

Two Failed Attempts to Islamize the Indonesian Constitution

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In 1945 Indonesian politicians endeavouring to create a constitution for their hoped-for Indonesian state engaged in heated debate about the place of Islam in that state. However, the compromise at which they arrived, the famous “seven words” of the Jakarta Charter, was abruptly erased on 18 August, the day after the independence proclamation, by the committee charged with finalizing and validating the Constitution. Subsequently, there have been two further formal efforts to Islamize the Indonesian Constitution, the first in the late 1950s in the Konstituante (Constituent Assembly) and the second during the constitutional amendment process at the turn of the twenty-first century. Both failed. A comparative analysis of these latter efforts — with a particular focus on the nature and changing content of Islamist thinking on the Constitution and its relation to Islam — and on the differing contexts on which the debates took place, informs explanation of the dismal failure of both.

Keywords: Indonesia, constitution, Jakarta Charter, Islamist, Sukarno, Guided Democracy, *reformasi*.

The draft constitution for Indonesia prepared in mid-1945 by the Committee to Investigate Preparations for Independence (Badan Penyelidik Usaha-usaha Persiapan Kemerdekaan, BPUPK) contained a preamble, later termed the Jakarta Charter, which included the “obligation to practise Islamic law for all Muslims” (*kewajiban menjalankan syari’at Islam bagi pemeluk-pemeluknya*), a prescription repeated in Article 29, as well as the stipulation that the president be a Muslim. Those provisions were stripped from the draft when

the Constitution was finalized and validated by the Committee for the Preparation of Indonesian Independence (Panitia Persiapan Kemerdekaan Indonesia, PPKI) on 18 August 1945, the day following the proclamation of independence (Elson 2009, pp. 119–21). Although disappointed at the time at the loss of their minimalist demands, Islamist politicians held high hopes that a subsequent democratic election would demonstrate their political strength and enable them to recast the Constitution in more overtly Islamist terms. While those hopes were disappointed in the gridlocked elections for parliament and for the proposed Constituent Assembly (Konstituante), which failed to deliver Muslim majorities to those bodies, Islamists were not thereby deterred. The following decades witnessed two formal efforts to Islamize the Indonesian Constitution. The first came in the context of the debates and politicking that surrounded the works of the Konstituante between 1956 and 1959. The second, much more muted, came during the final stages of the process of amending the original 1945 Constitution between 1999 and 2002. Both efforts failed.

Given that a public sense of Islamic identity has notably strengthened in Indonesia since 1945, and given the customary energy — if not the immediately evident political potency — of Islamism,¹ it seems both interesting and important to ask, in a comparative way, how and why both these serious efforts to Islamize the Constitution (themselves separated by an interval of more than forty years) emerged as they did and how and why they failed. I attempt to do this by exploring the nature, content and broader political context of Islamist thinking in Indonesia in relation to the Constitution at the time of each of these latter attempts to Islamize it in order to establish whether (and if so, why) that thinking changed in notable ways between the late 1950s and the early 2000s. I also explore why both attempts were unsuccessful in achieving their aims. In doing so I make considerable use of quotation from the sources in order to demonstrate the varieties and, often, the subtleties and occasional differences in thinking amongst Islamists. This analysis might help to explain, especially to a non-specialist audience, why the Constitution that underpins the political architecture of the nation with the largest

Muslim population on earth retains its quasi-secular character. The first attempt, begun in a context of open, highly contested politics, was characterized by grand intellectual endeavour twinned to fatal incapacity for meaningful compromise. The second, made following the very significant progress in Muslim social advancement under the later New Order, was intellectually shallow, purely demonstrative and politically clumsy.

Islamist Longings

The sense in Muslim circles that Indonesia should develop to become a state based on Islam had been gathering strength from the late 1920s. By the mid and late 1940s, the idea that the Republic of Indonesia, to which nearly all Indonesian Muslims were deeply attached and with which they strongly identified, was a Muslim country and should eventually come to have Islam as its basis had long been common currency amongst Muslim leaders, teachers and intellectuals; indeed, many saw the attainment of independence as the indispensable means towards that end (Nieuwenhuijze 1958, pp. 162–64; Nasution 1965, pp. 78–79). The freedom of Indonesia was seen as a necessary condition for the proper practice of Islam, and resistance to the Dutch as an integral component of the struggle.²

As early as October 1945, the Yogyakarta branch of Masyumi, the recently established Muslim umbrella organization, had declared that “the Islamic community of Indonesia must fight on the road of Allah, reject the slander of colonialism and tyranny and uphold the religion of Allah and the freedom of the State of the Republic of Indonesia” (*Djiwa Repoeblik*, 20 October 1945). Masyumi’s 1945 Basic Principles included “the implementation of Islamic ideals in state affairs” (quoted in Noer 1987, p. 118). The 1946 Masyumi conference in Solo had determined “to strengthen and perfect the bases of the Constitution of the Republic of Indonesia so as to bring into being an Islamic society and an Islamic State” (quoted in Aboebakar 1957, p. 357; see also pp. 360–61). Masyumi’s 1946 Urgency Program (Program Usaha Cepat) had called for “a State of the Republic of Indonesia based on Islam” (Aboebakar 1957,

p. 360). In March 1948 at the third Masyumi congress in Madiun, chairman Sukiman Wiryoanjojo clearly enunciated the notion that the Republic was the vehicle for the realization of the Islamic state, a view with which another powerful Masyumi figure, Mohammad Natsir, was in accord.³ The progressive Masyumi leader, Mohamad Rum, like Natsir himself, saw no necessary contradiction between the 1945 Constitution and an Islamic state — “the Pantja Sila are all principles of Islam”.⁴

The Masyumi view of the need for an Islamized Indonesian state continued to gain strength (Panitia 1982, p. 177). In 1951 Natsir asserted that “what were brought by the Prophet Mohammed were various standards for managing a state, to be implemented by the state so that the state can become strong and prosperous, and can become the best means for attaining the purpose of human life” (Natsir 1951, p. 16).⁵ By the following year the party’s basic principles included the aim “to implement the teaching and law of Islam in the life of every person, in society, and in the state” (quoted in Puar 1978, p. 167). In 1953, and in a similar vein, Natsir remarked that “the Islamic community is convinced that the teachings and norms of Islam are intended for the happiness for all mankind and can be implemented anywhere and at any time” (Natsir 1957, p. 120). For the noted West Java Masyumi leader, Isa Anshary, the Muslim community strove “to secure a state favoured by God’s approval (*negara keridlaan Ilahy*)” (Anshary 1949, p. 13).

Masyumi was not alone in professing such sentiments. In its newly minted 1952 Program of Action, Nahdlatul Ulama (NU), the traditionalist Muslim organization that had recently split from Masyumi, called for “a national State based on Islam”, as well as a variety of rights and freedoms (quoted in Boland 1982, p. 51). A 1953 congress of Muslim scholars and preachers also decided “that the State is based on Islam; its ordinance [is] based on the Quran and Hadith, its form is republican; and the head of the state should be a citizen who is a Muslim” (quoted in Naim 1960, p. 56). At its congress in March 1953, the Partai Sarekat Islam Indonesia (PSII) — which itself had earlier split from Masyumi — asserted

its aim that “the Law of the Indonesian State be based on Islam”, as well as that the head of state be a Muslim (quoted in Abdulgani 1954; see also Abdulgani 1964?, pp. 36–37). The following month a congress of Muslim teachers and preachers in Medan, chaired by Daud Beureueh, similarly asserted that the state be based on Islam, and that its head of state be a Muslim (Abdulgani 1954).

Masyumi’s struggle programme of 1954 aimed for a “state of law (*negara hukum*) based on the teachings of Islam” (quoted in Aboebakar 1957, p. 396), while asserting at the same time a state guarantee of freedom of religion. More generally — bearing out Feith’s conclusion concerning the “diffusely moral” nature of Indonesian political thinking at the time (Feith 1970, p. 18) — there was a sense in the country that the compounding difficulties and misery facing independent Indonesia were a function of “moral flaws” that sprang from inattention to religious matters; “there is only one strong tool [to change things for the better]: ‘Religion’” (Wondiamiseno 1952, p. 23; see also Tjokrosujoso 1953, pp. 17, 23).⁶

The Masyumi-led governments of Natsir and Sukiman in the early 1950s,⁷ constrained by the exigencies of coalition and an agenda of more immediately pressing concerns, did nothing to implement an Islamist agenda.⁸ Serious divisions and splits occurred within the Muslim political community, the most noteworthy of which was the separation in 1952 of Nahdlatul Ulama from Masyumi over disaffection at Masyumi’s intellectual arrogance and political dominance (especially its claim to the well-lubricated Ministry of Religious Affairs), its modernizing pretensions, and its unmoving focus on the political rather than the religious aspects of national affairs (Nasution 1965, pp. 91–93; Boland 1982, p. 46; Castles 1966, p. 43; Aboebakar 1957, p. 563). Electoral competition and friction amongst Muslim parties also developed (Nasution 1965, p. 103). Nevertheless, Islamist longings persisted. Indeed, according to an eminent scholar, the differences between Masyumi and NU “were more cultural than anything else” (Geertz 1995, p. 5).

An important reason for the persistence of these longings was that members of the Muslim group perceived that the political elite,

especially Sukarno, was deeply opposed to their Islamist thinking, and that it brought against that thinking the ideology of Pancasila in such a way that Pancasila became identified as an anti-Islamic notion (see Nasution 1992, pp. 65–66). Their suspicion was reflected in Isa Anshary's comment that "the Muslim community is acknowledged as the largest in Indonesian society, but in the current parliament it is a minority group, a small group" (Anshary 1953, p. 7). He noted that

in Indonesia at the present time there is a cold war between Islam on the one hand and on the other those who call themselves Islamic and aren't. The central question is whether the state is to be based on God's laws or not. Let there be a demarcation line between the Islamic and the non-Islamic groups, let us be rid of those who are half-and-half. The Quran was totalitarian. The Islamic State, as established by Muhammed himself ensured generous protection of the religious rights of Christians and Jews, but it gave no protection to hypocrite Moslems. (quoted in Naim 1960, p. 57)

The elite's support for Pancasila derived partly from fears of the Islamic state awoken by Kartosuwiryo's Darul Islam rebellion, which emerged in the late 1940s, and a sense that an Islamic basis for the state would be incapable of providing the necessary means to respond to the challenges of modernity, but mostly from the sense that Indonesian unity required a broad foundation to accommodate the country's differences. Were that foundation to be foregone, the great fear was that the nation might be broken asunder (Abdulgani 1964?, pp. 38–39; Abdulgani 1964?, p. 71).⁹ In the words of I.J. Kasimo, head of the Catholic party, "only Pancasila can guarantee unity and cooperation among all groups in Indonesia" (*Suluh Indonesia*, 3 May 1956). For the noted nationalist ideologue Ruslan Abdulgani, "the philosophy of Pancasila is ... a necessity for the integrity and unity of the Indonesian Nation" (Abdulgani 1954).

In an attempt to weaken attacks like Isa Anshary's, and to leave some ground for a compromise, Natsir sought to present himself as accepting of Pancasila.¹⁰ In 1953 he noted in comparing Indonesia with Pakistan that

Indonesia [is] an Islamic country by the fact that Islam is recognised as the religion of the Indonesian people, though no express mention is made in our constitution to make it the state's religion. But neither has Indonesia excluded religion from statehood. In fact, it has put the monotheistic belief in the one and only God, at the head of the Pantjasila.¹¹ (Natsir 1954, p. 1)

And, in May 1954, denying that Muslims wished to remove Pancasila and affirming their loyalty to the Independence Proclamation (Natsir 1957, p. 150), he declared that Pancasila was not in contradiction with the teachings of the Qur'an, and even reflected some of its contents, "but this does not mean that Pancasila is identical with or comprises all the teachings of Islam.... Pancasila does not mean Islam" (Natsir 1957, p. 149). He even asserted to an interviewer that "Natsir is for full religious freedom to the extent that he feels it is allowable for a Mohammedan to become a Christian if he wishes",¹² and that there would be "no first and second class citizens in [an] Islamic state".¹³ That ecumenical sentiment would not long survive (Santosa 2004, pp. 15–16).

Anti-Muslim sentiment was only further enhanced with the acceptance by the Indonesian Communist Party (PKI) of Pancasila as the Republic's foundation. That party's untroubled reception in November 1954 of an ideology, the first principle of which was belief in God, strengthened the vehemently anti-Communist Masyumi¹⁴ in the view that Pancasila itself was not just being employed in a partisan style — rather than representing an umbrella ideology for all Indonesians — but was insufficient and even problematic as a basis for the state (Nasution 1965, p. 98; Dahm 1969, p. 345; Purwoko 2001, p. 45).¹⁵ Pronouncements that forbade Muslims from joining the PKI, penalized those Muslims who did by labelling them as apostates and excluding them from important Muslim rituals such as Islamic burial, and required Muslims to vote only for those candidates who supported the application of shariah reflected growing Muslim opposition to the resurgent PKI (Nasution 1965, pp. 102–3). That attitude, in turn, allowed the PKI to paint Masyumi leaders as being opposed to Pancasila (Feith 1962, p. 359; Feith 1957, p. 13).

