

Islam and the Foundation of the State in Indonesia: the Role of the Masyumi Party in the Constituent Assembly The Perspective of Fiqh Al-Siyāsah

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Islam and the Foundation of the State in Indonesia: the Role of the Masyumi Party in the Constituent Assembly

The Perspective of *Fiqh Al-Siyāsah*

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Abstract: At the commencement of Indonesian independence, the Masyumi Party was the sole prominent Islamic party. It attempted to include Islam as the foundation of the Indonesian state into its constitution. This study aims to investigate the effort of the Masyumi during their active participation and administration of the government throughout the Old Order period in the context of *fiqh al-siyāsah*. This research is a qualitative legal study employing the approach of *fiqh al-siyāsah* or Islamic politics. Meanwhile, data collection techniques were carried out through literature studies and in-depth interviews. The results of this study indicate that Masyumi's efforts in the Constituent Assembly, whose task is to draft the Indonesian State Constitution, were carried out very seriously and earnestly, causing the work of the Constituent Assembly members to drag on because there was no point of convergence between the Masyumi Islamic Party and the national parties. As a result of the absence of a meeting point, President Soekarno, with the support of the Indonesian Army, issued a decree on July 5, 1959, dissolving the Constituent Assembly and reverting to the 1945 Constitution. It turned out that the failure of Masyumi's hard work to make Islam the basis of the state was due to internal factors: communist, nationalist, and secularist ideology. In addition, it was also influenced by several external factors: the infiltration of the global superpowers and Islamophobia. Despite the fact that Masyumi was deemed a failure, various contributions in the context of *fiqh al-siyāsah* in Indonesia, particularly resistance to communism, contributed color to an Islamic state administration system as well as adherence to the constitution and theistic democracy.

Keywords: Masyumi, constituents, the basis of the state, *fiqh al-siyāsah*.

Abstrak: Partai Masyumi merupakan satu-satunya partai Islam besar pada awal kemerdekaan Indonesia. Kiprahnya berusaha untuk meletakkan Islam sebagai dasar negara Indonesia dalam konstitusi. Penelitian ini berusaha menelaah perjuangan Masyumi selama aktif dalam konstituante dan menjalankan pemerintahan pada masa orde lama dalam konteks *fiqh al-siyāsah*. Penelitian ini merupakan kajian hukum kualitatif dengan menggunakan pendekatan *fiqh al-siyāsah* atau politik Islam. Sedangkan teknik pengumpulan data dilakukan melalui studi literatur dan wawancara mendalam. Hasil penelitian ini menunjukkan bahwa usaha Masyumi dalam konstituante yang bertugas untuk menyusun konstitusi Negara Indonesia dilakukan sangat serius dan sungguh-sungguh sehingga kerja anggota Konstituante berlarut-larut karena tidak ada titik temu antara Partai Islam Masyumi dengan partai-partai nasional. Efek dari tidak

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adanya titik temu tersebut akhirnya presiden Soekarno yang didukung oleh Tentara Negara Indonesia Angkatan Darat (TNI AD) melakukan Dekrit 5 Juli 1959 dengan konsekuensi pembubaran lembaga Konstituante dan kembali kepada Undang-undang Dasar (UUD) 1945. Ternyata gagalnya kerja keras Masyumi untuk menjadikan Islam sebagai dasar negara disebabkan oleh faktor internal; ideologi komunis, nasionalis, sekularisme. Faktor eksternal: infiltrasi kekuatan besar dunia dan islamophobia. Namun demikian meskipun Masyumi dianggap gagal, tetapi beberapa kontribusi dalam konteks fiqh al-siyāsah di Indonesia yakni perlawanan terhadap komunisme, memberikan warna pada sistem tata negara yang Islami dan ketaatan terhadap konstitusi serta demokrasi teistik.

Kata Kunci: Masyumi, konstituante, dasar negara, fiqh al-siyāsah.

Introduction

The Indonesian Muslim Shura Council Party (MASYUMI) was once the largest Islamic political party in the era of liberal democracy in Indonesia. The period between 1950 and 1960 was the Islamic Party's period of expansion and zenith. It won the second election in 1955, following Sukarno's Indonesian National Party (PNI), followed by Nahdlatul Ulama (NU) and the Indonesian Communist Party (PKI) in third and fourth place, respectively.¹

Masyumi was founded by, from, and for Muslims following the independence of the Unitary State of the Republic of Indonesia (NKRI). Because this Masyumi had united most of the potential of the Muslim community, starting with politicians, scholars, and intellectuals in various Islamic organizations at that time, the existence of Masyumi is a union of representatives from Islamic organizations, such as Muhammadiyah, Persis, Nahdlatul Ulama (NU), Islamic Tarbiyah Movement (PERTI) and the Indonesian Islamic Sarekat Party (PSII). During that time, the merging of Islamic mass groups and political organizations made Masyumi strong and powerful, and it dominated the Muslim population in all countries.

In contrast to Masyumi, the nationalist and communist groups have different political views. Both the Indonesian National Party (PNI) and the Indonesian Communist Party (PKI) are officially opposed to the implementation of sharia in Indonesia. Soekarno established guided democracy by combining these three parties into NASAKOM (National, Religious, and Communist).

¹Yusril Ihza Mahendra, *Modernisasi dan Fundamentalisme dalam Politik Islam: Perbandingan Partai Politik Masyumi (Indonesia) dan Partai Jama'at-i Islam (Pakistan)* (Jakarta: Paramadina, 1999). Mohamad Muzammil Mohamad Noor, "Muhammad Natsir: His Contribution Towards Religious and People's Struggle in Indonesia", *Journal of at-Tamaddun* 17, No. 1 (2022). M. Arskal Salim GP, "Competing Political Ideologies on the Implementation of Islamic Law in Indonesia: Historical and Legal Pluralist Perspectives," *Ahkam: Jurnal Ilmu Syariah* 17, No. 2 (2017).

