

# **Muslim's Perspective on Democracy; The Meaning, Foundation and Challenge Faced by Indonesia.**

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## **Abstract**

Since the fall of the New Order's authoritarian regime, Indonesia as a country with the largest Muslim population in the world is often praised as a country that has proven that Islam, democracy and modernity can grow and develop together. However, democracy in Indonesia does not escape the challenges associated with the return of the spirit of religion in political life. The problem is the return of religion to politics – and to public life in general – is a serious challenge to the rule of democratically enacted law and the civil liberties that go with it. Islamic activism or Islamism although they use freedom provided by democracy, actually rejects the principles of democracy and human rights which they see as contrary to the sharia and the absolute sovereignty of God. In the past thirteen years there has been a tendency for rising aspirations for Indonesia to be regulated by sharia law. The purpose of this research is to look for the meaning of Islam, sharia and democracy for Muslims, the theological foundations for Muslim to support constitutional democracy, and the challenges faced by Indonesia to transform the values of Islam as of well as the values democracy. The author argues that the consolidation of democracy in Indonesia is possible only if Muslims able to synergize between sharia and democracy. There are at least three challenges that must be faced by Indonesia; from authoritarianism perspective, from political and economic institution and from the morality of communication in democratic state.

*Keywords: Democracy, justice, plurality, sharia,*

## **1. INTRODUCTION**

As a country in the form of a republic that upholds people's sovereignty, Indonesia can be called a democracy. Since the fall of the New Order's authoritarian regime, Indonesia, a country with the largest Muslim population in the world, is often praised as a country that has proven that Islam, democracy and modernity can grow and develop together. Unfortunately, democracy is often seen by some as an 'obstacle' to the practice of Islamic law in Indonesia. As if Muslims want to practice the Islamic Sharia, they must renounce democracy. One of the banners found on the campus of UIN Sunan Gunung Djati Bandung in March 2014 reads : *Khilafah: Mainstream Perjuangan Mahasiswa, Tinggalkan Demokrasi Jalan Semu Perjuangan.* (Khilafah: The Mainstream Struggle for Student , Leave Democracy, Pseudo Path of the Struggle).

Some observers are worried that Islamic activists who always carry the theme of Islamic sharia will use democracy to kill democracy. Wendy Asbeek Brusse and Jan Schoonenboom in their article *Islamic Activism and Democratization* stated that regimes in the Middle East and their supporters in the West were reluctant to give Islamic politics the freedom to move and participate fully in national elections and parliamentary elections because they reasoned that when Islamic activism get access to politics and hold power, they will immediately end democratic competition. This is because they basically reject the principles of democracy and human rights which they see as contrary to the Sharia and the absolute

sovereignty of God.<sup>1</sup> Ralf Dahrendorf, a member of the British House of Lords and former rector of the London School of Economics, in his article also writes as follows: the return of religion to politics - and to public life in general - is a serious challenge to the rule of law and the civil liberties that go with it.<sup>2</sup> Conversely, some Islamic activists actually feel worried about democracy, because for them democracy will pave the way for the development of secularism, pluralism and liberalism. Somethings that according to the Indonesian Ulema Council (MUI) in its decision number 7 / Munas VII / MUI / 11/2005, are unlawful, because it will degrades Muslim's commitment to their own religious norms.

Therefore, without any effort to synergize between the demands of the Islamic Sharia and the demands of democracy, the differences between the two groups that have different perspectives can be even wider and can lead to conflict and violence which in turn will disrupt the integrity of the nation. By assuming that democracy does not threaten the beliefs of Muslims and Islamic Sharia able to be synergized with the democracy, this paper will explain the meaning of Islam, sharia and democracy, theological foundations for Muslims to support democracy, and the challenges and alternative solutions for practicing sharia in the context of Indonesia constitutional democracy.

## 2. THE MEANING OF ISLAM, SHARIA AND DEMOCRACY

There is a confusion that has arisen as a result of the different levels of meaning of the word Islam. In the one hand, it refers to a universal attitude of submission to the will of the Divine, and, on the other hand, it refers to an institutionalised religion, bound by a juridical code of law.<sup>3</sup> The confusion also occurs between the term of Islam and Islamism. While Islam is both a religious faith and a cultural system, but not a political ideology. The politicization of Islam in the last decades of the past century has created an increasing interest in contributions capable of drawing a clear distinction between Islam as a religion, thus as a cultural system, and the political use of Islamic cultural symbols resulting owing to the rise of the new political ideology of Islamism.<sup>4</sup> So, Islamism is about political order, not faith. Nonetheless, Islamism is not mere politics but religionized politics. In the case of Islamism, the religionization of politics means the promotion of a political order that is believed to emanate from the will of Allah and is not based on popular sovereignty. Islamism grows out of a specific interpretation of Islam, but it is not Islam: it is a political ideology that is distinct from the teaching of the religion of Islam.<sup>5</sup>

The term sharia in Arabic literary means a path or a way.<sup>6</sup> From this reading, sharia generally means the way or path that Muslims take to lead their lives – be it as individuals, as society or as a religious community. The term sharia is often used in present discourse as if it were synonymous with Islam itself as the totality of Muslim obligations in both the private, personal religious sense and vis-à-vis social, political, and legal norms and institutions.<sup>7</sup>

From the perspective of Islamic jurisprudence, sharia refers to Islamic law. As the sacred law of Islam, Islamic law is an all-embracing body of religious duties, the totality of Allah's commands that regulate the life of every Muslim in all aspect. Although Islamic law is a 'sacred law', it is by no means essentially irrational; it was created not by an irrational process

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<sup>1</sup> Wendy Asbeek Brusse dan Jan Schooneboom, 'Islamic Activism and Democratization' dalam ISIM( International institute for the study of Islam in the modern world) REVIEW 18, 2006

<sup>2</sup> Ralf Dahrendorf, "Is secularism coming to an end?", *The Jakarta Post*, November 15, 2006

<sup>3</sup> Roger Boase, ed., *Islam and Global Dialogue*, Ashgate, England, 2005, p.8.

<sup>4</sup> Bassam Tibi, *Islam Between Culture and Politic*, Palgrave Macmillan Ltd .2005, p ix

<sup>5</sup> Bassam Tibi, *Islam and Islamism*, Yale University Press, London, 2012. p. 1

<sup>6</sup> Qur'an chapter :45 verse:18

<sup>7</sup> Abdullahi Ahmed An-Na'im, "The Normative Relevance of Sharia in the Modern Context", in Rudolph Peters, Peri Bearman, *The Ashgate Research Companion to Islamic Law*, Ashgate Pub Co, 2014 p.311.

of continuous revelation but by a rational method of interpretation, and the religious standards and moral rules which were introduced into the legal subject-matter provided the framework for its structural order.<sup>8</sup>

Ideally or philosophically sharia is based on wisdom and achieving people's welfare in this life and the afterlife. Shari'ah is all about justice, mercy, wisdom, and good. But sociologically, in democratic era, sharia as a collection of *ahkam* (a set of positive rules), principles, a methodology, and a discursive process that searches for divine ideals, is a work in progress that is never complete.<sup>9</sup> This is what is called by Hallaq the evolution of Islamic law<sup>10</sup> As God's plan for mankind consisting of His prescriptions for human behavior, sharia is rather abstract concept which leaves ample room for various concrete interpretations by human beings. The classical sharia is the body of Islamic rules, principles and cases compiled by religious scholars in search of God's willing during the first two centuries after Muhammad. In this sense, sharia can be found in the classical works of religious scholars of the dominant legal schools (*madhab*), and therefore it is more concrete. The historical sharia includes the entire body of all principles, rules, cases and interpretation developed and transmitted throughout a history of more than one thousand years across the entire Muslim world. In this context sharia is not only develop but also plural. The plurality of sharia is not only because of the difference in obtaining the texts used to explore Islamic law, but also because of differences in the methods used by Islamic scholars to produce the law. It is the legal scholars who independently develop Islamic law as well as its articulators.<sup>11</sup> Therefore, the theological assumption that sharia is a fixed set of norms that apply exclusively to all Muslims must be dismissed on the basis of both legal and empirical evidence.<sup>12</sup>

