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### President Abdurrahman Wahid's Efforts to Consolidate the Democratic Transition from the Soeharto Authoritarian Regime

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#### Abstract

*Abdurrahman Wahid was appointed by MPR (the Indonesian People's Representative Assembly) as the President of the Republic of Indonesia because of his idea of democracy, convincing the prevailing two opposing groups, namely the nationalist groups and Islamist groups (it is well-known as Poros Tengah/ the Central Axis). Indeed, he was able to adapt democracy to the Islamic tradition by employing the fiqh-plus paradigm to the relationship between Islam and the state. He made uses of the presidential office to consolidate the democratic transition such as by supporting civil society, establishing civil supremacy and establishing law enforcement. From beginning it was not easy for him to socialise his fiqh-plus paradigm to other Islamic groups. Moreover, Central Axis, the determining force contributing to the win of Wahid's presidential election, felt upset with Wahid's policies which did not align with their interests. The nationalist groups were also anxious about occupying the presidential office for themselves. Last but not the least, the military also agreed with the idea of impeachment of President Wahid in order to save their political interests.*

**Keywords:** *Abdurrahman Wahid, president, fiqh paradigm, democracy, central axis.*

#### A. Introduction

Abdurrahman Wahid's achievement of being president was due to his track record as well as people's perception of him being a capable figure for mediating conflicting ideas between the supporters of the secular and the Islamic paradigms in post-Soeharto era. Indeed, Wahid was a politician as he tried to create opinion, especially about the relationship between Islam and state, which would influence the public, but at first he did not engage with the formal political system. In 1987 he became the member of Majelis Permusyawaratan Rakyat (the Indonesian People's Representative Assembly) to represent Nahdlatul Ulama (NU) where he was general leader of NU, but it was only a short while for him in MPR as he considered that he had done his job as member of MPR. Then, he became more critical of the Soeharto regime

and, in fact, his political influence as the leader of NU was greater than that of the leaders of political parties (Rochmat, 2003) because he was able to provide a counter discourse to the monolithic interpretation of Pancasila by the Soeharto regime in 1990s. This was due to his capabilities in employing democracy as a tool for criticizing the regime (Schwarz, 1994: 188-200).

What directed Wahid to play such political role was his religious paradigm that religion, namely Islam, as a source of values should direct the course of societal life. However, he did not consider that Islam and politics are identical. Accordingly, he does not agree with the Islamists who develop a legal formal approach that the state is to implement an Islamic law (Shari'a) or at least to interpret Pancasila by an Islamic law (Shari'a). In this regard, Wahid develops a political approach within the context of the Fiqh



paradigm that Islam and the state should develop mutual legitimacy by means of democracy. In so doing, Muslims would support the national political system as well as would be critical of autocratic regimes (Wahid, 1999a: 53-54).

Wahid's ultimate thought was democracy such as manifest in his inauguration of president on 20 October 1999. At that time he gave a speech entitled 'Membangun Demokrasi Bukan Tugas yang Ringan' [Establish Democracy is not an Easy Job] (Abdurrahman Wahid, 1999b: 107-111). He believed that democracy is the key for the development of freedom of speech, the equality by the law, and law enforcement, which, then, direct towards the establishment of justice and welfare (Abdurrahman Wahid, 1999b: 100-110). Based on his presidential inauguration speech, I would like to discuss his efforts at consolidating democracy in Indonesia which extended until his removal from presidential office. I would like to highlight some issues that are curbing the influence of Islam politics, creating a civil supremacy in government, fostering law enforcement, and supporting the establishment of a strong civil society.

## **B. Method**

This research uses historical method that follows the procedure of heuristic, resources critics, interpretation, and historiography. The first step, heuristic, I collect the data and information related to the Abdurrahman Wahid in order to find some facts. The next step, I verify the facts in order to know the validity of their contents. At the third step I try to find the relationship amongst the facts as well as to know their meanings. This study poses primary research question how Abdurrahman Wahid consolidate the transition of democracy at post Soeharto era based on the Fiqh paradigm.