Sukarno had made his own views eminently clear. In a speech at Amuntai in January 1953, the president positioned himself unmistakably as an enemy of the Islamic state:

If we establish a state based on Islam, many areas whose population is not Islamic, such as the Moluccas, Bali, Flores, Timor, the Kai islands, and Sulawesi, will secede. And West Irian, which has not yet become part of the territory of Indonesia, will not want to be part of the Republic. (quoted in Nasution 1992, pp. 30–31)

Notwithstanding efforts on the part of Masyumi leaders like Natsir and Sukiman to minimize its significance, and Sukarno's later efforts at elucidation ("I did not for a moment harbour the thought of prohibiting the Muslims from bringing forward or propagandizing the Islamic ideals. Not at all." [Sukarno 1953, p. 45]), the speech caused a fierce uproar in Muslim circles (Feith 1957, p. 11; Anshari 1997, pp. 68–70; Naim 1960, p. 53; Noer 1987, p. 131). When he later attempted to clarify his ideas and even to moderate his tone — "Islam is not something as, it is said by people, a private business. Islam does not know the limit between what is used [*sic*] to be called 'Religion' and the social life, the state life.... Islam is not merely a religion — but Islam is a way of life.... Yes, Islam has constitutional ideals" — he did not give much ground, denying the view that early understandings of Islam had included the notion of an Islamic state (Sukarno 1953, pp. 43–45). For Sukarno, "this Pantjasila is already a compromise, which has asked from us our blood and tears" (p. 55). His speech at Makasar in May 1954, when he appeared to praise the mystical tendencies of simple peasants, earned him a fatwa from local religious teachers (see Anon. 1958?, vol. 2, pp. 248–49), and made others think that Pancasila stood for nothing concrete (Anshari 1997, p. 76). In the following year he proclaimed

The constitution which we will bring into being is a constitution for the state which we proclaimed in the year '45, not for another state, and not for a new state.... The basic intentions, the basic resolve of our people had truly been clearly pictured in the

proclamation of '45 ... that the state formed at the proclamation of 45 was based on "Panca Sila". (*Suluh Indonesia*, 21 November 1955; see also *Suluh Indonesia*, 25 November 1955)

Also in 1955, Sukarno asserted that "Pancasila is the one and only foundation that can bring together, unify the Indonesian nation which consists of different religions, ethnic groups and customs and traditions." He expressed the hope that Pancasila "will remain as the foundation of the Constitution which later will be determined by the Konstituante" (*Suluh Indonesia*, 24 September 1955). He did not desist from his persistent message; in May 1956 he declared that "we have long aspired to a large dwelling for the nation of Indonesia without differentiating on the basis of ethnic group, custom and tradition and religious belief.... We must thank God that the nation we proclaimed was based on Pancasila" (*Suluh Indonesia*, 5 May 1956).

The results of the elections of late 1955, first for a parliament and later, in mid-December, for a Constituent Assembly to draft a new constitution (the Konstituante), came, following a "prolonged and bitter election campaign" (Feith 1962, p. 554), as a crushing blow to many Muslims. Masyumi's performance in East and Central Java was especially poor, and overall it received more than 100,000 fewer votes in the Constituent Assembly election than it had gained in the earlier parliamentary polls (Feith 1957, pp. 57, 64). With an election outcome that delivered to them just less than 44 per cent of the vote, Muslim parties saw their long-expected, long-awaited parliamentary and Constituent Assembly majority suddenly evaporate. Since Islam was the numerically dominant religion in Indonesia, Muslim political leaders, notably within Masyumi, had expected a winning electoral performance by Muslim parties in the elections (Fealy and Plattdasch 2005, p. 78).¹⁶ Many non-Islamist politicians had, fearfully, shared this expectation.¹⁷

In August 1945 Muslim disappointment at the failure of the draft constitution to win endorsement from the PPKI had been cushioned by the expectation that a Muslim victory at general elections would better reflect the popular will and provide the means

to remove the Constitution and Pancasila (“which cannot bring satisfaction to most people, because its content is not firm”) and draft a new constitution based on Islam (Anshary 1953, pp. 8–9). But, notwithstanding pressure from numerous Islamic organizations and conferences enjoining, even obliging, Muslim voters to vote for Muslim candidates who espoused the application of Islamic law (Ahmad 2001, p. 241; Naim 1960, p. 56; Nasution 1965, p. 103; Boland 1982, p. 52), and notwithstanding the fact that the elections were a contest of “major symbols representing alternative ideologies, alternative bodies of meaning-creating ideas, alternative categories of personal identification” (Feith 1962, pp. 355–56), less than half the electorate voted for Muslim parties. The result was that, of the 544 seats in the Konstituante, only 230 were held by the eight-party Islamic bloc. But, provided that its members were of one mind, that bloc could equally prevent non-Islamic forces from gaining the two-thirds majority needed to pass a new constitution.¹⁸ One effect of the election campaign and its aftermath seems to have been a significant sharpening of the antagonisms between the proponents of Pancasila and those of the Islamic state (Effendy 2003, p. 38).¹⁹

The Konstituante, 1956–59

Notwithstanding the relative failure of Muslim parties in the elections of 1955, when the Konstituante convened in 1956, Islamist members wasted little time in pressing their demands. Meeting in late November, the Fraksi Islam (Islam Faction), as the bloc of Islamic parties was known, proclaimed its unity and its determination to struggle for a constitution based on Islam. That the realm of Indonesian Islam “was a badly divided world” (Lev 1966, p. 8) made this proclamation something quite remarkable. Natsir spoke of struggling for “the ideals of the life of the state which sprouted in the breast of the Islamic community long before the ideals of the 1945 revolution”. NU’s Zainal Arifin spoke of framing a constitution that reflected the “wishes of the majority people, the Muslim people” (*Suluh Indonesia*, 29 November 1956). W.A. Rachman of PSII

proclaimed that “the law that must be in force in Indonesia is the law of Islam” (ibid.).

That the Muslim parties chose to carry the battle forwards notwithstanding the electoral stalemate might indicate the desire to give their thinking a higher profile and also to fulfil the expectations of and provide a measure of satisfaction to their supporters. Perhaps it was even meant to provide a means of proselytization (Lev 1972, p. 52).²⁰ Alternatively, they might have thought that, provided that their demands were at the minimalist end of the scale, they might well be able to exploit divisions amongst their opponents. Indeed, there is evidence of some efforts at compromise between Islamists and the Indonesian National Party (PNI) in the months before debate on the question of the basis of the state began in late 1957; under the pressures exerted by the secularists (including both Sukarno and the PKI) on the one hand and the Muslim constituency on the other, these efforts came to nothing (Lev 1966, pp. 129–30). However, a certain forbearance was evident in the choice of the deputy chairs, two of them from the Muslim group — something thought in some quarters to demonstrate “the brilliance of the spirit of tolerance of the Pancasila bloc” (Editorial, *Suluh Indonesia*, 22 November 1956). Equally, once debate was joined, it soon became clear that the Konstituante was deeply divided between the forces pressing for an Islamized state and those championing Pancasila.

Such Muslim notables as Mohammed Natsir, Kasman Singodimejo, Jamaluddin Datuk Singomangkuto, Zainal Abidin Ahmad, Mohammad Rusyad Nurdin, Parjono Surjodipuro and Isa Anshary led the battle for the Islamic state (Panitia 1982, p. 195). The battle over the basis of the state was fought most strongly in the Konstituante’s third plenary session in November–December 1957 — “the debate was ideological, absolutist, and antagonistic” (Nasution 1992, p. 41) — and in the early months of 1959. The late 1957 session ended with the combatants farther apart than ever; further debate, accordingly, was held over so that the Konstituante’s Preparatory Committee could look to find some workable compromise (Nasution 1992, pp. 41–42, 55).

One might summarize the Islamist case in the following terms. First, the most pressing and all-embracing claim was that Islam was the message of God for humanity; the only way to happiness and prosperity was by observing God's law. That law could not be shunted off to a private domain, since Islam was a civilizational message that affected and was relevant to every domain of human life, both private and public (Nasution 1965, p. 127).²¹ For Kasman Singodimejo, "Islam is universal from Allah" (Anon. 1958?, vol. 1, p. 169). "There is no division between mosque and state, separation of religion from state", remarked Muhamad Sukarna Sutisna Senjaya of the tiny Sundanese party GERPIS (vol. 1, p. 143). Mohamad Syafii Wirakusumah (PSII) remarked that "Islam is the rule of God, a Law made by God who is Most Perfect, [and] which has no flaws" (vol. 1, p. 58). "Only God", asserted Achmad Zaini (NU), "is the source of all truth" (vol. 1, p. 272). "Islam", argued Zainul Abidin Syuaib (Masyumi), "is the religion and teaching of the Lord God who made all this world.... Pancasila is the product of a creature made by God" (vol. 2, p. 365). Sovereignty, remarked Natsir, was "truly the possession of the One and Only and Most Powerful God, while the power or authority which we necessarily practise is a holy mandate, a sacred trust which must properly be implemented within the limits of God's will" (vol. 1, pp. 139–40). Moreover, Islam contained all those desirable qualities that might underpin a state. For Muhamad Sukarna Sutisna Senjaya, "Islam is anti-imperialist, Islam guarantees freedom of religion, Islam is anti-exploitation of the worker, Islam is for co-existence, Islam imposes a duty to fight against poverty, Islam stands for humaneness, for humanity, in fact for justice" (vol. 1, p. 145). Kasman remarked that "Islam cleanses national and ethnic life from the sickness of chauvinism and racism" (vol. 1, p. 171). More generally, Natsir, for his part, declared that "Islam provides the fundamental eternal principles to regulate worldly life. Apart from that it explains the limits of what is permitted and not permitted, the limits of what is proper and what is not, the limits of what must be attended to by mankind for the safety and prosperity of both the individual person and of society" (vol. 1, p. 130).

Second, Islamists sought refuge in what might be called the majoritarian argument. That is, since Muslims made up so large a proportion of the Indonesian population, Islamic belief should comprise the basis of the Indonesian state (Nasution 1992, p. 76). According to Natsir, “among the well-known principles of democracy are: 1. the group in power must obtain the assent of the majority, 2. the other minority groups obtain from the majority a guaranteed right of life in society.... the state must first of all reflect what is truly the life, especially the philosophy of life, of the greater part, the majority, of its people” (Anon. 1958?, vol. 1, p. 114). Zainal Abidin Ahmad, also of Masyumi, made much the same point, noting that the same principle should apply were the majority of the people non-Muslims (vol. 1, p. 374). Moreover, noted Natsir, that Muslim majority had made great sacrifices “to defend the freedom and sovereignty of the Republic of Indonesia” (vol. 1, p. 140).²² Islam, to Kasman, was “truly in accord with the identity of the Indonesian Nation” (vol. 1, p. 186), a view echoed by many other Islamist supporters, including K.H. Mansur (vol. 2, p. 461), K.H. Masykur (vol. 3, p. 48), and Hamka (vol. 3, p. 65). Islam, according to Syamsiah Abbas of the small Central-Sumatra-based Perti (Pergerakan Tarbyah Islam, Islamic Education Movement) “has become the prime national pivot (*sendi*)” (vol. 1, p. 239).

Third, Islamists in the Konstituante advanced the claim that the values central to their belief system already incorporated the values being advanced by their opponents (Nasution 1992, p. 77). For Islam, that assertion involved an emphasis on the comprehensiveness of Islam. “Islam”, Wirakusumah remarked, “cannot be separated from the affairs of worship nor from political affairs nor the affairs of governance.... Islam covers all branches of human activity, it covers matters of politics, matters of the economy and other similar things” (Anon. 1958?, vol. 1, pp. 58, 60–61). For Osman Raliby (Masyumi), “the Islam which we profess as a religion is also a philosophy of life which comprises all aspects of life ... the life of the spirit and the life of the body, moral and material life, social and economic life, political life, culture and religiosity” (vol. 3, p. 169). For Kasman, “Islam requires democracy based on a consensus which supports

truth and right” (vol. 1, p. 173). Islam, according to Syamsiah Abbas (Perti), was also a guarantee of equality between the sexes (vol. 1, p. 240). Indeed, noted Kasman, Islam provided “a positive basis for tolerance for fellow-believers, in fact providing responsibility for defending religious freedom” (vol. 1, p. 186). Further, Islam “cleanses the life of the nation and its ethnic groups from the sickness of chauvinism and racism”, remarked Kasman (vol. 1, p. 171). By contrast, as Anwar Sutan Amiruddin, the sole member of the Tarekat Unity Party (PPTI), remarked, “the principles (*sila*) in Pancasila are neither sufficient nor perfect to serve as the Basis of the State” (vol. 2, p. 101).

Fourth, Indonesia’s salvation and prosperity were ineluctably tied to the achievement of the Islamic state. Thus, remarked Wirakusumah, “a state which does not employ Islam as the Basis of the State and as the Basis of Law, such a state cannot be said to be a united and pure state.... such a state is still at a provisional level” (Anon. 1958?, vol. 1, p. 62). For Natsir, “the teachings of Islam ... have the perfect characteristics for the life of the state and society and can guarantee a life of harmony based on mutual respect between different groups in the state” (vol. 1, p. 116). Moreover, “there is not a single one of the five *sila* which make up the Pancasila which will disappear or fall, if you accept Islam as the Basis of the State.... [I]n Islam there are fixed norms, in which the pure concepts from the five *sila* obtain real substance, obtain soul and spirit” (vol. 1, p. 129). “It is something very beautiful indeed”, remarked Saifuddin Zuhri (NU), “if a nation and its people make the laws of religion into the ordinances of the state, thereby achieving a harmonious conformity” (vol. 1, p. 404). With Islam as its basis, noted Muhamad Sukarna Sutisna Senjaya, “the state can truly accomplish its most important tasks” (vol. 1, p. 147). In the words of Ali Mansyur (NU), “Islam can save this world. Other bases [of the state] are hazy and not firm and cannot guarantee the well-being of society” (vol. 2, p. 113). Isa Anshary, with characteristic bluntness, went further: “Islam as the rule and law can answer all the problems of humanity, the problems of all nations in all ages” (vol. 2, p. 201).

