

STUDIA ISLAMIKA

Indonesian Journal for Islamic Studies

Volume I, No. 1 (April - June), 1994

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STUDIA ISLAMIKA (ISSN 0215-0492) is a journal published quarterly by the State Institute for Islamic Studies of Syarif Hidayatullah, Jakarta (STT/DEPPEN No. 129/SK/DITJEN/PPG/STT/1976), and sponsored by the Department of Religious Affairs of the Republic of Indonesia.

It specializes in Indonesian Islamic studies, and is intended to communicate original research and current issues on the subject. This journal warmly welcomes contribution from scholars of related disciplines.

Printed in the Republic of Indonesia.

OFFICES: STUDIA ISLAMIKA, Jl. Ir. H. Juanda no. 95, Ciputat, Jakarta Selatan 15412. PHONE: (021) 701 925, 740 1606. FACS: (021) 740 1592. ACCOUNT: 0027793001 Bank Negara Indonesia 1946, Kebayoran Baru/LAIN, Jakarta. SUBSCRIPTION RATE: Rp 40,000.00 (US\$ 20.00) one year, Rp 70,000.00 (US\$ 35.00) two years. Orders for single copies must be accompanied with prepayment of Rp 10,000.00 (US\$ 5.00). For orders outside Indonesia, add US\$ 8.00 per volume for airmail delivery; for special postal delivery or other special handling, please contact STUDIA ISLAMIKA for correct rate.

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From the Editor

The fact that Indonesia is now the largest Muslim nation has become wellknown internationally in the last few years. Despite this, it must be admitted that Islam in Indonesia has only recently entered global discussion. There has been a tendency among scholars to exclude Islam in Indonesia from any discussion of Islam or Muslim society. Islam in Indonesia has been regarded by many Western scholars as "peripheral", not only in terms of its geographic location –vis-a-vis the centers of Islam in the Middle East– but also in terms of the kind of Islam that exists in this area.

Indonesian Muslims has long complained about this. But after all, who is to be blamed? Blaming Western scholars for misperceptions and misrepresentations of Islam in Indonesia is no longer very productive. It is time for Indonesian Muslim scholars to provide a more accurate picture of Islam in their region.

One of the most effective ways to present Islam in Indonesia is through publication, such as books and journals, using international languages, mainly English and Arabic. *Studia Islamika* is intended to fill the lack of credible journals, aimed at disseminating information and academic works on various aspects of Islam in Indonesia.

Publishing a journal in international languages in Indonesia is not an easy task. The hardest challenge in this respect is the relative lack of availability of articles or reports written in either English or Arabic. We have to be honest and admit that not many Indonesian Muslim scholars are accustomed to writing in either language. This is one of the chief factors responsible for the obscurity of the development of Islam and Islamic thought in this country.

Indonesian Muslim scholars have long claimed that there were (and are) several outstanding Indonesian Muslim thinkers whose Islamic thought deserve international attention. Again, the problem is that they have published their thoughts in the national language,

Bahasa Indonesia. So far there has been no serious effort to translate their works into English or Arabic. In this respect, our journal is a humble beginning to tread the path in that direction.

Studia Islamika itself has been published by the State Institute for Islamic Studies (IAIN) in Jakarta for several years in Bahasa Indonesia. However, Dr. Tarmizi Taher, the newly-appointed Minister of Religious Affairs, wishes the IAIN in Jakarta to publish the journal in a new format, mainly using two international languages, English and Arabic, and partly in Indonesian.

It is our pleasure that in this first edition of the new *Studia Islamika*, we are able to present articles by several noted scholars, among others, Dr. Nurcholish Madjid, Dr. Quraish Shihab, Dr. Martin van Bruinessen and Dr. Azyumardi Azra. All of their articles are written in either English or Arabic.

In addition, we publish other articles and reports by own staff which, we hope, should give readers a more comprehensive view of the current developments of Islam in Indonesia. These articles and report are: first, an intellectual biography of Professor Harun Nasution, one of the most prominent figures in the discourse of Islamic reforms in today's Indonesia; second, a long and deep interview with Professor Munawir Sjadzali, a former Minister of Religious Affairs, who completed his term of office last year; third, a report about the rise and development of ICMI (the Association of Indonesian Muslim Intellectuals) and about the Indonesian Intellectuals' responses to the provoking idea of "Clash of Civilization" written by Professor Samuel Huntington in *Foreign Affairs* (Summer 1993).

With all these articles and reports we are seriously attempting to present Islam in Indonesia in the many aspects of its development throughout history. We hope to maintain this variety of contents of *Studia Islamika* in the future editions whilst, of course, doing our best to improve it in all other possible ways.

Given this we invite all scholars of Islam in Indonesia to contribute to our journal. Your contribution is crucial not only for the continuing existence of this journal, but also for a better understanding of Islam in Indonesia.

Pancasila as an Islamic Ideology for Indonesian Muslims

The independence of Indonesia created a new political horizon. The shift from old political systems such as ethnicity-based, monarchic or colonial, to a nation-state has been an invaluable experience for Indonesians. They started to live in a pluralistic society and within new international relationships. But given the fact that the new system was embryonic and different from the old ones, Indonesians also experienced intricate frictions in both political and social spheres. Conflicts of interests, whether religious, class-based or cultural, became an inseparable part of the political process.

Meanwhile, as a Third World nation, the Indonesian government was committed to improving its situation. This means that they had to obtain assistance from developed countries. Because the government could eventually create a stable political situation, some industrial countries were willing to support its development programs. The problem of assistance, however, was not only technical but also cultural. The operation of technology, for example, requires technical skills as well as suitable attitudes towards it. Thus development programs also mean a transformation of society.

