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by Rudi Santoso, Dkk.

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Islamic Legal Analysis on the Role and Functions of Islamic Political Parties in Indonesia

Rudi Santoso^{1*} Khairuddin¹ Abdul Qodir Zaelani¹

¹Faculty of Syariah, Universitas Islam Negeri Raden Intan Lampung, Bandar Lampung, Indonesia
*Corresponding author. Email: rudisantoso@radenintan.ac.id

ABSTRACT

Political party is a national organization established by groups of people who have commonality in ideology. In the Qur'an, the term party is called *hizb*. Linguistically, it means a community that has the same concepts, direction, purpose and activities; a group that has strength and brotherhood. The main question in this research is how is the role of political parties according to the Indonesian law? And what is the standpoint of Islamic law towards the function of political parties in Indonesia? This study is a library research using a normative juridical approach. In conclusion, the function of political parties is under the governance principles structured by the Prophet Muhammad, based on the Qur'anic verses, namely the equality principle (*almusawwa*), the independent principle (*alhurriyah*), and the pluralism principle (*taaddudiyah*). In carrying out its role and function according to Indonesian law, and correlated with Islamic law, there are three stages. The first is intensive development stage (*tasqifmurakkazah*) compatible with party principles, namely as a medium of political recruitment and political education for the inhabitants. The second is interaction stage (*taha'ul*) referred to as a means of socialization and political communication for the community. The third is acceptance of power stage (*istilamulhukmi*).

Keywords: Political party, Islamic legal analysis

1. INTRODUCTION

Political party is a pivotal pillar in Indonesia and needs to be reinforced in a democratic system. This is because the process of institutionalizing democracy will be determined by the institutionalization of political party organizations as part of the democratic system. [1] Jimly Asshiddiqie revealed, there are various views on political parties. One of them spearheaded by Schattschneider, comprehends political parties as a defining pillar of democracy, hence very significant to strengthen the degree of institutionalization in a democratic system. On the other hand, there are also skeptical and critical views that define political parties as nothing more than a political vehicle for the elite in an attempt to get elected and implement their party agenda.

According to Law No. 2 of 2011 article 1, the definition of a political party is "an organization that is national in nature and formed by a group of Indonesian citizens voluntarily based on the common will and ideals to thrive for and defend the political interests of members, communities, and nations, and preserve the integrity of the Republic of Indonesia based on the Pancasila and the 1945 Constitution of the Republic of Indonesia."

According to Budiardjo, there are four functions of political parties, namely political communication, political socialization, political recruitment and conflict management. [2] Whereas in Law No. 2 of 2011 Article 11 paragraph 1 states that the function of political parties is a means for:

First, political education for members and the wider society to become Indonesia citizens who are aware of their rights and obligations in society, nation, and state. Second, the creation of conducive circumstances to the unity and integrity of Indonesia for the welfare society. Third, absorbing, gathering and distributing people's aspirations in formulating and determining state policies. Fourth, the political participation, and political recruitment in the process of filling political positions through democratic mechanisms with due regard to gender equality and justice.

Whereas in the Qur'an the term party is called *hizb*. The Islamic political party definition is explicitly unable to be found by the author nevertheless, many works of literature based on the historical background of political parties can be elucidated in objective perception. According to al-Maududi al-Maududi Islamic political parties aim to uphold God's sovereignty on earth and establish Islam as a way of life. Islamic party figures are devoted particularly to pious people to Allah SWT. [3] However, the role and function of political parties above have not been able to be fully conducted by politicians in Indonesia. Therefore, this country has not been able to become a safe and peaceful country.

2. RESEARCH METHOD

This study uses a qualitative method and a library approach. This means that this research does not carry out

calculations, and the data collected is not numeric but words.[4] The data used in this study consisted of two sources: primary and secondary sources. Moreover, this study attempts to explore and analyze the role and function of political parties in Indonesia.

