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## ELITE DELIBERATION AS DELIBERATIVE DEMOCRACY: EXPERIENCE OF WALISONGO AND NAHDLATUL ULAMA IN INDONESIA

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**Abstract :** Culture-bound political development has recently been voiced by some political theorists. Wisdom of deliberation in Indonesia seems crucial to making democracy work. Amidst the failures or malpractices of democratic politics in Indonesia during the consecutive regimes in power, deliberative democracy is worth revitalizing. The paper makes an account of the legacy of elite deliberation from Islamic civilization that had been in practice by Walisongo in Nusantara and by a big-mass Islamic organization of NU in contemporary Indonesia in electing NU's top leader. Theories used in the account include Deliberative Theory of Democracy, and the concept "culture-context political development". The account employs the qualitative research, with meta-analysis in the analysis method. The finding is that transition to democratic culture among the segments of the Indonesian society has been facilitated by the practice of mechanism of Ahlul Hal Wal Aqd (AHWA) or elite deliberation by Walisongo before the independence of Indonesia, with significant contribution to instituting some form of board of trustees, controlling the king in case of misdeed and at the same time building trust in institution—trusting the king and the board of trustees—for the peoples in the respective kingdoms. Contribution also takes place by the practice of NU in electing Rais Am—whereby election of NU's top leader has been deliberated by a few elites with high integrity and trust.

Key words: Deliberation, Ahlul Hal Wal Aqd, Culture-bound, Walisongo, Nahdlatul Ulama.

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### INTRODUCTION

The social cultural and religious transformation of the Nusantara "society" beginning around the 15<sup>th</sup> century had made up not only the increased number of people who embrace the religion of Islam, but also the adoption of "modern" values like egalitarianism and modality of deliberation among elites in performing leadership. The

era of *Javanese Kiyahi* as termed by Geertz was the era when Walisongo was performing as brokers of culture (Anita, 2014; 243). Gotong-royong or mutual help & “consensus democracy” across the Indonesian society is one culture emanating from the social piety coming from religion of Islam (Soekarwo, 2014). One legacy of Islamic civilization has been the mechanism of consensus and deliberation exercised by a few credible and authoritative figures—*Ahlul Hall Wal Aqd* (AHWA), that was once practiced by The Nine Saints or Walisongo—to ensure good and corporate governance of the respected kings across Nusantara—and has been in practice by Nahdlatul Ulama (NU) in contemporary Indonesia.

Having succeeded in consensus and deliberation by Indonesian elites during the sessions held by BPUPK(I) in June 1945, the path to democratic politics in the country from 1949 up to the present has encountered several drawbacks (Zamharir & Lubis, 2015) : one dimension of the drawbacks was the failure in implementing deliberation or *musyawarah mufakat* as mandated by 1945 Constitution (Morfit, 1981; Saputro, 2014). Political parties failed to adopt more of deliberative democracy, but rather of direct democracy and poor quality of political representativeness.

The zig-zag path to democracy in Indonesia seems to be one of the consequences of excessive force of Revolution—implying the spirit of destroying old things along with adopting new things. Such an excessive spirit came along with state of the arts in social sciences that was in favor of epistemology of modern secular philosophy—as was best reflected in Soekarno’s adoption of the secular state of Turkey’s Kemalism (Zamharir. et.al, 2020). While many politicians were yet capable of being democrats, adoption of modern “Western” political values and institutions has contributed to the diminishing of deliberative practices across the political society.

How could such legacy of deliberation be re-discovered to promote better modality of democratization as mandated in the 1945 Constitution? The study explores the practices of deliberation by Walisongo and the big, Islamic, mass-organization of NU—in which elite deliberation among ulama was/has been done in the framework of AHWA—the institution that is also applied by a more puritan social movement, Majelis Mujahidin Indonesia (Sulaiman, 2014). Experience in negotiating ideas by “traditionalists” ulama had been made before the establishment of the then NU in 1926. In consonance to 1926 efforts exerted in mainly Middle East to consolidate a unified Caliph (after the abolition of Utsmany Caliph), Indonesian ulama were represented by mostly Modernists Muslim to attend the session known as Komite Hijaz in Saudi Arabia. In the meantime, “traditionalists” ulama, for the purposes of ensuring the “traditional values” to be protected, made their own “Komite Hijaz”, and made a special envoy to negotiate with the King of Suud, on such matters as embedded-ness of Islam with Indonesian traditions and protection of the grave of prophet Muhammad in the City of Madinah against Wahhabi’s approach to understanding Islamic doctrines. The mission was successful. It was from

this deal that traditionalist Muslims in Nusantara gain their legitimacy to keep tradition in symbioses with normative Islam, and from then on initiative was made to establish NU in 1926. This year—approximately 20 years before the independence of Indonesia—marked the beginning of a rough bipolarity of Muslim society in Indonesia—“Traditionalists” and “Modernists” (Adnan, 2009).

