
ANOTHER LOOK AT THE JAKARTA CHARTER CONTROVERSY OF 1945

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On the morning of August 18, 1945, three days after the Japanese surrender and just a day after Indonesia's proclamation of independence, Mohammad Hatta, soon to be elected as vice-president of the infant republic, prevailed upon delegates at the first meeting of the Panitia Persiapan Kemerdekaan Indonesia (PPKI, Committee for the Preparation of Indonesian Independence) to adjust key aspects of the republic's draft constitution, notably its preamble. The changes enjoined by Hatta on members of the Preparation Committee, charged with finalizing and promulgating the constitution, were made quickly and with little dispute. Their effect, however, particularly the removal of seven words stipulating that all Muslims should observe Islamic law, was significantly to reduce the proposed formal role of Islam in Indonesian political and social life. Episodically thereafter, the actions of the PPKI that day came to be castigated by some Muslims as catastrophic for Islam in Indonesia—indeed, as an act of treason¹—and efforts were put in train to restore the seven words to the constitution.² In retracing the history of the drafting of the Jakarta Charter in June 1945,

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¹ Anonymous, "Naskah Proklamasi 17 Agustus 1945: Pengkhianatan Pertama terhadap Piagam Jakarta?," *Suara Hidayatullah* 13,5 (2000): 13–14. See also Abu Bakar Ba'asyir, "Pencoretan Tujuh Kata Bencana bagi Ummat Islam," *Risalah Kongres Mujahidin I dan Penegakan Syari'ah Islam*, ed. Irfan S. Awwas (Yogyakarta: Wihdah Press, 2001), p. 244.

² See Adnan Buyung Nasution, *The Aspiration for Constitutional Government in Indonesia: A Socio-Legal Study of the Indonesian Konstituante 1956–1959* (Jakarta: Pustaka Sinar Harapan, 1992), pp. 358–60, 388–97; and

the subsequent debates about its significance among Indonesian leaders seeking to draft a constitution, and its August 18 pruning, I attempt to solve the many unresolved puzzles that surround that history. More important, I argue that later Islamist reactions to the excision of the seven words, fuelled by contemporary concerns and struggles, are based on a fundamental misunderstanding of the nature of the Charter and of the fraught politics surrounding its development, and that Hatta's actions in securing key amendments to the draft constitution were themselves panicked, unnecessary, and even counterproductive.

Indonesian Islam and Politics in the Pre-War Period

For much of the period up to the Japanese occupation of the Indies in 1942, Indonesian Islam had exerted little influence on indigenous politics. While Sarekat Islam (Islamic Association), the mass organization led by Umar Said Cokroaminoto, had stimulated much interest (and, on the part of the Dutch, much anxiety), it was no Islamist organization.³ Only when its popularity waned in the context of contestation with the Indonesian Communist Party in the late 1910s and early 1920s did the section of its leadership that was devoutly Muslim began to push a more Islamist line. That, in turn, led to a further decline in popularity, to internal division and rancor, and, only in the last part of the 1930s, to an effort to rejoin the mainstream of indigenous political activism. By the time World War II reached the Pacific and broke upon Indonesia, Indonesian Islam remained marginalized and relatively unimportant in a political sense, as well as remaining heavily constrained and controlled by the Dutch. Islam itself was greatly overshadowed by a form of political thinking usually called "secular nationalism," which privileged the idea of a free Indonesia as the goal to be achieved, and which sought, above all, the unity of all Indonesians, whatever their ethnicity and form of belief, as the sole means of obtaining hoped-for independence.

Islam and the Japanese Occupation

The period of Japanese occupation brought some significant change to that state of affairs. Under the leadership of the redoubtable Colonel Horie Choso, the Japanese made a conscious effort to influence Muslim sentiment in support of their cause, directing their attentions especially to recruiting the support of Javanese *kiai* (Muslim religious teachers).⁴ Establishing short-term courses for thousands of *kiai*, and longer courses for *madrasah* (Islamic school) teachers, the Japanese hoped thereby both to

Nadirsyah Hosen, "Religion and the Indonesian Constitution: A Recent Debate," *Journal of Southeast Asian Studies* 36,3 (2005): 419–40.

³ See R. E. Elson, "Islam, Islamism, the Nation, and the Early Indonesian Nationalist Movement," *Journal of Indonesian Islam* 1,2 (2007): 250; and "Disunity, Distance, Disregard: The Political Failure of Islamism in Late Colonial Indonesia," *Studia Islamika* 16,1 (2009): 1–50.

⁴ "Uit een Ambtelijke Nota bestemd voor de C.C.O.-A.M.A.-C.A.B. te Batavia. 2 Febr. 1946," in *Nederlands-Indië onder Japanse Bezetting: Gegevens en Documenten over de Jaren 1942–1945*, ed. I. J. Brugmans et al. (Franeker: T. Wever, 1960), pp. 537–40. See also Harry J. Benda, *The Crescent and the Rising Sun: Indonesian Islam under the Japanese Occupation, 1942–1945* (The Hague: W. van Hoeve, 1958), pp. 107–10, 132–33; Panitia Peringatan 75 Tahun Kasman, *Hidup itu Berjuang: Kasman Singodimedjo 75 Tahun* (Jakarta: Bulan Bintang, 1982), p. 51; and C. A. O. Nieuwenhuijze, *Aspects of Islam in Post-Colonial Indonesia* (The Hague: W. van Hoeve, 1958), pp. 115–17.

instruct these local religious teachers and ingratiate themselves with them.⁵ The Japanese message was that they respected and would protect Islam (“honoring and valuing the Religion of Islam,” in the words of the Nahdlatul Ulama leader Wahid Hasyim in 1944),⁶ something emphasized by Lieutenant-General Imamura’s request for Muslim forbearance at any unintended slights of Islam by the Japanese.⁷ In the same spirit, the Japanese military regime “sponsored” the public celebration of the Prophet’s birthday in Ikada Square in March 1944,⁸ and eventually withdrew the much resented requirement to bow in the direction of the emperor.⁹ The unspoken text, of course, was that Muslims should in turn respect and be loyal to the military regime, and support the (appropriately religiously tinged)¹⁰ Japanese war effort.

Furthermore, the Japanese established an Office of Religious Affairs (Shimubu), installed religious offices (Shumuka) in every residency, and permitted the re-establishment of the pre-war Muslim organization MIAI (Majelis Islamil a’la Indonesia, Islamic High Council of Indonesia), itself replaced in November 1943 by Masyumi (Majelis Syuro Muslimin Indonesia, Consultative Council for Indonesian Muslims), to serve as an instrument of Japanese intentions.¹¹ Both organizations were permitted to publish journals, much of their content taken up with condemnation of the evils of the anti-Islamic Allies and of Western imperialism more generally.¹² The Leiden-trained Husein Jayadinigrat, appointed as head of Shimubu in October 1943, became the most senior Indonesian official in the Japanese administration, but his former close ties with the Dutch, his aristocratic background, and his lack of credibility as an Islamic adept saw him replaced by an elderly and revered Muslim figure, the Jombang-born founder

⁵ “Latihan Oelama Seloeroeh Djawa,” *Soeara M.I.A.I.*, May 15, 1943; Benda, *The Crescent*, pp. 134–36; Nieuwenhuijze, *Aspects*, p. 130. Lists of religious teachers who underwent training may be found in Archief van de Procureur-Generaal bij het Hooggerechtshof van Nederlands-Indië, (1936) 1945–1949 (1969), no. 1008, Nationaal Archief, The Hague.

⁶ “Melenjapkan yang Kolot,” *Suara Muslimin Indonesia*, June 1, 1944, in H. Aboebakar, *Sedjarah Hidup K. H. A. Wahid Hasjim dan Karangan Tersiar* (Jakarta: Panitia Buku Peringatan Alm. K. H. A. Wahid Hasjim, 1957), p. 919. See also Wiwoho Poerbohadidjojo, “Soal Islam di Indonesia: Sebeloem dan Sesoadah 8 Maret 2602,” *Asia-Raya oentoeik Memperingati Enam Boelan Balatentara Dai-Nippon Melindoengi Indonesia* (n.p.: n.p. [1942]), n.p.; Soekiman Wirjosandjojo, *Peranan Ummat Islam Indonesia* (n.p.: n.p., 195?), p. 8; A. Salam Yahja, “Sekoetoe Moesoeh Islam,” *Soeara M.I.A.I.*, June 1, 1943; “Outline of the Conduct of Military Administration in Occupied Areas” [March 14, 1942], in *Japanese Military Administration in Indonesia: Selected Documents*, ed. Harry J. Benda, James J. Irikura, and Koichi Kishi (New Haven, CT: Yale University Southeast Asian Studies, 1965), pp. 29–30; “Dasar Politik Dai Nippon terhadap Kaoem Moeslimin,” *Soeara M.I.A.I.*, March 1, 1943; “Maksoed Nippon,” *Soeara M.I.A.I.*, March 15, 1943.

⁷ Harun Nasution, “The Islamic State in Indonesia: The Rise of the Ideology, the Movement for Its Creation, and the Theory of the Masjumi” (MA dissertation, McGill University, 1965), pp. 47–48. Japanese insistence on maintaining Tokyo time in Java, ninety minutes earlier than Java time, was one of the slights of Islam by the Japanese; Pringgodigdo notes that “not a few Muslims used two clocks: a clock which showed Japanese time in the front room, with a clock on Java time inside.” See A. G. Pringgodigdo, *Tatanegara di Djawa pada Waktu Pendudukan Djepang dari Bulan Maret sampai Bulan Desember 1942* (Yogyakarta: Jajasan Fonds Universiti Negeri Gadjah Mada, 1952), p. 15.

⁸ “Maleise Stukken,” March 8, 1944, in *Nederlands-Indië*, ed. Brugmans et al., p. 544.

⁹ Nasution, “The Islamic State,” p. 49; Benda, *The Crescent*, p. 124. The single Indonesian on the platform at a conference in Bandung in 1943, Abdul Karim Amrullah, a senior Muslim figure and father of the emerging Hamka, had famously refused to participate in the ceremonial Japanese bow (*seikerei*).

¹⁰ *Asia Raya*, December 10, 1942, in *Nederlands-Indië*, ed. Brugmans et al., p. 542; “Madjoe Serempak Membela Tanah Air,” *Djawa Baroe*, October 1, 1943, p. 3.

¹¹ Benda, *The Crescent*, pp. 142–56; Nasution, “The Islamic State,” pp. 49–50.

¹² See, for example, *Soeara M.I.A.I.*, June 1, 1943, p. 12.

of Nahdlatul Ulama, K. H. Hasyim Asy'ari, also general chairman of Masyumi, whose direct administrative contribution was slight but whose religious reputation was weighty.¹³ Shimubu was responsible for conducting the *kiai* courses, as well as distributing Islamic material.¹⁴ The Japanese also permitted the development, under Masyumi's auspices, of the paramilitary Hizbullah late in 1944.¹⁵ When the Japanese military administration moved late in 1942 to establish Putera (Pusat Tenaga Rakyat, Center of the People's Strength), a purportedly popular indigenous movement, to promote its aims, it appointed as one of Putera's four leaders the senior Muhammadiyah figure K. H. Mas Mansur.¹⁶ Even the volunteer army, Peta, established by the Japanese in late 1943, had a significant Muslim flavor.¹⁷ In short, Muslim leaders received a heightened sense of their own importance under the Japanese, although that never translated into a sense that Muslim figures would be permitted a significant political role. With the declaration in September 1944 by Prime Minister Koiso Kuniaki that Indonesia would receive its independence "later on," and in the context of the rapidly deteriorating war situation, local Japanese preference for secular-minded Indonesian political leaders—and the Japanese's underlying apprehensions about Islam¹⁸—was more clearly revealed.¹⁹ If one weighs political influence and leadership, indeed, "Islam did not fare much better under the Japanese than under the Dutch."²⁰ Muslim leaders' optimism that a free Indonesia would be the means to attain a state based on Islam, at least in some form,²¹ would soon be dashed.

Making a Constitution

While the Japanese were conscious of the need to consolidate Indonesian support for the war effort with the promise of independence, made in September 1944, it was not until March 1, 1945, that the Japanese military government announced that it would establish a body, the Committee to Investigate Preparations for Independence (Badan Penyelidik Usaha-usaha Persiapan Kemerdekaan, BPUPK),²² to consider "the

¹³ Benda, *The Crescent*, pp. 136, 165–66, 273n.; Nasution, "The Islamic State," pp. 50–51; Nieuwenhuijze, *Aspects*, p. 158.

