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TITLE WALIYUL AMRI ADH-DHARURI BI SYAUKAH AS NU'S SUPPORT TO SOEKARNO IN GUIDED DEMOCRACY 1959-1965

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ABSTRACT

The Nahdlatul Ulama Party is one of the Islamic parties that became a loyalist party to President Soekarno during the implementation of guided democracy. This is because the political strategy used by the NU Party is a realistic political strategy and tends to be accommodating and cooperative in dealing with President Soekarno's new political situation, namely guided democracy. So that after the NU Party decided to accept guided democracy, the return of the 1945 Constitution, and the Nasakom and Manipol-USdek, the NU party supported the leadership of President Soekarno, one of its supports was the awarding of a charter with the title waliyul amri adh-dharuri bi syaukah from Nahdlatul Ulama to President Soekarno. This paper aims to reveal the waliyul amri adh-dharuri bi syaukah title charter as moral support from the Nahdlatul Ulama Party to the leadership of President Soekarno during the guided democracy. The method used in this study is the historical method, while the approach used is the hermeneutic theory of Paul Ricoeur. The results of the study show that the waliyul amri adh-dharuri bi syaukah charter is a form of moral support from the Nahdlatul Ulama Party for the leadership of President Soekarno, so it has legitimized that the government led by President Soekarno himself is a legitimate government according to the eyes of fiqh law. This charter is also the basis for acceptance and support from the NU Party for President Soekarno and his guided democracy.

Keywords: Waliyul Amri adh-Dharuri bi Syaukah; Moral Support; NU Party; Guided Democracy

INTRODUCTION

Guided democracy is a phase of political life in Indonesia that makes President Soekarno the head of government and the head of state. Therefore power is concentrated in the hands of President Soekarno. As for the NU Party, at the beginning of the implementation of guided democracy they did not dare to express their approval of the concept of guided democracy, this was reflected in Zainul Arifin's answer as one of the NU party figures when asked by President

Soekarno regarding the agreement of the NU Party with guided democracy, Zainul Arifin answered that the NU Party agree with the concept of democracy led by the wisdom of deliberation (Duta Masyarakat 1959). Thus, national political life, when guided democracy centered on the power of President Soekarno, was absolute. This also made Soekarno the most potent force in guided democracy (Muhaimin 1991:83).

The general chairman of PBNU, KH. Idham Chalid, at the same time, he accepted the idea of functional representation in parliament. KH.

Idham Chalid said that parties and functional groups had been intertwined, so it is neither objective nor realistic to separate them. Even KH.. Saifuddin Zuhri, in this case, refers to Q.S. 70 verses 19-23 to emphasize that the Indonesian revolution program is the program of the NU Party. Meanwhile, according to the views of other NU Party leaders, in general, the MPRS decision is part of Islamic law (Noer 1987:420).

The political world has become increasingly unstable with the declining role of parliament and political parties, especially the NU party, since the Ali-Roem-Idham cabinet was disbanded. This is because the absolute power in the hands of President Soekarno was no longer in parliament. Therefore President Soekarno's steps got. Further, he appointed himself as a formation body, and on April 9, 1957, and formed the Working Cabinet (Muhaimin 1991:83).

The Nahdlatul Ulama Party is well aware that forming a new cabinet in a self-directed manner is against the principles of democracy, but what can it be for the Nahdlatul Ulama Party to be unable to go against the will of President Soekarno, who was indeed the only strongest person at that time. The Nahdlatul Ulama Party is also aware that this event is truly an *ikhtiari*, meaning that it is an event beyond the limits of human capacity and cannot be avoided. It is difficult for the Nahdlatul Ulama Party to find alternatives if Nahdlatul Ulama accepts the President's decision. It means that the Nahdlatul Ulama Party preserves the authoritarian system. If it refuses, the Nahdlatul Ulama Party provides opportunities for the left, namely the PKI, to come to power and make Indonesia a country with a communist ideology.

The Nahdlatul Ulama Party responded quickly to the guided democracy system since the enactment of the Presidential Decree by holding a session from 26 to 28 March 1958 in Cipanas

Bogor. The result of the session was to agree to re-enact the 1945 Constitution as the basis of the Republic of Indonesia (Sitompul 1989:140). The approval of the NU Party has several conditions. First, the 1945 Constitution as a source of law was imbued with the Jakarta Charter on June 22. Second, NU parties continue to fight for Islam. Third, what has been produced in the Constituent plenary session remains valid. The first condition is that the word animating, according to Muslim nationalist groups, is used as a point of struggle to implement the formulation of the Jakarta Charter. The Muslim nationalist group agrees with re-implementing the 1945 Constitution as a source of law, but the Jakarta Charter must be the proposal, meaning that the 1945 Constitution and the Jakarta Charter of 22 June 1945 cannot be separated (Sitompul 1989:1401-141).

However, in the view of President Soekarno and the secular nationalists, the word animating only shows the relationship between Pancasila and the Jakarta Charter. This means that the word soul and the decree are the only reliever in the Constituent Assembly, especially from the Islamic circles that demand Islam as the basis of the state. From the end of 1958 until the beginning of 1959, President Soekarno had another idea to include functional groups in the DPR. The issue of this group is the main topic in the political constellation in Indonesia. The response of the Nahdlatul Ulama Party, which at that time was one of the Islamic political parties, was to realize that President Soekarno was the strongest person in Indonesia. Therefore, the Nahdlatul Ulama Party accepted President Soekarno's idea regarding the inclusion of functional groups in the DPR, but with the first note of the UUDS, the second approval from the DPR, the three presidential powers granted by the UUDS, and four healthy parties which became the first channel of a healthy democracy (Anam 1985:212).

