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Relevance of Jamal al Din al Afghani's Political Thought to The Form of Government of Indonesian Republic

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Abstract

Jamal al-Din al-Afghani as a figure in modern Islamic reforms that combines the ideas of Internationalism with Islam. In his ideas, Afghani rejected all Western penetration and anti-colonialism. As a result of Western penetration, absolutism and depotism emerged in the Islamic kingdoms at that time. For him, absolutism will only make the people fettered. However, Afghani did not completely reject Western thought. Afghani combined the teachings of Islam with the West which implicitly raised the form of Republican government through his ideas. In line with Afghani, Indonesia also adheres to a form of republican government that has the people's sovereignty. Both concepts of the republic have relevance as a form of republican government, namely democracy and people's involvement. The formulation of the problem in this research is twofold. *First*, how Jamal al Din al Afghani's political thinking about the form of Republican government. *Second*, how the relevance of Jamal al-Din al-Afghani's political thinking towards the form of government of the Republic of Indonesia. This research is a type of normative juridical research. This study uses a combination of legal approaches and conceptual approaches. Methods of data collection are primary legal materials and secondary materials collected by inventorying positive law and other relevant legal materials, library studies, grouping of legal materials, and analyzing them. Data processing methods used are organizing, editing, and analyzing. The results of this study that, *first*, Jamal al Din al Afghani's thinking about republics, between them: the existence of 'limited government', the existence of principles of justice (adl) and consultation (shura), the idea of democracy, the existence of shura run by *ahl hall al 'aqd* or *ahl syawkah*, ahl hall al-'aqd must be experienced and morally good, Every community participates through syuro and elections, the establishment of parties, freedom of the press, and revolutions based on the power of the people. *second*, namely Afghani thinking is relevant to the form of government of the Republic of Indonesia. It's just that there is one Afghani point in contrast to Article 7B of the 1945 Constitution, namely the existence of people power. For him, to oppose absolutism must be through rebellion or bloodshed.

Keywords: government; Jamal al-Din al-Afghani; Political Thought,

Introduction

In the development of Islamic history, the diversity of political streams produced various understandings of different constitutional practices between one Muslim and the other. These differences grew when western colonialism began to attack Islam that occurred in the 19th century. Besides dominating the Islamic region, the West also began to spread ideological political thinking. This is what gave rise to the response of Muslims at that time, including rejecting, accepting, and only taking of positive part.

God does explain that humans are *Khalifah* on earth. However, in the Qur'an it doesn't emphasize further how the system of government must be applied. Like the practice of government at the time of the Prophet who has two functions at once; as a Prophet and head of state, then continued during the Khulafa ar-Rashidin which began to be known as the shura system, then the Umayyad Daula and Abbasid Daula who began to implement a monarchical system of government missed attention to shura, until the end of the monarchy and modern political thought emerged which originated from Egypt¹ by Jamaluddin al-Afghani due to the decline of Muslims at that time.

The thought of modern Islam emerged marked when the mid-period of the Islamic world began to weaken under the occupation of Western and there was division and grouping of political forces. In addition to colonialism, the West also began to spread ideas and culture that could not be separated from the influence of secularism.² Jamaluddin al-Afghani as one of the leaders of the renewal and revival of Islam in the 19th century, shared the views of other modernists that the mind and character were the motor of historical change. Therefore, what is really needed in Islam is a spiritual and intellectual awakening.³ Jamaluddin al-Afghani as a catalyst for modernism combined with the idea of internationalism⁴ implicitly raised the form of Republican government.

Modern political thought initiated by Jamaluddin al-Afghani was inseparable from the current socio-political conditions. From his experience of visiting various Islamic countries, Jamaluddin saw the fact that the Islamic world was dominated by autocratic and absolute governments. The rulers in the Islamic world exercise power as they wish. Therefore, to build a strong government there must be a change in thinking orientation in society.⁵ For this endeavor, Jamaluddin emphasized a revolution based on people's power, so that this goal could be achieved.⁶ This is the root of Jamaluddin al Afghani's thinking about the republic.

