

TAWARIKH

International Journal for Historical Studies

SAEFUR ROCHMAT

Nahdlatul Ulama, the *Fiqh* Paradigm, and the Republic of Indonesia

ABSTRACT: *The Republic of Indonesia was established based on a secular political system, but it did not follow the pure concept of the theory of secularisation. In the context of Indonesia nation-state, there were three competing major paradigms of the relationship between religion, especially Islam, and the state, that were: secular paradigm, Islamic ideological paradigm, and the “fiqh” (Islamic study of laws) paradigm. In historical process, it was a result of compromise amongst the followers of secular and Islamic aspirations. In this “Pancasila” (five basic principles of the Republic of Indonesia) state, Islam provides a moral basis for running the state. However, the proper role of religions should be negotiated amongst different political forces, such as was outlined in the seven words of the Jakarta Charter in 1945 and in the 1950s. In this regard, the traditionalist Muslims, especially the followers of Nahdlatul Ulama (NU), adopting the “fiqh” paradigm, were able to develop a flexible standpoint in regard to the role of Islam in Indonesia compared to the modernist Muslims, who advocated an Islamic ideological paradigm. They (the traditionalist Muslims) were able to move from justifying the Republic of Indonesia to supporting an Islamic state and, then, again supporting the secular state. This was due to the “fiqh” paradigm recognising the existing political system, while trying to improve it at the same time.*

KEY WORDS: *Nahdlatul Ulama, Indonesia nation-state, the traditionalist Muslims, secular, Islamic ideological and “fiqh” paradigms, and result of compromise.*

INTRODUCTION

The Republic of Indonesia was proclaimed on 17 August 1945, when Indonesia was in a vacuum of power as a result of Japan’s surrender and the Allied Forces, as the winner of the second World War (1939-1945), had not yet taken control of Indonesia. As the *Gunseikan* (Japanese military rule) did not have the right to confer independence to Indonesia, Indonesia’s leaders took the

initiative to proclaim the independence of Indonesia. Indonesia proclaimed its independence, not in the name of PPKI (*Panitia Persiapan Kemerdekaan Indonesia* or the Preparatory Committee for Indonesian Independence), the Japanese created governmental body, but in the name of the Indonesian people (Wahid, 2003).

This independence declaration also did not take place in the Indies Hotel, where the PPKI

About the Author: **Saefer Rochmat** is a Lecturer at the Department of History Education, Faculty of Social Sciences UNY (State University of Yogyakarta), UNY Campus, Karangmalang, Yogyakarta, Indonesia. For academic interests, the author is able to be contacted via e-mail at: rochmat@yahoo.com

How to cite this article? Rochmat, Saefer. (2015). “Nahdlatul Ulama, the *Fiqh* Paradigm, and the Republic of Indonesia” in TAWARIKH: *International Journal for Historical Studies*, Vol.7(1) October, pp.45-62. Bandung, Indonesia: Minda Masagi Press, ISSN 2085-0980.

Chronicle of the article: Accepted (June 17, 2015); Revised (August 17, 2015); and Published (October 28, 2015).

officially had its meetings, but at Soekarno's house on Pegangsaan Street No.56, recently Jalan Proklamasi No.1, in Jakarta. Apart from this, *Gunseikan* had an important role in developing communication as well as in reaching compromise amongst the followers of different paradigms.

About the PPKI, this body held three meetings before it was replaced by the newly established institution of KNIP (*Komite Nasional Indonesia Pusat*) as the acting representative of the Indonesian people. PPKI's first meeting on 18th August 1945 was to legalise the Constitution and to elect a President and Vice-President of Indonesia. Without any contestation, Soekarno and Mohamad Hatta were elected as the President and Vice-President. However, the Jakarta Charter was not ratified directly as the Constitution of the Republic of Indonesia. The changes happened after Mohamad Hatta received information from one of the Japanese officers of the *Kaigun* (Japanese Navy) that the Protestants and the Catholics under the *Kaigun* would like to separate from the Republic of Indonesia if the Preamble and the Body of the Constitution maintained "the seven words" and if article 6 persisted in the requirement that "the President should be a Muslim". As a result, before the meeting of PPKI, Mohamad Hatta discussed this objection with the Muslim nationalists: Ki Bagus Hadikusumo, Wahid Hasjim, Kasman Singodimedjo, and Teuku Hasan; and the latter agreed to implement such changes (Boland, 1970; and Noer, 2000b).

The traditionalist Muslims accepted wholeheartedly the changes to the Jakarta Charter, as they were obliged to the principle of the *fiqh* paradigm *al-asl la yuzalu bi al-syak* (the original plan should not be dismissed by a controversial element). What it meant by the original plan is the agreement of establishing a free state, while the controversial element is the form and character of the state. The traditionalist Muslims agreed with the principal notion of establishing an independent state, while the name of the state remained a secondary matter to resolve. Conversely, the modernist Muslims experienced difficulties in accepting such changes. To appease the concerns of

some Muslim nationalists, Soekarno reminded them that this Constitution was a temporary Constitution which would be perfected by the elected representatives of the people (Boland, 1970; and Noer, 2000b).

I classify there were three competing major paradigms of the relationship between religion, especially Islam, and the state that were secular paradigm; Islamic ideological paradigm; and the *fiqh* paradigm. Falling into this secular paradigm were the followers of nationalists, socialists, and communists, to mention a few. The followers of secular and Islamic paradigms tended to develop an ideological paradigm. All of the supporters of ideological paradigms sought revolutionary changes to other forms of the state, which did not fit their ideal forms of the state. They did not hesitate to use violence for that purpose, for which they try to find justification from their respective ideologies (Vertigans, 2007:303).¹

The traditionalist Muslims, especially the followers of NU (*Nahdlatul Ulama* or Awakening of Islamic Scholars), based on the *fiqh* paradigm, supported the establishment of the Republic of Indonesia, which is not an Islamic state. They believed that there is no expression of desire for an Islamic state in the *Al-Qur'an* and *Hadith*, but this does not mean that Islam does not consider the state as important. Islam does not regulate any specific Islamic state, because it considers the function of the state important, not its form. States, like other mechanisms for arranging life, are unavoidable and consequently the existence of a state requires people to respect the governmental system as a mechanism for arranging life (Isre ed., 1999).

It is logical for every society or state to have a certain system and all members of the state should respect it, distinguishing it from the personal behaviour of the ruler whose misbehaviour alone does not justify changing the system. This implies that the legitimacy of the existing state should be maintained, and implies a refusal to adopt an alternative system to solve the main problems concerning

¹An ideological approach may lead to the outbreak of violence if it is understood exclusively, in a way that prevents the process of dialectical dialogues with other ideologies.

state affairs. By so doing, the way to improve the condition and situation of the state is gradually, by means of evolution (Isre ed., 1999:156).

In line with this principle, the traditionalist Muslims less supported the idea of an Islamic state which had been proposed by the modernist Muslims when *Konstituante* (the Constituent Assembly) was established to formulate the permanent constitution of the Republic of Indonesia. In this *Konstituante*, the traditionalist Muslims, then, agreed with the followers of the secular paradigm to maintain the Constitution of 1945, persisting in advocating the inclusion of the Jakarta Charter.

The traditionalist Muslims did not feel any burden when their proposal was not supported by the majority of the Constituent Assembly, because they did not pursue an ideological approach. Furthermore, they supported President Soekarno who declared to reinstall the Constitution of 1945 without the inclusion of the Jakarta Charter. This was due to NU being preoccupied with the existence of a state, and tried to avoid living without the state (*faula*) due to its importance for guaranteeing security and avoiding anarchy as a precondition for implementing Islamic teachings (Wahid, 2000:9).

The traditionalist Muslims understood that Islam is not identical to politics, so political Islam is not monolithic, in aiming at power and then at the establishment of the Islamic state. They believed that political Islam aims to fulfil salvation in the world or *rahmatan lil'alam* (cited in Huda, 1998:17), so that the state is a tool, not the object, of religion; and accordingly, they were more concerned with the function of the state than of the form. Accordingly, they justified any existing political system, including the Republic of Indonesia, for the purpose of supervising public order, which constitutes a pre-requirement for religious order.

Despite this, Islam requires the state to guarantee the freedom of Muslims to implement Islamic teachings as the *condition sine qua non* for Islam providing a justification of the existence of the state (Wahid, 2004:1-3). Abdurrahman Wahid believes that this is the criteria for Muslims to participate in

arranging social and state affairs; and Muslims have no burden in establishing an Islamic state, due to Islam not elaborating state affairs in detail, such as a certain form of state, its governmental system, and its ideology. Such affairs will be determined by people in a certain region through the process of history. This kind of understanding makes it possible for Muslims to develop a vision of national affairs with a strong religious orientation (Wahid, 2004:1-3).²

As long as Muslims are able to practice their religion freely, Muslims will not consider the governmental system of the state particularly important. This kind of understanding wants to consider the importance of government, not based on the formal status of the Islamic state, but on its function: to guarantee security and avoid anarchy.

