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## ISLAMIC NOMOCRACY: MUHAMMADIYAH'S PHILOSOPHY ON THE RELATIONSHIP BETWEEN RELIGION AND THE STATE IN INDONESIA

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*Abstract:* As one of the oldest Islamic societal organizations, Muhammadiyah is involved in the constitution formation process. This paper aims to analyze Muhammadiyah's contribution to the state constitution from the start of the independence up to the amendment in the Reformation Era. Results showed that with its mostly Muslim population, the Islamic nomocracy idea that was developed in the dialectics of the Islamic societal organization largely influence Indonesia's constitutional formation and legal construction Pancasila. The Islamic nomocracy idea offered by Muhammadiyah dynamically developed in line with the social, political, and religious dynamics in Indonesia from the independence up to the Reformation era. In that conception, the state of Pancasila is a final form of the co-existential relationship between religion and the state.

*Keywords:* Islam, nomocracy, Muhammadiyah, religion, state, relationship, philosophy, Indonesia, Pancasila.

### 1. Introduction

Philosophically, Indonesia is a legal state based on the values of Pancasila (the Five Principles). It becomes a philosophical basis for developing the legal system in Indonesia. As a legal state, Indonesia has a long history in the process of forming its constitution. Since its independence in 1945, Indonesia has experienced four constitutional formation phases, from the 1945 Constitution's formation at the beginning of the independence up to its amendment in the Refor-

mation Era (Siburian, 2022, pp. 35-66).

As a multireligious country, in its historical trajectory, Indonesia has always faced issues between religion and the state. This can be seen from debates on the relationship between religion and the state in the process of changing and forming the state constitution (Mukrimin, 2012, pp. 367-390). Dialectics on religion and the state arrive along the trajectory of the state constitution formation process. Indonesia has experienced some changes in its constitution that are often linked to issues of religion and the state.

One of the examples is the second amendment of the 1945 Constitution in 2002, which regulated the freedom of religion and equality in the face of the law. Even though most Indonesians are Muslims, this state adopts the principle of religious freedom and equality in the face of the law with the slogan of *bhinneka tunggal ika* (a Hindu slogan, which means unity in diversity) (Hosen, 2007, pp. 75-99).

Interestingly, the life-long dialectics presented in the state constitution's changing and formation processes always involve almost the same actors. One of the important actors from the Islamic group is Muhammadiyah. As one of the oldest Islamic societal organizations with a great basis mass and charity business, Muhammadiyah is involved in every state administration process in Indonesia. Even, important ideologies in the constitution formation process at the start of the independence are closely linked to their figures (Suyaman, 2020, pp. 1-11).

As a large and influential religious societal organization, Muhammadiyah has played an important role in the state's constitutional philosophy. This organization has been involved in debates on the relationship between religion and the state. It has also strived for the rights of religious minorities in Indonesia. In a more extensive context, Muhammadiyah has also played an important role in promoting the philosophical values of Pancasila, building a harmonious relationship between religion and the state in Indonesia (Chandranegara, 2016, pp. 359-379).

After the reformation, Muhammadiyah was one of the most successful religious societal organizations in proposing the annulment of some legal products through the submission of judicial review applications to the Constitutional Court. Muhammadiyah argued that some laws philosophically and substantively deviated from the Constitution. The movement that aimed to align various legal products with the Constitution was a mandate of Muhammadiyah's One Century *Muktamar* (Deliberation) in City of Yogyakarta (*Constitutional Jihad, Muhammadiyah's New Jihad*, 2015).

Jihad in language means struggle and not only "war" or "battle" as many people interpreted and constitutional jihad means that Muhammadiyah chooses the path of struggle through legal means in accordance with the constitution and Islamic

principles. Muhammadiyah is waging jihad by filing lawsuits over legal products or law that are not pro-people to the Constitutional Court to ask for annulment. With this new direction of struggle, it was not carried out by violent methods at all.

As an Islamic societal organization, the spirit and values of struggle manifested in the effort to guard the Constitution were based on the Islamic philosophical thought's attachment to Pancasila. Therefore, Muhammadiyah sees this as an effort to uphold virtue and its commitment to apply the *dawah* (Islamic missionary activities) of *amar ma'ruf nahi munkar* (inviting to do good and preventing harm) (Fachrudin, 2016). Fundamentally, it marked the transformation process of understanding the constitution among Muhammadiyah, especially concerning the relationship between religion and the state. This long process traverses various eras and influenced the state legal tradition in Indonesia.