## **C. Result and Discussion**

It is very often to confuse fiqh with Shari'ah as both mean Islamic religious law, but both are quite different. Fiqh is defined as the clerics' understanding or interpretation of Shari'ah, meanwhile Shari'ah is an Islamic religious law as such, so that fiqh implies a pluralistic character of Islamic religious law. Conversely, Shari'ah is often claimed by the Islamists as

meaning monolithic Islamic religious law. The traditionalist Muslims believe that Fiqh governs the Muslims on their daily life and accordingly represents the Islamic world view which intertwines between secular and religious matters. A fiqh approach implies a socio-cultural approach as it tries to synthesise between 'the normative' of religion and 'particular' of culture such as Indonesian culture. In line with this Wahid supported the existence of the Republic of Indonesia with its national ideology of Pancasila. In this regard he did not agree with the idea of the legal formal Shari'ah as he advocated the idea of the substantial Shari'ah focusing on the universal Islamic values. In other words, he did not agree with Islamic ideological paradigm obsessed with the ideas of an Islamic state or of interpreting Pancasila with the Shari'ah. By so doing, Wahid tried to consolidate democracy in pursuit to a modern nation state. Through out this article you will find that Wahid confronted with some supporters of an Islamic ideological paradigm.

### **C.1. Abdurrahman Wahid's Presidential Candidacy and His Idea of Avoiding Violence**

The late period of the reign of Soeharto, especially upon the coming of the general election in 1997, was a time of the most widespread violence in the history of Soeharto's era. Vertical conflict between people and the government apparatus increased dramatically as President Soeharto was willing to see the election run successfully, in terms of the absolute win of Golkar, which served for his political legitimacy. For that purpose, the government apparatus often employed intimidation methods and as a result, the general election was not useful for absorbing the socio-political aspirations of the people. Moreover, the government tried to plug the political channels such as political parties, mass media, and mass organisations for the purpose of political stability. However, this did not create political stability when it encountered a financial crisis starting in July 1997 and it, then, developed into a multi-sector crisis which triggered social chaos. Accordingly, the foreign investors withdrew their capital for Indonesia and some Chinese ethnic entrepreneurs moved their money to foreign countries so that the crisis worsened. In this regard, the student demonstrations spread in some big cities demanding for Soeharto to step down as his economic legitimacy was no

longer valid. The military hesitated to crush the massive demonstrations because of internal fragmentation as well as international pressure for violating human rights. Soeharto tried to moderate the demand by promising some political reformation, but no one supported his government so that Soeharto returned its mandate to MPR and accordingly, B.J. Habibie was in charge as the president.

This period was called the Reformation era and Habibie popularized the concept of Masyarakat Madani, a concept comparable to civil society. For that purpose, he issued Presidential decree Number 198 in 27 February 1999 as the basis for the forming a team which would formulate and socialise the concept of Masyarakat Madani. This concept was to replace the Soeharto paradigm of political stability. By so doing, President Habibie tried to attract the popular support of the people for his presidential candidacy in the next general election. In this regard, he had strong support from ICMI as well as some Islamists, such as those who associated with DDII, which upheld the idea of an Islamic state. This concept of masyarakat madani was ICMI's understanding of the concept of civil society which was slightly different from its original ideas about this. In this way, President Habibie tried to obtain the support of the Muslims as well as to promote the establishment of a good government (Saefur Rochmat, 2003).

President B.J. Habibie did not have strong legitimacy to make any drastic political changes as he was not elected through general election. His government was a transitional one with the task of preparing and holding a general election. In this transitional period tension appeared amongst different socio-political groups competing for the control of power. This also related to the interpretation of Pancasila whose status as an open ideology was multi-interpretable. There were at least three paradigms competing with each other for control of the power. It was not surprising that there appeared no less than 100 political parties, of which 48 competed in the general election.

