A Study of the Influence of Religious and Nationalist-Based Political Parties in the Compilation of Legal Products Based on Legal Regulations

Dedy Suwandi[1]

Abstract

The ideology of political parties is divided into four categories: parties with Islamic ideology, secular nationalist ideology, religious nationalist ideology, and parties with Christian ideology. The regeneration process will bring out prospective leaders who have been tested in carrying out organisational work or society, and then the emerging decisions will be directed at achieving the goals of the country. These party cadres make a reflection of political parties related to ideology, which is expected to make policies in accordance with ideology, through being regional leaders. The research method used is sociological juridical with a qualitative descriptive analysis approach to obtain the answers to the problems studied, supported by secondary data and other data. When referring to the party principles owned by each political party, in general, political parties are based on three ideologies: Islam, Nationalism and Democratic Socialism. Political parties have an obligation to be able to build their own capacity; therefore, they have sufficient capability to fulfill what has been mandated by law. The fading of ideology has weakened the ties between political parties and their members, which in turn has resulted in the weakness of organisational networks. This condition leads the political parties to face an extreme dilemma. The way to collect party funds is by making policies that benefit certain parties. However, with transactional politics, the policies taken are not pro-people. The importance of the party's stand in policymaking is marked by their close relationship with elected and appointed political officials. For this reason, the party can see its role and influence in public policy using organisational theory. This fact shows that political parties are a more powerful element in the policy-making process than they should be.

Keywords: *Political Parties' Influence, Based on Nationalist Religion, Legal Products.*

Introduction

After Indonesian independence, the phenomenon of political parties emerged in Indonesia (Kastil Herbert Peith and Lance,1988) The party has a foundation or principle in the form of Qur'an and Sunnah, as well as the Ijtihad [the original interpretation of problems] of the Islamic scholars. Therefore, it can clearly be seen that the purpose of the emergence of Islamic political parties, at that time, was to be able to apply the rules in accordance with Qur'an and Sunnah However, many politicians consider themselves to belong to Islamic parties, but do not make their presence in politics as a role model for the state (Lubis Nasution, 2022).

Steger defines ideology as a system of spreading ideas, beliefs that form a system of ideal values and norms and rules that are accepted as facts and truths by certain groups (Nanda A,2019). According to Lane, ideology is characterized by; First, political ideology deals with the question of who the leader will be, how they are chosen, and on what principles they lead (Maria S,2020). This will relate to what kind of leader is appropriate to lead the community at large, whether the issue of religiosity, social life, wealth, academic ability, physical or appearance, ethnicity or ethnicity, male or female, is considered, in addition to how to get a leader with these criteria.(Luthfi H,2021) Whether it is based on heredity (closed stratification) or not as long as there are several criteria as explained above (Kurniadi F, 2019). Second, ideology contains a myriad of arguments for persuasion or against opposing ideas (Jaya E, 2020) Third, ideology greatly influences various aspects of human life, starting from the aspect of economy, education, health, welfare, and so on. The ideas that exist in this ideology will obviously start with ideas about what kind of society is to realize (Halim A,2022). From an economic point of view, this will relate to the issue of wealth: how the distribution of existing wealth is, whether society given as much free space as possible in pursuing wealth (Firmansyah,2011).

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[1] Soekarno Hatta Street, Kec. Pedurungan, Semarang Regency, Province Central Java, INDONESIA, Email: dedysuwand1@usm.ac.id, Email: dedysuwandi111@yahoo.com.

Meanwhile, Asep Nurjaman grouped the ideologies of political parties into four categories: parties with an Islamic ideology, parties with a secular nationalist ideology, parties with a religious nationalist ideology, and parties with a Christian ideology. (Gita L, 2019) Indeed, the classification is highly *debatable* because the classifications will be different by using different indicators. (Fauzan I, 2020) Islamic ideology is used if a party uses Islamic terms in its AD/ART, while for religious nationalism, although it does not mention Islam explicitly, AD/ART includes religious and moral values. (Erika S,2021) Meanwhile, Nationalism does not mention Islamic terms, morals, or values of religious teachings in its AD/ART. (Dini A,2019) In addition, Christianity occurs when it explicitly includes values, terms or teachings in Christianity in its AD/ART.

