

One Dimentional View of Power with the Process of Islamic Law Implementation: The Relevance of Theory in the New Order Era

Deva Fatmawati¹, Mualimin Mochammad Sahid²

¹ Universitas Islam Negeri Sunan Gunung Djati Bandung, Indonesia

² Universiti Sains Islam Malaysia, Malaysia

Coressponding Author:

defathmawati36@gmail.com, mualimin.sahid@unim.edu.my

Abstract: *The Power is a dominative social relationship indicating the existence of a power possessed by a person or institution to impose his will. The relationship between power and law presents a functional pattern, namely power as a tool for establishing, enforcing and implementing law, while law for power is a tool for legalizing, controlling and providing a platform for accountability for power. By using the literature study method in writing articles, which in collecting sources come from books, scientific articles and other sources that are relevant to this discussion. The theory of one-dimensional view of power is a theory of power that ignores the context of power. If humans were to simultaneously increase their power, they would compete for control, resulting in a power struggle. Since the end of the Old Order regime, a political strategy has begun to be developed among the Muslim elite so that Islamic law in Indonesia can be applied. The development of Islamic law at this time experienced ups and downs, because the political strategy used by Suharto still followed colonial politics which caused disharmony between Muslims and the government. However, it was during this period that actually became the initial milestone in the development of Islamic law in a concrete way, starting from the formation of marriages to the Compilation of Islamic Law in Indonesian.*

Keywords: *Law, Power, New Order*

Introduction

In social life, power has an important meaning in law because power exists not only as an instrument of law making, but also as an instrument of law enforcement. Power is also associated with influencing (the ability to convince others). In the process of legal codification, especially laws regarding Religion, there is a political power mechanism in the legislative institution, where there are conflicts between

community groups to be compromised in order to produce a legal formulation that can be accepted by all parties. Law also has an important meaning in the concept of power because law acts as a means of legislating the formal power of state power institutions, government units and officials (Luthan, 2007).

The essence of law in the context of power in the opinion of Karl Olivecrona is "organized power" which means a set of

rules regarding the use of force, coercive nature by the authorities, and violence such as that carried out by thieves and murderers. According to Foucault, power is not possessed but is exercised in a scope within which there are many strategically interrelated positions. In the form of action or strategy to deal with unequal relationships is the concept of power emphasized by Foucault. A strong motivation to achieve something impacts control that others do not previously understand to satisfy the desires of those in power (Salsabila & Putri, 2019).

Power comes from knowledge and influence, where this knowledge will refer to individual development. Power can give rise to the perception that the main goal of politics is solely to gain power. This is a thought about abuse of power, which is often carried out by politicians (Rambe, 2019).

The context of power does not escape the existing theories of power. One of the theories of power is the one-dimensional view of human power as a subject in the process of power growth. If humans simultaneously grow in power, they will compete to control power and a struggle for power will emerge. If in the

New Order era there was a struggle for power then the related theory of power will describe the struggle for power since then.

Several conflicts related to power were very prominent in the transition from the old order regime to the new order. The chaos of the political crisis got out of control, marked by the PKI movement which was very aggressive towards Muslims and military groups until the repeal of the law carried out by Soekarno (Mahfud, 2020). In this incident, Muslims played a role in crushing the PKI, the NU and Muhammadiyah groups considered that fighting the PKI was a religious obligation, even the Aceh Ulama gave a firm statement that the teachings of communism were *kufr* and unlawful if adhered to by Muslims (Aseri, 2020).

The beginning of the new order began when the political system shifted from authoritarianism in a guided democracy regime to liberal democracy. However, it turns out that this type of leadership did not last long because the authoritarian system that was implemented in the previous era was still alive, this shift in the political system was only to tolerate

the new format of politics at the beginning of the birth of the new order.

The further development of Indonesian law aims to create a legal state that is in accordance with the rule of law, with a clean and authoritative government. Various efforts were used to organize the implementation to realize Pancasila and the Constitution consistently. The legal position in Indonesia highlights the characteristics of repressive law, which means it is contrary to the ideals of the Indonesian legal order. Strict control of Islamic political influence, especially among radical groups who are worried that they could undermine the power of the government as in the old order era.