From the more contemporary theory of democracy, Theory of Deliberative Democracy (TDD) seems to have more explanatory power to the efforts of the construction and discovery of the practice of deliberation among elite ulama in Indonesia. Deliberative practices would be of great value to pursuing better path of democracy. The study covers the issue of extent to which institutionalization of AHWA was done/has been done by Walisongo and NU. Also, to look into the contribution of the practice of AHWA to better promoting deliberative democracy amongst political society. How had AHWA been institutionalized significantly during the era of Walisongo, for ensuring good and corporate governance and how has NU adopted of it?

## **LITERATURE REVIEW**

Political development involves one crucial dimension, i.e. democratization. Challenges in this path to democratization have been very obvious: adoption of advanced democratic nations in Europe and the U.S. by countries in Asia & Latin Africa has resulted in a variety of malpractices of democracy. Such malpractices in Indonesia to a greater extent are caused by misconception of the value of deliberation mandated in the Constitution (Zamharir & Lubis, 2015; Kawamura, 2011). Adoption from other cultures and historical context frequently negate the existing socio-political values and institutions. Typical example may best be shown in Chandra’s study: Though India adopts secular-libertarian democracy of the U.S., India proves to be a nation of patronage democracy, with constituents—political leader relation that is built on ethnicity bases for the sake of trickling down economic well-being (Chandra, 2004). In the theoretical aspects, adoption of either direct democracy or representative democracy could make a democracy in a particular nation un-working (Wilpert, 2005). Among the most current theory of political development is TDD that takes into account local political values and institutions. The theory confirms what is in Taiwan’s context named consensus conference or Democracy’s Dharma (Zamharir & Lubis, 2016). TDD emerges more contemporarily to revitalize both the Theory of Direct Democracy and Theory of Representative Democracy. Representation has been revitalized by the idea of involving larger segments of the society and through two simultaneous vehicles—formal representation and informal one—all these are generated from what Habermas calls the necessity of communicative rationality and public discourse, or the significance of public deliberation (Habermas, 2015). In Malaysian context, political culture has been elite deliberation (Sani & Hara, 2007).

The term *Ahlul Halli Wal 'Aqd* (AHWA) in the past had different conceptualizations. Of the three interpretations of AHWA by scholars, interpretation by an-Nawawi does represent the very meaning of AHWA—in which deliberation is paramount a long with the selected elites with competence & integrity. It was al-Mawardi who defines AHWA in a more appropriate sense : AHWA is *ahl ikhtiyaar*, (literary means the competent figures to make choices) whose main task is “*memilih salah seorang diantara ahl al-imamat (golongan yang berhak dipilih) untuk menjadi khalifah*” or finding the best candidates for president. (al-Mawardi in Bay 2011, 218).

Nowadays, in Indonesia, there are interpretations that seem to have downgraded al-Nawawi’s criteria especially when AHWA and the institution of people’s representatives in Indonesia—*Dewan Perwakilan Rakyat* (DPR) and *Majelis Permusyawaratan Rakyat* or MPR—are carelessly equalized by some scholars (Bay, 2011; 173-174). Mawardi’s concept has been applicable in NU’s practice of AHWA to elect NU’s top leader, the Rais Am. Santoso (2013) notes that AHWA mechanism was mandatory in electing a leader. Such a mandatory status was expressed by Middle Ages scholars like al-Baqillani, Ibnu Taimiyyah, and Ibnu khaldun (Santoso, 2013; 50).

**Table 01: Concept of AHWA**

Interpretation Dimension	Abduh & Ridho	An-Nawawi	Mainstream Indonesian Scholars
Substance	Extension of members of AHWA	Few elite membership	Similar to the role of DPR
Personal Qualification	Softening the criteria	Strict criteria	Neglecting strict qualification
Elite deliberation	A few elites	A few elites	Representatives by both elites & common people
Talking - Centric (Deliberation)	More or less	Full	More or less

In Indonesia, Islamic studies on state and government have been minimizing the legacy of AHWA. While the studies generally presume to accept pluralist perspectives—many scholars put Islamic theory as complementary to nation-state idea—AHWA has been deleted; the significance same valuable values such as deliberation and the crucial role of a few of prominent figures with trust and integrity to be elected for leadership has been in extinction. Such negligence may be one of the consequences of lack information of what in now days called Theory of Deliberative Democracy (TDD).