Islamic legal systems grow from the efforts of pious individuals who truly want to know God's will. Individuals who are motivated by their religious commitment eventually form a circle or study group. Nearly a hundred years after the death of the Prophet Muhammad, or around 730 AD, individuals who have extensive knowledge and become educated people have more influence in society solely because of their knowledge. These experts rivaled the country's authority in the field of law by placing themselves as the articulators of the law. So, legal authority is based on the knowledge that a person has, not on power, politics or society. It is the legal expertise that makes a person have authority, not the political authorities or the state. So, Islamic law represents the views of legal experts. It was developed by individuals and legal science (*Fiqh*). In the classical history of Islam, the state does not take part in the legislative process. Books written by experts have more legal power. In contrast to other civilizations including Western civilization, where the State plays a role in the process of legislation and legal execution, in Islamic civilization the State is not involved in managing the law or in the process of creating and promulgating the law. Authority outside the political system has the role of creating it. Although the State does not formulate a law, the State adopts a judge to implement the law. So, the law remains independent of the State but the courts in the classical system are not independent. The sharia court was an apparatus of the state, but based on a law that was outside the state's domain.<sup>13</sup> The interplay between law and politics, explaining how the jurists and the ruling elite led a symbiotic existence and mutual dependency that – seemingly paradoxically – allowed Islamic law and its application to be uniquely independent

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<sup>8</sup> Joseph Schacht, *An Introduction to Islamic Law*, (Oxford University Press, 1964) p.1-4.

<sup>9</sup> Khaled Abou El Fadl, *Islam and The Challenge of Democracy; A Boston Review Book*, Princeton University Press, 2004, p.34.

<sup>10</sup> Wael B Hallaq, *The Origins and Evolution of Islamic Law*, Cambridge University Press. 2005

<sup>11</sup> Nurrohman Syarif, "Syariat Islam dalam Perspektif Negara Hukum Berdasar Pancasila", *Pandecta*, Volume 11, Nomor 2, Desember 2016, pp 160-173.

<sup>12</sup> Jan Michiel Otto, *Sharia and National Law in Muslim Countries*, (Leiden University Press, 2008) p. 9-11.

<sup>13</sup> Lubna A Alam (2007) Keeping The State Out: The Separation of Law and State in Classical Islamic Law, *Michigan Law Review*. 105 (6), pp 1255-1264.

of the “state.”<sup>14</sup> In the current time , particularly in democratic state, when Muslims want to transform Islamic values into the law of state or positive law , the best way is should be done through a democratic process in democratic constitutionalism.<sup>15</sup>

This is possible because, in history, Islamic law has a number of characters. First, Islamic law contains a moral value. The second is that Islamic law is basically personal, because it is related to faith. Every Muslim because of his faith consciousness, can practice Islamic law wherever he or she is. Islamic law can be practiced in an Islamic state or in a secular state. It is what is called by Juhaya S Praja, professor of Islamic law in State Islamic University Sunan Gunung Djati Bandung, a credo theory.<sup>16</sup> The third character, Islamic law was developed by legal experts. Amid the dichotomy of civil and common law, Islamic legal system can be called the third variant. It can be called juristic law because Islamic law in its history was explored and developed by Islamic jurists.<sup>17</sup> The fourth character, Islamic law is flexible and dynamic. Because it can basically change if there are social changes. The fifth character is that it is rational, because even though it comes from the words of God or from the believe system, it can be understood and in line with common sense or explanation of science. In Islamic teaching reason and revelation is not contradictory. The contemporary sharia contains the full spectrum of principles, rules, cases and interpretations that are developed and applied at present, throughout the Muslim world. New technologies of information and communication have decreased the dominance of legal schools of classical sharia. The variety of meanings of sharia has given rise to a flexible, multi-interpretable discourse about sharia.

Although there is a flexible, multi-interpretable discourse about sharia, it has an objective. The first objective of sharia is protecting basic human rights for all members of community irrespective of race, religion and culture. The second objective of sharia is establishing justice between Muslims and the rest of humanity. Equality is among the key message of Prophet Muhammad in his last sermon. Qur’anic legislation in the field of private and public life has social justice and the building of an egalitarian community as its end.<sup>18</sup> The third objective of sharia is providing benefits (*maslahah*) for human beings and removing hardships (*al-usr*) from them. Bringing about benefits and removing harm is essential in establishing a harmonious society. Any ruling that replaces justice with injustice, mercy with its opposite, common good with mischief, or wisdom with nonsense, is a ruling that does not belong to the sharia, even it it is claimed to be so according to some interpretation.<sup>19</sup>

So, sharia or Islamic law is like democracy, it experiences evolution from the perspective of Muslim’s understanding. Democracy, which in terms of language means that sovereignty in the hands of the people, in its development, was limited by a number of principles. At least there are four principles that are often used to guard democracy. First, the principle of rule of law, the second is the existence of free and fair elections, third, the protection of human rights, fourth, the active participation of citizens in political affairs and civil life. In its development there is no liberal democracy that allowed people to do whatever they want without limitation. The 2004 United Nations General Assembly (UN) resolution recommended seven things to manage democratic state:(1) the separation and balance of power

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<sup>14</sup> Wael B. Hallaq, *The Origins and Evolution of Islamic Law*, 2005, Cambridge University Press.p. 3.

<sup>15</sup> Robert W. Hefner, *Shari’a Politics; Islamic Law and Society in the Modern World* , Indiana University Press, 2011,p. 43.

<sup>16</sup> Juhaya S Praja, *Teori-teori Hukum Islam : Suatu Telaah Perbandingan dengan Pendekatan Filsafat*,Bandung, Program Pascasarjana Universitas Islam Negeri (UIN), 2009, p.107.

<sup>17</sup> Ann Black, Hussein Esmaili, and Nadirsyah Hosen, 2013. *Modern Perspective on Islamic Law*,UK: Edward Elgar Publishing Limited. p.xi

<sup>18</sup> Fazlur Rahman, *Islam and Modernity; Transformation of an Intellectual Tradition*, (University of Chicago Press, 1984) p.19.

<sup>19</sup> Jasser Auda, *Maqasid al-Shari’ah as Philosophy of Islamic Law, A Systems Approach*, (London,Washington: The International Institute of Islamic Thought, 2007.p. xxii.

