

The 1945 Constitution of The Republic of Indonesia and The Constituent Assembly (In The Study of The Composition of Islamic Political Parties In The 1955 and 2024 Elections)

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ABSTRACT

The Republic of Indonesia is a country founded on Pancasila and the 1945 Constitution of the Republic of Indonesia as its constitutional foundation. Throughout its history, Indonesian Muslims have played a crucial role in shaping the nation's foundation, notably through the Constituent Assembly. According to Article 134 of the 1950 United States of Indonesia Law regarding the Amendments to the Provisional Constitution of the United States of Indonesia, the Constituent Assembly, together with the government, was tasked with promptly establishing a new Constitution to replace the Provisional Constitution. The Constituent Assembly was established during the Liberal Democracy period from 1950 to 1959, following the 1955 General Elections, which involved various political parties, groups, institutions, and individuals. The four major parties that garnered the most votes were the Indonesian National Party (PNI), the Indonesian Muslim League (Masyumi), Nahdlatul Ulama (NU), and the Indonesian Communist Party (PKI), representing three major ideological streams: Nationalist, Islamic, and Socialist-Communist. In this context, the author will analyze the composition of Islamic political parties in the 2024 General Elections to understand how the dynamics of Islamic parties and their representation might influence policy formulation and the direction of governance in contemporary Indonesia.

Keywords : The 1945 Constitution of The Republic of Indonesia, Constituent Assembly, Election in 2024.

ABSTRAK

Republik Indonesia adalah negara yang berdasarkan Pancasila dan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 sebagai landasan konstitusionalnya. Dalam perjalanan sejarahnya, umat Islam di Indonesia berperan penting dalam merumuskan dasar negara, termasuk melalui Dewan Konstituante. Berdasarkan Pasal 134 Undang-Undang Republik Indonesia Serikat Tahun 1950 tentang Perubahan Konstitusi Sementara Republik Indonesia Serikat, Dewan Konstituante bersama Pemerintah diminta untuk segera menetapkan Undang-Undang Dasar Republik Indonesia yang akan menggantikan Undang-Undang Dasar Sementara. Dewan Konstituante ini dibentuk selama periode Demokrasi Liberal antara tahun 1950 hingga 1959 melalui Pemilihan Umum 1955, yang melibatkan berbagai partai politik, golongan, lembaga, kelompok, dan perorangan. Empat partai besar yang memperoleh suara terbanyak adalah Partai Nasional Indonesia (PNI), Majelis Syuro' Muslimin Indonesia (Masyumi), Nahdhatul 'Ulama (NU), dan Partai Komunis Indonesia (PKI), yang mewakili tiga aliran besar ideologi: Nasionalis, Islam, dan Sosialis-Komunis. Dalam konteks ini, penulis akan menganalisis komposisi partai politik Islam dalam Pemilihan Umum 2024 untuk memahami bagaimana dinamika politik dan representasi partai-partai Islam dapat memengaruhi perumusan kebijakan dan arah pemerintahan di Indonesia saat ini.

Kata Kunci : Undang-undang Dasar Negara Republik Indonesia tahun 1945, Dewan Konstituante, Pemilu Tahun 2024.



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1. Introduction

President Soekarno as Chairman of the Drafting Committee of the 1945 Constitution on August 18, 1945 said: "The 1945 Constitution as it stands today is a Temporary Constitution, if I may use another word, it is a Flash Constitution". Soekarno further said that in an atmosphere of peace and tranquility, the members of the MPR would be reassembled to make a more complete Constitution."¹

The Constituent Assembly began to convene to formulate a new constitution on November 10, marked by a speech from President Soekarno, but in the middle of the new Constituent Assembly, President Soekarno again made a speech proposing that on behalf of the government it was better for the new Constitution to return to the 1945 Constitution that had previously been in effect because the 1945 Constitution was in accordance with the Guided Democracy system that would later be imposed by the government.