3. DISCUSSION

3.1. Definition of Political Parties

According to Miriam Budiardjo a political party is an organized group whose members have the same orientation, values, and ideals. This group aims to pursue political power and fight for a political position (usually) in constitutionally to carry out their policies.[4] Carl J. Frederik said that political parties are a group of people who are organized to seize or preserve power. Ronald Gartfield explicated that political parties consist of a group of citizens who are more or less organized, and act as a political entity.[4] A political party is a path for an active political participation. Overall, political parties as political power is a new phenomenon for many countries in the world, in the sense that their existence is not as old as human civilization.

According to the experts in the 1950s, almost all the nation-states in the world have political parties. Political parties in the modern sense are one of the mass organizations that seeks to influence the political process, overhauls policies and educates leaders and pursues additional members. In Indonesia, a political party was born when an Islamic association was founded on September 10, 1912, by H. Oemar Said Tjokroaminoto. Since then political parties are considered to be a vehicle to achieve national goals.

Furthermore, according to the Indonesian law on political parties, a political party is an organization that is national in nature and formed by a group of Indonesian citizens voluntarily based on the common will and ideals to strive for and defend the political interests of members, communities, nations, and countries, and maintain the integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia, referred in Article 1 number 1 of Law Number 2 of 2011 on Amendment to Law Number 2 of 2008 on Political Parties.[5]

Political parties as an organization require members in performing every program based on party ideology, this is a continuous process of the main function of political parties, namely finding qualified members in seizing and preserving power.[6] Underlying an understanding of the existing political party, it is also implicitly known the basis that distinguishes one political party from another political party. Political party differences in various countries are identified through their sociology foundation.

3.2. Political Parties in Islam

The term party in the Qur'an is called *hizb*. Party (*Hizb*) has a literal meaning. They are, 1. a community that has similar concepts and activities, 2. a group that has strength and brotherhood, 3. members and participants. Following the understanding of the term, party or *hizb* is a collection of societies that are united because they have the same direction, goals, and objectives. The words *hizb* found several times in the Qur'an which means "And when the believers saw the enemy parties have allied, they said, this is what Allah and His Messenger had promised us, and Allah and His Messenger spoke the truth." And it increased them only in faith and acceptance" (Q.S. Al-Ahzab (33: 22).

Some *Fiqh Siyasa* (Islamic law on politics) scholars assume the Muslims disunity at the 7th century Siffin war between Ali bin Abi Talib and Mu'awiyah as the account of the political party establishment in Islam. They considered the presence of Islamic theological schools emerging after this civil war, such as the Khawarij, the Shi'ah, and the Mu'tazilah, the Ahlus-Sunnah wal-Jama'ah (Sunni), and the Murji'ah, as the main cause of the rise of political parties in Islam. However, at that time no one of these groups called themselves as a political party. They named their group as independent sects. Thereby, the Muslims disunity at that time was more focused on the religious practice than on the political system. They also did not campaign to elect the head of state as benefits of political party efforts.

Experts of Islamic politics in some of their books address the question of the political party in the word *hizb* in the Qur'an. They conclude that the word *hizb* is equivalent to the term party in modern times, and they refer to the word of Allah in the Qur'an of Chapter al-Mu'minun, verse 53: "Kullu hizbin bima ladaihim faarihun (Each faction (party), in what it has, rejoicing). In other surah Allah says: "Minal ladziyna farraqaw minhum waksiu syi. Kullu hizbin bima ladaihim faarihun" which means "[Or] of those who have divided their religion and become sects, every faction is rejoicing in what it has". In this regard, a hadith of the Messenger of Allah (may peace be upon him) is a reference to the Muslims disunity: "Taftariqu ummati 'ala tsalatsi wa sab'iyina firqatan" (My Ummah will be divided into 73 groups).

The terms *Hizb* and *Firqah* in the above verses and Hadith indicate to the divided groups. The God Allah affirms that each group is no longer consider the integrity and truth of their group. This is where disagreement with Islamic thought appears from the unity context (*Ukhuwah Islamiyah*).