The existence of Islamic law in Indonesia in political struggles cannot be separated from cultural understanding, because reconstruction is one of the things that can create national law in Indonesia. Muhammad Alim explained that the Indonesian state has the potential for legal development in accordance with Islamic law, because the realization of independent justice does not only support justice but also includes human obligations and rights.

As the main capital in the real institutional and legality of Islamic law, the constitutional foundation of the Al-Qur'an and Sunnah is also needed. In order to realize this, political strategies and accommodative steps are needed to the dynamics supported by the majority group within the frame of Pancasila democracy (Alim, 2010).

In contemporary society, every place where power occurs also functions as a place of knowledge. Scientific fields such as criminology, medicine, psychiatry, psychology, and theology emerged as a result of Foucault research. Production encouraged fields such as economics, sociology, and psychology to develop.

On the contrary, all knowledge enables and ensures the functioning of power. The desire to know develops into domination of people and objects. Knowledge occurs when power imposes itself on a subject without giving the impression that it originates from that subject. Because scientific criteria do not seem to depend on the subject itself. However, this statement is actually included in a power strategy (Syafiuddin & Arif, 2010)

Islam is presented through a structural approach, which incorporates political Islam into the power structure.

After the New Order regime collapsed on May 21 1998, this movement emerged. The sanctity of political remoteness is being questioned by public euphoria. Everyone has the right to participate in politics, and this accumulation resulted in 181 political parties participating in the 1999 elections, of which 42 were referred to as Islamic parties, with Islam as their ideology and symbol. According to Bachtiar Effendy, it is difficult not to say that political developments during the post-New Order period can only be seen from a formal legalistic perspective (Syafwan, 2010).

Method

By using the literature study method, in the process of writing this article the process of collecting data and the facts are obtained through books, scientific articles, reviewing historical elements, and other related documents so that theoretical knowledge is obtained based on the problems that will be discussed in the article. The nature of this study is analytical descriptive where the

presentation of the material presented is in the form of an explanation of political phenomena that occurred, then drawing conclusions about events that occurred in the New Order era.

In previous research written by Jamiliya Susantin entitled Politics of the Application of Islamic Law in Indonesia, in 2017. The results of this research were regarding government power which cannot be separated from the existence of the enforcement of a law. The meaning of this existence is the formation of a law, its application and form of enforcement in written regulations made by the Indonesian government in the form of a positive legal product. Political conditions had a big influence on the formation and application of Islamic law in the New Order era due to the rapid development of the cultural level, so that Islamic products were not widely legislated, let alone implemented.

Further research was conducted by Mochammad Muslim with the title The Influence of the New Order Legal Political Configuration on the Compilation of Islamic Law (KHI) in Indonesia, in 2014. The results of this research concluded that the legal political configuration during the

New Order era made the 1945 Constitution and Pancasila the basis for policy. The background to the formation of KHI was driven by the technical needs of implementing the law to be used in the Religious Courts, with a driving team appointed directly based on the Joint Decree of the Chairman of the Supreme Court and the Minister of Religion Number 07/KMA/1985 on March 25 1985.

Similar research was also written by Nurul Ma'rifah entitled *Positivization of Islamic Family Law as a Step to Renew Islamic Law in Indonesia: Study of the Political History of Islamic Law*. The Indonesian government is basically dominated by Nationalist - Secular groups who do not provide support for the Political Islam movement, but rather support the Cultural Islam Movement. The political Islam movement strengthened during the reform period but was often seen as making changes to state ideology and had no goals. The increasing movement has also resulted in legal products that continue to develop. More significant developments occurred during the New Order era, especially in Islamic family law, which began with the

ratification of Marriage Law No. 1 of 1974.

The aim of writing this article is to make the one-dimensional view of power theory relevant according to Robert Dahl, a political scientist from the United States. During the New Order period that occurred in Indonesia in terms of the application of several Islamic laws in Indonesia in particular, because during that period the first law was implemented, namely Law no. 1 of 1974 concerning Marriage. Therefore, the discussion in this article will provide an explanation regarding the relevance of applying a theory of the power struggle that occurred during the New Order era.