The prime element in AHWA is syura or deliberation and consensus by religious elites (in Arabic it is *ijma'* by ulama). Though this elite theory of consensus has been challenged by al-Banna, the theory is still in use by Islamic organizations. AL-Banna's work expressed a theory of Islamic state more of populist approach. He builds his political theory on a reinterpretation of the Islamic political doctrine of the consensus.

*Traditionally, the right to practice consensus had been relegated to the religions elites ..... but Al-Banna—emphasizing the notion of equality in Islam, turn down any suggestion of particular privileges to any elite and institute organization of intellectual and political elitism. Conversely, “consensus” in al Banna’s discourse becomes the source of freeing the community from any obligation to follow one or another interpretation of Islamic law imposed on the community without its consent (Vicute, 2018).*

Such a syura was first practiced on two steps—elites and the public. Concerning the successor of the Prophet Muhammad PBH, basing on Ibnu Hisyam & Ibnu Qutaibah, two notable historians, Abdalbaki (2008, 63) wrote :

*“Eventually, Omar nominated Abu Bakar, and the leaders of the Muhajirin and Anshor expressed their consent by giving the bay’ah pledge to Abu Bakar this private or elite bay’ah was followed by a public bayah on the following day, when almost all the tribes and clans came in groups and pledged the oath of allegiance to Abu Bakar although Ali and his supporters believing that the khilafah should be hereditary in the prophets family, initially rejected the process and outcome, they eventually gave their consent and submitted their bay’ah before Abu Bakar, whose leadership enjoyed a broad consensus among the Muslim ummah.*

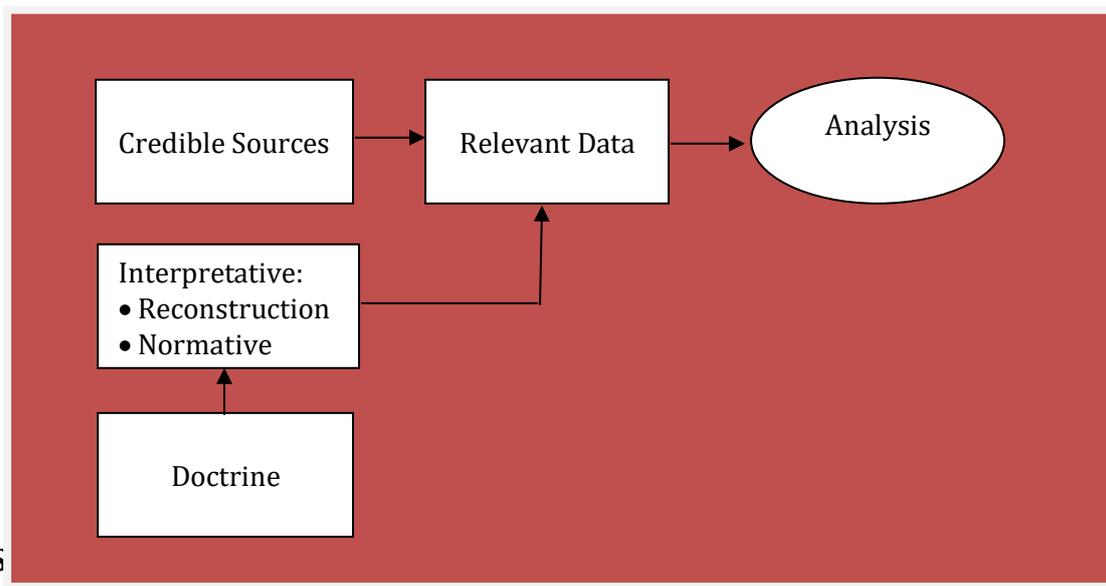
This succession took place in the setting of pluralist political system (with Muslims being the dominant) in the city-state of Madinah in 6<sup>th</sup> century; such a sense of pluralism is also a phenomenon in the current history of Indonesia as Abdalbaki referred to *Tempo Magazine* of 19 April 2004 (in which Hidayat Nur Wahid of PKS Islamic Party was interviewed).