Fifth, an important component of the Muslim bloc's case in the Konstituante was the notion that the fateful (and, in Kasman's words, mistaken) (Panitia 1982, p. 213) decision by the Muslim group in the PPKI to permit the erasure of the "seven words" of the Jakarta Charter was a function of the emergency circumstances of the time and Sukarno's promise that an elected MPR would be able to revisit the issue in the future.²³ The removal of those seven words, which were, according to Isa Anshary, "a promise and a hope, a guarantee and an assurance for the whole Islamic Community, that its Religion would obtain its proper base in the structure and arena of social and state life" were "felt by the Islamic community to be a kind of conjuring trick still covered by a fog of secrecy" (Anon. 1958?, vol. 2, pp. 185–86). It was indeed, in the words of the prominent Masyumi figure Abdul Kahar Muzakkir, a "treachery" through which the Pancasila itself had been "destroyed", because "the principles which brought about the noble morality which resulted in the Pancasila of the Jakarta Charter were lost from the form of the Pancasila" (vol. 3, p. 38).

In spite of the range of arguments offered in its support, the Islamist programme nevertheless presented significant procedural and political problems. First, there remained a distinct lack of a detailed and thoroughgoing analysis of just what an Islamic state might look like; the prevailing political and ideological contestation, of course, was not conducive to discussions that might "imply imperfections in the Islamic struggle that could only benefit ideological antagonists" (Lev 1972, p. 246). There was also much confusion and differences among its Muslim champions about just what constituted an Islamic state. On basic questions of law, Masyumi's refusal to concede any authority to *fiqh* (Islamic jurisprudence) and to insist on the original sources of Islamic law, the Qur'an and Sunnah, had long distanced it from NU (Nasution 1965, pp. 147–50). As far as the architecture of an Islamic state was concerned, there was also confusion:

For Natsir ... the Republic of Indonesia, with its belief in the Absolute One God as specified in the Pantja Sila, was already an Islamic State. For Anshari [Isa Anshary] the Islamic state is

one in which the Islamic shari'ah is implemented. Such is also the understanding of H.M. Saleh Suaidy.... For K.H. Asnawi Hadisiswoyo, the Islamic state seems to be a state run by Muslims though its laws may be the adat and not the shari'ah. (Nasution 1965, pp. 138–39)

There was a view among the Islamic group that the Republic of Indonesia was already fulfilling many of the conditions of the Islamic state. In the mind of Z.A. Ahmad, the existing republic already featured many of the defining qualities of an Islamic state, so that “the state that we now have can be made the stepping stone, or to use the words of Bung Karno the golden bridge, [in the endeavour] to create the Islamic state of Indonesia” (quoted in Nasution 1965, p. 75). Mohamad Rum similarly thought that “the present Constitution [i.e., the 1945 Constitution] can be the basis of an Islamic state. The Pantja Sila are all principles of Islam.”²⁴ Natsir, perhaps, came closest to specifying the architecture of the Islamic state, remarking that Islam was not relevant to the technical and transient aspects of governance, but only to the unchanging and transcendent aspects of human life (Nasution 1965, pp. 142–43). But even he never attached himself to any explicit formulation of the content of shariah (Maarif 1985, p. 129). Masyumi, internally divided between its more progressive Westernized faction and a more traditional, religiously educated group, asserted its preference for a republican form of the state, and for the exercise of popular sovereignty and competitive, tolerant democracy, though within the limits of what Islamic law allowed. It also favoured respect for human freedoms, including freedom of religion, and for human rights and ethnic difference; its respect for that last was reflected in the notion of a bicameral parliament with a senate based upon the regions. But there was no strong sense of just what the “teachings of Islam” might be, or to whom and how they might be applied (Nasution 1965, pp. 123–24, 151–60, 165–68, 182–83). NU was even more vague; as Nasution noted of the party’s leaders, “with their strong adherence to the *madhhabs* and their traditional approach to Islam, perhaps, [they] find it superfluous to write about the Islamic state, since the theory

of the *khilafah* has been dealt with by medieval jurists such as al-Mawardi, Ibn Jama'ah and others" (Nasution 1965, p. 125).

Second, the proclaimed inclusiveness of the Islamic message had the effect of raising grave doubts among non-Muslims about Muslim assurance that Islamic law would apply only to Muslims. The application of Islamic law was seen, of course, as a serious threat to religious freedom, related human rights and, indeed, to the unity and integrity of the Indonesian state itself. The Indonesian National Party (PNI) figure, Suwiryo, argued in a speech to the Konstituante in November 1957 that "if Pancasila is abandoned, the liberty and freedom of the People of Indonesia will be lost and a just and prosperous society will not be realised". Indeed, he went on to say, that "it was not the State of the Republic of Indonesia that gave birth to the idea of Pancasila, rather it was the idea of Pancasila that gave birth to the State of the Republic of Indonesia" (Anon. 1958?, vol. 1, pp. 5, 7). For the PKI delegate Sakirman, Pancasila was "the one and only basis that can be accepted by the greatest number if not all of the groups in Indonesian society" (vol. 1, p. 15). The Indonesian Christian Party (Parkindo) delegate Wilhelm Johannes Rumambi remarked that, "if the Basis of the State supports only a part of the Indonesian nation or society, then certainly any other part of the Indonesian nation and society will leave the structure of the Indonesian State" (vol. 1, p. 190).²⁵ Asmara Hadi, of the small Movement to Defend the Pancasila (GPPS), while professing his love for Islam, argued that since the state was ultimately an "organization of force", making Islam the basis of the state would inevitably result in force being applied to the practice of religion (vol. 1, pp. 257–58). The Socialist Party intellectual Takdir Alisyabana noted that states that had Islam as their basis did not have as good a record in recognizing human rights as those states that did not (vol. 2, p. 34). The Christian PNI member Arnold Mononutu asked, in the event that Islam became the basis of the state, "what will happen to human rights?" That outcome, he remarked, would be "tragic for the Christian community in Indonesia" (vol. 2, pp. 349, 352). Sukarno, in a speech in early June 1958 commemorating the

“birth” of Pancasila, remarked that “there is no other way which can unify the Indonesian nation except the philosophy of Pantja Sila” and called for the Konstituante to accept Pancasila as the basis of the state (*Suluh Indonesia*, 6 June 1958). In his 1958 Armed Forces Day address, Army Chief of Staff A.H. Nasution asserted, “Pantja Sila ... cannot be separated from the Proclamation of 17 August 1945 and cannot be separated from sacrifice of the tens of thousands of the TNI [Indonesian Army] in order to achieve that Proclamation” (paraphrased in *Suluh Indonesia*, 4 October 1958); other commanders similarly placed Pancasila at the core of the Republic’s revolutionary struggle and its identity.²⁶

In a similar vein, the major PNI figure Sartono remarked in August 1958 that, were he a member of the army, he would refuse to acknowledge any resolution of the Konstituante that removed the Pancasila from the Constitution (Lev 1966, p. 179). Natsir later recalled that Arnold Mononutu had remarked that “it is quite natural that you as a Moslem party have your ideals; we as Christians also have our ideals and we understand this — you must not sacrifice your ideals. Only do not ask for an Islamic state — if this happened then we would be your guests, and we are not your guests in this country.”²⁷ An editorial in the PNI newspaper in June 1958 asserted, “For us, Pancasila is the one and only philosophy of the state, which can guarantee the welfare (*keselamatan*) of the State and the People. Indeed, for us Pancasila forms the identity of the Nation and State of Indonesia, which cannot be bargained over and examined again.... Only Pancasila can guarantee the integrity and unity of the State and Nation of Indonesia” (*Suluh Indonesia*, 5 June 1958). Some Muslim groups shared that view and they expressed their support for Sukarno’s advocacy of Pancasila.²⁸

To a considerable extent because of these problems, the third plenary session of the Konstituante in 1957 was left, as already noted, in a state of serious stalemate. In 1958 that assembly devoted much of its time to the discussion of human rights. By late 1958, however, as political events outside the chamber developed with their own powerful dynamic, Sukarno, the government and other

powerful figures — notably Army Chief of Staff Nasution — were pressing not for a new constitution but for a return to the 1945 Constitution, which in their view best reflected the spirit of the revolution and which, moreover, had already established Pancasila as the basis of the state. That matter decided formally on 19 February 1959, with the Cabinet decision to implement Guided Democracy within the framework of a return to the 1945 Constitution, the issue became one of how best to manage the process. In its decision on that day, the Cabinet resolved that, “in an effort to approach closer (*mendekati*) to the longings of the Islamic groups, in relation to the settlement and maintenance of security, the existence of the ‘Jakarta Charter dated 22 June 1945’ is acknowledged” (Yamin 1959–60, vol. 1, p. 488).²⁹ Having sought thus to accommodate the interests of the Islamic group — a faint hope, in view of the clumsy wording which gave offence to many Muslims who resented the perceived implication that they were a troublesome minority (speech to Konstituante of Anwar Sutan Amiruddin, 13 May 1959, quoted in Yamin 1959–60, vol. 3, p. 205)³⁰ — the government hoped that the Konstituante would fall into line. The mechanism that it formulated for that purpose was a “Bandung Charter”, to be signed by Sukarno, ministers and members of the Konstituante. This document would return the nation to the 1945 Constitution, with the acknowledgement that the Jakarta Charter of 1945 was a “historical document” (*dokumen historis*) (Yamin 1959–60, vol. 1, p. 501).³¹ Just what the latter assertion might mean was left deliberately vague. Some thought it an endorsement of the content of that charter (Zainul Arifin, speech to Konstituante, 13 May 1959, quoted in Yamin 1959–60, vol. 3, pp. 156, 164); as Anwar Sutan Amiruddin (PPTI) remarked in mid-May, “the Jakarta Charter of 22 June 1945 inspired the 1945 Constitution in its totality, and equates to a source of law, rather than its existence merely being acknowledged” (speech to Konstituante, 13 May 1959, quoted in Yamin 1959–60, vol. 3, p. 207).³² Others were fiercely opposed to that view; the Communist member M.A. Khanafiah thought the Jakarta Charter no more than a draft of the Constitution’s preamble that had not in the event been

validated by the relevant authority, the PPKI (speech to Konstituante, 13 May 1959, quoted in Yamin 1959–60, vol. 3, p. 277).³³ For him, the issue was a distraction from the central concern of whether or not to accept the 1945 Constitution (p. 282). For its part, the government asserted that acknowledgement of the Jakarta Charter as a “historical document” did not imply that it enjoyed continuing validity or the force of law (Juanda, speech to Konstituante, 21 May 1959, quoted in Yamin 1959–60, vol. 3, p. 308), but its efforts to placate the Muslim bloc and satisfy the Pancasila constituency led only to further confusion and resentment.³⁴

What became the Konstituante’s last plenary session in 1959 “started with an unexpected intervention from the government’s side, which led to a radical change in the agenda and which completely diverted the course of the proceedings” (Nasution 1992, p. 255). While the preparatory committee of the Konstituante had decided that the assembly would reconvene on 29 April, with its first item of business a debate on the form of the state and the system of government, the Cabinet had, as we have seen, decided on a course of returning to the 1945 Constitution through the workings of the Konstituante. Accordingly, government pressure on that assembly led to a situation in which Sukarno himself began the plenary session’s business with a speech calling on it to implement the 1945 Constitution in a wholly unamended form.³⁵ Sukarno acknowledged that “the Jakarta Charter is a ‘historical document’ which pioneered (*mempelopori*) and influenced the formation of the 1945 Constitution”, a document of “great significance for the struggle of the Indonesian nation”. Moreover, he went on, “recognition of the existence of the Jakarta Charter as a historical document also means recognition of *its influence* on the 1945 Constitution, not only as far as the Preamble is concerned, but also with regard to Article 29 to the 1945 Constitution, which must become the basis for the existence of law in the sphere of religion”. He asserted that “in order to restore — or at least to enlarge — our national potential, efforts must be made to create the greatest possible unity between all groups within Indonesian society, including the Muslims, who comprise the largest group in our society”

(Sukarno, speech to Konstituante, 22 April 1959, quoted in Yamin 1959–60, vol. 1, pp. 660, 677–78). In response, and under fierce political pressure, the Konstituante decided to put its agenda aside and to devote itself to debating the question of whether Sukarno's plea should be entertained.