This functional issue became increasingly

sharp, so the leadership of the NU Party was forced to deal directly with President Soekarno three times in Bogor. The NU Party had to formulate its opinion on January 23, 1959, in which it approved the group in terms of the Armed Forces, while artists, journalists or scientists, etc., had to go through general elections (Anam 1985:213). This agreement is contained in the PBNU statement regarding guided democracy dated February 20, 1959, as quoted by Chairul Anam as follows:

"(a) the entry of functional groups into the DPR through general elections; (b) following the ideas that have been put forward by NU previously, that against ABRI, the highest commanders can be appointed to sit in their respective parliaments: 15 for the Army including OKD and OPR, 5 for AU and 7 for the police, provided that members of the armed forces armed persons do not exercise their right to vote either actively or passively in general elections; (c) the list of candidates for the parties for the general election is arranged in such a way that functional groups are included in it" (Anam 1985:213).

Likewise, the attitude the NU Party towards the guided democracy system dealing with this democratic system, the NU Party is known for its realistic and pragmatic political attitude. In this case, KH. Saifuddin Zuhri, who is an NU political figure, for example, brought the argument that pesantren within the framework of NU joined the system created by President Soekarno "*malayudaraku kulluhu laatutraku kulluhu*." After the NU party accepted the concept of guided democracy with an Islamic approach, then NU, as one of the Islamic parties that were very loyal to President Soekarno, gave its support. Among them is the awarding of a certificate of title *waliyul amri adh-dharuri bi syaukah* (Maarif 1998).

This paper aims to reveal the awarding of the *waliyul amri adh-dharuri bi syaukah* title charter as moral support from the Nahdlatul Ulama Party to the leadership of President Soekarno during the implementation of guided democracy in Indonesia.

Literature Review

The author searches various sources related to what will be discussed. On the other hand, the author also reviews similar research as a comparison material, as well as information on the problem to be studied and then developed. The authors found several similar studies, including:

First, a thesis research result written by Minto Basuki in 2007 at IAIN Walisongo about *waliyul amri adh-dharuri bi syaukah* by Nahdlatul Ulama to President Soekarno in the *fiqh siyasah* perspective (Basuki 2007). It discusses the understanding of the *ahlus sunnah wal jamaah* held by NU which influences NU's political thinking and the position of *waliyul amri adh-dharuri bi syaukah* in terms of *siyasah fiqh* and a review of *siyasah fiqh* studies on the title to President Soekarno. In contrast to the focus of the author's study, namely the title *waliyul amri adh-dharuri bi syaukah* as a form of moral support for the NU Party to the leadership and government of President Soekarno during the guided democracy.

Second, an article about the historical review of Soekarno's appointment as *waliyul amri adh-dharuri bi syaukah* by NU written by Desri Juliandri, Maskun, and Syaiful M (Juliandri, Maskun, and Syaiful 2014). The contents of this article are the process, purpose, and impact of the appointment of President Soekarno as *waliyul amri adh-dharuri bi syaukah* by Nahdlatul Ulama in 1954 through the first Ulama Conference on 12-13 May 1952 at Tugu, then the second conference was conducted by the Minister of Religious affairs with the ulama on 4-5 May 1953 in Bogor and finally confirmed on 3-6 March 1954 in Cipanas. The purpose of the appointment of President Soekarno was that the Indonesian people, especially Indonesian Muslims, obeyed President Soekarno's orders following Islamic law, meaning that Nahdlatul Ulama gave religious legitimacy to

President Soekarno as the only legitimate leader of the Indonesian state. The difference with the author's research is that the title *waliyul amri adh-dharuri bi syaukah* is positioned as a form of moral support from the NU Party during the guided democracy period due to the political strategy played by the NU party itself.

Third, the article Busyro wrote about fatwa *Lajnah Bahtsul Masail* (I'BM) Nahdlatul Ulama regarding the position of the president of the Republic of Indonesia as *waliyul amri adh-dharuri bi syaukah* (Busyro 2011). This article explains NU issuing a fatwa *waliyul amri adh-dharuri bi syaukah* to President Soekarno based on social realities when the fatwa was issued. The focus is different from the author's research regarding the title *waliyul amri adh-dharuri bi syaukah* as a form of support from Nahdlatul Ulama as one of the Islamic parties to accept and support the leadership of President Soekarno during the guided democracy period implemented in Indonesia.

Some previous research is different from the author regarding the granting of the title *waliyul amri adh-dharuri bi syaukah* as a form of moral support from the Nahdlatul Ulama Party to President Soekarno's leadership from 1959 to 1965 during the guided democracy period in Indonesia. This paper also explains religion as an approach to the concept of guided democracy, the political strategy of the Nu party during the guided democracy era, the background for awarding the title of *waliyul amri adh-dharuri bi syaukah* charter as support for the NU party to Soekarno.

Conceptual Framework

In the interest of seeing the *waliyul amri adh-dharuri bi syaukah* charter as moral support from the Nahdlatul Ulama Party for the leadership of President Soekarno in the period from 1959

to 1965 or during the guided democracy, it will be revealed using Paul Ricoeur's hermeneutic theory. In Paul Ricoeur's work on hermeneutics entitled *La Metaphore Vive* mentions that metaphor is not only from the point of "words" but also from the point of "statement" even further from the point of "discourse" or "whole discourse" (Hidayat 2016:161). Both words or statements or discourses will be included in a text. If the metaphor is a text, then the awarding of *waliyul amri adh-dharuri bi syaukah* is a statement from the Nahdlatul Ulama Party against the legitimacy of President Soekarno's leadership and government that his government is legitimate in the eyes of *fiqh* law.

