THE IMPLICATIONS OF DEMOCRATIZATION TOWARDS DEFORMALIZATION OF ISLAMIC LAW IN INDONESIA: STUDY ON ABDURRAHMAN WAHID’S THOUGHTS

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ABSTRACT
The study is based on the thought Abdurrahman Wahid relating the importance of democracy for the Muslim as well as nation-state in the modern era. For him, the relationship between religion (Islam), and democracy is more substantive than symbolic status. Revitalization of religion thoughts in this context should be understood as an attempt to establish a just society, democratic and sovereign law towards plurality. In his view, the mechanism of democratic politics will give benefits for the majority of Muslims in Indonesia. This idea allows the majority to make the effort for the formalization of Islamic law in Indonesia. However, for him, the key of democratization must be in a frame of equal rights and status, since Pancasila and the 1945 Constitution, as the foundation of the state, guarantees religious freedom for all citizens of Indonesia. Consequently, the commitment to the principle of pluralism and equality is the Gus Dur’s rejection toward the idea of an Islamic state as a political objective Muslims in Indonesia.

Key words: Democracy, Deformalization of Islamic Law, Indonesia, Abdurrahman Wahid.

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1. INTRODUCTION
Democracy development in Indonesia today is worth recalling what has been achieved since it threw off authoritarianism in 1998 (Ramage, 2007). Even though Islam in Indonesia is characterized mainly as moderate, tolerant and democratic (Wanandi, 2002), the relationships of these entities are said to be in a problem due to the nation acceptance of secularism thought of the legitimacy of worldly authorities above divine law (Buhler, 2009). In explaining these relationship, this paper mainly discuss about Abdurrahman Wahid’s thought, one distinguished person in the developing of concept of relation between democracy and Islam.
The issue of democratization, how to reinforce and execute democracy properly, is one of the main distinguishing concerns of Abdurrahman Wahid’s (commonly called Gus Dur) thoughts. In his articles, he wrote that democracy in Indonesia has not strongly stand upright yet, and still been in the form of superficial ornaments or mere cosmetics. Therefore, he invites everyone to promote and enhance the provision of democracy. For him, democracy and independence are of a comparable concern which may not come by accident, but they are achieved by means of struggle (Wahid, 1999; 2000; 1978).

According to Abdurrahman Wahid’s view, democracy is essentially a process. That is to say that democracy should not be seen as a system having been complete and perfect. Democracy as a process implies that the level of concrete implementation of democracy principles is the one that should be made as the important measure. With the same constitutional system, we can identify different state or level of democracy. At any given time, for example, the legislatures and the executives may share the influence in a balanced proportion compared in other times. People's votes may also be different from one to other periods. The state or condition of democracy is very changeable, either growing up or sinking to the bottom, depending on the prevailing balance of power (Al Zastrow, 1999).

Such an understanding, in Abdurrahman Wahid’s view, cultivates more power in favor of democracy because democracy is not merely determined by the existence of the constitutional institutions or the official bodies of a democratic system. The institutions may not function properly, and have a mere nominal value. The House of Representatives (DPR) does not automatically imply the existence of proper functioning of representation. The Legislative Assembly (MPR) does not necessarily mean the existence of a sovereign people. The presence of the press is not always approving the social control. Courts may not necessarily ensure fairness. Thus, the existence of democratic institutions does not necessarily guarantee the existence of democracy itself (Al Zastrow, 1999).

2. BIOGRAPHY OF ABDURRAHMAN WAHID (GUS DUR)

As in other major figures, or perhaps in every person, family background, education, social environment, and political conditions do influence the thoughts and actions of a person. Likewise, Abdurrahman Wahid encounters the situation. He was born in Denanyar, Jombang, East Java, on August 4, 1940 (Bahar, 1999). His father, KH Wahid Hasyim, was a well-loved and admired person. KH Wahid Hasyim was the son of KH Hasyim Asy’ari, the founder and first Rois Am of NU. In the other hand, his mother named Solichah was the eldest daughter KH Bishri Syamsuri, the prominent scholar and third Rois Am of NU (Ida and Jauhari, 1999). Abdurrahman Wahid’s father was the former young chairman of Nahdlatul Ulama (NU) (Fealy and Barton, 1997). Judged from the genealogy of his family, he was obviously from a blue-blooded family of NU (Fachruddin, 1999).

One of the most dramatic memories hitting Abdurrahman Wahid’s life precisely when he was in his young age, 13 year-old, was the death of his father in a car accident in Bandung in April 1953. The effect of the tragic death of the father – Wahid Hasyim was in a relatively young age of 38 – was so obvious in his memory. The accident was the most traumatic experience for him, considering that he was in the same car with his father. "I was sitting in the front seat, and father was in the back. When the car was running upside down, he was thrown out and severely injured. A day later he passed away," recalled Abdurrahman Wahid as quoted by Gamma magazine (1999). He was saved in the accident. Later, he increasingly felt that he was to take responsibility for the future of Nahdlatul Ulama (NU) ever since he survived the accident (Greg Barton 1999).

