

# Islamic Expansion in the Ideology of Pancasila and State Sovereignty

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## **Abstract**

*Islam is a religion that is adopted by the majority of Indonesian people and is believed to be a guide to life in order to obtain salvation in the world and in life after death. It makes a significant contribution to the initial process of negotiations to formulate the nation's philosophy of life, namely Pancasila. As a life guideline, the Pancasila nation and state are the main reference to conceptualize the sovereignty meaning which is then derived into International Law owned by Indonesia. This article uses the approach of discourse analysis in the implementation of Islamic values in the ideology of Pancasila. Islam's most important contribution to Pancasila is the 'monotheism' element which is the essence of Islamic teachings. Therefore, the dichotomy of Islam and Pancasila, or Islam and Negara Kesatuan Republik Indonesia (NKRI) becomes no longer relevant.*

## **Keywords:**

*Islam; Ideology; Pancasila; Sovereignty; International Law*

## **INTRODUCTION**

A medieval philosopher, Thomas Aquinas, described the highest power as the source of all sources of law is God through his commandment. Aquinas then distinguishes the law directly from God

which is called 'Absolute Law' and the law that can be reached by human reason or 'Normative Law'.

Law in the second notion is a human nature that characterizes the human ability to recognize which one is good and bad. Law in this perspective is the law that was born of a human dialectic process in responding to what is judged and created by human mind and human creations whereas the law in the first notion is the law of nature or also called 'Absolute Law'. Thus, all the laws of nature are God's will and human reason itself. In this dimension, it can be understood that the tradition of absolutism

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and individualism in European culture is taken from Thomas Aquinas' thinking about power.

Islam is the majority religion believed by Indonesians so that Indonesia is widely known as a democracy with the largest Muslim population in the world (Effendy, 2011). Islam as delivered to the Prophet Muhammad Salallahu Alaihi Wassalam (SAW) as a guide to mankind, and the Qur'an contains general principles which comes from the basis of moral and ethical life.

Islam has a holistic character. As an ilahiah instrument for understanding the world, Islam is often viewed as more than just a religion. Some circles even state that Islam can also be seen as a complete civilization of civil society (Sumarni, 2017) or even religion and the State (Musyahid, 2011). The thing underlying these formulations is the widely accepted view that Islam encompasses more than just a system of theology and or morals (the holistic nature of Islam). Furthermore, this view states that Islam does not recognize the dividing wall between the spiritual and the temporal, but regulates all aspects of life.

From the Qur'anic perspective, the state as an institution of power requires Islam as an effective instrument to realize

its teachings. Islam has brought a distinctive style of thought that can form a civilization that is different from any other kind of civilization, for example, is the view of halal - haram, a unique method in life, which is expressly able to separate which ones are considered good or bad.

In the early period of the debate over ideas formed a new state which was later called Indonesia. The idea of 'Islamization' by including 6 (six words) - "Carrying out Islamic law for its adherents" - at the formula of the Jakarta Charter emerged at the preparatory sessions for independence. There are at least two sides of the view that is existed at that time. On the first side, some Muslims think that Islam must be the basis of the state; that syari'ah should be accepted as the state constitution, that political sovereignty is in the hands of God, that the idea of the state and nation (nation-state) is contrary to the concept of the umma (Islamic community) that knows no political boundaries or regionalism and to admit syûrâ principle (deliberation) (Sefriani, 2011).

On the other hand, it explains that Islam is one of the main sources of inspiration for taking and formulating the Pancasila. The foundation and important framework of "Building" Islam is tauhid

(the confession of the only one God) placed on the first principle which is the first to become the pillars of the value of the following principles. Pancasila which is used as a philosophy of life view is the main source and reference in formulating regulations and legislation. Thus, the values of Islam has become an important foundation in founding Indonesia so that it is considered not necessary to explicitly list six words in the Jakarta Charter formula.