The Charter of title *waliyul amri adh-dharuri bi syaukah* was given to President Soekarno based on the results of the Indonesia-wide Alim Ulama Conference, which was held three times sociologically due to the dualism of leadership in Indonesia at that time, and this would confuse, especially for Muslims in Indonesia. This leadership dualism was born since Kartosuwiryo declared himself as the leader or imam of Indonesian Muslims with his Darul Islam/Indonesian Islamic Army (DI/TII) movement and President Soekarno as the leader of the Indonesian nation and state on the other side.

Therefore, the awarding of the title *waliyul amri adh-dharuri bi syaukah* creates spiritual-religious legitimacy that the legitimate leader must be obeyed, especially by Indonesian Muslims. It is only President Soekarno and the DI/TII movement led by Kartosuwiryo, which is the *bughat* movement or the rebellion.

The above is examined using Paul Ricoeur's hermeneutic theory, which reveals that metaphor is part of the study of hermeneutics not only from the point of view of words but also from the point of view of statements and even further from the

standpoint of discourse or the whole discourse. The awarding of the charter of title *waliyul amri adh-dharuri bi syaukah* as a result of the discourse of Indonesian religious scholars to President Soekarno was a joint statement or an entire discourse.

So, the charter of title *waliyul amri adh-dharuri bi syaukah* as a statement of this entire discourse during the implementation of guided democracy in Indonesia was made by the Nahdlatul Ulama Party as a form of moral support to President Soekarno. This support was born because of the attitude of the Nahdlatul Ulama Party towards the leadership of President Soekarno during the guided democracy period using an accommodative political strategy. In the sense that the Nahdlatul Ulama Party was a government party and supported President Soekarno's policies, especially during the guided democracy phase, from 1959 to 1965.

RESEARCH METHOD

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The method used in this research is the historical method which consists of heuristics, criticism, interpretation, and historiography stages. Historical sources in the writing process were collected based on materials that are relevant to the theme that the author raised.

Heuristics are collecting sources to be studied (Sulasma 2014:93), namely regarding the awarding of the *waliyul amri adh-dharuri bi syaukah* charter as moral support from the Nahdlatul Ulama Party to the leadership of President Soekarno during the implementation of guided democracy.

The primary source obtained regarding the awarding of the title certificate is a book by KH. Wahab Chasbullah. KH. Wahab Chasbullah was a historical witness as well as a political figure for NU during the guided democracy era, so his writings about the awarding of the charter title

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were analyzed by the author as a form of moral support from the NU Party to President Soekarno, serving as a primary source. The book is entitled "Politics and State Rules" and is a collection of the writings of KH. Wahab Chasbullah.

Additionally, contemporary media can also be used as a primary source. Among the media that are contemporaneous with the object of this research is the Media Duta Masyarakat, the printed media of Duta Masyarakat's media affiliated with Nahdlatul Ulama, so they report a lot on NU's activities and developments.

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Furthermore, the sources obtained are criticized or analyzed to obtain the validity of these sources, in this criticism process, a source selection process is also carried out to determine whether or not a source is accurate in terms of its content so that the source can be accounted (Abdurahman 1999:11).

The next stage, namely historical interpretation or analysis, is combining several facts and data that have been obtained (Sulasman 2014:107). Moreover, the last stage of the historical method is historiography, which is a process of compiling historical facts from various sources that have been obtained and criticized, and interpreted by a theory, so the final presentation is in the form of a historical writing report.

RESULT AND DISCUSSION

Religious Approach to the Concept of Guided Democracy

Since Nahdlatul Ulama chose to leave Masyumi due to NU's disappointment with modernists, it was through the 19th NU Congress in Palembang in 1952 that NU officially left Masyumi and became its political party (Haris 1990:34).

The Nahdlatul Ulama Party in its politics is guided by religious principles, namely the rules

of *fiqh* and *ushul fiqh*, among which the rules are *darul mafasid muqaddam 'alal jalbil mashalih*, meaning that avoiding losses is prioritized over taking benefits and this has become a basis for the NU party in playing politics on the national stage (Fealy 2009:253).

Since Nahdlatul Ulama became a political party, NU has become closer emotionally to President Soekarno, starting from the liberal or parliamentary democracy between 1949 and 1959. The NU party became the only Islamic party that was very loyal to the leadership of President Soekarno during the next democratic period, Guided Democracy, which ran from 1959 to 1965.

NU's acceptance of President Soekarno's new concept of democracy adhered to the principle of *fiqh malayudaraku kulluhu laatutraku kulluhu*, so NU in the political elite or at PBNU decided to enter the guided democracy system. This positive attitude from the NU Party was expressed on January 11, 1959, when President Soekarno held a meeting with parties, which at that time were from NU circles, attended by KH. Wahab Chasbullah, KH. Idham Chalid, Jamaluddin Malik, and Zainal Arifin. When asked about the attitude of the NU Party towards guided democracy, Zainal Arifin replied: "Everyone knows that NU's stance is to agree with guided democracy led by wisdom and deliberation" (Maarif 1998:6).

The NU Party, in accepting the concept of guided democracy and President Soekarno's Nasakom concept, uses a religious foundation, namely "*darul mafasid muqaddam 'alal jalbil mashalih*," which means avoiding damage is prioritized over taking benefits. The condition of the NU Party if it chooses to become an opposition is the same as bringing Nahdlatul Ulama to its grave. Therefore, the NU Party cooperates to avoid damage to the *jam'iyah* and NU congregations.

President Soekarno's idea regarding the Nasakom concept was inspired by the ancient

Javanese cultural treasures, namely the unification of several elements of the existing differences into a single system. When the Nasakom idea was born, the NU Party experienced a dilemma and was an extraordinary challenge from President Soekarno's politics. If the NU Party is only a spectator and allows the PKI to behave as they wish in this Muslim-majority country of Indonesia, then this will threaten religious life, especially the lives of Muslims in Indonesia. However, if the NU Party opposes or becomes an opposition or rejects Nasakom, then it is inevitable that its fate will be like Masyumi's, namely being disbanded. If you participate, can the NU Party, which is based on Islam and the PKI, be non-religious?

