

Religion, Law, and State Power: The Dynamics of Legal Contestation in Indonesian Presidential Elections

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Abstract: This article examines the legal and political dynamics of the relationship between religion and the state in Indonesia, particularly in the context of presidential elections. Since the nation's founding, this relationship has been a subject of contestation—beginning with the Jakarta Charter controversy and reemerging in the post-truth era through the rise of identity politics and populism. Employing library research and Michel Foucault's heuristic framework, the study identifies three dominant paradigms in the religion–state relationship: secularist, traditionalist, and reformist or moderate Islamic. It argues that Indonesia's current model aligns with the reformist Islamic paradigm, characterized by a reciprocal relationship in which the state supports the development of religion, while religion provides moral and ethical guidance to the state. The state integrates Islamic ethical values—such as honesty, justice, and brotherhood—into governance and social life, fostering a mutually beneficial framework. This symbiosis does not aim to establish a theocracy but rather promotes a morally grounded state apparatus. The study contributes to ongoing scholarly discussions by offering a framework for constructing a harmonious relationship between religion and the state in pluralistic societies. It concludes that strengthening reformist Islamic values can reinforce Indonesia's democratic resilience and enhance the spiritual and ethical foundations of its political order.

Keywords: Religion–State Relations; Legal Contestation; Presidential Elections; Reformist Islam

Abstrak: Artikel ini mengkaji dinamika hukum dan politik dalam hubungan antara agama dan negara di Indonesia, khususnya dalam konteks pemilihan presiden. Sejak awal berdirinya negara, hubungan ini telah menjadi subjek perdebatan—bermula dari kontroversi Piagam Jakarta dan kembali mencuat di era pasca-kebenaran melalui menguatnya politik identitas dan populisme. Dengan menggunakan metode studi pustaka dan pendekatan heuristik Michel Foucault, penelitian ini mengidentifikasi tiga paradigma dominan dalam relasi agama dan negara: sekularis, tradisional, dan Islam reformis atau moderat. Penelitian ini berargumen bahwa model hubungan yang berkembang di Indonesia saat ini selaras dengan paradigma Islam

reformis, yang ditandai dengan hubungan timbal balik di mana negara mendukung perkembangan agama, sementara agama memberikan panduan moral dan etika bagi negara. Nilai-nilai etika Islam—seperti kejujuran, keadilan, dan persaudaraan—diintegrasikan ke dalam tata kelola pemerintahan dan kehidupan sosial, membentuk kerangka kerja yang saling menguntungkan. Simbiosis ini tidak bertujuan membentuk teokrasi, melainkan mendorong terbentuknya negara yang berlandaskan moral. Studi ini memberikan kontribusi terhadap diskursus ilmiah yang sedang berkembang dengan menawarkan kerangka untuk membangun hubungan yang harmonis antara agama dan negara dalam masyarakat pluralistik. Ditegaskan bahwa penguatan nilai-nilai Islam reformis dapat memperkuat ketahanan demokrasi Indonesia serta memperdalam fondasi spiritual dan etika dalam tatanan politiknya.

Kata kunci: *Relasi Agama-Negara, Contestasi Legal, Pemilihan Presiden, Islam Reformis*

Introduction

Indonesia's most significant influence lies in the relationship between religion and the state, shaped by historical, social, cultural, political, and legal factors.¹ More specifically, the contestation of general elections impacts and determines the nation's and state's direction through a dynamic and flexible relationship between religion and state.² Furthermore, several typologies give rise to diverse political perspectives on Islamic law concerning the state and religion, including integralistic, symbiotic, and secularistic approaches.³ These perspectives result in different state characteristics, such as a religious state, a secular state, or a state that does not strictly separate religious and state affairs.⁴

¹ Marudut Parulian Silitonga et al., "The Role of the State in Maintaining the Relationship Between the Church and Society Based on Pancasila and the 1945 Constitution of the Republic of Indonesia," *International Journal of Social Service and Research* 3, no. 4 (2023): 983-989, <https://doi.org/10.46799/ijssr.v3i4.345>.

² Rahmatunnair Rahmatunnair, "Paradigma Formalisasi Hukum Islam Di Indonesia," *AHKAM: Jurnal Ilmu Syariah* 12, no. 1 (2012): 99-108, <https://doi.org/10.15408/ajis.v12i1.984>.

³ Abd Salam Arief, "Relasi Agama Dan Negara Dalam Perspektif Islam," *Jurnal Hermeneia* 2, no. 2 (2003): 279. <http://digilib.uin-suka.ac.id/id/eprint/8422>.

⁴ Muchamad Ali Safa'at, *Dinamika Negara & Islam: Dalam Perkembangan Hukum Dan Politik Di Indonesia* (Jakarta: Konstitusi Press, 2018), hlm. 333-344.

In Islamic politics, the relationship between religion and the state experiences unavoidable variations. This difference is caused by various interpretations of Islamic teachings and influenced by the nation's socio-political factors.⁵ In addition, Samuel P. Huntington, Oliver Roy, John Sidel, and several other Western scholars, such as Bernard Lewis, Kedourie, Lipset, and Gellner,⁶ revealed that religious elements are often influenced by historical experiences and socio-political and cultural realities that make the teachings of state democracy well established.⁷ Muslims adopt this view as an argumentative rationale due to an ongoing process of interpretation, which provides a mutual understanding of reality with a variety of socio-political realities.⁸ This relationship that strengthens state politics in the increasingly dynamic relationship between power and government is called public sharing. Conversely, religious authority (religion) connects the pattern of ulama in playing state politics, as Islam and the state are mutually united and even inseparable.⁹ Of course, the politics of power and government cannot be separated, which makes populist preachers, neo-traditionalists, Sufi masters, and secularly educated new (Muslim intellectuals) one of the paradigms of state administration.¹⁰

In Islamic politics, the relationship between religion and the state inevitably varies. These differences arise from diverse interpretations of Islamic teachings and are influenced by a nation's

⁵ Francesco Piraino, "Islamic Humanism: Another Form of Universalism in Contemporary Sufism," *Religion*, 53 (2), (2022): 246–268, <https://doi.org/10.1080/0048721X.2022.2130836>.

⁶ Saiful Mujani, *Muslim Demokrat: Islam, Budaya Demokrasi, Dan Partisipasi Politik Di Indonesia Pasca Orde Baru* (Jakarta: Gramedia Pustaka Utama, 2007), hlm. 140.

⁷ Ali Sodikin and Anwar M Radiamoda., "The Dynamics of Islamic Constitution: From the Khilāfah Period to the Nation-State," *Journal of Islamic Law* 2, no. 2 (2021): 138–67. <https://doi.org/10.24260/jil.v2i2.241>.

⁸ M. Syafi'i Maarif, *Islam Dan Politik, Teori Belah Bambu Masa Demokrasi Terpimpin 1959-1965* (Jakarta: Gema Insani Press, 1996), hlm. 79.

⁹ Kamsi, "Paradigma Politik Islam Tentang Relasi Agama Dan Negara," *IN RIGHT Jurnal Agama Dan Hak Azazi Manusia* 2, no. 1 (2012): 41-68. <https://doi.org/10.14421/inright.v2i1.1232>.