In line with Jamaluddin al-Afghani's idea regarding the sovereignty of the people, Indonesia as a country that adheres to a form of republican government that has the people's sovereignty. This is like what is found in the 4th Pancasila precept that reads, "*Democracy led by the wisdom of the representatives of the People.*" As well as Article 1 paragraph (1), (2), and (3) the 1945 Constitution reads:

(1) *The State of Indonesia shall be a unitary state in the form of a republic.*

¹ Antony Black, *Pemikiran Politik Islam dari Masa Nabi hingga Masa Kini*, (Jakarta: Serambi, 2006), h. 547

² Akmal Hawi, *Pemikiran Jamaluddin Al-Afghani (Jamal Ad-Din Al-Afghani) (1838 – 1897 M)*, MEDINA-TE, VOL.16, NO.1, (Juni 2017), h. 9

³ Antony Black, *Pemikiran Politik Islam dari Masa Nabi hingga Masa Kini*, h. 549

⁴ Some of the modern thoughts initiated by Jamaluddin al-Afghani were related to Pan-Islamism, Nationalism, and the anti-colonialism movement

⁵ Muhammad Iqbal dan Amin Husein Nasution, *Pemikiran Politik Islam dari Masa Klasik Hingga Indonesia Kontemporer*, (Jakarta: Kencana Prenada Group, 2010), h. 63

⁶ In his view, Jamaluddin always provoked Muslims in any country he visited to oppose the arbitrariness of their rulers. The people must seize freedom and independence through revolution. When in Egypt, he also advocated the formation of a people's government through popular participation in constitutional government.

(2) *Sovereignty is in the hands of the people and is implemented according to this Constitution.*

(3) *The State of Indonesia shall be a state based on the rule of law.*

Democracy in Indonesia has been running and has produced some procedural progress. The legislative elections, presidential elections, until the elections can take place freely, transparently, democratically and peacefully. Freedom of opinion and association is far better than the previous period, the new order or *Orde Baru*. Those changes have aroused and brought new hope. This new expectation means articulating public interests far better than the previous period which distanced itself from the narrow interests of certain groups or groups.

Mohammad Hatta as one of the most influential Republicans gave various reasons that explained why Indonesia had to choose the form of a republic as a form of its government. The first reason is that the republic is a form of government where the sovereignty is the people.⁷ With the sovereignty of the people, the people who have the highest authority are the people, where the government with authority will come from the people and work in the interests of the people to reach consensus. This agreement will be a guarantee of equitable justice.

The second reason is that with the existence of popular sovereignty, the highest responsibility is also on the shoulders of the people because the basis of fair governance is who is in power so he is responsible. This second reason is very related to the reason for not choosing the form of state monarchy or oligarchy. If in the form of a monarchy or oligarchy, power belongs only to the king or a small group of people so that the course of a country will depend on certain groups.⁸ Therefore, with the existence of sovereignty, the highest power in the law of a country is single.⁹

From the above explanation, basically Indonesia has similarities in the background of the election of the Republican form of government. If Jamaluddin al-Afghani chooses a republic because he sees a system of monarchy that is too supportive of the people, then the background of the clash of government in Indonesia is the transition from the new order era which also tends to dictators.¹⁰ From this background, the nature of independence and sovereignty emerged. That is what makes the thinking of Jamaluddin al-Afghani similar to the current system of Indonesian government. For this reason, this study will discuss more about the relevance of Jamaluddin al-Afghani's thinking towards the form of government of the Republic of Indonesia.

Research Methods

The type of research used is a type of normative juridical research. In this normative study using legal materials and literature as a source of research data. This study using legal approaches and conceptual approach. Methods of data collection are primary legal materials and secondary materials collected by inventorying positive law and other relevant legal materials, library studies, grouping of legal materials, and analyzing them. Data processing methods used are organizing, editing, and analyzing.

⁷ Mohammad Hatta, *Kedaulatan Rakyat, Demokrasi, dan Otonomi*, (Bantul: Kreasi Wacana, 2014), h. 78

⁸ Mohammad Hatta, *Kedaulatan Rakyat, Demokrasi, dan Otonomi*, h. 85

⁹ Menurut Jean Bodin, (Syaiful Bakhri, *Ilmu Negara dalam Pergumulan Filsafat, Sejarah, dan Negara Hukum*, (Depok: Rajagrafindo Persada, 2018), h. 216, Mohammad Hatta, *Kedaulatan Rakyat, Demokrasi, dan Otonomi*, h. 85,