The Political Strategy of the NU Party during the Guided Democracy Period

The political strategy run by the NU Party during the guided democracy since the issuance of the presidential decree was to be flexible and accommodating to all forms of President Soekarno's politics. This was done by the NU Party to remain gradual in the political storm at that time (Sitompul 1989:142). The attitude of the NU party has been seen since the end of 1958, and it is just that the NU principle focuses on "democracy" itself and not on its leadership. Unguided democracy will lead to anarchism, and vice versa, something that is guided without democracy will give birth to dictators. This logic is the background of the attitude of the NU Party to approve democracy which was later conveyed on August 13, 1958:

"(a) its implementation does not lead to the freezing of parliamentarism; (b) its implementation does not lead to the elimination of party waze; (c) its implementation leads to the simplification and restructuring of party waze through the party law and/or refinement of the election law; (d) its implementation remains firm in holding the basic notion of sovereignty in the hands of the people which is channeled through the parliament which should be the center of political activ-

ity; (e) its implementation still gives sovereignty and freedom to the constituents to complete their duties" (Anam 1985:213).

The NU Party was very capable in the politics of adjustment during the guided democracy and produced something positive in fighting for the interests of Islam or in the context of *izzatul Islam wal Muslimin*, and was the pinnacle of the success of the NU Party in national politics at that time. The situation of NU at that time was described by Allan A. Samson as follows:

"During the period of guided democracy, Islamic political activities were controlled by the NU Party, and like other political parties, NU was forced to support President Soekarno without criticism while hoping for Soekarno's good intentions to protect his wishes" (Soon 2008:118-19).

Such is the attitude of NU in facing the political constellation of Indonesia in the final decade of liberal democracy or the final period of parliamentary democracy. However, the trials of Nahdlatul Ulama as a political party at that time did not end there, NU still struggled a lot with challenges from the next President, Soekarno. Since the issuance of the Presidential Decree, the entire network of political power fell into the hands of President Soekarno as the central state and government power. In a short time, all governance changed to a new system and pattern.

The National Council, which had been formed on January 11, 1957, was dissolved and replaced with the Provisional Supreme Advisory Council (DPAS). The MPR and DPR, as a result of the 1955 election, were dissolved and replaced with the MPR and DPR-GR and Manipol Usdek and Nasakom (Anam 1985:221).

Finally, Bung Karno managed to play his cards in state politics. While other parties, including the NU Party, sought political *ijtihad* in adjusting the attitude of guided democracy and the DPR-GR, the NU Party initially experienced a dilemma between accepting or rejecting.

Finally, the NU Party council held a party session from 24-27 April 1960. In the session of the Party Council, KH. Wahab Chasbullah as Ro'is Am NU immediately determined his position, as quoted by Syafi'i Ma'arif in Syaifuddin Zuhri's book entitled KH. Wahab Chasbullah, Founding Father of NU:

"We decide now because the time is very urgent. Waiting for the continuation of the deliberation can miss the train. We decide to enter the DPR-GR first, and after that, we affirm the deliberation between regions. If the inter-regional deliberation decides that we must enter, we are already inside, but if the deliberation decides to reject the DPR-GR, what is the difficulty for us to leave the DPR-GR, but if now we refuse to sit in the DPR-GR then the regional deliberations decide us we have to enter the DPR-GR, it is too late, the entrance is closed" (Maarif 1998:91).

KH. Wahab Chasbullah is indeed quite critical in dealing with urgent situations like this, and he is good at taking advantage of the psychological moments of the masses so that when regional deliberations were held regarding the inclusion or absence of the NU Party in the DPR-GR, KH. Wahab Chasbullah's strategy received enormous support. It is true what KH. Wahab Chasbullah said, and the important thing is to enter first the case if the results of the deliberation refuse to leave the DPR-GR is an easy matter.

It seems that KH. Wahab Chasbullah has taken into account this condition, namely, if it is decided to enter, the NU party will already remain in it, and KH. Wahab Chasbullah's estimate is justified by history because in the subsequent development when NU held regional deliberations regarding the inclusion or absence of the NU Party in the DPR-GR, the result of the deliberation is entered (Maarif 1998:92).

So the NU Party played a sufficient role in the DPR-GR and was able to struggle with President Soekarno's political moves until the guided democracy system ended in 1965. That

was NU's logic in dealing with the realities and political situations of that period which were quite harsh during the period of guided democracy from 1959 period until 1965.

The political attitude of the NU Party toward guided democracy is different from the Masyumi Party. Masyumi, that was anti-PKI vehemently rejected the concept of guided democracy and the re-treatment of the 1945 Constitution. Masyumi insisted on maintaining the establishment of an Islamic state in the Constituent Assembly. In Alfian's language, Masyumi at that time was called the extreme right of Islam. Because Masyumi was not in line with President Soekarno, Masyumi had to accept the consequences, namely being dissolved by President Soekarno in 1960 when Masyumi was together with the PSI (Indonesian Socialist Party) (Soon 2008:116).

The reasons for the disbandment of Masyumi were not merely the involvement of some Masyumi leaders in several regional uprisings, such as the PRRI/Permesta rebellion, and Masyumi's reluctance to fulfill the requirements to condemn the rebellion or fire those figures involved in several rebellions (Alfian 1990:37-38).