Results and Discussion

Power Struggle Theory One Dimensional View of Power

The discussion about power is something interesting and has never been resolved in the examination process, this has been going on since the ancient Greeks started it, and it still is. Power is usually associated with goodness, virtue, justice, and freedom by classical philosophers. Power is equated by religious thinkers with God. Political power is only a tool for the noble goals of the state, which include

justice, goodness, virtue, and freedom based on God's will and for God's glory (Khozin, 2012). Although political scientists disagree about what power means, it is widely accepted that power is a constant in the political process. Some of them even suggested the idea of power be abandoned because in fact it is so foggy, and close to emotional implications. In this way, politics without power is like religion without morals (Surbakti, 1922).

The concepts of influence, persuasion, force and manipulation are all closely related to the idea of power in the Treasures of Political Science. These five concepts are included in one type of power whose differences will be shown in detail by the following definitions. First; The capacity to influence others to change their attitudes and behavior is called influence. Second; Intention is the ability to persuade others with arguments to do something is known as persuasion. Third; Using one's power. In this case, he was influenced by his ignorance of the fact that his actions actually reflected the so-called manipulation of power holders. Fourth; Demonstrations of a person's or group's power or threats of coercion on another party to act and behave in accordance with

the owner's wishes, including attitudes and actions that are considered coercion, namely against the will of the affected person, such as arrest by the police, military interrogation, or reporting online regulations to the military. Fifth; The use of physical pressure to force another party to do something, such as limiting freedom, causing pain, or limiting the fulfillment of biological needs or what is meant by the term "force" (Srbakti, 1922). Behavior connected to the idea of power.

Robert Dahl claims that A has power over B, if A is able to make B do something that B clearly does not want to do. For example, if A makes B do something against B's wishes, this relationship cannot be considered power. The problem that lies in Dahl's formulation is how can we know experimentally whether the affected way of behaving is in accordance with his wishes or not? Because it could be that a nation has declared that the actions it takes are in line with the foreign policy of another nation, which takes place at the discretion of that country. However, in reality, this action was actually the influence of less well-known countries. However, the sharp boundaries and limited

scope of Dahl's formula are what make it interesting. In this case, effective use of power is necessary to make the other party behave in a way that is contrary to his or her wishes.

However, the formulation of power still needs to be completed because not all individuals can influence or exercise power. Consequently, power is usually defined as the capacity to use sources of influence to influence the behavior of others, as long as others act similarly. With the will of the party having an impact, more narrowly, political power can be defined as the ability to use resources to influence the making and enactment of political decisions in a way that benefits individuals, groups, or society as a whole. Furthermore, the one-dimensional view of human power as a process of power growth is a theory of power that ignores the context of power. If humans simultaneously increase their strength, they will compete for control, resulting in a power struggle. Robert Dahl, in his article entitled "The Concept of Power" provides an explanation of power as follows: "A has power over B to the extent that he can get B to do something that B would not otherwise do".

Furthermore, in another presentation in a similar article, Dahl provides an explanation of his intuitive but slightly different idea regarding power relations, he reveals that "to involve a successful attempt by A to get a to do something he would not otherwise do" (Agussali, 1998). If you pay attention to the first statement, it discusses what A has, namely capacity, referring to a result of A's actions, this is the second statement. In other words, it shows the difference between potential power and (potential power) and actual power from the first and second statements, and between having power (possession of power) and exercising it (exercise of power). The meaning contained in this second statement is "the exercise of power" which has the central point of Dahl's view of power.

Dahl's book entitled "Who Governs?" emphasizing the previous point centers around every choice made, opposed or ignored by all members. The next definition of this action is "individual success or failure." A participant is considered the most powerful or influential if his or her proposals are adopted more often than other participants' proposals (Agussalim, 1998). As a result,

it is clear that the pluralist camp uses this method. To identify power, pluralist researchers primarily investigate decision making. When pluralists talk about decisions, they are referring to decisions that deal with important issues, such as those that are not only important but also controversial and actually cause conflict (Agussalim, 1998). As a result, it becomes clear that pluralists pay attention to actors' behavior when deciding important or significant issues involving actual and observable conflict. Pluralists believe that to conduct experimental tests on power-related topics, conflict is essential.