Considering Muhammadiyah's crucial role in Indonesia's constitution formation process, it cannot be denied that Muhammadiyah has an important role in philosophically contributing Muhammadiyah's thoughts on the state constitution from the start of the independence up to the reformation era (Syiafullah, 2015).

## 2. Method

This paper presents the results of the analysis of Muhammadiyah's constitutional thoughts that were Revealing from available literary data. The data were systematically collected based on the need to illustrate the development process of the constitutional thoughts in the realm of Muhammadiyah from the start of the independence in 1945 up to the reformation era in 1998. Authors obtained information from officially-issued organizational documents recorded in various media, as well as works of figures' thoughts that represent Muhammadiyah's political attitude at its time. This paper applied the historical approach which was conducted by analyzing the development of constitutional thoughts. In this paper, the data were inductively analyzed by developing conclusions based on the growth and development processes of Muhammadiyah's constitutional thoughts from time to time.

### 3. Discussion

#### 3.1. *The Islamic Nomocracy Philosophy*

The nomocracy philosophy is a state administrative philosophy that refers to the government based on a general preference for faith. Nomocracy principles state that the law must be applied justly and consistently, without discrimination and personal interests, so that society can obtain the same treatment from the government. As a transcendental legal state as stated in the constitution, the philosophy of nomocracy becomes crucial in maintaining stability and consistency in the Indonesian legal system and government. The concepts of legal state and nomocracy complete and support each other to create a just, transparent, and open governmental system for all Indonesian people. Therefore, the philosophy of nomocracy must be well-implemented in the legal system and government to create a better system for the people (Asshiddiqie, 2005).

In the Islamic tradition, (Islamic) nomocracy is a philosophy of state establishment that combines Islamic and democratic principles in a governmental system. This concept is based on the belief that Islam does not only concern the spiritual aspect. But it also gives comprehensive guidelines for the social and political lives of society. Islamic nomocracy stands upon the basic philosophy that there is a co-existing relationship between religion and the state. In Islamic nomocracy, the ontological problem of the existence of religion as a separate or linked entity to the state no longer exists (Az-Zuhaili, 2011, pp. 309-324).

The dialectic issue left in the context of religion and the state is a debate that is relevant all the time, especially in the epistemological realm on the ideal relational model of religion and the state for a country. In Indonesia, religion and the state are linked and are absolutely inseparable. But, how to harmonize these two elements so that they do not cause conflicts and chaos becomes an issue that many countries still face. Some countries like Indonesia and Turkey have adopted different relational models in handling this issue. With its Pancasila, Indonesia places religion as a source of morals and ethics but without appointing a certain religion as the state's official religion. Meanwhile, Turkey applied the secular state model, where religion is separated from stately and governmental affairs.

In the context of Indonesia, the Islamic nomocracy concept is crucial as most of its population is Muslim. In this case, the Islamic Nomocracy in Indonesia refers to the principles of justice, equality, and welfare, extracted from Islamic teachings. This concept encompasses various aspects such as a just government, the protection of human rights, and societal participation in the process of making decisions.

Even though the Islamic nomocracy concept upholds Islamic principles, it does not mean that the governmental system must be dominated by Muslims or that the law must always refer to Islamic teachings. On the contrary, the Islamic nomocracy philosophy can be applied in a more extensive context as an inclusive governmental system, where Islamic principles are combined with democratic principles and universal human rights.

This is according to the spirit of *bhinneka tunggal ika* as a basis for Indonesia which is a Pancasila-based state. To apply the Islamic nomocracy concept in Indonesia, societal diversity and the freedom of religion must be acknowledged, as well as the application of inclusive and tolerant Islamic principles. In this case, the Islamic nomocracy concept in Indonesia can become a basis for the creation of a just and democratic governmental system for all Indonesians.

Muhammadiyah is categorized as a modernist Islamic group that carries the renewal of Islamic society. As a modernist Islamic movement, Muhammadiyah carried the concept of Islamic nomocracy philosophy as a foundation for establishing the state, which historically contributed to coloring the constitutional formation and change in Indonesia.