So, with the disbandment of Masyumi, the NU Party became an Islamic party with a greater chance of being involved in politics in Indonesia during the guided democracy. This did not become impossible because previously, the NU Party won in the first general election in 1955. Politics NU Party prefers to compromise with President Soekarno. The political character of Nahdlatul Ulama is a strategy of the NU Party to remain within President Soekarno's political environment. Nahdlatul Ulama became a party supporting the government along with the PNI during the leadership of President Soekarno during the guided democracy (Soon 2008:116).

Background for the Awarding of the Title *Waliyul Amri adh-Dharuri bi Syaukah*

After the acceptance of the NU Party to President Soekarno's new democratic concept, namely guided democracy and the enactment of the 1945 Constitution as the basis of the state and Nasakom as the state ideology in the context of the unity of all significant ideologies that existed in Indonesian society at that time, the next step was for the NU Party to give its support to the leadership of President Soekarno. The NU Party became an Islamic party that was very loyal and totally to Soekarno.

One of the NU Party's support for President Soekarno's leadership was seen since the first Alim Ulama meeting at the Monument of West Java on May 12-13, 1952, then the second conference was held in Bogor on May 4-5, 1953 and the third conference of Alim Ulama in Indonesia was held in Cipanas on 3-6 March 1954 (Jualiandri 2012:11) initiated by KH. Maskur who decided to give the title *waliyul amri adh-dharuri bi syaukah* to President Soekarno.

Previously there were three ways to appoint a head of state, and the first was employing *bai'ah*, namely a statement of approval from a group of people having the legality of deciding something on behalf of the people (*ahli halli wal aqdi*) against someone who agreed to be appointed as a leader. The second is *istikhlaf*, which is the determination of a candidate for a leader before the leader dies. The third is *istila'*, which is the appointment of leaders by the military and coercion. The appointment of a leader employing numbers one and two are called *waliyul amri*, while number three is called *waliyul amri bi al-syaukah* (Haidar 1994:257).

According to A. Yusuf Ali, Ulil Amri is a leader responsible for solving various problems or affairs. In the eyes of Islam itself, it does not distinguish between worldly affairs and the affairs

of the hereafter. Therefore, the government, as a leading institution, must act as a faithful priest, and the community must respect that power (Soon 2008:119).

The decision to grant the title to President Soekarno in Nahdlatul Ulama's view is based on theological-political aims to legitimize that President Soekarno is the legitimate leader of the Indonesian nation and state and must be followed and supported. The existence of the Darul Islam movement and the Indonesian Islamic Army (DI/TII) in West Java led by SM. Kartosuwiryo, proclaimed as the Islamic State of Indonesia on August 7, 1949, is the background of the birth of moral support from the Nahdlatul Ulama Party to President Soekarno. Furthermore, the DI/TII movement spread to various regions in Indonesia, such as Central Java, South Kalimantan, South Sulawesi, and Aceh (Sitompul 1989:134).

The Darul Islam movement/Indonesian Islamic Army (DI/TII) and the Islamic State of Indonesia (NII) that took up arms were the results of the battle of Islamic ideas at the BPUPKI, PPKI, and Constituent Council sessions who wanted Islam as the basis of the Indonesian state and rejected Pancasila because it was considered as a product of secularism (Indonesia.go.id 2019).

Regarding this understanding of Darul Islam, C. Van Dijk explains as follows:

"Darul Islam (Arabic Dar al-Islam) means Islamic home/family, namely the Islamic world or territory. What is meant is the Islamic part of the world in which Islamic belief and the implementation of Islamic law and its regulations are obligatory. The opponent is Darul Harb, the war zone/world of the infidels which will gradually be incorporated into Darul Islam" (Dijk 1983:18).

Darul Islam and the Indonesian Islamic Army are right-wing militant groups that wanted to establish an Islamic State in 1949 by force, meaning they wanted to establish a state within

an independent country. DI/TII uses violence to realize its goals.

Kartosuwiryo, the highest leader of DI/TII, is an ex. The management of the Indonesian Islamic Sarekat Party (PSII) was once close to the founder of the PSII, namely H.O.S Tjokroaminoto, his education was taken in the West, so Kartosuwiryo is not a *santri* who graduated from Islamic boarding school, even in a growing oral tradition it is stated that this Kartosuwiryo does not have the correct knowledge about Islamic law and Arabic (Sitompul 1989:135).

The movement carried out by DI/TII is not only a severe problem for the state but also a threat to religious life in a pluralistic Indonesia. Kartosuwiryo, who declared himself the head of the Indonesian Islamic state, gave birth to a dualism of leadership in Indonesia with President Soekarno. From this, the idea was born to negotiate the matter with the scholars of Indonesia. So, KH. Masykur, Minister of Religion from the NU Party, initiated a meeting of scholars throughout Indonesia to see the position of President Soekarno. KH. Masykur's idea is considered very important because it will give a final word regarding the position of President Soekarno in the eyes of the Islamic religion (Yusuf dkk. 1982:46).

So, the Indonesian Ulama Conference was held in 1953/early 1954 in Cipanas, West Java, and resulted in the awarding of the title *waliyul amri adh-dharuri bi syaukah* to President Soekarno. In this case, Boland translated it as follows: "The government currently in power must be obeyed based on the letter 4 paragraph 59." The awarding of this title is a form of moral support from the Alim Ulama, which is implied by the Nahdlatul Ulama Party, which is based on Q.S. an-Nisa' verse 59, which reads as follows:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي
الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ
كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

Meaning: *O you who have believed, obey Allah and obey the Messenger and those in authority among you. Furthermore, if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best result.*

A. Yusuf Ali commented on this *ulil amri* as follows:

"Ulil Amri are people who carry out power or responsibility or decisions or settlement of affairs. Absolute power rests with God. God's people receive power from Him. Since Islam does not recognize a sharp distinction between religious and secular affairs, it is hoped that governments will practice the truth, act as true imams, and we must respect and obey that power. Otherwise, there will be no order and obedience. It is a fact that there is a sharp separation between law and morals, between secular and religious affairs, as is the case in many countries today. Islam still expects secular power to be exercised properly" (Ali 1989:136).