The relationship between Islam and Pancasila is important to continue to be studied. Islamic Ideology always refers to the highest law used as *grundnorm* in the concept of Islamic law. Academic studies that examine the close relationship between Islam and Pancasila are increasingly easy to obtain. In this discussion, the author included elements of state sovereignty to see the extent to which the expansion or translation of Islamic values and Pancasila was present in the concept of state sovereignty. It is interesting and important to look at the concept of state sovereignty which is interpreted from Pancasila as the foundation of national life in which there are *khazanah* of Islam.

## THEORETICAL PERSPECTIVES

### Research Method

The type of approach used in this study is a qualitative approach. This approach is able to provide a comprehensive explanation for studies related to the ideology and thoughts. In a study that investigated a thought, in addition to the comprehensiveness of the translation of the findings, the depth of the investigation is also important to be revealed as a finding.

In collecting the data, researchers have limitations in triangulating data consisting of interviews, participant observation, and document records. This study was based solely on data collection mechanisms of document records and literary study. Literature study is the most dominant way of exploring Islam as a universal value for its followers and at the same time understanding Pancasila as an ideology and aspects of state sovereignty.

Islamic search begins with reviewing the discussions raised by the founding fathers and mothers in a series of discussion forums that discuss the fundamental principles of the state that will be born later and known as the Republic of Indonesia. The event is very important in understanding the initial foundations of Indonesia. Books, journals,

manuscripts and treatises written into the primary reference source to follow, understand and discover the birth of Pancasila that serve as grondslag philosophy and simultaneously discovered Islam in the series of the debate.

The findings of the information in this study are presented with explanatory descriptive narratives. The explanation given seeks to provide a gradual description of how Islam is believed by its adherents as universal values or way of life to influence (read: expansion) into the ideology of the nation, Pancasila and the formulation of the concept of sovereignty.

## LITERATURE REVIEW

### Pancasila as an Ideologi

Pancasila as the state ideology is a vital idea that describes the attitude or outlook of the nation Indonesia who believe in God Almighty. In the realm of life, humans have distinctive elements to realize an attachment to being a group of nations. In group life, everything is discussed together to make decisions easier to follow together until justice is achieved.

The ideology that came with the flow of globalization has made almost no way for this nation to inhibit or filter out ideological expansion which is not in

accordance with Pancasila values (Steenbrink, 1999). Ideology serves to provide hope for a new world that is better than the present and past conditions that are less than ideal, and provide strategic steps to achieve the ideal goal. Therefore, ideology is very important, both rationally and emotionally. However, treating the ideology in a sacred manner and being posted as something that is able to bring salvation to the nation, even all humanity, tends to usher in the ideology to become indisputable and closed to new ideas and realities so that they become sterile, rigid, and undeveloped.

The ideological influence on society is so great that, as a human being excesses could occur sacrificed to ideology, and not ideology for humans. Because ideology concerns the problem of state strategy (Morfit, 1981), it is not uncommon for community groups to use it as a tool to maintain and obtain self-interest unilaterally at the expense of others.

The notion of ideology contains a basic concept of life aspired by one nation. The resilience of an ideology in question is dependent on the value chain that can give, and guarantee all aspirations of human life both as individuals and members of society.

Principally, there are three main meanings of the word ideology: First, ideology as a false consciousness means that ideology as a false consciousness is usually used by philosophers and social scientists. Second, ideology in a neutral sense is the whole system of thinking, values, and the basic attitude of a particular social group or culture. This second meaning is mainly found in countries that consider the importance of a state ideology (Hasyim, 2013). It is called a neutral sense because good or bad depends on the content of the ideology. Third, ideology in the sense of unscientific beliefs, usually used in positivistic philosophy and social sciences. All thoughts that cannot be proven logically-mathematically or empirically are ideologies. All ethical and moral problems, normative assumptions, and metaphysical thoughts are included in the area of ideology.

From the three ideological word meanings in this discussion are ideologies in a neutral sense, namely as systems of thinking and values. Ideology in the neutral sense is found in its state ideology or nation's ideology. This is in accordance with the discussion of Pancasila as the ideology of the state of the Republic of Indonesia (Aspinall & Berger, 2001).

### **Sovereignty and its Relationship with International Law**

One of the essential elements of the existence of a state is government as the personification of a sovereign state. Based on the history of the origin of the word "sovereignty", which in English is known as "souvereignty", in French known as "sovereinete" or in Italian called "sovranus" comes from the Latin word "superanus" which means "the top or the highest".