¹⁰ Hairiyah Hairiyah, "Islam dan Nasionalisme: Studi Atas Pergumulan Islam Dan Nasionalisme Masa Pergerakan Nasional Indonesia," *Staatsrecht: Jurnal Hukum Kenegaraan Dan Politik Islam* 2, no. 1 (2022): 125-143. <https://doi.org/10.14421/staatsrecht.v2i1.2804>.

socio-political context.¹¹ Additionally, Western scholars such as Samuel P. Huntington, Olivier Roy, John Sidel, Bernard Lewis, Kedourie, Lipset, and Gellner have demonstrated that religious elements are often shaped by historical experiences as well as socio-political and cultural realities, which contribute to the establishment of state democracy. Muslims adopt this perspective as a basis for ongoing interpretative processes that foster a shared understanding of reality amid diverse socio-political circumstances. This dynamic relationship, which reinforces state politics through the interplay of power and governance, is referred to as public sharing. Conversely, religious authority connects to the role of the ulama in state politics, as Islam and the state are mutually intertwined and inseparable. Naturally, the politics of power and governance cannot be detached, which positions populist preachers, neo-traditionalists, Sufi masters, and secularly educated Muslim intellectuals as key paradigms within state administration.

In addition, various scholars highlight the dynamics of the legal politics of religion and state relations as entities in strong state institutions with a socio-religious political role.¹² This includes Indonesia experiencing legal and political reform in pluralism in ethnicity, religion, class, and even social class,¹³ synonymous with religious freedom in religious harmony,¹⁴ and creating a public space for democracy based on equality of socio-cultural values.¹⁵ Meanwhile, the political system of law in Indonesia undergoes changes in the process of legislation and constitution based on decisions involving the

¹¹ Francesco Piraino, "Islamic Humanism?: Another Form of Universalism in Contemporary Sufism," *Religion*, 53 (2), (2022): 246–268, <https://doi.org/10.1080/0048721X.2022.2130836>.

¹² David T. Buckley, "Religion–State Relations and Public Opinion: Norms, Institutions and Social Consensus," *Religion, State and Society* 47, no. 1 (2019): 104–123, <https://doi.org/10.1080/09637494.2018.1530404>.

¹³ Refly Setiawan, Melinda Esti, and Viktor V. Sidorov, "Islam and Politics in Indonesia," *RUDN Journal of Political Science* 22, no. 4 (December 15, 2020): 731–40, <https://doi.org/10.22363/2313-1438-2020-22-4-731-740>.

¹⁴ Zainal Abidin Bagir, "Religious Freedom in a Non-Liberal Democratic State: The Case of Indonesia," *Quaderni Di Diritto e Politica Ecclesiastica*, (2018): 219–228, <https://doi.org/10.1440/89935>.

¹⁵ F. B. Hardiman, *Demokrasi Deliberatif: Menimbang Negara Hukum Dan Ruang Publik Dalam Teori Diskursus Habermas*. (Yogyakarta: Kanisius, 2009), hlm. 246.

role of politics,¹⁶ so that laws that accommodate the ancestral values of society and culture based on the customs of society,¹⁷ of course, religion and the state are very relevant even the role of politics as one of the harmonization of the reality of society.¹⁸ On the other hand, the creation of democracy as a means of encouraging positive engagement between religion and the state emphasizes the importance of state policy towards the identity of "Indonesianness".¹⁹ The connection between religion and the state has this role in Indonesian elections, as in the merger of Islamic political parties into one party.²⁰ Despite the rise of Islamic political parties, which emerged based on the dichotomy between political Islam and cultural Islam, both of which have a role to play in realizing civil society in the Republic of Indonesia.²¹ This concern is the essence of democracy, which is pressured by competitive mechanisms in general elections that result in political decisions in the form of rules periodically at the local and national levels.²²

Of course, the relationship between religion and the state from the point of view of the political approach to establishing the state of religion and the state in Indonesia based on it following the 1945

¹⁶ Zico Junius Fernando, "LEGAL POLITICS FORMATION OF LEGISLATION IN THE INDONESIA NATIONAL LEGAL SYSTEM," *Jurnal Hukum Progresif* 10, no. 1 (2022): 25-36, <https://doi.org/10.14710/jhp.10.1.25-36>.

¹⁷ Ratno Lukito, *Legal Pluralism in Indonesia* (London: Routledge, 2012), hlm. 123-265.

¹⁸ M. Sirajuddin, "Harmonisasi Norma Agama Islam Dalam Sistem Politik Hukum Di Indonesia," *Madania: Jurnal Kajian Keislaman* 18, no. 2 (2014): 147-60.

¹⁹ Diding Rahmat and Sarip Sarip, "Comparative A Model Islamic Constitution Dalam Pembentukan Dual Yurisdiction Yudikatif Pasca Amandemen UUD 1945," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 2, no. 2 (2019): 131-45, <https://doi.org/10.24090/volksgeist.v2i2.2880>.

²⁰ Kuntowijoyo, *Paradigma Islam: Interpretasi Untuk Aksi* (Bandung: Mizan, 1991), hlm. 283-445.

²¹ Syahbudi Rahim, "Intelektual Muslim Dan Hubungan Islam-Negara Di Indonesia; Analisis Kritis Pemikiran Hasbi Asb-Shiddieqy Dan Hazairin", *Dalam Mozaik Kajian Islam Di Indonesia.*, PT Pustaka (Jakarta, 2018), hlm. 1-48.

²² Ridwan Ridwan, "Paradigma Relasi Agama Dan Negara Dalam Islam," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 1, no. 2 (2018): 173-84, <https://doi.org/10.24090/volksgeist.v1i2.2139>.

Constitution,²³ but more on the functional spaces of religion in ordering society, nation and state in organizing democratic elections.²⁴ The relationship between religion (Islam) and the state can be traced in the traces of legislation products,²⁵ which exists in the practice of state administration in Indonesia, with the law as a constitutive basis for both *das sollen* and *das sein*.²⁶ Thus, this article focuses on the political dynamics of presidential election law in Indonesia, which separates religion and the state. So that the author argues the relationship between religion and the state²⁷ in the dynamics of statehood in Indonesia, which raises a symbiotic-mutualistic role model.

This research article on the political dynamics of presidential election law in Indonesia focuses on the relationship between religion and the state²⁸; researchers use the library research method with the theory of the relationship between religion and the state by Michel Foucault. Theoretically, power relations work to analyze how power and knowledge move, address, and then shape the face of a civilization.²⁹ So, politics becomes an agency in state politics in the struggle for identity and authority in the public sphere.³⁰ The data used

²³ Hamsah Hasan, "HUBUNGAN ISLAM DAN NEGARA: Merespons Wacana Politik Islam Kontemporer Di Indonesia," *Al-Ahkam* 1, no. 25 (2015): 19-42, <https://doi.org/10.21580/ahkam.2015.1.25.192>.

²⁴ W Aspinall, E., & Berenschot, *Democracy for Sale: Pemilihan Umum, Klientelisme, Dan Negara Di Indonesia* (Yayasan Pustaka Obor Indonesia, 2019), hlm. 95-324.

²⁵ Fariz Ulul et al., "Relasi Islam-Negara Dalam Pembentukan Hukum Di Indonesia," *Sosio Yustisia: Jurnal Hukum Dan Perubahan Sosial* 1, no. 1 (2021): 88-107, <https://doi.org/10.15642/sosyus.v1i1.64>.