As a result, it becomes clear that pluralists pay attention to actors' behavior when deciding important or significant issues involving actual and observable conflict. These pluralists believe that attempts to conduct experimental tests on issues related to power require a lot of conflict. Dahl asserts that "the exercise of power is likely to fail to emerge" in an environment without conflict. Dahl and his followers spoke of a conflict between preferences visible in action and those assumed and carried out consciously by the parties involved. Furthermore, pluralists argue that interests must be

understood in relation to policy preferences in order to classify conflicts of interest as conflicts of preferences. They reject the idea that interests cannot be observed or realized. Additionally, they reject the idea that individuals may make mistakes or be unaware of their own interests.

The summary that can be drawn regarding this explanation is that a pluralist view of power, also called a one-dimensional view of power or one face of power, focuses on the behavior of political actors when they make decisions about important issues that involve the emergence of actual conflicts over subjective interests.

Soekarno's Political Strategy for the Implementation of Islamic Law

The Eleven March Order in 1966 which became the basis for the transfer of power from Sukarno to Suharto in 1966 marked the start of the New Order, with the hope of better change than before. The New Order regime considered Soekarno's regime skeptical, because Sukarno was considered to have tarnished the moral message in the 1945 Constitution and, moreover, had disappointed Muslims regarding the NASAKOM concept that

had previously been promoted. The debate between Islam and politics in the political order in Indonesia always presents a conflict, between groups who want a state that is separate from religion (secular) and groups who want the implementation of Islamic values in the state. The secular group, which was considered a minority politically, had a very strong movement, a movement that banned every time the idea of legalizing Islamic law came up with the alibi of wanting to establish an Islamic state, on that basis there were several conditions that made Muslims considered political nomads at that time (Karim, 1998).

As the new president, Soeharto tried to re-instill the essence of the 1945 Constitution and embody it in the life of the nation and state. This was expressed in his first speech which stated that what had been achieved in the MPRS session was the return of sovereignty to the people, which was technically carried out by the MPRS. as the highest means of state power representing the people. After the political format was formed, the liberal system changed to authoritarian (Mahfus, 2011). Political observers from various parties in the country identified the political

configuration model of the New Order era as an indicator that had an influence on subsequent legal systems and policies.

The release of several Masyumi figures who were previously imprisoned by Soekarno without due legal process, such as Hamka, Muhammad Natsir, Kasman Singodimedjo, Mohammad Roem and others, has further raised hopes that Masyumi's rehabilitation will be complete. That is why the Muslim Charity Coordinating Board was formed to realize these hopes and desires (Boland 1982). Islamic politicians seem to be able to feel the political stage again, they believe that the nuances of life in the new order will be better than before because the origin of the birth of this new order is under the support of Muslims who want the revival of the Masjumi party.

The reality and hopes of Muslims to implement Islamic law into legislative products actually experience major obstacles, due to the incompatibility of development strategies by the authorities. Optimizing the role of political parties, including discussing ideological issues, has become taboo, especially those of a religious nature. The disappointment of Muslims due to Soeharto's political

currents often emphasizes and assumes that the existence of Muslims is very dangerous to the stability and security of the country. Even though Islam's position at that time was in the majority, it did not guarantee victory in filling the legal dimension in this country. Socially and politically, Muslims always face resistance and fall under the pressure of pluralist elite political control, this has had a major influence on the position of Islamic law in the political order in Indonesia (Halim, 2013). The strategy used in the New Order regime strictly placed limits on the political contestation of Islamic law. Soeharto only provided opportunities for matters of worship and always put aside the muamalah aspect, because he was worried that it could disrupt the stability of his power.

The political motivation used by the government at that time prioritized secular matters on the grounds that Islamic law was irrelevant to social conditions, so that every government policy formation was directed at reducing the existence of religious law. Another reason is the concept of legal development which prioritizes national law with the rationality that religious diversity in Indonesia must

be maintained and paid attention to, cultural and political diversity that can be accepted by all parties, namely based on the 1945 Constitution and Pancasila (Halim, 2013). These actions have an impact on legal autonomy which tends to be weak, especially when faced with a political subsystem, law is considered inferior to politics. Politics often intervenes in law, which means which political position is more dominant, then legal aspirations will be channeled.