Having lived in their own culture for such a long time, Indonesians often found themselves annoyed by such changes. This crisis arose from the feeling that the new culture seemed to threaten, uproot and contradict their basic outlooks. Moreover, amongst religious people who were accustomed to fixed norms, such new situations were not easily adopted:

Professor Munawir Sadzali is part of this process. He has experienced the ups and downs of Indonesia since its independence. He was brought up in a religious family and graduated from a religious school. But he undertook his tertiary education in politics in England and the United States. He used to be an Ambassador and General Director in the Department of Foreign Affairs, in addition to being a Minister of Religious Affairs and a Professor of Islamic politics (fiqh al-siyâsah) at the State Institute for Islamic Studies (IAIN), Jakarta.

Your position as the Minister of Religious Affairs in the two periods, 1983-1988 and 1988-1993, has indeed given you a lot of experience in dealing with the problems facing the ummah. Could you formulize these problems?

The challenge that we face is indeed formidable; this being how we can preserve the universal validity of Islamic teachings and their system of values, including those embodied in the shari'ah, in this fast changing world which is full of social and cultural diversities.

We, Muslims living at the end of the 20th century, spread all over the world with diverse customs, traditions, cultures and historical backgrounds, should not have any problems in adjusting the application of Islamic law to our respective localities, customs, traditions and culture, without endangering the universality of shari'ah.

This is indeed not an easy task and deserves serious effort. How do you see the role of Indonesian scholars? How far can the problem be resolved successfully?

On the contrary, today Muslim

scholars, including those in Indonesia, are in a crisis of intellectual integration. This crisis has led to the ever-widening gap between formal attitudes and the attitudes of daily life. Here are some examples of the widespread crises in Indonesia.

In a seminar conducted at UNISBA (Bandung Islamic University) in 1983, I said that this seminar would succeed if it could resolve two major economic problems: how Islam should deal with bank interest and how Islam could put *zakât al-mâl* into the modern life of Indonesians.

Most of us regard bank interest as *ribâ* (usury) and therefore forbidden. Yet meanwhile, most of us, including those who view bank interest as usury, take advantage of it and always make use of bank services. Some ulama used to ask me to support the establishment of an Islamic Bank. They said that this bank would operate the same systems as applied in normal banks, including an interest system. The reason for this was quite antiquated: *darûrât* (emergency). However, as stated in the Qur'an 2:173, the dispensation given by Islam in emergencies constitutes the absence of deliberation and is not to fulfill essential demand. I said the

reason was antiquated, because it has been applied for a long time, both in Indonesia and in other Muslim countries.

I have another example. In the time of the Prophet, *zakât al-mâl*, the only tax system, was that of the *ummah*. Now we live in a modern era, in which other systems of tax are also imposed. Given these tax systems, which sometimes apply higher percentages than that of *zakât*, are we still obliged to pay *zakât*? If so, how much? Should the percentage remain the same and not be reduced even though everyone has to pay tax? I think we will probably agree that the management of *zakât* is still far from perfect, both in the understanding of its intentions and the goals that will be attained by it.

In order to provide a more complete legal provision to the *ummah*, in 1985 the Supreme Court together with the Minister of Religious Affairs issued a joint decision about the establishment of the Islamic Law Compilation Project. This project was expected to produce three books covering marriage, inheritance and religious donations.

The compilation of the book on inheritance would have been easy if it was just composed

by using the existing book of *farâ'id*. But the provisions contained in the existing *farâ'id* were mostly ignored by the *ummah*. For example, according to *farâ'id*, and in accordance with verse 4:11, the share of inheritance of a son is larger than the share of a daughter. Meanwhile, an empirical study of the application of this provision reveals that the ratio of 2 : 1 had been forgotten by Indonesian Muslims. Those who deviate from this Qur'anic provision are not always lay people but also from educated Muslims and even ulama who have mastered knowledge of religion. This deviation is sometime implemented directly by using the Public Court to solve the problem of inheritance rather than a Religious Court, or simply by using certain formula which are based on formula other than that of *farâ'id*. But the most common deviation implemented is conducted indirectly. Usually this practice is carried out by parents through the distribution of their wealth to their children as a *hibah* (grant). Each of their children gets the same amount, regardless of their gender. This practice is conducted with the expectation that, should the parents die, the wealth to be distributed

through *farâ'id* would be less or possibly none. This method is usually encouraged by the '*ulamâ*' who practice it themselves.

Isn't this method a good solution? On the one hand, the ummah must not transgress existing provisions, and, on the other hand, they are able to get what they want?

From the point of view of the Islamic faith, in my view, this method is dangerous. The equal allotment of wealth to children while the parents are still alive is based on the assumption that, if it is to be allotted by *farâ'id* after their death, their children would be disadvantaged by the *farâ'id* system. They explicitly do not believe the justice of *farâ'id*. Isn't this kind of practice similar to making fun of religion? However such deviation does not always mean this. Many of them are driven by the sense of justice emerging from their very consciousness. So I must insist, can't we look for other honest and honorable ways towards religion, for example, by modifying or re-interpreting the teachings contained in the Qur'an?

What's the reaction to this?