Most of Wahid’s educational experiences was spent in Pesantren, the Islamic boarding school, as he was in the young age. He started an elementary education in Jakarta. Then he
went to a Junior High School of Economics for three years (1954-1957), during which he lived in the house of KH Junaid, a prominent modernist of Muhammadiyah organization. KH Junaid was a clerical member of Majelis Tarjih (the Legal Affairs Committee) of Muhammadiyah. In Yogyakarta, Abdurrahman Wahid used to get below-average grade in his school because he was too addicted to many things, especially reading. As a result, he failed the exam, and this failing became a bitter experience for him (Bahar, 1999).

After Junior High School, he spent most of his time in some leading pesantrens of NU (Fachruddin, 1999; Bahar, 1999). At first, he nyantri or studied at Pesantren Tegalrejo of Magelang (1957-1959), and completed his study with less than half of time period needed by other santris (students) in general. From 1959 up to 1963, he studied at Pesantren Muallimat Bahrul Ulum of Tambak Beras, Jombang. Next, he studied at Pesantren Krapyak of Yogyakarta and stayed at the home of a prominent NU leader named KH Ali Maksum until then he went to Egypt in 1964 (Van Bruinessen, 1997).

Unlike most students in pesantren who more interested in religious sciences than in secular ones, Abdurrahman Wahid decides to follow different way. Besides studying kitab kuning (literally it means yellow books referring to the Islamic classical books in pesantren), he is also interested in the books of literature. This unusual hobby of a pesantren student was instilled by his English teacher named Rubi'ah when he was in Junior High School. A Gerwani organization member, Rubi'ah urged Abdurrahman Wahid to read the works of Lenin, Pushkin, Thalles, Plato, William Bochner, and Turgenev. It is said that he has been acquainted with the works of Karl Marx, more importantly Das Capital, since Junior High School. Whatever the motive, he was thankful that his teacher advised him to read the works of the leftist. “If not so, maybe I do not desire to read,” Abdurrahman Wahid admitted (Fachruddin, 1999).

While in pesantren, Abdurrahman Wahid or Gus Dur spent much of his time to gain knowledge from his teachers. He really used his time to acquire as much knowledge as possible there. In Jombang, for instance, he spent his days to study kitab kuning. After dawn prayer (shubuh), he studied three books from KH Fattah, and then at 10 a.m, he went to teach. After midday (dhuhr), he studied other two books from KH Masduki and forwarded to the house of KH Bishri Syamsuri for sorogan, a face-to-face study between the teacher and the student. In the evening, he studied from KH Fattah again (Malik and Ibrahim, 1998). In this way, day after day he made a busy schedule studying knowledge from various disciplines in pesantren. His perseverance and strong persistence in studying made him different from any other students. Moreover, he was in relatively young age. It is said that he was well versed in the mastery of Arabic grammar. This competence significantly helped him prepare his further study in Egypt later (Bahar, 1999).

After completing his education in pesantren as what his mother expected, Abdurrahman Wahid or Gus Dur had an opportunity to continue his education in Egypt with a scholarship granted by the Ministry of Religious Affairs under Minister Saefuddin Zuhri, an NU cadre. In 1964, Gus Dur left the homeland and headed to Cairo, Egypt to study religious sciences and knowledge in Ma'had al-Dirasat al-Islamiyya of al-Azhar Islamic University. In Egypt, he took Islamic studies with the specialization of Shariah (Malik and Ibrahim, 1998). However, after a couple of years, he was very disappointed with the intellectual atmosphere in al-Azhar which tended to extinguish personal potential and still emphasized its technical education highly on memorization (Barton, 1999).

Nonetheless, Gus Dur used his time in Cairo effectively, that is by spending time in some big and complete libraries in Cairo – as a substitute for lessons he missed in the class –, including the American University Library. Though he was disappointed with the educational system of al-Azhar as an institution, still he could enjoy the cosmopolitan life of Cairo.
fact, Gus Dur felt fortunate for this condition opened lots of opportunities for him to join discussion groups and brainstorming activities that are generally followed by Egyptian intellectuals. According to his testimony, in Egypt he gained good understanding of socialism of culture. The Arabs, said Abdurrahman Wahid, often questioned socialism from cultural angle. This was done because they did not have any room to question the socialism from religious point of view (Malik and Ibrahim, 1998). What should also be noted during his stay in Cairo was that he became so interested in football and French films.