However, this proposal was not immediately approved by the Constituent Assembly because another proposal also came from the Islamic adherents that the new Constitution should add the diction "With the Obligation to Implement Islamic Shari'at for its Adherents." In the Preamble of the 1945 Constitution of the Republic of Indonesia with the contents of the Jakarta Charter. The decision-making did not result in a satisfactory decision because of the 474 people present, less than 2/3 (two-thirds) voted for the government's proposal, in other words, it did not reach a quorum vote as mandated by Law Number 7 of 1950. Because the decision-making was not in accordance with the Constituent Rules of Procedure, the Decision-Making was held 2 (two) more times on June 1 and 2, 1959.²

2. Research Method

The data analysis method used by the author is a qualitative method, namely the data is arranged systematically and then analyzed qualitatively in order to obtain clarity on the issues discussed. The purpose of this qualitative analysis is to show the percentage of Political Parties in the 1955 General Election and its comparison with the composition of Islamic Political Parties in the 2024 General Election. According to Miles and Huberman, the qualitative analysis method is a method in research that has four stages, namely:

1. Data Collection

Collecting the data needed in research can use various methods, which are referred to here as Library Research.

2. Data Reduction

Data reduction is done by summarizing data, sorting out the main things, focusing on the important things, and looking for themes and patterns. Qualitative data simplification can be transformed in many ways: through summary selection or brief description, it can also change data into numbers or ranks.

3. Data Presentation

In the presentation of data, research data can be presented in the form of narrative text and tables. This is done to make it easier to understand the problem being studied and plan the next steps to be taken.

4. Conclusion and Verification.

Drawing conclusions on the data presented is carried out at this fourth stage.

This research uses a historical-juridical approach, namely a historical approach through events in the past and an approach with an understanding of legal science based on principles or norms and applicable regulations.³

3. Result and Discussion

The General Election of 1955 was the peak of Liberal Democracy in Indonesia, because at that time there were many political parties and groups as a place to channel the political aspirations of the Indonesian

¹ Basroni et al, Amendments to the 1945 Constitution, (Depok: University of Indonesia, 2000) p. 1

² Aninda Novedia and Qurrata Ayuni.S.H., Controversy over Presidential Decrees in a state of emergency in Indonesia: Case Study of Presidential Decrees of Soekarno and President Abdurrahman Wahid (Depok: University of Indonesia, 2022) p 179

³ Y. Hidayat, Research Methods (Yogyakarta: Universitas Islam Indonesia, 2019).

people. What is interesting is that the Constituent Assembly was forced to be dissolved before it could achieve results, namely with the Presidential Decree of July 5, 1959.⁴

The Constituent Assembly was formed together with the House of Representatives in the 1955 General Election, which was successfully carried out during the Burhanuddin Harahap cabinet.

The first general election was held on September 29, 1955 to elect members of the House of Representatives (DPR). The results of the first general election were won by four major parties, namely, PNI, Masyumi, NU, and PKI. The General Election for the Constituent Assembly was held on December 15, 1955. The atmosphere in the face of this election was much calmer than at the time of the DPR election, apparently the people had enough experience and tensions could be overcome properly. The results of the Constituent Assembly elections showed that support for the PNI, NU and PKI increased, while Masyumi experienced a decline in votes, although it still came second.⁵

For example, although the candidates for the House of Representatives are prime ministers and ministers who are in government, they do not use state facilities and their authority over subordinate officials to herd voters in favor of their party. Therefore, state officials are not considered as fearsome competitors who will win the election at all costs. Since this election was conducted for two purposes, namely electing members of the DPR and electing members of the Constituent Assembly, the results need to be presented in their entirety.⁶