¹⁴ Kobayashi Yasuko, "Kyai and Japanese Military," *Studia Islamika* 4,3 (1997): 75–92.

¹⁵ "Uit het Verhoor van een Japans Officier, 3–8 Maart 1947," in *Nederlands-Indië*, ed. Brugmans et al., pp. 544–45; Benda, *The Crescent*, p. 179; Darul Aqsha, *Kiai Haji Mas Mansur (1896–1946): Perjuangan dan Pemikiran* (Jakarta: Erlangga, 2002), p. 65.

¹⁶ *Djawa Baroe*, January 1, 1943, pp. 12–13.

¹⁷ Benda, *The Crescent*, pp. 138, 140–41; Aqsha, *Kiai Haji Mas Mansur*, p. 65.

¹⁸ Aboebakar, *Sedjarah Hidup*, p. 336.

¹⁹ Nasution, "The Islamic State," p. 54.

²⁰ Daniel S. Lev, *Islamic Courts in Indonesia: A Study in the Political Bases of Legal Institutions* (Berkeley, CA: University of California Press, 1972), p. 33. See also Benda, *The Crescent*, p. 187; George Sanford Kanahale, "The Japanese Occupation of Indonesia: Prelude to Independence" (PhD dissertation, Cornell University, 1967), p. 72; Benedict R. O'G. Anderson, "Japan: 'The Light of Asia,'" in *Southeast Asia in World War II: Four Essays*, ed. Josef Silverstein (New Haven, CT: Yale University Southeast Asia Studies, 1966), pp. 18–20.

²¹ See Kahar Muzakir's speech, delivered shortly after the Koiso declaration, and the considerations and decisions of the Masyumi meeting in Jakarta in October 1944, in Aboebakar, *Sedjarah Hidup*, pp. 339–41; and A. Wahid Hasjim, in *Asia Raya*, May 11, 1945.

²² When the Japanese established the BPUPK, they called it (in Indonesian) the "Badan oentoek menjelidiki oesaha-oesaha persiapan kemerdekaan" (see *Soeara Asia*, March 1, 1945; *Pandji Poestaka*, March 15, 1945; and *Asia Raya*, May 28, 1945). But it was also frequently called the "Badan Penyelidik Oesaha(-oesaha)

practical problems of self-government”²³ and to develop the apparatus, political and administrative, of the new state.²⁴ Nearly two months more passed before the BPUPK was formally established and another month before its composition, comprising “representatives from all layers of the Indonesian population,”²⁵ selected by Lieutenant-General Nagano Yuichiro,²⁶ was made public. The sixty-two strong Indonesian membership of the BPUPK, chaired by the respected Javanese nationalist Rajiman Wediodiningrat, was generally of conservative and cautious demeanor, unrepresentatively elderly,²⁷ heavily weighted toward Java (its membership was drawn entirely from Indonesians resident in Java), and—notwithstanding assertions that it was representative of different groups and streams of thinking²⁸—largely peopled by delegates known to favor a religiously neutral form of territorial nationalism.²⁹ It even contained a number of Freemasons.³⁰ Muslim figures (that is, those who made their careers as representatives of Muslim ideas and practice) made up less than one-quarter of the assembly, with young Muslim activists weakly represented.³¹ In May 1945, Major-General Nishimura Otoshi, head of the Department of General Affairs, made Japanese indifference on Islam’s position in the new state clear: “While we clearly appreciate the bonds which exist between the Indonesian people and Islam, the Dai Nippon authorities have not the slightest blueprint or plan

Persiapan Kemerdekaan” (see *Asia Raya*, May 28 and 30, 1945; *Sinar Baroe*, May 28, 1945). Officially, it was most frequently referred to by its Japanese name, “Dokuritu Zyunbi Tyoosakai” (Hepburn romanization, Dokuritsu Junbi Chōsa Kai) (see *Soeara Asia*, March 29, 1945).

²³ “The Indonesian independence movement in Java (interrogation of Watanabe, Hiroshi, on Galang Island, Rhio Archipelago, 23rd May, 1947),” *Indische Collectie*, no. 005807–5814, NIOD (Netherlands Institute for War Documentation). For the announcement of the BPUPK’s creation, see *Pandji Poestaka*, March 1, 1945.

²⁴ The BPUPK’s authority was based upon the Japanese 16th Army, which was responsible for Java and Madura; indeed, the decree announcing the establishment of the BPUPK spoke of “preparations for independence in the region of the Government of this island of Java” (“Persiapan Kemerdekaan Indonesia,” *Pandji Poestaka*, March 1, 1945). Sumatra, controlled by the 25th Army, established a similar body only on July 25, which was, in the event, of no consequence for the course of events. See Benedict R. O’G. Anderson, *Some Aspects of Indonesian Politics under the Japanese Occupation: 1944–1945* (Ithaca, NY: Cornell Modern Indonesia Project, Cornell University, 1961), p. 36.

²⁵ “Ketetapan Hati Para Iin Badan Penyelidik,” in A. B. Kusuma, *Lahirnya Undang-undang Dasar 1945: Memuat Salinan Dokumen Otentik Badan Oentok Menyelidiki Oesaha² Persiapan Kemerdekaan* (Jakarta: Badan Penerbit Fakultas Hukum Universitas Indonesia, 2004), p. 94.

²⁶ Kusuma, *Lahirnya*, p. 11. Sukarno, characteristically, claims that delegates were “chosen by me and approved by the Japanese”—see Sukarno, *An Autobiography as Told to Cindy Adams* (Indianapolis, IN: Bobs-Merrill, 1965), p. 196.

²⁷ Anderson notes that only two members were aged thirty-four or less, and the average age of members was forty-eight (*Some Aspects*, p. 20).

²⁸ Anwar Tjokroaminoto, “Persiapan Kemerdekaan Indonesia,” *Djawa Baroe*, May 1, 1945, p. 8.

²⁹ According to Prawoto Mangkusamito, its membership numbered only fifteen people “who could be thought of as exponents of the Islamic group” (*Pertumbuhan Historis Rumus Dasar Negara dan Sebuah Proyeksi* (Jakarta: Bulan Bintang, 1970), p. 12. In that sense, its composition was not widely different from that of the Cuo Sangi-in; its twenty-three directly appointed members included only four men who could be termed Islamic leaders: K. H. Bagus Hadikusumo, K. H. Abdul Halim, K. H. Mas Mansur, and K. H. Wahid Hasyim (“Angkatan Anggota Tjoeo Sangi-in,” *Djawa Baroe*, October 1, 1943, p. 6).

³⁰ C. G. van Wering, *The Freemasons in Budi Utomo* (n.p.: n.p., n.d.), p. 50.

³¹ See Nasution, “The Islamic State,” p. 55; Yuzril Ihza, “Combining Activism and Intellectualism: The Biography of Mohammad Natsir (1908–1993),” *Studia Islamika* 2,1 (1995): 124; and Irfan S. Awwas, *Trilogi Kepemimpinan Negara Islam Indonesia: Menguak Perjuangan Umat Islam dan Pengkhianatan Kaum Nasionalis-Sekuler* (Yogyakarta: Uswah, 2008), p. 121.

concerning the place which the Islamic religion should occupy in the government, or what the relationship should be between Islam and other religions.”³²

The BPUPK met in two short, concentrated sessions over the following two months.³³ Its first session was broadly devoted to discussion of the ideological underpinnings of the proposed new state—including, according to one delegate, the “feeling of religiosity, the feeling of devotion towards the One and Only God,”³⁴ and, according to another, the need to establish Islam as the state religion.³⁵ It soon became clear that a central—and difficult—component of the debate would be the place of religion, or, more specifically, Islam, in the architecture of the gestating state. From the beginning, Hatta and the renowned Dutch-trained legal scholar Supomo set themselves sharply against the notion of an Islamic state (where “state and religion are

³² Quoted in Benda, *The Crescent*, p. 188.

³³ There are significant deficiencies in the stenographic record of the BPUPK debates. Large portions of material have been lost—for example, Mohammad Hatta’s one-hour speech on May 30, the second day of debate (*Asia Raya*, May 31, 1945). Some major portions of the debates were published in Muhammad Yamin, *Naskah-Persiapan Undang-Undang Dasar 1945*, vol. 1 (Jakarta: Jajasan Prapantja, 1959), but Yamin omitted many speeches and even the entirety of the debates conducted on July 17. He also inserted the text of a speech he allegedly presented on May 29, together with appendices; yet the speech he actually delivered was much shorter and less far-ranging than what appears in his book (Yamin was just one of seven speakers scheduled to speak in a two-hour session), and his speech did not include a systematic draft constitution resembling the constitution finally agreed upon. About the foregoing, see Panitia Lima (Mohammad Hatta et al.), *Uraian Pancasila* (Jakarta: Mutiara, 1977), pp. 75, 100–01, 105; Kusuma, *Lahirnya*, pp. 97–99, 540; Deliar Noer, *Mohammad Hatta: Biografi Politik* (Jakarta: LP3ES, 1990), p. 220; and Soemali Prawirosoedirdjo et al., *Sejarah Lahirnya Undang-Undang Dasar 1945 dan Pancasila* (Jakarta: Inti Udayu Press, 1984), pp. 94, 100–01, 103–05, 108–10. Yamin based his work on the stenographic notes of the BPUPK and PPKI borrowed indirectly from A. G. Pringgogidgo, deputy head of the BPUPK secretariat and head of its stenographic team. It is known that Pringgogidgo lent out his documents to more than one person, and Notonagoro clearly made use of them in his *Pemboekaan Oendang-Oendang Dasar 1945* (Yogyakarta: Penerbitan mengenai Pantjasila, nomor kedua, Universitas Gadjah Mada, 1957), and Noer used them in the mid-1950s. In any event, Yamin did not return the documents to Pringgogidgo and they remained undiscovered for many years. He also borrowed, and never returned, documents and notes from Hatta (see also Noer, *Mohammad Hatta*, pp. 221–22). Controversy arose in the early period of the New Order as a consequence of a move, spearheaded by New Order ideologue Nugroho Notosusanto, to deny or diminish Sukarno’s reputation and especially to deprecate his claim to sole authorship of the ideology of Pancasila; see Nugroho Notosusanto, *Naskah Proklamasi yang Otentik dan Rumusan Pancasila yang Otentik* (Jakarta: Balai Pustaka, 1978), pp. 20–23; Nugroho Notosusanto, “Mengamankan Pancasila Dasar Negara,” in Soerowo Abdoelmanap, *Republik Indonesia Menggugat* (Jakarta: Pustaka Grafiksi, 1997 [1979]), especially pp. 269–70, 273–78; and Nugroho Notosusanto, *Proses Perumusan Pancasila Dasar Negara* (Jakarta: Balai Pustaka, 1981), pp. 14–32. Subsequently, a research team commissioned by the state secretariat produced a revised edition, based on Yamin’s text (apart from using contemporary spelling, the edition simply reordered the material thematically, added some explanatory notes, and appended biographical data of the members of the two bodies). A third edition, published in 1995, included material from the so-called Collectie A. K. Pringgogidgo, held until their return to the Arsip Nasional, Jakarta, in the Nationaal Archief in The Hague (Algemene Secretarie en de daarbij gedeponeerde archieven, nos. 5645–47), and purportedly seized by the Dutch upon their capture of Yogyakarta in December 1949, and Yamin’s papers (which included the documents borrowed from Pringgogidgo), which had been deposited in the Mangkunegaran library in Solo. This third edition made a number of corrections to Yamin’s text. A fourth edition, published in 1998, was noteworthy for the addition of a speech by Hadikusumo obtained from another source. In 2004, A. B. Kusuma published his monumental *Lahirnya Undang-undang Dasar 1945: Memuat Salinan Dokumen Otentik Badan Oentok Penyelidiki Oesaha² Persiapan Kemerdekaan* (Jakarta: Badan Penerbit Fakultas Hukum Universitas Indonesia, 2004); he includes in his edition of the debates a large number of additional speeches and documents from the official proceedings, from the meetings held while the BPUPK was in recess, and from individuals. Much of this material comes from the A. K. Pringgogidgo archive. Kusuma also made a significant number of corrections to the text of earlier editions.

³⁴ Susanto Tirtoprojo [speech of May 29], in Kusuma, *Lahirnya*, p. 112.