¹⁰ Malcolm Caldwell dan Ernest Utrecht, *Sejarah Alternatif Indonesia*, terj. Saut Pasaribu, (Yogyakarta: Djaman Baroe, 2011) h. 461

Finding and Discussion

Political Thought of Jamal al Din al Afghani about Republic

As Jamal al Din al Afghani, as one of the leaders of Islamic reform, has explained how Muslims rose by taking the middle way, namely the election of a form of government republic (constitutional government or republic and the concept of active citizenship) as a form of government in accordance with the conditions of the people Muslim. To Afghani, a republican government is a 'restricted government', a government that is accountable to its people and thereby the anti-thesis of an absolutist one. "It is a government that consults the governed, relieves them from the burdens laid upon them by despotic governments and lifts them from the state of decay to the first level of perfection". So, the author divides the two types according to the characteristics of the republic in the previous chapter:

1. Democratic

For Afghani, Islam wants a government in the form of a democratic republic, because Islam teaches shura. Republic in which there is freedom to issue opinions and obligations of the head of state to submit to the Constitution. In this case, what constitutes constitution is a constitution that is used as the basis for running the wheels of government regarding the values and norms summarized in it based on the Qur'an.¹¹ In other words Afghani wanted a republican government because the one in power in the country was the constitution and law, not the head of state. The head of state only has the power to enforce the laws and laws formulated by the institution.

To Afghani, a republican government is a 'restricted government', a government that is accountable to its people and thereby the anti-thesis of an absolutist one. "It is a government that consults the governed, relieves them from the burdens laid upon them by despotic governments and lifts them from the state of decay to the first level of perfection"¹² so, in the explanation put forward by Afghani, in a republican government, Afghani suggests as justice (*adl*) and consultation (*shura*), and the arbitrary rule of political masters.¹³

Al-Afghani promoted democratic ideas of tolerance, equality and justice, and stressed the need for democratic governance based on equality, justice, and people's participation. In an article, published in the journal *Misr* in February 1879, "The Despotic Government," al-Afghani attributed Islam's decline to despotism, he stressed, was the reason thinkers in the Muslim world could not enlighten the public about the essence and virtues of a republican form of government.

In Islam itself shura is carried out by *ahl al hall wa al-'aqd* or *ahl syawkah* which means community representatives to solve problems faced by the community concerned so that their lives can be fulfilled. About how to consult has been explained in the paragraph above. The verse shows the three attitudes that Allah commanded the Prophet Muhammad in conducting deliberations, including: gentle, forgiving, and paying attention to the vertical relationship with Allah.¹⁴

2. People's Participation

¹¹ Reshita Gusti Vianinggar, *Pengaruh Pemikiran Sayyid Jamaluddin Al-Afghani Dalam Pembaharuan Islam Terhadap Pergerakan Politik Di Mesir Tahun 1876-1879, skripsi* (Yogyakarta: Universitas PGRI Yogyakarta, 2016) h. 30

¹² Md Nazrul Islam and Md Saidul Islam, *Islam and Democracy: Conflicts and Congruence*, Religions, 8(6), 104, (May, 2017), h. 7

¹³ Md Nazrul Islam and Md Saidul Islam, *Islam and Democracy: Conflicts and Congruence*, h. 6

¹⁴ Muhammad Iqbal, *Fiqh Siyasah Kontekstualisasi Doktrin Politik Islam*, h. 218

One of the efforts made to achieve democracy as in the Republican State, Afghani carried out a political movement which was to spread the idea of Pan Islamism in the Islamic world. To achieve this idea, in 1879 on Afghani's efforts, the National Party (*Al-Hizb al-Wathani*¹⁵) was formed in Egypt, the aim of which was to fight universal education, hold press freedom, incorporate Egyptian elements into military positions and so. This movement in 1838 AD has aroused the spirit of Muslims in fostering unity and unity in opposing the occupation of the West.¹⁶

In addition, the purpose of the establishment of the *Hizb al Wathan* party was to instill awareness of nationalism in the Egyptian people. This is evident from the slogan he proclaimed "Egypt for the Egyptians". With this bond the existence and independence of each member state is still recognized and respected, while the position of the heads of state (president), whatever the title, remains the same and equal to one another, without any of them being more exalted.¹⁷ For the author, the existence of *Hizb al Wathan* (National Party) means that it has fulfilled the basic values of public interest that are manifested in a concrete manner in institutions in the state infrastructure sector which are a means of people's involvement in the administration of the state.