Dynamics of the New Order Islamic Law Implementation Process

Although the position of Islamic law is still weak as a source of national law at this time, efforts to maintain its existence must still be made. This action was clearly carried out by the figure of the Minister of Religion from the NU group, K.H Mohammad Dahlan, who tried to propose a Muslim Marriage Bill by asking for support from the DPR-GR faction, this proposal was rejected. This was followed by the submission of a formal legal draft which resulted in the enactment of Law No. 14 of 1970 concerning the legality of Religious Courts as judicial bodies under the Supreme Court. With the enactment of

this law, Islamic law can directly stand on its own.

Subsequently, young Muslim intellectuals were formed who often provided new ideas for the future, mostly from general education institutions, and the activities of Islamic student organisations such as HMI, PMII and IMM. The Ministry of Religious Affairs was also present to provide access to shape and encourage the Islamic revival, as fourteen State Institutes of Islamic Religion (IAIN) contributed to the birth of religious teachers, preachers and preachers in large numbers (Yatim, 2002).

The beginning of the progress of Islamic Shari'a was the emergence of a product regarding marriage Law No. 1 Year 1974. However, before 16 August 1973, the New Order government wanted the ratification of the Marriage Bill in the DPR. The emergence of Muslim reactions, especially from traditional to modern scholars, almost throughout the archipelago, because the contents are considered contrary to the principles of Islamic marriage law and some even investigate that the marriage bill will make Muslims apostatise Indonesia (Hasan, 1987). There are at least 11 articles that are

considered contrary to the teachings of Islam, namely Article 2 paragraph (1), Article 3 paragraph (2), Article 7 paragraph (1), Article 8 letter (c), Article 10 paragraph (2), Article 11 paragraph (2), Article 12, Article 13 paragraph (1) and (2), Article 37, Article 46 letters (c) and (d), Article 62 paragraph (2) and (9). When it reached the legislature, the bill was also opposed by a faction of the United Development Party (PPP) which said that the Marriage Bill was contrary to the concept of Islamic fiqh. The PPP faction struggled by lobbying between Islamic leaders and the government in order to negotiate the elimination of several conflicting articles. Until finally an agreement was made between the PPP faction and the ABRI faction which stated:

1. Decrease or change in marriage law
2. As a result of the first point, the means of realisation are not reduced or changed.
3. Anything that is contrary to Islam and not in accordance with this law will be removed.
4. Draft Law Article 2 paragraph 1 was agreed to be formulated as follows:
 - a. According to paragraph (1), if a marriage is performed according to

the prevailing laws, religions and beliefs, the marriage is considered valid.

- b. According to paragraph (2), In accordance with the prevailing laws and regulations, every marriage must be recorded.
5. Special provisions on polygamy and divorce should be made to prevent arbitrary behaviour (Sastroadmojo & Aulawi, 1975).

The movement of Muslim components has succeeded in replacing the Marriage Bill which is marked by the accommodation of the value of the teachings of Islamic marriage in it. With the enactment of the Marriage Law, no. 1 of 1974, the development of Indonesian material law has become a new historical event regarding the recognition of the existence of Islamic Law in the legal order in Indonesia. This phase is also a phase of promulgation of the provisions of Islamic teachings on marriage which were previously written in several fiqh books which were converted into legal and positive legislation.

Another problem that often arises later is about waqf in the community that is not orderly in its management, so that

administratively there is no complete data. Thus, Government Regulation No. 28 of 1977 was born, which aims to structure the management of waqf assets in Indonesia, as well as regulating the substance and technicalities of waqf that must be followed by the community and government agencies. To implement the Government Regulation on waqf, the Minister of Religious Affairs of the Republic of Indonesia issued a regulation on the registration of waqf land in Indonesia, Permendagri No. 6 of 1977 and Permenag No. 1 of 1978 concerning the waqf of waqf land. Furthermore, the Minister of Religious Affairs issued Decree No. 73 of 1978 concerning the Delegation of authority to the Regional Office of the Ministry of Religious Affairs throughout Indonesia to support or sovereign the position of the Head of the District Religious Office as the Official Maker of the waqf pledge deed (Basiq, 2010). This regulation on land waqf can only be carried out by Muslims, to others it does not apply.

