ISLAMIC VIS A VIS PANCASILA

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ABSTRACT: Historical travel has proven that the process to decide Pancasila as the basic state is not difficult to struggle. It also shows how our founding fathers have sacrificed and wisely seek common ground (kalimatunsawa) on mutually agreed ideologies. As the eclecticity of the secular state and the Islamic state, Pancasila not only accentuated the spirit of democracy and Human Rights which gave space to individual freedom and attracted the role of the state to regulate it, but also placed the frame of the Believing Godhead, which is in accordance with the principle of tawhid- in Islam and humanity with dignity and justice, and social justice for all Indonesian people.

And of course the basic values of Pancasila as mentioned above are not contradictory and justified in the Islamic teachings that rahmatan lil-alamin (the grace of the whole world), and not rahmatan lil-muslimin (mercy of Muslims only) exclusive or even merely rahmatan lil-madzhabiyyin (the mercy of a particular adherent of madhhab in Islam) is more exclusive

Keywords: M. Fauzi, Islam Vis a Vis Pancasila

DISCUSSION

A. Historis of making Pancasila

If you look at the history of independence, Indonesia can be regarded as a country proclaimed with Islamic Shari'a. On the day of the proclamation of independence, the 7 word agreement "with the obligation to observe the Islamic Shari'a for its adherents" is still part of the declared constitution. At that time, of course Indonesia deserves and deserve to be called as Islamic State, although not yet perfect.

However, Indonesia is a country based on Pancasila, so neither Islamic nor secular countries. This sentence, for the Islamic group as above, may still be considered ambiguous and indeed for those who are not familiar with the ideological problems of a nation, the above sentence will sound absurd. However, historical facts have proven that it is the right way for Indonesians to describe their country's ideology. Because, the above sentence is a summary of compromise and approval (which was previously very difficult to achieve) among founding fathers of the founders of this country. This difficulty reminds us of the months before and after the independence of the state was declared on August 17, 1945, and it began when the members of Dokuristu Zyunbi Tyoosakai (Indonesian Preparatory Investigation Agency for Preparation of



Independence, abbreviated as BPUPKI), sponsored the Japanese colonial government arguing about philosophical-philosophical foundations which our country will use.

On 9 April 1945 BPUPKI was officially established as the realization of Japan's promise to grant independence to Indonesia according to the announcement of Prime Minister Koiso on 9 September 1944. Members of BPUPKI were inaugurated on May 28, headed by Radjiman Wedyodiningrat, and between May 29 and June 1, 1945 held their first hearing.¹ The matters discussed at the hearing ranged around the question of state form, state boundary, state base and other matters relating to constitution formation for a new state. The talk about things went smoothly, except on the basis of a tense and hot state.

There are two sects that emerged namely the Islamists who wanted to make Indonesia as an Islamic state and the nationalist group (mostly Muslim), who wanted the separation of state affairs and Islamic affairs, in short, did not make Indonesia an Islamic state. The nationalists refused to make Indonesia an Islamic state because of the fact that non-Muslims also fought against invaders to achieve independence. This group also affirms that to make Indonesia an Islamic state will unfairly position the adherents of other religions (non-Muslims) as second-class citizens.

For nationalist figures such as Sukarno, he held that Islam is irrelevant as the basis of the state because the sense of unity that binds the nation and gives birth to this country is the spirit of nationalism (which erupted in 1928). The basis of nationality is not in the narrow sense that it leads to chauvinism, but in the sense of being internationalized. Without any Islamic institutionalization, within the real state the aspirations of Muslims can be accommodated through a forum of democracy. There is a principle of deliberation for consensus. In this forum, all the aspirations of the people can be channeled. The other two azaz last according to Sukarno namely social welfare and divinity. Social welfare is meant that the democracy being built is not merely political democracy, but also democracy concerning social welfare. The divine is an effort to keep the noble values and spiritual beliefs of citizens. This is part of Sukarno's proposal on Pancasila as the basis of state ideology in his speech on June 1, 1945. The order of which is: nationality, humanity, consensus, social welfare and divinity. For Sukarno, this Pancasila can be extracted into trisila namely: socio-nationalism, socio-democracy, and divinity, the trisila can be even squeezed into ekasila namely: mutual help.