Table 1. 1955 Election Results for Members of the DPR

No.	Party / Name	Vote List	%	Seats
1.	Partai Nasional Indonesia (PNI)	8.434.653	22,32	57
2.	Masyumi	7.903.886	20,92	57
3.	Nahdlatul Ulama (NU)	6.955.141	18,41	45
4.	Partai Komunis Indonesia (PKI)	6.179.914	16,36	39
5.	Partai Syarikat Islam Indonesia (PSII)	1.091.160	2,89	8
6.	Partai Kristen Indonesia (Parkindo)	1.003.326	2,66	8
7.	Partai Katolik	770.740	2,04	6
8.	Partai Sosialis Indonesia (PSI)	753.191	1,99	5
9.	Ikatan Pendukung Kemerdekaan Indonesia (IPKI)	541.306	1,43	4
10.	Pergerakan Tarbiyah Islamiyah (Perti)	483.014	1,28	4
11.	Partai Rakyat Nasional (PRN)	242.125	0,64	2
12.	Partai Buruh	224.167	0,59	2
13.	Gerakan Pembela Panca Sila (GPPS)	219.985	0,58	2
14.	Partai Rakyat Indonesia (PRI)	206.161	0,55	2
15.	Persatuan Pegawai Polisi RI (P3RI)	200.419	0,53	2
16.	Murba	199.588	0,53	2
17.	Baperki	178.887	0,47	1
18.	Persatuan Indonesia Raya (PIR) Wongsonegoro	178.481	0,47	1
19.	Grinda	154.792	0,41	1
20.	Persatuan Rakyat Marhaen Indonesia (Permai)	149.287	0,40	1
21.	Persatuan Daya (PD)	146.054	0,39	1
22.	PIR Hazairin	114.644	0,30	1

⁴ Murni Setia Ireni et al, Constituent Body for the Making of the Constitution (1956-1959), (Depok: University of Indonesia, 1990) p. 1.

⁵ Ketut Sedana Arta, Liberal Democratic Government System and the Achievement of the First General Election in 1955 in Indonesia (Ganesha University of Education: 2020).

⁶ General Election Commission, General Election in 1955 (Jakarta: General Election Commission).

No.	Party / Name	Vote List	%	Seats
23.	Partai Politik Tarikat Islam (PPTI)	85.131	0,22	1
24.	AKUI	81.454	0,21	1
25.	Persatuan Rakyat Desa (PRD)	77.919	0,21	1
26.	Partai Republik Indonesia Merdeka (PRIM)	72.523	0,19	1
27.	Angkatan Komunis Muda (Acoma)	64.514	0,17	1
28.	R. Soedjono Prawirisoedarso	53.306	0,14	1
29.	Etc	1.022.433	2,71	-
Jumlah		37.785.299	100,00	257

Elections for members of the Constituent Assembly were held on December 15, 1955.

There were 520 seats for the Constituent Assembly, but there were no elections in West Irian, which had 6 seats. Therefore, only 514 seats were elected. The results of the election for members of the Constituent Assembly showed that the PNI, NU and PKI increased their support, while Masyumi, although still the second winner, lost 114,267 votes compared to the votes obtained in the election for members of the DPR. The participants in the election for members of the Constituent Assembly who won seats were as follows:

Tabel 2. 1955 Election Results for Constituent Assembly Members.

No.	Party / Name	Vote List	%	Kursi
1.	Partai Nasional Indonesia (PNI)	9.070.218	23,97	119
2.	Masyumi	7.789.619	20,59	112
3.	Nahdlatul Ulama (NU)	6.989.333	18,47	91
4.	Partai Komunis Indonesia (PKI)	6.232.512	16,47	80
5.	Partai Syarikat Islam Indonesia (PSII)	1.059.922	2,80	16
6.	Partai Kristen Indonesia (Parkindo)	988.810	2,61	16
7.	Partai Katolik	748.591	1,99	10
8.	Partai Sosialis Indonesia (PSI)	695.932	1,84	10
9.	Ikatan Pendukung Kemerdekaan Indonesia (IPKI)	544.803	1,44	8
10.	Pergerakan Tarbiyah Islamiyah (Perti)	465.359	1,23	7
11.	Partai Rakyat Nasional (PRN)	220.652	0,58	3
12.	Partai Buruh	332.047	0,88	5
13.	Gerakan Pembela Panca Sila (GPPS)	152.892	0,40	2
14.	Partai Rakyat Indonesia (PRI)	134.011	0,35	2
15.	Persatuan Pegawai Polisi RI (P3RI)	179.346	0,47	3
16.	Murba	248.633	0,66	4
17.	Baperki	160.456	0,42	2
18.	Persatuan Indoonesia Raya (PIR) Wongsonegoro	162.420	0,43	2
19.	Grinda	157.976	0,42	2
20.	Persatuan Rakyat Marhaen Indonesia (Permai)	164.386	0,43	2
21.	Persatuan Daya (PD)	169.222	0,45	3
22.	PIR Hazairin	101.509	0,27	2
23.	Partai Politik Tarikat Islam (PPTI)	74.913	0,20	1
24.	AKUI	84.862	0,22	1
25.	Persatuan Rakyat Desa (PRD)	39.278	0,10	1
26.	Dan lain-lain.			