Jean Bodin considers sovereignty as a special attribute and characteristic of the state or in other words it can be stated that without sovereignty there is no country (Fred, 1980). More specifically, Bodin explained that sovereignty cannot be derived from something other powers. Sovereignty is the highest. There is no other higher power which can limit it to the sovereignty. Therefore, sovereignty is eternal or everlasting and cannot be divided or transferred or handed over to others.

Along with the above view in its development, the notion of sovereignty undergone various changes, in which the state is said to be independent if the state is able and entitled to regulate and manage the interests of its kind in the sector in the country and also abroad, without the intervention of any kind to

country (Ardhiwisastra, 1999). It is at this 'sovereign' point that the state becomes substantially present for the interests and lives of its citizens.

## RESULT AND DISCUSSION

### Islam and the ideology of Pancasila

With the rise of Indonesian nationalism in the first decade of the 20th century, indigenous movements began to emerge, struggling against Dutch colonialism and demanding Indonesian independence. Undoubtedly, in these nationalistic efforts, Islam played a decisive role. As noted by reviewers of Indonesian nationalism, Islam serves as a link that unites a sense of national unity against Dutch colonialism. Islam is the most obvious means both to build national unity and to distinguish Indonesian people from the Dutch colonial elite.

Islands that include the Dutch East Indies never existed as a linguistic, cultural or historical entity. The last regions that fell into the hands of the Dutch was never submitted until the beginning of the 20th century (Hamzani, 2015). Therefore, because it consists of a variety of different historical, linguistic, cultural and geographical traditions, the only universal bond available, outside

colonial rule, is Islam. Islam in this context can be read as a unifying mediator that provides a clear line of demarcation between natives and invaders. The spirit of liberation in Islam inspires, the desire that will gradually be realized is Indonesian independence.

At the beginning of the nationalist movement, the only manifestation of Islamic politics was Sarekat Islam (SI). However, it is unfortunate that the position of SI cannot be maintained. Its important role as a catalyst for the Indonesian national movement began to fade in the late 1920s. SI failed to maintain its prominent pioneering efforts to achieve independence. The decline of the role of SI is caused in part by the inability of its leaders to overcome the differences between them, particularly with regard to how politics is played. SI, the difference is getting sharpened after Marxism brought into SI.

In order to understand the different perspectives on the theological-ideological basis of each faction, Soekarno's rhetorical discourse on the relationship between Islam and the state became a reference that deserves review reflected in his work "Islamic letters from Endeh", Soekarno believed that ideal Islam (contoh, Islam as contained in the Qur'an

and Sunnah) was basically flexible, rational and progressive, but the historical or empirical Islam witnessed by Sukarno, especially in the period of decline of the kingdom, the sultanate, and the countries claimed to be Islamic states, was confined by backwardness, heresy, superstition and anti-rationalism. He viewed Islam at that time as a sluggish Islam and unable to answer the challenges of modernity.

Referring to this perspective, Natsir firmly argues that Islam and the state are two unified religio-political entities. The state, for Islam, is not the goal but only a means to reach the goal because the purpose of the nation and state in the point of Islamic thought is to reach out and create a just and prosperous society, and devote to Allah SWT. State affairs in principle and basically are an inseparable part, one intergreerend deel from Islam (Jumadi, 2011).

The realization of the state encourages human social nature, so it is not a natural and religious institution. Therefore the state is based on: First, the natural source, namely the nature of mankind, wants to live together in a unity as well as with family, ethnicity or nation. Second, the natural goal in living together is the general welfare in the world that is aspired. Third, equipment to achieve

secular goals, such as government, parliament, courts, police and so on.

Both of the above alliance of religion and state have different roles, but both of them are complementary to rule human life in achieving its goals. Both religion and state have the concept of regulation to guide human life towards truth, goodness, and beauty so that between religion and state have different principles.