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Nonetheless, the Masyumi Party was able to become a big party at the time due to the leadership of a prominent leader, Mohammad Natsir. He is regarded as a scholar, freedom activist, and politician who has integrity and upholds Islamic beliefs throughout his struggle with consistency. Yusril Ihza Mahendra identifies Natsir as a political activist and Islamic intellectual who is well-known not just in Indonesia but also worldwide.² Natsir had been leader of Masyumi from 1949 to 1958, two years before President Soekarno ousted him. Natsir served for nine years in Masyumi, the largest Islamic party in Indonesia's political arena. Natsir has optimally given all his energy and thoughts to the interests of Islam and Muslims in Indonesia and the entire Indonesian nation, one of which can be simply proven through the "Mohammed Natsir Integral Motion."³

Natsir says that a state is a tool for putting Islamic religious law into action. A set of laws for all people can only be put into action and respected if there is a state political entity. God's rule won't be enforced if there isn't a government to back it up. This doesn't mean that caesaropapism is something that Islam agrees with. Natsir states that caesaropapism is not a form of government in an Islamic state.⁴

Natsir's religious and political goal was ⁶ to make Islam the foundation of the state, hence ⁴ he battled in parliament to make the Masyumi party a constitutional method of implementing Islam as the foundation of the state.⁵ In his day, Natsir maintained that the Masyumi party he led battled for democratic principles by adhering to the legal-constitutional-parliamentary path. Similar to the statement of Yusril Ihza Mahendra, "There is no reform without an amendment to the constitution." When the reform movement was in full operation, reform and constitutional revisions through legal means were chosen; revolution was not an option.⁶ The above explanation reinforces the earlier statement that the Masyumi party, led by Natsir, strives to

²Yusril Ihza Mahendra, "Combining Activism and Intellectualism: The Biography of Mohammad Natsir (1908-1993)", *Studia Islamika* 2, No. 1 (1995). Ris'an Rusli, "The State Concept: ⁸ The Political Thinking of Mohammad Natsir," *International Journal of Islamic Thought* 13, No. 2 (2018). Audrey Kahin, "Islam, Nationalism and Democracy: A Political Biography of Mohammad Natsir", *Journal of Social Issues in Southeast Asia* 29, No. 1 (2014).

³Sulaiman Kurdi, "Gerakan Politik Masyumi Dalam Membendung Komunisme Pada Masa Konstituante 1956-1959", *Khazanah: Jurnal Studi Islam dan Humaniora* 7, No. 1 (2009). Gili Argenti, "Idioligisasi Partai Islam Masyumi di Indonesia", *Jurnal Politikom Indosiana* 5, No. 1 (2020).

⁴Waluyo, *Dari Pemberontak Menjadi Pahlawan Nasional: Mohammad Natsir dan Perjuangan Politik Indonesia*, (Yogyakarta: ⁵ Jombak, 2009), p. 38.

⁵Mohammad Natsir, *Islam sebagai Dasar Negara*, (Bandung: Pimpinan Fraksi Masyumi dalam Kontituante, 1975). Mohammad Natsir, *Capita Selecta*, (Jakarta: Bulan Bintang, 1973).

⁶Sabar Sitanggang, *Dasar Negara: Islam Demokrasi Di Bawah Hukum*, (Jawa Barat: Pustaka Ar-Rayhan, 2016), p. 18. Alfi Hafidh Ishaqro, "Dinamika Partai Masyumi Pada Masa Revolusi Fisik (1945-1949)," *Jurnal Sejarah dan Pembelajarannya* 5, No. 2 (2015).

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actualize Islam as the state's foundation through constitutional means. This constitutional procedure was chosen since it is the most typical manner to convey the Masyumi concepts through the parliament.

The Indonesian version of the Masyumi Party was established in Yogyakarta on November 7, 1945, as is common knowledge. From 1 February 1950, its headquarters have been in Jakarta. In August 1952, the Jakarta congress approved the new constitution.⁷ Following the relocation of the Masyumi party's headquarters from Yogyakarta to Jakarta and the ratification of the new statutes (AD) at the party's congress in Jakarta, the Islamic party's popularity increased among the people and the nation. The Masyumi Party is an Islam-based party, as stated in Article II of its Articles of Association, with the declared objective of implementing Islamic teachings and regulations in the lives of individuals, society, and the Republic of Indonesia for the pleasure of God, as stated in Article III.⁸

Based on the preceding explanation, it is apparent that the Masyumi party is an Islam-based party that strives through politics to impose Islamic teachings and law in the Republic of Indonesia⁸ or make Islam the fundamental basis of the Republic of Indonesia. Aside from the historical fact that the majority of the country's founding fathers were Muslim figures and the fact that the majority of the population of the Republic of Indonesia consists of Muslims, the Masyumi Party's dream of making Islam the basis of the state⁵ is very reasonable and not overstated.

The great aspiration of the Masyumi Party in achieving its objective of establishing Islam as the state's foundation is pursued in various ways regulated in the constitution of the Republic of Indonesia. Every citizen has the right to work for the creation of good and benefit for their country. In order to achieve the aforementioned goals, the Masyumi Party has made several strategic efforts, as stated in Article IV of the Masyumi Party Articles of Association,⁹ namely, reinforcing and expanding the knowledge and skills of Muslims in the political battle. Enhance and fortify the unity and vitality of Indonesian Muslims in all sectors. Guide people's lives towards humanity, society, brotherhood, and equal rights based on piety according to Islamic teachings. Respectfully collaborate with other groups in the same domain.

⁷Anwar Haryono, *Muhammad Natsir 70 Tahun Kenang-Kenangan Kehidupan dan Perjuangan* (Jakarta: Pustaka Antara, 1978), p. 166.

⁸Pimpinan Partai Masyumi, *Pedoman Perjuangan Masyumi*, (Jakarta: Pimpinan Partai Masyumi Bagian Penerangan, 1954), p. 6.

⁹Pimpinan Partai Masyumi, *Pedoman Perjuangan...*, p. 6.

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In accordance with the previous explanation, in the past, the Masyumi party, in its struggle to achieve its political objectives, did not overlook efforts to strengthen the ummah's understanding, implying that there was a concerted effort to educate the ummah. In accomplishing the political aim, notably unity of the ummah, then, efforts are just as crucial as the primary capital. In order to obtain victory, the unity and integrity of the ummah are crucial assets.

