional amendments was a strategy to maintain harmony amidst the tug-of-war between nationalist and religious factions in Indonesia's political history. Pancasila in the Preamble reflects a middle ground that accommodates various

<sup>22</sup> Achmad Fauzi, *Pancasila Ditinjau Dari Aspek Historis, Segi Yuridis Konstitusional Dan Segi Filosofis* (Malang: Lembaga Penerbitan Universitas Brawijaya, 1981); Subandi Al Marsudi, *Pancasila Dan UUD 45 Dalam Paradigma Reformasi* (Jakarta: Raja Grafindo, 2012); Novendri Nggilu, Indra Perwira, and Ali Abdurahman, “Constitutionality Review of Indonesian Constitutional Amendments: History and Future,” *Russian Law Journal* 11, no. 2 (2023), <https://doi.org/10.52783/rj.v11i2.517>.

<sup>23</sup> Febrian Nanda Putra Sukarna and Subelo Wiyono, “Implementation of Pancasila Values in Suppressing the Radicalism Movement,” *Awang Long Law Review* 6, no. 1 (November 30, 2023): 304–12, <https://doi.org/10.56301/awl.v6i1.1034>.

<sup>24</sup> Jimly Asshiddiqie, *Pancasila: Identitas Konstitusi Berbangsa Dan Bernegara* (Jakarta: Rajawali Pers, 2020).

<sup>25</sup> Nggilu, Perwira, and Abdurahman, “Constitutionality Review of Indonesian Constitutional Amendments”; Arief Hidayat, “Negara Hukum Berwatak Pancasila,” *Peningkatan Pemahaman Hak Konstitusional Warga Negara Bagi Asosiasi Dosen Pancasila Dan Kewarganegaraan (ADPK) & Asosiasi Profesi Pendidikan Pancasila Dan Kewarganegaraan Indonesia (AP3KnI)*, August 21, 2017; Luthfi Widagdo Eddyono, “Quo Vadis Pancasila Sebagai Norma Konstitusi Yang Tidak Dapat Diubah,” *Jurnal Konstitusi* 16, no. 3 (October 8, 2019): 585, <https://doi.org/10.31078/jk1637>; Yance Arizona, “The Return of Pancasila: Political and Legal Rhetoric Against Transnational Islamist Imposition,” *Constitutional Review* 5, no. 1 (May 31, 2019): 164, <https://doi.org/10.31078/consrev516>.

<sup>26</sup> Mahkamah Konstitusi, *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945: Latar Belakang, Proses Dan Hasil Pembahasan 1999-2002, Buku III-Sendi-Sendi/Fundamental Negara* (Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, 2010).

<sup>27</sup> Mahkamah Konstitusi, *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945: Latar Belakang, Proses Dan Hasil Pembahasan 1999-2002 (Buku VI-Kekuasaan Kehakiman)* (Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, 2010).



interests and serves as the basis for converging the nation's values.<sup>28</sup> This effort not only preserves the essential values of the nation but also ensures political stability and the sustainability of the Pancasila ideology as a guide to the nation's life.

The existence of Pancasila in the Preamble of the Constitution of the Republic of Indonesia, which is implicitly a provision that cannot be changed as stipulated in Article 37, paragraph (1), shows that Pancasila, as a constitutional identity, is protected and guarded even from the possibility of being amended by Parliament. Pancasila, which reflects a “supra-constitutional” value, holds a higher normative degree of the constitution than other norms and provisions in the Indonesian Constitution.<sup>29</sup> If traced in the track record of the Indonesian state administration, the value of Pancasila has never been replaced in all constitutions formed and enacted in Indonesia, including the 1945 Constitution (Proclamation Constitution), the Constitution of the Republic of Indonesia (RIS) in 1949, the Temporary Constitution of 1950, and the 1945 Constitution of the Republic of Indonesia (Reform Constitution).<sup>30</sup>

The Indonesian Constitution stands out as a unique legal document with the ideological foundation of Pancasila, which offers a balanced approach to incorporating religious values and pluralism.<sup>31</sup> Pancasila, as the foundation of the state, not only serves as a national identity<sup>32</sup> but also as a binding element that maintains social integration amidst religious, ethnic, and cultural diversity.<sup>33</sup> The five principles of Pancasila place Belief in One God as the first principle, which implicitly recognises the role of religion in the nation's life without limiting the constitution to one particular religion. Through this approach, the Indonesian Constitution can accommodate diversity and maintain inclusiveness, which distinguishes it from other

<sup>28</sup> Surajiyo Surajiyo, “Tinjauan Epistemologi Terhadap Pancasila Sebagai Dasar Negara Republik Indonesia”; Ahmad Basarah, “Eksistensi Pancasila Sebagai Tolak Ukur Dalam Pengujian Undang-Undang Terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Di Mahkamah Konstitusi: Kajian Perspektif Filsafat Hukum Dan Ketatanegaraan” (Semarang, Indonesia, Diponegoro University, 2016); Fakhri Lutfianto Hapsoro and Ismail Ismail, “Interpretasi Konstitusi Dalam Pengujian Konstitusionalitas Untuk Mewujudkan The Living Constitution,” *Jambura Law Review* 2, no. 2 (June 19, 2020): 139–60, <https://doi.org/10.33756/jlr.v2i2.5644>; *Pancasila Dan UUD 45 Dalam Paradigma Reformasi*.

<sup>29</sup> Nggilu et al., “Judicial Review of Constitutional Amendments”; Nggilu, Perwira, and Abdurahman, “Constitutionality Review of Indonesian Constitutional Amendments”; Luthfi Widagdo Eddyono, “The Unamendable Articles of the 1945 Constitution,” *Constitutional Review* 2, no. 2 (February 6, 2017): 252, <https://doi.org/10.31078/consrev225>.

<sup>30</sup> Usman Rasyid et al., “Reformulation of the Authority of Judicial Commission: Safeguarding the Future of Indonesian Judicial Power,” *Jambura Law Review* 5, no. 2 (July 31, 2023): 386–413, <https://doi.org/10.33756/jlr.v5i2.24239>; Novendri M. Nggilu et al., “Constitutional Crisis: Intensifying Disobedience to the Decisions of the Indonesian Constitutional Court,” *Revista Chilena de Derecho* 50, no. 2 (October 23, 2023): 115–32, <https://doi.org/10.7764/R.502.5>.

<sup>31</sup> Bambang Hartono, “The Value of Pancasila as an Ideological Based for the Development of the Legal System in Indonesia,” *International Journal of Law and Politics Studies* 6, no. 4 (August 1, 2024): 50–56, <https://doi.org/10.32996/ijlps.2024.6.4.6>.

<sup>32</sup> Abdurrachman Satrio, “Restoring Indonesia’s (Un)Constitutional Constitution: Soepomo’s Authoritarian Constitution,” *German Law Journal* 24, no. 2 (March 2023): 402–16, <https://doi.org/10.1017/glj.2023.16>; Abdurrachman Satrio, “The Existence of the Unamendable Provision of the Unitary State of the Republic of Indonesia: The Role of the Constitutional Court,” *Comparative Constitutional and Administrative Law Quarterly* 3, no. 4 (2017): 18–37.

<sup>33</sup> Arizona, “The Return of Pancasila.”