Political Party Ideology Map Table

NO	Ideology	Political parties
1	Islam	Partai Bintang Reformasi, Partai Persatuan Pembangunan, Partai Persatuan Nahdlatul Ummah Indonesia, Partai Keadilan Sejahtera, Partai Bulan Bintang
2	Secular Nationalists	Partai Kebangkitan Bangsa, Partai Amanat Nasional, Partai Sarikat Indonesia, Partai Golkar, Partai Keadilan dan Persatuan Indonesia, Partai Patriot Pancasila, Partai Demokrat, Partai Persatuan Daerah, Partai Merdeka, Partai Indonesia Baru, Partai Persatuan Demokrasi Kebangsaan.
3	Religious Nationalist	PDI-P, PNBK, Partai pelopor, PNI Marhaenisme, Partai Penegak Demokrasi Indonesia, Partai Buruh Sosial Demokrat.
4	Christian	Partai Damai Sejahtera

Source: Asep Nurjaman, ejournal.umm.ac.id

Like the function of political parties as a means of recruitment: political recruitment is the selection and appointment of a person or group of people to carry out a number of roles in the political system in general and the government in particular. (Citra P, 2020).) From the regeneration process carried out by political parties, candidate leaders will emerge who have proven theoretical or conceptual abilities and practice in carrying out organisational or social work. (Budi H,2021) As our country is simplified into an organization, the role of the leader is the main thing, in which the decisions will then emerge that are directed at achieving the goals of the organisation (state). (Agus R, 2022)

These cadres from the party are the people who make a reflection of political parties related to ideology. (Zainuddin F, 2020) It is expected that in the future, when they become leaders, they can make policies in accordance with party ideology, not in contrast to party ideology. (Yahya M, 2021) Obviously, this policy is not limited to central government policies through the president, but also governors, mayors, or regents. (Xenia K,2022) Along with regional autonomy, the regions have broad authority to manage households in order to create a prosperous society. (Wibowo S, 2019) With the amount of authority they have, it is a good opportunity for political parties to make policies as a form of manifestation of party ideology in the regions through local leaders. (Prasetya,2011) It is interesting to examine how religious-based and nationalist-based political parties influence the preparation of legal products based on statutory regulations.

Research Methods

This research applies a sociological juridical research method with data sources obtained through book literature and written documents relevant to the preparation of legal products based on laws and regulations. The data is then processed and analyzed using descriptive, interpretative, and hermeneutical analysis methods. Then, the data analysis is concluded with the heuristic analysis method. This resulted in the discovery of the pattern of influence of religious-based and nationalist political parties in the preparation of legal products based on statutory regulations.

Results and Discussion

To better understand the pattern of influence of religious and nationalist-based political parties in the preparation of legal products based on legislation, in this section of the paper, the author describes the institution of religious and nationalist-based political parties and the regulation of religious and nationalist-based political parties.

Religious and Nationalist-Based Political Party Institutions

The choice of implementing democracy as a way to manage the life of the nation and state urges one important instrument of democracy, which is political parties (Vira L, 2020). In democracy, political parties are the soul and spirit. Without political parties, democracy cannot work and run. Thus, the work and function of democracy depend on political parties. *The Netherlands Institute for Multiparty Democracy* (NIMD) states that there are at least three reasons why political parties are necessary for democracy to function. (Taufik H,2022). First, political parties are the main vehicle for political representation. Second, political parties are the main mechanism for administering government. Third, political parties are the main channels for maintaining democratic accountability. (*Netherlands Institute for Multiparty Democracy* ,2006)

In the formation of political parties, the influence of primordial relation shows its existence in the organisation of political parties. The influence of primordial relation such as religion, ethnicity, and regionalism increasingly occur in influencing the organisation of political parties. (Sari N,2020) This was done in order to gain mass support. (Rizky Y,2021)

The support of political parties also tends to follow socio-religious differences, as reviewed by Clifford Geertz who sees that the existing political parties follow religious lines among Islamic abangan, priyayi and santri groups. (Qomaruddin Z,2019) Islamic abangan and priyayi groups are supporters of secular political parties, while Islamic santri group supports religious political parties, particularly Islamic political parties. (Putri E, 2022)