The awarding of the title *waliyul amri adh-dharuri bi syaukah* is considered very important for Jam'iyyah Nahdlatul Ulama and NU congregations or what is called *nahdliyin* and generally Muslims in Indonesia because by giving this title, it becomes a certainty in the eyes of the Islamic law that President Soekarno is the only legitimate leader to lead the country and the people of Indonesia. Besides, it shows that the DI/TII movement is a rebel movement that opposes the legitimate government and is in power.

KH. Abrurahman Wahid explained that the title *waliyul amri adh-dharuri bi syaukah* as state leader was a decision based on the study of *fiqh* law. He admitted that the state's leadership "was not chosen by a competent Ulama (*ahlul halli wal aqdi*) so that it did not fully have legitimacy in the *fiqh* law perspective." However, his power must remain effective because he is

in full power. The government also takes care of the interests of Islam and Muslims through the Minister of Religion. Therefore, Ulama must provide firmness regarding the legitimacy of state leaders (Sitompul 1989:137).

The awarding of this title is to obtain the legitimacy of President Soekarno in the *fiqh* law perspective. In the sense that the government of President Soekarno is legitimate from the *fiqh* perspective, the government is authorized to inaugurate officials who deal with Islam and Muslims. The awarding of this title also, at the same time, provides legality of religious law that the DI/TII movement is a rebel movement (*bughot*) against the state in the name of Islam (Sitompul 1989:138-39).

So actually, the NU Party itself has provided moral support for President Soekarno's leadership by giving the title *waliyul amri adh-dharuri bi syaukah* long before entering the period of guided democracy through the Alim Ulama Conference in Cipanas earlier. This is also theological-political *ijtihad* or *siyasah dinniyyah* Nahdlatul Ulama against President Soekarno's leadership to Muslims to obey his leadership, who is in power legally and may not join groups that are against the government and the state even though they are in the name of Islam as like the case with the Kartosuwiryo movement with DI/TII.

Charter of Title Waliyul Amri adh-Dharuri bi Syaukah as NU's Support for Soekarno

The title of *waliyul amri adh-dharuri bi syaukah* became the basis for consideration for support from the Islamic group in the MPRS in the context of the appointment of President Soekarno as President for life (Duta Masyarakat 1963). KH. Masjkur, one of the leaders of NU, is considered more capable of holding back or holding on to his stance and being close to President Soekarno,

saying that “Nasakom is my soul” and guided democracy is following Islamic teachings (Duta Masyarakat 1965).

This title shows the support of the Nahdlatul Ulama Party for President Soekarno's policies, especially regarding his hijrah and ijihad. According to KH. Wahib Wahab's interpretation, this migration replaces the 1950 Constitution with the 1945 Constitution. This replacement moved from liberalism in 1950 to a socialist system (Duta Masyarakat 1961a). As for ijihad KH. Wahib Wahab said that President Soekarno had done political ijihad with his Manipol (Duta Masyarakat 1961b).

President Soekarno became a legitimate leader in the eyes of Islamic law through the title *waliyul amri adh-dharuri bi syaukah*, as well as became a kind of ipso facto that all Muslims must obey. However, the awarding of the title *waliyul amri adh-dharuri bi syaukah* was protested against and considered a disaster for Muslims themselves by the Masyumi group, and this is because, according to Masyumi's view that at that time, the Indonesian state was not based on Islam, and this could still be fought for in the upcoming Constituent Assembly (Feilard 1999:47).

On March 29, 1964, Mbah (Grandpa) Wahab Chasbullah confirmed the awarding of the title *waliyul amri adh-dharuri bi syaukah* before the parliament. The PBNU Rois Syuriah said that according to *fiqh*, Islamic women who do not have a lineage guardian need to marry before a judge's guardian so that their child does not become a child of adultery. Therefore, it was determined that the one who had to be the guardian of the judge at this time was the head of our state, whom an official then represented. KH. Wahab Chasbullah further stated firmly regarding the legitimacy of President Soekarno's leadership as follows:

“If the people do not want to admit from a religious point of view that our government is a legitimate government, even if it is an emergency, there will undoubtedly be various types of waliyul amri for themselves. The current government is legitimate and must be obeyed.”

Mbah (Grandpa) Wahab Chasbullah's defense to President Soekarno regarding being given the title *waliyul amri adh-dharuri bi syaukah* was based on the fact that Soekarno prayed, performed his marriage in an Islamic way, and the President's oath of office was also Islamic. KH. Wahab Chasbullah admitted that Sukarno was a full-fledged Muslim, even though others viewed him as an Abangan. It seems that KH. Wahab Chasbullah does not want to hurt the hearts of Javanese people who do not obey all religious regulations, especially Islam (Feilard 1999:48).

Furthermore, KH. Wahab Chasbullah will oppose the government if it prohibits people from praying, for example, or orders them to drink intoxicating drinks to lose consciousness. Furthermore, these things are indeed actions that the government of President Soekarno has never carried out. So, this is an answer to his support for the leadership of President Soekarno.

KH. Wahab Chasbullah also emphasized that President Soekarno could be considered an imam *dharuri* or leader in an emergency because the Imam A'dhom, or the perfect leader, is a leader who controls the entire Islamic world. His dignity is equal to that of an absolute mujtahid. This Imam A'dhom has not existed since 700 years ago (Feilard 1999:48).