At least there are 3 (three) differences that are seen from the origin of the purpose and the method of implementation. First, the bases country of origin is the natural impulse is based on the opposite of religion based on divine revelation and faith. Second, the purpose of the state is to carry out secular general welfare while religion convicts people of the status of their obligations to God and each other. Third, to realize the purpose, the state can use legal sanctions, whereas the reverse religion seeks inner conviction and security.

Apart from that, it is important to note that Natsir also acknowledged that in all these efforts, Islam only provided general lines. More detailed rules about how a country should be organized or structured depend on the ability of its leaders to implement their own *ijtihad*, provided that everything must be done in democratic

ways. In this way, the challenges of modernity can be faced and overcome. With that statement, he rejected the view that Islam opposed the idea of progress (Kusnadi, 2009).

Supomo saw the relationship between Islam and the state from the perspective of pluralism or heterogeneity. If an Islamic state is formed in Indonesia, then there will certainly be problems of minority groups. Supomo convinced that the best Islamic state would protect the interests of other groups. Even so, he was equally convinced that, in such a country, the smaller religious groups would certainly not feel involved in the state.

First, in their view there is no clear evidence that the Qur'an and the Sunnah ordered Muslims to establish an Islamic state. According to their observations, political experimentation of Prophet Muhammad did not contain a statement of an Islamic state. Therefore, they reject the political agenda of Islamic political leaders and activists who demand the establishment of an Islamic state or state based on Islamic ideology (Madjid, 1987). This view is similar to that described by Harun Nasution (1992) and M. Amin Rais, (1987). Harun Nasution, stated that there were no verses that explicitly discussed the matter of forming

the State (Nasution, 1992). M. Amin Rais, more pointedly said that in the Qur'an and Sunnah no commands which stated "Building an Islamic state (Rais, 1987). This is according to Amin, it shows the timelessness of revelation which includes the conduct a base, as well as the norms then submit the details on the human mind through *ijtihad*.

Furthermore, in the studies carried out on the political thinking of Islamic figures, there was also no information about the source of power for the head of state (ruler), whether according to the theory of God - or other theories. To find out this can only be understood based on interpretations of their thoughts and ideas regarding the process of state formation. If we trace the ideas put forward by figures such as al-Baqillani, al-Baghdadi, Al-Mawardi, al-Juwaini and Ibn Khaldun more likely to be drawn to understand the theory of social contracts, meaning that the source of power for them comes from the community. Because their idea of the process of state formation is on the basis of the will of humans as social beings or political beings to gather in a place in the framework of cooperation to meet the needs of life (Suhieno, 1986).

Second, they recognize that Islam provides a set of socio-political principles.

Nevertheless, they view that Islam is not an ideology. Therefore, in their view, Islamic ideology does not exist. In fact, according to some of them, ideologization of Islam can be considered as Islamic reductionism.

Third, because Islam is understood as an eternal and universal religion, the understanding of Muslims must not be limited to formal and legal understanding, especially those that are built on time and space. Rather, that understanding must be based on thorough and thorough interpretation, which applies its textual and doctrinal instructions to the contemporary situation and context. From this perspective, it necessitates the transformation of Islam into a set of contemporary principles and practices.

Fourth, they strongly believe that only Allah SWT knows the absolute truth. Thus, it is almost impossible for humanity to reach out to the absolute reality of Islam. In their judgment, the Muslim understanding of their religious doctrines is basically relative in value, and therefore can be changed.

With the diversity of interpretations of Islam on the one hand, and the fact that Islam does not recognize clergy in religion ( *lâ rahbâniyyah fî al-Islâm* ) on the other hand, no one can claim that his

understanding of Islam is the most correct and authoritative understanding of another. Therefore, it is very important for Muslims to develop religious tolerance, both internally and externally.

From the debate over ideas / ideas by the founding fathers of the above in seeing Islam in relation to the philosophy of the nation's ideology namely Pancasila, these ideas were then rationalized so that they could be accepted by all circles. The dynamism of the long debate was held in continuous hearings conducted by the Investigation Agency for the Preparation of Indonesian Independence (BPUPKI) and continued to be explored and deepened at the sessions of the Indonesian Independence Preparatory Committee (PPKI).