Other nationalist figures such as Supomo, Muhamad Yamin and Muhamad Hatta, they stood the same, that the country was founded on the basis of nationality (integral), humanity, divinity, perikerakyatan and welfare

¹ A Syafii Maarif, 2002, Islam dan Pancasila Dasar Negara, (Jakarta : LP3ES), hal.102-110.

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of the people. According to Supomo, (which is inspired by Hegel and Spinoza's philosophy), the state is an integral society, all groups, all parts, all its members are closely related to each other and an organic community unity. The point is that the state must abstract the protection of all groups of society (unity).²

The issue of basic state has forced the founding fathers to experience difficult times. The strength of the arguments of the two groups above has made it difficult for the word mufakat in their first trial on May 29-June 1, 1945. As a result, in the session the basic state has not been decided. Discussion continued in a small committee consisting of 9 people. After a long debate, a political compromise as a modus vivendi (noble agreement) in the form of the Jakarta Charter could be reached on June 22, 1945. In the vivendi mode, it was agreed that the basis of the Indonesian state was Pancasila. This is a middle ground between the concept of secular state and Islamic state.

If we look closely at the contents of the Jakarta Charter, then the Indonesian state will be formed according to the contents of Pancasila as it is now, only one of them reads as follows: Belief with the obligation to enforce Islamic law for its followers (7 words 1). In the second session of BPUPKI on 10-16 July 1945, the contents of the Jakarta Charter were still inviting protests, mainly from Latuharhay, Wongsonegoro, and Hussein Djajaningrat. They considered that the additional 7 words in precept 1 (Godhead) would have the potential to give birth to the tyranny of the majority and fanaticism. However, the protest could be appeased by Sukarno and the members of the hearing agreed to return to the collective agreement according to the results of the first hearing on 22 June 1945.

Then on August 17, 1945, all the people of Indonesia are in the joy of welcoming enthusiastically the Proclamation of Indonesian Independence. However, the "thorn in the flesh" in the 1945 Constitution with the Jakarta Charter as its preamble is still felt as something that disturbs some members of BPUPKI, especially those from minority religious groups. The thorn in question is an additional 7 words in precept 1 (divinity). The day after, on August 18, 1945, the reasons behind the facts became clear. When there was a meeting of the drafting committee of the Constitution, information came from North Sulawesi Christian AA Maramis who stated that he had seriously protested the additional sentence of 7 words of Pancasila in the Jakarta Charter. Muhammad Hatta, chairman of the meeting, after consultation with Teuku Muhammad Hassan and Kasman Singodimedjo, 2 prominent Muslim figures, erased the 7 words. In that case, as a result of the proposal made by Ki Bagus Hadikusumo (who later became chairman of Muhammadiyah), a

² Nurainun Mangunsong, 2006, Urgensi RUUAPP dan Sejarah Pendirian Negara, dalam kedaulatan Rakyat Online, edisi 24 Maret 2006. Lihat www.kedaulatan- rakyat.com



sentence is added in precept 1 of the Word of God, into the Divine Word of the Almighty.³

In the view of Ki BagusHadikusumo, the above sentence confirms the aspect of monotheism in the principle of belief in God and it is in accordance with the Islamic teachings on tawhid. However, for most Indonesians, the Constitution with the principle of 1 Pancasila as such is considered neutral, because although it has eliminated aspects of Islamic exclusivism such as the Jakarta Charter, it also can not be fully considered to support secularism. In the meantime, the meaning of constitutional change at such critical moments is quite clear, that any attempt to transform Indonesia into an Islamic state becomes impossible, since it is contrary to an agreed basic constitution.

B. The Evolution of NU's Thought on the Pancasila State

Two months after the Republic of Indonesia was proclaimed its independence, exactly on October 22, 1945, Rais Akbar KH. M. HashimAsh'ari issued a fatwa "Djihad Resolution" which required every person (fardlu 'ain) within a radius of 94 km to perform jihâd fiy sabîlillâh against the Allied Forces and NICA. Allied troops at that time arrived back in the country to colonize after the independence of Indonesia. This fatwa was later confirmed as the Decision of the NU's 16th Congress in Purwokerto, 26-29 March 1946. The decision of the Congress completely reads.