The Konstituante decided, after debate that indicated some concern at the possibility that its authority might be damaged, its work short-circuited and the results of its deliberations vitiated,³⁶ to place the government's request to return to the 1945 Constitution at the top of the agenda. As things turned out, this decision proved a crucial misjudgement on the part of the Konstituante. Discussion of Sukarno's proposal began on 29 April. Debate quickly turned, among other things, to the question of the potential of the 1945 Constitution to enhance executive authoritarianism, to its weak guarantees of human rights and to the means that might be put in place through amendments to the 1945 text to prevent the emergence of dictatorial tendencies.³⁷ One member noted that

there is not a single member of the Konstituante who rejects the content of the spirit of the 1945 Proclamation, and the spirit of the 1945 Constitution.... but we must acknowledge honestly that in the 1945 Constitution there are still deficiencies and rubbery aspects which still make possible misinterpretations in the future. (A. Syafiuddin, speech to Konstituante, 30 April 1959, quoted in Yamin 1959–60, vol. 2, p. 337)

In general, the mood of the Konstituante was hostile to the push by Sukarno and the Cabinet; it refused to bend to the notion that the Constitution of 1945 be implemented without change.³⁸ Most members agreed to a return to the 1945 Constitution. Sukiman, deputy head of Masyumi, asserted that such an approach was the "only way out to overcome the gridlock in the Konstituante concerning the Basis of the State" (paraphrased in *Suluh Indonesia*, 25 February 1959). But members argued that that document must be amended to reflect their concerns. In particular, the Muslim group, increasingly seized by a sense that its revolutionary efforts and its tolerance had been betrayed by post-revolutionary anti-Islamic machinations,³⁹

asserting its majoritarian pretensions (Saifuddin Zuhri, speech to Konstituante, 4 May 1959, quoted in Yamin 1959–60, vol. 2, p. 411), and resentful at what its members saw as the duplicitous tactics of the government,⁴⁰ felt that the only way forward was to include the seven words excised from the draft preamble, and from Article 29, by the PPKI on 18 August 1945. Emphasizing that the obligation to observe Islamic law applied only to Muslims, without any implications for those of other faiths, the Muslim bloc argued that such a solution alone would give Muslims full ownership of and access to the spiritual potential of the revolution.⁴¹ It was, indeed, “the most minimal desire”, given the current situation (K.H. Masykur, speech to Konstituante, 29 May 1959, quoted in Yamin 1959–60, vol. 3, p. 562). That line of argument drew a predictable response from non-Muslim groups fearful of religious discrimination. Kasimo, for example, asserted that the government should play no role in sanctioning religious practice: “the state has its own function and religion has its own function, and neither may overstep the bounds of that function” (p. 564).⁴² According to J.C.T. Simorangkir of the Christian Party, “the State has a duty to treat and serve all religions on the same basis; the state guarantees freedom of religion per se, and guarantees each and every religious person” (vol. 2, p. 662). Others asserted that, if the Jakarta Charter were to be inserted into the Constitution, other similar watershed nationalist documents should be included as well.⁴³

After a number of exchanges with the government, the Konstituante — the party basis of which had been rendered increasingly irrelevant and delegitimized by the rapidly surging personal power of Sukarno, the increasing influence of the army, the PKI’s ever-growing attachment to Sukarno, and general social unease at the nation’s apparently hastening socio-political disintegration (Feith 1962, p. 548) — decided, following agonized and confused debate, to proceed to a decision on the proposal of the Islamic group, viz., that the “seven words” be introduced into the Constitution’s preamble and into Article 29. That vote, taken on 29 May 1959, was decisively defeated, with 201 supporters against 265 in opposition.

The assembly then moved to a decision on the only other politically possible alternative, a return to the 1945 Constitution as originally approved by the PPKI in August 1945. That vote, taken at successive meetings from 30 May to 2 June, failed to secure the necessary two-thirds majority in the face of the opposition of the Islamic bloc (Nasution 1992, p. 397). The Konstituante then agreed to a recess. The following day Nasution imposed a ban on all political activity (Lev 1966, pp. 270–71). A little over one month later, Sukarno's 5 July presidential decree returned the country to the 1945 Constitution and also effectively abolished the Konstituante. The assembly's Chair, Wilopo, noted, "once the 1945 Constitution was declared to be in force by means of the decree, the existence of the Konstituante must immediately have been ended" (paraphrased in *Suluh Indonesia*, 10 July 1959). More importantly, the triumph of Pancasila as the founding, underpinning ideology of the Indonesian state and nation was now complete. According to Sukarno, "the motive of defending our State is based on this idea [of Pancasila]" (paraphrased in *Suluh Indonesia*, 16 November 1959). Indeed, Sujarwo Condronogoro, a former ambassador to the United Nations, thought that "Pancasila ... is more perfect than the UN Declaration of Human Rights" (paraphrased in *Suluh Indonesia*, 12 December 1959).

Had Sukarno and Nasution not intervened as abruptly and forcefully as they did, it was possible, if unlikely, that the Konstituante might achieve a compromise that salvaged something of the Islamist endeavour. NU, or at least a number of its leaders, unsuccessfully sought to develop a compromise on the Pancasila-Islam imbroglio late in 1958 (*Suluh Indonesia*, 6 December 1958; Fealy 1998, pp. 208–9). But that initiative quickly buckled amidst recriminations from others. Soon afterwards, Muslim parties underlined their resolve "to keep struggling for Islam as the basis of the state through the Konstituante" (*Suluh Indonesia*, 7 January 1959). NU was often accused of highly flexible political pragmatism and opportunism, to which it was again briefly attracted in February 1959 by thoughts of compromise (Lev 1966, p. 246; Fealy 1998, pp. 209–11). But it seems thereafter finally to have made the struggle for the Islamic

state a matter of principle (Fealy 1998, p. 213).⁴⁴ Further, Natsir was later to assert that

in the last months of the constituent assembly before Sukarno dissolved it, the Masjumi had come to agree to drop its insistence on an Islamic state and was moving towards an area of compromise with non-Islamic parties, towards a kind of acceptance of Pantjasila, that given another six months should have eventuated in a successful constituent assembly and a constitution subscribed to by Masjumi together with non-Islamic parties.⁴⁵

Such compromise would seem to have required either a radical reconceptualization of the meaning of *Dasar Negara* (Basis of the State) so that it was construed as a set of “guiding principles”, in Sujatmoko’s words, rather than a fixed, permanent and all-embracing fundament,⁴⁶ or some embellishment of the first *sila* to accord Islam some formal place or prominence. But under the fiercely confrontationist and increasingly mutually derogatory tone of debate in the Konstituante — and especially in the context of Masyumi’s much diminished authority and legitimacy following the outbreak of regional rebellion early in 1958 — that latter solution seems unlikely to have enjoyed acceptance amongst the supporters of Pancasila (Lev 1966, pp. 126–27, 134–39).

Constitutional Reform, 1999–2002

Sukarno’s 5 July 1959 decree terminated further discussion of the formal place of Islam in the Indonesian Constitution for the duration of the Guided Democracy period. But partly because that decree had asserted that the Jakarta Charter had both “inspired” the 1945 Constitution and formed a unity with it, the matter inevitably arose again during the slow transition to the New Order government of Soeharto. However, efforts on the part of three delegates to obtain some form of official acknowledgement or indeed recognition of the Jakarta Charter in the Constitution during the 1966 session of the Provisional People’s Consultative Assembly (Majelis Permusyawaratan Rakyat Sementara, MPRS) were ignored (Basalim 2002, pp. 66–70).

Subsequent efforts in the MPRS in 1967 and 1968 to insert formal recognition of Islam into the Constitution were rejected (Boland 1982, p. 159). Thereafter, Islamists found no succour for their political pretensions under Soeharto's long New Order. Only with its demise in 1998 came the scent of new opportunity.

The multiple crises surrounding and succeeding the fall of Soeharto laid bare the “systematic weaknesses” in the original 1945 Constitution (Tobing 2008*b*, pp. 13–14). Indeed, one prominent parliamentarian spoke of “the very critical condition and situation of the country [, which had] almost collapsed”.⁴⁷ As a consequence of the tide of *reformasi* sweeping the country, the People's Consultative Assembly (Majelis Permusyawaratan Rakyat, MPR) — the body that, under the 1945 Constitution, exercised the fullness of the people's sovereignty — had recognized in 1999 the need to “purify the 1945 Constitution in line with the developing needs of the nation, the dynamics and demands of reformasi, steadfastly maintaining the unity of the nation, and in accord with the soul and spirit of the Preamble of the 1945 Constitution” (Garis-garis 1999–2004, Bab IV, C, 1b).⁴⁸ But there was a deep sense of caution and concern, especially in Megawati Sukarnoputri's Partai Demokrasi Indonesia — Perjuangan (PDIP) (Mattalatta 2008*a*, pp. 352–53), about tinkering with the Constitution. In October 1998 MPR factions agreed to amend and not to replace the Constitution (Indrayana 2007, p. 183). That meant that, rather than developing a wholly new Constitution, amendments to the existing Constitution would be drafted for discussion and decision by the MPR (Ellis 2002, p. 10).⁴⁹ Already, at the very outset of discussions on the proposed changes to the 1945 Constitution, all factions in the MPR were unanimous in agreeing that the preamble of the Constitution should remain unchanged (Tobing 2008*b*, pp. 169, 174, 182). Indeed, the MPR decreed that

the Preamble of the 1945 Constitution which contains within it the noble ideals of the 1945 Proclamation of Independence and includes Pancasila as the basis of the state, forms a single unity (*merupakan satu kesatuan*) with the Proclamation of Independence of 17 August 1945, and because of this changing the content of the Preamble of the 1945 Constitution means

dissolving the Unitary State of the Republic of Indonesia based on the sovereignty of the people. (Ketetapan No. VIII/MPR/1998, 13 November 1998)⁵⁰

That attitude was later endorsed on a number of occasions by MPR factions and remained unchallenged throughout the constitutional deliberations (Wiratma 2002, pp. 140–41).⁵¹ As we shall see, that resolve seriously attenuated later efforts to introduce an Islamist tinge to the body (*Batang Tubuh*) of the Constitution.

Already the MPR had made some amendments to the Constitution in its October 1999 sitting.⁵² It had done so through its Working Body (Badan Pekerja, BP), tasking one of its sub-committees — specifically Panitia Ad Hoc III (PAH III, Third Ad Hoc Committee), a twenty-five-member body made up of eleven party factions and chaired by Harun Kamil (Subekti 2008, p. 6) — very rapidly (Tobing 2008*a*, p. 146) to draft proposed amendments for discussion and decision at the 1999 assembly session (Keputusan 2/BP/1999 [6 October 1999]; Keputusan 3/PIMP.BP/1999 [6 October 1999]; Ketetapan No. IX/MPR/1999). In that body's discussions there was no talk at all of changing Article 29 of the Constitution.⁵³ But although PAH III laid down the basic guidelines for constitutional change (Tobing 2008*b*, p. 21), the task of reform proved much too great to accomplish during that sitting of MPR; Ketetapan No. IX/MPR/1999 authorized the MPR Working Body or BP to continue with the process of constitutional amendment. In order to prepare for the 2000 sitting, the MPR's BP was given the task of preparing draft proposals for constitutional change, “which must be ready for approval at the Annual Sitting of the People's Consultative Assembly on 18 August 2000” (Ketetapan No. IX/MPR/1999).⁵⁴ The BP gave that “very strategic” (Tobing 2008*a*, pp. 142–43) responsibility to PAH I (First Ad Hoc Committee), a forty-five member sub-committee proportionately representing all eleven factions in the MPR.⁵⁵ It worked from November 1999 to prepare materials for the MPR's consideration, under the chairmanship of a former Golkar parliamentarian now with the PDIP, the quiet, tolerant and inclusively minded Dr Jakob Tobing.⁵⁶ PAH I began its first round of discussions in November 1999 and concluded them in October 2000 (Tobing 2008*b*, p. 21).⁵⁷

Importantly, detailed discussion of the place of religion in the Constitution did not occur until the later stages of the amendment process. That issue, not dealing directly with the distribution and control of state power, was not judged to be a matter of pressing significance (Suharizal 2002, pp. 80–82). Indeed, the Muslim Unity Development Party (PPP) asserted during the November 1998 session of the MPR that it was

convinced that all Indonesian people, all factions [*golongan*] and socio-religious camps [*aliran*] feel comfortable living under the shelter of the state's platform Pancasila and see Pancasila as final. There is no more intention from any section whatsoever to replace the state platform." (quoted in Platzdasch 2009, p. 181)

Indeed, none of the Islamist parties declared a formal stance on shariah in the electoral contest of 1999, partly to focus attention on the need for reform and partly to avoid any electoral odium and appearance of divisiveness that such a stance might invite (Platzdasch 2009, pp. 172, 200–201). More broadly, a new breed of Muslim intellectuals had emerged in the early 1970s. In the context of the marked social, economic and political advances of the Muslim community, these intellectuals stressed the substantive, rather than the previously exaggeratedly formal-legal connections, of Islam to the state (see Effendy 2003, pp. 150*ff.*, 194; Rahardjo 1993, p. 290; Saleh 2001, pp. 8–12, 92–93, 100, 303–4). In large part as a consequence of their thinking, neither NU nor Muhammadiyah thought the shariah's inclusion in the Constitution either a necessary or even a first-order matter. Rather, they were satisfied that Islam's agenda could be accommodated by the state within the existing order (Hosen 2005, p. 426). The 1993 counsel of the Islamic scholar Munawir Syadzali was broadly representative of this mode of thinking: "Indonesian Muslims should accept the Republic of Indonesia based on Pancasila as the final objective of their political aspirations, and not just as an intermediate tool or stepping stone towards other objectives" (quoted in Sembodo 2005, p. 39).