The Constituent Assembly

The duty of the Constituent Assembly is to convene at most twice a year. Furthermore, it convenes when deemed necessary by the Constitution Preparation Committee or at the written request of at least 1/10 members of the Constituent Assembly.⁷

Debate

The issue of the Basic State is almost a “never-ending” issue in Indonesian political history. The political mechanisms adopted by Soekarno and Soeharto prove that this issue has never been resolved. In fact, there are always parties who feel dissatisfied and try to raise it on many occasions. The discourse and movement that dominated this issue throughout its history was the confrontation between Secular or Religious (Islamic) groups. These two tendencies took turns in the 1945 BPUPKI and then culminated in the 1956-1959 Constituent Assembly.⁸

The Failure Of The Constituent Assembly

In determining the State Constitution because the Constituent Council did not reach 2/3 of the total number of votes. President Ir. Soekarno considered the failure of the Constituent Council to be very dangerous for the life of the state in Indonesia. President Soekarno, who since the enactment of the Temporary Constitution of 1950 was only the Head of State who was not directly involved with the (Parliamentary) Government, began to involve himself directly, and this was contrary to the Temporary Constitution of 1950. President Soekarno's action in proposing a return to the 1945 Constitution was only a cover to implement the political system that he had always promoted as Guided Democracy. This is evident from the proposal to return to the 1945 Constitution which ultimately failed to push President Ir. Soekarno even further, namely issuing the Presidential Decree of July 5, 1959. The contents included dissolving the Constituent Assembly, which meant that the Constituent Assembly failed to determine the basis of the State.⁹

4. Conclusion

Based on the list of 24 political parties participating in the 2024 elections, they are: 1) Partai Kebangkitan Bangsa, 2) Partai Gerakan Indonesia Raya, 3) Partai Demokrasi Indonesia Perjuangan, 4) Partai Golongan Karya, 5) Partai Nasional Demokrat, 6) Partai Buruh, 7) Partai Gelombang Rakyat Indonesia, 8) Partai Keadilan Sejahtera, 9) Partai Kebangkitan Nusantara, 10) Partai Hati Nurani Rakyat, 11) Partai Garda Perubahan Indonesia, 12) Partai Amanat Nasional, 13) Partai Bulan Bintang, 14) Partai Demokrat, 15) Partai Solidaritas Indonesia, 16) Partai Perindo, 17) Partai Persatuan Pembangunan, and local parties from the Special Region of Aceh: 18) Partai Nangroe Aceh, 19) Partai Generasi Atjeh Beusaboh Th'at dan Taqwa, 20) Partai Darul Aceh, 21) Partai Aceh, 22) Partai Adil Sejahtera Aceh, 23) Partai Soliditas Independent Rakyat Aceh, and 24) Partai Ummat. It can be concluded that the number of Islamic political parties has decreased, and fewer parties explicitly highlight Islamic ideology in the 2024 elections. Most parties are either purely Nationalist or Islam-Nationalist. This shift can be attributed to the 1965 ban on Communist ideology, the impact of Guided Democracy during President Sukarno's era, and the political consolidation into two main parties and one working group under President Suharto. As a result, the composition of Islamic political parties has stabilized during the Reformation period, with a prevalent trend of Islam-Nationalist parties or those maintaining a connection with Islam to ensure national harmony.

⁷ Dahimatul Afidah and Abdul Ghofi D. Setiawan, Reviewing the Formulation of the State Foundation until the Determination of the 1959 Presidential Decree, (Jember: UIN KH. Achmad Siddiq) p. 6

⁸ Nanang Surahman and Nazaruddin Sjamsuddin, Pancasila versus Islam: The Conflict on the Basis of the State between PKI-Masyumi in the Constituent Assembly 1956-1959 (Depok: University of Indonesia, 2002) p. 1.

⁹ Abdurahman and Soetopo Soetanto, Pancasila and Islam as alternatives to the failed State Basis in the Constituent Assembly 1956-1959 (Depok: University of Indonesia, 1993) p. 1.

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