Islamic countries that prioritise Sharia.<sup>34</sup> Additionally, while Indonesia is a Muslim-majority country, the constitution ensures equal rights for both majority and minority religious groups.<sup>35</sup> Unlike Iran<sup>36</sup> or Pakistan,<sup>37</sup> where Sharia is the primary basis of state law, Indonesia recognises religious plurality as part of its national identity. This allows the Indonesian Constitution to support the diversity of laws, including customary, religious, and national law. In this context, Pancasila bridges traditional and modern values, thus avoiding a homogenised legal system.<sup>38</sup>

The Indonesian Constitution also demonstrates flexible adaptation in response to evolving social and political dynamics. Through the role of institutions such as the Indonesian Ulema Council (MUI) and the role of religious education institutions, Islam is accommodated institutionally without undermining the principle of pluralism in state law,<sup>39</sup> in contrast to many other Islamic countries, where religious institutions have a dominant influence on the legislative process.<sup>40</sup> Therefore, the Indonesian Constitution maintains a balance and provides a dynamic and adaptive legal framework capable of responding to change without losing basic principles. In addition, the application of legal pluralism in Indonesia demonstrates the constitution's ability to accommodate differences without causing conflict. Customary law, which includes the traditions and customs of local communities, is officially recognised by the state and integrated into the national legal framework.<sup>41</sup> Similarly, Islamic law in certain regions, such as Aceh, shows that the Indonesian Constitution can create unity within diversity.<sup>42</sup> Thus, legal pluralism is one of the characteristics that enriches the identity of the Indonesian Constitution and provides space for various groups to coexist. The characteristics of the Indonesian Constitution show that despite being in a Muslim-majority environment, Indonesia has succeeded in creating an inclusive and pluralistic constitutional model. Pancasila, as the foundation of the state, plays an important role in shaping a moderate constitutional identity, which can accommodate religious differences within a

<sup>34</sup> Herlindah Herlindah, Indah Dwi Qurbani, and Dorra Prisilia, "The Existence of Pancasila in Resolving Conflicts of Differing Views on Religious Rights in Indonesia," *Diponegoro Law Review* 7, no. 2 (October 27, 2022): 212–29, <https://doi.org/10.14710/dilrev.7.2.2022.212-229>.

<sup>35</sup> Nurfaika Ishak, "Religious Tolerance in the Constitution and Guarantees for the Protection of Human Rights," *Jurnal Scientia Indonesia* 8, no. 1 (April 30, 2022): 53–70, <https://doi.org/10.15294/jsi.v8i1.35953>.

<sup>36</sup> Karakuş and Koç, "Social and Political Foundations of Constitutionalism in the Middle East"; Arjomand, "4. Constitution-Making in Islamic Iran."

<sup>37</sup> Wilson, Saeed, and Aziz Ur Rahman, "Constitutional Rights of Religious Minorities in Pakistan"; Ahmed and Abbasi, *Democracy Under God*.

<sup>38</sup> Samosir, Hayatuddin, and Azizah, "Pancasila Values in Indonesian Legal System"; Hartono, "The Value of Pancasila as an Ideological Based for the Development of the Legal System in Indonesia."

<sup>39</sup> Efa Rodiah Nur and Fathul Mu'in, "Integration of Religious and Social Values in the Development of the Indonesian Constitution Era 5.0," *KnE Social Sciences*, January 11, 2024, <https://doi.org/10.18502/kss.v9i2.14962>.

<sup>40</sup> Ahmad Nurozi, "Comparative Study of the Process of Islamic Law Legislation in Indonesia with Malaysia and Its Implementation into Legislation Regulations," *Jurnal Hukum Islam* 20, no. 1 (June 23, 2022): 125–54, <https://doi.org/10.28918/jhi.v20i1.5906>.

<sup>41</sup> Fitri Arianti Saputri, "The Position of Customary Law in the Legal System: An Exploration Role, Challenges, and Integration in the Context of National Legal Development," *Journal of Adat Recht* 1, no. 1 (May 27, 2024), <https://doi.org/10.62872/esmxh108>.

<sup>42</sup> Mursyid Djawas et al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism," *Hasanuddin Law Review* 10, no. 1 (May 1, 2024): 64, <https://doi.org/10.20956/halrev.v10i1.4824>.





harmonious legal framework. This model not only demonstrates that a Muslim-majority country can build a constitution that is not Sharia-based but also offers an alternative approach for other countries facing similar challenges in maintaining social harmony amidst diversity

### Comparative Analysis of Indonesia's Constitutional Identity with Other Islamic Countries

A comparative analysis of Indonesia's constitutional identity with other Islamic countries reveals significant variations in the application of Islamic values in state law. Egypt, for example, declares Islam as the primary source of law, which directly influences the national legislative process. The Egyptian constitution incorporates sharia principles in the law, especially regarding family law, thus strengthening the role of religion in social life.<sup>43</sup> Nonetheless, Egypt retains democratic elements in its governance structure. This shows that Egypt tries to combine democratic principles with Islamic law, although the influence of Sharia remains dominant.<sup>44</sup>

In Pakistan, the approach is different, even though Islam also serves as the basis of the constitution.<sup>45</sup> As an Islamic state that claims to be a democratic nation, Pakistan faces challenges in integrating sharia law into a more inclusive legal system. Tensions between Sharia principles and secular law often lead to legislation and policy implementation conflicts.<sup>46</sup> It is obvious in how family law and criminal law are governed under sharia principles, while economic and governmental law still refers to secular law. The uniqueness of Pakistan's approach lies in its constant efforts to balance the role of Islam in the constitution without undermining the democratic structure.<sup>47</sup> Iran, on the other hand, is an example of an Islamic state that takes a theocratic approach, where Sharia dominates all aspects of law and politics.<sup>48</sup> The Iranian constitution declares Islam as the absolute basis of the state and places supreme power in the Supreme Leader, who is elected based on Islamic qualifications.<sup>49</sup> In this context, Iran's constitutional identity reflects the complete dominance of religion in all aspects of state life. The country has Sharia as its main foundation, which not only shapes national laws but also removes all forms of law

<sup>43</sup> Asif Mohiuddin, "Islam, Religious Authority and The State: The Case of Egypt," *Asian Journal of Middle Eastern and Islamic Studies* 16, no. 2 (April 3, 2022): 165–88, <https://doi.org/10.1080/25765949.2022.2097730>.

<sup>44</sup> Khan Sarifuzzaman, "The Role of Political Islam in Egyptian Democratic Experience," *Journal of Social and Political Sciences* 2, no. 3 (September 30, 2019), <https://doi.org/10.31014/aior.1991.02.03.92>.

<sup>45</sup> Ahmed and Abbasi, *Democracy Under God*.

<sup>46</sup> Sahin Husain, Nasir Purkon Ayoub, and Mukhammadolim Hassmann, "Legal Pluralism in Contemporary Societies: Dynamics of Interaction between Islamic Law and Secular Civil Law," *SYARIAT: Akhwal Syaksyah, Jinayah, Siyasa and Muamalah* 1, no. 1 (April 30, 2024): 1–17, <https://doi.org/10.35335/cfb3wk76>.