The reactions toward my proposal vary. Some people support me and some of them understand me to the extent of recognizing the problem without taking any position on it. But there are also some responses rejecting my ideas straight off. Some even curse me and accuse me of changing the provisions of *farâ'id* and ignoring the authority of the Qur'an. But, mostly, I am pleased to see that many prominent '*ulamâ*' welcome and are open to the problems that I propose. Even though they were initially annoyed on hearing such an unusual proposal, they finally acknowledged that the problems should be resolved and demand explanations. They also recognize that there is a gap between the formal provisions of *farâ'id* and its practice in society. Deviations from *farâ'id* are not always driven by ignorant attitudes towards religion, but are also motivated by sound factors, such as heartfelt feelings. Even my master from when I was at Qur'anic School, K.H. Ali Darokah, stressed that a son does not have to receive twice the allotment of sister within the inheritance system of Indonesian society.

If the reactions against your ideas were schematized, which

sections are against you and which are on your side?

Having put forward my ideas, I was invited to talk to *Gerakan Pemuda Anzor* (Anzor Youth Movement, a part of *Nahdatul Ulama*) in Batu, Malang, East Java. They did not object to my ideas. It was interesting that when I was invited to speak in Jombang they clapped as I finished my speech. Even Kyai Ahmad Siddiq, then General Secretary of the Legislative Council of *Nahdatul Ulama* (NU), said to me "I want to socialize your ideas among the NU organization". But the strong reactions came from the 'ulamâ' of Golkar and Muhammadiyah, who do not understand the ideas contained in the classical books of Islam. For those who have the classical inheritance of Islamic knowledge, they indeed know the formulae of legal codes, such as "the meaning of an act lies in the intention" and "tradition should be included in consideration of law". And for those who have this classical inheritance of Islamic teachings, differences in ideas should not matter, provided that they know the basis of the argument.

Your way of thinking seems

to be straight forward and consistent. But is it applicable to the provisions that have been determined by sunnah and the Qur'ân, or is your method is only operated on the basis of the dannî legal decisions?

There are at least four verses in the Qur'ân that give permission to man to use his female slaves for the purpose of biological needs instead of his wives. These verses are 4:3, 23:6, 33:52 and 70:30. Our Prophet always asked the masters of slaves to treat them humanely or to free them altogether. But the obvious fact about slavery is that until the death of the Prophet and the last revelation, Islam had not completely abolished it. Now we live in the 20th century, in which world societies have agreed to curse slavery in all its manifestations. What on earth would the world have to say about Islam, if, given those four verses as *nas al-sharîh* and *dalîl al-qath'i*, we still defended an Islamic *status quo* of slavery as existed in the period of our Prophet?

The reason put forward to explain the fact that slavery was not abolished before the Prophet's death, is that He worried about people's reactions should He abolish it.

If we follow this logic, we can ask: given the fact that even the Prophet himself considered public interest in such fundamental matter as slavery, shouldn't we, as the followers of Muhammad, follow His example?

By putting to one side the nature of qath'i-dannî as a provision, the legal ijtihâd could be applied to all matters. This means that the fixed provisions in the sunnah and the Qur'ân could also be altered and even ignored. Might not this method endanger the positions of sunnah and the Qur'ân as the main sources of the Islamic legal system?

The majority of prominent Muslim jurists are generally in agreement that there is *naskh* both in the Qur'ân and in the traditions of the Prophet. There are a number of Qur'ânic verses whose contents qualify or even abrogate the laws contained in other verses which were revealed to the Prophet earlier. There are also many sayings of the Prophet that revoke some of His earlier directives. At this juncture, I would like to quote two outstanding commentators on the verse 11:106 which says: "Surely our revelations that

we abrogate or cause to be forgotten, we bring (in place) one better or alike there of. Knowest thou not that Allah is able to do all things".

Commenting on this verse, Ibn Katsîr said: "Surely there is nothing in the human intellect that indicates the unacceptability (of the idea) of the abrogation of the laws of Allah the Most Supreme". Meanwhile, Musthafa al-Marâghî said: "Surely the laws are legislated for humanity's interests, and that interest differs in different eras and localities. So if a law is legislated at a time when the need is urgent, when the time comes when that law is no longer needed, it is wise to abrogate it and replace it with a (new) law more suited to the time. The new law will be better than the first or the like thereof from the point of view of people's interests".

Is this concept historically legitimized, or is it merely an effort to make Islam suitable to modern requirements?

During the 23 years of the Prophet's career; there were 21 occurrences of *naskh-mansûkh* (abrogator-abrogated). Al-Marâghî also considers the construction of law to be merely

intended for human interests. Muhammad Abduh says: "If there is a contradiction between reason and the provisions of the Qur'ân or *sunnah*, reason has to be preferred". The same view is also put forward by Abu Yûsuf and al-Tûfi. Remember that the time gap between Jesus and Muhammad was six centuries. During this time, God felt that He had to send a new Messenger. Meanwhile, the time gap between Muhammad and contemporary time is more than 14 centuries, during which several revolutions have occurred, such as the Industrial Revolution that has changed almost all modes of human life. Should we seek the tradition of the Prophet uncompromisingly?

During his rule, Umar Ibn al-Khattâb took a number of important decisions in the field of law. Despite the clear stipulation in the verse 9:60, about whom alms are to be distributed to, including newly converted Muslims *al-Mu'allafah qulûbuhum*, 'Umar ceased allotting a portion of alms to them. In the administration of spoils, 'Umar did not literally adhere to the pattern dictated by the verse 41 *al-Anfâl*, that one-fifth of spoils is to be allotted to Allah, he Messenger, his relatives, orphans, the needy and the

wayfarer, and the rest to be distributed to those who participated in the war. 'Umar left properties, in particular the lands of the newly conquered regions, to their original owners, and imposed on them a form of tax as a source of revenue to cover state expenditures, including the allowances of the members of what today might be called the "Standing Army".