### **Dynamics of Pancasila Ideology and Pancasila Law State**

The democratic state of Pancasila as a result of the struggle of the Indonesian people has a certain identity that cannot be equated with the concept of another legal state (Fuad, 2012). Pancasila is an open ideology so that the state of Pancasila law must be translated creatively in the practical life of this nation. The elasticity of the concept of a democratic Indonesian legal state, in this

case is more intended to realize the general benefit. Even so, the elasticity must not be contradictory as well as referring to the values of Pancasila as legal ideals, legal principles contained in laws and regulations and ethical-religious values that exists in society.

The development of the nation-state life in this country is full of the competition and the adjustment ability in facing the recent era of globalization. As an open ideology, Pancasila will always have new things that are progressively facing the challenges of an increasingly advanced and complex life. In several articles, particularly concerning human values and justice, Pancasila has appeared at the forefront. The current challenge, Pancasila is faced with the power of global capitalism which has become the ideology of the world community. Indonesian society is more or less affected by this global capitalism. Facing the conception of the developing order of thought, now it is the time for us to revive the values of Pancasila in facing of changing times.

A nation-state requires a Weltanschauung or philosophical foundation. Based on this philosophical foundation (Weltanschauung), the vision, mission and goals of the country were

prepared. Without it, the state moves like a lost kite, flying without guidelines. Mustafa Rejai in the book of Political Ideologies states that the ideology never dies, what will be happens is emergence, decline, and resurgence of ideology (revival of an ideology).

It seems that since the beginning of the reformation till nowadays there has been declining of the prestige of the Pancasila as an ideology along with the increasing liberalization and democratization of the world. Even though, in fact Pancasila has not been accepted by some of party, Pancasila as a national ideology need to be lift up. The world also seems unsure of the continuity and progress Indonesia with Pancasila as a philosophy of nation-state life.

The values contained in Pancasila are those values that can create Indonesian to be the prosperous one. The futuristic side that attaches to Pancasila as an ideology on the one hand, can bring people to the less realistic expectations. Therefore, it is always necessary to be adjusted with the reality. In this case science can play a role.

On the other hand, the futuristic nature of ideology implies that in the reality (economic, political, cultural system) it cannot be seen as a complete

realization from the point of view of ideology. If the existing system has been considered a complete manifestation, then the function of ideology is only legitimacy or justification of the status quo. Ideology must be able to highlight the existing reality that and can be critically used in its imperfect manifestations. In other words, Pancasila can be a reference point for social criticism (Aspinall & Berger, 2001).

Indonesia is more proper be called the democratic state of the Pancasila law (Syamsuddin, 2015). Historically, its term was the result of the agreement of the Founding Fathers and Mathers for the establishment of NKRI and has been strengthened juridically in the 1945 Constitution states that the Indonesian state is a legal state based on Pancasila and democracy (Muntoha, 2009). As for sociologically this term has become acceptable for Indonesian people.

The independence of the Republic of Indonesia was the result of the Indonesian struggle against the invaders. This struggle ultimately led to a democratic state of Pancasila law. Therefore, the concept of a democratic state of Pancasila law that is not only revolutionary but also radically. It means, the formation of a democratic state of Pancasila law do not only departs from resistance to the

absolute ruler but also against the absolute invaders (Hadjon, 1987).

This elasticity makes Pancasila as a living ideology. The logical implication of this concept is the elasticity of the democratic state of the Pancasila law (Morfit, 1981). The historical development of the rule of law in the real world cannot be separated from such reality. The previous explanation shows that there is a living interpretation of the concept of the rule of law which raises the concept of a diverse legal state. Living interpretations of the concept of the rule of law move from the phenomena faced by a nation that lead to the realization of the fulfilment of the benefits of all.

The phenomenon of the democratic rule of the Pancasila law shows its own characteristics (Steenbrink, 1999). Instead of acknowledging the existence of the principles of the rule of law in general - such as the protection of human rights, a free and impartial judiciary , and not influenced by any power or power whatsoever, Pancasila also recognizes other principles, namely the relationship between the government and the people based on the principle of harmony, the functional relationship proportional to the state powers, dispute resolution through deliberation and justice is the last means

and the balance between rights and obligation.