<sup>47</sup> Mohammad Waseem, "Islamic Constitutionalism in Pakistan," *Arab Law Quarterly* 38, no. 4 (June 20, 2024): 446–65, <https://doi.org/10.1163/15730255-bja10165>.

<sup>48</sup> Arjomand, "4. Constitution-Making in Islamic Iran"; Karakuş and Koç, "Social and Political Foundations of Constitutionalism in the Middle East."

<sup>49</sup> Muhammad Asim, "Iranian Constitution Under Pro-Center Dogmatic Authoritarianism and Pro-Persian Cosmopolitanism, and Its Impacts on Ethno-Sectarian and Ethno-Linguistic Minorities," in *Ethnic Religious Minorities in Iran*, ed. S. Behnaz Hosseini (Singapore: Springer Nature Singapore, 2023), 13–44, [https://doi.org/10.1007/978-981-19-1633-5\\_2](https://doi.org/10.1007/978-981-19-1633-5_2).



deemed incompatible with Islam.<sup>50</sup> As such, Iran exhibits a theocratic model of governance that differs significantly from democratic approaches such as those taken by Egypt and Pakistan.

Indonesia, with its Pancasila-based approach, provides a stark contrast. In the Indonesian constitution, although religion is formally recognised and Islam has a significant role, the values of the religion are integrated in a pluralistic manner, where no religion dominates state law. The Indonesian constitution accommodates Islam in the form of local laws and rules relating to social life but does not make it the primary source of law.<sup>51</sup> This puts Indonesia in a unique position as a Muslim-majority country that does not use Sharia as its primary legal basis but retains its Islamic identity as part of its national culture. In its constitution, Indonesia reflects a more moderate and pluralistic attempt at integrating religious values. While countries such as Egypt and Pakistan use Sharia as the main source of law, and Iran implements a full-fledged theocracy, Indonesia chooses a middle path that allows for legal pluralism. As such, Indonesia's constitution can be seen as an alternative model that shows that religious values and nationalism can be combined in one inclusive legal framework without necessarily choosing one as dominant.

### Factors that Shape Constitutional Identity

Constitutional identity in Islamic countries, including Indonesia, is heavily influenced by historical factors,<sup>52</sup> especially the history of colonialism and the process toward independence. In Indonesia, the experience of Dutch colonialism and the efforts to break away from colonialism shaped a strong spirit of nationalism. During independence, the founding fathers faced a dilemma in determining the basis of the state that could unite a religiously and culturally heterogeneous society.<sup>53</sup> Pancasila was born as a result of this compromise, reflecting a national ideology that embraces pluralism while still recognising the role of religion in national life. This is different from countries like Pakistan, where the experience of independence was based on the spirit of Islam as a distinguishing identity from Hindu-majority India. Thus, Pakistan chose Islam as the main foundation of its constitution.<sup>54</sup>

In addition to colonial history, the role of religion in social and political movements has also contributed to shaping constitutional identity in many Islamic countries.<sup>55</sup> In Iran, for example, the 1979 Islamic revolution was a decisive turning

<sup>50</sup> Ibid.

<sup>51</sup> Rodiah Nur and Mu'in, "Integration of Religious and Social Values in the Development of the Indonesian Constitution Era 5.0"; 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>.

<sup>52</sup> Garry Jeffrey Jacobsohn, "Constitutional Identity," *The Review of Politics* 68, no. 3 (2006); Michel Rosenfeld and András Sajó, eds., *The Oxford Handbook of Comparative Constitutional Law*, 1st ed (Oxford, U.K: Oxford University Press, 2012); Bijana Kostadinov, "Constitutional Identity," *Iustinianus Primus Law Review* 3, no. 4 (2012).

<sup>53</sup> et.al Yance Arizona, *Pancasila Dalam Putusan Mahkamah Konstitusi* (Jakarta: Epistema Institu, 2014); Herlindah, Qurbani, and Prisilia, "The Existence of Pancasila in Resolving Conflicts of Differing Views on Religious Rights in Indonesia"; Arizona, "The Return of Pancasila."

<sup>54</sup> Waseem, "Islamic Constitutionalism in Pakistan."

<sup>55</sup> A. Kadir Yildirim, *The Politics of Religious Party Change: Islamist and Catholic Parties in Comparative Perspective*, 1st ed. (Cambridge University Press, 2023), <https://doi.org/10.1017/9781009170734>; "Hanna Lerner, David Landau -- Andrew Arato -- Heinz Klug -- Cheryl Saunders -- Joel Colon-Rios



point, bringing Islam to the centre of power and transforming Iran into a theocratic state.<sup>56</sup> The revolution replaced the Shah's secular rule with a Sharia-based system of government, making religion a major force in the country's politics and laws. In Egypt, the role of religion in politics was also significant, but the country maintained a more secular structure by integrating Islamic principles into its laws without becoming a theocratic state.<sup>57</sup> In the case of Indonesia, the role of religion, particularly Islam, is influential in the political process but not dominating. Indonesia maintains a balance between national interests and religious aspirations, as seen in the position of Pancasila as the foundation of the state that accommodates religious diversity.

Domestic political dynamics are also an important factor in shaping constitutional identity. In Pakistan, tensions between conservative and moderate Islamic groups often colour legal debates, especially when it comes to the application of Sharia.<sup>58</sup> This political conflict shows that the country's constitutional identity is often the result of a negotiation process<sup>59</sup> between groups with different views on the role of Islam. Indonesia has experienced similar dynamics, but its more pluralistic constitutional approach has allowed for a more moderate consensus. Indonesia's success in avoiding the dominance of one particular religious group is the result of a political system that upholds pluralism and religious freedom.

International influences also play an important role, especially in an era of globalisation that pushes countries to conform to international standards,<sup>60</sup> including human rights.<sup>61</sup> Egypt and Pakistan, for example, have faced international pressure to moderate the application of Sharia, particularly in relation to women's rights and religious freedom.<sup>62</sup> In Indonesia, international pressure has also pushed the state to maintain tolerance and human rights within the framework of pluralism stipulated in the constitution. Thus, international influences contribute to shaping the character

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-- Richard Albert -- Zach"; Monika Polzin, "Constitutional Identity as a Constructed Reality and a Restless Soul," *German Law Journal* 18, no. 7 (December 1, 2017): 1595–1616, <https://doi.org/10.1017/S2071832200022458>; Neo, "Constitutional Identity as Discourse."

<sup>56</sup> Arjomand, "4. Constitution-Making in Islamic Iran"; Arjomand, "The 1906-07 Iranian Constitution and the Constitutional Debate on Islam."

<sup>57</sup> Ahmed and Abbasi, *Democracy Under God*; Mohiuddin, "Islam, Religious Authority and The State"; Sarifuzzaman, "The Role of Political Islam in Egyptian Democratic Experience."

<sup>58</sup> Zahid Shahab Ahmed, "Islam and the Politics of Secularism in Pakistan," *Religions* 14, no. 3 (March 19, 2023): 416, <https://doi.org/10.3390/rel14030416>.

<sup>59</sup> Richard Albert, *Constitutional Amendments: Making, Breaking, and Changing Constitutions* (Oxford, United Kingdom; New York: Oxford University Press, 2019).