- a. Fight against and resist the colonizer Fardloe 'ain (which must be done by every Muslim, male, female, child, armed or not.
- b. For people out of this circle, that duty becomes fardlu kifayah.
- c. What the strength in No. 1 can't the enemy, then people who are out of circle 94 km. Must fight also help no. 1 so moesoeh lost.
- d. Moesoeh's arm is the knapping in a gentle and the will of ra'jat and must destroyed, according to the law of Islam saba Chadist, story of Moeslim.

The decision of this Congress is a very courageous support of NU religious politics and is able to influence the spirit of the people to defend the new form of the proclaimed Indonesian state, namely the Unitary State of the Republic of Indonesia, with Pancasila as the basis of the state and the 1945 Constitution as its constitutional foundation. This Jihad resolution seems to have sparked the spirit of East Java and Boedi Oetomo blindly against the Allied and NICA Army in Surabaya on November 10, 1945-later known as the Heroes Day.

NU's very nationalist frame of mind in the defense of the Indonesian state was even found long before independence. In the 11th Congress in Banjarmasin, June 9, 1935, NU gave the legal status of the Indonesian state

³ Nurcholish Madjid, 2003, *Islam and the State in Indonesia*, dalam Ihsan Ali Fauzi (ed), 2003, The True Face of Islam, 2003, Jakarta : Voice Center Indonesia.

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which was then occupied by the Dutch colonial government with "dar al-Islam" (Islamic state). The argument is that although Indonesia was still dominated by Dutch colonialism, but in its history Indonesia was once fully controlled by Muslims and Muslims can freely practice their religious shari'ah. In the 11th Congress the question arises:

"What is the name of our country according to syara 'Islam?" The decision of the Congress declared: "Our country of Indonesia is indeed called an Islamic state because it has never been fully controlled by Muslims, even though it was taken by the pagan invaders, but the name of the Islamic state remains forever." The fiqh argument is derived from the Book of BughyatulMustarsyidin, in Chapter Hudnahwal Imam. In the text of the book it says "..... fa 'uli maan naardla batawiy (Jakarta) balwa ghâlibardli jâwâdâruislâmin li istîlâ'i al-muslimîna' alayhâqabl al-kuffâr".

The scholars differ in determining the identity of a country to be categorized as al-Islâm. Some scholars see it from the legal point of view in that country. There is also a view of the security of its citizens in running the Shari'ah of Islam. While there are other scholars who see from the side of the country's power holders.

Imam Abu Yusuf (d.182H), the great figure of the Hanafi scholar, argues that a country can be called dâr al-Islâm if it has already applied Islamic law, although the majority of its citizens are not Muslims. While dâr al-harb (opponent dâr al-Islâm), according to him is a country that does not apply Islamic law, although most of the population is Muslim.

Al-Kisani (w 587 AH), also a Hanafi scholar, reinforced the opinion of Imam Abu Yusuf. According to him, dâr al-harb can be dâr al-Islâm if the country imposed Islamic law. In modern thought, such a view is shared by SayyidQutb (w 1387 H.). The figure of the Islamic movement al-Ikhwân al-Muslimîn considers that a country that applies Islamic law can be called dâr al-Islâm, without requiring its population to be Muslim or mixed with ahl aldhimmi.

Al-Rafi'i (623 AH), one of the fiqh figures of the Shafi'i scholar, made a measuring instrument for determining whether a country is called dâr al-Islâm or dâr al-harb by considering the religion of the holders of power in the state the. A state is seen as dâr al-Islâm if it is led by a Muslim, vice versa.

While Imam Abu Hanifah (80-150 H.) distinguishes dâr al-Islâm and dâr al-harb based on the sense of security enjoyed by the inhabitants of Islam. If Muslims feel safe in carrying out their religious activities, then the country is categorized as dâr al-Islâm. Conversely, if there is no sense of security for Muslims, then the country is included in the category of dâr al-harb.

While Ibn Qayyim al-Jawziyah (d.751 H.) argues that dâr al-Islâm is a country whose territory is inhabited by the (majority) of Muslims and the law



of that country is Islamic law. If these two elements are not met, then the country is not dâr al-Islâm.