²⁶ M. Mahfud MD, *Politik Hukum Di Indonesia* (Jakarta: Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial, 1998), hlm. 413.

²⁷ Komarudin Hidayat, *Agama Masa Depan Perspektif Filsafat Perennial* (Jakarta: Gramedia Pustaka Utama, 2003), hlm. 188.

²⁸ S Sahri, "Konsep Negara Dan Pemerintahan Dalam Perspektif Fikih Siyazah Al-Gazzali," *Asy-Syir'ab: Jurnal Ilmu Syari'ah Dan Hukum*, Vol. 47, No. 2, (2013): 519-560. <https://asy-syirah.uin-suka.com/index.php/AS/article/view/72/72>.

²⁹ Michel Foucault, *Archaeology of Knowledge, Archaeology of Knowledge*, 2013, hlm. 149. <https://doi.org/10.4324/9780203604168>.

³⁰ Klaus Dodds, *Geopolitics: A Very Short Introduction, Geopolitics: A Very Short Introduction*, 2014, hlm. 1-21. <https://doi.org/10.1093/actrade/9780199676781.001.0001>.

is in several stages. The first stage involves collecting data from sources such as books, journal articles, and websites relevant to the context of the relationship between religion and state in the legal politics of presidential elections, particularly in Indonesia. The second stage involves critiquing the material collected from these sources to evaluate the validity of the information in the books, articles and websites. The third stage involves in-depth analysis and interpretation of the material that has been collected and evaluated. Finally, the fourth stage consists of the writing process, which presents the findings in a written work.³¹ Thus, in this research, the interconnection of religion and the state is a state dynamic in Indonesia that raises the diversity of each general election, especially the president with different role models. It needs to be seen how the connection between religion and the state in Indonesia influenced the contestation of the 2024 presidential election.

Political Dynamics in Indonesia: Literature Review

The phenomenon in Indonesia illustrates the existence of populism in the country by showing the relationship between power and candidate leaders.³² This results in a different figure each year during the change of leaders with different typologies, who are seen as representatives of the people in the political arena.³³ With the support of ulama, *kyai*, and prominent figures, this became part of a political strategy that proved effective in winning elections.³⁴ In addition, the elites also engage in non-open politics, manipulating the people's feelings to achieve the goal of power. The flexible nature of elite-driven populism shows how populist politics always adapts to social change and political turbulence despite contradictions in visions, actions,

³¹ Matthew B. Miles and A. Michael Huberman, "Drawing Valid Meaning from Qualitative Data: Toward a Shared Craft," *Educational Researcher* 13, no. 5 (1984), hlm. 20, <https://doi.org/10.3102/0013189X013005020>.

³² Muhammad Hasbi, "Wacana Demokrasi Dalam Pemikiran Politik Islam," *Jurnal Asy-Syir'ah*, vol. 45, (2011): 1144-1158, <https://doi.org/10.14421/ajish.v45i1.9>.

³³ Duncan McDonnell and Luis Cabrera, "The Right-Wing Populism of India's Bharatiya Janata Party (and Why Comparativists Should Care)," *Democratization* 26, no. 3 (2019): 484–501, <https://doi.org/10.1080/13510347.2018.1551885>.

³⁴ Vedi R. Hadiz and Richard Robison, "Competing Populisms in Post-Authoritarian Indonesia," *International Political Science Review* 38, no. 4 (2017): 488-502, <https://doi.org/10.1177/0192512117697475>.

political alliances, coalitions, and even political contestants' personal character to suit voter preferences.³⁵

Consequently, the flexible use of populism in political competition tends to focus on procedures in a democratic system. However, the importance of procedures as an integral part of democracy is recognized.³⁶ However, it appears that the substantial principles of democracy are often ignored in the dynamics of political contestation, leading to stagnation in Indonesia's democratic development. Both candidates' camps provide opportunities for forces that can undermine democracy through the system, governance, or culture of democracy in Indonesia. Maintaining a favourable political position and electability drives negligence towards these potential threats. On the contrary, the public has not seen how the policies offered will encourage deepening democracy, strengthening institutions, and implementing the principles of the rule of law and justice.³⁷

This situation implies that populism tends to lead people to worship candidates dramatically. This reduces the public's rational ability to criticize the weaknesses of potentially harmful products and decision-making processes in the political sphere. This condition is certainly not healthy for democracy in Indonesia because it can hamper the process of checks and balances and lead to citizen apathy towards injustice and oppression that may arise due to populist government policies. A more dangerous impact is the emergence of antipathy or hostility towards fellow citizens who have different political choices and views by strengthening social polarization narratives such as "us versus them".

Each country's different socio-cultural histories have always

³⁵ Joshua Kurlantzick, "Southeast Asia's Populism Is Different but Also Dangerous," *Council on Foreign Relations*, November 1, 2018. <https://www.cfr.org/in-brief/southeast-asias-populism-different-also-dangerous>.

³⁶ Kirill Orach and Maja Schlüter, "Understanding the Dynamics of Fish Politics: The Role of Diverse Actor Interactions in Transformations towards Co-Management," *Environmental Science and Policy* 124, no. December 2020 (2021): 195–205, <https://doi.org/10.1016/j.envsci.2021.06.010>.

³⁷ D. Ziv, "Populist Perceptions and Perceptions of Populism in Indonesia. The Case of Megawati Soekarnoputri," *South East Asia Research* 9, no. 1 (2001): 73–88, <https://doi.org/10.5367/000000001101297324>.

influenced the relationship between state and religion. Even when the relationship is regulated in the constitution, it remains dynamic and flexible in practice.³⁸ The thought patterns regarding the relationship between state and religion can be grouped into three paradigms: integralistic, symbiotic, and secularistic. These three paradigms form states with different characteristics, such as religious states, secular states, and states that do not strictly separate religious and state affairs.³⁹

Perspectives on the relationship between state and religion in Islam also vary. These differences stem from interpretations of Islamic teachings and are influenced by a nation's socio-political factors.⁴⁰ There are at least three recognizable paradigms of Islamic thought: secularists, traditionalists, and reformists. From the perspective of Islamic thought, the variation in views on the relationship between religion and state is unavoidable.

These differences stem from interpretations of religious teachings and are influenced by historical experiences and social realities. The views held by Muslims are the result of an ongoing process of interpretation, which constantly confronts existing realities. These interpretations compete with the control of social institutions, both formal and informal. Competition in the public sphere is increasingly dynamic in the public sphere with the verification of religious authority that is not only in the ulama but also owned by populist preachers, neo-traditionalists Sufi masters, and secularly educated new (Muslim intellectuals).

Relations of Religion and The State

A country with a majority Muslim population and a presidential system is Indonesia.⁴¹ Indonesia's independence was gained on August 17, 1945, and was followed by establishing a constitution known as the

³⁸ Rahmatunnair, "Paradigma Formalisasi Hukum Islam Di Indonesia", hlm. 99-108.

³⁹ Muchamad Ali Safa'at, *Dinamika Negara & Islam: Dalam Perkembangan Hukum Dan Politik Di Indonesia*, hlm. 333-344.

⁴⁰ Mariano Torcal et al., "The Dynamics of Political and Affective Polarisation: Datasets for Spain, Portugal, Italy, Argentina, and Chile (2019-2022)," *Data in Brief* 48 (2023): 109219, <https://doi.org/10.1016/j.dib.2023.109219>.