There were very significant political parties based on Islamic ideology so that Gus Dur was compelled to establish a political party which would counter Islamic ideology in the Parliament. On 23 July 1998 Gus Dur facilitated

the establishment of PKB (Partai Kebangkitan Bangsa) with the aim of guarding the existence of the Republic of Indonesia based on its original *modus vivendi* of the founding fathers (Mahfudz MD, 2010: 107-08). Wahid noticed that there were three types of Muslim response to the issue of Islam and the state, which were: integration, facultative, and confrontation. Wahid advocated the first type in which Islam leaves its formal relationship with the state. When people become good Muslims it is not because of the state, but because of their cultural and educational backgrounds. The Muslim modernists advocated the second type as they were willingly to create Islamic regulations if they had enough power in the parliament. Meanwhile the fundamentalist Muslims opposed any "un-Islamic concepts" such as the secular nation state (Abdurrahman Wahid, 1998: 23). Responding to the coming Indonesian Muslim Congress in 1998, Wahid was pessimistic about any positive result given the naive statement of its organizers that the Muslims should set aside their differences for the common objective of praising God. This implied that they did not tolerate different manifestations of Islam and their Islamic missionaries were still at the state of the establishment of the faith, not yet handling the problems of human beings in the modern era (Abdurrahman Wahid, 1998: 20-21).

Upon the general election there arose some violence in some NU based areas which Wahid considered as the way to neutralize the political influence of the NU followers and he noticed the involvement of some military actors with personal political interest (Abdurrahman Wahid, 1997b: 72-74). To respond to this uncondusive situation, Wahid wrote an article titled "Dimensi Kehalusan Budi dan Rasa (The dimension of the true heart and the true feeling)." (Abdurrahman Wahid, 1997a: 79-82). This article focuses on the important role of the heart which would create meaningful human beings, namely in the form of living in harmony. This article was to criticize those who value highly the role of ideologies and who, accordingly, consider life based on the formal truth of ideologies. As a result, life was full of conflicts. In the view of ideology, life would be full of regulations and just based on mathematical calculation, which would cause a deficit in the meaning of life. This kind of thought tended to value highly the role of reason for solving the problems of human beings. In fact,

some modern sciences and technologies are not able to handle all the problems of human beings and very often, they have a negative impact on society. Accordingly, people should take into their consideration the principle of harmony without which life would be unbalanced as it ignores the true heart (Abdurrahman Wahid, 1997a). For Wahid, life was not only directed by the certainty of the formal ideological truth: in fact, there are some aspects of human life which should be taken into consideration such as the feeling of uncertainty and of emptiness which would sharpen human beings' sense of feeling. This would direct people to the consciousness of God, the only certain and absolute (Abdurrahman Wahid, 1997a). This writing implies that all ideologies should develop the principle of mutual give and take for their relevancy in the contemporary era to solve the problems of human beings.

Islamic parties lost in the general election on 7 June 1999 and none of them passed the electoral threshold, except PPP, the old party which campaigned on the basis of Shari'a (Suhelmi, 1999: 122). Furthermore, electoral gain of Islamic parties as well as Muslim based parties, namely PKB and PAN, was less than that of their voice in the general election of 1955. This implies that the political dichotomy between the secular paradigm and the Islamic paradigm had subsided so some Muslim leaders were also represented in the secular parties, especially Golkar. Accordingly, it was not relevant to assume that the role of Islamic leaders had decreased as they were able to manoeuvre to challenge the candidacy of Megawati as president from PDI-P the first rank in the general election.