When these benchmarks are cumulatively combined, dâr al-Islâm is a country inhabited by a majority of Muslims, led by Muslims, and safely in Shari'ah Islam. That is why JavidIqbal in his writings, The Concept of State in Islam, states that dâr al-Islâm is a country whose government is held by Muslims, the majority of the population is Muslim, and its laws use Islamic law.

On the other hand, the minimum benchmark of an "Islamic state" is the viability of the Shari'ah of Islam within a country, regardless of the majority of its population being Muslim and its country's Muslim or not. That is, the security of running the Shari'ah of Islam is not necessarily related to the religion adopted by the head of state of religion majority of its population. Thus, the Shari'ah of Islam may be carried out in an area headed by a non-Muslim head of state. And therefore, an area may be called dâr al-Islâm although it is not led by Muslims as long as the Shari'ah of Islam can be safely carried out.

This benchmark was used by NU in its muktamar in Banjarmasin in 1935. This NU decision is in line with the view developed in the Syafi'iyyah school, namely the opinion of Imam Nawawi. According to Imam Nawawi, dâr al-Islâm which has been controlled by non-Muslims is still seen as dâr al-Islâm if Muslims still remain in it. That is, dâr al-Islâm which is then controlled by non-Muslims does not change the status of being dâr al-harb if the Muslims who live in it are not hindered to carry out Shari'at religion. However, if the non-Muslim ruler prevents Muslims from implementing their religious teachings, the status of dâr al-Islâm is changed to dâr al-harb.

By this logic, maintaining the existence of Indonesia and filling it with unity, peace, harmony, and more justice-humanity becomes very important for Nahdlatul Ulama.

atan (1952), DaudBeureuh in Aceh (1953), and Ibnu Hajar in South Kalimantan (1953). NU scholars gave fiqh decisions to Kartosuwiryo as a bughat actor (rebel against a legitimate state) due to his thoughts and movements.

This is parallel to the thinking paradigm used by KH. A. Wahid Hasyim, the representative of NU, during the crucial period of Indonesia's basic formulation to be proclaimed in August 1945. Although KH. A. Wahid Hasyim co-authored the Jakarta Charter dated June 22, 1945, but in order to preserve the integrity of the nation due to the objections of residents of the non-Muslim East Indonesia, on 18 August 1945 KH. Wahid Hasyim agreed to abolish the phrase "with the obligation to enforce Islamic sjari'at for its adherents" from the Mukaddimah of the Constitution. Instead, KH. Wahid Hasyim proposed



that it be replaced by the formula "Belief in the One Supreme." The word "Esa" underlines the unity of God (tauhid) which is not found in other religions

On this reason also, NU firmly rejects the idea and presence of the Islamic State of Indonesia (NII) established by Kartosuwiryo in West Java (August 7, 1949), Kahar Muzakar in Sulawesi Selan NU against the legitimate Government at the National Conference of Alim Ulama NU in Cipanas in 1954. The decision of the Alim Ulama Conference, which was later confirmed by the 20th NU Congress Decision in Surabaya, 8-13 September 1954, ruled that the position of the Head of the Republic of Indonesia (Ir.Soekarno) and the instruments of the state as waliy al-amri al- dlarûri bi al-syawkah (the ruling government authority because of his power, or the de facto government holder with full power). This decision was made consciously to fortify the rebels who intend to replace Pancasila as the basis of the state.

With this set of religious ijtihad ideals, the "Pancasila and Islamic Relationship Declaration" was formulated by the NU ulama as the NU Inauguration of the 1989 Alim Ulama NU in Situbondo. This decision actually ended the paradigmatic debate on the relationship between religion and state in Indonesia, while strengthening the theological basis of NU acceptance of the pluralistic and democratic nation state. The NU supports this fact as a proper political ijtihad.

KH Achmad Siddiq, the intellectual figure behind the Declaration, argued that Pancasila and Islam as two separate, but not contradictory entities: Pancasila is ideology, while Islam is a religion. Kyai Achmad further said:

"The foundations of the state (Pancasila) and the religion of Islam are two things that can be aligned and mutually supportive, neither contradictory nor contradictory, neither of which must be chosen by one and throwing others away."