How did the 'ulamâ' react to Umar at that time?

As is to be expected, Umar's courageous policies adjusting the original teachings of Islam to the new situation, caused heated arguments and friction between him and other senior companions of the Prophet. But in the end 'Umar came out as the winner, because he succeeded in convincing the others that his departure from the Qur'ânic text and the Traditions of the Prophet did not mean deviation from the objectives of the shari'ah.

If 'Umar's methods were to be applied to all of Muslim society, there would be unlimited variations of the legal system, which in turn would contradict each other. This kind

of contradiction often occurred in Muslim societies and, above all, it seems that the contradiction of the legal system itself is an unavoidable consequence of diversity. Indeed a conflicting legal system could be a precedence for other potential conflicts, such as in the Sunni-Shi'î schism.

The differences of opinion amongst the earliest Muslim jurists reflect the extent of the shari'ah's receptivity to the influence of human and other earthly factors, such as the personality of the individual jurists and the situation and condition in which they lived. For instance, the Sunni jurists were divided into two major groups: *ahl al-hadîth* and *ahl al-ra'y*. The first group, most of whom lived in Hijâz, chose to stick to traditions and were reluctant to resort to reason. The second group, the people of reason, mainly lived in Irak. This region was very different from Hijâz. Irak had come under the influence of Greek rationalism. It is interesting to note that in commercial law, Imam Abu Hanîfah's view is more practicable than that of the other three great jurists, Malik, Shâfi'î and Ibn Hanbal. This might be due to the fact that,

unlike the three *imâm*s who, by virtue of their occupation were not familiar with the commercial world, Abu Hanîfah belonged to a family of traders. His father was a trader. He himself was a trader and lived in a flourishing trading centre. So he had a better appreciation of the complexity of the problems of commerce.

The position you attained in the Department of Foreign Affairs as the second person from the Minister, and then your position as the Minister of Religious Affairs, indicates your deep involvement in both the political arena and religious life. During that time, you also intensely investigated the problems of Islamic politics. You wrote a thesis on Islamic politics, and you even wrote about the relationship between Islam and the state when you were still Minister of Religious Affairs. How did all of these begin?

I am a son of an '*ulamâ*' but not a prominent '*ulamâ*', so my father did not possess a Qur'ânic school (*pesantren*). As I was among *pesantren* society, I did not long to be a civil servant but to be an '*ulamâ*'. My father himself graduated from various traditional *pesantren*, such as Jamsaren, Termas and Tebu

Ireng. I completed my primary education in my village. I went to Public School in the morning and to Qur'anic School in the afternoon. But I did not finish my education in Public School, because I was dropped-out in class three. For my father, this did not matter at all, for it would not affect my intention of becoming an '*ulamá*'. The economic situation of my family was very poor. It was usual for me to go to school without having breakfast. Usually my mother went to the market to sell coconuts and on her way home she always bought a packet of rice and vegetables. She would call in to my school, and as the bell rang, I ran to her to grab the package. When I finished Primary Qur'anic School, my father did not have any money to send me to Secondary Qur'anic School. The nearest Secondary School available at that time was in the city of Solo, about forty kilometers from my village. But my parents firmly insisted on sending me to school. Finally I was recommended to study at *Mamba' al-'Ulúm*, a Qur'anic Secondary School established by the Solo Royal family intended to train *kadhi* (legal practitioners). Because my parents could not support me

financially, I had to stay at my mother's sister's house as this was free. Many students in my school also studied at Secondary Public School, such as Ahmad Baiquni, then Professor in atomic energy. But I could not study at Public School, because I did not have enough money to pay the tuition fees. Unfortunately, I did not feel at home in my aunt's house. I did not feel free, although the conditions were quite good. Finally my father looked for a simple house for me, for which I only had to pay the electricity and water. On average, my friends received ten guilders a month from their parents. Of course my parents could not afford to give me a stipend of such a large amount. I only received ten kilos of rice and one guilder per month. Sadly, this small capital was not always sent to me on time. It often came late. Meanwhile, all my friends had bicycles on which to go to school and I did not. I had to walk on foot to the school. By using bicycles, they could learn from many masters in different places. They did not have a problem buying books, whereas I had to borrow books from them. So, if I could not speak Dutch, it was because my father did not support me to do

so and I did not possess enough money to study in Public School.

When I finished studying in Solo, I dreamt of proceeding to al-Azhâr in Cairo, Egypt. Indeed this was an unrealistic dream. I could not afford to pay the tuition fees for Public School, let alone go to Egypt. Finally I taught at *Madrasah*, located in the countryside of Ungaran. When Indonesia gained independence in 1945, an Islamic University was established in Jakarta. Being aware of this news, I walked on foot to Semarang, then the capital city of the province of Central Java, 25 kilometers away from my work place, to meet the head of the Religious Office and to ask about the possibility of reading at that university. But as I finished explaining my aim, he said that although I had a chance of being recommended to study there, I also had to have a sum of money to pay for the tuition. Of course I did not have enough money. So, I walked home to Ungaran heavy headed.

When did you become involved in the political arena?