Muhammadiyah's political track record started before the independence. During the Dutch colonial era, Muhammadiyah was brave enough to counter laws on *partikelir* (private) schools and rejected laws on registered marriage, as they were deemed as discriminative (PP Muhammadiyah, 2012, p. 73). In the independence era, Muhammadiyah's role became even more significant through the involvement of some of its figures in preparing for independence, especially in the formulation process of the constitution script (*The General Secretary of the Republic of Indonesia's People's Representative Assembly*, 2019).

The most historical moment was the phase of

the agreement on the formulation of Pancasila's first principle by Islamic figures. Before, the first principle was "Belief in God with the obligation to carry out Islamic sharia for its embracers". Then it was changed into "Belief in the one and only God". This agreement reflected Muslims' great spirit, as they didn't mind decreasing their ideological demands for the establishment of Indonesia. Two Muhammadiyah figures who became keys to the final formulation of Pancasila's first principle were Ki Bagus Hadikusumo and Kasman Singodimejo (Al-Hamdi, 2020, p. 135). Ki Bagus Hadikusumo which at that time represented the Islamic group's spirit of struggle stood at the position of striving for Indonesia's concept as an Islamic state (Yamin, 1959). Meanwhile, Kasman Singodimejo took the role of a figure that bridged the deliberation process between the Islamic group and the nationalist group that demanded Indonesia become a nationalistic (secular) state. This mediating role was carried out well, as the two groups trusted Kasman's capacity which was deemed to represent the moderate Muslim group (Raditya, 2019).

As the nation's philosophy and ideology, Pancasila is perceived as a local genius from Indonesia's national tradition. The process of its arrival represents national political dynamics. It also reflects the constitutional awareness of Indonesian Muslims (Kaelan, 2013, p. 169). The final formulation of Pancasila conceptually contained Indonesian Muslims' state administrative perspective on the relationship between religion and the state (divinity). The acceptance of the Islamic group towards the concept of Indonesia as a nation-state does not mean their acceptance of the secular state concept. The final formulation of Pancasila's first principle and the preamble script of the Republic of Indonesia's 1945 Constitution marked the final agreement on Indonesia as a transcendental state. Formally, Indonesia is a republic rather than a religious state. But substantially, the transcendental value and the principle of diversity become the basis for its management (Kaelan, 2013, p. 169).

Ki Bagus' desire to soften his demands showed the moderation process of religious understanding on the constitutional issue at that time. The long dialectic and deliberation process in forming the constitution systematically guided the moderation process of Islamic figures' constitutional awareness at that time. The essential

and substantial concept of the relationship between religion and the state as written in the preamble of the 1945 Constitution can be seen from Muhammadiyah's final attitude toward the Indonesian stately concept at that time. Ki Bagus' willingness was also inseparable from the fact that changes in the first formulation, do not conceptually change Indonesia's stately construction that is based on the oneness of God or *tauhid* (Mu'arif, 2020).

Muhammadiyah's attitude and understanding of the relationship between religion and the state can be seen as a consequence of the characters and ideologies of its modern and rational movement (Nashir, 2020). This moderate character made their figures willing to shift their ideals of struggle from formalism to a substantive Islamic state, to achieve Indonesia's independence. Muhammadiyah's attitude towards the existence of the state of Indonesia has essentially never changed. Muhammadiyah placed the state of Indonesia as an instrument of struggle to manifest its visions of a truly Islamic society (Suara Muhammadiyah, 2021).

Muhammadiyah's attitude and perspective on the relationship between Islam and the state are stated in the Mandate of Muhammadiyah's Board of Directors delivered on August 17<sup>th</sup>, 1946. On the first anniversary of Indonesia's independence, it was stated, "We realize that the independence of our country Indonesia is an absolute requirement for the perfect application of the Islamic religion, and it becomes an absolute requirement for Indonesian citizens' welfare and prosperity" (P.B. Muhammadiyah, 2012, pp. 55-60).