(2) an independent of judiciary, (3) the pluralistic systems of political parties and organizations, (4) respect for the rule of law), (5) the existence accountability and transparency, (6) free independent and pluralistic media, and (7) respect for human and political rights.<sup>20</sup>

If democratic state respected human and political rights, Islam also promoted human rights. At least there are seven human rights that should be protected by state or society, namely: 1) the right to life and its enjoyment 2) the right to belief 3) the right to acquire knowledge 4) the right to disagree 5) the right to deliberation or undertake consultation 6) the right to equality and justice 7) the rights of the oppressed to free from the oppression. This is the basic right that if the people cannot enjoy it, the punishment in the sharia cannot be carried out fairly. Without putting an end to poverty, ignorance and the injustice of the rulers and the injustices of the strong against the weak, the punishment in Islamic criminal law cannot be accomplished.<sup>21</sup>

According to George Makdisi, the idea of humanism in classical Islam has a contribution to the development of humanism in the West. Makdisi said that "There is also evidence that Arabic books in the field of humanism were not unknown to humanists of the Italian Renaissance. In the very first words of his famous oration on the *Dignity of Man*, delivered to an audience of priests, Giovanni Pico della Mirandola begins by citing a Muslim intellectual approvingly: 'I have read, reverend Fathers, in the works of the Arabs, that when Abdala the Saracen was asked what he regarded as most to be wondered at on the world's stage, so to speak, he answered that there was nothing to be seen more wonderful than man.'<sup>22</sup>

According to Nurcholish Madjid, one of the Indonesia Muslim scholar, the values of Medina such as those spoken by the Prophet in the farewell speech (*wada* sermon) contain the sanctity of the human soul, property and honor (*al-dima wa al-amwal wa al-aradl*), then transformed into Europe through the chain a long process such as the crusade, through Italian philosopher Giovanni Pico della Mirandola who in 1486 delivered an oration about the Dignity of Man, then continued by John Lock and continued to Thomas Jefferson who in declaring the independent of America used a formula that resembled a formula which was chosen by the Prophet Muhammad in seeing the sanctity of the soul, freedom and the effort to obtain happiness.<sup>23</sup> Jefferson's concern on the fate of Muslim in the American's state is very clear in the Spellberg's book *Thomas Jefferson's Qur'an, Islam and the Founders*. One of the chapters in Spellberg's book even entitles "Could a Muslim Be a President?"<sup>24</sup> By quoting John Locke, Thomas Jefferson, in 1776, said that "neither Pagan nor Mahamedan [Muslim] nor Jew ought to be excluded from the civil rights of the Commonwealth because of his religion."

### 3. THE THEOLOGICAL AND CONSTITUTIONAL FOUNDATIONS FOR MUSLIMS TO SUPPORT DEMOCRACY

Theologically, in the Holy Qur'an, there are a number of verses that can be used as the foundation for democratic life, among them are. (Q=Qur'an and S= Surah/chapter)

- (1) The principle of respecting for humanity. (QS 17 :70)
- (2) The principle of freedom and individual responsibility. (QS :7-8)
- (3) The principle of equality of human beings before God. (QS 49:13)
- (4) The the principle of justice. (QS 5: 8)

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<sup>20</sup> Jennie S Bev, "Urgency of next form of democracy in Indonesia", *The Jakarta Post*, July 19,2013

<sup>21</sup> Mohammad Abed al-Jabri, *Democracy, Human Rights and Law in Islamic Thought*, Published in 2009 by I.B.Tauris & Co Ltd 6 Salem Road, London, p.251.

<sup>22</sup> George Makdisi, *The Rise of Humanism in Classical Islam and the Christian West, With Special Reference to Scholasticism*, Edinburgh University Press ,1990, p.353

<sup>23</sup> Nurcholish Madjid, *Cita-Cita Politik Islam Era Reformasi*, Jakarta , Paramadina, 1999, page. 258-260

<sup>24</sup> Denise A Spellberg, *Thomas Jefferson's Qur'an, Islam and the Founders*, Alfred A.Knopf, New York,2013.

- (5) The principle of human equality before the law. (QS 5: 8)
- (6) The principle of not harming yourself and others. (QS 2:279)
- (7) The principle of criticism and social control, (QS103:1-3)
- (8) The principle of keeping promises and upholding agreements. (QS 17:34)
- (9) The principle of mutual help for good, (QS 5:2)
- (10) The principle of respecting plurality (QS 5:48)
- (11) The principle of deliberation (*syuro*) in handling worldly affairs (QS 42: 38 and QS 3: 159)

However when scholars formulated the principles of sharia in managing the state, they are differ. Yusuf Musa mentioned two important pillars that must be enforced in administering government according to Islam. First, the principle of *syuro* (deliberation), second, the principle of justice.<sup>25</sup> Muhammad Husain Haikal mentioned several basic principles. The first basic principle is faith in the One God and that He is the one who must be worshiped. Then from this basic principle, several principles are born such as equality, brotherhood and freedom (*al-musawah, al-ikha* and *al-khurriyyah*)<sup>26</sup>. Danial Zainal Abidin mentioned three basic teachings in Islam that can be used to support democracy namely : 1) Islam endows its people for direct access to God 2) Islam has no race complex 3) Islam has banned human hatred and opened the way for human brotherhood and equality.<sup>27</sup> By allowing each Muslim for direct access to God, Islam actually more close to what is called by Ellwood folk religion.<sup>28</sup>

Practically, according to Nurcholish Madjid, the election of Muhammad to be a leader of the plural Medina community took place through a democratic process.<sup>29</sup> In Medina, the prophet Muhammad not only practiced the idea of democracy but also developed the concept of inclusive community. The word *ummah* in the Prophet era in Medina experienced an extension of meaning. The word *ummah* is not only used for the names of groups of people bound by *nasab* (blood) ties, but refers to groups in the broadest sense. The *ummah* is not only directed at the faithful group but includes those who want to fight with the believers, namely the entire population of Medina. Among the *Ansar* (people who reside in Medina) there were those who were not yet Muslims but they were included in the *ummah*, so were the Jews.<sup>30</sup> In practicing the principle of deliberation (*syuro*) in handling worldly affairs, the prophet Muhammad allowed Muslim to adopt the majority of votes, if there is no consensus. For instance, When the Prophet asked people to go to Uhud, he didn't want to go himself. But most of his followers said, 'We have to go' and the Prophet replied, 'OK, vote on the decision.' They voted to go and were defeated. The Prophet didn't blame them by saying: 'See I didn't want to go but you went anyway.' He didn't blame anybody. He taught that mistakes do not give us a right to abolish democracy.<sup>31</sup>

What is practiced by the Prophet Muhammad in Medina was praised by modern scholar in sociology such as Robert N Bellah. Bellah said that under Muhammad, Arabian society made a remarkable leap forward in social complexity and political capacity. When the structure that took shape under the prophet was extended by the early caliphs to provide the organizing principle for a world empire, the result is something that for its time and place is remarkably modern. It is modern in the high degree of commitment, involvement, and participation expected from the rank and file members of the community. It is modern in the openness of its

<sup>25</sup> Muhammad Yusuf Musa, *Nidzamul al-Hukmi fi al-islam*, Kairo, 1963, pp 177-178

<sup>26</sup> Munawir Sjadzali, *Islam dan Tata Negara*, Jakarta. UI Press, 1990.p.185

<sup>27</sup> Danial Zainal Abidin, "Islam The Misunderstood Religion" Penertbit PTS Millenia Sdn.Bhd, Bentong Pahang, Kualalumpur,2005, p. 15.)

<sup>28</sup> Robert Ellwood, *Cycles of Faith; The Development of the World's Religions* ,2003, p.193

<sup>29</sup> Nurcholish Madjid, *Cita-cita Politik Kita*, makalah ,1983, p. 12

<sup>30</sup> Ahmad Ibrahim al-Syarif, *Daulat al-Rasul fi al-Madinah*, Mesir, pp .99-100.