The ruler's policy of applying the single principle of Pancasila in 1980-1990 made the development of Islamic law no longer significant, and the government did

not even issue or renew legislation related to religious law. For this action again there was a strong rejection attitude from Muslims, as in the previous Marriage Bill. The rejection action carried out by political organisations, Islamic mass organisations and other critical elements of society rejected it until it led to clashes between the community and the military in Tanjung Priok until many Muslim lives were lost. These events led Soeharto to try to reintegrate the Muslim community back into his power, so that he could reawaken to the idea that the Muslim forces he embraced had political moral integrity.

Although the relationship between Muslims and the government at that time was less than harmonious, Munawir Syazali's Ministry of Religious Affairs submitted an idea for a Religious Courts Bill to the DPR to be passed into law. Statements of pros and cons occurred, but only briefly. In terms of legislation, this achievement is a 100-year leap in the development of Islamic law in Indonesia, even though the law itself has given birth to 100 windu leaps (Basiq, 2010). The recognition of the existence of the Religious Courts institution as equal to other judicial institutions led to important

changes for the Religious Courts environment, because concretely the substance of its contents also contained some changes.

The uniformity of Religious Courts in Indonesia in referring to sources of material law that are not the same in various fiqh books, causes differences of opinion between judges. As a result, when the same case occurs, the judgement in the Religious Court is different. This situation makes the certainty of Islamic Law not guaranteed, for this reason it is immediately necessary to have material law that can be used as a reference by all judges in deciding every case submitted.

The birth of the Religious Courts Law No. 7 of 1989 in Article 49 paragraph (1) mandates the scope of its authority, to follow up the three books of the Compilation of Islamic Law (KHI) for ten years made by a special team implementing the KHI project in lokakaryakan. This design received great support from the ulama throughout Indonesia although there were some unavoidable debates. Presidential Instruction in No. 1 of 1991 signed by Soeharto as evidence of the birth of KHI is used by Government Agencies and the

community with good responsibility, as well as being a reference by every Religious Court judge in deciding cases. In KHI can also be a source of reference in resolving disputes over marriage, inheritance and perwakafan which is equal to other laws governing it, because of its function as a substantial legal provision (Wahid, 1992). The presence of the Compilation of Islam products as the fruit of the thoughts of scholars and Muslims in Indonesia that have been agreed upon or as *ijma'*, and juridically legalised by the government. Ahmad Rafiq revealed that judges and litigants must be bound and obedient to the policies set out in it in full (Rofiq, 2000).

After the establishment of the Compilation of Islamic Law, there was a discussion about Islamic banking as a pillar of the Islamic economy in the early 1980s. Several figures involved, including Karnaen A. Perwataatmadja, M. Dawam Rahardjo, AM. Saefuddin, and M. Amien Aziz gave a new idea about Islamic banking which was practised on a limited scale such as in Bandung (Bait At-Tamwil Salman ITB) and in Jakarta (Koperasi Ridho Gusti). Other Muslims argued that bank interest generated by conventional

banks is usury, and therefore prohibited by Islam.

In the book Dawam Rahardjo recommends that the banking system use Sharia principles, this is based on the concept of *mudharabah*, *murabahah*, *musyarakah* to be applied as an alternative concept to usury. Although conceptually the same, the concept of profit sharing is expected to fulfil the needs of the business and economic development budget of the community (Rahardjo, 1996).

The effort to establish an Islamic Bank in Indonesia was made on 18 to 20 August 1990, at which time the Indonesian Ulema Council (MUI) held a workshop on bank interest in Cisarua, Bogor, West Java. The result of the workshop was then raised in the discussion of National Deliberation IV of MUI in Jakarta 22-25 eighth month (August) 1990, which gave birth to a new mandate for the establishment of a working group for the establishment of Islamic Bank in Indonesia. The task of approaching and consulting with all parties involved was a mandate. The result of this performance was the establishment of PT Bank Muamalat Indonesia (BMI) based on the deed of establishment which was dated 1

November 1991. The new BMI officially operated on 1 May 1992 with an initial capital of Rp. 106,126,382,000, - whose sources came from various parties, including the community and the Regional Government of West Java.