Muhammadiyah even aligned the introduction of its articles of association (*Muqadimah Anggaran Dasar Muhammadiyah/MADM*) with the Indonesian nomocratic philosophy. MADM which was approved in the Muhammadiyah *Tamwir* (Deliberation) of 1951 was inseparable from the nationalistic and publicity dialectics at the start of the independence. The use of the terminology in MADM's formulation even has conceptual similarities with the preamble of the 1945 Constitution, as MADM used the term "the blessings and mercy of Allah and encouraged by..." to state the birth of Muhammadiyah.

This terminology was also used in the preamble of the 1945 Constitution to state the establishment of Indonesian independence. MADM

also stated that the organizational management was run “based on *syuro* (conference) led with the wisdom in *muktamar* deliberation”. This formulation has redactional and usage context similarities with the formulation of Pancasila's fourth principle (“Democracy guided by the inner wisdom in the unanimity arising out of deliberations among representatives”). These similarities were possible, considering that Muhammadiyah, through its figures, has been involved in formulating the constitution. This was so that the meaning and construction of the understanding of the two contexts in the MADM can become a reference to understand the construction of the republic and democracy in the 1945 Constitution.

The MADM contained seven main ideas. It contains Muhammadiyah's core ideologies, models and principles in striving for the Muhammadiyah movement (Suara Muhammadiyah, 2021). In MADM, Muhammadiyah perceived that the formation of the state as part of the societal process is *sunnah* (habitual practice) from Allah (God). Because of that “A prosper, safe, peaceful, and happy society can only be manifested under justice, honesty, brotherhood, and togetherness, with the basis of the truest law of God.”

The main ideas contained in that formulation showed Muhammadiyah's position and support towards the existence of the state of Indonesia (P.B. Muhammadiyah, 2012). Muhammadiyah assessed that the social welfare ideal for all Indonesians can only be manifested under justice, honesty, brotherhood, and togetherness based on the law of God. This formulation showed the dynamics of Muhammadiyah's internal stately perspective up to 1951, which still opened a dialectic room on Indonesia's ideal concept as an Islam state. Muhammadiyah's internal dialectic on the ideal concept of Indonesia's form of state and the relationship between religion and the state was not final, as illustrated in the process of the 32<sup>nd</sup> Muktamar's organization in Purwokerto. This forum brought up a suggestion on the importance of formulating the Islamic state concept. The suggestion that was encouraged by Muktamar participants was followed up by the formation of a team of formulators, led by A. Kahar Muzakir (Nakamura, 2019).

In the face of the constituent court, Prof. A. Kahar Muzakir represented Masyumi (*Partai*

*Majelis Syuro Muslimin Indonesia/Indonesian Muslim's Deliberation Assembly Party*). He responded to Mr Soeripto's statement from PNI (*Partai Nasional Indonesia/Indonesian National Party*). He described his perspective on Pancasila's conception as a “gentlemen's agreement”, as the formulation and creation processes of the 1945 Constitution preamble and contents were mutually agreed upon by Nationalist and Islamic groups as the state foundation formulation and Indonesia's state ideal as written in the Jakarta Charter (Argenti, 2020, pp. 37-57).

Prof. Haji Abdul Malik Karim Amrullah Datuk Indomo (popularly called HAMKA) in his speech stated that the spirit of proclamation is not Pancasila, but rather the spirit to be free from colonization based on religious teachings. It was a form of a strong transcendental awareness of each supporter of the nation (HAMKA, 2001a, pp. 97-142). For HAMKA, Islam's existence precedes Pancasila. More Indonesians embrace Islam than they embrace the Pancasila. The construction of the state of Pancasila is part of the Islamic philosophy-based state conception. For HAMKA, Islam's state form and governmental system concepts are dynamic, exceeding eras. It is a state concept based on a law that is not democratic.

Pancasila is perceived as a value concept sourced from Islam. It does not socio-historically represent the Indonesian nation. Pancasila tends to be perceived as a result of a discussion on stately values in an emergency condition that is not final (Muzakir, 2001, pp. 95-96). Thus, it necessitated being changed. HAMKA does not deny that Pancasila's values are in line with Islamic teachings. Even, due to the harmonious principles, with Indonesia's first principle that is Belief in God Almighty (the Oneness of God), thus the existence of all principles is protected (HAMKA, 2001b, pp. 143-165).