This is a qualitative legal study utilizing the *fiqh al-siyāsah* or Islamic politics approach.¹⁰ Literature reviews and in-depth interviews with key informants served as the data collection methods. The *fiqh al-siyāsah* approach was utilized as an assessment technique to examine the role of the Masyumi Party, the runner-up in Indonesia's first election in 1955, in the development of political history.

Ideological Battle in Determining the Foundation of the State

The Masyumi party is not exclusive, but it does prioritize ethics and mutual respect while working with cross-groups. This demonstrates that the Masyumi Party is open and willing to collaborate with different groups. In 1955, Indonesia held national elections. On September 29, 1955, elections were held to elect members of the DPR, and on December 15, 1955, elections were held to elect members of the Constituent Assembly (members of the Council in charge of formulating the state constitution to replace the provisional 1950 Constitution or UUDS 1950). They competed for 272 DPR seats and 520 seats in the Constituent Assembly.¹¹

This election was held during the government of the Boerhannoedin Harahap cabinet, a prominent member of the Masyumi party. Therefore, it is not surprising if someone claimed that the election at that time was a gamble for Masyumi, whose cadre was in charge of organizing the democratic party. The cabinet of Boerhannoedin Harahap was successful in arranging safe, peaceful, and fair elections.¹²

The 1955 election can be said to have been profitable for the Masyumi party because the prime minister of Indonesia at that time was Boerhannoedin Harahap, who was a high-ranking member of the Masyumi party. Profitable in this context means that the presence of party

¹⁰Bachtiar, *Metodologi Penelitian Hukum* (Tangerang: Unpam Press, 2018), p. 83. Munawir Sjadzali, *Islam dan Tata Negara*, (Jakarta: UI Press, 1995). Abdul Muin Salim, *Fiqh Siyasah: Konsepsi Kekuasaan Politik dalam al-Qur'an*, (Jakarta: Raja Grafindo Persada, 2002).

¹¹ Artawijaya, *Belajar Dari Partai Masjumi* (Jakarta: Al-Kausar, 2014), p. 76.

¹² Artawijaya, *Belajar Dari...*, p. 76.

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representatives in the government can at least avoid electoral fraud that could be detrimental to the Masyumi party.

The 1955 general election was a golden opportunity for the Masyumi Party to accomplish its objective of making Islam the state's foundation by winning as many seats as possible in the DPR and Constituent Assembly. The constituent institutions are in charge of forming and establishing a permanent and sovereign state constitution for the future. The constituents have the freedom to design the state's form, system, and foundation according to their preferences.

As a political party that has only been in existence for ten years since its founding in 1945, the Masyumi party's vote acquisition is large enough for its opponents to take it into account in the political arena, with a manifesto of struggle that is firm and clear in carrying Islamic identity and aspiring to uphold Islamic Shari'a in this country. Nationally, the Masyumi Party received 20.9% of the national vote, or 7.9 million people, or, to be precise, 7,903,886 voters. Above it is the PNI, which gets 22.3% or 8.4 million voters. It is followed by the Nahdhatul Ulama (NU) party, which received 18.4% of the vote or 6.9 million voters, and the Indonesian Communist Party (PKI), which obtained 16% or 6.1 million voters. The Masyumi Party dominated votes in several provinces, including Greater Jakarta, West Java, South Sumatra, Central Sumatra, North Sumatra, Aceh, West Kalimantan, South Kalimantan, Southeast Sulawesi, and South Sulawesi. However, in East Java, where the NU Party was based, and Central Java, which became the PNI's vote base, the Masyumi Party suffered a narrow loss.¹³

The Masyumi Party succeeded in dominating seats in Parliament, followed by **the PNI, NU, and the PKI**. Of the 272 seats in the DPR, Masyumi won 60, PNI 58, PNU 47, and PKI 31; the remaining seats were obtained by other smaller parties. Meanwhile, in the Constituent Assembly, of the 520 seats up for grabs, Masyumi won 119 seats, PNI 112 seats, NU 91 seats, and PKI 80 seats. The rest went to other parties participating as election contestants.¹⁴

According to another source, the results of the 1955 general election for the DPR RI were as follows: Masyumi with 57 seats, PNI with 57 seats, NU with 45 seats, PKI with 39 seats, and other parties with 8, 6, 4, 2, and 1 seat. In the 1955 general election for constituents, the PNI won 119 seats, Masyumi gained 112 seats, the NU got 91 seats, and the PKI received 80 seats. Other parties obtained 16, 10, 7, 8, 2, and 1 seat, respectively.¹⁵

¹³Artawijaya, *Belajar Dari...*, p. 78.

¹⁴Artawijaya, *Belajar Dari...*, p. 79.

¹⁵Badruzzaman Busyairi, *Boerhanoeddin Harahap Pilar Demokrasi* (Jakarta: Bulan Bintang, 1989), p. 211.

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The description of the results of the 1955 general election and the ³ number of seats won by the Masyumi ³ party in both parliament and ³ the constituent assembly demonstrates that the Masyumi party is substantial, the Masyumi party is the party of hope for the ummah and the ⁷ nation, and the Islamic ummah have very high hopes and trust in the Masyumi party to fight in ⁷ the constituent assembly in formulating the basis of the state and making Islam the ⁷ basis of the Indonesian state.

¹⁰ At the Constituent Assembly, three ideological bases were proposed as the foundation of the state: Islam, Nationalism, and ¹⁰ Social Economy, which became the subject of intense debate, particularly between the Islamic and Nationalist parties. The Islamic group, comprised of 230 members consisting of numerous Islamic parties, fought with all its might, putting forward the idea that Islam should be made the "foundation of the state" and against its 273 constituent members who supported Pancasila as the basis of the state.¹⁶

As many as 230 members of the Islamic faction fought with all their ideas and engaged in fierce debates with other factions who disagreed with the inclusion of Islam as the state's foundation. Even though the majority of members from other factions such as the PNI, PSI, and a number of other smaller parties are also Muslims, they embrace nationalism and secularism as their lifestyle. It is these kinds of parties that are very difficult to convince and invite these parties to advance and defend Islam and Islamic law.