Based on the principle of the state of balancing (Abdurrahman Wahid, 2004: vii-x), Wahid felt free to accept the offer of presidential candidacy by the coalition of Muslim parties called the Centre Axis because it enabled him to take the role of mediating the conflicting interests of the secular nationalists and those of Muslim nationalists. In line with this, PKB, the political wing of NU under the auspices of Wahid's leadership, formally proposed Wahid as the candidate for president. It looked like Wahid acted undemocratically as he did not support the right of Megawati of PDIP as the winner of the first general election in 1999 in the post-Soeharto regime. Personally, Wahid supported

the right of Megawati to be the next Indonesian president in the next general assembly of MPR, but she did not make enough efforts to convince Islamic parties that she would pursue policies in favour of Muslim interests. Indeed, PDIP had significant support from non-Muslim and the secular Muslims, but it was not true to state that PDIP did not pay attention to the interest of Muslims as some of its legislatures were devoted Muslims. I can understand the worry of Islamic parties that Megawati as the general leader of PDIP would not make any political deal with them related to the governmental affairs. It was common in the Indonesian presidential system to accommodate the representatives of quite significantly different socio-political groups to run the country. Moreover, these political parties were worried about the ability of Megawati to solve the issues of Muslim affairs as she did not develop good communication with some Islamic groups.

Wahid evaluated that the general election just provided an instrumental tool for establishing democracy, such as: to make radical changes to some regulations about operational mechanisms for running government; to regulate properly the relationship as well as the authority of central government and provincial and local governments; to create professional military apparatus; and to arrange some governmental institutions in order to run effectively (Iskandar, 2004: 3-4). However, it did not guarantee to avoid any outbreak of violence in the society. In the case of the 1999 general election, it did not result in the majority win of PDIP and accordingly, PDIP had to share power with other parties. Moreover, this general election was only to choose representatives of people from political parties; meanwhile MPR, whose duty is to elect the president, recognized the representatives of different social groups. In this regard, Megawati was not able to convince the majority members of MPR to choose her to hold the office of president so that she was overrun by Wahid, another candidate for president. Wahid was an alternative candidate to the modernist Muslims who had supported President B.J. Habibie to rule Indonesia for the next five years. President Habibie did not continue his ambition of becoming the presidential candidate following his failure to obtain approval for his presidential report by MPR. President Habibie also had been

portrayed by his opponents as the right hand of the authoritarian Soeharto so that some Muslims considered it was not good to support the B.J. Habibie as president candidate. His electability also decreased significantly with the separation of East Timor from Indonesia. Accordingly, Wahid was the best choice for the major members of MPR to moderate the conflict between the supporters of Megawati and those of President B.J. Habibie. On the next day, Wahid's party PKB persuaded other parties to choose Megawati as the vice-president with the purpose of avoiding an outbreak of anarchy by Megawati's followers, as further violence would be detrimental to the prospect of democracy in Indonesia. It was likely that Megawati would lose in the vote for vice-president as her party failed to make alliances with other parties.

### C.2. Abdurrahman Wahid's Presidential Office as a Tool for Consolidating Democracy

The willingness of Wahid to be president candidate was related to his concern about resurging sectarian politics (Muhaimin Iskandar, 2004: 3) and Wahid did not want to see the destruction of the Republic of Indonesia because of ideological conflicts (Sinta Nuriyah Rahman, 2000: 298-299). Upon the amendment of the Constitution of 1945 by the Special Session of MPR, there arose ideological debates in newspaper about the relationship between religion, especially Islam, and state. At that time, Wahid was very busy with his political manoeuvres related to his presidential candidacy and his followers responded to this issue, the new generation of NU, such as Rumadi. This polemic started with the article in Kompas titled "Status Quo atau Politik Sekuler" (Status Quo or the Secular Politic) written by Denny J.A. of the camp of the secular paradigm. This article was responded by H.A. Sumargono, the follower of Natsir, who wrote an article titled "Isu Agama dan Sekulerisme Politik" (Religious Issue and the Secular Politic). The main issue of the polemic was, in essence, still the same with that of Soekarno and Natsir; the only differences were related to the facts used to support their arguments (Suhelmi, 1999: 123-4).

The fact of Wahid's upbringing in the Islamic tradition and of his being well versed in modern thought contributed to his role of mediating the interest of the secularists and that of the Islamists.