In reforms of the political field that salafiyah wants to fight for in Islamic countries is the implementation of Islamic teachings on deliberation through constitutional councils and representative bodies (the people), restrictions on the authority and authority of the government with constitutions and laws, and the mobilization of the strength and potential of the people to support political reform and at the same time to liberate the world of Islam from the occupation of Western domination.

According to Afghani, as quoted by Ahmad Amin, in essence the power of a society will be valuable if it arises from within themselves. Representative institutions of the people are neutral and can determine the form of government, whether royal, sultanate or government controlled by foreign powers. The representative institution is very dependent on the people who will fill it. Therefore, the thoughts and souls of the community must first be built and addressed, then it can be discussed about the form and system of government.¹⁸

According to Afghani, the best and most effective way to achieve these goals is through a revolution based on people's power, if necessary with bloodshed. He said that if there were indeed a number of things that had to be captured and were not expected to be accepted as gifts or gifts, then freedom and independence were two things. While living in Egypt, from the very beginning Afghani advocated the establishment of "People's Government" through the participation of the Egyptian people in genuine constitutional government. Afghani talked a lot about the necessity for the formation of a representative council that was arranged in accordance with what the people wanted, and its members consisted of people who were truly elected by the people, because he believed that a council was formed by the order of the king or head of state, or at the suggestion of foreign authorities, the institution will be more a political tool for those who form it. When the

¹⁵ with the support of this party, Afghani tried to overthrow the Egyptian king who was in power at the time, Khadewi Ismail, who because of his wastefulness owed much to the state-states. Khadewi Ismail's position was replaced by his son Khadewi Tawfiq and promised to carry out reforms, helping Afghani's renewal efforts. Turning around, Khadewi Tawfiq continued his father's political line and continued to collaborate with Britain. This certainly caused an attitude of reaction from Afghani to oppose Khadewi Tawfiq. As a result, Afghani was expelled from Egypt.

¹⁶ Akmal Hawi, *Pemikiran Jamaluddin Al-Afghani*, h. 19

¹⁷ Akmal Hawi, *Pemikiran Jamaluddin Al-Afghani*, h. 20

¹⁸ Maryam, *Pemikiran Politik Jamaluddin Al-Afghani (Respon Terhadap Masa Modern dan Kejumudan Dunia Islam)*, Jurnal Politik Profetik Volume 4 Nomor 2 (2014), 16.

Egyptian ruler Khedevi Taufiq intended to retract his promise to form a legislature on the grounds that the people were still ignorant and politically blind, Afghani wrote a letter to Khedevi stating that it was true among the Egyptians, like the people in other countries, many who are still stupid, but that does not mean that among them there are no smart and brained people.¹⁹

The idea or proposal of experienced representatives is a valuable contribution to the government. Therefore the people's representatives must be knowledgeable and broad-minded and have good morals. Representatives of the people who have extensive knowledge and good morals will produce good laws for all people.²⁰ Conversely, if the people's representatives do not have extensive and immoral knowledge, they will bring the people to evil and the laws made will only harm the people and benefit the authorities.²¹

Looking at the ideas of renewal above, Afghani has made Islam an anti-colonialist ideology. For him, Islam is the most essential factor for the struggle of the Muslims against Europe, the West and in general. But it does not necessarily reject Western teachings. For this reason, Afghani took a middle way, namely taking West's values and taking values in Islam originating from the Qur'an and Hadith. Unfortunately, however, there is no literature that explains in detail how Afghani's thinking is related to republic, especially the failure to discuss the constitutional council. Although all of his work made him listed as one of the leaders of modern Islamic reform and revolutionary movements that aroused Islam.

If seen from Afghani's findings about the form of republic government, it can be explained more clearly in the conclusion below.

(1) Democratic

- 1) Limited government, namely the government that is responsible for the people and the constitution.
- 2) The existence of Islamic principles, such as justice (adl) and consultation (shura)
- 3) The idea of democracy according to Afghani was about tolerance, equality, justice, and emphasizing the need for democratic governance based on equality, justice and public participation.
- 4) The existence of shura is carried out by ahl hall al 'aqd or ahl sawkah who are representatives of the community and the constitutional council.
- 5) The people's representatives or members of the ahl hall al-'aqd must be experienced and have good morals.