The existence and legality of Islamic Banks can be formally examined in Article 6 letter (m) of Law No. 7 of 1992 which states its availability to finance customers using the profit-sharing principle based on the provisions of Government Regulation No. 71 of 1992 in Article 5 paragraph (3), Article 6 paragraph (2). These provisions, especially those concerning various other types of transactions, provide ample room to realise the concept of banking based on Islamic law. Commercial banks or commercial banks are strictly prohibited from conducting profit-sharing-based business activities.

Another development about banking is the establishment of the Indonesian Muamalat Arbitration Board (BAMUI) which was officially established on 21 October 1993, which was pursued by MUI with the aim of resolving muamalat disputes in relation to commerce, industry, finance, services and

others specifically for Muslims in Indonesia. According to its development, BAMUI changed to BASYARNAS. Although the position was not yet strategic regarding banking regulations at that time, the forerunner and form of recognition of the existence of Islamic Banks in Indonesia had begun to stand out. Another evidence came with the legalisation of Bank Mu'amalat Indonesia which was submitted by MUI with the business permit of Bank Mu'amalat issued by the Minister of Finance, and its operational legality based on SK. Menkeu RI No. 1223/MK.013/1991 on 5 November 1991. With this, BMI officially operated on 1 May 1992.

The form of harmonisation between Islam and the state has not yet been fully achieved, but at least there are some important signs that prove that Islamic politics can re-enter with its latest format in political activities in this country. One strong evidence that shows the development of Islam in politics is the softening of state politics towards Islam over the past few years by presenting policies that are always in line with the social, economic and political interests of Muslims (Efendi, 1998).

Conclusion

The one-dimensional view of human power as a process of power growth is one theory of power that ignores the context of power. If humans simultaneously increase their power, they will compete for control, resulting in a struggle for power. To identify power, pluralist researchers primarily investigate decision-making. When pluralists talk about decisions, they refer to decisions that relate to important issues, such as those that are not only important but also controversial and actually cause conflict. They reject the idea that interests cannot be observed or realised.

The first step in the application of Islamic law was driven by the figure of the Minister of Religion from the NU group, K.H Mohammad Dahlan, who tried to garner support from the DPR-GR faction to propose a Muslim Marriage Bill. This was followed by the submission of a formal legal draft that resulted in the enactment of Law No. 14 of 1970 concerning the legality of the Religious Courts as judicial bodies under the Supreme Court. The birth of young Muslim intellectuals who provided new ideas for the future, most of whom came

from general education institutions, and the activities of Islamic student organisations such as HMI, PMII and IMM.

The emergence of products regarding Marriage Law No. 1 of 1974. However, previously on 16 August 1973, the New Order government hoped to pass the Marriage Law to the DPR as a law. Conflict arose at that time because the contents were considered contrary to the principles of Islamic marriage law and there were even those who investigated that the marriage bill would make Muslims apostate in Indonesia. Continuing with the passing of the Marriage Law No. 1 of 1974, Government Regulation No. 28 of 1977 which aims to make the management of waqf assets in Indonesia orderly, also regulates the substance and technicalities of waqf that must be followed by the community and government agencies. Then the birth of Law No. 7 of 1989 concerning Religious Courts in Article 49 paragraph (1) mandates the scope of its authority, then to follow up, three books of the Compilation of Islamic Law (KHI) were formed for ten years made by a special team for the implementation of the KHI project which received great support

from scholars throughout Indonesia. And the last one regarding Sharia banking in Indonesia is Law No. 7 of 1992, followed by the Indonesian Muamalat Arbitration Board (BAMUI) which was established on 21 October 1993.