In this regard, Wahid offered the Fiqh-plus paradigm to solve the tension between secularists and Islamists, as this paradigm recognizes both the concept of secular state and Islam as the source of values. In so doing, the secular state was not detrimental to the development of religion, especially Islam, but to what extent was this model useful for unifying Muslims to build a modern Indonesian state? Indeed, Muslims were divided into three different paradigms that were the secular, the Islamic ideological, and the Fiqh paradigms. However, this paper will focus on the response of the Fiqh paradigm to the Islamic ideological paradigm, as the secular paradigm was not able to develop solid arguments to counter the issues developed by the Islamists. Most Muslims accepted Pancasila as the foundation of the state, but some of them tried to interpret Pancasila with Shari'a. We can call the latter the supporters of Islamic ideology and those who did not want to do so were the supporters of the Fiqh paradigm, concerned with the cultural approach of Islam. In this regard, although President Habibie had a strong connection with the late Soeharto because both were tied to the national ideology of Pancasila, he, as the leader of ICMI, experienced a strong opposition from the followers of the secular paradigm. Indeed, he represented the interest from the supporters of ideological Islam which tried to use the state to support the cause of Islam. On other hand, Wahid tried to interpret Pancasila based on the theory of the secular state which recognizes the separation between religious affairs and political affairs. In this regard, he supported Soeharto's legacy of de-ideologization (Abdurrahman Wahid, 1997b: 71-72).

In fact the trend of political Islam in the form of the dominant role of Islam in the public sphere continued increasing. Its supporters persisted in seeing Pancasila as an open ideology which should be filled with Shari'a, so they struggled to reinstall the seven words of Jakarta Charter in the next amendment of the Constitution. This became the agendas of the Islamic parties, PPP (Partai Persatuan Pembangunan, the United Development Party) and PBB (Partai Bulan Bintang, the Crescent and Star Party), in the Special Session within the Annual Assembly of MPR in August 2000. In this regard, the Islamic party PK (Partai Keadilan, Justice Party) did not propose this agenda just for tactical purposes as

it did not pass the electoral threshold. I feel sure that PK would have the same mission with other Islamic parties of implementing Shari'a if it had strong voices in parliament. By so doing, PK tried to build a party with the positive image of an open party of youth Muslims with the slogans of being professional, clean and free from corruption, and dedicated to good government. Indeed, the majority of parliament members refused the inclusion of the seven words which would open the possibility for the politicization of religion by the ruling party. Of course, this inclusion of these seven words violated the principle of democracy which recognizes the rights of all citizens of having equality before the law. Wahid believed that individual devotion to the religion was an individual right free from any intervention, including the state. Once the state intervenes into this private matter, people lose their independence in the most personal dimension of life. On other hand, this may direct towards the sacralisation of politics.

The drive of Islamic ideology was still strong, such as manifest in parliament's decisions at its special assembly on 10-13 November 1999 which enabled holding a referendum to replace the national ideology of Pancasila as well as to put an end to the policy of Pancasila becoming the only organisational foundation for political parties and mass organisations. In this regard, Wahid considered that the office of president was very important to uphold the Constitution of 1945 and Pancasila as the foundation for building democratic state. He viewed his presidential post as a tool for realizing the goal of establishing a democratic state. For that purpose, he believed that Pancasila should be interpreted following the theory of secularization in the view of the Fiqh paradigm. By so doing he tried to moderate the ideological tension between those who aspire to the secular paradigm and those to the Islamic ideology paradigm (Rochmat, 2014: 310-11).

As soon as he was elected as the president, in the celebration of Nuzulul Qur'an in Istiqlal mosque in Jakarta in 24 December 1999, Wahid stated that the government did not want to monopolize the definition of religion, and on the other hand, no religion had the right to monopolize the course of the government. The follow up of this speech was the issuance of President Decree Number 6 Year 2000 in 19 January 2000 to stop the effect of President Order Number 14 Year 1967

which mentions only 5 religions recognized by the government. Of course, the Islamic radical groups protested about this President Decree (Muhaimin Iskandar, 2004: 163).