The organisation of political parties also follows the line of thought as stated by Herbert Feith and Lance Castle. (Nasution M, 2021) These two *Indosianists* say that the political parties that existed after Indonesia's independence were the embodiment of currents of thought that existed in Indonesian political society. (Oktavianus A,2020) Herbert Feith and Lance Castle analysed Indonesia's post-independence political society from 1945 to 1965. According to these two Indonesian political experts, there were five political currents in Indonesian political society: Islamic Nationalism, Radical Communism, Socialism, Democrats, and Javanese Traditionalism. (Herbert Peith and Lance Castle, 1988)

Selnantara Daniel Dhakidae classifies post-New Order political parties on two main lines, namely the class path and the flow path. Parties that take the class route differentiate themselves based on their view of capital, which ultimately divides society into the classes of capital owners and workers with all its complexities. Parties will differentiate itself based on its perspective of the world, its problems, and how to solve them (Farid A, 2020). Religion and culture are their choices. Furthermore, Dhakidae explained that the political parties participating in the 1999 election had two axes that separated them, namely the vertical axis and the horizontal axis. (Imam N, 2021) The vertical axis separated the two poles, namely parties based on religion and nationality. The horizontal axis also separated the other two poles based on class, namely developmentalism. and radical socialism. (Daniel Dhakidae, 1999)

However, the number of political parties has sparked criticism from the public. The existence of political parties in this reform is not directly proportional to the functions they carry out (Kurniawan A, 2022) This means that the existence of political parties as one of the pillars of democracy that will strive for people's aspirations and interests is inversely proportional. The existing political parties have disappointed people. They do not strive for the aspirations and interests of the people but, instead, for party groups and personal interests (Maulana R, 2019). Based on this, instead of political parties striving for people's interests, or at least their constituents. On the contrary, political parties tend to be busy striving over positions of power and money. Meanwhile, the problems that entangle people are left unchecked, such as injustice, poverty, insecurity, and threat of horizontal and vertical conflicts (Dewi S,2019).

Currently, parties in Indonesia, both based on the number of parties, between parties within ideological distance, and the institution of party, seem to suffer from a number of problems. In terms of the number of political parties, it can be seen that the current multiparty system is extreme. This is because the number of political parties that exist is extremely numerous. With this numerous numbers, of course, this in turn disrupted the stability of the government because the forces that emerged were relatively balanced. In addition, from an ideological perspective, political parties are fragmented, making it rather difficult to work together and form coalition. Meanwhile, from an institution point of view, the existing political parties also suffer from problems (Lili Romli, 2008).

The problem is that the current multiparty system is experiencing an expansion of fragmentation, which in turn will complicate the decision-making process in the DPRD [Regional Legislative Council] legislature. The decision-making process will be coloured by short-term political negotiations and ignore the public interest. There needs to be an agenda for simplifying the party system (Cahyadi D, 2020).

There are several factors that must be considered with regard to political parties in Indonesia today. First, political parties have not become public institutions that have responsibility or accountability to their voters. During the New Order era, political parties became the ruling political machine; therefore, political parties were more directed towards perpetuating the power of the status *quo rulers*. When entering the era of reform, political parties seem surprised by the high expectation of society but are not supported by good institutions. Current political parties have not demonstrated accountability to their constituents. (Ahmad M,2022).

Second, political parties are trapped in an oligarchic form in the strategic decision-making process. The tendency shows that political party decision making is closed and only determined by a small group of party elites. The problem of internal mechanisms in decision making is characterised by the centralisation in decision making. The role of the central board is still dominant, and sometimes it differs from regional aspirations (Eka R, 2021).

The third relates to the implementation of party functions. Broadly speaking, the functions of political parties include those of political education, political recruitment, political communication, interests articulation and aggregation, and conflict resolution. Regarding the functions possessed by political parties, complaints arise that they have not carried out their functions optimally (Bakri A, 2021).

When referring to the party principles owned by each political party, in general, political parties are based on three ideologies: Islam, Nationalism, and Democratic Socialism. Of the three ideologies, most of the existing political parties are based on the ideologies of Islam and Pancasila Nationalism.