Feeling uncomfortable with the educational system in Egypt, Gus Dur moved to Baghdad and spent four years there. In Baghdad he did not study about Islam, but Arabic culture and literature, Western philosophy, and social theories. It is said that Gus Dur liked the university system in Baghdad better than that in Egypt because of its similarities with the system of European education in many aspects. In his new environment, he read lots of works, such as Emile Durkheim’s thoughts. He was also listed as the president of the Indonesian students association in the Middle East in the period of 1964 until 1970 (Barton, 1999). His interest to study about Indonesia was also growing in the university because of plenty of references about Indonesia available in the library of Baghdad. Also, in the University of Baghdad he was asked to examine the historical origins of Islam in Indonesia (Bahar, 1999).

It is unclear whether or not Abdurrahman Wahid or Gus Dur has completed his education and obtained a bachelor's degree in Baghdad. Many told that he has finished his education and got an LC., but some said that he has not. What is certain is that he wanted to feel liberal education in Europe after his study in Baghdad, Therefore, in 1971, he travelled to Europe to find a university, so that he could continue his education there (Ida and Jauhari, 1999). However, his expectation to study in Europe was not accomplished since European universities did not recognize the qualifications of students from the Middle East universities. At this point, then, he was motivated to go to McGill University in Canada to study Islamic studies in depth. But in the end, he decided to return to Indonesia after inspired with interesting news about the development of the pesantren world (Barton, 1999).

Back in Indonesia, he returned to his original habitat, i.e. the pesantren world. From 1972 to 1974, he was appointed as a lecturer and the dean of the Faculty of Islamic Theology at Hasyim Asy'ari University in Jombang. Then in 1974 to 1980, he was mandated by his uncle named KH Yusuf Hasyim to become general secretary at Pesantren Tebuireng in Jombang. During this period, he regularly began to get involved in the management of NU and served as Katib Awal (first secretary) Syuriah since 1979 (Barton, 1999).

While in Jombang, Gus Dur frequently engaged in different perspectives or conflict of thoughts with his own uncle, KH. Yusuf Hasyim. As a young boy having studied in the Middle East and been familiar with Western science and knowledge, he showed his critical stance towards political thoughts and behaviors of KH. Yusuf Hasyim. This indicates that Gus Dur began to show his rebellion and his radical stance in the blue-blooded family of NU. He even did not hesitate to deal with the actual figure of the heir to NU tradition (Ida and Jauhari, 1999).

According to some sources, Abdurrahman Wahid's attitude was then known by the NGO (Non-Governmental Organization) activists in Jakarta, mainly those incorporated in LP3ES (Institute of Research, Information, and Education in Economic and Social Concerns). Among those who responded to the phenomenon of Abdurrahman Wahid at that time was Dawam Rahardjo. Therefore, Dawam tried to bring him in Jakarta and asked him to join as a functionary in LP3ES. From now on, Abdurrahman Wahid lived in Jakarta and worked in LP3ES. He got along with the NGO activists both from Jakarta and from abroad. Nevertheless, he did not abandon his activity in the pesantren world. He established a pesantren in Ciganjur, South Jakarta.
As a consequence of his move in Jakarta and his activity in NGO since the late 1970s, he became acquainted with prominent figures and groups from different backgrounds involved in various projects and social activities. Since then, he regularly held contacts with progressive young intellectuals and reformers, such as Nurcholish Madjid and Djohan Effendi through academic forums and study group circles. Furthermore, from 1980 to 1990 he participated in MUI (Indonesian Ulema Council).

Abdurrahman Wahid was active in the world outside pesantren. He used to be the chairman of DKJ (Dewan Kesenian Jakarta) or the Jakarta Art Council in 1982 – 1985 and fraternized much with the priests, even to a particular activity like monthly trainings of the Protestant clergy. He was also one of the National Film Festival Jury in the 1970s and 80s. In this busy schedule, he got lots of criticism from ulema from both NU and others. However, he was still running in his pace and activities because he thought that this was not only the logical consequence of our social and Indonesian life but also the embodiment of the Islamic values. In other words, Gus Dur wanted to convince that the Islamic values are universal and far beyond the boundaries of the symbolic world as understood by some (Ida and Jauhari, 1999).

Such a life background of Abdurrahman Wahid needs to be known in order to try to look carefully at the background of his thoughts. It seems that he is the product of a combination of personal qualities absorbed from the family and education environment since his childhood. By examining the way he lived his life, we can conclude that Gus Dur grew up and became acquainted with not only a traditional Islamic world though it was the most dominant factor in terms nasab and formal formal education. More than that, he was the product of a very rich life experience with complex contiguity of cultural values dialectically influencing his thinking.