<sup>60</sup> Polzin, "Constitutional Identity as a Constructed Reality and a Restless Soul"; Monika Polzin, "Constitutional Identity, Unconstitutional Amendments and the Idea of Constituent Power: The Development of the Doctrine of Constitutional Identity in German Constitutional Law," *International Journal of Constitutional Law* 14, no. 2 (April 2016): 411–38, <https://doi.org/10.1093/icon/mow035>.

<sup>61</sup> Yaniv Roznai and Leticia Regina Camargo Kreuz, "Conventionality Control and Amendment 95/2016: A Brazilian Case of Unconstitutional Constitutional Amendment," *Revista de Investigações Constitucionais* 5, no. 2 (May 1, 2018): 35, <https://doi.org/10.5380/rinc.v5i2.57577>; Yaniv Roznai, *Unconstitutional Constitutional Amendments: The Limits of Amendment Powers*, First published in paperback, Oxford Constitutional Theory (Oxford, United Kingdom New York, United States of America: Oxford University Press, 2019).

<sup>62</sup> Hafiz Muhammad Ishaq and Muhammad Aman Ullah, "Rights of Non-Muslims in a Sharia and Its Application in Pakistan: قانون شریعت میں غیر مسلموں کے حقوق اور ان کا پاکستان میں اطلاق," *The Islamic Culture "As-Saqafat-Ul Islamia" - Research Journal - Sheikh Zayed Islamic Centre, University of Karachi* 47, no. 2 (December 30, 2022), <https://doi.org/10.58352/tis.v47i2.873>.



of the constitution, where Islamic countries need to consider global standards without neglecting their domestic values. Factors of colonial history, socio-religious movements, political dynamics, and international influences shape the constitutional identities of Muslim-majority countries. Each country has a different historical path, which leads to different approaches to integrating Islam into the constitution. Indonesia, through its pluralistic approach based on Pancasila, shows that a Muslim-majority country can build a constitutional identity that respects religion while maintaining values of inclusiveness. These factors show that constitutional identity is not only the result of political decisions but also a reflection of complex history and social dynamics.

### **The Implications of Different Constitutional Identities for Democracy and National Stability**

Differences in constitutional identity profoundly impact the sustainability of democracy and national stability. In Indonesia, the Pancasila-based constitutional model provides space for different religions to coexist within a unified state, supporting social and political stability. The Indonesian constitution recognises the existence of Islamic law under certain jurisdictions, such as in Aceh, without placing it as national law. This strengthens support for democracy by granting local autonomy while maintaining harmony at the national level. In contrast, countries such as Iran, which have a theocratic, sharia-based system, face serious challenges in balancing the demands of democracy and the supremacy of religion. The dominance of religion in law and politics has often led to conflicts between the government and reform-minded groups.<sup>63</sup>

In contrast, Iran's theocratic model, based on Velayat-e Faqih (Guardianship of the Islamic Jurist), exemplifies a constitutional framework where religion predominates over the state. The Iranian constitution establishes Sharia as the ultimate source of law, bestowing supreme authority upon the Supreme Leader.<sup>64</sup> While this model enforces a unified religious identity, it tends to marginalise reformist and secular groups, resulting in internal conflicts and political repression. The prevalence of religious authority in governance restricts the scope of democracy, as fundamental freedoms and dissent are often suppressed. Additionally, social stability in Iran is further compromised by the absence of legal protections for religious minorities, who endure systemic discrimination and exclusion. This exclusionary constitutional identity hinders Iran's potential for long-term national stability and undermines its international reputation, particularly regarding human rights compliance.<sup>65</sup>

Having declared Islam as the state religion, Egypt occupies a middle ground between secular governance and Islamic constitutionalism. While Islamic principles influence legislation, especially family law, the country maintains a degree of

<sup>63</sup> Arjomand, "4. Constitution-Making in Islamic Iran"; Arjomand, "The 1906-07 Iranian Constitution and the Constitutional Debate on Islam."

<sup>64</sup> Mari Jože Osredkar and Kasra Akhavan Azari, "Islamic Theocracy in Iran," *Edinost in dialog* 77, no. 2 (2022), <https://doi.org/10.34291/Edinost/77/02/Azari>.

<sup>65</sup> Ra'ees, Wahabuddin and Kamal, Abdol Moghset Bani, "Human Rights of Religious and Ethnic Minorities in the Islamic Republic of Iran," *The Journal for Interdisciplinary Middle Eastern Studies*, no. 4 (2019): 9–31, <https://doi.org/10.26351/JIMES/4/1>.





separation between religion and state.<sup>66</sup> This dual approach allows Egypt to incorporate religious values without descending into a theocratic regime. However, the reliance on Sharia as a legislative source has occasionally resulted in societal polarisation, particularly between conservative and liberal factions. Furthermore, the political role of religious institutions like Al-Azhar adds complexity to Egypt's constitutional identity as it seeks to balance religious authority with democratic governance. The country's ability to maintain national stability depends on its capacity to navigate these tensions and promote inclusivity within its constitutional framework.<sup>67</sup>

In Pakistan, despite the Islamic identity of the constitution, the country has sought to maintain democracy, but the tension between sharia law and secular law poses a challenge to sustainable stability. In this regard, the legislative process is often characterised by debates between conservative and progressive factions, which have different views on the role of Islam in state law.<sup>68</sup> As a result, there is often legal dualism that has the potential to cause social and legal conflict. In contrast, Indonesia, with its pluralistic model, avoids the dominance of one religion in the legislative process, thus creating greater legal and social stability. This suggests that Indonesia's approach to limiting the role of religion in national legislation supports democratic sustainability and reduces the risk of political tension.

The implications of constitutional identity for national stability can also be seen in the context of social integration. In countries where Sharia is strictly enforced, such as Iran, the integration of minority groups is a serious challenge. Religious minorities often do not receive adequate legal protection, leading to discrimination and social discontent.<sup>69</sup> With its pluralistic constitution, Indonesia protects minority groups through a legal system that guarantees the rights of every citizen regardless of religion. This provides greater social stability by reducing the potential for conflict between religious groups, which supports the creation of a harmonious environment in society.<sup>70</sup>

The impact of constitutional identity on human rights is also significant. In countries where Sharia is the basis of law, individual rights are often restricted according to religious interpretations. For example, in Iran and Pakistan, the application of Sharia in some aspects of law leads to limitations on women's rights and religious freedom.<sup>71</sup> In contrast, Indonesia's constitution seeks to strike a balance

<sup>66</sup> Abdel Salam Sidahmed, *Islamic Fundamentalism*, ed. Abdel Salam Sidahmed and Anoushiravan Ehteshami, 1st ed. (Routledge, 2018), <https://doi.org/10.4324/9780429499593>.

<sup>67</sup> Nathan J. Brown, "Who Has Governed Egypt-Ruler, Regime, or State? Egypt's Unrevolutionary 1971 Revolution," in *From the 1919 Revolution to the 2011 Arab Spring*, by Uzi Rabi and Mira Tzoref, 1st ed. (London: Routledge, 2024), 33–43, <https://doi.org/10.4324/9781003351580-5>.

<sup>68</sup> Waseem, "Islamic Constitutionalism in Pakistan"; Ahmed and Abbasi, *Democracy Under God*.