It was likely that President Wahid did not want to follow the Central Axis's political agendas and just committed to the Constitution and Pancasila. Three days following his appointment of president at the event of "Indonesia Next" in Jimbaran, Bali, he expressed his intention of opening a trade relationship with Israel (Muhaimin Iskandar, 2004: 14-17). Moreover, on 29 March 2000 at the 19<sup>th</sup> graduation and anniversary ceremony of Islamic University of Malang (Universitas Islam Malang, Unisma) he also expressed his idea of the annulations of Tap MPRS Number XXV Year 1966 which banned Communism. However, this regulation had been used by the Soeharto regime to execute, improperly, political exclusion of the members and followers of Indonesian Communist Party (PKI) as well as their families, so as to void of their rights to being civil servants (Muhaimin Iskandar, 2004: 32-37). By doing so, Wahid did not have opportunities to socialize the Fiqh-plus paradigm to other Muslims outside of NU as he attracted strong attacks from those who aspired for the dominant role of Islam in public life. The first shot at Wahid was their accusation that Wahid did not want to help the Muslims being attacked by Christians in Ambon, Tobelo, Buru, Ternate and Tidore. In Parliament, Islamists coordinated their effort through the caucus of the Central Axis which formerly supported Wahid as the president and they also held some demonstrations (Muhaimin Iskandar, 2004: 123).

### C.3. President Wahid's Further Efforts to Consolidate the Indonesian Transition to Democracy.

#### C.3.a. Supporting Civil Society

President Wahid wanted to develop civil society as the consequence of his advocacy of the Fiqh paradigm that does not want to set Islam as political ideology, but is just concerned with a democratic state. The consolidation of democracy required a strong support of civil society. In line with this, he tried to create a political balance between the state and society. For that purpose, he dissolved the ministries of social affairs and

information. It was not due to the previous malpractice of these two departments, but also reflected the direction of the future relationship between the state and society which would reduce the role of the state and enlarge the role of society. Wahid convinced that social and information affairs should be handled by society in the pursuance of a strong civil society. Up to that time, the existence of the department of social affairs had caused people to be dependent on the government and accordingly, it halted the empowerment of society. Wahid evaluated that the state should not intervene in people's societal affairs and should limit its role to just being a facilitator. Accordingly, society should handle social affairs themselves in order to play the role of civil society (Muhaimin Iskandar, 2004: 8-9).

Wahid dissolved the department of information with the aim of developing democratic tradition, namely a free public sphere, such as by institutionalizing free mass media. During Soeharto regime, this department represented an apparatus of the state to maintain the status quo. It had censored, controlled, and intimidated mass media for the purpose of fulfilling the interest of the government. It also functioned as "moral watch dog" which defines what kind of information morally acceptable by the government (Muhaimin Iskandar, 2004: 10). It was not easy for Gus Dur to execute this policy as some politicians in the parliament opposed this idea as being a premature policy. Indeed, it was not popular policy in the short term, but in the long run, it is useful for the development of civil society. Wahid aspired to the idea that the mass media could have the role of educating people.

In the regard of dissolvent of the departments of information and of social, I evaluate that President Wahid was very obsessed by his ideas of the separation between state and civil society. He did not calculate the political danger for dissolving both departments. These policies will enable both the upper and lower ranks of civil services to unify challenging his presidential office. I would advice that he resisted his willingness of dissolving these two departments and, on other side, he just needed to replace the upper rank of the civil services with the new ones. The dissolvent of two departments had become political turbulences which had fastened his downfall from presidential office.