According to Imam Hanbali, a scholar in the *fiqh siyasah*, what counts as political is the attitude, behavior, and policy of the community that presents closure and abstention from the civilization, although not yet detailed by the Messenger of Allah. While according to Shafi'iyah scholars, politics should be following Islamic law which is an effort of attitude and policy to achieve the general purpose of Shariah.[7] From that perspective, it can be understood that politics is not only a matter of governance

and the political party structure, but rather a broader political culture.

3.3. Functions of the Political Party

One of the requirements for constructing the essence of democracy is that there is a general election. Although there is a debatable subject over whether or not the local leader election is an election, it is essentially about how the people determine ^[17] ideal candidate to be able to bring people aspirations. In a democratic country, political parties carry out several functions, namely:

- Political Parties are a means of political communication. In this case, political parties formulate policies that are based on people's aspirations. Then the formulation is articulated to the government policy. This process shows that communication between the government and society can be arranged by political parties.
- Political Parties are a means of socialization and education. political parties are obliged to socialize their political discourse to the public. This can be seen through the party's vision, mission, platform, and program. Political discourse hoped to enhance society's notion of politics.
- Political Parties are suggestions for political recruitment. Political parties are obliged to conduct selection and recruitment in order to fulfill certain political positions and obstruct political dynasty
- Political Parties are a means of reducing and controlling conflict. In a democratic country whose society is inclusive, different opinion is natural. However, in heterogeneous societies, diversity whether based on ethnicity, socio-economic status or religion easily trigger dispute.[4]

From the several descriptions above, the author exerts to assert one by one the functions of political parties as follows:

3.3.1. As a Means of Political Education

The term political education in English is often equated with the term political socialization. Therefore, by using the term political socialization, many are synonymous with the term political education with the term Political Socialization, because both have a similar meaning. In other words, political socialization is political education in the narrow sense.

According to Surbakti, in delivering a concept of political education must be explained in advance about political socialization. he argues that:[6] Kartaprawira defines political education as "an effort to enhance people's political knowledge so they can engage maximally in their political system."[8]. Based on this argument, political education needs to be carried out continuously therefore, people can continue to improve their understanding of the political system which frequently transforms. Continuous political education learning is needed because subjects in the political field are highly complex, multiple angles, and altering.

Mochtar Buchori argues that several thoughts support the public awareness development of the relationship between education and politics, namely,First, there is an awareness of the close relationship between education and politics. Secondly, there is an awareness of the pivotal role of education in determining the direction of political life. Third, there is an awareness of the importance of understanding the correlation between education and politics. Fourth, a broader understanding of politics is needed. Fifth, the importance of civic education[9]. His explanation above illustrates a belief in the close relationship between education and politics. There is a significant belief that education could produce credible political leaders.

3.3.2. As a Means of Creating a Conducive Climate

¹³ Law No. 2 of 2008 article 11 paragraph 1, and Law No. 2 of 2011 on amendment Law No. 2 of 2008 Article 11, states that the function of political parties is a means of constructing a conducive condition to unity and integrity of the Indonesian for a welfare society.

Based on the functions of political parties above, it is clear that the function of political parties is a means of regulating conflict. It is proof that our positive law regulates the function of political parties as conflict regulators. For this reason, hoped that all political parties provide a positive function in establishing the nation. The 1945 Constitution of the Republic of Indonesia guarantees freedom of speech, union, and assembly as human rights that must be implemented to actualize a strong, independent, united, sovereign, just, democratic, and based on law nation.[10]

The function of political parties is prominent and dominant in a country that adopts a democratic system. This is because every position in the constitutional structure must go through political parties, thereby, the quality of the state official relies on political party role, for that the functions of political parties, in this case, must be carried out optimally. The result is that credible state officials are elected and are able to perform entire authority forms well.[11]

The party conducts interest aggregations and formulates these interests in an interest articulation form. This formulation was made as a correction to the ruling policy

or a proposal policy submitted to the government to be used as a general policy to the community. Whereas party as a means of political socialization is the party stipulating attitudes, views, opinions, and orientation to politics phenomenon (events and policies) that transpire in society.[3]