## **METHOD**

The study is a qualitative research, employing meta-analysis: results from previous studies—findings and conclusions—are re-analyzed within the theoretical perspective that are used in the study. Data are collected from e-journals mainly accessed on Google Scholars. Relevant data are selected: the main data are the practice of AHWA by

Walisongo in Nusantara and the practice of AHWA by NU in Indonesia. The conceptual bases of AHWA is traced through the past legacy of the early Muslim society during the life of the Prophet Muhammad and Salafi generation. The approach to the study is historical following the historical approach to the study of political thought for the sociological dimensions and normative from the doctrinal dimensions. Epistemological umbrella is constructivism. The chart below describes the method.

**Chart 01: Method of The Study**



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### Elite Deliberation by Walisongo

Though different approaches to theorizing the early coming of preaching the religion of Islam across Nusantara emerged (Syafrizal, 2015), it has been acknowledged that prominent ulama were considered key figures in the endeavor beginning in the 15<sup>th</sup> century, and later on the term Walisongo become well-known. While the naming refers to Nine Saints, the real number of prominent ulama are more than nine. The most well-known are: (1) Sunan Ampel, (2) Sunan Bonang, (3) Sunan Kalijaga, (4) Sunan Gunung Jati, (5) Sunan Drajat, (6) Sunan Giri, (7) Sunan Kudus, (8) Sunan Muria, and (9) Syeikh Maulana Malik Ibrahim (who was the patron of all the Saints) (Syafrizal, 2017; 245 – 252). Those saints were regarded as having pursued higher ranks in the science of Islam, including the spiritual level of *wali*. And from the progress made by them in the spreading of Islam, they became religious and social leaders—and as Islamic kingdoms emerged, they became religious elites, exercising the AHWA functions and performed the tasks of AHWA.

Very few scholars may have realized the fact that these elites of ulama, Walisongo, took an initiative to institute **trustees**—one term in political science, denoting representatives as a **trustee**. AHWA in times of Walisongo was more in relation to political system—along

with the roles of religious preaching. By such trusteeship of all the nine wali-s (or plurally it was *wilayaat*), a few of them appointed trustees, acting as the heads of the board of trustees. During Walisongo's firm influence over Muslim Ummah in Java beginning in the 15th century until the coming era of colonization (19<sup>th</sup> century) AHWA firmly performed the main tasks of appointing a king of Islamic kingdom and playing the crucial role of controlling over the performance of the respective rulers that were supposed to do the work in compliance with Islamic law, *syari'ah*. Under such a trusteeship, the Nine Saints exercised the authority to deliberate on governmental matters such as enacting rules as the general guide for the respective kings. As Kasdi explained, there were periods of Walisongo trusteeship, of which the fourth period, beginning 1466, the successors of trusteeship were Raden Patah and Fathullah Khan (Kasdi, 2017).

### **The Practice of Elite Deliberation by Nahdlatul Ulama**

Since 1920s, the big, mass-organization of Nahdlatul Ulama (NU) has vastly given contribution to the socio-cultural and religious transformation in the country. It was only the year 1984 beginning of the light of NU intellectualism, with Abdurahman Wahid or Gus Dur being the leader. "*Gerakan Intelektual ini kian gencar terutama setelah Gusdur terpilih sebagai Ketua Umum PBNU pada 1984 dalam Muktamar NU ke-27 di Situbondo Jawa Timur. Gusdur bahkan kemudian menghidupkan mesin NU dan tancap gas lewat gerakan pemikiran inklusif*". (Adnan, 2009). The socio-organization of NU has been described as having four periods of its existence: the era of socio-religious organization (1926-1945), the era of more politicized when becoming federative political party of Masyumi (1945-1952), the era of becoming full political party (1952-1973), staying away from Masyumi, the era of being fused within single party, PPP (1973-1984), and the era of returning to its original ideal, to become socio-religious organization (1984-up to the present) (Ismail, 2011; 247-248).

Nahdlatul Ulama was established partly as a defensive response to the emerging force of a puritan, anti-tradition School of Islamic Thought of Wahhabism during the global transition in the Islamic World in 1924, when Utsmany Empire or Caliph was abolished and was followed by the existence of nation-based Muslim countries. One of them is the Saudi Arabia state whose establishment was supported by and in collaboration with this Wahabbism, that was anti-tradition practices prevailing in some segments of the societies across the Islamic World.