### C.3.b. Establishing Civil Supremacy

President Wahid tried to consolidate democracy by continuing the previous government's policy of civil supremacy, where the military institution is not allowed to be involved in political affairs. This policy was introduced, firstly, by President B.J. Habibie, following the fall of the Soeharto military regime. For that purpose, following liberal democracy, President B.J. Habibie separated the ministry of defence and security from the military institution under a commander in chief and he appointed a civilian, Prof Yuwono Sudarsono, to occupy the office of the ministry. Then, President Wahid replaced Prof Juwono Sudarsono with Prof Mahfud MD, and he gave him a task of preparing the draft of the Defence Act to replace the existing Act of 20, 1982 (Muhaimin Iskandar, 2004: 50-52). The concept of civil supremacy is to create professionalism both in the governmental system and the military institution. Accordingly, the military should be separated from the police, in which the former is dealing with security in terms of military and the latter is dealing with security in civil affairs. During the new order era, the police did not perform as a partners of the people in handling security in civil affairs because its actions were more militaristic (Muhaimin Iskandar, 2004: 47).

Another policy pursued by President Wahid to consolidate the civil supremacy was to dissolve Lembaga Penelitian Khusus (Special Investigation/ Litsus) and Badan Koordinasi Bantuan Pemantapan Stabilitas Nasional (Coordinating Agency for National Stability/ Bakorstanas), established by the Soeharto regime in 1990 and 1998 respectively. This policy was issued by President Decree No. 38/2000 which annulled President Decree No. 29/1998 on Bakorstanas and President Decree No. 16/1990 on Litsus. This policy was to treat the military professionally as well as to dismantle the repressive system which controlled the individual freedom. It was worth mentioning that Bakorstanas was a continuing institution of Komando Operasi Pemulihan Keamanan dan Ketertiban (Operational Command for the Restoration of Security and Order/ Kopkamtib) which was under the leadership of General Soedomo. In this regard, Soedomo agreed with the idea of dissolving Bakorstanas as he considered it had departed from the original intention of Kopkamtib. During the reign of

Soeharto, these two institutions were used to silence people's criticism of the regime and their bureaucracy spread down to the district level. Last but not least, the control of the individual freedom also reached the village level as military personnel established *Bintara Pembina Desa* (village supervisory non-commissioned officers/*Babinsa*) which recruited its members from the people (Muhaimin Iskandar, 2004: 42-43).

These two institutions played an important role of identifying all non-government powers considered as challenging the regime and they spied on all activities of the people. Moreover, police also participated in this autocratic regime as they required people to get their permission in the case of gathering people, not related to the issue of security protection, but to silence the people. These two institutions were in charge of the arrest of pro-democracy activists by discrediting them: as left extremists for the followers of socialism and Marxism; as right extremists for the followers of religious aspirations, especially Islamic ones. Accordingly, dismantling these two institutions was to establish the supremacy of law which requires the court mechanism to judge people as being guilty or not guilty (Muhaimin Iskandar, 2004: 42-45).

President Wahid considered the civil supremacy was not a kind of domination of civil over military as a personal member of the army was eligible to participate in political affairs, with the condition of leaving his/her military status; besides he/she should pursue his/her political interest through a democratic mechanism. Indeed, it was not easy for him to implement this idea of civil supremacy as the military had strong political power as it controlled the strategic civil positions. Moreover, the civil power, especially the politicians, did not have a common platform useful to limit the involvement of the military in politics. It was so naive that some politicians asked for the help of the military to support their narrow minded political agendas and accordingly, the military made use of this civil political fragmentation to regain its military influence (Muhaimin Iskandar, 2004: 31). Some politicians of the caucus of the Central Axis cooperated with the military to remove Wahid from his presidential office. Accordingly, President Wahid failed to put the general in chief under the control of the minister of defence and security (Muhaimin Iskandar, 2004: 52). Indeed, the military still

had real political power so that it could play a crucial role behind the political manoeuvres of the Central Axis (Ahmad Suaedy, 2010: xvii). The political influence of the military manifested clearly in Tap MPR Number VI and VII Year 2000 which recognizes a general in chief and the head of police as having equivalent rank to the ministry. These Taps blocked President Wahid's effort of positioning the military and the police under civil control (Mahfud MD, 2010: 17).