(2) People's Participation

- 1) Every community participates through syuro and elections chosen through full community participation.
- 2) Doing political movements by taking concrete steps by establishing the National Party (Hizb al-Wathan)
- 3) There is press freedom
- 4) The existence of a revolution based on the power of the people, if necessary with bloodshed.
- 5) The existence of rakyat people's government 'with community participation.

¹⁹ Veni Octaviani, *Konsep Khilāfah Perspektif Amien Rais dan Jamaluddin Al-Afghani*, h. 59

²⁰ J. Suyuthi Pulungan, *Ide Jamaluddin Al-Afghani, Muhammad Abduh, Rasyid Ridha Tentang Negara dan Pemerintahan Dalam Islam*, (Palembang: IAIN Raden Fatah, 2013), h. 287

²¹ Akmal Hawi, *Pemikiran Jamaluddin Al-Afghani*, h. 21

Relevance of Jamaluddin Al-Afghani's Political Thought to The Form of Government of Indonesian Republic.

According to Moh. Kusnardi and Harmaily Ibrahim, cited in the book written by Titik Triwulan, the 1945 Constitution both in the opening and the articles do not show any similarity in terms of using the term form of the state. Is the use of the term indicated to the nature of the Indonesian state as a Republic or only as a Unitary State. In its opening stated:

“..... *‘Indonesia's National Independence shall be laid down in a Constitution of the State of Indonesia, which is to be established as the State of the Republic of Indonesia with sovereignty of the people and based on ...’*”

Then in Article 1 paragraph (1) of the 1945 Constitution also states that: *‘(1) the State of Indonesia shall be a unitary state, with the form of a Republic.’*

In accordance with the republic traits contained in the previous explanation, the republic principle can be emphasized in the phrase 'sovereignty of the people'. In addition, this can be seen from several Indonesian country sizes, including:

- a. Form a state not a monarchy (kingdom).
- b. The head of state is chosen through community participation and not inherited.
- c. The term of office of the head of state is determined in a certain period of time.²²
- d. Democratic state administration, and
- e. People's sovereignty

Democracy and community participation as the principle form of republic government are in the 1945 Constitution (UUD 1945). In this case, Indonesia has the same principle as Jamal al Din al Afghani as the originator of the form of government republic in Islamic state administration. For this reason, the following is the relevance of the form of Indonesian government contained in the 1945 Constitution towards Afghani's political thinking regarding the republic:

a) Democratic

1. Limited government, namely the government that is responsible for the people and the constitution.

After the amendments to the 1945 Constitution, the president and vice president were elected directly by the people. While the MPR has reduced its authority which is no longer the highest institution and the president is no longer subject to the MPR.

Furthermore, on the basis of the 1945 Constitution changes in legislative power are given to the Dewan Perwakilan Rakyat (DPR) in Article 20 paragraph (1) of the 1945 Constitution. Thus the president no longer holds the power to form a law with the approval of the DPR but is only given the right of initiative to submit a bill to the DPR. In this regard, the transfer of power is right. That the limitation of the President and Vice-President is the holder of executive²³ power and has been arranged in such a way in the 1945 Constitution.

Although in the 1945 Constitution it is not directly explained about limited government, but in essence that Indonesia is a state based on law (*rechtsstaat*) and not based only on power (*matchtstaat*), which Indonesia is a legal state, as contained in Article 1 of the 1945 Constitution paragraph (3) which reads: “Indonesia is a legal state”. So, the power of government is limited.

²² Titik Triwulan Tutik, *Konstruksi Hukum Tata Negara Indonesia Pasca Amandemen UUD 1945*, h. 155

²³ Soenobo Wiryosoegito dan Noer Indriati, *Pembatasan-Pembatasan Konstitusional Kekuasaan Presiden Sesudah Perubahan UUD 1945*, Jurnal Idea Hukum, Vol. 1 No. 2, (Oktober, 2015), h. 78

2. The idea of democracy according to Afghani was about tolerance, equality, justice, and emphasizing the need for democratic governance based on equality, justice and public participation.