⁴¹ H. Bottom Nashir, "Bottom Up-Sharia Formalization in Indonesia's Nation State," *Jurnal Studi Pemerintahan*, 2017: 352-82. <https://doi.org/10.18196/jgp.2017.0052.352-382>.

1945 Constitution. This constitution has been amended several times, such as the 1949 RIS Constitution, the 1950 Provisional Constitution, and back to the 1945 Constitution. In addition, the constitution was amended in 1999, 2000, 2001, and 2002. In addition, Indonesia's state ideology is Pancasila as the foundation of the state and shows Indonesia is a country that is not only religiously based but also not secular. Pancasila, as the basic principle of the state, consists of two bases: the moral (religious) basis and the political basis.⁴² Indonesia's contribution does not establish Islam as the state religion. Instead, it gives citizens the freedom to embrace and practice their religion according to their beliefs. The government established the Ministry of Religious Affairs to oversee and regulate religious matters. Indonesia's legal system has two systems: Islamic law and Western law.⁴³

The president, who also functions as the head of state and head of government, holds power at the executive level. However, as part of Indonesia's presidential system, the president functions as the country's leader. Within the presidential system is the term *Trias Politica*, which means that power is divided into three parts: executive, legislative, and judicial. The president is in the executive ranks, where he has a lot of power. He can make his own government or presidential regulations with these powers, but laws may also limit the president's powers.⁴⁴ The country's legislative institutions are the People's Consultative Assembly (MPR), the House of Representatives (DPR), and the Regional Representative Council. Members of these institutions are elected through a general election process and serve for five years. The country's two main courts are the Supreme Court and the Constitutional Court. The Supreme Court is responsible for the

⁴² Abdi Wijaya, "SEJARAH KEDUDUKAN HUKUM ISLAM DALAM KONSTITUSI-KONSTITUSI INDONESIA (Sistem Ketatanegaraan Di Indonesia)," *Al Daulah : Jurnal Hukum Pidana Dan Ketatanegaraan* 7, no. 2 (2018): 234-248, <https://doi.org/10.24252/ad.v7i2.7020>.

⁴³ Kurniawan, "Demokrasi Dan Konstitusionalisme Hukum Islam Indonesia", *Kanun Jurnal Ilmu Hukum*, No. 55, Th. XIII (Desember, 2011): 149-162., <https://jurnal.usk.ac.id/kanun/article/view/6257/5161>.

⁴⁴ Septiana Rizco Nurfaizi, "KEPALA NEGARA DALAM SISTEM KETATANEGARAAN INDONESIA PERSPEKTIF SIYASAH ISLAM," *DIKTUM: Jurnal Syariah Dan Hukum* 18, no. 2 (2020): 233-247., <https://doi.org/10.35905/diktum.v18i2.1409>.

country's general, religious, military and administrative judicial bodies. In contrast, the Constitutional Court has the authority to test laws against the Constitution, settle disputes about the authority of state institutions governed by the Constitution, and resolve conflicts that arise during elections (Article 24 C).⁴⁵

In the ideal state process, the relationship between religion and the state is certainly not a dichotomy; rather, it is harmonious in the context of human and divine values.⁴⁶ The Indonesian nation does not reject modernization as long as it does not abandon human and divine values. Of course, educated Muslim groups see this as playing a significant role in the growth of the democracy movement. So as to create a pattern of religion and state relations based on the explanation in the table below:

Table.1
Religion-State Pattern⁴⁷

Integralistic	Symbiotic	Secularism
This concept explains that religion and the state cannot be separated. This characteristic of Islam includes the political aspect, so the state functions as both a political and religious institution. Governance is based on divine sovereignty, making	Religion and the state interact and need each other. Religion needs the state to thrive, while the state needs religion as an ethical and moral guide. Separation of the two can lead to chaos and moral crisis. The thoughts of Ibn Taimiyah, Al-	The secularist paradigm rejects the integralistic and symbiotic relationship between religion and the state. It proposes a separation of the two and rejects an Islamic-based state or the dominance of Islam in determining the form of the state.

⁴⁵ “Undang-Undang Negara Republik Indonesia 1945”.

⁴⁶ Edmund F. Agyemang et al., “Baseline Comparative Analysis and Review of Election Forensics: Application to Ghana’s 2012 and 2020 Presidential Elections,” *Helikon* 9, no. 8 (2023): e18276, <https://doi.org/10.1016/j.helikon.2023.e18276>.

⁴⁷ A Jufri, “KONSEPSI POLITIK ISLAM DAN REALITAS RELASI ISLAM DAN NEGARA DI INDONESIA PASCAREFORMASI,” *FARABI Jurnal Pemikiran Konstruktif Bidang Filsafat Dan Dakwah* 18, no. 2 (2018): 42–55. <https://journal.iaingorontalo.ac.id/index.php/fa/article/view/694>.

it theocratic in nature. For this reason, this view is theocratic, such as the thought leaders Al-Maududi, Taqiyuddin An Nabhani, and James P. Piscatory. ⁴⁸	Mawardi, and Imam Al-Ghazali. ⁴⁹	Such is the thinking of Ali Abdul Raziq's figure, Botrus al-Bustan. ⁵⁰
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This statement provides an overview of the religion-state pattern in the formulation of states that instruct as one state with an understanding of ideology, ideas based on the historical formation of the state, and the state constitution.⁵¹ This, in turn, offers different approaches to managing the relationship between religion and the state, each with distinctive advantages and disadvantages. The choice of an appropriate pattern depends largely on each country's historical, cultural, and social context.⁵² Ideally, the chosen pattern should balance religious freedom and civil liberties and create social harmony without

⁴⁸ Rondang Herlina, Andi Anderus, and Nasir Siola, "Hubungan Agama Dengan Negara Dalam Integralistik, Sekularistik Dan Substantif-Simbiotik," *Fafahhamna: Jurnal Hukum Keluarga Islam* 2, no. 1 (2023): 1–20. <http://jurnal.staimempawah.ac.id/index.php/fafahhamna/article/view/64>.

⁴⁹ Wahyuni, "POLA SIMBIOTIK NEGARA DAN AGAMA DALAM PERSPEKTIF PERBANDINGAN HUKUM TATA NEGARA INDONESIA," *Qaumiyah: Jurnal Hukum Tata Negara* 2, no. 2 (2023): 229-242, <https://doi.org/10.24239/qaumiyah.v2i2.37>.

⁵⁰ Laeli Fajriyah, "ANALISIS PEMIKIRAN ALI ABDURRAZIQ TENTANG SEKULARISME DALAM PEMERINTAHAN," *Nature Methods* 7, no. 6 (2016): 15-30. <https://eprints.walisongo.ac.id/id/eprint/5797>.

⁵¹ Ija Suntana et al., "Ideological Distrust: Re-Understanding the Debate on State Ideology, Normalization of State-Religion Relationship, and Legal System in Indonesia," *Helikon* 9, no. 3 (2023): 14676, <https://doi.org/10.1016/j.helikon.2023.e14676>.