THE NU JUSTIFICATION OF THE REPUBLIC OF INDONESIA

NU (*Nahdlatul Ulama* or Awakening of Islamic Scholars)'s support of the Republic of Indonesia was based on the belief of no definite Islamic state, such as stated by K.H. (*Kyai Haji* or Hajj Ulema) Hasyim Asy'ari in 1946, as follows:

There is no definite Islamic government. When Muhammad the Prophet PBUH (Peace Be Upon Him) died, he did not provide a mechanism for how it was to select his successors [...]. Accordingly, there was no guidance to selecting the leader and other matters related to state affairs so that Muslims are not required to follow a given system, so that all systems can be practised by Muslims at any place (cited in Khuluq, 2000:84).

The reason why NU (*Nahdlatul Ulama* or Awakening of Islamic Scholars) accepts the Republic of Indonesia is based on the reality

²As long as Muslims are able to practice their religion freely, Muslims will not consider the governmental system of the state particularly important. This kind of understanding had been carried out by the Sunni to justify the existence of the Caliphate for all Muslim countries by the Utsman dynasty in Turkey, despite the Sunni theology being based on *Hadiths* requiring the caliph to come from the Quraisy tribe, Muhammad the Prophet's tribe. This kind of understanding wants to consider the importance of government, not based on the formal status of the Islamic state but on its function: to guarantee security and avoid anarchy. See, for this matters, in M.C. Ricklef (1994); and M.A. Haidar (1998).

of the pluralistic religious life which makes it difficult to establish a formal Islamic state. If NU forges ahead with a formal Islamic state by a revolutionary method of violence, it will instigate counter-violence in the society which might lead to anarchy. The Muslim traditionalists, namely NU, would avoid any anarchy which, of course, endangers the religious order. That is why NU tries to implement Islam in Indonesia as a guarantor for human status received from God (Wahid, 1998:72).

Abdurrahman Wahid (1998) argues that NU accepts the existence of the secular state of the Republic of Indonesia as long as it still performs as a neutral secular state which does not contradict Islamic law (*fiqh*). In the case where the ruler contradicts Islamic law, it is not justified for Muslims to deny the existing state system with its governmental system. NU justifies the existence of the state based on the latter's willingness to facilitate an institution which makes it possible for Muslims to regulate their internal religious law. This is due to the fact that the most essential of the societal systems for implementing religious Islamic law is a community where clerics, centred on the *pesantren* (Islamic boarding school), guide the implementation of Islamic law properly (Wahid, 1998:33-34).

As the consequence of NU's justification of the Republic of Indonesia, NU follows national law as an instrument for managing public order, which is required by religious order. Abdurrahman Wahid considered that NU was willing to participate in any societal system, including the nation-state political system, based on the intellectual tradition of NU which unifies organically three main branches of Islamic knowledge: *tawhid* (theology), *fiqh* (Islamic law), and Sufism (Islamic mysticism), so that in the long run it will disseminate a world view which considers worldly affairs and affairs of the hereafter as inseparable for human beings (cited in Isre ed., 1999:154).

This implies that Muslims should perform any obligations of societal life, such as in the nation state system, regardless of their complexities, besides their belief in God's blessing and help in handling all the above problems. The inseparable three branches of

Islamic knowledge will develop the spiritual aspect in daily life and Muslims realise this spirituality in everyday life by performing ritual Islamic duties as regulated in the *fiqh*, so that they will reach religious consciousness of the *Sufi* (Isre ed., 1999:155).

NU considered correctly that the Republic of Indonesia was better than the state of the NEI (Netherlands East Indies) and *Gunseikan* of Japan, either in the form of the state or in its governmental system; besides, those who ruled the state were all Indonesians. This evaluation was a result of the political accommodation by the followers of the secular paradigm following the establishment of KNIP (*Komite Nasional Indonesia Pusat* or Center Indonesian National Committee). KNIP was a newly established governmental body to replace the existence of PPKI (*Panitia Persiapan Kemerdekaan Indonesia* or the Preparatory Committee for Indonesian Independence) to function similar to the Parliament.

At this KNIP, the Muslim members of Islamic organizations were more representative, so that they were able to attain their desire for the Ministry of Religious Affairs. Previously, the majority of the members of PPKI insisted that administration of Islamic affairs should be handled in a similar way to the NEI, so that the supervision of these institutions of Islamic affairs would be in the hands of civil bureaucracy, which was dominated by bureaucrats and politicians with no Islamic orientation. In this regard, Islamic groups' demands about managing their own religious affairs were to avoid such unnecessary kinds of supervision.

They evaluated correctly that, at the time of the Dutch colonial rule, religious affairs were not managed effectively as these affairs were handled by different institutions. They demanded that the Indonesian government should be more concerned with Islamic affairs than those of the Dutch colonial rule and Japanese occupation administration. Moreover, Islamic groups had strong arguments that this Ministry of Religious Affairs was a legacy of *Gunseikan* of Japan in the form of *Shumubu*. They also considered correctly that this institution was the realisation of article 29 of

the Constitution of 1945. On other hand, the secular nationalists were not able to ignore the potential support of the Muslims in the face of the independence war against the Dutch. To conclude, the existence of this Ministry of Religious Affairs relied on the support of Muslims' political influence, both formally in KNIP and informally in the Muslim mass support.

The establishment of the Ministry of Religious Affairs was a kind of compromise between the supporters of the secular state and those of the Islamic state. However, this institution was not peculiar to Muslims but also covered all religions, regarding all Indonesians as believers in God. In this regard, B.J. Boland (1970) evaluated correctly that this Ministry formed "a useful middle way between a secular state and an Islamic state" (Boland, 1970:106); and, moreover, it facilitated all religions functioning as effectively as possible in the state and society.

B.J. Boland (1970) evaluated correctly that this institution was a unique phenomenon in the world; however, it was not without precedent in the history of Indonesia when the colonial governments of the Netherlands East Indies and Japan established *Kantoor vor Inlandsche Zaken* and *Shumubu* respectively; but popularly people recognised it as KUA (*Kantor Urusan Agama* or Religious Affair Office). However, it was not a creation of the colonial governments, but it was rather a condition created by Muslims for any political institution to gain legitimacy from Muslims. Actually, the basic requirement is that the political institution would give freedom to Muslims to practise their religion (Boland, 1970:107).

Within the form of the United States of Indonesia, K.H. (*Kyai Haji* or Hajj Ulema) Wachid Hasyim, one of NU's leaders, held the Minister of Religious Affairs position several times under different Prime Ministers, and he was able to develop the Ministry of Religious Affairs into a stronghold of NU influence for convincing Muslims to adopt the modern concept of nation state in order to participate actively in the course of the Indonesian political system. K.H. Wahid Hasyim felt free to subordinate Islamic law into the national

law, apart from some NU clerics who still heavily relied on the classical *Shari'ah*. Indeed, he did not receive any criticism from the NU clerics, when he tried to implement his ideas of subordinating Islamic law into the national law. For example, he agreed to receive female students in SGHAN (*Sekolah Guru Hakim Agama Negeri* or the School for Teachers of Islamic Judges), as cited by Abdurrahman Wahid (1999b:14-17).

K.H. Wachid Hasyim argued that the Indonesian government, in particular the Ministry of Religious Affairs, was not an Islamic government so that he persuaded the Muslims not to rely on the government's help for the development of Islam and to develop Islamic communities to take the role of civil society which would provide checks and balances to the state. Accordingly, he criticised those who aspired to the theory of the unity of Islam and the state. He stated as follows:

In regard with the three sectors of the theory of Islamic movement, it is unacceptable for the Muslims to rely on the services of the Ministry of Religious Affairs. It is likely that the second sector, namely the Muslim communities, constituting the majority of Indonesians, suffered from weaknesses as well as a deadlock (cited in Wahid, 1999a).

Muslims hoped that the Ministry of Religious Affairs would be an effective tool to coordinate the activities of Islamic missionaries, as well as a tool to protect the interest of Muslims. This Ministry of Religious Affairs was used by Muslim leaders at a national level to negotiate with other groups, namely secular nationalists and it, then, contributed to the unprecedented development of specialisation, centralisation, and autonomy of Islamic institutions.

The NU (*Nahdlatul Ulama* or Awakening of Islamic Scholars) elites showed their whole-hearted support for the Republic of Indonesia which can be considered a means for establishing public order, and thus a pre-requirement for religious order. As a response to the arrival of the Allied Forces together with NICA (Netherlands Indies Civil Administration) which might try to regain power in Indonesia, on 22nd October 1945, PB (*Pengurus Besar* or Executive Board) of

NU issued the “*Jihad* Resolution” as follows: (1) it was a religious obligation to defend Indonesian independence proclaimed on August 17, 1945; (2) the Republic of Indonesia was the only legitimate government meriting defence; and (3) Muslims, especially the followers of NU, were obliged to protect the Republic of Indonesia (cited in Zuhri, 1977:254).³

This *jihad* resolution implied that NU no longer supported the existence of the NEI (Netherlands East Indies) and annulled the legitimacy of the Dutch colonial rule. This *jihad* resolution was to support the Republic of Indonesia which is not an Islamic state. This issuance of religious decree was very important to avoid contradictory efforts to protect the public interest (Isre ed., 1999:156).