³⁵ A. Rachim Pratalykrana [speech of May 30], in Kusuma, *Lahirnya*, p. 120.

one") and argued for "a united national state which separates the affairs of state and the affairs of Islam."³⁶ In defending his view, Supomo pointed to Indonesia's geopolitical position; he also noted that in Islamic states like Egypt, Iran, and Iraq there were contesting views regarding how Islamic law (*syariah*) might best be accommodated with the demands of internationalism and modernity. In Indonesia, there was, as well, the problem that those affiliated with religions other than Islam would find it difficult to "unite themselves with the state."³⁷ What Supomo wanted was "a state which will not unite itself with the largest group, but which can stand above all groups, but which can pay regard to and respect the peculiar features of all groups, both large and small."³⁸ Such a state might allow full freedom of religion and allow the adherents of all religions to "feel at home" in the state. The state would not, however, be indifferent to religion; it would embrace as its basis the moral values proposed by religion, including love and devotion to state and country and submission to God: "I am convinced that foundations such as these are recommended by Islam."³⁹

In stark contrast, the prominent Yogyakarta modernist Islamic scholar and Muhammadiyah leader Ki Bagus Hadikusumo,⁴⁰ developing the notion that the growth of human goodness in all its aspects was a product of following the directions of God, sought to "build up the State on the basis of the teaching of Islam,"⁴¹ although he acknowledged the need for freedom of religion.⁴² In his view, "the religion of Islam is able and sufficient, as well as proper and fitting, to become the pivot of national governance in this our state of Indonesia,"⁴³ although he provided no specific sense of how that governance might operate in practice. With Hadikusumo's speech, the lines of difference between secularists and those Muslim figures who had presumed to parlay the enhanced significance and prestige they had achieved under the Japanese into a claim for Islam as the basis for an independent Indonesian state (although what that might mean remained unclear)⁴⁴ were clearly drawn.

The debates climaxed on June 1 with the famous Pancasila speech of Sukarno, which unambiguously based Indonesia on nationalism rather than Islam. The purpose of establishing a free and independent Indonesia, he proclaimed, was "not for one person, not for one group, the group of nationalists, or the group of the rich, but 'all for all'... The first basis, which should become the basis for the State of Indonesia, that is the basis of nationalism."⁴⁵ For Sukarno, Islamic ideals might best emerge not *a priori* but only through contestation in the representative organs of the state, and if Muslims

³⁶ Supomo [speech of May 31], in Kusuma, *Lahirnya*, p. 128. Hatta's views are evident from Supomo's summary of them. Hatta had already enunciated his position on the relation of Islam to the state in response to an earlier request posed by the Sanyo Kaigi (Council of Advisors); he emphasized that the Qur'an was not a proper basis for state law and called for a separation "of religious affairs and state affairs" (Hatta, cited in Lev, *Islamic Courts*, p. 40).

³⁷ Supomo [speech of May 31], in Kusuma, *Lahirnya*, pp. 129–30.

³⁸ *Ibid.*, p. 130.

³⁹ *Ibid.*

⁴⁰ Hadikusumo had accompanied Sukarno and Hatta on their visit to Japan in late 1943.

⁴¹ Hadikusumo [speech of May 31], in Kusuma, *Lahirnya*, p. 139.

⁴² *Ibid.*, pp. 142–43.

⁴³ *Ibid.*, p. 143.

⁴⁴ Nasution, "The Islamic State," p. 55.

⁴⁵ Sukarno [speech of June 1], in Kusuma, *Lahirnya*, p. 156.

peopled the legislative body in numbers proportionate to their share of the Indonesian population, then “the laws which emerge from the People’s Representative Council will be Islamic laws.”⁴⁶ The Indonesia Sukarno sought would be a Godly (*ber-Tuhan*) state, in which religion was revered and in which mutual tolerance and freedom of belief would be prized.⁴⁷

The Emergence of the Jakarta Charter

Before its recess, the BPUPK appointed an eight-member subcommittee (Panitia Kecil) headed by Sukarno, with the task of consolidating, as far as possible, the various suggestions submitted by delegates for later discussion.⁴⁸ During the subsequent recess, a large number of BPUPK delegates—subcommittee members, members of the Cuo Sangi-in (Central Advisory Council, the body established in September 1943 to provide advice to the Japanese)⁴⁹ who were also BPUPK members, and other BPUPK members who happened to be in Jakarta at the time (in all, thirty-eight)—met at Sukarno’s bidding. On Sukarno’s initiative—outside the authority of the BPUPK—they handed the task of beginning the constitution-drafting process to another small working committee of nine members (Panitia Sembilan).⁵⁰ That small group, working in the afternoon of June 22 in Sukarno’s house, developed a constitutional preamble that sought to capture the central values expressed in Sukarno’s Pancasila speech. Much of the initial drafting was the work of Yamin,⁵¹ and the preamble was notable for its inclusion of the stipulation, apparently at the insistence of Kahar Muzakkir and Wahid Hasyim,⁵² that all Muslims were obliged to carry out Islamic law (“*dengan kewajiban menjalankan syari’at Islam bagi pemeluk-pemeluknya*,” “with the obligation for its adherents to carry out Islamic law”), something with which, Muzakkir later alleged,

⁴⁶ *Ibid.*, p. 161.

⁴⁷ *Ibid.*, pp. 163–64.

⁴⁸ A. G. Pringgodigdo, *Sedjarah Singkat Berdirinja Negara Republik Indonesia* (Surabaya: Pustaka Indonesia, 1958), p. 27. The members of that subcommittee were Sukarno, Hatta, Yamin, A. A. Maramis, Sutarjo Kartohadikusumo, Oto Iskandardinata, Wahid Hasyim, and Ki Bagus Hadikusumo (Kusuma, *Lahirnya*, pp. 4–5). This committee-of-eight is not to be confused with the committee-of-nine discussed in footnote 50, as some authors do (see, for example, Abdoelmanap, *Republik Indonesia Menggugat*, pp. 29–30, who mistakenly inserts Subarjo into the committee appointed by the BPUPK, when he was, in fact, a member of the more informal—and more crucial—committee-of-nine).

⁴⁹ See Arniati Prasedyawati Herkusumo, *Chuo Sangi-in: Dewan Perimbangan Pusat pada Masa Pendudukan Jepang* (Jakarta: Rosda-Jayaputra, 1984). According to Benda, “there were six prominent Muslims among the forty-three members of the *Chuo Sangi-in*” (*The Crescent*, p. 137).

⁵⁰ See Pringgodigdo, *Sedjarah Singkat*, pp. 27–28; and Anderson, *Some Aspects*, p. 26. The nine members were Sukarno, Hatta, Yamin, Maramis, Subarjo, Wahid Hasyim, Kahar Muzakkir, Agus Salim, and Abikusno Cokrosuyoso. This committee had a significantly different composition from the eight-member committee appointed by the BPUPK (see footnote 48). On the nationalist side, Subarjo replaced Sutarjo and Iskandardinata; on the Islamic side, Muzakkir replaced Hadikusumo, while two extra members of this group, Salim and Abikusno, were appointed. It is not clear why these precise personnel changes were made, although Kusuma suggests that “Sukarno carried out a policy of changing the proportion between the ‘Nationalist Group’ and the ‘Islamic Group’ so that it became five [members] to four” (Kusuma, *Lahirnya*, pp. 5n.–6n.; Sukarno [July 10] in Kusuma, *Lahirnya*, p. 213). It may also be the case that Muzakkir replaced Hadikusumo because the much more senior and esteemed Hadikusumo was thought to be attached to the notion of an Islamic state (personal communication with Ananda B. Kusuma, January 22, 2009).

⁵¹ Prawirosoedirdjo et al., *Sejarah*, pp. 103–04.

⁵² Noer, *Mohammad Hatta*, p. 223.

the Menadonese Christian Maramis had agreed “200%.”⁵³ It was not, Supomo later emphasized, the intention of this “recent compromise” to “place limits upon the freedom of people to have different religions, absolutely not!”⁵⁴ The draft preamble, soon labeled by Yamin the “Jakarta Charter” (*Piagam Jakarta*),⁵⁵ rearranged the sequence of Sukarno’s five Pancasila principles and placed “belief in one God” in first position.⁵⁶ Sukarno, long an advocate of the separation of religion and the state⁵⁷—as indeed was Maramis—was prepared to sponsor this vague compromise in order to speed the achievement of the greater goal of a unified, independent Indonesia. The Charter was, it seems, another example of “Sukarno’s deliberate simplifications *in order to find a common denominator*.”⁵⁸ And vague it was; it was never made clear whether the wording was meant purely as a symbolic but sterile recognition of Islam’s importance in Indonesian society, or as a means of insinuating Islam into the state apparatus.⁵⁹

During the recess, a number of papers relating to key aspects of the form, shape, and functions of the future state, as well as the means to progress towards that goal, were compiled, based on numerous written and oral suggestions and a number of drafts by BPUPK members.⁶⁰ That task of compilation was the work of the Panitia Kecil appointed by the BPUPK on June 1, not the Panitia Sembilan responsible for the Jakarta Charter. One of those papers, the document on the basis of the state, made it clear that there was still, notwithstanding Sukarno’s June 1 address, some support, limited in size but emphatic in style, for an Islamic form of the state.⁶¹

When the BPUPK reconvened on July 10 for its second (and final) session,⁶² Sukarno reported on the work achieved during the recess. He noted, among other

⁵³ Deliar Noer, interview with Kahar Muzakkir, Bandung, December 1957, in *Partai Islam di Pentas Nasional 1945–1965* (Jakarta: Grafitipers, 1987), p. 36.

⁵⁴ Supomo [speech of July 15], in Kusuma, *Lahirnya*, p. 359.

⁵⁵ *Ibid.*, p. 329.

⁵⁶ The text of the Jakarta Charter, as read to the BPUPK by Sukarno on July 10, may be found in Kusuma, *Lahirnya*, p. 213–14. That text underwent significant change as it was integrated into a joint “declaration of independence” and preamble, but the seven words remained. See the draft joint “declaration of independence” and preamble presented to the BPUPK by Sukarno on July 14 (Kusuma, *Lahirnya*, pp. 324–27).

⁵⁷ Bernhard Dahm, *Sukarno and the Struggle for Indonesian Independence* (Ithaca, NY: Cornell University Press, 1969), p. 205.

⁵⁸ *Ibid.*, p. 194 (emphasis in original).

⁵⁹ B. J. Boland, *The Struggle of Islam in Modern Indonesia*, rev. ed. (The Hague: Martinus Nijhoff, 1982), p. 27. The BPUPK debates make clear that, even among themselves, Muslim figures did not agree on what the implications of the seven words might be. Thus, Hasyim and Muzakkir argued that they implied that the president must be a Muslim, a view with which Salim and Abikusno disagreed because it conflicted with the notion of social equality (Kusuma, *Lahirnya*, p. 22).

⁶⁰ See Rajiman’s radio address in *Asia Raya*, June 7, 1945. Nine of these papers may be found in Kusuma, *Lahirnya*, pp. 171–89. Three have been lost. See also Sukarno [July 10], in Kusuma, *Lahirnya*, p. 208. Many members of the BPUPK took advantage of the recess to travel extensively, both to inform people about the BPUPK’s work and to gauge public reaction to it (see, for example, the report on the visit by Samsudin and Haji Sanusi to their home region of Sukabumi, and on a similar meeting in Yogyakarta attended by Ki Hajar Dewantoro and other BPUPK members, in *Asia Raya*, June 7, 1945). Sukarno had already traveled to eastern Indonesia at the beginning of May (*Asia Raya*, May 3 and 4, 1945), while Hatta had traveled to Borneo in late May–early June (*Asia Raya*, June 4, 1945). See also Sukarno [July 10], in Kusuma, *Lahirnya*, p. 212; and “Uit het Verslag van Generaal-Majoor Moichiro Yamamoto,” in *Nederlands-Indië*, ed. Brugmans et al., p. 587.

⁶¹ “Dasar,” in Kusuma, *Lahirnya*, p. 175.