⁵² Mark Bratton, "Shari'a Law and Modern Muslim Ethics," *Journal of Contemporary Religion* 33, no. 2 (2018): 312, <https://doi.org/10.1080/13537903.2018.1473212>.

compromising the rights of individuals or minority groups.⁵³ Some explanations are examples of religion-state patterns in various countries experiencing events in Islamic leaders as follows:

Table.2
Explanation of Religion-State Pattern Events in Various Countries

Title/Theme	Narration/Description
Relationship between Religion and State	President Emmanuel Macron's remarks on terrorism draw criticism from Islamic leaders. ⁵⁴
The Monstrous and the Vulnerable	In June 2014, Abu Bakr al-Baghdadi declared the Islamic State in Iraq and Syria and called on Muslims around the world to migrate to different countries to fight for the ideology and ideals of the IS movement. ⁵⁵
Nigeria’s Shi’a Islamic Movement and Evolving Islamist Threat Landscape: Old, New and Future Generators of Radicalization	The Shia movement in Nigeria emerged in the 1980s as a movement of old and new Sunni and Shia Islam factors that experienced turmoil in its existence in the country with the support of Iran. ⁵⁶

⁵³ ERIN E. STILES, “ Shari’a Politics: Islamic Law and Society in the Modern World Edited by Robert W. Hefner ,” *American Ethnologist* 39, no. 3 (2012): 344, https://doi.org/10.1111/j.1548-1425.2012.01385_11.x.

⁵⁴ A Tomy Trinugroho, “Hubungan Agama Dan Negara,” *Kompas.Com*, November 2020, <https://www.kompas.id/baca/opini/2020/11/02/hubungan-agama-dengan-negara>.

⁵⁵ Leonie B. Jackson, “Monstrous Predators and Vulnerable Prey,” in *The Monstrous & the Vulnerable*, (2022): 83–114, <https://doi.org/10.1093/oso/9780197647332.003.0004>.

⁵⁶ Simon Gray and Ibikunle Adeakin, “Nigeria’s Shi’a Islamic Movement and Evolving Islamist Threat Landscape: Old, New and Future Generators of Radicalization,” *African Security* 12, no. 2 (2019): 174–199, <https://doi.org/10.1080/19392206.2019.1639281>.

Banning Muslims from entering America, Trump slammed as pro-Jewish	The 2015 State of the Union event, when President Donald Trump denounced the ban on Muslims entering the USA, citing various reasons, one of which was that people entering the country simply because they are Muslim, is offensive and against American values. ⁵⁷
2022 Report on International Religious Freedom: Russia	The Russian state gives citizens the right to freedom of religion. ⁵⁸
Turkish President Defends Secularism	Turkish President Recep Tayyip Erdogan stated that the state should maintain an equal distance from all religious beliefs. This statement was made following the Turkish parliament speaker's call for a new constitution to dump secularism. ⁵⁹

The issue above shows the key events in different countries that connect to hegemony and how historical, social and political issues can influence these dynamics.⁶⁰ Each country has a unique approach, with different advantages and challenges. For example, in Turkey, the United States, Russia, Iran, and Syria, this is linked to the leader's state politics, which illustrates the state's position on the nation's democratic

⁵⁷ BBC News Indonesia, "Larang Muslim Masuk Ke Amerika, Trump Dikecam pro-Yahudi," *BBC.Com*, 2015, https://www.bbc.com/indonesia/dunia/2015/12/151208_yahudi_trump_islam.

⁵⁸ U.S Department of State, "2022 Report on International Religious Freedom: Russia," 2022, <https://www.state.gov/reports/2022-report-on-international-religious-freedom/russia/>.

⁵⁹ Jafar M Sidik, "Presiden Turki Pertahankan Sekulerisme," *Antara.Com*, April , <https://www.antaranews.com/berita/557478/presiden-turki-pertahankan-sekulerisme>.

⁶⁰ Ahmet T. Kuru, *Secularism and State Policies toward Religion: The United States, France, and Turkey, Secularism and State Policies Toward Religion: The United States, France, and Turkey*, (2009): 19-20, <https://doi.org/10.1017/CBO9780511815096>.

journey over events.⁶¹ In addition, the religion-state pattern is positioned as one of the essentials of national democracy, which examines the face of statehood based on the constitution.

So far, the religious context has often been in the spotlight in various countries, and religion has even become a consequence that has a divine value (religiosity) sourced from vertical-transcendental ethics and spirituality. The precept of "Belief in One God" illustrates Indonesia's position as not a secular state that separates religion from the state and positions religion as a private area. The state is expected to protect and develop religious life. Religion also plays a public role in social ethics. The role of religion in public life does not become a religious state that only represents one religion and allows religion to dictate to the state. As a state whose people adhere to various religions, the state must take the same distance towards all religions, protect them, and be independent from religious dictates. In its development, Pancasila has proven useful as a legitimizing national religious value for a diverse society. It has a broader ability to accommodate societal differences. However, this is also a weakness because each group has a different understanding of Pancasila. This can hurt religious freedom as it becomes very conditional and dependent on social contestation, which tends to disadvantage minority religious groups.

Although in the BPUPKI debate, the principle of divinity was more coloured by thoughts about the recognition of the existence of religions in Indonesia, the role of religion in the life of society and as a source of moral ethics, as well as the position of the state which is equal to all religions, it turns out that there are several variants of interpretation of the Sila Ketuhanan Yang Maha Esa which are rooted in the grouping between Islamists and *abangan*. Historically and politically, the Presidential Decree of July 5, 1959, did end the debate and social dynamics about the foundation of the state, namely Pancasila. However, it shifted to the meaning of Pancasila, especially related to the principle of Belief in One God.

The first generation of Islamists rooted in Masyumi, whose role

⁶¹ Ahmet T. Kuru, "Rethinking Secularism and State Policies Toward Religion: The United States, France, and Turkey," in *Philosophy and Politics - Critical Explorations*, vol. 23, (2023): 155-170. https://doi.org/10.1007/978-3-031-13310-7_9.

existed until the beginning of the New Order, interpreted the precept of Belief in One God as none other than monotheism, even the principle of *tawhid* in Islam. This interpretation is based on the historical argument of deleting seven words in the Jakarta Charter and adding the phrase "The Almighty".⁶² When the seven words were proposed to be removed, the Islamist group strongly refused until two lobbies were held. NU organizationally, in the National Conference of NU Alim Ulama in Situbondo on December 21, 1983, through the "Declaration on the Relationship between Pancasila and Islam", among others, emphasized several points, namely (1) Pancasila as the basis and philosophy of the Indonesian state is not a religion, cannot replace religion and cannot be used to replace religion; (2) The principle of "Almighty God" as the basis of the Republic of Indonesia according to Article 29 paragraph (1) of the 1945 Constitution, which animates other precepts, reflects monotheism according to the understanding of faith in Islam; (3) For NU, Islam is *aqidah* and *shariat*, covering aspects of human relations with God and relations between people; (4) Acceptance and practice of Pancasila is a manifestation and effort of Indonesian Muslims to carry out their religious sharia; (5) As a consequence of the above attitude, NU is obliged to secure a correct understanding of Pancasila and a pure and consequent experience by all parties.⁶³

Contestation Presidential Election

The political event in Indonesia assembles the process of democracy from society to government. In addition, the political process is part of the development of a system that leads to the regulation of components in the practice of the life of the nation and state in the form of legal products.⁶⁴ In theory, knowing politics has an

⁶² Nurcholish Madjid, *Islam Doktrin Dan Peradaban: Sebuah Telaah Kritis Tentang Masalah Keimanan, Kemanusiaan Dan Kemoderenan* (Jakarta: Yayasan Wakaf Paramadina, 1988), hlm. 651-670.