3. DEMOCRATIC VALUES IN GUS DUR’S VIEW

According to Abdurrahman Wahid, democratic values are not only about syura or parley, but include in them some basic values such as freedom, justice, and parley itself. Freedom means individual freedom in front of the state power or a balance between the individual rights of citizens and the collective rights of society. In the other hand, justice is a cornerstone of the democracy in the sense of equal opportunities to all people. It implies an autonomy or independence of the persons to regulate their lives according to what they want without disturbing the rights of others. Further, syura or parley means the way we maintain the freedom and fight for justice. Thus, although we already have MPR (The House of Representatives) in our country, for example, still we could question if the MPR as a form of parley has been able to implement democracy in the life of the nation. The standard is that whether or not the House has been carrying out justice properly and providing freedom in our country (Wahid, 1993).

From the above-mentioned explanation, we can see that Gus Dur’s efforts to fight for democratization is an empowerment towards the democratic institutions and a response to increasing participation of the citizens in politics. This is understandable by considering the fact that the political system in the New Order was likely too involved in many aspects of life, and the political institutions did not function as a channel of people participation (Hikam, 1996).

For Abdurrahman Wahid, the base of democracy is justice with equal opportunities available to everyone. It implies an independence of the individuals to regulate their own lives according to what they want. In this sense, democracy demands a justice requiring the autonomy of each individual. However, democracy does not recognize absolutism for it is a
process of an ongoing bargaining and negotiation. Thus, democracy is always leaving things possible to be negotiated. In this context, Gus Dur believes that the struggle for democracy is not a one-day task, but it takes a long time and patience in addition to determination (Hikam, 1996).

From Abdurrahman Wahid’s thoughts about democratization, there is a tendency for him to put the struggle of the people only as part of the struggle to create a more democratic life in this country. Therefore, according to him, what is important is to strengthen the democratic political mechanism. In his view, this political mechanism will benefit the Muslims who occupy the majority of Indonesian population. As the majority, their position will be decisive in giving the direction of the struggle of this nation. He maintains that the democratically political mechanism itself will place each of the political groups in proportion. Further, what is more important in this rational and healthy mechanism is that their position will be more legitimate than if it is obtained through formal power. Therefore, the only way is to strengthen the power of the people or to create the empowering society (Afandi, 1996).

The effort is very interesting if it is associated with what Abdurrahman Wahid wrote in one of his articles in Jawa Pos on October 25, 1998. In his writing, he contrasts between the desire of some Muslims groups insisting the formalization of Islam and democracy. He stated: *It is necessary to have a deep and clear thinking concerning with the strategy of Islamic movement in Indonesia dealing with the challenges of modernization. Should Islamic movements in Indonesia follow the formal rules of the religion in everyday life? Alternatively, should they avoid the formalized religion in favor of the struggle for democracy with all its consequences?* (Wahid, 1999).

If we look at the passage carefully, we can conclude that democracy is an alternative answer substituting the implementation of the formalized Islamic teachings in this country. However, we know that the majority of the Indonesia's population is Muslims. If Abdurrahman Wahid is consistent with his mission, i.e. empowering society, the formalization efforts can still be done without leaving the democratic process on the ground of the enforcement of democracy. It is very possible for Muslims to struggle for the formalization through the existing institutions of democracy, such as the MPR and DPR, the members of which embrace the Islamic religion.

According Fachry Ali, in response to the above-mentioned article by Abdurrahman Wahid, anyone in Indonesia will not refuse the idea of the need of the Indonesian people to enter a period of democratization. Further, he said:

*However I still have little question about the application of the democratization process. The first is related to the demographic problem. Should, for example, the Muslims’ aspirations as the majority be subordinate to the demands of the change promoted by some educated elites in the name of democracy? Are the people’s desires to apply the formalization of Islam in the State structure is considered undemocratic actions? Secondly, in practice, the democratic process can give rise to the idealized goodness.* (Wahid, 1999).

Therefore, according to the writer, if the emphasis of Abdurrahman Wahid’s ideas of democracy is more focused on empowering society or civil society, democracy should not be contrary to the wishes of some people who aspire to the formalization of Islamic teachings and laws. However, it seems that there are some other aspects being advocated by him during the democratization process.

The fact is that Abdurrahman Wahid does not agree that Muslims may force the State law to be submissive to the Islamic law because as the majority they formally have power. According to him, Pancasila and the 1945 Constitution guarantee the freedom to follow any religion for all citizens, and not only Islam (Wahid, 1998; 1999). For him, the struggle for the
established democracy and the implementation of Islamic law has an interesting position, and the key to democratization is the equal rights and status (Wahid, 1998; 1999).

Thus, rejection of the formalization is due to Abdurrahman Wahid’s emphasis on the equal rights and status for all citizens before the law in the State system in Indonesia. For him, the perfect state law in Indonesia cannot be accomplished by relying only on the Islamic Shari’a (Wahid, 1999).