The decision of the NahdlatulUlamaAlimUlama National Conference in 1983 affirmed NU religious political thought in reconciling Pancasila as the ideology and the basis of the state with Islam as a religion and aqidah. NU explicitly explains the basic state in question, namely Pancasila which is "Belief in the One Supreme" without additional "with the obligation to enforce Islamic Shari'ah for its adherents."

"Regarding Pancasila, the NU argues that the formulation of the values son which the Republic of Indonesia is based has been completed with the enactment of the 1945 Constitution on August 18, 1945. All parties must only understand (have perception of) the basis of the state according to the sounds and meanings contained in the Constitution 1945 (opening, torso and explanation) it.⁴

⁴dilema-negara-pancasila.html. minggu 26 maret 2017



C. Attitude Of Nationality

The consequences of the acceptance of the Indonesian state based on Pancasila, in the practical and strategic needs of Nahdlatul Ulama's nationalism attitude from the religious ideology that has been cultivated, the attitude reflected from the Islamic values of Ahlussunnah wal Jama'ah. Among these attitudes can be explained as follows:

1. Attitude of Tawasuth and I'tidal

Namely, a middle attitude that intersects the principle of life that upholds the necessity of fair and right in the middle of life together.NahdlatulUlama with this basic attitude should be able to be a role model that acts and acts straight and is always building and avoiding all forms of approach that is tatharruf (extreme).

2. Tasamuh Attitude

Namely, tolerant and respectful attitude towards the differences of view, both in religious matters, especially things that are furu 'or become khilafiyyah problem and in the problem of society and culture.

3. Tawazun's attitude

Namely, a balanced attitude in berkhidmah. In this case is the attitude of harmonizing khidma to Allah SWT, khidmah to fellow human being as well as to its environment, and aligning interests of past, present, and future.

4. Amar Ma'ruf and Nahi Munkar

Namely, the attitude always has the sensitivity to encourage good deeds, useful, and beneficial to life together, and reject and prevent all things that can plunge and degrade the values of life.

D. The relevance of Islam in Pancasila

The position and function of Pancasila and the 1945 Constitution for Indonesian Muslims according to Nurcholish (2003), although unequal, can be analogous to the position and function of the first political documents in Islamic history (now known as the Medina Charter / mitsaq al-madinah) -the early days after the Prophet Muhammad's hijra.⁵ So, as soon as the Prophet (s) arrived in Yastrib (Madinah) in 622, he made an agreement between the Muhajirins (Meccan Muslims who joined the Prophet), the Ansar (Moslem Muslims) and the Jews. This covenant is called the Medina Charter.⁶

Pancasila through the slogan of BhinekaTuggalIka (different but still one), implies that although the Indonesian people are very plural both in terms

⁵Nurcholish Madjid, 1991, Agama dan Negara dalam Islam, seri KKA No. 55/Tahun V/1991, hal.11-15

⁶ Najib Burhani, 2004, *Piagam Jakarta Piagam dan Madinah*, dalam harian KOMPAS edisi 30 November 2004



of religion, ethnicity, language and so on but they are bound and unified by a common platform that is Pancasila.

Similarly, the Medina Charter is also a formula of principles of agreement between Medina Muslims under the leadership of the Prophet (s) with various non-Muslim groups in the city to establish a shared social and political order.

In the Medina Charter, one of them, stated about the citizenship rights and participation of non-Muslims in the city of Medina led by Prophet SAW. The Jews who were originally tribal associations were also appointed by the Charter to be lawful citizens. Thus, with the Charter the Prophet wishes to proclaim that all citizens, both Muslims and non-Muslims, are a nation or ummawahida and that they all have equal rights and obligations.⁷ Indeed, after the events of Jewish treachery, the official Medina Charter was no longer valid, but its principles were in fact valid and followed elsewhere.