⁶³ Hamdi Putra Ahmad, "Relasi Ideo-Historis Antara Hukum Negara Dan Hukum Islam Di Indonesia," *IN RIGHT: Jurnal Agama Dan Hak Azazi Manusia* 11, no. 1 (2022): 1-20. <https://doi.org/10.14421/inright.v11i1.1779>.

⁶⁴ Obumneke Bob Muoneke, Kingsley Ikechukwu Okere, and Obiamaka Priscilla Egbo, "Does Political Conflict Tilt Finance-Renewable Energy Dynamics in Africa? Accounting for the Multi-Dimensional Approach to Financial Development

authoritative value, evidenced by scholars such as Miriam Budiardjo, who revealed that politics is a process that determines the system's goals and implements these goals.⁶⁵

In addition, the phenomenon of politics in Indonesia in the post-truth era is difficult to avoid because it is caught in the vortex of digitalization, money politics, and social assistance, considered an access space termed "dawn attack".⁶⁶ General elections are a big challenge in globalization, such as in 2014, 2019, and even 2024.⁶⁷ Of course, this hegemony finds different patterns but is inseparable from the emergence of hoaxes and hate speech, especially through digital media, especially social media.⁶⁸ The 212 Islamic Defense Action (ABI) in 2019 proved to have a significant impact. In response to this situation, President Joko Widodo (Jokowi) emphasized the importance of revisiting the relationship between Islam and the state.⁶⁹ Jokowi encouraged the separation of political and religious affairs to avoid conflicts between religious communities, particularly in the context of Indonesia's 2019 regional and presidential elections.⁷⁰ He proposed the idea of a moderate nation and state or *wasatiyyah* as the collective consciousness of Muslims in Indonesia, which serves as a bond of civilization in the face of diversity among Muslims and from other

and 'Threshold Effect of Political Conflict," *Heliyon* 9, no. 3 (2023): 14155, <https://doi.org/10.1016/j.heliyon.2023.e14155>.

⁶⁵ Miriam Budiardjo et al., *Dasar - Dasar Ilmu Politik (Edisi Revisi)*, Pt. Ikrar Mandiriabadi, vol. 1, 2008, hlm 371.

⁶⁶ H. Taubenböck et al., "Border Regions across the Globe: Analyzing Border Typologies, Economic and Political Disparities, and Development Dynamics," *Applied Geography* 151, no. December 2022 (2023): 102866, <https://doi.org/10.1016/j.apgeog.2022.102866>.

⁶⁷ Wirdyaningsih, "JALAN PANJANG DAN BERLIKU MENUJU DIGITALISASI PENEGAKAN HUKUM PEMILU DI INDONESIA," *Jurnal Keadilan Pemilu* 1, no. 1 (2022): 1-10, <https://doi.org/10.55108/jkp.v1i1.150>.

⁶⁸ Burhanuddin Muhtadi, *Populisme Politik Identitas & Dinamika Elektoral: Mengurai Jalan Panjang Demokrasi Prosedural* (Malang: Intrans Publishing, 2019), hlm. 2-67.

⁶⁹ Kristiaan P.W. Kok, Anne M.C. Loeber, and John Grin, "Politics of Complexity: Conceptualizing Agency, Power and Powering in the Transitional Dynamics of Complex Adaptive Systems," *Research Policy* 50, no. 3 (2021): 104183, <https://doi.org/10.1016/j.respol.2020.104183>.

⁷⁰ Dimitar Gueorguiev, Kai Ostwald, and Paul Schuler, "Rematch: Islamic Politics, Mobilisation, and the Indonesian Presidential Election," *Political Science* 70, no. 3 (2018): 240–252, <https://doi.org/10.1080/00323187.2019.1584733>.

parties, as well as crucial contemporary challenges. The return of the idea of separating religion and state is likely due to the demonstrations of the National Movement of Fatwa Employees of the Indonesian Ulema Council (GNPF-MUI) protesting against Basuki Tjahaja Purnama, the candidate for governor of DKI Jakarta, for alleged blasphemy. These events made it difficult for the Indonesian government to deal with freedom of speech and religious rights issues, simultaneously resulting in resistance and cooperation. There is resistance to the government's perceived failure to protect Ahok and protect religious minorities from majority domination, but the government also guarantees coexistence. Government interference in religious affairs can trigger resistance while encouraging cooperation and coexistence.

Elections in the post-truth era are filled with problems and challenges, such as low digital literacy, limited human resources related to election monitoring in the digital realm, and the lack of election law enforcement regulations in the post-truth era. The challenges faced include the large number of internet users in Indonesia, the potential for other countries to intervene digitally, and the impact of a divided society due to elections.⁷¹ This requires prevention that involves increasing digital literacy for election supervisors and voters, namely in the form of rules or laws, of course, legal practices in the community, experiencing the influence of the flow of positivism as dominant in a country based on the provisions of the 1945 Constitution.

1) Election 2014

Based on the provisions of Article 6A of the 1945 Constitution concerning Law Number 42/2008 on the General Election of the President and Vice President, the substance of which regulates the electoral law system, electoral process, and law enforcement. The electoral law system includes the presidential and vice-presidential election system, the division of electoral districts, the method of nomination and voting, and the determination of elected candidates with the application of the electoral system used.⁷² The electoral

⁷¹ I Gusti Ayu Herlina Dipa Lestari, "Efektivitas Asas Luberjurdil Pada Pemilu Di Indonesia," *Seminar Nasional Hukum Dan Kewarganegaraan*, 2019.

⁷² Ridho Al Izzati et al., "Direct Elections and Trust in State and Political Institutions: Evidence from Indonesia's Election Reform," *European Journal of Political*

process regulates the organization, election participants, and stages of the Presidential and Vice-Presidential elections. Law enforcement specifically regulates election supervision and law enforcement.⁷³

According to Law 42/2008, only parties that hold more than 20% of the House of Representatives (DPR) seats or win 25% of the votes can nominate their candidates. This law has been the subject of a judicial review in the Constitutional Court, but the Constitutional Court ruled that the law remains in force. The election was won by the Joko Widodo-Jusuf Kalla ticket with 53.15% of the vote, beating the Prabowo Subianto-Hatta Rajasa ticket with 46.85%. In this case, the election system used was still the same as the previous two elections, in 2004 and 2009. The presidential and vice-presidential election system adheres to the individual election system, where political parties nominate presidential and vice-presidential candidates. Meanwhile, the election of DPR members uses a proportional system with an open list, DPD and DPRD with a multi-member district system.⁷⁴

2). Election 2019

The 2019 general election is the first to be held simultaneously to elect members of the legislature, president and vice president.⁷⁵ This simultaneity presents several differences with previous elections in the organization, the number of political parties, and the calculation method. These differences were introduced through Law Number 7/2017 on General Elections. Previously, the presidential and vice-presidential elections were held 3 (three) months after the legislative elections, but in 2019, both were held simultaneously. This change is based on the decision of the Constitutional Court in lawsuit Number 14/PUU-XI/2013, which

Economy 85, no. June (2024): 102572, <https://doi.org/10.1016/j.ejpoleco.2024.102572>.