⁶² Six new members were introduced; see Rajiman [July 10], *Ibid.*, p. 206.

things, that “truly there have been difficulties, in the beginning between the group calling itself Islamic and the group calling itself nationalist. Indeed, there were difficulties in seeking harmony in thinking between these two groups.”⁶³ The Jakarta Charter, produced by the Panitia Sembilan, had been “unanimously” accepted by the Panitia Kecil for presentation to the BPUPK upon its resumption;⁶⁴ indeed, “the greater part of all the thinking at its heart,” Sukarno remarked, “[comes] from the members of the Dokuritu Zyunbi Tyoosakai [BPUPK].”⁶⁵ The Panitia Kecil was therefore “convinced that this preamble can connect and unite all the streams [of thinking] among the members of the Dokuritu Zyunbi Tyoosakai.”⁶⁶

The BPUPK session then moved to consider the major questions of state and nation construction. It agreed that Indonesia should be a republic⁶⁷ and that the new nation should comprise the territory of the former Dutch East Indies together with Malaya, the former British territories in Borneo, and the former Portuguese territory of Timor.⁶⁸ The assembly also considered the question of citizenship,⁶⁹ and a nineteen-person committee,⁷⁰ chaired by Sukarno but dominated intellectually by the eminent jurist Supomo, produced a draft constitution in less than three days.⁷¹

⁶³ Sukarno [speech of July 10], *Ibid.*, p. 213.

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*, p. 214.

⁶⁶ *Ibid.*

⁶⁷ Kusuma [speech of July 10], *Lahirnya*, p. 238.

⁶⁸ Kusuma [speech of July 11], *Lahirnya*, p. 262.

⁶⁹ See, for example, Lim Kun Hian, in Kusuma [speech of July 11], *Lahirnya*, pp. 266–70. See also his speech of July 15, pp. 392–395; and Baswedan’s of the same date, pp. 396–98.

⁷⁰ The membership of the constitution-drafting committee comprised Sukarno, Maramis, Puruboyo, Oto Iskandardinata, Agus Salim, Subarjo, Supomo, Santoso, Wahid Hasyim, Harahap, Latuharhary, Susanto, Sartono, Wongsonegoro, Wuryaningrat, Singgih, Tan Eng Hoa, Jayadiningrat, and Sukiman. Sukarno, Maramis, and Wahid Hasyim were also on the committee-of-eight and the committee-of-nine; Oto Iskandardinata was also on the committee-of-eight; Agus Salim and Subarjo were also on the committee-of-nine. Hatta and Yamin were on both the committee-of-eight and the committee-of-nine, but not the constitution-drafting committee. Sutarjo and Hadikusumo were on the committee-of-eight but not the constitution-drafting committee, while Kahar Muzakkir and Abikusno were on the committee-of-nine but not the constitution-drafting committee.

⁷¹ Kusuma, *Lahirnya*, p. 49. Supomo headed a seven-member constitution-drafting subcommittee, the membership of which, heavy with lawyers, included Wongsonegoro, Subarjo, Maramis, Singgih, Salim, and Sukiman. It should be noted that Supomo, together with Subarjo and Maramis, had developed a draft constitution in 1942 that they submitted to the BPUPK secretariat on June 15. That contained nothing specifically Islamic, and made mention of (limited) freedom of religion, in article 25 (Yamin, *Naskah-Persiapan*, p. 776). A draft provisional constitution, prepared by a seven-member group headed by Husein Jayadiningrat and including Supomo, had been submitted to the BPUPK on the same date (Kusuma, *Lahirnya*, pp. 49, 191–97). That draft, while proposing that Indonesia be based on “nationalism, and God” (*kebangsaan, dan ketuhanan*), contained nothing specific regarding Islam, though it included (clause 14) a guarantee of freedom of religious belief and practice (Kusuma, *Lahirnya*, pp. 192–96). It seems to have served as the working model for the draft produced by Supomo’s group; four of its drafters were appointed to the nineteen-member constitution-drafting committee. It remains most unlikely, as noted above, that the draft constitution allegedly submitted to the BPUPK by Yamin, together with his speech (Yamin, *Naskah-Persiapan*, pp. 719–28), was actually produced at that time. Kusuma notes that Yamin’s claim to have inserted his draft into the discussions of the constitution-drafting committee on July 11 (Yamin, *Naskah-Persiapan*, p. 257) does not appear in the stenographic notes of that meeting (Kusuma, *Lahirnya*, pp. 543–49). Deliar Noer, who had access to Pringgogidgo’s papers in 1955, noted gently that Yamin’s text had made some changes to Pringgogidgo’s notes (Noer, *Partai Islam*, p. 35n). See also Prawirosoedirdjo et al., *Sejarah*, pp. 110–11. Yamin’s putative draft constitution bears no specifically Islamic cast. While its title carries the words “dengan Nama Allah, Pengasih dan Penjajang” (“in the Name

It soon became apparent, however, that the Jakarta Charter “was far more difficult to sell than formulate,”⁷² and that the formula it contained had provoked considerable hostility both inside and outside the BPUPK assembly. During discussion by the constitution-drafting committee on July 11, the Ambonese Christian Johannes Latuharhary raised his disquiet about “the wording concerning ‘Ke-Tuhanan,’” remarking that “the consequence would be very significant, for example for other religions,” and noting a suggestion that the seven words might require Minangkabau people to abandon their customary law (*adat*), and even that customary land and inheritance rights in Maluku might be compromised.⁷³ Sukarno’s response was quick: “the preamble is the result of great effort to overcome differences in thinking between the group which is called nationalist and the Muslim group. Thus, if this sentence is not included, I am convinced that the Muslim side will not accept this preamble, and the quarrel will just continue.”⁷⁴ But that, together with Haji Agus Salim’s efforts to minimize the problem of Minangkabau *adat*, could not silence the uneasiness; Husein Jayadiningrat wondered whether the words might occasion fanaticism, “for example, forcing people to pray, forcing people to perform the *salat* [the five obligatory daily prayers], and so on.”⁷⁵ Wahid Hasyim responded by reminding delegates that “if there is a representative body, that [the exercise of force] will not take place.”⁷⁶ Once more, Sukarno emphasized the fact that the matter had been a “compromise to put behind us the difficulties between us all. That compromise was achieved with the sweat of our brow.”⁷⁷ As chair of the drafting committee, he proceeded to declare the wording accepted and the matter finalized.

Two days later, amid further discussions within the drafting committee, Wahid Hasyim proposed that the president should be a Muslim, providing that person and the government an Islamic flavor that would enhance their authority.⁷⁸ Further, he proposed that the words “the state religion is Islam” be inserted into the body of the constitution at article 29, with a rider guaranteeing freedom of religion to non-Muslims.⁷⁹ His reason, he asserted, was a matter of national defense, since only religion

of Allah, the Beneficent and Merciful”) (Yamin, *Naskah-Persiapan*, p. 721), its article 29 remarks that “the state is based on the One and Only God (“*ke-Tuhanan Jang Maha Esa*”) and provides a state guarantee of “the freedom of every inhabitant to embrace any kind of religion, and to worship according to that religion and belief.” The BPUPK also charged two other subcommittees with distinct tasks. Hatta headed a group responsible for developing policy on finance and the economy, while Abikusno chaired another on defense matters. Each of these subcommittees had twenty-three members. These subcommittees presented various reports to the BPUPK on July 16, which were received by the BPUPK on the following day (Pringgodigdo, *Sedjarah Singkat*, pp. 29–30). Yamin was appointed to the finance and economy committee and not, as he must have wished, to Sukarno’s constitution-drafting committee, and refused to accept his appointment. Sukarno expressed his regret that Yamin had not been appointed to the drafting committee and formally and unsuccessfully sought to have him included (Kusuma, *Lahirnya*, pp. 294–96, 297–99 [July 11]). Yamin’s displeasure with the turn of events is clear from his unwillingness to accept the draft constitution when a final vote to accept it was taken on July 16 (Kusuma, *Lahirnya*, p. 432).

⁷² Bahtiar Effendy, *Islam and the State in Indonesia* (Singapore: ISEAS, 2003), p. 31. See also Anderson, *Some Aspects*, p. 31.

⁷³ Latuharhary [speech of July 11], in Kusuma, *Lahirnya*, p. 306.

⁷⁴ Sukarno [speech of July 11], *Ibid.*, p. 306.

⁷⁵ Jayadiningrat [speech of July 11], *Ibid.*, p. 307.

⁷⁶ Hasyim [speech of July 11], *Ibid.*

⁷⁷ Sukarno [speech of July 11], *Ibid.*, p. 308.

⁷⁸ Hasyim [speech of July 13], *Ibid.*, p. 314.

⁷⁹ *Ibid.*

provided a rationale for the use of force, although his intention was probably to add flesh to the vague bones of the Jakarta Charter. Salim thought these changes clouded and unnecessarily problematized the original compromise, and wondered whether the matter might be decided by the parliament. Thus, “if the president must be a Muslim, what was the situation regarding the vice-president, ambassadors, and such like? What is the meaning of our agreement to protect other religions?”⁸⁰ Jayadiningrat, arguing that in reality the president would always be a Muslim, thought Hasyim’s prescription unnecessary, and, unlike Sukiman, that its maintenance would not be without consequence.⁸¹ In the end, committee chair Sukarno rejected both of Hasyim’s suggestions.

When, on the following day, July 14, at a plenary session of the BPUPK, Hadikusumo advanced a further effort to heighten the import of the seven words by removing three of them, the words “bagi pemeluk-pemeluknja” (for its adherents),⁸² Sukarno again opposed the move, emphasizing once more the fact that the earlier compromise had been based on “giving and taking”; it was “as good as possible.”⁸³ Hadikusumo made a further effort to have the words removed, arguing that their specificity was insulting for Muslims;⁸⁴ apparently he took offence that Muslims would be required to observe their law while adherents to other religions were placed under no such obligation. Again Sukarno opposed the notion, arguing that dispensing with those words “might be taken to mean that non-Muslims were required to carry out Islamic law.”⁸⁵ Hadikusumo protested that Sukarno’s objection assumed that the government had a role to play in enforcing Islamic law, whereas in his view “government may not control religion” (*pemerintah tidak boleh memeriksa agama*).⁸⁶ In the end, fellow Muslim Abikusno Cokrosuyoso—younger brother of the legendary Cokroaminoto—convinced Hadikusumo that, for the sake of peace and unity, things should be left as they were.⁸⁷

In his elucidation of the draft at the plenary session next day, July 15, Supomo remarked that the seven words were an attempt by the state “to take note of the special character [*keistimewaan*] of the largest part of the population, the Muslims.”⁸⁸ The words were, as Supomo remarked, the result of a “gentlemen’s agreement” [English], unanimously agreed upon by the drafting committee, between the “national group” and the “religious group”; therefore, “we must hold onto this article tenaciously so that we can unite those two groups.”⁸⁹ He noted as well that the drafting committee had

⁸⁰ Salim [speech of July 13], *Ibid.*, p. 314.

⁸¹ Jayadiningrat [speech of July 13], *Ibid.*, p. 314.

⁸² Hadikusumo [speech of July 14], *Ibid.*, pp. 328–29.

⁸³ Sukarno [speech of July 14], *Ibid.*, p. 329.

⁸⁴ Hadikusumo [speech of July 14], *Ibid.*, pp. 332–33. Hadikusumo was presumably the person mentioned by Ichibangase Yoshio as having protested against the form of the seven words (see “Uit het Verslag van Yoshio Ichibangase, Plaatsvervangend Voorzitter van de C.v.O., 2 November 1945,” in *Nederlands-Indië*, ed. Brugmans et al., p. 589).

⁸⁵ Sukarno [speech of July 14], in Kusuma, *Lahirnya*, p. 333.

⁸⁶ Hadikusumo [speech of July 14], *Ibid.*, p. 333.

⁸⁷ Cokrosuyoso [speech of July 14], *Ibid.*, p. 334.

⁸⁸ Supomo [speech of July 15], *Ibid.*, p. 358.