Table of Various Principles of Political Parties

NO	Principles of Political Parties	Political Party Name
1	Pancasila	PDI-P, Golkar, PD, PDS, PKB, PAN, PKPI, PPDK, PPDI, PSI, PPD, Pioneer and Patriot Pancasila
2	Pancasila and the 1945 Constitution	PBSD
3	Pancasila is based on kinship and mutual cooperation	Freedom Party
4	Justice, Democracy and Pancasila	PPIB
5	Islam	PPP, PKS, PBB, PBR, PPNU, PMD, PKNU
6	Bung Karno's Marhaenism	PNI Marhaenism and PBNK

Source: Tomi Legowo. Pemilihan Presiden Langsung [Direct Presidential Election]. Jakarta: Ristek. 2004. p. 63.

Islam, as an ideology owned by Islamic parties, basically has no difference between one Islamic party and other Islamic parties. Likewise, religious values, especially the concepts of *aamar ma'ruf nahi munkar* [a call to maintain what is right and forbid what is wrong] and *rahmatan lil alamin* [brings grace and prosperity to

the entire] taken from Islamic teachings adhered to by PAN and PKB are basically the same as those two Islamic parties. The difference lies only in laying down the principles of Pancasila, nationalism, pluralism, and openness to PAN and PKB as the examples. (Indra P,2021)

On the other side, PDIP and the Democratic Party were basically born from the same ideology of nationalism. However, in translating nationalism as an ideology, the Democratic Party and PDI-P have different views. The spirit of nationalism, according to the Democratic Party, is interpreted as not distinguishing race, ethnicity, gender, profession, religion, or belief in God Almighty. Meanwhile, the PDI-P is of the opinion that nationalism is related to nationalism as a spark of a sense of belonging to the nation and state, which must be maintained for its longevity. The basis of nationalism attached to the PDI and then continued by the PDIP was taken from the Marhaenism conception adopted by the Awakening of PNI 1927 which was the forerunner of the PDIP nationalist ideology (Lestari P, 2020).

Based on the ideology of nationalism, marhaenism, PDIP also took on its identity as a people's party. The problem that arises is that the ideology of each political party has not been formulated and translated into a real and concrete form. In general, the existing political parties are still fixated on the abstract ideology that they adhere to, and the ideology that they have not yet been concretised in the form of a platform blueprint in the form of real programmes and policies. Even if there are programmes and policies that they formulate, they are still general in nature.

Regulation of Religious and Nationalist-Based Political Parties

In the formal structure of legislation in Indonesia, arrangements regarding political parties are regulated in Law Number 2 of 2008 concerning Political Parties, but some articles of the law were amended through Law Number 2 of 2011 concerning amendments to Law Number 2 of 2008 concerning Political Parties. This law touches on arrangements for the institutional management of political parties, including those concerning organisation, party finances, and party conflict resolution (Jamil F, 2020).

Article 11 paragraph 1 of Law Number 2 of 2008 about Political Parties states that the functions of political parties in Indonesia are: 1) to educate members and the wider community about politics so that they can become Indonesian citizens who know their rights and responsibilities in social, national, and state life; 2) to create an environment that is good for the unity and integrity of the Indonesian nation for the good of society; and 3) to represent the interests of the people; (4) to be a means of political participation of Indonesian citizens; and (5) to provide political recruitment in the process of filling political positions through democratic mechanisms by taking into account gender equality and justice (Gunawan T, 2019).

Political parties have a duty to develop their own capacity in order to be able to carry out the laws' requirements because of the numerous functions they perform. However, the reality in the uniqueness of Indonesian society, which is plural, both in terms of customs, ethnicity, religion, education level and social stability, is the challenge that must be accommodated by every existing party (Umar W, 2021).

When examining the articles of association that belong to various parties, it is clear that the provisions therein have catered to needs like internal democratic values, platforms, internal cohesion preservation, and others.