### C.3.c. Establishing Law Enforcement

It is law enforcement which would support the establishment of democracy as it would provide justice and welfare to people. Injustice and social disparities happen because law enforcement does not run properly, which implies democracy does not prevail. Therefore, President Wahid employed some strategies to improve the service as well as the protection of law for the people. For that purpose, he established the National Law Commission (*Komisi Hukum Nasional*, KHN) on February 18, 2000 in the form of the Presidential Regulation No. 15 Year 2000 with the aim of preparing the draft on law reformation favourable to the law supremacy and human rights. For this, he appointed Prof J.E. Sahetapy, who, firstly, would like to reform the bureaucracy of the law institutions (Muhaimin Iskandar, 2004: 57).

President Wahid also established another institution for establishing law enforcement, namely the National Commission of Ombudsmen (*Komisi Ombudsman Nasional*), on March 20, 2000 by the Presidential Decree No. 44 Year 2000, and appointed Anton Sujata SH as its head officer. This institution was to endorse law enforcement which did not run smoothly, so that it was not overlapping with the existing law institutions. This is due to this institution not dealing with the technical procedures, just concerned with the people's complaints, however, having rights of having clarification from the government and judicial institutions apparatus. The focus of this institution is the institutions of police, judicial affairs, and public prosecutor. Wahid endorsed the people to monitor the implementation of the law enforcement which constitutes an important part of the implementation of democracy. Hopefully this would minimize misuses of power and authority by the state apparatus (Muhaimin

Iskandar, 2004: 55-58).

President Wahid had planned to create a Constitution Court (Mahkamah Konstitusi, MK), but his plan did not materialize as he was removed from his presidency. This plan is implicitly expressed in his article below:

“Accordingly, it is unconstitutional for the state apparatus to violate law or neglect the people’s rights by means of the officer’s regulation or the series of the constitutional regulations. However, what institution would evaluation the validity of decree, policy, and regulation?” (Syaiful Arif, 2009: 269).

#### 4. Conclusion

Abdurrahman Wahid became the President of the Republic of Indonesia because of his inspiring ideas of democracy, not the support of his political party PKB (the Awakening Party of the Nation). These ideas of democracy were able to mediate the tension between the two opposing groups, namely the nationalist groups and the Islamist groups (Poros Tengah, the Central Axis). It was due to his ideas of democracy already adapted to the Islamic tradition and he himself also came from Islamic group, namely Nahdlatul Ulama. Indeed, he already tried to unify the modern system of knowledge to the Islamic one by employing the fiqh-plus paradigm. In doing so, he did not develop a legal formal approach to the relationship between Islam and the state, but pursued a political approach, enabling Muslim to participate fully in the national political system. By so doing, Muslim just concern with the universal values such as democracy, toleration, justice, freedom, and equality by the law, so that they are able to develop cooperation with the followers of other religions. In line with this, religious groups play a role of civil society, which would provide checks and balances to the state, as the requirement for the development of democracy.

Abdurrahman Wahid made uses of his presidential office to consolidate the transition of democracy from the Soeharto authoritarian regime. He had done some big efforts, such as by supporting civil society, establishing civil supremacy, and law enforcement. For that purposes, he was very brave to gambling with his office of President as he did not have enough

political support from his party PKB. In doing so, he got some challenges from some groups, previously supporting him to be President. First, he got strong challenges from the Central Axis, the main group contribute to his winning of the presidential election. He did not want to give some privileges to them as these would contravene the principles of democracy. Secondly, his efforts of establishing civil supremacy radically got strong challenges from the elites of the military. Last but not the least, he was also challenged by his rival at the presidential election, namely vice-President Megawati Soekarno Puteri of the nationalist group PDI-P who still had ambition to be President.

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