⁷³ Abdul Latif, “Pilpres Dalam Perspektif Koalisi Multipartai,” *Jurnal Konstitusi* 6, no. 3 (2009): 26-51. <https://www.mkri.id/public/content/infoumum/ejurnal/>.

⁷⁴ I Gede Tusa. dkk., *Hukum Tata Negara: Pasca Perubahan UUD NRI 1945* (Malang: Setara Press, 2016), hlm. 260.

⁷⁵ M. Zainor Ridho Ridho, “The Constitutionality of the Presidential Threshold on the 2019 Election in Indonesia: An Analysis on Constitutional Court Decision 72/PUU-XV/2017,” *Asy-Syir’ab: Jurnal Ilmu Syari’ah Dan Hukum* 54, no. 2 (2020): 366-388. <https://doi.org/10.14421/ajish.v54i2.916>.

was decided on January 23, 2014.

In its decision, the Constitutional Court annulled Article 3 paragraph (5), Article 12 paragraph (1), Article 14 paragraph (2), and Article 112 of Law Number 42/2008 on Presidential Elections, which regulates the implementation of the Presidential Election 3 (three) months after the legislative elections. The threshold requirement for political parties to be able to carry their candidates in the 2019 elections is determined through the provision that a political party or coalition of political parties can hold their candidates if they have 20% of the seats in the DPR or 25% of the national valid votes seen from the 2014 legislative elections.⁷⁶ This is different from previous elections when only parties that control more than 20% of the seats in the House of Representatives (DPR) or win 25% of the votes could nominate their candidates.

3). Election 2024

Implementing simultaneous elections in 2024 is a comprehensive concern for all aspects, from the impact of voter participation to the organization of elections and the government system. The aim is to minimize and streamline the 2024 simultaneous elections, which include national polls for the DPR, DPD, President and Vice President, as well as local elections for Provincial DPRD, Regency and City DPRD, and Governors, Regents and Mayors.⁷⁷ In the 2024 simultaneous elections, the pros and cons of the previous elections can be used as valuable lessons. The readiness of all parties to ensure the implementation of democratic elections, with active participation from the community. Respecting choices without disrupting social relations and maintaining friendships after simultaneous elections remain important aspects of this process.

As a result, Indonesia has experienced a political change termed

⁷⁶ M. R. A. Shunas and S. Fatimah, "Dinamika Ambang Batas Presiden Dalam Pemilu Serentak Di Indonesia," *Jurnal Pendidikan Kewarganegaraan Undiksha* 10, no. 3 (2022): 45-53. <https://doi.org/10.23887/jpku.v10i3.50872>.

⁷⁷ Wilma Silalahi, "MODEL PEMILIHAN SERENTAK DAN PERANAN KOMISI PEMILIHAN UMUM PADA PEMILIHAN SERENTAK TAHUN 2024," *JAPHTN-HAN* 1, no. 1 (2022): 66-79, <https://doi.org/10.55292/japhtnhan.v1i1.11>.

cross garden campaign or head of state interference.⁷⁸ On January 24, 2024, some parties expressed statements that contradicted the stance they had shown three months earlier, stating that the president and ministers were allowed to support candidates on the grounds of political rights.⁷⁹ In addition, in October 2023, Jokowi expressed neutrality and support for all candidates, even though the Election Law Article 299 mentions the political rights of the president and vice president as if there are aspects of political ethics that should be considered. However, the tendency to favor certain candidates is obvious, especially in building a political dynasty and supporting his son, Gibran Rakabuming Raka, through hidden policies and even covert politics played by the head of state.⁸⁰ After the Constitutional Court Decision 90/PUU-XXI/2023, the candidates registered themselves and added new requirements for presidential and vice-presidential candidates to smooth their candidacy. However, the Constitutional Court's decision appears to practice cherry-picking jurisprudence in interpreting open legal policies, potentially jeopardizing the institution and legitimacy of the Constitutional Court's decision. Thus, the presidential election dispute process at the Constitutional Court has been a long journey for the Anies Rasyid Baswedan-Muhaimin Iskandar pair after the issuance of Constitutional Court (MK) Decision No.1/PHPU.PRES-XXII/2024 and the Ganjar Pranowo-Prof Mahfud MD pair through MK Decision No.2/PHPU.PRES-XXII/2024, whose petition was rejected entirely, so that the President was declared Prabowo Subianto-Gibran Rakabuming Raka.

⁷⁸ Aspinall, E., & Berenschot, *Democracy for Sale: Pemilihan Umum, Klientelisme, Dan Negara Di Indonesia*. Yayasan Pustaka Obor Indonesia, 2019. hlm. 95-215.

⁷⁹ Abd Hannan, "Propaganda Politik Pascakebenaran (Posttruth) Menjelang Pemilu 2024 Dan Ancamannya Terhadap Demokrasi Di Indonesia Kontemporer," *Politea: Jurnal Politik Islam* 6, no. 1 (2023): 51–82., <https://doi.org/10.20414/politea.v6i1.7252>.

⁸⁰ Rio. Subandri, "Tinjauan Yuridis Putusan Mahkamah Konstitusi Nomor 90/PUU-XXI/2023 Tentang Persyaratan Batas Usia Pencalonan Presiden Dan Wakil Presiden," *Jaksa: Jurnal Kajian Ilmu Hukum Dan Politik* 2, no. 1 (2024): 135–53. <https://doi.org/10.51903/jaksa.v2i1.1512>.

Legal Political Implications of Presidential Election Contestation in Indonesia: Religion-State Relations

In the current post-truth era, the debate on the relationship between religion and the state has resumed, but in a different context. The debate no longer revolves around Islam as the basis of the state but has become a battle in the presidential election contestation.⁸¹ The issues that arise include the religious behavior of presidential/vice-presidential candidates, competitions in reading the Qur'an, the status of *muallaf*, the incompatibility of leaders with the beliefs of Muslims, and certain ethnic and religious backgrounds. Identity politics populism emerged.⁸² Populism is understood as an action or movement that opposes the status quo and succeeds in gaining public support to form a new government. Populist groups *can* garner public support by attacking other groups positioned as common enemies, such as domestic or foreign groups accused of exploiting economic resources. On the other hand, populist groups also approach the poor as targets of favoritism.⁸³

In principle, Indonesia is neither a religious (Islamic) state nor a secular state. Although the affairs of religion and the state are separated, this does not automatically make the country a secular state because the separation is not contradictory. Indonesia is a state with the principle of "Belief in One God," which recognizes all religions and incorporates the substance and values of religion in the lives of the nation and state.⁸⁴ Agus Salim stated that the "Belief in One God" principle is the basis of all other Pancasila precepts. This principle should not be interpreted as a religious state. Conversely, Agus Salim

⁸¹ Juneman Abraham and Any Rufaedah, "Theologization' of Psychology and 'Psychologization' of Religion: How Do Psychology and Religion Supposedly Contribute to Prevent and Overcome Social Conflicts?," *Procedia Environmental Sciences* 20 (2014): 516–25, <https://doi.org/10.1016/j.proenv.2014.03.064>.

⁸² Burhanuddin Muhtadi Azyumardi Azra, *Populisme Politik Identitas & Dinamika Elektoral* (Malang: Intrans Publishing, 2019), hlm. 171.