Although Wahid’s ideas about democratization cover the principles of empowering society or civil society that allows the majority to make efforts and to fight for the formalization of the Islamic teachings and laws, he disagrees with such efforts. This is because, according to him, such efforts are contradictory to the principle of equality, which is also an inherent value in his idea of democratization. Hence, civil society in this sense is understood as an effort to strengthen the society to deal with the power of the state, not to eliminate other democratic values, such as by formalizing any religious doctrine and law, including Islam.

According to the writer, in addition to the empowering aspects of civil society, there are other concerns that become Wahid’s attention in relation to his idea of democratization, i.e. pluralism and tolerance. In fact, these two aspects directly or indirectly often clash with groups advocating the formalization of Islamic teachings.

Democracy aspired by Abdurrahman Wahid is a democracy that operates in real, plural society. It, along with its mechanism, does not, and should not eliminate the existing differences. The existence of a wide variety of classes and groups (large and small) based on ethnicity, race, religion, belief, and so forth, which are sometimes contradictory, is entitled to be considered their aspirations in taking political decisions (Al-Zastrow, 1999). Democracy is so important in a pluralistic society because it turns out that perfect life of a nation can only be achieved and developed in a democratic atmosphere (Wahid, 1991, 1999).

In Wahid’s view, pluralism of society does not only lie in the pattern of peaceful coexistence because such things are very vulnerable to misunderstanding among the groups leading to disintegration at any given moment. Moreover, appreciation for pluralism means awareness among the groups to sincerely understand each other and promote dialogue so that they can create give-and-take relation for the substance of democracy is the freedom to give and take (Wahid, 1996).

According to Greg Barton (1999), one of the least understood aspects of Abdurrahman Wahid in relation to his idea of democratization is that he is untiringly calling for pluralism and tolerance. In his view, Wahid is seen as a non-chauvinist Muslim, who fights for social acceptance of the fact that Indonesia is diverse or plural.

Abdurrahman Wahid maintains that the prerequisite for the process of democratization enabling pluralism to establish is the existence of the Law State upholding and complying with the requirements of the rule of law (Wahid, 1996). The rule of law can be enforced if there are three elements that function effectively: the constitution, independent judiciary, and the right to test the legislation. The law or the constitution in a democratic country is man-made product represented in the representative body of the people. In this case, the decision-making process of the law should be based on democratic mechanisms.

The struggle to uphold human rights, democracy and the rule of law, in Abdurrahman Wahid’s view, is a universal human struggle. Voicing these fundamental things is the autonomy of society against the state. Because it is universal and autonomous for the society vis-a-vis the state, the struggle is inclusive or beyond the geographical, cultural, ethnic, racial, and religious boundaries (Wahid, 1991).
The implication of Wahid’s commitment to the principles of pluralism and equality is his rejection of the idea of an Islamic state and community as political goals of Muslims in Indonesia. This view has radical implications in Islamic political thoughts in Indonesia especially and in the Islamic world generally. His thoughts and attitudes are even considered more radical than the political views of a liberal scholar Nurcholish Madjid. As we know, the root of Islamic modernism is quite strong in Madjid’s thoughts. Therefore, if we observe them carefully, the idea of the establishment of an Islamic society is still acceptable in Madjid’s view, at least as an imagined community (Hikam, 1996).

According to Wahid, the strategy for the realization of Islamic society in Indonesia, pioneered by ICMI (Indonesian Muslim Scholar Association) at the time, is basically opposing the other strategies. Though he admits that the role of Islam is very important in national life in Indonesia, he refused that its role should be reduced from its ideals, i.e. as the only alternative. Abdurrahman Wahid (1993) writes:

"We feel that we should dominate the political institutions, governmental system, public opinion pathways, and mechanisms of mass mobilization. Yet, to have these things in one command is not possible because political life is based on the principle of mutual balance. Anyone who tries to have them all will be the rival of the stakeholders. In other words, if the Islamic groups or movements have all those things in their hand, they would become a threat or common enemy by those who could not participate. If this situation happens, do not be surprised if the Armed Forces to the barbers as the minority unite against the Islamic movements."

Abdurrahman Wahid worriedly thinks that Islam will lose its relevance if placed as the only alternative. If Muslims in Indonesia want to implement Islam correctly, they must look at Islam only as a source of color or inspiration. They are to place Islam as the heart and lifeblood of all matters, no more than that. If functioned as the single truth, while others have to succumb, Islam will only become the exclusive religion. Wahid warns that, as a nation, we are already pluralistic (Wahid, 1991).

4. IDEALIZATION OF ISLAM IN GUS DUR’S VIEW

Abdurrahman Wahid disagrees with the idealization of Islam as a social system. Instead, he promotes a functional view of Islam that integrates universal insights of Islam and national insights of particular country. According to this thought, Islam should be traced from its function as a way of life prioritizing the welfare of society, any form of society. For this purpose, man was created with perfect completeness, ahsan taqwim, as a creature. With his peculiarity, he was able to build and develop his personality, and from personal development, it appears a pattern of human relations called community association, social interactions, or public communication (Wahid, 1993).