In the first years of the revolution I was engaged in the

regiment of Hizbullah. This regiment was then absorbed into the Indonesian National Army (*Tentara Nasional Indonesia*). I knew that I was not talented for army life, so I left and returned to the community and to study. While I was still active in the army and also after I had left it, I always kept in touch with Muslim politicians. During this time I started to understand politics and often heard about the idea of an Islamic state. I was provoked by this idea. But if I asked these politicians about the nature and the characteristics of an Islamic state, they would become angry. They were furious and regarded me as troublesome. There were only two people who did not get angry if I asked them, though they did not give me an answer: Muhammad Natsir and Wahid Hashim. They just laughed if they were asked about an Islamic state. At the time of revolution, I also had a step father, who always took me to many political summits and discussions. So, my insight into politics was shaped by my engagement in the political arena at the time of revolution.

The idea of an Islamic state always haunted my mind. Fortunately, my step father had a good collection of books on

politics. I started to know about the ideas of Muhammad 'Abduh, Rasyid Rida and others. Such books were not available in Solo. From this reading I wrote a short book entitled "*Mungkinkah Negara Republik Indonesia Bersedikan Islam?*" (Is It Possible to Base the Republic of Indonesia on Islam?). This book did not try to provide an answer, but merely proposed the problems. Although it was a simple book, 10,000 copies were sold in three months. At that time, books and literature were rare, so people were eager to find books and to get information.

One day, I came to Jakarta to meet my agent to check on the circulation of the book. He told me that Muhammad Hatta (the first Indonesian vice-president) wanted to meet me. I could not hide that I was happy, but I was also confused by this news. I knew Muhammad Hatta was a critical thinker. But finally I persuaded myself to meet him. I said to him that my book was not a serious book, being theoretically poor and not well-written. I told him that I just wrote what crossed my mind. I felt ashamed. He replied by saying that the quality of the book had indeed to be improved but that the analysis of the

contents had revealed the independent attitude of the author, which was not be easily found among '*ulamâ*'. Because of this, he offered me a scholarship. But I could not accept it, because I was to be married in two weeks time. At that time I was job-hunting. Hatta offered me work in the Department of Internal Affairs. I told him that I could not speak Dutch. Then he offered me work in the Department of Foreign Affairs and I accepted it with a hope of going to al-Azhâr in Egypt. But again my dream to study in al-Azhâr did not come true, because I was then recommended to study international relations in Britain. And I have been engaged in politics ever since.

How about your obsession with the idea of an Islamic state?

My desire to investigate the concept of an Islamic state did not decrease because of my involvement in the Department of Foreign Affairs. Between 1952-1953 I met an expert who greatly influenced me. This person had a broad knowledge of religion; he was also educated in Western science and had a good insight into philosophy. I persuaded myself to ask him

about the concept of an Islamic political system. As far as I can remember, he did not give me a definite answer about this. But I was shocked by his comment that he was not sure whether there was an Islamic system which could implement the political ethics of Islam better than *Pancasila*.

That was why, when I wrote my thesis at Georgetown University in 1959, I chose a topic that would also answer the problems which had always haunted me. As far as I know, Islam does not possess a preference for certain political systems. Islam only provides a set of values on political ethics.

What were the reactions of Indonesian politicians regarding your thesis?

Among the prominent thinkers whom I asked to read my thesis was Muhammad Roem. After several weeks, he returned it with a diplomatic smile without giving any comment. There was also a Muslim politician whom I asked to read the thesis. He told me that he regretted that I had written it merely on the basis of the principle of knowledge for knowledge's sake and not paid attention to the struggle of the *ummah*. I was confused. Should

I deliberate scientific principles and act against them in order to fulfill the demands of Islamic struggles? Should Islamic struggles oppose scientific principles?

Based on your economic and social background, the positions which you have achieved in the Department of Foreign Affairs, in the Department of Religious Affairs and in academic circles, will of course have given you and your family, reason to be proud.

Even though my career in the Department of Foreign Affairs was smooth, it did not mean that my father was satisfied. One day when I returned home to my parents' house, my father said: "Now you have succeeded in your career. You have become an ambassador. But when will you engage in religious learning?" For my father, my career was not complete until I combined it with religious deeds and studying religion in depth. For this reason, my father sent my younger brother to study in a modern Qur'anic school, Gontor, with the expectation of him becoming an '*ulamâ*'. When I was elected to the position of Minister of Religious Affairs, I thought that my father's prayers were answered. This post indi-

cated my return to investigate something that I used to do several years before, in accordance with my father's wishes.

About politics: is not an Islamic state the ultimate manifestation of the Islamic political struggle as shown by other Muslims around the world?

The Republic of Indonesia, which is based on *Pancasila*, is the final destination of Indonesian Muslim political aspirations. It is not a springboard for other purposes nor a step towards further destinations.

As a religion, Islam needs powerful support to ensure its existence. Without power, Islam or Muslims will not be free to practice their religious teachings. Based on this consideration, an Islamic state would be a strategic way to defend Islamic rights. Within the Indonesian context, the problem is that the state political system is based on a secular principle. So, the uneasy feelings of certain groups of Indonesian Muslims are therefore understandable.

In my view, there are three elements, and if these elements are constituted within a state, it would initially be called a

religious state or theocracy. Firstly, the state has to have an official or state religion. Secondly, the source of legal codes is the holy book of the state religion. Third, the head of the state is in the hands of the religious leaders, who act on behalf of the religion. Nowadays we cannot find any religious states that consist of these three elements, except for the Vatican if this country can be regarded as a state.