<sup>31</sup> Andreas Christmann, *The Qur'an, Morality and Critical Reason: The Essential Muhammad Shahrur*, Brill, Leiden, 2009, p.519.

leadership positions to ability judged on universalistic grounds and symbolized in the attempt to institutionalize a nonhereditary top leadership. The effort of modern Muslims to depict the early community as a very type of equalitarian participant nationalism is by no means entirely an unhistorical ideological fabrication. In a way the failure of the early community, the relapse into pre- Islamic principles of social organization, is an added proof of the modernity of the early experiment. It was too modern to succeed. The necessary social infrastructure did not yet exist to sustain it.<sup>32</sup>

Most Muslims agree with Montgomery Watt that the prophet Muhammad was not only a prophet but also a statesman (head of state).<sup>33</sup> Watt's opinion was in line with Tocqueville's finding when he said that Muhammed had not only religious doctrines descend from heaven and placed in the Koran, but political maxims, civil and criminal laws, and scientific theories.<sup>34</sup> What they are differ is how to depict the form of the state or how to emulate the prophet Muhammad in handling worldly affairs. While Nurcholish Madjid acknowledged the election of the prophet through democratic process, Harun Nasution, for example, said that the state formed by the Prophet Muhammad in Medina was clearly a theocracy in the sense of God's rule on earth through His representatives. Indeed, the Prophet Muhammad governed the country in Medina in accordance with the revelations revealed to him.<sup>35</sup> For me, what is clear is that Muhammad, through the constitution of Medina gave an example to his people how to synergize the demand of faith with the demand of constitution. Picture 1

The picture can be narrated that as a Prophet, Muhammad upheld the Scriptures to guide the believers. But as a statesman he upheld the constitution in the form of the Medina Charter. The Scriptures produce religious law (*fiqh / sharia*) and the constitution produces state law (positive law). Not all religious laws automatically become state law. Religious law which has not been or has not been transformed into state law is accommodated as a private matter for each community. The important point is that the prophet Muhammad did not make the Qur'an directly as a constitution to regulate them. Because not all residents of Medina are believers. The life together in the community of Medina was arranged through an agreement known as the Medina agreement. So, the principles of plurality or unity in diversity not only be narrated but also be practiced in Medina.

In explaining the relationship between religion and politics, Muhammad Khalid Masud through his analysis on the diverse interpretations of the doctrine from the Abbasid period to the twenty-first century, said that like twin brothers, religion and politics are separate in Islam albeit united in their origin. The doctrine of twin brothers stressed the separation, as well as interdependence, of the political and the religious in Islamic political thought; although society must be run in accordance with religious norms, no individual or institution could claim the religious authority that the Prophet Muhammad had. Rather, differences of opinion in religious and political matters must be decided by the consensus of the Muslim society.<sup>36</sup> In the language of An-Na'im : "Maintaining institutional separation between Islam and the state while

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<sup>32</sup> Robert N. Bellah, *Beyond Belief: Essays on Religion in a Post-Traditionalist World*, University of California Press, 1991, page 150-151.

<sup>33</sup> W. Montgomery Watt, *Muhammad Prophet and Statesman*, Oxford University Press, 196, p.94-95.

<sup>34</sup> Alexis de Tocqueville, *Democracy in America*, Harper Perennial Modern Classics, 2000, p.419-420.

<sup>35</sup> Harun Nasution, *Islam ditinjau dari Berbagai Aspeknya*, Jakarta, UI Press, 1988, hlm.23.

<sup>36</sup> Muhammad Khalid Masud, *Religion and State are Twin Brothers: Classical Muslim Political Theory*, Islam and Civilisation Renewal (ICR), 9.1, produced and distributed by IAIS Malaysia.

Website:

[https://www.academia.edu/37953905/ARTICLES\\_RELIGION\\_AND\\_STATE\\_ARE\\_TWIN\\_BROTHERS\\_CLASSICAL\\_MUSLIM\\_POLITICAL\\_THEORY?email\\_work\\_card=title](https://www.academia.edu/37953905/ARTICLES_RELIGION_AND_STATE_ARE_TWIN_BROTHERS_CLASSICAL_MUSLIM_POLITICAL_THEORY?email_work_card=title), accessed December 12, 2018

regulating the permanent connection of Islam and politics is a necessary condition for achieving the positive role of Shari'a now and in the future.”<sup>37</sup>

Historically, after the death of the prophet, the prevailing form of government in Islamic history was known as caliphate, which in reality was dynastic and authoritarian. For about 30 years after the death of the Prophet, Muslims succeeded in establishing a form of government with a strong democratic orientation, but upon the rise of the Umayyad Dynasty the democratic experiment came to an end, and power became concentrated in the hands of particular families or military forces.<sup>38</sup> In the history of Sunni community there is no one universally accepted doctrine of caliphate. The very basis of Sunni thought excludes the acceptance of anyone theory as definitive and final. What it does lay down is a principle: that caliphate is that form of government which safeguards the ordinances of sharia and sees that they are put into practice. So long as that principle is applied, there may be infinite diversity in the manner of its application.<sup>39</sup>

Constitutionally, Indonesia has determined *Pancasila* as the state's ideology, *Binneka Tunggal Ika* (unity in diversity) as its motto, the 1945 constitution as its constitution and the Unitary State of the Republic of Indonesia as the chosen form of state. *Pancasila* itself consists of five principles; Belief in the one and only God, fair and civilized humanity, the unity of Indonesia, populism led by wisdom in deliberation / representation and social justice for all Indonesians. In other words, the five principles of *Pancasila* are: belief in God, humanism, nationalism, democracy and social justice. The first principle is placed as the spiritual basis. The second principle is placed as the moral basis. The third principle is placed as a social orientation. The fourth principle is placed as the political orientation. And the fifth principle is placed as the goal.<sup>40</sup>

Constitutional democracy adhered to by Indonesia, in fact, in line with the principles of Medina constitution in the era of the Prophet. There are eight principles in the Medina Charter, namely (1) monotheism (2) unity and togetherness (3) equality and justice (4) religious freedom (5) defending the State (6) the preservation of good customs (7) supremacy of law / shari'a (8) politics of peace and protection. These eight principles also occurred in the constitution of Indonesia.<sup>41</sup> Therefore, ideologically and constitutionally there is no obstacle to practice, synergize or transform religious norms into national law. The first principle of *Pancasila* was often understood as the prove that Indonesia adheres the sovereignty of God. However, the sovereignty of God existed only in theological domain not in political reality. There are two domains in which each sovereignty was applied, namely the political domain for popular sovereignty, and the metaphysical or theological area for God's sovereignty. With these two domains, each type of sovereignty will not conflict with each other, because God only acts in the area of Muslim metaphysical consciousness, while humanity has full sovereignty in the political sphere. God always illuminates Muslim consciousness, including political consciousness. So, ideally, every human political action is thus "illuminated by the presence of

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<sup>37</sup> Abdullahi Ahmed An-Na'im, *Islam and the Secular State; Negotiating the Future of Shari'a*, Harvard University Press, England 2008, page 268

<sup>38</sup> Khaled Abou El Fadl, *Islam and the State: A Short History*, in Khaled M. Abou El Fadl, Said Arjomand, Nathan Brown, Jerrold Green, Donald Horowitz, Michael Rich, B, *Democracy and Islam in the New Constitution of Afghanistan* (2003) Published 2003 by RAND 1700 Main Street, P.O. Box 2138, Santa Monica, p. 13-16

<sup>39</sup> Hamid Enayat, *Modern Islamic Political Thought; The Response of the Shi'i and Sunni Muslims to Twentieth Century*, London, The Macmillan Press LTD, 1982. page 14.