This *jihad* resolution was followed by the establishment of MBODT (*Markas Besar Oelama Djawa Timoer* or the Headquarter of the East Java Clerics) in Surabaya, on November 1945. Then, in the following years, the Muslims participated in the guerrilla war against the Dutch occupation army until the latter’s recognition of Indonesian independence on 27 December 1949. All of these struggles were aimed at defending the Republic of Indonesia, which was not an Islamic state (Wahid, 2006:108).

Within the Republic of Indonesia, the role of Islam was not limited or decreasing so that NU continued to support the Republic of Indonesia when some Muslims tried to establish an Islamic state, namely *Darul Islam*, under S.M. (Sekarmadji Maridjan) Kartosuwirjo. Abdurrahman Wahid (2006) argues that this standpoint is similar to that of Al-Azhar in Kairo to the Arab Republic of Egypt (Wahid, 2006:109).

Saifudin Zuhri, one of the NU leaders, believes that this *Jihad* Resolution informs us that K.H. Hasyim Asy’ari took the role of the Muslim leader, especially for the Muslim traditionalists, and this implied that the implementation of the Islamic laws did not

necessarily have to be done under the leader of the state. It also implied that religious leadership may be carried out by the leaders of Islamic communities. This idea was in line with the teachings of Ibn Taymiyah (following the fall of the caliphate of Abbasiyah due to the Mongols), who believed that the rights of issuing the resolution of *jihad* were well within the rights of leaders of Islamic communities.

The Dutch tried to dissolve the Republic of Indonesia by asserting that the Republic of Indonesia was a puppet of the Japanese. To counter this Dutch move, on 16 October 1945, the Indonesian government issued the decree of Vice-President No.X as the legal foundation for the establishment of a parliamentary governmental system, which would replace the Presidential government of Soekarno. Syahrir, a member of KNIP as well as the head of BP-KNIP (*Badan Pekerja Komite Nasional Indonesia Pusat* or Executive Body of Center Indonesian National Committee), acted as the Prime Minister who would like to obtain international recognition of Indonesian independence.

In line with the United Nations’ policy of supporting the democratic state, the Indonesian government issued the Government Decree of 3 November 1945, which facilitated the establishment of political parties; this was followed up by the establishment of KNIP on 29 August 1945, the manifestation of people’s sovereignty where different socio-political groups sent their representatives (Zuhri, 1987:259). In this regard, NU together with other Muslim groups was able to establish MASYUMI (*Majelis Syuro Muslimin Indonesia* or Indonesian Muslim League) in the Indonesian Islamic Congress on 7-8 November 1945. Within MASYUMI, NU together with other Islamic organisations participated both in the government and the parliament.

These abilities to resist the Dutch attacks functioned as diplomacy capital for the Indonesian government to obtain international recognition. In this regard, the Allied Forces, namely the British Army, tried to get out of this conflict gently by facilitating a peace negotiation. After the second time that the Dutch army failed to extinguish the

³It is possible for NU (*Nahdlatul Ulama* or Awakening of Islamic Scholars) to support the change of the political system when this has been justified by its religious knowledge tradition, such as when then NU no longer supported the existence of the NEI (Netherlands East Indies) government.

existence of the Republic of Indonesia, they were not able to deny the sovereignty of the Republic of Indonesia. On 27 December 1949, the Dutch were reluctantly to recognise the Republic of Indonesia within the framework of RIS (*Republik Indonesia Serikat* or the United States of Indonesia), which recognised that the Dutch Queen was Head of the Indonesia-Netherlands Union. As the President of RIS, Soekarno dissolved the United States of Indonesia because of his pursuit of the unity of the Republic of Indonesia. Other members of the United States of Indonesia were reluctant to challenge the military power of the Republic of Indonesia (Ricklef, 1994:351-352).

The acceptance of the Republic of Indonesia by NU had been thought out thoroughly, so that NU participated actively in fulfilling the promise of Indonesian independence. NU did not support S.M. (Sekarmaji Marijan) Kartosuwiryo's declaration of the NII (*Negara Islam Indonesia* or Islamic State of Indonesia), on 7 August 1949, which took place prior to the recognition of the Republic of Indonesia by the Dutch. NU considered that the validity of Islamic practices is not related to the enforcement of the state, but rather to the guidance of the religious leaders, namely the clerics. This implied that NU agreed with the idea of nationalism which differentiates religion from the state. NU tried to protect the existence of the Republic of Indonesia from any rebellion pursued by the supporters of ideological paradigms, both Communism in 1948 and Islamism in 1949.

In this section, I would like to elaborate the counter discourses developed by NU to challenge those who aspired to an Islamic state. In 1953, the Muslim traditionalists conferred the title of *waliyyul amri dharuri bissyaukah* (the temporary leader with authoritative power) on President Soekarno; and, at the same time, considered correctly that S.M. Kartosuwiryo had rebelled against the legitimate government of the Republic of Indonesia (cited in Ma'arif ed., 1988:110). President Soekarno was conferred with temporary leadership, because he was not elected by a committee of clerics (*ahlul halli wal 'aqdi*) who had the competency to do it, but by another process which could not claim

full legitimacy from Islamic law (*fiqh*).

However, NU considered that the President should have authoritative power to run the governmental system effectively (Isre ed., 1999:157). The background for these Muslim traditionalists to confer this title was the fact that Aceh (under Daud Beureueh), South Kalimantan (under Ibn Hajar), South Sulawesi (under Kahar Muzakar), and a part of Central Java (under Amir Fatah and K.H. Mahfudz Somalangu), had supported the Islamic State of S.M. Kartosuwiryo. Their supports for the Islamic State were not always based on theological ends but often because of political conflict or being upset about the government's policies for handling Muslims' interests (Kamil & Bamualim, 2007:265).⁴

The authority of *waliyyul amri dharuri bi al-syaukah* was not only related to political affairs, but closely related to religious affairs when the Minister of Religious Affairs should deal with the issue of appointment (*tauliyah*) of *wali hakim* (guardian judge), such as the appointment of the officer to represent as *wali* (the guardian for marital purpose), for example in relation to a woman who does not have parents. In the view of the Islamic School of Syafi'i, the *wali hakim* is in charge of the bride in the marital ceremony when the parental guardians are not able to attend this ceremony for any reason. In practice, the local judge would represent the *wali hakim*, the representative of the Sultan.

In Java, the Minister of the Religious Affairs' authority to appoint the *wali hakim* was implemented without any dissent since the time of revolution. In 1952, the Minister of Religious Affairs issued the Ministerial Decree No.4/1952 to put into effect this authority outside Java. It was an effort to centralise the administration of Islamic affairs by the Ministry of Religious Affairs, as well as to extend its authorities and its tasks (Lev, 1980:67).

⁴In the case of Aceh, Daud Beureueh did not want to separate from the Republic of Indonesia, although he proposed the implementation of *Shari'ah* in Aceh. In 1948, Daud Beureueh helped President Soekarno to get funding for the Acehnese to support the Republic of Indonesia. At that time, Soekarno agreed with Daud Beureueh's intention, but he, then, did not sign the proposal. Moreover, Soekarno degraded Aceh province into a level of residency within the province of North Sumatera.

The modernist Muslims considered that the Ministry of Religious Affairs was an instrument for the non-Islamic state, where Islamic law was not implemented completely so that the President did not have right to delegate *tauliyah* to the Minister of Religious Affairs as *tauliyah* is the rights of the Caliph or Sultan. When this matter was questioned in Parliament as well as other mass media and forums, the Minister of Religious Affairs, K.H. Wachid Hasyim, held a conference of the traditionalist clerics. This 1953 conference in Bogor recognised the authority of the Minister of Religious Affairs to appoint *wali hakim*. Following the *fiqh* paradigm, the clerics supported the existence of the Republic of Indonesia, because they believed that any ruler, either Muslim or Non-Muslim, is better than the condition of no ruler for the purpose of social order. They considered President Soekarno had the right to transfer *tauliyah* to the Minister of Religious Affairs, because the former was an Indonesian ruler (Lev, 1980:68).

Furthermore, in March 1954, the Minister of Religious Affairs, K.H. Masykur of NU, held another conference in Cipanas, West Java, which stated that "the President as the leader of the state as well as the state apparatus such as it is meant by the Constitution article 44, that is cabinet, parliament, and other state apparatus are *waliyul amri dharuri bi al-syaukah*" (cited in Lev, 1980:69). Indeed, the original meaning of *waliyul amri* or *ulil amri* is the highest leader of the Muslim community and, accordingly, he should be elected amongst the clerics so that he would be the most pious cleric.

However, the practical meaning of this terminology is *dzu shaukah*, which means those who hold power and, accordingly, his order should be followed as long as it does not divert from the Islamic teachings for the purpose of societal order. Indeed, this meaning tends to ignore the legality and morality of the ruler; but, in reality, the de facto ruler is also the de jure one. The Muslim traditionalists conferred this title on President Soekarno based on the *Al-Qur'an* verse *An-Nisa* 59, but the modernist Muslims did not agree with such understanding as they considered it

contrary to the Islamic mission (cited in Lev, 1980:70-71).