References

- Agussalim, Dafri. (1998). Menelusuri Perdebatan Mengenai Konsep Kekuasaan. *Jurnal Sosiologi Politik* 1.
- Alim, Muhammad (2010) *Asas Asas Negara Hukum Modern Islam: Kajian Komprehensif Islam Dan Ketatanegaraan*. Yogyakarta: LKIS Yogyakarta.
- Arif, Syafiuddin (2018). Pengaruh Kekuasaan Atas Pengetahuan (Memahami Teori Relasi Kuasa Michael Foucault). Mojokerto.
- Aseri, Muhsin (2020). *HUKUM ISLAM DI INDONESIA (Politik Hukum Orde Lama Hingga Reformasi)*. Banjarmasin: Pascasarjana Universitas Islam Negeri Antasari.
- Basiq, Ahmad Djalil (2010). *Peradilan Agama di Indonesia*. Jakarta: Kencana Prenada Media Group.
- Boland, B. J. (1982). *The Struggle of Islam in Modern Indonesia*. Nijhoff: Brill.
- Efendi, Bahtiar (1998). *Islam Dan Negara: Transformasi Pemikiran Dan Praktik Politik Islam Di Indonesia*. Jakarta: Paramadina.
- G.L.W. Law as Fact by Karl Olivecrona. *The Cambridge Law Jurnal* 7, no. 3 (n.d.): 425–26.
- Halim, Abdul. (2013). *Membangun Teori Politik Hukum Islam Di Indonesia*. AHKAM: Jurnal Ilmu Syariah 13, no. 2: 259–70.
- Hasan, Muhammad Kamal (1987). *Modernisasi Indonesia: Respon Cendikiawan Muslim*. Jakarta: Lingkar Studi Indonesia.
- Karim, M. Rusli (1998). *Negara Dan Peminggiran Politik: Studi Kajian Mengenai Implikasi Kebijakan Pembangunan Bagi Keberadaan Islam Politik di Indonesia Era 1970 Dan 1980*. Yogyakarta: Tiara Wacana.
- Khozin, Abdullah (2012). Konsep Kekuasaan Michel Focault. *Teosofi: Jurnal Tasawuf dan Pemikiran Islam* 2, no. No. 1: 132–49.

- Luthan, Salman (2007). Hubungan Hukum dan Kekuasaan. Jurnal Hukum IUS QUIA IUSTUM 14, no. no.2: 166–84.
- MD, Moh. Mahfud (2011). Membangun Politik Hukum, Membangun Konstitusi. 1 ed. Jakarta: Rajawali Pers.
- MD, Moh. Mahfud (2020). Politik Hukum Di Indonesia. Cet. 10. Depok: Rajawali Pers.
- Rahardjo, Muhammad Dawam (1996). Ensiklopedi Al-Qur'an: Tafsir Sosial Berdasarkan Konsep Konsep Kunci. 1 ed. Jakarta: Paramadina.
- Rambe, Tappil (2019). Sejarah Politik Dan Kekuasaan Islam, Nasionalisme Dan Komunisme Dalam Pusaran Kekuasaan Di Indonesia. Medan: Yayasan Kita Menulis.
- Rofiq, Ahmad (2000). Hukum Islam Di Indonesia. 1 Cet. 4. Jakarta: Raja Grafindo Persada.
- Salsabilah, Wafiq, dan Rizca Yunique Putri (2019). Kekuasaan Dalam Ranah Kajian Politik Dan Organisasi. Jurnal Ilmu Sosial dan Ilmu Politik (Juispol) 2, no. 1: 29–42.
- Sastroadmojo, Arso, dan Wasit Aulawi (1975). Hukum Perkawinan di Indonesia. 1 ed. Jakarta: Bulan Bintang.
- Syafwan, Rozi (2010). Relasi Islam dan Negara Dalam Ranah Lokal. Kabupaten Agam: Visi Agam Madani.
- Surbakti, Ramlan. Memahami Ilmu Politik. Jakarta: PT. Gramedia Widiasarana, 1992.
- Wahid, Abdurrahman (1992). Kompilasi Hukum Islam Di Indonesia. 1 ed. Jakarta: Akademi Pressindo.
- Wahyudin, Bakri (2022). Hegemoni Politik, Kekuasaan dan Media. Sulawesi Selatan: IAIN Parepare Nusantara Press.
- Yatim, Badri (2002). Sejarah Peradaban Islam. Jakarta: PT. Raja Grafindo Persada.