The third Muhammadiyah figure who spoke in the constituent court was Kasman Singodimedjo who represented Masyumi (Singodimedjo, 2001, pp. 286-305). He stated that Islam and its teachings have answers to all of Indonesia's issues and need to achieve their ideals of independence.

As a central figure in the deliberation process on Pancasila's formulation on August 18<sup>th</sup>, 1945, Kasman tried to remind of the mutual commitment to the Jakarta Charter as the mutually

agreed upon constitution formulation (Singodimedjo, 2001, pp. 317-318). Islamic figures' sincerity in accepting the new formulation of the first principle is a form of Muslims' *tasamuh* (connivance) for Indonesian independence. As Islam is embraced by most citizens, it is the national character. As Singodimedjo (2001) said, "Islam is the most fundamental factor of the Indonesian nation" (pp. 315-316).

On the other hand, the support of the Indonesian Communist Party (*Partai Komunis Indonesia*/PKI) towards Pancasila who are deemed to be atheists strengthened Islamic groups' doubt towards Pancasila as the state foundation. The Islamic group perceived PKI's support as communists' efforts to hitchhike Pancasila. They worry that the existing formulations are misinterpreted by PKI to guarantee atheists' existence in Indonesia. After going through a long struggle in the parliament since 1957, the Islamic group's struggle to place Islam as the state foundation stopped along with the constituent's dissolution through a 1959 Presidential Decree. It also marked the end of the national ideological struggle of Muhammadiyah through political parties.

In the constitutional formation process during the independence and the constituent era, Muhammadiyah figures' constitutional awareness was moderate. Muhammadiyah perceived the state as *sunnatullah* (habitual practice from God), i.e., an instrument to achieve welfare. As *sunnatullah*, to fulfill the state's ideals, the state administration must be based on religion (Islam) (HAMKA, 2015, p. 21). In this context, the legal state concept places Islamic values as the basis of the state. Muhammadiyah perceives the 1945 Constitution as a legal and state framework. Muhammadiyah withdrew from Masyumi membership in 1958, as there was an idea to strive for an Islamic state through the unconstitutional route among Masyumi members in several regions (Syaifullah, 1997, pp. 241-242).

After the end of the constituent period and Masyumi's dissolution, Muhammadiyah withdrew from practical politics (Al-Hamdi, 2020, p. 153) and focused on religion, education, health, and creating social welfare. This significantly influenced Muhammadiyah's discourse developments and state political movements.

After the Old Era's fall in 1965, Muhammadiyah only issued a statement on the state constitution in 1968 through KH Ahmad Bada-

wi's speech in the 37<sup>th</sup> Muhammadiyah Muk-tamar in Yogyakarta. Muhammadiyah criticized efforts to discredit Muslims, with the issues of Jakarta Charter and DI (*Darul Islam*/House of Islam), TII (*Tentara Islam Indonesia*/Indonesian Islamic Army), and PRRI (*Pemerintah Revolusioner Republik Indonesia*/The Republic of Indonesia's Revolutionary Government). Badawi stated that Muhammadiyah committed to a mutual agreement on the Constitution and the state of Pancasila. It upheld the commitments of the president and the head of the People's Representative Assembly, that Pancasila's state philosophy is based on religious teachings (Badawi, 2012, pp. 96-108).

This speech marked Muhammadiyah's position on state power management during the New Era, at least up to the Reformation. It placed Muhammadiyah as a strategic partner of the state in governmental management and public interest establishment (Al-Hamdi, 2020, pp. 217-223). Muhammadiyah's Islamic movement character was critical, moderate, independent, and helpful (Pasha & Darban, 2013, p. 132).

### 3.2. Muhammadiyah's Thought Framework During the Reformation Era

Rebellion against the government strengthens along with the uncontrolled state management under the New Era regime. The government's failure to handle the 1996 economic crisis increased people's distrust of the government, ending with the 1998 Reformation movement. Muhammadiyah showed its moderate character by being structurally uninvolved with that movement. Even so, on April 18-19<sup>th</sup>, 1998 Muhammadiyah organized a plenary meeting. It issued seven national statements (Al-Hamdi, 2020, p. 251), namely:

1. Stating profound concerns over the ongoing moral crisis;
2. Encouraging constitutional political, economic, and legal reformation that is gradual and peaceful by maintaining national unity;
3. Muhammadiyah and the Indonesian nation encourage all straightforward and substantial reformation steps to cleanse the nation of nepotism, corruption, and collusion chronic diseases;
4. Demanding the government to handle multi-

faceted crises by emphasizing more concrete, certain, and fundamental resolution efforts.