This formulation suggests that Islam is fully functional in the public life of the nation through the development of its core values as the ethics of the society. Islam serves in the public life not as a form of state, but as a social ethics guiding the way of the public life to conform to the dignity and glory of humanity. The use of the nation-state form is considered more effective to achieve certain purposes. The view of this effectiveness matches conception of al-Ghayah wa al-Wasail.

Thus, according to Wahid, Islam can function fully in the life of a particular community through the development of its basic values as the ethics of the community. This function should not be confused with a particular form of state, but a system of social ethics intended to guide the community and state in accordance with human dignity. According to him, many religious laws are not purely applicable as the form of moral instruction performed by ummat,
people, with full consciousness. Religion will not lose its greatness when functioned as a system of social ethics (Abdillah, 1999).

On the other hand, Abdurrahman Wahid was not sure if there is a definitive concept of state in Islam. Thus, forcing the implementation of Islamic laws as a single order of the state administration is groundless. According to him, the most important thing in establishing the country is how to understand the religious aspirations of the society. In the national context, this issue is also understood as an effort to make the state a more definite shape in giving an opportunity for religion without discrediting other religions. The issue, for him, can be answered through the process of democratization. This process is believed to be able to bridge the two parties, namely religionizing the state, and providing a place for religion (Wahid, 1981). The idea is popularly known as the cultural approach.

Abdurrahman Wahid’s view is obviously different from that of some groups that use structural approach in idealizing Islam as a way of life and try to formulate as well as introduce an Islamic system, such as the Islamic political system, the Islamic economic system, Islamic sciences, and so forth. The groups rely more on formal thoughts. In the political context, this formal thoughts show an attention to an orientation that tends to sustain the forms of imagined Islamic policy, such as the establishment of Islamic political system, Islamic parties, Islamic symbols, expressions, and idioms (political, civic, culture) as well as the experimentation of the Islamic constitutional system (Abdillah, 1999). Therefore, the formalist groups emphasize on the ideological and political symbols of formal religions (Anwar, 1995).

In the context of Pancasila system, they want to make Islam as the dominant factor in shaping and developing socio-economic and political system based on Pancasila, or even as the sole factor filling and coloring the ideology of Pancasila. The attempts to formulate an Islamic system are primarily intended to base Islamic studies in a scientific study and make it a reference in articulating the Muslims aspirations. The system is also intended to avoid, or at least to minimize, the negative influences of foreign ideologies, particularly Marxism and Liberalism, which are philosophically incompatible with the ideology of Pancasila (Abdillah, 1999).

At the time of liberal democracy, formalistic political thoughts tended to be displayed by Islamic political parties preserving the Islamic state basis. In the Constituent Assembly in 1957, Islamic leaders from various schools and groups sharply criticized the emergence of Pancasila as the state philosophy. Muhammad Natsir the leading spokesperson of the Islamic parties, for example, firmly stated that Pancasila was both neutral and secular. Its position as the state foundation was seen vague; it did not mean anything to Muslims who have had a definite and perfect ideology, i.e. Islam. Therefore, Natsir idealized the state based on Islam (Anwar, 1995).

In 1980s, formalistic political thoughts, though not the same as the previous period, were more likely to have the same inclination. The difference is that formalistic political thinkers have successfully formulated a new paradigm, which is more conceptual. In this period, they tried to transform the Islamic activists’ ideals, which were typically formalistic legalistic, into a more substantive and integrative approach (Effendy, ).

One of the main proponents of this structural or formalistic approach, Amien Rais also said that Islamic propagation (dakwah) must be simultaneous with other movements from different aspects of life to change the status quo, so that Islamic values can flourish and generate the nation’s welfare. Therefore, the political, economic, social, cultural, and scientific activities should be the medium of Islamic propagation, dakwah.
In Amien Rais’ view, politics plays the most influential factor of all areas because it is associated with power. It is the decisive aspect of the other aspects: social, economic, cultural, legal and other aspects of life. Such an approach is highly concerned with the Islamic values, and does not give room for secularization and secularism. Therefore, Rais argues that politics, as a means to realize the Islamic dawah, should logically support social reconstruction based on the Islamic teachings. Later, the reconstruction must be implemented in the economic, social, cultural, scientific, technological, and of course political sphere (Rais, 1992).

By looking at the movement carried out by this formalistic group, we come to know that the formalization of Islamic teachings encourages the realization of the institutionalized doctrines, idioms, and religious symbols literally and openly. Through the institutionalization, thus, Islam and the Muslims will become a considerable political denomination as well as alternative power for the others (Anwar, 1995).