Under such conditions, the debate took place fiercely; like a parade of speeches, each member of the party conveyed his ideas concerning the state's foundation. This was the atmosphere that Mohammad Natsir described as confrontation in a tolerant environment. The session chaired by PNI figure Soewirjo became the longest trial in the history of parliament in Indonesia, lasting from 1956 to 1959.¹⁷

On June 2, 1959, the assembly held a vote in order to return to the 1945 Constitution, with two options proposed: first, return ³ to the 1945 Constitution as formulated on August 18, 1945. Second, return ³ to the 1945 Constitution by including the Jakarta Charter in it. The voting resulted in 263 votes agreeing to return ³ to the 1945 Constitution as formulated on August 18, 1945, and 203 supporting the 1945 Constitution, which contains seven words in the Jakarta

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¹⁶Ahmad Syafii Maarif, *Studi tentang Percaturan dalam Konstituante: Islam dan Masalah Kenegaraan*, (Jakarta: LP3ES, 1985). Badruzzaman Busyairi, *Boerhanoeddin Harahap*..., p. 85.

¹⁷ Badruzzaman Busyairi, *Boerhanoeddin Harahap*..., p. 85.

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Charter that oblige Islamic Sharia for its adherents.¹⁸ Soekarno issued a Presidential Decree on July 5, 1959, dissolving the Constituent Assembly and mandating the implementation of the 1945 Constitution, which was inspired by the Jakarta Charter of June 22, 1945, which he referred to as a series of units with the constitution, because there was no clear winner of the election.¹⁹

Some of the explanations above show that, after the 1955 general election, the hope for the realization of the goals of the establishment of the Masyumi Party as stipulated in Article III is the implementation of Islamic teachings and laws in the lives of individuals, society, and the state of the Republic of Indonesia, towards the pleasure of Allah, or more specifically, the struggle to make Islam the basis of the state. This is very reasonable given that the Constituent Assembly is the organization responsible for establishing the foundation of the state.

The Masyumi party and a number of other Islamic parties won a large number of seats in the constituent assembly, therefore the chance to make Islam the foundation of the state was substantial at that time. If only this golden opportunity could be properly utilized by the Masyumi Party, we would today have an Indonesian state whose constitution is based on Islam.

However, the facts show that the trials at the Constituent Assembly, which took place from 1956 to 1959, did not result in a conclusion regarding the structure of the Indonesian state. On July 5, 1959, with the help of the Army, Soekarno issued a Presidential Proclamation that dissolved the Constituent Assembly and mandated the implementation of the 1945 Constitution. This meant that the Masyumi party's ambitions to make Islam the foundation of the Indonesian state through the Constituent Assembly did not materialize, and Islamic law did not become applicable in Indonesia.²⁰ According to Deliar Noer, the Constituent Assembly only had 10% of its work remaining at the time, but TNI Commander Abdul Haris Nasution advised Soekarno, who was in Japan, to return to Indonesia, dissolve the Constituent Assembly, and revert to the 1945 Constitution.²¹

¹⁸Badruzzaman Busyairi, *Boerhanoeddin Harahap...*, p. 90.

¹⁹Badruzzaman Busyairi, *Boerhanoeddin Harahap...*, p. 91.

²⁰Interview with Ust. Abdul Wahid Alwi, Deputy Chairman of the Indonesian Islamic Da'wah Council, Jakarta, 5 Agustus 2022.

²¹Deliar Noer, *Partai Islam di Pentas Nasional* (Jakarta: Pustaka Utama Grafiti, 1987), hlm., 71. Wawancara dengan Dr. M. Nur Kertapati, Wakil Ketua Umum Dewan Dakwah Islamiyah Indonesia, Jakarta, 5 Agustus 2022.

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Forced Dissolution of the Masyumi

Starting from the government's decision to simplify the political party system through Presidential Decree (Penpres) No. 7 of 1959, among the points of the Presidential Decree are, first, the demand for parties to expressly state that the organization accepts and defends the Republic of Indonesia's Constitution, which contains the foundations of the state, and the Presidential Political Manifesto of August 17, 1959.²²

Second, other organizations that support and/or are under the jurisdiction of the party are included in the articles of association. Third, parties are obligated to pursue their objectives through democratic and peaceful means. Fourth, have branches in at least one-fourth of Indonesia's first-level regions.

One important point seems to be directed at the Indonesian Socialist Party (PSI) and Masyumi, namely Article 9, which states that the President, after hearing the opinion of the Supreme Court, can ban or dissolve parties that are "*carry out rebellions or clearly provide assistance, while those parties do not officially their members for their actions.*"²³

On July 12, 1960, Masyumi responded to the Presidential Decree by stating that the party law should be formulated objectively. On the other hand, According to Masyumi, on January 24, February 13, and February 17, 1958, ¹⁰ the Revolutionary Government of the Republic of Indonesia (PRRI) issued declarations outlining its demands surrounding the rebellion. According to Masyumi, it was evident from these statements that their objective was to work with the government to prevent the insurrection.²⁴

At the end of his statement, Masyumi then quipped that "*...if the main objective is indeed to disband or prohibit a party, in the current case including Masyumi, especially if such an action is to be made simply on the basis of power, then one may easily find a justification to do so.*"²⁵

On July 21, 1960, nine days later, President Soekarno summoned the Masyumi and PSI leaders. During the 10-minute meeting, Soekarno was accompanied by other state officials, including the Attorney General, the Chief of Police, the Director of the Presidential Cabinet, and

²²Deliar Noer, *Partai Islam...*, p. 71.

²³Deliar Noer, *Partai Islam...*, p. 72.

²⁴S.U. Basajut, *Alam Fikiran dan Djedjak Perdjungan: Prawoto Mangkusasmito* (Surabaya: Documenta, 1972), p. 81.

²⁵S.U. Basajut, *Alam Fikiran...*, p. 81.