5. Hoping that as the state and the nation's backbone, ABRI (*Angkatan Bersenjata Republik Indonesia*/the Republic of Indonesia's Armed Forces) can have a positive and creative attitude;
6. Praying so that the nation's leaders and citizens obtain guidance to exit from the various ongoing crises;
7. Asking society and Muhammadiyah members to carry out the *amar ma'ruf nahi munkar da'wa* tasks and not be influenced by provocations or anyone's opinions outside of this statement (Al-Hamdi, 2020, p. 251).

During the process of amending the 1945 Constitution in 2000-2002, one of Muhammadiyah's important figures was M. Amien Rais, who was head of the People's Representative Assembly of the 1999-2004 period (Pasha & Darban, 2013, pp. 133-134). Many of Muhammadiyah's attitudes were represented by its figures during the amendment process. Muhammadiyah was involved in four 1945 Constitution amendments through its figures who became People's Representative Assembly members. Its figures in the reformation fraction stated that the 1945 Constitution's Preamble that contained Pancasila needed not to be inserted into the amendment agenda, as it historically contained noble national agreements (Hambali & Subekti, 2010, p. 115).

A similar attitude was expressed by Muhammadiyah representatives in the parliament when suggesting that transcendental and religious values should become the normalization framework and boundaries in implementing human rights. Concerning whether or not Islamic sharia should be confirmed in Article 29's amendment concept, they emphasized the need to strengthen the binding of religious teachings for the embracers. This represented the outline of Muhammadiyah's attitude at that time which viewed Pancasila as conceptually harmonious with Islamic teachings. This attitude was written in Circular Letter No. 10/EDR/1.0/I/2002.

In the next step Muhammadiyah's philosophies and ideologies carried its cadres in political parties is this organization's political tradition since the Masyumi era. This tradition was a strategy to maintain its identity as an independent Islamic movement that still provides effective

substantial and philosophic colors to accommodate its ideological politics (Al-Barbasy, 2017, pp. 99-125).

The practical politics constellation that marginalizes religious organizations and the weakening ties with political parties makes it difficult for Muhammadiyah to escort the formation of state regulations. As a result of the One-Century Muhammadiyah Muktamar in 2010 in Yogyakarta, Muhammadiyah submitted judicial reviews against some laws to the Constitutional Court to make sure that the laws do not violate the Constitution. This was Muhammadiyah's response towards the state management that is deemed to deviate from the constitution.

For Muhammadiyah, the constitution is a national philosophy in the form of a fundamental law (*grundnorm*) to guarantee the achievement of Indonesia's ideals. Muhammadiyah views that the law formation process in Indonesia deviates from the legal ideals of the constitution. Although legal products are meant to bring welfare to the people, they actually represent the power interests of several people. Muhammadiyah noted that aside from the five laws they submitted for review, there are still more than a hundred laws that deviate from the constitution (Fachrudin, 2016).

This step represented the constitutionalism perspective that developed in Muhammadiyah after the Reformation. Philosophically, those who participated in the One-Century Muhammadiyah Muktamar committed to perceiving Indonesia as a *Darul Ahdi was-Syahadah* (A State of Agreement and Testimony). The use of this concept to understand the relationship between the state of Pancasila and Islamic teachings is a new thing. This concept can be deemed as Muhammadiyah's *ijtihad* (philosophical thinking) to increase this relationship and its consequences towards all national elements, especially Muslims. Thus, constitutional jihad was placed as a step to direct the "Nation's *Kiblat* (Direction)" (Syamsuddin, 2020, pp. 8-14).