Political socialization includes the process of conveying norms and values from the previous generation to the next generation. Political parties are trying to transform an image that fights for public interest. Regarding political parties as a means of political recruitment is its function to find and persuade people to actively participate in political activities as party members. Finally, political parties as a means of regulating conflicts. Amid the community there are various dissent opinions, political parties attempt to overcome them. However, this should not be done for personal or party interests but the public interest.[12]

Every country certainly has a potential conflict.[13] This is because of diversity in terms of ethnicity, socio-economic or religious. Therefore, political parties are needed to assist overcome or at least can be regulated in such a way to turn negative consequences. Party elites have a role to foster understanding among civilians in conflict and to convince their supporters.[14]

Conflict is emerged because there are different interests. The interests are the interests of people or groups that exist in society, particularly in Indonesia where diversity is inevitable, be it about group, religion, ethnicity and economic class. Hence, conflicts within the community cannot be eliminated, but what must be done is how to manage the dispute and it does not destroy the relations between these groups by violence.[15]

Conflict can only be managed well if there are definite regulations and institutions of social groups in the political party. Without organizing, participation can modify into a destructive mass movement, political change tends to become a revolutionary movement or coup. Therefore, political parties assign a significant role in controlling conflict.[16] The function also includes community conflict management. This is needed in multi-ethnic countries that have issues in implementing democracy because ethical issues are easily utilized to get support than political programs or ideologies.[16]

Political parties as a democratic institution control conflict through dialogue with parties who had a conflict, accommodate and integrate their aspirations and interests and deliver the problems into the house of representatives to obtain a solution in political decision form.[17]

3.3.3. As a Means of Political Participation

According to Sudijono Sastroatmodjo, political participation is an activity carried out by citizens to be involved in the decision-making process to predispose decision making by the government.[18] According to Huntington and Nelson, political participation is the activity of citizens who act as individuals, intended to affect government decision-making. This participation is individual or collective, organized or spontaneous, steady

or sporadic, peaceful or violent, legal or illegal effective or ineffective. Political parties as a means of people's participation are constitutional paths regulate in the 1945 Constitution. Political parties act as intermediaries in state decision-making processes that associate states and institutions.

There is scant difficulty in presenting several forms of political participation, irrespective of the type of political system concerned, namely: it immediately appears in the memories of politician roles, voters, party activists, and demonstrators. However, it is necessary to assign the actual position of political activity and comprehend if there is a hierarchical relationship between occurrence. Perhaps it is based on the level or extent of participation.[19]

3.3.4. As a Means of Aspiration

The function of political parties is regulated in Law Number 2 of the 2011 amendment to Law No. 2 of 2008 article 11 which states that political parties as a means of "absorbing, gathering and channeling the political aspirations of the community in formulating and determining state policy".

The ability to absorb aspirations means being able to explore and define information about how the community feels. The right to obtain and absorb information is guaranteed and protected by the constitution. In article 28 F of the 1945 Constitution states "everyone has the right to communicate and obtain information to develop their personal and social peripheral, and has the right to seek, obtain, possess, store and process and convey information using all available channels".

In the national development context, the role of political parties must be able to make themselves as agents of development and agents change. Representatives of political parties must contend for the people's aspirations that have been formulated through political notions in making laws or local regulations. The role of political parties will become barren when the idealism and enthusiasm of political parties deteriorates and the condition political democracy does not support. Therefore, the extent to which the role of political parties is able to absorb and fight for people's aspirations is dependent on two factors: a. Internal factors, which are suspended on the desires of idealism and spirit of the political party itself. b) External factors, which relies on the condition of political democracy and the political will.[4]

3.3.5. As a Means of Political Recruitment

Political recruitment according to Czudnowski is a process of elaborating individuals or groups who are appointed in active political roles. He also pointed out the factors that influence whether or not someone is elected in the legislature as follow:[18]

- Social Background, meaning that this constituent is related to the influence of the social and economic status of the family where a candidate was raised.
- Political Socialization, through political socialization a person becomes accustomed to the tasks or issues that must be carried out by a political position.
- Initial Political Activity, this constituent refers to the political activity or experience of a candidate.
- Apprenticeship, where this constituent points directly to the process of "apprenticeship" from a candidate to another candidate who is occupying a position targeted by a candidate.
- Occupational Variables, elite candidates are seen working experience in formal institutions that are not necessarily related to politics. This is appealing because political elites are not only judged by popularity but are also assessed by intellectual capacity, work vitality, and work experience.
- Motivations, This is the most important factor namely seeing the motivation possessed by a candidate to occupy a certain position.