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the Chief of Staff of the Supreme War Command.²⁶ Masyumi's party was represented by Prawoto Mangkusasmito and Yunan Nasution, while PSI was represented by Sutan Sjahrir, Soebadio Sastrosatomo, and T.A. Murad. They were handed a pile of question lists that needed to be answered.

Among the inquiries was one that inquired whether Masyumi opposed the state's foundations and objectives. Second, does Masyumi intend to alter the state's foundation and objectives? Masyumi disputed it vehemently. Masyumi refuses to be labeled contrary to the state's ideals and goals because its mission is "the implementation of Islamic teachings and law in the lives of individuals, society, and the Republic of Indonesia for the pleasure of God." According to Masyumi, this objective is in agreement with the state principle, specifically the preamble of the Constitution of 1945, which recognizes the sovereignty of the people and is based on the belief in one and only God. Masyumi also rejected to be labeled as attempting to alter the principles and objectives of the state, as this was contradictory to Masyumi's values according to the interpretation of the 1952-legalized party principles.²⁷

Thirdly, in regards to PRRI involvement, Masyumi responded that since the Presidential Decree was enacted on December 31, 1959, PRRI-affiliated Masyumi leaders had separated or resigned from the party. None of the party leaders elected since the April 1959 congress were affiliated with the PRRI. On February 17, 1958, the Masyumi Party similarly declared that the foundation of the PRRI, the Work Cabinet, and the National Council was unconstitutional. Masyumi provided all of these responses one week later, on July 28, 1960. Soekarno's only comment during his seven-minute meeting with party representatives was that he would review their responses.

The decision was finally made, and the Masyumi Party's response appeared to have no impact on the government. Even though Masyumi had a solid legal foundation, Sukarno dissolved the party on August 17, 1960, since it was considered to have been involved in a rebellion by issuing Presidential Decree No. 200.

On August 17, 1960, at 5.20 am, a letter was received by the Masyumi Central Executive. The letter, which came from the Director of the Presidential Cabinet, stated that "Your Excellency, the President has deigned to instruct us" to convey the Presidential Decree (No. 200/1960) ordering the dissolution of the Masyumi Party. Within thirty days of the date of this

²⁶Deliar Noer, *Partai Islam...*, p. 71-72.

²⁷Beggy Rizkiyansyah, *Ketika Masyumi Dibubarkan*, <http://jejakislam.net/>, diakses, 2020.

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judgment, August 17, 1960, the Masyumi party leadership was required to dissolve the party. Its dissolution must be reported as quickly as possible to the President. Otherwise, the Masyumi party would be labeled a "prohibited political party."²⁸

On September 13, 1960, Prawoto Mangkusasmito and Yunan Nasution then dissolved the Masyumi Party.²⁹ Four days prior, Masyumi was represented in court by Moh. Roem, who sued the president for violating the 1945 Constitution; hence, the Presidential Decree is void. Every action based on the Presidential Decree is an unlawful act (*onrechtmatige overheidsdaad*) and can be categorized as an abuse of power (*detournement de pouvoir*). Nevertheless, the government never followed up on this lawsuit.

The Causes of the failure of Masyumi's mission in the Constituent Assembly

Examining the failure of the Masyumi to fight for Islam as the basis of the state in a constituent assembly, two internal and external factors can be distinguished:

1. Internal Factors

a. The Communist Ideology Factor

The failure of Masjumi's mission to establish Islam as the foundation of the Indonesian state in the Constituent Assembly, which ended with the Presidential Decree on July 5, 1959, was greatly influenced by the Indonesian Communist Party's (PKI) swift movement both inside and outside the Constituent Assembly. In order to determine ³ the foundation of the Indonesian state, the members of the Constituent Assembly chose between Pancasila (supported by the PNI, PKI, IPKI, Parkindo, and the Indonesian Socialist Party/PSI), Islam (supported by Masyumi and NU), and socio-economic principles (supported by Murba).⁴

Masyumi's failure to establish a foundation for an ⁴ Islamic state in Indonesia was due to the influence of Communist ideology and the popular Communist Party in Indonesia at that time. The PKI consistently provoked and defamed the Masyumi, and as a result, some Muslim members of the Constituent Assembly, mired in supporting and choosing ³ Pancasila as the basis of the state.³⁰ This decision appears to have been made by non-Islamic parties in an effort to counter Masyumi's aggressive promotion of Islamic ideology as the foundation of the Indonesian state.

²⁸Beggy Rizkiyansyah, "Ketika Masyumi Dibubarkan," 2020.

²⁹Beggy Rizkiyansyah, "Ketika Masyumi Dibubarkan," 2020.

³⁰Interview with Lukman Hakim, expert on Indonesian history, Jakarta: 17 September 2022.

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A battle of ideologies ensues in the Constituent Assembly between the Islamic party represented by Masyumi, which carries Islamic ideology, and the Communist Party and other nationalist parties, which carry Pancasila ideology, due to their shared beliefs and political interests.³¹ Because neither coalitional nor non-coalition parties received a majority of the vote, the Constituent Assembly was dissolved by the president and returned to the 1945 Constitution.

As is well known, the PKI was a communist party with an anti-God and anti-religious stance, making it impossible for it to accept Islam as the foundation of the Indonesian state. On the other hand, as an anti-religious ideology, they did not want Islam to be the basis of the state, so the PKI cadres, who won fourth place in the 1955 elections, fought hard to reject the Masyumi, who attempted to make Islam the basis of the Indonesian state. Indirectly or directly, President Soekarno, who was submissive with the Communists, gave his blessing to their struggle, so that in his speeches he praised the PKI as a revolutionary progressive party.

b. Nationalist Ideological Factors

The Indonesian National Party (PNI), founded by Soekarno and based on a nationalist ideology, was also opposed to the Masyumi Party because they were anti-Islamic and had a different understanding of Islam. The PNI was adamantly opposed to accepting Islam as a state principle because their members believed that Islam is merely a religion with nothing to do with politics or the state, and that speaking of Islam meant discussing private issues specifically related to God's communication with servants in relation to *mahdhah* worship.