For Muhammadiyah, Pancasila and the 1945 Constitution's Preamble are noble agreements and national consensus that ties together all national elements. As a State of Agreement (*Dar Al-'Ahd*), Indonesia's state formation does not only have a political dimension but also a religious one as it was motivated by religious teachings and ideals. The issue of Islam's formaliza-



tion as the state's basis is deemed no longer relevant, as the 1945 Constitution's Preamble already represents Islamic transcendental values and ideals (PP Muhammadiyah, 2010, pp. 18-25). The state of Pancasila is deemed an ideal form of the plural Indonesia. The issue lies in the nation's incapability to transform constitutional values in all of its stately aspects (Syamsuddin, 2011, pp. 1-7).

Apart from that, Muhammadiyah also places the *Darus Syahadah* (The State of Testimony) identity onto Indonesia. Syamsuddin (2011) conceptually defines this as, "A state where citizens or citizen groups compete to show testimony or proof to other citizens or citizen groups on their work and performance to realize the mutual ideal to build the state. In a state of testimony, all citizens or citizen groups have the same role to participate in building the state and the results they received highly depend on how great their roles are" (p. 5). This concept shows Muhammadiyah's perspective on the ideal form of state management, where the government must be professionally managed by opening room for a just participation of the public to achieve state ideals.

Muhammadiyah's perspective that places Islam as *rahmatan lil 'alamin* (blessing for the whole universe) can also be seen from the constitutional issue they strive for. Almost all lawsuits or judicial reviews submitted by Muhammadiyah have a philosophical and substantial dimension. In these cases, Muhammadiyah represents the people's interests that were harmed or those whose constitutional rights were threatened. When submitting judicial reviews on the Law on Oil and Gas and the Law on Natural Resources, Muhammadiyah raised the issue of the reduction of the state's sovereignty in those sectors. Muhammadiyah wanted to save the Indonesian people's rights that were harmed due to the oil and gas mismanagement as well as the commercialization of water by private sectors (Chandranegara, 2016, pp. 370-377). Apart from using religious arguments, Muhammadiyah also stood upon the government's responsibility to develop public welfare. The use of religious arguments described Muhammadiyah's constitutional perspective that places Islam as the basis of its thoughts and values. Then, the use of the principle of the government's responsibility to develop public welfare showed its

commitment to the agreed-upon state ideals (*al-'ahdi*).

In the judicial review of the Law on Societal Organizations and the Law on Hospitals, Muhammadiyah fought for protection over the freedom to associate and gather. This issue basically concerns their sustainability as a religious organization that provides health services. Even so, this review represented the interests of many previously existing religious organizations (Aditya, 2014). In these judicial reviews, Muhammadiyah demanded the state be responsible for guaranteeing the existence of a religious society that provided a great role in Indonesian independence (Saputra, 2013).

On one hand, these four demands represented Muhammadiyah's commitment to the State of Pancasila as *Darul 'Ahdi*, whose maintenance demanded mutual commitment. On the other hand, this step represented Muhammadiyah's understanding of the *Darus Syahadah* concept. Their rejection of state policies on the Law on Societal Organizations and the Law on Hospitals is Muhammadiyah's commitment to contribute to Indonesia by making sure that the state is loyal to the constitution and the Islamic nomocracy (Kamal, 2018, p. 169).

From the description above, Muhammadiyah's stately gait in guarding the legal formation is a transformative process of *da'wa* development. This transformation can be seen from the widening rooms and *da'wa* models of Muhammadiyah in the legal realm (Azhari, 2017). The constitutional struggle is not only the cultural and structural routes through political parties and parliamentary membership. Political dynamics and national power since the independence up to the reformation era force Muhammadiyah to adapt and accommodate their constitutional processes (Primadi, 2020).

The choice of this struggle can be seen as a saturation point in Muhammadiyah's relationship with political parties and political agents in the parliament at that time. Political parties are deemed to strive for popularity and power, thus neglecting their functions as educational instruments in the public's political struggle. For them, politicians' capacities that political parties bring into the parliament must be doubted, considering that they arrived without going through an adequate political regeneration process (Maradona, 2010). In such a situation, Muham-

madiyah returns to maintain the same proximity with all powers. This allows them to keep the

critical tradition that they have so far developed (Margiyono, 2010).

Table 1.