⁸³ Marcus Mietzner, "Reinventing Asian Populism: Jokowi's Rise, Democracy, and Political Contestation in Indonesia," *Policy Studies*, no. 72 (2015): 39, <https://www-eastwestcenter-org.webpkgcache.com/doc/s/www-eastwestcenter-org/sites/default/files/private/ps072>.

⁸⁴ Gusti A.B. Menoh, *Agama Dalam Ruang Publik: Hubungan Antara Agama Dan Negara Dalam Masyarakat Postsekuler Menurut Jurgen Habermas* (Yogyakarta: Kansius, 2015), hlm. 235.

also stated that the state should not interfere in the private affairs of individual faiths.⁸⁵

The state needs the support of religious communities to legitimize its policies and power.⁸⁶ The relationship between religion and the state in Indonesia has a historical basis. Religion (Islam) has been the philosophy of the society and part of its historical background. The phenomenon of living law in society, where the sultan is considered the highest authority, has created the theory of creed (shahadat) among Islamic legal intellectuals. This theory is a continuation of the principle of monotheism, which requires implementing Islamic law for those who have made the shahada.⁸⁷ This follows H.A.R. Gibb's theory, which states that a person who has accepted Islam as his religion has recognized the authority of Islamic sharia over him.⁸⁸

In the context of the separation between state and religion, the first principle of Pancasila is used as the main reference. The state based on Belief in One God is expressed as a creative choice. It is the result of an elective process that incorporates circumstances based on the conditions of the Indonesian nation. Pancasila becomes the main foundation in making new laws or replacing old laws so that the values of God, humanity, and society (nationalistic, democratic, social justice) must be reflected in the substance of the law, legal structure, and legal culture that is built.⁸⁹ This is expected to strengthen national integration, legal democratization, and recognition of Pancasila, from

⁸⁵ M. Syafi'i Maarif, *Islam Dan Politik, Teori Belah Bambu Masa Demokrasi Terpimpin 1959-1965*. (Jakarta: Gema Insani Press, 1996), hlm. 79.

⁸⁶ Vicente Llorent-Bedmar, Verónica C. Cobano-Delgado Palma, and María Navarro-Granados, "Islamic Religion Teacher Training in Spain: Implications for Preventing Islamic-Inspired Violent Radicalism," *Teaching and Teacher Education* 95 (2020): 103138, <https://doi.org/10.1016/j.tate.2020.103138>.

⁸⁷ Sahid, *Legalisasi Hukum Islam Di Indonesia: Studi Formalisasi Syariat Islam* (Surabaya: Pustaka Idea, 2016), hlm. 19-28.

⁸⁸ H.A.R. Gibb, *Aliran Aliran Modern Dalam Islam*, Terj. Machnun Husein (Yogyakarta: PT. Raja Graffindo Persada, 1993), hlm. 224.

⁸⁹ Amineh Ahmadi and Nayereh Shahmohammadi, "Studying the Relationship between Mental Health, Spirituality and Religion in Female Students of Tehran Azad University: South Branch," *Procedia - Social and Behavioral Sciences* 205, no. May (2015): 236–41, <https://doi.org/10.1016/j.sbspro.2015.09.065>.

its purpose to its actualization, in various legal fields.⁹⁰

Legal politics has a critical role in Indonesia's national legislative process. This is because legal politics is the leading guide in determining and forming values and developing national law, which ultimately manifests in implementing state goals. Following the 1945 Constitution, which states, "To protect the entire Indonesian nation and all its spilt blood, to improve the general welfare, to develop the life of the nation, to maintain world peace based on independence, lasting peace and social justice." Therefore, the principles of justice, expediency, and legal certainty for the community must be reflected in every law that is formed.⁹¹

One aspect that can show the relationship between religion and the state is the evolution of law. This can be seen from two factors. First, in the modern context, the law is considered a tool of secularization because the law is based on rational considerations rather than religion. Second, the role of law is integrative and transformative.⁹² Integratively, the law functions as a government mechanism to regulate conflict and maintain social order. Meanwhile, transformatively, the law acts to express values and change society's socio-political conditions.⁹³

Every citizen has the freedom to have beliefs or embrace religion in accordance with their respective beliefs. The decision to practice religion and worship is a private domain or individual decision. Religion is an individual issue and not a state issue. The state's role is to juridically guarantee and facilitate so that citizens can practice religion and worship with a sense of security, peace, and tranquillity.⁹⁴

The pattern of the relationship between religion and the state in Indonesia can be explained as symbiotic and reformist Islamic

⁹⁰ Derita Prapti Rahayu, "AKTUALISASI PANCASILA SEBAGAI LANDASAN POLITIK HUKUM INDONESIA," *Yustisia Jurnal Hukum* 4, no. 1 (2015): 190-202, <https://doi.org/10.20961/yustisia.v4i1.8634>.

⁹¹ *Pembukaan UUD 1945*, n.d.

⁹² Khudzaifah Dimyati et al., "Indonesia as a Legal Welfare State: A Prophetic-Transcendental Basis," *Heliyon* 7, no. 8 (2021): 07865, <https://doi.org/10.1016/j.heliyon.2021.e07865>.

⁹³ Ofrit Liviatan, "From Abortion to Islam: The Changing Function of Laws in Europe's Cultural Debates," *Fordham International Law Journal*, no. 94 (2013): 93 <http://fordhamilj.org/>.

⁹⁴ Muchamad Ali Safa'at, *Dinamika Negara & Islam: Dalam Perkembangan Hukum Dan Politik Di Indonesia*, hlm. 333-344.

typology. Symbiotic relationships describe relationships that need each other and are based on reciprocity. In this case, religion needs the state because, with the existence of the state, religion can develop; conversely, the state also needs religion because, with religion, the state can develop within the framework of spiritual and moral ethics. The reformist Islamic typology refers to applying a set of universal ethical values derived from the Qur'an's teachings, such as honesty, responsibility, justice, brotherhood, pluralism, equality, consultation, peace, freedom, and social control. These values become the basic guidelines that must be applied in social and state life.

Conclusion

The dynamics of legal politics elaborate on the relationship between religion and the state, reflecting some three main paradigms. First, the "secularist" or liberal Islamic view emphasizes that Islam only regulates man's relationship with God so that state affairs are the sole authority of man. This view strictly separates politics and religion, assuming that combining the two will result in absolutism. Second, the "traditionalist-revivalist" or Islamist paradigm asserts that Islam is not only a system of belief and worship but also a system of society and state that must be implemented thoroughly in daily life. This group fights for an Islamic state by implementing sharia in a kaffah manner. Meanwhile, the third paradigm, namely "reformist" or moderate Islam, emphasizes that Islam does not cover all rules in detail, including in matters of state.

This upheaval gave rise to political dynamics in Indonesia to a state system that believes that no theological guidance requires implementing a particular form of government in Islam and leaves this to human *ijtihad*. However, universal ethical values derived from the Qur'an are used as social and state life guidelines. In the context of the presidential election in Indonesia, the political-legal debate shows that the relationship between religion and the state in Indonesia is symbiotic with the characteristics of reformist Islamic typology, where the state applies the universal ethical values of the Qur'an as guidelines in social and state life. Thus, the relationship between religion and the state on the issue of presidential elections in Indonesia has its characteristics, and it prioritizes the values and norms in the ethics state that adopts the welfare state (way of life).

Conflicts of Interest

The authors declares no conflicts of interest with any party in writing this article.

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