Political parties as an organization lead a pivotal role in producing excellent leaders and having a national perspective. These excellence leaders are not only oriented towards the political parties' interests they represent. When he became a national leader automatically became the leader of everyone. This leader is not born by himself, it requires an educational process both formal and informal that to shape leadership's mind and character.[20]

3.4. Analysis of Islamic Law on the Function of Political Parties in Indonesia

Contending for a party in Islam certainly must be based on Islamic procedures. In Islam, everything must be referred to the political activities carried out by the Prophet Muhammad. By exploring the history of the Prophet's struggle in spreading Islam, there are three methods adopted: Intensive construction stage (*tasqifmurakkazah*); Interaction stage (*taha'ul*); power acceptance stage (*Istilamulhukmi*).[21]

3.4.1. Intensive Construction Level (*Tasqifmurakkazah*)

When the Prophet was sent to do activities of *dakwah* to inhabitants, some of them were believers and some were

disbelievers, at that time Islam was the main conversation and discourse in the community. In the beginning, the Prophet (may peace be upon him) proclaimed Islam around, one by one to his relatives and neighbors first to persuade people to convert to Islam. In this context, if it is associated with a political party, it is in accordance with the function of the political party that a party should perform political recruitment for the people. After performing *dakwah*, he then made a treaty to his companions who had entered Islam seriously at the of Arqam's house. There they are surrounded by Islamic beliefs, read and explained about the Qur'an and draw closer to Allah Almighty. With this kind of construction, they are ideologically prepared and willing to sacrifice for Islam.

Law Article 11 on the Political Party states that political education is a learning process and understanding of the rights, obligations, and responsibilities of every citizen in the country. In this context political party must perform the political education process to its members, therefore when politician attempts to solve the issue in the middle of society, he well understood what ideas and notions his political party leads. This is in line with the principle that the Messenger carried out in delivering education and understanding to his adherents.

3.4.2. Interaction Stage

In the time of Muhammad, after many people professing to Islam, the Qur'an commanded Muhammad and his Muslim followers to openly declare their conviction of Islam. By quoting a verse in the Qur'an that reveals such command, Muhammad immediately made his Islamic presence manifest in the Meccan society, even though some Muslims were still hiding. In this case, we can comprehend that the Messenger of Allah and his Companions had moved from the stage of secretive *dakwah* to the open *dakwah*. After that, the political party must lead to society, provide socialization and political communication by introducing symbols and ideas of a party they propose.

3.4.3. Stage of Acceptance of Power

At this stage, the overall acceptance of power is conducted through the support of the people until the party establishes the government as a method to apply the ideology on people. Moreover, the party must perform the practical aspects of life. Aspects of *dakwah* remain as the main duty of the state and the party because ideology is a treatise mandatory by people and the state.

4. CONCLUSION

To conclude, the function of political parties according to Indonesian law is as follows. 1). Political education for

member and wider community to become Indonesia citizens who are aware of their rights and obligations in society, nation, and state. 2). Establishing a conducive condition to the unity and integrity of the Indonesia for the welfare society. 3). Absorbers, collectors, and distributors of the people's aspirations in formulating and determining state policies. 4. Political participation of Indonesia citizens. And 5). political recruitment in the process of filling political position through democratic mechanisms

in regard to gender equality and justice. The implementation of the roles and functions of political parties according to the perspective of Islamic law are set up in the following three stages. First, intensive construction stage (*tasqif murabah*), this is in accordance with party principles, namely as a means of political recruitment and a means of political education for the community. Second, interaction stage (*taha'ul*): it is a stage in which the political party system is referred to as a means of socialization and political communication. Third, the power acceptance stage (*istilamul hukmi*).

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