⁸⁹ *Ibid.*

agreed unanimously to the further step that the seven words should be entered into article 28 of the proposed constitution, so that it read: "The state is based upon God [*Ketuhanan*], with the obligation for its adherents to carry out Islamic law."⁹⁰ Supomo also noted that the constitution contained a guarantee of religious freedom; "the State guarantees the freedom of each inhabitant to embrace a different religion and to worship according to that respective religion and its beliefs."⁹¹ The purport of the compromise, he went on, was that "the nationalist group may not reduce the guarantee to the Islamic group, and equally that the Islamic group may not seek more guarantees for Islam as against other religions."⁹² Indeed, he noted, in a situation of overwhelming Muslim numerical dominance, where Muslims "certainly have great influence in all kinds of fields," there was no need of guarantees.⁹³

In the debate that followed, Sukiman conveyed a general sense of Muslim unease and suspicion. He remarked that the Dutch constitutional regulation had also guaranteed religious freedom, but "we as a Muslim community have experienced a situation that was at odds with that situation"; so-called religious neutrality had, in fact, meant a pro-Christian stand. He clearly implied that Muslims would effectively be discriminated against by the proposed "false" neutrality of the new state.⁹⁴ Yamin, excluded from the drafting committee and not himself a member of the Muslim group, sought constitutional status for a number of specific ministries, including a Ministry of Muslim Affairs and an Islamic High Court that might provide judgments and advice about possible conflicts between the constitution and customary and Islamic law. Further, he argued, in the draft "popular sovereignty and the Muslim religion have not yet obtained a proper place and role."⁹⁵ Supomo, concerned with the dangers of handing excessive power to the judiciary, took robust exception to Yamin's suggestions.⁹⁶ Hadikusumo moved to the heart of the issue when he asked Supomo for a clarification of the meaning of the seven words.⁹⁷ He was effectively fobbed off and gagged by Rajiman, in the chair, who thought the matter over and done with. "Truly, I am being forced, forced by the chair, to accept this," Hadikusumo retorted, by now clearly highly irritated; he refused to accept article 28 (on religion) or the seven words as expressed in the preamble.⁹⁸ The ten-minute break in proceedings called by Rajiman, apparently to cool matters, brought no respite. Abdul Fatah Hasan objected to the wording of the second clause in article 28 guaranteeing freedom of religion, because it could be read as suggesting that Muslims might freely abandon their religion for another one.⁹⁹ Supomo did not object to the form of words Hasan proposed to remove the ambiguity.¹⁰⁰ Latuharhary objected to the proposed change, however, which he

⁹⁰ *Ibid.*, p. 359. Article 29 had become article 28 in the second draft of the constitution.

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ Sukiman [speech of July 15], *Ibid.*, p. 376.

⁹⁵ Yamin [speech of July 15], *Ibid.*, p. 386.

⁹⁶ Supomo [speech of July 15], *Ibid.*, pp. 388–91.

⁹⁷ Hadikusumo [speech of July 15], *Ibid.*, p. 413.

⁹⁸ Hadikusumo [speech of July 15], *Ibid.*, pp. 414–15.

⁹⁹ Abdul Fatah Hasan [speech of July 15], *Ibid.*, pp. 415–16.

¹⁰⁰ Supomo [speech of July 15], *Ibid.*, p. 416.

thought altered the essential sense of the clause; “the intention of the [drafting] Committee was to honor religion, not to honor the people embracing religion, but to honor religion.”¹⁰¹ Pratalykama suggested, among other things, that the president should be Muslim;¹⁰² Supomo immediately responded that to mandate such a change would damage the compromise; “let us respect what has been agreed upon by both sides.”¹⁰³ Further, he argued, Muslim numerical superiority would bring its own reward in terms of influence. To interfere with the compromise, to reopen the matter, would involve further long debate (“two to three days would not be enough”).¹⁰⁴ Kiai Masykur again raised the question of the religion of the president, and particularly the practical and political difficulties that might arise if a non-Muslim president were elected, particularly the difficulty such a president would face in overseeing the obligation, now embedded in the draft constitution, that Muslims obey Islamic law.¹⁰⁵ As Supomo had done, Sukarno deflected this question by asserting that the president would always be a Muslim “if indeed the souls of the great majority of the people burn with the fire of Islam.”¹⁰⁶ Sukarjo Wiryopranoto added that he did not want a situation of having two classes of citizens, those who could occupy the position of president and those who could not.¹⁰⁷ But the Muslim group, concerned at the prospect of a serious diminution of Islam’s place, held firm in seeking its strong recognition in the constitution.

An informal, late-night meeting—the troubled plenary session had been suspended at 11:25 PM—between leaders of both Muslim and nationalist groups demonstrated the depth of difference between the two sides.¹⁰⁸ But it also showed that compromise was necessary if a breakthrough were to be achieved, and it had to come from the nationalist side given apparent Muslim intransigence.¹⁰⁹ The following morning, Sukarno, clearly unhappy—“there is greatness in sacrifice,” he asserted—proposed that the meeting accept that the president must be a Muslim. It was a sacrifice of principle to practicality, indeed, “to the unity which we must quickly effect, so that we can quickly compile the Constitution; so that we can quickly achieve Free Indonesia,”¹¹⁰ even if its edge was softened by the recognition that any Indonesian president must inevitably be a Muslim. Only three members, all Sino-Indonesians, rejected the compromise. Once this matter was finalized, the assembly moved quickly to approve the draft constitution; the “declaration of independence” and the preamble were accepted unanimously.¹¹¹

¹⁰¹ Latuharhary [speech of July 15], *Ibid.*, p. 416.

¹⁰² Pratalykama [speech of July 15], *Ibid.*, p. 416.

¹⁰³ Supomo [speech of July 15], *Ibid.*, p. 418.

¹⁰⁴ *Ibid.*, p. 419.

¹⁰⁵ Masykur [speech of July 15], *Ibid.*, pp. 419–20.

¹⁰⁶ Sukarno [speech of July 15], *Ibid.*, p. 420.

¹⁰⁷ Wiryopranoto [speech of July 15], *Ibid.*, p. 422.

¹⁰⁸ Ananda B. Kusuma, “Catatan seputar Simposium ‘Restorasi Pancasila,’” in *Restorasi Pancasila: Mendamaikan Politik Identitas dan Modernitas*, ed. Irfan Nasution and Ronny Agustinus (Bogor: Brighten Press, 2006), p. 422.

¹⁰⁹ Noer, *Partai Islam*, p. 37.

¹¹⁰ Sukarno [speech of July 16], in Kusuma, *Lahirnya*, p. 428.

¹¹¹ Rajiman to Head of Japanese Military Government, July 18, 1945, *Ibid.*, p. 463. The BPUPK’s considerations were intended by the Japanese to raise and air general questions, to be finalized, without

The PPKI

A month and a day after the draft constitution was approved, Indonesia declared its independence in a manner and with a speed no one had anticipated. Subsequent to the conclusion of the BPUPK's considerations in mid-July, Field-Marshal Terauchi Hisaichi, commander of the Japanese Southern Area armies, had made it known that the transfer of sovereignty should take place in mid-September and moved to establish the machinery to bring Indonesia to a more or less orderly independence.¹¹² On August 7, the local Japanese administration announced the establishment of a Committee for the Preparation of Indonesian Independence (Panitia Persiapan Kemerdekaan Indonesia, PPKI), and formalized that body on August 12, with Terauchi appointing Sukarno at its head.¹¹³ It was planned that the PPKI meet on August 19 to finalize the constitution,¹¹⁴ but the momentous events of early and mid-August—the atomic bombing of Hiroshima and Nagasaki and the unconditional surrender of the Japanese—changed expectations fundamentally. The PPKI was not, like the BPUPK, a Java-focused body, but, in the interests of regional and ethno-religious representation, included five representatives from the Japanese naval (Kaigun) area of eastern Indonesia as well as one Chinese-Indonesian and, after some delay caused by the prevarication by the 25th Army in Sumatra (which was skeptical of and repressive towards Indonesian nationalist sentiment¹¹⁵), three representatives from Sumatra.¹¹⁶

The PPKI body met for the first time in the late morning of August 18, the day after the proclamation of Indonesia's independence. Its twenty-seven members¹¹⁷ moved quickly to finalize and formally adopt the draft constitution produced by the BPUPK. In the doing, such limited gains as had been made by the Muslim group in the BPUPK were entirely erased.

prejudice, by a later commission. The BPUPK's success, essentially under Sukarno's impetus, in finalizing a draft constitution went much further than the Japanese had intended or expected. See "Uit het Verslag van Generaal-Majoor Moichiro Yamamoto" and "Uit het Verslag van Yoshio Ichibangase," pp. 586, 588. See also Kusuma, "Catatan," p. 419n.

¹¹² "Cablegram from General Terauchi, Supreme Chief of Staff, I Corps, to Deputy Chief (Vice-Minister) of Independence for the East Indies" [August 2, 1945], in *Japanese Military Administration in Indonesia*, ed. Benda, Irikura, and Kishi, pp. 275–76.

¹¹³ Kusuma, *Lahirnya*, p. 13. According to Hatta, on August 12, in Dalat, Terauchi told Sukarno, Hatta, and Rajiman that "it's up to you to realize your independence; the Japanese government is willing to grant it. When [that happens] is up to the Preparatory Committee" (emphasis in original; Hatta, paraphrased interview with George Kahin, Jakarta, March 10, 1959, Kahin Collection).

¹¹⁴ Soetan Sjahrir, *Out of Exile*, trans. Charles Wolf, Jr. (reprinted New York, NY: Greenwood Press, 1969 [1949]), pp. 253–54; "Comite voor het Onderzoek naar Maatregelen ter Voorbereiding van de Onafhankelijkheid" [November 3, 1945], *Ministerie van Defensie, Collectie archieven Strijdkrachten in Nederlands-Indië, (1938–39) 1941–57 [1960]*, no. 24, Nationaal Archief, The Hague. A number of sources suggest that the first meeting of the PPKI was in fact planned for August 18 (Anderson, *Some Aspects*, p. 34).

¹¹⁵ Audrey Kahin, "Struggle for Independence: West Sumatra in the Indonesian National Revolution, 1945–1950" (PhD dissertation, Cornell University, 1979), pp. 73, 89–91.

¹¹⁶ Anderson, *Some Aspects*, pp. 61, 63.

¹¹⁷ The PPKI originally had twenty-one members, but Sukarno added six new members just before the first meeting of the PPKI on August 18, including a senior Muslim figure, Kasman Singodimejo.

Hatta's role in the matter was crucial. He later related that on the evening of August 17, he had received a "Japanese navy officer" (*opsir kaigun*) at the behest of and together with Nishijima Shigetada, assistant to Rear-Admiral Maeda Tadashi. That "opsir" brought to him the news that Christian nationalists from eastern Indonesia were unwilling to adopt the constitution and would "prefer to stand outside the Republic of Indonesia" unless the "seven words" of the Jakarta Charter were omitted.¹¹⁸ Hatta remarked that these men felt that the insertion of the seven words in the constitution discriminated against them as a religious minority.¹¹⁹ The implication of this news—that Indonesia might be rent asunder at the moment of its birth, with dire consequences for the struggle that lay ahead—led him, he claimed, to move rapidly to eliminate the problem.¹²⁰

Early the following morning, at a hastily convened meeting with Muslim members of the PPKI,¹²¹ Hatta convinced them—the meeting lasted just fifteen minutes, he later related¹²²—of the urgent need, for the sake of national unity, to accede to the demand to remove the seven words and, as well, to tone down other parts of the draft that appeared to privilege Islam. When the PPKI eventually convened, two hours after its scheduled beginning,¹²³ Hatta quickly moved to implement the crucial changes. He was already assured of success as a result of the earlier meeting. Thus, in arguing for the removal of the stipulation that the president be a Muslim, he remarked that "agreement in this matter has also been obtained between the different groups, which facilitates our work at this time."¹²⁴ Sukarno himself noted that, before the session, some members had flagged a desire for changes in the draft, and that "we" had held discussions with "various members" that had resulted in "agreement."¹²⁵ Accordingly, in his short address, Hatta proposed that the preamble be named "Pembukaan" rather than the Arabic for preamble, "Mukadimah," presumably to distinguish it from the longer preamble of the draft constitution, and probably as well to assert its religious neutrality; further, he urged that the draft joint "declaration of independence" (heavy with pro-Japanese sentiment) and preamble be excised and replaced by the original Jakarta Charter of June 22.¹²⁶ More important, he urged that the words "the One and

¹¹⁸ Mohammad Hatta, *Sekitar Proklamasi 17 Agustus 1945* (Jakarta: Tintamas, 1969), p. 57. These persons from eastern Indonesia were presumably among those five members of the PPKI appointed from the Japanese naval area (the Menadonese G. S. S. J. Ratulangi, the Ambonese Johannes Latuharhary, Andi Pangeran from Sulawesi, A. A. Hamidhan from Borneo, and the Balinese I Gusti Ktut Puja). It is clear that the five had serious misgivings about the implications of the proposed position of Islam in the draft constitution. A report on their activities may be found in "Rapport over de Reis van Dr Ratulangi in Augustus 1945 van Makassar naar Batavia," Ministerie van Defensie, Collectie archieven Strijdkrachten in Nederlands-Indië, (1938–39) 1941–57 [1960], no. 24, Nationaal Archief, The Hague.