<sup>69</sup> Safiullah Arabzai, Fazal Hadi Fazli, and Bashir Ahmad Mohammadi, "The Rights of Religious Minorities in International Legal Documents and Islamic Shariah," *American Journal of Law and Political Science* 2, no. 3 (August 5, 2023): 24–31, <https://doi.org/10.58425/ajlps.v2i3.194>.

<sup>70</sup> Rodiah Nur and Mu'in, "Integration of Religious and Social Values in the Development of the Indonesian Constitution Era 5.0"; Herlindah, Qurbani, and Prisilia, "The Existence of Pancasila in Resolving Conflicts of Differing Views on Religious Rights in Indonesia."

<sup>71</sup> Christine Schirrmacher, "The Sharia-Based Understanding of Religious Freedom and Women's Rights in Conflict with the Secular Constitutional State," *Societas Dei: Jurnal Agama Dan Masyarakat* 2, no. 2 (October 24, 2017): 366, <https://doi.org/10.33550/sd.v2i2.22>; PTE ÁJK and Amna Hassan, "The Shariah Law in Pakistani Legal System and General Legal Status of Women in Pakistan," *DÍKÉ* 4, no. 1 (September 1, 2020): 190–210, <https://doi.org/10.15170/DIKE.2020.04.01.13>.



between respect for religion and protection of human rights, in line with international commitments to civil rights and individual freedoms. This shows that pluralistic constitutional models can be more responsive to globally accepted human rights standards. Differences in constitutional identity in Muslim-majority countries have a significant impact on democratic stability, social integration, and human rights protection. With its pluralistic and inclusive constitutional approach, Indonesia demonstrates that Muslim-majority countries can maintain political and social stability without neglecting religious values. This model provides an example of how a moderate constitutional identity can be the foundation for social harmony and respect for human rights in a Muslim-majority country.

### **Potential Lessons from Indonesia's Constitutional Approach for Other Muslim Majority Countries**

Indonesia's constitutional approach, based on the principles of Pancasila, offers valuable lessons for other Muslim-majority countries in facing the challenges of modernity and pluralism. Pancasila, as an ideological foundation, allows Indonesia to accommodate religious diversity without making one religion dominant in state law. This can be an alternative model for Islamic countries that face the dilemma of integrating religious values without sacrificing the principle of inclusiveness. Through Pancasila, Indonesia has successfully built a moderate constitutional identity, which allows for harmony between religious and national law.<sup>72</sup>

Pancasila model also provides an example of how legal pluralism can be managed within an inclusive constitutional framework. By recognising customary law, religious law, and national law, Indonesia demonstrates that legal differences do not have to be a source of conflict but can instead be part of the legal diversity that enriches national identity.<sup>73</sup> Other Muslim-majority countries can learn from this approach, especially in managing religious pluralism. This model shows that constitutions that respect religious diversity can help create social stability by reducing the potential for legal and social conflict. Indonesia's constitutional approach stands out because it does not explicitly establish Islam as the basis of the state despite the majority Muslim population. Pancasila, the ideological foundation of the state,<sup>74</sup> allows for the inclusion of all religious and cultural groups. On the other hand, despite adopting the principle of "Islam as the state religion" in its constitution, Egypt faces significant challenges in balancing religious influence with secular democratic principles.<sup>75</sup> Egypt can learn from Indonesia's approach in creating space for different faiths to contribute to public life, which, in turn, can strengthen constitutional legitimacy and political stability.

In Pakistan, the constitution explicitly recognises Islam as the foundation of the state and establishes sharia law as the primary legal framework.<sup>76</sup> However, this interpretation often results in exclusivity at the expense of religious minorities. Indonesia offers a more flexible approach, where religious values can be integrated

<sup>72</sup> Hartono, "The Value of Pancasila as an Ideological Based for the Development of the Legal System in Indonesia."

<sup>73</sup> Samosir, Hayatuddin, and Azizah, "Pancasila Values in Indonesian Legal System."

<sup>74</sup> Arief Hidayat, "Negara Hukum Berwatak Pancasila."

<sup>75</sup> Mohiuddin, "Islam, Religious Authority and The State."

<sup>76</sup> Hafiz Muhammad Ishaq and Muhammad Aman Ullah, "Rights of Non-Muslims in a Sharia and Its Application in Pakistan."



without having to dominate the entire legal and governance framework. Pakistan can learn from Indonesia's ability to manage diversity through an institutional approach that emphasises interfaith dialogue and respect for minorities. Meanwhile, Iran presents a different challenge with its Velayat-e Faqih-based model of Islamic theocracy. Iran has a constitutional structure that is heavily influenced by the clergy, limiting the involvement of secular elements in government.<sup>77</sup> Indonesia's approach of placing religion in a normative but non-dominant position in politics can inspire a more inclusive constitutional model, especially if Iran is considering reforms to increase international and domestic legitimacy.

By analysing Indonesia's constitutional approach, Muslim-majority countries such as Egypt, Pakistan, and Iran can find a more balanced framework between Islamic values and the demands of modernity. Integrating religious values with the principles of democracy, pluralism, and respect for human rights in the Indonesian constitution can be a model of transformation that enables political stability, respect for diversity, and international legitimacy. This comparative study confirms that flexibility, dialogue, and an inclusive approach in constitutions can be the key to success in managing complex Muslim-majority societies.

## Conclusion

This study demonstrates that Indonesia's constitutional framework, grounded in Pancasila, provides valuable insights into the pluralistic integration of religious values within a national legal system while ensuring inclusiveness. By avoiding the establishment of Islam as the state religion, Indonesia has developed a constitutional model that is both adaptive and moderate, honouring religious diversity without allowing any single faith to dominate. This approach contrasts with countries like Egypt, Pakistan, and Iran, which prioritise Sharia law or theocratic governance. The key innovation of the Indonesian model lies in its capacity to manage religious and legal pluralism in a way that promotes national cohesion, offering a strategic alternative for other Muslim-majority nations striving to balance stability, international legitimacy, and social harmony in the face of modern complexities. This framework facilitates the coexistence of diverse religious beliefs within a unified legal system, thereby mitigating the tensions that often arise in states where one religion is favoured over others.

The study's comparative analysis is limited, focusing mainly on a few countries—Egypt, Pakistan, and Iran—without exploring a wider array of Muslim-majority nations with different legal and political systems. Additionally, while the research offers a theoretical and constitutional perspective, it does not thoroughly address the practical challenges of implementing Indonesia's model in real-world situations. Future research should investigate the practical applications of this constitutional model, both within Indonesia and in comparable contexts, to evaluate its impact on social and political dynamics. Furthermore, examining practical solutions that could assist other countries in managing religious pluralism while maintaining stability and inclusivity without sacrificing national unity would be advantageous.

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<sup>77</sup> Arjomand, "4. Constitution-Making in Islamic Iran"; Asim, "Iranian Constitution Under Pro-Center Dogmatic Authoritarianism and Pro-Persian Cosmopolitanism, and Its Impacts on Ethno-Sectarian and Ethno-Linguistic Minorities."