<sup>40</sup> Masdar Farid Mas'udi, "Islam Indonesia vs NKRI", makalah disajikan dalam rangka bedah buku "SYARAH UUD 1945 : Perspektif Islam," di UIN Sunan Gunung Djati Bandung, Kamis 30 Juni 2011.

<sup>41</sup> Harun Nasution, "Islam dan Sistem Pemerintahan Sebagai yang Berkembang dalam Sejarah" dalam *Studia Islamika*, Nomor 17 tahun VIII (July 1985), LP IAIN Syarif Hidayatullah, Jakarta, p.11-12.



God".<sup>42</sup>

The first principle of *Pancasila* also often used by some scholars to denote that Indonesia is not secular state but religious state. This claim was supported by the fact that article 29 verse (1) of constitution said that the state shall be based upon the belief in the One and Only God. The second verse of article 29 said that the State guarantees all persons the freedom of worship, each according to his/her own religion or belief. However, despite the differences among scholars on whether Indonesia is religious or secular state, the main factor that determined how the state is democracy is not its acceptance to secularism but its acceptance to pluralism. It is pluralism—the peaceful coexistence and legal equality between different ethnic, religious or political ideologies—that defines democracy, not secularism.<sup>43</sup>

#### 4. THE CHALLENGES FACED BY INDONESIA

The index of democracy in Indonesia, according to Indonesia Statistic Office (BPS) is rise. If in 2016 the index is 70,09 in 2017 the index is 72,11. The index is measured by among other; civil liberty, political rights, democratic institution and freedom of expression. All of them are on the rise, except freedom of expression. The people participation in election, both in legislative and presidential election (2018) also high. People turn out in legislative election 81,69% and in presidential election 81,97% are higher than the target set by Commission of General Election (KPU), 77,5%. However, if measured by overall index from 2009-2019 it is up and down, with highest index 73,04 at 2014.

The total population of Indonesia is about 270 million people with 86 % of them are Muslims. Therefore, the consolidation of democracy in Indonesia is possible only if Indonesian Muslims see democracy compatible with Islamic teaching. In other words, the consolidation of democracy in Indonesia is possible only if Indonesian people ready to be genuine democrats who continuously preserve the ideals of democracy. There are many challenges faced by Indonesian in general and Muslims in particular to make Indonesia a successful democratic state.

The first challenge is the existence of authoritarianism. Authoritarianism, is the act of “locking” or captivating the Will of the Divine, or the will of the text, into a specific determination, and then presenting this determination as inevitable, final, and conclusive.<sup>44</sup> From the political perspective, authoritarianism is the religionization of politics, the promotion of political order that is believed to emanate from the will of Allah and not be based on popular sovereignty. The problem emerged when they exclusively claim as the only group who represented the will of God. This claim is contrary to the principle that Islam endows its people for direct access to God. After the death of the prophet Muhammad, no individual or institution could claim the religious authority that the Prophet Muhammad had. This claim also contrary to the principle of plurality and inclusivity. Without able to accept the principle of plurality, Muslims difficult to accept democracy. There are four key indicators of authoritarian behavior; (1) Rejection of (or weak commitment to) democratic rules of the game (2) denial of the legitimacy of political opponents (3) toleration or encouragement of violence (4) readiness to curtail civil liberties of opponents, including media.<sup>45</sup> Authoritarianism will produce

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<sup>42</sup> Luthfi Assyauckanie, *Ideologi Islam dan Utopia; Tiga Model Negara Demokrasi di Indonesia*, Freedom Institute, Jakarta, (2011) p. 106.

<sup>43</sup> Reza Aslan, *The Iraqi Constitution: A Model of Islamic Democracy*, *New Perspectives Quarterly*, Volume 23#1 Winter 2006. : Source : [http://www.digitalnpq.org/archive/2006\\_winter/aslan.html](http://www.digitalnpq.org/archive/2006_winter/aslan.html) diakses 18 Oktober 2010.

<sup>44</sup> Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women* (Oxford; One world Publications,)2001. P. 202.

<sup>45</sup> Steven Levitsky, Daniel Ziblatt, *How Democracies Die*. Crown Publishing Group, New York. 2018, p.55-5

totalitarian model of caliphate. It also will produce the spirit of tribalism, something that contrary to the principle of freedom and individual responsibility.

Based on the dynamic character of Islamic teaching, authoritarian or totalitarian system of caliphate should be revisited by Muslims themselves. The democratic system of caliphate which ever emerged in the first history of Islam is possible to be revitalized again. Because, for about 30 years after the death of the Prophet, Muslims succeeded in establishing a form of government with a strong democratic orientation. In addition, the election of the Prophet Muhammad as leader in the plural society in Medina is possible because of the democratic process. After being elected as a leader of plural society, Muhammad successfully instilling an open and inclusive society in which the leadership positions are able to be judged on universalistic grounds. He expanded the concept of *ummat* (community) so it able to accommodate all citizens of Medina who ready to be bound by “constitution”. Muhammad also successful in his attempt to institutionalize a nonhereditary top leadership and an equalitarian participant nationalism. Unfortunately, the necessary social infrastructure did not yet exist to sustain it.

It means that in the current context, democracy in Indonesia will flourish only if Muslims ready to accept the new concept of caliphate and reinterpret sharia law. Interpreting Islam or sharia will occur only if Muslims ready to open their mind and accepted the new meaning of *ijtihad* (individual reasoning). To me, the appropriate definition of *ijtihad* for current time is what is proposed by Fazlur Rahman, progressive thinkers from Pakistan. According to Rahman, *ijtihad* must be multiple effort of thinking minds – some naturally better than other, and some better than other in various areas – that confront each other in open arena of debate, resulting eventually in an overall consensus.<sup>46</sup> Fazlur Rahman is like Muhammad Ali Jinnah who see democracy in the blood of the Muslims, who look upon complete equality of mankind, and believe in fraternity, equality, and liberty.

Considering, authoritarian or totalitarian model of caliphate cannot be separated from authoritarian interpretation of sharia, in the new concept of caliphate, sharia should be understood as flexible and dynamic concept. In history, there are at least three methods to explore the meaning of sharia; *bayani* (juristic reasoning of religious text through linguistic approach), *Irfani* (exploring the meaning of Islam through intuition/illumination by using psycho-gnostic approach.) and *burhani* (the effort to explore the meaning of Islam through analytical discourse through logical approach). However, Islamism, for their refusal to popular sovereignty may destroy the principle of plurality in democracy. Islamism for their acceptance to ideology of jihadism has a tendency to accept ideology of totalitarianism. The totalitarian movements, according to Hannah Arendt, are mass organization of atomized, isolated individuals. Compared with all other parties and movements, their most conspicuous external characteristic is their demand for total, unrestricted, unconditional, and unalterable loyalty of the individual member. This demand is made by the leaders of totalitarian movements even before they seize power”<sup>47</sup>

Sociologically, there are three similarities between Islamism who adhere ideology of jihadism and the ideology of totalitarianism such as fascism and communism. Both are used the term vanguard, defenders and revolutionary to name themselves and used the term imperialist, capitalist, colonialist to name their enemy. Both are using violence indifferently. Substantially, there is no difference between the killing conducted by Adolf Hitler and Bin Laden. Both are glorifying the death. Jose Millan Astray, pro Nazi General exploited the concept *Viva la Muerta*, or “long live death”, while Bin Laden exploited the concept of *syahid* or martyrdom. How unconditional and unalterable loyalty of the individual member of extreme

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<sup>46</sup> Fazlur Rahman, “Islam challenges and opportunities” in Alford T. Welch and Piere Cachia,(ed.), *Islam: Past Influence and Present Challenge*, Edinbrugh: Edinbrugh University Press, 1979, page. 325.