Meanwhile, political and state issues were excluded from the scope of religion, so Islam cannot be used as the basis for statehood.³² In practice, despite the fact that these nationalists were Muslims, their political practices were always in contrary to Islamic law. Apart from rejecting Islam as the basis of the state, they also tended to collaborate with the Communists in developing their political ideas and concepts, which greatly disturbed the Masyumi party, which was working hard to realize Islam as the basis of the state but has failed to do so to this day. This failure greatly helped nationalists, secularists, and communists who opposed Islam as the foundation of the state.³³

³¹Interview with Dr. Adian Husaini, Chairperson of the Indonesian Islamic Da'wah Council, Ternate, 15 September 2022.

³²Interview with Dr. M. Nur Kertapati, Deputy Chairman of the Indonesian Islamic Da'wah Council, Jakarta: 15 September 2022.

³³Interview with Dr. Adian Husaini, Chairperson of the Indonesian Islamic Da'wah Council, Ternate: 15 September 2022.

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During the Constituent Office's tenure, there was a heated debate between Islamic parties such as Masyumi and Nahdlatul Ulama (NU), which supported Islam as the state's foundation, and secular and national parties such as the PNI, PKI, PSI, and others who supported Pancasila as the state's foundation. The Constituent Assembly worked for a long time but found no agreement between the two because there was no agreement on what the basis of the state should be. Finally, with the military's backing and pressure, led by Abdul Haris Nasution, ³President Soekarno ³dissolved the Constituent Assembly and reinstated ³the 1945 Constitution. Thus, the history of ³Islam as the foundation of the Indonesian state came to an end today.

c. Secularist Ideological Factors

Secularism is the belief that religion and the state must be kept separate. As a result, the concept of secularism strictly separates political issues and the state from religion, and political and state issues should not be associated with religion. As a result, they not only disagree with ⁴Islam as the basis of the state, but also ⁴strongly oppose it and fight it all out.³⁴ As a result, the state must separate its state practices from religious doctrine.

⁴ Similarly, the basic issue of statehood is principled in Islam because it is with and from ⁴the basis of the state that ⁴the application and implementation of Islamic doctrine manifest themselves. It is impossible to implement Islamic law, which must be followed by every Muslim, in a predominantly Muslim country like Indonesia if the country's foundation is not Islam. Masyumi fought for this in the Constituent Assembly. Masyumi's efforts, however, have failed, and the implementation of Islamic law for all Muslims in Indonesia has also failed to this day.

Thus, if we want to explain that the failure of the Constituent Assembly's work prior to the adoption of the presidential decree on July 5, 1959, was caused more by the thoughts and actions of the ⁵nationalists, communists, secularists, pluralists, and liberals who rejected Masjumi's proposal ⁵to make Islam the basis of the Indonesian state, then, what is at risk today is that the Muslim community becomes a guest in their own country, while those who are Muslim but think outside Islamic law do not know that Islam is threatened in their own home.

In the Constituent Assembly, Masyumi was tasked with establishing the foundation of the Republic of Indonesia alongside other parties. Masyumi sought to establish Islam as the state's foundation, whereas representatives of other parties established Pancasila as the state's

³⁴Interview with Dr. M. Nur Kertapati, Deputy Chairman of the Indonesian Islamic Da'wah Council, Jakarta: 15 September 2022.

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foundation. This was difficult due to the presence of numerous other parties and their international support for rejecting Islamic ideology as the foundation of the Indonesian state. Even so, we cannot conclude that Masyumi's efforts in the past were unsuccessful, as Masyumi cadres and generations continue to fight to this day.³⁵

2. Eksternal Factors

a. Infiltration of the World's Great Powers

In addition to the internal factor—the failure of Masyumi's attempt to legalize Islam as the basis of the Republic of Indonesia—external factors also played an important role in subduing Masyumi to accept the Presidential Decree of July 5, 1959. This was indicated by the direction and orientation of Soekarno's ideology, which at that time was leaning toward the United States of Soviet Russia (USSR) and the Communist People's Republic of China (PRC). Soekarno had an interest in the military-backed Presidential Decree to prevent the birth of an Islamic identity for Indonesia, which was symbolized by Islam as the basis of the nation. On the other hand, both the Soviet Union and the PRC had an interest in world dominance with Communist ideology. The integration of two interests at one very crystallized point in the Republic of Indonesia on the basis of the interests of communist ideology is the reason why the Presidential Decree came about and why they got help from abroad.

The infiltration of the world's great powers against the basic struggles of the state in Indonesia at that time was also influenced by the interests and struggles of the two major ideologies controlled by the two major countries, both of which had an interest in the vast and majority-populated Indonesia. The two great powers of the country were the United States of America (USA), with a capitalist ideology, and the United States of Soviet Russia (USSR)³⁶, with a communist ideology. The battle between the two great world powers took place during the cold war, which began on March 12, 1947, after the Second World War and ended on December 26, 1991. Each of these major powers controlled parts of the world that mutually expanded their territories. Incidentally, the USA controlled western Europe as well as several other countries in Asia and Africa, and the USSR controlled eastern Europe with several countries on the continents of Asia and Africa.

³⁵Interview with Ustaz Abdul Wahid, vice chairman of the Indonesian Islamic Da'wah Council, Jakarta, 15 September 2022.

³⁶Interview with Dr. Adian Husaini, Chairperson of the Indonesian Islamic Da'wah Council, Ternate, 15 September 2022.

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Indonesia's existence at the time was influenced by communist ideology because President Soekarno, in addition to supporting the nationalist-socialist-communist PNI, was thought to have close ties to the Indonesian Communist Party (PKI). Similarly, carrying out the Indonesia-Malaysia confrontation from 1963 to 1966, disbanding Masyumi in 1960, and establishing NASAKOM (National-Religious-Communist) in 1956, a kind of blending of the central (national), right-wing (Islamic), and left-wing ideologies (Communist).