Regarding tolerance, one example is found in Article 28E paragraph (1) and (2), which reads:

(1) *Each person is free to worship and to practice the religion of his choice, to choose education and schooling, his occupation, his nationality, his residency in the territory of the country that he shall be able to leave and to which he shall have the right to return. ***

(2) *Each person has the right to be free in his convictions, to assert his thoughts and tenets, in accordance with his conscience. ***

Whereas equality and justice are contained in the 1945 Constitution Article 28D paragraph (1), which reads: (1) *Each person has the right to recognition, security, protection and certainty under the law that shall be just and treat everybody as equal before the law. ***

Whereas democracy, the 1945 Constitution, explains that Indonesia is a democratic country. The President in carrying out his duties must be responsible to the DPR and MPR as people's representatives. Therefore, hierarchically, the people are the highest holders of power through a representative system through the government. The concept of democracy in the Republic of Indonesia can be seen as a mechanism and aspiration to create a group life in accordance with what is contained in the 1945 Constitution called popularism.²⁴ It can be concluded that the concept of democracy or people's government is applied in Indonesia, based on three things, namely:

- a. The values of the philosophy of Pancasila or the government itself, from, by and for the people based on the principles of Pancasila;
- b. Transformation of values in the form of the government system;
- c. Is a consequence and commitment to the values of Pancasila and the 1945 Constitution.²⁵

The main idea of democracy in Indonesian government is the recognition of human rights, the nature of human beings, namely basically citizens have the same dignity and dignity in their fellow citizens' social relations. In order to ensure the establishment of a democratic system and upholding justice, and human rights, the existence of a rule of law is absolute. The new constitution is ideal if there are guarantees of freedom of human rights, formulation and restrictions on government power, and strong control over the implementation of the power of the government itself.

3. The existence of shura is carried out by *ahl hall al 'aqd* or *ahl syawkah* who are representatives of the community and the constitutional council.

Apart from the debate about the shura, in modern times in line with the influence of Afghani, the idea of *Ahl hall al aqd* and *ahl syawkah* also developed, in this case the DPR/MPR. The Siyasa Ulama expressed the importance of this institution as a representation of the will of the people.²⁶

²⁴ Jailani, *Sistem Demokrasi di Indonesia Ditinjau dari Sudut Hukum Ketatanegaraan*, Jurnal Inovatif Volume VIII Nomor I, (Januari, 2015), h. 140

²⁵ Jailani, *Sistem Demokrasi di Indonesia Ditinjau dari Sudut Hukum Ketatanegaraan*, h. 141

²⁶ Muhammad Iqbal, *Fiqh Siyasa Kontekstualisasi Doktrin Politik Islam*, h. 165

Ahl hall al aqd or DPR/MPR is found in SECTION VII of the DEWAN PERWAKILAN RAKYAT. But in this case what needs to be emphasized is in Article 19 paragraph (1) which reads: 'members of the People's Legislative Assembly are elected through general elections.' In connection with the article, of course it is in line with the understanding of *ahl hall al aqd*.

From the description above, first about *ahl al-hall wa al-aqd* that the position of this institution is on par with the government, its role in the main government system is to choose and support leaders and deliberate to resolve the problems of the people. Secondly, the DPR which has a position as a high state institution equal to the President, its role in the government system is to oversee the administration of government, form laws, give approval and considerations about something that concerns the people. Thus the position between *ahl al-hall wa al-aqd* and the DPR has an equal similarity with the head of state, while his role *ahl al-hall wa al-aqd* is slightly different from the DPR regarding the matter of electing and inaugurating the head of state, this is like the DPR the New Order period but after the amendment to the 1945 Constitution, the election of head of state was directly elected by the people through general elections.

4. The people's representatives or members of the *ahl hall al- 'aqd* must be experienced and have good morals.

In the 1945 Constitution, it is not explained in detail about the requirements of DPR members to be experienced and with good morals. However, in other words, the regulations regarding the requirements of DPR members are contained in Article 240 letter a up to letter k of Law No. 7 of 2017 concerning Elections, which reads:

Candidates for the DPR, provincial Dewan Perwakilan Daerah (DPRD) and regency / city DPRD members are Indonesian citizens and must meet the following requirements:

- a. *has been 21 (twenty one) years or more;*
- b. *fear God Almighty;*
- c. *residing in the territory of the Unitary State of the Republic of Indonesia;*
- d. *can speak, read, and / or write in Indonesian;*
- e. *educated at least graduating from high school, madrasah aliyah, vocational high school, vocational madrasah aliyah, or other equivalent schools;*
- f. *loyal to Pancasila, the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, and Bhinneka Tunggal Ika;*
- g. *never been sentenced to prison based on a court decision that has obtained permanent legal force for committing a criminal act that is threatened with imprisonment of 5 (five) years or more, except openly and honestly telling the public that the concerned former ex-convict;*
- h. *physically, mentally, and free from narcotics abuse;*
- i. *registered as a voter;*
- j. *willing to work full time;*
- k. *resign as regional head, deputy regional head, state civil apparatus, members of the Indonesian Armed Forces, members of the Republic of Indonesia National Police, directors, commissioners, supervisory boards and employees of state-owned enterprises and / or regional-owned enterprises, or other bodies the budget is sourced from state finances, which is stated by an irrevocable resignation letter;*

b) The involvement of the people in the implementation of the State

a. Every community participates through syuro and elections chosen through full community participation.

As is known that Indonesia uses elections in the election of the President and Vice President and the House of Representatives. Every citizen has things by him. As explained in Article 22E of the 1945 Constitution, which reads:

- (1) *General elections are carried out directly, publicly, freely, secretly, honestly and fairly every five years.*
- (2) *General elections are held to elect members of the People's Legislative Assembly, Regional Representative Council, President and Deputy President and Regional Representative Council.*
- (3) *Participants in the General Election to elect members of the House of Representatives and the Regional People's Representative Council are political parties.*
- (4) *Participants in the General Election to elect members of the Regional Representative Council are individuals.*
- (5) *General elections are held by an electoral commission that is national, permanent and independent.*

Next is the explanation:

- (1) Direct national election means that in giving choices or votes, voters can give them directly without an intermediary.
- (2) General public election means that all Indonesian citizens who have fulfilled the requirements, such as those aged 17 and above and Indonesian citizens, have the right to vote in elections.
- (3) Free elections means that each voter can be free in giving agency without pressure from any party.
- (4) Secret election means the choice chosen by the voters is confidential and guaranteed to be confidential so that the choice is not known by any party unless he has left the election place and then tells it, then it is no secret.
- (5) Honest elections means parties related to the conduct of elections such as organizers / government, political parties participating in elections, supervisors and observers of elections, voters and parties involved indirectly, then must comply with applicable laws and regulations, there should be no fraud, bribery and other violations.
- (6) Elections are fair, meaning that every voter and political party must be treated equally and free from any element of cheating by any party.

b. Doing political movements by taking concrete steps by establishing the National Party (*Hizb al-Wathan*)

According to Ramlan Surbakti stated that "political parties are a group of neatly organized people who are united by ideological equality which aims to seek and maintain power in general elections to carry out the alternative policies that they have compiled". Therefore, political parties are considered as concrete steps in carrying out political movements.²⁷

²⁷ Zuhdi Arman, *Tinjauan Terhadap Sistem Multi Partai Dalam Sistem Pemerintahan Presidensial di Indonesia Pada Era Reformasi*, 1 JOM Fakultas Hukum Volume II No.1, (Februari, 2015), h. 12

In the reform era, the democratic system in Indonesia entered a new era, especially with the emergence of multi-party systems in general elections in Indonesia. This multi-party system is intended to ensure that all political parties can participate in democracy. For a number of countries that implement or claim to be democratic states (people's sovereignty), elections are indeed considered as a symbol as well as the main and first benchmarks of democracy. A good party system greatly determines the operation of the constitutional system based on the principle of checks and balances in the broadest sense. On the contrary, the effective functioning of the State's institutional functions in accordance with the principle of checks and balances based on the constitution greatly determines the quality of the party system and the mechanism of democracy developed by a State.

c. There is press freedom

Freedom of the press in Indonesia was born after the New Order²⁸ collapsed in 1998 and the emergence of article 28 F of the 1945 Constitution, through the second amendment, reads, "everyone has the right to communicate and obtain information to develop their personal and social environment, and the right to seek, obtain, possess, store, process, and convey information by revealing all types of available channels. "

Although Indonesia declared a democratic state, in fact during the New Order regime, press freedom as a feature of democracy actually experienced restraints. Media that is considered breaking the rules and criticizing the authorities can be banned. The mechanism for publishing mass media is controlled through the "SIUPP regime" (Press Issuance Business License).

d. The existence of a revolution based on the power of the people, if necessary with bloodshed.