<sup>47</sup> Hannah Arendt, *The Origin of Totalitarianism*, Harcourt, Brace, Jovanovich p.323

ideology able to inspire people to perform suicide attack on September 11 was well described by Reza Aslan in his book *Beyond Fundamentalism*.<sup>48</sup> By using the analysis used by Arendt and Aslan it can be argued that in the context of Indonesia, Islamism and communism is actually two side of the same coin. Both of them glorifying the totalitarian ideology.

Sociologically, base on data from the survey conducted by Wahid Foundation in 2016, 7,7% Indonesian Muslims are willing to take radical action if there is an opportunity. Based on projection that 150 million Muslims adults in Indonesia, 7,7% potentially equates to 11 Million people. In this survey, the potential of socio-religious radicalism was defined as people who participate, or willingness to participate, in event involving, or potentially involving violence in the name of religion. Data presented by Wahid foundation in the context of Indonesia is not so different with the data of Muslim in global level. John L Esposito and Dalia Mogahed in “Who speak for Islam” said that there are 7 percent of Muslims in the world who did believe 9/11 was justified. Data from the survey released by The Alvara Research Center at the end of October 2017, shows that 23.4 percent of students in Indonesia agreed to carry out *jihad* for the establishment of *khilafah* (caliphate) in Indonesia. There are 19,4 percent of Indonesia civil servants who pledged that Islamic ideology is more suitable for Indonesia.

So, it is right, when Karl Popper said that democracy should be continuously preserved base on the assumption that there may be anti-democratic tendency latent among the ruled and the rulers. Democracy might be ended if it is not preserved by democratic morality. “Democratic politics is hungry for morality tales”, said David Runciman in his book *How Democracy Ends*.<sup>49</sup> According to Popper, democracy should be defended because democracy provides invaluable battle for any reasonable reform. If democracy destroyed, all rights are destroyed. If democracy destroyed what will emergences is tyranny. For Popper democracy cannot be fully characterized as the rule of majority but also should brings the full protection of minority. However, the full protection of minorities should not extend to those who violate the law, and especially not to those who incite other to the violent.<sup>50</sup> The use of violence is justified only under tyranny which make reforms without violence impossible, and it should have only one aim, that is, to bring about a state of affairs which make reform without violence possible.<sup>51</sup> In sum, for Popper, the spirit of free, critical inquiry that governs scientific investigation should also apply to politics. According Habermas, there is a functional connection between the codes of law and power. Power has an intrinsic function for realization of collective goal. Power also has a function for political institutionalization of law. However, law also has a function as legal organization for the exercise of political power. Law also has an intrinsic function for stabilization of behaviour expectations.<sup>52</sup> So, if scientific investigation need to be criticized, the power and law also need to be continuously scrutinized. Base on the Rule of Law Index 2019 released by World Justice Project (WJP) in Washington DC, Indonesia index is stagnan. Since 2014 until 2019, the score of Indonesia is no more than 0,52 in the scale 0-1, the higher score is the better.<sup>53</sup>

The second challenge is how political and economic institution was managed. Because, democracy will be preserved only if the state has the capacity to overcome inequity and eradicate poverty. While Fukuyama believes that liberal democracy is the last evolution of the world ideology, the state that adopted democratic system not authomatically able to bring

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<sup>48</sup> Reza Aslan, *Beyond Fundamentalism; Confronting Religious Extremism in the Age of Globalism*, Random House, 2010.

<sup>49</sup> David Runciman, *How Democracy Ends*, Profile Book, 2018, p.207.

<sup>50</sup> Karl R. Popper, *Open Society and Its Enemies*, Princeton University Press, 2013, p.160-161.

<sup>51</sup> *Ibid*, p.151

<sup>52</sup> Jurgen Habrmas, *Between Facts and Norms; Contribution to a Discourse Theory of Law and Democracy*, , translated by William Rehg, The MIT Press, Cambridge, Massachusetts , 1996, p. 144.

<sup>53</sup> Kompas, 2 Maret 2019

prosperity for its people. In their book, *Why Nations Fail* Daron Acemoglu and James A. Robinson showed how political and economic institutions interact in causing poverty or prosperity.<sup>54</sup> It means that democracy actually need good governance. When democratic country failed to bring justice and prosperity, for instance because of the poor performance of political and economic institution, the elements of anti-democracy such as Islamism, easy to criticize democracy and gain more influence in society.

In the context of justice, the appropriate concept that suitable for current time is the concept of shared justice, introduced by John Rawls. Rawls believes that, in modern conditions, a conception of justice can achieve stability only if it can be the object of an overlapping consensus, that is, only if it can be morally endorsed by citizens who are also committed to diverse and partially conflicting moral, religious, and philosophical worldviews.<sup>55</sup> It is a shared justice that enables people to attain shared prosperity. In his paper entitle: "Lessons from the Anti-Globalists" Joseph E. Stiglitz, recipient of the Nobel Memorial Prize in Economic Sciences in 2001, said: "the only sustainable prosperity is shared prosperity. It is a lesson that the US and the rest of Europe must now learn."<sup>56</sup>

For Indonesian Muslim to attain justice and prosperity, they should participate in raising what is called 'Islamicity Index'. If measured by the Islamicity Index, Indonesia's score has not been encouraging. The Islamicity Index Foundation tries to measure the extent to which the values of the Qur'an are practiced in social relations between humans in various countries, not just Islamic countries. The findings are interesting. The highest Islamicity score, in 2017, is the country in the West such as New Zealand, the Netherlands, Sweden, Ireland, Switzerland, Denmark, Canada and Australia. Whereas a Muslim-majority country has an ordinary Islamicity score and tends to be low. For example: Malaysia (rank 43), United Arab Emirates (ranking 47), Indonesia (rank 74), and Saudi Arabia (rank 88). The conclusion of this research is: people who practice Islamic social values, actually occur in Western countries. Many countries that are even labeled themselves as Islamic countries have not succeeded in reaching the top ranks in practicing Islamic values.<sup>57</sup> In the Indonesian context, Aceh, one of the provinces in Indonesia, which through the special autonomy law, was allowed to implement Islamic law, turned out to be the poorest province on the island of Sumatra.<sup>58</sup> Formally the province of Aceh is considered to be the most Islamic province, but in reality, Islamic values have not succeeded in getting Aceh out of poverty.

The third challenge faced by Indonesian democracy is how Indonesia able to nurture the morality of communication in democratic state. Voegelin is right when he said that moral bases for communication is necessary in a democracy. Because some procedures of communication in our time are unfit for the achievement of moral purpose, or even destructive of morality. According to Voegelin, there are three kinds of communication; substantive, pragmatic and intoxicant communication. Substantive communication is communication that has its purpose in the unfolding and building of personality. This kind of communication is positive for democracy.<sup>59</sup> Pragmatic communication is a technique for inducing people to

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<sup>54</sup> Daron Acemoglu and James A. Robinson *Why Nations Fail: The Origin of Power, Prosperity and Poverty*, p. 44.

<sup>55</sup> Thomas Pogge, Michelle Kosch: *John Rawls; His Life and Theory of Justice*, Oxford University Press, USA (2007).page 41.