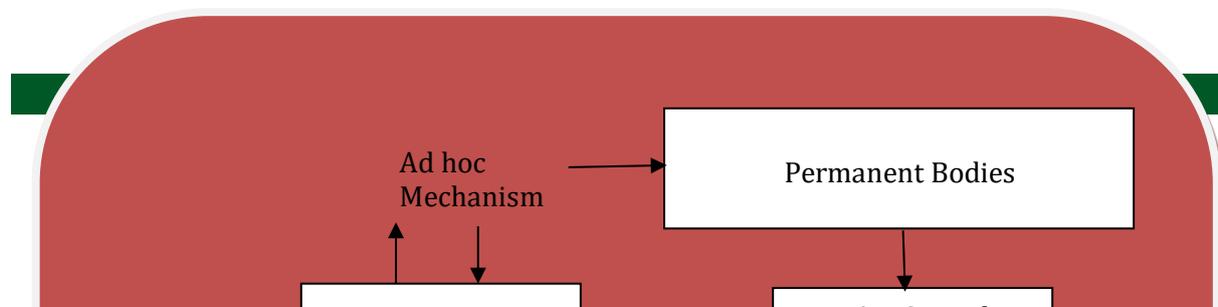
The first practice was in 1926 (Gunawan, 2017): efforts were exerted in mainly Middle East to consolidate another unified caliph. Indonesian ulama were represented by Modernists Muslim to attend the session known as Komite Hijaz in Saudi Arabia. Traditionalists ulama, for the purposes of ensuring the "traditional values" to be protected, made their own "Komite Hijaz", and made special envoy to negotiate with the King of Suud, on such matters of embedded-ness of Islam with Indonesian traditions and

prevention of the grave of prophet Muhammad in the City of Madinah. These efforts were made in consonance to the “threat” posed by the emergence of Wahhabi’s approach to understanding Islamic doctrines. The mission was successful. It was from this deal that traditionalist Muslims in Nusantara gain their legitimacy to keep tradition in symbioses with normative Islam, and from then on initiative was made to establish NU. 1926, approximately 20 years *before* the independence of Indonesia, marked beginning of a rough bipolarity of Muslim society in Indonesia—“Traditionalists” and “Modernists”.

The second practice was more of elite deliberation in 1945 performed by the most prominent NU leader and Soekarno: it was when deliberation at the BPUPK(I) had resulted the negotiating formula of the basic philosophy of the new born Indonesia, Pancasila, on 22<sup>nd</sup> of June—or 21 days after Hari Lahir Pancasila—Soekarno payed a visit to the *wali* of Nahdlatul Ulama, KH Wahid Hasyim in Surabaya, with his prime intention to obtain Hasyim’s confirmation on the formula of compromise. These two prominent figures may have deliberated on the matter—with an addition of Hasyim’s own spiritual “visit” to God.

The more contemporary practice has been done by NU. In NU’s MUNAS or National Deliberation in June 2015, it was agreed that AHWA be applied in the election of the NU top leader or Rais Am (Ubaidillah, 2018). It was agreed that AHWA members of elite ulama be nine (9) persons with the mechanism of the election on deliberation among the nine prominent ulama. Qualifications were also specified—one of the qualifications were ethical dimension, i.e. *Wara* or spiritually low profile, *zuhud*, or pursuing his life with asceticism, sense of fairness, very well-informed of the religion of Islam, persons with integrity, *tawadlu’* (humble), and persons with strong influence. These items of dimension of spirituality and integrity are very likely unavailable in qualification required by modern idea of political representation. Steps to come to obtaining candidates for AHWA members are as follows (Rahmah, 2016): First, at the representation phase, a large number of representatives coming from NU Branches and NU provinces were made available by the respected units. It was also decided that nominees for being Rais Am were either persons from AHWA members or outside AHWA. There were 505 persons from NU Branches and 35 persons from NU Province respectively. The procedure was that nine candidates for AHWA members were nominated by every branch and province, on balloting technique, for final counting on ranking basis. Those having the highest votes were declared to be the AHWA members. Second, at the elite deliberation level, the nine members deliberated to come to final choice and decision on who the Rais Am would be. And at the AHWA session in August 2015 KH Ma’ruf Amin was elected Rais Am for 2015-2020 period.

**Chart 02: The Practice of AHWA in NU in 2015**



From the chart it is observed that—compared to the practice by Walisongo—It should be something astonishing that the institutionalization of AHWA is sharply different. AHWA was already institutionalized in the era of Walisongo. However in NU, the practice of AHWA was a mere ad hoc mechanism, as an extra procedure within the permanent structure of NU organization. When the elected person becomes Rais Am, he enters the formal organization; AHWA then no longer exists. In other words, at the representation phase, the formal organization was used as vehicle to obtain Rais Am. As the stage enters the elite deliberation by AHWA, this mechanism is used only on temporary basis.