NU PARTICIPATION ON THE MODERNIST MUSLIM'S IDEA OF AN ISLAMIC STATE

The traditionalist Muslims followed the Sunni tradition, such as that written in yellow religious books (*kitab kuning*), which considers Islam and the state as different entities. They followed Al-Mawardi, who asserts the establishment of a state or the government is a collective duty (*fardhu kifayah*), so this is not a part of the pillars of faith (*rukun iman*) such as believed by the Shiite. The Sunni, namely the traditionalist Muslims, were not allowed society without the government such as believed by Khawarij (Zuhri, 2010:58-59). In this regard, Sunni considered that the state was important, but they considered Islam and the state as different entities so that they were willing to justify the existing state as a tool for establishing public order, as long as the state did not obviously contradict Islam.

Consequently, according to Abdurrahman Wahid (1989:10), the traditionalist Muslims did not dichotomize the political system of the world into the "territory of Islam" (*dar al-Islam*) and the "territory of unbelievers" (*dar al-kuffar* or *dar al-harb*), but also recognised the third category of the "territory of peace" (*dar al-sulf*). Indeed, from this perspective, we understand that they aspired to an Islamic state (*dar al-Islam*) where the state implements *Shari'ah*, but they did not want to force its establishment so they recognised the existence of the "territory of peace" (*dar al-sulf*). This last category was based on a *Hadith* that ordered the Muslims to obey the ruler of Ethiopia, although the ruler was not a Muslim.⁵

⁵*Hadith* was narrated by HR (*Hadith Riwayat* or Story *Hadith*) Abu Dawud, Tirmidzi, Ahmad that Abu Najih (Al-Irbadh) bin Sariyah *radhiyallahu 'anhu* said that Prophet Muhammad SAW (*Salallahu 'Alaihi Wassalam* or peace be upon him) gave heart-touching advice to us so that our heart became shaken, beating, and our tears dropped, then we asked: "Hey Muhammad the Prophet, it is likely the advice of those who will die and leave us forever, give us your will!". The Prophet, then, said: "I made myself will that all of you should be afraid of the God, besides listening and following orders, although they came from the ruler of Ethiopia (*Habsyah*). Really, those who have lived a long time amongst you will encounter with some conflicts. Accordingly, you should hold fast to my tradition (*hadith*)."

As I mentioned above, the modernist Muslims adopted the Islamic ideological paradigm so that they tried to establish an Islamic state when the Constituent Assembly was convened to formulate the permanent constitution. This ideological paradigm had directed them to dominate MASYUMI (*Majelis Syuro Muslimin Indonesia* or Indonesian Muslim League), the only Islamic party which unified the traditionalist and modernist Muslims, however, its claim was premature as in July 1947, the PSII (*Partai Syarikat Islam Indonesia* or Party of Indonesian Islamic United), a pre-independent Islamic party of the modernist Muslims, under the leadership of Arudji Kartawinata, split from MASYUMI, due to its determination to participate in the government led by PM (Prime Minister) Amir Syarifuddin of the PKI (*Partai Komunis Indonesia* or Indonesian Communist Party). Moreover, in 1952 NU (*Nahdlatul Ulama* or Awakening of Islamic Scholars) quit from MASYUMI.

It was this issue of Islam and state, as well as religious identity, which instigated the internal conflict in MASYUMI and caused the Muslim traditionalists to create the NU Party. In this regard, it is likely relevant to employ Clifford Geertz (1984)'s conceptualization concerning a close link between the religious identity and the political identity: the Muslim traditionalists, who were more syncretic, affiliated with the NU Party and the modernists, who were more orthodox, affiliated with MASYUMI (cf Geertz, 1984; and Hamayotsu, 2011:226).⁶

A.R. Baswedan, the leader of the Arab community in MASYUMI, predicted that the departure of NU from Masyumi was just a matter of time (cited in Zuhri, 1988:185), because he realised that this party limited the role of clerics within the Party Committee (*Majelis Syura*). This conflict was perpetuated by the decision of the Yogyakarta congress in 1949, which further reduced the power of the Party Committee, mostly the traditionalist Muslims, into the role of advisor, without

any legislative power. Previously, the Party Committee had an important role: to guide the direction of party from the religious point of view. But now, all matters were just considered from the political point of view, which neglected the validity of the *fiqh* paradigm (Noer, 2000b:86).⁷ Last but not least, PERTI (*Persatuan Tarbiyah Islamiyah* or Islamic Education Association) of the traditionalist Muslims, then, followed the decision of NU to quit from MASYUMI. Apart from this departure, NU continued developing cooperation with other Islamic political parties, but it was only successful in unifying the Muslims associated with PSII and PERTI (Noer, 2000b).

Although NU did not have enough time to socialise into its new status of political party, it came out the third biggest political party in the first Indonesian parliament as well as the Constituent Assembly (*Konstituante*) elections held on 29 September 1955 and 15 December 1955 respectively. The members of the *Konstituante* had the task of formulating a new Constitution to replace a temporary Constitution, namely the UUDS 1950 (*Undang-Undang Dasar Sementara 1950* or Temporary Constitution of 1950). At the Constituent Assembly, all parties agreed on some issues, such as the form of the state, the national flag of red and white (*merah putih*), the national anthem of *Indonesia Raya* (Greater Indonesia), and the national language of *Bahasa Indonesia*. However, they had difficulties in agreeing upon the national ideology of the state, especially between those who supported the *Pancasila* (five basic principles of the Republic of Indonesia) state and those who supported Islam as the foundation of the state (Noer, 2000b:73).⁸ In this regard, NU's secession from MASYUMI did not restrain its support for

⁶At this period, there was a close link between religious identity and political identity, such as believed by Clifford Geertz (1984), that the traditionalists were more syncretised and the modernists were more orthodox.

⁷Another event instigated NU (*Nahdlatul Ulama* or Awakening of Islamic Scholars)'s quitting MASYUMI, when, in 1952, the office of Minister of Religious Affairs was not given to NU; and NU considered it was not fair because the other four posts of Ministries had been reserved for the modernists.

⁸Actually, there were three ideologies, but the third ideology, namely *Sosial-Ekonomi* (Socio-Economy) proposed by the Murba Party (*Partai Murba*) and the Labour Party (*Partai Buruh*) did not attract a lot of supporters, so that its supporters turned their voice to the supporters of *Pancasila* along with other groups (including the nationalists, Christians, the socialists and the communists).

MASYUMI's idea of an Islamic state.⁹

In the Constituent Assembly, the idea of an Islamic state was advocated by modernist Muslims, of whom M. Natsir was an outspoken leader and once the Prime Minister of Indonesia. On the other hand, Soekarno tried to advocate *Pancasila* based on M. Natsir's presentation titled *Negara Islam Bukan Negara Teokrasi* (An Islamic State is Not a Theocratic State) at the Islamic conference in 1952 in Pakistan. At that time, PM (Prime Minister) M. Natsir stated that Indonesia was an Islamic state, although Islam was not the state constitution (Natsir, 1952:17). Prime Minister M. Natsir argued that an Islamic state is a kind of theo-democracy, namely democracy based on Islam. In this regard, he followed Abu A'la al-Maududi, the Muslim Pakistan thinker, who believed that Islam does not recognise a theocratic state as government is not run by the clerical class (Natsir, 1952:17). At the Constituent Assembly in 1957, Osman Raliby (1957), argued that the Islamic state can be called *nomocracy*, "a system of government based on a legal code or the rule of law in a community" (Raliby, 1957:133).

Soekarno argued for the separation of Islam and state. Soekarno did not support the concept of a secular state ideologically in the way of Kemal at-Taturk of Turkey, as he did not close the door for the enactment of religious regulations in the state regulation through the parliamentary mechanism. However, he

⁹Actually, this different paradigm was not due to theological issues, but more to their different socio-cultural background and history. The modernists came from the urban area, while the traditionalists came from the rural area. Accordingly, both had different socio-cultural systems which influenced their understanding of Islam. In the rural area, Islam had been embedded very closely in the activities of socio-cultural practices, so that it was difficult to separate Islam from the structure of this traditional society. Actually, this process is likely the same with the modernists' adoption of a modern structure. It is not surprising that Islam is a kind of idea which should be implemented into the societal structures. Accordingly, the removal of any Islamic ideas from any social structure will destroy its religious aspects. However, it was not as easy in the case of the Muslim traditionalists in the efforts of transforming the traditional social structure into the modern one. On the other hand, the modernists found it easy in adopting the modern structure, because they were already detached from their traditional social structure when they moved into the urban area. To conclude, it was different social structures with their distinctive social relationships, which produced different paradigms of the modernist Muslims and the Muslim traditionalists.

believed that the state affairs required power for the greatness of the state and he evaluated that the greatness of the caliphate was not due to Islam, but the power of caliph. Accordingly, he tried to accumulate power in his efforts to build Indonesia and he considered the Constitution of 1945 gave him more power as it was formulated based on the concept of an integral state (cited in Arif, 2009:5).