When the matter was first raised in late 1999,⁵⁸ an introductory meeting of PAH I on 6 December 1999 saw only three factions in the MPR put forward ideas with regard to the relation of religion

to the state: the Christian F-PDKB (Fraksi Partai Demokrasi Kasih Bangsa, Love the Nation Democratic Party Faction), F-PDIP and F-PBB (Partai Bulan Bintang Faction, Crescent and Star Party) (Basalim 2002, pp. 82–83). The PBB faction, led by Hamdan Zoelva, proposed that adherents of any particular religion be obliged to carry out the precepts of that religion (“Risalah Rapat ke-3 Panitia Ad Hoc I, Badan Pekerja MPR” [6 December 1999]). He also proposed that the word “*kepercayaan*” (belief) in Clause 2 of Article 29 be removed, “because it gives rise to a vagueness to the understanding of religion”. In response, Abdul Khaliq Ahmad of the F-KB (Fraksi Kebangkitan Bangsa, National Awakening Faction) put the strongly prevailing view:

the Unitary State of the Republic of Indonesia with Pancasila as the Basis of the State is the final constitutional form which cannot be changed, moreover, it must be maintained as the mandate of the Republic’s founders which must be fulfilled by all of us as a nation who hold in high esteem the commitment to unity and integrity in the plurality of cultures, religions and ethnicities. (“Risalah Rapat ke-3 Panitia Ad Hoc I, Badan Pekerja MPR” [6 December 1999])

Support, when it eventually came, for the inclusion of the “seven words” from the Jakarta Charter came only from PBB, PPP and a collection of small parties that styled itself the PDU (Perserikatan Daulatul Ummah, Association of the Sovereignty of the Muslim Community). Together these parties laid claim to just eighty-two seats in the assembly (Effendy 2003, p. 210). The most specific proposal came from Partai Bulan Bintang (PBB), which sought to include the provision in Article 29 that all believers be required to follow the teaching and laws of their respective religions.⁵⁹ Subsequent discussion of this article prove relatively limited and sporadic in the face of the larger constitutional issues being addressed. Not a single faction raised the matter of Article 29 in the general discussion of constitutional changes in PAH I on 9 December, perhaps because of fear that sensitivities might be inflamed and perhaps because of the dismay — especially amongst PDIP members

— that the need for *reformasi* had been employed to revive the old Islamist agenda (Basalim 2002, pp. 85–86; Indrayana 2007, p. 184).⁶⁰ Nevertheless, what discussion there was saw PAH I refine its thinking on constitutional alternatives. In mid-June 2000 the committee’s deputy chair, Harun Kamil, remarked that “all factions agree that Indonesia is not a secular state and not a religious state, but a religious nation which believes in the One and Only God” (“Risalah Rapat Pleno ke-44 Panitia Ad Hoc I Badan Pekerja MPR” [14 June 2000]). In the subsequent discussion F-PDIP spoke of the wisdom of the founding fathers in ensuring the enduring unity of the nation and that there was no need to amend the article (quoted in Basalim 2002, pp. 87–89).

It was at that moment, however, in mid-June 2000 that the Islamists — now freed from the effect of campaigning for election in diluting principled stances and eager to benefit from what they perceived as a growing popular Islamist sentiment (Platzdasch 2009, p. 217) — first clearly staked out their territory in the debates in PAH I on Article 29 (“Risalah Rapat Pleno ke-44 Panitia Ad Hoc I Badan Pekerja MPR” [14 June 2000]). At its April/May 2000 congress, the PBB had asserted that “for the Bulan Bintang community Islamicness (*keislaman*) and nationality (*kebangsaan*) are not separated things but an integral unity” (quoted in Platzdasch 2009, p. 131). Notwithstanding its vision of the state’s fundamental role as the major advocate of Islam and of Islamic law in society, however, the congress took the pragmatic view that what was crucial was the state’s promotion of generalized Islamic values rather than the black-letter enforcement of shariah. Nonetheless, the party emerged from that congress with a clear policy of inserting the “seven words” into Article 29 of the Constitution, an important advance — albeit a modest one, in that it did not seek to enshrine Islam as the basis for the state — on the more vague and more cautious position that the party had taken in the campaign for the 1999 election (Platzdasch 2009, pp. 188, 219).

Accordingly, when the PAH I began its discussion of Clause 29 on 14 June 2000,⁶¹ Zoelva, wishing to accord the state a role

in the exercise of religion, sought to introduce the “seven words” into Clause 1 of Article 29. This move took the great majority of PAH I members completely by surprise (Kurniawan 2000*b*, p. 10). Yusuf Muhammad of F-PKB (Fraksi Partai Kebangkitan Bangsa, the National Awakening Party Faction), in more conciliatory mode, suggested that, for the sake of consistency, religious obligation should extend to all believers, not just to Muslims. He also proposed a clause that would enshrine the state’s high regard for the values and morals taught by religion. Zain Badjeber (F-PPP) sought the inclusion of the “seven words” in Clause 1, the removal of reference to “beliefs” (*kepercayaan*) in Clause 2, and the introduction of a new clause that would allow the state to forbid thought in contravention with the principle of the One and Only God.

At a more subtle level, there was a move for less-sweeping adjustment to the constitutional text. Asnawi Latief (F-PDU) sought to maintain Clause 1, but to remove the reference to “beliefs” in Clause 2; Sutjipto and Subekti (F-UG, Fraksi Utusan Golongan, Functional Group Faction) shared his views on these amendments. Risnaniar of F-PG (Golkar Party Faction) opined that, while Indonesia was not a secular state, it was not a religious state either. But he sought to remove the reference to “beliefs” in Clause 2 because of its potential to cause discord over the meaning of religion. He also sought to add a provision ensuring that state actions did not contravene “the values, norms and laws of religion”.

In response, Anthonius Rahail of F-KKI (Fraksi Kesatuan Kebangsaan Indonesia, Unity of the Nation of Indonesia Faction) retorted that the basis of the state was not religion but the Pancasila. He sought, therefore, to place the Pancasila in Clause 1 of Article 29, to extend Clause 2 to include the establishment of places of religion, and to add a Clause 3 about the need to respect believers. Gregorius Seto Harianto (F-PDKB) argued that the state was not based on a specific religion; he sought a broader understanding of the meaning of “religion” in Clause 2. More broadly, Suwarno (F-PDIP) argued that the existing wording had succeeded in uniting the Indonesian nation and saw no need for change. The Reference

Team (Tim Perumus) sought the maintenance of Clause 1 as a testament to the fact that Indonesia was not a secular state, as a means of implementing the relevant terms of the preamble and because it accorded with the “spirit and mandate” of the original proclamation of independence in 1945. But it did recommend the removal of reference to “beliefs” from Clause 2 to clarify its meaning and to avoid possible misunderstandings (Tim Perumus, “Rangkuman hasil seminar agama dan budaya dalam konteks perubahan UUD 1945”).

The MPR, comprising delegates elected in the 1999 general elections⁶² and meeting from 8 to 18 August 2000, made no progress in its deliberations on Article 29, which were themselves enlivened by demonstrations and public statements both in favour of and against the inclusion of the “seven words”.⁶³ In the assembly, Yoseph Umar Hadi of PDIP remarked that

the formulation of Article 29 of the 1945 Constitution is a national agreement most fundamental in its significance and a monumental mandate in its position as our centre of balance as the Indonesian nation.... The history of the nation has shown that when the balance of our life as a nation ... is disturbed this nation experiences conflicts, upheavals and clashes which exact a high price in victims.

He concluded by saying, “let us keep Article 29 of the 1945 Constitution in its original formulation”.⁶⁴ Valina Singka Subekti (F-UG) noted that her functional group did not want change to Article 29 since “Article 29 is the heart of the 1945 Constitution”. Ali Masykur Musa (F-PKB) asserted that “religion and state are two different entities and must be separated.... Indonesia is not a religious state and thus the state must restrict itself by not intervening in matters of religion.”

However, Zainuddin Isman (F-PPP), recounting the history of the Jakarta Charter, found it difficult to understand “that there are still people who think that the Jakarta Charter should not be brought to the surface as if it has become a national disaster, threatening the Unity and Oneness of the Nation”. Deprecating those who saw

the desire of Muslims to practise shariah as a threat to the nation, he cited various national laws that demonstrated that the Republic of Indonesia already required Muslims to follow Islamic law in specific areas such as marriage and the hajj; all had gone “securely and peacefully”. He went on to outline the reasons for the PPP’s stance. First, the country was facing what was at bottom a moral crisis that could only be overcome if the Muslim majority practised Islamic law. The obligation to practise Islamic law did not mean that Indonesia would become an Islamic state; indeed, it would “strengthen Indonesian nationalism in the context of a unitary state based on Pancasila”. Hamdan Zoelva (PBB) argued for the essential unity of the Jakarta Charter with the Constitution and asserted that “the addition of the seven words into Article 29 Clause 1 is nothing other than a clarification of the intention of effecting the 1945 Constitution”. He spoke of the moral efficacy that would redound to the nation from the proper practice of shariah, at the same time providing an assurance that non-Muslims would not be affected and guaranteeing freedom of the practice of other religions.

That MPR members did not find such views compelling was made quickly evident in the words of subsequent speakers. Tjetje Hidayat P. (F-KKI) argued that what the “the Founding Fathers” had achieved was “more than just a consensus and a political compromise”. Their work had served “to guard the unity and integrity of the nation and state”. K. Tunggal Sirait (F-PDKB) went further, to suggest that Article 29, Clause 1 should be erased, since “the state has no authority to interfere in the religious lives of members of society because the right of freedom of religion in its fullness is a basic right of each person”.

Such arguments were aimed at little more than marking out positions — and not necessarily stable ones. Debate in the MPR’s Komisi A followed similarly formalized and unproductive lines without members’ engaging in a serious attempt at a solution. Lukman Hakim Saifuddin (F-PPP) argued for the need to combat efforts to separate the state from religion, since Islam recognized no such separation. The inclusion of the “seven words” would restore the original “gentlemen’s agreement” and thus honour the founding

fathers. He also sought to add a Clause 3 against communism.⁶⁵ Nadjid Adjad (F-PBB) sought, through the inclusion of the “seven words”, to give concrete form to the decree of 5 July 1959 — which had asserted that the 1945 Constitution was inspired by the Jakarta Charter — and to allay the continuing disappointment of Muslims at the loss of the “seven words” from the original Constitution. In contrast, Markus Mali (F-KKI) saw no need for alteration in the text; Article 29 “does not need to be changed and cannot be separated from the Preamble of the 1945 Constitution”. Aryasa of TNI/POLRI (Tentara Nasional Indonesia/Polisi Republik Indonesia, Indonesian Army and Police) argued that changing Clause 1 could “bring about conflict in national life which could cause disintegration”.

M.S. Kaban, reflecting PBB’s position, expressed his “disappointment” that discussion of Article 29 had not seriously begun in Komisi A. That, he thought, was a consequence of the reluctance of “conservative groups” to discuss “very basic matters”, something that was due to their opposition to “total reform”. His faction’s argument, he said, was a consequence of the Decree of 5 July 1959 which he asserted had clarified that the 1945 Constitution was inspired by the Jakarta Charter; in his view, the “seven words” had inspired the Constitution and “the spirit and the Body are one unity which cannot be separated”. He noted the fear of some that discussion of the Jakarta Charter might be a cause of national disintegration, but he denied that possibility. Indeed, the separation of spirit and body had led to “moral decadence” and “horizontal conflict” in places like Ambon, Nusa Tenggara Timur, North Maluku and Poso. He argued as well that part of shariah went beyond private matters and required a role for the state in its implementation. Adherents of other religions, however, had nothing to fear because the shariah applied only to Muslims. Efforts by opponents to marginalize and stigmatize the shariah were nothing more than an attempt to separate Muslims from their shariah; Snouck Hurgronje and the New Order had followed a similar tack:

Let us give to the Islamic Community [the right] to regulate their lives and livelihoods according to the teachings of their religion without damaging or deleting out the rights of the other side who

are not Muslims, because for 40 years the Islamic Community, the majority in this country, have been marginalised, not given the opportunity and always forced into a corner.

Accommodating the demands of the Islamic community would lead to tranquillity, prosperity, justice in the country.

Lukman Hakim Saifuddin of PPP indicated his party's support for the insertion of the "seven words" because "the PPP Faction wishes to prioritise a return to national development based on religious morality". "The morality of our nation", he continued,

can be restored again because those seven words will involve the majority of the people of Indonesia. If the majority of the people of Indonesia implement the values of their religion with the support of the constitution we can be sure that the impact will be very positive for the life of the nation and country.

"Islam", he went on, "does not know of a separation between religion and state, although one can differentiate between the two." Further, he remarked, "to honour the founders of the Republic", Fraksi PPP "calls for the glorious promise [of the Jakarta Charter] to be brought back to life again to its original position". There was a need to bring back the soul mentioned in the decree of 5 July 1959. Lukman spoke of the fear that returning the "seven words" would encourage fanaticism, but he emphasized that no force would be used. "As a party based on Islam PPP feels a responsibility to save the nation from the danger of secularism and dehumanisation." Accordingly, the PPP also suggested the inclusion of an additional Clause 3, whereby "the State protects the inhabitants from awareness of thinking which is in opposition with the One and Only God", a move clearly aimed at any revival of communism. For the PPP, the purification of Article 29 "is a prime agenda of the struggle of the Fraksi PPP".

Nothing came of these stout declarations from the PBB and PPP. After the assembly session had concluded, Zoelva was asked if he was disappointed at the outcome of the Islamists' efforts. He responded that "our minimal target [was that] the issue has now become a matter of discourse at the parliamentary level. From

here on, we need a ripening of the process” (quoted in Kurniawan 2000a, p. 68).