The fact that the practice of AHWA by the big Islamic organization has yet been established, or a mere ad hoc procedure is supported empirical data by Rahmah (2016), who interviewed several brand managers of NU. Among Rahmah's data are the following: (a) before Jombang Congress of NU, when direct democracy was the procedure, the election brought with it complaints on such thing as money politics, intervention of political party/parties and violation of the organization rules of the game; (b) fixed format of AHWA mechanism is as yet formulated with its application has not gained legal

acceptance; (c) direct democracy in NU organization open larger room for “dirty” play of game; (d) though in term of normative level, AHWA is already formulated in the past by authorized *fuqaha*, AHWA in NU has yet been formatted sufficiently; (e) there is a need for further improvement. Rahmah’s data do indicate significant weaknesses on the part of NU activists: the weaker the qualification of representation the more dangerous the democratic processes. To avoid the drawback, AHWA was employed—more on practical purposes and not of mandatory. “dirty” politics was expected to be minimized as AHWA mechanism presumes the presence of a few top ulama with high integrity and trust.

## DISCUSSION

As the culture of consensus and deliberation has been imbedded in politics, it may be time to implant AHWA in a larger setting. First within NU domain, NU may initiate making AHWA more institutionalized within its organization: (a) in electing top leader or Rais Am. Currently the rationale for applying AHWA in 2015 was more on practical account—that is to minimize the influence such as money politics. It should be time to further apply it on account of the doctrine of syura through AHWA procedure in case electing top leader; and (b) such an institutionalization may further be applicable in case of NU’s contribution to political domain. As NU in the past had contributed to the final affirmation of Pancasila in 1945, nowadays NU may further contribute to installing NU’s prominent figure—within AHWA mechanism—in the candidacy for president or vice president of Indonesia. Through this legitimate mechanism, there will be a better sense of representativeness and responsibilities. In 2019 candidacy for vice presidency of KH Ma’ruf Amin, AHWA has not been in use as the mechanism for his candidacy—but rather by-passing it. By-passing would hypothetically lead to minimize sociological legitimacy, sense of trusteeship: other few prominent ulama may have not felt that they install him, representing NU society.

Second, the larger setting beyond NU domain. As was the case of the practice of AHWA by Walisongo who exercised AHWA’s authority within the political system of the respective kingdoms, it may be advisable that such a practice be implanted by collaboration amongst other Muslim organization: instead of instituting federation of political forces across the Muslim society, initiating elite collaboration within the framework of AHWA seems more reasonable.

## CONCLUSION

Democracy has been in danger in Indonesia recently—as are also the cases of many complaints that are expressed concerning malpractices of democracy prevailing in democratic countries in developed as well as developing countries. This failure of democracy is especially associated with the right of all segments of the society to elect leaders employing popular votes. All these should be overcome.

In view of the significance of culture context idea of political development, countries whose people are mostly Muslims could benefit from the political idea of AHWA whereby elite deliberation is done. Initiatives should be taken by especially academics to discuss views about consensus and deliberative democracy. For this purpose, the practice AHWA by NU and the legacy of Walisongo in pre-independence era may be of some value to the efforts. Nowadays, with malpractices of direct democracy resulting among other from the spread of bad morale among the segments of the Indonesian society, especially among the political society, it can be right time to re-institute AHWA whereby a few prominent persons with integrity and trust are given authority to elect candidates for top leader like the one in NU organization, or CEO in the central government, with the institution of modified AHWA.

So far as culture context development in political theory and practices, it may be worthwhile if we benefit the legacy of *demokrasi berjenjang* (literary means step-by-step/multi-staged procedure of democracy) in Hatta's term. This would apply in accepting the legacy of Islamic civilization of AHWA. Such an acceptance has been partially practiced in NU big organization but its mechanism is to be improved

In view of Sunni's political theory that puts consensus through elite deliberation (and further put through public consent) top value, the adoption of AHWA should also be exercised across Muslim Ummah, an extension of currently practice in NU. Such a misconception arises out of commonly the view that democracy generally means that all people enjoy political right on more or less direct democracy basis. Nowadays with the emergence of more current theory of democracy electoral votes and deliberation by elites are also a significant modality of democracy.\*\*\*

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