Based on the *fiqh* paradigm, in the Constituent Assembly, NU did not propose the concept of an Islamic state as there was no *ijma* (the consensus of the clerics) concerning an Islamic state, so that Muslims had freedom to decide the suitable societal system for the implementation of Islamic law. This reason was also employed by Soekarno to justify the secular state in Islam (cited in Natsir, 1957:9).

M. Natsir acknowledged that Islam does not provide a detailed explanation about how to manage the state and only provides some principles as a clue to how to manage the state effectively, but he argued that these principles were more than enough as an order to establish an Islamic state as a tool to implement Islamic law (Natsir, 1957:23). M. Natsir supported the establishment of the Republic of Indonesia just based on political reality, but he still aspired to the idea of an Islamic state. Accordingly, he interpreted *Pancasila* from the view of Islamic ideology: *Pancasila* will be interpreted by Islam (*cf* Natsir, 1957; and Noer, 2000a:xiv). Indeed, *Pancasila* as *modus vivendi* is open to multi-interpretation. Accordingly, M. Natsir kept struggling to establish an Islamic state by means of a democratic mechanism as it is an ideal, "something yet to be achieved and still very far removed from the reality of the present" (cited in Assyaukani, 2004:37).¹⁰

M. Natsir's thoughts on the relationship between Islam and state was a continuation of his previous thought in 1940s, when he had a polemic with Soekarno. In 1951, as

¹⁰My worries are based on M. Natsir (1957)'s statement, as follows: "Islam is democratic in the sense that it is against dictatorship (*istibdad*), against absolutism, and against authoritarianism. Democracy does not mean the Parliament's decision to abrogate [the legal status of] gambling and pornography and as to whether the myths (*khurafat*), idolatry (subordinating God) should be discussed democratically. No! This is not the right of Parliament to discuss".

cited by A.S. Ma'arif (2006:129), M. Natsir wrote a short book entitled *Islam sebagai Ideologi* (Islam as an Ideology) and an article "Agama dan Negara" (Religion and State). At the Constituent Assembly in 1957, M. Natsir re-stated and elaborated further his thought about the relationship between Islam and state in Indonesia. In his speech entitled *Islam sebagai Dasar Negara* (Islam as the State Ideology), he argued that there were only two choices about the state ideology: secularism (*la-diniyah*) or religion (*din*). He evaluated that *Pancasila* was *la-diniyah* so that it was secular: "a kind of way of life which consists of ism, objectives, and attitudes within the limit of this worldly life" (Natsir, 1957:12, 62, and 81-82).¹¹

M. Natsir believed that Islam was an ideological religion based on the *Al-Qur'an*, chapter 27 (*Adz-Dzariyaat*) 56, which referred to Muslims who obtain victory in this world and greatness in the hereafter. He argued that the state, as the source of this worldly life, was a pivotal aspect of Islam; without it Islamic regulations and teachings were not able to be implemented in this worldly life (Natsir, 1957). The state was a tool for Muslims to implement the law of God for the sake of human beings' welfare and safety, so that M. Natsir argued for the unification of Islam and state (*cf* Natsir, 1957; and Assyaukani, 2004:38). M. Natsir, like his comrade Osman Raliby, argued that sovereignty belongs to God, not to people, so that power should be dedicated to God. This implied that the state was to implement God's law as was written in the *Al-Qur'an*, chapter 4 (*Al-Maidah*), verses 44, 45, and 47 (Natsir, 1957:38; and Raliby, 1957).

It is not yet clear what M. Natsir meant by "God's law": is it Islamic law (*Shari'ah*) similar to that in the Islamic jurisprudence; or is it just general moral obligation found in the *Al-Qur'an* and *Hadith*? A.S. Ma'arif (2006)

¹¹M. Natsir (1957) criticised the first pillar of *Pancasila* which did not originate from the *Al-Qur'an*, but was the result of Soekarno's discovering of Indonesian culture so that, he argued, it was not a kind of recognising the authority of God. He also evaluated that this first pillar of *Pancasila* was not used as the point of reference as PKI (*Partai Komunis Indonesia* or Indonesian Communism Party) accepted *Pancasila* apart from its denial of God, the first pillar of *Pancasila*. It was unacceptable for M. Natsir that PKI just accepted the belief in God but did not believe in God.

argued that M. Natsir tended to the second meaning of God's law, such as believed by other modernist Muslim scholars. M. Natsir never explicitly formulated the content of the *Shari'ah*, although he emphasised the rights of *ijtihad* amongst modernist Muslims. One of the principles that should be pursued by the Muslims was the principle of *syura*; it is slightly similar to the concept of democracy (*cf* Natsir, 1957:28; and Ma'arif, 2006). Concerning how to develop and implement the mechanism of *syura*, it is left to Muslims to do *ijtihad*. In this regard, M. Natsir argued that Islam is a kind of synthesis between democracy and autocracy called *theo-democracy*, following Abul A'la al-Maududi (Natsir, 1957; and Ma'arif, 2006:133).

Apart from NU Party's support for the proposal of an Islamic state advocated by MASYUMI, NU proposed the draft for re-instatement of the Jakarta Charter in its acceptance of *Pancasila* and Constitution 1945. In this regard, Abdul Wahab Chasbullah, one of the Constituent Assembly members of NU, argued as follows:

If it is accepted, 100%, then the Muslims would support again the Constitution of 1945. But if this is not accepted, 100% the Muslims would not accept it, after all, this is my belief (cited in Pranarka, 1985:57).

MASYUMI (*Majelis Syuro Muslimin Indonesia* or Indonesian Muslim League), then, supported this draft after its concept of an Islamic state did not receive enough support. Of course, it was a tactical gesture in the short term as MASYUMI continued struggling to establish an Islamic state (Ma'arif, 2006:183). NU (*Nahdlatul Ulama* or Awakening of Islamic Scholars) considered the Jakarta Charter was a struggle for the implementation of *Shari'ah*, not the establishment of an Islamic state. What NU struggled for was the continuation of the classical jurists' perception following the fall of the Abbasyid Caliphate in 1258. This collapse of the Caliphate nullified the validity of state as a precondition for the implementation of Islamic law and accordingly, Muslims considered that *Shari'ah*, not the state, was the essential glue for the unity of Muslims (Ma'arif, 2006:21).

On the other hand, modernist Muslims tried to find justification from Ibn Taimiyah to campaign for their projects of purification. These modernist Muslims considered the failure of Muslims to uphold the role of great civilisation was due to their misunderstanding of Islam as well as their diverting of the true Islam. Accordingly, they advocated the literal understanding of the *Al-Qur'an*, and then they developed the concept of an Islamic state as their move to harmonise the concept of nation state with their Islamic version. Their ideological view of Islam was also a response to the secular ideologies such as communism and nationalism, which tried to marginalise the role of religion (cited in Ma'arif, 2006).

Meanwhile, on 1 June 1959, NU's draft did not attract the voice of 2/3 of the members of the Constituent Assembly and failed to reinstall the seven words of the Jakarta Charter. Accordingly, the Constituent Assembly failed to have different political groups agree upon the foundation of the state. To follow up to this deadlock, on July 5th 1959, President Soekarno issued a decree, part of the content of which was to reinstall the Constitution of 1945 with its national ideology of *Pancasila* (five basic principles of the Republic of Indonesia). For the purpose of winning the support of the Muslims, this Presidential Decree declared that the Jakarta Charter becomes the spirit of the Constitution of 1945 and it cannot be separated from the 1945 Constitution (Pranarka, 1985:57).

NU's support for the idea of Islamic state and the draft of Jakarta Charter caused some people to hesitate about NU's commitment to the Republic of Indonesia. According to Saifuddin Zuhri, what NU had done was an attempt to use legally and loyally the rights and opportunity provided by the state authority (Zuhri, 1987). In this regard, the Constituent Assembly gave opportunities to choose the foundation of the state and the form of the constitution based on the preferences of each socio-political grouping. NU's loyalty to the Republic of Indonesia can be discerned from its party's *Anggaran Dasar* (Statutes), article 3, about the political foundation of party that was to preserve and conduct the common good according to the

Constitution of the Republic of Indonesia and the national ideology of *Pancasila* (Ma'arif ed., 1988:91-94). In this regard, I agree with Daniel S. Lev (1980), who followed Karl Deutsch (1953) and Peter Nettl (1967) in believing, that "people are encouraged to choose a given group with its intimate and rigid symbols in order to force a kind of change" (Lev, 1980:49).

NU's contradictory attitude of supporting the Republic of Indonesia state, on the one hand; and its efforts at establishing the idea of an Islamic state, on other hand, can be explained by comparing it to the status of NU in relation to its surrounding community. Abdurrahman Wahid (2001) elaborates well the reason that it follows the relationship developed by the *pesantren* (Islamic boarding school) and the society of its surroundings. *Pesantren* enjoys its status as a sub-culture which becomes moral guidance for people surrounding it and they really respect the status of *pesantren*. *Pesantren* formulates a product of religious laws which do not bind all people in its surroundings and *pesantren*, constituting clerics and their disciples, taking initiatives to provide an example in implementing religious laws in the society (Wahid, 2001). That is why NU's role in national political life looked ambiguous because NU always reminded Muslims to be ready to accept an Islamic state; but, on the other hand, NU had never insisted on its desire to establish an Islamic state.