This concept seems to be very common so it causes a problem of interpretation at the practical level. The generality of this concept must be understood as a positive effort in creating a democratic rule of Pancasila law that can always adjust to the development of the times (Densmoor, 2013). The problem that arises later is how to provide an interpretation of the concept of the rule of law that is still common. By that arena there needs to be clear references and limits to the creative interpretation.

The democratic state of the Pancasila law can be understood from the spirit of struggle as an unwritten legal substance and written formal law. The spirit of this struggle gave rise to a sense of unity and unity reflected in the agreement to establish a single Indonesian state. This means that the democratic rule of the Pancasila law departs from a pluralism of life views that transforms into a unified view of life. The unity of life views creates a dialogical process of national values incarnated in the spirit of Unity in Diversity, although different but still one. Therefore the identity of the Indonesian legal state contains the crystallization of the values of pluralism from various

groups and interests which are used as a political agreement based on Pancasila ideology (Weatherbee, 1985)

### **Islam in the International Law Studies**

To hypothesize how far the alignment of international law with Islamic law, understanding Islamic law and its historical aspects include understanding and mapping cross-era Islamic rules, because this will be closely related to the rules of law that apply at the level of international law (Parthiana, 2002; Rudy, 2002). Given that many Muslims have sought the loophole of the application of Islamic Law in both internal and external internal domains.

Before formulating it, it is also important to offend the authority and phenomena of International Relations in an Islamic perspective, not only when the Qur'an and Hadith are revealed, but also during the process of modifying Islamic Law by previous Islamic Law Experts to become a comprehensive law system like now. Humans in the society cannot be separated from the two great alliances that always accompany human life, namely religion and state. These two alliances have a strong influence on human life, even today they are human

nature, especially for countries that require their citizens to be religious.

Between religion and state in regulating the lives of its citizens has its own way, but there are also countries that use religious law directly for their citizens and there are also countries that do not use religious law and some even abhor the development of religion.

One of the figures from John Austin teaches that law is a rule that is made to be used as a guide for intelligent creatures by intelligent people who have power over it. The law is not based on the understanding of good and bad but is based on the power of something stronger, namely the State (Kusumaatmadja & Agoes, 2003). Austin in his analytical legal doctrine argued that man's law or human laws are distinguished by laws made by God or the laws of God are divided into four categories: First, the law which is rightly called the law which is actually a positive law or law is properly so called positive laws ; Second, Law is not in the real sense as an improvised so it called law, for example international law ; Third, the law made by law authorities so is properly called for example Law (Undang-undang).

Based on the basic scholastic principles, it received careful attention

from Grotius, for example, the doctrine of just war based on the teachings in the name of God law, natural law, *ius gentinum*, all of which are guided by the law of justice. The main points of Grotius's teachings may be stated below:

First, Scholastics view the natural law has divine nature. Even if they were ignored, Grotius gives up the natural law of theology by declaring natural law to be valid even if there is no God or even human affairs not being God's business. Following in the footsteps of Aristotle without connecting the teachings of theology, Grotius bases the natural law on a psychological axiom, which is the nature of associating with humans. Therefore, it can be said that natural law according to the Grotius system is a notion that prioritizes ratio. In the Grotius system, the law of God in a nutshell has almost no place;

Secondly, concerning *ius gentinum* which the scholastics deemed intertwined with humanitarian affairs by Grotius was interpreted as the law intercivivating laws between countries. Grotius views *ius gentinum* on a broader scale in international relations as well as sometimes interpreted as universal law. The division between natural law and the laws of nations is maintained. Although

inspired by Christianity, Grotius's conception of international law is still worldly. As a result, the church's law did not get a position in the Grotius system, it relied more on pure ratios and beliefs.

Grotius has separated his teachings from heavy religious characteristics. In its form that has been secularized by the natural law is interpreted as an ideal law based on the nature of human beings as an intelligent beings or unity of rules inspired by the nature to human sense. International law is binding because international law is nothing but natural law that is placed on the lives of people of nations. These countries are subject to international law in their relations with each other because international law is part of a higher law, that is the natural law.