The 2000 MPR decided to continue its deliberation of constitutional amendments until, at the latest, its 2002 annual session.⁶⁶ Ketetapan No. IX/MPR/2000 (18 August 2000) tasked the MPR Working Body or BP to prepare further draft amendments to the Constitution. The appendix to this decree listed draft alternative wordings for changes to various articles of the Constitution which had been produced by the BP in 1999–2000. Those relating to Article 29, which sought to summarize the diversity of opinion expressed in PAH I, included changing the title of the chapter from “*Agama*” (Religion) to “*Ketuhanan Yang Maha Esa*” (The One and Only God). Three alternatives were offered to Clause 1 of the existing article, which read, “The State is based on the One and Only God.” These alternatives were a clause that included the “seven words”, a clause that included the obligation for the followers of the respective religions to carry out the religious teachings of their respective faiths, and a clause which stated that the state was based on the named five principles of Pancasila. The second of these alternatives was introduced with the support of the PKB, PAN (Partai Amanat Rakyat, People’s Mandate Party) and PK (Partai Keadilan, Justice Party) (Hosen 2005, p. 432; Indrayana 2007, p. 299), apparently in an attempt to outflank secularist opposition to the alternative of embracing the Jakarta Charter wording. But its interventionist purport aroused concerns in its own right.⁶⁷ The three alternatives to Clause 2 of Article 29, which guaranteed freedom of religious belief and freedom to worship according to one’s religion and belief, included one that excised the reference to “beliefs” (*kepercayaan*), another that included the right of believers to establish their respective places of worship, and a third that included a guarantee that believers could carry out the teachings of their religion. The prospect of an additional clause was also to be canvassed. In its first part, that proposed clause sought state protection against the dissemination of thinking that conflicted with (the notion of) the One and Only God. In its second, it sought that the operations of the state not conflict with

“the values, norms and laws of religion”, and in its third it stated that “the state holds in high regard the humane values, ethics and morals taught by each religion”. Thus far, then, all that had been achieved was the production of numerous variant wordings for the existing constitutional text, with precious little progress in resolving the issues that they raised.

The 2001 session of the MPR, delayed from August until early November because of the political brouhaha that brought the removal of President Abdurrahman Wahid, made no further progress with regard to Article 29. Much more immediately pressing constitutional issues relating to the allocation of power remained to be resolved, and a realization was dawning that the resolution of sensitive issues such as the relation of the state to religion might be extremely difficult (Saripudin and Zein 2001, p. xii).⁶⁸ Accordingly, Article 29 and a number of other items (Articles 2, 21, 33 and 37) would await final resolution at the 2002 session of the MPR (Tobing 2001). The appendix to *Ketetapan* No. XI/MPR/2001 (9 November 2001) repeated exactly the agenda on Article 29 laid out in the appendix to *Ketetapan* No. IX/MPR/2000, since the MPR had not yet arrived at the point of discussing these matters. That lack of discussion, however, did not prevent the Indonesian army chief of staff, Endriartono Sutarto, from reminding those in favour of change that “our nation consists of different kinds of religion and ethnic backgrounds” or warning them of the consequences of forcing their wishes on the community (quoted in Indrayana 2007, p. 257).

As PAH I began its considerations in preparation for the 2002 MPR session — conducted, as before, in “a spirit of openness and brotherliness” (Tobing 2008a, p. 242) — the place of religion in the state received ever more attention. The PDIP’s position was clear: the existing Article 29 “very clearly reflects the spirit of commitment of our nation and therefore for the F-PDIP the formulation of Article 29 does not require change”.⁶⁹ Golkar representative Agun Gunandjar Sudarsa restated his party’s position: “Indonesia is not a religious state and not a secular state but Indonesia is a state based upon the One and Only God”. Januar Muin of Fraksi Utusan Daerah (Regional

Delegates Faction) thought that changing or amending Article 29 would cause “national shock and a situation of conflict”; he cited the sentiment in eastern Indonesia that the insertion of the Jakarta Charter into the Constitution would fracture the republic’s unity. I Ketut Astawa (F-TNI/POLRI) saw no need to change Clause 1 of Article 29. Faisal Ismail of the Department of Religion argued that no change be made to Article 29’s wording; he said that that view, moreover, represented the thinking of the mainstream religious organizations in Indonesia, “which can be said to represent all layers of life in the Indonesian nation”. For Hatta Mustafa of the Utusan Daerah, the original form of Clause 29 “represents the great pillar of national integration”; changing it would threaten national disintegration in the eastern parts of the archipelago.

As PAH I moved towards finalizing a draft of the Fourth Amendment⁷⁰ (Ellis 2002, p. 31), the Islamists made their final stand, with both PPP and PBB factions proposing that the sentence in Article 29 of the 1945 draft constitution be reinserted, so that the article read: “The state is based on the One and Only God, with the obligation to practise Islamic law for all Muslims” (Tobing 2008*b*, p. 169). That proposal, based variously upon the notion that the last-minute decision of the PPKI in 1945 had been some kind of hurried mistake,⁷¹ upon alleged Muslim social aspirations, upon Islam’s incapacity to draw a line between personal and public life, upon a desire to provide a concrete manifestation of the sentiment of the July 1959 decree about the Jakarta Charter, and upon the need for the state to facilitate the practice of shariah,⁷² drew no support from other major party factions.⁷³ The PKB, for its part, sought the inclusion of the clause that would require the adherents of all religions to follow the teachings of their respective religions, as well as a third clause proclaiming the state’s highest respect for the morals and teachings of the respective religions (Yusuf Muhammad, “Risalah Rapat Pleno ke-17 Panitia Ad Hoc I Badan Pekerja MPR” [21 March 2002]). Neither of those proposals drew much support and they were dropped from further discussion (Jakob Tobing, “Risalah Rapat Pleno ke-28 Panitia Ad Hoc I Badan Pekerja MPR” [17 June

2002]). The majority supporters of the status quo submitted the usual well-worn responses to the case for change, which included the threat of national disintegration, the danger of disturbing the “national consensus” in order to accommodate a partisan interest, and the danger of creating a state religion.⁷⁴ PDI-Perjuangan, in particular, argued that the insertion of the “seven words” would have the effect of changing the preamble (Tobing 2008*b*, p. 169). The Islamist response was that they had no intention of changing the preamble but wanted simply to change a single article. PPP, indeed, asserted that “it is impossible to carry out the Islamic *syariah* without the involvement of the state” (quoted in Tobing 2008*b*, p. 170).

The procedural rules of PAH I meant that the Islamist proposal was included in the draft material passed on by PAH I. This was notwithstanding the fact that MPR support for the proposal seemed slight, with the PPP having only 66 members and PBB only 12 of a total MPR membership of 695, of which two-thirds clearly opposed the push for change (Tobing 2008*b*, p. 170; see also Latief 2008*a*, p. 347). As if to emphasize the vast numerical superiority of those who opposed any change to Article 29, Harun Kamil, PAH I’s vice-chair told a visiting EU delegation early in May that

it is a fact that there are elements in the society wish the aspiration to have or to use the country, the state, the government to implement the law of the respective religion and it is the right to propose it in a democracy way [*sic*]. But I can say that majority in this house seem not to agree with that aspiration. (“Risalah Sementara Forum Diskusi Panitia Ad Hoc I Badan Pekerja MPR dengan Delegasi Uni Eropa” [1 May 2002])⁷⁵

Ali Masykur, PAH I’s secretary and a leading figure in PKB, noted that

if we look at the connection between religion and the state we see that there are three connections. First, religion and the state are one. Second, secularist, there is no connection between the state and religion. Third, mutualistic and symbiotic. The preference in Indonesia is to employ the third paradigm.

That preference, he added, was that of the two largest Muslim organizations in Indonesia, NU and Muhammadiyah, “so that

there will be no change in Article 29” (“Risalah Sementara Forum Diskusi Panitia Ad Hoc I Badan Pekerja MPR dengan Delegasi Uni Eropa” [1 May 2002]). Two months later, the chairman of the MPR, Amien Rais, remarked flatly that there would be no change in Article 29 because “the majority of factions as well as members of the MPR remain fixed in their wish to retain the original text” (Anon. 2002).

In all the discussion over the reintroduction of the “seven words”, there was barely a mention of what the implications of such a change might be on state institutions and on society more broadly, and little discussion of just what shariah might mean (see Hooker and Lindsey 2003, p. 33). The arguments made in favour of the proposed amendment were notable for their shallowness and lack of sophistication, both theoretically and practically (Fealy and Platzdasch 2005, p. 92; Platzdasch 2009, p. 174). That itself reflected the fact that its supporters held no realistic hope that the measure would gain the MPR’s support. Moreover, it escaped few people’s attention that the move was emphatically rejected by the largest Muslim groupings in the country — which had supported the Islamist push in the 1950s — and its most influential Muslim intellectuals, men like Syafii Maarif and Nurcholish Majid (Djaelani 2005, p. 169). Their view, in the words of Amien Rais, was that the

NKRI [Unitary State of the Republic of Indonesia] based on Pancasila forms the final result of the struggle of the Indonesian Islamic community.... in our judgement, Pancasila has become the most appropriate choice to shelter and guard the interests and groups of Indonesian society. (Rais 2002, pp. xviii–xix)

When the 245-member Komisi A of the MPR came to discuss the result of PAH I’s work in early August 2002, it brought no further clarification to the discussion of Article 29, notwithstanding the sudden decision of the PDU Faction, which had previously shown little interest in any substantial change to Article 29, to support the Jakarta Charter wording (Subekti 2008, pp. 160–61). Rather, it offered the plenary session of the MPR a draft that included the old alternatives. For the first clause, these were the existing text, a second alternative that added the “seven words”, and a third

alternative that required the followers of the respective religions to follow their religion's specific teachings. For the second clause, the first alternative was the existing text, while a second alternative removed the words "and their beliefs" (Laporan Komisi A 2002).

When the matter came to discussion in the MPR session, the mood of the assembly was soon revealed. For Agustin Teras Narang (F-PDIP), "Article 29 is the main pillar of the development of our nationhood.... with the current formulation of Article 29 all components of the nation are well accommodated".⁷⁶ Manasse Malo (F-PDKB) argued, "freedom of religion and conviction is a necessity in a state based on the sovereignty of the people. Article 29 forms a special article which is very important and strategic, indeed it concerns the existence and integrity of the nation and state." Moreover, he said, Article 29 was directly connected with the preamble and therefore could not be changed because it was a fundamental norm of the state. Antonius Rahail (F-KKI) thought the original document "the best for the union and unity of our nation". Tatang Kurniadi of the TNI/POLRI faction asserted that Clauses 1 and 2 of Article 29 provided "the glue of the nation's unity and integrity". K.H. Said Aqil Siraj (F-UG) reported that the majority of his members wished no change in Clause 1, but supported the second alternative to Clause 2.

Speaking for the proposed amendment, K.H. Achmad Sjatari (F-PDU) revisited the arguments relating to Sukarno's decree that the Jakarta Charter had inspired the 1945 Constitution and asserted that it formed a "correction to the error which had been made by the nation on 18 August 1945". Thus "the Jakarta Charter and the 1945 Constitution have been unified in one unity which cannot be separated, philosophically, juridically, or sociologically". To support this view he argued that since 1959 there had been many occasions when the state had made laws or regulations relating to the conduct of Islamic law for the adherents of Islam. Six days later, Hartono Marjono (F-PDU) repeated the latter argument and suggested that some opponents of the introduction of the "seven words" had been influenced by "Zionist propaganda and campaign". M.S. Kaban, on

behalf of PBB, deployed the well-worn argument that the presidential decree of 5 July 1959 “situates the Jakarta Charter as an inseparable part and an inspiration of the 1945 Constitution”. He added that the role of the state was essential for the proper execution of Islamic law (“to *enforce* the maintenance of Islamic law in its totality”), and that there was no need for non-Muslims to fear a change which was aimed solely at adherents of Islam. He concluded — already with an eye to the certain outcome should the matter proceed to formal decision — by asserting that it was inappropriate for the MPR to vote on this matter: “do the members of the Assembly have the authority to vote on the Syariat of Allah which forms the law of Allah?” Irwan Prayitno (F-Reformasi) argued for a need to inject greater religious and moral sensibility into the nation by changing Article 29. The PPP, for its part, remained steadfast in support of the change. H.A. Chozin Chumaidy (PPP) recounted the deep disappointment that Muslims had felt when the “seven words” were erased from the draft constitution on 18 August 1945; the insertion of the “seven words” remained a “holy mission” for which the party would continue to strive and which would improve the moral character of the nation. Fahmi Idris (PG) retorted that, in the view of Golkar,

the content of Article 29 ... as it stands has guaranteed the comprehension and implementation of religious teachings both broadly and deeply.... returning to the original text will assuredly mean there are no losers and winners, the only winner will be the one nation and people of Indonesia.

Retention of the original wording, argued Arifin Panigoro, was “important for our community as one big united family of the nation of Indonesia”.

The MPR spent little time in arriving at a sense that Article 29 should remain unchanged. After a final bout of meetings — including some shameless efforts at horse-trading among parties (Indrayana 2007, p. 300) — between MPR and faction leaders, the champions of change decided to refer the matter to the assembly. They came to this decision, which effectively ended the contest, “in a spirit of statesmanship, with a spirit of tolerance”, as Amien Rais later reported

(“Risalah Rapat Paripurna ke-6 lanjutan-2 Sidang Tahunan MPR Tahun 2002” [10 August 2002]). The MPR took no vote and made no specific decision about the fate of Article 29, in order to avoid humiliating the Islamic parties that had championed amendment of the article (Subekti 2008, p. 162). The effect was that the original text remained unamended.⁷⁷ Those supporting change recognized that their position enjoyed little support; PPP and PBB combined held just over 11 per cent of the MPR seats (Tobing 2008a, p. 242). They discontinued efforts to advance their proposal and undertook not to obstruct proceedings, although PBB staged a protest walkout so as to avoid any involvement in the decision. And all, especially the PBB, reserved the right to continue their struggle at some later time (Platzdasch 2009, p. 293; Tobing 2008a, pp. 238–42). The effort of PDU — both PAN and PKB had supported the notion of imposing an obligation on the adherents of various religions to practise the teachings of those religions (Djaelani 2005, p. 168) — similarly evaporated, and PDU sought to have its “Statement of Attitude” included in the official record of proceedings (“Risalah Rapat Paripurna ke-6 Sidang Tahunan MPR Tahun 2002” [9 August 2002]). The Fourth Amendment was ratified on 10 August.