NU'S FIQH PARADIGM AND THE POLITICS OF SOEKARNO'S OLD REGIME ERA

President Soekarno took over the running of government by means of the decree of 5 July 1959, which reinstated the validity of the Constitution of 1945 with its national ideology of *Pancasila*.¹² For that purpose, he tried to find justification from the national ideology of *Pancasila* in the form of NASAKOM (*Nasionalisme, Agama, dan Komunisme* or Nationalism, Religion, and Communism). In

¹²*Pancasila* is the five basic principles of the Republic of Indonesia: (1) the belief in one God Almighty; (2) humanity that is just and civilized; (3) the unity of Indonesia; (4) democracy guided by the wisdom of the representative deliberation; and (5) social justice for all Indonesians. See, for example, A.M.W. Pranarka (1985); and for English translation is available in John M. Echols & Hassan Shadily (2003:406).

line with this, he conceptualised the idea of the guided democracy which he assumed as the true concept of Indonesian democracy with its integralistic nature (cited in Schwarz, 1994:8). This concept was offered as an alternative to liberal democracy, which had failed to form a stable governmental system.

Soekarno maintained democratic institutions, namely the legislative body, however its representative was not elected by the people, but was the representation of political parties and of some social groups, of course, with the approval of President Soekarno. In line with this, Soekarno called the legislative body as DPR-GR (*Dewan Perwakilan Rakyat-Gotong Royong* or Mutual Cooperation Parliament) in April 1960. MASYUMI (*Majelis Syuro Muslimin Indonesia* or Indonesian Muslim League) and PSI (*Partai Sosialis Indonesia* or Indonesian Socialist Party) did not have representatives in the Parliament as both were banned due to the involvement of some leaders in the rebellion of PRRI (*Pemerintahan Revolusioner Republik Indonesia* or Revolutionaire Government of the Republic of Indonesia) in Sumatera and PERMESTA (*Perjuangan Rakyat Semesta* or Total People Struggle) in Sulawesi (Schwarz, 1994:13).

MASYUMI was opposed to Soekarno's guided democracy and considered that it was unlawful, namely diversion from Islam, to join with the authoritarian government. On other hand, *Liga Muslimin* (Muslim League), a federation of the three Islamic parties: NU (*Nahdlatul Ulama* or Awakening of Islamic Scholars), PSII (*Partai Syarikat Islam Indonesia* or Party of Indonesian Islamic United), and PERTI (*Persatuan Tarbiyah Islamiyah* or Islamic Education Association), joined with the government and participated in DPR-GR. They considered properly that this would represent the voice of Muslims as well as control the government from within. This realistic view had justification from one of the principles of the *fiqh*.

In this regard, Saifudin Zuhri, the NU leader, followed the principle: *maa laa yudraku kulluhu laa yutraku ba'dhuhu* or "if you fail to obtain 100% what you are struggling for, it is unwise for you to discard the part of the result

you have achieved" (Zuhri, 1988:187). In this regard, NU was willing to modify its political moves, such as its support for the idea of an Islamic state and its proposal for *Shari'ah* in the auspice of Jakarta Charter, because its view of the role of Islam in the state was not ideological.¹³

The support of the NU Party for Soekarno's cabinet was justified in a speech by its leader, Idham Chalid, who adopted the attitude of *Imam Syafi'i*, not that of *Imam Hanbal*, the founder of school of Islamic law which was often referred by the modernist Muslims, when the caliph required them to follow his Mukhtazilite teaching of the man-created *Al-Qur'an*. *Imam Hanbal* refused to accept the Mukhtazilite view so that he was imprisoned and tortured, while *Imam Syafi'i* saved himself by admitting that "it" was created, but had his fist clenched, and it was the fist, rather than the *Al-Qur'an*, that he was thinking of when he said "it" was created (cited in Crouch, 1981:197).

In this regard, the modernist Muslims accused NU of pragmatism, but I think that such stigma was not an appropriate label as NU had some reasons to pursue such a political stand. NU is realistic in relation to Islam and the state as Islam is not identical to an Islamic state. In this regard, NU did not pursue a clear cut white-black attitude toward the social phenomena as both goodness and wickedness are inherent in social life. Accordingly, NU does not develop a normative approach towards the state which rests mainly on power.

As an Islamic organisation, the motivation of NU for doing something was to implement and fulfil Islamic teachings. In doing so, NU based its decision on the general principles of Islamic law as follows: (1) NU does not view social affairs normatively as an absolute truth; (2) Muslims are required to fulfil their obligation to practise the Islamic conjunctions just within their capacities, taking into account

¹³This NU political stand was also adopted by some Muslim modernists associated with PSII who reluctantly joined with *Liga Muslimin*. Indeed, PSII tended to react politically rather than ideologically as its way to maintain its existence as well as to attract support of the Muslims. In fact, NU was the leader of *Liga Muslimin* and NU coloured the form of political Islam in the guided democracy period.

some constraining factors; (3) if the Muslim's capability is only one of their capabilities, they will carry out just a part of their obligation; (4) the standard for carrying out the compulsory tasks is measured by analysing their positive and negative impacts; (5) it is not appropriate to carry out the compulsory tasks, if they will cause negative impacts which harm the person himself or others; and (6) if a Muslim is faced with some choices he should take the less risky one (Wahid ed., 1999a).

The above principles do not imply that the NU tradition is pessimistic about avoiding any political effort, because NU always tries to fulfil compulsory tasks or *jalb al-masalih*, but not in temporary affairs which risk resulting in devastating negative impacts or *mafsadah* (Haidar, 1998:6). This *jalb al-masalih* was applied by NU in some political events, such as its involvement in the debate in BPUPKI (*Badan Penyelidikan Usaha-usaha Persiapan Kemerdekaan Indonesia* or Investigative Body for Indonesia Independence Preparation) as well as in the Constituent Assembly, and its walk-out of MPR RI (*Majelis Permusyawaratan Rakyat Republik Indonesia* or People's Consultative Council of the Republic of Indonesia) in 1978 to protest the New Order's policy of P4 (*Pedoman Penghayatan dan Pengamalan Pancasila* or Guidance for Understanding and Implementing the *Pancasila*).

However, when these political moves did not appear to have positive results, NU would revise its political moves so that it did not hesitate to accept the compromises. Why did these happen? It was because the motivation behind these political moves of NU was to pursue a socio-political order, which functioned as a pre-requisite for religious order or *nizam al-dunya syart li nizam al-dini* (cited in Haidar, 1998:5-6).

In the case of the dissolution of Parliament by President Soekarno, K.H. Abdul Wahab Chasbullah discerned it as a vacuum of power. In such a condition, NU should join Parliament in order to avoid the outbreak of anarchy, despite its controversial method for appointing the representatives (cited in Wahid, 2000:70). Accordingly, I do not agree with A.S. Ma'arif (1988) that K.H. Abdul Wahab

Chasbullah supported Soekarno based on the teaching of NU, *ikraam lil-kabier wa-rahmah lis-shaghier*, namely to respect those who have the high position and respect those who have the low position (Ma'arif ed., 1988:91-94). This teaching, indeed, was applied to NU in the case that K.H. Abdul Wahab Chasbullah as *Rais 'Am* (Head of Executive Board) provided the final decision to participate in DPR-GR (*Dewan Perwakilan Rakyat-Gotong Royong* or Mutual Cooperation Parliament).¹⁴

Most of the NU leaders were willing to join into DPR-GR but some were reluctant, namely K.H.M. Dachlan and Imron Rosjadi (Ma'arif ed., 1988:64). In this matter, NU was divided into two groups as the manifestation of the principle of the *fiqh al-qaulaini* that there existed some different opinions which would culminate in two opposing views; and its members had the freedom to choose to either join DPR-GR or not, based on their belief. These opposing stands were represented by the two chief leaders of NU, who were K.H. Abdul Wahab Chasbullah (*Rais 'Am*) and Bisri Syamsuri (Vice-*Rais 'Am*). The formal organisational decision was in line with K.H. Wahab Chasbullah, based on his reasoning that it was more difficult to get into DPR-GR than to get out of it (Ma'arif ed., 1988).