¹¹⁹ Hatta, *Sekitar*, p. 57.

¹²⁰ *Ibid.*, pp. 57–58.

¹²¹ Hatta (*Ibid.*, p. 58) claims that these Muslims were Hadikusumo, Hasyim, Kasman Singodimejo, and the Acehese Teuku Hasan. Contrary to Hatta's recollection twenty-five years later, Hasyim did not attend.

¹²² *Ibid.*, p. 59.

¹²³ Sidik Kertapati, *Sekitar Proklamasi 17 Agustus 1945*, 3rd ed. (Jakarta: Jajasan "Pembaruan," 1964), p. 123.

¹²⁴ Hatta [speech of August 18], in Kusuma, *Lahirnya*, p. 471.

¹²⁵ Sukarno [speech of August 18], *Ibid.*, p. 469. According to Kasman, Sukarno had not involved himself in the lobbying, partly because of his position as chair of the assembly and partly because of his uneasiness and embarrassment at what Hatta was proposing to the Muslim group (Panitia Peringatan 75 Tahun Kasman, *Hidup*, p. 123).

¹²⁶ Hatta [speech of August 18], in Kusuma, *Lahirnya*, p. 469.

Only" (*Yang Maha Esa*) be attached to "God" (*Ketuhanan*), and that the "seven words" in the original Charter be deleted from the preamble. "If [we can agree with that] without too much debate [*dengan doorhameren*]," he remarked, "in a few minutes we can validate this Constitution of ours."¹²⁷

In the assembly's subsequent discussion, at the suggestion of I Gusti Ktut Puja, the delegate from Bali, the word "Allah" in the preamble was replaced by the more generic "Tuhan" (Lord),¹²⁸ while the stipulation that the president be a Muslim was erased, partly because of the inevitability that the president would be Muslim, and also so that "the whole of the Constitution can be accepted by the regions in Indonesia which are not Muslim, like those regions now run by the Kaigun."¹²⁹ Article 29, on religion, was similarly amended to remove the seven words; the relevant clause now read: "The state is based on the One and Only God" (*Negara berdasar atas ke-Tuhanan Yang Maha Esa*).¹³⁰

The Muslim group's defeat on August 18 was soon heavily underlined when the assembly moved the following day to establish the administrative machinery of independent government, including the establishment of twelve ministries. The three-person committee established for the purpose by Sukarno recommended the creation of a Ministry of Religious Affairs among the thirteen it proposed.¹³¹ But Latuharhary considered that such an entity would inevitably ruffle sensitivities—"we do not need to awaken feelings which might make for a lack of trust within our nation"¹³²—and suggested rather establishing a Bureau of Religion within the Ministry of Education, a move that would have the added advantage of saving money. Ki Hajar Dewantoro suggested that such a bureau would more appropriately be inserted in the Ministry of Home Affairs.¹³³ In the end, the proposal for a separate Ministry of Religious Affairs was rejected, receiving only six votes,¹³⁴ and "religion" was packaged as a segment of the Ministry of Education, Instruction, and Culture.¹³⁵ Later, only two Muslim leaders were appointed to the new nation's first cabinet, and their positions were not prominent. Abikusno, perhaps the most accommodating of the Muslim figures, became Minister of Communications, while Wahid Hasyim was appointed as a portfolio-free Minister of State.¹³⁶ And when the PPKI established the quasi-parliamentary Komite Nasional Indonesia Pusat (KNIP, Central Indonesian National

¹²⁷ Ibid., p. 472.

¹²⁸ I Gusti Ktut Puja [speech of August 18], Ibid., p. 474. Strangely, the old wording remained intact in the text of the constitution officially gazetted in *Berita Repoeblik Indonesia*, February 15, 1946, and remains part of the constitution to this day.

¹²⁹ Hatta [speech of August 18], in Kusuma, *Lahirnya*, p. 471.

¹³⁰ Ibid., pp. 473–91.

¹³¹ Subarjo [speech of August 19], Ibid., pp. 512–13. Its members were Subarjo, Sutarjo, and Kasman (p. 500).

¹³² Latuharhary [speech of August 19], Ibid., p. 515.

¹³³ Dewantoro [speech of August 19], Ibid., p. 516.

¹³⁴ Ibid., p. 519.

¹³⁵ Sukarno [speech of August 19], Ibid., p. 524.

¹³⁶ Nasution, "The Islamic State," p. 68.

Committee) later in August, that body's membership was even less representative of expressly Muslim sentiment than its parent body.¹³⁷

Many puzzles persist about this sudden and portentous change. Why was Hatta so easily convinced by the so-called threat to divide the just-born Republic? What was the nature of the threat, given that the seven words applied only to Muslims and did not affect non-Muslims? Why did Sukarno and Hatta not defend and maintain the compromises reached and agreed upon by the BPUPK? How could it be that the laboriously arrived-at "gentlemen's agreement," engineered by Sukarno himself, could be changed "in just a few minutes."¹³⁸ And why did the Muslim leadership cave in to Hatta's newly expressed fears and anxiety so rapidly—the sessions of August 18 lasted only a little over two hours—and without resistance? Indeed, not a single protest or question was raised in the chamber concerning "this most important change" which, Hatta remarked, "unites the whole nation."¹³⁹

To seek answers, one must first look at the composition of PPKI, which was even less Islamist in its membership than was the BPUPK. The PPKI included only sixteen members of the BPUPK, and its membership had been broadened to include representatives from Bali, Sulawesi, and Sumatra. Only three PPKI members could be said unambiguously to be Islamic figures: Wahid Hasyim, Ki Bagus Hadikusumo, and Kasman Singodimejo, commander of the Jakarta Peta battalion.¹⁴⁰ Indeed, only three of the original nine signatories of the original Jakarta Charter were present at the PPKI on this day, none of them representing the "Muslim group"; Wahid Hasyim, traveling from Surabaya, was absent until the second day of proceedings, August 19.¹⁴¹ That numerical weakness left the Muslim group gravely exposed, but does not of itself explain the passivity of the Muslim group that had been so vociferous in its defense of Islam's place in the state just a month before, in the BPUPK discussions.

Hatta might have been secure in the belief that he enjoyed sufficient voting power in the PPKI to ensure that his proposals would be endorsed. But why did he choose to act as he did, just at that time? He later explained that

... the reason for it was that there was a great burden for the other side which was non-Muslim. To their way of thinking, it was not proper in a major statement that concerned the whole nation for there to be a provision which concerned only one part of the people of Indonesia, even if that part was the largest one. A provision of that kind can always be made as a legal regulation with the Constitution through the parliament. In order to guard the unity and wholeness of all the regions of Indonesia, that part of the sentence "with the

¹³⁷ Benedict R. O'G. Anderson, *Java in a Time of Revolution: Occupation and Resistance, 1944–1946* (Ithaca, NY: Cornell University Press, 1972), p. 101. See also Nasution, "The Islamic State," p. 68.

¹³⁸ Mangkusasmito, *Pertumbuhan*, p. 19.

¹³⁹ Hatta [speech of August 18], in Kusuma, *Lahirnya*, p. 471.

¹⁴⁰ None of the three Sumatran representatives (Abdul Abbas, Amir, and Muhammad Hasan) was a Muslim leader. All were Dutch educated, two in law and one in medicine.

¹⁴¹ Kusuma, *Lahirnya*, p. 500 and n.; Endang Saifuddin Anshari, *Piagam Jakarta 22 Juni 1945: Sebuah Konsensus Nasional tentang Dasar Negara Republik Indonesia (1945–1949)* (Jakarta: Gema Insani Press, 1997), p. 52.

obligation for its adherents to observe Islamic law” was excised from the Preamble to the Constitution.¹⁴²

There is no doubt that Hatta sympathized with the view that the Islamic specificity of the preamble “gave the impression of differentiating between citizens who were Muslims and citizens who were not.”¹⁴³ While he “was certainly not a secularist”¹⁴⁴—if by that term is meant someone who believes in the complete separation of religion and the state—he strongly held the view that religion, as such, should not interfere with matters properly deemed those of the state, that it not impose itself through means outside those of normal democratic process, and that it should not itself form the basis of the state.¹⁴⁵ Nonetheless, he had himself signed the original Jakarta Charter and had given every appearance up to that time that he had accepted the vague compromise it involved. There was nothing in his general disposition nor in any of his utterances to suggest that he had conspired to seize this moment of Muslim weakness in a callous press to install his own, preferred vision of free Indonesia, notwithstanding Kasman’s view that “the side of the non-Muslim minority was very cunning” in seizing the “psychological moment” to advance their “sensitive proposal” by exploiting the need at this crucial time for total national unity.¹⁴⁶

While he did not seek to exploit it, Hatta was, indeed, keenly aware of the central importance of national unity at this crucial, strained time, with the legitimacy of the independence proclaimed uncertain and its longevity far from assured, given the expected arrival of Allied troops. Maeda himself noted that “it was clear to the Indonesian leaders that they would have a much stronger case and a greater chance of success in their struggle if the whole of Indonesia was united.”¹⁴⁷ But why did Hatta take so seriously the sudden threat to disunity posed by the eastern Indonesian delegation, especially if it were delivered by an *opsir kaigun* whose name Hatta could not even recollect?¹⁴⁸ Perhaps it was the intercession of Nishijima, a strong supporter (as was Maeda) of Indonesian nationalist aspirations, that impressed Hatta. But it is perhaps more likely, as Van Klinken suggests, that the *opsir* was none other than Ratulangi himself, or that Ratulangi’s message was brought to Hatta by a group of non-Muslim student activists with whom he had become acquainted in Jakarta and who were similarly opposed to the seven words, and that it was the immediacy and

¹⁴² Panitia Lima, *Uraian Pancasila*, pp. 32–33. The Panitia Lima was a five-person committee whose membership consisted of Hatta, Subarjo, Maramis, Sunario, and A. G. Pringgodigdo. It was established in late 1974 to respond to what its members took as New Order deviations from the original meaning of Pancasila. It submitted a report of its conclusions to President Suharto in mid-1975.

¹⁴³ “Wasiat Bung Hatta kepada Guntur Soekarno Putra” [June 16, 1978], in Abdoelmanap, *Republik Indonesia Menggugat*, p. 172.

¹⁴⁴ Ihsan Ali-Fauzi, “The Politic of Salt, not Politics of Lipstick: Mohammad Hatta on Islam and Nationalism,” *Studia Islamika* 9,2 (2002): 94.

¹⁴⁵ Among other evidence, see Anonymous, *Bung Hatta’s Answers: Interviews with Dr. Mohammad Hatta with Dr. Z. Yasni* (Singapore: Gunung Agung, 1981), p. 61.

¹⁴⁶ Panitia Peringatan 75 Tahun Kasman, *Hidup*, pp. 121–22. Kasman, appointed only that morning to the PPKI, noted upon his arrival at the venue the lobbying in process, which was “very tense and sharp.”

¹⁴⁷ “Interrogation of Rear Admiral Maeda Tadashi, at Changi Gaol, Singapore Island, between 31st May and 14th June, 1946,” *Indische Collectie*, no. 6902, NIOD.

¹⁴⁸ Hatta, *Sekitar*, p. 57.

stridency of this mission that impressed Hatta.¹⁴⁹ Whatever the case, it is clear that the news of the eastern Indonesian opposition, and his apprehension of the seriousness of its intent and the extreme danger it represented to the nascent Republic, are what moved Hatta to action. As he later remarked, "it was a mistake to have this clause kept in the preamble of our national Constitution, since a preamble should provide a common basis for the whole population, not just the Muslim population of Indonesia."¹⁵⁰ It was, he said in his address to the PPKI, "the desire of all of us to assert an Indonesian nation in its wholeness ... in this critical period, we need a complete unity, [and thus] the clauses that have caused contention have been removed from the Constitution."¹⁵¹

But how, having determined that he should move to rectify the problem, did Hatta persuade the Muslim group, which included Hadikusumo with his stubborn attachment to the notion of the Islamic state, to acquiesce? In Hasyim's absence, there were only two persons to convince: Hadikusumo himself and Kasman, since Teuku Hasan was notable for his *uleëbalang* (customary nobility) background rather than any attachment to Islamist thinking.

Four things seem to have been crucial in securing Muslim acquiescence. First, like Hatta himself, Hadikusumo and Kasman were aware of the critical situation and the need to develop the institutions of the newly proclaimed state as speedily as possible. Rapid and effective action depended entirely upon national unity; its absence might threaten a disastrous fissiparousness within the political leadership that might easily have imperiled the independence so recently asserted. That alone, however, does not necessarily explain the Muslim decision to accede to Hatta's demands; the BPUPK debate and its aftermath on July 15 had shown, indeed, how Muslim stubbornness, rather than capitulation, could reap rapid rewards.