KH. Wahab Chasbullah delivered the presentation of the title of *waliyul amri adh-dharuri bi syaukah* in parliament in his meeting on March 29, 1954. He explained that starting by accelerating state security, the government must disseminate information quickly about the position of the government at that time to

the Indonesian Islamic community in particular (Chasbullah 2015:3).

KH. Wahab Chasbullah continued, saying that the majority of the religion embraced by the Indonesian people is Islam. The government of President Soekarno is legitimate. If this is understood, then the chaos will not continue. However, if the community does not recognize the current position of the government from the perspective of the Islamic religion, then a leader or *waliyul amri* will be born for each group. So, through the Alim Ulama Conference, KH. Wahab Chasbullah approved the results of the last Ulama Conference. The scholars who attended the conference had significant influence, while KH. Wahab Chasbullah was the leader.

Many of the ulama who attended the conference were ulama and kiai from the NU circle, Masyumi also attended the conference with two ulama as representatives, but it was not finished. As for those who have been completed, apart from NU clerics, namely PSII clerics Kiai Ahmad Chatib from Banten played an active role in determining conference decisions (Chasbullah 2015:4).

Regarding the guardian judges mentioned above, KH. Wahab Chasbullah explained in his speech to Parliament as follows:

“Regarding guardian judges, it is for Muslim women if they want to marry or do not have a guardian: in that case, the state should be the guardian first. If the head of state is busy, then he may be represented, namely the Minister of Religion. If the Minister of Religion is also busy, he can be represented again so that in each village, there is a representative.”

KH. Wahab Chasbullah continued, then this is a valid marriage. If a marriage does not have a guardian, then the offspring born are children of adultery. Because the mandate is lost. So, the one who can become the guardian of the judge is the leader of the state. The head of state of Indonesia

is the legitimate head of state, according to the study of *fiqh*, but the head of state as the legal guardian of the judge is only in a *dharuri* state. KH. Wahab Chasbullah further explained that:

“For example, I can eat with steak or white rice, but in an emergency, you eat corn. Corn is included in the dharuri chapter, and there is often a misunderstanding about dharuri or emergency matters. For Muslim brothers and sisters who do not understand this, they are astonished after hearing this decision, and they ask a lot of questions here and there” (Chasbullah 2015:5–6).

KH. Wahab Chasbullah continued his explanation about the Imam A'dhom, or great leader covering the entire Islamic world appointing one leader, and according to *Mbah* (Grandpa) Wahab that the Islamic world includes Indonesia, Arabia, Iraq, and Pakistan, this is in Islamic law (Al-Quran and Hadith), also in Islamic religious books, especially *ahlus sunnah wal jamaah*. The criteria for an Imam A'dhom must have extensive knowledge of the Islamic religion so that Imam A'dhom is equivalent to absolute mujtahids. Meanwhile, people with such knowledge of the Islamic religion are no longer there (Chasbullah 2015:6–7).

Therefore, because there is no longer an Imam A'dhom, Muslims in every country must appoint a *dharuri* imam or emergency leader. KH. Wahab Chasbullah continued his explanation:

“Neither Imam A'dhom nor Imam dharuri, like Bung Karno, for example, we have considered valid between the holders of state power, namely waliyul amri. I believe that the president prays, his marriage is Muslim, and his oath is Islamic. He has been elected by the country's citizens, although not by all. It is absolute. According to Islamic law, he is the legitimate head of state, even though he does not meet the requirements to become a waliyul amri. Nevertheless, because the conditions were not enough, he was forced to be included in the dharuri chapter (Chasbullah 2015:7).

In this *dharuri* chapter, *Mbah* (Grandpa) Wahab says that if a person does not eat, he will die,

but if he is forced to eat carrion, he will live. This applies only in an emergency. So, in the context of the Republic of Indonesia, President Soekarno is a legitimate leader and must be obeyed. This is the opinion and agreement of Ulama. If the government orders disobedience or prohibits an obligation for Muslims, it is permissible to rebel.

The spokesman for the Muslim League, which was formed in 1952, namely H. Sirodjuddin Abbas from the Tarbiyyah Islamiyyah Association (PERTI), spoke in a session in parliament regarding the decision of the Alim Ulama Conference in Cipanas, which was accused of being negative by the reformer group. This was merely a form of hostility to traditionalists.

In a meeting in Bogor on May 4-5, 1953, initiated by the Minister of Religion, Fakhri Usman, according to H. Abbas, the scholars had agreed on the guardian of judges. That Dzu Syaukah is President Soekarno, who has full rights regarding guardian judges. H. Abbas also emphasized that only the President was given the *waliyul amri adh-dharuri bi syaukah* at the Alim Ulama Conference in Bogor (Feillard 1999:48).

This is the result of the *ijtihad* of the Ulama which resulted in President Soekarno being a leader with shariah legitimacy, and his leadership is recognized. However, indeed, President Soekarno was not democratically appointed because of an emergency. Therefore, President Soekarno, as *waliyul amri adh-dharuri bi syaukah*, is a guardian judge whose duties can be delegated to the Minister of Religion or who can be trusted (Mun'in 2011:73).

The title *waliyul amri adh-dharuri bi syaukah* to President Soekarno's leadership is *dinmiyyah* in nature, but this has an impact on the determination of the legal status of President Soekarno's government in the eyes of Islamic law or as *amirul mukminin*, thus making Kartosuwiryo and his DI/TII who declare as *amirul mukminin*

can be broken. Therefore, President Soekarno gained legitimacy from Indonesian Muslims to control the country's security from the rebels, including those carried out by Kartosuwiryo.

The awarding of the title *waliyul amri adh-dharuri bi syaukah* also impacted Nahdlatul Ulama as one of the political parties that represented Islam, namely the NU Party, and Indonesian Muslims could not be separated from the existing and legitimate government. Therefore, Muslims whom the NU Party represents in the political world hand over some of their sovereignty to the government, including the power to determine the beginning and end of the month of Ramadan, which NU should do through the *rukyyatul hilal* method, the power to determine the guardian of judges and political power. Meanwhile, the NU party acts as a broadcaster to the community (Mun'in 2011:73-74).