The procedure whereby amendment to Article 29 did not come to a vote was in the interests of the opponents of change, who avoided the display of deep-seated division within the assembly that a formal vote might have provoked. Much more so was it in the interest of the Islamists, who were keen not just to preserve the social legitimacy of their political programme but also to keep open the possibility of raising the matter at a later time, something that a crushing formal vote of rejection might have terminally prejudiced (Djaelani 2005, p. 169; Platzdasch 2009, p. 293). The latter were also keen to downplay the fact that their pleas for change had drawn insignificant support from Muslim society in general (Subekti 2008, p. 173). Moreover, the MPR decided in its treatment of Article 37 (concerned with regulating the mode of changing the constitution) to enshrine the notion that the preamble be unchangeable, on the grounds that to change the preamble would be to disown the proclamation of

August 1945 (Tobing 2008*b*, p. 175). Further, the provision requiring that constitutional amendment proposals have the support of at least one third of the MPR's membership made it unlikely that the matter would be raised formally within the MPR in the foreseeable future.⁷⁸ "The supporters of amendment had made their case, demonstrated their position to the public, and been formally recognised; their opponents had retained Article 29 unamended — the elements of a win-win solution" (Ellis 2005).

Conclusion

The fundamental reason for the failure of the Islamist campaigns to change the Indonesian Constitution in the late 1950s and the early 2000s was the failure of Islamist-minded parties in 1955 and 1999 to secure sufficient seats in the state bodies charged with implementing constitutional change. That simple assertion, however, masks the complexities of each of the two endeavours and the different contexts in which they operated. In the 1950s the considerable political weight of the Islamist parties, not to mention the intellectual reach and capacity of their leaders, gave a much more open texture to Indonesian politics and to what might be politically possible. The debate on the proper basis of the Indonesian state thus had a seriousness, a quality of erudition and a learned sophistication that were notably lacking in the constitutional debates concerning Article 29 in the period 1999–2002. The 1950s debate, however, was characterized by a fixedness of purpose that allowed little room for compromise, so that in an atmosphere of declining legitimacy for democratic institutions, the debate was never allowed to run its course.

The 1999–2002 push for the inclusion of the "seven words" was very different from the effort of the Islamist parties in the late 1950s. In the latter case, the aim of rendering Islam as the basis of the state was not even raised. The debate, such as it was, revolved around the rather-more-modest proposal to reintroduce the "seven words" of the Jakarta Charter into the relevant articles of the body of the Constitution. Reasoned debate about the practicalities surrounding

the application and implementation of Islamic law, let alone about what such a law might represent and what its sources might be, was almost entirely absent. The push for the “seven words” never enjoyed any hope of success, given the numerical weakness and occasional division of the Islamist parties, and especially the refusal of other Islam-oriented parties — whose leadership had previously been effectively co-opted by the recently collapsed New Order — to join their campaign. Its purport was entirely symbolic, to signal to the constituencies of the various Islamist parties that their leaders were and would continue to be sensitive to their presumed aspirations (Hosen 2005, p. 431; Fealy and Platzdasch 2005, p. 92).

That factor, indeed, explains why both PPP and PBB came to argue for a futile amendment which included the precise “seven words”, rather than the watered-down version that was expressed as the third alternative and that might have been expected to gather broader support. According to PPP’s Lukman Hakim Saifuddin,

the famous seven words represent a symbolic defeat of the Muslim struggle in Indonesian history to enforce Islamic law. And it is also important to borrow the famous seven words of the Jakarta Charter, since the Presidential Decree of 5 July 1959 stipulates that the Jakarta Charter inspires the 1945 Constitution. (cited in Hosen 2005, p. 432)

Hamdan Zoelva remarked, “We do not want to use ambiguous language. We want the famous seven words back into the 1945 Constitution” (in Hosen 2005, p. 433), and, again, “we have to stop our struggle due to limited support from other members of the MPR, but the idea is still there, and we will never withdraw our proposal. In terms of constitutional debate, this is not the end of our struggle” (in Hosen 2007 p. 200).

In contrast to the weighty Islamist campaign in the late 1950s, when so much political terrain remained open to contest and when political volatility was at its height, Islamists’ dogged pursuit of a *formal* recognition of Islamic law in the Indonesian Constitution at the turn of the twentieth century was a strangely pointless exercise viewed against the relentless rise in Islamic legitimacy, performance, piety and practice in Indonesian society over the last thirty-odd years

(see Elson 2010, pp. 332–35). That rise, which took shape under the forbidding confines of the New Order and accelerated further with Indonesia's democratization, had seen Islam accorded a substantive position and function in the political and social realms of which the proponents of Islam as the basis of the state in the 1950s might only have dreamed. It is for this reason that President Susilo Bambang Yudhoyono remarked that the idea of establishing an Islamic state is "finished in the history of the nation" (Anon. 2010). It was, in the end, the failure of Islamists to appreciate, accept and accommodate the immense enhancement in the political and social fortunes of Indonesian Islam and its adherents over recent decades that rendered the second campaign for formal recognition futile, and even dated. As Amien Rais noted, "there is no command in Islam to secure an Islamic state. It is much more important that all the nation practise an *Islamic ethos*" (Rais 2000, p. xxii).

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NOTES

1. By "Islamism" I mean that understanding which demands that the exercise of law and politics be grounded upon Islam above all else.
2. Wahid Hasyim even issued a fatwa to the effect that in the period of revolution it was forbidden to use Dutch ships to make the hajj (Aboebakar 1957, p. 113).
3. "De Negara Islam Indonesia: de Staat op Islamietische Grondslag voor Geheel Indonesië" [28 September 1949], Archief van de Algemene Secretarie van de Nederlands-Indische Regering en de daarbij gedeponeerde archieven (1942), 1944–1950, no. 3979, Nationaal Archief, Den Haag.
4. Mohammed Rum, paraphrased interview with George Kahin, Yogyakarta, 23 November 1948. Kahin Collection (private), Cornell University.

5. Natsir added, however, that Islam did not provide instructions about the practicalities of government such as budgeting and traffic control; “what Islam regulates are things that do not change” (pp. 19–20).
6. Mohammed Hatta asserted, indeed, that “the Muslim group has experienced decline, because they forget the teachings of the Holy Book, are no longer loyal to the teachings of religion and do not stick firmly anymore to the Qur’an, so they should not be surprised if they experience decline” (Hatta, paraphrased in *Suluh Indonesia*, 21 May 1954).
7. Natsir’s Cabinet governed from September 1950 to March 1951, while Sukiman’s was in power from April 1951 to February 1952.
8. See, for example, Sukiman’s programme in Wiriyosukarto 1984?, pp. 195–96.
9. Daniel S. Lev noted that “for the most part the secularists simply did not believe that Islam had anything to contribute to a modern Indonesian state” (Lev 1966, p. 125).
10. Effendy (2003, pp. 34–35) notes that “overt criticism of Pancasila by leaders and activists of political Islam was a rarity”.
11. In the same speech, however, Natsir noted that “religion must live in every individual follower of the faith and therefore pervade the life of the community and find expression in statehood, in government and in legislation” (p. 7).
12. Natsir, paraphrased interview with George Kahin, Jakarta, 19 November 1954. Kahin Collection (private), Cornell University. See also Natsir 1957, pp. 227–28, 278–79.
13. Natsir, paraphrased interview with George Kahin, Jakarta, Spring 1955. Kahin Collection (private), Cornell University. However, he also asserted at this interview that the “State should, however, have power to enforce that individuals act (perform duties) in accordance with the principles of Islam — in the sense of relationship between man and man. State may use no force in regard to relationship between man and God but must give freedom of worship and facilities for this for those who wish”, and that “All legislative and administrative actions of state should not be in contradiction to Islam”.
14. In October 1954, for example, a West Java Masyumi conference had labelled Communism “an ideology deeply in conflict with the teaching and law of Islam ... a great danger to religious life and to the Republic of Indonesia” (Anon. 1958?, vol. 2, pp. 284–85).
15. See also Ruslan Abdulgani, paraphrased interview with George Kahin, 13 February 1953. Kahin Collection (private), Cornell University. According to PKI leader D.N. Aidit, “the question of belief in God or not is a private question, while the question of Sovereignty of the People is a question for all the People together, a national question” (Aidit 1958?, p. 33).

16. Sutan Syahrir had thought in 1946 that elections held around that time would deliver 80 per cent of the vote to Masyumi (Effendy 2003, pp. 33-34). See also Feith 1962, pp. 274-75.
17. Johannes Leimena (paraphrased interview with George Kahin. Jakarta, 30 December 1954. Kahin Collection [private], Cornell University) asserted that “Soekarno as well as his own [Leimena’s] party have a real fear of the possible consequences of a victory by the Islamic parties in the coming elections.... His party fears that if the constituent assembly is under the domination of the Islamic parties that there will be introduced a clause stating that the State, or the constitution, is based upon the Koran and the hadith. From this very disastrous consequences might result with regard to the situation for all non-Islamic groups. He feels that even a clause stating that the President must be Muslim might make the smaller religious groups feel that they were discriminated-against minorities. He points out that the four million Indonesian Christians are amongst the most martial people of Indonesia, and that should an Islamic state be declared it would be most probable that these areas would secede from Indonesia”.
18. The major components of the Islamic bloc were Masyumi (112 seats), Nahdlatul Ulama (91 seats), PSII (16 seats) and Perti (7 seats). The Pancasila bloc was mostly composed of the PNI (119 seats), the PKI (60 seats), Republik Proklamasi (20 seats), Parkindo (16 seats), Partai Katolik (10 seats), PSI (10 seats) and IPKI (Ikatan Pendukung Kemerdekaan Indonesia, League of Supporters of Indonesian Independence) (8 seats) (Nasution 1992, pp. 32-34).
19. For such an attitude see Tjokrosujoso 1953, p. 15.
20. Lev (1972) later argued that “Indonesia’s party system institutionalized the opposition between Islam and non-Islamically oriented groups” (p. 245).
21. Nasution goes on to discuss the (late) historical development of this notion of Islamic comprehensiveness (pp. 127-28).
22. This point was made frequently by supporters of the Islamist agenda. See, for example, the speech given by Isa Anshary that argued that Muslim fighters in the revolution were struggling not just for political freedom but “to place Islam in the life of the society and the state” (Anon. 1958?, vol. 2, p. 181) and that given by Hamka (Anon. 1958?, vol. 3, especially pp. 56-62) that emphasized the major role played by the majority Muslim group in the attainment of independence.
23. See Kasman’s speech of 13 November 1957 (Anon. 1958?, vol. 1, pp. 187-88) and the speech by Zainal Abidin Ahmad (Anon. 1958?, vol. 3, pp. 411-15).
24. Rum, paraphrased interview with George Kahin, Magelang, 23 November 1948, Kahin Collection (private), Cornell University.

25. See also the speech of J.B. Kawet (Parkindo) (Anon. 1958?, vol. 2, pp. 13–14).
26. For example, Lt. Col. Isman (in Malang), paraphrased in *Suluh Indonesia*, 28 January 1959.
27. Natsir, paraphrased interview with George Kahin, Jakarta, 30 January 1971, Kahin Collection (private), Cornell University.
28. See, for example, the statement by Gerakan Angkatan Muda Muslimin (Movement of the Young Generation of Muslims) reported in *Suluh Indonesia*, 13 June 1958.
29. Sukarno approved that formulation on the following day (Yamin 1959–60, vol. 1, p. 658).
30. The government later undertook not to employ that formulation again (Juanda, speech to Konstituante, 21 May 1959, quoted in Yamin 1959–60, vol. 3, p. 308).
31. The government’s draft of the “Bandung Charter” may be found in Yamin 1959–60, vol. 3, pp. 313–15.
32. Muhammad Tahir Abubakar (speech to Konstituante, 26 May 1959, quoted in Yamin 1959–60, vol. 3, p. 391) thought it “much to be regretted” that the PPKI had removed vital parts of the original Jakarta Charter; that action had been a “violation” of the gentlemen’s agreement that had given rise to the original charter, and it had given rise to “tensions and fissures in our society”.
33. See also the similar view of the Christian Party (J.T.C. Simorangkir, speech to Konstituante, 26 May 1959, quoted in Yamin 1959–60, vol. 3, p. 391).
34. Thus, Juanda’s speech to the Konstituante on 21 May 1959 (in Yamin 1959–60, vol. 3, p. 308) asserted that, since Muslims made up the greatest part of the Indonesian population, the members elected to the parliament and the MPR would not make or approve of laws or regulations which contradicted Islamic law, something which, Juanda declared, did not prejudice the rights given to followers of other faiths under Article 29.
35. Sukarno suggested making later changes to the 1945 constitution by way of adding supplements to it, thus keeping the original “sacred” text intact (Sukarno, speech to Konstituante, 22 April 1959, quoted in Yamin 1959–60, vol. 1, p. 679).
36. See remarks of Mohamad Syukri Ghozali al Risydan (NU), Asnawi Said (GPPS), Husein (Masyumi) and S.M. Abidin (Workers’ Party) to Konstituante, 22 April 1959, in Yamin 1959–60, vol. 2, pp. 252–61.
37. See, for example, the speeches to the Konstituante by S.M. Abidin, 29 April 1959; Mas Ngabei Mochamad Hamzah, 30 April 1959; and Tahir Abubakar, 12 May 1959, in Yamin 1959–60, vol. 2, pp. 273–97, 313–22, 841–42.