Indonesia does not have a state religion. Although 90 per cent of its population are Muslims, Islam is not the official religion of Indonesia. Based on democracy, the source of the Indonesian legal system is the aspirations of its citizens which are channeled through the legislative. The leader of the Republic of Indonesia is a common citizen elected and appointed by the legislative. For this reason, Indonesia, which is based on *Pancasila* and the 1945 Constitution, is obviously not a religious state or a theocracy.

Meanwhile, Indonesia is not a secular state either. A secular state separates the authority of religion from the authority of the state. Neither of these authorities can influence each other. This picture is not applicable to Indonesia. Not

until five months after the proclamation of Indonesian independence (or on 3 January, 1946) did the Indonesian government establish the Ministry of Religious Affairs which later become the Department of Religious Affairs. The task of this Department is to enhance religious life and to promote harmonious relationships among different religious adherents. Given these two tasks of this Department, the Indonesian government intentionally participates in people's religious lives. Thus, the Republic of Indonesia is not a secular state.

If I said *Pancasila* is the best political principle of Indonesia, it does not mean that I ignored Islam. Those who wished to establish an Islamic state were not intentionally wrong, but they were misled. In fact, they did not create anything. Islam has to be promoted through democratic principles. It is legal if *Pancasila* is colored by the values of Islam. And if we scrutinize the provisions issued by the parliament, not a single provision contradicts Islamic principles.

If we investigate the tendencies of Indonesian Muslims, we find that they do not have the courage to be seriously engaged in politics. They state that they

are the majority, but they do not choose the ruling party. Meanwhile, politics is about power. Just because of Islam, they prefer to support an Islamic party which definitely will not become the ruler. I was like that before. In the general election of 1955, I chose an Islamic party; my decision was based on religious rather than political interests. Reality now tells us that the absence of an Islamic party creates a better place for religious life in Indonesia. The puritanical Muslims often claim that other people are not committed to Islam. The facts tell me the opposite. When I proposed the Bill of Religious Jurisdiction, the support for my proposal did not come from *Partai Persatuan Pembangunan* (a party that used to be associated with Islam), but from other factions, most of the members of which were not puritans. So, I agree with the idea proposed by Nurcholish Madjid: "Islam yes, Islamic party, no."

To what extent can Pancasila ensure the practice of Islamic teachings?

It is stipulated in the *State Policy Guidelines* that the objective of Indonesian development is balanced social progress, where-

by Indonesian people will enjoy not only material advancement but also spiritual well-being. In the attainment of this objective, religion is given a prominent role in the nations' life. In the field of education, religious instruction is compulsory from elementary school to university. In addition to this there are over 21,000 elementary schools, 4,500 junior high schools and over 1,300 senior high schools that are Islamic, with a total enrollment of over eight million pupils. Moreover, along side the 42 state universities administered by the Ministry of Education and Culture, there are 14 State Institutes for Islamic Studies administered by the Ministry of Religious Affairs. In the field of law, Indonesia is more advanced than a number of other Islamic states. In our Republic, the Shari'ah Court has equal status with the other two courts, Public and Military.

The 'ulamâ's also have an important role in Indonesian national life. In 1975 the Council of 'Ulamâ' was formed. This was initially supposed to play a middle-man role, with the tasks of translating the government's policies into "language" understood by the *ummah* and of articulating the *ummah*'s aspirations to the government, supplement-

tary to the national parliament and other consultative bodies. The Council is also expected to give solicited and unsolicited advice to the government on religious matters. This third function has now been developed, accepted or even welcomed as a role of the Council of 'Ulamâ' as a kind of watchdog against the possible enactment of laws repugnant to the Islamic faith and teachings.

The independent position of the 'ulamâ' is politically strategic. But the functions of the 'ulamâ' are not central and they appear to be peripheral in terms of power relations. They only function as the middle-man without having the power to make any decisions. If this is true, the position of the Council of 'Ulamâ' is then a mere complement to other existing strategic institutions. Consequently, the function of the 'ulamâ' will not influence, let alone determine, the main interests of the government, i.e. the economic development program.

The achievements of the Indonesian economic development plan so far have been quite impressive. During the first Five Year Plan, 1969-1974, the country's economic growth was

on average 7% per annum. During the second Five Year Plan, 1974-1979, it rose slightly to an average annual rate of 7.2% and then dropped to 6% during the third Five Year Plan. But successful economic development will not improve the standard of living of people if the size of the population is disproportionally too large and has a high growth rate, because a high rate of economic growth can easily be overtaken by uncontrolled growth of the population. The efforts to solve Indonesia's population problems has been an uphill struggle, with all kinds of obstacles: fiscal, physical and psychological. The role of the 'ulamâ' in the popularization of the family planning program has been most decisive. Indonesians are extremely grateful to their 'ulamâ'. Whilst the 'ulamâ' remain strongly committed to the upholding of Islamic principles, at the same time they possess the moral courage to reinterpret Islam in the light of the conditions and situations which they face. So, they can maintain the relevance of the teaching of Islam within the world in which we live.

All right. Given the fact that the 'ulamâ' has a potential function, they would probably be more

able to tackle significant problems, if they have the power to do so. It seems that an Islamic political system would be of use to provide them with greater opportunities. They can involve themselves fully in more important roles and would not be trapped in a kind of compromise, which is sometimes quite problematic.

On many occasions, I have emphasized that we can learn from our history. We know that ever since the independence of Indonesia, the Islamic struggle and the fulfillment of the interests of Indonesian Muslims are only attainable through a constitutional strategy and should be in accordance with national aspirations. If some Indonesian Muslims try to act exclusively and prefer a short-cut in their struggle, they will definitely suffer a tragic failure, and, sadly, all Indonesian Muslims, who constitute the majority of the population, would have to pay a very high price for this failure.