In Islamic law, the relationship between non-Muslims and Muslims is based on reciprocal relationships by looking at what is right and proper as outlined in the natural law. As a complete science which has been derived from the Islamic law, Islam which is brought by the Prophet Muhammad which derives from Qur'an contains that international law principles. This is justified by Baron Michele de Tubb, a professor in international law science at the State

Academy of Sciences in The Hague, who in one of his speeches emphasized that in fact international law is based largely on the basic principles previously laid down by Islam, especially once that is related to the law of war and peace (war and peace).

Likewise Arminazi in his book *International Law in Islam* explains that international law experts in Europe have recognized the reality from historical evidence that Islamic law is the most important source for the foundation of international law that exists today. Even the famous French writer Gustave Lebon acknowledged that renaissance in Europe that occurred 9 centuries later after Islam, which had a big contribution came from Islamic civilization (Nguitragool, 2013).

In general, international law according to Islam covers all aspects both in war and peace conditions. The realization can be implemented in three regions, namely: first, Darul Islam (an Islamic State, namely a country that applies Islamic Shari'a) . Secondly, Darul Harbi (a Gentile country that fights the Islamic State). Third, Darul 'Ahd (the country that entered into a peace agreement with the Islamic State).

The basic principles of international law in Islam are: Mutual respect for pacts

and treaties (QS. 8: 58, 9: 4 & 7, 16: 91, 17: 34); Honor and International Integration (QS. 16: 92) 3); International Justice (QS. 5: 8); Keeping Peace (QS. 8: 61); Respect the neutrality of other countries (Non-Combatants) (QS. 4: 89, 90); Prohibition of imperialist exploitation (QS. 16: 92, 28: 83); Providing protection and support to Muslims in other countries (QS. 8: 72); Be friends with neutral powers (QS. 60: 8,9); Honor in international relations (QS. 55: 60); Equality of justice for the attackers (QS. 2: 194, 16: 126, 42: 40-42).

Its realization is implemented in international relations of Islam which is based on several principles: First, Islam ordered its adherents to fulfill the agreements and international treaties. Second, since the time of Prophet Muhammad SAW international relations implemented by way of exchange of ambassador or delegate or envoys, international relations based on the principle of maintaining order and peace in the world. Third, the principle of peace has the following doctrine: The people of the world come from one person, namely Prophet Adam; The Qur'an has outlined a basic provision so that people always respect the agreement including the peace agreement; War is only permitted under

special circumstances, for example if security and defense of a country are threatened by the enemy, Islam does not justify and prohibit coercion and violence

### **Islam and State Sovereignty**

Gerrit Steunebrink (2008) in his paper entitled "Sovereignty, the Nation State, and Islam" describes that there are differences in the understanding of 'Sovereignty' in terminology or concepts of Islam with the understanding of 'West' and 'Europe' in the present situation. 'Sovereignty' in early days of Islamic civilization in the context of leadership led by a khalifah is referring to a power empire or kingdom or sultanate. The main characteristic of 'Sovereignty' which is built in the atmosphere of the sultanate or often referred to as the 'Empire' is a power that comes from top to bottom (top down).

The main criticism of the working mechanism of a hierarchical system is that little chance of check-balances can occur. But the development of the idea of the concept of Nation States, situationally change the concept of 'sovereignty' in the sultanate perspective into its modern shape namely 'Central State' or a state with the concept of centralized power, so the operational form of state sovereignty

perceived centralized. The operation of power can be carried out by someone who is influential and powerful or can also be controlled by groups of people who control all levels from top to bottom in all sectors of state institutions.

While the concept of sovereignty in a different perspective in the era of globalization and modernization that is intended by the European and West experience is increasingly loosening limits the sovereignty of a country. The influence of liberal thought makes the interpretation of sovereignty in a European perspective as sovereignty over individual freedom. In the 21st century, concrete evidence of merging and blurring of state boundaries can be observed in the 'Information and Technology' sector. The role of technology in delivering disruption of information flow through timeline on social media which is clearly almost unstoppable and cannot be fully controlled by the state. 'One Global Village' into one output that is targeted by globalization with the main focus is the expression of freedom and the sovereignty of the individual over himself.