It is clear, then, that when the Arabs undertook liberation movements to regions outside Arabia, and acquired pluralistic societies, the first thing they did was to regulate the inter-group relations by modeling the Prophet's practice and wisdom when in Medina first. The sound and spirit of the Medina Charter, which according to Nurcholish (1999) is one of the sources of Islamic political ethics, is very interesting to be reexamined in the context of modern political ethical views. It contains points of thought which from the point of view of the modern state of modernity is admirable. In the Charter formulated ideas that now become the view of modern life in the world, such as freedom of religion, the right of each group to organize life in accordance with its beliefs, the freedom of economic relations between groups and so forth. However, it also affirms a general obligation, namely participation in joint defense efforts against external enemies. According to Nurcholish (1999), the main idea of political experimentation in Medina is, the existence of a sociopolitical order governed, not by personal will, but collectively, So, not by principles which can be varied in line with the will but by the principles instituted in the agreement document of all members of society, which in modern times is called the constitution of the state as the Constitution (UUD).⁸

Comparable to the Indonesian Muslims in accepting Pancasila and the 1945 Constitution, according to Nurcholish (1999), the Muslims of the Prophet's leadership accepted the Constitution of Madinah as well as on the value of its values justified by the teachings of Islam and its function as an agreement among groups to build the order social-political life together. Similarly, just as the Indonesian Muslims who did not see Pancasila and the

⁷ Suratno, 2006, Kompatibilitas Islam dan Modernitas dalam Neo-Modernisme Nurcholish Madjid, dalam Jurnal Universitas Paramadina, Vol 4, No. 3, Agustus 2006, hal. 332

⁸ Budhy Munawar-Rahman,1999, *Kata pengantar, dalam Nurcholish Madjid, Cita-Cita Politik Islam Era Reformasi,* Jakarta : Paramadina,. hal xxi-xxii

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1945 Constitution as an alternative to Islam, the Prophet (s) and his followers never ignored in their minds that the Madinah constitution became an alternative to their new religion.

Based on the above explanation, Nurcholish (1999) came to the conclusion that, the attitude of Indonesian Muslims who accept and approve Pancasila and the 1945 Constitution, can be fully accountable from all aspects of consideration. From that point of view we must also assess the seriousness of the founding fathers and Islamic leaders who always asserted that between Islam and Indonesian Muslims and Pancasila and the 1945 Constitution there is no problem. The socio-political difficulties that come from Muslims, according to Nurcholish (1997), should not always be seen in the framework of its relationship with Pancasila and the 1945 Constitution, but it should also be seen only the links of his nisbinya and find the solution pragmatically. For example, it is envisaged that serious difficulties come from Islamic circles because most people are Muslim, and similar or comparable difficulties also come from non-Muslims. According to Nurcholish (1997), the tendency to easily find information on a socio-political difficulties that come from a group with stereotypical linking to the principal things such as Pancasila and the 1945 Constitution is an indication of the simple ability of thinking and non-courage to face the reality of the problem. Or it may be because it expects sociopolitical benefits easily, however, with the result that the damage to the state is getting worse and the real issues are not resolved.

Attempts to strike Islam vis a visPancasila will continue to occur. The interpretation of Pancasila is widely perverted as contrary to Islam. In fact, they are not contradictory. Precisely the country's ideology provides space for the implementation of Islamic Shari'a. Let Pancasila as an open ideology be our agreement in the life of nation and state. Let Muslims interpret Pancasila according to the Islamic version, let Christians, Hindus, Catholics according to their own interpretations. There can be no single interpretation of a particular area or religion, this is a common platform, a common referral. So Pancasila now belongs together, once Pancasila there is a kind of domination of a group to interpret it nationally. Now there is no longer such a narrow interpretation. This is important, so the framework of togetherness can be sustained by Pancasila.

CONCLUSION

Islam, Pancasila and the State in the case of Indonesia can not be disputed among one another. The state of Indonesia has been built with ideal ideals that place religion in a privileged position, and greatly influences state policy, even religion is included in the state sphere. It is very different from the state that embraces the principle of secularism. The ideal state building is a state building



based on Pancasila whose first principle is Belief in the One Supreme God. As recorded in the debates and the formulation of the Constitution as well as the practice of state life, Islam occupies an important position in the formation of the state. The formulation of Pancasila is a very important compromise that accommodates all the interests of a plural Indonesian nation including the interests of the Muslims who originally wanted to form a state based on Islam. All Pancasila values are nothing against Islam. Islamic law both in the level of concepts, philosophical foundations and constitutional grounds have legalized and constitutional basis to be enforced in the Indonesian legal system. Moreover, Islamic law is very influential on the national legal system to be the main and most important source in the formation of national law, in addition to sourced from Western law, Customary law, international agreements as well as the influence of other legal systems that flourish in the world.

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