Second, it seems that the Muslim group was apparently attracted by the formula presented by Hatta that spoke of "the One and Only God" (as noted earlier). Kasman thought the formulation "extremely important," since it conveyed the specifically Muslim emphasis on the oneness and uniqueness of God.¹⁵² That, however, can only have been an ancillary consideration, since Hatta's demands were for a diminution of Islam's importance for the state, and his new formulation can hardly have been attractive in its own right.

Third, and much more important, the assurances given by Hatta about the prospects in the near future for adjusting Islam's position in regard to the state seem to

¹⁴⁹ Gerry van Klinken, *Minorities, Modernity, and the Emerging Nation: Christians in Indonesia, a Biographical Approach* (Leiden: KITLV Press, 2003), pp. 230–31. Ratulangi, of course, was an employee of the Japanese navy administration. For a generally similar account, see Ridwan Saidi, *Status "Piagam Jakarta": Tinjauan Hukum dan Sejarah* (Jakarta: Direktorat Pers, Publikasi dan Penerbitan LBH PP-GPI, 2007), pp. 25–29, 43–44. If this scenario is accurate, it removes the legitimacy for Hatta's subsequent actions that a genuine friendly Japanese intervention might lend and makes his uncharacteristic "forgetfulness" on the matter of the *opsir kaigun's* identity understandable. Nishijima, indeed, later reportedly asserted that "I did not bring an officer to Bung Hatta's house" (Amran Nasution et al., "Menit-Menit Menentukan di Pejambon," *Tempo*, August 19, 1989, ppmajalah.temppointeraktif.com/id/email/1989/08/19/NAS/mbm.19890819.NAS23378.id.html, accessed May 7, 2009).

¹⁵⁰ Hatta, paraphrased interview with Kahin, Jakarta, March 10, 1959.

¹⁵¹ Hatta [speech of August 18], in Kusuma, *Lahirnya*, p. 470.

¹⁵² Panitia Peringatan 75 Tahun Kasman, *Hidup*, pp. 124–25.

have played heavily in the Muslim group's considerations. Hatta himself admitted that he suggested that efforts to impose *syariah* formally upon the Muslim community could later be drafted for passage through the parliament once the constitution had been approved.¹⁵³ He noted later that "It was agreed finally that such a provision relating exclusively to the Muslim population could be established later by law—but that it should not be part of the constitution."¹⁵⁴ Kasman's recollection was rather different: "Finally we accepted the promise of Bung Karno, that is, that six months later the Representatives of the Indonesian Nation would gather in the forum of the People's Consultative Assembly (Majelis Permusyawaratan Rakyat, MPR) to determine a perfected Constitution, as ... can also be read in the final part of the 1945 Constitution."¹⁵⁵ That promise, according to Kasman, was crucial in bringing Hadikusumo to agree to Hatta's proposed changes.¹⁵⁶ At the subsequent session of the PPKI, Sukarno indeed asserted that "the Constitution which has been made now is a provisional Constitution ... a lightning Constitution," and promised that "in a calmer atmosphere, we will certainly reassemble the People's Consultative Assembly, which can make a more complete and more perfect Constitution."¹⁵⁷

Hatta, of course, clearly preferred that matters of this kind be handled by parliamentary legislation rather than by means of constitutional fixity, and had witnessed Sukarno's suggestion in his Pancasila speech that Muslim electoral success would mean that "the laws which emerge from the People's Representative Council will be Islamic laws."¹⁵⁸ Introducing laws of the kind Hatta suggested would not have been difficult given a Muslim parliamentary majority, and would not have offended either Hatta's or Sukarno's proclaimed democratic sensibilities. But Hatta may have been tempted to signal, however vaguely, to the Muslim group, themselves inexperienced in politics, the prospect of constitutional reengineering once elections had been held. Muslim leaders, until their expectations were punctured by the results of the 1955 parliamentary and Constituent Assembly elections, were perennially encouraged by the thought that elections would see them assume the majority position in politics that they viewed as their right.¹⁵⁹ The vision of creating a new constitution with its basis in Islam—a great improvement on the position they were now being asked to forfeit—must have been a powerful incentive to the Muslim group to accommodate Hatta's demands in a situation that urgently required national unity.

¹⁵³ Hatta, *Sekitar*, p. 59–60.

¹⁵⁴ Hatta, paraphrased interview with Kahin, Jakarta, March 10, 1959.

¹⁵⁵ Panitia Peringatan 75 Tahun Kasman, *Hidup*, p. 124. See also pp. 135, 209–13. Kasman himself notes, however, that Sukarno was not present at the early morning meeting preceding the PPKI session. Kasman made a similar case in an address to the Constituent Assembly more than a decade after the proclamation, adding the important rider that the proposed MPR meeting would be used "to enter the Islamic material into the permanent Constitution" (Anonymous, *Tentang Dasar Negara Republik Indonesia dalam Konstituante* (Bandung/Jakarta, n.p., 1958?) p. 239.

¹⁵⁶ Panitia Peringatan 75 Tahun Kasman, *Hidup*, p. 129.

¹⁵⁷ Sukarno [speech of August 18], in Kusuma, *Lahirnya*, p. 479. That undertaking was adopted later that day as one of the transitional provisions of the constitution (Kusuma, *Lahirnya*, pp. 498–99).

¹⁵⁸ Sukarno [speech of June 1], *Ibid.*, p. 161.

¹⁵⁹ See Herbert Feith, *The Decline of Constitutional Democracy in Indonesia* (Ithaca, NY: Cornell University Press, 1962), pp. 274–75.

Finally, and most important of all, it was probably the case that the Muslim group did not need much persuading to accept Hatta's proposals. Kasman's role was reportedly pivotal in convincing the hardline Islamist Hadikusumo finally to agree to the proposed changes,¹⁶⁰ and that role might well have included signaling the prospect of a greater constitutional victory for Islam when normality had returned, elections were held, and the MPR finally convened. Hadikusumo was, after all, being requested by Hatta to acquiesce to the erasure of a position to which he had never strongly adhered. Hadikusumo was, above everything—as his BPUPK address of May 31 made clear—thoroughly wedded to the notion of an Islamic state. He saw the Jakarta Charter with its vague formulation of the seven words as a purposely and misleadingly distracting arrangement that conveniently masked the secularist inclinations of most members of the BPUPK assembly. His position seems to have been that, in the absence of an Islamic state, such guarantees as the seven words provided were meaningless, at least if an essentially secular government were to be expected to enforce religious behavior, and that the notion of a compromise between secular and Muslim groups was an insulting crumb thrown to the Muslim group by the dominant nationalists to obtain its support.¹⁶¹

In the end, Muslim agreement to the proposed changes was a response to a variety of conditions and possibilities. It was partly a consequence of the Muslim group's own realization of the dire circumstances facing the newly proclaimed Republic, and especially the Republic's need to establish itself formally without any delay, given the presently expected arrival of Allied forces.¹⁶² There was a need to move, as Sukarno implored, "like lightning"; Oto Iskandardinata pleaded that "we only talk about those things that are *urgent*."¹⁶³ The Muslim group was as deeply attached to the notion of independence as any other. Months before the proclamation, Hasyim had asserted that "national unity that is strong and firm is very necessary at this time"; indeed, he had asked "how can we situate Religion in a Free Indonesia without sacrificing national unity, which is so necessary at this time?"¹⁶⁴ Like most of his fellows, he wished to privilege the attainment of independence rather than obdurately insisting on a religious basis for the state. In that context, Hatta's assurances that the matter of the special place of Islam in the Republic could be addressed again at a calmer and less fraught time were enough to convince the Muslim group to concede, if only temporarily.

Muslim Recrimination?

Hatta later expressed the view that the PPKI "made only a few alterations, which were not concerned with essentials" to the draft constitution prepared by the

¹⁶⁰ Panitia Peringatan 75 Tahun Kasman, *Hidup*, pp. 128–29; Lukman Harun, "Pak Kasman dan Pengesahan UUD 1945," in Panitia Peringatan 75 Tahun Kasman, *Hidup*, p. 279; Sudarnoto AZ, "A Biography of Ki Bagus Hadikusumo Erly [*sic*] Youth and Education," *Mizan* 2,1 (1985): 93–94.

¹⁶¹ See Hadikusumo [speech of July 15], in Kusuma, *Lahirnya*, p. 425.

¹⁶² Kusuma, *Lahirnya*, pp. 469, 524, emphasis in original.

¹⁶³ *Ibid.* Emphasis in original.

¹⁶⁴ A. Wahid Hasjim, in *Asia Raya*, May 11, 1945. Another writer remarked that "we welcome this Free Indonesia, which will also guarantee that the religion of Islam thrives" (Soekrisno, "Agama Islam Sedjalan dengan Kebangsaan," *Asia Raya*, July 23, 1945).

BPUPK.¹⁶⁵ Kasman's address less than two weeks later as the newly elected head of the freshly inaugurated Indonesian National Committee celebrated Indonesia's independence and its unity, and carried no sense of division or disappointment.¹⁶⁶ Wahid Hasyim, as far as is known, made no public complaint about what had transpired in the August 18 session that he had missed. But later, the constitutional changes engineered by Hatta became a continuing source of Muslim bitterness, nourished by the deepening failure of Islamism to gain political traction in post-independence Indonesia. According to Mohamad Rum, the removal of the seven words gave the Muslim community "a feeling of disappointment."¹⁶⁷ The Muslim group's concession to Hatta's proposal for change gradually resulted in a deep sense of having lost out to the small non-Muslim minority, "as if the Muslim community in Indonesia was forbidden to observe Islam law."¹⁶⁸ Kasman's biographers thought this acquiescence a "mistake ... the consequence of which has been suffered by the Muslim community for a prolonged period up to now," while Kasman himself regretted his actions.¹⁶⁹ Hadikusumo, indeed, allegedly made his anger known at a meeting of Muhammadiyah's Majelis Tanwir in Yogyakarta just days after the PPKI concluded.¹⁷⁰ Natsir later bitterly recalled the turnabout as "the day of the ultimatum by the Christian Indonesian community from the East ... God-willing, the Muslim community will not forget."¹⁷¹ By contrast, the Suharto-era Minister of Religious Affairs, General Alamsyah Prawiranegara, patronizingly called it "a sacrifice and a gift of the Muslim community," a consequence of that community's wish "to shape unity in freedom."¹⁷²

Hooker and Lindsey have noted that "the missing words of the *Piagam Jakarta* have never disappeared from the debate on what the state of Indonesia is supposed to represent for Islam."¹⁷³ Ahmad wrote that the problem of the Islamic state remained "a very big problem."¹⁷⁴ According to Noer, "the fighting spirit to attain Islamic law in Indonesia has clearly never been extinguished... After we obtained independence, the effort to attain Islamic law has also never ceased."¹⁷⁵ In March 1968, in the early years

¹⁶⁵ Mohammad Hatta, "Legende dan Realiteit sekitar Proklamasi 17 Agustus," in Osman Raliby, *Documenta Historica: Sedjarah Dokumenter dari Pertumbuhan dan Perjuangan Negara Republik Indonesia* (Jakarta: Bulan-Bintang, 1953), p. 658.

¹⁶⁶ Pusat Komite Nasional Indonesia, *Negara Republik Indonesia* (Jakarta: Mutiara, 1945), pp. 47–48.

¹⁶⁷ Mohamad Roem, "Kata Pengantar," in Anshari, *Piagam Jakarta*, p. xiii.

¹⁶⁸ Panitia Peringatan 75 Tahun Kasman, *Hidup*, p. 126.

¹⁶⁹ *Ibid.*, p. 213; Harun, "Pak Kasman," pp. 279–80.

¹⁷⁰ Deliar Noer, *Administration of Islam in Indonesia* (Ithaca, NY: Cornell Modern Indonesia Project, Cornell University, 1978), pp. 12–13. Information from Noer's interview with Abdul Kahar Muzakkir, Bandung, 1956. It is not clear why Hadikusumo was angry; he could hardly have been annoyed purely at the exclusion of the seven words, but may have taken umbrage at the manner in which the issue had been handled before and during the PPKI session.