Indonesia became a bone of contention at that time between capitalist and communist interests, which ended in a capitalist victory marked by the collapse of the power of President Sukarno and his replacement by Suharto in 1965, known as the Eleventh March Order (Surat Perintah Sebelas Maret or Supersemar). It was at that time that communist ideology was destroyed by Suharto and capitalist ideology significantly developed under Suharto's leadership.

b. Infiltration of the Islamophobic West

Another reason for Masyumi's failure ⁶ to make Islam the foundation of the Indonesian state was the infiltration of a hostile western world. They were displeased with Indonesia, which was based on Islam, because they had long despised Islam. This was marked by the behavior of western colonialists towards Indonesia, both Portuguese, British, and Dutch; at the time, the West influenced almost every aspect of Indonesian life.

From there, it became difficult to realize ¹¹ the foundation of an Islamic state because Indonesians, despite being Muslims, were influenced by the Western system. As a result, when Masyumi fought ¹¹ for the foundation of an Islamic state in the Constituent Assembly, all non-Islamic parties rejected and chose Pancasila as the state's foundation. Seeing such developments, combined with his nationalist-communist eagerness, Soekarno, who had the support of the military, clearly and easily enacted the Presidential Decree of 5 July 1959, with no opposition from anyone, particularly Masyumi. In fact, Masyumi was forced to disband by President Soekarno in 1960 after being successfully provoked by the PKI.

Masyumi's persistent struggle failed, so Pancasila remained the foundation of the Indonesian state. For the Masyumi cadres and Mohammad Natsir's cadres, however, this struggle was not and has not been a failure, as there are still cadres fighting today, including efforts to re-

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establish the Masyumi Party, which draws on the compassion and experience of the former Masyumi.³⁷

10 In addition, Permata and Madinier analyzed several causes for the Masyumi Party's failure to achieve its goal of making Islamic ideology the basis of the Republic of Indonesia.³⁸

First, First, the emergence of the Darul Islam movement, led by Kartosuwiryo, which opposed the government openly and sought to establish an Islamic state in Indonesia. This development placed Masyumi in a precarious position. If Masyumi continued to state explicitly that it wanted to build an Islamic state or a state based on Islam, it would appear to be in line with the Darul Islam (DI) political agenda, even though Masyumi was a party that supports the establishment of the unitary state of Indonesia. Masyumi's political opponents tried to exploit this issue, saying that Masyumi had an anti-RI agenda, just like Darul Islam. Because of this, the Masyumi leaders decided to seek political jargon that was different from Darul Islam.

Second, the enmity with the PKI. Prior to 1948, Masyumi was relatively close to and associated with many Marxist politicians, such as Tan Malaka. However, after the 1948 Madiun uprising, the PKI became the common enemy of political parties. Masyumi also felt the need to build closeness with the parties that were against the PKI, especially the Christian parties. Interestingly, in the 1950s, Christian parties were very close to Masyumi; they always sided with Masyumi on every political issue in Parliament. It was only after the 1960s that the relationship between the Christian and Islamic parties drifted apart.

Third, As an Islamic political party, Masyumi was confident enough to attract the support of devout Muslims who desired the incorporation of Islam into the political system. However, the leaders of Masyumi believed that this was insufficient because there were not enough devout Muslims. As a result, they decided to expand their base of support to include other Muslim groups that did not want Islam to be the state's foundation. This decision did not maximize the support of other Islamic parties to propose Islamic ideology as the basis of the state and led to the rejection of the Presidential Decree that dissolved the Constituent Assembly and ordered it to return to the Constitution of 1945.

At that time, Masyumi was the largest party and was extremely confident in its ability to win the election; everyone believed this. The PNI, Masyumi's principal opponent, attempted to

³⁷ Interview with Ustad Abdul Wahid, vice chairman of the Indonesian Islamic Da'wah Council, Jakarta, 15 September 2022.

³⁸ Ahmad Norma Permata, "Evolusi Ideologi Politik Islam Masyumi," *Jurnal Kebudayaan Akademika* 4, No.1 (2009), p. 54-56.

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prolong the election out of fear of losing. Unfortunately, there were no political surveys like there are today at that time. Therefore, Masyumi leaders and politicians in general relied solely on analysis and conjecture. Coupled with the political disaster that occurred to Masyumi in 1952, when NU left Masyumi, Masyumi did suffer a major setback in the general elections, so its Islamic mission was not successfully defended in the Constituent Assembly sessions.

Masyumi Movement in the Perspective of *Fiqh Al-Siyāsah*

Political parties are a means for an individual or group to attain power that can be governed in accordance with state laws. Although no political party is known to have been involved in determining executive and state powers in the history of Islamic politics, it is difficult for Muslims living in countries today to use political parties to control and regulate the country. As a result, Islamic law political experts and scholars disagree as to whether Muslim-majority countries include political parties among their characteristics.³⁹

However, it must be clarified that political parties are a part of the democratic mechanism in a country whose constitution chooses a democratic system.⁴⁰ Because Islamic teachings and Islamic law do not conflict with democratic values, for example, Islamic law can still be applied within the framework of the Unitary State of the Republic of Indonesia.⁴¹ Therefore, all citizens have the same rights to establish and participate in the party as a logical consequence of democracy. Whatever his religious background, ethnic group, race, and culture, what matters is that the individual is an Indonesian citizen. Because of this, Muslims during the Old Order era fought politically within the Masjumi party.

From the perspective of the history of Islamic law politics, it cannot be denied that Masyumi's rise to become the largest Islamic political party in Indonesia has had a significant impact on state administration and the development of Islamic law in Indonesia. Islamic parties

³⁹ Hasanuddin Yusuf Adan, "Partai Politik dalam Perspektif Islam," *Legitimasi: Jurnal Hukum Pidana dan Politik Islam* 3, No. 1 (2014). Wery Gusmansyah, "Fungsi Partai Politik Dalam Pendidikan Politik Menurut Undang-Undang Nomor 2 Tahun 2011 dan Hukum Islam," *Al-Imarah: Jurnal Pemerintahan dan Politik Islam* 4, No. 2 (2019).