**Bibliography:**

- Abdurrachman Satrio. "The Existence of the Unamendable Provision of the Unitary State of the Republic of Indonesia: The Role of the Constitutional Court." *Comparative Constitutional and Administrative Law Quarterly* 3, no. 4 (2017): 18–37.
- Achmad Fauzi. *Pancasila Ditinjau Dari Aspek Historis, Segi Yuridis Konstitusional Dan Segi Filosofis*. Malang: Lembaga Penerbitan Universitas Brawijaya, 1981.
- Ahmad Basarah. "Eksistensi Pancasila Sebagai Tolak Ukur Dalam Pengujian Undang-Undang Terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Di Mahkamah Konstitusi: Kajian Perspektif Filsafat Hukum Dan Ketatanegaraan." Diponegoro University, 2016.
- Ahmad Nurozi. "Comparative Study of the Process of Islamic Law Legislation in Indonesia with Malaysia and Its Implementation into Legislation Regulations." *Jurnal Hukum Islam* 20, no. 1 (June 23, 2022): 125–54. <https://doi.org/10.28918/jhi.v20i1.5906>.
- Ahmed, Dawood, and Muhammad Zubair Abbasi. *Democracy Under God: Constitutions, Islam and Human Rights in the Muslim World*. 1st ed. Cambridge University Press, 2023. <https://doi.org/10.1017/9781316662618>.
- Ahmed, Zahid Shahab. "Islam and the Politics of Secularism in Pakistan." *Religions* 14, no. 3 (March 19, 2023): 416. <https://doi.org/10.3390/rel14030416>.
- Albert, Richard. *Constitutional Amendments: Making, Breaking, and Changing Constitutions*. Oxford, United Kingdom ; New York: Oxford University Press, 2019.
- Ali, Shaheen Sardar, Arjumand Bano Kazmi, and Ashraf Kunnummal. "Do Adjectives Matter? Exploring the 'Islamic' in Constitutions and Constitutionalism(s)." *Arab Law Quarterly* 38, no. 4 (April 8, 2024): 466–501. <https://doi.org/10.1163/15730255-bja10160>.
- Arabzai, Safiullah, Fazal Hadi Fazli, and Bashir Ahmad Mohammadi. "The Rights of Religious Minorities in International Legal Documents and Islamic Shariah." *American Journal of Law and Political Science* 2, no. 3 (August 5, 2023): 24–31. <https://doi.org/10.58425/ajlps.v2i3.194>.
- Arief Hidayat. "Negara Hukum Berwatak Pancasila." *Peningkatan Pemahaman Hak Konstitusional Warga Negara Bagi Asosiasi Dosen Pancasila Dan Kewarganegaraan (ADPK) & Asosiasi Profesi Pendidikan Pancasila Dan Kewarganegaraan Indonesia (AP3KnI)*, August 21, 2017.
- Arizona, Yance. "The Return of Pancasila: Political and Legal Rhetoric Against Transnational Islamist Imposition." *Constitutional Review* 5, no. 1 (May 31, 2019): 164. <https://doi.org/10.31078/consrev516>.
- Arjomand, Said Amir. "Constitution-Making in Islamic Iran: The Impact of Theocracy on the Legal Order of a Nation-State." In *History and Power in the Study of Law*, edited by June Starr and Jane F. Collier, 113–28. Cornell University Press, 2018. <https://doi.org/10.7591/9781501723322-007>.
- Arjomand, Saïd Amir. "The 1906-07 Iranian Constitution and the Constitutional Debate on Islam." *Journal of Persianate Studies* 5, no. 2 (2012): 152–74. <https://doi.org/10.1163/18747167-12341242>.
- Asim, Muhammad. "Iranian Constitution Under Pro-Center Dogmatic Authoritarianism and Pro-Persian Cosmopolitanism, and Its Impacts on





- Ethno-Sectarian and Ethno-Linguistic Minorities.” In *Ethnic Religious Minorities in Iran*, edited by S. Behnaz Hosseini, 13–44. Singapore: Springer Nature Singapore, 2023. [https://doi.org/10.1007/978-981-19-1633-5\\_2](https://doi.org/10.1007/978-981-19-1633-5_2).
- Badrun, Badrun, Sujadi Sujadi, Idi Warsah, Imron Muttaqin, and Ruly Morganna. “Pancasila, Islam, and Harmonising Socio-Cultural Conflict in Indonesia.” *Al-Jami'ah: Journal of Islamic Studies* 61, no. 1 (November 19, 2023): 137–56. <https://doi.org/10.14421/ajis.2023.611.137-156>.
- Bijana Kostadinov. “Constitutional Identity.” *Iustinianus Primus Law Review* 3, no. 4 (2012).
- Bima, Muhammad Rinaldy, and John Tumba Jacob. “The Age Threshold for Presidential Nominations in the Perspective of Dignified Justice Theory: Why Is There a Mahkamah Keluarga Issue?” *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 3 (December 26, 2023): 403–22. <https://doi.org/10.29303/ius.v11i3.1301>.
- Brown, Nathan J. “Who Has Governed Egypt-Ruler, Regime, or State? Egypt’s Unrevolutionary 1919 Revolution.” In *From the 1919 Revolution to the 2011 Arab Spring*, by Uzi Rabi and Mira Tzoreff, 33–43, 1st ed. London: Routledge, 2024. <https://doi.org/10.4324/9781003351580-5>.
- Csáji, László Koppány. “Secularism and Ethnic Minorities: Comparative Case Studies on Ethnic, Religious, and Political Cognitions in Pakistani-Controlled Kashmir, Central Russia, Romania, and Northern Scandinavia.” *Religions* 14, no. 1 (January 13, 2023): 117. <https://doi.org/10.3390/rel14010117>.
- Djawas, Mursyid, Abidin Nurdin, Muslim Zainuddin, Idham Idham, and Zahratul Idami. “Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism.” *Hasanuddin Law Review* 10, no. 1 (May 1, 2024): 64. <https://doi.org/10.20956/halrev.v10i1.4824>.
- Eddyono, Luthfi Widagdo. “Quo Vadis Pancasila Sebagai Norma Konstitusi Yang Tidak Dapat Diubah.” *Jurnal Konstitusi* 16, no. 3 (October 8, 2019): 585. <https://doi.org/10.31078/jk1637>.
- . “The Unamendable Articles of the 1945 Constitution.” *Constitutional Review* 2, no. 2 (February 6, 2017): 252. <https://doi.org/10.31078/consrev225>.
- Farah Syah Rezah, Nurul Qamar. *Metode Penelitian Hukum Doktrinal Dan Non-Doktrinal*. Makassar: Social Politik Genius, 2020.
- Febrian Nanda Putra Sukarna and Subelo Wiyono. “Implementation of Pancasila Values in Suppressing the Radicalism Movement.” *Awang Long Law Review* 6, no. 1 (November 30, 2023): 304–12. <https://doi.org/10.56301/awl.v6i1.1034>.
- Frosini, Justin Orlando. *Constitutional Preambles at a Crossroads Between Politics and Law*. Università 70. Santarcangelo di Romagna: Maggioli, 2012.
- Garry Jeffrey Jacobsohn. “Constitutional Identity.” *The Review of Politics* 68, no. 3 (2006).
- Ghatas, Ishak Makram. “Muslim Minorities in Europe: A Case of Adaptations with Life with Neighbours in Brussels.” *International Journal of Asian Christianity* 5, no. 2 (August 30, 2022): 257–73. <https://doi.org/10.1163/25424246-05020008>.
- Gouda, Moamen, and Jerg Gutmann. “Islamic Constitutions and Religious Minorities.” *Public Choice* 186, no. 3–4 (March 2021): 243–65. <https://doi.org/10.1007/s11127-019-00748-7>.