From our history we note that the aspirations of Indonesian Muslims are better accommodated if Islamic parties no longer exist in this country. Since the beginning of the New Order, Muslim aspirations to have better religious facilities

and to enhance their religious life have been well accommodated by the government. They did not receive such substantial attention in the past when Islamic parties still existed in the Indonesian political arena.

Indonesian Islamic parties never gained absolute power. Even though Muslims constitute 90 per cent of the total population, they do not all prefer to channel their aspirations through Islamic parties. If we take the first general election in 1955 as an indicator, the total votes gained by all the Islamic parties only constituted about 45 per cents. So, at the time of Parliamentary Democracy, even if all the Islamic parties had united together, they would not have gained absolute power because they did not win an absolute vote in the parliament. Another fact which also weakened their position was that Islamic parties have never been able to work together. They were always in conflict. It was often found that an Islamic party had similar political aspirations and interests to those of a non-Islamic party, and another Islamic party also joined together with another non-Islamic party to attain certain goals. They could never agree on the election of a central figure to

lead all the parties.

In the history of Indonesian political parties, especially at the time of the parliamentary system, Islamic parties were involved in the government as a coalition. This type of government consists several different parties, including non-Islamic ones. Within a coalition, Islamic parties have to accommodate the interests and aspirations of the supporting parties. With a vote of less than 50 per cents, the Islamic parties could not easily implement their aspirations within government programs.

In the history of Indonesian politics, the conflict of interests among Islamic parties has been acute. Apart from this, the Muslim reluctance to vote for Islamic parties was also problematic. If these two problems could be overcome, Islamic parties would not have to work with other parties in a coalition. Do you see the prospect of this in the foreseeable future?

As long as Islamic parties still insist on Islam as the basic principle of the struggle, and as long as some Muslim communities still long for an Islamic state, every move made by Islamic parties will provoke

prejudices. This was clear when Islamic parties proposed Islamic Jurisdiction (the spirit of which was similar to provision No. 7, 1989) to the *Komite Nasional Indonesia Pusat* (Central Indonesian National Committee) in 1948. At that time all parties in the Committee rejected the proposal immediately.

I remember an occasion when I represented the government in order to investigate the Bill of Islamic Jurisdiction early in 1989. Some parties did not agree with the Bill and accused me of resurrecting the Jakarta Charter, whereas the proposal itself was put forward by President Suharto himself. I am sure that if the Bill had been proposed by Islamic parties, it would have been rejected from the outset. So, the important thing is not the building of Islamic parties, but the improving and implementing of Islamic values in our national life.

The reality of world politics also does not support the claim that Islam has a preference for certain political systems. Among Islamic states we can find a variety of systems: monarchy, constitutional monarchy, multi-parties, and also dictatorships. Which one is representative of Islamic political systems? It is a blatant fact that liberal

democracies never flourish in these so-called Islamic states. Moreover, their attention to the implementation of Islamic teachings is not greater than that in Indonesia.

If Indonesian Muslims have to recognize the plurality of cultures and religions in their nation, they also have to give up some of their sovereignty. Within social and political contexts, Indonesian Muslims have to accommodate other people's aspirations and cannot impose their interests over the other. Isn't this position problematic?

In this context, I invite you to remember the history of Islam. Not until two years after the Prophet stayed in Madinah, did he introduce a charter which regulated Muslims' internal lives and their relationship with the Arab communities, which had not yet received the revelation, and with the Jewish community of Madinah. This charter, later called the Madinah Charter, is regarded by Muslim political scientists as the first written constitution of an Islamic state. It is interesting that this Charter, which consists of 47 chapters, was able to provide basic political principles to the pluralistic

society of Madinah. All Islamic adherents, with their various cultural and tribal backgrounds, constitute a single society. The relationship between Muslim groups, and between Muslims and non-Muslims, was based on the principle of cooperation, whether in defending the state from external enemies or in taking care of the poor, helping each other and respecting each other's religious faiths. And above all, the Madinah Charter did not mention a state religion.

It is abundantly clear that Islam, as a matter of principle, is against the imposition of one over another by the use of force or coercion, even if this is in the name of religion. Al-Qur'ân clearly prescribes that there is no compulsion in religion (2:256). Islam also admits the plurality of faith, and at the same time respects freedom of choice. Al-Qur'ân cautions Prophet Muhammad against the temptation of forcing people to accept his message. Instead of trying to force others to accept Islam, al-Qur'ân appeals to Muslims to propose to both Jews and Christians that they reach an agreement that they – Muslims, Jews and Christians – shall worship none but Allah, that they shall ascribe no partner unto Him, and that none of

them should take others as Lords besides Allah. Should this proposal be rejected, Muslims are not permitted to make Jews and Christians agree to it by force.

If the Madinah Charter is taken as a model for a pluralist society like Indonesia, this has certain consequences. In the process of power, Islam has to accommodate other interests, and is not allowed to impose its own interests, let alone by force. In fact, in gaining power one has to take all kinds of risks. So the line separating the struggle of interests from a tolerant attitude becomes indispensable.

Islam permits Muslims to live in peace and to befriend non-Muslims, as long as the latter do not fight against Muslims on account of religion and do not drive them out of their homes. What Islam forbids is for Muslims to maintain non-cordial relationships with non-Muslims and to drive them out of their homes. Even if Muslims have to resort to the use of force in repelling transgressors they have to stop the pursuit at the very place where they were driven out.