⁴⁰ Masdar Hilmy, "Muslims' Approaches to Democracy: Islam and Democracy in Contemporary Indonesia," *Journal of Indonesian Islam* 1, No. 1 (2007). Bahtiar Effendy, "Islam and the State in Indonesia: Munawir Sjadzali and Development of a New Theological Underpinning of Political Islam," *Studia Islamika* 2, No. 2 (1995).

⁴¹ Khamami Zada, et.al., "Constitutionalizing Sharia: Identity and Independence of Islamic Politics Among Students," *Juris (Jurnal Ilmiah Syari'ah)* 21, No. 2 (2022).

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in Indonesia have contributed **11** to the implementation of Islamic law because Indonesia is a multi-party nation.⁴²

Masyumi's influence in Indonesian state administration brought Islamic values into the state administration, supporting Pancasila with Islamic values, resisting communist ideology as an understanding that threatens Pancasila, and promoting democratic and human values. Masyumi was also the driving force behind **6** the establishment of the Ministry of Religious Affairs during the Sjahrir Cabinet in 1946; the Minister at the time was Mohammad Rasjidi, previously KH. Wahid Hasjim served as Minister of State (religious affairs).⁴³ The Ministry of Religious Affairs is a powerful institution in Indonesian Islamic law politics.

As often emphasized by Yusril, Masyumi and Natsir have a moderate view of Islam, which is often expressed in making Islam the basis of the state and upholding a theistic (Godly) democracy. This is different from the Jama'at-i Islam Party and Abu A'la Almaududi which are considered fundamentalist.⁴⁴ According to Yusril, Natsir, as a moderate, had a realistic view and said that Islamic teachings do not determine the formal form of a state (kingdom, republic, or federal). Because what is mentioned in the Qur'an and the Sunnah are only principles. Because of this, Natsir was finally able **3** to accept Pancasila as the basis of the state, but he emphasized that democracy, as an important pillar in the state, must believe in God (theistic democracy). Al-Maududi, on the other hand, wanted the form of the state to be a khilafah, which refers to the form of government inherited by the Prophet and his companions, and rejected democracy because it was seen as a product that came from outside Islam.⁴⁵

Yusril further emphasized that Natsir did not think that there is a contradiction between Pancasila and Islam, a conflict between "the Islamic state" and "a nationalist state". According to him, this propaganda was only accused by groups that did not like Islamic groups and wanted to contest Islam and Pancasila. Natsir explained that Pancasila is the name for the five ideal virtues, which are all in line with Islamic teachings. However, he reminded the public not to consider Pancasila synonymous with Islam. Because Natsir sees Pancasila in an Islamic frame, his

⁴²Siti Hafshah Syahanti, "Urgensi Partai Politik dalam Pelaksanaan Hukum Islam di Indonesia," *Islam Transformatif: Journal of Islamic Studies* 1, No. 1 (2017). Dadan Muttaqien, "Parpol Islam Dan Gagasan Penerapan Syariat Islam," *Jurnal Almarawid, Edisi III* (2005).

⁴³ Hamzan Wadi, "Produk Hukum Institusi Hukum Islam Indonesia: Pelaksanaan Tugas, Fungsi, dan Kewenangan dalam Penyelesaian Problematika Umat Islam Indonesia" *Jurnal Maqosid* 9, No. 1, (2021), p. 90-92.

⁴⁴Yusril Ihza Mahendra, *Modernisasi dan Fundamentalisme dalam Politik Islam: Perbandingan Partai Politik Masyumi (Indonesia) dan Partai Jama'at-I Islam (Pakistan)* (Jakarta: Paramadina, 1999). A.M. Fatwa, *Demokrasi Teistik: Upaya Merangkai Integrasi Politik dan Agama di Indonesia*, (Jakarta: Gramedia, 2001).

⁴⁵ Yusril Ihza Mahendra, *Combining Activism and Intellectualism...*, p.

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statement that Islam is the foundation of the state does not mean that the five precepts of Pancasila will merge with Islam. This is understandable. The five precepts of Pancasila will always live and develop in Islam. Conversely, Pancasila should be avoided in the interpretation of atheism or religious skepticism; its first principles will be lost and only the framework will remain.⁴⁶

Importantly, atheism as a communist ideology rebelled twice against the state, in 1948 in Madiun and in 1965 during the September 30 Movement. Both of these rebellions were a betrayal of the state and Pancasila because the communist group not only fought against the legitimate government, but also brutally slaughtered prominent figures and individuals who disagreed with their ideology and aspirations. Muslims, including ulemas, students, and the Muslim community, experienced the atrocities of the communists the most.

Masyumi promoted the democratic path as part of the benefit for the people and the benefit for the nation, which is the main principle of Islamic law. Masyumi's struggle for Islamic law must be carried out legally and constitutionally, not by unconstitutional methods or by violating laws that are contrary to Pancasila and the 1945 Constitution. It is inconceivable that when a number of groups fight for religious values that are understood in unconstitutional ways, then peace, tranquility, ⁷ and the future of the state, nation, and Islamic law will not be achieved.

Conclusion

The Masyumi Party was a representation of Muslims at the beginning of independence. It was an Islamic party and the second winner in the 1955 elections. Masyumi's struggle ³ in the constituent assembly was to make Islam the constitutional basis of the state, even though it failed. This failure was caused by two factors, internal and external: Internal factors included the strengthening of the ideologies of communism, nationalism, and secularism. While external factors such as the infiltration of world powers against Indonesia and the influence of Islamophobia. Furthermore, from the perspective of fiqh al-siyāsah Masyumi's progress in Indonesian political history has provided great lessons; for example, the resistance to communism, the struggle for the enforcement of Islamic law in a constitutional way, and that Islam is in line with Pancasila. Masyumi and Natsir, as the founding figures, have a moderate Islamic view, which argues that Islam does not conflict with Pancasila; in fact, Pancasila, which

⁴⁶ Yusril Ihza Mahendra, *Combining Activism and Intellectualism...*, p. 140.

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is interpreted in an Islamic way, is not secular. Masyumi and Natsir also fought for democracy that had theology (theistic democracy) as opposed to secular and liberal democracy.

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