- Hafiz Muhammad Ishaq and Muhammad Aman Ullah. "Rights of Non-Muslims in a Sharia and Its Application in Pakistan: قانون شریعت میں غیر مسلموں کے حقوق اور ان کا پاکستان میں اطلاق." *The Islamic Culture "As-Saqafat-Ul Islamia" - الثقافة الإسلامية - Research Journal - Sheikh Zayed Islamic Centre, University of Karachi* 47, no. 2 (December 30, 2022). <https://doi.org/10.58352/tis.v47i2.873>.
- "Hanna Lerner, David Landau -- Andrew Arato -- Heinz Klug -- Cheryl Saunders -- Joel Colon-Rios -- Richard Albert -- Zach," n.d.
- Hapsoro, Fakhris Lutfianto, and Ismail Ismail. "Interpretasi Konstitusi Dalam Pengujian Konstitusionalitas Untuk Mewujudkan The Living Constitution." *Jambura Law Review* 2, no. 2 (June 19, 2020): 139–60. <https://doi.org/10.33756/jlr.v2i2.5644>.
- Hartono, Bambang. "The Value of Pancasila as an Ideological Based for the Development of the Legal System in Indonesia." *International Journal of Law and Politics Studies* 6, no. 4 (August 1, 2024): 50–56. <https://doi.org/10.32996/ijlps.2024.6.4.6>.
- Herlindah, Herlindah, Indah Dwi Qurbani, and Dorra Prisilia. "The Existence of Pancasila in Resolving Conflicts of Differing Views on Religious Rights in Indonesia." *Diponegoro Law Review* 7, no. 2 (October 27, 2022): 212–29. <https://doi.org/10.14710/dilrev.7.2.2022.212-229>.
- Husain, Sahin, Nasir Purkon Ayoub, and Mukhammadolim Hassmann. "Legal Pluralism in Contemporary Societies: Dynamics of Interaction between Islamic Law and Secular Civil Law." *SYARIAT: Akhwal Syaksyah, Jinayah, Siyasah and Muamalah* 1, no. 1 (April 30, 2024): 1–17. <https://doi.org/10.35335/cfb3wk76>.
- Irwansyah, Irwansyah. *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*. Yogyakarta: Mirra Buana Media, 2020.
- Ishak, Nurfaika. "Religious Tolerance in the Constitution and Guarantees for the Protection of Human Rights." *Jurnal Scientia Indonesia* 8, no. 1 (April 30, 2022): 53–70. <https://doi.org/10.15294/jsi.v8i1.35953>.
- Jimly Asshiddiqie. *Pancasila: Identitas Konstitusi Berbangsa Dan Bernegara*. Jakarta: Rajawali Pers, 2020.
- Karakuş, Muhammed, and Mehmet Akif Koç. "Social and Political Foundations of Constitutionalism in the Middle East: The First Constitutional Movements in Tunisia, Ottoman Turkey, Egypt, and Iran." *International Journal of Kurdish Studies* 8, no. 2 (August 25, 2022): 150–74. <https://doi.org/10.21600/ijoks.1103307>.
- Kolawole, Tobi Angel, and Helen Ting M. H. "Sharia Politics in Nigeria and Malaysia: Governance, Islamization and Human Rights." *Journal of Politics and Law* 15, no. 3 (June 15, 2022): 25. <https://doi.org/10.5539/jpl.v15n3p25>.
- M. Nggilu, Novendri, Dian Ekawaty Ismail, Tri Sulistyowati, and Mohamad Rivaldi Moha. "Constitutional Crisis: Intensifying Disobedience to the Decisions of the Indonesian Constitutional Court." *Revista Chilena de Derecho* 50, no. 2 (October 23, 2023): 115–32. <https://doi.org/10.7764/R.502.5>.
- Mahkamah Konstitusi. *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945: Latar Belakang, Proses Dan Hasil Pembahasan 1999-2002, Buku III-Sendi-Sendi/Fundamental Negara*. Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, 2010.
- . *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945: Latar Belakang, Proses Dan Hasil Pembahasan 1999-2002*

- (*Buku VI-Kekuasaan Kehakiman*). Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, 2010.
- Maranjaya, Abdul Kahar. "A Mechanism For Filling Regional Heads Positions In A Democratic Manner According To Pancasila Democracy's Principle After The 1945 Constitution Amendments." *Syariah: Jurnal Hukum Dan Pemikiran* 21, no. 2 (2021): 227–49. <https://doi.org/10.18592/sjhp.v21i2.4870>.
- Maskanah, Ummi, Mohd Zakhiri Md Nor, and Aji Mulyana. "Application of the Principle of Justice in Non-Adjudicative Settlement of Banking Disputes from the Perspective of Islamic Law." *Jurisdictie: Jurnal Hukum Dan Syariah* 15, no. 1 (July 9, 2024): 207–44. <https://doi.org/10.18860/j.v15i1.25411>.
- Mohiuddin, Asif. "Islam, Religious Authority and The State: The Case of Egypt." *Asian Journal of Middle Eastern and Islamic Studies* 16, no. 2 (April 3, 2022): 165–88. <https://doi.org/10.1080/25765949.2022.2097730>.
- Neo, Jaclyn L. "Constitutional Identity as Discourse: Mis-Identity and Dis-Identity." In *Deciphering the Genome of Constitutionalism*, edited by Ran Hirschl and Yaniv Roznai, 1st ed., 44–55. Cambridge University Press, 2024. <https://doi.org/10.1017/9781009473194.006>.
- Nggilu, Novendri, Mohamad Rivaldi Moha, Muhammad Ridho Sinaga, and Adelia Rachmaniar. "Judicial Review of Constitutional Amendments: Comparison Between India, Germany, Colombia, and the Relevancy with Indonesia." *Lex Scientia Law Review* 8, no. 1 (September 22, 2024). <https://doi.org/10.15294/lslr.v8i1.1901>.
- Nggilu, Novendri, Indra Perwira, and Ali Abdurahman. "Constitutionality Review of Indonesian Constitutional Amendments: History and Future." *Russian Law Journal* 11, no. 2 (2023). <https://doi.org/10.52783/rlj.v11i2.517>.
- Nolte, A. J. "The Indonesian Difference: Nationalism, Islam, and Pancasila Pluralism from State Formation to the Present." In *The Palgrave Handbook of Religion and State Volume II*, edited by Shannon Holzer, 323–46. Cham: Springer International Publishing, 2023. [https://doi.org/10.1007/978-3-031-35609-4\\_15](https://doi.org/10.1007/978-3-031-35609-4_15).
- Omara, Andy. "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>.
- Osredkar, Mari Jože, and Kasra Akhavan Azari. "Islamic Theocracy in Iran." *Edinost in dialog* 77, no. 2 (2022). <https://doi.org/10.34291/Edinost/77/02/Azari>.
- Polzin, Monika. "Constitutional Identity as a Constructed Reality and a Restless Soul." *German Law Journal* 18, no. 7 (December 1, 2017): 1595–1616. <https://doi.org/10.1017/S2071832200022458>.
- . "Constitutional Identity, Unconstitutional Amendments and the Idea of Constituent Power: The Development of the Doctrine of Constitutional Identity in German Constitutional Law." *International Journal of Constitutional Law* 14, no. 2 (April 2016): 411–38. <https://doi.org/10.1093/icon/mow035>.
- PTE ÁJK, and Amna Hassan. "The Shariah Law in Pakistani Legal System and General Legal Status of Women in Pakistan." *DÍKÉ* 4, no. 1 (September 1, 2020): 190–210. <https://doi.org/10.15170/DIKE.2020.04.01.13>.
- Ra'ees, Wahabuddin and Kamal, Abdol Moghset Bani. "Human Rights of Religious and Ethnic Minorities in the Islamic Republic of Iran." *The Journal for*