It is not an exaggeration when we look at the fact that most of the Muslims believe in the holistic nature of Islam. In their perception, Islam is considered as a divine instrument to understand the world and is seen as more than just a religion (Ma’arif, 1988). According to this group, they think that Islam, from its inception, has covered two aspects: religion and society or politics (Iqbal, 1951). This assumption gives birth to a belief that Muslims must establish an Islamic state or seek to formalize its teachings in a country. In fact, for some people, the Islamic state is theoritized as the God state or the God kingdom on earth whose components include: the Muslims, Islamic law (sharia), and the caliph. The Chaliph is God’s representative on earth, where there is no place for people to freely determine their political preferences or enforce their sovereignty (Ayubi, 1991). This idea has been formulated by some fundamentalist Muslims such as Sayyid Qutb (1906-1966), al-Mawdudi (1903-1979), and Hasan al-Banna (1906-1949).

Similarly, in the field of law, al-Qur’an has determined that Muslims are basically to obey Allah and His Messenger (QS.4: 59 and QS. 24:51). Muslims are not allowed to take other legal options if Allah and His Messenger have set clear and certain regulations (Qur'an, 33: 36). To take other legal options, while Allah and His Messenger have given the legal provisions, is considered dhalim, kafir, or fasiq (QS.5: 44, 45 and 47). Therefore, in terms of the teachings, Islam requires that Muslims must apply the Islamic laws. Muslims are commanded to obey the law of Islam (Qur'an, 24: 51, 52) (Affandi, 1996).

The formalistic group seems to get the opportunity to grow when the New Order ruler at that time, General Soeharto, required political support from Muslims due to the lack of support from the Armed Forces. Supporting this group, the New Order was very accommodating towards Islam through the implementation of policies that were in line with the socio-economic and political interests of Islam. If categorized broadly, the evidences of this accommodation can be grouped into four different types: (1) structural accommodation, (2) legislative accommodation, (3) infrastructural accommodation, and (4) cultural accommodation (Yusuf, 1983).

In legislative accommodation, – as mentioned before – the government has set regulations in the field of law relating to the Islamic laws and the Islamic legal institutions. The regulations are evident in, for example, the regulations on Judicial Power No. 14/1970; Act No. 1/1974 describing the laws of (Islamic) religion in determining the validity of the marriage; Government Regulation (PP) No. 28/1977 on the Donation of an Owned Land; Act on Religious Courts No. 7/1989; the President Instruction No. 1/1991; and so forth. In addition, there were the National Education Acts year 1989; new policy on jilbab or headscarves in 1991; the joint decisions in ministerial level concerning with Bazis in 1991; and the disposal of SDSB in 1993. The implementation of these regulations is in line with the interests of many Muslims, especially the formalistic group.
5. PLURALISM AND DEFORMALIZATION, A TRADE-OFF BETWEEN DEMOCRACY AND RELIGION

According to Masykuri Abdillah, in 1970 Abdurrahman Wahid was actually still one of the supporters of the structural or formalistic approach. However, in 1978, he began to see weaknesses in the formulation of the Islamic social system; the system was keen to idealize the Muslim community, so that it could not reflect the actual conditions (Abdillah, 1999). Later, he considered democratization for it focused more on pluralism.

Wahid’s commitment has even been underlying his criticism of the movements led by formalistic groups. This attitude, at least, has been demonstrated by his refusal to a wide variety of organization that seeks to formalize religion and tends to be exclusive and sectarian. His anti-sectarianism and anti-exclusiveness stance was visible when he openly opposed the establishment of ICMI (Ramage, 1995). Wahid repeatedly deplored the presence of ICMI, which he thought a backward step in the political life of the nation (Liddle, 1988). In his opinion, ICMI was a threat. Its activists attempted to make an Islamization in the government and society. Moreover, if this happened, the values of tolerance, mutual appreciation among religions, and national unity would be gradually threatened and neglected (Ramage, 1995).

Wahid’s disagreement in the formalized Islam – including the Islamic laws therein – can be proven from his statement saying that the symbolic and formalized Islam were never strategic. In a pluralistic nation with highly potential conflict, the symbolic and formalized model of Islamic movement would only provoke a reaction and cause self-defensive system (durability) from other groups feeling threatened. This condition would eventually lead to tensions among groups provoking the rise of new problems during the process of nation building (Al-Zastrap, 1999).

In this context, according to Wahid, the state – to certain extent – exacerbated this trend by involving itself in religious matters, especially those relating to the interests of the majority, i.e. the Muslims. He noticed that the most striking evidence displayed deeper penetration of the state into the religious matters, such as the implementation of the Acts on Religious Courts (Religious Courts Law), the issuance of joint decisions in ministerial level regarding Bazis, the establishment of ICMI, BMI, and the others. For him, further consequences of these practices could be very damaging because they risked the principles of pluralism and national unity (Al-Zastrap, 1999).