The *waliyul amri adh-dharuri bi syaukah* charter given to President Soekarno stems from the speech of KH. Wahab Chasbullah (Syuriah PBNU) in front of the DPA session, and this is the view and stance of the Nahdlatul Ulama Party, which is as follows (Mun'in 2011:75-79):

CHARTER WALIYUL AMRI AD-DHARURI BISSYAUKAH

To speed up the restoration of security, the government needs to provide sufficient information to be accepted by citizens, especially Muslims, regarding the government's current position. Because when viewed from the point of view of the religion embraced by the majority, it is Islam. Thus, it can be determined that:

1. The current government is indeed legitimate and must be sworn in. Otherwise, there will be chaos perpetrated by groups who do not want to admit from a religious point of view that our government is legitimate. If this is allowed, they will establish their government

or waliyul amri.

2. That it is very wise that our government has repeatedly held Alim-Ulama Conferences, for example, in Bogor, in Puncak, and finally in Cipanas, which means nothing but negotiating practical matters from the point of view of Islam, there are differences in understanding between one another, for example regarding the beginning of fasting, the direction of people in Suriname and so on. This is much needed for people who embrace religion.
3. The first question is about *tauliyah* (delegation of authority) to be the guardian of judges for Muslim women if they want to marry or do not have a guardian: because of that, it is determined that the one who must be the guardian of judges at this time is our Head of State. If the Head of State is busy, then he may be represented: by the Minister of Religion. If the Minister of Religion is also busy, he can be represented again so that in each village, there is a representative. Thus, the woman's marriage with the guardian judge is valid.
4. In Indonesia, our head of state is a legitimate head of state, as seen from Islamic law, but the determination of the Head of State as guardian of the judge is in a state of emergency, as is the case with our emergency law. This determination is included in the *dharuri* condition, and there are often misunderstandings about emergency and *dharuri* matters. So, it is shocking after hearing this verdict.
5. The ideal head of state in Islamic law, whose guidelines are the Qur'an and Hadith, then in Islamic religious books is the *ahlus sunnah wal jamaah* which is valid for 12 centuries, is *Imam A'dhom* (Great Leader). *Imam A'dhom*, in the entire Islamic world, is only

one. The Islamic world, from Indonesia, Pakistan, Egypt, Arabia, and Iraq, agreed to appoint one imam. That is just the name of a valid imam, that is, not an emergency imam, while the person elected or appointed must be a person who has knowledge of Islam and whose dignity is absolute Mujtahid. Such a person has not existed for 700 years until now.

6. Considering that the *ummah* in the Islamic world cannot form an *Imam A'dhom* of such quality, it is obligatory for Muslims first, each country appoints an emergency imam. All priests who are appointed in an emergency are *dharuri* priests. I need to explain why we can not appoint our imam, second the absolute *a'dhom* priest, and the *dharuri* one, so in the book, there are three questions.
7. The Head of State, instead of *Imam A'dhom*, who is *dharuri* like President Soekarno, for example, cannot be considered legitimate as a holder of state power or as *waliyul amri*. However, we all believe that the President prays, his marriage is Islamic, even his oath is Islamic, and he has been elected by the country's citizens, although not by all, it is absolute. According to Islamic law, he is the legitimate head of state, even though he does not meet the requirements to become a *waliyul amri*. Because the conditions were insufficient, he was forced to enter the *dharuri* state.
8. The scholars believe that our head of state, namely his excellency president Soekarno, does not have his power over our country in his own hands. However, it is divided between parliament and the cabinet, but the mandate is from him. He formed Parliament: similarly, the formators were appointed, and a new cabinet was formed. Especially when considering the rights of the decree.

Nevertheless, scholars can and will still say that the president does not rule alone because the president's decisions are policy, parliament, and cabinet and cannot only come from one side. It is not enough for the head of state to carry out his orders and be able to punish those who commit crimes arbitrarily.

9. As a consequence, in the nation and state, Muslims submit not only guardian judges to the head of state but also give *tauliyah* (authority) to the state to make *isbat* (stipulate) at the beginning of the month of *Ramadan* and the beginning of the month of *Shawwal*, in order to maintain the peace of the people in worship.
10. Under these circumstances, the state is legitimate and must obey as long as the requirements of a leader are respected. However, even if the head of state is legitimate, if he orders people not to pray, we may revolt. Moreover, if the president, parliament, and government stipulate that everyone may drink a bottle of beer or whiskey, we may refuse. In this state of our country, let us continue to fight, little by little, as for the result, that is *wallahu'alam!*

The alim ulama conference was attended by leaders from Nahdlatul Ulama (NU), PERTI, the Indonesian Islamic Syarekat Party (PSII), and all Ulama from various regions. All Ulama who were present also spoke and took part in deciding some of the decisions taken in this conference.

CONCLUSION

1
The *waliyul amri adh-dharuri bi syaukah* charter is a form of moral support from the Nahdlatul Ulama Party for the leadership of President Soekarno. This charter or title has also given legality to President Soekarno, and his government is legitimate according to the

perspective of *fiqh* law. The awarding of this title was also born of the reality of Kartosuwiryo's political movement with his DI/TII. So the *waliyul amri adh-dharuri bi syaukah* charter aims to strengthen Muslims in Indonesia that President Soekarno is the only leader who must be obeyed, while Kartosuwiryo and his DI/TII movement are *bughot* or rebels. This charter is also the basis for acceptance and support from the NU Party for President Soekarno and his guided democracy.

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