- Interdisciplinary Middle Eastern Studies*, no. 4 (2019): 9–31. <https://doi.org/10.26351/JIMES/4/1>.
- Rasyid, Usman, Novendri Mohamad Nggilu, Fence Wantu, Julisa Aprilia Kaluku, and Ahmad Ahmad. “Reformulation of the Authority of Judicial Commission: Safeguarding the Future of Indonesian Judicial Power.” *Jambura Law Review* 5, no. 2 (July 31, 2023): 386–413. <https://doi.org/10.33756/jlr.v5i2.24239>.
- Rodiah Nur, Efa, and Fathul Mu’in. “Integration of Religious and Social Values in the Development of the Indonesian Constitution Era 5.0.” *KnE Social Sciences*, January 11, 2024. <https://doi.org/10.18502/kss.v9i2.14962>.
- Rosenfeld, Michel, and András Sajó, eds. *The Oxford Handbook of Comparative Constitutional Law*. 1st ed. Oxford, U.K: Oxford University Press, 2012.
- Roznai, Yaniv. *Unconstitutional Constitutional Amendments: The Limits of Amendment Powers*. First published in paperback. Oxford Constitutional Theory. Oxford, United Kingdom New York, United States of America: Oxford University Press, 2019.
- Roznai, Yaniv, and Leticia Regina Camargo Kreuz. “Conventionality Control and Amendment 95/2016: A Brazilian Case of Unconstitutional Constitutional Amendment.” *Revista de Investigações Constitucionais* 5, no. 2 (May 1, 2018): 35. <https://doi.org/10.5380/rinc.v5i2.57577>.
- Samosir, Agustinus, Khalisah Hayatuddin, and Azizah Azizah. “Pancasila Values in Indonesian Legal System.” *International Journal of Social Science and Human Research* 7, no. 07 (July 27, 2024). <https://doi.org/10.47191/ijsshr/v7-i07-105>.
- Saputri, Fitri Arianti. “The Position of Customary Law in the Legal System: An Exploration Role, Challenges, and Integration in the Context of National Legal Development.” *Journal of Adat Recht* 1, no. 1 (May 27, 2024). <https://doi.org/10.62872/esmxh108>.
- Sarifuzzaman, Khan. “The Role of Political Islam in Egyptian Democratic Experience.” *Journal of Social and Political Sciences* 2, no. 3 (September 30, 2019). <https://doi.org/10.31014/aior.1991.02.03.92>.
- Satrio, Abdurrachman. “Restoring Indonesia’s (Un)Constitutional Constitution: Soepomo’s Authoritarian Constitution.” *German Law Journal* 24, no. 2 (March 2023): 402–16. <https://doi.org/10.1017/glj.2023.16>.
- Schirmacher, Christine. “The Sharia-Based Understanding of Religious Freedom and Women’s Rights in Conflict with the Secular Constitutional State.” *Societas Dei: Jurnal Agama Dan Masyarakat* 2, no. 2 (October 24, 2017): 366. <https://doi.org/10.33550/sd.v2i2.22>.
- Sekretariat Negara Republik Indonesia. *Himpunan Risalah Sidang-Sidang Dari Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia (PPKI) Tanggal 29 Mei 1945 – 16 Juli 1945, Dan Panitia Persiapan Kemerdekaan Indonesia (PPKI) Tanggal 18-19 Agustus 1945 Yang Berhubungan Dengan Penyusunan Undang-Undang Dasar 1945*. Jakarta: Sekretariat Negara Republik Indonesia, 1959.
- Sidahmed, Abdel Salam. *Islamic Fundamentalism*. Edited by Abdel Salam Sidahmed and Anoushiravan Ehteshami. 1st ed. Routledge, 2018. <https://doi.org/10.4324/9780429499593>.
- Subandi Al Marsudi. *Pancasila Dan UUD 45 Dalam Paradigma Reformasi*. Jakarta: Raja Grafindo, 2012.
- Supriyadi, Aditya Prastian, Dwi Fidhayanti, Ramadhita Ramadhita, and Mohd Shahid bin Mohd Noh. “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>.
- Surajiyo Surajiyo. “Tinjauan Epistemologi Terhadap Pancasila Sebagai Dasar Negara Republik Indonesia.” *Ikra-ITH Humaniora: Jurnal Sosial Dan Humaniora* 5, no. 3 (2021): 54–62.
- Susi Dwi Harjanti. *Interaksi Konstitusi Dan Politik: Kontekstualisasi Pemikiran Sri Soemantri*. Bandung: Pusat Studi Kebijakan Negara, 2016.
- Varol, Fatih. “Theocratic Democracy: The Social Construction of Religious and Secular Extremism.” *Türkiye Ortadoğu Çalışmaları Dergisi* 4, no. 2 (December 29, 2017): 188–91. <https://doi.org/10.26513/tocd.355486>.
- Venter, Francois. “Utilizing Constitutional Values in Constitutional Comparison.” *Potchefstroom Electronic Law Journal* 4, no. 1 (July 10, 2017): 19–41. <https://doi.org/10.17159/1727-3781/2001/v4i1a2878>.
- Waseem, Mohammad. “Islamic Constitutionalism in Pakistan.” *Arab Law Quarterly* 38, no. 4 (June 20, 2024): 446–65. <https://doi.org/10.1163/15730255-bja10165>.
- Wilson, Anita, Samina Saeed, and Aziz Ur Rahman. “Constitutional Rights of Religious Minorities in Pakistan.” *Global Political Review* V, no. I (March 30, 2020): 316–25. [https://doi.org/10.31703/gpr.2020\(V-I\).34](https://doi.org/10.31703/gpr.2020(V-I).34).
- Yance Arizona, et.al. *Pancasila Dalam Putusan Mahkamah Konstitusi*. Jakarta: Epistema Institu, 2014.
- Yildirim, A. Kadir. *The Politics of Religious Party Change: Islamist and Catholic Parties in Comparative Perspective*. 1st ed. Cambridge University Press, 2023. <https://doi.org/10.1017/9781009170734>.
- Zahir, Azim. “Beyond Fixed Political Models of Religion–State Relations.” *Religions* 14, no. 3 (March 13, 2023): 384. <https://doi.org/10.3390/rel14030384>.