The participation of *Liga Muslimin* (Muslim League), especially NU, in DPR-GR did not mean that NU had discarded its idealism about controlling the government, but it was just a strategic move to maintain the aspirations of Muslims. In regard to the guided democracy, NU stated that democracy should have a leader since being without one leads to anarchy, while a leader without applying democracy would lead to a dictatorship. NU, then, stated that

¹⁴This doctrine was written down in *Buku Anggaran Dasar NU* (the Book of the Principal Statute of NU), in which one of the tasks of the *Syuriah* body was to develop solidarity amongst the NU clerics. In this regard, K.H. Abdul Wahab as *Rais 'Am* argued: "We should decide right now, because of the time pressure. If we postpone this matter until the time of the NU regional conference, we would miss the train. We decide right now, we join with DPR-GR first and then, we ask for permission from the NU regional conference. If the conference decides to join with DPR-GR, we are already joined; but, if the conference does not want to join, we can easily get out of DPR-GR. If we do not join into DPR-GR right now and later the conference decided to join in it, we would already be late and the doors of DPR-GR would already be closed". See, for further information about this matter, Abdurahman Wahid (2010).

the truth should lead democracy in the view of those who master the understanding of the truth. In this regard, NU quoted the *Hadith* that “Whoever has opposing ideas should follow the voice of the majority who understand the truth” (cited in Zuhri, 1988:185). In this regard also, NU tried to uphold the truth based on the view of its experts (Zuhri, 1988:186).

Based on the historical facts, NU’s strategy within *Liga Muslimin* to participate in the government of the guided democracy was useful to balance the power of PKI (*Partai Komunis Indonesia* or Indonesian Communist Party), which used the structural approach to expand its influence.¹⁵ Indeed, the involvement of NU in the guided democracy to protect the Muslims’ interest was not without critics, but Saifuddin Zuhri, the NU leader who was active in the guided democracy, argued that NU was consistent with its mission to counter atheism (Zuhri, 1988:187).

A.S. Ma’arif understood the choice of *Liga Muslimin* to join in the government of the guided democracy and regretted MASYUMI’s martyr choice which caused its ban by the regime and, consequently, it was detrimental to the development of democracy in Indonesia (Ma’arif ed., 1988:55). Then, what is a proper standard for a Muslim to compromise with the regime, as A.S. Ma’arif (1988) has criticised severely NU’s political standpoint and considers, that NU was also responsible to the birth of Soekarno’s guided democracy?

During the old regime era, I think, that NU had pursued a proper standard, namely the *fiqh* paradigm in relation to Islam and the state. In line with this, the main task of the clerics is to remind the regime, not to force the regime by all means in order to follow Islamic teachings and principles. The organisational structure of NU enables its elite group to initiate political manoeuvres within NU in order to respond to the national political changes. In this regard, Mitsuo Nakamura

¹⁵By doing so, *Liga Muslimin* was able to pursue the goal of projects useful for the development of Muslims in general, such as the establishment of IAIN (*Institut Agama Islam Negeri* or State Islamic Religion Institute) and the introduction of religious education in public schools. As a result, *Liga Muslim* and Muslims generally had power to challenge PKI’s effort at the *coup de etat* in September 1965. For that purpose, Muslims were hand in hand with the military having the task to save the existence of the Republic of Indonesia.

(1981) illustrated symbolically that NU is likely a big *pesantren*, namely the federation of some *pesantren*, where each *pesantren* has relative autonomy to choose a given policy offered by the competing elite groups (Nakamura, 1981:192-193).

Accordingly, it depends on the skills of the competing elites to ensure that their policies would be supported by some *pesantrens* (Islamic boarding Schools). It takes time for the elites to convince the majority of *pesantrens*, as the latter would observe the effectiveness as well as the prospects for success of the break-through policies. In the case of the uncertain political situation at the end period of the Soekarno regime, NU had enough room for political manoeuvres. The closeness of some NU elites with Soekarno did not guarantee that the latter was able to co-opt NU, as some *pesantrens* had relative autonomy open to the rise of someone who would offer a break-through policy (Feillard, 1999:45-49).¹⁶

Abdurrahman Wahid (1989) confirmed that the NU leaders had supported the Jakarta Charter and they, then, accepted that it was

¹⁶For example, at the time of PKI’s failed *coup d’etat* attempt, some NU elites were able to maintain their good relationship with Soekarno; and, at the same time, the young NU leader Subchan Zainuri Echsan (34 year), NU’s fourth vice-chairman, was able to develop good co-operation with the military in the effort of crushing the supporters of PKI. He had a close relationship with some army generals as well as with youth groups from outside NU circles. Indeed, he was given the task of “preserving NU’s unity and studying the origin of the coup” as well as “to make whatever alliances were necessary to safeguard the interests of NU and its members”. On 3 October 1965, Subchan Zainuri Echsan was appointed as the leader of KAP-Gestapu (*Komando Aksi Pengganyangan – Gerakan September Tiga Puluh* or the Action Front to Crush the Thirtieth of September Movement), which would organise mass demonstrations in Jakarta involving some mass organisations. KAP-Gestapu together with KAMI (*Kesatuan Aksi Mahasiswa Indonesia* or Action Unitary of Indonesian Students) had an important role in the fight against Communism as well as in an effort to ban PKI and its affiliated organisations. As a result of these mass demonstrations, on 11 March 1966, President Soekarno handed over emergency power to General Soeharto to restore the order. But only the MPRS (*Majelis Permusyawaratan Rakyat Sementara* or Temporary Consultative Assembly) had the power to confirm and extend these powers. In this regard, the role of Achmad Sjaichu, a leading NU figure, was crucial in the legal transfer of the power from Soekarno to Soeharto, because he was the speaker of Parliament. Nuddin Lubis, an NU Parliamentarian, moved a resolution calling for the dismissal of Soekarno as President, for an inquiry into his role in the failed coup and the election of a new President. At first, Nuddin Lubis did not receive the strong support of the majority of NU MPRS, but then he was able to convince them after he proposed the resolution to Parliament.

not included in the Constitution. This implies that they supported the establishment of a secular state and their support for the Jakarta Charter just tried to materialise their idealism of an Islamic state (*dar al-Islam*) which would implement Shari'ah through the state legislations, apart from their respect for the rights of non-Muslims. As soon as they failed to materialise their ideal, they accepted the outcome as a realisation of a peace state (*dar al-sulf*) whole heartedly following the legal maxim of *ma la yudraku kulluh la yutraku julluh* or "if you are not able to materialise your idealism completely, it is unlawful for leaving the most important one" (Wahid, 1989:11).

Abdurrahman Wahid (2001) also analysed that the NU leaders' ideas of an Islamic state did not imply the unification of Islam and the state as they believed in the plurality of *Shari'ah*, following the Islamic tradition. In Abdurrahman Wahid's opinion, they also considered that the role of an Islamic state was similar to the role of *pesantren* towards its surrounding community, where the cleric gives an example to the community about how to practice Islam properly and does not require the community members to practice Islam in the same quality (Wahid, 2001:14).

CONCLUSION

The Republic of Indonesia was established based on a secular political system, but it did not follow the pure concept of the theory of secularisation. In the context of Indonesia nation-state, there were three competing major paradigms of the relationship between religion, especially Islam, and the state, that were: secular paradigm, Islamic ideological paradigm, and the *fiqh* (Islamic study of laws) paradigm. In historical process, it was a result of compromise amongst the followers of secular and Islamic aspirations. In this *Pancasila* (five basic principles of the Republic of Indonesia) state, Islam provides a moral basis for running the state.

However, the proper role of religions should be negotiated amongst different political forces, such as was outlined in the seven words of the Jakarta Charter in 1945 and in the 1950s. In this regard, the

traditionalist Muslims, especially the followers of NU (*Nahdlatul Ulama* or Awakening of Islamic Scholars), adopting the *fiqh* paradigm, were able to develop a flexible standpoint in regard to the role of Islam in Indonesia compared to the modernist Muslims, who advocated an Islamic ideological paradigm. They (the traditionalist Muslims) were able to move from justifying the Republic of Indonesia to supporting an Islamic state and, then, again supporting the secular state. This was due to the *fiqh* paradigm recognising the existing political system, while trying to improve it at the same time.¹⁷

References

- Arif, S. (2009). *Gus Dur dan Ilmu Sosial Transformatif: Sebuah Biografi Intelektual [Gus Dur and the Transformative Social Sciences: An Intellectual Biography]*. Depok: Koekoesan.
- Assyaukani, L. (2004). "Democracy and the Islamic State: Muslim Arguments for Political Change in Indonesia" in *The Copenhagen Journal of Asian Studies*, 20.
- Boland, B.J. (1970). *The Struggle of Islam in Modern Indonesia*. Leiden: KITLV Press.
- Crouch, H. (1981). "Indonesia" in M. Ayoub [ed]. *The Politics of Islamic Reassertation*. London: Croom Helm Ltd.
- Deutsch, Karl. (1953). *Nationalist and Social Communication*. New York: M.I.T. Technology Press and John Wiley and Sons.
- Echols, John M. & Hassan Shadily. (2003). *Kamus Indonesia – Inggris: An Indonesian – English Dictionary*. Jakarta: PT Gramedia Pustaka Utama, 9th edition.
- Feillard, A. (1999). "Traditionalist Islam and the Army in Indonesia's New Order: The Awkward Relationship" in G. Barton & G. Fealy [eds]. *NU, Traditionalism, and Modernity in Indonesia*. Clayton: Monash Asia Institute.
- Geertz, Clifford. (1984). *Abangan, Santri, dan Priyayi: Studi tentang Agama di Jawa [Abangan, Santri, and Priyayi: A Study of Religion in Java]*. Jakarta: Pustaka Jaya.
- Haidar, M.A. (1998). *Nahdlatul Ulama dan Islam di Indonesia: Pendekatan Fikih dalam Politik [NU and Islam in Indonesia: The Perspective of Islamic Law on Politics]*. Jakarta: Gramedia.
- Hamayotsu, K. (2011). "Beyond Faith and Identity: Mobilizing Islamic Youth in a Democratic Indonesia" in *The Pacific Review*, 24(2), pp.225-247.
- Huda, M. Munib. (1998). *Mutiara Nahdlatul Ulama [The Pearls of Nahdlatul Ulama]*. Jakarta: Fatma Press.