¹⁷¹ *Media Dakwah*, August 1989, quoted in Bernhard Wolfgang Platzdasch, "Religious Dogma, Pluralism, and Pragmatism: Constitutional Islamism in Indonesian Politics (1998–2002)" (PhD dissertation, Australian National University, 2005).

¹⁷² Cited in Anshari, *Piagam Jakarta*, p. 55.

¹⁷³ M. B. Hooker and Tim Lindsey, "Public Faces of *Shari'ah* in Contemporary Indonesia: Towards a National *Madhhab*," *Studia Islamika* 10,1 (2003): 29.

¹⁷⁴ Z. A. Ahmad, *Konsepsi Tata Negara Islam* (Jakarta: Pustaka "Sinar Ilmu," 1949?), p. 3.

¹⁷⁵ Deliar Noer, "Pengantar," in Awwas, *Risalah*, p. vii. See also Abu Bakar Ba'asyir, "Pencoretan Tujuh Kata Bencana bagi Ummat Islam," in Awwas, *Risalah*, p. 243.

of the New Order, Muslim parties in the provisional MPR pressed strongly for the inclusion of the original Jakarta Charter in the constitution.¹⁷⁶ Speaking at a seminar in July 1968 in Malang on the “Development of Islamic Community,” the speaker of the MPRS (Majelis Permusyawaratan Rakyat Sementara, Provisional People’s Consultative Assembly), the devout Muslim General A. H. Nasution, “rejected the idea of founding an Islamic state, but he approved Muslims’ request to get the Jakarta Charter legalized. This would then allow a religious community to live fully in accordance with their religious values and norms.”¹⁷⁷ Some Muslims have suggested or claimed that the removal of the seven words was the result of dishonest politics and even of some kind of conspiracy.¹⁷⁸ Others again have claimed that, since the Jakarta Charter had, in 1959, been proclaimed by Sukarno as having inspired the constitution, the seven words, in fact, remained in force; “the Jakarta Charter cannot—I emphasize cannot—be separated from the 1945 Constitution.”¹⁷⁹ Others again saw the words’ reintroduction as “one solution for solving the problem of this country.”¹⁸⁰

Some observers have claimed that the subsequent establishment of a Ministry of Religious Affairs (purportedly to advance the interests of all recognized religions in Indonesia) in January 1946 was a means of satisfying Muslim sentiment outraged at the events of the morning of August 18. There is, however, little evidence to support that view. Hatta makes no mention of such an arrangement in his account.¹⁸¹ The official version of the ministry’s establishment attributed its foundation to the need to fulfill constitutional requirements, notably article 29, which determined that “the state is based on the one and only God” and its subsequent guarantee of religious freedom and practice.¹⁸² Thereby, remarked Noer, probably with a wry sense of paradox, Pancasila “has been regarded as justifying the existence of the Ministry of Religion.”¹⁸³ One can more generally agree with Noer’s view that “the Ministry of Religious Affairs

¹⁷⁶ Allan A. Samson, “Islam in Indonesian Politics,” *Asian Survey* 4 (1968): 1012–13.

¹⁷⁷ Masykuri Abdillah, *Responses of Indonesian Muslim Intellectuals to the Concept of Democracy (1966–1993)* (Hamburg: Abera, 1997), p. 50.

¹⁷⁸ See Muhammad Rizieq bin Husein Syihab, *Dialog Piagam Jakarta: Kumpulan Jawaban* (Jakarta: Pustaka Ibnu Sidah, 2000), p. 8; and Badri Yatim, *Soekarno, Islam dan Nasionalisme: Rekonstruksi Pemikiran Islam-Nasionalis* (Jakarta: Logos, 1999), pp. 164–65. Rum wondered just what information the naval officer had brought to Hatta, and noted that Maramis had signed the Jakarta Charter and that Latuharhary had approved its passage through the BPUPK (Mohamad Roem, “Kata Pengantar,” in Anshari, *Piagam Jakarta*, pp. xvi–xvii). For a rather different conspiratorial slant, see Irfan S. Awwas, *Jejak Jihad S. M. Kartosuwiryo*, rev. ed. (Yogyakarta: Uswah, 2007), p. 109n. See also “Piagam Jakarta Terganjil Lagi,” *Suara Hidayatullah* 13,5 (2000): 10–12.

¹⁷⁹ Andi Patoppoi, speaking at the MPRS session of June 24, 1966, quoted in Umar Basalim, *Pro-Kontra Piagam Jakarta di Era Reformasi* (Jakarta: Pustaka Indonesia Satu, 2002), p. 69. See also “Ceramah Terachir Hartono Mardjono: ‘Sejak 5 Juli 1959, Syariat Islam telah Berada di dalam Konstitusi NKRI,’” *Suara Hidayatullah* 16,3 (2003): 35–40; Abdillah, *Responses*, p. 51.

¹⁸⁰ M. U. Salman, “Piagam Madinah,” *Sabili* 9,7 (2001): 3. See also Satya Arinanto and Zainal A. M. Husein, eds., *Prof. Dr. Ismail Suny, S.H., MCL: Jejak-Jejak Hukum Islam dalam Sistem Ketatanegaraan Indonesia (Sebuah Bunga Rampai)* (Jakarta: Penerbit Konstitusi Press, 2005), pp. 17–24.

¹⁸¹ Hatta, *Sekitar*.

¹⁸² Kementerian Agama, *Kementerian Agama 10 Tahun 3 Djanuari 1946–3 Djanuari 1956* (Jakarta: Kementerian Agama, Bagian Penerbitan, 1956), p. 6. See also Kementerian Agama, *Agenda Kementerian Agama 1951–1952* (Jakarta: Kementerian Agama, 1952?), p. 131; and M. Fuad Nasar, *Transformasi dari Kantoor voor Inlandsche Zaken ke Kementerian dan Departemen Agama: Documenta Historica* (Jakarta: UI-Press, 2007), pp. 14–32.

¹⁸³ Noer, *Administration of Islam*, p. 8.

was established by the government to meet the wishes of the Islamic-oriented people,¹⁸⁴ as well, of course, as to provide enhanced—and much needed—popular support for the Syahrir government in both its internal and external struggles.¹⁸⁵ That the proposal for the ministry's establishment, first mooted in November 1945, was readily accepted by the government¹⁸⁶ indicates that there was no perceived close connection between the events of August 18 and the ministry's creation. Wahid Hasyim himself later attributed the ministry's establishment to the purely practical need for better coordination of matters concerning religion, which was preferable to having them mixed-up and scattered through different departments; it was, Hasyim remarked, "a middle way between the theory of the separation of religion from the state and the theory of the unity of religion and the state."¹⁸⁷ The ministry gave Muslims significantly enhanced political and bureaucratic power and access to state resources,¹⁸⁸ but nothing like an Islamic state. In a 1951 speech, Hasyim remarked that "the Government is not an Islamic Government, the State of the Republic of Indonesia is not an Islamic State, and the Ministry of Religion is not a Ministry of the Religion of Islam," noting "the error in thinking" that "arose from the well-known theory of the unity of state and religion previously held by those of wrong opinion."¹⁸⁹

Notwithstanding the vexed discourse on the Jakarta Charter that continues to this day, it is clear that Hatta's revisions were not a cause of conjecture and aggravated debate in the early years of independence. While many Muslims were dissatisfied with the PPKI's final work, they recognized that the time had not been appropriate to make a potentially damaging stand.¹⁹⁰ While many Muslim leaders were miffed at the slight allegedly done to them and their religion by the removal of the seven words, they accepted the Pancasila as a workable compromise that harmonized in a general sense with Islamic principles,¹⁹¹ and which provided space for them to clarify and press their larger claims. Hasyim Asy'ari noted in 1946 that

When our respected Prophet Muhammad, God bless him, passed away, he did not leave any message about how to choose a head of state ... Thus, the appointment of a head of state and many other things concerning statehood have been left undefined, [and Muslims were] not bound to one system to construct [them]. All [systems can] apply to the Islamic community in any place [or time].¹⁹²

¹⁸⁴ Ibid., p. 77.

¹⁸⁵ Ibid., p. 13. See also Moch. Nur Ichwan, "Official Reform of Islam: State Islam and the Ministry of Religious Affairs in Contemporary Indonesia, 1966–2004" (PhD dissertation, University of Tilburg, 2006), pp. 58–63.

¹⁸⁶ Aboebakar, *Sedjarah Hidup*, pp. 595, 599–600; Noer, *Administration of Islam*, pp. 8–9.

¹⁸⁷ Wahid Hasjim, "Sekitar Pembentukan Kementerian Agama R.I.S.," *Mimbar Agama* 1,1 (1950): 5. For a similar view, see Mahmud Junus, "Tentang Dasar Negara, Ekonomi, Soal dan Kebudayaan Indonesia," *Mimbar Indonesia* 1,2 (1950): 26.

¹⁸⁸ Nasution, "The Islamic State," pp. 81–82; Lev, *Islamic Courts*, pp. 44–45.

¹⁸⁹ Aboebakar, *Sedjarah Hidup*, p. 877.

¹⁹⁰ Nasution, "The Islamic State," pp. 76–77.

¹⁹¹ Nasution, "The Islamic State," p. 73.

¹⁹² Quoted in Lathiful Khuluq, "K. H. Hasyim Asy'ari's Contribution to Indonesian Independence," *Studia Islamika* 5,1 (1998): 56.

So, when the 1949 federal constitution and its successor, the 1950 unitary constitution, were developed, Islamists made no move to reinstate the seven words, even though the Pancasila section of the preamble remained essentially unchanged from the 1945 version. That remained the case even when men like Natsir and Sukiman held the post of prime minister in the early 1950s.¹⁹³ Though the loss of the seven words was remembered, as elections for the parliament and the Constituent Assembly loomed the focus for Muslim activists was rather on the attainment of a full-fledged Islamic state, something that substantial electoral success might help to realize.¹⁹⁴ That view confirmed the fact that the original Jakarta Charter was not a victory for Islamist activists, but rather a vague, purely symbolic and patronizing concession made to them by the dominant secularist political grouping at a time of national emergency. It was, indeed, a mark of the activists' signal failure, as Hadikusumo's fierce opposition to it in the BPUPK debates had so clearly demonstrated.

Much Ado?

One final question merits consideration, notwithstanding its hypothetical character: What if Hatta had done nothing in response to the alleged threat of the Christians of eastern Indonesia? It seems difficult to argue that it would have made any substantial difference to the subsequent substantial trajectory of the nation's history. It seems unlikely in the extreme that men like Ratulangi and Latuharhary, both longtime supporters of a free Indonesia, with the latter having voted for the original Jakarta Charter in the BPUPK, much less Maramis, a member of the Panitia Sembilan that had drafted the document and who was himself a signatory to it, might have led or championed a decision by the Kaigun regions to disassociate themselves from the new Indonesian Republic and perhaps establish some independent entity. That price would have been too high simply to oppose a policy that directly affected only Muslims. Had the seven words remained in the preamble and the body of the constitution, there was no prospect under any of the early governments of the Republic—even those led by Islamists like Natsir and Sukiman—both during the difficult days of the revolution and afterwards and much less under the mature Republic presided over by Sukarno or Suharto, of the introduction of an Islamist interpretation of the Jakarta Charter. There remains none today, as the constitutional amendment process of 2002 demonstrated.¹⁹⁵ All of which leads me to conclude that the changes engineered by Hatta on August 18, 1945, were panicked and unnecessary. Moreover, in the sense that they gave Islamists the opportunity to invent a superficially credible and, episodically, a politically useful narrative of state victimization, discrimination, and repression, they were probably deeply counterproductive as well.

¹⁹³ See Sukiman's policy statement upon becoming prime minister in 1951, in Amir Hamzah Wiryosukarto, *Wawasan Politik Seorang Muslim Patriot Dr Soekiman Wirjosandjojo (1898–1974: Kumpulan Karangan* (Malang: Yayasan Pusat Pengkajian, Latihan dan Pengembangan Masyarakat, 1984?), pp. 193–216. He noted (p. 198) that "each Government of our Country, whatever its composition, must base its political foundations on the principal aspirations inserted in the preamble of our Constitution, which are commonly summarised as the Panca Sila, that is the One and Only God, Humanity, Nationalism, Democracy, and Social Justice."

¹⁹⁴ See, for example, Abikusno Tjokrosujoso, *Ummat Islam Indonesia Menghadapi Pemilihan Umum* (Jakarta: Pustaka & Penerbit "Endang," 1953).

¹⁹⁵ Hosen, "Religion and the Indonesian Constitution," pp. 425–27.