Views and attitudes that put the concept of sovereignty practiced by Islamic civilization that once triumphed, during the khalifah and finally the

Ottoman Sultanate in Turkey, in contrast to the sovereignty of the European and Western versions. Islam lays sovereignty over the nation state is sovereignty over obedience to Allah SWT, God the creator of the universe. Sovereignty that places every Muslim in a bond of brotherhood that is the same and is in the same area of God's sovereignty that is obedience to Allah SWT and His Messenger Prophet Muhammad SAW or known as the concept of 'Ummah'.

Gerrit at this point explains that what the teachings of Islam that there is no difference or dichotomy between religion and state is a mythology in Islam and he stressed that it was misleading. (Gerrit 2008; van Koningsveld 1993). Another important point that became a criticism of Gerrit was that even though Islam did not recognize religious institutions such as the Roman Catholic Church, Islam had leaders and scholars who influenced the law to be applied, which was meant by Yilmaz as an autocratic group.

Turkey's experience was also recorded and well presented by Hakan Yilmaz (2007) (2007). Having a perspective that is not much different from that delivered by Gerrit when explaining Islamic relations and state sovereignty. Yilmaz translated that the meaning of sovereignty

underwent several stages of defining, when Turkey was still in the era of the Ottoman empire (The Ottoman's Empire) sovereignty tended to be interpreted in the context of God's sovereignty (Divinity), but in actual conditions the sovereignty based on the divine concept was interpreted less right by sovereignty which then fully becomes the interpretative right of an autocratic group.

After the collapse of the Ottoman Empire, Kemal Ataturk (1923-1946) brought a large wave of Turkish change towards the 'overturning' of conditions previously based on Islamic values into a system of government that adopted the values of secularism. Secularism change the base foundation of the sovereignty of religious values be based on the nation or in another perspective, secularism transferred of sovereignty to the people.

The explanation of Gerrit (2008) and Yilmaz, (2007) is purely reflecting on the experiences that occur in Turkey. Where the two scholars considered that the concept of sovereignty referred to in Islam tended to lead to the realization of an undemocratic society, given the mechanism of government that runs is top to down. Other views also, such as Gerrit's, have given a sharp conclusion that the mechanism of unification

between religion and state affairs in Islam is only a utopia. But Gerrit did not provide a detailed argument for that conclusion.

Yilmaz, who is pessimistic about the concept of sovereignty in Islam due to the central mechanism contained in it, but rewards to the secularism which is considered capable of moving the basis of sovereignty from centralism to the people. The author appreciates the explanation of the two scholars in explaining the relationship between Islam and state sovereignty which relies on Turkish experience.

The relation between Islam and sovereignty refers to the experience of Indonesia which has the philosophy of Pancasila that is far different from what Turkey has gone through. Islamic democracy is a state that is not based on the values of communism. Pancasila is a form of affirmation that Islam or the values of any religion become a reference for the administration of the state in Indonesia. The Basis of Godhead, Civilized Humanity, Unity and Social Justice are the basic values for translating the sovereignty and interests of the state both internally and externally.

## CONCLUSION

The state of Pancasila in this writing is a democratic This country, because it is based on the Godhead the Almighty is not based on religious Shari'a. However, the state always pays attention to and considers religious law in determining certain rules. The greatest contribution of Islam in giving value to the state ideology - Pancasila - is a recognition 'Tawheed' of God Almighty. Recognition of the existence of God who is the ruler of the universe is one of the main philosophies in the state. The concept of the sovereignty of the 'Ummah' known in Islam actually focuses more on the dimension of human equality before his God. The difference between humans and others is their obedience to God's command. The main dimension of the concept of the sovereignty is more on the basis of his piety, whereas Globalization which gives unlimited space for the spread of information flows further blurs the territorial boundaries of a country's sovereignty. In the area of Islamic International Law which bases itself on several principles, namely: fulfilling international agreements and agreements, international relations are based on the principle of maintaining order and peace in the world through envoys, the doctrine

of human life comes from one person, Prophet Adam AS.

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