<sup>56</sup> [https://www.project-syndicate.org/commentary/macron-fight-against-populism-by-joseph-e--stiglitz-2017-05?utm\\_source=Project+Syndicate+Newsletter&utm\\_campaign=e00784fc40-sunday\\_newsletter\\_7\\_5\\_2017&utm\\_medium=email&utm\\_term=0\\_73bad5b7d8-e00784fc40-104745729](https://www.project-syndicate.org/commentary/macron-fight-against-populism-by-joseph-e--stiglitz-2017-05?utm_source=Project+Syndicate+Newsletter&utm_campaign=e00784fc40-sunday_newsletter_7_5_2017&utm_medium=email&utm_term=0_73bad5b7d8-e00784fc40-104745729)

<sup>57</sup> Denny JA, "NKRI Bersyariah atau Ruang Publik yang Manusiawi ?" dalam Satrio Arismunandar, NKRI Bersyariah atau Ruang Publik yang Manusiawi ?; Tanggapan 21 Pakar Terhadap Gagasan Denny JA, **PENERBIT** Cerah Budaya Indonesia (CBI), Maret 2019. Hlm. 2

<sup>58</sup> <https://news.detik.com/berita/d-4385686/aceh-provinsi-termiskin-di-sumatera> , accessed September 1,2019

<sup>59</sup> Eric Voegelin, *The collected works of Eric Voegelin, Volume 11, Published Essays 1953–1965*, p.47.

behave in such a manner that their behaviour will agree with the communicator's purposes, such as political or commercial purposes.<sup>60</sup> This kind of communication is maybe positive or negative for democracy. Intoxicant communication is the most negative kind of communication. According to Voegelin, the development of communication as an industry for pragmatic and intoxicant purposes is certainly a symptom of moral crisis.<sup>61</sup> If this kind of communication was not prevented it may destroy democracy.

For Voegelin, freedom and democracy were not something that can be guaranteed once and for all through installing a constitution. Although the state had a constitution that accommodated the principle of freedom and democracy, it can be paralyzed in its functioning by a majority bloc from the right and left.<sup>62</sup> In Voegelin's view, the morality of democracy is inseparable from rationality. The connection will be clarified by the definition of conscience. Conscience is the act of judgment by which we approve or disapprove our actions in the light of rational moral principles. In order to act rationally, a man must know who he is, in what kind of a world he lives, and what his station is in the order of being. A man who is confused about the essentials of his existence is incapable of rational action; and if he is incapable of rational action, he is incapable of moral action.<sup>63</sup>

Tocqueville added that moral action not only be based on rational action but also should be based on beliefs or ideas which can be used as unifying factor for all citizens. There is no society that can prosper without such beliefs or ideas. Without common ideas there is no common action, and without common action a social body does not exist. So, it is necessary that all minds of the citizens always be brought and held together by some principal ideas.<sup>64</sup> Indonesia actually has possessed these principal ideas, namely, *Pancasila* which belongs to Indonesia itself, which according to some recent surveys still be believed by people as a unifying factor. Base on survey conducted by *Kompas*, on May 2016, 95,3% respondents believe that Pancasila is the best ideology for Indonesia.<sup>65</sup> In 2018, Indonesian Institute of Science (LIPI), conducted survey and the result is that 95,6% respondents agree that *Pancasila* is the suitable ideology for Indonesia.<sup>66</sup> In 2019, the similar survey conducted again by *Kompas*, with the result is 95,8 %.<sup>67</sup> In the language of Habermas, *Pancasila* for Indonesian is "the basis of an existing value consensus".<sup>68</sup> In the context of Indonesia, the moderate Muslims, particularly who affiliated with Nahdlatul Ulama (The largest mass Islamic organization) or Muhammadiyah (the second largest) are needed to be supported to consolidate democracy because of their clear acceptance to *Pancasila* as the state ideology.

## CONCLUDING REMARK

If in the past, Muslims had succeeded in forming a government that had a strong democratic orientation, now the opportunity to make a similar government remains open. Islam or sharia can be compatible with democracy, because even though the sharia is basically inseparable from the beliefs of Muslims, the space of *ijtihad* (individual thought), especially those related to social life, is very open. Islamic sharia is not a dogmatic belief that cannot be

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<sup>60</sup> Ibid.p.48.

<sup>61</sup> Ibid.p.50

<sup>62</sup> Ibid.p.5

<sup>63</sup> Ibid.p.57

<sup>64</sup> Alexis Tocqueville, *Democracy in America*, translated, edited and with an introduction by Harvey C Mansfield, p.407.

<sup>65</sup> *Kompas* 29 Mei 2017

<sup>66</sup> *Kompas*, 31 Oktober 2018.

<sup>67</sup> *Kompas*, 3 Juni 2019

<sup>68</sup> Habermas, op.cit.,p.140.

reformed. It can grow and develop in line with the development of democratic consolidation in Indonesia. In the democratic era, the opportunity to incorporate sharia elements into law remains large even though the challenges are also large.

As an ethical, moral and spiritual foundation based on belief, the sharia for Muslims is paradigm. It can be implemented or practiced by Muslims without the legitimacy or dependency of the state. However, sharia law as a religious norms is possible to be transformed into a state law, only if it is adjusted to the principles and provisions of the constitution through democratic way. Since, philosophically the principles of Islam are in line with the principles of democracy, Muslims actually has no reason to reject democracy. The best way to functionalize Islamic values as well as to apply sharia in Indonesia is through democratic constitutionalism base on state ideology of *Pancasila*.

## 5. BIBLIOGRAPHY

1. Abou El Fadl, Khaled .2004. *Islam and The Challenge of Democracy; A Boston Review Book*, Princeton University Press,
2. Abou El Fadl, Khaled.2001. *Speaking in God's Name: Islamic Law, Authority, and Women* (Oxford; One world Publications,)
3. Abou El Fadl , Khaled.2003. , *Islam and the State: A Short History*, in Khaled M. Abou El Fadl, Said Arjomand, Nathan Brown, Jerrold Green, Donald Horowitz, Michael Rich, B.2003. *Democracy and Islam in the New Constitution of Afghanistan* Published 2003 by RAND 1700 Main Street, P.O. Box 2138, Santa Monica, p. 13-16
4. Abidin, DZ .2005., "Islam The Misunderstood Religion" Penertbit PTS Millenia Sdn.Bhd, Bentong Pahang, Kualalumpur.
5. Acemoglu, Daron and Robinson, James A.2012. *Why Nations Fail: The Origin of Power, Prosperity and Poverty*, Profile Books LTD, London
6. Alam, Lubna A. .2007. "Keeping The State Out: The Separation of Law and State in Classical Islamic Law". *Michigan Law Review*. 105 (6). 1255-1264.
7. An-Na'im, Abdullahi Ahmed .2014. "The Normative Relevance of Sharia in the Modern Context", in Rudolph Peters, Peri Bearman, *The Ashgate Research Companion to Islamic Law*, Ashgate Pub Co.
8. An-Na'im, Abdullahi Ahmed.2008. *Islam and the Secular State; Negotiating the Future of Shari'a*, Harvard University Press , England
9. Arendt, Hannah.1973. *The Origin of Totalitarianism*, Harcourt, Brace, Jovanovich
10. Aslan, Reza .2006. The Iraqi Constitution: A Model of Islamic Democracy, *New Perspectives Quarterly* , Volume 23#1 Winter 2006. : Source : [http://www.digitalnpq.org/archive/2006\\_winter/aslan.html](http://www.digitalnpq.org/archive/2006_winter/aslan.html) diakses 18 Oktober 2010.
11. Aslan, Reza.2010. *Beyond Fundamentalism; Confronting Religious Extremism in the Age of Globalism*, Random House
12. Assyaukanie, L. (2011), *Ideologi Islam dan Utopia; Tiga Model Negara Demokrasi di Indonesia*, Freedom Institute, Jakarta, 2011:84-217.
13. Auda, Jasser.2007. *Maqasid al-Shari'ah as Philosophy of Islamic Law, A Systems Approach*, London, Washington: The International Institute of Islamic Thought
14. Bellah, Robert N.1991. *Beyond Belief: Essays on Religion in a Post-Traditionalist World*, University of California Press.
15. Bev, J. S .2013. "Urgency of next form of democracy in Indonesia", *The Jakarta Post*, July 19
16. Black, A; Esmaeili, H; and Hosen, N .2013. *Modern Perspective on Islamic Law*, UK: Edward Elgar Publishing Limited.