When political parties become election machines, they need enormous resources so that the machine can function optimally in gaining voters' votes. On the other hand, the fading of ideology has weakened the relation between political parties and their members, which in turn has resulted in the weakness of organisational networks. This is where political parties face a big dilemma: on the one hand, to maintain influence and gain people's votes, political parties need large funds; on the other hand, the numerous amounts of donations makes political parties dependent on donors so that they can be trapped in the donors' interests and forget the mission of striving for people's interests.

One way to collect party funds is by making policies that benefit certain parties. Moreover, this illegal mode also occurs in provinces and districts/cities. The high political fragmentation in the provincial and district/city DPRD is a challenge for local leaders in making decisions.

However, with transactional politics, in which the local leaders divide social funds from APBD [Local Government Budget] among provincial and district/city DPRD, the government continue to run, even though the policies adopted are not pro-people.

From the perspective of the choice of policy specifications, various parties involved as actors in policy formation generally do not have an important role. However, elected officials and their political officials are generally recognised as very important in determining choices as decision makers. Thus, the shift of political parties from civil society to the state and their dominance in public institutions signifies the growing importance of political parties in policymaking. In addition, compared to other actors, the importance of the party's position in policymaking is indicated by their close relationship with elected officials and political appointees. This shows all the actors as connected elements of the party organisation. For this reason, by using party organisational theory, one can see its role and influence in public policy. This fact is obviously because political parties are more powerful elements in the policy-making process than they should be.(Zahariadis, N. 2016)

PKS and PPP have produced legal products in the form of bills and political initiatives that reflect their religious views. The examples include bills on pornography and gambling based on Islamic views and promoting educational policies based on Islamic values, such as proposing to increase the teaching of the Islamic religion in schools and supporting the implementation of character education based on religious teachings (Hidayat S, 2022).

Religious-based political parties have produced a number of regional regulations. The following are examples of regional regulations that may reflect the religious views of religious-based political parties:

- Regional Regulations on the Implementation of Religious Education: Religious-based political parties can create regional regulations governing the implementation of religious education in schools. This regulation may include increasing the teaching of Islam or other religions professed by the political party.

- Regional Regulations on the Organisation of Worship and Construction of Places of Worship: Religion-based political parties can encourage the adoption of regional regulations governing the organisation of worship and the construction of worship places. This could include licensing requirements, location, or procedures for worship.

- Regional Regulations on the Protection of the Rights of Religious Minorities: Religious-based political parties can create regional regulations aims at protecting the rights of religious minorities in the region. These regulations may cover protection against discrimination, religious freedom, or the maintenance of minority worship places.

- Local Regulations on the Prohibition of Alcohol: Religion-based political parties can encourage the adoption of local regulations that prohibit the sale, production, or consumption of liquor in the region. Their religious views that forbid alcohol can be reflected in these regulations.

Conclusion

Ideology is a system of spreading ideas, beliefs that form a system of ideal values and norms, and rules that are accepted as facts and truth by certain groups. Meanwhile, Asep Nurjaman groups the ideologies of political parties into four categories: parties with Islamic ideology, parties with secular nationalist ideology, parties with religious nationalist ideology, and parties with Christian ideology. Herbert Feith and Lance Castle as Indonesian political experts, there are five political currents in Indonesian political society: Islamic

Nationalism, Radical Communism, Socialism, Democrats and Javanese Traditionalism. Article 11 paragraph (1) of Law Number 2 of 2008 concerning Political Parties states 10 functions of political parties in Indonesia, which means that political parties have an obligation to be able to build their own capacity; therefore, they have sufficient capability to fulfil what has been mandated by law. However, the reality that contains the uniqueness of pluralistic Indonesian society is the challenge that must be accommodated by every existing party. With transactional politics, the policies taken are not pro-people. From the perspective of the choice of policy specifications, the various parties involved as actors in policy formation generally do not have an important role. However, elected officials and their political officials are generally recognised as very important in determining choices as decision makers. In addition, compared to other actors, the importance of the party's position in policymaking is indicated by their close relationship with elected officials and political appointees. This shows all the actors as connected elements of the party organisation. For this reason, by using organisational theory, parties can see its role and influence in public policy. This fact is obviously because political parties are more powerful elements in the policy-making process than they should be. The resulting policies may vary depending on the political parties involved and the legal and political context in each region.

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