Indonesia is indeed a people's sovereignty. But that does not mean that everything is in the hands of the people. The revolution delivered by Jamal al Din al Afghani at this point refers to the term people power. In general, people power means the power of society. Whereas by definition, People power is the overthrow of the president's power by force through popular demonstrations. This effort was carried out by way of all the people taking to the streets so that the President lifted his position because it was considered to have violated the constitution or committed irregularities.

In Indonesia in carrying out the overthrow of the government there is its own mechanism in Article 7A of the 1945 Constitution, which reads:

Article 7A of the 1945 Constitution regulates as follows:

*The President and/or Vice President may be dismissed from office by the MPR based on a proposal from the DPR, either when proven guilty of violating the law by betrayal of the state, of corruption, of bribery, of any other felony, or because of disgraceful behavior, as well as when proven no longer to fulfill the conditions as President and/or Vice President. ****

While the mechanism in impeachment

- a. The proposal for the dismissal of the President and / or Vice President can be submitted by the House of Representatives (DPR) to the People's Consultative Assembly ("MPR") only by first submitting a request to the Constitutional Court ("MK") to examine, hear and decide opinions DPR that the President and / or Deputy President have committed violations of law in the form of treason

²⁸ Lestantya R. Baskoro, *Kebebasan Pers di Indonesia*, <https://hukum.tempo.co/read/1059485/kebebasan-pers-di-indonesia/full&view=ok> diakses pada 18 Juni 2019

against the state, corruption, bribery, other serious crimes, or despicable acts; and / or the opinion that the President and / or Vice President no longer fulfill the requirements as President and / or Vice President.²⁹

- b. Submitting the DPR's request to the Constitutional Court can only be done with the support of at least 2/3 of the number of DPR members present at the plenary session attended by at least 2/3 of the total members of the DPR.³⁰
- c. The Constitutional Court is obliged to examine, hear, and decide fairly as possible on the opinion of the DPR regarding the alleged violations by the President and / or Vice President no later than 90 days after the DPR's request was received by the Constitutional Court.³¹
- d. If the Constitutional Court decides that the President and / or Vice President has been proven to have violated the law, the DPR will hold a plenary session to continue the proposal for the dismissal of the President and / or Vice President to the MPR.³²
- e. The MPR must hold a hearing to decide on the proposal of the DPR no later than 30 days after the MPR accepted the proposal.³³

The MPR decision on the proposal to terminate the President and / or Vice-President must be taken at the MPR plenary meeting attended by at least 3/4 of the total members and approved by at least 2/3 of the total members present, after the President and / or Deputy The President is given the opportunity to deliver an explanation at the MPR plenary meeting.³⁴

Conclusion

Jamal al Din al Afghani's thinking about republic, among them: the existence of 'limited government', the existence of Islamic principles, such as justice (*adl*) and consultation (*shura*), the idea of democracy, the existence of shura run by *ahl hall al 'aqd* or *ahl alaihi wa sallam*, *ahl hall al-'aqd* must be experienced and morally good, Every community participates through syuro and elections, by means of the establishment of parties, freedom of the press, and revolutions based on the power of the people.

The thinking of Jamal al Din al Afghani when viewed from the discussion above, it can be concluded that, his thinking is very relevant to the form of republic government in Indonesia. But unfortunately, one point of Afghani that is very backward with 7B Article of 1945 Constitution, namely the existence of people's power or currently known as super power. For him, to oppose absolutism must be through rebellion or bloodshed. Whereas it has been explained that the State of Indonesia is a legal state. For this reason, in carrying out their true state of life, all Indonesian people are based on law.

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²⁹ Pasal 7B ayat (1) UUD 1945

³⁰ Pasal 7B ayat (3) UUD 1945

³¹ Pasal 7B ayat (4) jo. 24C ayat (2) UUD 1945

³² Pasal 7B ayat (6) UUD 1945

³³ Pasal 7B ayat (7) UUD 1945

³⁴ Pasal 7B ayat (7) UUD 1945

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