¹⁷**Statement:** I, hereby, declare that this article is my own writing, not a product of plagiarism, and not being sent, reviewed, or published in other scholarly journals.

- Isre, M.S. [ed]. (1999). *Prisma Pemikiran Abdurrahman Wahid [Abdurrahman Wahid's Prismatic Thoughts]*. Yogyakarta: LKiS.
- Kamil, S. & C.S. Bamualim. (2007). *Syariah Islam dan HAM: Dampak PERDA Syariah terhadap Kebebasan Sipil, Hak-hak Perempuan, dan Non-Muslim [Shari'a and Human Rights: The Impacts of Local Regulations to the Civil Freedom, the Rights of Women, and Non-Muslims]*. Jakarta: CSRC UIN Jakarta & KAS Jakarta.
- Khuluq, L. (2000). *Fajar Kebangunan Ulama: Biografi K.H. Hasyim Asy'ari [The Revival of the Cleric: Biography of K.H. Hasyim Asy'ari]*. Yogyakarta: PT LKiS Pelangi Aksara.
- Lev, D.S. (1980). *Peradilan Agama Islam di Indonesia: Suatu Studi tentang Landasan Politik Lembaga-lembaga Hukum [Islamic Court in Indonesian: A Study on the Political Foundation of Law Institutions]*. Jakarta: PT Intermasa.
- Ma'arif, A.S. [ed]. (1988). *Islam dan Politik di Indonesia pada Masa Demokrasi Terpimpin, 1959-1965 [Islam and Politics in Indonesia at the Guided Democracy Era, 1959-1965]*. Yogyakarta: IAIN [Institut Agama Islam Negeri] Sunan Kalijaga Press.
- Ma'arif, A.S. (2006). *Islam dan Pancasila sebagai Dasar Negara: Studi tentang Perdebatan dalam Konstituante [Islam and Pancasila as the State Ideology: A Study on the Debate in the Constituant Assembly]*. Jakarta: Penerbit LP3ES.
- Nakamura, Mitsuo. (1981). "The Radical Traditionalism of the Nahdlatul Ulama in Indonesia: A Personal Account of the 26th National Congress, June 1979, Semarang" in *Southeast Asian Studies*, 19(2).
- Natsir, M. (1952). "Negara Islam Bukan Negara Teokrasi" [An Islamic State is Not an Theocratic State] in E. Riyanto & T.T. Sundesyah [eds]. *Islam sebagai Dasar Negara [Islam as the State Ideology]*. Jakarta: DDII [Dewan Dakwah Islam Indonesia] Universitas Mohammad Natsir & Penerbit Media Dakwah, re-edited in 2000.
- Natsir, M. (1957). *Islam sebagai Dasar Negara [Islam as the State Ideology]*. Bandung: Pimpinan Fraksi Masjumi dalam Konstituante.
- Nettl, Peter. (1967). *Political Mobilization*. New York: Basic Books.
- Noer, D. (2000a). "Kata Pengantar" [Foreword] in E. Riyanto & T.T. Sundesyah [eds]. *Islam sebagai Dasar Negara [Islam as the State Ideology]*. Jakarta: DDII [Dewan Dakwah Islam Indonesia] Universitas Mohammad Natsir & Penerbit Media Dakwah.
- Noer, D. (2000b). *Partai Islam di Pentas Nasional [Islamic Parties in the National Political System]*. Bandung: Mizan.
- Pranarka, A.M.W. (1985). *Sejarah Pemikiran tentang Pancasila [The Intellectual History of Pancasila]*. Jakarta: Penerbit CSIS.
- Raliby, Osman. (1957). "Negara Islam Disebut sebagai Nomocracy" [Islamic State Can be Called Nomocracy] in E. Riyanto & T.T. Sundesyah [eds]. *Islam sebagai Dasar Negara [Islam as the State Ideology]*. Jakarta: DDII [Dewan Dakwah Islam Indonesia] Universitas Mohammad Natsir & Penerbit Media Dakwah, re-edited in 2000.
- Ricklef, M.C. (1994). *Sejarah Modern Indonesia [The Modern History of Indonesia]*. Yogyakarta: Gadjah Mada University Press.
- Schwarz, A. (1994). *A Nation in Waiting: Indonesia in the 1990s*. Sydney: Westview.
- Vertigans, S. (2007). "Militant Islam and Weber's Social Closure: Interrelated Secular and Religious Code of Exclusion" in *Contemporary Islam*.
- Wahid, Abdurrahman. (1989). "Pengantar" [Introduction] in E.M. Sitompul [ed.] *Nahdlatul Ulama dan Pancasila [Nahdlatul Ulama and Pancasila]*. Jakarta: Sinar Harapan.
- Wahid, Abdurrahman. (1998). *Islam Tanpa Kekerasan [Islam Without Violence]*. Yogyakarta: LKiS.
- Wahid, Abdurrahman [ed]. (1999a). *Islam, Negara, dan Demokrasi: Himpunan Percikan Perenungan Gus Dur [Islam, State, and Democracy: The Collection of Gus Dur's Thoughts]*. Jakarta: Penerbit Erlangga.
- Wahid, Abdurrahman. (1999b). "A. Wachid Hasyim, N.U., dan Islam" [A. Wachid Hasyim, N.U., and Islam] in *Islam, Negara, dan Demokrasi: Himpunan Percikan Perenungan Gus Dur [Islam, State, and Democracy: The Collection of Gus Dur's Thoughts]*. Jakarta: Penerbit Erlangga.
- Wahid, Abdurrahman. (2000). *Membangun Demokrasi [Establishing Democracy]*. Surabaya: Penerbit Erlangga.
- Wahid, Abdurrahman. (2001). *Menggerakkan Tradisi Islam: Esai-esai Pesantren [Revitalizing the Traditions of Islam: Essays of Islamic Boarding School]*. Yogyakarta: Penerbit LKiS.
- Wahid, Abdurrahman. (2003). "Sikap Dasar para Pemimpin Islam" [The Muslim Leaders' Principal Belief]. Available online also at: <http://media.isnet.org/islam/Paramadina/Konteks/Keadilan.html> [accessed in Yogyakarta, Indonesia: June 15, 2015].
- Wahid, Abdurrahman. (2004). "Konsep-konsep Keadilan" [The Concepts of Justice]. Available online also at: <http://media.isnet.org/islam/Paramadina/Konteks/Keadilan.html> [accessed in Yogyakarta, Indonesia: September 22, 2015].
- Wahid, Abdurrahman. (2006). *Islamku, Islam Anda, dan Islam Kita [My Islam, Your Islam, and Our Islam]*. Jakarta: The Wahid Institute.
- Wahid, Abdurrahman. (2010). *Khazanah Kiai Bisri Syansuri: Pencinta Fiqh Sepanjang Masa [Treasure of Cleric Bisri Syansuri: The Follower of the Fiqh as Long as Time]* Jakarta: Pensil-324.
- Zuhri, A. Muhibbin. (2010). *Pemikiran K.H.M. Hasyim Asy'ari tentang Ahl al-Sunnah wa al-Jama'ah [K.H. M. Hasyim Asy'ari's on Sunnism]*. Surabaya: Khalista.
- Zuhri, S. (1977). *Guruku Orang-orang dari Pesantren [My Teachers Come from Pesantren]*. Bandung: PT Alma'arif.
- Zuhri, S. (1988). "Jawaban Atas 4 Macam Pertanyaan" [The Answer of 4 Questions] in A.S. Ma'arif [ed]. *Islam dan Politik di Indonesia pada Masa Demokrasi Terpimpin, 1959-1965 [Islam and Politics in Indonesia in the Guided Democracy Era]*. Yogyakarta: IAIN [Institut Agama Islam Negeri] Sunan Kalijaga Press.
- Zuhri, S. (1987). *Berangkat dari Pesantren [Beginning from Pesantren]*. Jakarta: Gunung Agung.



Abdurrahman Wahid

(Source: ASPENSI's Album Collection, 2/3/2015)

Abdurrahman Wahid (2001) also analysed that the NU leaders' ideas of an Islamic state did not imply the unification of Islam and the state as they believed in the plurality of *Shari'ah*, following the Islamic tradition. In Abdurrahman Wahid's opinion, they also considered that the role of an Islamic state was similar to the role of *pesantren* (Islamic boarding school) towards its surrounding community, where the cleric gives an example to the community about how to practice Islam properly and does not require the community members to practice Islam in the same quality.