38. Juanda categorically rejected efforts to make changes to the 1945 constitution at this stage (Juanda, speech to Konstituante, 21 May 1959, quoted in Yamin 1959–60, vol. 3, pp. 316–17).
39. See the speeches to the Konstituante given by A. Syafiuddin, 30 April 1959, and Kahar Muzakkir, 11 May 1959, in Yamin 1959–60, vol. 2, pp. 339, 705, 707.
40. See the speeches to the Konstituante given by Jamaluddin gelar Datuk Singo Mangkuto, 13 May 1959, and Anwar Sutan Amiruddin, 26 May 1959, in Yamin 1959–60, vol. 3, pp. 257, 492.
41. See, for example, the speeches to the Konstituante given by K.H. Masykur, 26 May 1959, and Mansur Datuk Nagari Basa, 26 May 1959, in Yamin 1959–60, vol. 3, pp. 479, 482–83.
42. See also speeches to Konstituante given by B. Mang Reng Say, 5 May 1959, and Asmara Hadi, 29 May 1959, in Yamin 1959–60, vol. 2, pp. 475–76, 484, vol. 3, pp. 570–71.
43. See speeches to Konstituante of Sudiyono Joyoprayitno, 6 May 1959, and I.R. Lobo, 12 May 1959, in Yamin 1959–60, vol. 2, pp. 588, 802–3.
44. Fealy quotes Bisri Syansuri's view, as expressed to a party council meeting in March: "If we totally accept [the 1945 Constitution], we lose. Then the Islamic struggle is finished. If we reject it, it is certain that it will be implemented by decree.... Hence, to avoid having to answer to Allah, it is better for us at the moment simply to reject it."
45. Paraphrased interview with George Kahin, Jakarta, 23 January 1971, Kahin Collection (private), Cornell University; italics in the original. See also Natsir, paraphrased interview with George Kahin, Jakarta, 24 February 1971, as corrected in subsequent interview of 26 May 1971; Natsir, paraphrased interview with George Kahin, Jakarta, 30 January 1971. Kahin, having interviewed Osman Raliby, concluded that "it was pretty clear from what Osman said that there was not much prospect of a sufficient narrowing of the gap between the Masjumi and proponents of the Pantjasila to have arrived at a compromise" (paraphrased interview with George Kahin, 26 May 1971).
46. Sujatmoko had pointed out to the Konstituante the practical problems of arriving at an agreed conceptualization of the basis of a state as a final, fixed and unmoving foundation (Anon. 1959–60, vol. 3, p. 352); his argument, crucial though it was, found little favour.
47. Hobbes Sinaga (F-PDI — Indonesian Democratic Party — Struggle), "Risalah Rapat ke-3 Panitia Ad Hoc I, Badan Pekerja MPR" [6 December 1999]. Relevant parts of the record of debates on the process of constitutional change from 1999 were downloaded from the MPR website <<http://www.mpr.go.id>>, accessed 2008–2009. The pdf documents contain no pagination. At the time I concluded writing this article, all but the 1999 records of the Risalah had been removed, for unknown reasons.

48. See also Isra 2002, p. 234; Subekti 2008, pp. 4–6; National Democratic Institute for International Affairs 1999, pp. 17–18; Ellis 2002, p. 9. Ketetapan No. VIII/MPR/1998 removed the existing MPR-imposed requirement (Ketetapan No. IV/MPR/1983; see also Law 5/1985) that a referendum be held in order to change the constitution (Falaakh 2002, p. 192); two other decisions (Ketetapan No. XIII/MPR/1998 and No. XVII/MPR/1998) also foreshadowed later constitutional changes in limiting the terms of office of the president and formally listing human rights. However, outside the political elite, there was little interest in or discussion of the constitutional reform process — perhaps because the process was always seen as an activity essentially controlled by and restricted to the political elite — an attitude that changed little in succeeding years (National Democratic Institute for International Affairs 2001, p. 24; Falaakh 2002, p. 196; Tim Studi Reformasi Konstitusi 2002, p. 20; Indrayana 2007, pp. 223–29).
49. It was later agreed to bundle these amendments into lots and to number them.
50. See also Tobing 2008*b*, p. 229. For a survey of party views on the undesirability of changing the preamble, see “Rapat Komisi Sidang Majelis Permusyawaratan Rakyat Republik Indonesia” (12 November 1998) and “Rapat Komisi B Sidang Majelis Permusyawaratan Rakyat Republik Indonesia: Risalah rapat ke-2 Komisi B Sidang Istimewa Majelis Permusyawaratan Rakyat Republik Indonesia” (12 November 1998).
51. In its Ketetapan No. III/MPR 2000 (18 August 2000), the MPR decreed that “the national basic source of law is Pancasila as written in the Preamble of the 1945 Constitution ... and the body of the Constitution”. See also National Democratic Institute for International Affairs, “The 1999 Presidential Election”, p. 18. This consensus also went to other matters, including retaining the presidential system and incorporating “normative” matters contained in the original constitutional elucidation (Penjelasan) within the articles of the constitution (Tobing 2008*b*, p. 70).
52. In its Keputusan 5/MPR/1999 (17 October 1999), the MPR had established four commissions to assist it with its deliberations; the 171-member Komisi B (later A) was tasked to discuss and make decisions in regard to changes to the 1945 constitution.
53. See, for example, Hamdan Zoelva (F-PBB), in “Risalah Rapat ke-6 Panitia Ad Hoc III Badan Pekerja MPR” [12 October 1999], p. 20.
54. The 1999 MPR had decided to hold annual sessions from 2000.
55. PAH I was formed by Keputusan 4/BP/1999 (25 November 1999). From late 1999 until mid-2000, it consulted numerous experts and other stakeholders, made many visits to the regions, held a number of seminars,

- received many submissions from organizations and individuals, and made numerous study tours of other countries (Jakob Tobing, in “Risalah Rapat ke-5 Badan Pekerja MPR” [6 March 2000]; Harun Kamil, in “Risalah Rapat ke-6 Badan Pekerja MPR” [23 May 2000]; Keputusan 4/PIMP.BP/1999 [17 December 1999]; Keputusan 5/PIMP.BP/MPR [29 November 1999]). PAH I was specifically charged with preparing materials for proposed constitutional amendments. PAH III had been charged with this task in regard to the first amendment in 1999. PAH I passed on the outcome of its deliberations to Komisi A for further discussion and consideration which in turn sent its considerations to a plenary session of the MPR for ratification (Indrayana 2007, p. 205).
56. Tobing 2008*b*, pp. 21–22, 136; interview with Jakob Tobing, Jakarta, 21 November 2008. Tobing was enormously influential in ensuring that the PAH process was amicable, focussed and productive. He was continually reappointed to that position until 2004 (see, for example, Keputusan 20/PIMP/2001 [23 July 2001]). He also chaired the MPR’s Komisi A which discussed PAH I’s recommendations.
 57. Tobing notes that recommendations upon which PAH I agreed were submitted to the special session of the MPR in 2000; remaining (and generally more controversial) issues were successively debated in November 2000–October 2001 and submitted by PAH I for eventual consideration (via the Working Body and Komisi A) by the 2001 and 2002 MPR sessions.
 58. According to Ellis, the proposal first emerged as a means to provide Islamist parties with some bargaining power in the face of a PDIP proposal to include the Pancasila principles in Article 1 of the Constitution as well as in the preamble (Ellis 2002, p. 33).
 59. The PBB also sought, as we have seen, to have the words “and beliefs” removed from Clause 2 of the article (Basalim 2002, p. 84; Zoelva 2008*a*, p. 357).
 60. In the meeting of PAH I on 10 December 1999, F-UG’s Valina Singka Subekti supported the F-PBB suggestion to clarify “that our state is not a secular state, so that Article 29, Clause 1, needed “to be spelled out in more detail” (“Risalah Rapat ke-6 Panitia Ad Hoc I Badan Pekerja MPR” [10 December 1999]).
 61. Except where otherwise noted, the following paragraphs are based upon “Risalah Rapat Pleno ke-44 Panitia Ad Hoc I Badan Pekerja MPR” [14 June 2000].
 62. The elections were dominated by so-called “secularist” parties (PDI-P and Golkar alone amassed 56 per cent of the vote), with Islamist parties receiving little support.

63. On 10 August 2000, NU figures made a public statement, supported by leading Muslim intellectual Nurcholish Majid and Muhammadiyah leader Syafii Maarif, rejecting the attempt to include the “seven words” in the Constitution and warning of the social dangers of such a move (Anon. 2000; Kurniawan 2000*b*, p. 12). Supporters of the notion mounted demonstrations in support of their cause; they included a “Congress of Great Minahasa”, which threatened separation from the Republic if the “seven words” were included in the Constitution (Kurniawan 2000*b*, p. 11). Around the same time, the radical Islamist Irfan Awwas led a delegation to the MPR to relay the sentiments of the first Mujahidin Congress, held at the same time in Yogyakarta, and to assert the need to put Islamic law into force “in every aspect of life” to the membership of the PPP (*Suara Hidayatullah*, 16 August 2000; “Keputusan Kongres Mujahidin, tentang Tandzim Mujahidin”, cited in Awwas 2001, p. 142). See also Basalim 2002, pp. 139–72.
64. This and the following paragraphs are based upon “Risalah Rapat Paripurna ke-5 Sidang Tahunan MPR” (10 August 2000) and “Risalah Rapat Paripurna ke-5 (lanjutan) Sidang Tahunan MPR” (10 August 2000).
65. This and the following paragraphs are based upon “Risalah Rapat Komisi A ke-2 Sidang Tahunan MPR” (11 August 2000) and “Risalah Rapat Paripurna ke-8 Sidang Tahunan MPR” (15 August 2000).
66. The year 2002 would have been the latest possible date, if the institutional changes made were to be implemented for the 2004 elections.
67. See the later comments of Gregorius Seto Harianto, quoted in Kurniawan 2000*a*, pp. 68–69.
68. Those 2001 decisions of the MPR took form in the Third Amendment to the constitution.
69. Except where otherwise noted, this paragraph is based upon “Risalah Rapat Pleno ke-3 Panitia Ad Hoc I Badan Pekerja MPR” (28 January 2002), “Risalah Rapat Pleno ke-6 Panitia Ad Hoc I Badan Pekerja MPR” (26 February 2002), and “Risalah Rapat Pleno ke-17 Panitia Ad Hoc I Badan Pekerja MPR” (21 March 2002).
70. The process of amending the Indonesian Constitution in the immediate aftermath of the end of the New Order was made in four annual stages, each of which produced an amendment (*Amendemen*). The Constitution was first amended on 19 October 1999. It was amended a second time by the MPR on 18 August 2000, a third time on 9 November 2001, and a fourth time on 10 August 2002.
71. See the speech of Lukman Hakim Saifuddin (F-PPP), “Risalah Rapat Pleno ke-17 Panitia Ad Hoc I Badan Pekerja MPR” (21 March 2002).
72. See the speeches of Hamdan Zoelva (PBB), “Risalah Rapat Pleno ke-17

- Panitia Ad Hoc I Badan Pekerja MPR” (21 March 2002), “Risalah Rapat Pleno ke-27 Panitia Ad Hoc I Badan Pekerja MPR” (13 June 2002); “Risalah Rapat Pleno ke-38 Panitia Ad Hoc I Badan Pekerja MPR” (25 July 2002).
73. See, for example, the speeches of Affandi (F-TNI/POLRI), Ahmad Zacky Siradj (F-UG) and especially Amidhan (F-PG) (“Religion cannot be intervened in by the state, and the state cannot be intervened in by religion”), “Risalah Rapat Pleno ke-17 Panitia Ad Hoc I Badan Pekerja MPR” (21 March 2002). The latter, however, sought other amendments, such as the removal of the reference to “beliefs” and the inclusion of a restriction on the state acting in contravention of religious teachings.
74. See, for example, the speeches by Kohirin Suganda (TNI/POLRI), Anthonius Rahail (KKI), Gregorius Seto Harianto (PDKB), and Slamet Effendy Yusuf (PG), “Risalah Rapat Pleno ke-27 Panitia Ad Hoc I Badan Pekerja MPR” (13 June 2002).
75. These remarks were made in English; hence their stylistic awkwardness.
76. This and the following paragraphs are based upon “Risalah Rapat Paripurna ke-3 Sidang Tahunan MPR Tahun 2002” (2 August 2002); “Risalah Rapat Paripurna ke-3 (lanjutan) Sidang Tahunan MPR Tahun 2002” (3 August 2002); “Risalah Rapat Paripurna ke-6 Sidang Tahunan MPR Tahun 2002” (9 August 2002); “Risalah Rapat Paripurna ke-6 lanjutan-1 Sidang Tahunan MPR Tahun 2002” (10 August 2002).
77. That decision meant, of course, that the parallel effort to remove the word *kepercayaan* from the Constitution also failed.
78. Islamist parties won just over one-fifth of the vote in the 2004 general elections and even less in 2009; see Mujani and Liddle 2010, p. 38.

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