Muhammadiyah's Thought Development on the Relationship between Religion and the State

<i>Point of view</i>	<i>At the Start of the Independence</i>	<i>Before the One-Century Mukhtar</i>	<i>After the One-Century Mukhtar</i>
The relationship between Islam and the state	The state is an instrument to manifest Islam's goal	The state is a facility to manifest the true Islamic society	The state of Pancasila as <i>Darul 'Ahdhi Was Syahadah</i> (informal-substantial)
An ideal form of the state	A Unified State based on the Islamic Law	A Unified State based on the Oneness of God (Pancasila)	A Unified State based on Pancasila
Constitutional Idea	Islam is the basis of the state (Jakarta Charter)	Pancasila (Preamble of the 1945 Constitution) as the basis of the state	Pancasila (Preamble of the 1945 Constitution) as the basis of the state
Method of Struggle	Structurally through the political route (Parliament/Masyumi- Parmusi [ <i>Partai Muslimin Indonesia/Indonesian Muslim Party</i> ]) and the socio-cultural route.	Structurally through the political route (Parliament/PAN [ <i>Partai Amanat Nasional/National Mandate Party</i> ]-PMB [ <i>Partai Matahari Bangsa/Nation's Sun Party</i> ]) and the socio-cultural route.	The structural route was through courts and the cultural route.

Table 1 above shows a shift in the Islamic nomocracy philosophy in Muhammadiyah's environment during their three organizational development phases. Its idea of Islamic nomocracy at the beginning of independence was based on the basic assumption that an ideal state is based on Islamic law. The state is substantially and symbolically inseparable from religion. For Muhammadiyah, the state was an instrument to achieve its religious goal. Therefore, the substance of the stately agreement written in the Jakarta Charter is deemed as a formulation and an ideal form of Indonesia's constitution. This idea grew in Muhammadiyah's political struggle process and their figures up to the constituent era.

The second phase of Islamic nomocracy's development started in line with Islamic societal organizations' failure to strive for the Islamic religion-based stately concept through the constituents. After the constituent era, during the New Order Regime, the Islamic nomocracy offered by Muhammadiyah became more moderate (or realistic). Thus, Muhammadiyah accepted the New Order Regime's offer on Pancasila as the single ideology (Wijaya, 2016, pp. 63-84). In the second phase, Pancasila was deemed as an

ideology that did not oppose Islamic values and rather represented them. The stately ideality was not an Islamic state, but a state of Pancasila inspired by the Oneness of God.

In the third phase, Muhammadiyah developed the Islamic nomocracy in the Reformation era, where there was a strengthening of liberalism and the transnational Islamic ideology (Aswar et al., 2020, pp. 171-191). During the democratic transition, Muhammadiyah brought up the *darul 'ahdi wa ssyahadah* concept in the *wasathiyah* (balance between belief and tolerance) Islamic paradigm. It was a concept that tried to build the value basis from the Islamic State in a non-dichotomic scientific framework. The focus was no longer the Islamization of the state, but the contextualization of Islam as a teaching of blessings.

Interestingly, the series of structural advocacy activities carried out by Muhammadiyah was a lack of mass movement usage, unlike common societal organizations with great masses. Even, contrary to other societal organizations, Muhammadiyah did not mobilize their mass to influence the Constitutional Court's decision during the constitutional jihad. This shows that Mu-

hammadiyah can capitalize on the advantages of their basis in the submission argumentation arrangement as well as through the series of arguments in court.

#### 4. Conclusion

The Islamic nomocracy arrives as a philosophical basis for Muslims to find an ideal construction for stately and national life. Islamic nomocracy departed from the reflective argument on the inseparable existence of religion and the state. In Islamic nomocracy, religious values and teachings are placed as bases and corridors in developing legal and governmental orders. With its mostly Muslim population, the Islamic nomocracy idea that was developed in the dialectics of the Islamic societal organization largely influence Indonesia's constitutional formation and legal construction Pancasila, the state foundation and philosophy, was born from the ideological dialectics that involved an idea on the Islamic nomocracy. Muhammadiyah is an element that is actively involved in that dialectic process. The Islamic nomocracy idea offered by Muhammadiyah dynamically developed in line with the social, political, and religious dynamics in Indonesia from the independence up to the Reformation era. In that conception, the state of Pancasila is a final form of the co-existential relationship between religion and the state.

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