17. Brusse, W. A.; Schooneboom, J, (2006) 'Islamic Activism and Democratization' in ISIM (International institute for the study of Islam in the modern world) REVIEW 18.
18. Christmann, A.2009. *The Qur'an, Morality and Critical Reason: The Essential Muhammad Shahrur*, Brill, Leiden.
19. Dahrendorf, R.2006. "Is secularism coming to an end?", *The Jakarta Post*, November 15
20. Denny JA, 2019. "NKRI Bersyariah atau Ruang Publik yang Manusiawi?" dalam Satrio Arismunandar.2019. *NKRI Bersyariah atau Ruang Publik yang Manusiawi ?; Tanggapan 21 Pakar Terhadap Gagasan Denny JA*, PENERBIT Cerah Budaya Indonesia (CBI), Maret.
21. Djiwandono, J. S.2006. "Misinterpreted democracy may lead to tyranny", *The Jakarta Post*, Oct.6
22. Enayat, Hamid. 1982.*Modern Islamic Political Thought; The Response of the Shi'i and Sunni Muslims to Twentieth Century*, London, The Macmillan Press LTD.
23. Ellwood, Robert,2003. *Cycles of Faith; The Development of the World's Religions*
24. Habermas, Jurgen.1996. *Between Facts and Norms; Contribution to a Discourse Theory of Law and Democracy*, , translated by William Rehg, The MIT Press, Cambridge, Massachusetts
25. Hallaq, W.B .2005. *The Origins and Evolution of Islamic Law*, Cambridge University Press.
26. Hazairin .1985. *Tujuh Serangkai tentang Hukum*, Jakarta, Bina Aksara, cet.ketiga.
27. Hefner, R.W.2011. *Shari'a Politics; Islamic Law and Society in the Modern World* , Indiana University Press.
28. al-Jabri, M. A.2009. *Democracy, Human Rights and Law in Islamic Thought*, Published by I.B.Tauris & Co Ltd 6 Salem Road, London.
29. Khallaf, A.W.1977.,*al-Siyasah al-Syar'iyyah aw al-Nizhaam al-Dawliyyah al-Islaamiyyahfi Syu'un al-Dusturiyah wa al-Kharijiyah wa al-Maliyyat*, Kairo, Dar al-Anshar.
30. Levitsky, Steven and Ziblatt, Daniel.2018. *How Democracies Die*. Crown Publishing Group, New York.
31. Lubis, N. A. F.1997."Islamic Legal Literature and Substantive Law in Indonesia", *Studia Islamika, Indonesian Journal for Islamic Studies*, Volume 4, Number 4, pp.33-92.
32. Madjid, N.1983.*Cita-cita Politik Kita*, makalah (paper)
33. Makdisi, George,1990. *The Rise of Humanism in Classical Islam and the Christian West, With Special Reference to Scholasticism*, Edinburgh University Press
34. Mas'udi, M. F. 2011. "Islam Indonesia vs NKRI", makalah disajikan dalam rangka bedah buku "SYARAH UUD 1945: Perspektif Islam," di UIN Sunan Gunung Djati Bandung, Kamis 30 Juni.
35. Masud, Muhammad Khalid *Religion and State are Twin Brothers: Classical Muslim Political Theory*, Islam and Civilisation Renewal (ICR),9.1, produced and distributed by IAIS Malaysia.
36. Musa, M. Y.1963., *Nidzamul al-Hukmi fi al-Islam*, Kairo
37. Nasution, H. 1985." Islam dan Sistem Pemerintahan Sebagai yang Berkembang dalam Sejarah" dalam *Studia Islamika*, Nomor 17 tahun VIII (July 1985), LP IAIN Syarif Hidayatullah, Jakarta, p.11-12.
38. Otto, J. M. 2008, *Sharia and National Law in Muslim Countries*,Leiden University Press, 2008
39. Pogge, Thomas and Kosch, Michelle.2007. *John Rawls; His Life and Theory of Justice*, Oxford University Press, USA
40. Popper, Karl R.2013. *Open Society and Its Enemies*, Princeton University Press

41. Praja, J. S .2009. *Teori-teori Hukum Islam : Suatu Telaah Perbandingan dengan Pendekatan Filsafat*, Bandung, Program Pascasarjana Universitas Islam Negeri (UIN)
42. Rahman, Fazlur. 1984. *Islam and Modernity; Transformation of an Intellectual Tradition*, University of Chicago Press
43. Rahman, Fazlur, “Islam challenges and opportunities” in Alford T. Welch and Piere Cachia, (ed.), 1979. *Islam: Past Influence and Present Challenge*, Edinbrugh University Press
44. Salim, A.M.1994. *Konsepsi Kekuasaan Politik dalam al-Qur’an*, Jakarta, Rajawali Press
45. Schacht, J.1964., *An Introduction to Islamic Law*, Oxford University Press.
46. Sjadzali, M.1990. *Islam dan Tata Negara*, Jakarta . UI Press
47. Spellberg, Denise A .2013.*Thomas Jefferson’s Qur’an , Islam and the Founders*, Alfred A.Knopf, New York
48. Syarif, N. 2016., “Syariat Islam dalam Perspektif Negara Hukum berdasar Pancasila”, *Pandecta*, Volume 11. Nomor 2. Desember
49. Syarif, N.; Arifin, T and Al-Hakim, S. 2017. “Sharia in Secular State - The Place and Models for Practicing Islamic Law in Indonesia”.In *2nd International Conference on Sociology Education - Volume 2: ICSE*, ISBN 978-989-758-316-2, pages 52-60. DOI: 10.5220/0007104306920700
50. al-Syarif, A. I., *Daulat al-Rasul fi al-Madinah*, Mesir
51. Tocqueville, Alexis, *Democracy in America*, translated, edited and with an introduction by Harvey C Mansfield
52. Tocqueville, Alexis .2000. *Democracy in America*, Harper Perennial Modern Classics
53. Watt, W. M.1961. *Muhammad Prophet and Statesman*, Oxford University Press.
54. Widodo, S. A.2007. “Nalar Bayani, ‘Irfani dan Burhani dan Implikasinya Terhadap Keilmuan Pesantren”, *Hermenia, Jurnal Kajian Islam Interdisipliner*, Vol.6.Nomor 1, Januari-Juni
55. Voegelin, Eric, *The collected works of Eric Voegelin, Volume 11, Published Essays 1953–1965*



**PICTURE 1**  
**MUHAMMAD PROPHET AND STATESMAN**