On the other hand, in one of his articles, he told that a Palestinian journalist once asked him about the reason behind the establishment of the Democracy Forum (FORDEM) by him and clergymen from other religions (Wahid, 1999).

I replied that the motivation to fight for democracy and equality is also part of Islam. I believe that Islam encouraged the establishment of democracy. Therefore, I established the forum (FORDEM) together with people who might be anti-God, atheist. In other words, I saw the democratic nature of Islam, even to things that had been considered untrue.

By paying the high attention on the value of pluralism, Wahid tries to accommodate the rights of all citizens. Any form of human rights must be respected, including the right to convert to other religion. Moreover, this right is one of the rights set forth in the United Nations (UN) Charter in 1948. Such a stance is certainly contradictory to the Islamic law or fiqh judging it as wrong decision. In many fiqh books, it is clear that if anyone chooses guidance other than Islamic teachings, then he is judged as an apostate. Further, an apostate deserves a death punishment (Wahid, 1999).
In this regard, Abdurrahman Wahid (1999) said:

*For me, such a law is certainly not democratic. The reason is that people are not given permission to be hesitant. We see only the end result, not the process. It also shows very formalistic attitude towards religious teachings. In fact, religion always encourages its people to follow the process. Does not the very word Islam mean religious submission, indicating religion as a process, not the end result?*

Wahid’s answer and his subsequent explanations to the Palestinian reporter indicated that he had entered into the contemporary discourse of liberal democracy and even relatively secular as he rejected the idea on the principles of sovereignty of God.

Therefore, according to him, the relationship between religion (Islam) and democracy is substantive rather than symbolic. The Islamic revival in this context, he argues, should be perceived as an attempt to establish a new society rather than just democratic one, as well as sovereign to enforce the laws and welcome to plurality. It is not a new passion to assert primordial identity based on Islamic symbols and labels vulgarly. The essence of the revival is the achievement of the true ideals of Islam, i.e. justice, prosperity, and equality among human beings (Wahid, 1995a). This condition requires the rule of law treating all citizens fairly without exception in accordance with their respective rights. Only with the rule of law will people be able to develop the concept of the equality of rights and degree among the others. In fact, such equality can ensure the true realization of social justice (Wahid, 1995b).

Wahid do admit that the role of Islam in Indonesia is very important though he refuses that the role being played should be reduced through its idealization as the only one (Wahid, 1993). Positioned as the only alternative, Islam will lose its relevance. In his view, Islam should be seen as source of color and placed as the heart and pulse of all matters (Wahid, 1991).

Wahid is fully aware that to combine democracy and religion in the context of religious tolerance along with their innately significant differences is not an easy task. Wahid said that religion would always keep its normative views as they are brought its holy scripture. Hence, there is only one truth that can be accepted by a religion, which is the truth of its own teachings. The worst of this is when the normative views are implemented in the form of religious law (sharia). In this sense, democracy can threaten the eternal values implicit in religion (Wahid, 1994). Abdurrahman Wahid (1994) added:

*Democracy also equates the degree and status of all citizens before the law, irrespective of their ethnicity, language, culture, and religion. In the other hand, religion tends to look for differences on the ground of the above-mentioned issues, at least in case of religion and belief. Here, since each religions has their own fundamental particularities, they must be subjugated on the sake of the national interests, more importantly when they are expected to be able to support democracy.*

Here is a trade-off between democracy as a common desire and universal values in one hand, and religion as a way of life in another hand. Religion should be on its appropriate track without losing its identity and able to contribute to the creation of the democratization process. To preserve this role of religion, Wahid proposes that some efforts are required to facilitate internal transformation in religion. In regards to the liberation mission, Wahid realizes that there will be quite complicated collisions within religion. In addition to the problem of absolute truth that exists in each religion, there is also a more critical concern dealing with the ways of making the role of religion become narrow or shallow (Wahid, 1998).

In fact, Wahid’s disagreement with the formalization of the Islamic teachings, especially Islamic laws, can be traced from his work entitled Menjadikan Hukum Islam sebagai
Penunjang Pembangunan (Making the Islamic Laws Supportive of the National Development). In his view, most of the provisions in the Islamic laws are mere theoretical projections. Slowly but surely, Islamic laws undergo a process of irrelevances in almost all of their practical manifestations. Problems related to civil law have been challenged by the modern civil law. The provisions of the criminal law have been entirely replaced by modern criminal law. Islamic constitutional and international laws are no longer known, leaving only the religious duties, ‘ibadah, of its follower in this life (Wahid, 1975).

The rejection of the formalization of Islamic laws becomes more obvious as Abdurrahman Wahid fights for democratization. Indeed, his struggle for democracy cannot be separated from the values inherent in it, such as equality of rights and status of the citizens before the law as well as pluralism and tolerance. His ideas – directly or indirectly – hinder the desire of those who aspire to the formalization of the Islamic teachings and laws in Indonesia.

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