If Muslims have to observe these codes of conduct in pro-

pagating Islam and in their dealings with non-Muslims, it is only logical that they have to refrain from the employment of force in solving differences amongst themselves. They have to treat one another as brothers, and to preserve peaceful and harmonious relations. They may be tough and hard towards disbelievers when circumstances so require, but they have to be more considerate to their co-religious brothers.

At this juncture it may be of some interest to recall the manner in which Islam was introduced to Indonesia, and its long lasting and beneficial impact on the life of the nation. Islam was not introduced into the archipelago through a military conquest. Instead it was introduced in a peaceful manner, by foreign Muslim traders who carried the faith along with them to the Indonesia ports that they frequented and where many of them finally settled. At first the Muslims living in the coastal towns were exclusively foreigners. In particular, on the northern coast of Java, the process of conversion was greatly facilitated by the decline of the Hindu empire of Majapahit, with the consequent weakening of the central government's control over the coastal provinces

and dependencies. The governors of these semi-independent coastal provinces, being interested in trade, were quite willing to establish friendly relations with these rich foreign merchants, although they were of a different faith, and were only too glad to marry their sons and daughters to their children. In a few decades the Javanese aristocracy of the coastal provinces had converted to a new faith. The constitution of Javanese society was such that after Islam had gained influence among the higher classes, conversion of the masses to the new faith followed almost automatically and quite peacefully.

Such a peaceful propagation of Islam implied forbearance, the relative absence of superior and belligerent attitudes, willingness to accept a gradual and less than complete uprooting of old values, tolerance on less essential matters, emphasis on the essence of the teaching of Islam rather than on its forms, and a willingness to co-exist with the remnants of the ancient systems or even to accommodate them. This had has a great deal of influence both in moulding the mental attitudes of Indonesian Muslims and in preserving Indonesian national cohesion.

Indonesian Muslims of today

seem to possess a good sense of balance. Religious radicalism never gains popular support, and religious extremist flare-ups never last long and can be easily localized. Despite the fact that they constitute around 90 per cents of the country's population, Muslims do not insist on Islam being taken, constitutionally, as the country's official religion. They are fairly con-

tented with *Pancasila* as the philosophical foundation of the Republic. They are convinced that it conforms with the codes of political and social ethics of Islam. The Indonesian constitution guarantees the total equality of all citizens, regardless of their religion.

Hendro Prasetyo

ستوديا اسلاميكا

مجلة أندونيسية للدراسات الاسلامية
السنة : ١ ، العدد : ١ (ابريل-يونيو) ١٩٩٤ م

هيئة الاشراف على التحرير:

عبدالعزیز دحلان
محمد ساتريا افندي
قمرالدين هدايات
مسطوحوه

واهب معطى
هارون ناسوتيون
مسلم ناسوتيون
محمد قريش شهاب
دين شمس الدين

محمد يونان يوسف

رئيس التحرير:

ازيوماردي ازرا

المحررون:

نور الفجر
يوهان هيندريك موليمان
سيقول مزانى
هيندرو براسيتير
بدري يتيم

سكرتير التحرير:

عارف سبحان

مخلص عين الرفيق

تصميم الغلاف:

س. برينكا
على اكبر

ستوديا اسلاميكا (ISSN : ٠٢١٥-٤٩٢) مجلة دورية تصدر اربع مرات فى العام عن جامعة شريف هداية الله الاسلامية الحكومية جاكرتا (STT/DEPPEN No. 129/DITJEN/PPG/STT/1976) برعاية وزارة الشؤون الدينية بجمهورية اندونيسيا ، وتخصص للدراسات الاسلامية فى اندونيسيا ، بقصد التبليغ عن نتائج البحوث والمقالات التى تبحث فى القضايا الاخيرة المتعلقة بالموضوع . وتدعو المجلة العلماء والمثقفين الى ان يبعثوا اليها مقالاتهم العلمية التى تتعلق برسالة المجلة .

تصدر المجلة بجاكرتا ، اندونيسيا .

عنوان المراسلات : ستوديا اسلاميكا ، جامعة شريف هداية الله الاسلامية الحكومية بجاكرتا ، شارع جواندا رقم ٩٥ ، تشيوتات ، جاكرتا الجنوبية ، الرمز البريدى ١٥٤١٢ ، الهاتف : ٠٢١٥-٧٤٠١٦٠٦ - ٧٤٠١٦٠٦ (٠٢١) ، الفاكس : ٧٤٠١٥٩٢ (٠٢١) ، رقم الحساب : ٠٢٧٧٩٣٠٠١ بنك نيجارا اندونيسيا ١٩٤٦ كبايوران بارو/جامعة شريف هداية الله الاسلامية الحكومية ، جاكرتا قيمة الاشتراك السنوى فى اندونيسيا : لسنة واحدة (٤ اعداد) : ٤٠٠٠ روبية (٢٠ دولارا امريكيا) ، لسنتين (٨ اعداد) : ٧٠٠٠ روبية (٣٥ دولارا امريكيا) ، قيمة العدد الواحد : ١٠٠٠ روبية (٥ دولارات امريكيا) وتسدد القيمة مقدما . وفى البلدان الاخرى يضاف الى قيمة العدد مبلغ ٤٠٠ روبية (دولاران امريكيا) للارسال بالبريد العادى . اما الارسال بوسائل خاصة فيرجى قبل ذلك الاتصال بالمجلة .